

## THE MANOR AND CHANTRY OF SCOTGROVE

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In 1741 Thomas Robinson of Lincoln's Inn published a work called, in brief, *The Common Law of Kent; or the Customs of Gavelkind*, which became known, even more briefly, as *Robinson on Gavelkind*. It was a classic of its kind and went through, albeit at a somewhat pedestrian pace, five editions; the fifth appeared in 1897.

As is well known, gavelkind was a form of tenure found chiefly in Kent and was there so usual that land was presumed to be held in gavelkind unless the contrary was proved. Largely as the result of numerous disgavelling Acts, its importance became eroded in later years and the writing was on the wall when in 1913 the Council of the Kent Archaeological Society passed a resolution that 'This Society deprecates any statutory enactment which would abolish Gavelkind tenure in Kent'. In the event, gavelkind survived as long as, but no longer than, its great competitor, the rule of primogeniture. It died in 1925 and with it went, by the property legislation of that year, all other existing modes, rules and canons of descent. Previous legislation had already, three years before, precipitated the death throes of the English manor.

The major characteristic of gavelkind was that on intestacy land descended equally to all male heirs in the same degree so that, in particular, there was no such priority for the eldest son as was afforded by the common law of England. There were other differences from the general law affecting such matters as a widow's dower and the interest in a wife's lands taken by her husband on her death. Another refinement was that an infant holding land in gavelkind could convey it at the age of fifteen.

By a quirk of history, much information about the long defunct manor of Scotgrove is available in the pages of *Robinson on Gavelkind*, this because Scotgrove was the subject of a leading case in that field which came before the Court of Common Pleas in the reign of Edward II. The case, *Gatewayk v. Gatewayk*, was something of a medieval *Jarndyce v. Jarndyce*. That it should have become a leading case is in

itself odd, since there is no evidence that it was ever decided. For the local historian, however, the main interest lies in the facts on which the action was brought.

The site of the manorial buildings of Scotgrove is in an area of coppice woodland long known as Chapel Wood.<sup>1</sup> It is now in the civil parish of Hartley but historically was in a northerly reach of the parish of Ash by Wrotham. The site is rectangular in shape and embanked, with an outer ditch. The boundaries on the north, west and south sides can still largely be made out; the eastern boundary lies along the Ash road, where modern development precludes detailed investigation. Another road, or track, now represented by a footpath, passed through the site itself, running northwards from the hamlet of West Yoke in Ash into Hartley parish. To the east of this track and about eighty feet southwards from the earthwork is the site of a medieval tile-kiln.

At some time in the first half of the thirteenth century the lands from which were born the manor of Scotgrove came into the possession of Mabel, widow of John de Torpel. She was the lady of the manor of Ash, otherwise North Ash, which she held from Roger de Mowbray by knight service,<sup>2</sup> but the Scotgrove lands she held in gavelkind. The manor of Scotgrove began its life when Mabel de Torpel granted, or purported to grant, to William de Faukeham an estate in frank fee, to be held by the service of a fourth part of a knight's fee and at a yearly rent of 27 shillings. As Mabel held her manor of Ash by a fourth part of a knight's fee this was for her a not unprofitable transaction. That there was doubt at the time as to the legality of her action is suggested by the fact that a confirmation of the grant was subsequently obtained from King Henry III; he, it so happened, was a good friend of the de Faukeham family. Despite this royal approval, the effect of Mabel's grant was to become, in the following century, the principal issue in the case of *Gatewyk v. Gatewyk*.<sup>3</sup>

The de Faukehams, first lords of Scotgrove, were descended from one Godfrey the Steward, otherwise Godfrey of Thanington, who at the time of Domesday and of the Domesday Monachorum, was a feudal tenant of the Archbishop of Canterbury.<sup>4</sup> The family were established in Fawkham by the reign of Henry I and were almost certainly responsible for the replacement of the Saxon church there by

<sup>1</sup> N.G.R. TQ 60286633. The enclosure was probably of about five acres in extent.

<sup>2</sup> *Arch. Cant.*, xii (1878), 234. The fee there numbered 428 would seem to be the manor of Ash, alias North Ash. Hasted, *History of Kent*, 2nd edn. (1797-1801), ii, 464, appears wrong in identifying as that manor a subsidiary manor in Ash held by Ralph Fitzbernard from Mabel de Torpel by the twelfth part of a knight's fee.

<sup>3</sup> See *Robinson on Gavelkind*, 5th edn (1897) by Elton and Mackey, 58-61, on which the account of *Gatewyk v. Gatewyk* in this paper is based.

<sup>4</sup> *Kent Records ('KR')*, xviii (1964), 17-18.

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its present Norman successor. Probably then, and in any case by the thirteenth century, their manor house stood a stone's throw to the east of the church. Scotgrove lay cheek by jowl with the lands of the manor of Fawkham and as the de Faukehams were a relatively numerous family, it may well be that a house was built at Scotgrove for one of their number.

The first recorded William de Faukeham, who would have been Mabel's grantee, died in or before 1250 and was succeeded by his son of the same name. The younger William was a man of some distinction. He was one of Henry III's knights, received many marks of favour from the King and was long a marshal of the royal household. He survived the battles of Simon de Montfort's revolt, perhaps luckily for he lost a horse in the King's service at Kenilworth. In his later years he seems to have left his Fawkham manor house for the grander Horton Castle, whose owner, Lora de Ros, he married.<sup>5</sup>

If ever Sir William de Faukeham lived at Scotgrove, that most likely would have been in his father's lifetime. What does emerge with certainty is that after his father's death there was an ostensible, though probably fictitious, dispute over his right to inherit that property. In 1250 his younger brothers Thomas and Robert brought against him an action, in due course compromised by way of a *fine*, in which they claimed as a reasonable share of the inheritance of their father two parts in various lands in Fawkham, Ash and sundry other parishes in north-west Kent and in the fourth part of a knight's fee in Ash—which latter must have been the Scotgrove fee. Clearly, most at any rate of the lands in question had been held by the elder William in gavelkind and, equally clearly, the manor of Fawkham was not in question; that manor, which was an important one, was held by knight service of the Bishop of Rochester and would have passed by primogeniture. The unusual feature of the proceedings was that the younger sons were apparently asserting an interest in the quarter knight's fee in Ash. Possibly they were claiming to share in that on the basis that Scotgrove had not been effectively disgavelled by Mabel's grant. It seems more likely that the opportunity was being taken to bolster up the eldest son's title and that the proceedings, like so many others of the kind, were never more than a conveyancing device.

In this case the family arrangement reached at the end, and also probably the beginning, of the day was that save for the fourth part of a knight's fee, a meadow called Denhull in Ash and some rent in Otford, all of which remained by the *fine* to William and his heirs, the claims of Thomas and Robert were acknowledged; in addition, William sold to them for fifteen marks his own share of their father's

<sup>5</sup> W. F. Proudfoot, *Fawkham* (1951), 28.

lands in Fawkham and Horton and, as well, certain lands that he held of the inheritance of an uncle, Henry de Faukeham, except for a piece of land in Ash called Gocelinesland.<sup>6</sup>

A few years later, on the occasion of the Aid of 1253–4 for the knighting of Henry III's eldest son, William de 'Storteg(r)auē' was recorded as holding a quarter fee in Ash from Mabel de Torpel;<sup>7</sup> he presumably was one and the same as William de Faukeham.

The date of de Faukeham's death is not known, but he founded a chantry in Fawkham church in 1274 and is last heard of four years later; almost certainly he lies buried in the 'Founder's tomb' recessed in the north chancel wall of Fawkham church. His Fawkham manor descended to his two daughters, Rose and Sarah, and was eventually partitioned between them<sup>8</sup> to the great confusion of its subsequent history. Long before that, Scotgrove had passed into the possession of one Richard de Gatewyk, probably already by 1274 in which year Richard was a witness to the deed by which de Faukeham founded his chantry.<sup>9</sup>

On Richard's death Scotgrove seems to have passed unchallenged to his eldest son, John de Gatewyk, but on John's death issue arose as to whether his brothers, Richard and William, were entitled to their reasonable parts of their father's inheritance at Ash, or whether the whole belonged to John's three daughters and co-heiresses, Katherine, Margaret and Elizabeth, all of whom were under age. With infants concerned no compromise would have been possible and the two brothers took out a writ, to which their three nieces were, by their guardian, defendants. The ensuing proceedings appear to have begun in 1312–3 before the justices in eyre in Kent but, because of the difficulty and importance of the matter, were removed to the Court of Common Pleas, where the hearing commenced three years later.

Richard was soon dismissed from the suit; he had released his right at the age of fifteen and such release was found to be good by the Custom of Kent. William, who met with some initial success in that part of the land which had belonged to his father was shown and found to be gavelkind, soldiered on; the real battle was over the land that Mabel de Torpel had granted to William de Faukeham. That, it was claimed for the infants, was frank fee, or 'liberum feodum'. The tenure had been changed from gavelkind to knight service by a grant

<sup>6</sup> *KR*, xv (1956), lxiii, 230–1.

<sup>7</sup> *Arch. Cant.*, xii (1878), 234.

<sup>8</sup> Proudfoot, *op. cit.*, 32.

<sup>9</sup> John Thorpe, *Registrum Roffense* (1769), 354; *KR*, xii (1936), 128. Hasted, *op. cit.*, ii, 469–70, says that William de Faukeham's son and heir, Jeffry de Faukeham, held Scotgrove by knight service and 'enfeoffed Richard de Gatewyk in it', but no other mention of this Jeffry has been traced.

confirmed by royal charter and its descent was thenceforth to the eldest son, in this case the infants' father. For William it was said that by the Custom of Kent no one could change gavelkind except the King and the Archbishop and that they could only do so in the case of lands held directly from them. No change could have been made in this case since Mabel had not been the King's immediate tenant.

During an adjournment on this puissant issue, King Edward II himself entered the lists by writing to the justices of the Common Pleas to inform them that it was his prerogative right to change the tenure of gavelkind lands in Kent into knight service or serjeanty. In so doing, he drew their attention not only to his grandfather's charter confirming Mabel's deed of enfranchisement but also to a charter whereby his father, Edward I, had changed the descent of gavelkind lands held by John de Cobham. Of the latter charter he sent a transcript for the justices' consideration, pointing out that the good reasons for which it had been executed included the welfare of the State. That contention was not surprising, for implicit in gavelkind was a weakening of the feudal chain. In his charter, Edward I had claimed that it was the King's prerogative to abolish, or at least to change, such laws and customs as diminished the strength of the Kingdom and 'that it has often happened by the ancient Kentish custom of partition in gavelkind that lands and tenements which in certain hands when undivided are quite sufficient for the service of the State and the maintenance of many, are afterwards divided and broken up among co-heirs into so many parts and particles that no portion suffices for its owner's maintenance'.

Edward II's intervention must have seemed manna from heaven to the infants' guardian, who lost no time in asserting that it was now apparent that the King by his charter could create frank fee irrespective of whether the lands were held immediately of him or not and that no statement by the County to the contrary was receivable in evidence.

It says much for the justices, and perhaps even more for that strong Plantagenet sense of justice on which their independence rested, that they were still not satisfied. Time was taken for further consideration and, after another two years, the issue was still unresolved. Nearly five hundred years later, the Court of Common Pleas decided that the King had no prerogative right of changing gavelkind by altering the tenure even where the land was held immediately from him; that, however, was in another case.<sup>10</sup> A similar view had been expressed in the

<sup>10</sup> *Doe d. Lushington v. Bishop of Llandaff* (1807), in which the Court decided that Henry VIII had no right to have granted the rectory and tithes of Rodmersham, which came to him from the Hospitallers on their dissolution, to be held from him by knight service; it was held to be irrelevant that gavelkind could have had no practical consequences while the Hospitallers were in possession: *Robinson, op. cit.*, 61-62.

sixteenth century by William Lambarde,<sup>11</sup> whose descendants were later to become lords of Ash. However, it would seem from the subsequent history of Scotgrove that William de Gatewyk cannot have won his suit. Maybe he died, maybe the case died, maybe it went on so long that the infants all came of age and matters were settled amicably; it is unlikely that what precisely happened will ever now be known.

Although the de Torpels and the de Faukehams were both wealthy families and given to good works,<sup>12</sup> the chantry that is known to have existed at Scotgrove was probably a Gatewyk foundation. No record of its creation has been traced and all that can be said with certainty is that the chantry must have been in existence for some time before 1320. When in that year Bishop Hamo de Hethe chose Hugh de Asgerbi to be chaplain of the chapel of 'Scottegrove' it was because the right had devolved upon him by lapse of time.<sup>13</sup> Clearly, there must have been at least one prior chaplain.

Eight years later, when William Chernare, priest, was instituted as perpetual chaplain of 'Scottesgrave', a patron appeared in the person of Thomas de Wyntreshulle,<sup>14</sup> who was perhaps either husband or guardian of a Gatewyk. In any event, that family was still in the picture; when in 1332 another vacancy occurred, the Bishop instituted Robert de Oddesworth on the presentation of Joan de Gatewyk.<sup>15</sup> Joan was evidently a lady of means, since in the Lay Subsidy of 1334-5 for the hundred of Axton she was assessed in the substantial sum of 13s. 1d.<sup>16</sup> She, or one of the same name, was also possessed of moveables in the hundred of Westerham, where she paid 8s. 2 $\frac{3}{4}$ d.<sup>17</sup> Another contributor in the Axton hundred was 'Sir John de Scottegrove', who was assessed at 4s. 1 $\frac{1}{2}$ d.<sup>18</sup> and who remains an unplaced piece in the jig-saw. As the average payment in Axton, a wealthy community, was about 6s. 8d., he seems relatively to have been rather small fry.

One further institution to the chantry appears in Bishop Hamo's register, under the heading *Cantaria manerii de Scottegrove*. This was

<sup>11</sup> *Ibid.*, 61.

<sup>12</sup> A handsome gift of rents in Ash was made by Mabel de Torpel in 1269 to the Prioress of Haliwell (in Shoreditch) and her church of St. John the Baptist: *KR*, xv (1956), 357. This gift was perhaps the germination of the manor of Halywell or Holliwell in Ash, which was in the possession of the nuns in later medieval times and until their dissolution.

<sup>13</sup> *KR*, iv (1915-46), 63.

<sup>14</sup> *Ibid.*, 407.

<sup>15</sup> *Ibid.*, 518.

<sup>16</sup> *KR*, xviii (1964), 144.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

in 1342, when Adam atte Welle, of 'Bixle' (Bexley) was instituted on the resignation of Robert de Oddesworth.<sup>19</sup> On this occasion the patron was named as 'William Wavre' which William, as 'William de Wauer' paid an assessment of ten shillings for the manor of Scotgrove in the Aid of 1346-7 for the knighting of the Black Prince.<sup>20</sup>

There were two of the name of William de Wauer, or Wauere, presumably father and son. It seems possible that one at least of them was a practitioner of the law; if so, the Waure practice was evidently wide-ranging, drawing its clients from both ends of the County. In 1330, William de Waure acted instead of William of Reculver and his wife in a *fine* relating to land in Hernehill<sup>21</sup> and, in the same year, in place of Joan, wife of William Moraunt, in a *fine* relating to property in Sevenoaks.<sup>22</sup> Two years later, William de Waure *senior* stood in place of Margery, wife of John de Mereworthe, in a *fine* concerned with a moiety of the manor of West Peckham.<sup>23</sup> It was probably he who attended the York Parliament of 26th May, 1335, as one of the two members for Canterbury,<sup>24</sup> with which city further evidence of a close family association will be noticed later. It is perhaps more likely that it was the younger de Waure who became lord of Scotgrove and not impossible that he acquired his interest there through marriage with Joan de Gatewyk.

The ten shillings, a usual amount for a quarter fee, that de Waure paid for Scotgrove compares with forty shillings levied for the manor of Ridley, which owed one knight, and sixty shillings for the two moieties of the manor of Fawkham, which between them owed one and a half knights.<sup>25</sup> As manors went in the locality, Scotgrove was not of major importance. It was described in the Book of Aid as the fourth part of one fee which John de Gatewyk held in Ash at 'Scotegroue' from Roger Mowbray, and he from the King. The earlier occasion to which Kentish assessments for this Aid refer back seems in most instances to have been the Aid raised by Edward I in 1305-6 for the knighting of his eldest son, Edward of Carnarvon. That was evidently so in the case of Scotgrove and the John de Gatewyk who at that time held the fee was no doubt he whose subsequent death triggered off the family dispute over gavelkind. By the time of Edward I's Aid, Mabel de Torpel had disappeared from the scene and Scotgrove seems to have

<sup>19</sup> *KR*, iv (1915-46), 684.

<sup>20</sup> *Arch. Cant.*, x (1876), 154.

<sup>21</sup> *Ibid.*, xviii (1889), 351.

<sup>22</sup> *Ibid.*, xx (1893), 163. The Moraunt family gave their name to Morants Court in Chevening.

<sup>23</sup> *Ibid.*, 182.

<sup>24</sup> Hasted, *op. cit.*, xi, 47; ed. George O. Howell, *Kentish Note Book*, II (1894), 384-4.

<sup>25</sup> *Arch. Cant.*, xi (1876), 156; generally as to Edward III's aid, see *ibid.*, 99 ff.

climbed one rung of the feudal ladder. John held directly from the tenant in chief, Roger de Mowbray, descendant of the Roger from whom Mabel had held her Ash fee.

Whether or not William de Waure was living at his Scotsgrove manor house at the time of Edward III's Aid, or indeed ever had lived there, Adam atte Welle was still officiating at the Scotsgrove chantry. In July 1347, he was one of the executors who proved the will of John Pewcompe of Ridley and was then described as chaplain of Scotsgrove.<sup>26</sup> It may well be that he was the last to serve that office.

The Black Death seems first to have hit the diocese of Rochester in December 1348 and to have raged there with great ferocity for most at least of the ensuing year. The immediate Rochester area was especially badly hit. The cathedral itself lost two successive vicars of the parochial altar of St. Nicholas and five serjeants; three vicars of Frindsbury died within the space of some three months. Nearer to Ash, the parish of Dode is said to have been wiped out and amongst parishes of which incumbents died were Addington, Horton Kirby, Luddesdown, Shorne, Snodland, Sutton-at-Hone and Wilmington. Of the three churches nearest to Scotsgrove, the rectors of Ash and Hartley survived but not the rector of Fawkham. The aged Bishop Hamo, spending the plague year at either Halling or Trottiscliffe, lost so many from his household that none, it was said, remained to serve him in any office. That may be a reasoning for questioning how fully his registers reflect the mortality amongst the diocesan clergy, but the tale they tell is horrific enough.<sup>27</sup>

If Adam atte Welle survived the catastrophe, it seems unlikely that he would have continued in the seclusion of Scotsgrove at a time when so many priestly offices had fallen vacant. In any event, no more is learnt of him. Likewise, the chantry disappears from the records; presumably, it fell into disuse. Whether the Scotsgrove site was still inhabited after the pestilence had passed is uncertain; the number of finds there has been comparatively small and there is no archaeological evidence to indicate when occupation ceased, either temporarily or permanently. There is reason to think that the old manor house of Fawkham, a relatively close neighbour, may have gone out of commission in the mid-fourteenth century.<sup>28</sup> Possibly both that house and Scotsgrove were victims of the Black Death.

De Waure, or at least the de Waure family, remained in the picture for some years to come. In 1359 'William de Wavere' demised to

<sup>26</sup> *KR*, iv (1915-46), 948.

<sup>27</sup> The extraordinary numbers of deaths noted in Bishop Hamo's registers as giving rise to vacancies between late December 1348 and late November 1349 may no doubt include a few attributable to causes other than the pestilence.

<sup>28</sup> *Kent Arch. Review*, 7 (February 1967), 12.



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Walter Colepeper and John Colepeper, clerk, at ferme his manor of 'Skottegrove' in Kent and five marks of yearly rent in Sussex, at an annual rent of sixteen marks.<sup>28a</sup> The demise was for William's life, which may have been the extent of his interest; such would have been the case if he was tenant by the Curtesy of a deceased wife's estate.<sup>29</sup> The rent was to be paid to him in the church of St. Paul in the suburb of Canterbury,<sup>30</sup> from which it is evident that he was then living, as perhaps he always had lived, in that city. He may well have been one and the same as the 'de Wavere', Christian name unknown, who in 1360-1 was one of the two bailiffs by whom Canterbury was governed.<sup>31</sup>

From about this time something of a false trail in the Scotgrove story was laid by Thomas Philipott<sup>32</sup> who, after wrongly concluding that the Gatewyk family remained in possession until after the knighting of the Black Prince, wrote:—

' . . . I discover by some old Deeds that commence for the reign of Richard the second, that the Frankenhams were Lords of the Fee, who before the latter end of Henry the fifth were gon (*sic*) out, and then it came to own the Propriety of Poynings, and went along with this name until it devolved to Sir Edward Poyning, who held it in his possession at his Death, which was in the twelfth year of Henry the eighth. . . . '

Hasted followed Philipott as to the Frankenhams, but concluded that after they were extinct Scotgrove came into the possession of the Colepepers.<sup>33</sup>

It would seem that the fee to which the deeds seen by Philipott related must have been the superior fee out of which William de Faukeham had enfeoffed Richard de Gatewyk and that 'Frankenhams' may have been a mistranscription for 'Faukenhams', a derivative from 'de Faukeham'. If, however, that family held this lordship in the reign of Richard II, the fee must have devolved differently from the manor of Fawkham, both moieties of which had long before passed elsewhere. One of those moieties, Old Fawkham, and the manor of Ash devolved

<sup>28a</sup> *Cal. Close Rolls*, Edw. III, x (1354-60), 629.

<sup>29</sup> Generally, a husband took a life estate 'by the Curtesy' in his deceased wife's lands, provided that a child of the marriage capable of inheriting had been born alive. In gavelkind, the husband's entitlement was to a life interest in one half of the wife's lands, whether or not there had been issue of the marriage.

<sup>30</sup> Presumably de Waure lived without the city wall. The church of St. Paul, in Church Street (St. Pauls), is about equidistant from the site of Burgate and the Cemetery Gate of St. Augustine's Abbey.

<sup>31</sup> As appears from the Canterbury Freeman's Rolls: *KR*, xviii, 210.

<sup>32</sup> *Villare Cantianum* (1659), 55.

<sup>33</sup> Hasted, *op. cit.*, ii, 471.

in similar manner and were eventually amongst a number of estates in disputed ownership to which, at the end of the Wars of the Roses, Sir Edward Poynings was one of the claimants. When the dispute was settled by apportionment, Poynings' share included Ash and Old Fawkham<sup>34</sup> and perhaps incidentally a quit-rent or such like from Scotgrove may have come his way.

Whether by acquisition during William de Waure's lifetime or by purchase after his death, the manor that had been leased to the Colepepers in 1359 had come into the ownership of that family by the early years of the reign of Richard II. This fact is evident from a deed dated 25th January, 1381, made between Sir Thomas Colepeper, son of John Colepeper, and Idonea, wife of the same John Colepeper<sup>35</sup> and of which the object was to provide Idonea with an interest for life or until remarriage in various landed estate, in substitution for the dower to which she would otherwise have been entitled. Such provision was partly in lieu of Idonea's dower of 'gavelekynd' lands in Kent, in place of which she was given a life interest in a moiety of the manor of Knolle and in sundry other properties, and partly in lieu of her dower of the manor of Wygeselle and other lands in Sussex, for which she received a similar interest in the manor of Scotgrove ('Skotegrove') together with the water mill of Gretnarsche,<sup>36</sup> a meadow called Gatewykesmede and some pasture in Seal ('Zele'), but she was to render to Sir Thomas and his heirs 21s. 1½d. (power being reserved to distrain in the manor of Scotgrove) and was also to pay the chief lords the services due and accustomed, including those of Scotgrove, Gretnarsche Mill and Gatewykesmede.

Idonea had covenanted to make restitution if any of the premises should be passed out of her hands, but there is no reason to suppose that any were. Scotgrove, at any rate, seems to have stayed with the Colepepers until the late fifteenth or early sixteenth century, when it was carried in marriage by Jocosa, daughter and heiress of Nicholas Colepeper, to Walter Lewknor, of Warbleton in Sussex, a younger son of Sir Thomas Lewknor, of Goring in Essex; it was said by this time to be held by knight service from Sir Edward Poynings, as of his manor of Ash. Walter Lewknor died about 1521, leaving Scotgrove to his son and heir, Humphrey Lewknor.<sup>37</sup>

Humphrey Lewknor sold Scotgrove to Thomas Fane, of London, who was the third son of John Fane, alias Vane, of Tonbridge, and Thomas, who died about 1532, bequeathed his estates in Ash to his son

<sup>34</sup> *Cal. Close Rolls*, Henry VII (1485-1500), 114; as to Old Fawkham, see KAO, U947 (Selby MSS), T1/1 (deed of 22 May 1531).

<sup>35</sup> *Cal. Close Rolls*, Richard II, I (1377-81), 490.

<sup>36</sup> *i.e.*, Greatness, by Sevenoaks.

<sup>37</sup> Hasted, *op cit.*, ii, 471.

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of the same name.<sup>38</sup> Some twenty years later, the lands of Scotgrove had become part of the broad acres of another Thomas Fane, son of George Fane, of Badsell in Tudeley; he was the last of that family to own the Scotgrove site.

The Fanes, or Vanes, were usually a thorn in somebody's flesh and, true to type, the last-mentioned Thomas joined Sir Thomas Wyatt's rebellion against Mary Tudor's intended marriage with Philip of Spain. When that rising was crushed, Fane was then removed to the Tower where he and a fellow prisoner, in what they must have thought their last days, inscribed for posterity their names and the words

'Be faithful unto Deth and I will give thee a Crown of Life'.

It was a close run thing. Fane was attainted of high treason, a warrant was issued for his execution and then Mary, taking pity on his youth, pardoned him. He was at liberty to resume a career which was to prove one of some distinction.<sup>39</sup>

For his very considerable estates, forfeit to the Crown on his attainder, Fane was allowed to compound for the sum of one hundred pounds. These were mostly in the Tonbridge and Sevenoaks areas, many being leased to one Alice Hudson, widow, whose demise included 210 acres in Ash, Fawkham and Hartley as also, it is interesting to note, two water cornmills called 'Gretness-mylles' in Sevenoaks. Other lands which were outside the lease, and so had come into the Crown's hands, likewise included land in Ash, Fawkham and Hartley.<sup>40</sup> It was perhaps to recoup his modest penalty that Fane decided, about a year later, to sell some of his land in these three outlying parishes. He had no need to look far for a purchaser.

There was at that time in Fawkham an up and coming yeoman family named Walter, who owned a freehold estate there called Penys or Pennis and were also lessees of that moiety of the manor of Fawkham which had become known as Old Fawkham. The lands of Pennis extended into Ash and Hartley and in part abutted on Fane's land. In 1556, Fane sold to Thomas Walter, the then head of that family, thirteen parcels of land and woodland in Ash, Fawkham and Hartley. The transaction is evidenced by a quitclaim, which named the several pieces of land; these included 'Scotgrove' and 'Chaunterye

<sup>38</sup> *Ibid.*

<sup>39</sup> The graffito is recorded in S. K. Keyes, *Dartford Historical Notes* (1933), 617-8, where it is stated that Fane's fellow prisoner, who wrote his name as 'T. Culpepper, of Dartford', was also pardoned. Fane was knighted in the reign of Elizabeth I. For an account of his career, see *D.N.B.*, compact edn (1975), i, 659.

<sup>40</sup> *Cal. Patent Rolls, Philip & Mary* (1554-5), 49.

Croft'.<sup>41</sup> The document was silent as to any manor or manorial rights. It may be doubted whether the manor of Scotgrove was then even a memory.

Walter died within months of his purchase, leaving his lands to his son Thomas.<sup>42</sup> In 1571 this Thomas bought the freehold of the manor of Old Fawkham<sup>43</sup> and, as he already owned some at least of the lands of Scotgrove, the pattern of a common ownership that had existed in the thirteenth century emerged once more, albeit a little tattered.

Nearly twenty years later Thomas junior carried through a complicated legal process aimed at dividing his estates, subject to a life interest for himself, between his three sons. It began with a deed anticipatory of a *Common Recovery* and which referred, *inter alia*, to a messuage and one hundred and eighty acres of land in Ash and six acres of land and wood called 'The Channterye' in Hartley that Walter's father had bought from Thomas Fane.<sup>43a</sup> It ended some months later with settlements on the three sons.

Although Walter acted in the spirit of gavelkind, the decent competence that he provided for his eldest son John, who had already moved into the ranks of the gentry, included his manor and his mansion house. Of more immediate interest, it also comprised much of the land that the elder Thomas Walter had bought from Fane. This included Scotgrove Wood, eight acres in extent, and four parcels of land and wood lying together in Hartley, six acres in all, called 'The Channtry'.<sup>44</sup>

'The Channtry' was bounded on the north and east by land of Richard Overey and to the south by land of James Lance; the Overeys were primarily yeomen farmers of Hartley, the Lances yeomen farmers of Ash. The western boundary was the highway leading from Ash to Longfield, that is the road now known as the Ash road, which in the vicinity of Scotgrove was the boundary between Ash and Hartley. This

<sup>41</sup> KAO, U947, T1/28 (quitclaim of 28th September, 1556). The other parcels included *le lyvet* (presumably the later Redlibbets Wood) and *le Northlandes* (later Northlands Wood and Northlands Field), which were not far from Scotgrove Wood, and *Parresse*, which adjoined it; possibly all thirteen parcels were once demesne lands of the manor.

<sup>42</sup> *Ibid.*, T1/4 (will of Thomas Walter, proved 23rd March, 1557).

<sup>43</sup> *Ibid.*, T1/1 (*fine*: Francis Whyte and heirs to Thomas Walter). Hasted, *op. cit.*, ii, 448, identifies the manor acquired by Walter as that of New Fawkham and was followed in this by Proudfoot, *op. cit.*, 49–56. From reappraisal in the light of documents in the Selby MSS, deposited in the KAO in 1962, and especially a recital in the deed of 1531 mentioned in note 34, it would seem that the manor was in fact that called Old Fawkham.

<sup>43a</sup> *Ibid.*, T1/4 (deed of 1st January, 1590, between Thomas Walter and John Kettell and others).

<sup>44</sup> *Ibid.*, T1/1 (deed of 28th April, 1590, between Thomas Walter and John Walter).

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holding cannot have been far from Scotgrove and probably faced it from across the road. The site of the chantry chapel is believed to have been within the Scotgrove enclosure, but the matter is not beyond all doubt. The name of the Hartley croft may minimally increase such doubt, but could have derived from mere juxtaposition to the chapel; alternatively, if there was a closer connection, the abode of the chantry priest might have been there.<sup>45</sup>

In the eighteenth century the Scotgrove chantry was rescued from oblivion by the enquiring mind of Dr. John Thorpe, the Rochester antiquary. Thorpe had set up his medical practice in that city in 1715, but it was probably not until ten or more years later that he took up the matter of the chantry with Samuel Atwood, the then rector of Ash. Atwood replied to him in a long and interesting letter that subsequently came into the possession of Thorpe's son, John Thorpe of Bexley, who published it, undated, in his *Custumale Roffense*.<sup>46</sup> In his letter the rector wrote:—

‘I have at last, by the help of your directions, found out the remains of that which was certainly the chapel of Scotsgrove (*sic*), though the name is perfectly lost and forgotten and not remembered by any person I can meet with. Upon the receipt of yours, I presently called to mind, there was a wood in this parish called Chapel Wood, in which I remembered I had formerly seen some foundations of ancient buildings. Upon enquiry, I found here had been a chapel, and I had the curiosity to go and search for it, which, by the help of an old man I quickly found. He went directly to it, though in the middle of a standing wood, where the dimensions of the foundations are very plain and visible to this day; and I have met with another man of this parish aged eighty-two, who remembers the walls five or six feet high, but neither of them ever heard of the name of Scotsgrove . . .’.

At that time, as for long after, there were in Ash two families who had certainly been settled in the parish by the first half of the fourteenth century, the Hodsoills of South Ash Manor, to whom Atwood was related by marriage, and the Lances, of whom mention has already been made;<sup>47</sup> evidently no memory of Scotgrove had lingered in either family.

<sup>45</sup> *cf.* ‘The Black Prince’s Chantry’, the name in more recent times of a house in Canterbury built on the site of the house of the chaplains of the chantry of that name in the Cathedral.

<sup>46</sup> (1788), 64.

<sup>47</sup> The Hodsoills had been in the area, probably in Ash itself, since at least the late 12th century and were certainly settled in the parish by 1342, when the Lances were already there.: *Arch. Cant.*, i (1858), 261–2; *KR*, iv, 1126.

Of the two old men who had assisted the rector in his enquiries, the octogenarian might have been 'Old Thomas Wallace', who died in 1727, aged eighty-five, 'Old Thomas Wouldham', who died in 1730, 'aged 88 at lest', or, just possibly, 'Old Thomas Walter', who died in 1725, aged eighty-eight,<sup>48</sup> and who would have been a collateral descendant of the Walters who acquired Scotgrove lands in the sixteenth century.

The rector also made mention in his letter of other foundations in the same wood, which he guessed might have been of houses as there was a well very near them; this the owner had been forced to cover with timber when he last felled the wood. The well was still covered, to prevent accidents, when John Thorpe the younger visited the site in August 1769 and found there 'the foundations of the chapel . . . as described by Mr. Atwood'.<sup>49</sup> Apparently Thorpe did not know that his father had himself visited the site exactly forty-one years before but that visit, made on 2nd August 1728, was recorded by Dr. Thorpe in a memorandum which reads:—

'I went this day with Mr. Samuel Atwood, Rector of Ash, and Mr. John Barnard, to view the site of the Chantry of Scotgrove. It lyes in a wood now commonly called Chappel Wood. Through the wood runs a path, leading from Ash towards Hartley. The next field to this on the north side lyes partly in Ash and partly in Hartley. A very few rods on the west side of the path, and if I mistake not, about half-way across the wood, are ye remains of this Chantry. The vestiges of the walls thereof are plainly distinguished, being two or three feet above the level of the ground, and at the west end four or five feet. The door seems to have been on the south side. About ten rods on the west of it is a draw-well. This place has been entrenched round and within it are many foundations and marks of buildings'.<sup>50</sup>

The two old men who earlier had helped Mr. Atwood had assured him from their own knowledge that Chapel Wood with other lands adjoining 'did formerly belong to the Walters of Faulkham, and one of them gave it with a daughter to one Walker, who sold it to Mr. Morris, rector of Ash, that died about 1674'. Mr. Morris, they had said, had given it with a daughter to Mr. Clement; he, Atwood explained in his

<sup>48</sup> KAO, P10, Ash Parish Registers, I (1553-1737).

<sup>49</sup> *Cust. Roff.*, 64.

<sup>50</sup> Rev. G. W. Bancks, *Hartley Through the Ages* (1927), 52-53 (quoting from an MS in the possession of the Society of Antiquaries).

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letter, was his own immediate predecessor, adding that Mr. Clement's grandson, 'young Umfrey', enjoyed it to that day.<sup>50a</sup>

Most, at any rate, of the ancients' recollections seem to have been right. John Walter, who had come into his own on his father's death in 1608, left the bulk of his estate after his wife's death to his nephew and godson, another John Walter,<sup>51</sup> who died in 1657. By the dour days of the Commonwealth the Walters were less prosperous and this John made his will against a background of debts and mortgages. He left, however, a quite substantial landed estate, from which he made provision for his widow and two sons and for the raising of portions of £300 for each of his three daughters. For the latter purpose, and for the payment of his debts, he directed the sale of certain lands, including his farm in Ash and Hartley then in the tenure of John Dawlton and the woodlands belonging to it.<sup>52</sup> The Scotgrove site may have been part of this complex, but there was some litigation following Walter's death<sup>53</sup> and possibly not all the terms of his will were strictly carried out. In any event, his eldest daughter Dorcas married 'one Walker', by name John, five little Walkers born to them being christened at Fawkham in the years 1660 to 1669.<sup>54</sup> Dorcas died in 1669, some months after the birth of her youngest child.<sup>55</sup> It could be that her portion had been provided in kind in lieu of cash and, coming to John Walker in right of or from his wife, was sold by him to Mr. Morris.

Morris did die in 1674.<sup>56</sup> He seems to have had no children of his own but he had a stepdaughter, Frances Chittin, or Chitting, who in 1654 had been married at Ash to John Collinvell, or Collinwell, of Otford. Frances and her two children, Mary and Susan Collinvell, were

<sup>50a</sup> Hasted, *op. cit.*, II, 471, says that Scotgrove went from the Walters to the Lambarde family, 'the inheritance of it being now vested in Multon Lambard esq. of Sevenoke'. This confuses the superior and inferior interests, nor did the Lambardes acquire their estate in Ash until after the Walters had parted with their land at Scotgrove. No doubt Hasted is right to the extent that the Lambardes claimed lordship over that land.

<sup>51</sup> The elder John Walter died on 27th February, 1626 (see his memorial in Fawkham church); his will dated 23rd April, 1623 (KAO, U947, T1/1) was proved in the PCC on 14th January, 1627.

<sup>52</sup> KAO, U947, T1/41/3. Walter's will is dated 11th May 1657; he was buried at Fawkham a week later.

<sup>53</sup> *Ibid.*, T1/41/4, are a bill and response in Chancery relating to Walter's will, but in extremely poor state.

<sup>54</sup> Fawkham Parish Registers (1568-1812), in which the christenings are recorded, but not the marriage.

<sup>55</sup> *Ibid.*

<sup>56</sup> As in note 48.

the principal beneficiaries under Morris' will.<sup>57</sup> She was a widow at the time when the will was made but two months later was married at Ash to the Revd. Everard Clement who, in the meantime, had succeeded Morris as rector. Frances cannot have been a young woman when she married the new rector, but she was young enough to bear him three children, of whom unhappily one died in infancy and another at the age of three.<sup>58</sup> It was the second child, Margaret, born in 1679, who became the mother of 'young Umfrey'.

The marriage of an Umfrey of Darenth to a Finch heiress had brought to the Umfrey family the manor of Kingsdown near Sittingbourne;<sup>59</sup> thenceforth, it was almost a matter of divine right that an Umfrey son and heir should be christened 'Finch'. The one of that name who married Margaret Clement was probably the Finch Umfrey who had been baptized at Fawkham in 1675. Their son, Finch, was born in November 1700; some three months later, Margaret died.<sup>60</sup> The elder Finch, whose home was at Green Street Green in Darenth, subsequently married Jane, one of the daughters and co-heiresses of Thomas Gifford of Pennis,<sup>61</sup> but he did not make old bones and 'young Umfrey' soon came into his inheritance.

The Umfreys later removed to Dartford; the last of the family to own Scotgrove was Elizabeth, widow of Finch Umfrey of that place, who died childless in 1781.<sup>62</sup> At that time Chapel Wood was part of Old House Farm, let to Joseph Oliver. Oliver was the then head of a family of hereditary butchers long established in Ash and whose house at West Yoke, Oliver's Farm, still survives. His tenancy did not long outlast Mrs. Umfrey's death. Old House passed, presumably by sale, from the estate of the last Umfrey to James Lance, last of the Lances,<sup>63</sup> who thenceforth farmed it in conjunction with his larger North Ash Farm.

James Lance was a direct descendant of the James Lance who had owned land to the south of 'The Chantry' in the sixteenth century. That James had also been an adjoining owner to the south of the Ash land that Thomas Walter had settled on his son John in 1590. It is not

<sup>57</sup> P.R.O., PROB. 11/347. Morris' will was dated 13th April, 1674, and proved, with a codicil, in the PCC on 11th February, 1675.

<sup>58</sup> As in note 48.

<sup>59</sup> Hasted, *op. cit.*, vi, 114.

<sup>60</sup> As in note 48.

<sup>61</sup> Thomas Gifford was the sone of George Gifford of Eynsford, who had bought the Pennis estate from the Walters soon after the Restoration.

<sup>62</sup> *Cust. Roff.*, 64; Hasted, *op. cit.*, vi, 114.

<sup>63</sup> KAO, Q/RP1 9: Land Tax assessments for Ash with Ridley (1780-1831). Lance first appears as owner of the property (unnamed but identifiable as Old House Farm) in 1783; he was also then occupier.



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unlikely that the Lances were already adjoining owners when Scotgrove was in its heyday.

As appears from a survey of the parish made in 1792,<sup>64</sup> Old House Farm comprised seventy-five acres, twelve of which were accounted for by Chapel Wood. Changes in field names and in acreages make difficult any complete identification between the land described in the Elizabethan settlement and the land in the same area described in the 1792 survey, but Old House Farm included Upper and Lower Chalk Fields, which probably represented the 'Chalkecroft' of 1590, and Parish Field, which lay between the southern part of Chapel Wood and the Ash road, must have been the earlier 'Parrisse'. Redlibbets, or part of it, also seems to have been common to both properties. Chapel Wood itself was clearly a somewhat larger version of Scotgrove Wood. Some other identifiable land had remained part of the Pennis estate.

It is tempting to suppose, but perhaps unlikely, that the name 'Old House' related to the ruins of Scotgrove. Certainly there was no house still standing on the Old House lands in 1792, but there were a barn and yard belonging to the farm on the southerly side of what is now called Chapel Wood road. To judge from abuttals given in the 1590 settlement, it would seem that the barn and yard may have been on the site of one of two crofts of land that probably faced each other across the road and which, together with a messuage, outhouses, garden and orchard, were included in that settlement, being then in the tenures of William and John Hadlowe. It is not improbable that the house in question was the one of sixteenth-century or earlier vintage which had once belonged to Thomas Fane and that from it the name 'Old House' had derived.

In the second decade of the nineteenth century Old House and North Ash Farms passed to James Wade, an old associate of James Lance, who had previously farmed the lands of Idleigh in Ash and Ridley, and then, in the late eighteen-twenties, to John Wade.<sup>65</sup> At the time of the Ash Tithe Commutation Agreement of 1839,<sup>66</sup> the owners and occupiers were John Whitehead and John Charlton as 'Wades Executors'. As appears from that document, Chapel Wood had grown no more. The adjacent Chapel Field, which as Dr. Thorpe had noted was traversed by the parish boundary, was part not of Old House but

<sup>64</sup> This survey, made by T. Fulljames of Orpington, includes a series of 38 maps on a scale of 4 chains to 1 in. and a detailed schedule of the ninety-two holdings then existing in Ash. Its purpose does not appear, but probably it was primarily for use in relation to tithes.

<sup>65</sup> Land Tax assessments (see note 63).

<sup>66</sup> The tithe agreement, dated 19th April 1839, has a map prodigious based on the maps of the Ash survey of 1792. The parish copy is in the KAO.

of Fairby Farm in Hartley, then and for long before owned and farmed by the Treadwell family.

Scotgrove slept on into the present century, when its peace was disturbed by the building of a few houses along the Ash road, some with gardens that bit into Chapel Wood as far as the track from West Yoke to Hartley. Early in 1926 the owner of one such house, a Mr. A. J. Dennis, showed to the then rector of Hartley, the Revd. G. W. Bancks, a piece of red tile that he had dug up in his garden. The rector inspected the site, thought that Mr. Dennis had struck a hypocaust and called in expert advice. What exactly the experts said does not appear, but the *All Saints', Hartley Magazine* for March of that year reported that excavations were proceeding and the June issue described in some detail the 'hypocaust or heating chamber' which had by then been exposed and reproduced photographs of it taken by the *Daily Graphic*. A picture showing two excavators armed with common or garden fork and spade, which is more readily accessible in Mr. Bancks' book on Hartley,<sup>67</sup> does not suggest that the work was carried out with any remarkable expertise, but something of importance had undoubtedly been found. The description given was of a chamber, measuring 16 ft. by 10 ft., enclosed within walls of flint stone set in mortar and with arches 2 ft. in height. The arches were said to be built in two parallel rows, six at the south end being constructed of dressed sandstone and the others of red tiles. The walls in places were deeply calcined by the heat of the furnace. Finds were recorded as being of small pieces of Roman pottery, probably from Upchurch, a few bones, some remains of charcoal and some fragments of metal, including a nail.

The much publicised discovery of a 'Roman villa' in Hartley gained some authoritative recognition.<sup>68</sup> In fact it was not a Roman villa nor was it in Hartley,<sup>69</sup> but the latter error was corrected in 1955 when the powers that be, in their wisdom, transferred to that parish from Ash some seventy acres of mostly uninhabited land which included Chapel Wood. As to the provenance of the find, the 1932 volume of the *Victoria County History of Kent* was a little dubious and a more positive doubt was expressed in 1940 by Mr. R. F. Jessup, when he suggested that the site was that of a tile-kiln.<sup>70</sup> Such indeed it was found to be when the site was excavated under the direction of Mr. Brian Philp in 1963. Mr. Philp's report suggests a thirteenth- or

<sup>67</sup> Bancks, *op. cit.*, 16. There is also (*ibid.*, 20) an illustration captioned 'Excavation Showing Roman Hypocaust'.

<sup>68</sup> For details, see B. Philp, *Excavations in West Kent 1960-1970* (1973), 220.

<sup>69</sup> The confusion as to the location of the discovery no doubt arose because, as mentioned in Bancks, *op. cit.*, 50-51, the few houses in the vicinity of Scotgrove were in the Hartley postal district.

<sup>70</sup> *V.C.H.*, iii, 117; *Arch. Cant.*, liii (1940), 142.

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fourteenth-century date and that the kiln was probably built to provide tiles for buildings within the earthwork.<sup>71</sup>

Subsequently, in 1967, a survey was made and a plan of the site prepared.<sup>72</sup> Five years later, when there was threat of a proposed exit road from New Ash Green being driven through Chapel Wood, an excavation was begun by the Fawkham and Ash Archaeological Group under Mr. Roger Walsh; at the time of writing this major work is still continuing, with Mr. E. P. Connell as excavation director. The most interesting nexus of buildings so far discovered includes the foundations of a timber hall-house, demolished and rebuilt on the same site, a masonry extension with an undercroft and another hall-house of equal size nearby. There have also been disclosed, within the ambit of a sheep or cattle enclosure of much later date, the remains of what was almost certainly the building that Dr. Thorpe identified, probably aright, as the chantry chapel. No part of the chapel walls had survived above ground and there is some evidence that the last remnants of these had been used, probably in the early part of the last century, to fill in the well which had occasioned concern to eighteenth-century owners.<sup>73</sup> Some distance to the south of these buildings were found the remains of a circular building that may have been the manorial dovecote.<sup>74</sup>

The earliest dateable find within the enclosure appears to have been a silver penny of King John, but that does not of course establish an occupation date. What does seem reasonably clear is that this was an occupied site for at least some parts of the thirteenth and fourteenth centuries and possibly into, and through, the fifteenth century. Whether the end came suddenly or after a long twilight, there have been no finds which suggest that occupation continued into post-medieval times.

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<sup>71</sup> Philp, *op. cit.*, 220–3; also *ibid.* is a report on trial-holes which were dug at the time within the earthwork.

<sup>72</sup> The 1967 survey was by the Fawkham and District Historical Society under the direction of the late J. E. L. Caiger. A report by Mr. J. A. Keen, with a reproduction of Mr. Caiger's plan, appeared in *Arch. Cant.*, lxxxii (1967), 285–7.

<sup>73</sup> The evidence of the closure of the well is from a newspaper cutting of 1852, in which this was said to have been done 'many years ago': *ibid.*, 287.

<sup>74</sup> The excavations, carried out with the consent and interest of the Hemesley family, owners of the site, have been the subject of progress reports in *Arch. Cant.*, lxxxvii (1972), 237–8; lxxxviii (1973), 220; lxxxix (1974), 218; and xcii (1976), 249.

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a result of which a number of revisions have been made. I am also indebted to the Revd. J. C. Allen, rector of Ash, and the Revd. A. C. Ford, rector of Fawkham, for assistance in connection with records of their respective parishes and to the late Mr. John Barrow, who made available to me the 1926 issues of the Hartley parish magazine.

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