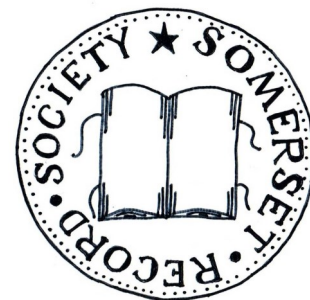


OFF THE RECORD

THE NEWSLETTER OF THE SOMERSET RECORD SOCIETY

ISSUE 6: SUMMER 2023



ANNUAL GENERAL MEETING

The 2023 Somerset Record Society Annual General Meeting will be held at The Assembly Rooms, Frome on Saturday 30th September from 2.30pm.

The address for The Assembly Rooms is Christchurch Street West, Frome, BA11 1EB. The rooms are part of the Frome Memorial Theatre complex which is a short 5 minute walk from the Town Centre. There is limited parking available at the rear of the Theatre with additional street parking opposite the Theatre in Park Road.

Papers for the AGM are enclosed with this newsletter. Volume 101 (see title details below) will be launched at the meeting with a talk by its author, John Gaisford, entitled 'Cloth of Gold: how the Ashe family made their fortune on the Fromewater, 1627-1665'.

This meeting is open to non-members and the AGM will be followed by tea and biscuits. There will also be the opportunity to purchase previous publications by the Society.

FORTHCOMING PUBLICATIONS

Volume 100

Various changes have been made to this volume and, consequently, the title has been changed to 'Records of agriculture, justice, religion and trade: a centenary collection'. It will be available at the Annual General Meeting.

Volume 101

Entitled 'Clothiers and Merchants in Spanish Cloth, 1627-1665 The Ashe family of Somerset, Wiltshire and London and their account books' this volume will also be available at the Annual General Meeting.

NEWSLETTER CONTRIBUTIONS

If you would like to contribute an article to the next newsletter please email submissions to the editor at offtherecord@somersetrecordsociety.org.uk or post contributions to Mrs Emma Cobbledick, 28 Gale Way, Tiverton, Devon, EX16 5FB.

Articles should be received by 31st March 2024. If you are submitting an image with your article please indicate that you have sought the necessary copyright permission for it to be reproduced.

A CREW LOST AT SEA

Before 12 January 1858 wills proved in the Prerogative Court at Canterbury were normally those of persons who had property in more than one diocese. However the court also proved wills of, for instance, resident foreigners and those who had died at sea. In the Harrington register of copies of wills and their probates for 1592 are four consecutive wills of men who each made their wills on 7 September 1592, all of which were proved on 4 December the same year.

Two of the men were from Minehead on the Somerset coast and the other two from Combech on the left bank of the tidal River Parrett. These last two testators describe themselves as 'saylers', and it is assumed that the other two also were. The wills were made, presumably, before going together on a sea journey. Why were the four wills made on the same day? Were they going on a normal journey across the Irish Sea to Youghal or Waterford, or were they proposing, unusually, to travel further at sea, to perhaps Bordeaux, to bring back a good profit-making cargo of wine?

Three assumptions may be made; first, as Richard Blackford of Minehead gave his yet-to-be-born child his whistle - his sign of authority - and also gave four gold rings away, he was the wealthiest of the four, and was the master of the ship; secondly, as William Doble and Richard Blackford were both from Minehead it seems likely that was their home port. Thirdly, as only two of the four wills nominated executrices and no overseers were nominated as was usual, it seems that these wills were made in a hurry prior to their fateful journey. One of them, William Doble, writing that he did not have time to write more.

The wills are:

1. William Doble, of Minehead.¹

To his Lovinge wife Johane Doble give theise in
Mynehed

Lovyng wife I hartelye commende me unto you and unto my sixe sweete children. This is to certifye you that god hathe called me out of this worlde to his mercye. This is I give you hartie thanks for youre paynes takinge but yt dothe not prevayle me for my life. I give all that I have unto you and unto my children hopinge you will keepe such promises as ys past



betwixt us. And this I desyre my brother Laws Richard Peers and John [blank] and Edward Webber to be good to my children. And also I desyre their wyves to do the same. And this desyringe you good wife to be good to my sister and to my servaunte Jane. And this desyringe you to have a greate care on nurishinge up my children and specially William Doble and Anne with the reste. And this which with my commendacions to my cozin William Harrison and Arthur Spurrier and all the reste of my friendes.

Desyringe them all good to my children. And this I ende Desyringe god to sende us a ioyfull resurrection in heaven with both you and all my children and friendes I ende. Dated the seaventh of September a thousande fyve hundred nynetie twoe. Item I give unto every of my sixe children every of them one silver spoone a peece. Desyringe you to comforte youre selfe whatsoever hath happened unto me for the nourishinge of my children in the feare of god. tyme will not serve to write any further. thys I ende the seaventhe of September 1592. This is my hande and laste will. Youre lovinge and swete husbnde William Dobell.

2. Richard Blackford, of Minehead.²

To his lovinge wife Ellinor Blackforde give theise in Mynehed. Jhesus.

Righte deere and tender mother. I have me commended unto you and unto my wife and unto my litle mayde and unto my childe whensoever yt be. This ys to give you hartie thanks for youre paynes takinge althoughte yt will not prevayle for oure life. Wherefore seinge yt hath pleased god to call me to his mercy I bequeathe to my mother one silver salte. And after her Decease I give yt to my Sister Alice Stodden and my whistle I give to my litle childe yf it be a boye, or otherwise yf it be a boye or mayde I give to yt bothe my whistle and eighte silver spoones and one gymme of goulde withe fower gymmoes in yt³ and three gould rynges besides. And as for the peece of grownde I bequeath to my Wife to maynteyne my children whome I make my Executrix. And also I bequeath to my Sister Alice fortie shillings which Robert Leage oweth me yf she can recover yt as he hath promised me. And this hath Commended to my brother in law Hughe Davye and his wife and John Clerke and his wife. And this desyringe my father and mother in lawe to be good to my children with commendacions to them and unto all our freindes in generall I ende desyringe god to sende us a ioyfull resurrection in heaven. Dated the seaventhe of September 1592. Youre obedyent sonne Richarde Blackforde.

3. John Maye, sailor of Combwich.⁴

In the name of god: Amen the seaventhe day of September in *Anno domini* a thousande fyve hundred and nynetie twoe. I John Maye of Grenewiche⁵ in the Countie of Somersett Sayler make and ordeyne this my last will and testament in manner and forme folowinge,

that ys to say. First I Commend my soule into the handes of Almightye god my maker and Redemer and my Bodye to the earthe from whence yt came. Item I give and bequeath unto my daughter Maude all suche portions of goodes or debtes as my Father in Lawe dothe owe unto me. All the rest of my goodes ungiven and unbequeathed my debtes beinge payed, I gyve unto Jone my Wife whome I make my full and whole executrix.

4. William Pell, sailor of Combwich in Cannington.⁶

In the name of God: Amen the 7th Daye of September in *Anno Domini* a thousand fyve hundred nynetie twoe I William Pell of Comwiche in the parishe of Canington in the countie of Somersett sayler make and ordeyne this my present laste will and testamente in manner and forme folowinge, that is to saye. First I commende my soule into the handes of Almightye god, my maker and Redemer and my bodye to the earth from Whence yt came. Item I give and bequeathe unto Elizabeth my Daughter my litle spruce cheste. Item I give unto Jane my Daughter my greate spruce cheste. All the rest of my goodes ungiven and unbequeathed, my debtes beinge payed I give unto Christian my Wife whome I make my full and whole executrix.

Debtes which I do owe.

Imprimis unto John Straunge as by his bande⁷ appereth

Item unto Alice Morgan I owe	iiij ^{li}
Debtes owing me	xx ^d
<i>Imprimis</i> William Hick oweth me	x ^s
Item John Trowle oweth me	viii ^s
Item Philipp Knodbone oweth me aboute	xij ^s
Item Christofer Sayward oweth me	xxviij ^s x ^d

The four widows can be imagined travelling together on the long journey from west Somerset to the Probate court in London for the hearing on 4 December 1592, less than three months after their husbands had made their wills and set to sea. Joan the widow of William Doble was represented at the court by her proctor, the notary public Thomas Lovell. The other three widows, Elianor Blackford, Joan Maye and Christian Pell were represented by Richard Goodall, notary public. All four widows were similarly committed to administer the goods etc. of their deceased husbands.

The coincidence of dates indicate that all four of them perished together at sea. At least one of them, Richard Blackford, of Minehead, had made an invocation to Jesus and had expressed his doubts about setting to sea, his opening words foreseeing tragedy.

Colin J. Brett

Footnotes:

1. The National Archives (TNA), PROB 11/80/466.

2. TNA, PROB 11/80/467.

3. The OED definition of Gimmel (gymme) is 'A finger-ring so made as to divide into two (or three) rings'. Here, Richard Blackford's gimmel divided into four rings.

4. TNA PROB 11/80/468.

5. The probate clerk, copying out the will in London, must have misread 'Combwich' for the similar-looking and familiar-to-him 'Grenewiche'

6. TNA, PROB 11/80/469.

7. Bond, or agreement.

PEDES FINIUM: REVISITING OF THE FEET OF FINES FOR SOMERSET

Arguably *Pedes Finium* are the most daunting volumes in the Somerset Record series. The Latin titles, preferred to the Feet of Fines published of other counties, deter. Even the term feet of fines is opaque. Such volumes list the transfers of larger properties systematically from the 12th century. The **Pedes Finium** are useful sources for landholding in every parish in Somerset and for leading county families, and are constantly deployed by the Victoria County Histories.

After the Norman Conquest most manors and substantial properties held by knight service or serjeanty could not be sold or otherwise alienated to others. Fines were a mechanism to enable landholders to transfer their property to others by mutual consent. Fines commenced as a lawsuit between a plaintiff and a defendant and ended with an agreed transfer from the incumbent to the suitor. A fine was a fictitious lawsuit that concluded with a compromise or final concord. Three copies of the agreement were drawn up, one for each party (normally lost) and a third **or** foot that was lodged in the king's court, where they fortunately survive. Up to 1485 the feet of fines are located in The National Archives classes CP 25/1 and thereafter in TNA CP 25/2. Feet of fines survive from 1182 to 1833.

Their value as sources for land transactions has long been recognized by historians. The Record Commission edited some of the earliest ones in 1835 and thereafter editions were published of feet of fines for almost every English county including Somerset. The Latin originals have been translated into English. The Dorset, Gloucestershire, and Wiltshire sets were entitled *Abstracts*, the Somerset set rather pedantically as *Pedes Finium*.¹ Naturally each county series began at the beginning, but they broke off at different dates. Very few continued to 1485, like Somerset; to 1508/9 like Berkshire, Gloucestershire, and Wiltshire; to 1547 like Kent; to 1558 like Surrey, and still less to 1833 like Sussex. Other types of conveyance superseded fines before the end.

The Somerset set was calendared by Emanuel Green in four instalments among the earlier volumes of Somerset Record Society in 1892-1906.

The feet of fines are formal Latin documents with a set formula and were written in fair copy on good quality parchment. Hence they are quite easy to read and the published versions are generally reliable. Obviously however, the handwriting evolved through the centuries and there can be few modern historians who are confident for the whole of this period - let alone a non-professional like Emanuel Green. I have

not scrutinised the first three volumes of the Somerset set, from 1196 to 1399, but only volume IV.² By this date many fines were resettlements involving trustees (feoffees) and entails. Although the title page to volume IV admits to treating fines only of the reign of Henry IV, Henry V, and Henry VI, from 1399 to 1461, volume IV was extended silently (and fortunately) to 1485, covering the reigns of the Yorkist Edward IV and Richard III.

Green seems to have transcribed and translated the Latin literally. He rendered the texts in English for easy access. Nowadays the originals can be accessed and checked, not without difficulty, on the website of the Anglo-American Legal Tradition (www.aalt.law.uh.edu). The best modern editors have moved our understanding of these records on since Green was working. Green could not be expected to take on board the superior standards of Christopher Elrington, John Kirby, and Margaret Yates.³ However Green's work has served historians of Somerset adequately for a hundred years and will continue to do so in the future.

In certain respects, Green's calendar falls well short of modern expectations. He chose not to itemise the presiding justices in common pleas, quite reasonably, and included some of the other superfluous material about warranty and payments that are considered redundant today. Much more important, Green did not translate the medieval conventions for dating by Saints days, legal terms, and regnal years into days, months and years. These are readily, if inconveniently, converted today using the *Handbook of Dates*. Green reproduced the medieval place-names, some easily recognized such as Kyngesbury Epi [Kingsbury Episcopi], Westcantotokkeshead [West Quantoxhead], Middelsowy [Middlezoy], Brugge water [Bridgewater], and Welles [Wells], but others are less easily identified. There was no English Place-Names volume for Somerset for guidance when he wrote: there still is none.

The original feet of fines are filed by each county, and by divers counties for transactions spanning lands in more than one county. Green calendared both the feet of fines for Somerset itself and for divers counties including Somerset. He did list the other counties, but he omitted the relevant lands within them. Sadly, this means that his calendar is incomplete for the more extensive estates. The fines of the nobility, of the earls of Devon and Salisbury and of lords Botreaux, Fitzwarren, and Hungerford, are therefore incomplete. Fortunately, and predictably, Somerset was most often twinned with its immediate neighbours. Of 18 fines among divers counties in the reign of Edward IV, five were paired with Dorset, 4 with Gloucester, and 4 with Wiltshire that have all been calendared and the gaps can be filled. Only 3 out of 8 for Devon and 3 out of 4 for Bristol are unpublished and have to be consulted at The National Archives or via the





Anglo-American Legal Tradition. For the periods before 1360, the fines for Bristol, Cornwall, Devon, and Oxfordshire are also available in print. Of course published volumes are not accessible everywhere. Beyond my own copies and the relevant county records, I rely on the open shelves of libraries at the Institute of Historical Research and the National Archives in London. All editions of fines are available in the copyright libraries, notably the British Library in London and the Bodleian Library in Oxford. The Dorset fines edited by Edward Fry in 2 volumes in 1896 and 1910, now rare books, are accessible via print on demand from Forgotten Books. Although accessing these other lands through other county sets is feasible, such pursuits are nevertheless inconvenient.

Green worked rapidly and was a careless proof-reader. When his calendars are compared with those of Gloucestershire, Wiltshire and Berkshire, they prove to be reassuringly accurate. The names of the parties and the lands are always rendered correctly. The Wiltshire and Gloucestershire calendars have identified today's versions of some Somerset place names. Whilst the modern versions of Southperott, Pyppelpen, and Chyltern Dummer are obvious, this is less apparent for Ocle (Oakley), Hyltelton (High Littleton) and Wynfryth (Winford). These seven Somerset manors were transferred with another two in Hampshire and four in Wiltshire – an extensive estate.⁴ Similarly the Somerset manors of Norton Fitzwarren and Nunnington were dwarfed by five Devon manors and one Wiltshire manor of Fulk Bouchier, the future lord Fitzwarren.⁵ The property in Atewike in Swayneswike (Som.) was corrected into Tadwick in Swainswick in the Gloucestershire abstracts⁶: a rare mistake. The modern recent editions also record the TNA classmarks that Green omitted. Some Somerset fines dating from 1485-1509, after volume IV, are recorded in the Gloucestershire and Wiltshire calendars.⁷ The other earlier fines of divers counties can also supplement the other sets for nearby shires. Nevertheless, Somerset Record Society really needs to complete its divers counties fines, just as last year the bishops registers of 1465-1526 are completed by Robert Dunning's volume of *Ordinations*. Extending the sequence of Somerset fines to 1509 or even to 1558 is also desirable for Somerset's local historians. Somerset's *Pedes Finium* remain a key source, but they need updating and extending.

Michael Hicks

Footnotes

1. *Pedes Finium* commonly called *Feet of Fines for the County of Somerset*, 4 volumes, ed. Emanuel Green, SRS vi, xii, xvii, xxii (1892-1906).

2. Ibid. iv, SRS xxii (1906).

3. *Berkshire Feet of Fines 1307-1509*, parts I & II, ed. Margaret Yates, Berkshire Record Society 23-24 (2017); *Abstracts of Feet of Fines relating to Gloucestershire 1360-1508*, ed. Christopher Elrington, Gloucestershire Record Series 27 (2013); *Abstracts of Feet of Fines relating to Wiltshire, 1377-1509*, ed. John Kirby, Wiltshire Record Society 41 (1986).

4. *Somerset Fines*, iv. 206; *Wiltshire Fines*, no. 645.

5. *Somerset Fines*, iv. 212; *Wiltshire Fines*, no. 662.

6. *Somerset Fines*, iv. 20; *Gloucestershire Abstracts*, 705.

7. E.g. *Wiltshire Fines*, no. 754-6, 765-7, 781, 788.

BISHOPS' TRANSCRIPTS FOR BATH AND WELLS

In 2008 the Society published the abstracts of probate records relating to Somerset which Miss Olive Moger made prior to the destruction of the probate registry at Exeter during World War Two. My transcript of Miss Moger's difficult to read carbon copies appeared as volume 94 in our series. While researching materials for the introduction to this volume, I was helpfully pointed by Devon Record Office staff in the direction of Miss Moger's collection of notes, indexes, transcripts and research papers. One particular item relating to our county's records caught my eye.

During the 1920s there were few people working as record agents in Somerset; one of whom was Miss Olive Moger who took on commissions from wealthy patrons and businesses, such as Phillimore & Co and Debrett. Amongst her papers at the Devon Record Office (1018 box 837) is a typed copy of an undated letter from Edward Dwelly esquire of Fleet, Hampshire to Mr Tapley-Soper, librarian of Exeter City Library and of the University of the South-West of England. Tapley-Soper appears to have been involved in research on the Gilbert family and had contacted Dwelly asking him to search through his index of bishops' transcripts; Dwelly charged 'nominal fees' for searches in 1916 but by 1919 when his index had grown to over 270,000 names a scale of fees had been introduced. In the letter Dwelly describes the discovery of the bishops' transcripts and their condition:

'There were no Trull transcripts among those recently found at Wells which nearly all belonged to the years 1611 and most Somerset parishes are represented. There were about 20 having top and bottom missing and were not identifiable by any burials that appeared and one small block like a damp cork slab – a solid mass that could not be touched without crumbling away and it is just a chance that Trull might be among them.'

I am interested to establish the date of this discovery in order to help establish the date of the letter. Also I am curious to know when bishops' transcripts were first used by researchers in Somerset. The subject of bishops' transcripts, their use, storage and demise is something that warrants further research.

Adrian James Webb