

THE SUTTON ADVOWSON

A TALE OF FRAUD, AVARICE, DUPLICITY AND PROFLIGACY AMONG THE HATCH FAMILY IN RURAL SURREY

Peter Maggs

*Sutton for mutton,
Carshalton for beeves;
Epsom for whores and
Ewel for thieves...*

Traditional Surrey Rhyme

The Reverend Giles Hatch, MA Oxon, who presided over the Sutton rectory between 1767 and 1800, may well have been relieved that it was not Epsom or ‘Ewel’ over which he had pastoral care. Unlike most of his human flock, Giles was well connected and well off. His father, William Hatch, JP, had been mayor of Windsor; he made his money in the drapery trade, and was able to send Giles to be educated at Merton College, Oxford.

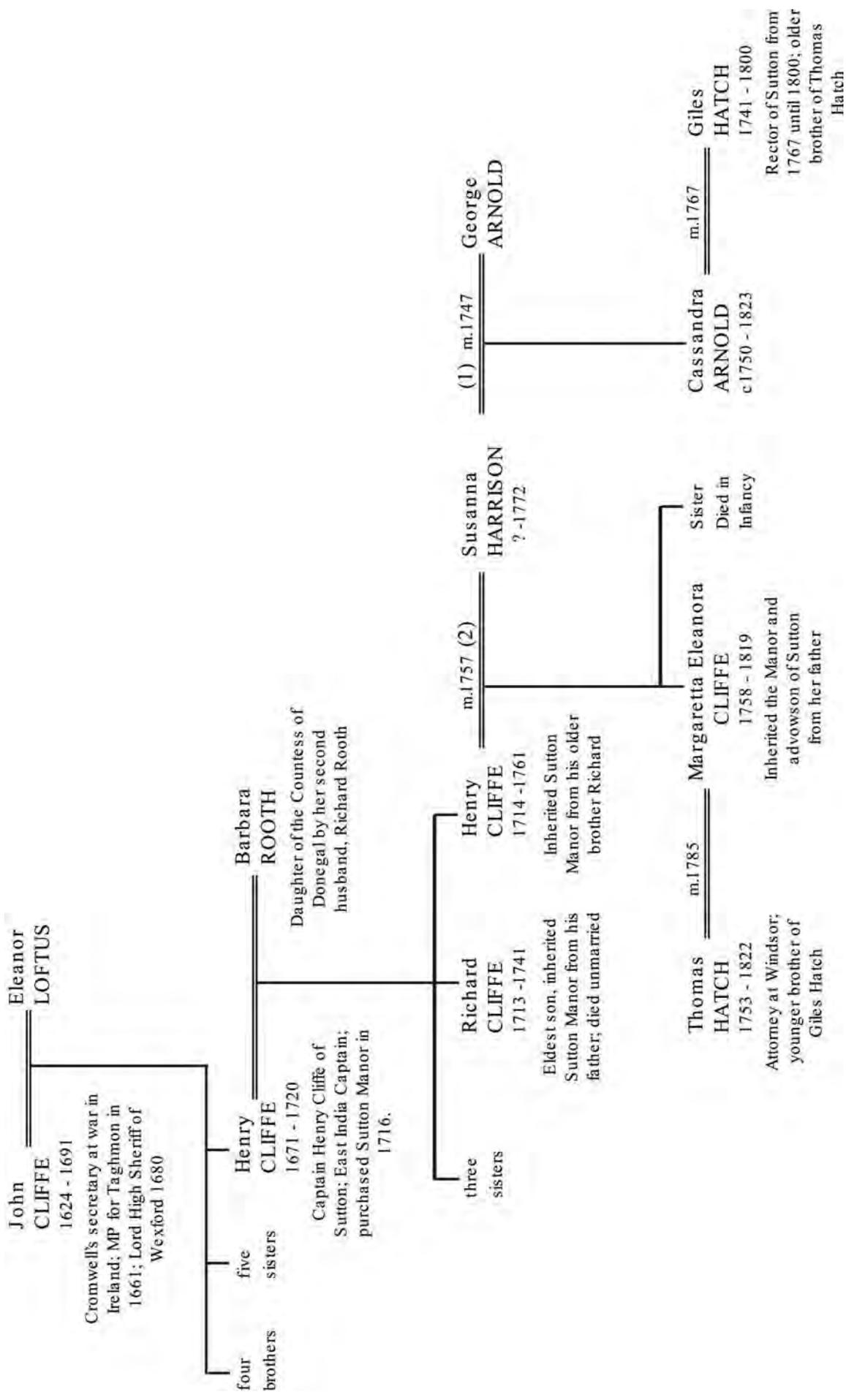
Giles’s education and wealth eased his entry into society, and he was able to make the acquaintance of a rich widow, Susanna Cliffe, and her two intriguingly named daughters, Cassandra Arnold, aged 17, and Margaretta Eleanora Cliffe, aged 9. Susanna had been widowed twice; after her first husband George Arnold died she married Henry Cliffe, whose father, another Henry Cliffe, had been an East India captain. Captain Cliffe’s fortune, made bringing coffee from the Persian Gulf and tea from China, was invested in the purchase of the Manor of Sutton, complete with the Sutton advowson. These his granddaughter Margaretta inherited. Ownership of the manor generated a considerable income from the rent of land to farmers and others; the advowson was a more subtle asset.

The advowson of a parish conferred on its owner the right to present to the diocesan bishop, a candidate (in holy orders) for the benefice on the

death or resignation of the previous incumbent. If the parish was prosperous, ownership of the advowson was the entry-ticket to a secure, well-paid and not too onerous job for life. Not only that, advowsons had a substantial resale value, and their owners could also, if they wished, sell just the next presentation to the parish to a suitable purchaser. In 1799, the next presentation to Sutton was worth £2,100. In 1866, the advowson itself was sold for £5,500.

The income from the parish of Sutton was around £200 per annum in 1780. While £200, equivalent to around £12,500 in today’s money, does not seem enormous, it was ten to fifteen times what an agricultural labourer could earn at the time. Such an income – in return for a very modest amount of effort – would be a handy adjunct to a man of property. Evidently Giles made a great impression on Susanna Cliffe and her daughters, because in January 1767, he married the seventeen-year-old Cassandra, ‘by consent of her guardian, Susanna Cliffe...’, and a week later, was installed as Rector of Sutton under the patronage of ‘Margaret Eleanora Cliffe [aged nine], by advice of Susanna Cliffe, widow, her guardian’.

Giles was set up, but occupying the Sutton rectory was only the consolation prize in respect of the Manor of Sutton. In 1772, Susanna died, and although she had directed in her will that ‘William Stead, clerk and Richard Barnes, gentleman’, both of ‘Ryegate’ should be Margaretta’s guardians after her death, it was Giles, Margaretta’s brother-in-law, who became her actual guardian. How this came about is not known, although it may be that William Stead and Richard Barnes agreed that Margaretta



The Cliffe Family

would be better off living with her half-sister on account of her disability; Margaretta was profoundly deaf. From Giles's perspective it was a highly satisfactory arrangement. The £130 per year he received for Margaretta's upkeep and education was a handy addition to his income. Far more interesting though, was the fact that as Margaretta's guardian, Giles had control of the Manor of Sutton, whose value at the time was in the region of £15,000, equivalent to £1m in modern money. Margaretta was a very wealthy heiress. In 1779 Margaretta came of age, and shortly afterwards she sold the Sutton advowson to Giles, '...in consideration...of her great friendship, kindness and regard for him, the care taken of her by him, love and affection, and 10s [10 shillings = 50p!]'¹. However Giles was not finished; six years later, in 1785, he married Margaretta to his younger brother Thomas, performing the ceremony himself in Sutton. Thomas Hatch was an attorney in Windsor and his marriage to Margaretta made him Lord of Sutton Manor and a very wealthy man.

It might have been expected that Thomas would be most grateful to his brother for engineering his fortune, for, given Margaretta's disability, who could doubt that she was almost totally under the control of Giles and Cassandra. However, wealth breeds avarice, and just a few months after Giles's death in 1800, Thomas and Margaretta brought an action in Chancery, claiming that the sale of the Sutton Advowson to Giles was fraudulent.

The alleged illegality of the transaction was the issue of the Chancery case, *Hatch v Hatch*, which finally came to judgement in 1804. Thomas and Margaretta were claiming fraud by Giles, in that he was the beneficiary of the transaction, while at the same time having responsibility as Margaretta's guardian for her estate; effectively, he sold the advowson to himself. They claimed that Margaretta had only intended to sell the next presentation to the Sutton benefice, which would probably have been for the benefit of Giles's son Cliffe Hatch if he had been in holy orders. However the culpability did not stop with Giles. The attorney who drew up the deed of transfer and witnessed

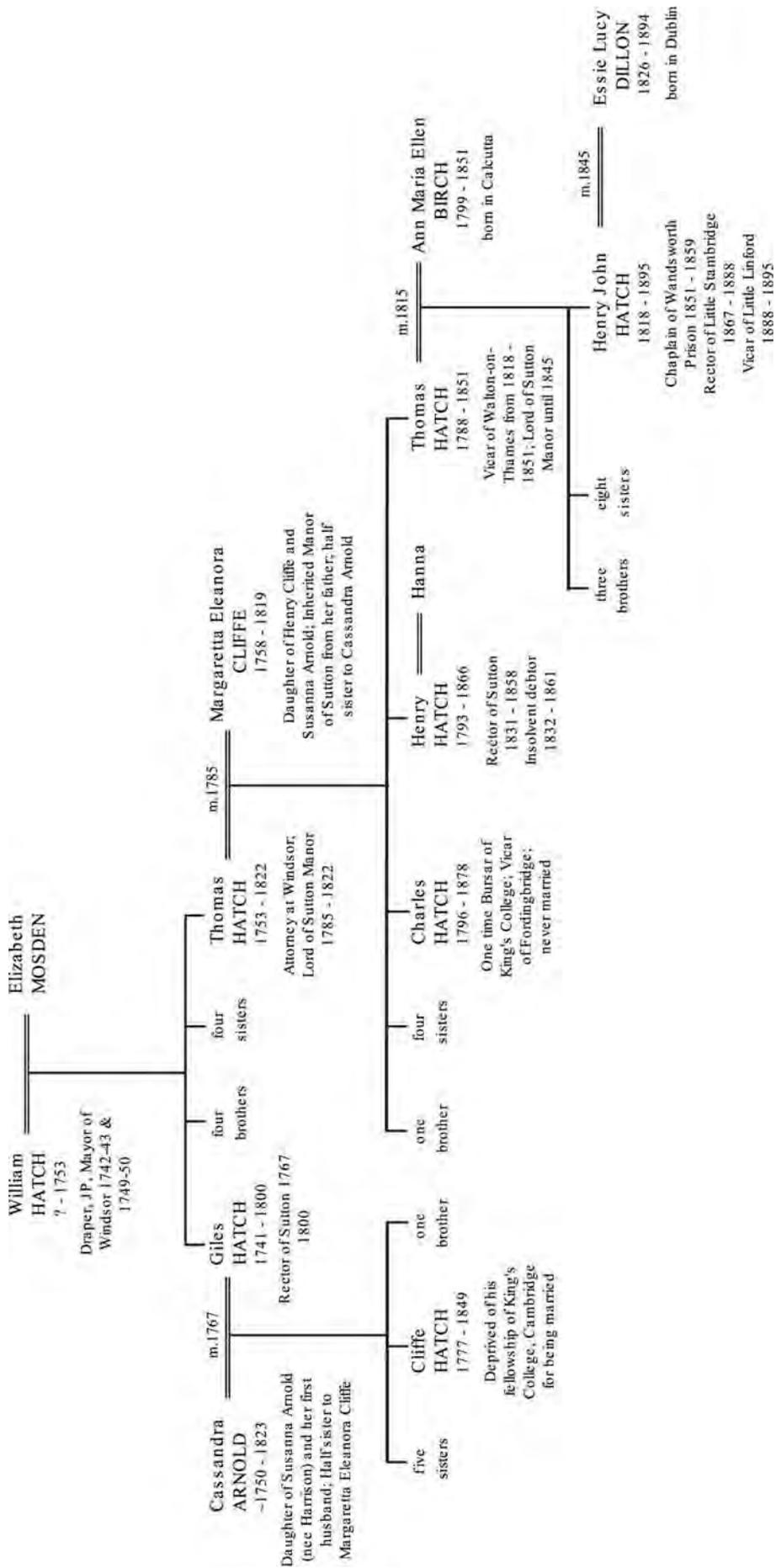
the document, was none other than Thomas Hatch, Giles's brother, the same Thomas Hatch who was now claiming fraud on his wife!

Thomas's quite breathtaking duplicity is to be wondered at, and it was not lost on the Lord Chancellor when the case came to judgement. It took four years to conclude, and much of the judgement was concerned with the fact that although Margaretta was in her majority when the sale was transacted, Giles remained her de facto guardian for another five years – probably on account of her deafness – until she married. During this time, Giles had effective control and management of her estate including the sale of assets, of which the advowson was one.

In his judgement the Lord Chancellor, Lord Eldon, was suitably damning: 'The circumstances of this case are to be lamented.' Since Margaretta could only be conversed with by the use of sign language, there was 'a duty...upon her guardian and her attorney to give her full information'. Further, Giles, as the rector of Sutton, would have known the annual income generated from the parish, and thus the concomitant value of the advowson. This he had a clear duty to declare, and this he clearly failed to do. In 1780, the annual income from the parish was around two hundred pounds, '...capable of improvement...', as indeed it was. By the middle of the nineteenth century the gross income was well in excess of six hundred pounds, more than twice what would have been expected from inflation in the intervening period.

On Thomas Hatch, the attorney in the 'illegal' transaction and the current plaintiff, Lord Eldon was unrelenting in his condemnation:

'Upon her attorney also there was a duty, which he most grossly violated...if ever there was a married woman, whose case was likely to be entangled in difficulty by the blameable conduct of the person, who becomes her husband, this is that case...I am very sorry to give the husband any relief. But I know of no instance... where the objection, that a party not deserving of the relief, will get it, deriving it through the other, has prevailed.'



The Hatch Family

In a final coup de grâce, Lord Eldon finished,

‘If the bill had been filed by her [Margaretta, had Thomas died], I should have directed the deed to be cancelled, with costs to be paid by the defendant [The estate of Giles Hatch]. On account of the conduct of the husband, I shall direct it without costs.’

So Thomas and Margaretta won the four-year suit, having to pay their own costs, but the Sutton advowson came back to Margaretta. No doubt a considerable dent was made in their finances as a result. It is interesting to note that, appearing for the plaintiffs and winning the case for Thomas and Margaretta, was the Attorney General, Spencer Perceval. This was the same Spencer Perceval who was to become Prime Minister a few years later, only to be murdered in the lobby of the House of Commons. He was shot down by John Bellingham on 11 May 1812; the only Prime Minister of Britain to have been assassinated.

Although Margaretta did get back the advowson, it remained fallow until well after both she and Thomas were dead. When Giles Hatch died in 1800, his son Cliffe was not in Holy Orders and Charles Gardiner became rector of Sutton, a position he held for the next thirty-one years.

The advowson was next invoked by Thomas Hatch junior, the eldest son of Thomas and Margaretta, who inherited the manor and the advowson from his parents. In 1816, he became vicar of Walton-on-Thames, and in 1831, when the rectorship of Sutton became vacant, he installed his younger brother, Henry Hatch, as the new rector.

Henry Hatch had been educated at Eton and King’s College, Cambridge, gaining his MA in 1821 and becoming a fellow of King’s. He waited another nine years before taking Holy Orders. He finally did so, conveniently close to the death of the then rector of Sutton, Charles Gardiner. Henry’s cousin Cliffe Hatch, Giles Hatch’s son, had been deprived of his fellowship of King’s College because he was found to have been married, contrary to the statutes of the college.

Henry too was by this time married, although he seemed not to have been found out. What was questionable though was the fact that on the same day in 1832, in Sutton, four of Henry’s children were received into the Church in private baptisms, and they were not infants at the time. Thus, an ordained clergyman of the Church of England had not had his children baptised into that church upon their birth. Of course, Henry might have been a member of another church, or no church at all and then suddenly had an epiphany, whereupon his whole family were received into the Anglican Communion. But he had been ordained in 1830; why did he wait another two years before baptising his children? Henry’s motives for becoming a priest and the purity of his Christian belief start to look decidedly suspect. A mere six weeks after becoming installed as rector, he mortgaged the glebe lands (lands owned directly by the parish living) for £600, adding to the £1,400 mortgage he had already taken out with a Samuel Wexford of Devon. Then in 1832, the Reverend Henry Hatch, rector of Sutton, was declared an insolvent debtor, and the Sutton parish income from tithes and fees (gross annual value £608 in 1855²) was sequestered by court order. He was left with an annual stipend of £120, paid directly to him by the bishop of Winchester, and charged to the costs of sequestration.

The totality of Henry’s insolvency was clarified the following April³. He appeared in the Insolvent Debtors’ Court with debts of £7,700 (and the £2000 mortgage with Samuel Wexford may not have been included in that sum). This was an incredible amount, being equivalent to around £380,000 today. He had eighty-four debtors, including his brother Charles for more than £1000, thirteen tailors, a Mr Bishop of Cambridge to whom he owed £500, a Mr Morris, of the Strand, who had supplied furniture for the Sutton rectory to the value of £400, and a Mr Webb who had supplied robes and palls to the value of £40. In addition, Henry owed money to eight tavern-keepers and wine-merchants and sundry other persons in trade, including Mr Mills, a gun maker, and Mr Taylor, a coal merchant in Mitcham. Worse still, the poor rates, the highway rates, and the salary of

the curate, were 'among the claims unliquidated'. In other words, not only had Henry been obtaining from tradesmen goods he had no means to pay for, he had also pinched some of the parish revenue and owed his curate wages. And what must have been worst of all for the family, the details of his profligacy were published in *The Times* for all to see.

Henry Hatch may well have tried to turn over a new leaf, but in 1844 he received a letter from the Bishop upbraiding him for mainly financial misdemeanours⁴. He had increased the 'fees for the burial of the poor...to an amount which must be most oppressive to them'. This was 'not legal and cannot be permitted'. The churchwardens were to be instructed to draw up a table of 'what appear to have been the customary fees in the time of the Revd. Giles Hatch', this table to be submitted to the bishop for signing, after which it was to be hung in the vestry for all to see. There were the proceeds of five charitable bequests, left in trust to be disposed of by the rector and churchwardens, which had not been paid. The bishop instructed, 'the sums due on these respective accounts are to be paid immediately'. In future an account book was to be kept, together with receipts, signed by the rector and churchwardens, and made up every Easter. The collection for the National Society made under the Queen's letter on the first Sunday in July (The National Society for Promoting the Education of the Poor into the Principles of the Established Church), had still not been received at the office in London on 30 August, and, the bishop continued, 'I must desire that this remittance may be made immediately'. Henry was even suspected of having been at the alms (money for the poor), and was instructed to divide these into three parts, to be distributed by himself and the two churchwardens, and was advised to keep 'an account of the mode in which you disburse your share, to be exhibited when occasion requires'. There were also delinquencies in visiting the sick and poor, and failure to make arrangements with his colleagues to cover the parish during his absences.

Henry's character left a lot to be desired. It was one thing to take goods off greedy tradesmen only too ready to extend the brother of the Lord of Sutton Manor as much credit as he could

muster. It was quite another to pocket the income from charitable trusts and alms for the poor, not to mention overcharging them for burying their dead. And failing to remit a collection for the religious education of the poor, made under the direct command of Queen Victoria, was just beyond the pale. Since Henry was also neglecting his parochial duties, the bishop would have been entirely justified in dismissing him. The fact that he did not do so is a matter to ponder.

In 1857, during the *seventh* consecutive sequestration of the Sutton living to liquidate Henry's debts, the case appeared once more in the debtors' court⁵. A dispute had arisen from the fact that Henry's annual stipend – which had been increased to £150 in 1837 – was paid to him in the years 1851, 1852 and 1853, in spite of the fact that the Reverend Mr Vernon performed the duties of Henry's cure in Sutton during those years. Rev Vernon had been appointed curate of Sutton in 1845, possibly to keep an eye on things following the bishop's letter. In addition to his curate's salary, Mr Vernon received surplice fees of around £12 per year and the use of the rectory house (with or without the use of Henry's furniture, one wonders). The sequestrator, quite rightly as the court decided, had set aside the charge to the accounts of £448 by the bishop of Winchester, covering Henry's stipend for the three years in question. The bishop's attorney pointed out that under ecclesiastical law 'the bishop had power to assign to an incumbent a certain allowance for his maintenance'. To which the judge, Mr Commissioner Phillips, commented that he 'apprehended that the law did not contemplate a payment for doing nothing'. Quite so.

What happened next is not clear. It may be that following this incident, the Bishop of Winchester decided that he had had enough of being made a fool of by Rector Henry Hatch, and finally had him dismissed. Perhaps Henry resigned. If so, it was under pressure. In the 1861 census, he was living in the East End of London, still signing himself as Rector of Sutton. In any event, his term of office at Sutton is recorded in *Crockford's Clerical Directory* as 1831 to 1858.

As a footnote to his career, *The Times* of 19 June 1861, had a notice to the effect that Henry Hatch ‘late of Sutton in Surrey’, would effectively be declared debt-free if no other debtors came forward by 1 July 1861. It had taken twenty-nine years to pay off his debts. Henry died in 1866.

The Hatches of Sutton, clergymen and lawyers none the less, were no saints, and law reports and the newspapers ensured that their misdemeanours were recorded for posterity. Thomas’s grandson, the Reverend Henry John Hatch, might have thought that the actions of his grandfather, uncle and great-uncle had cursed the fateful advowson. In 1866, just when he was in desperate need of a job, the Sutton advowson was sold to Hartford College Oxford for £5,500. The sale was ordered by the Court of Chancery to defray debts incurred by one of his brothers-in-law⁶.

Footnote

This material was assembled as part of an investigation into the background of Henry John Hatch, 1818 – 1895, the eldest surviving son of Thomas Hatch, vicar of Walton-on-Thames, and grandson of Thomas Hatch of Windsor. The Reverend Henry John Hatch, MA, educated at Eton and Magdalene College, Cambridge, was chaplain of the new Wandsworth Prison from its opening in 1851. Following his trial at the Old Bailey in 1859 for indecent assault, he was sentenced to four years’ hard labour in Newgate Prison. In 1860, he gained the Royal Pardon after a successful action for Wilful and

Corrupt Perjury against his principal accuser, the twelve-year-old Mary Eugenia Plummer. Henry was subsequently involved in a protracted series of lawsuits seeking compensation. *Henry’s Trials*⁷ narrates the extraordinary story of Henry John Hatch and his involvement in civil, criminal and Chancery court cases, which included his own Hatch v Hatch, an action against his uncle, Charles Hatch, over the ill-fated Sutton advowson⁸.

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