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## The Consistory Court of Bristol Diocese

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The creation of the Bristol diocese and the appointment of the first bishop in 1542 were swiftly followed by the establishment of an episcopal court for ecclesiastical causes. From 1542 until 1920 the court sessions were held in the small room at the top of the night stairs of the Augustinian abbey which had become the cathedral. This narrow room, measuring only 11 by 30 feet (3.3 × 9.2 m), was above the eastern range of the abbey cloister and had formerly been part of the dormitory accommodation for the Augustinian canons. Access to the court was through a door at the south-east corner of the south transept. In his history of Bristol first published in 1789, William Barrett included a plan of the cathedral and marked a ‘stair-case to the consistory and register’s office’ leading up from the south transept.<sup>1</sup> The door to this stairway was not easy to find since, following the demolition of the abbey nave at the Reformation, the transept was crowded with pews and a gallery. The stairs leading up to the small court room are badly worn (Fig. 1), and this is often said to have been caused by the feet of the medieval canons descending for their nocturnal services.

In fact, the damage is much more likely to be the result of the passage of the innumerable litigants, suitors, offenders and witnesses who were required to appear before the court. Ecclesiastical jurisdiction touched many aspects of daily life from the proving of wills and disputes over marriage, inheritance and probate to offences such as heresy, sexual immorality, blasphemy, absence from divine service, drunkenness, slander, tithes disputes and clerical misdemeanours. Detailed records of the proceedings of the Bristol consistory court relating to the ‘city and deanery of Bristol’ survive from 1545. These include Cause Books recording the business coming before the court and Cause Papers providing detailed accounts of individual cases, including statements of witnesses, petitions, and sentences and the registration of dissenters’ meeting houses, schoolmasters and midwives.<sup>2</sup> The wide jurisdiction exercised by the consistory court meant that a large number of people were required to attend its regular sessions. To the court came a regular procession of offenders reported by the churchwardens, persons accused of slander or immorality, non-payers of tithes or church rates, dissenters, schoolmasters and midwives requiring certificates and executors seeking probate for wills. Punishments issued by the court included excommunication, fines and public penance.

The court was presided over by the diocesan chancellor who represented the bishop. He sat in the high chair on the dais which is shown in the accompanying illustration (Fig. 2). Unsuccessful litigants could not appeal to the bishop. Although there was a right of appeal on points of law to the Court of Arches in London, it was rarely exercised. Also present, crowded on benches in the small room, were the registrar (sometimes known as the ‘register’) whose clerk recorded the

1. W. Barrett, *History and Antiquities of the City of Bristol* (1789), 292.
2. The Cause Books and Papers are in Bristol Record Office (BRO), EP/J/1/1–EP/J/1/45; EP/J/2/1–EP/J/2/8/3. From 1542 until 1836 Dorset was part of the diocese of Bristol but the records of the archdeacon of Dorset’s court which met at Blandford Forum have not survived.



Fig. 1. The former night stairs of the Augustinian abbey, now badly worn by the feet of those attending the Bristol consistory court. Photograph by Philippa Johnson.

proceedings, advocates or ‘proctors’ who represented litigants, court officials known as ‘apparitors’, as well as those summoned before the court, together with witnesses.<sup>3</sup>

The small room in which the court met was extremely inconvenient, and in 1667 the furniture and fittings of the court were renewed by the registrar, Edward Pownall, whose family had held the office since 1592. The door of the court room, which has recently been recognised as dating from the 12th century and to have been part of the original furnishings of the Augustinian abbey, was altered by having oak panels fixed to its exterior side with the date 1667 marked by nails. Two centuries later the date 1867 was also marked by nails on the face of the door (Fig. 3).<sup>4</sup>

The new furnishings did little to overcome the crowded conditions of the court. On 10 April 1838 S.J. Milford, the deputy chancellor, wrote to the dean, Dr John Lamb, complaining on behalf of the court concerning ‘the very small and inconvenient room which is now allotted for holding its sittings and for the propriety of a larger and more convenient place being provided for that purpose’. He pointed out that there was insufficient room for the proctors, clerks and public, and

3. For details of the complex proceedings of the court, which were mainly conducted in Latin until 1733, see J.S. Purvis, *Introduction to Ecclesiastical Records* (1953), 63–95; Anne Tarver, *Church Court Records* (1995).

4. The evidence for the early origin of the door and a detailed description is given by Joseph Bettey and Hugh Harrison, ‘A Twelfth-Century Door in Bristol Cathedral’, *Trans. BGAS* 122 (2004), 169–71.

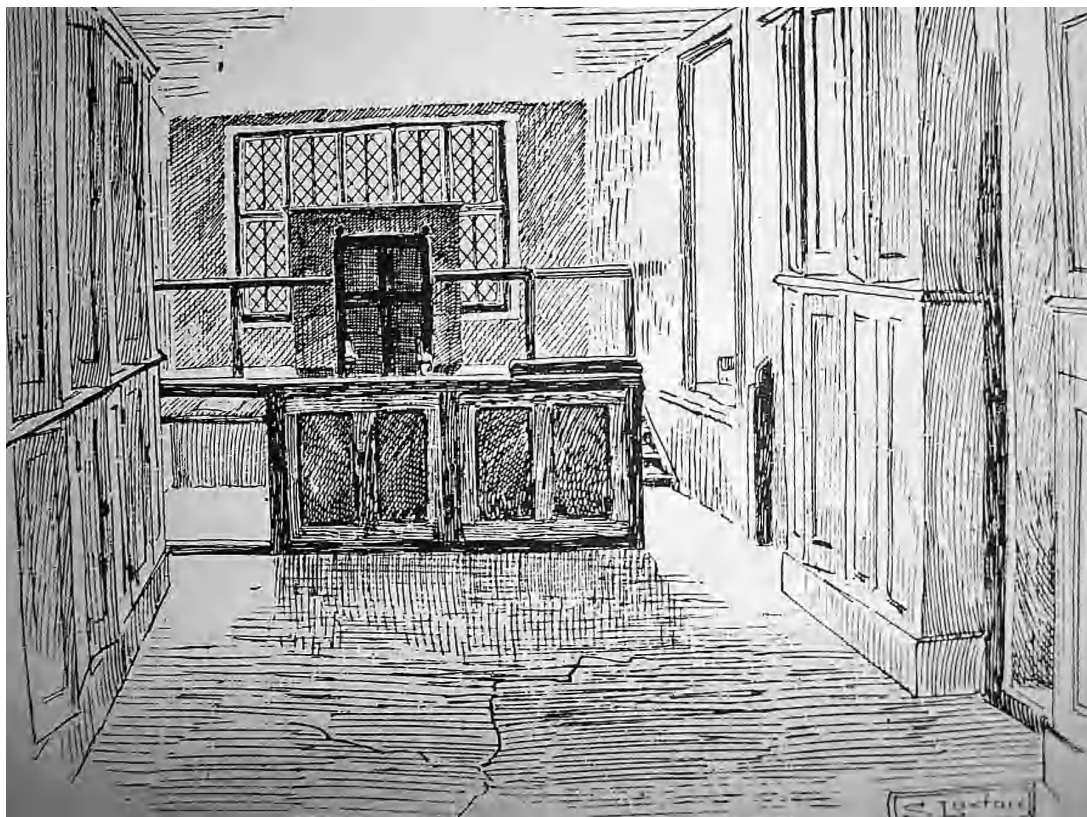


Fig. 2. The consistory court room at Bristol cathedral in 1908: G.F. Stone, *Bristol as it was and as it is* (1909), 198.

that ‘the concealed situation of the court is another reason why it is desirable that it should be removed from its present scite as the public must have considerable difficulty in finding it when called there by business’. He suggested that the court should be allowed to meet in the (Elder) Lady Chapel, which at that time was closed and unused.<sup>5</sup>

His request received a curt refusal, and he was informed that the dean and chapter ‘do not deem it advisable to make any alteration in the present court’; the chapter added that ‘they would particularly object to the use of the Lady Chapel or any part of the cathedral for the purpose proposed’.<sup>6</sup> The consistory court for the diocese of Gloucester was much more conveniently situated within a railed space at the west end of the south aisle of its cathedral. In his long article on the Gloucester court published posthumously in 1924 Frank Step Hockaday described the court and its business and noted that ‘At Bristol the old court room with its benches, desk and table, is still in existence, opening out of the south aisle, and a very gloomy place it is’.<sup>7</sup>

5. BRO, DC/A/6/11.

6. Ibid. DC/A/8/5: chapter minutes 1831–41, letter of 23 June 1838.

7. F.S. Hockaday, ‘The Consistory Court of the Diocese of Gloucester’, *Trans. BGAS* 46 (1924), 195–287. Further information about the Gloucester court is provided by F.D. Price, *The Commission for Ecclesiastical Causes within the Dioceses of Bristol and Gloucester, 1574* (BGAS Records Section X, 1972).



Fig. 3. The door leading to the consistory court dates from soon after the foundation of the abbey in 1140. The cladding was affixed to the door and the date 1667 marked with nails at the top of it when the court room was refurbished by the registrar, Edward Pownall. Photograph by Philippa Johnson.

During the 19th century the business of the court declined as more and more of its functions were taken over by the civil courts. It continued to meet in the cathedral until 1920 when it was transferred to a spacious room in the new Diocesan Church House, which was established in the former Queen's Hotel on the corner of Queen's Road and Queen's Avenue, Clifton.<sup>8</sup> The building had been used for military purposes during the Great War and was then acquired by Samuel White, the brother of Sir George White, founder of Bristol Tramways Company and Bristol Aeroplane Company. Samuel White was a director of his brother's companies and a generous donor to many local charitable causes. He retained ownership of the building and assumed responsibility for fitting it out and maintaining it. Clearly, he could not be expected to shoulder this financial burden indefinitely and after some four years it became apparent that the premises were beyond the diocese's means and its use was discontinued.<sup>9</sup> White died on 29 November 1928 and the building, then known as Beacon House, was sold by auction on 20 March 1930.

With the removal of the court from the cathedral a 'Renovation Committee' was appointed by the dean and chapter to oversee major alterations in the former cloisters and 'to rebuild the range of ancient monks' dormitories' as vestries and a practice room for the choir.<sup>10</sup> Plans were drawn up by the architect, Rowland Paul, which included lowering the cloister floor by 9 inches, installing a new heating system, moving some graves into the cathedral churchyard and placing the Anglo-Saxon stone carving of the 'Harrowing of Hell' in the south transept. In January 1923 the offer of £6,000 from Sir George Wills to pay for the proposed work was gratefully accepted. The alterations transformed the appearance of the eastern range of the former cloister.<sup>11</sup>

#### *Acknowledgement*

The authors are grateful to Philippa Johnson for taking the photographs of the night stairs and the court room door.

8. *Bristol Evening News*, 13 October 1920; *Bristol Observer*, 16 October 1920.

9. *Bristol Times & Mirror*, 25 October 1924.

10. BRO, DC/A/8/10: chapter minutes 2 October 1922.

11. *Ibid.* chapter minutes 1 January, 23 May 1923.