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BANBURY HISTORICAL SOCIETY

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**Details of the Society's activities and
publications will be found inside the back cover.**

Cake and Cockhorse

The magazine of the Banbury Historical Society, issued three times a year.

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‘All human life is here’, or words to that effect. Certainly Pamela Horn’s account of Mary Fortnam’s behaviour might have found its way into certain Sunday papers had this been two centuries later, with her gossiping servants telephoning or E-mailing receptive journalistic ears.

The 1785 fire at Kings Sutton too might have made headlines, though fortunately there was no loss of life. Financial relief was generous, but it is significant that the largest donations came from the two families that dominated local politics.

Ken Brooks’ history of our oldest firm of solicitors – or attornies as they would have been known – is valuable in clarifying just which Aplin was partner at what time. For more than a century and a half one or other of the partners was central to Banbury life, often serving as Town Clerk. What is particularly revealing is the close links with the Norths of Wroxton, even to the extent of the prime minister writing in concern at the death of Benjamin Aplin in 1773. Aplin’s management of the Corporation of Banbury was just as important as that of Matthew Lamb, Vicar of Banbury, another key agent in the control of our rotten borough by the Earl of Guilford, and later by the Marquess of Bute. Doubtless further research in the North Papers in the Bodleian would reveal more of this association.

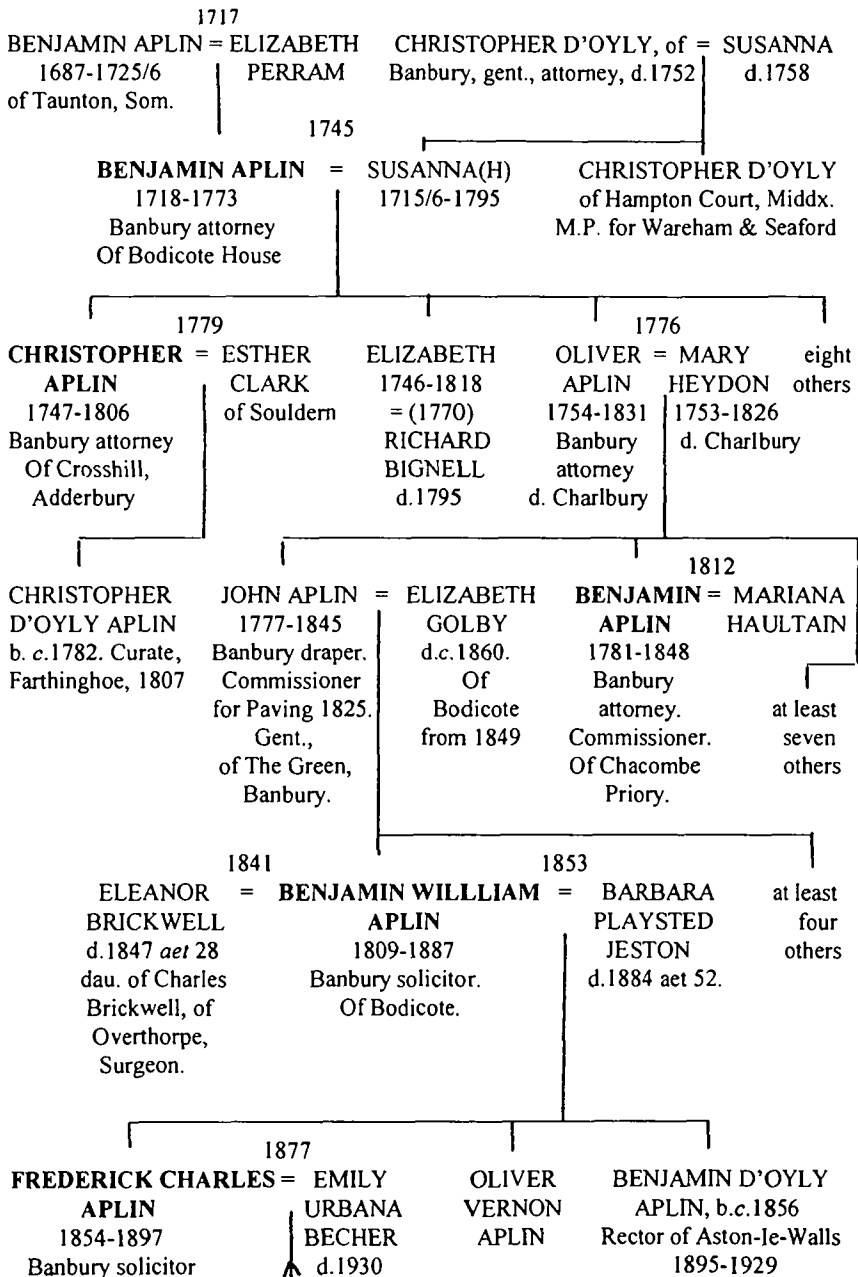
Now we know a bit more about ‘stelch’ and ‘bathering’, thanks to Mrs Betty Cameron and Christopher Hill. Letters of this nature are always very welcome.

Cover: Bodicote House, home of Benjamin Aplin in the eighteenth century
(from *The History of Banbury*, by W.P. Johnson, c.1865).

Relationship of Aplins in Banbury legal practice, c.1739-1897

This pedigree is highly selective. There were numerous other Aplins.

Partners in the Firm of Aplins are shown in bold type.



APLINS – THE OLDEST SOLICITORS’ PRACTICE IN BANBURY

Part One: The Aplin Family, 1739-1897

Kenneth R.S. Brooks

with additional information from Jeremy Gibson

When I came to Banbury in 1954, I was told that Aplins was not only the oldest Solicitors’ Practice in Banbury, but was also one of the oldest, if not *the* oldest, in the South Midlands. An interesting statement, but just how old *is* it and what is known of its history? The answers to these questions could only be ascertained by painstaking research, requiring a lot of time which was unlikely to be available during one’s normal working life. Having retired and, in consequence, with even less time available, I decided to make a start.

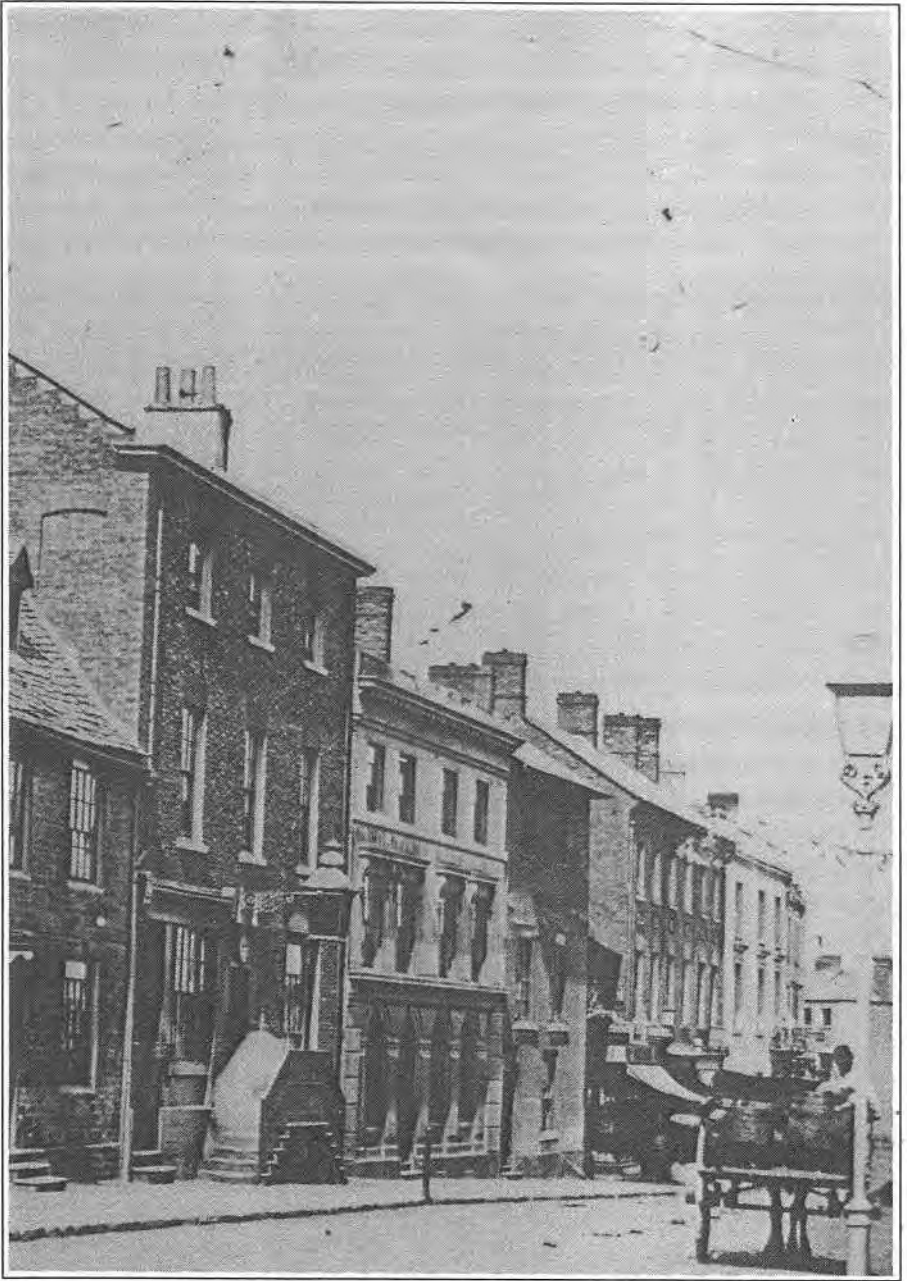
The Aplin family was prolific, many serving with distinction in the army or navy, and at least two went into the Church. However for the purpose of this account of the legal firm, comment is in general restricted to those who were partners in the firm or whose sons were.

Benjamin Aplin (1718-1773; attorney c.1739-1773)

Benjamin Aplin was born at Taunton on 30 September 1718 and was baptised there, in St. James’s Church, on 6 October. He was son of Benjamin Aplin of Taunton (born in 1687) and his wife Elizabeth.

He lived for a time at Roughmoor House, near Bishop’s Hull, which was part of the Taunton Deane Estate, but he later moved to Oxfordshire. By 1739 he was living in Adderbury, and became an Attorney – or Solicitor – at about that time.

In October 1745 he married Susanna (or Susannah) D’Oyly, daughter of Christopher D’Oyly, gentleman (at her baptism in January 1715/6 he was described as an Attorney-at-Law) at Banbury. She was also co-heiress of her brother Christopher D’Oyly (1716-95) of Hampton Court, Middlesex, Barrister-at-Law, and Member of Parliament for Wareham, in Dorset, and afterwards for Seaford in Sussex. This brother was in Lord North’s Administration appointed Comptroller General of Accounts and was once described as ‘the only honest man in the Government’.



51 High Street in 1849. Note the steps leading up to the Post Office two doors along.

The D'Oyls had been long-established locally, especially in Adderbury, where they held the lordship of one of the manors. Bray D'Oyly, in the later seventeenth century, a wealthy Quaker, had lived at the 'Little Manor', just opposite Crosshill, a house later occupied by Benjamin Aplin's son Christopher. It must be significant that Benjamin married the daughter of an Adderbury-connected Banbury attorney, and as her father died only seven years later, it seems reasonable to speculate they may have been in practice together, giving the Firm an even earlier Banbury origin.

Benjamin and Susannah had no fewer than eleven children in under twelve years, all baptised at St. Mary's, Banbury, and all but one surviving infancy.

Benjamin set up in practice as an Attorney in Banbury in or about the year 1739 at or near the property in Sheep Street which later became known as No. 51 High Street. A century and a half later George Herbert was to recall: 'The next was always a lawyer's office, and kept by the firm of Aplin ever since I can remember. Next was a narrow passage from the street to the churchyard and was called "Tink-aTank". It ran between high walls and was so narrow as two persons could hardly walk to pass each other.'

At the baptisms of Benjamin's two eldest children in 1746 and 1747 he was living in Neithrop. However for some years afterwards he and his family lived at Bodicote House, for which he took out a lease some time between 1747 and 1749. A number of his younger children were born there, though they were all baptised at Banbury.

In the century that followed the establishment of the Aplin practice, Banbury was highly politicised. The Borough returned one Member of Parliament, but the franchise was restricted to the eighteen members of the Corporation, six Burgesses and twelve Aldermen, all elected for life, from whom the Mayor would be selected annually. However, there were also thirty 'Assistants' to the Corporation, a sinecure post but from whom new burgesses must be chosen when a vacancy occurred, and thus, indirectly, influencing the election of future M.Ps. Some would be local nobility and gentry, some those more directly involved in the town's affairs.

Thus it is significant that Benjamin Aplin was elected an Assistant as early as June 1748, prior to his appointment or election as Town Clerk on 11 October. In view of his brother-in-law Christopher D'Oyly's later position in Lord North's administration, it seems certain that he was from

the start associated with the North family, then headed by the 1st Earl of Guilford, of Wroxton Abbey, who controlled the rotten borough of Banbury, at that time in the Whig interest. His son, Lord North, later Premier, was M.P. for Banbury from 1754. The Aplin family were to remain loyal to the Wroxton Abbey control of Banbury's M.P.s, whether Whig or Tory, until the parliamentary reform of 1832 abolished the Corporation franchise. Not surprisingly at the famous Oxfordshire election of 1754, when Benjamin Aplin had a vote as a 40s. freeholder in the election of County members, he is recorded in the (Tory) canvass list as 'Lately appointed steward Lady Dalkeith' [*ie* Adderbury] and likely to vote for Sir Edward Turner and Lord (Thomas) Parker, the Whig candidates (who gave a splendid party for their supporters in Banbury on 2 February). The published poll book confirms Aplin voted as expected.

On 3 September 1770 Aplin resigned as Town Clerk and was elected Capital Burgess. The same day, he was appointed Deputy Recorder and was sworn in on 17 September 1770. He resigned as a Burgess on 6 February 1771, but was re-elected the same day as Assistant and Capital Burgess. On 2 September 1771 he was elected Alderman. Immediately he and John Lambert were proposed as the Candidates for election as Mayor for 1771-2. Lambert was elected by thirty votes to two but, on 6 September, he refused to serve. A new election took place on 16 September with Benjamin Aplin and Charles Wyatt as the Candidates: Aplin was elected by twenty-six votes to five. The same day his resignation as Deputy Recorder was accepted.

Another important legal office he held was that of Coroner for the Borough, to which he was elected and sworn on 8 September 1756. In June 1763 it was announced in Jackson's *Oxford Journal* that he had 'recently been appointed a Master Extraordinary in the Chancery Court.'

Given the family's involvement with lords of Adderbury's manors, it is not surprising that from 1754 he was the Steward of Lady Dalkeith's manor. From 1763 until his death in 1773 he was also the Steward of the Manors of Kings Sutton.

Jackson's *Oxford Journal* reported on Friday 12 May 1769 that a First Meeting of the Canal Company was held at the Three Tuns, Banbury, with Benjamin Aplin as Treasurer. This project was in due course to transform Banbury's prosperity – somewhat akin to the railways and M40 – and his appointment to this key post is a measure of his reputation. Sadly he was to die long before the canal's completion.

Amongst all these official records, it is entertaining to find a more personal anecdote, quoted by Christopher Hibbert after Laurence Stone:

‘...it would be hard to find a more convincing demonstration of the new attitude towards parental control over marriage among provincial townspeople and country gentry than the story of a Banbury attorney named Aplin, and of his daughter who helped her father in his office. Also working in his office as an articled clerk was Richard Bignell, an enterprising young man of humble birth, who fell in love with Miss Aplin and, when he was qualified as an attorney himself, asked her father for permission to marry her. The request was rejected “with the utmost scorn”. And when Mr Aplin discovered that his daughter had married despite his prohibition, he threw her out of his house, declaring he wanted nothing more to do with her. Strongly disapproving of his harsh conduct, his clients one by one withdrew their business from his charge and transferred it to his pleasant and industrious former young clerk who had in the meantime set up on his own.’

Banbury parish registers do indeed confirm that Elizabeth Aplin married Richard Bignell, ‘gentleman’, on 16 April 1770. She was Benjamin’s eldest daughter, baptised on 17 October 1746, so at 24 did not need parental consent. But it is interesting to learn that in the totally male-dominated world of the law, women could also find a place. The registers also show that Elizabeth’s younger brothers were on friendly terms with Bignell: in 1767 he and Christopher Aplin were joint witnesses at a wedding, whilst, after Benjamin’s death, in 1775, Oliver Aplin and Richard were witnesses at Elizabeth’s sister Caroline’s marriage. Whatever their social relationship, business still thrust Benjamin Aplin and Richard Bignell together in the early days of the Oxford Canal Company, as recorded in Audrey Taylor’s *Gillets*.

Benjamin Aplin was in the Firm from about 1739 until his death. He died aged 54 years and was buried at Banbury on 17 August 1773. Ten of his eleven children survived him. His wife, Susannah, died aged 80 years, ‘a widow lady of great respectability’ (per Jackson’s *Oxford Journal*) and was buried at Banbury on 18 August 1795.

Lord North wrote to his father on 24 August 1773:

‘I am very sorry for poor Aplin. Death seems to have been very busy amongst our friends this year, and I hope we have enough left to fill up the Corporation properly. The obstinacy of our opponents and the near approach of the general election will make it necessary for us to look to ourselves and to secure our majority by every legal means. It must be confess’d that our former civility and delicacy seems to have been rather thrown away upon our adversaries. The manner of filling up the vacancies in the Corporation and the

Town-Clerk's office, appears to me un-exceptionable, and should take place before the end of the present Mayoralty...'

Christopher Aplin (1747-1806; solicitor *c.* 1767-1806)

Christopher Aplin was baptised at Banbury on 19 December 1747, eldest son and second child of Benjamin and Susannah Aplin. He had joined his father's firm by 1767. On 10 April 1779 he married Esther Clark of Souldern, at Souldern Church.

Continuing his father's close association with the Corporation and the North interest, on 3 September 1770 he was elected Assistant and on the same day was sworn in as Town Clerk, succeeding his father. However, shortly afterwards, on 27 October 1770, he sent in his letter of resignation as Town Clerk because he had not taken the Sacrament, it being a requirement that the Sacrament be taken within twelve months of election as Town Clerk and prior to being sworn in. On 6 February 1771 his resignation was accepted by the Corporation, but he had by then taken the Sacrament so he was re-elected as Town Clerk and also elected Coroner. He took the Oaths of Town Clerk and Coroner on 11 February 1771. On 7 September 1773, following his father's death, his resignation as Town Clerk and Coroner was accepted. He was granted the Freedom of the Borough of Banbury that day or soon afterwards.

Ten years later, on 29 August 1783, Christopher Aplin was elected Alderman and, three days on, Mayor for 1783-4. On 17 August 1787 he was re-admitted as Coroner, which office he held for a further ten years until his resignation on 18 August 1797. He is recorded as one of the Aldermen who in 1790 supported the demolition of at least the tower of the parish church. His brother Oliver, who was a member of the vestry, also supported this, although in 1785 he had been a signatory to a report that declared it 'as safe as St Paul's Church in London.'

He succeeded his father, until 1780, as the Steward to the Manors of Kings Sutton. Continuing the family interest in Adderbury, in 1779 he acquired the Manor of Adderbury from his uncle, Christopher D'Oyly of Twickenham and Hampton Court, Middlesex, and the Duke of Buccleuch. He remained Lord of the Manor of Adderbury until 1792 and actually lived there with his wife at Crosshill, a Georgian house in West Adderbury.[†]

Christopher Aplin was in the Firm from about 1767 until his death. He died in 1806, aged 59 years, and was buried at Adderbury on 6 July. His

* Bodleian Library, Oxford. North MSS. D.24, ff. 183-4.

† Illustrated in *Adderbury*, Nicholas Allen, B.H.S. 25, 1995, fig. 77, page 107.

son Christopher D'Oyly Aplin, born c.1782, became Curate of Farthinghoe in 1807, and of Blakesley and Braddon in 1813.

Benjamin Aplin (1781-1848; solicitor 1803-c.1847)

Benjamin Aplin was baptised at Banbury on 14 March 1781, son of Christopher's younger brother Oliver and his wife Mary, daughter of Mr Elisha Heydon, a Banbury mercer. Oliver and Mary had married at Banbury on 14 October 1776.

Although Oliver Aplin was an Attorney, he was never a partner in the firm of Aplins. In 1802, he achieved a measure of notoriety by absconding, leaving his wife and nine children in Banbury. Ironically he had earlier been elected an Assistant to the Corporation, and as this appointment was for life, his name continued to be listed in Rusher's *Banbury List* until his death. He died at Charlbury on 17 April 1831 aged 76. Nevertheless his wife Mary, who predeceased him on 16 February 1826, aged 72, also died at Charlbury. Both were buried at Banbury.

Benjamin Aplin was Admitted a Solicitor at Michaelmas 1803, and joined his uncle's firm of Aplins, three years before Christopher's death in 1806. In May 1810 he purchased the premises in Sheep Street (later No. 51 High Street), Banbury, where the Firm practised, from Mr Hattil Arnold, a Banbury mercer.

The Napoleonic War was still raging. A decade earlier Military Associations were being formed, including companies in Banbury initiated by two attorneys, Richard Bignell and William Walford (successor to the first Benjamin Aplin as Town Clerk). These were disbanded in 1808 but cavalry continued as Oxfordshire Yeomanry. An Order dated 23 June in the 49th year of George III (1809) was made in the following terms in respect of Benjamin Aplin: –

'By George Duke and Earl of Marlborough, Marquis of Blandford, Baron Churchill of Sandridge, Lord Lt. and Custos Rotulorum of the County of Oxford, etc., One of His Majesty's Most Honbl. Privy Councillors and Kt of the Most Noble Order of the Garter.

I Appoint Benjamin Aplin, Gentleman, to be Cornet in the Bloxham and Banbury Squadron of Oxfordshire Light Horse Volunteers commanded by George Frederick Stratton, Esq., as Major Commandant thereof.'

Benjamin Aplin married Mariana Haultain on 22 November 1812, at Bathwick, near Bath.

The Firm continued to be closely involved with the unreformed Corporation and the North family, now represented by the Marquess of Bute, who had married the Earl of Guilford's daughter and lived at

Wroxton. As agitation for reform spiralled in 1831 turmoil grew in Banbury. The Great Reform Bill became law in June 1832 and a General Election under the new reformed franchise was imminent. The previous Tory M.P. was retiring, and Aplin, as agent to Lord Bute, visited Henry Pye, the newly arrived tenant of Chacombe Priory, seeking his candidature 'as a Reformer' with support of the Bute interest. In the event, Pye stood down after a vicious election campaign and his opponent, Henry Tancred, was elected unopposed. It is understandable that Pye no longer wished to live near Banbury, so Chacombe Priory required a tenant. By 1834 Benjamin Aplin was installed and lived there until 1846. He and Mariana had no children.

In 1837, after the Reform Act, when Henry Tawney, former Mayor and co-partner in the New Bank (Gilletts) stood as Tory candidate, his nomination was proposed by Benjamin Aplin.

It cannot be emphasised enough how a small market town like Banbury ran on almost incestuous ways. In 1822 Peter Oliver Bignell, a son of Richard Bignell, was a neighbouring attorney in Sheep Street and one of Gilletts' Bank's biggest customers. He was related to Benjamin Aplin, another of Gilletts' customers. John Aplin, Benjamin's brother, had been in a drapery trading partnership with the Heydons (their mother's family), and his grandfather Benjamin had been allied with Richard Bignell in the Oxford Canal Company, with which the New Bank (Gilletts) had always been closely concerned. The Bignells and Aplins must have been largely responsible for the fact that by 1822 six attorneys, virtually all the local lawyers, were customers of the New Bank.

Aplin was both solicitor to and customer of Gilletts' Bank, and in 1837 Joseph Ashby Gillett was confiding to him the bank's temporary financial difficulties when their London correspondents Esdailes briefly 'suspended payment'. In 1847 the bank had another crisis, and it was noted that 'Aplin [who had had an enormous debit balance in 1840] will pay half by end of year and he will not want to draw.'

Benjamin Aplin was in the Firm from 1803 until he had to leave on account of ill health. He died on 2 July 1848 at 2 Clarendon Crescent, Leamington, aged 66. His death certificate gives his Cause of Death as 'Softening of the Brain', which today would possibly be described as Dementia, or perhaps Alzheimer's Disease.

Benjamin William Aplin (1809-1887; solicitor 1836-82)

Benjamin William Aplin was baptised on 23 June 1809 at Banbury, the eldest son of John and Elizabeth Aplin (née Golby), and nephew of Benjamin. John, at his children's baptisms, was described as a draper or mercer, though in due course he became 'gentleman, of 31 The Green'. Like his attorney brother, he was named one of the Commissioners of the 1825 Act for the 'Paving...and otherwise improving' etc. of Banbury's streets. George Herbert records that the drapery was on the corner of Parsons Street and the Market Place, next to the Unicorn 'and has been a drapery establishment ever since.' This must be the building known as 'The Prebendal House', or, to those with long memories, Powell's Post Office.

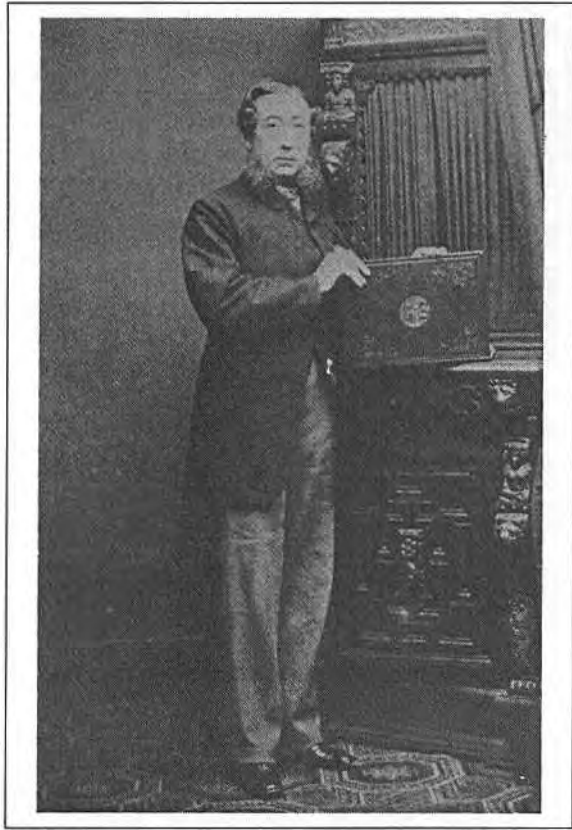
Benjamin William Aplin was Admitted a Solicitor at Michaelmas 1836, and may have joined the Firm that year. However, Rusher's *Directory* shows he was practising separately from 1839, first in Bridge Street and from 1844 to 1846 in Broad Street.

By a Partnership Deed dated 1 April 1846, he joined his uncle Benjamin Aplin, as Rusher's *Directory* duly shows in 1847 and 1848, though this was probably in name only in view of the latter's illness. The same day he bought No. 51 High Street, Banbury, from his uncle. The Law Lists for 1857, and subsequently, described him as a 'Perpetual Commissioner'.

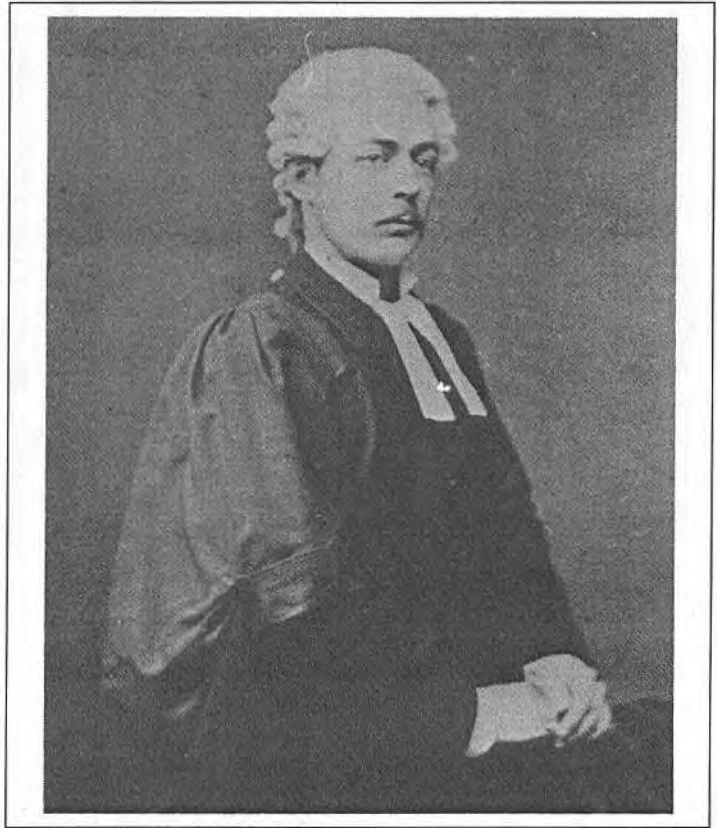
Benjamin William Aplin was married twice, first to Eleanor Brickwell (the daughter of Charles Brickwell, a surgeon) of Overthorpe, at Middleton Cheney church on 8 May 1841. She died aged 28 and was buried at Banbury on 26 February 1847.

His second wife was Barbara Playsted Jeston (daughter of Robert and Louise Jeston). They married at Avon Dassett church on 12 May 1853. His first son was born at Bodicote the following year, where his mother had moved in about 1848. By 1857 Rusher's *Directory*, under 'Gentry', shows him as living at Bodicote. He was there until 1860 and again from 1865 until at least 1874.

Like earlier partners, from 1855 to 1887 he was the Steward of the Manors at Kings Sutton. The Adderbury connection also continued, and in 1837 he became Lord of the Manor of Adderbury, when he purchased the freehold of the Manor from the Bishop of Winchester. It was later suggested that his subsequent financial difficulties may have stemmed from this purchase. At any rate, he sold the Manor in 1879 to Charles Henry Dairds.



*Thought to be Benjamin William Aplin.
Partner 1836-1882.*



*Frederick Charles Aplin.
Partner 1882-1897.*

These financial difficulties culminated in him filing his own Bankruptcy Petition on 2 June 1881, with liabilities of 'upwards of £30,000'. He had been a customer of Gillett's Bank in Banbury since at least 1840. A few days after the petition had been presented, Charles Gillett took the Chair at the Creditors' Meeting and said, 'They were all sorry to see a Gentleman at Mr Aplin's time of life in such an unfortunate position'. He was then aged 71 years.

Aplins had been Solicitors to the Gilletts, and had been Bank customers, since the early 1820's. There was no suggestion of any dishonesty on the part of Benjamin William Aplin. Because of his bankruptcy, he was struck off the Roll of Solicitors by the Law Society on 31 March 1882, so was thereafter unable to practise.

Benjamin William Aplin was in the Firm from 1836 until 31 March 1882.

His second wife, Barbara Playsted Aplin, died aged 52 and was buried at Bodicote on 15 August 1884. Benjamin William himself died on 2 May 1887, at Leamington, a widower aged 77 years, and was buried at Bodicote on 6 May 1887.

Of his two younger sons, Oliver Vernon Aplin wrote *The Birds of Oxfordshire*, which was considered by many to be the best book of its kind (his bird collection is housed in the Ashmolean Museum in Oxford); whilst Benjamin D'Oyly Aplin became Rector of Aston-le-Walls, Northants., from 1895 to 1929.

Frederick Charles Aplin (1854-1897; solicitor 1882-1897)

Frederick Charles Aplin was born at Bodicote on 14 March 1854, and when baptised there on 21 May his name was changed from Oliver Charles Aplin to Frederick Charles Aplin. He was eldest son of Benjamin William and Barbara Aplin, and married Emily Urbana Becher at Whitchurch parish church, Oxfordshire, on 5 April 1877.

He initially practised as a Barrister in Lincoln's Inn. He was Admitted a Solicitor in March 1882. It would seem probable that he left the Bar and became a Solicitor in order to deal with the problems which had arisen from his father's downfall. The Firm was then known as Aplin & Co. By 21 March 1887 he had bought and occupied the office premises at 51 High Street, Banbury. In the Law Lists for 1895/96/97 he is described as a Commissioner for Oaths.

Continuing family tradition, from 1887 he was the Steward of the Manors of Kings Sutton.

He was in the Firm from March 1882 until his death on 31 August 1897 at the early age of 43. He was buried at Bodicote. His widow was buried there on 30 August 1930, aged 79.

I visited his daughter-in-law, Mrs Doris S. Aplin, M.B.E., at her home at Ullock Rise, Portinscale, Keswick, in the Lake District, on 16 September 1974, when she was able to give me a lot of information concerning the Aplin family, including some photographs. In a later letter, she adjured me to 'look forward as well as back'. She was then 81 years of age.

Frederick Charles Aplin was the last of the Aplins in the Practice. So, the Aplins had lasted from about 1739 until 1897. They were succeeded by members of the Hunt family, and others, from 1897 until 1956. The later history of the Firm will appear in Part Two.

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I would like to thank Ian E. Aplin, Ross K. Gilkes, Mrs Jean Kent and Jeremy Gibson for their assistance in tracing some of the earlier members of the Aplin family. Oxford Central Library gave help beyond the call of duty late on a Saturday afternoon, in attempting to trace the source of the Aplin/Bignell 'romance'.

FIRE AT KINGS SUTTON 1785

Paul Hayter

July was a hot and dry month in 1785. On Wednesday 13th the *Gentleman's Magazine* reported 'This morning a fire broke out at a tallow-chandler's in Holborn; but, as it only burnt down six or seven houses, in this incendiary year, it is scarcely worth mentioning. A fire at Biggleswade has nearly burnt down the whole village.'

What the *Magazine* did not report was another fire the same day, at Kings Sutton near Banbury. The *Northampton Mercury* had this report in its next edition: 'On Wednesday last a fire broke out at Kings Sutton which, owing to the dryness of the weather, spread so rapidly that it is said the greatest part of the Town is burnt down.'

Fire engines were called in from Banbury, Adderbury and Aynho, but to no effect. The fire spread fast and in about three hours 40 houses were burnt down. This was not 'the whole town' but, since the total number of houses in Kings Sutton may have been in the region of 150 (in those days it was quite separate from Astrop), it was a disastrously large part.

Two days after the fire a public vestry or parish meeting was held to decide what to do. At the vestry the churchwardens, Thomas Tibbetts and Thomas Bricknell, and the Overseers of the Poor, John Wyatt and Robert Grimby, and thirteen 'principal sufferers' by the fire appointed John Freke Willes, who lived at Astrop House and was the Lord of one of Kings Sutton's two manors, and the Vicar of Kings Sutton, the Revd. John Deacle, 'to act on our Behalf & do request them to solicit such further Aid & Assistance from the neighbouring Gentlemen as they shall think expedient and proper'. From the efficiency and drive of what followed, it is very likely that Mr Willes and the Vicar were the moving spirits behind the vestry meeting, rather than the victims of the fire who must still have been in a deep state of shock. They were able to draw on experience in tackling the disaster. There may have been nothing comparable in Kings Sutton but, as the *Gentleman's Magazine* implies, major fires were commonplace in eighteenth century England, just as they had been in previous centuries. Closely packed thatched houses were very vulnerable.

Only three days later, on July 18, a meeting of local gentlemen took place and 25 of them were appointed as a Committee. Virtually all came

from outside Kings Sutton. The Committee's first act was to nominate John Bloxham and Richard Charles to survey and estimate the loss of the Sufferers, as the victims of the fire were known. Their second act was to launch a public appeal for money to relieve the sufferers.

This was done by advertisements in the *Northampton Mercury* and Jackson's *Oxford Journal*. The advertisement, which was dated July 28 and appeared in the *Northampton Mercury* first on August 8, read as follows:

Whereas on Wednesday the 13th instant a fire broke out in the village of Kings Sutton in the County of Northampton which burnt so rapidly that notwithstanding every exertion to suppress its fury, in about the space of three hours, 40 houses were consumed, with the chief part of the household furniture, wearing apparel, implements of husbandry, etc. the whole loss, as estimated and verified on the oaths of three able and experienced workmen, amounting to the sum of £3287.16s.5d.; whereby the sufferers are reduced to such urgent distress as obliges them to apply to the public for relief. – Printed Petitions are now forwarding within the neighbourhoods of Daventry, Northampton, Oxford, Chipping Norton and Banbury; and should any Parish within the said circuit, by any accident, not receive the same, the Minister & Churchwardens of such place are humbly requested to make a collection among the inhabitants and to remit their donations either to Mr Charles Watkins at Daventry; the Revd Charles Raynsford, Northampton; Mr Hearne, attorney, Buckingham; Mr Derbyshire, surgeon, Brackley; Mr Westcar, Bicester; Mr Wm Jackson, Oxford; Mr Charles Cross, Woodstock; the Revd James Williams D.D., Wiggington; or Mr Tho. Deacle, surgeon, Banbury.'

It went on to say that the names of subscribers and the amount of their donation would be published there and in the *Oxford Journal*. Special thanks were expressed to the inhabitants of Banbury who had already donated over £200. 'NB There was only one house insured and that was not included in the above estimate'.

The Kings Sutton Committee was building on well-established precedents in its appeal. Fire, flood, shipwreck and other natural disasters regularly led to appeals for money. For at least a hundred years the parishioners of Kings Sutton had been contributing to appeals from other parishes near and far, several times a year,¹ and now it was their turn to benefit. It was an impressive system of social security based on charitable giving, organised through the Church of England's parishes

¹ See for example *Kings Sutton Churchwardens' Accounts 1636-1700*, ed. Paul Hayter, Banbury Historical Society, vol. 27, 2001.

and not relying on just local goodwill. Kings Sutton had supported appeals as far away as Devon, Suffolk and Yorkshire. Their own appeal was destined to be supported by donations from 283 parishes within a radius of about 25-30 miles and 76 individuals. The latter included the former Prime Minister Lord North, the Duke of Marlborough and, perhaps with an eye on future business, Mr Wagstaff, Agent to the Phoenix Insurance Company. This was in addition to a separate appeal in Kings Sutton which was supported by 55 individuals.

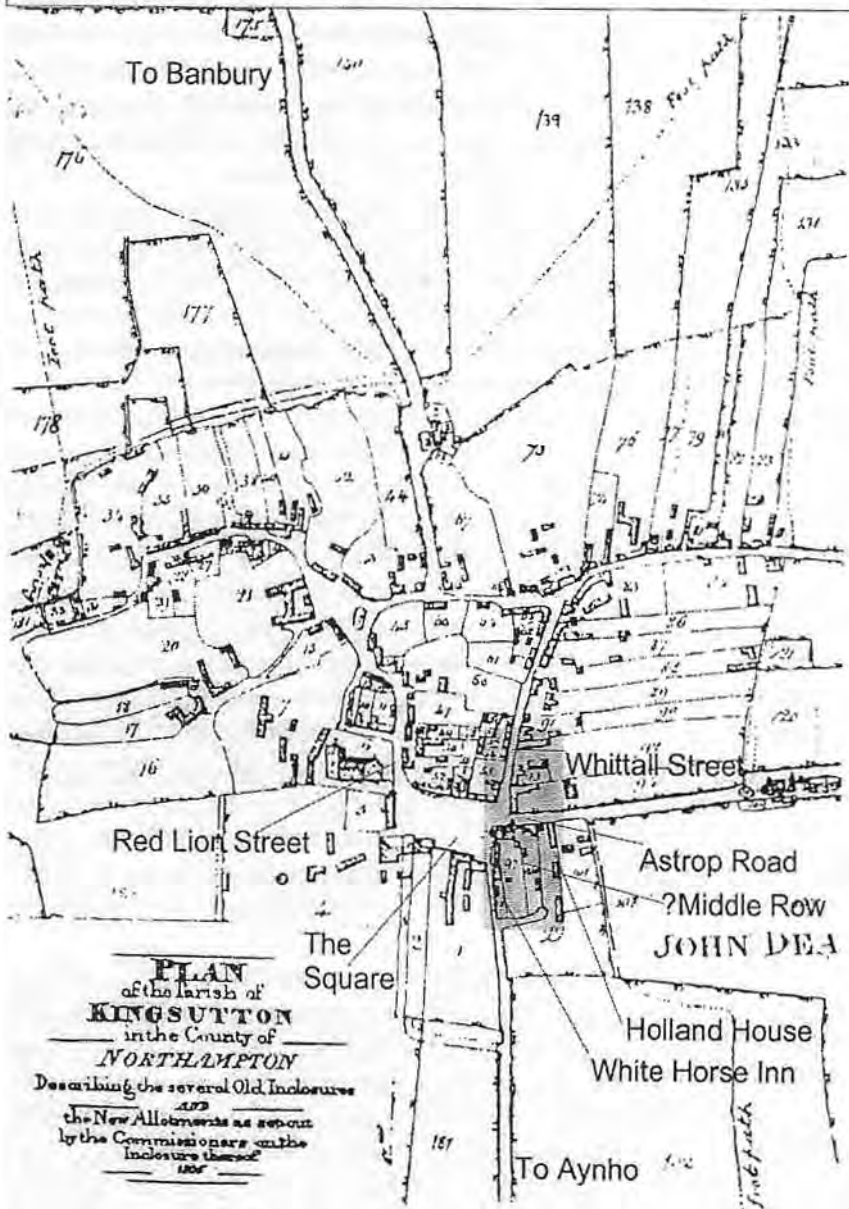
In anticipation of money coming in, the Committee meeting at Astrop on August 1 decided that the sufferers whose loss was in buildings should have a third of their loss reimbursed, while those who had lost goods should recover half their loss. John Willes and John Deacle were asked to act as Treasurers for the charitable donations and were told to make payments to the sufferers as the money came in.

On the same day the Committee decided that a few sufferers should not be reimbursed at all. 'Resolved – That it appears to this Committee that the Losses sustained by John Freke Willes Esq, Mrs Martha Williams, Mrs Kendwick, Mr Philips, the Revd Mr Jenkinson and the Town House, do not fall within the Intention of this Charity.' The nature and scale of these losses are unknown but they were not among the most serious, and since these sufferers included John Willes and Mrs Kendwick, the Lords of both manors in the village, it is probable they were least in need of charitable help. Some further sufferers were recompensed directly out of the collection made in Kings Sutton, so they did not figure in the charitable appeal either.

These exclusions allowed the Committee a week later to issue a rider to the next public advertisement, published on August 20, to the effect that 'the sum of £344.15s.6d. is the loss sustained by persons not entitled to the Charity wch reduces the whole Loss of those who are real objects to £2943.0s.11d.'

At the same time as the total of the appeal went down slightly, it looks as though the generosity of the public was exceeding expectations. The Committee decided to put on hold the payments for buildings. Maybe this was partly because they realised that rebuilding was not the first priority; indeed some of the payments to those who had lost their house were delayed until the summer of 1786 when the rebuilding was completed. But the Committee's intention to reimburse one third of building losses was eventually increased to at least half and in a few cases two-thirds.

Area of Kings Sutton affected by the fire -- 13 July 1785



PLAN
of the parish of
KINGSUTTON
in the County of
NORTHAMPTON
Describing the several Old Inclosures
and
the New Allotments as set out
by the Commissioners on the
Inclosure thereof
1805

Enclosure Map of 1805.

So what were the losses? With one exception in Middle Row mentioned below, we have only the names of the principal sufferers and the value of their loss. We do not know how many of those losing buildings were not only owners but also the occupiers, who therefore lost their home. There were certainly some of both. The greatest loser was Thomas Tibbets the younger, a maltster, who lost both his own large house and at least one other; his losses amounted to £420.0s.8d. Other big losers were Thomas Carpenter, a schoolmaster (£333.12s.9d.); William Clarke who owned what is now the White Horse Inn² (£303.3s.5d.); Richard Jennings senior, who was a chandler in Astrop Road (£285.3s.0d.); and William Holland, a coal merchant and canal wharfinger from Banbury (£282.8s.4d.). But perhaps equal misfortune was experienced by Elizabeth Bull who lost her own house; or by the six Haines families of whom Richard lost a house and Peter, Margaret, Elizabeth, Ann and William and Mary all lost goods; or by Thomas Abbotts who lived in a house in Middle Row.

One of the first decisions taken by the Committee was 'That it is expedient for the Better relief of the Sufferers that the four houses burnt down in the Middle-Row be rebuilt in another situation, reserving to the Proprietors of them the same tenure by which they before held them'; and in case anyone argued with this the Committee resolved 'That such of the Sufferers as shall oppose the foregoing Resolution, or any other Resolution of this Committee, shall be excluded from the Benefit of this Charity.'

So we have one clue there to the origins of the fire: the intense overcrowding which made the village authorities decide straightaway that four houses must be pulled down and rebuilt elsewhere. The *Northampton Mercury* of 25 July 1785 fills in further details:

Fire began at Mr Collingbridge's [*sic*], an Apothecary, where a washer-woman having left a quantity of straw carelessly littered upon the ground, whilst she went to fetch in more fuel, it caught fire and soon communicated to a Rick; at which time, everything being uncommonly dry, the flames spread with amazing rapidity among a number of straw-thatched buildings, and about 45 dwelling-houses, besides other out buildings, were consumed.'

² It may not have been an inn then. In the Militia List for 1777 William Clark was a butcher; but this was not necessarily his only employment, nor was it necessarily the same person.

Where the fire occurred is evident from date stones set into three buildings on the east side of The Square. These are the White Horse Inn which carries a stone above its front door saying 'A Great Fire on July 13th 1785'; the house next door on the corner of The Square and Astrop Road, on which a stone says '39 Houses consum'd by fire on July 13 1785'; and Holland House nearby in Astrop Road (in this case the date has been carved into a quoin at head height on the road side). Where exactly the apothecary's shop was is more a matter for speculation. But it may be significant that Thomas Collingridge's loss was confined to goods not buildings. This, coupled with the speed at which the fire spread, indicates that the wind was strong and that it blew the fire away from his shop. Hot dry weather suggests that the wind was from the south or south-east. There is no mention of damage to the church or manor in the reports or accounts, nor to John Deacle's vicarage which was on the east side of Holland House. So the apothecary's shop must have been on the southern edge of the village, very close to the White Horse Inn, and the fire swept from there into what is now Whittall Street, destroying many of the houses in Astrop Road on the way and doing great damage on both sides of Whittall Street. The most likely location for Middle Row is in between the Inn and Holland House, and the overcrowding which it implies in that corner helps to explain the spread of the fire.

From August 27 the advertisements in the Northampton and Oxford papers began to contain the names of those who had subscribed to the appeal; weekly until September 24 and then fortnightly in October and November. The outstanding individual donations were from the wealthy, powerful and politically active families of the Cartwrights of (neighbouring) Aynho and the Norths of Wroxton. The former had successively been returned as Northamptonshire M.Ps, so much so that the southern tip of the county was known as 'Cartwright Corner'; they gave fifty guineas. The Earl of Guilford controlled the rotten borough of Banbury, whose franchise was limited to the eighteen members of the Corporation. His son Lord North (premier from 1770 to 1782) had been its M.P. since 1754. They each gave twenty guineas.

From accounts it is evident that the parish collections were passed on (probably by the minister or churchwardens) to a local centre and were then forwarded by the local collectors (presumably those mentioned in the advertisement opening the appeal) to Kings Sutton. Contributions from more distant parishes fell mostly within the range of £1 to £4.

Nearer at hand the donations were often large – for instance £60.6s.0d. from Adderbury; £202.14.6d. from Banbury; £29.15s.6d., from Aynho; £23.7s.6d. from Deddington, Hempton and Clifton; £13.15s.0d., plus four private donations totalling £46.16s.0d., from Newbottle with Charlton; £24.14s.6d. from Bodicote; £23.12s.6d. from Warkworth; and £25.11s.6d. from Brackley. Kings Sutton itself raised £93.1s.0d.

The Committee announced that it would hold an important meeting on September 9 at the Crown Inn, Astrop, ‘as a dividend is intended to be made to the sufferers.’ This was done and £1,199.15s.0d. was paid out. At the same time the Committee announced November 14 as the day for its general and final dividend, when it would publish its accounts. This duly took place, the Committee having moved its business to the Red Lion at Astrop, and the following figures were published:³

‘Nov 14th 1785

Resolved at a meeting held this day at the Red Lion Inn at Astrop, it appearing to the Gentlemen of the Committee that the sum of 1779 0 11 has been recd, the following distribution has been ordered

First Class of Sufferers	Loss in Buildings			Allow			Goods			Allow		
Richard Jennings	223	9	6	148	0	0	61	13	6	40	12	0
Thos Tibbets	392	17	8	260	17	4	27	11	0	18	8	0
Elizth Bull	78	0	3	45	0	0	4	8	4	4	8	4
Richard Haines	53	19	11	45	0	0						
Wm Pratt	57	12	11	30	0	0	29	7	0	18	16	0
Thos Abbitts	36	15	2	30	0	0	3	6	6	3	6	6
	842	15	5	558	17	4	126	6	4	85	10	10
Secd Class of Sufferers												
Thos Carpenter	230	5	5	115	3	0	103	7	4	51	14	0
Francis Blake	139	15	0	69	17	6						
George Whittall	167	19	1	84	0	0	25	9	0	12	15	0
Wm Mumford	36	17	5	18	9	0	7	10	0	3	10	0
Wm Andrews	12	11	6	6	6	0	1	5	0	1	5	0
Wm Bull	11	3	0	5	11	6						
George Alcock	46	1	4	23	0	8						
Thos Braggins	182	1	0	91	0	6	12	15	6	6	7	9

³ It should be noted that not all appeals were so well organised. The Committee overseeing the appeal after a fire at nearby Everdon in 1786 had to keep postponing the announcement of its results, which seem not to have been as good as hoped for.

Secd Class of Sufferers	Loss in Buildings	Allow	Goods	Allow
Cornelius Simpson	57 13 11	30 0 0		
Thos Collingridge			45 8 6	25 4 3
Joseph Mobley			1 1 0	1 1 0
Robert French			3 1 0	3 1 0
	1727 3 1	1002 5 6	326 3 8	190 8 10

Thd Class of Sufferers

Wm Holland	282 8 4	80 13 9		
Wm Clarke	291 17 11	83 8 0	11 5 6	5 12 9
	2301 9 4	1166 7 3	337 9 2	196 1 7

Fourth Class of

Sufferers for Goods

300 9 4 269 9 8

Total 2301 9 4 1166 7 3 637 18 6 465 11 3

Allowed to Buildings	1166 7 3
Ditto to Goods	465 11 3
Disbursements	36 10 7
Advertisements	12 7 10
To Messengers & Car: of L[ette]rs	3 6
To Wm Clarke	20 0 0
To John Sale	20 0 0
Hovels for Paupers	10 0 0
John Wyman	4 8 6
To digging stones	5 7 6

1740 16 5

Total recd 1779 0 11

Total disd 1740 16 5

Remains 38 4 6

Resolved – yt the Surplus of £38 4 6 & any other accidental contributions yt may be recd be left in the hands of John Freke Willes & ye Revd John Deacle to provide agt incidental expenses or to be disposed of among ye sufferers to thr discretion

J R Willes	Henry Manifold
Wm Deacle D.D.	Thos Deacle
John Horseman	Robt Weston
Francis Mapletoft	John Deacle'

How decisions were reached about which people fell into which class of sufferer is not obvious. The classification changed during the appeal with Simpson (a cordwainer), Collingridge (the apothecary), Mobley (a servant) and French (a butcher) being elevated from the Third Class to the Second Class and thus getting a higher proportion of their losses reimbursed. William Holland, the owner of Holland House, was probably an absentee at that stage; that could explain his being in the Third Class, or alternatively he and William Clarke were considered well enough off not to deserve more money.

Among the sufferers for goods in the Fourth Class (and not already mentioned above) were 31 who recovered their whole loss. Most of these losses amounted to between £1 and £10 (including 'James Nevill's children' who lost £3.7s.0d.), but William Somerton lost £53.10s.0d., Thomas Dagley (whose shop was on the corner of The Square next to the White Horse) £57.10s.0d., Mary wife of Joseph King £12.6s.0d., and Elizabeth Kerby widow £18.9s.0d. Virtually all these payments were made in two instalments, the first during August and early September and the second on November 16. Four others received only half their loss, of whom William Hartwell may have been singled out for special treatment because he was recorded as being absent; and John Sale (or Seal – the accounts spell him both ways) received £20 which was simply recorded as the sum allotted to him for his loss by fire. Of the 36 sufferers for goods only, 24 of the recipients were female and 12 male. Remarkably in each of the seven cases where the loss was recorded as being the loss of husband and wife, it was the wife who received the money.

It is quite possible that further unnamed people, too poor to be recompensed, lost their houses. Two payments were made for paupers' hovels, one for £10 and another six months later for £8.12s.6d. This put the value of each hovel at a maximum of £4.6s. or maybe less. Compared with the payments of £120 each to Richard Jennings and Thomas Tibbetts for their houses and £30 or more for most others, this was not a lot.

The final account, approved at a public vestry meeting on 29 October 1786, was for the payments out of the Kings Sutton collection. There were just four items. Ten guineas was paid to William Kerby 'for the Remains of his House'. Samuel Grimby received £20 for his house in Middle Row, which had been occupied by Thomas Abbots. £20.16s.6d. was paid for the three fire engines which had been called out. Lastly

£40.15s.1½d. was spent on building two houses 'and half the expense of a Necessary', i.e. an earth-closet. That left £3.10s.4½d.

The vestry decided to send it to the relief of the sufferers by fire at Silverstone.

The research for this article has drawn on the following sources:-

- a) The accounts of the Kings Sutton Committee, held by the Vicar and Churchwardens of Kings Sutton;
- b) *Northampton Mercury* (Northampton Central Library);
- c) Court Rolls of the Parsonage Manor of Kings Sutton 1754-99 (in private hands);
- d) Kings Sutton Enclosure Map of 1805 (Northamptonshire Record Office);
- e) Deeds in Northamptonshire Record Office;
- f) *Northamptonshire Militia Lists 1777* (ed. Victor A. Hatley, Northamptonshire Record Society vol. 25, 1973), p. 121.

FORTNAM *versus* FORTNAM: Marriage Breakdown in Georgian Oxfordshire

Pamela Horn

'Before the middle of the nineteenth century, the prime ... jurisdictional responsibility for all matters concerning sexual behaviour, marriage, and separation lay with the ecclesiastical courts. Most marital cases were begun in the Consistory Courts, one for each diocese, run by a Chancellor and staff appointed by the bishop.'

Lawrence Stone, *Uncertain Unions. Marriage in England 1660-1753*
(Oxford University Press, 1992, p. 4)

In examining the past it is difficult to understand the nature of household relationships, particularly when the occupants included not only the nuclear family but a number of resident servants as well. These latter played a crucial role in day-to-day life, not only through the menial duties they performed but as observers and critics of the doings of their employers.

Diaries and letters can help to fill this gap in our knowledge where they exist, but another, little used, resource is provided by the depositions given by witnesses before the ecclesiastical courts. These latter dealt with moral offences and breaches of canon law, including such issues as defamation, probate and tithe disputes, and matrimonial matters.¹ At a time when divorce was extremely expensive, involving the promotion of a private Act of Parliament, the ecclesiastical courts offered a means whereby an aggrieved spouse could obtain something akin to a modern judicial separation.² Although that did not permit remarriage, it did mark a clear ending of the relationship.

Some of the issues raised by these matrimonial cases can be seen in the example of *Fortnam v. Fortnam*, which was brought in the Oxford consistory court in 1775. Thomas and Mary Fortnam were married at Steeple Barton on 19 November 1767, when Mary was eighteen.

¹ Katharine M. Longley, *Ecclesiastical Cause Papers at York: Dean and Chapter's Court 1350-1843* (University of York: Borthwick Institute of Historical Research, 1980), p.xiii.

² Allen Horstman, *Victorian Divorce* (Croom Helm, 1985), 4-5.

Thomas was the son of farmer George Fortnam and worked on the family holding in the village. Mary's parents, Giles and Mary Ibell, were also local farmers, though neither came from there originally.³ Giles died in 1769 and in his Will he left £100 in trust for his daughter, the yield whereon she was to receive 'only at her sole and separate Disposal'. It was not to be used to cover her husband's debts or similar matters.⁴ The interest received, probably about £4 or £5 a year, was roughly equivalent to the annual earnings of many maidservants at that time. Married women's property rights were, of course, virtually non-existent in the eighteenth century, so the care with which this provision was made in the Will perhaps indicates that some marital discord had already developed between the young couple. Or perhaps Giles Ibell merely wished that his daughter should have a small income of her own.

After her father's death Mary seemingly spent a good deal of time visiting her mother's farm. She had no children and may already have been growing bored with her husband. In the autumn of 1772 Mrs Ibell hired a new shepherd, Thomas Palmer. There were three other farm servants living on the premises – William Stockford, who had served the Ibells a number of years, Thomas Bedding, and John Carter, who was then about fifteen years of age. There was also a maid, Mary Scaresbrook, who was in her mid-thirties.

Soon the servants began to notice a budding romance between Mary Fortnam and Thomas Palmer. William Stockford, for example, in a deposition before the ecclesiastical court, claimed to have seen the two on a number of occasions 'walking in the Fields and to continue out alone together for as much as two or three hours at a time and often saw them kiss each other in a lewd, amorous and indecent manner'. Mary 'used frequently to go under pretence of seeing the Lambs to where the sd. Thos. Palmer was and to take every opportunity to be with him alone.'⁵

³ Giles Ibell came from Souldern and Mary Cole from Deddington when they were married by licence at Banbury on 15 December 1743.

⁴ Will of Giles Ibell, yeoman, of Steeple Barton, drawn up in 1769 and proved on 6 December in that year, W.Cod.98.39 at Oxfordshire Record Office. Mary had been baptised at Souldern.

⁵ Depositions before Oxford Consistory Court, Oxf.dioc.MSS.c.97 at Oxfordshire Record Office. Deposition of William Stockford, 12 October 1775, f.98. Stockford was then living at Stoke Lyne.



FAULTS ON BOTH SIDES

(from a painting by the Scottish-born painter, Thomas Faed.)
Source: *Bright Hours. Popular Reading for the Home Circle*
(n.d., c.1910).

Mary Scaresbrook confirmed the warmth of the relationship and the way in which when Mrs Fortnam was present at mealtimes (with family and servants eating at the same table) she would 'always ... sit next to him, and used to take every opportunity to be with him alone and she ... [hath] often seen and observed them walking in the Garden together'.⁶

This low-level surveillance and gossip among the servants, and lack of discretion on the part of Mary, might well have caused no harm but for two other events.

The first occurred in the late spring of 1773 when young John Carter was kicked on the head by a horse. For three weeks he was seriously ill and Mary Fortnam came to her mother's home to help with the nursing. That involved occasionally sitting up at night with him and on one of these vigils she was joined by Thomas Palmer, after the rest of the household had gone to bed. The teenager feigned sleep, in order to keep an eye on the couple. He saw how they were 'in very indecent postures together frequently winking and laughing in each other's Faces', and putting their arms around one another. Eventually Mary spoke to John and when he made no reply, she and the shepherd lay down on the floor beside the bed and had sexual intercourse. The youngster noted how their shoes scratched against the floor and how they did 'pant and blow as if they were short of wind'.⁷ Afterwards they left the room, but John naturally lost no time in telling his fellow servants about it.

The second incident took place in August of that year, when Mrs Ibell went to visit some friends for a week and her daughter came to the farm to keep house while she was away. It was the custom for the maid, Mary Scaresbrook, to sleep in her mistress's bedroom, although not in her bed. However, when Mrs Fortnam came she had her mother's bed carried out and laid on the floor in a room over the dairy. It was only returned to its normal location on the day Mrs Ibell came back. The maid found the change suspicious and the male servants, too, kept watch on Thomas Palmer, convinced that he was leaving his sleeping quarters during the night while Mary Fortnam was in the house. Eventually on the fourth day of the stay, the maid thought she heard someone enter Mrs Fortnam's room during the night. At about 5 a.m. the next morning, as

⁶ Deposition of Mary Scaresbrook, 12 October 1775, f.96 in Oxf.dioc.MSS.c.97. Mary Scaresbrook was then living in Kirtlington.

⁷ Deposition of John Carter, 3 October 1775, f.94 in Oxf.dioc.MSS.c.97. Carter was then living at Boddington (Northants.).

she was dressing herself 'she look'd through the Latchet Hole of her Bed Chamber Door, and saw the Door of the room over the Dairy ... open and having watched through the ... Latchet Hole for some time she ... saw ... Thos. Palmer go out of the Room ... with only his shirt on, which threw ... [her] into a trembling as ... [she] believed ... Mary Fortnam and Thomas Palmer were in ... the same Bed naked and alone ... and had committed the Crime of Adultery together'.⁸

Meanwhile, William Stockford and Thomas Bedding were also keeping watch. They saw Palmer creep out of his bed to go to the room where Mrs Fortnam lay. They followed him until they were satisfied that he was with their 'young Mistress'. They then went back upstairs and barred the door through which the shepherd would have to come to regain his own quarters. Stockford kept watch while Bedding manned the door. After a time Palmer returned, but when he tried to get into the room he was seized by young Bedding. Both he and Stockford then tackled the shepherd about his extra-marital relationship, pointing out the seriousness of adultery. According to Bedding, the shepherd thereupon began to cry and said he would 'run away without my wages for Mr Fortnam will kill me'. He wept 'for as much as half an hour'. Stockford, however, persuaded him that flight was not necessary, provided he kept away from Mary in the future. He should stay until the following Michaelmas, then only a few weeks away, when his annual hiring would be ended. If he kept his promise 'no harm should be done to him'.⁹

The next morning Mrs Fortnam heard of the servants' involvement and accused the two men of using Palmer 'ill', declaring 'it was no business of theirs and that if she had asked them to be there they would have done it'. At this Stockford answered indignantly, ignoring the usual subservient mistress/servant relationship, that she should be ashamed of herself. Further, 'if she wd. not keep from him they wd. let her Husband know the Intimacy between her and the Shepherd'. The threat seems to have had the desired effect, with Mary promising to break off her contacts. Both parties appear to have kept their word, and there the matter might have ended.

⁸ Deposition of Mary Scaresbrook, ff.96-97.

⁹ Deposition of William Stockford, f.99, and of Thomas Bedding, 12 October 1775, f.101. Bedding was still in Steeple Barton.

However, in the summer of 1774, a daughter, Charlotte, was baptised at Steeple Barton Church, with Thomas and Mary Fortnam shown as the parents.¹⁰ Doubtless the timing of this caused tongues to wag as to the child's real father. This was perhaps particularly the case since one of the male servants, Thomas Bedding, still lived in the village. Up to that point Thomas Fortnam was apparently unaware of his wife's infidelity. When in the autumn of 1774 he learnt of it he immediately left his home and went to lodge with his widowed father on the family farm.¹¹ Stung at being cuckolded in this way he instituted a suit in the Oxford consistory court for the marriage to be set aside on account of his wife's 'incontinency'. The divorce (or, more accurately, separation) was granted, although the couple may have maintained an uneasy relationship since on 12 May 1782 a daughter, Elizabeth, was baptised at Steeple Barton. She was buried around two months later and the parents were shown as Thomas and Mary Fortnam. However, when a third child, Matthew, was baptised on 29 July 1784 he was firmly recorded as the illegitimate son of Mary Fortnam. This may have been because, as a boy, there were property inheritance rights to be taken into consideration. Matthew died the following November. There is no evidence as to the identity of his father. Certainly there appears to be no record of Thomas Palmer in the parish registers.

Meanwhile, Thomas Fortnam continued to reside with his father on the farm, looked after by their long-serving maid, Mary East. George Fortnam made a Will in 1777 which bequeathed £20 to the maid, and after some bequests to his daughter, older son and two grandsons, left the remainder of his estate to Thomas, his sole executor.¹² Mr Fortnam senior died early in 1783 but Thomas was not destined to enjoy his inheritance for long, dying in November 1785.

His Will, drawn up on 16 November, just five days before he was buried, showed that the bitterness felt at his failed marriage still persisted. He left Mary, 'the daughter of Mr Giles Ibell deceased with whom I intermarried and from whom I am divorced by a sentence of the Spiritual Court on a Suit commenced by me for her incontinency', just

¹⁰ Steeple Barton parish register transcripts at Oxfordshire Record Office. Charlotte was baptised on 10 July 1774.

¹¹ Deposition of George Fortnam, 3 October 1775, f.93 in Oxf.dioc.MSS.c.97.

¹² Will of George Fortnam, yeoman, of Steeple Barton, made 20 February 1777, and proved on 15 February 1783, W.217.80 at Oxfordshire Record Office.

one guinea 'of lawful money ... and no more. I give to her daughter Charlotte the legacy or sum of five pounds'.¹³ There was no acceptance of Charlotte, now aged eleven, as his daughter. By contrast Mary East, his servant, received £20 in cash, plus the life tenancy of a cottage 'with the out buildings and appurtenances to the same belonging' which he owned in Middle Barton. She was also to have 'all the furniture of my best Bedchamber and parlour'. The rest of his property was left to relatives, with his brother William acting as executor.

Mary seems to have continued to live in Steeple Barton. In any event she was buried there on 1 December 1803, when in her mid-fifties. Her unhappy story illustrates the problems associated with marital breakdown at a time when it was difficult to escape from an unsatisfactory marriage without resort to public depositions and the sometimes malicious gossip of resident servants.

¹³ Will of Thomas Fortnam, yeoman, of Steeple Barton, W.217.162 at Oxfordshire Record Office.

Correspondence

Stelch and Bathering

From Mrs Betty Cameron:

Thank you for a superb Queen's Golden Jubilee issue of *Cake & Cockhorse*.

On page 174, Paul Hayter asks for help with words. My father, Charles Francis Chinner, was a thatcher and a bell ringer.

Stelch is as much as a man can thatch without moving his ladder. The first stelch in a roof is called a gable stelch.

Bathering is more difficult. For some funerals and for ringing the old year out, my father went up to the bell chamber and muffled the bells on one side with leather pads. Could *bathering* be a synonym for muffling?

Joan Bowes and her dog, Lovell, are still missed, so very much, in Silver Street.

From Christopher Hall, Editor of 'Oxfordshire Local History' (O.L.H.A.):

R.K. Gilkes and Paul Hayter are puzzled by the word *stelch*. They need look no further than *The English Dialect Dictionary* edited by Joseph Wright, Professor of Comparative Philology in the University of Oxford, published in six marvellously rich volumes in 1898 by Henry Frowde for the English Dialect Society. Wright himself bore all the financial and editorial responsibility and had a good deal of technical and professional help from O.U.P.

Wright's second entry under *stelch* defines it as 'a division of labour, as much work as is done at one time or by one man ...'. He notes a Northamptonshire usage: 'as much as a man can thatch without moving his ladder' and 'the first stelch in a roof is called a gable stelch' – the very phrase which gave rise to the query.

Wright has an entry for *bather*, the other puzzling word, the primary meaning of which is (of birds) to take a dust bath, which seems to have little to do with bells. I wonder if the bells were cleaned (polished?) by being *bathered* with some abrasive material. Wright cites (under *batherer*) a Worcestershire reference to ashes being used for 'cleaning wooden ware'. Could something like this have applied to bronze?

Never neglect Joseph Wright. His dictionary was 23 years in the making and he had the help of more than six hundred dialect-chasing volunteers around the country. In those far-off computerless days, he amassed more than one and a half million slips of paper giving sources, quotations, dates and counties of dialect words. He did not miss much.

BANBURY HISTORICAL SOCIETY

The Banbury Historical Society was founded in 1957 to encourage interest in the history of the town of Banbury and neighbouring parts of Oxfordshire, Northamptonshire and Warwickshire.

The magazine *Cake and Cockhorse* is issued to members three times a year. This includes illustrated articles based on original local historical research, as well as recording the Society's activities. Well over a hundred issues and some three hundred articles have been published. Most back issues are still available and out-of-print issues can if required be photocopied.

Records series:

Wigginton Constables' Books 1691-1836 (vol. 11, with Phillimore).

Banbury Wills and Inventories 1591-1650, 2 parts (vols. 13, 14).

Victorian Banbury, by Barrie Trinder (vol. 19, with Phillimore).

Aynho: A Northamptonshire Village, by Nicholas Cooper (vol. 20).

Banbury Gaol Records, ed. Penelope Renold (vol. 21).

Banbury Baptism and Burial Registers, 1813-1838 (vol. 22).

Oxfordshire and North Berkshire Protestation Returns and Tax Assessments 1641-1642 (vol. 24).

The 'Bawdy Court' of Banbury: The Act Book of the Peculiar Court of Banbury and Cropredy 1625-38, ed. R.K. Gilkes (vol. 26).

King's Sutton Churchwardens' Accounts 1636-1700, ed. Paul Hayter (vol. 27).

Current prices, and availability of other back volumes, from the Hon. Secretary, c/o Banbury Museum.

In preparation:

Banbury Chapbooks, by Dr Leo John de Freitas.

Turnpike Roads to Banbury, by Alan Rosevear.

Selections from the *Diaries of William Cotton Risley, Vicar of Deddington 1836-1848*, ed. G.W. Smedley-Stevenson.

The Society is always interested to receive suggestions of records suitable for publication, backed by offers of help with transcription, editing and indexing.

Meetings are held during the autumn and winter, normally at 7.30 p.m. on the second Thursday of each month, at the North Oxfordshire College, Broughton Road, Banbury. Talks are given by invited lecturers on general and local historical, archaeological and architectural subjects. Excursions are arranged in the spring and summer, and the A.G.M. is usually held at a local country house.

Membership of the Society is open to all, no proposer being needed. The annual subscription is **£10.00** including any records volumes published, or **£7.50** if these are not required; overseas membership, **£12.00**.

BANBURY HISTORICAL SOCIETY

Autumn 2002/Winter 2003 Programme

Thursday 12th September 2002

The Last Invasion of Britain (the French in Wales in 1797).

Rod Thomas

Thursday 10th October 2002

The Changing Environment of the Thames Valley in One Thousand Years

Mark Robinson, Oxford University Museum of Natural History

Thursday 14th November 2002

Commercial Camera: The Victorian Portrait Parlour. Audrey Linkman

Members are invited to bring any early photos for dating

Thursday 12th December 2002

The History of Oxford University Press. Dr Martin Maw, Archivist, O.U.P.

Thursday 9th January 2003

The Merchant Adventurers of the 17th Century. Captain George Prideaux

(In costume and language of the time with plenty of audience participation)

Thursday 13th February 2003

Dad's Other Army. W.P. (Bill) King,

(The secretly-formed resistance groups in this country during the last War)

Thursday 13th March 2003

The Magic of the Cotswolds. Vernon Brook

(Stones and churches)

All meetings are held at the
North Oxfordshire College, Broughton Road, Banbury, at 7.30 p.m.