



Bratton Court House

by Jean Morrison

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One of the oldest and most impressive medieval buildings in Bratton, the Court House, beautifully depicted by Alan Andrew above, stands at the bottom of Court Lane where the road continues towards Steeple Ashton, and opposite the western end of Lower Road.

A great deal of nonsense has been rumoured and written about our Court House, attempting to link it with the infamous Judge Jeffries. He was a circuit judge who only went to the big courts where Quarter Sessions were held. When he was in Wiltshire it was Salisbury Assizes he went to. He did not come to Bratton.

Bratton Court House was the court house for Bratton manor, which dealt entirely with local organisation of the inhabitants of the manor. Such courts functioned under the general jurisdiction of the lord of the manor, who was much less powerful than is generally supposed. The organisation of medieval manor courts was the most democratic that England has ever seen. We have odd snippets of the records of some of the court meetings. Most of the very early documents have rotted away and disappeared. One or two which I have come across in damp cellars, or in solicitors' offices, I have had to copy literally before I turned the page, because when I did so they crumbled to pieces. The earlier records are lost, except for a few mentions of the tenants of Bratton manor who attended court.

The lord of the manor had a steward, who helped to organise and generally keep things in order. The earliest lord of the manor I have details of is Sir James Ley of Westbury. You will find his tomb in Westbury parish church, where his effigy lies in 17th-century dress. I know the names of some of the tenants of Bratton manor, some in Lord Ley's day, and some earlier.

In the 14th century the rector and brethren of Edington Priory had taken advantage of the low cost of land after the Black Death to buy up a great deal of Bratton at very low prices; they claimed that the land had very little value, because the depopulation caused by the plague had resulted in neglect and deterioration. Their exaggerations enabled them to acquire a lot of land cheaply by purchase, or by agreements with existing tenants that the priory or monastery was henceforth the rightful owner. In some of the early cases I have only the name of a tenant nominated to attend the court. The rector never seems to have attended personally at court meetings, but the monastery ran the estate like any other lord of the manor.

Under the manorial system, either the lord or his steward presided at the court meetings. Every single tenant was expected to attend in the hall of the court; non-attendance could earn a fine. It was the tenants' duty to come and listen to the reading of what was called the 'custom of the manor', which laid down the general conditions under which land was held, and the duties tenants were expected to perform. It stated the rights of way, and where those rights were not available to certain people. On one occasion, for instance, people from Edington had been taking a short-cut near Grant's Farm on the downs to reach Warminster market; it was decided by the manor court that the people from Edington were trespassing. On the other hand the court would decide which tenants could use certain paths in order to reach their land. That is the sort of thing that was read out in the custom of the manor.

Tenants were expected to attend to the general upkeep of their land, to sow it according to custom in the common fields. The division of open fields into strips, each allocated to different tenants, meant that there had to be coordination as to who should do the ploughing, and who should procure the seed from the farmers charged with retaining from their crops the seed that was to be pooled for the next sowing. Tools and animals were designated for carrying out the work, which was done collectively and organised by the manor court.

Major tenants were also obliged in turn to supply a good dinner the day the court met, so that the cost did not always fall on the farmer renting the court house as part of his tenancy. I have from a rather later date, in the 18th century, a complete list of every tenant of Bratton manor, with the year in which they were expected to provide the court dinner at the annual meetings. So if John Whitaker at the Court House was to do it one year, perhaps Arthur Whitaker who lived at the farm at the top of the hill (where Mr Gale's farm now is) would do it the next year. The man who had another farm would do it the following year, and so on. The rotation was laid down at the court meetings.

In earlier times tenants were also expected, if the lord of the manor required it, to keep one of the lord's hunting dogs, feed it, and train it. That is written into many of the tenancies. If a tenant died, his widow was entitled in her widowhood to the land her husband had held from the lord of the manor, but she was expected to come to the court and make her claim. If she had sons, she was allowed to approach either the lord or his steward, and request that their names be added to the tenancy. For that she paid a fee. She also had to pay a form of death duty on the death of her husband, usually the best animal or some other particularly good possession.

I have far more details dating from the time when the Thynnes of Longleat owned the manor of Bratton. It is clear that Lord Weymouth, and succeeding generations, who in turn became Marquesses of Bath, were very good to their tenants. On several occasions the steward took a dead tenant's best cow, as was the lord's right, but was ordered by the lord at the time to return the animal, because the widow would have been left with insufficient cows to sell the milk, or make the butter or cheese which were her livelihood.

If the tenants thought the lord was not maintaining his property as he should, they could arraign him before the court for failing in his duty. If the vote was that he was at fault, he had to do the work like any equally guilty tenant. Any tenant could report trespass on his land by his neighbour's pigs. This occurred quite often, since pigs seem adept at escaping from their styes. But it could also be cattle or horses who strayed and despoiled neighbours' vegetable gardens or hay crops. The owner of the animals had to make reparation in such cases. This was the sort of thing that was dealt with in our Court House.

The Whitakers held their first tenancy of the Court House in 1625 from Sir James Ley of Westbury (the year before he became first Earl of Marlborough), and from then on I know the names of all the tenants, who were mainly Whitakers. We do know something of earlier tenants, because in many documents the house is called Wincks, so probably it belonged to a Mr Winck. At another period it was called Butcher's, and belonged to someone whose name is variously spelt Boucher. Bouchier, or Butcher [*but now see editor's update at the end of this article*]. The very earliest lease I know is in the Record Office [*now the Wiltshire & Swindon History Centre*]. There would be two copies: one was kept by the lord's steward and one was handed to the tenant. When this particular family finally handed over possession after the death of the last tenant, both copies remained in the steward's hands. This was known as a copyhold tenancy.

My transcript of the Butchers document, which is very difficult to read, begins:

Brattonn – Copy of frankpledge made before the court baron of the manor of our Lady Elizabeth, by the grace of God, Queen of England, France and Ireland, Defender of the Faith, etc ...

(The document is dated 1565: this was long before the manor was bought by James Ley, and Bratton was still a royal manor, taken into the hands of Henry VIII after the dissolution of the monasteries, and back in the hands of the Crown after being granted to, and then confiscated from, the executed Thomas Seymour. It continues:)

... held at the same place [i.e. Bratton] on the fourth day of September in the seventh year of the reign of our Lady the Queen.

To this court came William Boucher the elder, to whom our Lady the Queen by the proclamation of her steward and supervisor granted a number of messuages and tenements, and one withy-bed, with their appurtenances, situated in the aforesaid Bratton, lately in the tenancy of John Boucher, who possessed and held the aforesaid messuages with their appurtenances, to the said William Boucher and William Boucher his son [and] Margaret Boucher his daughter for the term of their life and the life of whichever of them shall live the longer successively, according to the custom of the aforesaid manor, on the payment of 17 shillings per annum, and all other rights according to custom and the services pertaining thereto which are due and customary by each condition granted ...

(William Boucher the elder gave as a fine 66 shillings and eightpence [£3.33]. That fine was not as we think of it – a penalty; it was a fee for receiving his new tenancy agreement. The copy ends:)

In the same place, William the elder swore fealty, and was admitted henceforth as tenant, and the fealty of the others respectively also.

Fealty was usually sworn by the tenant placing his two hands together within the hands of the steward, who accepted homage on behalf of the Queen as lady of the manor.

Bratton Court House is a Grade II Listed Building, described thus in its listing:

Dated 1626 on beam in central room. Two-storey irregular timber-framed building with central half-hipped gable and projecting wing to right hand with gable, and first floor oversailing, on stone base. Some wattle and daub, some brick infilling including portions of herringbone brickwork in right-hand gable and to left hand of building. The brickwork colour-washed. Thatch roof. The gables and wing repeat on back. Projecting porch to left centre, of timber frame with thatch roof Entrance to left up stone steps under shaped board; the front and side of porch has solid timber-framed balustrade and grille of turned wood balusters over. Stone seats built in on two sides of porch. Irregular casement windows mainly C18. One three-light stone-mullioned casement window to left hand on ground floor. Two good fireplaces of original date, one with pointed flat-arched beam over and carved spandrels. *[A revised and longer description supplied by the Wiltshire Buildings Record, including 15th century origins, can now be viewed on the Historic England website (Grade II*)]*

Much of the house must be considerably older than the date on the beam. 1626 was probably the date of extensive alterations and improvements. The style of the main fireplace is of that period, and when it was inserted, cruck timbers of the earlier construction were cut through. A portion of the old cruck can be seen close to the main front door. The closely-set timbers of the two gable ends facing the road must also belong to the earlier building, the cross wings of a medieval hall house. By 1626 the high draughty hall between them, with a central fire and smoke louvre in the roof, would have been considered old-fashioned and inconvenient. John Whitaker and Dionise his wife, whose initials appear on the beam, both belonged to wealthy clothiers' families, and could afford to modernise their home by replacing the hall with a two-storey building, complete with the latest design of fireplace. The south end of the house also belongs to about that date.

Above the door under the porch is roughly carved '[?B] Whitaker 171-'. The date was never completed. Perhaps bad Bill Whitaker was stopped when an angry father discovered what he was doing!

As we have already seen, an old name of the property was Wincks, but no one of this name appears in the church registers. So Winck was probably the builder of the early cruck building, long before the registers begin in 1542. The house came into the hands of Sir James Thynne when he bought the manor of Bratton in 1669, and seems to have been held by the Whitaker family on a 'leasehold for lives' (replacing the copyhold) from at least 1690. Certainly the leases can be followed in detail from that date in the Longleat papers *[formerly]* in the Trowbridge Record Office *[and now back at Longleat House]*. The 1690 lease was granted to William Whitaker for 99 years or the lifetime of his sons William, John and Humphrey, for a rent of two pounds and 14 shillings (£2.70). They agreed to attend the manor courts, to pay all taxes on the property and to keep it in repair, and also to provide a dinner or supper for the lord and his steward and servants when they rode over to Bratton to hold the manor court. The leases were renewed by succeeding members of this branch of the Whitaker family until the sudden

death of John Whitaker 'of gout getting into his stomach' in October 1807.

A little over a year later it was added to the leaseholds of Thomas Whitaker of Bratton, who belonged to a different branch of the family. It was no longer a family home, but was divided up into cottages for farm labourers and remained so until well into this [*i.e. the 20th*] century. It is now once again a single dwelling, and was very carefully restored by the late Mr Gilbert Rocke. This involved the insertion of pillars to support the weight of the ancient roof, and braces to prevent further outward movement of the walls, but was so well done as not to be noticeable, and this fine old house can now stand for many years to come.

Editor's additional update notes, 2015:

Karl Hulka, the present occupant and an experienced architectural historian, has made some fascinating discoveries about the structure of the Court House, which may partially amend the above description. Details will appear elsewhere on this website.

Regarding the name Wincks: a Thomas Wynke of Bratton is mentioned in proceedings of the 'Sheriff's Tourn' in 1502.

Mrs Morrison's identification of the Court House with the tenement called Butchers is not now thought to be correct. Instead the name, and perhaps the copy of court roll, seem to refer to the neighbouring Court Farm House, though this property may have had its origins as an adjunct to its near neighbour. (AJM)