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The Borough of Stow on the Wold

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THE BOROUGH OF STOW ON THE WOLD

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ON 17 August 1604 the town of Stow on the Wold, or Stowe St. Edward, received from the king its first charter of incorporation (1). The new borough was in future to have 2 bailiffs and 12 chief burgesses to manage its affairs. The original 12 nominated in the charter to serve for life, with power to co-opt others as vacancies should arise, and to appoint new bailiffs yearly to succeed the first nominees. There was to be a common clerk for the town, the first appointment to be for life, and subsequent appointments to be made by the bailiffs and burgesses or the greatest number of them. As a charter of incorporation the Stow charter followed a very usual pattern, and gave the townsmen no extraordinary powers, but to the burgesses of Stow the king's grant seemed to open up unlimited possibilities of future self-government and offer independence of every restriction from which they had suffered in the past.

The manor and town of Stow had previously belonged to the Abbots of Evesham, who claimed baronial jurisdiction there by a grant of Henry I and the right to collect profits from their views of frankpledge by grant of Henry III, who further allowed them a weekly market and fair (2). Thus the manor became a judicial and fiscal unit enjoying leet jurisdiction and its profits within, but independent of, the Hundred of Slaughter, even though Henry had conceded the crown's firm of £7 9s 6d to the lord of that Hundred (the abbot of Fécamp). There is

¹ Royce MSS. 85.

² *Cal. Patent Rolls*, 1405-8, p. 212; *Rolls of Parliament*, III, 561 [copy and translation Royce, 77, 78].

no evidence to show whether the relations between Stow and the abbot of Evesham were good or bad, but it is at least clear that no privileges were given to the town and that the townsmen desired greater say in their own government. As on many monastic manors, there may well have been a legacy of distrust between town and lord.

At the dissolution the manor of Stow was taken into the king's hand and was granted in 1547 to Thomas Lord Seymour of Sudeley (3). On his attainder the manor was forfeit, with all his estates, to the king and was re-granted with many other lands to the Earl and Countess of Warwick on 6 January 1555, while two days later licence was given to the Earl to alienate the manors of Stowe and Nethercote to George Willoughbye of Nether-ton, co. Worcs (4).

By 1587-8 the manor had again reverted to royal hands, for the court roll surviving for that year informs us that Edward Fryers gentleman, the steward, was holding the view of frankpledge in Stowe for the Queen (5). Later it passed to James White, who was allowed the manor of Stow by *quo warranto* proceedings in 1591-2 (6), and by him it was conveyed to Edmund Chamberlayne esq, shortly before 1604. There was some doubt, however, as to the validity of Chamberlayne's title, and he was engaged on a suit over the defective title in 1604 (7), the year when the town obtained its charter. The matter seems to have been left undecided for the question of the fine of £7 9s. 6d for the manor (formerly paid to Fécamp and, prior to the dissolution, to Syon), was raised again

³ *Cal. Pat. R.* 1547-8, pp. 25-33.

⁴ *Cal. Pat. R.* 1549-51, pp. 71-4, 61.

⁵ Royce, 487.

⁶ Abstract of decree of 25 Jan. 1608 in the case between Edmund Chamberlayne esq. as lord of the manor and the bailiffs and burgesses of Stow. (Royce, 86).

⁷ Royce, 84, 87.

soon after Sir William Whitmore purchased the Hundred in 1612. This suit and the doubt cast upon Chamberlayne's title may have been another factor influencing the townsfolk at this date. So many changes of ownership must have produced a feeling of insecurity in a town where the lord and his deputies had so much control over town affairs. As in most manors, the lord was accustomed to nominate the town constables who were elected at his approval, and fines levied at the lord's view of frankpledge were collected by a bailiff appointed by him. There can have been no personal tie between the town and its lord, who, though described in a letter as 'a full understandinge gentleman', is also said to have been in London 'most commonly every tearme' (8).

The arrival of the charter of incorporation seems to have inspired the people with the belief that now at last they would be able to shake off the irksome jurisdiction of the lord and his view of frankpledge. The machinery for the town's government set up by the grant of 1604 provided them with their own bailiffs, wholly distinct from the bailiff and deputy bailiff of the manor, whose office must now have seemed redundant. By September 1606 they had had two years in which to get the new organization working, and had seen Chamberlayne's title to the manor called in question. Possibly two years' experience had not been sufficient to reconcile them to their new lord and his authority.

On the morning of 25 September 1606 (9), when Richard Byrde esq., steward of the manor, arrived in Stow to hold the usual half yearly view of frankpledge and court baron, he found the doors of the town hall shut. On examination, they were discovered to be securely

⁸ Papers of Miss L. E. Denison-Jones, no. 18.

⁹ The following details are taken from a court roll for the manor (Royce, 488) which contains the records of 3 courts held 25 September 1606, 7 April 1607, and 8 October 1607. Quotations have been translated.

fastened with two bolts. The steward applied to the newly appointed bailiffs of the borough and soon found that they intended to prevent the court being held, at least in the usual place: they 'refused to open the door of the house with the common hall for the court to be held'. Unable or unwilling to use force to break down the door, the steward would not give up the attempt to hold a court. He opened up proceedings in the High street outside, an uncomfortable situation when the usual state of the square and streets of Stow, the absence of seating, and the presence of a crowd, are taken into account. None of the officers of the manor—the borough constables, ale tasters, or sealers of leather—had appeared, and all of them, with one accord, 'obstinately refused to discharge their duty'. The bailiffs of the borough also kept away, sending a deputy, one John Gylby. He seems to have made the most of his delegated authority, asserting that he was there 'in the place of and by order of the bailiffs of the borough and the burgesses of the town of Stow'. He 'forbade the steward and ordered him not to hold this court, saying that Edmund Chamberlayne esq. had no right to hold a court of view of frankpledge thus'. The steward, or his clerk who recorded these remarks, does not record the reply given, except to add an aside 'as they thought', but the court went on in spite of the prohibition.

The ordinary proclamation was now read ordering all manner of persons owing suit and service to the court now to be held, to draw near and give their attendance⁽¹⁰⁾. Presumably this was done as usual by the bailiff of the manor or his deputy. Very few of the residents paid heed to the summons, although twice repeated, and only

¹⁰ The order of proceedings suggested by the court rolls of 1606–8 tallies with the detailed account of procedure at this court given in the note book of Robert Chamberlayne, Steward of the manor in 1759. (Royce, 491).

a handful of men, perhaps the older and more conservative ones, were prepared to give their service. The townsmen's refusal seems to have been organized beforehand and was, the court roll declares, 'approved by order of the bailiff and elders within the town' (the 12 chief burgesses of the 1604 charter). The steward's proclamation seems in fact to have provoked something of an uproar from the collected crowd, the inhabitants of the borough 'shouting by reason of the letters patent of the lord king for the right and power to hold a court of view of frankpledge'.

The next stage in procedure should have been to swear in the constables and tithing men, and to collect head silver or common fines from them, but as none were present, either for Stow itself or for the neighbouring tithings of Bourton on the Water, Donnington, Clapton, Adlestrop, Mangersbury and Broadwell, this could not be done, nor could the residents' names be called over from the constables' and tithingmen's rolls. The steward therefore went on to the business of finding a jury to serve for the king in place of those absentees whose names would in the ordinary course have been returned to him by the bailiff of the manor. A few of the inhabitants and some country suitors were willing to support the steward, but these were not enough to form the usual double jury for the borough and country. Richard Byrde tried to appeal to some of the people in the crowd by name but with no result. One man in particular, Arthur Freeman, 'being in view of the court and required by the steward to take the oath to serve the lord king in this court . . . obstinately refused to take the oath or perform his service'. The steward thereupon imposed a fine of 40s on Freeman for contempt of court but could still muster only 15 names, and was obliged to swear in a general homage for the king in place of the customary two juries. The list is headed by Giles Venfield of Bourton on the Water, member of a family of substantial freeholders in

Bourton and the neighbourhood (11). Other names on the list also suggest that of all the country districts most support for the steward came from Bourton tithing. Giles Venfielde and Francis Castle were sworn in as affeerers, taking oath—' You and each of you shall well and truly affeer and affirm the several Amerciaments here made and now to you remembered. You shall spare no one out of Love Fear or Affection, nor raise or inhance any one out of Malice or Hatred but impartially shall do your duty herein (12) '.

Next the bailiff of the manor, if present, should have been ready to repeat after the steward the proclamation commanding silence, on pain of imprisonment, during the giving of the charge to the homage. Stewards sometimes used this opportunity to explain at some length the nature, origin and authority of the court, the powers of the Steward, the meaning of such terms as forestaller and regrator and suchlike matters. In stewards' notebooks for the eighteenth century we have the drafts of more than one such address delivered at Stow court (13), but under the present circumstances Richard Byrde probably limited his charge to a bare recital of the types of offences presentable at a view of frankpledge. These were treasons and felonies (presentable though not punishable), conduct of constables and tithingmen, repair of stocks and other items of parochial equipment, behaviour of brewers and bakers, forestallers, regrators and ingrossers, waifs and strays, and lastly the nomination of fresh officers. On being charged, the jury presented the names of all those suitors absent from court that day under their

¹¹ The family of Venfield *alias* Addams is mentioned among freeholders in a list of assise rents for Bourton 1574-5 and Giles Addams served on the country jury and was affeerer at a view of frankpledge held in 1589 (British Records Association deeds 301, parcel 53 (1); Royce, 487).

¹² Robert Chamberlayne's note book. (Royce, 491).

¹³ These drafts are found in another Steward's notebook, probably Robert Chamberlayne's. (Royce, 490).

tithings, but only the customary 2*d* fine could be imposed for such non-attendance. Twenty-six suitors from Broadwell, 15 from Donnington, 10 from Mangersbury, 9 from Adlestrop and 8 from Bourton on the Water, were absent. This last figure supports the theory that Bourton inhabitants may not have been entirely in agreement with the demands now put forward by Stow, or at least have been more cautious about giving their support to the revolt. We have noticed that the homage on this occasion was headed by Giles Venfelde of Bourton, and as he was an elderly man in 1606 he would be less likely to wish for change himself and more likely to influence the opinions of his neighbours. No names are given for defaulting suitors from the town of Stow itself: perhaps the absence of the constables' rolls and the time needed to list practically the whole township explain this omission.

The constables and tithingmen for the district were next presented for failure to appear to perform their duties and a fine of 12*d* imposed. Little ordinary business could be done in their absence without the prepared lists of presentments and notices of strays. The homage however presented the residents of Mangersbury and fined them 6*d* for not repairing their butts, while residents of Mangersbury, Bourton, Clapton, and Donnington were fined 6*d* apiece for neglect of the use of their bows and arrows. These were both regular presentments on the court rolls for this manor. Finally the homage turned to its last duty, that of electing new officers for the year ensuing. Of the six tithings only Bourton seems to have been strongly enough represented to be interested, and for Bourton Andrew Paxford was chosen as constable, and Giles Venfelde as tithingman, on the understanding that he could discharge his office by a deputy, John Fermer. And so this court of view of frankpledge for the manor and borough of Stow was dismissed, and Richard Byrde could congratulate himself on having upheld the court's jurisdiction under most trying circumstances.

The conclusion of the court did not however end the matter. Richard Byrde's troubles were not yet over. A case was brought in the Exchequer between Edmund Chamberlayne esq. as lord of the manor and the bailiffs and burgesses of Stow, but no decision had been reached when the time came to hold the next court of view of frankpledge in the borough. This was on 7 April 1607. The precept from the steward for summoning the court was sent out as usual, and taken by the deputy bailiff of the manor, Edward Reynold, to the two constables of Stow, John Freeman and John Hathway. But the town was in no mood to accept the steward's authority. The constables 'contemptuously sent the precept to the house of the said Edward in refusal of the king's service'. The bailiff of the manor, Henry Payne, now tried to use his influence after this affront to his deputy and to the lord of the manor. Payne sent a special summons by Edward Reynold to the town officers, the constables, ale tasters, and leather sealers, but without effect. He also tried to get from the town bailiffs the key of the house and town hall, so that a repetition of the last autumn's discomfort and humiliation might be avoided. The town bailiffs, Robert Ferneley and Edmund Collett, were obdurate however. Both were not only bailiffs for the year, but also members of the council of 12 chief burgesses nominated in the charter and therefore the more concerned in the success of their resistance. They refused to deliver up the key, and to make doubly sure that the court would not meet in its usual place they put Richard Hill and John Cocke into the house to keep possession of the hall. So again the steward on arriving found the doors barred against him, and was again obliged to make use of the king's highway.

As the case was still proceeding and the question of the right of jurisdiction had been raised and was still undecided, Richard Byrde considered 'on his discretion' that it would be best not to attempt to fine the bailiffs of the

town for contempt in denying him the use of the town hall. There were still no constables or tithingmen present, or head silver to collect, so the steward swore in his single jury of 14 men and proceeded to presentments. Richard Hill and John Cocks, the two men on guard in the town hall 'being in the town hall of Stowe and within the view of the court—their service being demanded—obstinately refused to appear, and openly derided the court'. For this they were presented and fined 3s 4d each. So too was John Lambard, who 'being in the High Street' also refused to appear to perform his service. The defaulting constables and ale tasters and one of the two leather sealers of Stow were then presented, after being specially summoned by Edward Reynold and then charged again in full court. Each of these defaulters was fined 12d. The second leather sealer had presumably obeyed his summons and so escaped his fine.

Tithingmen from the country were next dealt with. All six had failed to appear, including John Fermer from Bourton, who had been appointed as Giles Venfield's deputy at the last court, and they had omitted to collect the money due from their tithings as head silver. In consequence they were fined more heavily than the constables and paid 6s 8d apiece, for contempt and neglect of duty. No list of absent residents was made, and the court seems to have been dismissed without any attempt to deal with normal business.

By the time the next view-day was due, the case against the town, though not concluded, had made some progress, and it was no doubt clear that the verdict was likely to go against the burgesses. Their enthusiasm over the charter of incorporation had led them to think that they were free to defy the lord's jurisdiction. By the autumn of 1607 they must have been increasingly aware that more solid legal grounds were needed to support a claim to rights of jurisdiction, and that a charter from the king did not entirely cancel the past. They

asserted in their bill that they had enjoyed the franchises of fair and market, stallage and picage, and on being pressed to prove this assertion, had been obliged, in answer to Edmund Chamberlayne's bill, to claim that they had had a grant of them from the late Abbot of Evesham, for which grant they could produce no evidence. The view of frankpledge held in the town for Michaelmas 1607 reflects their changing hopes. No opposition to the use of the town hall seems to have been made. A jury for the borough of Stow, as well as one for the country, was sworn in, and the steward seems to have taken care that all the foremost opponents of his lord's jurisdiction should appear in public on it. The list of jurymen begins with the name of Edmund Collett, who as bailiff of the town had denied the key of the town hall to Henry Payne at the previous court. With Collett were Robert Harbidge, one of the first bailiffs nominated by the king's charter, John Collett, Thomas Crosse, John Freeman, Reginald Hill, and Richard Parkes, all members of the council of 12 and instigators of the town's revolt. Edmund Collett and John Harbidge were also obliged to act as afferers of the fines imposed at this court upon those who still stood out against the lord. It was a signal triumph for Richard Byrde to be able to compel seven of his principal opponents to attend the court and sit upon the jury. It would be interesting to know whether he again used his discretion in handling the townsfolk to smooth over the difficult situation, or whether the opportunity to rub in their humiliation was too much for him.

The court's business included the usual presentments against persons using illicit ale measures, neglecting archery, and leaving wood and refuse in the streets. One bloodshed had occurred during the six months: on the last day of August Thomas Tyrer, clerk, had assaulted and drawn blood from Ingram Horseman, and was amerced 9*d*. A woman, Alice Cheker, was committed

to prison for feloniously taking grain at night. But some items on the roll for this court show that all was not yet settled. The sergeants of the mace were still withholding the common fine of 7s due for Stow, the six tithingmen were still absent, and no return of head silver for their tithings was made. A number of residents, both in borough and country, were also absent. The jury returned 24 absentees from Stow, 16 from Bourton, 8 from Donnington, 6 from Adlestrop, 3 from Broadwell and 1 from Maugersbury. The chief resistance was still coming from Stow, therefore even if the council had given way, and in nearly all the country districts, and especially Bourton, there were more defaulters than would have occurred at an ordinary court. It is difficult to account for the increase in the number of Bourton defaulters, when only eight had absented themselves in 1606; it seems as though opinion there had swung round to support the borough just when the leaders of Stow itself had capitulated. Perhaps the absence of Giles Venfelde, who does not appear again on any of the records, had removed the steward's chief supporter in that tithing. Some of the absentees were fined the usual 2*d*, but for others the amount was raised to 6*d*, an indication perhaps that the steward regarded the neglect as intentional in some cases.

At all events, longer resistance to the lord's jurisdiction was to be impossible. On 25 January 1608, the barons of the Exchequer published their decree (14). Their verdict was unhesitatingly given on behalf of Edmund Chamberlayne as lord of the manor, and against the bailiffs and burgesses of the town of Stow. The decree declared that the town had never been incorporated until

¹⁴ 'A breife of Mr Chamberlaines Decree touching the Tole of Stow sr le Old. The effect or substance of the Decree made by the Barons of the Exchequer on the behalf of Edmond Chamberleyn esq. against the Bailiff and Burgesses of the Borough of Stowe on the Would in the County of Gloucester for the liberties of Stowe'. (Royce, 86).

1604, and had had no special franchises such as the right to hold a market claimed in their bill; that they had never had a grant of any material rights from the Abbots of Evesham; had never had a court leet or the power to collect fines or pay their own fee farm rent of £7 9s 6d to the king or his nominee. The disappointed townsfolk had to resign themselves to the continuance of the manor of Stow and its jurisdiction, and by the time they had paid the fines imposed and the costs of the suit, their joy over the town's charter in incorporation must have been considerably modified (15).

¹⁵ Further scraps of evidence may indicate that some of the townsmen were still defiant.

Depositions of witnesses taken at Stow 29 September 1631, under a commission from the Exchequer 'for proving of a contempt supposed to be committed by Richard Walker, Samuell Spencer and John Dodge against the iniuncon or decree of the said Courte', show that these 3 butchers had for some considerable time refused to pay the lord of the manor the customary 4d for stallage for the right to set up their stalls in the market place and to sell meat. (Royce, 91).

Records of Slaughter Hundred Court show that a court was held for Stow manor on 19 April 1637 at which William Chadwell senior of Broadwell was amerced 5s for default of suit, and that Henry Chilmeade and Thomas Mynnys as bailiffs of John Chamberlayne esq., then lord of the manor, distrained 29 of his sheep in Broadwell common field for non-payment. Chadwell brought a suit against them in the Hundred court but the verdict is not known. (Royce, 342, 343, 344).