

Tithes, advowsons and the Sheldon family as lay patrons in south Warwickshire, 1546-1641

King Henry VIII's rejection of papal supremacy in 1534 meant more than the stripping of the altars and the suppression of the religious houses.¹ While their eventual demolition brought dramatic changes to the landscape the dispersal by sale of their landed possessions and legal rights resulted in extensive transfer to lay hands and increased lay involvement in the affairs of an individual parish. Control of advowsons, the right to present a rector or vicar to a parish church, shifted from ecclesiastical to lay hands.² Simultaneously the pecuniary value of tithes, the levy on produce whether in cash or kind intended to support parish clergy, much of which had also formerly benefited religious institutions, passed to secular, and personal, coffers. The earliest figures, of 1603, suggest that nearly 40% of the greater tithes, those to which a rector was entitled, had passed into lay hands.³ The presenters' interests might or might not coincide with the needs of the Church, but overall the transfer influenced the status of the parish clergy in local society thereafter.

In the parishes under review, most in south Warwickshire, others in south Worcestershire and Oxfordshire (Table 1), that control had been acquired by Ralph Sheldon (1537-1613), a man with Catholic sympathies. He inherited five advowsons and owned the right to receive tithes in six parishes elsewhere. Neither Canon nor Common Law offered any barrier to such acquisitions. An uncommon combination of surviving evidence shows Sheldon in almost every difficulty a patron might face or cause, including the arrest of his own nominee. He clearly regarded, and treated, both rights as personal property, his to do with as he chose, no doubt an irritant to officials of the established Church. Law suits in both the secular and the ecclesiastical courts reveal that he was challenged on several occasions. None of the episodes touches on, or creates, any legal principle.

Too frequently little more is known about these rights other than the facts of their ownership. For the advowson information rarely extends to the detail of its exercise; that for tithes is swamped by disputes over exactly what portion of parish produce was due to its serving clergy. Sheldon's actions offer a glimpse of the first decades in which the appointment of parish clergy was widely exercised by laymen rather than clerics and tithes became a widespread source of private enrichment, his conduct an illustration of the consequences of lay patronage. The quality of the men he chose was not noticeably poor or

¹ Eamon Duffy, *The stripping of the altars: traditional religion in England c.1400-c.1580*, (New Haven ; London : Yale University Press, 1992); Alexandra Walsham, *The reformation of the landscape : religion, identity, and memory in early modern Britain and Ireland*, (Oxford : Oxford University Press, (hereafter OUP), 2011).

² Philip Tyler, 'The Status of the Elizabethan Parochial Clergy', *Studies in Church History*, 4, 1967, 76-97, (hereafter '*Parochial Clergy*'), has useful figures about the scale of the alienation, 76-9.

³ D. M. Palliser, *The Age of Elizabeth, 1547-1603*, (London, New York: Longman, 1983), p. 384.

obviously Catholic; his rights were not held in parishes with solidly Catholic-leaning inhabitants. His behaviour was considerably less creditable where he also owned the tithes where the level of the rector's share was Ralph's decision. Potentially each parcel of tithes lost to the church created hardship for the incumbent, so that Ralph's conduct offers a comment on the difficulties faced by the hierarchy of the newly established Elizabethan Church operating the practices of the Roman Church through little altered administrative machinery. Little could prevent Sheldon doing as he pleased.

Ralph Sheldon was born around 1537 to an already moderately wealthy family.⁴ His father, William, had held many of the local posts concerned with the redistribution of former monastic assets as well as many of those to do with county administration.⁵ Ralph too served once as MP, as a Worcestershire JP from 1572-1587 and as sheriff 1576-77. Though he had dutifully executed every doctrinally inspired change in the law, in 1564 William was characterised as 'indifferent in religion'; Ralph's only biographer pointed out that his early upbringing was more Protestant than Catholic, though his bride was chosen from the Throckmorton family of Coughton, locally influential and determined Catholics.⁶ Ralph himself never quite made his views clear. Despite frequent modern presentation as a Catholic and often as a recusant, nothing marks him out as a committed Catholic. Summoned for questioning after the arrival of the two Jesuit missionaries in June 1580, to whom he or his sister may perhaps have offered assistance,⁷ he spent two months in the Marshalsea prison before, on the plea of his wife, he was released on grounds of ill health into house arrest with the Dean of Westminster. In January 1581 Ralph professed his allegiance to the Queen and his readiness to attend services in his parish church. Local opinion remained sceptical. In 1587 he was, for the only time, convicted as a recusant, the fines imposed recorded on the Pells Rolls; because they had ceased by 1590 it has to be assumed that for a second time he decided to conform. In 1594, examined by the Privy Council about allegations of plotting against the Queen it was noted that 'he cometh to church'. In his will, however, he declared his desire to die, 'as I have lived, in the verities of the catholic church'.⁸

On the death of his father in 1570 Ralph had inherited two country properties, Beoley, Worcestershire, and Weston in Long Compton, Warwickshire, some 14-15,000 acres, five advowsons and rights to tithes in six other parishes.⁹ He was in no way exceptional; 5/6ths of the presentations in the part of Worcester diocese lying within Warwickshire had passed to

⁴ Hilary L. Turner, 'Ralph Sheldon (1537-1613) of Beoley and Weston: cloaked in conformity?', *British Catholic History* 34(4) (2019), (hereafter Turner, 'Cloaked in conformity'), 562-84.

⁵ S.T. Bindoff, *House of Commons 1509-1558* (London: HMSO, 1982), pp. 306-08; the entry is unreliable in its interpretation of his will.

⁶ M. Bateson, ed. 'A Collection of Original Letters from the Bishops to the Privy Council, 1564', *Camden Miscellany IX*, Camden Society NS liii, 1895, pp. 4-7; E.A.B. Barnard, *The Sheldons*, (Cambridge, 1936), p. 30.

⁷ Farm Street London, Anglia A (A.III.i) Vol I, no. 6, printed in Richard Simpson, *Edmund Campion, A Biography* (Leominster: Gracewing Reprint, 2010), pp. 131-32.

⁸ London, The National Archives (hereafter TNA), PROB 11/121/345.

⁹ TNA WARD 7/51/91.

laymen.¹⁰ He was barely unusual even in being a Catholic sympathising owner.¹¹ The Sheldon family had got early into the field; Grandfather Ralph (d. 1546) had begun acquiring long leases of tithes from local monasteries; Flyford Flavell from Pershore Abbey in 1517;¹² Childs Wickham parsonage from Bordesley Abbey,¹³ Bishampton from Cookhill Priory and rights at Wadborough by unknown means.¹⁴ All but Child's Wickham were given to his eldest son, William who, with his brother Francis, purchased several other advowsons, sometimes selling on almost immediately without exercising the rights acquired and clearly regarding an advowson merely as a commodity.

Tithes and Advowsons held by the Sheldon family 1546-1613

	Advowsons	
Ralph d.1546	William d.1570	Ralph d.1613
	Abberton: advowson purchased with the manor in 1544 by William and Francis Sheldon, <i>L&P Henry VIII</i> , 19(1), g 80(50); when the manor was settled on Francis and his heirs the advowson was excepted and remained with William and his descendants, the Sheldons of Beoley, TNA WARD 7/13/135	Abberton; next presentation given by Ralph's will (1613) to cousin Francis Sheldon of Abberton, the tithes, undefined, to cousin William of Abberton, his father, TNA PROB 11/121/345
		Barcheston purchased 1587, WaCRO CR 1991/Box 45/6610/1
Beoley	Beoley; advowson held 1570; ? acquired 1549 on purchase of the manor	Beoley retained
		Broadway; bought 1575 from Sir Wm Babington of Kiddington, Oxon, sold 1595 to nephew Savage, <i>VCH Worcestershire</i> 4, 1924, p.43
	Ditchford Frary, advowson claimed by purchase of manor, BAH MS 3061/1/401	Ditchford Frary, advowson disputed
	Shrawley; advowson & lease of the manor for twenty-one years granted February 1545; manor sold 1558 to William Gower of Redmarley to hold of Sheldon and his heirs at a yearly rent of £9, Shrawley Wood and the advowson reserved, <i>VCH Worcestershire</i> , 4, 1924, p.340-41	Shrawley Wood and advowson sold to William Child of Northwick 1579-80, <i>VCH Worcestershire</i> 4, 1924, p.340-41.
	Stretton on Fosse; ¼ share in advowson 1570, separate from manor, never Sheldon's, Barratt,	Stretton on Fosse; ¾ share of advowson acquired 1605, <i>VCH</i>

¹⁰ D. M. Barratt, ed. *Ecclesiastical Terriers of Warwickshire*, (hereafter Barratt, *Terriers*) 2 vols, Dugdale Society Publications 22 (Oxford: OUP, 1955), 27 (Oxford: OUP 1971), 2: p. xxviii.

¹¹ *Five Northamptonshire Families*, Mary E. Finch, Northamptonshire Record Society 19 (1956), p. 69, Tresham from 1532; Brudenell of Deene, p. 137.

¹² Recited on its expiry, *Calendar of Patent Rolls 1572-75*, no.3224, 26 Aug 1575, (hereafter *CPR*), variously calendared, (London: Public Record Office 1939-1992).

¹³ TNA E 164/39, fos.403-403v for 84 years in 1535, abbey to repair chancel and supply timber and carriage for vicarage repairs.

¹⁴ Both were mentioned in Grandfather Ralph's will 1546, PROB 11/31/403.

	<i>Terriers</i> , II, pp. 62-66	<i>Warwickshire</i> 5, p.157
	Temple Grafton; brief ownership, sold to Sheldon and Draper 1544, and by Sheldon to Draper 1546, <i>VCH Warwickshire</i> 3, p.99	
Tredington, lease arrangements with the bishop of Worcester, 1508; Essex Record Office, D/DP E165	Tredington by purchase; William's executors to have the profits of the parsonage of Tredington for ten years for the performance of his will and then to Ralph Sheldon., TNA PROB 11/53/79	Right sold 1607 ; TNA C 78/268, no. 6; C 2/JasI/H1/45; Thomas Horton père will TNA PROB 11/137/64
		Whichford; claims advowson from 1595 and retains despite dispute, see text
	Tithes	
Ralph Sheldon d. 1546	William Sheldon d. 1570	Ralph Sheldon d. 1613
	Atch Lench; one set of tithes leased from Cathedral church of Westminster, a second from bishop of Worcester for 20 years, TNA PROB 11/53/79	Atch Lench still held, rental payments CR 2632, ff.. 25, 26, 61, 180
Bishampton tithes, lease from Cookhill Priory [will 1546 PROB 11/31/403]; <i>CPR 1557-58</i> , p. 402; <i>CPR 1560-63</i> , p. 324	Bishampton, all tithes and profits of parsonage to Ralph in will, TNA PROB 11/53/79	Bishampton leases renewed 1599, BAH MS 3061/1/357: Under-lease of the same by Ralph Sheldon to his son , BAH Ms 3061/1/358, 1600
	Burmington tithes, lamb, grain, hay, wool & others, by lease ten years from 1576, TNA PROB 11/53/79	Challenged and lost , TNA C 2/Eliz/S18/1
Child's Wickham, TNA E 164/39, f.403-403v for 84 years from 1535; passed to son Thomas TNA PROB 11/31/403		
		Deddington; tithes, corn and grain, rented from 1580, TNA C 2/Eliz/A8/55
	Ditchford Frary: tithes taken from 1561	Ditchford Frary; tithes of £5 13s 4d received, then lost
Flyford Flavell 60 years lease from Pershore, 1517, recited <i>CPR 1572-75</i> , no. 3224	Flyford Flavell, tithes of grain and hay	Flyford lease lost 1577, <i>CPR 1572-75</i> , no. 3224
		Steeple Barton; interest in tithes from 1592, <i>VCH Oxfordshire</i> 11, pp. 72-3
	Tredington; profits of parsonage to his executors for 10 years, then to Ralph, TNA PROB 11/53/79	Tredington dispute; Consistory Court, Star Chamber.
Wadborough, lease from Pershore by 1546, will, TNA PROB 11/31/403		
Wickwar; parsonage lease passed to son Thomas by will PROB 11/31/403, 1546		

Elsewhere, however, the same possessions were jealously guarded. Rights in the site and demesne of the manor at Tredington, some six miles from Weston, had been demised in 1508 to Ralph's grandfather.¹⁵ William (d.1570) succeeded in obtaining the advowson in May 1559, a singular concession from Archbishop Heath, a distant relative and former bishop of Worcester, because the parish was extensive, the living wealthy and a peculiar.¹⁶ By 1563 Ralph, with the assistance of William Bavand of the Middle Temple, had already made his first presentation.¹⁷ He named Thomas Caius, Master of University College, Oxford, which implies the rector might well have been an absentee.¹⁸ Just before Caius' death Ralph invited Robert Hill, an Oxford graduate and BD, to accept the presentation on the same terms – a rent of £50 for the tithes and payment, on Hill's behalf, of the curate who served the dependent church at nearby Tidmington, an arrangement found in other parishes where Sheldon held the advowson and possibly a means to keep a higher share of the tithe income. The position carried with it the complication that William Sheldon had stipulated that his executors should have the profits of the parsonage to discharge the expenses of his will.¹⁹ According to bishop Bullingham's Register Hill was presented in May 1572; it was noted that the formalities were conducted in London, where though already in office the bishop was detained by other business.²⁰ The presentation was, one assumes, confirmed. Following common practice on the part of the Church at least, Sheldon also insisted on a bond to guarantee good behaviour, set at the high figure of £1000. It was rescinded after a short period at Hill's request. A series of disagreements followed, outlined in the detailed testimony of Sheldon's lawyer, William Child of Pensax, delivered to Worcester Consistory Court in January 1587.²¹ Hill had eventually requested use of the parsonage house, previously denied and again refused. Around 1579-80 'some defect was found in Mr Hill' and he was removed. By lapse therefore the appointment came into the Queen's hands, timing which might coincide with examination of answers to bishop Whitgift's extensive Visitation articles of 1577.²² Sheldon undertook to see him re-instated and later claimed to have paid around £300 to meet the expense of the

¹⁵ Essex Record Office, Petre Papers D/DP E165 where the site and demesne of the manor of Tredington is said to have been demised in 1508 by Silvester Bishop of Worcester to Ralph's grandfather. Internal evidence suggests the document dates to 1606-11, the period just before the Sheldon heir married into the Petre family.

¹⁶ *CPR 1558-1560*, p. 79. His will stated his claim firmly, PROB 11/53/79.

¹⁷ It had a population of 55, *The Diocesan Population Returns for 1563 and 1603*, A. Dyer and D. Palliser, eds. Records of Social and Economic History, new series 31, (Oxford: OUP, 2005), p. 293 (hereafter *Population Returns*).

¹⁸ Robin Darwall-Smith, *A History of University College*, (Oxford: OUP, 2008), pp. 104-08; Canon J. Davenport, List of Presentations to Worcester Livings 1526-1699, typescript list 1916 deposited in Worcester Archaeology and Archive Service (hereafter WAAS), The Hive, Worcester, no. 518, hereafter Davenport, Presentations. Bavand received a small bequest under William's will.

¹⁹ TNA PROB 11/53/79.

²⁰ Davenport, Presentations, no. 655; for Bullingham's biography see *Oxford Dictionary of National Biography* (hereafter *ODNB*).

²¹ WAAS, Worcester Consistory Court Deposition Books, vol. III, fos.315-17, (hereafter Deposition Book III [BA 2102:794.052]).

²² W. P. M. Kennedy, *Elizabethan Episcopal Administration An Essay in Sociology and Politics*, 3 vols, Alcuin Club Collections 26(two parts) & 27 (London: Mowbrays, 1924), 26(2), pp. 53-61, (hereafter Kennedy, *Episcopal Administration*.)

first fruits, together with the fees for his presentation and induction in November 1580.²³ When Hill decided to marry, itself a mildly provocative action since clerical marriage might be tolerated but was not yet officially sanctioned, the question of accommodation became more pressing.²⁴ Hill reiterated his request for use of the parsonage house, of a small part of glebe meadow to keep and feed his horses, freedom from the cost of dilapidations and a much higher share of the tithes - £140 annually, three times the original allowance. Sheldon conceded the use of the meadow and of a room in the house; when grandfather Willington had had a lease from bishop Massarosa the bishop had reserved half the parsonage for his own use, suggesting a building large enough to be shared.²⁵ Hill's request for use of glebe land was entirely legitimate; Sheldon would have been pushing the bounds to refuse. However, Sheldon declined to increase the tithe share. Perhaps to head off further demands he took the precaution of offering Hill a formal lease, which Hill rejected. At much the same time, however, Hill was ordered to preach more often and, since Sheldon was offended, perhaps more pointedly, perhaps the influence of Whitgift's re-shaping policies on his appointment as Archbishop of Canterbury.²⁶ An episcopal Visitation in September 1585 ordered by the newly appointed Edmund Freke seems again to have brought irregularities to light. Hill did not, indeed could not, give satisfactory answers to the questions concerning the glebe or the tithes.²⁷ A case was begun in the Consistory Court in June 1586; hearings continued for the next six months. The five interrogatories focussed on the issues which mattered to the Church; the majority of witnesses answered only those about the tithe lease, the money for which several of them had paid over to Hill.

No reference was made to the several violent episodes which took place in the parish from June 1586 on; Hill later told the secular courts some of the details, claiming, that Sheldon had organised a band of men to remove the rector's hay cut and ready for collection. Within three weeks of meeting resistance Sheldon had obtained writs for Hill's arrest from the Assize judges.²⁸ He later explained the statutory basis on which they could be justified, devised against the very different circumstances of the English Church's quarrel with the Papacy in Schism. One dated from 1391, directed against preferment of a papal candidate over a man nominated by an English bishop; it was re-enacted in 1429 in a similar situation with the added right to claim an action of trespass (carrying harsher penalties) and gave power to Assize Justices to hear cases.²⁹

²³ Davenport, Presentations, no.847 and bonds.

²⁴ Peter Marshall, *Heretics and believers: a history of the English Reformation*, (New Haven ; London : Yale University Press, 2017), pp. 449, 453, (Hereafter Marshall, *Heretics*).

²⁵ TNA C 1/655/28, from 1524.

²⁶ Marshall, *Heretics*, pp. 546-7.

²⁷ Barratt, *Terriers*, 2: pp. xii-xv and 78-9.

²⁸ TNA KB 29/223, most easily viewed on-line on the website Anglo-American Legal Tradition (www.AALT.edu) fronts, images 115-116.

²⁹ *Statutes of the Realm*, 15 Richard II, cap.2; 8 Henry VI, cap.9.

Further sporadic violence occurred before Hill was arrested during Evensong at Tredington on 28 October 1586; released on bail the indignant rector launched a Star Chamber case in February 1587. His bill of complaint, detailing the circumstances of his arrest and accusing Sheldon of harassment on several previous occasions, was answered by Sheldon on 13 February 1587 clearly confident that the arrest was supported by the legislation he had adduced; he added that it had been the (named) Justices at Quarter Sessions who had imposed the fine for dilapidations to a barn supposedly damaged in the affray, not he himself.³⁰ Unsurprisingly they are easily recognisable as his colleagues of long-standing. Further hearings followed in May; surviving interrogatories paint a vivid though not necessarily accurate, series of petty harassments and vandalism.³¹ Though local witnesses were heard in September at Shipston their testimony is now lost.³² Sessions in the Consistory Court appear to have come to an end with the start of proceedings in the secular court.

Tredington was not Hill's only living. He had been presented to nearby Barcheston in April 1572 by Ralph's father in law Sir Robert Throckmorton,³³ and was at least able to answer the questions about the glebe asked in 1585.³⁴ He concealed other irregularities. Possibly because Hill held in plurality the case seems to have come to the Court of Audience at Lambeth without going first to the Consistory court,³⁵ but the fact that manor, if not yet the advowson, belonged to the Sheldon family with whom Archbishop Whitgift, formerly of Worcester, was well acquainted might also have sounded an alarm. Known only as narrated later in the Court of Requests allegations of unpaid monies came from both Hill and Richard Hyckes, first William Sheldon's steward and now with additional responsibilities as the queen's arrasmaker resident at Barcheston.³⁶ Hill claimed that Hyckes had promised to obtain a dispensation in order that Hill might hold two livings, but the Church's real interest lay in the fact that Hyckes offered Hill board and lodging in the rectory for himself and a servant, together with fodder and stabling for two geldings, when needed.³⁷ Since Hill was already rector and at the time Sheldon was not the patron this was scarcely necessary; without other authority in the parish, in all probability Hyckes was acting as proxy for Sheldon and covering for another deal of the same sort as had been struck at Tredington and, incidentally, solving the absence of accommodation there. Witnesses claimed Hyckes also paid Hill £18

³⁰ TNA STAC 5/H31/35, sheet six.

³¹ TNA STAC 5/H64/22, STAC 7/12/39, STAC 5/H19/13.

³² WaCRO CR 2632, f.96.

³³ Davenport, Presentations, no.653, 16 April, 1572.

³⁴ Barratt, *Terriers*, I, pp. 24-5.

³⁵ Warwickshire County Record Office, (hereafter WaCRO), CR 2632, fos. 78, 81, 82,131,142. Whitgift had interviewed Ralph on suspicion of recusancy in October 1580, Lambeth Palace Library, Carte Antique A IV no. 183, printed in C.D. Gilbert, 'Catholics in the diocese of Worcester 1580-81,' *Midland Catholic History* 1 (1991), 19-27.

³⁶ Hyckes was resident in the parish because Ralph's father had requested him to introduce, or oversee the introduction of, new techniques of weaving cloth, arras and tapestry using the manor house there as a base, Hilary L. Turner, 'Finding the Weavers; Richard Hyckes and the Sheldon Tapestry works', *Textile History*, 33(2) (2002), 137-61.

³⁷ TNA REQ 2/223/66, sheet 1, second and third interrogatories.

annually for tithes worth around £40.³⁸ Whitgift appointed a four man commission to inspect the accounts; the session ended in a brawl. When Hill's appointment was confirmed in June it was made clear that the appointment of a man named Whitnell, possibly a Catholic-sympathizing priest in whom the privy council was still interested in 1594, was quashed.³⁹ In November Sheldon purchased the advowson from his brother in law Thomas Throckmorton of Coughton, possibly as security for a loan.⁴⁰ Hyckes, recognizing he had failed, transferred his case to the secular Court of Requests at Westminster, pursuing his claim that Hill owed him money. Two sets of depositions were taken in Shipston on Stour from local witnesses in January 1588, from which Ralph Sheldon made a point of being absent; the case was thrown out as baseless in April 1588.⁴¹

Hill retained both positions; Sheldon did not lose his right to present. The parish registers suggest that curates served Barcheston while Hill took up residence at Tredington, called on to testify in a complex case of adultery in 1594.⁴² Appointed Archdeacon of Gloucester in 1604 he died in 1606 still in possession of both livings; it is a curious reflection on one of Hill's allegations in 1587 that Sheldon had once promised, but failed, to assist him towards a better post.⁴³ He had, however, enjoyed an even better bargain than is apparent; in 1587 Sheldon paid the tax demanded from the clergy (£8 19s 9½ d) on Hill's behalf and, on the same day, laid out £9 on arms for the parish.⁴⁴

When finally in 1606 Catholics were prohibited from exercising the right to make clerical appointments the ban was imposed only on recusants, those convicted for non-attendance at parish services.⁴⁵ Sheldon, not technically a recusant, was not therefore affected by the statute's terms which placed responsibility for selection of candidates in such parishes on the two Universities, their obligation divided on a geographical basis. Sheldon's choice was presented at Barcheston in that year.⁴⁶ At Tredington, however, Sheldon conceded his right to Roland Berkley, a wealthy Worcester merchant to whom Ralph's cousin Philip Sheldon of Spetchley and Ralph himself as Philip's guarantor owned substantial sums of

³⁸ TNA REQ 2/ 223/66, August-November 1587, sheet 7, Rejoinder of Hill; REQ 2/121/32, January 1588, on-line at http://yourarchives.nationalarchives.gov.uk/index.php?title=REQ_2/121/32 ; and [http:// yourarchives.nationalarchives.gov.uk/index.php?title=REQ_2/223/66](http://yourarchives.nationalarchives.gov.uk/index.php?title=REQ_2/223/66)

³⁹ *CPR 1586-87*, Louise Wilkinson, ed. (Kew: Lists and Indexes Society, 295, 2002), no. 473, 26 June 1587; Davenport, Presentations, no.1042, said to be by lapse, Turner, '*Cloaked in conformity*', 576.

⁴⁰ WaCRO CR 1998/Box 45/6610/1.

⁴¹ TNA REQ 1/15, fo. 22, April 1588.

⁴² WAAS, Deposition Book, IV, fo. 366-366v; he gave his age as 57.

⁴³ TNA STAC 5/H31/35, sheet 7, Hill's complaint.

⁴⁴ WaCRO, CR 2632, fo.140, 28 Nov 1587.

⁴⁵ *Statutes of the Realm*, 3 Jac cap. 5 (13).

⁴⁶ William Bulwer, matriculated at Cambridge in 1580, J. & J.A. Venn, *Alumni Cantabrigienses from the earliest times to 1751*, (Cambridge: Cambridge University Press, 1922), formerly in the adjacent parish of Burmington. He is likely to have been resident, intervening in a legal dispute in 1626, (TNA C 5/87/71, sheet four). Clergy Database WRO, b 716.093-BA.2648/10(i) (Episcopal Register); CCEd Person ID: 79777.

money.⁴⁷ Yet another recognizance had been sworn, on 12 July 1606, Philip's final attempt to stave off loss of his estates before Berkley foreclosed.⁴⁸ It seems possible, though nowhere on record, that Tredington's tithes were assigned to Berkley in part payment. His nominee, an Oxford graduate Henry Bright, subscribed early in November. Almost a year later he resigned and departed for a distinguished career.⁴⁹ His successor was Thomas Horton, a Cambridge graduate and son of a London merchant, appointed by his father to whom Sheldon had recently sold the advowson.⁵⁰

Not everywhere had such complex stories, though not all was well. Barcheston was not the only, nor even the first, occasion on which Hyckes had fronted for the Sheldon family in matters concerning ecclesiastical patronage.⁵¹ In 1570 Ralph inherited a quarter share in the right to present at Stretton on Fosse (ie one turn in four),⁵² with only seventeen communicants.⁵³ His father, knowing the post was already vacant, had deputed the right to make the next presentation to Hyckes, instructing him to appoint 'one meet and able man'.⁵⁴ He nominated *Sir* Humfrey More, vicar of Beoley where the Sheldons had a house and extensive property; More was duly confirmed by the bishop of Worcester, Nicholas Bullingham, in May 1571.⁵⁵ But More was advanced in years and unwilling, or perhaps unable, to travel 25 or so miles regularly between two churches. Hyckes had difficulties finding another candidate, information which seems to have spread. He was eventually importuned by Sir Roger Smythe, possibly the same man described in the Puritan survey of clergy in 1586 as a 'dumb hireling, a common alehouse haunter'.⁵⁶ Despite knowing he too was elderly, Hyckes believed him to be suitable, appointing him at an annual salary of £10. However, the new rector quickly earned his parishioners' dislike; they reported to Hyckes that 'they were nothing at all edified by him' and begged Hyckes to find another man before they took it upon themselves to complain to the bishop. Hyckes seems to have employed the minimum of tact when informing Smythe of his imminent dismissal, telling him both of his 'imbecilitie of learning' and of his speech impediment which had 'made his service very unquiet', before advising him to go without fuss. Smythe, however, being a 'perverse and

⁴⁷ William Dugdale, *The Antiquities of Warwickshire*, 2 vols., revised W. Thomas, (London: Osborn and Longman, 1730), (hereafter Dugdale, *Antiquities*) (i), p. 432; Reg. Babington f. 88b; WAAS (formerly WRO), b 716.093-BA.2648/10(i).

⁴⁸ Sworn 12 July 1606, cancelled, the lands forfeit for non-payment, 2 November 1608, TNA LC 4/196, f. 96.

⁴⁹ Clergy Database CCEd Person ID: 79696.

⁵⁰ *Dugdale Antiquities*, (i), p. 432, 27 July 1607, Reg Babington, f. 90b, presented by the King.

⁵¹ TNA REQ 2/66/15.

⁵² Sold by Thomas Fowler in September 1570 to William Sheldon, BAH MS 3061/1/90; Ralph Sheldon acquired the three other shares in 1605, BAH MS 3061/1/120, MS 3061/1/77. However, the 1585 Terrier says exactly the opposite; that Sheldon had three turns, Gibbs one, Barratt, *Terriers*, 2: pp. 62-6. The account given in *VCH Warwickshire* 5, 153-57, based on a deed in the J H Bloom Collections, Shakespeare Centre Library and Archive, Stratford upon Avon, (hereafter SCLA), DR 41/23, fo. 111-115, does not seem to be correct.

⁵³ *Diocesan Population Returns*, p. 292.

⁵⁴ TNA REQ 2/66/15 gives the deceased incumbent's name as Folley; Clergy Database offers Zulley 1549-1561.

⁵⁵ BAH MS 3061/1/415, incorrectly dated in the catalogue; copy SCLA DR 41/23, f.111 correctly catalogued.

⁵⁶ The survey was printed by R. Savage and E.I Fripp, *Minutes and Accounts of the Corporation of Stratford upon Avon and other records*, vol IV, 1586-92, p. 6, Dugdale Society Publications 10 (1929).

forward man' was not inclined to comply. It took an offer of 40s per year payable for More's life to persuade Smythe to quit, but even with that inducement he was not prepared to leave before he had tied Hyckes into a bond for £15. According to Hyckes the condition attached to the bond was altered without his knowledge, so that it read as though Hyckes would pay 40s for Smythe's life, not for More's; Smythe, hearing that More was very ill then visited Hyckes at Barcheston and successfully achieved the sealing and delivery of the altered arrangements without Hyckes becoming aware of the changes. They did not come to light until More's death in March 1576 when, naturally Hyckes stopped payments. Nine months later he received a visit from Smythe in pursuit of his money. He failed to get a penny and so, 'greatly menacing' and threatening to take advantage of the now forfeit bond of obligation Smythe took the matter to court.

Sheldon would later claim the right to present at Whichford, a parish adjacent to his own lands at Weston in Long Compton, Warwickshire. He had, he said, bought it from William earl of Derby around 1597 together with rights to the manor.⁵⁷ His claim is contradicted in the will of the incumbent, Lawrence Shuttleworth, stating that by a deed dated 3 November 1595 William earl of Derby had confirmed to Shuttleworth's now deceased elder brother the first and next presentation and the full right of patronage; in his will, of 1607/08, Lawrence granted that right to his nephews Nicholas and Ughtred sons of another deceased brother.⁵⁸ They are not known to have exercised it and no formal resolution of the dispute is known. It was challenged only briefly in 1652 in the aftermath of the Civil War.⁵⁹ The Sheldon family however, continued to claim and exercise their right until at least 1771 using the advowson as part of successive marriage settlements.⁶⁰

Rights to presentation and to tithes came together to create a more complicated situation at Ditchford Frary; historic misappropriation of tithes by the Sheldon family and a dubious claim to present came to light when the rector, newly instituted but not proposed by the Sheldons, made claims for payment on an unaccustomed basis. One of Warwickshire's many deserted settlements only two families lived there in 1563.⁶¹ Once a chapelry subordinate to nearby Great Wolford, in 1441 Merton College, patron of Wolford, allowed the Ditchford church to become a chapelry with the unusual right to have its own rector.⁶² Right of presentation had passed to Ralph's grandfather, William Willington, on purchase of the Ditchford manor with the advowson and had then been assumed, questionably, by William Sheldon. On the death of his second appointment in 1596 or 1597 a question about the right of presentation arose. Richard Stapleton was presented by William Fielding,

⁵⁷ TNA C 78/110/11. *VCH Warwickshire* 5, p. 205-09, ignores this.

⁵⁸ TNA PROB 11/112/ 10.

⁵⁹ Lambeth Palace Library, MS 3476, fos.77-78v, c. 1653-54.

⁶⁰ WaCRO CR 4502/8, 9.

⁶¹ *Diocesan Population Returns*, p. 292.

⁶² R. N. Swanson, 'Parochialism and particularism: the Dispute over the Status of Ditchford Frary, Warwickshire, in the Early Fifteenth Century', in M J Franklin and C. Harper-Bill, eds. *Medieval Ecclesiastical Studies in Honour of Dorothy M. Owen*, Studies in the history of Medieval Religion 7, (Woodbridge: Boydell and Brewer, 1995) , pp. 241-57.

Sheldon's cousin, and duly instituted.⁶³ By January 1598 mention of the writ *quare impedit* in one of Ralph's few surviving letters indicates that he was contemplating a challenge on the grounds that both he and his cousin might claim the right by virtue of their common grandfather, the omni-present Willington.⁶⁴

Neither man was being strictly honest. Fielding's father's inquisition post-mortem claimed land in the parish held of Henry Lord Berkley, an unverifiable statement, but no mention of the advowson.⁶⁵ Willington had presented in 1546,⁶⁶ William Sheldon had disputed Willington's will, claiming possession of the lands by virtue of his purchase of the reversion of the lands together with the advowson after Willington's death.⁶⁷ Taking matters into his own hands before any legal decision had been reached Sheldon appointed Thomas Stoning in 1560 who vacated his post in favour of Thomas Daubeny of Oxford in 1562.⁶⁸ Sheldon made agreements with both men that he, not they, should have the greater part of the tithes. Stoning accepted £20, Daubeny an annual sum of £5 13s 4d, a board wage and freedom from payment of tithes or any subsidies to the Queen. According to Daubeny's widow the bargain was not achieved without disagreements.⁶⁹ The arrangements continued until in May 1597 when, presumably following Daubeny's demise, Sheldon leased his land to one Clarke, having perhaps heard whispers of Fielding's intentions and hoping at least to keep hold of the income. Rector Stapleton, instituted in September, tried to claim from Clarke tithes of wool and lambs together with arrears over twelve months (1596-7), possibly the months of the vacancy, of tithes on more than one hundred horses.⁷⁰

Stapleton almost certainly took his case first to the Consistory Court but the relevant volume has not survived; a partial though undated record of proceedings in the Court of Arches exists and a full record in the exemplification of the resolution in February 1603.⁷¹ Neither Stapleton's defence, the depositions of the witnesses he summoned or any basis for his claim survives. The collective memory of witnesses for Clarke, local men known from other sources, stretched back to Willington's actions in the 1530s; they unanimously agreed that 'no tithes were to be paid in kind in the memory of man' and that the only payment

⁶³ On 6 September 1597; Bodleian Library, Oxford (hereafter Bodl.), MS Tanner 427, f.131r.

⁶⁴ Birmingham Archive and Heritage, MS 3061/1/485, 3 January 1597/98, (hereafter BAH). It perhaps carries suggestion that the *ius patronatus* had not been checked carefully and diocesan records ignored.

⁶⁵ TNA C142/211/194, 1585.

⁶⁶ BAH MS 3061/1/126; confirmation obtained 23 March 1604 from Registrar Warmistry.

⁶⁷ Sheldon's purchase BAH MS 3061/1/401; the dispute TNA C78/14/36, C 78/33/30, C 78/36/27, most easily viewed on www.AALT.edu.

⁶⁸ BAH MS 3061/1/409; Davenport, Presentations, no. 504, bond only.

⁶⁹ Bodl. MS Tanner 427 f. 131v which also lays out the arrangements.

⁷⁰ Bodl. Lib., MS Tanner, fo.131 says Clarke owed 2d on 340 fleeces and 5d on 329 lambs, a total of £7 4s 2d ; BAH MS 3061/1/428 claimed he was also grazing more than 100 horses.

⁷¹ Bodl. Lib., MS Tanner 427 f.131r-131v, cited by R.H. Helmholz, *The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s*, The Oxford History of the Laws of England, I (Oxford: Oxford University Press, 2004), p.447, n.47. The page numbers in the Tanner Ms margins seem likely to refer to the Consistory Deposition Book. Helmholz does not appear to know of the exemplification BAH MS 3061/1/428.

which had ever been made was an annual £5 13s 4d.⁷² After a hearing presumably in Worcester before bishop Gervase Babington and his registrar William Wood the case was sent to the Court of Arches,⁷³ and then to the common law courts of the Assizes at Worcester on 11 March 1603; its final resolution was set out in 1605 in an exemplification witnessed by Sir John Popham, then Lord Chief Justice.⁷⁴ Stapleton probably never knew the result; described as MA, preacher of the divine word, chaplain to Henry, Lord Berkeley, he was granted a dispensation to hold both Ditchford Frary and the perpetual vicarage of Monks Kirby, the parish in which the Fieldings resided some twenty-three miles away.⁷⁵ His successor at Ditchford Frary, Francis Chowne MA, presented by the Queen through lapse on 12 February 1603, was apparently happy to accept the on-going situation and, presumably, would abide by the outcome.⁷⁶ The matter was finally settled within the family in 1624 when Edward Sheldon (1588-1643) purchased the manor with its rights, a tacit admission of previous wrongdoings.⁷⁷ The chapelry was subsequently absorbed into the neighbouring parish of Stretton on Fosse.⁷⁸

Ralph was also taking advantage of the trade in tithes further afield. He held a lease from the Duchy of Lancaster of a house and its 130 acres suitable for corn growing in Deddington, Oxfordshire.⁷⁹ He signed an agreement in February 1581 with two men, William Andrewes and William Bond, who had recently inherited the right to the tithes from their mother in law. Sheldon was to enjoy a moiety of the tithes of corn and hay in Clifton and Hempton, outlying hamlets within the parish, for three years, and of the other moiety of corn and grain in Hempton for the same period. If however he were to be evicted from 'quiet enjoyment' in the first year the £80 was to be repaid in full, if evicted in the second year £70 was repayable and in the third year only £40.⁸⁰ Andrews and Bond entered into a bond for £160. Almost immediately their ownership was challenged by others so that the agreement could not be kept. Verbal fencing kept the case in the law courts for several years; it was still proceeding in April and August 1587.⁸¹ Its resolution is unknown.

⁷² 'Nullas decimas esse solutas in specie infra memoriam hominum'.

⁷³ The event is undated; evidence was heard by Master Daniel Drew, Richard Swale, John Gybson, John Lloyd, John Horne, John Amye and Thomas Bradley.

⁷⁴ BAH MS 3061/1/428, 12 February 1604/5.

⁷⁵ *CPR 1599-1600*, C. Smith, S. R. Neal, C. Leighton, (eds.), (Kew: Lists and Indexes Society, 332, 2010), no. 285, 28 November 1599. He was permitted to exchange either living for another, provided no more than 30 miles separated the two parishes. A suitable minister was to be provided for the parish from which he was most frequently absent.

⁷⁶ Davenport, Presentations, no.1320.

⁷⁷ BAH MS 3061/1/216. He also extinguished the annuities payable from the lands to the Fielding family set out in Willington's will, TNA PROB 11/42B/642.

⁷⁸ *Victoria County History Warwickshire, Kington Hundred 5*, L. F. Salzman, ed. (London: 1949), pp. 153,156, (hereafter *VCH* and county).

⁷⁹ TNA DL 42/117, fos. 78-90.

⁸⁰ TNA C 2/Eliz/A8/55. Nothing of this appears in *VCH Oxfordshire, Wootton Hundred (i)*, 11, A. Crossley and others (eds.), (Oxford: OUP, 1983), pp 81-120.

⁸¹ WaCRO CR 2632, fo. 56.

To make the venture worthwhile presumably Sheldon had expected to make more than £80, the purpose of the deal, as he said, being to ‘make the necessary provision of his house’. Whether he had been aware of the risk of losing the profits or whether, knowing that the tithes were already the focus of a long-running and complex dispute, he saw in the possibility that he would be deprived of his entitlement an opportunity to make a profit is hard to establish.⁸²

Ralph was still less successful at Steeple Barton, a few miles further south, where eventually he succeeded in buying the smallest of the three manors for his son, beginning by acquiring a quarter share of that manor and its tithes.⁸³ The bargain was disputed almost before arrangements were concluded because the intention behind the deal had been to satisfy the previous owner’s creditors. When Sheldon’s men attempted to make hay and cut timber they were met with violence from men employed by the creditors, claiming the rights Sheldon thought he had acquired. As more and more parties became involved, Sheldon suspended payments due for the purchase, engendering another legal battle fought by his son.⁸⁴ Meanwhile, Ralph did not behave to others in the parish as he would have them behave to himself; Oxford’s church court records reveal a long-running tithe dispute in which Sheldon argued vociferously about his own liability for tithes, saying he would stock his land with cattle rather than pay tithe on his lambs to the vicar.⁸⁵

Though still paying rent for and presumably profiting from a portion of the tithes at Atch Lench, Worcestershire, leased by his father from the Dean and Chapter of Westminster, these other deals may have been cut to offset loss of income from the end of leases elsewhere.⁸⁶ Ralph had inherited and anticipated the right to enjoy the final ten years (1576-86) of a thirty-year lease of ‘certain tithes of lamb, grain, hay wool and others’ in Burmington, Warwickshire. A challenge uncovered a second sub-lease for the same term and the tithes reverted to the patron, Merton College, Oxford.⁸⁷ On the expiry in 1575 of the Sheldons’ sixty year lease the tithes of grain and hay at Flyford Flavel were granted to an official in the royal household, still for a rent of only 6s 8d.⁸⁸ Complicated, and virtually concealed, arrangements were made to renew the lease of Bishampton in 1585 possibly with the help of Whitgift; Ralph was later permitted to create a sub-lease to his son, although the rights of patronage were specifically excluded.⁸⁹

⁸² TNA C 2/Eliz/B7/54; C 2/Eliz/B29/56.

⁸³ *VCH Oxfordshire, Wootton Hundred* (i), 11, Steeple Barton, pp. 59-75.

⁸⁴ TNA STAC 8/162/6, sheet 31, 23 Nov 1604; C 2/Jas1/S12/32, 1604.

⁸⁵ *Oxford Church Courts, Depositions, 1542-1639*, Jack Howard-Drake, ed. calendared in 10 volumes, (Oxford: Oxfordshire County Council, 1991-2007), *Depositions 1603-1606*, (1999), no.70, fos.385r-v, 386v,387v-388v. The full transcript is deposited in Oxfordshire History Centre, shelfmark A21 F7.

⁸⁶ TNA PROB 11/53/79; WaCRO CR 2632, fos. 25, 26, 61, 180.

⁸⁷ TNA C 2/Eliz/S18/1 Easter term 1575.

⁸⁸ *CPR 1572-75*, no. 3224; they were re-granted, to others, in 1599, *CPR 1598-99*, S.R. Neal, C. Leighton, eds. (Kew: Lists and Indexes Society, 328, 2009), no. 1411(22).

⁸⁹ It is unlikely that Sheldon lost the use of the property in 1585 when it was passed to men in his service by a George Whitgift of Lambeth for the remaining term of 20 years BAH MS 3061/1/386; in 1600 rectory, parsonage, lands, tithes, oblations and fruits were leased by John Whitgift to Ralph for three lives, the patronage

Sporadic references in deeds or entries in the account book suggest that Ralph also received money from tithes in places to which he had no connection. In May 1588 Thomas Warkeman paid over £3 10s 1d from tithes at Great and Little Welford and from Tidmington where his legal rights are hard to establish.⁹⁰ Complicated four party transactions in Brailes between October 1586 and June 1587 seem to have resulted in tithes on corn and a wide range of grains from specified yardlands belonging to Barnabas Bishop being transferred to Sheldon for a five year period as security for loans made to Bishop.⁹¹

Conclusions

Sheldon's activities reveal clearly how little Henry VIII's break with Rome had been a Reformation. Except for matters relating to the pope or to the religious houses no major changes to the structure of the Church were made; Henrician statutes which provided for total revision of Canon Law were shelved and a plan for its re-shaping, the *Reformatio Legum Ecclesiasticarum*, drawn up by a commission in king Edward's reign, failed to receive support, then or later.⁹² Three tithe acts merely confirmed the existing customs.⁹³ Just as Queen Elizabeth could leave sees vacant and enjoy the temporalities for several years or use Church lands as a reward for her servants, as she did for example for her physician the Portuguese Lopez, rewarded with lands in Blockley and Tredington, a layman like Ralph Sheldon might well feel he could do the same.⁹⁴

The Sheldon family's relations with the see of Worcester had been close since the start of the sixteenth century, even when in the hands of Italian bishops 1497-1535 as witnessed by bishop Massarosa's lease to Willington.⁹⁵ Two subsequent bishops were distant family relations; John Bell, vicar general of the see (1518-26) before holding office from 1539 to 1543) and Nicholas Heath, (1544-51, 1554-55) and later Archbishop. This cosy relationship stopped short of the Catholic Cornwallis' offer to supplement bishop Freke's salary in the hope of preventing him moving to a wealthier see, but was not perhaps so

excepted, for a rent of £27; he was responsible for repairs, BAH MS 3061/1/ 357; the next year Ralph sub-let, with the Dean's permission – a man well known to him Richard Eades – to his son for a rent of only 12d annually, BAH MS 3061/1/358.

⁹⁰ WaCRO CR 2632, f.112.

⁹¹ BAH MS 3061/1/307 in 1586; MS 3061/1/384 in 1587; MS 3061/1/418 in 1587 and WaCRO CR 2632, fos. 61, 90. The grains were listed as wheat, rye, barley, beans peas and oats.

⁹² Patrick Collinson, *The Elizabethan Puritan Movement*, (London : Jonathan Cape, 1967), p. 38; J. E. Neale, *Queen Elizabeth and her Parliaments 1559-1601*, 2 vols., (London : Jonathan Cape, 1953), (1), pp. 63-4, 195-7.

⁹³ *Statutes of the Realm*, Tithe Acts 23 Henry VIII; 37 Henry VIII; Edward VI 1548-49; existing difficulties are well illustrated by Susan Brigden, 'Tithe Controversy in Reformation London', *The Journal of Ecclesiastical History* C 66/ xxx] L&I vol 297 1587-88, no. 111(8), 28 October 1588, 32 (3), 1981, 285 – 301; DOI: <https://doi.org/10.1017/S0022046900031420>

⁹⁴ *CPR 1587-88*, Simon R. Neal, (ed.), (Kew: *Lists and Indexes Society*, 2007), 297 no. 111(8), 28 October 1588.

⁹⁵ Kevin Down, 'The administration of the see of Worcester under the Italian bishops, 1497-1535', *Midland History* 10 (1995), 1-20; TNA C 1/655/28.

different.⁹⁶ Diocesan officials too were well known at least to Ralph, three generations of Registrars drawn from the Warmistrey family in particular, their continuing presence a counter-weight to the short stay of most of the bishops when Sheldon might take advantage of new man's unfamiliarity with his new administration as he settled in.

There is a very clear contrast between the total control of his assets exercised by Ralph Sheldon and the lack of control seen on the part of the Church. Even though Ralph treated his rights as entirely his own while the Church was limited by legal procedures, there would seem to be points at which the episcopal administration could have intervened and acted more forcefully. Both appointments approved by bishop Bullingham's administration turned out to be flawed. By canon law Roger Smythe's ignorance should probably have disqualified him immediately. Perhaps he was not closely investigated simply because the recommendation had come, albeit indirectly, from the Sheldon family. Bullingham was himself a product of the governing class in Worcester city; his father and brother were both bailiffs there and he would have been aware of the Sheldons' prominence in both Worcester and Warwickshire.

Hill's brief removal from Tredington remains unexplained; although his university qualifications in addition to his recommendation from Sheldon's lawyer made him appear an excellent candidate it is possible Hill might have been one of the bishop's thirteen step-children by his second marriage, a point which would have been picked up, and picked on, only later. His antecedents were not stated in his matriculation record, but there are hints of links to the Hill family of Shilston, Devon, that of his father.⁹⁷ The way was open for local mutterings about the old grievance of simony against which no measures had been taken. Other impediments might have emerged from Whitgift's lengthy and searching Visitation articles of October 1577; article 2 concerned simony, article 12 the holding of two cures simultaneously without dispensation, the now incomplete article 41 concerned church lands.⁹⁸ The Visitation was conducted at almost the same time as the Privy Council's request for each bishop to supply the numbers and social status of Catholics within his diocese.⁹⁹ Though initially omitted Sheldon's name later came to Whitgift's notice so that the bishop might have been looking at matters connected to Sheldon with particular attention.¹⁰⁰ For similar reasons, it is possibly not entirely coincidental that between 1576 and 1579 in two parishes where Ralph had the right to present the technicalities were in fact performed by others on his behalf, foreshadowing the statute of 1606.¹⁰¹ At Beoley where the advowson belonged with

⁹⁶ A. H. Smith, *County and court : government and politics in Norfolk, 1558-1603*, (Oxford : Clarendon Press, 1974), pp. 214-228.

⁹⁷ *ODNB, Bullingham; Alumni Oxonienses: the members of the University of Oxford, 1500-1714*, J. Foster, ed. (Oxford ; London : Parker, 1891-2).

⁹⁸ Kennedy, *Episcopal Administration*, 26: pp. 53, 55, 61.

⁹⁹ Peter Lake, 'A tale of two Episcopal surveys: the strange fate of Edmund Grindal and Cuthbert Mayne revisited', *Transactions of the Royal Historical Society*, 6th series, 18 (2008), 129-162.

¹⁰⁰ Turner, 'Cloaked in conformity', 566.

¹⁰¹ *Statutes of the Realm*, 3 and 4 Jas I, cap.5 (13).

the Sheldons' manor the presentation in 1579 was made by his bailiff Robert Harpur.¹⁰² More's successor at Stretton on Fosse, Thomas Evans, was presented by a Sheldon lawyer William Child of Pensax the same year and his successor in 1581, Dom Francis Hunt, by Nicholas Hobday of Broadway.¹⁰³ Hunt was the respondent to bishop Freke's Visitation.¹⁰⁴ His will, proved in 1597, reveals him as a wealthy, generous and conscientious resident pastor, married to a village girl.¹⁰⁵ At no point, however, did Sheldon obviously advance the interests of his own relatives.

Elsewhere, however, the consequences of his actions were less positive. By 1617 Tredington was in an uproar. The parishioners petitioned the Commissioners for Causes Ecclesiastical to remove Horton, claiming simoniacal practice in his appointment.¹⁰⁶ Their candidate, Richard Betts, was duly instituted while Horton, after a lawsuit in Chancery, was permitted to serve thereafter as his curate, provided with a house and £100 annually from the glebe, now said to be worth an annual £500, sums considerably higher than those allotted to Hill. In 1630 Ralph's grandson William (d.1659) together with his steward and his son made amends, presenting him to Barcheston where he died in 1639.¹⁰⁷ Ralph Sheldon had not done well by the parish.

Rector Stapleton's action in claiming tithes at Ditchford Frary is much harder to judge. His reasons for doing so have not survived, nor has any justification on the part of officials. They were not legitimate, but the existing situation was only barely so. Quite probably the situation would have remained below the radar but for Fielding's decision to make the presentation to a chapel with only a somewhat tenuous right to do so, perhaps only to pursue the quarrel with his father initiated by William Sheldon forty years before.¹⁰⁸

The case, however, demonstrates inter-action of first the local then a higher ecclesiastical court before, defeated, re-affirmation of the existing situation was sought from the civil courts in the exemplification. Similar separation of competence is clear also in the Tredington case; the Consistory Court and above for ecclesiastical matters and Westminster, secular, courts for violence. Conversely, when Hyckes failed to get his way over Barcheston arrangements in the Archbishop's Court of Audience he resorted to the civil courts, albeit to no avail. A striking absence of truth told emerges from all the court records. In Star Chamber, for example, neither Sheldon nor Hill could disclose the true state of affairs; Ralph could not

¹⁰² Davenport, Presentations, no. 786A.

¹⁰³ Dugdale, *Antiquities*, (i): p. 600, 29 July 1575 and Hunt *ibid*, 28 August 1581; Davenport, Presentations, nos. 839-41.

¹⁰⁴ Barratt, *Terriers*, 2: pp. 62-6.

¹⁰⁵ His marriage bond WAAS Wills, 1584/27d; PROB 11/90/446 as Francis Hunt. His successor, Samuel Burton, appointed by Sheldon, was of equal calibre, Davenport, Presentations, no. 1168, Clergy Database CCEd Person ID: 25113.

¹⁰⁶ TNA C 78/268/6; C 2/JasI/H1/45, sheet 3, Richard Betts; Clergy database is incorrect for this period.

¹⁰⁷ WAAS (formerly WRO), Episcopal Register b 716.093-BA.2648(ii); WAAS, Wills 1639/118.

¹⁰⁸ TNA C 78/14/36 and C 78/33/30 (Ditchford Frary), C 78/36/27(disputed will) and C78/39/15 (Chelmscote), now available on www.AALT.edu.

reveal his offer, Hill could not reveal its acceptance. It is ironic that Hill alone whispered the word 'simony', even though it told against his own conduct.¹⁰⁹

The court of public opinion was more assertive. Although Sheldon had convinced the Justices of the validity of his legal points, his conduct at Tredington in October 1586 had consequences for his personal life. Soon after Hill's arrest a Worcestershire clothier informed against William Childe and Sheldon's brother William. In a letter sent to Sir Francis Walsingham he complained that both were 'in great kindred, affinitie and alliance to friends of that countrey and of the better sorte for hability being known favorers of the Romish religion.'¹¹⁰ Hill too made the point that Sheldon was not one 'to save the present estate of religion.'¹¹¹ Not without difficulty, a year after the event, Sheldon was convicted as a recusant, subject to fines of £260 a year, by the same Justice who had granted him powers of arrest.¹¹² He paid for only three years before apparently finding a means to quash the conviction.¹¹³

Clearly Sheldon's behaviour was far beyond the spirit in which the tithe system had been intended to function. But failure to re-organize the structure meant that there was no existing mechanism in the law, canon or civil, to put a brake on his arrangements and, again in law, it would have been difficult for any incumbent to complain, especially since in this case agreements always seem to have been honoured and Hill in particular was well paid.¹¹⁴ Moreover it should be noted that the amounts allowed to Hill from the tithes at both Barcheston and Tredington were higher than the valuations of 1535.¹¹⁵ Whether Sheldon's actions were a thought-through attitude, designed only to irritate, deliberately malicious or a natural human wish to avoid taxation and take profits his by purchase is impossible to determine. He acted knowing that he was unlikely to suffer reprimand and well aware that, despite being well known, the problem of the inadequate funding of church resources and the often inadequate remuneration of parochial clergy was not likely to be addressed. Demands for salaries began to be heard only later in the century by which time the opportunity to pay salaries to ministers on the model of continental churches had been missed.¹¹⁶

Exactly on what produce or crops Ralph was entitled to receive tithes is not always known, (see Table 1). Equally, near complete absence of figures other than those advanced in the law suits make it impossible to estimate what percentage of Ralph's income might derive from the profits of tithes and therefore what contribution to housekeeping costs they might

¹⁰⁹ TNA REQ 2/233/66, sheet 7.

¹¹⁰ TNA SP 12/195 f.58.

¹¹¹ TNA STAC 5/H31/35, Hill's Complaint.

¹¹² TNA SP 12/206/, f.175.

¹¹³ TNA E 401/1842-46; Turner, 'Cloaked in conformity', 570-2.

¹¹⁴ Tyler, 'Parochial Clergy surveys the wider situation.

¹¹⁵ *Valor Ecclesiasticus temp. Henry VIII, auctoritate regia institutus*, J. Caley and J Hunter, (eds.), (Record Commission London, 1810-34), III, £13.6s 8d and £37 13s 9½d clear respectively.

¹¹⁶ Roger B. Manning, 'The Crisis of Episcopal Authority during the Reign of Elizabeth I', *Journal of British Studies*, 11(1) 1971, 1-25, at p.7, n. 28.

have made. Inflation and rising commodity prices increased revenue from produce sales while produce used at home offset household expenditure. Sir John Lyttleton's tithes from the rectories of Arley, Hagley and Halesowen worth £49 5s 10d in 1574 had trebled to £148 15s 4d by 1602.¹¹⁷ A multiplier as low as five (estimating from 1535 values) for the values set out in the last valuation of church property, the *Valor Ecclesiasticus* of 1535, would suggest that Sheldon's total annual income could have reached £500.

It is clear that the family set great store by the right to present and that it was both considered valuable and worth safeguarding. At Tredington in 1630 the cure passed to William Smyth, Warden of Wadham College, Oxford, to which the Sheldons had an indirect link.¹¹⁸ The Petre family, into whom Ralph Sheldon's grandson had married, had been associated with its foundation in 1610. Whether or not this was a voluntary decision by the Sheldons or a decision imposed is unknown. It implied an absentee rector, but it signified politic acceptance of limitations on Catholics even if in the circumstances they were unlikely to be onerous.¹¹⁹ At the earliest stirrings of the Civil War in 1642 Ralph's son Edward and his grandson William took care to grant all their advowsons, Tredington included, to long known family friends, essentially putting them into trust.¹²⁰ The revenues formed part of the family jointures for the next one hundred and forty years.¹²¹

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¹¹⁷ J. M. J. Tonks, 'The Lyttletons of Frankley and their Estates 1540-1640', unpublished B Litt thesis University of Oxford 1978, p.34, nn.4,5. Halesowen had been valued at £11 3s in 1535; Tyler, '*Parochial Clergy*', 88-89, 91, for some useful comparative figures.

¹¹⁸ WAAS (formerly WRO) b 716.093-BA.2648(ii) (Episcopal Register of John Thornborough). Smyth would later marry Berkley's daughter, ODNB.

¹¹⁹ He was also appointed to Whichford, but by 1640 Smyth had left the parish; he was formally ejected in 1646, ODNB.

¹²⁰ WaCRO CR 580/36/12, January 10th 1641/2, John Keyt and Thomas Childe the advowsons of Tredington, Worcs., Long Marston and Shenington, Gloucestershire, and Stretton on Fosse, Barcheston and Whichford in Warwickshire. The asset does not seem to have been included amongst the investigations of Catholic property during the Commonwealth. Eilish Gregory, *Catholics during the English Revolution, 1642-1660*, (Boydell 2021), has no index entry for the subject.

¹²¹ WaCRO CR 4502/8, 9.