

*Brightwell 1649*

A Refreshing or Drinking usually provided by the Parson of Brightwell in the County of Berks and diocese of Sarum (for the tyme being) against Mandy Thursday, yearly for the neighbours there

Impris- two bushells of wheate, whereof one peck and half is made into two cakes and some into four Apple pyes about the price of four-penny pyes Three pounds of pruens to stew, two pounds of raisons of the Sun, halfe a pound of Almonds to make the cakes Three pound of butter, one ounce of ginger, halfe an ounce of nutmeggs Three pound of Currents, two little Custards, in Dishes, two course cheeses of two shillings sixpence price, for the poore, (whereof) one hard and one soft, both cheeses to be cutt in peices and given to the poore, each peice wth a peice of bread

Itm - two pound of lent figgs, one cake cutt in two parts for the parlour

Itm - halfe a cake for the Hall, and the other halfe to be disposed as ye shall thinke fitt

This custom was last left of in the year 1642 because Dr Godwin dyed a little before the day, and the living was then vacant and I never revived it but gave all to the poore in exchange thereof

E. Hyde

## Sutton Courtenay and Abingdon Abbey

*By Arthur E. Preston*

*(Continued from p. 38.)*

### CAP. III.

**A**T date of the events<sup>61</sup> described at the close of the preceding chapter the lord of the manor of Sutton was John de Courtenay, fifth holder from Reginald, the first of the family to obtain possession of Sutton about the end of the year 1160.

<sup>61</sup> In the *Camb Chron.* (Hal. p. 9-10) these events are attributed to the year 1258, but according to the *Register of William de Wickwane*, Archbishop of York 1279-85 (*Surtees Soc.*, v. 114, p. 336), the year was more probably 1255. For this reference I owe acknowledgments to Mr. W. Paley Baildon, F.S.A.

But before speaking further of him it may be well to glance briefly at some of the scattered references that have come down to us in regard to the early manor itself.

From the time of Offa to the Conquest practically nothing has been preserved; in Domesday Sutton was returned as a demesne of the Crown, and there is reason to think that William I. was occasionally a resident there in the time of Ethelelm, the first Norman abbot (1072—1083). The King was also improving or repairing the manor house, as implied by an incident mentioned by the abbey chronicler. Since the flight of Blacheman—a wealthy secular priest—on the downfall of Harold II. and his party, a church and other buildings erected by him on the neighbouring Isle of Andersey had been confiscated to the Crown and were unused, and falling into decay.<sup>62</sup> The buildings it is known were roofed with lead, and the reeve (*præpositus*) of the royal vill—Alfsi by name—was one day desirous of carting to the king's establishment (*curia*) a load of lead that doubtless came from this source. For cartage purposes the reeve had on previous occasions not scrupled to impress the services of men and cattle belonging to or under the protection of the abbey, and on the particular day had again presumed to harness oxen belonging to the abbey to draw his load. The abbot—more soldier than monk—a man who had accompanied the king in his military expedition to Scotland, and had established and endowed the knights of Abingdon (thirty in number) for the protection of himself and his monastery, proceeded at once to correct the reeve in person. With his own stoutly-wielded staff he struck him down, discharged the lead and took back the oxen to their cribs. The efficacy of these steps is shown by the chronicler's boast that 'from that time no one afterwards followed in the reeve's footsteps.'

Alfsi was also in the habit of cutting underwood without leave from the abbey coppices at Bagley and Cumnor. This Ethelelm with great independence resolved to stop, and as the reeve was one day coming out of Bagley Wood with his wagons loaded, the abbot seized possession of them and the reeve took to flight. His only line of retreat to Sutton was across the Ock Bridge, which he immediately endeavoured to

<sup>62</sup> *Chron.* ii. 50.

reach on horseback; but the abbot, arriving first (on horseback, too, it may be presumed), intercepted the fugitive and forced him to wade through the Ock, between the mill and the bridge, 'wet to the neck.' The passage was doubtless barred by the militant ecclesiastic as the chronicler jubilantly adds that the reeve could not pass by the bridge 'for fear of the abbot.'

For these exploits the abbot did not get off scot-free, and was hauled in the Conqueror's absence before queen Matilda at Windsor. Ethehelm made no undignified excuses, but anticipating the queen's judgment, paid the money penalty for all that had been done to the king's officer. The outlay was manifestly considered worth while, as the chronicler observes in a satisfied way that the abbot's action had freed men for all time from the exactions of the king's officers, and had secured liberty in perpetuity to the church of Abingdon—liberty that was being maintained to that very day.<sup>63</sup>

Little or nothing is heard of the manor of Sutton during the reign of William II., but the royal residence was again brought into use on the accession of Henry I. Queen Matilda was domiciled there, as we have seen, until near the birth of her first child about August, 1101. Thence onwards the king's court was occasionally held at Sutton, as shown *inter alia* by the issue from there of two charters in favour of the monastery of St. Albans<sup>64</sup> at a date assigned to the year 1111.<sup>65</sup> After this there are no further allusions to a royal residence, and it possibly came to an end with the queen's abandonment of the king's household and her withdrawal to a convent. It may have been due to Faritius' perception of this that his abortive attempt in 1112 to re-acquire Sutton for the abbey was made.

All traces of the royal dwelling have long ago vanished. Probably it was nothing more than the ordinary timber-built manor house of the period. The actual site may now be marked by the ancient stone building called the 'Norman Hall,' which perhaps represents all that is left of the first and only manor house of the Courtenays, built (there is good reason to think) between 1190—1200. The name 'Norman

<sup>63</sup> *Chron.* ii. 10-11.

<sup>64</sup> Matthew Paris, *Chron. Maj.* vi. 38.

<sup>65</sup> E.H.R., xxxiv. 362.

Hall' is misleading and of only recent introduction. Nothing has so far been met with to show definitely when or under what circumstances the present manor house was erected in the position it now occupies some two or three hundred yards to the southward of the 'Norman Hall'; but it was certainly not for a generation or more after Sutton had finally passed out of the hands of the Courtenays in 1556, and had no connection with that family.

The earliest mention of any tenant of the Thames mill at Sutton—then the king's mill—one Gamel by name, occurs about 1110. In full shire-moot Faritius had obtained from the sheriff, Hugh de Buckland—one of the prominent men of the time and sheriff of Berks and seven other counties—a declaration against sods being taken from the abbey manor of Culham for repair of the king's mill and fishery. The order, whilst openly obeyed, was secretly contravened, and word was carried to the abbot that Gamel was accustomed to cross the river at night and privily take the forbidden turves. For this trespass he was convicted in the hundred court and the large fine of thirty shillings inflicted. But when the money was brought by the miller in person, and spread out in the presence of the abbot, he took only one penny of each six shillings, and returned the rest to the miller, 'all the men of the hundred seeing it done.' Damages were of less concern to Faritius than the upholding of the abbey's territorial rights. The five pennies retained the abbot ordered to be preserved in the church chests as a memorial of the event.<sup>66</sup>

The troublous times of Stephen yield us the knowledge that distant East Hendred at that date formed part of the manor of Sutton. It was during the empress Maud's short possession of the royal power, and probably whilst at Reading in 1141, that she granted Hendred to the monks of the newly-founded abbey there. The gift was subsequently confirmed by Henry II. in 1156-7.<sup>67</sup> The land granted is described in the Pipe Rolls as 'member' of the manor of Sutton<sup>68</sup> and must have been of considerable extent, seeing that the value placed on it amongst *terræ datæ* (£25) was just half the value assessed on the remainder of the manor

<sup>66</sup> *Chron.* ii. 118.

<sup>67</sup> B.M. Addl. Ch. 19591.

<sup>68</sup> Pipe Rolls 2, Hen. II., p. 34.

of Sutton. What relation the land may have borne to the five manors subsequently existing at East Hendred is not clear, except that the manor called 'Abbey' manor was part of it. But whatever it may have been the land remained in possession of Reading abbey till the suppression in 1539, when it again reverted to the crown. After then there were alienations and sub-divisions, but at least two portions contrived to preserve their ancient connection with Sutton till as recently as 1887, when Rowstock farm on the Steventon-Ilsley road, and another adjoining detached part of the civil parish of Sutton Courtenay, were taken away and merged in the surrounding parish of East Hendred.<sup>69</sup>

In the early years of Henry II. the manor of Sutton is found for a period in the hands of Anfrid Fitz Roald, the value put on it being: £50 per annum—the same as the appraisement in Domesday, although, as the survey explains, being then let to farm it was actually bringing in £60 yearly. Two years later, in 1158, Anfrid disappears and is succeeded by Henry FitzGerald, the king's chamberlain and keeper of Wallingford castle.<sup>70</sup> Although still living, he in turn gave way at Christmas, 1160, to Reginald de Courtenay,<sup>71</sup> who then first appears on the scene, and became the founder of the English branch of the Courtenay family.

Reginald, after being in Palestine, 1147, with Louis VII., the French king, is said to have come to this country with Henry II. before his accession, and was undoubtedly instrumental in effecting the unhappy match between Henry and Eleanor of Aquitaine, the divorced wife of Louis VII. After settling in England, Reginald married as his second wife one of two wealthy heiresses committed to his charge by the king. The genealogy of the early Courtenays (according to the published versions) is obscure and conflicting, but it is sufficiently established that Reginald took as his own wife Maud, the younger of the two wards, and matched the elder—Hawise, the lady of Okehampton—to Reginald, his third son by a former wife in France.<sup>72</sup> These alliances endowed

<sup>69</sup> L.G.B. Order No. 20690.

<sup>70</sup> Pipe Rolls 4, Hen. II., p. 123; and *Chron.* ii. 207.

<sup>71</sup> Pipe Rolls 7, Hen. II., p. 52.

<sup>72</sup> *Complete Peerage*, Vicary Gibbs (1916), iv. 317. See also Gibbon's interesting but inaccurate account of the early Courtenays, *Decline and Fall* (1819), xi. 287-300.

the Courtenays with large estates in Devon and the West. To the elder Reginald the manor of Sutton (thereafter known as Sutton Courtenay), together with Waddesdon, Bucks, was granted by Henry II. between the years 1175-79. Two ancient transcripts of this grant are known to exist, one in a cartulary of the Earl of Devon at Powderham Castle, and the other on the Assize Rolls of 12 Edw. I.<sup>73</sup> According to the Powderham copy the charter was issued from Winchester, but the Assize Roll makes it from Milton. This is probably a clerical error, as no charters or other official documents can be traced as issuing from any place named Middleton or Milton during the reign of Henry II.<sup>74</sup> The text of the grant, hitherto unpublished, is set out at foot,<sup>75</sup> and needs no comment. Amongst the witnesses were John of Oxford, consecrated bishop of Norwich, 14th December, 1175, and Richard de Lucy, chief justiciar, who died 14th July, 1179. The charter must therefore be ascribed to a date within these limits. At first Reginald seems to have held the manor at pleasure of the King without payment, but later—and perhaps in connection with the second marriage—he received a grant in fee.

The elder Reginald died *cir* 1191 and the younger 27th September 1194, without obtaining possession of Sutton. That was reserved for his son. An idea of the consequence of the elder Reginald may be gained from his often attendance on the king, and the occurrence of his name as attesting

<sup>73</sup> No. 47 (Berks), m. 1.

<sup>74</sup> Eyton *Itin. Henry II.* (1878) *passim*.

<sup>75</sup> Henricus Dei gratia Rex Anglorum et Dux Normannie et Aquitanie et Comes Andegavensis, Archiepiscopis et Episcopis, Abbat, Comit, Baron, Just, Vic et omnibus ministris et fidelibus suis Franc et Angl totius Anglie salutem. Sciant me dedisse Reginaldo de Curtenay pro servicio suo et hac carta mea confirmasse Suttonam et Wotteston cum omnibus pertinentiis suis sibi et heredibus suis. Habendas et tenendas de me et heredibus meis in feodo et hereditate. Quare volo et firmiter præcipio quod Reginaldus de Curtenay et heredes sui habeant et teneant de me et heredibus meis illa duo prenomina maneria cum omnibus pertinentiis suis in bosco et plano in pratis et pasturis in aquis et molendinis in vivariis et stagnis et piscariis in ecclesiis et capellis in viis et semitis et omnibus aliis locis et aliis rebus ad illa pertinentibus ita bene et in pace et libere et quiete integre et honorifice sicut ego ea unquam melius liberius tenui cum omnibus libertatibus et libris consuetudinibus suis. De hiis autem predictis terris ejus recepi homagium.

Testibus: G. Elyensi; B. Exonie; Johanne Norwic. episcopis; Ricardo thesaurio; Gaufrido filio meo; Ricardo de Lucy; Willelmo de Launal; Unfrido de Bohur; Thoma Basset; Rogero filio Reinfridi; Michaelo Belet; Radulfo filio Stephani et fratre suo Eustachio; Johanne filio Luce Pincerne; et Ricardo Ruffo; et Alwardo camerario: apud Winton.

witness in various royal documents of importance. In the sheriff's accounts for 1183-4 the hundred of Sutton was amerced for *murdrum* in the sum of one mark, for which Courtenay was liable as lord. He was also subject to other fines in Berks and Bucks, coming altogether to 27s., but Reginald's influence at court enabled him to escape payment by producing to the respective sheriffs the king's writ remitting the fines.<sup>76</sup> A similar course was adopted in Devonshire in 1185-6.

In 1218 the affairs of Robert de Courtenay, the then lord of the manor, were in an embarrassed condition. In July of that year the manor was sequestrated by order of the king, and placed in charge of John de Wigenholt<sup>77</sup> (an ecclesiastic and one of the itinerant judges who had previously been sheriff of the county) to apply the issues to the liquidation of a debt due from Robert to one Stephen de Cray—a reminiscence perhaps of the heavy reliefs that became payable to the crown in 1209 and 1211.<sup>78</sup> There was something amiss too between Robert and the tenants of the manor, for in the Pipe Roll of 1213-14 we find the men of Sutton paying the considerable sum of £19 14s. 4d. to be under the protection (*sub custod.*) of the king. The object or purpose of the payment is not stated, but may be inferred.

Some twelve years later Robert was engaged in litigation

<sup>76</sup> Pipe Rolls 30, Hen. II., p. 54.

<sup>77</sup> Close Rolls (1883) i. 365.

<sup>78</sup> There has hitherto been confusion at this stage. The *Complete Peerage* (*supra*) makes it appear that Reginald de Courtenay the younger was succeeded in 1194 by his son Robert, who held Sutton till his death in 1242. Entries on the Pipe Rolls, however, discredit this, and indicate that there were three Roberts during this period. The first Robert, son of Reginald the elder, paid a relief of 300 marks to the king in 1191 to enjoy in peace (saving the rights of the heirs of his first-born brother William) the manor of Sutton, which had been given to his father by Henry II. (Pipe Rolls 3, Ric. I., m. 1). This Robert may have held the manor as *custos* for the infant heir of his elder brother or in some similar capacity. Eighteen years later, in 1209, the heir (*i.e.* the second Robert) had seemingly attained his majority, and on succeeding to the land at Sutton 'formerly in the hands of his *uncle* Robert,' became liable to the king for 400 marks and two war horses (Pipe Rolls 11, John, m. 1). Within a short time he died and the manor passed in 1210-11 to his cousin the third Robert, son of the younger Reginald (Pipe Rolls 13, John, *Devonshire*, m. 17). For the clue to this Robert I am indebted to Mr. W. Paley Baildon, F.S.A. If the Pipe Rolls have been interpreted aright new links in the chain are introduced which modify the received versions in several ways. The pedigree traced by Hugh de Courtenay in the litigation that arose later with the abbot of Abingdon, as set out on the Assize Rolls of 1284, partly but not wholly confirms the information obtained from the Pipe Rolls. The evidence of the Pipe Rolls is, however, to be preferred.

at the suit of John, lord of the manor of St. Helen in the adjoining hamlet of Sutton Wick, who claimed half a hide of land in Sutton, alleging that it had belonged to his father in the time of Henry II. Courtenay answered that the king had given the manors of Sutton and Waddesdon to his ancestor Reginald de Courtenay, and demanded that the king should warrant his title. John replied that his father had held the land at date when Henry II. gave the manor to Courtenay, and that the king only gave it *sicut ipse illud tenuit*. Both parties offered to take a decision by judicial combat, and named their champions, John Marmion for John of St. Helen, and Robert de Clopton for Courtenay.<sup>79</sup> The dispute was left to be settled in that fashion, and nothing further is known.<sup>80</sup>

This legal warfare being settled Robert joined with the abbot a few years afterwards in concluding a peaceable settlement of the old-standing dispute about digging turves from the manor of Culham for repair of Sutton Mill. By an agreement, undated but between 1230-32, the abbot, Robert de Henreth, gave to Robert and the men of Sutton the angle of an island in the Thames opposite the manor house (*contra curiam*) for the purpose of digging the required materials. By way of rent the church of St. Mary, Abingdon, was to get half-a-pound of wax yearly. The position of the island, or eyot, was defined by its lower end being in a line with the debouchment of the millstream (now known as Ginge Brook) into the Thames, where it can still be identified. For the faithful carrying out of the contract the word of the abbot and convent was to be sufficient, but Courtenay was to take a corporal oath. Both parties affixed their seals to the deed.<sup>81</sup> The appearance of Geoffrey Gibwine amongst the three attesting witnesses suggests that as one of the judges of the king's court, with local connections, he may have acted as a friendly adviser or arbitrator. The second member of two neighbouring place names, Marsh Gibbon in Bucks and Bix

<sup>79</sup> To be either litigant or witness in a lawsuit at this period involved serious personal risks unless the parties were themselves skilled duellists or could hire a professional champion. The employment of champions became general, and churches, land owners and communities often permanently retained them. Trial by combat lingered as a survival till 1819 (Holdsworth i. 141-2).

<sup>80</sup> *Bracton's Note Book*, Maitland (1887) ii. 133.

<sup>81</sup> *Cartulary in possession of the Earl of Devon*, fo. 134.



Gibwin near Henley, are supposed to be derived from him. Gibwine died before 1236, and is believed to have been insane for about three years previously.

Robert's lordship of the manor of Sutton seems to have ended as inauspiciously as it began. A few months before his death he found it necessary to obtain license from the crown in April 1242, to lease the manor for three years from Easter then just past.<sup>82</sup> The identity of the lessee has not transpired. In the following July Robert died and was buried in the abbey of Ford, Devon, where an elaborate monument was erected to his memory.

There is nothing at this time to show the size or area of the manor, but the inquisition held after the death of John de Courtenay in 1274 placed the annual value at just over £59, or practically the same as in the Domesday survey. Unless this valuation were nominal or conventional and not representative of the real value it would argue that agriculture had made such slight progress in the intervening centuries as to leave the economic value of the manor stationary. Even if the customary rents were fixed the demesne lands were extensive. After the lapse of a further two centuries (on confirmation of the manor to Walter Devereux Lords Ferrers in 1466) we get a glimpse of extent. The manor was then specified as consisting of 12 messuages, 300 acres of land, 100 acres of pasture, 30 acres of meadow, 20 acres of wood, four knight's fees, and £10 rent in Sutton Courtenay and Hawkerigge.<sup>83</sup> The knight's fee was a variable quantity, and there is nothing to guide us in the present instance. The township of Sutton, with its outlying parts, was computed by the Ordnance Survey in 1883 to be about 2,290 acres, apart from the dependent hamlets of Appleford and Sutton Wick, but according to a royal commission of 1605 the manor extended far beyond the limits of the township itself and stretched as far to the north-west as the Ock Mill on the road from Marcham to Abingdon (*L.R. Misc. Bks.* v. 196, f. 102). This was also the boundary *temp* Henry I. (*Chron. Ab.* ii. 109), Hawkrigge was another instance of a detached 'member' of Sutton at a distance. It was situated at Bucklebury, some seven miles from Newbury, and

<sup>82</sup> Cal. Pat., Hen. III., 1242, p. 282.

<sup>83</sup> Cal. Pat. 5, Edw. IV., 1466, p. 486.

in extent was approximately 60 acres.<sup>84</sup> Its association with the manor (but not with the civil parish) of Sutton Courtenay terminated shortly after the attainder of Henry Courtenay, marquis of Exeter, when in August, 1544, it was granted to Henry Norres, the king's servant, and Margery, his wife, being then of the value of £3 6s. 5d. per annum, apart from the woods. At the same time they got the manor of Goosey, formerly belonging to the abbey of Abingdon, as well as the 'Abbey' manor at East Hendred, the empress Maud's gift to the monks of Reading or part of it.<sup>85</sup> The net annual value of the two was certified at £57 os. 5d. beyond the woods. In all these cases the official valuation was no doubt far below the real value. Through various channels the Hendred manor passed into the hands of the Eyston family in 1622, and is still their property (Lysons, p. 292). Henry Norres became the first baron Rycote in 1572, and from him the earls of Abingdon trace their descent.

#### CAP. IV.

The forcible intrusion of the papal nominee, Richard Hannibal, into the rectory of Sutton (as narrated in Cap. II.), inevitably left the abbot and convent in a state of anger and discontent. Their own appointee Wylebi, would in substance have been vicar with an appointed share of the emoluments, but Hannibal, there can be no doubt, usurped the entire position of rector and swept into his own pocket the whole of the revenues of the church and left nothing for the abbey.<sup>86</sup> This was a serious blow, and the question of what to do arose. The intruder at most held only for life, and the immediate difficulty was got over by the expedient of the 'farm'—but it was an expedient only, and left future dangers unprovided for. The powers obtained from William II., Pope Eugenius III. and the rest being no longer effectual, the monastery resolved to apply to Rome and pay the price for a fresh authority. The opportunity was also taken

<sup>84</sup> Inq. p. m. (Rec. Com. 1806), vol. 3, p. 4.

<sup>85</sup> L. & P. Hen. VIII., vol. 19, pt. 2, p. 82, and Particulars for Grants, No. 810.

<sup>86</sup> Unless this were so there could have been no purpose in the abbey paying a heavy price to get a 'farm' of the church—or in other words, a lease, as it would now be called, of the profits.

of embracing in the application power to appropriate the parish churches of St. Helen Abingdon, and Kensington, Middlesex. With this object, at a date at present uncertain, the abbot despatched two of his monks, William de Wick and Robert de Newbury, to negotiate with the papal authorities.<sup>87</sup> The date given in the *Camb. Chron.* is November 1259, but it was a few years earlier—probably in 1255. In consequence of the factions against him, the pope was unable to remain at Rome, and his court was seated at Viterbo.

Of the actual apportionment of tithe between the abbey and the incumbent of Sutton in the 13th century (before 1255) we are not without information, as there was recently found interpolated in the older of the two land-books in the Cotton Library a memorandum describing the method of division.<sup>88</sup> The inclusion of the memorandum in the cartulary, which reads as follows, bespeaks the importance attached to it:—

At Sutton the abbot receives tithes from the whole demesne of John de Courtenay as follows: In the first place he chooses one acre out of the whole tithe such as he thinks best, and that acre is called 'Denaker.' Then the rector of the church chooses another, and that is called 'Elaker.' Then the abbot receives two acres as they come, and the rector of the church the third, except four acres, which the lord receives for paying his servants. But out of the acres that the abbot receives the following servants receive their wages:—

The chamberlain receives four acres for his servants.

The servant of the refectorer receives one acre of the winter sowing and another of the Lent corn.

<sup>87</sup> Hal., p. 12.

<sup>88</sup> Cotton MS. Claudius C. ix. fo. 180d. Apud Sutton percipit Abbas de toto dominico Johannis de Curteney decimas in forma subscripta, videlicet: In primis eliget unam acram ex tota decima meliorem quam voluerit et illa acra vocatur Denaker. Deinde rector ecclesie aliam et illa vocatur Elaker. Postea sicut evenire voluerint abbas percipiet duas acras et rector ecclesie terciam, exceptis quatuor quas Dominus percipit ad stipendiandum seruiantes suos. Ex acris vero quas Abbas percipit recipient seruiantes subscripti stipendia sua. Camerarius ad seruiantes suos recipit quatuor acras. Seruiens de Refectorii percipit unam acram de hibernagio, et aliam de blado quadragesimali. Custos hostii celarii percipit tantundem. Sampson de coquina monachorum percipit tantundem. Esquiliarius monachorum percipit tantundem. Stabularius abbatis percipit tantundem. Porcarius percipit tantundem. Tres ortolani percipiunt conjunctim tantundem. Quod vero residuum fuerit de predicta decima ad Grangiam de Middleton deducatur.

The keeper of the cellarer's door receives the like.

Sampson of the monks' kitchen receives the like.

The monks' scullion receives the like.

The abbot's stabler receives the like.

The swineherd receives the like.

The three gardeners receive the like amongst them.

What remains of the aforesaid tithe is taken down to the grange of Milton.

Although professing to speak in the time of John de Courtenay, lord of the manor between 1242-73, this convention as to division of tithe was probably in force at a much earlier date. It is known from the abbey Chronicle that similar classes of servant were deriving like benefits from the tithes of Sutton in the time of Reginald de Courtenay, and during the period when Thomas Essebourne was procurator in a vacancy of the abbey, 1184-6.<sup>89</sup> A fair presumption therefore arises that the whole arrangement may be viewed as relating back to the days of Henry II. or possibly before. If so, confirmation would be afforded of the conjecture in a previous chapter<sup>90</sup> that the incumbents of Sutton after Ælfric's time gradually became entitled to a definite share of the revenues. The designation of the incumbent as 'rector' is noticeable. Since about 1094 the church had been held by royal authority (*Chron.* ii. 27-8) and from 1152 by papal authority (*Ibid.* 196-7) on conditions that in effect amounted to appropriation. The Cott. MS. shews that the incumbent was subordinate to the abbot and took under him a minor share of the tithes—roughly one-third. From ancient date the abbey had also been receiving a pension of 13s. 4d. from the church. In 1284 the rectorial manse was in the hands of the abbey and was called 'the parsonage' (*Parl. Rolls* i. 58). The priests of Sutton were

<sup>89</sup> *Chron.* ii. 238-41. Both records agree that there were eleven of the lesser order of servants participating in the tithes of Sutton. In the earlier period the four acres received by the chamberlain were devoted to the laundry servants who were in his department. The *esquilarius* of the Cotton MS. may no doubt be identified with the *scutellarius* of the abbey Chronicle. The keeper of the cellarer's door and Sampson of the monks' kitchen were represented at the earlier date by 'Willielmus Albus' and 'Reginaldus Kiwel,' but which was which there is nothing to show.

<sup>90</sup> *Cap. I.*, p. 32.

nevertheless styled rectors—at all events down to the fresh appropriation of 1258.

The mission to the papal curia was successful, and the envoys returned in due course armed with an indulgence by Alexander IV. for the appropriation of all three churches. The date of their return is given in the *Camb. Chron.* as July 1261, but it must have been earlier, as the licence to appropriate St. Mary Abbots, Kensington, was in October 1260 the subject of an inquiry by the bishop of Sarum and the dean of St. Paul's (Reg. London, *Stokesley*, f. 80). It appears too from the York Reg. *Wickwane* (*supra*) that the papal licence to appropriate Sutton Courtney was dated 7th May 1258. For the concession the abbey paid the enormous sum of 600 marks, or upwards of £6,000 of present money. But so far as Sutton was concerned both abbot and pope were reckoning without the lord of the manor. At Abingdon the advowson of St. Helen's remained with the abbey, and they enjoyed the profits and nominated the vicars till the dissolution in 1538. At St. Mary Abbots, however, there was an expensive oversight. The assents of the bishop and of the incumbent of the parish were both necessary before the appropriation could take effect, and the omission to obtain these sanctions forced the abbey to conclude a disadvantageous bargain with the vicar, and to take a smaller share of the tithes than would otherwise have fallen to them (*Faulkner's Hist. Kensington* (1820), p. 184). At Sutton, too, there were vicissitudes, as will presently be seen. Whether after the new appropriation the emoluments of the vicar there were re-adjusted there is nothing to show; but at Abingdon there was an ordinance of the bishop in 1284 fixing the share to be received by future vicars of St. Helen's.

For a few years the *status quo* at Sutton seems to have been maintained. John de Courtenay died in 1274, and soon after then changes began. It was one of the complaints of the jurors, as recorded in the Hundred Rolls of a slightly later date, that the sub-escheator for Berks on John de Courtenay's death had seized the inheritance into his hands, exacted 40s. from the inhabitants, and tarried in the manor for six months. John's son and heir, Hugh, did not in fact obtain seizin till 4 Edw. I. (1276), when 26 years

of age, and if we may judge from his demeanour to the monks of Ford in subsequent years, was a formidable character little likely to allow any of his real or supposed rights to be infringed upon. The lands given as alms by his ancestors to Ford abbey Courtenay laid claim to 'for the keeping of his dogs and horses,' affirming that they ought to be held on the condition of providing a travelling wagon, horses, harness and hounds for his own use, and by other feudal services. The monks offering opposition, Hugh caused their cattle to be driven off by 'a multitude of men'; and although after this an agreement was arrived at, he repeated the oppression two years later. Rather than contend further the monks submitted, and Hugh made good his claim. But this had no effect in softening him, for from that time 'he never did any kindness to those monks, but hated them perfectly.'<sup>91</sup>

A man of Hugh's proclivities was not slow to discern the advantage of recovering control of Sutton Church and its revenues if by any means it could be accomplished. At the first opportunity therefore he asserted a claim to the ecclesiastical patronage. The claim was merely colourable; and strengthened by the fresh authority from Rome, the abbot Richard de Henreth not unnaturally resisted. Hugh appealed to the law, and demanded from the 'bench'<sup>92</sup> the advowson of the church. The Assize Rolls<sup>93</sup> tell in concise form of the pleadings of the parties. Hugh produced the charter of Henry II. and contended that 'one Reginald, his ancestor, was seized in fee in the time of King Richard, and had presented one Jordan le Child to the church, to which he was duly admitted and instituted. From Reginald the right had descended through the ancestors of the plaintiff to himself.' Hugh's case, in short, was that a solitary alleged instance of presentation by one of his ancestors nearly a century previously was sufficient to oust the abbey's patronage rights. It was not claimed that subsequent lords of the manor had ever nominated to the benefice. The abbot, relying on the sufficiency of his title, denied the

<sup>91</sup> Dugd. Bar. i., 637.

<sup>92</sup> The court hearing pleas of the subject, *i.e.*, the Court of Common Pleas.

<sup>93</sup> Berks. 48, m. 1.

plea and 'put himself on the grand assize,'<sup>94</sup> giving the king half a mark to have a day appointed.'<sup>95</sup>

By the procedure of the grand assize the case stood referred to four knights summoned by the sheriff, who were in turn to choose twelve other knights of the neighbourhood. The jury of sixteen thus impanelled were to decide the issue. Justice as administered in the king's courts in the earlier years of Edw. I. had earned for the judges an ugly reputation, whilst impartiality or disinterestedness of the jury formed as yet no part of the judicial system. The jurors were selected on account of their own supposed knowledge of the facts, and the more they were acquainted with the matters in dispute the better qualified were they considered to be to act as adjudicators.<sup>96</sup>

Before October, 1279, all preliminaries had been completed, and in Michaelmas term of that year the four knights summoned by the sheriff—*viz.*, Roland de Erley, John de St. Helen, Thomas Danvers and John de Thedmere—were duly assembled, and chose themselves (*eligerunt se ipsos*) and twelve other knights to serve as the panel. The sheriff was Alan FitzRoald, and the twelve knights consisted of Gerard de l'Isle, Peter de Codrey, Bartholomew de Erley, Thomas Huscarle, Henry Huse, John de Lenham, Richard de St. Valery, Richard de la Hyde, Jordan le Forester, Ellis de Whytefield, Roger de Burghfield, and Thomas le Rus. Amongst these jurors will be recognised family names of historical importance in the county. Roland de Erley was acting as one of the king's justices in 1280-81, and was one of the Berks representatives in the Parliament of 1290; Bartholomew de Erley was a representative in the Parliament of 1297. John de Thedmere became sheriff in May, 1281.

<sup>94</sup> Courtenay's proceedings being based on a writ of right the abbot would if so minded have been entitled to trial by combat. But this method of ascertaining the *Judicium Dei* was by the end of the 13th century becoming obsolete.

<sup>95</sup> No profits were too small to be below the King's attention. Entertaining illustrations of the strange devices resorted to for exacting money from the subject will be found in Madox' *Hist. of the Exch.* collected in Hume's *England* (1848) i. 506-9. The King's court itself was open to none who failed to bring presents to the king. (*Ib.*, p. 504.)

<sup>96</sup> Holdsworth i. 150 and 156.

The proceedings having advanced to this stage, the cause was adjourned before the justices in eyre at their next iter. It had become an established rule that the circuits of these judges should not take place oftener than once in seven years, which may account for the long period elapsing before judgment was delivered. The trial took place at Windsor in the octave of Michaelmas, 1284, before Solomon of Rochester (otherwise Solomon de Roff) and three other justices—Richard de Boilland, Robert Fulcon and Geoffrey de Picheford. The character of Solomon does not inspire confidence. One of the canons of St. Paul's, he was first selected as an itinerant to assist the regular judges in 1274. The Rolls of Parliament contain several complaints against him, and in 1289 he shared in the disgrace that overtook most of his judicial brethren. Convicted of corruption, he was thrown into prison, fined no less than 4,000 marks, and never allowed to resume his duties.<sup>97</sup>

Before such a judge the parties, with the twelve selected knights, appeared on the day appointed, but of the actual proceedings at the trial we are without information. Doubtless the abbot put in evidence his documents of title; in his subsequent petition to the king he certainly offered them for inspection. The bare result is all that we know, and that out of Solomon de Roff's mouth proceeded a judgment to the following effect:—'The twelve knights say that Hugh has more right than the abbot because his ancestor Reginald presented to the church. Hugh shall therefore recover the advowson quit of the abbot and his successors for ever, and shall have a letter to the bishop of Salisbury to admit a suitable person at his presentation.'<sup>98</sup> An incredible decision, and with it disappeared for ever the

<sup>97</sup> The higher courts of law about this time were a mass of corruption. The chief justice of the Common Pleas, Thomas de Weyland, had in 1280 been convicted of taking bribes, the whole of his estates were confiscated to the king and he himself obliged to fly the country. In the Parliament at the beginning of 1290 similar charges were established against Stratton, a judge of the Exchequer, as well as against the chief justice of the King's Bench, Ralph de Hengham, who was removed from his office but let off with a heavy fine. One of the charges against Hengham was that he had confirmed a false judgment by Solomon de Roff. (*Foss.*, p. 339.) The taint had spread also to the Court of Chancery, where the Master of the Rolls was fined 1800 marks. (Campbell's *Chanc.* i., 151.)

<sup>98</sup> Assize Rolls *supra*.



rights of the abbey over Sutton church.<sup>99</sup> Whether or not corrupt may be gauged by the fact that Courtenay's first presentation to the recovered rectory of Sutton was Solomon de Roff himself, the president of the court! His tenure of the office and its emoluments must have commenced soon after the trial, for it was one of the abbot's complaints in the next Parliament that Solomon had wrongfully taken possession of abbey goods at the parsonage to the value of 100s. or more; and had also extorted from him a further sum of 40 marks under pretext of the parsonage buildings being out of repair.<sup>100</sup> No form of plundering was too mean for the rapacious Solomon.

Thus far the official record. A briefer version comes to us through Brian Twyne's extracts<sup>101</sup> from a lost chronicle of Abingdon abbey—of partisan character no doubt, but containing fresh touches that add to our perception of the events. For the publication of these extracts we are indebted to Rev. H. E. Salter. The plaintiff Hugh in these excerpts is spoken of as Earl of Devon. Under Henry the Third's policy of taking castles into his own hands, Hugh's grandfather, Robert de Courtenay, had in 1232 been deprived of the honour and profit of the viscounty of Devon, and thereafter he and his descendants were only designated earls by courtesy. The title was not formally restored to them till the time of Hugh's son in 1335.<sup>102</sup> In 1348 his grandson (Hugh III.) was selected as one of the original 26 members of the Order of the Garter.<sup>103</sup>

Although the earl gained the day it was not, according to the lost Chronicle, by fair or legitimate means; and the abbot's subsequent appeal to the king in Parliament gives credit to the allegation. The main prop of the abbot's case was the steward, one John of St. Helen, son of the itinerant judge of that name, a professional lawyer and the trusted official who presided in the abbey courts and managed the more important secular affairs of the monastery. Being

<sup>99</sup> It appears from the language of the record that only twelve of the sixteen knights summoned actually took part in the trial.

<sup>100</sup> Parl. Rolls. i., 58.

<sup>101</sup> Made in 1606 and preserved in the library of C.C.Coll., Oxford. (E.H.R. 26, 727).

<sup>102</sup> Collins vi., 244.

<sup>103</sup> T. & D. Windsor i., 147.

himself one of the original four knights of the grand assize, he had easy opportunity during the five years that the cause was *lis pendens* of spreading opinions for or against either partly at his own choice. This important officer the earl set out to seduce—and successfully accomplished it. Fifteen acres of land to win over the jurors to his cause was, according to the abbot, the price of John's honesty. Injurious as it was, the imputation was never denied, and when after the trial the steward's part had become matter of common knowledge, men called the land 'ye Vorswhorene lande'—the land of the perjured. The odium was more than the steward could bear, and too late to be of any avail he at length confessed, and in the words of the Chronicler, 'spat his tongue out of his mouth.'<sup>104</sup>

By the date of the first Parliament after the trial, July, 1290, the old abbot was dead, and his petition to Edward I. during life was adopted and confirmed by his successor Nicholas de Culnham. The petition *inter alia* represented that Solomon had been promised, and had actually received from the earl, presentation to the rectory of Sutton. Stress was laid on the grant of the advowson by Will. II. and the subsequent royal confirmations, whilst the charters themselves were offered for inspection. But it was of no avail. The cautious response of the king was that, being unable by the laws of England to do anything else, he would inquire—an answer scarcely worthy of the English Justinian. A second batch of complaints lodged by the late abbot met with better success. By threats and injuries, he said, a pension of 10 marks yearly had been forced out of him by Solomon de Roff in favour of his brother Gilbert besides other extortions. The king's answer was: 'Let Solomon and his brother be summoned before the king's justices of pleas to answer the complaints, and let justice be done.'<sup>105</sup>

Here the story stops short. Whether or not the delinquents appeared or what may have happened in consequence of the order is unknown, as nothing further is recorded. That the abbot obtained any redress is improbable. A review of the circumstances gives rise to the thought that both sides may have attempted to influence the result of the trial

<sup>104</sup> E.H.R. 26, 730.

<sup>105</sup> Parl. Rolls *supra*.

in ways then generally practised. The abbot's pension to Solomon's brother has a suspicious look; but the rectory itself was a better bait, and no doubt secured the earl's victory.

Of the actors in the drama, Solomon de Roff, after his removal from the judicial bench, aimed at ecclesiastical preferment. On the death of Thomas Inglethorpe, bishop of Rochester in May 1291, he made fruitless efforts to induce the monks to elect him to that see. Their refusal deeply offended him, and in a suit where the monks were parties, Solomon persuaded the judges at Canterbury to give a decision against them. According to Matthew of Westminster the monks were avenged by the sudden death of their chief enemies, including Solomon de Roff, who was poisoned at his house at Snodland, Kent, by one Wynand, the parson of the parish. The judges, in terror, sought the monks' pardon, alleging that they had been 'wickedly deceived by the wisdom of Solomon.'<sup>106</sup> The unfaithful steward, John of St. Helen, was dismissed during the iter of 1284, and in the next mention of the office in the local records, February, 1288, one William Wigeyn is found filling the position.<sup>107</sup> A man of large property, John died before July, 1295, seized of manors at Wittenham, Berks, and Crawelle, Oxon, which fell to his daughter and sole heir, Beatrice, wife of one Giles de Brewouse.<sup>108</sup> He had married Julianne, daughter of Alan de Fernham.<sup>109</sup> The abbot died in 1289, and Courtenay in 1291 at the age of 44, and was buried at Cowyke, near Exeter.

The monetary loss to the abbey is shown by the *Taxatio* of Pope Nicholas IV. in 1291.<sup>110</sup> By that time the vicarage had been consolidated with the rectory as a consequence of the litigation, and the benefice was therein returned as of the annual value of £40, equivalent to more than £600 of present money. All that was left to the abbey was the diminutive pension of 13s. 4d. per annum, which had been in existence

<sup>106</sup> D.N.B. 49, p. 73, and Foss, p. 561.

<sup>107</sup> Ch. Hosp. Deeds, Abingdon, No. 44.

<sup>108</sup> Inq. p. m. Edw. I., file 71, No. 16.

<sup>109</sup> Agarde's Index i., pt. 2, f. 7 d.

<sup>110</sup> p. 187.

from 1192 or earlier.<sup>111</sup> Owing to the large extent of the ecclesiastical parish of Sutton the tithes afterwards became greatly enhanced.

One result of the travesty of the grand assize was some two hundred years later to vastly enrich the dean and canons of Windsor. Except for the miscarriage of 1284 the lord of the manor of 1481 would never have been able to make so notable a contribution to the newly-founded St. George's Chapel as was represented by the advowson of Sutton Courtenay church.

<sup>111</sup> Cott. Claud C. ix., fo. 180.

(*To be continued.*)

[CORRECTION.—The editor of the *Abingdon Chron.*, from his note at ii. 274, was evidently of opinion that Kenwulf's charter of 821, as set out at i. 25, supported the exchange of Sutton for Andersey. No mention, in fact, is made of Andersey in it, but Culham, of which it has always formed an integral part, comes first on the list of places mentioned. Professor Stenton says that the charter is spurious. It was not this charter, as Stevenson caused me to think, that was inspected and confirmed by Edw. III. and succeeding sovereigns (*infra* p. 26), but another charter by Kenwulf of the same year purporting to bestow on the monastery of Abingdon 15 *mansæ* in 'Cullanhamme' and certain pasture land called 'Ottenev.' This second charter is not in the *Abingdon Chron.*, but will be found in *Cal. Charter Rolls* iv. 373-4; it also is marked as spurious by the editor. The objections raised to these two charters may not be inconsistent with the reality of the events they were intended to support. Indeed quite apart from these documents, the indirect evidence in favour of the events recorded is too strong to admit of doubt.—A.E.P.]