
NOTES & QUERIES

FOR
SOMERSET AND DORSET

EDITED BY

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*"Attempt the end, and never stand to doubt;
Nothing's so hard, but search will find it out".*

HERRICK

No	CONTENTS	Page No
57.	PROVENANCE OF A THORNCOMBE TERRACE	357
58.	GLASTONBURY'S 'PROBLEMATIC DOUBLE DEDICATION'	371
59.	'A CONTRAST' CLERICAL LIBERALITY!! RELIGIOUS EQUALITY': A SOMERSET CONNECTION	375
60.	CLARK AGAINST BANFIELD	378
61.	PRAYERS FOR A HUSBAND	381
62.	A GREAT ESCAPE	385
	Book Reviews	390
	Notes	393

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57. PROVENANCE OF A THORNCOMBE TERRACE.

Until changes to parliamentary boundaries in 1844 Thorncombe parish was a detached part of Devon. Despite its Somerset postal address, it has been part of Dorset ever since.



Owsley Cottage, Fore Street, now known as Thomas's Place and The Terrace, High Street, Thorncombe, c. 1910.
(Reproduced courtesy of Marina Atyeo)

Introduction

Edith Owsley's death in 1972 ended a 276 year association by her family with the land on which The Terrace is built in High Street (formerly known as Fore Street), Thorncombe. The structure consists of a terrace of seven cottages of varying sizes connected to Thomas's Place, an imposing double fronted house at the south-west end of the row. Dating back to the mid to late 19th century these chert houses are Grade II listed for their 'Group Value'. The architecture of The Terrace is typical of the area.¹ Chert, a type of flint, is found in the Upper Greensand and was widely used in vernacular buildings where 'Devon, Somerset and the corner of Dorset meet'.² Thorncombe

parish is in West Dorset and shares its boundaries with South Somerset and East Devon. Thomas's Place's 1865 date stone predates a 'Disastrous Fire at Thorncombe' which destroyed a significant part of the village.³ According to local oral tradition The Terrace was rebuilt by the Sadborow Estate which owned a significant proportion of Thorncombe until 1923, following a fire in 1882 which destroyed the original thatched terrace which abutted its High Street boundary. It is said that replacement slate roofed houses were built set further back from the road, and used as tied accommodation for Sadborow estate labourers and other employees. The 1840 Tithe map appears to support this assertion.⁴ However, discrepancies between the popular version of events and the contents of a file of Ousley property deeds in Dorset History Centre initiated the following investigation into the provenance of The Terrace. Ownership of the plot on which The Terrace is built and was once called Pinneys Tenement was also traced back to the early 17th century.⁵

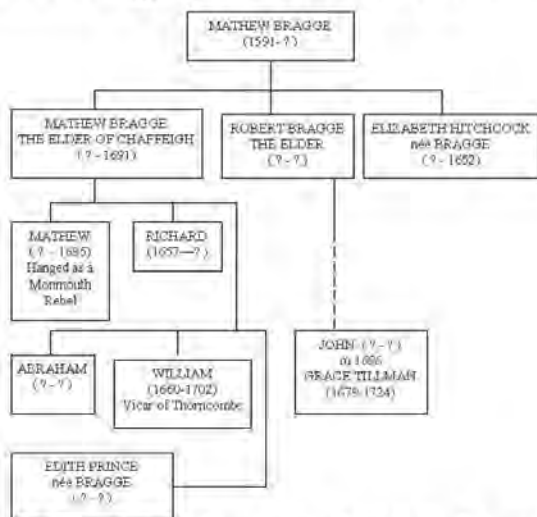
Pinneys Tenement

One of the challenges in researching the history of Thorncombe is the plethora of Bragges in the parish registers. Some are related to the two main branches of the family which owned Sadborow between 1577 and 1923 and Chaffeigh until the beginning of the eighteenth century.⁶ Where social status is recorded in Thorncombe's parish registers, some male Sadborow Bragges are designated 'Esq' or 'Gent' whereas some Chaffeigh Bragges are assigned the lesser 'Mr'.⁷ But there is no consistency, so baptism, marriage and burial dates for other Sadborow and Chaffeigh Bragge family members cannot be extracted accurately from the other group of Thorncombe Bragges, drawn from the middling and poor sort. Many from this group share the same forenames and may or may not be directly related. However, through linkage of surviving deeds, a will, a marriage settlement and those entries in Thorncombe's parish registers, where individual family members can be positively identified, it has been possible to disentangle part of the Bragge family line which lived at Chaffeigh, and to trace its ownership of Pinneys Tenement.

In 1652 Robert Bragge the Elder's son, John, inherited from Robert's sister Elizabeth Hitchcock, 'one cottage with Appoints and an Orchard garden Backside . . . adjoining'. The cottage was opposite Pinneys Tenement on land where Fernleigh stands today. Mathew Bragge the elder of Chaffeigh, brother to Robert the elder is the third party to the assignment.⁸ Another deed dated a year later, 1653, refers to Mathew Bragge deceased father of Robert Bragge the elder. It also records that in 1623 Richard Bragge esquire (1571-1643) of Sadborow sold 'the messuage and Tenement called Pynneys with the garden and orchard adjoining and belonging . . . the adjoining meadow called Pynneys Close . . . by estimation three acres or thereabouts' to Robert Bragge the elder (? - ?) for £70.⁹ 16½ acres of neighbouring closes to Pinneys called Hoskins alias Greenhill, Thorncombe Thorn, Gribb, Roughpitts and Bigneys alias Stonelake further down the hill from Pinneys located next to Stonelake Brook were also included in the assignment. The location and names of the closes all survive in Thorncombe's 1841 Tithe apportionment.¹⁰ In 1653 yeoman Robert Bragge the elder, assigned Pinneys Tenement to his eldest son Robert in the same year that Oliver Cromwell was appointed Lord Protector following the dissolution of the Long Parliament. Brothers Mathew and Robert Bragge are among 39 Thorncombe parishioners listed in a royalist presentment compiled circa 1646 as parliamentary supporters who lent money to its cause.¹¹ Robert the elder retained a lifetime interest in Pinneys Tenement with rights 'to visit all the roomes on the west side of the entry of the messuage or dwelling house aforesaid both under and over and the higher garden and close called Pynnyes Close and the said two closes called Thorncombe Thorne with moiety or halfendeale [the half part] of the Backside [back yard] and outhouse with the fruit here grown with the use of the kitchen entry, stayrs, barn stall and stable to the said messuage belonging in common'.¹²

Surviving records relating to Pinneys Tenement skip a generation until 1696 when the Ousley family is mentioned for the first time. In a marriage settlement made in anticipation of the impending union of Robert Bragge the elder's son yeoman John, and Grace Tillman of Musbury (1678-1724), Pinneys

Tenement and messuage was sold in trust to Thorncombe parish priest William Bragge, son of Matthew Bragge the elder of Chaffeigh and Richard Ousley of Colleton [Colyton], with both John and Grace retaining a lifetime interest.¹³ Father, son and new daughter-in-law agreed to share 'the Hall . . . a way through to the stairs also to the said messuage, the milkhouse . . . the buttery next to the hall . . . the . . . kitchen in comon . . . the hall chamber, entry chamber . . . the cheese chamber . . . orchard garden, outhouse, barn, stable and Tallet [hay loft]'.¹⁴ Significantly, should John have predeceased Grace, his widow would have had security of tenure in her own right until her own death. In common law, a widow had automatic rights to only one third of her husband's property, with any additional provision specified in her husband's will. Grace Tillman's prenuptial marriage settlement gave her an equal lifetime interest in Pinneys Tenement with her husband. Each party's interest was represented by individual trustees. The bride appears to have had a connection to Richard Ousley through her parents who also came from Colyton, although no records have been traced to suggest there were family ties.¹⁵ William Bragge, son of Matthew Bragge the elder was John's uncle.



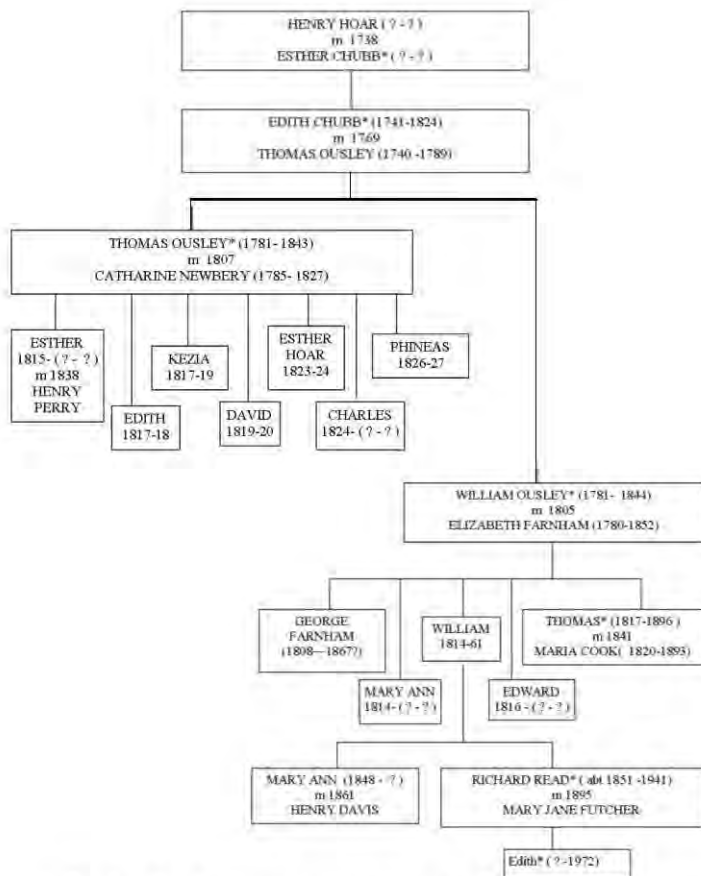
Part of the Chaffeigh Bragge family's line of descent¹⁶

Pinneys House

Fore-names of first born sons in the Bragge family always being that of their fathers and family connections revealed in the 1652 assignment, a 1696 marriage settlement and Thorncombe burial records establish the Chaffeigh Bragge connection with Pinneys House until the beginning of the 18th century.

While there is no record of John's Bragge's demise in Thorncombe's parish registers, they record his widow Grace's burial in Thorncombe churchyard in December 1724. Under the terms of her 1696 marriage settlement, Pinneys Tenement and the various adjoining closes devolved to Richard Ousley and William Bragge or their heirs and assignees on her death as the surviving marriage partner. Thorncombe's register states that William Bragge vicar was buried in December 1702. But there is no traceable record of Richard Ousley's death in either the Thorncombe or Colyton parish records. In 1736 William Bragge's successor, Thorncombe vicar Thomas Cooke, sold the 'messuage, dwelling house with barn and little garden adjoining . . . part of the Tenement called Pinney's Tenement bought lately from John Bragge of Chardstock . . . for £40 to Esther Chubb spinster'.¹⁷ Thus the Tenement was divided on the death of Grace Bragge between William Bragge's heirs and Richard Ousley, or his heirs and half of it remained in Ousley hands.

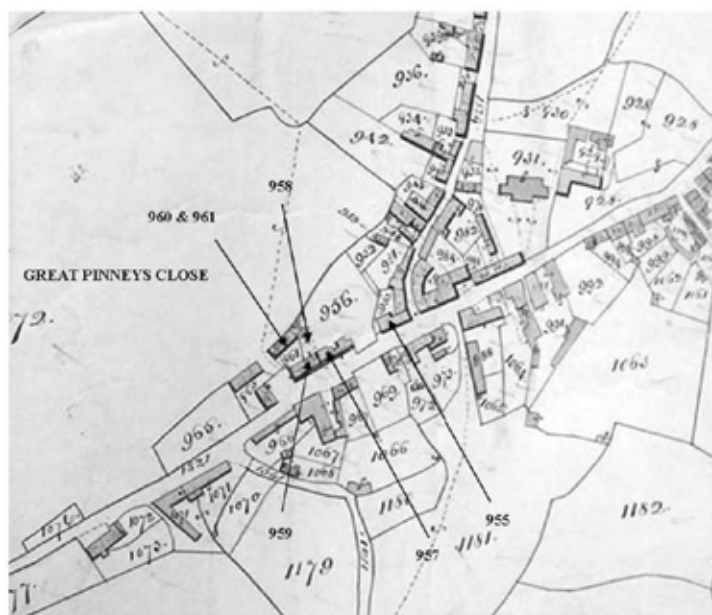
Until the Married Women's Property Act 1882 male spouses automatically assumed ownership of any property a bride brought into the marriage. Married women during the early modern period were also vulnerable to losing their property to their eldest son through the law of primogeniture. However, various legal devices were used to guard the property interests of women of all social classes.¹⁸ While Esther Chubb as a spinster enjoyed the legal status of *femme sole*, she was a legal entity in her own right; to protect herself in the event of marriage, Edith assigned 'the house, garden and its appurtenances . . . in trust' to her 'very good friend William Collier' with the proviso that if her husband or any children survived her they too would enjoy 'sole and proper use' either through occupation or income derived from rentals.¹⁹



Ousley family tree showing Pinneys House owners*

In 1738 Esther Chubb married Henry Hoar and in 1740 their daughter Edith married butcher Thomas Ousley in 1769. Twins Thomas and William were born in 1781 and both became butchers. Their father died in 1789. In 1823 Thomas Ousley inherited 'Pinneys House with the Lindhay [open shed with upper floor] behind the same and over half of the entry or passed leading into the said House . . . now in the several

occupation of my tenants Elizabeth Baker and Peggy Russell', from his mother Edith Ousley (née Hoar).²⁰ His twin brother William, who 'occupies the eastern part of the aforementioned messuage of Dwelling House with garden, slaughterhouse and stable and . . . half of the . . . entry' inherited the other half of the property. Thus through Edith's marriage to Thomas Ousley, in 1769, the two halves of Pinneys House were united, nearly 100 years after the 1696 marriage settlement. Once probate had been granted in 1824, Thomas assigned his share of the house to his wife Catherine in trust to Thomas Newbery to enable her to receive a rental income in her own right.²¹



Great Pinneys Close and plots 955-961 from the 1839 Tithe map (Reproduced courtesy of the Dorset History Centre and Richard Holt)

In the 1841 Tithe apportionment William Ousley is listed as the owner/occupier of plots 956-959. Close examination of plots 957 and 959 reveals not what has previously been thought to be the original line of The Terrace abutting Fore Street but

Pinneys House. Their depiction on the 1840 Tithe map matches the description of the shared 'dwellinghouse' in the 1653 assignment and the 1696 marriage settlement. The passageway running between the shared entry, referred to in both Robert Bragge's 1653 assignment and Edith Ousley's 1824 will, is clearly marked on the map with an emphatic black line. Today, the front path between Thomas's Place and 7 High Street's front garden marks the line of the shared entry belonging to Pinneys Tenement, otherwise all physical traces have disappeared.

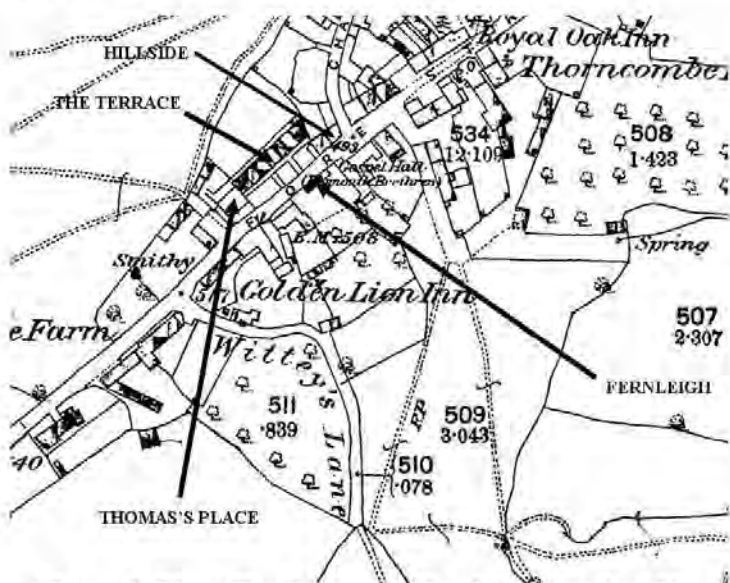
Thomas's Place

Documentary and physical evidence points to numbers 4-7 The Terrace dating back to 1865 and numbers 1-3 being later post-fire additions. When Thomas Ousley built his new house Thomas's Place, he incorporated the name and date, 1865, into the gable on the south-west elevation. Following the 1882 fire, the local paper reported that, 'Five slate-roofed houses belonging to [Mr Ousley] . . . were much injured by fire and water,' but did not burn down completely unlike the other nine houses Thomas Ousley owned elsewhere in the village. Various tenants including E. Jeffery and Mrs Singleton are mentioned in the article as having their furniture damaged. The 1871 and 1881 censuses list them as living alongside the Ousleys, at 4-7 The Terrace on Fore Street.²²

Shading on the 1889 1:2,500 OS map indicates that The Terrace was still in the process of being rebuilt and extended. The second newspaper report of the 1882 fire noted that Mr Ousley was not insured for buildings or contents which may account for the length of time it took for building work on The Terrace to be completed as shown on the 1903 edition of the 1:2,500 OS map. Not only was Thomas Ousley's property destroyed and uninsured his income source from rentals was also compromised.

After Thomas's Place, number 4 is the second largest house. Like numbers 1-3 and 5-7, its front door opened directly onto a kitchen with a large fireplace. Each cottage had a backhouse (general storeroom) behind the kitchen but apart from number 4, no scullery. Given the nearest source of water was the village pump, a few yards eastwards diagonally opposite The Terrace,

the positioning of the kitchens at the front of the houses was practical.²³ Unlike its neighbours, number 4 is double fronted and had three extra rooms. Evidence revealed in 2000 when ceiling joists were exposed during building work on the former scullery now used as a kitchen, enabled identification of the location of the original stairs leading to the first floor and landing above. The stairs in numbers 5-7 are boxed in behind doors in the kitchens, next to the front door. To the right of the inside front door of number 4, there was a separate ground floor parlour with its own fireplace with a bedroom above. The parlour seems to have been intended as a shop when the house was built.



Thomas's Place, The Terrace and Fernleigh from the 1889 Ordnance Survey 1:2,500 map (reproduced courtesy of Philip Smith)

In the 1871 census Thomas's sister Mary Ann Ousley (49), an unmarried grocer is listed as a near neighbour of Thomas Ousley (43) a stone mason, and his wife Maria (41) a milliner, on Fore Street. All their ages are incorrectly recorded in the

return. It is likely that number 4 was purpose-built by Thomas with an extra bedroom and a small ground floor shop for his older sister, to enable Mary Ann to generate an independent income through trade and from letting rooms. While Thomas and Maria are listed on the 1881 census, with their ages recorded correctly, there is no record of Mary Ann Ousley nor has a burial record been traced. Like many other Thorncombe families, baptism, marriage and burial records are sometimes incomplete due to membership of the parish's significant non-conformist community. This may account for her absence from the records. Thorncombe's dissenter tradition dates back to the seventeenth century. Thorncombe Ousleys are among those who have been tentatively identified as members of its founder Quaker community.²⁴



Thomas's Place and The Terrace, 1903, 1:2,500 Ordnance Survey map, second edition, Dorset sheet XXVIII.2, Devonshire sheet LXA.1 (reproduced courtesy of the Dorset History Centre)

Remains of a small window in the north-east wall in the room with the stair case at the rear of number 4, were found during the building work in 2000. The north-east elevation in

the roof void is an outside wall being built from dressed stone. While the opposite party wall with number 5 comprises inferior rubble. The doors to the boxed in stairs in numbers 1-3 are next to the partition wall between the kitchen and the 'backhouse'. There is also a marked difference in the quality of the exteriors. Like Fernleigh directly opposite The Terrace, and according to its date stone built in 1883, numbers 1-3 of the row are faced with superior napped chert while those used for numbers 4-7 are not dressed. The difference could be accounted for in the possible recycling of building materials from Pinneys House during the building of numbers 4-7. Therefore numbers 4-7 were built first and numbers 1-3 added to the row after the fire.

Conclusion

The grain of truth in the popular story about the provenance of The Terrace is that Pinneys Tenement, the land on which Thomas's Place and The Terrace stands today, was indeed part of the Sadborow Estate but only until 1623. While employees of Sadborow may have been tenants living at The Terrace various times from 1865, their landlords were neither Chaffeigh or Sadborow Bragges, they were members of the Ousley family. Via the 1623 assignment, ownership of Pinneys passed down through two generations of Chaffeigh Bragges, until 1696 when it was sold jointly in trust as part of a marriage settlement to their descendent Thorncombe parish priest William Bragge and to Richard Ousley, a yeoman from Colyton. Following his death in 1702, William Bragge's half share of Pinneys House, the north-west side, was acquired in 1736 from his successor, Thorncombe incumbent Thomas Cook, by Esther Chubb née Hoar.

Through the marriage of her daughter Edith to Thomas Ousley in 1769, the two halves of Pinneys House were reunited under one owner and remained under the unbroken ownership of the Ousley family for the next 236 years. It was demolished to make way for Thomas's Place, which was built in 1865 with an attached wing of four terraced houses by stone mason Thomas Ousley. Although the houses suffered damage, their slate roofs probably saved them from being burnt down in the 1882 fire. Thomas's Place and The Terrace were subsequently

repaired and a further three houses added to the row over a period of several years. Numbers 2 and 3 also still have small blocked windows in the north-east wall of what was their backhouses. With the exception of numbers 3 and 5, Thomas's initial is incorporated into the chert facade of The Terrace. Depicted in dressed stone, the large initial letter 'T' is located above the front door of each house.

Over two centuries parts of Pinneys Close were sold off and consolidated with other landowners' holdings. In 1623 Pinneys Tenement measured three acres. Great Pinneys Close, plot 872 on the 1840 Tithe map measured just over 12 acres and was part of the Sadborow Estate. Parts of Pinneys Tenement were bought back in small parcels by successive generations of Ousleys. Until changes in property law in 1882, married women ceded ownership rights to any property they brought to a marriage to their husbands under common law. However, circumnavigating the law was not restricted to the aristocracy and gentry. At least five women, four of them Ousleys, despite their marital status, benefitted from legal interventions to protect their financial and family ownership interests from 1696 onwards.

Another pre-nuptial marriage settlement, dated 1861, between Trustees acting on behalf of William Ousley's daughter, his sister Mary-Ann's niece and namesake, and Henry Davis of Winsham, makes provision for the bride-to-be to receive an independent income from various properties.²⁵ They include 'a strap of ground on the west side [of Fore Street] bounded and formerly taken out of a close called Pinneys together with the dwelling house built on some part thereof formerly in the occupation of Thorncombe Farm'. Identified as plot 955 on the Tithe map, it is listed on the apportionment as houses occupied by James Hallet and belonging to farmer Joseph Aplin, who the 1841 census lives at Thorncombe Farm. Hillside, built by Thomas Ousley in 1882, now stands on the site. The date is incorporated into his trademark 'T' on the facade.

Comparison between property descriptions in the 1623, 1696 and 1736 deeds identifies the Brage family's share of Pinneys House and garden behind as being the portion sold off separately by Thomas Cook in 1736. Plots 560 and 561 are

described in the 1841 Tithe apportionment as a house and garden. They abut the north-west boundary of Pinneys House and are the portion owned by the Bragges during the 17th century. By 1840 the property was owned by Mary Bassell and rented out to John Hitchcock. It is still shown in a state of disrepair with a separate boundary on the 1889 1:2500 Ordnance Survey map. The access is a shared path along the rear boundary of The Terrace.

In 1923, Mary Bassell's house and garden comprised part of lot 13 in the Sadborow Estate auction which included the adjacent field.²⁶ The Estate was broken up and sold following the death of Captain John Bragge in 1922, the last of the Sadborow Bragges. A manuscript note on the sale catalogue reads 'V2 £100 1885 Ousley'. One of several similar annotations throughout the catalogue written by the same hand in red ink, the note appears to refer to Sadborow's acquisition of part of the land from Thomas Ousley for £100 in 1885, three years after the fire. No deeds have been discovered to establish whether or not this transaction between Sadborow and Thomas Ousley included Mary Bassell's house. Described in the sale catalogue as 'a piece of Garden Ground', by 1923 it was rented by Richard Read Ousley 'on a quarterly tenancy and sublet by him to the tenants of a row of eight stone and slate cottages in Fore Street'. Leather cutter, Richard inherited Pinneys House in 1894. In his will Thomas Ousley stipulated that his nephew 'neither sell nor mortgage any of my real estate so long as any of the Ousley family are living'. Richard Read Ousley's successful bid for lot 13 reinstated land which Thomas Ousley was perhaps obliged to sell through force of circumstance and settled a debt of honour to his benefactor and ancestors.

In her 1951 memoir, Edith Ousley recorded the day she and her father Richard joined the congregation of Baptists at Venn Chapel, on Thorncombe parish's north-east border:

[We] walked to Venn from Thorncombe on a Sunday morning in March 1927. We were just exploring having recently come to live in Thorncombe and wanting to find a spiritual home. We had tried the Parish Church, people there seemed cold, hence our appearance at Venn.

she recalled.²⁷ The last in the Ousley line, Edith, a spinster, inherited Thomas's Place and The Terrace from her father Richard Read Ousley in 1941. Thomas's Place remained Miss Ousley's home for the rest of her life and she derived a rental income from The Terrace. In common with several female ancestors, Pinneys Tenement provided her with financial security. After Edith Ousley's death without issue in 1971, The Terrace built on part of the site of Pinneys House and Pinneys Close by her great uncle Thomas Ousley between 1865 and circa 1889, was sold off in separate lots in 1972, thus ending the Ousley family's 276 year association with Pinneys Tenement.

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21. D.H.C., D-NWS Acc 8024 Ousley deeds.
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EVE HIGGS

58. GLASTONBURY'S 'PROBLEMATIC DOUBLE DEDICATION'.¹ It has been recently argued that the existence of 'three documents in the [abbey] archive that appear to indicate that the monastery (or perhaps more specifically one of the churches in the complex) at some stage had a dedication to St Patrick'² in addition to the Blessed Virgin Mary - and 'by implication the *vetera ecclesia*' [sic] - 'may reflect a short-lived initiative in the middle years of the tenth century'.³ This hypothesis seems to depend solely on the fact that, according to a summary (in *De Antiquitate*) of the grants made to Glastonbury during the reign of Edgar, a certain Ealdred gave land at Cliftan (for which, incidentally, no charter evidence survives) '*ad ecclesiam beate Dei genitricis Marie et sancte Patricio*'.⁴ Furthermore, it is proposed that, in the latter, we have 'a clue' to when the 681 diploma (S236), granting the abbey land at Pennard,⁵ was 'produced' in its extant form.⁶ This 'single-sheet charter of Baldred' (the sub-king 'of territory between the kingdoms of the Hwicce and the West Saxons') - which 'can probably be regarded as an updated version of a genuine 7th century charter, with an alteration of some details and the addition of the a sequential Old English boundary clause' - is thus regarded technically as a fabrication 'in imitative script which was probably created in the 10th or 11th century'.⁷

However, assuming that Patrick's name was added to that of Mary at this later stage but subsequently 'dropped', why does it not appear in any other charters of that period? Indeed the Clifan grant provides the only 'evidence' (or rather a hint) of such an 'initiative' at this date. It is particularly significant that whilst (it is said) the surviving 'tenth century documents directly in favour of Glastonbury are of varying degrees of credibility', yet 'the most convincing',⁸ a deed of 973, which is drafted in the 'Dunstan B' formulation ('which has particular links with Dunstan'), and relates to an exchange of land at High Ham between the monastery and king Edgar (during whose reign it is suggested that this double dedication was 'in force') - refers to *'the church of the blessed Mother of God Mary, which is located in the monastery called Glastonbury' ('beate De genitricis Marie que sita est in monasterio quod dicitur Glastyngaburgthe')*⁹ with no mention of St Patrick.

An alternative, and simple, explanation could well be advanced. Might the reference to St Patrick in the 'Baldred' diploma, reflect not the 10th century 'alteration of some details' but the contemporary (7th century) influence of Aldhelm, with his (now recognised) 'Irish connections',¹⁰ and who as 'abbas' (of Malmesbury - according to historiographical tradition an Irish foundation)¹¹ is listed as a witness of the original grant. Admittedly no other early Somerset church is known to have been dedicated to Patrick,¹² but it is perhaps noteworthy that Cellanus, the Irish abbot of Peronne in Picardy, 'a correspondent of Aldhelm, wrote a *titulus* for an oratory at Peronne, dedicated in honour of St. Patrick'.¹³ Ine's 704 'Prima Carta' (S246)- albeit a later 'fabrication'- was seemingly an almost exact copy of a Malmesbury exemplar (S245), the only significant differences being 'the references to the beneficiary and the detail of the place where the grant was made,'¹⁴ and both open with reference to Aldhelm's role ('*decreto et consilio presulis nostri Aldelmi*'). Thus it would seem unsurprising that patronal designation of Glastonbury's monastic foundation should replicate the 'double dedication' found in a pre-existing charter, that also bore the stamp of Aldhelm's influence, that is Baldred's diploma (S236).

However, although the 'dedication to St Patrick...is

paralleled' in both sources,¹⁵ this does not apply to the (differing) terminology of the Marian dedication, and this is significant, for it surely provides 'some clue about the date' that the original grant of Pennard was made, to further endow the Glastonbury community - '*ad supplementum honorabilis ecclesie beate Marie . . .*' as it was stated. As has been argued in an earlier paper, the simple prefix of 'blessed' that is found here seems to have an earlier (pre - 10th century Benedictine 'marianisation' of the English church?) ring of authenticity about it, as compared with the more hieratic title 'holy Mother of God' (*sancta Dei genitrix*) that appears in later documents¹⁶ and re-worked sources incorporated in *De Antiquitate*, notably the putative 'First Privilege' of Ine (which refers to the '*ecclesia Beate Dei genetricis Marie*')¹⁷ and the grants made during Edgar's reign.

Thus, it could well be argued that, in reflecting his 'Irish connections', the double dedication might have dated back to the time of Aldhelm, and that its appearance in a document drawn up almost three centuries later might simply be an anomalous survival, before this formula finally faded away.¹⁸ However, even if it were the case that 'St' Patrick became so honoured as a co-patron only (and briefly) in the 10th century, the case for Blessed Mary being the Old Church's titular saint (and by implication heavenly patron of the whole monastic complex) in the later 7th century, still stands up to critical scrutiny.¹⁹

1. S.E. Kelly (ed.), *The charters of Glastonbury Abbey*, Anglo-Saxon Charters 15 (2012) [hereafter cited as Kelly, *Charters*], 222.
2. Kelly, *Charters*, 14.
3. Kelly, *Charters*, 224, 241.
4. William of Malmesbury, *De Antiquitate Glastonie Ecclesie*, in J. Scott (ed.), *The early history of Glastonbury, an edition, translation and study . . .* (1981) [hereafter Scott, *WMDA*], 130-1.
5. The full untranslated text is found in Dom A. Watkin (ed.), *The Great Charters of Glastonbury*, ii, SRS vol. lxiii, (1952), which, before the bounds of the estate are noted (in OE), reads: '*vi manencium [hides] et hiis intro ad ecclesiam Beate Marie circumcincta dinoscitur confiniis*', described by the editor (fn.1) as 'quite obscure'. Could it possibly mean that there was an early church at (West) Pennard dedicated to Blessed Mary? cf. R.W. Dunning (ed.), *A history of the county of Somerset*, vol. ix, *Glastonbury and Street* (2006), 150-1, which states: 'The chapel, later church of St Nicholas, so dedicated by 1210, stands in a prominent position on the slope of Pennard Hill'.
6. Kelly, *Charters*, 225.

7. Kelly, *Charters*, 115-6, where the editor also comments: 'It seems reasonable to speculate that the revival and expansion of Glastonbury under Dunstan's leadership may have been accompanied by . . . refurbishment of the older landbooks of the monastery, in particular those covering the most important estates'.
8. Kelly, *Charters*, 117.
9. Kelly, *Charters*, 515.
10. See B. Yorke, 'Aldhelm's Irish and British Connections,' in K. Barker (ed.), *Aldhelm and Sherborne* (2010) [hereafter Barker (ed.) *Aldhelm*] 164ff, especially 178, where she concludes that 'the evidence suggests that Aldhelm had probably gone to Ireland to study before he joined the school of Theodore and Hadrian at Canterbury'; and M. Lapidge, 'Aldhelm and the "Epinal-Erfurt Glossary"' in Barker (ed.) *Aldhelm*, 147-50, where it is argued that he may have studied with Adomnan on Iona. It is perhaps worth recording the (somewhat idiosyncratic) suggestion that the Glastonbury 'tradition' grew from 'a cult at Glastonbury of two saints, named Patrick and Indracht. Radford has suggested that their mausolea were in the old cemetery beside the Old Church from the 6th century; during probably the abbacy of Dunstan they were translated into the church and buried one on either side of the altar, both grave sites being marked by a pyramid in the cemetery': see S. Pearce, *The Kingdom of Dumnonia* (1978), 193-4; also to set 'the role of the Irish' in context, see *ibid*, 159-68.
11. P. Hunter Blair, *Roman Britain and Early England, 55BC-871AD* (1963; Sphere edition 1975), 242: 'As the boundaries of the [West Saxon] kingdom moved out towards the west, they overran two important centres of Celtic Christianity, one at Malmesbury founded by an Irishman called Maildubh and later renowned in the days of Aldhelm, the other at Glastonbury of even earlier origin.' However the more recent view is, *pace* Yorke, 'Aldhelm's Irish and British Connections', 166-9, that Maildub might have 'come from southern Ireland after c.631', and established himself at Malmesbury while it was either 'still under British control' or following 'West Saxon acquisition of the area'. Incidentally J. Blair, *The Church in Anglo-Saxon Society* (2005), 151, dubs this legendary scholar a 'mid 7th century Irish man' [sic].
12. D. Farmer, *Oxford Dictionary of Saints* 5th edition (2003), 412-13: 'eight ancient English churches were dedicated to Patrick, as were several chapels in Pembrokeshire.' However, assuming its continuing validity, one should perhaps bear in mind the observation of Pearce, 134: 'there is no record in which a south-western rural church is called by anything that can be considered to involve a dedicatory name until . . . Domesday Book'.
13. G. Jones, 'Church Dedications "west of Selwood"', in Barker (ed.) *Aldhelm*, 196.
14. Kelly, *Charters*, 247.
15. Kelly, *Charters*, 224, which however extends the 'parallel' to the Ealdred grant.
16. For example, 'The charter of king Edmund' (944): see Dom A. Watkin (ed.), *The Great Charters of Glastonbury*, i, SRS lix (1947), 145, which refers to 'ecclesie Dei genetricis Glaston.'
17. Watkin, *The Great Charters of Glastonbury*, i, 141-2, where the 'double dedication' then refers to 'Beati' (not 'Sancti') 'Patrici.'
18. See the archaic (deliberate or otherwise) reference to abbey's 'St Mary's chapel' or 'Lady chapel', in what proved the final year of its existence, as 'the Old Church': see Dom A. Watkin, 'Glastonbury, 1538-9, as shown by its

Account Rolls', in *The Downside Review*, vol. 69, no. 209 (1949), 449.

19. See the argument in my earlier, related article, 'New light on the mystery of Glastonbury's Old Church', *NQSD*, xxxvi, part 372 (2010), 4249.

M.J. PROTHEROE

59. 'A CONTRAST' CLERICAL LIBERALITY!! RELIGIOUS EQUALITY': A SOMERSET CONNECTION. An unusual printed item, in the possession of the Somerset editor, which does not appear in Emmanuel Green's *Bibliotheca Somersetensis*, or the catalogues of the British Library, Libraries West and the Somerset Heritage Centre, is reproduced (much reduced in size) as the centre piece of this issue. Readers are invited to elucidate the facts behind this item, such as why the two texts were reprinted on one sheet, and what is the connection to Somerset of the subject matter – if any? Were the two tracts printed as opposing arguments, part of a much bigger issue?

With regard to the two individuals who are named, Henry Alford (1810–1871), came from a Somersetshire family, five generations of which, in direct succession, contributed clergymen of some distinction to the English Church. The earliest of these, his great-great-grandfather, Thomas, who died in 1708, was for many years the vicar of Curry Rivel. Henry became Dean of Canterbury and served as the first editor of Alexander Strahan's *Contemporary Review*, from 1866 to 1870 and to this and two other Strahan publications, *Good Words* and the *Sunday Magazine*, he was a regular contributor. A recent biography records how 'under his editorship a tone of scholarly Christianity typified the *Contemporary Review*. One of the most voluminous writers of his age, he published forty-eight volumes, and many articles, hymns, sermons, and tracts'.¹ Further details of Alford's life can be found in the Oxford Dictionary of National Biography.

William Robinson Clark (1829–1912) was vicar of St Mary Magdalene, Taunton, from 1859 to 1870, and was Rural Dean of Taunton and prebendary of Wells from 1870 to 1880. He left Somerset and emigrated to Canada to take up a teaching post at Trinity College, Toronto as professor of mental and moral philosophy.²

A CONT

Clerical Liberality !!

EXTRACT FROM A SPEECH BY THE

REV. W. R. CLARK,

(Vicar of Taunton St. Mary Magdalene), at the Taunton Deanery School Union, held on the 21st June, 1866,
as reported in the *Somerset County Gazette*.

"We have come to a time in the history of this country, and in the Church of England, when it is most important not only to teach Christianity, but the Christian religion—as taught by the Church of England—firmly, fully, and, I may add, charitably—(applause). Wherever you go, you find that Church-people are content to say they are Church-people, and leave it there; but Dissenters are not content to say they are Dissenters, and leave it there. Dissent is aggressive, while the Church is hardly ever aggressive, and sometimes is barely defensive. Wherever there is a matter of difference, the Dissenter has always something to say for his side of the question. Ignorant and wrong-headed he may be, but a Dissenter can speak when the Churchman cannot speak on his side. I have no doubt there are parishes where Churchmen are always able to defend their Church, and Dissenters always able to defend theirs; but it is not so in my own parish. I should be glad to find that the Church-people could say half as much for their side as the Dissenter does for his. But he does not; and why is this? Is it because the Churchman has not so much reason on his side as the Dissenter? I do not think this. I find all the learning, a great deal of the piety, not all the pretension—I will not say that—(laughter)—on our side. I find that history is on our side, learning is on our side, common-sense is on our side, honesty in shops is on our side; but the talk is on the other side—(renewed laughter). How is this? I suppose we must make a difference for the Dissenters' possession of a different system—a system that is polemical. Some one says, 'I am nothing if not critical,' and the Dissenters are nothing if not pugnacious—(continued laughter). They could not exist for a day without it. Their whole business is picking and stealing—drawing away persons from our schools and churches. If it were not for this, they would go to the ground. Therefore they must be pugnacious, or die."

FRAS T.

Religious Equality.

EXTRACT FROM AN ARTICLE BY

DEAN ALFORD,

On Nonconformist Preachers, and published in *The Contemporary Review* of the present month (July, 1866.)

"It may be that Nonconformists and ourselves do not fraternise well. Theirs is a work having its distinctive climate and soil. Their manners will naturally be somewhat different to ours, and their vocabulary also. In these very distinctions consists the value of their influence, and the obliteration of them would destroy it. All we ask for is, that that influence should be fairly acknowledged and taken into account; that there should pass away from among us that ignoring and consequent ignorance of Nonconformity and its professors which is now almost universal; that without any compromise on either side we be found working with them on all great matters of public utility and Christian benevolence. The authors of such sermons as we have now been reviewing are not men whom any portion of a Christian society ought to allow itself to treat with neglect. If such neglect be continued, and the arrogance of those who promote it be allowed to prevail, matters seem likely to right themselves in a way little dreamt of by Churchmen. Already the Nonconformists have passed us by in Biblical scholarship and ministerial training; the specimens which we have given of their sermons are such as the Church of England in our day could hardly show. The labourer is worthy of his hire. If it be so, that on their side are found modest and successful labour under difficulty and disadvantage, and on our side a resting in self-assertion and the pride of our social and ecclesiastical position, it will require no prophet and no long interval to manifest the inevitable result."

Any information concerning these two clergymen and the subject matter, reproduced on the following two pages, should be sent to the Somerset editor. Any relevant information will be printed in our next issue.

1. W. H. Fremantle, 'Alford, Henry (1810-1871)', rev. Roger T. Stearn, *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, May 2006 [<http://www.oxforddnb.com/view/article/341>, accessed 2 Jan 2014].
2. J.G. Slater, *Minerva's Aviary: Philosophy at Toronto, 1843-2003* (2005), 515.

A.J.W.

60. CLARK AGAINST BANFILD. Cases coming before the church courts in the seventeenth century fell into two broad categories. Office matters were prosecutions brought by the church authorities in the person of the Archdeacon (who had his own court) or the Vicar General acting on behalf of the Bishop in his consistory court. Offences commonly included adultery, fornication, habitual drunkenness and insulting words or behaviour towards the clergy. Instance matters were party and party cases, where individual parishioners on their own account instituted proceedings against others. Many of these cases involved non-payment of tithes and were brought by parsons or by lay impropiators who had acquired the right to collect them. Many more litigants were attracted to the courts in search of a remedy for defamation, over which the court at that time held jurisdiction.

Clark against Banfild is one such case. The case was heard in Wells, but there is mention of earlier proceedings in Dorset and the events which form the background to the case took place at Marnhull. It involves the apparent sale of a wife, a transaction which also takes place in Chapter One of *The Mayor of Casterbridge*. There must be doubt in this case that any marriage had been lawfully contracted between Theobald Cornick and Margaret Wadman. The banns seem to have been called, which was a preliminary to a marriage recognised in the courts of Common Law, but the union was never solemnised. As to a contract marriage, which would have been recognised by the church, this could be effected by *verba de futuro cum copula*, words expressive of a future intent to marry followed by intercourse. There appears to be some dispute as to whether

this took place.

The two depositions printed here raise almost as many questions as they answer. They appear in the Depositions Book for 1604. The decision and sentence are not known. Robert Banfield (if it is the same man) was rector of North Cheriton from 1574 to 1618. It is not immediately evident why he should be taking action for defamation against Robert Clark, who did marry Margaret Wadman/Woodman but may now a widower. Such sales were not recognised by the secular or the ecclesiastical courts, and it does seem unlikely that any court would sanction the surrender of a claim to marriage in exchange for 20s, a ewe and a lamb. It seems more likely that Theobald accepted this payment as a *douceur* for his injured pride. However, John Minterne's evidence suggests that Theobald believed that his marriage to Margaret was valid (*verba de future cum copula* again) and Minterne has been examined for that reason. Both he and John Wadman are Banfield's witnesses. All that can safely be said is that Robert Clark has said something to the detriment of Banfield, and that this is connected with the validity (or otherwise) of his former wife's marriage to Theobald Cornick. If that was valid, then of course Clark's union with Margaret might be called in question.

Transcript

Note: Passages in italics were originally in Latin. Square brackets indicate an addition by the editor. Curly brackets indicate information placed in the margin in the MS.

Clark against Banfield

Defamation

Banns of marriage forbidden on the intervention of a rival; the bride given up for money and a payment in kind.

The depositions of witnesses taken and made about and upon the positions and articles of Matter otherwise given on the application and on behalf of Mr Robert Banfield against Robert Clark in a certain matter of defamation here follow:

{Repeated as above}

John Wadman of Horsington in the county of Somerset, husbandman, where he has lived for the twenty years last past, and before that at Marnhull [Marnill] in the county of Dorset since his birth, having been

born in the same place, aged 40 or thereabouts, of free condition, a witness produced, sworn etc., deposes and says that he has known well Mr Banfield, the party producing him, for the last twenty years, and Robert Clark, the party against whom [he is produced] for the space of sixteen years or thereabouts, respectively.

Examined on his oath as to the first < and second > article of the Allegation or Matter aforesaid, he says and deposes that about ten years ago now last past before this his examination, as he now recalls the time, this jurat dwelling in Horsington, there was an intent of matrimony to be had between Theobald Cornick, in this Allegation named, and the articulate Robert Clark his former wife named Margery Wadman, this jurat's sister, dwelling at Marnhull above said; at which time this jurat and the said Theobald rode to Marnhull about the finishing of the same marriage, and being come thither, and the matter in question in the house of Margaret Wadman, the said Margaret's mother, in Marnhull, > and < sayeth that the said Theobald and Margaret the younger, being together, did in the presence of this jurat and the said Margaret Wadman the elder acknowledge and confess that there was an intent between them to marry together, and that was all the contract that this jurat knoweth of; whereupon the banns of matrimony were published, both in the church of Horsington and also in the church of Marnhull, but the said Robert Clark did forbid the banns at Marnhull, and thereupon the matter came in question in the ecclesiastical court in Dorsetshire¹, where the matter being depending the parties grew to a composition, which was that the said Theobald should have 20s in money and a ewe [yowe] and a lamb to forgo the said Margaret, which the said Theobald accepted of, and held himself contented with; but by whom the same 20s was given, whether by the said Robert Clark or by the said Margaret's mother, this jurat doth not remember, and thereupon a release was made by the said Theobald Cornick. And otherwise he knows not how to depose, saying that, about some two months after or thereabouts, the said Robert Clark was married unto the said Margaret, the daughter, > of < in the parish church of Marnhull, and the said Theobald Cornick being living and not denying nor forbidding the same. And otherwise he knows not how to depose. To the last he deposes and says that what has been deposed by him above was and is true, etc.

John Wadman

Upon the aforesaid Allegation:

{Repeated as above}

John Minterne of Horsington in the county of Somerset, yeoman, where he has lived since his birth with the exception of eight years, having been born in the same place, aged 25 or thereabouts, of free condition as he says, a witness produced, sworn and first examined as to his knowledge of

the parties litigating, deposes that he has known well Mr Banfil for the eighteen years last past or thereabouts, and Robert Clark for the last eighteen years, respectively. (133-4)

Examined on the oath which he has sworn as to the first and second articles of the Matter or Allegation aforesaid, he says and deposes that this jurat hath heard say that the banns of marriage were published in the parish church of Horsington between the alleged² Theobald Cornick and Margery Wadman, the former wife of Robert Clark, against whom he is produced, about some eight or nine years ago or thereabouts, and otherwise he knows not how to depose saving that shortly after, viz. within a year after, the said Robert Clark and Margery Wadman were married together; and he further deposes that this jurat hath heard say that there was 20s in money and a ewe and a lamb given to part the match between the said Theoball and Margery, and otherwise he knows not how to depose, saving that, about some four days before the said Theoball died, ending about Holy Rood Day last past, this jurat went unto him, the said Theoball, to visit him in his sickness, and sayeth that this deponent spake merrily unto him and saied that he wanted a wife to attend him in his sickness; whereunto the said Theoball replied, saying 'I had a wife once.' Then a brother-in-law of the said Theobald's told him that he was a dogger³ and could do nothing unto her. Quoth the said Theoball 'I did as much unto her as ever thou didst with thy wife.' Then his said brother replied, saying that he sold her for a ewe and a lamb and 20s of money. And otherwise he knows not how to depose.

To the last he deposes and says that what has been deposed by him above was and is true etc.

John Myntern⁴

1. The county of Dorset then formed an archdeaconry of the diocese of Bristol.
2. *Sic*: 'mentioned in the Allegation'.
3. The word is not explained in OED, Wright or Elworthy. There is no evidence as early as 1604 for the use of 'dogging' to describe intercourse, *alfresco* and in public. The brother-in-law says 'could' rather than 'would do nothing', which appears to rule out any sexual activity *miris modis* or even *canis modo*. He is surely suggesting that Theobald is impotent. 'Dog-pig' was an expression used for a castrated boar. It is possible that the word, or part of it, has been written after the rest of the deposition and in a different hand.
4. Somerset Record Office, D/D/CD 36 fos 132-4.

WILLIAM HUSBAND

61. PRAYERS FOR A HUSBAND. The acquisition of a husband is, or was, one gathers, a young girl's fondest wish as well as her most pressing duty, to encompass which she would do well to invoke the aid of St Catherine of Alexandria, the

patron saint of spinsters. Maidens living in or close to Dorset were favourably placed in this respect, since, according to Udal in his *Dorsetshire Folk-Lore*, that county boasts two shrines to St Catherine, one a now ruined chapel situated on a high hill about half a mile from the town of Abbotsbury, the other at Milton Abbey, where King Athelstan's Chapel is dedicated to the saint. At Abbotsbury there were 'wishing holes' in the stone of the south doorway, two for the hands and two for the knees of supplicants, whose genuflections were accompanied by the following prayer:

A husband, St Catherine;
A handsome one, St Catherine;
A rich one, St Catherine;
And soon, St Catherine!

For King Athelstan's Chapel at Milton Abbey the following prayer is recorded:

St Catherine, St Catherine,
O lend me thine aid,
And grant that I never
May die an old maid.
A husband, St Catherine,
A *good* one, St Catherine,
But ar-a-one ["any"] better than/Nar-a-one ["none"], St Catherine.

As an alternative visitors to the Chapel could use the formula:

Sweet St Catherine,
A husband, St Catherine,
Handsome, St Catherine,
Rich, St Catherine,
Soon, St Catherine.¹

Presumably the best time thus to call upon the saint was St Catherine's Day, 25 November.

In a footnote to his account of the Milton Abbey custom, Udal reminds us,² on the authority of Baring-Gould in his *Book of Brittany* (1891), that the custom was by no means confined to Dorset, or even to England. In that work Baring-Gould tells us

that in a chapel at Guingamp there is an image of St Catherine into which young girls stick pins. If the saint shakes herself free from the pins during the night, that signifies she has heard the prayers offered, and will obtain husbands for the girls who pricked her. The same superstition, Baring-Gould continues, attaches to a statue of St Guirec at Ploumanach.³

St Guirec was a Welshman who, tradition has it, about the fifth century came over the waves to Brittany in a stone trough, landing at a place the name of which, Ploumanac'h, or strictly speaking Poul-Manac'h ('Marsh of the Monk'), still commemorates the event. For centuries female pilgrims came to the saint's shrine to call on his intercession for their seafaring husbands' safety, while as yet unmarried women came with thoughts of matrimony. Legend had it – grist to the Freudian mill – that if a maiden pricked the nose of the saint's wooden image with a needle, that maiden would be married within the year. This practice, we are told, so damaged the wooden image that it had to be replaced by a granite one, the original being kept in a chapel a few paces away, overhanging the beach.⁴ Here we are reminded of the slightly less colourful custom once obtaining at St Aldhelm's Chapel in Dorset, where young women would drop a pin in a hole the central pillar, silently wishing for a husband the while.⁵ Neither here nor in the Breton custom is there any mention of a verbal formula corresponding to those used at Abbotsbury and Milton Abbey.

This leads us to ask whether such formulas exist elsewhere in France. They are in fact quite easy to find, though apparently not always attached to particular places or ceremonies. There is for instance a rhyme that runs:

Sainte Marie – *faites que je me marie,*
Saint Aubin – *un médecin,*
Saint Macaire – *un notaire,*
Saint Nicolas – *un avocat.*⁶

In his *Gaspard des montagnes*, Henri Pourrat tells us that when a young girl makes up her mind to marry, she will take a *chien coiffé*, 'a dog in a hat', rather than remain single. As the prayer of the girls of Craponne has it:

O Jeusé!
Un petit ou un vé
Ma qu'aye un chapé

Translated as 'O Jesus, let him be small or old, so long as he wears a hat.' By 'hat' we of course understand a piece of specifically male headwear, as for instance expressed by the word *trilby*.

Formulas of the type under discussion can stand on their own feet, as we have seen, but they can also form part of a narrative, specimens of which are very numerous throughout Europe. Take this German example from the Bavarian Forest, where, the story goes, a maiden kneels before a statue of St Hermann and prays fervently for a husband, any husband, so long as he doesn't have red hair. Now the sexton of the church has concealed himself behind the altar. Speaking as it were with the voice of the saint, the sexton informs our suppliant that a redhead is the only one to be had, whereupon the choosy maiden rapidly changes her mind, saying: 'Well, in the name of God, a redhead will do after all'.⁸

Nearer home, the same theme crops up in North Yorkshire (A2, 204). A maidservant engaged with a Catholic household near York regularly leaves off work at noon and goes to her chamber, where, it is whispered, she spends the time in praying for a husband. Curious about this, one of the menservants hides himself in a closet adjoining the devotee's room, and awaits her arrival. She comes at the usual time and, kneeling before a picture of the Virgin and child, she prays again and again: 'A husband, a husband, sweet Mary, a husband! Send him soon, an' he may be owt but a tailor.' 'Nowt *but* a tailor,' the man at last shouts, to which the maid responds: 'Hol' thee noise, little Jesus, an' let thee mother speak!' 'Nowt but a tailor,' the man insists, eliciting the response: 'Nay, owt but a tailor, owt but a tailor, but a tailor rather than nowt, good Lord'.⁹ Here we come nearly full circle, for the response '... owt but a tailor, but a tailor rather than nowt, good Lord' is strongly reminiscent of our first Abbotsbury formula:

A husband, St Catherine,
 A good one, St Catherine,
 But ar-a-one better than
 Nar-a-one, St Catherine.

1. J.S. Udall, *Dorsetshire folk-lore* (1922; 2nd edn., 1970), 102-03, 116.
2. *Ibid.*, 116-17.
3. S. Baring-Gould, *A book of Brittany* (London, 1901), p. 76.
4. <http://www.bzh-explorer.com/Saint-Guirec-fonda>
 R. Surcouf and M. Henry, 'Saint-Guirec, fondateur de la paroisse au VII^e siècle' (<http://www.bzh-explorer.com/Saint-Guirec-fonda>).
5. Udall, *Dorsetshire folk-lore*, 124.
6. L. Röhrich, *Erzählungen des späten Mittelalters und ihr weiterleben in literatur und volksdichtung bis zur gegenwart*, 2 (1967), 495.
7. H. Pourrat, *Gaspard des montagnes* (1931), 114.
8. Röhrich, *Erzählungen des späten Mittelalters*; J. Bolte and G. Polivka, *Anmerkungen zu den Kinder- und Hausmärchen der Brüder Grimm* (1982), 3, 121.
9. K.M. Briggs, *A dictionary of British folk-tales in the English language* (1991), A2, 204. For details of related tales in many languages, see Hans-Jörg Uther, *The types of international folktales* (2004), 2, 235, Type 1476, 'The Prayer for a Husband'.

J. B. SMITH

62. A GREAT ESCAPE. In past centuries Ilchester gaol has been the setting for many daring escape attempts. Most were ill conceived and doomed to failure, acts of desperation carried out by desperate men. One such man was John Taylor, who, on the morning of his execution in 1823 succeeded in wrenching a bolt from the door of a cell. Sadly for him he was stopped abruptly by the next iron gate. He met his fate at 11 o'clock that same morning when he mounted the platform and 'was launched into eternity'.¹ Other attempts were more opportunist in nature. For example, when the wall of the old gaol fell down in 1533 all 22 prisoners escaped.²

Some escape plans showed a great deal of creative flair on the part of the prisoners. In August 1786 five or six of the prisoners performed a puppet show while the governor was attending the Wells Assizes. One prisoner drummed on a water pot while another played a fife.³ The whole affair was staged to cover the noise of a hole being made down to the river. The prisoners had sticks loaded with lead to resist those who might oppose them and intended to murder two men confined in the

same room. Fortunately, one of the debtors in prison at the time discovered the plot and with the assistance of some of the others was able to retrieve their arms and restrain them.⁴

One of the most audacious escapes, and probably the best documented came not within the confines of Ilchester gaol but rather en route to the hulks at Portsmouth.⁵ James Rose, Charles Lucas and Charles Lewis were hardened criminals and notorious housebreakers, members of the Swell Mob. Rose was their ringleader. On the 15th March 1835 a robbery was committed at the shop of Mr Young, a Bath pawnbroker. Rose, Lucas and Lewis had been seen in the vicinity of the shop just a short time before and therefore were prime suspects. Lucas and Lewis were soon arrested. Rose escaped to London where he was pursued and arrested the following evening. He put up quite a fight before being taken to Bow Street. That same afternoon, as he was being transported to Tothill Fields prison he escaped from the gaoler but was recaptured by two soldiers. After his trial he was conveyed to Ilchester gaol where a warning was passed on that he might well escape if given half a chance.

In Ilchester gaol at that time was a horse thief named William Griffiths. Griffiths was due to be transported along with Rose, Lucas and Lewis but somehow a friend had managed to give him two spring saws which he had hidden away. On Sunday 10th May, Richard Pike, turnkey at the gaol took the prisoners in groups of four from the ward and riveted on their irons ready for the following day's journey. The prisoners spent the night in their cells. Pike's testimony suggests that every precaution was taken in searching the prisoners and ensuring they had not hidden any knives or other weapons but somehow Griffiths had managed to partially saw through his irons before even leaving the gaol. At a quarter to five the following morning they were loaded into the gaol van ready to be transported to Portsmouth. Griffiths, Rose, Lucas and Lewis, being the worst of the convicts, were loaded on first. Pike asked them if they were carrying any weapons and threatened them with double irons if anything was found. Griffiths confessed to having a small knife and handed it over but made no mention of the saws which he had hidden in the

collar of his coat. When all fifteen prisoners were loaded⁵ they were chained together. The chains were fastened to the van by Robert Corry, the night guard. Without further ado William Erasmus Hardy the prison governor and a visiting friend, Mr Longstaff seated themselves at the front of the van. Mr Hardy's son James loaded the firearms onto the van and was joined by Edmund Pike as the guards at the back of the van. Young Hardy had often accompanied his father on similar journeys and was no stranger to removing prisoners for transportation.

The first part of the journey went without incident. They stopped at Salisbury for refreshments and at Plaitford the prisoners asked for a pint of beer while the horses were being changed. It would appear that by this time they had already cut a hole in the floor of the van and freed themselves from their chains. As they neared Redbridge James Hardy spotted a man lying on his back on the road behind the van. He gave a cry and as Hardy and Pike jumped down from their seats they spotted two other men on the road. The men got up and began to run. Pike soon caught up with Griffiths, who had managed to ditch the saws as he ran. After a struggle Pike overpowered him but Lucas, who was further ahead made good his escape. In the meantime William Hardy, thinking from all the commotion that they had run over somebody called to the post boys to stop the van. By the time it came to a halt it had travelled a further 50 yards down the road. By this time Hardy realised what was happening. Two more prisoners, Bluford and Rose's father were quickly recaptured. A number of locals standing nearby were implored to assist but perhaps out of sympathy for the transports they were unwilling to join in the chase. Longstaff guarded the remaining prisoners armed with a blunderbuss while the other guards set off in an attempt to catch those still at large. Though one more prisoner was recaptured, Rose, Lucas and Lewis were nowhere to be found. Hardy snr continued on to Portsmouth and delivered his prisoners into the hands of the Captain of the Hulk while Hardy jnr was left to hunt for the other three men with the assistance of three locals who had been roped into service. Young Hardy's search was to no avail. On returning to Ilchester gaol bills were printed and circulated around the region (the escapees were Bath men). Since Rose had two sisters in London

there was some suspicion he might have headed that way. Descriptions of the men were also sent to the various seaports and a reward of 35 guineas offered. Despite all of these measures it appears that the men remained at large. Almost a year later an even larger reward was offered for the capture of Rose.

An enquiry was conducted into how the escape happened with all of the interested parties having to produce a signed statement as to their part in the affair. Much emphasis was placed on the fact that Hardy and other staff at the gaol had been warned that Rose might well attempt an escape. Poor William Hardy was left to shoulder the blame and was fined half a year's wages for allowing the escape to happen. One wonders however, judging from some of the turnkey's statements whether they were rather more lax than they admitted in searching the prisoners and checking their irons before they left the gaol.

A few other escape attempts are as follows:

September 1790. Mr Scadding, the prison Governor was disturbed by an unusual noise. On entering the felons apartment he found the prisoners pretending to be asleep. When he inspected their fetters he noticed that the prisoners had all been freed. Taking the sensible course he retired from their apartment and called on the assistance of the debtors in his prison who along with other armed helpers were able to secure the prisoners. On inspecting the cells the next day a number of hammers, chisels and razors were found.⁷

April 1792. Mr Scadding was woken by the sound of falling masonry. The prisoners had acquired the tools used by the workmen who were enlarging the felons section of the prison and had made a hole in the wall. Eleven of the men were detained but seven had already made good their escape.⁸

James Gurnsey age 29 of Dulcot, Somerset

Joseph Godfrey age 24

Thomas Knight age 25 of Broomfield, Somerset.

Silas Chapman age 39 of Rawdon, Somerset.

Robert Wright age 19 of Alphington near Exeter.

Thomas Burston age 24 of Crookham (Crowcombe) Somerset.

Thomas Yearbury age 18 of Frome Somerset.

Joseph Godfrey and Robert Wright were recaptured three months later. They were not the only prisoners to break out that year. Just a few months later Charles Hann also escaped. He was captured at Devizes after two months on the run.⁹

May 1810. In an unsuccessful escape attempt Reuben Hensham dug through the arch of his cell with an iron spoon. His intention was to climb to the top of the building and lower himself down with blankets. His escape was foiled by the governor who disturbed him at nine o'clock that night surrounded by bricks and mortar having made a hole right the way through the arch.

August 1816. Charles Hilliar was more successful in August 1816 though his freedom was short lived. When the muster roll was called on Monday 12th August Hilliar was nowhere to be found. He had managed avoid returning to his cell the previous evening at lock up time and had hidden in the ward below his cell. His escape route was traced over the new building, through the coal yard and over a wall with the help of a rope. Search parties were sent out to all the surrounding towns and Hilliar was apprehended near Radstock on the following day.¹⁰

June 1822. Two prisoners escaped over the walls of the gaol. One was captured the same evening. The other, John Hallet, made good his escape. That September, Mr Hardy, the prison governor, received information that he might be at Woodbury Hill fair in Dorset. Consequently, he sent his son along with the turnkey to search for him. He was apprehended on the 27th of September and returned to Ilchester gaol the following morning.¹¹

May 1829. Thomas Lynes, an eighteen year old seafaring man escaped. A reward of 5 guineas was offered for his apprehension.¹²

1. *Bath Chronicle*, 4 September 1823.

2. P. Leach and R. Dunning, *Ilchester* (1990), 22.

3. *Bath Chronicle*, 7 September 1786.

4. For details of earlier escapes, a series of articles appeared in the 'Notes and Queries' column of the *Taunton Courier* in 1899. See 12 July 1899.

5. Somerset Heritage Centre (S.H.C.), Q/AGI/16/4.

6. These included two prisoners by the name of Wilcox and Jennings.

7. *Bath Chronicle*, 23 September 1790.

8. *Bath Chronicle*, 3 May 1792.

9. *Bath Chronicle*, 29 November 1792.
10. S.H.C., Q/AGI/7/1 Ilchester Gaol occurrence register.
11. *Bath Chronicle*, 3 October 1822.
12. *Sherborne Mercury*, 11 May 1829.

PAUL MANSFIELD

BOOK REVIEWS AND NOTICES

J. Money, ed., *The Chronicles of John Cannon Excise Officer and Writing Master*, part one 1684-1733, part two 1734-1743, two volumes, cl, 674pp, 4 maps, 22 plates, published for the British Academy by Oxford University Press, 2010, £140.

The dust-jacket states that John Cannon, known to some as 'the poor man's Pepys', was the self-taught son of a Somerset farmer. Though some episodes in Cannon's life have been partially drawn upon in other studies, this edition is the first full-scale study enabling Cannon and his world to be understood in their entirety. Quite a claim, but one that does not leave the reader disappointed.

Many Somerset historians have referred to or heard of the infamous diary or chronicle kept by John Cannon in the first half of the 18th century. For many years historians have known of this diary, mainly because it had been used by F. Bligh Bond just before World War One, purchased for the Somerset Archaeological and Natural History Society in 1948, and quoted extensively by the late Robin Bush. But one scholar stands alone in the quest to bring this monumental and complex document into print, John Money, Professor Emeritus of the University of Victoria, British Columbia.

Cannon was born at West Lydford in 1684, locally educated, who after a period as a servant-in-husbandry joined the Excise Service and served at Watlington, High Wycombe, Taunton, Bridgwater and Shepton Mallet before being dismissed for malpractice. He tried his hand as a maltster and when this business failed he moved to West Lydford and took work where he could as an estate bailiff, Excise replacement, schoolmaster, clerk, town schoolmaster and general scrivener at Meare and Glastonbury, before his death in 1743. His trials and tribulations are recorded in minute detail, on both a personal and

professional level, leaving us with a unique view of his world during the first half of the 18th century, partly due to Cannon's thirst for knowledge and writing. This thirst included 'searching after antiquity', which was something he was ideally placed to do whilst in Glastonbury.

Professor Money has spent decades researching and editing this text and identified some fifteen hundred people in the manuscript. He has skilfully included the most unique parts of the diary, ranging from the most intimate and personal aspects of Cannon's life, such as his exploits in Mead Hole (west Lydford's swimming place), to details of his financial transactions, which are brought to light despite some of their complexities. This is no easy task as the diary is a veritable treasure house of material. For example, Money's analysis of the political situation at Bridgwater at Taunton, is one that Cannon 'was probably wise not to have anything to do with any of such an ill assorted assemblage'. An assemblage which included men such as Thomas Palmer and William Pitt.

Part of the joy of Cannon's diary is his honesty. He made no secret of his gambling which got him into trouble on occasions, his sexual exploits, his drinking, his complicity in evading the Excise rules which he was supposed to have been upholding, as well his descriptions of many of the people he met. He met people from all walks of life, both men and women, many of which he described in great and revealing detail. For example, William Arnold of Glastonbury, who learned the 'art of a cooper . . . used the said trade at sea, where he also learned the art of bullying & impudence of which he had a good stock & when in liquor he used it lavishly'. Arnold wavered between Protestantism and Catholicism and was sent by a priest from Wells to Glastonbury with dry peas in his shoes as a penance, later spending some time in the 'Cockmoil of prison at Bridgwater' for debt. Another typical example of his honesty is his description of Ann Allwood, a 'girl of no fortune but pride and conceit, and would handle her tongue in the most vile wretched and indecent manner of any other of her sex in the town, and her husband suitable to her in like conditions, from which might be gathered a very unhappy union'.

As well as individuals, Cannon described many events he

witnessed. The Wells Assizes in August 1737 are described, partly due to Cannon's personal involvement, but also because of his interest in the law. One case which involved the debt of a 6 penny loaf attracted legal costs of over £40, which Cannon thought an outrageous act, a fact made worse because 'the plaintiff's witnesses were mostly packed up of scoundrels & bullies with perjured persons who valued not to swear anything for the advantage of the cause'.

For readers of *SDNQ* with an interest in Dorset there are plenty of occasions in Cannon's life which resulted in connections to that county, some of which include: Mr and Mrs John Chapman who had a house at Colliers Piddle and two daughters, who were a Roman Catholic family. John Chapman an attorney and steward to the Arundell family and 'other great persons in Devon and Cornwall'. Cannon ordered printed books from Joshua Cook of Sherborne and knew of John Willis of Orchard, Dorset, who once was a writing master. Thanks to Dennis Bond, M.P. for Corfe Castle, Cannon shared a coach journey and almost found employment through his patronage; Bond's generosity meant Cannon had nothing to pay for during the time the two men were together. There were several men who worked for the Excise in Dorset, such as Stephen Waterhouse who moved to the county after serving in Taunton. Solomon Barber, who worked for the Excise in the Shepton Mallet Division, was described by Cannon as 'very stupid' and later moved to Shaftesbury. Thomas Prust, a supervisor in the Sherborne District, managed to obtain a place in the Wincanton Division enabling Cannon to replace 'one Medlicott having gotten an inflammation in his eyes and was lame by the bite of a dog and so . . . was not capable to act'. Cannon even travelled into Dorset on his way to Salisbury, Wiltshire to negotiate with the creditors of a butcher.

The range of subject matter included in the diary is vast, some of which naturally feature more often than others. Nevertheless the following list, although not exhaustive, will give potential readers an indication of some of the content: Excise work, parochial administration, antiquarianism, visitations, assizes, workhouses, Consistory Court business, preaching, manorial courts, travel, personal relationships,

litigation, lawyers, education, religion, non-conformity, astronomy, books, mathematics, longevity, topography, crime, sport, food, clothing, gambling, medicine and illness.

This is a major source for Somerset's social and economic history alongside the diaries of Holland and Skinner, fortunately expertly researched and edited, whom all those who use this great work owe a huge debt of gratitude. The erudite analysis of Cannon's work, the numerous interconnections between business men and women, poor and gentry alike which stretched all over Somerset and as far as London, are brought into context with the wider events they sat in. Money's understanding of Cannon's world, following decades of research, provide the reader with much clarity, especially over legal and ecclesiastical matters. Cannon himself would have made a tolerable lawyer or, to quote the editor, 'a thundering good divine given the chance'. In fact Cannon had a dream about being 'instituted into holy orders and was ordered to preach a sermon in Lidford church'.

Criticisms of this fine work are minor, the main one being that it is not a complete transcript of all of the 600,000 or so words Cannon record that were of importance to his life. To do so would have meant a third or fourth volume. Personally I would have liked to have seen far more references in the introduction to the sources used for many of the statements. The indexing is unusual as the personal names are split into two sections, but the rest is grouped into subjects which is a great benefit to anyone trying to get to grips with the huge range of subject matter. Unusually for a 'record society' volume I found myself unable to put this text down as there is such variety and many tales of 18th-century life worth reading. I can heartily recommend this work to anyone with an interest in the period.

A.J.W.

NOTES

FIVES IN SOMERSET. In the last issue of *SDNQ* information was sought concerning the sport of fives in Somerset. Some information can be found in Church court records due to the

appeal of churchyards and church walls as locations for those taking part in the sport. For example, at Limington, in 1613, it is recorded how fives was played against the church¹ and Stoke St Mary churchyard was the scene of the sport in 1634.² A case brought before Quarter Sessions in 1633 gives a great deal of detail about the logistics of the game. Two men's misdemeanours were described:

Whereas there hath been of late an idle game used by tossing of a ball against the Chapple walle of Williton in a narrow place there betwixt two glasse windowes whereby the same windowes were much often torren and defaced to the greate dislike of the inhabitants.

This sporting activity was much to the annoyance of the parishioners, and the local landowner, John Wyndham, was involved in dealing with the two men.³

In 1620 an earlier case brought before Quarter Sessions, which involved several inhabitants of East Brent, gives some indication of the type of people involved with the sport. The main character in this case was Richard Dodd, who was accused of frequenting the Red Lion in that village, not attending church and being 'a common player att fives vpon the sabbaoth day in the churcheyarde'. His fellow players included Thomas Vincente, John Baker, John Kingesburye, William Dinghurst and 'manie others'. Dodd was a violent drunkard, who with others dressed up a dog as a priest and put a tobacco pipe in its mouth in defiance of the church.⁴ In 1687 a game at West Bagborough resulted in violence, not due to the result but because Hugh Treble's ball was lost by Thomas St Alban. Treble and John Commons of Combe Florey allegedly assaulted St Alban at West Bagborough fair as St Alban was unable to pay Treble half a penny for the loss.⁵

It was not always those of little standing in their communities who were involved in the sport. Robert Down, an overseer of the poor and bailiff to Sir Abraham Elton, played the sport. However, it cost him his life, as the diarist John Cannon recorded, in 1735, how Down's cause of death was due to the 'immoderate heats and colds suffered during a game of fives'. Cannon also witnessed a game in July 1726 at a revel at West Pennard. That particular match was between Messrs Thomas and Joseph Barber and 'one Haynes' all of West Pennard, against Mr Richard Slade, Cannon's

nephew Thomas Cannon and John Brice who was the master of Cannon's son John. The game involved a wager of one shilling per man in which the team from West Pennard lost. Cannon recorded that the game was '21 up for one shilling each man', presumably meaning that it was the first team to get to 21 points. Games such as this would have provided local 'champions', men who excelled at the sport and were often unbeaten, such as Robert Maynard of Street, who was at one time a pupil of Cannon and a close associate of his nephew, Thomas Cannon.⁶

It was not unusual for the law to be used to prevent fives being played against church towers⁷ and the attraction of the game caused the church officials at Ashwick to act to 'prevent the Young People from spending so much idle time in that sort of exercise' in 1763.⁸ Matters were also taken in hand at Martock in the 1750s, the details of which were published in *SDNQ* in the 1920s. The author also pointed how some church officials were keen to encourage the sport, such as those at Montacute and how evidence existed at church sites at Penselwood, Wincanton, North Brewham, and West Pennard.⁹ Elsewhere in the county walls are recorded at Nether Stowey c.1750,¹⁰ Weston All Saints Bath in 1753,¹¹ Frome in 1759,¹² Bishops Lydeard in the 1780s,¹³ Sidcot School c.1860,¹⁴ and Milborne Port c.1950.¹⁵ There probably are many more references to be unearthed to show the extent of the sport and, from this brief documentary research, fives can be seen to have been a widespread activity across the ancient county of Somerset.

1. Somerset Heritage Centre (S.H.C.), D\D/cd/45.

2. Ibid, D\D/ca/299.

3. Ibid, Q/SR/69/67, quoted in Rev. E.H.B. Harbin, ed., *Quarter Sessions records for the county of Somerset vol. II Charles I, 1625-1639*, SRS 24 (1908), xxvi

4. J.D. Stokes, ed., *Records of early English drama: Somerset*, vol. 1 (1996), 106-8.

5. S.H.C., Q/SR/170/37.

6. Ibid, DD/SAS C/1193/4.

7. Ibid, DD\DP/7/10.

8. Ibid, D\Pashw/4/1/1.

9. G.W. Saunders, 'Fives playing against church towers' in *SDNQ*, 17, 75-7.

10. S.H.C., DD\AH/66/27.

11. Ibid, D\Pw.as/4/1/1.

12. Ibid, DD\X\FRC/3.

13. *SDNQ* 31 part 317 (Mar. 1983), 266.

14. S.H.C., DD\SC/G1393/184.

15. Ibid, DD\XCND/2/2/53.

FIVES. Publication of the note: 'A Sixteenth-Century Fives Ball?' in the September 2014 issue of *SDNQ*, provides an explanation for the curious construction in the churchyard at Huish Champflower, about 3 miles north-west of Wiveliscombe, which I had observed whilst I was copying memorials there in July 2014. In the angle between the north wall of the west tower of the church and the west wall of the north aisle there is a level paved area, about the size of a squash court, with a rim of upright stones, the purpose of which I was mystified by. But Douglas Rice's piece helps to explain its existence as a fives court in rather a good state of preservation, considering it is not likely to have been in regular use since 1754. The only modification which has been made since has been the digging of a trench close to the church walls for drainage purposes. The west tower is believed to have been built in the fifteenth century, whilst the west wall of the north aisle was rebuilt in about 1534. The west window in the north aisle was not inserted in the place where one would normally expect it, but much higher up, presumably to be out of the way of stray balls in the playing of fives.

I would also like to add Milborne Port to the list of Somerset village fives courts, erected by my family in the early nineteenth century. This still exists, although no longer in use for the playing of fives. It is located in a public garden between the main street and the parish church.

SIR MERVYN MEDLYCOTT, BT.

LIST OF WORLD WAR ONE MEMORIAL HALLS IN SOMERSET AND DORSET. A list of village halls that are World War One memorial halls, in the two counties, is being compiled on the *SDNQ* website. If you know of such a hall please send brief details (the name of hall, its location and, if possible, the name of the builder or benefactor and the date it opened) to editors@sdnq.org.uk.

JUDITH FORD

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