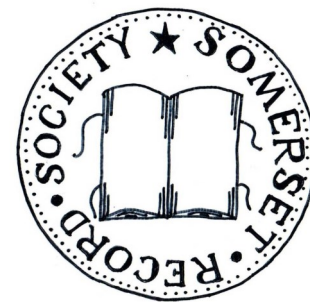


OFF THE RECORD

THE NEWSLETTER OF THE SOMERSET RECORD SOCIETY

ISSUE 2: SUMMER 2020



FROM THE EDITOR

I hope that many of you will be returning to some version of normality as you receive this newsletter. The last few months have seen many changes and for most of us a new way of working through digital platforms. The Somerset Record Society has been no different with the Council holding their first virtual meeting last month, details of which are opposite.

Before the lockdown I was lucky enough to be able to attend The Family History Show held at the UWE Exhibition & Conference Centre in Bristol. The day included a variety of talks on subjects from military history to dating family photographs. I met delegates and exhibitors from across the South West, as well as further afield from Oxford, Birmingham and even the Netherlands. The event raised our profile and hopefully we will be able to attend again next year.

Despite not being able to meet up in our usual way, we have still been working hard to develop the Society. The beginning of September saw the launch of the new SRS website which you can find at somersetrecordsociety.org.uk or by searching for 'Somerset Record Society' in your web browser. We hope you find it interesting and useful. In addition to our usual methods of communication, we will also use the website to advertise events such as our AGM and the publication of new volumes. We hope the website will allow us to reach a new and wider audience, both within the UK and abroad.

This issue of *Off the Record* is slightly longer than usual as there will be no lecture after our AGM this year due to the Covid-19 pandemic. The newsletter again features a great range of articles on the history of Somerset; from a case brought to the Elizabethan Star Chamber, an introduction to the treasure trove of the Mells Archive and an insight into what we can learn from a 1332 lay subsidy roll.

I look forward to seeing you at our AGM in October, details of which are opposite.

Emma Down, Off the Record Editor

FORTHCOMING EVENTS

Annual General Meeting

The Council recognises that current Government guidance surrounding the Covid-19 pandemic continues to require social distancing and prohibits mass gatherings. Therefore, the Council has taken the decision to hold the AGM at the Chairman's house and determined that there should be no more than 6 members of the Society there in person. The Annual General Meeting will be held on Saturday 10 October 2020 at 2pm (GMT). Members can attend by accepting a Meeting Invitation to attend virtually via a video platform. If you would like to do this please email secretary@somersetrecordsociety.org.uk with your name. Details of how to join the meeting will be emailed to you nearer the time.

The AGM will focus on the formal business of the meeting only. There will not be a talk on a historical topic after the AGM.

Members will find annual reports, financial statements and minutes of previous meetings for the AGM enclosed with this newsletter.

We hope that we will all be able to meet again in person next year and have a more normal meeting with everyone.

COUNCIL MEETING UPDATE

Due to the Covid-19 pandemic the Council Meeting scheduled at the beginning of May was postponed and the Council met virtually in August. The Annual Report of Council is enclosed with this newsletter. We also welcome David Victor who has agreed to be our Marketing Manager.

There is still a vacant position on the Council which we would like to fill. Members are invited to contact the Hon. Secretary, William Hancock, at secretary@somersetrecordsociety.org.uk if they wish to stand for election to Council, or to find out more information.

The Council would like to take this opportunity to thank all members for their continued support and understanding in these exceptional circumstances and wish you well during this time.



ONE THING LEADS TO ANOTHER

Robert Dunning describes some interesting discoveries he made whilst on a research tangent when studying the Ordination lists for a forthcoming volume for the Society.

One thing leads to another. The discovery (from the forthcoming Ordinations lists) that William Mors or Moreys, described by Sir Henry Maxwell-Lyte in our Volume liv (*Registers of Oliver King and Hadrian de Castello*, p. xvii) as a 'shameless pluralist', was a native of Croscombe prompted a look at that parish's churchwardens' accounts. They were published as part of the pioneering work of Bishop Edmund Hobhouse and are to be found in our Volume iv, published in 1890.

There, in 1476-7 was the evidently prosperous Roger Morrys, probably William's father, and between the later 1470s and the 1550s, the names Pew, Thomas, Powell, ap Richard, Apendyllon, Davye, Jons, Morgan, Phillips, Evan and Lewys, surely a significant Welsh community.

The few surviving manorial records of Croscombe for the 15th and 16th centuries in the Fortescue of Castle Hill collection at Exeter reveal Welsh names from 1411 (Hopkyns and Jamis), several of them associated up to the 1450s with quarrying. At least some of that activity was not in Croscombe parish but in an associated Fortescue holding at Newman Street (that is a name with possibilities), well over three miles east in Doultong.

And one other item in the Fortescue collection caught my eye. It is an agreement, dated 1531, between the prior of Bath and a group of parishioners of Ashwick, four miles north-east of Croscombe, that the prior would provide a small site and the parishioners would, within five years, build a church house. The house was duly completed and the trust was renewed in 1556.

What makes this document particularly interesting is that Prior William Holway describes himself as 'of the monastery and cathedral church of St Saviour and the blessed apostles Peter and Paul'. From its foundation it had been dedicated only to the two apostles. Professor Nicholas Orme sees this addition, he tells me, 'as a sign of the coming Reformation', about which he is now writing.

Robert Dunning, Chairman

FORTHCOMING VOLUMES

Andrew Butcher gives us an update on what we can look forward to over the next year.

This year's timetable for the preparation and publication of volumes has been disrupted by the current Covid-19 pandemic. Despite this, the next two volumes for publications are at the printers.

Volume 99: *Somerset Recipes and Remedies in the 17th and 18th centuries*, ed. Andrew F. Butcher. (based on preliminary researches by Jim Skeggs, assisted by Liz Grant, and including a biographical essay on Jim Skeggs by Adrian Webb)

This volume is concerned with the 17th and early 18th century descriptions of medical and culinary recipes and remedies surviving in manuscript and deposited in the archives of the Somerset Heritage Centre. It includes three collections in manuscript book form: 'Elizabeth Clarke her booke, 1665' (SHC DD/SF/9/4/1); 'Maddam Alice Cole Her Receipt Booke', late 17th century (SHC DD/SF/9/4/6); 'Book of recipes, c. 1700', Harbin (SHC DD/HN/3/2/2). These three collections are predominantly of medical remedies with a few culinary recipes interspersed. One further collection included is of 'Recipes and Remedies Miscellaneous' (SHC DD/SF/9/4/2), mostly culinary recipes written on loose sheets of paper, with one stitched recipe booklet and 4 medical remedies included on loose sheets.

As well as detailed transcriptions of these unique texts, a glossary is also included providing an extensive means of understanding, in particular, the medicinal properties of plants and the range of food-stuffs

Our other volume at the printers is Volume 100, *Somerset Records: Past, Present, and Future*, ed. Andrew F. Butcher and Robert W. Dunning.

This volume is a celebration of the first hundred volumes of the Somerset Record Society, dedicated to the memory of former SRS Chairman, Gerard Leighton. It includes new transcriptions and editions of manuscripts possessing historical significance for Somerset; and explores the contributions of the archivist, the conservator, and the Somerset Record Society editor in the past, present, and future of the preparation of SRS volumes for their readership and their scholarly use.

Looking further ahead we are also preparing volumes on *Bath & Wells Ordinations, 1465-1526*; *The Commonplace Book of John Walker, c. 1640*; *The Ashe Ledgers, 1631-66*; *Somerset's Loyalties on the eve of Civil War, 1638-42* and *The Manorial Court Rolls of West Somerset, c. 1250-1550*.

Andrew Butcher, Editor

THE MELLS ARCHIVE

John d'Arcy gives us an introduction to the Mells archive and the families who contributed to it.

The Horner family was first heard of in Somerset in 1436 when a Robert Horner of Kilmersdon was presented before the Hundred Court for not scouring his ditch at the coal pit. The Horners owned the manors of Mells and Leigh-on-Mendip with much other property from 1543, when they bought it from the Crown for £1831. For many years in the 16th and 17th centuries they lived at Cloford, where they had owned the manor from before the Dissolution. The Estate included lands in the manors and parishes of Mells, Leigh-on-Mendip, Samuels and Frenchhouse in Mells, Cloford including Leighton, Doultling with Prestleigh, Stoke Lane in Stoke St. Mary, Whatley, East Cranmore, Nunney, Milton Podimore, Great Elm and Haydon, Lanois Court and Hillhouse Liberty.

Between the time of George Horner's leasebook, which starts in 1682, and the death of Sir John Francis Fortescue Horner in 1927, the Estate was run from Mells Park or Mells Manor by a

succession of Horners:- Thomas Horner, Colonel Thomas Strangways Horner, Reverend John Stuart Hippisley Horner and Sir John Francis Fortescue Horner, when their male line ran out of heirs.

After a big sale of property in 1925, the ownership of the remainder of the Estate was divided between Cicely (née Horner) Lambton, who took land south of the Mells Stream and Katharine (née Horner) Asquith north of the Stream. Katharine was the widow of Raymond Asquith, from whom that part of the Estate descends to the current owner, the 3rd Earl, through her son Julian, the 2nd Earl of Oxford and Asquith.

Four groups of records relating to people who were not Horners or Asquiths have found their homes amongst these archives because of their connections to the family. The most substantial of these is that of Sir John Coxe Hippisley (1746-1825) and his family of Ston Easton. Sir John married in February 1801 his second wife Elizabeth Anne Horner, the sister of Thomas Strangways Horner, who married around the same time Margaret Frances, the daughter of Sir John's first marriage to Margaret Stuart, making Thomas Sir John's brother-in-law and son-in-law.



Mells Manor painted by William Nicholson.

Image reproduced by kind permission of Lord Oxford.



Anne Palairret became the second Countess of Oxford and Asquith in 1947, when she married Julian and the papers of her diplomat father, Sir Michael Palairret and his wife Mary, have come to rest in the Mells archive.

Part of Monsignor Ronald Knox's archives are here because he came to live at Mells Manor and died and was buried here in 1957. Conrad Russell, the fourth son of a brother of the ninth Duke of Bedford, and a fellow scholar of Raymond Asquith at Balliol College, Oxford, came to live at Mells and became a tenant farmer on the Estate. Both Ronald Knox and Conrad Russell were close friends of Katharine Asquith.

The archives are very extensive, now catalogued on an ADLIB database to ISAD(G) rules and shelved in 213 large boxes in the Archive Room next to the Estate Office in Mells, with 22 large rolled maps and a number of flat plans and volumes. There are nearly 2900 catalogue entries, some very substantial. The content and range of the collection matches typical country house estate archives elsewhere. There is an important group of manorial records from 1307, particularly for



Thomas Horner and Elizabeth Anne Horner by Benjamin West.

Image reproduced by kind permission of Lord Oxford

Cloford, Mells and Leigh-on-Mendip; as well as official records including papers on lieutenantancy, shrievalty, petty sessions, militia and the North Somerset Yeomanry. A sizeable series of deeds survive for the estate parishes and elsewhere from c.1286, with some of the manorial leases completely transcribed by Michael and Sheila Morris. The Estate papers include rentals, surveys and maps from 1514 and a significant group of plans and documents relating to local quarries and collieries and the enclosure of Mendip.

The collection also includes 22 large volumes of watercolours made by WW Wheatley in the 1840s of every parish church in Somerset, including some miscellaneous houses such as Gotherney Hall and parochial buildings. The paintings were commissioned by John Stuart Hippisley Horner, a Prebendary of Wells Cathedral, and provide a comprehensive snapshot of some Somerset buildings in the mid C19th. In due course the Watercolour World project will be making the paintings available online.

All the significant members of the Horner and Asquith families, particularly in the 19th and 20th centuries, have left huge quantities of letters, many diaries, scrapbooks and commonplace books and in the case of Thomas Horner (1737-1804) a remarkable collection of architectural drawings of Mells Park and elsewhere, some by Sir John Soane. Many of their siblings and the families of their wives have added papers to the accumulation. Frances Horner (née Graham) (1860-1940) brought with her important connections to Sir Edward Burne-Jones and Hilaire Belloc, and Katharine Horner, her daughter, (1885-1976) had a close correspondence with Lady Gwendolen Godolphin-Osborne and a considerable number of Catholic priests and writers. Raymond Asquith's (1878-1916) letters and papers, many published, are placed with some of his father's; H.H. Asquith, Prime Minister from 1908 to 1916 and the first Earl, with the latter's medals, illuminated addresses, grants of arms, titles and freedoms and papers about his genealogical background.

The 17 boxes of papers of Sir John Coxe Hippisley (1745-1825) have an importance beyond the normal run of family archives. He was a British diplomat and politician, whose unsuccessful quest for office led King George III to describe him as 'that busy man'. He spent 8 years in India with the East India Company making his fortune and later became the British Government's 'man' in Rome at the Court of Pope Pius VI during the Revolutionary Wars. He was called upon to negotiate the marriage between Prince Frederick of Württemberg to Charlotte, the Princess Royal, eldest daughter of George III, for which he received his long-sought baronetcy and he persuaded the King to award the penniless Cardinal,

Duke of York, the last representative of the male line of the royal house of Stuart, an annual pension of £4,000. He succeeded in repatriating the Stuart Scottish State papers to the Windsor Castle Archives; played no small part in the effort to persuade Parliament to bring forward legislation for Catholic Emancipation and was M.P. for Sudbury in Suffolk from 1790 to 1796 and 1802 to 1818. His papers include much material about Shepton Mallet prison, the use of treadmills and the building of prisons generally.

The diplomatic lives of Sir Michael Palairret and his wife Mary are superbly recorded in a series of 23 huge scrapbooks from the 1880s to 1939, covering their careers in France, Japan, Austria, Romania, Greece and elsewhere. The lives of Monsignor Knox and Conrad Russell have also both been the subjects of a biography and a publication of letters.

There have been a few losses or deteriorations through water damage to the archives 70 or so years ago, and perhaps in earlier centuries, and no doubt selective destructions of papers by previous generations. Mells Park House had a serious fire in 1917, by which time the Horner family was occupying Mells Manor and had transferred their archives to the buildings near where the Archive Strongroom and Estate Office is today. In volume 2 of the Morris' transcription of 'The Leases of the Manor of Mells and Leigh-on-Mendip', Dr John Harvey has written a note about the reconstruction work on the maps of the Mells Manor estate, the earliest of which, dated 1682, was severely damaged by water. Harvey's note provides a very useful introduction to the maps.

The archives were catalogued between 2009 and 2018 and are arranged largely chronologically according to the individual members of the Horner and Asquith families and their relations or according to type, such as manorial records, official records, estate deeds and papers and so on. Each of these sections or 'fonds' has been given a letter. Within each lettered section further sub-divisions for letters, diaries and personal papers have been numbered.

Many of the catalogue entries are lengthy because large numbers of connected letters or papers have been gathered together under one number. The parishes mentioned in the text are located in the counties of the pre-1974 local government arrangement.

In 1930 Lady Frances Horner commissioned Miss D. M. Page to make abstracts of many of the earlier deeds and papers in the collection, and her transcriptions were turned into a catalogue in 1931 by the Historical Manuscript Commission. The new catalogue and Miss Page's catalogue have been cross-referenced for ease of research.



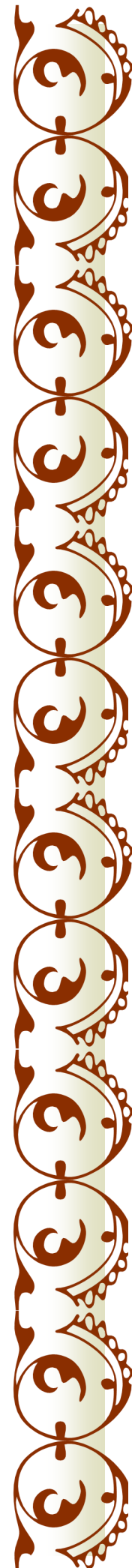
Thomas Horner outside Mells Park House (Ireson) by Thomas Beach.

Image reproduced by kind permission of Lord Oxford

A number of articles about the archive have been published, including *The King's Peace: the Justice's Notebooks of Thomas Horner of Mells 1770-1777*, edited by Michael McGarvie F.S.A. published in 1997; Michael and Sheila Morris have transcribed a number of documents including, Court Rolls; George Horner's Lease Book; The 1762 survey of Mells, Leigh-on Mendip, Cloford, Doultling and Milton Podimore; The 1783 survey of the Manors of Mells, Leigh-on-Mendip, Stoke Lane and Doultling; leases of the Manors of Mells, Leigh-on-Mendip, Samuels and Frenchouse. Copies of the transcriptions are held at the Somerset Heritage Centre. A hand list of the Horner Mss at Mells to 1509 can be found in Volume 57 *Collectanea iii* of the Somerset Record Society publications.

Two groups of deeds have been sent elsewhere as having no obvious connection to the Mells Estate, early medieval ones to the Cumbria Record Office in April 2018 and 16th and 18th century deeds to the Gwent Record Office in March 2019.

All necessary conservation work is complete or ongoing and almost everything can be produced for research. Access to the archive is by appointment and can be arranged by writing to the Earl of Oxford and Asquith, The Manor House, Mells, Frome, Somerset, BA11 3PN or by emailing jdarcy102@gmail.com





TWO SOMERSET TAX ROLLS 1327 AND 1332

William Hancock explores two Somerset Tax rolls and the glimpse they can give us into the middle ages.

In 1889, the Somerset Record Society published a transcription of the lay subsidy returns for Somerset of 1327 (National Archives E 179/169/5), subtitled 'a tax roll for Somerset of the first year of Edward the 3rd' (*Kirby's Quest for Somerset &c*, F. H. Dickinson, Somerset Record Society vol. iii). An index to this was published in 1996 (*Index to Kirby's Quest for Somerset &c*, Mary Siraut).

There have since been published the Dorset and Gloucestershire tax rolls of 1327 (*The Dorset Lay Subsidy Roll of 1327*, Dorset Record Society vol. 9, edited by Alexander R Rumble; *The Taxpayers of Medieval Gloucestershire: An Analysis of the 1327 Lay Subsidy Roll with a New Edition of its Text*, by P. Franklin).

PRO Handbook No 31 (*Lay Taxes in England and Wales 1188-1688* p xxix, M Jurkowski, C L Smith and D Crook) observes:

There was no evidence that there was thought to be any point in keeping the assessments after the taxes had been collected and accounted for, so it is remarkable that any have survived at all... In 1323 an Exchequer ordinance made a particular Exchequer official, the kings remembrancer, responsible for the roules de taxation des aides par clerks et lay grantez, and it is probably no coincidence that the rate of survival thereafter is subsequently considerably greater.

The reason why a tax was needed is also answered in Public Record Office Handbook 31 (p 36):

Following his accession to the throne in January, the young Edward III was determined to continue the war with Scotland, and on 7 August 1327 summoned a parliament to meet at Lincoln on 15 September. No records of the parliament survive but a levy of a twentieth must have been decided on by 23 September, when commissions for its assessment and collection were issued.

It was a general levy of a twentieth on the movables of the king's subjects on Michaelmas day 1327, that is 29 September, when the harvest was in, which was to help raise £867 10s 5d in the countryside and £61 2s 4d in the towns and the royal demesne (the land held by the crown). The worth of people at this time lay not just in land but also in its produce and in domestic and overseas trade.

The tax roll for Somerset 1327 is an account of the assessment carried out before the tax was raised. It seems to have been used for the first, second and third collections of this grant. The roll comprises 59 parchment rotulets. It has names of individuals in every tithing apart from one of the Stokes. No distinction is made for the purposes of this universal fractional tax in town, village or hamlet between the

free tenants and those whose holdings were held by customary tenant right. The assessment is not of parishes but tithings in hundreds, the administrative districts or territorial units within the counties used for national taxation. The names written down are those of everyone in the county whose moveable property was of the value of at least ten shillings. At least that was where this flat rate tax was floored but the assessors and collectors would see how the levy could be raised under a system of taxation which had a threshold excluding the poorest in the community and exemptions.

The Public Record Office Handbook 31 (p xxx) summarises the goods excluded as the necessities of life for each class in society. For the husbandmen there were exclusions for agricultural tools and food for livestock, larger items such as cheese, milk and butter and they could keep their beds.

The flexibility of the system built a certain fairness into the assessment: a man with a large family could retain a larger proportion of his crops and produce to sustain his family, while one with fewer possessions but a smaller household to support would be assessed for a proportionally greater amount.

Respite was claimed by holders of office under the king. The riding horses, armour, jewels and robes of knights and gentlemen (*Chevalers et as gents hommes*) and their wives, and their plate of gold, silver or brass (*vessel d'or d'argent et d'arrein*) were also to be excluded.

[As] a result the statistics from the collections deal only with those Englishmen and women who were wealthy enough to fall under the scrutiny of the local assessors. It is rather like an iceberg the size of whose submerged depths is unknown. In addition there was probably evasion and under-assessment everywhere. (Fifteenth and Tenth, 1334 Victoria County History of Wiltshire vol. 4 p 294, Edited by Elizabeth Crittall)

The initial commissions did not cite any payment dates, but later ones, those issued on 5 and 12 October 1327, reveal that payment of the first instalment was due by 3 February 1329.

The assessment has to have been carried out sometime between those dates. The PRO Handbook (p 36) puts the date of the levy of the second payment at Michaelmas 1328. This was after the

collectors in most counties were ordered to pay part of their receipts to the Bardi merchants, in order to settle the king's debts. The levy of the tax may have met with some resistance, the head collectors in Great Yarmouth were attacked.

John de Clyvedon and John de Erle were appointed chief taxers, that is the principal collectors for the county of Somerset.

Sir John de Clyvedon (d.1336) had succeeded to his manor of Clevedon and lands to the value of £40 per annum or more in 1303. He also had the manor of

Milton Clevedon and part of Wanstrow. Following his appointment as chief taxer de Clyvedon became custos of the see of Bath and Wells, which was then in the king's hands, during the vacancy of the bishopric, John de Drokenford having died on 9 May 1329. In 1330 de Clyvedon served as one of the three commissioners of the peace for the county (*The Clevedon Family*, Sir John Maclean in SANHS Proceedings 1895).

Sir John de Erle (or Erleigh) (d. c.1337) had the hundred and manor of North Petherton together with the manors of Durston, Michael's Church, Babcary, Beckington and Somerton Erleigh and other lands in Somerset. He served as sheriff of Somerset and Dorset in 1325, as a knight of the shire between 1329 and 1332 and as a commissioner of the peace in 1331 and 1332 (*Victoria County History of Somerset vols. 3 p.135 and 6 pp 259, 283, 288-9* editor R. W. Dunning; *The History and Antiquities of the County of Somerset vol. 2*, John Collinson; *The manor of Erley or Earlstown, County Kilkenny*, by G. D. Burtchaell, in *Journal of the Royal Society of Antiquaries of Ireland* vol. XXXVI p 154-165).

It was de Clyvedon and de Erle who saw to the selection from hundred to hundred and vill to vill:

a sufficient number, out of whom they are to choose four or six or more of each vill to make the taxations, and to swear them to tax all men's goods according to their true value, excepting things specially excepted.

Dickinson adds that the taxation of prices of stock must have been far below the sale prices in shillings and pence (1^s amounting to one-twentieth of a pound and 1^d to one-twelfth of a penny) and of the amounts of taxation:

I find 6d., 12d., and 18d.; are frequent especially in places where the taxation is low and careless, and I am disposed to query whether these persons were not holders of one-eighth or one-fourth, or some other part of a hyde and taxed as such without careful reference to the value of their stock.

Professor W. M. Ormrod also sees taxpayers as later becoming 'adept in the art of under-valuation':

Lay subsidies therefore became increasingly conservative estimates of the true wealth of England

(*The Crown and the English economy, 1290-1348*, in *Before the Black Death Studies in the 'Crisis' of the Early Fourteenth Century* Edited by B.M.S. Campbell p.155).

In west Somerset then, reckoning a carucate or hide of land, the amount of land that an oxgang could till in a season, at 120 acres, it seems improbable that the smaller customary tenant, the cottager, the 5 acre man and the fardeler, at 7 ½ acres possessed of a quarter of a hide, could generate enough of a livestock, crop or grain surplus to bring him up to 10^s. A 15 acres man might have reached surpluses of that amount outside years of famine, hardship and pestilence and be assessable at a half-yard; he perhaps could afford to pay 6^d or on better land 8^d. For those who worked the land and had little to supplement their incomes, say from making flour at the

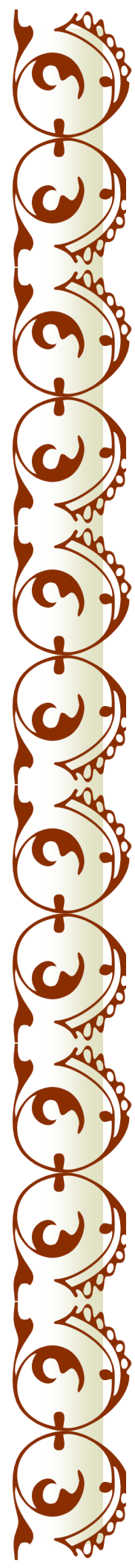
manor grist mill or tucking cloth at a fulling mill, what there was left at Michaelmas depended on the size of the land unit held and the quality of soil. A customary tenant holding around 22 ½ acres (that is up to three quarters of a yard) might be taxed at 8^d to 10^d, 12^d if the holding was 30 acres, that is a yard or virgate, 2^s for a half hide unit and 4^s for a hide. If the holding was as much as a half hide the tenant would be a tithingman, but if it was above that then he would not be your regular tenant and perhaps also had a freehold. If the reckoning was influenced by the size of the holding in 1327, and here it would be in the theoretical fiscal measure of an acre not real ones, would that have been by design or was the size cause of the effect? The taxpayers seem to have been ordinary people in better sort. In rural west Somerset, maybe a husbandman decent at husbandry sat at the bottom of the scale; he might have a half-yard and allow that his goods would be assessed. At the top rung in most villages were the franklins. A freeholder at the choice end of his class might have had the time to be that talkative yeoman in *The Canterbury Tales*. He had at least a hide of land of an annual value from 40^s.

Professor Stuart Jenk's has argued that the lay subsidies taxed the surplus employed in internal trade available from sales at Michaelmas, just after harvest and before the slaughtering of the Martinmas beasts (*The Lay Subsidies and the State of the English Economy 1275 1334*: VSWG 85. Bd., 1 (1998), p 1-39 at p 13). A picture that he paints is of two or more local men acting as under-assessors:

scurrying about the countryside in order to estimate the value of movable goods... Englishmen had been estimating the value of their neighbors' property for a very long time before the introduction of the lay subsidies.

Dickinson's theory that the assessment of movables was linked to the size of the holding might be tested by comparing a taxed tithing with a list of customary tenants of the manor. In Withycombe, Withycombe Hadley manor has accounts, a list of the homage and a statement of tenancies between 1330 and 1360. In a much later rental of Fitzhead in 1543, there were three freeholders, one yarder, 18 half-yarders and nine fardelers. These apart, there were four five-acre men and the rest cottagers (TNA LR 2/257/ff. 206-203). In 1381, thirty-three years after the Black Death reached England in June 1348, seven householders paid poll tax in Raddington and another 14 in Chipstable (*The Poll Taxes of 1377, 1379 and 1381 Part 3*, Carolyn C. Fenwick).

Two tithings are considered here as illustrations of what happened in practice. Two neighbouring parishes, on south facing slopes of the Brendon Hills. Raddington and Chipstable in the hundred of Williton. The *Victoria County History, A History of the County of Somerset Vol. 5*, editor R W Dunning treats both hamlets and the following draws on that source (see p 26-31 and 136-143).



Raddington had two manors. It was occupied and seems to have been held by John of Raddington in the late 13th century who had been succeeded by Robert de Raddington by 1332 and then another John by 1361. The other manor, Chubworthy was held by Robert of Chubworthy, son and heir of Walter of Chubworthy, who did homage for his holding in the 1270s; it was later reckoned as a ½ fee (in theory 750 acres). Robert seems to have died in 1333, leaving Philip as his heir.

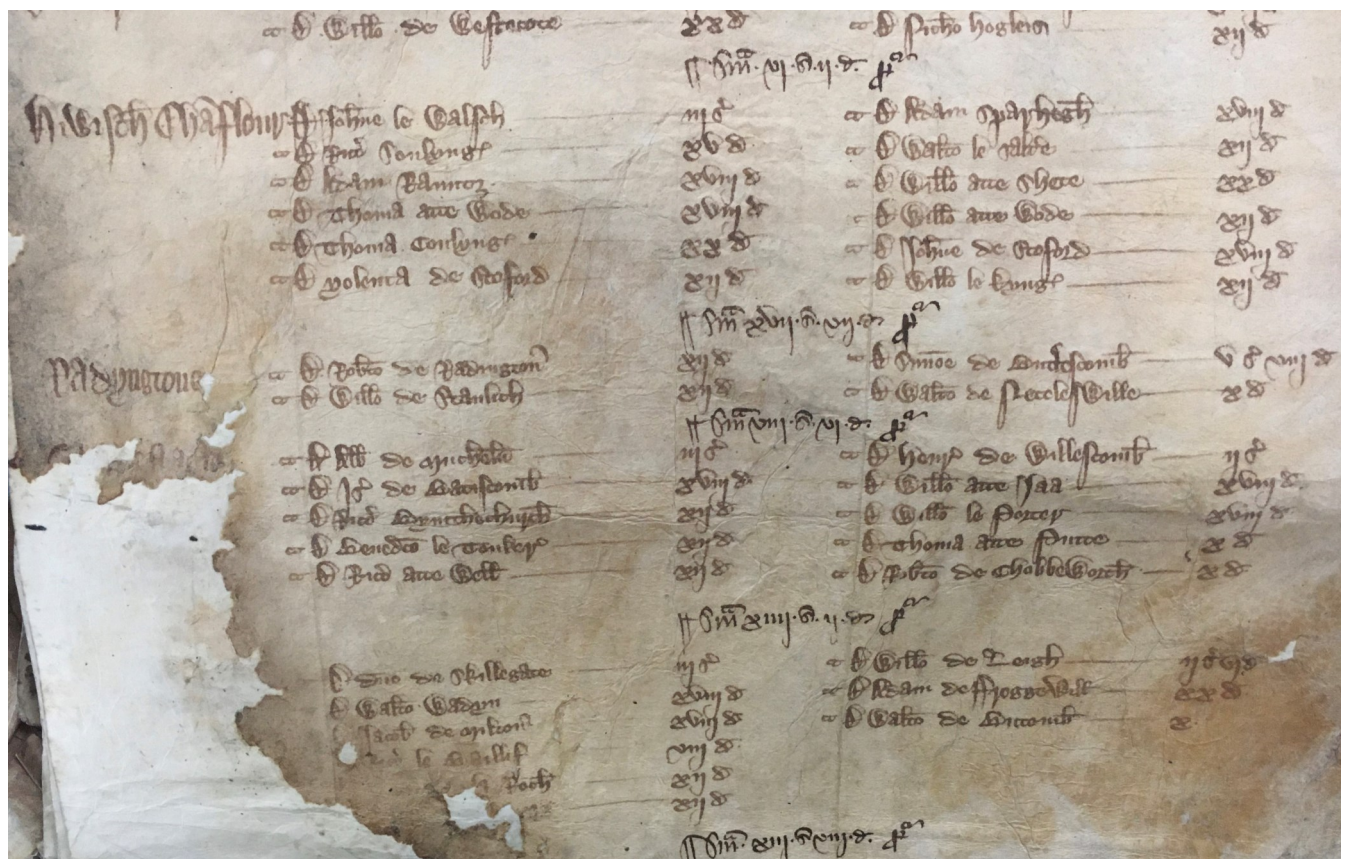
Raddington was a tithing in the 13th century, but the manor of Chubworthy may not have been a part of it. It seems to have been linked for the purposes of the lay subsidy to Chipstable tithing.

Chipstable belonged to the monks of Muchelney who remained in possession until their house was surrendered to the crown in 1538. In 1535 it produced a rent for Muchelney of £11 16s 4 ½d. Trowell farm is considered to be 'a 15th-century long house with linenfold panelling similar to work at Muchelney Abbey'.

In addition to the demesne farm, Chipstable had five medieval freehold manors. Two of these, Chitcombe and East Withy, established in 1306 were freeholds in the possession of Richard, son of Robert

Bitelliscombe who may have held the manor of Bittescombe in Upton and leased the farm of the de Raddington family's demesne farm for a time. A small part of Chitcombe may also have been kept back by the abbey of Muchelney and given to the monastic porter. In the 1327 tax roll there is evidence that the monastic porter at Buckland Priory had Chilbalton, next to the priory in Durston and that the monastic porter of Athelney Abbey had abbey land at Tuckerton, North Newton. Chitcombe and East Withy were a detached part of the parish separated from the main part of Chipstable, by and now in Huish Champflower.

Two other medieval freeholds were Bovey and Halsdown, respectively held by the John Sydenham and Edward Brooke, 6th Baron Cobham in 1448. The Orchards seem to have preceded the Sydenhams at Bovey. A John de Sydenham apparently of La Rigge (Ridge farm), Bathealton and later Orchard (now Orchard Wyndham) died 1463. His widow, Joan was daughter of Richard Popham of Alfoxton and Joan de Orchard and it was to their son John that Joan gave Orchard on her death in 1499. Bovey sits above Bovey Bottom where a brook feeds the Tone. The Roches, whose heiress married Oliver Huish of Doniford and Lynch, Luxborough, may have preceded the Brookes at Halsdown.



An extract from the 1332 lay subsidy

The National Archives, ref. E179/169/6

The fifth medieval freehold by 1461 later described as Sedgebarrow was perhaps Severidges. The farm nestles in the south east corner of the parish. In 1399 John Swyrygge, a customary tenant of John Radyngton, held one messuage and 60 acres of land in the vill of Swyrygge for his life. Sedgeborowe was already a surname here in the 16th-century (*Calendar of Wills and Administrations in the Court of the Archdeaconry of Taunton*, by Edward Alexander Fry pages 68, 74, 355, 381). Another Chipstable farm identified as established by 1451, but not a freehold is Pinkhouse.

The Victoria County History found 19 holdings at Raddington and 20 at Chipstable at the end of the 18th century with respectively 105 and 301 people living there in 1805. Raddington's Tithe Map of 1840 identifies these farms and overlands (pastures without tenements): Washers & Waterhouse, Blackwell, Upcott, East Over Ley, Headon, Notwell, Little Wilscombe, Chubworthy, Battscombe, Court Down, Hills Down, Kingstone, the Pix Hills, the Glebe. Chipstable's Tithe Map has: Chipstable Farm, Larcomb, West Above Church, East Above Church, The Glebe, Crooks, Withycombe, Bulland, Waddhams, Marshes, Millbeere, Trowell, Lydon, Halsdown, Woodworthy, Pinkhouse and Champion, East and West Shutt, East and West Bovey, Biballs Hill, Headallers, Butchers, Severidges, Beere Hill Land & Wey, West Venn, East Venn, Westcott & Wells, Chitcombe and East Withy.

The tax roll for Somerset of 1327 is not the only lay subsidy that contains a detailed description of who paid tax and what was the assessment in the reign of Edward III. There is another of 1332 and what will follow here is the information contained in that tax roll so that it can be compared.

The 1332 Somerset tax roll is concerned with the subsidy parliament granted to pay for Edward III's wars with Scotland and Ireland, (TNA E179/169/6). It was a subsidy of a fifteenth and a tenth on movables in respect of which Somerset raised £1071 10s 10½^d and £124 11s 4^d. It has names of individuals in every hundred apart from North Curry hundred which is for the most part complete.

PRO Handbook No 31 p 37 describes the system of assessment and collection:

Two assessors and collectors were appointed for each county on 16 September 1332. They were in turn to appoint under-assessors who would make the assessment, receive the money and transfer it to the principal assessors and collectors; these persons were responsible for paying the money into the Exchequer. As before duplicate rolls of assessment were to be prepared, one of which was to be retained by the Exchequer.

The principal collectors were John de Erlegh and Thomas de Marlebergh and the roll is dated 3 May 1333. What survives appears to be the assessment

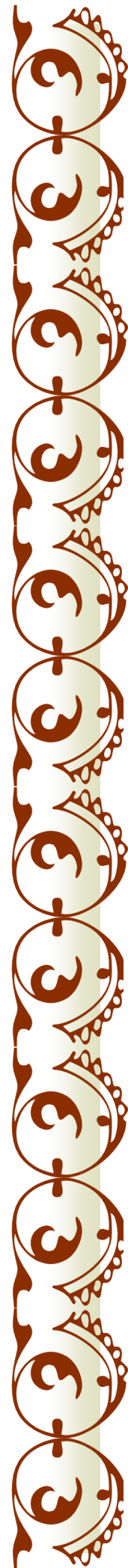
made for the first collection of the fifteenth and tenth, then used for the second collection.

Sir Thomas de Marlebergh of Melbury Bubb, near Dorchester in Dorset had served as knight of the shire, in May 1322 for both Somerset and Dorset. In 1320 and 1326 he was sheriff of the two counties and later served as a justice. Melbury Bubb is near Dorchester and other Somerset manors were acquired, Isle Brewers and the manors of Pitney and Wearne, near Langport. (*Two cartularies of the Augustinian Priory of Bruton and the Cluniac Priory of Montacute in the county of Somerset p lxxii*, H C Maxwell Lyte Somerset Record Society vol. viii, *Medieval and Renaissance Manuscripts – Catalogue 1434 77*. of Bernard Quaritch Ltd).

de Marlebergh served as under-sheriff of Matthew de Furneaux (d. 1316), a sheriff of Somerset and Dorset and of Devon in the reign of king Edward II. In 1341 he settled Weare and Pitney on Eleanor, daughter of de Furneaux, and her husband Henry de Haddon with reversion to William FitzWaryn and his wife Amice, their daughter (The Victoria County History, *A History of the County of Somerset vol. 4* p 51, editor R W Dunning and Descendants of Matthew Furneaux, *Collectanea topographica et genealogica vol. 1* p 243 & 247).

Richard Gorki, in his work on the sheriffs at this time, has both de Furneaux and de Marlebergh down as 'slippery characters'. He explains that in the early fourteenth century attempts were made to enquire into the misconduct of sheriffs. An episode related encounters a furious Edward arriving back in England at the beginning of December 1340. The king set up a commission into the honesty and efficiency of the shire administration, a measure taken with the clear intention of setting his administrative house in order (*The Fourteenth-century Sheriff: English Local Administration in the Late Middle Ages p 118-119*).

In 1312 de Erlegh and de Marleburgh had been collectors of king Edward II's tallage to finance the war in Scotland. Now in 1340 Thomas was summoned to appear before the barons of the Exchequer together with the executors of the deceased John de Erlegh and his widow Elizabeth, holder in dower of the manor of East Somerton. Two executors Geoffrey de Wroxhale, parson of Beckington and Simon de Ellesworth, parson of Chilton had already been charged to present an account of de Erlegh's ecclesiastical goods and benefices. Now together with Roger de Hyneton, the fourth executor and de Marleburgh, de Wroxhale and de Ellesworth were to ready themselves for a view of the entirety of the de Erlegh estate accounts as well as a view of the scutage. A writ was sent to Ralph of Shrewsbury, bishop of Bath and Wells to distrain de Wroxhale and pay all monies over to the exchequer. (*The register of Ralph of Shrewsbury, bishop of Bath and Wells, 1329-1363 pp 375 386 391*, Thomas Scott Holmes, Somerset Record Society, vol. ix).





Distrait may not have been an uncommon experience for an executor in these circumstances. In the register of Bishop John Drokensford (p 283) there is the following entry:

In re Stephen Prowett, Rect. of West Monkton, Collector of the Scotch Scutage in Dorset and Somt, in 28, 31 and 33 of Ed I, whose estate was sequestered owing to dying in arears. His executors make oath to save the Bp. Harmless before the king: the Bishop relaxes the sequestration. Kingsbury, March 31, 1328.

The tax roll of 1332 has also been published for Devon (*The Devonshire Lay Subsidy of 1332*, Devon and Cornwall Record Society vol.14, Audrey M Erskine), Dorset (*The Dorset Lay Subsidy Roll of 1332*, Dorset Record Society vol. 4, Anthony David Mills) and Wiltshire (*The Wiltshire Tax List 1332*, Wiltshire Record Society vol XLV, D. A. Crowley).

This was the last medieval lay subsidy to be assessed on a personal valuation:

*In 1334 the Exchequer was content to accept from each city, borough, and vill a sum which had resulted from a series of local negotiations between the collectors and the communities. So long as this sum reached at least that of the personal assessments in each vill in 1332 no further questions were asked, and the local community was left to share out the tax among its members as it pleased. (Fifteenths and Tenths, 1334 Victoria County History of Wiltshire Vol. 4 p 294, Edited by Elizabeth Crittall; *The Lay Subsidy of 1334*, R E Glassock).*

PRO Handbook 31 notes that in 1340 parliament granted a tax that lead to assaults of the Somerset collectors and outright refusals of communities to pay the tax assessed upon them. It had been a novel tax; a payment in kind based on the ecclesiastical tithe and it had four supervisors for the counties of Somerset and Dorset who included Ralph of Shrewsbury, bishop of Bath and Wells (1329-1363). The writ sent to Bishop Ralph contains this recital:

The earls, barons and commons in our Parliament, at Westminster, on Wednesday after the Sunday in Mid Lent last, granted us the ninth sheaf and the ninth fleece, and the ninth lamb for the present and next year. And the citizens and burgesses granted a ninth part of their movable goods. And also the merchants dwelling in the cities and burghs, and other men in the forests, &c., granted a fifteenth of the cultures of their fields, and the stock of their proper sheep

The king assigned five men of Somerset, including the abbot of Muchelney and Thomas de Marlebergh, and four of Dorset to be their assessors. Royal and ecclesiastical deputies were appointed trusting in their fidelity:

to inform themselves of the true value of the sheaves, wools and lambs, and other movable goods...and to collect them....to enquire, touching the value the movable goods of the citizens and

the other things aforesaid, &c. (The register of Ralph of Shrewsbury, bishop of Bath and Wells, 1329-1363 p 391, Thomas Scott Holmes, Somerset Record Society vol. ix).

This note concludes with three tables. Table 1 is for the Somerset tax roll of 1327. Column one lists those assessed to tax in the two tithings of Raddington and Chipstable. The second column gives the amount of tax for which each person was assessed in shillings and pennies. Column three seeks to identify the holding and suggests a 'fiscal' acreage. Table 2 looks at those acreages. In 1327, it is suggested, no more than one or two of the customary tenants in west Raddington could afford to pay subsidy and in Chipstable with east Raddington it was eight or so and the rest were freeholders. The third table is for the Somerset tax roll of 1332. The writer has had the benefit of a discussion with Mr Ben Moody of Northcombe farm, Chipstable, but the reader is encouraged to go there and make up his or her own mind, understanding that the 1327 assessment was on goods, not fiscal units referable to a holding of land, and to develop their own theory in relation to the assessment of 1332.

William Hancock, Secretary

Table 1: 1327 tax roll

<i>Radyngtone</i>	<i>Assessed</i>	Comment
<i>Willelmo de Scanlynth</i>	<i>xvii</i>	Kingstone, a tenement in a dry combe of one and a half yards (45 acres) in west Raddington. Above a steep slope is Oxenleaze, Upton where at 800ft oxen would have been needed to break stony ground. 'A lynch, or lynch, is a balk of land, a bank or boundary for the division of land, and also a ledge or wooded cliff' (The Place-names of Somerset, James S Hill).
<i>Alicia Nettlewell</i>	<i>viii</i>	Nutwell or Notwell, a half yard tenement (15 acres) in east Raddington
<i>Summa xx villate predicte</i>	<i>ii</i>	Sum total 20th for the aforesaid township
<i>Chipstable</i>		
<i>Henrico de Williscombe</i>	<i>xviii</i>	Little Wilscombe, a tenement of one and a half yards (45 acres) in east Raddington.
<i>Johan Bonechurch</i>	<i>xiii</i>	East or Easter Above Church, a yard tenement (30 acres), above the church in Chipstable.
<i>Richardo Bynchurch</i>	<i>xi</i>	Dinhill, a three quarters of a yard tenement (22½ acres) by north near to the church at Chipstable.
<i>Batino de Trowell</i>	<i>x</i>	Trowell, a three quarters of a yard tenement (22½ acres) above Waterrow in Chipstable.
<i>Waltero de Wydecombe</i>	<i>xii</i>	Withycombe, a yard tenement (30 acres) in Chipstable.
<i>Willelmo de Chudecombe</i>	<i>xiii</i>	Chitcombe, a yard tenement (30 acres), then in Chipstable, now Huish Champflower.
<i>Willelmo de Batescomb</i>	<i>xiii</i>	Batscombe, a yard tenement (30 acres) in east in Raddington.
<i>Thoma Champion</i>	<i>x</i>	Pinkworthy, a three quarters of a yard tenement (22½ acres), above Champion Cross in Chipstable.
<i>Roberto de Snyrigge</i>	<i>viii</i>	Severidges, a half hide tenement (15 acres), down by sedge and the Tone in Chipstable.
<i>Roberto Chubworthi</i>	<i>xvii</i>	Chubworthy, a one and a half yard tenement (45 acres) in east Raddington.
<i>Richardo atte Wey</i>	<i>xvii</i>	Holwell, a one and half yard tenement and perhaps once the demesne farm (45 acres), <i>atte a well</i> not a <i>wey</i> , near to the church at Chipstable.
<i>Johanne de Orcherd</i>	<i>v</i>	Bovey, the capital messuage of a freehold farm, perhaps dispersed lands leased of Muchelney, of at least a hide (say 120 to 150 acres), on good level ground in Chipstable. The Orchard family gave their name to Orchard Wyndham, Williton.
<i>Simon de Roches</i>	<i>ii</i>	Halsdown, the capital messuage of a freehold farm, perhaps of at least half a hide – a double virgate (60 acres) in Chipstable. The de Roches (pronounced roach) were a widespread family. They held the <i>terre tenancy</i> of Tremoddrett, an estate that lies by a rock which stands 65 feet high on the south side of the village now called Roche, Cornwall. Both Roche and Coteleigh, near Honiton Devon were held by the de la Roche of the Cornish feudal barony of Cardinham. By the 14 th -century de Roches had reached the hundred of Williton and settled in Stogumber. Chipstable has a rock in Waterrow into which a house was built now the 'Rock'.
<i>Summa xx villate predicte</i>	<i>xxvii ix</i>	Sum total 20th for the aforesaid township

Table 2: 1327 tax roll

1327 Tax Roll	'Fiscal' acreage	Raddington Tithing		Chipstable Tithing	
Description		West Raddington		Chipstable and East Raddington	
		Steep terrain		Gentler terrain	
Cottage	5	-			
Fardel	7 ½	-			
Half yard	15	8 ^d	Nutwell	8 ^d	Severidges
'Three quarter' yard	22 ½			10 ^d	Dinhill; Trowell; Pinkworthy
Yard/Virgate	30			1 ^s	³ Batscombe; Chitcombe; Easter Above Church; Withycombe
Yard and a half (customary or freehold)	45	16 ^d	Kingstone	16 ^d	³ Chubworthy; Holwell; Little Wilscombe
Double virgate (freehold or leasehold)	60			2 ^s	Halsdown
Carucate/Hide (freehold or leasehold)	120			4 ^s	
Above (freehold or leasehold)			¹ Washers ² Upcott		Bovey (say 150 acres); ⁴ Chipstable ⁵ East Withy with Chitcombe

¹Robert of Raddington's capital messuage, earlier called Moorhouse: was he exempted from tax because he had a crown office?²The capital messuage was presumably Bittescombe, in Brompton Regis tithing where Robert of Bittiscombe was taxed at ii^s vi^d.³The farms of Chubworthy and Batscombe together comprised a single freehold unit which must have well exceeded 60 acres.⁴Chipstable, the manor was assigned to the monastic cook and the demesne farm presumably let.⁵The Bittescombes must have resided at Bittescombe, Brompton Regis tithing where Richard of Bittiscombe was taxed at xii^d.

Table 3: 1332 tax roll

<i>Radyngtone</i>	<i>Assessed</i>	Comment
<i>Roberto de Raddington</i>	<i>xii^u</i>	In 1329 Robert of Raddington was sub-escheator of the king in the counties of Somerset and Dorset and so may have leased the demesne farm but retained the capital messuage which was Washers farm, west Raddington. In 1399 a descendant John de Raddington was possessed in west Somerset of 8 messuages, 2 mills, 2 carucates, 480 acres of land, 12 acres of wood, 28 shillings and 1 penny of rent and a rent of half a pound of pepper in <i>Radyngton, Battescombe, Hele, Croft, Snurygge, Badylton, Peremulle, Blakelond, Langerygge, Uppyington</i> and <i>Henysch Chaunflour</i> as well the advowson of the church of Raddington and estates in the adjoining parishes of Bampton and Clayhanger, Devon.
<i>Willelmo de Stanlich</i>	<i>xii^u</i>	In 1332 William de Stanlinch was witness to a grant of the estate of Cothay, Stawley. In 1362 John de Radyngton, William atte Heghen, parson of Raddington (instituted rector 1335) and John de Stanlynch transferred the reversion in dower to the widow and heirs by her of Thomas Regni.
<i>Simone de Bittlescomb</i>	<i>v^u viii^u</i>	The probable lessee of the manor who may have resided at Upcott. In the Somerset tax roll of 1327 Richard de Bitescombe was assessed at ii ^s and Robert Biteliscomb at xii ^d for the tithing of Brompton Regis. In 1317 Emma de Bytelscomb had resigned as prioress of Cannington.
<i>Waltero de Nettleswille</i>	<i>x^u</i>	In 1258/9 Philip de Notwell is one of the jurors in pleas of Exmoor Forest at the Ilchester assize.
Summa &c	viii^u vi^u	Sum total
Chipstable		
<i>Abbas de Mucheln</i>	<i>ii</i>	The abbot of Muchelny was then John de Henton who was succeeded by John de Sonerton in 1334.
<i>Johannes de Batescomb</i>	<i>xviii^u</i>	Chubworthy included Batescombe and John of Batescombe a cousin or closer to Robert of Chubworthy. In the 15 th -century Batescombe came into the possession of the Workeman family.
<i>Richardo Byntheburch</i>	<i>xii^u</i>	In 1381 William Bynethchurch paid poll tax, 16 ^d .
<i>Benedicto le Touker</i>	<i>xii^u</i>	Batino de Trowell has to have been the tucker. A lesser part of Trowell may have gone with the fulling mill, later called Collard's mill, which lay below at Waterrow, Chipstable. In 1381 a John Touker paid 18 ^d for himself and wife Joanna while a Richard Trowyll' paid poll tax, 20 ^d himself and wife Joanna. There were said to be two mills by 1538, one of these is identified as fulling mill in 1637.
<i>Ricardo atte Well</i>	<i>xii^u</i>	There is still a well at Holwell farm, Chipstable.
<i>Henrico de Willescomb</i>	<i>ii</i>	In the 1332 tax roll Symon de Wivelescomb was assessed to tax at Brompton Regis. Thomas Gerard wrote in 1633 'Wilscombe gave surname to a family whose heire generall was married unto John Cordy, and his not long after to Poulett'. The Pouletts held land at Stawley and Legh Poulet, Hockworthy in Devon. Sir John Poulett (d.1391) married, after the death of his first wife before 1376, Elizabeth the daughter of William de Creden of Creden, Crediton. In 1381 at Skilgate a John Welescomb paid poll tax, 12 ^d and is witness in 1393 to a lease of land in Taunton.
<i>Willelmo atte Yaa</i>	<i>xviii^u</i>	Ea, and yea and yeo all mean water. From the Brendons slopes there flows a tributary headwater of the Doniford stream at Yeaw, Lower Vexford, a tributary headwater of the Washford river at Yeaw, lower Roadwater and the chief headwater of the river Tone at Yea (pronounced Yaw), Wiveliscombe. In 1381 Robert Withycomb pays poll tax of 2 ^s 6 ^d for himself and Mariona, his wife. If Walter of Withycombe is a mistranscription of William, it would make him progenitor of the Yea family, lessees of Oakhampton manor, Wiveliscombe from of the dean and chapter of Wells.
<i>Willelmo le Porter</i>	<i>xviii^u</i>	The tenant it seems of a small part of Chitcombe, now in Huish Champflower, perhaps assigned to him because he was the monastic porter. In 1330 Walter de Chedecumb was witness to a transaction in land at Stoford, Huish Champflower.
<i>Thoma atte Putte</i>	<i>x^u</i>	This is Thomas of Champion. In 1381 Walter Putte paid poll tax of 18 ^d for himself and wife Agnes.
<i>Roberto de Chubbe-worth</i>	<i>x^u</i>	Robert de Chubbeworth died in 1333. In the 1270's a Robert of Chubworthy, son and heir of Walter of Chubworthy, did homage for his holding, afterwards reckoned as ½ fee. In 1381 John de Chybberworth paid poll tax 2 ^s 6 ^d for himself and Joanna, his wife
Summa &	xiiiis^u ii^u	Sum total 10th for the aforesaid township

DEPOSITIONS IN THE CONSISTORY COURT OF THE BISHOP OF BATH AND WELLS

David Bromwich highlights two volumes on Somerset depositions.

At the Society's annual meeting in November 2018, 'The Chairman reported that the intended volumes 98 and 99, *Private life and public morality: depositions from the ecclesiastical courts of the Bishops of Bath and Wells, 1604-06*, had been delayed for substantial revision by the author and general editors, but had eventually been withdrawn by the former and offered to the List and Index Society instead'.

The two volumes have now been published, as Special Volumes 58 and 59 in the List and Index Society's series: *Depositions in the Consistory Court of the Bishop of Bath and Wells, volume I: Office Depositions 1601 to 1605, and volume II: Instance Depositions 1604 to 1606*, transcribed and edited by William Husband, 346pp and 278pp., members £87, non-members £103.50.

The publisher writes that 'these volumes make available two documents from the early seventeenth-century Consistory of the Bishops of Bath and Wells, a volume of depositions from its Office jurisdiction for 1601-05 and a volume of depositions from the Instance jurisdiction, 1604-06. Office cases are prosecutions where the action was launched and promoted by the court and Instance cases are actions brought by an individual.'

The Office volume deals with cases where the Bishop, through his officers, prosecutes cases of misbehaviour arising in his diocese. Charges include sexual offences (fornication, adultery and attempted rape), offences against good order (drunkenness, disorder in the parish church and churchyard, and verbal and physical assaults on parsons) and discipline of the clergy (errors in ritual, neglect of duty and conduct unbecoming a clerk in holy orders).

The Instance volume contains evidence in party and party cases, where parishioners bring proceedings against each other. Probate cases examine the testamentary capacity of the aged. The exact procedure for levying tithe (and the means of evading it) in some parishes is precisely described. Cases of defamation reveal what was regarded as mere banter or as an unacceptable abuse, and it is clear that a successful defendant in an Office case could seek revenge on prosecution witnesses by bringing a suit for defamation against them.

William Husband was born in West Somerset and has lived there all his life. He was a scholar of Peterhouse, Cambridge and graduated in Classics and Law. More recently, he took an MA in Local History at Bristol University.

Copies can be ordered at www.listandindexsociety.org.uk or an order form posted to List and Index Society, The National Archives, Kew, Richmond, Surrey, TW9 4DU.

David Bromwich, Treasurer

THE ELIZABETHAN STAR CHAMBER

David Bromwich tells us about the Elizabethan Star Chamber Project being undertaken by the Anglo-American Legal Tradition.

We have been asked to inform members of the existence of the Elizabethan Star Chamber Project, accessible at www.uh.edu/waalt/index.php/Elizabethan_Star_Chamber_Project, which is putting county names on cases in TNA STAC 5. The compilers write that 'Secretary hand is not for everybody, but the documents are all in English. Most of the cases are completely unknown to historians, and this is because of their chaotic storage at TNA (cases may have up to twenty different references) and the previous inadequacy of finding aids. All the cases are social history of one locality or another.'

There are 120 cases (many comprising multiple documents) listed under Somerset. All show the names of the parties, and some add place-names and/or an indication of issues under dispute: property, poaching at Norwood, Dunster, Farleigh Hungerford and elsewhere, assault, breaking and entering, perjury and riot.

One case is set out at some length, quoting from a case book in the British Library, Harley MS 2143, fo. 24r. 'Misdemeanor and practice for enticing, alluring, and cheating of a young gentleman only come to his age of 21 years of his money and other goods and to enter into statutes, recognizances, and bonds and to make leases of his land for nothing for this deceit convicted. Rodney, plaintiff; Roynon et al, defendants ... the plaintiff being but young and somewhat simple ... and for entering likewise into a house in London upon pretence to borrow there £200 where they had procured ready a lewd woman and some other company who being thither come, one Palmer assaulted the plaintiff surmising that he had used her company indecently and afterward arrested the plaintiff and kept him in prison for the same until they had got a chain of gold and a cap set with buttons of gold to the value of £100 and enforced him to enter into several bonds for the payment of £400 to the said Palmer and the other in £400 for the assurance of a lease to be made to another all which they intended to have amongst them, for which offences they were convicted and Francis Reynon to pay £300 fine and 7 years imprisonment and to stand on the pillory at Westminster and Cheapside with a paper ... and also to be set on the pillory at the assizes and sessions where the plaintiff's lands lie ...'

David Bromwich, Treasurer



JOHN DE DROKENESFORD, BISHOP OF BATH & WELLS, AND HIS REGISTER

For those who were unable to attend our AGM last October at Wiveliscombe, below is a summary of the talk given by Robert Dunning on Bishop Drokenesford, whose register was the subject of the first volume published by the Society in 1887.

John de Drokenesford, so named from his birthplace at Droxford in Hampshire, was a significant member of Edward I's government between 1286 and 1307, serving first in Gascony and later in the Wardrobe dealing with military supplies, a very important post. He often travelled with the army and even provided troops. His rewards as a clerk in Holy Orders totalled 16 prebendal stalls and at least five parish livings. Edward II made him chancellor of the exchequer in May 1308 and returned him briefly to the Wardrobe. By 1313 he was said to have been 'one of the leading men in English Government', but in those unstable times that was no safe place to be. In 1321-2 he fell out of royal favour, and the king actually petitioned the pope to have him removed from his see. The pope, of course, refused but reprimanded Droxford for procrastinating about the enormous debts revealed by his accounts way back in 1295-8 and still not settled, amounting to the enormous sum of £45,000.

Droxford's surviving episcopal register is as unsatisfactory as his accounts. At best such a register is a chronological record of a bishop's activities, compiled to provide precedents for himself and his successors to guard against the many legal challenges made against the Church and its rights. Different sections of most registers were sometimes devoted to particular sorts of activity or particular areas of a large diocese; but usually there is order, each entry by its date following the bishop and his officials as they travelled round his diocese or made his way to London for government business. Droxford's register as it was compiled from day to day may well reflect those unsatisfactory wardrobe accounts. He certainly had a Registrar, who is often referred to as holding documents, but it seems the bishop sat rather lightly to efficiency; his clerks were often slipshod, leaving out dates or not fixing them clearly enough. And that is before someone collected the sections together in the wrong order or left some out altogether. The task of a later editor was challenging to say the least.

That challenge was taken up by three great Victorian antiquaries. The first, Edmund Hobhouse, had been a fellow of Merton College and wrote a book on the college's founder, Walter of Merton. From 1843 he had combined his fellowship with the

Oxford parish of St Peter-in-the-East in Oxford. In 1858 he was invited by Bishop George Selwyn to join him in New Zealand as the first bishop of Nelson.

In 1864 he returned to England to help Selwyn in the huge diocese of Lichfield and by 1871 was living at the rectory at Ednaston in Derbyshire. For a very short time his deep knowledge of church history and law was brought to bear when Selwyn appointed him chancellor of the diocese. By 1881 he had moved to the Cathedral Close at Lichfield and was able to return to his first love with the time and opportunity to produce an abstract of Lichfield's oldest surviving bishop's register for the newly-founded record society for Staffordshire.

In 1882 he retired to Batcombe in Somerset and a year or two later he began a correspondence with James Bennett. Bennett, vicar of South Cadbury from 1866, did not let parish duties get in the way of his passion for history and its sources, and for several years worked for the Royal Commission on Historical Manuscripts, surveying collections of family papers all over the country, but from 1882 concentrating his efforts on the charters and other chapter records of Wells cathedral.

By 1884 Bennett was eager to form a county record society to put historical manuscripts into print so as to preserve them and make them available to the growing number of educated people who might benefit. Bishop Hobhouse, with his wide social connections in the county, knew where those manuscripts might be lurking. More than one potential supporter wanted to know what manuscript would be the first to be published. Hobhouse suggested Droxford's register and suggested as editor Charles Marcus Church, canon of Wells since 1855 and the Chapter's librarian. Church had been working very closely with Bennett on the cathedral manuscripts and had, over the early



Bishop Drokenesford's tomb at Wells Cathedral

months of 1885, become very excited at the prospect of getting his hands on some that had for centuries been shut away in the Bishop's Registry in Wells Market Place. The excitement was caused by the sudden death of William Dore, diocesan registrar for more than a quarter century who, perfectly legally, had charged fees to anyone consulting papers in his office.

What followed Dore's death was a most gentlemanly but entertaining dispute. It involved the very Low-church bishop, Lord Arthur Hervey; the dean and chapter of the cathedral led by the High-church Canon Church; the new registrar, Richard Harris, whom the bishop had appointed very hastily without any consultation; and a very frustrated James Bennett. The Bishop was plainly embarrassed at his own haste and instructed Harris to be reasonable about charges to serious researchers; Church and Bennett demanded a proper survey of the historical contents of the Registry. Church actually urged the Chapter to withhold their customary approval of the Bishop's appointment, for Harris was to be the Chapter Clerk as well as serving the Bishop. Harris, thoroughly scared but obstinate, wrote to Bennett:

'I have ... been through [the papers in the Registry] ... & so far as I have been able to ascertain they are in fairly good order, and will only require a little changed indexing. The only documents apparently which are not arranged and indexed are some very old letters which appear to be of no practical use or importance.'

Bennett naturally became alarmed at the dismissal of those 'very old letters'.

During those weeks Hobhouse was evidently thinking of moving from Batcombe to Wells and arranged to occupy the Deanery for six months while the Dean was away: 'Hobhouse at the Deanery', wrote Church to Bennett, 'will be a great gain for the siege of the Registry. I am sure the Registrar and Bishop ought to be attacked upon the subject and I wish I had fired off a letter on the matter when I was hot about it'.

Very quietly, and not worrying unduly about the fees, Hobhouse got access to Droxford's register, but his idea that Church should edit it was doomed to failure. Church looked at it at the beginning of August 1885, but after ten days confessed:

'The more I see the less I like to undertake any of the work. It would be such a long and tough job and indeed I could not make out a page in hours.'

So Bennett and Hobhouse evidently decided they must tackle the challenge together. 'I get through a folio of Droxford daily', Hobhouse wrote soon after he moved to the Deanery, but after a month he was struggling, telling Bennett

'The summit of my ambition and hope, now, is to get 97 folios prepared for the press – but this, unaided, would take me till March, allowing for no absences or failures in health. You may be able to add the marginal headings to your sheets.'

Two weeks later Hobhouse became a bit more realistic, confiding to Bennett:

'Owing to your being drawn off from the Office work, only a portion ... can be prepared for Press ... I am the only Registrar's pocket – fire, clerks, office must all go on, whether we enter the place or not ... Were I settling with the Registrar for myself ... I should propose 6d a visit of not exceeding two hours, but if you contemplate longer sitting to finish your part of the work, the proposal may be unsuitable. Please consider it from your own point of view. This will not leave until tomorrow's post for I have been hindered by vertigo and by visitors.'

In the end Harris agreed to accept a daily fee of 6d, however long the day might be.

And Hobhouse gallantly soldiered on, though no more of his letters survive. Instead we have, in his introduction to his edition of the Register:

'his regrets for the shortcomings of his work. During its progress the weakening of eyesight, and of other faculties, have often counselled him to give up an undertaking more fitted for the fifth than the eighth decade of his life; but as the work could not be done save by a resident in Wells (as the diocesan bishop, taking the advice of Lord Coleridge, had expressly forbidden the removal of the original Register from the Registry), he has persevered, but not without some retrenchment of labour.'

He went on to explain his editorial method and recorded his thanks to Bennett, to the Revd F.W. Weaver for the index and to 'Mr Harris, the Diocesan Registrar, and to his Clerks, for their uniform courtesy and good will'. 'Retrenchment of labour' is a curious phrase. What he meant was that he omitted, 'after a certain date, the Royal writs for the collection of clerical subsidies, and the licences for study', and a note after the phrase 'certain date' reads:

'These entries may perhaps contain a few crumbs of interest, but they must be few.'

No modern editor would ever do such a thing, or at least not admit it. And Mr Weaver's index, evidently the result of printer's error, leaves something to be desired. There appear to be no references to Wiveliscombe after page 17 though among the many omitted is one to Droxford's manor house there where he spent some time most years between 1312 and 1328 and which in 1315 included both the bishop's chamber and chapel.

Robert Dunning, Chairman



BASTARDS, MARRIAGE AND SUFFRAGETTES

Adrian Webb highlights a letter sent by a previous Record Society editor, Reverend William Hunt, in the early 20th century.

In 1913 the Rev. E.H. Bates Harbin, editor of a recently published volume of Somerset quarter sessions records covering the Commonwealth,¹ received a letter from the Rev. William Hunt. Hunt had also edited material for the Somerset Record Society and was a member of its council alongside Harbin who was at this time the Hon. Secretary. Hunt contributed to the *Dictionary of National Biography*, and had written histories of Bath and Wells, Norman Britain, as well as Italy and many other works. However, Hunt's letter reveals not only his enquiring and meticulous mind on antiquarian matters, but his attitude to the growing suffragette movement.

*April 26, 1913
24 Phillimore Gardens
Kensington, W*

My dear Harbin,

I congratulate you on the new vol. of our Record Society.

Your introduction is extremely interesting and I have spent some time in dipping into the text.

There are two points which I should like to mention. You notice the discontinuance of the barbarous practice of whipping women who had bastards. Was this due to any law, or was it simply that the justices did not care to order it? If it depended on them the practice might still have gone on in other counties.

And what was the ground on which the confession of 'the present-state' in justice was founded? Was there some ordinance on the matter. Was it to prevent 'concealment of birth'. And what were the consequences of such confession? Did the woman escape punishment? You suggest that the discontinuance of the whipping of women was often, I think, ordered to be private – though I do not know whether in such cases. By the way this punishment, administered in private, and by wardens, would be a good thing now in the case of militant Suffragettes.

Hunt continued his letter with the legal position of marriages during the Commonwealth, querying Harbin's interpretation and offering his own short account of the situation as existed mainly in the early 1650s. Whether or not Hunt's attitude towards Suffragettes was shared by his fellow antiquarians and members of the Somerset Record Society is not recorded in the letter.²

1. E.H.B. Harbin, ed., *Quarter Sessions records for the county of Somerset. col.III. Commonwealth 1646-1660* SRS 28 (1912).
2. Letter tipped into a SRS volume in the possession of the Somerset Archaeological and Natural History Society.



Reverend Bates-Harbin in his library. He served as SRS Hon. Secretary 1898-1918

Adrian Webb

COPIES OF VOLUMES

Members are reminded that the Society has a number of its volumes which are for sale, and are available from David Bromwich at the Somerset Heritage Centre. A list of available volumes is available on the SRS website:

somesetrecordsociety.org.uk

NEWSLETTER CONTRIBUTIONS

Over the next few years we would like to develop this newsletter and are always keen to receive articles from members about their research or any interesting items you have found relating to the county's history.

If you would like to contribute an article to the next newsletter please email submissions to the editor at offtherecord@somesetrecordsociety.org.uk or post contributions to Miss Emma Down, 28 Gale Way, Tiverton, Devon, EX16 5FB.

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