

THE COURT ROLLS OF HORNSEY.

BY

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THE municipal Borough of Hornsey, with a population of nearly 90,000 occupies an area of 2,874½ acres out of the 3,039 acres contained in the ancient parish of that name. Under the London Government Act, 1899, the Urban District of South Hornsey with an area of 230 acres was transferred to the county of London and "Clerkenwell Detached" with 64½ acres was reunited to Hornsey after being severed from it since the middle of the twelfth century, when it was granted to the Nunnery of St. Mary, Clerkenwell, and thereafter formed part of Clerkenwell parish.¹ A detached portion of Hornsey covering about 10 acres of land north of Coppetts Road and west of Colney Hatch Lane was also transferred to the Urban District of Friern Barnet, 29 July, 1891. According to the survey made by the three commissioners under the Hornsey Enclosure Act, 1813, the area of the ancient parish was 2,930 a. 1 r. 30 p., of which 312 a. 2 r. 21 p. was wood and 198 a. common land.

From time immemorial the See of London has held the ancient parish—the manor of Hornsey, with its two sub-manors of Topsfield and Farnefields belonging to the Bishop and the manor of Brownswood to the Prebendary of that name. We are not here concerned with the Prebendal manor, which covered the southern portion of the parish, extending northward to the ridge of high ground between Crouch End railway station on the west and Harringay railway station on the east.

¹ There are Papal Letters at the Vatican which (writing from memory) suggest 1477 as being the date when this land was severed from the parish of St. Mary, Hornsey.

The manors of Farnfields and Topsfield lay northward of Brownswood, the western boundary being Crouch Hill and Tottenham Lane.

From the answer given in 1294 by Richard de Gravesend, Bishop of London, to the writ of Quo Warranto then issued, it appears that Hornsey manor formed part of his barony of Stepney. It is probable that the View of Frank Pledge, held in later times at Highgate with the Court Baron was originally held at Stepney, since it is recorded that the lord of Topsfield owed suit to the Bishop's Court at *Stepney*. Topsfield was holden by free socage of the manor of Hornsey. In 1294 the name is spelt "Haringey." In 1424, when the Earl Marshal brought an action against the newly-appointed bishop to recover his accustomed fee in connection with the bishop's oath of fealty, it was spelt "Harnygseye." In the reign of Richard II "Harneseye" first appears, eventually replacing the other form, which seldom appears after Tudor times. Etymologically the two words are said to be synonymous in meaning, viz., "the enclosure of Haring or Hering." In the manor rolls the title is always Hornsey, otherwise Haringey, with variations in the spelling of both words. For the benefit of those skilled in etymological research it may be noted that when the manor of Farnfields was granted by patent it was called in 1549 "our manor of Heringam alias Haringhay," in 1552 "Fernefeldes and Haringhay," in 1603 "our manor of Haringay alias Fernefeild" and in 1612 "our manor and all our demesne lands of Fernefeildes alias Fernefeildes situate lying and being in Harringhaye in the parish of Hornesay." In the offer to purchase made by Sir William Cavendish in 1552 it was styled "the manor and demeanes of Fernefeldes in Harringhay." This manor, of course, was distinct from the manor of Hornsey with which we are dealing, but the designations are interesting.

It is regrettable that the court rolls of Hornsey have not been discovered for any period prior to Elizabeth's

reign, except a few odd rolls. The rolls for 19-22 Elizabeth and 24-28 Elizabeth are in the possession of the Ecclesiastical Commissioners. From 1603 to date, the series is practically complete, only the rolls for 1660-1 being missing. They are to be found in the Public Record Office, St. Paul's Cathedral and the office of the Ecclesiastical Commission at Millbank. Those for 1603-1701 have been published in *Court Rolls of the Bishop of London's Manor of Hornsey* by W. McB. and F. Marcham (Grafton & Co., 1929), where a list of the rolls for that period and their present location may be found in the Appendix. Without these rolls it would be almost impossible to trace the successive owners of houses and land within the manor or the sites of dwellings. Unluckily there is no tithe map for Hornsey, but we have a valuable plan of the parish made in 1814 for the Enclosure Commissioners, which shows every house and field with numbers attached referring to the index of owners. This index is arranged alphabetically with plot numbers and their areas grouped under each name, but is incomplete after the letter M. The Plan gives few field names, therefore to identify the estates dealt with in the rolls it is necessary in most cases to trace them by the succession of owners until we arrive at the owner in 1814 as shown in the index.

When the student consults the text-books to discover just what court rolls contain he usually finds it stated that all manner of information may be found there concerning the manners and customs of our forefathers. Nathaniel Hone, for example (*Manor and Manorial Records*, 1906), says:—

“Here actions for recovery of land by tenants unjustly dispossessed were commenced; disputes as to services and rights of common were settled; debts could be recovered, and trespasses punished; the scold was presented for annoying her neighbours; the miller for taking excessive toll of the tenants when they came to grind their corn at the lord's mill; the brewer or baker for selling an inferior article, or by false measures or weight; here a tenant would apply for the lord's licence to allow his son to become a clerk in Holy Orders,

or for leave to give his daughter in marriage; a labourer for permission to distrain on his employer's goods and chattels for wages unjustly withheld; here poachers were fined, disorderly houses duly reported, and orders made for the expulsion from the manor of undesirable characters; in short, these local tribunals were the police courts of the neighbourhood; in their rolls will be found the medieval law as to offences answering to our modern misdemeanours, and such as are punishable on summary conviction; in them is displayed the whole system of local constabulary, of frankpledge, and the duties of the headborough, in fact, the legal and social life of the village community are graphically mirrored on these ancient documents."

All this is perfectly true as regards the rolls of most manors for earlier years and makes us regret the more the disappearance of those for Hornsey. It must be confessed that the interest of those available is mainly genealogical and topographical. We will now note the material to be found therein concerning the customs of the manor.

In 1667 the jury presented the ancient customs, with which we will deal seriatim. "The customary landes and tenements thereof are holden in gavell kind." "Item, that if any customary tennant die seized his sonnes shall have equall part and if noe sonnes then his daughters are coheires." This tenure, mostly found in the southern-eastern part of the country, and particularly in Kent, has these properties: (1) The tenant was of age sufficient to alienate his estate by deed at fifteen. (2) The estate did not escheat in case of attainder and execution for felony, that is, the lord of the manor could not take possession of land belonging to a tenant guilty of a capital offence, but was obliged to allow his heir to inherit. (3) In most places the tenant had power of disposing of his lands by will before the passing of the Act of Parliament for that purpose was made. (4) The lands descended not to the eldest, youngest, or any one son only, but each son as heir took an equal share. These customs must have come down from pre-Conquest times and have historical significance, being probably derived from tribal customs of the teutonic conquerors

of England. In the adjoining manor of Tottenham the custom of "Borough English" obtained, whereby the youngest son and not the eldest succeeded his father as landowner. As will be readily imagined, this system of equal inheritance when allowed to operate unchecked led to a minute sub-division of ownership, for example, in the case of the "Mitre" public house in North Road, Highgate, at the corner of Hampstead Lane, opposite the "Gatehouse." This property, with a baker's shop adjoining northward, belonged to John Shuter, victualler, who died in 1727, leaving five sisters his co-heirs, each therefore taking a fifth share. The nephew and heir of one of the sisters at his death left six daughters, each of whom became entitled to one-sixth of a one-fifth. When Roger Chandless, baker, in 1796 acquired the property this fifth share had to be conveyed to him by no less than six persons, leaving him three-fifths to get from other descendants of John Shuter's sisters, in addition to the fifth which came to him with his wife.

To proceed with the customs:—

"Item, That there is due unto the lord of the manor from all his tenants for every (customary) messuage six shillings and eight pence, for every cottage three shillings and fower pence, for every acre of pasture land one shilling and eight pence, for every acre of meadow land (one shilling and six pence), for every acre of arrable, one shilling and six pence and for every acre of wood (land one) shilling and fower pence."

These were the fines payable when a copyhold estate changed hands.

"Item, Wee present that noe herriott is due to the lord by the custom." According to the theory of feudalism not only was customary or copyhold land held "at the will of the lord" but the villain's household belongings and farm stock were likewise supposed to have been obtained from the lord, reverting to him, therefore, on the tenant's death. In token of this ancient right it was often the custom to hand over a heriot, generally the best live beast, horse or ox of which he died possessed,

and sometimes the best inanimate chattel, such as a jewel, piece of plate or a garment. While it is a fact that the rolls disclose no case of a heriot being rendered in Hornsey it is recorded in 1648 that William Trott was admitted as heir of Sir John Trott to a cottage and 9 acres of land held by copy and *heriot*. This was the detached portion referred to before as transferred to Friern Barnet in 1891, and was, no doubt, enclosed in early times from the common, in fact, it lay on the extreme eastern edge of Finchley Common, with Halliwick Manor House, in Friern Barnet, to the north and other land in Friern Barnet to the south. Why it should have belonged to Hornsey Manor is a puzzle, having regard to its situation.

“Item, That the tennant may surrender his coppinghold estate into two tennantes hands without leave of the lord to the use of his will or otherwise.”

Copyhold land, of course, was never transferred directly from one tenant to another, but always by surrender to the lord and regrant by him to the new tenant, thus maintaining the idea that when the tenant no longer required the land it reverted to the lord, being held “at the will of the lord.” Equally it was held “according to the custom of the manor” and custom decreed that it must be regranted to the person designated by the tenant surrendering. Thus was the will of the lord effectively restrained. In default of surrender in person the alternative to surrendering by the hands of two fellow-tenants would be by appointing an attorney by deed specially authorising him to surrender in the name of the tenant. Such deeds are often entered on the court rolls.

“Item, That the tennant may digge loam or sand vppon the wast to repair his coppiehold without leave.” “Item, wee doe present that the coppieholders and resiants may cutt ferne at their will and pleasure within the said mannor from of the common and also furzes yearely from the twenty-ninth day of September vnto the first day of May and not at any other time upon paine of twenty-one shillings to be forfeited to the lord of this mannor for every

such offence." "Item, That noe copyholder nor resiant within the said mannor may cutt any furzes whatsoever save only such as shalbe cut by himself or his servants and carried away vopn his and their backs and not to be drawne away by any other carriage whatsoever vpon payne and penalty of twenty shillings."

These customs bring out the old idea that common or waste land was not appropriated to the particular use of anybody but for the use of the lord and tenants in common, provided that whatever was taken from the common must be used within the manor and not removed to another parish.

Rules were likewise required to protect the common interest in regard to putting cattle to graze on the common land, as appears in the following bye-laws. The general custom, by the way, limiting the number of beasts so pastured in proportion to the extent of the commoner's land is not mentioned on these rolls.

"Item, That all persons resiant within the manor which shall putt any catle horse mare or gelding infected with the mange or farcie to feed vpon the comon grounds shall forfeite for every such infected catle soe putt forthe to the lord of the manor twenty shillings. Item, That if any tennant or resiant of this manor shall putt to feed vpon the comon ground any catle whatsoever whereof he is not the true owner he shall forfeite for eury such offence to the lord of the manor forty shillings. Item wee present that for eury swine that shalbe found in this manor not sufficiently ringed to prevent rooting the comon and inclosed grounds the owner shal forfeite three shillings and fower pence to the lord."

Regarding trees and timber the following appears:—

"Item, That all trees whatsoever which stand for shade shelter or ornament soe neare to the lands or tenements of any of the tennants of the mannor that a woolpack vpon a cart may not passe between them and the fences of the lnds and tenements are the tennants' trees and belong not to the lord. Item, Wee doe present that by the custome of this mannor tennants may fell cutt downe and carry away their timber and trees and dispose of the same at their pleasure without licence from the lord. Item wee present that the woods called Oldfall and Colefall by the ancient custome of the mannor ought to be laid open within five yeares after the fall of the said woods (which time is now expired) and therefore in case the woods aforesaid be not laid open by the tennant or occupier of

them accordingly wee amerce him tenn pounds to the lord of the mannor and tenn pounds to the poore."

The provision that the wood should be closed for five years after timber trees had been felled was to prevent young shoots being damaged by animals belonging to the tenants whereby the wood in time would be destroyed.

Space does not permit us to examine in detail the location and ownership of landed estates and houses revealed in the rolls. It is interesting, however, to note that Sir Roger Cholmeley, the founder of Highgate School owned three properties in the manor, viz., "Oakfield," the triangular area within Crouch End Hill, Crouch Hill and the parish boundary; another triangular piece of land within Park Road, Middle Lane and New Road; and a five-acre field fronting High Street, Highgate, between Townsend's Yard and Kent's Yard, with two houses thereon, in one of which afterwards lived the widow of Jasper Cholmeley (legatee of Sir Roger) after her remarriage to Walter Wotton, Esq. The true story of Cromwell House, Highgate, is also set out, as published in the London Survey Committee's monograph "Cromwell House," whereby many blunders and myths of long standing have been corrected. The legend of "Arundel House" having stood on the Bank, Highgate, just north of Cromwell House, is likewise dissipated. The old house at the corner of Hornsey Lane and Highgate Hill called "Winchester Hall" also appears, but no Marquis of Winchester as owner or occupier.

In conclusion, it may be permissible to urge that a valuable piece of historical work might be undertaken through co-operation between antiquaries interested in the topography of London and Middlesex, by taking, say, the 6-inch ordnance survey map and plotting thereon the boundaries of all the manors in the county as they existed in the time of Edward I, showing ownership and customs of inheritance. It would certainly bring out many interesting facts and provide a sure foundation for further research in this field.