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**Feuding Gentry and an Affray on College Green, Bristol, in 1579**

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During the 1570s two wealthy, landed gentlemen engaged in a struggle for primacy in Bristol. They were Hugh Smyth, who possessed Ashton Court together with widespread estates in Somerset and south Gloucestershire, and John Young, owner of properties in Somerset, Wiltshire and Dorset. Their rivalry was to involve several other gentry families in the district, and culminated in a violent confrontation between their armed retainers on College Green in March 1579. The subsequent inquiry into the incident in the Court of Star Chamber provides much detail about the parties involved, as well as evidence about the status and use of College Green, and about the ancient chapel of St. Jordan and the open-air pulpit which stood on the Green. Although it was in existence for several centuries and was a focus of devotion in Bristol, little documentary evidence survives concerning St. Jordan and his chapel. The following account provides information about the chapel during the 16th century.

Hugh Smyth’s wealth, his estates on the southern edge of Bristol, and his family connection with the city gave him a powerful claim to prominence. His father, John Smyth, had made a large fortune by trade through the port of Bristol and had invested his wealth in property in the city and the surrounding region, including the purchase of the Ashton Court estate in 1545. John Smyth had also played a prominent part in the affairs of Bristol, serving as sheriff in 1532–3, and as mayor in 1547–8 and 1554–5; it was largely due to his influence and business acumen that the common council of Bristol made highly-profitable investments in former monastic and chantry properties. John Smyth died in 1556 and his son Hugh inherited the property in Bristol, the Ashton Court estate, lands in Gloucestershire at Stanshawes in Yate and in Winterbourne and Newnham, and at Huntspill, Durleigh, Bridgwater, Wells and elsewhere in Somerset. To these Hugh Smyth soon added Somerset estates in Bedminster, Whitchurch, Bishopsworth and Brislington on the outskirts of Bristol. His marriage to Maud Byccombe, younger daughter of the Somerset landowner Hugh Bycombe of Crowcombe, brought him lands at Stogumber, Timberscombe and Bishop’s Lydeard. Even after his purchase of Ashton Court, John Smyth had continued to live in his merchant’s house in Small Street, conveniently close to the quayside, but his sons, Hugh and Matthew, were sent to Oxford and to the Inns of Court in London to be educated as gentlemen. Matthew became a lawyer and pursued a profitable career in London, but Hugh took up residence at Ashton Court in 1554. Already in Oxford and London Hugh had begun to display the unruly, violent temper which made it impossible for him to live peaceably with his neighbours. Although his wealth gave him a position as a leading country gentleman, and he was appointed as a justice of the peace for Somerset, his activities soon attracted a stream of complaints from his neighbours, and were later to bring him into conflict with John Young.1

The Young family could claim a much longer connection with Bristol, having been merchants, burgesses and office holders from the 14th century. John Young’s father, Hugh (d. 1533), had estates at Easton-in-Gordano, Somerset, and Castle Combe, Wiltshire, as well as property in...
Bristol. John Young (born c. 1519) entered the service of Edward Seymour, earl of Hertford, who was high steward of Bristol. Later he served in the household of William Herbert, earl of Pembroke, through whose influence he acquired various lucrative posts, including that of collector of customs and subsidies in Bristol in 1559. He was elected to Parliament for Devizes in 1559 and later represented the Cornish borough of West Looe and finally the Herberts' borough of Old Sarum. In 1563 he married Joan, daughter of John Wadham of Merrifield, near Ilton, Somerset. She was the sister of Nicholas Wadham, the founder of Wadham College. In 1547 she had married Sir Giles Strangways of Melbury Sampford and Abbotsbury, Dorset, by whom she had four sons and two daughters. Sir Giles died in 1562. By his marriage to Joan, John Young was allied to leading West-Country families: he also acquired control of the extensive Strangways' estates in Dorset and Somerset. His wife produced another son and two more daughters to add to the six children by her previous marriage. In 1568 John Young bought the former Carmelite friary near the site of the present Colston Hall in Bristol and began work on the 'Great House'. Later he also purchased the land on the hillside behind his mansion where he laid out a garden at the end of which he built the Red Lodge, although this was not finished at the time of his death in 1589.2

Soon after he took up residence at Ashton Court Hugh Smyth's conduct began to provoke a multitude of complaints. He was said to maintain a gang of armed ruffians at Ashton Court who terrorized the neighbourhood. The enlargement of the parkland around his mansion brought him into conflict with his neighbour Sir George Norton of Abbots Leigh. He was alleged to impose unreasonable conditions on his tenants, to ignore manorial customs and to use his position as a justice of the peace to protect himself and his friends. Hugh Smyth's activities soon brought him to the attention of the Privy Council, and as early as 1564 he was ordered to appear before the Council. A number of local gentlemen were persuaded to speak on his behalf, and the Council took no action. His friends on this occasion included Edward St. Loe of Stanton Drew, George Winter of Dyrham, Sir John Horner of Mells and Sir Maurice Berkeley of Bruton.3

The way in which Hugh Smyth used his influence with neighbouring landowners, with sheriffs and under-sheriffs, and even with Sir John Popham, recorder and M.P. for Bristol, to select jurymen and secure favourable verdicts in local courts is evident from his few surviving letters to his brother Matthew, who was a lawyer at the Middle Temple.4 During the next few years the number of complaints about Smyth's conduct increased greatly. In 1564, for example, Thomas Tibbot of Whitchurch complained to the Court of Requests that Hugh Smyth was attempting to deprive him of a tenement and 40 acres of land, and that Smyth's armed servants had destroyed his crops of hay and corn.5 A similar complaint was made by William Newman of Brislington in 1569, describing Smyth as 'somewhat given to covetousness and seekynge to putt pore men to troble and to turne them from their livings'.6 An undated statement to the Court of Star Chamber by John Perry of St. Georges near Worle, Somerset, alleged that, as part of a dispute over 16 acres of land, a gang of heavily-armed men maintained by Hugh Smyth at Ashton Court attacked his house in the night time and beat him severely, putting his wife and family in fear of their lives.7 Another allegation came from William Weaver of Brislington, who stated that seven of Smyth's armed servants had broken into his house with drawn swords and had wounded him in the head and right arm. Later, in a further suit before the Court of Requests, Weaver complained that Hugh Smyth 'hadd devised and gone about to defrawde and avoide your said subject', and that Smyth was 'a man of greate wealth and greatly friended, kynned and allyed'.8

It was no doubt his reputation for violent and unbecoming conduct that led to Hugh Smyth's exclusion from the many ceremonies and celebrations which marked the seven-day visit of Queen Elizabeth to Bristol in August 1574, a visit which cost Bristol corporation £1,053 14s. 11d. The fine mansion at Ashton Court, set in a large, attractive deer park would have been the obvious place for the Queen to stay during her visit. Instead she stayed at John Young's mansion which, although
large and no doubt luxurious, was close to the harbour and quayside with crowded shipping and the smell of Bristol sewers exposed twice each day by the retreating tides. In all the detailed accounts of her visit to Bristol and of the lavish entertainment provided for her, there is no reference to Hugh Smyth. The final evidence of Smyth’s exclusion from royal favour came when the Queen left Bristol. Before her departure she conferred knighthoods on her host, John Young, and on four other gentlemen – Richard Berkeley of Stoke Gifford, John Tracy of Doynton and Toddington, Thomas Porter of Hempsted near Gloucester, and William Morgan of Llantarnam, Monmouthshire.9 There was no knighthood for Hugh Smyth who was the wealthiest landowner in the district.

Many of Hugh Smyth’s fellow-justices and neighbouring landowners, such as John Horner, George Norton, Maurice Berkeley and Nicholas Poyntz, were already knights and no doubt he was particularly affronted at the knighthood for William Morgan. Smyth had many links with the Morgan family of Llantarnam, and each year bought large numbers of young Welsh cattle from them for fattening on his pastures in Somerset and Gloucestershire. Moreover, Hugh Smyth’s daughter and only child, Elizabeth, was married to William Morgan’s son, Edward. That this obvious exclusion from royal favour and from all the civic celebrations which accompanied Queen Elizabeth’s visit to Bristol rankled with Hugh Smyth is evident from what followed.

In May 1575 Smyth, together with another Somerset justice, John Colles, was ordered to appear before the Privy Council to answer for making rehersinge or publishinge of certen sclanderous rymes made against Sir John Yonge, Knight, a thing of very evill example and not [to] be winked at, speciallye he being one of her Majesties Justices of the Peace and otherwise knowen and reputed for his honestie and livelioode well to be estemed and in no such wise to be abused; it was declared unto them by their Lordships how moche theis kinde of dealinges are misliked of their Lordshipps as farre unseemely for any gentilmen, Justices of Peace and neighbours to make, utter or publishe against any of his callinge.10

The Privy Council Register gives no indication of the content of these ‘sclanderous rymes’, but evidently they were not complimentary to the newly-created knight.

Because Sir John Young was unwilling to prosecute the case further the two were released with a sharp warning from the Council, and were warned not to offend again upon pain of some ‘sharpe punishment’, and ‘her Majesties indignacion’. Further complaints about Smyth’s conduct quickly followed and the sheriff of Somerset was ordered by the Privy Council to enquire into the ‘oppression and other misdemeanours’ which had been received about ‘Smyth and his adherents’. Smyth retaliated in 1577 by making his own complaint to the Court of Star Chamber about the conduct of his fellow-justices, including Sir George Norton, Christopher Kenn of Kenn, Somerset, Sir Nicholas Poyntz of Iron Acton and Sir John Young. He alleged that they had used their position to benefit themselves and their friends and had been guilty of riots, assaults, extortion, frauds in collecting subsidies and other misdemeanours.11

Notwithstanding all the complaints and allegations made against him, the Privy Council chose Hugh Smyth to undertake an important task in Bristol in September 1577. A ship commanded by Martin Frobisher had arrived in Bristol from North America laden with ore which it was thought would yield large quantities of gold. Sir Richard Berkeley and Hugh Smyth were ordered to supervise the unloading of the ore and its secure storage in Bristol Castle. There it was to be kept in a room with three locks and three keys. Each of the two justices were to have a key, and the mayor of Bristol was to have the third. Sadly, all hopes of vast riches to be made from the ore were dashed when it was assayed and found to be worthless.12
Hugh Smyth’s conflicts with his fellow-justices continued however, and early in 1578 he lodged a further complaint in Star Chamber against Sir John Young and Sir George Norton, alleging that they had evaded customs duties on goods which they had imported, and that they had been guilty of other irregularities in their conduct as justices of the peace. This provoked a devastating response from Sir John Young, Sir George Norton and Christopher Kenn, who wrote to the Privy Council on 8 May 1578 with a long list of complaints about Hugh Smyth and the ‘intolerable abuses’ committed by him. Smyth’s ‘quarrells, disorders and uncomelie speaches’ were said to include calling his fellow-justices by names such as ‘tosspot, beaste, drunken knave etc’. More serious was the charge that Smyth harboured a gang of disorderly miscreants who assaulted and terrorized his neighbours ‘and disquieteth the Citie of Bristowe with divers routs’. They claimed that ‘if there be any old ruffian about London or murderer in Wales’ they were welcomed at Ashton Court and were a threat to public order. They complained that Smyth used his position to grant licences to unsuitable alehouses ‘more fitter to retayne thieves and kepe filthie rule than for any other good consideration’, and that he was engaged in illegal exports of wheat to Spain and Portugal.13

The response of the Privy Council was to remove Hugh Smyth’s name from the list of justices and to summon him to appear before them. Throughout the summer of 1578 he managed to excuse his non-attendance by pleading sickness, although this did not prevent him from publishing further malicious accusations of wrong-doing against Sir John Young. Finally losing patience, the Privy Council ordered him to appear before them on the first day of the Michaelmas term ‘all excuses sett a part’, to answer the charges of ‘extreme malice’ conceived against Sir John Young and ‘some practice tending to his annoyance’. In the mean time Smyth was not to ‘use any misdemeanour against Sir John Yong or any of his, ether in speeches or by any other meanes’ and was to ‘use no evill demeanour’ against anyone who might testify against him. Sir John Young, Sir George Norton and other local gentlemen were also ordered to appear before the Privy Council at the same time, bringing with them ‘ suche witnesses as maye testifie the trouthe of their complaints against the said Hugh Smithe’.

Hugh Smyth finally appeared before the Privy Council on 30 October 1578, and the whole matter passed to Sir Walter Mildmay and the Master of the Rolls to enquire into and examine ‘certaine writings of Hughe Smithe’. All parties involved were urged ‘to make some such frendlie agreement and composition’ leading to ‘quietnes and mutuall amitye’. The exhortation was in vain, for by spring 1579 Hugh Smyth was again complaining to the Court of Star Chamber that his opponents were taking bribes, packing juries and that in one case ‘divers of the jurye were verye poore men such as dwelte in cottages’.14

It was against this background of intense hostility that the confrontation between the armed supporters of Hugh Smyth and Sir John Young took place on College Green during the early summer of 1579. The details emerge from the lengthy statements later collected from witnesses.15 From those statements it is clear that the enmity between the two gentlemen had extended to the retainers and household servants of both sides. It was stated that there had been several confrontations in the streets of Bristol when groups from each household met. Clement Goddall, aged 33, and Nicholas Lockier, aged 26, servants to Sir John Young, spoke of encounters in Bristol when Smyth’s men pushed Young’s men against the walls, ‘and calld [them] boyes, and made challenge that five of Mr Smithes servants would deale with sixe of Sir John Yonges men’. Jasper Holbyn, aged 32, servant to Sir John Young, claimed that he and his fellow-servants were provoked ‘by sundrie abuses offered unto them by one Banesforde and one Jones, servants to the said Mr Smithe, walkinge in the streets of Bristol, by thrustinge of them againste the walls, spittinge at them, and challenging them unto the fields, saying that they had drawen better men than they alonge the kennell [gutter]’. The culmination of this antagonism occurred in March 1579 when Young’s men saw a small group of Smyth’s servants walking along the harbourside in Bristol, past the gates
of Sir John Young’s ‘Great House’, on their way to Ashton Court via College Green, then called St. Augustine’s Green. Estimates of the numbers involved vary, but there seem to have been about four men from Ashton Court, plus one servant of Smyth’s son-in-law, Edward Morgan; Sir John Young’s men numbered ten or more. Seizing the opportunity offered by their superior numbers, Young’s men, armed with swords and staves, took the shorter route along Frog Lane and reached St. Augustine’s Green first, thus barring the way. The confrontation was witnessed by John Jones, aged 40, curate of the parish church of St. Augustine the Less. He saw Young’s men on the Green with their swords drawn, and heard Bannesford, servant to Hugh Smyth, say ‘Sirs, I pray you lett us goe by you, for we are not nowe equally matched’. Sir John Young’s men replied that they should not pass until they had dealt with them, ‘Whereupon the said Bannesford threw off his coate and drew his sword and said “yf there be no remedy, then let us goe to hit”, but who gave the first blow this examinant knoweth not’.

Christopher Pacye, aged 60, canon of Bristol Cathedral, also witnessed the affray. He tried to persuade Young’s men to allow their opponents to pass, ‘bidding both sides in the Queen’s name to keep the peace and telling them what danger it was to fight in that place, which persuasions they refused, and so sett upon the servants of the said Mr Smithe’. None of the witnesses say anything about the fight itself, and it ended without anyone being seriously hurt. Several echo the words of Charles Herberte, gentleman, aged 40, of Alton in Herefordshire who happened to be on the Green and reported that both sides ‘behaved themselves in the said affray very manfully’. Herberte, however, added a further detail. The day after the affray his business took him to Ashton Court, and Sir John Young asked him to take a message to Hugh Smyth. Young’s message was that ‘Their servants might no more deale together, but that the controversies betwenee them might from thence forthe be ended by order of lawe’. To this message Hugh Smythe agreed. Nonetheless, on the following day Herberte saw some twenty or more of Smyth’s servants in Bristol ‘weaponed with Swords, Bucklers and other weapons’. In spite of all the brave words and threats of the participants, the confrontation on the Green seems to have ended tamely and without casualties on either side.

Since no one was wounded or killed in the affray, a principal concern of the subsequent inquiry by the Court of Star Chamber was to establish the status of the Green, and whether it had been a burial ground. If it was consecrated, the fighting there would have been the more reprehensible. The inquiry was part of a wide-ranging investigation of Hugh Smyth’s misdemeanours and his accusations against his fellow-justices. Witnesses were examined about the affray, Smyth’s illegal exports of wheat, his oppression of tenants and the complaints of coercion and extortion made by Walter Weekes, a gentleman from Gloucestershire, who claimed that Smyth had threatened his life and offered a reward to anyone who would kill him. All the witness recalled that the Green had been the burial ground for the abbey, and spoke of the human skulls and bones which were found there, particularly when trees had been blown down in a storm. Some remembered stone coffins and coffin lids being found there, and Thomas Pynchinge, aged 68, curate of St. Mark’s (Gaunt’s) Hospital, stated ‘there was founde in the saide Greene about xxx yeares past a hollow stone mutche like to a coffyn which was undergrounde all covere d with grasse ...’. Even more interesting, however, is the evidence about St. Jordan’s chapel. Walter Gleeson of Bristol, aged 60, gentleman, remembered ‘a coffyn of free stone in the said Greene found under the grounde there neare to a chappell called St Jordan his chappell which chappell is now the Grammar School’. He added that the coffin was now in the house of Canon Arthur Saul. The witnesses also mentioned the pulpit or preaching place which remained on the Green and was still in use; Canon Christopher Pacye, who had known the Green for more than 50 years, described it as an ancient pulpit ‘where preaching hath byn and yet is used’. Other witnesses included Edmund Smith, linen-draper aged 32, William Lader, yeoman aged 60, Richard Goffe of Bedminster, carrier aged 40, and John Hopkins of Bristol, bookbinder aged 36.
Further depositions were taken in November 1580. Other features of the Green which emerge include the two houses standing there called the Rope Houses, the ways for horses, carts and carriages crossing the Green, the fact that the grazing rights had been let by the abbots of St. Augustine’s for 10s. 0d. per annum and were still being let by the dean and chapter of the cathedral for the same rent. One witness mentioned that there were two dunghills standing upon the Green. The evidence given by Anne White, widow, aged 70 years, who lived at the end of Sir John Young’s garden, incidently provides a very early mention of a black servant in Bristol; she stated that Sir John ‘did appointe a blacke moore to kepe the possession of his garden’.

A major interest of these depositions is the information that the open-air pulpit was still standing and remained in use, and that the chapel of St. Jordan had become the grammar school for the cathedral. The pulpit no doubt resembled the surviving example in the churchyard at Iron Acton. There are references to a sermon being preached there before Henry VII during his visit to Bristol in 1486 and to an Easter sermon (sermonem in viridea placea in die Pasche) in 1491. There is also a tradition that the pulpit was used by the early reformers, including William Tyndale and Hugh Latimer. In spite of the persistent tradition that St. Jordan, one of the followers of St. Augustine of Canterbury and possibly one of the 40 monks who came with him to England in 597, was buried on St. Augustine’s Green early in the 7th century, there are few documentary references to the saint or to the chapel, although the latter’s existence suggests that there was a pre-Conquest religious site where the Augustinian abbey was later to be established. This may well have been the reason why Robert FitzHarding founded the abbey there in 1140. During the later Middle Ages St. Jordan’s chapel was occupied by a hermit who is referred to in a will dated 1393. A prayer to St. Jordan is included in a 15th-century Book of Hours which was probably used in the chapel, and the account roll of St. Augustine’s Abbey for 1491–2 includes a reference to offerings made to the image of St. Jordan. The fullest reference is provided by John Leland who recorded the tradition that the site was the burial place of St. Jordan ‘unus ex discipuli Augustini Anglorum apostoli’.

The depositions concerning the affray in 1579 add to these scraps of documentary evidence and show that the chapel building was being used as the grammar school for the cathedral which had been established in the abbey building in 1542. The chapel was still there in 1634 when Archbishop Laud’s visitation revealed that it was ‘made at all times as a common tennis court and is in a manner fitted for that use’. This no doubt meant that the exterior wall of the building was used for the popular game of fives, which was played against many church walls and towers throughout Somerset. The chapel is clearly shown on Jacob Millerd’s map of 1673, but was demolished soon after. All archaeological evidence was destroyed when College Green was levelled during the building of the Council House in the mid 20th century.

The Star Chamber inquiry into the affray on College Green in March 1579 was not completed before it was overtaken by much more serious charges brought against Hugh Smyth and his band of armed retainers. During the night of 19 September 1579 a party of Smyth’s armed servants broke into the rabbit Warren of Sir George Norton in Abbots Leigh, just beyond the boundary of the Ashton Court estate. While they were catching the rabbits they were discovered by Sir George Norton’s servants. In the darkness a fierce battle ensued, during which John Blanche, one of Smyth’s men, was killed by an arrow. Whereupon the poachers retreated to the safety of Ashton Court, taking the body of their dead companion with them. Following so many complaints about Hugh Smyth, this affair was the last straw for the Privy Council which declared that the matter could not be dealt with locally and that it must be tried in London. Hugh Smyth, therefore, decided to buy a house in London to await the trial. He was already ill, and in London his health deteriorated rapidly. He died on 2 March 1580 and was buried in London. His brother, Matthew, succeeded to the Ashton Court estates, and in February 1586 he arranged for Hugh Smyth’s body to be brought back to Long Ashton church and buried in the new family vault. Matthew Smyth
was a quite different character from his brother and, having spent many years as a lawyer in London, took pains to develop good relations with his neighbours in Somerset and Gloucestershire. His correspondence reveals his friendship with Sir Nicholas Poyntz, John Horner, Henry Berkeley of Berkeley Castle, Sir William Winter of Dyrham and especially with Sir John Young.19

Sir John Young died in 1598 and was buried in the chancel of Bristol Cathedral. His widow, Joan, erected a large ornate monument on the right of the altar with her own effigy flanked by those of her two husbands and surrounded by her nine children.20 Although his ‘Great House’ has gone, Sir John Young’s surviving legacy to Bristol is the Red Lodge, which stands on the hillside at the end of his former garden. It was completed soon after his death and contains much original panelling and decoration. Sir John Young’s son Robert, who was 19 when his father died, dissipated his fortune and was obliged to sell the Great House to his half-brother, Nicholas Strangways. Early in the 17th century, in a final ironic twist to the rivalry between Hugh Smyth and Sir John Young, Nicholas Strangways sold the Great House to Hugh Smyth’s nephew and heir, Sir Hugh Smyth of Ashton Court.21

Notes


3. Acts of the Privy Council 1558–70, 144; Bristol Record Office (BRO), AC/C7/1.


5. The National Archives, formerly Public Record Office (PRO), REQ 2/157/418; C 3/145/11.


7. Ibid. STAC 5/P65/39.


11. Ibid. 1575–7, 316; PRO, STAC 5/S54/6; STAC 5/S75/13.


15. PRO, STAC 5/S14/26.

16. Ibid. STAC 5/S24/12. For further references to black servants in Bristol, see Madge Dresser, Slavery Obscured (2001), 8–13. I am grateful to Madge Dresser for information on this subject.


18. BRO, AC/F1/4; AC/C17/1–3; AC/C18/1–10; 36074/68.

19. Ibid. AC/C18/10; AC/F7/3; 36074/68; Correspondence of the Smyth Family, ed. Bettey, 33–46.

20. The Young monument, much reduced in size, has been moved to the west end of Bristol Cathedral.