

On a Map of Mendip.

BY THE RT. REV. BISHOP HOBHOUSE.

[The map to which the following paper relates is now in the Wells Museum, through the kindness of Bishop Hobhouse. Three or four others, slightly differing from this and from each other, are at present known. One, painted on canvas, was kindly presented to this Society by Mr. William George, in 1875, and is now in the Museum at Taunton. This map was purchased by Mr. George at the sale of the effects of the late Mr. Joseph Edgar, Attorney, Weston-super-Mare, in February, 1854. The Rev. G. G. Beadon, Rector of Axbridge, saw the map soon after it came into Mr. George's possession, and stated that he had seen it, or a similar one, hanging on the wall of the Axbridge Town Hall. There were four Lordships of the original Forest, all subject to the same code; and the laws, as settled by Sir Richard Choke, in 1470. known as "Lord Chocke's Laws," are inscribed upon the map in question. A full copy of these was given in the *Proceedings* of this Society, vol. xv (1868-9), Part II, p. 1.

Inasmuch as each lord of the respective manors was "to Keepe two Mynerie Courts by the yeare," it is assumed that the laws, with or without a map, were hung upon the wall of each of the four courts, of which one was probably at Axbridge. These mining laws were printed in 1687, over two hundred years after Choke's time, with the following title:—"The Ancient | Laws | customs, and orders | of the Mines | in the King's Forrest of Mendipp | In the County of Somerset. | London. | Printed by William Cooper at the | Pellican in Little Britain. 1687."

The map, for which the Society is so deeply indebted to Mr. George, is of very considerable value, and could have been sold at a high price had not its owner presented it to the museum of his native county.

The following is an exact description of the map:—"An ancient map of *Mendip Forest*, with its adjacent *Villages* and *Laws*, on which are shown its various *Mineries*, surrounded by views of its many (about forty) Parish Churches, the Cathedral of Wells, and several old Houses. On each side are the ancient *Minery Laws*. Painted on canvas, five feet by two feet four inches, inclusive of its narrow black frame."

The third map known to exist, belonging to Mr. Horner, is described *post*, on page 71. There is a fourth map in the Waldegrave Estate Office at Radstock (*see* vol. xxxvii, Part II, p. 87, *Proceedings* of this Society); and a fifth in the possession of Mr. T. H. Baker, Mere Down, Wilts. From the number of these Maps still remaining, it is presumed that not only the courts of the four Lords Royal, but also those of every manor claiming mining rights and adjoining the Forest possessed one of its own.—ED.]

OF its history nothing is known but what can be gathered from its face, and from a few papers accompanying it. It is endorsed in what looks like seventeenth-century hand: "Mendip Mappe. Ashweek Court Rolls—something concerning the bound. . . ." Again, "Received from Earl Fortescue with Title deeds of the Manor of Ashweek, which I purchased. J. C. Hippisley."

It was, therefore, the property of the lords of the manor of Ashwick, but must have lost its manorial value upon the Enclosure of Mendip by Act of Parliament, 1795, which now regulates whatever common rights have survived.

Sir John Coxe Hippisley, of Stoneaston, bought the manor *circa* 1790. His representatives sold it in the first thirty-five years of this century.

ANALYSIS OF MAP.

A large oval space, one foot eight-and-a-half inches by one foot five-and-a-half inches, surrounded by strong lines, represents the area claimed as common, reputed to measure twenty miles from east to west. Outside the lines the parishes claiming commonage are represented by churches, the claimant hamlets by cottages. Within the oval lines the claimant parishes and hamlets that lie within the common are represented in like manner.

At the east and west ends of the oval are entries in Elizabethan writing, which reveal the purpose for which the map was used, perhaps made.

The entries were deciphered and copied when the map was exhibited to the London Society of Antiquaries, by Sir J. C.

Hippisley, in 1809. The copies marked *A* and *B* have been kept with the map.

From them we learn that the owner of Charterhouse, the son of Mr. Robert May, had been making encroachments on the common, horning (or hounding) and pounding the commoners' cattle, no doubt by driving them off to the pound of his Liberty with dogs and horns. The inference is that he claimed for the Charterhouse Liberty full manorial rights, with freedom from liability to commonage. Against this the commoners assert as fact that none of his predecessors had made such a claim, neither the prior of Witham, before the Dissolution, nor the grantees (first, Sir Fitz-James, second, Sir Ralph Hopton), nor Mr. Robert May, who bought of the Hoptons.

They assert that the whole area (twenty miles, east to west) is the Queen's Forest (whatever that may mean), liable in its length and breadth to the run of their beasts.

They appeal to Chief Justice Chock's judgment, in Edward the fourth's reign, in support of their claims. They define the right of every tenant or commoner to be nothing less than "turning forth at his lett to the common of Mendip in the summer as he is able to keep upon his tenement (*i.e.*, his holding) in the winter."

This right (they assert) is unstinted in range within the forest "to goe upon whose grounde or liberty they shall happen to come, without horning or pounding."

Any trespass on these rights involves (they say) forfeiture of one hundred marks to the king.

Against most of the churches there are two names written, probably the deputies who were sent to the meeting; and against many of the names a number, varying from thirty-eight to eighty. The number may, perhaps, mean the head of cattle for which pasturage was claimed by the locality, but there is nothing to show its purpose.

REMARKS.

The commoners do not claim to be convened by authority, or to have any power to enforce orders or levy penalties. They depose to facts and assert franchises, written and unwritten, and hope for competent avengers of wrongs, "Trusting that it is in such good menn's handes that it may be brought to some godly order and redresse for our reliefe."

They do not refer to any known metes and bounds ascertained by record, or by recent perambulation. If they had, they would have ruined their claim all along its boundary line. "This is not unknowne to all men," is the vague ground of their claim for the extent of the Queen's forest, which they rudely delineate on their parchment with a perfect and regular oval, defying all unevenness of surface.

The term "Forest of Mendip" was used in very variable senses. As used in common speech, it meant the large unenclosed area on the heights of Mendip, roughly guessed by the commoners at twenty miles east and west.

In the records it was closely defined. First, for mining purposes, it was parcelled out to four Lords Royal: (1) the Bishop of the Diocese, (2) the Abbot of Glaston, (3) the Lord of the Manor of Chewton, (4) the Lord of the Manor of East Harptree, *alias* Richmond. Each of these lords had his own bounds, well known and watched for the purposes of minery jurisdiction by the Lord's Lead-Reeve and his court.

A reference to these court books, then in open use, would have settled the bounds of the king's forest accurately. So would a reference to the official perambulations of the hunting forest. That of 1298 was minutely recorded, and the record placed for reference in the charge of the Chapter of Wells. That record shows that for hunting purposes some large portions embraced in the map as royal forest were exempted from the forest jurisdiction, which, after the authorised reductions, covered little more than the parishes of Cheddar and Axbridge.

The term "forest" was evidently used very vaguely; sometimes for the hunting area, sometimes for the mineral area, sometimes for the whole unenclosed waste on the top of Mendip.

The area covered by the ancient rules, ratified by the Lords Royal and the King's Chief Justice in Edward the fourth's reign, was presumably coextensive with the well-defined jurisdictions of the four Lords Royal.

NOTE ON LORD CHOCKE'S LAWS

For the Mining Jurisdiction of Mendip, as printed from a private copy in Phelps's "Somerset," in vol. ii, p. 5.

[*Other copies have been printed by Billingsley, in his View of Agriculture in Somerset, 1797, and by this Society in Proceedings 1868-9, Part II, p. 2. There are unprinted copies in the hands of Mr. Edwards, of Wrington, and Mr. Serel, of Wells, and in the Bishop's Registry.*]

Owing to misunderstanding between Lord Bonville's tenants in the manor of Chewton, and the prior of Greenore,¹ the prior invoked the supreme authority of the Crown, *temp.* Edward IV, *circa* 1470.²

The Lord Chief Justice Chock, a Somerset man, convened

(1). Greenore was a cell of the priory of Hinton Charterhouse. The estate embraced Whitnell, and was capable, besides its mineral value, of maintaining a large flock of sheep. These were managed by some of the brethren, the senior of whom was called prior. The Carthusian Order was endowed with singular exemptions from civil as well as ecclesiastical interference. Probably some claims of immunity had involved them with the men of Chewton.

(2). The Crown jurisdiction not being clear, the parties probably agreed to a reference before their Somerset neighbour, Sir J. Chock. This accounts for his taking consent of parties at outset. Had he come with a plenary crown commission there would have been no need to ask consents to his judgments.

the four Lords Royal and all the commoners at a place called the Forge in the Bishop's Liberty. Lords and commoners all agreed to abide by the judge's award, which is stated to be enrolled in the Exchequer.

Thereupon the four lords "agreed to grant that the commoners should turn out their cattle at their outletts as much in the summer as in the winter, without hounding or pounding upon whose grounds soever they (the cattle) went to take course and recourse," *i.e.*, free run over the whole common area. A bond to this effect was sealed by the lords, under pain of one thousand marks forfeiture to the king, or, if broken by the commoners, forfeiture of body and goods. This was the only regulation touching pasture. If the prior's complaint was against the commoners' *pasture* claims, he lost his suit.

The other laws, ten in number, relate to mining, except the tenth, which relates to the treatment of the dead. It lays upon the members of the community the duty of recovering the dead from any depth where death has found them, and of carrying the corpse to Christian burial, but it frees them from the common-law duty of waiting for the coroner. In so doing, it contravened the law of the realm.

The code is stated to be a ratification and enactment of the unwritten customs which had long ruled the community: they now obtained the force, not only of common consent, but of royal recognition. They are very ancient, for, like those which govern the mining folk of the Peak of Derbyshire, they give the right to the miner to enter and try any man's land for ore, a right evidently dating before the land had acquired any agricultural value accruing from enclosure.

The last resort, too, for outlawing the unruly member by burning, is a rough exercise of communal authority, savouring of early times, when the central authority was weak and Judge Lynch was both needed and tolerated.

The chief justice was called lord only as a judge.

The "10,000 commoners" is, no doubt, an ample estimate of an assemblage, larger than ever before seen on the hill.

"Commoners" seems to mean both the community of miners and also the dwellers in parishes and hamlets claiming commonage rights for cattle.

THE CHOCKS* were of Long Ashton. Richard Chock, of Stanton Drew, who became Chief Justice of England, bought Long Ashton in 1454. He died 1486. A chantry of six priests was founded by his widow and son in Long Ashton church. He had a son, John, whose son, Sir John, in 1506, sold Long Ashton to the Daubenys, who sold it to Sir Greville Smyth's ancestors about 1540.

* [We find the name spelt in several ways—*Chock, Chocke, Choke*, and Rev. F. Brown, who says Sir Richard Choke (L.C.J.) died in 1483, spells his name *Chokke*. See *Genealogical Collections*, M.S., vol. iv. ED].

MAP OF "MYNEDEEP FOREST."

In possession of J. F. S. Horner, Esq., of Mells.

It is painted on panel, the frame of which measures six feet by four feet nine-and-a-half inches outside. Its date and origin are unknown. It did not come into the Horner family till about fifty years ago.

It is conceived on a plan similar to that of the Ashwick map of Elizabeth's reign, now in the Wells Museum, *viz.*, that of an oval area, with churches planted round the border outside, and nine churches, with four mineries, within, but it was designed for mining purposes, and not for commonage claims like its congener.

It differs from the Ashwick map as follows:—

- (1) The oval plan is broken by two horns running out westwards.

- (2) It exhibits thirty-six churches, including the cathedral, and sixteen places, not parishes.
- (3) It exhibits two pictures of mining works, one above ground, the other below.
- (4) It exhibits the record of Lord Chock's arbitration, and of the customs ratified by him, thenceforth called his laws.
- (5) It exhibits four mineries instead of three.

This map was exhibited at the Society's meetings at Shepton Mallet and at Wells, 1888. (See *Proceedings*, vol. xv, part ii, p. 2; vol. xxxiv, p. 47.)