

The Establishment of the Head Port of Gloucester, 1565-1584

Alexander Higgins

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Abstract

After a fifteen-year campaign, Gloucester became an independent head port in 1580. This effectively ended Bristol's long-standing jurisdiction over the Gloucestershire reaches of the River Severn and resulted in the loss of the greater part of Bristol's historic port. This dissertation explores Bristol's objections to this change and examines the prosecution of their complaints through the equity side of the Exchequer court. Primarily, this study focuses upon two commissions created by the Crown to review the case. The interrogatories and depositions produced by these commissions are used to explore the nature of this dispute, the motivation behind Bristol's objections and why Gloucester ultimately retained its head port status.

The first chapter focuses upon the practical implementation of the commissions. Rather than relying upon the legal records alone, this study uses letters, accounts and reports produced by the two parties to explore the workings of a commission. This approach reveals the extent of Bristol and Gloucester's attempts to manipulate proceedings to their own advantage. These findings have significant implications on the impartiality of Tudor legal process and the reliability of the Exchequer records.

The second chapter examines the findings of the two commissions to assess the nature and strength of Bristol's arguments. It is shown that many of these arguments were unsubstantiated. It is suggested that although some of Bristol's objections were economic in nature, dented pride and moral outrage also lay behind Bristol's opposition to Gloucester's port. In broader terms, the findings of this study reveal a great deal about how cities perceived their ports, the nature of the rivalry between port cities and how the organisation of ports affected the conduct of a region's trade.

I declare that the work in this dissertation was carried out in accordance with the Regulations of the University of Bristol. The work is original, except where indicated by special reference in the text, and no part of the dissertation has been submitted for any other academic award. Any views expressed in the dissertation are those of the author:

SIGNED: *DATE:*

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Introduction: A Dismembered Port

In the summer of 1582, Bristol sent a petition to the Queen bemoaning that its ancient and historic port had been brutally ‘dismembered’.¹ Without remedy, it was alleged that the ‘utter Immynent ruyn of the said Cytie’ was inevitable. Bristol’s fleet of large ships and pool of trained mariners would go into ‘decaye’ and ‘pirrotes’ would rule the Bristol Channel. If these claims were to be believed, the future of one of England’s greatest commercial cities was bleak.

Fortunately for Bristol, the claims made in the 1582 petition were hyperbolic and not an accurate reflection of the city’s fortunes. It was common practice for petitioners to exaggerate their immediate need for the Crown’s favour and this petition was no exception.² The allegation that Bristol’s port had been ‘dismembered’ related to the establishment of port authorities at Gloucester. The petition demanded that the Crown should revoke Gloucester’s head port status. Far from being an isolated complaint on behalf of Bristol, this petition was part of a campaign that lasted nearly twenty years. The first evidence of this struggle emerged in 1565 when Bristol felt it necessary to send the city’s chamberlain to the Lord Treasurer to contest Gloucester’s suit to be made a head port.³ Although Bristol succeeded on this occasion, Gloucester was appointed a member port of Bristol in 1575 and an independent head port in 1580. The submission of Bristol’s petition in 1582 marked the start of legal proceedings in the Exchequer court. After Gloucester had submitted an answer to Bristol’s petition and Bristol submitted a ‘replication’, two Exchequer commissions were granted to look into the matter. These two commissions were completed by April 1583.⁴ Although a hearing before the Lord Treasurer was arranged for 25th May 1584, no final decree was made by the court.⁵ It thus appears that the case remained without a conclusion. Gloucester maintained its head port status, which it has retained to this day.

¹ E. T. Jones (ed.), ‘Bristol’s petition against the establishment of the Port of Gloucester, 1582’ (University of Bristol, ROSE, 2011).

² For example, petitions submitted by Bristol earlier in the sixteenth century made similar claims. It was alleged that parts of the city were ‘clerely falling down, the grasse growing in the streetes’ and ‘the utter distrucion and decay of the navy of the saide towne’ was imminent: ‘A Petition from the Town of Bristol, c.1530’ and ‘Petition against the Candlemas Fair, c.1543’ in J. M. Vanes (ed.), *Documents Illustrating the Overseas Trade of Bristol in the Sixteenth Century* (Kendal, 1979), 28-32.

³ J. Latimer, *The Annals of Bristol: In the Sixteenth Century* (Bath, 1970), 44-6; E. T. Jones, *Inside the Illicit Economy: Reconstructing the Smugglers’ Trade of Sixteenth Century Bristol* (Farnham, 2012), 168.

⁴ The National Archives: Public Record Office, UK [TNA:PRO], E 134/25Eliz/Hil3 [Appendix 1]; E 134/25Eliz/East14 [Appendix 2].

⁵ It would appear from an entry made in the Bristol Mayor’s Audit Books that a rehearing had been anticipated a few days after this initial hearing. This hearing did not occur though and there is no record of further orders, decrees or commissions being issued by the Exchequer in relation to this case. The

When the length of the dispute and the permanence of its outcome are considered, it is surprising that this matter has attracted little scholarly attention. The notable exception to this is Evan Jones' examination of the pleadings produced by each side at the start of the Exchequer case.⁶ Jones transcribed and published Bristol's 1582 petition, Gloucester's answer and Bristol's subsequent replication.⁷ Using these documents, he explored the arguments put forward by both sides and identified the key strengths and weaknesses in Bristol's case against Gloucester's head port status. In particular, Jones highlighted the implausibility of Bristol's claims that Gloucester's port seriously hampered Bristol's overseas trade. Port book evidence showed that Gloucester's overseas trade was one hundredth the size of Bristol's.⁸ Furthermore, Gloucester imported few continental wares such as wine, iron and salt and it was these trades that were central to Bristol's overseas trade. In light of this, Jones suggested that the root of Bristol's objections could be better explained by the illicit trading interests of Bristol's merchants. The division of customs authorities would have increased the risk and cost of smuggling because there were two sets of officials to bribe or bypass instead of one. Jones also suggested that the establishment of a head port at Gloucester increased the opportunities for Gloucester merchants to engage in illicit trade of their own. This would have allowed them to compete with Bristol's well established merchant-smugglers' illicit grain trade. However, Jones' investigation is based mainly upon the pleadings submitted by each party at the start of the Exchequer case. As such, it is only a partial exploration of the wider dispute between the two cities.

This study will build upon Jones' work and carry out a detailed examination of the dispute between Bristol and Gloucester. It will focus specifically on the two 1583 Exchequer commissions. The documents generated by these two commissions are of great value.⁹ They include the interrogatories submitted by both sides and the corresponding depositions made by merchants, mariners, sailors, shipmasters, bakers and brewers from both Bristol and Gloucester. They reveal a wealth of information

records of the cities of Bristol and Gloucester similarly record no further actions relating to this case: Bristol Record Office [BRO], 'The Bristol Mayor's Audit Books', F/Au/1/12, 246: TNA:PRO, E 123/7-12: E 128/1/16-28: E 165/43: Gloucestershire Archives, Gloucester Borough Records, UK [GBR], B/2/1: R. Stone, 'Potential Projects from the Mayor's Audit Books' (unpublished report, University of Bristol, 2009).

⁶ Jones, *Inside the Illicit Economy*, 168-75.

⁷ Jones (ed.), 'Bristol's petition, 1582'.

⁸ S. Flavin and E. T. Jones (eds.), *Bristol's trade in wine and the continent - 1601: the evidence of the Exchequer customs accounts* (Dublin, 2009), xix; Jones, *Inside the Illicit Economy*, 173.

⁹ See Appendices 1 and 2.

about the dispute that is not included in the pleadings. The two commissions were part of the proof-taking stage of the Exchequer case.¹⁰ This meant that Bristol and Gloucester had to support any claims made in the pleadings with deposition-based evidence. These documents therefore have the potential to reveal the extent to which Bristol and Gloucester's arguments could be substantiated in court. This study will seek to throw new light upon the immediate dispute, the motivation and logic behind Bristol's objections and why the Crown ultimately decided that Gloucester should retain its status as a head port. Beyond this, the study aspires to reveal how the two cities perceived their ports, the nature of the rivalry between the two cities and how Gloucester's newly established head port affected the conduct of the region's trade.

This study is not the first to recognise the importance of how ports were established, organised and linked. One of the earliest to write about ports was Sir Matthew Hale – Charles II's chief baron of the Exchequer.¹¹ Writing in the seventeenth century, Hale defined a port as:

conflicting of somewhat that is natural, viz. and access of the sea whereby ships may conveniently come something that is artificial, as keys and wharfs and cranes and warehouse and houses of common receipt; and something that is civil, viz. privileges and franchises and diverse other additaments given to it by civil authority.¹²

The 'natural' and 'artificial' aspects of this definition largely tie in with modern usage of the term 'port' – which can be used to describe any place with harbour facilities where ships can load and unload.¹³ However, Hale also referred to the fact that a port was partly defined by something 'given to it by civil authority'. This alluded to the fact that a 'port' had a specific meaning in relation to the collection of royal customs. For administrative purposes, the Exchequer had divided the entire coastline into jurisdictions known as 'ports' from about 1275.¹⁴ Within each port, Hale described how there was a head port, various creeks and sometimes member ports.¹⁵ At the head port, three customs officers known as the customer, controller and searcher were appointed

¹⁰ R. M. Ball, 'Exchequer, King's Remembrancer: Depositions taken by Commission (E134)' (TNA:PRO, Unpublished Introductory Note to Class List, March 1995).

¹¹ Sir M. Hale, 'De Portibus Maris' in F. Hargrave, *A Collection of Tracts Relative to the Law of England* (Dublin, 1787).

¹² Hale, 'De Portibus Maris', 46.

¹³ 'port, n.1', *Oxford English Dictionary Online*.

<<http://www.oed.com/view/Entry/148088>> 14th October 2012.

¹⁴ N. S. B. Gras, *The Early English Customs System* (Cambridge, MA, 1918), 105.

¹⁵ Hale, 'De Portibus Maris', 45-50.

by letters patent.¹⁶ These officers technically had authority over the entire port jurisdiction. Because some ports accounted for over a hundred miles of coastline, member ports were sometimes created where patent officers could appoint deputies to carry out their duties. Apart from the fact that these deputies were theoretically under the authority of the officers at the head port, there was little difference between head ports and member ports.¹⁷ Indeed when referring to member ports, Hale stated that ‘for their extent and situation they might be [head ports]’.¹⁸ Equally, Gras suggested that the Crown’s decision to appoint one place a head port and another place its member, came down to nothing more than ‘administrative convenience’.¹⁹ From the perspective of the Crown, it seems that the system of ports was merely an administrative device designed for financial expediency and the effective collection of customs.

Beyond Hale’s explanation of the division of ports, his treatise offers a fascinating insight into how individual cities perceived their ports.²⁰ Hale suggested that a city saw its port as a franchise or privilege in much the same way that a market or fair would be seen. As such, ports were seen as exclusive rights that belonged to a certain town or city. In particular, Hale highlighted that ports were a vehicle for the ‘civil signature’ of their associated cities.²¹ By this, Hale was referring to the ‘extensiveness of a port beyond the vill that gives its denomination’. In other words, the name of the city where the head port was established would also be used to describe the wider port jurisdiction. For example, Bristol’s ‘port’ encompassed fifty nine creeks from the River Avon and the River Severn as far north as Worcester before 1575.²² As Bristol had no member ports at this time, all of the region’s overseas trade had to be recorded at the single customs house in Bristol, by the Bristol customs officers.²³ By this period, any inbound or outbound overseas trade from this region could therefore only be carried out through

¹⁶ E. E. Hoon, *The Organization of the English Customs System 1696-1786* (New York, 1938; repr. Newton Abbot, 1968), 167.

¹⁷ *Ibid.* Overseas and coastal trade could be conducted at both head ports and member ports. Each port also typically had a number of associated ‘creeks’. Customs officers were not permanently present in the creeks and most creeks were only used for the coastal trade. Overseas trade could not be carried out in the creeks although there were occasions when head ports and member ports could issue special licenses for this activity – provided that the customs duties were paid in advance.

¹⁸ Hale, ‘De Portibus Maris’, 47-8.

¹⁹ Gras, *Early English Customs*, 106.

²⁰ Hale, ‘De Portibus Maris’, 45-8.

²¹ *Ibid.*, 47.

²² E. T. Jones (ed.), ‘Survey of the Port of Bristol, 1565’ (University of Bristol, ROSE, 2011), 4-6.

²³ Through their domination of the city council, Bristol’s merchants were able to influence the appointment of customs officials and thus exercise even more control over the conduct of trade within the Bristol Channel. For more detail about the appointment of customs officials at Bristol, see Jones, *Inside the Illicit Economy*, 138-46.

Bristol, by using Bristol's privileges and under the name of Bristol's civil signature.²⁴ In this sense, other creeks depended on the use of Bristol's exclusive rights relating to overseas trade. This changed after Gloucester was made an independent head port in 1580. The scope of Bristol's historic port was dramatically reduced. Its new jurisdiction was limited to a six mile stretch of the River Avon and a ten mile stretch of the River Severn between Aust and Kingroad.²⁵ When compared to the port of Gloucester's geographically expansive authority that effectively stretched as far north as Shrewsbury, it is little wonder that Bristol equated this legislative change to a 'dismemberment' of their port. Whilst the establishment of a head port at Gloucester may have been construed as convenient for the Crown's collection of customs, Bristol would undoubtedly have seen this change as an infringement upon their liberties. Ports were thus complex and contested places and this is one reason why the dispute is worthy of further examination.

If ports were perceived as privileges granted by the Crown, it is hardly surprising that tensions and disputes between neighbouring ports were common. Many disputes resulted from one port seeking to defend the exclusivity of its privileges and thus prevent other proximate creeks from exercising lading and unlading rights. For example, in the fourteenth century Newcastle contested that any ship lading or unlading in Tynemouth prejudiced the burgesses in Newcastle-upon-Tyne.²⁶ This led Jarvis to conclude that rivalries between ports were 'neither dynastic or political. They were economic'.²⁷ This study will seek to test this theory and assess the extent to which port rivalries can be considered purely in economic terms. Were Bristol's objections purely economic? What other factors compelled Bristol to object to Gloucester's port? How did Bristol and Gloucester perceive and portray each other? By answering these questions, this study will attempt to shed light upon how early-modern cities understood their privileges and those of their rivals.

²⁴ The 1559 Act stated that goods involved in overseas trade could only be laded and unladed at quays officially appointed by the Crown. The 'Quay' and the 'Back' of Bristol were the only two official lading and unlading places appointed to the Port of Bristol. There had previously been a greater degree of flexibility regarding this issue. The Clerk of the Creeks had been given permission to take declarations of goods laded and unladed up the Severn. 'An Acte limiting the tymes for laying on Lande Marchandise from beyonde the Seas, and touching Customes for Sweete Wynes', *Statutes of the Realm*, IV, 372-4. For a fuller discussion of how the goods involved in overseas trade were processed by the Port of Bristol in the sixteenth century: Jones, *Inside the Illicit Economy*, 72-80.

²⁵ For a map showing the same, see Jones, *Inside the Illicit Economy*, 74, figure 4.3.

²⁶ R. C. Jarvis, 'The Appointment of Ports', *Economic History Review*, New Series, vol. 11, no. 3 (1959), 456.

²⁷ R. C. Jarvis, 'The Head Port of Chester: and Liverpool, its Creek and Member', *Transactions of the Historic Society of Lancashire and Cheshire*, 102 (1950), 69.

Beyond seeking to expose the intricacies of a critically important event in the history of Bristol and the region's trade, this study also has the potential to throw new light upon one of the most obscure and understudied aspects of English legal history.²⁸ This is because the dispute was played out in the equity jurisdiction of the Exchequer court. For a number of reasons, there have been few studies about the sixteenth-century practice of this court. Prior to 1649, only litigants who could prove that they were Crown debtors could initiate equity proceedings in the Exchequer.²⁹ It was only after this date that the Exchequer became a general equity jurisdiction.³⁰ Because of this, historians have paid closer attention to the later court. Horwitz's handbook sought to introduce the history, procedures and records of the court but focussed only on the late seventeenth, eighteenth and nineteenth centuries.³¹ His work is thus limited in terms of what it reveals about the practice of the sixteenth century court. Bryson ambitiously attempted to chart the jurisdiction and administration of Exchequer equity from the sixteenth to the nineteenth century.³² To do so, he relied upon manuscript evidence, printed manuals of the court and legal treatises. Unfortunately, no manuals or treatises written in the sixteenth century have been found. The bulk of Bryson's evidence therefore related to the seventeenth and eighteenth century court – by which time practice was settled. Bryson faced the difficult task of having to assess the extent to which later practice applied to the sixteenth century court. The result is that much remains uncertain about the early practice of the Exchequer's equity jurisdiction. Studies of individual sixteenth century cases have the potential to shed new light upon the workings of the court and the extent to which later practice applied to this period.

Although this study is not being undertaken to expose the workings of the early court, a close investigation of this case creates the opportunity to examine a significant aspect of Tudor legal process. Instead of focussing upon the theory of the court, this study will seek to expose how the case was implemented on a practical level. Horwitz hinted at the benefits of such an approach when he advocated 'tracing cases'.³³ By this, Horwitz meant uncovering all of the official Exchequer documentation relating to a case in order

²⁸ M. Macnair, 'The Court of Exchequer and Equity', *Journal of Legal History*, 22:3 (2001), 75; H. Horwitz, *Exchequer Equity Records and Proceedings 1649-1841* (London, 2001), 1.

²⁹ Horwitz, *Exchequer Equity*, 2-4.

³⁰ Ball, 'Exchequer (E134)'.

³¹ Horwitz, *Exchequer Equity*.

³² W. H. Bryson, *The Equity Side of the Exchequer: its jurisdiction, administration, procedures and records* (Cambridge, 1975).

³³ Horwitz, *Exchequer Equity*, 30-4.

to chart its progress from start to end. Horwitz showed that this technique could reveal details about court process that were not apparent from eighteenth century works relating to the theory of the court.³⁴ Horwitz's sampling of case evidence was not a new idea in itself. A number of other historians have created samples and abstracts of Exchequer equity cases to demonstrate trends and to facilitate further investigation.³⁵ However, what all of these works have in common is that they seek to explore cases from the Exchequer records alone. Although this approach is generally sufficient to obtain the core information about a case, it leaves many unanswered questions. Once an Exchequer commission had been granted, how was it then organised and executed? What factors affected the speed and efficiency of these commissions? How much scope did each party have to influence proceedings? Furthermore, a reading of the legal records alone creates the impression that litigants had no agency. Rather, they were the subject of a court case and followed the orders made by the court. This study therefore seeks to expose the workings of a legal suit from the perspective of the litigants themselves. To do this, use will be made of letters, reports, memoranda and accounts kept by the two parties involved in the suit.³⁶ The records of the city of Gloucester and the Bristol Mayor's Audit Books provide a wealth of information about the case that cannot be obtained from the Exchequer records. Using a combination of legal records and evidence generated by the parties themselves, this study will thus seek to expose the practical realities of prosecuting an equity case within the Exchequer. By comparing the findings of this study to how a case should have been implemented in theory, the reliability of the Exchequer records will be assessed. Ultimately, the findings of this study will be used to scrutinise the extent to which a theoretical reading of the Exchequer's equity jurisdiction creates an accurate impression of how the court functioned.

Taking the two 1583 Exchequer commissions as its focal point, this study will explore how and why the dispute between Bristol and Gloucester originated and developed. The

³⁴ Horwitz and J. Cooke examined samples of pleadings from 1685, 1735, 1785 and 1819. All of the pleadings for London and Middlesex suits were also included for 1685 and 1819: J. Cooke and H. Horwitz (eds.), *Samples of Exchequer Equity Pleadings and Suits: 1685-65, 1734-35, 1784-85 and 1818-19* (Kew: List and Index Society, 2000).

³⁵ Successive works by E. G. Jones and T. I. Jeffreys-Jones compiled abstracts of equity cases relating to Wales up to 1625: E. G. Jones (ed.), *Exchequer Proceedings (Equity) Concerning Wales, Henry VIII Elizabeth: Abstracts of Bills and Inventory of Further Proceedings* (Cardiff, 1939); T. I. Jeffreys-Jones (ed.), *Exchequer Proceedings Concerning Wales, in tempore James I: Abstracts of Bills and Inventory of Further Proceedings* (Cardiff, 1955). Bryson sampled and compiled a number of equity reports from the sixteenth and seventeenth centuries: W. H. Bryson (ed.), *Cases Concerning Equity and the Courts of Equity, 1550-1660* (2vols., London, 2001).

³⁶ GBR, B/2/1: BRO, 'The Bristol Mayor's Audit Books', F/Au/1/12.

first chapter will examine the procedural issues relating to the practical implementation of the two commissions. It will explore the identity of the commissioners, the two parties' choice of deponents and the actual sitting of the commissions. The manipulative tricks played by both parties when attempting to influence the commissions' proceedings will thus be uncovered. Chapter Two will address the findings of the two commissions and assess the extent to which Bristol's claims were supported by the evidence harnessed by the two commissions. The complex motivations behind Bristol's objections will be examined. The conclusion will summarise what has been learnt about the immediate dispute, the process of gathering evidence through commissions and the nature of the rivalry between the two cities. The wider implications of the apparent 'dismemberment' of Bristol's port will therefore be considered.

Section One: The Procedure and Implementation of the two 1583 Exchequer Commissions

In July 1582, the Crown created a commission of *dedimus potestatem* to investigate Bristol's objections to the establishment of a head port at Gloucester.³⁷ Commissions were delegations of royal authority that allowed appointed individuals to take depositions from witnesses. This responsibility could normally only be undertaken by the barons of the Exchequer in their capacity as trained judges.³⁸ Commissions were often created to investigate disputes where the witnesses lived more than ten miles away from London.³⁹ In terms of the processes involved in an Exchequer court case, the taking of depositions was the principle means by which the opposing parties could provide proof for the arguments made in the pleadings.⁴⁰ As such, the evidence harnessed by commissions played an important role in determining the strength of each side's arguments and the likely outcome of the case.

Before exploring the evidence that was gathered by the two 1583 Exchequer commissions, it is important to examine how these commissions were executed. A certain amount of evidence can be found in the Exchequer records. Court orders relating to the case give an indication of how the commissions progressed.⁴¹ However, the records kept by the cities of Bristol and Gloucester reveal a great deal more about the practical implementation of these commissions. By using letters, reports, memoranda and accounts generated by the parties themselves, this chapter seeks to expose the practical workings of a commission in much greater detail than is possible from the legal records alone.

This chapter will follow a broadly chronological order and address a number of questions. First, who were the commissioners appointed to the first commission and what was the logic behind their appointments? Second, how were commissions organised and what happened at the sitting of the first commission in January 1583? Third, why was a second commission necessary and how did it differ from the first commission? Fourth, who deposed in both commissions and how were these deponents selected? By answering these questions, this chapter seeks to assess the scope that each

³⁷ See Appendix 1, fol. 1r.

³⁸ Bryson, *Equity Side of the Exchequer*, 129-143.

³⁹ Ball, 'Exchequer (E134)'.

⁴⁰ Horwitz, *Exchequer Equity*, 26.

⁴¹ TNA:PRO, E 123/9, fols. 54v., 63v., 99r., 135r.

party had to influence the commissions. The impartiality of commissions and the reliability of the evidence collected will thus be placed under scrutiny.

The Commissioners of the First Commission

The names of the four commissioners appointed to sit upon the first commission were recorded in an annotation in the hand of Lord Treasurer Burghley. This appears to have been added at the end of the initial pleadings made by each party – Bristol’s petition, Gloucester’s answer and Bristol’s replication.⁴² By the seventeenth century, the established practice was that each party involved in the dispute would nominate four commissioners and the other side would subsequently reject two of these. This effectively left the two nominated candidates from each side that were least offensive to the opposing side to sit on the commission.⁴³ However, there is no surviving evidence to suggest that this complicated selection process took place in 1582. Moreover, given that this matter related so directly to the Crown’s revenues, it is possible that the four named commissioners were chosen directly by Burghley as being most fit for the task. Burghley had played a significant role in granting Gloucester’s head port status and received an annual pension from Gloucester for his ‘ffreindshippe towards this Citie in that sute and other sutes in times to come’.⁴⁴ Although it is difficult to prove that Burghley manipulated the selection of commissioners to favour Gloucester, he certainly had the motive and the means to do so. Despite this, the level of input that each party had into the selection of commissioners remains unclear. Letters sent between the Bristol and Gloucester mayors demonstrate that each party had the responsibility of contacting two commissioners and had vowed ‘to procure their presence accordinge to the promise made at London’.⁴⁵ The Gloucester mayor also differentiated between ‘the comissioners of Bristoll’ and ‘our comissioners’ which suggests that individual commissioners were neither disinterested or neutral.⁴⁶ Nevertheless, as a body the four commissioners represented a balance of the interests of both sides.

Two of the commissioners, Richard Pate and Thomas Hannam, held the post of recorder in the cities of Gloucester and Bristol respectively.⁴⁷ The appointment of the Gloucester

⁴² Jones (ed.), ‘Bristol’s petition, 1582’, fol. 89v.

⁴³ Bryson, *Equity Side of the Exchequer*, 130.

⁴⁴ GBR, B/3/1, fol. 66v.

⁴⁵ GBR, B/2/1, fols. 103v. – 106r. [Appendix 4], 104v.

⁴⁶ See Appendix 4, fols. 105r. and 109v.

⁴⁷ P. W. Hasler, *The House of Commons, 1558-1603* (London, 1981), vol ii, 248 and vol. iii, 185.

and Bristol recorders as commissioners was logical for a number of reasons. Both men had high levels of legal training and were senior barristers at the time of the commission. Pate became a member of the bar in 1558 having trained at Lincoln temple whilst Hannam had taken up the prestigious role of Autumn Reader at Middle Temple in 1582.⁴⁸ The two recorders therefore had the appropriate legal training and capabilities to act as competent commissioners. As the two cities' recorders, Bristol and Gloucester would have seen Pate and Hannam as professional advocates employed to represent the two cities' interests.

The other named 'Bristol' commissioner was Sir William Winter. He came from a family of Bristol merchants albeit Sir William's father, John Winter, had moved the family to London in 1545 when William was still a young man.⁴⁹ By the time of the first 1583 commission, Winter was an experienced and distinguished sea captain who had played a prominent role in every major naval expedition that had taken place since 1544.⁵⁰ Winter had held senior offices on the naval board for over forty years and had been appointed steward and receiver of all duchy lands in Gloucester and Hereford in 1580.⁵¹ He was also the only man knighted personally by the Queen for services to the navy.⁵² Of all the named commissioners, Winter had the highest public profile and his career meant that he was a minor national figure. The decision to appoint Winter as a commissioner was presumably made as a result of Winter's high social status and his family's links to the Gloucestershire area. Based on Winter's vast experience, there cannot have been many individuals more capable of judging the arguments put forward in Bristol's 1582 Petition that related to the dimensions of the River Severn at Gloucester, the ability of large ships to travel to Gloucester, and the likely effect that the creation of the port of Gloucester would have on the 'serviceable' fleet of Bristol.⁵³ Although Sir William Winter was not himself a Bristol merchant, the Bristol Corporation presumably hoped that the links that the Winter family line had with

⁴⁸ S. Wright, 'Pate, Richard (1516-1588)', *Oxford Dictionary of National Biography* (Online Edition, 2004).

<<http://www.oxforddnb.com/view/article/21523>> 25th January 2012: Hasler, *House of Commons*, vol. ii, 248.

⁴⁹ Hasler, *House of Commons*, vol.iii, 675-7.

⁵⁰ *Ibid*, 677.

⁵¹ *Ibid*, 675-7.

⁵² D. Loades, 'Winter, Sir William (c.1525-1589)', *Oxford Dictionary of National Biography* (Online Edition, 2004).

<<http://www.oxforddnb.com/view/article/29769>> 26th October 2012.

⁵³ Jones (ed.), 'Bristol's petition, 1582', fols. 68-73.

Bristol's merchants would ensure that Winter was hostile to the 'dismemberment' of Bristol's historic port.

The final 'Gloucester' commissioner was Sir Thomas Throckmorton. He was from Tortworth in Gloucestershire and had inherited a prominent position within the county from his father.⁵⁴ By the time of the 1583 commissions, Throckmorton had already acted as a commissioner for the restraint of grain in Gloucestershire in 1573 and had been appointed as a justice of the peace in 1574.⁵⁵ This was only the start of Throckmorton's involvement in local affairs and he went on to become a sheriff of Gloucestershire in 1587-8 and then represented the county as an M.P in 1589.⁵⁶ Like Sir William Winter, the rationale behind Thomas Throckmorton's appointment as a commissioner seemed to rest on the fact that he had a relatively high social status and had strong links to the Gloucestershire area and regional affairs. Throckmorton's wealth and fortunes had been inherited from his family, that had held land in Worcestershire and Gloucestershire for at least one hundred years prior to the 1583 commissions.⁵⁷ This meant that it was unlikely Throckmorton was personally indebted to either the Bristol Corporation or the city of Gloucester to the extent that it would seriously compromise his neutrality as a commissioner. However, in terms of what is known of Throckmorton's character, it seems that his standards of integrity fell short of what would be considered ideal for a commissioner. It appears that Throckmorton later used his position as subsidy commissioner to falsify lists, his captaincy of trained bands to force his enemies and servants into serving in Ireland and his position on the Council of the Marches to pursue a personal feud against the Poyntz family.⁵⁸ Throckmorton's political career thus ended in disgrace. He was fined two thousand pounds in the Star Chamber and was permanently disabled from holding future offices due to 'diverse foul matters, and extortions committed in his country'.⁵⁹ The 1583 commissions occurred prior to most of the accusations of corruption levied against Throckmorton. Nevertheless, his later activities suggest that Throckmorton would not have approached the business of this commission with high levels of professionalism or integrity.

⁵⁴ J. Broadway, 'Throckmorton family (per. c.1500-1682)', *Oxford Dictionary of National Biography* (Online Edition, 2004).

<<http://www.oxforddnb.com/view/article/72341>> 26th October 2012.

⁵⁵ Hasler, *House of Commons*, vol.iii, 501-2.

⁵⁶ *Ibid.*

⁵⁷ Broadway, 'Throckmorton family (per. c.1500-1682)'.

⁵⁸ Hasler, *House of Commons*, vol.iii, 501-2.

⁵⁹ *Ibid.*

The Organisation and Implementation of the First Commission

After these four commissioners had been named in the writ of *dedimus potestatem* issued on the 4th July 1582, the responsibility to arrange a time and place for the commission fell to the prosecuting party who had carriage of the commission.⁶⁰ In this case this was the Bristol Corporation.⁶¹ The records of the city of Gloucester include a series of letters that were sent between the two cities' mayors between 31st August 1582 and 4th January 1583. These letters chart the progress of Bristol's attempts to organise a suitable time and place for the first commission.⁶² The first letter sent by the Bristol mayor on the 31st August 1582, stated that Bristol:

have appointed the same to be sitten uppon at Berckley the xiiijth and xiiijth of September nexte where *our* Comissioners will not faile to be then Ready for that purpose. / Requestinge that in like sorte yowe will geve notyce hereof unto yowre Comissioneres.⁶³

The urgency of Bristol's attempts to organise this commission are illustrated by the fact that Bristol demanded to immediately 'receave an answeere by this bearer'.⁶⁴ It is also significant that this letter gave Gloucester less than two weeks notice of the planned commission. The Gloucester mayor's response indicated that it was received on 2nd September 1582, eleven days before the commission was set to commence.⁶⁵ This was an exceptionally short amount of time for Gloucester to ensure the availability of their commissioners, to prepare the interrogatories that would be used in the commission and to gather a suitable body of witnesses to depose. It seems that such short notice was not normal. Indeed in 1587, the Exchequer formalised the requirement that a defendant be given at least fourteen days notice of the planned execution of any such commission.⁶⁶ Bristol's demand for the Gloucester mayor to provide an immediate response to their letter, which was received on a 'sonday aboute x of the clock', was also particularly unaccommodating in that it gave the Gloucester mayor no time to check that the two Gloucester commissioners were available on the dates set by Bristol.⁶⁷ In Gloucester's response, the mayor directly highlighted this problem and stated that 'understandinge not the affayres of *master* pate and *master* Throckmorton tyme gevinge not leave to

⁶⁰ See Appendix 1, fol 1r.

⁶¹ Bryson, *Equity Side of the Exchequer*, 129-31.

⁶² See Appendix 4, fols. 103v.-109v.

⁶³ *Ibid.*, fol. 104v.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ Bryson, *Equity Side of the Exchequer*, 130.

⁶⁷ See Appendix 4, fol. 104v.

conferre with them I cannot therefore *presently* satisfie yow as I woulde'.⁶⁸ Although Bristol's demands seem unreasonable, the city's sense of urgency is understandable. This is because whilst Gloucester continued to operate as a head port, the idea of a head port at Gloucester was becoming increasingly engrained and accepted. This was likely to make it harder for Bristol to challenge Gloucester's new status.

In a further letter, Gloucester claimed that it was not possible to comply with Bristol's demands and informed the Bristol mayor that '*our saide comissioners had appointed other ocasionēs of weight against that veary tyme not convenyently to be altered / And cannot therefore yealde to the daies by yowe sett downe*'.⁶⁹ Although Gloucester did not agree to Bristol's suggested arrangements for the commission, the Gloucester mayor suggested that it would be possible for the Gloucester commissioners to 'be ready for that service the xx xxj and xxijth of this moneth' – the week after the dates suggested by Bristol.⁷⁰ However, it would appear that Bristol experienced difficulties in securing the availability of their own commissioners at this time. The Bristol mayor replied to Gloucester's proposal that the commission should sit a week later, explaining that:

*Sir william wynter shall then have souche affaires in hande that he may not by any meane meate att that tyme and place by you appoynted / and our Recorder whoe is nowe Come unto us from his howse above xl^{ty} myles from hence for this matter accordinge unto our firste appointmente muste needes retorne home agayne for other weighty buisenes.*⁷¹

A memorandum included amongst this collection of letters also stated that '*Sir William winter was not in Gloucester shire this Sommer*', suggesting that Winter's unavailability was a long-term issue.⁷² Bristol reluctantly concluded that the availability issues of their commissioners left them 'uncearteyne when to have them in sourche readynes againe' and that the only option was to 'reste to determyne upon some other tyme and place' for the execution of the commission.⁷³ Gloucester offered further flexibility by proposing other potential dates for the commission and promised 'to labour our comissioners to yealde unto those tymes'.⁷⁴ However, Bristol continued to struggle to secure the attendance of their own commissioners and stated that because of these

⁶⁸ Ibid.

⁶⁹ Ibid, fol. 105r.

⁷⁰ Ibid, fol. 105r.

⁷¹ Ibid, fol. 104r.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid, fol. 105r.

circumstances, they had been ‘dryven to deffer the matter untill the next tearme’.⁷⁵ The difficulties in organising this commission had proved so severe that it was not possible for the commission to be carried out before the date that it was due to be returned to the Exchequer.⁷⁶ Bristol thus had to ‘procure a Commission of newe’ or in other words, apply for the commission to be reissued by the Exchequer with a new return date.⁷⁷ Bristol successfully did this and the reissued commission was due to be returned by the Octave of St Hillary – which was the 20th January 1583.⁷⁸

It appears that the collection of letters contained in the city of Gloucester’s records is incomplete because the next surviving correspondence is a reply made by the Gloucester mayor to a letter apparently sent from Bristol on 25th December 1582.⁷⁹ According to the Gloucester mayor’s response, Bristol had written to inform Gloucester that they had procured the reissued commission and had arranged for it to ‘proceade at Barkley the xvijth and xvijth daies of January nexte’.⁸⁰ Rather than consenting to this newly arranged time and place, Gloucester requested a change of venue for the commission. Gloucester wanted the commission to be held ‘at wotten under edge and not at Berckley’ and claimed that Bristol had previously agreed to Gloucester’s suggestion of this alternative venue.⁸¹ In fact, Bristol had never agreed to hold the commission at Wotton-under-edge and had ignored Gloucester’s prior suggestion that it would be a more suitable venue. Gloucester also made what appears to have been an exceptionally devious attempt to further delay the commission. The Gloucester mayor wrote ‘wee are to requeste yowe to sende us the the same comission to be seene by us soe as we may shewe the same to *our* commissioners otherwise wee may not with discession desire theire traveill’.⁸² The claim that Gloucester needed possession of the writ in order to inform their commissioners of the new time and venue is completely illogical. As the plaintiff, it was Bristol’s responsibility to carry the writ and attached interrogatories, and to ensure that these remained sealed prior to these documents being

⁷⁵ Ibid, fol. 103v.

⁷⁶ The original return date for this commission was the Morrow of All Souls which fell on the 3rd November 1582: See Appendix 1, fol. 1r.

⁷⁷ See Appendix 4, fol. 103v.

⁷⁸ See Appendix 1, fol.1r. Rather than reissuing the entire writ, it would appear that the Exchequer clerk erased the return date on the initial writ and wrote the new return date in its place. The reissued commission was therefore identical in all respects to the original, apart from the revised return date. I would like to thank Margaret Condon for drawing my attention to the fact that the date on this writ had been changed and for summarising the information contained in this Latin writ.

⁷⁹ See Appendix 4, fol. 105v.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

given to the commissioners at the commission.⁸³ If Gloucester obtained and broke the seal of the commission, there would be no proof that the interrogatories had not been tampered with and Gloucester would also have the advantage of having seen Bristol's interrogatories. The early breaking of this seal could therefore have resulted in Bristol having to get the commission reissued again – further delaying proceedings.

Bristol's blunt response to Gloucester's suggestions made it explicitly clear that they were far from impressed with these crude attempts to hamper proceedings. Bristol accused Gloucester of 'tending to the deforming of the principall matter'.⁸⁴ They sharply dismissed Gloucester's alleged need to gain possession of the writ, which 'beinge sealed needeth not unnecessarily to be opened before the meeting of the *commissioners* together. neither may ye thinck *yoursealves* so wiese by souche a wile to obteyne the *commission* from us'.⁸⁵ Bristol further justified the choice of Berkeley as the venue of the commission, explaining that Berkeley had been chosen because it was the 'fitteste place that wee knowe for the view of the Ryver'.⁸⁶ Wotton-under-edge is approximately six miles further away from the River Severn – and because a large part of this dispute focused upon the capacity of the upper reaches of the River Severn to hold larger ships, Bristol's reasoning for holding the commission at Berkeley due to its riverside location does seem logical.⁸⁷ Gloucester eventually conceded to Bristol's arguments and it was agreed that the commission would sit at Berkeley on the 17th and 18th of January 1583.⁸⁸

Beyond the writ, interrogatories and depositions that related to this commission, the only record that provides details of the commission's proceedings is a brief report filed in the records of the city of Gloucester. This report recorded the exact days and times that each commissioner reported for duty:

Richarde Pates Recorder of Gloucester with diuers witnesses on the morrowe beinge the xvijth day expected the comynge of *master* Thomas Throckmarton Hannam Recorder of Bristoll, whoe came to Berckley about xij of the clock. / *master* Thomas Throckmarton was Ready at

⁸³ Bryson, *Equity Side of the Exchequer*, 129-135.

⁸⁴ See Appendix 4, fol.105v.

⁸⁵ Ibid, fol. 106r.

⁸⁶ Ibid.

⁸⁷ Jones (ed.), 'Bristol's petition, 1582', fol. 69r.

⁸⁸ See Appendix 4, fol. 106r.

Durston to have *comen* to Berckley presently upon warringe of the comynge of the comissioners of Bristoll.⁸⁹

The omission of the details concerning Sir William Winter's arrival combined with the fact that his signature was absent from all of the official commission documents, confirms that Winter did not attend the commission.⁹⁰ Winter's previous unavailability had been noted in a memorandum found in the records of the city of Gloucester which stated 'Sir William winter was not in Gloucester Shire this somer'.⁹¹ Winter's eventual non-attendance of the commission in January meant that his inability or unwillingness to attend had continued for more than six months since the issuing of the initial writ.⁹² It is possible that Winter was exceptionally busy and his heavy involvement in naval affairs has already been noted. This long-term unavailability could also have been symptomatic of Winter's reluctance to participate in a potentially time-consuming and onerous commission. Winter's lack of availability could equally have been a more calculated measure. Having overseen the appointment of Winter to this commission, it is possible that Burghley – the patron of Gloucester and the Lord Treasurer – could have suggested that Winter presented his apologies and absented from the commission's proceedings. Burghley had previously described Winter as 'a man to be cherished' and there seems to have been a degree of respect between the two men.⁹³ To be fair, there is no real way of knowing what Winter's reasons were for absenting from his duties as a commissioner. However, it seems clear that the selection of Winter as one of the 'Bristol' commissioners created problems for Bristol and their desire for the 'speedy proceadinge' of the commission.⁹⁴ Winter's status as a minor national figure, his prominent role in naval affairs and his London base meant that he had other priorities that limited his availability. Bristol could not persuade or coerce Winter to appear at the commission as they may successfully have done had a more minor, regionally-based figure with closer ties to the Bristol Corporation been appointed as the 'Bristol' commissioner. Even though Winter was unavailable to sit on the commission on the 17th and 18th January 1583, the commission was due to be returned to the Exchequer by the

⁸⁹ Ibid, fol. 109v.

⁹⁰ See Appendix 1, fol. 4r.

⁹¹ See Appendix 4, fol. 104r.

⁹² See Appendix 1, fol. 1r. Winter had apparently been available for the dates first proposed by the Bristol Corporation – the 13th and 14th September 1582. However, these were apparently the only two days upon which Winter was not busy between the 4th July 1582 and the eventual sitting of the commission on the 17th and 18th January 1583. Winter apparently remained unavailable after this first commission and could not attend the sitting of the second commission on the 12th and 13th April 1583 either.

⁹³ Hasler, *House of Commons*, vol.iii, 675-7.

⁹⁴ See Appendix 4, fol. 103v.

20th January.⁹⁵ This meant that Bristol had to accept that the commission would proceed without Winter on these dates in order to avoid the further delay of the commission being once again reissued with a new return date.

As stated in Gloucester's report of the commission and confirmed by the signatures on the commission documents, the other three commissioners successfully reported for duty.⁹⁶ In equity cases, although four commissioners were typically named on the writ, the commission could proceed provided that there were at least two commissioners present to oversee proceedings.⁹⁷ Once the commissioners had assembled, they would have broken the seal of the commission, read the commission and signed the interrogatories – swearing themselves and the scribe to accuracy and secrecy.⁹⁸ The commissioners would then have proceeded to question each individual witness against the relevant set of interrogatories in a private room, away from the other witnesses waiting to make their own depositions.⁹⁹ Gloucester's report of the commission noted that 'In thafternone of the said xvijth daie the twoe Recorders examined one wittnes one either side / And on the morrowe beinge the xvijth day examyned fower wittnesses on either side'.¹⁰⁰ This accounted for all ten witnesses that deposed in the first commission. Although the procedure for the selection of these deponents will be covered in more detail in a later section, this report also suggests that these ten deponents did not account for all of the witnesses that each party had brought to the commission. The report stated that 'There weere xxij^{tie} wittnesses on the parte of the cittie of Glouc. The number of the wittnesses for Bristoll was not knowen perfectly'.¹⁰¹ It would thus appear that only five out of twenty three witnesses brought to the commission by Gloucester deposed. It is unlikely that Gloucester brought such a large number of witnesses without anticipating that they would get the opportunity to depose. The records of the Bristol Corporation show that there were significant costs associated with the travel and catering requirements of each side's witnesses. Bristol's payments included:

master Recorders horsemeate, his mens supper} and brokefaste,
mendinge of saddlles & showinge of thire horsse *masteres* in all xxxij^s
vj^d hier of ix horsse ij dayes at iij^s per daye ij^{li} paide Harry Cooke,

⁹⁵ See Appendix 1, fol. 1r.

⁹⁶ GBR, B/2/1, fol. 109v. [Appendix 5]: See Appendix 1, fol. 2r.

⁹⁷ Ball, 'Exchequer (E134)'.
⁹⁸ Bryson, *Equity Side of the Exchequer*, 139.

⁹⁹ *Ibid.*

¹⁰⁰ See Appendix 5.

¹⁰¹ *Ibid.*

as vj^s viij^d for iiiij^{or} capons, iij^s iiiij^d for ij geese, and xxx^s for his paynes
dressinge meate there, *with* horse hier & horse meate *masteres*.¹⁰²

It is also possible that further costs were noted in the Recorder's 'byll of paymentes' which unfortunately has not survived but is referred to in the Bristol Mayor's Audit Books.¹⁰³ The fact that a number of witnesses did not get the chance to depose suggests that the commission operated much less efficiently than expected. This could have been a result of Winter's non-appearance although the impact of this is hard to assess. There also appear to have been problems with the interrogatories submitted by Gloucester. The initial set of interrogatories were exceptionally long and according to Gloucester's account of the commission, there were a total of 'xxvj Interrogatories delyvered' compared to the thirteen main interrogatories submitted by Bristol.¹⁰⁴ The report noted that this created the need for amendments to be made to Gloucester's interrogatories after the first day of the commission, which 'at nighte were abridged And twoe of those xxvj weere drawn forthe', leaving twenty-four interrogatories.¹⁰⁵ Gloucester's original set of interrogatories and the abridged version were both included in the documents returned to the Exchequer.¹⁰⁶ Although both sets of interrogatories were similar in terms of content, the original set was nearly twice as long as the abridged set.¹⁰⁷ The original set was also poorly written and very convoluted in places. It is possible that Gloucester deliberately submitted an inadequate set of interrogatories in order to delay proceedings. Although it is difficult to prove that this was a deliberate attempt to hamper Bristol's prosecution, the problems with Gloucester's interrogatories could explain why the commissioners only managed to take a total of two depositions on the first day of the commission.

Gloucester's report of the commission also suggests that Thomas Throckmorton was unable to commit a great deal of time to the commission's proceedings. It was reported that:

The same xvijth day about fower of the clock in thafter none *master*
Thomas Throckmorton havinge a comission on the morrow to be sitten
uppon for his owne causes and on the monday followinge to ryde

¹⁰² BRO, 'The Bristol Mayor's Audit Books', F/Au/1/12, 152.

¹⁰³ Ibid.

¹⁰⁴ See Appendix 5: See Appendix 1, fol. 2r.

¹⁰⁵ See Appendix 5: See Appendix 1, fols. 8r.- 9v.

¹⁰⁶ For the original set of interrogatories, see Appendix 1, fols. 9r. – 9v. For the abridged set of interrogatories, see Appendix 1, fols., 8r. – 8v.

¹⁰⁷ In terms of the word count, the original version was 2683 words long whilst the abridged version was 1658 words long.

towarde London cowlde not therfor any longer attende / And soe the
comissioners brock of.¹⁰⁸

The commission could technically have continued once Throckmorton had departed and only two commissioners remained.¹⁰⁹ However, this left the minimum requirement of just two commissioners and presumably this meant that the commission could not continue to proceed as efficiently. After Throckmorton's departure, Richard Pate – the remaining Gloucester commissioner – could have claimed that he also needed to leave and this would effectively have prevented the commission from continuing. It was a fairly common tactic for defendants' commissioners to attempt to obstruct proceedings and Throckmorton's early departure could be an example of this.¹¹⁰ The corruption and dishonesty that marred and ultimately ended Throckmorton's political career – as alluded to earlier in this chapter – hardly suggests that Throckmorton would have been averse to such attempts to delay and sabotage this commission. It is also possible that by the time of Throckmorton's departure at four o'clock in the afternoon, it had become apparent to the other commissioners that it was not going to be possible to complete the necessary work and obtain depositions from all of the witnesses that were present and thus the commission broke off. The commission was delivered to the Exchequer on the 5th February by Robert Smyth, an individual who had associations with the Bristol Corporation.¹¹¹ Smyth was clearly aware that the commission had not operated as effectively as had been hoped, because he waited in London for a further week until a second commission was issued by the Exchequer.¹¹² After the inefficiencies caused by absent and departing commissioners and Gloucester's imperfect set of interrogatories, it seems that the first commission failed to harness enough evidence that could be used in court to help determine the outcome of proceedings.

The Second Commission

The Second Commission was issued on the 12th February 1583. The writ was almost identical to the first commission's writ apart from the dates and the addition of two extra commissioners. This meant that there were six commissioners named in total.¹¹³ It

¹⁰⁸ See Appendix 5.

¹⁰⁹ Ball, 'Exchequer (E134)'.

¹¹⁰ Ibid.

¹¹¹ See Appendix 1, fol. 15v.

¹¹² BRO, 'The Bristol Mayor's Audit Books', F/Au/1/12, 154. It appears that the Bristol Corporation paid Smyth four pounds and other expenses to stay in London and to carry the new commission back to Bristol.

¹¹³ See Appendix 2, fol. 1r.

was fairly unusual for more than four commissioners to be named and the addition of two extra commissioners could have been authorised to address the problems that had been encountered in the first commission in terms of ensuring that sufficient commissioners could attend.¹¹⁴

Richard Byrde was one of the extra commissioners named in the writ.¹¹⁵ Byrde held the position of town clerk of Gloucester between 1579 and 1595 and was paid an annual sum of fifty-three shillings and four pence by his employers – the city of Gloucester.¹¹⁶ Like Richard Pate, Byrde had been legally trained and was frequently involved in handling law suits involving the city.¹¹⁷ It would also appear that Byrde and Pate had a close friendship. In Pate's will, instructions were left for thirty three shillings and four pence to be paid annually to Byrde, who was given the responsibility of maintaining Pate's 'Lordship at Minsterworth'.¹¹⁸ Pate also instructed that 'my friend, Richard Birde' was to have access to some of 'my best apparel', sharing it with Pate's godson, Pate's brother and another close friend.¹¹⁹ Byrde's employment with the city of Gloucester and his friendship with Gloucester's recorder Richard Pate perhaps ensured that Byrde was more likely to make himself available for this commission than more disinterested and less proximate commissioners such as William Winter.

Robert Smyth was the other commissioner added to the second commission. As previously mentioned, Smyth had been employed by the Bristol Corporation to deliver the first commission to the Exchequer and had waited in London until the production of the second commission's writ – which he then delivered to Bristol.¹²⁰ The records of the Bristol Corporation show that after the first commission, Smyth was regularly employed by Bristol to deal with all of the business relating to the 'Suite of Gloucester'.¹²¹ On multiple occasions, Smyth was paid sums of up to ten pounds to account for his 'charge goinge up to London' in order 'to followe the suite', collect and deliver documents pertaining to the commission and later to 'bringe the matter of gloucester to hearinge

¹¹⁴ Bryson, *Equity Side of the Exchequer*, 129-30.

¹¹⁵ See Appendix 2, fol. 1r.

¹¹⁶ Hasler, *House of Commons*, vol. i, 438.

¹¹⁷ *Ibid.*

¹¹⁸ A. L. Browne, 'Richard Pates, MP for Gloucester', *Transactions of the Bristol and Gloucestershire Archaeological Society*, 56 (1934), 224-25.

¹¹⁹ *Ibid.*

¹²⁰ See Appendix 1, fol. 15v.: BRO, 'The Bristol Mayor's Audit Books', F/Au/1/12, 153.

¹²¹ BRO, 'The Bristol Mayor's Audit Books', F/Au/1/12, 153-250, see marginal references to 'Suite of Gloucester'.

before my *Lord Treasurer*'.¹²² Another reference in the Bristol Mayor's Audit Books refers to Smyth as a 'stewarde of the Sherriffes Cowrte by the appoyntmente of *master mayor* and the Aldermen'.¹²³ Very little is known about exactly what this role entailed in the late sixteenth century, but by the seventeenth century the Steward of the Sheriff's Court had been classified as a judicial role that technically made the office-bearer the sole judge within the Tolsey Court – otherwise known as the Bristol Sheriff's Court.¹²⁴ By the seventeenth century, it was also a requirement that the Steward of the Sheriff's Court had trained as a barrister for at least three years.¹²⁵ Although this later practice had not necessarily been established by the late sixteenth century, it seems likely that Robert Smyth had a background of legal training and had regularly worked in Bristol's local courts. The Bristol Corporation had previously used Robert Smyth as a commissioner in 1576 when the Crown set up a commission to investigate the illicit exportation of prohibited goods from Bristol, Gloucester and Tewkesbury.¹²⁶ Smyth was therefore an individual who had a close affiliation to the Bristol Corporation, had already been involved in matters pertaining to the dispute between Bristol and Gloucester and had prior experience as a commissioner. From Bristol's perspective, Smyth had the capacity to act effectively as a commissioner for largely the same reasons that the recorder Thomas Hannam was deemed a suitable commissioner.

The increased number of commissioners must have made it easier to organise the second commission because the unavailability of certain commissioners could not delay or hinder proceedings to the same extent that it did in the first commission. This is because even if William Winter and Thomas Throckmorton could not attend the proceedings on a certain date, there were four other commissioners who would potentially be available for duty. Four of these – Pate, Hannam, Byrde and Smyth – were also directly and regularly employed by the two cities involved in the dispute. This made it easier to ensure that three commissioners would be available on any given date. There was thus a greater degree of flexibility regarding the exact combination of men who could present themselves in order to execute the commission.

¹²² *Ibid*, 246.

¹²³ *Ibid*, 159.

¹²⁴ S. Seyer, *The Charters and Letters Patent granted by the Kings and Queens to the Town and City of Bristol* (Bristol, 1812), 277-80.

¹²⁵ *Ibid*, 279.

¹²⁶ TNA:PRO, E178/2895.

Unfortunately, the records of the city of Gloucester do not shed any light upon the organisation and implementation of the second commission in the way that they do for the first commission. This lack of recorded detail could suggest that there were fewer problems relating to the organisation of this second commission and there was thus less need for multiple letters to be sent between the two cities' mayors. The commission documents themselves reveal that the second commission was executed:

at Barkeley in the countie of Glocester the xijth & xiiijth Dayes of Aprill in the xxvth yere of her *majestie's* raigne before Richard Pate esquire Roberte Smythes and Richarde Byrde sent by vertue of her *majestie's* Commission beringe date the xijth daye of Februarie.¹²⁷

Combined with the signatures on each folio of the commission documents, this information confirms that the second commission was attended by Richard Pate, Richard Byrde and Robert Smyth – whilst Sir William Winter, Sir Thomas Throckmorton and Thomas Hannam remained absent from the commission's proceedings. The second commission took depositions from a further fourteen witnesses – six Bristol witnesses and eight Gloucester witnesses – and was returned to the Exchequer by Robert Smyth on the 27th April 1583.¹²⁸

The Deponents

Beyond the identities of the commissioners and how the two commissions were actually organised and implemented, it is important to consider the identities of the witnesses that deposed in the two commissions. Depositions were theoretically impartial and witnesses should have been able to depose without being pressurised by either side in the dispute.¹²⁹ By examining how deponents were selected, the degree of freedom that each witness had to independently depose and who these deponents actually were; this section will determine whether the depositions taken by this commission can really be considered to be impartial. This will clearly have implications for the analysis conducted in the next chapter regarding the extent to which each side's deponents supported the arguments set down in the pleadings made by the cities of Bristol and Gloucester.

¹²⁷ See Appendix 2, fol. 3r.

¹²⁸ Ibid, fol. 8v.

¹²⁹ Bryson, *Equity Side of the Exchequer*, 143.

As both of these commissions were part of the proof-taking stage of the Exchequer case, the responsibility to gather and provide a body of witnesses to depose fell directly to the two parties involved in the dispute.¹³⁰ Gloucester's report of the first commission noted that Richard Pate – Gloucester's recorder and commissioner – arrived at Berkeley 'with diuers witnesses' on the day before the commission was due to start.¹³¹ This early arrival would certainly have given Pate plenty of time to coach and instruct the Gloucester deponents about what they were expected to say in response to the interrogatories. A certain level of coaching was unavoidable in these circumstances because Pate had a detailed knowledge of the interrogatories that had been submitted by Gloucester and was responsible for organising and ensuring the attendance of the body of Gloucester witnesses.¹³² However, the fact that Pate was also a named commissioner meant that Pate had the opportunity to actually check that the Gloucester deponents had followed any advice or instructions that he had given to them. From the perspective of a deponent, this experience could therefore have been quite intimidating and not an occasion to speak frankly and openly about any personal opinions that they may have held. The presence of Bristol's recorder on the body of commissioners would presumably have created a similar situation for the Bristol deponents.

Payments listed in the Bristol Mayor's Audit Books also show that a number of the Bristol deponents in the second commission were paid significant sums of money in relation to this dispute with Gloucester. Thomas Warren – a deposing Bristol merchant in the second commission – received a fee of over forty pounds made in several instalments for a 'bill of Chardges' that he submitted to the Bristol Corporation 'concerninge the suite of Gloucester' and the expenses that he incurred through attending the second commission.¹³³ Bristol merchants John Harrice and Walter Stanfast also made claims. After deposing in the second commission, Stanfast claimed 'for his expenses money ridinge to gloucester, and Barkeley' to attend the commission.¹³⁴ The

¹³⁰ Ball, 'Exchequer (E134)'.

¹³¹ See Appendix 5.

¹³² This practice of 'coaching' witnesses is noted by Ball to have been quite common: Ball, 'Exchequer (E134)'.

¹³³ BRO, 'The Bristol Mayor's Audit Books', F/Au/1/12, 171-256.

¹³⁴ Ibid, 153-9. There is some discrepancy relating to the payment made to John Harrice because the payment appears to be dated before the second commission had occurred. There could be a number of explanations for this. Harrice could have attended the first commission and not been given the chance to depose. As was illustrated earlier, a number of Gloucester witnesses that attended this commission were not given the opportunity to depose. Harrice may have been paid anyway upon the understanding that he would depose in the expected second commission. Alternatively, the dating of this payment could be wrong. A number of entries in these accounts that refer to a trip to London made in May are incorrectly

sum of over forty pounds that was paid to Warren was clearly much more than was needed to cover travel expenses and perhaps accounted for a loss of income that Warren experienced as a result of attending this commission. Deponents' remuneration may also have depended on how agreeable their depositions were to the Bristol Corporation. Many of the payments made to deponents were made in accordance with a 'byll of paymentes' submitted by Thomas Hannam – the Bristol recorder and commissioner. It is thus possible that payments could have been neglected if a deponent disobeyed any instructions that Hannam had given them.¹³⁵ In this case, the dual roles of Hannam and Pate as the two parties' solicitors and commissioners and the payment of significant sums of money to Bristol deponents suggests that these depositions must be taken with caution, since each party clearly had great potential to influence the amount and nature of the information that their deponents chose to divulge. Ultimately, these factors probably explain why the depositions – that are explored in greater depth in the next chapter – only infrequently stray from the two parties' arguments set down in the initial petition and answer.¹³⁶

The deponents supplied by Bristol consisted of three merchants, two mariners, three bakers, two brewers and one river pilot.¹³⁷ This composition of witnesses reflected the fact that approximately half of the arguments set down in Bristol's petition focused upon matters that Bristol merchants, mariners and river pilots would have had expertise in – namely that the creeks of the upper River Severn were 'utterlye unmeete for so many causes to be a porte' and that the establishment of the head port at Gloucester would lead to 'the ruyn of the said Cytie of Bristoll' and a 'decaye of the Shippinge and maryners' that played an instrumental part in the city's overseas trade.¹³⁸ The five deponents that represented Bristol's baking and brewing industries were presumably supplied by Bristol to support the other arguments made in Bristol's petition. These related to Bristol's 'greate difficultie' in procuring grain supplies and the allegations that linked the establishment of the head port at Gloucester with an increase in illicit grain exportation that meant 'her majestie is decyved and the Countrie robbed'.¹³⁹ A number of the selected Bristol merchants and mariners had previously lived near

listed under the 'third quarter' of the year and it is possible that this payment to Harrice was also simply added to the wrong section of the accounts.

¹³⁵ Ibid, 152.

¹³⁶ Jones (ed.), 'Bristol's petition, 1582': See Appendices 1 and 2.

¹³⁷ See Appendices 1 and 2.

¹³⁸ Jones (ed.), 'Bristol's petition, 1582', fol. 70v.: Jones, *Inside the Illicit Economy*, 168-75.

¹³⁹ Jones (ed.), 'Bristol's petition, 1582', fols. 69v. and 70r.: Jones, *Inside the Illicit Economy*, 168-75.

Gloucester and the upper reaches of the River Severn. The Bristol merchant Walter Stanfast was from Arlingham, a village on the banks of the River Severn approximately ten miles south-west of Gloucester.¹⁴⁰ The Bristol mariner Patrick Carter claimed to have been an ‘Inhabitante of the cytie of Glocester by the space of fowertene years or thereaboutes’ whilst another mariner – John Barrett – was born in Minsterworth, a village approximately four miles west of Gloucester.¹⁴¹ Bristol’s use of deponents that had personal knowledge and experience of the upper reaches of the River Severn was logical in that it increased the likelihood that Bristol witnesses would make informed and credible depositions.

Bristol provided witnesses that had extensive links with the Bristol Corporation and had previous experience of deposing in commissions on the behalf of Bristol. Thomas Warren was an experienced merchant who was heavily involved in the exportation of lead from Bristol.¹⁴² He was also a member of the Common Council and was thus part of the Bristol Corporation itself.¹⁴³ Warren and another deponent, Bristol baker Anthony Phyllipes, had both deposed for Bristol in 1577 in a commission set up by the Crown that sought to investigate the illicit exportation of prohibited goods from Bristol, Gloucester and Tewkesbury. Both Phyllipes and Warren claimed to ‘knoweth nothing’ about a suspected collusion between the Bristol merchants and Bristol’s industries that allowed vast quantities of grain to be illicitly exported from the River Severn.¹⁴⁴ Warren would therefore have been familiar with the format of Exchequer commissions and could be trusted to depose favourably on behalf of the Bristol Corporation. This perhaps explains why the Bristol Corporation was prepared to pay Warren significant sums of money to depose, as indicated in the Bristol Mayor’s Audit Books.¹⁴⁵ Another notable deponent amongst Bristol’s body of witnesses was the Bristol merchant Walter Stanfast. Stanfast was an experienced Bristol merchant and was also a member of the Common Council.¹⁴⁶ He later took the most senior office within the Bristol Corporation when he

¹⁴⁰ See Appendix 1, fol. 4r, deposition of Stanfast to the first Bristol interrogatory.

¹⁴¹ Ibid, fols. 5r. and 6r., depositions of Carter and Barrett to the first Bristol interrogatory.

¹⁴² Port book evidence shows that in 1575-6, Warren was the largest exporter of lead from Bristol. Three different entries show that Warren exported nineteen fotheres of lead to Bayonne in France and Cadiz in Spain. This was equivalent to approximately 3042 stone of lead. S. Flavin and E. T. Jones (eds.), ‘Bristol Port Book, Overseas Outwards, 1575/6’ (University of Bristol. ROSE, 2009). <<http://hdl.handle.net/1983/1306>> 1st February 2012.

¹⁴³ This is apparent from the inclusion of Warren’s signature on a number of the city’s ordinances. M. Stanford (ed.), *The Ordinances of Bristol 1506-1598* (Bristol, 1990), 71.

¹⁴⁴ TNA:PRO, E178/2895.

¹⁴⁵ BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 171-256.

¹⁴⁶ This is apparent from the inclusion of Stanfast’s signature on a number of the city’s ordinances. Stanford (ed.), *Ordinances of Bristol*, 71.

became the city's mayor in 1592.¹⁴⁷ A Bristol merchant with aspirations of obtaining the highest position within the civic government of Bristol was very likely to support the Bristol Corporation and provide evidence to substantiate the claims made in Bristol's petition. Bristol therefore chose a variety of witnesses who were likely to be knowledgeable about the matters under investigation by the commission, had strong links to the Bristol Corporation and had sometimes deposed in previous Exchequer commissions.

Gloucester supplied twelve deponents across the two commissions although John Lewes deposed twice, once in each commission.¹⁴⁸ Of these twelve, nine stated that they were sailors, one claimed to be a yeoman, one a gentleman and one did not state his occupation.¹⁴⁹ The depositions of the 'yeoman' and 'gentleman' – Arthur Barrett and Edward Barston respectively – indicate that both individuals had owned small boats and 'hath used the trade of merchandizes' for a number of years prior to the execution of these two commissions, engaging in both coastal and overseas trade.¹⁵⁰ Gloucester's deponents came from a wide range of locations on both banks of the River Severn including Minsterworth, Longney, Elmore, Blakeney, Purton, Tewkesbury and Gloucester itself.¹⁵¹ As with Bristol's selections, Gloucester chose individuals who lived near the upper reaches of the River Severn. Ten out of the twelve Gloucester deponents also owned or part-owned small boats such as Edward Barston's thirty ton vessel – 'the Fawlcon' – and Richard Hyette's twenty ton vessel called the 'Julyan of mynsterworth'.¹⁵² By selecting deponents who made at least part of their income through trading via the river and using the port at Gloucester, Gloucester effectively sought to ensure that each deponent would have their own personal incentives to support Gloucester's defence of its head port.

¹⁴⁷ Bristol City Council, 'Mayors of Bristol since 1216', <http://www.bristol.gov.uk/node/6206> 12th February 2012.

¹⁴⁸ See Appendix 1, fol. 15r.: See Appendix 2, fol. 7r.

¹⁴⁹ See Appendices 1 and 2.

¹⁵⁰ See Appendix 1, fol. 11r., deposition of Barrett to the first Gloucester interrogatory: See Appendix 2, fol. 6r., deposition of Barston to the first Gloucester interrogatory.

¹⁵¹ See Appendices 1 and 2.

¹⁵² See Appendix 2, fols. 6r. and 6v., depositions of Barston and Hyette to the first Gloucester interrogatory. The thirty ton burden of the Falcon is noted in the overseas and coastal Gloucester customs accounts in the 1580s: TNA:PRO, E190/1241/3: E190/1241/16. Although Richard Hyette estimated that his vessel was of a twenty six ton burden, Hyette had been recorded in Gloucester's coastal accounts to have used a boat of the same name that was estimated to have a twenty ton burden: M. D. G. Wanklyn, et al., 'Gloucester Port Books, 1575-1765' (University of Essex, UK Data Archive, March 1996). <<http://dx.doi.org/10.5255/UKDA-SN-3218-1>> 18 July 2012.

The inclusion of Edward Barston amongst Gloucester's body of deponents in the second commission was the most striking of Gloucester's selections. Evidence uncovered by Duncan Taylor shows that Barston was the principal grain agent in Tewkesbury and was responsible for shipping one fifth of the town's grain exports in 1581-2.¹⁵³ Barston was also a prolific grain smuggler. Allegations later made by the city of Gloucester against Barston detailed how he had made illegal arrangements with the deputy customer of the port to avoid the payment of customs. It was also alleged that he conspired with another Tewkesbury merchant to conceal twenty quarters of wheat aboard a trow which was then loaded onto a Bristol ship bound for foreign lands and that Barston had used the pretence of a coastal cocket to transport rye to Ireland.¹⁵⁴ Barston ultimately confessed to all of these allegations and further offences committed during his tenure as a deputy customer at the port of Gloucester – making these allegations particularly significant.¹⁵⁵ Barston's apparent lack of integrity could make Gloucester's decision to put him forward as a witness questionable. On the other hand, the selection of Barston could have been perceived as a means of ensuring that there was a Gloucester deponent with a vested interest in refuting the allegations made in Bristol's petition that if Gloucester men were to 'make any adventure, It muste needes be of Corne and prohibited wares'.¹⁵⁶ Obviously Barston's career could have served as the perfect example for Bristol's argument. Whether Gloucester knew of Barston's activities at the time of selection is not certain. However, Barston's heavy involvement in the illicit grain trade could potentially have made him a useful deponent for Gloucester. An individual who illicitly exported grain was less likely to inform the commissioners about the nature and scale of this trade than an individual who shipped grain legally and could not make the same profit margins that the likes of Barston could by trading illicitly. If Gloucester feared that the exposure of information about grain smuggling would jeopardise the continuation of their head port, in many ways Barston could be seen as a safe selection. This is because he would be aware of the key issues that needed to be kept away from prying commissioners. In the event, Barston stone-walled most of the grain-related interrogatories put to him by the commissioners and claimed that he 'doth not knowe' the answers to many of the questions.¹⁵⁷ Barston's refusal to depose was unlikely to be because he did not know the answers to the questions set before him. There were very

¹⁵³ D. Taylor, 'The Maritime Trade of the Smaller Bristol Channel Ports in the Sixteenth Century' (unpublished doctoral thesis, University of Bristol, 2009), 106-114.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Jones (ed.), 'Bristol's petition, 1582', fol. 69r.

¹⁵⁷ See Appendix 2, fol. 6r., deposition of Barston to the eighth and fourteenth Gloucester interrogatories.

few individuals in a better position to answer these questions about the supplies of grain in Gloucestershire. The selection of Barston as a deponent and his subsequent testimony illustrates that each side chose deponents who were most likely to support their respective arguments - as opposed to deponents who could give the most disinterested, complete and accurate depositions.

This chapter has explored how the dispute between Bristol and Gloucester developed after Bristol's petition, Gloucester's answer and Bristol's replication had been submitted to the Exchequer. In particular, the difficulties that Bristol experienced in attempting to ensure the 'speedy proceedinge' of the case have been demonstrated.¹⁵⁸ Bristol struggled to guarantee the attendance of their two named commissioners with the eminent Sir William Winter constantly unavailable and the city's recorder Thomas Hannam living 'above xl^{ly} myles from hence' in Dorset.¹⁵⁹ Gloucester's deliberate efforts to delay proceedings prolonged the process of organising the commission even further. After claiming that the initial dates set for the commission were inconvenient for their commissioners, Gloucester disputed the choice of venue after Bristol had arranged for the commission to sit at Berkeley. They also attempted to gain possession of the commission's writ and interrogatories – an act of 'wile' that was 'contrary to all ordynarie custome' according to the Bristol Corporation.¹⁶⁰ Gloucester's submission of a long and ineffective set of interrogatories meant that the commission did not proceed as efficiently as anticipated and time was needed for Gloucester to edit their interrogatories in the middle of the commission. Combined with the effect of the early departure of the Gloucester commissioner Thomas Throckmorton, the first commission failed to take enough depositions and harness adequate evidence in the time available to satisfy the Exchequer. This created the need for a second commission to be granted. By the time that the second commission had been organised and executed, nearly ten months had passed since Bristol's initial petition. It took a further thirteen months for the evidence harnessed by the two commissions to be read out in court and for a date to be set for the anticipated final hearing of the case.¹⁶¹ This planned 'final hearing' ultimately happened in May 1584, almost two years after Bristol's petition. This hearing was far from 'final' and failed to conclude the case. The Exchequer instead requested that each side produce a 'brevyat' of their main 'poyntes and matters' – a process that

¹⁵⁸ See Appendix 4, fol. 103v.

¹⁵⁹ Ibid, fol. 104r.

¹⁶⁰ Ibid, fol. 106r.

¹⁶¹ TNA:PRO, E123/9, fols. 54v., 63v., 99r. and 135r.

each side had essentially already been through when producing their initial pleadings.¹⁶² This order did not set a definite date for the rehearing of this case and although both sides delivered their briefs to the court within a week of the hearing, it appears that no further action was taken by the court and the case was left open.¹⁶³ Although litigation in equity cases was frequently ambiguous and a case lacking a conclusion was not unusual in itself, it would appear from the records of the Bristol Corporation that an imminent rehearing had been expected. This is shown by the expenses paid to the Bristol recorder who had extended his stay in London in May 1584, ‘when it was hoped my Lord Treasurer would have hard the matter againe’.¹⁶⁴ This analysis of the practical prosecution of an Exchequer case has shown how multiple inefficiencies and delays blighted any hopes that Bristol had of concluding the case quickly.

The second main conclusion of this chapter relates to the nature of the depositions collected by the two commissions. Each party had the responsibility to select witnesses to depose on the behalf of their respective cities. Naturally, both parties selected deponents that were likely to offer substantial support to the arguments set down in their respective pleadings. Both sides chose deponents that were very familiar with the upper reaches of the River Severn, owned boats and regularly used the river to trade. The selected deponents were also fiercely loyal to their respective corporations, had shared interests with these corporations and had prior experience of deposing in Exchequer commissions to support their cities' interests. Gloucester provided a number of deponents that had personal vested interests to support the continuance of their head port – such as Edward Barston who profited through the illicit exportation of grain from the port. Similarly, the records of the Bristol Corporation indicate that some deponents were paid significant sums in return for their depositions. The dual roles of Thomas Hannam and Richard Pate as the parties' legal representatives and as commissioners effectively created a situation in which witnesses were both instructed and questioned by the same people. This hardly created a forum for deponents to express open and

¹⁶² Ibid, fol. 135r.: BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 246. Both Bristol and Gloucester largely reproduced their initial pleadings when submitting this brief to the court. To view these briefs in more detail, see E. T. Jones (ed.), ‘Bristol Petition that Gloucester cease to be an Independent Port, 25 May, 1584’, <<http://www.bris.ac.uk/Depts/History/Maritime/Sources/1584petition.htm>> 27th October 2012; British Library, Harleian MS. 368/106, fols. 106r. – 108v.: ‘Reasons to prove the convenience of Her Majesty’s grant for the Port of Gloucester against the complaint of the City of Bristol.’, British Library, Lansdowne MS, Vol.41, fol. 92r.

¹⁶³ TNA:PRO, E123/9, fol. 135r.: BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 246.

¹⁶⁴ BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 246: R. M. Ball, ‘Exchequer, King’s Remembrancer: Entry Books of Decrees and Orders: Series I (E123)’ (TNA:PRO, unpublished Introductory Note to Class List, March 1995).

honest opinions regarding how they felt about the matters under investigation. If a Bristol deponent submitted any information that contradicted Hannam's instructions and Bristol's arguments, this would risk angering the Bristol merchant elite who had significant control over the local council, local courts and other regional affairs.¹⁶⁵ For these reasons, the evidence harnessed by the two commissions must be viewed for what it is – the contrived attempts of each party to support the claims made in their initial pleadings rather than neutral statements made by disinterested individuals. The analysis in the second chapter – which examines the evidence gathered by the two commissions – will reflect this fact and treat the depositions with extreme caution.

¹⁶⁵ Jones, *Inside the Illicit Economy*, 85.

Section Two: The Findings of the two 1583 Exchequer Commissions

The most significant sources generated by the two 1583 Exchequer Commissions are the interrogatories produced by Bristol and Gloucester and the corresponding depositions made by witnesses from both cities.¹⁶⁶ As mentioned previously, these two commissions were part of the proof-taking stage of the Exchequer equity case. This was an opportunity for each party to provide supporting evidence for the assertions made in their initial petition, answer and replication.¹⁶⁷ The oral evidence collected by these two commissions would be read out in court and used alongside other written evidence provided by both parties.¹⁶⁸ When examined in the context of Bristol's petition, Gloucester's answer and Bristol's replication, the interrogatories generated by each party can shed much light upon which claims they felt it most important to support with deposition-based evidence. Equally, some allegations made in Bristol's petition and replication are scarcely referred to in the sets of interrogatories produced by Bristol. By examining the different emphases placed on various contentious issues within the interrogatories, a fuller understanding of which issues truly lay at the heart of this dispute can be gained – more so than is possible through an examination of the initial pleadings alone. The content of the depositions themselves also reveals the extent to which the initial claims of each party could be supported in court and equally which ones could not. More generally, the depositions also provide levels of detail about the dispute that are absent from the initial pleadings.¹⁶⁹

This chapter will revisit some of the key arguments set down in Bristol's petition. These include arguments about Bristol's overseas trade, the insufficiency of the head port at Gloucester, Bristol's increased difficulties procuring grain supplies and the likely increase in grain smuggling in the Bristol Channel. The commission documents will be used to assess the extent to which each city was able to support the claims made in the pleadings transcribed and published by Jones.¹⁷⁰ This will lead to a reassessment of which arguments formed the crux of each side's case. Additionally, the 'circumstantial detail' that would frequently be included in such petitions and answers in order to bolster superfluous arguments can be identified.¹⁷¹ Beyond this, the interrogatories and depositions illuminate certain aspects of the dispute that can not be exposed through an

¹⁶⁶ See Appendices 1 and 2.

¹⁶⁷ Ball, 'Exchequer (E134)'.

¹⁶⁸ *Ibid.*

¹⁶⁹ Ball, 'Exchequer (E134)': Jones (ed.), 'Bristol's petition, 1582'.

¹⁷⁰ Jones (ed.), 'Bristol's petition, 1582'.

¹⁷¹ Ball, 'Exchequer (E134)'.

examination of the pleadings. This analysis of the commission documents will therefore shed new light upon the processes and development of this dispute as well as the motivation and logic behind the arguments set down by Bristol and Gloucester. Doing this will help to show why the Crown ultimately decided that Gloucester should remain a head port independent of the Port of Bristol's authority.

Threat to Bristol's Overseas Trade

Jones noted that many of the arguments set down by Bristol in their 1582 petition were based upon the premise that Gloucester's overseas trade threatened Bristol's overseas trade.¹⁷² It was suggested that this would, in turn, affect Bristol's ability to maintain a fleet of large ships and a pool of suitably trained mariners that could service the Crown in times of war. Bristol argued that the creation of a head port at Gloucester would have drastic effects on the city of Bristol and lead 'to the utter Immyment ruyn of the said Cytie, decaye of the shippinge and mariners, hindaunce of the Queenes *majesties* Customes; duties and proffyttes'.¹⁷³ The assertion that the creation of a head port at Gloucester would hinder Bristol's overseas trade, reduce its fleet of large ships and diminish the pool of trained mariners worthy to serve in the navy was reiterated in nine of the twenty-six articles that form Bristol's petition and three of the articles that make up Bristol's replication.¹⁷⁴ It is therefore surprising that these issues relating to increased competition to Bristol's overseas trade were barely alluded to in the list of interrogatories drawn up by the Bristol Corporation. Only one out of the twenty-one interrogatories answered by Bristol witnesses in the first commission asked for information regarding these matters:

Item Whether doe you understande or thinke that if the said custome house at Gloucester and the said creeke shall Continially be portes of ladinge and discharginge will the same be a hinderannce unto the trade of the City of Bristowe and a decay and dimminishinge of the serviceable Shippinge & skilfull *mariners* of the same City yea or noe.¹⁷⁵

¹⁷² Jones, *Inside the Illicit Economy*, 170-1.

¹⁷³ Jones (ed.), 'Bristol's petition, 1582', fol. 68v.

¹⁷⁴ Ibid, see articles 7, 9, 10, 11, 20, 21, 22, 24 and 26 of Bristol's petition and articles 2, 6 and 20 of Bristol's replication.

¹⁷⁵ See Appendix 1, fol. 2r., ninth Bristol interrogatory.

Similarly, only one out of seventeen interrogatories asked deponents about these matters in the second commission.¹⁷⁶ Most depositions taken in response to these interrogatories were also noticeably curt. Witnesses took the invitation to answer ‘yea or noe’ that was included at the end of these two interrogatories very literally. The deposition of Bristol mariner Patrick Carter was typical of the responses given by Bristol witnesses:

To the nynth Interrogatory he sayeth that he thincketh that yf the custome howse at Gloucester have his contynewance and the said creekes contynewe to be portes of ladinge and discharginge, the same wilbe a hinderance to the trade of Brystoll and a decaye of the greate shippinge and skylfull marreners there.¹⁷⁷

Carter’s deposition does not provide any evidence to support this assertion and fails to justify why he held this belief. The depositions of the two other Bristol witnesses of the first commission that answered this interrogatory are similarly bereft of detail and equate to a mere agreement with the stated interrogatory.¹⁷⁸ Only two out of five Bristol witnesses that deposed in the second commission could provide an answer to this interrogatory. Bristol merchants John Harrice and Thomas Warren repeated Carter’s deposition but added a brief justification for their opinions:

the reason whie he soe thincketh is that the little barkes of Gloucester buyinge their forreyne marchandise *with* the sale of their corne and grayne maye afforde the same better cheape then the marchantes of Bristoll *with* theire ordinarie commodities can doe and soe doth hinder them in trade and by consequence decaye and demynishe there shippinge¹⁷⁹

Thus Harrice claimed that by illicitly exporting prohibited goods such as grain, Gloucester merchants could gain an unfair competitive advantage over Bristol merchants who were exporting less profitable legal goods. It was alleged that this threatened the long-term prosperity of Bristol’s overseas trade and the ships and mariners used for this trade. Although the issue of grain smuggling will be addressed in more detail later, this claim is obviously implausible on a number of different levels. It is highly unlikely that the ‘little barkes of Gloucester’ could have competed to buy the same foreign merchandise as the great ships of Bristol. The Port Books show that

¹⁷⁶ See Appendix 2, fol. 2r., eleventh Bristol interrogatory. This interrogatory is almost identical to the ninth Bristol interrogatory of the first commission.

¹⁷⁷ See Appendix 1, fol. 6r., deposition of Carter to the ninth Bristol interrogatory.

¹⁷⁸ Ibid, fols. 4r. and 7r., depositions of Stanfast and Barrett to the ninth Bristol interrogatory.

¹⁷⁹ See Appendix 2, fol. 4r., depositions of Harrice and Warren to the eleventh Bristol interrogatory.

Gloucester imported very few continental goods such as wine, iron and salt. These trades required larger ships due to the associated long-haul voyages of continental trade and it was these trades that were the mainstay of Bristol's overseas trade at this time.¹⁸⁰ The claim that Gloucester's alleged involvement in illicit trade posed a significant challenge to Bristol's legitimate overseas trade, also suggests that Gloucester's illicit trade operated on an unbelievably large scale. Evidence from the Port Books suggests that Bristol's legitimate overseas trade was almost one hundred times larger than Gloucester's at this time.¹⁸¹ Although Taylor has suggested that Gloucester's illicit trade potentially constituted a major arm of the city's trade in the last quarter of the sixteenth century, there is no evidence to suggest that it ever operated on a scale that could threaten the legitimate trade of a port as large as Bristol.¹⁸² The subsequent claims that Bristol's shipping had started to 'decaye and demynishe' during the three years since Gloucester became an independent head port are also easy to discredit. Data compiled by Vanes shows that far from there being a period of great decline, the 1580s saw Bristol's fleet grow significantly. Although Vanes' figures can only be used to indicate general trends due to the number of ships that were of an unknown tonnage, the data indicates that Bristol men owned more ships that were greater than eighty tons in the 1580s than they had in any previous decade in the sixteenth century.¹⁸³ Coupled with the fact that Harris and Warren could not provide any anecdotal evidence of Bristol merchants attempting to sell their large ships, these claims remained unsubstantiated and added little support to the arguments made in Bristol's Petition relating to the threat that Gloucester posed to Bristol's overseas trade and shipping.

To summarise, there was a distinct lack of interrogatories and detailed, plausible depositions relating to the claims made in Bristol's petition that Bristol's overseas trade, shipping and mariners were suffering as a result of the creation of a head port at Gloucester. This meant that a large section of the argument set down in Bristol's petition and replication remained unsupported after the two 1583 commissions had been concluded. One explanation as to why this was so could be the sheer implausibility of Bristol's initial argument – as suggested by Jones.¹⁸⁴ It is possible that the Bristol Corporation knew that very little detailed or anecdotal evidence regarding these issues

¹⁸⁰ Jones, *Inside the Illicit Economy*, 173.

¹⁸¹ Flavin and Jones (eds.), *Bristol's trade in the sixteenth century*, xix.

¹⁸² Taylor, 'Maritime Trade', 117-8.

¹⁸³ Vanes (ed.), *Documents*, 'Appendix 1: Ships owned by Bristol men during the Sixteenth Century', 164.

¹⁸⁴ Jones, *Inside the Illicit Economy*, 173.

could be provided by deponents and it was thus not worthwhile formulating many interrogatories that focused upon these issues. Above all, it must be recognised that the references in Bristol's petition to the 'Immynent ruyn of the said Cytie' and the 'decaye of the shippinge and maryners' of Bristol were recurrent topics that had been alluded to in a number of previous Bristol petitions throughout the sixteenth century.¹⁸⁵ For example, in a 1543 petition against the Candlemas Fair, Bristol complained that they had been forced to 'give over our great shippes to the utter decay of the navy of the said towne'.¹⁸⁶ Another petition sent by Bristol in 1530 referred to the 'desolacion of the said toun' and how 'the merchaunt men daylly have and have had so great losse' as their overseas trade dwindled.¹⁸⁷ Exploiting the Crown's reliance on Bristol's shipping was a key way in which the city could gain political leverage over the Crown.¹⁸⁸ Furthermore, it was necessary for petitioners to the equity side of the Exchequer to demonstrate that they directly or indirectly accounted to the Crown. Petitioners had to show that their ability to fulfil these obligations would be in jeopardy if the subject of the petition was not addressed.¹⁸⁹ By reminding the Crown of its reliance upon Bristol's fleet of serviceable ships at a time when war with Spain was looking increasingly likely, Bristol could ensure that their petition would be taken seriously by the Lord Treasurer and the case would not simply be dismissed. However, the fact that the Bristol Corporation chose not to extensively support this part of their petition with deposition-based evidence, suggests that these arguments relating to overseas trade and shipping were not central to Bristol's objections to the establishment of a head port at Gloucester. Rather they were a means of shaping their arguments into a form that would ensure that the case would be judged to fall within the Exchequer's equity jurisdiction.

Insufficiency of Gloucester as a Head Port

There were a large number of interrogatories submitted by the Bristol Corporation that prompted Bristol deponents to criticise the suitability and usefulness of the port facilities at the head port of Gloucester. This encouraged deponents to support the claims made in Bristol's petition that condemned Gloucester as a 'place more unworthy,

¹⁸⁵ Jones (ed.), 'Bristol's petition, 1582', fol. 68v.

¹⁸⁶ Vanes (ed.), *Documents*, 31.

¹⁸⁷ Vanes (ed.), *Documents*, 29.

¹⁸⁸ E. T. Jones, 'The Bristol Shipping Industry in the Sixteenth Century' (unpublished PhD, University of Edinburgh, 1998), 121-3 and 136-7.

¹⁸⁹ Bryson, *Equity Side of the Exchequer*, 99.

and utterlye unmeete for so many causes to be a porte'.¹⁹⁰ Questions relating to the allegedly inadequate port facilities at Gloucester were included in seven of the thirteen interrogatories administered to Bristol merchants, ship masters, mariners and pilots in the first commission and five out of the seventeen interrogatories administered to Bristol witnesses in the second commission.¹⁹¹ Many of the Bristol interrogatories specifically encouraged Bristol deponents to provide information about Gatcombe – the main outport for the port of Gloucester. Bristol had previously described Gatcombe as a place 'where no Shipp of any convenient burthen can come'.¹⁹² In the longest and most demanding interrogatory submitted by either side across both commissions, Bristol deponents were asked:

do you know, the creeke called Gatcombe, yea or noe, yf yea Then what serviceable shippes and of what Burden may att all tymes & in safty fleet & come to and from the said Creeke called Gatcombe. And whether may shippes of all manner of convenient Burdens, safly come & goe unto that creeke and ther ryde and abide as in a sufficient Portes, to receave and mainteyne shippes of Convenient Burden for service or defencible for the trade of merchandiz. yf not at all tymes, Then at what tyde or tymes may shippes of convenient Burden, come and goe in saftye to the said creeke and ride & abide there and howe manie shippes may ride ther at on tyme And of what Burthen must the shippes be that shall come & goe at all tydes & tymes and of what Burthen must the shippes be of, that shall come & goe at quarter springe tyde And of What Burthen at half a springe tyde And so at a thirde and soe at a full springe tyde. And in your iudgment or opinion whether is that, or thother three creekes or all they meate to be a porte or portes of ladinge & discharginge of Shippes to and from the sea yea or no.¹⁹³

In this single interrogatory, Bristol deponents were asked to provide information regarding the number and size of the ships that Gatcombe had the capacity to hold at one time, whether this capacity changed at different times and tides and whether it was safe to maintain larger ships at Gatcombe. The last sentence of this interrogatory also encouraged deponents to make an overall judgement as to whether the facilities at Gloucester and Gatcombe were 'meate' and sufficient enough for Gloucester to be rightfully considered a head port. In the depositions relating to the functionality of Gloucester and Gatcombe, the level of detail provided by the Bristol merchants and mariners is noticeably greater than when the same deponents answered interrogatories

¹⁹⁰ Jones (ed.), 'Bristol's petition, 1582', fol. 70v.

¹⁹¹ See Appendix 1, fol. 2r., third, fourth, fifth, sixth, tenth, twelfth and thirteenth Bristol interrogatories; See Appendix 2, fol. 2r, fifth, sixth, seventh, eighth and twelfth Bristol interrogatories.

¹⁹² Jones (ed.), 'Bristol's petition, 1582', fol. 85r.

¹⁹³ See Appendix 1, fol. 2r., fourth Bristol interrogatory.

pertaining to other issues. In the first commission, the Bristol merchant William Stanfast stated:

that noe serviceable Shyppe or any other of above fortie tonnes can at all tymes in safetie fleet and come to and from the said Creeke called Gatcombe and he farther sayeth that there cannot ride there at one tyme aboue vij or viij [boats].¹⁹⁴

Although Bristol mariners Patricke Carter and John Barrett deposed that no ship ‘of aboue thyrty tonnes’ could come to Gatcombe, all three deponents made it very clear that this upper limit of thirty to forty ton burden ships was only applicable ‘at a full springe tyde’ – or in other words, at the time of the full and new moon.¹⁹⁵ When the tides were weaker, Carter stated that even ‘a boate of five tonnes cannot come and goe to gatcombe’.¹⁹⁶ Anecdotal evidence provided by Thomas Foster – a river pilot from Shirehampton who worked on the River Severn – also supported the Bristol Corporation’s argument that Gatcombe had limited use as an outport. This was because it could allegedly accommodate only small ships due to the depth of the channel there. Foster recounted how a Bristol merchant called Miles Dickenson wished to unlade a forty-four ton ship laden with salt at Gatcombe. Dickenson subsequently:

sente up Severne to get some skylfull pilott to bringe the same shipp thither *with* his burthen but as he hath harde the said dickenson and Lydger to reporte whoe were owners of the said Shipp noe Pilott of the said Ryver would take the charge uppon him to bringe the said Shipp *with* for ladinge unto Gatcombe thesaid Shipp drawinge then but tenne foot of water and stayinge in kingeroade about fyve dayes to be brought to Gatcombe, and therefore was not brought and discharged at Gatcombe but went to ~~kingeroade~~ hungeroade where she was discharged.¹⁹⁷

Foster suggested that none of the river pilots would help to navigate this vessel to Gatcombe because their experience taught them that it would be too dangerous. No pilot wanted to risk being personally responsible for the potential damage that could be caused to the vessel and its cargo. The suggestion that the skilled river pilots were unwilling to navigate ships to Gloucester’s main outport helped to substantiate Bristol’s claims that Gloucester was ‘utterlye umeete for so many causes to be a porte’.¹⁹⁸

¹⁹⁴ Ibid, fol. 4r., deposition of Stanfast to the fourth Bristol interrogatory.

¹⁹⁵ See Appendix 1, fols. 4r., 5r. and 6r., depositions of Stanfast, Carter and Barrett to the fourth Bristol interrogatory.

¹⁹⁶ Ibid, fol. 5r., deposition of Carter to the fourth Bristol interrogatory.

¹⁹⁷ Ibid, fol. 7r., deposition of Thomas Foster.

¹⁹⁸ Jones (ed.), ‘Bristol’s petition, 1582’, fol. 70v.

Beyond the depth of the channel at Gatcombe and the outport's ability to receive larger ships, Bristol deponents proclaimed Gatcombe insufficient for a host of other reasons. Carter described how the 'dangerus groundes' and the 'badnes of the haven' meant that most merchants 'dare not adventure neither their shipp nor goodes to Gloucester nor the other said Creekes' and even if they did, there was 'noe good moringe place for them there'.¹⁹⁹ Harrice went on to say how Gatcombe was blighted with 'raginge tydes [and] tempestes' that meant ships could 'neither be kept and maynteyned there *without* the lyke danger'.²⁰⁰ Apart from the alleged physical problems of Gatcombe, all of the Bristol merchants and mariners that deposed in the first commission agreed that 'there is noe towne or populus place neere the said creeke of Gatcombe that reasonable maye have intelligence or *make* restraynte yf her *majestie* shoulde be deceived in discharginge ladinge or transpassinge of victuals and *prohibited* wares'.²⁰¹ These claims relate to one of the Crown's strategies to curtail smuggling during the sixteenth century and were effectively another angle from which Bristol could attack the suitability of Gatcombe as an outport. The Crown sought to encourage members of the public to inform the authorities if they had any knowledge regarding smuggling offences committed by any individual or groups of merchants. As an incentive, the Crown offered half of the proceeds to any informer who successfully seized illicit goods and oversaw a successful prosecution.²⁰² By claiming that there was no population at Gatcombe, Bristol deponents suggested that nobody would be in a position to submit information about the illicit trade there. Bristol deponents therefore intimated that it was less likely that those using Gatcombe for engagement in illicit trade would be caught. Gatcombe, the main outport of Gloucester, was thus characterised by the Bristol deponents as an uninhabited and dangerous smuggling haven, that could only be used at the highest of spring tides.

Apart from condemning Gatcombe, the Bristol merchants provided much evidence to support the claims made in Bristol's petition that Gloucester's 'state and maytenaunce especially towards the saide Cytie standeth upon grasinge and husbandrye There are no *merchauntes* there Neither have they any tynne leade or other kynde of *marchaundize* lafull'.²⁰³ Carter claimed that 'yf it be not a good apple and fruitfull yere they of Gloucester and the said other creekes maye moare upp the most *parte* of

¹⁹⁹ See Appendix 1, fol. 6r, deposition of Carter to the thirteenth Bristol interrogatory.

²⁰⁰ See Appendix 2, fol. 4r., deposition of Harrice to the fifth Bristol interrogatory.

²⁰¹ See Appendix 1, fols. 4r., 5r. and 6r., depositions of Stanfast, Carter and Barrett to the fifth Bristol interrogatory.

²⁰² For more detail regarding this policy, see Jones, *Inside the Illicit Economy*, 59-61.

²⁰³ Jones (ed.), 'Bristol's petition, 1582', fols. 68r. and 68v.

their owne shippinge and boates'.²⁰⁴ The implication here is that there were no full-time merchants in Gloucester and that there were therefore few Gloucester men with the necessity or motivation to use Gloucester's head port. The mariners that Carter referred to are qualified as essentially part-time seasonal mariners in that Carter believed that they only made voyages when there was a good apple harvest and therefore a surplus of fruit in Gloucester. Similarly, four out of the five Bristol merchants and mariners stated that Gloucester had an extremely limited choice of goods that it could legally export. The deposition of Warren and the consensus of the other Bristol deponents was that Gloucester could export 'onlie corne grayne fruite and syder'.²⁰⁵ Although the laws regarding the exportation of grain changed throughout the sixteenth century, it seems that for the vast majority of the period it was extremely difficult to legally export grain without royal permission and the acquisition of an expensive license.²⁰⁶ The situation with the apples and pears that the Bristol deponents claimed were exported from Gloucester was completely different. Due to the perishable nature of these fruits, it was deemed so unlikely that any person would try to export them overseas that it was not even necessary to take out a costal cocket to ship these fruits domestically.²⁰⁷ The Bristol deponents thus stated that Gloucester had no legal and viable goods that could be exported overseas. It was thus suggested that the head port at Gloucester was effectively redundant.

Gloucester provided a convincing defence to counter Bristol's condemnation of their port as both unusable and largely irrelevant to the farmers that allegedly inhabited Gloucester. Gloucester used their first interrogatory in both commissions to ask witnesses:

are yowe, or have yowe ben a marryner or officer in any shipp bark boate or trowe, and howe longe tyme or have yowe vsed any trade of Carriage ventring ladinge or passage of any commodities wares or merchandizes by thesaid River of Severne, to Bristoll Devonshire Cornwall wales and Irelande, or any other partes beyonnde the seas and howe longe tyme.²⁰⁸

The Gloucester deponents' responses to this interrogatory highlighted the overstated and inaccurate nature of many of Bristol's claims about Gloucester's head port. A number of

²⁰⁴ See Appendix 1, fol. 5r, deposition of Carter to the sixth Bristol interrogatory.

²⁰⁵ See Appendix 2, fol. 4r., deposition of Warren to the eighth Bristol interrogatory.

²⁰⁶ Jones, *Inside the Illicit Economy*, 207-11.

²⁰⁷ W. B. Willcox, *Gloucestershire: A Study in Local Government 1590-1640* (London, 1940), 153-4.

²⁰⁸ See Appendix 1, fol. 8r., first Gloucester interrogatory: Appendix 2, fol. 5r., first Gloucester interrogatory.

the witnesses provided by Gloucester appear to have had long and successful careers as mariners, working mainly through Gloucester and its surrounding creeks. Gloucester mariner John Whooper claimed to ‘hath traded by the ryuer of seuerne by the space of those threskore yeeres’.²⁰⁹ Other deponents also claimed to have frequently traded abroad. William Combley described how ‘he hath trauelled the Ryver of severne and into the coastes of Irelande and Franncce for forty yeeres paste’.²¹⁰ Similarly, Edward Barston deposed that he had frequently traded into ‘Franncce Spayne and Portiugale’ during the previous sixteen years.²¹¹ The depositions of these experienced career-mariners clearly undermined the assertions – made in Bristol’s petition and supported by deponents such as Carter – that the inhabitants of Gloucester ‘are all husbandmen’ who only took to using the trade of the River Severn when there was a good apple harvest.²¹² The range of goods purportedly exported and imported by the deposing Gloucester mariners also rebutted Bristol’s arguments that Gloucester had no ‘kynde of marchaundize lawfull’ to trade and that the port could therefore only be used by smugglers.²¹³ In the first commission, Henrie Browne deposed that he had ‘transported clothe, leade and other lafull merchandizes to Galisia Andolazia Portuigall and Lushborne’.²¹⁴ William Tyler focused upon some of the imports that came directly to Gloucester from France and Spain amongst other places. Tyler deposed that ‘he himself hath brought thither wine trayne oyle and hearring from the coaste of Irelande spaine franncce and wales’.²¹⁵ The evidence provided by the Gloucester deponents demonstrated that Gloucester port was not as unusable as had been suggested by Bristol. There were plenty of local mariners who benefitted from the port and were able to use it to engage in coastal and overseas trade. Indeed, all of the Gloucester deponents of the first commission agreed with William Grasinge when he deposed that the Port of Gloucester was ‘frequented and haunted with marchanntes wares and marchanndizes booth to serue inwarde and outwarde, and thincketh the same meete to be contynued for thesame purposes’.²¹⁶

²⁰⁹ See Appendix 2, fol. 7r., deposition of Whooper to the first Gloucester interrogatory.

²¹⁰ Ibid, fol. 6r., deposition of Combley to the first Gloucester interrogatory.

²¹¹ Ibid, fol. 6r., deposition of Barston to the first Gloucester interrogatory.

²¹² Jones (ed.), ‘Bristol’s petition, 1582’, fols. 68r. and 68v: See Appendix 1, fol. 5r., deposition of Carter to the fifth and sixth Bristol interrogatories.

²¹³ Jones (ed.), ‘Bristol’s petition, 1582’, fol. 69r.

²¹⁴ See Appendix 1, fol. 13r., deposition of Browne to the second Gloucester interrogatory.

²¹⁵ Ibid, fol. 14r., deposition of Tyler to the second Gloucester interrogatory.

²¹⁶ See Appendix 1, fol. 10r., deposition of Grasinge to the second Gloucester interrogatory.

The Gloucester deponents defended the capabilities of Gatcombe to receive large ships. However, these arguments were a little less convincing. Rychard Skhopez, a Gloucester deponent in the second commission, argued:

that a shipp of one hundred tonnes laden will come to / and by at Gatcombe and Barkley, and retorne thence / safelie againe / and that he himself dare undertake to be one *within* that ship to *perfourme* the same.²¹⁷

Four more Gloucester deponents – two from each commission, came close to matching Skhopez’s claims when they stated that they could ‘bringe a shippe of lxxx tonnes laden with merchandizes to Barckleyes haven and gatcombe’.²¹⁸ These claims were bold but unsubstantiated because none of the deponents could name any occasions when a vessel of this size had actually come to Gatcombe. The lack of supporting evidence in the overseas and coastal accounts for the port of Gloucester all but confirms that ships this big never came to Gatcombe or Gloucester’s other proximate creeks in the sixteenth century.²¹⁹ Other Gloucester deponents did however provide evidence to show that ships with thirty to fifty ton burdens could and did come to Gatcombe. William Combley named specific ships that ‘hath dischardged at Gatcombe newnham’ including the ‘Fawlcon mallyarde’.²²⁰ The Falcon of Tewkesbury is recorded to have been used by Edward Barston (one of the Gloucester deponents in the second commission) and the Gloucester merchant Thomas Mallard (the ship’s namesake), for overseas trade. Entries in the 1581-2 Gloucester Port Books suggest that the Falcon had a thirty to forty ton burden. This is broadly in line with the information provided in Combley’s deposition when it is taken into account that the burden figures provided by both deponents and in the Port Books were approximations.²²¹ Other Gloucester deponents also described how they made frequent use of Gatcombe because it was ‘reasonable faire to have accesse unto’ – or in other words Gatcombe was easily accessible for those living near the upper reaches of the Severn. The ‘stoare howses besides the Dwellinge howses newly builded’

²¹⁷ See Appendix 2, fol. 8r., deposition of Skhopez to the fifth Gloucester interrogatory.

²¹⁸ See Appendix 1, fols. 10v. and 11v., depositions of Grasinge and Barrett to the sixth Gloucester interrogatory; See Appendix 2, fol. 7v., depositions of Smythe and Wyntle to the fifth Gloucester interrogatory.

²¹⁹ TNA:PRO, E190/1129/8, E190/1129//13, E190/1129/15, E190/1129/17, E190/1129/19, E190/1129/20, E190/1241/1-16: Wanklyn, et al., ‘Gloucester Port Books, 1575-1765’.

²²⁰ See Appendix 2, fol. 6v., deposition of Combley to the fifth Gloucester interrogatory.

²²¹ TNA:PRO, E190/1241/5.

offered sufficient storage facilities for merchandise and their ships ‘may be there preserved and kepte aswell as at Hungerode’.²²²

It is significant that all of the Gloucester deponents from the first commission unanimously agreed with the claims made in Gloucester’s answer when they deposed that ‘the creekes of Gloucester newenham & Gatcombe and Berckley are used nowe, as they have ben tyme owte of mynde and noe otherwise’.²²³ These depositions support the claims made in Gloucester’s answer that Gloucester and the creeks surrounding it had always been, out ‘of necessitie used by the tolleracion or appointment of Bristoll, for ladinge and discharginge places’.²²⁴ It would seem that despite the fact that goods declared at the Bristol customs house should technically have been unloaded at one of Bristol’s two main keys – at least after the passing of the 1559 Act, the customs officials at Bristol had exercised discretionary powers to allow ships to lade and unlade at Gatcombe, Newnham and Gloucester.²²⁵ This could be done under the supervision of the Clerk of the Creeks – a technical deputy of the Bristol searcher that was appointed by letters patent.²²⁶ The deponents’ claims that this practice had existed for ‘tyme owte of mynde’ is attested by Jones’ identification of a 1492/3 account in which a separate section was provided for the vessels making use of the ‘Crekys’ – in other words, creeks such as Gloucester, Gatcombe and Newnham.²²⁷ The fact that the customs officials of Bristol had allowed such a practice and that the creeks had been used as places of lading and unlading long before the establishment of the head port at Gloucester, suggests that the Bristol deponents’ concerns regarding the ‘dangerus groundes’ of the creeks and the general ‘badnes of the haven’ were overstated.²²⁸

²²² See Appendix 1, fol. 15r., deposition of Lewes to the fourth Gloucester interrogatory: See Appendix 2, fol.7r., deposition of Lewes to the sixth Gloucester interrogatory: See Appendix 2, fols. 7v. and 8r., depositions of Smythe and Skhopez to the fifth Gloucester interrogatory.

²²³ See Appendix 1, fols. 10v., 11v., 13r., 14r. and 15r., depositions of Grasinge, Barrett, Browne, Tyler and Lewes to the fifth Gloucester interrogatory.

²²⁴ Jones (ed.), ‘Bristol’s petition, 1582’, fol. 85r.

²²⁵ The 1559 Act stated that goods involved in overseas trade could only be laded and unladed at quays officially appointed by the Crown. The ‘Quay’ and the ‘Back’ of Bristol were the only two official lading and unlading places appointed to the Port of Bristol: ‘An Acte limiting the tymes for laying on Lande Marchandise from beyonde the Seas, and touching Customes for Sweete Wynes’, *Statutes of the Realm*, IV, 372-4. For a fuller discussion of how the goods involved in overseas trade were processed by the Port of Bristol in the sixteenth century: Jones, *Inside the Illicit Economy*, 72-80.

²²⁶ E. T. Jones (ed.), ‘Exchequer Decree to turn the Port of Cardiff into a member port of Bristol, 18 June 1567’, (University of Bristol, ROSE, 2011), see note 9.

²²⁷ Jones, *Inside the Illicit Economy*, 75, see note 32.

²²⁸ See Appendix 1, fol. 6r, deposition of Carter to the thirteenth Bristol interrogatory.

Bristol's attempts to prove that Gloucester was 'utterly unmeet for so many causes to be a porte' were therefore unconvincing and easily rebutted by Gloucester.²²⁹ This was done through both the answer it provided to Bristol's petition and through the depositions taken by both commissions. By attempting to show that Gloucester was inadequate and redundant as a port, Bristol presumably sought to challenge the key justifications for bestowing head port status upon Gloucester. This was that the port would benefit the towns of the upper Severn whose previous abilities to engage in trade had apparently been hampered by a lack of a port further north of Chepstow.²³⁰ If Bristol could have shown that Gloucester port was to all extents and purposes unusable, then little benefit could have been gained by the Severn towns by maintaining Gloucester's head port status. The main weakness with this line of argument was that Gloucester could effectively challenge its validity by providing deponents from the upper reaches of the Severn that had first-hand experience of using the port to trade. As the previous analysis has shown, Gloucester did this to great effect. Similarly, Gloucester's Port Books were in the possession of the Exchequer and although these showed that the amount of overseas trade conducted through the head port at Gloucester was small compared to Bristol, Bristol's assertions that Gloucester had no 'kynde of marchaundize lafull' and 'no trade of merchandize be therby encreased' could easily have been identified as incorrect by the Exchequer.²³¹

Beyond constituting a direct attack on the justifications given for establishing a head port at Gloucester, the overstated nature of this part of Bristol's argument also reveals the sense of ownership that Bristol had over the trade of its greater port. Some of the barbed and sarcastic comments made in Bristol's replication suggest that Bristol judged the sufficiency and usefulness of Gloucester's port not by whether the trade of the Severn towns could benefit through the port, but solely on the lack of advantage it bestowed upon Bristol merchants. Ignoring the fact that smaller vessels could easily make use of Gloucester's port, Bristol sarcastically declared that 'it cannot be denied but that Gloucester were a necessary porte: yf there were water to bringe Shippes thether, and so were Coventrye also'.²³² The alleged inadequacy of the port of Gloucester was therefore based upon the fact that for Bristol merchants and their larger ships, Gloucester had as much use as the distinctly inland and non-existent port at Coventry.

²²⁹ Jones (ed.), 'Bristol's petition, 1582', fol. 70v.

²³⁰ *Calendar of Patent Rolls* (London, 1901-1986; repr. London, 1999-2008), 1578-1580, no.1338.

²³¹ Jones (ed.), 'Bristol's petition, 1582', fols. 69r. and 86v.

²³² *Ibid.*, fol. 84v.

Bristol displayed a similar attitude in its response to Gloucester's claims that Gatcombe, Gloucester and Newnham had historically been used as places of lading and unlading by mariners of the Severn towns. Bristol flatly denied that this could possibly be the case and stated that 'there is nowe a greater number of lading and discharging places, then were before by as many as ther Creekes turned into Portes, for Bristowe merchantes did not lade nor discharge in their Creekes'.²³³ Once again, Bristol affirmed that the argument should be framed around the use that Bristol merchants had for these creeks. The usage of these creeks by mariners from the smaller Severn towns was deemed irrelevant. The notion that the trade of the Bristol merchants was the only trade that mattered was further reinforced when Bristol dismissed Gloucester's arguments regarding its city's historic use of the 'trade of merchaundize' because the traders from Gloucester were not 'mere merchants' like those of Bristol.²³⁴ Bristol retorted that 'it is to be thoughte that it was meante merchauntes retaylers, and not merchauntes venturers'.²³⁵

Bristol's perception that they should rightfully own and control the trade of the greater port is further borne out by a dispute that broke out between the two cities in 1575.²³⁶ This occurred shortly after Gloucester had become a member port of Bristol. The officers of the customs house at Bristol issued a set of seven articles to the officers of the customs house at Gloucester in which it was asserted that the Gloucester officials had to yield to the demands and authority of the Bristol officials regarding a number of matters. The Bristol customs officials issued a series of demands that were impossible for the Gloucester officials to follow in practice, including:

That they by this deputation shall not take entry for any goodes inwarde excepte thesame be dischargdged out of the self same bottome at Glouc or above *which* brought the goodes into englande from the *parties* beyonde the seas.²³⁷

This effectively prohibited ships travelling to Gloucester from unloading consignments into smaller vessels or lighters at Gatcombe, in order to safely complete the journey to Gloucester. As identified in the previous analysis and also noted in the response of the Gloucester customs officials, the functionality of the port at Gloucester relied upon the

²³³ Ibid, fol. 85r.

²³⁴ It was a requirement that those wishing to become a member of Bristol's Society of Merchant Venturers (founded in 1552) should live solely off the profits of overseas trade.

²³⁵ Jones (ed.), 'Bristol's petition, 1582', fol. 83r.

²³⁶ See Appendix 3, fols. 1v. - 4v.

²³⁷ Ibid, fol. 1v.

practice of vessels being able to ‘break boulike at Barckley, Gattcom, and newnam just as the Bristowe mean doth from kingrode to Bristowe’.²³⁸ By denying the Gloucester customs officials the authority to allow ships to ‘break boulike’ at Gloucester’s recognised outports, the Bristol customs officials could essentially limit the use of Gloucester to only the smallest of ships – for it was recognised even by Gloucester that only ‘barkes of xxiiii^{ti} ton’ could come to the quay at Gloucester.²³⁹ As discussed previously, ships travelling to Gloucester had always used Gatcombe to ‘break boulike’ with the permission of the customs officials at Bristol and under the supervision of the Clerk of the Creeks. However, the Bristol customs officials refused to allow this practice once Gloucester gained a degree of autonomy in the form of its status as a member port in 1575. When this is viewed in the context of Bristol’s assertions that ‘*Gloucester* always and maie have the use of the Creekes for all necessarye purposes under controlement’, it seems that Bristol’s fundamental objection to Gloucester’s use of Gatcombe was not that Gatcombe was insufficient or dangerous, but that the Bristol officials could no longer exert authority over the mariners that chose to lade and unlade there. It thus seems that Bristol’s desire to own and control all of the trade of the Bristol Channel lay behind Bristol’s wider objections to the establishment of a head port at Gloucester.

The Supply of Grain

Another key part of Bristol’s petition focused upon how the establishment of the head port at Gloucester had affected the transport of grain down the River Severn.²⁴⁰ The importance of this issue to Bristol’s overarching argument is highlighted by the fact that Bristol provided a separate set of interrogatories that was answered by the one baker who deposed in the first commission. These questions focussed exclusively on the flow of grain down the River Severn since the establishment of the head port at Gloucester.²⁴¹ Similarly, two thirds of the deponents provided by Bristol during the second commission were either brewers or bakers by trade – the professions that were most obviously affected by the supply of grain in Bristol.²⁴²

The main complaint detailed in Bristol’s petition was that:

²³⁸ Ibid, fol. 2r.

²³⁹ Jones (ed.), ‘Bristol’s petition, 1582’, fol. 83r.

²⁴⁰ Ibid.

²⁴¹ See Appendix 1, fol 3r.

²⁴² See Appendix 2.

Since Gloucester hath ben A porte, they have restreyned greyne to come to Bristoll, So as when they have occasion, they must travel to Gloucester for a cocket, and ther if they obteyne it, the same is not without greate difficultie, which maketh a greate change in the saide Cytie of Bristoll.²⁴³

It was thus claimed that the establishment of the head port at Gloucester threatened Bristol's ability to procure enough grain to fuel its baking and brewing industries and to feed its inhabitants. Depositions from both Bristol and Gloucester witnesses seem to confirm that Bristol had previously received the bulk of its grain from towns in the upper Severn region. Bristol baker Henrie Paynter declared that 'Bristoll to have bin these C^{tie} yerres and more, greatlie and cheifelie maynteyned *with* Corne and grayne for their *provision* from Glocester and Tewexburie and other Creekes upp Seaverne'.²⁴⁴ Gloucester had also previously claimed that 'Gloucester Keye is the place where three *partes* of all graine the hole beinge devided into foure is laden for Bristoll devonshire Cornwall Wales and Irelande'.²⁴⁵ The reason given for Bristol's use of the grain grown in Gloucester's hinterland was that Bristol was surrounded by 'barraine soyles' that produced little grain whilst Gloucester's hinterland was 'more fertill for corne then the places nere Bristoll'.²⁴⁶ Gloucester therefore frequently had a surplus. Peter Clark goes as far as to identify Gloucester's marketing role within the trade of cereals as Gloucester's 'main strength' in terms of the city's trade.²⁴⁷ It was thus not that surprising that Bristol should rely on its neighbour's rich supply of grain to feed the city's needs.

Prior to the establishment of a head port at Gloucester, it seems that the city's ability to distribute grain independently of Bristol's authority was extremely limited. After the 1543 Act, merchants shipping grain down the Severn to Bristol were required to obtain a coastal cocket that stated the port that the vessel had come from, the port it was destined for and how much grain it was carrying.²⁴⁸ Failure to comply with these regulations could lead to grain being seized and sold at Bristol.²⁴⁹ The 1565 Book of

²⁴³ Jones (ed.), 'Bristol's petition, 1582', fol. 70r.

²⁴⁴ See Appendix 2, fol. 3r., deposition of Paynter to the fourteenth Bristol interrogatory.

²⁴⁵ See Appendix 3, fol. 3r.

²⁴⁶ See Appendix 2, fols. 3r. and 6v., deposition of Kydwelleter to the fourteenth Bristol interrogatory, deposition of Combley to the ninth Gloucester interrogatory.

²⁴⁷ P. Clark, 'The Ramoth-Gilead of the Good: Gloucester 1540-1640', in P. Clark, A. G. R. Smith and N. Tyacke (eds.), *The English Commonwealth 1547-1640: Essays in Politics and Society presented to Joel Hurstfield* (Leicester, 1979), 172.

²⁴⁸ 'An Acte for the Preservacion of the Ryver of Severne' (1543), *Statutes of the Realm*, III, 906-7.

²⁴⁹ *Ibid.*

Orders clarified that these cockets had to be ‘made in Parchement, and sealed, subscribed and delivered openly in the Custome-house’.²⁵⁰ As noted in Gloucester’s answer in 1582, Gloucester merchants wishing to ship grain to Bristol technically had to embark on ‘lx myles travel to fro Bristoll for a Cockett’ before any grain could be dispatched.²⁵¹ This inconvenience was noted by a number of Gloucester deponents in both commissions. For instance, Edward Barston described how he had been ‘enforced to travaill to Bristoll to his greate chardge for obteyninge his cockettes at Bristoll / which were before Denied unto other men in his name’.²⁵² Other Gloucester deponents also suggested that they had frequently been overcharged for these cockets. Richard Hyette deposed that he had ‘paied tenne shillinges for a Cockett at Bristoll aboute twoe yeeres before therrecion of the custome howse in Gloucester’.²⁵³ Compared to the ‘iis viiid’ that the Bristol Corporation claimed was the standard price for such a cocket, the ten shillings allegedly paid by Hyette was extortionate.²⁵⁴ It would thus seem that on occasions the Bristol customs officials used the requirement of these cockets to delay, inconvenience and extort the Gloucester merchants that shipped grain domestically.

Before the publication of the 1565 Book of Orders, it seems that there was some degree of flexibility regarding how grain cockets were issued. In a petition made by the city of Gloucester between 1538 and 1544 and in Gloucester’s petition to be made a head port in 1575, it was claimed that ‘the Towne of Tewkesburie hadd libertie to grannte Cockettes and had a Seale for that purpose’.²⁵⁵ This suggests that the water bailiff at Tewkesbury had been given permission and equipment by the Bristol customs officials to grant cockets for the shipment of grain down the Severn. Although it is not certain how long Tewkesbury held this privilege, the 1538-44 Gloucester petition claimed that this arrangement had been established purely ‘to convey Grayne Corne unto the towne of Brystoll’ and subsequently led to ‘moche decaye of Corne in diverse partes abowte the said towne’ of Gloucester.²⁵⁶ The delegation of the authority to grant cockets to the Tewkesbury bailiff would have made shipping grain from Tewkesbury to Bristol

²⁵⁰ ‘The Rules and Order made by Queen Elizabeth in the 7th Year of her Reign, to be observed by all Officers of the Customs, and all Merchants and Traders in all the Ports in England and Wales’ in B. ., *A sure guide to merchants, custom-house officers, &c. or the modern practice of the Court of Exchequer; in prosecutions relating to His Majesty's revenue of the customs. ... By an officer of the customs* (London, 1730), 433.

²⁵¹ Jones (ed.), ‘Bristol’s petition, 1582’, fol. 87v.

²⁵² See Appendix 2, fol. 6r., deposition of Barston to the fifteenth Gloucester interrogatory.

²⁵³ Ibid, fol. 7r., deposition of Hyette to the fifteenth Gloucester interrogatory.

²⁵⁴ Jones (ed.), ‘Bristol Petition, 1584’.

²⁵⁵ See Appendix 3, fol. 3v.: TNA:PRO, C1/993/16.

²⁵⁶ TNA:PRO, C1/993/16.

more convenient because the trowmen would not need to go to Bristol first to obtain a cocket. Tewkesbury mariners also had exemption from the tolls that Gloucester claimed the right to levy on goods passing Gloucester bridge in both directions – as established in Tewkesbury’s new borough charter of 1483.²⁵⁷ This meant that Bristol could obtain grain supplies from Gloucester’s hinterland without having to trade with Gloucester or pay Gloucester’s tolls – essentially bypassing Gloucester altogether. Tewkesbury’s ability to grant cockets and the exemption that it had from Gloucester’s tolls gave Tewkesbury a competitive advantage over Gloucester when it came to selling grain to Bristol. This could explain the apparent long-term preference of Bristol to obtain most of the grain that it procured from the upper reaches of the Severn ‘from Tewexburie especiallie’ rather than Gloucester. This trend was alluded to by a Bristol deponent in the first commission.²⁵⁸ It was also noted by Taylor in an examination of domestic grain shipments between Bristol, Tewkesbury and Gloucester in the 1580s.²⁵⁹ Taylor suggested that Bristol brought more grain from Tewkesbury in the 1580s because its objections to Gloucester’s head port soured commercial relations between the two cities. However, it seems likely that Bristol’s preference for trading with Tewkesbury predated this dispute. Although Gloucester could theoretically have found other markets for its grain, the city’s coastal grain trade continued to rely upon the willingness of the Bristol customs officials to grant cockets. In terms of overseas trade, the 1543 Act stipulated that any grain being exported from the Severn had to be weighed at Bristol whilst the 1559 Act meant that this grain could only be shipped from the two official quays of the port of Bristol – those within the city of Bristol itself.²⁶⁰ Whilst Bristol seemed to prefer to buy Tewkesbury grain, Gloucester continued to remain dependent on the whims of the Bristol customs officials when it came to the marketing and distribution of their own grain.

The transportation of grain from Tewkesbury to Bristol and Gloucester’s exclusion from this grain trade was a cause of great resentment and frustration for Gloucester. This is demonstrated by a number of incidents that occurred during the sixteenth century. Early

²⁵⁷ N. Herbert, ‘Medieval Gloucester: 1066-1547’, an extract from *The Victoria History of the Counties of England: Gloucestershire, Volume IV: The City of Gloucester* (Gloucestershire Record Office, 1993), 43-4; Willcox, *Gloucestershire*, 148-9.

²⁵⁸ See Appendix 1, fol. 7r, deposition of Phyllipes to the second Bristol interrogatory administered to bakers, brewers and victuallers.

²⁵⁹ Taylor, ‘Maritime Trade’, 103-4.

²⁶⁰ ‘An Act for the Preservacion of the Ryver of Severne’ (1543), *Statutes of the Realm*, III, 906-7: ‘An Acte limiting the tymes for laying on Lande Marchandise from beyonde the Seas, and touching Customes for Sweete Wynes’ (1559), *Statutes of the Realm*, IV, 372-4.

in the century, there were reports of the Gloucester burgesses throwing stones and shooting arrows at passing vessels and on some occasions forcing trowmen to stop and sell their goods in Gloucester.²⁶¹ In 1531, Bristol men shipping grain from the upper Severn region had their cargo illegally seized upon the instruction of the Gloucester mayor.²⁶² He then sold the grain and allegedly kept the profits. The mayor and sheriffs were later summoned to the Star Chamber to explain these actions. In 1554, Bristol again had cause for complaint when the Gloucester mayor refused to allow the passage of a down-river shipment of grain that according to the Bristol mayor was ‘for the inabitores of the said Citte of Bristoll’.²⁶³ However, the most dramatic attempt made by Gloucester to prevent grain from bypassing the city was the purchase and installation of ‘a chaine weyinge ahundred twentie twoe poundes at twoe pence the ponde beinge Commanded by Master maior to make the same for to hange over Severne to lett the Carriage of Corne’.²⁶⁴ Gloucester saw fit to match the legislative barriers against their own participation in the grain trade with a physical metal barrier that would hamper the trade of grain that bypassed Gloucester. The chain was installed in 1572 and appears to have been used intermittently for the remainder of the century. The River Severn was closed off at times when Gloucester deemed that too much grain was leaving the region.²⁶⁵ It is against this background of tension and frustration that the subsequent allegations made in Bristol’s petition and by Bristol’s deponents regarding the supply of grain need to be read.

The complaints made in Bristol’s petition that Gloucester had ‘restreynd greyne’ following the establishment of the head port, were well supported by the depositions taken by both commissions. In a reversal of fortunes, one of the main issues highlighted by the Bristol deponents was the difficulty of procuring the necessary coastal cockets that were required to transport grain down the River Severn. Prior to the creation of a head port at Gloucester, these cockets would be issued by the Bristol authorities. The establishment of the head port at Gloucester effectively meant that the Gloucester customs officials took over this responsibility. Gloucester had asserted that issuing coastal cockets for grain leaving the Severn valley was their prerogative even when it was a member port of Bristol in 1575:

²⁶¹ Herbert, ‘Medieval Gloucester’, 43-4.

²⁶² Latimer, *Annals of Bristol*, 35-6.

²⁶³ TNA:PRO, E122/172/17.

²⁶⁴ GBR, F/4/3, fol. 152r.

²⁶⁵ Willcox, *Gloucestershire*, 139. The Privy Council ultimately ordered the removal of the chain in 1598.

youe nede not to grannte any Cockettes to suche as muste lade *within* the viewe of the Customers of Gloucester neither can it be for any manns case to fetch a Cockett *with* youe beinge at the leaste Threscore myles to & from Gloucester.²⁶⁶

Despite this statement, it seems that the Bristol customs officials continued to issue cockets for downstream shipments of grain since the deposing Bristol bakers and brewers complained that ‘their cockettes brought from bristoll would not be allowed by the officers of Glocester’.²⁶⁷ The attempts of the Bristol men to ship grain down the Severn were thus thwarted by the Gloucester customs officials’ refusal to recognise the cockets from Bristol. However, this technical issue regarding coastal cockets was not the most significant setback to Bristol’s attempts to procure grain supplies from the upper Severn region. In both commissions, Bristol deponents claimed that trowmen who had been sent to Gloucester seeking grain had simply been told upon arrival that ‘the cuntrie coulde not spare it’.²⁶⁸ They were thus sent back to Bristol without grain whether or not they had an acceptable cocket. John Wylkes, the Master of the Company of Bristol Bakers, claimed that ‘the bakers of Bristoll have not had in the space of twoe yeres last past before the purchasing of this Comission aboue twoe quarters of wheat from Glocester or aboue glocester’.²⁶⁹ Other deponents agreed and asserted that the establishment of the head port at Gloucester meant that Bristol ‘coulde not have their provysion of corne and grayne from Glocester and the cuntries from thence upp seaverne as they coulde have before’.²⁷⁰ These claims that the flow of grain to Bristol had practically stopped are supported by the evidence found in the coastal and overseas accounts by Duncan Taylor. Taylor shows that in 1581/2, no merchants from Gloucester were shipping any type of grain to Bristol, instead dispatching many off their grain shipments to Carmarthen.²⁷¹ Although Taylor suggests that this change in trading strategy was a direct retaliation against Bristol’s attempts to petition the crown to revoke Gloucester’s head port status, it is also possible that it had simply become more profitable for Gloucester merchants to ship grain to Carmarthen.²⁷² This possibility was

²⁶⁶ See Appendix 3, fol. 2r.

²⁶⁷ See Appendix 1, fol. 7r., deposition of Phyllipes to the fourth Bristol interrogatory administered to bakers, brewers and victuallers: See Appendix 2, fol. 3r., depositions of Paynter and Rothelles to the fourteenth Bristol interrogatory.

²⁶⁸ See Appendix 1, fol. 7r., deposition of Phyllipes to the fourth Bristol interrogatory administered to bakers, brewers and victuallers.

²⁶⁹ See Appendix 2, fol. 3r., deposition of Wylkes to the fourteenth Bristol interrogatory.

²⁷⁰ See Appendix 1, fol. 7r., deposition of Phyllipes to the seventh Bristol interrogatory administered to bakers, brewers and victuallers. All of the bakers and brewers in the second commission also made similar claims.

²⁷¹ Taylor, ‘Maritime Trade’, 101-4, see figure 4.2.

²⁷² *Ibid.*, 103-4.

alluded to by the Gloucester deponent Henrie Browne, when he stated that ‘thinhabitantes of Tewxburie and Glouc be reddie at all tymes to serve the Cittie of Bristoll, with malt and other graine, having a convenient gaine for their venter and travel’.²⁷³ The reference to the necessity of a ‘convenient gaine’ emphasises the fact that Gloucester merchants sold grain in order to make a profit. If a greater profit could be made by legally selling the grain elsewhere then the Gloucester merchants were at liberty to take that opportunity. The establishment of the new head port gave Gloucester the ability to grant its own cockets and to ship grain directly to other places without the interference of Bristol. This inevitably meant that there were times when it would be advantageous for the Gloucester merchants to ship grain to places other than Bristol – such as Carmarthen. The lack of grain shipped to Bristol in 1581 and 1582 was therefore partly a consequence of the increased economic independence granted to Gloucester through its head port and the new elements of competition associated with this legislative change.

It is clear from the depositions made by Bristol witnesses that Bristol perceived the new competitive advantage bestowed upon Gloucester in a very different light. The language used by Bristol’s deponents reveals the sense of entitlement that the city felt it had to the agricultural produce of Gloucester’s hinterland. The Bristol baker Anthony Phyllipes referred to how the Bristol bakers had ‘demanded corne’ from Gloucester whilst Bristol merchant John Harrice described how Bristol were ‘enforced to *provyde* themselves of Corne on horse backes fortie miles into the lande warde’.²⁷⁴ The idea that Bristol had the right to simply demand grain suggests that Bristol perceived Gloucester to have a duty to supply it. This opposed the notion that transporting grain was a commercial activity that Gloucester men engaged in for profit. Harrice’s assertion that Bristol had been ‘enforced’ to seek grain elsewhere hints at a similar sense of indignation that Bristol could not simply claim the grain that was most proximate and convenient for their purposes – because it inconveniently belonged to Gloucester. These sentiments echoed the tone that was set in Bristol’s replication when Bristol asserted that their need for grain should be prioritised by Gloucester and that Bristol ‘maye be first served, as it is meet necessary’.²⁷⁵

²⁷³ See Appendix 1, fol. 13v., deposition of Browne to the eleventh Gloucester interrogatory.

²⁷⁴ See Appendix 1, fol. 7r., deposition of Phyllipes to the fourth Bristol interrogatory administered to bakers, brewers and victuallers: See Appendix 2, fol. 4r., deposition of Harrice to the ninth and tenth Bristol interrogatories.

²⁷⁵ Jones (ed.), ‘Bristol’s petition, 1582’, fol. 84v.

The majority of Bristol deponents followed the logic of the Bristol baker, John Wylkes, who argued that ‘the reason of the not comminge of Corne to Bristoll nowe as ~~he~~ it hath donne to be that they of Gloucester doe transept it and vent it elsewhere beyonde the seas’.²⁷⁶ None of the Bristol deponents from either commission could provide any evidence to support the claim that Gloucester illicitly exported much of the grain that used to be shipped to Bristol. Nevertheless, the assumption that a reduction in the flow of grain to Bristol must have meant more grain was being illicitly exported was repeated in various forms by a number of the Bristol deponents.²⁷⁷ A Bristol brewer, John Kydwelleter, made the rationale behind this assumption completely clear when he stated that ‘other cause or reason how of he cannot yealde but that Corne is more transported from Glocester then before’.²⁷⁸ The Bristol merchants simply refused to accept that the establishment of the new head port gave Gloucester merchants the freedom to legally sell grain elsewhere. Bristol refused to accept that other regions could feasibly outcompete them to obtain these supplies of grain. This led Bristol deponents such as Kydwelleter to the conclusion that grain must have been illicitly exported from Gloucester, despite that fact that no evidence could be provided to support this assertion. Bristol’s clear sense of entitlement to Gloucester’s grain supplies and their refusal to accept the new elements of competition that the establishment of the head port at Gloucester created, seem to be pivotal to the reasoning behind Bristol’s objections.

Allegations involving the Illicit Exportation of Grain

Bristol’s allegations that the creation of a head port at Gloucester had facilitated the exportation of vast quantities of grain were likely to have been of great concern to the Crown. Bristol’s petition presented a number of arguments that directly linked the establishment of the head port with increased opportunities for illicit trade. Bristol highlighted that the creation of new ports meant that ‘there muste needes be more ladinge and discharginge in sundrye places at one tyme’.²⁷⁹ The implication was that this would allow greater opportunities for smuggling because the limited number of customs officials could not possibly be in all of these ‘sundrye places’ at once to keep a check on the customs. The separation of Gloucester from the port of Bristol’s jurisdiction also prevented Bristol customs officers from keeping a check on the

²⁷⁶ See Appendix 2, fol. 3r., deposition of John Wylkes to the fourteenth Bristol interrogatory.

²⁷⁷ Ibid, fols. 3r. and 4r., depositions of Kydwelleter, Rothelles, Wylkes, Paynter, Harrice and Warren to the thirteenth and fourteenth Bristol interrogatories.

²⁷⁸ See Appendix 2, fol. 3r., deposition of Kydwelleter to the fourteenth Bristol interrogatory.

²⁷⁹ Jones (ed.), ‘Bristol’s petition, 1582’, fol. 69r.

upstream customs officials and being able to ‘fynde their disorders and to reforme them’.²⁸⁰ The port of Bristol’s jurisdiction had been reduced by such a degree that ships could pass through it in little more than an hour, meaning that it was difficult for the Bristol customs officials who ‘hath no intelligence of their commyng by’ to search every passing ship.²⁸¹ This was allegedly a serious problem because the customs officials at Gloucester were ‘favourable Searchers’ who allowed ‘concealment’ and oversaw ‘Greate quantities of graine leather brought to Gatcombe *without* passing by the Custome house of Gloucester’.²⁸² It was further alleged that these prohibited wares were dispatched ‘under Cullour to come to Bristol’ and then ‘conveyed by nighte into Shippinge which cometh from other portes lyinge in the Welshe rode’.²⁸³ Bristol attempted to substantiate these allegations by asking deponents in the second commission:

what quantitie of corne & grayne have you knowne or hard to be transported from Gloucester & Gatcombe over & beyond the seas of late yeres more then here to fore hath byn & What is the reason or cause of such transporting to *your* knowledge or as you thinck.²⁸⁴

None of the six deponents in the second commission were able to give any answer to this interrogatory. In fact, no additional details beyond those included in Bristol’s petition and interrogatories were provided by any Bristol deponent across either commission when asked about Gloucester merchants’ alleged smuggling activities. In some ways, it is not that surprising that the Bristol deponents could not provide detailed evidence to implicate the Gloucester merchants’ illicit trading activities. As described in Bristol’s petition, much of the alleged smuggling happened ‘by night’ and would most likely have been carried out with as much discretion as was possible by the perpetrators.²⁸⁵ It is also possible that the Bristol deponents themselves were involved in the illicit trade and did not want to risk exposing their own involvement by accusing others. Informers were often treated with disdain by their contemporaries and there were instances when informers were pilloried and threatened with violence in the sixteenth century.²⁸⁶ Bristol deponents may therefore have wished to avoid being branded informers. However, the failure of the Bristol deponents to name a single merchant, ship

²⁸⁰ Ibid, fol. 70r.

²⁸¹ Jones (ed.), ‘Bristol’s petition, 1582’, fol. 85v.: Jones, *Inside the Illicit Economy*, 174.

²⁸² Jones (ed.), ‘Bristol’s petition, 1582’, fol. 85r. and 85v.

²⁸³ Ibid, fol. 70r: For further analysis of the claims made in Bristol’s petition regarding the potential for Gloucester merchants to engage in the illicit trade, see Jones, *Inside the Illicit Economy*, 173-5.

²⁸⁴ See Appendix 2, fol. 2r., fifteenth Bristol interrogatory.

²⁸⁵ Jones (ed.), ‘Bristol’s petition, 1582’, fol. 70r.

²⁸⁶ Jones, *Inside the Illicit Economy*, 146-9.

or incident linked with Gloucester's alleged illicit trade meant that Bristol's arguments remained unsubstantiated. An irrefutable case for the revocation of Gloucester's head port status was thus not established.

Despite the lack of supporting evidence, Bristol may have hoped that arguments about grain smuggling would prove pertinent with the Crown for a number of reasons. A number of detailed investigations and commissions had been initiated by the Crown in the ten years prior to the establishment of the head port of Gloucester. These had specifically sought information about the illicit exportation of grain down the River Severn.²⁸⁷ Commissioners had previously taken depositions in Bristol, Gloucester and Tewkesbury with the aim of investigating the intricacies of a grain smuggling network that they suspected existed in the area. In 1577, commissioners investigated the activities of vessels that operated from 'the said porte of Bristoll and the Cittie of Gloucester' and asked deponents to establish:

Howe often doe yo knowe or have *you* herde that any Wheate Beanes Pease or any other Corne grayne hathe bene transported or Carried out of the places forsayd into the partes beyonde the Seas who was or were owner or owners of the same Corne or grayne and factours in the fraighting Lading of the Same also who was or were owner or owners of the said Shippes.²⁸⁸

Similarly detailed interrogatories had previously been presented to Tewkesbury maltmen with the aim of investigating the 'purchase and shipment of corn'.²⁸⁹ The aim was to establish who was supplying the Bristol and Gloucester merchants suspected of illicitly exporting grain. The level of detail sought by the commissioners and the fact that similar investigations were sanctioned in 1572, 1576 and 1577 suggests that the region's illicit trade of grain and the subsequent loss of customs revenue was a significant and long-running concern for the Crown.²⁹⁰ Indeed, Jones' work on merchants' private account books has demonstrated that these concerns were fully justified.²⁹¹ By claiming that the establishment of the head port at Gloucester exacerbated these issues, it seems that Bristol hoped to ensure that the Crown would have the interest and motivation to further investigate the suitability of Gloucester's head port. Beyond the Crown's desire to crush the illicit trade and collect customs

²⁸⁷ TNA:PRO, E178/2895: E134/14&15Eliz/Mich9: E122/234/49.

²⁸⁸ TNA:PRO, E178/2895.

²⁸⁹ TNA:PRO, E122/234/49.

²⁹⁰ TNA:PRO, E178/2895: E134/14&15Eliz/Mich9: E122/234/49.

²⁹¹ Jones, *Inside the Illicit Economy*, 87-111.

efficiently, the issue of grain smuggling also impacted upon the Crown's ability to supply troops in Ireland with suitable amounts of grain. Much of the grain that was supplied to troops based in the Irish garrison towns of Limerick and Galway came from the Severn valley.²⁹² Claims made in Gloucester's answer and by Gloucester deponents alike seem to confirm that Gloucester played a significant role in this activity and that Gloucester's small ships had 'continually ben ymployed to the service of Ireland'.²⁹³ The Crown claimed the right to buy this grain 'At such price as wheat was comonly solde in the markt'.²⁹⁴ In other words, the Crown reimbursed the merchants for the amount originally spent on this grain but did not allow merchants to profit from this activity. Although in theory this allowed the Crown to purchase grain at lower prices, an increase in the illicit exportation of grain and the subsequent reduction of grain available in the domestic market could lead, in the words of Lord Burghley, to the 'enhaunsinge of the prices as to the hinderance of the provisions for hir Majesties service for Ireland'.²⁹⁵ This problem had clearly been identified by the Crown and the Bristol Customer and Controller noted that by 1580, they had been given orders that 'no corne nor victuall should passe out of our charge but only for the realme of Ireland'.²⁹⁶ The timing of Bristol's allegations regarding the illicit exportation of grain was therefore an important consideration. Although Bristol failed to substantiate their allegations with deposition-based evidence, the Crown's immediate need of the grain supplies from the upper Severn region meant that such allegations regarding the Gloucester's head port could not simply be ignored.

What Bristol failed to prove, was that having one unitary customs authority at Bristol would reduce the problems concerning the illicit exportation of grain. Some of the Crown investigations conducted into the illicit exportation of grain took place before Gloucester had even become a member port of Bristol in 1575. The problem thus clearly pre-dated the establishment of a head port at Gloucester.²⁹⁷ A closer examination of the findings that these investigations yielded further suggests that the Crown would not have perceived the revocation of Gloucester's head port status as a potential solution to this problem. Many of the depositions taken by the 1577 commission suggested that

²⁹² Taylor, 'Maritime Trade', 100.

²⁹³ Jones (ed.), 'Bristol's petition, 1582', fol. 86v. For a personal account of a Gloucester mariner involved in this activity, see Appendix 2, fol. 6v., deposition of Combley to the twelfth Gloucester interrogatory.

²⁹⁴ 'A Letter from Burghley Forbidding the Export of Wheat, 1584' in Vanes (ed.), *Documents*, 48.

²⁹⁵ *Ibid.*

²⁹⁶ 'Complaints of the Customer and Controller at Bristol, 1580' in Vanes (ed.), *Documents*, 47-8.

²⁹⁷ TNA:PRO, E134/14&15Eliz/Mich9, E122/234/49.

Bristol played an equal if not more prominent part than Gloucester in the illicit trade of grain down the River Severn. Deponents identified how William Goslett, the Searcher at the port of Bristol, had ‘wyttlinglie sufferyd goodes wares & marchandyes to passe & to be transportyd, beyonde the Seas, *witheoute* seasure or staye, knowinge the Quenes subsedye custome for the same not payde’.²⁹⁸ The negligence of the Bristol searcher had allegedly allowed Bristol merchants to obtain:

cockettes *procuryd* owte of the costume house of Bristoll, in the name of the bakers of Bristoll, for conveyinge corne & grayne by the Ryver of Severne to Brystoll for *provycion* of the same cyttie; and by culler thereof Dyd convey corne & grayne to kyngrode, & hungrode, And that the same was there shipped & transported.²⁹⁹

The Bristol mayor at the time, John Prewett, was also personally implicated as one of the individuals that had profited by illicitly exporting the grain supplies that were supposedly for the consumption of Bristol’s poor.³⁰⁰ Ultimately the allegation that some form of collusion existed between the Bristol merchants and bakers remained unproven. Yet, it is interesting to note that this claim was repeated by Gloucester in 1584. This was in a breviat submitted to the Exchequer Court following the planned hearing of the case involving the establishment of the head port at Gloucester. Gloucester asserted that:

marchanntes of Bristoll practised veary commonly with their bakers / Brewars / showmakes / and Sadlers to buy *commodities* in the countreyes upp Severne / under culler to *serve* their owne trades / The same beinge brought unto Bristoll/ & suffered to lye in their howses for a space / were afterwarde by stealth and corrupcion transported *withowte* licence or custome.³⁰¹

These counter-allegations made by Gloucester and Bristol’s alleged recent past involvement in the illicit exportation of grain, would have done little to convince the Crown that the customs would be collected more honestly and the flow of grain better restrained by a unitary customs authority in Bristol. Rather than revoking Gloucester’s head port status, the Crown renewed the commission that had previously been sanctioned in 1577 in order to further investigate the claims made by both parties

²⁹⁸ TNA:PRO, E178/2895.

²⁹⁹ Ibid.

³⁰⁰ Ibid.

³⁰¹ Lansdowne MS, Vol.41, fol. 92r.

regarding the illicit exportation of grain by Bristol and Gloucester men.³⁰² This commission sat in 1585. This course of action suggests that the Crown remained concerned about the amount of grain illicitly exported from the River Severn. However, Bristol had failed to provide deposition-based evidence to substantiate the claims that the establishment of a head port at Gloucester had increased opportunities for smugglers. On this basis, Bristol's demands for the revocation of Gloucester's head port status remained weak.

This chapter has shown that the arguments set down by Bristol's 1582 petition were not uniformly substantiated by the depositions collected by the two Exchequer commissions. The interrogatories issued by Bristol did not thoroughly question deponents about the destructive impact that the head port at Gloucester had on Bristol's overseas trade. This had been one of the key arguments set down in Bristol's petition. Bristol's deponents could also not provide any evidence to support the assertions made in the 1582 petition that the establishment of a head port at Gloucester had facilitated an increase in the illicit exportation of grain from the area. Although these claims about smuggling remained unsubstantiated, it seems probable that there was an element of truth in them. As highlighted by Jones, the division of the port authorities would have made it easier for Gloucester merchants to take grain to Cornwall, Wales and Ireland where it could illegally be sold on to foreign merchants.³⁰³ Taylor suggested that smuggling was easier to conduct at smaller ports down the River Severn.³⁰⁴ Some of the grain transported from Gloucester to Carmarthen may therefore have been illicitly exported under the colour of a coastal cocket or laden directly on to foreign-bound vessels. The reduced jurisdiction of the port of Bristol also meant that small Gloucester vessels carrying grain could have passed through Bristol waters in little more than an hour on a strong tide. This allowed little opportunity for the Bristol customs officials to conduct their own searches of these vessels.³⁰⁵ The successful prosecutions of the Gloucester deputy customer Edward Barston and the Gloucester searcher Robert Robinson in the decade following the two commissions, makes it clear that there was a large amount of grain being illicitly exported from Gloucester and that the Gloucester customs officials were complicit with this illicit trade.³⁰⁶ The main problem with

³⁰² TNA:PRO, E178/2895.

³⁰³ Jones, *Inside the Illicit Economy*, 174.

³⁰⁴ Taylor, 'Maritime Trade', 225-7.

³⁰⁵ Jones, *Inside the Illicit Economy*, 174.

³⁰⁶ TNA:PRO, E134/36&37Eliz/Mich14: E134/27&28Eliz/Mich17. For more detail regarding the prosecutions of Barston and Robinson, see Taylor, 'Maritime Trade', 111-2.

Bristol's argument was that the Crown knew from past investigations that Bristol merchants had also been illicitly exporting grain long before Gloucester had become a head port. The amount of information that the Crown had gathered about Bristol's extensive involvement in this illicit activity makes it highly likely that the Crown would have been able to interpret Bristol's objections as a means of protecting their own established illicit grain trade from the competition of Gloucester's smugglers.³⁰⁷ Gloucester actually made this idea explicit when they stated that Bristol's objections to their head port were rooted in the fact that Bristol smugglers no longer had 'full scope and libertie to offende at their pleasures/ The restrannt whereof is the cause of this contencion'.³⁰⁸ This argument would therefore have had very little sway in terms of convincing the Crown that a reversion to having a unitary head port under Bristol's control would have dramatically reduced the illicit exportation of grain from the River Severn.

Although this analysis of the evidence gathered by the two commissions has shown many of Bristol's main arguments to have been unsubstantiated and weak, this chapter has also shed new light upon the true motivations behind Bristol's objections to the establishment of a head port at Gloucester. The overstated arguments made by Bristol deponents relating to the inadequacy of Gloucester's port facilities reveals the extent to which Bristol viewed Gloucester as an inferior rival that had neither the right or capability to actively engage in the trade of the River Severn. Bristol defined the usefulness of Gloucester solely through the lack of use that Bristol's mere merchants and their large ships could gain from the port. This ignored the fact that the head port had been established to benefit the mariners of the Severn towns and the trade that they carried out in smaller vessels.³⁰⁹ In 1575, Bristol's attempted to assert its authority over Gloucester by attempting to prevent the long established practice of Gloucester-bound vessels transferring cargoes into lighters at Gatcombe. This suggests that Bristol's real objections related to the fact that Bristol no longer owned and controlled all of the trade carried out within the area previously encompassed by its historic port.³¹⁰ Bristol's possessiveness can perhaps be explained by Hale's interpretation of a port as a type of franchise or privilege that belonged to a particular town or city.³¹¹ The establishment of a head port at Gloucester reduced both the physical limits of Bristol's port and the

³⁰⁷ Jones, *Inside the Illicit Economy*, 173-5.

³⁰⁸ Lansdowne MS, Vol.41, fol. 92r.

³⁰⁹ *Calendar of Patent Rolls*, 1578-1580, no.1338.

³¹⁰ See Appendix 3, fols. 1v. - 4v.

³¹¹ Hale, 'De Portibus Maris'.

degree of influence that Bristol had over the trade of the upper Severn. Bristol's objections were perhaps a response to this reduction of their port's liberties as opposed to any direct economic loss. Ultimately, the overstated and self-interested nature of these arguments meant that Gloucester could easily rebut Bristol's claims. This was done by simply showing that the Severn towns and its mariners had successfully used the head port of Gloucester without any problems since its creation.

The establishment of the head port gave Gloucester the sought-after freedom and economic independence to sell grain to places other than Bristol. They could therefore establish new trading relationships with other towns that had a demand for grain such as Carmarthen. Bristol refused to accept that Gloucester had obtained control over the rich grain supplies of its hinterland. This grain had previously been used to feed Bristol's industries and had to an extent been subject to the whims of the Bristol customs officials. Bristol's rejection of the increased levels of competition for this grain is fundamental to understanding why Bristol vehemently objected to the establishment of the head port at Gloucester. In a more general sense, the establishment of the new head port gave Gloucester the power to act with a greater degree of freedom and autonomously of Bristol. Although this change was not crippling to Bristol's ability to source grain or to conduct overseas trade, the bestowal of these privileges upon a city that Bristol viewed as inferior, 'unworthie, and utterlye unmeete', and the subsequent 'dismemberment' of Bristol's own historic port, outraged Bristol's proud merchants.³¹²

³¹² Jones (ed.), 'Bristol's petition, 1582', fol. 70v.

Conclusion

This study has explored the motivations, logic and development of the Bristol Corporation's objections to the establishment of a head port at Gloucester. By doing so, it has built upon the only previous in-depth analysis of the dispute – that undertaken by Evan Jones in his examination of Bristol's 1582 petition, Gloucester's corresponding answer and Bristol's subsequent replication.³¹³ The current study has used previously unexamined documents generated by the two 1583 Exchequer commissions and the records of the Bristol Corporation and the city of Gloucester. It has thus shed new light upon the immediate dispute and expanded upon Jones' findings.

The Immediate Dispute

The first chapter explored the practical implementation and workings of the two commissions. It was shown that Bristol's desire for the 'speedy proceedinge' of the case was frustrated by a host of factors. In both commissions, Bristol failed to procure the presence of all of their named commissioners. William Winter remained absent from both commissions whilst even Bristol's recorder absented himself from the second commission. On their part, Gloucester made every effort to delay proceedings. They refused to comply with Bristol's initial suggestion for when the commission should sit and disputed the venue of the commission. They also attempted to obtain the commission's writ, which Bristol had responsibility to safeguard, through an act of 'wile'.³¹⁴ When the first commission finally sat, Gloucester's interrogatories were so poorly written that they had to be reformulated halfway through proceedings. One of Gloucester's commissioners also claimed that he needed to leave early. This prompted the other commissioners to terminate the first commission. These delays and interruptions meant that the first commission failed to harness enough evidence to satisfy the Exchequer. A second commission therefore had to be issued. By the time that the evidence harnessed by these commissions was presented in court and the case was heard in the Exchequer, nearly two years had passed since Bristol's initial petition.

The development of Bristol's case was therefore blighted by delays and inefficiencies. The prolonged nature of these proceedings had a direct impact upon the likely success

³¹³ Jones (ed.), 'Bristol's petition, 1582': Jones, *Inside the Illicit Economy*, 168-75.

³¹⁴ See Appendix 4, fol. 106r.

of Bristol's arguments against the establishment of Gloucester's head port. By the time that the case was finally heard, Gloucester had operated as a head port for nearly four years. From Bristol's perspective, every delay to this case meant that Gloucester's tenure as a head port continued, became increasingly accepted and therefore harder for the Bristol Corporation to challenge successfully.

In the second chapter, the evidence harnessed by the two commissions was examined. It was shown that the Bristol depositions provided only partial and sometimes unconvincing justifications for the claims made by Bristol in their 1582 petition. In particular, the Bristol depositions failed to substantiate two arguments that formed the crux of Bristol's petition. First, it was shown that Bristol deponents provided little evidence to support the claim that the establishment of a head port at Gloucester would lead to the 'decaye of the shippinge and maryners' at Bristol.³¹⁵ The implausibility of these claims about Bristol's overseas trade has been highlighted by Jones. The interrogatories produced by Bristol revealed the meagre effort of Bristol to support these claims. Only two out of the thirty-eight interrogatories that were answered by Bristol deponents across both commissions focussed upon these issues.³¹⁶ It thus appeared that Bristol did not make a concerted effort to substantiate these arguments with deposition-based evidence. Second, it was shown that Bristol deponents were either unable or reluctant to provide evidence to support the claim that the establishment of a head port at Gloucester facilitated the illicit exportation of 'Greate quantities of graine & leather'.³¹⁷ Although it was shown that this argument was plausible, it did not compel the Crown to revoke Gloucester's head port status. It was suggested that evidence collected by other commissions executed in the 1570s allowed the Crown to dismiss the notion that a reversion to a unitary port authority at Bristol would lead to the trade of the Severn being policed more honestly. This was because the earlier investigations had shown that the Bristol Corporation and customs officials had been heavily implicated in illicit dealings themselves.

Of all Bristol's arguments, those relating to Bristol's shipping and illicit grain exportation were the most likely to move the Crown. This was because the references to Bristol's marine were made at a time when preparations were being made for a war with Spain. Bristol's marine had been heavily engaged in naval service earlier in the

³¹⁵ Jones (ed.), 'Bristol's petition, 1582', fol. 68v.

³¹⁶ See Appendix 1, fols 2r. and 3r., See Appendix 2, fol. 2r.

³¹⁷ Jones (ed.), 'Bristol's petition, 1582', fol. 85v.

sixteenth century and Bristol merchants had a keen awareness of how important their ships were to the Crown.³¹⁸ The Crown's interest in illicit grain exportation would also have been great at this time. This was because English troops in Ireland were being supplied with grain from the Severn valley and excessive exportation threatened the Crown's ability to procure cheap grain. Although these issues therefore had the potential to sway the Crown, the lack of attention paid to them in Bristol's interrogatories and depositions made these claims seem superficial. It was thus suggested that rather than representing Bristol's true objections to Gloucester's head port, these arguments were included to ensure that the case would be judged to fall within the Exchequer's equity jurisdiction.

Chapter Two exposed some of the subtler motivations behind Bristol's objections. First, Bristol deponents expressed their belief that Gloucester was 'utterly unmeet' and inadequate to serve as a head port.³¹⁹ They defined the usefulness of Gloucester solely in terms of the use that Bristol merchants with their larger ships could, or could not gain from the port. This ignored the fact that mariners from the upper Severn region could easily use the port with their smaller vessels. It was suggested that this was symptomatic of the Bristol merchants' belief that they should own and control the region's trade. This sentiment was also detectable in Bristol's earlier attempts to exert its authority over Gloucester once it had become a member port of Bristol in 1575.³²⁰ Second, Bristol deponents complained that they had 'demanded corne' from Gloucester to no avail and had been 'enforced' to procure grain elsewhere.³²¹ These complaints echoed the sense of entitlement implicit in Bristol's previous demands that their city should 'be first served, as it is meet necessary'.³²² Ironically, Bristol used a moral economy to assert that their grain requirements should have been satisfied before Gloucester could reap the commercial benefits of selling grain elsewhere. It was suggested that Bristol's objections were based upon a refusal to accept this new element of competition and the greater degree of economic freedom that head port status gave to Gloucester. Third, further evidence was uncovered to substantiate Jones' suggestion that a desire to protect the city's illicit grain trade played a significant role in Bristol's objections to

³¹⁸ Jones, 'Bristol Shipping Industry', 121-3 and 136-7.

³¹⁹ Jones (ed.), 'Bristol's petition, 1582', fol. 70v.

³²⁰ See Appendix 3, fol. 1v.

³²¹ See Appendix 1, fol. 7r., deposition of Phyllipes to the fourth Bristol interrogatory administered to bakers, brewers and victuallers: See Appendix 2, fol. 4r., deposition of Harrice to the ninth and tenth Bristol interrogatories.

³²² Jones (ed.), 'Bristol's petition, 1582', fol. 84v.

Gloucester's head port. It was shown that Crown investigations in the 1570s had already exposed the involvement of Bristol's merchants and customs officials in this illicit trade. Gloucester also identified the removal of Bristol's 'full scope and libertie to offende at their pleasures' as 'the cause of this contencion' against Gloucester's head port.³²³ Although unstated, the desire to monopolise the Severn's illicit grain trade was probably an important reason behind Bristol's objections.

Ultimately, Bristol failed to convince the Crown to revoke Gloucester's head port status. To some extent, this was attributable to the weaknesses in Bristol's arguments relating to their marine and the illicit export of grain. Bristol's remaining arguments were more self-interested and were less likely to sway the Crown. In many ways, Bristol's demands that Gloucester's head port status be revoked went against the Exchequer's broader policies and logic. The 1565 Book of Orders stated that there should be a 'Custome house at every Porte and usuall Creeke' whilst the Exchequer had long ascribed to the rationale that multiple authorities reduced fraud. This was evidenced by the appointment of controllers and surveyors whose jobs revolved around checking the honesty and diligence of their fellow officers.³²⁴ It would therefore have required compelling evidence to convince the Crown to go against this logic and revoke Gloucester's head port status.

Beyond the strength of the arguments submitted by Bristol, the first chapter demonstrated the obstacles that Bristol faced when prosecuting their case. Gloucester's persistent attempts to delay and manipulate proceedings prevented a speedy prosecution and hindered Bristol's chances of a successful prosecution. However, once the commission documents had been delivered to the Exchequer, delays continued to blight the progress of the case and it took a further year for the case to be heard in court. At this anticipated 'final' hearing, Lord Treasurer Burghley postponed a judgement and asked each party to produce a 'brevyat' that summarised their arguments – a process that had already been completed through the submission of each party's pleadings.³²⁵ The production of breviates provided Gloucester with the opportunity to make fresh claims that had not been included in their pleadings and had therefore not been investigated by the two commissions. Gloucester subsequently claimed that:

³²³ Lansdowne MS, Vol.41, fol. 92r.

³²⁴ B.Y., *Sure Guide*, 431; Jones, *Inside the Illicit Economy*, 172-3.

³²⁵ Jones (ed.), 'Bristol Petition, 1584': Lansdowne MS, Vol.41, fol. 92r.

the marchanntes of Bristoll practised veary commonly with their bakers / Brewars / showmakes / and Sadlers to buy commodities in the countreyes upp Severne / under culler to *serve* their owne trades / The same beinge brought unto Bristoll/ & suffered to lye in their howses for a space / were afterwarde by stealth and corrupcion transported *withowte* licence or custome.³²⁶

Gloucester invited the Crown ‘to grannte fourth a *commission*’ and promised that ‘those abuses of Bristoll shall be manyfested’.³²⁷ The result was that the final hearing of this dispute was indefinitely postponed and the Crown issued a commission to investigate the matter of illicit grain exportation in both Bristol and Gloucester the following year.³²⁸ Lord Treasurer Burghley had played a large part in securing Gloucester’s head port status and received an annual pension from Gloucester for his ‘ffreindshippe towards this Citie in that sute and other sutes in times to come’.³²⁹ His decision to request breviates and to delay the conclusion of the case further was not necessarily a disinterested course of action.

Since Burghley ultimately presided over this issue, his continued opposition represented perhaps the most significant obstacle to the prosecution of Bristol’s case. The 1584 Bristol Mayor’s Audit Books documented the mayor’s vain attempts ‘serching in thoffice in Channcery lane, for a lycence of Mortemayne’ to prove that the establishment of the head port at Gloucester was illegal.³³⁰ Finding such a document would have removed the need for an equitable solution to the case and Burghley’s endorsement. Failing this, the Bristol mayor sought the advice of the London Recorder and attempted to gain the favour of numerous powerful individuals. This is indicated by the mayor’s account of travelling ‘sundrey tymes in, and out, to the Courte at Grenwitche, and to Westminster, *with* moneies given the Porters in sundrey places to lett me in to speke *with* their Lordes’.³³¹ Presumably it was hoped that the support of other powerful individuals could help to make Burghley more receptive to Bristol’s lobbying. A final decree was never made to dismiss Bristol’s case. However, whilst Lord Burghley continued to receive payments in return for supporting Gloucester’s position, it seemed unlikely that Bristol’s objections would prove fruitful.

³²⁶ Lansdowne MS, Vol.41, fol. 92r.

³²⁷ Ibid.

³²⁸ TNA:PRO, E178/2895.

³²⁹ GBR, B/3/1, fol. 66v.

³³⁰ BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 246.

³³¹ Ibid.

The Exchequer's Equity Jurisdiction

This study has focussed on the development of a single equity case within the Exchequer court. As such, there are clear limitations to what the findings can show about the Exchequer's broader equity jurisdiction. However, the smaller focus of this study has allowed for a more detailed examination of the practical workings of a case. Such an examination is not within the scope of works that examine multiple cases on the basis of the Exchequer records alone.³³² In particular, this study has demonstrated that the process of gathering evidence through commissions could be subject to extensive abuse and manipulation. This abuse and manipulation stemmed from the roles of the two cities' recorders as commissioners, the two corporations' selection of deponents with vested interests and the ability of Gloucester patron Lord Burghley to influence the availability of commissioners such as Sir William Winter. Needless to say, historians have previously suggested flaws in the Exchequer's use of commissions to gather evidence.³³³ However, by using the rich material found in the two corporations' records, this study has exposed how Gloucester could hinder and sabotage the prosecution of this case on a practical level. The records of Gloucester reveal how they refused to cooperate with Bristol's attempts to organise the first commission, submitted inadequate interrogatories that had to be rewritten during the commission and paid Burghley for his 'friendship' in the suit. Such details are not apparent from the Exchequer records relating to this case. This suggests that the full story of any single case cannot be told from the Exchequer records alone. As such, there is a need to treat Exchequer evidence with extreme caution. In more general terms, this study has painted a darker picture of the Tudor legal process than can be gained from a reading of the works of Bryson and Horwitz on the theoretical workings of the court. Whether this impression of Tudor legal process can be extended beyond this individual case can only be answered after further detailed studies of other cases have been undertaken.

Ports, Rivalry and the Illicit Trade

The study of this dispute has also thrown new light upon the nature of the rivalry that existed between Bristol and Gloucester and how the two cities perceived their ports. This dispute focussed upon which city's port deserved jurisdiction and control over the

³³² For example, see E. G. Jones (ed.), *Exchequer Proceedings*; Jeffreys-Jones (ed.), *Exchequer Proceedings*; Cooke and Horwitz (eds.), *Samples of Exchequer Equity*.

³³³ For example, see Jones, *Inside the Illicit Economy*, 149-61.

creeks of the upper Severn. As ports were central to the exercise of trade, many of the arguments put forward by both sides were economic in nature. Bristol claimed that the creeks were the 'cheifeste vente' for their import trades and played a crucial role in supplying Bristol's industries with grain. It was asserted that the loss of these creeks would lead to a decline in overseas trade, ruin of the city and the sale of Bristol's fleet of ships. To some extent, the prominence of these economic arguments supports Jarvis' view that the rivalries between port cities were 'neither dynastic or political. They were economic'.³³⁴ However, it was shown that many of Bristol's arguments relating to overseas trade were weak and unsubstantiated. Furthermore, data compiled by Taylor shows that although no grain was shipped from Gloucester to Bristol in 1581-2, by 1597-8 Bristol received fifty-nine percent of Gloucester's recorded outward coastal grain shipments and one hundred percent of Tewkesbury's.³³⁵ This suggests that despite Bristol's claims, the head port at Gloucester had little long-term effect on the prosperity of Bristol's overseas trade and ability to procure grain. It would appear that these elements of economic rivalry were overstated by Bristol.

Jones suggested that Bristol's objections could have stemmed from another unstated economic factor. This was the Bristol merchants' desire to protect their established trade in illicit grain. This suggestion was further supported by evidence presented in the second chapter of the current study which showed that Bristol and Gloucester merchants had been implicated by Crown investigations into grain smuggling in the 1570s. However, Bristol and Gloucester deponents provided little evidence to expose the illicit trade of the region despite there being many interrogatories that directly questioned deponents on this subject. Obviously, this could have been because the deponents knew little about the matter. On the other hand, this is an unconvincing explanation when deponents such as Edward Barston later admitted to playing a significant role in the illicit exportation of Gloucestershire's grain. It seems more likely that deponents such as Barston were reluctant to provide information about the illicit trade because they feared that their own involvement would be exposed. Other deponents may not have been as extensively involved in the illicit trade as Barston but they may have wished to avoid being branded informers by those that they did business with. If this argument holds true, it suggests that the regional smuggling networks were exceptionally strong. If deponents withheld information about the illicit trade from the two commissions, they

³³⁴ Jarvis, 'Head Port of Chester', 69.

³³⁵ Taylor, 'Maritime Trade', 103, figures 4.2 and 4.3.

were essentially prioritising the concealment and continuation of the illicit trade over the defence of their respective cities' port jurisdictions. A complaint made by the Bristol customs officials in 1588 referred to how outbound ships from Bristol moored at 'Kingrode and thear rides to take in victuell and prohibited merchandice which comes to them owt of Wales or Gloucester in woodbusshis or trowes'.³³⁶ Primarily, this demonstrates that Bristol's illicit trade continued to operate in a similar way to how it did prior to the establishment of Gloucester's head port.³³⁷ However, this claim also implies that Gloucester's smaller trows collaborated with Bristol's larger ships to facilitate smuggling in the Severn region. As far as the Bristol and Gloucester merchants were concerned, the incentive and desire to profit from the illicit trade transcended any economic rivalry that existed between the two cities' ports.

Beyond the economic value that Bristol attached to its 'auncient and sufficient' greater port, it was suggested that Bristol took pride in the dominance that its civil signature had over the creeks and havens of the upper Severn. Bristol asserted that it had used its 'trade of marchaundize' to serve these places for 'tyme out of mynde'. Although Bristol acknowledged that 'Gloucester always and maie have the use of the Creekes for all necessarye purposes', their objections hinged on the fact that this activity was no longer 'under controlement' of Bristol.³³⁸ This echoed the previous attempts of the Bristol customs officials to exert authority over Gloucester when it was a member port of Bristol in 1575. In reality, the establishment of a head port at Gloucester did not drastically change the conduct of trade in the upper Severn region. This was because the Bristol customs officials had previously given permission for Gloucester-bound ships to unlade at Gatcombe, Newnham and Berkeley under the supervision of a deputy known as the Clerk of the Creeks. It would also appear that the individual who previously held this title became the Gloucester searcher upon Gloucester's appointment as a head port.³³⁹ There was thus a great deal of continuity in terms of the procedures and personnel involved in the processing of inbound and outbound trade. The only real change was that ships wishing to lade and unlade in the creeks no longer had to obtain the permission of the Bristol customs officials. Bristol's perception of Gloucester as a place 'unworthie, and utterlye unmeete for so many causes to be a porte' made this diminishing of their own port's authority unacceptable. Gloucester may not have been

³³⁶ 'Customs Frauds in Kingroad and the River Severn, 1588' in Vanes (ed.), *Documents*, 49.

³³⁷ Jones, *Inside the Illicit Economy*, 175.

³³⁸ Jones (ed.), 'Bristol's petition, 1582', fol. 83v.

³³⁹ *Ibid.*, fol. 85v.

as much of an economic rival as Bristol intimated in their petition but their head port status rivalled the sense of authority and superiority that Bristol gained from its subsequently 'dismembered' port. This study has thus suggested that the rivalry between Bristol and Gloucester was more complex and multifaceted than Jarvis' focus on economic tension implied. Further historical studies, based on individual disputes between port cities, could be used to shed more light upon the nature of port rivalries and the extent to which Bristol and Gloucester's rivalry was typical.

Appendix 1

Alexander Higgins (ed.), 'The First Exchequer Commission into the Establishment of the Head Port of Gloucester, January 1583'
(Unpublished transcription, 2011).

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1r.

[The document begins with a copy of the commission's writ. This took the form of a *dedimus potestatem* – a commission that delegated royal authority to private individuals and allowed them to take and record deponents' evidence. This was a right that normally belonged exclusively to the Exchequer barons in their capacity as judges. The writ is in Latin. It is dated 4th July 1582. It names Sir William Winter, Sir Thomas Throckmorton, Richard Pate and Thomas Hannam as the four appointed commissioners for this task, makes reference to the attached interrogatories and orders them to return their findings under their seals into the Exchequer. The writ also states that the commission was due to be returned to the Exchequer by the Octave of Saint Hilary – which meant the 20th January 1583. However, it is clear that this was not the original return date inscribed – there are erasure marks on the document and this date has been written in the original return date's place. Fortunately, a copy of this writ has survived in the records of the city of Gloucester and this copy includes the original return date – which was the Morrow of All Souls – or the 3rd November 1582.³⁴⁷ Another document found in the records of the city of Gloucester notes that the date was changed because 'the commissioners cowlde not come in place' in time for the commission to be executed before the commission was due to be returned to the Exchequer.³⁴⁸]

2r.

Interrogatories to be ministred to *merchannts* masters of Shippes

³⁴⁶ The National Archives: Public Record Office, UK [TNA:PRO], E134/25Eliz/Hil3. The following conventions were employed when transcribing this document: the line spacing, spelling, capitalization, erasures, insertions, underlining and punctuation follow the manuscript; 'u' and 'v' have been rendered according to the document rather than to modern usage. Square brackets indicate editorial additions. Reconstructions of suspensions are in italics and all suspensions have been extended – for example 'city of Glouc' has been extended to 'city of Gloucester'. The only exception to this is when the name of a county has been contracted – so 'county of Glouc' remains as 'county of Glouc'.

³⁴⁷ GBR, B/2/1, fol. 98v.

³⁴⁸ See Appendix 5. I would like to thank Margaret Condon for her help and advice regarding this Latin writ.

Pilottes³⁴⁹ & skilfull mariners of their knowledge of and conceninge
the River of Severne betwene kingrode³⁵⁰ and the Bridge of Gloucester.

- 1 Imprimis do you knowe the Ryver of Severne and the creekes and Pills betwene kingrode and the Bridge of Gloucester./
- 2 Item do you know that circuyte by water that is called the welshe roade³⁵¹ yf ye Then whether doth the same extende harde to the shore of the English side, yea or noe.
- 3 Item Whether do you knowe the Creekes and Pills³⁵² called Barkley Newenam and Gloucester, yea or no. yf yea. Then whether may a Shippe of Conuenient Burden fleete and Come to safely ride and abide in the same as in a place or places sufficient & meete to be portes of ladinge and discharginge And for the maineteynance and continiall keepinge of Shippes yea or no yf yea Then of what Burden must the shippes be that soe can continue and be ther And Whether may they come and goe passe and repasse at all tides and tymes (of winde & Weather serve.) yea or noe yf not Then at what tyde and tymes may they safely fleete to & from *with* sufficient water for all tempestes and weather.
- 4 Item do you know, the creeke called Gatcombe,³⁵³ yea or noe, yf yea Then what serviceable shippes³⁵⁴ and of what Burden may att all tymes in safty fleet & come to and from the said Creeke called Gatcombe. And whether may shippes of all manner of convenient Burdens, safly come & goe unto that creeke and ther ryde and abide as in a sufficient

³⁴⁹ ‘Pillotes’ – in this context, a pilot was a mariner who guided ships through dangerous or congested waters – in this case, the River Severn.

³⁵⁰ King Road – the bay and roadstead that stretches two miles west from Avonmouth to Portishead.

³⁵¹ Welsh Road – the Welsh side of the River Severn.

³⁵² ‘Creekes and Pills’ – In the Customs administration of Great Britain, a ‘creek’ is an inlet of insufficient importance to be considered a separate port. Creeks could however be included within the jurisdiction of other ports. A ‘pill’ was a local term for tidal creeks.

³⁵³ Gatcombe served as the main outport for the port of Gloucester. It lies on the west bank of the River Severn – approximately twelve miles southwest of Gloucester or twenty-two miles by water..

³⁵⁴ ‘serviceable shippes’ – refers to ships large enough to have the capability of serving in the navy when required. Ships of 75 ton burden were considered the minimum size for such purposes: B. Dietz, ‘The royal bounty and English merchant shipping in the sixteenth and seventeenth centuries’ *Mariner’s Mirror*, LXXVII (1991), 6.

Portes, to receave and mainteyne shippes of Convenient Burden for service or defencible for the trade of *merchandiz*. yf not at all tymes, Then at what tyde or tymes may shippes of convenient Burden, come and goe in saftye to the said creeke and ride & abide there and howe manie shippes may ride ther at on tyme And of what Burthen must the shippes be that shall come & goe at all tydes & tymes and of what Burthen must the shippes be of, that shall come & goe at quarter springe tyde And of What Burthen at half a springe tyde And so at a thirde and soe at a full springe tyde.³⁵⁵ And in your iudgment or opinion whether is that, or thother three creekes or all they meate to be a porte or portes of ladinge & discharginge of Shippes to and from the sea yea or no.

- 5 Item What Towne of populus village is ther nere unto that creeke called Gatcombe that reasonable may have Intelligence or make restraine, yf her *Majestie* sholde be deceived in discharginge ladinge or transpassinge of vittales and *prohibited* wares
- 6 Item What be the Comodities or *merchandize* that the City of *Gloucester* and the people of the countres ther aboute do vent³⁵⁶ and transporte from thence and wherwith or with What trade be their small Barkes³⁵⁷ or Boates mainteyned and sent to the sea.
- 7 Item Whether doe you thinke or are *perswaded* (all thinges Considered) that it will stand with or be against the Comon-Welth³⁵⁸ of that countrie that the said creekes shold be a porte or portes, or a place of ladinge and discharginge yea or no
- 8 Item Whether doe you thinke or by reason understande that if ther be a custome house allowed & kepte at *Gloucester* And the said creekes continued to be portes or places of ladinge & discharginge will the same be a spoile of Graine & vittales & *prohibited*

³⁵⁵ ‘full springe tide’ – this refers to the strong tides that occur twice-monthly, after a full moon and new moon. The high tides of a spring tide are very high whilst the low tides are very low.

³⁵⁶ ‘vent’: to sell.

³⁵⁷ ‘Barkes’ – a bark was a general term for any sailing vessels of a small size.

³⁵⁸ ‘Comon-Welth’: in this context, the common good.

wares and so raise a derth of the same aswell in the Countries uppon Severne as in the City of Bristowe yea or noe./

- 9 Item Whether doe you understande or thinke that if the said custome house at Gloucester and the said creeke shall Continialy be portes of ladinge and discharginge will the same be a hinderannce unto the trade of the City of Bristowe and a decay and dimminishinge of the serviceable Shippinge & skilfull *mariners* of the same City yea or noe
- 10 Item What distance of place is ther by water betweene kingrode and the said Creeke called Gatcombe And What distance betwene Gatcombe and Gloucester.
- 11 Item What do you thinke or What is your opinion. Will her *Majestie* be better served if the said creekes uppon Seaverne were under the serch survey and Controlment of the officers of the porte of Bristowe (as hertofore they have ben) dwellinge and lyinge betwene that *parte* of Severne and the sea, or els by officers of the Custom house of Gloucester beinge and dwellinge so farr behind them inwarde toward the lande.
- 12 Item what shipp or shippes of convenyent burden for service or for trade of merchandize have you knowen to be buylded by any *merchannte* or *merchanntes* of Gloucester. yf you have knowne any suche, then whether were theye full buylded or fynished *with* *mastes* & *yardes* or ells were theye brought downe from *gloucester* or from any creeke thereabout, haulfe builded & unfurnished or in what state were they when they came downe Severne, And what water myght they drawe beinge so farr builded & unfurnished as ~ afore saide, And of what burden was the saide shippe or shippes yf any ~~were~~ suche were. And whether did or could the saide shippe or shippes retourne agayine to Gloucester or to any the creekes thereabout, *with* convenyent ladinge, yf not, then at what rode or place was she kepte & maynteyned afterwardes.
- 13 Item. howe longe or howe many yeares maye suche a shippe as maye come & goe ryde and

fleete at gatcome be kepte & maynteyined there, as in a porte of rest betwene discharginge & ladinge, & indure & abyd all wyndes and weathers.

Thomas Hanam

Rychard pate ~

Thomas Throkmorton

3r.

Interrogatories to be minisered to *merchanntes* and owners of Shippes³⁵⁹

[1i] In *primis* do you knowe or have harde of a porte or portes to be newlie erected upon or in the creeke of Severne betwene the Welsh Roade & Tuexbury to be place of ladinge & discharginge of shippes & of a custome howse latly erected & sett upp at Gloucester ye or noe

[2i] Item Whether Will to *your* reason or understandinge thereccion of the same custome howse and thappointinge of the Creekes to be portes be and turne to an encrease of small Barkes & a diminishinge of the nomber and trade of grete shippinge to the porte of Bristowe belonginge And wheather do you know or understande that the same is, or wilbe by meanes *preiudiciall* or hurtfull to the inhabitantes of the Citie of Bristowe in *provision* & victuellinge of the said Citie *with* Corne graine & other victuells yf yea then what rison yeld ye for the same

[3i] Item Whether doth the state & mainteynance of the City of Bristowe stand chieflie upon the makinge of collered Clothes for the sea & upon the trad of *merchanndize* yea or no.

[4i] Item Whether have all the Creekes upon Seaverne betwene Bristowe & Twexbury alwaies ben belonginge to the porte of Bristowe, as members of the same yf yea Then how you know the same to be true. Whether by annsweringe the Quenes *Majestie's* Costomes & duties at

³⁵⁹ Although this additional set of interrogatories is found alongside the other sets of interrogatories pertaining to this commission, it would appear from the lack of corresponding depositions that the commissioners did not directly question any Bristol deponents using these interrogatories.

that custome house of Bristowe or otherwise, or otherwise.³⁶⁰ And whether you know ~ understand & can give reason that therreccion of the said Custome house and the Changinge of the said creekes to be portes wilbe *with* or against the Comon welth of the Citye & Countrie of Gloucester and of the Citie of Bristowe & the Countrie theraboutes.

Interrogatories to be minisered to Bakers, Brewers & victualls of the City of Bristowe. /

[1ii] Inprimis do you know, or have hard of a port or portes to be newlie erected upon or in the creekes betwene the Welshe rode & Tuexbury to be places of ladinge and dischardginge of shippes & of a Custome howse latly erected and sett upp at Gloucester yea or noe.

[2ii] Item have the Citie of Bristowe, bene used for the most parte to be victualls *with* Corne & graine and some other provision, out of & from the Creekes upon Seaverne, And Whether have the *merchanntes* of the same Citie uttered & vented the gretest parte of their *merchanndize* by and through the said Creekes. /

[3ii] Item Whether did the said creekes belonge unto and were directed by the Custome house and Port of Bristowe. /

[4ii] Item Whether hath or by comon reason will thereccion of the said Custome howse raise or bring derth of Corne and graine aswell in & about the Citie of Gloucester and the Countries thervnto adioyng as to the Citie and Citizens of Bristowe and the Countries theraboutes yea or no yf yea Then what mouth you so to affirme or What reason yeld you for the same. /

[5ii] Item What troble Charge or inconveniencie was ther for the Cittie of Gloucester, the Townes of Tuexbury bewlie³⁶¹ worcescor and Sherewsburie to make their entries and take out their cockettes³⁶² at the

³⁶⁰ The clerk appears to have mistakenly repeated this phrase.

³⁶¹ 'bewlie' – probably referring to Bewdley, a small town a few miles west of Kidderminster and on the banks of the River Severn.

³⁶² 'cockettes': cockets. In this context, a customs certificate to allow prohibited wares to be sent coastwise.

Customes howse of Bristowe priore then to make entries and take out cockettes at the Custome howse of Gloucester. /

[6ii] Item to *your* knowled or understandinge who or what *persons* be they that are benifited or eased by makinge entries & takinge out of Cockettes at the Custome howse of Gloucester. And whether is the same *aldgership*³⁶³ allweis serviced comoditie to all the people theraboutes poore and rich or is it a private comoditie for farmors & Corne *merchannts* & a few suche other yea or no. /

[7ii] Item Whether have there ben greater derth or scarsitie of corne & graine in & aboute the Citie of Gloucester sithence thereccion of the said Custome howse Then ther was before yea or no And whether tolde or can you make *provision* of corne & graine from Gloucester & the countries from thence upp Severne as good cheap as plentifull & *without* exaccions sethens thereccion of the said custome howse as you might & *could* before yea or noe yf not Then wherof riseth the derth or grete prices the scarsitie and the Charge that you are nowe putt unto, more then before to your knowledge or what *reasones* can you yeld for the same. /

[8ii] Item Whether hath there ben more or greater transportinge & conveyinge awaye of Corne & graine from Gloucester and all the Countries upp Seaverne sithens³⁶⁴ therreccion of the said Custome howse, then ther was before yea or no. yf yea. Then What moveth you so to affirme or what reason yeld you for the same.

Articles to be minisered unto Bargemen and Trowmen uppon the River of Severne betweene the Citie of Bristow & the Towne of Shrewsbury.

[1iii] Imprimis do you know or have harde of a port or *portes* to be newlie erected uppon or in the Creek betwene the Welsh rode & Tewexbury, to be place of ladinge & discharginge of Shippes & of a Custome house latlie erected and sett upp att Gloucester yea or noe.

³⁶³ 'aldgership': aldership. In this context, aldership refers to the authority of the head port of Gloucester.

³⁶⁴ 'sithens': since.

[2iii] Item when or in what Custome house do you now make *your* entries & take out cockettes for *your* Corne graine & other victuells *which* you do transporte carie or recarie betwene *ye* towne of Shrewsbury & the City of Bristowe, yf at Gloucester then Whether do you finde or have you ease *profittes* comoditie or troble charges & discomoditie³⁶⁵ by makinge *your* entrie & takinge our *your* cockette at Gloucester or What difference find you therin in respecte of the comon welth of the Countrie.

[3iii] Item Whether have you bene so freighted or laden *with* corne and graine to the Citie of Bristowe, sithens the erectinge of the said Custome howse at Gloucester, as you were before yea or no yf not Then what know you, or take you thoccasion therof to be And Whether in What Barke or Botes is the same Corne & graine conveyed or transported And Whether more corne & graine have bene shipped for the sea Sithens thereccion³⁶⁶ of the said custome howse of Gloucester then ther was before, yea or no. Whether is ther therby risen a derth and scarcite of corne & graine in and about the Citie of Gloucester & in and about the Citie of Bristowe ye or no. /

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Thomas Throckmorton

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deposicions of wytnesses sworn and examined taken at Berckley in the countie of Gloc the xvij and xviiij dayes of Januarie in the xxvth yere³⁶⁷ of the raigne of our souveraine ladie Elizabeth ~~th~~ by the grace of god of England Franncce and Irelande Queene defendor of the fayeth ~~betwene~~ before Thomas Throckmarton Richarde Pate and Thomas hanam Esquire by vertue of the Queenes *majesties* Comission out of her graces heigh courte of excheaquer unto *Sir William Wynter* knight and them addressed for the examinacion of wytnesses touchinge matters in controversie in the same same court

³⁶⁵ ‘discomoditie’: archaic term for inconvenience.

³⁶⁶ ‘thereccion’: the erection.

³⁶⁷ ‘xxvth yere’ – Elizabeth’s twenty-fifth regnal year ran from 17th November 1582 to the 16th November 1583.

dependinge betwene, the mayor and comunalitie of the cytie of Brystoll ~~and the compt~~ and the mayor and Burgesses of the cytie of Gloucester defendeth.

Ex parte quer³⁶⁸

- [1] **Walter Stanfast** of the citie of Brystoll merchant borne at Arlingeham³⁶⁹ in the countie of Glouc of the aige of three skore years and upwardes sworn and examined to the fyrst Inrerrogatory ~~he~~ sayeth That he knoweth the River of Seaverne verie well and the most parte of the Creekes and Pilles betwene kingerode and the bridge of Gloucester
- [2] To the seconde Interrogatory he sayeth that he knoweth that cirquite by water *which* is called the Welshe Roade and that the same doth extende harde to the shore of the englyshe syde. ~
- [3] To the thyrde Interrogatory he sayeth that he knoweth the Creekes and Pilles called Barkley, Newneham and Gloucester and sayeth allso that there cannot any shypp of conveniente ♥ burthen³⁷⁰ Fleete and come to, safelie ryde, and abyde in the same as in a place or places sufficient and meete to be portes of ladinge and discharginge nor fytt for the mayntenance and contynewall keepinge of Shipps And he farther sayeth that there cannot any Shipp or barke of above twentie or fyve and twentie tonnes be nor contynewe there, and he farther sayeth that there cannot any Shipp or vessall drawinge myndfoole of water beinge noe trogh³⁷¹ come and goe passe and repasse to y Gloucester at all tydes and tymes though wynd and weather serve except onlie at a Springe tyde.
- [4] To the fowerth Interrogatory he sayeth that he knoweth the Creeke called Gatcombe and that noe serviceable Shyppe or any other of above fortie tonnes can at all tymes in safetie fleet and come to and from the said Creeke called Gatcombe and he farther sayeth

³⁶⁸ ‘Ex part quer’: on one side.

³⁶⁹ ‘Arlingeham’ – Arlingham is a village on the east bank of the Severn, approximately eleven miles downstream of Gloucester.

³⁷⁰ ‘burthen’: burden.

³⁷¹ ‘trogh’: trow. In the context of the River Severn at this time, a trow was a small flat-bottomed sailing barge.

that shippes of convenient burthen cannot safelie come and goe unto that creeke and there ryde and abyde as in a sufficient porte to receive and mayneteyne shippes of convenient burthen for service or defencible for the trade of marchandizes except onlie at springe tides and he farther sayeth that there cannot ride there at one tyme aboute vij or viij both in the pills and ~~stande~~ Creekes there *which* most all lie agrounde at loe water and he farther sayeth that noe shipp of any burthen can come and goe there at all tymes and tydes / at quarter springe tydes onlie ~~vessells~~ vessells of x tonne or xij tonnes at the moste can passe to gatcombe at halfe springe tyde a vessell of xx^{tie} tonnes may come thither yf she have a good wynde / at a full springe tyde a vessell of fortie tonnes and not aboute can come thither and he farther sayeth that neither Gatcome nor the other iij creekes nor all they are meet to be a port or portes of ladinge and discharginge of Shippes.

[5] To the fyfth *Interrogatory* he sayeth that there is noe towne or populus place neere the said creeke of Gatcombe that reasonable maye have intelligence or *make* restraynte yf her *majestie* shoulde be deceived in discharginge ladinge or transpassinge of victualls and *prohibited* wares.

[6] To the syxe *Interrogatory* he sayeth that the onlie comodities or marchandizes *which* the citizens of Glocester and the people of the cuntrie there aboute doe vente are for the most parte Corne and fruite and some waxe.

[7] To the seventh *Interrogatory* he sayeth that he thinketh that it is against the common welthe of the cuntrie that the said creekes shoulde be a porte or portes or a place of ladinge and discharginge.

[8] To the eyghth *Interrogatory* he sayeth that yf there be a custome howse ¶ allowed and kept at Glocester and the said Creekes contynued to be portes or places of ladinge and discharginge the same wilbe a spoyle of grayne and victualls and *prohibited* wares and soe rayse a dyrth³⁷² of the same aswell in the cuntries uppon Seaverne as in the cytie of Brystoll

³⁷² ‘dyrth’: dearth.

[9] To the nyth *Interrogatory* he sayeth that yf the custome howse of Gloucester ~~ee~~ contynewe there and the said Creekes contynewe to be portes of ladinge and discharginge the same wilbe a hinderance unto the trade of the cytie of Brystoll and a drayne of the servicable Shippinge and skylfull marreners of the same citie.

[10] To the tenth *Interrogatory* he sayeth that that there is Betwene the creek of Gatcombe and ~~Glocester~~ Kingeroade distance by water syxetene or seventene myles and betwene gatcombe and *Glocester* there is distance xiiij or xiiij myles.

[11] To the eleventh ~~h~~ *Interrogatory* he sayeth that in his oppinion yf the custome howse were kept onlie at kingeroade and Brystoll the same woulde be more beneficiall to her *majestie* than yf the custome howse nowe newlie erected at *Glocester* should have his contynewance the same beinge soe farr from thence behinde in towardes the lande and he farther sayeth that the erection of the custome howse at Gloucester both is and wilbe a greate increase of smale barks ~~and a great increase of smale barks~~ and a great diminissinghe of the number and trade of the greate shippinge belonginge to the port of Brystoll and a great hinderance of the *provision* of victualls and grayne in Brystoll and he sayeth that he is *perswaded* to thincke soe for that these smale vessells doe and will furnish the cuntie³⁷³ all upp Severne *with* oyles Iron trayne³⁷⁴ and spisons³⁷⁵ and suche lyke wares wherewith the great shippinge of Brystoll were woertie³⁷⁶ to be maynteyned and sett as woorke. And further sayeth that the estate and mayntenance of the citie of Brystoll standeth cheefelie upon makinge of cullored clothes for the sea and uppon the trade of marchandize and further sayeth that all the creekes betwene Brystoll and Tewxburie have allwayse before the erection of the said custome howse at Gloucester bin belonginge to the porte of Brystoll as members of the same.

³⁷³ ‘cuntie’: country.

³⁷⁴ ‘trayne’: this is probably a reference to trayne oil - now known as cod liver oil. This was used to light lamps.

³⁷⁵ ‘spisons’: spices.

³⁷⁶ ‘woertie’: worthy.

[12] To the twelveth *Interrogatory* he sayeth that he knewe a Shipp called the Marie Fortune *which* was begunned to be buylded at Glocester by one *master* Roberte Poole and there the Hull was in a *manner* full buylte and so was brought downe to Gatcome as light as she might be and was afterward finished at Gatcombe beinge then a shippe of aboute fower score tonnes burthen and he hath harde saye by one that wento in ther that the said Shipp goinge to sea tooke in a *parte* of her ladinge at Gatcombe and the rest of her ladinge was brought downe to her at Inwarde Pill where she had more

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water, and she never returned thither againe but was vsuallie kept in Chepstowe as longe as she endured and he further sayeth that he knowe one other shipp of three skore and tenne tunnes or neer fower skore tonnes ~~beginne~~ beganne to be byltt at Fromeloude³⁷⁷ by one William Bullock *which* was brought downe to Brystoll in lyke *manner* as the other shipp was brought to Gatcombe and was at Brystoll kept and maynteyned *which* shippes did ~~dwar~~ drawe³⁷⁸ as this deponent thincketh nyne or tenne foote water where they were brought downe Severne.

[13] To the thyrteenth *Interrogatory* he sayeth that the roade³⁷⁹ at Gatcombe is verie dangerus and therefore he thincketh a Shipp cannot longe contynewe and indure there.

³⁷⁷ 'Fromeloude': Framilode – a small village on the east bank of the River Severn, approximately eight miles downstream of Gloucester.

³⁷⁸ The amount of water that the 'shipps did drawe' refers to the depth of water that a particular vessel required in order to float.

³⁷⁹ In this context, 'roade' refers to the river at Gatcombe.

- [1] **Patricke Carter** of the cytie ~~of the cytie~~ of Brystoll marener havinge dwelt there aboute three yeres and beinge before that an Inhabitante of the cytie of Glocester by the space of fowertene years or thereaboutes, of the aige of Fortie yeres or thereaboutes sworn and examined to the Fyrst *Interrogatory* he sayeth That he knoweth the ryver of Severne verie well and hath bin alwayes for the most parte duringe the terme aforesaid bin usinge in trowes boates and Barkes uppon Severne betwene Glocester and Brystoll and by meanes thereof knoweth the Creekes and Pills betwene Kingeroade and the bridge of Glocester and all the shelfes and dangers therein aswell those under water as those aboue water.
- [2] To the seconde *Interrogatory* he sayeth that he knoweth the cirquite by water that is called the Welshe roade and sayeth that the same doth extende harde to the shore of the Anglyshe syde.
- [3] To the thyrde *Interrogatory* he sayeth that he knoweth the creekes and Pilles called Barkeley Newneham and *Glocester* and sayeth that noe shipp of convenient burthen maye Fleete³⁸⁰ and come to safelie ryde and abyde in the same as in a place or places sufficiente and meete to be portes of ~~land~~ ladinge and discharginge and for the mayntenance and conynewall keepinge of Shipps and that the barkes and Shipps *which* maye conveyentlie contynewe and be there most bee but of twentie or fyve and twentie tonnes, and yf he be of thyrtye tonnes he is not conveniente for that ryver and farther sayeth that even those Shipps and Barkes of xx^{tie} and xxv^{tie} tonnes cannot ryde passe and repasse at all tydes and tymes though wynde and weather serve, but sayeth that they maye onlie passe at the springe tydes *with* sufficiente water.
- [4] To the fowerth *Interrogatory* he sayeth that he knoweth the creeke called Gatcombe and sayeth that noe shipp ~~of convenient~~ fytt for service or of aboue thyrtye tonnes

³⁸⁰ 'Fleete': float.

maye at all tymes safelie Fleet and come to and from the said creeke called Gatcombe and that noe shipp of conveniente burthen or fytt for service can safelie goe unto that Creeke and there ryde and abyde as in a sufficiente porte to receive and mayneteyne shippes of convenient burthen for service or defencible for the trade of marchandize for he sayeth that there is noe good moringe place for them there / and sayeth that there maye ryde at Gatcombe V fyve or syxe barkes of twentie tonnes apere at one tyme and that more then that number of v or vi cannot well ryde there at one tyme And farther sayeth that at Nepe tydes³⁸¹ or tymes a boate of fyve tonnes cannot come and goe to gatcombe / at quarter springe tydes a barke or boate of fyvetene tonnes cann but hardlie come to Gatcombe / at halfe springe tydes a barke or boate of eyghtene tonnes or thereaboutes can but come to Gatcombe / at thyrde quarter springe tydes a barke or boate of twentie tonnes maye come thither at full springe tydes a shipp or barke of fyve and twentie or neer thyrtye tonnes can come thither And farther sayeth that in his iudgement and oppinion the said creeke called Gatcombe and the other three creekes mentioned in the thyrde *Interrogatory* nor they all are meete to be a porte or portes of ladinge and discharginge of Shippes to and from the Sea for that none but such smale barkes as are aforesaide can come thither

[5] To the fyveth *Interrogatory* he sayeth that there is noe towne nor populus place neer vnto the creeke called Gatcombe that maye have intellegence and make restraynte yf her *Majestie* shoulde be deceived in discharginge ladinge or transpassinge of victualls or *prohibited* wares, but sayeth that in Gatcombe there are the howse of one *master Baring* (whoe is verie seldome or not at all there dwellinge) and fyve other howses inhabited by verie poore people and the men inhabitinge there beinge verie fewe are all such as twoe excepted are abroad from that place at woork for their lyvinge and the *Inhabitantes* of Etlowe are all husbandmen³⁸² and marreners *which* travaile abroad for

³⁸¹ ‘Nepe tydes’ – Nepe tides occur just after the first or third quarters of the moon, when the high-water level is lowest and there is the least difference between high and low water levels.

³⁸² ‘husbandmen’ – men who till or cultivate the soil, farmers.

their lyvinge and lyve elsewhere as those of gatcombe.

[6] To the syxth he sayeth that the comodities or marchandizes that the cytie of Glocester and the people of the cuntries there abouts doe vent and transept from thence are ~~onlie~~ cheefelie aples³⁸³ and corne and farther sayeth that yf it be not a good ~~aple~~ apple and fruitfull ~~yeare~~ yere they of Glocester and the said other creekes maye moare upp the most parte of their owne shippinge and boates³⁸⁴ for any thinge they have to doe for them And farther sayeth that their smale boates and barkes are maynetayned and sent to sea *with* such fruites as the cuntrie doth yeald and *with* apples and peares syder and corne and such lyke fuites.

[7] To the seventh *Interrogatory* he sayeth that he thincketh and is verelie *perswaded* that it will stand and be against the common wealth of that cuntrie that the said creekes should be a port or portes or a place or places of ladinge and ~~discharge~~ discharginge for he sayeth that he hath harde the people of that cuntries much to mislyke and speake against the havinge of a porte there for that corne thereby is verie much conveyed awaye and the pryce of corne thereby much inhanssed³⁸⁵ and little brought to the markette for that they *which* have corne to sell covett³⁸⁶ to sell it in grosse quantities togeather.

[8] To the eyghth *Interrogatory* he sayeth that he knoweth of his owne knowledge that synce the custome howse hath bin at *Glocester* the price of corne is raised both in the cuntie uppon Seaverne and in Brystoll.

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³⁸³ ‘aples’: apples.

³⁸⁴ The claim here is that Gloucester men only had a need for their boats when there was a good apple harvest and they consequently had surplus fruit to trade.

³⁸⁵ ‘inhanssed’: enhanced. The claim here is that so much corn was being illicitly exported by Gloucester men that there were local shortages and subsequent inflated prices.

³⁸⁶ ‘covett’: covet – desire. The implication here is that it was more profitable for corn sellers to export their produce in larger quantities rather than selling it in smaller quantities at local markets.

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[9] To the nyynth *Interrogatory* he sayeth that he thincketh that yf the custome howse at *Glocester* have his contynewance and the said creekes contynewe to be portes of ladinge and discharginge, the same wilbe a hinderance to the trade of *Brystoll* and a decaye of the greate shippinge and skylfull marreners there.

[10] To the tenth *Interrogatory* he sayeth that *Gatcombe* is distante by water from kingroade about twentie miles and that *Glocester* is distante from *Gatcombe* by water neer twentie miles allso.

[11] To the eleventh *Interrogatory* he sayeth that he thincketh it verie inconvenient that the custome howse of *Glocester* beinge soe farr into the lande and behinde the trade shoulde have his contynewance therefore he sayeth that he hath knowen a shipp called the *Minion* cominge out of *Spayne* whoe had a leake fallen on her at sea and by that tyme she came to kingeroade her men were even almost tyred *with avoydinge*³⁸⁷ the water out of the said Shipp, now yf the said Shipp shoulde have sent to *Glocester* for enteringe her custome there she must of necessitie bin cast awaye before she could have had annswer from thence but beinge a shipp bounde for *brystoll* she sent to enter her custome there and lyters³⁸⁸ were sent to her from *Bristoll* and thereby she was saved.

[12] To the twelveth he sayeth that he knowe of a shipp of about three skore tonnes called the *grayhounde* beinge begonn to be bylte aboute *Glocester* *which* was brought downe to *Bristoll* beinge *without* mastes or yardes and onlie bylt twoe or three strakes above the wale³⁸⁹ *which* coulde hardelie be brought to *brystoll* from

³⁸⁷ 'avoydinge': avoiding.

³⁸⁸ 'lyter' – a boat or vessel, usually a flat-bottomed barge, used in lightening or unloading (sometimes loading) larger ships that could not be discharged (or loaded) at a wharf.

Glocester as she then was havinge three or fower whole springes to come from Glocester to Brystoll and yet was lyke to have, but cast awaye in comminge be meanes of the smale depeth of the water *which* shipp in that *estate* he thincketh did then drawe about eyght or nyne foote water *which* shipp beinge afterwarde full buylte coulde never come aboue the suites³⁹⁰ but hath alwayes sythens bin kept and maynteyned in the harbor and haven of brystoll.

[13] To the thyrteenth Interrogatory he sayeth that the roade ~~off~~ at Gatcombe is not passinge a cables length long³⁹¹ and halfe a cables length brode rockes beinge a head and a sterne³⁹² and dangerus groundes on the Seaberde syde soe that it is a place inconveniente for any shipp of service to be kepte in, for that there they are agrounde at three quarters flud yf it be a shipp of any burthen, and by reason of the *badnes* of the haven and the face of the tyde of the ryver of Severne she cannot be longe kept and maynteyned there. And he farther sayeth that yf they of Glocester happen to have any vessell of shipp of about fortie tonnes they keepe them for the most *part* and lade them and discharge from either in kingeroade hungeroad or the welsh roade or in some place belowe Gatcombe, for the said Ryver of Severne is so dangerus that they dare not adventure neither their shipp nor goodes ~~in~~ to *Glocester* nor the other said Creekes yf the shipp drawe above nyne foote of water except it be uppon a good rounde springe.

³⁸⁹ ‘twoe or three strakes above the wale’ – wales were the horizontal planks or timber that extended along the sides of a vessel. The implication here is that only the most basic framework of the vessel had been constructed in Gloucester. This primitive structure was then floated down the Severn to Bristol with significant difficulties. The deponent claims that the building of the ‘grayhounde’ was then completed in Bristol, where it was also furnished with masts and yards. The deponent claims that it would have been impossible for the completed boat to return to Gloucester.

³⁹⁰ ‘above the suites’: above the river chute, ie. the mouth of the River Severn.

³⁹¹ ‘a cables length long’ – a cable’s length is a nautical unit of measure equal to one tenth of a nautical mile or one hundred fathoms. One cable’s length is approximately 185 metres.

³⁹² ‘rockes beinge a head and a sterne’ – the implication here is that any ship coming to Gatcombe would be surrounded by dangerous rocks and would struggle to moor safely.

- [1] **John Barrett** marrener of dwellinge in Brystoll and borne at minsterwood³⁹³
in the countie of Glocester of the aige of fortie fower yeres or thereabouts sworn
and examined to the fyrst *Interrogatory* he sayeth that he knoweth the Ryver of Severne
and the creekes and Pills betwene kingroade and the bridge of Glocester
- [2] To the seconde *Interrogatory* he sayeth as Walter Stanfast before hath sayed.³⁹⁴
- [3] To the thyrde *Interrogatory* he sayeth he knoweth the Creekes and Pills called Barkley
Newneham and Glocester and that noe shipp of conveniente burthen can fleet
and come to and safelie ryde and abyde in the same as in a place or places
sufficente and meete to be portes of ladinge and discharginge neither for the mayntenance
and contynewall keepinge of Shippes of Burthen and sayeth that shypps of
twentie fyve tonnes maye be an contynewe there And farther sayeth to the said
Interrogatory as Walter Stanfast before him hath sayed.
- [4] To the fowerth *Interrogatory* he sayeth that he knoweth the creeke called Gatcombe
and that serviceable Shippes cannot at all tymes fleet and come to and from
the said creeke called Gatcombe neither maye Shippes of convenient burthen
with safetie come to the said Creeke and there abyde and Ryde as in a sufficient
porte to mayneteyne shippes of Convenient burthen for service and farther
sayeth as Patrick Carter before him hath sayed.
- [5] To the fyveth *Interrogatory* he sayeth that he knoweth noe towne nor pupulus place
neither is there any towne or populus place or village neer unto the creeke
called Gatcombe that maye convenientelye have intelligence and make restraynte
yf her *majestie* shoulde be ~~dismissed~~ deceaved in discharginge ladinge or transpassinge
of victualls and p[ro]hibited wares.

³⁹³ ‘minsterwood’: Minsterworth – a village on the west bank of the River Severn, approximately four miles downstream from Gloucester.

³⁹⁴ The initial responses made by deponents would be copied down onto paper by the scribe. When all the depositions had been made, the scribe would then copy these depositions on to parchment. It seems that the scribe saved time here by stating that the deponent’s answer to this interrogatory was so similar to a previous deposition that it would not be worth copying it out in full. Bryson, *Equity Side of the Exchequer*, 139.

[6] To the syxth *Interrogatory* he sayeth that the comodities and marchandizes *which* the cytie of Glocester and the cuntries there aboute doe vente and transporte from thence and ~~therewyth~~ where *with* their smale barkes and boates be maynteyned are corne apples and such lyke fruites.

Thomas Hanam

Rychard pate ~

Thomas Throkmarton

7r.

[7]

[8] To the seven and eyghth *Interrogatory* he cannot depose any thinge materiall

[9] To the nynth *Interrogatory* he sayeth as Patrick Carter hath sayed.

[10] To the tenth *Interrogatory* he sayeth that Gatcombe is from kingeroade by water aboute twentie myles and that *Glocester* is from Gatcombe aboute twelve myles.

[11]

[12] To the eleventh twelveth and thyrteenth *Interrogatory* he cannot depose

Thomas Foster of Sherehampton³⁹⁵ in the countie of Gloc sayler of the aige of fyftie yeres of thereaboutes one of the Pylottes of the Ryver of Severne sworn and examined to theeffecte of all the *Interrogatories* he sayeth that aboute mydsomer last past there came a shipp called the Grayehounde *which* belonged to Miles dickenson of Brystoll and to one Richarde Lydger of the burthen of fortiefower tonnes laden *with* Salte into kingeroade *which* ladinge the said myles dyckenson woulde have discharged at Gatcombe and therefore sente ¶ up Severne to get some skylfull pilott to bringe the same shipp thither *with* his burthen

³⁹⁵ ‘Sherehampton’: Shirehampton, a village on the edge of Bristol situated approximately two miles away from where the mouth of the River Avon meets the River Severn.

but as he hath harde the said dickenson and Lydger to reporte whoe were owners of the said Shipp noe ~~pille~~ Pilott of the said Ryver would take the charge uppon him to bringe the said Shipp *with* for ladinge unto Gatcombe the said Shipp drawinge then but tenne foot of water and stayinge in kingeroade about fyve dayes to be brought to Gatcombe, and therefore was not brought and discharged at Gatcombe but went to ~~kingeroade~~ hungeroade where she was discharged.

- 1 **Anthonye Phyllipes** of the cite of Brystoll Baker aiged fyftie fower yeres to the fyrst *Interrogatory* he sayeth that he hath harde of the erectinge of the custome howse in *Glocester* and hath lykewyse³⁹⁶ harde of certeyne portes betwene the welshe roade and ~~Tewexk~~ Tewexburie.
- 2 To the seconde *Interrogatory* he sayeth that the inhabitantes of Brystoll have bin vitled³⁹⁷ from Tewexburie and *Glocester* from Tewexburie especiallie *with* corne victuall and other *provision* and from other the creekes of *Glocester*.
- 3 To the thyrde *Interrogatory* he sayeth that before this tyme they the citizens of Brystoll payed for the sight of everie Cockett *comminge* from the custome howse of Brystoll and goinge through *Glocester* bridge fower pence onlie.
- 4 To the Fowerth *Interrogatory* he sayeth that they the bakers of Brystoll have not bin *served with* graine from the cytie of *Glocester* in such sort as they were wonte³⁹⁸ to be for he sayeth their cockettes brought from bristoll would not be allowed by the officers of *Glocester* but sayeth where they have demanded corne there by their trowe men annswere have bin made the cuntrie coulde not spare it, the reason of the skercitie³⁹⁹ thereof this deponent knoweth not.

³⁹⁶ ‘lykewyse’: likewise.

³⁹⁷ ‘vitled’ – victualled.

³⁹⁸ ‘wonte’: wont – accustomed.

³⁹⁹ ‘skercitie’: scarcity

- 5 To the fyveth *Interrogatory* he sayeth that he thincketh it noe more trouble not charge for the townes of Gloucester Tewexburie woorceter Bewdley and Shrewesburie to make their entries and take out their cockettes out of the custome howse of Brystoll then to have and take out the same at Gloucester for he sayeth that those townes about Gloucester vsed to sende for their cockettes and warrantas By their trowemen to Brystoll to serve there townne from springe to springe and more easylye he thinketh they cannot have them from Gloucester.
- 6 To the syxth *Interrogatory* he sayeth that he thincketh that it is for the ease of such as be corne marchantes at or about Gloucester but he thinketh it hurtfull to the common people rather than any benefeite⁴⁰⁰ to them to take out their cockettes at Gloucester.
- 7 To the seventh *Interrogatory* he sayeth that sythens the erection of the custome howse at Gloucester they cannot nor coulde not have their provysion of corne and grayne from Gloucester and the cuntries from thence upp seaverne as they coulde have before, the reasons whereof he this deponent cannot sett downe because he hath not of late travailed⁴⁰¹ in his owne person and farther to the said *Interrogatory* he cannot depose....

Thomas Hanam

By pate *richard*

Thomas Throkmorton

8r.

Interrogatories to be ministered unto witnesses to be examynd on the parte and behaulf of the maior and Burgesses of the Cittie of Gloucester

⁴⁰⁰ 'benefeite': benefit.

⁴⁰¹ 'travailed': travelled.

againste the maior and comunaltie of the Cittie of Bristoll. /

- 1 Inprimis of what adge be yowe / and are yowe, or have yowe benne, owner, or master, of any shippe barcke, boate, or trowe, upon the River of Severne or a searcher deputie or *seruannt* to any searcher there and howe longe tyme, and are yowe, or have yowe ben a marryner or officer in any shipp bark boate or trowe, and howe longe tyme or have yowe vsed any trade of Carriage ventringe ladinge or passage of any commodities wares or *merchandizes* by thesaid River of Severne, to Bristoll *devonshire* Cornwall wales and Irelande, or any other partes beyonnde the seas and howe longe tyme. /
- 2 Item wheather the Cittie and porte of Gloucester and the Creekes there be frequented or haunted with traffique of *merchanntes* and *merchandizes* boothe inwarde and outwarde, and whether it be meete to be contynued for the same purpose / and wheather the same be necessary to be meyntheined⁴⁰² & advanced in *your* iudgment. /
- 3 Item howe many villadge howses creekes or townes are betwene the said Cittie of Bristoll / and the Roades for shippes and barckes called hungroade and howe farre distant is the villadge of Shirehampton from the said Roades of hungroade and kingroade.
- 4 Item do yowe knowe the portes townes and creekes of Bristoll hungrode kingroade Gatcombe Berckley newnham and Gloucester, and the townes of Twexburie wourcester Bewdley Bridgnorth, & Shrewisburie and howe longe tyme. And declare what distannce is betweene the said creekes of Berckley ~ Gatcombe and newenham kingroade hungroade and Bristoll. / everie one from thother, booth by water and lande / and what number of miles is from kingroade and Shrewisburie by water and lande as yowe iudge⁴⁰³ / And doe yowe iudge that the key of Gloucester and the creekes of Berckley Gatcombe and ~ newnham be meete and apte places for ladinge unladinge and dischardginge of wares *merchandizes* and comodities and declare *your* knowledge of the key of Gloucester and the state thereof And have *you* knowne any shippes or barckes made and builte there, or about Gloucester by whome and of what burdens. /

⁴⁰² ‘meynteined’: maintained.

⁴⁰³ ‘iudge’: judge.

- 5 Item wheather there be any more or greater number of ladinge and unladinge places vsed vppon the River of Severne, since the Queenes *Majestie's* grannt of the custome howse in *Gloucester*. / then there were vsed before. that grannt made, And wheather were the creekes of Gatcombe Backley and newenham vsed for places of ladinge and unladinge before the said grannt made to *Gloucester*. And wheather the shippes and barckes of Bristoll or those that Come to Bristoll with any merchandizes doe lade and unlade at hungroade of kingroade and wheather there is not good harboroughs for shippes lyenge vppon the Forreste of Deane side
- 6 Item what depth of water is the river of severne at Gatcombe vppon a full sea and what shippes of burden may fleete riste and lye at Gatcombe at full sea or springe tyme and with what expedition may the same come from to gatcombe from kingroade. and what barckes boates or trowes have yowe knowen to come from gatcombe to *Gloucester* and with what expedition.
- 7 Item wheather are the saide creekes of Gatcombe and newenham sufficient and conveyent places to discover all shippes barckes and boates passinge the same River of Severne, or have sufficient numbers of dwellinge howses and people there or neare unto the same places for meete *seruice* unto her *majestie* / And howe broade is the same river of severne at Gatcombe & newenham
- 8 Item doe yowe knowe or iudge wheather there have bynne any greater or small number of trowes or barckes within vj yeeres paste⁴⁰⁴ then there weere in other yeeres before vppon the said River of severne betweene kingroade and Shrewisburie / And whether there have benne any greater trafyque from Gatcombe to *Gloucester*, and the portes there adioyninge within that tyme then were used before /
- 9 Item doe yowe knowe of have harde whether any more and greater number of shippes boates barckes or trowes within vj yeeres paste have benne made and builte in any of the creekes or townes betwene Gatcombe and Shrewisburie then weere before in the same places duringe the lyke tyme before those vj yeeres / And wheather the *merchanntes* of Bristoll have not nowe as

⁴⁰⁴ 'vj yeeres paste' – the past six years, presumably referring back to the point at which Gloucester became a member port of Bristol in 1575.

free and greate vente for all kindes of merchandizes wares and comodities to all townes and places above and beneath Gloucester bridge as they had before the said grannt made of the custome howse to Gloucester /

- 10 Item wheather doe yowe not iudge that the said cittie of Bristoll hath benne aswell serued & prouided with commodities and wares from Gloucester Twexburie, and other places adioyninge within vj yeeres laste paste as in other tymes before. /
- 11 Item do yowe knowe or have harde wheather nowe there be any lesse carryadge of mawlte and other places commodities and wares from Twexburie to Gloucester for the relief of Bristoll then in tymes paste. And whether the said Inhabitanntes in Gloucester Twexburie and other places near adioyninge doe not sufficienly searve them of Brystoll as in tymes paste they did or weere used.
- 12 Item doe yowe iudge that any greater œf quantitie of leather butter or cheese hath ben commonly before vj yeeres paste transported and broughte from the portes and costes⁴⁰⁵ of wales to Gloucester / otherwise than before that time.
- 13 Item doe yowe knowe or have harde wheather thinhabitanntes of the cittie of Bristoll duringe vj yeeres paste have not had cockettes grannted to them at Gloucester whensoever they have soughte for the same and by whence, and whether any grayne hath ben restrayned in Gloucester at any time to be carryed unto Bristoll and declare by whome howe often and when /
- 14 Item what plentie of Corne or grayne doe yowe iudge to have benne commonly transported & landed in Cornwall Devonshire and wales from Gloucester porte / And wheather the Cittie of Bristoll can furnishe and searue the countrey of Cornewall wales or Irelande with Corne & grayne better cheape than the cittie of Gloucester or as good cheape as the townes of Gloucester and Twexburie and other places adioyninge. /

⁴⁰⁵ 'costes': coasts.

- 15 Item doe yowe knowe wheather the Queenes *majestie's* provision of mawlte and wheate for Irelande may be provided and furnished from the Cittie and countie of Glouc as good cheepe and better cheepe as it is was or mighte be from Bristol if there weere noe custome howse in *Gloucester*
- 16 Item doe yowe know howe many Cittizens of *Gloucester* doe nowe use or late did use, xx/xx/xx/xx and exercise husbandry or grasinge And declare the names of those persons / And whether were they free houlders of inheritance or Indenture holders thereof And whether the trades of Cappers & clothiers be not mouche decayed in *Gloucester* within xx or xxx yeeres paste /

8v.

- 17 Item doe yowe knowe or can yowe iudge that the smalle boates barckes and trowes uppon severne have brede or can, or doe breede and increase able and sufficient marryners apte for sonndry⁴⁰⁶ *servi*ce by sea, and fitte for greater shippes. And wheather her *majestie* in tyme of *servi*ce hath not ben prouided of sonndry good marryners from the townes or places neer adioyninge to the river of severne and bredde in those small boates barckes or trowes And do *you* know wheather the small boates barckes or trowes in severne, be or have ben employed for her *majestie's* service into Irelande or noe /
- 18 Item doe yowe knowe wheather any barckes uppon severne doe used or have used to traveill into Ireland or any partes of Skotland or unto any other places beyonnd the seas
- 19 Item do yowe knowe what stoare of fruite and sider by reasonable accompte is commonly every yeere transported in those barckes and boates from the county of Glouc into Cornewall devonshire Ireland wales and Bristoll / And wheather greate quantities of herringe and fishe be not returned from all those places (excepte Bristoll) back agayne to *serve* the countreyes of Glouc wigorn⁴⁰⁷ Salopshire⁴⁰⁸ Staffordshire warwick & other countreis aioyninge.

⁴⁰⁶ 'sonndry': sundry.

⁴⁰⁷ 'wigorn': Worcester.

⁴⁰⁸ 'Salopshire': Shropshire.

- 20 Item wheather one hundred tonnes of small shippinge doth not meinteyne and brede as many and more marryners then a greate shipp of like burden / And Declare the reason thereof And doe yowe knowe or have harde wheather any searcher or deputie or *seruannt* of souche searcher hath used to attende, and doth commonly attende aswell at *Gloucester* as at ~ *Gatcombe* and *newenham* / at everie springe and other tymes for tryell searche and ~ vnderstandinge of thinges belonginge to that office /
- 21 Item doe yowe knowe or have yowe harde wheather there is a custome howse of late yeeres erected in *Gloucester* / And howe neere unto the River of *severne* / And whether the same standeth commodious and apte for the *Queenes Majestie's* officers and seruice there. / And what stoare howses or places be there fitt to place wares in. /
- 22 Item do yowe iudge that a greate parte of all Corne & grayne vsed to be transported to *Bristoll* *devonshire* *Cornewall* and *wales* hath benne lade at the key of *Gloucester* and at *Twexburie* And wheather there hath benne any more carried of late yeeres from those twoe townes or the countie of *Glouc* then in tymes paste /
- 23 Item wheather there be not mouch money saued in all the countrey and townes above *Gloucester* by havinge, and obteyninge of their cockettes at *Gloucester* for the which they did before the said vj yeeres travaill to *Bristoll*.
- 24 Item wheather any searcher his deputie or *seruannt* haue dwelte or remayned or both dwell or remayne betweene *Bristoll* and *Hungroade* or *kingroade* or any of them and declare the names of souche persons and the place or places of their habitacion.

9r.

Interrogatories to be ministered unto wittnesses to be examyned on the parte and behaulf of the *maiour* and *Burgesses* of the *Cittie of Gloucester* againste the *maiour*

and communalitie of the cittie of X X X X Bristoll . . hr/ ⁴⁰⁹

- 1 **Inprimis** of what adge be yowe or are ye, or have yowe bynne owner or master of any shippe bunt boate, or trowe uppon the Ryver of Severne or a searcher deputie or *seruannte* to any searcher there and how longe tyme, or are ye or have ye bynne a marryner of officer in any of the same shippes barckes boates or trowes, and howe longe tyme, or havinge used any trade of carriage ~ ventring ladinge, or passage of any commodities wares, or marchanndizes by the said ryver of Severne to Bristoll *devonshire* *Cornewall*, *wales* *Irelande*, or any Partes beyonnde the seaes and howe longe tyme./
- 2 Item wheather the cittie and Porte of *Gloucester* and Creeke theree be not frequented, or haunted with traffwyk of marchanntes and marchanndizes booth inwarde and owtwarde / And wheather it be meete to be contynewed for the same purposses. / Or wheather the creeke there be decayed and not soe mouche frequented with *merchants* and *merchanndizes* as the same hath bynne heretofore, or mighte be convenyently / and declare the *causes* therrof / And wheather the same be necessarie to be contynewed and aduanced in *your* iudgment and shewe the Reasones therof. /
- 3 Item howe many villadge howses creekes or Townes are standinge uppon the ryver of Aven goeing vnder the bridge of Bristoll betwene the cittie of Bristoll, and the Roade for shippes and barckes called hungroade And howe farr a distance is the villadge of Sheerehampton from the said Roade of hungroade, and howe many howses are in every souche villedge and howe neare dothe the Countie of Glouc extende to the Cittie of Bristoll and wheather kingroade and hungroade be within the Countie of Glouc yea or noe. /
- 4 Item doe yowe knowe the portes townes and creekes of Bristoll hungroade kingroade Gatcombe Barkley newenham and *Gloucester*, and the townes of Tewkeisbury wourcester Bewdley Bridgnorth and Shrewisbury standinge uppon, or neere to the ryver of Seuerne yea, or noe And howe longe tyme to *your* remembrance and declare what distannce is betweene the said creekes of newenham Gatcombe Barkley kingroade hungroade

⁴⁰⁹ This set of interrogatories is very similar in content to the previous set of interrogatories. In general, these interrogatories are much wordier and sometimes a little confusing. It would appear from a report of the first commission found in the records of the city of Gloucester, that this set of interrogatories was the original set that was used at the start of the commission. However, at the end of the first day of the commission, Gloucester's interrogatories 'at nighte were abridged' in order to simplify and clarify the questions being put to deponents. Although this set of interrogatories may therefore have been used when questioning the first Gloucester deponent, all deponents after this would have been questioned against the set of interrogatories inscribed on fols. 8r. and 8v. See Appendix 5.

and Bristoll every one from thother buothe by water and by lande and what number of myles is from kingroad to Shrewisburie by water and by lande, as *you* iudge. / And what number of dwellinge howses are builte and standinge in gatcombe or within hawlf a myle of Gatcombe / and doe *you* iudge that the key of Gloucester, and the creekes of newnham and gatcombe be meete & apte places for landinge ladinge unladinge & dischardginge of wares merchanndizes & commodities And declare *your* knowledge of the buildinge & makinge of the key of Gloucester / and have *you* knowen any shippes or barckes made and builte betweene Gloucester bridge and Gatcombe, and by whome & of what burdens /

- 5 Item wheather there be any more or greater number of ladinge and unladinge places used uppon the Ryver of severne synce the Queenes *majestie's* grannt of the custome howse in Gloucester / made to the towne of Gloucester then there were used before that grannt made. And wheather the ladinge and unladinge at Gloucester newenham and Gatcombe be now more hurtfull to her *majesty* than before / and wheather weere the creekes of Gatcombe Berckley & newenham used for places of ladinge and unladinge before the said grannte made to Gloucester of the custome howse there / And wheather the shippes and barckes of Bristoll or those that come to Bristoll with any merchanndizes wares or commodities doe lade and unlade at hungroade or in any other place and declare the manner of that doeing / and howe far distant is the same from Bristoll. / And wheather there is not better harborowge in tyme of greate springes for shippes lyenge in kingroade on the forreste side then on the side of Bristolle /
- 6 Item what depthe of water is the ryver of severne at Gatcombe at full-sea / and what shippes of burden may fleete reste and lye at Gatcombe at full sea or at springe tyme / and with what expedicion may the same come to Gatcombe from kingroade / and what barckes and boates of burden / or trowes have ye knowen to come or may passe and come from Gatcombe to Gloucester and with what expedicion, and declare the same And what shippes , barckes of burden may passe from Gatcombe to Bristoll and from Bristoll to gatcombe. /
- 7 Item wheather are the saide creekes of Gatcombe & newenham sufficient & convenyent places whereby to discry⁴¹⁰ and discover all shippes barckes and boates passinge the saide ryver of severne or have sufficient numbers of dwellinge howses and people there or veary neere unto the same places to that or any other meete *seruice* for her *majestie* / and howe broade is the same Ryver of severne at Gatcombe and ~ newenham / and declare youre knowledge and iudgment thereof /

⁴¹⁰ 'discry' – to perceive from a distance.

- 8 Item wheather doe yowe knowe or remember or have yowe harde what number of boates trowes or barckes commonly within twentie or fortie yeeres before the xvijth yeere of the Queenes *majestie's* Raigne were belonginge to thihabitanntes of Gatcombe / Barkley, newenham and to the townes & villages about newenham / That is to say minsterworth Longney Ellmore Gloucester, Twexbury upton uppon severne wourcester Bewdley Bridgnorth and Shrewisbury or any of them or to thinhabitanntes of any other townes or places uppon or neere severne / and of what burdens the same were commonly accopted or adiudged to be / And doe yowe knowe or remember or have yowe harde what number or boates barckes or trowes commonly within vj yeeres paste are or weere belonginge to thinhabitanntes of the townes portes and creekes before Recited and of what burdens / And doe yowe knowe or have harde what number of boates barckes or shippes commonly within twenty or fortie yeeres nexte before ~~thesaid~~ the said xvijth yeere did come from Irelande Devonshire Cornewall wales, or any other places beyonde kingroade with any wares or marchannizes to any of theforesaid xiiij Portes creekes or townes and of what burdens / And what number of shippes barckes boates or trowes commonly within vj yeeres laste paste have yowe knowen to come from Ireland Devonshire Cornewall wales or any other places beyonnde the seaes to any of the said portes Creekes or townes and of what burdens the same weere /
- 9 Item doe yowe knowe or remember what number of boates barckes or trowes have bynne belonginge to thinhabitants of Bristoll comonly within twentie or fortie yeeres before the saide xvijth yeere of the Queene *majestie's* Raigne⁴¹¹ did come from Bristoll unto the saide Portes townes, or places names in the viijth Interrogatory and of what burdens / And what number of boates trowes and barckes have come from Bristoll comonly within vj yeeres laste paste to any of those places, and of what burdens / And doe yowe knowe or have harde wheather any more or greater number of shippes boates barckes or trowes within vj yeeres paste have bynne made or built, in any of the creekes or trowes betweene Gatcombe and Shrewisburie then weere before in the same places duringe the like tyme before those vj yeeres / And declare *your* knowledge herein and wheather the marchanntes of Bristoll have not nowe as free and greate vente for all kynds of merchandizes wares and Comodities to all townes and places above and beneath Gloucester bridge as they had before the said grannte made of the custome howse to Gloucester /
- 10 Item what kyndes or quantities of comodities have yowe knowne to be comonly transported or conveyed from the said

⁴¹¹ 'xviith yeere of the Queene *majestie's* Raigne' – Elizabeth I's eighteen regnal year ran from the 17th November 1575 to the 16th November 1576.

portes Creekes townes or places mencioned in the said viijth Interrogatory / vnto Bristoll within twentie yeeres nexte before the said xvijth yeere of the Queenne *majestie's* Raigne / And wheather doe yowe not iudge that the saide Cittie of Bristoll hath ben aswell *serued* and Provided with comodities and wares from the said townes creekes portes and places within vi yeeres laste paste as duringe the like tyme w_____⁴¹² those twentie yeeres before and declare *youe* iudgment and reasons therein /

11 Item doe yowe knowe or have harde wheather nowe or of late yeeres there be any lesse vsuall and ordinary passadge and carriadge of mawlte and other grayne comodities and wares from Twexburie and Gloucester for the reliefe of Bristoll then in times paste And wheather the saide inhabitantes in Gloucester Twexburie and other places neere adioyninge are not aswell able sufficiently to furnishe the wantes and needs which the City of Bristoll shall have for mawlte and wheate and every springe doth sufficiently *serue* them as in tymes paste they did or were used / And what greater prices are comonly of those comodities in Bristoll nowe than in Gloucester or Twexbury

12 Item have yowe harde or doe knowe or iudge that any leather butter or chese have byn comonly before vj yeeres paste transported and broughte from the Portes and costes of wales to Gloucester yea or no. if yea then wheather in more lardge or ample manner before those vj yeeres paste within and sithence those vj yeeres And what quantities have yowe knowne *commonly* to have come within twentie yeeres paste and shewe the same.

9v.

13 Item doe yowe knowe or have harde wheather thinhabitage of the Citie of Gloucester duringe vj yeeres past have not had cockettes grannted to them at Gloucester whensoever they have sente for the same and by whome and wheather any grayne hathe ben restrayned in Gloucester at any tyme to be carried owte. And declare by whome howe often and when.

14 Item wheather any plentie of Corne be yeerly transported and landed in Cornewall Devonshire wales from the creekes townes places and portes mencioned in the said viijth Interrogatory and declare the

⁴¹² Illegible deleted word.

same at ____⁴¹³ And of what state or quantity of corne or grayne hathe the Cittie of Bristoll ben *serued* with all from Cornewall duringe vj yeares paste / And wheather the cittie of Bristoll canne furnishe and *serve* the countreies of Cornewall wales and Ireland with corne and grayne better cheepe then the cittie of Gloucester, or as good cheepe as the townes of Gloucester and Twexburie And wheather the provision thereof may be done at Gloucester and Twexburie with lesse chardge then at Bristoll. And declare *your iudgment* & the reasons thereof.

- 15 Item doe yowe know of iudge wheather the Queene *majestie's* provision of mawlte and wheate may be provided and furnished from the Cittie Countie and Porte of Gloucester and the creekes thereunto belonginge as good chep and with a small Chadges or better cheeper unto her *majesty* and the country of Irelande as it is or was or may have ben *from* Bristoll if there were noe custome howse in Gloucester / And declare the reasons and causes thereof.
- 16 Item do yowe knowe howe many Cittizens of Gloucester doe nowe use or late did use, and exercise husbandry grasinge and declare the names of those persons And wheather weere they free houlders of inheritance or indenture howlders thereof / and what quantites of ground are or were by them soe used and howe neere unto the saide Cittie And wheather the trade of Cappers⁴¹⁴ and Clothiers be not mouche decayed in Gloucester within twentie or thirtie yeeres paste And have yowe knowen or harde of any Cittizens in Gloucester to use the trade of marchanndizes by ventring⁴¹⁵ to the partes beyonnde the seaes or any other partes creekes or places and declare their names and all thinges concearninge this *interrogatory*./
- 17 Item do yowe knowe or can iudge that the small boates trowes and barckes uppon severnne have brede or can or doe breede or increase able and sufficient marryners apte for soundri *seruice* by sea & are too fitt for greather shippes / And wheather her *majestie* in soundri *services* hath not ben provided soundry good marryners from the townes uppon or nere adioyninge to the Ryver of severne and brede

⁴¹³ The manuscript has deteriorated here, obscuring this word.

⁴¹⁴ 'Cappers': cap makers.

⁴¹⁵ 'ventring': venturing.

in those small barckes trowes and boates / when her highnes pleasure hath benne to require the same yea or noe declare the reasons thereof / And doe yowe knowe wheather the small boates or barckes uppon *serverne* be and have ben ymploiede⁴¹⁶ for her *majestie's service* into Irelande yea or noe. / And sett downe youre Remembrance in all thinges for prooffe thereof/

- 18 Item doe you know wheather any barckes or boates uppon severne doe use or have used to traviell to Ireland or to any partes of Skottland or to any other places beyonnde the sea / And what comodities are or have bynn therein Returned ~~in vij yeeres~~ to youre Remembrance and declare the same and all thinges for prooffe thereof.
- 19 Item do yowe knowe what stoare of fruite and syder by reasonable accompte is commonly every yeer transported in those barckes and boates from the countie and portes of Gloucester into Cornwall Devonshire Irelande wales and Bristoll / And wheather greate quanteties of hearrings & fishes be not returned from all those places excepte Bristoll back againe to *seruice* the countreyes of Glouc wigorn Heref⁴¹⁷ Shropshire Stafforde warwick and other countreyes adioyning And declare *your* knowledge and remembrance thereof/
- 20 Item wheather one hundred tonnes of small shippinge dothe not meyntyne and breede as many marryners as more then a greatt shippe of like burden and declare the reasones thereof and doe *you* know or have harde wheather any searcher or deputie or *seruannte* of souche a searcher hath used to attende & doth comonly attende aswell at Gloucester as at Gatcombe and newenham at every springe and other tymes for tryall searche and understandinge of the Queenes *majestie's* benefitte commynge or passinge that way ~/
- 21 Item doe yowe knowe or have harde wheather there is a custome howse of late yeeres erected in Gloucester and in what place of that Cittie and howe neere unto the Ryver of Severne standeth the same howse and wheather it standeth commodious and apte for her *majestie's* officers there and to discerie barckes boates & trowes passinge that way / and tunderstande her *majestie's* benefitte and prouffitte comminge uppon that Ryver / And wheather doe *you* knowe that there be any stoare howses or howse apte

⁴¹⁶ 'ymploiede': employed.

⁴¹⁷ 'Heref': Herefordshire.

to make stroare howses or places and Roomes meete to errecte stoare howses upon neere unto the said custome howse.

22 Item doe *you* not iudge that the greateste parte of all corne and grayne used to be transported to Bristoll Devonshire Cornewall and Irelande and wales hath not ben laden at the key of Gloucester and at Twexburie And wheather there hath ben any more corne or grayne carried commonly from those twoe townes within syx yeeres paste then commonly in the lite tyme within twenty or thirty yeeres before to youre knowledge and remembrance /

vacat 23 ~~Item wheather have yowe knowen or harde that any shippes barekes or boates have before the grannt of the said custome howse in Gloucester comen or travailled from Irelande and other places with herringes or other comodities to the cittie of Gloucester, and were forced to turne back to Bristoll for lack of a eustome howse in Gloucester yea or noe / and wheather have ye harde that any of the _____⁴¹⁸ inhabitantes of Bristoll / did at any tyme move or perswade marchanntes of Barnestaple and spannishe merchanntes or any other merchanntes that the saide Ryver of severne coulde not serve for boates of x tune or upwardes / And declare youre Remembrances thereof.~~

vacat 24 ~~Item doe yowe knowe or Remember of have harde whether thinhabitanntes of the said creekes or portes mencioned in the viijth interrogatory. / or any of them did at any tyme carry and transporte their corne and grayne to Cornewall Devonshire Irelande and wales without havinge takinge or fetchinge of cockettes or makinge entries at Bristoll.~~

23 Item doe yowe knowe or iudge whether that / iii x x x iiii x x x iiii x be not very mouche money saved in all the countrey and townes above Gloucester by havinge & obtieninge their cockettes at Gloucester / for the which they did before the said vj yeeres travaill withe greate chardge and travaill to Bristoll / And declare *your* iudgment and reasons thereof. /

24 Item wheather any searcher his deputie or *seruannt* have dwelte or remayned or doth dwell or remayne betwene Bristoll and kingroade in any villadge howses or places for the discrying tryall and understandinge of souche shippes and barckes as doe or have comen and passed that way into the

⁴¹⁸ Illegible deleted phrase.

portes of Bristoll hungroade or kingroade or any of them / And declare the names of souche persons and the place or places of their habitacion / ~

Item to declare your remembrance of all other things concerning the matters mentioned in all the former *Interrogatories* / and all Circumstances touching the same or any parte thereof.

10r.

depositions of witnesses sworne and examyned taken at Berckley⁴¹⁹ in the Countie of Glouc the xvijth & xvijth dayes of January in the xxvth yeere of the Raigne of our soueraigne Ladie Elizabeth⁴²⁰ by the grace of god of Englande Franncce & Irelande Defendor of the faieith he Before Thomasan Thockmarton Richard Pale and Thomas Hannan esquiere by vertue of the Queenes *majestie's* most honorable commission owte of her graces highe Cowrte of Exchequer unto Sir william wynter knyghte and then addressed for the examynacion of witnesses touching matter in controuersye in the same Cowrte dependenge betwene the maior and communalte of the Cittie of Bristoll Compt and the maior and Burgesses of the Cittie of Gloucdeserter⁴²¹

1. William Grasinge of mynsterworth in the Countie of Glouc marryner of thadge of threscore yeeres or thereaboutes sworne and examyned to the firste interrogatorie deposethe and saieth that he hath benne an owner and a master of severall boates or barckes uppon the ryver

⁴¹⁹ 'Berckley': Berkeley, a town on the east bank of the River Severn, approximately 20 miles from Bristol and 16 miles from Gloucester as the crow flies. It would seem that Berkeley was identified as a suitable venue for the sitting of the commission because it was almost equidistant from Bristol and Gloucester and thus the 'moste conveyente and fitteste place'. The Bristol Corporation were also keen for the commission to proceed at a location with a 'viewe of the Ryver' – and thus rejected Gloucester's attempts to move the commission to Wotton-under-Edge, a village five miles from Berkeley and five miles further away from the River Severn. See Appendix 4, fol. 106r.

⁴²⁰ 'xvijth & xvijth dayes of January in the xxvth yeere of the Raigne of our soueraigne' – the 17th and 18th January, 1583.

⁴²¹ 'Gloucdeserter': Gloucester.

of severne, but were never searcher, deputie searcher nor *seruannte* to any searcher and hath benne a sailer veary neere those fortie yeeres and hath used the trade of carriage of wares and *merchanddizes* allwayes unto Bristoll Cornwall Devonshire and Ireland and into other partes beyonnde the seaes /

2. To the seconde *Interrogatory* the deponent saieth that the Cittie & porte of Gloucester, and the creekes there is frequented and haunted with ~~ *marchanntes* wares and *marchanddizes* booth to serue inwarde and outwarde, and thincketh the same meete to be contynued for the same purposes And that the same creeke is not decayed, but still frequented all the same have benne heretofore and that in his oppinyon it is moste convenient the same shoulde be soe contynued ~ and aduanced, the reason is for that all the townes and countrey about, and above Gloucester are mouche eased because they have their cockettes at Gloucester, a place mouche neere unto them and their travell heretofore, unto Bristoll for the same were veary chardgable & paynefull unto them. /
3. To the thirde he saieth that he knoweth noe howse of custome or any searcher dwellinge uppon the river of severne / or Aven goeing under the bridge of Bristoll betweene the cittie of Bristoll and the Roade called Hungroade / But saieth that the towne of Sheerhamton is distant from Hungroade aboute a quarter of a mile and that the countie of Glouc extendeth to the towne wales⁴²² of Bristoll but wheather kingroade and Hungroade be within the Countie of Glouc or not he knoweth not.
4. To the fowerth he saieth that he knoweth all the portes creekes &

⁴²² 'wales': in this context, walls.

places in the said *interrogatory* mencioned savinge Shrewisburie and the same hath well knowen those fortie yeeres And saieth that gatcombe is distannt from kingeroade booth by water and lande twenty miles or thereaboutes and from Gatcombe to newnham by water fyve miles, and fower miles by lande / And from newnham to Gloucester by land seuen miles and tenne miles by water ~~and from Gloucester to Tewxburie by lande seven miles and tenne miles by water~~ And that kingroade is distannt as he thincketh by lande from Shrewisburie Fower skore and tenne miles and by water one hundred miles And saieth that there are vj or vij dwellinge howses standinge in Gatcombe / And in Blackney⁴²³ *a mile*.

Thomas Throkmarton

Rychard pate ~

Thomas Hanam

10v.

from Gatcombe, and in Etlowe a quarter of a mile from Gatcombe the like number of howses, And iudgeth that the key of Gloucester and the creekes of Gatcombe and newenham have benne alwaies apte places of ladinge and discharginge of wares marchandizes and commodities and soe hath ben allwayes used duringe the tyme of his remembrannce / And saieth that he hath knowne diuers⁴²⁴ barckes builte and made betwene Gloucester bridge and Gatcombe, whereof he knowe one of them to be made at Gloucester by master Robert Poole called the mary fortune of fower skore tonnes or thereaboutes, and one other made at Frommilade⁴²⁵ by william Bullock of the like burden / and all soe one other made at mynsternorth by one John Hawkins of Gloucester of xxxvij tonnes or thereaboutes. /

⁴²³ ‘Blackney’: Blakeney, the nearest settlement to Gatcombe. It lay approximately one mile northwest of Gatcombe.

⁴²⁴ ‘diuers’: diverse.

⁴²⁵ ‘Frommilade’: Framilode.

5. Item the fiveth that there are not more or greater number of ~ ladinge and unldadinge places used uppon the ryver of severne since the queenes *majestie's* grannt of the custome howse in *Gloucester* then before and that the creekes of *Gloucester newenham & Gatcombe* and *Berckley* are used nowe, as they have ben tyme owte of mynde and noe otherwise / and that often tymes souch shippes or barckes as come from *Bristoll* doe lade and unlade at *Hungroade* which is fower miles from *Bristoll*, and that there is good harboroughe⁴²⁶ in diuers places in the forreste side for shippes to be reste & freede in /
6. Item to the vjth he saieth that the river of severne is in depth of water at *Gatcombe*, uppon a full sea aboute iij fatham and that shippes or barckes of fower skore tonnes may fleete reste and lye in *Gatcombe* at full sea or springe tyme / and that the same may come from kingroade to *gatcombe* uppon the springe or tyde in iij howres and all soe that barckes boates and trowes of xvj tonnes may come and passe from *Gatcombe* to *Gloucester* in one tyde which is about iij howres And that barckes of *LX* tonnes may passe from *Gatcombe* to *Bristol* and from *Bristoll* to *Gatcombe*.
7. To the seventh he saieth that the creekes of *Gatcombe & newnham* are sufficient places to discearne all the shippes and barckes passing the river of severne /
8. To the viijth he saieth that there weere aboute xx^{tie} boates & xl^{tie} trowes belonginge to thinhabitanntes of the places mencioned in the same *interrogatory* / before the said xvijth yeere of the Quenes *majestie's* Raigne and that there nowe are not any more barckes, or trowes

⁴²⁶ 'harborough': harbour.

belonginge to the said River of severne then were before the said xvijth
yeere of her said *majestie*'s Raigne to his knowledge and remembrance /

9. To the ixth he saith that he knoweth not of any boates *that*
came from the saide Cittie of Bristoll to the portes and places
named in the said viijth *interrogatory* / But saith that there hath benne
made within the vj yeeres fower barckes, and loste within the same
time vj barckes / And saith that the marchantes of Bristoll
have as greate and free vent for all kindes of marchandizes to the
portes and places aboue and beneth Gloucester bridge as they had
before the same grannte of the custome howse made to Gloucester for any thing
he knoweth to the contrarye /

10.

11.

12. To the tenth eleventh twelfth and xijth he cannot depose.

14. To the xiiijth he saith that he knoweth that all the townes
about Gloucester and Tewsbury and the countries theraboutes can furnishe and *seruice*
the countries of Cornewall wales and Irelande *with* corne and
grayne better cheepe then the cittie of Bristoll and countries
thereaboutes can serue and furnishe the same /

Thomas Throkmarton

By pate *richard*

Thomas hanam

11r.

15. To the xvth he saith that the Quenes *majestie* may be provided
for mawlte and wheate from Gloucester and the creekes therunto
belonginge, for her *majestie*'s services into Ireland as good cheepe or
better then it is, was or might be from Bristoll if there weere

noe custome howse in *Gloucester* /

16.

17. To the xvj and xvij *interrogatory* he cannot depose /

18. To the xvijth he saieth that barckes and boates belonginge unto the said river of *seuerne* have used and yet doe use to travelle into *Irelande* and other places beyonnde the seaes and that there hath benne there in Retorned home back agayne herringe and salte and diuers other wares *merchandizes* and comodities /

19. To the xixth he saieth that he thincketh this laste yeere there hath benne transported from the countie and portes of *Gloucester* into *Cornewall devonshire* and *Irelande* and diuers other places at the last xxx^{tie} boates loaded with aples and sider. /

20. To the twentieth he saieth that one hundred tonnes of small shippinge doth breede and meyntine as many *seruicable* marriners as any great shipp of like burden / and that allwaies there is a searcher at *newenham* and *Gatcombe* attendinge her *majestie's* comodities there /

21. To the xxjth he saieth There is a custome howse erected and builte in *Gloucester* at the key harde by severne side and there standeth comodiouslye for the *Queenes* officers to discrie or stay any boates passinge by the same River / and saieth that there are sufficient stoar howses, and veary fitt places to builde store howses on.

22. To the xxijth he cannot depose /

23. To the xxijth he saieth that he well knoweth that mouche

money hath ben sauēd in the countrey and townes nere aboutes
Gloucester / by reason that the said custome howse is nearer unto them
in savinge of their cockettes by a daies iorney.⁴²⁷

24. To the xxiiijth and laste *interrogatory* he cannot depose /

1. Arthure Barrett of mynsterworth aforesaide in the said
Countie of Glouc yoman of thade⁴²⁸ of lvij yeeres or therabotes
sworren and examyned to the firste *interrogatory* he saieth that he hath
frayed barckes with fruite and corne into Cornwall Ireland and wales
and other places, and used that trade for the space of xij or xiiij yeeres /
and loste of the same trade xv or xvj yeeres paste /
2. To the seconde *interrogatory* he saieth that he hath knowen the Cittie &
portes of Gloucester and the creekes there frequented and haunted
with traffique of *merchanntes* and *merchandizes* booth inwarde and ~
owtwarde, and thincketh it a meete place to be contynued for the
same purpose for he saieth he hath knowen orrynges wyne, salte
Iron oyles and reasons⁴²⁹ to have benne broughte to Gloucester and soude
there /
3. To the thirde he saieth that he knoweth noe more townes &
portes and villadges betwene Bristoll hungroade & kingroade
but only the towne of Shire Hampton / which towne is ~
distant from Hungroade aboute a quarter of a mile and from
kingroade about ij miles.

⁴²⁷ ‘iorney’: journey.

⁴²⁸ ‘yoman of thade’: yeoman of the age.

⁴²⁹ ‘reasons’: in this context, raisins.

11v.

4. To the fowerth he saieth that he knoweth all the townes and portes as thinterrogatory mencioned savinge Shrewisburie and the same hath well knowen for those xl^{tie} yeeres paste, and saieth that Gatcombe is distant from kingroade by water about xx^{tie} miles & by lande as mouche / or thereabouts, / and from Gatcombe unto newnham boothe by lande and water aboute iiij^{er} or v miles and from newenham to gloucester by water aboute x or xj miles and by lande aboute viij^t miles / And from kingroade to Shrewisbury by water aboute C miles / and by lande iiijcx and viij miles or thereabouts / And thincketh that all the Creekes and portes in thinterrogatory mencioned are veary fitt and meete places to lade unlade and dischargd wares and and merchannizes threin⁴³⁰ and soe hathe ben used duringe all the tyme of his remembrannce and many yeeres before, but howe many he knoweth not And thincketh that the key of Gloucester is nowe in better state than at any tyme the same was or hath benne heretofore for and duringe all the tyme of his remembrannce / And allsoe saieth that in Poole builte and made a shipp in Gloucester of aboute iiijxx tonnes, and master Clutterbuck builte and made a barck of in Gloucester of aboute xxx tonnes and allsoe John Hawkins of Gloucester built one other barck of the like burden & william - Bullock of Ellmore builte one shippe at Framilade of aboute iiijxx tonnes. And twoe men of Bristoll whose names he well rememberth not builte twoe shippes nere unto Bewdley aboue Gloucester of iij xx and tenne tonnes at the leaste /

⁴³⁰ 'threin': therein.

5. To the vth he saieth that there are noe more places of ladinge and dischardginge in the ryver of severne since the quenes *majestie's* grannt made to *Gloucester* then were before that grannt / made / And saieth that the creekes of Barkley & newnham weere places of ladinge and Dischardginge before the same grannt made of the custome howse in *Gloucester* / as he thincketh / And that shippes and barckes of Bristoll and those that come to Bristoll with wares or *merchanndizes* Doe lade and unlade at Hungroade moste comonly and that there are diuers good harboroughes for shippes to lye in the forreste side in tyme of necessitie ./
6. To the vjth he saieth that the water is in depthe at Gatcombe uppon every springe aboute xv or xvj foutes, and at some other springes xx or xxiiijth footes as he thinckethh / And that shippes of iiij xx tonnes may fleete, & reste in Gatcombe at full sea or springe tyme, and that the same at one tyde in the beste of the springe may come from kingroade to Gatcombe havinge the healpe of the wynde / And that barckes or trowes of xx^{tie} or xxiiij tonnes havinge the wynde and tyde with them may come to *Gloucester* at one springe tyde /

Thomas Throkmarton

Rychard pate ~ *Thomas* Hanam

12r.

7. To the vijth he saieth that the Creekes of Gatcombe and newnham are sufficient and convenient places to discover all shippes and barckes passinge the said river of severne / And thincketh that there are a sufficient number of dwellinge howses & people

there, or veary nere unto the same place for fitt *seruice* to her *majestie*
and that the said River of Seuerne, is aboute a quarter of a mile in breadth at
newnham, and at Gatcombe aboute iij quarters of a mile /

8. To the viij^t he saieth he knoweth not of any greater number
of boates since the said grannt of the custome howse in *Gloucester*
then were before within the river of severne / and saieth that
there hath benne as greate of greater traffique uppon the said
river of severne betwene kingrode & Shrewisburie since the
saime grannt, as in any time before the saide grannt made
And that the *merchannts* of Bristoll have had as free and
greate vent for all kindes of wares & *merchandizes* to all townes
and places aboute *Gloucester* bridge as they had before the said grannt made of
the custome howse in *Gloucester* for any thinge he knoweth or
ever saide to the contrary. /
9. To the ixth he cannot depose /
10. To the tenth he saieth that the cittie of Bristoll hath ben
aswell *serued* and provided *with* wares & comodities from *Gloucester*
Twexburie and other places within the said vj yeeres laste
paste as before in elder time / as he thincketh /
- 11.
- 12.
- 13.
14. To the xj xij xiiij & xiiijth *Interrogatories* he cannot depose
15. To the xvth he saieth that the *Queenes majestie's* provision of
wheate and wares may be provided and furnished from the
Cittie and Countie of Glouces as good cheepe and better then

from Bristoll if there weere noe custome howse in Gloucester / the
 cause is for that comonly the said Cittie of Bristoll have
 their provision, and are *partlie serued* of their provision from
 Gloucester and the countieis nere adioyninge,⁴³¹ as this deponent verely⁴³²
 thincketh /

16. To the xvjth he cannot depose. /

17. To the xvijth he iudgeth that the small boates barckes or
 trowe uppon seuerne haue brede and doth brede & increase /
 able and sufficient marriners apte and fitt for the sea &
 soundry *seruices* of her *majestie* / and fitt for greate shippes / And
 that her *majesty* in tyme of *seruice* have benne provided of ~
 sonndry good marryners from the same townes and places nowe
 adioyninge to the said River of seuerne *which* haue ben
 bred and trayned upp in those small boates or barckes &
 may be employed for her *majestie's seruice* into Ireland

Thomas Throkmarton Rycharde pate ~ Thomas Throckmorton

12v.

18. To the xvijth he saieth that barckes and boates
 uppon severne doe use, and have used to traveill into
 Ireland and some times into Franncce & Rochell. /

19. To the xixth he saieth that comonly every yeer xij

⁴³¹ The deponent suggests that using Bristol as a central point from which to provision Ireland with wheat added an additional stage to the distribution process because Bristol obtained much of its grain supplies from Gloucester and its hinterland anyway.

⁴³² 'verely': verily, ie. truthfully.

or xvij barckes or boates *within* the saide river of severne
doe transport fruit and sider from the Countie of
Glouc into Cornwall Devonshire Ireland wales and
Bristoll / And that great quantities of herringe are
yeerely returned from all those costes savinge Bristoll to
searue the same Counties in thinterrogatory mencioned. /

20. To the xxth he saieth that one hundred tonnes of
smalle shippinge doth and will meinteine more marryners
than a greater shipp of the like burden /

21. To the xxjth he affirmeth the Fact of all the
Interrogatory ./

22.

23.

24. To the xxij xxij & xxiiijth he cannot depose /

Rychard pate ~ Thomas Hanam
Thomas Throkmarton

13r.

1. Henrie Browne of the Cittey of Gloucester sayler of thage of lx^{or} yeres or ~
theraboutes sworn and examined to the first Interrogatory saith that he ~
hath been owner of a boate of abowte xv^{en} tonne called the George⁴³³ aboute
fyve yeres past and is now owner of a parte of a boate / and hath been ~

⁴³³ Duncan Taylor identifies a number of occasions in 1592 when this ship is recorded to have departed for Bristol from Gloucester carrying malt and wheat but the arrival of the ship is then not recorded in Bristol. Taylor suggests that on these occasions, these commodities may have been illegally shipped overseas under the colour of a coastal cocket. Taylor, 'Maritime Trade', 108-115.

a purser⁴³⁴ in a shippe called the Marie fortune belonging to Roberte Poole of the Cittie of Gloucester aboute xxxvij^{tie} yeres agoe / and saith that during the tyme that he hath used to travell upon the said River (which to his remembrance is aboute xlij yeres) he used to carrie such comodities as the Countie of Glouc did yelde, to Cornewall / Devonshire / Bristoll / and wales / bringing backe with him herring and other fishe for the same / and likewise had accesse into Ireland for herring fishing / sometime for himself and sometime as an hired *servannte* and *served* the said Robert Poole as an apprentice. /

2. To the seconde he saith that the Cittie and porte of Gloucester and the Creekes there hath been frequented with traffique of *merchandizes*, and that he himself during the time of his *service* under the said Roberte Poole transported ~ clothe, leade and other lafull *merchandizes* to Galisia Andolazia Portuigall and Lushborne,⁴³⁵ at which place he hath been at the leaste Tenne tymes for his said ~ *master* and for *merchantes* of Bristoll, which said shippe was laden one time at ~ Gatcombe, sometime at Hungerode and sometime at Chepstowe / and iudgeth the same porte of Gloucester meete to be continued for the trade of *merchandizes* and do thinke it verie necessarie to be mainteyned and advannced for thencrease of more marriners therby to be more reddie for the *princes services* /
3. To the third Interrogatory he saith that there are no villages betwene Bristoll Hungerode upon the Ryver side, but here and there a howse or two at the most together and saith that Sherehampton is aboute halfe a myle distante from Hungerode, and thinketh that there be in Sherehampton aboute xx^{tie} houses /
4. To the fourthe he saith that he will knowethe all the *portes Townes* and ~ *places* menciond in the said Interrogatory, savinge Shrewsburie, and hath knowen the most *parte* of them since the time he hath used the trade of the said river

⁴³⁴ ‘purser’ - an officer on board a ship responsible for provisions and for keeping accounts, or for various other administrative matters.

⁴³⁵ ‘Lushborne’: Lisbon.

of Severne / and further saithe that Gloucester is x miles distant from ~
 Gatcombe by lande / and aboute xiiij miles by water / and betwene Gatcombe and
 kingeroode is aboute xx miles by water / and betwene Gatcombe and hungerode is
 aboute xxij^{tie} miles by water / and betwene hungerode and bristoll aboute iiij^{or} miles
 by water / and betwene newneham and Gloucester is aboute vij miles by lande / and doth
 iudge that Gloucester / Barkleie / Gatcombe / and newneham are meete and apte ~
 places for lading and unlading of wares and merchandizes / And saith that ~
 the key of Gloucester is well builte and prepared and that he knewe it
 in so good state as it is nowe and saith that he doth verie well remember his
 said *master* Robert poole builte a shippe of lxxx^{or} tonne at Gloucester called the
 marie fortune / And also that one *master* Clutterbuck of Gloucester builte a barke
 of aboute xxx^{tie} tonne aboute xl^{tie} yeres past within two miles of Gloucester /
 and that one John Haukins and John Hoskins aboute the same tyme with
 iiij^{er} miles of Gloucester builte one other barke able to travle to Bysky and francke
 in the companie of which barke he this deponent did travell to Burdeux
 and that one Bullocke of Ellmore builte a barke of aboute lxxx^{tie} tonne
 called the mathew at Fromelade. /

- 5 To the fyfte he saith that there are no more places of lading and unladinge
 now used upon the Ryver of Severne, then there were before the grannte
 of the Custome house to Gloucester / and saith that Barkleie Gatcombe
 newneham during all his remembrance were used for places of ladinge
 and unlading / And saith that the shippes of Bristoll do most comonlie ~
 lade and unlade at Hungerode. /
- 6 To the syxte he saith that the river of Severne at Gatcombe doth flowe three
 faddome at full sea and springe time and in his iudgement that there maie lie
 and fleete at Gatcombe at full sea a shippe betwene lx & lxxx tonne / and
 saith that a shippe of his said masters called the Iulian of aboute lx tonne /

did reste and lie at Gatcombe and Brimspill⁴³⁶ when she came home from the sea. /
and

Thomas Throkmarton / *Rychard* pate ~ *Thomas* Hanam

13v.

and further saith that a shippe of lx tonne laden maie come at one tyme
from kingrode to Gatcombe and further saith that a barke of xvj^{en} or xx^{tie} tonne
within a tyde or two maie passe from Gatcombe to Gloucester, of winde and
wether serve / and that he himself hath comen *with* a troe from kingroade
to Gloucester at one tide /

7. To the seventhe he saieth that the Creekes of newneham and Gatcombe by ~
reason of their standing upon the River of Severne are apte and meete
and sufficiente places for to descrie the boates barkes and trowes that passe by
by that Ryver / and hath sufficient people dwelling there to that ende / .
and iudgeth that the River of Severne at Gatcombe is aboute iij^e *quartere* of
a myle in breddith over at full sea / and not a quarter of a mile in breddith
at newneham at full sea.
8. To the eighte he saithe that he thinkethe that there be as manie or more
barkes and trowes in the River of Severne then have been of elder time / the
certen number wherof he knoweth not /
9. To the nynthe Interrogatory he saith that he dothe not certenlie knowe ~
what nombere of barkes have been builte upon seaverne / And further saith
that in his iudgement the merchantes of Bristoll have or maie have (if they
will) as free and greate vente for all kinde of merchandizes to the townes

⁴³⁶ Brim's Pill: a tidal inlet etched into the Severn's west bank between Awre and Poulton.

and places mencionned in that Interrogatory, as theie had or used to have before the grannte of the Custome house to Gloucester /

10. To the tenth he saithe that in his iudgement the Cittie of Bristoll hath been as plentifulle served and *provided* with such comodities as the Countie of glouc woulde yelde within those vj yeres as ub elder tymes /
11. To the eleventh he saith that thinhabitantes of Tewxburie and Gloucester be ~ reddie at all tymes to serve the Cittie of Bristoll, with malt and other ~ graine, having a convenient gaine for their venter and travell.
14. To the xiiijth he saith that by reson of the greate plentie of Corne in ~ Gloucester and therabouts, he thinketh that the said Countie of Glouc and the Contrey therabouts maie better cheape furnishe and provide for Cornwall Devonshire Ireland and wales, then the same may be donne at Bristoll /
15. To the xvth he saith that the Cittie and Countie of Glouc and the places therabowtes can make provision for her *majestie's service* of malte and Corne ~ into Irelande better cheape then the Cittie of Bristoll can do / in his iudgement /
17. To the sevententhe he saith that the small boates and barkes upon seaverne have bredde and do breede verie able and sufficient marinere for their labour to *serrve* for sundrie service by sea and fitt for greate shippes / and that such marinere bredd in the said boates upon the river of seaverne in tymes of service by sea haue served in the raigne of king Henry theighte and ever synce as occasion did serve / and that the said boates and barkes have and do serve and at sundrie times have been employed for carriage of her *majestie's* provision into Irelande / and that he this deponent hath *served* ~ for the carriage of her highnes said provision into Irelande in his owne shippinge /

18. To the xvijth he saith that he doth verie well remember that there have and do diuere boates and barkes travell into Ireland for hearring fishinge and somtimes xij, xvj, xx, or more boates and barkes have travelled thither in one yere / and to other places beyonde the seas in trade of merchandizes as he this deponent hath allreddy named in his deposicion to the second Interrogatory /

19. To the xixth he saith that comonlie everie yere there have been laden out of the Countie of Glouc and Contreie theraboutes xx, xxx. or xl, ~ boates lading (according to the plentifulnes of the yere) with fruite and sider into Cornewall wales and other places / and that there is comonly returned in the said boates greate quantities of fishe in the contreys there /

Thomas Throkmarton Rychard pate ~ Thomas Hanam

14r.

20. To the xxth he saith that there are more maryners bredd in small shipping ~ of one hundred tonnes then in a grete shipp of like burden having therin but ordinary companie / and for reson therof he doth saie that a shipp of C tonne wilbe well ledd and guided with xx marrinere / and v barkes of xx. tonne apece⁴³⁷ doth require the necessarie service of v or vj men apece / and likewise x boates of x tonne apece do ~ require everie of them three mariners apece at the least *which* is in a C tonne / xxx men / abes

21. To the xxith he saith that there is a custome house allreddy builte in Gloucester harde adioyning both to the key and river of Severne, the standing wherof is apte and commodious for the service and purposes mencionned in that Interrogatory /

23. To the xxijth he saith that in his iudgement there must needes be greate chardges

⁴³⁷ apece: apiece, ie. each.

saved for the Contreies aboute *Gloucester* in having their *Cockettes* at *Gloucester*, then if they shold be driven to fetch the same at *Bristoll* / by reson of the distance of *ye* place /

24. To the xxiiijth he saith that he never knewe during all his time that ever anie sercher his deputie of servante did or now doth dwell or remaine betwene *Bristoll* and *Hungerode* in anie place nere to the *River* side there / And more to anie of the said *Interrogatoryes* this deponent cannot depose.
1. *William Tyler alias Horsley* of the *Cittie of Gloucester* sayler of thage of lxiiij^{or} yeres or therabouts sworne and examined to the first *Interrogatorie* saith that he hath been owner of a boate of x tonne / of a barke of almost xx tonne / and of another barke betwene xxij and xxvj tonne / and owner of the half parte of one other boate called the *Jesus* of aboute xvj or xvij tonnes. / And hath used to ~ trade by water since the *Raigne of Queene Mary* / and hath used to carrie fruite and malte to the places mencionned in the *Interrogatory* /
 2. To the seconde he saith that the porte in *Gloucester* hath been used with the ~ traffique of merchandizes and that he himself hath within this xvj yere brought thither wine trayne oyle⁴³⁸ and hearing from the coaste of *Irelande spaine frannc*e and wales and thinketh it verie convenient that the same sholde be so used & frequented
 3. To the third he saith that there are aboute ix. or x. howses at diverce places betwene *Bristoll* and *hungerode* / But no villadge other then *sherehampton* which standeth distant aboute halfe a mile from *hungerode* /
 4. To the fourth he saith that he knoweth all the *Creekes* and portes mencionned in that *Interrogatory*, and the most of them hath knowen ever since the tyme he used the water / and saith that in his iudgement there is aboute C myles by water betwene

⁴³⁸ ‘trayne oil’: cod liver oil.

kingeroade and Shrewisburie / and aboute lxxxviii¹ myles by lande / And towching the distance betwene the places mencionned in this Interrogatorie he agreeth with Henry ~ Browne the former deponent / and further saith that the Creekes of Barkley Gatcombe and newneham are meete places for lading and unlading of such wares as doe or can come thither and towching the building of the key of Gloucester he agreeth with the said former deponent Henry Browne / And further saith that Henry Horne of Gloucester builded and made a Barke there abowte xx tonnes / And Richard Swanley builde one other of aboute xvj or xvij tonnes / And also remembreth of the making and building of Roberte Pooles shippe & of diverce other barkes ~ and boates /

5. To the fyfte he agreeth with the said Henry Browne / and further saith That *ye* place aboute Chepstowe called poole merrick, ⁴³⁹ and the entrance into the Ryver of wye, and Lydney pill ⁴⁴⁰ are wry meete and convenient places to save a shipp in the tyme of necessitie.
6. To the syxte he saith that the River of Severne at Gatcombe at some springe tymes doth flowe above xx foots of water and the most parte of the springe do flowe at the best of the spring xvij foot of water / and it continueth not so highe more then two daies after the heigth of the spring / And that a shipp of lx tonnes in his opinion may verie well rest and lye allwaies at Gatcombe and that such a shipp may within iij or iiij houres come from kingrode to gatcombe assome as the like may come from kingroade to Bristoll / And that a barke of xxx or xl tonnes according as the same shall drane water may come and past from Gatcombe to Gloucester in *ye* tyde or lesse / if wind & wether serve / .

Thomas Throkmarton

By pate *richard*

Thomas Hanam

⁴³⁹ ‘poole merrick’ – refers to a creek on the west bank of the River Severn that lay within a mile of the mouth of the River Wye and stretched as far inland as Mathern.

⁴⁴⁰ ‘Lydney pill’ – a creek located on the west bank of the River Severn, approximately eight miles upstream of the mouth of the River Wye.

14v.

7. To the vijth he saith that the Creekes of newneham / and Gatcombe are as convenient places for the descrying of anie boate or barke passing by the said Ryver as the bankes or keyes of Gloucester or Bristoll are / and saith that newneham is a mayor and markett towne having in it aboute xl^{tie} houses / and Gatcombe hath in it v or vj houses / and that newneham is distant from Gatcombe iij miles / and saith that Etloe is distant from Gatcombe half a myle having in it aboute x. or xij. howses at the least and the village of Blakney is aboute a mile from Gatcombe having ~ therin aboute xx. or xxx. howsholdes. /
8. To the viij^t he saith in every pointe and article as the former deponent Henry Browne hath before deposed /
9. To the ixth he saith that in his iudgement there hath not been builte any greter number of boates or barkes upon Severne within vj yeres past, then there were in vj yeres before / And to the rest of the said Interrogatories he agreeth with Henry Browne / and that there is no alteracion therof unlesse it be by the Queenes service / .
11. To the eleventhe he saithe that it is comonlie reported that the Cittie of Bristoll have been aswell served and provided with corne & graine from the County of glouc within vj yeres past, as it hath been before /
12. To the xijth he saith that one Master white of gloucester and ij^o or ii^{ie} more haue a certen trade for butter and cheese out of wales and then the said trade hath been no more used nor so much within those vj. yeres then it hath been before /
14. To the xiiijth he saith that such grete quantities of corne and graine

have passed from the Countrie of Glouc and places therunto adioyning to Cornewall devonshire and wales / that the same doth passe the reson & iudgement of this deponent by the gretnes therof / And further saith that it cannot stand with reson that the Cittie of Bristoll can provide Corne and graine so plentifull or as good cheepe as the Countie of ~ Glouc can /.

15. To the xvth he agreeth in all thinges with the former deponent ~ Henry Browne /

16. To the xvjth he saith that in his iudgement fewe or none of the ~ Cittizens of Gloucester have made anie gaine of benefitt by husbandrie for they are all Indenture holders⁴⁴¹ therof / and in his iudgment there is *none* that hath above lx acres of grownde, and for feedinge he knoweth of none / and doth further affirme that the trade of Cappers and clothiers is utterlie now so much decayed within the said Cittie, that wheras before Sir Thomas Bell⁴⁴² and one master Falkoner⁴⁴³ kepte grete numbers of people at worke on spynning and knitting of cappes, that nowe there are very fewe set to worke in that trade and that there is the like decay of clothing within the same Citty /

17. To the xvijth he saith as the former deponent Henry Browne hath before deposed / & saith that he himself hath been pressed and employed

⁴⁴¹ 'Indenture holders' – an indenture was the contract by which an apprentice was bound to their master. The deponent is therefore disagreeing with the Bristol Corporation's claims that the vast majority of Gloucester men were employed as arable and pastoral farmers – see references to 'grasinge and husbandrye' in Jones (ed.), 'Bristol's petition, 1582', fol. 68r.

⁴⁴² 'Sir Thomas Bell' – Bell held office as the mayor of Gloucester on three occasions and was returned as a Gloucester M.P on up to five occasions. He is described as a 'prosperous clothier' who set up a manufactory that specialised in cap production. This industry blossomed in the earlier sixteenth century and Bell's manufactory became one of Gloucester's largest employers of the period: A.D.K. Hawkyard, 'Bell, Thomas (1485/6-1566), of Gloucester' in S. T. Bindoff (ed.), *The History of Parliament: the House of Commons 1509-1558* (London, 1982), i. 413-4.

⁴⁴³ John Falkoner was also a significant Gloucester alderman who served as the mayor of Gloucester on a number of occasions and was a capper by trade.

to serve in Ireland with his boates in the tyme of the Raigne of
Quene Mary. /

18. To the xvijth he saith that he himself with his owne boate hath
travelled to Burdens for wynes and have fraughted his barke with
clothes & norten cottons & so hath divers men within his remembrance /

Thomas Throkmarton Rychard pate ~ Thomas Hanam

15r.

19. To the xixth he agreeth with the former deponent Henry Browne and saith
further that he thincketh there be at the leaste ij CC boats ladinge of fruite
and sider *which* do passe to Bristoll besides in a yere /

20.

21.

22.

23.

24. To the xxth xxith xxijth and xxiiith he agreeth in every pointe with the
former deponent Henry Browne /
And more he cannot depose. /

1. John Lewes of Longney⁴⁴⁴ in the County of Glouc sayler of thage of xl^{tie} yeres or
therabouts sworne and examined to the first Interrogatorie saith that within
those xx^{tie} yeres he hath been owner of nyne barkes and that he hath served in
the same barkes himself into Ireland Cornwall wales and other places since
the said tyme / And his owne shipping hath gone into Spaine with his owne
goodes where he lost a shipp worth CC^{li} / And since michellmas last hath lost a

⁴⁴⁴ 'Longney' – a village on the east bank of the River Severn approximately six miles south-west of Gloucester.

barke of xxvij^{tie} tonne in Irelande.

2. To the second Interrogatory he saith that he hath knowen *barkes* to passe with marchandise from Gatcombe newneham and Gloucester to Ireland and other places beyonde the seae / And that Thomas Smith of Purton had a boate of fifty tonne / upon the said River / And that iij^e or iiij^{or} men of Gloucester had a barke of aboute L^{tie} tonne within these ij^o yeres wherin they travelled into the *par tes* beyonde the seae /
3. To the third Interrogatory he saith as the former deponent Henry Browne hath said /
4. To the fourthe he saith that he doth verie well knowe all the Creekes and places betwene kingerode and Gloucester mencionned in the said Interrogatory and towching the distance of the said place he agreeth with the said Henry ~ Browne / and saith in resperte that the places mencionned in the said Interrogatory are reasonable faire to have accesse unto / he doth therefore iudge them places ~ meete for lading and unlading /
5. To the fyfte Interrogatory he agreeth with the said Henry Browne /
6. To the syxte he saith that at the highest tyde of the lowest springe in all the yere the river of seaverne at Gatcombe is in depth xvij foote of water and saith that a shipp betwene l and lx tonne may come from kingrode to Gatcombe at one tyde having a convenient wynde / and saith that he himself hath had ij^o barkes of xxvij^{tie} tonne apece, which have sondrie tymes come from Gatcombe to Gloucester within two tydes. /
7. To the seventh he saith that he knoweth there are in Gatcombe vij dwelling howses with people in them / and that Etloe is adioyning to Gatcombe aboute half a *quarter* of a myle from Gatcombe having therin aboute xij

or xiiij howses.

8. To the viij^t he saith that in his iudgement there hath not been anie ~ difference of the number of the boates barkes and trowes upon Severne for the space of those xij yeres. /
9. To the ixth he saith that in his iudgement the merchantes of Bristoll have as free and grete vente for merchandizes to the County of Glouc and the places theraboutes as sthey have had heretofore.
10. To the tenthe he saithe that the Cittie of Bristoll may be aswell s furnished and myght be aswell furnished with Corne and graine out of the said County of Glouc and the places theraboutes (if they wolde define the same) as they have been hertofore.
11. To the eleventh he saith that in his iudgement there is not now, nor hath of late been lesse caringe of malt and corne to Bristoll from Tewxbury and Gloucester then hath been used in tymes past.

Thomas Throkmarton

By pate *richard*

Thomas Hanam

15v.

12. To the fourteenth he can saie no more then in his Iudgment the Cittie of Bristoll cannot provide and furnishe malte and Corne for Ireland so good cheape and so plentifully as the County of Glouc can.
15. To the xvth he saith as the former deponent Henry Browne hath said.
17. To the xvi^jth he saieth that the small boates and barkes of the River of Severne can and doth breed up sufficient and able marryners fitt

for greate shippes / and that he himselfbeing bredd up in the small
boates and barkes upon Severne hath served the Quenes *majesty* in
the golden Lion at Hamboroughe. /

Rychard pate ~ *Thomas* Hanam
Thomas Throkmarton

[On the last page of depositions, there is a Latin phrase called the ‘*liberatur*’. This ‘*liberatur*’ recorded the receipt of the document into the Exchequer. It notes that the documents were received on the 5th February 1583 and were delivered by Robert Smyth – a gentleman who was an active commissioner in the second commission that sat in April 1583. It is interesting to note that the commission documents were delivered to the Exchequer after the return date referred to in the writ – which was the 20th January 1583. It is not entirely clear if there were any consequences for this lateness.]

Appendix 2

Alexander Higgins (ed.), ‘The Second Exchequer Commission into the Establishment of the Head Port of Gloucester, April 1583’ (Unpublished transcription, 2011).⁴⁴⁵

Ir.

[The document begins with a copy of the commission’s writ. This took the form of a *dedimus potestatem* – a commission that delegated royal authority to private individuals and allowed them to take and record deponents’ evidence. This was a right that normally belonged exclusively to the Exchequer barons in their capacity as judges. The writ is in Latin. It is dated 12th February 1583. It names Sir William Winter, Sir Thomas Throckmorton, Richard Pate, Thomas Hannam, Robert Smyth and Richard Byrde as the six appointed commissioners for this task, makes reference to the attached interrogatories and orders them to return their findings under their seals into the Exchequer. The writ also states that the commission was due to be returned to the Exchequer three weeks after Easter which fell on the 10th April 1583, meaning that the commission was due to be returned by 30th April 1583.]⁴⁴⁶

Iv.

[A second brief Latin phrase on the reverse of the commission’s writ notes the completion of the commission and the fact that the interrogatories and depositions are to be returned to the Exchequer. The three commissioners that were present at this commission then signed after this statement]

Rycharde Pates

Robert Smythes

Richard Byrde

⁴⁴⁵ The National Archives: Public Record Office, UK [TNA:PRO], E134/25Eliz/East14. The following conventions were employed when transcribing this document: the line spacing, spelling, capitalization, erasures, insertions, underlining and punctuation follow the manuscript; ‘u’ and ‘v’ have been rendered according to the document rather than to modern usage. Square brackets indicate editorial additions. Reconstructions of suspensions are in italics and all suspensions have been extended – for example ‘city of Glouc’ has been extended to ‘city of Gloucester’. The only exception to this is when the name of a county has been contracted – so ‘county of Glouc’ remains as ‘county of Glouc’.

⁴⁴⁶ I would like to thank Margaret Condon for her help and advice regarding this Latin writ.

2r.

Interrogatories to be ministred on the *parte* and bahalfe of the mayor and [commonality]⁴⁴⁷ of the Cytte of Bristoll Complaynantes against the mayor and [burgesses of the] Cytte of Gloucester defendeth.

1. **Inprimis** doe you knowe the Citie of Bristowe, yf yea, then by and uppon what trade hath the said Citie & Citizens allways byn _____⁴⁴⁸ contynue & mainteyned
2. **Item** doe you knowe the River of Severne & the Creekes and Pilles betwene kingrode & the bridge of Gloucester /
3. **Item** doe you knowe that circuyte of water called the Welshe roade yea or noe /
4. **Item** whether doe you knowe the Creekes and Pilles called Barckley⁴⁴⁹ Newman⁴⁵⁰ Gatcombe and Gloucester yea or noe /yf yea then whether have they tyme out of mynde⁴⁵¹ untill of late belonged to the porte & Custome howse of Bristowe⁴⁵² yea or noe And howe knowe ye the same and what writinges or recordes have you seene *proving* the same soe to belonge to the said ~~Custome house~~ port of Bristow
5. **Item** Whether may a Shippe of convenient Burden fleete, come to, and safely ride & abide, in the said Creekes called Barckley Newman Gatcombe & Gloucester as in a place of places meete & sufficient to be portes of ladinge & Dischardginge & for the mayntenance & contynuall keepinge of Shippes yea or noe / yf yea, then of what burden must the Shippes be that soe can contynue & be there & Whether may they come & goe, passe & repasse at all tydes & tymes yf winde & weather serve yea or noe yf not then at what tydes & tymes may they sefely fleete, to and froe *with* sufficient for all tempestes & weather /⁴⁵³

⁴⁴⁷ The manuscript has deteriorated and obscured the remaining words of these two lines – thus the transcriber’s own suggestions have been indicated in square brackets.

⁴⁴⁸ The manuscript has deteriorated and obscured this word.

⁴⁴⁹ ‘Barckley’: Berkeley.

⁴⁵⁰ ‘Newman’: Newnham.

⁴⁵¹ ‘tyme out of mynde’: time out of mind, ie. always.

⁴⁵² This interrogatory essentially asks the deponents’ opinion as to whether the named creeks of the River Severn already belonged to Bristol before Gloucester was turned into a separate authority.

⁴⁵³ This interrogatory asks the deponents to determine the specific capabilities of the River Severn’s creeks including Gloucester’s main outpost – Gatcombe, to hold large ships in all weathers, at all tides and at all times of the year.

6. **Item** what serviceable shippes & of what burden may at all tymes in safety fleete & come, toe, and from the said Creeke called Gatcombe & Whether may Shippes of all manner of convenient burden safely come & goe unto that Creeke & there ride & abide as in a safe sufficient porte to receyve & maynteyne shippes of convenient burden for service or Defensible for the trade of merchandize yf not at all tymes, then at what tydes or tymes may shippes of convenient burden come & goe in safetye to the said Creeke & ride & abide there & howe many Shippes may ride and abide there at one tyme & of what burden must the Shippes be that shall come & goe at a *quarter* Spring tyde, and of what burden at halfe a spring tyde & in *your* iudgment or opinion whether is that or the other three Creekes or all they meete to be a porte or portes of ladinge & discharging of shippes to & froe the sea yea or noe /
7. **Item** what towne or populus village is there nere vnto that Creeke called Gatcombe that reasonably may haue intelligence or make restraynte yf her *majestie* should be deceyved⁴⁵⁴ in Discharging hidinge or transparsinge of victuales & prohibited wares⁴⁵⁵ /
8. **Item** what be the Comodities of merchandize that the Citizens of Gloucester & the people of the cuntrye thereaboutes do vent & transporte from thence & wherewith or with what trade be their smale Barkes or boates maynteyned or sent to sea ~~~
9. **Item** Whether doe you thinck or are *perswaded* (all thinges considered) that it will stand *with* or be agaynst the common wealth of that cuntrye that the said Creekes should be a porte or portes or a place of ladinge & discharginge yea or noe /
10. **Item** Whether Doe you thinck or by reason vnderstande that yf there be a Custome howse allowed & kept at Gloucester & the said Creekes contynued to be portes or places of ladinge & discharginge will the same be a spoyle of grayne & victuelles & prohibited wares and so rayse a derth of the same aswell in the countries vppon Severne ass in the Citie of Bristowe yea or noe /⁴⁵⁶
11. **Item** whether doe you understande or thinck that yf the said Custome howse at Gloucester & the said Creekes shall contynue

⁴⁵⁴ This interrogatory refers to the Crown's attempts to curtail smuggling through encouraging members of the public to inform the authorities of the offending merchants' actions. To incentivise informers, the Crown offered half of the proceeds to any informer who successfully seized illicit goods and oversaw a successful prosecution. If the Bristol corporation could provide evidence (in the form of depositions) that Gatcombe was very scarcely populated, the potential for informations being lade against any smuggling activities that occurred in Gatcombe, would logically be smaller. For more detail regarding this crown policy, see Jones, *Inside the Illicit Economy*, 59-60.

⁴⁵⁵ 'prohibited wares' – commodities that were routinely subject to export prohibitions – for example beer, leather and butter.

⁴⁵⁶ This interrogatory asked deponents to state whether they believed that the creation of the port of Gloucester facilitated the smuggling of illicit goods and whether this illicit activity took place on such a large scale that there might be a shortage of such goods if Gloucester's head-port status was not revoked.

to be portes of ladinge & discharginge will the same be a hinderance unto the trade of the Citie of Bristowe And a Decaye & Dyminishinge of the serviceable shippinge and skilfull mariners of the same Citie yea or noe /

12. **Item** What distannce of place is there by water betwene kingrode & the said Creeke called Gatcombe & what distannce betwene Gatcombe & Gloucester \
13. **Item** what doe you thinck or what is *your* opinion will her *majestie* be better served yf the said Creekes uppon Severne now under the Serech survey & controllment of the officers of the porte of Bristowe as heretofore they haue byn dwelling & lyenge betwene that parte
14. **Item** whether hath the said Citie of Bristowe byn allwayes chyefly or greatly served & victualled *with* corne grayne butter chese & other necessary *provision* by and from the said Creekes uppon Severne of old tyme belonging to the said Citie yea or noe yf yea then whether hath the said Citie of Bristowe byn aswell served *with* corne & grayne & other victualles since the erecting of the custome howse at Gloucester as before yea or noe yf not then what alteracion doe you finde or knowe therein And whether is there more Dearth or scarsitie of corne & grayne then there was before yea or noe yf yea then what knowe ye or thinck you to be the cause or reason thereof
15. **Item** what quantitie of corne & grayne have you knowne or hard to be transported from Gloucester & Gatcombe over & beyond the seas of late yeres more then here to fore hath byn & What is the reason or cause of such transporting to *your* knowledge or as you thinck
16. **Item** yf corne grayne & other victualles come to Bristowe in Trowes as plentifully as it was wonte May her *majestie* be as good cheape as redely and well served for the *provision* of Ireland at Bristowe key as at Gloucester & will there be lost or saved to her *majestie* therein.⁴⁵⁷
17. **Item** wheather were it better or more convenient that the trade to Ireland *with* corne and grayne were used by the smallest sorte of shippes of Bristowe or by the Barkes of Gloucester & of other Creekes vppon Severne & what matter of knowledge or reason yeelde you therein

Interrogatories to be ministred unto Bargemen & Trowmen uppon the⁴⁵⁸

⁴⁵⁷ The interrogatory asks the deponent whether it is more cost efficient for the crown to ship grain to troops in Ireland from Gloucester or from Bristol.

⁴⁵⁸ This seems to be the start of a new set of interrogatories. The clean cut mark under this line and the fact that this piece of parchment is significantly smaller than all the other pieces in this collection suggests that this extra set of interrogatories was deliberately removed. This was presumably done before the commission took place because there are no depositions that relate to this missing set of interrogatories.

3r.

depositions taken at Barkeley in the countie of Glocester the xijth & xiiijth Dayes of Aprill in the xxvth yere of her *majestie*'s raigne⁴⁵⁹ before Richard Pate *esquire* Roberte Smythes and Richarde Byrde⁴⁶⁰ sent by vertue of her *majestie*'s Commission beringe date the xijth daye of Februarie⁴⁶¹ in the yere aforesaid to them and others out of her heighnes honorable Courte of Exchequer directed for the examininge of wytnesses aswell on the *part* and behalfe of the mayor and Comunalitie of the Cytie of Bristoll *complainantes* as allso on the *part* and bahalfe of the mayor and burgesses of the Cytie of Glocester *defendantes*.

Ex
parte
quer⁴⁶²

[14] [John Kydwelleter *alias*⁴⁶³ keyison of the Cytie of Brystoll bere brewer⁴⁶⁴ of the aige of fortie yeres and upwardes sworn and examined to the fowertenth *Interrogatory* he sayeth that the Cytie of Brystoll hath bin allwayes for his tyme beinge xx^{tie} yeres of his knowledge and as he hath harde before tyme all so greatlie or cheifelie *provided* and victualled *with* Corne grayne butter Chese by and from the *Creekes* up severne And farther sayeth that they have not of late *viz*⁴⁶⁵ these iiij or ~~fy~~-fyve yeres ben soe well victualled and served *with* the lyke victualls as they have bin before ~~especial~~ *especiallie* of Corne and grayne. For he sayeth that nowe of late tyme they of

⁴⁵⁹ 'xijth & xiiijth Dayes of Aprill in the xxvth yere of her *majestie*'s raigne' – the 12th and 13th April, 1583.

⁴⁶⁰ It would appear that only these three named commissioners sat on the commission. William Winter, Thomas Throckmorton and Thomas Hannam were also named as commissioners although remained absent from the proceedings.

⁴⁶¹ This second commission was issued on the 12th February 1583 – within a week of the evidence gathered by the first commission being delivered to the Exchequer by Robert Smythe.

⁴⁶² 'ex parte quer': on one side only.

⁴⁶³ 'alias': otherwise known as.

⁴⁶⁴ 'bere brewer': beer brewer.

⁴⁶⁵ 'viz': namely (in this context).

Bristoll can *provyde* them selves of Corne as good cheape in the barraine⁴⁶⁶ soyles aboute Bristoll as in Glocester⁴⁶⁷ And other cause or reason how of he cannot yealde but that Corne is more transported from Glocester then before but into what place or cuntries or by what *persons* the same is transported this examinant doth not knowe. otherwise he thinketh that there woulde come as great store of corne to bristoll as before tyme there hath.

[16] To the xvjth *Interrogatory* he sayeth that yf Corne and grayne came to Brystoll keye as it was wonted⁴⁶⁸ to doe her *majestie* might be better and more redelie and necessarilie served of Corne for her *provision* of Irelande there then to travaile for the same to glocester or Tewexburie and that it woulde be lesse hurte to the markettes and that there woulde be therein a great deale of Charges ~~to~~ saved to her *majestie*.

[14] **John Rothell** of the Cytie of Brystoll brewer of the aige of fortie yeres or thereaboutes sworn and examined to the xiiijth *Interrogatory* he sayeth that the said Cyttie of Brystoll hath bin allwayes duringe his knowledge *which* hath bin these xvjtene⁴⁶⁹ yeres and hath harde that it hath bin before tyme allso Cheifelie victualled *with* Corne and grayne from Glocester and other Creekes upp Seaverne And farther sayeth that sythens the Custome howse was erected at Gloucester the cyttie of Bristoll hath not bin soe well served *with* grayne as before it was he farther sayeth that they finde an alteracion, for that the Cockettes⁴⁷⁰ made at Brystoll *which* they woulde have sente by the trowe men for mault as they have vsed before tyme to doe woulde not be allowed at Glocester as the ~~the~~ trowe men have sayed.⁴⁷¹

⁴⁶⁶ ‘barraine’: barren.

⁴⁶⁷ The implication here is that so much grain had been exported from Gloucester that the price of grain in Gloucester has risen to be as high as it was in Bristol.

⁴⁶⁸ ‘wonted’: accustomed.

⁴⁶⁹ ‘xvjtene’: sixteen.

⁴⁷⁰ ‘Cockettes’: cockets. In this context, a cocket was a customs certificate to allow grain (a prohibited ware) to be sent along the coast from one location to another.

⁴⁷¹ The deponent is claiming that cockets issued to Bristol trowmen by the Bristol customs officials were not being accepted by the customs officials at Gloucester. This echoes claims previously made by the Bristol Corporation – see Bristol replication in Jones (ed.), ‘Bristol’s petition, 1582’, fol. 86v.

[15] To the xvjth *Interrogatory* he sayeth that yf corne and maulte did come to Brystoll as plentefullie as it hath vsed before tyme to do her *majestie* might be better Cheape and more necessarilie served of Corne for her *provision* of Irelande at Bristoll then to travaile for the same to Glocesteror Tewexbury and lesse woulde it hurt the markettes in both places.

[14] **John Wylkes** of the Cytie of Bristoll Baker of the aige of fyftie yeres or theraboutes sworn and examined to the xiiijth *Interrogatory* he sayeth that the Cytie of Brystoll hath bin Cheifelie and greatlie these xxx^{tie} yeres of his knowledge and before tyme as he hath harde saye victualled and stored *with* Corne and grayne from Gloucester and Tewexburie⁴⁷² and other places thereaboutes and sayeth that sythens the erectinge of the Custome howse at Glocester the Cytie of Bristoll hath not bin soe well served *with* Corne from thence as before it hath bin and sayeth that the bakers of Bristoll have not had in the space of twoe yeres last past before the purchasinge of this Comission aboue twoe quarters of wheat⁴⁷³ from Glocester or aboue glocester *which* he thincketh to be trew by that he beinge *master* of the Companie of Bakers in Bristoll hath enquired thereof of his whole Companie and they have annswered him in such seae and he thincketh the reason of the not comminge of Corne to Bristoll nowe as ~~he~~ it hath donne to be that they of Gloucester doe tranceport it and vent it ~~of~~ elsewhere beyonde the seas more nowe then before. ~

[16] To the xvjth *Interrogatory* he saieth as Iohn Rothell hath sayed.

[14] **Henrie Paynter** of Bristoll Baker of the aige of lxxiiij yeres or thereaboutes sworn and examined to the xiiijth *Interrogatory* he sayeth that he hath knowen the Cytie of Bristoll to have bin these C^{tie} yeres and more, greatlie and

⁴⁷² ‘Tewexburie’: Tewkesbury.

⁴⁷³ ‘twoe quarters of wheat’ – a quarter of wheat weighed approximately 480lbs, so two quarters of wheat equated to 960lbs.

cheifelie maynteyned *with* Corne and grayne for their *provision* from Glocester and Tewexburie and other *Creekes* upp Seaverne for their *provision* and that of late yeres it hath not bin soe well served *with* Corne as it vsed to be before, for they have not had soe much corne from thence to Bristoll these three yeres last past as they have had before in one springe⁴⁷⁴, and one reason thereof is for that they have not their Cockettes at some at Bristoll as they have had and another is that he thincketh it to be carried awaye in smalle botes beyonde the seaes.

[16] To the xvjth *Interrogatory* he sayeth as Iohn Rothell hath sayed.

[1] **John Harrice** of the Cytie of Bristoll marchante of the aige of xlvij yeres or thereaboutes sworn and examined. To the first *Interrogatory* he sayeth that he knoweth well the cyttie of bristoll and that the same doth Cheifelie depende vppon the trade of Marchandize

[2]

[3]

[4] To the seconde thirde and fowerth he sayeth he knoweth the ryver of Seaverne and the ciquite of water called the Welshe roade and the pills and *Creekes* betwene kingerode and Glocester bridge and the *Creekes* called Barkeley Newneham Gatcombe and Glocester and sayeth that he hath of his owne knowledge knowen the said *Creekes* to belonge to the porte of Brystoll by the use thereof and by reason of Conference before this tyme thereof had betwene dyvers substanciall olde men of the Cytie of Bristoll he hath harde that they have allwayes soe belonged and hath seen dyvers ~~Co~~ Cockettes of anncient date *provinge* the same and he hath allso seen a decree out of thexcheaquer *provinge* the ~~same and~~ said creekes of ancient tyme to belonge to the port of Bristoll for the certeynetie whereof he refereth him selfe to the decree.⁴⁷⁵ ~

⁴⁷⁴ ‘spring’ – it is not entirely clear whether the deponent is referring to one spring season or one spring tide.

⁴⁷⁵ John Harrice is not the only deponent to refer to an Exchequer decree that apparently proved the Bristol’s ownership of the creeks in question – for example Thomas Warren, a Bristol merchant, also referred to this decree. It seems likely that the Bristol Corporation would have needed to provide a licence of mortmain in order to prove that the creeks belonged to Bristol – a licence of mortmain being a document that proved the ownership of real estate by a corporation or legal institution and the right to sell or transfer this real estate in perpetuity. The Bristol Mayor’s Audit Books of the period show that the Bristol mayor searched for these documents in vain in May 1584,

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[5] To the fyveth *Interrogatory* he sayeth that as he hath harde saye shippes of Convenient burthen and fytt for ~~Seaverne~~ service and fytt for the trade of Marchandize cannot come to any of the said Creekes *without* greate danger neither be kept and maynteyned there *without* the lyke danger, and farther sayeth that of late there was made *prooffe* thereof for one Roberte Townesende of Barkeley woulde have had a barke of lv^{te} tonnes⁴⁷⁶ laden *with* salt to bin brought and discharged at Barkeley and offered large monie to the pylottes of Seaverne beinge his neight bores for pilotage to bringe the said shipp *with* her ladinge from kingerode to Barkeley but coulde gett none *which* woulde undertake the same not *withstanding* his extraordinarie offer And farther sayeth that the Cheife cause of the greate dangers of Seaverne is that the sande in Seaverne and the Channell there doe soe alter and change *with* raginge tydes tempestes that a man cannot bringe a barke through the same twyse one waye yf a raginge tyde of tempest fall out betwene. and farther sayeth that him selfe hath bin in barkies and botes on Seaverne when and where the same alteracion hath fallen out and bin found twyse in one quarter of a yere and therefore thincketh that the places mentioned in the said *Interrogatory* are not meet to be appoynted and used as *portes* or a port of ladinge and discharginge of shippes.

[9]

[10] To the ixth and xth *Interrogatory* he sayeth that he thincketh that yf the said creekes be contynewed *portes* of ladinge and disacharginge belonginge to the custome howse of Gloucester the same wilbe preiudiciall to the common wealthe and onlie beneficiall to a fewe pryvate persons that have corne and trade therein And sayeth that he hath harde great mislykinge

presumably in an attempt to prove that the establishment of the head-port of Gloucester and the resultant loss of Bristol's creeks was illegal. BRO, 'The Bristol Mayor's Audit Books', F/Au/1/12, 246.

⁴⁷⁶ It is difficult to verify this anecdote using the customs accounts because the deponent does not state the name of the ship or the date that Townesende is purported to have attempted to unlade at Berkeley.

and Complayntes of the Burgesses and Inhabitan^tes of Gloucester of the erectinge and Contynewing of the Custome howse and port there and that the voyce of the whole Cuntrie about Gloucester especiallye of the Common people is that yf the Custome howse and port of Gloucester be contynewed it wilbe the vtter spoyle of the whole cuntrie concerninge corne and grayne.⁴⁷⁷ And that they of bristoll doe alreadie feele the smarte⁴⁷⁸ of lacke of Corne in bristoll by the alreracion thereof sythens therectinge of the said Custome howse and farther sayeth that he hath knowen before the erefctinge of the said custome howse at Gloucester Corne and grayne to have come to Bristoll soe plentifullie by troes from upp Seaverne that the same wass commonlie soulede by the Bellman⁴⁷⁹ through out the Cytie whereas nowe they are enforced to *provyde* them selves of Corne on horse backes fortie miles into the lande warde⁴⁸⁰ and oppresse and rayse the price of Corne in the markettes farr about them.

[11] To the xith Interrogatory he sayeth that yf the said Custome howse at Gloucester and the said Creekes shall contynewe portes of ladinge and discharginge the same wilbe a hinderance vnto the trade of Marchandize in Bristoll and a decaye and deminishinge of the serviceable shippinge and skylfull marreners of the same cyttie And the reason whie he soe thincketh is that the little barkes of Gloucester buyinge their forreyne marchandise *with* the sale of their corne and grayne maye afforde the same better cheape then the marchantes of Bristoll *with* theire ordinarie commodities can doe and soe doth hinder them in trade and by consequence decaye and demynishe there shippinge.⁴⁸¹

⁴⁷⁷ The deponent claims that the ‘Common people’ of Gloucester were disadvantaged by and subsequently resented the establishment of a customs house at Gloucester. There is no surviving evidence to prove this statement and it seems unlikely that John Harrice – a merchant ‘of the Cytie of Bristoll’ had conducted extensive research into the public opinion of Gloucester inhabitants at the time. However, Harrice’s basic argument is that the port of Gloucester only benefitted a privileged minority and could potentially cause grain shortages and price increases that would disadvantage the majority of Gloucester citizens.

⁴⁷⁸ ‘smarte’: smart, sharp physical pain.

⁴⁷⁹ ‘Bellman’: another word for the town crier.

⁴⁸⁰ This deponent stipulates that the lack of grain being sent down the Severn was an inconvenience to Bristol rather than the cause of dearth and scarcity within the city as claimed by other deponents and the Bristol Corporation’s 1582 petition. This deposition also suggests that Bristol had already successfully sought grain from alternative sources and was not as reliant on Gloucester and its hinterland for grain supplies as was often claimed during this dispute.

⁴⁸¹ The claim here is that Gloucester merchants who illicitly exported grain could gain an unfair competitive advantage over Bristol merchants that exported legal wares because grain prices were higher abroad and foreign merchants were likely to offer favourable prices to merchants that wished to illicitly export grain.

[13] To the xiiijth *Interrogatory* he sayeth that he thincketh her *majestie* shoulde be better served yf the *Creekes* of Seaverne were vnder the searche surveye and controlement of the officers of Bristoll as heretofore they have bin then nowe she is because the officers of Brystoll dwell and lye in awaye betwene them and the sea and the officers of *Glocester* dwell uppwarde towardes the lande behinde the trade, And farther yealdeth for reason that the *Communaltie* of Bristoll doe vrge forewardes the officers of Bristol to make restraynt of corne because it is a barryne soyle for t corne thereaboutes and the *Corne marchantes* of ~~Bristoll~~ *Glocester* with their indeavors doe as much sett forewarde of their *partes* the transeptinge of Corne.

[14] To the xvith *Interrogatory* he sayeth that yf Corne and grayne came to Bristoll in troes as it was woonte to doe her *majestie* might be served for her *provision* of Corne for Irelande more readelie and better Cheape at Bristoll then at *Glocester* and there by save the charges of gatheringe the same togeather in the counties of gloc and Worcester and soe her *majestie* maye save the more and yet geve the better price for the Corne and the better wages to the troe men and carriers of the same.

[1] **Thomas Warren** of the Cyttey of Bristoll marchant of the aige of liiiij^{or} yeres or theraboutes sworn and examined to the first *Interrogatory* he sayeth that the Cytte of Bristoll doth Cheifelie depende uppon the trade of marchandize, the makinge of Cullored clothes meet for Spayne portiuigall and Frannc⁴⁸² by the *which* there are and have bin mayneteyned thowsandes of people in Bristoll and in the cuntrie there vnto adioyninge. and allso by the ventinge and utterringe of leadd whereby allso are mayneteyned great numbers of people in countie of Somerset by the mininge & makinge of ye same.⁴⁸³

[2]

⁴⁸² ‘Cullored clothes meet for Spayne portiuigall and Frannc’ – coloured woollen broadcloth exported overseas. In comparison, London focused on the export of undyed cloth to the Netherlands.

⁴⁸³ ‘ventinge and utterringe of leadd’ – a reference to the Mendips’ lead mines. Thomas Warren would have been particularly familiar with this industry, as the Bristol customs accounts show that he was one of the main exporters of lead during the 1570s, exporting 3042 stone of lead during just one year in 1575-6: Flavin and Jones (eds.), ‘Bristol Port Book, Overseas Outwards, 1575/6’.

[3]

[4] To the seconde thyrde & fowerth *Interrogatories* he sayeth that he hath knowen by all *ye* tyme of his remembrance *that ye* Creekes mentioned in the seconde *Interrogatory* have bin belonginge unto the port of Bristoll and that he hath seen a decree out of the xchequer *provinge thantyquitie*⁴⁸⁴ of the usance thereof and hath harde that the said Creekes be no sufficient for serviceable shippes and shippes of conveniente burthen.

[5]

[6] To the vth and vjth *Interrogatories* he sayeth that he doth not *perfectelie* knowe the sufficiencie and deapeth of the Ryver upp Severne but he sayeth he this deponent bought of one Richarde North of Westburie⁴⁸⁵ neer Seaverne a barke of burthen betwene xx^{tie} & xxx^{tie} tonnes buylded at Westburie and after the sale thereof the said North much commended the goodnes of the said barke to this deponent where uppon this deponent asked him yf the same barke were soe excellent good what was the reason whie he woulde sell her where unto he annswered that she drewe to much water to be used uppon *that* Ryver of Seaverne.

[8] To the viijth *Interrogatory* he sayeth that he knoweth noe other ~~wytnesses~~ marchandizes that they of *Glocester* have in and aboute their cuntrie to tranceporte but onlie corne grayne fruite and syder⁴⁸⁶ ~.

[9]

[10] To the ixth & xth *Interrogatory* he sayeth *that* he doth thincke that yf the said custome howse at *glocester* shall contynewe and *the* said Creekes to be portes the same wilbe a private commoditie to some *persons*, that is to saye to them *which* have corne to sell and to such as are corne marchantes & doe tranceport corne but a hinderance to the common sort of people thereabouts.

[11] To the xith *Interrogatory* he sayeth that yf the said Custome howse at *glocester* and the other said Creekes doe contynewe to be portes it wilbe a hinderance to the trade of the Cyttie of Brystoll and soe consequentlie a decaye of the shippinge and marreners belonginge to the same cyttie of Bristoll, & for reason thereof he sayeth as Iohn harrice hath sayed.

[13] To the xiiijth *Interrogatory* he sayeth as Iohn harrice hath sayed and farther sayeth *that* it is now easie to meet a man then to

⁴⁸⁴ ‘thantyquitie’: the antiquity.

⁴⁸⁵ ‘Westburie’: Westbury on Severn (in this context).

⁴⁸⁶ ‘syder’: cider.

ontake him.⁴⁸⁷

[14] To the xiiith *Interrogatory* he saieth *that* before therectinge of the said custome howse at *Glocester* the cyttie of Bristoll was cheifeley and greatelie mayneteyned *with* corne from *glocester* and the counties up Seaverne and for butter and chease from Wales but sythens therectinge of the said custome howse they have had little store of wheat of harde corne from thence to Bristoll whereas before such was the plentie thereof brought downe by the troe men that *commonlie* they did crie the price thereof by the bellman for their more spedie dispatchinge thereof,⁴⁸⁸ and the cause whie it is not soe nowe allso he iudgeth to be the transeptinge of Corne from the said creekes now then before.

[16] To the xvjth he sayeth as Iohn Harrice hath sayed and farther sayeth that he hath harde *master* Abingeton sometyme Cofferer to her *majestie*⁴⁸⁹ to saye aboute October was ij yeres at *which* tyme he came downe to bristoll to surveye the Purveyors accompte of Irelande, that the incident charges of gatheringe such *provysion* together from aboute *that* cuntrie for the said service did amount to xx^{li} of the hundred of neere there aboutes.⁴⁹⁰

[17] To the xvijth *Interrogatory* he sayeth that he thincketh it more conveniente that the smaler sort of shippes of Bristoll should rather have the trade of servinge of Irelande *with* corne and grayne at necessarie tymes, then the barkes of Gloucester aswell because it maye be the more safelie and strongelie by them thither carried as also because they doe attende at all other tymes on the great shippes of Bristoll when they are used in her *majestie's* service. ~

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⁴⁸⁷ The deponent stipulates that it would be easier for the Bristol customs officials to intercept ships carrying illicit cargoes down the River Severn than it would be for the Gloucester customs officials to pursue such ships.

⁴⁸⁸ The deponent claims that much more grain used to be sent to Bristol from Gloucester and that this helped to keep the price of grain low in Bristol. The bellman would publicly announce these low prices in order to encourage Bristol citizens to purchase grain.

⁴⁸⁹ 'Cofferer to her *majestie*' – the cofferer was the highest position obtainable through promotion in the royal household. The cofferer's basic role was to receive, budget and distribute the funds of the royal household. However, cofferers were frequently expected to perform important state services beyond the scope of the royal household, such as victualling the navy and provisioning the army. The deponent's reference to 'master Abingeton' and his visit to Bristol is one such example of this. John Abington was Elizabeth's cofferer between September 1580 and March 1582 and visited Bristol in order to help prepare for an expedition to Ireland: A. Woodworth, 'Purveyance for the Royal Household in the Reign of Queen Elizabeth', *Transactions of the American Philosophical Society*, Vol. 35, Part I (1945), 9-11.

⁴⁹⁰ In other words, the deponent claims that gathering and transporting the grain from around Gloucestershire to one transshipment point accounted for 20% of the operational costs of supplying troops in Ireland with grain supplies from Gloucestershire.

5r.

Interrogatoryes to be mynistred unto witnesses to be examined
on the parte and behawllf of the mayor and burgesses of the ~ ~
Citty of Gloucester againste the maior and commynalty of the /
Citty of Bristoll /

- 1 **Inprimis** of what adge be yowe / and are ye or have yowe bynne owner
or master of any shipp barck, boate / or trowe uppon the Ryver of severne or a
searcher Deputy or servannte to any suche and how longe tyme, or a ~
marryner / or officer in any shippes, barckes, or trowe / or haue ye used any
trade of carryadge ventringe ladinge or passinge or comodyties wares or
marchanndizes by the Ryver of seuerne to Bristoll Deuonshire Cornewall
wales Irelande/ or any partes beyonnde the seas / And howe longe tyme /
- 2 Item howe many villadges are betweene the Citty of Bristoll and the Roades
and portes for shippes and barckes called Hungroade and kingroade / And
wheather any searcher or Deputy of suche be there remayninge or hath there
Remayned / and what be their names /
- 3 Item Doe yowe knowe and howe longe haue yowe knowne the portes townes
and creekes of Bristoll Hungroade kingroade Gatcombe Berckley newenham
and Gloucester / and the townes of Twexbury wigorn Bewdley Brydgnorth⁴⁹¹ / and ~
Shrewisbury and the distannce betweene the creekes of Barckley Gatcombe ~ ~
newenham kingroade Hungroade, and Bristoll one from thother both by water / &
lande / And doe yowe knowe that the bay of Gloucester / and the creekes of Berckley
Gatcombe, and Newenham be apte and meete places for ladinge landinge &
unladinge and dischardginge of wares commodityes and marchanndizes / and ~

⁴⁹¹ ‘Brydgnorth’: Bridgnorth, a town in Shropshire, approximately fifty miles north of Gloucester. It lies on the west bank of the River Severn.

haue benne soe used owte of mane memory / and Declare youre reasone therfore /

- 4 Item wheather there be any more or greate number of ladinge and unladinge places used uppon the ryver of severne synce therrectinge of the custome howse in Gloucester then there weere used before that tyme and wheather shippes and barckes of Bristoll or those that come to Bristoll with any merchandizes Doe lade and unlade at Hungroade and kingroade / And wheather there is not good p̄ harboroughe for passinge upp the Ryver of severne uppon the Forreste of Deane syde⁴⁹² though they come not to kingroade. /
- 5 Item what depth is the ryver of severne at Berckley and of what depth at gatcombe at the higheste of the springe tydes / and of what depth at hawllf springe / and haue yowe tryed the same / and howe highe the said water doth flowe at those springes & what shippes and Barkes and of what burden may then and at other tymes fleete to, lye and reste at Berckley Gatcombe, and other places theraboutes and may be presearued⁴⁹³ there aswell as at Hungroade and show your resonas for the same / and what boates barckes or trowes of burden may come to Berckley gatcombe newenham and Gloucester from kingroade / and with what expedicion / And what ~~barke~~ Barkes and shippes / and of what burden haue ye harde or knowen to come or be browghte from any partes beyonnde the seaes to gatcombe Berckley Newenham or Gloucester or to any of them laden with wares or merchandizes /
- 6 Item wheather are the said creekes of Gatcombe and newnham good sufficient places to stay and searche all shippes barckes boates and trowes passinge the saide ryver of seuerne upwardes and Downewardes / and haue sufficient numbers of Dwellinge howses / and people there / and searchers / or searchers Deputies to serve her majesty in their offices / and Declare your knowledge therein /

⁴⁹² ‘Forreste of Deane syde’ – the Forest of Dean is a geographic, historical and cultural region that lies to the west of the River Severn, approximately fifteen miles south-west-west of Gloucester. In the context of this interrogatory, the ‘Forest of Dean side’ refers to the west bank of the River Severn between the mouth of the River Wye and Gloucester.

⁴⁹³ ‘presearued’: preserved.

- 7 Item wheather the Cittie and porte of *Gloucester* / and creekes therunto belonginge be frequented with trafique and *merchanntes* and *merchanndizes* / and into what places beyonnde the seaes / haue yowe travelled / or knowen any barck of severne to haue gone and with what burden and commodity / And wheather there haue benne any ~ greater number of boates trowes or barckes within vj yeeres laste paste then were in other yeeres before uppon the said ryver of *seuerne*⁴⁹⁴ betweene kingroade and *Gloucester* / And wheather there hath benne any greater trafique from Irelande to *Gloucester* & the creekes therunto adioyninge within that tyme then was used before / And ~ wheather the custome howse late erected in *Gloucester* uppon severne banck there be commodious / & apte for her *majestie*'s officers and seruice to be done there and hathe storehouses of sufficient Roames⁴⁹⁵ / and places to buylde or make stoarehouses /
- 8 Item doe yowe knowe or haue harde wheather the *merchanntes* of Bristoll haue not nowe as free and greate trade for all kyndes of marchanndizes wares and commodityes to all townes and places aboue and beneath *Gloucester* bridge as there hathe ben before thesaid grannte made of the custome howse in *Gloucester* / And doe yowe knowe or haue harde wheather nowe there be any lesse carryenge of mawlte and other grayne commodityes and wares from Twexbury and *Gloucester* for the relief of ~ Bristoll then in tymes paste / And wheather the said inhabitanntes in *Gloucester* & Twexbury and other places nere adioyninge Doe not sufficiently searve them of Bristoll as they haue in tymes paste / or were used to Doe uppon requeaste made to the officers and owne in that behawllf / And what quantityes of comodityes doe ye knowe to haue ben transported from the Countye of Glouc and wigorn to Bristoll euery yeere since therrectinge of the ~ custome howse in *Gloucester*. /
- 9 Item what quantety of corne or grayne Doe yowe iudge to haue benne yeerly transported and landed in *Cornewall*, *Devonshire* and walles from *Gloucester* porte / And whether the Cittie of Bristoll can furnishe and serue the countries of *Cornewall*, wales

⁴⁹⁴ 'seuerne': Severn.

⁴⁹⁵ 'of sufficient Roames': with adequate storage space.

and Irelande with corne and graine / as good cheape as the townes of Gloucester and Twexbury and other places adioyning Doe searue them. /

- 10 Item Doe yowe knowe wheather the queenes *majestie's* prouision of mawlte & wheate for Irelande may be prouided and furnished from the Citty of Gloucester & county of Glouc and wigorn as good cheepe and better cheape then it is, was or mighte be from Bristoll / if thre was noe ~ custome howse in Gloucester /
- 11 Item Doe yowe knowe howe many Cittizens of Gloucester Doe use, or late did used & exercise husbandry and grasinge⁴⁹⁶ / and Declare the names of those persone / and were they freehowlders of inheritance or indenture howlders thereof / And wheather the trade of roppers and Cloth are be not mouche Decayed in Gloucester within those twenty or thirty yeeres laste paste. /
- 12 Item Doe yowe knowe or can iudge that the small boates trowes and barckes uppon severne haue bredd or doe or can breede or increasse able and sufficient marryneres apte for soundry searuice by sea ~~and lande~~ / and fitt for greate shippes / And wheather her *majesty* in tymes of seruice by sea hath not ben prouided of good marryneres from the townes or places nere to & adioyninge to the Ryver of Seuerne and bredd in those small boates barckes or trowes and howe often to your remembrance / And Doe you knowe wheather the small boates or barckes uppon severne be or have ben ymployed to ber *majestie's* seruice into Irelande.

Rychard pate ~ Robert Smythes⁴⁹⁷

5v.

yea or noe And wheather syxe small boates of one hundred tonnes doe not breede as many or more fitt marryners for ~~her~~ her *majestie's* seruice then one shippe

⁴⁹⁶ This interrogatory related to claims made in Bristol's 1582 petition that stated Gloucester 'standeth upon grasinge and husbandrye': Jones (ed.), 'Bristol's petition, 1582', fol. 68r.

⁴⁹⁷ The lack of Richard Byrde's signature at the bottom of this page was probably an oversight.

of one hundred tonnes doth.

- 13 Item Doe yowe knowe what stoare of syder and fruite by reasonable accompte / commonly every yeere transported in those barckes and boates for X Xj X Xth County of Glouc into Cornewall Devonshire walles and ~~Irelan~~ Bristoll And wheather greate quantities of herringe and fishe be not Retorned from all those places excepte Bristoll back agayne to serve the Countyes of Glouc wigorn Shropshire warwicke and other places and countyes adioyninge / And Declare youre knowledge and Remembrannce thereofe.
- 14 Item Doe yowe iudge that a greate parte of corne and grayne used to be transported to Bristoll Devonshire Cornewall and wales hath ben laden at the key of Gloucester and at Twexbury / And wheather that there hath ben any more carryed of late yeeres from those townes or creekes belonginge to Gloucester porte then in tymes paste / excepte such Corne and other victuall as haue ben sente for her *majestie's seruice* into Irelan from those places /
- 15 Item wheather there be not mouche money and chardge save in all the Countryes and townes aboue Gloucester by having their cockettes at Gloucester / for the *which* they did before travell to their greate chardge to Bristoll / And wheather three partes of all cokettes the whole nomber beinge divided into fower partes entred in the custome howse of Gloucester be not grannted to suche *persones* as Dwell in Gloucester or neare aboue Gloucester bridge / And doe yowe knowe of what depthe is the Ryuer ~~of seuerne~~ at full springe tyde at hungroade / And what other thinges can yowe declare for proof that barckes and shippes of aboue threeskoare tonnes may be as saffelye broughte and Fleate from kingroade unto the pilles and creekes lyenge betweene the shutte and gatcombe / As from kingroade to Bristoll and may reste lye and be presearued in those places aswell as at ~~ Hungroade. /

Rychard pate ~ Robert Smythes Richard Byrde

6r.

deposicions of witnesses sworn and examined taken at Barckley within the County of Glouc the xijth and xiiijth Dayes of Aprill in the five and twentieth yeere of the Queenes *majestie*'s Raigne thatt nowe ys before Richarde Pate Esquire Richarde Birde and Roberte Smithees gentlemen / By vertue of her graces commission beringe Date the xijth day of February in there yere afore saide to them & others owte of the highnes honorable Cowrte of Exchequer Dyirected for the *examinacion* of witnesses towching matter in ~ Controuersye in the same Courte Dependenge betweene the maior and burgesses of the Cittie of Gloucester Defendanntes againste the mayor & comunalty of the Citty of Bristoll Compt /

- 1 **Edwarde Barston** of Twexbury in the County of Glouc gentleman of thadge of thirty sixe yeeres or thereaboutes sworne and examyned to the firste Interrogatory saieth that he hath benne owner of Parte of twoe boates in severne thone called the Flye boate⁴⁹⁸ / and thother the Fawlcon⁴⁹⁹ uppon the ryuer of severne / And is parte owner of a boate called the Peter in Bristoll.⁵⁰⁰ / And hath used the trade of *merchanndizes* Duringe sixteene yeeres laste paste to all the places mencionned in that Interrogatory. / and allsoe into Franncce Spayne and Portiugale. /

⁴⁹⁸ 'the Flye boate' – there is no record of a ship with this name in either the coastal or overseas customs accounts of Gloucester at this time. In more general terms, a fly boat was a small vessel used for transporting goods quickly around the coast. It is possible that Barston meant that he owned a fly boat rather than a vessel named 'the Flye boate'.

⁴⁹⁹ 'the Fawlcon' – this is a reference to 'The Falcon of Tewkesbury', a thirty ton vessel that Barston is recorded to have frequently used for both coastal and overseas trade in the early 1580s. TNA:PRO, E190/1241/3: E190/1241/16.

⁵⁰⁰ 'the Peter in Bristoll' – this is a reference to 'The Peter of Bristol', a sixteen ton vessel that Barston is recorded to have used to import lemons, oranges and 'train' – otherwise known as cod-liver oil – from San Sebastian in Spain in 1583. 'The account of imports from Spain, Portugal and the Islands', in Vanes, *Documents*, 147-8.

- 2 To the seconde he saieth that there hath not benne any searcher in or Dwellinge or Remayninge in any place or villadge betweene Bristoll and kingroade duringe the tyme of his traveill by the said Ryver of severne to his knowledge. /
- 3
- 4
- 5 To the thirde fowerth and fiveth *Interrogatory* he cannot Depose. /
- 6 To the sixte *Interrogatory* he saieth that he doth knowe that searchers Deputyes by the tyme of all his Remembrance haue ben Reasident at Newenham / and haue attended there / and at Gatcombe at the commynge of all boates that way for the searche of the same / and doth vearely beleave or that there have ben noe boates passed bye that way unsearched to his knowledge / And further saith that there are sufficient Dwellinge howses and people in ~ Gatcombe and Newenham for the stayenge and searchinge of all boates barckes and trowes or shippes that shall or may come upp and Downe that Ryver /
- 7 To the seventh he saieth that he knoweth noe *merchanntes* in *Gloucester* / But doth Remember that he himseallf and master Bawghan of Derehurste⁵⁰¹ aboute twoe yeeres paste did make entry at *Gloucester* of a barcke of thirty tonnes Called the Trynity Bawghan⁵⁰² / laden with wynes and Iron And further saith that he doth well knowe that the custome howse latly erected in *Gloucester* is veary commodious & aptt for her *majestie*'s officers and searvice there to be done. / and hath boath stoare howses and roames to make stoare howses there /
- 8 To the eighte he saieth he doth not knowe / but he thinketh there is and hath ben

⁵⁰¹ 'Derehurse': Deerhurst, a small village near Tewkesbury.

⁵⁰² Although this exact entry cannot be found in the port books, Barston is recorded to have frequently traded on a thirty ton vessel named 'le Trinitie of Tewkisburie' alongside both Richard and Andrew Bawghan – who are said to have been from 'durhurste' and 'Tewkisbury' respectively. It is probable that this was the same vessel although the absence of the exact entry referred to be Barston makes confirmation of this difficult. TNA:PRO, E190/1241/3,5,8.

asmouche Corne and grayne transported from Twexbury and Gloucester to Bristoll of late yeeres as there hath ben in tymes paste. /⁵⁰³

- 9 To the nynth he saith that he thincketh that Bristoll cannot furnishe the /
 Countryes of Cornewall wales and Irelande with corne and grayne soe well as
 the Countryes of Glouc and wigorn can and Doe /
- 10 To the tenth he saieth that as he thincketh the Queenes prouision for mawlte
 and Corne into Irelande can be better provided for in the Countye of Glouc and ~
 wigorn then in Bristoll if officers Doe deale trewly in their searuice. /
- 11
- 12 To the eleauenth and twellth he saith that the small boates and barckes uppon
 seuerne Doe, and can breede able and sufficient marryneres for greate shippes and that
 that the queene *majesty* hath ben commonly provided of marryneres bredde upp in the
 ryver of seuerne to searue in x x greate shippes / And saith that he knoweth
 that the barckes and boates uppon seuerne are ordynerylye employed in the Queenes
majesties searuice into Irelande /
- 13
- 14 To the thirteenth and fowerteenth he cannot Depose. /

⁵⁰³ Duncan Taylor examines Gloucester's outbound coastal shipments of grain and highlights the fact that no Gloucester merchants shipped any grain to Bristol in 1581-2. Taylor implies that this temporary cesation of Gloucester's grain shipments to Bristol was a result of the Bristol Corporation's objections to the establishment of a head-port at Gloucester. Tewkesbury had a different trading profile to that of Gloucester, and its merchants proved far more willing to continue to ship grain to Bristol. As a Tewkesbury merchant, it is possible that Barston was not aware of how Gloucester's trading relations with Bristol had changed and thus based his deposition on the fact that Tewkesbury merchants had continued to ship the majority of their grain to Bristol. Barston's claim that he 'doth not knowe' the answer to the interrogatory could alternatively have been a deliberate and false claim to ignorance. Barston was later shown to be a prolific smuggler of prohibited goods and admitted to a number of charges including illicitly exporting vast amounts of grain. If Barston showed the commissioners that he had an extensive knowledge of the River Severn's grain shipments, more probing questions may have been asked in the future about the whereabouts of the grain that was no longer being shipped to Bristol – an issue that risked uncovering Barston's illicit trading activities. In these circumstances, it seems feasible that Barston may have understated his knowledge of the grain trade and not deposed as completely as he could have done: Taylor, 'Maritime Trade', 99-115.

15 To the fiftenth he saieth that sure he is that mucche money and chardges are sauved by havinge of cockettes at Gloucester which before tyme was spent in ~ gettinge the same at Bristoll for this Deponent himseallf hath ben soundry tymes enforced to travell to Bristoll to his greate chardge for obteyninge his cockettes at Bristoll / which were before Denied unto other men in his name / And saith that he was thus enforced to Doe wise within sixe weekes *which* was Done when masster Cawghton was Deputy to the Customer in Bristoll And doth likewise iudge that three partes, or better of all Cockettes entred in the custome howse of Gloucester the whole beinge Deuided into fower partes are grannted unto persons Dwellinge in Gloucester / and aboute Gloucester bridge / And more he cannot Depose /

- 1 **Willm Combley** of mynsterworth⁵⁰⁴ in the county of Glouc sayler of thadge of fiftie sixe yeeres or thereaboutes sworn and examyned to the firste Interrogatory saieth that he hath trauelled the Ryver of severne and into the coastes of Irelande and Franncce for forty yeeres paste and saieth *that* he hath byn boath owner and master of boates and barckes upon the saide ryver and hath traded himseallf the ryuer in the same boatte
- 2 To the seaconde he saieth that duringe his tyme he doth not remember that any searcher or Deputie of searcher did Dwell Remyne or contynewe betweene Bristoll and kingroade /
- 3 To the thirde he saieth that from gatcombe to Gloucester is tenne myles by lande and twelve myles by water / and from kingroade to gatcombe is twelve or more by water and from kingroade to Bristoll are sixe myles by water and saith that the creekes of Berckley gatcombe and Newenham mencioned in the said Interrogatory are apte meete places for ladinge unladinge and Dischardginge of wares & commodityes &

⁵⁰⁴ ‘mynsterworth’: Minsterworth, a village on the west banks of the River Severn, approximately four miles downstream from Gloucester.

hath ben soe used Duringe his Remembrance

- 4 To the fowerth he saieth that there are noe more or greater number of ladinge and unladinge places uppon the Ryver of seurne nowe then there hath benne heretofore to his knowledge and saieth that there is good harboroughe in the side of the Forreste of Dean for all suche barckes as can come thither namely barckes of fieftie tonnes up Slymroade Inwarde pill⁵⁰⁵ Pyrtone pill⁵⁰⁶ and Gatcombe in which places any barckes may Lye that draweth not aboue tenne feate of water /

Rychard pate ~ Robert Smythes Richard Byrde

6v.

- 5 Item to the fiveth he saieth that he doth knowe that the ryuer of seuerne at gatcombe doth flowe uppon a greate springe betwixte⁵⁰⁷ xvij^{tie} & xx^{tie} feate of water at *which* tyme he saieth that a barck of fieftie tonnes may lye there / And saith that a barck of one Thomas Smith of Pyrton⁵⁰⁸ / and the Fawlcon mallyarde⁵⁰⁹ beinge barckes thone of them forty thother fieftie tonnes hath dischardged at Gatcombe & newnham

⁵⁰⁵ ‘Slymroade Inwarde pill’: Slime Road was an area of the west bank of the River Severn, just north of Beachley.

⁵⁰⁶ ‘Pyrtone pill’: Purton pill. A creek near Purton, a small village on the west bank of the River Severn, approximately three miles north of Berkeley.

⁵⁰⁷ ‘betwixte’: betwixt, ie. between.

⁵⁰⁸ ‘Thomas Smith of Pyrton’ – This is a reference to the same Thomas Smythe of Purton that deposed in this commission. The reference to Smythe’s bark could relate to any of three vessels that Smythe claims to own when making his own deposition – the Trinity of fifty tons burden, the Ellyy of eighteen tons burden or the Clement of twenty-two tons burden.

⁵⁰⁹ ‘the Fawlcon mallyarde’ – there is no record of a ship bearing this name in either the coastal or overseas customs accounts of Gloucester. However, there are entries in the Gloucester customer’s 1581-2 overseas account that record a Tewkesbury merchant by the name of Thomas Mallard trading using the ‘Falcon of Tewkesbury’ – a vessel described to be of thirty tons burden that was also frequently used by another deponent in this commission, Edward Barston. It seems likely that this was the vessel being referred to by the deponent. The discrepancy with regards to the exact burden of the vessel serves as a reminder that the values given in both the customs accounts and by deponents were estimations. Further demonstrating this point, the Falcon of Tewkesbury is listed to have had both a thirty and forty ton burden in different entries contained within the 1581-2 port book – and thus it is difficult to establish the exact burden of such vessels. TNA:PRO, E190/1241/5.

And saith that those barckes with one tyde if conveyent wynd doe searve them may come from kingroade / and that he hath come in one tyde from kingroade to Gloucester in a barck of xij^{tenē} tonnes / and saieth *that* these barckes and dyvers others haue come laden from beyonnde the seas to Gatcombe and Berckley / but moste comonly to gatcombe /

- 6 To the sixte he saieth that in gatcombe there are aboute viij Dwellinge howses in Eckley beinge about a myle distante from gatcombe aboute xvj Dwellinge howses, and in Blackney beinge aboute a myle from gatcombe be aboute xx^{tie} dwellinge howses havinge good prouision & lodginge / and therefore able to stay and search all boates and barckes passinge by that Ryver if they be requyred / And further saieth that searchers and searchers Deputyes Doe and have used to attende veyr dilligently at gatcombe & newenham for her *majestie's* prouffitte and searuices. /
- 7 To the seuenth he saith that he himseallf hath trauelled in the ~ ~ margaret veysie⁵¹⁰ of Seuerne beinge xvj tonnes from the ryuer of seuerne to Roachell in Franncē and broughte thither with them Cole and brought back with them wyne and sawlte / and further saith that he doth knowe that for the space of vj yeeres laste paste there hath not ben soe many boates and barckes uppon the Ryuer of seuerne as haue ben in the life tyme before / but saieth that there are fewer and saith that the custome howse standinge uppon the kay of Gloucester is veyr apte and commodious for her *majestie's* searuice /
- 8 To theighte he cannot depose /

⁵¹⁰ ‘margaret veysie’ – refers to the Margaret, a vessel of approximately twenty tons burden that was frequently used and presumably owned by John Veysie, who is listed as a merchant of Minsterwood in the 1581 Gloucester coastal accounts. TNA:PRO, E190/1241/16.

- 9 To the nyth he saith that because in his iudgmente the County of Glouc is more fertill for corne then the *places* nere Bristoll are therfore Gloucester cannot⁵¹¹ furnishe Ireland with corne and grayne soe good cheape as Bristoll can /
- 10
- 11 To the tenth and eleventh he cannot depose
- 12 To the twelveth he saieth that the small *boates* / and *barckes* uppon Seuerne haue bredd and Doe breede able and sufficient marryneres fit her *majestie*'s seruice / and that at some one tyme he himseallfe & aboute xx^{tie} marryners more haue ben pressed and forced from the ryver of seuerne to searue her *majestie* in Irelande and other *places* / somtymes more / somtymes lesse / and saith that the *barckes* and *boates* of *dyuers* of his neighbours aboute seuerne haue ben employed for her *majestie*'s seruice into Irelande / and further saith that a boate of xx^{tie} tonnes doth allwayes requyre v or vj men and a boy to *serue* them / and therefore one shipp of C tonnes doth not breede soe many sailers and *seruitours*⁵¹² as *dyuers* small *boates* of the like burden doe breede /
- 13 To the thirteenth he saith that he doth vearely iudge that in some yeeres there are xx^{tie} boates laden with fruite from the ryuer of severne to the *places* mencioned in thesaid *Interrogatory* and some yeeres more and some yeeres lesse in *which* boates they doe Retorne againe good stoare of fishe /
- 14 To the xiiijth he saith that in his iudgment the greater parte and

⁵¹¹ The scribe has written 'cannot' although 'can' would make more sense in this context. The deponent states that Gloucester had a grain-rich hinterland compared to Bristol – and thus it is more logical that the deponent would deduce that Gloucester was in a better position to provision Ireland with grain than Bristol was. It seems probable that this was a copying error made by the scribe.

⁵¹² 'seruitours': servitors, ie. servants or assistants.

in effecte the holle of Corne and grayne used to be transported to
Bristoll Cornwall Devonshire Irelande and wales haue benne
laden at the kayes of Gloucester & Twexbury /

15 To the xvth he saith that it is more for thease of the persons
dwellinge in Shrewsbury Bridgnorth Bewdley and other places aboue
and in Gloucester to haue their cockettes gotten at Gloucester then at Bristoll
and more he cannot depose /

[1] **Richarde hyette** of mynsterworth afore saide in thesaide
County of Glouc sayler of thadge of fortie and sixe yeeres or theraboutes
sworn and examined saith that he was parte owner of a barck of xxvj^{ly}
tonnes called the Julyan of mynsterworth⁵¹³ and trauelled theron to
Irelande Cornwall and wales. /

[2] To the seconde and thirde he agreeth *with* ~~W~~ the former deponent William Combley

[3] To the iiijth he sieth as the said william Combley hath deposed / and
further saieth that a shipp of threeskoare tonne may lye in lydneyes
pill / and that horse pill⁵¹⁴ and Albertons pill⁵¹⁵ are good places for ~
harboroughe for smaler barckes /

[5]

[6] To the fiefth & vjth he agreeth with thesaid former deponent / saving that

⁵¹³ ‘Julyan of mynsterworth’ – Richard Hyette is recorded to have traded in a twenty ton vessel called the Gillian in the 1577 coastal accounts. This is likely to be an alternative spelling of the same vessel. TNA:PRO, E190/1129/20.

⁵¹⁴ ‘horse pill’: Horse Pill. A creek on the west bank of the River Severn, approximately two miles downstream of Aylburton Pill (see below).

⁵¹⁵ ‘Albertons pill’: Aylburton Pill. The coastline of this part of the River Severn has changed considerably, but Aylburton Pill discharged on the west bank of the River Severn, approximately five miles west of Berkeley. For more detailed information about the exact locations of these pills, see Jones (ed.), ‘Survey of the Port of Bristol, 1565’.

he saith he himseallf came not in any boate of xij^{ue} tonnes with
the saide deponente from *Gloucester* to kingroade. /

[8]

[9] To the eighte and nynth he cannot depose /

[10]

[11] To the tenth and xjth he saith that in his iudgment the Citty of
Bristoll cannot furnishe the queenes *majestie's* prouision into *Irelande*
soe good cheape as the Cittie of *Gloucester* and *Twexbury* can by
reason of the plentie of the Countie of *Glouc* and the countyes
therabouts.

[12] To the twelveth he cannot depose. /

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7r.

[13] To the thirteenth he saith that he thincketh there haue come yeerely
betweene twenty and thirtie boates laden with fishe into the Ryuer of seuerne
from *Cornewall* *Devonshire* *Irelande* and *wales*. /

[15] To the xvth he saith that of necessitie there muste be greate chardge
saued by havinge their *Cockettes* at *Gloucester* *which* otherwise they shoulde
spende in travellinge for them to *Bristoll* / and that he himseallf hath
paied tenne shillinges for a Cockett at *Bristoll* aboute twoe yeeres before
therrecion of the custome howse in *Gloucester* / and more he cannot depose /

[1] **John Whooper** of *Eallmore*⁵¹⁶ in the County of *Glouc* of
thadge of fower scoare yeeres or thereabouts sworn & *examined* saieth that he

⁵¹⁶ 'Eallmore': Elmore, a small village situated approximately three miles south-west of Gloucester.

hath traded by the ryuer of seuerne by the space of those threskore yeeres /

[2]

[3] To the seaconde and thirde he saith as the former deponent william Combley hath deposed. /

[4]

[5] To the fowerth and vth he agreaeth with the former deponentes Richard hyett and William Combley / and further saith that a barck drawinge xij^{ne} footes of water may come and lye at gatcombe /

[6] To the vjth he saith that he knewe one walter Steynor beinge a searcher Dwellinge within the *parishe* of Newenham within hawlf a myle of the Ryuer of seuerne whoe used the same office of a searcher xij yeeres and upwards as he thincketh / and that there nowe remayneth a searcher in Newnham whoe attendeth likewise at gatcombe for her *majestie's* searuice there /

[7]

[8] To the vijth and viijth he cannot depose

[9]

[10] To the ixth and xth he saith that when he did bringe corne and grayne from Gloucester Twexbury and other places therunto adioyninge to Bristoll that then the same was dearer at Bristoll then it was as Gloucester which was about twelue yeeres paste /

[11] To the eleaventh he cannot depose

[12] To the twelveth he agreaeth with the twoe former deponents / savinge that

he saith that he doth not knowe howe many men are Requite⁵¹⁷ to guide
a shipp of C tonnes. /

[13]

[14] To the xiith and xiiith he cannot depose

[15] To the xvth he saith as the former deponent Richard Hyett hath deposed /

[1] **John Lewes**⁵¹⁸ of Longney⁵¹⁹ in the County of Glouc aforesaide ~
sayler of thadge of thirtie & eighte yeeres or thereaboutes sworne and ~
examined to the firste *interrogatory* saith that he hath benne owner of eight boates
or barckes uppon seuerne some of them conteyninge xxvj tonnes / & some
other leasse and hath used to trade by the water aboute xxij yeeres to
the places mencioned in the said *Interrogatory*. /

[2] To the seconde he cannot depose /

[3] To the thirde he saith that there are betweene *Gloucester* and *Gatcombe*
aboute thirteene myles by water at leste / and nyne myles by lande at
leste / and from kingroade to hungroade are a myle and a hawllfe from
hungroade to *Bristoll* aboute three myles by water / and saith that the
kay of *Gloucester* and the creekes of *Barckley* and *gatcombe* be veary apte &
meate places for ladinge and *Dischardginge* of wares, and hath ben soe used
Duringe his tyme /

[4] To the fowrth he saith that betweene the shutte and *Gatcombe* are
Dyuers good places of harboroughe for shippes of all burdens under CCC

⁵¹⁷ ‘Requite’: requisite.

⁵¹⁸ This is the same John Lewes that deposed for Gloucester in the first commission that took place in January 1583.

⁵¹⁹ ‘Longney’ – a small village on the east bank of the River Severn, five miles south-west of Gloucester.

tonnes vz at Slymeroad and thirde weare / and all soe in lydneyes pill & horst pill may any shipp under C tonnes fleete to reste and lye. /

[5] To the fiveth he saieth that at this *present* springe there flowed aboue xx footes of water at gatcombe / and soe from thence the nearer into the sea the more water floweth and that shippes and barckes drawinge xx^{tie} foote of water may at such tides lye at gatcombe / and south that barckes & shippes comynge to gatcombe and thother place betweene that and the shutte may be *presevued* and maynteyned there aswell or at hungroade because that the shippes there Doe lye uppon the soafte oose⁵²⁰ *which* oose is mouch harder at hungroade / and saith that shippes of the burden aboue said may with the like water come from kingroade to gatcombe as from kingroade to Bristoll and further saith that he himseallf Dyuers and soundry tymes broughte to *Gloucester* his owne boates of aboute xxvj tonnes apeece / and there laded and Dischardged the same / and that such barckes may in fower tydes come from kingroade to *Gloucester* when the wynde is contrary / and havinge winde and springe tide may come at one tyde /

[6] To the sixth he saith that newenham is replenished with good and sufficient stoare of people viz aboute C dwellinge howses / and that in Gatcombe there are dyuers stoare howses besides the Dwellinge howses newly builded. /

[9]

[10] To the ixth and tenth he saith that in his iudgment the queenes *prouision* for corne and mawlte for Irelande may be had better cheape at *Gloucester* then at Bristoll by reason of the plentie of the contrey about

⁵²⁰ ‘soafte oose’ – soft, wet mud or slime. The deponent states that it was possible to run a ship aground on the river bed at Gatcombe without causing any damage to the vessel, just as it was at Hungroade.

Gloucester /

[12] To the xijth he saith that a barcke of xx tonnes apeece doe breede more apte and conveyent marryners then a shipp of C tonnes because a shipp of C tonnes will be gyuded with xx men and euery barck of xx tonnes will require at leste vj men to leade *that* and saith that her *majesty* hath ben prouided at one tyme for *seruice* in the queenes shippes at London xv men of the *parishe* of mynsterworth neere *seuerne* / and of *dyuers* other may owte of *dyuers* other villadges at other tymes for *searuice* into Irelande and that he this deponent and aboute xv more of the county of Glouc have *serued* in the gowlden Lyon under *Sir william wynter* to harborough & that *dyuers* other have *serued* in *dyuers* other shippes.

Rychard pate ~ Robert Smythes Richarde Byrde

7v.

[13] To the xiiijth he saith that he doth veary well knowe that the laste yeare paste there were laden aboue CC boates with fruite from the Ryver of Severne into the *places* mencioned in the said *Interrogatory* moste of *which* boates there was returned *fishe* and in thother butter cheese and other other *thinges which* haue searued the Counties mencioned in that *Interrogatory*. /

[15] To the xvth he saith that there is more chardge saued and greate cost to the countreyes adioyninge to Gloucester for havinge ~~any~~ ~~eo~~ their cockettes at Gloucester then if they showlde travell for the same unto Bristoll / and saith that at hungroade at springe tydes the water floweth about vj fothammes / and the same place at lowe waters is maynteyned by the Roade of shippes there *which* otherwise

woulde be quarred⁵²¹ upp / and that the shippes at lowe water lye
on grounde there in worse case then they woulde doe at gatcombe
And more he cannot depose /

[1] **Thomas Smythe** thelder of Pirton⁵²² in the Countie
of Glouc aforesaide sailer of thadge of three scoare yeeres or therabout
sworen and *examined* to the firste *Interrogatory* saith that he hath used the trade
of the water for fortie yeeres paste and hath ben owner of three boates
vz of the Trynitie beinge a barcke of fiefte tonnes and annother called
the Ellyy of the burden of xvij tonnes and the thirde called the clement⁵²³
of aboute xxij tonnes /

[5] To the fiefth he saith his is sure that the water floweth at
Barckley haven this day xxiiij foates and at gatcombe xx footes
and that he himseallf and one John Fisher haue tryed the depth
of the water there this *presente* weeke / and saith that he himseallf
is able and dareth to undertake to bringe a shippe of lxxx tonnes
laden with *merchandizes* to Barckleyes haven and gatcombe havinge
a ladinge gale of winde / and may more and reste there as saffely as
at Hungroade or any place where he hath trauelled / and that he
hath knowne many boates betweene xx an xxvj tonnes laden / and did
lye and was preserued there / unlade at *Gloucester* and Twexbury / and that

⁵²¹ ‘quarred up’: in the context of a river, this means choked or blocked up.

⁵²² ‘Pirton’ – Purton. The village of Purton lies of the east bank of the River Severn, approximately three miles north of Berkeley. The hamlet of Purton lies on the west bank of the River Severn, directly opposite the village. It is not clear which location this deponent claims to originate from.

⁵²³ ‘Trynitie’, ‘Ellyy’ and ‘clement’ – vessels with these names were exceptionally common. There are a number of examples of vessels named the Clement and the Trinity with eight to eighteen ton burdens being recorded in the Gloucester coastal accounts. The common nature of these ship names and the fact that there are no entries where Thomas Smythe himself is recorded to have traded using these vessels makes it very difficult to verify the details given by Thomas Smythe against entries made in Gloucester’s coastal accounts. ‘Thomas Smythe’ was also a very popular name so this adds to the problems of identification. Although vessels named the ‘Trinity Smythe’ have been identified, none are listed to be from Thomas Smythe’s place of residence – Purton – and therefore it has proved impossible to gather any more information regarding these claims made by Thomas Smythe.

there was a shipp of aboute CCCC tonnes broughte to Slymeroad
within the shutte

[6] To the sixte he saith as the former *depnent* John Lewes hath deposed /

[9]

[10] To the ixth & xth he saith that the queenes provision for mawlte & Corne for Irelande cannot be soe well prouided for at Bristoll as in Gloucester and the countrie thereaboutes.

[12] To the xijth he saith that he is able to bringe forth C able & sufficient marryners trayned up in the boates of seuerne able to Doe good *seruice* in greate shippes and thirtie of them able to harboroughe a shipp and that he himseallf hath sailed soundry tymes to Andolosia Portugall Franncce and Irelande as an hyred⁵²⁴ marryner / and to the reste of thinterrogatory he agreeth with the former deponent John Lewes /

[15] To the xvth he saith that there is chardge saued in takinge owt their Cockettes at Gloucester *which* they shoulde spende by fetchinge the same at Bristoll / And further saith that shippes and barckes comynge betweene the shutte and gatcombe may lye and be preserued as saffely there as at Hungroade havinge betweene those places veary soafte woase to lye uppon /

[1] **John Wyntle** of mynsterworth in the said Countie of Glouc sayler of thadge of xxvij^t yeeres or thereaboutes sworn and *examined* to the firste Interrogatory he saith that he hath ben and is nowe owner of the half of a boate ~~called~~ of xvj tonnes and that he hath used the trade of the Ryuer of seuerne aboute those tenne yeeres into Irelande Cornewall

⁵²⁴ ‘hyred’: hired.

Devonshire & wales. /

[5] To the fiefte towchinge the flowinge of the water at gatcombe and Barckley he agreth with the former deponent Thomas Smith. and further saith that he hath knowen the Flye boate⁵²⁵ beinge a barck of aboue fiefte tonnes to come to Barckley & Gatcombe and that she did moste commonly lye at Gatcombe / and that a barck of fowerscoare tonnes may fleete to reste and lye there

[6] To the xjth he agreath with the former deponent John Lewes /

[12] To the xijth he saith that there are marryners bredd upp in the small boates uppou seuerne many of *which* are able to take chardge of guydinge a shipp into Irelande and Spayne /

[15] To the xvth he saith that shippes and barckes carryinge betwene the shutte and gatcombe may lye and be *preserved* there uppou the soafte woase aswell as at Hungroade / and that a shipp of lxxx tonne may lye and fleete in Chaston poole or beinge betweneth shuttes and Gatcombe / And further doth not Depose /

8r.

[1] **Rychard skhopez** / of Blakney⁵²⁶ in the Countie of Glouc Sayler of thage of fyftie and foure yeres or therabowtes sworne and examined to the first Interrogatorie saith that he hath been parte owner of fyve barkes upon ~ Severne and that he and his brother have been owners of three barkes some of them being of burden aboute xxvj tonnes and hath travelled in the said

⁵²⁵ ‘the Flye boate’ – this unidentified vessel was also referred to by a previous deponent, Edward Barston.

⁵²⁶ ‘Blakney’: Blakeney, the nearest settlement to Gatcombe. It lay approximately one mile northwest of Gatcombe.

barkes by the space of xxvj yeres past to the *places* menciond in the said *Interrogatory* and that he himself hath travelled into Rochell into Franncce in the *margarett* Veysie of mynsterworthe /

[2] To the second he saith that there are no *villages* betwene Bristoll and kingrode saving on the Easte syde there is Sherehampton *which* is aboute half a myle from the water syde / and saith that he doth not remember that ever anie sercher or deputy sercher haue dwelt betwene Bristoll & kingrode /

[3] To the thirde he saith that from Gloucester to Gatcombe are xij myles by water / and from Gatcombe to kingerode are xv myles by water / and from kingerode to Bristoll ^{iiiij^{er}} myles and upwardes by water / And that he doth knowe that the Creekes of Gatcombe Barkley and Newneham during all his tyme of ~ knowledge have been allwaies used as meete *places* for lading & unlading /

[4] To the fourthe he saith that there be not anie more *places* of lading and ~ unlading upon the ryver of Severne used synce the ereccion of the Custome house in Gloucester then there were before / And saith that he himselfe aboute xxvj yeres past hath laden corne aborde a shipp at kingerode / and that a shipp drawing xvj feete of water may reste and fleete at low waters at a place called the blacke poole, within Chaston being xx myles beneth Gloucester, and that at ~ ~ Slymerode Horsepill and Lydnes pill a shipp of an hundred tonne ~ may safelie rest and lye.

[5] To the fyfte he saith that he himselfe did sound and try the Ryver of Severne at Gatcombe twice this weeke / and when the water was at ^{iiiij^{or}} tydes spring, it did beare xv. foote of flowinge water besyde the Chanell, and at the highest of the spring, it will bere xxiiij foot of flowing water there & so at Barkley it floweth higher / And that a shipp of one hundred tonnes laden will come to / and by at Gatcombe and Barkley, and retorne thence / safelie againe / and that he himselfe dare undertake to be one *within* that shipp

to *perfourme* the same / and is well assured that *boates* and *barkes* coming to ~ those *places* may be there preserved and kepte aswell as at Hungerode ~ Both for the wynde and wether and softnes of the woase / and saith that a boate drawing vij. foote of water can come from kingrode to Gloucester in ~ three tydes /

[12] To the xijth he saith that there are bredd very sufficient maryners in the Ryver of Severne and fitt to do good *service* in greate shippes and that her *majestie* may be provided of an hundred sufficient maryners at one tyme in tymes of service out of the *boates* upon the Ryver of Severne, and with the rest of the Interrogatory he agreeth *with* the former deponent John Lewes /

[15] To the xvth he saith that there is much money saved to the contries aboue Gloucester and aboutes Gloucester by having the Cockettes at Gloucester, *which* wold be spent by fetching the same

Appendix 3

Alexander Higgins (ed.), 'Articles exhibited to Peter Gough and Kynnard Delabere by the officers of the Port of Bristol and their answer to the same. Followed by: The Articles first exhibited unto the Lord Treasurer by Master Pate then Recorder of Gloucester, for the having of a customs house in Gloucester, 1557', (unpublished transcription, 1957).⁵²⁷

[1v.]

Articles exhibited by the officers of the Customhouse of ~
Bristowe to Peter Goughe & Kynnarde delabere⁵²⁸ to be bounde to
observe before they will make any deputation to thesaide Goughe
& delabere for the receipte of the quenes *Majesties* Custome at ~
Gloucester accordinge to the lorde treasurers warranthe to them
in that behalf directed.⁵²⁹ /

1. That it shalbe lawfull for the Customers & comptrolers from tyme to tyme to as often as they shall thinke nedefull for her *Majesties* better ~ service to peruse⁵³⁰ both the bookes accomptes & doinges of thesaide deputies. /
2. That they by this deputation shall not take entry for any goodes inwarde excepte thesame be dischargd out of the self same bottome at Gloucester or above *which* brought the goodes into englande from the ~ parties beyonde the seas.⁵³¹ /
3. That they shall not deale for Customes of any good outwarde but ~ such only as shalbe laden at Gloucester or above into the self same bottome in *which* it is to be transported oute of the realme.⁵³² /

⁵²⁷ The National Archives: Public Record Office, UK [TNA:PRO], E122/221/65. The following conventions were employed when transcribing this document: the line spacing, spelling, capitalization, erasures, insertions, underlining and punctuation follow the manuscript; 'u' and 'v' have been rendered according to the document rather than to modern usage. Square brackets indicate editorial additions. Reconstructions of suspensions are in italics and all suspensions have been extended – for example 'city of Glouc' has been extended to 'city of Gloucester'. The only exception to this is when the name of a county has been contracted – so 'county of Glouc' remains as 'county of Glouc'.

⁵²⁸ 'Peter Goughe Kynnarde delabere' – Peter Gough was appointed Customer at Gloucester once it had become a head port in 1580 and Kynnard Delabere was appointed Controller. At this point, Gloucester was a member port of Bristol and so Gough and Delabere would technically have been deputies to the Bristol customs officials at this point.

⁵²⁹ Gloucester was accounting as separate member port of Bristol by May 1575.

⁵³⁰ 'peruse': to examine.

⁵³¹ This article forbade larger vessels engaging in overseas trade from breaking their bulk at Gatcombe by transferring goods into smaller vessels and lighters before continuing their journey up the Severn. As was conceded by the Gloucester Corporation, 'shipes of greate burthen cannot come up to the key of Glouciter' due to insufficient depth of the river and only 'barkes of xxiiii^{ti} ton' burdens could travel all the way to Gloucester. If the Bristol customs officials refused to allow Gatcombe to be used as an outport as it had previously been used under the supervision of the Clerk of the Creeks, Gloucester would clearly have had very limited use as a head port as only small ships were able to travel straight to Gloucester. If this rule was obeyed by the Gloucester customs officials, any ship that had a burden of larger than twenty-four tons would have to first unlade any overseas imports at Bristol and then obtain coastal cockets for any goods that were to be transported on to Gloucester. Jones (ed.), 'Bristol's petition, 1582', fols. 83r. and 84r.

⁵³² The logic of the note above also applies to ships departing from the port of Gloucester. If smaller vessels could not be used to transport goods from Gloucester to Gatcombe before these goods were exported, only ships of twenty-four ton burdens or less could use the head port of Gloucester to export goods. Although this would not be a problem for many voyages, it would prevent Gloucester merchants

4. And that they shalbe bounde to observe & kepe all such orders as are already or shall hereafter be established in the howse, so farrforth⁵³³ as ~ towcheth them, Thesame orders tendinge to the better service of ~ the prince or to oure more quiet dealinge.⁵³⁴ /
5. That all such Cockettes and warrantees as we shall grannte oute to ~ any such as shall thinke yt more for their case & comoditie to come to vs then unto youe for mawlte grayne or other goodes & merchandize to passe from Gloucester Tewxbury worster & other places upp severne may *withoute your* molestacion or denyall be allowed and of as good force as ever they were before the makinge of this deputacion.⁵³⁵ /
6. That youe shall deliuer upp *your* booke unto us uppon *your* othe to be a true booke *within* one moneth after the feaste of Easter & michaelmas together *with* such somes of money as shalbe due for customes received by youe. /
7. That youe be bounde to delyver unto us all such fees as are due for the makinge & sealinge of Cockettes as a fee incident to oure office of Bristowe. /

[2r.]

Thannswere⁵³⁶ of Peter Goughe & kennarde delabear to the Articles to them exhibited by the officers of the custome howse of Bristowe. /

1. To the Firste we saie yf youe wolde peruse *our* bookes to knowe what proffitt arise therein for her *Majesti*: to the ende ~~to~~ youe might make *your* so much the lesse that *our* service might not be seene: then were it not convenyent youe sholde so thinke before all *your* doinges were entred into *your* blancke bookes.⁵³⁷ /
2. To the seconde we saie that all the shippinge that belongeth or cometh ~ towards Gloucester hath alwaies & yett doth use to breake boulke at

from starting long-distance voyages to France, Spain and Portugal from the head port of Gloucester because these journeys required the use of larger ships. Jones, *Inside the Illicit Economy*, 173.

⁵³³ ‘farrforth’: far-forth, to a definite degree.

⁵³⁴ ‘oure more quiet dealinge’ – this is an ambiguous demand that could be interpreted in any number of ways. The basic essence of this article was that the Gloucester customs officials should accept the orders, demands and authority of the Bristol customs officials regardless of the Bristol officials’ motives.

⁵³⁵ This article shows that Bristol wanted to maintain their ability to exert some control over Gloucester’s grain supplies. Before Gloucester became a member port, grain could only be transported from Gloucester to another English port if the Bristol customs officials granted a coastal cocket to allow this shipment. In the articles produced by the Gloucester Corporation that are annexed to this document (see fols. 3r. – 4r.), Gloucester asserted that becoming a head port would allow them to grant coastal cockets for grain ‘accordinge to the plentie of or scarcitie of the tyme’ and this responsibility was best carried out at Gloucester because ‘there it is beste knowen what the Country maie spare’. If Bristol continued to assert its right to issue cockets to allow shipments of grain to leave Gloucester, Gloucester would clearly not have the power to only issue cockets when there was a ‘plentie’ of grain in Gloucester. This was because anyone wishing to ship grain away from Gloucester at these times could obtain a cocket from the Bristol customs officials instead.

⁵³⁶ ‘Thannswere’: The answer.

⁵³⁷ ‘blancke bookes’ – this is a reference to the blank books that were issued to every port for the customs officials to keep a detailed record of the entrance and exit of goods from their port. These became known as Port Books: TNA:PRO, E190.

Barckley, Gattcom, and newnam & so by lyters dischargde at Gloucester as the Bristowe men doth from kingrode⁵³⁸ to Bristowe *with* three kayes beinge beneth Gloucester ar & tyme oute of mynde hath bene *within* thoffice of the sercher or clerke of the kryckes⁵³⁹ of Gloucester *which* sercher is ~ accomptable in the Exchequer & not to the Customers of Bristowe⁵⁴⁰ and therefore the duties due is to be paide where the goodes is laden or landed. /

3. To the Thirde we saie that her *Majesty* Customes due to her highnesse *within* the serchers office of the Cricke of Gloucester is nowe to be answered in the custome howse of Gloucester. bothe for the better service of her *majestie* as also for the case of the merchanntes.⁵⁴¹ /
4. To the fowrth we saie we dislike it not so that thesaide⁵⁴² orders be appointed by warrante from the h-lorde highe Treasurer of ~ englande and we made pryvie therunto. /
5. To the fifte we saie that youe nede not to grannte any Cockettes to suche as muste lade *within* the viewe of the Customers of Gloucester neither can it be for any manns case to fetch a Cockett *with* youe beinge at the leaste Threscore myles to & from Gloucester where they muste take in their ladinge neither is there any good meaninge supposed to be for the better service of her *Majestie*. /
6. To the sixte we saie yf there be any such order in the right honourable Lord Treasurers letter to youe directed or that his lordshipp shall at any tyme so appointe we willingly yelde therunto. /
7. To the seaventh we saie all cockettes fees sealed in Gloucester ar due to the seale of thoffice as a reward for the Clerke *which* writeth the Cocke[tts]⁵⁴³ and there ys not any thinge els for the Clerke to finde waxe pap[er] and perchmente neither is there any ~~duties~~ deputies in any par[te] of the realme bounde to yelde thesame. // .

Master fanshaw⁵⁴⁴ and Master Osborn.⁵⁴⁵ I pray you considre of these articles and answers: and to devise what way a resonable ordre for ye same.⁵⁴⁶

⁵³⁸ ‘as the Bristowe men doth from kingrode’ – this response highlighted the fact that Bristol-bound vessels frequently used locations such as Hungroad and Kingroad to tranship goods into lighters and there should be no reason to stop Gloucester-bound vessels doing the same at Gatcombe, Newnham and Barkeley.

⁵³⁹ ‘clerke of the kryckes’: clerk of the creeks. This was the title given to the deputy of the Bristol searcher who was responsible for the upriver lading places commonly used by the coastal trade.

⁵⁴⁰ The clerk of the creeks had been appointed directly by letters patent and therefore did not have to account to the Bristol customs officials.

⁵⁴¹ This asserts that the Exchequer viewed the establishment of a member port at Gloucester as both a method of reducing customs frauds and making it easier for the towns of the upper Severn to engage in trade – by allowing merchants from these places to obtain cockets from Gloucester rather than forcing them to travel to Bristol.

⁵⁴² thesaide: the said

⁵⁴³ The manuscript has been torn here and the square brackets are used to indicate the letters that have been reconstructed by the transcriber.

⁵⁴⁴ ‘Master fanshaw’: Thomas Fanshaw – the queen’s remembrancer.

⁵⁴⁵ ‘Master Osborn’: Peter Osborne – the lord treasurer’s remembrancer in the Exchequer. As senior figures within the upper echelons of the Exchequer, Osborne and Fanshaw were frequently given the responsibility to advise and arbitrate about sensitive matters. S. M. Jack, ‘Fanshawe, Thomas (c.1533–1601)’, *Oxford Dictionary of National Biography* (Online Edition, 2004). <<http://www.oxforddnb.com/view/article/9150>> 14th September 2012.

ix junij 1575⁵⁴⁷

W. Burghley

[2v.]

16th Junij 1575

Articles exhibited to Peeter
Gough and kennard
Dallaber by the officers
of the porte of Bristowe
and their annswer to the
same.

Peter Goughe
Kenarde delabere

[3r.]

1. Bristoll standethe in a Creke sixe myles from Severne and att leaste tenne myles from the Comon Channell as Rochester dothe soe that many thinges maie passe without Custome⁵⁴⁸ /
2. Gloucester Towne and Bridge standes uppon Severne as London and London Bridge doe uppon Thames soe that nothinge can passe by that unseene and withoute Custome /
3. Shippes of all manner of Burdens maie as safelie and as sone⁵⁴⁹ & better come to a Rode in Severne called Gatcombe⁵⁵⁰ tenn myles from Gloucester then they maie com to Bristoll key or to the backe of Bristoll⁵⁵¹ /
4. Barkes of xxiiij^{tie} or xxx^{tie} Tonne and Trowes and lighters of xxiiij^{tie} Tonne maie come at every springe tide from Gatcombe to gloucester with one tide / or twoe at the moste /
5. The halfe of all merchanndize cumminge into the Ryver of Severne is uttered at Gloucester and throughe gloucester bridge⁵⁵² soe that nothinge

⁵⁴⁶ These two lines are written in the hand of and signed by Lord Treasurer Burghley.

⁵⁴⁷ 'ix junij 1575': 9th June 1575.

⁵⁴⁸ 'as Rochester dothe soe that many thinges maie pass without Custome' – Rochester is the lowest bridging point of the River Medway – which joins the River Thames approximately ten miles away from Rochester. The Gloucester Corporation are comparing this to Bristol's situation because Bristol is situated on the River Avon – which joins the River Severn approximately eight miles away from Bristol at Avonmouth. The point being made is that both Bristol and Rochester are situated away from the main waterways through which the majority of river trade travelled and were therefore not in the best positions to police these channels.

⁵⁴⁹ 'as safelie and as sone': as safe and sound.

⁵⁵⁰ Gatcombe served as the main outport for the port of Gloucester. It lies on the west bank of the River Severn – approximately twelve miles southwest of Gloucester or twenty-two miles by water.

⁵⁵¹ 'Bristoll key or to the backe of Bristoll' – these were the only two official places for lading and unlading overseas goods in the port of Bristol, as stated by 'An Acte limiting the tymes for laying on Lande Marchandise from beyonde the Seas, and touching Customes for Sweete Wynes' (1559), *Statutes of the Realm*, IV, 372-4. Larger ships typically used the 'Key' of Bristol whilst smaller ships used the 'Back'.

⁵⁵² This claim that half of all the imported merchandise that entered the River Severn was sold at Gloucester and the creeks of the upper Severn is supported by claims later made by the Bristol

can passe that waie unseene without payinge Custome Whereby
the Quenes *Majestie* shall be better answered of her Custome then
she is at Bristoll⁵⁵³ /

6. Yf *merchandize* mighte com to *gloucester* withoute stave and there
paie the Custome then Shropshire Worcetershire Warwick
Shire and *parte* of herefordshire and other Counties whiche are
nowe serued of diuerse⁵⁵⁴ kyndes of *merchandize* by the Ryver of
Seaverne passinge under *gloucester* Bridge woulde buy the more
for the nighnes⁵⁵⁵ of that place beinge a longe daies jorney nere
then Bristoll is to all those Shires and a great *profitt* it would be to
all the Quenes *Majestie* aswell he Subiectes dwellinge in those shires
for the ease of their travaile and spedier retorne to there
owne house and for savinge of Ridinge Charge a matter of
good accompte amonge wise occupiers⁵⁵⁶ /
7. The Custome house of *Gloucester* to serue onely for suche
merchandize as shall cum upp the Ryver of Seaverne
as Farr as Gatcombe and Bristoll custome house to serue
for all places from Gatcombe towarde the Seae as it
nowe dothe⁵⁵⁷ /
8. *Gloucester* Keye is the place where three *partes* of all
graine the hole beinge devided into foure is laden for Bristoll
devonshire Cornwall Wales and Irelande⁵⁵⁸ and there it is
beste knowen what the *Country* maie spare and accordingly
cockettes and licences maie there be beste grannted accordinge
to the plentie of or scarcitie of the tyme⁵⁵⁹ /

[3v.]

9. The *Country* aboute *gloucester* yeldethe many of those comodities
whiche Englande dothe and maie best spare in Traficque beyonde
the Seae⁵⁶⁰ /
10. *Gloucester* Towne hath bene a Towne of *merchandize* sence⁵⁶¹ the

Corporation that these creeks represented the ‘chiefeste vente of all manner of forreyne marchaundizes’: Jones (ed.), ‘Bristol’s petition, 1582’, fol. 68r.

⁵⁵³ This article therefore argues that the creation of head port at Gloucester would reduce the amount of customs frauds and subsequently increase the Crown’s revenues obtained through the customs collected on the River Severn.

⁵⁵⁴ ‘diuerse’: diverse.

⁵⁵⁵ ‘nighnes’: nearness.

⁵⁵⁶ It is argued that the creation of a head port at Gloucester would stimulate the trade and commerce of the towns surrounding the new head port at Gloucester.

⁵⁵⁷ This article emphasises that a system of dual authorities at Gloucester and Bristol is being advocated – not that Gloucester should replace Bristol as the head port of the region.

⁵⁵⁸ Gloucester’s role as a distribution point of grain late led to the Bristol Corporation characterising Gloucester as a place that ‘standeth not upon any trade of *merchaundize* but of *Corne* only’: Jones (ed.), ‘Bristol’s petition, 1582’, fol. 83r.

⁵⁵⁹ It is argued that the creation of a head port at Gloucester would allow the Gloucester authorities to have more control over the city’s grain supplies. Cockets would only be granted for shipments of grain to leave Gloucester when there was a surplus of grain. Before the establishment of a head port at Gloucester, cockets were issued by the customs officials at the Port of Bristol – who would presumably have prioritised the needs and desires of the city and merchants of Bristol over the city and merchants of Gloucester and its surrounding creeks.

⁵⁶⁰ This is an assertion that a head port at Gloucester would encourage a legitimate and beneficial export trade.

tyme of Kinge John⁵⁶² for aswell by him as by diuerse his
Successors Kinges of Englande diuerse liberties were granted
to the gilde of merchanntes of the Towne of gloucester and to those
which beinge of that householde paie Lott and scott⁵⁶³ *with* theme.

11. By this meane a great number of *marriners* maie be in shorte tyme increased⁵⁶⁴ and the Citie the better peopled /
12. Within those fewe yeres the Towne of Tewkesburie hadd libertie to grannte *Cockettes* and had a Seale for that purpose⁵⁶⁵ And by much more Reason gloucester oughte to have a ~~the~~ Custome house with officers thereunto apperteyninge for that it is nere the Seae by ix myles /
13. It is to be suspected and that suspicion easie to be tried and upon good *examinacion* of the vinteners of gloucester Tewkesburie & Worceter Bewdley Kyddermynster Bridgnorthe Shrewsbury Evesham Ludlowe lempster⁵⁶⁶ Cicetor⁵⁶⁷ & v there hathe bene more wyne spente in gloucester and above gloucester bridge then all the holle comethe to that hathe bine accustomed for at Bristoll because it is an easie matter to escape that Custome howse and the officers there seeinge the Corse of the shippes and boates *cumming* upp and goeing downe Seaverne is so farr of from thence, but none can escape if there be a custome house bothe at Gloucester and at Bristoll allottinge all that come to gatcombe or further upwarde or lade above Gatcombe to enter their *merchanddize* at Gloucester and all beneathe Gatcombe at Bristoll even as it is nowe ⁵⁶⁸/

⁵⁶¹ ‘sence’: since.

⁵⁶² ‘sence the tyme of Kinge John’ – this refers to the extension of the Borough’s privileges by King John’s Charter in 1200.

⁵⁶³ ‘Lott and scott’: a tax, due or custom.

⁵⁶⁴ This article asserts that the creation of head port at Gloucester would contribute to the Crown’s continued efforts to ensure that there was a large pool of suitably trained mariners that could be utilised to serve in the navy in times of war.

⁵⁶⁵ ‘the Towne of Tewkesburie hadd libertie to grannte *Cockettes* and had a Seale for that purpose’ – it was thus claimed that Tewkesbury had previously had the ability to grant cockets for downstream shipments of grain independently of the customs officials at Bristol. The Gloucester Corporation had previously complained about this privilege in a chancery petition in the 1540s: TNA:PRO, C1/993/16. Although the right to issue coastal cockets for the area that fell within the jurisdiction of Bristol’s port fell to the customs officials of Bristol, there seems to have been a degree of flexibility regarding this issue before the regulations were tightened by the publication of the 1565 Book of Orders that asserted that cockets had to be ‘made in Parchement, and sealed, subscribed and delivered openly in the Custome-house’ – at Bristol. It is not entirely clear how long Tewkesbury’s privileges lasted – although Gloucester’s reference to a duration of a ‘fewe yeres’ does not suggest that it was a longstanding or current arrangement. ‘The Rules and Order made by Queen Elizabeth in the 7th Year of her Reign, to be observed by all Officers of the Customs, and all Merchants and Traders in all the Ports in England and Wales’ in B. ., *A sure guide*, 433.

⁵⁶⁶ ‘lempster’: Leominster.

⁵⁶⁷ ‘Cicetor’: Cirencester.

⁵⁶⁸ The insinuation is that large quantities of wine had been illicitly imported and the authorities of the port of Bristol bypassed. The Gloucester Corporation’s decision to frame the argument around illicit wine imports could relate to the fact that a commission granted to investigate the nature and extent of smuggling in Bristol in 1565 had focused purely on illicit wine imports in the port. Although Evan Jones has demonstrated that the implementation of this commission had significant flaws, the Gloucester Corporation would have known that framing their arguments around illicit wine imports would make their claims both believable and interesting for the Crown. E. T. Jones (ed.), ‘Survey of smuggling in Bristol,

14. At sondrie tymes Barkes haue comen to Gloucester from Irelande with herringe and other fishe, thinckinge gloucester to haue hadd a custome house an were forced to resorte backe to Bristoll longe foule and tedious xxxⁱⁱ myles to enter the same there /
15. Bristoll men haue perswaded all spanyardes and the merchanntes of Barstaple⁵⁶⁹ and others allsoe that the Ryuer of Seaverne colde not serue for anie boate of tenne tonns or upwarde because they woulde bringe the whole trade to theme selues to the great hurte of diuerse Counties adioyninge to the Ryver of Seaverne whoe are forced to buye dearer wyne and all other merchanndize at heier⁵⁷⁰ price of the merchanntes of Bristoll then the like are solde for comonly by anie other merchanntes of Englande in any other place⁵⁷¹ /

[4r.]

16. The Citie of Gloucester is higher then Bristoll towarde the bodie of the Realme by xxxⁱⁱ myles And therefore in naturall reason (havinge the Ryver of Severne to serue thither and lx myles above that) it muste nedes be for the Quenes Majestys profitt and the Comoditie of the Country to haue a Custome house there for the nearer a porte is to the harte of a Realme the better vente yt muste haue in reason for utterance of the merchanndize⁵⁷² /
17. The Towne of gloucester is ij myles nere to Gatcombe where there shippes maie lie well in good harborowe then the Towne of Westcheste is to flint Castle where the shippes of Chester doe staye and unlade by lighters.⁵⁷³ /

[4v.]

Considerations touching

15 May 1565' (University of Bristol, ROSE, 2011). < <http://hdl.handle.net/1983/1731> > 14th September 2012.

⁵⁶⁹ 'Barstaple': Barnstaple – a large town in North Devon. Barnstaple served as member port to the head port at Exeter.

⁵⁷⁰ 'heier': higher.

⁵⁷¹ This article alleges that the Bristol merchants had established a monopoly over trade within the region by convincing foreign and English merchants that the River Severn was not navigable for vessels that were larger than ten tons in burden.

⁵⁷² This article suggests that because Gloucester was located further inland than Bristol, it must have been better placed as a point from which to distribute merchandise. Although this claim is slightly tenuous, it is true that it may have been more convenient to ship goods that were later to be transported by road to London to Gloucester rather than Bristol.

⁵⁷³ The head port of Chester used a section of the River Dee near Flint Castle as its outpost – Flint Castle being eleven miles downriver of Chester. The claim is that Gatcombe was two miles nearer to Gloucester – and therefore only nine miles away from Gloucester. This was a misleading claim because Gatcombe was twenty-two miles away from Gloucester by water. Gloucester was therefore twice as far away from its potential outpost than Chester was from its outpost. Despite this, the Gloucester Corporation repeated this claim in their answer to Bristol's 1582 petition: Jones (ed.), 'Bristol's petition, 1582', fol. 83r.

Bristol.
Gloucester.

Appendix 4

Alexander Higgins (ed.), ‘A collection of letters sent bet een the ristol and Gloucester mayors, August 1582 – January 1583’ (unpublished transcription, 2012).⁵⁷⁵

[104v.]

After our veary hartie Comendaciones wheras upon the Prosecucion of the suite Concearnynge the newe portes uppon severne nowe dependenge before her *majestie*'s moste honorable privy Counceill / a Comission is dyrected unto *Sir william wynter knight Thomas Throckmarton Richarde Pates & Richard Hanham*⁵⁷⁶ Esquires for the examynacion of wittnesses *pertynent* unto that matter retornable *Crastino Animarum* nexte⁵⁷⁷ / wee have therefore thought good to singnifie unto yowe hereby. That wee have appointed the same to be sitten uppon at Berckley⁵⁷⁸ the xiiijth and xiiijth of September nexte where *our* Commissioners will not faile to be then Ready for that purpose.⁵⁷⁹ / Requestinge that in like sorte yowe will geve notyce hereof unto yowre Comissyoneres⁵⁸⁰ / and to procure their presence accordinge to the promise made at London uppon youre behaullfe / whereof wee hope to receive an answeere by this bearer. / And soe wee Comytte yowe to god / Bristoll the laste daye of Auguste /

youre lovinge frendes /
Phillipp Langley maior
Thomas Kelke alderman/
John Browne alder

After my veary hartie Comendaciones *your lettres* of the last of August last came to my handes this *presente* sonday aboute x of the clock, by which it appeareth yow expecte *presente* annswere by the bearer therof uppon this soddeyne understandinge not the affayres of *master pate* and *master Throckmorton* tyme gevinge not leave to conferre with them I cannot therefore *presently* satisfie yow as I woulde. But do minde foorthwith to labour them to gevve

⁵⁷⁵ Gloucester, Gloucestershire Archives: Gloucester Borough Records, UK [GBR], B/2/1, fols. 103v. – 106r. The following conventions were employed when transcribing this document: the line spacing, spelling, capitalization, erasures, insertions, underlining and punctuation follow the manuscript; ‘u’ and ‘v’ have been rendered according to the document rather than to modern usage. Square brackets indicate editorial additions. Reconstructions of suspensions are in italics and all suspensions have been extended – for example ‘city of Glouc’ has been extended to ‘city of Gloucester’. This collection of letters has been rearranged into a chronological order by the transcriber – the original foliation has been indicated in square brackets throughout the transcription.

⁵⁷⁶ This appears to be a mistake – the appointed commissioner’s name was Thomas Hannam, the recorder of Bristol.

⁵⁷⁷ ‘Crastino Animarum nexte’: the morrow of all souls, the 3rd November 1582.

⁵⁷⁸ ‘Berckley’: Berkeley – a town on the east bank of the River Severn, approximately 20 miles from Bristol and 16 miles from Gloucester.

⁵⁷⁹ ‘our Commissioners’ – Bristol’s commissioners were Sir William Wynter and Thomas Hannam.

⁵⁸⁰ ‘yowre Comissyoneres’ – Gloucester’s commissioners were Sir Thomas Throckmorton and Richard Pate.

meetinge at the day and place mencioned in *your lettres*.
wherof as I shall have intelligence from them So
will I withall speede retourne you *perfected answer*. /
Even this fare you hartily well. from *Gloucester* this
seconde of September 1582. /

your lovinge frindes. /
John Smyth maior

[105r.]

After *our harty Comendaciones* according to the tenor of *your late Lettres* and thannswer of me John Smith made thereunto. We have imparted unto *our comissioneres* for the custome howse the contentes of the same *your lettres* & Earnestly movinge them to geve meetinge accordingly But that *our labour* not withstandinge. So it is *our saide comissioners* had appointed other occasions of weight against that veary tyme not conveniently to be altered / And cannot therefore yealde to the daies by yowe sett downe / where yowe woulde have the syttinge to be at Berckley, *our comissioners* comparinge the accidentes to this proceadinge, iudge wotton under edge⁵⁸¹ to be a more apte place then Berckley, booth for lodginge provision & fayrenes of the wayes / At *our* earned desire for performannce of that *our comissioners* have granted soe to frame other buissines as that they will be ready for that service the xx xxj and xxijth of this moneth,⁵⁸² beinge noe greater oddes then vj or vij daies / referringe the choise to *your comissioners* of any ij of those daies, wotton beinge the place of knowledge and advertisement / whereof wee have written there fewe / expectinge youre answer / And this comittinge yowe to the proteccion of thallmightie / *Gloucester* this vth of September 1582

your vearie lovinge frendes
John Smyth maior /

[104r.]

After *our harty Comendacions* / understandinge by youre *lettres* that *your Comissioners* Cannot by reason of their other buissines yealde unto the daies by us sett downe for the proceadinge of *our Comission* at Berckley accordinge to *our lettre* unto yowe directed, but have granted to be readye for the same at wotton under edge the xxth, xxjth & xxijth of this moneth / wee have therefore thoughte good to lett yowe to understande that *Sir william wynter* shall then have souche affaires in hande that he

⁵⁸¹ 'wotton under edge': Wotton-under-Edge – another Gloucestershire town, five miles south-east of Berkeley. Like Berkeley, Wotton-under-Edge was almost equidistant from Bristol and Gloucester and this presumably made it a viable alternative destination for the sitting of the commission. As later noted by the Bristol Corporation, Wotton-under-Edge was further away from the River Severn – the river that much of this dispute revolved around.

⁵⁸² 'xx xxj and xxijth of this moneth' – the 20th, 21st and 22nd September, 1583. These dates suggested by the Gloucester Mayor were just one week after the original dates suggested by the Bristol Mayor.

may not by any meane meate att that tyme and place by *you* appoynted /
and our Recorder whoe is nowe Come unto us from his howse above xl^{ly}
myles⁵⁸³ from hence for this matter accordinge unto *our* firste appointmente muste
needes retorne home agayne for other weighty buisenes by him appoynted
to be dispatched / in His Countrey at the tyme sett downe in youre *lettre*
wherefore beinge sorry that *our* earneste laboure in bringinge of *our* Comissioners
together is nowe frustrate, and beinge uncearteyne when to have
them in sourche readynes againe wee muste reste to determyne
uppon some other tyme and place, as wee and *our* Comissioners shall
thinck meete / And soe wee bidde *you* hartly farewell Bristoll
this xjth of September 1582

youre lovinge frendes
Phillippe Langley maior
Robert Saxye alderman.
John Breibue alderman

Memorandum that *Sir William* winter was not in Gloucester shire this
Sommer

Item the Recorder of Bristoll Came at this tyme unto Bristoll for
The gaole delivery and Sessiones of Bristoll.⁵⁸⁴ /
Uppom tuesday the xjth of this moneth *master* Thomas Throckmarton
Was with the Earle of warwick and Leic / at keneleworth /
Rec xiiij Septembrie at nighte. /

[105r.]

After *our* hartie comendaciones / Forsoemouche as by the
adiornement⁵⁸⁵ of the tearme the longer distannce of tyme
then was expected may geve occasion the better to proceade
uppon the comission for the custome howse / wherein for /
that *our* comissioners conformitie and readynes in that behallfe
may be manifested / we have thoughte good to addresse theis
fewe, eftsones⁵⁸⁶ letttinge yowe to weete⁵⁸⁷ that wee are willinge
to conclude uppon some tyme of meetinge / Referring unto
yowe for the same the choise of any ij daies in any one
week before menses michaelis / dobttinge not but to labour
our comissioners to yealde unto those tymes allwayes regardinge
the place to be at wotton under edge as moste apte of any other
in *our* oppiniones / And thus for advertisement of *our* forward wee
doe expecte *your* answer / And bidd *you* hartely farewell / From
Gloucester the seconde of october 1582

your lovinge Frendes
John Smyth mayor.

⁵⁸³ 'xl^{ly} myles': forty miles.

⁵⁸⁴ Although in the previous letter the Bristol Corporation had claimed that their recorder – Thomas Hannam – had travelled forty miles 'for this matter' of the commission, this memorandum indicates that the Gloucester Corporation were aware that Hannam had actually been in Bristol to attend matters relating to the Bristol's courts and gaol delivery.

⁵⁸⁵ 'adiornement': adjournment.

⁵⁸⁶ 'eftsones' – eftsoon: likewise (in this context).

⁵⁸⁷ 'to weete': to know.

the xvijth and xvijth daies of January nexte, and thereof
yowe geve use understandinge to thintent⁵⁹² that wee shoulde
procure *our* comissioners to be then at the place by *you* appoyntd
for answer therunto wee are to requeste yowe to sende us the
the same comission⁵⁹³ to be seene by us soe as we may shewe
the same to *our* comissioners the morrowe after the Epithany
nexte⁵⁹⁴ at the furtheste to be by them seene and considered of
which the laste tyme they required at *our* handes as we doe
nowe at *yours* / otherwise wee may not with discession desier
theire travaill / gevinge *you* further to understande that the
laste tyme they required to have the meetinge at wotten
under edge and not at Berckley, and gave for alteracion
from Berckley theither which wilbe aswell for *your* ease
as *ours* / where of *you* ven⁵⁹⁵ as hertofore, soe doe we still make
accompte / Prayenge *your* conformity therein / And thus
expectinge *your* answer in those pointes assuringe you of
our forewardnes in the principall. Do rest for this tyme from
Gloucester this xxxth of december. ~

your veary lovinge frindes
Lawren Halliday maior

Bristoll *lettres*

with the like comendaciones to you rendred as from you we
Receaved. For answer unto *your* demanndes pretending desire
of *our* confirmity in circumstannce: but in truth tending
to the deforming of the principall matter. Theise
may be to satisfye you therin that we accompt you
not so simple but that you are sufficiently able to
instrucete *your* comissioners of the matteres in contreversye. /

[106r.]

So longe debated of by *yourseelves* withoute shewing the Comission
unto them which beinge sealed needeth not unnecessarely to be opened
before the meeting of the *commissioners* togeather.⁵⁹⁶ neither may ye
thinck *yourseelves* so wiese by souche a wile⁵⁹⁷ to obteyne the
commission from us beinge plaintiefs contrary to all ordynarie
custome and then to make us attende *your* tyme and place
nowe beinge appointed at Berckley the most convenyente

⁵⁹² ‘thintente’: the intent.

⁵⁹³ ‘send us the same comission’ – this request was very unusual. As the plaintiff in the suit, the Bristol Corporation had carriage of the commission documents and it was their responsibility to ensure that the writ remained sealed and that it was safely delivered to the commission. If Gloucester obtained the commission documents than Bristol would clearly be unable to guarantee that these responsibilities would be carried out. Bryson, *Equity Side of the Exchequer*, 129-135.

⁵⁹⁴ ‘morrowe after the Epithany nexte’: the day after the Epiphany, the 7th January 1583.

⁵⁹⁵ ‘you ven’: that you credited us (in this context). The Gloucester Mayor thus claimed that the Bristol Corporation previously agreed for the commission to be held at Wotton-under-Edge – despite there being no evidence in previous correspondences to suggest that the Bristol Mayor had agreed to this alteration.

⁵⁹⁶ Bristol therefore rejected Gloucester’s request for the commission documents to be sent to them.

⁵⁹⁷ ‘wile’: a crafty, cunning or deceitful trick.

and fitteste place that wee knowe for the view of the Ryver,⁵⁹⁸ &
examyninge of souche parsons as doe beste knowe the same by
reason of their nere dwelling therunto, and dailly exercise
therein which wee mynde not to alter to wotton for any easte
beinge further distannte from the Ryver, And yealding lesse
knowledge to the findinge owte of the trewth / And therefore
accomptinge of *your* presence with *our* comissioneres to forwarde the
principall at the tyme and place doe reste for this tyme /
Bristoll the fowerth of January 1582⁵⁹⁹ /

your lovinge frendes./
Thomas Aldworthe maior
Thomas Kenlke alderman
John Browne alderman
William Tucker alderman
John Roberts alderman
Phillippe Langley alderman.

⁵⁹⁸ ‘view of the Ryver’ – this confirms that despite the fact that Berkeley and Wotton-under-Edge were both approximately equidistant from Bristol and Gloucester, the Bristol Corporation felt that it was important for the commission to sit at a venue with a good view of the River Severn.

⁵⁹⁹ ‘fowerth of January 1582’ – in modern dating, this is the 4th January 1583.

Appendix 5

Alexander Higgins (ed.), 'Gloucester's report of the first commission', (unpublished transcription, 2012).⁶⁰⁰

[109v.]

The firste commission awarded forth was not sitten upon because the Commissioners cowlde not come in place, as by the *lettres* appeareth.⁶⁰¹ /

wheruppon they of Bristoll *terminus michaelis*⁶⁰² / Annis xxiiij^o et xxv to *Regine*⁶⁰³ procured forth a newe commission directed to the owlde commissioners⁶⁰⁴ And it was agreed that the same shoulde be sitten upon at Berckly⁶⁰⁵ the xvij and xviiijth daies of January Anno xxv^{to} / master Richarde Pates Recorder of Gloucester⁶⁰⁶ with diuers witnesses on the morrowe beinge the xvijth day expected the comynge of *master* Thomas Throckmorton Hannam Recorder of Bristoll,⁶⁰⁷ whoe came to Berckley about xij of the clock. / *master* Thomas Throckmorton⁶⁰⁸ was Ready at Dursley⁶⁰⁹ to have comen to Berckley presently uppon warringe of the comynge of the comissioners of Bristoll /

In thafternone of the said xvijth daie the twoe Recorders examyned one wittnes one either side⁶¹⁰ / And on the morrowe beinge the xviiijth day examyned fower witnesses on either side.⁶¹¹ / The same xviiijth day about fower of the clock in thafter none *master* Thomas Throckmorton havinge a comission on the morrow to be sitten upon for his owne causes and on the monday followinge to ryde towarde London cowlde not therfor any longer attende / And soe the comissioners brock of⁶¹² /

There weere xxiiij^{tie} witnesses on the parte of the cittie of Gloucester⁶¹³

⁶⁰⁰ Gloucester, Gloucestershire Archives: Gloucester Borough Records, UK [GBR], B/2/1, fol. 109v. The following conventions were employed when transcribing this document: the line spacing, spelling, capitalization, erasures, insertions, underlining and punctuation follow the manuscript; 'u' and 'v' have been rendered according to the document rather than to modern usage. Square brackets indicate editorial additions. Reconstructions of suspensions are in italics and all suspensions have been extended – for example 'cittie of Glouc' has been extended to 'cittie of Gloucester'.

⁶⁰¹ Problems regarding the availability of both the Bristol and Gloucester commissioners prevented the first commission sitting in time for it be returned to the Exchequer by its due date – the 3rd November 1582. The 'lettres' referred to are the collection of letters sent between the mayors of Bristol and Gloucester, see Appendix 4.

⁶⁰² 'terminus michaelis': Michaelmas term.

⁶⁰³ 'Annis xxiiij^o et xxv to Regine' – the 24th and 25th regnal years of Elizabeth I. The 24th regnal year ran from 17th November 1581 until 16th November 1582. The 25th regnal year ran from 17th November 1582 until 16th November 1583.

⁶⁰⁴ The new writ was identical in all respects to the previous one apart from it set a new due date of the Octave of Saint Hilary – or the 20th January, 1583.

⁶⁰⁵ 'Berckly': Berkeley – a town on the east bank of the River Severn, approximately 20 miles from Bristol and 16 miles from Gloucester.

⁶⁰⁶ 'Richarde Pates Recorder of Gloucester' – a named commissioner.

⁶⁰⁷ 'Thomas Hannam Recorder of Bristoll' – a named commissioner.

⁶⁰⁸ 'master Thomas Throckmorton' – a named commissioner.

⁶⁰⁹ 'Dursley' – Dursley is a town approximately four miles east of Berkeley.

⁶¹⁰ 'one wittnes one either side' – one Bristol deponent and one Gloucester deponent.

⁶¹¹ 'fower witnesses on either side' – four Bristol deponents and four Gloucester deponents.

⁶¹² 'brock of': broke off, concluded their business.

The number of the witnesses for Bristoll was not knowen perfectly /

To the examinacion of the firste witnesses for Gloucester there were xxvj Interrogatories delyvered

penned at lardge which the same xvijth day at nighte were abridged

in moste of thinterrogatories.⁶¹⁴ / And twoe of those xxvj weere drawn

forthe⁶¹⁵ / Thinterrogatories exhibited uppon the xvij day conteyned xxiiij

Interrogatories the coppie whereof appeares befoare.⁶¹⁶ / and were afterwardes abridged as lykewise appereth before

⁶¹³ Despite this claim that there were twenty-three Gloucester witnesses, there were only five Gloucester witnesses that actually deposed in the first commission: see Appendix 1. It would seem that the commission did not run as efficiently as had been anticipated because not all of the witnesses that attended the commission were given the chance to make depositions.

⁶¹⁴ Both the unabridged and abridged versions of Gloucester's interrogatories are included in the first commission's documents – see Appendix 1, fols. 8r. – 9v.

⁶¹⁵ The two withdrawn interrogatories have been crossed through on the original set of interrogatories – see Appendix 1, fol. 9v.

⁶¹⁶ This refers to another copy of Gloucester's interrogatories which were kept by the city of Gloucester and can be found in GBR, B/2/1.

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