

Sir John Hody.

Origins.

Sir John Hody was descended from a family of considerable antiquity. Jordan de Hode held lands at Hode, Devon, in the thirteenth century; a Richard de Hody was the king's [escheator](#) of that county in 1353/4 and 1357/8; and the same office was filled by a William Hody in 1400/1.

The father of the chief justice was Thomas Hody, who was lord of the manor of Kington Magna, near Shaftesbury, in the county of Dorset, in 1419/20, and in the same year was the king's [escheator](#) there. He married Margaret, daughter and heiress of John Cole, of Nitheway, near [Torbay, Devon](#), which thus became the birthplace of his children. Their elder son Alexander was a devoted partisan of the [Lancastrian cause](#), and was attainted in the first year of [Edward IV](#) for his adherence to [Henry VI](#).

Career.

John, the younger son, was educated as a lawyer, and is frequently mentioned in the [Year Books](#) from 1424/5. There is no record of his summons to take the [degree of the coif](#); but from his name appearing in the legal part of the list of those who were called upon to contribute towards the equipment of the army against France in 1435/6, there is very little doubt that he was then a [Serjeant](#); and if not then, he had certainly attained that rank before July 1439. He was returned to [parliament](#) as representative of the borough of [Shaftesbury](#) in 1419/20., and again in 1422/3, 1424/5, 1427/8 and 1436/7; and the estimation in which he stood on the latter occasion may be conceived by his being sent to the [Lords](#) with a message from the other house announcing the election of a [speaker](#) in the place of John Tyrell incapacitated by infirmity. In 1433/4 and 1439/40 he was chosen a knight of the shire for the county of [Somerset](#); and on the death of Sir John Juyn in the latter year he was raised to the office of [chief justice of the King's Bench](#), his patent being dated 13 April 1440. He held it not quite two years; his successor, Sir [John Fortescue](#), being appointed on 25 January 1442. His judicial career was probably terminated by his death; for his will is dated 17 December 1441, though the precise time of its probate is not recorded.

Judicial reputation.

Notwithstanding the short period during which he presided in the court, he is stated by Prince to have won golden opinions by his integrity and firmness in the administration of justice. Sir [Edward Coke](#) mentions

him amongst the "famous and expert sages of the law" from whom [Lyttelton](#) had "great furtherance in composing his Institutes of the Laws of England."

Marriage.

Elizabeth Jewe married John Hody about 1430, around the age of 30 years, bringing him the manor of Pillesdon, and holdings in Chickerell, West Chickerell, Langton Herring and Winterborne Herringston, in Dorset. She also bore eight of his children.

- (i) Joan (Johanna) Hody, born about 1430, of Stowell, Somerset; died before February 8, 1503/04; married Sir Nicholas Latimer before December 17, 1441.
- (ii) Mary Hody, born 1430-1440 , of Pillesdon, Dorset; married Robert Bond 1453; born 1420-1430; of Hatch Beauchamp, Somerset; and Lutton, Isle of Purbeck, Dorset.
- (iii) John Hody, born about 1435; married Elizabeth Thornbury; born about 1445.
- (iv) Margaret Hody, born about 1435; of Whitefield in Wiveliscombe, Somerset; married Thomas Bainham after December 17, 1441; born about 1420; of Deans, Gloucestershire.
- (v) William Hody, born 1437 in Pillesden (Pilsdon), Dorset; died June 18, 1524 , of Pillesdon, Dorset; married (1) Eleanor Malet; born about 1445 , of Curry(Cory) Pool, Somerset; married (2) Ann; born about 1445.
- (vi) Thomas Hody, born about 1439; died after December 17, 1441.
- (vii) Alexander Hody, born about 1440; died after December 17, 1441.
- (viii) ? Hody, son, born 1442.

Death.

The will of the chief justice, by which it appears that his father survived him, directs his body to be buried in the church of Woolavington, in Somerset, near the body "Magistri Johannis Hody," his uncle. By the large amount of silver plate and other articles which he gives in legacies, some idea may be formed of the domestic economy of a chief justice of England in the middle of the fifteenth century.

Lands.

The judge had an estate at Stowell, in Somerset, as early as 1427/8;

From Somerset Feet of Fines and other records, John held lands at East Whitfield, West Whitfield (today Whitefield, near Wiveliscombe), Hinton St. George, Chew, Burgh, Cote (today Coat), in Somerset.

Family.

John, the eldest son, was seated at Stowell and Nitheway, and his posterity continued there for many generations. William, the second son was chief baron of the Exchequer in the reign of Henry VII. From him sprang a branch which resided at Pillesden, and became extinct in the 18th century.

Hody, Sir John (**d.** 1441/2), justice, was the son of Thomas Hody, lord of the manor of Kington Magna in Dorset, and of Margaret, daughter of John Cole of Nethway in Devon. His grandfather was Adam Hody, who may have been born a serf. John Hody held estates at Stowell in Somerset (purchased in the 1420s) and at Pilsdon in Dorset, the latter through his wife, Elizabeth (*d.* 1473), daughter of John Jewe of Whitfield, near Wiveliscombe, Somerset. They had several daughters and five sons, one of whom, William Hody, became attorney-general in 1485 and chief baron of the exchequer in 1486.

Hody was a member of parliament for Shaftesbury (1421-7), Devon (1431), and Somerset (1433-7). Retained by the dean and chapter of Wells, 1414-17, he appears in the year-books from 1425. He argued in the exchequer chamber in 1426, was described as an apprentice in 1429, and became a serjeant-at-law in 1438, acting as serjeant of the avenary and clerk of the market of the royal household in 1441. From 1428 onwards he held commissions in the west country and the home counties, mainly of inquiry (the inquiries included concealed crown income and piracy), gaol delivery, and oyer and terminer (Cornwall and Devon in 1440, Oxfordshire and Berkshire in 1441), and was also a justice of assize on the western circuit (1439) and on the eastern circuit (1440). At the same time he was an escheator in Somerset and Dorset (1431-2), recorder of Bristol (c.1438), and a justice of the peace in Somerset (1430), Berkshire (1439), Staffordshire, Shropshire, and Gloucestershire (1439-40), Kent, Surrey, and Sussex (1440), and Essex (1441).

Although never a puisne justice of the king's bench, Hody became its chief justice in 1440, the year in which he was knighted. In 1441 he was appointed umpire in arbitration involving Joan Dogge, later a celebrated litigant in *Shipton v. Dogge* (1442), an action debated by all the judges in the exchequer chamber and a landmark in the development of contract law. Retained by Peterborough Abbey (1433/4), by the earl of Stafford

(1437), and by the duchy of Lancaster (1438/9), he was by Henry VI's order summoned to Sheen in August 1440 to discuss threatened riots. In 1441 he condemned to execution Roger Bolingbroke, the priest implicated in the witchcraft trials involving Eleanor Cobham, duchess of Gloucester. In December 1441 he was summoned to parliament, but was prevented by death from attending. His will, stating his wish to be buried in Woolavington church, Somerset, is dated 17 December 1441, and the keepers of goods for the church of Tintinhull in Somerset recorded thereafter as an expenditure of 6s. 8d. 'a legacy from Sir John Hody, Kt.' His widow, Elizabeth, afterwards married Robert Cappes, who was sheriff of Somerset and Dorset in 1444/5.

Some legal aspects from the Somerset Feet of Fines.

1424-1425.

Concerns manor of Wydecombe; Ralph Durburgh acknowledged the right of John Hody and grant that his two parts of said manor should remain to John Hody and his heirs after the decease of the current life tenants; for this John gave Ralph 200 marks of silver.

1427-1428.

Querents: Thomas Carrewe, chivaler (knight), John Hody cleric, John Cole esquire, William Carent esquire, Thomas Hody, Martin Jacob, Robert Squybbe, and John Hody.

Deforciant: Reginald Malyns esquire and Alice his wife, for manor of Stawell (Stowell) and the advowson. Reginald and Alice acknowledge right of John Hody to hold to him and his heirs; for this John agreed to a rent of £20 a year payable to Reginald and Alice, half at Easter and half at Michaelmas for their lives, with power to distrain. After decease of Reg. and Alice, payment shall cease.

1431-1432.

Querents: John Hody and Elizabeth his wife.

Deforciant: Reginald Barantyn and Joan his wife, Drugo, their son and Joan his wife, for manor of Stawell (Stowell). Reginald and Drugo acknowledge right of John and his heirs and quit claimed, besides they warranted against the abbot of Westminster and his successors; for this John gave them 300 marks of silver.

SOURCES.

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