

## ELLINGHAM, MOYLES COURT AND ANCIENT HAMPSHIRE COURTS.

[From the *Hampshire Independent*.]

When any country house or mansion such as this of Moyles Court is known by the name of Court, it is commonly considered to be merely an alternative name for a hall or country house. This common explanation is partly right as regards the ancient meaning of the two words Court and Hall, as will I think appear in this paper. The dictionary makers give us varied information about these words, but in this short paper we will disregard modern dictionaries and the original meaning of the names Court and Hall will come to us without searching directly for them, in considering the antiquity of ancient Hampshire courts as exemplified by the case of Moyles court.

The most dignified meaning of the word Court as we use it at the present day, is its most ancient signification, viz., a judicial assembly. These early assemblies for the administration of justice can be traced back to a very remote antiquity, and the ancient local courts, of which we have many, remaining in Hampshire at the present day, can be, as I think, traced back to almost a pre-historic antiquity. Our local courts are certainly as ancient as the date of the earliest Teutonic settlements in Britain, and it is probable that the origin of our ancient forest courts, such as survive now in a very modified form in the New Forest, can be assigned to a still earlier date, viz., the period of the Roman occupation of Britain. If so, and there is strong evidence in that direction, the forest courts are perhaps the most remarkable survival of the Roman judicial system which remains to us. That is, however, too large a question to be discussed here.

The earliest traces of local courts I have met with in Hampshire are those of which the Burley men were the last survivals. In very primitive time the laws of Birlaw were made and determined by the people elected by common

consent in the Birlaw Courts, wherein knowledge was taken of complaints between neighbour and neighbour, of which the men so chosen were judges or arbitrators. Some old place names in Hampshire, such as Barley-pound, near Cron dall, are probably relics of the meeting-places of the Birlaw courts. Such place names as Burley, in the New Forest, and Burley, in East Woodhay, may be derived also from these Birlaw courts places. In connexion with such an early institution as primitive village courts, I cannot omit a reference to the village pound, which is an institution probably older than the English kingdom. The village pound was used in the ancient law of distress or distraint, in which the capital of the debtor was seized. This word capital, now so differently understood, tells us what the primitive capital was, viz., the head of cattle. The creditor seized the cattle of the debtor and placed them in the village pound, under sanction of primitive law, as administered by the local primitive Courts.

In the earliest Anglo-Saxon time every county had three kinds of local courts, viz., those of the shire, of the hundred, and of the manor or parish. The hundred courts survived for many centuries, and we find many references to them and the jury of the Hundred in Domesday book, and later mediæval records. Part of their functions were, however, transferred to the old shire or county courts, and part were no doubt appropriated by the manorial courts which succeeded the village community courts, as the manors succeeded the townships.

One of the earliest courts of which we can find any traces in Hampshire is that old Court Leet, still held in Southampton on Hock Tuesday, and which formerly met at Cut-thorne, a very ancient trysting place at the upper boundary of Southampton Common, and which was known by the marks cut on the thorn or holly tree. And here I may remark as showing how different our ways are from those who lived in ancient times, that courts for hundreds and counties were sometimes held at or near the boundaries of such a hundred, or shire. Before the days of the official maps of the Ordnance Survey, it was of course necessary for the local court to look well to the boundaries—at least the boundaries of the Common lands.

The common lands—I cannot use these words without having vividly brought to my mind primitive age, when there was but little land that was not common, or that immediately succeeding age, when services to the State and other distinguished actions were rewarded by grants of the common or Crown lands. The earliest local courts had their origin in an intimate connexion with the local common lands. The common lands were the inheritance of the people, and the primitive local courts were the earliest charters of their liberties.

By the side of the River Avon some 10 or 12 miles north of Ellingham, we have at Downton one of the best examples remaining in England of an ancient court palace or moot. I need scarcely say that the primitive courts were all held in the open air.

There were two kinds of ancient local or manorial courts, viz., the Court Leet and the Court Baron, and both of these still survive in parts of Hampshire, although in a state of extreme decay compared with their former importance. The Court Leet was the rarer of the two.

The Court Leet was also known by the name of a Law-day, and bore the still older name of "View of Frankpledge." It was an ancient court of Record for the reformation of public offences, after the example, on a larger scale, of the Sheriff's turne or County Court. The Court Leet inquired into offences against the state or the public welfare, and had to see that the local instruments of justice were in good reparation, viz., the pillory, the stocks, the cucking stool, and the pound. In their Courts' Leet the people officially learnt any changes in the law.

The Court Baron, such as I imagine was held at Moyles Court, was a court incident to every manor, and a manor was an ancient estate in the hands of lord made up of Demesnes and services, as we shall see this manor of Ellingham was at the time of the Domesday Survey. In a Court Baron the jury might be less than twelve, but not in a Court Leet. As a Court Leet was also called a law-day so a Court Baron was called a hall-day. Like the neighbours in the ancient Birlaw Courts the suitors of the Court Baron being on the Court jury

were themselves judges of complaints. In Doomsday book, where the local manorial courts are mentioned, they are, as far as Hampshire is concerned, described by the name *Aulæ*, and the word *aula* has been commonly explained to mean the mansion or hall of the lord. This I consider to be quite erroneous. The *aulæ* of Doomsday were, in my opinion, the Courts Baron of the manors, and from being often held in or near the lord's house became known as hall-days, and the house the hall from them. We have examples of ancient hall-day courts in several old place names in this county, such as Hall-place, Ropley; Hall-place, Michelmersh; and Hall-court, near Bishop's Waltham. The Courts Baron still existing in Hampshire are numerous. Like some other places in the county Moyles Court derives its name of court probably from its ancient hall-day, in a similar way as Roche Court. Moor Court, Fernhill's Court, Palmer's Court, Kniller's Court, Wayte's Court, and others, have derived their distinctive name of court.

The adjoining parish of Ibbesley had two manors and two Courts Baron, one known as Whites or Lises, and the other as Cray or Battins. Woodward and Wilks, in their history of Hampshire, state that Moyles Court Manor was early separated from the Manor of Ellingham, but I have not come across evidence of this in the mediæval record publications I have examined, and the statement requires confirmation.

In the days of Edward the Confessor this manor of Ellingham was held allodially by an Anglo-Saxon thane named Bolle. An allodial tenure was one derived from ancient usage, and consequently Bolle's tenure of Ellingham in the days of the Confessor was determined in his day nearly 900 years ago, by ancient custom which had no doubt prevailed on this manor long before from time immemorial. Land which was held allodially as this was, was free of certain services or payments to which manors not so held were liable, and in this allodial tenure of Ellingham Manor we may certainly see a case of land held under exceptional privileges, and I can scarcely doubt these privileges were connected in some way or other with its ancient local court.

The Doomsday entry concerning Ellingham is interesting from several points of view. It is as follows :—

“*ELLINGHAM.*—Cola, the huntsman, holds Ellingham of the King, and it was held by Bolle allodially of King Edward. It was then assessed at 5½ hides, and now at 1½ hides. Here are 5 ploughlands, 2 in demesne and 8 villeins, 7 borderers, and 5 serfs with 1½ ploughlands; also a mill, worth 7s. 6d., 103 acres of meadow, and woods for 40 hogs. Its value was, in the time of King Edward and afterwards, £7, and now 70s. One hide of this manor is in the King's Forest, and woods of the same quantity have pannage for 20 hogs. The whole is worth 70s.”

In this record we may note that Cola was one of the King's huntsmen—that his manor was conveniently situated near the New Forest, where, no doubt, his duties lay. He appears to have belonged to a sporting family, for, among the other royal huntsmen with tenures of land in Hampshire, was Ulviet, the father of Cola, who held Ripley; and Waleran, who appears to have been the chief huntsmen, for he held extensive manors or lands at Winkton Somborne, East Dean, Foxcott, Sarson, Outwich, Milton, and Greatham. A huntsman, such as Cola, who was lord of Ellingham, was evidently an important man. Next, we may note that Cola's manor here consisted of five ploughlands, two in demesne, *i.e.*, farmed for himself and one and a half farmed by eight villeins, or copyholders, seven borderers or cottagers, and five serfs—who, while cultivating the one and a half ploughlands for their own support, had to render the customary services to Cola in cultivating his demesne of two ploughlands. Cola, no doubt, had his Court Baron, to inquire into and regulate these customary services.

Next, we may note that one hide of the manor, that is probably about 120 acres, had been taken in to the King's new forest, and at the date of the survey, had been new afforested. We may note, also, that there were woods also equal to a hide in the New Forest, *i.e.*, under forest law, and that they afforded pannage for 20 hogs.

The value of the manor, probably owing to that part taken to help make the forest was less at the Survey than in the days of King Edward.

The next owner of Ellingham Manor, whose name I have met with, was the founder of Ellingham Priory.

Dugdale in his “*Monasticon Anglicanum*” gives us very scanty information about this priory, and I can add one or two details to his account.

This priory was one of the alien priories established by the Normans for the benefit of abbeys in Normandy. The tithes of the parish church of All Saints, with the chapel of St. Mary here, were the first and chief endowment of an alien priory, a cell to St. Saviour de Vicomte, in the diocese of Coutances, in Normandy, to which it was given by William de Solariis A.D. 1163. After the suppression of these houses the rent reserved to the Crown out of this priory was given by King Henry VI. to Eton College, to which King Edward IV. gave the rectory of Ellingham.

William de Solariis, the founder of this priory, must have been lord of the manor here about a century after the conquest. At that time we know that England was looked upon as a country where Norman knights could be provided with estates. As Normandy and England were under one king there naturally was much land in England held by Normans. Ellingham Manor is an instance of this, and the gift of the tithes by William de Solariis to found here a cell or priory to be a branch of a greater abbey in Normandy, is an example among many of Norman knights in England remembering their old country, much as English colonists in Canada or Australia now remember England. I do not think Ellingham derived any great benefit from its priory. The monastic establishment here appears to have been a small one, the monks at Ellingham being apparently stewards for the Canons of the Norman Abbey, and their chief secular duty being no doubt to remit as much Ellingham money or produce as they could to their Abbey. For 250 years the Ellingham tithes went to swell the revenues of St. Sauveur de Vicomte; and then came an ecclesiastical revolution, in which the alien priories, as foreign establishments, were swept away, and their revenues applied to English uses.

The "fossatum monachorum," or boundary ditch of the monks' land, is mentioned in a charter relating to Ellingham, of the 13th Century, but I believe no trace of the priory is now left.

As regards Ellingham Church, it paid a tax of £1 4s., according to the Taxatio of Pope Nicholas in 1291, for the expenses of the last Crusade, and in the "Valor Ecclesiasticus," 344 years later, the vicarage was valued at £8 9s.

Moyles Court derived its name from the family of Meoles (probably pronounced Moyles), who held this manor early in the 14th century. Woodward and Wilks in their History of Hampshire are wrong in stating that the family name was Moles. The next possessor of the manor whose name I have met with after de Solariis and the Norman time, is Robert de Puncherdon, who must have held land at Ellingham as early as the time of Richard I or very early in the reign of John, for the Patent Rolls of the 6th of John contain a record of a grant by the king of some land in Ellingham in the county of Southampton which had been held by Rob. de Puncherdon. This, with the Puncherdon memorial in the church, shows that the manor was held by that family for several centuries, and this is confirmed by later records.

In the 3rd of Edward II., that is about the year 1310, John de Meoles held Ellingham with other possessions, among which was the manor of Up Wallop in this county, and there is an entry to this effect in the Inquisitiones post mortem of this year. It appeared to have passed from him to his heir, Nicholas de Moeles, for in the 9th Edward II. these same manors, with others, were held by him and Margaret, his wife. It is a singular circumstance that Moyles Court should have derived its name from the Court held by the Meoles family, rather than the Puncherdons, who both preceded them and succeeded them in the possession of this manor, and whose tenure of it, so far as I know, was much less than a century. While the manor was in possession of Nicholas Meoles, in the 6th Edward II., about 1313, an inquiry was ordered to ascertain what loss or damage to the King, if any, occurred by this tenure, that is an "Inquisition ad quod damnum" was held. This is mentioned in the calendar of such inquisitions of this year.

In the 11. Edward III., the Manor was held by another John de Meoles, together with the manor of Upwallop in the county and other manors as is recorded in the Inquisitiones post mortem.

The next owner of Ellingham Manor I have met with is Florencia Punchardon, who held it of the lordship of Faccombe in the 19th Edward III. Sixteen years later (35th Edward

III.) the Inquisitiones post-mortem show that the manor was held by Margeria, wife of Bertini de Punchardon That was about the year 1343. The Manor of Faccombe in the north of this county appears to have been an ancient possession of the Punchardon family. The manor of Moyles Court in the reign of Edward III. appears to have been held by various members of this family in quick succession, for the patent rolls of the 20th Edward III. show that it was in that year granted or confirmed to Barthus de Punchardon, and there is a record of a fine paid to the King by this Barthus de Punchardon by agreement with Olwer de Punchardon of Faccombe, for the manor to be transferred to him.

In the 15th Richard II., or about the year 1392, we first meet the name of Moyles Court, as far as I know about 50 years after the last of the Meoles family was holding the manor, for in the Calendar of the Inquisitiones *post-mortem* of that year there is a record that "Ellingham maner vocat Meoles" was held by William Botreaux, Chr. In the 18th Richard II. also another inquisition was held which shows that Ellingham Manor, called Meoles, was then held by William de Botreaux and Elizabeth, his wife. There is a record of a still earlier connexion of the Botreaux family with Ellingham, for in the 28th Edward III., the king granted the custody of the manor which belonged to William de Botreaux, deceased, to the care of Rado. Daubeny during the minority of the heir of Seur, William de Botreaux. These were the days of the wars in France, in which many knights lost their lives. There appears to have been an inter-marriage between the Punchardon and Botreaux families, and the several manors to have passed from one to the other of these families, for in the 5th year of Henry V. we find Oliver de Punchardon held Ellingham Manor and Faccombe Manor, together with land and tenements at Harbridge, near Moyles Court.

The old carved panel with arms on it, and the letters O.P., still preserved in this house, may be those of Oliver de Punchardon. The brass to Richard Punchardon on the chancel floor of the church appears to be the memorial of a later member of the same family.

The last entry in the Inquisitiones *post mortem* I have met with relating to Moyles Court is another record of the Botreaux family, for in the 2nd Edward IV., the Manor of Rockford—Moyles *alias* Ellingham Manor, was held by another Sir William Botreaux, and part of Ellingham parish is still called Rockford.

I have not attempted to trace the descent of this ancient manor through the various families which have held it, but merely to point out a few of its ancient associations.

In the 16th century Moyles Court was in the possession of the White family, whose heiress, Alice, daughter of William White, married William Beronsaw, or Beconsawe, and for two generations the Beronsawes were lords of the manor, until Alice, daughter and co-heiress of White Beronsawe, married Sir John Lisle, who was a prominent parliamentarian in the civil wars of the 17th century. The names of Alice Lisle and her husband will both, for different reasons, live in English history.

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