

Hudford and its Church.

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IT is now generally admitted that the Southern Counties, if not the more remote parts of England, were studded with parish churches long before the Norman Conquest, and that their omission from the Domesday survey is quite compatible with their existence, as they were not liable to the taxation, which it was the object of the survey to record. The companions of the Conqueror, however, who shared in the fruits of his victory, and their successors, must have been sadly at a loss how to dispose satisfactorily of the Church patronage which fell to their lot, and were, no doubt, besieged by hungry applicants for a slice of it. It is by no means clear what were the exact rights of ownership over an "ecclesia," conferred on the grantee of the manor to which it was appendant. From one point of view it may be supposed to extend only to the advowson or right of presentation; but that implies some episcopal control, whereas there is no trace of any confirmation by the bishop in foundation charters of that early period, and tithes and portions of tithes were alienated in favour of religious houses at the sole will of the owner, without control either episcopal or otherwise.

From another point of view, it may be asked, was the right personal to the lord as a manorial right, or did it pass to the tenant who held under him; in the prior case (taking the Montacute foundation charter as an example) the grant by the

lord (the Earl of Moretain) alone was sufficient to give it validity, but in the latter, the concurrence of both lord and tenant was necessary, the one as over-lord and the other as terre-tenant. On the whole it may be surmised whether it was not from motives of prudence as well as piety, which induced the Norman lords, under the advice, probably, of their bishops, to relieve themselves of the responsibilities entailed on them by their spiritual possessions, and to transfer them to religious establishments of their own foundation, by whom they would, in their judgment, be perpetually and more wisely administered.

If there be any ground for such a theory, it may have influenced William, Earl of Moretain, in his foundation of the Priory of Montacute. His original endowment of it included no less than fourteen churches in Somersetshire and the adjoining counties, that of Mudford being included as "the manor, church, hundred and mill of Modiforde."

Beyond this foundation charter and the Royal charters confirming it, there is no mention of the church of Mudford in the Montacute Cartulary, lately printed by the Somerset Record Society, until the episcopate of Roger, Bishop of Bath and Wells (1244 to 1247), who confirmed, by *Inspeximus*, a charter of "Theodoric, son of William," whereby with the consent of Beatrix his wife, and Henry and William his sons, he conferred, as lord of the soil, the church of Modiford on Joceline, the Prior and the Monks of Montacute "in pure and perpetual alms." The charter (No. 48 of the Wells Cathedral Charters, *Hist. Comm. Report*, see appendix to this paper) is undated, but from other deeds in the Cartulary it appears that Joceline was Prior in 1187, and that Durand, his successor, was in office in 1192.

As the Priory had held the church more than 100 years under the Earl of Moretain's grant, this charter must have been only a confirmation by Theodoric, the then lord of the fee, and is an example of the caution of monasteries in fencing

the title to their estates by procuring confirmatory grants from the actual and expectant heirs of the original donor.

But in this instance, it may be that the Priory was influenced by the fact that they were about to dispose of their right to this church, for by a co-temporary charter (No. 25 in the same collection), but scarcely legible from mutilation, it appears that Mark the Prior and the convent, in gratitude to Jocelin, Bishop of Bath, for appropriating to them the churches of Montacute and East Chinnock, granted the church of Modiford to that Bishop and his successors in perpetuity, saving always the tithes of their demesne comprising, amongst other lands, Bernarde'scrofte, Bimphegh, Bimphehort, Estinlond, Blakepol, Middlefurlong, La Sulue, Tonfurlong, Ferncroft, Eldelond, Westinlond, La Breche, Two Meadows, Estmede and Northmede, and the mill held by the miller in villenage. The witnesses to this charter were Master William, Archdeacon of Wells, Master Walter de St. Quintin, Lord (Dominus) Henry, parson of Tintenhull, Robert, Clerk of Cynnock, Robert de Aula and others. Given in the Chapter at Montacute on the feast of the Blessed M anno nono [—]. Notwithstanding that, upon the face of it this grant was a pure piece of gratitude to the Bishop for his kindness to the convent, it may be questionable whether the whole affair was not a commercial transaction for exchanging the church of Mudford for the appropriation of the churches of Montacute and East Chinnock, for although such "chopping of churches" would savour in modern times of simony, such an offence would be overlooked if it had episcopal sanction. Religious houses were not very scrupulous in dealing with spiritualities. Many instances can be found in which they trafficked in churches and in the foundation of chantries, oratories, and such like; and investigation would reveal the fact that their prayers were generally *purchased* by those who sought to secure a perpetual sanctuary for their souls.

The cautious monks did not rely for their title to their

demesne at Mudford upon the saving clause in the grant as that document would be in the hands of the Bishop, and they therefore took a new grant from the Bishop, dated on the feast of St. Michael A.D. 1239. It is No. 182 in the Montacute Cartulary, and enables us to supply accurately the names of the demesne lands contained in the above mentioned mutilated charter.

As already remarked the ostensible motive for the grant of the Church of Mudford, was, no doubt, the appropriation to the Convent of the Churches of Montacute and East Chinnock, the advowsons of which they already possessed by the foundation Charter of the Earl of Moretain. There is fortunately amongst the Charters in the Bodleian Library (No. 46), the original instrument of appropriation by Bishop Jocelin, and as the transaction is so closely connected with the transfer of the Church of Mudford to the Bishop, a summary of its contents will not be out of place here.

The Bishop who styles himself, or is described by the writer as “*Salisburyensis Episcopus*,” tells us (in a charter dated in the month of March, in the thirty-second year of his episcopate—which term is unusually varied in this instance to pontificate), that out of consideration for the poverty of the Cluniac house of Montacute, and the necessity for better provision for their exercising the duty of hospitality, and after taking counsel of practical men and those learned in the law, he had ordained that at the next vacancies the prior and convent might convert to their own uses the churches of Montacute and Chinnock, of which they had the patronage, subject to a proper endowment for a vicarage in each church, this being the only point on which he and his successors had a right to require. Accordingly the vicarage of Montacute was to consist of all the small tithes (except those from the demesne lands of the prior and convent); also of all oblations and altar-offerings except those at the chapel of Hamedone and the castle chapel. A corrody of one monk was to be appropriated to it, and the monks were to give

up to it the candles and wax offered at Candlemas, and the offerings at the two first masses on Christmas Day and those on Good Friday, which they had been accustomed to receive. Indeed, the vicar was to have all the offerings of the entire parish, with the single exception of the corn tithes. The grange that belonged to the parsonage, together with one half of the yard between the wall of the old grange and the outer wall of a certain house, next to the gate, by which the parson's court was wont to be entered, were to become the property of the monks, but they were to make a sufficient fence between the grange and their yard and the court, which was to become the property of the vicar, nor was there to be any opening in this fence in the direction of the vicar's house, which used to belong to the parsonage, but was now to be his. As a final condition, the monks were to assign to whomsoever should be vicar, all and every tithe from the whole of the land in the parish of Montacute, known by the name of 'la hyda.'

As to the vicarage of the church of Chinnock, it was to consist of all the small tithes of the parish, except those from the demesne of the prior, of all the altar-offerings, of the hay tithes, of the whole demesne of the church there, and of all other offerings of the entire parish; the monks, for their part, were to have nothing but the corn tithes, the granges which belonged to the parsonage, and the "churechsectum;" they were to put up a sufficient fence to separate these granges from the vicar's manse, which had belonged to the parsonage, but was then to be the vicar's own.

The vicars were thenceforward to serve the churches in person honestly and properly. They were to answer to the archdeacon and his successors for the "sinodals" and "cathedraticum" (which the bishop now doubled in compensation for the archdeacon's rights), and for the archdeacon's procuration; they were also to bear all charges on their churches, including all those due by custom to the bishop and archdeacon, except those relating to the repair and restoration of the chancels,

books, vestments, and ornaments, or even the construction or provision of new ones. These charges, with any that might be made of an extraordinary kind, were to be apportioned between them (the vicars and the monks) *pro rata*.

On the occurrence of a vacancy the monks of Montacute were to present fit persons to the bishop or his successors to fill the vicarages. It was especially forbidden that the vicars should bind themselves to pay any annual pension or any other rent to the prior and convent in connection with their churches. Further provisions followed for the purpose of securing the carrying out of this ordination of the vicarages of Montacute and Chinnock without giving rise to litigious questions respecting the episcopal jurisdiction, but this portion of the instrument has become almost illegible.

Nothing further is recorded of the church of Mudford until the year 1340 (13 Edw. III) when it had been appropriated "by the Canon" to the Dean and Chapter of Wells. John de Tavistock, the Vicar, then complained that the income of the vicarage was insufficient to support the charges on it; for although he had certain houses and gardens adjoining the churchyard, and the small tithes with oblations and mortuaries, he was obliged to provide a priest to assist him. The Dean and Chapter therefore agreed to increase the vicarage by an annuity of forty shillings to be paid "out of our Infirmary;" but the Vicar and his successors were to find the assistant priest, to bear all archdeaconal burdens, to find bread, wine, and lights for the celebration of divine offices, and to repair and rebuild the vicarage house when requisite.

Coming down to modern times, we have a Terrier of the Parsonage and Vicarage of Mudford, made in the year 1634, during the incumbency of John Bois, the Vicar. It states that there belong to the Parsonage, one dwelling-house and garden, a barn, dove-house, and outbuildings adjoining, containing four acres, Item the home closes of arable, sixteen acres, Item two closes of arable lying at Waymhill, within thir-

teen acres, Item one close of arable called Shortlands, four acres, and one close of pasture called Milbreet, four acres and one close of pasture called Little Adber, two acres, and one other close of arable called Littlefield, two acres, and one little close of meadow or pasture called Pound's Close, containing, by estimation, one acre Item the first share of one acre of meadow lying in Tenenton meadow, within the manor of Nether Adber Item two acres of meadow lying in Muddy-hame Item the parsons to have the tenth cheese or tenth cock of all manner of corn grown and cut within the parish of Mudford yearly, and also the tenth cock of all grass there mown and made yearly. That there belong unto the Vicarage one dwelling-house and other outhouses adjoining, with an orchard and two gardens, and one little close of arable, one acre and half, Item for Tithes due in the Manor of Nether Adber, the tenth penny of the old ancient rent, and likewise for two grist mills, Item in the Manor of Old Sock in certain grounds there called Hitchings. The Tithes due to the Vicar is four-pence for every Beast Leaze which doth amount unto two-pence an acre or thereabouts. Item for every communicant at Easter, two pence for his offerings. Item the vicar is to have yearly of every of the inhabitants the tenth calf, the tenth lamb, and the tenth pig, and if any of the inhabitants hath but seven calves, lambs, or pigs, yet, nevertheless, the vicar is to have one of them, paying to the inhabitant one penny and half penny (the said manor of Nether Adber, the grist mills and grounds called Hitchings only excepted). Item, if anyone of the inhabitants hath but one or two or more calves, lambs, or pigs under seven, there is due to the vicar yearly an half penny apiece for every seven of them if he do wean them. Item for calves sold if under seven, the tenth penny for every calf. Item, if any inhabitant shall kill any of the calves in his house under the number of seven the vicar is to have the best shoulder. Item, for every cow milked threepence, and for every heifer, two pence halfpenny. For every colt fallen there one penny,

and if sold when he is weanable, the tenth penny. For any hemp or flax grown, the tenth sheaf or bundle, and likewise the tenth of the hemp and flax seed, when it is taken and made. Item, there is due to the vicar the tenth of any hops. Item, the tenth of apples or pears, or any other such like fruits grown and gathered. Item, for sheep kept in the parish one whole year and shorn, the tenth of the fleece wool, and for every month's depasturing in the parish and not shorn, for every twenty sheep threepence, or for more or less after that rate. Item, if any of the inhabitants do buy or breed yearly any ewes out of the parish, and after Michaelmas shall bring them unto the parish, and the same ewes there lamb, there is due to the vicar for the tenth of the same lambs but two parts, and the third part to be allowed to the inhabitant for the straying and feeding of the said ewes out of the parish. Item, for every garden, one penny. Item, for the depasturing of all manner of cattle by such as dwell out of the parish such persons so depasturing are to agree with the vicar for the tenth part. And lastly, for a mortuary due to the vicar, according to the statute. Item, if any of the inhabitants do breed any young cattle in the parish, and shall sell them before they come to the pail or plough, there is due to the vicar for the depasturing of such cattle for so long time as they have been depastured in the parish.

The Dean and Chapter granted out the Parsonage and the Demesne lands belonging to it, from time to time, on lease for lives until the year 1811, when, for the purpose of redeeming the Land Tax on their estates, they sold the reversion in fee to their Lessee, Mr. Oliver Hayward, reserving the Vicarage which they still retain.

This paper would be incomplete without some account of Theodoric the Donor and the other owners of Mudford.

By the Domesday survey, Mudford was divided into three manors or lordships :

- (1). The first, containing five hides, was held by Warmund

as mortgagee of Elward, and came afterwards into the possession of the Priory of Montacute, but it is not recorded how they acquired it. In *Kirby's Quest* (12 Edw. I), it is mentioned as Mudford Monachorum, and in the description of it in the Inq. p.m. of Robert Cryche, one of the Priors (7 Edw. IV), of the land held by him in right of his church, it is said to comprise "The manor of Mudford, in which there are 200 acres of arable, value per acre 1d. ; 20 acres of meadow, value 12d. per acre ; 100 acres of hill land 1d. ; one water mill 13s. 5d. ; Rents of assize 12s."

The estate continued in the possession of the Priory down to the dissolution of monasteries, and was granted by Hen. VIII to Richard Fermour, ancestor of the Earl of Pomfret. (*Collins' Peerage*, by Bridges, iv, 199. Pat. Roll, 36 Hen. VIII, pt. 6). Under the name of Up-Mudford, which it still retains, it was sold to Matthew Ewens, one of the Barons of the Court of Exchequer, and passed by his will in 1598 to his nephew, John Ewens. He sold it 44 Eliz. to Robert Harbyn, Esq., the direct ancestor of Col. Henry Harbin, of Newton Surmaville, the present owner.

(2). The second manor (sometimes called Mundiford), consisting of four hides and half and a mill, was held by Dode-man of the Earl of Moretain.

(3). The third manor—three hides with Stane, two hides held by Rainald under Serlo de Burci—is probably included in what is now the hamlet of Old Sock, which lies on the south-west side of the parish.¹

Collinson, in his *History of Somerset* (III., p. 221) says that the Domesday tenant of the second manor was Baldwin de Excestre, but this is an error, arising from the fact that in the Exchequer Domesday (as can be seen by the fac-simile published by the Ordnance Survey) the scribe, for want of space to enter it in the column enumerating the Earl's lands,

1. As to Stane, see "Historic Notes of South Somerset," p. 90, but I have not been able to trace the *early* descent of Old Sock.

inserted it in a smaller hand in a vacancy under the list of Baldwin's lands. Collinson seeing this and knowing that Baldwin was the ancestor of the Courtenays (and without referring to the Exon Domesday where the error does not occur) concluded that the manor descended from him to that family, whereas it came, at a much later period, from a different source, as we shall see.

It was the Moretain Manor (No. 2) which was held by the family of Theodoric or Terricus, from which circumstance it was called Mudford Terry—a word distorted by Collinson (or rather his local correspondent) into Mudford Street.

There are no means, however, of tracing the descent of the manor from Dodeman, the Domesday under-tenant to Theodoric, and it is very difficult to identify the different members of that family owing to the frequent recurrence of the same family name. We know, indeed, from the donor himself (Theodoric fitz William) that he had a wife (Beatrix), and two sons (Henry and William), and there is some mention of the family in the life of Wulfric, the hermit of Haselbury, by John of Ford, extracts from which are to be found in Leland's *Collectanea* (II. 447), viz. : "William filius Theodorici," lord of the Ville called Mudiford ; "Beatrix," his wife, and "William, son of William, son of William, son of Theodoric." In the Cottonian MS. (Faustina B iv.) there is another extract from this life, which, in proof of Wulfric's supernatural powers, relates a story, how that his friend, William fitz Theodoric, a knight of the ville called Mudiford, catching in his river there four large pike, sent three of them as a present to Wulfric, keeping one only for himself, and that on the messenger's arrival Wulfric said to him, "Your master has not divided correctly, take one back to him and then there will be equal portions," thus shewing that he knew the knight had caught *four* fish. The author goes on to say that William, son of this William, and Beatrix, his wife, testify (testificantur) their belief in the story.

Wulfric died in 1154 (1 Hen. II), and we may presume that his friend William fitz Theodoric was the person who in 1166 held of William fitz William of Haselbury two knights' fees in Somerset and by the description of "William fil Terrici de Otrehamton," another in the same county of Philip de Columbers (Lib. Nig., i, 94-97).

It will be noticed that Wulfric's life speaks of Beatrix the wife of William fitz Theodoric; according to the Mudford charter the wife of Theodoric fitz William the Donor was also called Beatrix. The coincidence is curious, but there is nothing impossible in a man's wife and his mother having the same name.

In 1176 Terricus de Mudford was fined for an offence against the Forest Laws (Pipe Roll Somt. and Dor., 22-23 Hen. II), and in 1201 he was party to a fine for exchanging lands in Maxehill for part of the Marsh of Pedreham (Somt. Fines, 3 John, No. 70). This place was near the mouth of the River Parret in or near Otrehamton or Otterhampton, which afterwards belonged to the Romsey family, descendants of Theodoric.

Of the two sons of the Donor, Henry appears to have been the eldest and to have succeeded his father as lord of Mudford. In Harl MS., No. 4120, there is an extract from a deed (*sans date*) whereby Henry de Mudford granted to Wm. Malet, lord of Enmore, two fardells of land in the ville of Mudford in free-marriage with Sarah, daughter of Raymond de Sully. This, I take it, was only his confirmation of the transaction as the superior lord of land in Mudford, held of him by Malet, and did not imply any further connection with either Malet or Sully. Accompanying it is a drawing of a seal charged with a rose and a fragment of the legend round it . . . "Modiford," and in *Coll. Top. and Gen.*, v, 125, the arms of de Mudford are said to be arg. a chevron wavy between five roses, and to be quartered by the Stukeley family of Devonshire.

Henry must have died without issue, and his brother William also, for in 1263 there was litigation respecting lands in Mudford, which Dyonisia de Otterhampton held in dower under Scolastica, sister and heir of Henry de Modford, husband of Dyonisia (Somerset Pleas. 27 Hen. III, No. 288), Henry held at his death lands in Otterhampton as well as Mudford, and William de Eston had a grant of them from the Crown during the king's pleasure (Charter Rolls, 18 John m 6). The manor of Mudford Terry may have passed by the marriage of this Scolastica with a Romesy, but at any rate, it passed into the hands of that family as in *Kirby's Quest* (12 Edw. I), it was held by Walter de Romesy and Geoffrey de Romesy of Alan de Plugenet, the superior lord in right of his barony of Haselbury. The Romesys were the owners of the adjoining manors of Okeley and Chilthorne, which they had purchased of Richard Fitz-William (Somt. Fines, 7 John, No. 18).¹

The hamlet of Hinton, which lies north of the river Yeo, seems at one time to have been treated a separate manor from Mudford Terry, but afterwards the whole was known as "the manors of Mudford and Hinton," and was in or before the reign of Edw. I held by the Norman family of Daunay or DeAlneto, an ancestor of whom "Sire De Aulnou" was a leader in the Conqueror's army at the battle of Hastings (Wace, p. 213), and William de Alneto held two knights fees in Devon 12 Hen II (*Lib. Nig.* II, 122). 31 Edw. I. Nicholas Dawnay had inherited from William, his grandfather, the manor of Hynton juxta Modiford (Assize Rolls, 31 Edw. I, x $\frac{2}{1\frac{1}{2}}$), and from him descended another Nicholas, who was summoned to Parliament as a Baron 1 Edw. III, and died 7 Edw. III, leaving Sir John Dawnay his only son and heir. He was a renowned warrior, and having signalized himself at the battle of Crecy, was made by his sovereign Knight Banneret on the battlefield. He died 20 Edw. III, leaving issue, one daughter,

1. Some additional particulars of the Romesey family will be found in "Historical Notices of South Somerset," pp. 43, 44.

aged 16, who became the wife of Sir Edward Courtenay, Kt., son of Hugh 2nd Earl of Devon, and father of Edward the 3rd Earl, commonly called the blind Earl, and by that means the Courtneys inherited the manor of Mudford and Hinton. This manor was one of those forfeited to the Crown on the attainder of Henry Earl of Devon in 1539, and was never restored to the Courtenay family. There is a survey of the manor temp. Phil. and Mary in the British Museum (Harl MS. 71), which is printed in *Top. and Gen.* I, 158. It was then still in the hands of the Crown, but before 30 Ely. it belonged to Sir Hugh Cholmley, Kt., and in the early part of the last century it was sold to Mr. John Old, of Yeovil, from whom it descended to the present owner, Mr. Goodford, of Chilton Cantelo.

APPENDIX.¹

“Carta Rogeri Episcopi confirmationis [obliteration] super ecclesiam de Mudiford.

Omnibus Christi fidelibus Roger Episcopus salutem. Novt universitas vestra nos inspex [] Cartam Theodoric filii Willelmi de Mudiford super donatione Ecclesie de Mudiford quam dilectis filiis nostris Josceline Priori et conventui Montacuti pre contulisse dinoscitur cujus forma hæc est—Sciant universi fideles Quod ego Theodoric filius Willielmi concedente Beatrice uxore mea et Henrico atque Willielmo filiis meis et heredibus concedentibus et similiter mecum donantibus dono et quantum ad dominium fundi pertinet concedo ecclesiam de Mudiford Deo et Sanctis Apostolis ejus Petro et Paulo et monachis de Montacuto in pura et perpetua elemosina et ab omne consuetudine laicali liberam cum omnibus pertinentiis suis

1. Wells Cathedral Charter, No. 48. I am indebted to Canon Church for kindly collating this transcript and No. 25 with the originals.

habendam et in perpetuam possidendam. Et quia volo hanc meam puram et perpetuam elimosinam ratam fieri et firmam presentem cartam sigillo meo confirmavi. (Seal.) Test. Helias Capellan de Cinnock Robert presbiter de Stokes Willielm Capellan de Montacute Willielm Capellan de Odecumbe David Cler de Montacute Hugh fil Theodoric Alexander fil Viel Simon de Odecumbe Galfrid de Cinnock Hanw fil Willielmi Bernard de Montacute Robert de Tintehelle Richard de Hokalsham et u mltis aliis Nos autem devotionem memorati Theodorici grato favore et assensu in Domino prosequente ad instantiam et petitionem ejusdem T. [heodorici] hanc sue donationis et concessionis cartam supradictis filiis nostris Joscelino priori et conventui Montacuti corroboramus et quicquid hujusdem Theodorici eis in ea contulit aut conferre potuit presentis scripti testimonio. Hujus testes Radulf. Archdiac de Bathon Joscelyn Capellan John de St Luca Willielm Capellan Robert Capellan de Mertoock Baldwin Cler de Stoke Homa de Dinan Radulf Chusuz (?) Henry Kari Cler. Richard Camerar.