

A Lawsuit Concerning Oriel Quarry in 1609

By J. C. COLE

FROM the Treasury of Oriel comes a small parcel of papers connected with a suit in the High Court of Chancery which the college brought against George Brome, Lord of the Manor of Headington, in 1609. The disagreement had arisen over an acre of land within the manor, and the quarry of freestone which it contained, and the papers are of interest because of the information which they give us about the quarries, and the masons who worked there in the early years of the 17th century.¹

At the beginning of Elizabeth's reign nine colleges were in possession of quarries at Headington, and others were held by quarrymen and working masons, several of whom were developing a prosperous business as stone merchants.² Of these colleges Oriel was one, and it is possible to trace some details of their holding from the college archives.

A copy of the Court Roll of the manor of Headington, dated 11 October 1445, records that Thomas Wytheyg surrendered half an acre in the field of Barton at 'Le Warre' and that the Provost and fellows took possession of this land and seisin was given them according to the custom of the manor. They also acquired an adjoining half acre at the same court. This acre was mentioned again in the returns to the Commissioners, which were made when the college lands were valued by order of Henry VIII. The Oriel holding was then described as 'one acre of ploughland in which is a quarry let to Robert James by the year "at will", on condition that he represents the college at the manor courts value "nil"'.³ From evidence taken during the case we learn a little more about this land. The college had doubtless bought it for the sake of the building stone which it contained, since it lay in the heart of the quarry area at Headington.⁴ It measured 14 yards in breadth and had at its east end a quarry of freestone which abutted upon a cartway leading through the common quarry to another quarry in the possession of Magdalen

¹ I have been given permission to use these papers through the kindness of the Treasurer of Oriel. Headington stone was not really freestone, though squared and coursed, but what is known as hard-stone, see W. J. Arkell, *Oxford Stone*, 23.

² Bodl. MS. Rolls Oxon., 127.

³ C. L. Shadwell and H. E. Salter, *Oriel College Records* (O.H.S., LXXXV, 1926, 370, 428). In general tenants seem to have paid a rent for the holding. According to one witness this was 16d. a year in 1609-11. It would have been in the college interest to make out that the value of the acre was 'nil' to the Commissioners.

⁴ The college library was built c. 1449 and the quarry may have been obtained for this purpose. The quarry was also used for the extensive repairs carried out at St. Mary's a little later.

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College.⁵ It was about this piece of land that the dispute with Brome had arisen and to understand it we must recall some details of the earlier history of the Headington quarries.

Since the building of New College bell tower at the end of the 14th century Headington stone had become increasingly popular among the colleges of Oxford.⁶ It was used extensively all through the 15th century and William Orchard, the master mason who built Magdalen College c. 1467 leased his own quarries at Headington, partly from Magdalen and partly from the lord of the manor.⁷ The Magdalen quarries also supplied some of the stone for Cardinal College in 1525, a favour granted to Wolsey in recognition of his good offices in reconciling differences among the fellows.⁸ In the later 16th century University building was virtually at a standstill and many masons probably drifted away from Oxford. These conditions, however, did not long endure, for the Elizabethan revision of the statutes in 1565 and 1586 gradually transformed the pattern of university life, and the colleges, hitherto small closed communities of fellows and scholars, found themselves confronted with the problem of housing an influx of undergraduate members. This great expansion of the colleges gathered momentum all through the 17th century and produced a corresponding demand for masons and for building materials.⁹

Like other colleges Oriel was faced with the need to expand and, as early as 1606, pressure on the existing accommodation caused the Provost, Anthony Blencowe, to form a design for rebuilding a large part of the college. In that year timber was sold and the purchase money set apart for this purpose. In 1609 Oriel seems to have joined with others in renting parts of Stowood and Shotover from the Crown, and their rights over Stowood must have added greatly to their opportunity for acquiring more timber. It was not, however, until 1619 that building operations actually began, provided for by the £1,300 left to the college by Blencowe in his will.¹⁰

At the beginning of the 17th century the lord of the manor of Headington was George Brome of Holton Park. His heiress was his daughter Ursula, wife

⁵ The witnesses further stated that before the cartway there was a green head, and after it a high bank separating the quarry from the rest of the acre. One of the questions put in 1610 was 'what is the measure of the ground in poles and how many poles do make an acre in that place?' See my article in *Oxoniensia*, xxiv (1959), 68, for other references to these local variations in measurement.

⁶ For the quarries, see W. J. Arkell, *loc. cit.*, 46-49; G. A. Coppock and B. M. Hill, *Headington Quarry and Shotover* (1933), *passim*, and *Oxoniensia*, xiv (1949), 92.

⁷ William Orchard also had a little house and orchard at Headington, *V.C.H. Oxon.*, v., 163.

⁸ G. A. Coppock and B. M. Hill, *loc. cit.*, 21.

⁹ The shortage of Oxford masons at the beginning of the 17th century may not have been so largely artificial as has been suggested. There was a real dearth of masons for a work like Merton Quadrangle and this was, no doubt, due in part to impressment and in part to the fact that, at least for certain categories of masons, there can have been little demand for more than a generation; see P. S. Spokes and E. M. Jope, 'The "Priory", Marcham', *Berks. Arch. Journal*, LVII (1959), 93-94.

¹⁰ D. W. Rannie, *Oriel* (College hist. ser.), 94.

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of Sir Thomas Whorewood of Sandwell in Staffordshire. Since the ancient manor house was no longer in existence at the time of their marriage, the wedded couple came to live at Mason's Farm in Headington and remained there until the death of George Brome in 1613. Sir Thomas, a cantankerous and avaricious man, thus had ample opportunity for observing at first hand the growing prosperity of the quarry trade, and for reflecting that little of this new wealth found its way into the pockets of the lord. At first through his father-in-law and later in his own right, he attempted to remedy this state of affairs, not only in numerous Chancery suits, but also by opening up new quarries on the manor lands, from which, it is said, he had removed between 500 and 600 cartloads of stone before his death in 1630.¹¹

Sir Thomas doubtless had early intelligence of what was afoot at Oriel between the years 1606-09 and conveyed the information to his father-in-law. George Brome's avarice was already aroused and with it his latent irritation against his tenants. Oriel was for obvious reasons the immediate object of attack and Brome accordingly took steps to prohibit the college from the use of its land, maintaining that it was not a freeholding, but only a copyhold under the manor. The Provost and fellows responded by bringing a suit against Brome in the Chancery Court. In their complaint they stated that the college was lawfully seised of a parcel of ground within the manor of Headington, containing an acre of land or thereabouts and having at the east end an ancient quarry of freestone; that they had been seised and taken possession of this land from time to time in the manor courts and leased it to divers tenants who had always paid a yearly rent for it to the college;¹² and that they had used it for themselves or their friends 'to have liberty and licence for digging and taking of stone out of the said quarries, and disposing of it at their wills and pleasures', but that now 'one George Brome' lord of the manor of Headington, 'who himself owned divers quarries within the manor, was giving forth speeches and saying that he would not allow the college to take any profit of their land, nor to dig any stone therein'. The complainants further alleged that George Brome had been prompted to this action by the consideration 'that the getting of stone and the use of the said quarries had been now of late a matter of more profit than it had been accustomed to be'. They added that Brome had in an indirect manner got some of the evidence for the case into his custody.¹³

¹¹ *V.C.H. Oxon.*, v, 161-4.

¹² See note (3) above.

¹³ To meet this difficulty the college consulted its account books and produced written evidence that it had regularly paid the manor dues through the agency of its tenants, and also a list of various occasions on which payments had been made for stone from the quarry. These included stone for St. Mary's in 1508 and for the hospital of St. Bartholomew in 1509.

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In his answer to the college's bill of complaint George Brome stated that he knew nothing of the acre 'whereof the Provost and Fellows of Oriel suppose themselves to be seised, nor that they had any estate in any such parcel of ground; that since the case was brought to court he had perused divers court rolls and other rentals,¹⁴ but he had found no mention of any such land, "save only a way or passage from St. Bartholomew's to Stowood which now passes near the said lands and is appointed and used for the private use of the said Provost and Scholars and of their servants, to pass to and from their lands in Bartlemas and Stowood"'.¹⁵ He also suggested that the college, though having no freehold, might long since have had some lease, 'many years expired', for the digging of stone in some part of the said quarry as divers other colleges in time of building had had, by means of which these parcels had got to have the names of these colleges.

The case continued for many months and George Brome brought a counter suit against the college, but it seems that the final settlement was in favour of Oriel. The draft of this settlement is dated 14 April 1611, and it states that it had been proved, by reference to old deeds, that the college had regularly paid its rents and was in full possession of the land in question, a fact which George Brome could not confute; the Provost and fellows should therefore enjoy the acre of land and the quarry at their pleasures, provided they paid their dues and made no claim to any other ground or quarry within the manor. Further that, if when the quarry was opened, they found the stone was not good enough to please them, they should have another piece of ground at a reasonable charge from which they could take sufficient stone from time to time for the use of the college.

Since the dispute concerned the past history of the manor, both sides called 'divers very ancient witnesses' whose depositions were recorded; most of these men were either masons or quarry labourers and their evidence is therefore of interest.¹⁶

Thomas Barton,¹⁷ of the City of Oxford, freemason, aged about 65 years, from whom evidence was taken on 19 June 1610, and again on 10 October in the same year, said that he had known Oriel College 'very well'¹⁸ for about 34 years, the manor of Headington for 40, George Brome for 30 years and Provost Blencowe for about a dozen. He agreed that the quarry was commonly

¹⁴ Most of the manorial records of this period are missing.

¹⁵ Cf. the road constructed by Wolsey at the time of the building of Cardinal College. The Oriel cartway had probably been used for the college's 15th-century building operations.

¹⁶ Though some of the witnesses gave evidence on more than one occasion, much of what they said is not of great value and I have selected and put together what is of interest.

¹⁷ I have discussed Barton and several of the other masons later in this article.

¹⁸ When the witnesses say that they know the college or officers 'very well', I suspect that it means they have worked for them.

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known as Oriel Quarry and said that about 32 years ago stone was dug from it and taken to Newington for the building of 'one Mr. Oglethorpe's house' there;¹⁹ and that about 25 or 30 years ago the stone was used by two quarrymen, Fish and Toms.²⁰ In each case the quarrymen had held a warrant from the College.²¹

John Style, freemason, of Holywell in the suburbs of the City of Oxford, aged 62, questioned on 6 June and 19 October 1610, said that he knew George Brome 'by sight only', but that he knew Anthony Blencowe 'very well' and had acquaintance among the fellows and scholars of Oriel.²² He had known the Oriel quarry so-called for the past 50 years and said that about 40 years ago stone was dug there by one John Toms of Cowley and William Fish of Barton for the use of the then Right Honourable Lord Marquis of Winchester, Lord Treasurer of England, for the building of his house called Basing House,²³ and also, as he believed, for building part of his house at Chelsea near London. Fish and Toms had then called it Oriel Quarry, but he did not know with whose leave they dug. In answer to further questioning he added that about 24 years ago Dr. Darkin²⁴ of Magdalen commissioned him to make a window of stone for him, which he did accordingly with stone from Oriel pit, and this, he said, was obtained by warrant from the college.

Richard Mathewes, of St. Aldates, freemason, aged 49, had known both the college and the manor for about 40 years. He remembered that stone had been dug from Oriel pit on two or three occasions by warrant of the college and about 28 years ago for one Dr. Darkin. He had never known stone dug there, except with leave from Oriel.

Nicholas Benson, of the parish of St. Thomas in the City of Oxford, freemason, aged 58, had known the college and manor for 35 years and that Oriel quarry was so-called for the past 40. He said that about 30 years ago, one Styles did by the appointment of some of the officers of Oriel College, as he believed, begin to dig stone in the quarry, but finding it prove not so good as was expected, he 'left digging', since which time he knew of no further stone dug from that quarry.

William Benson, of Noke, freemason, aged 60, had heard of Oriel quarry,

¹⁹ Owen Oglethorpe of Newington near Hempton, elected president of Magdalen college c. 1535/6-52 and 1553-5, W. D. Macray, *Register of Magdalen College*, N.S.II, 55.

²⁰ See below. Barton's dates do not tally very well with later witnesses, if he refers to the building of Basing House.

²¹ Later, recalled for Brome, he is not sure of this.

²² This suggests that he had worked for the college.

²³ This was the 'New House' at Basing, destroyed with the old in the Civil Wars. It was built largely of brick with stone dressings and was a very magnificent building. *V.C.H. Hants*, IV, 119 and plates.

²⁴ I know no more of Dr. Darkin.

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but did not know that the college had dug stone there and thought that it must have been with leave from Brome.

*Robert Burry*²⁵ (or Berry) of Headington, labourer, aged 60, had known the college and quarry for 23 years and had known George Brome for 20. He said that about 20 years ago he was employed by one Christopher Nokes²⁶ to go with him and help to dig certain freestone out of Oriel College quarry. They went 'towards night', and broke up and dug two loads of stone out of the quarry and he himself helped to load one of these loads 'very early'. But Nokes afterwards told him that he was not suffered to fetch away the other, being forbidden by some of the officers of the college.

Thomas Garrat, of Headington, freemason, aged 56 years, *Richard Gurdon*, of Barton in the parish of Headington, husbandman, and his kinsman, *Robert Gurdon*, of Headington, aged 60, called as witnesses for Brome, all denied that the college owned any quarry within the manor or that any stone had been dug there without licence from the lord.

Thomas Hart, of Headington, a labourer aged 60 years, called for the college and recalled for Brome, gave evidence that his father had been tenant of the Oriel acre, that he had for some years represented the college in the manor courts and that at other times seisin was done 'by such as the college sent thither'.²⁷ He had heard his forbears say that the quarry was part of Oriel acre.

We know some further details both about the work and private lives of several of the masons mentioned in this evidence.

Thomas Barton obtained his freedom in 1591. He was on the council of the Guild of Freemasons having been appointed an assistant when it was given its charter of incorporation in 1604, and this is doubtless why he alone among the witnesses describes himself as 'of the City of Oxford'.²⁸ He did a good deal of work for the City Council and was given an annual wage of 3s. 4d. for keeping the paving at Carfax in repair. He worked at Merton, where he was paid for dressing and hewing stones, and he also supplied stone for Wadham; so he most probably owned or rented quarry land at Headington. He had an apprentice, Thomas Bisley. Barton died in 1621 and his will shows that he owned the leasehold of a house under All Souls which he left to his wife Joan, and, after her death, to his two sons, George and William. George was also a stonemason and his will proved in 1638 mentions that the house was in St. Martin's Parish.

²⁵ Robert Burry (or Berry) was probably one of the carters who worked at the pits hewing and loading stone. These men were often smallholders as well.

²⁶ Christopher Noke, freemason, master of Thomas Garrat, was perhaps related to Edmond Noke, the glazier. He was admitted freemason in 1562. His master was Richard Parks.

²⁷ This is corroborated by evidence produced by the college (see note 13).

²⁸ He failed to pay his assessment in the Privilege lists of 1610.

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I have found no other reference to John Toms of Cowley, but doubtless such references exist. In medieval times stone was quarried at Cowley and this family may therefore have been stone merchants for several generations. William and Henry Fish and Walter Knight are three of the private owners of quarries listed with the nine colleges in 1561. A John Fish was churchwarden of Marston in 1529²⁹ and William and Philip Fish are mentioned in the Churchwardens' Accounts of 1541. Another John Fish supplied stone for the building of Wadham and either he, or a son, sold stone to the builders of the Canterbury Quadrangle at St. John's, built between 1631-6. As early as 1525 a Mr. Fish of Marston (perhaps the churchwarden) surrendered half an acre of quarry land in the manor courts at Headington, which was secured to supply stone for Cardinal College.³⁰ We may conclude, therefore, that this family also had a long history as stone merchants.

John Style was a man of some standing and may have been related to the various London masons of that name. His name does not occur in the early 17th century list of privileged persons, nor in contemporary references in the City Council Acts, but he was regularly working for Christ Church c. 1610. Perhaps he was Oxford bred, as he knew the quarries at the age of 12, and he may have worked for Fish and Toms when they had the contract for Basing House. He seems later to have done work at Windsor, for it is tempting to connect him and one of the other witnesses, William Benson, with an entry in the Christ Church Disbursement Book of 1582, which records that one of the windows in the Cathedral was either repaired or renewed in specially selected stone from Burford by two masons, John Style and William Benson of Windsor.³¹ Style was a stone merchant as well as a mason. He supplied stone not only for Wadham, but also with Garrat for the Royal works at Eltham Manor.³² Here both Oxford masons were paid for task work and were clearly craftsmen of some distinction.

There were three Bensons working in Oxford at the beginning of the 17th century, probably all related. Nicholas Benson obtained his freedom in 1604. He joined the Guild late in life and may have been a 'privileged person'. He was perhaps William's brother, since he knew the story of Style. William Benson's name does not occur in the Council Acts but he was probably 'privileged'. A third Benson, John, worked at St. John's c. 1612.³³

²⁹ F. W. Weaver and G. N. Clark, *Churchwardens' accounts of Marston* (Oxf. Record Soc., vi, 1925), 9, 12.

³⁰ *Oxoniensia*, VIII-IX, 1943-4, 145.

³¹ W. G. Hiscock, *Christchurch Miscellany*, 212. P. S. Spokes and E. M. Jope, 'The "Priory" Marcham', *loc. cit.* Though Style only mentions the window for Dr. Darkin, another witness, Nicholas Benson, seems to refer to this work. Both men are called Freemasons of Windsor in the Disbursement Book.

³² Declared Accounts of the Office of Works, 101/2419/39. Mich. 1-2 Jas I.

³³ Bursar's Account Books.

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He is also mentioned among the masons employed upon the Royal works 1603-11. Another William Benson, perhaps a son, worked at Denmark House in 1630-31.

Richard Mathew, made free in 1601, worked for the city. He was probably a relative of Leonard Mathew, one of the assistants on the Guild Council. One of these two is doubtless the 'Mathew' paid for stone for Wadham.

Thomas Garrat, apprenticed to Christopher Noke, was made free in 1597. He was a mason and stone merchant of some importance, as we have already seen, who contracted for the Royal works, and also worked at Lincoln's Inn. We learn from the accounts that he was paid for cutting stone at Merton and for supplying burr and ragstone to Wadham. He was a copyholder under the manor and paid George Brome £15 p.a., apparently the usual charge, for a quarry which he rented there. We learn from a Chancery suit³⁴ that after Whorewood had been some years in possession of the estate he quarrelled with Garrat because he attempted to raise the rent of the quarry. Garrat agreed to a lease of 21 years at a rent of £20 p.a., but in spite of this Whorewood entered upon Garrat's land and took a great part of the quarry. Garrat seems to have died before 1621, for in the will of Thomas Holt, carpenter, one of Saville's Yorkshiremen, it is recorded that Garrat was in his debt at his death. Miles Garrat and his brother, who worked at Jesus, were probably his sons.

Richard Gurdon married Frances, daughter of John Howell, in 1597.³⁵ He carted stone at Wadham and was doubtless the Gurdon who occurs in the Merton accounts. He was on the homage of the manor court at Headington in 1612. Owen Gurdon, the freemason, who died in 1627, was probably a kinsman and this family also has a close connection with the quarries.

In addition to the obvious information concerning these masons, there are some minor points which are perhaps worth noticing. The case of Style is interesting because he seems to have specialized in cutting windows. This is the work on which he was employed at Magdalen, and, as I have suggested, at Christ Church. In the Declared Accounts for Mich. 1-2 Jas. I, we find him working with Garrat at Eltham Manor on task work which amounted to the value of £172. Most of the masonry work at the manor in that year was connected with windows and it is exclusively on windows that these two men were working.

Barton does not appear to have worked outside Oxford, but he was a man of standing, with very close city connections and an assistant on the Guild

³⁴ c.2 Jas I. W. 28/31.

³⁵ Kidlington Parish Register.

Council at its founding. It is therefore interesting to find him giving friendly evidence for the college at a time when feeling ran high between the University and City.³⁶ The Freemasons' Guild was not uniformly popular among its members and often used its newly acquired powers vexatiously, especially in attempting to prevent city craftsmen from obtaining the University privilege, though it was greatly to their advantage to do so.³⁷ We must remember that Garrat and Barton both worked at Merton and that Barton, Garrat and Mathew, all Guild masons, received payment for supplying stone at Wadham, where Arnold quickly found that the difficulties of obtaining help from local sources (with the exception of some classes of mason) had been much exaggerated, and that not only quarrymen and carters³⁸ but other craftsmen also were willing to work for him at the college.³⁹

Another point of interest is the care displayed by these elderly masons in the selection of their stone and the anxiety shown by the college authorities over the quality of what remained in their pit. It is interesting to notice in this connection that Jackson in his account of the building of Wadham compares the Oriel stone unfavourably with that used for the earlier college. Indeed, it is possible that the stone merchants of Headington would have found it very hard to provide their best quality stone for any building after the first 15 to 16 years of the 17th century.⁴⁰ Oriel, though apparently alive to this problem, built too late, and by 1619 could probably obtain no better stone than their own pit could supply.

The quarrels of Sir Thomas Whorewood and the depositions of a handful of Oxford masons do not add very greatly to our knowledge of the quarries, but they at least give us some picture of what kind of life was lived there and suggest to us how useful this type of document can prove in giving us details about ordinary things and people which it might otherwise be hard to discover.

³⁶ During these years there was much friction between the University and the city on the subject of privilege. H. E. Salter, *Oxford Council Acts*. (O.H.S., LXXXVII, 1928) preface (LI-LII), and T. W. Hanson, *Halifax Builders in Oxford* (Halifax Antiq. Soc. Trans., 1929), 267 ff.

³⁷ The Oxford Guild of Masons, carpenters, joiners and slatters was incorporated in 1604. (*Calendar of State Papers, Domestic, 1603-10*, 163.) This company could plead in court and could levy fines over men working in Oxford unless they were 'privileged', in which case they were dealt with in the Vice-Chancellor's Court. In 1613 both the City and University complained that it interfered with the liberty of the workers.

³⁸ Mrs. Wadham sent her own 'plows' of oxen to Oxford from Somerset, having heard rumours of the dearth of workmen and fearing that she could not get help in carting stone, but these were sent home in November 1650, because they proved unnecessary.

³⁹ Among these was Metcalf, the plasterer, Bartholomew Emery, Madox, Triplet, Teaser or Teasley, Rudland and Bolton, all members of the Oxford Guild.

⁴⁰ T. G. Jackson, *Wadham College*, 39.