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WITHIN THE DIOCESES
OF BRISTOL AND
GLOUCESTER, 1574

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BRISTOL AND GLOUCESTERSHIRE ARCHAEOLOGICAL SOCIETY

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BRISTOL AND GLOUCESTERSHIRE
ARCHAEOLOGICAL SOCIETY

Records Section

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- Vol. 10. The Commission for Ecclesiastical Causes within the Dioceses of Bristol and Gloucester 1574, edited by F. D. Price.

FOREWORD

EIGHT of the ten volumes so far published by the Records Section of the Bristol and Gloucestershire Archaeological Society have been produced under the terms of a legacy left to the Society by the late Alfred Bruce Robinson, and in accordance with Mr. Robinson's wishes they were primarily concerned with parish records. As the Society is anxious to include in the Record Society's publications additional volumes dealing with the county as a whole, it has made available from its own resources a certain amount of money to be used for this purpose. Miss Esther Moir's study of *Local Government in Gloucestershire 1775-1800*, published in 1969, was the first of these additional volumes, and it is now followed by Mr. Price's edition of the records of the Commission for Ecclesiastical Causes in the Dioceses of Bristol and Gloucestershire, 1574.

Mr. F. D. Price has been a Fellow and Tutor in Modern History at Keble College, Oxford, since 1949. He is a Fellow of the Society of Antiquaries and of the Royal Historical Society. In 1944-5, he was Head of the Historical Section, General Staff, at S.H.A.E.F. He has worked on the Gloucester diocesan archives since 1936 and has published articles on the working of the ecclesiastical courts of the diocese in the *English Historical Review*, the *Church Quarterly Review* and the Society's *Transactions*. He is at present editing the Elizabethan volume in the *English Historical Documents* series under the general editorship of Professor D. C. Douglas.

Future publications in this series will include a Miscellany of records relating to ecclesiastical affairs, an edition of William Worcester's Itinerary of Bristol, and a survey of the parish records relating to non-conformity.

PATRICK MCGRATH
Hon. General Editor

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INTRODUCTION

The "Special Comysson for Ecclesiasticall Causes within the dioceses of Bristoll and Gloucester" was established by royal letters patent issued at Gorhambury on 21 July 1574,¹ on the eve of a visit to Gloucester by Queen Elizabeth.² The Commission's act book, now volume xxxv of the Gloucester Diocesan Records, deposited in Gloucester City Library,³ shows that the formal inaugural session was held on 14 August, and the first business session three days later. The volume then provides what appears to be a virtually complete record of the Commission's acts until October 1576, several sessions held in October 1577, and a series of entries mainly concerned with a particular clerical offender between November 1581 and June 1582. There are also a memorandum note dated 28 August 1581 and four pages of depositions in a case of 1574. The volume has been restored and rebound in recent years, and is now in a good state of preservation apart from worn edges and damp staining on the inner side of some of the leaves.

It is evident that the commissioners continued to function regularly after October 1576 and that the courts recorded for the following October were not isolated ones. Reference is made in the acts then to previous unrecorded sessions,⁴ and on 29 October cases were adjourned to a "next court" of which there are no entries. Again in the interval between the acts of 1577 and those of 1581-2 we find the commissioners reporting in 1579 to the Privy Council on their dealings with certain conventicles discovered in the diocese,⁵ and there are also references to their

¹ The letters patent (*infra*, pp. 44-7) are entered in the Register of the Council in the Marches of Wales, now in the Bodleian Library, Oxford (Bodleian MS. 904, ff. 91-3). The summary of their contents given in *A Calendar of the Register of the Queen's Majesty's Council in the Dominion and Principality of Wales and the Marches of the Same (1535), 1569-1591*, ed. R. Flenley (1916), pp. 120-1, is inaccurate in several points.

² The Huntley-Arnold riot, which took place on 10 August, was said to be on the day of the queen's departure from Gloucester (*p. 171*). All references by page only, and in italics, are to the MS. pages of vol. xxxv of the Gloucester Diocesan Records (given in italics in the printed text).

³ An account of this volume was published by the present editor in *Transactions of the Bristol and Gloucestershire Archaeological Society*, lix (1937), pp. 61-184. Since then much valuable work on similar local ecclesiastical commissions, and particularly on that at York (1561-1641), has been done by Dr. Philip Tyler. *Vide P. Tyler*, "The significance of the Ecclesiastical Commission at York," *Northern History*, ii, pp. 36-9, and the Introduction to his edition of R. G. Usher, *The Rise and Fall of the High Commission* (1968).

⁴ *E.g. Office v. Smith (p. 147)*.

⁵ *Acts of the Privy Council*, ed. Dasent, xi, pp. 37, 74, 76-7.

activities in the Consistory Court act books in these periods.⁶

It seems in fact that the Commission continued to operate until at least the end of Elizabeth's reign. A loose sheet formerly inserted in G.D.R. xxxv recorded that charges had been brought against one John Bird by "her majesties commissioners for causes ecclesiastical within the dioceses of Gloucester and Bristol" on 26 June 1595,⁷ and reference of cases to and fro between the Commission and the Consistory Court is noted on a number of occasions in the act books of the latter jurisdiction until at least 1602.⁸

The Task of the Commission.

The Gloucester Commission was established under the prerogative powers of the Crown as an instrument to counter the threats to ecclesiastical authority in the diocese that had developed by the fifteen-seventies. That authority had been growing rapidly weaker in the face of mounting secular challenges, and its ability to resist these challenges was vitiated by the corruption endemic among the diocesan officials. The Commission's function was not to supersede the traditional authority exercised by the bishop through his Consistory Court, but to supplement it and to reinforce its powers by the use of weapons other than those available to the ecclesiastical jurisdiction. Its relationship to the Consistory Court was thus analogous to that borne by the Star Chamber and provincial secular prerogative courts, such as that of Wales and the Marches, towards the common law courts.

For the origins of the weakness of the church courts one has to look back to the later Middle Ages. Their disciplinary powers, in the enforcement of the ecclesiastical and moral laws, had obviously a greater secular as well as spiritual justification in a feudal society where the emphasis was placed above all on the need to maintain the integrity of the local "community". Only by subordinating himself to the community could the individual hope to survive, and the maintenance of a moral discipline was essential to the preservation and well-being of the community. In the fourteenth and fifteenth centuries, however, feudalism began to crumble under the influence of changing economic circumstances, and the beginnings of a capitalist society emerged. Though in some measure disguised in the form of "bastard feudalism", the effect of this growing capitalism was to breed a new individualism which inevitably came into conflict with the institutions surviving from an earlier social order, questioning the concepts of authority upon which the jurisdictions exercised by those institutions rested. The church courts were particularly the objects of this hostility because they claimed the right to probe more deeply and intimately into men's private lives than did any secular jurisdiction. The lay courts were concerned with the individual's relations with his government and his fellow men; but the ecclesiastical courts dealt also with the in-

⁶ *E.g.* Office v. Newle, November 1576 (G.D.R. xl—unpaginated—Forest deanery, Newent presentments); Office v. Maulden, 25 November 1577, and Office v. Sheyle, 21 January 1578/9 (G.D.R. xliii, ff. 11, 72).

⁷ This loose sheet is now no longer in G.D.R. xxxv. *Vide Trans. B.G.A.S.*, lix (1937), p. 64.

⁸ *E.g.* Office v. Griffith, 17 April 1583 (G.D.R. li—unpaginated); Office v. Churchwardens of South Cerney, 15 January 1591/2 (G.D.R. lxviii, f. 109); Office v. Wolles, 29 April 1595 (G.D.R. lxxvi, f. 279); Office v. Remington, 23 September 1602 (G.D.R. xc, f. 243).

dividual's relations with his God. The most intimate details of his private life were not to be hidden from them; and to discover these the Church not only employed a visitatorial system by which every parish was required periodically to present its errant members for correction but also used its own agents, the apparitors or summoners, as a *police des moeurs* as they moved about the countryside. The Reformation, when it came in the sixteenth century, did nothing to change this system or to render it less odious. From Canterbury downwards the church courts in England remained as they had been, enforcing the traditional canon laws by the same methods and with the same penalties as before the break with Rome. And the tide of resentment against them continued to rise until the crisis came in the reign of Elizabeth I.

With the growing weakness of the courts there developed corruption, which in turn served further to undermine their reputation and hence their authority. This evil stemmed from the fact that the judges and the subordinate officials of the courts depended for their livelihood, not upon fixed salaries, but upon the fees which they were entitled to exact from those who appeared before them. When, therefore, more and more offenders proved contumacious and refused to appear to answer charges brought against them, there was inevitably a temptation to compensate for the loss of fees by corrupt dealing with those upon whom the courts could lay their hands. The means for such corruption were most frequently found in the practice of commuting penances for money payments—money ostensibly to be devoted to the relief of the poor or other 'pious uses', but easily diverted into the pockets of the officials.

The rapid acceleration in the processes of decline from the middle years of the sixteenth century can clearly be traced in the act books of the Gloucester Consistory. Though the evils had been temporarily checked under the vigorous personal administration of Bishop John Hooper (1551-3),⁹ the weak rule of Bishop Richard Cheyney (1562-79) saw a period of unprecedented decadence. Whereas under Hooper in 1551-2 approximately only 1 out of every 10 defendants cited failed to appear before the Consistory Court, by 1561 the proportion was approximately 1 in 2. By 1569-70, 2 out of every 3 proved contumacious; in 1577, 5 out of every 7. Individual sessions of the court provide yet more striking evidence of the extent to which its authority was flouted: in 1574, for example, there were 34 absences in 37 cases on 31 March, 18 out of 19 on 19 May, 20 out of 24 on 7 July, and 30 out of 31 on 1 December.¹⁰ By such default the disciplinary process was completely blocked, for without the personal appearance of the defendant (or his proxy if an adequate excuse was advanced) no action could be taken other than to suspend or excommunicate him for his contumacy. This was a disability which ever-increasing numbers of offenders were prepared to accept rather than yield to formal discipline. Those whose offence lay in conscientious refusal to accept the Anglican settlement of religion naturally saw virtue in defying the censures of

⁹ F. D. Price, "Gloucester Diocese under Bishop Hooper, 1551-3", *Trans. B.G.A.S.*, lx (1938), pp. 51-151.

¹⁰ F. D. Price, "The Abuses of Excommunication and the Decline of Ecclesiastical Discipline under Queen Elizabeth", *English Historical Review*, lviii (1942), pp. 106-15.

the Anglican courts, while those cited for breaches of the moral laws (the vast majority of the defendants) would generally be of a type little likely to be perturbed by the refusal of the sacraments.

In theory the church court judges could enlist the aid of the temporal power in bringing obstinate excommunicates to heel. If a person refused to submit and seek absolution within forty days of being denounced as excommunicate in his parish church, a *significavit* might be issued against him. By this the judge signified the contempt to Chancery, which then issued a writ *de excommunicato capiendo*, ordering the sheriff to imprison the offender until he should submit. But this process was very rarely employed in "office" (*i.e.* disciplinary) cases, for financial reasons: the cost of the writ would have to be found by the judge out of his funds derived from fees, and it might well exceed the maximum sum that could be extracted from the ordinary village drunkard or fornicator.¹¹

As the years of Cheyney's episcopate saw the Consistory Court's effective authority decline to a point of near collapse, so also they saw a marked increase in the resort to corrupt practices. In sharp contrast to the conduct of affairs in Hooper's time, the commutation of penance for monetary payments became increasingly common, and the evidence of the act books suggests that this was sometimes used as a device to conceal what in fact was bribery during the chancellorship of Richard Grene (1571-6). The extent to which such could be the case was, however, only fully revealed when Chancellor Thomas Powell (1566-71 and 1576-9) was brought to trial before the High Commission in 1579.¹² In evidence, the registrar and his deputy showed that "by veve and serch of the registry of Gloucester they have founde that within these ij or iij yeares there hath bine iijC or iiijC persons presented to D(ector) Powell for incest, adultery, fornicacion and such like, of which number not above xiiij persons of such as have confessed their faultes or fayled in their purgacion have done open penaunce, and not past xiiij or xvj such persons that have had their penaunce orderlie and uncorruptlie commuted into money, and not one of them commuted with the bushoppes consent ..." Forty-four witnesses gave "examples of some of those horrible incestes, adulteries, fornicacions, etc., above rehersed, lawfullie presented unto Do. Powell and by him dismissed without correction, and of his brybes for the same". Other charges against Powell were that was himself guilty of fornication, adultery and rape; that he was a drunkard and blasphemous swearer; that he embezzled fines due to the Royal Commission; that he committed riot in the cathedral precincts; that he was perjured; that he refused justice and reviled litigants; and that he was "not able to direct the spirituall court, specialle in thafter none".

Such was the state of the administration of Gloucester diocese with which the royal commissioners nominated in 1574 were called upon

¹¹ In "instance" or "office promoted" cases of party v. party, on the other hand, the cost of the writ had to be met by the plaintiff, and in some cases (*e.g.* suits for recovery of tithe) the process might be financially worthwhile.

¹² The case against Powell is in State Papers Domestic, Elizabeth, cxlvi, 19, 82. *Vide* F. D. Price, "An Elizabethan Church Official—Thomas Powell, Chancellor of Gloucester Diocese", *Church Quarterly Review*, cxxviii (1939), pp. 94-112.

to deal.¹³ That, as will be seen, they were not wholly successful in restoring discipline is hardly matter for surprise. The condition of the administration they came to reinforce was such as to arouse the hatred and contempt of saints and sinners alike: of the saints because the authorities were so manifestly failing to fulfil their primary duty of arresting the decline of morality in the increasingly "permissive" society of the age; of the sinners because, whatever the authorities' weaknesses, they yet continued—apparently for purposes of private gain—to maintain their inquisitorial claims of a right to pry into men's private lives and impose penalties upon them for their moral lapses. The wonder is that, operating in so hostile an environment, the commissioners were able to achieve as much as they did.

The Jurisdiction and Powers of the Commission.

Though the Commission is stated both in the letters patent and in the act book to be for Bristol and Gloucester dioceses, both of which were under Bishop Cheyney, the cases recorded in the act book are all of Gloucestershire origin, just as were those before the Consistory Court (the diocese being coterminous with the shire). Moreover, the only member of the Commission (apart from the bishop) directly connected with Bristol was the mayor of that city, who, though named in the patent, does not once appear in the acts.¹⁴

Like the Consistory, the Commission had no jurisdiction outside the boundaries of the dioceses, and cases were dropped when it was reported that the defendants had fled elsewhere.¹⁵ This was a matter in which the commissioners lacked the means to remedy one of the chief defects of the regular episcopal jurisdiction. The case against two men who relieved a messenger of the court of his papers in Dorset is the only one in which the defendants came from outside Gloucester diocese, and this is a very obscure affair.¹⁶ Possibly the matter was heard at Gloucester by arrangement with the Dorset authorities.¹⁷

The purpose and powers of the Commission are detailed in the letters patent.¹⁸ After naming the members, the document relates the need for the better enforcement of the Acts of Supremacy and Uniformity of 1559 upon which the ecclesiastical settlement was founded, since

¹³ It should be borne in mind, however, that the condition of the temporal authority in Gloucestershire was also by no means satisfactory at this time. On 16 December 1575 the Council of the Marches complained of the prevalent disorders: "such beringe and bolstringe, such indirect practises to shadow the trooth and hinder justice, is scarce used amongst the barbarous people as presently, by comon report, within the countye of Gloucester; the over moche lenitie, tolleraunce and beringe with their defaultes from tyme to tyme bredeth this want of consideracion". (Bodleian MS. 904, f. 122v). Cf. Penry Williams, *The Council in the Marches of Wales under Elizabeth I* (1958), pp. 33-4.

¹⁴ The only reference in the acts to the commissioners' Bristol jurisdiction is in the case of a supposed clergyman who was inhibited from exercising ecclesiastical functions in that diocese as well as Gloucester. (*Office v. Greise*, pp. 165-6.)

¹⁵ *Office v. Ryley*, p. 14; *Office v. Percyvall*, p. 129.

¹⁶ *Office v. Dunsforde and Simondes*, pp. 109, 110, 112.

¹⁷ Cf. *Office v. Greise* (pp. 161-3), in which witnesses were examined on behalf of the Gloucester Commission by "thofficial of Doctor Sprinte" in Salisbury diocese.

¹⁸ Printed *infra*, pp. 44-7.

"diverse sedicious, disobedient and sclauderous persons do not cesse dayly to envent and sett furthe faulse rumors, tales and sedicious sclauders" against the settlement, provoking strife and divisions among the people by their propaganda. The commissioners were to detect such offenders and to investigate all "hereticall opynions, sclauderous wordes and sainges, contempners and dispisers of good orders and lawes . . . , sedicious bookes, contempnes, conspiracies, faulse rumors, tales, sedicions, mysbehaviors published, invented or sett furthe". Furthermore, the commissioners were to deal with all "enormyties, disturbances and mysbehaviors done and comytted in any churche or chappell, or against any devyne service or the mynister or mynisters of the same"; to punish those who absented themselves from church, contrary to the Act of Uniformity; and generally (quoting the Act of Supremacy) "to reforme, redresse, correct, order and amend . . . all such errors, herises, schismes, abuses, offences, contempnes and enormyties spirituall and ecclesiasticall whatsoever, which by spirituall or ecclesiasticall power, auctoritie or jurisdiction can or may be lawfully reformed, ordred, redressed, corrected, restrayned or amended, by censures ecclesiasticall or otherwise,¹⁹ to the pleasure of almightie God, thencrese of vertue and the preservacion of the peace and unitie of this our realme". Similarly, in supplementation of the Consistory Court's jurisdiction, they were empowered to hear and determine "all notorious and manyfest adulteries, fornicators and ecclesiasticall crymes and offences" within the diocese, according to their "wisdomes, consciences and discrecions".

Though primarily offences against canon law, these were also matters involving social order in general, and it was natural for the government to use so convenient an instrument as the Commission for the punishment of secular disturbers of the peace. The members were therefore to "enquire of, trye and serche out all masterles men, quarrelers, vagrant and suspect persons within our said cities of Gloucester and Brystoll and tenne myles compas aboutes the same cytties, and all assaultes, affraies, blodshedes and mysdemaners done and comytted within the same cytties and compas aforesaid".

It will be seen that the commissioners were thus endowed with a very comprehensive jurisdiction, and the act book shows with how wide a range of offences they in fact dealt.²⁰ As we shall see, the determining factor which underlay their decision to take any case into their cognizance is usually to be found in the failure of the episcopal court, armed only with spiritual sanctions, to deal effectively with it. The commissioners stepped in when the chancellor in the Consistory Court gave up: and it was for this reason that they were empowered by their patent to use the secular weapons of imprisoning, imposing fines and taking bonds to secure obedience to their orders. Not only did they have the ecclesiastical judge's power to require defendants and witnesses to undergo examination on oath, but they could compel attendance at their sessions and obedience to their orders on pain of imprisonment during pleasure, and could require any offender or suspected person to enter bond for his observance of their orders "in such

¹⁹ It is evident from the act book that this was not deemed to extend to the power of imposing the spiritual disabilities of excommunication and suspension.

²⁰ A summary of the subjects recorded in G.D.R. xxxv as coming under their consideration is given in Appendix B.

... sommes of money as ... shalbe thought mete and convenient". Finally, to those found guilty, they could "order and awarde such punysshment and correction ... by fyne, ympresonment or otherwise ... as to your wisdoms and discrecions ... shalbe thought mete and convenient".

In the exercise of these secular powers the commissioners were authorised by their patent to command the assistance of the temporal as well as ecclesiastical officers of the state. To enable them the better to use all necessary "pollytique waies" of fulfilling their tasks, the Crown instructed all "justices of peace, maiors, sheriffes, bayliffes, constables and other our officers, mynisters and faythfull subjectes to be aydinge, helpinge and assistinge" the commissioners, "as they will tender our displeasure and will answer to the contrary at their uttermost perilles".

It was the ability to employ these secular penalties and these temporal agents that essentially distinguished the Commission from the Consistory Court. The fine, the whip and the prison were brought in to reinforce an authority whose power merely to curse was no longer enough to secure obedience. With the hawds, fornicators and adulterers, as will be seen, these methods had some measure of success. With those whose resistance to the established church sprang from motives of religious conviction it was another matter.

The Members of the Commission.

As in other Tudor councils and commissions acting as instruments of royal prerogative government, the members of the Gloucester Commission appointed by the letters patent of 1574 can be seen as falling into two main groups. Firstly there was what may be described as the professional element, the men who constituted the hard core of regular working members handling all the routine business. Secondly there were those chosen by reason of their rank and social influence, whose function was to attend as and when the seriousness of the business demanded, to add weight and authority to the proceedings—men who, in Tudor phraseology, had the requisite "port" to overawe persons who might be inclined to show scant respect for the more professional judges.

The professional element among the commissioners originally named in 1574 was represented by Bishop Cheyney, Chancellor Grene, the two prebendaries, Thomas Perry and John Angell, and (alone among the laymen) Richard Pate or Pates, the Recorder of Gloucester.²¹ The Archdeacon of Gloucester, George Savage, should probably also be included in this group, though his duties about the diocese would not have permitted him to attend the sessions as regularly as the others. Thomas Powell sat regularly after April 1576 when he succeeded Grene as chancellor. All these men were normally resident in or near Gloucester.

Of the dignitaries named in the letters patent, the Earls of Warwick and of Leicester and Sir Henry Sydney never appear in the act book as attending any of the Commission's sessions: Warwick and Leicester were included in the Commission solely by virtue of their being privy councillors, Sydney by virtue of being president of the Council of the

²¹ He was also the chief link between the Commission and the Council of the Marches, on which he sat regularly (Bodleian MS. 904, ff. 191 *seqq.*). He was described as "an ancient sober gent ... of good wealth and living". (Penry Williams, *op. cit.*, pp. 274-5). Further information on Pate and his family is given in A. L. Browne, "Richard Pates, M.P. for Gloucester", *Trans. B.G.A.S.*, lvi (1934), pp. 201-25.

Marches within the jurisdiction of which Gloucestershire lay. The Mayor of Bristol likewise does not figure in the acts, nor does Henry Lord Berkeley. Giles, Lord Chandos (Lord Lieutenant of the county), Sir Giles Poole, Sir Nicholas Pointz, Richard Berkeley, Richard Baynham, John Tracy and Henry Poole, however, were all men of influence in the county, available to serve when circumstances made their attendance desirable. Lawrence Humphrey, Dean of Gloucester, and successive Mayors of Gloucester (Richard Cugley, James Morse and Thomas Smith) likewise were available when required.²²

Most of the lay dignitaries had a vested interest in the reformation settlement which made them useful and reliable as commissioners when needed in 1574, and their involvement in church matters had given them the necessary experience for the work.²³ It was common for the Privy Council to use such men for special work relating to the Church apart from their responsibilities as members of the Commission.²⁴

On the one hand these men were bound in loyalty to the Crown through dependence upon its patronage, and on the other they exercised still a quasi-feudal influence within their localities; and it was this that made them so valuable in reinforcing the authority of the more professional commissioners. This is clearly illustrated by the sessions which they attended, for—apart from Richard Pate—they sat only when cases of peculiar importance were on the agenda. Thus the riot case of Arnold and Huntley, themselves both local gentry, drew a very full bench of judges in order to ensure that the offenders would have a proper respect for the court. When this case reached a vital stage on 4 November 1574, it was heard before Lord Chandos, Sir Giles Poole and Sir John Tracy (as he was now styled), as well as the bishop, the chancellor and Prebendary Angell. On that day, when this matter had been disposed of, the three ecclesiastics continued to sit and deal with less important matters while the three laymen left the court.²⁵ Other cases of significance likewise attracted the attention of the chief lay commissioners: for instance, that of Thomas Taylor, rector of Minchinhampton and North Cerney, for failure to subscribe to the Articles of Religion, on 23 June 1575, when Lord Chandos, Sir Giles Poole, Henry Poole and Richard Pate attended to support the chancellor, the archdeacon and Prebendary Perry, and on the following 27 October when Lord Chandos, Sir Richard Berkeley and Sir John Tracy were present.²⁶

This reinforcement work of the lay magnates on the Commission is seen, too, in their orders for defendants to appear at general sessions

²² *Vide* Appendix A. Among the lay members of the Commission, only Pate was a member of the Council of the Marches (appointed in 1560) during the period covered by the commissioners' act book. Of the others, Lord Chandos and Sir Richard Berkeley became members of the council in 1590, Sir Henry Poole in 1594. (Penry Williams, *op. cit.*, Appendix iv).

²³ Pate, for instance, had speculated in chantry lands (*Gloucester Corporation Records*, ed. Stevenson, 1243, 1245), farmed benefices (G.D.R. xlv, ff. 41^v-42^v), and sat with Bishop Hooper on a royal commission concerning church goods (G.D.R. vi, 75).

²⁴ *E.g.* in 1569-70 Chandos and the justices had been required to report the names of those in the county who refused to accept the Act of Uniformity, with their reasons (S.P.Dom. Eliz., lxvi, 12).

²⁵ *pp.* 31, 33.

²⁶ *pp.* 79, 97.

of the court. Thus Sir Nicholas Pointz, Sir Richard Berkeley and Chancellor Grenc, meeting at Chipping Sodbury on 30 September 1574, gave order for a case concerning rights of burial at Alveston to be heard at Gloucester; and this was done (before Tracy, Berkeley, Perry, Angell and the chancellor) on 5 October.²⁷ More striking was an order for Thomas Taylor's appearance to hear sentence which was made by Chandos, Giles Poole and Tracy at the former's house—in effect, a committal for trial by a trio of justices.²⁸

The influence of men as great as Chandos enabled them to exercise some control over the actions of the other commissioners without being actually present at their sessions. In the case of *Office v. Hodges* on 19 May 1575, for instance, the four ecclesiastical judges sitting in court would not cancel the defendant's bond, though he had appeared in accordance with its provisions, "without my L. Chandos were made pryvy thereof, because that yt is thought by him that the same bande ys forfayted to the quenes majesties use"; and so a letter was sent to explain matters "and therein to know his honors pleasure".²⁹ In the case of the unlicensed preacher, Thomas Greise, Chandos took action on his own account when he heard that Greise's license was a forged one, and "sent for the saide Greise to thend he might punishe him, but he the saide Greise escaped".³⁰

Again, the significance of the particular local influence of individual lay commissioners is apparent in certain cases. That against John Bentley of Gloucester was adjourned on 29 October 1577 until Richard Pate should attend court; when William Drewett, a puritan of St. Nicholas parish in the city, was to be tried, the Mayor of Gloucester sat in commission; and at the general session of 13 January 1574/5 Sir Richard Berkeley joined the three ecclesiastical judges for one case only among those on the agenda—the Alveston burial rights dispute, coming from his own part of the county.³¹

Of the ecclesiastical members of the Commission, all were men of administrative and judicial experience. Chancellors Grene and Powell were of course the regular judges successively in the Consistory Court. George Savage, the archdeacon, was useful for his local knowledge of the diocese, he held the degree of LL.B., and he acted first as a surrogate for the archbishop's commissioners conducting the metropolitanical visitation of 1576 and then himself became one of them.³² Thomas Perry and John Angell were both men well acquainted with the exercise of the ecclesiastical jurisdiction, especially the former. Their value is seen in the regularity of their attendance at sessions of the Commission, Angell during 1574 and Perry through the period covered by the act book.³³ Perry was of a decidedly protestant mind in matters of religion,³⁴ but he was primarily a lawyer and administrator. After

²⁷ pp. 15, 17.

²⁸ p. 110.

²⁹ p. 72.

³⁰ pp. 161-3. Chandos had a reputation for arrogance (Perry Williams, *op. cit.*, p. 61).

³¹ pp. 158, 111, 50.

³² G.D.R. xxxviii, 64, 186.

³³ *Vide* Appendix A.

³⁴ Cf. his correspondence with John Foxe, the martyrologist (Harleian MS. 416, f. 100, printed in *Narratives of the Days of the Reformation*, ed. Nichols, Camden Society, lxxvii (1859), pp. 87-8).

receiving his prebend in 1572,³⁵ he acted as a regular surrogate of the chancellor in the Consistory Court and subsequently of the archbishop's visitors in 1576-7. Angell was likewise a surrogate in both these courts.

However corrupt the holder of the office might be, the chancellor was an indispensable member of a tribunal such as the Commission, the work and procedure of which were so closely related to those of his own court. The letters patent explicitly stated that he was a commissioner *ex officio*.³⁶ Powell's first appearance among the commissioners was on the same day (19 April 1576) as that on which he first sat in the Consistory Court on succeeding Grene;³⁷ but the latter also continued thereafter to act as a commissioner, though his attendances became less regular than when he had held an official post.

The regularity of the chancellor's presence at the Commission's sessions would make it appear that (in the absence of the bishop) he acted as chairman, primarily responsible for the formal steps taken. Thus the sentence in Thomas Taylor's case was promulgated by Chancellor Grene "with the consent of the other commissioners";³⁸ and Thomas Smythe of Tetbury was ordered to appear before the chancellor at "every generall courte daie by him to be holden touchinge the saide matter", this being explained as meaning the commissioners' court.³⁹ Powell was on the bench at every session recorded during his period of office; Grene at every general session but one while he was chancellor, and then his superior the bishop sat.⁴⁰

On those occasions when the ecclesiastical members only attended, the sessions of the Commission must have appeared superficially to be like those of the Consistory Court. Cases of the type familiar in the Consistory would be heard by the same men who would preside over that court. But here they were bound by none of the procedural rules of the Consistory, and here they had at their disposal the secular weapons so conspicuously unavailable to the regular ecclesiastical jurisdiction. The nature of the Commission's work, of reinforcing the tottering authority of the church court proper, is in no respect better illustrated than in this circumstance. At the same time it demonstrates the characteristic technique by which Tudor governments sought to achieve an administrative revolution while destroying so little of the external aspects of the traditional machinery.

The Staff of the Commission.

Just as the Commission included among its ecclesiastical members men who were judges in the Consistory Court, so it relied heavily upon the inferior staff of that court for assistance in the conduct of its business. In fact the only officers of the Commission whose duties seem to have lain exclusively to it were its registrar and its chief messenger.

Philip Morgan was appointed to the post of registrar by the letters patent in 1574; and the same document provided that he should be

³⁵ G.D.R. ib, 27.

³⁶ *Vide infra*, p. 44.

³⁷ p. 119; G.D.R. xxxvii, f. 136. He had earlier held office as chancellor from January 1565/6 to January 1570/1.

³⁸ pp. 113-4.

³⁹ pp. 123-4, 128.

⁴⁰ pp. 67-9. Bishop Cheyney's 26 appearances in the Commission Court contrast with his very rare ones in the Consistory, where the chancellor was left in complete control.

paid "suche reasonable allowance . . . as heretofore in other places of our realme other registers for the tyme beinge have usually had", out of the "fynes and other profites" arising from the Commission's business.⁴¹ Of Morgan's previous career we know nothing, and his entries in the records reveal little of the man—unless perhaps his scornful reporting of the puritan cases indicates the orthodoxy of his religious attitude.⁴² He attended the commissioners' sessions regularly until early 1576, but was absent from 9 February until 4 August in that year. He then returned, and acted again at the few sessions recorded in October 1577; but by June 1582 he had been replaced in office by Robert Say.⁴³

A number of deputies acted as scribes in Morgan's absence, but none of these appears to have had any responsibility beyond that of merely recording the acts, since the case of one Hodges on 14 April 1575 had to be adjourned because "by reason of the registers absence the depositions of the witnesses could not be had to be perused".⁴⁴ These deputies—John Hetherington, William Meredith, John Jones and Tobias Samford (or Sanforde)—were all Consistory Court officials. The first three had been scribes of the acts as well as proctors in that court, and Jones became registrar at the beginning of the 1580s. Samford was also a proctor in the Consistory Court and had acted as surrogate for the chancellor on occasion.⁴⁵

As a number of party v. party cases before the commissioners were conducted by the plenary procedure used in the instance or office promoted jurisdiction of the Consistory, it was natural that the men who practised as proctors in the latter should also be employed in the same capacity in the Commission Court. Most of the regular Consistory advocates appear thus in the Commission act book: Hugh Evans, John Laurence, William Meredith, Tobias Samford, William Rosingrove or Rosingrave and Robert Awfield.

In the earlier stages of the Commission's work it seems that Richard Mascall was the body's chief messenger.⁴⁶ He appeared as a "special messenger" at the court's first business session on 27 August 1574,⁴⁷ and reported action taken on behalf of the commissioners subsequently. On 7 January 1575/6, however, Thomas Kempe appeared as "the messenger of this courte" in the case of *Office v. Baron*,⁴⁸ and the frequency of his appearances thereafter leaves no doubt that he had become the commissioners' chief officer. Neither Mascall nor Kempe figures in the Consistory records of the period.

As in the case of the registrar, the work of the Commission's own messenger was on occasion supplemented by the use of apparitors attached to the Consistory, such as John Pillinger, John Lewys, Botley, Robert Draper and David Williams. There are also references in the act book to the employment as messengers of men who had no formal

⁴¹ *Vide infra*, p. 46.

⁴² *E.g.* in *Office v. Whittinge* (*pp.* 59-60).

⁴³ *p.* 166.

⁴⁴ *p.* 67.

⁴⁵ G.D.R. xxxi, 465-72; xxxiii, 283-4.

⁴⁶ The term "messenger" or "officer" is usually employed in G.D.R. xxxv. though his functions were essentially the same as those of the diocesan apparitors or summoners.

⁴⁷ *Office v. Taylor* (*p.* 4). In *Office v. Ryley* (*p.* 26), however, service of a summons was said to have been made by a Henry Mascall.

⁴⁸ *p.* 108.

connection with the diocesan jurisdiction.⁴⁹ Probably the Commission followed the Consistory practice of sometimes making use of local persons to perform apparitor's duties. In party v. party cases it was not unusual for the responsibility of citing the defendant to be put upon the plaintiff.

The diocesan apparitors, including some of those used by the commissioners, were notorious for their corruption.⁵⁰ There is no reference to this in G.D.R. xxxv; but Kempe was in several instances charged with neglect of duty in respect of taking bonds for defendants' appearances.⁵¹ His was, however, a thankless and sometimes dangerous task. Not only had the messenger to cite offenders, but if they proved contumacious he had to arrest them. He had also to conduct penances,⁵² and to escort those convicted or remanded in custody to their punishment or to gaol.⁵³ Sometimes it seems that Kempe kept the prisoners in his own home, for in the case of the puritan Drewett on 26 March 1576 he was told to keep the defendant in safe custody *or* to take him to the castle until he would enter bond;⁵⁴ and when Thomas Smythe failed to appear on the following 10 May Kempe confessed that he was with him, and he was ordered to produce him on pain of a 40s. fine.⁵⁵ Again, in Sampson's case on 14 October 1577 the defendant was committed to the custody of Robert Draper, an apparitor, pending bond, and there was no mention of his going to any prison.⁵⁶ The dangers entailed in the execution of these duties are seen in the episode of the escape from Kempe's custody of Edward Hall, near Berkeley, when the prisoner's rescuers were "like to have slayne" the messenger.⁵⁷

The Commission and the Consistory Court.

As one would expect in view of the primary purpose for which the Gloucester Commission was established, an examination of its act book reveals that many, though not all, of the cases before it had their origin in the local Consistory Court. Such cases were transferred to the Commission from the Consistory for three main reasons: (a) their magnitude or importance; (b) the Consistory's inability to secure the defendants' appearance before it; (c) its inability to obtain obedience to orders given or performance of penalties imposed.

(a) Most prominent in the first respect were cases of refusal to accept the religious settlement, especially by the puritans. The nature of these cases is discussed below,⁵⁸ and it is only necessary here to point out that the members of the Cirencester sect who occupied so much of the commissioners' time had been appearing before the diocesan authorities for many years without success on the latter's part. Warnings they ignored and excommunication meant nothing to them, and it was this powerlessness of the regular tribunal which led to the sectaries'

⁴⁹ E.g. Robert Millton in *Office v. Taylor* (p. 43); Giles Robertes in *Office v. Batt* (p. 53); John Butler in *Office v. Dowle* (p. 87).

⁵⁰ *Vide* F. D. Price, "Elizabethan Apparitors in the Diocese of Gloucester", *Church Quar. Rev.*, cxxxiv (1942), pp. 37-55.

⁵¹ E.g. *Office v. Arden and Haynes* (p. 121).

⁵² E.g. *Office v. Hurst* (p. 12).

⁵³ E.g. *Office v. Grenewaic* (p. 102); *Office v. Drewett* (p. 111).

⁵⁴ p. 117.

⁵⁵ pp. 123-4.

⁵⁶ pp. 155-6.

⁵⁷ pp. 131, 134.

⁵⁸ *Infra*, pp. 35-42.

eventual appearance before the commissioners.

This reference of the more serious doctrinal cases to the Commission seems to have become the established practice, both for romanists and puritans. The offences of the clergy were likewise frequently taken before the commissioners in view of their social significance.⁵⁹ The leniency shown towards them by the Consistory being little short of amazing: deprivation from benefices or suspension from serving were sometimes ordered for failure to comply with the religious settlement, but never for inefficiency or evil life.⁶⁰

Another category of cases which came to the commissioners' cognizance by virtue of their importance were those in which, apart from the offence itself, a threat to public order seemed to be involved. Such cases were those against Arden and Haynes for destroying a church pew with "yron barres, pickaxes and such other lyke tooles . . . to the great disturbance of the parishe";⁶¹ against Smythe and Mabbett for assaulting the rector of Nympsfield;⁶² and against Alice Barnefield and her daughters, who alleged that they absented themselves from church because they were "in daynger of their lives and every daye thretened to be hurte by their adversaries, beinge in controversie of lawe".⁶³

(b) The Commission act book affords many instances of the use by that body of its secular powers to secure the appearance of offenders who had defied the spiritual sanctions of the Consistory. Typical were the cases of William Davis of Dymock who, having proved obstinate though excommunicated by the chancellor, was ordered by the commissioners to be arrested and kept in custody;⁶⁴ and of William Perkyms of Pauntley who was called before the commissioners and dismissed only when it was certified that he had submitted to the episcopal court and been absolved from the sentence of excommunication under which he had previously lain.⁶⁵ John Lovett of Little Dean, who was excommunicated in the Consistory for his contumacious absence on 17 March 1573/4, was brought before the commissioners on 16 September 1574, and when he again absented himself when due to appear on 21 October his arrest was promptly ordered.⁶⁶ The divorce case of Batt v. Batt *alias* Sheppard, in which the defendant was reported in the Consistory as having already lain excommunicate for forty days, was similarly referred to the Commission and she duly appeared before it.⁶⁷

A further illustration of the Commission's work and authority in this respect is provided by the memorandum note dated 28 August 1581 recording that one Mr. Huntley alleged that his brother's wife lived incontinently and so he wished for a divorce: he asked the commis-

⁵⁹ *Infra*, pp. 30-4.

⁶⁰ E.g. Richard Savager, curate of Elmore, found guilty of fornication, had his penance commuted on 5 November 1578 to annual payments of 6s. 8d. to the poor box for three years (G.D.R. xliii, f. 60). But in the charges against Chancellor Powell in 1579 this was stated to have been in fact a bribe of 20s. given to Powell himself (F. D. Price, *op. cit.*, *Church Quar. Rev.*, cxxviii, p. 110).

⁶¹ p. 109.

⁶² p. 120.

⁶³ pp. 36-7.

⁶⁴ p. 51.

⁶⁵ p. 104.

⁶⁶ G.D.R. xxxi, 131; pp. 14, 26.

⁶⁷ G.D.R. xxxvi (unpaginated); p. 108.

sioners to have her attached since "she is a fugitive and ecclesiasticall lawes canne take noe holde of her", and this application was granted.⁶⁸

(c) Most complete is the evidence afforded by the act book of the commissioners' use of their powers to compel offenders to undergo punishments ordered in the Consistory Court but then contumaciously evaded.

The readiness of the Consistory to enlist the aid of the Commission is seen in the number of such cases referred by it to the latter.⁶⁹ Thus John Tymber of Newland, accused before the Consistory of selling food in service time, was sent to the commissioners because he proved "very disobedient".⁷⁰ Thomas Worthe of Horsley, who had managed to prolong a case against him for adultery since 20 January 1573/4 by denying the charges, absenting himself from court, and finally refusing to perform the penance ordered, was put under bond by the commissioners on 27 August 1574 and punished by a fine of 40s. on 7 October. He submitted to, and was absolved in, the Consistory on the next day.⁷¹

The commissioners usually found that (except where matters of religious faith were involved) their powers to take bonds and imprison were adequate to enforce obedience upon those who had proved the most hardened offenders before the Consistory. Sometimes the bond alone was enough: thus Henry Taylor, rector of English Bicknor, whose appearance the Consistory had been trying in vain to secure since the preceding March, was made to enter bond of £40 on 16 September 1574 that he would obey the bishop's order to avoid the company of his servant;⁷² while on the same day Humphrey Combic of Kemerton entered bond that he would perform a penance given him by the chancellor on 17 March.⁷³

More often, however, a threat or taste of imprisonment was required. Griffith ap Thomas of Tewkesbury, whom the Consistory had failed to punish, was monished to enter bond of £40 to abide by the sentence passed upon him by the chancellor, to pay such expenses as he was condemned in, and to appear before the bishop or chancellor whenever required: otherwise he was to go to prison until he would show himself more amenable to discipline.⁷⁴ John Harrys of Weston was committed to the keeping of one John ap Thomas, there to remain until he should enter bond "that he shall appeere before his Ordinary at all tymes by him to be appoynted, and that he shall obey all lawfull commaundementes and suche lawfull order as shalbe by his saide Ordinarie taken with him . . .". Five days' experience of ap Thomas's hospitality sufficed to induce him to accept these conditions.⁷⁵

If, as sometimes happened, offenders attempted to ignore the Commission as they did the Consistory they were soon taught a lesson. Thomas Woodford of Alderton, for instance, was sent to gaol on 13

⁶⁸ p. 143.

⁶⁹ The risk of jealousy arising between the two jurisdictions was of course minimized by the fact that the bishop and chancellor, the heads of the Consistory, were also members of the Commission.

⁷⁰ G.D.R. xxxvii, f. 56.

⁷¹ G.D.R. xxxi, 102, 286; pp. 8-9, 19.

⁷² p. 11; G.D.R. xxxi, 124 seqq.

⁷³ p. 13; G.D.R. xxxi, 136.

⁷⁴ p. 92.

⁷⁵ pp. 87, 89.

January 1574/5 "for his contempt in disobeyinge proces out of this court", after which he had to appear with sufficient sureties to be bound in £40 "to do suche penaunce as are (*sic*) alreedye enjoyned him by the chancellor". Where the chancellor had failed the commissioners succeeded, for at the next general court Woodford's father reported performance of the penance, whereupon the bonds were cancelled.⁷⁶

Such was the commissioners' authority, indeed, that mere warning from them, without the necessity for bond or imprisonment, was sometimes sufficient. Christopher Nelme of Flaxley was ordered to do penance by the chancellor in the Consistory Court on 25 January 1575/6, but was excommunicated for non-performance on 8 February. He eventually certified obedience to the order on 30 August 1576, and the reason for his submission then is to be found in the commissioners' act book: he had been called before them on 4 August and ordered to "do suche penaunce as was enjoyned him to do by Mr. Grene then chauncellor in such places as by the regesters boke under him may appere".⁷⁷

Of course the commissioners were not invariably successful, and one finds some cases such as that of Thomas Prickett of Twynning, an incontinence offender concerning whom the parish presented on 9 July 1575 that "the matter haithen ben before Mr. Chauncellor heretofore and noe reformation had": in September-October of the preceding year the commissioners had tried in vain to arrest him.⁷⁸

Another aspect of the Commission's corrective relationship with the Consistory Court is shown in the case of William Eyland of Frocester, in which the commissioners deliberately overruled the action of the regular court when they annulled a purgation made there. Alice Dreyton, promoting the commissioners' office, declared that Eyland had had carnal knowledge of her "notwithstandinge the doinge of his purgacion", and alleged that he had admitted this before witnesses. After debating the matter and "heringe what both parties coulede saie", the commissioners ordered the case to be re-opened before the chancellor, when Dreyton should prove her assertions.⁷⁹

Incidentally, the ingenious Chancellor Powell seems to have found in this transference of cases between Consistory and Commission yet another cloak for his unjust dealing, pretending to refer matters to the Commission when in reality he was allowing charges to drop in return for a bribe. John Naylor of Coleford was stated in the Consistory acts to have been sent before the commissioners on 19 June 1577; but in the case against Powell in 1579 we find that "John Nayler . . . deponit that he confessed his adultery and that he was dismissed by D.P. without penaunce enjoyned him for viii".⁸⁰

Despite their superior powers, however, the commissioners showed no desire to trespass unnecessarily on the legitimate ground of the Consistory Court. Normally they seem to have been content with enforcing obedience before the latter without a re-trial by themselves, unless the importance or difficulty of the matter made this desirable. Defen-

⁷⁶ pp. 49-50. The penance had been ordered on 18 September 1574, and Woodford had been excommunicated on 6 October (G.D.R. xxxi, 267, 279).

⁷⁷ pp. 140, 142; G.D.R. xxxvii, ff. 99^v-100, 109.

⁷⁸ pp. 12, 20; G.D.R. xxxi, 532.

⁷⁹ p. 82. Eyland's unsatisfactory compurgation was in April 1575 (G.D.R. xxxi, 464, 473-4).

⁸⁰ G.D.R. xxxvii, f. 167^v; F. D. Price, *op. cit.*, *Church Quar. Rev.*, cxxviii, pp. 107-8.

dants could be brought before the commissioners to be frightened into a submissive frame of mind, and then the actual decision would be referred to the chancellor sitting in the Consistory. Thus the case against Thomas Taylor, rector of North Cerney, for making an illegal lease was sent back to the Consistory Court for decision after being "ventilated" before the commissioners.⁸¹ In Eyland's case, above mentioned, the defendant after confessing before the commissioners was ordered penance in the Consistory,⁸² and the defendant in *Mayles v. Cloughe* on 23 April 1577 was said to be "remissus a commissariis regiis".⁸³

Sometimes cases which had been brought before the Commission in the first instance were found to be such as were more suitable for Consistory action and were referred accordingly. John Curteys of Haresfield, having denied a charge of bawdry, was ordered to be heard in the Consistory;⁸⁴ while two evil-living women, Alice Newman and Agnes Hickes, were likewise sent to the chancellor for punishment when they confessed.⁸⁵ The reluctance to trespass on the regular jurisdiction in cases of a routine nature is seen also in that against Thomas Hayle of Westbury, who showed an act to prove that the matter was depending before the chancellor, and it was therefore dropped by the commissioners, "to be ordered there as yt ys begon".⁸⁶

When on 15 May 1576 the episcopal jurisdiction was suspended for Archbishop Grindal's metropolitanical visitation,⁸⁷ and the archiepiscopal commissioners took over the diocesan administration until 25 February 1576/7,⁸⁸ the royal commissioners' relations with them were the same as with the Consistory Court since the jurisdiction remained unchanged though exercised by different judges. Thus in the case of John Persons on 17 May 1576 the commissioners took bond for his appearance before the chancellor or "any other that shall use the jurisdiction of the diocese of Gloucester"; and he accordingly came before the visitors on 22 June.⁸⁹

The Commission and the Local Authorities.

The commissioners' act book gives ample evidence of the use made of the powers granted to them in their patent to employ the agents of temporal as well as ecclesiastical government.

On the ecclesiastical side, their principal local agents were of course the parochial churchwardens, whose relationship to the Commission was essentially the same as to the Consistory: they were expected, not only to look after the churches, but also to maintain moral discipline in their parishes, to present offenders for correction, and to execute such orders as might be given to them. So in the commissioners' acts we find the wardens being summoned for failure to keep their churches

⁸¹ G.D.R. xxxvi (unpaginated)—28 June 1575.

⁸² G.D.R. xxxi, 519.

⁸³ G.D.R. xxxvi (unpaginated).

⁸⁴ p. 40.

⁸⁵ p. 155.

⁸⁶ p. 130.

⁸⁷ G.D.R. xxxvii, f. 147.

⁸⁸ Lambeth Reg. Grindal, f. 110^v. The instance jurisdiction then at once reverted to the Consistory Court, but office cases arising from the visitation presentments that were still unsettled continued to be dealt with by the archbishop's commissioners and their surrogates.

⁸⁹ p. 126; G.D.R. xxxviii, 12.

in repair,⁹⁰ ordered to make accurate presentments against offenders,⁹¹ required to investigate alleged defamation and to report,⁹² and to certify performance of penances locally.⁹³

Sometimes both temporal and ecclesiastical local officials were used in conjunction by the commissioners, as when the "churchwardens, constables and ij other of the substantiall inhabitants" of Cirencester were ordered to try to make the puritan Elizabeth Whittinge bring her child to baptism.⁹⁴ Another combination of the two elements was used in the case of the unlicensed preacher Thomas Greise in 1581, when a warrant was issued to the constable and the curate of Stroud to cooperate in a search for unlawful books.⁹⁵

Orders to the temporal authorities alone are very prominent in the Commission's acts, for they were employed in the many commitments to prison involved in the cases before the court, and they were used also to carry out punishments involving physical chastisement. To the sheriffs and higher officers was sometimes delegated the task of conducting examinations and other minor actions on the commissioners' behalf. Thus Joan (or Jane) Pryde of Moreton Valence was ordered to be released "yf the saide Jane doe appeere before the sheriffes of Gloucester and the regester of this courte at the Towlsey after dinner this daie at three of the clock, and doe submitt her selfe and be conformable in matters of religion".⁹⁶ In the case of William Drewett and his wife, the mayor and sheriffs of Gloucester with the "hedd men" of St. Nicholas parish were instructed to examine the defendants, to commit them, and to take their child to be baptized.⁹⁷ The employment of the city sheriffs to carry out a punishment ordered by the commissioners is seen in the order for Thomas Grenewaie to be sent to them to be put in the pillory and whipped at a cart's tail.⁹⁸

The most frequent use of the temporal officers, however, was for the arrest of defendants whose appearance could not otherwise be secured. The usual process was for "letters of attachment" to be sent to the constables of the defendant's parish, with orders for his apprehension and detention in custody until he should enter bond for his appearance in court. In the case of John Hawlinge the warrant for attachment was issued to the parishioners as a whole.⁹⁹ If a defendant had fled, as apparently was the case with John Davis of Dymock, it had to be addressed to "all officers".¹ Where the man to be arrested was a person of some local standing, like William Huntley, who might well scorn to heed a mere village constable, "the justices of peace and all other the quenes majesties officers and faithfull subjectes" were bidden to apprehend him;² and in the case of the men who rescued Edward Hall of Berkeley from the charge of the court's messenger (apparently

⁹⁰ Office v. Churchwardens of Newland (p. 11).

⁹¹ Office v. Chambers (pp. 54, 58).

⁹² Office v. Williams (pp. 13, 21).

⁹³ Office v. Twynninge and Horwood (p. 120).

⁹⁴ pp. 45-6, 48.

⁹⁵ pp. 164-5.

⁹⁶ p. 94.

⁹⁷ p. 110.

⁹⁸ p. 102.

⁹⁹ p. 52.

¹ p. 51.

² p. 18.

within sight of the constables) the attachment was "directed to the maior, baylies etc. (of *Berkeley*) to attache every of them on paine of Cⁱⁱ to appeer the next courte after their apprehension".³

As with the ecclesiastical messengers and apparitors, these temporal agents of the Commission sometimes lapsed in the performance of their duties. The constable of Newnham was himself ordered to be attached for failing to take bond of Agnes Conwey as required by the court;⁴ so too was the constable of Broad Campden when he failed to appear in court with Edmund Ryley whom he had been ordered to apprehend.⁵ And on 21 October 1581 the constables of Newent were cited to answer a charge of contempt of court when they had let go one Richard Corser, "a supposed minister being apprehended".⁶

Finally, the temporal officers were used for the custody in prison of those committed by the court. Usually the messenger escorted the prisoners to the gaol and there handed them over to the keeper, who then became responsible for their production on demand. Thus on 1 March 1575/6 the keeper of Gloucester castle was ordered to bring to court the prisoners for religion in his custody.⁷ Sometimes the committal order was directed to the sheriff (as the gaol-keeper's superior),⁸ or to the "serjeant".⁹

The Commission and the Central Authorities.

The Gloucester Commission was an instrument of the prerogative authority of the Crown, exercising that authority by delegated powers in an area where the breakdown of the more formal jurisdiction of the Church (and to some extent of the State) made the establishment of such a body necessary. Its responsibilities towards the central government lay therefore through the instruments of prerogative rule there, the Privy Council and its offshoots, the Star Chamber and the High Commission.

Intermediate between the central government and the Gloucester Commission stood the Council of the Marches, but this body figures surprisingly little in the Commission's records and nothing was said of its powers in relation to the Commission in the latter's letters patent. Though the commissioners adjourned a case when the defendant was due to appear before the Marches body on the same day as before themselves,¹⁰ there is no evidence to suggest that the Council exercised any continuous control over, or interfered regularly with, the proceedings of the Gloucester court.¹¹

Clearly the Gloucester commissioners saw their real masters in the Privy Council. Yet the extent to which that body controlled and limited

³ p. 131.

⁴ p. 100.

⁵ p. 26.

⁶ *Office v. Turbill*, p. 160.

⁷ p. 114.

⁸ *Office v. Batt*, p. 64.

⁹ *Office v. Skynner*, p. 154.

¹⁰ *Office v. Vaughan*, p. 107. The Council of the Marches seems rarely also to have interfered with the Gloucester Consistory, though it did occasionally claim rights of supervision over such courts. (C. A. J. Skeel, *The Council in the Marches of Wales* (1904), pp. 122-6).

¹¹ On the ecclesiastical jurisdiction exercised by the Council of the Marches, *vide* Penry Williams, *op. cit.*, pp. 85-105.

their actions was not as great as has sometimes been supposed.¹² The Council seems generally to have left the commissioners to get on with their work in their own way, intervening only when the latter found that their authority, despite the powers of taking bonds and imprisoning, was still insufficient to secure obedience to their orders. This was so in two particular types of case that came before them: they were not strong enough to crush the puritan conscience or, in some instances, adequately to overawe the greater men with whom they had to deal. Accordingly it was in these two matters only that the Privy Council actively intervened.

The Privy Council interest in the cases involving puritanism is discussed below.¹³ The need for its help in disciplining influential local figures is revealed in the case that came before the commissioners concerning the feud between Richard Arnold and William Huntley which led to the riot in Gloucester on 10 August 1574: a matter which occupied the commissioners' attention from 11 September until the following June. The case is unique amongst those recorded in the act book in that there was nothing "religious" about it to justify action by an "ecclesiastical" authority; but it will be remembered that the letters patent specifically empowered the commissioners to deal with "assaultes, affraies, blodshedes and mysdemaners" committed within ten miles of Gloucester. Whereas, therefore, in most of its work the Commission was acting as a local High Commission, here we see it rather as a local Star Chamber, serving like that body as an instrument to punish "routs and riots" and to "bridle such stout noblemen or gentlemen which would offer wrong by force to any manner men".¹⁴ The evidence reveals the extent to which "maintenance" still prevailed as a characteristic feature of Tudor society.¹⁵ The consequent danger of private quarrels escalating into something approaching local civil war was what made the Star Chamber jurisdiction still necessary and still generally acceptable until its alleged misuse by the Crown in the period of Charles I's personal government.

Huntley at first adopted delaying tactics when the case came before the commissioners, and when at last the time came for decision the presence of Lord Chandos, Sir Giles Poole and Sir John Tracy on the bench, as well as the bishop, chancellor and Prebendary Angell, testifies to the need for the county magistrates to overawe these arrogant, quarrelsome gentry. Huntley was not only found to be the prime offender in the original brawl, but had since made a "newe affraye upon Mr. John a Morgan, an ould gentleman, notwithstandinge he was before bounde to the peace", and had committed "other disorders".¹⁶

The authority of the commissioners even when the greater lay members sat was, however, evidently insufficient to secure Huntley's obedience, and so the Privy Council had to take a hand. On 20 March 1574/5

¹² Cf. R. G. Usher, *op. cit.*, pp. 48-50: "Whatever their patents said, they (*the local commissions*) were not allowed to undertake anything besides ecclesiastical routine without explicit orders."

¹³ *Infra*, pp. 37-40.

¹⁴ Sir Thomas Smith, *The Commonwealth of England* (ed. 1589), Bk. iii, chap. 4.

¹⁵ Cf. the commissioners' requirement on 11 September 1574 that not only the principal parties but all their "familic, servauntes, adherens and kins-folkes" should keep the peace. (pp. 5, 6).

¹⁶ p. 32.

Huntley appeared before the Council at Richmond in response to their commands, and he was compelled to enter bond of £100 to perform the orders given by "the Buisshoppe of Gloucester, Lord Chandos, Sir Gyles Pole and the rest of the commissioners for causes ecclesiasticall, who had the examination of all matters apperteyninge to the said fray". On the next day the Council wrote to the commissioners that they had taken bond for Huntley's good behaviour, "and incase he shold accomplishe the condicion of the saide bande . . . , then might they, as so directed from their lordships, give order to the sheriffes of Gloucester to restore unto him his bandes for his apparaunce here, and to discharge him of that matter onles they sawe some greater cause to the contrarye".¹⁷

Evidently the Council intervention achieved its object. On 5 April 1575 Huntley duly submitted to the commissioners, and on 14 April he was himself rebound by them in £100, with a yeoman of Minsterworth and a saltpetre maker of Gloucester as his sureties in £50 each. This, however, was only pending the next court, when he appeared before four ecclesiastical members of the Commission and reminded them of the fact. They seem to have been afraid to act on their own responsibility in the matter and wrote to Chandos and Tracy "to knowe their pleasures therein". The case was concluded on 23 June when all parties were finally released from their bonds.¹⁸ Apparently Huntley had learnt his lesson.

There is again no evidence in the act book to suggest that the Gloucester Commission was subject to active interference, still less constant supervision, by the High Commission in London.¹⁹ The most that one can say is that the Gloucester court normally accepted the superiority of the London commissioners' jurisdiction. Thus Evan Williams was dismissed by the Gloucester court on 10 March 1574/5 "because the matter alleged against him . . . is yet undetermined in the commissioners court at London".²⁰ In the case against Baldwin Johnson, vicar of Lower Guiting, on 27 October 1575 we find the Gloucester commissioners acting as local agents of the central authority, ordering the defendant to answer "certain articles which were sent to them from the high commissioners at London".²¹

The Procedure of the Commission Court.

From the outset, the royal commissioners constituted a definite court, and not merely a haphazard body which met only at irregular intervals as special matters might arise; and that it was intended to be a permanent body is evident from the letters patent appointing the bishops, chancellors and mayors as *ex officio* members. It was the practice of

¹⁷ *Acts of the Privy Council*, viii, pp. 356-8.

¹⁸ *ibid.* pp. 70, 75, 81, 83.

¹⁹ When Dr. R. G. Usher wrote in 1913 that the "usage of contemporaries . . . assigned special and diocesan commissioners a very subordinate place indeed", he was unaware of the existence of any act book of such a commission of the Elizabethan period (*op. cit.*, p. 284). It may be noted that the Gloucester body was sometimes styled a "High" Commission (*Office v. Harris*, p. 89).

²⁰ *ibid.* p. 62. But a plea by Thomas Taylor's proctor that his case should be remitted to the London commissioners, because charges against his client had been preferred before them, apparently failed, the case proceeding at Gloucester. The proctor was evidently playing for time, knowing Taylor to be guilty (*ibid.* p. 85).

²¹ *ibid.* p. 98.

the commissioners to meet regularly for what were termed "general sessions", but these were supplemented at need by special meetings to deal with particular matters. To distinguish the general sessions from those of the Consistory Court (though the dates might coincide) these were sometimes styled "commission days".

It was usual for the general sessions to be held between the hours of 9 and 11 a.m.,²² but the amount of business to be transacted often prolonged the hearing of cases into the afternoon or later.²³ The length of the session on 10 March 1574/5 was such that William Mercers failed in his purgation because his compurgators, having waited until "almost night", then went home, "supposing that that daye the matter would not have bin called".²⁴

The subsidiary sessions were not necessarily inferior in authority or importance to the general ones. Though sometimes held merely for the purpose of summoning witnesses,²⁵ arranging for the trial of offences at a future date,²⁶ taking bond from offenders or committing them to prison pending a formal hearing,²⁷ they were also occasions on which cases of unusual urgency or importance could be argued at length, such as those involving the questioning of puritans.²⁸ The significance of some such sessions is reflected in the number and quality of the commissioners who attended them.

The usual place for the holding of the general sessions was in the "consistory place" at the west end of the south aisle of Gloucester cathedral, though one such court was held in Wotton under Edge church and two in Painswick church.²⁹ Clearly the location was determined simply by the dictates of convenience. The sessions at Painswick were no doubt for the bishop's benefit since he had a house there,³⁰ and so too were the meetings at his other residence, the Vineyard, in the suburbs of Gloucester.³¹ Likewise a minor session at Sapperton on 15 February 1574/5 was probably for the convenience of Sir Giles Poole and Richard Baynham who sat with the chancellor.³² The case of *Office v. Walker and Plummer* on 29 March 1576 seems, on the other hand, to have been held at Tewkesbury more for the convenience of the large number of witnesses from that place who had to be examined than for that of the commissioners;³³ and an Alveston case was given a preliminary hearing at Chipping Sodbury.³⁴ When the Mayor of Gloucester sat

²² Cf. The heading of the acts of 22 December 1574 (*p.* 46). Defendants were frequently ordered to present themselves between these hours (*e.g.* in *Office v. Taylor and others*, *pp.* 46-7).

²³ On 7 January 1575/6 morning and afternoon sessions were held (*pp.* 107, 109); and on 11 October 1577, when there were twenty cases on the agenda. the session had to be continued between 2 and 3 p.m. (*pp.* 147-54).

²⁴ *pp.* 62, 73.

²⁵ *E.g.* 14 September 1574 (*p.* 7).

²⁶ *E.g.* 30 September 1574 (*p.* 17).

²⁷ *E.g.* 14 April 1575 (*p.* 70).

²⁸ *E.g.* *Office v. Drewett* (*pp.* 110-1, 116-7).

²⁹ *pp.* 95-9, 103-5.

³⁰ Apart from the courts held in the church, there were minor sessions at "Le Lodge", Painswick, on two occasions (*pp.* 66, 110). The bishop was present at all but one of these Painswick meetings.

³¹ *pp.* 45-6, 119. The bishop was present on both occasions.

³² *p.* 56. The Poole family had a house at Sapperton.

³³ *p.* 118.

³⁴ *p.* 17.

with Recorder Pate and Prebendary Perry on 30 December 1581 the court was held at "Le Toulsey" in the city.³⁵

Occasionally minor actions were taken in various locations on what appears to have been the spur of the moment. Just as Consistory Court defendants sometimes stopped the chancellor as he was walking in the cathedral precincts or went to his house to obtain absolution, so offenders before the Commission sometimes submitted and were bound over out of the formal courts.³⁶ Humphrey Combie of Kemerton appeared to certify performance of penance within the cathedral precincts, "curia finita", on 16 September 1574.³⁷ Sessions were also at times adjourned to private houses for outstanding matters to be settled or for witnesses to be sworn.³⁸ A special meeting of the commissioners to bind over William Huntley and his sureties was held in the choir of the cathedral, "in quo divina celebrantur".³⁹

The letters patent had fixed the quorum necessary for the conduct of the Commission's business at three members. Hence on 9 February 1575/6, when only Pate and Perry appeared and "Mr. Grene the chauncelor wolde not come to the courte", so that "there lacked a sufficient number of commissioners by reason of his absence", no formal action could be taken in any of the six cases on the agenda.⁴⁰ On the other hand, subsidiary action could apparently be taken without a quorum. Pate and Perry alone dealt with the preliminary steps and heard the mass of evidence in the case of Thomas Greise in 1581-2, but when a definitive sentence was passed upon him a third commissioner had to be present.⁴¹ Also when Greise was remanded in custody only Pate and Perry were actually in court, but they acted "by the consent of Mr. Smith maior beinge absent".⁴² A single commissioner could receive bonds (as distinct from ordering them to be given),⁴³ or issue warning letters.⁴⁴ Possibly such warnings were often given, though being in a sense unofficial they were not entered in the formal court record.⁴⁵

The procedure followed by the commissioners in the trial of cases before them was largely based on that of the Consistory Court; but they were not bound to this, and whenever it seemed desirable to proceed otherwise they availed themselves of the power granted in their patent to use "all suche pollytique meanes and waies ... as ... shalbe thought most expedient and necessary". Accordingly the ordinary ecclesiastical court methods were only employed so long as they were conducive to settling the business on hand: if a more rapid process,

³⁵ pp. 165-6.

³⁶ E.g. Edward Arden, who appeared "in the cloyster at Gloucester" (p. 121); William Sampson, who was released on bond at Powell's house (p. 159).

³⁷ p. 14.

³⁸ pp. 7, 15, 103, 105, 151-4.

³⁹ p. 70.

⁴⁰ p. 112.

⁴¹ pp. 159-66.

⁴² p. 165.

⁴³ Office v. Harrys (p. 89); Office v. Turbill (p. 160).

⁴⁴ In Office v. Bentley, before the Consistory Court on 27 July 1575, it was stated that Perry (as "one of the commissioners") had sent a letter to the curate of Maisemore in which he "wished reformation" of alleged disorders in the services there (G.D.R. xxxvii, ff. 16^v-17^v).

⁴⁵ The defendant in Office v. Whitson, before the Consistory Court on 9 November 1575, was said to have been warned by the commissioners (G.D.R. xxxvii, f. 56^v), though there is no record of this in the Commission act book.

or a more effective method of discovering the truth of a matter, suggested itself, the routine forms were readily discarded.

It is difficult to ascertain precisely what proportion of the cases heard by the commissioners were referred to them by the Consistory and what proportion were actually initiated by themselves. That they could and did bring matters before themselves in the first instance, without the necessity for previous Consistory action, is clear. The bigamy charge against Arden and Haynes, before the commissioners on 19 May 1575, was said to be based on a "presentment", and so also was the charge against Richard Chambers on 10 February 1574/5.⁴⁶

As in the Consistory Court, the cases before the commissioners were stated to be brought by the "office" of the judges—that is, either by their "mere office" when cases were instituted by themselves, or by their "office promoted" by a third party.⁴⁷ These could be heard by summary or more plenary methods. The commissioners had no "instance" jurisdiction (over party v. party cases on such subjects as non-payment of tithes), the procedure in which before the Consistory was of a very involved nature; but some subjects which were of the "instance" type, such as defamation and breach of promise, were brought before them by their office promoted.⁴⁸

The hearing of cases normally began with the ministration of articles or charges to the defendants, and they were then (as in the regular ecclesiastical courts) sworn by the *ex officio* oath to answer to these.⁴⁹ When the judges' office was promoted the promotor or his proctor drew up the articles and prayed for their admittance. If the procedure was summary the defendant might be examined in court, but when it was on plenary lines he only took oath in court and the actual examination was conducted afterwards.

The commissioners' examination of witnesses was conducted in a similar fashion. After the articles upon which they were to be questioned had been admitted in court, they were sworn to the truth. In most cases their evidence was then taken afterwards (before departing or before the next court), though they might be heard at once in some cases when summary procedure was in use. When required, term was given for the drawing up of interrogatories or production of evidence. After examination, the witnesses depositions were "published" on request, and copies given to the parties. The letters patent gave

⁴⁶ pp. 74-5, 54.

⁴⁷ The formal steps taken by the promotor are detailed in Office promoted by Hodges and Cole v. Walker and Plummer (p. 118). As in the Consistory acts, the distinction between office and office promoted cases recorded in C.D.R. xxxv is often obscure, since the name of the promotor was not always inserted by the scribe. Thus in Office v. Skynner (p. 154) there is a reference to the plaintiff, though the case (for incontinence) is not stated to be by office promoted. For a detailed description of Consistory Court procedure, *vide* F. S. Hockaday, "The Consistory Court of the Diocese of Gloucester", *Trans. B.G.A.S.* xlvii (1924), pp. 195-288.

⁴⁸ E.g. Office promoted by Edwards v. Welshe, for breach of promise (p. 134).

⁴⁹ As authorized by the letters patent. But the defendants were not always forced to take the oath without previous knowledge of the articles (one of the chief complaints of the puritans): *Cf.* Office v. Brayne, in which the defendant asked for and obtained a copy of the articles before being sworn (p. 105).

the commissioners power to compel the attendance of witnesses when necessary.

Where a number of witnesses were to be heard in a particular case the taking of the evidence might sometimes be delegated to a special local sub-commission. In the case of Hugh Davies of Aylburton such a sub-commission, consisting of the vicar of Lydney and Sir William Wynter, was appointed to "receve, swere and examyne all suche wytnesses as the same Davies can produce to prove his saide allegation" and to report their findings to the court.⁵⁰ The vicar and churchwardens of Tidenham were likewise deputed to look into the accusations of defamation preferred against one John Williams, and when they reported that he was "clere thereof" he was dismissed by the court without the trouble of an involved case or the expense of further journeys to Gloucester.⁵¹

Akin to this use of local sub-commissions of investigation was the commissioners' practice of referring cases to arbitration—also sometimes employed by the Consistory Court. Such action by the commissioners was of two kinds: settlement by one or more of the members themselves out of court,⁵² and settlement by one or more local gentry or others who would have some knowledge of the matter in dispute and sufficient influence to make their decisions respected.

In the former category, one commissioner alone was sometimes deputed to settle minor matters. In the case of William Bubbe of Hucclecote, for example, it was ordered that "Mr. Pates shall make an end betwene the said parties", and the simplicity of the process is seen from the fact that he was able to report success that same afternoon.⁵³ Especially suitable for settlement thus were parochial wranglings over such matters as pew rights, as in the case of Monmouth v. Worrall which was referred to Sir Giles Poole, the parties being ordered to "attend upon his worship" and to appear at the next court only if his meditation failed.⁵⁴ In the defamation case of Simondes v. Tasker the two parties were bound over to accept settlement by Sir Nicholas Pointz and the chancellor.⁵⁵

In other arbitration orders local figures were joined with certain commissioners to work out a settlement. Thus "all matters from the beginninge of the world to this daie" in dispute between the parties in the Alveston burial rights case were referred to Sir Nicholas Pointz, Sir Richard Berkeley and Mr. Thomas Throgmorton (not a commissioner), whose decision the parties both entered bond to accept.⁵⁶

In yet other cases the arbitrators did not include any members of the Commission. A charge of abusing the vicar of Tytherington brought against Peter and Isabella Crew and George Hicke was "referred to Wil-

⁵⁰ p. 92.

⁵¹ p. 21.

⁵² Reference of cases to the chancellor was not truly a resort to arbitration: it meant that the case returned to the Consistory Court where he sat as judge.

⁵³ pp. 3-4.

⁵⁴ p. 80. Apparently he succeeded, for after an extension of the term allowed (p. 86) there are no further entries of the case.

⁵⁵ p. 92.

⁵⁶ Office promoted by Sheperd v. Taylor and others (p. 98). This case, being one of "great controversie", had originally been referred to George Fetiplace, a "councillor in the law", who was to draw up a legal settlement acceptable to the parties, but he was apparently too busy to deal with it. (pp. 15-7, 47).

liam Sheperd, gent",⁵⁷ and one against John Meflyn *alias* Peter was to be settled by George Lloyd, esquire, and Mr Ferreis, gent, of Ampney Crucis.⁵⁸ Though it was usual for the arbitrators to be men of position, this was not invariably so. In the case promoted by Thomas Wattes and Thomas Weale against William Davies of Dymock the parties said that they were prepared to "putt the matter in variaunce to the order and end of William Hill, Giles Cowlecrost, William Hill (*sic*) of Dymock, and Richard Clarke, and Humfrey Foster of Oxnall to be umpere". They were accordingly made to enter bond to stand to the decision of these "doomsmen", who were to report by a given date. If they could not all agree, then the umpire and any two of them were to settle the matter.⁵⁹

Another feature of the Commission's procedure which it had in common with the Consistory lay in the use of the ancient system of compurgation, as opposed to evidence, to determine the innocence or guilt of the accused party, more particularly in cases of alleged breaches of the moral laws.⁶⁰ When a defendant denied his guilt and was allowed compurgation a "proclamation for opponents" was issued to be read in his parish church; and, if none appeared, he then produced in court several compurgators—usually four or six was the number required. After he had himself denied his guilt on oath, these men then each swore that they believed his oath to be a true oath. If this was done, the defendant was dismissed; but if he failed to produce the compurgators or they refused to swear in his support, then he was declared convicted and sentenced accordingly.⁶¹ The compurgators had to be from the place where the defendant lived, and to be "honest" men: in the case of *Office v. Worth*, "honest" men were defined as "beinge suche as have vj or viij oxen a peace (*sic*) and kepeth plowes of their owne".⁶² If the men produced were not of the requisite standing they were rejected by the court.⁶³ In cases against the clergy the commissioners (again following Consistory Court practice) normally required the compurgators also to be in holy orders.⁶⁴

As has been seen, the principal feature of the Commission procedure which distinguished it from the Consistory Court lay in its powers of taking bonds and ordering arrests.⁶⁵ Conversely, it may be noted, the

⁵⁷ p. 97.

⁵⁸ p. 86.

⁵⁹ pp. 53-4.

⁶⁰ One practical reason for the retention of compurgation by the ecclesiastical courts long after its disuse by secular tribunals lay, of course, in the fact that many of the offences coming under ecclesiastical jurisdiction were in their nature not such as would be performed in the presence of eye-witnesses.

⁶¹ *Office v. Merser* (pp. 58, 62, 73).

⁶² p. 3.

⁶³ *Worthe* produced four more compurgators than the court had demanded, but they were found to be "infames" and of no credit, and the purgation was therefore deemed to have failed (pp. 8-9). But in *Office* promoted by *Stoke v. Woodwarde*, after the defendant had failed in his purgation at first when the plaintiff objected against the men produced, he was allowed for "speciall causes" to make another attempt (pp. 139-40).

⁶⁴ *Office v. Smith* (pp. 147-8).

⁶⁵ There are in the Consistory act books, however, a very few examples of parties in instance or office promoted cases being required to give bonds to one another (not to the court) that they would abide by the decision of arbitrators: e.g. *Wyntell v. Sergeant*, 5 July 1561 (G.D.R. xvii, 215).

Commission—even when only ecclesiastical members were sitting as judges—never intruded upon the Consistory powers of ordering excommunication or absolution. When an obstinate excommunicate was forced by the Commission to submit to correction the actual release from the spiritual disability seems always to have been left to the ecclesiastical authority.

The process of securing the appearance of the person required before the Commission was begun by the sending of "letters", equivalent to the Consistory Court "citation". Like the latter, the summons was in the first instance delivered where possible to the person named; but if he could not be found, then a public summons by ways and means (*viis et modis*) was issued, and this was deemed to have been served when it was read in the parish church and affixed to the door.⁶⁶

If the summons was ignored the commissioners did not hesitate to use their powers of arrest, both against laity and clergy.⁶⁷ Thus Thomas Prickett having failed to appear when summoned, a warrant was issued "pro captione . . . ita quod eius corpus habeatur coram dominis commissariis".⁶⁸ In the earlier part of the Commission act book the phrase for ordering arrest most usually employed is "capiendum fore per scapulas"; in the later pages the common English term is "to attach".

The commissioners' messengers or agents were instructed that attached persons were to be held in custody until they should enter bond to appear in court on a certain day or within a certain period. Thus in the case of *Office v. Atkins and Atkins* the executor of the attachment was "to apprehend them and under saffe custody to detayne them untill they enter into bandes in x^{li} a peace (*sic*) to make their personall apparaunces before the said commissioners".⁶⁹ The amount of the bonds varied according to circumstances between £5 and £200, though the latter was exceptional:⁷⁰ £40 was the amount most commonly specified. As required by the commissioners' patent, the bonds were taken in the queen's name and were forfeitable to her use.

Examples of bonds purely to secure appearance in court are numerous in the act book. Typical were those of £20 entered by John Meflyn on 23 June 1575 to come to the next court on 9 July, and of £40 by James Rose to appear whenever required until his case should be settled.⁷¹ Sometimes the bond was for a reappearance after a temporary release from prison, as when Edmund Batt pledged £10 on 11 October 1574 "to be prisoner againe in Southgate the xvijth of this moneth or to appere before the same commissioners the same daye in the forenone".⁷²

In other cases bonds were taken for the due performance of sentences given by the commissioners. Philip Hurst entered bond of £5 to perform a penance then ordered, and Thomas Jenkins was bound in £40 with two sureties that he would perform a penance yet to be specified.⁷³ The churchwardens of Sapperton gave bond of £40 to carry out the

⁶⁶ *Office v. Taylor* (p. 4).

⁶⁷ *E.g. Office v. Richard Morris, rector of Barnsley* (p. 26).

⁶⁸ p. 12.

⁶⁹ p. 149.

⁷⁰ It was given by the parishioners of Alveston (jointly) and by Mr. Sheperd (alone) in *Office v. Taylor and others* (p. 98).

⁷¹ pp. 81, 135.

⁷² p. 24.

⁷³ pp. 12-3, 51.

commissioners' instructions for the repair of their church by a certain day.⁷⁴

There were bonds also for keeping the peace, as in the riot case of Arnold and Huntley⁷⁵ and in that of James Tasker when the plaintiff, Elizabeth Simondes, complained that he had made rhymes about her and put her in fear of her life.⁷⁶ Valentine Walker gave bond that he would avoid the company of one Joan Baylie with whom he had offended.⁷⁷ Among other obligations were one to be taken from a defendant because he was "altogether out of honest demeanure",⁷⁸ one to pay a fine levied,⁷⁹ others to accept the decision of arbitrators.⁸⁰

This use of bonds was complementary to the commissioners' powers of imprisonment used as a sanction to secure obedience, the usual practice being for an offender to be committed if he refused to enter bond or until he could find sureties. In other cases, however, imprisonment was used as a form of actual punishment, usually for contumacious behaviour. Thus Thomas Woodford was committed to prison for fifteen days "for his contempt in disobeyinge process out of this court", and only after serving this period was he to be allowed out under bond;⁸¹ and James Gurney, an incontinence offender, was sent to gaol because he was "a contemner of all good orders and laws".⁸² Inevitably such treatment was regularly meted out to the puritans who consistently refused to acknowledge the laws of the religious settlement or the authority of the Commission.⁸³ The prison most often used was Gloucester castle, which was the county gaol;⁸⁴ but the other city prisons, such as Southgate, Northgate and "Aylesgate" (Eastgate), also served.⁸⁵

The Commission's patent made no distinction between the lay and ecclesiastical members regarding the exercise of the powers conferred, and the presence of a lay judge was not necessary for an order for an arrest,⁸⁶ commitment to prison⁸⁷ or secular type of punishment⁸⁸ to be given. A layman was in fact usually present when such orders were made, however, and in the case of the puritan Elizabeth Whittinge the three churchmen who comprised the bench on 4 November 1574 gave her liberty to go to Chandos, Giles Poole and Tracy "for her enlargement". Probably this was because the same three laymen had been present at the court which had committed her, and the incident illustrates the influence of the lay members rather than their special legal powers.⁸⁹

The most common form of punishment administered by the Com-

⁷⁴ p. 22.

⁷⁵ p. 32. *Vide supra*, p. 20.

⁷⁶ p. 92.

⁷⁷ p. 137.

⁷⁸ Office v. Taylor and others (*pp.* 15-7).

⁷⁹ Office v. Whyte (*p.* 103).

⁸⁰ Office promoted by Sheperd v. Taylor and others (*p.* 98).

⁸¹ *pp.* 49-50.

⁸² p. 22.

⁸³ *Vide infra*, pp. 37-41.

⁸⁴ E.g. Office v. William Whittinge (*pp.* 59-60). *Vide Fosbrooke, History of Gloucester* (4th ed., 1819), p. 156.

⁸⁵ Office v. Pride and Batt (*p.* 9); Office v. Batt (*p.* 96); Office v. Drewett and others (*p.* 119).

⁸⁶ Office v. Vaughan (*p.* 103).

⁸⁷ Office v. Woodford (*pp.* 49-50).

⁸⁸ Office v. Grenewaie (*p.* 102).

⁸⁹ *pp.* 31, 37.

mission, as one would expect of a body intended primarily to reinforce the normal ecclesiastical jurisdiction, took the form of the imposition of penance. The order for penance was usually made in court, and the offender received a detailed statement of what was required of him from the registrar afterwards.⁹⁰ As with Consistory Court orders, performance of the penance had to be certified, and it was only when this had been done that the penitent could be absolved in the Consistory or have his bond cancelled by the Commission.⁹¹

The form of penance ordered was usually the same as that traditionally imposed by the church courts, involving appearances in church, bare headed and bare footed, wearing a white sheet and carrying a white wand. Often the appearances in church were supplemented by similar ones in local markets.⁹² Sometimes a public declaration of penitence had to be read aloud by the offender in church, from a position in full view of the congregation, with a request to God for forgiveness and an invitation to the people to join in this prayer;⁹³ but this oral confession was not always demanded. Philip Hurst of Thornbury was merely to stand in the penitential garb for two hours in Gloucester market place and then be conducted through the streets to the cathedral, and on the next Sunday week, similarly clad, to appear in Thornbury church where he was to stand on a stool throughout service time.⁹⁴ Yeoman Shele of Newent was similarly to "com into the churche and . . . stand before the minister penitentie all the time of service", but at his further penance in Newent market "sum one lerned shall reade suche articles as this court shall appoint in writtinge".⁹⁵

More characteristic of the commissioners, however, were those penances that combined ecclesiastical with secular elements, the offenders being treated partly as sinners, partly as transgressors against public order. In these the demonstrations of penitence by symbolic dress and public confession were supplemented by the application of the whip or the pillory as for beggars, drunkards and the disorderly. Thus Margaret Mason of Cirencester was to be put in "the cage in Gloucester" for three hours on a Saturday morning, and then to do penance in the market place in a white sheet.⁹⁶ This was mild compared with the order regarding Margaret Wood of Gloucester, who was to be "sett in the cage of Gloucester, with a whitt shet upon her upper apparell, bare hedded and bare footed, one Saterdaye next . . . and there to continewe all that daye", and on the two following Saturdays to sit in the stocks at Gloucester and Brockworth from 8 a.m. until 4 p.m.⁹⁷

In other penances the ecclesiastical element was almost wholly absent, and the punishment ordered to Thomas Grenewaie of Colesbourne was

⁹⁰ Office v. Hawlinge (*p.* 52).

⁹¹ In Office v. Twyninge and Horwood certificate was made by the minister, churchwardens and two sidesmen of the parish where the penance was performed (*p.* 120); in Office v. Boyden, by "the testimonye of three honest men." (*pp.* 54-5).

⁹² E.g. Office v. Richard Horne of Stroud: penance in Gloucester market, Stroud market and Stroud church (*p.* 133).

⁹³ A typical example is the penance ordered to Twyninge and Horwood, in the churches of Painswick and Stroud (*p.* 120).

⁹⁴ *p.* 12.

⁹⁵ *p.* 23.

⁹⁶ *p.* 25.

⁹⁷ *pp.* 54-5. Neither she nor her co-offender had obeyed this order three months later, when it was re-issued in a modified form (*pp.* 73-4).

very secular in character, though devised by an all-ecclesiastical bench of judges. After spending an hour in Gloucester market place pillory with a paper on his head announcing that he was guilty of incest, he was "then to be taken downe and whypped aboute the citie at a cartes tayle" before being sent to Cirencester to sit in the pillory there.⁸⁸

The most ferocious punishment recorded in the commissioners' act book was that ordered to John Daunser and Margery Charington, also incest offenders. Having confessed the charge, they were sent to prison until the next Saturday when, in penitential dress and with papers on their heads describing their offence, they were to stand for three hours "uppon the ledde joyning to the highe crosse of Gloucester". They were then to return to prison until the next day, when they were to be brought to the cathedral "to stand before the pulpitt uppon a hie forme for the purpose provided duringe the time of the sermond." On the two following Sundays they were to appear likewise in the churches of Hucclecote and Winson, still spending the intervening periods in gaol. After that they were to appear in court to receive directions for the remainder of their penances!⁸⁹

The imposition, and enforcement of performance, of such penances by the Commission is in marked contrast to the practices of the Consistory where by this time commutation of penance for monetary payment had become the rule rather than the exception. In the Commission the temptation to use commutation as a cloak for bribery, as Chancellor Powell did in his own court, was of course largely removed by the requirement that at least three judges should be present when sentence was passed. Nevertheless commutation was not entirely unknown in the Commission Court: Thomas Bullock of Longney was ordered a triple penance, but after certifying two performances, "because the said Bullocke did those ij daies penaunce penitentie", he was, with the bishop's consent, allowed in lieu of penance in Elmore church to pay 20s. to the use of the poor.¹

The distinction between a commutation of penance and the imposition of a fine lay in the fact that the proceeds of the former went to some charitable object (usually poor relief), those of the latter to the Crown. But sometimes the commissioners substituted fines for penance. When Thomas Webley, found guilty of incontinence, was ordered to pay 13s. 4d. to his churchwardens for the use of the poor, this was technically a commutation although the act book makes no mention of a penance;² but when John Twyninge and Alice Horwood were for "special considerations" excused the penances at first ordered and instead "fined" 40s. and 20s. respectively, the money was specifically stated to be due to the Crown. It is significant of contemporary opinion about the abuses commonly practised in the church courts that the curate of their parish was instructed to explain publicly in church that "their saide offence ys not cloked for bryberie, but that they are so fyned as a punishment for their saide great offence".³

Sometimes an undisguised fine was combined with a penitent act, as

⁸⁸ p. 102.

⁸⁹ pp. 152-3.

¹ p. 49. The bishop's consent was legally required for commutation of penance, and one of the charges against Chancellor Powell in 1579 was that he dispensed with this formality (F. D. Price, *op. cit.*, *Church Quar. Rev.*, cxxviii, p. 106).

² p. 134.

³ pp. 120, 125, 127-8.

when Christopher Whyte, for assaulting the curate of Didmarton, was ordered to pay a fine of 36s. 8d. as well as his victim's expenses, and also to ask the latter's forgiveness "at the midst of morninge praier".⁴ In other cases the fine alone was imposed. Thomas Worthe, having failed in purgation on a charge of adultery was "putt to his fine of xl^s of lawfull English money for divers causes";⁵ John Howell, confessing incontinence, was "putt to his fine of iiii^l and so dismissed";⁶ while Richard Gyles was allowed to pay his fine of 20 nobles by instalments, 4 marks down and the rest later.⁷

The "apte man" whom the letters patent ordered the commissioners to appoint as a receiver of fines is nowhere named as such in the act book, but in Worthe's case the money was to be paid to the registrar, Morgan.⁸ Later the chancellor seems normally to have acted as receiver,⁹ and it is no surprise to find among the charges against Powell in 1579 one of embezzling the money paid to him in this capacity when serving with the Commission.¹⁰

The Commission and the Clergy.

Two categories of offender coming under the Gloucester Commission's cognizance merit special attention: the clerical defaulter and the lay contemnor of the religious settlement.

The cases in the act book concerning the clergy well illustrate both the scope of the commissioners' work and the flexibility of their methods, for they dealt with practically every type of clerical offence and their patent gave them disciplinary powers in this connection effectively greater than those of the bishop and his court. To maintain this discipline they employed their temporal powers of arrest, imprisonment and taking bonds as freely against the clergy as against the laity.¹¹

The recorded cases involving the clergy that came before the commissioners fall into five main categories: some controversial party v. party suits; neglect of obligations to maintain chancels, parsonage houses or other church property in repair; offences of private life; offences in respect of the conduct of services; and offences against the religious settlement and the laws relating to the tenure of benefices.

Of the controversial cases in which the clergy figured as defendants, the most prominent was that brought by the parishioners of Moreton Valence against their curate, John Daie. The case, which concerned the right to certain ground adjoining the churchyard where the parishioners traditionally had their archery butts, had been referred to the Commission from the Consistory and was conducted by the plenary instance procedure used in the regular court. It dragged on from October 1575 until the following June when, after an attachment for Daie had been issued, a temporary settlement was arranged pending a final decision as to the ground rights in the common law courts.¹² Another

⁴ p. 103.

⁵ p. 19.

⁶ p. 36.

⁷ p. 130.

⁸ p. 29.

⁹ E.g. Office v. Twynninge and Horwood (pp. 127-8); Office v. Gyles (p. 130).

¹⁰ F. D. Price, *op. cit.*, *Church Quar. Rev.*, cxxviii, p. 105).

¹¹ Cf. the orders for the arrest of Richard Morris, rector of Barnsley (p. 26) and for the binding over of Thomas Woodland, curate of Hawkesbury (p. 58).

¹² pp. 95, 116, 127, 131-2; G.D.R. xxxi, 514; xxxvii, f. 40^v. For Daie's character, *vide infra*, p. 41, n.63.

controversial case, in which a cleric figured as plaintiff, was that brought by Martin Rainscroft, the rector, against Thomas Hodges, the farmer of Shipton Moyne benefice, in which it appeared that Hodges had defaulted in an undertaking to pay Rainscroft £10 a year out of the "fruits". It needed the commissioners' authority to compel Hodges to fulfil his obligations, and the money was paid.¹³

Cases against the clergy for neglect to maintain ecclesiastical property were a prominent feature of the visitatorial work of the Consistory Court, but that jurisdiction was as ineffective in this as in other matters.¹⁴ Occasionally the commissioners were called in to assist the diocesan authority, but this was not a major aspect of their work. When the elderly and disreputable Roger Grene, rector of Stratton, appeared before them and "could not excuse himself to be oftentimes overcom with drinke and the parsonage house in great decaye", they merely referred the matter to the chancellor, "the simplicite of the partie being considered of".¹⁵

More obviously relevant to the commissioners' purposes were the cases against clergy of unsatisfactory morals, brought before them on account of the disrepute into which such behaviour brought the established church in general. Thus Henry Taylor, rector of English Bicknor, after repeatedly flouting the authority of the Consistory Court, was made to enter bond of £40 to obey an order previously given to him by the bishop to avoid the company of a female servant.¹⁶

The clerical offences concerning services were of varying degrees of importance, from petty cases such as that against the curate of Doynton who refused to wear a surplice "for that yt was, as he saide, torne",¹⁷ to more serious refusals to accept the established order. An example of a hardened offender whose case was taken over from the Consistory was Baldwin Johnson, vicar of Lower Guiting, who was reported to have said to a parishioner (with whom he had a tithe dispute) when ministering communion, "The bodie of our Lord Jesus be judge betwene thee and me". After examining Johnson on behalf of the High Com-

¹³ pp. 55, 57, 61.

¹⁴ Northleach, reporting the decayed state of the chancel there in 1563, complained that "we have often tymes presented hit but no redress" (G.D.R. xxi, 69). Out of seven cases of decays before the Consistory Court from the Forest deanery on 10 July 1577, five had been presented as unremedied in the previous year (G.D.R. xxxvii ff. 172^v-177^v; xl—Forest deanery).

¹⁵ p. 27. As early as 1551 Bishop Hooper had ordered Grene to avoid taverns and the company of a certain woman (G.D.R. vi, 14). In 1572 the parish reported him to be "a common drincker, swearer and haunter of ale houses, a bryder of strife amongst his neighbors, and vehementlie suspected to lyve dishonestlie, he doth not read his serveyce playnelie for he cannot be understood, the parsonage is in decay and redie to faull downe, and they want quarter sermons" (G.D.R. xxix, 76). Again in 1576 it was said that he "redeth unreverently and no man can understande him, he kepeth not howres", and that "he ys geven to dronkenes, idlenes and alehouses, swering and other notorious crymes, and verie desirous of womens companie"; the chancel was in decay, and "all the howses belonginge to the benefice are in decaye and one downe" (G.D.R. xl—Cirencester and Fairford deaneries). The archbishop's visitors ordered him penance, but he was still in possession of the living in 1580 (G.D.R. xxxix, 153).

¹⁶ p. 11; G.D.R. xxxi, 124.

¹⁷ pp. 78-9. After a non-appearance had led to his arrest, he was ordered to wear the surplice until Michaelmas, when the churchwardens were to provide a new one.

mission, the Gloucester commissioners made a characteristic, if illogical, settlement when they ordered that, "because it appereth that bothe parties be frendes and lovers and insufficient proffe made, and (*the case*) thought to be promoted of malice than for any good matter worthy of reformacion", Johnson should be dismissed and the promoter of the suit should receive communion at his hands.¹⁸

Among the cases concerned with breaches of the laws relating to tenure of benefices, that against one Heydon, rector of Charfield, illustrates at once the powers of the Commission and the extraordinary slackness of the episcopal authorities in their institutions to livings. It was found that Heydon was not lawfully entitled to hold the benefice, "first for that he is not of lawfull age to receive and take any ecclesiasticall lyvinge, secondarilie for that he hathe not subscribed the articles appointed by statute made in anno (13) Elizabeth Regine¹⁹ befor his ordinarie in respecte of the said parsonage, and thirddie for that he hathe not redd the same articles publicuelie in the said parish church". He was ordered by the three commissioners to be deprived of the benefice.²⁰

There are three major clerical cases in the act book which are particularly illuminating concerning the commissioners' authority and methods for they are reported at considerable length.

The first is that of John Baron, rector of Siddington St. Mary, for popery and defamation, and it is interesting as affording an illustration of the extent to which delaying tactics could be practised even in the commissioners' court despite their powers of arrest. The case first appeared on 14 April 1575, when it was adjourned because Baron was said to be ill, but when he was still absent from the next court his arrest was ordered, and he appeared on 23 June. On 9 July conflicting replies by him produced another adjournment, and on 30 July his absence again led to an order for his arrest. The case was only resumed on 7 January 1575/6 when, an unsatisfactory excuse by word of his wife being rejected, Baron's arrest was ordered for the third time. It was only on 26 April, more than a year after the proceedings had begun, that he finally submitted. He was commanded to do penance in Cirencester church, asking forgiveness for "divers wordes tendinge to the dispraise and infamie of Mr. Stanton, Mr. Mowyar, Mr. Kyrke and Mr. Alder preachers". Also, for saying that the Ten Commandments were but "ceremonies of law", and that "he had said masse and did trust to lyve to saye masse againe and that the gosple ys not the worde of God but doctrine of the churche", he was bidden to declare that "he ys hartelie sorie that he hath ever so affirmed or reported, and doth recant and revoke his saide wordes, desireing all that he hath offended in that behalfe to forgeve him and to prairie to God for him, and that he will never offende in the like hereafter".²¹ It is curious that the commissioners should be

¹⁸ pp. 98 137-8; G.D.R. xxiv, 314 seqq.; xxxvii, f. 2^v.

¹⁹ An Act to reform certain disorders touching Ministers of the Church, 1571 (13 Eliz., c. 12), by which no clerk was to be admitted to a benefice unless he was 23 years of age, at least in deacon's orders, and until he had subscribed to the Articles of Religion of 1562, and read them and declared his assent to them in the church to which he was presented (*Statutes of the Realm*, iv, i, pp. 546-7).

²⁰ pp. 23-4.

²¹ pp. 69, 77, 79, 86, 90, 108, 122. A charge against Baron for a breach of the provisions of the statute 13 Eliz., c. 12 (*vide supra*, n. 19) had been brought in the Consistory Court in September 1573 (G.D.R. xxvii, 799 seqq.).

content with a mere penance and not remove from the ministry a man who held such subversive doctrines.

In the other two prominent clerical cases recorded in the act book, however, the commissioners did take more severe measures, though in one of them these were slow in coming.

Thomas Taylor, rector of North Cerney and Minchinhampton, was before the Consistory Court during the reigns of Edward VI, Mary and Elizabeth probably on more occasions than any other cleric in the diocese, for when he was not himself charged with an offence he was suing someone else for tithes or defamation.²² His name appears in practically every one of the act books of the period, but, after braving the episcopal authority in three reigns, he seems to have met his match in the Commission.

His case or cases before the Commission began at its first session on 27 August 1574, but he prolonged the proceedings by his absences until 23 June 1575.²³ Then he was accused by one Thomas Reynoldes of making a lease contrary to the act 13 Eliz. c. 20,²⁴ for which it was decreed that, upon proof made "before the ordinarie or competent judge", the fruits of the benefice should be sequestered for a year as the act directed. The sequestration was confirmed three days later in the Consistory when Reynoldes had proved his case by witnesses.²⁵

The other charge against Taylor, promoted by Richard Bridges, was for a breach of the act 13 Eliz. c. 12 in that he "did not reade the articles of religion sufficientlie and accordinge to the dew meaninge of the statute".²⁶ This dragged on, being heard by plenary procedure on Consistory Court lines, until 27 October 1575, when Taylor was adjudged to be guilty. His proctor managed to delay sentence for nearly four months longer by appealing to Chancery; but this seems to have come to nothing, and on 14 February 1575/6 it was at last ordered that Taylor should be deprived of his benefices and removed from office.²⁷

²² When Hooper examined the clergy of Gloucester diocese in 1551, Taylor was unable to prove the creed from the scriptures, but said that he was willing to believe it "quia satis erit sibi credere proptereaquod traditus autoritate regia"—a reason which explains his ability to retain his benefice throughout the subsequent changes (Transcript of the Morrice MS., Dr. Williams's Library, in Hockaday Collections, vi, 2, Gloucester City Library). He was continually presented for decays, etc., and in 1576 the decay of Minchinhampton chancel was ascribed to neglect by the "old parson" after he had been deprived (G.D.R. xl—Stonchouse deanery). Among his parishioners' complaints against him in 1563 was one that he "dothe not the custome that hathe been used on Christmas daye, that ys he dothe not refresshe the poore people" (G.D.R. xx, 9-10).

²³ pp. 4, 9-10, 18-9, 43, 82-3.

²⁴ An Act touching leases of benefices and other ecclesiastical livings with cure, 1571. It provided that all leases of benefices should become void if the lessee was absent above eighty days in a year, offending incumbents to lose a year's profits which were to be given to the poor (*Statutes of the Realm*, iv, i, p. 556).

²⁵ pp. 82-3; G.D.R. xxxvi (unpaginated). The evidence is in G.D.R. xxxiii, 329-33. The commissioners had decreed the "frutes so to be sequestred so farre forthe as in them lyeth".

²⁶ *Vide supra*, p. 32, n. 19. The act also provided that clergy not ordained under Edward VI or Elizabeth should declare their assent to the Articles of 1562 irrespective of whether they were being instituted to a new living. Taylor was probably ordained under Henry VIII as he was said in 1574 to be over seventy years old (pp. 18-9).

²⁷ pp. 85, 88, 91, 93, 99, 110, 113-4.

Finally we come to the isolated case of Thomas Greise which was before the commissioners in 1581-2. Greise was not a beneficed clergyman but, apparently, a wandering preacher. The main charge against him was of unlicensed preaching, but he was also accused of evil life, forgery and slander. His religious doctrines are not stated. The case provides an excellent example of the flexibility of the commissioners' methods, for, in contrast to their manner of dealing with Taylor, here they cast aside all formal process and heard the matter in the same way as the Star Chamber or the High Commission would have done, examining witnesses, receiving reports, and taking action without hindrance of any traditional procedural forms.

On 11 December 1581, after evidence from "thofficial of Doctor Sprinte" (of Salisbury diocese) had been received, Greise confessed to preaching without license but showed a testimonial of his behaviour when at Coberley, presumably from religious sympathizers. Bartholomew Mills, clerk, who promoted the judges' office, produced witnesses to Greise's having forged what purported to be a license from the bishop of Salisbury, and other witnesses were sworn to prove the charges of slander and "cosenage". Later in the day Greise showed letters testimonial from Oxford concerning his behaviour at the university, but some of the signatures to these were also alleged to be forged, so the commissioners ordered inquiries to be made of the vice-chancellor and the principal of Brasenose. Evidence was also produced as to Greise's misdemeanours in Wiltshire, together with a notary's certificate of his having been expelled from that county and from Dorset and of his having been imprisoned for forging a letter from the Earl of Bedford.²⁸

The next day, Greise's punishment was decreed: in an order which again reflects the dual nature of the Commission in that it combined an ecclesiastical penance with civil incarceration and banishment from the area of the commissioners' jurisdiction. He was committed to ward in the castle until "the next sermon that is to be preached in the cathedrall church of Gloucester . . . after Sondaye next", when he was to stand on a form before the pulpit while the sermon was preached (presumably on the theme of his offences) and to read a form of submission dictated by the commissioners. Then he was to return to prison until after Christmas when he was to repeat this performance at Stroud and Coberley, also asking pardon of the local clergy whom he had offended.²⁹

After certifying performance of these penances (in advance of the times prescribed) on 29 December, Greise was once more sent to the castle as a "close prisoner". On the next day he agreed to enter bond that he would leave the diocese within two days, that he would not preach or exercise any ecclesiastical function or teach school within either Gloucester or Bristol dioceses, and that he would not enter the area again save as a passenger through it. But this was one occasion when binding over proved unavailing, for within a month he was once more preaching in the diocese and the commissioners had again to order his arrest. The last mention in the act book is of his being remanded in custody on 14 June 1582.³⁰

The Commission and the Lay Religious Offenders.

Undoubtedly the most difficult of the commissioners' problems were

²⁸ pp. 161-3.

²⁹ pp. 164-5.

³⁰ pp. 165-6.

those involved in dealing with the overt opponents of the Elizabethan church settlement among the laity, whether roman catholics or puritans. The fifteen-seventies were a time of rapid hardening in this opposition, following the relative quiet of the 'sixties when both the Crown and those who wanted some settlement other than that of 1558-9 had shrunk from open confrontation. The publication of the papal bull excommunicating Elizabeth in 1570 and of the puritan "Admonitions to Parliament" in 1572 marked the parting of the ways, though the government still tried as far as possible to distinguish between the active and the passive elements among the discontented. This is reflected in the records of the Gloucester Commission.

Thus, so far as romanist activities were concerned, there is only one clear case—an isolated entry of 1581—recorded in the act book against a lay papist, Richard Turbill of Newent; and that was for indulging in propaganda, the writing of a book. It seems clear that the authorities had no desire unnecessarily to stir up the mass of dormant conservatism existing in the diocese, especially among the "sort of robustick wild people"³¹ dwelling west of the Severn. Turbill, who had earlier, in 1577, been in trouble with the Consistory Court for attacking clerical marriage,³² denied authorship of the whole of the offending book, but admitted that he had written two sheets of paper produced in evidence against him. He was bound over to appear at a future (unrecorded) session of the commissioners, and required meanwhile to "do his endeavour to find the minister that did write (as he saide) the booke". The minister, presumably, was a Richard Corser, who had been apprehended but then improperly let go by the constables of Newent.³³

On the commissioners' dealings with the puritans, however, the act book provides extremely full and valuable information, and it is clear that the attempt to discipline these opponents of the settlement was seen as one of their chief responsibilities. The puritan cases which came before them were handled in a conspicuously more vigorous fashion than was customary in the Consistory Court. With but one exception,³⁴ the commissioners were never content with a mere order to pay the statutory fine of 1s. for Sunday absence from church, which was as much as (and usually more than) the Consistory was prepared to do. Again, the explanation undoubtedly lies in the fact that they had to do only with selected cases involving hardened offenders and persistently active opponents of the establishment. The mass of petty recusancy cases continued to come before the Consistory.³⁵

The most prominent among the puritan defendants before the commissioners were the eighteen members of a Cirencester group who first appeared in this court on 21 October 1574, charged either with absence from church or with refusal to receive the holy communion. Only three of them submitted. The rest appear to have been associated in some kind of separatist sect, and the odd mixture of spiritual exaltation and earthy rationalism in the views which they expressed under examination is strongly reminiscent of the characteristics of some of the pre-Reformation lollard groups—from one of which they might well be descended. They evidently held anabaptist views as to the nature

³¹ Chancellor Parsons's description of the inhabitants of the Forest of Dean early in the eighteenth century (Bodleian MS. Rawl. B. 323, f. 99').

³² G.D.R. xliii, f. 108.

³⁴ Office v. Chambers (p. 58).

³³ p. 160.

³⁵ G.D.R. xxxi, xxxvii, xl, xliii, *passim*.

of the church, rejecting the concept of a comprehensive one and insisting on the exclusion of manifest sinners from its membership. It was presumably these Cirencester sectaries who in 1570 had been so bold as to petition the Privy Council to take more effective action against "the tyrannye of infected members called papistes as tollerod mighte have ymposioned a number of good subjectes", whom they desired to be "removed and weeded out". The petitioners had, they said, "to lyve quietlie without offence", "associated them selves to invocate and call uppon the name of the true God, utterlie detestinge all such crronious and execrable opynions . . ."³⁶

To such men, the established church itself retained far too many relics of popery, and their attacks upon it for this reason soon got them into trouble. For some years before the Commission intervened, the members of this Cirencester group had been repeatedly summoned before the Consistory, but to no effect. On 23 March 1569/70 James Ireland and Thomas Bradford had been before the bishop for absence from church, and they had given as excuse "the abominations that have been used, that is . . . the coope and surplesse".³⁷ On the following 28 July seventeen of these men and women appeared before the chancellor on the same charge. After Bradford had said that "he cannot be edysified by a godlie and learned man and therefore he hathe not used the sayd church", they were remanded until 12 October. None of them then appeared, and they were all excommunicated for their contumacy.³⁸

Two years later, at the episcopal visitation of 1572, Thomas Bradford, Thomas Restall and William Whittinge were presented for absence from church and failing to observe holy days, while Thomas Whittinge and others had "let open their shoppes upon the ymber dayes as though he hit had not ben fyshe dayes".³⁹ On 1 April Bradford and Ireland among others confessed working on feast days before the chancellor and were referred to Bishop Cheyney. The bishop inspired them with no awe, however, and when asked if they would reform they bluntly refused. With a weakness typical of his administration, Cheyney let them go with a warning that they should obey the laws in future.⁴⁰

The next year, 1573, saw this farce repeated. In a very full series of presentments dated 18 November, which were before the Consistory Court on the 27th, the curate of Cirencester, Mr. Aldworth, was reported for service offences, a number of men for working on holy days, "divers" persons for not receiving communion thrice a year, and eleven men and women for absence from church—though, said the parishioners, Thomas Restall had lately conformed, "for the which (*we*) are glad (*and*) desire your L(*ordship's*) favour for anye offense passed". Ann Bradford was excommunicated for failure to appear, and three others for leaving the court without license or dismissal. Thomas Bradford and William Whittinge led the malcontents and refused to take "a corporall othe upon the Evangelist".⁴¹

³⁶ State Papers Domestic, Elizabeth, lxxi, 30.

³⁷ G.D.R. xxiv, 723-4.

³⁸ G.D.R. xxvi, 135-7, 141-2, 143.

³⁹ G.D.R. xxix, 69-71.

⁴⁰ G.D.R. xxviii, 168-70.

⁴¹ G.D.R. xxxi, 81-7. The Gloucester commissioners do not seem to have pressed this oath upon religious offenders before them, despite their power to do so.

Their next appearance was that before the royal commissioners on 21 October 1574, following which, on 4 November, each of the defendants gave his or her particular reasons for absence from church: "Ireland saith it is because the minister dothe bid holidiaies and fastinge daies, Phelepps would have malefactors and papists excluded out of the church, Arnold for that the service of God is not ministred accordinge to the worde and for that the minister dothe bid holidiaies and fasting daies the which is superstition, Whittinge saith she will not have her child christened in the font for that it is supersticion and not agreable to Godes word and for that it was devised by Pope Pius, Bradford saith for that the minister dothe followe mens tradicion and do not minster nor teache the word accordinge to Godes word". Finding the parties thus "very obstinat and not obedient to the quenes majesties proceading", the commissioners committed them to prison.⁴²

Elizabeth Whittinge's case then continued, but there is no further mention of Phelps, Ireland and Arnold until 10 March 1574/5, when they were still in prison.⁴³ It was becoming clear that the commissioners' secular powers were proving as unavailing against the puritan conscience as the spiritual threats of the bishop and his court had been. For a further year these men remained in Gloucester castle. Then in March 1575/6 the Privy Council gave instructions that the prisoners for religion were to be released on bond to appear in London; but Phelps and Thomas Jerratt refused to enter bond unless their travelling expenses were paid, and so they were re-committed to the "Aylsgate" prison.⁴⁴

Meanwhile, at a separate session on 4 November 1574, another group of Cirencester folk (including Thomas Restall), who were charged with failing to receive communion, were alleging as excuse that the services were not conducted in accordance with the prayer book and the royal injunctions, and the curate was accused of omitting to wear a surplice and of using "comon bredd".⁴⁵

The cases against Ann Bradford, Ann Cole and William and Elizabeth Whittinge went on individually. Bradford was eventually ordered on 10 March 1574/5 to receive communion in future; but inevitably when she appeared on 14 April it was to admit that she had not done so, explaining her conduct with "manye wordes ... touchinge her opinion not worthy noteinge". The commissioners, in consideration of her "simplicitie", adjourned the case in hope that their "solesme monicions" would induce her to conform, but they were again disappointed.⁴⁶ Ann Cole played a similar game and on 10 March roundly declared that she could not receive communion "untill suche time as God shall move her".⁴⁷ Likewise Elizabeth Whittinge would not go to communion "bycause she will not be tyed unto tymes", though she would be "content to receive at the handes of a minister that were a messinger sent from God".⁴⁸

The commissioners had to admit defeat: both persuasion and coercion had been tried in vain. So, as stated, the Privy Council had to take a hand. On 22 February 1575/6, before the offenders at Gloucester

⁴² p. 31.

⁴³ p. 66.

⁴⁴ pp. 114, 119.

⁴⁵ p. 33.

⁴⁶ pp. 46, 48, 52, 68, 74.

⁴⁷ p. 63.

⁴⁸ p. 68.

ter had been brought out of the castle to enter bonds for their appearance at London, the Council had ordered the bishop of London (as a leading member of the High Commission) to examine those "convented by the bishop of Gloucester for not comynge to the churche", and informed him that "they excuse themselves through the insufficiencie of the curat". He had little more success than the Gloucester authorities, for on 11 March the Council wrote to the archbishop that only one of the six defendants had submitted: "thother v. standing under comaundment are referred to the archbishop; and for that two of them be women and the rest simple men of no grete knowledge, he is desired that some paines might be taken with them by some discrete lernid man, who may use all good meanes to bring them to conformitie, or otherwise to be ordered as by his lordship and the rest of the ecclesiasticall commissioners shalbe thought mete".⁴⁹

The London commissioners were as unsuccessful as those at Gloucester. At the metropolitical visitation of 1576 the defendants were all presented once more for their recusancy.⁵⁰ George and Restall again promised conformity, while the case against Bradford and his wife was adjourned as still pending before the High Commission. Agnes Longe informed the visitors that "they shoulde not commaunde her to any parishe churche and that she wolde choose whether she will goe". On 20 November of the following year Bishop Cheyney reported the names of the Bradfords, Whittinge and Agnes Longe among the Cirencester ones in his certificate of Gloucestershire obstinate recusants,⁵¹ and on 11 December these four were again before Chancellor Powell in the Consistory, to no more effect than previously. Bradford, "being asked whether he meaneth and will come to churche, answered he meaneth not so to doe, for that he myslyketh the ministers now adaies, and saied afterwards he will not come unles he might see them other mannour of men: wheron the judge pronounced that he shall paie xij^d for every Sondaie these ij yeres according to the statute, and also pronounced him to be excommunicate".⁵²

Perhaps it was this same group of Cirencester puritans who were the subject of a Privy Council letter to Sir Giles Poole, Henry Poole, Richard Bayneham and Richard Grene on 15 December 1578. These members of the Gloucester Commission had reported discovery of "a secte of disordered personnes using to assemble together in a desolate place nere unto a woode side, appointing unto them selves a minister and a private order of service according to their owne fantasies". The members of the sect had been committed to prison, "whereof their lordships do verie well allowe". The bishop was ordered to attempt to persuade them of their errors, otherwise to report to the Council, since "the infection of so pernitiouse a secte, if it be not in tyme prevented, maie growe dangerouse to the whole realme". Again on 3 February 1578/9 the Council wrote to the Gloucester commissioners "towchng their dealinges with certeine disordered persons in matters of religion whome they cannot by any meanes bring to any good conformitie", and

⁴⁹ *Acts of the Privy Council*, ix, pp. 88, 95.

⁵⁰ G.D.R. xl—Cirencester deanery.

⁵¹ State Papers Domestic, Elizabeth, cxviii, 32. *Vide* R. H. Clutterbuck, "Bishop Cheyney and the Recusants of the Diocese of Gloucester", *Trans. B.G.A.S.*, v. (1880-1), pp. 222-37.

⁵² G.D.R. xliii, Cirencester and Fairford deanery cases (unpaginated section of the volume).

ordered them to send the ringleaders—"suche as do leade others by their sinister opinions to that lewde misdemeanour"—up to London again. On 13 March arrangements were once more made to try to convert the offenders by conference with three divines; and on the 15th Bishop Cheyney and Sir Giles Poole were thanked for their actions, the former being urged to "do his best indevor that some charitable conference may be had by some lerned ministers with such others of that secte that shall be found culpable within his charge in those schismes".⁵³

The patience and pertinacity displayed by the commissioners in their dealings with the Cirencester sectaries are seen also in their handling of the particular case of William and Elizabeth Whittinge and in that of William Drewett and his wife, of Gloucester, both for refusal to allow children to be baptized.

As has been seen, Elizabeth Whittinge explained her views on baptism when she appeared on the recusancy charge on 4 November 1574.⁵⁴ On 21 December, at a special session, the commissioners ordered that the churchwardens, constables and two other "substantiall inhabitants" of Cirencester should "geve monicion" to her to take or send her child to the parish church for public baptism by 9 January. On 13 January nothing had been done, and the previous order was now repeated to the minister, churchwardens, constables and five named parishioners. Despite this, it was revealed on 23 February that the child had now in fact been christened at Hawkesbury, by the curate of that place, on what Whittinge called "the last lordes daye, the which she meant to be the last Sundaye". This had been done without her presence, "by the procurement of the said minister contrarye to her husbandes will". Incidentally, she objected to the terms godfather and godmother, and insisted that they should be "cauled witnesses or suerties to the baptizinge". Her husband, asked why he would not give his consent, said that he "could not have the same childe baptized accordinge to Godes word, and called the font, the which he mislyked of, a trowe, and said . . . it was wicked and abominable". Moreover, "he arrogantlie said that he would followe the quenes majesties lawes . . . so farrfurthe as the same did agree to God('s) worde, and not otherwise"—for which "unsemely wordes and disobedience" he was, with his wife, committed to the castle pending the next assizes. Imprisonment seems to have had anything but a sobering effect upon him, however, for on 10 March he "said that there was more tyranny nowe in these daies used than ever was, and unreverently crying out with a lowd voice . . . said that God would take vengeance upon the majestrattes, rulers and governors of this realme and would rote out bothe prince and people for the maynetenance of idolatrie, supersticion and all other abominacion and wickednes". Needless to say, this speech only led to his being recommitted to gaol.⁵⁵

The commissioners came nearer to the use of force in the case against William Drewett and his wife. This formidable man had earlier shown his temper when, summoned for recusancy on 10 March 1574/5, he openly mocked the bishop in court, calling him "goodman pope".⁵⁶ When the baptism case began on 26 February 1575/6 the commissioners

⁵³ *Acts of the Privy Council*, x, pp. 426-7; xi, pp. 37, 74, 77. The troubles at Cirencester continued under Bishop Bullingham.

⁵⁴ *Vide supra*, p. 37.

⁵⁵ pp. 45-6, 48, 59-60, 65.

⁵⁶ p. 65.

at first tried the same tactics as in that against the Whittinges, ordering the mayor and sheriffs of Gloucester, with the "hedd men" of Drewett's parish, to "enter the howse and take the chylde and bringe yt to churche" to be christened, "and the parentes to be there yf they will agree thereto". Again, this failed; and on 1 March the woman appeared in court bearing the child still unchristened. Drewett not only categorically refused to have the child baptized by anyone in the diocese, but threatened "yf their chylde were taken from them by violence and christened that they wolde never receive yt againe nor take yt for their chylde any more".⁵⁷

Drewett was remanded to appear before the Privy Council,⁵⁸ but before he went there was an extraordinary scene when the commissioners made a last effort to induce him to submit on 24 March. The act book account of what happened dramatically reveals the commissioners' embarrassment when faced by such a man as this. Drewett came into court accompanied by his wife, but himself holding the child. First the commissioners ordered him to deliver it to a midwife, but he refused, saying that he would not allow it to be "polluted". A threat by the court that he and his wife would be sent to different gaols and a consequent order that he should hand over the child to her, "to give it suck in prison", again failed to induce him to release it. A clergyman present in court was next ordered to take it, but he evaded having to attempt this by claiming that he could administer baptism only if required so to do by the father. The rest of the session was a complete rout for the judges, who were reduced to becoming suppliants to the defendant, asking him if there was "any bushop, preacher, reader, or any wryter now allowed in the churche of Englande that he can be contente shalbe judge betwene hym and one that shall be by them appoynted to dispute with hym". He "answered that the worde of God shalbe judge". After further fruitless attempts to persuade him to surrender the child to his wife, the commissioners ordered the churchwardens of St. Nicholas parish to take it and give it to her, but Drewett would not let them come near him. So he and his wife were despatched to their several prisons, he at least triumphant in his moral victory. Two days later they were apparently reunited.⁵⁹ This was probably the most miserable failure ever experienced by the commissioners.

With the other puritan offenders who appeared before them they had little more success. The ineffectuality of imprisonment as a weapon with which to force conscience was again demonstrated in the case of Edmund Batt of Moreton Valence. He was another man referred to the commissioners after ecclesiastical censures had failed. It had been presented in November 1569 that he, with William Pride and some others, "neyther will come to the churche nor eate and dryncke with them that come"; and he had been excommunicated for refusing to take communion.⁶⁰ Both Batt and Pride were again ordered to receive in February 1569/70, and both were once more cited for absence from church in July 1573. On 24 July it was stated that Batt had not received communion for five years.⁶¹

⁵⁷ pp. 110-1.

⁵⁸ pp. 114, 119.

⁵⁹ pp. 116-7.

⁶⁰ G.D.R. xxvi, 31, 44.

⁶¹ G.D.R. xxvi, 82; xxviii, 338; xxxi, 23. At the latter session they were also charged with failing to enclose Moreton Valence churchyard.

When Batt made his appearance before the commissioners on 27 August 1574, he and Pride gave as reason for their recusancy that the minister wore a surplice and "other popishe robes not corespondent to Godes worde". They were told to "confer with a lerned man in their error", but when they reappeared at the next court they still refused either to attend church or to receive communion, and they were accordingly sent to prison. A temporary release on bond in October had no effect upon Batt's resolution, but nevertheless on 21 October he was again set at liberty.⁶²

Evidently he continued in his accustomed ways, for on 10 February 1574/5 his re-arrest was ordered. On 10 March he told the commissioners that he thought the curate of Moreton Valence "not a fit man to minister in the congregacion",⁶³ and added that "the churche the which is so termed in these daies ought not to be so called, for that it is nothinge els . . . but a place of supersticion and idolatrie". Told to answer directly whether he would come to church or not, he replied that he would come only "if he knewe a mesinger to be there that would teach the worde of God". For this he was ordered to be indicted at the next assizes.⁶⁴

On 19 May Batt was again allowed a temporary liberty on bond to yield himself at the expiration of the period granted "if in the meane tyme he be not converted". Naturally this hope was not realized; and on 23 June, when it was reported that "sythence his enlargement he hath used himselfe like a puritane as heretofore", he was again committed to the castle. Yet another temporary release from October 1575 to the following January had equally little effect.⁶⁵ Thereafter Batt's name disappears from the pages of the act book. Presumably the authorities continued to play the game of cat and mouse with him: there was little else that they could do without making a martyr of him.

William Pride, who appeared with Batt in the early stages of his case, had apparently died, perhaps in prison; but Joan Pride, his wife, continued to plague the commissioners and passed her time in and out of prison in the manner of Batt. The temper of this lady may be judged from her remark that "yt were a good deede to sett dogges on the minister to hunte him out of the churche".⁶⁶ She was referred to the commissioners after an appearance in the Consistory Court when she had accused the minister and the commissioners together of killing her husband.⁶⁷

It is unnecessary to discuss the remaining puritan cases in detail. The defendants all gave as their excuses the unsuitability of the clergy, the superstitious character of the services or the use of unlcavened

⁶² pp. 4, 9, 24, 27.

⁶³ This was John Daie: *vide supra*, p. 30. Batt's complaints were apparently not unjustified. At the 1576 visitation the parish complained, *inter alia*, of Daie's neglect of services, "makinge awaic the communion booke", using the churchyard for keeping pigs and storing wood, not allowing the people into the churchyard except at service time, and "suffringe his chylde in his absence to saie service". He was described as "of late a weaver", a drunkard, "no peacemaker" but an "unrewly man" who kept three "lustie felloes" in his house to "be revenged" of the parishioners (G.D.R. xl—Gloucester deanery).

⁶⁴ pp. 53, 64.

⁶⁵ pp. 77, 80, 96, 108.

⁶⁶ p. 87.

⁶⁷ G.D.R. xxxi, 515.

bread;⁶⁸ and they were dealt with in similar fashion to those whose cases have been described.

In practically all the religious cases that came before them the commissioners had in the end to admit defeat. The power of imprisonment, however effective a weapon against the disreputable elements in society, was of no avail in these cases. Doubtless it was recognition of this fact that prompted them so quickly to try to exploit a split among the puritans imprisoned in the castle in 1577. William Priddy and a certain Chapman, from Stroud,⁶⁹ were among these; but on 11 October of that year, "for that they . . . do mislike with the arrogant deling of Ralf Meysey, one of that faction namynge himself a busshopp and other his disorders",⁷⁰ the commissioners ordered them to be set at liberty.⁷¹ Unfortunately the incompleteness of the entries at this point in the act book does not allow us to learn the outcome of this manoeuvre.

Conclusion.

From the evidence of the act book it may be concluded that the Gloucester Commission fulfilled a real need and that—with the very important exception of its dealings in matters of conscience—it achieved a considerable measure of success. Helping other institutions without annulling their authority, co-operating without being bound by formal relationships, essentially flexible and with no hampering rules or traditions, the Gloucester body provides an excellent example of the *ad hoc* methods of Elizabethan government. It was, like the Star Chamber in London, a court to which cases could be brought (either on its own initiative or on that of a third party) if through influence or intimidation, weakness or corruption, justice was unobtainable in the more regular tribunals; and, in a relatively remote and turbulent area, it provided an on-the-spot reminder of the existence of the national authority of the Crown.

What emphatically the Gloucester Commission did not achieve were any effective reforms in the system of diocesan administration, the short-comings of which constituted the principal reason for its creation as a supplementary jurisdiction. Those shortcomings, however aggravated by the personal characters of the men who conducted the administration and presided over its court, were too deeply rooted and too much the products of the system itself to be eradicated: they could only be palliated by devices such as the Commission. The evils continued in the fifteen-eighties as in the 'seventies, and the episcopate of John Bullingham—when for three years the bishop and his chancellor held rival Consistories, cancelling one another's judgements⁷²—saw the reputation of the established Church sink to its nadir in the diocese. In so far as the Commission provided a corrective influence, its effect indeed was not so much to reduce the abuses of the episcopal court as to render them the more conspicuous.

Precisely how long the Commission survived is not at present known,

⁶⁸ *E.g.* Office v. Ralph Ireland and Henry Hatchway of Cheltenham (*pp.* 64, 69), referred to the Commission from the Consistory (G.D.R. xxxi, 434).

⁶⁹ Puritan feeling was strong there, as the presentments at the visitation of 1576 show (G.D.R. xl—Stonehouse deanery).

⁷⁰ *Cf.* *p.* 152a, a note referring to an illegal marriage performed by Meysey in Gloucester castle.

⁷¹ *pp.* 150-1.

⁷² April 1589—April 1592 (G.D.R. lxi, lxiii, lxvi, lxvii, lxviii, lxix).

though a detailed study of the seventeenth-century Consistory act books would doubtless provide the answer. Probably, like the comparable commission at York, it continued to function until 1641, when the Long Parliament decreed the abolition of such provincial prerogative courts along with their parent bodies, the Star Chamber and the High Commission.

NOTE ON TRANSCRIPTION

The acts of the Commission have been transcribed in full as recorded, except in a very few instances where formal steps taken under the plenary procedure in certain cases are the subject of lengthy record in Latin. In these instances the proceedings have been summarized in English, such summaries being printed in italics.

The abbreviated Latin used by the scribes has been expanded except in the case of words of which the abbreviated form continues to be in common use, *e.g.* viz. for videlicet, etc. for et cetera, Mr. for Magister.

Punctuation has been supplied where desirable for elucidation of the text.

A SPECIALL COMYSSION FOR ECCLESIASTICAL CAUSES WITHIN THE DIOCESES OF BRISTOLL AND GLOUCESTER

(Bodleian MS. 904, ff. 91-3).

Elizabeth by the grace of God of England, Fraunce and Ireland Queene, defender of the faythe, etc. To our right trustie and welbeloved counsellors Ambrose Erle of Warwick, Robert Erle of Leycester, and to our trustie and right welbeloved Henry Sydney knight, Lord President of the Marches of Wales, and to the reverend father in God Richard bushopp of Gloucester and comendatory of Bristoll, and to the bushopp of the dioces or dioceses of Gloucester and Brystoll for the tyme hereafter beinge, and to our right trustie and right welbeloved Henry Lord Barkeley, Giles Lord Chandos, and to our trustie and welbeloved the maiors of our cities of Gloucester and Brystoll for the tyme beinge, Gyeles Poole knight, Nicholas Poyntes knight, Lawrence Humffrey doctor of divinitie, deane of our cathedrall church of Gloucester, Richard Grene, chauncellor to the said bushopp, the arche-deacon of Gloucester, the chauncellor to the said bushopp for the tyme beinge hereafter, Richard Pate, Richard Barkeley, Richard Beynham, John Tracy, Henry Poole, esquiers, Thomas Pyrrye, John Angell, clerkes: gretinge.

Whereas in our parliament holden at Westminster the xxvth daie of January in the first yere of (*our*) raigne and there contynued and kept untill the viijth daie of May then next followinge, amongst other thinges there two actes and statutes (*were*) made and established, thone acte for the uniformitie of common prayer and service in the church and thadmynistracion of the sacramentes, and the other intituled an acte for restoringe to the crowne the auncient jurisdiction over the states ecclesiasticall and spirituall and abbolishinge all forrein powers repugnant to the same, as by the same actes and statutes more at large dothe appere; And whereas diverse sedicious, disobedient and sclaunderous persons do not cesse dayly to envent and sett furthe faulse rumors, tales and sedicious sclaunders, not only against us and the said good lawes and statutes, but also have sett furtiue diverse sedicious bookes within this realme, the same tendinge to procure grief, diuision and dissencion amonges our lovinge and obedient subjectes, muche to the disquietinge of us and our people; Wherefore nowe myndinge earnestly to have the same severall actes before mencioned to be duly put in execucion, and suche persons as hereafter shall offend in any thinge contrary to the tenor and effect of the said severall statutes to be condignely punished; And havinge speciall truste and confidens in your wisdomes and discrecions, have auctorised and appoin-

ted you to be our comysshioners, and by these presentes doe geve full power and auctorytie unto you or three of you, wherof you the said bushop of Gloucester, Gyeles Poole, Nicholas Poyntz, Lawrence Humffrey, Richard Greene, the chauncellor to the said bushopp for the tyme herafter beinge, Richard Pate, John Tracye, to be one, from tyme to tyme herafter duringe our pleasure to enquire, by othes of twelve good and lawfull men as also by wyttnes and all other meanes and waies you can beste devise, of all offences and mysdemeanors done and comytted, and herafter to be done and comytted, contrary to the tenor and effect of the said severall actes and statutes and every of them; And also of all and singuler hereticall opynions, sclaunderous wordes and sainges, contempners or dispisers of good orders and lawes nowe sett furthe and established, sedicious bookes, contempes, conspiracies, faulse rumors, tales, sedicious mysbehaviours, published, invented or sett furthe, or herafter to be published, invented or set furth, by any person or persons within the dioceses of Gloucester and Briston (*sic*), of all and every the coadjutors, counsellors and abettors of every suche offence.

And further we geve full power and auctoritie unto you or three of you as is afore said from tyme to tyme and at all tymes duringe our pleasures aswell to here and determyn all and singuler enormities, disturbances and mysbehaviours done and comytted in any church or chappell or against any devyne service or the mynister or mynisters of the same, or contrary to the actes and statutes of this realme; And also to enquire, serche out, order, correct and reforme all such persons as herafter shall or will obstinatly absent them selves from the church and suche devyne service as by the lawes and statutes of this realme is appointed to be had and used.

And also we geve and graunt full power unto you ... to reforme, redresse, correct, order and amend in all places within the said dioceses of Gloucester and Brystoll all suche errors, herises, schismes, abuses, offences, contempes and enormities, spirituall or ecclesiasticall, whatsoever, which by spirituall or ecclesiasticall power, auctoritie or jurisdiction can or may be lawfully reformed, ordred, redressed, corrected, restrayned or amended, by censures ecclesiasticall, deprivation or otherwise, to the pleasure of almighty God, thencrese of vertue, and the preservacion of the peace and unities of this our realme.

And further we do geve full power and auctoritie unto you ... to here and determyn all notorious and manyfest adulteries, fornicators and ecclesiasticall crymes and offences within the dioceses of Gloucester and Brystoll accordinge to your wisdomes, consciences and discrecions, willinge and comaunding you ... to use all suche pollytique meanes and waies for the trial and serching out of all the premisses as by you ... shalbe thought most expedient and necessary; And upon due pruffe thercof had and the offence or offences and thinges before specified or any of them sufficiently proved against any person or persons within the dioceses of Gloucester and Brystoll by confession of the partie or by lawfull wyttnesse or by any other due meanes before you ... that you ... shall have full power and aucthoritye to order and awarde suche punyshment and correccion to every offender by fyne, ympresonment or otherwise, by all or any of the waies aforesaid, and to take suche order for the redresse of the same as to your wisdoms and discrecions ... shalbe thought mete and convenient.

And also that you ... shall lykewise have full power and aucthoritye from tyme to tyme to enquire of, trye and serche out all masterless men,

quarrelers, vagrant and suspect persons within our said cities of Gloucester and Brystoll and tenne myles compas aboutes the same cytties, and of all assaultes, affraies, blodshedes and mysdemanours done and comytted within the said cities and compas aforesaid.

And also we geve full power and auctorytie unto you . . . to here and finally determyn accordinge to your discrecions and by lawes of this realme all causes and complaintes of all them which in respect of rey-ligion or lawfull matrimony contracted and allowed by the same were injuriously deprived, defrauded or spoyled of their landes, goodes, possessions, rightes, ducties, lyvinges, offices spirituall or temporall, and them so deprived as afore to restore into their said lyvinges and to put them in possession amonge the usurpers in convenient space as yt shall seme to your discrecions good, by your lettres missive or otherwise, all frustratorie appellacions clerly rejected.

And further we do geve full power and auctorytie unto you . . . from tyme to tyme (*to call*) all and every offendor and offendors and suche as by you . . . shall seme to be suspected persons in any of the premisses, and all suche wyttnesses as you . . . shall thinke mete to be called before you . . . , and them and every of them to examen upon their corporall othes for the better triall and openynge of the premisses or any parte therof; and yf any person shall offend in not comynge at your callinge and comandment, or elles in not accomplishinge or not obeyinge your orders and comandment in any thinge touchinge the premisses or any parte therof, that then you . . . shall have full power and auctoritie to comytt the person or persons so offendinge to pryson, and there to remayne untill he or they shalbe by you . . . enlarged and delivered.

And further we do geve unto you . . . full power and auctoritie by these presentes to take and receive by your discrecions of any offendor and suspect person to be convented and brought before you recognizance or recognizances, obligacion or obligacions, to our use in suche somme or sommes of money as to you . . . shalbe thought mete and convenient for the performance and accomplishment of all suche orders, judgementes and decrees as you . . . shall adward, pronounce, publish, decree or set furthe.

And further our will and pleasure is, and we by these presence (*sic*) doe appoint our trustie and welbeloved subject Phe(*lip*) Morgan to be our register to further our service herin in consideracion of the tyme and place for registeringe of all your actes, decrees and procedinges by vertue of this our comission. And we do will and graunt unto our said subject Phe(*lip*) Morgan, for his paynes, dilligence and service to be done in this behaulf, suche reasonable allowance and allowances as hertofore in other places of our realme other registers for the tyme beinge have usually had and reasonably ought to have for the registeringe of your said actes, decrees, processes, sentences, judgementes and procedinges; And the same to be levied of the fynes and other profites w(*h*)iche shall aryse by force of this our present comission in order of your doinges in the premisses.

And further our will and pleasure is that you . . . by bill or billes signed with your handes shall and may assigne and appoint aswell for the register for his paynes, of the said fynes, fees from tyme to tyme for thexecucion of the premisses as aforesaid, as also unto all messingers and attendauntes upon you for their travell, paynes and charges to be susteyned for us aboutes the premisses or any parte therof, suche reasonable somme or sommes of money for their rewardes as by you . . . shalbe

THE COMMISSION FOR ECCLESIASTICAL CAUSES

ymposed, assessed, taxed and adjudged or levied to our use of suche offenders as aforesaid; willinge and comandinge you . . . to appoint and name one apte man to receave fynes to our use as by you shalbe ymposed as aforesaid: and after the tyme of this comission expired to certifie to our Court of Exchequer aswell the name of the said receyvor as also a note of all suche fynes as shalbe sett or taxed before you, to the intent that upon the determynacion of thacomptes of the said receyvor we be answered of that to us shall justely appertayne.

Wherefore we wold (*sic*) and comaund you our comysioners with diligence to execute the premisses, any of our lawes, statutes, proclamacions, or other grauntes, priviledges or ordynances which be or may seme contrary to the premisses notwithstandinge. And moreover we will and comaund all and singuler justices of peace, maiors, sheriffes, bayliffes, constables and other our officers, mynisters and faythfull subjectes to be aydinge, helpinge and assistinge you and every of you, and at your comaundment in due execucion herof, as they will tender our displeasure and will answer to the contrary at their uttermost perilles. And we will and comaund these our lettres patentes shalbe a sufficient warrant and discharge for you and every of you against us, our heires and successors, and all and every person or persons whatsoever they be of, for and concernynge the premisses or any parcell therof, touchinge and concerninge the execution of this comission or any parte therof.

In wyttnes wherof we have caused these our lettres to be made patentes, wyttnes our self at Gorhambury, the xxjth daie of July, the xvjth yere of our raigene.

Per ipsam Reginam.

**ACTS OF
THE ROYAL COMMISSIONERS FOR CAUSES
IN THE
DIOCESES OF BRISTOL AND GLOUCESTER**

(Gloucester Diocesan Records, Vol. xxxv)

p. 1.

Die Martis xxiii^o die mensis Augusti, anno domini 1574, regnique illustrissime in Christo principis et domine nostre Elizabeth, Dei gratia Anglie, Frauncie et Hibernie regine, fidei defensoris, etc., sexto decimo, in ecclesia cathedrali sancte et individue Trinitatis Gloucestrie locoque consistoriali ibidem, coram reverendo in Christo patre dicto domino Richardo permissione divina Gloucestrie episcopo, Richardo Cugley maiore civitatis Gloucestrie, Laurentio Humfreye sacre theologie professore, Richardo Pate armigero, Richardo Grene in legibus baccalaureo, Thoma Pirrie et Johanne Angell in artibus magistris, commissariis predictae domine regine in causis ecclesiasticis infra dioceses Gloucestrie et Bristol etc., in presentia Philippi Morgan notarii publici etc.

Philip Morgan exhibited the Queen's commission; and the Commissioners decreed that the court should meet on 27 August.

p. 2.

(Blank)

p. 3.

In ecclesia cathedrali sancte et individue Trinitatis Gloucestrie locoque consistoriali ibidem, xxvij^o die mensis Augusti anno regni regine Elizabeth xvj^o, coram magistris Laurentio Humfreye, Richardo Pate, Richardo Grene, Thoma Purie et Johanne Angell commissariis regiis etc., in presentia mei Philippi Morgan notarii publici ac registrarum etc.

Officium dominorum contra Thomam Worthe de Horsley in comitatu Gloucestrie.¹ The said partie appeared and upon deniall of his facte he ys putt to his purgacion. And therefore it is ordered that the next courte daye being the xvjth of September next he shall appeare personallie and bringe with him vj honest men, three of the parishe of Horsley and iij of the parishe of Aveninge in the countie of Gloucester, beinge suche as have vj or viij oxen a peace and kepeth plowes of their owne, betwene

¹ Worthe had been excommunicated in the Consistory Court for failure to certify performance of a penance for incontinence on 23 June 1574 (C.D.R. xxxi, 102, 193, 214).

the houres of ix and xj of the clocke in the forenoone of the same daye in the consistorie place aforesaid etc. Quam purgacionem ut dicitur facturum in se assumpsit etc. Deinde dictus Worthe recognovit se debere dicta domine regine xliⁱⁱ legalis monete Anglie solvendas etc. quod ipse comparebit coram dictis commissariis etc. ad ulterius faciendum in hoc negocio etc. And farther ordered that proclamacions shuld be made and the same to be proclaimed in the said parishes that the daie and place aforesaid the said partie dothe appear with his said compurgators, and so upon his purgacion made to be discharged.

Officium dominorum contra Willelmum Bubbe de Huckelcott in comitatu Gloucestric promotum per Richardum Busshopp et Johannem Ryve. In which daye and place the said Bubbe appered, and because the statute made in the last parliament² clereth him for his fact, yt is ordered by this courte that Mr. Pates shall make an end betwene the said parties and to certifie of the order made this present daye in the after none, otherwise the said Bubbe to appeare.

p. 4.

Deinde post meridiem predicti diei, ad satisfaciendum ordinem dominorum judicantium comparuit dictus Willelmus Bubbe et certificavit pacem esse factam inter eum et dictos Busshopp et Ryve, ut constat per relacionem magistri Pate. Unde domini eum dimiserunt etc.

Officium dominorum contra Willelmum Pride et Edmundum Batt. Quibus die et loco comparuerunt personaliter dicti Pride et Batt et fassi sunt objectus flor absenting themselves from the church, and declaring the cause saith that not onlie is the minister (*not*) a mete man to saye service nowe used nor to minister the sacraments as the same ought to be (*by*)³ the word of God for that he wereth a sarples and other popish robes not correspondent to Godes worde. Whereupon order is taken that they do personallie appear the next courte daye, and in the meane time monicion geven them to confer with a lerned man in their error. Deinde recognoverunt et uterque eorum recognovit se debere domine regine xliⁱⁱ legalis etc. quod ipsi comparebunt et uterque eorum comparebit in proxima (*sessione*).

Officium dominorum contra dominum Thomam Taylor clericum rectorem de Mitchell Hampton et North Sarney.⁴ Quibus die et loco personaliter comparuit Richardus Mascall nuntius specialiter destinatus juratus etc. et certificavit se tradidisse litteras missivas ab hac curia emanatas apud idem solitam habitacionem predicti Taylor infra parochiam de Mitchell Hampton ubi eum diligenter quesivit etc. ad effectum etc. And because the said Taylor shuld have notice that he is called to appere in this courte yt is further ordered that an other lettre be made and directed unto him, and the same to be published in bothe his parsonages at the time of divine service on the holliday when the people be most gethered together, and to make relacion of the former lettre sent and declaracion of an other lettre to be graunted the next courte daye upon the returne of this lettre now graunted against the said Taylor ...

² "An act of the Quecn's Highness's most gracious and free pardon", 13 Eliz. c. 28, 1571 (*Statutes of the Realm* iv, i, pp. 582-5).

³ Page torn.

⁴ Taylor had been excommunicated for failure to appear when cited by the Consistory Court on 20 October 1573 (G.D.R. xxvii, 831). For his career, *vide supra*, p. 33, n. 22.

p. 5.

Dicti Commissarii decreverunt curiam hoc in loco tenendam xvj Septembris proximo.⁵

Die Sabbati xjo die mēsis Septembris 1574, in ecclesia cathedrali sancte et individue Trinitatis Gloucestrie, coram reverendo patre domino Richardo Gloucestrie episcopo, Richardo Grene, Thoma Perrye et Johanne Angell, commissariis etc., in presentia Philippi Morgan registrarum.

Officium dominorum contra magistrum Richardum Arnold armigerum et Willelmum Huntley generosum. The daie and place aforesaid the said Arnold and Huntley personallie appered uppon lettres out of this court unto them directed. And uppon hearinge of the matter in variaunce betwene them for a fraye and assaut made, it dothe not appere who began the fraye. Therefore it is ordered that the said parties do appeare personallie the next courte, yt beinge the xvjth of this moneth of September in the place aforesaid betwene the houres of ix and xj of the clocke in the forenone of the same daye, and then and there shall bring suche witnesses as eyther of the said parties cann to depose and testifie the truthe towchinge the assaut and affraye made and who began the same. Deinde dicti magistri Richardus Arnold et Willelmus Huntley recognoverunt et uterque eorum recognovit se debere dicte domine regine C^{li} legalis monete Anglie solvendas etc. quod ipsi comparebunt et uterque eorum comparebit a die in diem in hoc loco qualibet sessione generale ad videndum ulteriorem processum fieri in causa et cetera peragere quod jussum fuerit, and that the quenes majesties peace be kept and observid aswell for themselves cache against the other as also for their familie servauntes adherens and kinsfolkes.

p. 6.

Officium dominorum contra Thomam Morgan generosum. Quo die comparuit dictus Morgan et recognovit se debere domine regine quadraginta libras etc. to kepe the quenes majesties peace against the said Mr. William Huntley and his familie and friendes by himself or his procurement. Et similiter comparuit Edmundus Asser, famulus domesticus predicti Magistri Arnold, et recognovit se debere dicte domine regine xx^{li} etc. ad effectum predictum.

Officium dominorum contra Augustinum Bager.⁶ Quo die comparuit personaliter Mr. Cathe, unius (*blank*) civitatis Gloucestrie, et certificavit se quesivisse dictum Bager ad effectum in litteris commissariorum mentionatum, et latitavit etc.

Officium dominorum contra Elizabeth Baylie alias Calme.⁷ Uppon her apparaunce she ys comitted to the common gayle, there to remayne xiiij daies and then to appere in this place before the said commissioners or their colleagues etc. to receive further punishment for her offence, and not to depart without licens.

Die Sabbati predicto post meridiem ipsius diei in domo habitacionis

⁵ *Vide infra*, p. 8.

⁶ Presumably the Bager involved in the Huntley-Arnold riot (*vide infra*, p. 172).

⁷ Calme (or Cam) had appeared with William Tanner before the Consistory Court on this same day, 11 Sept., and their correction had been remitted to the Royal Commissioners (G.D.R. xxxi, 261).

magistri Grene ac coram eo et magistris Perry ac Angell, commissariis etc., in presentia predicti registrarii.

Officium dominorum contra magistros Richardum Arnold et Huntley. (*Entry faded and illegible: apparently orders given for production and examination of witnesses.*)

p. 7.

Duodecimo Septembris 1574, in domo habitacionis venerabilis viri magistri Richardi Grene ac coram eo et (*blank*) Purie et Johanne Angell, commissariis regis, in presentia Philippi Morgan registrarii etc.

Officium dominorum contra magistros Arnold et Huntley. Quo die dicti domini commissarii decreverunt Willelmum Morvent, Willelmum ap Powell, Thomam Morgan, Willelmum Morvent juniorem, generosos, Arthurum Kinge, Johannem Whitmaye, Thomam Smith, Fraunciscum Taylor, Johannem Kinge, Robertum Morvent et Fraunciscum Taylor (*sic*) vocandos fore erga proximam ad certificandum veritatem super articulis contra dictum Huntley ministratis etc.

Die Martis viz. xiiij^{to} Septembris 1574, in loco predicto ac coram predictis commissariis etc.

Officium dominorum contra dictos Arnold et Huntley. Quo die dicti domini commissarii receperunt Radulphum Harper et Richardum Bosley in testes etc., quos domini juramento onerarunt et monuerunt ad subendum examen citra proximam.

Die xv^{to} Septembris 1574, dicti domini commissarii decreverunt Thomam Kinge, Rowlandum Benet, Mauricium Williams et Johannem Clarke vocandos fore erga proximam ad testificandum veritatem super articulis contra Magistrum Arnold ministratis etc., necnon similiter pro Raynoldo Nicolas etc.

p. 8.

Die Jovis dccimo sexto Septembris anno domini millesimo quingentesimo septuagesimo quarto, in ecclesia cathedrali sancte et individue Trinitatis Gloucestric, coram reverendo patre Richardo Gloucestric episcopo, venerabile viro magistro Egidio Poole milite, Richardo Pate armigero, (*Richardo*) Cugley maiore civitatis Gloucestric, Richardo Grene in legibus baccalaureo, Thoma Purie et Johanne Angell in artibus magistris, commissariis regis etc., in presentia Philippi Morgan registrarii.

Officium dominorum contra Thomam Worthe de Horsleye in comitatu Gloucestric. Ad purgandum se vj manu et se septima honestorum virorum et vicinorum proximorum, id est tres parochie de Horsley et tres parochie de Aveninge. Quo die comparuit dictus Worthe et introduxit in compurgatores suos Willelmum Essex, Richardum Bagge, Thomam Webbe, Henricum Holidaye, Christopherum Wickes, Egidium Ball et Johannem Hill, parochie de Aveninge, necnon Johannem Banfilde, Henricum Horwood et Johannem Curtis de Horsleye, quos petiit admitti etc. Et quia non satisfecit decretum dominorum iudicum pro eo quod dicti parochiani de Horsley fuerunt detecti et infames et ex nulla credibilitate in tales quibus nulla fide habebantur infames etc., dictus venerabilis vir Mr. Richardus Grene cum consensu et assensu predictorum commissariorum decrevit dictum Worthe defecisse in sua purgacione et sic pronunciavit etc. et sic puniendum et corrigendum fore . . . in hac forma, viz. First, that the said Worthe shall not onlie be bounde in recog-

nizances unto the quenes majestie in fortie pounde of lawfull Englishe money that he shall do suche penaunce or other wise stand unto suche order as this courte shall order for his punishment, but also that he shall not

p. 9.

companie openlie or privatlie or be sene to comon and talke with his wiffes sister by whom he hath had ij children as the report is, except it be in the churche, marquet or fayre, and also to kepe the quenes majesties peace against all and every person that have don any acte or actes or prosecuted this sute against him. Quod in se assumpsit. Tunc recognovit se debere domine nostre regine Elizabeth xli^{li} legalis monete Anglie solvendas dicte domine regine aut successoribus suis. Ad quam, etc. Et habet ad comparendum in proxima ad recipiendum penitentiam vel aliter facturum quod videbitur expediens per dominos commissarios.

Officium dominorum contra Willelmum Pride et Edmundum Batt. Habent ad comparendum istis die et loco. Quo die comparuerunt et objectis de novo per dominos whether they would come to their parishe church and there to here the devine service and receive the communion nowe by publike authoritie used. The which they expreslie refused, and to be bounde in recognizaunce to the quenes majesties use to do the same. Whereuppon it is ordered that they shalbe committed to South Gat and there to remayne prisoners untill further order be taken by this courte.

Officium dominorum contra dominum Thomam Taylor rectorem de Mitchell Hampton et Northe Cerney in comitatu Gloucestrie. Facta preconizacione ipsius Taylor, non comparuit. Unde domini pronunciarunt eum contumacem et in pena contumaciarum suarum harum decreverunt dictum dominum Thomam Taylor vocandum fore denovo per litteras missivas ab hac curia emanatas cum intimacione quod sive venit sive non dicti commissarii procedere

p. 10.

intendunt ad sequestrandum fructus et decimas lane beneficium suorum predictorum. Et hac littera denuncianda fore in ecclesiis parochiis predictis die dominico aut festivo dum populi ad divina audiendum adfuerint multitudo palam de penitentia denunciari.

Officium dominorum contra magistrum Richardum Arnold armigerum et Willelmum Huntley. Habent ad comparendum et ad introducendum testes etc. utroque parte istis die et loco. Quibus die et loco comparuit dictus magister Arnold et ex parte sua produxit Willelmum Morwent, Willelmum ap Powell, Thomam Margan, generosos, Edmundum Asser, Johannem Whitmaye, Fraunciscum Taylor, Richardum Tyler, Fraunciscum Gough et Johannem Newtian in testes, quos domini juramento oneraverunt etc. . . . Deinde dictus Huntley comparuit et allegavit quod testes ex parte sua non potuit producere propter brevitatem temporis et longitudinem et distantiam viarum a locis in quibus testes predicti commorari solebant et solent. Quare petiit terminum de novo ad producendum testes etc. Unde domini decreverunt eum ad producendum testes de novo in proxima et litteras compulsorias decreverunt . . .

Officium dominorum contra Jacobum Gurney de Cirencestria.⁸ Facta

⁸ Gurney had been charged before the Consistory Court with incontinence on 10 February, and had been excommunicated for failure to purge himself on 17 March 1573/4 (G.D.R. xxxi, 108, 130, 141).

preconizacione ipsius Gurney, non comparuit etc. Domini pronunciarunt eum contumacem ac in pena contumacionis capiendum fore per scapulas ac sub salvo (*arresto custodiendum*) donec etc. (*sidejusserit . . .*)

Officium dominorum contra Edwardum Shele⁹ et Willelmum Jowlin¹⁰ de Newent. The said parties appered, and beinge obstinat and disobedient persons they were committed to the comon gayle of the countie of Gloucester untill Saterdaye next, and then further order to be taken.

p. 11.

Officium dominorum contra Jacobum Storye, Thomam Powell et Richardum Organ, gardianos de Newland. The said parties appered and confessinge their church to be in greate decay and farre out of reparacion, whereuppon it is ordered that the said parties shall depart home againe and on Sundaye next shall cause a vestrie to be called wher the parishioners maye mete together, and there to shew them the cause whye they were called. And that order be then by them taken that every man beinge parishioner of Newland and of habilitie be taxed accordinge to his wealthe and callinge, and the same to be gatherid by the church wardens for the reparacion of their parishe church. And suche as shall refuse to paye the same, to give intimation to this court where further order shalbe taken for the same. And to certifie this court of their doinges herein the next courte daye uppon paine of contempt by the said church wardens.¹¹

Officium dominorum contra Henricum Taylor rectorem de English Bicknor.¹² Quo die comparuit dictus Taylor who declared that he never knewe the bodie of (*blank*) late his servaunt and that she was not in his house or cumpaynie sithens order was last taken by the busshopp of Gloucester to his knowledge, and so denieth her cumpaynie. Whereuppon it is ordered that he shalbe bound in recognizance to the quenes majesties use in xl^{li} etc. that he shall never com in the cumpaynie of the said (*blank*) except in church, marquet or faires. Deinde recognovit se debere domine regine xl^{li} legalis etc. ad effectum predictum.

p. 12.

Officium dominorum contra Johannem Graye de Awre. Continuatum est hoc negocium usque proximam.

Officium dominorum contra Thomam Smith de Tedburie.¹³ Similiter.

Officium dominorum contra Robertum Dowsett et eius uxorem de Tortworthe. Similiter.

⁹ Shele (described as of Dymock) had been excommunicated for failure to appear to answer a charge of bawdry before the Consistory Court on 23 June 1574 (G.D.R., xxxi, 216). *Vide infra*, p. 23.

¹⁰ Jowlin had been ordered penance on confessing incontinence with one Clement before the Consistory Court on 31 July 1574 (G.D.R. xxxi, 252). The charge before the Royal Commissioners, however, seems to have been one of absence from church and failure to receive communion (*Vide infra*, p. 19).

¹¹ The church and churchyard at Newland were reported to be still un-repaired at Archbishop Grindal's Metropolitanical Visitation of 1576 (G.D.R. xl, Forest Deanery presentments).

¹² The Consistory Court had repeatedly failed to secure Taylor's appearance or obedience since March 1574, and he had been suspended from office on 26 May (G.D.R. xxxi, 124, 190).

¹³ Smith had been excommunicated for failure to answer an incontinence charge in the Consistory Court on 15 July 1573, but absolved privately by Chancellor Grene on 3 August 1574. (G.D.R. xxxi, 17, 253).

Officium dominorum contra Thomam Prickett de Twininge.¹⁴ Quo die comparuit Johannes Pillinger¹⁵ et certificavit tradidisse litteras dominorum commissariorum dicto Prickett, ac jam preconizatus non comparuit. Unde domini decreverunt litteras pro captione dicti Prickett ubicunque ita quod eius corpora (*sic*) habeatur coram dominis commissariis etc. in proxima.

Officium dominorum contra Philippum Hurst de Thorneburie. The said Hurst appered, and for as muche as he is convicted for his evell lief and behaviour by his owne confession he is injoynd to do his penaunce in forme here after followinge, viz. He shall stand in the marquet place of Gloucester with a whitt shete uppermost uppon his dublett and hose, bare hedded, with a whitt rodd in his hand, the space of ij houres, and so shall folowe the officer from thens a longe the streate into the colledge churche¹⁶ penitentlie; and in the parish churche of Thornbierye on Sundaye cum senight he shall have a whitt shete uppon his dublett and hose, bare hedded, with a white rod in his hand, and shall stand in the said churche uppon sum stole by the quier dore all service time penitently, et similiter in foro ibidem. Et ad certificandum in proxima. Deinde

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recognovit se debens domine regine quinque libras legalis monete Anglie solvendas etc. ad perimplendum decretum predictum.

Officium dominorum contra uxorem Casse de Dursley. Comparuit dicta Casse, who uppon submission of herself and beinge sorye that she hathe misused her self and her house in kepinge evell rule therin, it is ordered that she shall honestlie use and behave her self aswell in conversacion as otherwise of her bodie. And to appeare at all times when this court shall send for her. *Bound in £5 to performance of this order.*

Officium dominorum contra Robertum Smith de Haresfeld. Continuatum est hoc negocium usque in proximam.

Officium dominorum contra Johannem Williams de Tiddenham. Quo die comparuit dictus Williams et negat verba prolata per eum de Anna (*blank*). Unde domini decreverunt commissionem fieri ad partes pro examinatione veritatis verborum horum, et commisit (*sic*) vires suas vicario de Tiddenham et gardianis ibidem, et ad certificandum in proxima per litteras dicti vicarii et gardianorum. Et dictus Williams nabet tunc ad comparendum.

Officium dominorum contra Humfridum Combie de Kemerton. Quo die comparuit Combie predictus personaliter, et domini injunxerunt ei ad peragendum penitentiam alias per vicarium generalem commissorum (*sic*) etc. ac juxta decretum dicti vicarii in omnibus et per omnia.¹⁷ Deinde recognovit se debere dicte domine regine ^{v^{li}} legalis etc. ad effectum predictum.

p. 14.

Deinde curia finita comparuit dictus Combie coram magistris Grene, Purie et Angell, infra precinctum ecclesie cathedralis Gloucestrie die predicto, in presentia mei Philippi Morgan notarii publici, et allegavit

¹⁴ Prickett had been cited to appear before the Consistory Court for incontinence with Elizabeth Meane on 26 Jan. 1573/4 (G.D.R. xxxi, 102).

¹⁵ One of the diocesan apparitors (G.D.R. xxxviii, ff. 22 *seqq.*).

¹⁶ *I.e.* Gloucester Cathedral.

¹⁷ Combie had been ordered penance in the Consistory Court on 17 March 1573/4, and he had been excommunicated on 21 April (G.D.R. xxxi, 136, 154, 170).

predictam penitentiam suam esse peractam, et ex causa cum ceteris aliis rationalibus causis dictos commissarios specialiter moventibus dictum Combic a reliquis penitentie predictae remisit, et sic dismissus erat.

Officium dominorum contra Johannem Lovett de Deane Parva.¹⁸ *Appeared, and was ordered to undergo purgation at the next court.*

Officium dominorum contra Edmundum Ryley et Egglentinam Ryley de Brode Campden. Comparuit personaliter dictus Ryley et certificavit filiam suam Egglentinam non esse in diocesa quare apprehendere non potuit. Tunc domini objecerunt dicto Ryley whether he was bauld to his owne daughter, quod crimen objectum expresse negat. *Ordered to undergo purgation by the hands of four honest parishioners of Campden at the next court, public proclamation of this being made in the parish.*

Officium dominorum contra Elizabeth Cam alias Baylic. Yt is ordered that she shalbe hadd furthe of prison for that she is with child and near her time of deliveraunce. Untill which time to be at her libertie, and to appere after she is delivered and churched to receive further penaunce for her lewde doing.

Domini commissarii decreverunt litteras pro captione Augustini Bager ...¹⁹

p. 15.

Die quinto Octobris anno domini 1574, in domo mancionis magistri Johannis Angell infra precinctum collegie Gloucestric, coram magistris Richardo Grene, Thoma Purie et predicto Angell, commissariis regis etc., in presentia Philippi Morgan registrarii, personaliter comparuit Mr. Richardus Arnold et produxit in testem Johannem Spilman quem domini ad eius petitionem juramento onerarunt et monuerunt ad subendum examen citra proximam.

Die predicto in ecclesia cathedrali sancte et individue Trinitatis Gloucestric locoque consistoriali ibidem, coram venerabilibus viris magistris Johanne Tracie, Richardo Barkleye militibus, Richardo Grene, Thoma Purie et Johanne Angell, commissariis regis etc., in presentia Philippi Morgan notarii publici registrarii etc.

Officium dominorum contra Johannem Taylor, Willelmum Warde, Thomam Grafton, Richardum Taylor, Richardum Parker, Johannem Shepperd, Thomam Dyper, Willelmum Gale et Thomam Hart, inhabitantes de Alveston et (*blank*) in comitatu Gloucestric, promotum per Mauricium Sheperd armigerum.²⁰ Quibus die et loco comparuerunt dicti Johannes Taylor, Willelmus Warde, Thomas Grafton et Richardus Taylor personaliter. Deinde preconizati fuerunt reliqui, non comparuerunt. Tunc domini pronunciarunt eos et eorum quoslibet contumaces ac in pena contumacionum suarum ... capiendos fore per scapulas ac sub salvo etc. donec etc. And further proceedinge with longe hearinge and debatinge of the matter betwene the said parties for a buriall in the church yeard of Alveston chappell annexed to the parishe church of Owlston, and perceavinge great controversie and hurt to ensue there-by, and for that the said

¹⁸ Lovett had been excommunicated in the Consistory Court on 17 March 1573/4 for his contumacious failure to appear there to answer a charge of adultery with Juliana Dobbes (G.D.R. xxxi, 131).

¹⁹ Remainder of the entry faded and illegible.

²⁰ For a preliminary hearing of this case at Chipping Sodbury on 30 September 1574, *vide infra*, p. 17.

p. 16.

inhabitauntes so many as appered were contented not to burye in the said churche yearde of Alveston during the lief of the said Mr. Sheperd, so as their learned counsell in the lawe shuld devise the order and decree, the which was thought not to be indifferent: yt is therefore ordered by this courte that Mr. Phetiplace, councillor in the lawes temporall,²¹ a man indifferent, shall drawe the said decree in suche order as the same do not prejudice the interest of the said inhabitauntes and their successors after and immediatlie uppon the decease of the said Mr. Shepperd. And that the said decree in forme aforesaid be drawn before the feast of the Nativitie of our Lord God next cuminge. And that the said Mr. Sheperd do geve reasonable warninge unto the said inhabitauntes of the time that he wilbe with the said Mr. Phetipace (*sic*) aboute the premisses. And the same to be safelie conveyed unto the said commissioners immediatlie after it is drawn, whereby the same maye be considered of by them or three of them accordinge to their discreSSIONS. And that in the meane time the said inhabitauntes do not burye in the said churche yearde. And because John Taylor, one of the said parties, did utterlie refuse to stande to this order, beinge altogether out of honest demeanure, yt was thought good by this court to bind him in xl^{li} in recognizaunces to the queenes majesties use to stande to this order, the which he utterlye refused. Whereuppon he was committed to

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ward to the common gayle of the countie of Gloucester, there to remayne untill suche time as he did agree to the premisses. And so the rest apperinge are dismissed untill a new warninge to be geven them.

Ultimo die mensis Septembris anno regni regine Elizabeth sexto decimo, coram venerabilibus viris Nicholao Pointz, Richardo Barkley, militibus, et Richardo Grene in legibus baccalaureo, commissariis regii etc., apud Chippinge Sodburye in comitatu Gloucestric.

Which daye and place the said commissioners ordered and decreed that John Taylor, William Warde, Giles Clarke, Thomas Wickes, Thomas Haines, Thomas Harte, William Tyler, Thomas Grafton, Hughe Smith, Richard Taylor, Thomas Dyper, John Dymerye, John Shepward and George Legge shuld personallie appere before the said commissioners or other their colleages, her majesties said commissioners, in the cathedral church of Gloucester in the consistory place there the vth daye of October next cumminge beinge (Tewsdays in the—*struck out*) to answer to suche matters as shalbe objected unto them and not to depart with(*out*) speciall lycens.

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Septimo die mensis Octobris anno domini 1574, regni regine Elizabeth decimo sexto, in ecclesia cathedrali sancte et individue Trinitatis Gloucestric, coram honorandissimo viro domino Egidio Chandos et venerabilibus viris Richardo Pole et Johanne Tracie militibus, magistris Richardo Grene, Richardo Pate, Henrico Pole, Thoma Purie et Johanne Angell, commissariis regii, et in presentia Philippi Morgan registrarii.

Officium dominorum contra magistrum Richardum Arnold armigerum

²¹ George Phetiplace or Fetiplace, a member of the Council of the Marches and Wales and Justice of Assize for Carmarthen, Pembroke and Cardigan. (Bodleian MS. 904, ff. 84^v, 169^v.)

et magistrum Willelmum Huntley generosum. Ad introducendum testes dictus Huntley habet. Quibus die et loco comparuit dictus Huntley et produxit Raynoldum Nicholas, Hugonem Jones, Johannem ap Gwillim et Rowlandum Benet in testes, quos domini ad eius petitionem juramento onerarunt etc. et monuerunt etc. And upon heringe of the witnesses aswell on the behalf of the said Mr. Arnold as the said Mr. Huntley²² yt is ordered that the fourth daye of the moneth of November next cumminge the said parties shall personallie appere in the consistorie place aforesaid to receive further order in this behalf. And also it is ordered that the said Huntley shall bringe in courte what he can prove for the assaut made uppon him last by one Fremc. And that lettres of attachment be made and directed to the justices of peace and all other the quenes majesties officers and faithfull subjectes for his apprehension and apparaunce to be made the daye and place aforesaid, in which time order shalbe taken by this court for the same.

Officium dominorum contra dominum Thomam Taylor rectorem de Hampton etc. The said Taylor is to appere, otherwise a sequestracion of

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the fructes of his lyving to be graunted in paine of his contumacie. Quo die preconizatus fuit dictus Taylor, non comparuit. Unde domini pronunciarunt eum contumacem ac in pena, et decreverunt fructus ecclesiarum suarum parochiarum sequestrandos fore etc.; in presentia magistri Evans²³ petens se admitti in procuratorem ipsius Taylor et allegans dictum Taylor septuagenarium et ultra ac senio contractum ac tanta et tali corporis sui valetudine detentum quod non potuit nec potest his die et loco comparere sine periculo vite sue. Et quia nullus fecit fidem super veritatem premissarum domini decreverunt ut in actis his apparet. Ac tunc et ibidem Mascall nuntius juratus certificavit se posuisse litteras ab hac curia emanatas in ostium ecclesie parochie de Mitchell Hampton ac copia eiusdem ibidem dimissa etc.

Officium dominorum contra Thomam Worthe de Horsley. Yt is ordered for that the said Worthe did not his purgacion accordingle he is putt to his fine of xl^s of lawfull Englishe money for divers causes especiallie the said commissioners movinge. And hereafter uppon newe warning to appere to receive further order that he shall not cum into the cumpaynic of his wifes sister.²⁴

Officium dominorum contra gardianos de Newland. To certifie what taxacions they have made. On which daye they appered and exhibited the names of suche as were taxed and would not paye towards the reparacions of their parishe churche as they were cessed, wherefore lettres are graunted for their apparaunces the next court.

Officium dominorum contra Willelmum Jowlin de Newent. Obligator ad comparendum isto die. He appered, and it is ordered that he shalbe bounde in x^{li} to the quenes majesties use orderlie to come heereafter to his parishe churche and to receive the communion iiij times at the least in the year, viz. once every quarter, and the band alreedy taken to be cancelled.²⁵

²² For a fragment of the evidence given in this case, *vide infra*, pp. 171-4.

²³ Evans had practised as a proctor in the Consistory Court since the establishment of Gloucester diocese in 1541.

²⁴ On the next day (8 October) Worthe appeared in the Consistory Court, submitted, and was absolved from excommunication (G.D.R. xxxi, 286).

²⁵ On the same day (7 Oct.) Jowlin submitted to the Consistory Court and was absolved and dismissed (G.D.R. xxxi, 285).

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Officium dominorum contra Philippum Hurst de Thorneburie. Ad certificandum an peragit penitentiam dictus Hurst habet. Facta preconizacione ipsius Hurst, non comparuit neque certificavit penitentiam esse peractam. Unde domini pronunciarunt eum contumacem ac in pena etc. decreverunt eum capiendum fore per scapulas ac sub salvo etc. donec etc. ita quod eius corpus habeatur coram commissariis immediate post etc.

Officium dominorum contra Thomam Parker²⁶ de Twining. Habet ad comparendum isto die. Facta preconizacione, non comparuit. Domini pronunciauit (*sic*) eum contumacem ac in pena etc. pro contemptore decrevit et decreverunt litteras pro captione corporis ipsius Parker erga proximam.²⁷ Et ad portandum litteras sibi traditas eodem die cum muliere.

Officium dominorum contra Johannem Graye de Awre. Continuatum erat hoc negotium in isto die. Quo die domini decreverunt eum capiendum per scapulas ac sub salvo etc. donec etc. ita quod habeatur corpora (*sic*) coram dominis etc. immediate post etc. Direte Mascall etc.²⁸

Officium dominorum contra Robertum Dowsett de Tortworthe et eius uxorem. Quo die comparuit dictus Dowsett et recognovit se debere domine regine xlii legalis etc. quod ipse non recedat ad consortium uxoris sue illegittime (*sic*). Et sic dimissus est.

Officium dominorum contra Edmundum Ryley de Lacio Camden. Habet ad purgandum se v^a manu honestorum vicinorum suorum. Quo die preconizatus erat dictus Ryley, non comparuit, domini pronunciarunt eum contumacem ac in pena etc. decreverunt eum capiendum fore per scapulas ac sub salvo donec etc. erga proximam.

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Officium dominorum contra Johannem Lovett de Deane Parva. Ad purgandum se iiij^a manu habet. Domini pronunciarunt eum contumacem ac etc. reservata pena in proximam.

Officium dominorum contra Johannem Williams de Tiddenham. He hath to certifie by the certificatt of the vicar and churchwardens of Tiddenham whether he spake certaine obprobrius wordes of (*blank*) or not. In which daye the said vicar and churchwardens sent the said certificatt, and beinge sene he is clere thereof. Whereuppon he is dismissed.

Officium dominorum contra Margaritam Weckes civitatis Gloucestric viduam. The said partie appered and beinge asked whether she had suche vestmentes and other church goodes as appereth in the articles exhibited, confessed that she had them in her custody and kepinge and that they be furthe cuminge. Whereuppon it is ordered that she shall deliver the same goodes and other the premisses to the church wardens of the parishe of St. Nicholas on the morowe betwene the houres of x and xj of the clocke in the forenone of the same daye uppon the communion table in the said church, and the said churchwardens to certifie this court of the delivery thereof in the after none of the

²⁶ Apparently an error for Prickett (*vide supra*, p. 12).

²⁷ On 9 July 1575 the parish presented that "the matter (of Prickett's incontinence) haithen ben before the Chaunceler heretofore and noc reformacion had", and asked that he might be "inforced to keep the child which the poore vicar nowe doth" (G.D.R. xxxi, 532).

²⁸ Chief "messenger" of the commissioners.

said daie in the consistorie place aforesaid.

Officium dominorum contra Willelmum Bell de Bengrove. Quo die Mascall certificavit se quesivisse dictum Bell ad effectum ut traderetur litteras commissariorum ita tamen latitavit quominus etc. Unde domini decreverunt eum capiendum fore per scapulas ac sub salvo etc. donec etc. erga proximam.

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Officium dominorum contra Thomam Whitt civitatis Gloucestric. In which daye and place he appered and did confesse that he did not serve the prosses delivered unto him beinge optayned out of this courte and that he threwe the same into a bowchers shoppe. Whereuppon he is decreed to appere the next court daie and to bringe with him the same prosses and to make proffe that he did not abuse the same.

Officium dominorum contra gardianos et parochianos de Saperton, viz. Johannem Hopton, Willelmum Marten, gardianos, Thomam Basse, Johannem Bagett, Thomam Winston, Willelmum Parsons, Johannem Winston, Johannem Mason, Jacobum Goby, Andreum Buss-hopp, Robertum Hawe, Johannem Legge, Richardum Longford, Nicholaum Stanupp et Richardum Teinton, parochianos ibidem. At which daye the said parties appered before Sir Gyles Poole knight, Richard Grene and John Angell, commissioners for causes ecclesiastical, and uppon confession made by them that the parishe church was in great ruin and decaye yt is ordered that the said parties do repare and amend the said church, sum part thereof before Candelmas daye next and all the rest by mydsomber daye following,²⁹ and thereof to certifie this court the next court daye holden and kept in the cathedral church of Gloucester after. Deinde recognoverunt se et quilibet eorum recognovit debere domine regine xlii legalis etc. ad effectum predictum.

Officium dominorum contra Jacobum Gurney et Margaretam Mason de Cirencestria. The said parties appered, and because the said Gurney is a contemner of all good orders and lawes he is committed to the common gayle untill further order be taken, and the said Margaret to appere the next courte to receive penance for her naughtie life with Gurney.

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Officium dominorum contra Willelmum Nyld de Longford. Continuatum est hoc negocium usque in proximam, factaque preconizacione etc. reservata pena in eundem diem.

Officium dominorum contra Yeoman Shele.³⁰ For unlawfull kepinge of Sibill Debiter. Comparuit et fassus est se carnaliter cognovisse eam. Unde domini decreverunt eum penitentiam commodam, viz. on Sundaye next in his parishe church with a whitt shete uppon his uppermost garmentes, bare foted and bare hedded, with a whitt rodd in his hand, he shall cum to the church porche before the begininge of service and there shall remayne in forme aforesaid untill the parson, vicar or curatt do begin service, and then he shall com into the church and shall stand before the minister penitentie all the time of service.

²⁹ The churchwardens of Sapperton were again cited before the Consistory Court for decays to their church in the following year. They failed to appear on 23 March 1574/5, but on 13 April one of them appeared and reported that the Royal Commissioners had ordered repairs to be effected by next Michaelmas (G.D.R. xxxi, 467).

³⁰ Edward Shele of Dymock or Newent. *Vide supra*, p. 10.

And in like sort he shall stand in the marquet place of Newent on a marquet daye openlie uppon the crosse there. And sum one lerned shall reade suche articles as this court shall appoint in writtinge. Et ad certificandum in proxima.

Officium dominorum contra (*blank*) Heydon rectorem pretensum de Charvilde in comitatu Gloucestric, promotum per magistrum (*blank*) Throgmorton generosum. On which daye and place the said (*blank*) Heydon appered, in whose presence the said Throgmorton alleaged that the said (*blank*) Heydon was nor is (*sic*) lawfull parson of the parsonage of Charvild within the dioces of Gloucester: First for that he is not of lawfull age to receive and take any ecclesiasticall lyvinge, secondarilie for that he hathe not subscribed the articles appointed by statute made in anno (*blank*) Elizabeth Regine³¹ befor his ordinarie in respecte of the said parsonage, and thirdlie for that he hathe not redd the same articles publiquellie in the said parishe church of Charvild as he by the same statute ys appointed and ought to doo; and therefore is by the same statute ipso facto deprived; and

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that in this courte the matter maye be h(e)ard and justice ministred. And the said Heydon beinge by, the said commissioners asked whether he subscribed the said articles before the bushopp of the dioces of Gloucester where the parsonage is. He openlie confessed that he had subscribed the said articles before the busshopp of Winchester, as he supposed his ordinarye beinge visiter of Corpus Christi Coledge in Oxon under whom he is being of that house, and thinkethe that to be sufficient and not to be deprived for that clause of the statute, but not before the busshopp of the diocese of Gloucester. And uppon this his said confession the said commissioners decreed by the auctoritie of this courte that the said Heydon shuld yeld upp his possession in and to the said parsonage and pronounced the same voide by vertu of the said statute and so ipso facto deprived accordinge to the tenure thereof.

x^o Octobris 1574, it is ordered by Sir Richard Barkley knight, Richard Grene bachelor of lawe, and John Angell master of arts, commissioners for ecclesiasticall causes, that John Taylor shalbe released uppon his owne bande to appeare the next courte, the band x^h.

xj^o predicti mensis, Edmund Batt was sett at libertie for viij daies uppon speciall consideracions by the consent of Mr. Grene, Mr. Purie and Mr. Angell, commissioners, etc, uppon suerties sufficient to be bounde in x^h to be prisoner againe in Southgate the xviiijth of this moneth or to appere before the same commissioners the same daye in the forenone in the cathedral church of Gloucester betwene the houres of ix and xj of the clock in the forenone of the same daye to abide their further order.

³¹ "An Act to reform certain disorders touching Ministers of the Church" (13 Eliz. c. 12). This provided that no person should be admitted to a benefice with cure unless he was at least twenty-three years of age and a deacon, and until he had subscribed to the Articles of 1562 concerning the faith and sacraments and had publicly read them and declared his assent to them in the church. (*Statutes of the Realm*, iv, i, pp. 546-7).

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Vigesimo primo die mensis Octobris 1574 regniq[ue] Elizabeth regine xvj^{to} in ecclesia cathedrali Gloucestric locoq[ue] consistoriali ibidem, coram magistris Richardo Grene, Thoma Puric et Johanne Angell, commissariis regis etc., in presentia mei Philippi Morgan registrarii etc.

Officium dominorum contra Yeoman Sheale. Quibus die et loco comparuit dictus Shele et certificavit se fecisse penitentiam juxta decretum dominorum etc., factaque fide etc. Unde domini eum dimiserunt etc.

Officium dominorum contra Willelmum Nyld de Longforde. Reservata est pena dicti Nyld in hunc diem. Quo die preconizatus erat dictus Nild, non comparuit, etc. Unde domini pronunciarunt eum contumacem ac in pena sue contumacionis decreverunt eum capiendum fore per scapulas ac sub salvo etc. donec etc.

Officium dominorum contra Jacobum Gurney et Margaretam Mason. Quo die comparuit Gurney ac objecto articulo se carnaliter cognovisse dictam Mason expresse negavit et assumpsit ad purgandum se crimine predicto. Unde domini assignarunt eum ad purgandum in proxima cum iij^{ta} manu honestorum virorum et se v^{ta}. Deinde comparuit dicta Mason ac super confessionem etc. decreverunt dictam Mason penitentiam sequentem, viz. That she shuld be brought to the cage in Gloucester on Saterdaye next and there to remayne from viij of the clocke in the morninge untill xj, and from thens to be had and to do her penaunce in the marquet place of Gloucester in a whitt shete etc. Et ad certificandum in proxima.

Officium dominorum contra Thomam Whitt. Continuatam erat hoc negocium in proximam.

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Officium dominorum contra Willelmum Bell. Quo die preconizatus fuit dictus Bell, non comparuit, domini pronunciarunt eum contumacem, reservata pena in proximam.

Officium dominorum contra Johannem Lovett de Parva Deane. Ad purgandum se criminis objecti iij^{ta} manu habet ex pena reservata, factaque preconizacione non comparuit. Unde domini pronunciarunt eum capiendum fore per scapulas ac sub salvo etc. donec etc.

Officium dominorum contra Edmundum Ryley. Ad purgandum se dictus Ryley habet v^{ta} manu. Quo die comparuit Henricus Mascall literatus et certificavit se tradidisse litteras dominorum commissariorum pro apprehensione dicti Ryley cuidam Christofero Jarett constabulario ibidem, ac jam preconizatis dictis Jaret et Ryley non comparuerunt nec aliquis eorum comparuit. Unde domini decreverunt litteras tam pro apprehensione dicti Jaret quam dicti Ryley ubicunque etc. ita quod etc. eorum corpora habeantur coram dominis commissariis etc. in proxima.

Officium dominorum contra Thomam Gotheridg et Elizabeth Grasinge de Linton. Facta preconizacione dictorum Grotheridg (*sic*) et Grasinge, non comparuerunt. Unde domini pronunciarunt eos contumaces ac reservata pena in proximam.

Officium dominorum contra Richardum Morris rectorem de Barnest.³² Facta preconizacione dicti Morris, non comparuit. Unde domini pronunciarunt eum contumacem ac in pena etc. capiendum fore per scapulas ac sub salvo etc, donec etc.

³² Barnsley.

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Officium dominorum contra Rogerum Grene clericum rectorem de Stratton. The partie apperinge and could not excuse himself to be often times overcom with drinke and the parsonage house in great decaye, the matter and the simplicite of the partie beinge considered of, yt is decreed that Mr. Chauncellor shall order and have the determinacion of this cause accordinge to his discretion.³³

Officium dominorum contra Willelmum Cleveley de Longborowe in comitatu Gloucestrie, promotum per Thomas Swetehall rectorem ibidem. Ad comparandum dictus Cleveley habet. At which daye the said partie appered, and because this matter ys not to be determined in this court he is dismissed.

Officium dominorum contra Jacobum Ireland, Willelmum Phelpes, Joannam Arnold ac Elizabetham uxorem Willelmi Whittinge de Cirencester. At which daie the said parties appered and confessinge the articles against them exhibited and alleged, yt is ordered that the said parties and every of them shall make their personall apparaunce the next court beinge monished judicillie so to do.

Officium dominorum contra Edmundum Batt. The partie apperinge with his keper who said that the said Batt becam prisoner in the Southgate according to his band in that behalfe taken. And therefore with further consideration movinge this court he is enlarged and his band to be cancelled and unto him delivered.

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Officium dominorum contra Johannem Mors, Thomam Monox, Johannem George, Rogerum Farr, Thomam Restall, Willelmum Viner, Andreum Phelpes, Johannem Butler, Editham Thomson, Johannem Swifte, Willelmum Turbie, Johannem Cornell, Thomam Brindell et Annam uxorem Thomae Bradford de Cirencester. At which daye and place appered John Mors and John George who firmlic saith jhat they will not receive at the handes of the minister nowe present in Cirencester. And also appered William Viner, Andrew Phelpes, John Butler, Edith Thomson, John Swift, William Turbie, John Cornell, Thomas Brindell and Ann Bradford. And because Butler, Brindell and Cornell hath confessed that they have received the communion accordinglie they are discharged. And the said Monox to be excused because he is sick till the next court. At which time it is ordered the said parties to appere, savinge those that are in forme aforesaid discharged, being monished to appere.

Officium dominorum contra gardianos de Cirencester. Continuatum erat hoc negocium usque in proximam.

Officium dominorum contra Robertum Hayle et Joannam Davis. Facta preconizacione dictorum Haile et Davis, non comparuerunt. Domini pronunziarunt eos et eorum utrumque contumaces ac in pena etc. capiendos fore per scapulas ac sub salvo etc. donec etc.

Officium dominorum contra Thomam Jankins.³⁴ Ad comparandum

³³ Grene's manner of life had been the subject of repeated presentments. *Vide supra*, p. 31, n. 15.

³⁴ Jankins (or Jenkins) did not appear before the Consistory Court when charged with incontinence with Margaret Trott on 3 March 1573/4, and was excommunicated on 17 March. In subsequent proceedings he failed in purgation and was ordered penance, but he then did not certify performance of this when due to do so on 5 May (G.D.R. xxxi, 125 *seqq.*)

et ad recipiendum penitentiam dictus Jankins habet. Comparuit ac committatur ad comunem gayholam comitatus Gloucestrie ac ibidem remanere donec aliter consideratum fuisse per commissariis.

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In which daye appered Ursula Wall accordinge to a band in that behalf taken, and because the parties are agreed she is dismissed and the bande to be cancelled and delivered unto her.

Officium dominorum contra Johannem Taylor de Aleston. Obligatur ad comparendum istis die et loco. Quo die comparuit dictus Taylor ac licentiatius est per dominos recedere ac obligacionem dicto Taylor tradendum.

Officium dominorum contra Edwardum Shele. He appered and it is ordered that he shall go againe to the comon gayle from whens he came and there to remayne untill further order be taken.

Whereas Worthe is ordered to his fine of xl^s for his fact before specified³⁵ and penaunce to be made, yt is decreed that he shall paye and deliver the same unto Phelipp Morgan towards the charges of the commission ecclesiasticall optayned.

Die Veneris xxij^o die mensis Octobris anno domini 1574, in ecclesia cathedrali Gloucestrie, coram venerabilibus viris magistris Richardo Grene in legibus baccalaureo, Thoma Pirrie ac Johanne Angell artium magistris, commissariis regis etc., in presentia Johannis Hetherington junioris notarii publici³⁶ pro Philippo Morgan registrario etc.

Officium dominorum contra Edwardum Shele de Dymocke. Detectus de incontinentie cum quadam Johanna Davis.³⁷ At which daye and place the said Edward did personallie appere and havinge denied the crime objected unto him etc. desired the commissioners to make his purgacion etc. At whose petition the said commissioners assigned him to make his purgacion in this place with the handes of iiij^{or} of his honest neighbours besides himself of the said parishe of Dymocke in the next court daye in the said place to be holden beinge Thursdaye and untill that daye decreed him to be enlarged.

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Coram dictis commissariis die Sabati proximo ex tunc sequente, viz. xxiiij die Octobris, anno predicto in loco consistoriali etc., in presentia predicti notarii.

Personaliter comparuit Mr. Huntley et produxit in testes Thomam Kinge de Shurrington et Robertum Spense de Lasington super eius allegatis etc., quos domini ad eius petitionem quatenus de jure admitterent etc. et juramento onerarunt etc. et monuerunt eos ad subendum eorum examen citra proximam sessionem.

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In ecclesia cathedrali Gloucestrie, coram reverendo in Christo patre domino Richardo permissione divina Gloucestrie episcopo et honorabilibus viris Egidio domino Chandois, Egidio Poole et Johanne Tracie militibus, Richardo Grene in legibus baccalaureo, (Thoma Purie—*deleted*) et Johanne Angell artium magistris (*sic*), commissariis regis

³⁵ Thomas Worthe of Horsley. *Vide supra*, p. 19.

³⁶ Hetherington acted as a deputy-registrar in the Consistory Court from 1571.

³⁷ *Cf.* case against Robert Hayle and Joan Davis, p. 28 *supra*.

etc., in presentia Philippi Morgan registrarii, iiii^o die mensis Novembris 1574.

Officium dominorum contra Annam Bradford, Jacobum Ireland, Wilhelmu Phelpes, Joannam Arnold et Elizabeth Whittinge de Cirencestria. The parties appered, and the articles exhibited against them being severallie objected unto them, they confessed them and declared the cause wherefore they absented themselfes from their parishe church particularlye. Ireland saith it is because the minister dothe bid holidaires and fastinge daies, Phelepps would have malefactors and papistes excluded out of the church, Arnold for that the service of God is not ministred accordinge to the worde and for that the minister dothe bid holidaires and fastinge daies the which is supersticion, Whittinge saith she will not have her child christened in the font for that it is supersticion and not agreable to Godes word and for that it was devised by Pope Pius, Bradford saith for that the minister dothe followe mens tradicion and do not minister nor teache the word accordinge to Godes word. Thus the said parties being very obstinat and not obedient to the quenes majesties proceeding, yt is therefore ordered they shalbe committed to ward and there to be kept close prisoners untill further order be taken.

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On which daye and place appered Richard Arnold esquier and William Huntley gent according to the order of this court for the affraye committed and done in the cite of Gloucester betwene the said parties. And the said commissioners fyndinge the cause of the affraye and the drawinge of the first weapon in the said William Huntley, as by good proffe made appereth, and finding dyvers and sundrye misdemeanures in the said Huntley as in gevinge occasion of a newe affraye uppon Mr. John a Morgan, an ould gentleman, notwithstandinge he was before bounde to the peace, and for other disorders by him committed as by proffe it appered, and for avoyding of greater inconveniaunces further hereafter by him like to ensue, yt is therefore ordered and thought good by the discretion of the said commissioners that the said Huntley be presentlie bounde to the good aberinge with sufficient suerties duringe the pleasure of the said commissioners, and that he shall presentlie paye to Mr. Richard Arnold aforesaid fortie shillinges towards his charges, and that Mr. Arnold shall still stand bound in recognizaunces as before he was duringe the commissioners pleasure with his servauntes and familie.³⁸

Yt is ordered that John a Morgan of Newent shall be bounde in xx^{li} to our soveraigne lady the quene that his sonne Arnold Morgan and the servauntes and family of the said John shal kepe the quenes majesties peace towards William Huntley gent.

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In ecclesia cathedrali predicta, coram reverendo patre predicto,

³⁸ On 20 March 1574/5 Huntley was summoned before the Privy Council and required to enter bond of £100 to perform the order given by the Gloucester Commissioners. The Council informed the Commissioners that "incase he shuld accomplishe the condicion of the saide bande . . . then might they, as so directed from their Lordships, give order to the Sherifes of Gloucester to restore unto him his bandes for his apparaunce here, and to discharge him of that matter onles they sawe some greater cause to the contrarye" (*Acts of the Privy Council*, viii, pp. 356-8). *Vide infra*, p. 66.

Richardo Grene et Johanne Angell, commissariis regis etc., in loco consistoriali ibidem, die iiiij^{to} Novembris post meridiem eiusdem dici, in presentia Philippi Morgan registrarii.

Officium dominorum contra Johannem Mors, Thomam Monox, Johannem George, Rogerum Farr, Thomam Restell, Willelmum Viner, Editham Thomson, Johannem Swifte et Willelmum Turbie de Cirencestria. Quo die comparuerunt dicti Mors, Monox, George, Viner, Restell, Turbie et Swifte, ac objectis articulis fatebant, and the cause was for that the minister will not minister the communion accordinge to the boke of comon prayer and the injunxions, in the presence of Mr. Althorne their minister, who confessed part thereof and alleged that he ministred the communion with comon bredd and that he did not were the surplesse for that he was licenced so to do by the high commissioners at London for the ecclesiasticall causes. Whereuppon it is decreed that the said Mr. Althorne shall bringe and exhibite in court the said licence in writing auctentikelye under the handes of the most reverend father in God Mathew Archebushopp of Canterbury, the reverend father in God Edmund busshopp of London, and three other of the quenes majesties high commissioners for ecclesiasticall causes

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in the commission of London etc., unto the reverend father in God Richard busshopp of Gloucester and others the quenes majesties high commissioners there or more (*sic*) of them the next session or court day, viz. the second daye of the moneth of December next cuminge. At which time further order shalbe taken herein, the parties beinge monished then to appere. Deinde domini excusarunt Farr in proximam et decreverunt Restell capiendum fore per scapulas ac sub salvo etc. donec (*etc.*)

Die predicto, in ecclesia cathedrali Gloucestrie, coram predictis reverendo patre, domino Chandos, Egidio Pole, Johanne Tracye, Richardo Grene et Johanne Angell, magister Richardus Arnold armiger produxit in testes ex parte sua contra Willelmum Huntley generosum Robertum Smith de Lasington et Johannem Whorf super allegatis per ipsum Arnold. Quos domini ad eius petitionem juramento onerarunt etc. et monuerunt ad subendum eorum examen immediate ante recessum.

Officium dominorum contra Edmundum Ryleye de Lacio Camden. Ad purgandum se dictus Ryley habet. Quo die comparuit et produxit in compurgatores suos Richardum Bonor, Christopherum Jarett, Johannem Wheeler et Richardum Dorett. . . (*The compurgation was duly made and Ryley dismissed*).³⁹

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Officium dominorum contra Willelmum Bell. Quo die domini continuerunt hoc negocium in proximam.⁴⁰

Officium dominorum contra Thomam Whitt. Facta preconizacione ipsius Whitt, domini pronunciarunt eum contumacem. Reservata pena in proximam.

Officium dominorum contra Jacobum Gurney de Cirencestria. Ad purgandum se iiiij^{ta} manu vicinorum suorum habet. Quo die com-

³⁹ Entry partially faded and illegible.

⁴⁰ The "next session" to which this and the following entries refer does not appear to be recorded in the Act Book.

paruit dictus Gurney ac juxta assignacionem sibi factam super crimen objectum produxit in compurgatores suos Edwardum Jones, Johannem Herne et Thomam Pilreys, quos petiit admitti etc. . . . (*Purgation rejected by the Court*) ac ideo (*domini*) monuerunt cum ad comparandum in proxima.

Officium dominorum contra Margaretam Mason. Ad certificandum de penitentia habet.

Officium dominorum contra Aliciam Bene de Hampton. The partie appered and she is dismissed because the woman brought abedd in her house cam uppon the sodaine into the same and so fell in travell of child and was thereof delivered.

Officium dominorum contra Willelmum Nyld. Continuatum erat hoc negocium in hunc diem, ac de novo pena reservata continuatum est usque in proximam.

Officium dominorum contra Rogerum Grase de Risington Magna. Ad comparandum habet per captionem corporis.

Officium dominorum contra Margaretam Trott de Newent.⁴¹ Similiter.

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Officium dominorum contra Johannem Howell de Littelton. The partie apperinge and confessinge his lewde facte in committingte fornicacion with Edith Cox, and uppon the same with other consideracions movinge the said commissioners, he is putt to his fine of iiii^{li} and so dismissed.

Officium dominorum contra Johannem Linche rectorem de Littleton. Quo die comparuit dictus Linche et fatebatur se illegittime genuisse prolem ex corpora (*blank*) et allegavit se commisisse culpam hanc aut . . .⁴²

Officium dominorum contra Richardum Morris rectorem de Barnsley. Quo die comparuit dictus Morris coram venerabilibus dictis magistris Egidio Pole milite, Richardo Grene in legibus baccalaureo, et Johanne Angell artium magistro. Et ex certis causis dictorum dominorum judicantium (*animos*) specialiter moventibus continuarunt hanc (*causam*) usque in proximam in loco consistoriali Gloucestrie vel aliter in domo mancionis dicti venerabilis viri Egidii Pole eundem diem.

Officium dominorum contra Aliciam Barnefeld, Margeriam, Elizabeth et Margaretam filias ipsius Alicie, necnon Johannem Barnefeld de Hampton. The said Alice and Margery appered and confessinge the articles against them exhibited for not cuminge to their parishe church and there receive the communion accordinglie, and alleged the cause for that they are in daynger of their lives and every daye thretened to be hurte by their adversaries beinge in controversie of lawe. And there-uppon and at the request of the said Alice she and the said

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children be dismissed, and the said John Barnefeld excused, beinge in his affaires at London, untill the next courte daye.

The said daye and place by the said reverend father in God Richard busschopp of Gloucester, Richard Grene and John Angell, yt was ordered that Elizabeth Whittinge notwithstandinge the former committment shall have libertie to repaire to my Lord Chandois, Sir Gyles Pole and

⁴¹ *Vide supra*, Office v. Jankins, p. 28. Trott was ordered penance by the Consistory Court on 29 Jan. 1574/5. (G.D.R. xxxi, 383).

⁴² Entry incomplete.

Sir John Tracie for her enlargment, for that she hathe a younge suckinge child.

Deinde dicti domini commissarii ultime prececitati continuarunt et eorem quilibet continuavit omnes causas et assignaciones isto die non expeditas usque ad et in secundum diem Decembris proximum.

Officium dominorum contra Johannem Linche rectorem de Littleton. Notatur de incontinentia. Quo die personaliter comparuit dictus Linche et fassus est se carnaliter cognovisse quamdam (*blank*) et allegavit crimen hunc esse perpetratum ante xiiij Februarii ultimo . . . (*He therefore claimed benefit of royal pardon*), quod (*domini*) concesserunt et absolverunt (*eum*) et sic ab officio dimiserunt.⁴³

p. 38.

(*Blank*)

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Die Jovis secundo viz. die mensis Decembris anno domini 1574. coram venerabilibus viris magistris Richardo Grene in legibus baccalaureo, Richardo Pates armigero, Johanne Angell et Thoma Pyrrye prebendariis etc.

Officium dominorum contra magistram Dorotheam Androwes generosam viduam parochie de Haresfild. Detecta est quod non frequentat ecclesiam suam parochiam. At which day and place the sayd Mrs. Dorothee Androwes beinge called judicillie made her personall appaurance, agaynst whom the sayd commissioners did objecte that she hathe not frequented her owne parishe church of Haresfild aforesayd. Uppon which objection she answered that she hathe bene by great distaunce of her dwelling place from her parishe church absent and not in contempt of the service there ministered. Neverthesse she sayeth that she hathe goon to Moreton Valence beinge a church nerer unto her to heare devyne service. And further the same commissioners objected agaynst her that she hathe not received at her parishe church aforesayd at Easter last, whereunto she answered that she the same Mrs. Androwes received at Easter aforesayd in the parishe church of Moreton aforesayd at the handes of John Day minister there. Whereuppon the sayd commissioners monished the same Mrs. Dorothee Androwes that she with her familie shall hereafter everie Sondag frequente her own parishe church. And for her not comminge to the her (*sic*) parishe church aforesayd the same commissioners doo appoynte and commaunde her to pay unto the use of the poore x^{li}, and that she shall receive the communion in her parishe church aforesayd before Candlemas next under the payne of the law; and they further ordered for the payment of the sayd x^{li} that the same shalbe payed to the handes of the churchwardens there . . .⁴⁴ to thuse of the poore of the sayd parishe.⁴⁵

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Officium dominorum contra Thomam Bycke parochie de Arlingham. At which day and place the same Thomas Bycke made his personall

⁴³ Entry partly faded and illegible.

⁴⁴ Entry partly faded and illegible.

⁴⁵ Yet on 25 June 1575 she told the Consistory Court judge that she had been licensed by the commissioners to attend another church. (G.D.R. xxxi, 516).

apparaunce, agaynst whom the same commissioners objected that he the same Thomas dothe neither of late hathe cohabited with his lawfull wief called Marie Bycke. Then afterwards the same commissioners monished the same Bicke to make his apparaunce in this place uppon this day fortnight.

Officium dominorum contra Willelmum Curteys parochie de Haresfeld. The same Curteys made his apparaunce, agaynst whom hit was objected that he did not receive the communion in his parishe church at Easter last, whiche he confessed, sayeng that the minister there did not receive the communion him selfe which was the cause of his not receaveing. And thereuppon it is decreed by the courte that a lettre shall be sent for the minister agaynst the next courte and that then he shall make his apparaunce etc.⁴⁶

Officium dominorum contra Johannem Curteys de Haresfeld predicto. Comparuit etc., agaynst whom hit is objected that the same Curteys is maynetyner of his daughter in her naughtie lief, which he denyeth. Wheruppon he was monished to make his apparaunce in the consistorie uppon Saturday next and then to bringe in his daughter before Mr. Chauncellor, and one Davis agaynst them shalbe called.

p. 41-2.
(Blank)

p. 43.
Officium dominorum contra Thomam Taylor rectorem de Northcerney. Introducta littera etc., facta fide per Robertum Millton presentem in iudicio quod diligenter etc. The sayd commissioners decreed that a lettre shalbe made agaynst the sayd parson that he may be therbie monished personallie, otherwise by the fasteninge of the same lettre uppon the doore of the mansion house etc. or church doore etc. uppon Sunday next for his apparaunce to be made here this day fortnight next to theeffect of the former lettre etc.

p. 44.
(Blank)

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xxj die mensis Decembris anno domini 1574, in domo habitacionis vocato Le Winiarde reverendi patris Richardi permissione divina Gloucestrie episcopi, ac coram eo necnon magistris Richardo Pate armigero et Richardo Grene in legibus baccalaureo, commissariis regis etc., in presentia Philippi Morgan registrarii etc.

Officium dominorum contra Elizabeth Whittinge de Cirencestria. The same day and place the said commissioners having speciall care to have the child of the said Whittinge baptised accordnglic and for other consideracons them movinge did order and decree that a lettre from this court shuld be directed unto the churchwardens, cunstable and ij other of the substantiall inhabitauntes of Cicester requiringe them uppon the receipt thereof to make their repaire unto the said

⁴⁶ Curteys appeared on the same charge before the Consistory Court on 25 June 1575, when he said that there was discord between him and the vicar. He was ordered to receive with lawful bread by 1 August, but said that he would receive with fermented bread or not at all. (C.D.R. xxxi, 516).

Elizabeth, and by virtue of the same to geve her monicion to go with her child yet unbaptised unto her parishe church of Cicester, or els to send the same child by some discrete persons, the ixth daye of the moneth of Januarie next cuminge in the eveninge praier of the same daye when the people are most conversant and gathered together, and there to desire the minister of the said parishe to baptise the same child accordinge to the order of the church nowe used and in like cases provided. And if default therof be made by the said Elizabeth of the premisses, then she to appeare before the said commissioners or other their colleagues her majesties commissioners for ecclesiasticall causes, and to bringe with her the same child if the same child

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maye be convenientlie brought without perill of death the next court daye holden in the consistorie of Gloucester beinge the xiiijth daye of Januarie next, and not departe without speciall licence.

Officium dominorum contra Annam Bradford de Cirencestria. The same daye it was ordered by the said commissioners that the said Bradford shalbe called personallie to appere the next court daye viz. xiiij^o Januarii proximo ad respondendum articulis contra eam ministrandis.

xxij^o die mensis Decembris 1574. in ecclesia cathedrali Gloucestrie locoque consistoriali ibidem, inter horas ix^{ma} et xj^{ma} ante meridiem eiusdem diei, coram venerabilibus viris magistris Richardo Grene in legibus baccalaureo, Thoma Perrye et Johanne Angell in artibus magistris, commissariis regis etc. in presentia Philippi Morgan notarii publici et registrarii etc.

Officium dominorum contra Johannem Taylor, Willelmum Warde, Thomam Grafton, Richardum Taylor et reliquos inhabitantes de Alveston et Urdcott,⁴⁷ promotum per magistrum Mauricium Sheperd armigerum. Quibus die et loco comparuit personaliter dictus Mauricius Sheperd armiger et constituit magistros Johannem Lawrence (et) Robertum Awfild, procuratores generales consistorii Gloucestrie,⁴⁸ et Jacobum Best suos procuratores . . . quod quiddam procuratorium dictus Lawrence exhibit et fecit se

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partem pro eodem. Deinde allegavit ut sequitur viz. Whereas order was taken by this court that a decree betwene the said parties shuld be (made) by Mr. Georg Phetiplace esquier before the feast of the nativitie of our Lorde God nowe drawinge one (sic), the said proctor allegith that the said Morice Sheperd hathe done all his indeavour and diligence for the due performauce therof. But by reason of the longe absence of the said Mr. Phetiplace⁴⁹ and his other urgent affaires the

⁴⁷ Earthcott.

⁴⁸ John Lawrence had practised as proctor in the Consistory Court since 1569, Robert Awfild (Alfield) since 1560. Awfild was in holy orders: Fellow of King's College, Cambridge, 1535-c.1539, he became master of Gloucester Cathedral School in 1558, and subsequently held the livings of Baurton-on-the-Water and Barnsley, Glos., and was a prebendary of Gloucester Cathedral, 1580-83. His son, also Robert, became a seminary priest and was executed at Tyburn in 1585.

⁴⁹ On 3 September 1574 a deputy for Phetiplace had been accepted by the Council of the Marches and Wales to go on his judicial circuit, on account of his illness (Bodlcian MS. 904, f. 84^v).

said Mr. Shepperd could by no means optayne the said decree by the day appointed to be drawn. Whereuppon he offereth himself to make faith, and in consideration of the premisses praict of this honorable court a longer daye for the drawinge of the said decree accordinge to the order aforesaid. Unde domini ad eius petitionem prorogaverunt decretum predictum usque xiiij^o die mensis Januarii proximo ... (*The inhabitants to be warned to appear on that day, and to be informed by Sheperd when to meet before Mr. Awfild to discuss terms of the decree*).

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Die Jovis viz. xiiij^o die mensis Januarii anno domini 1574 regnique regine Elizabeth xvj^o, in ecclesia cathedrali Gloucestric locoque consistoriali ibidem, coram reverendo patre domino Richardo episcopo Gloucestric, Richardo Grene in legibus baccalaureo, et Thoma Pery artium magistro, commissariis regis etc., in presentia Philippi Morgan registrarii etc.

Officium dominorum contra Johannem Hawlinge de Elmeston, promotum per (*blank*) Milton de Ockenton. Obligatur ad comparendum. Quo die comparuit dictus Johannes Hawling cui domini objecerunt articulos that he left a child begotten by him of the bodie of Catherin Hill⁵⁰ in the house of Mylton, quod expresse negavit, nisi fassus est per eum quod carnaliter cognovit dictam Hill. Deinde domini ex certis causis eos specialiter moventibus commiserunt dictum Hawling ad communem gayclam ac ibidem remanere per spacium xv dierum, and then to appere with sufficient suerties to receive the child and to discharge the parishe therof.

Officium dominorum contra Elizabeth Whittinge de Cirencestria. The same day the said partie appered who confessed that her child was not christened. Wheruppon yt is ordered that a lettre shalbe directed to the minister, the ij church wardens and the counstables, and to Christofer George, Thomas Edmundes, John Coxwell, William Partridge and (*blank*) Kele of Cirencester, and to every or anye of them, to make their repaire to the house of the said Whitting and there to take the said child and to bringe the same to the parishe church of Cicester, and the minister to baptise the same child in the font according to the order in that behalf used, and to certifie of their doinges the next court, and the said Whittinge in disobeinge this order to appere.

Officium dominorum contra Annam Bradford. Ad comparendum causa (*sic—i.e. dicta*) Bradford habet. Respectuatur usque in proximam.

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Officium dominorum contra Thomam Bullock de Longney, promotum per Annam Downe. Quo die comparuit (*blank*) Downe frater dicte Anne ac procuratoris nomine ipsissime Anne promovendo officium dominorum etc. dedit articulos quos petiit admitti, in presentia dicti Bullock, ad cuius petitionem domini admiserunt. Tunc dictus Downe petiit responsiones dari eisdem etc. Deinde produxit dictum Bullock super eisdem, quem domini ad eius petitionem juramento onerarunt et monuerunt eum etc. citra proximam. Deinde domini interrogaverunt dictum Bullock an unquam carnaliter cognovit dictam Annam Downe, quod fassus est

⁵⁰ Catherine Hill had been charged before the Consistory Court with incontinence with one John Bennett on 6 October 1574, and she was ordered penance for this offence on 26 Jan. 1574/5 (C.D.R. xxxi, 280, 379).

per eum. Unde domini eadem causa ac aliis racionalibus causis dominos iudices specialiter moventibus injunxerunt eum penitentiam publicam . . .⁵¹ Bullock habet ad certificandum in proxima . . . Januarii 1574 comparuit dictus Bullock coram magistris . . . et certificavit penitentiam esse peractam juxta ordinem dominorum commissariorum tam in civitate Gloucesterie quam in ecclesia parochiali de Longney ut constat per certificationem per eum introductum. And because the said Bullock did those iij daies penaunce penitentie he is by the consent of the reverend father in God Richard busshopp of Gloucester and the said commissioners released of his penaunce to be done in the parishe church of Elmore, and in recompence therof to pay to the pore xx^s. And it is further ordered by the said commissioners that he shall kepe the child when soever God shall sende the same into the world, with sufficient mayntenaunce. And so he is dismissed and the bande cancelled to be.

Officium dominorum contra Thomam Woodford de Alderton. Obligatur ad comparendum. Quo die comparuit, and it is ordered that he shall be committed to the comon gayle there to remayne for xv daies for his contempt in disobeyinge process out of this court, and in the end of the said xv daies personallie to appere before the said commissioners with

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sufficient suerties to be bounde to the queenes majesties use in xlii^d to doo suche penaunce as are (sic) alrebye injoynded him by the chancellor, and to certifie therof.⁵²

Officium dominorum contra Johannem Barnefeld, Richardum Chambers et Johannem Tasker alias Sandell. Domini decreverunt eos captivos fore per scapulas ac sub salvo etc. donec etc.

Dictis die et loco, coram predicto reverendo patre, Richardo Barkley milite, Richardo Grene et Perry, commissariis regis etc., in presentia predicti registrarii.

Officium dominorum contra Johannem Taylor, Willelmum Ward, Thomam Grafton, Richardum Taylor et reliquos inhabitantes de Alveston et Urdcott, promotum per magistrum Shepperd armigerum. . .⁵³

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Vicesimo septimo die mensis Januarii anno domini juxta computationem ecclesie Anglicane 1574. Johannes Browne et Thomas Grene de Newent in comitatu Gloucesterie et eorum uterque separatim obligaverunt se in xlii^d domine nostre regine etc. That Thomas Jenkyns of Newent aforesaid shall doo suche penaunce ecclesiasticall as her majesties commissioners for causes ecclesiasticall within the countie of Gloucester and Bristol appointed for certeyne crimes of perjurie and fornicacion by him committed have injoynded him in suche order and sort as in their decree remayinge inacted is sett downe and appointed etc. . .⁵³

. . . emanavit attachiamentum directum omnibus officiis etc. pro Willelmo Davis de Dymock excommunicato . . . ad custodiendum corpus donec etc. . .⁵³

⁵¹ Entry damaged and partly illegible.

⁵² The penance had been ordered on 18 Sept., and Woodford (or Woodfelde) excommunicated for contumacious failure to perform it on 6 Oct. 1574 (G.D.R. xxxi, 267, 279).

⁵³ Entries damaged and partly illegible.

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x^o Februarii 1574 regnique Elizabeth regine decimo septimo. Curia tenta in ecclesia cathedrali Gloucestric locoque consistoriali ibidem, coram magistris Pate, Grene et Purve, commissariis regiis, in presentia Philippi Morgan registrarii etc.

Officium dominorum contra Annam Bradford. Monita erat dicta Bradford ad comparendum istis die et loco. Quibus die et loco preconizata fuit dicta Bradford, non comparuit. Unde domini pronunciarunt eam contumacem ac in pena sue contumacie decreverunt eam capiendam fore per scapulas ac sub salvo etc. donec [*sfdessusert*].

Officium dominorum contra Johannem Hawling de Elmeston, promotum per Mylton de Ockenton in comitatu Gloucestric. . . . week . . . the childe by . . . bodey of Catherin Hill . . . the parishioners shuld . . .⁵⁴ week vj^d towards the finding of the said child untill such time as they did bringe the said Catherin before the said commissioners or other their colleagues. And it is further ordered that the said parishioners shall have lettres of attachment for her apprehension. And for the facte committed with the said Catherin by the said Hawlinge as by his confession it appereth he is injoynd to do his penance in forme folowing, viz. one Saterdaye next in the marquet of Gloucester and ij Sundaies in the parishe church of Elmeston in such order and forme as it shalbe sett in writting the which the said Hawling shall receive of the register of this court. And beinge required to putt in suerties to accomplish the said penance, the which he utterlie refuseth, therefore he is committed to the comon gayle of Gloucester, there to remayne untill he bring such sureties to accomplish the premisses.

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Officium dominorum contra Thomam Woodford de Alderton. Obligatur ad comparendum et ad certificandum an peragit penitentiam. Quo die comparuit Johannes Woodford, pater ut asseruit dicti Thomae, et certificavit penitentiam hanc esse peractam, factaque per eum fide etc. Unde domini dimiserunt dictum Thomam Woodford et decreverunt bannas obligationis dicti Woodford retradi et cancellari.

Officium dominorum contra Edmundum Batt. Quo die comparuit Egidius Robertes et certificavit se quesivisse dictum Batt apud domum habitacionis suam ad effectum apprehendendi eum etc., latitavit etc., quominus etc. Unde domini decreverunt eum capiendum fore per scapulas ac sub salvo etc. donec etc. erga xxv^{to} Februarii nunc instantem.

Officium dominorum contra Willelmum Davies de Dymock, promotum per Thomam Wattes et Thomam Weale. Obligatur ad comparendum istis die et loco. The parties appered and being contented to putt the matter in variaunce to the order and end of William Hill, Giles Cowlecroft, William Hill of Dymock and Richard Clarke, and Humfrey Foster of Oxnoll to be umpere, yt is therefore ordered and thought good that the said William Davies, Thomas Wattes and Thomas Weale shalbe bound in C^{ll} the one partie to the other to stande to performe, fulfill and accomplish the arbitrament, rule, dome, judgement and adwarde of the said William Hill and Giles Cowlecroft and William Hill of Dymock and Richard Clarke, arbitrators indifferentlye named, elected and chosen aswell one the parte and behalf of the said William Davies as also one the parte of the said Wattes and Weale to arbitrat,

⁵⁴ Entry damaged and partly illegible.

rule, doome, judg and adward of, for and concerning all and all maner of matters, controversies, striffes, debattes and variaunces from the begining of the world etc., and especiallie of, for and concerning the matter nowe or late dependinge before the quenes majesties commissioners for causes ecclesiasticall etc.; and the same adward to be geven and yelded uppe

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to the said parties on thisside and before the xxvth daye of Marche next cuminge; and that if the said domesmen do not agree, then the said umpire and any two of the said domesmen to yeld and geve their adward in and upon the premisses before the said xxvth of Marche.

Officium dominorum contra Richardum Chambers de Hampton. The partie appered, and because yt was alleged that the said partie was not presented in form specified in the presentment yt is therefore ordered that a lertre be sent and directed to those persons nominated in the presentment that they shall certifie the said commissioners or other their colleagues in writting the xxvth of this moneth whether the said Chambers was presented in suche wise as it is exhibited unto this court. Et tunc dictus Chambers habet . . .⁵⁵ ad comparandum per monicionem dominorum commissariorum etc. quod in se assumpsit.

Officium dominorum contra Willelmum Merser civitatis Gloucestrie.⁵⁶ The partie appered and confessed that his servauntes, both men servauntes and mayd servauntes, laye in one chamber. For the same his lewde behaviour and undesent order, the order therof is reserved over untill the xxvth of this moneth, at which time he is to appere before the said commissioners in the consistory within the cathedral church of Gloucester betwene the houres of ix and xj of the clocke in the forenone of the said daye. And that from hensfurthe he shall not suffer the abuse in his house.

Officium dominorum contra Margaretam Wood et Thomam Boyden, famulares predicti Merser. Quibus die et loco comparuerunt partes et super confessatis domini decreverunt eis et eorum utrique penitentiam sequentem, viz. That the said Margarett shalbe sett in the cage of Gloucester with a whitt shet upon her upper apparell, bare hedded and barefotted, on Saterdaye next the xij daye of the

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moneth, and there to continewe all that daye, and that daye sevenight to sitt in the marquet place of Gloucester in the stockes from viij of the clocke in the forenone of the same daye untill iiij in the after none, and the Saterdaye next after that beinge the xxvjth of this moneth to sitt in the like apparell and order as beforesaid in the stockes at Brockworth; and to certifie of her penaunce in forme aforesaid done the next court the xth of Marche. And that the said Thomas Boyden shall one Saterdaye beinge the xijth of Februarye nowe instant stande in the cage of Gloucester with a whitt shete uppermost upon his apparell, bare hedded and bare fotted, from viij of the clocke in the forenone of the same daye until iiij in the after none, and to certifie therof the xxvth of the same moneth by the testimonye of three honest men.

⁵⁵ Entry damaged and partly illegible.

⁵⁶ Merser or Mercer and his two servants had appeared before the Consistory Court on 5 February 1574/5, when the case had been remitted to the Royal Commissioners (G.D.R. xxxi, 386).

Officium dominorum contra Thomam Jankin et Margaretam Trott de Newent. Quo die domini decreverunt eos capiendos fore per scapulas ac sub salva custodia donec (*fidejusserint*). Ad comparandum in hoc loco xxv^{to} die mensis Februarii nunc instante.

Officium dominorum contra Thomam Hodges, promotum per Rayns-crofte.⁵⁷ Obligatur ad comparandum istis die et loco. Quo die comparuit dictus Rainscroft personaliter, ad cuius petitionem preconizatus fuit dictus Hodges, non comparuit. Unde domini pronunciarunt eum contumacem, reservata pena usque in diem Veneris xxv^o diem Februarii proximum. Deinde dictus Rainscroft prorraxit articulos quos petiit admitti etc.

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Apud Saperton, xv^o die Februarii 1574, regnique regine Elizabeth decimo septimo, coram venerabilibus viris magistris Egidio Pole milite, Richardo Bayneham armigero, et Richardo Grene in legibus baccalaureo, commissariis regii etc., in presentia Philippi Morgan registrarii.

The same daye and place appered Anne Cole and John Butler of Cicester, who were for the further informacion of the said commissioners sworne and examined concerning the christeninge of Whittinges child. And findinge greate obstinacie and frowardnes in the said Anne, it was therefore ordered that she shuld be committed to the gaile of Cirencester, there to remayne untill she shuld find sufficient suerties to be bound in xl^{li} to the quenes majesties use to appere the next court holden by the said commissioners or other their colleagues the xth daye of Marche next cuminge.

xxij^o die mensis Februarii 1574, regnique Elizabeth regine xvij^o, in loco consistoriali Gloucestrie in ecclesia cathedrali ibidem, coram magistris Pate, Grene et Purye, commissariis regii etc., in presentia Philippi Morgan registrarii.

Officium dominorum contra Elizabeth Whittinge. On which daye appered the said Whittinge, and beinge by the said commissioners asked whether her child was baptized and by whom, she answered and said that the same child was baptized at Hawxburye in the countie of Gloucester by one Woodland minister there on the Lordes daye last as she termed it, the which is callid Sundaye, the xxth of this moneth. And beinge demaunded who were godfathers and godmother to her child . . .⁵⁸

p. 57.

xxv^o die mensis Februarii anno domini juxta computationem ecclesie Anglicane 1574, regnique regine Elizabeth xvij^o, in ecclesia cathedrali Gloucestrie locoque consistoriali ibidem, coram magistris Richardo Grene, (*blank*) Savage archidiacono Gloucestrie, Thoma Purye et Johanne Angell, commissariis regii etc., in presentia Philippi Morgan registrarii.

Officium dominorum contra Thomam Hodges, promotum per Rains-crofte clericum. Reservata erat pena dictus (*sic*) Hodges in hunc diem. Quibus die et loco comparuit dictus Hodges in presentia dicti Rainscroft petens articulos alias per eum datos admitti etc., ad cuius petitionem

⁵⁷ Martin Rainscroft, M.A., Rector of Shipton Moyne.

⁵⁸ Entry uncompleted. For a full report of the proceedings against Whitting on 23 February, *vide infra*, pp. 59-60.

domini admiserunt quatenus de jure etc. Tunc dictus Rainscroft produxit dictum Hodges super eisdem, quem domini ad eius petitionem juramento onerarunt etc. et monuerunt ad subendum eius examen citra proximam. And further it was ordered that the said Hodges shuld paye or cause to be paid unto the said Rainscroft the some of x^{li} for servinge the cure of Shipton Moigne from the feast of the nativitic of our lord God in the year of his incarnation 1573 untill (*blank*), provided alwaies that the same shall not prejudice the right of the said Hodges the which he or his sonne hathe unto the said Shipton Moigne by vertu of a lease therof made by the same Rainscroft. Deinde dictus Hodges recognovit se debere domine regine summam x^{li} legalis monete Anglie solvendam dicte domine regine vel successoribus suis etc. quod ipse comparebit in proxima et solvat seu solvi faciat dicto Rainscroft predictam summam in ecclesia parochiale de Shipton predicto in die.

Officium dominorum contra Thomam Boyden. Ad certificandum de penitentia dictus Boyden habet. Facta preconizacione ipsius Boyden, non comparuit nec certificare curavit. Unde domini decreverunt eum capiendum fore per scapulas ac sub salvo etc. donec etc.

p. 58.

Officium dominorum contra Willelmum Merser civitatis Gloucestric. The said partie appered, and uppon deniall of his facte he is injoynd to make his purgacion with vj of his honest neighbours and howshoulders wherof iiii to be of the parishe of Graceland within the cittie of Gloucester and ij other to be hadd in the hie streate from the hie crosse of Gloucester unto Trinitye churche within the said cittie, and that proclamacion be made in his parishe church on sum hollidaye at the time of devine service when the people be most conversant together of the daye and place when he shall make his said purgacion, and that if any person can object or against saye the same then to come in court and propose his matter in due order, and he shalbe harde.

Officium dominorum contra Richardum Chambers de Hampton. The party appered and uppon exhibitinge of the parishioners certificate he is injoynd to geve to the poore mens box in his parishe xij^d. And so he is dismissed.

Officium dominorum contra Thomam Woodland curatum de Hawxbury. Quo die comparuit dictus Woodland, quem domini juramento onerarunt de fideliter deponendo articulis ex officio mero ministrandis, et monuerunt eum ad subendum examen ante recessum. Deinde recognovit (*se*) debere domine regine x^{li} etc. sub condicione quod comparebit in proxima et quod non recedat nisi prius licentiam dominorum commissariorum obtinet.

p. 59.

xxiiij^o Februarii 1574, anno regni regine Elizabeth xvij^o, in ecclesia cathedrali Gloucestric locoque consistoriali ibidem, coram magistris Pates, Grene et Perrye, commissariis regiis etc., in presentia Philippi Morgan registrarii etc.

Officium dominorum contra Elizabeth Whittinge. On which daye the said Whittinge appered, and beinge asked by the said commissioners whether her child was baptized, and if it were by whom, when, in what place and after what maner, wherunto she answered and said that her child was baptized at Hawxburye by one Woodland the minister there on the last lordes daye, the which she meaned to be the last Sundaye.

And further being asked who were godfathers and godmother to her child, the which she utterlye misliked of and would not have them so termed but cauled witnesses or suerties to the baptizinge, and that she knoweth not in what order the same child was baptized for that she was not present thereat, and being donn by the procurement of the said minister contrarye to her husbandes will.

The said daye and place appered the said William Whittinge, and being asked by the said commissioners wherefore his child was not baptized and whye he would not geve his condecnt (*sic*) thereunto, he answered for that he could not have the same childe baptized accordinge to godes word, and called the font the which he mislyked of a trowe, and said he could not terme it better and that it was wicked and abominable. And further uppon sundry questions asked of him he arrogantlic said that he would followe the quenes majesties lawes and her highnes proceedinge so farrfurthe as the same did agree to god worde and not otherwise, and that he utterly mislyketh to have god-fathers and godmothers to the baptizing of any children.

p. 60.

Yt is ordered by this court that the said William Whittinge for his unsemely wordes and disobedience be committed to the castell and there to remayne untill the assices next. And so is the said Elizabeth his wief for her disobedience and breeche of order heretofore made there to remayne untill the same time.

And it is decreed that lettres of attachment be made for the apparaunce of the said Wood(*land*) curatt of Hawxburye for his apparaunce to be made presently uppon his apprehension.⁵⁹

p. 61.

Decimo die mensis Martii 1574, regnique regine Elizabeth xvij^o, in ecclesia cathedrali Gloucestric locoque consistoriali ibidem, coram reverendo patre Richardo Gloucestric episcopo, Richardo Pate, Richardo Grene et Thoma Pury, commissariis regiis etc., in presentia Philippii Morgan registrarii.

Officium dominorum contra Thomam Ho(*d*)ges, promotum per magistrum Rainscroft clericum. Obligatur dictus Hodges ad comparendum istis die et loco et monitus erat ad subendum eius examen erga hunc diem. Quibus die et loco comparuit dictus Hodges in presentia dicti Rainscroft fatentis se recipere summam x^{li} legalis monete Anglie juxta tenorem ac effectum decreti dictorum dominorum commissariorum. *Hodges gave in allegations in writing, and produced as witnesses on them Edmund Webbe, William Marten and Roger Smith, who were sworn and monished to be examined by the next court day, Rainscroft dissenting and protesting. Both parties were warned to appear at the next court.*

Officium dominorum contra Thomam Boyden famulum Merser civitatis Gloucestric. Decretus erat dictum Boyden capiendum fore per scapulas ac sub salvo etc. Certificatus quod corpus eius habeatur coram predictis commissariis istis die et loco.

p. 62.

Officium dominorum contra Willelmum Merser civitatis Gloucestric.

⁵⁹ Woodland appeared before the commissioners on 25 February (*Vide supra*, *p. 58*). He was dismissed on 10 March (*Infra*, *p. 62*).

*Merser appeared, but failed in his purgation, and was therefore ordered to appear at the next court to receive penance.*⁶⁰

Officium dominorum contra Thomam Woodland clericum. Obligatur ad comparandum istis die et loco. In which daye the said Woodland appered, and because he is founde tractable and without blame in that which is alleged against him, as by his answer and the testimony of many honest men it dothe appere, he is dismissed and the band wherin he is bound decreed to be cancelled and delivered unto him.

Officium dominorum contra Evanum Williams clericum, promotum per Barnsdall. The said Williams appered, and because the matter alleged against him by the said Barnsdall is yet undetermined in the commissioners court at London he is dismissed.

p. 63.

Officium dominorum contra Annam Cole de Cirencestria. Obligatur ad comparandum istis die et loco. The partye appered, and being asked why she will not receive the communion she answered because she is not worthy therof for want of lerninge to knowe what she doth receive. And she saith that she will not receive untill suche time as God shall move her. Whereuppon it is ordered that she shall receive the communion in the parishe church of Cirencester on thisside the vij daye of Aprill next cuminge, and that she shall orderlye cum unto the same parishe church on Sundaies and hollidaies and all other daies as she ought to do, and to certify therof the next court, and so she is dismissed and her bande obligatorye to be cancelled and delivered her or her suerties.

Officium dominorum contra Annam Bradford et Elizabeth Whitting. The parties appered, and it is ordered that they shall receive the communion in their parish church of Cirencester the vij daye of Aprill next, and that they do so orderly cum to their parishe church on Sundaies and hollidaies and other dayes orderlye as they ought to do, and to certify thereof the next court. And it is decreed that Bradford shall have her band cancelled and delivered her.

Officium dominorum contra Hugonem Dawe de Longa Hope.⁶¹ A disturber of devine service. The party appered, and upon his humble submission he is dismissed.

p. 64.

Officium dominorum contra Radulphum Ireland et Henricum Hatchway de Cheltenham.⁶² For not receiving the communion in their parish church because the minister will not minister with loff bredd. The parties appered, and it is ordered that they shall receive the communion in their parishe church on Easter daye next with such bredd as the minister shall there minister that daye, and to certify thereof the next court.

⁶⁰ Cf. *infra*, p. 73.

⁶¹ Hugh Dawe of Longhope had been before the Consistory Court, on charges of bawdry and disturbing divine service, on the preceding day, 9 March, and had then been ordered to appear before the Royal Commissioners for his contempt of court.

⁶² This case had been referred to the Royal Commissioners by the Consistory Court on the preceding day. Ireland and Hatchway (or Hathway) had been presented for failure to receive communion and for working on feast days on 15 July 1573. They had then been warned by Chancellor Grene, and they had been excommunicated for contumacy on 10 October following (G.D.R. xxxi, 17. 53. 434).

Officium dominorum contra Edmundum Batt. The same Batt appered, and being asked by the said commissioners whether he did frequent and use to go to his parishe church and there use himself accordingle, he answered and said that he did not. And being demaunded what was the cause why he would not goo to the church, he saith for that he mislyketh the minister who is not a fitt man to minister in the congregacion. And he saith that the churche the which is so termed in these daies ought not to be so called, for that it is nothing els as he said but a place of supersticion and idolatrie. And beinge commaunded directlye to answer whether he will come unto the churche or not, he answered and said that if he knewe a mesinger to be there that would teach the worde of God then he coulde come thether, and said further that untill reformation be had in the churche he would not com thither because it was contrarye to his conscience. Whereuppon it was ordered for his disobedience in the premisses that the said Batt shalbe committed to ward to the custody of the sheriffes of Gloucester, ther to remayne untill the assises next, and then to be indicted and to abide the penaltie of the statute in that behalf provided.⁶³

p. 65.

Officium dominorum contra Willelmum Whittinge. The same Whittinge appered, and being asked whether he would goo to his parishe church and there to here devine service said and to receive the communion accordinge to the quenes majesties lawes for the same provided, the which he utterly denied to do, and said that there was more tyranny nowe in these daies used then ever was, and unrevcrently cryinge out with a lowd voice and said that God would take vengeaunce uppon the majestrattes, rulers and governors of this realme and would rote out bothe prince and people for the mayntenance of idolatrie, supersticion and all other abominacion and wickednes. Yt is ordered that he shalbe committed to the comon gaile of Gloucester and there to remayne untill the said commissioners or other their colleagues shall take further order for his enlargement.

Officium dominorum contra Willelmum Druett. The said Druett appered, and denieng to come to the churche and to receive the communion according to the quenes majesties lawes and injunxions appointed. And he said then and there present that the blud of one cried against the commissioners by executinge their commission, and skoffinglie he called the busshopp of Gloucester sittinge in commission: goodman pope that sittes there with whitt sleeves, the popes robes will begin scripture and confounde us anon, and because you loke to be called Lord Busshopp, then geve me leave Mr. Busshopp, you shalbe called Lord Busshopp. Yt is ordered that he shalbe committed to the common gayle of the countie of Gloucester, there to remayne untill further order be taken for his enlargement.

p. 66.

Yt is ordered by the said commissioners that the sheriffes of Gloucester shalbe discharged of William Felpes, James Ireland and Joan

⁶³ When Batt was cited before the Consistory Court on the following 25 June, for not receiving communion at Easter, his wife reported that he was still in prison by order of the Royal Commissioners (G.D.R. xxxi, 515).

Arnold, and an ad mittimus to be made to the keeper of the castell to receive them.

Quinto die mensis Aprilis 1575 regnique regine Elizabeth xvij^o, apud Paynswicke in Le Lodge ibidem, coram reverendo patre domino Richardo permissione divina Gloucestrie episcopo, Richardo Grene in legibus baccalaureo, et Henrico Pole armigero, commissariis regiis etc., in presentia Philippi Morgan registrarii.

The same daye and place personallie appered William Huntley gent, and humblye submitted himself to the said commissioners and to an order heretofore made by them and others their colleages her majesties commissioners for causes ecclesiasticall against him the iiijth daye of November last past as by the same order more plainely it dothe and maye appere, accordinge to the tenor of a band taken by the most honorable the lordes of her majesties privey counsell,⁶⁴ and in part of the said order presentlye paid to the said reverend father xls to the use of Mr. Richard Arnold esquier, the which remayneth in the handes of the said reverend father. And the said Huntley beinge required to putt in band for the good aberinge accordinge to the said order, he praieth a daye to be given him for the same because he had not his suerties there present. Whereuppon yt was ordered that he shuld personallye appere before the said commissioners and other their colleages in the busshopp(s) consistory within the cathedral churche of Gloucester on Thursdaye beinge the xiiijth of this Apriell in the fore none of the same daye, and there with sufficient suerties to enter into band according to the former order made, the which he toke uppon him to do.

p. 67.

Die Jovis decimo quarto die mensis Aprilis anno domini millesimo quingentesimo septuagesimo quinto, in ecclesia cathedrali Gloucestrie loco consistoriali ibidem, coram reverendo patre Richardo permissione divina Gloucestrie episcopo, honorabili viro domino Egidio Chandos, vnerabilibus et egregiis Johanne Tracye milite et Georgio Savage archidiacono Gloucestrie, regiis commissariis, in presentia mei Willelmi Meredith notarii publici actorum scriba (*sic*) etc.

Dicti judices assignaverunt et constituerunt proximam sessionem sive curiam hoc loco tenendam eodem die ad quinque septimanas xix^o viz. die Maii proximo.

Officium dominorum promotum per Rainscrofte contra Hodges. Testes per Hodges producti sunt examinati et partes habent ad comparendum. The which day appeared bothe parties, and the saied commissioners, for certayne causes them moveinge and namelye for that they are not informed in the saied matter and that by reason of the regesters absence the depositions of the witnesses could not be had to be perused, continued the saied causes in the saied state untill the next sittinge and commaunded bothe parties to appere to see suche order in the same as shalbe taken etc.

Officium dominorum contra Willelmum Mercer civitatis Gloucestrie. Impregnavit et carnaliter cognovit famulam suam Margaretam Woodde.⁶⁵ Et quia defecit in purgacione ante hac injuncta pronun-

⁶⁴ *Vide supra*, p. 32. Huntley had been bound over by the Privy Council on 20 March.

⁶⁵ The original charge against Mercer had been for bawdry (*vide supra*, p. 54).

ciatus est pro convicto et habet ad comparandum istis die et loco beneplacitum dominorum quoad penitentiam auditur. At which day and place appeareinge, the matter was reserved over to be determined at the next sittinge, and so commaunded to appeare etc.

p. 68.

Officium dominorum contra Thomam Boyden famulum dicti Mercer. Fessus est quod eandem Woodde etiam carnaliter cognovit, et quia non certificavit de peractione penitentie alias decretum erat eundem capiendum etc . . .⁶⁶

Officium dominorum contra Annam Cole de Cirencestria. She was heretofore commaunded to receive at or before Easter last and to certifie thereof this day. At which day she appeared not, and the matter was putt over untill the next court, she first beinge called and not appeareinge.

Officium dominorum contra Annam Bradford. Likewise she was commaunded to receive and certifie this day. And then she appeareinge and demaunded whether she received accordinge to the commaundement geven her, she answered that she had not. And being asked for what cause, sayed that she hath declared that heretofore. And after manye wordes by her uttered touching her opinion not worthy notinge, the commissioners aforesaid, in consideracion of her simplicitie and for other causes hopeinge that uppon the solesme (*sic*) monicions then geven she will receive one thisside the next court, continued the matter untill that day, commaundeinge her to appeare personallie the proxima.

Officium dominorum contra Eliz Whitinge de eodem. Ut supra etc. At which day she appeared and confessed she received not because she will not be tyed unto tymes and for other causes which she wold wishe to be reformed. And willed and persuaded to conforme her self, she sayed she was content to receive at the handes of a minister that were a messenger sent from God, the evill beinge putte (*away?*) and the comunyon beinge sanctes.⁶⁷ And after dyvers good exhortacions and admonicions in hope of amende, the matter was respected untill the next sittinge and she commaunded to appeare proxima.

p. 69.

Officium dominorum contra Radulphum Ireland et Henricum Hathway de Cheltnam. They were monished to receive the sacrament etc. with the bread appoynted by thordynarye in their saied parishe churche one thisside Easter last (*sic*) and to certifie thereof this day and place. Appeareinge personallie and asked whether they had performed the injunction geven, (*they*) answered they had not, but were readie to receive and offred to doe soe if the minister would have ministered with love⁶⁸ bread, and he refused to minister contrarye to the appoynted order of his ordynarye. And because after good admonicions had they would not promise to receive otherwise then afore, they were commaunded to appeare at the next sittinge, and in the meane tyme to resort to Mr. Chaunceller and heare his opynion touching the acte etc.

Officium dominorum promotum per Christoferum Monmouthe et

⁶⁶ Entry partly faded and illegible.

⁶⁷ *I.e.* the communion being administered only to those who were "saints".

⁶⁸ loaf.

eius uxorem contra Georgium Worrall ac eius uxorem de Bickenor Anglicana. For misdeamors (*sic*) committed and done in the churche there as in the bill of complaynt is specified. The which day appeared the bothe partyes promovent and Worrall for him self and his wief likewise appeared. And the bill beinge red and the matter proposed by the partes promovent and denied by the saied partye promoted, after debatinge of the matter either partie had to prove what they canne in that respecte on the next court, and lettres were decreed to be directed for witnesses on bothe sides.

Officium dominorum contra Johannem Baron clericum rectorem de Sidington. Emanavit littera pro eo. Quo die extitit certificatum quod egrotavit ita quod etc., domini respectuarunt eius comparicionem in proximam etc.

p. 70.

Eodem die coram dictis commissariis regii prececitatis in choro ecclesie cathedralis predictae in quo divina celebrantur, in presentia mei Willelmi Meredith notarii publici predicti etc. William Hunteley of Lassington gent hath to appeare this day before her majesty's commissioners with sufficient surtyes to enter into band for his good abearinge accordeinge to an order heretofore by some of her majesty's saied commissioners taken and made quarto Novembris ultimo etc. At which day and place appeared personallie the sayed Hunteley, and brought for surtyes in that behalf Anthonye Yarnold of Mynsterworthe yeoman and Robert Robynson of the citie of Gloucester in the countie of the saied citie salte peter maker, and offred him self soe to doe and desired that they should be admitted. And the saied judges and commissioners aforesayed allowed the saied surtyes, whereuppon the saied Hunteley by way of recognizacion was bound then and there by the saied commissioners to our soverayne ladie the quene in one hundred poundes of current money of England for his good abearinge accordeinge to the former order and for performance of everie thinge in the same specified on his behalf to be performed ... And that done the saied Anthonye Yarnold and Robert Robynson and either of them did likewise bynd them selves in fiftie poundes apeace to our saied soverayne ladie the quene etc. that he the saied William Hunteley should soe be of his good abearing and performe the premisses ... Which saied bandes to contynewe (*at*) her majesty's commissioners pleasures and not otherwise.

p. 71.

(Deleted duplicate entry of part of the proceedings concerning Huntley entered on p. 70.)

p. 72.

Die Jovis decimo nono die mensis Maii anno domini 1575, in ecclesia cathedrali Gloucestrie loco consistoriali ibidem, coram reverendo patre Richardo Gloucestrie episcopo, Richardo Grene in legibus baccalaureo, (*blank*) Savage archidiacono Gloucestrie et Thoma Purye in artibus magistris, commissariis regii etc., in presentia Philippi Morgan registrarii.

Officium dominorum contra magistrum Hodges promotum per Rainscrofte. Bothe parties have to appere that order in this matter maye be taken. In which daye and place appered the saied Hodges, and because the saied Rainscroft was not present neyther had any care to prosequete his

matter, he desired that he might be dismissed. And the said commissioners for certaine reasonable causes them movinge continued the heringe of this matter untill the next courte daye viz. the xxijth (*sic*) daye of June next cuminge, and monished the said Hodges then to appere personallie unlesse the matter by compromise in the meane time be ended. And afterwarde the said Hodges desired to have a certaine bande, the which was taken of him for his apparaunce to be made on a certaine daye and place before the quenes majesties high commissioners, the which was accomplished and the contentes thereof discharged by him, and therefore ought to be cancelled. Whereunto the said commissioners would not agree without my L. Chandos were made pryvy thereof because that yt is thought by him that the same bande ys forfayted to the quenes majesties use, and therefore decreed a lettre to be sent unto him signifyinge that the same ban(*d*) is not forfayted as by the record of the court appereth, and that it is thought good by the same commissioners that the same band shuld be cancelled, and therein to know his honors pleasure.

p. 73.

Officium dominorum contra Willelmum Merser civitatis Gloucestric. Habitus antehac pro convicto, and this day ys injoynd to appere to se what order the commissioners shall take for his punishment. On which daye and place appered the said Merser and brought in for his compurgators John Browne, John Kempe, Arthur Motley, John Reve, Henry Haukes and Thomas Whitt, desiring them to be admitted notwithstandinge the former order taken, for as much as the daye appointed he had his compurgators redy accordinge to the said order untill almost night, and supposinge that that daye the matter would not have bin called his said compurgators departed to their howses, and the said former decree to be revoked. In consideracion wherof the said commissioners revoked the said decree and admitted his said compurgators. And afterward proclamacion made for the contradictors and non apperinge, and the said Merser there present toke a corporall othe uppon the Evangelist that he never knewe the bodye of Margaret Wood his servaunt carnallie. And that done, the said compurgators after admonicion geven them by the said commissioners etc. sware uppon the Evangelist that they did verely beleve he toke a true othe. Whereuppon the said commissioners pronounced him lawfullie to have made his purgacion and to be clere from the matter etc. and restored him to his fame, and so he is dismissed etc.

Officium dominorum contra Thomam Baker (*sic*)⁶⁹ famulum ipsius Merser. The decree for his apprehension in not certefienge of his penaunce injoynd was renewed against this daye. In which daye the said party appered personallie and also Margaret Wood whom he begatt with child as by their confession in open court appered, and confessinge they had not done their penaunce injoynd them. Yt was thereuppon ordered that on Saterdaye next

p. 74.

beinge the xxjth (*sic*) daye of Maye they shuld repaire unto the officer of this court or sum other his deputye, and bringe with them ij whitt shettes the which they shuld putt about them uppon the uppermost garmentes, and so therewith, beinge bare hedded and bare

⁶⁹ Boyden (*vide supra*, pp. 54-51, 61, 68).

fotted, they shuld followe the said officer, havinge in his hand a whitt wand, throwcut the open marquet place of the citty of Gloucester penitently betwene the hou(r)s of xij of the clock in the forenone and one, and that on Saterdaye cum sennige⁷⁰ to sitt in the cage within the said citty all the day fastinge etc., and to certyfe the next court.

Officium dominorum contra Annam Bradford. Commaunded heretofore to receive the communion at Easter last past and to certyfe the next courte after, whereat she confessed she had not, and the matter reserved over to this daye in hope she would receive. On which daye she appered, when she confessed that she had not received the communion. Whereuppon it was ordered and thought good that peremptory daye be geven unto her to receive, and to be the vth daye of June next, at the handes of suche one mynister as shalbe appointed there to minister that daye in such order as is by publike auctorite appointed.

Officium dominorum contra Annam Cole, Elizabeth Whitting, Radulphum Ireland et Henricum Hathway. Similiter ut in actu Bradford.

Officium dominorum contra Edwardum Arden et Aliciam Haines de Mangersfild in comitatu Gloucestrie. Detected that the said Arden married the said Haines havinge an other wief lyvinge. The said parties appered, and beinge asked whether the presentment was true denieth the same, and Arden allegid that he

p. 75.

beinge a younge man married one Margery Barnard who was then and at that time contracted to an other younge man who afterward claymed her and (*she*) was by order of the lawes ecclesiasticall devorsed from him. Whereuppon yt is ordered that the said Arden shall not compaynie with the said Haines betwene this and the next court, and that then he shall exhibite the sentence of devorse had betwene the said Barnard and him and all other proffes that he can geve for the same; and that he shalbe bound in xl^{li} the same daye to appere, and not to accompanye the said Haines in the mean time.

The daye and place aforesaid appered Mr. William Huntley, and alleged that the pleasure of the commissioners was that he shuld be bounde but untill this court. Whereuppon the said commissioners decreed a lettre to be sent unto the honorable the L. Chandos and the right worshipfull Sir John Tracy knight to knowe their pleasures therein etc., and in the meane time so to stand etc.

Officium dominorum promotum (*per*) Christoferum Munmouth et eius uxorem contra Georgium Worrall et eius uxorem. Bothe parties have to prove their allegacions, and process gon furthe for witnesses etc. In which daye and place the said parties appered, and Worrall craved that the said Munmouth shuld geve an othe uppon the truth of his complaintes in presence of the said Worrall. The said Munmouth produced

p. 76.

John Jurden, William Brewen, Henry Marshall, John Clark, Johan Gardiner, Catherin Jurden and Margaret Churchham for witnesses to prove their intent and allegacion. And the said commissioners admitted them and sware them faithfully to depose etc., and monished them to come to their examinacion on thisside their departure. And then Wor-

⁷⁰ sevennight.

rall craved terme to minister interrogatories, whereunto the said comissioners consented and assigned so to do as the same be exhibited before the said witnesses be examined, and monished the said witnesses to answer to the same by vertu of their othes. And afterward the said Worrall craved them to be demaunded by whom the affraye or minisdemeanures (*sic*) pretensed and alleged falsly in the bill of complaint was begon, and who gave the causc thereof, and whether there were not mysdemeanures committed by the said parties promovent against the said Worrall and his wief etc., and further towching the circumstaunces of the matter to be examined etc., and whether it were not about a quarrell for a seat etc. Afterwardes the said Worrall produced Thomas Tuher and Robert Aybush witnesses and desired them to be examined uppon the said inter(*rogatories*) etc., and the said comissioners swar them as afore etc. and monished etc. And further the said comissioners graunted that Mr. Worrall shall appere the next court by Mr. Lawrence his proctor for that he alleged he hathe busines in London etc.

p. 77.

Officium dominorum contra Johannem Baron clericum rectorem de Siddington. Emanavit littera pro eo erga ultimum diem iudicii etc., et egrotavit eodem die etc., ideo continuatum erat hoc negocium erga hunc diem. Quibus die et loco comparuit quidam Davidus Williams⁷¹ et fecit fidem super Evangelis se tradidisse litteras dicto Baron ab hac curia destinatas. Facta fuit preconizacio ipsius Baron, non comparuit. Unde domini pronunciarunt eum contumacem ac in pena contumacie sue huiusmodi pro contemptu eorem, ac ideo decreverunt eum capiendum fore per scapulas ac sub salva custodia remanendum donec sufficientem securitatem invenerit etc., ita quod corpus habeatur coram commissariis predictis aut eorum collegiis in proxima.

On which daye Edmund Batt had liberty graunted him to repaire to his mancion house or other where untill the next court, on which daye he is personally to apper and yeld himselfe prisoner if in the meane tyme he be not converted. And his brother William Batt to enter in band of xx^{li} to the quenes majesties use so to do.

Officium dominorum contra Johannem James clericum vicarium de Teynton, promotum per Johannem Adams et Willelmum Stephens dicte parochie. Quibus die et loco comparuerunt parochiani ac promotores negociorum horum in presentia ipsius James comparentis, in cuius presentia dicti promotores dederunt articulos quos petierunt admitti etc. (*The articles were admitted and James, having denied them, was sworn to answer to them before the next court*).⁷²

p. 78.

Officium dominorum contra Thomam Elenote curatum de Daynton, promotum per Thomam Bushe. Quibus die comparuit dictus Thomas Bushe et certificavit se tradidisse litteras etc. dicto Elenote die dominico ultimo elapso etc. Facta fuit preconizacio ipsius Elenote, non comparuit nec comparere curavit. Unde domini pronunciarunt eum contumacem ac in pena etc. pro contemptore eorum ac ideo capiendum fore per scapulas ac sub salvo etc. donec securitatem etc. ita quod corpus habeatur in proxima.

⁷¹ A Consistory Court apparitor. In December 1577 he was accused of embezbling court fees collected by him (*Office v. Smythe*, G.D.R. xliii, f. 49).

⁷² Entry partly faded and illegible.

p. 79.

Die Jovis viz. xxiiij^o die mensis Junii anno domini 1575, coram honorando viro domino Chandoy, necnon venerabilibus viris Egidio Poole milite, Richardo Pate armigero, Richardo Greene in legibus baccalaurco, Henrico Poole armigero, Thoma Pyrrye et Georgio Savage in artibus magistris, in ecclesia cathedrali sancte et individue Trinitatis civitatis Gloucestrie locoque consistoriali ibidem, in presentia mei Philippi Morgan registrarii etc.⁷³

Officium dominorum promotum per Thomam Bushe contra Thomam Elenote curatum de Deynton. Decretus erat eundem Elenote capiendum fore erga hunc diem. In which daie and place the parties appered, and Thomas Bushe exhibited a surplus⁷⁴ which the saide Elenote refused to were for that yt was (as he saide) torne; which when the commissioners had vewed, they ordred that the said Elenote should weare the saide surplus untill Michaelmas next, which they comaunded him to doc, and then the churchwardens to provyde a new.

Officium dominorum contra Johannem Yeames⁷⁵ clericum vicarium de Teynton, promotum per parochianos eiusdem parochie. Yeames pars principalis est examinatus. At which daie and place the judges did decree copies of his aunsweres unto both parties.

Officium dominorum contra Johannem Baron clericum rectorem de Sydington. Decretum erat eundem Johannem attachiandum fore erga hunc diem. At which daie and place the saide Baron appeared personallie, whom the judges did onerate with an othe to aunswere to suche thinges as were to be objected againste him remayninge in the courte. And they commaunded him to be examined before he departe the town.

p. 80.

Officium dominorum contra Edmundum Batte. William Batte ys bounde in xx^{li} for the apparaunce of the saide Edmund. In which daie and place the saide Edmund personallie appered, and yt being objected that sythence his enlargement he hath used himselfe like a puritane as heretofore he had donne in absentinge him selfe from church, he aunswered that he refuseth not to come to the church of God. And beinge demaunded whether he did resorte to his parishe church, aunswered no, because the minister ys not a lawfull called minister. And after heringe of the matter, because he seemed to persiste in his former opinions and so saide he wolde, he was agayne committed to the castle etc.

Officium dominorum promotum per Christoferum Munmowth et eius uxorem contra Georgium Worrall et eius uxorem. The witnesses on both sides produced and examined, and Mr. Worrall is licensed to appeere by Mr. Laurence his proctor this daie and place. In which daie and place Monmowthe and his wyffe appered, and Mr. Laurence proctor for Worrall, and at their petitions the judges did publishe the wytnesses on both sydes produced and decred that the parties should have copies. Afterwardes, the deposicions of the wytnesses being

⁷³ The handwriting differs from that of the preceding entries. Perhaps the "mei" indicates that Morgan was now himself writing the acts instead of a scribe being used for the purpose.

⁷⁴ Surplice.

⁷⁵ James.

redd openlie in the courte, the saide Monmowthes wyffe confessed that she called Mr. (*sic*) Worrall harlott at the tyme by the saide wytnesses deposed, which her confession Mr. Laurence did accepte quatenus facit pro parte sua etc. And furder the saide parties promovent and Mr. Laurence proctor for Mr. Worrall were agreed that the matter should be heard by Sir Gyles Poole knight, one of the commissioners, and determynd on thys syde the next courte, and both parties therupon were comaunded to attend upon his worship, and yf the matter should not be determined by him then to appeere heere the next courte to heere the order of the saide commissioners etc.

p. 81.

Officium dominorum contra Johannem Graunger. Yt was ordered by the commissioners that he shall enter into band of xx^{li} to make his personall apparaunce before the saide commissioners in this place on Saterdaie the ixth of June (*sic*) next betweene the houres of ix and xj of the clock in the forenoone of the same daie, and not to departe without their speciall licence.

Officium dominorum contra Johannem Meflyn. In which daie and place appered personallie the saide John Meflyn, whome the judges did onerate with an othe to aunswere trulie to suche questions or articles as he shoulde be examined of at the tyme of his examination; and they monyshed him to be examined before he departe the towne, and that he shoulde not departe without licence. And afterwardes they ordred that he shoulde be bounde in xx^{li} to appeere heere againe the next courte which ys the ixth of Julie next.

Officium dominorum contra Henricum Dowle constabularium de Tewxburie. Which daie and place the judges did decree an attachment for the constable of Tewxbury and for ap Thomas to apeere here the next courte.

(*Deleted entry:* On which daie and place at the request of Mr. Morgan, Mr. Arnolde was released of his former bande taken and also his sonne Mr. Richarde Arnolde and all others etc.) Yt was also decreed that Mr. Huntley be discharged of his bande aswell of the good abearinge as all others heretofore in this courte taken.⁷⁶

p. 82.

Officium dominorum contra Willelmum Tyrre. For counterfetinge of lettres of ordres. The partie appered and he is discharged from imprisonment by the commissioners. And they decreed James Spenser curate of Little Deane to be attached to appeere here the next courte.

Officium dominorum contra Willelmum Eyland de Frowceter, promotum per Aliciam Dreyton. At which daie and place personallie appered the saide William Eylande, in whose presence the saide Alice Dreyton (*deposed*) that he notwithstandinge the doinge of his purgacion hath knowen her carnallie and ys the father of her chylde, and that he hath so confessed in the presence of sondrie wytnesses. And the saide commissioners havinge debated the matter and heringe what both parties coulde saie, yt was ordred that the said promoventes (*sic*)

⁷⁶ Two days later, on 25 June, William Huntley was charged before the Consistory Court with failing to receive communion. He appeared and admitted the charge, giving as his excuse that he was out of charity with others (G.D.R. xxxi, 512).

should prove upon Saterdaie next before Mr. Chauncelor his saide confession. And yf they (*sic*) did so prove, then the saide Eyland promised to submitte him selfe to the order and discretion of the saide commissioners in that behalfe touchinge the keepinge of the chylde salvo semper prejudicio perjuri etc. And (*the judges*) decreed lettres to be sent to Robert Long, Mathew Roche, Agnes Cowley and Katherine Bowcher, who she saide were wytnesses for her, to appere on Saterdaie next the xxvth of June before Mr. Chauncelor in this place there to testifie etc.⁷⁷

Officiū dominorum contra Thomam Taylor rectorem de North Cerney, promotum per Richardum Brydges armigerum. *Bridges appeared and constituted Mr. John Laurence his proctor, in the presence of Mr. Evans who exhibited his proxy for Taylor.* And afterwarde the saide Mr. Bridges appered personallie as afore ys saide, and did citra revocatione procuratorii alias constituti take upon him to promote the office to the commissioners

p. 83.

touchinge one article amongst others alredie into this courte exhibited, conteynge in effect that the saide Taylor did not reade the articles of religion sufficientlie and accordinge to the dew meaninge of the statute,⁷⁸ and so was admitted; in the presence of the saide Mr. Evans appering for the saide Taylor dissentinge and alleaging that the saide parson did orderlie reade the saide articles, and desired to have a tyme appoynted him to prove the same. Whereupon the commissioners at his request did appoynte him to prove the same the next courte being Saterdaie come fortnight viz. the ixth of Julie next. And furder before the saide commissioners appered one Thomas Reynoldes and then and there alleged that the saide parson had made a lease contrary to a statute made anno xiiiij^o Elizabeth nunc regine capite vicesimo,⁷⁹ and thereupon humblie craved execution accordinge to the saide statute. Whereupon the saide commissioners decreed that upon prooffe made of the saide lease before the ordinarie or competent judge, that the frutes of the saide benefice should be sequestred for one yere accordinge to the tenor of the said statute, and they decreed the frutes so to be sequestred so farre forthe as in them lyeth; and furder that the ordinarie should make distribution to the poore accordinge to the purporte of the said statute; in the pre-

⁷⁷ Eyland's unsatisfactory purgation was before the Consistory Court in April 1575 (G.D.R. xxxi, 464, 473, 474). On 25 June Dreyton, having confessed before the Royal Commissioners, was ordered penance by the Consistory Court, and then produced witnesses to support her allegations against Eyland made before the Commissioners (G.D.R. xxxi, 519). Of the witnesses, Agnes Cowley had herself been charged before the Consistory Court with incontinence on 11 January 1574/5 (G.D.R. xxxi, 349).

⁷⁸ "An Act to reform certain disorders touching Ministers of the Church", 1571 (13 Eliz. c. 12—*Statutes of the Realm*, iv, i, pp. 546-7). All clergy not ordained under Edward VI or Elizabeth were required to subscribe to the Articles of 1562. Taylor as a septuagenarian (p. 19), had presumably been ordained under Henry VIII.

⁷⁹ "An Act touching Leases of Benefices and other Ecclesiastical Livings with Cure", 1571 (*Statutes of the Realm*, iv, i, p. 556). This provided that leases should be invalid if the lessee was absent for more than 80 days in a year, and that in such cases the profits of the benefice for one year should be sequestered for the use of the poor of the parish.

sence of Mr. Evans dissenting to the same.⁸⁰

On which daie and place Mr. John a Morgan appered personallie, at whose request the commissioners did release him of his bande wherein he was bounde to the peace towards William Huntley etc. and wherein he was bounde also for his sonne Arnold Morgan and his familie to the same effect etc. And they decreed that his bande shoulde be delivered him out of this courte.

On which daie and place the commissioners did also release Mr. Arnold from all bandes taken in this courte for the keeping of the peace aswell towards Mr. Morgan as Mr. Huntley, and that they shoulde be delivered him out of this courte also.

p. 84.
(Blank)

p. 85.

Die Sabbati nono viz. die mensis Julii anno domini 1575, in loco consistoriali ecclesie cathedralis sancte Trinitatis civitatis Gloucestric, coram venerabilibus viris magistris Richardo Pate, Richardo Greene et Thoma Perrye, commissariis, in presentia mei Philippi Morgan registrarii.

Officium dominorum promotum per Richardum Bridges armigerum contra Thomam Taylor rectorem de North Cerney. *Evans (proctor for Taylor) alleged that Edward Grosse and Thomas Whytney, clerks, and Thomas Trynder, Henry Baldwin, Thomas Cherington and John Sandell were necessary witnesses who refused to attend. Thomas Somerfield made faith that he had summoned all of them except Grosse, who had been summoned by George Fletcher. At Evans's petition, the judges decreed Whytney, Trynder, Baldwin, Cherington and Sandell to be compelled to appear on 14 July, and Grosse on 30 July, Laurence (proctor for Bridges) dissenting. Then Evans alleged that this cause was pending before the Royal Commissioners in London and showed documents under the hand of William Bedell, their registrar, in proof of this. Laurence denied this to be the case. Evans then produced as witnesses to allegations made at the last court John Lyghisfoote, clerk, Roger Colsborne, William Hall, Humsfrey Hall, Richard Chambers and George Fletcher of Hampton, to prove that Taylor had publicly read the Articles of Religion in the parish church of Hampton. These men were sworn and warned to undergo examination before they left, Laurence dissenting and protesting.*

p. 86.

Officium dominorum contra Johannem Graunger. Bound in xx^{li} to appeere this daie and place. On which daie and place the said Graunger appered personallie before the commissioners. And they, for that there were no articles exhibited againste him nor no prooffes made by any partie againste him, did dismisse him.

⁸⁰ The commissioners' order was reported to the Consistory Court on 28 June 1575, and the sequestration entered in that court's acts (G.D.R. xxxvi—unpaginated). On the same day Reynoldes brought his case against Taylor regarding the lease of North Cerney rectory to Richard Bridges. In evidence it was alleged that Charles Bridges had said: "I pray the parson use not him (*Richard*) for an instrument as thou didest my brother Henry for the parsonadge of Hampton" (G.D.R. xxxii, 329-33).

Officium dominorum promotum per Christoferum Monmouth et eius uxorem contra Georgium Worrall et eius uxorem. In case this matter were not ended by compromise, the parties were commaunded to appere to receve some order herein. On which daie and place the judges did continew this matter in the same state yt now standeth untill the next courte daie beinge the xxxth of Julie next.⁸¹

Officium dominorum contra Johannem Baron rectorem de Sidington. *Baron appeared. Because his replies were seen to differ from those formerly given by him, the judges ordered him to appear personally at the next court on 30 July.*

Officium dominorum contra Johannem Meflyn alias Peter. Bounde in xxth to appere etc. On which daie and place the said Meflyn appeered personallie, and the commissioners for certen cause them speciallie movinge did referre this matter to the order and determination of Mr. George Lloyde esquire and Mr. Ferreis gent of Holyrood Amney.

p. 87.

Officium dominorum contra Joannam Pryde de Moreton Valence. On which daie and place the saide Joane Pryde appeered personallie, and for that she sayde yt were a good deede to sett dogges on the minister to hunte him out of the churche, and being asked whether she wolde submitte her selfe answered that she wolde not recante or call back any thinge that she had sayde or spoken, they committed her to Ayles Gate, there to remayne duringe their pleasures.

Officium dominorum contra Henricum Dowle constabularium de Tewxburie. Quibus die et loco comparuit personaliter quidam Johannes Butler et fecit fidem se tradidisse litteras dominorum iudicantium eidem Henrico destinatas. Unde facta trina preconizatione dicti Henrici, moniti ad comparendum et non curantis etc., domini prounciarunt eum contumacem et in pena etc. decreverunt eum capiendum fore etc. et sub salvo etc. donec etc.

Officium dominorum contra Johannem Harrys de Weston. On which daie and place the saide Harrys appeered personallie, and the commissioners for certein causes them speciallie movinge committed him to the keepinge of John ap Thomas, there to remayne untill he should enter band of xlith to the quenes majesties use that he shall appeere before his ordinary at all tymes by him to be appoynted, and that he shall obey all lawfull commaundmentes and suche lawfull order as shalbe by his saide ordinarie taken with him, and that he shall performe the same.⁸²

p. 88.

Die Jovis xiii^o Julii 1575, coram venerabilibus viris domino Egidio Poole milite, Henrico Poole armigero, Richardo Greene in legibus baccalaureo, Georgio Savage et Thoma Perrye, commissariis regii etc., in loco consistoriali Gloucestrie, inter horas ix et xj ante meridiem eiusdem

⁸¹ There being no further entries of this case, the matter was apparently settled by arbitration.

⁸² Harrys duly entered bond on 14 July that he would appear before the Royal Commissioners on 30 July (*Vide infra*, p. 89). His case did not in fact then come before the Commissioners, but the Consistory Court act book records his failure to appear before Chancellor Grene in that court on 30 July, and his consequent excommunication. But on 22 October he appeared and swore to having performed the penance ordered, and was dismissed "salvo quoad filiacionem prolis" (G.D.R. xxxvii, ff. 22^v, 42^v).

diei, in presentia mei Philippi Morgan registrarii etc.

Officium dominorum promotum per Richardum Bridges armigerum contra Thomam Taylor rectorem de North Cerney. Quibus die et loco magister Evans nomine procuratoris dicti Thome Taylor domini sui allegavit that the saide Sir Thomas Taylor parson of Hampton and North Cerney did come unto the ordinarie and declare his consent to the articles of religion agreed upon etc. and did subscribe before him, and of the doinge hereof had a testimoniall under the bushops seale, which testimoniall he redd in the pulpitt before the readinge of the booke of articles in his churches accordinge to the tenour of the statute. *Evans asked for this allegation to be admitted, in the presence of Laurence denying its truth. The judges admitted the allegation, Laurence dissenting. Then Evans produced as witnesses Henry Baldwin and Thomas Whytney, clerks, Thomas Trynder and John Saundell; and these were admitted and sworn, Laurence dissenting and protesting. Then the judges decreed, at Evans's petition, that all the witnesses called at the last court should be called again, Laurence dissenting. Evans also produced copies of evidence given before the Queen's Council in the Marches of Wales.*

Officium dominorum contra Johannem Hamlyn. The commissioners for certein consideracions decreed that the saide John should be released out of the castle and sett at libertie.

p. 89.

Officium dominorum contra Edwardum Arden et Aliciam Haynes. The saide daie and place it was ordered that the saide Edwarde and Alice, being then presente, shoulde make their personall apparance heere in this place the next courte to be holden after Michaelmas, and that the matter should staie till that tyme, that in the meane tyme Mr. D. Lewys and Mr. D. Awbrey's advyse myght be had by the commissioners 'owching this matter.⁶³ And they decreed his bande to be delivered p him.

Harris, John, coram magistro Pirry. xiii^o die Julii predicto in loco predicto, comparuit personaliter Johannes Harrys de Weston in comitatu Gloucestrie et Johannes Williams de Hynam in dicto comitatu, et recognoverunt se debere domine nostre regine Elizabethæ xli^{li} legalis monete Anglie solvendas eidem domine nostre regine vel successoribus suis etc. . . . sub condicione tamen sequente, viz. That yf the saide John Harrys doe appeere personallie before the highe commissioners the next courte at Gloucester, being the xxxth of Julie, and doe stande to all lawfull comaundmentes of his ordinarie and appeere before him as often as he shalbe called without furder delaie, that then this recognizance to be voyde and of none effect, or els to stande and remayne in his full strengthe etc.

p. 90.

Die Sabbati xxx^o viz. die mensis Julii anno domini 1575, regnique serenissime domine nostre regine Elizabethæ etc. xvij^o, coram venerabilibus viris domino Richardo Barkley milite, Richardo Greene in legibus baccalaureo, et Thoma Perry artium magistro, commissariis regis etc., in presentia Philippi Morgan registrarii etc., in loco consi-

⁶³ Dr. David Lewis and Dr. William Awbrey were both leading civil lawyers and members both of the London High Commission and of the Council in the Marches.

toriali Gloucestrie.

Officium dominorum contra Johannem Baron clericum rectorem de Sidington. Monitus erat ad comparandum istis die et loco. Quibus die et loco domini assignaverunt magistrum Laurence in legibus baccalaurum in promotorem necessarium officii dominorum, qui promovendo officium produxit quosdam Thomam Tanner et Willelmum Carver in testes super articulis alias datis, quos domini ad eius petitionem, in pena contumacie dicti Baron moniti ad interessendum preconizati et non comparentis sed contumaciter se absentantis, juramento onerarunt et monuerunt ad subendum examen ante eorum recessum, et decreverunt eundem Baron capiendum fore per scapulas et sub salvo etc. donec sufficientes fidejussores exhibuerit quod comparebit in proxima etc.

Officium dominorum contra Johannem Meflyn alias Peter. On which daie and place the saide Meflyn appered personallie and brought certificat under Mr. Lloydes and Mr. Ferreis handes of their proceedinges in this matter. Whereupon the commissioners ordred that the matter should staie in the state yt now standeth till the next courte after Michaelmas. And they monished the saide Meflyn and his wyff being then presente to enter bande of xl^{li} to the quenes majestie that cyther of them shall appeere personallie the same daie yf furder order be not taken betweene them before that tyme.

Officium dominorum contra Elizabeth Freeman de Stowe. On which daie and place the saide Elizabeth appered personallie, and the commissioners upon articles remayninge heere in courte did swere her to aunswere trewlie at the time of her examination etc. And they monished her to be examined before her departure, and to appeere heere the same daie being the xijth of Auguste next.

p. 91.

Officium dominorum contra Hugonem Legg de Amsburie. The saide Legg appered personallie and confessed that he liveth from his wyffe, but throughe his wyves defaulte and not his, and furder saieyth that she went from him before Christmas last was xij moneth and hath had a chyld by some other since that, and that she ys ded as he beleveth.

Officium dominorum contra Johannem Taylor de Amsburie. The saide Taylor appered personallie and confessed that he had carnall knowledge of the bodye of (*blank*).⁸⁴ Whereupon the commissioners enjoyned him to stande in the parishe church of Amsburie tomorow sevenight at the morninge praiser space with a whyte sheete aboute him, barefooted and open faced, with a whyte sticke in his hande, and to declare there that he ys sorie for his offence, and to desire the people to praie for him and to take example by him, and that he take the order of this courte with him and deliver yt to the vicar or curate there.

Officium dominorum contra Thomam Taylor rectorem de Northcerney, promotum per magistrum Bridges armigerum. *Evans handed in articles of interrogation, and produced Thomas Cherington as witness, who was admitted, Laurence dissenting. Evans alleged that the summons issued against Edward Grosse, clerk, had failed, and asked that it be renewed*

⁸⁴ John Taylor, described as a schoolmaster, was accused before the Consistory Court on 26 October 1575 with having had carnal knowledge of Elizabeth Freeman of Stow (*supra*), but was dismissed when he denied the charge on oath (C.D.R. xxxvii, f. 53).

against Grosse and the other witnesses not yet examined regarding Taylor's reading of the bishop's letters testimonial and the Articles of Religion. The judges decreed that Grosse and the others should be called for the next court. Then Evans produced George Fletcher, Richard Chambers, Roger Colborne and Humfrey Hill (sic) as witnesses regarding the letters testimonial, and they were sworn, Laurence dissenting and protesting.

p. 92.

Officium dominorum contra Hugonem Davies de Alberton, myller. The saide Davies appered personallie and alleged that the woman that he married was at the tyme married unto one Watkyns, which Watkyns had another wyffe then livinge. Whereupon she departed from him, and he the saide Davies chaunced to marie with her. And therefore desired tyme to prove the same. Whereupon the commissioners decreed lettres to be sent to Sir William Wynter knight or (and?) Mr. Thomas Turner vicar of Lydney or to eyther of them, to receive, swere and examyne all suche wytnesses as the same Davies can produce to prove his saide allegation; and to certifie the said commissioners what ys done in the premisses the next court after Michelmas.

Officium dominorum contra Griffonum ap Thomas de Tewxburie. The saide Griffith appered personallie, and they monished him to enter bande of xl^{li} to stande to performe and abyde the sentence geven againste him by Mr. Chauncelor of Gloucester, and to paie suche expenses as he ys condemned in upon reasonable warninge to be geven unto him, and performe the chauncelors order; or els to goe to prison untill he shall enter the same bande; and also that he appeere before the bushop of Gloucester or his chauncelor or either of them upon warninge lawfull geven unto him.

Officium dominorum promotum per Elizabetham Simonde contra Jacobum Tasker de Owlston. The saide Tasker appered personallie and denied utterlie the makinge of the rymes (*alleged*) by Elizabeth Simondes. Whereupon the commissioners ordred that cyther of them should enter bande of xl^{li} to stande to the order that Sir Nicholas Poyntz knight and Mr. Chauncelor of Gloucester should take in this matter, so that their awarde be geven up before Michelmas next under their handes; and that Tasker should repayre to Sir Nicholas and lerne when Mr. Chauncelor should wayte upon him aboute yt, and bringe him worde thereof. And they ordred that Tasker also should be bownde to the good behaviour towarde the saide Elizabeth, being as she said in feare of her lyff. And they monished them both to appeere heere the next court after Michelmas, and to bringe by Tasker their awarde yf yt be geven or els to certifie what ys done in the premisses the same daie.

p. 93.

Die Sabbati viz. xiiij^o die mensis Augusti 1575, coram magistris Pate, Greene et Perry, commissariis regiis, in loco consistoriali Gloucestrie, inter horas ix et xj ante meridiem eiusdem dici, in presentia Philippi Morgan registrarum.

Officium dominorum promotum per Richardum Bridges armigerum contra Thomam Taylor rectorem de Northcerney. The apperaunce of Edwarde Grosse and John Lightfoote was reserved till this daie. On which daie and place Mr. Evans did produce the saide Lightfoote

upon his allegation made the xiiijth of Julie last; whome the commissioners at his petition did onerate with an othe to aunswere trulie to the saide allegation at the tyme of his examination. And they commaunded him to be examined before his departure, in the presence of Mr. Laurence dissentinge, protesting and repetinge as afore. And the commissioners at the saide Mr. Laurence petition, for that Mr. Evans hath not done his diligence to procure Grosse to come in this daie and place accordinge to the assignation, did decree the attestence of wytnesses produced by Mr. Evans to be published and copies of their deposicions to be delivered to the parties, so that the saide Lightfoote be in the meane space examined. And they did reallie publishe the same, in the presence of Mr. Evans dissentinge and protestinge that one George Fletcher and Thomas Somerfield had done their diligence to seeke Grosse aswell at London where he ys thought to be as at his howse in this country, and that they could not fynde him. And furder the commissioners at Mr. Laurence petition did assigne ad proponendum omnia the next courte daie, in the presence of Mr. Evans dissentinge as afore.

Officium dominorum contra Elizabeth Freeman de Stowe. She was commaunded to appeere heere this daie and place. On which daie she appered, and the commissioners commaunded her to appeere heer againe the vjth of October next betwene ix and xj of the clock in the forenoone to see furder order taken in this behalfe. And afterwarde the judges for certain considerations theim movinge dismissed her untill some man will enter bande of xli^{li} to paie her charge in case he prove not good matter against her.

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Officium dominorum contra Janam Pryde de Moreton Valence. Yt ys ordred that yf the saide Jane doe appeere before the sheriffes of Gloucester and the register of this courte at the Towlsey after dinner this daie at three of the clock and doe submitt her selfe and be conformable in matters of religion, that then she shalbe released out of prison.

p. 95.

Die Jovis viz. xx^o die mensis Octobris anno domini 1575, in ecclesia parochiali de Payneswyke Gloucestric diocese, coram reverendo patre domino Richardo Gloucestric episcopo, Richardo Greene in legibus baccalaureo, et Thoma Perry artium magistro, commissariis regis ad causas ecclesiasticas infra diocesis Bristoll et Gloucestric, in presentia Philippi Morgan registrarii etc.

Officium dominorum promotum per Edwardum Trye generosum contra Thomam Thackham clericum. Quibus die et loco comparuit Mr. Trye et dedit articulos contra Mr. Thackham, quem domini ad petitionem dicti Trye juramento onerarunt de fideliter respondendo eisdem etc., et monuerunt ad subendum examen citra recessum.

Officium dominorum promotum per Thomam Thackham clericum contra Edwardum Trye generosum. Quibus die et loco dictus Thackham dedit articulos contra Mr. Trye, et domini ad eius petitionem juramento onerarunt Mr. Trye de fideliter respondendo etc., et monuerunt cum ad subendum etc. citra recessum suum etc.

Officium dominorum promotum per parochianos de Moreton Valence

contra Mr. Daie vicarium ibidem.⁸⁵ Quibus die et loco dicti parochiani comparuerunt et exhibuerunt articulos contra eundem Daie vicarium predictum, et humiliter petierunt quatinus domini iudices decreverent eundem Daie vocandum fore erga proximam ad personaliter respondendum eisdem; ad quorum petitionem domini sic decreverunt.

Officium dominorum contra Saunderum Brewton de Owlston. Pro impregnacione Alicie Dower. Comparuit dictus Brewton, et domini juramento onerarunt eundem et monuerunt eum etc. citra recessum.

Officium dominorum promotum per eundem Brewton contra Johannem Burnell. Pro impregnacione eiusdem Alicie. Comparuit dictus Brewton et dedit articulos contra eundem Burnell, et domini ad petitionem dicti Brewton juramento onerarunt eundem Burnell de fideliter respondendo eisdem, et monuerunt eum ad subendum examen citra recessum etc.

p. 96.

Officium dominorum contra Thomam Symondes de Owlston et Elizabetham eius uxorem, promotum per Jacobum Tasker. Comparuerunt dicti Symondes et Elizabeth eius uxor, quos domini ad petitionem Tasker juramento onerarunt de fideliter respondendo articulis penes registrarium remanentibus etc., et monuerunt eos ad subendum examen citra recessum.

Officium dominorum promotum per eosdem Thomam et Elizabetham contra eundem Tasker. Comparuit dictus Tasker, in cuius presentia dicti agentes dederunt articulos. Domini iudices ad eorum petitionem onerarunt eundem Tasker etc. et monuerunt eum.

Officium dominorum contra Edwardum West de Owlston. Pro impregnacione Helene Tasker. Comparuit West, et domini . . . juramento onerarunt eundem West et monuerunt eum ad subendum examen citra recessum etc.⁸⁶

Officium dominorum contra Edmundum Batt de Moreton Valence. *The judges decreed orders for Batt's release from the Northgate prison, Gloucester, on bonds being entered by John Batt of Thornbury, gentleman, and William Batt of Eastington, yeoman, that their brother Edmund would appear personally before the commissioners at the first court after Christmas.*⁸⁶

Officium dominorum promotum per Mr. Mauritium Shepherde armigerum contra inhabitantes de Alveston et Urdicott. Comparuerunt dicti inhabitantes, et domini monuerunt Thomam Weekes ad comparendum in proxima nomine omnium inhabitantium dictorum, et domini decreverunt obligationem pro eorum comparicione retrahendum.

p. 97.

Die Jovis viz. xxvij^o die mensis Octobris anno domini 1575, in ecclesia parochiali de Paynseykye, coram reverendo patre domino Richardo Gloucestrie episcopo, domino Chandoes, et domino Richardo Barkley et domino Johanne Tracye militibus, Richardo Grene in legibus bac-

⁸⁵ This suit had begun in the Consistory Court, where on 25 June 1575 Daie (who was stated to be farmer of the benefice and curate) had been ordered to destroy the garden which he had made on the parish butts ground adjoining the churchyard (G.D.R. xxxi, 514). The case was reported to the Consistory Court as having been "delated to the secular judges" on 12 October 1575 (G.D.R. xxxvii, f. 40^v).

⁸⁶ Entries partly faded and illegible.

calaureo, et Thoma Perry artium magistro, commissariis regiis ad causas ecclesiasticas, in presentia Philippi Morgan registrarii etc.

Officium dominorum promotum per Edwardum Trye generosum contra Thomam Thatcham clericum. Mr. Trye appered personallyc, and at his request the judges decreed a lettre to be sent to Mr. Thatcham for his personall apparaunce next courte daie being Thursdaie the xxiiith of November to prosecute his matter that he hath promoted againste Mr. Trye, and Mr. Trye (*was*) monished then to appere by himself or his lawfull proctor there in the presence of the said Mr. Thatcham to produce suche witnesses as he hath to prove his informacion.

Officium dominorum promotum per parochianos de Moreton Valence contra Mr. Daye curatum ibidem. Comparuerunt personaliter Robertus Symmes, Walterus Harrys, Johannes Grenninge senior, Robertus Fremes, Johannes Coles junior, et Humfridus Mylwater, qui cum consensu et assensu dictorum (ut asseruerunt) parochianorum de Moreton Valence predicto constituerunt Mr. Evans in procuratorem ad agendum et defendendum pro se et nominibus suis in omnibus causis etc. . . . dictus Evans . . . dedit articulos, super quibus domini ad eius petitionem iuramento onerarunt Mr. Daie etc. et monuerunt cum ad subendum examen citra proximam, dicto Daie dissentiente, qui constituit magistrum Laurence eius procuratorem etc. . . .⁸⁷

Officium dominorum contra Edwardum Arden et Aliciam Haynes de Mangersfeld. Domini decreverunt eos capiendos fore etc. ad comparandum in proxima etc. et sub salvo custodiendos donec fidejusserint ad eundem effectum.

Officium dominorum contra Petrum Crew et Isabellam eius uxorem necnon Georgium Hickes de Tithrington. The said Peter Crew and Hickes appered personallie, and the saide Crew confessed that he called Mr. Price vicar there pockie knave. Wherupon the matter being deliberatlie considered yt was referred to William Sheperd gent. And⁸⁸

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Officium dominorum contra Johannem Taylor juniorem de Urcott, Willelmum Tylor et Thomam Weckes, promotum per Mr. Sheperde armigerum. The saide parties appered aswell of them selves as for the rest of the inhabitantes of Alveston and Urdicott, in the presence of the saide Mr. Sheperde who alleged that the decree made in this courte concerninge the buriall in Alveston chapple was broken and violated by the saide parties and others thinhabitantes aforesaide. Whereupon the matter beinge advisedly heard and considered, yt was ordred by the commissioners that all matters from the beginninge of the world to this daie between the saide parties that might have bene had or moved be referred to the order and determination of Sir Richard Barkley, Sir Nicholas Poyntz, knights, and Mr. Tho. Throgmorton, esquiour,⁸⁹ so that their awarde be given up before Candlemas next, or els the parties to appere the next courte after, wheresoever the commissioners shall

⁸⁷ Entry partly faded and illegible.

⁸⁸ Entry unfinished.

⁸⁹ Sir Thomas Throgmorton (or Throckmorton), as he became, earned the reputation of being "notoriously corrupt and oppressive", but he nevertheless was appointed a member of the Council of the Marches in 1590. He was engaged in a violent feud with Pointz between 1589 and 1599 (P. Williams, *The Council in the Marches of Wales under Elizabeth I* (1958), pp. 209-11, 307).

sit, to heare furder proccs done in this cause. And they monished the said Jo. Taylor, William Tyler, Thomas Weekes and John Warde to enter bande aswell for theim selves as for all the parishners of Alveston and Urdicott, except certen to be named at thensealinge of the bande, in CCⁱⁱ to stande to their awarde, and the saide Mr. Shepherde to be bounde in the same bande.

Officium dominorum contra Baldwinum Johnson clericum. The saide Johnson appered, and the commissioners did swere him to aunswere to certen articles which were sent to them from the high commissioners at London, and they monished him to be examined before he departe.⁹⁰

Officium dominorum contra Georgium Watkyns nuper de Standishe. On which daie and place the commissioners decreed an attachment againste the saide George, to appere iij daies after his (*sic*) serving yf yt be courte daie or els at the next courte daie followinge.

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Officium dominorum promotum per Richardum Bridges armigerum contra Thomam Taylor clericum rectorem de North Cerney. (Laurence, Evans). On which daie and place the saide Richard Bridges appered personallie, at whose peticion the said commissioners, havinge deliberate heeringe of the matter, and forasmuch as yt appered by the depositions of the wytnesses on the behalfe of the said Thomas Taylor produced, and by other meanes, that the saide parson hath not done accordinge to the statute anno regni illustrissime in Christo principis et domine nostre Elizabeth Dei gratia Anglie Francie et Hibernie regine fidei defensoris etc. decimo tertio cap. xij^o, aswell in readinge his testimoniall as in the saide statute ys requyred as also in his pretended readinge of the Articles upon a by holidiaie and not upon a Sondaie as in the said statute ys prescribed: Therefore the commissioners have decreed, declared and published, and by these presents do decree, declare and publishe the tenor of the saide statute to be transgressed and broken, and the penalties in the same mencioned to all ententes and purposes to be incurred ipso facto by the saide Taylor, as in the saide statute upon such cases and upon such defaltes ys provided. In the presence of Mr. Evans, proctor for the saide Thomas Taylor, dissentinge and appealing from the saide sentence and all thinges conteyned in the same to the quenes majesties most excellent person and to her majesties high court of Chauncerie, and protestinge to use all remedies that the law will geve his saide clyent for the redresse of the same.

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Die Jovis xxiiij^o viz. die mensis Novembris anno domini 1575, regnique domine nostre regine Elizabeth etc. decimo octavo, coram venera-

⁹⁰ Johnson, who was ordained in 1533, had been vicar of Lower Guiting since before 1548 (G.D.R. xxxix, 52). On 13 July 1575 he was accused before the Consistory Court of having said to a parishioner (with whom he had a long-standing quarrel over tithes) when ministering communion: "The bodie of our Lord Jesus be judge betwene thee and me". The case was referred to the bishop on 5 October, and by him presumably to the Royal Commissioners (G.D.R. xxiv, 314 seqq.; xxxvii, ff. 2^v, 36). At the Metropolitan Visitation in 1576 Johnson was presented for wearing a surplice on perambulations and for being at variance with John Paine, the farmer of the benefice, and the churchwardens were "commanded for to see him amende". At the same time Paine himself was dismissed on denying a presentment that he absented himself from the communion (G.D.R. xl—Stow Deanery presentments). *Vide infra*, pp. 137-8.

bilibus viris magistris Richardo Greene in legibus baccalaureo, Johanne Angell et Thoma Perry artium magistris, commissariis regis ad causas ecclesiasticas infra diocesis Gloucestric et Bristoll inter alios legitime constitutis, in presentia Philippi Morgan notarii publici, registrarii etc., in loco consistoriali Gloucestric.

Officium dominorum contra Willelmum Parkyns de Pauntley. Quibus die et loco Thomas Kempe minister curie fecit fidem se tradidisse litteras dominorum iudicium dicto Parkyns etc. Unde facta fuit preconizatio dicti Willelmi Parkyns, moniti ad interessendum etc. non curantis etc. Unde domini decreverunt eundem Willelmum capiendum fore per scapulas et sub salvo et securo custodiendum arresto donec fidejusserit sufficienter in xliⁱⁱ ad usum domine regine quod comparebit apud Wotton Underhedge die Jovis viz. xv^o Decembris proximo.

Officium dominorum promotum per Thomam Goulde aldermanum de Newnham (*contra Smythstone*). Comparuit personaliter dictus Smythstone et domini juramento onerarunt eum de fideliter respondendo articulis penes registrarium remanentibus etc. et monuerunt eum ad subendum eius examen citra recessum, et ad eius petitionem decreverunt litteras destinandas fore eodem Goulde ad comparendum apud Wootton Underedge in proxima ad justificandum articulos alias per eum contra dictum Smythstone exhibitos, et monuerunt eundem Smythstone ad comparendum personaliter eodem die.

Officium dominorum contra Agnetem Conwey de eodem, promotum per Thomam Carwardyn. Emanavit attachiamentum. The saide Carwardyn appered and alleaged that the attachment was delivered by the constable of Newnham and he hath apprehended the saide Conwey, but he tooke not a bande of her accordinge to the tenor of the attachment . . .⁹¹ Whereupon the commissioners decreed an attachment for the saide constable, and the parties to appere at Wotton the xvth of December.

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Officium dominorum promotum per Mr. Jeyne curatum de Dydmarton contra Christoferum Whyte de eodem. The saide parties appered, and the judges did sweare Whyte to aunswere truelie to the articles etc., and they monished him to be examined before his departure and that he should not departe without licence. And they commaunded the saide Jeane to bringe such wytnes as he hath to prove his articles the next courte at Wotton Underhedge.

Officium dominorum contra Edwardum Arden et Aliciam Haynes de Mangersfeld. The saide Alice appered, and the commissioners for certain causes them specialiie movinge continewed the cawse till the next courte after Christmas next.

Officium dominorum promotum per Mr. Trye contra Mr. Thackham clericum. Mr. Thackham appered, and the commissioners by the consent of Mr. Thackham decreed that a lettre be wrytten unto Sir Nicholas Poyntz knight and Mr. Throgmorton esquier, and they to end all matters between the saide parties; and that the parties shall appeere before them any daie and place to be appoynted by the saide Sir Nicholas Poyntz and Mr. Throgmorton for the endinge thereof.

Officium dominorum promotum per gardianos de Moreton Valence contra Mr. Daic curatum ibidem. *Evans, proctor for the churchwardens, gave in articles which were admitted, Laurence dissenting. Then Evans*

⁹¹ Entry partly faded and illegible.

produced as witnesses Walter Harrys, John Coles, Richard Freme and John Grenninge senior, who were sworn, Laurence dissenting and claiming that they were inadmissible as witnesses being themselves parishioners and prosecutors in this cause. He also asked that they should be examined on interrogatories ministered by his party, to which the judges consented.

Officium dominorum promotum per Thomam Sympson de Monmouth et Aliciam eius uxorem contra Johannem Hopkyns civitatis Gloucestrie pewterer. Comparuit dictus Hopkyns, et domini juramento onerantur eum de fideliter respondendo articulis contra eum exhibitis etc., et monuerunt eum ad subendum examen citra recessum etc.

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Officium dominorum promotum per Joannam Bathern alias Bathan contra Ludovicum Vaughan. Obligatur ad comparendum etc. Domini ex eo quod nuntius sive minister non curat certificare de executione mandati sui etc. decreverunt eundem viz. Watkin ap Harry alias Walter ap Parry capiendum fore erga proximam apud Wotton etc., et domini continuarunt hanc causam in statu quo est in eundem diem.

vij^o Decembris 1575, coram reverendo patre domino Richardo Gloucestrie episcopo, Richardo Greene et Johanne Angell, commissariis, in presentia Philippi Morgan registrarum.

Officium dominorum contra Thomam Grenewaie de Colsborn in comitatu Gloucestrie et Mariam Grenewaie eius sororem de eodem. For horrible incest with his owne sister. On which daie yt was ordred by the commissioners that the saide Thomas Grenewaie shalbe relesed out of prison and delivered to the messenger of this courte, and he to bringe him to the sheriffes of the citie of Gloucester, and to be putt in the pillorie with a paper on his hedd wrytten with these wordes, for horrible incest with his owne sister, in great lettres, and there to remayne from one till two of the clock this daie in the markett place, and then to be taken downe and whypped aboute the citie at a cartes tayle; and on Mondaie next being markett daie to be sett in the pillorie at Circester with the like paper on his hedd the space of two howres from xj till one of the clock; and the saide Marie Grenewaie to be sett at libertie till she be brought a bedd, and then to appere to receve ponishment etc.

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Die Jovis xv^o die mensis Decembris anno domini 1575, in ecclesia parochiali de Wootton Underedge in comitatu Gloucestrie, coram venerabilibus viris Richardo Greene in legibus bacalareo, Thoma Perry et Johanne Angell, commissariis regis etc., in presentia Philippi Morgan registrarum etc.

Officium dominorum contra Watkinum ap Harrie de Golden Valley generosum. Eo quod non certificavit de executione attachamenti contra Ludovicum Vaughan civitatis Gloucestrie.⁹² Comparuit personaliter dictus Watkinus ap Harrie juxta stipulationem (*and showed to the judges that their order had been duly executed*).⁹³

Officium dominorum contra Ludovicum Vaughan civitatis Gloucestrie.

⁹² Vaughan was before the archbishop's visitors for not receiving communion in 1576, and his case was still unsettled in March 1581 (G.D.R. xl—Gloucester deanery).

⁹³ Entry partly faded and illegible.

Quibus die et loco facta fuit publica preconizatio dicti Vaughan trina vice, et non comparuit. Unde Mr. Perry et Mr. Angell decreverunt eum capiendum fore erga proximam.

Officium dominorum promotum per curatum de Dydmarton contra Christoferum Whyte de eodem. The saide Whyte appered and brought a lettre to the commissioners from the saide curate to certifie that they are agreed. Whereupon the commissioners commaunded him not to departe before order be taken by them for his punishment. And after dinner, in the howse of Richarde Smythe in Wootton aforesaide, the saide Whyte appered before the saide commissioners, and the commissioners ordred that he shall paie to the quenes majesties use xxxvj^s viij^d for a fyne for his misdemeanour towards the saide curate, and that he shall paie the curate iij^s iij^d for his charges, and that he shall enter bande of x^{li} to the quenes majesties use to paie the saide money before the Annunciacion of our Ladie next, in the cathedrall churche at Gloucester, to thandes of Mr. Richard Grene and Thomas Perry, commissioners, or cyther of them or their lawfull attorney, and that he shall on St. Stephens

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daie next at the middest of morninge praier come into the churche at Foxley and aske the curate forgiveness for his saide misdemeanour towards him.

Officium dominorum contra Walterum Enion constabularium de Newnham. Dictus Enion comparuit, et domini ex causis eos specialiter moventibus dimiserunt eum.

Officium dominorum promotum per Thomam Golde de Newnham contra Thomam Smythstone de eodem. A lettre gone to Golde to prosecute his matter, and Smythstone was monished to appeere. The saide Golde appered and saide that he wolde follow his matter no further againste the saide Smythstone. And the saide Smythstone was called and did not appere; whereupon the commissioners decreed him to be attached againste the next courte to enter bande that he shall bringe certificatt from Barstable that he ys not married to the woman that he called his wyffe.

Officium dominorum contra Willelmum Perkyns de Pauntley. Willelmus Meredith⁹⁴ allegavit eundem Perkyns fuisse et esse absolutum a sententia excommunicationis etc. Unde domini dimiserunt eum, et decreverunt vicarium de Longe Hope qui procuravit litem vocandum fore erga proximam ad solvendum feodum registrarii, et domini decreverunt obligacionem retradendam.

Officium dominorum promotum per Joannam Payne contra Edwardum Hall de Barckley. *Hall appeared and, at Payne's petition, was sworn to undergo examination before departing; and he was ordered to enter*

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bond of £40 for his future appearance. Payne then produced Maurice Possolde as a witness to articles, and he was sworn, etc. The judges warned Payne to appear at the next court to be held at Gloucester.

Officium dominorum contra Jenettam Morgan alias Phelipp de Llan-

⁹⁴ Deputy-registrar and scribe of the acts in the Consistory Court. He became a proctor in February 1576. He was presented in November 1577 as a "horrible papiste" (S.P. Dom. Eliz. cxviii, 24).

cawte. Comparuit quidam Howellus Walter filius dicte Jenette, et allegavit quod ratione tempestatis, ventorum et aquarum in partes ubi mater sua moratur non potest personaliter comparere, et obtulit se promptum ad extendendum cautionem xlii ad usum regine majestatis quod mater sua predicta personaliter comparebit in proxima, ad quam prestandam domini admiserunt eam et distulerunt eius comparicionem in proximam.

Post meridiem in edibus Richardi Smythe in Wootton predicto, coram commissariis predictis, in presentia registrarii predicti.

Officium dominorum promotum per Joannam Bathern contra Ludovicum Vaughan civitatis Gloucestric. Comparuit dicta Bathern, quam domini ex officio suo ad informandum eorum animos juramento onerant de fideliter respondendo articulis contra eam ministrandis, et monuerunt eam ad subendum eius examen citra recessum.

Die Lune xix^o die menses Decembris anno predicto, coram reverendo patre domino Richardo Gloucestric episcopo, Richardo Greene et Thoma Perrie artium magistris, commissariis, in loco consistoriali Gloucestric, in presentia Philippi Morgan registrarii.

Officium dominorum contra Willelmum Brayne de Mitchell Deane generosum. Mr. Brayne appered and desired to see the articles objected againste him before he be sworne to aunswere to them. Whereupon the

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commissioners decreed that he shall have a copie of the articles. And they commaunded him to appeere the next courte to receive an oath to aunswere to them.

Officium dominorum promotum per Joannam Payne contra Edwardum Hall de Barckley. Domini juramento onerant Katherinam Vrigges testem super articulis alias contra dictum Hall ministratis etc., et monuerunt eam ad subendum examen citra recessum, dicto Hall preconizato et non comparente.

Officium dominorum contra Johannem Adams curatum de Teynton. Comparuit dictus Adams et allegavit pacem esse factam inter se et parochianos suos, et quod ipse ulterius prosequi hoc negocium non intendere. Unde domini ad eius petitionem dimiserunt eum.

Officium dominorum promotum per Simonem Wysedom clericum contra Richardum Maie de Didmarton. Comparuit dictus Maie, quem domini juramento onerant et monuerunt etc. citra recessum, et monuerunt eum ad comparendum in proxima.

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Die Jovis vij^o viz. die menses Januarii anno domini juxta computationem ecclesie Anglicane 1575, coram venerabilibus viris Richardo Greene in legibus baccalaureo, reverendi patris Gloucestric episcopi vicario in spiritualibus generali, Georgio Savage archidiacono Gloucestric, et Thoma Perry in artibus magistro, commissariis regis inter alios legitime deputatis, in loco consistoriali Gloucestric, in presentia Philippi Morgan registrarii etc.

Officium dominorum promotum per Joannam Payne contra Edwardum Hall de Barckley. *Hall appeared, and in his presence Payne exhibited three letters addressed to her and allegedly written by Hall, in which reference was made to a sum of money received by him under a marriage contract. She was ordered to prove these on 9 February next.*⁹⁵

⁹⁵ Entry partly faded and illegible.