

On the Manor of Hutton.

BY E. GREEN, F.S.A., *Hon. Sec.*

FROM *Domesday* book, 1086, it is found that Hutton was granted by the Conqueror to the Bishop of Coutance. The bishop died in 1093, having been in rebellion against William Rufus in 1088, but the rebellion being unsuccessful, many Frenchmen left their lands, says the *Saxon Chronicle*, and the King granted them to those who had held fast to him. The records are few for these early times; only by chance can a change of ownership be traced; but having the above fact in view, with fair probability Hutton passed again to the King. At some early time it became owned by Le Waleys, or, besides other spellings, Le Walshe. The first documentary mention found is in 1259, in a suit of *mort d'ancestor* as it was called, between Paganus filius Johannis and Adam le Waleys for the recovery of lands in Ladewell.¹ Ladywell is still a place-name in Hutton. The suit implied that Adam le Waleys, as superior lord, had, on the death of John, seized and got possession of the land of the son. The latter then was obliged to bring his action to recover it, and to do so to prove not only his own right as heir, but also the right of his ancestor from whom he claimed to inherit. This system, which so often obtained, of using force against and ousting a possibly weak neighbour, is always a curious phase in our early times; Paganus, as will appear, was here able to hold his own. Paganus, which is a pre-Norman name, was the then form of Payne. Paganus Fitz-John in another case may become John Fitz-Payne, as it did in neighbouring manors. Thus, in the *Gesta Stephani* and Richard of Hex-

(1). *Patent Roll*, 43rd Henry III, 13d.

ham we read of Richard Fitz-Roger and Pain Fitz-John, when the Welsh ravaged the coast of England in 1130. In Hutton, however, the name became and always remained simply Payne.

In 1272, 2nd Edward I, when enquiry was made throughout the county to determine the King's rights in the various hundreds, Richard, Earl of Gloucester, was found to claim four "the^{as}," viz., from Stoke Gifford, East Harptree, Hucton, and Weston. This he had done for fifteen years past, but by what warrant was unknown. It was also found that Adam le Waleys, Lord of Hucton; Paganus de Ludewell, Ralph de Holdmixon, and certain free tenants of the aforesaid four "the^{as}" of the hundred, had withdrawn themselves from the Hundred Court, but by what warrant was unknown.¹

The contraction "the^a" has been a puzzle to many. It is *theinga*, or, more clearly, *thaneland*—the land or property of a thane. With the later Norman scribes it lost its meaning, and, contracted, became *thing*; so found for a short time applied to a division of a hundred. It also became *tethinga* and *tithinga*; and so, when contracted, is our own word tithing. From its apparent significance, supported by its Latinised form *decenna*, it has been concluded that tithing means the tenth of a hundred, as the latter has been supposed to mean a hundred families. But the tithing is a *theinga* or *thaneland*, founded on property or acreage rather than households; as a hundred also originated in acreage, in hides of land, not from a hundred families. The names *Thane* and *thaneland* becoming lost towards the end of the Conqueror's reign, have come down to us as the better known Knight and Knight's Fee. The position shows that the feudal system, or something allied to it, was existing here before the Conquest. At the time of that event some Thanes,—the equivalent to gentleman or squire,—the smaller or less powerful ones, were able to make their peace with their new lords, and to retain their holdings. The

(1). *Hundred Rolls.*

Conqueror granted a seignery over many such in Somerset with the Honor of Gloucester. *Domesday* says that Hutton, in the time of King Eadward, was held by two Thanes as for two manors; but, unfortunately, the names of the Thanes are not given. Paganus of Ladywell may, however, have been one of them, as the name is found in the list of landowners at that time, although not in connexion with Hutton.

In 1279, there is a record that the Prior of St. Swithin, Winton, was summoned to show cause to Paganus de Ladelwell why he took common of pasture in Bleadon, as the said common belonged to the free tenants of the manor of Hutton. The prior took the usual course for delay, and asked that the suit be adjourned and tried at Winton: not a profitable trip for witnesses in those days.¹

In 1298, 26th Edward I, in the perambulation of the Forest of Mendip, to determine the King's boundaries, Hutton is found held by John le Waleys. But now some transfers were made for purposes of settlement. In 1305, John le Waleys, sen., conceded the manor and advowson to Joan, daughter of John St. Lo, for her life.² Then, in 1309, there was another concord between John, son of John le Waleys, and John, son of Adam le Waleys, as for the manor and advowson of Hutton juxta Banwell, which Joan, daughter of John St. Lo, held for her life by concession or gift of John, the son of Adam. John, the son of Adam, granted to the aforesaid John, the son of John, the said manor and advowson, which, it was declared, after the decease of Joan would revert to John, the son of Adam, and his heirs; but after the decease of Joan it was now to remain to John, the son of John, and his heirs, to be held of John, the son Adam, and his heirs for ever, rendering a rose at the Feast of St. John the Baptist annually for all customs and services. And if John, the son of John, should die without heirs, then the remainder should

(1). *Placita Quo Warranto*, 8th Edward I.

(2). *Feet Fines*, Somerset, 33rd Edward I, No. 133.

go entirely to Cristine, his sister; and if she should die with heirs of her body, then it was to revert to John, the son of Adam, and his heirs.¹ In 1314 it had passed to Adam le Walshe, as, on the death of Gilbert de Clare, Earl of Gloucester, there was due from Adam, Lord of Hutton, a knight's fee and a quarter, declared as worth £20.² Again, a transfer was made to one Robert de Melewych; and Robert, at Michaelmas, 1315, re-transferred to Adam le Waleys, with the condition that if Adam died without a child or children, then the manor was to go to the right heir.³ In 1349, the property had passed to John Walshe, the service being now due to Hugh le Despencer, but still valued at £20.⁴

How or exactly when the Walshe line ended, as connected with Hutton, is not traced, but the successor of this John was probably the last male of the name. The troublesome difficulty always is that Hutton being held almost in free soccage, owing no dues to the King, the escheator or King's collector did not always trouble to make the usual *post mortem* inquiry, and so there is no continuous or direct record from the actual owners. There appears thus to be no notice of the death of John, nor, consequently, of his heirs. The manor apparently passed to heiresses, as it is next found divided, and owned one half by Thomas Sambroke, and the other half by William Dodesham. In 1430, William Dodesham sold to William Dodesham, jun., the fourth part of the manor and the fourth part of the advowson, with other properties.⁵ William, sen., died in 1480, declared to hold no lands of the King, as he had given his property by deed during his life. He must have been an old man, as he had no child living. His son disappears and his heirs were the descendants, the grand-children, of his two sisters Johanna and Alianor, both deceased. One

(1). *Feet Fines*, Somerset, 2nd Edward II, No. 31.

(2). *Inq. P.M.*, 8th Edward I, No. 68, Memb. 50.

(3). *Feet Fines*, Somerset, 8th Edward II, No. 35.

(4). *Inq. P.M.*, 23rd Edward III, Pt. 2, No. 169, Memb. 73.

(5). *Feet of Fines, Divers Counties*, 8th Henry VI, No. 102.

heir was Alexander Pym, aged 22 years, as son of Joan, daughter of Alianor: the other was John Puryman, aged 10, as son of Alexander the son of Johanna the other sister.¹ These documents do not mention Hutton, and all trace of this divided half disappears.

As to the other half, in 1427, at Easter, Thomas Sambroke and Agnes his wife, transferred it to Thomas Davyntre, clerk. This was for purposes of settlement, as in Trinity Term the same year Davyntre re-transferred it to them and their heirs, but if they died without an heir then it was to go to the right heir of Agnes.² This helps to confirm the idea that it came to Sambrook by his marriage. This settlement did not come to pass, as Thomas, on his death in 1444, declared to hold no lands of the King, left a son Thomas, aged 26, as his heir.³

No trace can be found of this Thomas. This is the more vexing, as the time now following exactly includes the period allotted for building the older part of the Court,—the tower-house,—a time when documentary evidence of ownership is absolutely called for. It must be however remembered here that the times were troubled by war at home: Kings went up and Kings went down, and the life of many an heir was cut short. In the confusion, properties were sometimes transferred by deed not enrolled, and consequently the transaction is difficult to trace. When or how it occurred cannot then, unfortunately, be stated, but half the manor passed in some way to a Payne, the name so long associated with the neighbourhood.

John Payne, the first recorded, died in 1497. As the Court House, the old part, is judged to be some forty years before this date, its building comes very fairly within the possible Payne ownership. On John Payne's death, he was found to own half the manor, with half the advowson, and twenty

(1). *Inq. P.M.*, 20th Edward IV, No. 78.

(2). *Feet Fines*, Henry VI, Case 194, No. 22.

(3). *Inq. P.M.*, 23rd Henry VI, No. 45.

messuages, two hundred acres of land, forty acres of meadow, three hundred acres of pasture, a hundred acres of wood, and a windmill. Also lands in Elbarow, East and West Oldmixon, Uphill, Weston-super-Mare, and several other places near.¹ He made a settlement on Elizabeth Stowell, his wife, and left a son Thomas as his heir. The document states that he held no land of the King.² Thomas, the son, died in 1529, owner of half the manor, with the capital messuage of the manor. This is the first found mention of the Court. He also made a settlement of the property, first on his son Thomas and in default to John, to George, to Richard, and to William, or, in default, to the heirs of Thomas: a daughter Dorothy is mentioned. The property was now held of Thomas Newton, as of his manor of Westwood, by fealty and military service. Thomas succeeded and was living in 1579. He was in turn succeeded by his son Nicholas, who in 1604 sold the property to Dr. John Still, Bishop of Bath and Wells.³ This date corresponds with the period of the second or Jacobean house, which may safely be considered to have been built by Bishop Still.

The Bishop was succeeded by his son Nathaniell, who died in 1626, when the property again passed to others, and after several changes was purchased by a predecessor of the present owner.

There was a suit in 1668, brought by the parson of Hutton against Thomas Gosse, to recover tithes in kind.⁴ Gosse stated that for twenty-eight years he had been owner and occupier of thirty-nine acres and a half of meadow, of the yearly value of £22. During this time he had never paid in kind, but, like his predecessors time out of mind, he had paid an ancient custom of a penny an acre for thirty acres, called

(1). *Inq. P. M.*, 12th Henry VII, Nos. 5 and 6.

(2). *Inq. P. M.*, 17th Henry VII, No. 1.

(3). *Feet Fines*, Michaelmas, 2nd James I, No. 1383.

(4). *Exchequer Decrees*, Easter, 22nd Charles II, fol. 153b.

James's Croft; and for nine acres and a half, called Nine Acres, he paid two-pence an acre. After hearing both sides, the case was dismissed; so that the parson, contrary to the usual result in these trials, lost his claim.

Hutton was just without the forest of Mendip, and is usually mentioned in the forest perambulations. The forest laws were very severe, but this did not stop the ever present, apparently ineradicable desire in man for the chase. In 1255, at a Court held to hear such cases, there was a charge against Robert de Halle of Bleadon that he had chased a hind with his dogs, which hind Richard Trendale of Bleadon with a spade knocked and killed.¹ Robert and Richard judiciously, as they thought, did not appear, nor could they be found. Consequently, after the custom of the time, four of the nearest villages were fined: Hutton and Criweston paid half a mark, Lockeston one mark, and Banwell twenty shillings. It being given in evidence that Robert had some land in Taunton, it was ordered that this should be seized. Some time afterwards Robert was taken, convicted, and imprisoned. This being done, further evidence was given that he was now a pauper, when, presumably because nothing more could be got from him, he was pardoned.

(1). *Placita Forestæ, Somerset*, No. 1, 39th Henry III.
