

# **Claiming '*prise wynes during Whitsonweek*': A Methodological Investigation into Bristol's 1572 Crown Commission**



View of St. James' Priory and the Western area of Bristol's port in 1568 by William Smith, *British Library, Sloane MS 2596, f. 77*

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## *Acknowledgements*

My thanks go to Evan Jones and Richard Stone as well as Margaret Condon for offering invaluable guidance and direction in the archives.

## *Abbreviations*

App. = Appendix

BRO = Bristol Record Office

TNA = The National Archives

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## *Introduction*

In January 1572, fourteen Bristol citizens were called to give evidence to an Exchequer Commission.<sup>1</sup> Although the witness list included several high-profile local figures, the dispute attracted little documented public interest.<sup>2</sup> At issue was the local right to collect prisage during St. James' Fair in the Whitsun week.<sup>3</sup> Prisage was an ancient import tax, the right to which the Crown traditionally farmed out to individuals. English merchants importing over 10 tons of wine paid 1 ton to the collector; or 2 tons from a 20-tun shipment. By 1572, this had developed into a monetary payment of £4 per ton.<sup>4</sup> Local men George Wynter and Sir Charles Somerset stood accused by the Crown of illegally claiming this for themselves during the week following Pentecost.<sup>5</sup> Both men held relatively prominent positions in Bristol.<sup>6</sup> Wynter, notably, came from a family with maritime links and was involved in Bristol's illicit trade.<sup>7</sup> An overwhelming majority of witnesses attested to the existence of the prisage right. The defendants' wives had inherited St. James' Priory from their brother Robert Brayne, who died childless in 1570.<sup>8</sup> His father, Henry Brayne, a London merchant-tailor, had purchased the property and its tithes, which included the prisage right, from Henry VIII after the Dissolution.<sup>9</sup> The issue was resolved in June 1574 with a royal decree that confirmed Wynter and Somerset's rights and returned to them the prisage, which was seized during the dispute.<sup>10</sup>

The case, contained in previously unpublished Exchequer manuscripts, has yet to be considered by historians. Its archival reference is misleading, suggesting even archivists devoted little time to the document. Two unpublished theses, found in Bristol's archives, have briefly considered the rights of St. James' Priory.<sup>11</sup> However these focus on its monastic history and are largely drafts. The concerns and procedure of the Commission remain almost entirely unexplored.

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<sup>1</sup> App. III

<sup>2</sup> J. Latimer, *Annals of Bristol: In the Seventeenth Century* (Bristol, 1900) 350

<sup>3</sup> Week following Whit Sunday or Pentecost, the seventh Sunday after Easter

<sup>4</sup> E. T. Jones, *Inside the Illicit Economy: Reconstructing the Smugglers' Trade of Sixteenth Century Bristol* (Farnham, 2012) 141

<sup>5</sup> Somerset was from Chepstow but was buried at St. James, T. Dewey, *St. James Priory* (University of West England, 2012); BRO 5139/367, Wynter originated from London but lived in Bristol

<sup>6</sup> Somerset was fifth son of the second Earl of Worcester <<http://www.historyofparliamentonline.org/volume/1558-1603/member/somerset-charles-1534-99>> accessed 9/1/14

<sup>7</sup> A. Higgins, *The Establishment of the Head Port of Gloucester, 1565 -1584* (Unpublished MPhil Thesis, University of Bristol, 2013) 11

<sup>8</sup> BRO 5139/151; BRO 12276/1

<sup>9</sup> BRO P. St J/D/8/1; See App. IX for family tree

<sup>10</sup> App. V

<sup>11</sup> BRO P/St J/HM/A a) Reverend F.W Potto Hicks, *Medieval History of St. James, Bristol* (1932); BRO P. St.J/HM/6 Reverend. N.F. Hulbert, *History of Somerset and Bristol Fairs* (undated)

An analysis of the 1572 Commission forms the basis of this study. The procedure and findings of the Commission offer original insights into the jurisdiction and operation of Bristol's port. Given the prolific nature of Bristol's illicit wine trade after 1558, this dispute presents a crucial snapshot of the daily activities of the city's merchants. These fresh insights shine new light upon the merchants' smuggling and use of trade fairs, adding to and refining existing understandings of the sixteenth century port.<sup>12</sup> Such contributions are outlined in Chapter Two. However, before this can be done, a richer understanding of the dispute must be built up from the Commission and related archival records.

Until recently, it was generally only legal historians who studied Crown Commissions. W.H Bryson and H. Horwitz used them to chart the development of English legal processes.<sup>13</sup> However, ambitious time frames and space limitations resulted in them taking Exchequer records at face value and overlooking much sixteenth century evidence. Both studies constituted broad surveys rather than detailed analyses. Consequently, they considered Crown disputes in isolation. Other historians have produced compilations of court abstracts, which offer valuable insight for socio-economic studies.<sup>14</sup> However, they also considered Commission manuscripts superficially, failing to recognise their potential for deeper inquiry.

Evan Jones and Alex Higgins have recently recognised the value of close analysis of Commissions.<sup>15</sup> By cross-referencing Commission documents with other supporting records, their chosen cases could be explored in more depth. This method of source-linkage is a long-established form of historical research but it has only recently been applied to the study of Commissions and has produced fruitful results. Jones' investigation of the 1565 Survey of Bristol compared its findings with customs accounts and local correspondence.<sup>16</sup> Similarly, Higgins' MPhil exposed the 'practical realities' of Bristol and Gloucester's 1583 dispute by consulting related port communications.<sup>17</sup> Far from taking evidence provided in Commissions at face value, both scholars probed deeper. This allowed them to recognise the potential to

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<sup>12</sup> P. McGrath, *The Society of Merchant Venturers and the Port of Bristol in the Seventeenth Century* (Bristol, 1953); P. McGrath, *Merchants and Merchandise in Seventeenth Century Bristol* (Bristol, 1955); J. Vanes, *The Overseas Trade of Bristol in the Sixteenth Century* (PhD Thesis, University of London, 1975); J. Vanes, *The Port of Bristol in the Sixteenth century* (Bristol, 1977); Jones, *Economy*

<sup>13</sup> W. H. Bryson, *The Equity Side of the Exchequer: its Jurisdiction, Administration, Procedures and Records* (Cambridge, 1975); H. Horwitz, *Exchequer Equity Records and Proceedings 1649-1841* (London, 2001)

<sup>14</sup> 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);

<sup>15</sup> Jones, *Economy*; Higgins, *Establishment*

<sup>16</sup> Jones, *Economy*, 114-123

<sup>17</sup> Higgins, *Establishment*, 7

abuse and influence royal enquiries, calling into question the reliability of Exchequer records.<sup>18</sup> In doing so, they added significantly to existing scholarship on Bristol's trading operations.

Such studies illustrate the benefits of a multi-sourced approach when considering Commissions. Yet both works addressed high-profile cases, in which municipal interests were at stake. Both sides therefore generated surviving records. The 1572 'deposition by commission' related to a far more private disagreement and therefore generated less local documentation.<sup>19</sup> The applicability, and fruitfulness, of record-linkage for understanding more private and local Commissions therefore remains to be seen.

This analysis simplifies the process of tracing sixteenth century legal disputes using record-linkage by offering a methodological investigative framework. To the uninitiated, Exchequer records are challenging to negotiate in the archives. Thus far, secondary scholarship has yet to offer any coherent guide. Chapter One aims to do so. By adopting record-linkage to build the deepest possible understanding of the dispute, it will also evaluate the applicability of record-linkage. This highlights the method's potential limitations, yet to be encountered by other studies. It suggests both national and local sources must be considered alongside the Commission to build an understanding of such cases. Supporting Exchequer records can mostly be used, to track the Commission from its outset to conclusion. However, the process also highlights the importance of examining the identities of the deponents and Commissioners, by consulting local records. Their positions, business links and familial affiliations, as will be seen, had some bearing on their testimonies.

Chapter Two highlights the fruitfulness of such an investigation. This, in part, relies on the survival of sixteenth century documents. Many have either been lost, wilfully destroyed or have perished due to damp, fire and vermin.<sup>20</sup> Most of the personal records of Bristol's merchants suffered such fates.<sup>21</sup> Many Exchequer records relating to minor cases, have also been lost. Nevertheless, the National Archives' E134 series containing Crown Commissions is in remarkably good condition given it was not safely housed until 1856.<sup>22</sup> Although it is faded, the 1572 document remains intact and readable. Despite some other palaeographical challenges the findings of this dissertation do much to reinforce the success of this exploration.

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<sup>18</sup> Higgins, *Establishment*, 68

<sup>19</sup> Bryson, *Equity*, 136; Mayor's Audit books BRO F/Au/1/1/10

<sup>20</sup> D. M. Meads, 'Searching Local Records', *Review of English Studies*, vol. 4, no. 14 (April, 1928) 173

<sup>21</sup> Excepting J. Vanes (ed.), *The Ledger of John Smythe 1538-50* (Bristol, 1974)

<sup>22</sup> Bryson, *Equity*, 83

## ***Chapter One: Examining the 1572 Commission***

This chapter traces the 1572 dispute from its outset to its conclusion. The documents generated by the Commission are of great value but using them in isolation produces a limited picture. Commissions were launched half way through the dispute process and therefore offer no background explanation for disagreements. Other Exchequer documentation can be used to trace the case's history. However, the survival of some of this evidence makes this challenging. Unlike previous studies, no related personal evidence like private letters or payments survive. However, local evidence relating to the identity of those involved is accessible. This chapter attempts to discover the logic behind the appointment of the Commissioners and certain witnesses. Such information is absent from the Commission documentation yet it has an important bearing on the impartiality of the Commission and the reliability of the evidence provided.<sup>23</sup> A chronological approach has been adopted, outlining the evidence that it is possible to discover using record-linkage. In doing so, the discussion provides a methodological framework for scholars looking to trace other sixteenth century Exchequer cases in the archives.

### ***i. Understanding the Dispute***

#### **John Young's Informations**

*Informations are found in the E112 Bills and Answers, indexed in the INDI series*

The Commission records do little to explain the background of the dispute. Other legal administrative records have therefore been used to trace the case from the start of the dispute. Exchequer equity cases began with a bill of complaint from the plaintiff, explaining his grievances and implicating the defendant.<sup>24</sup> Once proceedings had begun, this was known as an 'Information'.<sup>25</sup> Both were filed together in the E112 Bill and Answers and provide valuable context, particularly about who launched the initial complaint and why.<sup>26</sup> They are mainly in Latin, poor condition, and up until 1587 were not recorded in chronological order. No printed index exists for Elizabethan England. The Bill Books, a contemporary index of equity bills survives, which simplifies the research process by detailing the county in the margin.<sup>27</sup>

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<sup>23</sup> Higgins, *Establishment*, 1

<sup>24</sup> R. M. Ball, 'Exchequer, King's Remembrancer: Bills and Answers (E112)' (TNA: PRO, Unpublished Introductory Note to Class List, December 1994)

<sup>25</sup> Bryson, *Equity* 94

<sup>26</sup> Ball, 'Exchequer (E112)'

<sup>27</sup> For this period TNA IND1/16821

Multiple searches however suggest no complaints related to the case survive. From 1558-87 around eighty-four bills were annually filed to the Exchequer.<sup>28</sup> The loss of some of these would not be surprising. In case the Information had been enrolled in the E159 Memoranda Rolls, the Agenda Books and Repertory Rolls were also consulted.<sup>29</sup> They also revealed nothing.

Thankfully the final decree, which details the allegations that launched the dispute, survives. It reveals that John Young, Bristol's customs collector lodged the complaint on behalf of the Crown.<sup>30</sup> Young is not mentioned in any other case documents but his role is crucial. Local records suggest Young was a man of local and national influence, enjoying a lengthy political career as MP for four boroughs.<sup>31</sup> It is possible to suggest Young was favoured more by the Crown than the city's local elite. This is clear from evidence suggesting Elizabeth I stayed at Young's residence during her August 1574 visit to Bristol. She also knighted him for royal services.<sup>32</sup> Conversely, Young's involvement in civic affairs was limited. Municipal records suggest he held no council positions.<sup>33</sup> Local merchants looking to evade taxes may have also regarded Young's position as customer with suspicion. His numerous Exchequer disputes with Bristol merchants certainly suggest he was unprepared to co-operate with them.<sup>34</sup> The impact of such an attitude on the merchants' testimonies remains to be seen.

Young seems to have been strongly motivated by financial gain. His efforts to defend his customs rights, in this case and others, despite possessing considerable wealth and property by the 1570s are testament to this.<sup>35</sup> Such zeal may have been born out of his sense of royal duty although suggestions of Young's fraudulent behaviour undermine this. During a dispute in 1579 with local aristocrat Hugh Smyth, Young was accused three times of fraudulent customs practices, extortion and assault, all for personal gain.<sup>36</sup> Smyth's claims must be viewed sceptically given his strained relationship with Young but his numerous claims are unlikely to be entirely fabricated. Given the scholarly understanding of the corruption of crown officers,

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<sup>28</sup> Bryson, *Equity*, 16

<sup>29</sup> TNA IND 1/17055; TNA IND1/7046

<sup>30</sup> J.H. Bettey, 'Feuding Gentry and an Affray on College Green, Bristol in 1579', *Transactions of the Bristol and Gloucestershire Archaeological Society*, vol. 122 (2004) 154

<sup>31</sup> Bettey, 'Feuding', 153; <<http://www.historyofparliamentonline.org/volume/1509-1558/member/young-john-1519-89>> accessed 27/1/14

<sup>32</sup> Bettey, 'Feuding', 154

<sup>33</sup> J. Maclean, 'The Family of Yonge or Young of Bristol and the Red Lodge', *Transactions of the Bristol and Gloucestershire Archaeological Society*, vol. 15 (1890-91) 236

<sup>34</sup> TNA E133/4/587; TNA E134/22Eliz/Hil7; TNA E112/38/111

<sup>35</sup> TNA PROB 11/74/478 Will of Sir John Young, November 1589

<sup>36</sup> Bettey, 'Feuding', 153



Young's fraudulent behaviour would not be unusual.<sup>37</sup> His complaint against Wynter and Somerset could therefore be viewed a self-interested attempt to maximise his revenue. Without the survival of the decree, such ideas could not be considered.

### **Wynter and Somerset's Answers**

*Answers are compiled in the E112 Bills and Answers*

After a bill of complaint was submitted to the Exchequer, answers were required from the defendants.<sup>38</sup> Records of Decrees and Orders reveal these were requested from Wynter in November 1571.<sup>39</sup> However, no correspondence with Somerset remains and more limiting, the men's answers have been lost. Such pleadings were typically stored with the Informations in the Bills and Answers Book. However, these are challenging to search as they are faded, disorganised and recorded in Latin.<sup>40</sup> The launch of the Commission suggests answers were provided but fails to outline when or what they contained.<sup>41</sup> The later decree for the case however roughly details the men's claims: on the basis of an ancient charter, they claimed entitlement.

Surviving documents support this and shed light on the Crown's final decision. Not long after the establishment of St. James' Priory in 1129, the Earl of Gloucester granted its Prior the right to collect prisage during the Whitsun week.<sup>42</sup> The charter confirming this no longer survives. However, its main content was copied in a fourteenth century ordinance.<sup>43</sup> It clearly existed in 1572 as the decree notes the defendants were able to produce the 'Exemplification', thereby winning their suit. Furthermore, the certified copy of Henry VIII's grant to Henry Brayne of St. James Priory and its related hereditaments survives.<sup>44</sup> These sources, combined with further grants and witness testimonies, provide compelling evidence that there was a local respect and awareness of the right's existence.<sup>45</sup>

Without the defendants' answers it is difficult to determine how lucrative the Whitsun week prisage was, in order to assess its contemporary significance. The exact date of

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<sup>37</sup> O. Dunn, *The Petitions of Thomas Watkins against Customer John Dowle 1598 - 1600* (BA Thesis, University of Bristol, 2006)

<sup>38</sup> Bryson, *Equity*, 118

<sup>39</sup> App. VI

<sup>40</sup> Ball, 'Exchequer (E112)'

<sup>41</sup> Bryson, *Equity*, 118

<sup>42</sup> <<http://www.localhistories.org/bristol.html>> accessed 1/3/14

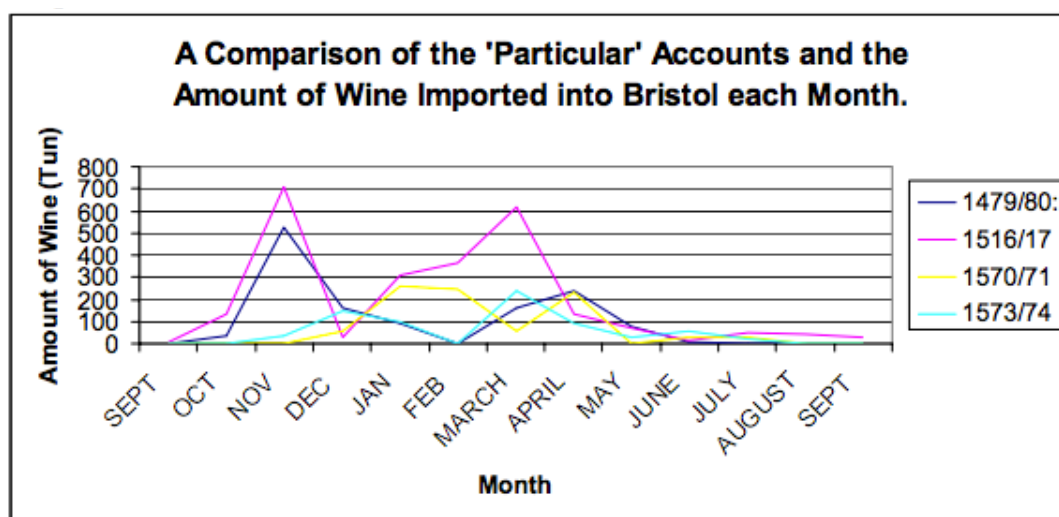
<sup>43</sup> F. B. Biekley (ed.), *Little Red Book Volume I* (Bristol, 1900) 239-43 f. 96

<sup>44</sup> BRO P. St J/D/8/1

<sup>45</sup> BRO 5139/151; BRO 12276/1

Whitsunday corresponds to when Easter Sunday falls. As a result, Whitsun Week did not occur at a fixed time each year but could fall in May or June. As the following graph demonstrates, neither months corresponded with any significant seasonal wine influx, especially in the latter half of the century:

**Fig. 1**<sup>46</sup>



This devalues the right's profitability. The 1570 Port Book reveals two ships entered the Port allegedly in Whitsun week, that were liable to pay prisage.<sup>47</sup> One witness also claimed he paid Brayne prisage in 1556.<sup>48</sup> Conversely, the Port Books for 1563/4 and 1574/5 reveal no shipments subject to prisage arrived during Whitsun week.<sup>49</sup> It will later be suggested that St. James' Fair was not held for some time during the century. Had it been, the prisage right may have been more valuable as an unseasonable amount more wine may have entered the port during Whitsun week.<sup>50</sup> As it stood however, the financial benefit of the right seems to have been very inconsistent. This goes some way to explaining why it was so legally problematic as there was no precedent of established, regular practise.

<sup>46</sup> Sourced C.R. Pitt, *The Wine Trade in Bristol in the Fifteenth and Sixteenth Centuries* (MA Thesis, University of Bristol, 2006) 117

<sup>47</sup> App. VII

<sup>48</sup> App. III

<sup>49</sup> S. Flavin, and E.T. Jones (eds.), 'Bristol 'Particular' Customs Account, Imports, 1563/4' (University of Bristol, ROSE, 2009) <<http://hdl.handle.net/1983/1303>> accessed 6/2/14; TNA:PRO, E122/24/12; S. Flavin, and E.T. Jones (eds.), 'Bristol Port Book, Overseas Inwards, 1575/6' (University of Bristol, ROSE, 2009)

<<http://hdl.handle.net/1983/1305>> accessed 6/2/14; TNA:PRO, E190/1129/11

<sup>50</sup> Vanes, *Port*, 18

There is also some suggestion that St. James' proprietors charged less than the customer. If this was the case, the defendants' right may have been less profitable than Young's. George Badram testified to paying a pipe of wine as tax on 19 tons to Brayne.<sup>51</sup> This is less than the 1-ton royal officials would have charged. His testimony, as shall be seen, must be approached with caution.<sup>52</sup> However, it goes some way to suggesting why the majority of witnesses, made up of merchants concerned with financial profit, supported the defendants' rights. These vested interests will be explored later. Without the defendants' detailed answers little else can be established, undermining source-linkage's usefulness. Nevertheless, other documents provided valuable supporting evidence to confirm the rights' existence and variable nature.

## *ii. Figures involved in the Commission*

*The E134 series contains the Depositions by Commission*

### **Commissioners**

Nothing survives detailing the process by which the Commission was organised. The time lag between the Exchequer order and its implementation was less than three months. This suggests the process was fairly simple.<sup>53</sup> The names of the four commissioners appointed to preside were recorded in the November 1571 Latin order.<sup>54</sup> Municipal records offer valuable insight about the men. They included Bristol's then Mayor, John Stone and three aldermen named William Tucker, Thomas Chester and William Carr. The latter two were wealthy merchants, whilst Stone and Tucker had made their fortunes as a brewer and clothier respectively.<sup>55</sup> All four held positions of influence in the city, having each been Mayor at least once in the 1560s. Stone himself had been elected three times, suggesting local popularity.<sup>56</sup> Their high civic status is likely to explain the men's appointment. Carr and Chester were also MPs for Bristol and as such seem to have been known and trusted by the Exchequer.<sup>57</sup> Their legal capabilities, together with the others' combined years of experience in civic matters, made them logical choices.

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<sup>51</sup> App. III

<sup>52</sup> The decree suggests £30 prisage was returned to the defendants. However, it is unclear whether this related just to the 2 shipments under discussion or a cumulative total of previous years

<sup>53</sup> Compared to the Higgins' case, where the Commission order was not implemented for 6 months

<sup>54</sup> App. III

<sup>55</sup> D. H. Sacks, *The Widening Gate: Bristol and the Atlantic Economy, 1450-1700* (California, 1991) 198

<sup>56</sup> J. Vanes (ed.), *Documents Illustrating the Overseas Trade of Bristol in the Sixteenth Century* (Bristol, 1979)

<sup>57</sup> <<http://www.historyofparliamentonline.org/volume/1558-1603/member/carr-william-i-1575>> accessed 14/1/14; J. Inwood, *The Chesters of Bristol: A Tudor Merchant Dynasty* (BA Thesis, University of Bristol, 2006) 33; App. III

Four Commissioners from each side were typically nominated. The opposing party then rejected two, leaving the four most acceptable choices.<sup>58</sup> In 1572, this would have left two Commissioners supporting Young and the Crown's interest whilst the others would have naturally aligned themselves with Wynter and Somerset. Three months may have afforded enough time for this type of selection however, no evidence of this process can be found. Had it taken place the evidence may have existed in personal or official correspondence. However no such records have emerged. Instead, as Higgins suggested, when Crown revenue was at stake, the Exchequer may have selected all four men.<sup>59</sup> The Commission order makes no obvious reference to any divisions between the men. Stone and Tucker's interests did not obviously align with either party in the case. As a non-merchant it is unlikely Stone personally related to the dispute. As Mayor he may have been naturally protective of Bristol's local rights albeit there is nothing to suggest he took particular interest in this minor issue. As Mayor, his appointment may have just been customary. Tucker did not engage in overseas trade so it is unlikely he concerned himself with matters of mercantile tax collection.<sup>60</sup> The only evidence of Tucker having any fiduciary interest is that in 1565 he owned the Customs House which he rented out to the Crown.<sup>61</sup> This may suggest a direct link with Young but the evidence is separated by some seven years and is therefore insufficiently strong to speculate a conclusion. Instead, available evidence more convincingly attests to both men's relatively neutral position as Commissioners.

Evidence suggests Chester and Carr may have sympathised with opposing parties in the case. It remains unclear whether such personal alliances were known to the Exchequer and had any bearing on their selection. Nevertheless, clear interests emerge. Thomas Chester had extensive links with John Young, the plaintiff, as the two men were involved in property dealings. They had also been co-defendants in a legal case against a Mr. Partridge in 1564.<sup>62</sup> Both were accused but acquitted of manufacturing and using false coinage. Partridge's testimony may have been fabricated to harm their reputations but this suggests the men were close associates. This relationship implies Chester's role as Commissioner was less impartial than the Commission suggests. Furthermore, Chester's brother's had previously been involved in a dispute with Brayne about wine and salt tax.<sup>63</sup> Such connections between the Chester

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<sup>58</sup> Bryson, *Equity*, 130

<sup>59</sup> Higgins, *Establishment*, 10

<sup>60</sup> E. Ralph and N. M. Hardwick, *Calendar of the Bristol Apprentice Book, Part 2, 1532-1565* (Bristol, 1980)

<sup>61</sup> Vanes, *Trade*, 102

<sup>62</sup> Inwood, *The Chesters*, 41

<sup>63</sup> TNA C 3/15/46

family and Brayne may have turned Chester against the defendants. William Carr, on the other hand, seems most likely to have advocated Wynter and Somerset's case. As a wealthy merchant Carr was regularly involved in Bristol's illicit trade like Wynter and regularly looked to evade Young's authority as customer.<sup>64</sup> In 1564, for example, he was reported to have imported costly spices without entering them into Young's books.<sup>65</sup> Clearly, the men did not enjoy a co-operative relationship. Although it is impossible to tell if Wynter and Carr enjoyed a co-operative relationship it is possible to speculate that Carr wished to undermine Young's claims to financial compensation. The crucial interests and alliances of the Commissioners clearly cannot be gleaned from Commission documents alone. Supporting records suggest the Crown may have misplaced its trust in such men to act as impartial delegates.<sup>66</sup>

## Witnesses

The Commission's witness list offers little insight beyond the age and occupations of the deponents called. However, by consulting Port Books and local records such as Apprentice Books, the choice of deponents and their interests can be, at least partially, clarified.

In this case, the Commissioners compiled the list of suitable witnesses.<sup>67</sup> Their choice of some witnesses is obvious. John Dye for example, was allegedly involved in the seizure of the detailed wine consignments. He was also clerk at St. James' court, also known as the Piepowder Court, which was open every day during Whitsun week.<sup>68</sup> His presence as a witness is understandable. Leonard Pope had similar links to the Piepowder Court. It has been suggested the issue of Whitsun week prisage was initially raised in this court implying that an attempt was made to solve the debate locally.<sup>69</sup> The records of the Piepowder Court no longer survive for the sixteenth century.<sup>70</sup> This significantly limits any efforts to pursue this line of enquiry. Whilst this is a significant gap in the source-linkage Dye and Pope's association with the defendants may explain their supportive testimonies.

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<sup>64</sup> E. T. Jones, *Bristol Shipping Industry in the Sixteenth Century* (PhD Thesis, University of Edinburgh, 1998) 192-4, 200

<sup>65</sup> Vanes, *Documents*, 41

<sup>66</sup> Bryson, *Equity*, 130

<sup>67</sup> App. III

<sup>68</sup> App. IV

<sup>69</sup> BRO P. St J/HM/6

<sup>70</sup> BRO J/Pic

The majority of the witnesses were made up of merchants. The technical maritime knowledge required by the interrogatories in part explains their selection. However, the presence of certain high-profile merchants becomes clearer when consulting the Remembrancer Port Books. The two shipments under dispute in the case can be tracked in these: The *Harre of Marenas* and the *Livery of Mortaigne*. The 'sheer level of detail' that Port Books provide, such as ship details; consignment particulars and; names of merchants make them invaluable sources for source linkage research.<sup>71</sup> However, their survival is patchy. Some are in very poor condition due to damp storage conditions until 1911.<sup>72</sup> However, both the inwards and outwards records for 1570 are in relatively good condition and provide details the Commission.<sup>73</sup> The *Harre* shipment included goods imported by 'John Aldworth & associates' whilst the *Livery* imported wine and oil for 'Thomas Aldworth & associates'. Thomas Aldworth was called as a witness. Bristol ordinances suggest he was heavily involved in civic affairs as Alderman, and later Mayor.<sup>74</sup> He also participated in Bristol's illicit trade. Chapter Two outlines how the shipments could have been suspected of smuggling. Some of the other more minor merchants also called as deponents, such as William Young and potentially George Badram, were similarly engaged in smuggling.<sup>75</sup> It is highly likely that Young and Badram at least constituted some of these 'associates' mentioned. Here, however the Port Book's level of detail fails to provide more evidence.

The ships' outbound journeys can also be tracked and implicate another witness. There seems to have been a clerical error, as both outbound ships are entered as the *Livery of Marenas*.<sup>76</sup> However, by comparing the Master's names, it is possible to delineate between the two. The *Livery* entry mentions Robert Halton loading '4 devon kurseys'. Halton was one of the deponents. The Mayor's Audit Books also confirms he had been City Chamberlain since 1566. His accounts survive in an unbroken series but make no mention of the case.<sup>77</sup>

Given the involvement of the merchant deponents in potentially illicit shipments, their testimonies must be considered in the context of their personal agendas. Overwhelming, they testified to the existence of the Prior's prisage right and supported Brayne's claim. It seems highly likely that the merchants' interests aligned more closely with the defendants' cause than

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<sup>71</sup> R. Stone, *The Overseas Trade of Bristol in the Seventeenth Century* (PhD Thesis, University of Bristol, 2012) 9

<sup>72</sup> R.W.K. Hinton (ed.) *The Port Books of Boston 1601-1640* (Hereford, 1955) xiii

<sup>73</sup> App. VII

<sup>74</sup> M. Stanford, *The Ordinances of Bristol, 1506-1598* (Bristol, 1990) 79

<sup>75</sup> Jones, *Economy*, 82; Ralph and Harwick, *Calendar*, 136

<sup>76</sup> App. VII

<sup>77</sup> BRO F/Au/1/1/10

Young's. Given Young's unpopularity with merchants, and the suggestion that he charged higher prisage rates, the merchants clearly had vested interests in supporting Wynter and Somerset. Wynter's involvement in Bristol's illicit trade may have further influenced this.<sup>78</sup> Although no evidence of his mercantile partnerships survives, it is possible the merchants felt Wynter would be more likely to co-operate with them which explains their support.

The Commission also called four whittawers and a lime-burner named Giles Rowe to testify.<sup>79</sup> Their value in the case as witnesses is not immediately apparent. The connection between their trades and the dispute is elusive, as no leather or limestone was declared by the shipments. It was generally uncommon for merchants to deal directly with such professions.<sup>80</sup> The Commission document sheds a little light on this stating that at least three were local. All five men remain relatively elusive in Bristol's records. This can largely be explained by the fact the Bristol Whittawers' Guild records no longer survive.<sup>81</sup> As relatively lowly workers it is possible they left no lasting mark on the archives. Even printed sources on Bristol's topography reveal nothing.<sup>82</sup> One whittawer John Banckes for example appears in Bristol's Apprentice Book.<sup>83</sup> He was clearly local although the deposition scribe failed to include this. His testimony was unusually detailed offering information about the ships' movements and Wynter's seizure of their prisage at the 'Key' and Kingroad. This suggests he had direct access to such places or knew someone who did. At this point however, archival evidence disappears and source-linkage fails to conclusively explain his presence. Surviving property deeds shed some light on the location of Banckes' peers. The 1548 grant of St James' Priory and lands to Robert Brayne mentions a 'tenancy of Giles Roo'.<sup>84</sup> His name is again mentioned in Brayne's 1569 deed poll.<sup>85</sup> Clearly, Rowe maintained his family residence in St. James which supports his testimony. The same document suggests at least four of Robert's tenants were whittawers. One was Thomas Ricardes, who was called as a witness. Henry Brayne's will suggests that Ricardes' father was in his employment, reinforcing Thomas' links with the area.<sup>86</sup> This group of deponents evidently lived close to St. James' Priory. This would place them in the ideal position to observe Wynter's prisage seizures. For the most part their testimonies are detailed

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<sup>78</sup> Jones, *Economy*, 82

<sup>79</sup> A whittawer worked with leather to colour it white

<sup>80</sup> Vanes, *Ledger*, 321

<sup>81</sup> BRO 08018 Earliest record available is from 1670

<sup>82</sup> R. H. Leech, *The Topography of Medieval Bristol, Part* (Bristol, 1997); R. H. Leech, *The St Michael's Hill Precinct of The University of Bristol: The Topography of Medieval and Early Modern Bristol, Part 2* (Bristol, 2000); F. Neale (ed.), *William Worcester, The Topography of Medieval Bristol* (Bristol, 2000)

<sup>83</sup> Ralph and Hardwick, *Calendar*

<sup>84</sup> BRO 5139/151

<sup>85</sup> BRO P. AS/D/LM/A/15

<sup>86</sup> TNA PROB 11/49/135 Will of Henry Brayne, April 1567

but confusingly Thomas Ricardes testimony remains vague. Similarly, no records can be found about Robert Dawes, a sixty-eight year old whittawer whose deposition was also ambiguous. A lack of conclusive evidence prevents any firmer conclusions, but given the pattern it is likely Dawes was also local to St. James.

If this is the case, the impartiality of the four whittawers and a lime-burner as deponents is questionable. Although the 1569 deed transferred their tenancies over to Mr Colston and Mr Langely the men may still have felt a sense of loyalty towards the Braynes. Ricardes particularly may have felt some allegiance thanks to his familial links. They unanimously protected Brayne's rights in their testimonies. Perhaps in turn they felt protective of the Brayne's inheritors. Alternatively, as social inferiors but close neighbours of the defendants it is possible the witnesses felt pressured into supporting their case, for fear of ramifications.

Although the reasons for the selection of witnesses can mostly be explained their complex loyalties remain somewhat elusive. It would be dangerous to judge their allegiances based on their testimonies alone. The majority supported the defendants' case which would either suggest the deponents were simply telling the truth, or that they had been selected on the basis of their support for Wynter and Somerset's rights. Without more personal records it is impossible to tell.

### ***iii. The Final Decree***

*Original decrees are found in the E128 series. Copies are entered in the E123 records*

In the Tudor legal system the evidence gathering stage was followed by a hearing and judgement. At the hearing the depositions were read aloud and the two counsels argued the case. Court minutes were created but they were used largely as drafts from which to write the decree.<sup>87</sup> Most likely the scribes discarded them. As a result the hearing cannot be exactly dated. It most likely occurred in the month after the last proof was submitted. The E123 Books of Decrees and Orders reveals evidence was still being collected from Wynter in May 1574.<sup>88</sup> Mostly, such evidence was returned to the parties at the conclusion of the case.<sup>89</sup> The case's decree however suggests it was enrolled 'amongst the Recordes of this court...for the better

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<sup>87</sup> Bryson, *Equity*, 144-5

<sup>88</sup> App.VI

<sup>89</sup> Bryson, *Equity*, 145



declaracion of the premisses in time to come'.<sup>90</sup> Yet it has evaded discovery. R.M. Ball's research has found similar items scattered unrecognisably in a number of other miscellaneous classes.<sup>91</sup> The evidence may therefore be misplaced in the archives, if it survives at all. A second Commission was also launched in 1573 to finalise details.<sup>92</sup> However, only two pages of the manuscript survive. This is a significant setback as what little survives indicates a level of detail far more precise than the previous Commission. Nevertheless, this extensive proof taking largely explains the time between the Commission and the passing of the final decree.

The final decree was passed on the 19th June 1574 and the original can be still found in the E128 records, complete with Burghley's signature.<sup>93</sup> Its survival is both fortunate and highly unlikely. Bryson believed no such documents survive from before 1580 as they were kept loose and often lost.<sup>94</sup> Indeed, it is the only original to survive from 1574. Two copies of the decree can also be found in the E123 records.<sup>95</sup> It was common for a registered copy to be entered here.<sup>96</sup> However the survival of an extra copy and the original decree suggests the case may have been more important to the Exchequer than its local nature suggests. Conversely, their survival may just be sheer luck but clearly some efforts were being made to ensure the issue did not repeat itself.

This chapter has traced the 1572 dispute from its inception to its conclusion. Mostly, surviving archival records have facilitated this demonstrating source-linkage to be a robust and applicable method for such local research. The importance of flexibility when researching has emerged. National and local archives, as well as personal and official evidence, offer a valuable mix of different insights. Whilst national records detailed the administrative procedures of the Exchequer, local records proved useful in explaining the presence and loyalties of the people involved. This mix is crucial in fully understanding such a case. Without the discovery of the final decree however much of the information outlined above would have remained absent. Other scholars may not be so fortunate in this regard. Some information has remained permanently elusive. The intricate relationships of the witnesses to

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<sup>90</sup> App. V

<sup>91</sup> R. M. Ball, 'Exchequer, King's Remembrancer: Depositions taken by Commission (E134)' (TNA: PRO, Unpublished Introductory Note to Class List, March 1995)

<sup>92</sup> App. IV

<sup>93</sup> App. Va)

<sup>94</sup> Bryson, *Equity*, 146

<sup>95</sup> App. Vb) and Vc)

<sup>96</sup> 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)

the defendants and commissioners cannot be judged with complete certainty. Similarly, the lack of Piepowder Court records prevents the case's local roots being fully traced, suggesting a limitation of source-linkage here. Nevertheless, this chapter's findings clearly illustrate the benefits of the method over using Commission documents in isolation.

## ***Chapter 2: Broader Implications***

Having explored the process and people of the Commission, this chapter engages with its broader implications. The case serves as a useful insight into the jurisdictional authority of Bristol. The dispute's local significance will first be assessed: evaluating the role of the Reformation and its implications for the city's jurisdiction at local level. The evidence offered by the Commission about the daily trading activities of several Bristol merchants will then be assessed. Their illicit trading practices, and the significance of St. James' trade Fair will both be considered. In doing so, the analysis adds to the growing literature on the port's operation, offering original insights yet to be recognised by scholars.<sup>97</sup>

### ***i. Bristol's Jurisdiction***

An initial reading of the Commission suggested the dispute might have been born out of the tensions of a Post-Reformation society.<sup>98</sup> At a basic level, the Commission details a secular Tudor government challenging a Pre-Reformation religious custom. Yet the Reformation's role in the dispute should not be overplayed. The right to collect prisage during the Whitsun week had been challenged long before. Several medieval charters reveal the right's problematic nature. Charters can be puzzling sources, as they often offer snippets of information without providing context. However, they do throw light on jurisdictional debates such as the one in question. In 1310 they reveal an Inquisition was launched to solve a very similar dispute.<sup>99</sup> Walter Waldesheff, the Butler had hindered the Prior's collection of prisage, refusing to accept his right. In 1404 Henry IV's writ of non-molestation again confirmed the right after Butler Thomas Chaucer had 'impede[ded]' the Prior's collection.<sup>100</sup> Once more, in 1454 Henry VI reconfirmed the right and ordered the Butler not to intervene again.<sup>101</sup> Such cases all involved a disgruntled customs collector and a royal confirmation of the Prior's right. The regularity of these disputes suggests a failing in the legal system to fully solve the issue or perhaps a lack of local knowledge about the right. Sixteenth century ordinances suggest the matter was not raised for some years. Had the Reformation played a vital role in the dispute Young would surely have launched the case against the Braynes who were the first non-

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<sup>97</sup> McGrath, *Society*; McGrath, *Merchants, Sacks, Widening*; D. H. Sacks, *Trade, Society and Politics in Bristol, 1500-1640* (New York, 1985); Vanes, *Overseas*; Vanes, *Port*

<sup>98</sup> R. Meredith, *Claiming 'prise wyne during the Whitsunweek': A Methodological Investigation into Bristol's Crown Commissions 1572-3* (Unpublished Proposal, University of Bristol, December, 2013)

<sup>99</sup> Biekley, *Book*, 239-43 f. 96

<sup>100</sup> App. VIII b)

<sup>101</sup> App. VIII c)

clerical men to exact the tax? Instead it seems likely the change of ownership presented Young an opportunity to challenge the tradition on unsuspecting newcomers. Even the 1574 decree failed to permanently solve the problem. In 1676-7 the local right was questioned once again.<sup>102</sup> Its repetition both before and after the 1530s does much to undermine the Reformation's impact. As a result, the dispute cannot be seen purely as a clash of religious and secular authority.

Instead, it appears more convincingly as a point of contestation between local and national jurisdiction. By the mid-sixteenth century governmental discourse was one of greater consolidation and central coherence aimed at cementing royal authority and increasing revenue.<sup>103</sup> This has been largely recognised by scholars.<sup>104</sup> Indeed, the 1563 establishment of a Welsh custom; 1565 Smuggling Survey; and grant of Head Port status to Gloucester in 1580 suggests the customs system was being brought under central command, threatening Bristol's independence.<sup>105</sup> However, the 1572 dispute indicates that in reality such measures were not as coherent at the most local level as some scholarship assumes. The right to Whitsun week prisage did not fit clearly with national policy, yet it remained despite often being contested. The Crown's confirmation of the deponents' rights suggests some level of royal accommodation, even if simply to conserve time and money. Although the sixteenth century saw the Crown threaten Bristol's jurisdictional independence at the most local level the city's most ancient and complicated rights seemed to have remained. The Whitsun week right at least became a point of contestation and accommodation, which complicates the general scholarly picture of coherence.

## ***ii. St. James' Fair***<sup>106</sup>

Scholars have assumed that St. James Fair continued to be held annually from the medieval period until its abolition in 1838.<sup>107</sup> However, the Commission suggests the Fair was not held for some years during the sixteenth century. The witnesses overwhelmingly suggested the Fair

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<sup>102</sup> TNA E 134/27; TNA 28Chas2/Hil15. If we learned from the lessons of this analysis, these documents should not be taken at face value. But they clearly show the issue had not been solved by 1574

<sup>103</sup> P. Fleming, A. Gross and J. R. Lander (eds.), *Regionalism and Revision: The Crown and Its Provinces in England, 1200-1650* (London, 1998) 12

<sup>104</sup> D. Dean, *Law-Making and Society in Elizabethan England* (New York, 1996); T. Stretton, *Women Waging Law in Elizabethan England* (New York, 1998)

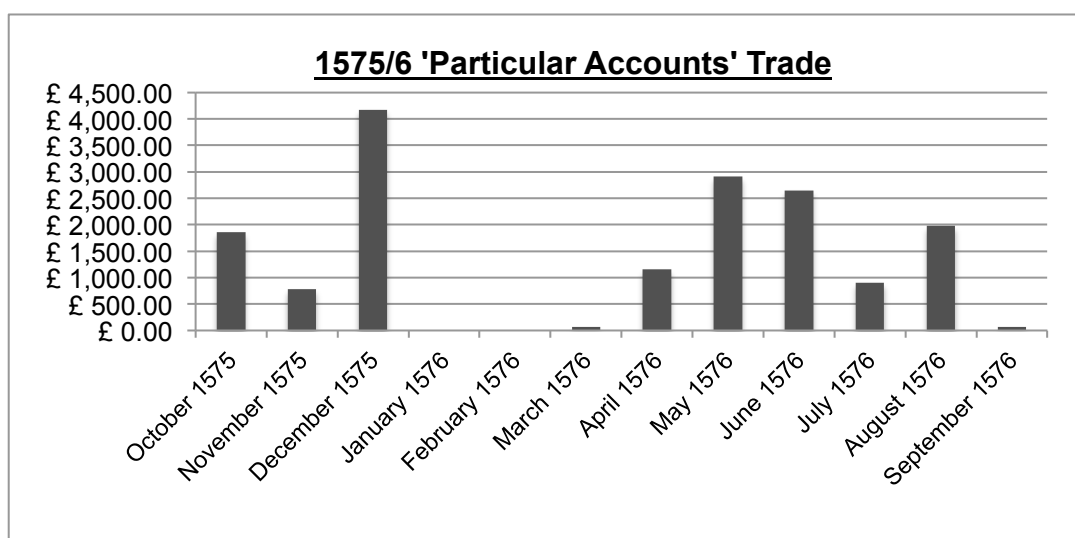
<sup>105</sup> See Jones, *Economy*

<sup>106</sup> Some confusion exists around the exact date of the fair. Scholars like Vanes suggest it was held on the feast of St. James, on the 20th July for 9 days; Vanes, *Port*, 19. The commission suggests otherwise. Sacks had recognised this, Sacks, *Widening*, 78

<sup>107</sup> Vanes, *Port*, 19; Sacks, *Widening*, 78

had ceased to regularly exist years before 1570. Even the Exchequer recognised this, asking deponents 'how longe synce that any fayre was kept there in that week?'.<sup>108</sup> Contemporary evidence attests to the health of the Fair in the 1530s and 1580s.<sup>109</sup> However, no references to the Fair can be found for the intervening 50 years. It seems likely, given the upheavals created by the Reformation and by St. James' Priory changing hands, that the Fair was not held regularly for these years. Fig. 1 considered earlier, illustrates the significant drop in wine imports around Whitsun week over the sixteenth century. This can largely be attributed to smuggling but may also suggest the absence of the Fair, which would have attracted outside trade. Similarly, whilst the customs accounts from 1563/4 show no trade peaks around Fair-time, one trade spike in the 1575/6 account corresponds directly with the Whitsun week, implying the restoration of the Fair:

**Fig. 2**<sup>110</sup>



By 1579 the Fair was again an annual occurrence. A deed of partition that year reveals Somerset and Wynter carving up the estate and the Fair's profits.<sup>111</sup> It seems likely St. James' Fair, having not been held for years, was reinstated by the defendants' after the conclusion of the case in 1574. This would explain the deponents' lack of memory about the Fair. Most of the witnesses were aged around fifty-five years old. Had it existed in the 1530s they would have been just fifteen. The potential for witness evasion and deception during depositions cannot be

<sup>108</sup> App. III

<sup>109</sup> Vanes, *Overseas Trade*, 66

<sup>110</sup> Based on Flavin, and Jones (eds.), 'Bristol Port Book, Overseas Inwards, 1575/6'

<sup>111</sup> BRO P/St J/HM/A (a)

ignored: testimonies from the 1573 commission offer some contradictory evidence.<sup>112</sup>

However, given their keenness to support the prisage right it is doubtful the 1572 deponents lied about the Fair's previous existence. The virtual nonexistence of the Fair for these years has yet to be recognised by scholars. It challenges the importance of fairs in Bristol's civic history and suggests the case had a more lasting impact on trading in Bristol than the Commission suggests.

### *iii. Suggestions of Smuggling*

Aside from claims that Wynter and Somerset defrauded the Crown no direct accusations of smuggling activities were made during the Commission. The shipments themselves detailed in the case came under no scrutiny. This may suggest the merchants' commercial activities were legitimate. However, Commission evidence cannot be entirely trusted. By the mid-century smuggling, particularly of wine, was prolific in Bristol.<sup>113</sup> This was largely a reaction to the levying of heavier custom duties.<sup>114</sup> In 1558 the Book of Rates was updated, increasing ad-velorem taxes.<sup>115</sup> The same year saw an Impost levied, which taxed imports of French wine at 53s 4d per ton.<sup>116</sup> A few years later, a similar Impost of 40s was levied on sweet wines from Southern Europe like those imported by the *Livery* and the *Harre*.<sup>117</sup> Such taxes significantly increased the financial burden placed on merchants and the likelihood of them adopting evasive strategies. Indeed, in the second half of the century Catherine Pitt estimates 50% of the Bristol's wine was illicitly imported.<sup>118</sup>

The scholarly recognition of these activities is largely thanks to the insights offered by surviving private records like John Smyth's Ledger.<sup>119</sup> Such records are rare. No equivalents survive for the merchants involved in this case. Nonetheless, by reading Port Books and witness statements with a critical eye it is possible to pinpoint three potential instances of illegal behaviour: the circumvention of the Anglo-Spanish trade embargo; the avoidance of

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<sup>112</sup> App. IV

<sup>113</sup> Jones, *Economy*, 141

<sup>114</sup> Vanes, *Overseas Trade*, 93

<sup>115</sup> T.S. Willan (ed.), *A Tudor Book of Rates* (Manchester, 1962) xxvii-xxviii

<sup>116</sup> Jones, *Economy*, 141; Vanes, *Overseas Trade*, 94; F. C. Dietz, *English Public Finance, 1558-1641* (New York, 1932) 306-7

<sup>117</sup> Pitt, *Wine Trade*, 81; Sacks, *Trade*, 933

<sup>118</sup> Pitt, *Wine Trade*, 94; N. Williams, *Contraband Cargoes: Seven Centuries of Smuggling* (London, 1959) 52

<sup>119</sup> Vanes, *Ledger*; Records of the Tyndall brothers see Jones, *Economy*, 87-104

prisage and; Impost payments by under-accounting and the use of Kingroad for illicit unloading.

Both the *Harre* and *Livery* were French vessels arriving from Spain with Spanish goods. However, Bristol merchants owned the majority of cargo they carried. Given the Anglo-Spanish trade embargo was in force from 1569-73, their very presence in Bristol is problematic.<sup>120</sup> In theory English merchants and ships at this time were banned from trading with Spain. The Bristolians use of French ships could be seen as a method of circumventing this regulation, and avoiding attracting interest. From 1570-1, 54% of Spanish wine imported into Bristol was brought on French ships, suggesting this was a common tactic.<sup>121</sup> Given the traditional use of Spanish and English ships for this trade Pitt suggests Spanish merchants may have adopted false national identities, such as French, to avoid repercussions.<sup>122</sup> This may have been the case here. The French names of the ships' masters for example do not appear in the 1563/4 and 1575/6 Port Books. Nor does Smyth's Ledger mention them. Without cockets or unofficial documents about the voyage there is insufficient evidence to draw solid conclusions about this. The issue was not raised during the Commission. Given the *Harre* and the *Livery's* cargoes were subject to prisage and lucrative imposts however perhaps the Crown overlooked such transgressions.

Beyond this, Port Book entries for the *Harre* and the *Livery* do much to suggest the deliberate avoidance of prisage.<sup>123</sup> Both ships' net amount of wine was revised down in the entries ensuring the total volume fell just beneath the 10 or 20-tun prisage thresholds. This was a commonly lamented method of tax avoidance.<sup>124</sup> The *Harre's* wine cargo mostly belonged to 'John Aldworth and associates'. The entry reads '24tuns 1 pipe wine sack, net 19 tuns'.<sup>125</sup> This seems suspicious, as it brought Aldworth's cargo just under the second prisage level. The loss of wine could be legitimately attributed to ullage, thanks to poor weather conditions or low quality barrels.<sup>126</sup> Indeed, other merchants' goods on the vessel also suffered some losses: Goding Gryall lost a pipe of wine and Robert Halton lost a hogshead of oil. Oil itself however was subject to a tax of 2s 8d per ton.<sup>127</sup> Halton too may have had a financial incentive to under-

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<sup>120</sup> Pitt, *Wine Trade*, 52

<sup>121</sup> Pitt, *Wine Trade*, 52

<sup>122</sup> Pitt, *Wine Trade*, 55-6

<sup>123</sup> App. VII

<sup>124</sup> E. T. Jones (ed.), 'Survey of the Port of Bristol, 1565' (University of Bristol, ROSE, 2011); 1577 Complaint to Burghley in Vanes, *Documents*, 43-4

<sup>125</sup> Half a ton of sweet wine from Southern Spain, similar to sherry. Glossary in Vanes, *Documents*, 175

<sup>126</sup> Ullage meaning cask leakage

<sup>127</sup> T. S. Willan (ed.), *A Tudor Book of Rates* (Manchester, 1962) 79

value his wares so his assessment must be viewed critically. Jones suggests prisage was claimed before the wine was customed in Bristol.<sup>128</sup> The Commission hotly debated whether this occurred for either shipment, legally or by force. If it did, this may account for two of Aldworth's five lost tons. The remaining three could thus be genuinely attributed to ullage. Nevertheless, a clear financial incentive for under-accounting remains.

The entry for the *Livery* is clearer. Thomas Aldworth's cargo of 28 tuns of sack was revised to 18 tuns. This is a loss of over a third of their cargo. In this case a rough journey, or low-quality barrels, are unlikely as no other merchants' goods were damaged or lost. Even if 2 tons were accounted for by prisage, the loss of 8 tons is significant. Though it fluctuated, merchants could expect ullage to account for an average 10% loss of their wine imports. Even Smyth's most unsuccessful journeys only lost 25%.<sup>129</sup> Such figures suggest avoiding prisage payments to the customer of £4 per ton may have significantly motivated some illegal behaviour.

The merchant's motives become clearer when the Impost on sweet wines is taken into account. In addition to prisage both shipments were subject to this costly tax. The value of the Impost remains unclear. Evidence exists suggesting it was levied after 1558 at 40s per tun.<sup>130</sup> This would mean by under-recording his wine John Aldworth not only escaped paying prisage but also 200s (or £10) extra worth of imposition. This is roughly equivalent to £1,739 in modern currency and significant proportion of his cargo's value.<sup>131</sup> Similarly, Thomas Aldworth's convenient 'loss' of 10 tons saved him a total of £24 in taxes. Such figures are likely to have greatly increased the merchants' motives to alter import records and the likelihood of smuggling. Dietz argues the full Impost was not applied until 1573.<sup>132</sup> Even if this is the case, it is likely the tax had still reached a significant value by 1570, if not as much as 40s. Given his later involvement in smuggling it seems likely Aldworth was still willing to take risks such as these to improve his profit margin.<sup>133</sup> The Impost was not mentioned in the Commission case. Perhaps Young was disinterested, as he would not have been personally entitled to the sums. Nevertheless, the revision of wine volumes in both shipments strongly suggests deliberate

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<sup>128</sup> Jones, *Economy*, 69

<sup>129</sup> Vanes, *Ledger*

<sup>130</sup> Jones, *Economy*, 27; *Statutes of the Realm Volume 4* (London, 1819) 373–4

<sup>131</sup> National Archives Converter <<http://www.nationalarchives.gov.uk/currency/>> accessed 1/3/14

<sup>132</sup> Dietz, *Public*, 315

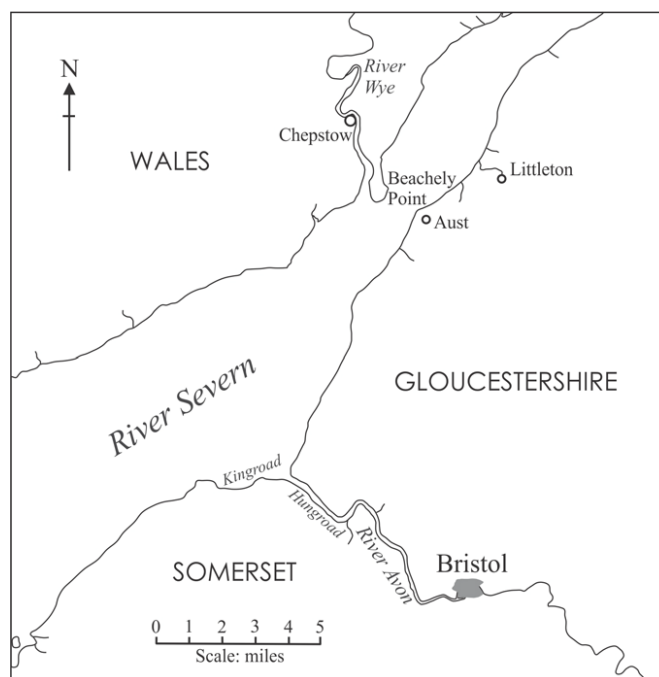
<sup>133</sup> TNA E159/378 1594 Aldworth and Anthony Robynes accused of 'colouring' broadcloths. Since the searcher did not appear to testify they were acquitted. Additionally, Aldworth provided a letter of support recommending notoriously corrupt John Dowle as customs official, Jones, *Economy* 106



under-accounting. The costly Impost, combined with prisage rates, can be seen to have greatly increased this necessity.

The issue of the Kingroad and its commercial use further suggests illicit behaviour. Kingroad was one of Bristol's main anchorages situated 6 miles from the port in the River Severn. Although it was less than a day's ride away from Bristol it was out of sight of central customs authorities. It therefore offered cover for incoming ships wishing to avoid detection by customs authorities.

**Fig. 3** <sup>134</sup>



Contemporary concerns about the illicit use of Kingroad are clear. Two out of the defendants' six interrogatories in the Commission related to Kingroad. Similarly, a 1588 complaint from Bristol's customer and controller highlighted the area as suspect as it could not be sufficiently policed.<sup>135</sup> This document suggested Kingroad was used to lade prohibited goods onto outgoing ships after they visited the customs house. John Smyth and the Tyndall brothers' records also confirm illegal 'lading' here was a common occurrence.

Such evidence focuses on the activity of outgoing ships. But the 1572 case suggests some evasion may have occurred before visiting the customs house. Eight out of fourteen

<sup>134</sup> Taken from Jones, *Economy*, 57

<sup>135</sup> Vanes, *Documents*, 50

witnesses admitted Kingroad was a place used for both lading and unloading. Those who were unsure had a less active role in shipping such as whitawers and the lime-burner. This, in itself, cannot be taken as evidence of fraud. Indeed, ships were legitimately allowed to stop at Hungroad, the port's closer anchorage, to transfer their consignments to lighters to take them into port.<sup>136</sup> In some cases, this rule may have applied to Kingroad.<sup>137</sup> However, the long time lag between the ships' arrival in Kingroad and their entry in the customs books seems suspect. Their movements were hotly debated in the case. This, in part, may be attributed to the fact that the testimonies were based on memories of two years beforehand. Nevertheless, a majority suggested the *Harre* arrived in Kingroad on Wednesday. The Port Book entry was made on Saturday. This suggests the *Harre* stayed in or around Kingrode for four days before it came to the 'Key'. Similarly, the *Livery's* entry was made on the Wednesday after Whitsunday. According to witnesses it had entered Kingroad on the previous Thursday or Friday meaning the ship postponed entering port for almost a week. Even after taking into account the time taken for lighters to travel up from Bristol, tides or poor weather conditions, this seems suspicious behaviour.<sup>138</sup>

It is probable that both ships utilised the time to unload part of their cargo. Although it may have been difficult to maneuverer large casks of wine other wares could have easily been removed from the vessels without detection. Comparing the ships' tonnages and their total declared cargo in the Port Books reveals a deficit. The *Harre* was a 38-ton ship, yet it only transported 32 tons. Likewise, the *Livery* declared just 41 tons but it was sized at 52 tons; suggesting 11 tons may have been filled with other wares to maximize its merchants' profits. This cannot be relied upon as the size of ships was often approximated. The Port Book entries could also have been edited to suggest a later date of entry as final fair copies were only written up later in the year to be submitted to the Exchequer.<sup>139</sup> Nevertheless, the *Livery* clearly stayed in Kingrode long enough to be detected and for Wynter to allegedly seize 'iiii buttes of seck' from it.<sup>140</sup> The fact that Wynter supposedly sent men to claim his prisage from Kingroad may suggest a local awareness of this evasion tactic.

Convincing circumstantial evidence can therefore be found to suggest several instances of illegal activity were involved in the *Harre* and *Livery* shipments. The case documents outline several smuggling methods of Bristol's high-profile merchants such as the use of

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<sup>136</sup> Stanford (ed.), *Ordinances*, 16; Vanes, *Port*, 3

<sup>137</sup> Such as 'in tymes of necessity', App. III

<sup>138</sup> Jones, *Economy*, 57

<sup>139</sup> Hinton (ed.), *Port Books*, xiii

<sup>140</sup> App. III

Kingroad for unloading goods and undercounting in the Port Books. A lack of more detailed or personal evidence prevents firmer conclusions but the impact of the Anglo-Spanish embargo and the sweet wine Impost clearly created strong incentives for smuggling specific to the narrow time-period under consideration.

This chapter has also demonstrated the complex nature of the interaction between Bristol's local jurisdiction and increasing national authority. The Crown's confirmation of the Whitsun week right complicates the traditional image of a coherent Tudor legal system. Further studies of local rights would build on this. Nevertheless, it seems that small-scale customs evasion, and the protection of local rights, offered the local elite some scope for influence and evasion.

## *Conclusion*

Although this investigation was initially justified as a methodological study its findings have proved significant in their own right. The analysis has provided original insights into the jurisdiction and operation of Bristol's port. These contribute to, and challenge, existing understandings of merchants' daily trading activities. In the case of this dispute these included several of the city's most high-profile merchants.<sup>141</sup> Most significantly, original evidence from manuscripts has highlighted new possible methods and incentives for smuggling in the second half of the sixteenth century. These include the use of Kingroad for unloading merchandise; the circumvention of the Anglo-Spanish trade embargo and; avoidance of the sweet wine Imposition. Whilst undercounting in Port-books has previously been recognised as a smuggling method by scholars, the other time-specific motives and methods have yet to be considered in much detail.

Furthermore, this dissertation has challenged existing ideas about Bristol's trading fairs. It suggests St. James' Fair, despite being considered one of 'the most important of the Bristol Fairs', was not held for several decades in the sixteenth century.<sup>142</sup> This has yet to be recognised by secondary literature. It attests to the declining significance of fairs by 1572 for merchants who increasingly cultivated personal trading relationships thus reducing their need for such events.<sup>143</sup>

Lastly, the dispute brings nuance to existing perceptions of the Tudor national customs system. Scholars have recognised that the illicit tactics of Bristol's merchants frustrated the functioning of a coherent system.<sup>144</sup> However, the continuing existence of local custom rights seems also to have challenged such government centralisation. Although these local rights became points of contestation, in this case, they were accepted and maintained by royal authority, even after the Reformation. This micro-study has only considered one such right. Its complex, and long-lasting nature has become clear suggesting it may be an unusual example. However, a cursory investigation of Bristol's charters suggests other rights were locally debated.<sup>145</sup> Further analyses of these would add to the understandings offered here.

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<sup>141</sup> Jones, *Economy*, 82

<sup>142</sup> *A History of the County of Gloucester: Volume 2* (1907) 74-5 <<http://www.british-history.ac.uk/report.aspx?compid=40272>> accessed 4/1/14

<sup>143</sup> Sacks, *Widening*, 79

<sup>144</sup> Jones, *Economy*

<sup>145</sup> Rev. S. Seyer (ed.), *Bristol Charters* (Bristol, 1812); Stanford, *Ordinances*

Such contributions highlight the fruitfulness of source-linkage and, to a large degree, its applicability at a local level. This discussion does much to recommend the well-established method to future scholars investigating Commissions. In this case it generated a deeper understanding of the dispute. In the absence of personal records the full potential and value of other Exchequer records was explored. Given how valuable they proved here, others may have overlooked their importance. Without such administrative records the process of the dispute could not have been tracked so clearly and chronologically. These records can be considered vital for tracing private cases such as these where personal records no longer survive.

Nonetheless, some clear limitations have been highlighted. Some lines of enquiry have been frustrated by a lack of surviving evidence or necessary detail. Occasionally, consulting other sources compensated for this loss. The absence of the case's pleadings for example was mitigated by the decree's survival. In other instances little could be done to delve deeper and evidence remained elusive. The local prelude to the Commission cannot be fully traced back to St. James' Court. Similarly, the process by which Commissioners were appointed for the case remains tenuous. This study has heeded Jones' and Higgins' warnings about the unreliability of Exchequer records. By considering the agendas and alignments of the figures involved this analysis has looked to understand the logic behind the Commissioners selection and demonstrates why the Commission evidence may have been skewed. The confirmed smuggling interests of at least four key merchants involved most likely had significant bearing on their testimonies. The lack of personal records relating to the case means there is no way of firmly verifying whether the evidence provided was falsified or manipulated. Many of Chapter One's conclusions therefore are based upon strong circumstantial evidence.

This problem of exhausting the records is predictable and has no doubt been encountered by countless historians using this method. Yet the issue has never been suggested by previous Commissions analyses. Nevertheless, it should not devalue the success of the study's overall findings. Although this dispute was a local one, Crown interests were ultimately at stake. Further methodological investigations, based on disputes between two private parties, where document survival may be less impressive, could be used to shed more light.

A systematic framework for researching other sixteenth century Commissions has been provided in Chapter One. Secondary literature has thus far failed to offer this. The process has also been visually illustrated in Appendix I and II, which provide a guide to the necessary documents in the archives. This method only relates to Exchequer equity disputes of the 1500s. Chancery cases, for example, despite following similar procedures, created different records

which are stored separately from those consulted here.<sup>146</sup> Nevertheless, many Tudor equity cases of the period remain to be considered.<sup>147</sup> To the future scholars of such cases this method and analysis will prove a valuable tool.

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<sup>146</sup> H. Horwitz, *Chancery Equity Records and Proceedings 1600-1800* (London, 1995)

<sup>147</sup> Bryson, *Equity*, 31

## *Appendices*

## *Appendix I*

<b>Documents created during and Exchequer Equity Case (in order of process)</b>	<b>Available for 1572 Case?</b>	<b>Comments</b>
1. Bill of Complaint	No	Request for judgement to be brought on the case
2. Informations, normally recorded in Bill Book	No	When case begun, pleading known as the Information
2b) Informations, if enrolled <sup>148</sup> - Agenda Book	No	-
2b) Informations, if enrolled - Repertory Rolls	No	-
3. Answers	No	Only several references to answers being required of Wynter and Somerset
4. Deposition by Commission	Yes	In good condition and complete. Lacking personal documents and correspondence about the Commission however
5. Hearing	No	Hearing not typically recorded. Correspondence about the time/place could be hoped to be found, although not in this case
6. Decree	Yes	Original Draft and two subsequent copies remain in good condition; challenging Bryson's claim that no originals survive before 1580
6b) If enrolled - Repertory rolls	n/a	Two versions of Decree already discovered
6b) If enrolled - Agenda books	n/a	Two versions of Decree already discovered

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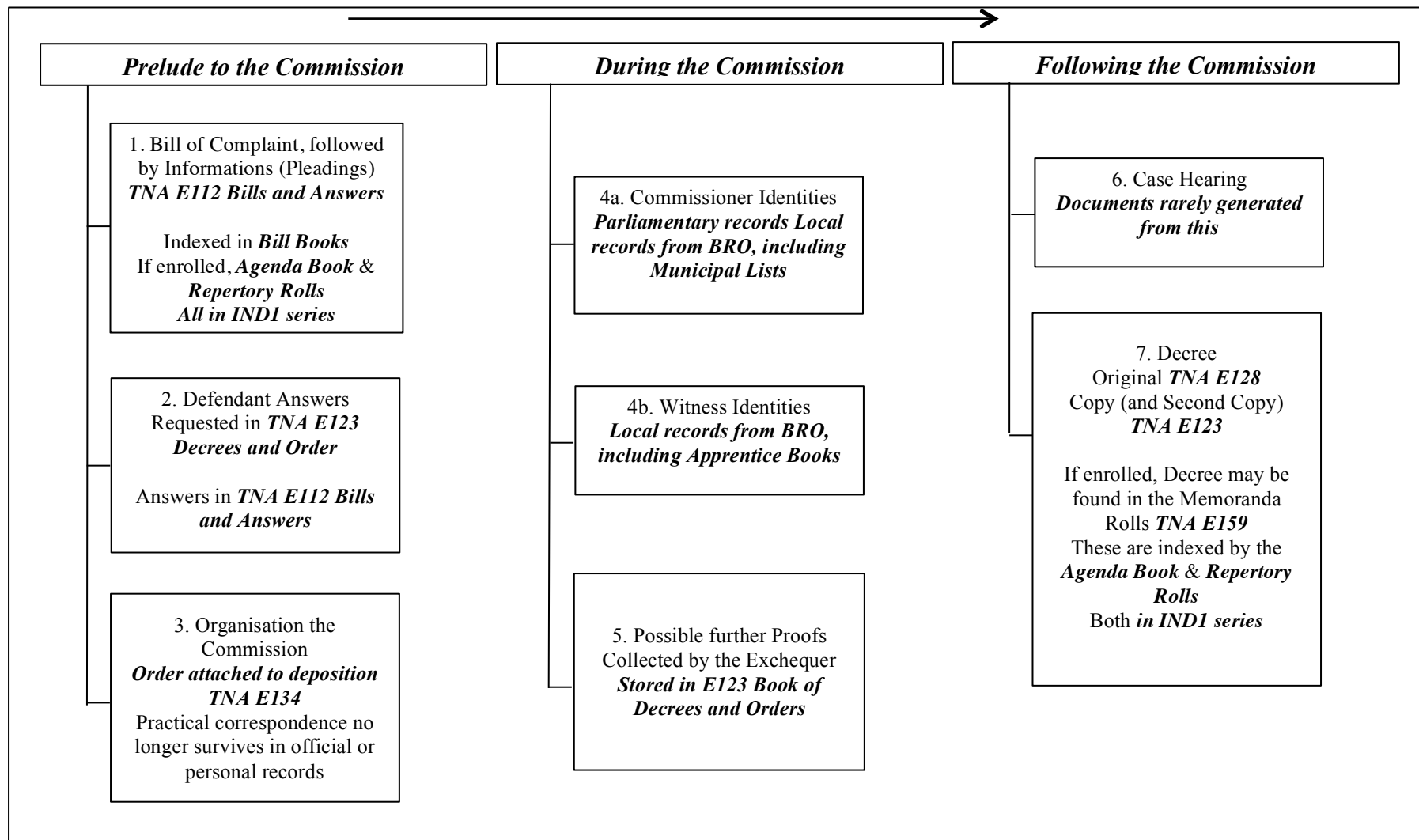
<sup>148</sup> Meaning enrolled in the in King's Remembrancer Memoranda Rolls, E159. The Agenda Book and the Repertory Rolls both serve as Indexes to the E159



## *Appendix II*

**Fig. 4 Tracing an Exchequer 'Commission by Deposition' or 'dedimus potestatem' - TNA E134**

The following diagram outlines the methodological process useful for tracing sixteenth century Exchequer Equity cases. Although research will often begin with the commission document, once the relevant names and issues have been established, the related legal documents can be traced chronologically, by consulting the relevant series, detailed below.



### *Appendix III*

*Transcription: R. Meredith (ed.), 'Exchequer Commission into St James' Fair and the jurisdictional boundaries of Bristol, January 1572 (Unpublished Transcription, 2014) TNA E134/14Eliz/Hil5<sup>149</sup>*

**Commission Order<sup>150</sup>:**

*Ir*

Elizabeth dei gratia anglie francie et hibernie regina fidei defensor etc dilectis nobis Iohanni Stone maiori ciuitatis nostre Bristoll', Willelmo Carre Thome Chester et Willelmo Tucker Aldermannis ciuitatis predicte salutem . Sciatis quod nos de fidelitatibus et prouidis circumspectionibus uestris in negociis nostris agendis plenius confidentes ac uolentes quod Barones de Scaccario nostro per uos certiorentur de ueritate et certitudine d*<iuers>*orum articulorum siue interrogatoriorum in quadam scedula presentibus annexa contentorum et specificatorum dedimus et per presentes damus uobis quatuor plenam potestatem et auctoritatem ad quoscumque testes quos ad hoc iuxta sanas discretiones uestras in premissis examinati maxime idoneos uideritis coram uobis ad certos diem et locum siue dies et loca infra ciuitatem nostram Bristoll' aut alibi euocandos et apparere procurandos ac ad ipsos et eorum quemlibet omnibus uis mediis et modis quibus melius sciueritis aut poteritis tactis per eos prius coram uobis sacro *<hole in membrane>* sanctis dei Euangeliis de et super articulis siue interrogatoriis predictis diligenter examinandos examinationesque suas premissa tangentes recipiendas et in scriptis in pergameno redigendas . Ideo uobis mandamus quod uos quatuor circa omnia et singula premissa agenda diligenter attendatis ac tenorem p<sup>o</sup>m exequamini cum effectu Et quid in premissis fecitis ac de toto

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<sup>149</sup> The following conventions were employed when transcribing documents included in the Appendices: line spacing, spelling, capitalization, erasures, insertions 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. Suspensions have been included in italics

<sup>150</sup> I must thank Jacob Currie, F.A McNair and R. McNair for their assistance with the Latin transcription and translation

facto uestro in hac parte Barones nostros de Scaccario nostro apud Westmonasterium quam citius poteritis et tandem in octabis sancti hillarii proximis futuris sub sigillis uestris distincte et aperte reddatis certiores remittentes tunc ibidem articulos predictos et examinationes inde per uos quatuor ex parte nostra captas una cum hoc breui Teste Edwardo Saunders milite apud Westmonasterium xxiiii<sup>mo</sup> die Novembris anno regni nostri xiiii<sup>mo</sup> per Barones Fanshawe

Dated: 28th November in the fourteenth year of our reign<sup>151</sup>

**Translation of Order:**

Elizabeth by grace of God Queen of England, France and Ireland, defender of the faith, etc. to John Stone, beloved to Us, mayor of Our city of Bristol, William Carr, Thomas Chester, and William Tucker, Aldermen of the aforesaid city, greetings. Know that We, fully confiding in your fidelity and provident circumspection in carrying out Our business, and wishing that the Barons of Our Exchequer, through you, might be more certain of the truth and certainty of diverse article and questions contained and specified in the document annexed to this one, gave and through the present document give you four men full power and authority to summon, prepare and procure certain witnesses whom you should see as very suitable in being sent ahead for examination before you, according to your sensible discretion, at a certain day and place or certain days or places within Our city of Bristol or elsewhere, and to diligently examine them and their goods by whatever means and methods you might be able to better know, having summoned them before you...by the holy gospels of God, about and concerning the said articles and questions, and receive their summoned testimonies...and return them in writing on parchment. We also mandate you that you four should diligently attend to each and every one of the said agenda and follow the ... course with effect. And finally you should return to Our barons of the Exchequer at Westminster what you have done in the said matter and concerning all of your actions in this affair as quickly as you can, by the

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<sup>151</sup> Commission launched November 1571

octave of Saint Hilary which is coming up, under your separate and obvious seals, returning more certainly to them the said articles and questions which you four have sought answers for at your end, along with a brief.

Witnessed at Westminster by Sir Edward Saunders on the 28th day of November, in the 14th year of Our reign, through Baron Fanshawe.

2r

Articles to be mynsted by the comissionere one the queenes ma[jes]ties behalf

- 1 Imprismis whether there was eny fayer in Brystowe in the whitsonweeke, on that they have any libertie whereby they maye kepe any weeke
- 2 Item yf there were a fayre kepte, where and in what place whye the same feaste, and how longe synce that any fayre was kept there in that week
- 3 Item, whether any pety custome or pryse wyne were payd or to be answered to the house of St James or to the inheritoer thereof in the whitsone weeke, before the same was entred the custome house or with the customer there
- 4 Item what daye the hary of Marrynes John Martiyeau M[aster] was entred And in what weeke in Ao<sup>152</sup> 1570
- 5 Item what daye and weeke the Lyvery of Mortagne pier[e] Bordon M[aster] was entred in Ao 1570
- 6 Item whether Kyngerode, be a porte allowed for the ladinge or discharginge of m[er]chandise or not

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<sup>152</sup> Anno domini

Articles to be mynistred on the behalf of Charles Som[er]sett esquior and George Wynter Esquior

- 1 Imprimi whether do you knowe or have herd that the pryor of St James for the tyme beinge, so hath had or enjoyed the prisage wynes of all shippes that have come to the porte of Bristoll ffrom noone on whitson Even untill Saturday noone then next followinge
- 2 Item whether do you knowe or have herd that that Henry Brayne esquior deceased or Robert Brayne his sonne also deceased ever had or enjoyed the same libtie of the prisage wynes there
- 3 Item whether you knowe or have herd howe farre the porte of Bristoll extendeth And whether a place or rode not farre from the sayd Citty of Bristoll called kinge rode is p[ar]cell<sup>153</sup> of the porte of Bristoll or hath byn so alwayes commonly reputed taken or used
- 4 Item whether do you knowe or have herd that any shippes or vessells have charged or discharged any p[ar]te of their ladinge durringe such tyme as they have byn in the said Rode called kingerode
- 5 Item whether do you knowe or have herd that any shippes or vessells with wynes came into the sayd rode called kingrode in the whitson weeke in the twelveth yere of the raigne of o[u]r soveraigne lady the Queene majestie that nowe is and on what day or dayes of the sayd weeke came the said shippe or shippes into the sayd rode and howe many in number were ther same shippes and what was there names
- 6 Item whether do you knowe or have herd that any seasure of the prisage wynes within the same shippes were made by theirs of the sayd Robert Brayne or by any other to their use or behalfe And whether the same seasure were made before the Saturday noone which was Trinity Sunday eve in the sayd xii<sup>th</sup> yere of the raigne of the Queenes Majestie<sup>154</sup>

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<sup>153</sup> Meaning 'part' of the port of Bristol

<sup>154</sup> Queen Elizabeth I ruled 1558 - 1603 so the 12th year of Queen Elizabeth's reign was 1570

Depositors of witnesses taken upon certain interrogacions on the p[ar]tes and behalfe of Charles Som[er]sett and George Wynter Esquires at the cytie of Bristowe the xvii<sup>th</sup> daye of Januarye in the ffourteenth yere of the raigne of o[u]r sov[er]aigne Ladye queene Elizabeth<sup>155</sup> before John Stone Mayor of the cytie aforesaid Willyam Carr Thomas Chester and Wilyam Tucker by force of A comyssion to them directed out of the queenes higness court of the Eschequer as foloweth

- 1 Imprimis **George Badram** of the cytie of Bristowe m[er]chant of the aige of xl<sup>th</sup> yeres or there abowte being sworne upon the holie Evangeliste of god and examyned saith upon his othe that as to the first interrogatorie he hath hard that the Pryor of St James w[i]thin the suburbes of Bristowe hath had always the prise wyne of all shippe that came in to the port of Bristowe in the whitson weeke from whitson eve untill the Satordaie at noone then next following
- 2 Item to the second interrogatorie he saith that Robert Brayne Esquior decessed hath had and receyved the prise wyne in the whitsonweeke being paid by this deponent unto the said Robert as Owner of the said house of St James
- 3 Item to the iij<sup>de</sup> he saith that kingrode is p[ar]cell of the porte of Bristowe, but howe farr it doth extend he refereth that to the Charter of Bristowe
- 4 Item to the iiij<sup>th</sup> he saith that shippe hath both laden and discharged p[ar]te of their lading in therode called kingrode
- 5 Item two the v<sup>th</sup> and vj<sup>th</sup> he saithe he can saie nothing
- 6
- 1 **John Dye** of the cytie of Bristowe one of the clarke of the Tolsey there in the aige of xlti yeres or there abowte sworne and examyned saith and deposeth upon his othe to the first interrogatory that the priour of the said house of St James hath had the prise wyne in the whitson week of such shippe as came to the porte of Bristowe during that weeke
- 2 Item ij<sup>de</sup> interrogatorie he saithe that he hath hard saie that Henry Brayne and Robert Brayne his sonne & heir decessed who were inherit[o]r and of the said house of St James have had the prise wyne of all such shippe as arryved in the whitso[n]weke w[i]thin the porte of Bristowe
- 3 Item to the thirde he saithe he knoweth not how farr the porte of Bristowe extendeth but saith the kingrode is p[ar]te of the porte of Bristol

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<sup>155</sup> 17th January 1572

- 4 Item to the *iiijth* interrogatorie he saith he knoweth nothing
- 5 Item to the *vth* he saide that two shippe whose names were the house of Maurnas named in the interrogatorie the house of Manyes and the house of Mortagne arryved in the said rode called kingrode laden w[i]th seck and oyles in the whitsonweke withe *xiiijth* yere of the queenes highnes raigne that nowe is but what daie or daies he remembereth not and that he said two shippe were entred w[i]th this deponent on whitson weke to the use of the said George Wynter Anne his wife and Emne Morgan widowe in the court then holden at St James the said shippe was enterd on the Thursdaie and the other on the Sundaie in the same whitson weeke
- 6 Item to the *vjth* interrogatorie he deposeth and saith that in the aforesaid whitsonweke in the *xiiith* yere of the raigne of the quenes highnes that nowe is ij buttes of seke were seased at the kaye of Bristowe uppon fridaie in the same whitson weke w[h]ich came and was ther landed and out of the house of Marenas in the name of the prisage wynes to the use of the said George Wynter Anne his wife and Emme Morgan widowe sisters and heirs of the said Robert Brayne decessed And also that uppon Satordaie then next following being Trynitie eve about ix or tenne of the clock in the fore noone of the same daie *iiii* after buttes of seck were seased in the lyverye of Mortagne then lying in kingrode in the name of the prisage wynes to the use of the said George Wynter and Anne both which seisures were made by one m[a]rshall servant to the said George Wynter and this examinant knoweth this to be true for that the said m[a]rshall said the same by this examynate comandm[en]t then being steward of the courte of St James that weke and to be him ? after the said seasure that he had so don
- 1 **Robert Halton** of the cytie of aforesaid m[er]chant of the aige of fiftie yeres or there abowte sworne & examyned by the first interrogatorie deposeth and saithe that he hath hard saie that the prior of St James hath hadd the prise wynes in the whitson weke from whi[t]son eve noone untill Satordaie noone then next following
- 2 Item to the *iiith* interrogatory he saith that he hath hard that Henry Brayne and Robert Brayne his sonne decessed now had the prisage of wynes in the Whitsonweke
- 3 Item to the thirde interrogatorie he said that the porte of Bristowe extendeth as farr as the rode called kingrode and farther as farr as the liberties of Bristowe extendeth and that kingrod wa[s] p[ar]cell of the porte of Bristowe and so comonly used and knowen
- 4 Item to the *ivth* interrogatory saith that he hath knowen divers<sup>156</sup> that hath laden their m[er]chandises in kingerode but saith he knoweth none that hath their discharged

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<sup>156</sup> Meaning diverse people

- 5 Item to the *vth* he saith that two shippe arryved at kingrode in the *xiith* yere of the quenes hyhness raigne that now is whose names were the house of Marenas and the liverie of Mortagne and that that the hare of Martenas arryved in kingerode the We[d]n[e]sdaie or Thursdaie of the whitsonweke and the lyvery the frydaie in the same weke
- 6 Item to the *vjth* he saith that he had herd John Dyesone then being steward of the court of St James in the whitsonweke in the *xiith* yere of the quenes Maj[es]ties raigne that he did send a man to take the prise wynes of the shippes aforenamed but what person that did it and what mann[e]r ye was done he knoweth not
- 1 **Bartholmewe Poyner** of the said cytie m[er]chant of the aige of ffiftie yeres or there abowte being sworne and examyne said to the firste interrogatory he can saie nothing
- 2 Item to the *ijde* interrogatorye he saieth that Henry Brayne and Robert bRayne decessed did demande the prisage wynes in the whitson weke but whether yt was paid he knoweth not
- 3 Item to the *iijde* he saieth that the porte of Bristowe extendeth as farr as the rode called kingrode extendeth and farther as farr as the liberties of Bristowe extendeth and that kingrode is p[ar]cell of the port of Bristowe
- 4 Item to the *iiijth* he saieth that shippe uppon? have both laden and discharged in the port of Bristowe called kingrode
- 5 Item to the *vth* and syxt he saieth he can saie nothing
- 6
- 1 **Gyles Rowe** lyme burner of the aige of lx yeres or there abowte being lykewise deposed and examyned to the first interrogatorye saieth the he knoweth that the prior of St James hath had the prisage wynes in the whitsonweke for that he this deponent being brother and s[er]vant unto the last pryour of St James was p[re]sent when one Thomas White late of the cytie of Bristowe m[er]chant decessed and comonlie called Thomas White of Covintrye paid two Tonns of prise wynes to the said prior
- 2 Item to the second interrogatorye he saith that he hath harde saie that the said Henry Brayne and Robert Brayne decessed did enyoi the same liberties as the Prior of St James enjoyed
- 3 Item to the *iijde* interrogatorie he saieth as the said George Badrum hath before declared
- 4 Item to the *iiijth* and *vth* interrogatories he saieth he can saie nothing



5<sup>157</sup>

1       **Robert Pressey** m[er]chant of the aige of lxv yeres or there abowte being lykewise sworne and examyned saithe to the first interogatorie he saieth as  
the aforenamed George Badrum hath said

*signed: John Stone Mayor, Thomas Chester, W[ill]yam Tucker, William Carr*<sup>158</sup>

5r

2       Item to the *ijde* and *ijjde* interogatories he saieth as the Robert Halton hath said that he hath knowen that sundry shippe have both charged and  
3       discharged in the said rode called kingrode<sup>159</sup>

5<sup>160</sup>     Item to the *vth* and *syxth* interogatories he said th[a]t he can saie nothing

6

1       **Leonard Pope** one of the clarke of the court holden in the Guyhalde of the aige of *ltie* yeres or there abowte  
2       sworne and examyned sayedth to the first second and third interogatories as the aforenamed Robert Halton hath said

3

4       Item to the *iiiyth* he saith that he hath hard saie that shipp hath both laden and discharged in the said rode called kingrode

5       Item to the *vth* and *syxth* he saith he can saie nothing

6

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<sup>157</sup> 6th Interrogatory in this case is missing

<sup>158</sup> Commissioners

<sup>159</sup> Clerical error here, answering interrogatory 4

<sup>160</sup> 4th Interrogatory is missing here, MS damaged

1 **Thomas Rycardes** of the cytie of Bristowe whitower<sup>161</sup> of the aige of lxxx yeres or there abowte sworne & examyned To the first interogatory he saith as the aforementioned George Bodrum hath said

2

3 Item to the second and third he saith as Robert Halton hath said

4 Item to the *iiijth* he saieth that he hath knowen that shippe hath both charged and discharged their m[er]chandises in the said port called kingrode

5 Item to the *vth* and *syxth* he saieth he can saie nothing

6

1 **Robert Dawes** whitower of the aige of lxxvij yeres or there abowte being also sworne and examyned To the first interogatorie he saieth that he hath harde saie the prior of St James had the prisage of wynes in the whitson weeke of all such shippe as came to the port of Bristowe

2 Item to the *iide* interogatorie he saieth that he hath also harde saie that Henry Brayne Esquior and Robert Brayne his sonne and heir decessed have had the prise wynes in the whitsonweke

3 Item to the *ijde* and *iiijth* interogatorie he knoweth nothing

4

5 Item to the *vth* he saieth that there were two shippe arryved at the said rode called kingrode in the whitsonweke in the *xjith* yere of the quenes Mai[je]sties raigne but what daie or daies he knoweth not

6 Item to the *vjth* he saieth that he hard saie that one went to the shippe to make seasure of the prise wynes to the use of George Wynter but who yt was he knoweth not

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<sup>161</sup> Occupation - someone who processed leather skins into white leather by 'tawing'

1 **John Banckes** whitower aige of xxx*ti* yeres or there abowte sworne and examyne to the first and second  
2 interogatorie he saieth as the said Robert Dawes hath said

3 Item to the *iijde* and *iiijth* interogatories he saieth that he can saie nothing  
4

5 Item to the *vth* he saieth that there were two shippe w[hi]ch arryved in kingrode in the whitsonweke in the said *xijth* yere of the quenes mai[jes]ties  
raigne whose names were the house of Marenas and the lyvery of Mortague the same came in to the porte of Bristowe the Twusdaie or  
W[e]dn[e]sdaie in the whitsonweke and the lyvery the Thursdaie or fridaie in the said whitsonweke as he rememb[e]reth

6 Item to the *syxth* he saieth that the seasure of prise wyne were made uppon one of the shippe at the kaie of Bristowe in the said whitsonweke what  
daie he saieth he knoweth not w[hi]ch seasure was made by the commandment of the aforementioned John Dye And for the other shippe w[hi]ch was  
then at kingrode or hungrode he hard one m[ar]shall said that he had made seasure of the pryse wyne of the same shippe on the Satordaie being  
Trynitie eve n the forenoon

1 **Willyam Hyckes** m[er]chant of the aige of xxxv*j* yeares sworne and examyned to the first and second he can saie nothing

2  
3 Item to the *iiide* he saieth as the aforementioned Robert Halton hath said

4 Item to the *iiijth* he saieth that kingrode is a port of lading and discharging and that shippe have both there laded and discahged

5 Item to the *vth* and *vjth* he saieth he can saie nothing  
6

1 **Thomas Aldworth** m[er]chant of the age of xlvi*iii* yeres [or] there abowte being lykewise sworne and examyned  
deposeth and saieth to the first interogatorie that he hath hard that the prior of St James hath had the prisage wyne in the whitsonweke

2 Item to the *ijde* he saieth that he knoweth that Henry Brayne and Robert Brayne his sonne inheritor of the said house of St James have had the prise  
wyne in the whitsonweke

- 3 Item to the *iiijde* he saieth as the aforenamed Robert Halton hath said  
4 Item to the *iiijth* he saieth as the aforenamed Willyam Hike hath said  
5 Item to the *vth* and *vjth* he saieth as the aforenamed Robert Halton hath said  
6

1 **Willyam Young** m[er]chant of the aige of lviii yeres or there abowte sworne and examyned saieth to the first  
2 second and third interogatories as the aforenamed Robert Halton hath said  
3

4 Item to the *iiijth* he saieth he knoweth that shippe have both laden and discharging in the said Rode called kingrode

5 Item to the *vth* he saieth that he knoweth that two shippe came in to the porte of Bristowe lade with wynes and Oyle in the whitsonweke in the said *xijth* yere of the quene highness raigne but what daie or daies the[y] came or were entred he saieth he knoweth not

6 Item to the *vjth* he saieth he can saie nothing

*signed: John Stone Mayor, Thomas Chester, W[il]lyam Tucker, William Carr*

Depositions of witnesses taken upon certen interrogatories on the p[ar]te and behalf of o[u]r soveraigne Ladie Quene Elizabeth at the cities of Bristowe the xvj<sup>th</sup> daie of Januarie in the ffowertenthe yere of her Mai[es]ties raigne before John Stone Mayor of the said cytie of Bristowe Willyam Carr Thomas Chester and Willyam Tucker by force of s[ai]d comyssion to them directed out of the Quenes highness court of the Eschequer as followeth

- 1 Imprimis **George Badram** in the cytie of Bristowe m[er]chant of the aige of ffortie yeres of there abowte being uppon the holie Evangeliste of god  
2 and examyned deposeth and saieth uppon his said othe that as to the first and second interrogatories he can saie nothing
- 3 Item to the third interrogatorie he deposeth and saieth that he did agree to paie to Robert Brayne heir decessed to the use of the Owner of the howse of St James within the suburbes of the cytie of Bristowe the prisage wynes and petie custome in the whitsonweke Ao 1556 that is to witt ixd for petie custome of xvij<sup>te</sup> tonnes of wyne and a pipe <sup>162</sup>of wyne for the prisage of xix<sup>te</sup> tonnes of wynes and after the said agrement he entred the same in the quenes custome house at Bristowe and then paid the said prisage and petie customes to the said Robert Brayne deceased
- 4 Item to the iij<sup>te</sup> and v<sup>th</sup> interrogatoye he saieth he can saie nothing  
5
- 6 Item to the vj<sup>th</sup> he deposeth and saieth as farr as he knoweth that kyngrode is and hath been alwaies as parte belonging to Bristowe for to lade and discharge m[er]chandises in
- 1 **Bartholomewe Poyner** of the said cytie m[er]chant of the aige of ffytie yeres or there abowte being also sworne and examyned deposeth and saieth  
2 to the first and second interpogatories he can saie nothing
- 3 Item to the iij<sup>de</sup> interrogatory he saieth that he hath occupies in the trade of m[er]chandises w[i]thin the said cytie of Bristowe during w[hi]ch tyme he hath hard that the prisage wynes and petie customes have ben claymed in the whitsonweke by Henry Brayne being the Owner of the dissolved house or priorye of St James And also by Robert Brayne his sonne and heir decessed as belonging to the said house of St James

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<sup>162</sup> Equivalent to half a ton

4 Item to the *ijth* and the *vth* interrogatories he saieth he can saie nothing

5

6 Item to the *vjth* interrogatorie he saieth that kingrode is a porte used for discharging and lading of m[er]chandises in tymes of necessity

1 **John Dye** of the cytie aforesaid being one of the clarke of the Tolsey there of the aige of *xltie* yeres being also sworne and examyned to the firste interrogatory saieth that he neaver knewe any faire hold on w[i]thin the cytie of Bristowe on the whitsonweke, but saieth that he hath redde another charter or wryting that Willyam Erle of Glowe[cester] granted unto the prior of St James a faier to be holden w[i]thin the precincte of Bristowe on the whistonweke

2 Item to the *ijde* he saieth that he can saie nothing

3 Item to the *ijjd* he saieth that he hath harde saie that the prise wyne brought to the porte of Bristowe in the whitsonweke hath alwayes belonged to the said house of St James And as for petie customes he saieth he knoweth that they have ben paid to the Owner of the said house of St James before any entry made in the quenes custome house in Bristowe

4 Item to the *iiijth* he saieth that the shippe called the house of Marenas named in the interrogatorye the harrye of Marynes John Martage and M[aster] was entred before this deponent then being steward of the cowrte of St James to the use of George Wynter Anne his wife and Eme Morgan in the whitsonweke in *Ao* 1570 uppon the thursdaie in whitsonweke as farr as he remembreth

5 Item to the *vth* interrogatorie he saieth that the shippe called the lyverye of Mortaigne pier Badrum M[aster] was also entred w[i]th his deponent in the same whitsonweke on the fridaie as farr as her remembreth *Ao* 1570 for the use of the said George Anne and Eme

6 Item to the *vith* he saieth he can saie nothing

1 **Robert Halton** of the cytie of Bristowe m[er]chant of the aige of ffiftie yeres or there abowte sworne & examyned to the first and second  
2 interrogatorie he saieth he can saie nothing

3 Item to the *ijde* interrogatorye he saieth that the prise wyne and petye customes owgst to be paid to the howse of St James conveying into the port of

Bristowe in the whitsonweke althowyst they were not first entred in the quenes custome house

4 Item to the iiiij<sup>th</sup> interrogatory he saieth that about two shipp called the hare of Marenas John Martige and M[aster] arrived in the port of kingrode their uppon We[d]n[e]sdaie or Thursdaye in the Whitsonweke Ao 1570 but knoweth not certenlie whether it was entred in the quenes custome house in the said whitsonweke or not

5 Item to the v<sup>th</sup> interrogatory he saieth the shippe called the lyverye of Mortagne pier Bodrum M[aster] came into kingrode on the fridaie in whitsonweke Ao 1570 but he saith he knoweth not the tyme of the entry thereof in the quenes custome house

6 Item to the vj<sup>th</sup> saieth that kingrode is w[i]thin the port of Bristowe and that shippe sundry tymes do receyve in their lading in the said porte in tyme of necesitye

1 **Giles Rowe** of the cytie of Bristowe lyme burner being of the aige of lx yeres or there abowte being sworne and examyned deposeth and saieth uppon  
2 his othe to the first and second interrogatories he can saie nothing

3 Item to the third he deposeth and saieth that he hath hard alwaies that the petie customes hath ben paid to the house of St James in Bristowe in the whitsonweke And saieth he knoweth that the prise wynes hath ben paid to the house of St James in the whitsonweke for that he this deponent being brother and s[er]vant unto the last Pryor of St James was p[re]sent when our Thomas White late of the cytie of Bristowe decessed comm[o]nlie called Thomas White of St James paid two Tonnes of prise wynes to the said priour and saieth as farr as he knoweth the said prise wynes were paid before the shippe was entred in the quenes custome house

4

5 Item to the iiiij<sup>th</sup> v<sup>th</sup> and sixt he saieth he can saie nothing

6

*signed: John Stone Mayor, Thomas Chester, W[ill]yam Tucker, William Carr*

7r

1 **Robert Pressey** of the cytie of Bristowe m[er]chant of the aige of lxx yerres or there abowte being sworne and examyned deposeth and saieth as to the  
2 first and second interrogatoryes he can saie nothing

3 Item to the *ijde* interrogatorye he saieth that the petie custome and prisage wynes hath ben paid to the house of St James but whether yt was before or  
after entrie made in the quenes custome house he knoweth not

4 Item to the *ijth* and *vth* he saieth he can saie nothing

5

6 Item to the *vjth* he saieth that kingrode hath ben alwaies a rode of lading & discharging and so alloweed to his knowledge

1 **Leonard Pope** of the citie of aforesaid, being one of the Attorneys of the court kepte, with the Guylhall there of the aige of ffiftie yerres or there abowte  
sworne and examyned saieth to the first interrogatorye that he never knewe that ther was any faier kepte in the whitsonweke w[i]thin the libertis of  
Bristowe but he saieth that abowte xxxii yerres now past he was servant to one Stephen Cole late of the same cytie of Bristowe decessed who was  
steward to the house of St James And this deponent did yerelie by the space of xii yerres reade the p[ro]clamacon on whitson eve to the  
same p[ro]clamation for the liberties of St James in w[hi]ch p[ro]clamacon was conteyned that to the house of St James was granted our faire to be  
kepte yerelie in the same whitonweke

2 Item to the *iide* he saieth he can saie nothing

3 Item to the *ijde* he saieth that the prisage wynes were conteyned in the said p[ro]clamacon and in the same was rede yerelie that the same wynes were  
granted to the said house of St James, And that he hath hard saie that the priour of St James, And one sir Anthony *Kyngstone* knight being ffarmer of  
the mannor of St James did recieve and enjoie the same prisage wynes in the whitsonweke And that the same wyne owght to app[er]tane to the said  
howse of St James and that this deponent did yearlie in the whitsonweke by the space of xy yerres receyve the petie custome to the use of the Ownor  
of St James but whether the prisage wynes or petie custome were due *or* paid before or after beinge made in the quenes custome howse he knoweth  
not

4 Item to the *iiijth* and *vth* he saieth he can saie nothing

5



6 Item to the *vj<sup>th</sup>* he saieth that he hath harde saie that shippe hath used to lade and discharge in the said rode called kingrode

1 **Thomas Ricardes** whitower of the aige of lxxx yeres or there abowte being sworne and examyned to the firste and second interogatorie he saieth  
2 he can saie nothing

3 Item to the *ij<sup>de</sup>* interogatory he saieth as the aforementioned Robert Pressey hath said

4  
5 Item to the *iiij<sup>th</sup>* *v<sup>th</sup>* and *vj<sup>th</sup>* interogatories he saieth he can saie nothing  
6

1 **Robert Dawes** whitower aiged lxvij yeres sworne and examyned to the first and second interogatories we saieth that he hath hard saie that there was a  
2 faier on whitsonweke w[hi]ch was kepte in a place called the derye w[hi]thin the said citie of Bristowe but when yt cessed or howe long since he knoweth not

3 Item to the *ij<sup>de</sup>* interogatorie he saieth that he knoweth that Henry Brayne decessed who was Owner of the said hose of St James did receyve certen prisage wynes in the whitsonweke but whether yt was before or after entrie made in the quenes custome house he knoweth not

4  
5 Item to the *iiij<sup>th</sup>* *v<sup>th</sup>* and *vj<sup>th</sup>* interogatories he saieth he can saie nothing  
6

1 **John Bankes** whitower aiged xxxti yeres or there abowte being sworne and examyned to the first and second interogatories he saieth he can saie  
2 nothing

3 Item to the *ij<sup>de</sup>* he saieth that petie customes and prisage wynes hath ben paid unto Rober Brayne decessed being Ownor of the said house of St James in the whitsonweke but whether before or after entry made in the quenes custome howse he knoweth not

4 Item to the *iii<sup>th</sup>* he saieth that the shippe called the hare of Marenas arryved in the porte of Bristowe in the whitsonweke in the *xij<sup>th</sup>* yere of the quenes high raigne that nowe is but what daie she was entred he remembreth not

5 Item to the *v<sup>th</sup>* he saieth that the lyvery of Mortagne came into kingrode the Thursdaie or fridaie in the said whitsonweke

6 Item to the *vi<sup>th</sup>* he saieth he can saie nothing

1 **William Hick[es]** m[er]chant of the aide of xxxv*itie* yeres or there abowte sworne & examyned to the first and second interogatories he saieth he can  
2 saie nothing

3  
4 Item to the *ij<sup>de</sup>* *iii<sup>th</sup>* and *v<sup>th</sup>* he saieth he can saie nothing

5  
6 Item to the *vj<sup>th</sup>* he saieth that kingrode is aporte of lading & discharging

1 **Thomas Aldworth** m[er]chant aiged xlviiij yeres sworne & examyned to the first & second interogatories he saieth he knoweth nothing  
2

3 Item to the *ij<sup>de</sup>* interogatorie he saieth that petie custome and prisage wyne ? and to be paid in the whitsonweke to the Owner of the howse of St James and that they had ben paid to the inheritor of the said howse of St James in the whitsonweke but whether before or after entrie made in the quenes custome house he knoweth not

4 Item to the *iii<sup>te</sup>* he saieth that the shippe called the hare of Martenas Mr John Martigne and master came to kingrode in the whitsonweke upon the We[d]n[es]daie A<sup>o</sup> 1570 and she was entred on the fridaie the said whitsonweke in the quenes custome house

5 Item to the *v<sup>th</sup>* he saieth he can saie nothing

6 Item to the vj<sup>th</sup> he saieth as the aforementioned Willyam Hike hath said

1 **Wyllyam Young** m[er]chant aiged xlvij yeres being also sworne and examyned saieth to the first and secon interogatories he can saie nothing  
2

3 Item to the iij<sup>de</sup> he saieth as the aforementioned Thomas Aldworth hath said

4 Item to the iiij<sup>th</sup> and v<sup>th</sup> interogatories he saieth he can saie nothing  
5

6 Itm to the vj<sup>th</sup> he saieth that the rode called kingrode hath ben and is a port used for shippe to be laden and discharged

1 **Thomas Warren** one of the sh[e]riffes of the cytie aforementioned aiged *xlite* yeres sworne and examyned, to the first second and third interogatories he  
2 saieth he can saie nothing  
3

4 Item to the iiij<sup>th</sup> he saieth that the shippe called the hare of Marenas was entred in the quenes custome house in Bristowe on Trynities eve Ao 1570

5 Item to the v<sup>th</sup> he saieth that the lyvery of Mortaigne peir Bordon Mr was entred in the said custome howse the Tw[e]sdaie next after trynitie Sundaye  
being the xxiiij<sup>th</sup> daie of Trynitie Ao 1570

6 Item to the vi<sup>th</sup> he saieth as farr as he knoweth that kingrode is no port of Lading or discharging of m[er]chandises

*signed: John Stone Mayor, Thomas Chester, W[ill]yam Tucker, William Carr*

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To the Right honoerable the lorde chief B[aron] [and] <sup>163</sup>  
the Barons of the [Queens]  
honorable courte [of]  
Eschecker

per manus Radulphi Day  
serviente Edmundi Wynter  
armigen xxxj<sup>o</sup> Januarij  
a[nno] xiiij<sup>o</sup>  
Regine Elizbethe prese[et]

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<sup>163</sup> Illegible due to MS damage

## Appendix IV

***Transcription: R. Meredith (ed.), 'Exchequer Commission concerning the liberties of a St James' Fair, Bristol, 1573 (Unpublished Transcription, 2014) TNA E 133/1/181***

*Somers[ett] 20 Leonerd Pope and others & conc[er]ning the liberties of a faire holden nere St James in Bristoll*  
Intterrogatories to be ministred to certayne wittness[e]s on the p[ar]t and behallf of the sistors & coheires of Rob[er]t Brayne esquio[r] deceased

- 1 Imprimis whether ye knowe that Robert Brayne esquior deceased in his lyffe tyme hadd or ougust to have his belonginge to his Mannor of St James w[i]thin and ?ware the liborties of the Citie of Bristowe a ffayre to be holden yearly w[i]thin the lymitte of the said cittie of Bristowe and howe and in what manne[r] have the same ffayre bene holden or usyd ther and what time or times of the yeare and how longe the same ffayre doth contynuwe
- 2 Item what proffite comoditie & ? or advantage the said Rob[er]te Brayne or they whose estate the said Rob[er]te hadd in the said monnor hath at any time taken or hadd or ouyht to have taken or hadd by reason of the same ffayre and in what mann[o]r the same hath bene taken or hadd what ? bene the p[ar]ticulare thinge comminge or goewinge unto any of them by reason of the same ffayre, and who ther hath the said Rob[er]te Brayne and all those whose essate he hath in the said mannor used to have and keepe & Court comonly called of pypowdore durringe all the tyme of the said ffayre and from how ye know the p[er]ss to be trewe and what ? they or any of them have used to make w[it]thin the said Citty durringe the time of holdinge the said ffayre
- 3 Item whether the said ffayre by and uppon the date of the said Rob[er]te Brayne ouygt to disbond remayne or come unto the dame Eme Som[er]set wife of E[sq]uiou[r] Charless Somerset kinygt and unto Anne Wintor wief to George Winter esquior his sistors and coheires of the said Robert Brayne and whether they owygt to have and enjoie the said ffayre and proffite ther unto belonginge in such and his ? mann[o]r and for such an estate in the sayd Rob[er]te did or owygt to have enyoidd the same
- 4 Item what other mattor or thinge y[ou] can depose concerning the contente of the Articles before expressed or concerning the proffite comoditie pr[iv]iledge or advanntaige growinge to the said coheires as the said Rob[er]te Brayne for or in Respecte of the said ffayre or concerning the usaige of the same ffayre or the continewance of the same

Deposicons taken before John Byrche one of the barrons of the quenes ma[j]esties Courte of the Excheq[uer] the xth daie of ffebruary in the fifteenth yere of the raigne of o[u]r Sov[e]rayne Ladie quene Elizabeth as foloweth viz

- 1 **Leonarde Pope** of the citie of Bristowe of yoman of the aige of lxj yeres or there aboute sworn and examyned the saie and yere foresaid to the first Intte[rogato]re he deposeth and saieth uppon his othe that he dothe knowe that Robery Brayne Esquire decessed in his lyfe tyme have had procured yerely At witsone eve at noone as belonginge to his manor of Sainte James w[ith]in and near the libties of the Citie of Bristowe aforesaid a ffare holden yerely w[ith]in the lymyttes of the saide Citie of Bristowe And that ffarre constables p[er]son and Ownore and keper of the key and keper of the backe and a clarke of the markett was sworn for to sue? for in the tyme of the said ffare And that the said ffare dyd continuwe fr[o]m whitsonveatt none untill trinitie eve at none yerely
  
- 2 Item to the ij Interogatorie he saieth that durringe the tyme above lymtted thesaid Robe[rt] Brayne on they whose estate te the saide Rob[er]te hadd in the saide man[o]r hadd waifes straies and fellons goodes Also hadd toll and custome and murage of all mann[e]r of m[er]yanlties? and other thinge to be bought and sold comy[i]ng to the same Citie or w[ith]in the citie yerely w[ith]in the tyme of the said ffare And also he claymed deposed ? the proclamacon to have yerely the prisage of wyne all manor of that shoulde come to the Citie yerely w[ith]in the afo[re]saide tyme And saieth that that the keper of the key, keper of the barke And the clarke of the markett dyd allwaies yerely take upp suche tolle cusstomes & other proffitte as happened w[ith]in the said tyme And yeldedupp ther accompte thered at the ende of the woke to the saide Rob[er]te Brayne & to those whose estate he handed or to his Steward or to somme other whom he wolde name and appointe And dyd Receave the said to proper use of the saide Rob[er]te & others whose estates of the said Rob[er]te they hadde And saieth that he hathe knowen by the space of xxxij yeres that the said Rob[er]te Brayne and those whose estate he hathe in the saide man[o]r hathe used yerely to have and kepe acconte w[ith]in the gate of the man[o]r of St James aforesaid commonly called of pypowdors durringe att the tyme of the same farre And he knoweth this to be trewe because he hath waited on one Steven Cole his M[aste]r whom he being understewarde under Nich[ol]as Poynte knight decessed dyd kepe the same And dyvers tymes ?pithence bothe in Henry Braynes tyme and Rob[er]te Braines tyme this deponent saieth that he hath kept the same courte there and that manne[r] woud have ben pleded & tried ther by verdict of xij men And that they used yerely to make such officers as are named in the answer to first Interogatorie And that the constabelle dyd accont for all ? against whome any p? was s? in the same Courte And levy and take upp all and ain?[ts] and arrest all manner of fellons and suspect p[er]sons and such as shold kepe any...<sup>164</sup>

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<sup>164</sup> MS damaged here

2v

- 3 Item to the thirde Interogatorie he saieth that the the saide ffare by and uppon the death of the saide Rob[er]te Brayne ougst to descende to and come unto the said Eme Som[er]sett wyfe of B Charles Somerset knight and unto Anne Wynter wyfe to George Wynter Esquire as to the ? stors and ? of the saide Rob[er]te Brayne as he depposeth And this deponent supposeth that they ougst to have and en[j]oy the saide faire and proffitte there unto belonginge in suche and as ample m? And for suche as ? the saide Rob[er]te dyd or ougst to have en[j]oyed the same
- 4 Item to the iijth Interogatorie he saieth that he hard sede by...<sup>165</sup>

3r

- 1 **Thomas Bodinger** of Bristowe Taylore of the aige of l yeres or there abowte sworn & examyne the daie and yere aforesaide To the first Interogatorie he saieth That he doth knowe that R[o]b[er]te Brayne Esquire deceased in his lyfe tyme had as belonginge to the man[o]r of St James w[ith]in and nere the libtie of the citie of Bristowe a ffare to be holden yerely w[ith]in the lymyttes of the saide citie of Bristowe And saieth that the said farre was kept yerely and in the yere that is to saie from whitsoneve untill trinitie even at none then next followinge And so longe the said ffayre doth contynewe yerely
- 2 Item to the second Interogatorie he saieth that duringe the tyme of the said faire above li[st]ed the saide Robe[rt] Brayne & they whose estate the saidd Robe[rt] hadd in the saide man[o]r hadd waifes staies and fellons goodes And also hadd toll & custome & murage of all manner of m[er]chanties? and other thinge to be bought and solde comynge to the said citie or w[ithi]n the citie yerely durringe the tyme of the same faire And also he claimed accordinge to the wordes expressed in the proclammacon to have yerely the prisafe of all mann[e]r of wynes that should come to the citie yerely w[ith]in the said tyme and have had all Amerciaments penalties & forfeitures durring the said faire that then shold happen and saieth that the keper of the key keper of the back and the clarke of the m[ar]kett dyd allwaies yerely take upp such toll & customes and other profitte as happened w[ith]in the same tyme And the former constables dyd take upp all amerments and forfeitures as in the same tyme And dyde yeld upp ther

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<sup>165</sup> MS damaged here

Accompte thereof at thende of the weke unto the said R[o]be[rt] Brayne And to those whose estates he hadd or to his steward or to some other whome he wold name or appointe And dyde receive the same to ye prop[er] use of thesaid Rob[ert] and of theose whose estates the said Robe[rt] hadd And saieth that he hathe knowen by that thesaide Robe[rt] Brayne and his predecessors by the space of all the tyme of his Remembrance both in the pr[e]vis tyme of the same monastery and ever[y] pryour have used yerely to kepe A courte of the said man[o]r w[ithi]n the gate of the said manor of St James aforesaide comonly called of pipowders durringe att the tyme of the said farre And that they have alwaies used to make in the said courte and to the use of and appoint iij constables and keper of the key and keper of the back And a Clarke of the markett and saylor[s] who were sworn to ?epesnce? ther offices in the same courte And that the constables in the same courte And arrest all mannor of fellons and suspect p[er]spns and suche as dyd kepe many any mannor of evill rule or disorder durringe the same tyme And that the

3v

*(continued)* courte was kept twice evry day And durringe the same weke k? whitsondaie and the ?daies And he dothe knowe thesame to be truwe because he was born in the aforesaid cities and went to scole with the p[er]sons And envry p[er]sons dwelled there in the same citie

3

Item to the iij and iiij Interogatories he saieth in all thinges as the said Leonard Pope hath saide and deposed

4

*Signed: Thomas Byllying*



## *Appendix V*

### *Decrees relating to the 1572 case*

*a) Transcription: R. Meredith (ed.), 'Original Decree relating to Case of 1572 (Unpublished Transcription, 2014) TNA E128 - 1574 Trinity*

*f. 1r*

*Bristoll          Termino Trin anno xvj<sup>o</sup> Regine Elizabeth*

Whereas uppon Informacons geven to this courte by John Younge esquior  
ffarmor of the Butlerage of the Citie and Porte of Bristoll  
against Sir Charles Somers[et]t kinght and George Winter  
esquior for and concerninge certaine prisage wines taken and retained  
by Eme now wief unto the same Sir Charles and by  
George Winter their deputies and Assigues in the whitson weeke  
of shippes and vesselle comen into kingrode hongrode and other  
the places inrodes and Creekes beinge within the port of Bristoll  
aforesaid Suggestinge that the same prisage wines doe and of  
right ought to belonge unto the same John Younge as app[er]teinninge  
to the butlerage of Bristoll whereof he is ffarmor as is  
aforesaid. Whereupponn the same Sir Charles and George  
Wynter have bene called into this Courte to answer there unto  
w[hi]ch they have don accordinglie and at severall daies by their  
learned counsell have shewed their title thereunto in this court

*f. 2r*

Whereuppon And forasmuche as uppon the severall and full hearinge of  
the said cause the same St Charles Somersett and George Winter  
have come into this courte and by their said counsell have  
declared and alledged unto this court, That Will[ia]m sometime Earle  
of Glouc[ester] longe s[i]chens deceased was seased as of soe of a faire

to be kepte at Bristowe yerely in the whitson weeke with the prisage of wines  
and of other customes cominge by water. And that the same Will[ia]m  
sometime Earle of Gloucester by his charter gave the same faire in  
the whitsonweeke w[i]th the said prisage of wines and customes  
unto the late dissolved Pryorye of Sainte James of  
Bristoll To have and to hold w[i]thin the burgh and without well  
freelie quietlie and honorablie as he had the same when they were in  
his owne hande And for proof of the same grante shewed fourthe  
in this court an Exemplification of the same under the great  
seale of England dated xxx [an]no die Septembris Anno iiiijth Re[gine] henrici xj

*f.3r*

And forasmuche also as the same Sir Charles Somersett and George  
Winter have by their said counsell made it appeare to this court by the  
said Examplificacon that the same Charter was confirmed by henrie  
the xijth sometime kinge of England And have shewed to this courte  
also an Examplificacon under the seale of office of the maior of Bristoll  
of sondry instruments and writinge touching the premisses enrolled  
amongst the Recorde of the same Cittie by w[hi]ch it appeareth amongst  
other thinge that it was presented by an Inquisicon taken at Bristoll in  
the time of king Edward the second before Peter Fraunce Attorney  
to the chief butler by vertue of the kinge writt that the prior of  
Sainte James and his predecessors have used to have the right prise of  
wine in the said fairtime in the said whitsonweeke everie yere and of  
every tonne of wine iijd to be taken from the time that the said Will[ia]m Earle  
of Glouc[ester] had granted the same to the said prior And by which  
also is appeareth that Thomas Chaucer chief butler uppon the kinge writt

*f.4r*

of non molestande to him derected bearing date in the sixt yere of king henrie  
the sixt did put the Prior of the said Priory that then was into the  
possession of the said prisage And for that also the said Sir  
Charles and George Winter have proved to this courte  
that the last prior of the said howse  
of St James hath levied and taken the said prisage wines happeninge  
of shippes coming into the said porte of bristoll and to the said usuall place  
~~of discharginge called kingrode~~ and in the whitsonweeke By all  
which thinge it semeth that the Prior for the time being of the said  
Priorie hath had the said prisage as is above alleadged untill the  
dissolucon of the same in Anno xxxiii<sup>th</sup> R[e]g[ine] henrici viij And for  
that also the said Sir Charles Somersett and George Winter have  
also alledged to the courte that the said faire hathe used to begine at xij of  
the clocke on the whitson even and continewe untill xij of the clocke on  
the saturdaye followinge and that the said prisage was accustomedly taken of all

*f. 5r*

wines that were brought w[i]thin that time into kingerde hongerode the backe  
and the key within the said porte which the said John Younge beinge  
present in court dothe not denie And forasmuche also as the same  
howse was dissolved and thereuppon the said faire and prisage of  
wines w[i]th other the premisses of the same howse came to the  
hande and possession of the said late kinge who was seised thereof  
accordinglie as in the right of his highnes Crowne of England  
And that the same late kinge beinge thereof so seised by his highness  
l[ett]ers patente dated at Walden the second day of Januarie in the xxv<sup>th</sup>  
yere of his highnes raigne granted the Mannor of Saint  
James with thappertenance and the said dissolved howse & the  
posesscons thereof together with the said faire and other gen[er]all  
of customes profite & hereditaments to the same priorie belonginge

amongst other things therein conteyned unto one henrie Brayne  
Esquiour: To have and to hold unto the same henrie his heires and

*f. 6r*

Assiques for ever And that the same henrie beinge thereofre seased  
Accordinglie afterwarde did having issue Robert Brayne and Anne Brayne  
and Eme Braine which Roberte was likewise seased of the premisses  
as heire to the said henrie and died w[i]thout issue of his bodie lawfully  
begotten by and after whose deathe the said henrie and other the premisses  
granted by the said le[tte]rs patente unto the said henrie Brayne  
amongst other things discended unto the said Eme now wief unto  
the said Sir Charles Somersett and unto the said Anne nowe  
wief unto the said George Winter as sisters and heires unto the said  
Roberte by reason whereof the said Sir Charles Somersett and  
Eme his wief and the said George Winter and Anne his wief were seased  
of and in the said mannor of St James and other the premisses  
granted unto the said henrie Braine as is aforesaid amongst other things  
in their demesne as of soe as in the right of the same Anne and  
Eme accordinglie by reason whereof the said Dame Eme and

*f.7r*

George Winter take the said prisage wines which prisage wines so taken  
are the prisage wines whereof the said John Younge hath informed  
this court and supposed to belonge to him in respect of the said  
Butlerage the value of which wines amounte to xxxli  
before this time by order of this court delivered to the said  
John Young as a possession for the Q[ueen's] ma[jes]tie untill the matter were  
ended and determined whereuppon it is nowe this present fourtenth daye  
of June in this present terme of Easter uppon the finall hearinge  
of the saide cause ordered and deced by this Courte ffirste that  
the saide Sir Charles Somersett and Eme his wief and George

Winter and Anne his wief as in the right of the same Eme and Anne and the heires and Assigues and the saide Eme and Anne shall from henceforth for ever quietly and peaceably have and take levie and preseave the said prisage wine of all wines cominge into the *said* place called kingrode hongrode the key and the backe within the

*f. 8r*

said porte at any time duringe the whitson weeke beginninge and endinge as above is declared *to the intent* to be unladen w[i]thin the said Porte without the interuupcon lett or disturbance of the butlor or ffarmor of the butlerage of Bristoll for the time beinge or of any other p[er]son or p[er]sons whatsoever of the behalfe of her ma[jes]tie her heires or successors And that the said ffarmor to the Quenes ma[jes]tie and all other ffarmours of the said prisage hereafter shalbe discharged against the Quenes ma[jes]tie her heires and successors in their ffarmes and Accompte of all suche wines and the price thereof as have as shall be taken by the said Sir Charles Somersett and George Winter their heires and Assigues according to the true meaninge of this decree. And that the said Exemplificacon shallbe enrolled amongst the Recordes of this court of this p[r]e[sen]t terme for the better declaracon of the premisses in time to come provided alwaies that this order shall not extend to allowe to the

*f. 9r*

said Sir Charles Somersett and George Winter or the heires or assigues of the said Anne and Eme the prisage of any wines that shall come or be brought into the kingrode hongrode the key and backe aforesaid or any of them before twelve of the clocke in the whitsundaie even or that shall not be duely entered or offered to be entered in the custome howse of the said port for the paiment of the Queenes ma[jes]t[i]e duties by the merchant or merchants betwene the said howre of xji of the clocke on the whitson even and xij of the clocke on Saturdaie in whitsonweeke ~~and the entrie offered by the merchant~~

~~paid not accepted by the Customes~~ or to any wynes that shalbe so entered  
or tendered and not brought into some of the said place w[i]thin the said time  
Provided also that if at any time hereafter any better matter can be showed  
or proved for the title and right of the Quenes ma[jes]tie her heires or Successors  
touchinge the said prisage wines then hath heretofore bene showed  
That then this present order and decree to be utterlie voide and of none  
effect And savinge to the said fermor his right if he have  
any by force of any leasse heretofore made

*Signed: W. Burghley<sup>166</sup> and W. Mildway<sup>167</sup>*

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<sup>166</sup> Lord Treasurer - offering proof that the document is the original

<sup>167</sup> Chancellor of the Exchequer

***b) Transcription: R. Meredith (ed.), 'Copy I of Decrees and Orders relating to Case of 1572 (Unpublished Transcription, 2014) TNA E123/1A, fos. 129-30 - Hilary 1 to Trinity 28 f.129r***

Termio Trin anno xvj<sup>th</sup> Regine Elizabeth  
xiiij<sup>th</sup> die Junni

Bristoll whereas uppon an Informacon given to this courte by John Younge esquior ffarmor of the Butlerage of the citie and and the porte of Bristoll agennst Sir Charles Somerset knight and George Wynter esquior for and concerninge certen prysage wyne taked and reteyned by Eme nowe wyfe unto the same *Sir* Charles and by George Wynter their deputies and assignes in the whitsonweeke of Shippes and vesselles comen into kyngroade hungroade and other the places Roades and creek beinge within the porte of Bristoll aforesaide suggestinge that the same prysage wyne do and of right ought to belonge unto the same John Younge as apperteyninge to the Butleringe of Bristoll whereof he is ffarmor as is aforesaide whereuppon the same Sir Charles and George Wynter have ben called into the courte to answer thereunto which they have don accordingly and at severall dayes by their learned counsell have shewed their title thereunto in this courte And forasumche as uppon the severall and full heeringe of the saide cause: the same *Sir* Charles Somerset and George Wynter have come into this courte and by there saide counsell have declared and alleadged unto this courte that Will[ia]m sometyme Earle of Glowe longe sithince decessed was seized as of fee of a fayre to be kept at Bristowe yeerely in the whitson weeke with the prysage of wyne and of other customes comyng by water And that the same willyam some tyme Earle of Glowe by his charter gave the same farre in the whitson weeke with the saide prysage of wyne and customes unto the late Dissolved Pryory of St James of Bristoll To have and to holde within the Borough and without well freely qwyetly and honorably as he had the same when they were in his owne handes and for proof of the same grante shewed forth in this courte an exemplifacoon of the same under the greate seale of England dated xxx die Septembris anno quarto R[e]gine henri septinni **And** forasmuctch also as the same Sir Charles Somerset and George Wynter have by their saide counsell made it uppeere to this courte by the said exemplifacoon that the saide Charles was confirmed by henry the seaventh

sometyme kyng of England and have shewed to this courte also an exemplyfacaon under the seale of office of the Maior of Bristoll of sondry instruments and wrytinge touchinge the premysses enrolled amongst the same Recordes of the same city by which it appeereth amongst other thinge that it was presented by an Inquys[i]c[i]on from taken at Bristoll in the tyme of kynge Edward the seconde before Peter Fraunce Attorney to the cheefe Butler by vertue of the kynge writt that the prior of St James and his predecresseors have used to have the right prise of wyne in the saide ffayre tyme in the sayd whitsonweeke eny yeere and of evry tonne of wyne three pence to be taken from the tyme that the saide Will[ia]m Earle of Glouc[ester] had granted the same to the saide pryor and by which it also appeareth that Thomas Chaucer chef Butler uppon the kinge writt of non molestande to hym diverted bearinge date in the sixt yeere of kynge henry the sixt did putt the pryor of the said pryory that then was in the possession of the said prisage And for that also that the saide Sir Charles and George Wynter have pres[en]ted to this courte that the last pryor of the saide house of St James hath leaved and taken the same prysage wyne happeninge of Shippes comen into the saide porte in the whitsonweeke By all which thinge it seemeth that the pryor for the tyme beinge of the sayde pryory hath had the saide prysage as is above alleadged untill the dyssolucon of the same in anno xxxiiij Rg henneri octam **And** for that also the saide *Sir* Charles Somersett and George Wynter have also alleadged that the saide ffayre hath used to begyne at twelve of the clock in the whitson even and conteynewe untill twelve of the clock on the Satterday followinge and that the saide prysage was acustomably taken of all wyne that were brought within that tyme into kingroade hungroade the back and the key within the saide porte which the saide John younge beinge present in courte doth not denye **And** forasmutche also as the same howse was dossolved and thereuppon the same fayre and prysage of wyne with other the premysses of the same house came to the handes and possessions of the saide late kynge who was seized there of accordingly as in the right of his highnes crowne of England And that the same late kynge beinge thereof so seized by his patente Dated at walden<sup>168</sup> the second day

*f. 129v*

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<sup>168</sup> Reference to Saffron Walden?



*Ad fine de termino sce Trin xxjth Regine Eliz*

of January in the xxxvth yeere of his highnes reigne granted the Mannor of St James with the appertenance and the saide dissolved house and the possessions thereof together with the saide ffayre and other generall wordes of customes profette and hereditamentes to the same pryory belonginge amongst other thinge therein conteyned unto one henry Brayne esquier To have and to holde unto the same henry his heires and assignes for and and that the same henry beinge thereof seized accordingly afterwarde dyed having yssue Robert Brayne Anne Brayne and Eme Brayne which Robert was likewise seized of the premysses as here to the saide henry and dydes without yssue of his body lawfully begotten By and after whose death the saide ffayre and other the premysses granted by the saide L[ett]ers patente unto the saide henry Brayne amongst other thinge discended unto the saide Eme now wyfe unto the saide Sir Charles Somersett and unto the saide Anne now wyfe unto the saide George Wynter as systers and heires unto the saide Robert by reason whereof the saide Sir Charles Somersett and Eme his wyfe and the saide George Wynter and Anne his wyfe were seized of and in the saide Mannor of St James and other the premysses granted unto the saide henry Brayne as is aforesaide amongst other thinge in their demesne as of soe as in the right of the same Anne and Eme accordingly By reason whereof the same Dame Eme and George Wynter tooke the saide prysage wyne which Prysage wyne so taken are the prisage wyne whereof the said John Younge hath enforced this court and supposed to belonge to hym in respect of the saide Butleredge The value of which wyne amounte to xxxli before this tyme by order of this courte delyved to the saide John Younge as a possession for the Quenes Ma[jes]tie untill the matter were ended and determyned **whereuppon** it is now this present fourtenth day of June in this present terme of the holy Trynty uppon the the fynill hereinge of the saide cause ordered and decreed by this court ffirst that the saide Sir Charles Somersett and Eme his wyfe George Wynter and Anne his wyfe as in the right of the same Eme & Anne and the heires and assignes of the said Eme and Anne shall from hencefoorth forev[er] quietly and peaceably have take leavye and p[re]ceave the said prysage wyne of all wyne comyng into the said places called kyngroade hungrode the key and the back within the said porte at any tyme duringe the whitsonweek begynnyng and endinge as above is declared; to

thentent to be unladen within the saide porte without the interrup[t]con lett or disturbance of the Butler or ffarmor of the Butlerage of Bristowe for the tyme beinge or of any other p[er]son or p[er]sons whatsoever of the behalf of her Ma[jes]tie heires or Successors And that the saide ffarmor to the Quenes Ma[jes]tie and all other ffarmors of the saide prysage hereafter shalbe dyschardged agenst the Quenes Ma[jes]tie her heires and sucessors in theirre ffermers and accompte of all suche wyne and the price thereof as have or shalbe taken by the saide Sir Charles Somersett and George Wynter theirre heires and assignes accordinge to the true meaninge of this decree And that the said Exemplyficacon shalbe enrolled amongst the Recordes of this courte of this present term for the better declaracon of the premysses in tyme to come **provyded** alwayes that this order shall not extend to allowe to the said Sir Charles Somersett and George Wynter or the heires or assignes of the saide Anne and Eme the prysage of any wyne that shall come or be brought into kyngroade hungroade the key and back aforesaide or any of them before twelve of the clock in the whitsonday even or that shall not be duly entred or offered to be entred in the custome howse of the porte aforesaid for the payment of the Queenes Ma[jes]tie duties by the merchant or merchantes betwene the saide houre of twelve of the clock in the whitson even and twelve of the clock on satterdat in whison weeke or to any wyne that shalbe so entred or tendered and not brought into some of the saide places w[i]thin the saide tyme provided also that ys at any tyme hereafter any better matter can

*f. 130r*

*Adfine de termino sce Trin anno xvjth Regine Eliz*

be shewed or proved for the title and right of the Quenes Ma[jes]tie her heires or successors touchinge the saide prysage wyne then hath hereafter ben shewed That then this p[re]sent Order and decree to be utterly voyde and of none effect and savinge to the said ffarmor

his right if he have any by force of any lease heere to fore made <sup>169</sup>provided also and it is furder ordered by the right honorable the Lord Treasurer Chancellor and Barons that if the saide Sir Charles Somersett and George Wynter or either of them or the ffactors and assignes or theym or either of them or any of them or the heires or assignes of the saide Anne and Eme or any of them do or shall compounde or use any other meanes whereby any wynes shalbe brought unto the saide places called kyngroade hungroade key and Back or any of them within the saide whitsonweeke that otherwyse should not be brought thither within that tyme or whereby the Queenes Ma[jes]tie or her ffarmor of the prysage of wynes in the saide porte shalbe indirectly hyndred or endamaged That then this decree for the prysage of those wynes shalbe utterly voide and the saide Sir Charles Somersett and George Wynter and the saide Eme and Anne theire heires and assignes shall stand to and abyde suche order as this court shall take in that behalf aswell for the prysage as for the contempt.

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<sup>169</sup> From this point, these extra sentences do not appear in the original decree

***c) Transcription: Rozzi Meredith (ed.), 'Copy II of Decree relating to Case of 1572 (Unpublished Transcription, 2014) TNA E123/5 fos. 134-5 - Michelmas 14 to Easter 20***

*f.134v*

*Termio Sce Trin anno xvjth Regine Elizabeth*

Whereas uppon an Informacon geven to this court by John Younge esquior ffarmor of the Butlerage of the citie and port of Bristoll against Sir Charles Somersett kinght and George Winter esquior for and concerninge certaine prisage wines taken and retained by Eme now wief unto the same Sir Charles and by George Winter their deputies and assignes in the whitsnweeke of shippes and vesselle comen into kingrode hongrode and other the place inrodes and Creekes being w[i]thin the port of Bristoll aforesaid suggestinge that the same prisage wines doe and of right ought to belonge unto the same John Younge as app[er]teinninge to the Butlerage of Bristoll whereof he is ffarmor as is aforesaid. Whereupponn the same Sir Charles and George Wynter have bene called into this Court to answeere there unto w[hi]ch they have done accordingle and at severall daies by their learned counsell have shewed their title thereunto in this court And forasmuche as uppon the severall and full hearinge of the said cause the same St Charles Somersett and George Winter have come into this court and by their said counsell have declared and alledged unto this court, That Will[ia]m sometime Earle of Glouc[ester] longe\_sethence deceased was seased as of soe of a faire to be kept at Bristowe yerely in the whitson weeke w[i]th the prisage of wines and of other customes coming by water. And that the same Will[ia]m sometime Earle of Gloucester by his charter gave the same faire in the whitsonweeke w[i]th the said prisage of wines and customes unto the late dissolved pryorye of Sainte James

of Bristoll To have and to hold w[i]thin the burgh and  
w[i]thout well freely quietly and honorablie as he had the  
same when they were in his owne hande And for proof

*f. 135r*

of the same grante shewed fourthe in this court an  
Exemplification of the same under the great Seale of England  
dated xxx [an]no die Septembris Anno iij<sup>th</sup> Re[gine] henrici xj And  
forasmuche also as the same Sir Charles Somersett and  
George Winter have by their said counsell made it appeare to this  
court by the said Examplificacon that the same Charter was  
confirmed by henrye the xij<sup>th</sup> sometime kinge of England And  
have shewed to this court also an Examplificacon under the seale  
of office of the maior of Bristoll of sondry instruments  
and writinge touching the premisses enrolled amongst the Recorde  
of the same citie by w[hi]ch it appeareth amongst other thinge  
that it was presented by an Inquisicon taken at Bristoll in the time  
of king Edward the second before Peter Fraunce Attorney to the  
chief Butler by vertue of the kinge writt that the prior of  
Sainte James and his predecessors have used to have the right  
prise of wine in the said fairtime in the said whitsonweeke everie  
yere and of every ~~towne~~ tonne of wine iijd to be taken from the  
time that the said Will[ia]m Earle of Glouc[ester] had granted the same  
to the said prior And by w[hi]ch also is appeareth that Thomas  
Chaucer chief butler uppon the kinge writt of non molestande to  
him directed bearing date in the sixt yere of king henrie the sixt  
did put the prior of the said priorye that then was in *to the* possession  
of the said prisage And for that also the said Sir Charles and  
George Winter have proved to this court that the last prior of  
the said howse of St James hath levied and taken the said prisage  
wines happeninge of shippes comen into the said porte in the

whitsonweeke By all w[hi]ch thinge it semethe that the prior for  
the time being of the said priory hathe had the said prisage as  
is above alleadged untill the dissolucon of the same in Anno xxxiii<sup>th</sup>  
Re henrici viij And for that also the said Sir Charles  
Somersett and George Winter have also alledged to the court  
that the said faire hathe used to beginne at xij of the clocke on  
the whitson even and continewe untill xij of the clocke on  
the saturdaye followinge and that the said prisage was accustomedly  
taken of all wines that were brought w[i]thin that time into  
kingeroode hongerode the backe and the key w[i]thin the said port which  
the said John Younge beinge present in court dothe not denie And  
forasmuche also as the same howse was dissolved and thereuppon  
the said faire and prisage of wines w[i]th other the premisses of the  
saime howse came to the hande and possession of the said late  
kinge who was seised thereof accordingle as in the right of his  
highnes crowne of England And that the same late kinge beinge  
thereof so seised by his patente dated at Walden the  
second day of Januarie in the xxv<sup>th</sup> yere of his highnes raigne  
granted the Mannor of St James w[i]th thappertenence and the said  
dissolve howse & the posesscons thereof togeather w[i]th the said faire  
and other gen[er]all woordes of customes profite & hereditaments to the  
same priorie belonginge amongst other thinge therein conteyned unto one  
henrie Brayne Esquiour: To have and to hold unto the same hanrie  
his heires and assiques for ever. And that the same henrie beinge  
thereofre seased accordingle afterwarde did having issue Rob[er]te Brain  
Anne Braine and Eme Braine w[hi]ch Rob[er]te was likewise seased of  
the premisses as heire to the said henrie and died w[i]thout issue of  
his bodie lawfully begotten by and after whose deathe the said henrie  
and other the premisses granted by the said le[tte]rs patente unto the  
said henrie Braine amongst other thinge discended unto the said Eme  
now wief unto the said Sir Charles Somersett and unto the said  
Anne nowe wief unto the said George Winter as sisters and heires

f. 135v

unto the said Roberte by reason whereof the said Sir Charles Somersett and Eme his wief and the said George Winter and Anne his wief were seased of and in the said mannor of St James and other the premisses granted unto the said henrie Braine as is aforesaid amongst other thinge as is aforesaid in their demesne as of soe as in the right of the same Anne and Eme accordinglie by reason whereof the said Dame Eme and George Winter take the said prisage wines w[hi]ch prisage wines so taken are the prisage wines whereof the said John Younge hathe informed this court and supposed to belonge to him in respect of the said Butlerage the value of w[hi]ch wines amounte to xxxli before this time by order of this court delivered to the said John Young as a possession for the Q[ueen's] ma[jes]tie untill the matter were ended and determined whereupon it is nowe this present fourtenth daye of June in this p[re]sent Tearme of [the holy] T[rinity] uppon the fynall hearinge of the saide cause ordered and decreed by this Courte ffirste that the saide Sir Charles Som[er]sett and Eme his wief and George Winter and Anne his wiefe as in the right of the same Eme and Anne and the heires and assignes and the saide Eme and Anne shall from hencefforth for ever quietly and peaceably have and take levie and p[re]seave the said prisage wine of all wines coming into the said place called kingerode hongrode the key and the backe w[i]thin the said port at any time duringe the whitson weeke beginninge and endinge as above is declared to theintent to be unladen w[i]thin the said port w[i]thout the interuupcon lett or disturbance of the butlor or ffarmor of the butlerage of Bristoll for the time beinge or of any other p[er]son or p[er]sons whatsoever of the behalfe of her ma[jes]tie her heires or successors And that the said ffarmor to the Quenes ma[jes]tie and all other ffarmours of the said prisage hereafter shalbe discharged against the Quenes ma[jes]tie her heires and successors

in their ffarmors and accompte of all suche wines and the price thereof as have as shall be taken by the said Sir Charles Somersett and George Winter their heires and Assigues according to the true meaninge of this decree. And that the said Exemplificacon shallbe enrolled amongst the Recordes of this court of this p[r]e[sent] terme for the better declaracon of the premisses in time to come provided alwaies that this order shall not extend to allowe to the said Sir Charles Somersett and George Winter or the heires or assigues of the said Anne and Eme the prisage of any wines that shall come or be brought into the kingrode hongrode the key and backe aforesaid or any of them before twelve of the clocke in the whitsun daie even or that shall not be duellie entred or offered to be entered in the custome howse of the said port for the paiement of the Queenes ma[jes]t[i]e duties by the merchant or merchants betwene the said howre of twelve of the clocke on the whitsun even and xij of the clocke on saturdaye in whitsonweeke Or to any wines that shalbe so entred or tendered and not brought into some of the said place w[i]thin the said time provided also that if at any time hereafter any better matter can be shewed or proved for the title and right of the Quenes ma[jes]tie her heires or Successors touchinge the said prisage wines then hath heretofore bene showed that then this present order and decree to be utterlie voide and of none effect And savinge to the said fermor fermor his right if he have any by force of any leasse heretofore made <sup>170</sup> provyded also & it is further ordered by the said Lord Treasurer Channellor & Barons that if the said Sir Charles Somersett & George Winter or eyther of them as the factors & assignes of them doe or shall compound as use any other meanes whereby any wines shalbe brought into the said place called kingrode hungerode key and backe or any of them w[i]thin the said whitsonweeke that otherwise should not be brought thither w[i]thin that time or whreby the Q[ueens] ma[jes]tie or her ffermer of the prisage of wines in the said port shalbe indirectlie hindred or indamaged that then this decree for the prisage

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<sup>170</sup> From this point, these extra sentences do not appear in the original decree



of those wines shalbe utterly voide & the said Sir Charles Somersett and George Winter and the said Eme and Anne their heires & assignes shall stand to and abide suche order as as this cowrt shall take in that behalf aswell for the prisage as for the contempt.

## Appendix VI

**a) Transcription: R. Meredith (ed.), 'Exchequer requests for Answers from Wynter and Somerset' (Unpublished Transcription, 2014) TNA E123/6**

f. 7

Bristoll

A<sup>o</sup> xiiij Jobis xiiii Novembris

Soude for Mr George Wynter agaynst Sayturday next concerning the prisage of wynes at Bristoll in Whitsunday weeke

f. 18

Bristoll

A<sup>o</sup> xv Jobis xvj Aprilis

It is ordered that prof shalbe made howe the prise and toll of St James of Bristoll came to the kinge hande And hereafter whether of what pr[i]ce [the] kinge has patents be of the grannt of the prisage to henry Brayne

It[e]m that proffe be made to Thomas Chester late maior of Bristoll to answer for the dely[ver]y of the wyne that was claymed by Mr Wynter for that it came in whitsundaye weke and to where the wyne or the value

f. 47

Bristoll

A<sup>o</sup> xvj Jobis vj May

It is ordered that *Sir* Charles Somersett knight George Wynter esq[ui]re shall shewe theyr profs for the pryse wynes of Bristoll in Whitson week to Mr S[er]iaunt Jeffreys<sup>171</sup> and the Q[ueen's] lerned counsell and t[h]ey to reporte what they fynde this daye senight<sup>172</sup>

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<sup>171</sup> John Jeffrey, awarded position of serjeant at law in 1567. He went on to become a judge in King's Bench and Chief Baron of the Exchequer; J. H. Baker, *The Order of Serjeants at Law* (London, 1984); Oxford Dictionary of National Biography <<http://www.oxforddnb.com/view/article/14699>> accessed 9/1/14

<sup>172</sup> Seven night, meaning in a week's time

## Appendix VII

**a) Transcription and Translation: R. Meredith (ed.), 'Bristol Inwards Customs Accounts for Easter 12 to Michaelmas following' (Unpublished Transcription, 2014) TNA E190/1128/17 fos. 3v-4<sup>173</sup>**

3v

**20 May**

**Hare de Marenas** in France 38 tuns burden  
John Martineau master from Cadiz in Spain for Bristoll

of John Aldworth & associates of city of Bristol merchant for  
24tuns 1 pipe<sup>174</sup> wine sack net 19 tuns

of John Carr a Bristol merchant  
2 tons oil value £16 subsidy 16s

of Goding Gryall a Bordeaux merchant alien  
for 2 tons wine sack net 1 tun 1 pipe

of Robert Halton a Bristol merchant  
for 2 tuns oil net 1 tun 3 hogsheads<sup>175</sup>  
value £14 subsidy 14s

of John Martineau of Marenas mariner  
alien for 2 tons wine sack

4r

**24 May**

**Leverrie of Mortaigne** in France of  
52 tons burden, Pierre Bourden master  
from Cadiz in Spain for Bristol

of John Brown and Thomas Aldworth  
of city of Bristol merchants &  
associates of said city for  
28 tuns wine sack net 18 tuns

of the same for 6 tuns oil net 5 tuns  
1 hogshead £42 Customs Subsidy - £2 2s

of Godinge Grial and Pierre Bourdon of  
Bordeaux merchant alien for 6  
tuns wine sack

of the same for 1 tuns Spanish oil net £8  
Customs Subsidy - 8s  
customs - 2s

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<sup>173</sup> My thanks to Margaret Condon for her invaluable assistance in the transcription and rough translation of this document. The relevant information from the entry has been included.

<sup>174</sup> A pipe was equivalent to 126 gallons or half a ton, Glossary in Vanes, *Documents*, 175

<sup>175</sup> A hogshead constituted 63 gallons; half a pipe, or a quarter a ton, Glossary in Vanes, *Documents*, 175

***b) Transcription: R. Meredith (ed.), 'Bristol Outwards Customs Accounts for Easter 12 to Michaelmas following' (Unpublished Transcription, 2014) TNA E190/1128/16***

f.4r

**16th June**

**Liverie of Marenas** of 52 tons  
Peter Boudon Master  
From Bristol to Rochelle

of Peter Burdon of Marenas alien for one f[ardel]<sup>176</sup> containing 8 hampshire  
kurseys 4 northern kurseys 4 devon kurseys  
in total 5 cloths<sup>177</sup>

Customs Subsidy £3 12s 6d  
[signature of Bourdon]

of [Robert Halton signed  
4 devon kurseys containing 1 cloth  
customs paid 6s 8d

**17th June**

**Liverie of Marenas**<sup>178</sup> of 40 tons John Martinewe Master  
from Bristol to Rochelle

of John Martinewe of Marenas alien  
for 8 weys of Smith coals  
value £4 13s 4d

of For one piece of Motteley<sup>179</sup> containing 20 yards  
value is 20s  
1 brecknock<sup>180</sup> value 20s  
for 5 hampshire kurseys containing  
1 cloth and 2 parts of a cloth<sup>181</sup>

Customs Subsidy paid 24s 2d

All paid Subsidy of 4s 8d paid and  
customs of 14d

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<sup>176</sup> A fardell was a 'bundle of indeterminate quantity', Glossary in Vanes, *Documents*, 174

<sup>177</sup> Kersey was a type of coarse woolen cloth. As a 'cloth of Assize' it was subject to custom duty of roughly £4 per cloth. There were 2 kerseys to one standard cloth, S. Flavin and E. T. Jones, *Glossary of commodities, weights and measures found in the sixteenth-century Bristol customs accounts* (University of Bristol, ROSE, 2009); T.S. Willan (ed.), *A Tudor Book of Rates* (Manchester, 1962)

<sup>178</sup> Most likely a clerical error, confusing two ships, the *Harre de Marenas* and the *Livery of Mortaigne*

<sup>179</sup> Type of woolen cloth, Flavin and Jones, *Glossary*, 117

<sup>180</sup> Breton cloth, another type of woolen cloth, Flavin and Jones, *Glossary*, 111

<sup>181</sup> Meaning two thirds of a cloth

## *Appendix VIII*

### *Medieval Documents relating to Whitson prisage*

#### **a) Testimonial of the Mayor and Sherriff of Bristol on the prior's right to prisage in the week of Pentecost, 1397<sup>182</sup>**

To all the faithful of Christ to whom the present writing shall come, John Bannebury, Maor of the town of Bristol, John Prysshton, Sheriff of the same town, and William Solers and Henry Bokerell, Bailiffs of the said town, greeting in the Lord. At the instance and special request of the revered and discreet man Richard Wircetre, Prior of the Church of St. James, in Bristol aforesaid, we have caused the records of the Court of the Guildhall of the town of Bristol to be searched for evidences of the fair of that prior in the week of Pentecost and for prisage of wines and other fee customs pertaining to the said fair. And among the aforesaid records we have found the tenor of a certain charter of William late Earl of Gloucester which follows in there words: -

William Earl of Gloucester to his Steward, and to all his Barons, men and friends and faithful ones, French and English, greeting. Know that I, for the salvation of the souls of my father and mother, and for the salvation of my own soul, those of my wife and of my children, have given and granted to God and St James's Church, Bristol, the land of Ashley. Moreover I have granted to the same church the fair which I had at Bristol in the week of Pentecost, with the prisage of wines and other customs coming by water. To have and to hold within and without the burgh, well, freely, quietly and honorably as I used to hold them the better and more honourably when they were in my hand. Witnesses, Hawisia, the Countess, Roger my brother, Gregory fil. Robert, Robert Dalmeri, steward, Robert fil. Peter Ham[o] fil. Geoffrey, Adam de Hely, Richard, clerk of St. Quintin's Pincius fil. Simon and many others.

Also we have inspected a certain inquisition concerning the aforesaid prisage of wines of the prior of the aforesaid church in the aforesaid week pertaining to the said fair, sealed under the seals of twelve jurymen. The tenor whereof follows in these words: -

Inquisition taken at Bristol, on Saturday next before the feast of St. Margaret the virgin, in the [omitted]<sup>183</sup> year of the reign of King Edward the son of King Edward, before Peter de Frances, attorney of Walter Waldesheff, butler of the lord the King, by writ of the King directed to the same Walter as to the prisage of the wines and other free customs pertaining to that prisage in the fair of the Prior of Saint James's in the aforesaid week of Pentecost in the town of Bristol according to the tenor of the said writ, viz. by John Lewyte, ironmonger, Roger Beauflour, Raymond Frambaud, William Taunton, Hugh le Hunt, Roger Appurlegh, Robert le Ware, Adam le Norton, Robert de Lycoln, Richard de Weston, Robert Randulff and Nicholas de Rowberegh, the jury, who say on their oath that the aforesaid prior of St. James's and his predecessors used to have right prisage wines in their fair aforesaid in the aforesaid week of Pentecost every year and 3d. to be taken from each hogshead of wine, from the time when William late Earl of Gloucester granted it to God and the Church of St. James and gave it to them, which Earl had the said fair and prisage in the said town and granted it to them; but they say that neither the said prior nor his predecessor were used to have the gauging of wines. In testimony whereof to this verdict of the said inquisition the aforesaid Jury have put their seals. Dated at Bristol on the day and year aforesaid.

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<sup>182</sup> Contained in F. B. Bickley (ed.), *The Little Red Book of Bristol*, vol I (London, 1900) 239-44

<sup>183</sup> 20 July 1310

And we the said Mayor, Sheriff and Bailiffs testify by these presents on the faith which we owe to God and to our most dread and illustrious lord the King that the aforesaid prior and his predecessor, from all the time of which the memory of man runneth not to the contrary, have enjoyed and had the aforesaid prisage without any interruption, and of the right of his church aforesaid, until John Stapulton now deputy of the chief butler of our lord King impeded the present prior therein. In testimony whereof at the special request of the said prior the seal of the officer of the Mayoralty of Bristol is appended to these presents.

Dated at Bristol, in the Guildhall of the same town, Saturday the vigil of St. Michael the Archangel, in the twenty-first year of the reign of our aforesaid lord the King, Richard the Second

### **b) Henry IV's writ of non-molestation on the question of Bristol prisage, 1404<sup>184</sup>**

Henry by the grace of God, King of England and France and lord of Ireland, to his beloved Thomas Chaucer, his chief butler, or his deputy, in the port of his town of Bristol, greeting. "Our beloved in Christ the Prior of St. James's Bristol had represented to us that whereas William, late Earl of Gloucester, by his charter gave and granted to then prior of the aforesaid place the fair which he had at the said town of Bristol in the week of Pentecost with prisage of wines and other customs coming by water. To have and to hold to him and his successor within and without the burgh as the same Earl better and more honorably had and held it. And although the prior and all his successors from the time of the gift and grant aforesaid until now, by virtue of the same gift and grant and of the confirmations of divers of our progenitors, have held and had such fair there with the prisage aforesaid and with all the other liberties and free customs pertaining to the fair as freely and peacefully as the Earl in his day had it, nevertheless you again in manifold ways do unjustly impede our beloved Christ the present prior of the aforesaid place from having and holding the aforesaid prisage as he was wont to the grave prejudice and injury of him the present prior, and contrary to the force and effect of the aforesaid gift, grant and confirmations. And because we are unwilling that the same prior be injured in this manner, we command you that if this be so, you, desisting henceforth entirely from causing such impediments to the said prior, permit the prior that now is to have and hold the aforesaid prisage and to use and enjoy the liberties and free customs aforesaid gift, grant and confirmations, and as the prior and his predecessors and the aforesaid Earl have hitherto had and held the aforesaid prisage, and have reasonably used and enjoyed the liberties and customs aforesaid. " Witness me myself at Westminster, the 16 day of November, the sixth year of our reign

And he [the prior] adduces to the aforesaid Thomas Chaucer the aforesaid charter which testifies the foregoing, and the writ directed to the same Thomas Chaucer, as it abovesaid, of non-molestation contrary, the date of which is the 16th day of November in the sixth year of his reign; by virtue of which the aforesaid prior sought to have livery of the prisage aforesaid and to be put in full and peaceful possession of the said prisage; and by virtue of which the aforesaid prior is put in possession of the prisage aforesaid by the said Thomas Chaucer, and then and there the said prisage is delivered to the prior

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<sup>184</sup> Contained in F. B. Bickley (ed.), *The Little Red Book of Bristol*, vol I (London, 1900) 243-5

**c) Regarding the 'Prisage of wines to be had in the Week of Pentecost by the Prior of St James Bristol', 1454<sup>185</sup>**

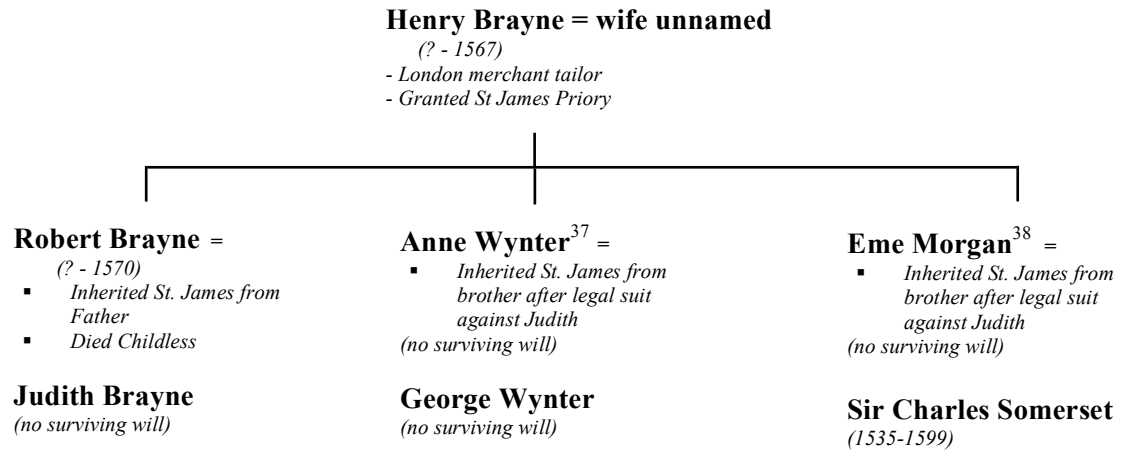
Memoranda that William Newport, prior of St James, Bristol, on Saturday, the vigil of Pentecost, in the thirty second year of the reign of King Henry the vith after the conquest [1454], took, at Bristol, certain prisage of wines on a certain ship called the Clement of Bayonne, whereof, under God, Janicot de Garr was master, which came to the port of the aforesaid town of Bristol on Saturday, the vigil of Pentecost, at the third hour after dinner, alleging as his right for the taking of the prisage aforesaid that he and his predecessor, priors of the priory of St. James of Bristol from time out of mind, have had and have been accustomed to have from any ships coming to the aforesaid port of Bristol in the week of Pentecost from twelve o'clock on Saturday, the vigil of Pentecost, to the same hour on the following Saturday right prisage of wines, and they were seised of the same until John Sharp merchant of the aforesaid town of Bristol, lieutenant of [Sir] Ralph Botiller, Knight, Lord of Sudeley, Chief Butler of the lord the King opposed and impeded the right and title of the possession of said prior and the priory aforesaid of and on the receipt of the prisage aforesaid; wherefore the same prior, loudly bewailing, complained to the aforesaid Ralph Botiller that he was injured by the aforesaid John Sharp in the hindering, disturbance, disquieting, harassing and taking of the prisage aforesaid and in the unjust ejectment from the possession of his right and that of his priory aforesaid. Whereupon the aforesaid Ralph Botiller, Lord of Sudeley, fixed day for the aforesaid prior to be before him, viz. the Thursday next after the feast of Corpus Christi then next ensuing, to shew if he has, or can sa on his own behalf how, in what manner, and by what right and title he ought to have the aforesaid prisage. Who on the Thursday aforesaid came before the aforesaid Lord Sudeley and shewed certain charters of divers Kings and Earls and especially one charter by which William, Earl of Gloucester, gave and conceded to a certain one, then the prior of St. James's aforesaid, a certain fair which he had in the said town of Bristol in the week of Pentecost with the right prisage of wines, and with other customs coming by water. To have and to hold to him and his successors within and without the burgh as the Earl better and more honorably had and held it; and further the aforesaid prior says that he and his predecessors have had and held the right prisage aforesaid, from the time of the grant of the right prisage aforesaid till now, and have reasonably exercised and enjoyed it. And upon this Ralph Botiller, Lord, seeing and understanding the aforesaid charter with other charters and evidences exhibited by the aforesaid prior of the grant of prisage abovesaid, and being unwilling to injure the said prior in this matter, ordered the said John Sharp, as strictly as possible, to allow the aforesaid prior to have and enjoy the said prisage as he and his predecessors, priors of his priory aforesaid, had and held from the time of the grant aforesaid and reasonably exercised and enjoyed it, and that in no way henceforth should he interfere in anything of the kind. By virtue of which precept the aforesaid John Sharp delivered up the aforesaid prisage to the said prior and again put the said prior in full and peaceful possession of the said prisage'

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<sup>185</sup> Contained in F. B. Bickley (ed.), *The Little Red Book of Bristol*, vol I (London, 1900) 236-9

# Appendix IX

## Brayne Family Tree<sup>186</sup>



<sup>186</sup> TNA PROB 11/94/315; TNA PROB 11/53/133; TNA PROB 11/49/135

<sup>187</sup> Formerly Brayne

<sup>188</sup> Formerly Brayne, then Morgan from previous marriage, widow of Giles Morgan of Newport



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