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An Account of the Heath House Estate, Stapleton Gloucestershire

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AN ACCOUNT OF THE HEATH HOUSE ESTATE, STAPLETON, GLOUCESTERSHIRE. ¹

By LEWIS JOHN UPTON WAY, F.S.A.

No account of the parish of Stapleton appears in Domesday Book apart from the Hundred of Barton Regis in which it was included ; moreover, on consulting the various county histories I find that modern historians have bestowed but scant attention upon it. Sir Robert Atkyns, writing in 1712, gives a meagre and far from accurate account. Samuel Rudder, writing many years later, corrects his mistakes.

Stapleton lies on the banks of the River Frome, between two and three miles from the centre of Bristol. Once a rustic and beautiful village, it is now but little more than an attribute of its great city neighbour, which, octopus-like, has shot forth on every side its feelers and engulfed all they could lay hold of. Time was when the view to be obtained hence was difficult to surpass ; at the present day the most notable objects to be seen from the village heights are the workhouse, railway viaduct, and gasworks.

In the reign of Edward IV, and for many a long year before, a considerable estate in this parish was owned by one of the smaller religious houses of Bristol, the Hospital of St. Bartholomew, which had been founded in the thirteenth century by the then Baron de la Warre, head of the house of West. The Hospital building stood hard by Christmas Steps ; its beautiful early English gateway still remains, a familiar object to generations of our citizens ; its precincts were bounded on the east by land of the Franciscan friars ;

¹ A paper read to the Bristol members of the Bristol and Gloucestershire Archæological Society on Wednesday, February 14th, 1912.

on the north by that of the nunnery of St. Mary Magdalen, now represented by the King David Hotel, at the bottom of St. Michael's Hill; on the west by Knifsmith Street, now called Christmas Steps; and on the south by Prior's slip and shipbuilding yards.

Of the Hospital estate in Stapleton I have been able to find no account beyond that contained in a few documents preserved at Ashton Court.

Towards the western extremity of the ridge in Stapleton called Purdown, bounded on the north by the Horfield valley, in which may be seen the so-called Boiling Well, on the south by the valley of the Frome and the village of Stapleton, stood the capital messuage or mansion house of the Bartholomew brethren, called Little Horfield, or the Heath House.

The earliest deed concerning the estate extant, dated 23rd June, 1425, is a Latin copy of the original, which is not forthcoming. It gives us an interesting list of Stapleton field names.

1425. "John Arundel, master etc., greeting etc., Know ye that we have confirmed and granted to Richard Dautesey alias Dic: Bailey and to Ellen his wife and to their assigns all that our tenement called Little Horfylde or Hethe House situate in Barton Regis near Bristoll with the closes to the same tenement annexed, with all the lands and meadows written below, viz. :—

"A piece of land lying upon the hill called Mosylande between the land of Durant's place on one side and the land of Tortlesplace on the other side, and extending above the land of Stephen Kanesclip.

"And a piece of ground lying between the land of Boionnes-place opposite Glasspillesmylle on one side and the royal land of the lord of Barton on the other side, extending from the land of Robert Crokker up to Estonnesmer.

"And a certain strip of ground lying between the land of Tortlesplace and the land of Goresplace.

"And a piece of ground and pasture at Stonyford lying

between the land of Wyldesplace on each side and extending from the land of Wyldesplace to the royal land of the lord king.

“ And a piece of ground and pasture lying at Northwell between the land of Wyldesplace and land of the prior of St. James of Bristol called Moutenhill.

“ And a piece of ground lying upon Asleye between an acre of land of Horesplace and the land of Tortlesplace extending above the royal land of the Abbot of St. Augustine of Bristol.

“ And a piece of ground and pasture at the Lepegate lying between the land of Wyldesplace and the land of Tortlesplace extending from the Lepegate up to the land of Wyldesplace.

“ And a piece of ground lying between the ground called Mousylande on one side and the land of Wyldesplace on the other side, extending from the Mousylande to above the Wyldehill.

“ And a piece of ground lying opposite the gate of Little Horfield between the ground called Mouseylande on one side and the land of Thomas Crokker on the other side.

“ And a parcel of ground lying below the hill between the land of John Woodwarde on one side and the land of Goresplace on the other side.

“ And a piece of ground lying between the land of Ely Hiot on each side.

“ And a piece of ground lying in the same furlong between the land of Richard West on one side and the land of Robert Mascoll on the other.

“ And a piece of ground lying at Estonmere between the land of Richard West on one side and Estonmere on the other side extending above Wyldesplace.

“ And a piece of ground lying upon the hill between the royal land of our lord king on one side and the hedge of Little Horfelde on the other side extending above the tenement and enclosure of Little Horfelde to the land of Wyldesplace. And a grove called Wallemede lying near the Lepegate between our land of Little Horfelde on each side.

“ And a parcel of ground lying between Wallemede and the royal land of the lord king on the other side extending above the lake.

“ And a parcel of ground extending above Wallemede lying between the land of Wyldesplace and the land called Wakemann’s acre of Ruggeway.

“ And a parcel of ground lying at Wallemede’s corner between Turtleslande on one side and the land of Horfelde on the other.

“ And a piece of ground lying between Wallemede on the north side and the land of Horfield and enclosure, and the land called Turtleslande on the other side.

“ And one acre of meadow lying in Mikilmede between the fardel of meadow of Robert Colner on one side and a meadow of Robert Crokker on the other.

“ And one half acre of meadow lying in Langeham between the meadow which Robert Colner formerly held on one side and a meadow of John Dornt on the other side and another fardel of meadow in Langenham lying between the meadow called Dogoodesacre on one side and the meadow called Turtlesmead on the other side. Three fardels of meadow lying in Langenham between the meadow of John Woodeward and the meadow of Gorehouse.

“ We grant also to the aforesaid Richard four half acres of meadow with their appurtenances lying in the meadow of Filton in the County of Gloucester. To have and to hold the aforesaid tenement, etc., to the aforesaid Richard Dautesey for the term of fifty years, paying anually to us twenty-six shillings and eightpence sterling at the four usual terms of the year, saving always service to the king and to the capital lord of the fee. (Then follow the customary clauses dealing with repairs and power of distraint.)

“ Given in my Hospital House on the 23rd day of June in the 3rd year of the reign of Henry, sixth after the conquest 1425. *Witnesses* Mark Willyam, Edmund Britte, John Chaplyn and others.”

Mark Willyam was Mayor of Bristol 1422-3. His name frequently appears in witness to deeds about this period.

Although the above lease is for fifty years, the next one tells us that the estate had reverted to the Hospital at the end of thirty-seven years, and that a new master had been elected. It reads as follows:—

1462. “To all Christ’s faithful ones to whom the present writing shall come John Whyte, master of the Hospital of Saint Bartholomew of Bristol and the brethren and sisters of the same place send greeting in the Lord everlasting. Know ye that with universal consent we have granted and demised to Thomas Cory of Barton Regis near Bristol and to Joan his wife, and to John Cory their son the manor or tenement with all its appurtenances of Little Horfylde lying in Barton aforesaid which John Howel and Lusota his wife and Thomas Hooper lately held. We have granted the same and demised also by this our present writing to the aforesaid Thomas and Joan his wife and John their son a certain meadow called Whelemede in the aforesaid hundred. To have and to hold the aforesaid manor to Thomas, Joan and John from the day of the sealing thereof to the end of sixty years next ensuing. returning thence to us annually or to our successors for the manor 26 shillings and 8 pence and for the meadow 6 shillings and 8 pence at the usual quarters of the year.”

The hospital seal is appended, unfortunately much damaged. There are no witnesses. We learn from it that Richard Dautesey alias Dic: Bailey had parted with his lease to John Howel, Lusota his wife, and Thomas Hooper.

The next lease, dated 1507, forty-five years later, shows us that the estate is once more in the hands of the Hospital, which is again under the governance of a new master.

1507. “To all Christ’s faithful ones to whom this present indented writing shall come, James Botiller, master of the Hospital of Saint Bartholomew of Bristol and the brethren and sisters of the same place greeting in the Lord everlasting.

Know ye that we have granted and demised to John Harryes of the town of Bristol; grocer, and to Alice his wife all our manor, messuage, or tenement of Little Horfylde otherwise called the Hethe house lying in the Hundred of Barton Regis near Bristol which Thomas Cory and Joan his wife and John their son lately held. We have also granted to them a certain meadow called Whelemede in the said hundred. To have and to hold to them and their heirs for the space of ninety-nine years from the date of the signing hereof. Paying annually to us or our successors for the manor 26 shillings and 8 pence and for the meadow 6 shillings and 8 pence at the four usual terms. Dated Sept. 28th 1507."

The seal has disappeared, and there are no witnesses.

The next deed, dated 1518, is a lease from the Hospital to John Harrys, dealing with different land in Stapleton. Once again we find a change of mastership.

1518. "To all Christ's faithful ones to whom the present indented writing shall come, Humphrey Sayvell master of the Hospital of Saint Bartholomew of Bristoll and the brethren and sisters of the same place greeting etc. Know ye that we have granted and demised to John Harrys of Bristoll, grocer, and to Alice his wife

A croft called the Mercroft and a grove adjoining

One acre of ground and two strips of ground in the Newfeld

Three strips of ground upon Verthull

Half an acre of ground in Edeshamdene

" " " " " at the Well

" " " " " near the Firres

" " " " " in the Worthey

Five strips of ground in the Borne

" " " " and meadow in the Mede furlong

Three " " " in the Gaston

One strip of ground in the Pulgaston

One acre of ground opposite Estenford towards the hill

And one acre and a half of meadow in Langenham

To have and to hold the aforesaid croft, acres and strips of land to John and Alice paying to us or our successors four shillings sterling at the four usual terms. Dated the Vigil of St. John the Baptist in the 9th year of Henry VIII 1518."

John Harrys, grocer, was Sheriff of Bristol 1505-6.

A dispute arose over the land mentioned in this deed some years afterwards, when John and Alice Harrys were dead and had been succeeded by their son, David Harrys, for we find, under date 1555, a bond whereby David Harrys, grocer, of Bristoll, firmly binds himself to pay to Thomas Walter, of Horfield, £40. The condition of which obligation is such that "if the above bounden David Harrys do stande to obey, performe, and fulfill the awarde, arbitrament, rule, ordynance and judgement of Henry Brayne Esq. and John Whyte, gent: arbitrators indifferently appointed as well on behalf of the said David as on behalf of the said Thomas, to arbitrate and a final determination to make of and uppon all manner of accions, sutes, strifes, covenants, accomptes, trespasses, debts, execucions and demands whatever they be from the begynyng of the world untill the day of the date hereof. So alwaies that the said awarde be made and given upp at this side the feast of Saint Bartholomew the Apostle next ensuing the date of these presents. That then this obligacion to be utterly voide and of none effect or els to stande and abide in his full power, strength and vertue. Per me David Harris.

"June 26, 1555."

The arbitrators decide as follows:—

"This awarde made the 13th day of August in the 3rd and 4th years of the reignes of Philip and Mary (1556) by Henry Brayne Esq. and John Whyte, gent:

"First we do awarde that the said partyes on this side the feast of Saint Bartholomew next ensuing shall release each the one to the other all action, personal sutes, quarrels and trespasses from the begynyng of the world to the date hereof.

“Item, we do awarde that the said David Harrys before the 16th of August next ensuing shall contente and pay to Thomas Walter the sum of 26 shillings and 8 pence, to be paid at the now mansion house of the said David Harris in Bristol, and that the said David shall stande to all such charges as he hath already sustayned in the sute of the lawe against the said Thomas. And we do awarde that he the said Thomas Walter shall peasably permit and suffer the said David Harris quietly to enjoy all such croftes, groves, or woodes, landes, meadows, pastures, commons, furies, hethes and all the commodityes and profytts thereunto belonging or which of right ought to belong comprysed in a pair of indentures bearing date 1518 between Hymphrey Sayvell and John Harrys as by the same may more plainly appear. In witness whereof to thys o’er present awarde we have put o’er seales. Geven the day and yeare fyrst above wrytten

“HENRY BRAYN, by me JOHN WHYTE.”

Before the date of our next deed the Hospital of Saint Bartholomew as such had ceased to exist. It is one of the few examples we have of a religious institution being diverted from its original purpose some years before the breaking of the great storm which overwhelmed its contemporaries throughout the country. The whole story as given by John Latimer in his *Sixteenth-Century Bristol* is too long to quote: suffice it to say that the Lord de la Warr of the day, as patron, and George Croft, the master, upon certain conditions and for certain considerations parted with the Hospital buildings and estates to Robert Thorne, merchant, of Bristol, who desiring to found a grammar school in the town intended to utilise the buildings for that purpose; but dying before this pious intention could be fulfilled, the estates passed into the hands of his brother, Nicholas Thorne, who in his will dated a few days before his death, in 1546, directed that they should be transferred to the Corporation as trustees for carrying out his brother’s wishes. By his death his eldest child, a boy,

became legal owner of the estates, and nothing could be done. When, in 1557, this boy died under age, his next brother, Nicholas Thorne, succeeded, who on attaining his majority, in 1561, transferred the estates to the Corporation.

Our next document is a survey of deeds of an earlier date than itself.

“ THE HOUSE OF SAINT BARTHOLOMEW THE APOSTLE IN THE CITY OF BRISTOL.

“ The Court of the Overseers of all the lands and tenements of the said house with their appurtenances lying some in the City of Bristol, others in the County of Gloucester, taken upon oath of the tenants of the same house the 10th day of July in the 3rd year of the reign of Elizabeth D.G. Queen of England, France, and Ireland, Defender of the Faith, etc., (1561), in the time of Nicholas Thorne, gent: before John Seygbryte and Leonard Poope then overseers of the same as follows:—

“ Thomas Walter holdeth by the assignment of David Harrys Alderman of the Cittie of Bristol, whereof the date is the 13th day of June in the 2nd yeare of the raigne of the late king of famous memory King Edward VI, the manor, messuage or tenement of Little Horfylde otherwise called the Heathe House within the parish of Stapleton with his appurtenances, that is to say, a fayre tenement, a barne and a shepen with three closes joyning together lying about the same tenement contayning eight acres of pasture.

“ A Close called the Lake contayning 13 acres of pasture

“ A Close called Wallgrove contayning 2½ acres of pasture

“ A close called Mousehill contayning 10 acres of pasture

“ A close called Roundabout contayning 4 acres of pasture and one acre of mede

“ A Close called Clampan contayning 6 acres of pasture and one acre of mede ; and Richard Berkeley Esq. hath one acre in the said close and John ap Rise hath one other acre in the same close over and above the said 7 acres.

“ A close called Welemede contayning 2 acres of mede

“ One acre of mede in the common mede of Fylton

“ 20 acres of arable lande, whereof 12 acres of the same lyeth together in stonn furlonge, of the which 12 acres 4 of them are enclosed, the lande of Sir Morris Denis Knt. on the east part and the lande of Hugh Kemyss nowe in the tenure of Richard Welshman on the west part

“ 8 acres of arrable lande rest of the said 20 acres lyeth together in the lower part of the said fylde next to Stapleton.

“ 6 acres of arrable lande lying in divers places of the West fylde whereof three of them lyeth together between the lande of Sir Morryss Barkley, Knt. nowe in the tenure of Thomas Atwoode on the east and west partes and the other 3 acres the said Thomas knowth not who boundeth it.

“ 8 acres of arrable lande lying in a fylde called Asheley where of 4 of them lyeth together and shotythe upon Glass myll between the lande of Robert Brayne Esq. on the west parte and the lande late of Hugh Kemyss now in the tenure of Richard Welshman on the easte parte and the other 4 acres lyeth between the lande of the said Hugh Kemyss on the west parte and the lande of Robert Brayne Esq. on the east parte.

“ And one acre of mede in the lower end of the same IV acres

“ To have and to hold all the above premises to the said Thomas Walter during the rest of the yeares that the said David Harrys have yet to come by vertue of a deede indented bearing date the 28th day of September A.D. 1506 and the hole term that is contained in the said deede is 99 years from the date thereof.

Summa acrum prati	7
Summa acrum pasturi	47½
Summa acrum arrabilis	36
	<hr style="width: 10%; margin: 0 auto;"/>
	90½

“ The same Thomas holdeth by a deede of assignment made by the sayd David Harrys dated July 3rd in the 3rd

year of o'er Lady Queen Elizabeth, A great close joyning to the manor house contayning 20 acres of pasture which close was exchanged with divers other persons longe before thys time for other ground lying in divers partes of the paris of Stapleton for the commoditie of the said manor house.

“ Three acres of arrable lande lying together in a fylde called Asheley between the lande of Robert Brayne Esq. on the south west part and the lande of the said Robert Brayne on the north west part.

“ One acre of arrable in the same fylde lying by the lande of the said Robert on the east and south partes and half an acre of arrable in the same fylde lying between lande of the said Robert on the Est and South partes of the same half acre.

“ One acre of arrable lying in Burdowne between the lande of the said Nicholas Thorne now in the tenure of the said Thomas Walter on the west parte and the land of Sir Morris Dennis on the Est parte.

“ Half an acre of mede lying in Podingmore

“ Two acres and three-quarters of mede lying in Longmede

“ To have all the premises to the said Thomas and his assignes during the term that the said David have yet to come by vertue of a deede indented bearing date the Eve of St. John the Baptist in the ninth yeare of the late king of famous memory Henry VIII which deede was not seen in the courte nor the yeares yet to come are not mencioned in it. Yelding and paying therefore yearly 4 shillings, quarterly to be paid

Summa acrum prati	3 $\frac{1}{4}$
“ “ pasturi	20
“ “ arrabilis	6 $\frac{1}{2}$
	<hr/>
	29 $\frac{3}{4}$

“ Ista copia concordat cum originali

“ per me MORGAN JONES.”

We now have a deed which Nicholas Thorne, junior, who seems to have had great influence with the Corporation, prevailed upon them to enact, and which was afterwards

disputed. It is nothing less than the handing back by them to him of all the estates which he had vested in them as trustees for carrying out the instructions of his uncle and father. For these he agreed to pay the paltry sum of £30 yearly :—

1561. “ This Indenture between the Mayor, Burgesses and Commonalty of the Citie of Bristowe of the one part, and Nicholas Thorne of the same citie sonne and heir of Nicholas Thorne of the same citiee, merchant deceased of the other part Witnesseth that the Mayor etc. grant for certain considerations to the said Nicholas all those messuages, lands, cottages, stables, edifices, gardens, orchardes and voyde roomes which the said Mayor etc. have in the citie and subburbs of Bristol late of the possessions of the late dissolved Hospital of the Barthilmewes viz. the capital house of the said Barthilmewes and the schole house and the other edifices and houses within the outer gate of the said capital house as they be or shall be divided by a mayne wall from the church of the said late hospital, the two several yles or small chappells within the said church excepted and reserved unto the said Mayor etc. for the use of the free school established within the said house the master and ushers of the same for the time being. And also the Mayor etc. grants all the possessions whatsoever of the hospital in the parishes of Clifton, Stapulton, Horfield, Wickwar, Sodbury and Brislington to the said Nicholas Thorne for the rent of £30 yearly to the use and mayntenance of the said free school. Sept. 20, 1561.”

1572. We then get an indenture between “ Nicholas Thorne, gent: of Bristowe, and Thomas Walter, of Horfield, yeoman,” which witnesses “ that the said Nicholas for the sum of £100 paid by the said Thomas grants to him all his messuage or mansion house called the Hethe House, with all its lands and a meadow called Whelemead. Paying yearly at the Tolzey in Bristowe 37 shillings and 4 pence.

“ Witnesses Thomas Hylinge, John Dye, Arthur Yonge, Thomas Read, and Christopher Gallaway.”

Thomas Walter, of Horfield, who we now find securely seized of Heath House and its lands by lease both from Nicholas Thorne, the owner, and from David Harrys, the lessee, for a term of years, was descended from a younger branch of the family of Walter, of Piercefield, in Monmouthshire, whose arms he bore, viz. : " Azure, upon a nut bough issuing from the sinister base proper a squirrel seiant or."

1577. The next document is the will of Thomas Walter, dated 15th March, 1577, wherein he describes himself as of Horfield, and directs that his body be buried in the parish church there. " To his son John Walter he leaves all his lands and tenements in the parish of Littleton and all the right, title and terme yet to come which he had in the farm or mansion house of Horfield wherein he dwelt on condicion that he should permit his wife Joan to dwell therein but should John die before his mother that then his estate should go to his son Richard in default of whom to his son Thomas failing whom to his son Nicholas. He gives to John also one black colte, six cople of sheep which be at Westburie, his best corn wain, three yokes, three oxen strings and one follow. To his sons Thomas and Nicholas his tenement called the Hethe House with all its appurtenances and to the survivor of them. To his son Richard £50, to his daughter Joan £50, to his daughters Agnes, Margaret, Ellen and Alice £40 each, to his sister Elizabeth Walter £40. He appoints his trusty friends John Large the younger, John Dymocke and Richard Jones overseers of his will." The witnesses are John Large, Nicholas Edwards, John Oliver, Nicholas Walter, Arthur Phellips, and others.

1578. Dying within the year, he was buried, according to his instructions, at Horfield, on 29th March, 1578.

His eldest son, John Walter, left the Littleton and Horfield lands to his descendants, who took them in marriage to the Acton family.

1585. Nicholas Walter died in 1585, by which event his brother Thomas became sole owner of the Heath House estate.

Our next document is the settlement that Thomas made

before marrying Elizabeth, daughter of Henry Baynham, of Yate, dated 20th November, 1599. It reads as follows:—

1599. “ This Indenture between Thomas Walter of Horfield, yeoman, and Richard Cole one of the Aldermen of the City of Bristol, Henry Baynham of Yate, clothier, Thomas Bromley of Bristol merchant, and Alexander Baynham sonne of the said Henry Baynham of the other part. Witnesseth that whereas Thomas Walter deceased late father of the above named Thomas was in his lifetime lawfully seised of the tene-ment called the Hethe House and of a meadow called Whealmede which in his last will he left unto him the said Thomas and his brother Nicholas since deceased under age, now in consideration of a marriage about to be contracted between the said Thomas Walter and Elizabeth daughter of the above named Henry Baynham, the said Thomas grants unto the said Richard Cole etc. all the said messuage with its lands to be held by them to the use of the said Thomas for life and then to the use of the said Elizabeth during widowhood with remainder to their issue male lawfully begotten.” This is signed by all the trustees.

Presumably Elizabeth Baynham brought him a dowry to set against the Heath House estate, for there was money to spend on buying land when occasion arose, as we gather from the following deed, dated 1624:—

1624. “ Thomas Parker of the City of Bristol, gent: and Joanna his wife sell for £160 to Thomas Walter of Stapleton all that dwelling house known by the name of the Wild House with its lands in Stapleton amounting to about 80 acres.” The witnesses to this are:—

“ William Yeamans (Notary Public), Thomas Walter, Edward Cox, Richard Walter, Thomas Frauncis (jun.) and Thomas Mortimer.”

The next document, a deed of entail, tells us the name of Thomas and Elizabeth Walter's son:—

1631. “ This Indenture between Thomas Walter of Stapleton, gent: of one part, and Matthew Walter his son and

heir apparent by Elizabeth his wife of the other part. Witnesseth that whereas the said Thomas had conveyed the Heath House and all the land belonging thereto before his marriage to his own use and after his decease to the use of Elizabeth his wife and after the decease of both to their heirs male lawfully begotten. This present Indenture witnesseth further that the said Thomas for the love and affection which he beareth to his said son doth covenant and agree with the said Matthew Walter to permit and suffer all the said lands etc. to come and descend immediately upon and after the death of the said Thomas and Elizabeth to the said Matthew and the heirs male of his body lawfully begotten.

“Signed in the presence of William Yeamans, Francis Yeamans, Thomas Walter, and others, May 28th, 1631.”

At this point it may be well to say a word as to the advowson of the Church of Stapleton, now dedicated to the Holy Trinity, but in the Ashton papers always called the Church of St. Giles.¹ It once belonged to the Earls of Gloucester, by one of whom it had been presented to the Priory of St. James of Bristol, which was itself a cell of Tewkesbury Abbey. At the Dissolution Henry VIII granted the priory estates to Henry Brayne, Esq., citizen and merchant taylor of London. In this grant was included the right of presentation to the churches of Stapleton and Mangotsfield. Henry Brayne left a son, Robert, and two daughters, Eme, wife of Sir Charles Somerset, and Ann, wife of George Winter, Esq.; on their brother's death these ladies became his co-heirs. Lady Somerset left an only daughter, who married Sir Charles Gerard, Knt., who sold the fabric of St. James' Priory to the Corporation in 1626, and in the same year entered into the following bond with Thomas Walter:—

¹ In Ecton's *Thesaurus Rerum Ecclesiasticarum*, 1742, the dedication of Stapleton Church is given as the Holy Trinity. For his dedications Ecton acknowledges his obligation to Browne Willis. It is likely that the change of dedication is owing to Ecton's statement. It will be seen that St. Giles is given as the patron saint in a subsequent deed in 1691.

“ Be it known that I, Sir Charles Gerard of Hallsall in the co: of Lancashire, Knt., am firmly bound to Thomas Walter of Stapleton, yeoman, in 100 pounds of good and lawful English money etc. The condicion of this obligacion being that whereas I for £190 paid by the said Thomas Walter have agreed to sell to him all that the Rectorie and Parsonadge of Stapleton and the Vicaridge thereof with all tythes, profitts and commodities belonging to the same and one ground called Monck's furlonge containing 10 acres and a pension of two pounds of wax per ann: payable by the Proctors of the church of Stapleton and the tolls of the mills of Stapleton and the tythes, profitts and fruits of a certain hill and land called Northeway and have agreed by fine, recovery and other conveyances to passe and assure the same to Matthew Warren of the city of Bristol clothier, Frauncis Creswicke and Thomas Jackson of the said city merchants to the intent and purpose that they shall pass by deed the said Rectory and lands to the said Thomas Walter and his heirs forever or to John Walter sonne of the said Thomas. If now the said Sir Charles Gerard shall passe and assure the said premises by the 20th day of June next ensuing the date hereof. That then this obligacion shall be void and of none effect or els to remain in full power, force and vertue. April 24, 1626. Signed CHA: GERARD.

“ Witnesses William Yeamans (Notary Public)

“ Edward Cox.”

No time was lost in completing this bargain, as our next document, dated 23rd May, 1626, is a royal licence from King Charles I, “ allowing on payment of 40s. his beloved and faithful Charles Gerard, Knt., Matthew Warren, Francis Creswicke, and Thomas Jackson to grant and alienate to his beloved John Walter son of Thomas Walter all that the Rectory of Stapleton with all manner of tythes and the small tythes, and all manner of tythes and toll of grain to the mills belonging and the advowson of the Vicarage etc. as enumerated in the bond.” To this is appended a well-preserved specimen of Charles's great seal.

Next comes the actual deed of purchase, made out in the name of John, son of Thomas Walter, dated 20th May, 1626. This I need not quote.

Then follows Sir Charles Gerard's receipt for the first instalment of the purchase money:—

“ *Vicessimo die Maii* 1626

“ Received by me, Sir Charles Gerard of Hallsall in the countie Lanc: Knighte, of Thomas Walter of Stapleton, gent:, the some of fourscore and tenne poundes of lawful English money due for the first payment of the like sume on or about the daie above mencioned. In witness whereof I have hereunto sett my hande and seale the daie and yeare first above written

“ Sealed and delivered

CHA: GERARD

in the presence of Tho: Blount.”

As to the rest of the doings of Thomas and Elizabeth his wife, the records are silent; it only remains to be said that Thomas, living to the good old age of ninety-three, died on 2nd May, 1652; while his wife, surviving him seven years, died on 21st Jan., 1659, aged eighty-six, and was buried by her husband's side in Stapleton chancel. Their children were three sons—Matthew, John, and William—and six daughters, to whom their father left £100 each, viz. Elizabeth, Margarie, Ann, Joan, Millicent, and Sarah. What became of all these young women I have not been able to discover.

Matthew Walter, after the death of his parents, succeeded to the Heath House and Wild House estates. The first deed of his that we find is dated 1645:—

1645. “ This Indenture, made the 20th of Feb. 1645-6 between Matthew Walter of Stapleton, gent: of the one part and Jeremy Goughe of Milkesham in the county of Wilts, gent: and Edward Flower of Benacre in the county of Wilts, clothier, of the other part, Witnesseth that whereas John Malett of Enmore in the co: of Somerset Esq. by his lease dated May 5th 1644 granted to the said Matthew Walter all that piece of

pasture ground called the Hill containing 15 acres and a piece of meadow called Long Mead containing 5 acres in the tithing of Filton in the parish of Almondsbury now in the tenure of Margaret Hyet widow for the natural life of the said Matthew, and whereas there is a marriage shortly to be solemnised between the said Matthew and Jane daughter of the said Jeremy Goughe and whereas the Wild House estate is assured to her by way of joynture, but not to come to her till after the death of the parents of the said Matthew, therefore the said Matthew grants the Hill and Long Mead to the said trustees as provision for the said Jane Goughe in case of widowhood. The Witnesses to this are William Yeamans, Robert Richards, Thomas Moore, and John Stevens."

In 1653 he buys more land:—

"This Indenture made between Sir Maurice Berkeley of Stoke Gifford, Knt: and Richard Berkeley his son of the one part, and Matthew Walter of Stapleton of the other part Witnesseth that for the sum of £20 paid by the said Matthew Sir Maurice and Richard sell to him some thirteen acres of land lying in Stapleton. Dated Sept. 28th 1653

"Witnesses John Godfere (attorney), John Blanch, Robert Wimbowe and John Webb."

The next deed deals with the field whose curious name, Wheelmeade, has been so often mentioned:—

1660. "This Indenture made June 7th 1660 between Matthew Walter of Stapleton, gent: of the one part and Andrew Hooke of the city of Bristoll, brewer, of the other part. Witnesseth that the said Matthew for the sum of £63 6s. 8d. paid by the said Andrew Hooke grants and sells to him all that close of meadow ground known by the name of Whillmeade containing two acres situate in the parish of Phillip and Jacob in the county of Gloucester and in the tithing of Stapleton between the stream running from Grove Mill to the river of Frome on the south side, the common mead called Rodemead on the east and grounds of the said Andrew called Long Mead and Oxenlease on the north and west.

“Witnesses, Rich: Baugh, Rich: Christmas, William Barwicke and Francis Yeamans.”

1668. Eight years afterwards Matthew makes another small land purchase, a very small one, viz. half an acre of land lying in Northway field in Stapleton for £2. The witnesses to this transaction are Edward Browne, Thomas Hartwell, and William Steavens, the date April 23rd, 1668.

On 23rd July of the same year Matthew and Christian, his second wife, sell to Eusebius Brooke, merchant, of Bristol, “All the tithe of corne, graine and hey arising from his land at Stapleton.” This is signed in the presence of Tho: Ricroft, John Andrews and William Cox.

A list of the tithe payers of the parish is extant, with the names of the fields from which the tithe arose; it is for the year 1673, the amount collected being £55 8s.

1673. On 23rd Nov., 1673, Matthew sells an acre of meadow lying in Mikilmeade, in Stapleton, to John Harford, baker, of Barton Regis, for the sum of £20. The witnesses to this are John Curtis, Robert Cooke, Thomas Yeamans, and Thomas Curtis.

1680. Matthew Walter made his will on 23rd Sept., 1680:—

“I, Mathew Walter of Stapleton, ordain that my body be buried in the upper Isle of the Chancel of the parish church of Stapleton. I leave to my son Thomas 20s., to my daughter Hannah Lloyd 20s., to Mary my maidservant 10s., to Mr. Iron, parson of Stapleton, 20s., To my loving wife Christian my moiety of the two messuages at or neare the Backe in Bristoll and after her death to my son Matthew and his heirs. All the residue of my goods to my wife.”

This was proved in 1686.

1686. His death took place on 28th April, 1686, at the age of eighty. His first wife had long since pre-deceased him, and he had married, secondly, a lady called Christian, surname unknown, who survived him. By his first marriage he left two sons, Thomas and Matthew, and three daughters,

Hannah (Mrs. Lloyd), Elizabeth and Jane, of whom nothing is known.

Thomas Walter, the son and heir, succeeded to the estates.

Our next deed is the settlement on his marriage with Mary, daughter and co-heir of William Rowles, of the Cockshoote, Newnham, Gloucestershire, who brought him a dowry of £600, in return for which his estates are settled on her. It is dated 27th Sept., 1677. The witnesses are Thomas Pyrke, Thomas Rycroft, Thomas Wade, and John Symonds.

Thomas had previously been engaged to this lady's elder sister, Anne Rowles; the marriage settlement was even drawn up and signed. It has been preserved, and is dated 1st April, 1676; it provides the bride with £600 dowry, but, as though to protest against the date of her settlement, the unfortunate Anne sickened and died before her wedding day. Thomas, fearful of losing the £600, quickly consoled himself, and secured the dowry by marrying her next sister Mary.

In 1674 he had bought from John, Earl of Rochester, whose wife was granddaughter and heiress of John Malett, of Enmore, the reversion of the lease of the land called the Hill and Long mead, which had been sold to his father, Matthew, on lives which were now getting very old. He paid £60. The following are witnesses to this deed: W. Fanshawe, Richard Blancourt, Richard Cogswell.

We next find him granting certain of the tithes to the incumbent of Stapleton:—

1691. " This Indenture made the 3rd day of Sept. in the 3rd yeare of the Reigne of our Sovereigne Lord and Lady William and Mary, etc etc. between Thomas Walter of Stapleton, gent., of the one part and Robert Drew of the parish aforesaid clerke of the other parte. Witnesseth that the said Thomas doth demise grant and farm lett to the said Robert Drew all and all manner of tithes both great and small within the parish of St. Giles of Stapleton aforesaid belonging with all the profitts and commodities of a certain hill and lane called Norway within the same parish and all manner of tithe

and toll of graine brought to any the mills in the said parish (all manner of tithes of corne and hay within the said parish excepted and foreprized out of this demise or grant and alsoe liberty of the pave, or paving being about the steppes at the upper End of the Chauncell of the said Chappell for a burying place for the family of the said Thomas Walter). To have and to hold the said tithes etc. unto the said Robert Drew from the day of the date hereof for the term of seaven yeares next following soe and not els as he the said Robert Drew shall soe long live and officiate in the said Chappell personally, paying yearly the rent of 13s. and 4d. And the said Robert doth promise that he from time to time during the said term at his own proper costs and charges as need be shall repair and make good the reparations of the said Chauncell of the said Chappell called St. Giles of Stapleton, such as shall be occasioned by fire excepted and the same soe repaired at the end of the term leave and yield up. In witness whereof the parties above named have interchangeably putt their hands and scales 1691. Robert Drew.

“ Witnesses Ellnar Browne, Mary Walter.”

1692. On 23rd April, 1692, Ann, Countess Dowager of Rochester and her daughters, Lady Ann Baynton and Lady Mallett Willmot renewed the lease of the Mill and Longmead to him.

A miniature portrait of Thomas Walter, painted on copper, is preserved. Both by his face and sombre dress one would judge him to have been of a severe and sober turn of mind, given to much discussing of the scriptures, and holding in all probability opinions which in these days we term evangelical. He made his will, in 1722, as follows:—

“ I, Thomas Walter of Stapleton, being ancient and very feeble and weak in body, but thanks be to God of sound and perfect memory, ordain as follows:—

Imprimis my body to be buried in the east side of the chancel of the parish church of Stapleton

Item I give and bequeath a ring of 20s. value to my son Larkin

and his wife and to my son Rowles and his wife: To my son Rowles my waggons and all my utensils of plowing provided that my wife have the use of them for life.

To my grandson George Larkin £20.
To my grand-daughters Mary and Elizabeth Walter £20 each.
To my dear and loving wife all the parcels of land I bought of my cousin Thomas and Thomas Watkins called the Hill or sheep pastures. All the rest of my estate to my dear and loving wife.

“Signed THOMAS WALTER.

Witnesses Jo. Barteley, Thomas Wye, Jos: Saunders.”

He died on 28th December, 1728, aged eighty-one, and Mary, his wife, surviving him many years, was not laid by his side till 1744, in which year she died on 25th January, aged ninety.

They left six children, Rowles, Matthew, Thomas, Ann, Mary, and Elizabeth.

Mary, who was born on 3rd May, 1680, married Josiah Larkin, of the parish of St. Nicholas, Bristol, by whom she had one son, George Larkin. Rowles Walter, the eldest son, succeeded to the Heath House estate; of the others nothing is known. On a stone in old Stapleton chancel might have been seen this inscription:—

“THOMAS WALTER DYED DEC: 28, 1728 AGED
81 HE WAS A MAN OF LEARNING, MILD IN
HIS TEMPER, PLEASANT IN HIS CONVERSATION,
REMARKABLE FOR TEMPERANCE, BELOVED BY
HIS NEIGHBOURS AN INDULGENT FATHER
AND THE BEST OF HUSBANDS.”

1711. Rowles Walter, son and heir of Thomas, was born on 27th July, 1689, and was apprenticed to a merchant in the City of Bristol. He was married on 3rd January, 1712, to Jane, daughter of Nathaniel Pyrke, Esq., of Little Dean, Gloucestershire, whose descendants still reside there. The marriage settlement is dated 1st October, 1711, the bride bringing £1,000 as her portion. The Heath House estate, after

the family custom, was put into trust against it. A memorandum on the back of the settlement is witnessed by Jos. Edwards, Gilbert Fleming, and Bathsheba Biam her mark. By this marriage Rowles Walter had four children:—

Mary, of whom hereafter.

Deborah, born 11th January, 1715, died an infant.

Elizabeth, born 13th June, 1717, died young, and

Thomas, born 7th May, 1724, died unmarried 8th October, 1738.

In 1715 Rowles and his father joined in leasing to a Mr. John Parsons land in Stapleton for twenty-one years. His portrait and that of his wife were painted: the one belongs to Captain Cottrell-Dormer, and the other to his sister, Mrs. Arthur Woodbine-Parish.

By the kindness of our member, Alderman J. Fuller Eberle, I am able to exhibit a relic of Rowles Walter in the shape of his hunting flask delightfully quaint in shape, with his name, address, and the date, 1728, engraved around the silver screw top; the glass, though very thick, is cracked.

Rolwes, failing to reach the standard of longevity established by his forefathers, died on 24th April, 1733, at the early age of forty-four, and is buried at Stapleton. Jane, his widow, doing her best to atone for his shortcomings, achieved the quite respectable age of ninety-one, dying on 9th December, 1781. She was buried with her husband.

With the death of Rowles and of his only son came to an end the fine old Gloucestershire stock of Walter of Heath House, which for five generations had occupied the same dwelling and farmed the same land, a type of Englishman, sad to say, practically extinct in this country—would that it could be re-created in these days. Living peaceful, uneventful lives, the head of each succeeding generation took unto himself a wife, brought a plentiful family into the world, spent his many years in the quiet pursuit of simple avocations, took some part in village politics but mixed not at all in the great

world, and, finally, when this mortal coil was shaken off, took with him to the grave the respect, if not the love, of all his neighbours. To men such as these the words of the poet Gray are singularly applicable :—

“ Far from the madding crowd's ignoble strife,
 Their sober wishes never learned to stray ;
 Along the cool sequestered vale of life
 They kept the noiseless tenour of their way.”

Thomas Walter, only son of Rowles and Jane, was sent to the University of Oxford, where he was an undergraduate of Balliol College. He died under age, in 1738, and is buried at Stapleton. Letters of administration of his goods were granted to his sister, Mary, who by his death became the sole survivor and heiress of the Walter family.

Born on 14th November, 1713, she was the eldest child of her parents, and the only one who reached maturity. Her portrait, as a determined-looking old woman, hangs at Ashton Court. She married on 19th August, 1736, Joseph, one of the nine children of Joseph Whitchurch, a Bristol merchant, who, following in his father's footsteps, pursued a mercantile career in our city, in which, though acquiring some wealth, he seems to have gained no distinction, as his name is nowhere mentioned as holding prominent office, either in the city of Bristol or the county of Gloucester. No settlement on his marriage with Mary Walter has been found, but we have a deed or two showing that he bought land which adjoined his wife's estate.

1766. “ This Indenture signed the 5th of March 1766 between Standfast Smith of Bristol apothecary and Jacob Riddle of the Parish of St. Phillip and St. Jacob, limeburner, trustees of the last will of Edward Colston Wilkins, late of the city of Bristol, gent. son and heir of Francis Wilkins, late of the city of Bristol, mariner, deceased, of the one part, and Joseph Whitchurch Esq. of Stapleton of the other part Witnesseth that for the sum of £450 paid by the said Joseph the said trustees sell to him all that close of meadow or pasture

ground (now three closes) in Stapleton known by the name of Glass Mill Leaze containing 14 acres and also all right of common in the Forest of Kingswood belonging to the said close.

“Witnesses John Bush (Notary Public)

“Nathan Windey.”

To Joseph and Mary Whitchurch was born one only child, a daughter, named Jane after her grandmother. Her birth took place in 1739; the exact date I cannot give, as I have not been able to find her baptismal certificate. Unfortunately, no family correspondence of this period has been preserved, so we are kept in entire ignorance of her early life, and must therefore stride forward at once to her marriage, which took place in Stapleton on 11th August, 1767. Being an only child, she was heiress not only to the Heath House estate, but also to all that Joseph Whitchurch, her father, had brought in.

At this period there lived at Ashton Court, Somersetshire, Sir Jarrit Smith, Bart., who had married Florence Smyth, sister and co-heir of the last Sir John Smyth, of Long Ashton, by whom he had two sons, John Hugh and Thomas. Being a man of the world, and a lawyer to boot, he resolved that his sons, if they did not marry for money, should at least marry where money was, with the result that the said sons having been brought up to show strict filial obedience were without let or hindrance speedily disposed of to the two principal local heiresses of the day. John Hugh espoused Elizabeth, only daughter of Henry Woolnough, of Bristol and Pucklechurch, while Thomas led our heiress Jane to the altar.

1767. Their marriage certificate I have copied from the Stapleton register:—

“Thomas Smyth of Long Ashton in the county of Somerset, Esq. and Jane Whitchurch of this parish, spinster, were married in this parish church by license this 11th day of August A.D. 1767 by me

SAMUEL WHITCHURCH

Minister of Stapleton.

This marriage was solemnized between us Thomas Smyth and Jane Whitchurch in the presence of
 Elizabeth Smyth
 John Hugh Smyth
 Henry Miles (Sexton)."

The Rev. Samuel Whitchurch was the bride's uncle.

The marriage settlement, dated July 16th, 1767, tells us that Joseph Whitchurch settles £5,000 upon his daughter, which is met by Sir Jarrit settling the following farms upon his son: Whitchurch farm, Elmington farm in Henbury, May's Hill in the parish of Westerleigh, and Knowle farm in Bedminster, 440 acres in all. The trustees were Michael Miller, Esq., of the Great House, Henbury, and the Right Honourable Norbonne Berkeley, Lord Bottetourt, lord of the manor of Stapleton, and last male Berkeley of Stoke Gifford.

The arms borne by Joseph Whitchurch were: "Gules, 3 Talbots' heads, 2 and 1, erased or, on a chief argent, gutty du sang, a lion passant sable." These quartering Walter were borne on an escutcheon of pretence with those of Smyth by Thomas Smyth.

Thomas and Jane Smyth began their married life at May's Hill, in Pucklechurch parish, where their children were born.

Joseph Whitchurch's will is dated 19th February, 1768:—

"I, Joseph Whitchurch, of Stapleton etc., give to my beloved wife Mary Whitchurch all my household goods, furniture, plate, linen, post-chaise, chaise harness and chaise horses. And whereas I am seized in fee of my own right of divers lands and hereditaments particularly in and near the said parish of Stapleton, I hereby give such unto Richard Combe of Eamshill in the co. of Somerset and Thomas Edwards Freeman of Battisford, co. Gloucester for the use of my wife during her life and afterwards in trust for my only child Jane, wife of Thomas Smyth Esq. of Pucklechurch, and after my said daughter's decease to the use of the said Thomas Smyth with remainder to their issue lawfully begotten failing whom to my nephew Joseph Whitchurch second son of my brother

James Whitchurch. I also give my copy hold lands in Horfield which I bought from Arthur Jepson to the said trustees to the use of my wife. Signed JOSEPH WHITCHURCH.

“ Witnesses FRANCIS WOODWARD

“ ROBT. HALE

“ MARY HALE.”

In a codicil: “ To my dear sister Jane Whitchurch £20. per ann ”

Jeremiah Dean, of Stapleton, and Jeremiah Osborne, of the City of Bristol, gent., swore to the handwriting of this codicil.

Will proved December, 1772.

In the old church of Stapleton was this inscription :—

“ UNDER THIS STONE BY HIS OWN APPOINTMENT LIES INTERRED THE RELICKS OF JOSEPH WHITCHURCH ESQ. WHO DYED THE 6TH OF AUGUST 1772. HE WAS AN AFFECTIONATE HUSBAND, A KIND FATHER AND A SINCERE FRIEND, AND REJOICED IN EVERY OPPORTUNITY OF RENDERING SERVICE TO THE DISTRESSED.”

To Thomas and Jane were born at May's Hill five children : three sons and two daughters.

1st.—Florence, born on Saturday, 27th May, 1769, at 10 a.m.

2nd.—Hugh, born 3rd March, 1771, died on 28th March, and buried at Pucklechurch.

3rd.—Hugh, born 4th July, 1772.

4th.—John, born on Friday, 9th February, 1776, at 7 a.m.

5th.—Mary, born on Sunday, 2nd August, 1778.

The news of the birth of the first boy was conveyed in the following letters to Sir Jarrit Smith :—

“ Pucklechurch, 3rd March 1771

“ HOND SIR

“ I have the Happiness to acquaint you that my Wife was safely delivered of a Fine Boy this morning at two o'clock and

with the child is as well as can be Expected. We hope Yourself; my Brother and Sister are well and that we shall have the pleasure to see you here soon and am with our joint Duty and Love as Due to both Hond. Sir

“ Your ever Dutiful Son

“ THOS: SMYTH.

“ Ann Golding Delivered my Wife before Mr. B. came.

“ To SIR JARRIT SMITH BART.

“ Ashton Court.”

The Mr. B. here mentioned is our old friend William Barrett the Bristol historian, who adds his own congratulations :—

“ Pucklechurch, $\frac{1}{2}$ after 4 o'clock

“ 3 March 1771.

“ SIR

“ T'is with the utmost pleasure and satisfaction I inform you of the happy event of your having a Grandson born—I communicate this piece of news with ye greater pleasure to myself as I know it will be so satisfactory and agreeable a circumstance to you. It is a lovely fine Boy; and promises by all appearances at present not speedily to leave ye new world he has just entered he looks healthy and strong. The mother is likewise in a very promising way of doing well after a most favourable time any Woman could possibly have. I sincerely congratulate you and yr. family on the Occasion and am with compliments to the Captn. and his Lady Sir

“ Your most obedient humble servant,

“ WM BARRETT.”

This child, who was called Hugh, did not fulfil Mr. Barrett's rosy prognostications : he died on 28th March following.

However, a second letter from Barrett tells us that another boy came into the world in the following year :—

“ Pucklechurch,

“ 4th July 1772

“ GOOD SIR,

“ T'is with the sincerest pleasure I congratulate you on ye Birth of a Grandson, so desirable an event and so happily over

cannot but be an additional pleasure to the family. Both Mother and Child are very well and every present circumstance promises success. Mrs. Smyth was taken ill at 1 o'clock and delivered at 7 this morning. T'is a lovely Boy and I hope we shall be happy enough this time to preserve him to the mutual happiness of the parents and an increase of Joy to all. I have the honour to be with the greatest respect Sr.

“ Yr. obligd. and obedient

“ Humbl: Servt. WM BARRETT.”

This child lived to succeed to the Ashton Court estates as Sir Hugh Smyth.

At midnight on Saturday, 18th January, 1783, died Sir Jarrit Smith, Bart., of Ashton Court, leaving to his younger son, Thomas Smyth, all his lands in Bristol and in the county of Gloucester, besides those lands already settled upon him. This inheritance, added to the Heath House property, made a large estate, for which the ancient Heath House, of which we have no picture, was far too small a mansion. Therefore we find that, as soon as possible after Sir Jarrit's death, Thomas Smyth and his wife, with the approval of the widowed Mrs. Witchurch, set about building a solid modern house close to the site of the old one, which they determined to pull down. The following memorandum gives us the whole matter in a nutshell:—

1783. “ The under-named John Hensley, builder, joiner and cabinet maker of the city of Bath, in consideration of the sum of £2,169 to be paid at the stipulated times do hereby agree with Thomas Smyth Esq., to erect and build for him near his present dwelling house at Stapleton in Gloucestershire a new, good and substantial dwelling-house and offices in all respects agreeable to the within plans and to execute the same in a complete and workmanlike manner according to the scale drawn on such plan and conformable to the estimate also hereunto annexed and to be finished as specified in a particular lately drawn up by Mr. Zachary Bailey in his hands,

subscribed by me and the said Thomas Smyth, and I agree to allow him the said Thomas Smyth for the old building £110 and to take down and clear the same at my expense so that the net monies to be paid by the said Thomas Smyth will be £2,059. In consideration whereof the under-named Thomas Smyth hereby agrees to pay to him the said John Hensley £2,059 by four installments, viz. £400 on raising the second floor, £500 more on covering in, £500 more on the 1st of March next ensuing, and the remaining £659 on the whole building being completed to the satisfaction of the said Thomas Smyth which the said John Hensley doth hereby agree to finish inside and out on or before the 10th day of May, 1784. As witness our hands this 16th day of April, 1783.

“ Witness

THO: SMYTH

“ MARY WHITCHURCH

JNO. HENSLEY.”

In the following May a slight alteration to the above agreement was made, whereby John Hensley undertook that not only the bow front of the intended messuage should be of the best common ashler, but also the whole of the west front, on payment by Mr. Smyth of £69 over and above the first agreed price.

On 20th April, 1784, a further agreement was entered into:—

“ Estimate for building for Thomas Smyth Esq. at his house in Stapleton a brewhouse, gardener's house, man's room, weighing-room with a room for ye gardener over. Mr. Smyth to finde boards for ye floor, the Brewhouse to be paved and all the other offices together with the Court-yard, the Laundry Washouse and man's room to be cealed and plastered and White-washed; also a reservoir by the well in the orchard 10 feet square arched over, with a door and frame to go down in it to clean, also a pump house with door and frame to lock up, the digging out of the reservoir and hauling rubble included and finished in a workmanlike manner for the sum of

“ £128 12 10

“ Signed

JNO. HENSLEY.”

As might be expected, during the course of building various extras were thought of and ordered, as :—

To extra on Marble and ornaments in the Bed-chamber	£51 0 0
.. .. for Painswick staircase	12 12 0
.. .. for chimneys in the Parlours ..	5 0 0
To two large packing cases made in my shop for your glasses	2 2 0
To screw and nails and a man helping pack glasses	0 10 0

With all extras included, the total amount paid by Mr. Smyth came to the amazingly small sum of £2,408 5s., which the following receipt tells us :—

“ Memorandum

“ *4th September 1784*, I do hereby acknowledge to have had and received from Thomas Smyth Esq. in the contract hereunto annex named the sum of £2,408 : 5 : 0, being in full of all claims and demands which I can or may have on him on account of the consideration money mentioned therein or otherwise and in full of all demands whatsoever as witness my hand

“ JNO. HENSLEY

“ Witnesses

“ M. BRIDGEN

“ NATHANIEL UNDERWOOD.”

No correspondence remains to tell us when the Smyth family moved into the new Heath House, nor do we find any expression of regret over the demolition of the old mansion:

The next event in the family was the death of Mrs. Smyth's mother, the actual owner of the Heath House estate, which took place on 8th September, 1790 ; she was laid to rest by the side of her husband in Stapleton chancel. The handsome monument erected to her memory may still be seen :—

“ IN THE VAULT IN THIS CHANCEL WITH HER ANCESTORS AND AFFECTIONATELY BELOVED HUSBAND RESTS IN HOPE OF A BLESSED RESURRECTION MARY, RELICT OF JOSEPH WHITCHURCH ESQ. THE SOLE HEIRESS OF ROWLES WALTER ESQ. AND SURVIVING DESCENDANT OF A FAMILY WHO RESIDED IN GREAT ESTEEM AND RESPECT NEAR FOUR CENTURIES AT HEATH HOUSE IN THIS PARISH, HER CONSCIENTIOUS DISCHARGE OF ALL SOCIAL AND RELIGIOUS DUTIES MADE HER DESERVEDLY ESTEEMED IN HER LIFE TIME AND SINCERELY REGRETTED AT HER DEATH MORE PARTICULARLY BY HER SORROWING DAUGHTER AND ONLY CHILD JANE, WIFE OF THOMAS SMYTH ESQ., WHO INSCRIBES THIS MEMORIAL TO THE BEST OF MOTHERS.

“ OBIT 8TH SEPT. 1790 AGED 77.”

Two or three letters from Mr. Smyth's cousin, Edward Gore, of Kiddington, in Oxfordshire and of Flax Bourton, are of interest :—

“ Sunday Night

“ DR. SIR

“ I set off to-morrow for Bourton and hope to meet you Thursday next at Mr. Osborne's to settle the late Mr. Seagar's accounts and elect new Trustees. I hope the election will be in favour of Families *long resident* at Henbury and in the neighbourhood and not *exotics* and foreign plants. Mr. Langton was at Prayers here this morning, he is obliged to be at the King's Levy Wednesday next to present a second address from the Dissenters at Frome, he presented the loyal address of the churchmen before. Sir John Trevelyian was desired to present the last address but is confined in the country by the gout. Marquis of Bath desired Mr. Langton to present the address. Mr. Langton has 200 Freeholders dissenters at Frome in his interest. Lady Mostyn continues very well

and unites with mine her kind compliments to all the Stapleton Family

“ I am

“ Dr. Sir

“ Your affect: and sincere Friend

“ ED. GORE

“ I hope we shall meet at Ashton Court in the Holidays. I have not been very well lately. I have taken more exercise in Hunting than my strength will permit. I shall go home in a day in my own chaise.

“ Excuse haste

“ THOMAS SMYTH ESQ.

“ Stapleton.”

“ DR: SIR

“ Lady Mostyn hath just received a letter from my son Langton in which he expresses a hope that he shall be in Oxfordshire Thursday or Friday next to enjoy the pleasure of hunting for Ten days before he goes to Newton Park. He has proved himself a very good member and has constantly attended the House and always divided with the majority in Favour of the Two Bills to prevent seditious meetings. The Marquis nor the Duke do not attend the Parliament at present neither do they go to Town before the holidays. Charles dined at Ashton Friday. I am sorry to hear your brother's complaints are more frequent and severe. I hope the sable Insurgents are all quiet and at work at Westerleigh. My love to my cousin Florence and tell her she must not put *more* than half a pound of Powder in her hair at one time which is the fashionable quantity. I have just received a Cargo of Powder, Pomatum and Sweet Waters from Mr. Bailey my Parfumer in London. Plain hair powder is two shillings per pound and every other article upon the advance. I hope Mrs. Smyth and your family enjoy perfect health. Lady Mostyn unites with mine her kind compliments and best wishes and

“ Believe me to be

“ Dr. Sir

“ Your very affect: friend and Relation

“ ED. GORE.”

“ Kiddington, *Nov. 29th* 1789

“ DEAR SIR,

“ I make no doubt but by this time you have determined upon the College to enter my Cousin Hugh, I wish to recommend his matriculation this Term, by which he will get one term, and will be of service to him hereafter when he has an Honorary degree of Master of Arts conferred on him. He must be three years standing in the University before he can obtain a degree. My son Langton completed that time before he was Master of Arts. Besides you will have the advantage of fixing and furnishing his Rooms ready for his reception after the Holidays. I own myself interested in the request as I shall hope for the pleasure of seeing him at Kiddington previously to his Matriculation and if you will do me the Favor of giving him the meeting it will be an additional pleasure. I sincerely wish that Lady Mostyn’s health would permit her the happiness of receiving Mrs. and Miss Smyth but she has had a smart fit of the Rheumatism for some time past occasioned by an accidental cold. I thank God she is better and free from pain but still confined to her Dressing-room. The Dowager Dutches of Beaufort hath been at Blandford Park for a week, she left it Friday last ; polite notes passed between her Grace and my Lady, but could not see each other. I hope every inhabitant of Stapleton enjoys perfect health. Lady Mostyn unites in her best compliments and sincere wishes with

“ Dr. Sir

“ Your affect: Friend and Relation

“ ED: GORE.

“ I am just in the *Road* for your son from Stapleton, Charles shall attend him to Oxford.

“ I expect Mr. Langton, Charles and my son John to dinner the two former attended the play at Blenheim last night. We are in the career of Fox-hunting I attend the hounds almost every time they throw off. I can lend you a hunter and mount you well. My kind compliments to the Baronet when you see

him I suppose they are preparing at Ashton Mince Pyes against Christmas. I hope he has modernized and improved the Apartments for the young ladies reception and floored the Drawing-room. Excuse haste. I had an express sent me many miles this morning from Lord Abingdon and Mr. Loder to settle a dispute about the line of hunting and to be a referee. But I declined it for obvious reasons—The Duke of Beaufort claims some covers and Ld. A—— and Mr. Loder plead original right and antient prescription. I have a regard for both parties—and one must be in the wrong.

“ THOMAS SMYTH, ESQ.

“ Stapleton

“ Nr. Bristol.”

“ *Dec. ye 6th*

“ DR. SIR

“ I am extremely obliged by the favour of yr: letter and kind attention to my son for whom I have not yet made any determination. I am sensible we should experience much satisfaction in a visit to you at Kiddington that pleasure must be deferred to a future period but I shall be very happy in receiving you at Stapleton and meeting you at Ashton Court where I hope we shall prove the excellence of the Xmas pys together ere long. Mrs. S. have received a very obliging letter and pamphlet from Lady M. by the Duchess Dowager of Beaufort who she visited last Tuesday. The joys of the chase I have not tasted this season fearing disadvantage from the wind to my eyes which I always suffer when I ride. With the Hopes of seeing you soon in the neighbourhood I remain with the United best compliments of this family to you, Lady M. and circle. Wishing you many returns of the approaching season in health and every additional Happiness

“ Dr. Sir

“ Your affectionate friend and relation

“ THOMAS SMYTH

“ To E. GORE ESQ.”

“ Kiddington nr. Enstone, Oxon

“ Feb. 16, 1794

“ SIR

“ Mr. Gore Langton is in perfect health at Petworth with the Regiment, says the Officers dine with the Earl of Egremont constantly, who keeps the most splendid table and his whole establishment is in the most Princely style he ever saw, an excellent pack of Fox Hounds and Mr. Langton has four good Hunters to enjoy the sport. Passon Charles is just returned from Church, he officiates here for Mr. Roberts who is gone into Carnarvonshire to be inducted to a Rectory of £250 per ann: How do you like the Honest Welshman Vicar of Ashton (the Rev. Israel Lewis). I am certain he will do as he ought to do. Sir John and I have him under command, he expressed so much himself. I have given my cousin Hugh seconded by Charles an invitation to take a day's hunting, but he is so very intent on his studies that he prefers that chace to any other. I hear he is very well. I hope you and all the Stapleton family are as well as I wish you to be, then you will be perfectly so. Why don't Florence marry. I want my cousins to spread, the more good Houses the better to visit. I don't think nor never did that *Bath Market* is very eligible for man or woman to change their situation. They have too much of the *qui vive* in them. It is near dinner time, the Pig squeaks, my stomach squalls and I must attend the summons. Great sport with the Harriers. The Duke of B—— puffs amazingly in the Newspapers with his great chases etc., When he has lived long enough I suppose he will make his last puff. Lady Mostyn and Charles unite in every good wish and best compliments to you and all my cousins with Dear Sir

“ Your sincere and affectionate

“ friend and kinsman

“ THOMAS SMYTH ESQ.,

ED. GORE

“ Stapleton

“ nr. Bristol

“ X Post.”

In 1796 Mr. Smyth was appointed a Deputy-Lieutenant of Somerset, and in the year 1799 his name was sent up to the King as one of the three eligible for the post of High Sheriff of Gloucestershire. The following correspondence shows that the proposed honour was not welcome :—

“ Stapleton *Nov. 14, 1799*

“ DR: SIR

“ Having received letters this morning informing me that I am named as one of the three to be appointed Sheriff for this county I beg leave to request your interest in preventing my being appointed to that office, which in my state of ill health would be attended with the most serious ill consequence which being a fact known to you I shall esteem it as a great proof of your friendship in forwarding any step you think most advisable to prevent my appointment knowing there was not any person so proper or so capable of assisting me in this business I hope will apologise for the liberty I have taken and be assured your assistance will be esteemed a lasting obligation by dear sir

“ Your obedient humble servant

“ THOMAS SMYTH

“ TO CHARLES BRAGGE ESQ. M.P.”

“ Clevedale *Nov. 14th, 1799*

“ DEAR SIR

“ I presume from the Intimation which you have received that your name is one of the three appointed in the Exchequer Chamber on Tuesday for His Majesty's nomination of one of them, which usually takes place in February. When I see the list which will probably be in the paper of to-day I shall be able to judge what probability there is of your being called upon to serve. Unless something particular can be urged to excuse them the choice is more likely to fall on one of those who were in the list of last year. Should there be any chance of your being called upon I shall most readily do all in my power to urge the excuse which I should hope would prevail.

This perhaps will be better done by personal application when I get to town, which will be long enough before the ultimate appointment.

“ Mrs. Bragge unites in best compliments to Mrs. Smyth and yourself with dear Sir

“ Your faithful and obedient

“ humble servant

“ C. BRAGGE.”

“ Queen Square

“ Dec. 6. 1799

“ DEAR SIR

“ I have just been by appointment with the Ld. President, who is fully impressed with the justice of your excuse. The appointment being in the Council at large he cannot with propriety undertake for more than urging your claim to exemption, but as he presides and has the general direction of this department, his own acquiescence is sufficient to render you quite easy upon the subject. No excuse has been offered nor is his Lordship aware of any for either of the other gentlemen. I have great pleasure in being able to relieve you from the apprehension of serving this troublesome office in your state of health and am with compliments to Mrs. Smyth, Mr. and Mrs. Upton etc., Sir

“ Your faithful obedient humble servant

“ C. BRAGGE.”

“ Stapleton, Dec. ye 8th 1799

“ DEAR SIR

“ I am extremely obliged for your favour of the 6th and take the first post to make you my thanks for the kindness you have rendered me in the application you have named which affords me great satisfaction in the hopes you have given me of being excused an office that would have been most injurious to my Health, the Friendship you have shown me, by the early and kind attention to my wishes will ever be

esteemed and acknowledged with the greatest sincerity by
Dear Sir

“ Your most obliged and obedient servant

“ THOMAS SMYTH.

“ Mrs. Smyth with

“ Mr. and Mrs. Upton

“ and my family unite

“ with me in compliments.

To CHARLES BRAGGE, ESQ. M.P.

“ Queen Square

“ Bloomsbury

“ LONDON.”

Mr. Smyth's plea of ill-health was no idle excuse, for he became rapidly worse, and died at Heath House on 11th March, 1800, the year following. His will is as follows:—

“ May 18, 1798.

“ Thomas Smyth of Stapleton. My body to be decently and privately interred in the parish church of Long Ashton. To my dear wife Jane Smyth £5,000 also my stock of wines liquors and provisions and my coach and horses, saddle horses, cart and other horses, my cows and other my farming stock and my books, plate, linen, pictures and china, household implements and furniture of every sort and kind at my decease in and about the messuage and premises at Stapleton and also all the wearing apparel, jewels and paraphernalia of her my said wife.

“ To my daughter, Florence, wife of John Upton Esq. of Ingmire Hall £10,000 and to my daughter Mary, wife of Lt.-Colonel Way, £10,000 which I settled on them on their respective marriages.

“ To my son John Smyth Esq. my tenements situate in and near Trinity Street, the Butts and College Green in Bristol which I hold on Lease from the Dean and Chapter of Bristol. And all my copyhold or customary estates lying in Horfield to my wife for life and then to my son John. And unto my brother Sir John Hugh Smyth all my estates whatsoever situate in the Parishes of Stapleton, Saint Philip and Jacob,

and Mangotsfield and also such part of my manor of Sturdon as lies in the said parish which lands I received under the will of my father Sir Jarrit Smith Bart. or have myself purchased, in trust for the use of my wife for life and then to my son John and his issue lawfully begotten. And all the rest of my estates to my brother in trust for my eldest son Hugh Smyth and his heirs male lawfully begotten failing which to my son John and his issue male lawfully begotten, failing which to my son Hugh's issue female lawfully begotten, failing which to my son John's issue female lawfully begotten, failing which to the issue male or female of my eldest daughter Florence, wife of John Upton Esq. failing which to the issue male or female of my daughter Mary, wife of Benjamin Way Esq. of Denham Place in the county of Bucks.

“ And I give unto Dame Elizabeth Smyth my brother's wife as a mark of esteem £100. To Lt. Col. Benjamin Way £100, and to the wife of my son Hugh £100. And I give and bequeath all the rest of my personal estate to my son Hugh. And it is further my will intent and meaning that all person and persons whomsoever claiming any beneficial interest in my said real estates or any part thereof under the limitations hereinbefore contained shall when they respectively come into the same or any part thereof assume and take upon themselves the surname of Smyth and by the said surname of Smyth and no other thenceforth thereafter name, write and style themselves in every deed or instrument and shall bear and use the Arms and Armorial bearings of my Family and use his or their utmost endeavour to obtain His Majesty's Royal Licence and authority for taking and assuming the surname of Smyth only and using the Arms and bearings of my family, and further that if any persons so claiming shall refuse or decline by the space of six calendar months after he or she shall be entitled and be of the age of 21 years to take and use my name and arms Then and so often as the case shall so happen the estate and interest of him or her so refusing shall thenceforth cease, determine and be void in the same manner to all intents and

purposes as if he or she were actually dead without issue. And I appoint my brother Sir John Hugh Smyth executor and my dear wife Jane Smyth executrix of this my will.

“ Signed

THOMAS SMYTH

“ *May 18th 1798*

“ Witnesses JNO. OSBORNE

“ GEO. BIGGS

“ GEO. BIGGS (JUNIOR).”

Mr. Smyth was buried at Long Ashton, where his monument may still be seen in the parish church :—

“ SACRED TO THE MEMORY OF
THOMAS SMYTH ESQ.

2ND SON OF SIR JARRIT SMITH, BART. BY DAME FLORENCE DAUGHTER AND ONE OF THE CO-HEIRS OF SIR JOHN SMYTH OF ASHTON COURT IN THIS PARISH, BARONET. HE WAS BY MATERNAL EXTRACTION LINEALLY DESCENDED FROM MOWBRAY, DUKE OF NORFOLK; EARLS POWLETT AND ASHBURNHAM, THE TEWTHER, GORGES AND ASTRY FAMILIES, HE FAITHFULLY DISCHARGED THE DUTIES OF SON, HUSBAND, FATHER, BROTHER AND FRIEND AND HAVING PASSED A TRULY VERTUOUS AND EXEMPLARY LIFE, WITH THE RESIGNATION OF A GOOD CHRISTIAN HE LEFT THIS WORLD WITH THE HOPES OF A BETTER MARCH 11TH, 1800 AGED 60 AT HEATH HOUSE AND WAS INTERRED WITH HIS ANCESTORS AT THE CHURCH OF LONG ASHTON; HE MARRIED JANE DAUGHTER AND SOLE HEIRESS OF JOSEPH WHITCHURCH ESQ., OF HEATH HOUSE STAPLETON, BY WHOM HE LEFT TWO SONS HUGH AND JOHN AND TWO DAUGHTERS FLORENCE UPTON AND MARY WAY. HE WAS SINCERELY AND DESERVEDLY LAMENTED BY ALL, MORE ESPECIALLY BY HIS EVER AFFLICTED RELICT JANE SMYTH, WHO WISHING NOT LESS TO RECORD HIS NAME AND WORTH THAN HER OWN UNCEASING AFFLICTION AND SORROW FOR HIS LOSS CAUSED THIS MONUMENT TO BE ERECTED.”

As we have seen by the will, the ownership of the Heath House estate was not affected by Mr. Smyth's death. It remained, as it always had been, the absolute property of his wife Jane, who was a thorough level-headed woman of business, quite capable of looking after her own interests, as the following letters show :—

“ Mrs. Smyth begs leave to inform the Duke of Beaufort that she hears the small piece of waste by the Bridge at Stapleton in the front of her house is sold by his Steward to a Mr. Fry of Bristol who is going to build a Coach House and Stable on it, it have always been considered for the use of the Parish and the Publick for watering of cattle and Horses and Washing of Sheep ever since her remembrance, could she have supposed it was for sale she would have been glad to have paid the value, which she wishes to do at present, she requests the favour of the refusal of any other Ground that is to be parted with adjoining her property or that would interfere with the view from her house, this is the most disagreeable object that could have been offered to her and she feels certain his Grace would not permit it if he recollected her situation. She begs to present her compliments to his Grace and the Duchess.

“ Heath House, *May 22, 1805.*”

“ Grosvenor Square

“ MADAM

“ I have this moment had the honour to receive your letter. I am really totally ignorant of the situation of the property mentioned by you, or that a small building erected upon it, could be of any detriment either to you or any other Person in the neighbourhood of Stapleton. Some time ago my Steward mentioned to me, that he had been offered some money for a small piece of land, if I chose to part with it, and I therefore desired him to part with it, if his doing so could accomodate anybody. If I should find it necessary to sell any more

property in the neighbourhood of Stapleton, I shall be very happy to offer you the refusal of it

“ I have the honour to be

“ Madam,

“ Your most obedient servant

“ BEAUFORT

“ MRS. SMYTH

“ Heath House

“ Stapleton

“ Bristol.”

This was speedily followed by a letter from Mr. Fry:—

“ J. Fry's compliments to Mrs. Smyth, is extremely sorry he has been the cause of giving so much uneasiness respecting a Building which he had some thoughts of erecting on the spot of Ground adjoining the river at Stapleton Bridge, he trusts Mrs. S. will make herself perfectly easy on that head as she may rest assured J. F. will never make any alteration there that will be in the smallest degree unpleasant to the Family, on the contrary he flatters himself that by converting it into a plantation of low handsome shrubs it will be a considerable improvement to the view to its present appearance. J. F. will do himself the pleasure of submitting the plans to Mrs. Smyth's approbation prior to any alteration as nothing could be more unpleasant to him than that of occasioning the most trifling disquietude to a Family he so highly respects.

“ Queen Street Brewery

“ May 28th, 1805.”

Some years later Mrs. Smyth had reason to complain of inconvenience caused by another neighbouring landowner—this time Mr. Master, of Knowle:—

“ DEAR SIR

“ I beg leave to inform you a person of the name of Thos: Woolford a Butcher in Bristol has enclosed a piece of waste

ground in the lane leading from Baptist Mill to the Glass Mill which has much contracted a driving way from a field of mine called Netherways Hill inasmuch as to prevent a loaded waggon with corn or hay to be taken through, he has been spoken to respecting it ; his reply is that he has obtained the leave of the Lord of the Manor it being the road that leads to a Logwood Mill rented by a company in Bristol who have complained to me of this new inconvenience, it having been ever used by my Tenant to place the soil I shall be obliged to you sir to direct your Steward to speak to Thos: Woolford to place it in its former state. Any information he may wish to receive concerning the ground he may have from my Steward, Mr. Abbot any Thursday or Saturday at his office No. 22, Bridge Street, Bristol, where he attends to transact business. I most sincerely hope Mrs. Master's health is recovered, and with yourself and Miss Master are well, to whom I beg leave to offer my best wishes and that you will excuse my giving you this trouble.

" I remain, Dear Sir

" Your most obliged humble servant

" JANE SMYTH."

" The Abbey, Cirencester,

" *July 18th, 1813*

" DEAR MADAM

" Immediately on the receipt of your letter I wrote to Mr. Sampson, my Steward for Barton Regis and have this evening had such an answer as I hope will be satisfactory to you. He says he consented to Woolford's taking in the small piece of land upon the express condition that if any complaint was made or inconvenience arose to any one it should be abated which Mr. Sampson will take care to see done.

" I am much obliged by your obliging inquiries after Mrs. Master's health which I am sorry to say is at present very indifferent. She begs to unite with myself my Daughter and

sister (who is here and much recovered from her seizure) in best compliments, and I have the honour to be

“ Dear Madam

“ Your faithful and obedient

“ humble servant

“ T. MASTER.”

Soon afterwards Mrs. Smyth is exercised in mind concerning another piece of land near her house, and enters into correspondence with Lady Cave, the owner :—

“ DEAR MADAM,

“ Dec. 17, 1813

“ I beg leave to address you that hearing that a piece of ground situated on the Road leading to Stapleton Bridge and bounded by a narrow lane on one side late the property of my respected friend and relation Mr. Edwards Freeman being now your property which being separated from all your other lands, I should be very much obliged in being permitted to purchase if agreeable to you to part with it, having been once a part of my Family Estate and nearly connected with my other lands is my motive for troubling you with this application and shall esteem your answer when convenient a favour. It will give me great satisfaction to hear that yourself, Mrs. Otway your grandchildren and every branch of the Family who I have the honour of knowing are in the enjoyment of Health. Tho' late I beg leave to congratulate you on the marriage of your niece now Lady Pepys and that you may enjoy many returns of the season is sincerely wished by my Dear Madam

“ Your ladyship's

“ Most obliged and obedient servant

“ JANE SMYTH.”

“ Kingsthorpe near Northampton

“ DEAR MADAM,

“ Dec. 24th 1813.

“ I was absent from London on a visit when your letter was forwarded to me from Grosvenor Street since which time

another visit and my journey home have occupied me very much. The estate left me by Mr. Freeman I have no power to dispose of it being only for my life, and strictly entailed on my sisters and on my nephews etc. at my death ; I would with the greatest pleasure have accommodated you by the sale of the land you desire had it been in my power, well knowing the Inconvenience of a neighbouring property being in the hands of strangers. I hope however that the person who rents that land will not molest you in any respect, and I would willingly lay any instructions upon the tenant which may be conducive to that purpose.

“ With my best compliments to all your family

“ I remain, dear Madam

“ Your sincere and humble servant

“ SARAH CAVE.”

In the year 1813, owing to the great increase in the population of Stapleton, a movement was set on foot by some of the inhabitants to build a Chapel-of-ease upon a burying ground already consecrated at Kingswood. A petition praying for powers to accomplish this was presented to Parliament. Mrs. Smyth, fearing that her rights as patron of the living and lay rector would be jeopardised by this proposal, and also annoyed at not having been consulted on the subject, strenuously opposed the petition in the House of Lords, using the influence of her great friend, Lady Keith, daughter of Mrs. Thrale, so well known in connection with Dr. Johnson, to persuade various peers to vote against the bill when brought before them. By these means the building was delayed until after Mrs. Smyth's death.

The following letter from Seyer, one of the Bristol historians, may be of interest :—

“ Catherine Place, Bristol

“ MADAM

April 4, 1814

“ Being informed that you are a lessee of land in the Parish of Horfield, I take the liberty of applying to you on behalf of

the Parsonage of that Parish to which I was presented last year. The Lord of the Manor, Mr. Shadwell, has given his consent that two acres of the Common near the church may be granted as a glebe whereon myself or my successor may build a Parsonage house. I request your consent to this measure, which you will, I trust, consider reasonable, when I inform you that out of the very small income of this benefice none arises from the Parish, but the whole is from Queen Anne's bounty, Sir Henry Protheroe and Mr. Lambert have given their consent, and there remains four or five other gentlemen and ladies to whom I shall send the same request within these few days.

"I am, Madam,

"Your obedient humble servant,

"SAMUEL SEYER."

The answer:—

"Mrs. Smyth's compliments to Mr. Seyer and informs him she can have no objection to what the Landholders and the Lord of the Manor have consented to respecting the Glebe and Parsonage House.

"Heath House,

"16 of April, 1814."

Mrs. Smyth died at Heath House on 3rd December, 1818. Her will is dated 8th November, 1816:—

"I, Jane Smyth, widow, of Heath House, Stapleton, etc., Whereas my affection for my children is equal but my eldest son Sir Hugh Smyth, Bart. being provided for and my jointure being to devolve upon him I therefore leave and bequeath to my second son John Smyth Esq., all my estate known as the Heath House with the Wild House in the parish of Stapleton for his life with remainder to his sons lawfully begotten, with remainder to the sons of Sir Hugh Smyth lawfully begotten with remainder to the daughters of John Smyth with remainder to the daughters of Sir Hugh Smyth failing whom to my eldest daughter Florence Upton and her sons and daughters

with remainder to my youngest daughter Mary Way and her sons and daughters. I give and bequeath the sum of £100 apiece to my sons-in-law John Upton Esq. and Benjamin Way Esq.

“ I appoint John Smyth Esq. my sole executor.

“ JANE SMYTH

“ Witnesses: JERE OSBORNE

“ MARIA HUMPHERYS servants to Will proved

“ JOHN GIBBS Mrs. Smyth Jan. 21, 1819

She was buried with her husband, in Long Ashton Church. Her son John erected a monument to her memory at Staple-
ton:—

“ SACRED TO THE MEMORY OF JANE RELICT OF THOMAS SMYTH ESQ., AND DAUGHTER OF JOSEPH WHITCHURCH ESQ., AND MARY WALTER SOLE HEIRESS OF ROWLES WALTER ESQ. OF HEATH HOUSE IN THIS PARISH. HER TIME WAS CONTINUOUSLY SPENT IN THE SCRUPULOUS PERFORMANCE OF EVERY RELIGIOUS AND MORAL DUTY. AND THE PIOUS RESIGNATION SHE HAD EVER MANIFESTED THROUGH LIFE AND TO THE WILL OF PROVIDENCE WAS EMINENTLY CONSPICUOUS DURING THE LONG ILLNESS WHICH PRECEDED HER DEATH. THE IRREPARABLE LOSS OF SO EXCELLENT A PARENT MUST ALWAYS BE DEEPLY FELT AND REGRETTED BY HER FAMILY AND MORE ESPECIALLY BY HER SON JOHN WHO HAS CAUSED THIS MONUMENT TO BE ERECTED AS A JUST TRIBUTE TO HER MANY VIRTUES AND A MEMORIAL OF HIS INCREASING AFFECTION AND GRATITUDE. SHE DEPARTED THIS LIFE THE 3RD OF DECEMBER 1818 AGED 79 AND WAS INTERRED BY THE SIDE OF HER BELOVED HUSBAND IN THE FAMILY VAULT OF LONG ASHTON IN THE COUNTY OF SOMERSET.”

Mr. John Smyth settled down at Heath House, which he found a convenient centre for hunting, but not for long did it continue his principal residence, as in 1824 his elder brother, Sir Hugh Smyth, who had succeeded to all the Long Ashton estates in 1802, died without legitimate children, by which event the title and estates devolved upon his brother John, who thus became an exceedingly wealthy man. He lived for many years to enjoy and increase his wealth, dying eventually of dining well but not too wisely on roast sucking pig, being found dead in bed at Heath House, which he always preferred to Ashton Court, on 19th May, 1849. He is buried at Long Ashton, where his sisters erected a monument to him:—

“ SACRED TO THE MEMORY OF SIR JOHN SMYTH
BART. OF ASHTON COURT IN THE COUNTY OF SOMER-
SET ; HE WAS BORN THE 9TH OF FEBRUARY 1776
AND SUCCEEDED AS FOURTH BARONET TO THE
FAMILY ESTATES UPON THE DECEASE OF HIS
BROTHER SIR HUGH SMYTH BART. JAN. 27, 1824
AND DEPARTED THIS LIFE AT HIS SEAT HEATH
HOUSE CO. GLOSTER MAY 19TH 1849 ; HIS RE-
MAINS LIE WITH THOSE OF HIS ANCESTORS IN THE
FAMILY VAULT BENEATH THE CHANCEL OF THIS
CHURCH ; THIS MONUMENT TO RECORD THE
MEMORY OF A BELOVED BROTHER WAS ERECTED
BY HIS SISTERS FLORENCE UPTON AND MARY
WAY.”

By his will all his estates passed to his eldest sister, Florence, while to his younger sister, Mary, he left a legacy of £100,000.

Thus as a widow, a grandmother, and at the age of eighty, Florence Upton, the eldest sister, found herself in possession of Ashton Court and Heath House. She at once resumed her maiden name, and was known as Mrs. Smyth. Her only

son, Thomas Upton, had long predeceased her, after having married his first cousin, Elizabeth Way, by whom he left two sons and two daughters. Mrs. Smyth resided but little at Heath House, and died at Ashton Court in 1853, by which event all her estates passed to her only surviving grandson, John Henry Greville Upton, who was a minor at the time. During his minority the new church at Stapleton was built. Mr. Upton assumed the name of Smyth, and was created a baronet on April 25, 1859. He never resided at Heath House, but after his grandmother's death let it to Matthew Davenport Hill, commonly known as Commissioner Hill, the eminent reformer of the Criminal Law—who had previously leased Ashton Lodge in Long Ashton, which he vacated on its being required as a residence for Mr. Smyth's uncle and guardian, Mr. Arthur E. Way. He lived at Heath House until his death, on 7th June, 1872. After which the house remained empty until 1873, when it was let on 25th March to John Smyth-Osbourne, Esq., and a sale of the furniture, but not of the pictures, took place. Furniture, chests, and mirrors which in these more enlightened days would be highly prized were sold for an old song, a good deal being bought by Mr. Smyth-Osbourne himself, the in-coming tenant, who retained the lease until 1883, when it was transferred to his aunt, Miss Osbourne, and expired at her death in 1887. After which Heath House, save for the family portraits and other pictures mildewing on its walls, remained empty until 1901, when it was taken by a Bristol furniture dealer named Hayman, who resided there until 1908.

At Sir Greville Smyth's death, in 1901, the Heath House estate, following the entail, passed to his only surviving sister, Florence Anne, widow of Clement Upton Cottrell-Dormer, Esq., who immediately made it over to her eldest son, Captain Charles W. Cottrell-Dormer, of Rousham Hall, Oxfordshire, who, finding the house quite useless as a residence and a source of expense rather than of income, put it, together

with Stapleton Park and the outlying portions of the entailed estate up to auction on 24th July, 1911. Though many of the farms thus offered found ready purchasers, not a bid was recorded for Heath House, which still remains, though much against his will, in the possession of a descendant of its ancient owners.