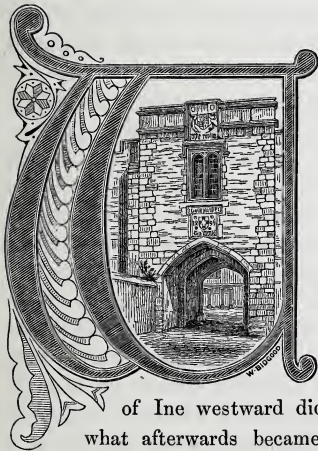


The Customs of the Manor of Taunton Deane.

BY WM. ARTHUR JONES, M.A., F.G.S., ETC.



WE are enabled by what I think may be deemed reliable, if not authentic records, to carry back the history of this Manor to the earliest ages of the history of Wessex. Not long after the time when Taunton was still virtually a border-fortress, and the kingdom

of Ine westward did not extend far beyond what afterwards became the boundaries of the Manor of Taunton Deane, we find that this rich and fertile district was bestowed upon the Church of Winchester. From that time until a comparatively very recent period the Bishops of Winchester continued to be the lords of this Manor, and, in fact, they ceased to exercise their manorial rights and enjoy its privileges here only when the Ecclesiastical Commissioners Act came into force.

** The initial letter embraces a view of the Exchequer Chamber, Taunton Castle, where the documents relating to the Manor are kept.

It was Frethogyth, the Queen of Æthelheard, who first endowed the see of Winchester with lands in this district. Æthelheard was the immediate successor of Ine, and he was brother to Æthelburh the Queen. Thus it was quite possible that some of the tenants who first did homage to the princely prelate of Winton might have taken part in the siege of Taunton, under Queen Æthelburh, when the rebels had seized it in 722; or at least they might well have remembered seeing in their boyhood the flaming ruins of the castle which Æthelburh had set on fire, in order to dislodge the rebel chieftain and his followers.

It is hardly necessary to observe that I am now speaking of a time when the diocese of Exeter did not exist; when the diocese of Wells had not been formed; when, in fact, the see of Winchester was co-extensive with the West-Saxon Kingdom. I am aware that in 705 the province was divided, and the western portion made into the diocese of Sherborne. Nevertheless, there is reason to believe that the imperial city of Winchester continued to be the metropolis alike of civil and ecclesiastical rule; and no one would be more willing to acknowledge the supremacy than the Bishop of Sherborne himself. Accordingly when (as stated in the Saxon Chronicles) Forthere, Bishop of Sherborne, and Queen Frethogyth went together on a pilgrimage to Rome, nothing would be more natural for the Queen and nothing more agreeable to the bishop, than the endowment of the Mother Church in token of her gratitude and devotion.

And thus we find it stated in early Saxon charters that Queen Frethogyth bestowed the Manor of Taunton on the Church of Winchester. The genuineness and authenticity of some of those charters may be doubtful. I know that Kemble, in his *Codex Diplomaticus*, marks them as such.

Yet I see no reason whatever to doubt the principal fact on which they are based, namely, that the grant of the Manor was first made by the Queen of Æthelheard and the sister-in-law of Æthelburh.

So, when we come to the charter of Æthelwulf of Wessex, granted in A.D. 854, we are quite prepared to accept the statement there expressly made in these terms :—“ I have enlarged the boundaries of the land in Tantun which Frethogyth the queen gave to the Church of Winchester in former times” (*amplificavi spacium telluris in Tantun quod Frethogyth regina Wentanæ ecclesie præcis temporibus dedit.*)

This charter of Æthelwulf is especially interesting, inasmuch as that it specifies the additions made, consisting of lands in “ Riscune ” and in “ Stoce aet orceard ; ” and also gives the various objects and places which mark out the boundaries of the Manor at the time the charter was made. The boundaries given are clear enough to enable us to take a general view of the extent of the Manor at that time. Many of the spots may be identified with those which bear much the same names in the Ordnance Maps of the present day, and I have no doubt that reference to parish maps and local usages would enable us to identify many more.

Guided by this charter our course in “ beating the bounds ” would be as follows :—

Starting from where Blackbrook enters the Tone in the parish of Ruishton (*Blackan-broce on Taan*), we come to Ash-cross (*ad veterem fraxinum*); thence over the hill to the borders of Ash-hill forest : (*trans montem in alterum fraxinum*); and on to the high road from Broadway to Honiton (*ad viam publicam*); thence over the Blackdown-hills to Otterford (*ad vadum quod Otterford nominatur*),

following the course of the stream to Otterhead (*usque ad caput fontis*). Crossing the hill we come into the Culm valley (*ad Columbarem vallem*), and then on westward until we arrive at Ashbrittle (*quemdam fraxinum quem imperiti sacrum vocant*), and following the course of the river, we come to the boundaries of Wiveliscombe (*juxta terminos Wifelsescombe*); thence along the old road leading to Monk-silver, until we come to the source of the Willet stream (*ad originalem fontem rivuli qui Willite nominatur*); thence by *alba gronna*, now called White Moor Farm, we come to Lydeard St. Lawrence (*ad Lidgeard*). From here crossing the valley, we come to the foot of Triscombe (*ad occidentalem partem vallis qui Truscombe nominatur*); thence eastward to *Rugan Béorh*, which I suggest should be Bugar Bóorh or Bagborough, for immediately we are taken along the horse-path over Quantock to *Æscholtes*. Afterwards we pass *piscis fontem* (Bishopool Farm), and so on to Holwell Cavern (*sic ad Elwyll*). Crossing the Quantocks again, and descending into the valley of the Tone, we come by the stream which passes by Kingston (*ad rivulum qui Neglescumb nominatur*), and which gives name to the Hundred and Hamlet of Nailesburne. Going eastward we skirt *Hegsteldescumb*, which I take to be Hestercombe, and passing by *Sæchbrock*, which I take to be Sidbrook, we come again to the Tone where we started (*et sic in flumine quod Tan nominatur*), *et sic perveniatur iterum in Beadding-brock*, or Bathpool.

The boundaries which I have here briefly sketched include one of the richest tracts of country in the kingdom, and any one who knows the country cannot fail to be impressed with the immense value and importance of such a Manor. In fact, judging from the valuation-lists recently issued by the Union Assessment Committees, the Manor

originally embraced a district, the annual rental of which, in the present day, cannot fall far short of £200,000! This immense sum would not, of course, correctly represent, even comparatively, the value of the estate at the time to which we refer. Great allowance is to be made for the extent of forest. The *panagium porcorum* (that is, the mast for pig-meat in beech and oak groves) would not be of the same value as corn crops grown on the cleared ground. The extent of this forest is clearly shown by the very name which the district bears—Taunton *Deane*—a name older even than the kingdom of Wessex, and one always associated with forests. The Arduenna Silva of Cæsar, the Arden of Warwickshire, the Forest of Dean, in Gloucestershire, still called by the Cymri “y Ddena” all serve to confirm this view. But making all the allowances possible, this Manor was a princely inheritance, even after large portions of it had been granted by the Conqueror to some of his favourites, and other portions had come to be held on knights’ service, under the Bishop of Winchester as superior lord.

I am sorry I shall have to pass over all that relates to this Manor in the Exon Domesday, the examination of which would be extremely interesting and valuable, but somewhat dry.

I can also only refer briefly to a very curious and interesting MS. Customary of this Manor, which I had the good fortune to discover under a great heap of court-rolls in the Exchequer. It supplies examples of tenure under the Manor in olden times which are very curious, and which deserve to be treated of and discussed by themselves, but they are not incorporated in the Customs to which this paper is specially devoted. I will, therefore, only give two or three cases by way of illustration. Thus, lands in

Hillsbishop and Staplegrave are held on a small fixed rent, and the ordinary services of ploughing and sowing and reaping so many acres of the lord's land. In addition to this the tenants were required to carry the lord's corn to market at Ivelchester or Langport, and what is still more curious, they were bound to carry the lord's corn as far as Topsham, and there to place it in ships for exportation!

Cariabit bladum d'ni usque ad Toppisham si d'nus voluerit transietare et ponere ibidem warnesturam suam in naves.

Why the bishops preferred Topsham to Bridgwater is partially explained by another clause, in which it is provided that if the bishop should desire to have his wine conveyed from Exeter or Topsham to Taunton, the tenants were bound to bring back the same at the rate of 2s. per cask. *Et si dominus voluerit cariare vinum suum ab Exon vel Toppisham d'nus Episcopus dabit pro quolibet doleo cariendo ii.s.* By the same conditions of tenure the tenant was not allowed to give his daughter in marriage, nor to sell a horse, without leave from the bishop.

The entire Manor of which I have hitherto spoken appears to have been divided at an early period into two parts, known as the Out-faring Division, and the In-faring Division. It is to the latter of these only that the Customs of Taunton Deane apply. There is, besides, the Hundred of Taunton Borough, which stands by itself and will require to be treated by itself.

The In-faring Division, or The Five Hundreds of Taunton Deane, consists of (1) The Hundred of Holway, including portions of the parishes of Ruishton, Taunton St. Mary, Stoke, Wilton, Ninehead, and Rimpton; (2) The Hundred of Hull, including the parishes of Trull, Bishop's Hull, and a portion of Pitminster; (3) The Hundred of Nalesburne, embracing the parish of Kingston;

(4) The Hundred of Poundsford, including the parishes of Pitminster and Corfe, and (5) The Hundred of Staple-grove, including the parishes of Staple-grove, Taunton St. James, Combe Florey, and Lydeard St. Lawrence. In the observations which are to follow on the Customs, it will be understood that by the Manor is understood The Five Hundreds of the Manor of Taunton Deane.

TAUNTON DEANE TENURE.

All owners of property being parcels of the Manor of Taunton Deane, are tenants of the Lord of the Manor, and hold their respective estates subject to certain dues, rents, and services fixed and determined by the customs of the Manor. These holdings are of two kinds, viz., *Bond-land Tenements*, being land on which ancient dwellings are known to have stood, and *Overland Tenements*, where such dwellings were not known. Fealty, suit, service, fines on surrender and admittance, and fixed rents were incident to both kinds of holdings; but, as might be expected from the necessary character of feudal tenures, the estates on which ancient dwellings had stood (that is, Bond-land Tenements) were subject to the obligation of residence on the property while the tenant was living, and to the payment of heriot when he died.

On every change of tenancy, whether by sale or deed of gift, or mortgage, the Customs require that the property shall be formally surrendered into the hands of the lord for the uses and purposes specified in the surrender; and in case of the death of a tenant intestate the property falls into the hands of the Lord of the Manor, for the uses of those who, as heirs, are entitled to inherit by the Customs. Entries of these surrenders, and also of admittances of tenants are made in the records of the Manor by the steward; and these entries are virtually the title-deeds of

the property. It is, however, to be observed, that while no change in the tenancy can take place without the authority and consent of the Lord of the Manor, yet, as long as certain conditions are fulfilled the tenants are virtually independent, and the lord has no power of restraining or limiting any disposition they may please to make of their property.

These Records of Surrenders and Admittances are kept in a room called the Exchequer. This room lies over the principal gateway to the Inner Bailey of the Castle, and belongs not to the Lord of the Manor, but to the tenants. When the late Lord of the Manor sold the Castle he could not sell and had no power to convey the room which stands over the principal entrance into it; and as far as I am able to judge from the Customs of the Manor, I do not see how he could have sold this hall* without reserving to the tenants the right they had in olden time to hold their Law-courts within its walls.

The earliest Records of Surrenders and Admittances in the Exchequer begin with the reign of Edward VI., and from that period to the present day the series appears to be almost perfect and complete. The Pipe-rolls, containing all the receipts and expenses arising from this Manor, are of a much earlier date; and as they specify the amount of fines paid, and also describe the persons and estates on account of whom the payments were made, they carry back the history of the Manor to a much earlier date.

During my investigations in these interesting records I could not fail to observe that the power of the superior lord became less and less every succeeding age, and that there was a corresponding increase in the privileges and freedom

* *I.e.*, the room in which the paper was read, formerly the old Hall of Taunton Castle.

which the tenants claimed and secured. Many feudal customs, inconsistent with the growing liberties of the people, had been allowed to fall into disuse long before they were abolished by the Commonwealth, and subsequently repealed by Charles II. When questions arising from high views of feudal rights were raised in the reign of Queen Elizabeth, and submitted to the Grand Inquest of the Manor, I find almost invariably that the judgments given were in favour of the tenant rather than of the lord.

I cannot find any evidence of the existence of any authentic code of laws or customs earlier than that which was drawn by a jury empanelled by order of Parliament in 1647, a very early, if not a contemporary copy of which in MS. I have now the pleasure to exhibit. In my present notice of the Customs, however, I purpose to confine my observations to such only as I have found entered and illustrated in the records themselves; and I take this early opportunity of expressing my great obligation to Mr. Meyler, the deputy-steward of the Manor, and a zealous and valuable member of our society, for the facilities he has kindly afforded me in my investigations in the Exchequer. I feel it is utterly impossible to lay before you anything like a complete account of all that is peculiar in the Customs of this Manor within the limit of time properly assigned on these occasions. I will content myself, therefore, with pointing out as briefly and clearly as I am able, some of the more interesting features :—

ALIENATION.

The powers which the tenants exercised in the disposal of their customary lands were very extensive and very varied. 1.—They had power of sale, by *absolute surrender*. 2.—By what was termed a *dayne-surrender*, a tenant of the Manor was able in his lifetime to dispose of his customary

lands to any of his family or others, on condition that a fixed annuity was paid to him during his life, or some specific provision made for his sustenance and support. In surrenders of this character clauses were inserted which gave the surrenderer power to resume possession of the estate in case conditions specified were not fulfilled. 3.—The tenants had power to make *conditional surrenders*. These forms were universally employed in the place of, and for the same purpose as, marriage-settlements. They were also used, and still are used, for *mortgages*. Whenever any tenant of Taunton Deane borrows money on the security of his customary land, he surrenders that land to the mortgagee, on condition that when the debt is discharged the surrender becomes void. Thus all mortgages of Taunton Deane lands are on record, and a public and authentic registration of mortgages is secured. 4.—Lastly, the tenant had power to make a *dormant surrender*—that is, a surrender to certain trustees for the purposes of his will. This surrender remained valid for seven years, and became void if not renewed after that time. Before the passing of the Act (55th Geo. III.), by which the necessity of such provisions was repealed, no disposition of Taunton Deane lands by will was valid without this dormant surrender. I know of a case in which an old lady left all her customary-hold land in this Manor to be equally divided between her nephews and niece. She had made the dormant surrender in due form, but it was found to have expired a few weeks before her death. When the provisions of her will came to be carried out it was found that as to her customary property she had virtually died intestate, and her land descended to her youngest nephew according to the Customs of the Manor. I have made copies, by way of illustration, of all these several surrenders, which are

extremely interesting and instructive. I need not trouble the audience with them at present, but I shall be happy to show them to any of the members who may be specially interested in such studies.

Further, it is to be observed that these surrenders are not valid unless they are made in the presence of the steward or his deputy, and witnessed by tenants of the Manor. The place and time are not material. Not long ago, as a tenant of this Manor, I was called upon in London to witness a surrender, and thereby I was able to save the surrenderer a long and expensive journey to Taunton. Now that the three weekly courts are not held, in order to facilitate surrenders, I hear it is not unusual to admit a certain number of attorneys practising in Taunton as tenants of the lord's waste—a tenancy purely nominal, but which constitutes them valid witnesses of surrenders made in their presence.

MAJORITY.

Here an important and interesting question presents itself. At what age did tenants of this Manor attain their majority? When did they become legally capable of exercising the powers of surrender and disposal? We know that elsewhere customs vary in regard to this. In some boroughs infants were held to have attained their majority when they became able to measure a yard of cloth. In Kent the tenant in gavelkind attains his majority at 15. But in this regard our neighbours in the town of Bridport carry off the palm. On an *inquisitio post-mortem* held 53^o Henry III. (1268), the jury made a presentment, "That the heir of a certain John Gervase was of full age (according to the use and customs of Bridport) on the day of his birth."* We do not find that the tenants of the

* Esch. Roll., 53, Henry III.

Manor of Taunton Deane ever regarded themselves equal in this respect to their neighbours in the borough of Bridport. I find, however, that in the 7th James I., a certain George Reve, of the tything of Staplegrove, was considered capable to make a surrender at the age of 15, he being then *in extremis*.

The most curious illustration of the Customs, as bearing upon the question of the age at which a tenant attains to majority, occurs in the records in the 10th year of Queen Elizabeth. It is a surrender taken before Hugh Norris, clerk of the Castle of Taunton, on the 23rd of June, 10 Eliz. (A.D. 1568) in the presence of John Frauncis, Esq., of Combe Florey, and others. I cannot do better than give you the exact terms in which the entry is made. Happily for many of my hearers the bulk of this is not as usual in Latin, but in good old English, corresponding (in character) to the sturdy character of the young lady by whom the surrender is made.

“ Elizabeth Colles filia Johannis Colles *alias* Joye sursumreddidit in manus dominæ reginæ j mes et j dimid virgat ter' nat, &c., voc' Met-hay, et 3 acr. tr. voc. Whitmore, &c., &c., in decenna de Burland, ad opus et usum Anthonii Gonstone, heredum, &c., &c., habenda sub condicionibus sequentibus, viz. :—

The condicion of this surrender is such that yf the sayd Anthony Gonstone do take to wyfe and marrye according to the solempnisation of holly churche the abovenamed Elizabeth Colles between the time of xij yeres and xiiij yeres of hir age that then this surrender to be voyd and of none effect, or otherwise to stand and be in his full power and strengthe, provyded always that yf the said Elizabeth Colles do dye before marryage had with the said Anthony Gonstone, or otherwise refuse to marrye wyth hym at the

tyme apoynted ; that then the said Anthony and his assignes to have and enjoy all and singular the premises abovenamed during his natural lyfe onlye, and after his decease the same premises to remayne to the said Elizabeth, her heyres and assigns for ever according to the customs. Furthermore, and yff the said Anthonye do marrye with the said Elizabeth according to the intente of this surrender, ymydyatelye upon which marryage the premises do wholly fall into th'ands of the said Anthony by custom of this Manor ; then the said A. G. shall forthwithe surrender the said premises into the hands of the clark of the castle upon condycion that yf he should dye before the said Elizabeth do attayne the age of xv. yeres, that then the premises shall remayne to the said E, her heyres and assignes according to the customs without any alienacion or surrender of the premises to any person or persons, &c.

Capt' per me Hugone Norris clerico castri de Taunton et Taunton Deane, xxij die Junii Ao Regni d'ne nr' Elizabethæ x. In presencia Johannis Frauncis ar. Thomas Coke, &c., ten' d'ne Reginæ ib'em, et ulterius in presencia Johannis Kinglake, Johannis Gonstone et Thomas Hollwaye."

You will observe that at the time this surrender was made, Elizabeth Colles, *alias* Joye, was evidently between twelve and thirteen years of age, otherwise there would have been no need of a condition to the intent that the surrender would become void in case Anthony Gunstone married her within that period. Hence it follows that in the early part of the reign of Queen Elizabeth the tenants of this Manor attained their majority at the age of twelve years, and were then legally competent to dispose of their customary estates. In the second place, by the guarantees incorporated in the surrender, this young lady forestalled

the possibility of any action for a breach of promise of marriage, forasmuch as she provided distinctly that "yf she refuse to marrye with the said Anthonye at the tyme appointed," then she forfeited her estates to the said Anthony "during his natural life." Further, it will be observed that, knowing her husband might (according to the Customs of the Manor) claim to be admitted by the courtesy of Taunton Deane as a tenant for her estates immediately after their marriage, this prudent young lady, in her own interest and for her own protection, imposes a condition on her future husband to this effect : that immediately on his succession he shall surrender the said premises to the clerk of the castle, so that if the said Anthonye Gunstone should die after their marriage and before she attained the age of 15 years, "the premises should remayne to her and her heirs." This surrender was made on the 23rd June, 1568. In the year after the following entry was made in the parish register of Combe Florey :—

"Anthonie Gounstoune and Elizabeth his wiffe were maryed on the xvij. day of July, 1569."

From this it would appear that the favoured suitor was not kept waiting very long after the time specified in the agreement.

THE COURTESY OF TAUNTON DEANE.

From an observation made in my remarks on this surrender it will be seen that the rights conferred by the Courtesy of Taunton Deane are far more extensive than those conferred by what is termed the Courtesy of England ; for while by the latter the husband is entitled to a life-interest in his wife's estate of inheritance only after the birth of issue from the marriage capable of inheriting ; by the Customs of Taunton Deane, on the other hand the husband may at once claim to be admitted as tenant for his

wife's estates, and on producing legal evidence of marriage, is so admitted, and the property becomes vested in him.

DOWER.

While the Customs of the Manor in this particular certainly do seem to confer on the husband great power and control over his wife's customary-hold estate, it is but right to observe that, by way of compensation, the provisions made for the wife's dower are far more liberal than those which the law of England allows.

Elsewhere, if a husband dies intestate, the wife succeeds only to a third part of his property; but in Taunton Deane, under these circumstances, the wife is endowed of *all* her husband's customary tenements.

The wife, as "next heir unto her husband," succeeds to all her husband held under the Manor, and "holds the same unto her and her heirs." If, after being duly admitted as tenant, the widow should subsequently re-marry, and neglect to protect herself, as the young tenant of Combe Florey did, then her second husband might claim the lands which descended to her through her first husband, notwithstanding that children by the first marriage were living. And in case his wife should die before him, the heirs of the second husband, and not those of the first, would inherit. I am not now stating an hypothetical case, but one that has actually occurred in Taunton Deane within a very few years past.

DESCENT OF PROPERTY.

Another very peculiar feature in the Customs of Taunton Deane presents itself in the laws which regulate the descent of property in the Manor. The resemblance which exists between these and the Customs of Kent, and also those known as Borough English, taken together with the fact that this important Manor had its origin long

before the Norman Conquest, leads to the conclusion, I conceive, that these peculiar customs are of Saxon origin. Amidst all the changes that have taken place in England during the last thousand years, it is curious to note that the Manor of Taunton Deane has thus retained up to the present day the same rules as to succession which prevailed here before Alfred was king. We have now to treat not of the dead past, but of the living present, seeing that these regulations are still in force in this Manor.

If a tenant of this Manor dies intestate, his wife inherits as next heir to all that her husband held under the Manor. She is admitted as tenant in his place, and the succession is to her heirs, and not to the heirs of her husband.

If a tenant dies having no wife at the time of his death, and having but one son, that son inherits. If he has more than one son, then the youngest son inherits. In like manner, if one daughter, she would inherit; but if there are more than one, then the youngest daughter becomes the heir.

If a tenant dies, leaving no wife nor children, then the succession would descend to the youngest brother of the whole blood, or, in default, to the youngest sister. So, in like manner, the youngest nephew, or the youngest niece, in the absence of nephews, would inherit in preference to her eldest sisters. In short, according to the Customs of this Manor "the youngest next of kin of the whole and worthiest blood" inherits.

I do not profess to give the grounds and reasons upon which this custom was based. Some think it arose from excessive power and control which the feudal lord had over his vassals. I am myself inclined to look upon it as an outgrowth of the simple habits of early times. When the elder sons and daughters came of age they left home,

settled in life, and no longer needed any provision from their father. The youngest would be left at home, and the homestead would descend to him as a provision for his support. Be that as it may, such are the customs which prevail in this Manor, and which have all the force of an imperial enactment; and I need not point out how different they are from the laws of primogeniture, which are of a much more modern origin.

ESCHEAT.

I now came to another incident of customary holding in Taunton Deane—Escheat. In this particular the powers of the feudal lord here would seem to have been far greater than in other Manors; for while elsewhere, in olden time, cowardice in the field of battle, and in later times, treason and murder and felony, determined the feudal connection between the tenant and his lord, and his land was forfeited, here, in Taunton Deane, the connexion was severed and the land was escheated even if one tenant prosecuted another tenant in any court of law other than that of this Manor without license. Thus I find in the Records* that certain lands in the Tithing of Holway belonging to Thomas More de Priory came into the hands of the lord as his escheat (“*tamquam escaetam suam*”), because that the said Thomas More had entered proceedings in the King’s Bench, Westminster, against William Horsey and John Gael, tenants of this Manor, and had caused them to be placed under arrest without license obtained from the Lord of this Manor. I am half tempted to believe that this excessive severity may have been partly due to the ill-feeling which sprang up in Mary’s reign against men like More, who had become the owners of the

* 5 and 6 Philip and Mary.

property of religious houses. Nevertheless, I find the same course repeated in the 3rd of Elizabeth, when the lands of Will. Wylles, of Poundsford, were escheated for the same cause, the offence being aggravated in his case by a rebellious spirit which he had manifested.

After the 3rd of Elizabeth, however, I do not find in the record any entries of this character, the breach of this custom being uniformly punished by a money fine, which was always rigidly enforced. Hence the frequent entries of "*licencia prosequendi*," which occur in the Records. So stringent was this rule that one tenant should not prosecute another tenant in any other courts of law than those of the Manor without license, that in the 12th of Elizabeth, Henry Portman, while serving the office of High Sheriff, sued for and obtained a special license for all such prosecutions in the Manor as he might be called upon to authorise in his official capacity. Most of the prosecutions were instituted for debt, some for libel—*pro verbis scandalosis*—and some for tithes in the Ecclesiastical Courts. Throughout the reign of Elizabeth there is obviously a growing disinclination to appeal to the local tribunal, and from this time we find the law courts of the Manor occupied with cases of small debts and petty assaults. The range of their administration was very wide and varied, arising out of the presentments of zealous tithing-men. Now it is Dame Hewlet's pigs that unguarded roam in Marlin Churchyard; now it is some brewer who will charge more than fourpence a gallon for the beer he brews; then it is Eliz. Godson, who leaves a dung-heap on the highway, or Will. Dicke, clericus of Stoke qui insultum fecit super Rob. Carvannell cum pugno suo.

These presentments are almost invariably expressed in

Latin, and sound extremely ludicrous; thus, *Ruishon, Decennarius presentat quod Will. Webber insultum fecit super M. Chaplin cum pruno baculo et extraxit sanguinem: ideo in miserecordia. ixd.*

The powers and jurisdiction of the tenants of the Manor legally assembled evidently included all the powers now exercised by the Board of Health, the Board of Guardians, and the Highway Board, and, still further, those of the Commissioners in Lunacy! They also exercised a severe moral supervision over the district, as will be seen from an order made in the 17th of Elizabeth, "that John Henly, of Hull's Bishop, should turn out certain sub-tenants of ill fame before the Feast of the Annunciation, or pay a fine of 40 shillings!" One very extraordinary instance occurs of the control which the court had over the estate of a tenant, presents itself on the Records, in the 29th of Elizabeth. It is expressed in the terms following: "Whereas Will. Glasse maketh havoc and waste of his tenement and doth wastefully spend the profit thereof so that his poore wyfe and her childe live in great want—it is ordered that the same tenement be seized by the bailif of the libertie, and a moietye of the yearly rent be employed for the maintenance of the said wyfe and childe." But this is not all, for the order proceeds—"And yf he resist the execution of this decree then he shall be taken and imprisoned in the ordinarie prison of the Castell of Taunton until he will agree unto the performance hereof!"

I leave this decree to speak for itself, and I make no comment other than this—that while this order undoubtedly approves itself to our moral sense, it is one which it would be extremely difficult to carry into effect legally in the present day.

There was one duty which the tythingman discharged

with evident delight, namely, that of making presentments of such bond-land tenants as were non-resident and neglected suit of Court. In this matter there was no respect of persons, as will be seen from the following entry:—“South-fulford : Decennarius ibidem presentat quod Johannes Popham miles, Capitalis Justiciarius dne Regine de Banco, liber tenens sectam debet curiæ, et fecit defaultum.” It was, verily, a striking instance of imperium in imperio when the law-court of this Manor imposed a fine upon the Chief Justice of England for non-attendance and for failure in suit and service !

This obligation of “Suit of Court” made a very serious demand upon the time of the tenant in former days, for besides the “three-weeken Courts,” they were obliged to attend on the two chief law-days, the one called Turnus de Hoche held in the spring, and the other the Turnus de St. Martin, which was held in September. Hoche-tide we know commenced on the third Monday after Easter-day, and the time of holding the Court seems to range from the beginning of March to the end of April. I can find nothing in the calendar to account for the Tourne of St. Martin in September.

From a very early period down to the beginning of the reign of James I. entries frequently occur in the Records of licenses, obtained and paid for, to reside elsewhere than on the bond-land tenement, to be exempt from the three-weeken Courts, and sometimes to be relieved entirely of suit of Court. These and a great many other peculiar customs I am reluctantly obliged to pass over rather than weary you in the recital. They deserve, however, to be on record in our Proceedings, as land-marks which help to show what our institutions have been, and how they have changed for the better.

HERIOT.

There remains, however, one incident of bond-land tenure in this Manor which must not be passed over, inasmuch it continues in as full force in the present day as when the vassal was bound to take the field, armed and well mounted, in the service of his feudal lord. I refer to the *Heriot* payable on the death of a bond-land tenant. I cannot but think that this is a relic of old military tenure, as the word itself seems to show. The *Heregeat* would be "that with which the warrior went forth," that is, his war-horse and his armour. These would naturally be looked upon as the property of the feudal lord, and would be accounted for by the successor of a deceased tenant. When military tenures were abolished, the custom of heriot was retained in Taunton Deane, and the lord claimed the best chattel, "quick or dead," on the tenement. It is so still; and if a tenant die possessed of two or more bond-land tenements, then a heriot is demanded for each separate holding, whatever may be its extent or value. Not long since the owner of two small plots of bond-land died in the neighbourhood of Taunton, and his two best carriage horses were seized and taken as heriot on behalf of the lord of the Manor.

ENFRANCHISEMENT.

Under these circumstances one is not surprised to find that the tenants from time to time have sought by purchase to relieve themselves from these burdensome obligations. And as this freedom was obtained by the payment of heavy fines it is not surprising that the lords of this Manor, who possessed only a life-interest in the estate, were always ready and willing to enrich themselves in this way, even to the loss and impoverishing of their successors. Many of the Bishops of Winchester would seem

to have made a very good thing of this power of enfranchisement, good for themselves but not for the see. When the Manor was sold by the Ecclesiastical Commissioners, it realized very little more than used at one time to be its annual income; the process goes on from year to year, so that the market value of the Manor is continually diminishing. In fact, the princely domain of the old lords of this Manor is melting away so fast that it is now but a mere airy shadow of what it used to be, and is rapidly sinking into the condition of an archæological relic, existing only on paper and within the folds of its dusty pipe-rolls. This, however, makes the subject not less, but more interesting to the antiquarian. There is, therefore, the more reason why this society should endeavour to place on record as complete an account as may be of its Customs and rules. In many respects much that is peculiar in the Customs of this Manor forms an important link, connecting the institutions under which we live with those which our forefathers originated. Without a knowledge of the past it is impossible fully to understand the present, and it is vain to hope to provide wisely for the future.

In concluding this long, yet necessarily meagre sketch, I regret that time will not admit of my passing in review the deeds and lives of the wise and good and great men to whom the tenants of this ancient Manor have done fealty. There is no great or grand event hardly in the history of England with which the lords of this Manor in ancient times were not associated. When I mention the name of the Sainted Swithin, of Stigand, the devoted friend of Eadward and Earl Godwine; when we remember that Henry of Blois, grandson of the Conqueror, and Harry Beaufort, son of John of Gaunt, and Wolsey, the

Cardinal, all held this Manor; when we recall the names of William of Wykeham, of Waynesfleet, and of Richard Fox, what is there that is great and grand in the history of our country which does not rise up before our eyes! The temptation is great, but I resist. I close, as I feel I should do, with cordial thanks to my hearers for the patience with which they have listened to my story.

* * This Paper is printed as it was read, except that one clause is left out from the paragraph relating to the "Courtesy of Taunton Deane," in consequence of a statement made at the Meeting by the Deputy Steward, Mr. Meyler. All that is now given is based upon entries in the Records themselves and on the "Customary," presented by the Jury in 1647, by order of Parliament.

W. A. J.