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

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Abstract

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

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

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

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

SIGNED: ............................................................. DATE: ..............................
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Margaret Condon must be thanked for her invaluable advice and kindness. My research benefitted greatly from Margaret’s expertise of the Exchequer records and her willingness to share this with me. Margaret also helped me with some of the more challenging palaeographic aspects of my work and drew my attention to details that I otherwise would have missed.

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Introduction: A Dismembered Port

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

Fortunately for Bristol, the claims made in the 1582 petition were hyperbolic and not an accurate reflection of the city’s fortunes. It was common practice for petitioners to exaggerate their immediate need for the Crown’s favour and this petition was no exception. The allegation that Bristol’s port had been ‘dismembered’ related to the establishment of port authorities at Gloucester. The petition demanded that the Crown should revoke Gloucester’s head port status. Far from being an isolated complaint on behalf of Bristol, this petition was part of a campaign that lasted nearly twenty years.

The first evidence of this struggle emerged in 1565 when Bristol felt it necessary to send the city’s chamberlain to the Lord Treasurer to contest Gloucester’s suit to be made a head port. Although Bristol succeeded on this occasion, Gloucester was appointed a member port of Bristol in 1575 and an independent head port in 1580. The submission of Bristol’s petition in 1582 marked the start of legal proceedings in the Exchequer court. After Gloucester had submitted an answer to Bristol’s petition and Bristol submitted a ‘replication’, two Exchequer commissions were granted to look into the matter. These two commissions were completed by April 1583. Although a hearing before the Lord Treasurer was arranged for 25th May 1584, no final decree was made by the court. It thus appears that the case remained without a conclusion. Gloucester maintained its head port status, which it has retained to this day.

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1 E. T. Jones (ed.), ‘Bristol’s petition against the establishment of the Port of Gloucester, 1582’ (University of Bristol, ROSE, 2011).
2 For example, petitions submitted by Bristol earlier in the sixteenth century made similar claims. It was alleged that parts of the city were ‘clerely falling down, the grasse growing in the streetes’ and ‘the utter distrucion and decay of the navy of the saide towne’ was imminent: ‘A Petition from the Town of Bristol, c.1530’ and ‘Petition against the Candlemas Fair, c.1543’ in J. M. Vanes (ed.), Documents Illustrating the Overseas Trade of Bristol in the Sixteenth Century (Kendal, 1979), 28-32.
4 The National Archives: Public Record Office, UK [TNA:PRO], E 134/25Eliz/Hil3 [Appendix 1]: E 134/25Eliz/East14 [Appendix 2].
5 It would appear from an entry made in the Bristol Mayor’s Audit Books that a rehearing had been anticipated a few days after this initial hearing. This hearing did not occur though and there is no record of further orders, decrees or commissions being issued by the Exchequer in relation to this case. The
When the length of the dispute and the permanence of its outcome are considered, it is surprising that this matter has attracted little scholarly attention. The notable exception to this is Evan Jones’ examination of the pleadings produced by each side at the start of the Exchequer case. Jones transcribed and published Bristol’s 1582 petition, Gloucester’s answer and Bristol’s subsequent replication. Using these documents, he explored the arguments put forward by both sides and identified the key strengths and weaknesses in Bristol’s case against Gloucester’s head port status. In particular, Jones highlighted the implausibility of Bristol’s claims that Gloucester’s port seriously hampered Bristol’s overseas trade. Port book evidence showed that Gloucester’s overseas trade was one hundredth the size of Bristol’s. Furthermore, Gloucester imported few continental wares such as wine, iron and salt and it was these trades that were central to Bristol’s overseas trade. In light of this, Jones suggested that the root of Bristol’s objections could be better explained by the illicit trading interests of Bristol’s merchants. The division of customs authorities would have increased the risk and cost of smuggling because there were two sets of officials to bribe or bypass instead of one. Jones also suggested that the establishment of a head port at Gloucester increased the opportunities for Gloucester merchants to engage in illicit trade of their own. This would have allowed them to compete with Bristol’s well established merchant-smugglers’ illicit grain trade. However, Jones’ investigation is based mainly upon the pleadings submitted by each party at the start of the Exchequer case. As such, it is only a partial exploration of the wider dispute between the two cities.

This study will build upon Jones’ work and carry out a detailed examination of the dispute between Bristol and Gloucester. It will focus specifically on the two 1583 Exchequer commissions. The documents generated by these two commissions are of great value. They include the interrogatories submitted by both sides and the corresponding depositions made by merchants, mariners, sailors, shipmasters, bakers and brewers from both Bristol and Gloucester. They reveal a wealth of information records of the cities of Bristol and Gloucester similarly record no further actions relating to this case: Bristol Record Office [BRO], ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 246: TNA:PRO, E 123/7-12: E 128/1/16-28: E 165/43: Gloucestershire Archives, Gloucester Borough Records, UK [GBR], B/2/1: R. Stone, ‘Potential Projects from the Mayor’s Audit Books’ (unpublished report, University of Bristol, 2009).

Jones, Inside the Illicit Economy, 168-75.

Jones (ed.), ‘Bristol’s petition, 1582’.


See Appendices 1 and 2.
about the dispute that is not included in the pleadings. The two commissions were part of the proof-taking stage of the Exchequer case.\(^{10}\) This meant that Bristol and Gloucester had to support any claims made in the pleadings with deposition-based evidence. These documents therefore have the potential to reveal the extent to which Bristol and Gloucester’s arguments could be substantiated in court. This study will seek to throw new light upon the immediate dispute, the motivation and logic behind Bristol’s objections and why the Crown ultimately decided that Gloucester should retain its status as a head port. Beyond this, the study aspires to reveal how the two cities perceived their ports, the nature of the rivalry between the two cities and how Gloucester’s newly established head port affected the conduct of the region’s trade.

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

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

The ‘natural’ and ‘artificial’ aspects of this definition largely tie in with modern usage of the term ‘port’ – which can be used to describe any place with harbour facilities where ships can load and unload.\(^ {13}\) However, Hale also referred to the fact that a port was partly defined by something ‘given to it by civil authority’. This alluded to the fact that a ‘port’ had a specific meaning in relation to the collection of royal customs. For administrative purposes, the Exchequer had divided the entire coastline into jurisdictions known as ‘ports’ from about 1275.\(^ {14}\) Within each port, Hale described how there was a head port, various creeks and sometimes member ports.\(^ {15}\) At the head port, three customs officers known as the customier, controller and searcher were appointed

\(^{10}\) R. M. Ball, ‘Exchequer, King’s Remembrancer: Depositions taken by Commission (E134)’ (TNA:PRO, Unpublished Introductory Note to Class List, March 1995).
\(^{12}\) Hale, ‘De Portibus Maris’, 46.
\(^{14}\) N. S. B. Gras, *The Early English Customs System* (Cambridge, MA, 1918), 105.
\(^{15}\) Hale, ‘De Portibus Maris’, 45-50.
by letters patent. These officers technically had authority over the entire port jurisdiction. Because some ports accounted for over a hundred miles of coastline, member ports were sometimes created where patent officers could appoint deputies to carry out their duties. Apart from the fact that these deputies were theoretically under the authority of the officers at the head port, there was little difference between head ports and member ports. Indeed when referring to member ports, Hale stated that ‘for their extent and situation they might be [head] ports’. Equally, Gras suggested that the Crown’s decision to appoint one place a head port and another place its member, came down to nothing more than ‘administrative convenience’. From the perspective of the Crown, it seems that the system of ports was merely an administrative device designed for financial expediency and the effective collection of customs.

Beyond Hale’s explanation of the division of ports, his treatise offers a fascinating insight into how individual cities perceived their ports. Hale suggested that a city saw its port as a franchise or privilege in much the same way that a market or fair would be seen. As such, ports were seen as exclusive rights that belonged to a certain town or city. In particular, Hale highlighted that ports were a vehicle for the ‘civil signature’ of their associated cities. By this, Hale was referring to the ‘extensiveness of a port beyond the vill that gives its denomination’. In other words, the name of the city where the head port was established would also be used to describe the wider port jurisdiction. For example, Bristol’s ‘port’ encompassed fifty nine creeks from the River Avon and the River Severn as far north as Worcester before 1575. As Bristol had no member ports at this time, all of the region’s overseas trade had to be recorded at the single customs house in Bristol, by the Bristol customs officers. By this period, any inbound or outbound overseas trade from this region could therefore only be carried out through

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17 Ibid. Overseas and coastal trade could be conducted at both head ports and member ports. Each port also typically had a number of associated ‘creeks’. Customs officers were not permanently present in the creeks and most creeks were only used for the coastal trade. Overseas trade could not be carried out in the creeks although there were occasions when head ports and member ports could issue special licenses for this activity – provided that the customs duties were paid in advance.
21 Ibid, 47.
22 E. T. Jones (ed.), ‘Survey of the Port of Bristol, 1565’ (University of Bristol, ROSE, 2011), 4-6.
23 Through their domination of the city council, Bristol’s merchants were able to influence the appointment of customs officials and thus exercise even more control over the conduct of trade within the Bristol Channel. For more detail about the appointment of customs officials at Bristol, see Jones, *Inside the Illicit Economy*, 138-46.
Bristol, by using Bristol’s privileges and under the name of Bristol’s civil signature. In this sense, other creeks depended on the use of Bristol’s exclusive rights relating to overseas trade. This changed after Gloucester was made an independent head port in 1580. The scope of Bristol’s historic port was dramatically reduced. Its new jurisdiction was limited to a six mile stretch of the River Avon and a ten mile stretch of the River Severn between Aust and Kingroad. When compared to the port of Gloucester’s geographically expansive authority that effectively stretched as far north as Shrewsbury, it is little wonder that Bristol equated this legislative change to a ‘dismemberment’ of their port. Whilst the establishment of a head port at Gloucester may have been construed as convenient for the Crown’s collection of customs, Bristol would undoubtedly have seen this change as an infringement upon their liberties. Ports were thus complex and contested places and this is one reason why the dispute is worthy of further examination.

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

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

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


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

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

29 Horwitz, Exchequer Equity, 2-4.
30 Ball, ‘Exchequer (E134)’.
31 Horwitz, Exchequer Equity.
33 Horwitz, Exchequer Equity, 30-4.
to chart its progress from start to end. Horwitz showed that this technique could reveal details about court process that were not apparent from eighteenth century works relating to the theory of the court. Horwitz’s sampling of case evidence was not a new idea in itself. A number of other historians have created samples and abstracts of Exchequer equity cases to demonstrate trends and to facilitate further investigation. However, what all of these works have in common is that they seek to explore cases from the Exchequer records alone. Although this approach is generally sufficient to obtain the core information about a case, it leaves many unanswered questions. Once an Exchequer commission had been granted, how was it then organised and executed? What factors affected the speed and efficiency of these commissions? How much scope did each party have to influence proceedings? Furthermore, a reading of the legal records alone creates the impression that litigants had no agency. Rather, they were the subject of a court case and followed the orders made by the court. This study therefore seeks to expose the workings of a legal suit from the perspective of the litigants themselves. To do this, use will be made of letters, reports, memoranda and accounts kept by the two parties involved in the suit. The records of the city of Gloucester and the Bristol Mayor’s Audit Books provide a wealth of information about the case that cannot be obtained from the Exchequer records. Using a combination of legal records and evidence generated by the parties themselves, this study will thus seek to expose the practical realities of prosecuting an equity case within the Exchequer. By comparing the findings of this study to how a case should have been implemented in theory, the reliability of the Exchequer records will be assessed. Ultimately, the findings of this study will be used to scrutinise the extent to which a theoretical reading of the Exchequer’s equity jurisdiction creates an accurate impression of how the court functioned.

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

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34 Horwitz and J. Cooke examined samples of pleadings from 1685, 1735, 1785 and 1819. All of the pleadings for London and Middlesex suits were also included for 1685 and 1819: J. Cooke and H. Horwitz (eds.), *Samples of Exchequer Equity Pleadings and Suits: 1685-65, 1734-35, 1784-85 and 1818-19* (Kew: List and Index Society, 2000).
36 GBR, B/2/1: BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12.
first chapter will examine the procedural issues relating to the practical implementation of the two commissions. It will explore the identity of the commissioners, the two parties’ choice of deponents and the actual sitting of the commissions. The manipulative tricks played by both parties when attempting to influence the commissions’ proceedings will thus be uncovered. Chapter Two will address the findings of the two commissions and assess the extent to which Bristol’s claims were supported by the evidence harnessed by the two commissions. The complex motivations behind Bristol’s objections will be examined. The conclusion will summarise what has been learnt about the immediate dispute, the process of gathering evidence through commissions and the nature of the rivalry between the two cities. The wider implications of the apparent ‘dismemberment’ of Bristol’s port will therefore be considered.
Section One: The Procedure and Implementation of the two 1583 Exchequer Commissions

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

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

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

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37 See Appendix 1, fol. 1r.
38 Bryson, *Equity Side of the Exchequer*, 129-143.
39 Ball, ‘Exchequer (E134)’.
41 TNA:PRO, E 123/9, fol. 54v., 63v., 99r., 135r.
party had to influence the commissions. The impartiality of commissions and the reliability of the evidence collected will thus be placed under scrutiny.

The Commissioners of the First Commission

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

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

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42 Jones (ed.), ‘Bristol’s petition, 1582’, fol. 89v.
43 Bryson, Equity Side of the Exchequer, 130.
44 GBR, B/3/1, fol. 66v.
45 GBR, B/2/1, fols. 103v. – 106r. [Appendix 4], 104v.
46 See Appendix 4, fols. 105r. and 109v.
and Bristol recorders as commissioners was logical for a number of reasons. Both men had high levels of legal training and were senior barristers at the time of the commission. Pate became a member of the bar in 1558 having trained at Lincoln temple whilst Hannam had taken up the prestigious role of Autumn Reader at Middle Temple in 1582. The two recorders therefore had the appropriate legal training and capabilities to act as competent commissioners. As the two cities' recorders, Bristol and Gloucester would have seen Pate and Hannam as professional advocates employed to represent the two cities’ interests.

The other named ‘Bristol’ commissioner was Sir William Winter. He came from a family of Bristol merchants albeit Sir William’s father, John Winter, had moved the family to London in 1545 when William was still a young man. By the time of the first 1583 commission, Winter was an experienced and distinguished sea captain who had played a prominent role in every major naval expedition that had taken place since 1544. Winter had held senior offices on the naval board for over forty years and had been appointed steward and receiver of all duchy lands in Gloucester and Hereford in 1580. He was also the only man knighted personally by the Queen for services to the navy. Of all the named commissioners, Winter had the highest public profile and his career meant that he was a minor national figure. The decision to appoint Winter as a commissioner was presumably made as a result of Winter’s high social status and his family’s links to the Gloucestershire area. Based on Winter’s vast experience, there cannot have been many individuals more capable of judging the arguments put forward in Bristol’s 1582 Petition that related to the dimensions of the River Severn at Gloucester, the ability of large ships to travel to Gloucester, and the likely effect that the creation of the port of Gloucester would have on the ‘serviceable’ fleet of Bristol. Although Sir William Winter was not himself a Bristol merchant, the Bristol Corporation presumably hoped that the links that the Winter family line had with

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49 Hasler, *House of Commons*, vol.iii, 675-7.
50 Ibid, 677.
51 Ibid, 675-7.
Bristol’s merchants would ensure that Winter was hostile to the ‘dismemberment’ of Bristol’s historic port.

The final ‘Gloucester’ commissioner was Sir Thomas Throckmorton. He was from Tortworth in Gloucestershire and had inherited a prominent position within the county from his father.\textsuperscript{54} By the time of the 1583 commissions, Throckmorton had already acted as a commissioner for the restraint of grain in Gloucestshire in 1573 and had been appointed as a justice of the peace in 1574.\textsuperscript{55} This was only the start of Throckmorton’s involvement in local affairs and he went on to become a sheriff of Gloucestershire in 1587-8 and then represented the county as an M.P in 1589.\textsuperscript{56} Like Sir William Winter, the rationale behind Thomas Throckmorton’s appointment as a commissioner seemed to rest on the fact that he had a relatively high social status and had strong links to the Gloucestershire area and regional affairs. Throckmorton’s wealth and fortunes had been inherited from his family, that had held land in Worcestershire and Gloucestershire for at least one hundred years prior to the 1583 commissions.\textsuperscript{57} This meant that it was unlikely Throckmorton was personally indebted to either the Bristol Corporation or the city of Gloucester to the extent that it would seriously compromise his neutrality as a commissioner. However, in terms of what is known of Throckmorton’s character, it seems that his standards of integrity fell short of what would be considered ideal for a commissioner. It appears that Throckmorton later used his position as subsidy commissioner to falsify lists, his captaincy of trained bands to force his enemies and servants into serving in Ireland and his position on the Council of the Marches to pursue a personal feud against the Poyntz family.\textsuperscript{58} Throckmorton’s political career thus ended in disgrace. He was fined two thousand pounds in the Star Chamber and was permanently disabled from holding future offices due to ‘diverse foul matters, and extortions committed in his country’.\textsuperscript{59} The 1583 commissions occurred prior to most of the accusations of corruption levied against Throckmorton. Nevertheless, his later activities suggest that Throckmorton would not have approached the business of this commission with high levels of professionalism or integrity.

\textsuperscript{55} \texttt{http://www.oxforddnb.com/view/article/72341} 26\textsuperscript{th} October 2012.
\textsuperscript{56} Hasler, \textit{House of Commons}, vol.iii, 501-2.
\textsuperscript{57} Ibid.
\textsuperscript{58} Broadway, ‘Throckmorton family (per. c.1500-1682)’.
\textsuperscript{59} Hasler, \textit{House of Commons}, vol.iii, 501-2.
The Organisation and Implementation of the First Commission

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

> have appointed the same to be sitten uppon at Berckley the xij\(^{th}\) and xiiij\(^{th}\) of September nexte where our Comissioners will not faile to be then Ready for that purpose. / Requestinge that in like sorte yowe will geve notyce hereof unto yowre Comissyoneres.⁶³

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

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⁶⁰ See Appendix 1, fol 1r.
⁶² See Appendix 4, fols. 103v.-109v.
⁶³ Ibid, fol. 104v.
⁶⁴ Ibid.
⁶⁵ Ibid.
⁶⁶ Bryson, *Equity Side of the Exchequer*, 130.
⁶⁷ See Appendix 4, fol. 104v.
conferre with them I cannot therefore presently satisfie yow as I woulde. Although Bristol’s demands seem unreasonable, the city’s sense of urgency is understandable. This is because whilst Gloucester continued to operate as a head port, the idea of a head port at Gloucester was becoming increasingly engrained and accepted. This was likely to make it harder for Bristol to challenge Gloucester’s new status.

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

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

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

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68 Ibid.
69 Ibid, fol. 105r.
70 Ibid, fol. 105r.
71 Ibid, fol. 104r.
72 Ibid.
73 Ibid.
74 Ibid, fol. 105r.
circumstances, they had been ‘dryven to deffer the matter untill the next tearme’. The difficulties in organising this commission had proved so severe that it was not possible for the commission to be carried out before the date that it was due to be returned to the Exchequer. Bristol thus had to ‘procure a Commission of newe’ or in other words, apply for the commission to be reissued by the Exchequer with a new return date. Bristol successfully did this and the reissued commission was due to be returned by the Octave of St Hillary – which was the 20th January 1583.

It appears that the collection of letters contained in the city of Gloucester’s records is incomplete because the next surviving correspondence is a reply made by the Gloucester mayor to a letter apparently sent from Bristol on 25th December 1582. According to the Gloucester mayor’s response, Bristol had written to inform Gloucester that they had procured the reissued commission and had arranged for it to ‘proceede at Barkley the xvijth and xviijth daies of January nexte’. Rather than consenting to this newly arranged time and place, Gloucester requested a change of venue for the commission. Gloucester wanted the commission to be held ‘at wotten under edge and not at Berckley’ and claimed that Bristol had previously agreed to Gloucester’s suggestion of this alternative venue. In fact, Bristol had never agreed to hold the commission at Wotton-under-edge and had ignored Gloucester’s prior suggestion that it would be a more suitable venue. Gloucester also made what appears to have been an exceptionally devious attempt to further delay the commission. The Gloucester mayor wrote ‘wee are to requeste yowe to sende us the the same comission to be seene by us soe as we may shewe the same to our commissioiners otherwise wee may not with discretion desire their travell’. The claim that Gloucester needed possession of the writ in order to inform their commissioners of the new time and venue is completely illogical. As the plaintiff, it was Bristol’s responsibility to carry the writ and attached interrogatories, and to ensure that these remained sealed prior to these documents being

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75 Ibid, fol. 103v.
76 The original return date for this commission was the Morrow of All Souls which fell on the 3rd November 1582: See Appendix 1, fol. 1r.
77 See Appendix 4, fol. 103v.
78 See Appendix 1, fol.1r. Rather than reissuing the entire writ, it would appear that the Exchequer clerk erased the return date on the initial writ and wrote the new return date in its place. The reissued commission was therefore identical in all respects to the original, apart from the revised return date. I would like to thank Margaret Condon for drawing my attention to the fact that the date on this writ had been changed and for summarising the information contained in this Latin writ.
79 See Appendix 4, fol. 105v.
80 Ibid.
81 Ibid.
82 Ibid.
given to the commissioners at the commission. If Gloucester obtained and broke the seal of the commission, there would be no proof that the interrogatories had not been tampered with and Gloucester would also have the advantage of having seen Bristol’s interrogatories. The early breaking of this seal could therefore have resulted in Bristol having to get the commission reissued again – further delaying proceedings.

Bristol’s blunt response to Gloucester’s suggestions made it explicitly clear that they were far from impressed with these crude attempts to hamper proceedings. Bristol accused Gloucester of ‘tending to the deforming of the principall matter’. They sharply dismissed Gloucester’s alleged need to gain possession of the writ, which ‘beinge sealed needeth not unnecessarely to be opened before the meeting of the commissioners togeather. neither may ye thinck yoursealves so wiese by souche a wile to obteyne the commission from us’. Bristol further justified the choice of Berkeley as the venue of the commission, explaining that Berkeley had been chosen because it was the ‘fitteste place that wee knowe for the view of the Ryver’. Wotton-under-edge is approximately six miles further away from the River Severn – and because a large part of this dispute focused upon the capacity of the upper reaches of the River Severn to hold larger ships, Bristol’s reasoning for holding the commission at Berkeley due to its riverside location does seem logical. Gloucester eventually conceded to Bristol’s arguments and it was agreed that the commission would sit at Berkeley on the 17th and 18th of January 1583.

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

Richard Pates Recorder of Gloucester with divers witnesses on the morrowe beinge the xvij day expected the comynge of master Thomas Throckmorton Hannam Recorder of Bristoll, whoe came to Berkley about xij of the clock. / master Thomas Throckmorton was Ready at

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83 Bryson, Equity Side of the Exchequer, 129-135.
84 See Appendix 4, fol.105v.
85 Ibid, fol. 106r.
86 Ibid.
87 Jones (ed.), ‘Bristol’s petition, 1582’, fol. 69r.
88 See Appendix 4, fol. 106r.
Durston to have commen to Berckley presently uppon warrringe of the comynge of the comissioners of Bristoll.\textsuperscript{89}

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

\textsuperscript{89} Ibid, fol. 109v.
\textsuperscript{90} See Appendix 1, fol. 4r.
\textsuperscript{91} See Appendix 4, fol. 104r.
\textsuperscript{92} See Appendix 1, fol. 1r. Winter had apparently been available for the dates first proposed by the Bristol Corporation – the 13\textsuperscript{th} and 14\textsuperscript{th} September 1582. However, these were apparently the only two days upon which Winter was not busy between the 4\textsuperscript{th} July 1582 and the eventual sitting of the commission on the 17\textsuperscript{th} and 18\textsuperscript{th} January 1583. Winter apparently remained unavailable after this first commission and could not attend the sitting of the second commission on the 12\textsuperscript{th} and 13\textsuperscript{th} April 1583 either.
\textsuperscript{93} Hasler, House of Commons, vol.iii, 675-7.
\textsuperscript{94} See Appendix 4, fol. 103v.
20th January.95 This meant that Bristol had to accept that the commission would proceed without Winter on these dates in order to avoid the further delay of the commission being once again reissued with a new return date.

As stated in Gloucester’s report of the commission and confirmed by the signatures on the commission documents, the other three commissioners successfully reported for duty.96 In equity cases, although four commissioners were typically named on the writ, the commission could proceed provided that there were at least two commissioners present to oversee proceedings.97 Once the commissioners had assembled, they would have broken the seal of the commission, read the commission and signed the interrogatories – swearing themselves and the scribe to accuracy and secrecy.98 The commissioners would then have proceeded to question each individual witness against the relevant set of interrogatories in a private room, away from the other witnesses waiting to make their own depositions.99 Gloucester’s report of the commission noted that ‘In that none of the said xvijth daie the twoe Recorders examined one witnes one either side / And on the morrowe beinge the xviijth day examyned fower witnisses on either side’.100 This accounted for all ten witnesses that deposed in the first commission. Although the procedure for the selection of these deponents will be covered in more detail in a later section, this report also suggests that these ten deponents did not account for all of the witnesses that each party had brought to the commission. The report stated that ‘There weere xxiijtie witnisses on the parte of the cittie of Glouc. The nomber of the witnisses for Bristoll was not knowen perfectly’ 101 It would thus appear that only five out of twenty three witnesses brought to the commission by Gloucester deposed. It is unlikely that Gloucester brought such a large number of witnesses without anticipating that they would get the opportunity to depose. The records of the Bristol Corporation show that there were significant costs associated with the travel and catering requirements of each side’s witnesses. Bristol’s payments included:


master Recorders horsemeate, his mens supper} and brokefaste, mendinge of saddles & showinge of thire horses masteres in all xxxijvjd \hier of ix horses iij dayes at iijp per daye \ij paide Harry Cooke,

95 See Appendix 1, fol. 1r.
96 GBR, B/2/1, fol. 109v. [Appendix 5]: See Appendix 1, fol. 2r.
97 Ball, ‘Exchequer (E134)’.
98 Bryson, Equity Side of the Exchequer, 139.
99 Ibid.
100 See Appendix 5.
101 Ibid.
as vj\textsuperscript{th} viij\textsuperscript{th} for iiiij\textsuperscript{th} capons, iiij\textsuperscript{th} iiij\textsuperscript{th} for ij geese, and xxx\textsuperscript{th} for his paynes dressinge meate there, with horse hier & horse meate masteres.\textsuperscript{102}

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

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

The same xvij\textsuperscript{th} day about fower of the clock in thafter none master Thomas Throckmorton havinge a comission on the morrow to be sitten uppon for his owne causes and on the monday followinge to ryde

\textsuperscript{102} BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 152.
\textsuperscript{103} Ibid.
\textsuperscript{104} See Appendix 5: See Appendix 1, fol. 2r.
\textsuperscript{105} See Appendix 5: See Appendix 1, fols. 8r.- 9v.
\textsuperscript{106} For the original set of interrogatories, see Appendix 1, fols. 9r. – 9v. For the abridged set of interrogatories, see Appendix 1, fols., 8r. – 8v.
\textsuperscript{107} In terms of the word count, the original version was 2683 words long whilst the abridged version was 1658 words long.
towarde London cowlde not therfor any longer attende / And soe the commission brock of.\textsuperscript{108}

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

**The Second Commission**

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

\begin{itemize}
  \item \textsuperscript{108} See Appendix 5.
  \item \textsuperscript{109} Ball, ‘Exchequer (E134)’.
  \item \textsuperscript{110} Ibid.
  \item \textsuperscript{111} See Appendix 1, fol. 15v.
  \item \textsuperscript{112} BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 154. It appears that the Bristol Corporation paid Smyth four pounds and other expenses to stay in London and to carry the new commission back to Bristol.
  \item \textsuperscript{113} See Appendix 2, fol. 1r.
\end{itemize}
was fairly unusual for more than four commissioners to be named and the addition of
two extra commissioners could have been authorised to address the problems that had
been encountered in the first commission in terms of ensuring that sufficient
commissioners could attend.114

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

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

115 See Appendix 2, fol. 1r.
117 Ibid.
Archaeological Society*, 56 (1934), 224–25.
119 Ibid.
120 See Appendix 1, fol. 15v.: BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 153.
121 BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 153-250, see marginal references to ‘Suite of
Gloucester’.
before my Lord Treasurer’. 122 Another reference in the Bristol Mayor’s Audit Books refers to Smyth as a ‘stewarde of the Sherriffes Cowrte by the appoyntmente of master mayor and the Aldermen’. 123 Very little is known about exactly what this role entailed in the late sixteenth century, but by the seventeenth century the Steward of the Sheriff’s Court had been classified as a judicial role that technically made the office-bearer the sole judge within the Tolsey Court – otherwise known as the Bristol Sheriff’s Court. 124 By the seventeenth century, it was also a requirement that the Steward of the Sheriff’s Court had trained as a barrister for at least three years. 125 Although this later practice had not necessarily been established by the late sixteenth century, it seems likely that Robert Smyth had a background of legal training and had regularly worked in Bristol’s local courts. The Bristol Corporation had previously used Robert Smyth as a commissioner in 1576 when the Crown set up a commission to investigate the illicit exportation of prohibited goods from Bristol, Gloucester and Tewkesbury. 126 Smyth was therefore an individual who had a close affiliation to the Bristol Corporation, had already been involved in matters pertaining to the dispute between Bristol and Gloucester and had prior experience as a commissioner. From Bristol’s perspective, Smyth had the capacity to act effectively as a commissioner for largely the same reasons that the recorder Thomas Hannam was deemed a suitable commissioner.

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

122 Ibid, 246.
123 Ibid, 159.
124 S. Seyer, The Charters and Letters Patent granted by the Kings and Queens to the Town and City of Bristol (Bristol, 1812), 277-80.
125 Ibid, 279.
126 TNA:PRO, E178/2895.
Unfortunately, the records of the city of Gloucester do not shed any light upon the organisation and implementation of the second commission in the way that they do for the first commission. This lack of recorded detail could suggest that there were fewer problems relating to the organisation of this second commission and there was thus less need for multiple letters to be sent between the two cities’ mayors. The commission documents themselves reveal that the second commission was executed:

at Barkeley in the countie of Glocester the xiij\(^{th}\) & xiij\(^{th}\) Dayes of Aprill in the xxv\(^{th}\) yere of her majestie’s raigne before Richard Pate esquire Roberte Smythes and Richarde Byrde sent by vertue of her majestie’s Commission beringe date the xij\(^{th}\) daye of Februarie.\(^\text{127}\)

Combined with the signatures on each folio of the commission documents, this information confirms that the second commission was attended by Richard Pate, Richard Byrde and Robert Smyth – whilst Sir William Winter, Sir Thomas Throckmorton and Thomas Hannam remained absent from the commission’s proceedings. The second commission took depositions from a further fourteen witnesses – six Bristol witnesses and eight Gloucester witnesses – and was returned to the Exchequer by Robert Smyth on the 27\(^{th}\) April 1583.\(^\text{128}\)

**The Deponents**

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

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\(^\text{127}\) See Appendix 2, fol. 3r.
\(^\text{128}\) Ibid, fol. 8v.
\(^\text{129}\) Bryson, *Equity Side of the Exchequer*, 143.
As both of these commissions were part of the proof-taking stage of the Exchequer case, the responsibility to gather and provide a body of witnesses to depose fell directly to the two parties involved in the dispute. Gloucester’s report of the first commission noted that Richard Pate – Gloucester’s recorder and commissioner – arrived at Berkeley ‘with divers witnesses’ on the day before the commission was due to start. This early arrival would certainly have given Pate plenty of time to coach and instruct the Gloucester deponents about what they were expected to say in response to the interrogatories. A certain level of coaching was unavoidable in these circumstances because Pate had a detailed knowledge of the interrogatories that had been submitted by Gloucester and was responsible for organising and ensuring the attendance of the body of Gloucester witnesses. However, the fact that Pate was also a named commissioner meant that Pate had the opportunity to actually check that the Gloucester deponents had followed any advice or instructions that he had given to them. From the perspective of a deponent, this experience could therefore have been quite intimidating and not an occasion to speak frankly and openly about any personal opinions that they may have held. The presence of Bristol’s recorder on the body of commissioners would presumably have created a similar situation for the Bristol deponents.

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

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130 Ball, ‘Exchequer (E134)’.
131 See Appendix 5.
132 This practice of ‘coaching’ witnesses is noted by Ball to have been quite common: Ball, ‘Exchequer (E134)’.
133 BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 171-256.
134 Ibid, 153-9. There is some discrepancy relating to the payment made to John Harrice because the payment appears to be dated before the second commission had occurred. There could be a number of explanations for this. Harrice could have attended the first commission and not been given the chance to depose. As was illustrated earlier, a number of Gloucester witnesses that attended this commission were not given the opportunity to depose. Harrice may have been paid anyway upon the understanding that he would depose in the expected second commission. Alternatively, the dating of this payment could be wrong. A number of entries in these accounts that refer to a trip to London made in May are incorrectly
sum of over forty pounds that was paid to Warren was clearly much more than was needed to cover travel expenses and perhaps accounted for a loss of income that Warren experienced as a result of attending this commission. Deponents’ remuneration may also have depended on how agreeable their depositions were to the Bristol Corporation. Many of the payments made to deponents were made in accordance with a ‘byll of paymentes’ submitted by Thomas Hannam – the Bristol recorder and commissioner. It is thus possible that payments could have been neglected if a deponent disobeyed any instructions that Hannam had given them. In this case, the dual roles of Hannam and Pate as the two parties’ solicitors and commissioners and the payment of significant sums of money to Bristol deponents suggests that these depositions must be taken with caution, since each party clearly had great potential to influence the amount and nature of the information that their deponents chose to divulge. Ultimately, these factors probably explain why the depositions – that are explored in greater depth in the next chapter – only infrequently stray from the two parties’ arguments set down in the initial petition and answer.

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

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

135 Ibid, 152.
136 Jones (ed.), ‘Bristol’s petition, 1582’: See Appendices 1 and 2.
137 See Appendices 1 and 2.
139 Jones (ed.), ‘Bristol’s petition, 1582’, fols. 69v. and 70r.: Jones, Inside the Illicit Economy, 168-75.
Gloucester and the upper reaches of the River Severn. The Bristol merchant Walter Stanfast was from Arlingham, a village on the banks of the River Severn approximately ten miles south-west of Gloucester. The Bristol mariner Patrick Carter claimed to have been an ‘Inhabitante of the cytie of Glocester by the space of fowertene years or thereaboutes’ whilst another mariner – John Barrett – was born in Minsterworth, a village approximately four miles west of Gloucester. Bristol’s use of deponents that had personal knowledge and experience of the upper reaches of the River Severn was logical in that it increased the likelihood that Bristol witnesses would make informed and credible depositions.

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

Another notable deponent amongst Bristol’s body of witnesses was the Bristol merchant Walter Stanfast. Stanfast was an experienced Bristol merchant and was also a member of the Common Council. He later took the most senior office within the Bristol Corporation when he
became the city's mayor in 1592.\textsuperscript{147} A Bristol merchant with aspirations of obtaining the highest position within the civic government of Bristol was very likely to support the Bristol Corporation and provide evidence to substantiate the claims made in Bristol’s petition. Bristol therefore chose a variety of witnesses who were likely to be knowledgeable about the matters under investigation by the commission, had strong links to the Bristol Corporation and had sometimes deposed in previous Exchequer commissions.

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

\textsuperscript{147} Bristol City Council, ‘Mayors of Bristol since 1216’, http://www.bristol.gov.uk/node/6206 12\textsuperscript{th} February 2012.
\textsuperscript{148} See Appendix 1, fol. 15r.: See Appendix 2, fol. 7r.
\textsuperscript{149} See Appendices 1 and 2.
\textsuperscript{150} See Appendix 1, fol. 11r., deposition of Barrett to the first Gloucester interrogatory: See Appendix 2, fol. 6r., deposition of Barston to the first Gloucester interrogatory.
\textsuperscript{151} See Appendices 1 and 2.
\textsuperscript{152} See Appendix 2, fols. 6r. and 6v., depositions of Barston and Hyette to the first Gloucester interrogatory. The thirty ton burden of the Falcon is noted in the overseas and coastal Gloucester customs accounts in the 1580s: TNA:PRO, E190/1241/3: E190/1241/16. Although Richard Hyette estimated that his vessel was of a twenty six ton burden, Hyette had been recorded in Gloucester’s coastal accounts to have used a boat of the same name that was estimated to have a twenty ton burden: M. D. G. Wanklyn, et al., ‘Gloucester Port Books, 1575-1765’ (University of Essex, K Data Archive, March 1996). <http://dx.doi.org/10.5255/UKDA-SN-3218-1> 18 July 2012.
The inclusion of Edward Barston amongst Gloucester’s body of deponents in the second commission was the most striking of Gloucester’s selections. Evidence uncovered by Duncan Taylor shows that Barston was the principal grain agent in Tewkesbury and was responsible for shipping one fifth of the town’s grain exports in 1581-2. Barston was also a prolific grain smuggler. Allegations later made by the city of Gloucester against Barston detailed how he had made illegal arrangements with the deputy customer of the port to avoid the payment of customs. It was also alleged that he conspired with another Tewkesbury merchant to conceal twenty quarters of wheat aboard a trow which was then loaded onto a Bristol ship bound for foreign lands and that Barston had used the pretence of a coastal cocket to transport rye to Ireland. Barston ultimately confessed to all of these allegations and further offences committed during his tenure as a deputy customer at the port of Gloucester – making these allegations particularly significant.

Barston’s apparent lack of integrity could make Gloucester’s decision to put him forward as a witness questionable. On the other hand, the selection of Barston could have been perceived as a means of ensuring that there was a Gloucester deponent with a vested interest in refuting the allegations made in Bristol’s petition that if Gloucester men were to ‘make any adventure, It muste needes be of Corne and prohibited wares’. Obviously Barston’s career could have served as the perfect example for Bristol’s argument. Whether Gloucester knew of Barston’s activities at the time of selection is not certain. However, Barston’s heavy involvement in the illicit grain trade could potentially have made him a useful deponent for Gloucester. An individual who illicitly exported grain was less likely to inform the commissioners about the nature and scale of this trade than an individual who shipped grain legally and could not make the same profit margins that the likes of Barston could by trading illicitly. If Gloucester feared that the exposure of information about grain smuggling would jeopardise the continuation of their head port, in many ways Barston could be seen as a safe selection. This is because he would be aware of the key issues that needed to be kept away from prying commissioners. In the event, Barston stone-walled most of the grain-related interrogatories put to him by the commissioners and claimed that he ‘doth not knowe’ the answers to many of the questions. Barston’s refusal to depose was unlikely to be because he did not know the answers to the questions set before him. There were very

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154 Ibid.
155 Ibid.
156 Jones (ed.), ‘Bristol’s petition, 1582’, fol. 69r.
157 See Appendix 2, fol. 6r., deposition of Barston to the eighth and fourteenth Gloucester interrogatories.
few individuals in a better position to answer these questions about the supplies of grain in Gloucestershire. The selection of Barston as a deponent and his subsequent testimony illustrates that each side chose deponents who were most likely to support their respective arguments - as opposed to deponents who could give the most disinterested, complete and accurate depositions.

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

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158 See Appendix 4, fol. 103v.
159 Ibid, fol. 104r.
160 Ibid, fol. 106r.
161 TNA:PRO, E123/9, fols. 54v., 63v., 99r. and 135r.
each side had essentially already been through when producing their initial pleadings.\textsuperscript{162}

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

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

\begin{footnotes}
\item[162] Ibid, fol. 135r.: BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 246. Both Bristol and Gloucester largely reproduced their initial pleadings when submitting this breviate to the court. To view these breviates in more detail, see E. T. Jones (ed.), ‘Bristol Petition that Gloucester cease to be an Independent Port’, 25 May, 1584’, <http://www.bris.ac.uk/Depts/History/Maritime/Sources/1584petition.htm> 27th October 2012; British Library, Harleian MS. 368/106, fols. 106r. – 108v.: ‘Reasons to prove the convenience of Her Majesty’s grant for the Port of Gloucester against the complaint of the City of Bristol.’, British Library, Lansdowne MS, Vol.41, fol. 92r.
\item[163] TNA:PRO, E123/9, fol. 135r.: BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 246.
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honest opinions regarding how they felt about the matters under investigation. If a
Bristol deponent submitted any information that contradicted Hannam’s instructions and
Bristol’s arguments, this would risk angering the Bristol merchant elite who had
significant control over the local council, local courts and other regional affairs. For
these reasons, the evidence harnessed by the two commissions must be viewed for what
it is – the contrived attempts of each party to support the claims made in their initial
pleadings rather than neutral statements made by disinterested individuals. The analysis
in the second chapter – which examines the evidence gathered by the two commissions
– will reflect this fact and treat the depositions with extreme caution.

165 Jones, Inside the Illicit Economy, 85.
Section Two: The Findings of the two 1583 Exchequer Commissions

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

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

\(^{166}\) See Appendices 1 and 2.
\(^{167}\) Ball, ‘Exchequer (E134)’.
\(^{168}\) Ibid.
\(^{169}\) Ball, ‘Exchequer (E134)’: Jones (ed.), ‘Bristol’s petition, 1582’.
\(^{170}\) Jones (ed.), ‘Bristol’s petition, 1582’.
\(^{171}\) Ball, ‘Exchequer (E134)’.
examination of the pleadings. This analysis of the commission documents will therefore shed new light upon the processes and development of this dispute as well as the motivation and logic behind the arguments set down by Bristol and Gloucester. Doing this will help to show why the Crown ultimately decided that Gloucester should remain a head port independent of the Port of Bristol’s authority.

**Threat to Bristol’s Overseas Trade**

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

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

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174 Ibid, see articles 7, 9, 10, 11, 20, 21, 22, 24 and 26 of Bristol’s petition and articles 2, 6 and 20 of Bristol’s replication.
175 See Appendix 1, fol. 2r., ninth Bristol interrogatory.
Similarly, only one out of seventeen interrogatories asked deponents about these matters in the second commission. Most depositions taken in response to these interrogatories were also noticeably curt. Witnesses took the invitation to answer ‘yea or noe’ that was included at the end of these two interrogatories very literally. The deposition of Bristol mariner Patrick Carter was typical of the responses given by Bristol witnesses:

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

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

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

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

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176 See Appendix 2, fol. 2r., eleventh Bristol interrogatory. This interrogatory is almost identical to the ninth Bristol interrogatory of the first commission.
177 See Appendix 1, fol. 6r., deposition of Carter to the ninth Bristol interrogatory.
178 Ibid, fols. 4r. and 7r., depositions of Stanfast and Barrett to the ninth Bristol interrogatory.
179 See Appendix 2, fol. 4r., depositions of Harrice and Warren to the eleventh Bristol interrogatory.
Gloucester imported very few continental goods such as wine, iron and salt. These trades required larger ships due to the associated long-haul voyages of continental trade and it was these trades that were the mainstay of Bristol’s overseas trade at this time. The claim that Gloucester’s alleged involvement in illicit trade posed a significant challenge to Bristol’s legitimate overseas trade, also suggests that Gloucester’s illicit trade operated on an unbelievably large scale. Evidence from the Port Books suggests that Bristol’s legitimate overseas trade was almost one hundred times larger than Gloucester’s at this time. Although Taylor has suggested that Gloucester’s illicit trade potentially constituted a major arm of the city’s trade in the last quarter of the sixteenth century, there is no evidence to suggest that it ever operated on a scale that could threaten the legitimate trade of a port as large as Bristol. The subsequent claims that Bristol’s shipping had started to ‘decaye and demynishe’ during the three years since Gloucester became an independent head port are also easy to discredit. Data compiled by Vanes shows that far from there being a period of great decline, the 1580s saw Bristol’s fleet grow significantly. Although Vanes’ figures can only be used to indicate general trends due to the number of ships that were of an unknown tonnage, the data indicates that Bristol men owned more ships that were greater than eighty tons in the 1580s than they had in any previous decade in the sixteenth century. Coupled with the fact that Harris and Warren could not provide any anecdotal evidence of Bristol merchants attempting to sell their large ships, these claims remained unsubstantiated and added little support to the arguments made in Bristol’s Petition relating to the threat that Gloucester posed to Bristol’s overseas trade and shipping.

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

180 Jones, Inside the Illicit Economy, 173.
181 Flavin and Jones (eds.), Aristol’s trade it re and, xix.
184 Jones, Inside the Illicit Economy, 173.
could be provided by deponents and it was thus not worthwhile formulating many interrogatories that focused upon these issues. Above all, it must be recognised that the references in Bristol’s petition to the ‘Immynent ruyn of the said Cytie’ and the ‘decaye of the shippinge and maryners’ of Bristol were recurrent topics that had been alluded to in a number of previous Bristol petitions throughout the sixteenth century. For example, in a 1543 petition against the Candlemas Fair, Bristol complained that they had been forced to ‘give over our great shippes to the utter decay of the navy of the said towne’. Another petition sent by Bristol in 1530 referred to the ‘desolacion of the said toun’ and how ‘the merchaunt men daylly have and have had so great losse’ as their overseas trade dwindled. Exploiting the Crown’s reliance on Bristol’s shipping was a key way in which the city could gain political leverage over the Crown. Furthermore, it was necessary for petitioners to the equity side of the Exchequer to demonstrate that they directly or indirectly accounted to the Crown. Petitioners had to show that their ability to fulfil these obligations would be in jeopardy if the subject of the petition was not addressed. By reminding the Crown of its reliance upon Bristol’s fleet of serviceable ships at a time when war with Spain was looking increasingly likely, Bristol could ensure that their petition would be taken seriously by the Lord Treasurer and the case would not simply be dismissed. However, the fact that the Bristol Corporation chose not to extensively support this part of their petition with deposition-based evidence, suggests that these arguments relating to overseas trade and shipping were not central to Bristol’s objections to the establishment of a head port at Gloucester. Rather they were a means of shaping their arguments into a form that would ensure that the case would be judged to fall within the Exchequer’s equity jurisdiction.

**Insufficiency of Gloucester as a Head Port**

There were a large number of interrogatories submitted by the Bristol Corporation that prompted Bristol deponents to criticise the suitability and usefulness of the port facilities at the head port of Gloucester. This encouraged deponents to support the claims made in Bristol’s petition that condemned Gloucester as a ‘place more unworthy,
and utterly unmeete for so many causes to be a porte’. 190 Questions relating to the allegedly inadequate port facilities at Gloucester were included in seven of the thirteen interrogatories administered to Bristol merchants, ship masters, mariners and pilots in the first commission and five out of the seventeen interrogatories administered to Bristol witnesses in the second commission. 191 Many of the Bristol interrogatories specifically encouraged Bristol deponents to provide information about Gatcombe – the main outport for the port of Gloucester. Bristol had previously described Gatcombe as a place ‘where no Shipp of any convenient burthen can come’. 192 In the longest and most demanding interrogatory submitted by either side across both commissions, Bristol deponents were asked:

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

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

191 See Appendix 1, fol. 2r., third, fourth, fifth, sixth, tenth, twelfth and thirteenth Bristol interrogatories: See Appendix 2, fol. 2r, fifth, sixth, seventh, eighth and twelfth Bristol interrogatories.
192 Jones (ed.), ‘Bristol’s petition, 1582’, fol. 85r.
193 See Appendix 1, fol. 2r., fourth Bristol interrogatory.
pertaining to other issues. In the first commission, the Bristol merchant William Stanfast stated:

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

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

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

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

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194 Ibid, fol. 4r., deposition of Stanfast to the fourth Bristol interrogatory.
195 See Appendix 1, fols. 4r., 5r. and 6r., depositions of Stanfast, Carter and Barrett to the fourth Bristol interrogatory.
196 Ibid, fol. 5r., deposition of Carter to the fourth Bristol interrogatory.
197 Ibid, fol. 7r., deposition of Thomas Foster.
Beyond the depth of the channel at Gatcombe and the outport’s ability to receive larger ships, Bristol deponents proclaimed Gatcombe insufficient for a host of other reasons. Carter described how the ‘dangerous groundes’ and the ‘badnes of the haven’ meant that most merchants ‘dare not adventure neither their shipp nor goodes to Glocester nor the other said Creekes’ and even if they did, there was ‘noe good moringe place for them there’. Harrice went on to say how Gatcombe was blighted with ‘raginge tydes [and] tempestes’ that meant ships could ‘neither be kept and maytneyed there without the lyke danger’. Apart from the alleged physical problems of Gatcombe, all of the Bristol merchants and mariners that deposed in the first commission agreed that ‘there is noe towne or populus place neere the said creeke of Gatcombe that reasonablie maye have intelligence or make restraynte yf her majestie shoulde be deceived in discharging ladinge or transpassinge of victuals and prohibited wares’. These claims relate to one of the Crown’s strategies to curtail smuggling during the sixteenth century and were effectively another angle from which Bristol could attack the suitability of Gatcombe as an outport. The Crown sought to encourage members of the public to inform the authorities if they had any knowledge regarding smuggling offences committed by any individual or groups of merchants. As an incentive, the Crown offered half of the proceeds to any informer who successfully seized illicit goods and oversaw a successful prosecution. By claiming that there was no population at Gatcombe, Bristol deponents suggested that nobody would be in a position to submit information about the illicit trade there. Bristol deponents therefore intimated that it was less likely that those using Gatcombe for engagement in illicit trade would be caught. Gatcombe, the main outport of Gloucester, was thus characterised by the Bristol deponents as an uninhabited and dangerous smuggling haven, that could only be used at the highest of spring tides.

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

199 See Appendix 1, fol. 6r, deposition of Carter to the thirteenth Bristol interrogatory.
200 See Appendix 2, fol. 4r., deposition of Harrice to the fifth Bristol interrogatory.
201 See Appendix 1, fols. 4r., 5r. and 6r., depositions of Stanfast, Carter and Barrett to the fifth Bristol interrogatory.
202 For more detail regarding this policy, see Jones, Inside the Illicit Economy, 59-61.
203 Jones (ed.), ‘Bristol’s petition, 1582’, fols. 68r. and 68v.
their owne shippinge and boates’. The implication here is that there were no full-time merchants in Gloucester and that there were therefore few Gloucester men with the necessity or motivation to use Gloucester’s head port. The mariners that Carter referred to are qualified as essentially part-time seasonal mariners in that Carter believed that they only made voyages when there was a good apple harvest and therefore a surplus of fruit in Gloucester. Similarly, four out of the five Bristol merchants and mariners stated that Gloucester had an extremely limited choice of goods that it could legally export. The deposition of Warren and the consensus of the other Bristol deponents was that Gloucester could export ‘onlie corne grayne fruite and syder’. Although the laws regarding the exportation of grain changed throughout the sixteenth century, it seems that for the vast majority of the period it was extremely difficult to legally export grain without royal permission and the acquisition of an expensive license. The situation with the apples and pears that the Bristol deponents claimed were exported from Gloucester was completely different. Due to the perishable nature of these fruits, it was deemed so unlikely that any person would try to export them overseas that it was not even necessary to take out a costal cocket to ship these fruits domestically. The Bristol deponents thus stated that Gloucester had no legal and viable goods that could be exported overseas. It was thus suggested that the head port at Gloucester was effectively redundant.

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

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

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

204 See Appendix 1, fol. 5r, deposition of Carter to the sixth Bristol interrogatory.
205 See Appendix 2, fol. 4r., deposition of Warren to the eighth Bristol interrogatory.
206 Jones, Inside the Illicit Economy, 207-11.
208 See Appendix 1, fol. 8r., first Gloucester interrogatory: Appendix 2, fol. 5r., first Gloucester interrogatory.
the witnesses provided by Gloucester appear to have had long and successful careers as mariners, working mainly through Gloucester and its surrounding creeks. Gloucester mariner John Whooper claimed to ‘hath traded by the ryuer of seuerne by the space of those threskore yeeres’. Other deponents also claimed to have frequently traded abroad. William Combley described how ‘he hath travelled the Ryver of severne and into the coastes of Irelande and Frannce for forty yeeres paste’. Similarly, Edward Barston deposed that he had frequently traded into ‘Frannce Spayne and Portiugale’ during the previous sixteen years. The depositions of these experienced career-mariners clearly undermined the assertions – made in Bristol’s petition and supported by deponents such as Carter – that the inhabitants of Gloucester ‘are all husbandmen’ who only took to using the trade of the River Severn when there was a good apple harvest. The range of goods purportedly exported and imported by the deposing Gloucester mariners also rebutted Bristol’s arguments that Gloucester had no ‘kynde of marchaundize lawfull’ to trade and that the port could therefore only be used by smugglers. In the first commission, Henrie Browne deposed that he had ‘transported clothe, leade and other laufull merchandizes to Galisia Andolazia Portuigall and Lushborne’. William Tyler focused upon some of the imports that came directly to Gloucester from France and Spain amongst other places. Tyler deposed that ‘he himself hath brought thither wine trayne oyle and hearring from the coaste of Irelande spaine frannce and wales’. The evidence provided by the Gloucester deponents demonstrated that Gloucester port was not as unusable as had been suggested by Bristol. There were plenty of local mariners who benefitted from the port and were able to use it to engage in coastal and overseas trade. Indeed, all of the Gloucester deponents of the first commission agreed with William Grasinge when he deposed that the Port of Gloucester was ‘frequented and haunted with marchanntes wares and marchanndizes booth to serue inwarde and outwarde, and thincketh the same meete to be contynued for thesame purposes’.

209 See Appendix 2, fol. 7r., deposition of Whooper to the first Gloucester interrogatory.
210 Ibid, fol. 6r., deposition of Combley to the first Gloucester interrogatory.
211 Ibid, fol. 6r., deposition of Barston to the first Gloucester interrogatory.
212 Jones (ed.), ‘Bristol’s petition, 1582’, fols. 68r. and 68v: See Appendix 1, fol. 5r., deposition of Carter to the fifth and sixth Bristol interrogatories.
213 Jones (ed.), ‘Bristol’s petition, 1582’, fol. 69r.
214 See Appendix 1, fol. 13r., deposition of Browne to the second Gloucester interrogatory.
215 Ibid, fol. 14r., deposition of Tyler to the second Gloucester interrogatory.
216 See Appendix 1, fol. 10r., deposition of Grasinge to the second Gloucester interrogatory.
The Gloucester deponents defended the capabilities of Gatcombe to receive large ships. However, these arguments were a little less convincing. Rychard Skhopez, a Gloucester deponent in the second commission, argued:

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

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

\textsuperscript{217} See Appendix 2, fol. 8r., deposition of Skhopez to the fifth Gloucester interrogatory.
\textsuperscript{218} See Appendix 1, fols. 10v. and 11v., depositions of Grasinge and Barrett to the sixth Gloucester interrogatory: See Appendix 2, fol. 7v., depositions of Smythe and Wyntle to the fifth Gloucester interrogatory.
\textsuperscript{220} See Appendix 2, fol. 6v., deposition of Combley to the fifth Gloucester interrogatory.
\textsuperscript{221} TNA:PRO, E190/1241/5.
offered sufficient storage facilities for merchandise and their ships ‘may be there preserved and kepte aswell as at Hungerode’.222

It is significant that all of the Gloucester deponents from the first commission unanimously agreed with the claims made in Gloucester’s answer when they deposed that ‘the creekes of Gloucester newenham & Gatcombe and Berckley are used nowe, as they have ben tyme owte of mynde and noe otherwise’.

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

222 See Appendix 1, fol. 15r., deposition of Lewes to the fourth Gloucester interrogatory: See Appendix 2, fol.7r., deposition of Lewes to the sixth Gloucester interrogatory: See Appendix 2, fols. 7v. and 8r., depositions of Smythe and Shopez to the fifth Gloucester interrogatory.
223 See Appendix 1, fols. 10v., 11v., 13r., 14r. and 15r., depositions of Grasinge, Barrett, Browne, Tyler and Lewes to the fifth Gloucester interrogatory.
224 Jones (ed.), ‘Bristol’s petition, 1582’, fol. 85r.
225 The 1559 Act stated that goods involved in overseas trade could only be laded and unladed at quays officially appointed by the Crown. The ‘Quay’ and the ‘Back’ of Bristol were the only two official lading and unlading places appointed to the Port of Bristol: ‘An Acte limiting the tymes for laying on Lande Marchandise from beyonde the Seas, and touching Customes for Sweete Wynes’, Statutes of the Realm, IV, 372-4. For a fuller discussion of how the goods involved in overseas trade were processed by the Port of Bristol in the sixteenth century: Jones, Inside the Illicit Economy, 72-80.
226 E. T. Jones (ed.), ‘Exchequer Decree to turn the Port of Cardiff into a member port of Bristol, 18 June 1567’, (University of Bristol, ROSE, 2011), see note 9.
227 Jones, Inside the Illicit Economy, 75, see note 32.
228 See Appendix 1, fol. 6r, deposition of Carter to the thirteenth Bristol interrogatory.
Bristol’s attempts to prove that Gloucester was ‘utterly unmeete for so many causes to be a porte’ were therefore unconvincing and easily rebutted by Gloucester.\(^\text{229}\) This was done through both the answer it provided to Bristol’s petition and through the depositions taken by both commissions. By attempting to show that Gloucester was inadequate and redundant as a port, Bristol presumably sought to challenge the key justifications for bestowing head port status upon Gloucester. This was that the port would benefit the towns of the upper Severn whose previous abilities to engage in trade had apparently been hampered by a lack of a port further north of Chepstow.\(^\text{230}\) If Bristol could have shown that Gloucester port was to all extents and purposes unusable, then little benefit could have been gained by the Severn towns by maintaining Gloucester’s head port status. The main weakness with this line of argument was that Gloucester could effectively challenge its validity by providing deponents from the upper reaches of the Severn that had first-hand experience of using the port to trade. As the previous analysis has shown, Gloucester did this to great effect. Similarly, Gloucester’s Port Books were in the possession of the Exchequer and although these showed that the amount of overseas trade conducted through the head port at Gloucester was small compared to Bristol, Bristol’s assertions that Gloucester had no ‘kynde of marchaundize laufull’ and ‘no trade of merchandize be therby encreased’ could easily have been identified as incorrect by the Exchequer.\(^\text{231}\)

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

\(^{229}\) Jones (ed.), ‘Bristol’s petition, 1582’, fol. 70v.


\(^{231}\) Jones (ed.), ‘Bristol’s petition, 1582’, fols. 69r. and 86v.

\(^{232}\) Ibid, fol. 84v.
Bristol displayed a similar attitude in its response to Gloucester’s claims that Gatcombe, Gloucester and Newnham had historically been used as places of lading and unlading by mariners of the Severn towns. Bristol flatly denied that this could possibly be the case and stated that ‘there is nowe a greater nomber of lading and discharging places, then were before by as many as ther Creekes turned into Portes, for Bristowe merchantes did not lade nor discharge in their Creekes’. Once again, Bristol affirmed that the argument should be framed around the use that Bristol merchants had for these creeks. The usage of these creeks by mariners from the smaller Severn towns was deemed irrelevant. The notion that the trade of the Bristol merchants was the only trade that mattered was further reinforced when Bristol dismissed Gloucester’s arguments regarding its city’s historic use of the ‘trade of merchaundize’ because the traders from Gloucester were not ‘mere merchants’ like those of Bristol. Bristol retorted that ‘it is to be thoughte that it was meante merchauntes retaylers, and not merchauntes venturers’.

Bristol’s perception that they should rightfully own and control the trade of the greater port is further borne out by a dispute that broke out between the two cities in 1575. This occurred shortly after Gloucester had become a member port of Bristol. The officers of the customs house at Bristol issued a set of seven articles to the officers of the customs house at Gloucester in which it was asserted that the Gloucester officials had to yield to the demands and authority of the Bristol officials regarding a number of matters. The Bristol customs officials issued a series of demands that were impossible for the Gloucester officials to follow in practice, including:

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

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

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233 Ibid, fol. 85r.
234 It was a requirement that those wishing to become a member of Bristol’s Society of Merchant Venturers (founded in 1552) should live solely off the profits of overseas trade.
235 Jones (ed.), ‘Bristol’s petition, 1582’, fol. 83r.
236 See Appendix 3, fols. 1v. - 4v.
237 Ibid, fol. 1v.
practice of vessels being able to ‘break boulke at Barckley, Gattcom, and newnam just as the Bristowe mean doth from kingrode to Bristowe’.\textsuperscript{238} By denying the Gloucester customs officials the authority to allow ships to ‘break boulke’ at Gloucester’s recognised outports, the Bristol customs officials could essentially limit the use of Gloucester to only the smallest of ships – for it was recognised even by Gloucester that only ‘barkes of xxiii\textsuperscript{4} ton’ could come to the quay at Gloucester.\textsuperscript{239} As discussed previously, ships travelling to Gloucester had always used Gatcombe to ‘break boulke’ with the permission of the customs officials at Bristol and under the supervision of the Clerk of the Creeks. However, the Bristol customs officials refused to allow this practice once Gloucester gained a degree of autonomy in the form of its status as a member port in 1575. When this is viewed in the context of Bristol’s assertions that ‘Gloucester always and maie have the use of the Creekes for all necessarey purposes under controlement’, it seems that Bristol’s fundamental objection to Gloucester’s use of Gatcombe was not that Gatcombe was insufficient or dangerous, but that the Bristol officials could no longer exert authority over the mariners that chose to lade and unlade there. It thus seems that Bristol’s desire to own and control all of the trade of the Bristol Channel lay behind Bristol’s wider objections to the establishment of a head port at Gloucester.

The Supply of Grain

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

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

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\begin{itemize}
  \item \textsuperscript{238} Ibid, fol. 2r.
  \item \textsuperscript{239} Jones (ed.), ‘Bristol’s petition, 1582’, fol. 83r.
  \item \textsuperscript{240} Ibid.
  \item \textsuperscript{241} See Appendix 1, fol 3r.
  \item \textsuperscript{242} See Appendix 2.
\end{itemize}
Since Gloucester hath be A porte, they have restrayned greyne to come to Bristoll. So as when they have occasion, they must travel to Gloucester for a cocket, and ther if they obteyne it, the same is not without greate difficultie, which maketh a greate chaunge in the saide Cytie of Bristoll.  

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

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

243 Jones (ed.), ‘Bristol’s petition, 1582’, fol. 70r.
244 See Appendix 2, fol. 3r., deposition of Paynter to the fourteenth Bristol interrogatory.
245 See Appendix 3, fol. 3r.
246 See Appendix 2, fols. 3r. and 6v., deposition of Kydwelleter to the fourteenth Bristol interrogatory, deposition of Combley to the ninth Gloucester interrogatory.
249 Ibid.
Orders clarified that these cockets had to be ‘made in Parchement, and sealed, subscribed and delivered openly in the Custome-house’.\(^{250}\) As noted in Gloucester’s answer in 1582, Gloucester merchants wishing to ship grain to Bristol technically had to embark on ‘ix myles travel to fro Bristoll for a Cockett’ before any grain could be dispatched.\(^{251}\) This inconvenience was noted by a number of Gloucester deponents in both commissions. For instance, Edward Barston described how he had been ‘enforced to travell to Bristoll to his greate chardge for obteyninge his cockettes at Bristoll / which were before Denyed unto other men in his name’.\(^{252}\) Other Gloucester deponents also suggested that they had frequently been overcharged for these cockets. Richard Hyette deposed that he had ‘paied tenne shillinges for a Cockett at Bristoll aboute twoe yeeres before therrecion of the custome howse in Gloucester.’\(^{253}\) Compared to the ‘iis viiid’ that the Bristol Corporation claimed was the standard price for such a cocket, the ten shillings allegedly paid by Hyette was extortionate.\(^{254}\) It would thus seem that on occasions the Bristol customs officials used the requirement of these cockets to delay, inconvenience and extort the Gloucester merchants that shipped grain domestically.

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

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

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

\(^{252}\) See Appendix 2, fol. 6r., deposition of Barston to the fifteenth Gloucester interrogatory.

\(^{253}\) Ibid, fol. 7r., deposition of Hyette to the fifteenth Gloucester interrogatory.

\(^{254}\) Jones (ed.), ‘Bristol Petition, 1584’.

\(^{255}\) See Appendix 3, fol. 3v.: TNA:PRO, C1/993/16.

\(^{256}\) TNA:PRO, C1/993/16.
more convenient because the trowmen would not need to go to Bristol first to obtain a cocket. Tewkesbury mariners also had exemption from the tolls that Gloucester claimed the right to levy on goods passing Gloucester bridge in both directions – as established in Tewkesbury’s new borough charter of 1483. This meant that Bristol could obtain grain supplies from Gloucester’s hinterland without having to trade with Gloucester or pay Gloucester’s tolls – essentially bypassing Gloucester altogether. Tewkesbury’s ability to grant cockets and the exemption that it had from Gloucester’s tolls gave Tewkesbury a competitive advantage over Gloucester when it came to selling grain to Bristol. This could explain the apparent long-term preference of Bristol to obtain most of the grain that it procured from the upper reaches of the Severn ‘from Tewexburie especiallie’ rather than Gloucester. This trend was alluded to by a Bristol deponent in the first commission. It was also noted by Taylor in an examination of domestic grain shipments between Bristol, Tewkesbury and Gloucester in the 1580s. Taylor suggested that Bristol brought more grain from Tewkesbury in the 1580s because its objections to Gloucester’s head port soured commercial relations between the two cities. However, it seems likely that Bristol’s preference for trading with Tewkesbury pre-dated this dispute. Although Gloucester could theoretically have found other markets for its grain, the city’s coastal grain trade continued to rely upon the willingness of the Bristol customs officials to grant cockets. In terms of overseas trade, the 1543 Act stipulated that any grain being exported from the Severn had to be weighed at Bristol whilst the 1559 Act meant that this grain could only be shipped from the two official quays of the port of Bristol – those within the city of Bristol itself. Whilst Bristol seemed to prefer to buy Tewkesbury grain, Gloucester continued to remain dependent on the whims of the Bristol customs officials when it came to the marketing and distribution of their own grain.

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

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258 See Appendix 1, fol. 7r, deposition of Phyllipes to the second Bristol interrogatory administered to bakers, brewers and victuallers.
in the century, there were reports of the Gloucester burgesses throwing stones and shooting arrows at passing vessels and on some occasions forcing trowmen to stop and sell their goods in Gloucester.\textsuperscript{261} In 1531, Bristol men shipping grain from the upper Severn region had their cargo illegally seized upon the instruction of the Gloucester mayor.\textsuperscript{262} He then sold the grain and allegedly kept the profits. The mayor and sheriffs were later summoned to the Star Chamber to explain these actions. In 1554, Bristol again had cause for complaint when the Gloucester mayor refused to allow the passage of a down-river shipment of grain that according to the Bristol mayor was ‘for the inabitores of the said Citte of Bristoll’.\textsuperscript{263} However, the most dramatic attempt made by Gloucester to prevent grain from bypassing the city was the purchase and installation of ‘a chaine weyinge ahundred twentie twoe poundes at twoe pence the pounde beinge Commannded by Master maior to make the same for to hange over Severne to lett the Carrienge of Corne’\textsuperscript{264} Gloucester saw fit to match the legislative barriers against their own participation in the grain trade with a physical metal barrier that would hamper the trade of grain that bypassed Gloucester. The chain was installed in 1572 and appears to have been used intermittently for the remainder of the century. The River Severn was closed off at times when Gloucester deemed that too much grain was leaving the region.\textsuperscript{265} It is against this background of tension and frustration that the subsequent allegations made in Bristol’s petition and by Bristol’s deponents regarding the supply of grain need to be read.

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

\textsuperscript{261} Herbert, ‘Medieval Gloucester’, 43-4.
\textsuperscript{262} Latimer, \textit{Annals of Bristol}, 35-6.
\textsuperscript{263} TNA:PRO, E122/172/17.
\textsuperscript{264} GBR, F/4/3, fol. 152r.
\textsuperscript{265} Willcox, \textit{Gloucestershire}, 139. The Privy Council ultimately ordered the removal of the chain in 1598.
yole nede not to grannte any Cockettes to suche as muste lade within the viewe of the Customers of Glocester neither can it be for any manns case to fetch a Cockett with yole beinge at the leaste Threscore myles to 
& from Glocester.\textsuperscript{266}

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

\begin{footnotesize}
\begin{enumerate}
\item See Appendix 3, fol. 2r.
\item See Appendix 1, fol. 7r., deposition of Phyllipes to the fourth Bristol interrogatory administered to bakers, brewers and victuallers: See Appendix 2, fol. 3r., depositions of Paynter and Rothelles to the fourteenth Bristol interrogatory.
\item See Appendix 1, fol. 7r., deposition of Phyllipes to the fourteenth Bristol interrogatory administered to bakers, brewers and victuallers.
\item See Appendix 2, fol. 3r., deposition of Wylkes to the fourteenth Bristol interrogatory.
\item See Appendix 1, fol.7r., deposition of Phyllipes to the seventh Bristol interrogatory administered to bakers, brewers and victuallers. All of the bakers and brewers in the second commission also made similar claims.
\item Taylor, ‘Maritime Trade’, 101-4, see figure 4.2.
\item Ibid, 103-4.
\end{enumerate}
\end{footnotesize}
alluded to by the Gloucester deponent Henrie Browne, when he stated that ‘thinhabitatantes of Tewxburie and Glou be reddie at all tymes to serve the Cittie of Bristoll, with malt and other graine, having a convenient gaine for their venter and travel’. The reference to the necessity of a ‘convenient gaine’ emphasises the fact that Gloucester merchants sold grain in order to make a profit. If a greater profit could be made by legally selling the grain elsewhere then the Gloucester merchants were at liberty to take that opportunity. The establishment of the new head port gave Gloucester the ability to grant its own cockets and to ship grain directly to other places without the interference of Bristol. This inevitably meant that there were times when it would be advantageous for the Gloucester merchants to ship grain to places other than Bristol – such as Carmarthen. The lack of grain shipped to Bristol in 1581 and 1582 was therefore partly a consequence of the increased economic independence granted to Gloucester through its head port and the new elements of competition associated with this legislative change.

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

273 See Appendix 1, fol. 13v., deposition of Browne to the eleventh Gloucester interrogatory.
274 See Appendix 1, fol. 7r., deposition of Phyllipes to the fourth Bristol interrogatory administered to bakers, brewers and victuallers: See Appendix 2, fol. 4r., deposition of Harrice to the ninth and tenth Bristol interrogatories.
275 Jones (ed.), ‘Bristol’s petition, 1582’, fol. 84v.
The majority of Bristol deponents followed the logic of the Bristol baker, John Wylkes, who argued that ‘the reason of the not comminge of Corne to Bristoll nowe as he it hath donne to be that they of Gloucester doe transceporit it and vent it elsewhere beyonde the seaes’.²⁷⁶ None of the Bristol deponents from either commission could provide any evidence to support the claim that Gloucester illicitly exported much of the grain that used to be shipped to Bristol. Nevertheless, the assumption that a reduction in the flow of grain to Bristol must have meant more grain was being illicitly exported was repeated in various forms by a number of the Bristol deponents.²⁷⁷ A Bristol brewer, John Kydwellter, made the rationale behind this assumption completely clear when he stated that ‘other cause or reason how of he cannot yealde but that Corne is more transported from Glocester then before’.²⁷⁸ The Bristol merchants simply refused to accept that the establishment of the new head port gave Gloucester merchants the freedom to legally sell grain elsewhere. Bristol refused to accept that other regions could feasibly outcompete them to obtain these supplies of grain. This led Bristol deponents such as Kydwellter to the conclusion that grain must have been illicitly exported from Gloucester, despite that fact that no evidence could be provided to support this assertion. Bristol’s clear sense of entitlement to Gloucester’s grain supplies and their refusal to accept the new elements of competition that the establishment of the head port at Gloucester created, seem to be pivotal to the reasoning behind Bristol’s objections.

Allegations involving the Illicit Exportation of Grain

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

²⁷⁶ See Appendix 2, fol. 3r., deposition of John Wylkes to the fourteenth Bristol interrogatory.
²⁷⁷ Ibid, fols. 3r. and 4r., depositions of Kydwellter, Rothelles, Wylkes, Paynter, Harrice and Warren to the thirteenth and fourteenth Bristol interogatories.
²⁷⁸ See Appendix 2, fol. 3r., deposition of Kydwellter to the fourteenth Bristol interrogatory.
²⁷⁹ Jones (ed.), ‘Bristol’s petition, 1582’, fol. 69r.
upstream customs officials and being able to ‘fynde their disorders and to reforme them’. The port of Bristol’s jurisdiction had been reduced by such a degree that ships could pass through it in little more than an hour, meaning that it was difficult for the Bristol customs officials who ‘hath no intelligence of their commyng by’ to search every passing ship. This was allegedly a serious problem because the customs officials at Gloucester were ‘favourable Searchers’ who allowed ‘concealment’ and oversaw ‘Greate quantities of graine leather brought to Gatcombe without passing by the Custome house of Gloucester’. It was further alleged that these prohibited wares were dispatched ‘under Cullour to come to Bristol’ and then ‘conveyed by nighte into Shippinge which cometh from other portes lyinge in the Welshe rode’. Bristol attempted to substantiate these allegations by asking deponents in the second commission:

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

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

280 Ibid, fol. 70r.
282 Jones (ed.), ‘Bristol’s petition, 1582’, fol. 85r. and 85v.
283 Ibid, fol. 70r: For further analysis of the claims made in Bristol’s petition regarding the potential for Gloucester merchants to engage in the illicit trade, see Jones, Inside the Illicit Economy, 173-5.
284 See Appendix 2, fol. 2r., fifteenth Bristol interrogatory.
285 Jones (ed.), ‘Bristol’s petition, 1582’, fol. 70r.
286 Jones, Inside the Illicit Economy, 146-9.
or incident linked with Gloucester’s alleged illicit trade meant that Bristol’s arguments remained unsubstantiated. An irrefutable case for the revocation of Gloucester’s head port status was thus not established.

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

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Howe often doe yo knowe or have yo herde that any Wheate Beanes Pease or any other Corne grayne hathe bene transported or Carried out of the places forsayd into the partes beyonde the Seas who was or were owner or owners of the same Corne or grayne and factours in the fraughtinge Lading of the Same also who was or were owner or owners of the said Shippes.288
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Similarly detailed interrogatories had previously been presented to Tewkesbury maltmen with the aim of investigating the ‘purchase and shipment of corn’.289 The aim was to establish who was supplying the Bristol and Gloucester merchants suspected of illicitly exporting grain. The level of detail sought by the commissioners and the fact that similar investigations were sanctioned in 1572, 1576 and 1577 suggests that the region’s illicit trade of grain and the subsequent loss of customs revenue was a significant and long-running concern for the Crown.290 Indeed, Jones’ work on merchants’ private account books has demonstrated that these concerns were fully justified.291 By claiming that the establishment of the head port at Gloucester exacerbated these issues, it seems that Bristol hoped to ensure that the Crown would have the interest and motivation to further investigate the suitability of Gloucester’s head port. Beyond the Crown’s desire to crush the illicit trade and collect customs

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288 TNA:PRO, E178/2895.  
289 TNA:PRO, E122/234/49.  
efficiently, the issue of grain smuggling also impacted upon the Crown’s ability to supply troops in Ireland with suitable amounts of grain. Much of the grain that was supplied to troops based in the Irish garrison towns of Limerick and Galway came from the Severn valley.\textsuperscript{292} Claims made in Gloucester’s answer and by Gloucester deponents alike seem to confirm that Gloucester played a significant role in this activity and that Gloucester’s small ships had ‘contynually ben ymploied to the service of Ireland’.\textsuperscript{293} The Crown claimed the right to buy this grain ‘At such price as wheat was comonly solde in the markett’.\textsuperscript{294} In other words, the Crown reimbursed the merchants for the amount originally spent on this grain but did not allow merchants to profit from this activity. Although in theory this allowed the Crown to purchase grain at lower prices, an increase in the illicit exportation of grain and the subsequent reduction of grain available in the domestic market could lead, in the words of Lord Burghley, to the ‘enhaunsinge of the prices as to the hinderance of the provisions for hir Majesties service for Ireland’.\textsuperscript{295} This problem had clearly been identified by the Crown and the Bristol Customer and Controller noted that by 1580, they had been given orders that ‘no corne nor victuall should passe out of our charge but only for the realme of Ireland’.\textsuperscript{296} The timing of Bristol’s allegations regarding the illicit exportation of grain was therefore an important consideration. Although Bristol failed to substantiate their allegations with deposition-based evidence, the Crown’s immediate need of the grain supplies from the upper Severn region meant that such allegations regarding the Gloucester’s head port could not simply be ignored.

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

\begin{itemize}
  \item Taylor, ‘Maritime Trade’, 100.
  \item Jones (ed.), ‘Bristol’s petition, 1582’, fol. 86v. For a personal account of a Gloucester mariner involved in this activity, see Appendix 2, fol. 6v., deposition of Combley to the twelfth Gloucester interrogatory.
  \item ‘A Letter from Burghley Forbidding the Export of Wheat, 1584’ in Vanes (ed.), Documents, 48.
  \item Ibid.
  \item ‘Complaints of the Customer and Controller at Bristol, 1580’ in Vanes (ed.), Documents, 47-8.
  \item TNA:PRO, E134/14&15Eliz/Mich9, E122/234/49.
\end{itemize}
Bristol played an equal if not more prominent part than Gloucester in the illicit trade of grain down the River Severn. Deponents identified how William Goslett, the Searcher at the port of Bristol, had ‘wytinglie sufferyd good es wares & marchandyes to passe & to be transportyd, beyonde the Seas, witheoute seasure or staye, knowinge the Quenes subsedye custome for the same not payde’. The negligence of the Bristol searcher had allegedly allowed Bristol merchants to obtain:

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

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

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

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

298 TNA:PRO, E178/2895.
299 Ibid.
300 Ibid.
301 Lansdowne MS, Vol.41, fol. 92r.
regarding the illicit exportation of grain by Bristol and Gloucester men. This commission sat in 1585. This course of action suggests that the Crown remained concerned about the amount of grain illicitly exported from the River Severn. However, Bristol had failed to provide deposition-based evidence to substantiate the claims that the establishment of a head port at Gloucester had increased opportunities for smugglers. On this basis, Bristol’s demands for the revocation of Gloucester’s head port status remained weak.

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

302 TNA:PRO, E178/2895.
303 Jones, Inside the Illicit Economy, 174.
305 Jones, Inside the Illicit Economy, 174.
Bristol’s argument was that the Crown knew from past investigations that Bristol merchants had also been illicitly exporting grain long before Gloucester had become a head port. The amount of information that the Crown had gathered about Bristol’s extensive involvement in this illicit activity makes it highly likely that the Crown would have been able to interpret Bristol’s objections as a means of protecting their own established illicit grain trade from the competition of Gloucester’s smugglers.\textsuperscript{307} Gloucester actually made this idea explicit when they stated that Bristol’s objections to their head port were rooted in the fact that Bristol smugglers no longer had ‘full scope and libertie to offende at their pleasures/ The restrannt whereof is the cause of this contencion’.\textsuperscript{308} This argument would therefore have had very little sway in terms of convincing the Crown that a reversion to having a unitary head port under Bristol’s control would have dramatically reduced the illicit exportation of grain from the River Severn.

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

\textsuperscript{307} Jones, Inside the Illicit Economy, 173-5.
\textsuperscript{308} Lansdowne MS, Vol.41, fol. 92r.
\textsuperscript{309} Calendar of Patent Rolls, 1578-1580, no.1338.
\textsuperscript{310} See Appendix 3, fols. 1v. - 4v.
\textsuperscript{311} Hale, ‘De Portibus Maris’.
degree of influence that Bristol had over the trade of the upper Severn. Bristol’s objections were perhaps a response to this reduction of their port’s liberties as opposed to any direct economic loss. Ultimately, the overstated and self-interested nature of these arguments meant that Gloucester could easily rebut Bristol’s claims. This was done by simply showing that the Severn towns and its mariners had successfully used the head port of Gloucester without any problems since its creation.

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

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

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

The Immediate Dispute

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

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

314 See Appendix 4, fol. 106r.
of Bristol’s arguments against the establishment of Gloucester’s head port. By the time that the case was finally heard, Gloucester had operated as a head port for nearly four years. From Bristol's perspective, every delay to this case meant that Gloucester’s tenure as a head port continued, became increasingly accepted and therefore harder for the Bristol Corporation to challenge successfully.

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

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

316 See Appendix 1, fols 2r. and 3r., See Appendix 2, fol. 2r.
sixteenth century and Bristol merchants had a keen awareness of how important their ships were to the Crown.\footnote{Jones, ‘Bristol Shipping Industry’, 121-3 and 136-7.} The Crown’s interest in illicit grain exportation would also have been great at this time. This was because English troops in Ireland were being supplied with grain from the Severn valley and excessive exportation threatened the Crown’s ability to procure cheap grain. Although these issues therefore had the potential to sway the Crown, the lack of attention paid to them in Bristol’s interrogatories and depositions made these claims seem superficial. It was thus suggested that rather than representing Bristol’s true objections to Gloucester’s head port, these arguments were included to ensure that the case would be judged to fall within the Exchequer’s equity jurisdiction.

Chapter Two exposed some of the subtler motivations behind Bristol’s objections. First, Bristol deponents expressed their belief that Gloucester was ‘utterlye unmeete’ and inadequate to serve as a head port.\footnote{Jones (ed.), ‘Bristol’s petition, 1582’, fol. 70v.} They defined the usefulness of Gloucester solely in terms of the use that Bristol merchants with their larger ships could, or could not gain from the port. This ignored the fact that mariners from the upper Severn region could easily use the port with their smaller vessels. It was suggested that this was symptomatic of the Bristol merchants’ belief that they should own and control the region’s trade. This sentiment was also detectable in Bristol’s earlier attempts to exert its authority over Gloucester once it had become a member port of Bristol in 1575.\footnote{See Appendix 3, fol. 1v.} Second, Bristol deponents complained that they had ‘demanded corne’ from Gloucester to no avail and had been ‘enforced’ to procure grain elsewhere.\footnote{See Appendix 1, fol. 7r., deposition of Phyllipes to the fourth Bristol interrogatory administered to bakers, brewers and victuallers: See Appendix 2, fol. 4r., deposition of Harrice to the ninth and tenth Bristol interrogatories.} These complaints echoed the sense of entitlement implicit in Bristol’s previous demands that their city should ‘be first served, as it is meet necessary’.\footnote{Jones (ed.), ‘Bristol’s petition, 1582’, fol. 84v.} Ironically, Bristol used a moral economy to assert that their grain requirements should have been satisfied before Gloucester could reap the commercial benefits of selling grain elsewhere. It was suggested that Bristol’s objections were based upon a refusal to accept this new element of competition and the greater degree of economic freedom that head port status gave to Gloucester. Third, further evidence was uncovered to substantiate Jones’ suggestion that a desire to protect the city’s illicit grain trade played a significant role in Bristol’s objections to
Gloucester’s head port. It was shown that Crown investigations in the 1570s had already exposed the involvement of Bristol’s merchants and customs officials in this illicit trade. Gloucester also identified the removal of Bristol’s ‘full scope and libertie to offende at their pleasures’ as ‘the cause of this contencion’ against Gloucester’s head port. Although unstated, the desire to monopolise the Severn’s illicit grain trade was probably an important reason behind Bristol’s objections.

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

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

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323 Lansdowne MS, Vol.41, fol. 92r.
Gloucester invited the Crown ‘to grantte forth a commissioun’ and promised that ‘those abuses of Bristoll shall be manyfested’. The result was that the final hearing of this dispute was indefinitely postponed and the Crown issued a commission to investigate the matter of illicit grain exportation in both Bristol and Gloucester the following year. Lord Treasurer Burghley had played a large part in securing Gloucester’s head port status and received an annual pension from Gloucester for his ‘ffreindshippe towards this Citie in that sute and other sutes in times to come’. His decision to request breviates and to delay the conclusion of the case further was not necessarily a disinterested course of action.

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

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

Ports, Rivalry and the Illicit Trade

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

333 For example, see Jones, Inside the Illicit Economy, 149-61.
creeks of the upper Severn. As ports were central to the exercise of trade, many of the arguments put forward by both sides were economic in nature. Bristol claimed that the creeks were the ‘cheifeste vente’ for their import trades and played a crucial role in supplying Bristol’s industries with grain. It was asserted that the loss of these creeks would lead to a decline in overseas trade, ruin of the city and the sale of Bristol’s fleet of ships. To some extent, the prominence of these economic arguments supports Jarvis’ view that the rivalries between port cities were ‘neither dynastic or political. They were economic’.\footnote{Jarvis, ‘Head Port of Chester’, 69.} However, it was shown that many of Bristol’s arguments relating to overseas trade were weak and unsubstantiated. Furthermore, data compiled by Taylor shows that although no grain was shipped from Gloucester to Bristol in 1581-2, by 1597-8 Bristol received fifty-nine percent of Gloucester’s recorded outward coastal grain shipments and one hundred percent of Tewkesbury’s.\footnote{Taylor, ‘Maritime Trade’, 103, figures 4.2 and 4.3.} This suggests that despite Bristol’s claims, the head port at Gloucester had little long-term effect on the prosperity of Bristol’s overseas trade and ability to procure grain. It would appear that these elements of economic rivalry were overstated by Bristol.

Jones suggested that Bristol’s objections could have stemmed from another unstated economic factor. This was the Bristol merchants’ desire to protect their established trade in illicit grain. This suggestion was further supported by evidence presented in the second chapter of the current study which showed that Bristol and Gloucester merchants had been implicated by Crown investigations into grain smuggling in the 1570s. However, Bristol and Gloucester deponents provided little evidence to expose the illicit trade of the region despite there being many interrogatories that directly questioned deponents on this subject. Obviously, this could have been because the deponents knew little about the matter. On the other hand, this is an unconvincing explanation when deponents such as Edward Barston later admitted to playing a significant role in the illicit exportation of Gloucestershire’s grain. It seems more likely that deponents such as Barston were reluctant to provide information about the illicit trade because they feared that their own involvement would be exposed. Other deponents may not have been as extensively involved in the illicit trade as Barston but they may have wished to avoid being branded informers by those that they did business with. If this argument holds true, it suggests that the regional smuggling networks were exceptionally strong. If deponents withheld information about the illicit trade from the two commissions, they
were essentially prioritising the concealment and continuation of the illicit trade over the defence of their respective cities’ port jurisdictions. A complaint made by the Bristol customs officials in 1588 referred to how outbound ships from Bristol moored at ‘Kingrode and thear rides to take in victuell and prohibited merchandice which comes to them out of Wales or Glocester in woodbusshis or trowes’. Primarily, this demonstrates that Bristol’s illicit trade continued to operate in a similar way to how it did prior to the establishment of Gloucester’s head port. However, this claim also implies that Gloucester’s smaller trows collaborated with Bristol’s larger ships to facilitate smuggling in the Severn region. As far as the Bristol and Gloucester merchants were concerned, the incentive and desire to profit from the illicit trade transcended any economic rivalry that existed between the two cities’ ports.

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

337 Jones, Inside the Illicit Economy, 175.
339 Ibid, fol. 85v.
as much of an economic rival as Bristol intimated in their petition but their head port status rivalled the sense of authority and superiority that Bristol gained from its subsequently ‘dismembered’ port. This study has thus suggested that the rivalry between Bristol and Gloucester was more complex and multifaceted than Jarvis’ focus on economic tension implied. Further historical studies, based on individual disputes between port cities, could be used to shed more light upon the nature of port rivalries and the extent to which Bristol and Gloucester’s rivalry was typical.
Appendix 1


1r.

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

2r.

Interrogatories to be ministred to [mer]chantns masters of Shippes

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

347 GBR, B/2/1, fol. 98v.

348 See Appendix 5. I would like to thank Margaret Condon for her help and advice regarding this Latin writ.
Pilottes\textsuperscript{349} & skilfull mariners of their knowledge of and conceninge the River of Severne betwene kingrode\textsuperscript{350} and the Bridge of Glouc\textit{ester}.

1 Imprimis do you knowe the Ryver of Severne and the creekes and Pills betwene kingrode and the Bridge of Glouc\textit{ester}./

2 Item do you know that circuyte by water that is called the welshe roade\textsuperscript{351} yf ye Then whether doth the same extende harde to the shore of the English side, yea or noe.

3 Item Whether do you knowe the Creekes and Pills\textsuperscript{352} called Barkley Newenan and Glouc\textit{ester}, yea or no. yf yea. Then whether may a Shippe of Conuenient Burden fleete and Come to safely ride and abide in the same as in a place or places sufficient & meete to be portes of ladinge and discharginge And for the maineteynance and continiall keepinge of Shippes yea or no yf yea Then of what Burden must the shippes be that soe can continue and be ther And Whether may they come and goe passe and repasse at all tides and tymes (of winde & Weather serve.) yea or noe yf not Then at what tyde and tymes may they safely flete to & from with sufficient water for all tempestes and weather.

4 Item do you know, the creeke called Gatcombe,\textsuperscript{353} yea or noe, yf yea Then what serviceable shippes\textsuperscript{354} and of what Burden may att all tymes in safty fleet & come to and from the said Creeke called Gatcombe. And whether may shippes of all manner of convenient Burdens, safly come & goe unto that creeke and ther ryde and abide as in a sufficient

\begin{itemize}
\item \textsuperscript{349} ‘Pillotes’ – in this context, a pilot was a mariner who guided ships through dangerous or congested waters – in this case, the River Severn.
\item \textsuperscript{350} King Road – the bay and roadstead that stretches two miles west from Avonmouth to Portishead.
\item \textsuperscript{351} Welsh Road – the Welsh side of the River Severn.
\item \textsuperscript{352} ‘Creekes and Pills’ – In the Customs administration of Great Britain, a ‘creek’ is an inlet of insufficient importance to be considered a separate port. Creeks could however by included within the jurisdiction of other ports. A ‘pill’ was a local term for tidal creeks.
\item \textsuperscript{353} Gatcombe served as the main outport for the port of Gloucester. It lies on the west bank of the River Severn – approximately twelve miles southwest of Gloucester or twenty-two miles by water.
\item \textsuperscript{354} ‘serviceable shippes’ – refers to ships large enough to have the capability of serving in the navy when required. Ships of 75 ton burden were considered the minimum size for such purposes: B. Dietz, ‘The royal bounty and English merchant shipping in the sixteenth and seventeenth centuries’ \textit{Mariner’s Mirror}, LXXVII (1991), 6.
\end{itemize}
Portes, to receave and mainteyne shippes of Convenient Burden for service 
or defencible for the trade of merchandiz. yf not at all tymes. Then at what tyde 
or tymes may shippes of convenient Burden, come and goe in saftye to the said creeke 
and ride & abide there and howe manie shippes may ride ther at on tyme And 
of what Burthen must the shippes be that shall come & goe at all tydes & 
tymes and of what Burthen must the shippes be of, that shall come & goe at 
quarter springe tyde And of What Burthen at half a springe tyde And so at 
a thrde and soe at a full springe tyde. And in your iudgment or opinion whether 
is that, or thother three creekes or all they meate to be a porte or portes of ladinge & 
discharginge of Shippes to and from the sea yea or no.

5 Item What Towne of populus village is ther nere unto that creeke called Gatcombe 
that reasonablie may have Intelligence or make restraine, yf her Majestie sholde 
be deceaved in discharginge ladinge or transpassinge of vittailes and prohibited wares

6 Item What be the Comodities or merchandize that the City of Gloucester and the people 
of the countres ther aboute do vent and transporte from thence and wherwith or with 
What trade be their small Barkes or Boates mainteyned and sent to the sea.

7 Item Whether doe you thinke or are perswaded (all things Considered) that it will 
stand with or be against the Comon-Welth of that countrie that the said creekes shold 
be a porte or portes, or a place of ladinge and discharginge yea or no

8 Item Whether doe you thinke or by reason understande that if ther be a custome house 
allowed & kepte at Gloucester And the said creekes continued to be portes or places of 
ladinge & discharginge will the same be a spoile of Graine & vittailes & prohibited

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355 ‘full springe tide’ – this refers to the strong tides that occur twice-monthly, after a full moon and new moon. The high tides of a spring tide are very high whilst the low 
tides are very low.
356 ‘vent’: to sell.
357 ‘Barkes’ – a bark was a general term for any sailing vessels of a small size.
358 ‘Comon-Welth’: in this context, the common good.
wares and so raise a derth of the same aswell in the Countries uppon Severne as
in the City of Bristowe yea or noe.

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

10 Item What distance of place is ther by water betweene kingrode and the said Creeke called
Gatcombe And What distance betwene Gatcombe and Gloucester.

11 Item What do you thinke or What is your opinion. Will her Majestie be better served if the
said creekes uppon Seaverne were under the serch survey and Controlment of the officers
of the porte of Bristowe (as hertofore they have ben) dwellinge and lyinge betwene that
parte of Severne and the sea, or els by officers of the Custom house of Gloucester beinge and
dwellinge so farr behind them inwarde toward the lande.

12 Item what shipp or shipps of convenyent burden for servyce or for trade
of merchandize have you known to be buylded by any merchannte or merchanntes
of Gloucester. yf you have knowne any suche, then whether were theye full
buylde or fynished with masts & yarde or ells were theye brought downe
from gloucester or from any creeke thereabout, haulfe buylde & unfurnished
or in what state were they when they came downe Severne, And what
water myght they drawe beinge so farr buylde & unfurnished as ~
afore saide, And of what burden was the saide shippe or shipps yf
any were suche were. And whether did or could the saide shippe or shippes
retourne agayne to Gloucester or to any the creekes thereabout, with convenyent
ladinge, yf not, then at what rode or place was she kepte & maynteyned
afterwarde.

13 Item. howe longe or howe many yeares maye suche a shippe as maye come & goe ryde and
fleece at gatcome be kepte & maynteyined there, as in a porte of
rest betwene dischardginge & ladinge, & indure & abyd all
wyndes and weathers.

Thomas Hanam
Rychard pate ~ Thomas Throkmorton

3r.

Interrogatories to be minisered to merchanntes and owners of Shippes

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

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

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

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

359 Although this additional set of interrogatories is found alongside the other sets of interrogatories pertaining to this commission, it would appear from the lack of corresponding depositions that the commissioners did not directly question any Bristol deponents using these interrogatories.
that custome house of Bristowe or otherwiese, or otherwiese. And whether you know ~
understand & can give reason that therreccion of the said Custome house and the Changinge
of the said creekes to be portes wilbe with or against the Comon welth of the Citye & Countrie
of Gloucester and of the Citie of Bristowe & the Countrie therabouts.

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

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

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

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

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

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

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360 The clerk appears to have mistakenly repeated this phrase.
361 ‘bewlie’ – probably referring to Bewdley, a small town a few miles west of Kidderminster and on the banks of the River Severn.
362 ‘cockettes’: cockets. In this context, a customs certificate to allow prohibited wares to be sent coastwise.
Custome howse of Bristowe priore then to make entries and take out cokettes at the Custome howse of Gloucester. /  

[6ii] Item to your knowled or understandinge who or what persons be they that are benifited or eased by makeing entries & takeinge out of Cockettes at the Custome howse of Gloucester. And whether is the same aldership363 allweis serviced comoditie to all the people theraboutes poore and rich or is it a private comoditie for farmors & Corne merchannts & a few suche other yea or no. /  

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

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

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

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

363 ‘aldership’: aldership. In this context, aldership refers to the authority of the head port of Gloucester.
364 ‘sithens’: since.
[2iii] Item when or in what Custome house do you now make your entries & take out cockettes for your Corne graine
& other victuells which you do transporte carie or recarie betwene ye towe of Shrewsberry & the City
of Bristowe, yf at Gloucester then Whether do you finde or have you ease profittes comoditie or troble
charges & discoomoditie by makinge your entrie & takinge our your cockette at Gloucester or What difference
find you therin in respecte of the comon welth of the Countrie.

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

Thomas Hanam
Rychard pate ~ Thomas Throkmorton

4r.

deposicions of wytnesses sworen and examined taken at Berckley in the countie of
Gloc the xviij and xviij dayes of Januarie in the xxv'th yere of the raigne of our soveraine
ladie Elizabeth th by the grace of god of England Frannce and Irelande Queene defendor
of the fayeth before Thomas Throckmarton Richarde Pate and Thomas
hanam Esquire by vertue of the Queenes majesties Comission out of her graces heigh
courte of excheaquer unto Sir William Wynter knight and them addressed for the
examinacion of wytnesses touchinge matters in controversie in the same same court

365 ‘discomoditie’: archaic term for inconvenience.
366 ‘thereccion’: the erection.
367 ‘xxv'th yere’ – Elizabeth’s twenty-fifth regnal year ran from 17th November 1582 to the 16th November 1583.
dependinge betwene, the mayor and comunaltie of the cytie of Brystoll and the compt
and the mayor and Burgesses of the cytie of Glocester defendeth.

Ex parte quer\textsuperscript{368}

\textbf{[1] Walter Stanfast} of the citie of Brystoll merchant borne at Arlingeham\textsuperscript{369} in the countie of Glouc of the aige of three skore years and upwardes sworen and examined to the fyrst Interrogatory he sayeth That he knoweth the River of Seaverne verie well and the most parte of the Creekes and Pilles betwene kingerode and the bridge of Glocester

[2] To the seconde Interrogatory he sayeth that he knoweth that cirquite by water which is called the Welshe Roade and that the same doth extende harde to the shore of the englyshe syde. ~

[3] To the thyrde Interrogatory he sayeth that he knoweth the Creekes and Pilles called Barkley, Newneham and Glocester and sayeth allso that there cannot any shypp of conventiene \( V \) burthen\textsuperscript{370} Fleete and come to, safelie ryde, and abyde in the same as in a place or places sufficient and meete to be portes of ladinge and discharginge nor fytt for the mayntenance and contynewall keepinge of Shipps And he farther sayeth that there cannot any Shipp or barke of above twentye or fyve and twentye tonnes be nor contynew there, and he farther sayeth that there cannot any Shipp or vcssall drawinge myndfoole of water beinge noe trogh\textsuperscript{371} come and goe passe and repasse to \( V \) Glocester at all tydes and tymes though wynd and weather serve except onlie at a Springe tyde.

[4] To the fowerth Interrogatory he sayeth that he knoweth the Creeke called Gatcombe and that noe serviceable Shyppe or any other of above fortie tonnes can at all tymes in safetie fleet and come to and from the said Creeke called Gatcombe and he farther sayeth

\textsuperscript{368}‘Ex part quer’: on one side.
\textsuperscript{369}‘Arlingeham’ – Arlingham is a village on the east bank of the Severn, approximately eleven miles downstream of Gloucester.
\textsuperscript{370}‘burthen’: burden.
\textsuperscript{371}‘trogh’: trow. In the context of the River Severn at this time, a trow was a small flat-bottomed sailing barge.
that shipps of convenient burthen cannot safelie come and goe unto that creeke and there ryde
and abyde as in a sufficient porte to receive and mayneteyne shipps of convenient burthen
for service or defencible for the trade of marchandizes except onlie at springe tides and he
farther sayeth that there cannot ride there at one tymre aboue vij or viij both in the pills and
stande Creakes there which most all lie agrounde at loe water and he farther sayeth that noe shipp
of any burthen can come and goe there at all tymes and tydes / at quarter springe tydes
onlie vesscels vessells of x tonne or xij tonnes at the moste can passe to gatcombe at
halfe springe tyde a vessell of xx tie tonnes may come thither yf she have a good wynde / at
a full springe tyde a vessell of fortie tonnes and not aboue can come thither and he farther
sayeth that neither Gatcome nor the other iiij creekes nor all they are meet to be a port
or portes of ladinge and discharginge of Shipps.

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

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

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

[8] To the eyghth Interrogatory he sayeth that yf there be a custome howse q allowed and
kept at Glochester and the said Creekes contynewed to be portes or places of ladinge and discharginge
the same wilbe a spoyle of grayne and victualls and prohibited wares and soe rayse
a dyrth\textsuperscript{372} of the same aswell in the cuntries uppon Seaverne as in the cytie of Brystoll

\textsuperscript{372} ‘dyrth’: dearth.
[9] To the nyntn Interrogatory he sayeth that yf the custome howse of Glocester contyne
newe there and the said Creekes contyne to be portes of ladinge and discharginge the same
wilbe a hinderance unto the trade of the cytie of Brystoll and a drayne of the
servicable Shippinge and skylfull marreners of the same citie.

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

[11] To the eleventh Interrogatory he sayeth that in his oppinion yf the custome howse
were kept onlie at kingeroade and Brystoll the same woulde be more beneficiall to her majestie
than yf the custome howse nowe newlie erected at Glocester should have his contyne
newance the same beinge soe farr from thence behinde in towarde the lande and he farther
sayeth that the erection of the custome howse at Glocester both
is and wilbe a great increase of smale barkes and a great increase of smale
barkes and a great diminisshinge of the number and trade of the greate shippinge
belonginge to the port of Brystoll and a great hinderance of the provision of victualls
and grayne in Brystoll and he sayeth that he is perswaded to thincke soe for that these
smale vessells doe and will furnish the cuntie\(^{373}\) all upp Severne with oyles Iron
trayne\(^{374}\) and spisons\(^{375}\) and suche lyke wares wherewith the great shippinge of Bristoll
were woertie\(^{376}\) to be maynteyned and sett as woorke. And further sayeth that the
estate and mayntenance of the citie of Bristoll standeth cheefelie uppon
makinge of cullored clothes for the sea and uppon the trade of marchandize
and further sayeth that all the creekes betwene Bristoll and Tewxburie have
allwayse before the erection of the said custome howse at Glocester bin belonginge
to the porte of Brystoll as members of the same.

\(^{373}\) ‘cuntie’: country.
\(^{374}\) ‘trayne’: this is probably a reference to trayne oil - now known as cod liver oil. This was used to light lamps.
\(^{375}\) ‘spisons’: spices.
\(^{376}\) ‘woertie’: worthy.
[12] To the twelveth Interrogatory he sayeth that he knew a Shipp called the Marie Fortune which was beginned to be buylde at Glocester by one master Roberte Poole and there the Hull was in a manner full buylte and so was brought downe to Gatcombe as light as she might be and was afterward finished at Gatcombe beinge then a shippe of aboute fower score tonnes burthen and he hath harde saye by one that wento in ther that the said Shipp goinge to sea tooke in a parte of her ladinge at Gatcombe and the rest of her ladinge was brought downe to her at Inwarde Pill where she had more water, and she never returned thither againe but was vsuallie kept in Chepstowe as longe as she endured and he further sayeth that he knowe one other shipp of three score and tenne tunnes or neer fower score tonnes beginne beganne to be byltt at Fromeloude by one William Bullock which was brought downe to Brystoll in lyke manner as the other shipp was brought to Gatcombe and was at Brystoll kept and maynteyned which shipps did drawe as this deponent thincketh nyne or tenne foote water where they were brought downe Severne.

[13] To the thyrtenth Interrogatory he sayeth that the roade at Gatcombe is verie dangerus and therefore he thincketh a Shipp cannot longe contynewe and induce there.

377 ‘Fromeloude’: Framilode – a small village on the east bank of the River Severn, approximately eight miles downstream of Gloucester.
378 The amount of water that the ‘shipps did drawe’ refers to the depth of water that a particular vessel required in order to float.
379 In this context, ‘roade’ refers to the river at Gatcombe.
[1] Patricke Carter of the cytie of Brystoll marener havinge dwelt there aboute three yeres and beinge before that an Inhabitante of the cytie of Glocester by the space of fowertene years or thereaboutes, of the aige of Fortie yeres or thereaboutes sworn and examined to the Fyrst Interrogatory he sayeth That he knoweth the ryver of Severne verie well and hath bin alwayes for the most parte duringe the terme aforesaid bin usinge in trowes boates and Barkes uppon Severne betwene Glocester and Brystoll and by meanes thereof knoweth the Creekes and Pills betwene Kingeroade and the bridge of Glocester and all the shelfes and dangers therein aswell those under water as those aboue water.

[2] To the seconde Interrogatory he sayeth that he knoweth the cirquite by water that is called the Welshe roade and sayeth that the same doth extende harde to the shore of the Anglyshe syde.

[3] To the thyrde Interrogatory he sayeth that he knoweth the creekes and Pills called Barkeley Newnham and Glocester and sayeth that noe shipp of convenient burthen maye Fleete and come to safelie ryde and abyde in the same as in a place or places sufficiencte and meete to be portes of land ladinge and discharginge and for the mayntenance and conynewall keepinge of Shipps and that the barkes and Shipps which maye convenyentlie conynewe and be there most be but of twentie or fyve and twentie tonnes, and yf he be of thyrtie tonnes he is not conveniente for that ryver and farther sayeth that even those Shipps and Barkes of xx and xxv tonnes cannot ryde passe and repasse at all tydes and tymes though wynde and weather serve, but sayeth that they maye onlie passe at the springe tydes with sufficiente water.

[4] To the fowerth Interrogatory he sayeth that he knoweth the creeke called Gatcombe and sayeth that noe shipp of conveniente fytt for service or of aboue thyrtie tonnes

\[^{380}\text{Fleete}^\']: float.
maye at all tymes safelie Fleet and come to and from the said creeke called Gatcombe and that noe shipp of conveniente burthen or fytt for service can safelie goe unto that Creeke and there ryde and abyde as in a sufficienete porte to receive and mayneteyne shipps of conveniente burthen for service or defencible for the trade of marchandize for he sayeth that there is noe good morginge place for them there / and sayeth that there maye ryde at Gatcombe v. fyve or syxe barkes of twentie tonnes apeare at one tyme and that more then that number of v or vi cannot well ryde there at one tyme And farther sayeth that at Nepe tydes\textsuperscript{381} or tymes a boate of fyve tonnes cannot come and goe to gatcombe / at quarter springe tydes a barke or boate of fyvetene tonnes cann but hardlie come to Gatcombe / at halfe springe tydes a barke or boate of eyghtene tonnes or thereaboutes can but come to Gatcombe / at thyrde quarter springe tydes a barke or boate of twentie tonnes maye come thither at full springe tydes a shipp or barke of fyve and twentie or neer thyrtie tonnes can come thither And farther sayeth that in his judgement and oppinion the said creeke called Gatcombe and the other three creekes mentioned in the thyrde Interrogatory nor they all are meete to be a porte or portes of ladinge and discharginge of Shippes to and from the Sea for that none but such smale barkes as are aforesaide can come thither

\[5\] To the fvyeth Interrogatory he sayeth that there is noe towne nor populus place neer vnto the creeke called Gatcombe that maye have intelligence and make restraynte yf her Majestie shoulde be deceived in discharginge ladinge or transpassinge of victualls or prohibited wares, but sayeth that in Gatcombe there are the howse of one master Baring (whoe is verie seldome or not at all there dwellinge) and fyve other howses inhabited by verie poore people and the men inhabitinge there beinge verie fewe are all such as twoe excepted are abrode from that place at woork for their lyvinge and the Inhabitantes of Etlowe are all husbandmen\textsuperscript{382} and marreners which travaile abroad for

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

\textsuperscript{382} ‘husbandmen’ – men who till or cultivate the soil, farmers.
their lyvinge and lyve elsewhere as those of gatcombe.

[6] To the syxth he sayeth that the comodities or marchandizes that the cytie of Glocester and the people of the cuntries there abouts doe vent and tranceport from thence are elles cheefelie aples \(^{383}\) and corne and farther sayeth that yf it be not a good apple and fruitefull yeare yere they of Glocester and the said other creekes maye moare upp the most parte of their owne shippinge and boates \(^{384}\) for any thinge they have to doe for them And farther sayeth that their smale boates and barkes are maynetayned and sent to sea with such fruites as the cuntrie doth yeald and with apples and peares syder and corne and such lyke fuites.

[7] To the seventh Interrogatory he sayeth that he thincketh and is verelie perswaded that it will stand and be against the common wealth of that cuntrie that the said creekes should be a port or portes or a place or places of ladinge and discharge discharginge for he sayeth that he hath harde the people of that cuntries much to mislyke and speake against the havinge of a porte there for that corne thereby is verie much conveyed awaye and the pryce of corne thereby much inhannsed \(^{385}\) and little brought to the markette for that they which have corne to sell covett \(^{386}\) to sell it in grosse quantities togeather.

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

Thomas Throkmorton Thomas Hannam
Rychard pate ~

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\(^{383}\) ‘aples’: apples.
\(^{384}\) The claim here is that Gloucester men only had a need for their boats when there was a good apple harvest and they consequently had surplus fruit to trade.
\(^{385}\) ‘inhannsed’: enhanced. The claim here is that so much corn was being illicitly exported by Gloucester men that there were local shortages and subsequent inflated prices.
\(^{386}\) ‘covett’: covet – desire. The implication here is that it was more profitable for corn sellers to export their produce in larger quantities rather than selling it in smaller quantities at local markets.
[9] To the nth Interrogatory he sayeth that he thincketh that yf the custome howse at Glocester have his contynewance and the said creekes contynewe to be portes of ladinge and discharginge, the same wilbe a hinderance to the trade of Brystoll and a decaye of the greate shippinge and skylfull marreners there.

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

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

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

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387 ‘avoydinge’: avoiding.
388 ‘lyter’ – a boat or vessel, usually a flat-bottomed barge, used in lightening or unloading (sometimes loading) larger ships that could not be discharged (or loaded) at a wharf.
Glocester as she then was having three or fower whole springes to come from Glocester to Brystoll and yet was lyke to have, but cast awaye in comminge be meanes of the smale depeth of the water which shipp in that estate he thincketh did then drawe about eyght or nyne foote water which shipp beinge afterwardes full buylte coulde never come aboue the suites but hath alwayes sythens bin kept and mayneteyned in the harbor and haven of brystoll.

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

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

390 ‘aboue the suites’: above the river chute, i.e. the mouth of the River Severn.

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

392 ‘rockes beinge a head and a sterne’ – the implication here is that any ship coming to Gatcombe would be surrounded by dangerous rocks and would struggle to moor safely.
[1] John Barrett marrer of dwellinge in Brystoll and borne at minsterwood\(^{393}\) in the countie of Glocester of the aige of fortie fower yeres or thereabouts sworn and examined to the fyrst Interrogatory he sayeth that he knoweth the Ryver of Severne and the creekes and PIlls betwene kingroade and the bridge of Glocester

[2] To the seconde Interrogatory he sayeth as Walter Stanfast before hath sayed.\(^{394}\)

[3] To the thyrde Interrogatory he sayeth he knoweth the Creekes and PIlls called Barkley Newneham and Glocester and that noe shipp of conveniente burthen can fleet and come to and safelie ryde and abyde in the same as in a place or places sufficiente and meete to be portes of ladinge and discharginge neither for the mayntenance and contynewall keepinge of Shipps of Burthen and sayeth that shypps of twentie faye tonnes maye be an contynewe there And farther sayeth to the said Interrogatory as Walter Stanfast before him hath sayed.

[4] To the fowerth Interrogatory he sayeth that he knoweth the creeke called Gatcombe and that serviceable Shipps cannot at all tymes fleet and come to and from the said creeke called Gatcombe neither maye Shipps of convenient burthen with safetie come to the said Creeke and there abyde and Ryde as in a sufficient porte to mayneteyne shipps of Convenient burthen for service and farther sayeth as Patrick Carter before him hath sayed.

[5] To the fyveth Interrogatory he sayeth that he knoweth noe towne nor pupulus place neither is there any towne or populus place or village neer unto the creeke called Gatcombe that maye convenientlye have intelligence and make restraynte yf her majestie shoule be dismissed deceaved in discharginge ladinge or transpassinge of victualls and p[ro]hibited wares.

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

\(^{394}\) The initial responses made by deponents would be copied down onto paper by the scribe. When all the depositions had been made, the scribe would then copy these depositions on to parchment. It seems that the scribe saved time here by stating that the deponent’s answer to this interroga
tory was so similar to a previous deposition that it would not be worth copying it out in full. Bryson, \textit{Equity Side of the Exchequer, 139}. 
[6] To the syxth Interrogatory he sayeth that the comodities and marchandizes which the cytie of Glocester and the cuntries there aboute doe vente and transporte from thence and therewyth are corne apples and such lyke fruites.

Thomas Hanam
Rychard pate ~ Thomas Throkmarton

7r.

[7] [8] To the seven and eyghth Interrogatory he cannot depose any thinge materiall

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

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

[11] [12] To the eleventh twelveth and thyrteenth Interrogatory he cannot depose

Thomas Foster of Sherehampton\textsuperscript{395} in the countie of Gloc sayler of the aige of fyfte yeres of thereabouts one of the Pylottes of the Ryver of Severne sworen and examined to thefecte of all the Interrogatories he sayeth that aboute mydsomer last past there came a shipp called the Grayehounde which belonged to Miles dickenson of Brystoll and to one Richarde Lydger of the burthen of fortiefower tonnes laden with Salte into kingeroade which ladinge the said myles dyckenson woulde have discharged at Gatcombe and therefore sente t up Severne to get some skylfull pilott to bringe the same shipp thither with his burthen

\textsuperscript{395} ‘Sherehampton’: Shirehampton, a village on the edge of Bristol situated approximately two miles away from where the mouth of the River Avon meets the River Severn.
but as he hath harde the said dickenson and Lydger to reporte whoe were owners
of the said Shipp noe pillo Pilott of the said Ryver would take the charge
uppon him to bringe the said Shipp with for ladinge unto Gatcombe the
said Shipp drawinge then but tenne foot of water and stayinge in kingeroade
about fuye dayes to be brought to Gatcombe, and therefore was not brought
and discharged at Gatcombe but went to kingeroade hungeroade where she was
discharged.

1 Anthonye Phyllipes of the citie of Brystoll Baker aiged fyftie
fower yeres to the fyrst Interrogatory he sayeth that he hath harde of the erectinge
of the custome howse in Glocester and hath lykewyse396 harde of certeyne portes
betwene the welshe roade and Tewexk Tewexburie.

2 To the seconde Interrogatory he sayeth that the inhabitantes of Brystoll have
bin vitled397 from Tewexburie and Glocester from Tewexburie especiallie with
corne victuall and other provision and from other the creekes of Glocester.

3 To the thyrde Interrogatory he sayeth that before this tyme they the citizens of
Brystoll payed for the sight of everie Cockett comminge from the custome howse
of Brystoll and goinge through Glocester bridge fower pence onlie.

4 To the Fowerth Interrogatory he sayeth that they the bakers of Brystoll have not
bin served with graine from the cytie of Glocester in such sort as they were
wonte398 to be for he sayeth their cockettes brought from bristoll would not be
allowed by the officers of Glocester but sayeth where they have demannded
corne there by their trowe men annswere have bin made the cuntrie coulde not
spare it, the reason of the skercitie399 thereof this deponent knoweth not.

396 ‘lykewyse’: likewise.
397 ‘vitled’ – victualled.
398 ‘wonte’: wont – accustomed.
399 ‘skercitie’: scarcity
5  To the fvyeth Interrogatory he sayeth that he thincketh it noe more trouble not charge
for the townes of Glocester Tewexburie woorceter Bewdley and Shrewesburie
to make their entries and take out their cockettes out of the custome howse of
Brystoll then to have and take out the same at Glocester for he sayeth that
those townes aboue Glocester vsed to sende for their cockettes and warrantes
By their trowemen to Brystoll to serve there townne from springe to springe
and more easylie he thinketh they cannot have them from Glocester.

6  To the syxth Interrogatory he sayeth that he thincketh that it is for the ease of
such as be corne marchantes at or about Glocester but he thinketh it hurtfull
to the common people rather than any benefeite\textsuperscript{400} to them to take out their
cockettes at Glocester.

7  To the seventh Interrogatory he sayeth that sythens the erection of the
custome howse at Glocester they cannot nor coulde not have their provysion of
corne and grayne from Glocester and the cuntries from thence upp seaverne
as they coulde have before, the reasons whereof he this deponent cannot
sett downe because he hath not of late travailed\textsuperscript{401} in his owne person and
farther to the said Interrogatory he cannot depose....

Thomas Hanam
By pate \textit{richard} Thomas Throkmorton

8r.

\textbf{Interrogatories} to be ministered unto witnes\textsuperscript{s} to be examynd on the
parte and behaullf of the maior and Burgesses of the Cittie of Gloucester

\textsuperscript{400} ‘benefeite’: benefit.
\textsuperscript{401} ‘travailed’: travelled.
against the maior and comunaltie of the Cittie of Bristoll. / 

1 Inprimis of what adge be yowe and are yowe, or have yowe benne, owner, or master, of any shippe barcke, boate, or trowe, upon the River of Severne or a searcher deputie or servuant to any searcher there and howe longe tyme, and are yowe, or have yowe ben a marryner or officer in any shipp bark boate or trowe, and howe longe tyme or have yowe vsed any trade of Carriadge ventringe ladinge or passinge of any commodities wares or merchandizes by thesaid River of Severne, to Bristoll devonshire Cornewall wales and Irelande, or any other partes beyonnde the seas and howe longe tyme. / 

2 Item whether the Cittie and porte of Gloucester and the Creekes there be frequented or haunted with trafighe of merchانتes and merchandizes boothe inwarde and outwarde, and whether it be meete to be contynued for the same purpose and wheather the same be necessary to be meynteined & advanced in your judgment. / 

3 Item howe many villadge howses creekes or townes are betwene the said Cittie of Bristoll / and the Roades for shippes and barckes called hungroade and howe farre distant is the villadge of Shirehampton from the said Rodaes of hungroade and kingroade. 

4 Item do yowe knowe the portes townes and creekes of Bristoll hungrode kingroade Gatcombe Berckley newnham and Gloucester, and the townes of Twexburie wourcester Bewdley Bridgnorth, & Shrewsburie and howe longe tyme. And declare what distancce is betwene the said creekes of Berckley ~ Gatcombe and newenham kingroade hungroade and Bristoll. / everie one from thother, booth by water and lande / and what number of miles is from kingroade and Shrewsburie by water and lande as yowe iudge / And doe yowe iudge that the key of Gloucester and the creekes of Berckley Gatcombe and ~ newnham be meete and apte places for ladinge unladinge and discharding of wares merchandizes and commodities and declare your knowledge of the key of Gloucester and the state thereof And have you knowne any shippes or barckes made and builte there, or about Gloucester by whome and of what burdens. / 

402 'meynteined': maintained. 
403 'iudge': judge.
Item whether there be any more or greater number of ladinge and unladinge places used upon the River of Severne, since the Queenes Majestie’s grant of the custome howse in Gloucester. / then there were used before. That grant made, And whether were the creekes of Gatcombe Backley and newenham used for places of ladinge and vnladinge before the said grant made to Gloucester. And whether the shippes and barckes of Bristol or those that Come to Bristol with any merchanndizes doe lade and unlade at hunroade of kingroade and whether there is not good harbours for shippes lyenge uppon the Forreste of Deane side

Item what depth of water is the river of severne at Gatcombe upon a full sea and what shippes of burden may fleete riste and lye at Gatcombe at full sea or springe tyme and with what expediccion may the same come from to gatcombe from kingroade. and what barckes boates or trowes have youe known to come from gatcombe to Gloucester and with what expediccion. 

Item whether are the saide creekes of Gatcombe and newenham sufficient and convenyent places to discover all shippes barckes and boates passinge the same River of Severne, or have sufficient numbers of dwellinge howses and people there or neare unto the same places for meete service unto her majestie / And howe broade is the same river of severne at Gatcombe & newenham

Item doe youe knowe or iudge whether there have bynne any greater or small number of trowes or barckes within vj yeeres paste then there were in other yeeres before upon the said River of severne betweene kingroade and Shrewisburie / And whether there have benne any greater trafyque from Gatcombe to Gloucester, and the portes there adioyninge within that tyme then were used before /

Item doe youe knowe of have harde whether any more and greater number of shippes boates barckes or trowes within vj yeeres paste have benne made and builte in any of the creekes or townes betwene Gatcombe and Shrewisburie then were before in the same places duringe the lyke tyme before those vj yeeres / And wheather the merchanntes of Bristol have not nowe as

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404 ‘vj yeeres paste’ – the past six years, presumably referring back to the point at which Gloucester became a member port of Bristol in 1575.
free and greate vente for all kindes of merchandizes wares and commodities to all townes
and places above and beneath Gloucester bridge as they had before the said grannt made of the
custome howse to Gloucester /

10 Item wheather doe yowe not iudge that the said cittie of Bristoll hath benne aswell serued &
prouided with commodities and wares from Gloucester Twexburie, and other places adioyninge within
vj yeeres laste paste as in other tymes before. /

11 Item do yowe knowe or have harde wheather nowe there be any lesse carryadge of mawltte
and other places commodities and wares from Twexburie to Gloucester for the relief of Bristoll
then in times paste. And whether the said Inhabitanntes in Gloucester Twexburie and other places
near adioyninge doe not sufficienly searve them of Brystoll as in tymes paste they did
or weere used.

12 Item doe yowe iudge that any greater of quantitie of leather butter or cheese hath ben commonly
before vj yeeres paste transported and broughte from the portes and costes 405 of wales to Gloucester /
otherwise than before that time.

13 Item doe yowe knowe or have harde wheather thinhabitanntes of the cittie of Bristoll
duringe vj yeeres paste have not had cockettes grannted to them at Gloucester whensoeuer they
have soughte for the same and by whence, and whether any grayne hath ben restrayned in
Gloucester at any time to be carryed unto Bristoll and declare by whome howe often and when /

14 Item what plentie of Corne or grayne doe yowe iudge to have benne commonly transported & landed
in Cornwall Devonshire and wales from Gloucester porte / And wheather the Cittie of Bristoll
can furnishe and searue the countrey of Cornewall wales or Irelande with Corne &
grayne better cheape than the cittie of Gloucester or as good cheape as the townes of Gloucester and Twexburie
and other places adioyninge. /

405 'costes': coasts.
15 Item doe yowe knowe wheather the Queenes majestie’s provision of mawlte and wheate for Irelands may be provided and furnished from the Cittie and countie of Glouc as good cheepe and better cheepe as it is was or mighte be from Bristol if there were noe custome howse in Gloucester.

16 Item doe yowe know howe many CITIZENS of Gloucester doe nowe use or late did use, xx/xx/xx/xx and exercise husbandry or grasinge And declare the names of those persons / And whether were they free houlders of inheritannce or Indenture holders thereof And whether the trades of Cappers & clothiers be not mouche decayed in Gloucester within xx or xxx yeeres paste /

8v.

17 Item doe yowe knowe or can yowe iudge that the smalle boates barckes and trowes uppon severne have brede or can, or doe breede and increase able and sufficient marryners apte for sonndry service by sea, and fitte for greater shippes. And wheather her majestie in tyme of service hath not ben prouided of sonndry good marryners from the townes or places neer adioyninge to the river of severne and brede in those small boates barckes or trowes And do you know wheather the small boates barckes or trowes in severne, be or have ben employed for her majestie’s service into Irelands or noe /

18 Item doe yowe knowe wheather any barckes uppon severne doe used or have used to travel into Ireland or any partes of Skotland or unto any other places beyonnd the seaes

19 Item do yowe knowe what stoare of fruite and sider by reasonable accompte is commonly every yeere transported in those barckes and boates from the county of Glouc into Cornewall devonsshire Ireland wales and Bristoll / And wheather greate quantities of herringe and fishe be not retorned from all those places (excepte Bristoll ) back agayne to serve the countreyes of Glouc wigorn Salopshire Staffordshire warwick & other countreis aioyninge.

406 ‘sonndry’: sundry.
407 ‘wigorn’: Worcestor.
408 ‘Salopshire’: Shropshire.
20 Item whether one hundred tonnes of small shippinge doth not meinteyne and brede as many
and more maryners then a greate shipp of like burden / And Declare the reason thereof
And doe yowe knowe or have harde wheather any searcher or deputie or seruannt of souche
searcher hathe used to attende, and doth commonly attende aswell at Gloucester as at ~
Gatcombe and newenham / at everie springe and other tymes for tryell searche and ~
vnderstandinge of thinges belonginge to that office /

21 Item doe yowe knowe or have yowe harde wheather there is a custome howse of late
yeeres errected in Gloucester / And howe neere unto the River of severne / And whether the same
standeth commodious and apte for the Queenes Majestie’s officers and seruice there. / And what
stoare howses or places be there fitt to place wares in. /

22 Item do yowe iudge that a greate parte of all Corne & grayne vsed to be transported to Bristoll
devonshire Cornewall and wales hath benne lade at the key of Gloucester and at Twexburie
And wheather there hath benne any more carried of late yeeres from those twoe townes
or the countie of Glouc then in tymes paste /

23 Item wheather there be not mouch money saued in all the countrey and townes above Gloucester by
havinge, and obteyninge of their cockettes at Gloucester for the which they did before the said vj
yeeres traveill to Bristoll.

24 Item wheather any searcher his deputie or seruannt haue dwelte or remayned or both dwell or
remayne betweene Bristoll and Hungroade or kingroade or any of them and declare the names
of souche persons and the place or places of their habitacion.

9r.

**Interrogatories** to be ministered unto witneses to be examyned on the parte
and behaulf of the maiour and Burgesses of the Cittie of Gloucester againste the maiour
and communaltie of the citty of X X X X Bristoll . . hr/ 409

1 **Inprimis** of what adge be yowe or are ye, or have yowe bynne owner or master of any shippe bunt boate, or trowe upon the Ryver of Severne or a searcher deputie or servaunte to any searcher there and how longe tyme, or are ye or have ye bynne a marrynner of officer in any of the same shipsse barckes boates or trowes, and howe longe tyme, or havinge used any trade of carriidge ~ ventringe ladinge, or passinge of any commodities wares, or marchanndizes by the said ryver of Severne to Bristoll devonshire Cornwaille, wales Irelande, or any Partes beyonnde the seaes and howe longe tyme./

2 Item wheather the citty and Porte of Gloucester and Creeke theere be not frequented, or haunted with traffwyk of marchanntes and marchanndizes booth inwarde and outwarde / And wheather it be meete to be contynewed for the same purposes. / Or wheather the creeke there be decayed and not soe mouche frequented with merchants and merchandizes as the same hathe bynne heretofore, or mighte be convenyently / and declare the causes therrof / And wheather the same be necessarie to be contynewed and aduannced in your judgment and shewe the Reasones therof. /

3 Item howe many villadge howses creekes or Townes are standinge upon the ryver of Aven goeinge vnder the bridge of Bristoll betwene the citty of Bristoll, and the Roade for shippes and barckes called hungroade And howe farr a distance is the villadge of Sheerehampton from the said Roade of hungroade, and howe many howses are in every souche villedge and howe neare dothe the Countie of Glouc extende to the Cittie of Bristoll and wheather kingroade and hungroade be within the Countie of Glouc yea or noe. /

4 Item doe yowe knowe the portes townes and creekes of Bristoll hungroade kingroade Gatcombe Barkley newenham and Gloucester, and the townes of Tewkeisbury worcester Bewdley Bridgnorth and Shrewisbury standinge upon, or neere to the ryver of Severne yea, or noe And howe longe tyme to your rememberance and declare what distannce is betweene the said creekes of newenham Gatcombe Barkley kingroade hungroade

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409 This set of interrogatories is very similar in content to the previous set of interrogatories. In general, these interrogatories are much worzier and sometimes a little confusing. It would appear from a report of the first commission found in the records of the city of Gloucester, that this set of interrogatories was the original set that was used at the start of the commission. However, at the end of the first day of the commission, Gloucester’s interrogatories ‘at nighte were abridged’ in order to simplify and clarify the questions being put to deponents. Although this set of interrogatories may therefore have been used when questioning the first Gloucester deponent, all deponents after this would have been questioned against the set of interrogatories inscribed on folios. 8r. and 8v. See Appendix 5.
and Bristoll every one from thother buothe by water and by lande and what number of myles is from kingroad to Shrewisburie by water and by lande, as you judge. / And what number of dwellinge howses are buihte and standinge in gatcombe or within hawlf a myle of Gatcombe / and doe you judge that the key of Gloucester, and the creekes of newnham and gatcombe be meete & apte places for landinge ladinge unladinge & discharldginge of wares merchandizes & commodities. And declare your knowledge of the buildinge & makinge of the key of Gloucester / and have you knowen any shippes or barckes made and buihte betweene Gloucester bridge and Gatcombe, and by whome & of what burdens / 

5 Item wheather there be any more or greater number of ladinge and unladinge places used uppon the Ryver of severne synce the Queenes majestie’s grantt of the custome howse in Gloucester made to the towne of Gloucester then there were used before that grantt made. And wheather the ladinge and unladinge at Gloucester newnham and Gatcombe be now more hurtfull to her majesty than before / and wheather weere the creekes of Gatcombe Berckley & newnham used for places of ladinge and unladinge before the said grannte made to Gloucester of the custome howse there / And wheather the shippes and barckes of Bristoll or those that come to Bristoll with any merchandizes wares or commodities doe lade and unlade at hunroade o in any other place and declare the manner of that doeinge / and howe far distant is the same from Bristoll. / And wheather there is not better harborowge in tyme of greate springes for shippes lyenge in kingroade on the forreste side then on the side of Bristolle /

6 Item what depthe of water is the ryver of severne at Gatcombe at full-sea / and what shippes of burden may fleete reste and lye at Gatcombe at full sea or at springe tyme / and with what expedicion may the same come to Gatcombe from kingroade / and what barckes and boates of burden / or trowes have ye known to come or may passe and come from Gatcombe to Gloucester and with what expedicion, and declare the same And what shippes, barckes of burden may passe from Gatcombe to Bristoll and from Bristoll to gatcombe. /

7 Item wheather are the saide creekes of Gatcombe & newenham sufficient & convenyent places whereby to discry and discover all shippes barckes and boates passinge the saide ryver of severne or have sufficient numbors of dwellinge howses and people there or veary neere unto the same places to that or any other meete seruice for her majestie / and howe broade is the same Ryver of severne at Gatcombe and ~ newenham / and declare youre knowledge and judgment thereof /

410 ‘discry’ – to perceive from a distance.
Item wheather doe yowe knowe or remember or have yowe harde what number of boates trowes or barckes commonly within twentie or fortie yeeres before the xviiith yeere of the Queenes majestie’s Raigne were belonginge to thinhabitanttes of Gatcombe / Barkley, newenham and to the townes & villages about newenham / That is to say minsterworth Longney Ellmore Gloucester, Twexbury uppon severne wourcester Bewdley Bridgnorth and Shrewisbury or any of them or to thinhabitanttes of any other townes or places uppon or neere severne / and of what burdens the same were commonly accompted or adiudged to be / And doe yowe knowe or remember or have yowe harde what number of boates or barckes or trowes commonly within vj yeeres past are or were belonginge to thinhabitanttes of the townes portes and creekes before Recited and of what burdens / And doe yowe knowe or have harde what number of boates barckes or shippes commonly within twenty or fortie yeeres nexte before the saide xviiith yeere did come from Irelanef Devonshire Cornewall wales, or any other places beyonde kingroade with any wares or marchanndizes to any of theforesaid xiiij Portes creekes or townes and of what burdens / And what number of shippes barckes boates or trowes commonly within vj yeeres laste past have yowe known to come from Ireland Devonshire Cornewall wales or any other places beyonnd the seaes to any of the said portes Creekes or townes and of what burdens the same were / Item doo yowe knowe or remember what number of boates barckes or trowes have bynne belonginge to thinhabitantts of Bristoll commonly within twentie or fortie yeeres before the saide xviiith yeere of the Queene majestie’s Raigne did come from Bristoll unto the saide Portes townes, or places names in the viijth Interrogatory and of what burdens / And what number of boates trowes and barckes have come from Bristoll commonly within vj yeeres laste past to any of those places, and of what burdens / And doe yowe knowe or have harde wheather any more or greater number of shippes boates barckes or trowes within vj yeeres past have bynne made or built, in any of the creekes or trowes betweene Gatcombe and Shrewerbrie then weere before in the same places durringe the like tyme before those vj yeeres / And declare your knowledge herein and wheather the marchanntes of Bristoll have not nowe as free and greate vente for all kynds of merchandizes wares and Comodities to all townes and places above and beneath Gloucester bridge as they had before the said grannte made of the custome howse to Gloucester /

Item what kyndes or quantities of comodities have yowe knowne to be comonly transported or conveyed from the said

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\textsuperscript{411} xviiith yeere of the Queene majestie’s Raigne’ – Elizabeth I’s eighteen regnal year ran from the 17\textsuperscript{th} November 1575 to the 16\textsuperscript{th} November 1576.
portes Creekes townes or places mencioned in the said vijth Interrogatory / vnto Bristoll within twentie yeeres nexe before the said xviijth yeere of the Queene majestie’s Raigne / And wheather doe yowe not iudge that the saide Cittie of Bristoll hath ben aswel serued and Provided with comodities and wares from the said townes creekes portes and places within vi yeeres laste paste as duringe the like tyme w___ those twentie yeeres before and declare yowe iudgment and reasons therein /

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

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

9v.

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

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

412 Illegible deleted word.
same at __________ And of what state or quantity of corne or grayne hathe the Cittie of Bristoll ben served with all from Cornewall duringe vj yeares paste / And wheather the cittie of Bristoll canne furnishe and serve the countreyes of Cornewall wales and Ireland with corne and grayne better cheepe then the cittie of Gloucester, or as good cheepe as the townes of Gloucester and Twexburie And wheather the provision thereof may be done at Gloucester and Twexburie with lesse charde then at Bristoll. And declare your judgment & the reasons thereof.

15 Item doe yowe know of iudge wheather the Queene majestie’s provision of mawtle and wheate may be provided and furnished from the Cittie Countie and Porte of Gloucester and the creekes thereunto belonginge as good cheep and with a small Chadges or better cheeper unto her majesty and the country of Irelande as it is or was or may have ben from Bristoll if there were noe custome howse in Gloucester / And declare the reasons and causes thereof.

16 Item do yowe knowe howe many Cittizens of Gloucester doe nowe use or late did use, and exercise husbandry grasinge and declare the names of those persons And wheather weere they free houlders of inheritannce or indenture howlders thereof / and what quantites of ground are or were by them soe used and howe neere unto the saide Cittie And wheather the trade of Cappers414 and Clothiers be not mouche decayed in Gloucester within twentie or thirtie yeeres paste And have yowe knowen or harde of any Cittizens in Gloucester to use the trade of marchandizes by ventringe415 to the partes beyonnde the seae or any other partes creekes or places and declare their names and all thinges concearninge this interrogatory./

17 Item do yowe knowe or can iudge that the small boates trowes and barckes uppon severnne have brede or can or doe breede or increase able and sufficient manrynrs apte for soundri service by sea & are too fitt for greather shippes / And wheather her majestie in soundri services hath not ben provided soundry good manrynrs from the townes uppon or nere adioyninge to the Ryver of severne and brede

413 The manuscript has deteriorated here, obscuring this word.
414 ‘Cappers’: cap makers.
415 ‘ventringe’: venturing.
in those small barckes trowes and boates / when her highnes pleasure hath benne to require the same yea or noe declare the reasons thereof / And doe yowe knowe whether the small boates or barckes uppon serverne be and have ben ymploiede for her majestie’s service into Irelande yea or noe. / And sett downe youre Remembrance in all things for prooфе thereof/

18 Item doe you know wheather any barckes or boates uppon severne doe use or have used to traviell to Ireland or to any partes of Skottland or to any other places beyonnde the sea / And what commodities are or have bynn therein Retorned in viij yeeres to youre Remembrannce and declare the same and all things for prooфе thereof.

19 Item do yowe knowe what stoare of fruite and syder by reasonable accompte is commonly every yeer transported in those barckes and boates from the countie and portes of Gloucester into Cornwall Devonshire Irelande wales and Bristoll / And wheather greate quanteties of hearings & fishes be not retorned from all those places excepte Bristoll back againe to seruice the countreyes of Glouc wigorn Heref Shropshire Stafforde warwick and other countreyes adioyning And declare your knowledge and remembrannce thereof/

20 Item wheather one hundred tonnes of small shippinge dothe not meynteyne and breede as many marryners as more then a greatt shippe of like burden and declare the reasons thereof and doe you know or have harde wheather any searcher or deputie or seruannte of souche a searcher hath used to attende & doth comonly attende aswell at Gloucester as at Gatcombe and newenham at every springe and other tymes for tryall searche and understandinge of the Queenes majestie’s benefitte commynge or passinge that way ~/

21 Item do yowe knowe or have harde wheather there is a custome howse of late yeeres errected in Gloucester and in what place of that Cittie and howe neere unto the Ryver of Severne standeth the same howse and wheather it standeth commodious and apte for her majestie’s officers there and to discrie barckes boates & trowes passinge that way / andunderstande her majestie’s benefitte and prouffitte comminge uppon that Ryver / And wheather doe you knowe that there be any stoare howses or howse apte

416 ‘ymploiede’: employed.
417 ‘Heref’: Herefordshire.
to make store howses or places and Roomes meete to errecte store howses uppon neere unto the said custome howse.

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

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

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

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

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

418 Illegible deleted phrase.
portes of Bristoll hungroade or kingroade or any of them / And declare the names of souche persons and the place or places of theire habitacion / ~ Item to declare youre remembrannce of all other thinges concerninge the matters mentioned in all the former Interrogatories / and all Circumstannces touchinge the same or any parte thereof.

10r.

deposic ons of witnisses sworne and examyned taken
at Berckley in the Countie of Glou the xvij th & xviiij th dayes of January in the xxv th yeere of the Raigne of our soueraigne Ladie Elizabeth by the grace of god of Englande Frannce & Irelande Defender of the faieth he Before Thomasan Thockmarton Richard Pale and Thomas Hannan esquire by vertue of the Queenes majestie’s most honorable comission owte of her graces highe Cowrte of Exchequer unto Sir william wynter knighte and then addressed for the examynacion of witnisses touching matter in controuersye in the same Cowrte dependinge betwene the maior and communaltie of the Cittie of Bristoll Compt and the maior and Burgesses of the Cittie of Gloucdeserter

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

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

420 ‘xvij th & xvij th dayes of January in the xxv th yeere of the Raigne of our soueraigne’ – the 17 th and 18 th January, 1583.

421 ‘Gloucdeserter’: Gloucester.
of severne, but were never searcher, deputie searcher nor seruannte
to any searcher and hath benne a sailer veary neere those fortie
yeeres and hath used the trade of carriagde of wares and merchanndizes
allwayes unto Bristoll Cornewall Devonshire and Ireland and into
other partes beyonnde the saees /

2. To the seconde Interrogatory the deponent saieth that the Cittie & porte
of Gloucester, and the creekes there is frequented and haunted with ~~
marchanntes wares and marchanndizes booth to serue inwarde and
outwarde, and thincketh the same meete to be contynued for the
same purposes And that the same creeke is not decayed, but still
frequented all the same have benne heretofore and that in his
oppinyon it is moste convenient the same shoulde be soe contynued ~
and aduannced, the reason is for that all the townes and countrey
about, and above Gloucester are mouche eased because they have their
cockettes at Gloucester, a place mouche neere unto them and their travell
heretofore, unto Bristoll for the same were veary chardgable & paynefull
unto them. /

3. To the thirde he saieth that he knoweth noe howse of custome
or any searcher dwellinge upon the river of severne / or Aven goeinge
under the bridgeof Bristoll betweene the cittie of Bristoll and the
Roade called Hungroade / But saieth that the towne of Sheerhamton
is distant from Hungroade aboute a quarter of a mile and that
the countie of Glouc extendeth to the towne wales\footnote{\textit{wales}: in this context, walls.} of Bristoll
but wheather kingroade and Hungroade be within the Countie
of Glouc or not he knoweth not.

4. To the fowerth he saieth that he knoweth all the portes creekes &
places in the said interrogatory mentioned savinge Shrewisburie and the same
hath well knowen those fortie yeeres And saieth that gatcombe
is distannt from kingeroade booth by water and lande twenty miles
or thereabouts and from Gatcombe to newnham by water fyve
miles, and fower miles by lande / And from newnham to Gloucester by land
seuen miles and tenne miles by water and from Gloucester to Tewxburie
by lande seven miles and tenne miles by water And that kingroade
is distant as he thincketh by lande from Shrewisburie Fower skore and tenne
miles and by water one hundred miles And saieth that there are vj
or vij dwellinge howses standinge in Gatcombe / And in Blackney a mile.

Thomas Throkmarton Rychard pate ~ Thomas Hanam

10v.

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

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423 ‘Blackney’: Blakeney, the nearest settlement to Gatcombe. It lay approximately one mile northwest of Gatcombe.
424 ‘diuers’: diverse.
425 ‘Frommilade’: Framilode.
5. Item the fiveth that there are not more or greater number of ~
ladinge and unladinge places used uppon the ryver of severne since
the queenes majestie’s grannt of the custome howse in Gloucester then
before and that the creekes of Gloucester newnham & Gatcombe
and Berckley are used nowe, as they have ben tyme owte of mynde
and noe otherwise / and that often tymes souch shippes or barckes as
come from Bristoll doe lade and unlade at Hungroade which is
fower miles from Bristoll, and that there is good harboroughe\(^{426}\) in
diuers places in the forreste side for shippes to be reste & freede in /

6. Item to the vii\(^{th}\) he saieth that the river of severne is in depth of
water at Gatcombe, uppon a full sea aboute iij fathom and that
shippes or barckes of fower skore tonnes may fleeete reste and lye in
Gatcombe at full sea or springe tyme / and that the same may
come from kingroade to gatcombe uppon the springe or tyde in iij howres
and all soe that barckes boates and trowes of xvj tonnes may come and
passe from Gatcombe to Gloucester in one tyde which is about iij howres
And that barckes of LX tonnes may passe from Gatcombe to Bristol
and from Bristoll to Gatcombe.

7. To the seventh he saieth that the creekes of Gatcombe & newnham
are sufficient places to discearne all the shippes and barckes passing
the river of severne /

8. To the viij\(^{th}\) he saieth that there were aboute xx\(^{th}\) boates &
xl\(^{th}\) trowes belonginge to thinhabitanntes of the places mencioned
in the same interrogatory / before the said xvij\(^{th}\) yeere of the Quenes majestie’s
Raigne and that there nowe are not any more barckes, or trowes

\(^{426}\) ‘harborough’: harbour.
belonginge to the said River of severne then were before the said xvii\textsuperscript{th} yeere of her said majestie’s Raigne to his knowledge and remembrannce /

9. To the ix\textsuperscript{th} he saieth that he knoweth not of any boates that came from the said Cittie of Bristoll to the portes and places named in the said viij\textsuperscript{th} interrogatory / But saieth that there hath benne made within the vj yeeres fower barckes, and loste within the same time vj barckes / And saith that the marchanntes of Bristoll have as greate and free vent for all kindes of marchanndizes to the portes and places aboue and beneth Gloucester bridge as they had before the same grannte of the custome howse made to Gloucester for any thing he knoweth to the contrarye /

10.
11.
12. To the tenthe eleventh twelfth and xiiij\textsuperscript{th} he cannot depose.

14. To the xiiij\textsuperscript{th} he saieth that he knoweth that all the townes about Gloucester and Tewxbury and the countries theraboutes can furnishe and service the countries of Comewall wales and Irelande with corne and grayne better cheepe then the cittie of Bristoll and countries thereaboutes can serue and furnishe the same /

Thomas Throkmarton By pate richard Thomas hanam

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15. To the xv\textsuperscript{th} he saieth that the Quenes majestie may be provided for mawlte and wheate from Gloucester and the creekes therunto belonginge, for her majestie’s services into Ireland as good cheepe or better then it is, was or might be from Bristoll if there weere
16. To the xvij and xvij interrogatory he cannot depose / 

18. To the xviiijth he saith that barkes and boates belonging unto the said river of seuerne have used and yet doe use to travelle into Irelande and other places beyonnde the seaes and that there hath benne there in Retorned home back agayne herringe and salte and diuers other wares merchanndizes and comodities /

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

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

21. To the xxijth he saith There is a custome howse errected and builde in Gloucester at the key harde by severne side and there standeth comodiouslye for the Queenes officers to discrue or stay any boates passinge by the same River / and saith that there are sufficient stoor howses, and veary fitt places to builde store howses on.

22. To the xxijth he cannot depose /

23. To the xxijjth he saith that he well knoweth that mouche
money hath ben saued in the countrey and townes nere aboutes
Gloucester / by reason that the said custome howse is nearer unto them
in savinge of their cockettes by a daies iorney.\textsuperscript{427}

24. To the xxiii\textsuperscript{th} and laste interrogatory he cannot depose /

1. Arthure Barrett of mynsterworth aforesaide in the said
Countie of Glouc yoman of thade\textsuperscript{428} of lvij yeeres or therabotes
sworren and examyned to the firste interrogatory he saieth that he hath
frayted barckes with fruite and corne into Cornewall Ireland and wales
and other places, and used that trade for the space of xij or xiiij yeeres /
and loste of the same trade xv or xvij yeeres paste /

2. To the seconde interrogatory he saieth that he hath knowen the Cittie &
portes of Gloucester and the creekes there frequented and haunted
with traffique of merchanntes and merchandizes booth inwarde and ~
owtwarde, and thincketh it a meete place to be contynued for the
same purpose for he saieth he hath knowen orrynges wynes, salte
Iron oyles and reasons\textsuperscript{429} to have benne broughte to Gloucester and soulde
there /

3. To the thirde he saieth that he knoweth noe more townes &
portes and villadges betwene Bristoll hungroade & kingroade
but only the towne of Shire Hampton / which towne is ~
distant from Hungroade aboute a quarter of a mile and from
kingroade about ij miles.

\textsuperscript{427} ‘iorney’: journey.
\textsuperscript{428} ‘yoman of thade’: yeoman of the age.
\textsuperscript{429} ‘reasons’: in this context, raisins.
4. To the fowerth he saieth that he knoweth all the townes and portes as thinterrogatory mencioned savinge Shrewisburie and the same hath well knownen for those xi\textsuperscript{th} yeeres paste, and saieth that Gatcombe is distant from kingroade by water about xx\textsuperscript{th}e miles & by lande as mouche / or thereaboutes, / and from Gatcombe unto newnham bothe by lande and water aboute iiij\textsuperscript{th} or v miles and from newenham to gloucester by water aboute x or xj miles and by lande aboute viij\textsuperscript{th} miles / And from kingroade to Shrewisbury by water aboute C miles / and by lande iiijcx and viij miles or thereaboutes / And thincketh that all the Creekes and portes in thinterrogatory mencioned are veary fitt and meete places to lade unlade and dischardge wares and and merchandizes threin\textsuperscript{430} and soe hathe ben used durance all the tyme of his remembrannce and many yeeres before, but howe many he knoweth not And thincketh that the key of Gloucester is nowe in better state than at any tyme the same was or hath benne heretofore for and duringe all the tyme of his remembrannce / And allsoe saieth that in Poole builte and made a shipp in Gloucester of aboute iiijxx tonnes, and master Clutterbuck builte and made a barck of in Gloucester of aboute xxx tonnes and allsoe John Hawkins of Gloucester built one other barck of the like burden & william - Bullock of Ellmore builte one shippe at Framilade of aboute iiijxx tonnes. And twoe men of Bristoll whose names he well rememberth not builte twoe shippes nere unto Bewdley aboue Gloucester of ii j xx and tenne tonnes at the leaste /

\textsuperscript{430} ‘threin’: therein.
5. To the v\textsuperscript{th} he saieth that there are noe more places of ladinge and dischardginge in the ryver of severne since the quenes majestie’s grannt made to Gloucester then were before that grannt / made / And saieth that the creekes of Barkley & newnham weere places of ladinge and Dischardginge before the same grannt made of the custome howse in Gloucester / as he thincketh / And that shippes and barckes of Bristoll and those that come to Bristoll with wares or merchanndizes Doe lade and unlade at Hungroade moste comonly and that there are diuers good harboueroughes for shippes to lye in the forreste side in tyme of necessitie ./

6. To the vj\textsuperscript{th} he saieth that the water is in depthe at Gatcombe uppon every springe aboute xv or xvij foutes, and at some other springes xx or xxiiij\textsuperscript{th} footes as he thinckethh / And that shippes of iiij xx tonnes may fleete, & reste in Gatcombe at full sea or springe tyme, and that the same at one tyde in the beste of the springe may come from kingroade to Gatcombe haveinge the healpe of the wynde / And that barckes or trowes of xx\textsuperscript{th} or xxiiij tonnes haveinge the wynde and tyde with them may come to Gloucester at one springe tyde /

Thomas Throkmartoon
Rychard pate ~ Thomas Hanam

12r.

7. To the vij\textsuperscript{th} he saieth that the Creekes of Gatcombe and newnham are sufficient and convenient places to discouer all shippes and barckes passinge the said river of severne / And thincketh that there are a sufficient nomber of dwellinge howses & people
there, or veary nere unto the same place for fitt service to her majestie
and that the said River of Seuerne, is aboute a quarter of a mile in breadth at
newnham, and at Gatcombe aboute iij quarters of a mile /

8. To the viij\textsuperscript{th} he saith he knoweth not of any greater number
of boates since the said grant of the custome howse in Gloucester
then were before within the river of severne / and saith that
there hath benne as greate of greater traffique upon the said
river of severne betwene kingrode & Shrewisburie since the
saiame grantt, as in any time before the saide grantt made
And that the merchannts of Bristoll have had as free and
greate vent for all kindes of wares & merchandizes to all townes
and places aboue Gloucester bridge as they had before the said grantt made of
the custome howse in Gloucester for any thinge he knoweth or
ever saide to the contrary. /

9. To the ix\textsuperscript{th} he cannot depose /

10. To the tenthe he saith that the cittie of Bristoll hath ben
aswell serued and provided with wares & commodities from Gloucester
Twexburie and other places within the said vj yeeres laste
paste as before in elder time / as he thincketh /

11.
12.
13.
14. To the xij xiiij & xiiij\textsuperscript{th} Interrogatories he cannot depose

15. To the xv\textsuperscript{th} he saitheth that the Queenes majestie’s provision of
wheate and wares may be provided and furnished from the
Cittie and Countie of Glouces as good cheepe and better then
from Bristoll if there were noe custome howse in Gloucester / the
cause is for that comonly the said Cittie of Bristoll have
their provision, and are partlie serued of their provision from
Gloucester and the countieis nere adioyninge, as this deponent verely\textsuperscript{431} thincketh /

16. To the xvj\textsuperscript{th} he cannot depose. /

17. To the xvij\textsuperscript{th} he iudgeth that the small boates barckes or
trowe upon severne haue brede and doth brede & increase /
able and sufficient marriners apte and fitt for the sea &
soundry servises of her majestie / and fitt for greate shippes / And
that her majesty in tyme of servise have benne provided of ~
soundry good marryners from the same townes and places nowe
adioyninge to the said River of severne which haue ben
bred and trayned upp in those small boates or barckes &
may be imployed for her majestie's servise into Ireland

Thomas Throkmarton Rychard pate ~ Thomas Throckmorton

12v.

18. To the xvij\textsuperscript{th} he saieth that barckes and boates
uppon severne doe use, and have used to travell into
Ireland and some times into Frannce & Rochell. /

19. To the xix\textsuperscript{th} he saieth that comonly every yeer xij

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

\textsuperscript{432} 'verely': verily, ie. truthfully.
or xvij barckes or boates within the saide river of severne
doe transport fruit and sider from the Countie of
Glouc into Cornwall Devonshire Ireland wales and
Bristoll / And that great quantities of herringe are
yeerely retorned from all those costes savinge Bristoll to
searue the same Counties in thinterrogatory mentioned. / 

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

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

22. 
23. 
24. To the xxij xxiiij & xxiiijth he cannot depose / 

Rychard pate ~ Thomas Hanam
Thomas Throkmarton

13r.

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

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433 Duncan Taylor identifies a number of occasions in 1592 when this ship is recorded to have departed for Bristol from Gloucester carrying malt and wheat but the arrival of the ship is then not recorded in Bristol. Taylor suggests that on these occasions, these commodities may have been illegally shipped overseas under the colour of a coastal cocket. Taylor, ‘Maritime Trade’, 108-115.
a purser\textsuperscript{434} in a shippe called the Marie fortune belonging to Roberte Poole of the Cittie of Gloucester aboute xxxvij\textsuperscript{435} yeres agoe / and saith that during the tyme that he hath used to travell upon the said River (which to his remembrance is aboute xlij yeres) he used to carrie such comodities as the Countie of Glouc did yelde, to Cornewall / Devonshire / Bristoll / and wales / bringinge backe with him hearring and other fishe for the same / and likewise had access into Ireland for herring fishing / somtime for himself and somtime as an hired servannte and served the said Robert Poole as an apprentice. /

2. To the seconde he saith that the Cittie and porte of Gloucester and the Creekes there hath been frequented with traffique of mercandizes, and that he himself during the time of his service under the said Roberte Poole transported ~ clothe, leade and other laufull merchandizes to Galisia Andolazia Portuigall and Lushborne,\textsuperscript{435} at which place he hath been at the leaste Tenne tymes for his said ~ master and for merchantes of Bristoll, which said shippe was laden one time at ~ Gatcombe, sometime at Hungerode and somtime at Chepstowe / and judgeth the same porte of Gloucester meete to be continued for the trade of merchandizes and do thinke it verie necessarie to be mainteyned and advancement for the increase of more marinners therby to be more reddie for the princes services /

3. To the third Interrogatory he saith that there are no villages betwene Bristoll Hungerode upon the Ryver side, but here and there a howse or two at the most together and saith that Sherehampton is aboute halfe a myle distant from Hungeroade, and thinketh that there be in Sherehampton aboute xx\textsuperscript{435} houses /

4. To the fourthe he saith that he will knowethe all the portes Townes and ~ places menciond in the said Interrogatory, savinge Shrewsburie, and hath known the most parte of them since the time he hath used the trade of the said river

\textsuperscript{434} 'purser' - an officer on board a ship responsible for provisions and for keeping accounts, or for various other administrative matters.

\textsuperscript{435} 'Lushborne': Lisbon.
of Severne / and further saithe that Gloucester is x miles distant from ~
Gatcombe by lande / and aboute xiiiij miles by water / and betwene Gatcombe and
kingerode is aboute xx miles by water / and betwene Gatcombe and hungerode is
aboute xxiij miles by water / and betwene hungerode and bristoll aboute iiij miles
by water / and betwene newnheim and Gloucester is aboute viij miles by lande / and doth
judge that Gloucester / Barkleie / Gatcombe / and newnheim are meete and apte ~
places for lading and unlading of wares and merchandizes / And saith that ~
the key of Gloucester is well builte and prepared and that he knewe it
in so good state as it is nowe and saith that he doth verie well remember his
said master Robert poole builte a shippe of lxxx tonne at Gloucester called the
marie fortune / And also that one master Clutterbuck of Gloucester builte a barke
of aboute xxx tonne aboute xli yeres past within two miles of Gloucester /
and that one John Haukins and John Hoskins aboute iiij er miles of Gloucester
builte one other barke able to travle to Bysky and frannce
in the companie of which barke he this deponent did travell to Burdeux
and that one Bullocke of Ellmore builte a barke of aboute lxxx tonne
called the mathew at Fromelade. /

5 To the fyfte he saith that there are no more plac es of lading and unladinge
now used upon the Ryver of Severne, then there were before the grannte
of the Custome house to Gloucester / and saith that Barkleie Gatcombe
newnheim during all his remembrancce were used for places of ladinge
and unlading / And saith that the shippes of Bristoll do most comonlie ~
lade and unlade at Hungerode. /

6 To the syxte he saith that the river of Severne at Gatcombe doth flowe three
faddome at full sea and springe time and in his judgement that there maie lie
and fleete at Gatcombe at full sea a shippe betwene lx & lxxx tonne / and
saith that a shippe of his said masters called the Iulian of aboute lx tonne /
did reste and lie at Gatcombe and Brimspill\textsuperscript{436} when she came home from the sea. / and

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\textit{13v.}

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

7. To the seventhe he saieth that the Creekes of newneham and Gatcombe by ~ reason of their standing upon the River of Severne are apte and meete and sufficiete places for to descre the boates barkes and trowes that passe by by that Ryver / and hath sufficient people dwelling there to that ende / . and iudgeth that the River of Sevverne at Gatcombe is aboute iij quartere of a myle in breddith over at full sea / and not a quarter of a mile in breddith at newneham at full sea.

8. To the eighte he saithe that he thinkethe that there be as manie or more barkes and trowes in the River of Severne then have been of elder time / the certen nomber wherof he knoweth not /

9. To the nynthe Interrogatory he saith that he dothe not certenlie knowe ~ what nombre of barkes have been builde upon seaverne / And further saith that in his ijgemenet the merchantes of Bristoll have or maie have (if they will) as free and greate vente for all kinde of merchandizes to the townes

\textsuperscript{436} Brim's Pill: a tidal inlet etched into the Severn's west bank between Awre and Poulton.
and places mentionned in that Interrogatory, as theie had or used to have before the grannte of the Custome house to Gloucester /

10. To the tenthe he saithe that in his judgement the Cittie of Bristoll hath been as plentifullie served and provided with such comodities as the Countie of glouc woulde yelde within those vj yeres as ub elder tymes /

11. To the eleventh he saith that thinhabitatantes of Tewxburie and Gloucester be reddie at all tymes to serve the Cittie of Bristoll, with malt and other graine, having a convenient gaine for their venter and travell.

14. To the xiiiijth he saith that by reson of the greate plentie of Corne in Gloucester and therabouts, he thinketh that the said Countie of Glouc and the Contrey therabouts maie better cheape furnishe and provide for Cornewall Devonshire Ireland and wales, then the same may be donne at Bristoll /

15. To the xvth he saith that the Cittie and Countie of Glouc and the places therabowtes can make provision for her majestie’s service of malte and Corne into Irelande better cheape then the Cittie of Bristoll can do / in his iudgement /

17. To the seventeenthe he saith that the small boates and barkes upon seaverne have bredde and do breede verie able and sufficient marinere for their labour to serve for sundrie service by sea and fitt for greate shippes / and that such marinere bredd in the said boates upon the river of seaverne in tymes of service by sea haue served in the raigne of king Henry theighte and ever synce as occasion did serve / and that the said boates and barkes have and do serve and at sundrie times have been employed for carriage of her majestie’s provision into Irelande / and that he this deponent hath served ~ for the carriage of her highnes said provision into Irelande in his owne shippinge /
18. To the xvij\textsuperscript{th} he saith that he doth verie well remember that there have
and do divere boates and barkes travell into Ireland for hearring fishinge
and somtimes xij, xvj, xx, or more boates and barkes have travelled thither
in one yere / and to other places beyonde the seas in trade of merchandizes
as he this deponent hath allreddy named in his deposicion to the second
Interrogatory /

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

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20. To the xx\textsuperscript{th} he saith that there are more maryners bredd in small shipping ~
of one hundred tonnes then in a grete shipp of like burden having therin but ordinary
companie / and for reson therof he doth saie that a shipp of C tonne wilbe well
ledd and guided with xx marrinere / and v barkes of xx. troublesome\textsuperscript{437} doth require the
necessarie service of v or vj men apece / and likewise x boates of x tonne apece do ~
require everie of them three mariners apece at the least which is in a C tonne / xxx men / abes

21. To the xxi\textsuperscript{th} he saith that there is a custome house allreddy builte in Gloucester harde
adioyning both to the key and river of Severne, the standing wherof is apte and
commodious for the service and purposes mentionned in that Interrogatory /

23. To the xxij\textsuperscript{th} he saith that in his judgement there must needes be greate chardges

\textsuperscript{437} apece: apiece, ie. each.
saved for the Contreies aboue Gloucester in having their Cockettes at Gloucester, then if they shold be driven to fetch the same at Bristoll / by reson of the distance of ye place /

24. To the xxiiiijth he saith that he never knewe during all his time that ever anie sercher his deputie of servante did or now doth dwell or remaine betwene Bristoll and Hungerode in anie place nere to the River side there / And more to anie of the said Interrogatoryes this deponent cannot depose.

1. William Tyler alias Horsley of the Cittie of Gloucester sayler of thage of lxiiiij or yeres or theraboutes sworne and examined to the first Interrogatorie saith that he hath been owner of a boate of x tonne / of a barke of almost xx tonne / and of another barke betwene xxiiij and xxvj tonne / and owner of the half parte of one other boate called the Jesus of aboute xvj or xvij tonnes. / And hath used to ~ trade by water since the Raigne of Queene Mary / and hath used to carrie fruite and malte to the places mentionned in the Interrogatory /

2. To the seconde he saith that the porte in Gloucester hath been used with the ~ traffique of merchandizes and that he himself hath within this xvij yere brought thither wine trayne oyle438 and herring from the coaste of Irelande spaine france and wales and thinketh it verie convenient that the same sholde be so used & frequented

3. To the third he saieth that there are aboute ix. or x. howses at diverce places betwene Bristoll and hungerode / But no villadge other then sherehampton which standeth distant aboute halfe a mile from hungerode /

4. To the fourth he saith that he knoweth all the Creekes and portes mentionned in that Interrogatory, and the most of them hath knowen ever since the tyme he used the water / and saith that in his iudgement there is aboute C myles by water betwene

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

5. To the fyfte he agreeth with the said Henry Browne / and further saith That ye place aboute Chepstowe called poole merricke, and the entrannce into the Ryver of wye, and Lydney pill are wry meete and convenient placès to save a shipp in the tyme of necessitie.

6. To the syxte he saith that the River of Severne at Gatcombe at some springe tymes doth flowe above xx foots of water and the most parte of the springe do flowe at the best of the spring xvij foot of water / and it continueth not so highe more then two daies after the heigth of the spring / And that a shipp of lx tonnes in his opinion may verie well rest and lye allwaies at Gatcombe and that such a shipp may within iij or iiij houres come from kingroade to gatcombe assome as the like may come from kingroade to Bristol / And that a barke of xxx or xl tonnes according as the same shall drane water may come and past from Gatcombe to Gloucester in ye tyde or lesse / if wind & wether serve / .

Thomas Throkmarston  By pate richard  Thomas Hanam

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

440 'Lydney pill' – a creek located on the west bank of the River Severn, approximately eight miles upstream of the mouth of the River Wye.
7. To the viijth he saith that the Creekes of newneham and Gatcombe are as convenient places for the descrying of anie boate or barke passing by the said Ryver as the bankes or keyes of Gloucester or Bristoll are and saith that newneham is a mayor and market towne having in it aboue xlth houses and Gatcombe hath in it v or vj houses and that newneham is distant from Gatcombe iij miles and saith that Etloe is distant from Gatcombe half a myle having in it aboute x. or xij. howses at the least and the village of Blakney is aboute a mile from Gatcombe having therin aboute xx. or xxx. howsholdes.

8. To the viijth he saith in every pointe and article as the former deponent Henry Browne hath before deposed /

9. To the ixth he saith that in his iudgement there hath not been builte any greter number of boates or barkes upon Severne within vj yeres past, then there were in vj yeres before / And to the rest of the said Interrogatories he agreeth with Henry Browne and that there is no alteracion therof unlesse it be by the Queenes service /.

11. To the eleventhe he saithe that it is comonlie reported that the Cittie of Bristoll have been aswell served and provided with corne & graine from the County of glouc within vj yeres past, as it hath been before /

12. To the xijth he saith that one Master white of gloucester and ij" or iij" more haue a certen trade for butter and cheese out of wales and then the said trade hath been no more used nor so much within those vj. yeres then it hath been before /

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

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

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

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

441 ‘Indenture holders’ – an indenture was the contract by which an apprentice was bound to their master. The deponent is therefore disagreeing with the Bristol Corporation’s claims that the vast majority of Gloucester men were employed as arable and pastoral farmers – see references to ‘grasinge and husbandrye’ in Jones (ed.), ‘Bristol’s petition, 1582’, fol. 68r.
442 ‘Sir Thomas Bell’ – Bell held office as the mayor of Gloucester on three occasions and was returned as a Gloucester M.P on up to five occasions. He is described as a ‘prosperous clothier’ who set up a manufactory that specialised in cap production. This industry blossomed in the earlier sixteenth century and Bell’s manufactory became one of Gloucester’s largest employers of the period: A.D.K. Hawkyard, ‘Bell, Thomas (1485/6-1566), of Gloucester’ in S. T. Bindoff (ed.), The History of Parliament: the House of Commons 1509-1558 (London, 1982), i. 413-4.
443 John Falkoner was also a significant Gloucester alderman who served as the mayor of Gloucester on a number of occasions and was a capper by trade.
to serve in Ireland with his boates in the tyme of the Raigne of Quene Mary. / 

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

Thomas Throkmarton  Rychard pate ~ Thomas Hanam

15r.

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

20.

19.

21.

22.

23.

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

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

444 ‘Longney’ – a village on the east bank of the River Severn approximately six miles south-west of Gloucester.
barke of xxvij\textsuperscript{tie} tonne in Irelande.

2. To the second Interrogatory he saith that he hath knownen barkes to passe with marchandise from Gatcombe newnemham and Gloucester to Ireland and other places beyonde the seae / And that Thomas Smith of Purton had a boate of fifty tonne / upon the said River / And that iii or iiiij men of Gloucester had a barke of aboue L\textsuperscript{tie} tonne within these ij\textsuperscript{y} yeres wherein they travelled into the par tes beyonde the seae / 

3. To the third Interrogatory he saith as the former deponent Henry Browne hath said / 

4. To the fourthe he saith that he doth verie well knowe all the Creekes and places betwene kingrode and Gloucester mentionned in the said Interrogatory and touching the distance of the said place he agreath with the said Henry ~ Browne / and saith in resperte that the places mentionned in the said Interrogatory are reasonable faire to have accesse unto / he doth therfore iudge them places ~ meeete for lading and unlading / 

5. To the fyfte Interrogatory he agreeth with the said Henry Browne / 

6. To the syxte he saith that at the highest tyde of the lowest springe in all the yere the river of seaverne at Gatcombe is in depth xviij foote of water and saith that a shipp betwene l and lx tonne may come from kingrode to Gatcombe at one tyde having a convenient wynde / and saith that he himself hath had ij\textsuperscript{o} barkes of xxvij\textsuperscript{tie} tonne apeces, which have sondrie tymes come from Gatcombe to Gloucester within two tydes. / 

7. To the seventh he saith that he knoweth there are in Gatcombe vij dwelling howses with people in them / and that Etloe is adjoyning to Gatcombe aboute half a quarter of a myle from Gatcombe having therin aboute xij
or xiiij howses.

8. To the viijth he saith that in his iudgement there hath not been anie ~
   difference of the number of the boates barkes and trowes upon Severne for
   the space of those xij yeres. /

9. To the ixth he saith that in his judgement the merchantes of Bristoll have
   as free and grete vente for merchandizes to the County of Glouc and the places
   theraboutes as sthey have had heretofore.

10. To the tenth he saithe that the Cittie of Bristoll may be aswell s
    furnished and myght be aswell furnished with Corne and graine out of
    the said County of Glouc and the places theraboutes (if they wolde define
    the same) as they have been hertofore.

11. To the elevenh he saith that in his iudgememt there is not now, nor hath
    of late been lesse caringe of malt and corne to Bristoll from Tewxbury
    and Gloucester then hath been used in tymes past.

Thomas Throkmarton  By pate richard        Thomas Hanam

15v.

12. To the fourteenth he can saie no more then in his Iudgment the Cittie of
    Bristoll cannot provide and furnishe malte and Corne for Ireland so
    good cheape and so plentifully as the County of Glouc can.

15. To the xvth he saith as the former deponent Henry Browne hath said.

17. To the xviith he saieth that the small boates and barkes of the River of
    Severne can and doth breed up sufficient and able marrynners fitt
for greate shippes / and that he himself being bredd up in the small
boates and barkes upon Severne hath served the Quenes majesty in
the golden Lion at Hamboroughe.

Rychard pate ~ Thomas Hanam
Thomas Throkmarton

[On the last page of depositions, there is a Latin phrase called the ‘liberatur’. This ‘liberatur’ recorded the receipt of the document into the
Exchequer. It notes that the documents were received on the 5th February 1583 and were delivered by Robert Smyth – a gentleman who
was an active commissioner in the second commission that sat in April 1583. It is interesting to note that the commission documents were
delivered to the Exchequer after the return date referred to in the writ – which was the 20th January 1583. It is not entirely clear if there
were any consequences for this lateness.]
Appendix 2


Ir.

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

Iv.

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

445 The National Archives: Public Record Office, UK [TNA:PRO], E134/25Eliz/East14. The following conventions were employed when transcribing this document: the line spacing, spelling, capitalization, erasures, insertions, underlining and punctuation follow the manuscript; ‘u’ and ‘v’ have been rendered according to the document rather than to modern usage. Square brackets indicate editorial additions. Reconstructions of suspensions are in italics and all suspensions have been extended – for example ‘city of Glouc’ has been extended to ‘city of Gloucester’. The only exception to this is when the name of a county has been contracted – so ‘county of Glouc’ remains as ‘county of Glouc’.
446 I would like to thank Margaret Condon for her help and advice regarding this Latin writ.
Interrogatories to be ministred on the parte and bahalfe of the mayor and [commonality] of the Cyttie of Bristol Complaynantes against the mayor and [burgesses of the] Cyttie of Glocester defendeth.

1. **Inprimis** do you knowe the Citie of Bristoe, yf yea, then by and uppon what trade hath the said Citie & Citizens allways byn ____ contynue & mainteyned

2. **Item** do you knowe the River of Severne & the Creekes and Pilles betwene kingrode & the bridge of Gloucester /

3. **Item** do you knowe that circuyte of water called the Welshe roade yea or noe /

4. **Item** whether do you knowe the Creekes and Pilles called Barckley Newman Gatcombe and Gloucester yea or noe /yf yea then whether have they tyme out of mynde untill of late belonged to the porte & Custome howse of Bristowe yea or noe And howe knowe ye the same and what writings or records have you seene proving the same soe to belonge to the said Custome house port of Bristow

5. **Item** Whether may a Shippe of convenient Burden fleete, come to, and safely ride & abide, in the said Creekes called Barckley Newman Gatcombe & Glocester as in a place of places meete & sufficient to be portes of ladinge & Dischardginge & for the mayntenaunce & contynull keepinge of Shippes yea or noe / yf yea, then of what burden must the Shippes be that soe can contynue & be there & Whether may they come & goe, passe & repasse at all tydes & tymes yf winde & weather serve yea or noe yf not then at what tydes & tymes may they sefely fleete, to and froe with sufficient for all tempestes & weather /

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

448 The manuscript has deteriorated and obscured this word.

449 ‘Barckley’: Berkeley.

450 ‘Newman’: Newnham.

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

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

453 This interrogatory asks the deponents to determine the specific capabilities of the River Severn’s creeks including Gloucester’s main outport – Gatcombe, to hold large ships in all weathers, at all tides and at all times of the year.
6. **Item** what serviceable shippes & of what burden may at all tymes in safety fleeete & come, toe, and from the said Creeke
called Gatcombe & Whether may Shippes of all manner of convenient burden safely come & goo unto that Creeke & there ride
& abide as in a safe sufficient porte to receyve & maynteyne shippes of convenient burden for service or Defensible for the
trade of merchandize yf not at all tymes, then at what tydes or tymes may shippes of convenient burden come & goo
in safetye to the said Creeke & ride & abide there & howe many Shippes may ride and abide there at one tyme & of what burden
must the Shippes be that shall come & goo at a quarter Spring tyde, and of what burden at halfe a spring tyde & in your
judgment or opinion whether is that or the other three Creekes or all they meete to be a porte or portes of ladinge & discharging
of shippes to & froe the sea yea or noe /

7. **Item** what towne or populus village is there nere vnto that Creeke called Gatcombe that reasonably may haue intelligence or make
restraynte yf her majestie should be deceived\(^{454}\) in Discharging hidinge or transARRANTinge of victuales & prohibited wares\(^{455}\) /

8. **Item** what be the Comodities of merchandize that the Citizens of Gloucester & the people of the countrye thereaboutes do vent
& transporte from thence & wherewith or with what trade be their smale Barkes or boates maynteyned or sent to sea ~~~

9. **Item** Whether doe you thinck or are perswaded (all thinges considered) that it will stand with or be agaynst the common wealth of
that countrye that the said Creekes should be a porte or portes or a place of ladinge & discharinge yea or noe /

10. **Item** Whether Doe you thinck or by reason vnderstande that yf there be a Custome howse allowed & kept at Gloucester & the said
Creekes continued to be portes or places of ladinge & discharinge will the same be a spoyle of grayne & victuelles & prohibited wares
and so rayse a derth of the same aswell in the countries vpon Severne ass in the Citie of Bristowe yea or noe /\(^{456}\)

11. **Item** whether doe you understande or thinck that yf the said Custome howse at Gloucester & the said Creekes shall contynue

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

\(^{455}\) ‘prohibited wares’ – commodities that were routinely subject to export prohibitions – for example beer, leather and butter.

\(^{456}\) This interrogatory asked deponents to state whether they believed that the creation of the port of Gloucester facilitated the smuggling of illicit goods and whether this illicit activity took place on such a large scale that there might be a shortage of such goods if Gloucester’s head-port status was not revoked.
to be portes of ladinge & discharginge will the same be a hinderance unto the trade of the Citie of Bristowe And a Decaye & Dyminishinge of the serviceable shippinge and skilfull mariners of the same Citie yea or noe /

12. Item What distance of place is there by water betwene kingrode & the said Creeke called Gatcombe & what distance betwene Gatcombe & Gloucester \\

13. Item what doe you thinck or what is your opinion will her majestie be better served yf the said Creekes upon Severne now under the Serech survey & controllment of the officers of the port of Bristowe as heretofore they haue byn dwelling & lyenge betwene that parte

14. Item whether hath the said Citie of Bristowe byn allwayes chyefly or greatly served & victualled with corne grayne butter chese & other necessary provision by and from the said Creekes upon Severne of old tyme belonging to the said Citie yea or noe yf yea then whether hath the said Citie of Bristowe byn aswell served with corne & grayne & other victualles since the erecting of the custome howse at Gloucester as before yea or noe yf not then what alteracion doe you finde or knowe therein And whether is there more Dearth or scarsitie of corne & grayne then there was before yea or noe yf yea then what knowe ye or thinck you to be the cause or reason thereof

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

16. Item yf corne grayne & other victualles come to Bristowe in Trowes as plentifully as it was wonte May her majestie be as good cheape as redely and well served for the provision of Ireland at Bristowe key as at Gloucester & will there be lost or saved to her majestie therein.\footnote{457}

17. Item wheather were it better or more convenient that the trade to Ireland with corne and grayne were used by the smallest sorte of shippes of Bristowe or by the Barkes of Gloucester & of other Creekes vppon Severne & what matter of knowledge or reason yeelde you therein

**Interrogatories to be ministred unto Bargemen & Trowmen uppon the**\footnote{458}

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

\footnote{458} This seems to be the start of a new set of interrogatories. The clean cut mark under this line and the fact that this piece of parchment is significantly smaller than all the other pieces in this collection suggests that this extra set of interrogatories was deliberately removed. This was presumably done before the commission took place because there are no depositions that relate to this missing set of interrogatories.
depositions taken at Barkeley in the countie of Glocester the xij\textsuperscript{th} & xiij\textsuperscript{th} Dayes of Aprill in the xxv\textsuperscript{th} yere of her majestie’s raigne\textsuperscript{459} before Richard Pate esquire Robert Smythes and Richarde Byrde\textsuperscript{460} sent by vertue of her majestie’s Commission beringe date the xij\textsuperscript{th} daye of Februarie\textsuperscript{461} in the yere aforesaid to them and others out of her heighnes honorable Courte of Exchequer directed for theexamininge of wytnesses aswell on the part and behalfe of the mayor and Comunaltie of the Cytie of Bristoll complainantes as allso on the part and bahalfe of the mayor and burgesses of the Cytie of Glocester defendantes.

Ex parte quer\textsuperscript{462}

[14] [\textbf{John Kydwelleter alias}\textsuperscript{463} keyison of the Cytie of Brystoll bere brewer\textsuperscript{464} of the aige of fortie yeres and upwardes sworn and examined to the fowertenth Interrogatory he sayeth that the Cytie of Brystoll hath bin allwayes for his tyme beinge xx tie yeres of his knowledge and as he hath harde before tyme all so greatlie or cheifelie provided and victualed with Corne grayne butter Chese by and from the Creekes up severne And farther sayeth that they have not of late viz\textsuperscript{465} these iiiij or fỳ fyve yeres ben soe well victualled and served with the lyke victualls as they have bin before especial especiallie of Corne and grayne. For he sayeth that nowe of late tyme they of

\textsuperscript{459} ’xij\textsuperscript{th} & xiij\textsuperscript{th} Dayes of Aprill in the xxv\textsuperscript{th} yere of her majestie’s raigne’ – the 12\textsuperscript{th} and 13\textsuperscript{th} April, 1583.

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

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

\textsuperscript{462} ‘ex parte quer’: on one side only.

\textsuperscript{463} ‘alias’: otherwise known as.

\textsuperscript{464} ‘bere brewer’: beer brewer.

\textsuperscript{465} ‘viz’: namely (in this context).
Bristoll can provyde them selves of Corne as good cheape in the barraine\textsuperscript{466} soyles aboute Bristoll as in Glocester\textsuperscript{467} And other cause or reason how of he cannot yealde but that Corne is more transported from Glocester then before but into what place or cuntries or by what persons the same is transported this examinant doth not knowe. otherwise he thinketh that there woulde come as great store of corne to bristoll as before tyme there hath.

[16] To the xvj\textsuperscript{th} Interrogatory he sayeth that yf Corne and grayne came to Brystoll keye as it was wonted\textsuperscript{468} to doe her majestie might be better and more redelie and necessarilie served of Corne for her provision of Irelande there then to travaile for the same to glocester or Tewexburie and that it woulde be lesse hurte to the markettes and that there woulde be therein a great deale of Charges to saved to her majestie.

[14] John Rothell of the Cytie of Brystoll brewer of the aige of fortie yeres or thereabouts sworen and examined to the xiiij\textsuperscript{th} Interrogatory he sayeth that the said Cyttie of Brystoll hath bin allwayes duringe his knowledge which hath bin these xvjtene\textsuperscript{469} yeres and hath harde that it hath bin before tyme allso Cheifelie victualled with Corne and grayne from Glocester and other Creekes upp Seaverne And farther sayeth that sythens the Custome howse was erected at Gloucester the cyttie of Bristoll hath not bin soe well served with grayne as before it was he farther sayeth that they finde an alteracion, for that the Cockettes\textsuperscript{470} made at Brystoll which they woulde have sente by the trowe men for mault as they have vsed before tyme to doe woulde not be allowed at Glocester as the trowe men have sayed.\textsuperscript{471}

\textsuperscript{466} ‘barraine’: barren.
\textsuperscript{467} The implication here is that so much grain had been exported from Gloucester that the price of grain in Gloucester has risen to be as high as it was in Bristol.
\textsuperscript{468} ‘wonted’: accustomed.
\textsuperscript{469} ‘xvjten’: sixteen.
\textsuperscript{470} ‘Cockettes’: cockets. In this context, a cocket was a customs certificate to allow grain (a prohibited ware) to be sent along the coast from one location to another.
\textsuperscript{471} The deponent is claiming that cockets issued to Bristol trowmen by the Bristol customs officials were not being accepted by the customs officials at Gloucester. This echoes claims previously made by the Bristol Corporation – see Bristol replication in Jones (ed.), ‘Bristol’s petition, 1582’, fol. 86v.
To the xvijth Interrogatory he sayeth that yf corne and maulte did come to Brystoll as plentefullie as it hath vsed before tyme to do her majestie might be better Cheape and more necessarilie served of Corne for her provision of Irelande at Bristoll then to travaile for the same to Glocesteror Tewexbury and lesse woulde it hurt the markettes in both places.

John Wylkes of the Cytie of Bristoll Baker of the aige of fyftie yeres or theraboutes sworen and examined to the xiiijth Interrogatory he sayeth that the Cytie of Brystoll hath bin Cheifelie and greatlie these xxxtie yeres of his knowledge and before tyme as he hath harde saye victualled and stored with Corne and grayne from Gloucester and Tewexburie\textsuperscript{472} and other places thereaboutes and sayeth that sythens the erectinge of the Custome howse at Glocester the Cytie of Bristoll hath not bin soe well served with Corne from thence as before it hath bin and sayeth that the bakers of Bristoll have not had in the space of twoe yeres last past before the purchasinge of this Comission aboue twoe quarters of wheat\textsuperscript{473} from Glocester or aboue glocester which he thincketh to be trew by that he beinge master of the Companie of Bakers in Bristoll hath enquired thereof of his whole Companie and they have annswered him in such seae and he thincketh the reason of the not comminge of Corne to Bristoll nowe as he it hath donne to be that they of Glocester doe transeport it and vent it of elsewhere beyonde the seae more nowe then before. ~

To the xvijth Interrogatory he saieth as Iohn Rothell hath sayed.

Henrie Paynter of Bristoll Baker of the aige of lxxiij yeres or thereaboutes sworen and examined to the xiiijth Interrogatory he sayeth that he hath knownen the Cytie of Bristoll to have bin these Ctie yeres and more, greatlie and

\textsuperscript{472} ‘Tewexburie’: Tewkesbury.
\textsuperscript{473} 'twoe quarters of wheat’ – a quarter of wheat weighed approximately 480lbs, so two quarters of wheat equated to 960lbs.
cheifelie maynteyned with Corne and grayne for their provision from Glocester and Tewexburie and other Creekes upp Seaverne for their provision and that of late yeres it hath not bin soe well served with Corne as it vsed to be before, for they have not had soe much corne from thence to Bristol these three yeres last past as they have had before in one springe, and one reason thereof is for that they have not their Cockettes at some at Bristol as they have had and another is that he thincketh it to be carried awaye in smalle botes beyonde the seaes.

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

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

[2]

[3]

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

4r.

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

[9] [10] To the ixth and xth Interrogatory he sayeth that he thincketh that yf the said creekes be contynewed portes of ladinge and disacharginge belonginge to the custome howse of Glocester the same wilbe preuidiciall to the common wealthe and onlie beneficiall to a fewe pryvate persons that have corne and trade therein And sayeth that he hath harde great mislykinge presumably in an attempt to prove that the establishment of the head-port of Gloucester and the resultant loss of Bristol’s creeks was illegal. BRO, ‘The Bristol Mayor’s Audit Books’, F/Au/1/12, 246.

476 It is difficult to verify this anecdote using the customs accounts because the deponent does not state the name of the ship or the date that Townesende is purported to have attempted to unlade at Berkeley.
and Complayntes of the Burgesse and Inhabitantes of Glocester of the erectinge and Contynewing of the Custome howse and port there and that the voyce of the whole Cuntrie about Glocester especiallie of the Common people is that yf the Custome howse and port of Glocester be contynewed it wilbe the vitter spoyle of the whole cuntrie concerning corne and grayne. And that they of bristoll doe alreadie feele the smarte of lacke of Corne in bristoll by the alreracion thereof sythen therectinge of the said Custome howse and farther sayeth that he hath knowen before the erectinge of the said custome howse at Glocester Corne and grayne to have come to Bristoll soe plentifullie by troes from upp Seaverne that the same wass comonlie soule by the Bellman through out the Cyttie whereas nowe they are enforced to provyde them selves of Corne on horse backes fortie miles into the lande warde and oppresse and rayse the price of Corne in the markettes farr about them.

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

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

478 ‘smarte’: smart, sharp physical pain.

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

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

481 The claim here is that Gloucester merchants who illicitly exported grain could gain an unfair competitive advantage over Bristol merchants that exported legal wares because grain prices were higher abroad and foreign merchants were likely to offer favourable prices to merchants that wished to illicitly export grain.
[13] To the xii\textsuperscript{th} Interrogatory he sayeth that he thincketh her majestie should be better served yf the Creekes of Seaverne were vnder the searche surveye and controlement of the officers of Bristoll as heretofore they have bin then nowe she is because the officers of Brystoll dwell and lye in awaye betwene them and the sea and the officers of Glocester dwell uppwarde towards the lande behinde the trade. And farther yealdeth for reason that the Communaltie of Bristoll doe vrge forewardes the officers of Bristol to make restraynt of corne because it is a baryne soyle for \textit{t} corne thereaboutes and the Corne marchantes of \textit{Bristoll} Glocester \textit{with} their indeavors doe as much sett forewarde of their \textit{partes} the tranceportinge of Corne.

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

[1] \textbf{Thomas Warren} of the Cyttey of Bristoll marchant of the aige of liii\textsuperscript{or} yeres or theraboutes sworn and examined to the first Interrogatory he sayeth that the Cyttie of Bristoll doth Cheifelie depende uppon the trade of marchandize, the makinge of Cullored clothes meet for Spayne portiugall and Francc\textsuperscript{482} by the \textit{which} there are and have bin mayneteyned thowsandes of people in Bristoll and in the cuntrie there vnto adioyninge. and alalso by the ventinge and utterringe of leadd whereby alalso are mayneteyned great numbers of people in countie of Somerset by the mininge & makinge of ye same.\textsuperscript{483}

\textsuperscript{482} ‘Cullored clothes meet for Spayne portiugall and Francc’ – coloured woollen broadcloth exported overseas. In comparison, London focused on the export of undyed cloth to the Netherlands.

\textsuperscript{483} ‘ventinge and utterringe of leadd’ – a reference to the Mendips’ lead mines. Thomas Warren would have been particularly familiar with this industry, as the Bristol customs accounts show that he was one of the main exporters of lead during the 1570s, exporting 3042 stone of lead during just one year in 1575-6: Flavin and Jones (eds.), ‘Bristol Port Book, Overseas Outwards, 1575/6’.
To the seconde thyrde & fowerth Interrogatories he sayeth that he hath knowne by all ye tyme of his remembrance that ye Creekes mentioned in the seconde Interrogatory have bin belonginge unto the port of Bristoll and that he hath seen a decree out of the Chequer provinge the antiquity of the usance thereof and hath harde that the said Creekes be no sufficient for serviceable shippes and shippes of conveniente burthen.

To the vth and vjth Interrogatories he sayeth that he doth not perfectelie knowe the sufficiencie and deepeth of the Ryver upp Severne but he sayeth he this deponent bought of one Richard North of Westburie neer Seaverne a barke of burthen betwene xxiiie & xxxiiie tonnes built at Westburie and after the sale thereof the said North much commended the goodnes of the said barke to this deponent where uppon this deponent asked him yf the same barke were soe excellent good what was the reason whie he woulde sell her where unto he answered that she drewe to much water to be used uppon that Ryver of Seaverne.

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

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

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

To the xijth Interrogatory he sayeth as Iohn harrice hath sayed and farther sayeth that it is now easie to meet a man then to

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484 ‘thanyquitie’: the antiquity.
485 ‘Westburie’: Westbury on Severn (in this context).
486 ‘syder’: cider.
ontake him.\[^{487}\]

[14] To the xiii\[^{th}\] Interrogatory he saieth that before the erectinge of the said custome howse at Glocester the cyttie of Bristoll was cheifeley and greateley mayneteyned with corne from glocester and the counties up Seaverne and for butter and chease from Wales but sythens the erectinge of the said custome howze they have had little store of wheate of harde corne from thence to Bristoll whereas before such was the plentie thereof brought downe by the troe men that commonlie they did cri the price thereof by the bellman for their more spedie dispatchinge thereof,\[^{488}\] and the cause whie it is not soe nowe alfo he iudgeth to be the trancsportinge of Corne from the said creekes now then before.

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

[17] To the xvij\[^{th}\] Interrogatory he sayeth that he thincketh it more conveniente that the smaler sort of shipps of Bristoll should rather have the trade of servinge of Irelande with corne and grayne at necessarie tymes, then the barkes of Glocester aswell becacyst it maye be the more safelie and strongelie by them thither carried as alfo becaus they doe attende at all other tymes on the great shipps of Bristoll when they are used in her majestie’s service. ~

Rychard pate ~ Roberte Smythes ~ Richard Byrde

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

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

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

\[^{490}\] In other words, the deponent claims that gathering and transporting the grain from around Gloucestershire to one transhipment point accounted for 20% of the operational costs of supplying troops in Ireland with grain supplies from Gloucestershire.
Interrogatoryes to be mynistrd unto witnesse to be examinéd
on the parte and behawlf of the mayor and burgesses of the ~ ~
Citty of Gloucester againste the maior and commynalty of the /
Citty of Bristoll /

1 Inprimis of what adge be yowe / and are ye or have yowe bynne owner
or master of any shipp barck, boate / or trowe upon the Ryver of severne or a
searcher Deputy or servannte to any suche and howe longe tyme, or a ~
marryner / or officer in any shippes, barckes, or trowe / or haue ye used any
trade of carryadge ventringe ladinge or passinge or comodyties wares or
marchanndizes by the Ryver of seuerne to Bristoll Deuonshire Cornewall
wales Irelande/ or any partes beyonnde the seaes / And howe longe tyme /

2 Item howe many villadges are betweene the Citty of Bristoll and the Roades
and portes for shippes and barckes called Hungroade and kingroade / And
wheather any searcher or Deputy of suche be there remayninge or hath there
Remayned / and what be their names /

3 Item Doe yowe knowe and howe longe haue yowe knowne the portes townes
and creekes of Bristoll Hungroade kingroade Gatcombe Berckley newenham
and Gloucester / and the townes of Twexbury wigorn Bewdley Brydgnorth491 / and ~
Shrewisbury and the distannce betweene the creekes of Barckley Gatcombe ~ ~
newenham kingroade Hungroade, and Bristoll one from thother both by water / &
lande / And doe yowe knowe that the bay of Gloucester / and the creekes of Berkley
Gatcombe, and Newenham be apte and meete places for ladinge landinge &
unladinge and dischardginge of wares commodtyes and marchanndizes / and ~

491 ‘Brydgnorth’: Bridgnorth, a town in Shropshire, approximately fifty miles north of Gloucester. It lies on the west bank of the River Severn.
haue benne soe used owte of mane memory / and Declare youre reasone thersfore /

4 Item wheather there be any more or greate nomber of ladinge and unladinge places used uppon the ryver of severne synce therrectinge of the custome howse in Gloucester then there weree used before that tyme and wheather shippes and barckes of Bristoll or those that come to Bristoll with any merchanndizes Doe lade and unlade at Hungroade and kingroade / And wheather there is not good po harboroughe for passinge upp the Ryver of severne uppon the Forreste of Deane syde thoughhe they come not to kingroade. /

5 Item what depth is the ryver of severne at Berckley and of what depth at gatcombe at the higheste of the springe tydes / and of what depth at hawllf springe / and haue yowe tryed the same / and howe highe the said water doth flowe at those springes & what shippes and Barkes and of what burden may then and at other tymes fleeete to, lye and reste at Berckley Gatcombe, and other places theraboutes and may be presearued there aswell as at Hungroade and show your resones for the same / and what boates barckes or trowes of burden may come to Berckley gatcombe newenham and Gloucester from kingroade / and with what expedicion / And what Barkes and shippes / and of what burden haue ye harde or knownen to come or be browghte from any partes beyonde the seaes to gatcombe Berckley Newenham or Gloucester or to any of them laden with wares or merchanndizes /

6 Item wheather are the said creekes of Gatcombe and newnham good sufficient places to stay and searche all shippes barckes boates and trowes passinge the saide ryver of severne upwarses and Downnewardes / and haue sufficient nombers of Dwellinge howses / and people there / and searchers / or searchers Deputys to serve her majesty in theire offices / and Declare your knowledge therein /

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

493 ‘presearued’: preserved.
Item wheather the Cittie and porte of Gloucester / and creekes therunto belonginge
be frequented with trafique and merchanntes and merchandizes / and into what places
beyonnde the seases / haue yowe travelled / or knowen any barck of severne to haue gone
and with what burden and commodity / And wheather there haue benne any ~
greater nomber of boates trowes or barckes within vj yeeres laste paste then were in
other yeeres before upon the said ryver of seuernce 494 betweene kingroade and Gloucester /
And wheather there hath benne any greater trafique from Irelande to Gloucester &
the creekes therunto adioyninge within that tyme then was used before / And ~
whether the custome howse late erected in Gloucester uppon severne banck there
be commodyous / & apte for her majestie’s officers and seruice to be done there and hathe
storehowses of sufficient Roames 495 / and places to buylde or make storehowses /

Item doe yowe knowe or haue harde wheather the merchanntes of Bristoll haue
not nowe as free and greate trade for all kyndes of marchanndizes wares and
commodityes to all townes and places aboue and beneath Gloucester bridge as there hathe
ben before thesaid grannte made of the custome howse in Gloucester / And doe yowe
knowe or haue harde wheather nowe there be any lesse carryenge of mawlte and
other grayne commodityes and wares from Twexbury and Gloucester for the relief of ~
Bristoll then in tymes paste / And wheather the said inhabitantes in Gloucester &
Twexbury and other places nere adioyninge Doe not sufficiently searve them of
Bristoll as they haue in tymes paste / or were used to Doe uppon requeaste made
to the officers and owner in that behawllf / And what quantityes of comodityes doe ye knowe to
haue ben transported from the Countye of Glouc and wigorn to Bristoll euery yeere since therrectinge of the ~
custome howse in Gloucester. /

Item what quantety of corne or grayne Doe yowe iudge to haue benne yearly
transported and landed in Cornewall, Devonshire and walles from Gloucester porte / And
whether the Cittie of Bristoll can furnishe and serue the countries of Cornewall, wales

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494 ‘seuernce’: Severn.
495 ‘of sufficient Roames’: with adequate storage space.
and Irelande with corne and graine / as good cheape as the townes of Gloucester and Twexbury and other places adioynig Doe searue them. /

10 Item Doe yowe knowe wheather the queenes majestie's prouision of mawlte & wheate for Irelande may be prouided and furnished from the City of Gloucester & county of Glouc and wigorn as good cheepe and better cheape then it is, was or mighte be from Bristoll / if thre was noe ~ custome howse in Gloucester /

11 Item Doe yowe knowe howe many Cittizens of Gloucester Doe use, or late did used & exercise husbandry and grasinge & and Declare the names of those persone / and were they freehowlders of inheritannce or indenture howlders thereof / And wheather the trade of rooppers and Cloth are be not mouche Decayed in Gloucester within those twenty or thirty yeeres laste paste. /

12 Item Doe yowe knowe or can ijugde that the small boates trowes and barckes uppon severne haue bredd or doe or can breede or increase able and sufficient marryneres apte for soundry searuice by sea and landle / and fitt for greate shippes / And wheather her majesty in tymes of seruice by sea hath not ben prouided of good marryneres from the townes or places nere to & adioyninge to the Ryver of Seuerne and bredd in those small boates barckes or trowes and howe often to your remembrannce / And Doe you knowe wheather the small boates or barckes uppon severne be or have ben ymployed to ber majestie's seruice into Irelande.

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

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

497 The lack of Richard Byrde’s signature at the bottom of this page was probably an oversight.
of one hundred tonnes doth.

13 Item Doe yowe knowe what stoare of syder and fruite by reasonable accompte / commonly every yeere transported in those barckes and boates for X Xj X X\(^{th}\) County of Glouc into Cornewall Devonshire walles and Irelande-Bristoll And wheather greate quantities of herringe and fishe be not Retorned from all those places excepte Bristoll back agayne to serve the Countyes of Glouc wigorn Shropshire warwicke and other places and countyes adioyninge / And Declare youre knowledge and Remembrannce thereofe.

14 Item Doe yowe iudge that a greate parte of corne and grayne used to be transported to Bristoll Devonshire Cornewall and wales hath ben laden at the key of Gloucester and at Twexbury / And wheather that there hath ben any more carryed of late yeeres from those townes or creekes belonginge to Gloucester porte then in tymes paste / excepte such Corne and other victuall as haue ben sente for her majestie\'s seruice into Irelande from those places /

15 Item wheather there be not mouche money and chardge save in all the Countries and townes aboue Gloucester by having their cockettes at Gloucester / for the which they did before travell to their greate chardge to Bristoll / And wheather three partes of all cockettes the whole nomber beinge devided into fower partes entred in the custome howse of Gloucester be not grannted to suche persones as Dwell in Gloucester or neare aboue Gloucester bridge / And doe yowe knowe of what depthe is the Ryuer of seuerne at full springe tyde at hungroade / And what other thinges can yowe declare for proof that barckes and shippes of aboue threeskoare tonnes may be as saffelye browghte and Fleate from kingroade unto the pilles and creekes lyenge betweene the shutte and gatcombe / As from kingroade to Bristoll and may reste lye and be presearued in those places aswell as at Hungroade.
Rychard pate ~ Robert Smythes ~ Richard Byrde

6r.

depositions of witneses sworen and examined taken at Barckley within the County of Glouc the xijth and xiijth Dayes of April in the five and twentieth yeere of the Queenes majestie’s Raigne thatt nowe ys before Richarde Pate Esquire Richarde Birde and Roberte Smithees gentlemen / By vertue of her graces commision beringe Date the xijth day of February in there yere afore saide to them & others owte of the highnes honorable Cowrte of Exchequer Dyrected for theexamianacion of witneses towchinge matter in ~ Controuersye in the same Courte Dependinge betweene the maior and burgesses of the Cittie of Gloucester Defendanntes againste the mayor & comunalty of the Cityt of Bristoll Compt /

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

⁴⁹⁸ ‘the Flye boate’ – there is no record of a ship with this name in either the coastal or overseas customs accounts of Gloucester at this time. In more general terms, a fly boat was a small vessel used for transporting goods quickly around the coast. It is possible that Barston meant that he owned a fly boat rather than a vessel named ‘the Flye boate’.
⁴⁹⁹ ‘the Fawlcon’ – this is a reference to ‘The Falcon of Tewkesbury’, a thirty ton vessel that Barston is recorded to have frequently used for both coastal and overseas trade in the early 1580s. TNA:PRO, E190/1241/3: E190/1241/16.
⁵⁰⁰ ‘the Peter in Bristoll’ – this is a reference to ‘The Peter of Bristol’, a sixteen ton vessel that Barston is recorded to have used to import lemons, oranges and ‘train’ – otherwise known as cod-liver oil – from San Sebastian in Spain in 1583. ‘The account of imports from Spain, Portugal and the Islands’, in Vanes, Documents, 147-8.
2 To the seconde he saieth that there hath not benne any searcher in or
Dwellinge or Remayninge in any place or villadge betweene Bristoll and
kingroade duringe the tyme of his travell by the said Ryver of severne to his
knowledge. / 

3

4

5 To the thirde fowerth and fiveth Interrogatory he cannot Depose. /

6 To the sixte Interrogatory he saieth that he doth knowe that searchers
Deputyes by the tyme of all his Remembrancc haue ben Reasident at
Newenham / and haue attended there / and at Gatcombe at the commynge
of all boates that way for the searche of the same / and doth vearely beleve or
that there have ben noe boates passed bye that way unsearched to his knowledge /
And further saith that there are sufficient Dwellinge howses and people in ~
Gatcombe and Newenham for the stayenge and searchinge of all boates barckes
and trowes or shippes that shall or may come upp and Downe that Ryver /

7 To the seventh he saieth that he knoweth noe merchanntes in Gloucester / But doth
Remember that he himselfl and master Bawghan of Derehurst501 aboute twoe
yeeres paste did make entry at Gloucester of a barcke of thirty tonnes Called the
Trynity Bawghan502 laden with wynes and Iron And further saith that he doth
well knowe that the custome howse latly errected in Gloucester is veary commodyous &
appt for her majestie's officers and searvice there to be done. / and hath boath stoare
howses and roames to make stoare howses there /

8 To the eighte he saieth he doth not knowe / but he thinketh there is and hath ben

501 ‘Derehurse’: Deerhurst, a small village near Tewkesbury.
502 Although this exact entry cannot be found in the port books, Barston is recorded to have frequently traded on a thirty ton vessel named ‘le Trinitie of Tewkisburie’ alongside both Richard and Andrew Bawghan – who are said to have been from ‘durhurste’ and ‘Tewkisbury’ respectively. It is probable that this was the same vessel although the absence of the exact entry referred to be Barston makes confirmation of this difficult. TNA:PRO, E190/1241/3,5,8.
asmouche Corne and grayne transported from Twexbury and Gloucester to Bristoll of late yeeres as there hath ben in tymes paste. / 503

9  To the nynth he saith that he thincketh that Bristoll cannot furnishe the / Countryes of Cornewall wales and Irelanede with corne and grayne soe well as the Countryes of Glouc and wigorn can and Doe /

10 To the tenth he saieth that as he thincketh the Queens prouision for mawltie / and Corne into Irelanede can be better provided for in the Countye of Glouc and ~ wigorn then in Bristoll if officers Doe deale trewly in their searuice. /

11 12 To the eleauenth and twellth he saith that the small boates and barckes uppon / seuerne Doe, and can breede able and sufficient marryneres for greate shippes and that that the queene majesty hath ben commonly provided of marryneres bredde upp in the ryver of seuerne to searue in x x greate shippes / And saith that he knoweth / that the barckes and boates uppon seuerne are ordynerylye employed in the Queens / majesties searuice into Irelanede /

13 14 To the thirtenth and fowerteenth he cannot Depose. /

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503 Duncan Taylor examines Gloucester’s outbound coastal shipments of grain and highlights the fact that no Gloucester merchants shipped any grain to Bristol in 1581-2. Taylor implies that this temporary cessation of Gloucester’s grain shipments to Bristol was a result of the Bristol Corporation’s objections to the establishment of a head-port at Gloucester. Tewkesbury had a different trading profile to that of Gloucester, and its merchants proved far more willing to continue to ship grain to Bristol. As a Tewkesbury merchant, it is possible that Barston was not aware of how Gloucester’s trading relations with Bristol had changed and thus based his deposition on the fact that Tewkesbury merchants had continued to ship the majority of their grain to Bristol. Barston’s claim that he ‘doth not knowe’ the answer to the interrogatory could alternatively have been a deliberate and false claim to ignorance. Barston was later shown to be a prolific smuggler of prohibited goods and admitted to a number of charges including illicitly exporting vast amounts of grain. If Barston showed the commissioners that he had an extensive knowledge of the River Severn’s grain shipments, more probing questions may have been asked in the future about the whereabouts of the grain that was no longer being shipped to Bristol – an issue that risked uncovering Barston’s illicit trading activities. In these circumstances, it seems feasible that Barston may have understated his knowledge of the grain trade and not deposed as completely as he could have done: Taylor, ‘Maritime Trade’, 99-115.
15 To the fiftieth he saieth that sure he is that muche money and chardges are
saued by haveinge of cockettes at Gloucester which before tyme wass spente in ~
gettinge the same at Bristoll for this Deponent himself hath ben soundry
tymes enforced to travel to Bristoll to his great chardge for obteyninge his
cockettes at Bristoll / which were before Denyed unto other men in his name / And saith that he was thus enforced to Doe twice within sixe wekees which
was Done when masteer Cawghton was Depute to the Customer in Bristoll
And doth likewise judge that three partes, or better of all Cockettes entred in the
custome howse of Gloucester the whole being Deuided into fower partes are grantted
unto persons Dwellinge in Gloucester / and aboue Gloucester bridge / And more he
cannot Depose /

1 Williame Combley of mynsterworth\(^{504}\) in the county of Glou sayler
of thadge of fieftie sixe yeeres or thereabouts sworen and examyned to the firste
Interrogatory saieth that he hath trauelled the Ryver of severne and into
the coastes of Irelande and France for forty yeeres paste and saieth that
he hath byn boath owner and master of boates and barckes uppon the saide
ryver and hath traded himself the ryver in the same boatte

2 To the seconde he saieth that duringe his tyme he doth not remember
that any searcher or Deputie of searcher did Dwell Remayne or contynewe
betweene Bristoll and kingroade /

3 To the thirde he saieth that from gatcombe to Gloucester is tenne myles by
lande and twelve myles by water / and from kingroade to gatcombe is
twelve or more by water and from kingroade to Bristoll are
sixe myles by water and saith that the creekes of Berckley gatcombe
and Newenham mencioned in the said Interrogatory are apte meete places
for ladinge unladinge and Dischardginge of wares & commodityes &

\(^{504}\) ‘mynsterworth’: Minsterworth, a village on the west banks of the River Severn, approximately four miles downstream from Gloucester.
hath ben soe used Duringe his Remembrannce

To the fowerth he saieth that there are noe more or greater number of ladinge and unladinge places uppon the Ryver of seurne nowe then there hath benne heretofore to his knowledge and saieth that there is good harboroughe in the side of the Forreste of Dean for all suche barckes as can come thither namely barckes of fieftie tonnes up Slymroade Inwarde pill\textsuperscript{505} Pyrtone pill\textsuperscript{506} and Gatcombe in which places any barckes may Lye that draweth not aboue tenne feate of water /

Rychard pate ~ Robert Smythes ~ Richard Byrde

6v.

Item to the fiveth he saieth that he doth knowe that the ryuer of seuerne at gatcombe doth flowe uppon a greate springe betwixte\textsuperscript{507} xviiij & xx feate of water at which tymne he saieth that a barck of fieftie tonnes may lye there / And saieth that a barck of one Thomas Smith of Pyrton\textsuperscript{508} / and the Fawlcon mallyarde\textsuperscript{509} beinge barckes thone of them forty thother fieftie tonnes hath discharged at Gatcombe & newnham

\textsuperscript{505} ‘Slymroade Inwarde pill’: Slime Road was an area of the west bank of the River Severn, just north of Beachley.
\textsuperscript{506} ‘Pyrtone pill’: Purton pill. A creek near Purton, a small village on the west bank of the River Severn, approximately three miles north of Berkeley.
\textsuperscript{507} ‘betwixte’: betwixt, ie. between.
\textsuperscript{508} ‘Thomas Smith of Pyrton’ – This is a reference to the same Thomas Smythe of Purton that deposed in this commission. The reference to Smythe’s bark could relate to any of three vessels that Smythe claims to own when making his own deposition – the Trinity of fifty tons burden, the Ellyy of eighteen tons burden or the Clement of twenty-two tons burden.
\textsuperscript{509} ‘the Fawlcon mallyarde’ – there is no record of a ship bearing this name in either the coastal or overseas customs accounts of Gloucester. However, there are entries in the Gloucester customer’s 1581-2 overseas account that record a Tewkesbury merchant by the name of Thomas Mallard trading using the ‘Falcon of Tewkesbury’ – a vessel described to be of thirty tons burden that was also frequently used by another deponent in this commission, Edward Barston. It seems likely that this was the vessel being referred to by the deponent. The discrepancy with regards to the exact burden of the vessel serves as a reminder that the values given in both the customs accounts and by deponents were estimations. Further demonstrating this point, the Falcon of Tewkesbury is listed to have had both a thirty and forty ton burden in different entries contained within the 1581-2 port book – and thus it is difficult to establish the exact burden of such vessels. TNA:PRO, E190/1241/5.
And saith that those barckes with one tyde if convenyent wynd doe searve them may come from kingroade / and that he hath come in one tyde from kingroade to Gloucester in a barck of xij\textsuperscript{tene} tonnes / and saieth that these barckes and dyvers others haue come laden from beyonnde the seaes to Gatcombe and Berckley / but moste comonly to gatcombe / 

6 To the sixte he saieth that in gatcombe there are aboute viij Dwellinge howses in Eckley beinge about a quarter of a myle distante from gatcombe aboute xvj Dwellinge howses, and in Blackney beinge aboute a myle from gatcombe be aboute xx\textsuperscript{ttie} dwellinge howses havinge good prouision & lodginge / and therefore able to stay and search all boates and barckes passinge by that Ryver if they be requyred / And further saieth that searchers and searchers Deputyes Doe and have used to attende veary dilligently at gatcombe & newenham for her majestie’s prouffitte and searuices. / 

7 To the seuenth he saith that he himseallf hath trauelled in the ~ ~ margaret veysie\textsuperscript{510} of Seuerne beinge xvj tonnes from the ryuer of seuerne to Roachell in Frannce and broughte thither with them Cole and brought back with them wyne and sawlte / and further saith that he doth knowe that for the space of vj yeeres laste paste there hath not ben soe many boates and barckes uppon the Ryuer of seuerne as haue ben in the life tyme before / but saieth that there are fewer and saith that the custome howse standinge uppon the kay of Gloucester is veary apte and commodyous for her majestie’s searuice / 

8 To theighte he cannot depose / 

\textsuperscript{510} ‘margaret veysie’ – refers to to the Margaret, a vessel of approximately twenty tons burden that was frequently used and presumably owned by John Veysie, who is listed as a merchant of Minsterwood in the 1581 Gloucester coastal accounts. TNA:PRO, E190/1241/16.
9 To the nth he saith that because in his judgment the County of Glouc is more fertill for corne then the places nere Bristoll are therfore Gloucester cannot furnishe Ireland with corne and grayne soe good cheape as Bristoll can / 

10 To the tenth and eleventh he cannot depose 

12 To the twelveth he saieth that the small boates / and barckes uppon Severne haue bredd and Doe breede able and sufficient maryneres fit her majorie's servuce / and that at some one tyme he himseallfe & aboute xx tie maryners more haue ben pressed and forced from the ryver of severne to searue her majorie in Irelande and other places / somtymes more / somtymes lesse / and saith that the barckes and boates of dyuers of his neighboures aboute severne haue ben employed for her majorie’s servuce into Irelande / and further saith that a boate of xx tie tonnes doth allwayes requyre v or vy men and a boy to servue them / and therefore one shipp of C tonnes doth not breede soe many sailers and servitors as dyuers small boates of the like burden doe breede / 

13 To the thirteenth he saith that he doth vearlely iudge that in some yeeres there are xx tie boates laden with fruite from the ryuer of severne to the places mencioned in thesaiid Interrogatory and some yeeres more and some yeeres lesse in which boates they doe Retorne againe good stoare of fishe / 

14 To the xiiiijth he saith that in his judgment the greater parte and

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

512 ‘servitors’: servitors, ie. servants or assistants.
in effecte the holle of Corne and grayne used to be transported to
Bristoll Cornewall Devonshire Irelande and wales haue benne
laden at the kayes of Gloucester & Twexbury /

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

[1] Richard hyette of mynsterworth afore saide in thesaide
    County of Glouc sayler of thadge of fortie and sixe yeers or therabouts
sworen and examiined saith that he was parte owner of a barck of xxvjy
    tonnes called the Julyan of mynsterworth and trauelled theron to
    Irelande Cornewall and wales. /

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

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

[5] [6] To the fiefth & vjth he agreath with thesaid former deponent / saving that

513 'Julyan of mynsterworth' – Richard Hyette is recorded to have traded in a twenty ton vessel called the Gillian in the 1577 coastal accounts. This is likely to be an alternative spelling of the same vessel. TNA:PRO, E190/1129/20.
514 'horse pill': Horse Pill. A creak on the west bank of the River Severn, approximately two miles downstream of Aylburton Pill (see below).
515 'Albertons pill': Aylburton Pill. The coastline of this part of the River Severn has changed considerably, but Aylburton Pill discharged on the west bank of the River Severn, approximately five miles west of Berkeley. For more detailed information about the exact locations of these pills, see Jones (ed.), ‘Survey of the Port of Bristol, 1565’.
he saith he himseallf came not in any boate of xij\textsuperscript{th} tonnes with the saide deponente from Gloucester to kingroade. / 

[8] To the eighte and ny nth he cannot depose /

[10] To the tenth and xj\textsuperscript{th} he saith that in his iudgment the Citty of Bristoll cannot furnishe the queenes majestie’s prouision into Irelande soe good cheape as the Cittie of Gloucester and Twexbury can by reason of the plentie of the Countie of Glouc and the countyes theraboutes.

[12] To the twelveth he cannot depose. /

7r.

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

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

[1] John Whooper of Eallmore\textsuperscript{516} in the County of Glouc of thadge of fower scoare yeeres or thereaboutes sworen & examined saieth that he

\textsuperscript{516} ‘Eallmore’: Elmore, a small village situated approximately three miles south-west of Gloucester.
hath traded by the ryuer of seuerne by the space of those threskore yeeres /

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

[4]  To the fowerth and v\textsuperscript{th} he agreeaeth with the former deponentes Richard hyett
    and William Combley / and further saith that a barck drawinge xij\textsuperscript{th}e footes
    of water may come and lye at gatcombe /

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

[7]  To the vij\textsuperscript{th} and viij\textsuperscript{th} he cannot depose

[9]  To the ix\textsuperscript{th} and x\textsuperscript{th} he saith that when he did bringe corne and grayne
    from Gloucester Twexbury and other places therunto adioyninge to Bristoll that
    then the same was dearer at Bristoll then it was as Gloucester which was about
    twelue yeeres paste /

[11]  To the eleaventh he cannot depose

[12]  To the twelveth he  agreath with the twoe former deponents / savinge that
he saith that he doth not knowe howe many men are Requiste\textsuperscript{517} to guide
a shipp of C tonnes.

[13] To the xiiij\textsuperscript{th} and xiiiij\textsuperscript{th} he cannot depose

[14] To the xv\textsuperscript{th} he saith as the former deponent Richard Hyett hath deposed /

[15] John Lewes\textsuperscript{518} of Longney\textsuperscript{519} in the County of Glouc aforesaide ~
sayler of thadge of thirtie & eighte yeeres or thereabouts sworne and ~
examined to the firste interrogatory saith that he hath benne owner of eight boates
or barckes uppon seuerne some of them conteyninge xxvj tonnes / & some
other leasse and hath used to trade by the water aboute xxij yeeres to
the places mentioned in the said Interrogatory. /

[1] To the seconde he cannot depose /

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

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

\textsuperscript{517} ‘Requiste’: requisite.
\textsuperscript{518} This is the same John Lewes that deposed for Gloucester in the first commission that took place in January 1583.
\textsuperscript{519} ‘Longney’ – a small village on the east bank of the River Severn, five miles south-west of Gloucester.
tonnes vz at Slymeroade and thirde weare / and all soe in lydneyes pill & horst pill may any shipp under C tonnes fleete to reste and lye. /

[5] To the fiveth he saieth that at this present springe there flowed aboue xx footes of water at gatcombe / and soe from thence the nearer into the sea the more water floweth and that shippes and barckes drawinge xx\textsuperscript{tie} foot of water may at such tides lye at gatcombe / and south that barckes & shippes comynge to gatcombe and thother place betweene that and the shutte may be presevued and maynteyned there aswell or at hungroade because that the shippes there Doe lye uppon the soafe oose\textsuperscript{520} which oose is mouch harder at hungroade / and saith that shippes of the burden aboue said may with the like water come from kingroade to gatcombe as from kingroade to Bristoll and further saith that he himself\textsuperscript{f} Dyuers and soundry tymes broughte to Gloucester his owne boates of aboue xxvj tonnes apeece / and there laded and Dischardged the same / and that such barckes may in fower tydes come from kingroade to Gloucester when the wynde is contrary / and havinge winde and springe tide may come at one tyde /

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

[9]

[10] To the ix\textsuperscript{th} and tenth he saith that in his iudgment the queenes provision for corne and mawlte for Irelande may be had better cheape at Gloucester then at Bristoll by reason of the plentie of the conntrey about

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

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

Rychard pate ~ Robert Smythes Richarde Byrde  7v.

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

[15] To the xvth he saith that there is more chardge saued and greate cost to the countreyes adioyninge to Gloucester for havinge anye their cockettes at Gloucester then if they showlde travell for the same unto Bristoll / and saith that at hungroade at springe tydes the water floweth about vj fothammes / and the same place at lowe waters is maynteyned by the Roade of shippes there which otherwise
woulde be quarred\textsuperscript{521} upp / and that the shippes at lowe water lye
on grounde there in worse case then they woulde doe at gatcombe
And more he cannot depose /

[1] **Thomas Smythe** thelder of Pirton\textsuperscript{522} in the Countie
of Glouc aforesaide sailer of thadge of three scoare yeeres or theraboute
sworen and examined to the firste Interrogatory saith that he hath used the trade
of the water for fortie yeeres paste and hath ben owner of three boates
\textit{vz} of the Trynitie beinge a barcke of fiettie tonnes and annother called
the Ellyy of the burden of xvij tonnes and the thirde called the clement\textsuperscript{523}
of aboute xxij tonnes /

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

\textsuperscript{521} ‘quarred up’: in the context of a river, this means choked or blocked up.
\textsuperscript{522} ‘Pirton’ – Purton. The village of Purton lies on the east bank of the River Severn, approximately three miles north of Berkeley. The hamlet of Purton lies on the west bank of the River Severn, directly opposite the village. It is not clear which location this deponent claims to originate from.
\textsuperscript{523} ‘Trynitie’, ‘Ellyy’ and ‘clement’ – vessels with these names were exceptionally common. There are a number of examples of vessels named the Clement and the Trinity with eight to eighteen ton burdens being recorded in the Gloucester coastal accounts. The common nature of these ship names and the fact that there are no entries where Thomas Smythe himself is recorded to have traded using these vessels makes it very difficult to verify the details given by Thomas Smythe against entries made in Gloucester’s coastal accounts. ‘Thomas Smythe’ was also a very popular name so this adds to the problems of identification. Although vessels named the ‘Trinity Smythe’ have been identified, none are listed to be from Thomas Smythe’s place of residence – Purton – and therefore it has proved impossible to gather any more information regarding these claims made by Thomas Smythe.
there was a shipp of aboue CCCC tonnes broughte to Slymeroade within the shutte

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

[9]...

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

[12] To the xijth he saith that he is able to bringe forth C able & sufficient marryners trayned upp in the boates of seuerne able to Doe good service in greate shippes and thirtie of them able to harboureghe a shipp and that he himself hath sailed soundry tymes to Andolosia Portgall Franchise and Irelande as an hyred marriner / and to the reste of thinterrogatory he agreeith with the former deponent John Lewes /

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

[1] John Wyntle of mynsterworth in the said Countie of Glouc sayler of thadge of xxviiij yeeres or thereabouts sworen and examined to the firste Interrogatory he saith that he hath ben and is nowe owner of the half of a boate called of xvj tonnes and that he hath used the trade of the Ryuer of seuerne aboute those tenne yeeres into Irelande Cornwall

524 ‘hyred’: hired.
Devonshire & wales.

[5] To the fiekte towchinge the flowinge of the water at gatcombe and Barckley he agreth with the former deponent Thomas Smith. and further saith that he hath knowen the Flye boate\textsuperscript{525} beinge a barck of aboue fivee tonnes to come to Barckley & Gatcombe and that she did moste commonly lye at Gatcombe / and that a barck of fowrescoare tonnes may fleete to reste and lye there

[6] To the xij\textsuperscript{th} he agreath with the former deponent John Lewes /

[12] To the xij\textsuperscript{th} he saith that there are marryners bredd upp in the small boates uppon seuerne many of which are able to take chardge of guydinge a shipp into Irelande and Spayne /

[15] To the xv\textsuperscript{th} he saith that shippes and barckes carryinge betwene the shutte and gatcombe may lye and be preserved there uppon the soafe woase aswell as at Hungroade / and that a shipp of lxxx tonne may lye and fleete in Chaston poole or beinge betweneth shuttes and Gatcombe / And further doth not Depose /

8r.

[1] Rychard skhopez / of Blakney\textsuperscript{526} in the Countie of Glouc Sayler of thage of fytie and foure yerers or therabowtes sworne and examined to the first Interrogatorie saith that he hath been parte owner of fyve barkes upon Severne and that he and his brother have been owners of three barkes some of them being of burden aboute xxvj tonnes and hath travelled in the said

\textsuperscript{525}‘the Flye boate’ – this unidentified vessel was also referred to by a previous deponent, Edward Barston.
\textsuperscript{526}‘Blakney’: Blakeney, the nearest settlement to Gatcombe. It lay approximately one mile northwest of Gatcombe.
barkes by the space of xxvj yeres past to the places menciond in the said Interrogatory and that he himself hath travelled into Rochell into Frannc in the margarett Veysie of mynsterworthe / 

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

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

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

[5] To the fyfte he saith that he himself did sound and try the Ryver of Severne at Gatcombe twice this weeke / and when the water was at iiiijth tydes spring, it did beare xv. foote of flowinge water besyde the Chanell, and at the highest of the spring, it will bere xxij foot of flowing water there & so at Barkley it floweth higher / And that a shipp of one hundred tonnes laden will come to / and by at Gatcombe and Barkley, and retorne thence / safelie againe / and that he himself dare undertake to be one within that shipp
to performe the same / and is well assured that boates and barkes coming to ~
those places may be there preserved and kepte aswell as at Hungerode ~
Both for the wynde and wether and softnes of the woase / and saith that a
boate drawing vij. foote of water can come from kingrode to Gloucester in ~
three tydes / 

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

[15] To the xvth he saith that there is much money saved to the contries aboue Gloucester and
aboutes Gloucester by having the Cockettes at Gloucester, which wold be spent by fetching the same
Appendix 3

Alexander Higgins (ed.), ‘Articles exhibited to Peter Gough and kennard delabeare by the officers of the Port of Bristol and their answer to the same. Followed by: The Articles first exhibited unto the Lord Treasurer by Master Pate then Recorder of Gloucester, for the having of a customs house in Gloucester, 15 5’, (unpublished transcription, 1).

527

[1v.]

Articles exhibited by the officers of the Custome howse of ~ Bristowe to Peter Goughe & kennarde delabeare528 to be bounde to observe before they will make any deputacion to thesaiide Goughe & delabeare for the receipte of the quenes Majest ’s Custome at ~ Gloucester accoridinge to the lorde treasorers warrannte to them in that behalf directed.529

1. That it shalbe lawfull for the Customers & comptrolers from tyme to tyme to as often as they shall thinke nedefull for her Majest ’s better ~ service to peruse530 both the bookes accomptes & doinges of thesaiide deputies. /

2. That they by this deputacion shall not take entry for any goodes inwarde excepte thesame be dischardged out of the self same bottome at Gloucester or above which brought the goodes into engl ande from the ~ parties beyonde the seas.531 /

3. That they shall not deale for Customes of any good outwarde but ~ such only as shalbe laden at Gloucester or above into the self same bottome in which it is to be transported oute of the realme.532 /

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

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

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

530 ‘peruse’: to examine.

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

532 The logic of the note above also applies to ships departing from the port of Gloucester. If smaller vessels could not be used to transport goods from Gloucester to Gatcombe before these goods were exported, only ships of twenty-four ton burdens or less could use the head port of Gloucester to export goods. Although this would not be a problem for many voyages, it would prevent Gloucester merchants
4. And that they shalbe bounde to observe & kepe all such orders as are already or shall hereafter be established in the howse, so farrforth\textsuperscript{533} as toucheth them, Thesame orders tendinge to the better service of the prince or tooure more quiet dealinge.\textsuperscript{534} /  

5. That all such Cockettes and warrants as we shall grannte oute to any such as shall thinke yt more for theire case & comoditie to come to vs then unto youe for mawlte grayne or other goodes & merchandize to passe from Gloucester Tewxbury worster & other places upp severne may withoute your molestacion or denyall be allowed and of as good force as ever they were before the makinge of this deputacion.\textsuperscript{535} /  

6. That youe shall deliuer upp your booke unto us uppon your othe to be a true booke within one moneth after the feaste of Easter & michaelmas together with such somes of money as shalbe due for customes receaved by your. /  

7. That youe be bounde to delyver unto us all such fees as are due for the makinge & sealinge of Cockettes as a fee incident to oure office of Bristowe. /  

[2r.]  

Thannswere\textsuperscript{536} of Peter Goughe & kennarde delabeare to the Articles to them exhibited by the officers of the custome howse of Bristowe. /  

1. To the Firste we saie yf youe wolde peruse our bookes to knowe what proffitt arise therin for her Majesti; to the ende to youe might make your so much the lesse that our service might not be seene: then were it not convenyent youe sholde so thein before all your doinges were entred into your blanke bookes.\textsuperscript{537} /  

2. To the seconde we saie that all the shippinge that belongeth or cometh ~ towards Gloucester hath alwaies & yett doth use to breake boulke at

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\textsuperscript{533} ‘farrforth’: far-forth, to a definite degree.  
\textsuperscript{534} ‘oure more quiet dealinge’ – this is an ambiguous demand that could be interpreted in any number of ways. The basic essence of this article was that the Gloucester customs officials should accept the orders, demands and authority of the Bristol customs officials regardless of the Bristol officials’ motives.  
\textsuperscript{535} This article shows that Bristol wanted to maintain their ability to exert some control over Gloucester’s grain supplies. Before Gloucester became a member port, grain could only be transported from Gloucester to another English port if the Bristol customs officials granted a coastal cocket to allow this shipment. In the articles produced by the Gloucester Corporation that are annexed to this document (see fols. 3r. – 4r.), Gloucester asserted that becoming a head port would allow them to grant coastal cockets for grain ‘accordinge to the plentie of or scarcitie of the tyme’ and this responsibility was best carried out at Gloucester because ‘there it is beste known what the Country maie spare’. If Bristol continued to assert its right to issue cockets to allow shipments of grain to leave Gloucester, Gloucester would clearly not have the power to only issue cockets when there was a ‘plentie’ of grain in Gloucester. This was because anyone wishing to ship grain away from Gloucester at these times could obtain a cocket from the Bristol customs officials instead.  
\textsuperscript{536} ‘Thannswere’: The answer.  
\textsuperscript{537} ‘blancke bookes’ – this is a reference to the blank books that were issued to every port for the customs officials to keep a detailed record of the entrance and exit of goods from their port. These became known as Port Books: TNA:PRO, E190.
Barckley, Gattcom, and newnam & so by lyters dischardge at Gloucester as the Bristowe men doth from kingrode to Bristowe with three kayes beinge beneth Gloucester ar & tyme oute of mynde hath bene within thoffice of the sercher or clerke of the kryckes of Gloucester which sercher is ~ accountable in the Exchequer & not to the Customers of Bristowe and therefore the duties due is to be paide where the goodes is laden or landed. /

3. To the Thirde we saie that her Majesty Customes due to her highnesse within the serchers office of the Cricke of Gloucester is nowe to be answered in the custome howse of Gloucester, bothe for the better service of her majestie as also for the case of the merchantas. / 

4. To the fourwth we saie we dislike it not so that thesaide orders be appointed by warrante from the h-lorde highe Treasrer of ~ englande and we made pryvie therunto. / 

5. To the fifte we saie that youe nede not to grannte any Cockettes to suche as muste lade with the viewe of the Customers of Gloucester neither can it be for any manns case to fetch a Cockett with youe beinge at the leaste Threscore myles to & from Gloucester where they muste take in their ladinge neither is there any good meaninge supposed to be for the better service of her Majestie. / 

6. To the sixte we saie yf there be any such order in the right honourable Lord Treasurers letter to youe directed or that his lordshipp shall at any tyme so appointe we willingly yelde therunto. / 

7. To the seaventh we saie all cockettes fees sealed in Gloucester ar due to the scale of thoffice as a reward for the Clerke which writeth the Cocke[ts] and there ys not any thinge els for the Clerke to finde waxe pap[er] and perchmente neither is there any duties deputies in any parte of the realme bounde to yelde thesame. // .

Master fanshaw and Master Osborn. I pray you considre of these articles and answers: and to devise what way a resonable ordre for ye same.

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538 ‘as the Bristowe men doth from kingrode’ – this response highlighted the fact that Bristol-bound vessels frequently used locations such as Hungroad and Kingroad to tranship goods into lighters and there should be no reason to stop Gloucester-bound vessels doing the same at Gatcombe, Newnham and Barkeley.

539 ‘clerke of the kryckes’: clerk of the creeks. This was the title given to the deputy of the Bristol searcher who was responsible for the upriver lading places commonly used by the coastal trade.

540 The clerk of the creeks had been appointed directly by letters patent and therefore did not have to account to the Bristol customs officials.

541 This asserts that the Exchequer viewed the establishment of a member port at Gloucester as both a method of reducing customs frauds and making it easier for the towns of the upper Severn to engage in trade – by allowing merchants from these places to obtain cockets from Gloucester rather than forcing them to travel to Bristol.

542 thesaide: the said

543 The manuscript has been torn here and the square brackets are used to indicate the letters that have been reconstructed by the transcriber.

544 ‘Master fanshaw’: Thomas Fanshaw – the queen’s remembrancer.

W. Burghley

[2v.]

16th Junij 1575
Articles exhibited to Peeter Gough and kennard Dallaber by the officers of the porte of Bristowe and their answer to the same.

Peter Goughe
Kenarde delabere

[3r.]

1. Bristoll standethe in a Creke sixe myles from Severne and att leaste tenne myles from the Comon Channell as Rochester dothe soe that many thinges maie passe without Custome /

2. Gloucester Towne and Bridge standes uppon Severne as London and London Bridge doe uppon Thames soe that nothinge can passe by that unseene and withoute Custome /

3. Shippes of all manner of Burdens maie as safelie and as sone & better come to a Rode in Severne called Gatcombe then they maie com to Bristoll key or to the backe of Bristoll /

4. Barkes of xxiiij tie or xxx tie Tonne and Trowes and lighters of xxiiij tie Tonne maie come at every springe tide from Gatcombe to gloaster with one tide / or twoe at the moste /

5. The halfe of all merchandize comminge into the Ryver of Severne is uttered at Gloucester and through the glouster bridge soe that nothinge

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546 These two lines are written in the hand of and signed by Lord Treasurer Burghley.
547 'ix junij 1575': 9th June 1575.
548 'as Rochester dothe soe that many thinges maie passe without Custome' – Rochester is the lowest bridging point of the River Medway – which joins the River Thames approximately ten miles away from Rochester. The Gloucester Corporation are comparing this to Bristol’s situation because Bristol is situated on the River Avon – which joins the River Severn approximately eight miles away from Bristol at Avonmouth. The point being made is that both Bristol and Rochester are situated away from the main waterways through which the majority of river trade travelled and were therefore not in the best positions to police these channels.
549 'as safelie and as sone': as safe and sound.
550 Gatcombe served as the main outport for the port of Gloucester. It lies on the west bank of the River Severn – approximately twelve miles southwest of Gloucester or twenty-two miles by water.
551 ‘Bristoll key or to the backe of Bristoll’ – these were the only two official places for lading and unlading overseas goods in the port of Bristol, as stated by ‘An Acte limiting the tymes for laying on Lande Marchandise from beyonde the Seas, and touching Customes for Sweete Wynes’ (1559), Statutes of the Realm, IV, 372-4. Larger ships typically used the ‘Key’ of Bristol whilst smaller ships used the Back.’
552 This claim that half of all the imported merchandise that entered the River Severn was sold at Gloucester and the creeks of the upper Severn is supported by claims later made by the Bristol
can passe that waie unseene without payinge Custome Whereby the Quenes Majestie shall be better answered of her Custome then she is at Bristoll.  

6. Yf merchandize mighte com to gloucestor withoute staye and there paie the Custome then Shropshire Worcestershire Warwick Shire and parte of herefordshire and other Counties whiche are nowe serued of diuerse kyndes of merchandize by the Ryver of Seaverne passinge under gloucestor Bridge woulde buy the more for the nighnes of that place beinge a longe daies jorney nere then Bristoll is to all those Shires and a great profitt it would be to all the Quenes Majestie aswell he Subiectes dwellinge in those shires for the ease of theire travaile and spedier retorne to there owne house and for savinge of Ridinge Charge a matter of good accompte amonge wise occupiers.

7. The Custome house of Gloucestor to serue onely for suche merchandize as shall cum upp the Ryver of Seaverne as Farr as Gatcombe and Bristoll custome house to serue for all places from Gatcombe towarde the Seae as it nowe dothe.

8. Gloucestor Keye is the place where three partes of all graine the hole beinge devided into foure is laden for Bristoll devonshire Cornwall Wales and Irelande and there it is beste known what the Country maie spare and accordingly cockettes and licences maie there be beste grannted accordinge to the plentie of or scarcitie of the tyme.

[3v.]

9. The Country aboute gloucestor yeldethe many of those comodities which Englande dothe and maie best spare in Traficque beyonde the Seae.

10. Gloucestor Towne hathe bene a Towne of merchandize sence the Corporation that these creeks represented the ‘chiefeste vente of all manner of forreyne marchaundizes’: Jones (ed.), ‘Bristol’s petition, 1582’, fol. 68r.  

553 This article therefore argues that the creation of head port at Gloucester would reduce the amount of customs frauds and subseque
tly increase the Crown’s revenues obtained through the customs collected on the River Severn.  

554 ‘diuerse’: diverse.  

555 ‘nighnes’: nearness.  

556 It is argued that the creation of a head port at Gloucester would stimulate the trade and commerce of the towns surrounding the new head port at Gloucester.  

557 This article emphasises that a system of dual authorities at Gloucester and Bristol is being advocated – not that Gloucester should replace Bristol as the head port of the region.  

558 Gloucester’s role as a distribution point of grain late led to the Bristol Corporation characterising Gloucestor as a place that ‘standeth not upon any trade of mercchaundize but of Corne only’: Jones (ed.), ‘Bristol’s petition, 1582’, fol. 83r.  

559 It is argued that the creation of a head port at Gloucester would allow the Gloucester authorities to have more control over the city’s grain supplies. Cockets would only be granted for shipments of grain to leave Gloucester when there was a surplus of grain. Before the establishment of a head port at Gloucester, cockets were issued by the customs officials at the Port of Bristol – who would presumably have prioritised the needs and desires of the city and merchants of Bristol over the city and merchants of Gloucester and its surrounding creeks.  

560 This is an assertion that a head port at Gloucester would encourage a legitimate and beneficial export trade.
tyme of Kynge John for aswell by hym as by diuerse his Successors Kings of Englande diuerse liberties were grannted to the gilde of merchantes of the Towne of gloucestre and to those which beinge of that householde paie Lott and scott with theme.

11. By this meane a great number of marriners maie be in shorte tyme increased and the Citie the better peopled /

12. Within those fewe yeres the Towne of Tewkesburie hadd libertie to grannte Cockettes and had a Seale for that purpose. And by much more Reason gloucestre oughte to have a Custome house with officers thereunto apperteyninge for that it is nere the Sea by ix myles /

13. It is to be suspected and that suspicjon easie to be tried and uppon good examinacion of the vinteners of gloucestre Tewkesburie & Worceter Bewdley Kyddermynstre Bridgnorth the Shrewsbury Evesham Ludlowe limpster & Ciceter & v there hath bene more wyne spente in gloucestre and above gloucestre bridge then all the holle comethe to that hath beene accustomed for at Bristoll because it is an easie matter to escape that Custome howse and the officers there seeinge the Corse of the shippes and boates cumming upp and goinge downe Seaverne is so farre from thence, but none can escape if there be a custome house bothe at Gloucestre and at Bristoll allotting all that come to gatcombe or further upwarde or lade above Gatcombe to enter their merchandize at Gloucestre and all beneathe Gatcombe at Bristoll even as it is nowe /

561 ‘sence’: since.
562 ‘sence the tyme of Kynge John’ – this refers to the extension of the Borough’s privileges by King John’s Charter in 1200.
563 ‘Lott and scott’: a tax, due or custom.
564 This article asserts that the creation of head port at Gloucester would contribute to the Crown’s continued efforts to ensure that there was a large pool of suitably trained mariners that could be utilised to serve in the navy in times of war.
565 ‘the Towne of Tewkesburie hadd libertie to grannte Cockettes and had a Seale for that purpose’ – it was thus claimed that Tewkesbury had previously had the ability to grant cockets for downstream shipments of grain independently of the customs officials at Bristol. The Gloucester Corporation had previously complained about this privilege in a chancery petition in the 1540s: TNA:PRO, C1/993/16. Although the right to issue coastal cockets for the area that fell within the jurisdiction of Bristol’s port fell to the customs officials of Bristol, there seems to have been a degree of flexibility regarding this issue before the regulations were tightened by the publication of the 1565 Book of Orders that asserted that cockets had to be ‘made in Parchement, and sealed, subscribed and delivered openly in the Custome-house’ – at Bristol. It is not entirely clear how long Tewkesbury’s privileges lasted – although Gloucester’s reference to a duration of a ‘fewe yeres’ does not suggest that it was a longstanding or current arrangement. ‘The Rules and Order made by Queen Elizabeth in the 7th Year of her Reign, to be observed by all Officers of the Customs, and all Merchants and Traders in all the Ports in England and Wales’ in B. A sure guide, 433.
566 ‘lempster’: Leominster.
567 ‘Ciceter’: Cirencester.
568 The insinuation is that large quantities of wine had been illicitly imported and the authorities of the port of Bristol bypassed. The Gloucester Corporation’s decision to frame the argument around illicit wine imports could relate to the fact that a commission granted to investigate the nature and extent of smuggling in Bristol in 1565 had focused purely on illicit wine imports in the port. Although Evan Jones has demonstrated that the implementation of this commission had significant flaws, the Gloucester Corporation would have known that framing their arguments around illicit wine imports would make their claims both believable and interesting for the Crown. E. T. Jones (ed.), ‘Survey of smuggling in Bristol,
14. At sondrie tymes Barkes haue comen to Gloucester from Irelande with herringe and other fishe, thinkinge gloucester to haue hadd a custome house an were forced to resorte backe to Bristoll longe foule and tedious xxx myles to enter the same there /

15. Bristoll men haue perswaded all spanyardes and the merchanntes of Barstaple\textsuperscript{569} and others allsoe that the Ryuer of Seaverne colde not serue for anie boate of tenne tons or upwarde because they woulde bringe the whole trade to theme selves to the great hurte of diuerse Counties adioyninge to the Ryver of Seaverne whoe are forced to buye dearer wynes and all other merchannndize at heier\textsuperscript{570} price of the merchannntes of Bristoll then the like are solde for comonly by anie other merchannntes of Englande in any other place\textsuperscript{571} /

[4r.]

16. The Citie of Gloucester is higher then Bristoll toward the bodie of the Realme by xxx myles And therefore in naturall reason (havinge the Ryver of Severne to serue thither and lx myles above that) it muste nedes be for the Quenes Majest \textquoteleft s profitt and the Comoditie of the Country to haue a Custome house there for the nearer a porte is to the harte of a Realme the better vente yt muste haue in reason for utterance of the merchannndize\textsuperscript{572} /

17. The Towne of gloucester is ij myles nere to Gatcombe where there shippes maie lie well in good harborowe then the Towne of Westcheste is to flint Castle where the shippes of Chester doe staye and unlade by lighters.\textsuperscript{573} /

[4v.]

Considerations touching

15 May 1565 (University of Bristol, ROSE, 2011). <http://hdl.handle.net/1983/1731> 14\textsuperscript{th} September 2012.\textsuperscript{569} ‘Barstaple’: Barnstaple – a large town in North Devon. Barnstaple served as member port to the head port at Exeter.\textsuperscript{570} ‘heier’: higher.\textsuperscript{571} This article alleges that the Bristol merchants had established a monopoly over trade within the region by convincing foreign and English merchants that the River Severn was not navigable for vessels that were larger than ten tons in burden.\textsuperscript{572} This article suggests that because Gloucester was located further inland than Bristol, it must have been better placed as a point from which to distribute merchandise. Although this claim is slightly tenuous, it is true that it may have been more convenient to ship goods that were later to be transported by road to London to Gloucester rather than Bristol.\textsuperscript{573} The head port of Chester used a section of the River Dee near Flint Castle as its outport – Flint Castle being eleven miles downriver of Chester. The claim is that Gatcombe was two miles nearer to Gloucester – and therefore only nine miles away from Gloucester. This was a misleading claim because Gatcombe was twenty-two miles away from Gloucester by water. Gloucester was therefore twice as far away from its potential outport than Chester was from its outport. Despite this, the Gloucester Corporation repeated this claim in their answer to Bristol’s 1582 petition: Jones (ed.), ‘Bristol’s petition, 1582’, fol. 83r.
Bristol.
Gloucester.
After our veary harty Comendaciones whereas upon the Prosecucion of the suite Concearnynge the newe portes uppon severe noe nowe dependinge before her majestie’s moste honorable privy Counceill / a Comission is dyrected unto Sir william wynter knight Thomas Throckmarton Richarde Pates & Richard Hanham Esquires for the examynacion of witnneses pertynt unto that matter returnable Crastino Animarum nexte we have therefore thought good to singnifie unto yowe hereby. That wee have appointed the same to be sitten uppon at Berckley the xijth and xiiijth of September nexte where our Comissioners will not faile to be then Ready for that purpose. / Requestinge that in like sorte yowe will geve notyce hereof unto yowre Comissyoneres / and to procure their presence accordinge to the promise made at London upon youre behaullfe / whereof wee hope to receave an answeere by this bearer. / And soe wee Comytte yowe to god / Bristoll the laste daye of Auguste /

youre lovinge frendes /
Phillipp Langley maior
Thomas Kelke alderman/
John Browne alder

After my veary harty Comendaciones your lettres of the last of August last came to my handes this presente sonday aboute x of the clock, by which it appeareth yow expecte presente annswered by the bearer therof uppon this soddeyne understandinge not the affayres of master pate and master Throckmorton tyme gevinge not leave to conferre with them I cannot therefore presentely satisfie yow as I woulde. But do minde foorthwith to labour them to gevve

575 Gloucester, Gloucestershire Archives: Gloucester Borough Records, UK [GBR], B/2/1, fols. 103v. – 106r. The following conventions were employed when transcribing this document: the line spacing, spelling, capitalization, erasures, insertions, underlining and punctuation follow the manuscript; ‘u’ and ‘v’ have been rendered according to the document rather than to modern usage. Square brackets indicate editorial additions. Reconstructions of suspensions are in italics and all suspensions have been extended – for example ‘city of Glouc’ has been extended to ‘city of Gloucester’. This collection of letters has been rearranged into a chronological order by the transcriber – the original foliation has been indicated in square brackets throughout the transcription.

576 This appears to be a mistake – the appointed commissioner’s name was Thomas Hannam, the recorder of Bristol.

577 ‘Crastino Animarum nexte’: the morrow of all souls, the 3rd November 1582.

578 ‘Berckley’: Berkeley – a town on the east bank of the River Severn, approximately 20 miles from Bristol and 16 miles from Gloucester.

579 ‘our Comissioners’ – Bristol’s commissioners were Sir William Wynter and Thomas Hannam.

580 ‘yowre Comissyoneres’ – Gloucester’s commissioners were Sir Thomas Throckmorton and Richard Pate.
meetinge at the day and place mencioned in your letters.
whereof as I shall have intelligence from them So
will I withall speede retournre you perfected answer. /
Even thiss fare you hartily well. from Gloucester this
seconde of September 1582. /

eyour lovinge frindes. /  
John Smyth maior

[105r.]

After our harty Comendaciones according to the tenor of your late
Lettres and thanswer of me John Smith made thereunto. We
have imparted unto our comissioneres for the custome howse the
contentes of the same your lettres & Earnestly movinge them to geve
meetinge accordingly But that our labour not withstandoninge. So it is
our saide comissioners had appintted other occasiones of weight against
that veary tyme not convenyently to be altered / And cannot
therefore yealde to the daies by yowe sett downe / where yowe woulde
have the syttinge to be at Berckley, our comissioners comparinge the
accidentes to this proceadinge, judge wotton under edge\(^{581}\) to be a
more apte place then Berckley, booth for lodginge provision &
Fayrenes of the wayes / At our earnested desire for performance
of that our comissioners have grannted soe to frame other bouissines
as that they will be ready for that service the xx xxj and
xxij\(^{th}\) of this moneth,\(^{582}\) beinge noe greater oddes then vj or
vij daies / referringe the choise to your comissioners of any ij
of those daies, wotton beinge the place of knowledge and
advertisement / whereof wee have written there fewe /
expectinge youre answer / And this comittinge yowe to
the proteccion of thallmightie / Gloucester this v\(^{th}\) of
September 1582

your vearie lovinge frendes
John Smyth maior /

[104r.]

After our harty Comendacions / understandinge by youre lettres that your
Comissioners Cannot by reason of their other bouissines yealde unto the
daies by us sett downe for the proceadinge of our Comission at Berckley
accordinge to our lettre unto yowe directed, but have grannted to be readye
for the same at wotton under edge the xx\(^{th}\), xxj\(^{th}\) & xxij\(^{th}\) of this
moneth / wee have therefore thoughte good to lett yowe to understande that
Sir william wynter shall then have souche affaires in hande that he

\(^{581}\) ‘wotton under edge’: Wotton-under-Edge – another Glouchestershire town, five miles south-east of Berkeley. Like Berkeley, Wotton-under-Edge was almost equidistant from Bristol and Gloucester and this presumably made it a viable alternative destination for the sitting of the commission. As later noted by the Bristol Corporation, Wotton-under-Edge was further away from the River Severn – the river that much of this dispute revolved around.

\(^{582}\) ‘xx xxj and xxij\(^{th}\) of this moneth’ – the 20\(^{th}\), 21\(^{st}\) and 22\(^{nd}\) September, 1583. These dates suggested by the Gloucester Mayor were just one week after the original dates suggested by the Bristol Mayor.
may not by any meane meate att that tyme and place by you appoynted / and our Recorder whoe is nowe Come unto us from his howse above xlty myles from hence for this matter accordinge unto our firste appointmente muste needes retorne home agayne for other weighty buissenes by him appoynted to be dispatched / in His Countrey at the tyme sett downe in youre lettre wherefore beinge sorry that our earneste laboure in bringinge of our Comissioners togeather is nowe frustrate, and beinge uncearteyne when to have them in source readynes againe wee muste reste to determyne uppon some other tyme and place, as wee and our Comissioners shall think mee / And soe wee bidde you hartyly farewell Bristoll this xjth of September 1582

youre lovinge frendes
Phillippe Langley maior
Robert Saxye alderman.
John Breibue alderman

Memorandum that Sir William winter was not in Gloucester shire this Sommer
Item the Recorder of Bristoll Came at this tyme unto Bristoll for The gaole delivery and Sessiones of Bristoll. / Uppom twesday the xj th of this moneth master Thomas Throckmarton Was with the Earle of warwick and Leic at keneleworth / Rec xij Septembrie at nighte. /

[105r.]

After our hartie comendaciones / Forsoemouche as by the adiornement of the tearme the longer distannce of tyme then was expected may geve occasion the better to proceade uppon the comission for the custome howse / wherein for / that our comissioners conformitie and readynes in that behallfe may be manifested / we have thoughte good to addresse theis fewe, eftsones lettinge yowe to weete that wee are willinge to conclude uppon some tyme of meetinge / Referring unto yowe for the same the choise of any ij daies in any one week before menses michaelis / dobtinge not but to labour our comissioners to yealde unto those tymes allwayses regardinge the place to be at wotton under edge as moste apte of any other in our oppiniones / And thus for advertisement of our forward wee doe expecte your answer / And bidd you hartyly farewell / From Gloucester the seconde of october 1582

your loving Frendes
John Smyth mayor.

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583 ‘xlty myles’: forty miles.
584 Although in the previous letter the Bristol Corporation had claimed that their recorder – Thomas Hannam – had travelled forty miles ‘for this matter’ of the commission, this memorandum indicates that the Gloucester Corporation were aware that Hannam had actually been in Bristol to attend matters relating to the Bristol’s courts and gaol delivery.
585 ‘adiornement’: adjournment.
586 ‘eftsones’ – eftsoon: likewise (in this context).
587 ‘to weete’: to know.
postscriptum  if yowe shall not like of this tymte if then
yowe procure a newe comission to others we shall
bringe in place our comissioners accordingly

After our hartye Comendaciones / Having receaved your lettre of the seconde
of this instant moneth whereby yowe seeme to make shewe of Conformity
and forwardnes of youre parte & to proceade with Comission Concearninge
youre Custome Howse Referringe unto yowe the Choise of any tymte
for the same before thie nexte tearme / For answere wee doe now
thereby to understan, That as wee upon iuste
Cause and apparrant prouff Comensed our suyte in the premisses Soe are wee nowe noe lesse
desirous of speedy proceadinge therein / howeveir Sir william wynter
beinge at London at this present about other affarres as we are
enformed and master hanham our Recorder dwellinge farre from us (wee
Cannot as moste willingly wee woulde) procure them to sytte in
Comission before the nexte tearme / wherefore beinge by youre /
slacknes, (as wee take it) delayed of our firste appoyntment / at Berkley
wee are nowe Contrary to our good willes and expectaciones dryven to
deffer the matter untill the nexte tearme at which tymte wee hope
by order for the more effectuall, and Certen proceadinge of our suite /
and for excludinge of all further delayes of youre partes to procure a
Commission of newe with souche tymte & place Certen therein to be
sett downe, as our Comissioners shall like well of / untill whiche
tyme wee bidde you hartely farwell / Bristoll this vijth
of October 1582.

voluwng frendes /
 william Tucker ald
 Thomas Slocumbe /
 Robert Saxcy alder /
 Thomas Kenlke ald

After our hartie comendacions / where as wee have receaued
your lettre of the xxvth of december menconynge that ye
have receaued the comission towchinge our custome howse, and
that ye determyne to have the same proceade at Barkley

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588 This ‘postscriptum’ acknowledged the fact that the date upon which this commission was due to be returned to the Exchequer – 3rd November – was fast approaching. The Gloucester Mayor thus recognised that this deadline would be hard to abide by and suggested that Bristol might need to ‘procure a newe comission’ with a later due-date.

589 ‘iuste’: just.

590 This is conformation that Bristol’s hopes that this commission would be executed in time for the documents to be returned to the Exchequer for the 3rd November 1582 could not be realised. Bristol procured a reissued commission that had a return date of the 20th January 1583.

591 ‘your letter of the xxvth of december’ – there is no copy of this letter within the city of Gloucester’s records. It would appear from this response that the Bristol Mayor wrote to the Gloucester Mayor on the 25th December to inform Gloucester that the commission had been reissued and that Bristol wanted it to be executed on the 17th and 18th January 1583 at Berkeley.
the xvijth and xviijth daies of January nexte, and thereof yowe geve use understandinge to thintent\textsuperscript{592} that wee shoulde procure our comissioners to be then at the place by you appoyntd for answer therunto wee are to requeste yowe to sende us the the same comission\textsuperscript{593} to be seene by us soe as we may shewe the same to our comissioners the morrowe after the Epithany nexte\textsuperscript{594} at the furtheste to be by them seene and considered of which the laste tyme they required at our handes as we doe nowe at yours / otherwise wee may not with discretion desier theire traveill / gevinge you further to understande that the laste tyme they required to have the meetinge at wotten under edge and not at Berckley, and gave for alteracion from Berckley theither which wilbe aswell for your ease as ours / where of you ven\textsuperscript{595} as hertofore, soe doe we still make accompte / Prayenge your conformity therein / And thus expectinge your answer in those poinctes assuringe you of our forewardnes in the principall. Do rest for this tyme from Gloucester this xxx\textsuperscript{th} of december. ~

your veary lovinge frindes
Lawren Halliday maior

Bristol letters

with the like comendacions to you rendred as from you we Receaved. For answer unto your demandes pretending desire of our confirmity in circumstannce: but in truth tending to the deforming of the principall matter. Theise may be to satisfye you therin that we accompt you not so simple but that you are sufficiently able to instructe your comissioners of the materes in contreversye. /

[106r.]

So longe debated of by yoursealves withoute shewing the Comission unto them which beinge sealed needeth not unnecessarely to be opened before the meeting of the commisioners togeather.\textsuperscript{596} neither may ye think yoursealves so wiese by souche a wile\textsuperscript{597} to obtayne the commision from us beinge plaintiefs contrary to all ordynarie custome and then to make us attende your tyme and place nowe beinge appointed at Berckley the most conveyente

\textsuperscript{592} ‘thintente’: the intent.
\textsuperscript{593} ‘send us the same comission’ – this request was very unusual. As the plaintiff in the suit, the Bristol Corporation had carriage of the commission documents and it was their responsibility to ensure that the writ remained sealed and that it was safely delivered to the commission. If Gloucester obtained the commission documents than Bristol would clearly be unable to guarantee that these responsibilities would be carried out. Bryson, \textit{Equity Side of the Exchequer}, 129-135.
\textsuperscript{594} ‘morrowe after the Epithany nexte’: the day after the Epiphany, the 7\textsuperscript{th} January 1583.
\textsuperscript{595} ‘you ven’: that you credited us (in this context). The Gloucester Mayor thus claimed that the Bristol Corporation previously agreed for the commission to be held at Wotton-under-Edge – despite there being no evidence in previous correspondences to suggest that the Bristol Mayor had agreed to this alteration.
\textsuperscript{596} Bristol therefore rejected Gloucester’s request for the commission documents to be sent to them.
\textsuperscript{597} ‘wile’: a crafty, cunning or deceitful trick.
and fittest place that we knowe for the view of the Ryver, & examyninge of souche parsons as doe beste knowe the same by reason of their nere dwelling therunto, and dailly exercise therein which wee mynde not to alter to wotton for any easte beinge further distant from the Ryver, And yealding lesse knowledge to the findinge owte of the trewthe / And therefore accomptinge of your presence with our commissioneres to forarde the principall at the tyme and place doe reste for this tyme / Bristoll the fowerth of January 1582 /

your lovinge frendes./
Thomas Aldworthe maior
Thomas Kenlke alderman
John Browne alderman
William Tucker alderman
John Roberts alderman
Phillippe Langley alderman.

598 ‘view of the Ryver’ – this confirms that despite the fact that Berkeley and Wotton-under-Edge were both approximately equidistant from Bristol and Gloucester, the Bristol Corporation felt that it was important for the commission to sit at a venue with a good view of the River Severn.

599 ‘fowerth of January 1582’ – in modern dating, this is the 4th January 1583.
Appendix 5


[109v.]

The first commission awarded forth was not sitten upon because the Commissioners cowlde not come in place, as by the lettres appeareth.\(^{601}\) / wherupon they of Bristoll terminu\(^{602}\)s michae\(^{603}\)lis / Annis xxiii\(^{604}\)j et xxv to Regine\(^{605}\) procured forth a newe commission directed to the owlde commissioners\(^{606}\) And it was agreed that the same shoulde be sitten upon at Berckly\(^{607}\) the xviij and xviijth daies of January Anno xxv\(^{608}\) / master Richarde Pates Recorder of Gloucester\(^{609}\) with diuers witnesses on the morrowe beinge the xviij\(^{60}\)th day expected the comynge of master Thomas Throckmmarton Hannam Recorder of Bristoll,\(^{610}\) whoe came to Berckley about xij of the clock. / master Thomas Throckmarton\(^{611}\) was Ready at Dursle\(^{612}\)y to have commen to Berckley presenty uppon warninge of the comynge of the comissioners of Bristoll /

In thafternone of the said xviij\(^{613}\)th daie the twoe Recorders examyned one wittnes one either side\(^{614}\) / And on the morrowe beinge the xviij\(^{615}\)th day examyned fower witnessee on either side.\(^{616}\) / The same xviij\(^{617}\)th day about fower of the clock in thatfer none master Thomas Throckmarton havinge a comission on the morrow to be sitten uppon for his owne causes and on the monady followinge to ryde towarde London cowlde not therfor any longer attende / And soe the comissioners brock of\(^{618}\) /

There weere xxiiij\(^{619}\)th witnessee on the parte of the cittie of Gloucester\(^{620}\)

\(^{601}\) Problems regarding the availability of both the Bristol and Gloucester commissioners prevented the first commission sitting in time for it be returned to the Exchequer by its due date – the 3\(^{rd}\) November 1582. The ‘lettres’ referred to are the collection of letters sent between the mayors of Bristol and Gloucester, see Appendix 4.

\(^{602}\) ‘terminus michaelis’: Michaelmas term.

\(^{603}\) ‘Annis xxiiiij\(^{604}\)j et xxv to Regine’ – the 24\(^{th}\) and 25\(^{th}\) regnal years of Elizabeth I. The 24\(^{th}\) regnal year ran from 17\(^{th}\) November 1581 until 16\(^{th}\) November 1582. The 25\(^{th}\) regnal year ran from 17\(^{th}\) November 1582 until 16\(^{th}\) November 1583.

\(^{604}\) The new writ was identical in all respects to the previous one apart from it set a new due date of the Octave of Saint Hilary – or the 20\(^{th}\) January, 1583.

\(^{605}\) ‘Berckly’: Berkeley – a town on the east bank of the River Severn, approximately 20 miles from Bristol and 16 miles from Gloucester.

\(^{606}\) ‘Richardes Recorder of Gloucester’ – a named commissioner.

\(^{607}\) ‘Thomas Hannam Recorder of Bristoll’ – a named commissioner.

\(^{608}\) ‘master Thomas Throckmarton’ – a named commissioner.

\(^{609}\) ‘Dursley’ – Dursley is a town approximately four miles east of Berkeley.

\(^{610}\) ‘one wittnes one either side’ – one Bristol deponent and one Gloucester deponent.

\(^{611}\) ‘fower witnessee on either side’ – four Bristol deponents and four Gloucester deponents.

\(^{612}\) ‘brock of’: broke off, concluded their business.
The number of the witnesses for Bristol was not known perfectly /

To the examination of the first witnesses for Gloucester there were xxvj Interrogatories
dulyvered
penned at lardge which the same xvijth day at nighte were abridged
in moste of thinterrogatories.614 / And twoe of those xxvj weere drawen
forthe615 / Thinterrogatories exhibited uppon the xvij day conteyned xxiiij
Interrogatories the coppie whereof appeares befoare.616 / and were afterwardes
abridged as lykewise appereth before

613 Despite this claim that there were twenty-three Gloucester witnesses, there were only five Gloucester
witnesses that actually deposed in the first commission: see Appendix 1. It would seem that the
commission did not run as efficiently as had been anticipated because not all of the witnesses that
attended the commission were given the chance to make depositions.
614 Both the unabridged and abridged versions of Gloucester’s interrogatories are included in the first
commission’s documents – see Appendix 1, fols. 8r. – 9v.
615 The two withdrawn interrogatories have been crossed through on the original set of interrogatories –
see Appendix 1, fol. 9v.
616 This refers to another copy of Gloucester’s interrogatories which were kept by the city of Gloucester
and can be found in GBR, B/2/1.
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