# Excursion: Wednesday.

The weather proved most unfavourable, a fine rain descending steadily throughout the day. This being almost the first wet day, after an extraordinary and dry summer, the circumstance was especially vexing; as, besides the fine views, the district to be traversed was of especial geological interest, and so required exactly opposite conditions.

The breaks left Shepton at half-past nine, and, passing through Doulting by Long Cross, to Tad Hill, turned there to

## Leigh-on-Mendip Church.

This was found undergoing "restoration."

The Hon. Sec., in a few remarks, hoped the restoration would mean preservation. He also related the occurence of a singular outrage, about 1858, when a gun, loaded with blood instead of shot, was fired, during service, through the west window of the north aisle, at the incumbent, who was knocked out of the reading desk.

Mr. Ferrey said the most striking feature in the church was its beautiful and lofty western tower, of the best period of of Perpendicular. Situated on a high part of the Mendip district, it had evidently been built as a kind of land-mark, like the tower at Dundry. The rich array of pinnacles had a very good effect. The bell-chamber stage was an example of

the more elaborate type of Somerset tower, as there were *three* two-light windows to each side, instead of *two*. The niches round the lower part were of very similar character to those to the tower of Kilmersdon church. The tower buttresses were effectively arranged, and resembled those at Evercreech. The nave seemed low and short in proportion to the tower, and then the chancel again was much lower than the nave, the chancel arch also being of little height. All this tended to make the building of remarkable proportions. The nave and south aisle were built up against the tower, with a straight joint, showing they were of later date. The nave parapet was of rich and rather unusual character, having a *double* row of quatre-foil panels. The south aisle parapet had been restored, of which there was some evidence, as one part of it had the sculptured date 1620. There were no labels to the windows on the south side of the nave, a characteristic Mr. Ferrey had noticed in mountainous districts, where the churches were generally simple. In the porch on the south side was a chamfered, round-arched stoup, which he, however, did not think was Norman, owing to the appearance of the masonry and other indications. It was probably of the thirteenth century. The stone vaulting to the ground storey of the interior of the tower had been destroyed, only the springers remaining. The tower arch was a good specimen of Perpendicular work. The beautiful tie-beam roof to the nave was of the same type as that to Evercreech church, the easternmost bay being more ornamented than the remainder, as it was over where the rood-beam stood—a distinction not uncommon in the middle ages. The south aisle roof was modern, but that to the north aisle was ancient. The font was early Norman. The nave arcade was the ordinary late Perpendicular Somerset type, but the difference between the bases on the north and south sides should be observed; those on the north were of peculiar design. The chancel roof was of exquisite composition, espcially the richly carved cornice. The corbels on the north

and south walls of the chancel, a little west of the sanctuary, were probably intended to carry the Lenten veil. He was informed there was a similar example at Orchardleigh church, near Frome. Fragments of the old painted glass remained in the east window.

The several details of the exterior were duly examined and admired.

## Tithe Dispute.

A case relating to the tithes here is curious, showing how troublesome and vexatious the process was in 1754. The dispute arose from the enclosures of arable for pasture; attempted evasions; and whether the tithe were paid in kind or by modus. On the one side it was asserted (*Excheq. Dep.*, 28th Geo. II, Mich., No. 2) that a modus of 3s. 6d. was annually paid for certain closes; on others, 2s. One shilling in the pound was the customary for all meadow and pasture. Tithe was never taken in kind; the modus was 1s. for pasture, 4s. 6d. an acre for wheat, and 2s. 6d. per acre for all other corn. On the other side it was stated that tithe of corn was taken in kind, and one witness had seen the waggons carrying the corn to the parsonage barn: but for hay there was a modus (Michaelmas, No. 5). The rector of Mells had imposed an additional tithe of £5 to augment the curate's stipend, which, about sixty years before, was from £12 a year, raised to £15, and from the then additional tithe would be £20. The curate, in his evidence, said that tithe in Mells was taken in kind, but in Leigh by modus. From £15 a year his stipend had been raised to £18. It will be seen here that the rector made a profit of £2—in fact, took his tithe from the curate.

In 1755, the following year (*Excheq. Dep.*, Michaelmas, No. 11), there was another suit from Leigh, to determine the tithe on cattle and garden produce. The defendant said that he occupied two gardens, about three-quarters of an acre, and two orchards. In the gardens he had about five pecks of beans worth 10d., which he ate; some cabbages, worth per-

haps 2s.; and potatoes, worth 2s. 6d. In the orchards there were three bushels of bad apples, worth 3s., and in one orchard about two bushels of potatoes, worth 2s.; cabbage, worth 1s. 6d.; and half a peck of apples, worth 2d. He had cut two coppices, about an acre and a half, and sold the produce for £1. 6s.; the cutting cost, 5s. 10d. With some hedge wood he had made about three hundred and fifty faggots, which sold for 8s. the hundred, and some poles, which sold for 16s.; cutting and making, 40s. What the tithe would be, if any were due, he could not say.

Another witness said he had kept a cock and two hens, there had been six chicken, but very few eggs. What the tithe for them would be he could not say. Another had cut six tons of hay, the tithe for it would be 6s.: on another ground he had two tons, and this being well made, the tithe was worth 4s.; a previous year these paddocks had produced four tons of hay, worth £4; he had kept thereon two cows and a mare, but if tithe were paid on the hay, he submitted that he should not pay for the grass. Two calves had been sold for 14s., and a colt was foaled, but what tithe was due he knew not. Had never heard that faggots were titheable.

Another witness summoned, said he had two apple trees and three "grabb" trees, and some potatoes, the tithe he considered not worth more than 6d. a year. He had a cock and three hens, but could give no information about the eggs, nor the value of the tithe.

As these witnesses were evidently shirking the question, on behalf of the rector exceptions were taken to their depositions, as being evasive, insufficient, and defective, and as not setting out the tithe payable. Consequently, at Easter following, the case came on again (29th Geo. II, No. 1), when the witnesses were further examined, and answering more minutely, one stated that he had kept a cock and four hens, the produce being eighty eggs, the value of the tithe thereon being 2d. Another in one year had three calves, and the next year

one, the tithe on the three would be 1s. 6d., and on the one, 6d. He had also grown five pecks of beans, tithe, 1d.; a hundred cabbages, tithe, 2d.; three bushels of potatoes, tithe, 3d.; and three bushels of apples, tithe worth 4d. Another owned three dry cows, the tithe on them being 3s.; and a mare, tithe, 4d.

## The Manor House.

This building, whose existence is noted as in early days the residence of the Horners, has now entirely disappeared. It is said to have stood just westward of the church tower. In 1504 (Plea Rolls, 19th Henry VII, m. 30,) an action was brought by John Horner, of Lygh, against the escheator or tax collector, for that he by force and arms, viz.: with staves, vaclie, and bows and arrows, on the 12th August, 18th Henry VII, (1503), his close and house at Lygh broke open and entered, and nine cows, and six oxen, value £10; and three spoons of silver, a mazer, bound with silver and party gilt, with a cover for the same with a knop of silver and party gilt; twelve yards of woollen cloth, coloured white; four yards of woollen cloth, coloured yellow; four elnas of linen cloth of holland; one belt of silk, coloured black, harnessed with silver; half a yard of damask; a yard and a half of velvet; four elnas of worsted; five pairs of brigandines; two salettes; four blades, called swords; a knife, called a wood knife; a bow; a saddle and two bridles; together worth £12, the goods and chattles of the said plaintiff; and the same took, abducted, and deported against the peace of the Lord the King, and by which the plaintiff was damaged to the value of eighty marks.

The defendant appeared, and stating that he was not advised, and not being ready to answer, asked an adjournment to Hilary Term. This being conceded, at Hilary the same parties appeared, when the escheator again made the same answer, followed by the same request, asking now an adjournment to Easter. This being also granted, probably Mr. Horner would not care to meet such tactics, as no more is found of the case. The cause of the distress being made is not stated.

The party then drove, by kind permission of Mr. Fortescue Horner, through Mells Park to

## Mells Church.

Mr. FERREY said this church had been built mainly in the fifteenth century. He was told that since the year 1846, the building had been, more or less, under restoration. The east window of the chancel was the original one repaired, but had been re-set higher in the gable. It had evidence of having been earlier in date than the rest of the church, as the tracery was transitional from Flowing Decorated to Perpendicular, with a very wide central light; the side ones were narrower. There was a good piscina of the thirteenth century, belonging, probably, to an earlier church. The stone "mensa" of the altar appeared to be also of the same period, judging from the design of the consecration crosses on it. The arches separating the chancel on the north and south sides from its chapels were curious; the western-most arches were wide, the eastern, low and narrow. Though alike in general appearance, the mouldings and capitals were different, the arch on the north side being the earlier in date. There had evidently been some alteration in construction, either during the progress of the work, or subsequently. One of the shafts had been corbelled out on the north side, whereas on the south, it was continued down to the floor. The chancel arch itself appeared of later date. The roof was entirely modern, and its design was not a reproduction of the original roof. In the chancel there was also a good brass chandelier, dated 1721, and a curious Bible, of the date 1617. In the north chancel chapel was a monument to Sir John Horner, 1659. The rood-turret, now enclosed within the chapel, was evidently formerly external work before the latter was built. There must have been some alteration in the design in the upper part of the turret, as the steps now terminate below the rood-loft doorway. The charming two-storied sacristy, with semi-octagonal end, attached to the south side of the south chancel chapel, was a specimen of

rich late Perpendicular work, mentioned, in 1542, by Leland. Its design and arrangement are uncommon. It was built by one Garland, of London, whose arms appear on a shield externally. In the roof of the upper room have been re-used portions of the panelling from the old Jacobean pews (now replaced by modern Gothic work). In this apartment is now hung an interesting but very small triptych, almost of Byzantine character, but not belonging to this church. It is probably, however, not earlier than the fourteenth century. In the windows of this chamber are preserved fragments of painted glass of various dates. The nave arcade had very delicately moulded Perpendicular capitals, and bases with mouldings of a larger scale. There was a pleasing peculiarity in the arch mouldings of same date, which suggested more of a Decorated feature. The clerestory had been added at a later period. Some old fragments of mediæval fifteenth century wood tracery have been judiciously worked up to form a litany desk. The font was apparently of the Transitional Norman period, with a cable moulding, and having a bowl of rather large dimensions. One of the most remarkable features in the fittings of the church was the original Jacobean bench ends, which were of very good design. The panelling round the walls had been formed out of the old Jacobean pews. The porch, with parvise over it, was much like that at Doulting. In the parvise some of the old pew panelling had been utilised, and there were some interesting fragments of old carved and moulded stonework. The beautiful fan-vaulting to the porch should be noticed. The tower arch was also of bold, effective character, of about the same period as the nave arcade. The ground storey of the tower was vaulted with a kind of fan-tracery, and possessed a stone bench-table. The ancient sancte bell-turret (with a modern cross) over the east gable of the nave still existed. There had manifestly been some change in design of the fine tower, in the upper part, above the parapet string-course. The parapet did not seem to belong to, or spring from, the

architectural features beneath it. The composition of the bell-chamber stage resembled that at Leigh-on-Mendip, not suggesting so plain a parapet, which did not sit well upon its substructure; the plain parapet was appropriate enough at Kilmersdon, where the tower was of simpler design. His decided impression was, that originally the parapet to this tower had been intended to be of an ornate and elaborate character as that to Leigh-on-Mendip, with its numerous elegant pinnacles.

Mr. E. A. Freeman made some observations upon the church, and remarked that on the previous day they were in a much larger and, in one respect, a much grander church—that of Shepton Mallet. There was nothing in Mells church to set against the splendid roof of Shepton Mallet, but at Mells artistic design was exhibited, while at Shepton there was none, and no attempt had been made to harmonise works of different times together. Of course it might easily happen that they might have works of different times well adapted together. At Mells they had on a small scale a real design. There were the four bays of clerestory windows; each window set over its own arch. At Shepton the clerestory had absolutely nothing to do with the arcade below. There was more design at Mells than there was at Leigh-on-Mendip. The tower had the massiveness and finish of the great towers of Taunton and Bishop's Lydeard. Though Mells was a great advance on such an utter lack of design as they saw at Shepton, yet it did not come up to the other churches in the county. At Leigh-on-Mendip the tower was out of proportion to the church—it was too tall for the edifice, and not tall enough for itself, as it wanted another bay. Referring to the bare walls of Mells church, he said they had gone through the process of denudation, and the plaster had been removed. One of the strange notions of a modern architect was to make the inside of a church look naked and uncomfortable, and like the outside. Where they found their authority for this he did not know,

but if they turned a modern architect into an old building, he first got rid of the plaster, then of the roof, and next of the windows, and the thing was turned out with none of the features which the original builder meant it to have. He remembered there used to be a remarkable set of 17th century seats in the church, but they were wonderfully uncomfortable, and he was not surprised that the present seats were preferred; they were more suited for the practical purpose of church seats.

After examining the external features of the church, the party proceeded next to the

## Tithe Barn,

Rev. GEO. HORNER said the only documentary evidence relating to it was a record that Abbot John of Taunton, built a grange here, and he presumed that this was part of the building.

## Geology of the Mendips.

Being unable, on account of the rain, to give any explanation of the local geology at Leigh, the plans and maps provided for demonstration, here safely sheltered, were suspended on the walls of the barn, and

Mr. MCMURTRIE, by the aid of these diagrams, gave a most interesting and lucid description of the district. He reminded them that on the previous day they had examined the Basaltic dyke near Stoke Lane, which was intimately connected with the elevation of the Mendip Hills.

The Mendips formed a true anticlinal, the centre of the ridge, consisting of the Old Red Sandstone, which was the oldest rock exposed in that part of the county. Next in ascending order came the Mountain Limestone shales and Mountain Limestone, which had been tilted up at a high angle, and dipped away northwards and southwards from the centre of the hills. Above the Mountain Limestone came the Millstone Grit, forming the floor of the Coal basin, which commenced on the northern flank of the Mendips, and stretched away northwards towards

Bath and Bristol, the Coal measures being in many places overlaid and concealed from view by newer formations.

Adjoining the Mendip Hills, however, the Coal beds were exposed over a considerable area, and resting upon them there occurred three large detached areas of Mountain Limestone at Luckington and Vobster, which had long been a source of wonder to geologists. They were formerly supposed to have been faulted up through the Coal measures, but it had since been ascertained that they were superficial masses, of no great thickness; the Coal measures beneath being continuous.

The theory now generally accepted was, that the Mendips having been raised to a great elevation, the Mountain Limestone on their northern flank had not only become vertical, but had been folded over on the top of the Coal measures, which had also in their turn been doubled back. In the course of the denudation that followed, a great deal had been washed away, but these outliers still remained as a record of one of the most remarkable features in physical geology to be met with in this country.

Mr. McMurtrie pointed out by means of a map, showing a section from Downhead to Radstock, the position of the various formations he had endeavoured to describe, and especially directed attention to the remarkable effect produced by the Mendip upheaval upon the interior of the Coal basin near Radstock.

When the Coal measures were folded over, during the elevation of the Mendip range, great lateral pressure had been produced, and an upper slice of the Coal measures had been thrust bodily forward, forming the great overlap or slide-fault of Radstock, which he hoped to have an opportunity of explaining more fully on the following day.

The Mendip upheaval appeared to have a very wide range. It could be traced from the Welsh Coal fields, near Tenby, across the Bristol Channel, to Weston and Clevedon, and thence along the ridge of the Mendips, to Frome, where it was

lost sight of; but it probably passed, at a great depth, under the south-east of England, and re-appeared in the Belgian Coal fields, where very similar physical features presented themselves.

Returning to the

## Manor House.

Standing just without the northern entrance, Mr. GREEN said that the house was originally built in the form of the letter H. It was here that King Charles I stayed in 1644, when on his way from Bath to Devonshire. Symonds, a Royalist officer, whose *Diary* exists, says: "The King lay at Sir John Horner's howse at Mells, a faire large howse of stone, very strong, in form of a H; two courts. The church is very large and faire, adjoyning. Horner is in rebellion, his estate sequestered, £1000 per annum." It would be observed that, say one half—the northern half—of this house had disappeared; both courts had gone, as with the removal of the middle bar, connecting the wings, would be the case. This joining bar crossed from the present entrance about where they stood. The rooms were all good, evidently not early; but it was difficult to judge their date, as every characteristic detail, such as the ceilings and fire-places had disappeared. This fashion of building in the form of a letter clearly arises or evolves from the Elizabethan form, the letter E. The mad idea had but a short existence; probably from 1575 to 1595. One house was built in a triangular form; another took the shape of a Greek cross. In the Soane Museum there is the plan of a house arranged or formed by the letters IT; a very curious plan. On the side is written—

> These 2 letters, I and T,
> ioyned together as you see,
> Is ment for a dwelling house for mee.
> JOHN THORPE.

John Thorpe was the designer of Burghley, and other Halls. To this time Mells may be assigned, as about 1590. Were the house perfect, it would probably be unique.


Mrs Bidgood
May 1885
Wells Manor House.
Inner face
South half

## The Manor.

The following legal proceedings exemplify that the Law's delay is not of modern origin. In 1415 *(Plea Rolls,* 3rd Henry V, No. 131, m. 1*d*) an action was brought against the tax collectors, that they unjustly, by colour of their office, at Mellys, the close of John Tucker entered, and four oxen and one horse, with five marks, took and led away, and the said oxen and horse detained. For this Tucker claimed £10 damages. The collectors, defending themselves, declared that the oxen and horse were not of that value; that in the 8th Edward II, the manor of Mellys was assessed at £4. 6s. 8d., and that the seneschal of the Abbey of Glaston agreed with the collectors to pay £20, in gross, increment of increased value for all taxes on the manors of the Abbey and Glaston XII Hides; that Mells was assessed at 30s., as part of the said increment; and that from the date aforesaid the men of Mells had paid the 30s., besides the £4. 6s. 8d. The defendant, a free man and free tenant of the manor, declared that Mellys paid only £4. 6s. 8d., and had never paid the 30s., unless by extortion of the collectors, and by order of the Abbot of Glastonbury. Hilary Term was appointed as the time for hearing the case, when the parties attended—Tucker in person, the others by attorney; but the Court "not being sufficiently advised," adjourned the case to Easter. At Easter the parties appeared by attorney, when there was another adjournment to Trinity; when there was another adjournment to Michaelmas; when the same thing occurred until Hilary again; so again then to Easter, to Trinity, to Michaelmas, to Hilary, and to Easter again. From the space left, the clerk expected clearly further repetition; but probably all patience was exhausted, and the matter dropped.

In 1524, Easter Term, 15th Henry VIII (Court of Requests, Orders and Decrees, Vol. 5, 14th—25th Henry VIII, fol. 41 pencil; 21 in ink,) an action was brought against John Horner,

of Lygh, gent., for taking possession of a messuage, &c., in Mells, called Farm Place, and also certain corn, cattle, and household stuff. The Council, however, found that Mr. Horner had, by indenture, duly purchased the said land, &c., and decreed accordingly. As bringing nearer our own time the customs as regards the manor mill, there was an action in 1661, (Excheq. Dep. 13th,—14th, Charles II, Hil., No. 11,) on the question whether any toll or multure were due to a certain water corn mill, being the ancient custom mill of the manor of Mells. Whether, if the tenants did not have their corn ground there, they were not presented at the Court of the Manor for not doing their suit to, or at, the said mill, and "paines" put upon then for refusal, and whether, if they carried their corn to another mill, they did not pay half the toll to the manor mill notwithstanding. A further question was, whether there was a right to grind malt at a private quern. Five querns for malt had been erected in Mells, within twenty years, to the damage of the manor mill, and besides the question of right, it was attempted to be shown that the people who ground malt at these querns were deceived thereby, "in regard that the malt makes less beer, for that the corns are but broken and not ground."

As the manor, from an early date, was ecclesiastical property, it has but little personal history. At the dissolution of the attainted monastery of Glastonbury, its property being forfeited to the Crown, Mells was bought in due form by Mr. John Horner. The documents are still extant. The later descent with the Horners is well known, but there is connected with it, locally at least, an association with the nursery rhyme of

Little Jack Horner
Sat in a corner, &c.

As with other such jingles, the origin of this one must be sought at a much earlier date, The story of Jack Horner, as may be supposed, took the form of a popular chap book; this was entitled :—

The pleasant History of Jack Horner. Containing the witty Pranks he play'd from his Youth to his riper years. Being pleasant for Winter Evenings.

The verses, occupying twenty pages, make no local allusion; on the contrary they begin:—

Jack Horner was a pretty lad,
Near London he did dwell;
His father's heart he made full glad,
His mother lov'd him well.

And in the corner would he sit,
In Christmas Holidays.

When friends did together meet,
To pass away the time,
Little Jack he sure would eat,
His Christmas pie in rhyme.

Then comes in the rhyme, and as the story continues, Jack, in time, goes out to service under a certain knight, plays a prank with a miraculous basin, slays a terrible giant, and finally marries the knight's daughter.

The story is founded on a metrical ballad, called "The Basyn," preserved to us in the Cambridge Library, in a manuscript of the fourteenth century, soon after the year 1300. Thus an early origin is indicated. As with so many of these tales, the story of "The Basyn" tells how a priest was detected with his paramour; the means being Jack's miraculous basin. The familiar nursery rhyme, however, is not part of this early tale, although incorporated later in the chap book story. But by translating this rhyme phonetically into Dutch —low Saxon—a much earlier origin is at once suggested.

Lijt'el Jacke Hoornaê,
Sat in de kooren er,
Hij ding er kruijse m'aes by,
Hij put in ijse te om
End puijld uit er plomp,
End kraeyit, O! wat er good boeye Am Hey!

The allusion here is again to the (Jack) tonsured lawyer, the "clerk," who, drawing profit from the terror he spreads around, while he grows fat by the traffic, exclaims: "Oh what an excellent milch cow is 'Am Hey;'" *i.e.*, his clodhopper

dupe. Hornaê also is a satirical allusion for a lawyer or magistrate.

## The Liberty of Mells and Leigh.

The question of the origin of a Liberty must often excite curiosity. The origin of the Hundred can be known, but the beginning of the Liberty, an off-cut from the Hundred, is not so easily traced. Perhaps the following incidents may aid in the present instance.

In 1254, there arose a dispute between the Abbot of Glastonbury and the Bishop of Bath, about the King's writ, and the taking by force and selling certain cattle of the Abbot. (*Coram Rege*, 38th Henry III, m. 8.—*Placitorum Abbrevatio*, p. 141, 38th Henry III.) The Bishop's agents went to the manors of Pilton, Dultinge, Melnes, Uplyme, and others. Lying in the wood adjoining Uplyme for the night, in the morning early they sallied out and took 163 oxen and 300 sheep. The cows they sold for £7. 5s.; the steers for 3s. and 2s.; and the sheep for 7d. The Bishop's agent, defending himself, claimed that the Bishop held the Liberty by charter from the King, and that the sheriff had no right of entry: that he, as bailiff of the Bishop, distrained the Abbot, who held the property of the Bishop, and owned forty knight's service towards making the King's son a knight.

The Abbot next came and claimed that he was seised of all the said services, as were his predecessors, and that all summonses were made to him direct.

Then came the Bishop and claimed the forty fees, and the right of distress over the said manors; asserting that his agent had acted reasonably.

The jury—among them being Elias de la Mare and Wm. le Bret—sat in the Court of N. de Trot, to whom the case was referred. The result was that the Abbot was to be defended against the Bishop, and the latter was ordered not to make distress on the Abbot. (38th Henry III.)

The full history of these curious proceedings belongs, per-

haps, rather to Glastonbury, but a few notes may be recorded. Notwithstanding the above order, and in contempt of the judgment, the Bishop attacked the Abbey and ejected the Abbot: for which act he was fined fifty marks: restitution being ordered, and proclamation made that any one might buy from or sell to the Abbot. (40th Henry III.) A little later, the Bishop being appointed Nuncio to Rome, there was a respite of the plaints between the disputants, and so the matter should have rested awhile; but the Bishop, using his opportunity, and again ignoring home proceedings, got the Abbot cited to Rome. (42nd Henry III.) For this he was ordered to appear before the King, and answer for his contempt; and further, to answer for breaking into the Abbey and carrying away the goods and the seal of the Abbot, and the seal of the community. (44th Henry III.) In the end the Abbot secured the victory.

From some later proceedings the position is made more clear. In 1274 (*Hundred Rolls*, vol. ii. p. 135; *Quo Warranto*, 2nd Edward I, p. 700) the Abbot was summoned to show by what warrant he subtracted from the King all suit from Mells due at the tourn of the sheriff, and also 2s. annual rent. The King's agent claimed that King Henry III, the father of the then King, was seised of the said rents and suits. The Abbot, on the contrary, claimed that his predecessors, during all the time of King Henry, were so seised, and that the King never owned them. The jury, however, found that the King did own them, and should recover them; and that they had been witheld because Ralph de Sulny, lord of the Hundred of Kilmersdon, had remitted them to the Abbot, the predecessor of the then Abbot. The sheriff was therefore ordered to see that the men of Mells came duly to his "tourn."

No charter is found recorded to support the claim made by the Bishop. It is rather clear that the Abbot, the freeholder in possession, had received his freedom or separation from the Hundred of Kilmersdon, by gift from the lord; and from this time the Liberty may be judged to have commenced.

In 1330 (*Charter Rolls*, 4th Edward III, pt. 1, No. 88), the Abbot had a grant of free-warren in Doulting and Mells, and twenty-two other manors in Somerset.

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By the kind consideration and invitation of the Rev. GEO. HORNER, some of the Members now entered the Hall, to partake of the luncheon there ready, whilst others, waiting awhile for room, surveyed the interior of the house.

The luncheon over, the PRESIDENT, and Mr. W. E. SURTEES, in a few words, thanked Mr. Horner for his hospitality.

Mr. HORNER thanked the President, and expressed the pleasure he had in receiving the Society.

The carriages being ready, the party started for the Vobster Cross road, where it was intended that Mr. McMurtrie should again discourse on the unique geology of the spot. The continued drizzle, however, made that impossible, and the cortege, proceeding by Babington House, and over the railway bridge, ascended by the right to the park gates, for Ammerdown Column. Driving slowly by this fine structure, and through the park, the next halt was at

## Ammerdown House,

by permission of Lord Hylton thrown open to the Society. Some alterations were in progress, but the various objects and paintings in the several rooms were duly inspected. Two fine columns of Somerset Draycot marble in the new billiard room were much admired.

A short drive, still damp, brought the party to

## Kilmersdon Church.

Mr. FERREY said this was a very interesting church. The nave and chancel Norman, with, however, numerous Perpendicular additions; while the north aisle, north chancel chapel, and tower were of the richly developed Perpendicular. The chancel had lately been restored, a new east window put in place of a very debased, un-ecclesiastical one; the east wall re-built above the springing line of window arch; and a new oak

panelled roof constructed, with rich trusses resting upon the old stone cornice and sculptured angel corbels. On the south side an organ chamber had been added, and the Perpendicular window disturbed thereby re-fixed in the east wall of the chamber, and the Norman corbel-table re-set in the south wall of the same. Mr. Ferrey drew attention to the manner in which the sculptured angel corbels to the principal roof timbers next the end walls of the nave and chancel were placed at a different angle from the rest, so as to be better seen. In the north wall of the chancel the remains of the inner arch and jamb of a Norman window were recently found, also fragments of Norman sculpture of a Greek character, not very uncommon in work of that date, of which the capitals to the nave arcade, the Priory church, Christchurch, Hants, are a good example. In the south wall, an early English piscina was discovered; the only work of that date in the building. The chancel arch had a panelled respond and arch, and the respond next the nave appeared to have been prepared to receive a screen, but there was no evidence to show this was ever actually erected. Iron grilles to the chancel have just been added. There are the mutilated remains of canopied niches on each side of the chancel arch. The nave and chancel were on the same level, which seemed to be as originally. The north chancel aisle had a beautiful east window, of the best period of Perpendicular. The fine stone screen, of about the same date, in the arch between the north nave aisle and the chancel chapel, was clearly not *in situ*, and there is a tradition that it was removed from St. Andrew's church, Holborn. In the south wall of the nave, near the pulpit, traces of another Norman window had been lately found; and near the porch was a small Norman window, now blocked up. The old corbel-table, with fish-scale frieze, still remains in the east wall of chancel, and on south side of the church, up to the tower; even running through part of the arch of a 16th century square-headed window to the nave. The nave walls have

been heightened in the Perpendicular period, and a lead-coverd roof of flatter pitch added (now flat-ceiled with lath and plaster). The north aisle roof was of very rich character, divided into square panels, with carved bosses; and part of it had been gilded and coloured, which, however, Mr. Ferrey thought was not mediæval work. The south nave doorway was of very early Norman character, with a good "late" door and lock, and led into what was now the vestry, but was formerly the porch. There is a curious monument in the east wall of the vestry, dated 1596, which was formerly against the south wall of the nave. The marked distinction between the Norman and Perpendicular masonry in the nave, and how very conservative the 15th century builders had been of the Norman remains should be noticed. The shaped and moulded bench-ends, and seats to the body of the church, were of very massive character, unlike the typical Somersetshire richly panelled bench-end, and were probably of early Perpendicular date. The font was a rich and good specimen of 15th century work. The west wall of the nave, three feet thick, was built independently of the tower, which gave a very bold effect to the panelled arch. The ground storey of the tower appeared to have formerly been vaulted, as the stone springers remain.

Commenting on the exterior of the tower, Mr. Ferrey remarked on its fine character and proportions, and how similar the plan of the buttresses was to Leigh-on-Mendip. He drew attention to the beautiful masonry to the south side, part of which was of Hatchett Hill stone, quarried near Ammerdown Park. It apparently had small holes in it, but really was very durable.

After inspecting the church from without,

The Hon. Secretary asked for any suggestions as to the derivations of the names Kilmersdon and Mells. Not pretending to any authority himself, Mr. Davidson had suggested to him that Mells was derived from the Saxon—*mael*, a crucifix. There had been probably there three *maels*. Thus the Chris-

tian Malford of to-day—written in old documents Christen-mafford—would be Christ-on-mael-ford.

Some conversation ensued, but without producing further remarks for record.

## The Advowson.

The advowson originally in *Domesday* in the hands of the Crown, was apparently given to William de Erlegh, who gave it, with other churches, to the Priory of Buckland, and it remained attached to the Priory until the dissolution.

Amongst a collection of Royal letters preserved, there is one (No. 1948) which records a curious episode. It is dated 5th September, 1281, and addressed to the King, from Bishop Robert Burnell, who states that one Robert, a clerk, had been taken before the Somerset justices, charged with suspicion of breaking into the chapel of Kynemersdon and carrying away the property therein; but as no one appeared to confirm the charge, he had been restored to his "good name." The Bishop consequently prayed the King to restore also the goods of the said Robert, which had been seized pending the trial.

In 1328, the Prioress of Buckland complained concerning the celebration of service in the chapel of Lokyngton, where it was assigned that service should be celebrated by the Vicar of Kilmersdon, three times a week, viz., Sunday, Wednesday, and Friday; for which he should be paid a quarter of wheat annually from the manor of Lokyngton. (*Harl. MSS.*, 6,964, fol. 132.)

At the dissolution of Buckland Priory, the living passed to the Crown. In 1536 (*Augmentation Office*, Henry VIII, *Miscell. Books*, vol. xcvi, fol. 94), Alexander Popham had been appointed seneschal or steward of Buckland for his life. In the same year he accounted for the rental of what is called the manor and rectory of Kilmersdon, formerly parcel of the Priory of Minchin Buckland, as £18. 15s., including the sheaf tithes of fourteen acres in Stratton; the same being leased to Alexander Popham and John and Robert, his sons, for eighty

years, or their lives, immediately after the death of John Bruche, or his forfeiture.

John Bruche had surrendered his lease to the Prioress, 29th Henry VIII. (*Ministers' Accts.*, 30th–31st Henry VIII, m. 21; and 38th Henry VIII; 1st Edward VI, No. 58, skin 13.) By patent, 1559 (2nd Elizabeth, pt. 10, m. 11—13), the property called all our lordship and manor of Kilmersdon, with all its belongings, now and formerly in the tenure or occupation of Alex. Popham, and formerly parcel of the possessions of the Monastery of Buckland, with Yardley, parcel of the Monastery of Witham, was granted to William Doddington, in free socage. (*Ministers' Accts.*, 1st—2nd Eliz., No. 30, m. 5). At various times, two acres in Kilmersdon had been given for the sustaining a light in the church, and these, with 6s. 8d. issuing from the manor, given for the same purpose, were granted to Queen Henrietta Maria, in the time of Charles I. (*Fee Farm Rents*, Nos. 28, 353-4-5.)

## Tithe Dispute.

A dispute arose here too, regarding the payment of tithes; the question arising, as before, from the sowing down to grass of arable land, on which tithe, as arable, was more productive and payable in kind. The depositions were taken at the "Church House," in Kilmersdon, 1703-4. (4th Anne, Michaelmas, No. 5; 5th Anne, Michaelmas, No. 15.)

There was formerly in almost every parish a Church House. It was not usually a dwelling house, but consisted of a large room or hall, in which the village feasts were held; there was also a kitchen for cooking, a brewing plant for the church ales, and in some cases a public oven for general use. No example seems to have lasted to our time.

The first witness called in the case, then aged eighty-seven, deposed that he had rented the parsonage lands from 1652 to 1658, and again from 1672 to 1675, and money was always paid for tithe of hay.

For Worrall ground 2s. were paid; others paid 1s.; others 10d., 6d., 4d., or 2d. This tithe was never paid in kind. The custom had been discontinued or neglected for thirty years, ever since the parsonage fell to Mr. Gabriel Goodman, because he declared he would make the tenants pay in kind. Within the recollection of this witness, several arable fields had been enclosed, and sown with French grass and other seeds. He held his lands by lease of two lives, or ninety-nine years, and claimed and insisted on a customary payment of 5d. per annum, in lieu of tithe hay. The tithe had been tendered as usual, "at a toomb stone in the church yard, the usual place of payment;" and he had there tendered 6s., for a year's customary payment for Orange's farm. Another witness deposed to the same effect, stating that he held his lands for lives, and "his wife's widowhood."

A knowledge of these disputes enables us to understand the opposition against tithes, as also the pamphlet literature, which helped so much towards the change in system to that now existing.

## The Manor.

Kilmersdon, as a manor, is not mentioned in *Domesday*. Mr. Eyton makes some speculative suggestions for this omission. Probably in earlier days it belonged to Queen Edith, at whose death, in 1074, it passed to the Crown. The church is mentioned as that of Chinemersdon, as being in the hands of the King, as would be also the manor and Hundred.

Some time during his reign, 1100—1135, Henry I granted the manor to de Sulleny. Again in 1205 (*Close Rolls*, 6th John), the King gave all his land in Kinemersdon to Hascullus de Suli; but in the next year, 1206 (7th John, m. 1), Hascullus was disseised of, forfeited, his lands in Kinemersdon, "for withdrawing from our service in Normandy," The document was witnessed at Oteford, 27th March. The next day, 28th March, he received a solatium of thirty marks, this document also being witnessed at Otteford. It was found, by enquiry,

in 19th Edward I, that John de Sulleny, in the time of King John, gave to his sister Emma, and her husband, Alexander de Arsyk, two parts of the manor, and that the other third part descended to Hugo de Tywe, who gave it to Walter, his son (*Inq.*, 19th Edward I, No. 23). This must have been before 1215, as Walter de Tiwa's share then passed to Roger Alis (*Close Rolls*, 17th John, m. 15). Then in 1220, Ralph de Suleni recovered the lands of his father, Hasculfus (*Close Rolls*, 4th Henry III, m. 15), and on his death (28th Henry III, No. 25) they passed to Andrea (*Inq.*, 44th Henry III, No. 36), who died possessed of half a fee in Kynemersdon, value £6. 11s. 11d., and Geoffrey, his uncle, was declared his next heir. This Geoffrey seems to have claimed and taken the whole of the manor, as in 1261, Walter de Tywe sought replevin of the land in Kilmersdon, belonging to him and Emma, his wife. (*Close Rolls*, 45th Henry III, m. 10$^{d}$). In 1266, Geoffrey died seised of the manor, held *in capite*, by service of half a knight's fee, and worth £10 per annum. His heir was unknown, but it was stated that he had sisters. (*Inq.*, 50th Henry III, No. 31.) Henry de Montfort, "on account of the disturbance in the kingdom," seized the property, but it was ordered, in the same year (*Close Rolls*, 50th Henry III, m. 5), that Robert de Boyton, and Mary, his wife, should have seisin of the manor as being given them by Geoffrey de Soleny, deceased. Notwithstanding this apparent disappearance of the Sulleny holding, Hascullus de Sulleny was found in 1272 (Testa de Neville), as lord of the Hundred of Kinemersdon, held of the King, *in capite*, by the fourth part of a knight's fee, being originally the gift of King Henry I.

Tracing now the two-thirds, the first notice in order of time, after the Testa de Neville, 1272, already mentioned, is of special interest, as it not only introduces a new lord, but mentions the status or rights of the Honor of Gloucester, under which the Hundred was held. What an Honor was, exactly, not many could say, more than it was a large, superior holding;

consequently every notice of its power, privileges, or profits, should be carefully noted.

In 1283 (*Inq.*, 11th Edward I, No. 56), after enquiry, a jury found that the tenth man of Radstock, Babynton, Horsington, and Holecumbe belonged to the Hundred of Kilmersdon, and that the said tenth man of Holecumbe had been taken away from the Hundred by Richard, Earl of Gloucester, father of the then Earl, Gilbert, for the King's service; and that William de Albiniaco was owner of the Hundred. In 1291 (*Inq.*, 19th Edward I, No. 23), when enquiry was made as to the separation of the manor in thirds, it was found that Philip de Albiniaco held two-thirds of the King, in chief, and that he defended the other third, owned by Wm. de Boterewe. In 1294 (*Inq.*, 22nd Edward I, No. 38), Philip de Albiniaco died, holding in fee the manor (*i.e.*, two-thirds), for half a knight's fee, and a rather full survey of the property was recorded. The court, with a garden and fruit, was stated to be worth 13s. 4d.; rents, payable at the quarter days, £6. 2s. 11¼d.; larder perquisites, 15s. 7d.; capitage, 3s. 8d.; customary work, 36s. 6d.; a water mill, 6s. 8d.; 399 acres and a half of meadow and arable, worth 3d. per acre; 18 acres and a half of meadow, worth 10d. per acre; 24 acres of pasture, at 4d. per acre; and 140 acres of waste, worth 4s. There were also the pleas and perquisites of the Hundred Court, worth 6s. 8d., and no more. The value of the manor was £16. 12s. 6½d., from which the King received 31s. annually. Elias de Albiniaco, a brother, aged thirty years and more, was declared next heir. Elias died in 1305 (*Inq.*, 33rd Edward I, No. 81), the holding being as before, by service of half a fee for the manor, and a fourth part of a fee, which would be for the Hundred. The valuation was now even more minute than before. The capital messuage of the manor was valued at 5s. per annum; and the garden, with fruit and herbage, 5s. per annum. Fifty-one acres of arable, at 6d. an acre; fifteen acres, arable, at 5d.; a hundred and thirty-six acres, arable,

4d.; a hundred and seven, arable, 3d.; thirteen acres, arable, at 2d.; and ten acres, arable, 1½d. Of the meadow, fourteen acres were worth 1s. 6d. per acre; three, 1s.; eight, 9d.; half an acre, 4d.; and two acres and a half, 4d. Sixteen acres of pasture were put at 3d. per acre; half an acre, 3d.; and pasture, *in vicis*, 4d. per annum. There were forty acres of wood and heath, worth 3s. 4d. per annum, and an acre worth 3d. The profit from the coal—the earliest mention of the mineral being worked—was valued at 2s. 4d. per annum. Of the free tenants, one held the hamlet of Ashwyte, paying therefor 1d. Another held the hamlet of Mirifelde, at a similar rent, and another the hamlet of Holcombe, at a rent of 12d.; all payable on the Feast of St. Martin. Of the others, a virgate of land was held at 16d., payable at Michaelmas, and a free tenement, worth 1½d. Twenty-eight acres were held for 13s. 4d.; six acres, at 2s.; other twenty acres, for 12d.; whilst another four acres and a half were held for a half-penny. Of the life-holds, one held fourteen acres, at 2s.; another twenty-four acres, at 8s. A mill was let at 2s.; a fulling mill at 5s.; another fulling mill and six acres at 9s.; another mill brought 33s. 4d.; other holdings, including the life of the wife, a messuage and fifteen acres for one mark; another exactly similar holding produced but 8s.; a messuage and thirty acres, 15s.; a messuage and twelve acres, 8s.; the same, with seven acres, 4s. Then there were the customary tenants. One held a messuage and a virgate of land, at 5s.; and paid into the lord's larder 15d., and a fowl, worth 1d.; at the Nativity of St. John Baptist he paid 1d. as Peter's pence, and at Easter fifteen eggs, value a half-penny. He also reaped in the meadows of the lord, at 3d. per day; sowed corn for three half-days, each work being valued at 1½d., and mowed in the autumn three acres of corn, valued at 3d. per acre, and carried the corn of the lord for three days. John Atte Mill held a messuage and half a virgate of land, paying 3s. 4d. per ann.; and at the larder of the lord, on the Feast of St. Martin, 10d.,

and a cock, price 1d.; at St. John Baptist, 1d. for Peter's pence; and at Easter ten eggs, price 4d. He sowed, reaped, mowed, and carried, as the other. Another held a messuage and ten acres, paying 2s. 6d.; and to the larder, at Martin's, 7½d., and a fowl, price 1d.; and at Easter, seven eggs and a half, price 4d. He also paid the Peter's penny, and sowed, reaped, and mowed, as before, but carried for a day and a half only. Alice Watts held a messuage and two acres of land, paying a money rent, and to the larder, at Martin's, 5d., and a fowl, 1d.; the usual Peter's penny, and at Easter, seven eggs and a half; and at Hokeday, two capons, value 3d. She sowed, reaped, and mowed, as before, but carried for one day only. Another held by the same service, except that she did not render the capons. Then there is given a list of the cottars, with their harvest services; and others paying capitage —freedom money—of 15d. per annum.

The value of the manor was found to be £21. 5s. 9d., and Ralph, aged seven weeks, son of Elias and Johanna his wife, was declared the heir. (*Inq.*, 14th Edward II, No. 81.) In 1346 (*Inq.*, 20th Edward III, 2nd Nos., 29), enquiry was made as to whether there would be any damage to the King, if Ralph Daubyne and his wife Katherine, were enfeoffed of the manor; when it was declared there would be no damage, and Ralph would have possession. Ralph died temp. Rich. II, but the enquiry on his death is not found. He left a son, Giles, who died in 1386 (10th Richard II, No. 12), and after enquiry as to whether he had been duly married, and with the proper license of the King, of whom he held his lands, his widow, Elizabeth, was allowed her dower. His son, Giles Daubeny, Knt., died in 1403 (*Inq.*, 4th Henry IV, No. 23), a part of his rental being a rose, coming from William Nywebury, for a messuage and lands, held for his life. His widow, Margaret, died 1420. (*Inq. P.M.*, 8th Henry V, No. 83.) They left sons, John and Giles; and John, aged nine years, was declared the heir. John died about 1410, as by enquiry

made in that year (11th Henry IV, No. 42), Giles, under age, and in the custody of the King, was declared the heir, as being the brother of John, who was the son of Giles, who was the son of Giles (who charged his estate with an annuity), who was the son of Ralph, who died temp. Richard II.

From this time the Daubeny holding disappears from the *Inquisitions.* Documentary evidence is wanting at present, but the property seems to have passed to the heirs of Elizabeth Daubeny, viz., her son, William, Lord Botreaux, in whom was vested the other third part.

This third part of the manor, which descended to Hugo de Tywe (1261), he gave to his son Walter, who married Emma, daughter of Thomas Whelton. Walter Tywy committed some "trespass" against the King, and this land, being forfeited, was granted to Walter de Mareschall. In 1268 (*Close Rolls*, 52nd Henry III, m. 4), Mareschall was ordered to restore it to Emma, now a widow. Emma married a second husband, and joined him in selling this third part to Robert Burnell, Bishop of Bath and Wells, who exchanged with William de Botreaux for lands in Salop.

In 1285 (*Charter Rolls*, 13th Edward I, pt. 1, m. 2, No. 6), William de Botreaux had a grant of free warren on his lands of Babington and Kinemersdon, provided, under penalty of forfeiture of the charter, there was no trespass within the King's forest, or that none took refuge there. At the same time he was granted a fair at Babington every year, for three days—the vigil, the day, and the morrow of St. Margaret the Virgin. William died in 1302. (30th Edward I, No. 35.)

In 1381, William Botreaux, Knt., was in trouble, a writ being issued against him in three suits: one for a debt of £100; another for £5. 15s. 6d.; and another for £205. The sheriff, William Latymer, was ordered to take his body, and in our prison put him, until the debts were satisfied. An enquiry took place as to the extent of his property (5th Richard II, No. 71), when it was found that he held the manor of Kyne-

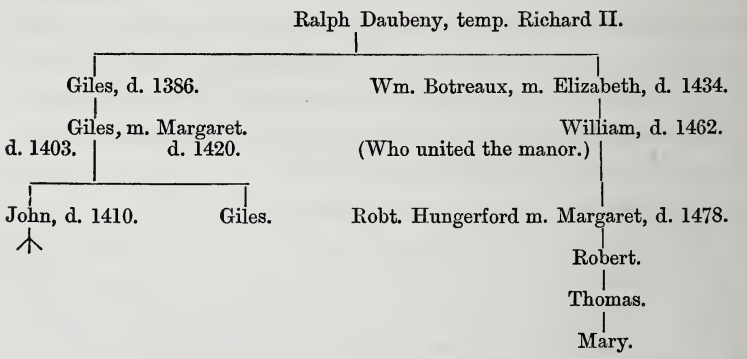
mersdon, with the Hundred of the same, worth £10; also at Walton, a capital messuage, with a garden and dovecote, and two carucates of land, worth five marks per annum. William, sen., Knt., died in 1391, and the inquest (15th Richard II, No. 6) showed that he held one-third of the manor of Kilmersdon, and that Ralph Daubeny had given him an annual rent of £40. And he owned also the fair at Babington, annually held on the vigil of St. Margaret, worth 2s. Elizabeth, his widow (daughter of Ralph Daubeny), died in 1434, possessed of this third part of Kilmersdon, and the third part of the manor of Babington, in dower, held of the Honor of Gloucester (12th Henry VI, No. 24, *8*), and William Botreaux, Knt., their son, was declared the heir. It was in the time of this William that the manor was again united.

The reversion of Babington was with Joan, widow of Thomas Broke, Knt, as by deed of William Botreaux (45th Edward III), who gave the manor of Babington to William Cheddre, and, after him, to Robt. Cheddre and Joan, his wife. (12th Henry VI, No. 24, *7*).

William, now Lord Botreaux, died in 1462, possessed of the Hundred, and of the manors of Kilmersdon, Walton, and Lockyington, and St. Margaret's fair at Babyngton, the advowson of Babyngton and the Chantry of Aller. (2nd Edward IV, No. 15.) Margaret, his daughter and heir, had married, and was now the widow of Robert Hungerford, Knt., and so carried the united manor to that family. Margaret, Lady Hungerford and Botreaux, died in 1478, holding the manors of Kilmersdon, Babington, and Walton, and Mary Hungerford, aged eleven, was found to be next heir, as being the daughter of Thomas, who was the son of Robert (late Lord Hungerford), who was the son of the said Margaret. (18th Edward IV, No. 40.)

In the inquisition, on the death of Giles, Lord Daubeny, 1507 (24th Henry VII, No. 47; 2nd Henry VIII, No. 22), there is no mention of Kilmersdon, but the annuity of £40,

arising from South Petherton manor, is noticed, as being the gift of Giles Daubeny to William, son of William de Botreaux and Elizabeth, his wife, daughter of Ralph Daubeny; and that the said charge by descent belonged to Mary, Lady Hungerford, as heir of William, son of William and Elizabeth, viz., as daughter of Thomas Hungerford, Knt., son of Robert, son of Margaret, daughter of William, son of William and Elizabeth.




Mary married Edward Hastings, second Baron Hastings, who died in 1507, leaving a son, George, created Earl of Huntingdon, who died in 1544. He was succeeded by Francis, who died in 1561, leaving a son, Henry, who succeeded, and died without issue, in 1595.

In 1589 (*Feet Fines*, 31st, 32nd Elizabeth, Michaelmas), Henry sold to John Spencer, alderman of London. (*Pat. Rolls*, 31st Elizabeth, pt. 15, m. 3; *Alienations and Pardons*, vol. iv, p. 107; *Recovery Roll*, 31st Elizabeth, Michaelmas, m. 132, Index fol. 77.) Sir John Spencer, knighted when Lord Mayor, 1594, had but one child, a daughter, Elizabeth, who married Sir William Compton, second Baron Compton, created Earl of Northampton, and who died in 1631. (*Inq. P.M.*, 7th Car. I, pt. 2, No. 144.) He was succeeded by his son, Sir Spencer, who, joining the King's side, was killed in 1643, early in the Civil War. James, his son, succeeding, was also on the King's side; and, the war being over, was called to

account and compound in 1650. He was charged that, being during his father's life time a Member of the Parliament, he deserted it, and took up arms against it. In the schedule of his property he stated that he had the manors of Kilmersdon, Long Sutton, Henford, Yeovil, Pitney, and Werne: that all had been sequestered for eight years, there being a loss, besides woods and destruction of his houses, of £50,000 on his whole property, and his houses, £20,000; besides which he owed debts of £5,000, and divers years' interest. (*Royalist Compositions*, 2nd series, vol. xlv, fol. 3.) He died in 1681.

Under these circumstances the manor passed to Gabriel Goodman, who, on his death, left two daughters: Mary, who married William Hilliard, and died, without issue, in 1745, aged 77; and Sarah, who married James Twyford, and left two daughters, Ann and Sarah. (*Feet Fines*, Michaelmas, 32nd Car. II, No. 780.) Both Ann and Sarah died without issue; the latter in January, 1765, aged 86; and Ann in March the same year, aged 87. There were, and should be now, tablets in the church to their memory. There was, and should be now, also a tablet for Robert Twyford, who succeeded, and died lord of the manor in 1776, leaving an only daughter and heiress, who married, in 1778, Thomas Samuel Jolliffe (whose elder brother married Eleanor Hylton), and they had sons: Charles, killed at Waterloo; John, who died in 1854; the late Rev. Thomas Robert; and a daughter, Mary Ann: all of whom died unmarried.

There is an account of Kilmersdon manor in the Bodleian Library, Gough *MSS.*, vol. xi, pp. 3—5.

## Customs of the Manor.

As relating to manorial rights, an inquiry was made at Kilmersdon, in 1690 (*Excheq. Dep.*, 2nd—3rd William and Mary, Hilary, No. 20), between James Twyford, Esq., and Sarah, his wife (*née* Goodman), against Francis Green, Arthur Fortescue, Henry Strode, Edward Strode, and others. The questions were:—What places are within the Leet? What

privileges have the lords usually held in fishing, fowling, hawking, and hunting, driving preys, and taking and detaining waifs and strays? How far does the uttermost boundary of such royalty extend? Is not the waste ground at Charlton Cross a part of the manor of Kilmersdon? Have any encroachments been made in any way, or by digging pits for coal?

It was deposed in reply, that the Earl of Northampton was lord before Gabriel Goodman. That the lord of the manor had always driven prey from the common called Lypyat's Marsh, between Lypiat and Coleford, and from the down called Westdown, and from some part of the Forest of Mendip. The inhabitants of Ashwick owed suit and service to the Hundred Court, and the "drift" of the prey within the parish of Ashwick, belonging to the manor of Kilmersdon, upon the common of Mendip, was bounded from the pound of Ashwick, southward, to the "Vorse" way, and from thence to the top of Regbury, and so along upon the edge of the hill to Masberry Castle, then to Browne Close Corner, then to Gurney Slade, and so to Selway's Mill, along the water side to Nettlebridge. The boundary of the manor of Kilmersdon began at Kimmerinwell, then to Ammerdown, and so to Dover Castle, the west end of Mr. Bampfield's land, and then taking in Kingsdown, down by Mells Grove marl pit, and so to Sheepridge House, then back to a ground called Peake. The exact boundary to Leach Ham was not stated, but from there it was by Leach Lane to a Meare Stone, under Holcombe Hill, by the way side; then to a Meare Stone at Down Close Corner to Lypyat Gate, and about a furlong farther it turned west for about half a furlong, and then plain north to the "stooke" of Old Hill; so to the water, and along the water to Symons Corner; then to Chestles, then down to Whitewell Water, and up to the head of Stretch to the "Vorse," and along the "Vorse" to Norton Down Gate; then to Waterside Bridge, then by the water to Rodstocks, to Huish Corner, and so to Huish Gate, to Stopholds, and to Tram-

mell. The ground at Charlton Cross was reputed part of the manor of Kilmersdon. The usual way of driving the prey, and also for making perambulations, was for the bailiff of the Hundred, with some of the servants, to meet at Ashwick pound.

Another manorial case occurred in the same year (Hilary, No. 23), when Mr. Twyford endeavoured to get possession of a tenement, sold without his consent. At the Court held at the Talbot, in Mells, 16th January, 1691, he claimed that the property was forfeited, and should be presented as forfeited, having been sold without his license as lord. The "homage," however, refused to present it, saying that they believed a copyholder had a right to sell. Mr. Twyford threatened that if they refused to present it he would subpœna them into the Exchequer, and make them all appear in London; but they still refused, asserting that the custom of the manor was that the purchaser of a copyhold could surrender without leave of the lives thereon. Mr. Twyford got a deposition that a copyholder could not sell or let for more than a year and a day, without consent or license of the lord. He eventually offered to accept the surrender for a fine of five pounds.

It has been stated *(Harleian MSS.*, No. 980, fol. 171*)* that by the custom of the manor of Kilmersdon, a wife had a widow's estate; that is, a life interest during widowhood in her husband's copyhold of the manor. This was called Free Bench, and applied only to such as were spinsters before marriage; that is, a widow, marrying, could not claim it for her second husband's interest, and forfeited her first interest. If she proved incontinent during widowhood, she also lost her life interest: but in this last case she could recover it if she came into the next Court, riding astride on a ram, and acknowledged her error, by repeating a jingle, beginning:—

Here I am,
Riding upon a black ram,
Like a whore, as I am.
* * * *
Therefore I pray you, Mr. Steward,
Let me have my land again.

The custom was used in other manors, and formed the subject of a ballad single sheet, entitled: "Crincum Crancum, Bincum Bancum; or the Custom of Riding the Black Ram." It is noticed, and commented on, in vol. viii of the *Spectator*. Notwithstanding a careful watch, no example of its performance can be quoted.

## The Hundred.

The Hundred, by some means not here traced, became the property of the Crown. In the time of the Commonwealth, a Parliamentary survey (No. 7), was made, dated 4th May, 1652, and returned as:—

"A Survey of the Hundred of Kilversdon, with the Rights, members, and appurtenancies thereof, being p'cell of and within the Turne of Modburrogh in the Countie of Som'sett, late p'cell of the possessions of Charles Stuart, late King of England, made and taken by us, whose names are hereunto subscribed, by virtue of a Commission granted to us by the Hon'ble the Trustees, appointed by Act of the Commons Asembled in p'liament, for sale of the Honn$^{rs}$, Mann$^{rs}$, and Lands heretofore belonging to the Late King, Queene, and Prince, vnder theire hands and seales.

"The tything silver or certaine monye payeable by the seuerall tything men of the tythings mencioned within the Hundred of Kilversdon.

"At M'Mas.

| | s. | d. |
|---|---|---|
| "The sheriff turne Courts, Fynes, and Amerciaments of Courts, and all other royalties, seruices, p'fitts, and perquisitts w'tsoever belonging, we estimate to be worth, one year with another ... ... ... ... | 18 | 0 |

"At Easter.

| | s. | d. |
|---|---|---|
| "The tything of Kilversdon ... ... | | |
| „ „ „ Hennington ... ... | 1 | 6 |
| „ „ „ Wrightington ... ... | 1 | 6 |

| | | |
|---|---|---|
| "The tything of Lockington and Walton ... | 1 | 0 |
| „ „ „ Stratton ... ... ... | 1 | 0 |
| „ „ „ Buckland Dinham ... ... | 1 | 0 |

[At Michaelmas the same sums were due.]

"The sheriff turne Courts are kept at a place called Bucklands downe, *alias* Modburrogh downe, within the months of Easter and Mich'as, according to the Custome and usage thereof.

"The tything men are to appeare at the said Courts, and to bring with them a certain number of able and fitt persons out of euerie tything to serve as Jurie men, which persons are called posts, and euerie of the said tything men and posts to bee amerced upon default, but if the Courts bee not kept, then the tything men are to paye esoyne monye two pence each tything man, and for euerie post one pennie.

"The said Courts doth take cognisance of all publick anuscances within the said Hundred, but the Courts have been much discontinued, and few fynes or amerciamts leuied for diuers yeares past; and the seuerall Leets and Law dayes and ye three weeks Court for the said Hundred and for diuers Mann[rs] and Lo'pps within the said Hundred and tythings are holden in the right of seuerall Lords of the said Courts, Mann[rs], and Lo'pps, who receive all the royalties and perquisitts bolonging to their seueral Lo'pps, wch is the reason wee put soe small a value upon ye said Hundred."

The half of a subsidy or tax of one-fifteenth and one-tenth, made in 1393 (16th Richard II), produced from—

| | £ | *s.* | *d.* |
|---|---|---|---|
| Kynemersdon, with Aschwyke ... ... | 2 | 0 | 0 |
| Hemington ... ... ... ... | 2 | 0 | 0 |
| Hardington ... ... ... ... | | 13 | 4 |
| Bokland Dynham ... ... ... | 1 | 10 | 4 |
| Babyngton ... ... ... ... | 1 | 13 | 4 |
| Lokington and Walton ... ... ... | 1 | 3 | 4 |
| Radstoke ... ... ... ... | | 8 | 0 |
| Stratton ... ... ... ... | | 13 | 4 |

| | | | |
|---|---|---|---|
| Holcombe ... ... ... ... | 6 | 0 | |
| Writhlyngton ... ... ... ... | 13 | 4 | |
| The Manor of Melles ... ... ... | 2 | 3 | 4 |
| „ „ „ Leigh ... ... ... | 2 | 5 | 4½ |

A subsidy of one-tenth, made in 39th Elizabeth, produced from—

| | £ | *s.* | *d.* |
|---|---|---|---|
| Kilmersdon ... paid by 19 persons ... | 8 | 17 | 4 |
| Holcombe ... „ „ 4 „ ... | 1 | 2 | 8 |
| Radstock ... „ „ 12 „ ... | 4 | 2 | 8 |
| Stratton ... „ „ 8 „ ... | 4 | 1 | 4 |
| Babington ... „ „ 5 „ ... | 1 | 16 | 0 |
| Mells Liberty ... „ „ 35 „ ... | 15 | 13 | 4 |
| Leigh Liberty ... „ „ 14 „ ... | 6 | 14 | 8 |
| Ashwick ... ... ... ... | 5 | 14 | 8 |
| Buckland ... ... ... ... | 5 | 14 | 8 |
| Wridlington ... ... ... ... | 2 | 0 | 8 |
| Hardington, paid by one only, Thomas Bampfylde ... ... ... ... | 3 | 4 | 0 |

Proceeding now towards Charlton, the cortege passed by

## Holcombe.

In 1733 (Michaelmas, 7th George II), a tithe dispute occurred here, somewhat similar to those already noted; the question now including many small tithes, and well demonstrating how vexatious the whole business must have been. The interrogatories on behalf of John Salmon, Esq., Samuel Paddle or Padwell (now Padfield, but pronounced, locally, Paddle), Thomas Dennen, and Lord Clinton, were:—Whether tithe of hay was paid in kind? Whether any and what was the tithe of milk of each cow or heifer; or for each horse or mare pastured, or kept in the said parish to carry coal or other carriage; or for the fruit or herbs of a garden, or for an orchard, or for eggs, or for a colt, or for offerings? What was the method of tithing calves or pigs?

The witnesses said that a modus of two pence per acre was paid on mown land, payable at Lammas. For tithe of milk, each cow, two pence; each heifer, three half-pence. A penny was due for the fruit or herbs of a garden, a penny for eggs, and two pence "a head" for offerings; all at Easter. The custom for tithe of calves was to give one out of seven or ten; if there were more than ten, then six pence each. If a calf were killed or sold to a butcher, six pence were paid, or the left shoulder given: for a calf weaned, a half-penny. From seven or ten pigs also one was given. The tithe calf must be kept until five weeks old; the tithe pig, until three weeks old; then the parson or his lessee was to fetch the same. For each horse or mare depastured or kept to carry coal or for other carriage, six pence. One witness deposed that one rector had made him pay a shilling for each horse, but he never knew in any other case more than six pence paid. He paid it sometimes at Michaelmas, sometimes before; sometimes before it was due, as the parson came to demand it. Agistments paid twenty pence in the pound. For an orchard, four pence. About twenty years before, the two orchards on Moore's farm were enclosed and planted, but their value the witness could not determine, "for that in some years they bear pretty many apples, and in others but few." The orchard in Pitman's was planted about thirty-five years before, on very poor somerleaze or pasture ground; the profit, one year with another, had not been worth five shillings a year. The tithe of the land called Pitinhays, part of Holcombe Farm, always paid to the impropriator of Kilmersdon.

A close called Ire Pits, about six acres, was mentioned; at the time being fed by rother cattle.

There are remains here of early iron works, the slag found being very imperfectly smelted; one pit of such refuse is in the south-east corner of the field south of the church, another near the Manor House.

The Manor House, although of no architectural pretension,

was curious in plan, no two rooms being on the same level. It was destroyed in 1880. Thus the parish has lost its only bit of local colour. The plate of the front, here given, is from a photograph: the back was more gabled and more picturesque, but a high wall having been built rather close to it, it could not be got at.

Next was Pitcot—the Picota of *Domesday*, but now part of

## Stratton on the Fosse.

Stratton in *Domesday* was owned by the Bishop of Coutance. Next after him the manor is found held by Thomas de Sancto Vigore, who received in 1267 a grant of a market each week, for one day—on Wednesday—at his manor of Stratton, and a fair in the same, annually, for three days, viz., the vigil, the day, and the morrow of the Nativity of the Virgin (Sept. 8th). (*Charter Rolls*, 51st Henry III, m. 5.) This charter was confirmed in 1282; the market day being changed to Tuesday, the fair remaining the same. (*Charter Rolls*, 10th Edward I, pt. 1, No. 14.) In 1270 (*Close Rolls*, 54th Henry III, m. 8), the same Thomas paid £3. 6s. 8d., and was granted the privilege or liberty of gallows in his manor of Stratton. Thomas de Sancto Vigore died in 1294 (*Inq.*, 23rd Edward I, No. 12), when he was found to have held the manor by service of a knight's fee, due to the Earl of Lincoln; and his first-born son, aged 26, was declared his heir. The church is dedicated to this name. The son, however, did not succeed, and the manor is next found held by Thomas de Gurnay; and by some means—perhaps a minority—was temporarily in the hands of the King, who, in 1332, "for the good and laudable services which our beloved and faithful Thomas de Bradeston has done as well to the King, our father, as to ourselves multiplied, and who still ceases not his prodigal labours (*sumptuosis laboribus*)," granted it to the said Thomas, the same being then held by Walter de Panely and Matilda, his wife, for their lives, *de hereditate* Thomas de Gurnay. (*Pat. Rolls*, 7th Edward III, pt. 2, m. 27.) The inquisition on the death of Thomas de


W. Bidgood March 1885
Holcombe Manor House

Gurnay is not found, but the property passed to Mathew de Gurney, and he, after inquiry, made in 1379 (*Inq.*, 3rd Ric. II, No. 110), as to whether there would be any damage to the King, conveyed the manor of Stratton-upfosse to William de Beauchamp de Warrewyke, the same being held of the heirs of Henry Fitz-Roger, by military service.

The times now are very troubled, during the War of the Roses, and the descent is very curious.

In 1402, Matthew Gurney paid for a fee in Stratton, towards the marriage of Blanche, the daughter of King Henry IV. The manor then passed again to the Crown,—the same King Richard,—and was granted by him to John Tiptot, Knt., for his life. By the inquisition on the death of Tiptot, in 1443, the manor of Stratton sup le Vosse was found so held by him; declared now, however, as by grant from King Henry VI, who held it as heir of King Henry IV. (*Inq.*, 21st Henry VI, No. 45.) On the death of Tiptot, and its consequent reversion to the Crown, it was granted, in 1448, to Edmund Beaufort, Duke of Somerset, who was slain at the battle of St Albans, in 1455. His inquisition (33rd Hen. VI, No. 38) declared it as granted to him by patent, 31st March, 26th Henry VI (1448); the same having been granted by Richard II to John Tiptot, Knt., for life, with reversion to the Crown. Edmund, Duke of Somerset, was succeeded by his son Henry, who was also at St. Albans, and not losing his life, lost his property.

John de Beauford, Earl of Somerset, after being created Marquis of Dorset and Somerset, in 1397,—the second English Marquis; the first being made in 1385,—was deprived of the title in 1402. A recommendation being sent to the King to restore him, the King agreed; but, as told below, as the title of Marquis was strange in the land, the Earl declined it with thanks. The feminine was Marquisses. (*Parlt. Rolls*, 4th Henry IV.)

"Les Communes, prierent au Roi, q le Conte purroit estre

restorez a ses noun et Honour de Marquys: de quel prier le Roi et les Seignrs enmercierent les ditz Communes. Et sur ceo le dit Cont, engenulant molt humblement pria au Roy, q come le noun de Marquys feust estrange en cest Roialme, q'il ne luy vorroit ascunement doner cel noun de Marquys, qar jamais par congie du Roi il ne vorroit porter n' accepter sur luy nul tiel noun en ascun manere. Mais nientmeins mesme il molt cordialment remercia les Seigñrs et les Communes de lour bones coers et volente celle partie."

Henry VI had to give way for Edward IV, who by Act of his first year (1461) declared that, "forasmoche as King Henry VI, ayenst all honoure and trouth, dissimilyng with Richard, Duke of York, taking his viage" towards the north, to repress an "unleefull and inordynat" commotion, procured the murder of the said Duke of York, and returning, intending the destruction of the south parts, the said King Henry VI, "actour, factour, and provoker of the said commocion, assenting of covyn with Henry, Duke of Somerset, was met in battaill in a feld beside the toune of Seint Albones. Forasmoche therefore as Henry, Duke of Somerset, purposyng, ymaginyng, and compassyng of extreme and insaciate malice to destroy the said Duke of York, he shall be declared and adjudged attainted, and all his lordships forfeited to the King." Stratton consequently again passed to the Crown.

In 1470, Edward IV, in turn, gave way to Henry VI, who was restored, to disappear in 1471, when Edward IV was restored.

Stratton remained Crown property, as part of the Duchy of Cornwall, until 1482, when it was exchanged for other lands.

An Act of Parliament of that year, 22nd Edward IV, sets out that, "whereas Edward, Prince of Wales, Duke of Cornwayle, etc., is seised in his demeane, as parcell of the Duchie of Cornwaile, of—with other manors in Somerset—Stratton upon the Fosse; and whereas William, Eorle of Huntyngdon, son of

William Herbert, Knt., late Eorle of Pembroke, is seised in fee by yeft of the King of certain properties (named) in South Wales, by west of the Black Mountains, forfeited by Jasper, Duke of Bedford; and whereas certain agreements between the Prince and the said Eorle, for an exchange of these lands; and for the satisfaction of grete and notable sommes of money diewe by the said Erle unto the seid Prynce, may not be lawfully putte in perfite execution but by auctorite of Parlement: be it enacted that the exchange shall be made, the said property severed from the Duchy, and that the Earl of Huntingdon be discharged of all debts due to the Prince." The manor passed accordingly to the Earl of Huntingdon.

Edward IV reigned until 1483, being then succeeded, from April to June, by Edward V, when Richard III became King. Richard, ignoring all the arrangements about Stratton, took the manor as his own, and by patent, 1484 (2nd Richard III, pt. 2, m. 22, *3)*, it was granted to the Duke of Norfolk. Richard in turn suffering defeat at the final battle of Bosworth Field, was succeeded by Henry VII, in 1485, when these disputes ceased. Henry's accession was marked in the first year of his reign by an Act called the Act of Resumption. This declared that all "yeftes and grauntes by auctorite" of Parliament or otherwise, made by Edward IV, late King of England, or by Edward, his son, late called King Edward V, should be annulled. A special clause, however, decreed that this assumption should not extend in any way to the act of 22nd Edward IV, relating to the Stratton exchange of lands, but that this should remain good and effectual for the purposes declared, any "Act or Actes made or to be made in this present Parliament notwithstanding." The grant to the Duke of Norfolk, made by Richard, being thus ignored, Stratton passed again to the Earl of Huntingdon. But notwithstanding the above "notwithstanding," in 11th Henry VII, 1495, another Act was passed, setting out that, in 22nd Edward IV, the Prince being then seised of the manor of Stratton, exchanged it with

the Earl of Huntingdon, etc., etc., but, "forasmoche" as the noble Lord Jasper, Duke of Bedford is lawfully restored and seised of all the lordships in South Wales so exchanged; "so the moost noble Prynce Arthur, the King's furst-begotten son, Prince of Wales, Duke of Cornwaill, etc., etc., hath neither the said lordships in Wales, nor yet the said manors in the County of Somerset; which is contrary to all reason and conscience. Be it therefore ordained, etc., that the aforesaid Actes of Parliament be voide and of noo force nor effecte, and that the Prince of Wales have all the said manours in Somerset in like maner as former Princes of Wales, and that they be re-annexed to the Duchy of Cornwall, as if the said Acts had never been made." Charming indeed.

The Duchy retaining the property, now granted leases, either for years or for lives. In 1530, 22nd Henry VIII, Stratton was leased to John Hyde, for twenty-one years, with the mines of coal, declared as having been formerly in the tenure of John Welby and others. In 1545, by patent (37th Henry VIII, pt. 10, m. 15, *23)*, with all the rights formerly possessed by William, Earl of Huntingdon,—with the advowson, and two mines of coal,—then and formerly in the tenure of John Horner and William James, it was granted to Robert Long for lives.

In an *Enrolment Book of Crown Leases* of lands escheated or obtained by attainder, kept by a statute of 1541 (33rd Henry VIII, c. 39), Stratton is entered as leased to John Hyde, whose interest passed to John Horner, with the coal mines in Welton and Midsomer Norton, formerly the possessions of the Earl of Huntingdon. *(Augmentation Office: Miscellaneous Books,* vol. 230, fol. 92*d*).

After the troubles of the Civil War, as being part of the royal property, the manor was sold. When surveyed, in 1651, "Stratton upon the Fosse, or Stratton upon the Fosse Way, or by what other name it may be known," was found worth, per annum:

| | £ | s. | d. |
|---|---|---|---|
| From copyhold rents, and rents at the will of the lord ... ... ... ... | 22 | 11 | 1½ |
| The coal pits, coal mines, and drift coal lying upon the common, commonly called the Barrow ... ... ... ... | 2 | 0 | 0 |
| Chattels of felons, outlaws, and other rights and perquisites of Court ... ... | | 13 | 4 |
| The timber upon the Holmes ... ... | 7 | 10 | 0 |
| The improved rent, above this, on the expiration of the several copyholds and widows' estates ... ... ... | 197 | 18 | 7 |

Stratton Farm, which included twenty closes, the names being given, was valued at £8. 8s. 4½d.: the improved value being estimated as £46. 7s. 7½d. The premises had been granted by the King, when Prince, to William Long, for ninety years, determinable on the death of Lislebone Long, and William Long, and Mary Long, at the above yearly rent. The survey being made, the manor was sold to Lislebone Long, of Lincoln's Inn, Esq., and, at his desire, the conveyance was made out or passed to Robert Gardner and James Stedman, at fourteen years' purchase; Stratton Farm, and the other leaseholds and copyholds, at from seven to three years' purchase, with the timber at £7. 10s. The whole amount was £1,502. 9s. 9d. This sum, deducting £87. 12s. 11d. for fees, and £12. 10s. 5d.—being eight pence in the pound—for the Trears (Triers), was paid, one-fourth down, and another fourth by bills, payable in eight weeks; the other half being paid in the same manner six months after the first payment. Security for completion was given to the Triers, by a lease for ninety-nine years.

There is extant another survey, made in 1653, with the presentment of the copyholders in answer to sixteen articles propounded to them. (*Hist. MSS.*, 7th Rept., p. 688[a]). At

the Restoration, in 1660, Stratton was again annexed to the Duchy.

## Customs of the Manor.

There is a Court Baron and Court Leet held at the usual times, at Michaelmas and Lady Day, at the will of the lord.

The copyholders are to perform their suit and service to the lord, at the Court, upon paine of amerciaments, to be imposed at the steward's pleasure. The copyholders hold of the lord of the manor by fines arbitrary, as they can agree with the lord or his steward. There is a heriot due unto the lord of the manor upon the death, forfeiture, or surrender of every tenant in possession.

The widows of such tenants as die in possession do hold the several tenements their husbands were seised of at their death, and do forfeit by marriage or waste.

The tenants cannot let to farm their tenements above one year and a day, without license.

The fines and heriots payable by the tenants, for their several estates, are included and comprehended within the yearly value of their respective holds.

An action, relating to the mining and manorial rights, was tried in 1678 (*Excheq. Dep.*. 30th Charles II, Michaelmas, No. 11), the question being the right of the lord (the relator, Mr. Long) to enter a copyhold, and dig thereon, without first getting leave of the tenant. The points put forward were:— Whether coal had been dug? Whether certain closes were parcel of the Forest of Mendip? How far doth the forest extend where coal pits are or have been, and what has been the common expression of people who come for coal there? Do not they always call the same Mendip coal, and say that they are going to Mendip for coal? What is the custom and usage of granting estates in the coal mines, and particularly in Plummer's Close, and Perthill? What is the custom of grant of estates by copy of Court Roll, of any coal mine on any waste or enclosed ground, though the (surface) ground and

herbage were before granted to others? May not the grantee of such coal mine enter the ground for digging coal and carry it away, paying treble damages for trespass? Hath not the relator, since he was denied to work here, raised the prices at his other coal mines, to his great gain, and to the injury of others? Have you known any lands in the manors of Stratton, Farrington, Ashwick, Holcombe, Kilmersdon, Luckington, Babington, Mells, or Leigh, worked by any lessee, without the leave of the tenants of the herbage? If so, what damage was paid, and did it exceed treble the damage done? Hath not Long bought this property of purpose to bring actions, and since he has been steward of the manor, has not he raised the price of coal one penny in every seven pecks or sack, and if he run on in this oppression of the poor, will not he advance the price higher for his own interest; and are not the many works of coal a great help to the country round?

It was deposed by one, that he knew no other manor of the King's where coal was digged; but that Lord Compton, when lord of Kilmersdon, granted a coal lease over a copyhold land. During these works old pits, found twenty yards deep, were deepened. The land in Perthill, before the digging was worth not more than five shillings an acre, shords or places had been trodden, and about four poles, twenty feet to the pole, were covered with wark, the damage being four pence per annum. About four ropes of hedge had been torn down, twenty feet to the rope. The wark which one witness said he had known to be carted away, was described as a poisonous earth, which killed the grass on which it was laid. The closes called Plummer's and Perthill, had been reputed part of the Forest of Mendip. The said forest, where coal pits were, extended from Stanbrook Ash, near Mells, to Gurney Slade, about four miles in length, and about a mile in breadth at the broadest.

This slip of forest seems to point to the origin of the

## Liberty of Hill House.

Extending through the vallies of Edford and Vobster, this just wedges in between Kilmersdon and the Liberty of Mells and Leigh, the latter becoming marked as an off-cut from the Hundred. Being part of a royal forest, it could of course own no superior lord, and would thus remain separate from the Hundred adjoining it.

As against the depositions given, it was sworn that every copyholder could hinder the digging for coal, and that an agreement was customary before beginning such work.

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Shepton was reached in good time, a few minutes past six. A fair number again joined at the dinner, which was attentively served.

# Evening Meeting.

The chair was taken at eight o'clock, by Mr. SURTEES, the room being well filled.

Rev. Preb. SCARTH first read a paper on "Roman Cookery." It will be found printed in Part II.

The CHAIRMAN thanked Mr. Scarth for his interesting paper. He had heard that a peculiar class of snail was introduced by the Romans into Great Britain, for culinary purposes.

Rev. J. COWDEN COLE, speaking with reference to the luxurious habits supposed to have been introduced into Great Britain by the Romans, said he thought those who were familiar with the poems of Horace would be aware that there were two parties to the matter even in Roman days. There was a party which might be called the frugal party, which inculcated a very simple diet, and tried to put down all habits of luxury prevalent in Rome at that time. Horace himself professed to be a frugal, careful, and abstemious man. He took that as his high point in life, and he endeavoured not to transgress any of those necessary laws of being which he, as

a wise man, did not consider at all beneficial. They could hardly take up a poem of his, however, in which they did not find some allusion to the wine-drinking customs of the day. That seemed rather strange for a professedly frugal man. There was a difference, however, between the frugality of the present day and that in vogue in the age of the Romans. He did not profess to be able to explain that point. Horace, as they knew, lived shortly after Julius Cæsar landed on this island, and his influence might remain just the same as the Roman influence remained in Britain. The Roman villas discovered in this island were said to contain every appliance of luxury, showing, as Prebendary Scarth had stated, undoubtedly luxurious habits. It was a question whether those habits had any influence upon the gallant and noble subjects from whom we laid claim to be descended, viz., the Ancient Britons. He should be very much surprised if the Romans had changed the habits of the Ancient Britons to any extent.

Mr. F. T. Elworthy, had time permitted, wished to take exception to Mr. Scarth's arguments, that the Romans, at the period of their occupation of Britain, were a simpler-living, and more frugal people than we of the present day. In support of his view, Mr. Scarth quoted Pliny to prove that the Romans were rather vegetarian in their diet, and that on the whole, if he were rightly understood, they were a people whose cookery, certainly, and whose life and morals, probably, were simpler, and so better than ours. To those who desired more information on this subject, he recommended an examination of the Naples Museum. Unfortunately for Mr. Scarth's theory, the wonderful collection of household utensils, chiefly from Herculaneum and Pompei, to be seen in the Museo Ferdinando, at Naples, are precisely the very articles which existed at the exact period when Pompei was overwhelmed in that fearful eruption, so graphically described by Pliny himself, as an eye witness. In that collection, what impresses a visitor more than anything else is, that in all their domestic

appliances, the Romans of A.D. 70 were fully abreast of their posterity now living, while in many respects they were far in advance of them. It is clear that in the matter of cooking utensils, while in a great number of cases the forms still in use are identical with those found at Pompei, yet, in workmanship and in material, the articles exposed now in the Naples shops are vastly inferior to their ancient prototypes. The omelette-pans, the stew and sauce-pans, the skewers, knives, and numberless other articles in the Museum, are such as can be seen now for sale in the shops. There is, too, what appears to be a veritable *Bain Marie*. The well made brass cocks and lead pipes for water supply; the pocket cases of delicate surgical and dental instruments; the locks, keys, bits, and other articles of ironmongery show that no advance has been made in the manufacture of those things during the last eighteen centuries. Not only have cooking utensils remained unaltered, but, apparently, the food cooked is also the same. Among other relics discovered were many dishes of dessert, set out for use; but, of course, in most cases the fruit is undistinguishable. There are, however, several dishes of walnuts in perfect preservation, and in each of them the walnuts are served whole, but with one half of the shell removed—this is still the mode of serving walnuts in South Italy. The loaves of bread—found where they were placed by the Roman baker in the Pompeian oven—are round, flat, convex cakes, with a distinct + upon them, dividing each loaf into four equal segments. The common bread of Naples is to-day of like form. As to the simplicity of the fare and of the cookery, the people of the Empire, like the modern Italians, were vegetarians only from necessity, eating as much meat as they could procure, and only eking out their diet with pulse and green vegetables; while, judging from such evidence as has come down to us, it is probable that animal food was more eaten in Southern Italy then than it is now. The manners of the people are usually the reflection of those of the upper classes of society, and all history and con-

temporary literature prove conclusively, that, probably, at no period were luxury and gluttony carried to such an extreme as among the Romans under the Emperors. Where else do we find the disgusting details, still visible in Rome, of the *vomitoria*, and of such means of indulging gluttonous appetite? With all our modern sins, we have not set up a *dak* in India, with swift runners, merely to carry, not intelligence and enlightenment, but some perishable table luxury: yet the Romans brought "real natives" by that means all the way from Britain—a fit prelude to a dish of nightingales' tongues. Much might be said on this subject, but a mere glance at the evidence contained in the Naples Museum will prove that in licentiousness, in gluttony, and therefore, *a fortiori*, in cookery, we moderns are the simple livers, as compared with Rome under the Empire.

The Hon. Secretary, in the absence of the author, then read a paper, contributed by Mr. George Esdaile, on "The Romans in Bath." After describing the plan, as laid down by Hyginus, of the camp of a Roman legion,—about 15,000 men and 2,000 horses,—as being invariably the same, viz., 2,320 feet by 1,620 feet, and that the method for laying out this space was also invariably the same, viz., an officer struck into the ground a staff, or *groma*, having a white flag on the top, and then the position of each quarter was measured from this, so many paces north or south; Mr. Esdaile wished to suggest that Roman Bath would be like Roman Chester—at first a Roman camp. A plan or tracing, applicable to Chester, with some changes to suit a plan of Bath, accompanied the paper.

Bishop Clifford remarked he saw no reason why there should have been a large camp at Bath, and he thought there was no foundation for the assumption here put forward. It was hardly reasonable to suppose that a strong legion had taken up its quarters in swampy land. Some proof in support of the theory was absolutely necessary.

Prebendary Scarth, speaking as one who knew Bath well,

did not think it would be right to compare that city with Chester, or other points where, undoubtedly, the Roman forces were stationed. Bath never was a military station. There was no proof of any legion, or part of a legion, ever being stationed there. If ever a military force encamped in the locality, it was not at Bath, but on Combe Down, where an inscription had been found, commemorating the restoration of the officers' quarters.

Dr. NORRIS then read a paper on "Hamdon Hill," which will be found printed in Part II.

There being no discussion, the HON. SECRETARY, in the absence in Canada of the Rev. H. H. Winwood, the author, read some further "Notes on the Pen Pits." These are printed in Part II.

Mr. SCARTH, who had been mentioned in the paper, considered the work done as very valuable, but far from exhaustive. He had certainly expressed an opinion on the subject, and was of that opinion still.

Mr. WM. GEORGE (Clifton) read an extract from a letter he had received, which, he thought, gave some clue to the date of the tower of the church of St. Mary Magdalene, Taunton. It was as follows:—"1503, Aug. 4. John Netheway, of Taunton, makes his will, desiring to be buried in the Priory of Taunton. I bequeith to the newe towre making of Magdeleyn x*s*. I will that myn executrice make a new crosse of tree in the churchyard of St. Mary Magdalyn nigh the procession-way. My wife, Agnes, to have the residue of goods, my son, William Nethwaye, to be overseer. Witnessed by Master Hugh Thomas, Vicar of Magdaleyn, William Cooper, Jno. Maggott, Wm. Culverwell, and other 'moo.' To the service of our Lady in the church of St. James's, to take me as a 'broder' there, v*j*s. viij*d*. To the cathedral church of Wells, iiij*d*. Proved 23rd Oct., 1503. Registered at Somerset House."

Rev. Frederick Brown had prepared a "Pedigree of the

Strode family of Shepton and Somerset;" of great interest, but not very readable. The Hon. Secretary had ready "A biographical account of two William Strodes," whose identity had puzzled historians. As the usual allotted time had now passed, both papers were taken as read. They are printed in Part II. This concluded the literary work of the Meeting.

The CHAIRMAN, expressing his satisfaction at the success of the Meeting, before they parted, begged to thank the Local Committee for the assistance rendered during the Society's visit.