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APPOINTMENTS AND SOCIAL STATUS OF THE ESCHEATOR IN SOMERSET AND DORSET, 1351-1500

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INTRODUCTION

This paper is the final report of research into the status of the escheator in the four counties of England's south-west peninsula. An investigation into the standing of the escheator in Devon, following the establishment of their office as independent county officers of the crown in 1351, found them to be significant officials, whose status in the 14th and 15th centuries 'must be considered to be on a par with the sheriff'.¹ Sadly neglected, and with a few exceptions under-researched, this was not a conclusion that would have been generally expected by historians to reflect the escheator's position in late medieval society. Opinion on their status has ranged from Carpenter's assessment, that the office was 'in most instances an apprentice post' and 'indubitably the least significant in social and tenurial terms', to Saul, who found that whilst 'it was not the most prestigious office in the shire in the eyes of the gentry' it was an important office for the king, who needed 'to have men in the job just as reliable as those who were appointed sheriff or elected to Parliament'.²

In 2014, in an internet article that was part of the 'Mapping the Medieval Countryside' project, Holford, citing Norfolk as an example, noted that 'whilst it is generally true that escheators tended to be somewhat less wealthy and important than sheriffs, their ranks included some knights and a good number of future and indeed former sheriffs'.³ The Devon study had found that in that south-western county, for which escheators were also responsible for Cornwall, there was a similar acceptance by higher echelon landed families for appointment as escheators, suggesting that the social status of the office, certainly in the provinces, was approaching that of, if not equivalent to, the sheriff. It also found, notably in the Plantagenet years, that the majority of appointees were men with previous experience of national office.

Stevenson, and more recently Waugh, had provided historians with comprehensive studies of the history of this office from its initiation in 1193 by Richard III, to its transfer in 1351 by Edward III, from a national to a county appointment; for many adjacent counties the

appointments was a joint one.⁴ In 1932 (revised 1971), the *List and Index Society* published an almost complete list of escheators; an updated list of these appointments, for the combined counties of Somerset and Dorset, is provided as an online appendix at <https://sanhs.org/proceedings-volume-164-2020>.⁵ This paper investigates the situation in these two counties during the Plantagenet years and the start of the Tudor dynasty, with the aim of establishing whether the status of the office in this escheatorship reflects the conclusions for the counties of Devon and Cornwall, and Holford's pointers for Norfolk, or is more closely aligned to the shires of Gloucester or Warwick. The breakdown of this assessment into three tranches of 50 years has no historical significance, except for ease of comparison with findings published for Devon.

PATTERN OF APPOINTMENTS SET IN EARLY YEARS AS INDEPENDENT OFFICIALS

As in most counties, it was several years before the link with the shrievalty was finally broken. Thomas Cary had been appointed sheriff of Somerset and Dorset on 22 November 1343 to undertake the dual role. His appointment, being 'at the king's pleasure', would remain in force until he received notification of his successor. However, although Edward III's Statute of 1340 had stipulated 'that no Escheator tarry in his Office above a Year', Cary remained in office until John de Palton's appointment on 14 February 1353.⁶ After 1341, chancery clearly acknowledged the duties to be separate, writs being addressed to the official either as sheriff or as escheator; many examples of the latter being listed in National Archive Escheator files.⁷ John de Palton, and his immediate successors, John de Sancto Laudo [Seyntlo] the elder (1355) and Richard de Turbevill (1356), received separate appointments requiring them to act in this dual capacity for all or the majority of their tenure as escheators. It was not until 14 December 1357, when John de Bekynton relieved Turbevill of his escheator duties, that the offices were finally separated; Turbevill continued to serve as sheriff for the two counties until he was replaced by Robert Martyn on 14 April 1358.

Serving more than the statutory year remained as a not-infrequent feature of escheator appointments in these counties, the majority being for two years, but Bekynton remained in office for ten years and his successor, William Cheyne (1367), for another four. In the 15th century, Maunsell (1461) and Langford (1465), both served for three years, and William Bysley (1499, 1502) served for two followed by a further seven years; even into the late 16th century Dawes (1575) was allowed, or required, to remain in office until 1580. Another regular feature of these appointments, as in Devon, was service for a second term, a practice that continued into the 17th century. A final anomaly in these appointments was that although Somerset and Dorset had been combined since 1341, in 1400, repeated in 1403 and 1404, there were individual appointments for each of the two counties; no correspondence has been located to explain this decision, but it was never repeated throughout the years to the final nomination of John Butler esq. as acting escheator in January 1646.

THE ROLE OF THE ESCHEATOR

The need for an official, responsible for safeguarding the king's feudal rights, had arisen during the concluding years of the reign of Henry III, from the concern of chancery that sheriffs, especially in the distant shires where provincial lords could exercise undue influence over them, were failing to ensure that all of the king's escheats and wardships were being recorded and fees had been collected. From 1193, early in the reign of Richard I, until 1311, the crown designated a succession of senior national figures, known since 1232, when Peter de Rivallis [Rivaux] was appointed, as escheators, to undertake this task. Appointments were made for regions north and south of an approximate line drawn by the River Trent, stated as *cintra* and *ultra Trentam*, with deputies operating in the shires, though occasionally the office was delegated to sheriffs. In 1311 the office, which had been a crown, exchequer or chancery appointment, was given parliamentary authority by Edward II's Statute and Ordinances of that year.⁸

The statutory duty or role of these officers, originated in a 13th-century list of instructions known as the *Capitulae Escaetrie*, issued to 'the king's escheator into which he ought to inquire through each hundred upon his first appearance.'⁹ A comprehensive list of these instructions, extracted from various cartulary texts, many of which survive, together with Edward I's *Statutum de Escaetoribus* of 1301, which sets out the escheator's responsibilities for holding or returning property, once it has been determined to whom any payments are due, are both included in Luders' *Statutes of the Realm*.¹⁰

Essentially, this required keeping records of the ancient demesne lands and advowsons that had been distributed by William the Conqueror and his successors, so being held 'in-chief', to whom they had been sold or passed down through the generations, and if all appropriate fees had been paid. On the death of any tenant holding land 'of the king', escheators were required to take possession, inform chancery of their action, and to notify if the heir(s) included minor(s), who would become king's ward(s). Chancery would then issue appropriate writs, initially to convene and preside over an inquest *post mortem* (IPM) to establish the rights of inheritance, and then, on receipt of the response, to provide authority for the necessary actions to be undertaken. These actions included:

- a. rendering accounts of land held and its income, all of which would have to be returned in full if it was ordained that the king had no lien on the estate.
- b. awarding widows their dower.
- c. dividing estates between co-heirs and co-heiresses.
- d. holding inquests to establish that wards or other minors had reached adulthood, and could provide proof of age (IPM POA) to establish their right to inherit.
- e. collecting the necessary fees and reliefs that were due prior to completing any of these duties.

The extent of their responsibilities for land, heirs, both male and female, and widows had been further defined in Edward I's statute of 1285.¹¹ Penalties for any impropriety or malpractice in the undertaking of these duties were severe. In a series of statutes, escheators were reminded of their oath that 'for gift, nor for promise nor for favour or for hate, you will not do wrong to any, nor the right of another to disturb, and that you will take nothing whereby the king may lose or right may be disturbed', which prohibited them from taking any profit or fee from estates being held for the crown.¹² In 1362, particular emphasis was made in Edward III's statute on the rights of wards and the dire consequences for failure to observe their undertaking.

*Lands taken into custody ... shall be safely kept without Waste or Destruction and ... the Escheator have no Fee of Wood, Fish, nor of Venison, nor other Thing, but shall answer to the King of Issues and Profits yearly coming of the said Lands without doing Waste or Destruction, and if he do otherwise ... and thereof be attained, he shall be ransomed at the King's Will and yield to the Heir the treble damages of his own Suit. And if any Escheator do to the contrary of this Ordinance, he shall have Two Years imprisonment and moreover he shall be ransomed at the King's Will.*¹³

In addition to these statutory duties, responding to writs to undertake IPMs and their follow-on actions, chancery frequently took advantage of the authority that the office held to appoint escheators for a wide range of administrative and judicial tasks. Many, if they were not already commissioners of the peace, were added to the bench, and most of them would continue to undertake a wide variety of commissions after completing their term. Nevertheless, it has been found that a small number seemed to have ended their year with nothing more than their appointment as escheator and a few IPMs to acknowledge their existence.

THE SOCIAL STANDING OF THE ESCHEATOR

When assessing the social standing of these men, the sole criterion for appointment was set out in Edward III's Statute of 1368, which states that 'for the common Profit of Escheators that none shall be Escheator unless he have sufficient Land whereof he may answer to the King and his people; It is assented That no Escheator shall be made unless he have xx l [£20] of Land at least or more in Fee [tenure].'¹⁴ Although issued some 45 years later, Henry V's statute of 1413 initiated the terminology used in formal legislation and other official documents for the social status of ranks below the baronage, designating 'men as knights, esquires, gentlemen, yeomen, husbandmen, labourers and various sorts of merchants and artisans'; based upon county tax records and other contemporary sources, including the *Oath against Maintenance*, an article, published in 1934, analysed the relationship between these ranks and their income.¹⁵ This suggested that the income bands were £20-39 'esquires and gentlemen' and £100-£400 'knights of the shires', with the group in between with an income of £40-£99, being the 'wealthier commoners, potential knights and landed gentry, who preferred to pay the fine rather than be knighted.'¹⁶ Whether this income of £20 applied to each county or in total, when two were combined, is unstated, but was probably the former. Nevertheless, £20 was a substantial income from land, which Gray's conclusions would seem to have effectively confirmed that escheators would have to have been appointed from the wealthier ranks of the landed gentry. In Devon and Cornwall, in addition to those entitled 'esquire' or 'gentleman', it was evident that appointments and connections, prior to their nomination as an escheator, provided a reliable indication of their standing within that section of the community. Being adjacent counties, it is considered to be equally relevant for an initial assessment of the status of escheatorship in Somerset and Dorset.

As previously mentioned, for the first 16 years of independence, the duties of escheatorship were undertaken by men appointed as sheriff and escheator on

the same day. Their standing in the county is indisputable, coming from the highest echelon of both Somerset and Dorset society under the nobility. What is particularly relevant for these two counties, is that those who succeeded them as escheators over the next 20 years, continued to be drawn from this same group of the most important landowners, many with claims that linked their families to the years of the Norman invasion.¹⁷

Somerset was a notably wealthy county; in the time of Henry VII, Collinson records the names of 90 landed families and, despite its smaller size, terrain and relative inaccessibility, Dorset adds about 39 to the list, including three with substantial properties in both counties.¹⁸ For some of these men, their names would be a regular feature in the two counties' list of escheators well into the Tudor years. Particularly notable was the eminent Dorset Turbervill [Turberville] family, who negotiated the political ebb and flow of central authority to retain the trust of all sides, undertaking a wide range of national and county appointments including six as escheators.

The involvement of this highest echelon group of landowners below the baronage, continued throughout the Plantagenet years, though there was a noticeable transfer to what might be termed the central bracket of landed gentry by the end of the reign of Henry VI. This can be inferred from the increasing number of esquires and gentlemen, and the nomination of men with experience of lesser national and provincial responsibilities, including several servants of the crown. During the first half-century as independent officials, there were three knights, Edmund Cheyne (1367), John de la Hale (1375) and John Moigne (1392), four co-appointed or former sheriffs, de Palton (1353), John de Sancto Laudo (1355), Turbervill (1356), and Roger Manyngford (1387), and three serving Members of Parliament, John Perlee esq. (1394) Dorset, a notably early use of this commoner's title, Thomas Cammell (1395) Shaftesbury, and Thomas Bathe (1397) Lyme Regis. In the 15th century there were four former sheriffs, John Brounyng (1404), who had served for Gloucestershire, Robert Hill (1416), John Flory esq. (1426) and Walter Pauncefoot esq. (1430), and five serving or former Members of Parliament: John Jordan (1403) Dorchester, Robert Veel (1411) Melcombe Regis, William Carent (1420) Dorset, John Hody gent. (1431) Dorset, and John Burgh [Borough] (1495) Lyme Regis.¹⁹ A summary of the status, and these national and county duties that were undertaken by Somerset and Dorset escheators, prior to their appointment, with the comparative previously published numbers for Devon and Cornwall, is provided in Table 1. However, before discussing the contribution of these men to their society, apart from IPMs and other statutory escheator duties, it is important to record that, for 20 of the 126 appointees between 1351 and 1500, no national or county records have been found, except for most of their appointments and some IPMs.

TABLE 1 STATUS OF ESCHEATORS PRIOR TO APPOINTMENT

Somerset and Dorset								
Years	Escheators appointed	Landed Families	Esquires or Gent.	Knights	Members of Parliament	Sheriffs	Justices	Other Comm.
1351-1400	28	15 (8)	1	3	1S + 2B	4	2	6
1401-1450	44	28 (10)	14		2S + 2B	4	6	13
1451-1500	42	24 (10)	27		1B		1	18
TOTAL	114		42	3	9	8	9	37
Devon and Cornwall								
1351-1400	28	10 (6)		1	1C	2	1	7
1401-1450	47	22 (14)	1	1	2S + 3B	2	6	9
1451-1500	45	20 (15)	13		2C + 3B	1	1	8
TOTAL	120		14	2	11	5	8	24

1. Most senior appointment only for those qualifying under multiple headings. Two of the knights listed under Somerset & Dorset were also Shire MPs and Sheriffs so excluded from those lists.

2. Entry in brackets for Landed Families provides number individuals identified in family trees

3. Members of Parliament abbreviations: - Shire (S); City (C); Borough (B)

THE EARLY YEARS 1351-1400

The overwhelming majority of the 28 men appointed as escheator, in this first half-century of independent county officers, came with a wide range of administrative and judicial experience. In addition to the previously mentioned sheriffs and Members of Parliament, John de Stourton (1377) and Thomas Huse (1392) were serving justices, and William Cheyne (1367), Walter Cifrewast (1374) and Thomas Dacombe (1390) had undertaken royal service at court or on the battlefield. With the exception of four escheators, for whom no records have been found, nearly all of these officers received subsequent appointments, primarily as tax collectors, port commissioners and justices, Thomas de Welyngton (1378) with Roger Manyngford being two of several justices involved in putting down the 'rebellion and treasonable risings in congregations in Somerset' that followed on from the Peasant's Revolt of 1381.²⁰ However, within this succession of men

taken from the higher echelons of Somerset and Dorset society, there were a significant number of men who appear to have been selected from a marginally eligible group of minor landowners. Typical of this section of society, Richard Otery was an elderly elected verderer for Exmouth Forest when appointed as escheator in 1382. In 1383, on completing his term, he was given the office of coroner for Somerset and was evidently prepared to undertake a dual role, being re-appointed as escheator in 1384, but these public duties came to an end in 1386, when he was replaced as coroner as he was 'sick and aged'.²¹ Significantly, no records have been found of his nomination for any other commissions; nevertheless, his family seem to have prospered, as his son, Richard, served twice in the early 15th century, firstly in 1403 for Somerset and secondly, in 1408, for both counties. In 1401, prior to that first appointment, together with John Perlee esq., he had been one of the Dorset tax collectors of the subsidy for the marriage of Henry IV's daughter, Blanche.²²

This anomaly, of some appointments in these early years of independence being of lesser landed gentry, such as Otery, and of those like Richard Virgo (1386) and his successor Richard Mucheldevers (1387), for whom no records have been located, is that men from the highest level of society were still willing to accept nomination as an escheator, when it might be considered from those men's appointment to be a duty of lower grade, perhaps, as suggested by Carpenter, on a par with that of the coroner. This is particularly notable for those whose previous national or regional service had included appointments at the highest level. Roger Manyngford, who succeeded Mucheldevers in late 1387, had been sheriff in 1371, was a Dorset tax assessor and long serving justice; Sir John Moigne kt (1392) had been sheriff in 1388 and, following his appointment as escheator, went on to serve as sheriff for Wiltshire in 1395. Their acceptance of the office, as did others from that upper level of county society, strongly suggests that escheatorship was regarded as an important civic duty, and an integral part of their county's judicial and administrative fabric, for which the crown needed their active support. This apparent imbalance in relative status, within the landed gentry, will be discussed later.

CONSOLIDATION OF THE ROLE 1401-50

Although there were no knights in Somerset and Dorset's list of escheators after the end of Sir John Moigne's term in October 1392, representatives of the upper echelon of landed society continued to dominate appointments throughout the 15th century. Cogent evidence for this is provided by the number of men with the title 'esquire' or attribution 'gentleman'. Apparently not generally used before the 1420s; notably John Manyngford (1401), John Warre (1406), Robert Hill (1416), Richard Styuecle (1412), John Stourton (1417), Thomas Hody (1418) and William Carent (1420), all being leading members of their families and society, were without that accreditation, but following the nomination of Robert Coker esq. on 4 May 1423, over half of all subsequent appointments were esquires or gentlemen, a figure far in excess of that found for Devon and Cornwall.

Between 1401 and 1450, adding to the previously mentioned eight former sheriffs and Members of Parliament, John Manyngford, John Stourton, Thomas Husee esq. (1435), Alexander Hody (1436), John Stork esq. (1437), John Carent (1441) and John Roger (1443) were serving justices and Richard Styuecle a former king's esquire. A further dozen of the appointees had carried out a wide variety of commissions including king's alnager, port administration, tax assessing and collecting, as well as for inquests in addition to the IPMs being undertaken by the appointed escheator.²³

As recorded in Devon, in the early years of the century, potential, serving and former Somerset and Dorset escheators were similarly involved in commissions to contain the general unrest in the country, and for the provision of defence against possible French invasion.²⁴ John Savage esq. (1402) and Robert Grey (1405), being members of a commission of array for all men of arms and archers for defence of the sea coast of Dorset in 1402; in 1404, John Savage was the intended victim of an ambush, being part of an insurrection in that county that was investigated by John Manyngford.²⁵ In 1404, the rebellion in Wales required government reinforcement, John Manyngford and Robert Hill (1416), providing 20 men at arms and 20 archers from Somerset for the defence of Carmarthen castle.²⁶ During Henry V's campaigns, latent rebellion and the threat of invasion required commissions *de walliis et fassatis* for renewal of county flood and coastal defences that included John Gregory gent. (1415) for Somerset in 1417, and Robert Hill for Dorset in 1418.²⁷ In the following year, Robert Hill and Matthew Coker esq. (1409) for Dorset, together with John Warre (1406) for Somerset, were members of a commission of array against the threat of invasion by the King of Leon and Castille; Robert Hill was also a member of an enquiry into treasons, escapes, concealments in Somerset and Dorset in 1419.²⁸

THE YEARS OF CONFLICT TO THE START OF THE TUDOR DYNASTY 1451-1500

During the second half of the 15th century, apart from John Burgh (1495), the member for Lyme Regis, none of the appointed escheators had experience of senior national or regional office, but the majority were still being taken from the higher echelons of the counties' landed gentry, 27 of the 45 being recorded as esquires or gentlemen. The rise and fall of the houses of Lancaster and York, and ultimate success of Tudor, was inevitably reflected in the background of some of those selected for the two counties, with several former and current 'king's servants' given escheatorship or other appointments as a reward for services rendered. In 1461, in addition to being nominated as escheator, Edward IV made Thomas Maunsell esq. for life, his 'receiver of Devizes, Marlborough and Cosham and other possessions of the king in the counties of Wilts, Southampton [Hampshire] and Dorset, with accustomed fees and profits' and in the following year 'receiver of all castles, lordships, manors and lands in the counties of Somerset and Dorset, in the king's hands by reason of the Act of Assumption in the late Parliament and receiver of the accustomed fees'.²⁹ Maunsell's service for the York king, and his appointments as escheator and receiver, being notable as he had evidently been trusted by the

Lancastrian regime, having been appointed in 1449 to negotiate loans from the wealthier members of Dorset society to pay for Henry VI's campaign in France, by giving pledges against Treasury jewels and money.³⁰ In 1483, Richard III awarded his servant William Bracher (1484), one of the Yeomen of the Crown, custody of the king's park Okehampton with accustomed fees and profits' and in 1484, 'the offices of bailiff of the king's lordship and park of Barrington (Som), with custody of manor thereto.'³¹ In that same year, John Vernay esq. king's servant, was made escheator and given the 'office and keeper of the park of Donyate (Som), in the king's gift by reason of the minority of the king's nephew, Edward earl of Warwick, with accustomed fees,' and in 1485, to 'John Vernay and male heirs, for good service against the rebels, the manor and lordship of Huish Champflower (Som), late of Giles Daubney kt, traitor, by knight's service'.³²

Particularly noteworthy was John Turberville esq. He had maintained his family's commitment to public service and to the office of escheator under Edward IV for two terms, 1476 and 1479, and serving as a justice from 1485 until 1502. In 1486, he was knighted by Henry VII and granted 'for life, for service done as king's servant at great cost to himself, offices of constable and keeper of Corfe Castle, the office of porter of the said castle, the offices of the two foresters, of the warren of Purbeck, and the office of ranger of said warren.'³³ Sir John Turberville subsequently served as sheriff for Somerset and Dorset in 1486, Wiltshire in 1487, Marshall of the Household until 1489 and Calais Treasurer until 1494, when he was granted a general pardon for all offices.³⁴ His nephew Thomas Turberville esq. (1493), who in 1488 had been mandated to take over Sir James Tyrell's lands in Guynes, was the last of the Turbervilles to serve as an escheator, though the family's public service would continue through subsequent generations in a wide range of other offices and duties.³⁵

During this particularly turbulent second half of the 15th century, with repeated challenges to English territory from Scotland and France, and to the English throne from within, no reports have been found to indicate that escheators were unable to fulfil their statutory duties; nor, with the exception of Stephen Preston gent. (1455) and John Peke esq. (1464), did loyalty, or service for an individual nobleman give rise to penalties, except perhaps an absence of further commissions. In 1459, Richard Plantagenet, Duke of York, had switched his allegiance to Henry VI, and been stripped of his appointments and estates for his high treason of seeking to claim the throne for himself. In February 1460, all of his possessions in Somerset were taken into receivership by William Brounyng the elder (1454).³⁶ He was briefly returned to favour, and in November 1460, rewarded his

servant Stephen Preston by appointing him constable and keeper of the castle of Bridgwater, with accustomed fees from his lordships. Following the death of the Duke of York, at the battle of Wakefield on 30 December 1460, the estates remained with the receiver until April 1461, when Edward IV, on assuming the throne, confirmed his father's letters patent and returned the Castle to Preston, together with the forest or park of Pederton by Bridgwater for life; he subsequently awarded him a 'corrody [pension] from the income of Shirburne Abbey and Convent'.³⁷ John Peke was less fortunate; he had held several lucrative offices primarily in Bristol, where he had been the port surveyor and alnager since 1460, and in 1464 was given the life appointment of Ranger for the Forest of Dean.³⁸ However, in 1470, as a supporter of the Duke of Clarence, who was allegedly involved with the Earl of Warwick in the unsuccessful Lincoln Revolt, all of his property was seized; ironically this was undertaken by William Knoyle, who in 1467 had been one of Peke's successors as escheator.³⁹

Although no records have been found for ten of the escheators in this period, five of whom were esquires and one a gentleman, the majority were well established officials and/or would subsequently take on a wide variety of administrative and judicial commissions, and elected county offices. In addition to the previously mentioned Sir John Turberville, William Brounyng esq. the younger (1454) was elected as MP for Wareham in 1461, John Hymerford esq. (1456) for Bridgwater in 1483 and Richard Puddesey esq. (1489) be knighted and serve as sheriff for Wiltshire in 1495 and for Somerset and Dorset in 1497.

ESCHEATOR STATUS IN SOMERSET AND DORSET

The figures provided by Table 1, summarising the status and experience of men appointed to the office of escheator in Somerset and Dorset for the period 1351-1500, have, with additional information relating to length of service and re-appointment, been applied to provide a measure of the relative experience of new appointees to escheatorship in these two counties (Table 2). For both tables, the comparison with the figures for Devon and Cornwall, demonstrates a similar pattern of previous experience and involvement by members of the upper levels of county landed families. In many cases, primarily in the early years, examination of family trees provided by the Somerset and Dorset Visitations and County records, confirms that they included some of the most senior members of these families; the previously mentioned involvement of the Turbervills of Bere Regis, from Sir Richard de Turbervill in 1356, to Sir John Turberville in 1476 and 1479, being the prime example.⁴⁰

TABLE 2 RELATIVE EXPERIENCE OF MEN APPOINTED AS AN ESCHEATOR

Somerset and Dorset							
Years	Escheators appointed	Served 2+ years	Served twice	Resigned or died	Total Escheators	Previous experience	Experience ratio
1351-1400	30	8	2		28	18	64%
1401-1450	49	1	5		44	28	64%
1451-1500	47	4	3	2	42	20	48%
TOTAL	126	13	10	2	114	66	58%
Devon and Cornwall							
1351-1400	28	6	4	4	20	12	60%
1401-1450	47	4	9	4	34	23	68%
1451-1500	45	4		1	44	15	34%
TOTAL	120	14	13	9	98	50	51%

1. The number of Escheators appointed includes those serving more than once and those who died or resigned shortly after their appointment so requiring two appointments for that year.
2. The number of escheators appointed for 1351-1400 and 1401-1450 include the years 1400, 1403 and 1404 when Somerset and Dorset had separate appointments.
3. Previous experience includes those who were knights, sheriffs, justices or had national or county appointments, as listed in Table 1, before their first appointment as an escheator.

Those familiar with the names of the most influential families of the two counties, will already have noted the commitment of many of them to the ranks of escheatorship; other notable families, including Strangways, Wadham, and Wyndham, would be added in the 16th century. However, it will also be apparent that there were notable omissions, with no appointees from the Blewett [Bluett], Blount, Chidiok, Gorges, Hungerford, Luttrell, Marshall, Mandeville, Russell, Sydenham and Willoughby families. There could be a wide variety of reasons for non-participation, which are unlikely to be determined at this range in time, but would almost certainly equally apply to researches into any county. Most of these upper echelon families had properties in many counties, whose principal interests were not necessarily in Somerset or Dorset; Devon and Cornwall were found to have a similar group, which also included Bluett.⁴¹ Whilst not being dismissed, the commitment of so many others of equal status, suggests that their absence should not be considered to reflect on society's opinion on the standing of the office within the community.

The general trend, which is highlighted by the details of the experience and status of escheators prior to their appointment (Table 1), is that from the early years of the 15th century, the office was also being given to the younger generation and scions of the major landowners, as well as holders of smaller estates. This broad shift within the landed gentry would undergo a more radical change in the 16th century, as the treasury's concerns for income from the crown's escheats and wards was threatened by the dispersal of tenant-in-chief's estates, and by legal avoidance measures. Schemes, such as *feudum talliatum* (fee tail), which committed an estate to nominated heirs, and 'uses', which gave control to feoffees [trustees], enabled heirs to benefit from their property and income without owning it, thereby by-passing payment of 'relief' [tax on inheritance] and avoiding the risks of wardship. As the Tudor years advanced, legal or financial expertise would become more important than status and administrative experience; increasingly, escheators were selected from the ranks of attorneys and accountants across the whole

range of the social scale. However, in the context of this study of escheators in the 14th and 15th centuries, it must be emphasised that, prior to 1500, in all four of these south-western counties, no evidence has been found that experience as an attorney or accountant was a priority for chancery, for the nomination or selection of men to serve as an escheator.

Inevitably, as for all senior officials then, as now, there would have been a more permanent group of men 'manning the office' and undertaking the routine tasks of checking land transfers and deaths, as well as assistant or sub-escheators, for whom there was no fixed term of service, and who were appointed by, and acted on the authority of, the current escheator. This was particularly vital following the resignation or death of an escheator mid-term. Documentary evidence was found for one such appointment, for Peter Edgecombe esq. in Cornwall, and recorded in the preceding Devon investigation.⁴² Although no records have been found for Somerset and Dorset, the escheator's oath empowered these appointments and they must certainly have been in general use in these counties as elsewhere throughout the country.⁴³ Nevertheless, it is considered that the existence of such a back-up team, to ensure and maintain the continuing effectiveness of the office, does not affect the relevance of this investigation into the question of the status of the individual appointed as the escheator, or the standing of the office of escheatorship itself.

Returning to the Plantagenet years, the continuing appointment, throughout the 15th century, of admittedly small numbers of lesser landed gentry, with apparently no judicial or administrative experience prior to, or following their term as escheator, alongside the more experienced and senior members of society, remains as a challenge to a present day understanding of the perceived social status of the office. However, when searching for an explanation, without the benefit of any contemporary record or correspondence, historians can only speculate and apply the *mores* of today, to the information provided by the rank and experience of appointees; any assessment has to be qualified accordingly. Item VIII, of Edward III's Statute of 1340, requires that 'Escheators be chosen by the Chancellor, Treasurer, and the Chief Baron of the Exchequer, taking to them the Chief Justices of the one bench and the other, if they be present, in manner as is aforesaid of the Sheriff.'⁴⁴ In addition to any nomination(s) provided by the crown, usually for services rendered, the Chancellor's panel would have taken into consideration nominations submitted by the county. Probably required as an annual submission by the sheriff, following advice from his county's elite, senior judiciary and, if applicable, the serving escheator, in the same way and at the same time as nominations were provided for his own successor. Evidently, as

the list of escheators for these two counties confirms, appointees included former escheators and, despite the Statute's ruling that their appointments were for a period not exceeding twelve months, an extension was occasionally necessary. Generally, the delay to appoint a replacement for a month or two may well be attributed to the absence of the court from Westminster, or a need for confirmation of suitability and, more importantly, loyalty. In this circumstance, it may well have been preferable to retain the escheator in post for several months, or as the office was 'at the king's pleasure', until his successor was appointed, perhaps for a further year or very occasionally longer.

When seeking suitable candidates to nominate, the county elite may have lobbied the sheriff to gain experience of the office for themselves or a member of their family, or to nominate one of their, or a neighbour's, tenants. Other candidates to be considered eligible by the county for nomination may well have come from men who had previously undertaken chancery commissions or local appointments, and for which selection may have been far less controlled; this had the advantage of assessment by fellow commissioners or local lords, for ability and loyalty. Typical of this latter category is Thomas Hody (1418), the Receiver General for the Luttrell family Dunster estate since 1405; his nomination, and temporary release from estate duties, indicates that although the Luttrell family never undertook the office for themselves, the then head of the family and notable member of county elite, Sir Hugh Luttrell, clearly recognised its importance and standing.⁴⁵ Such experience of service prior to their appointment, as can be seen for the majority of escheators, suggests that this almost certainly featured highly on any list of recommendations for nomination. Additionally, the sheriff and the escheator, in their county-wide travels, may have encountered local gentry they considered both suitable and of having the necessary income from their estate(s) in the county. No record is known to exist, so it can only be speculation, as is the subject of motivation.

Ambition, using office, whether it be as Member of Parliament, sheriff or escheator, as a means to advancement, whether nationally or locally, applied to all levels of society though this was not without its risk in those troubled times. For the higher echelons of society, willingness to serve as an escheator might serve another purpose, delaying pressure to accept knighthood, with all that that entailed, or other duties, which could involve absence from home for service at court or in the capital. For lesser gentry, this nationally selected office might provide the opportunity for enhanced standing in their locality, with the incentive of service being followed by more lucrative appointments to come. Alternatively, it might also be considered unwelcome, requiring time

away from their estates to undertake the responsibilities of escheatorship, or by drawing unwanted attention to them or their families. The inclusion of men with no experience, which included many of those entitled esquire or gentleman, may well have been within this latter group, perhaps persuaded against their better judgement, by family elder or landlord, endeavouring to generate additional candidates for future county duties.

In the final analysis, when assessing the status of the office in the counties, having taken all these factors into account, perhaps the most important indicator is that the crown's statute requires selection and nomination by the same panel of the elite of the land, and the same qualification of income from land within the county, for both sheriff and escheator. Although, in addition to the sheriff and escheator, to ensure loyalty to the crown, oaths were required to be sworn by Members of Parliament and other officials, including bishops, justices, mayors and bailiffs, the statutory requirement that the appointment for both sheriff and escheator was, by parliamentary statute, undertaken by the same elite panel of court officials and judiciary, establishes that at that time, the status of the office of escheator must have been considered by the crown to be almost as important as the sheriff.⁴⁶ It surely follows, that the standing of the office within the county, certainly in the 14th and the major part of the 15th century, would have reflected that opinion.

CONCLUSION

There can be no doubt that the escheator was required to undertake an important role, by maintaining the vital stream of escheat income for the crown in a period when lawyers were producing a variety of legal devices to protect the heritage of their clients from escheat fees and wardship, and when estates were being divided amongst heirs, or sold. The responsibilities of escheatorship, which had been clearly established by the Parliamentary Statutes of Edward I and Edward III, were unchanged since first being defined in a series of 13th-century charters, to maintain the stream of escheat income for the crown, and officially that continued until the feudal system ceased to exist in 1660. This review of independent escheatorship in Somerset and Dorset during the Plantagenet years, has therefore focussed on the social status of the office. It has been established that whilst there were a few men appointed to the office for these two generally combined counties, for whom it could be called an apprentice post, overwhelmingly the office was undertaken by men from the higher echelons of county society, with a range of experiences from sheriff and Member of Parliament to commissioners for justice, taxation and administration. Undoubtedly, there were a wide variety of motives for men to accept

or refuse nomination for the office of escheatorship but, as previously suggested, it was evidently recognised by the leading and influential members of county society as being an important civic duty, and an integral part of their county's judicial and administrative fabric, for which the crown needed their active support.

It is considered that the statutory parameters for selection, reflecting crown and chancery assessment of the importance of the office, inevitably influenced and, in turn reflected, county opinion on an escheator's standing; this is clearly seen to be established by the contribution of the highest echelon county families below the baronage, to undertake the role. In all four of the far south-west counties, as both Saul and Holford have stated applied to Gloucestershire and Norfolk, escheatorship was an office with a status that approaches that of the sheriff. On the inclusion of a few 'apprentices' within the list, apparently alongside members of the principal families of the two counties, no firm conclusion can be made. The possibility remains that they were county nominations for eligible men, considered to have potential for official duties that proved unfounded, who were accepted into the escheator ranks without affecting either the standing of the office in the county, or the continuing participation by senior and experienced members of Somerset and Dorset's landed gentry.

It is therefore concluded that overall, in the counties of Somerset and Dorset in the 14th and 15th centuries, as has been demonstrated for Devon and Cornwall, and is supported by the findings of Saul and Holford in relation to the situation in Gloucestershire and Norfolk, escheators were drawn from the same group of the wealthier landed gentry, with a standing that approached that of the sheriff. Escheatorship was an appointment requiring loyalty and honesty; it had a range of judicial and administrative responsibilities that, within its field, was only exceeded by the authority and powers given to the sheriff and the judiciary. Its status, as being second only to the sheriff, appears, in these south-west counties, to be well established.

REFERENCES

- ¹ C. Scott-Fox, 'The Role and Status of the Escheator in Late Medieval and Early Modern Devon', *Southern Hist.* 40 (2018), 23.
- ² C. Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society 1401-1499* (Cambridge: Cambridge University Press, 1992), 272; N. Saul, *Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century* (Oxford: Clarendon, 1981), 139.
- ³ M. Holford, 'The Escheator: a short introduction', in *Mapping the Medieval Countryside*, <http://www.inquisitionspostmortem.com>.

- ac.uk/the-escheator-a-short-introduction [accessed: February 2020].
- ⁴ E. R. Stevenson, 'The Escheator', in W. A. Morris and J. R. Strayer (eds), *The English Government at Work, 1327-1336, vol. II – Fiscal Administration* (Cambridge, Mass.: The Mediaeval Academy of America, Publication No. 56, 1947), 109-67; S. L. Waugh, *The Lordship of England: Royal Wardships and Marriages in English Society and Politics, 1217-1327* (Princeton: Princeton University Press, 1999), 105-13; Though nominally independent from 1341, Sheriffs were to hold dual offices for the first 16 years.
- ⁵ A. C. Wood (ed.), *List of Escheators for England and Wales* (Camden: List and Index Society No. 72, 1932).
- ⁶ A. Luders *et al.* (eds), *Statutes of the Realm, Magna Carta to the end of the Reign of Queen Anne* [1215-1714], 11 vols (London: PRC, 1810-28), vol. I, 14 E III, 283.
- ⁷ The National Archives (TNA) Escheator Files E/153 and E/136; the *Calendar of Inquisitions post mortem* and *Calendar of Inquisitions Miscellaneous* are also relevant.
- ⁸ Luders *et al.*, *op. cit.* note 6, vol. I, 4 E II, 160.
- ⁹ Wiltshire Record Office, 'Articles of the Escheator' in *Wiltshire Statute Book*, MS 1230, fols 125r.-126v. (Translation from Latin); Scott-Fox, *op. cit.* note 1, 4.
- ¹⁰ Luders *et al.*, *op. cit.* note 6, vol. I, 29 E I, 142-43, 238-41.
- ¹¹ *Ibid.*, vol. I, E I, 71-72.
- ¹² *Ibid.*, vol. I, 249. Footnote stating reprinted from Tuttell's *Magna Carta*, of 1556.
- ¹³ *Ibid.*, vol. I, 36 E III, 374-75.
- ¹⁴ *Ibid.*, vol. I, 42 E III, 388: Inflation over 550 years from 1368 to 2018 indicates an equivalent income would be well in excess of £100,000, www.measuringworth.com [accessed: June 2020].
- ¹⁵ *Ibid.*, vol. II, 1 H V, 170; H. L. Gray, 'Incomes from Land in England in 1436', *English Hist. Rev.* 49 (1934), 625.
- ¹⁶ Gray, *op. cit.* note 15, 625.
- ¹⁷ The complete list of Somerset and Dorset escheators from 1323 to 1646, with their nominated manorial holdings (where known) and other details has been added to the *Notes and Queries for Somerset and Dorset* website (www.sdnq.org.uk).
- ¹⁸ J. Collinson, *The History and Antiquities of the County of Somerset* (Gloucester: Alan Sutton, Microprint edition 1983), xxxix-xl; Dorset Heritage Centre., File D 2261/1-2, 2261/6-13.
- ¹⁹ Biographies of all Members of Parliament for 1386-1422 have been published by the *History of Parliament Trust* and are available online at historyofparliamentonline.org.uk; the volumes for the reign of Henry VI [1422-1461] have been issued to the National Archive and the principal libraries but are not yet available online. Three other sources are also relevant, J. S. Roskell, L. Clark, and C. Rawcliffe (eds), *House of Commons 1386-1421*, 4 vols (Gloucester: Alan Sutton, 1992), L. Clark (ed.), *House of Commons 1422-1461*, 7 vols (Cambridge: Cambridge University Press, 2020) and J. C. Wedgwood, *History of Parliament 1439-1509*, 2 vols (London, 1936-38).
- ²⁰ *Calendar of the Patent Rolls (CPR)*, R II 1381-1385, 140 [1382].
- ²¹ *Calendar of the Close Rolls (CCR)*, R II 1381-1385, 351; *CCR*, R II 1385-1390, 43.
- ²² *Calendar of the Fine Rolls (CFR)* H IV 1399-1405, 149.
- ²³ An Alnager was 'a sworn officer to examine and attest the measurement and quality of woollen cloths' (*OED*). An important, fee earning office for a nominated county 'at the king's pleasure' usually retained for many years.
- ²⁴ Scott-Fox, *op. cit.* note 1, 17-18.
- ²⁵ *CPR*, H IV 1401-05, 114, 502.
- ²⁶ *Ibid.*, H IV 1401-05, 439.
- ²⁷ *Ibid.*, H V 1416-22, 137, 197.
- ²⁸ *Ibid.*, H V 1416-22, 206, 209.
- ²⁹ *Ibid.*, E IV 1461-1467, 8, 178.
- ³⁰ *Ibid.*, H VI 1446-1452, 307.
- ³¹ *Ibid.*, E IV E V R III 1476-1485, 366, 373.
- ³² *Ibid.*, E IV EV R III 1476-1485, 463, 527.
- ³³ *Ibid.*, H VII 1485-94, 129.
- ³⁴ *Ibid.*, H VII 1485-94, 292; HVII 1494-1509, 6.
- ³⁵ *Ibid.*, H VII 1485-94, 216.
- ³⁶ *Ibid.*, H.VI 1452-61, 592.
- ³⁷ *Ibid.*, E IV 1461-67, 96; *CCR*, E IV 1461-68 Part I, 102.
- ³⁸ *CPR*, H VI 1452-61, 590; *CPR*, E IV 1461-67, 20; *CFR*, H VI 1452-61, 283; *CFR*, E IV H VI 1461-71, 24, 79, 158, 183; *CPR*, E IV 1461-67, 325.
- ³⁹ *CPR*, E IV H VI 1467-77, 218.
- ⁴⁰ F. W. Weaver (ed.), *The Visitations of the County of Somerset in the Years 1551 and 1575 together with additional Pedigrees chosen from the Visitation of 1591* (Exeter: William Pollard, 1885); J. P. Rylands (ed.), *The Visitation of Dorsetshire 1623 by Henry St. George and Sampson Lennard* (London: Publications of the Harleian Society vol. 20, 1885); Dorset Heritage Centre, *Dorset Medieval Families* File D/2261/1-2, 6-13.
- ⁴¹ Scott-Fox, *op. cit.* note 1, 9.
- ⁴² *Ibid.*, 14: Cornwall Record Office, Rashleigh Family of Menabilly deposit, R/5834.
- ⁴³ *Juramentum Escaetozum*, in Luders *et al.*, *op. cit.* note 6, vol. I, 249.
- ⁴⁴ *Ibid.*, vol. I, 14 E III, 283; The reference to 'manner aforesaid' refers to the previous paragraph in Item VIII relating to the appointment of sheriffs. This establishes the same panel of appointees and that nominees had sufficiency of land held in their Bailiwick; it also states that it is to be undertaken annually on the 'Morrow of All Souls' [around 2 November each year], at the exchequer.
- ⁴⁵ *Luttrell Family Archive*, DDL/P/1/16/1.
- ⁴⁶ Luders *et al.*, *op. cit.* note 6, vol. I, 247-249.