

A CHANCERY CASE ILLUSTRATING LIFE  
IN CLARE AT THE END OF THE SIXTEENTH  
CENTURY.

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Chancery Proceedings can be used with profit for economic history; they often throw light on trade, and still oftener on land holding; and some cases are detailed enough to be of special interest for municipal history. The following extracts are taken from the Proceedings of a case between Roger Barrow, churchwarden of Clare, and several Clare inhabitants, in 1598.\*

The complainant, one Roger Barrow of Clare, grocer, had a lengthy tale to tell.

“Aboute sixe yeares last past there was wanting in the markett place . . . of Clare, a convenient howse or markett crosse for such of her maiesties subiectes there abouts inhabiting, as did usuallie resorte unto the markett . . . with corne and grayne there to be sould, whereby aswell themselves as their corne might be sheltered and kepte drie from the rayne, which might and did fall during the said markett . . . ffor the reformation whereof our said orator and divers others of the cheife inhabitauntes

\* Chan. Proc. Series I., Eliz. B5/58. 11 membranes. The writ for examination of defendants (M.3) is dated Feb. 11th, 1597-8.

Writ of subpœna to be served against: William Frier, gent., William Weekes, William Bullocke, William Wright, Nicholas Sharpe, gent. Giles Banbricke, John Russells, Lewes Mortlocke, Robert Hills, John Boyton, Edmund Heyward, Richard Long, William Netherstreate.

A royal writ was later sent to Robert Rust, Ralph Turner, Richard Onyon, and John Tolkerne, gentlemen, who were to arrange for the examination of all the defendants. M3.

of the said Towne did assemble themselves together . . . and in thende it was fully resolved . . . that your orator should take uppon him to provide tymber, tile, workemanshipp and all other thinges necessarie . . . "†

The inhabitants promised that Barrow should be repaid for all costs, and the building was erected within six months. In the meantime Barrow had been made a churchwarden "for and during the whole space of these iiij yeares last past,"‡ and he claimed to have spent money on church repairs.

Later he was requested by the chief inhabitants to take another matter in hand, for

"by reason of the greate inundacyons and oder floweing of waters, iij or iiij greate bridges within the said towne . . . were altogether overturned and carried away with water, soe as her maiesties subiectes were greatly hindered in their passage thereby, and were inforsed untill the newe building thereof to ride three or ffoure miles about . . . and for that the charges in newe buylding . . . would be verie greate, and the said towne of Clare hath of late tyme growen into much povertie and decaye . . . the said inhabitauntes did aboute two yeares last past earnestly request and intreate your lordship's said orator, in their names to exhibite a petition unto the right honourable Sir Thomas Henage, knight, lately deceased, then her maiesties Chauncellor of her honourable courte of the Dutchie of Lancaster, for some allowaunce of money and tymber . . ."‡

Barrow attended upon Henage at London; and in the end he was granted fifty-four loads of timber,

† Ibid. M.2. The MS abbreviations have been extended throughout.

‡ Ibid. M.2.

which are said later to come from the manors of Erbury, Chilton, Hundon and Chipley. §

This was not the end of Barrow's activities, for again at the request of the inhabitants, he took part in a suit which had begun two years earlier, against one Gregory Royston, who was claiming three cottages which time out of mind had been used for almshouses, and a meadow or "hopground" which had provided fuel for the poor.

In all, Barrow claimed to have spent £240 above the ordinary costs; and he was unable to recover his money for the inhabitants had of late been seduced by the sinister practices of two men, William Weekes and Nicholas Sharpe. Barrow asked that a writ of subpoena should be served against Weekes and Sharpe, and against eleven other inhabitants.

The various answers are illuminating, for not only are all Barrow's statements denied; as was usual, but the defendants made some interesting counter-attacks of their own. They nearly all admitted that they contributed towards the new market house; money gifts ranged from 2/10 to 18/-, and some gave wheat or lime—"Yet notwithstandinge the howse is unfinished unto this day"\*; and further it was said that

"Within the towne of Clare was a markett howse, the which might have lasted many a day with a little reparacions, before this complainant intermeddled with the pullingge of the same downe and sellenge the same away." †

§Ibid. M.10.

||cf Duchy of Lanc. Pleadings, Vol. 163, C 8. Inhabitants of the almshouses v. Royston. (Actually only the meadow was the point of dispute).

\*Chan. Proc. Series I., Eliz. B 5/58; M.7.

†Ibid. M.8.

Another complain was that Barrow had been churchwarden for a long period "against all law and equity"; and moreover that

"in the tyme that this complainant hath intrewded himselfe into the dealinge of the towne causes, parte of the said church or chancell is fallen downe . . . and the rest of the said church beginneth soe to decay for want of reparinge." †

The gift of timber from the Queen had thus not been used for the Church; only one bridge was rebuilt and the rest of the wood was given away. One of the defendants, Giles Banbricke, said that

"this complainant tooke upon him to build the baye bridge without the good likinge or advice of this defendant, who told the complainant all the tyme of the buylding of the said bridge that the same was begone to be built to slyghtly and to narrow, whereby the water could have no passage, but the said complainant tooke his owne corse . . . soe that the next flood that came, the said bridge was caried away." §

The final accusation, coming in several answers and most forcibly in that of William Fryar, was that Barrow had taken the town revenues for several years past, and that he had the rental books in his own possession; so that

"the inhabitantes . . . did make a note in writinge, and everye man sett downe therin what he would give out of his owne purse for the recoveringe, . . . that afterwards the revenues and profittes of there towne landes . . . might goo towards the releivinge of there pore people, as allsoe for the buildinge of there decayd church and bridges . . . as usually it had done in former tyme." ||

†Ibid. M.5.

§Ibid. M.9.

||Ibid. M.8.

The result of the case is not given, so that we can only consider the conflicting statements of both sides : but, whatever the result, the case is interesting. First, it throws light on various topographical details. The new market house must be the one which was pulled down about 1839 ; and the mention of a cornmarket emphasises the importance of Clare as an agricultural centre. It is probable that Barrow neglected to finish the market house, and to repair the church ; in 1602 it was stated in a return to the Bishopric of Norwich that the Chancel had been in decay for about a dozen years\* ; and the glass in the East window is evidence that the repairs were not finished much before 1617. It is curious that Barrow speaks of three or four great bridges. In other documents there is mention only of one great bridge, from which it is known that a causeway led directly to the Castle,† and another road led to the Friars' Church.‡ The Cartulary of the Austin Friars mentions a great and a little bridge§ ; but Barrow may have been including footbridges further along the meadows. As for the almshouses they may have been on the south side of the Church.||

Apart from details such as these, the document suggests changes which were taking place during the century. The "burgus" court was still held, but it was becoming merely a formal survival ; in an earlier period the market was entirely in the hands of the lord, and an order for repair of bridges, for instance, would come from the lord through the bailiffs.\*\*

\**The East Anglian. Old Series.* I. p. 370.

†Excheq. Accounts Various. 458/4 m.1. (P.R.O.)

‡Registrum Chartarum Monasterii Heremitarum St. Augustini de Clare. Deed 64 (B.M.) Harl. MS. 4835.

§Ibid deeds 74, 85, etc.

||*Suff. Institute of Archæology, Proc.* II., p. 109, note.

\*\*cf. Court Rolls. (P.R.O.). 203/38. M.6. 203/46. M.6d., etc.

This case suggests that power had come into the hands of the chief inhabitants, sometimes called head-boroughs, †† who apparently formed a small aristocracy, and who could promise money on behalf of the rest of the people. At the same time there was room for individual enterprise. It is probable that Barrow was acting largely in his position as churchwarden, for the church was taking over much of the parish civil government; and during the succeeding century, while the court leets went on dealing with minor business, for important questions it is often necessary to search in the minutes of the church vestry books.\*†

†† *Suff. Institute of Archæology, Proc. II.*, pp. 103—112.

\*† The Clare Church Vestry Book from 1595 deals largely with the Common lands.