

COBHAM: MANORIAL HISTORY

BY

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THE parish of Cobham contains lands of the manors of Cobham, Ham, Down (reputed), Heywood (reputed), Esher Episcopi, and Esher Milbourne.

MANOR OF COBHAM

This is the most important manor in the parish, and represents the estate of Getinges given to Chertsey Abbey in the year 673, as part of the foundation grant, by Frithwald, Viceroy of Surrey. (The name appears as the hide of land called Ettenesse in royal confirmation of grants to Alexander de Barentin, butler to Henry II and Richard I.¹ In 1598 it was Yeatinge Fearme, now Eaton Grange on the building estate of Eaton Park.) The settlement in 673 may have been a stockaded enclosure on Leigh Hill which Romano-Britons had occupied. Below the hill lies the Tilt(h), presumably the settlement's arable ground in Saxon times, for the name would not fit in post-Conquest days, when the Tilt was pasture, meadow, and wood. By Domesday the name Getinges had given way to Covenham, implying a removal of the village to the lower ground where the church is situated. The manor house, Cobham Court, is on the middle of the chord of the U-shaped bend made by the River Mole, and if the first part of "Covenham" is not a personal name it could well refer to this curve in the river. The land in this bend was a demesne-holding of Chertsey Abbey. The house is presumably the one heard of in 1331, when Abbot John de Rutherwyk repaired the chamber at Cobham, and added a new chapel.² The chamber was for business transactions, and there would have been a hall for tenants' meetings and courts, with a cellar for storage underneath. A good account of the proceedings at Cobham Court in Rutherwyk's day has been printed by the Surrey Record Society from an abstract of court rolls in the British Museum, and it is possible to learn some of the customs of the manor from the cases which arose. Rutherwyk was a vigorous ruler, and from a document³ of 1334 in the Public Record Office we find that various Cobham men claimed that he had been indulging in rent-raising, fines on marriage, and arbitrary taxation, though for 100 years after the Conqueror's reign, they said, any virgate (say 30 acres) of land in the manor could be kept

¹ Westminster Abbey Muniment no. 660.

² *Sy. Rec. Soc.*, no. XXXIV (1933), p. 318. (Chertsey Abbey Cartularies.)

³ C/80/File I, no. 13.

for 2s. a year. They said that Cobham was ancient demesne of the Crown, and now required £100 damages of the abbot. Rutherwyk, however, referred to Domesday Book, which showed that Cobham then belonged to Chertsey and not to the Crown. However in 1410 it was stated⁴ that the same claim had been made, and that the tenants in bondage, together with those of Thorpe, Egham, and Chobham, had long withdrawn their due customs and services, and had leagued together to resist the abbot and his ministers. A charter⁵ of Elizabeth I to Kingston-upon-Thames stated that the demesne of Kingston and Emley Bridge (in which Cobham lay) was ancient demesne, "as by a certain certificate thereof sent to us in our chancery by the treasurer and chamberlain of our exchequer," and that the tenants should be quit of toll throughout England, jury service, and the expense of knights of the shire. In 1578 a letter from the Privy Council to the Bailiffs of Kingston (about postponing Cobham Fair on account of infection) referred to Cobham as being within the liberties of Kingston.⁶

Until the dissolution of Chertsey Abbey in 1537 a bailiff would have managed the manor from Cobham Court, helped by a rent collector, the last of whom appears to have been John Charleton, collector of Bookham and Cobham, at a wage of £2 13s. 4d. a year.⁷ We know from Manning and Bray's account of a vanished brass in the church that in 1530 died James Sutton, "bayle of this lordshyppe." In 1534 to Richard Sutton, probably the last abbey bailiff, and son of James, the abbot granted a 40 years' lease of the manor,⁸ which passed to King Henry VIII three years later. Richard seems to have had four sons, Edmund, John, James, and Jasper, and when he died their mother, Elizabeth, appears to have married George Bigley to whom the bailiwick passed. After the marriage the Bigleys in 1544 acquired from Sir Anthony Browne of Byfleet, Master of the Horse, the former Chertsey Abbey manor of East Clandon,⁹ and in the reign of Mary they paid the Queen £1,092 14s. for the manor of Cobham together with Cobham Court Farm, Church House (now Buck's Corner), and Cobham mill.¹⁰ Bigley died in 1558 leaving two daughters as co-heirs, Dorothy and Mary.¹¹ To his wife Elizabeth he left Norwood Farm, and after her death to his stepson James Sutton, to whom he also left the office of bailiwick with an annual sum for the duties to be performed in connection with it.¹² Ultimately Cobham came solely to Dorothy,

⁴ Patent Rolls, 1 November 1410.

⁵ Roots, G., *The Charters of the Town of Kingston upon Thames*, Cadell & Davies (London, 1797), pp. 83-4.

⁶ Dasent, J. R., *Acts of the Privy Council of England* (London, 1895), New Series, x, p. 392.

⁷ Brayley, E. W., *A Topographical History of Surrey* (G. Willis, London, 1850), II, p. 181.

⁸ *Cat. of Ancient Deeds*, III, A5733.

⁹ *V.C.H.*, III, p. 344.

¹⁰ Guildford Muniment Room. Cobham I/32/1. "Robt. Gavell Esq. his Title."

¹¹ As note 9.

¹² Probate of Bigley's will at Somerset House (P.C.C., 14 Noodles).

who married Robert Gavell, son of Symond Gavell of Nonsuch, Surrey,¹³ and held a court with him in 1566. Robert received a grant of arms in 1572,¹⁴ and 20 years later was ordered to return to the Exchequer certain muniments of the dissolved abbey of Chertsey.¹⁵ He died on 22 July 1595, and his son Francis inherited. Francis married Mary Archer, and died in 1610, desiring to be buried in the church near his father.¹⁶ He was succeeded by his son, also called Francis. This Francis married Margaret, eldest daughter of Sir Francis Vincent of Stoke d'Abernon, and she was buried at Stoke on 17 December 1619. Francis died in 1633, and left his eldest son, Vincent Gavell aged 15, his heir. This boy was placed in the charge of his relative Sir Francis Vincent of Stoke, and in 1638 Sir Francis was removed by the Court of Wards and Liveries for helping himself to young Gavell's fish and timber.¹⁷ Three years before this incident Vincent Gavell was married at Cobham to Margaret, daughter of Sir Humphrey Lynde. In 1636, a year after the marriage, Sir Humphrey died after a painful illness, and a note in the church register states that

The Rt. Worshipful Sir Humphry Lynde Kt. was buried 14th of June. He was famous for his writing in defence of the Protestant Religion. His book called *Via Tuta* was so well approv'd that it was translated into Latin, Dutch and French and often reprinted in English. He also wrote a book called *The By-way* showing the errors of the pretended Catholick Church of Rome. His funeral sermon was preached by the Rev. Dr. Featley upon these words. Let my last end be like unto His. Num. XXXIII, 10.

Anthony à Wood¹⁸ says he died on 8 June and was buried above the steps in the chancel. By his will¹⁹ he had desired "to be decently buried in Cobham Chancell above the steppe without pompe."

A son, Robert, was born to Vincent and Margaret Gavell in 1641, and Vincent died in London a few years later, leaving instructions in his will²⁰ that he was to be buried in Cobham church. Robert acquired the manor of Cobham, and Cobham Court, from his mother and her second husband, John Platt, intruded rector of West Horsley. Among the title deeds of Mr. Charles Combe of Cobham is one of 1647 by which Cobham Court is let by John Platt of West Horsley, clerk, and Margaret his wife, to John Inwood of Cobham, gentleman. Platt reserved liberty for the holding and keeping of courts in or at the said messuage in the hall or place accustomed for the holding, and to make stay and abode there during the said courts. Every time a court was held at the manor-house the tenant should provide sufficient and competent man's meat and horse meat, hay, oats and provender for two days and two nights together, whereof one should be the day or evening before the holding of the

¹³ The Gavell descent is set out in *Harl. Soc.*, Vols. XLIII and LX.

¹⁴ *Sy.A.C.*, III, 349.

¹⁵ *Calendar of State Papers Domestic, 1591-4*, p. 213.

¹⁶ *Sy.A.C.*, xxxv, 34.

¹⁷ *Sy.A.C.*, xli, 126-7, from the original in the writer's possession.

¹⁸ Wood, A., *Athenae Oxonienses* (London, 1815), II, p. 602.

¹⁹ P.C.C., 70 Pile.

²⁰ P.C.C., 173 Essex.

court. The number was not to exceed six men and six horses at a time, and the cost of their provisioning was to be equally divided between landlord and tenant. The landlord reserved most of the timber and the right to make "colepitts" (presumably for charcoal), sawpits, and places to work in. The pigeonhouse was to be kept well stored with doves, and the warren well stocked and stored with "conyes." At Lady Day and Michaelmas the rent was to be paid at the Castle Tavern, Kingston, then in the occupation of Nicholas Browne (and now Hide's shop).

Robert Gavell married his cousin Elizabeth, daughter of Alexander Lynde of Rickmansworth, Hertfordshire, which Alexander was son and heir of Sir Humphrey Lynde. Elizabeth was buried at Cobham on 4 November 1688. In 1708 the Gavells conveyed the manor and some small farms to Frances, Viscountess Lanesborough, retaining Cobham Court, though themselves living at Stoke-next-Guildford.

The two principal surveys of the manor are by William Goodwyn,²¹ in 1546-9, and Ralph Agas,²² in 1598, the latter the more detailed. Neither has a map, an especially regrettable omission in the case of Agas, who is best known for his maps of Oxford, Cambridge, and London. His survey of Cobham gives the name, area, boundaries, and ownership of most of the enclosures in the manor, and is apparently unfinished. The rights of the lord are stated. First, there was Free Warren and the right to fish in the manor, "liberam et separabilem piscaturam." The grant of Free Warren was made by Henry I,²³ who allowed the abbots to hunt with dogs in their Surrey properties, and to take foxes, hares, pheasants, and wild cats. They could also enclose when they wished a park at Cobham (and another at Epsom) for hunting, and could take therein anything they liked. Since, according to Agas, the original Downside Common was called Morelspark, "marshy park," this was probably the enclosure. At the time of this grant Cobham, like most of Surrey, was in Windsor Forest, and it was profitable for the king to grant landowners the privilege of destroying animals harmful to the beasts of the royal hunt. It was not until 1190 that the knights (country gentlemen) of Surrey offered Richard I 200 marks that "they might be quit of all things that belong to the forest from the water of Wey to Kent and from the street of Guildford southward as far as Surrey stretches."²⁴ After this time Windsor Forest came no closer to Cobham than Byfleet Bridge.

Another privilege was the right to hold a fair on the Feast of St Andrew, the saint to whom the church is dedicated. (In Agas's time we find the churchwardens buying a spade there.) The date of the fair was changed to 11 December on the introduction of the New Style in 1762. The fair was for cows, steers, horses, sheep, and pigs,

²¹ *P.R.O.* L.R. 2/190, ff.264-74.

²² Guildford Muniment Room. Cobham 29/3.

²³ Landon, L., *The Cartae Antiquae Rolls*. *Pipe Roll Society*, xvii (1939), no. 113.

²⁴ Stenton, D. M., *English Society in the Early Middle Ages* (Penguin, 1951), p. 109. Source not given.

and was held up to about 1859 in a field at Street Cobham where is now the house called Faircroft.²⁵ (On the plan of Thomas Page's estate, 1796, at the Kingston Record Office, is "Fair Meadow," on the left bank of the Mole below Downside Bridge.) Agas makes no mention of the Tuesday market, "singulis diebus Martis per annum," granted to the abbot by King Stephen.²⁶ Neither does he refer to the fair which in 1770 was held on 17 March for toys and pleasure.²⁷ According to a manorial rent-book this fair was leased for seven years from March 1779 at an annual rent of £4. It seems to have died out by 1823 since the *Index to Greenwood's Map of Surrey* mentions only the December fair.

An important right was the View of Frankpledge, a court to which the men of the three tithings of Street Cobham, Church Cobham, and Downside were separately responsible for misdeeds committed among themselves. There was also a Court Baron for the transfer of the land. The Heriot was the best beast or chattel given to the lord on the death of a tenant, and the Relief was the fine the heir had to pay on entry to his holding. What Agas calls Extrahurum was Estray, the right of taking fines for releasing impounded stray animals. The rent-book shows that the lessee of the fair paid £5 in 1783 and 1784 for the rent of the strays. According to Agas the pound must have stood by what is now Cobham Park opposite the end of Plough Lane, though in living memory it was on the green (Pound or Little Bridge Green) by the entrance to Cobham Court, and the map of 1839 in the vestry shows it there. Waviat apparently means the right to Waif or abandoned property, and as well as this the Lord had pannage, revenue from his tenants' pigs on the common.

The tenants on their part laid claim to certain rights, entered on the court rolls (at the Kingston Record Office). They were:

Liberty to let our copyhold estates from three years to three years without leave or license from the lord of the manor.

Liberty to cut down and sell elm and ash timber from our copyholds.

Liberty to cut down oak timber to repair our copyholds.

Year by year "the lord protests as usual" about the timber, which he said must be assigned by himself or his officers, though in 1733 the tenants said that it had been their custom to cut it freely for 40 years upwards, time out of mind. In 1314-15 Osbert de Fonte was accused at Westminster of cutting down an oak at Cobham, the property of the Abbot of Chertsey, and trying to sell it to William de Westhale.²⁸ The transgressor may be Osbert de la Brugg (bridge, *ponte*), one of Rutherwyk's opponents in 1334.

Various bills among the manorial papers appear to indicate where some of the later courts were held. On 17 April 1781 the court dined

²⁵ British Museum, Dept. of Maps. Plan of Pains Hill, 1869.

²⁶ British Museum. MS. Cotton, Vitell. A xiii, fol. 57b.

²⁷ Newbery and Carnam, *A Description of England and Wales* (London, 1770), Vol. ix.

²⁸ *Placitorum in Domo Capitulari Westmonasteriensi Asservatorium Abbre- viato*. Ric.I and Edw.II. (1811) p. 272.

at the Bear, Cobham, paying Sarah Downton £5 15s. 6d. Nearly half was for wine and beer, 5s. was for dressing the food, and 1s. was spent on the horses.²⁹ Bills³⁰ from the White Lion at Street Cobham refer to court dinners and the overnight accommodation of (presumably) the steward. On 7 April 1801 his bed and fire cost 1s. each, and his breakfast 1s. 3d. On 20 April 1813 the bill was:

	£	s	d
34 dinners at 3s.	5	2	0
Beer	-	15	0
Wine	4	4	0
Gin and water	-	-	6
	<hr/>		
	10	1	6
Wine and do.	-	6	0
	<hr/>		
	10	7	6
Waiters	-	3	0
	<hr/>		
	10	10	6

On 24 March 1818 is a reference to old port and what seems to have been a separate dinner for the jurors. On 13 April 1819 are references to teas, bread and cheese for women, and horses to Kingston; 2d. was given to the chambermaid. On 4 April 1820 were consumed six bottles of port at 6s. 6d. a bottle, and seven of sherry at 7s.

MANOR OF DOWNE

The name is derived from the hill or down which rises steeply from the river, that side of Cobham being still known as Downside. No court rolls appear to exist, but it is certain that this was always the most important private estate in the parish. Deodatus de Dunes held land in Cobham in the reign of John, and presumably lived at Downe Place in what is now called Cobham Park. The Chertsey Cartulary states that in the time of Abbot Medmenham (1261-72) Henry de Doune conveyed two Bookham bondsmen to the abbot in exchange for the abbot's bondsman Ralph Blunt of Bookham, with his whole family and all his chattels for ever. In 1307 William, son of William de la Doune, received from the Bishop of Winchester at Esher letters dimissory for all holy orders.³¹ A William de la Dune held the royal office of Keeper of the Hanaper,³² and state documents of Edward I dated at Cobham may indicate royal visits to Downe Place between 1292 and 1306.³³

In 1331, a William de Doune having died, Henry his son was admitted to the holding on payment to Chertsey Abbey of an ox value 13s. 4d. as a heriot; and as a relief the sum of 15s. 9d., nine gallons of honey, and a horse "ad ordines pro monach."³⁴ The

²⁹ *K.R.O.* S.C. 16/9/104.

³⁰ *K.R.O.* S.C. 16/9/108-13, etc.

³¹ Woodlock's Register (*Canterbury and York Series*, XLIV, p. 739).

³² *Calendar of Patent Rolls. Edward I. A.D. 1292-1301*, p. 183.

³³ *P.R.O.* Typescript itinerary of Edward I compiled in 1935 by E. W. Safford from the Close Rolls.

³⁴ Chertsey Abbey Cartulary, Cal. of Lansdowne MSS., 434. *Sy. Rec. Soc.* xxxviii, 26.

honey was an annual payment for allowing Doune's tenants to grind at Doune's own mill. In 1339 the abbot had to sue for the honey, and the case was called at Guildford on St Margaret's Day, but was adjourned to Southwark for want of jurors. The abbot received ten marks damages, and it appears that Henry paid by instalments.³⁵ When Henry died his son John, a minor, inherited. The heriot was a horse valued at 15s., with saddle, bridle, cloak, headpiece, sword, boots, and spurs, and other things pertaining to the horse. The widow Johanna paid as relief 2s. representing the *ad ordines* value of the said riding-horse; 15s. 2d. in cash; the value of a ploughshare, 7d.; and of brushwood for fencing 20 palings *circa* Burghey, 2d.; and the value of 20 palings de Frythhey, 2d.; and the value of one boonwork in autumn, 1½d.³⁶ The palings may have been to form temporary enclosures to keep cattle out of growing hay (and possibly beehives) in the common waste. Goodwyn's survey³⁷ refers to the enclosure of "xxx palas de Boroughey erga honycroft et xxx palas de Frithey erga le Tilth." In 1378-9 Abbot Usk of Chertsey allowed Peter atte Mershe of Cobham to compound for the horse *ad ordines* and for finding a man to mow the abbot's corn on an autumn day annually. A marginal note refers to "equi ad ordines" and the rubric speaks of "de uno equo inveniendo ad ordines confratrum monasterii . . ." The body of the deed has: "Invenire unum equum competentem pro uno monacho nostro superequitando ad ordines quotienscumque quandocumque et ubicumque monachi nostri ordinandi fuit."³⁸ Agas in 1598 says that Thomas Adoune holds freely a tenement called Doune Place and divers lands thereunto appertaining, and a tenement called Haythornes formerly Matilda Haymonds now called Blackes, through a heriot and relief to the lord and by rendering 22s. 5d. yearly, and "duos solidos vice equi pro ducendos monachos ad ordines, etc." The Chertsey Cartulary refers to similar tenures elsewhere than in Cobham. Abbot John Medmenham granted to William Wobourn certain land, part of the rent being "1 horse fit for carrying a monk as often as the monks are ordered."³⁹ Abbot Bartholomew Wynchestre granted land called Hamptoneslond to Thomas de la Strode for 12s. yearly (says the rubric), and also "a horse fit for monks for taking orders as often as it happens that we send any of them to take orders according to what our other tenants do who are bound to us in the same service".⁴⁰ Presumably the horses had to be sent to Chertsey Abbey for the use of those monks who were to receive from the bishop various degrees of

³⁵ Toms E., *Chertsey Abbey and its Manors under Abbot John de Rutherwyk 1307-1347*. Thesis (unpublished), University of London, 1935, pp. 34-5, 370.

³⁶ Chertsey Abbey Cartulary, Cal. of Lansdowne MSS., 434. *Sy. Rec. Soc.* XLVIII, 196.

³⁷ *P.R.O.* L.R. 2/190, f.265d.

³⁸ Calendared in *Sy. Rec. Soc.*, Vol. XII (1958), p. 183. (Chertsey Abbey Cartularies.)

³⁹ *Sy. Rec. Soc.*, No. XXVII (1928), p. 227. (Chertsey Abbey Cartularies.)

⁴⁰ *Sy. Rec. Soc.*, No. XXXIV (1933), p. 353. (Chertsey Abbey Cartularies.)

holy orders, and were then ridden by the candidates to the locality where the ordination ceremony was to take place. William of Wykeham ordained Chertsey monks at Winchester cathedral, St Mary Overy (now Southwark cathedral), and at his private chapels at Esher, Farnham, Bishop's Waltham, Highclere, and Merdon.⁴¹

In 1449-50 John à Downe, King's Servant, was M.P. for Guildford,⁴² and he later acquired the Effingham manor of La Legh. In his will dated 1656, proved 1661, John Downe of Downe Place left £2 to the vicar of Cobham for sermons on Christmas Day and Ash Wednesday, and 20s. to the poor in good bread to be given in the church on Ash Wednesday after the sermon. Both sums were to be paid "by him that shall enjoy and have my chiefest tenement called Downe Place, with full power and authority for the aforesaid churchwardens and overseers, with the constable, to enter into any of the said land and premises, as yards or gates where cattle are, to distraine and the same distresse, to drive away, appraise and sell, rendering the overplus, and taking for their pains and trouble five shillings." George Smyther, "my kinsman," was left all lands, mills, and tenements in Surrey.⁴³ A deed of 1671 refers to George Smyther of Downe hall alias Downe place.⁴⁴ Cobham church register no. 1 records on 22 September 1675 the baptism of Elizabeth Smythe, daughter of Mr. George Smythe of Downe Place. The same register notes that in 1702 the house was owned by John Smyther of Dorking.

In 1720 Lady Lanesborough (see above, p. 50) appears to have acquired Down Place as her own residence, and a letter from her solicitor, dated 24 September 1720, stated that "she had found greate benefitt by the country ayre and that her health is much improved." The articles of agreement⁴⁵ are dated 22 July 1720:

Between Ann Smither of Dorking, widow, and Elizabeth Smither of Dorking, spinster, and the Rt. Hon. Frances Viscountess Lanesborough. Whereas the said Viscountess hath agreed to purchase

One messuage or Farm called Downe Place, now or late in the tenure or occupation of John Box, let at £85 per annum.

Also 20 acres of Woodground at £10 per annum.

Also a messuage or tenement Farm and lands called Skipwith now or late in the tenure or occupation of Thomas Morris let at £10 per annum.

Also two messuages farms lands and tenements now or late in the occupation of John Goddard let at £30 per annum.

Also one messuage farm lands and tenements in the tenure or occupation of Thomas Lowther let at £5 15s. per annum.

Also one Chalkpitt in the parish of greate Bookham . . . now or late in the tenure or occupation of Thomas Wood Lett at two pounds per annum.

Also three acres of land in the tenure or occupation of Nathaniell Covett in Cobham lett at £6 per annum and determinable in 5 or 6 years.

And also all that part of an orchard in the tenure or occupation of John Goddard let at 5/- per annum.

And for which said Severall Estates the Viscountess hath agreed to give £5500.

⁴¹ Wykeham's Register. *Hampshire Record Society* (1896).

⁴² Wedgwood, J. C., *History of Parliament*, 1, p. 278. Vol. II, p. xvi.

⁴³ P.C.C., 158 and 173 May.

⁴⁴ K.R.O. S.C. 13/26/7.

⁴⁵ Leeds Public Library, LF/LXXXIII/44.

A copy of release⁴⁶ is dated 13 October 1720:

Indenture between Robert Spencer of Dorking, gent., Ann Smither of Dorking, widow, and Elizabeth Smither, heir at law to John Downe, late of Cobham, gent. decd. Videlt surviving sister and heir of John Smither, decd., gent., who was son and heir of George Smither, gent., decd., who was son and heir of Jane Smither alias Down who was sister and heir of the sd. John Down of the one part and Lady Lanesborough of the other part.

All that capitall messuage or mannor house commonly called . . . Down Place alias Downe Hall, with outbuildings, lands, 140 acres, in Cobham and Little Bookham now in the tenure or occupation of John Box or his assignees at yearly rent of £85.

Also 20 acres of wood ground in Cobham now or late in the tenure or occupation of the sd. Ann and Eliz. Smither or one of them, value £10 per annum.

Ground called Neates, one acre, late in the tenure or occupation of John Garton and now of Thos. Morris or his assignees.

And also all that peice of land and chalk pitt together with the Kill land with appurts. containing with estimation three acres . . . in Great Brookham and Little Brookham . . . late in the tenure or occupation of Robert Hudson and now of Thos. Loader . . .

Also messuage or tenement called Berrymans in Cobham, 80 acres, late of Francis Edmonds and now of John Goddard.

Also orchard or slipp of land by the high way side in Cobham, now of John Goddard.

Also all that messuage or tenement called Skirwitts alias Solmans, 13 acres, in Cobham, now of Thos. Morris.

Also all that messuage or tenement, 10 acres, in Cobham, late of Wm. Gadd and now of John Goddard.

Also all that close of land called Great Burnhams, 4 acres, in Cobham, now of Nathaniel Covert.

Also a waste piece of ground lying near Pound Green belonging to Down Place.

And also all other of the messuages and lands of the said Ann and Eliz. Smither in Cobham, Great and Little Brookham Excepting . . . Downe Mills (dealt with below, p. 60).

A lease of coppes is dated 14 December 1720:

Between Viscountess Lanesborough and Edward Heath of East Horsley, brickmaker.

Three coppices belonging to Down Place, i.e. Down Wood, Candelmas Grove, and Coombs Coops, 20 acres, for 13 years at £10 per annum. Heath not to Shrip nor lopp nor topp any timber tree, and to leave as many young Tillers when the coppices are cut as are proper and convenient, and not to cut at any unseasonable time whereby the Stombs and roots of the wood may be damaged.

A solicitor's letter dated 27 August 1720 asked for an advance of £200. Like the letter of 24 September it is from Robert Johnson to Richard Turner Esq. at Onger in Essex:

Sr.

Mad.^m. Smithers being indebted to severall tradesmen in her neighbourhood in about £200, and they heareing she had sold her estate, are very pressing for there money and have sent in their bills, and by the instigation of some persons I feare will give her trouble if they have nott forthwith satisfaction. . . . Two hundred pounds will make them easy and you may take your owne time for whats further to be done.

⁴⁶ Leeds Public Library, LF/LXXXIV/21.

Lady Lanesborough died in 1721, leaving the manor of Cobham and Down Place to her grandsons of the Fox family. In September 1728 George Fox joined in a humble petition⁴⁷ to the Lord Chancellor, Peter, Lord King of Ockham, stating that John Tanworth of Dorking, second cousin to Elizabeth Smither, late of Dorking, had sued out a Commission of Idiocy against the said Elizabeth Smither, who was never reputed or deemed to be an idiot or lunatic until now in her 56th year. Should she be found an idiot the petitioners might be very much prejudiced in respect of their several estates purchased of the said Elizabeth. A commission met at the King's Head, Dorking, on 2 September at 10 a.m., and about 40 witnesses came from London and several other distant places, which, together with legal charges, cost the petitioners about £80. The meeting had to be adjourned until 4 p.m. owing to the misspelling of the name of John Bugden, Doctor of Physic. Nothing could be done at 4 p.m. owing to the absence of John Bonwicke, agent or solicitor for John Tanworth, at whose instance the said commission was sued out. A list of very frank questions and answers about Elizabeth Smither appears to refer to an adjourned meeting on 16 October, but the result of the enquiry is not given.

MANOR OF COBHAM

It is now no longer convenient to deal with Down as a separate manor, and we return to a consideration of the manor of Cobham. After Lady Lanesborough's death there appears to have been no resident lords until Thomas Page of Pointers bought the manor in 1779. The Fox family lived at East Horsley, and it was James Fox of Horsley who had founded a school in Cobham by 1724.⁴⁸ He was the second grandson of Lady Lanesborough, and inherited Cobham and other Surrey properties when still an undergraduate at Christ Church, Oxford. Lady Lanesborough provided that if he should not take Holy Orders within seven years of her death the profits of the estate should be divided among the younger grandchildren. As it happened they released James of the obligation to take Orders. James died without issue on 22 October 1753, and was buried in East Horsley church. He was succeeded by his brother, Sackville Fox, who died on 1 December 1760, leaving the estate to his son James, then four years old. The property was then placed in the guardianship of James's uncle, George Fox, who in 1751 had taken the additional surname of Lane in compliance with the will of the last Lord Lanesborough. In May 1762 George was created Lord Bingley, and though using East Horsley as a residence he seems to have interested himself in laying out the grounds of his Yorkshire seat at Bramham Park:

Where "crystal currents sweetly murmuring flow,
Fair temples rise, and future navies grow."

⁴⁷ Leeds Public Library, LF/LXXXIV/46.

⁴⁸ *Sy.A.C.*, xxxix, 89.

Lord Bingley died on 22 February 1773, and James, aged 16½, inherited.

Mr Fox, young and unexperienced, engaged in a very dissipated and extravagant Course of Life during his Minority, and squandered away large Sums of Money, far beyond what were proper to be allowed for his Maintenance and Education, whereby he became exposed to great Distress; and during his Infancy, and soon after he attained the Age of Seventeen Years, he, in Opposition to the repeated Advice and Remonstrances of the Gentleman who was employed as his Solicitor, procured large Sums of Money by selling Annuities during his Life, and by procuring his Friends and Acquaintance (who were engaged in the same extravagant Course of Life, and had barely attained Twenty-one) to join with him or give Securities for the Payment of such Annuities. The Money thus obtained by Mr Fox was obtained upon Terms the most disadvantageous to him that can be conceived, and the Means used to obtain it were carefully concealed by him from his Solicitor and Friends. By this imprudent and dissipated Conduct . . . Mr Fox, was in the Year 1776 involved in Debt to the Amount of £26,000, or thereabouts, and in the Month of *May* in that Year he was (although under Twenty Years of Age) arrested by different Creditors.

Mr Fox's distressed Situation and Conduct could be no longer concealed from his Friends, who, upon being made acquainted with it, found it absolutely necessary to adopt some Mode for extricating him from his Distress.—It was therefore proposed by Mr Fox's Solicitor (who had been appointed to manage his Affairs by his Friends) and agreed to by Mr Fox and his Friends, that as soon as he should attain Twenty-one he should suffer a Recovery of his Estates in the County of Surry (of which he was Tenant in Tail in Possession) and that those Estates, or a competent Part thereof, should be vested in Trustees, upon Trust to sell the same, and apply the Money arising from such Sale in paying his Debts, and redeeming the several Annuities which he and his Acquaintance had engaged to pay for him during his Life: And in order to get a true Knowledge of the . . . Situation, both with respect to his Debts and Annuities, and with respect to the Value of his Estate in the County of Surry, so intended to be vested in Trustees, it was proposed by his Friends, and agreed to by Mr Fox, that Mr Farrer, his Solicitor, should forthwith endeavour to procure an Account of his Debts and Annuities, by inserting Advertisements in the public Newspapers, or by such other Means as he thought adviseable; and that Mr Fox should, in the mean Time, get his Estate in Surry valued by some Surveyor skilled in the Value of Lands in that County: And it was also proposed and agreed, between Mr Fox and his Friends, that when an Account could be obtained of his Debts and Annuities, a List should be made thereof, or of such of them as were found to be fair and just; and that such List should be annexed by Way of Schedule to the Trust Deed: And it was likewise determined that the Plan of the Deed should be to secure upon the Estate to such of the Annuity Creditors as should agree to liquidate their Annuities, and should accept the Proposals made to them on the Part of Mr Fox, their Principal Money, and Interest at Four and Half per Cent.; and that such of the Creditors who should refuse to sign the Proposals, should be excluded from all Benefit under the Trust Deed. And, in order to make the most of the Estates, it was proposed that the Trustees should sell the same in *Parcels and by public Auction*.

In May or June 1776, Mr Fox, with the Rev. Dr. Shepherd, his Tutor, set off upon his Travels with an Intention of making the Tour of Italy, and of remaining Abroad until he should have attained Twenty-one.—He travelled almost immediately to Turin, but instead of making the Tour of Italy, as had been intended, he very soon went to Paris, where his Tutor left him, and *during his Residence at Paris*, and after his Return to England, he lived in a very dissipated and extravagant Manner, and became so very much overwhelmed in Debt and Distress, that he would have executed almost any Engagements or Securities that could be proposed to him for the

Purpose of raising Money to answer his Purposes, which was easily discovered by any Person who had Money Transactions with him. At this Period the Indiscretion and Extravagance of Mr Fox and his Acquaintance were so great, that they sold Annuities for his Life for Five or Six Years Purchase, and left Part of the Money in the Hands of the Purchasers or Procurers of the Money, in order to answer the growing Payments of the Annuities, and without keeping any Account thereof; and they also executed Bonds and Warrants of Attorney to confess Judgments to Persons whom they employed, without receiving any Consideration, and without keeping any Account thereof, in order that such Persons might raise Money thereon by Assignments of such Securities.

About the Beginning of October 1777, in pursuance of Directions received from Mr Fox and his Friends, his Solicitor, Mr Farrer, caused Advertisements to be inserted in the public News-papers, desiring all the Creditors and Annuitants of Mr Fox, and all other Persons having any Claims upon him, to send in an Account of their respective Debts, Annuities, and Demands; and in consequence of such Advertisements, a great Number of Debts and Annuities were claimed against him amounting together to £50,000, or thereabouts, a List of which Debts and Annuities was made out by his Solicitor, in order that the same might be taken into Consideration by Mr Fox, and his Friends and Trustees; and in order that such of the said Debts and Annuities as were found to be just and fair might be scheduled to the said intended Trust Deed, Mr Fox about the same Time employed Mr Thomas Jackman, an experienced Surveyor, who resided in the County of Surry, near his Estates in that County, to value the said Estates; and Mr Jackman, after having carefully surveyed the said Estates, valued and estimated the same, with the Timber growing thereon, (and without the Furniture in the House and Offices) to be worth the Sum of £45,000 . . .

Mr Fox attained Twenty-one in August 1777.⁴⁹

At this time the Rev. Dr. Shepherd spoke about Fox's affairs to a notorious and fraudulent gambler named Robert Mackreth, with the result that Fox continued in his profligate course, and became deeply indebted to his new acquaintance. Mackreth was one of three liveried servants who acquired knighthoods and entered Parliament. The others were James Craggs, the elder, Postmaster-General, and Thomas Rumbold, the latter starting as a club waiter under Mackreth.

When Mackreth served in Arthur's crew
He said to Rumbold, "Black my shoe",
To which he answered "Ay, Bob".
But when returned from India's land
And grown too proud to brook command,
He sternly answered "Nay Bob".

Mackreth became a trustee for the sale of the estates to pay Fox's debts, but in 1779 bought the estates himself, and before the completion of the contract sold the Cobham estate at a highly advanced price to Thomas Page of Pointers, Cobham. (In 1788 the Court of Chancery decreed Mackreth to be a trustee for the original vendor as to the sum produced by this second sale.)

Pointers, which now became the manor house, was in 675 known as Pointintone, possibly "Punt's farm," or the land at the point or

⁴⁹ Leeds Public Library. LF/I/1. Statement of the Respondents' Case before the House of Lords, c. 1786 (printed).

curve of the River Mole. William Bray, the historian of Surrey, had become steward of the manor in 1770, and noted in his diary that of 14 September 1781 he had breakfast at Pointers.⁵⁰ Thomas Page died in this year, and his son of the same name at once enlarged the house and much improved the grounds, receiving several times the Duke of York ("Poor Fred") and other members of the royal family.⁵¹ Part of the improvements consisted in diverting the public road which ran between the house and the Mole.⁵² The Pages appear to have lived at Pointers until the middle of the nineteenth century, when their descendants, the Mounts, inherited the manor, holding it until manorial jurisdiction was brought to an end by general Act of Parliament. The court rolls and related documents were given to the Kingston Record Office.

THE RIVER MOLE: ITS MILLS, FISHERIES, AND BRIDGES

Before giving an account of the other Cobham manors it would be appropriate first to mention the river and then the enclosures. The mills and fisheries were manorial assets, the bridges a liability. Three mills are mentioned in Domesday Book. These would have been Cobham and Downside mills, still more or less in existence, and Ashford mill which is mentioned as one of the bounds of Cobham in the Chertsey Cartulary. It is tempting to connect Ashford mill with the statement that in 1275 one messuage and one mill and 60 acres of land with appurtenances called la Pypsyng in the manor of Cobham were bought for the monastery of Chertsey from Thomas Haunsard and Alice his wife.⁵³ This transaction may be connected with the death of Sir John Hannsard of Little Bookham in 1275. We shall later see that Sir John was the first to witness the agreement on the grazing of Cobham Tilt (adjoining Ashford) drawn up in 1268-9. In the early part of the next century Abbot John de Rutherwyk, we are told by the Cartulary, made two mills at Cobham and constructed a new mill house.⁵⁴ This probably means that he rebuilt Cobham and Ashford mills. Agas does not mention Ashford mill in 1598, therefore it was presumably then no longer in existence. It may be connected with the 8 acres 2 roods 23 perches of arable and meadow known as Mill field and Mill meadow which the tithe map of 1845 shows on the site of Cobham cemetery.

In 1534 Richard Sutton leased *Cobham mill* with the manor from the Abbot of Chertsey for 40 years.⁵⁵ Goodwyn's survey of 1546-9 refers to the king's mill called stewardde mill, and also to Coveham myll in the tenure of John Collyn. The former, in the tenure of

⁵⁰ *Sy. A. C.*, XLVI, 49.

⁵¹ Brayley, E. W. *op. cit.* (see note 7). Vol. II, p. 411.

⁵² *K. R. O.* Sessions Rolls, Easter and Michaelmas 1783.

⁵³ *Sy. Rec. Soc.*, No. V (1915), p. 121. (Chertsey Abbey Cartularies.)

⁵⁴ *Sy. Rec. Soc.*, No. XXXIV (1932), pp. 289, 291, 320. (Chertsey Abbey Cartularies.)

⁵⁵ Guildford Muniment Room. Cobham 1/32/1. "Robert Gavell Esq. his Title."

Thomas Tailler, belonged to the manor of Ham, and possibly adjoined Cobham mill. In 1552 Edward VI demised Coveham Myll by letters patent to Sir Anthony Browne the second (whom he had knighted at the coronation), and all waters to the same belonging, for the term of 21 years, on condition that Browne should keep in repair the "Cogges, Ronges, and les Bayes of the said Mill."⁵⁶ Cogs were the removable wooden teeth of the gearwheel. Rungs were the wooden or metal floats of the waterwheel. Bays were dams or embankments. Later in 1552 George Bygley, gentleman, servant of Sir Anthony Browne, demised the mill to Thomas Howse, yeoman, of Yateley, Hants, reserving to himself half the fish caught in the watercourse and the ponds adjacent.⁵⁷ On Christmas Day 1572 Robert Gavell and Dorothy his wife, son-in-law and daughter of George Bygley, demised the mill to William Sewer of Fetcham, miller, for 21 years. The premises were then described as one corn mill and one malt mill, "being under one rofe," with all waters, fishings in the "mylbaie," ponds, wharfs, etc., belonging thereto.⁵⁸ The mill was apparently repaired in 1760.⁵⁹ In 1799 the mill was washed away, and it is clear from a church brief⁶⁰ that by that time it had become a private venture of the miller, John Tupper.

Downside Mill. Cobham's three mills were built fairly close together, since the gradient of the Mole is at its steepest near Downside mill, where in a bare half-mile the river falls about seven feet, from 80 feet to 73 feet above sea-level. If this half-mile is doubled Ash Ford is reached, and the fall for the mile is 11 or 12 feet, compared with the average fall of 16½ inches a mile of the Thames.⁶¹

On 8 March 1565 an agreement⁶² was come to between Thomas Lyfeild Esq. of Stoke d'Abernon and Francis his wife, and Thomas à Down of Cobham, gentleman. It was stated that Down's ancestors owned a mill called Down Mill, now decayed. The "Emlin Streame" (River Mole) had always and ought to be wholly without stoppage by the lords of the manor of Stoke, and to have its direct course from the manor place of Stoke by the demesne lands of the said manor to an ancient and old wharf (or "stopp") near to the said mill, and from the said wharf to the said mill. It was now agreed that it should be lawful for à Down to make and repair as often as need be the said mill in the place or near abouts where the same mill of late, and also in ancient times, had stood. Also the lords of Stoke (owners of the riverside land between the seat of the manor and the said old wharf called the great wharf that did enforce the said river

⁵⁶ *Cat. of Ancient Deeds*, I, A6012.

⁵⁷ *Cat. of Ancient Deeds*, IV, A6593.

⁵⁸ *Cat. of Ancient Deeds*, III, A5700.

⁵⁹ The estimate is at K.R.O.: S.C. 16/9/118.

⁶⁰ B.M., Dept. of MSS. Church Brief, B. XL. 7.

⁶¹ Bull, A. J., and others, "The River Mole: its physiography and superficial deposits." *Proc. Geologists' Assn.*, XLV (1934), pp. 58-9.

⁶² Leeds Public Library, LF/LXXXIII/44.

to the said mill) should not divert the water or break the banks, and they should allow à Down to stop up any breaches which might accidentally occur. à Down might also erect, repair, fasten, and affix the said wharf unto the lands and meadow called the great meadow, and to now make the same wharf as it had been and made before this time. Also à Down and all persons coming to the mill should have access by a convenient footway leading from Stoke-streat over the field called Westfeild and so over the field called the mead Feild and the mead called the great mede and so over the said water called Emlyn stream unto the mill. à Down should twice in the summer time, when he should be required, stop or shut up all the floodgates, sluices, belonging to the said mill and the wharf for the space of three hours at a time so that Lyfeild might take the fish in the same river.

In 1720 there was a similar agreement⁶³ for irrigating the meadows *below* Downside mill. It was agreed that Lady Lanesborough, her heirs and assigns, should for ever have a right twice or thrice a year to pen the water of the said mills for the flowing of the meadows of Down Place, every flowing not to continue longer than two days and two nights upon giving timely notice to the miller to pen the same, and allowing to the miller one shilling an acre for every acre flowed.

In 1802 there is reference to an agreement⁶⁴ then existing for irrigating the Cobham Court meadows not exceeding twice a year by giving six days' notice to the tenant of Cobham mill, and by paying £1 two days in advance to the lord of the manor. The farmer had the right to go on the ground called Bridge Lands "to open or shut the gates there in the time of . . . such flowing and watering." It was agreed that the water should run through Bridge Lands "as now it doth," and that the lord of the manor should at his own cost

keep the ditches, channels, watercourses, troughs, and penstalls there, and the trunk under the road . . . cleaned, scoured, and repaired, and as deep, broad, and convenient as the same now are. And whereas the said watercourse now runs through the mead called Bridge Mead now or late Morewoods Lands and Goffs Meadow now in the possession of John Wood, it is hereby agreed that in case the said watercourse shall at any time hereafter be interrupted, hindered, or obstructed by the owners or proprietors of the said grounds called Bridge Mead and Croft Meadow then the said watercourse may be turned some other way . . .

The farmer was not to waste the water or let it run longer than necessary. (The purpose of these water-meadows was to provide an abundant supply of grass for grazing and hay.)

Returning to Downside mill we find that in 1720 the property consisted of

the Message or Tenement, Mill houses paper mills corn mills outhouses garden orchard and backside with the appurtenances commonly called

⁶³ Leeds Public Library, LF/LXXXIV/21.

⁶⁴ K.R.O. S.C. 16/9/248-51.

Downe Mills standing upon Cobham River, and the right of water for the use of the said mills And also all those three pieces of meadow, 2 acres, called the Wharfs, and 3 roods of ground lying upon the river containing the 3rd part of a rood, all of which said messuage, mills, and land last mentioned late were in the tenure of John Garton and now of Thomas Morris or his assigns.⁶⁵

The reference to paper mills may be connected with an entry in the register of Cobham church recording the baptism of a paper-maker's daughter in 1687.

Read's Weekly Journal for 16 June 1733 states that:

A few Days since a sad Accident happen'd near Cobham in Surrey, at Mr Hinton's Paper-Mill; Monday se'nnight his Pile of Faggots was burnt down, with his House, and his Mill being on the other Side of the River, then escaped; but on the Thursday following the said Mill was set on fire and burnt to the Ground; there was near 200 Pounds worth of Paper burnt, and the Mill lately cost 600l. the Man did not save any Thing, he and his family narrowly escaping with their Lives. It is suspected that a Boy he had, whom he chastised for running away, and being untoward and neglecting his Business, did the horrid Deed; for tho' the Master of the Family did not save any Thing, yet the Boy had removed his Cloaths, and laid them under a Hedge in a Field adjoining, and a Match and Tinder-Box was found therein. He denies the Fact strongly, but it's hoped this barbarous Piece of Villainy will be discover'd.

Among Mr. Charles Combe's title deeds (to which part of the following account is due) is reference to John Hillyer, paper-maker, occupier in 1741 of "all that messuage or tenement and paper mills called Downe Mills." In 1748 John Hillier of Cobham, paper-maker, was one of the two churchwardens.⁶⁶ In 1766 John Hillyer of Cobham, bookseller, made his will, which was proved in 1769. The ample flow of water on this part of the Mole would have been particularly valuable for paper-making.

In 1773 the premises were in occupation of Messrs. Raby and Mereton, iron masters, who altered the mill for smelting iron-ore dug from Wisley Common.⁶⁷ In 1781 the property consisted of "one messuage, 2 shops, 1 stable, 1 iron mill, 2 forges, 3 gardens, 4 acres of land, 4 acres of meadow, 1 common of pasture, free fishing in the River Mole, and £40 rent. . . ." In 1806 Hugh Smith of Stoke House leased to Alexander Raby a piece of meadow measuring 8 acres adjoining the mill, being a part fenced off from the meadow called the Hundred Acres at the N.W. end thereof, "together with the free use of the cut or canal made by the said Alexander Raby on the north-east side of the said River Mole aforesaid in the said meadow called the 100 Acres for the purpose of impounding and raising the water at his mill in order to benefit and give additional force to the works carried on there." The works consisted of

all those several mill houses, iron mills, presses, erections . . . together with the said piece or parcel of ground or yard whereon the said mill, forges and other buildings were erected, containing by estimation 1 acre 1 rood and

⁶⁵ Leeds Public Library, LF/LXXXIV/21.

⁶⁶ Guildford Muniment Room, No. 86/23/14.

⁶⁷ *Sy.A.C.*, xxxiv, 115-16.

30 perches . . . together with the cottage commonly called the Blacksmiths Cottage erected on part thereof adjoining to the floodgate, and garden occupied therewith, containing together by estimation one acre one rood and 36 perches . . . which said last mentioned piece or parcel of land together with two other pieces or parcels of land or ground then converted into and used as a yard and on part of which said mills forges and other erections and buildings were erected, were formerly called or known by the name of the Wharf.

There were also "works, wheels, engines and locks, pipes, fixtures, tools, implements, apparatus, copper boiler, shafts, forges, cylanders, harness, waggons, horses."

By 1814 the iron mill was dismantled, and in 1825 the place was a flock or rag mill. Later in the century the mill resumed its more intimate connection with Down Place, by now called Cobham Park, when a wheel was installed for generating electricity.

Manorial Fishing. In a suit⁶⁸ of 1802, witnesses, some quite elderly, were called to testify about river matters in the eighteenth century. The immediate cause of the dispute was an eel weir which the lord of the manor of Cobham, Mr Page of Pointers, had built across the Mole opposite his house to an island near the other bank. Mr Wood, owner of the property on that side, complained that the obstruction would cause flooding on his land. The weir cost £10, and the sill rose four or five inches above the bed of the river. There were six or seven stakes or piles, and eel-pots were placed between them. About 1770 Mr. Hamilton of Pains Hill had put up posts and gates in the Mole to pen a head of water two feet high to fill his lake by means of a wheel.⁶⁹ Mr Wood, not being on terms with Mr Hamilton, ordered Nathaniel Keen of Cobham Court to cut a ditch on his own land to let the water go by. After this the wheel was left to decay, and Mr Hamilton put up a horse engine. When the Fox family of East Horsley owned the manor they used to send their steward over at Whitsun to fish the river from Chatley up to a point beyond the island, about half-way up the meadow just above Mr Page's mount. This was about a mile, but sometimes they fished from Pains Hill up to Cobham mill. For five years Tuer Smith was the steward, and he used to come with a horse and cart, nets, and plenty of meat and drink. He brought a tub to carry away the prime fish, and the offal others had. At one time every man in Cobham used to fish, and people even came from London with nets. When one, Castledine, was tenant of the mill he used to do the manorial fishing, and prevented others fishing near the mill. (This was probably Benjamin Casseldine, occupier of the mill in 1754.)⁷⁰ The upshot of it all was that each party agreed to fish his own side of the river, no weir to be erected.

⁶⁸ *K.R.O.* S.C. 16/9/248-51.

⁶⁹ Illustrated in *Gentleman's Magazine*, Feb. 1771, Vol. XLI, p. 57. It pumped "a quantity so vastly superior to that raised with a similar force by any pump or engine yet invented."

⁷⁰ *K.R.O.* Box no. 567. "Sackville Fox Esq. Settlement. . . ."

Bream and tench are mentioned in a local suit of 1744, and in the last century London anglers used to come to Cobham for carp, chub, gudgeon, and dace. In 1840 it was stated that "there is some good angling for pike and perch between Pain's Hill and Esher Place; occasionally a few trout may be taken with the fly, but they are gradually disappearing, the natural result of the introduction of the all-destroying pike."

Cobham Bridge. The most important crossing of the River Mole was and is in that part of the manor known as Street Cobham because of its position on the ancient road from Kingston to Guildford. This road is shown on the Gough Map of c. 1360 as part of the main route from London to the west of England. At first there must have been a ford, the road probably rising from the left bank of the river to run through the hollow at the foot of the hill to the south of the present Pains Hill house. The inscription on the existing bridge is based on a now-vanished document of 1239 which is said to have stated that a bridge was built in 1100 by Matilda (Maud) of Scotland, queen of Henry I, for the benefit of the soul of one of her maidens drowned in crossing the ford. The queen assigned a plot of land on the Cobham side of the river to maintain half the bridge, while on the Walton side the lord of that manor gave a plot called Spitalcrofte for the upkeep of the other half. (*Spital* is a corruption of *hospital*, and *croft* indicates a small piece of arable land attached to a house, the whole probably meaning a little roadside resting-place for travellers.) In 1239 Abraam, the keeper of the bridge, had long lived there.⁷¹ In 1344-5 John le Smyth was admitted to a place of Purpresture (encroachment) next to Cobham bridge, being on the south-east end of the bridge, 80 feet by 20 feet,⁷² presumably for a smithy where he could shoe the horses of travellers. By an inquisition of 1531 it was found to be the custom that half the great bridge called Cobham bridge should be kept in repair by the King and half by the Abbot of Chertsey, there being a cross in the middle.⁷³ The responsibility was thus divided between the royal manor of Walton and the Chertsey manor of Cobham, no more being heard of Queen Matilda's plot of land on the Cobham side. Commissioner J. Tippetts writing to the Navy Commissioners on 30 September 1671 stated: "I arrived late on Friday, the ways being bad, and Cobham Bridge part carried away with the . . . flood, and the river too deep to be passed through."⁷⁴

Soon after Thomas Page acquired the manor of Cobham in 1779 he was indicted for not repairing the Cobham half of the bridge, and had to spend £200 on repairs, besides the costs of the trial. The bridge was of wood, the total length being 152 feet, the breadth 14 feet.

⁷¹ *M. & B.*, II, p. 732.

⁷² *Sy. Rec. Soc.*, No. XLVIII (1954), p. 170. (Lansdowne MS. 434.)

⁷³ *Sy.A.C.*, xxvi, 141-2.

⁷⁴ *Calendar of State Papers, Domestic Series; Jan.-Nov. 1671, Preserved in Public Record Office*, p. 508.

About this time a committee of the turnpike trust reported on the use of the bridge and ford.⁷⁵ There was then a post fixed in the river with a cross-bar fastened to it. Notice-boards on each side of the river stated that when the water was up to the cross-bar it was not safe to pass the ford, but gave no information as to where to apply for the key of the bridge. Though recently lowered six inches the height of the bar was still as much as three feet four inches, which was dangerous since post-chaises and other carriages were generally not more than three feet high, and water could run through the carriages. The bar ought to be lowered five inches at least. The key of the bridge was kept by the landlord of the Kings Arms public house (now Cobham Motor Works) near the bridge, and he had particular directions from the owners not to open the bridge unless the water came up to the cross-bar, except for a very low carriage. This locking up was much complained of, and some persons had lately cut the bar, and insisted on a right to cross the bridge at all times. There was another bar on the Cobham side of the river apparently intended to be locked in flood time to prevent travellers crossing the ford, but there was no such precaution on the other side of the water. The river was apt to rise in three or four hours after sudden rain so as to make the ford unsafe, and the iron mill at Downside often let down such a quantity of water as to raise the river to a dangerous height within a few hours when there had not been rain to occasion a suspicion of it. At Godalming bridge on this road the bar on the bridge was taken down every evening and locked again the next morning, and the like should be done at Cobham. The bridge was always open for horses to pass, and had been sufficient to carry an occasional old-fashioned wagon. But now the great increase of traffic with the introduction of broad-wheeled wagons made the bridge unequal to its task.

A committee of Quarter Sessions had been considering the matter of the bridge since Easter 1774, and various plans for a new bridge had been prepared by Mr Jupp, Mr Mylne, Mr Gaville, and Mr Wilkin-son. The lords of the manors of Cobham and Walton agreed to give £200 each, with liberty to dig on the waste of their respective manors for clay and sand, and to cut fuel. An Act was now obtained to rebuild the bridge, with those at Leatherhead and Godalming, and after eight years of talking work now proceeded with a rush. The architect was the county surveyor, George Gwilt the elder, who was

directed to Employ proper Workmen to search for dig and take any quantity of Brick Earth upon any Common or Waste Lands belonging to the Manors of Cobham Walton upon Thames and Godalming for the purpose of making Bricks for rebuilding Cobham and Godalming Bridges and also to cut take and carry away any furze or heath growing on such Commons or Waste Lands for the purpose of burning such Earth into Brick and to make and burn the same thereon without payment of any thing for the same in order that the Contractors may not be impeded in carrying on the Works of the said Bridge when the Contracts shall be fixed and settled by the Court.

Sealed tenders were to be delivered at Gwilt's house on or before

⁷⁵ *K.R.O.* S.C. 16/9/152-69.

13 May 1782, and that of Mr John Fentiman, for £3900, was accepted on 27 May. On 17 June Fentiman was joined in the contract with Gabriel Rogers, Bricklayer, of Bermondsey, and the foundation was laid on 15 July. On 29 April 1783 the Order Book states that

Whereas John Fentiman and Gabriel Rogers . . . have now presented to this Court a Petition . . . setting forth that owing to many high Waters and floods . . . they sustained a very considerable Loss by breaking down the Dams carrying away their Timbers and Scaffolding and preventing the Workmen going on with their Work though in constant pay that owing to the heavy Rains they were obliged to buy Bricks at a very enhanced Price and greater distance then they otherwise should have done and that owing to the late Season of the Year being the Month of June before the Business was begun they were put to very great Expence in procuring a sufficient Number of Men at considerable Wages to carry on the Work and which they were under a necessity of complying with as the Committee appointed concerning the said Bridges directed the Petitioners to procure Materials and Men at all Events at same time hinting to them that they should have an Extra Allowance for the same.

They asked for £213 9s. and received £130. Since the petition states that bricks had to be brought from a distance, the plan to make them locally possibly fell through. In April 1782 Gwilt had gone to Walton, Cobham, and twice to Godalming to search for brick-earth, and came to an agreement for making bricks. The carpenter's work was done by Mr Richard Bushell, and J. Simpson painted the posts, rails, and stonework at a cost of £4 9s. Finally the old bridge was taken down, the bed of the river levelled ("Expences for Men wading in the water, 19s."), and the old timber materials carted to Godalming.

Downside Bridge. In 1415 Thomas Freke, presumably of Dudwicks (now Chesmore Farm), bequeathed 2s. for repairing the bridge called Dounbrygge.⁷⁶ Freke was a citizen and "Wodmonger" of London, and desired to be buried in the riverside parish of St Andrew by Baynards Castle, in which neighbourhood he probably landed his timber. In 1528 John Bynold of Cobham left 20d. "to making the down bridge," "20 load of flint from the down" "to mending poultery alon," and 20d. "to mending the back causey."⁷⁷ This was probably the John Bignold of Brooklands, Cobham, who appears in *Burke's Landed Gentry* as a link in the pedigree of Sir Charles Robert Bignold, Lord Mayor of Norwich in 1926-7, and this being so was a forbear of the founder of the Norwich Union Insurance Company. "Poultery alon" is probably the later Poulter's Lane, now Downside Road. A letter⁷⁸ at Loseley written by Lord Howard of Effingham on 27 July 1594 begs Sir William More of Loseley to ascertain by examination of witnesses if "Robert Gavell gent ought to newe buylde and mayntayne a bridge over the Ryver nere unto the Church of Cobham for passage and repassage over the same."

⁷⁶ P.C.C. 23 Marché.

⁷⁷ Hants Record Office, Winchester Probate Registry, Archdeaconry Court, Book D, f.121.

⁷⁸ Loseley MSS. (at Loseley), Vol. xi, no. 58.

Gavell had been sent for by Lord Howard, and "alledged the contrarie. And that there was of late" a trial at Guildford Sessions which ended in his favour, but that "nevertheless he is contented to have the said cause betwixt him and the Countrie" referred to Sir William More. Whatever the result we know that there was a horse bridge here in about 1760, when the lord of the manor of Cobham built a new bridge for carriages: the tenants contributed timber, and a proper causeway was made. The bridge was then kept locked against carriages except in flood time. Repairs costing £36 were required in 1778.⁷⁹

On 11 January 1785 Quarter Sessions stated that a bill of indictment had been preferred by the grand jury against the inhabitants of the county for not repairing the bridge, and Mr Pardon, treasurer of the public stock of the county, was ordered to defend the county against the bill. On 23 May he was ordered to prefer a bill of indictment against Thomas Page, the lord of the manor, and on 15 August it was stated that on payment of £50 Page was to be relieved of his liability. George Gwilt surveyed the bridge in September 1785 and April 1786, during which time the suggested cost of repair rose from £155 to nearly £200. The bridge, Gwilt said, was in a very ruinous and dangerous condition, the principal piles which supported the bridge being set upon the surface of the bed of the river instead of being driven in. The wide space between the trussed work of the timber arches had caused all the framed timber work to give way, whereby the tenons were nearly out of the mortices, and the sides had become much out of perpendicular. The whole structure hung in a tottery dangerous condition, so that it was unsafe for a carriage to cross. To repair the bridge it would be necessary to have new oak piles at least one foot square driven into the bed of the river between every arch or bay of the trussed work, and oak girders on the piles, with proper braces and framing. The old work should be reframed and repaired with new timber and iron ties and bolts. However, Gwilt pointed out that further repairs would be wanted in ten or twelve years time, perhaps sooner, owing to the rapid and continual decay to which timber bridges were subject. And the bridge, being only 10 feet 8 inches wide and about 130 feet long, was and ever would be extremely dangerous for foot passengers when a carriage was crossing, there being no recesses for them to retreat into. The materials of the bridge were worth about £50.

By 11 July part of the bridge had fallen in, and the structure had thereby become impassable. (It was also stated that a horse and chaise had fallen through Stoke Bridge.) Mr Gabriel Rogers, bricklayer, of Bermondsey, was now to contract for rebuilding the bridge in brick at a cost of £1520 according to the plans of Mr Gwilt. On 17 April 1787 the old bridge was ordered to be pulled down and the materials sold, though subsequently part of it was converted into posts and rails to guard the new approach road. On 3 October 1787 the new bridge was reported finished at a cost of £3 10s. less

⁷⁹ *K.R.O.* S.C. 16/9/157a.

than the builder's estimate. Gwilt's own bill came to £133 6s. 6d., out of which he paid for a clerk of the works constantly on the spot for 13 weeks at 21s. a week with 10s. 6d. a week for his board and lodging.

Both of Gwilt's bridges were probably built on the downstream side of those they replaced.

Common Fields and Wastes. It has been pointed out (p. 47) that when Cobham consisted of a primitive settlement on Leigh Hill the arable ground of the community was probably the area at the foot of the hill known as the Tilt (later the Tilt). By the thirteenth century it had become a wooded pasture, and it is just possible that it may have been regarded as a new common (pasture) in distinction to the Old Common at Street Cobham. The Tilt is now represented by a green near the fire station, but was of much larger extent, its former area now bisected by the long straight road to Stoke d'Abernon.

In 1268-9 an agreement⁸⁰ was made between John Medmenham, Abbot of Chertsey, and Sir John d'Abernon, knight, about the common pasture in a wood called the Hoke. This was possibly land in the bend or hook of the river between Ashford and the present fire station, now occupied by the cemetery and the fields of Elm Farm. The enclosure award of 1779 in the Kingston Record Office refers to the marshy ground behind the present fire station as the Hook, a common or waste. Sir John d'Abernon must be the knight said to be represented by the famous brass in Stoke church. He said that he and all his tenants of Stoke ought to have and were wont to have common in Hoke Wood from St Martin's Day (11 November) in winter to St Michael's Day (29 September) continually. And their predecessors had it always with all their beasts by custom as well there as in the wood of the Tilt. The abbot replied that the wood of the Hoke ever was and ought to be fenced (probably for his hay) from nine of the clock of the Hoke Day (Hock Day, the second Monday after Easter Day) until nine of the clock on Lammas Day (1 August) as well from the Feast of St Michael to the Feast of St Martin (probably for acorns). At last by "a fryndely composycon" the abbot granted that Sir John d'Abernon and the men of Stoke should have common in the wood of the Hoke from nine of the clock on St Martin's Day in the winter till nine of the clock on St Michael's Day with all their beasts except (the destructive) goats. Yet the woods of the Hoke and the Tilt should rest fenced from nine of the clock on St Michael's Day until nine of the clock on St Martin's Day as it was accustomed of old time, so that neither Sir John d'Abernon nor his men should have any coming in or going out in the said woods with their beasts in that season without special licence. Also it should be lawful for the abbot to enclose the wood of the Hoke with hedges and ditches, and to hold it enclosed as he should think best except

⁸⁰ Condensed from B.M. Ad. Charter 5546, Chertsey Cartulary 944, and a translation in a cartulary at the K.R.O.

during the time that the men of Stoke had common there. Also the meadow in the said wood should bide fenced from nine of the clock on St Michael's Day until nine of the clock on St Martin's Day, and from nine of the clock on the Hoke Day until nine of the clock on Lammas Day, so that they should have no common in the said meadow at those times without special leave. Also it should not be lawful for the men of Stoke to take, cut down, or carry away any of the wood growing upon any of the trees or woods or hedges belonging to the wood of the Hoke or Tilt. For the aforesaid common the men of Stoke should pay the abbot 14d. yearly at the Feast of St Michael the Archangel before dinner at the house of the forester of the Tilt for the time being ("ante prandium ad domum forestarii de la Tylthe quam pro tempore fuit"). "That is to saye xijd. that they were wonte to paye of olde for their comon and ijd. for the Incresement of newe." And if the money be unpaid it should be lawful for the abbot the men of Stoke in the common from day to day to distrain until he be completely satisfied. The following witness: Sir John Hansard (probably of Little Bookham), Sir Wyllyam at Leghe, Wyllyam Pycote, James de Wodeham, Rychard Russell (probably of Trotsworth, Egham), and others. The point of contention seems to have been that the abbot claimed to close the whole area from Hoke Day to Lammas Day. He compromised by closing only the meadow.

The same abbot came to a somewhat similar agreement⁸¹ with Robert de Hamme alias Robert de Coveham, and his men, and this is incidentally the earliest reference to the manor of Ham in Cobham. When both woods and meadow were enclosed from St Michael's Day to St Martin's Day they could have free chase of beasts as they had from ancient time. Though the abbot could enclose the wood of the Hoke with a hedge and ditch there should be ample and large easement by which Robert and his men might have free entry and exit with their animals when they ought to have common in the said wood or in the wood of the Tilt. The annual rent of 2d. should be payable at Michaelmas before the ninth hour at the court of Cobham. Apart from the lower rent the advantage over the men of Stoke appears to have lain in the right of hunting from St Michael's Day to St Martin's Day.

Stoke's necessity for intercommoning with Cobham lay in the fact that any common they may have then had would have been presumably at Oxshott more than a mile from their village centre, cut off by a deer park and presumably other enclosures.

In addition to the Tilt there was a quantity of unenclosed common land available for grazing and fuel, and about 1540 part of this, with fenced farm land, was enclosed by King Henry VIII in his new chase of Hampton Court. The area concerned was in the direction of Esher, and the king's other purchases included Pains Hill at Walton, from Corpus Christi College, Oxford. This return to forest law was greatly resented. In 1548 the Privy Council received a

⁸¹ Chertsey Cartulary 955.

petition consisting of divers complaints and exclamations made by many poor men of Cobham and neighbouring parishes who said that by reason of the making of the late chase of Hampton Court their commons, meadows, and pastures were taken in and overlaid with deer. These were increasing daily while many families of the king's liege people were much diminished and decayed. Therefore a diligent survey was made by William Godewin and John Carleton, who asked 17 questions to be answered on oath by 24 of the most substantial and discreet men. A further enquiry was made by Sir Anthony Brown, Master of the Horse and Chief Keeper of the Chase. It was found that the present king (Edward VI) was suffering a substantial loss,

and that the said Chase was but newly and very lately erected in the latter dayes of the King of famous memory, when hys Highnes waxed hevvy with sickenes, age and corpulences of body, and might not travayle so readily abrode, but was constreynd to seke to have hys game and pleasure ready and at hand, the which hys loving subjects were content for the cumfort and ease of hys Majeste to suffer, trusting of a sufficient amendes or relief to be had after.

Within ten or twelve years the pale would so decay that the making of the same anew would be "unportable" cost, and anyhow it would not be possible to recover so much timber as would make the pale again in these parts of the realm. The present king was not likely to take so much pleasure in the chase, and Windsor Forest was near by. Therefore the deer should go to Windsor or other parks, the pale should come down at Michaelmas, and the lands should be restored to their former tenants at the old rents.⁸²

A century later an attack on the commons was made by Gerrard Winstanley and his followers. Winstanley was probably born at Wigan in 1609, and having become some kind of clothman in London was bankrupted by the outbreak of the Civil War. About 1643 he accepted the hospitality of friends in Church Cobham, where he earned a precarious living pasturing his neighbours' cattle while his active brain conceived the political and religious ideas expressed in the Digger movement of 1649. This formed the first example of modern utopian socialism designed as a party programme, and represents the beginning of modern socialism.⁸³ St George's Hill where the experiment started is in Walton-upon-Thames, and until some time between 1548 and 1609 was known as Oldebury from the earthwork which crowns its summit. Since another site of the Diggers was at St Margaret's Hill some George and Margaret ceremony as at Norwich may have originated the name. Winstanley's 70 or so disciples began to dig up part of St George's Hill for crops in April 1649, but it is not clear if the name of the site or the day of St George had any significance for them. The most detailed and vivid account of the Diggers at Cobham is in Sabine's *Works of Gerrard Winstanley*, full of local family names familiar in

⁸² Dasent, J. R., *Acts of the Privy Council*, II, pp. 190-2.

⁸³ Petegorsky, D. W., *Left-wing Democracy in the English Civil War* (London, 1940), p. 13.

other contexts. From this book we see that if unrestrained eloquence alone could have brought success, Winstanley's experiment would indeed not have failed. In the autumn of 1649, the crops on St George's Hill having been destroyed, the Diggers started operations on Little Heath at Cobham, then larger than it is now. By April 1650 their 11 acres of corn and half a dozen temporary houses were destroyed by the lord of the manor, John Platt of West Horsley, in company with Thomas Sutton, the impropiator of the living, and Sir "Anthony" (probably Francis) Vincent whom the Diggers had offended by cutting wood on Stoke Common. It is only fair to say that one of Winstanley's worst tormentors, Ned Sutton, was possibly Edward Sutton who in 1621 was described as "a lunatique." The later life of Winstanley is obscure, but one of his name, prosperous and respectable, was living in Cobham until after 1670. As to his followers, it is not quite clear if all of them had no grazing or fuel rights at all on the common waste, but the fact that they dug up part of this common waste indicates a too small or non-existent share in the common arable fields.

The common arable fields of the manor of Cobham were listed by Ralph Agas in 1598,⁸⁴ and covered $481\frac{3}{4}$ acres. North Field, $32\frac{3}{4}$ acres, later known as Northfield Farm, was opposite the Savoy Cinema, and was divided into three furlongs called Puddingham, Marsh, and St Mary. Church Field, $140\frac{1}{4}$ acres, lay between the church, Street Cobham, and Hogshill, and was traversed by Court Way and Field Way. John Rocque's plan of 1744⁸⁵ shows it bounded by Hamwell Lane, now corrupted to Anvil Lane. There were twelve furlongs, with such names as Anyards and Little Ham. It was the existence of this field which kept the houses of Church Cobham from joining those of Street Cobham. Appleton Field, $20\frac{1}{2}$ acres, lay by Leigh Hill. West Croft, $12\frac{1}{2}$ acres, was to the south of Plough Lane, Downside. Down Field, $152\frac{3}{4}$ acres, lay in what is now known as Cobham Park, and extended apparently in the direction of Ash Ford. Puntington Field, $87\frac{1}{2}$ acres, was behind the Black Swan at Hatchford, and Rewoorthe, $35\frac{3}{4}$ acres, was near by. It was in the variously orientated furlongs in these fields that the villagers had their scattered strips. Tenants of the manor of Milbourne had their own common fields at Oxdown by Fair Oak Lane.

The manors of Esher Episcopi and Esher Wateville (Milbourne) both spread over the Esher boundary into Cobham parish. Esher Episcopi had Northwood (Norwood Farm), and Milbourne had Oxdown (Stokesheath Farm) and a property off Sandy Lane known as Warren House. The manorial waste, Oxshott Heath, is probably equivalent to the earlier Stokesheath, which may mean the heath covered with *stocs*, trunks of (pollarded oak?) trees. In the register of Stratford, Bishop of Winchester 1323-33, is a reference to William le Whyte of Ockesdon who owed tithes for cutting oaks and firs. About 1567 Thomas Brockhole "did take in for Breed of wood two

⁸⁴ Survey of Ralph Agas at Guildford Muniment Room.

⁸⁵ P.R.O. M.R. 294.

persells of . . . Milborn Common now called fayre oke copic and Birch Copice. . . Both in the parish of Coveham." In 1692 "John Turner tenant at Stoke Heath farme did . . . grubb up and inclose a certain wood called Fair Oak Wood containing 20 acres which time out of minde hath laine open to the comon of this manner called Milborne comon." Thus would have enclosures taken place in Cobham manor until the late eighteenth-century Acts of Parliament.

We have seen that in 1779 Thomas Page of Pointers acquired the estate of James Fox, and it was in this year that he procured the passing of a private Act of Parliament called "An Act for dividing and inclosing the common and open fields within the parish of Cobham in the county of Surrey."⁸⁶ The fields consisted of "arable land and meadow . . . intermixed and dispersed in small parcels . . ." These were the cultivated strips (not the common waste) of Cobham manor, and had dwindled in extent from 481 $\frac{3}{4}$ acres in 1598 to 370 acres. The commissioners appointed under the Act were William Clutton of Cuckfield, Sussex, surveyor; Edward Boreman of Ockley, yeoman; and Charles Pilfold of Effingham, yeoman. (Possibly Boreman was the Edward Bourman of Wotton, farmer, to whom the Waggon Alehouse at Cobham Stud Farm was mortgaged in 1764.) The commissioners were "required to cause public notice to be given in the parish church of Cobham aforesaid, upon some Sunday immediately after divine service, or by notice in writing, to be affixed upon one of the doors of the said church, of the time and place of their first meeting . . ." All right of common in the land enclosed was to cease on 1 August 1779, and within six months of the signing of the award the allotments were to be enclosed by the allottees with pales or by a ditch 1 $\frac{1}{2}$ feet deep and 3 feet wide, a bank on the inner edge thereof with a quickset hedge planted thereon with a single row of quick guarded on the side next the field by a dead hedge at least 2 $\frac{1}{2}$ feet high. In 1780 Dr John Trusler of Cobham explained in his *Practical Husbandry* exactly how dead hedges were made in this neighbourhood.

In 1789 the lord of the manor unsuccessfully promoted an Act of Parliament to enclose parts of Downside Common (stated to be 380 acres) and Chatley Heath (220 acres) in exchange for enfranchising the copyholds, discharging heriots on the freeholds, and waiving all claim to timber growing on copyhold estates.

On 15 April 1793 an Act⁸⁷ for dividing and enclosing the common lands and waste ground was, according to the *House of Commons Journals*, presented by Lord William Russell and William Clement Finch. A petition was lodged against it by several freeholders and cottagers on 22 April, but no counsel appeared at the second reading. The bill received a third reading on 8 May, and the royal assent on 3 June. Some of the objections⁸⁸ dealt with the distance from farms to those portions of the commons not to be enclosed. Cobham Park

⁸⁶ 19 Geo. III, cap. 15, in the library of the House of Lords.

⁸⁷ 33 Geo. III, cap. 69, in the library of the House of Lords.

⁸⁸ *K.R.O. S.C.* 16/9/258.

estate would be adversely affected by the enclosure of Downside Common, and a sheep bridge over the Mole to the Tilt was suggested. It was, however, pointed out that it would be little used by sheep, and that cows could swim the river as they did at Chertsey. (Fred. S. Thacker in his *Thames Highway; locks and weirs*, p. 406, mentions "cow flashes" at Chertsey, herds being driven into the shallows and suddenly withdrawn to cause a flash of water to release grounded barges.) "The Tilt," it was stated, "is already greatly overstocked from its contiguity to the town of Cobham."

According to the Act there were "several large open commons, heaths, and marsh and waste lands." They contained by estimate 1700 acres, but actually much less as the subsequent award showed. Across them were to be laid new roads not less than 40 feet wide, no trees to be planted on either side nearer to each other than 50 yards. The commissioners would set out one or more pieces of waste or common ground, not containing more than three acres in the whole, for gravel pits for making and repairing the new roads. The commissioners were required

after setting out roads and ways, bridges and drains, and ground for gravel pits as aforesaid, to set out and allot 150 acres of Fair Mile, 70 acres of Chatley Heath, being the least valuable part for cultivation of the said commons and waste lands, 20 acres of Poynter's Green and Downside Common, 20 acres of Little Heath, 20 acres of Old Common, and 20 acres of the Tilt, Leigh Hill and Brook Hill, making in the whole 300 acres, in as many different allotments as to the said Commissioners shall appear expedient, and which allotments shall include the private roads necessary to be left for access to the different cottages and houses situated on such commons or waste lands for the use of the occupiers . . .

This 300 acres of common to be left unenclosed is

for the use of the occupiers of the houses and cottages now standing or being within the said manor and parish, without more than one rood of land belonging to and used with the same as garden or orchard ground within the said manor, the yearly rent of which, at the time of passing this act, shall not exceed £10, and the occupiers of such houses and cottages and tenements, for the time being, shall at all time afterwards have the sole and exclusive right of using the said parts of the said commons or heath so to be set out and allotted, for the purpose of pasture, and of cutting turf and heath for fuel, in equal proportions according to the number of the said houses and cottages, without paying anything for such use.

The enclosures were allotted thus:⁸⁹

	Acres	Roods	Perches
To the old estates	822	1	10
One sixteenth to Thomas Page as lord of the manor	48	3	11
To Mr Page for part of his estate made into a public road	1	1	3
For a public gravel pit	3	0	0
For the use of occupiers of cottages under £10 a year	300	0	0
Sold to defray expenses, at from £10 to £73 per acre	95	2	5
Set out for roads	44	0	10
Total	1314	3	39

⁸⁹ Stevenson, W., *General View of the Agriculture of the County of Surrey* (London, 1813), p. 469.

The total expense was £2700, of which £1200 was spent on roads, nowadays represented by long straight stretches of the Portsmouth Road, Fairmile Lane, Stoke Road, Bookham Road, and Horsley Road. Heather gave place to crops on much of the Fairmile, and the grass of Downside Common, hitherto "consumed by herds of little horses,"⁹⁰ gave way to excellent yields of corn.⁹¹

According to the award 2789 acres were already enclosed in the manor of Cobham, the "old estates" or "old enclosures." Since over 1000 acres were now taken from the commons the aspect of Cobham must have changed greatly. From the maps with the award we can see that waste land extended from Spa Bottom on the Esher boundary right across the Fairmile district to the Old Common, and stretched by way of Leigh Hill to the extremity of the Tilt at Ash Ford. Paterson's map of 1779⁹² shows that Fairmile Common had a frontage to the Mole, and in the court roll of 1737, f.115, we read that the "homage present his Grace the Duke of Newcastle for making an Incroachment on the Comon in Cobham Manor for making a Bay and Turning the Water out of its Course."

A copy of the award was to be enrolled on the Common Pleas Recovery Roll, where it can still be seen. Also

One part of the said award after such inrollment . . . together with the survey admeasurement and plan therein . . . should be lodged and kept in the parish church of Cobham . . . under the care of the vicar and churchwardens . . . and the other part thereof should be lodged and kept amongst the records of the manor court of Cobham . . . in order from time to time to be inspected by all persons interested therein on payment of one shilling . . .

The latter copy is now at the Kingston Record Office, but the church copy has disappeared.

The commissioners for the enclosure were William Young of Chancery Lane, land surveyor; George Smallpeice of Stoke-next-Guildford, yeoman; and John Middleton of Lambeth, surveyor; all of whom swore at the White Lion inn on 8 June 1793 to execute the trust imposed in them without fear or favour. John Ingelow of Stanwell, Middlesex, surveyor, swore at the White Lion on 17 July 1793 to measure honestly the commons, and set the same into writing. Everyone claiming right of common had to deliver his claim in writing.

The Law Times reports of 4 February 1871⁹³ contain an account of an action, "Regina v. The Inclosure Commissioners for England and Wales," in which proceedings were taken under the General Inclosure Act (8 & 9 Vict., c. 118) to obtain the enclosure of the remaining 300 acres of common. The lord of the manor claimed that the fee of the soil of the 300 acres was still in his hands, and his refusal to consent to the enclosure was upheld. Ten years later James Bell of Kingston wrote to the lord of the manor referring presumably to this case:

⁹⁰ *K.R.O.* S.C. 16/9/259.

⁹¹ *M. & B.*, II, p. 732.

⁹² B.M. Ad. MS. 15533.

⁹³ *K.R.O.* S.C. 40. Box no. 47. Parcel no. 2.

You may recollect that some years ago the Owners of these Cottages [of under £10 a year] wished the commons enclosed but that Mr Bray [presumably the manorial steward] opposed the enclosure and succeeded in preventing it . . . Such a place as Fairmile Common which is very valuable land is now only the resort of poachers, and being covered with furze is no earthly use to any one—whereas a good part of Fairmile is worth £200 or £300 an acre and would be of considerable value if you . . . agreed to enclose it.⁹⁴

Further papers in the Kingston Record Office show that by about 1900 the rights of local people had been usurped by bands of gipsies who were ruining the commons. This abuse gave rise to the modern system of regulation.

Rabbit Warrens. We have seen that when King Henry I granted hunting rights in Cobham no mention was made of rabbits. They appear to have been brought to Surrey by Henry III, who had a warren at Guildford Park at least as early as 1235. In 1598 a pasture of 67½ acres at Cobham Court was known as Greate Hamme *alias* Le Warren, and we have seen that in 1647 this warren was to be well stocked and stored with “conyes.” Another warren was at Heywood. In 1633 Thomas Sutton of Cobham, gentleman, leased to Richard Phillips of Cobham, yeoman, all that capital messuage or tenement called Haywood, and the land belonging, for 21 years at £40 a year. “And alsoe all that stocke and warren of conyes and conny burrowes with appurtenances as the same are now planted upon parcell of the premises,” delivering therefore yearly between Michaelmas and Epiphany commonly called Twelfeday at the dwelling house of Thomas Sutton in Cobham six couple of sweet fat merchantable and well killed conies or rabbits at such times and in such manner as Sutton should require or have occasion to use or spend them. If required Phillips was to deliver up to 20 couple or more at 1s. a couple. Phillips should not destroy or dig down any of the cony burrows except outholes by ploughing of the ground. In 1712 a similar lease was granted at £38 a year by Shem Bridges of Ember Court, Thames Ditton, to William Handford of Stoke d’Abernon, yeoman, and Daniell Steere, late of Oxshott, yeoman, the extra rabbits to be limited to 30 couple at 16d. a couple. In 1722 a like lease was granted at £40 a year by Henry Bridges of Ember Court to Mr William Chun, warrener, of Twickenham, the 30 extra couple of rabbits now at 1s. 6d.⁹⁵ A sale catalogue⁹⁶ gives “Particulars of a further part of the valuable and very desirable freehold estates . . . belonging to the Right Hon. Lord Onslow . . . which will be sold by auction . . . on Thursday the 9th of July, 1778.” The lots included

The manor or reputed manor of Haywood, comprising a delightful summit near Claremont, in the county of Surrey; consisting of an extensive Warren, stocked with rabbits in great abundance; and a farm called the

⁹⁴ K.R.O. S.C. 40. Box 565. Parcel xii.

⁹⁵ Guildford Muniment Room, Onslow MSS. 563–7.

⁹⁶ Belonging to Mr. T. S. Mercer of Thames Ditton.

Warren Farm, containing six fields of pasture and arable land, a dwelling house, barns, etc. partly bounded by the River Mole, the whole in the possession of Mr John Brown, tenant at will.

Scite of house, barns, etc. with the burrow ground, containing 99—1—11.

There were also 24 acres of fields. A plan attached to a lease of 1820 among the owner's title deeds⁹⁷ shows Esher Meadow, 4 a. 1 r. 2 p., between Winterdown and the River Mole, formerly in the occupation of William Handford and Daniel Steer. According to the printed register of Stoke d'Abernon, William Hanford was baptized on 5 October 1679, and Daniel Steer, Junior, on 2 July 1695, "att 16 years old." Rabbits were not mentioned when, on 2 February 1911, Walter Butler of Heywood leased for three years from the lord of the manor of Cobham the exclusive shooting and sporting rights over Fairmile Common (now only 138 acres) at £10 a year. Butler was to keep at least one effective gamekeeper, was to preserve foxes, and was not to interfere with stag or fox or hare hunting as heretofore conducted.⁹⁸ (Among the correspondence of the French royal family at Claremont is a reference to uncarting "the deer on the common of Ockshott at the farm of Littleheath.")

The name Phillips in connection with rabbit-keeping occurs again, in 1649, when George Evelyn of Wotton leased to William Phillips, husbandman, of Cobham, the Warren House at Stoakes Heath, Cobham, late in the tenure of Anthony Wren. Also a messuage called Warren Croft adjoining Stoakes Heath, with warren and game in Farnhurst Hill and Roundhurst Hill in Stoakes Heath. The rent was payable at Wotton.⁹⁹ In 1671 George Evelyn the elder of Wotton granted to William Phillips of Cobham all that messuage or tenement called Warren House and close adjoining called Warren Croft of one acre in Cobham, near a common called Stoakes Heath, and the warren and game of conies in that part of the waste or heath called Farnhurst Hill and Roundhurst Hill of 100 acres, paying yearly the sum of £5 on the Feast of the Annunciation and the Feast of St Michael the Archangel.¹⁰⁰ In 1688 George Evelyn of Wotton and John and Katherine Evelyn leased Warren House and Croft for 21 years to Thomas Plummer of Cobham.¹⁰¹ In 1727 Susanna Draper of Fareham, Hants, widow, and William Draper of Adgcomb (Addiscomb), Surrey, Esq., eldest son and heir apparent of the said Susanna Draper (and related to the Evelyns), let for 21 years to John Kummins of Cobham, warrener, and George his son, of Cobham,

all that messuage or tenement called the Warren House together with the buildings outhouses gardens and orchards thereunto belonging And all that close of land adjoining to the said messuage called the Warren Croft containing by estimation one acre . . . near unto a common called Stoaks Heath in the parish of Cobham And also all that warren and game of conies in all that part of the waste or heath called Farnhurst Hill and

⁹⁷ Consulted by kind permission of the Hon. A. G. Samuel.

⁹⁸ *K.R.O.* S.C. 40. Box 514. Parcel xvi.

⁹⁹ Croydon Public Library, dS762.

¹⁰⁰ As note 99.

¹⁰¹ As note 99.

Roundhurst Hill containing by estimation one hundred acres . . . in Stoakes Heath aforesaid which hath been heretofore and is now planted with conies and enjoyed lately by John Plummer to and with the said Messuage or Tenement and not otherwise And also the Ferne and Heath growing and which will be growing upon the land and premises demised with liberty to cut and take Peat and Turf in such part of the premises as will be the least Damage to the said Warren Lands and premises for the use of himself and Family only during the Terme hereunder mentioned together with Benefit of Common belonging to the said premises.

No timber was to be cut, and the rent was to be £6 a year payable quarterly. Detailed instructions were given as to repairing the house, and also the said John and George Kummins "shall and will leave a Stock of Conies in the said Warren of the full value of Ten pounds . . . after the Rate of Twelve pence a coney" or £10 in lieu. John and George were

to have and take (only at seasonable times in the year) all such Bushes and the Lopps of all such Oaken Pollards standing and growing upon the aforesaid Heath near the said Messuage or Dwelling house such and so many only as have been usually heretofore taken polled and lopped by the Farmers of the said Warren and not Otherwise And the same to be expended and employed in upon and about the said Demised premisses . . .¹⁰²

This Warren House stood where Sandy Lane skirts the land still called The Warren. Roundhurst Hill was possibly the 200-foot-high elevation off Beech Close, Sandy Lane, a little to the east of the house called Round Close after an old field name. Farnhurst ("Bracken-covered") Hill is probably to be sought to the east of Reed's School (formerly Sandroyd Place).

Evidence for another warren in Cobham occurs about 1777 on a plan of Oxshot Farm belonging to Sir George Warren's Fetcham Park Estate.¹⁰³ This warren covered 16 acres above the present Warren Lane, and about 1800 a holly tree here was used by the Ordnance Surveyors as a landmark in the secondary triangulation of Surrey.¹⁰⁴

In 1664 Richard Crowcher or Crutcher of Walton-upon-Thames, warrener and husbandman, stole a coney hutch trap from William Carpenter of Cobham,¹⁰⁵ "one of the gentlemen of his majestys privye chamber extraordinary."¹⁰⁶

THE MANOR OF HAM

The Manor of Ham consists of islands of property in the manor of Cobham. It belonged to the manor of Ham in Chertsey parish, and became part of the foundation grant of St George's Chapel, Windsor. By the eighteenth century the Cobham portion of the manor was holding courts¹⁰⁷ of its own, latterly at the Antelope Inn (on the site

¹⁰² As note 99.

¹⁰³ In the Minet Library, Camberwell.

¹⁰⁴ Mudge, W., and Colby, T., *An Account of the Trigonometrical Survey of England and Wales* (London, 1811), Vol. III.

¹⁰⁵ *Surrey Quarter Sessions Records*, Surrey County Council 1938, VIII, 160-1.

¹⁰⁶ B.M. Harl. MSS. no. 1422, f. 8; no. 1470, f. 165b.

¹⁰⁷ Court rolls and related papers are at the Church Commissioners, Millbank, London.

of the George), where a dinner was provided by the lord. In 1869 the customs of the manor were:

Heriot of the best beast on death.

Fine at the will of the lord.

The eldest son heir.

No dower.

The fines are 2½ years agricultural value on death and 2 years on alienation.

A fee of 7s. 6d. to the bailiff (Mr Crawter) for proclamations.

No dower means that the estates were alienable without the concurrence of the wife.

Agas indicated in 1598 that the tenants of Ham had holdings in the common fields of the manor of Cobham, and the court rolls show that the lord of the manor of Cobham could be a copyholder of the manor of Ham. The manorial mill seems to have been under the same roof as Cobham mill, and four acres of Island Meadow adjoining the mill were called Stewards Mead otherwise Mill Mead, which could be enclosed for hay. The manor included the White Lion in Street Cobham, Appleton House (now Leigh Hill House), and Cedar House (formerly the Tan House, and perhaps a tannery). "Ham Manor" is a modern name for a dwelling previously called Spencer House from a Holborn ironmonger who took possession of it in 1792.

The following letter¹⁰⁸ is from Major William Abington who lived on the site of "Leigh Place" in a residence known as the Brickhouse, then Leigh Hill House, and latterly as the Leigh Place Hotel. (Major's Walk is the raised path between the Major's property and the low-lying riverside road.) The letter is addressed to "James Hay Esq, Holyport, near Maidenhead, Berks," and runs:

Dear Sir,

At the request of some of the Tenants of the Manor of Ham I have taken the liberty to address you, to inform you as Steward of the said manor for the Dean and Canons of Windsor, that a Navigable Canal is under consideration, to be cut from the Coast of Sussex to Horsham from thence to Dorking and by means of the River Mole thro' Mickleham Leatherhead Cobham etc etc and so on to the River Thames, by which many of the Tenants of the said Manor of Ham will be greatly injured by having their lands cut through divided and subdivided—A Survey has already been made and a bill is intended to be brought into Parliament this Session to Authorise the same—It is therefore to be hoped that the Dean and Canons for the sake of their own Manor to assist their Tenants from sustaining so great an injury, will join their Lords Gentlemen and other opponents to the said Bill; and I may with safety assert, that almost every one from Dorking to the Thames, are strongly against it—The Petition with the List of the Names of the Opponents is either at Henry Boulters Esq, at Leatherhead or at ——— Locks Esq, at Norbury Park Mickleham—Should the Dean and Canons agree to oppose the same a line from you Sir to Major Abington at Cobham may save you the trouble of coming over—I remain with much Esteem—Dear Sir

Your most obedient Servant, W. Abington Cobham Dec. 7th 1792

This was one of several abortive schemes to cut a canal across Cobham from the Tilt to Norwood Farm.

¹⁰⁸ Archives of St. George's Chapel, Windsor, xvii, 33, 17.