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

University of Bristol
44395
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
**Contents**

Introduction .................................................................................................................................................. 1

Chapter One: Examining the 1572 Commission ......................................................................................... 4
  i. Understanding the Dispute .................................................................................................................. 4
  ii. Figures involved in the Commission ................................................................................................. 8
  iii. The Final Decree .................................................................................................................................. 13

Chapter Two: Broader Implications .......................................................................................................... 16
  i. Bristol's Jurisdiction ............................................................................................................................. 16
  ii. St. James' Fair .......................................................................................................................................... 17
  iii. Suggestions of Smuggling ................................................................................................................... 19

Conclusion .................................................................................................................................................... 25

Appendices ................................................................................................................................................... 29

Bibliography ............................................................................................................................................... 78
Introduction

In January 1572, fourteen Bristol citizens were called to give evidence to an Exchequer Commission.  

Although the witness list included several high-profile local figures, the dispute attracted little documented public interest.  

At issue was the local right to collect prisage during St. James' Fair in the Whitsun week.  

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.  

Local men George Wynter and Sir Charles Somerset stood accused by the Crown of illegally claiming this for themselves during the week following Pentecost.  

Both men held relatively prominent positions in Bristol.  

Wynter, notably, came from a family with maritime links and was involved in Bristol's illicit trade.  

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.  

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.  

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.  

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.  

However these focus on its monastic history and are largely drafts. The concerns and procedure of the Commission remain almost entirely unexplored.  

---  

1 App. III  
2 J. Latimer, Annals of Bristol: In the Seventeenth Century (Bristol, 1900) 350  
3 Week following Whit Sunday or Pentecost, the seventh Sunday after Easter  
4 E. T. Jones, Inside the Illicit Economy: Reconstructing the Smugglers' Trade of Sixteenth Century Bristol (Farnham, 2012) 141  
5 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  
6 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  
8 BRO 5139/151; BRO 12276/1  
9 BRO P. St J/D/8/1; See App. IX for family tree  
10 App. V  
11 BRO P/St J/HM/6 a) Reverend F.W. Potto Hicks, Medieval History of St. James, Bristol (1932); BRO P. StJ/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. 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. 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. 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. 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. Similarly, Higgins' MPhil exposed the 'practical realities' of Bristol and Gloucester's 1583 dispute by consulting related port communications. Far from taking evidence provided in Commissions at face value, both scholars probed deeper. This allowed them to recognise the potential to

---

12 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
15 Jones, Economy; Higgins, Establishment
16 Jones, Economy, 114-123
17 Higgins, Establishment, 7
abuse and influence royal enquiries, calling into question the reliability of Exchequer records. 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. 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. Most of the personal records of Bristol's merchants suffered such fates. 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. 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.

---

18 Higgins, Establishment, 68
19 Bryson, Equity, 136; Mayor's Audit books BRO F/Au/1/1/10
21 Excepting J. Vanes (ed.), The Ledger of John Smythe 1538-50 (Bristol, 1974)
22 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 halfway 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.23 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 IND1 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.24 Once proceedings had begun, this was known as an 'Information'.25 Both were filed together in the E112 Bill and Answers and provide valuable context, particularly about who launched the initial complaint and why.26 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.27

23 Higgins, Establishment, 1
24 R. M. Ball, 'Exchequer, King’s Remembrancer: Bills and Answers (E112)' (TNA: PRO, Unpublished Introductory Note to Class List, December 1994)
25 Bryson, Equity 94
26 Ball, 'Exchequer (E112)'
27 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. 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. 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. 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. 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. Conversely, Young's involvement in civic affairs was limited. Municipal records suggest he held no council positions. 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. 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. 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. 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,

28 Bryson, *Equity*, 16
29 TNA IND 1/17055; TNA IND1/7046
32 Bettey, ‘Feuding’, 154
33 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
34 TNA E133/4/587; TNA E134/22Eliz/Hil7; TNA E112/38/111
35 TNA PROB 11/74/478 Will of Sir John Young, November 1589
36 Bettey, ‘Feuding’, 153
Young's fraudulent behaviour would not be unusual. 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. Records of Decrees and Orders reveal these were requested from Wynter in November 1571. 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. The launch of the Commission suggests answers were provided but fails to outline when or what they contained. 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. The charter confirming this no longer survives. However, its main content was copied in a fourteenth century ordinance. 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 VII's grant to Henry Brayne of St. James Priory and its related hereditaments survives. 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.

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

---

38 Bryson, *Equity*, 118
39 App. VI
40 Ball, 'Exchequer (E112)'
41 Bryson, *Equity*, 118
42 <http://www.localhistories.org/bristol.html> accessed 1/3/14
43 F. B. Biekley (ed.), *Little Red Book Volume I* (Bristol, 1900) 239-43 f. 96
44 BRO P. St J/D/8/1
45 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:

![Graph of A Comparison of the ‘Particular’ Accounts and the Amount of Wine Imported into Bristol each Month.]

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.\(^47\) One witness also claimed he paid Brayne prisage in 1556.\(^48\) Conversely, the Port Books for 1563/4 and 1574/5 reveal no shipments subject to prisage arrived during Whitsun week.\(^49\) 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.\(^50\) 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.

---


\(^{47}\) App. VII

\(^{48}\) App. III


\(^{50}\) 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.\(^51\) This is less than the 1-ton royal officials would have charged. His testimony, as shall be seen, must be approached with caution.\(^52\) 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.\(^53\) The names of the four commissioners appointed to preside were recorded in the November 1571 Latin order.\(^54\) 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.\(^55\) 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.\(^56\) 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.\(^57\) Their legal capabilities, together with the others' combined years of experience in civic matters, made them logical choices.

\(^{51}\) App. III  
\(^{52}\) 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  
\(^{53}\) Compared to the Higgins' case, where the Commission order was not implemented for 6 months  
\(^{54}\) App. III  
\(^{56}\) J. Vanes (ed.), *Documents Illustrating the Overseas Trade of Bristol in the Sixteenth Century* (Bristol, 1979)  
Four Commissioners from each side were typically nominated. The opposing party then rejected two, leaving the four most acceptable choices. 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. 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. 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. 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. 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. Such connections between the Chester

58 Bryson, Equity, 130
59 Higgins, Establishment, 10
60 E. Ralph and N. M. Hardwick, Calendar of the Bristol Apprentice Book, Part 2, 1532-1565 (Bristol, 1980)
61 Vanes, Trade, 102
62 Inwood, The Chesters, 41
63 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. In 1564, for example, he was reported to have imported costly spices without entering them into Young's books. 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 gleamed from Commission documents alone. Supporting records suggest the Crown may have misplaced its trust in such men to act as impartial delegates.

**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. 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. 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. The records of the Piepowder Court no longer survive for the sixteenth century. 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.

---

65 Vanes, *Documents*, 41
66 Bryson, *Equity*, 130
67 App. III
68 App. IV
69 BRO P. St J/HM/6
70 BRO J/Pie
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. However, their survival is patchy. Some are in very poor condition due to damp storage conditions until 1911. However, both the inwards and outwards records for 1570 are in relatively good condition and provide details the Commission. 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. 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. 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*. 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.

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

---

73 App. VII
74 M. Stanford, *The Ordinances of Bristol, 1506-1598* (Bristol, 1990) 79
75 Jones, *Economy*, 82; Ralph and Harwick, *Calendar*, 136
76 App. VII
77 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.  

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. 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. 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. As relatively lowly workers it is possible they left no lasting mark on the archives. Even printed sources on Bristol's topography reveal nothing. One whittawer John Banckes for example appears in Bristol's Apprentice Book. 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'. His name is again mentioned in Brayne's 1569 deed poll. 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. 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.

---

78 Jones, *Economy*, 82
79 A whittawer worked with leather to colour it white
80 Vanes, *Ledger*, 321
81 BRO 08018 Earliest record available is from 1670
83 Ralph and Hardwick, *Calendar*
84 BRO 5139/151
85 BRO P. AS/D/LM/A/15
86 TNA PROB 11/49/135 Will of Henry Brayne, April 1567

12
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. 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. Mostly, such evidence was returned to the parties at the conclusion of the case. The case's decree however suggests it was enrolled 'amongst the Recordes of this court...for the better
declaration of the premisses in time to come. Yet it has evaded discovery. R.M. Ball's research has found similar items scattered unrecognisably in a number of other miscellaneous classes. 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. 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. 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. Indeed, it is the only original to survive from 1574. Two copies of the decree can also be found in the E123 records. It was common for a registered copy to be entered here. 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

90 App. V
91 R. M. Ball, ‘Exchequer, King’s Remembrancer: Depositions taken by Commission (E134)’ (TNA: PRO, Unpublished Introductory Note to Class List, March 1995)
92 App. IV
93 App. Va)
94 Bryson, Equity, 146
95 App. Vb) and Vc)
96 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.

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. 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. 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. Once more, in 1454 Henry VI reconfirmed the right and ordered the Butler not to intervene again. 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-

97 McGrath, Society; McGrath, Merchants, Sacks, Widening; D. H. Sacks, Trade, Society and Politics in Bristol, 1500-1640 (New York, 1985); Vanes, Overseas; Vanes, Port
98 R. Meredith, Claiming 'prise wynes during the Whitsunweek': A Methodological Investigation into Bristol's Crown Commissions 1572-3 (Unpublished Proposal, University of Bristol, December, 2013)
99 Biekley, Book, 239-43 f. 96
100 App. VIII b)
101 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.\footnote{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} 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.\footnote{P. Fleming, A. Gross and J. R. Lander (eds.), \textit{Regionalism and Revision: The Crown and Its Provinces in England, 1200-1650} (London, 1998) 12} This has been largely recognised by scholars.\footnote{D. Dean, \textit{Law-Making and Society in Elizabethan England} (New York, 1996); T. Stretton, \textit{Women Waging Law in Elizabethan England} (New York, 1998)} Indeed, the 1563 establishment of a Welsh customer; 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.\footnote{See Jones, \textit{Economy}} However, the 1572 dispute indicates that in reality such measures where 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.

\textit{ii. St. James' Fair}\footnote{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, \textit{Port}, 19. The commission suggests otherwise. Sacks had recognised this, Sacks, \textit{Widening}, 78}

Scholars have assumed that St. James Fair continued to be held annually from the medieval period until its abolition in 1838.\footnote{Vanes, \textit{Port}, 19; Sacks, \textit{Widening}, 78} However, the Commission suggests the Fair was not held for some years during the sixteenth century. The witnesses overwhelmingly suggested the Fair

\begin{footnotesize}
\footnote{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}
\footnote{See Jones, \textit{Economy}}
\footnote{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, \textit{Port}, 19. The commission suggests otherwise. Sacks had recognised this, Sacks, \textit{Widening}, 78}
\footnote{Vanes, \textit{Port}, 19; Sacks, \textit{Widening}, 78}
\end{footnotesize}
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?'. \textsuperscript{108} Contemporary evidence attests to the health of the Fair in the 1530s and 1580s.\textsuperscript{109} 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\textsuperscript{110}

\begin{center}
\begin{tikzpicture}
\begin{axis}[
    ybar,        
    width=\textwidth,        
    height=4.5cm,        
    bar width=15pt,        
    enlargelimits=0.15,        
    enlarge x limits=0.15,        
    major tick length=0.15cm,        
    symbolic x coords={October 1575, November 1575, December 1575, January 1576, February 1576, March 1576, April 1576, May 1576, June 1576, July 1576, August 1576, September 1576},        
    xtick=data,        
    ytick={0,500,1000,1500,2000,2500,3000,3500,4000,4500,5000},        
    yticklabels={£ 0.00, £ 500.00, £ 1,000.00, £ 1,500.00, £ 2,000.00, £ 2,500.00, £ 3,000.00, £ 3,500.00, £ 4,000.00, £ 4,500.00},        
    ylabel={1575/6 'Particular Accounts' Trade},        
    y label style={at={(axis description cs:0.5,1.05)}, anchor=south},
]
\addplot coordinates {(October 1575, 1650) (November 1575, 1550) (December 1575, 1550) (January 1576, 1550) (February 1576, 1550) (March 1576, 1550) (April 1576, 1550) (May 1576, 1550) (June 1576, 1550) (July 1576, 1550) (August 1576, 1550) (September 1576, 1550)};
\end{axis}
\end{tikzpicture}
\end{center}

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.\textsuperscript{111} 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

\textsuperscript{108} App. III  
\textsuperscript{109} Vanes, Overseas Trade, 66  
\textsuperscript{110} Based on Flavin, and Jones (eds.), 'Bristol Port Book, Overseas Inwards, 1575/6'  
\textsuperscript{111} BRO P/St J/HM/A (a)
ignored: testimonies from the 1573 commission offer some contradictory evidence. 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. This was largely a reaction to the levying of heavier custom duties. In 1558 the Book of Rates was updated, increasing ad-velorem taxes. The same year saw an Impost levied, which taxed imports of French wine at 53s 4d per ton. 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. 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.

The scholarly recognition of these activities is largely thanks to the insights offered by surviving private records like John Smyth's Ledger. 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

112 App. IV
113 Jones, Economy, 141
114 Vanes, Overseas Trade, 93
116 Jones, Economy, 141; Vanes, Overseas Trade, 94; F. C. Dietz, English Public Finance, 1558-1641 (New York, 1932) 306-7
117 Pitt, Wine Trade, 81; Sacks, Trade, 933
118 Pitt, Wine Trade, 94; N. Williams, Contraband Cargoes: Seven Centuries of Smuggling (London, 1959) 52
119 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.\(^\text{120}\) 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.\(^\text{121}\) 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.\(^\text{122}\) 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.\(^\text{123}\) 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.\(^\text{124}\) The Harre's wine cargo mostly belonged to 'John Aldworth and associates'. The entry reads '24tuns 1 pipe wine sack, net 19 tuns'.\(^\text{125}\) 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.\(^\text{126}\) 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.\(^\text{127}\) Halton too may have had a financial incentive to under-

\(^{120}\) Pitt, Wine Trade, 52  
^{121}\) Pitt, Wine Trade, 52  
^{122}\) Pitt, Wine Trade, 55-6  
^{123}\) App. VII  
^{124}\) 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  
^{125}\) Half a ton of sweet wine from Southern Spain, similar to sherry. Glossary in Vanes, Documents, 175  
^{126}\) Ullage meaning cask leakage  
^{127}\) 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. 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%. 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. 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. 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. 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. 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

---

128 Jones, Economy, 69
129 Vanes, Ledger
130 Jones, Economy, 27; Statutes of the Realm Volume 4 (London, 1819) 373–4
132 Dietz, Public, 315
133 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.

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. 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

---

134 Taken from Jones, *Economy*, 57
135 Vanes, *Documents*, 50
witnesses admitted Kingroad was a place used for both lading and unlading. 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.\textsuperscript{136} In some cases, this rule may have applied to Kingroad.\textsuperscript{137} 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 \textit{Harre} arrived in Kingroad on Wednesday. The Port Book entry was made on Saturday. This suggests the \textit{Harre} stayed in or around Kingrode for four days before it came to the 'Key'. Similarly, the \textit{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.\textsuperscript{138}

\begin{quote}
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 \textit{Harre} was a 38-ton ship, yet it only transported 32 tons. Likewise, the \textit{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.
\end{quote}

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.\textsuperscript{139} Nevertheless, the \textit{Livery} clearly stayed in Kingrode long enough to be detected and for Wynter to allegedly seize 'iiii buttes of seck' from it.\textsuperscript{140} 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 \textit{Harre} and \textit{Livery} shipments. The case documents outline several smuggling methods of Bristol's high-profile merchants such as the use of

\begin{quote}
\textsuperscript{136} Stanford (ed.), \textit{Ordinances}, 16; Vanes, \textit{Port}, 3
\textsuperscript{137} Such as 'in tymes of necessity', App. III
\textsuperscript{138} Jones, \textit{Economy}, 57
\textsuperscript{139} Hinton (ed.), \textit{Port Books}, xiii
\textsuperscript{140} App. III
\end{quote}
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. 141 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. 142 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. 143

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. 144 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. 145 Further analyses of these would add to the understandings offered here.

141 Jones, Economy, 82
143 Sacks, Widening, 79
144 Jones, Economy
145 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.\textsuperscript{146} Nevertheless, many Tudor equity cases of the period remain to be considered.\textsuperscript{147} To the future scholars of such cases this method and analysis will prove a valuable tool.

\textsuperscript{146} H. Horwitz, \textit{Chancery Equity Records and Proceedings 1600-1800} (London, 1995)

\textsuperscript{147} Bryson, \textit{Equity}, 31
Appendices
### Appendix I

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

\(^{148}\) 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.

---

### Prelude to the Commission

1. **Bill of Complaint, followed by Informations (Pleadings)**  
   - TNA E112 Bills and Answers  
     - Indexed in **Bill Books**  
     - If enrolled, **Agenda Book & Repertory Rolls**  
       - All in IND1 series

2. **Defendant Answers**  
   - Requested in **TNA E123 Decrees and Order**  
   - Answers in **TNA E112 Bills and Answers**

3. **Organisation the Commission**  
   - **Order attached to deposition**  
   - TNA E134  
   - Practical correspondence no longer survives in official or personal records

### During the Commission

4a. **Commissioner Identities**  
   - Parliamentary records  
   - Local records from BRO, including Municipal Lists

4b. **Witness Identities**  
   - Local records from BRO, including Apprentice Books

5. **Possible further Proofs**  
   - Collected by the Exchequer  
   - Stored in **E123 Book of Decrees and Orders**

### Following the Commission

6. **Case Hearing**  
   - Documents rarely generated from this

7. **Decree**  
   - Original **TNA E128**  
   - Copy (and Second Copy) **TNA E123**  
     - If enrolled, Decree may be found in the Memoranda Rolls **TNA E159**  
     - These are indexed by the **Agenda Book & Repertory Rolls**  
       - Both in IND1 series
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\(^{149}\)

Commission Order\(^{150}\):

1r

Elizabeth dei gratia anglie francie et hibernie regina fidei defensor etc diletis nobis Iohanni Stone maior ciuitatis nostre Bristol', 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 discretionues uestras in premissis examinati maxime idoneos uideritis coram uobis ad certos diem et locum siue dies et loca infra ciuitatem nostram Bristol' aut alibi euocandos et apparere procurandos ac ad ipsos et eorum quemlibet omnibus uis mediis et modis quibus melius scieritis aut poteritis tactis per eos prius coram uobis sacro \(<\text{hole in membrane}>\) sanctis dei Euangeliis de et super articulis siue interrogatoriis predictis diligenter examinandos examinationesque suas premissa tangentes recipiendas et in scriptis in pergamen redigendas. Ideo uobis mandamus quod uos quatuor circa omnia et singula premissa agenda diligenter attendatis ac tenorem p?m exequamini cum effectu Et quid in premissis fecitis ac de toto

\(^{149}\) The following conventions were employed when transcribing documents included in the Appendicies: 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

\(^{150}\) 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 xxuiii\textsuperscript{mo} die Novembris anno regni nostri xiii\textsuperscript{mo} per Barones
Fanshawe

Dated: 28th November in the fourteenth year of our reign\textsuperscript{151}

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 Westminister what you have done in the said matter and concerning all of your actions in this affair as quickly as you can, by the

\textsuperscript{151} 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 myysted by the comissionere one the queenes ma[jes]ties behalf

1 Imprismis wherther 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 feasste, and how longe synce that any fayre was kept there in that week

3 Item, whether any pety custome or pryse wynes were payd or to be annswered 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 harry of Marrynes John Martiyeau M[aster] was entred And in what weeke in Ao $^{152}$ 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

$^{152}$ Anno domini
Articles to be mynistrèd on the behalf of Charles Som[er]sett esquier and George Wynter Esquier

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 Sartoday noone then next followinge

2 Item whether do you knowe or have herd that that Henry Brayne esquier 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 City of Bristoll called kinge rode is p[ar]cell\textsuperscript{153} 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 nomber 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 theire use or behalfe And whether the same seasure were made before the Sartoday noone which was Trinity Sunday eve in the sayd xiith yere of the raigne of the Queenes Majestic\textsuperscript{154}

\textsuperscript{153} Meaning 'part' of the port of Bristol
\textsuperscript{154} Queen Elizabeth I ruled 1558 - 1603 so the 12th year of Queen Elizabeth's reign was 1570
Depositons of witnesses taken upon certen interrogacions on the partes and behalfe of Charles Som[er]sett and George Wynter Esquires at the cytie of Bristowe the xviiith daye of Januarye in the fflourteenth yere of the raigne of o[u]r sov[er]aigne Ladye queene Elizabeth before John Stone Mayor of the cytie aforesaid Willym Carr Thomas Chester and Wilyam Tucker by force of A conmyssion to them directed out of the queenes higness court of the Escheker as foloweth

1 Imprimis George Badram of the cytie of Bristowe m[er]chant of the aige of xlth yeres or there abowte being sworne uppon the holie Evangeliste of god and examyned saith uppon his othe that as to the first interogatorie he hath hard that the Pryor of St James w[i]thin the suburbes of Bristowe hath had always the prise wynes 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 interogatorie he saith that Robert Brayne Esquier decessed hath had and receyved the prise wynes in the whitsont weeke being paid by this deponent unto the said Robert as Owner of the said house of St James

3 Item to the iijde 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 iiijth he saith that shippe hath both laden and discharged p[ar]te of their lading in therode called kingrode

5 Item two the vth and vjth he saithe he can saie nothing

6

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 uppon his othe to the first interogatory that the priour of the said house of St James hath had the prise wynes in the whitson week of such shippe as came to the port of Bristowe during that weeke

2 Item ijde interrogatorie he saieth 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 wynes of all such shippe as arryved in the whitsonweke w[i]thin the porte of Bristowe

3 Item to the thirde he saieth he knoweth not howe farr the porte of Bristowe extendeth but saith the kingrode is p[ar]te of the porte of Bristol

17th January 1572
Item to the iiiijth interrogatorie he saith he knoweth nothing

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

Item to the vijth interrogatorie he deposeth and saith that in the aforesaid whitsonweke in the xiith yere of the raigne of the quenes hignes 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 iii 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

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

Item to the iiith interrogatory he saieth that he hath hard that Henry Brayne and Robert Brayne his sonne decessed now had the prisage of wynes in the Whitsonweke

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

Item to the ivth interrogatory saith that he hath knowen divers that hath laden their m[er]chandises in kingerode but saith he knoweth none that hath their discharged

---

156 Meaning diverse people
Item to the vi th 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 livery of Mortagne and that that the hare of Martenas arryved in kingerode the We[d]n[e]sday or Thursdaie of the whitsonweke and the lyvery the frydaie in the same weke

Item to the vijth 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

Bartholmewe Poyner of the said cytie merchant of the aige of ffiftie yeres or there abowte being sworne and examyne said to the firste interogatory he can saie nothing

Item to the iijde interogatorye 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

Item to the iiijde 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

Item to the iijjth he saieth that shippe uppon? have both laden and discharged in the port of Bristowe called kingrode

Item to the vi th and syxt he saieth he can saie nothing

Gyles Rowe lyme burner of the aige of lx yeres or there abowte being lykewise deposed and examyned to the first interogatorye 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

Item to the second interogatorye he saieth 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

Item to the iiijde interogorie he saieth as the said George Badrum hath before declared

Item to the iijjth and vth interogatories he saieth he can saie nothing
Robert Pressey merchant of the aige of lxv yeres or there abowte being lykewise sworne and examyned saieth to the first interogatorie he saieth as the aforesaid George Badrum hath said

signed: John Stone Mayor, Thomas Chester, W[i]lliam Tucker, William Carr

Item to the ijde and iijde interogatories he saieth as the Robert Halton hath said that he hath knowen that sundry shippe have both charged and discharged in the said rode called kingrode.

Item to the vth and syxth interogatories he said that he can saie nothing

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

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

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

6th Interrogatory in this case is missing
Commissioners
Clerical error here, answering interrogatory 4
4th Interrogatory is missing here, MS damaged
Thomas Rycardes of the cytie of Bristowe whitower of the aige of lxxx yeres or there abowte sworne & examyned To the first interogatory he saith as the aforenamed George Bodrum hath said

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

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

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

Robert Dawes whitower of the aige of lxvij yeres or there abowte being also sworne and examyned To the first interrogatorie 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

Item to the iiide interrogatorie he saieth that he hath also harde saie that Henry Brayne Esquior and Robert Brayne his sonne and heir deceased have had the prise wynes in the whitsonweke

Item to the iijde and iiiijth interrogatoriehe knoweth nothing

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

Item to the vjith 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

161 Occupation - someone who processed leather skins into white leather by 'tawing'
John Banckes whitower aige of xxxyi yeres or there abowte sworne and examyne to the first and second
interogatorie he saieth as the said Robert Dawes hath said

Item to the iijde and iiiijth interrogatories he saieth that he can saie nothing

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[re]th

Item to the syxth he saieth that the seasure of prise wynes 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 aforenamed John Dye And for the other shippe w[hi]ch was then at kingrode or hungrode he hard one m[ar]shall s[ai]d that he had made seasure of the pryse wynes of the same shippe on the Satordaie being Trynitie eve n the forenoon

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

Item to the iiiide he saieth as the aforenamed Robert Halton hath said

Item to the iijjth he saieth that kingrode is aport of lading and discharging and that shippe have both there laded and discahrged

Item to the vth and vjth he saieth he can saie nothing

Thomas Aldworth m[er]chant of the aige of xlviii yeres [or] there abowte being lykewise sworne and examyned deposereth and saieth to the first interrogatorie that he hath hard that the prior of St James hath had the prisage wyne in the whitsonweke

Item to the iijde 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 wynes in the whitsonweke
Willyam Young merchant of the aige of lviii yeres or there abowte sworne and examyned saieth to the first
second and third interogratories as the aforenamed Robert Halton hath said

Item to the iiijde he saieth as the aforenamed Robert Halton hath said

Item to the iiijth he saieth as the aforenamed Willyam Hike hath said

Item to the viiith and viijth he saieth as the aforenamed Robert Halton hath said

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

Item to the viiith 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

Item to the viijth he saieth he can saie nothing

signed: John Stone Mayor, Thomas Chester, Will[i]yam Tucker, William Carr
Deposicions of witnesses taken uppon certen interrogatories on the parte and behalf of our soveraigne Ladie Quene Elizabeth at the cities of Bristowe the xvijth daie of Januarie in the ffowertenthe yere of her Mai[jes]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 Escheker 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 and examyned deposeth and saieth uppon his said othe that as to the first and second interrogatories he can saie nothing

2  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 xviijte tonnes of wyne and a pipe 162 of wyne for the prisage of xixte 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 iiiijte and vth interrogatoye he saieth he can saie nothing

5  Item to the viijth 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 to the first and second interrogatories he can saie nothing

3  Item to the ijde 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

162 Equivalent to half a ton
Item to the iij\textit{th} and the v\textit{th} interogatories he saieth he can saie nothing

Item to the vj\textit{th} interogatories he saieth that kingrode is a porte used for discharging and lading of m[er]chandises in tymes of necessity

\textbf{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 interogatory 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[chester] granted unto the prior of St James a faier to be holden w[i]thin the precincte of Bristowe on the
whistonweke

Item to the ij\textit{de} he saieth that he can saie nothing

Item to the iij\textit{de} he saieth that he hath harde saie that the prise wynes brougsth 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

Item to the iiiij\textit{th} he saieth that the shippe called the house of Marenas named in the interogatorye 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
whitonweke in Ao 1570 upon the thursdaie in whitsonweke as farr as he remembreth

Item to the v\textit{th} interogatories 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 Em

Item to the vi\textit{th} he saieth he can saie nothing

\textbf{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
interogatorie he saieth he can saie nothing

Item to the iiij\textit{de} interogatorye he saieth that the prise wynes 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

Item to the iiiijth 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[dd]n[es]daie 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

Item to the viiijth 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[dd]n[es]daie 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

Item to the viijth 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[dd]n[es]daie 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

Item to the vijth saith 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

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 his othe to the first and second interrogatories he can saie nothing

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]llie 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

Item to the iiiijth vth and sixt he saieth he can saie nothing

signed: John Stone Mayor, Thomas Chester, W[ill]yam Tucker, William Carr
Robert Pressey of the citie of Bristowe merchant of the aige of lxv yeres or there abowte being sworne and examyned deposeth and saieth as to the first and second interrogatoryes he can saie nothing

Item to the iiijde 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

Item to the iiijth and viieth he saieth he can saie nothing

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

Leonard Pope of the citie of aforesaid, being one of the Attorneys of the court kepte, withe Guylhall there of the aige of ffiftie yeres or there abowte sworne and examyned saieth to the first interrogatorye that he neaver knewe that ther was any faier kepte in the whitsonweke w[i]thin the libertis of Bristowe but he saieth that abowte xxti yeres now past he was servant to one Stephen Cole late of the same citie of Bristowe decessed who was steward to the house of St James And this deponent did yerelie by the space of xiy yeres reade the p[ro]clamacon on whitson eve to the same p[ro]clamacon 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

Item to the iiide he saieth he can saie nothing

Item to the iiijde 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 yeres receyve the petie custome to the use of the Owner 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

Item to the iiiijth and vth he saieth he can saie nothing
Item to the vjth he saieth that he hath harde saie that shipphe hath used to lade and discharge in the said rode called kingrode

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

Item to the iiijde interogatory he saieth as the aforenamed Robert Pressey hath said

Item to the iiiijth vthand vjth interogatories he saieth he can saie nothing

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 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

Item to the iiijde interogatory he saieth that he knoweth that Henry Brayne deceassed 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

Item to the iiiijth vth and vjth interogratories he saieth he can saie nothing

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

Item to the iiijde he saieth that petie customes and prisage wynes hath ben paid unto Rober Brayne deceassed being Ownor of the said house of St James in the whitsonweke but whether before or after entrie made in the quenes custome howse he knoweth not
Item to the iii\textsuperscript{rd} he saieth that the shippe called the hare of Marenas arryved in the porte of Bristowe in the whitsonweke in the xi\textsuperscript{th} yere of the quenes high raigne that nowe is but what daie she was entred he remembreth not

Item to the vi\textsuperscript{th} he saieth that the lyvery of Mortagne came into kingrode the Thursdaie or fridaie in the said whitsonweke

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

Item to the iiij\textsuperscript{rd} iii\textsuperscript{rd} and vi\textsuperscript{th} he saieth he can saie nothing

Item to the v\textsuperscript{th} he saieth that kingrode is aporte of lading & discharging

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

Item to the iiij\textsuperscript{rd} 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

Item to the iii\textsuperscript{rd}e he saieth that the shippe called the hare of Martenas Mr John Martigne and master came to kingrode in the whitsonweke uppon the We[d]n[es]daie Ao 1570 and she was entred on the fridaie the said whitsonweke in the quenes custome house

Item to the vi\textsuperscript{th} he saieth he can saie nothing
Item to the vijth he saieth as the aforenamed Wyllyam Hike hath said

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

Item to the iiijth he saieth as the aforenamed Thomas Aldworth hath said

Item to the iiiijth and vth interrogatories he saieth he can saie nothing

Item to the vijth he saieth that the rode called kingrode hath ben and is a port used for shippe to be laden and discharged

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

Item to the iiiijth he saieth that the shippe called the hare of Marenas was entred in the quenes custome house in Bristowe on Trynities eve Ao 1570

Item to the vth 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 xxiijth daie of Trynitie Ao 1570

Item to the viijth 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*
To the Right honoerable the lorde chief B[aron] [and] 163
the Barons of the [Queens]
honorable courte [of]
Eschecker

per manus Radulphi Day
serviente Edmundi Wynter
armigen xxxi° Januarij
a[nno] xiiiij
Regine Elizabeth prese[et]

163 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

Somersett] 20 Leonard Pope and others & conc[er]ning the liberties of a faire holden nere St James in Bristoll

Interrogatories to be ministred to certayne witnes[e]s on the part and behallf of the sistors & coheires of Rob[er]t Brayne esqiuo[r] deceased

1 Imprimis whether ye knowe that Robert Brayne esquier deceased in his lyffe tyme hadd or ougst to have his belonginge to his Mannor of St James w[i]thin and ?ware the liborties of the Citie of Brystowe 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]t Brayne or they whose estate the said Rob[er]t 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]t Brayne and all those whose essate he hath in the said mannor used to have and keepe & Court commonly called of pypowdore durringe all the tyme of the said ffayre and from how ye know the p?ss to be trewe and what ? they or any of them have used to make w[it]thin the said Cittie durringe the time of holdinge the said ffayre

3 Item whether the said ffayre by and uppon the date of the said Rob[er]t Brayne ouygt to disbond remayne or come unto the dame Eme Som[er]set wife of E[sqiou]r Charless Somerset kinygt and unto Anne Wintor wief to George Wintor esqui[or] his sistors and coheires of the said Robert Brayne and whether they ouygt to have and enjoi 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]t did or ouygt to have enyoidd the same

4 Item what other matto[r] or thinge y[ou] can depose concerning the contente of the Articles before expressed or concerning the proffite comoditie pr[iv]iledge or adva[n]tage growinge to the said coheires as the said Rob[er]t Brayne for or in Respecte of the said ffayre or concerning the usaige of the same ffayre or the continewaunce 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 fiftenth 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 sworned and examyned the saie and yere foresaid to the first Intte[rogato]re he deposeth and saieth upon 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[i]th the lymb of the Citie of Bristowe aforesaid a ffare holden yerely w[i]th the lymbes of the saie Citie of Bristowe And that ffare 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 whitson eveatt 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]ylanities? and other thinge to be bought and sold comy[i]ng to the same Citie or w[i]th the citie yerely w[i]th the tyme of the saide ffare And also he claymed deposed ? the proclamacon to have yerely the prisage of wynes all manor of that shoulde come to the Citie yerely w[i]th the afo[re]saide tyme And saieth that that the keper of the key, keeper of the barke And the clarke of the markett dyd allwaies yerely take upp suche tollue cusstomes & other proffitte as happened w[i]th 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 Brayne & others whose estat he hadde 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 deceassed 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 peldon & tried ther by verdit of xiy 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...

164 MS damaged here
2ν

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 Somersett 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 Interrogatorie he saieth that he hard sede by... 165

3r

1

Thomas Bodinger of Bristowe Taylore of the aige of l yeres or there abowe sworn & examyne the daie and yere aforesaide To the first Interrogatorie he saieth That he doth knowe that R[o]b[ert]e Brayne Esquire deceassed in his lyfe tyme had as belonginge to the man[o]r of St James w[i]th[in] and nere the libtie of the citie of Bristowe a ffare to be holden yerely w[i]th[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 fffayre doth contynewe yerely

2

Item to the second Interrogatorie he saieth that durnghe 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 staiies and fellons goodes And also hadd toll & custome & murage of all manner of m[e]chanties? and other thinge to be bought and solde comynge to the said citie or w[i]th[in] the citie yerely durringe the tyme of the same faire And also he claimed accordynghe to the wordes expressted in the proclammacon to have yerely the prisafe of all mann[e]r of wynes that should come to the citie yerely w[i]th[in] the said tymes and have had all Americaments penalties & forfitures 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 mar[ket] dyd allwaies yerely take upp such toll & customes and other profitte as happened w[i]th[in] the same tymes And the former constables dyd take upp all amercments and forfitures as in the same tymes And dyde yeld upp ther

165 MS damaged here
Accompte thereof at thende of the weke unto the said R[ob]e[r]t Brayne And to those whose estates he hadd or to his steward or to some other whome he wold name or appointe And dyde receave the same to ye prop[er] use of thesaid Rob[ert] and of theose whose estates the said Rob[ert] hadd And saieth that he hathe known by that thesaside Rob[ert] 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[i]thin 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

(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

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

Signed: Thomas Bylling
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° Regine Elizabeth

Whereas uppon Informacons geven to this courte by John Younge esquier ffarmor of the Butlerage of the Citie and Porte of Bristoll against Sir Charles Somers[et]r kinght and George Winter esquier for and concerninge certaine prisage wines taken and retained by Eme now wief unto the same Sir Charles and by George Winter theire deputies and Assignes 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. Whereuppon the same Sir Charles and George Wynter have bene called into this Courte to answere there unto w[hi]ch they have don accordinglie and at severall daies by theire 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 Somerset and George Winter have come into this courte and by their said counsell have declared and alledged unto this court, That Willia[m]e sometime Earle of Glouc[ester] longe s[i]chens deceassed was seased as of soe of a faire
to be kept at Bristowe yerely in the whitson weeke with the prisage of wines
and of other customes comeinge by water. And that the same Will[ja]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 theire said counsell made it appeare to this court by the
said Examlplificacon that the same Charter was confirmed by henrie
the xijth sometime kinge of England And have shewed to this courte
also an Exemplificacon 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[ja]m Earle
of Glouc[ester] had granted the same to the said prior And by which
also is appeareth the that Thomas Chaucer chief butler uppon the kinge writt

f.4r
of non molestande to him directed 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
discharge of 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 xxxiiith 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 accustomably taken of all

f. 5r

wines that were brought w[i]thin that time into kingeroode hongerode the backe
and the key within the said porte which the said John Younge beinge
present in court dothe not denye And forasmuche also as the same
howse was dissolved and thereupon 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 xxvth
yere of his highnes raigne granted the Mannor of Saint
James with thappertenance and the said dissolved howse & the
possessions thereof togeather with the said faire and other gen[er]all
of customes profitte & 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 isssue 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 death 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 desmesne 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 whereupon it is nowe this present fourtenth the daye
of June in this present terme of Easter uppon the finall hearinge
of the said cause ordered and deced by this Courte ffirste that
the said 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 kingerode 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 theintent to be unladen w[i]thin the said Porte without the interuupon 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]esent 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 whitstundaie even or that shall not be duely entered or offered to be entered in the custome howse of the said port for the payment of the Queenes ma[jes][i]e dueties 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

58
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 lesse heretofore made

Signed: W. Burghley\textsuperscript{166} and W. Mildway\textsuperscript{167}

\textsuperscript{166} Lord Treasurer - offering proof that the document is the original
\textsuperscript{167} Chancellor of the Exchequer
Termio Trin anno xvijth Regine Elizabeth
xiiijth die Junni

Bristoll whereas uppon an Informacon given to this courte by John Younge esquier
ffarmor of the Butlerage of the citie and and the porte of Bristoll agennts Sir Charles Somersett
knight and George Wynter esquier for and concerninge certen prysage wynes taked and
reteyned by Eme nowe wyfe unto the same Sir Charles and by George Wynter theire
deputys and assigues in the whitsonweeke of Shippes and vessels comen into kyngroade
hungroade and other the places Roades and creek beinge within the porte of Bristoll
aforesaide suggestinge that the same prysage wynes 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 whereupon 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 theire learned counsell have shewed theire title thereunto in this courte And
forasumche as upon the severall and full heeringe of the saide cause: the same Sir Charles
Somersett and George Wynter have come into this courte and by theare saide counsell
have declared and alleadged unto this courte that Will[iam] sometyme Earle of Glowe longe
sithince decessed was seyzed as of fee of a fayre to be kept at Bristowe yeerely in the
whitson weeke with the prysage of wynes and of other customes comyng by water
And that the same william some tyme Earle of Glowe by his charter gave the same farre
in the whitson weeke with the saide prysage of wynes and customes unto the late
Dissolved Pryory of St James of Bristoll To have and to holde within the Borough
and without well freely qwetly and honorably as he had the same when they were in his
owne handes and for proof of the same grantee shewed foorth in this courte an exemplificacon
of the same under the greate seale of England dated xxx die Septembris anno
quarto R[e]gine henri septinni And forasmuch also as the same Sir Charles Somersett
and George Wynter have by theare saide counsell made it uppeere to this courte by the
said exemplificacon that the saide Charles was confirmed by henry the seaventh
sometyme kyinge of England and have shewed to this courte also an exemplificacon under
the seale of office of the Maior of Bristoll of sondry instruments and wyrtinge touchinge
the premyses 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 predecesseors have used
have to 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[i][a][m]
Earle of Glouc[ester] had granted the same to the saide pryor and by which it also appeareth
that Thomas Chaucer chef Butler upon 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 pryor 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 leavied and taken the same prisage wynes
happenninge of Shippe comen into the saide porte in the whitsonweeke By all which
thinge it seemeth that the pryor for the tyme beinge of the sayde prory hath had the
saide prisage as is above alleaged 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 alleaged 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 prisage was acustomably taken of all wynes 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 forasmucht also as the same
howse was dossolved and thereuppon the same fayre and prisage of wynes 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 the second day

\textit{f. 129v}

\textsuperscript{168} Reference to Saffron Walden?
of January in the xxxvth yeere of his highnes reign 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 assigues for and
and that the same henry beinge thereof seized accordingly afterwardes dyed having yssue
Robert Brayne Anne Brayne and Eme Brayne which Robert was likewyse seized of the
premyses 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 premyses 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 nowe
wyfe unto the saide George Wynter as sisters 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
premyses granted unto the saide henry Brayne as is aforesaide amongst other thinge
in theire demesne as of soe as in the right of the same Anne and Eme accordingly By reason
whereof the same Dame Emes Eme and George Wynter tooke the saide prysage wynes which
Prysage wynes so taken are the prisage wynes whereof the said John Younge hath
enforced this court and supposed to belonage to hym in respect of the saide Butleredge
The value of which wynes 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 until the matter were ended
and determyned whereupon it is now this present fourteenth day of June in
this present terme of the holy Trynty upon the the fynill hereinge of the saide cause
ordered and decreed by this courte 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 assigues of the said Eme and Anne shall from hencefoorth forev[er] quyetly
and peaceably have take leavye and p[re]ceave the said prysage wynes of all wynes comyinge
into the said places called kyngroade hungrode the key and the back within the said porte
at any tyme duringe the whitsonweek begynnyinge and endinge as above is declared; to
then sent to be unladen within the said 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 successor in their ef fformers and accompte of all suche wynes and the price thereof as have or shalbe taken by the said Sir Charles Somersett and George Wynter therehe heires and assigues accordinge to the true meaninge of this decree And that the 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 always that this order shall not extend to allowe to the said Sir Charles Somersett and George Wynter or the heires or assigues of the saide Anne and Eme the prysage of any wynes 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 merchants 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 wynes that shalbe so entred or tendered and not brought into some of the saide places w[h]in the saide tyme provided also that ys at any tyme hereafter any better matter can

f. 130r

Adfine de termino sce Trin anno xvijth Regine Eliz

be shewed or prooved for the title and right of the Quenes Ma[jes]tie her heires or successors touchinge the saide prysage wynes 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 \textsuperscript{169} 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 assigues or theym or either of them or any of them or the heires or assigues 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 endomaged 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 assigues shall stand to and abyde suche order as this court shall
take in that behalf aswell for the prysage as for the contempt.

\textsuperscript{169} From this point, these extra sentences do not appear in the original decree
Whereas uppon an Informacon geven to this court by John Younge esquier ffarmer of the Butlerage of the citie and port of Bristoll against Sir Charles Somerset knight and George Winter esquier 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 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 ffarmer as is aforesaid. Whereupon the same Sir Charles and George Wynter have bene called into this Court to answere there unto wh[i]ch they have done accordinglie 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 Somerset and George Winter have come into this court and by their said counsell have declared and alledged unto this court, That Will[i]am sometime Earle of Glouc[ester] longe sethence deceassed was seased as of soe of a faire to be kep 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[i]am 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 iiiijth 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 Examplification that the same Charter was
confirmed by henrye the xijth sometime kinge of England And
have shewed to this court also an Exemplification under the seale
of office of the maior of Bristoll of sondry instrumens
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 townne 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 posession
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 hathe 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 alleaged untill the dissolucon of the same in Anno xxxiiith
Re henrici viij And for that also the said Sir Charles
Somerset and George Winter have also alleaged 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 accustomably
taken of all wines that were brought w[i]thin that time into
kingerode 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 thereupon
the said faire and prisage of wines w[i]th other the premisses of the
saine 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 patente dated at Walden the
second day of Januarie in the xxvth 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 profitte & 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 accordinglie afterwarde did having isssue 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 death 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 Somerset 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 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 Butterage 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 fourtenthe daye of June in this p[re]sent Tearme of [the holy] T[ernity] upon the fynall hearinge of the saide cause ordered and decred by this Courte ffirste that the saide Sir Charles Som[er]sett 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 coming into the said place called kingerode honrode the key and the backe w[ith]in the said port at any time duringe the whitson weeke beginninge and endinge as above is declared to theintent to be unladen w[ith]in the said port w[ith]out the interuupcon lett or disturbance of the butlor ffarmor of the butterage 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 farmors and accompte of all suche wines and the price thereof as have as shall be taken by the said Sir Charles Somerset and George Winter their heires and Assignes according to the true meaninge of this decree. And that the said Exemplificacon shallbe enrolled amongst the Recordes of this court of this present term 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 Somerset and George Winter or the heires or assignes 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 duelie entred or offered to be entered in the custome howse of the said port for the paiment of the Quenes ma[jes]tie dueties by the merchant or merchants betwene the said howre of twelve of the clocke on the whitson even and xij of the clocke on saturdaie 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 void and of none effect And savinge to the said fermor fermor his right if he have any by force of any lease  heretofore made 170 provyded also & it is further ordered by the said Lord Treasurer Channcellor & Barons that if the said Sir Charles Somerset & George Winter or eyther of them as the facttors & 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

170 From this point, these extra sentences do not appear in the original decree
of those wines shalbe utterly voide & the said Sir Charles Somerset and George Winter and the
said Eme and Anne their heires & assigues 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
Bristol A° xiiiij Jobis xiii Novembris

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

f. 18
Bristol A° xv Jobis xvj Aprilis

It is ordered that prof shalbe made howe the prise and toll of St James of Bristol 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 profbe made to Thomas Chester late maior of Bristol 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
Bristol A° xv Jobis vj May

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

172 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

3v

20 May

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

of John Aldworth & associates of city of Bristol merchant for
24 tuns 1 pipe\(^1\) 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\(^2\) 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 Griall and Pierre Bourdon of
Bordeaux merchant alien for 6
tuns wine sack

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

---

\(^1\) A pipe was equivalent to 126 gallons or half a ton, Glossary in Vanes, *Documents*, 175

\(^2\) A hogshead constituted 63 gallons; half a pipe, or a quarter a ton, Glossary in Vanes, *Documents*, 175

---

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.
**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 fardell containing 8 hampshire kurseys 4 northern kurseys 4 devon kurseys in total 5 cloths 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** 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 Customs Subsidy paid 24s 2d

of For one piece of Motteley containing 20 yards value is 20s 1 brecknock value 20s for 5 hampshire kurseys containing 1 cloth and 2 parts of a cloth Customs Subsidy paid 24s 2d

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

---

176 A fardell was a ‘bundle of indeterminate quantity’, Glossary in Vanes, *Documents*, 174
177 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)
178 Most likely a clerical error, confusing two ships, the *Harre de Marenas* and the *Livery of Mortaigne*
179 Type of woolen cloth, Flavin and Jones, *Glossary*, 117
180 Breton cloth, another type of woolen cloth, Flavin and Jones, *Glossary*, 111
181 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

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 these 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] 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 Appurleigh, Robert le Ware, Adam le Norton, Robert de Lycoln, Richard de Weston, Robert Randulf and Nicholas de Rowbergeh, 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.

182 Contained in F. B. Bickley (ed.), The Little Red Book of Bristol, vol I (London, 1900) 239-44
183 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 prisege 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 prisege, 1404

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 prisege 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 prisege 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 prisege 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 prisege 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 prisege, 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 prisege aforesaid and to be put in full and peaceful possession of the said prisege; and by virtue of which the aforesaid prior is put in possession of the prisege aforesaid by the said Thomas Chaucer, and then and there the said prisege is delivered to the prior

---

c) Regarding the 'Prisage of wines to be had in the Week of Pentecost by the Prior of St James Bristol', 1454

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 shew 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 aforesaid, 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'
Appendix IX

Brayne Family Tree

Henry Brayne = wife unnamed
(possibly 1567)
- London merchant tailor
- Granted St James Priory

Robert Brayne =
(possibly 1570)
- Inherited St James from father
- Died childless

Judith Brayne
(no surviving will)

Anne Wynter
- Inherited St James from brother after legal suit against Judith
(no surviving will)

George Wynter
(no surviving will)

Eme Morgan
- Inherited St James from brother after legal suit against Judith
(no surviving will)

Sir Charles Somerset
(1535-1599)

186 TNA PROB 11/94/315; TNA PROB 11/53/133; TNA PROB 11/49/135
187 Formerly Brayne
188 Formerly Brayne, then Morgan from previous marriage, widow of Giles Morgan of Newport
Bibliography

Archival Sources

British Library, Sloane MS 2596 - William Smith, Map of Bristol, 1568

Bristol Record Office

BRO F/Au/1/1/10 - Mayor's Audit Book 9, 1570-1574
BRO J/Pie - Records of the Piepowder Court, 1627-1658
BRO P. AS/D/LM/A/15 - Deed Poll from Robert Brayne to Thomas Colson and Phillip Langley concerning certain tenements in St. James, February 1569
BRO P. St J/D/8/1 - Certified Copy Grant of Henry VIII to Henry Brayne, 1544
BRO P. St J/D/17/1 - Deeds concerning the Priory of St. James
BRO P/St J/HM/A (a) - Typescripts from Reverend F.W Potto Hicks, Medieval History of St. James, Bristol (1932)
BRO P. St J/HM/5 - Materials for History of St. James Priory
BRO P. St J/HM/6 - Typescripts from N.F. Hulbert, History of Somerset and Bristol Fairs (undated)
BRO P. St J/HM/7 - Correspondence and Transcripts concerning references to Henry Brayne, 1931
BRO 04359/1 - Burgess Book, 1557-1799
BRO 5139/145 - Letters Patent of Queen Elizabeth granting George Wynter and his wife permission to alienate certain lands of St. James
BRO 5139/151 - Grant of Lands, tithes and property of St. James from Henry Brayne to Robert Brayne, 5th September 1548
BRO 5139/367 - Grant of George Winter of the manor of St. James to Sir Charles Blount and William Whittington, 1621
BRO 08018 - Records of Bristol's Whittawers Guild, 1670
BRO 12276/1 - Copy of the Grant of property of St. James' Priory, associated lands and tithes to Robert Brayne from Henry Brayne, September 1548

The National Archives

TNA C1/1155/54-55 - Rychardes vs. Brayne, 1544-1547
TNA C3/15/46 - Brayne vs. Chester, concerning salt imports, c. 1560s
TNA E112 - Bills and Answers of the Exchequer
TNA E112/38/111 - Young vs. Oliver and Buckforde, May 1589

78
TNA E123 - Decrees and Orders of the Exchequer
  TNA E123/1A - Copy of Final Decree related to the 1572 Commission, Eliz. 16
  TNA E123/5 - Copy II of Final Decree related to the 1572 Commission, Eliz. 16
  TNA E123/6 - Request for Answers from Defendants, Eliz. 14-16
TNA E128 - Decree related to the 1572 Commission, June 1574
TNA E133/1/181 - Crown Commission following 1572 dispute, 1573
TNA E133/4/587 - Thomas Aldworth and Cullymor vs. Young, concerning prisage of Spanish wine, 1578-9
TNA E134/14Eliz/Hil5 - Crown Commission concerning Whitsonweek prisage, 1572
TNA E134/22Eliz/Hil7 - Further dispute concerning import of Spanish wines, Thomas Aldworth and George Cullymor vs. John Young, 1579
TNA E134/27 - Dispute concerning the right to prisage, 1676-7
TNA E159/378 - Smuggling dispute involving Thomas Aldworth and Anthony Robynes, 1594
TNA E190/1128/15 - Controller Overseas Records, Michaelmas 1570 - 1571
TNA E190/1128/16 - Outwards Customer Records, Easter 1570- Michaelmas 1570
TNA E190/1128/17 - Inwards Customer Records, Easter 1570- Michaelmas 1570
TNA IND1/7046 - Repertory Rolls, Eliz. Hilary 15 - Michaelmas 30
TNA IND1/16821 - Bill Book, Eliz. Hilary 12 - Michaelmas 15
TNA IND1/17055 - Agenda Book, Eliz. 11-15
TNA PROB 11/49/135 - Will of Henry Brayne, April 1567
TNA PROB 11/53/133 - Will of Robert Brayne, March 1571
TNA PROB 11/74/478 - Will of Sir John Young, November 1589
TNA PROB 11/94/315 - Will of Sir Charles Somerset, October 1599
TNA 28Chas2/Hil15 - Dispute concerning the right to prisage, 1676-7

Printed Primary Sources

Act for Preserving Navigation of the River Avon, 1543
<http://www.bris.ac.uk/Depts/History/Maritime/Sources/1543avon.htm> accessed 8/3/14
Barrett, W., The History and Antiquities of the City of Bristol (Bristol, 1789)
Beaven, Rev. A. B., Bristol Lists: Municipal and Miscellaneous (Bristol, 1898)
Biekley, F. B. (ed.), Little Red Book, Volume I (Bristol, 1900)
Biekley, F. B. (ed.), Little Red Book, Volume II (Bristol, 1900)
Bristol Burgess Book, 1557-1830 <http://www.bafhs.org.uk/research-room/sources/bristol-
burgesses> accessed 28/11/13

Complaint from Bristol Customer and Controller about Customs Frauds in the River Severn, 1588 in J. Vanes, *Documents Illustrating the Overseas Trade of Bristol in the Sixteenth Century* (Bristol, 1979)


Hollis, D., *Bristol Apprentice Book Part I 1532-1542* (Bristol, 1949)


Lang, S., and M. McGregor (eds.), *Tudor Wills Proved in Bristol 1546-1603* (Bristol, 1993)

Latham, R.C. (ed.), *Bristol Charters 1509-1899* (Bristol, 1947)


Ralph, E. (ed.), *Calendar of the Bristol Apprentice Book, Part 3, 1552-1565* (Bristol, 1992)

Seyer, Rev. S. (ed.), *Bristol Charters* (Bristol, 1812)


Stanford, M. (ed.), *The Ordinances of Bristol, 1506-1598* (Bristol, 1990)

Vanes, J. (ed.), *Documents Illustrating the Overseas Trade of Bristol in the Sixteenth Century* (Bristol, 1979)

Vanes, J. (ed.), *The Ledger of John Smythe 1538-50* (Bristol, 1974)


Wadley, T.P., *Notes or Abstracts of the Will from the Great Orphan Book and Book of Wills* (Bristol, 1886)
Secondary Sources

Armstrong, L. (ed.), Money, Markets and Trade in Late Medieval Europe (Leiden, 2007)
Ball, R. M., ‘Exchequer, King’s Remembrancer: Bills and Answers (E112)’ (TNA: PRO, Unpublished Introductory Note to Class List, December 1994)
Ball, R. M., 'Exchequer, King's Remembrancer: Depositions taken by Commission (E134)' (TNA: PRO, Unpublished Introductory Note to Class List, March 1995)
Crook, D., 'Exchequer, King’s Remembrancer: Memoranda Rolls and Enrolment Books (E159)' TNA: PRO, Unpublished Introductory Note to Class List, January, 1997)
Dewey, T., St. James Priory (University of West England, 2012)
Dietz, F. C., English Public Finance, 1558-1641 (New York, 1932)
Evans, J., A Chronological Outline of the History of Bristol, and the Stranger's Guide Through Its Streets and Neighbourhood (Bristol, 1824)
Flavin, S. and E.T. Jones, A glossary of commodities, weights and measures found in the sixteenth-century Bristol customs accounts (University of Bristol, ROSE, 2009)

Fowler, D. B., *The Practice of the Court of the Exchequer* (London, 1795)

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

Hall, H., *A Repertory of British Archives* (London, 1920)


History of Parliament Resources

- and <http://www.historyofparliamentonline.org/volume/1558-1603/member/carr-william-i-1575> accessed 14/1/14
- and <http://www.historyofparliamentonline.org/volume/1509-1558/member/young-john-1519-89> accessed 27/1/14


Latimer, J., *Annals of Bristol: In the Seventeenth Century* (Bristol, 1900)

Latimer, J., *The History of the Society of M. Venturers of the City of Bristol* (Bristol, 1903)

Leech, R.H., *The Topography of Medieval Bristol, Part* (Bristol, 1997)


Local History Resources <http://www.localhistories.org/bristol.html> accessed 1/3/14

Maclean, J., 'The Family of Yonge or Young of Bristol and the Red Lodge', *Transactions of
the Bristol and Gloucestershire Archaeological Society, vol. 15 (1890-91) 227-245
McGrath, P., The Society of Merchant Venturers and the Port of Bristol in the Seventeenth century (Bristol, 1953)
McGrath, P., Merchants and Merchandise in Seventeenth Century Bristol (Bristol, 1955)
Meredith, R., Claiming 'prise wynes during the Whitsonweek': A Methodological Investigation into Bristol's Crown Commissions 1572-3 (Unpublished Proposal, University of Bristol, December, 2013)
Munro, J.H., 'The New Institutional Economics' and the Changing Fortunes of Fairs in Medieval and Early Modern Europe: The Textile Trades, Warfare and Transaction Costs (University of Toronto, 2000)
Nichols, J.F. and J. Taylor, Bristol Past and Present, Volume I (Bristol, 1881)
Ramsay, G. D., English Overseas Trade During the Centuries of Emergence (London, 1957)
Sacks, D. H., Trade, Society and Politics in Bristol, 1500-1640 (New York, 1985)
Thompson, E.P., Customs in Common (London, 1991)
Vanes, J., The Overseas Trade of Bristol in the Sixteenth Century (PhD Thesis, University of
London, 1975)

Vanes, J., *The Port of Bristol in the Sixteenth Century* (Bristol, 1977)

Williams, N., 'Francis Shaxton and the Elizabethan port books', *English Historical Review*, vol. 66, no. 260 (July, 1951) 387-95

Williams, N., *Contraband Cargoes: Seven Centuries of Smuggling* (London, 1959)