

From the Chair

As I write this we have already enjoyed two of the summer's special events. On Saturday 31 May approximately 15 members drove down to the Chilterns Open Air Museum where, on one of those rare perfect early summer days, we toured the buildings on display, watched a display of wood turning and took refuge in the shade of the woodland walks. It was inspiring to see what a relatively small group of dedicated volunteers had been able to achieve. The highlight for many members was the restored 1940s prefab, fitted out with Utility Furniture and household goods that some were almost old enough to remember! [An article will appear in a future issue.]

On Wednesday 11 June we were the guests of Mr and Mrs Pleydell-Bouverie for our summer social. Fifty members and guests toured the gardens at Castle House before enjoying a guided tour of the house itself, culminating in a stunning view of Deddington's rooftops and the North Oxfordshire countryside from the leads. Our thanks are due to Sue Shattock, who spent what must have been days preparing a spread that vanished in minutes, and most of all to Mr and Mrs Pleydell-Bouverie for their generous hospitality. It was a lovely evening.

Still to come were visits from and to Charlbury, and then Moira Byast's guided walk in the Fulbrook

area. And, of course, Colin Cohen continues to produce 224. I recently told an enquirer that the Society is busy in the winter but goes into hibernation in the summer. I think we might have to re-think that summary of our seasons: we seem to be turning into a year-round society. But our main business remains the winter programme, which the committee is presently organising. If we don't see members at one of the forthcoming get-togethers, **we look forward to greeting you again at the Windmill Centre on 10 September.**

Chris Day

Wood turning on a pole lathe at the Open Air Museum by Brian Bond.



Fortnam versus Fortnam: the story of a marriage breakdown in Georgian Oxfordshire

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

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

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

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

Some of the issues raised by these matrimonial cases can be seen in the example of *Fortnam v Fortnam*, which was brought in the Oxford consistory court in 1775. Thomas and Mary Fortnam were married at Steeple Barton on 19 November 1767, when Mary was eighteen. Thomas was the son of farmer George Fortnam and worked on the family holding in the village. Mary's parents, Giles and Mary Ibell, were also local farmers, though neither came from there originally.³ Giles died in 1769 and in his Will he left £100 in trust for his daughter, the yield whereon she

was to receive 'only at her sole and separate Disposal'. It was not to be used to cover her husband's debts or similar matters.⁴ The interest received, probably about £4 or £5 a year, was roughly equivalent to the annual earnings of many maidservants at that time. Married women's property rights were, of course, virtually non-existent in the eighteenth century, so the care with which this provision was made in the Will perhaps indicates that some marital discord had already developed between the young couple. Or perhaps Giles Ibell merely wished that his daughter should have a small income of her own.

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

Soon the servants began to notice a budding romance between Mary

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

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

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

The first occurred in the late spring of 1773 when young John Carter was kicked on the head by a horse. For three weeks he was seriously ill and Mary Fortnam came to



The church from the north west in 1824 with Sesswell's Barton manor house in the background

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

The second incident took place in August of that year, when Mrs Ibell went to visit some friends for a week and her daughter came to the farm to keep house while she was away. It was the custom for the maid, Mary Scaresbrook, to sleep in her mistress's bedroom, although not in her bed. However, when Mrs Fortnam came she had her mother's bed carried out and laid on the floor in a room over the dairy. It was only returned to its normal location on the day Mrs Ibell came back. The maid found the change suspicious and the male servants, too, kept watch on Thomas Palmer, convinced that he was leaving his sleeping quarters during the night while Mary Fortnam was in the house. Eventually on the fourth day of the stay, the maid thought she heard someone enter Mrs Fortnam's room during the night. At about 5 a.m. the next morning, as she was dressing herself 'she look'd through the Latchet Hole of her Bed Chamber Door, and saw the Door of the room over the Dairy ... open and having watched through the ... Latchet Hole for some time she ... saw ... Thos. Palmer go out of the Room ... with only his shirt on, which threw ... [her] into a trembling as ... [she] believed ... Mary Fortnam and Thomas Palmer were in ... the same Bed naked and alone ... and had committed the Crime of Adultery together'.⁸

Meanwhile, William Stockford and Thomas Bedding were also

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

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

However, in the summer of 1774, a daughter, Charlotte, was baptised at Steeple Barton Church, with Thomas and Mary Fortnam shown as the parents.¹⁰ Doubtless the timing of this caused tongues to wag as to the child's real father. This was perhaps particularly the case since one of the male servants, Thomas Bedding, still lived in the village. Up to that point Thomas Fortnam was apparently unaware of his wife's infidelity. When in the autumn of 1774 he learnt of it he immediately

left his home and went to lodge with his widowed father on the family farm.¹¹ Stung at being cuckolded in this way he instituted a suit in the Oxford consistory court for the marriage to be set aside on account of his wife's 'incontinency'. The divorce (or, more accurately, separation) was granted, although the couple may have maintained an uneasy relationship since on 12 May 1782 a daughter, Elizabeth, was baptised at Steeple Barton. She was buried around two months later and the parents were shown as Thomas and Mary Fortnam. However, when a third child, Matthew, was baptised on 29 July 1784 he was firmly recorded as the illegitimate son of Mary Fortnam. This may have been because, as a boy, there were property inheritance rights to be taken into consideration. Matthew died the following November. There is no evidence as to the identity of his father. Certainly there appears to be no record of Thomas Palmer in the parish registers.

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

His Will, drawn up on 16 November, just five days before he was buried, showed that the bitterness felt at his failed marriage still persisted. He left Mary, 'the daughter of Mr Giles Ibell deceased with whom I intermarried and from whom I am divorced by a sentence of the Spiritual Court on a Suit commenced by me for her incontinency', just one guinea 'of lawful money ... and no more. I give to her daughter Charlotte the legacy or sum of five pounds'.¹³ There was no acceptance of Charlotte, now aged eleven, as his daughter. By contrast Mary East, his servant, received £20 in cash, plus the life tenancy of a cottage 'with the out buildings and appurtenances to the same belonging' which he owned in Middle Barton. She was also to have 'all the furniture of my best Bedchamber

and parlour'. The rest of his property was left to relatives, with his brother William acting as executor.

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

Pamela Horn

We are most grateful to the author, and to the editor of The Banbury Historical Society's journal *Cake & Cockhorse* for permission to reprint this article.

Notes

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

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

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

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

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

6 Deposition of Mary Scaresbrook, 12

October 1775, f 96 in Oxf Dioc MSS c 97. Mary Scaresbrook was then living in Kirtlington.

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

8 Deposition of Mary Scaresbrook, ff 96-97.

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

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

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

12 Will of George Fortnam, yeoman, of Steeple Barton, made 20 February 1777, and proved on 15 February 1783, W 217 80 in Oxfordshire Record Office.

13 Will of Thomas Fortnam, yeoman, of Steeple Barton, W 217 162 in Oxfordshire Record Office.



Members of the Society look down from the roof of Castle House on the Chairman, seen talking to Mrs Pleydell-Bouverie



From the *Banbury Advertiser*,
12 May 1880

The New Congregational Chapel

The laying of the Foundation Stone

The Friends of the Congregationalism at Deddington on Monday last received a tangible token of their labours of many years past have not been in vain. They have long felt the need of a more commodious place of Worship and some time ago the site of an old house reclining a little on the right hand side of the High Street was purchased from Mr Hoare of the sum of £250.

This has been prepared for the reception of what will undoubtedly be a very nice little chapel and credit to the not over-brilliant architecture of this town.

Alan Maddison, who came on this disparaging item, has written an article on Friends' Meeting Houses in the area which will appear in a future issue of 224.

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The Society meets on the second Wednesday of the month during the season, normally at the Windmill Centre in Deddington. Membership £8/14 pa single/couples, or £2 per meeting at the door.

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