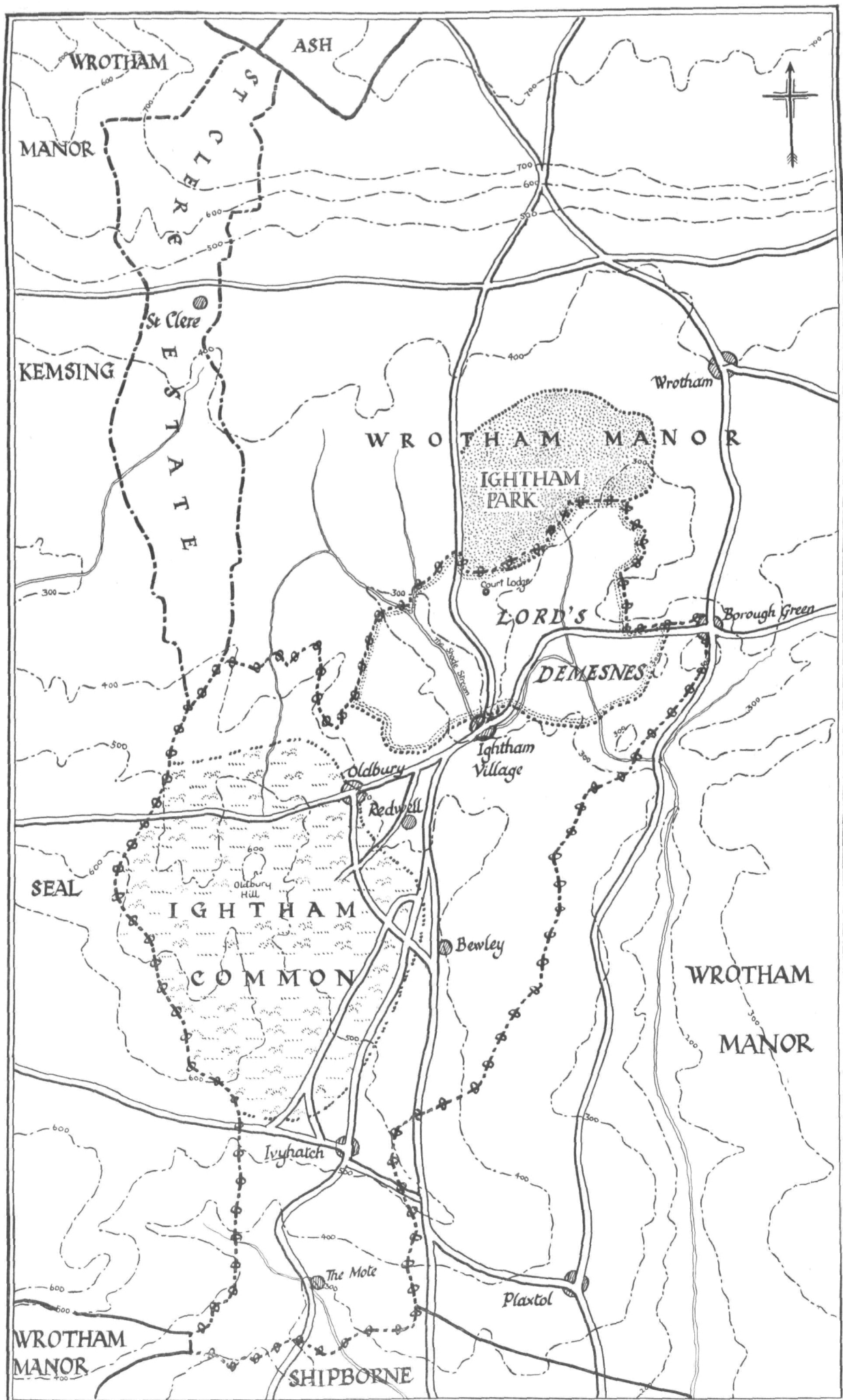




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SKETCH MAP OF IGHTHAM PARISH AND MANOR

Scale — 0 1/4 1/2 1 mile

[Ightham Parish includes St Clare estate — Ightham Manor does not]

THE COURT ROLLS AND OTHER RECORDS
OF THE MANOR OF IGHTHAM AS A
CONTRIBUTION TO LOCAL HISTORY

BY SIR EDWARD HARRISON.

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NOTE.—Owing to the length of this paper, Sections (l) to (z) have been reserved for a later volume.

Section (a)—INTRODUCTORY.

The records of the Manor of Ightham inspected by the writer consist for the most part of Court Rolls, but include a few deeds and other ancient documents. The Court Rolls are the records of proceedings at the local Courts, and the name is taken from the long, rolled-up sheets of parchment or paper on which such records were originally written.

The Ightham Court Rolls were kept, till 1707, in medieval Latin, with numerous contractions, but, with rare exceptions, the extracts reproduced in this paper have been turned into English. The original records sometimes contain a few English words, which were usually inserted in order to give precision where there was no exact Latin equivalent. Such English passages, as a rule, have been put in quotation marks. In translation the general sense has been preferred to a literal rendering, and non-essential facts and legal wrappings have been freely omitted. Occasional words and passages in the original rolls are illegible and certain readings are doubtful, but most of the entries are reasonably plain and it is hoped that mistakes have been few. The same name is found spelt in many different ways and space does not allow all variants to be given. In general, the oldest spellings have been reproduced together with any variants that seemed to be called for by circumstances. There are too many missing rolls to enable two persons bearing the same name to be always distinguished, e.g., father and son.

Dates, which in the older rolls were recorded by reference to Saints' Days, have been turned into their modern equivalents—not without a sigh at the loss of many a picturesque expression. Years have been given in Old Style as well as New. For example, "Court held on Wednesday next before the feast of the Annunciation of the Blessed Virgin Mary in the third year of the reign of King Edward IV" would be reproduced as "Court held on 23 March, 1462-3."

The amounts of fines or amercements imposed, where not otherwise distinguished, have been placed in brackets against the names of the persons affected.

Grateful acknowledgements are due to the Right Hon. Lord Middleton (whose ancestors, Sir Thomas Willoughby and his wife and their descendants, owned the Manor of Ightham in Tudor times) for access to the more ancient records, to Mr. J. C. Knocker, the present steward of the manor, for access to later documents, to Mr. F. E. Mair for the photograph of Ightham Court which has been reproduced as an illustration and to Mrs. Dorothy Cook for the sketch map. Finally, the writer's journey through the jungle of contracted medieval Latin and difficult script must have brought him up against insuperable obstacles, and his limited acquaintance with manorial customs and procedure must often have caused him to blunder, but for the generous help given by Captain H. W. Knocker and Dr. Gordon Ward.

Section (b)—THE PARISH OF IGHTHAM AND THE MANOR OF IGHTHAM.

Some account of the old parish and the manor is a necessary introduction to the Ightham records. The old parish, which remained unaltered till 1934, filled the western portion of the hundred of Wrotham. Wrotham parish, also a part of Wrotham hundred, wrapped round Ightham on the north and east, and at its south-west corner. In plan the parish of Ightham was markedly irregular, consisting of a fairly compact southern portion from which a long neck ran northwards, the whole area resembling roughly a hen with the neck of an ostrich. The northern end of the parish lies well over the crest of the chalk hills; the southern end, beyond Ightham Mote, is in the Weald, five miles away. From east to west the parish is two miles across at its widest point but only 180 yards at its narrowest, where the neck joins the body. Study of a map leads to the conjecture that when Ightham parish was carved out of Wrotham hundred its owners claimed for it a share of the downland for grazing, and its greater neighbour gave up as narrow a strip as possible.

The long neck is part of the St. Clere estate and is outside the Manor of Ightham, which coincides with the remainder

of the parish, as will be seen from the accompanying sketch map.

Features noted on the map include the eight hamlets within the parish, the course of the Shode stream, the site of the manor house—the Court Lodge—and a rough division of the manor into the lord's demesnes, the common, and the holdings of the tenants.

The traditional eight hamlets are a useful aid to the identification of land. To trace a holding from the vague description so often found in an old Court Roll is difficult, but the problem is narrowed when we read not merely that the land is "in Ightham," that is, within the manor, but also that it is "*in quodam loco ibm vocat* Oldbury"—at a certain place there called Oldbury.

The Shode (or Busty) is the only considerable stream within the manor, and when bridges are mentioned in the Court Rolls they must always be looked for at the crossings of this stream or a tributary.

The Court Lodge stands near the north-eastern end of the manor, the pleasure grounds belonging to the house running up to the boundary. The present house bears the date 1575, but there was an earlier building, perhaps on the same site, in the hall of which the ancient Courts were, no doubt, held. They have been held at the George Inn in Ightham village at least since 1697, and possibly ever since the old manor house was pulled down.

The demesnes of the lord of the manor have been marked on the sketch map from an undated map of no great age, supplemented by information given in the Court Rolls. The lord's lands varied a little in area at different times and substantial accuracy is the most that has been aimed at.

The extent of the original common was determined mainly by natural conditions, the sandy forest and moorland of the western part of the manor being of little use to early cultivators, while the land to the east was of higher fertility. The sandy waste, too, made a poor feeding-ground for sheep and cattle, and so the common pasture of the manor was to be found not on this area but on



THE COURT LODGE OF IGHTHAM MANOR, NOW CALLED IGHTHAM COURT.
PLATE II.

more fertile soil near Ivy Hatch. The eastern fringe of the common, which was marked roughly by the line of the road now leading from Ightham village to Ivy Hatch, was gradually enclosed, early enclosures having been formally authorized by lord and tenants at a manor court. There have been no copyholds within the manor in recent times but there is plenty of evidence of former copyholdings in the Court Rolls, and all the once copyhold land which the writer has identified lay on the eastern edge of the common. It is a fair inference that early grants to individuals of enclosures of the common were made on a copyhold title, or, to put the same thing in another way, that many of the copyholds once formed part of the common or waste.

The larger tenants' holdings can in some cases be roughly ascertained from entries in the Court Rolls, or these holdings can be made up in bulk by marking off the lord's demesnes and the common from the total area of the manor. A few scattered small pieces of waste have been ignored.

Section (c)—THE MANOR ESTATE IN 1605.

Percival Willoughby, who inherited the Manor of Ightham in 1596 on the death of his father, Thomas Willoughby, transferred¹ it, together with the lord's demesnes and the advowson of Ightham, to Sir John Roper of Linsted, on 2 December, 1598. Two Courts Baron were held in 1599 in Sir John Roper's name, and on 1 April, 1600, the first Court in the name of William James was held. The manor remained in the James family till the early years of the twentieth century.

William James added to the estate 290 acres of land which he bought from one of the Peckhams of Aldham, and he or his son, also William, sold in 1633 to Sir Henry Vane the remoter part of Ightham Common, over 300 acres in

¹ The word "transferred" is used advisedly, the exact nature of the transfer being obscure. That it was not an ordinary sale is clear, as William James indicates plainly in the letter (No. 2) and its enclosure (No. 3), printed on pages 174-6, that he bought the manor and estate from Percival Willoughby. It may have been part of a series of transactions intended to perfect the title.

extent. The effect of these changes was to make the estates held by the James family more compact and more accessible from Ightham Court Lodge, but they were no longer wholly situate within the Manor of Ightham. The seigniorial rights of the lord of the Manor of Ightham were not affected by these sales, and there was excepted from the sale to Sir Henry Vane, in favour of the tenants and commoners of the manor, all right of commoning and common pasture according to the custom of the manor. In the time of the Commonwealth William James the younger bought the adjoining manor of Wrotham.

Several papers giving particulars of the James estates in 1605 have been preserved.¹ No. 1 may be passed over; its substance has been incorporated in the others. It contains, however, a reference to "the olde house and bildings"—i.e. the old Court Lodge, which was replaced by a new manor house in 1575. No. 2 is a letter written by William James to Sir Percival Willoughby, covering an enclosure (No. 3). The latter, marked "for Sir Percyvall Willoughbye," contains particulars of the estate of William James, prepared by himself. No. 4 is marked, "Kent, Itham and Sir Martine Barnham, Ye Particular of ye estate about Itham." No. 5 is a draft of part of No. 3.

It is gathered from the series of papers that Sir Martin Barnham thought of buying the estate and that Sir Percival Willoughby acted as intermediary. No bargain was struck, probably because, in the words of William James, it was "to harde a peniworthe."

The letter to Sir Percival Willoughby and papers Nos. 3 and 4 follow.

(No. 2)

"SIR—I sent you the mapp before by your man wherein ar conteyned all that I purchased of you and nowe accordinge to

¹ These papers (Nos. 1, 2, 3, 4 and 5) are certainly contemporaneous. The sheet on which Nos. 2 and 5 are written is dated on the outside, "Novem. 6, 1635." This must be a mistake for 1605, for Nos. 3 and 5 refer to wood felled by Willoughby (who parted with the estate about 1598) as "yet but of eighte yeres groathe," and there is other confirmatory evidence. 1605 has accordingly been adopted in preference to 1635.

your requeste I send you a particular of all that I holde there, but my request unto you is that after this if this succede not, you woulde trouble me no more in this kinde. You may well thinke there is but smale likelihoode of your now findinge a chapman [dealer] seeinge the bestoinge of £750 in byldinge thereon hathe made it to harde a peniworthe for anye man to like but myselfe and so I rest,

Yours to use,

Wm. James."

(No. 3)

"for *Sir Percyvall Willoughbye*.

1. The lands, milles and other tenements I boughte of you which are all contayned in the mapp beside the woods and Quitt rents doe yearely rent for £14l 3s. 4d. per annum.

2. The Quitt rents besides heryotts and profitts of Courte £12 per annum.

3. The woods of Oldberry and Charte conteyning 120 acres in the occupacion of Sir Ralphe Boswell for £20 per annum.

£20 per annum { The 120 acres of wood which you had felled are yet but of eighte yeres groathe, worth £160.

£6 6s. 8d. per annum { There are some 40 acres well grown which I thoughte to have sold the last yeare for which I was offered 100 marks.

£20 per annum { There are some 120 acres more which are not yet ready to be felled but are of a good groathe.

The groathe of all the woods is worthe £400.

Havinge made no benefy^{tt} of these woods I must be allowed for them for the tyme that I have had them.

You had of me for these parcells above syd £3,650.

They cost me in purchase £1,300 { I have boughte adioyninge unto the premises about 290 acres, of which 90 acres are rented for £25 6s. 8d. per annum and the other 200 acres are in my hands and are well worthe £45 per annum and better.

I have bestoued [expended] in buildinge as by particulars I can shewe £750.

The totall in rente is yerely £300 or very nere.

The parsonage is worthe
£80 per annum of which I have
the advowson which is well
worthe £100.

Straglynge wood and tym-
ber aboute the premises¹

The milles are lette worthe
then £40 per annum

The land all straye² tenure.

The totall of the purchase
is well worthe £6,200.

Soe the lande beinge £300
per annum, the buildings,
wood and advowson is worthe
and coste me £1,250.

So that the whole purchase
is but £5,000 of the lands
which is about 16 not 22
yeres purchase."

William James's statement of account may be sum-
marized as follows :—

	£
Paid for the manor and estate	3,650
Paid for adjoining lands bought from Mr. Peckham	1,300
Spent on building	750
Total outlay	5,700

for property " well worthe £6,200."

The £750 spent on building cannot refer to the cost of
the present manor house, which (unless the date it bears is
wrong) was erected a quarter of a century before James
bought the estate.

Paper No. 4, which follows, seems to have been drawn
up by Sir Percival Willoughby for Sir Martin Barnham. It
contains the substance of No. 3, with additions made from
Willoughby's personal knowledge.

(No. 4)

	Per annum
"The mannor of house of Itham with the	£ s. d.
demeanes belonginge to it have binn lett above	
twenty yeares past at the rate of £100 per annum	
and hathe binn ever reputed a farr better peniworthe	
than Yorcks Hill ³ at that rate	100 - -

¹ For "premises" No. 5 has "house, &c." The reference is evidently
to the Court Lodge.

² The word "straye" is doubtful.

³ Yorcks Hill—a dower house of the Willoughby family at Sundridge.

Per annum
£ s. d.

The olde bildings at Itham ar and ever weare better than those of Yorcks Hill, besides Mr. James new bildinge which not countinge his own travell and his mens hathe cost in money £750.

The mills cost above £400 bildinge at the firste for wiche my father had all his tyme everye weake 20s. wiche was £52 per annum, and that rate they woulde yelde againe if they weare used accordinglye. Thoughe Mr. James rate them but at 22 - -

The other lands and tenements conteyned in the mapp will yelde a better valewe yearlye than they are rated by Mr James wiche as he hathe rated them make the 2 former sums and sum feire tenements and cotages beinge bought in the whole comon being about 400 akers may be safely improved 141 3 4

The quitt rents beside heriotts and proffitts of Courts are 12 - -

The woods demised to Sir Raphe Bosseville¹ being 120 akers 20 - -

There is 120 akers felled above 8 yeares sence.

There ar sum 40 akers for wiche their hathe binn offered a yeare sence 100 marcks.

There are sum 120 akers more of good grothe of all wiche Mr. James hathe had noe benefitt but he has £20 per annum from Sir Raphe Bosseville.

The woods sence my father's deathe have not binn so well looked unto as before but it is as fitt grounde in all respects for woods if they may be kept and maynteyned as Yorcks Hill and rather better, and further the quantite of grounde more at Itham than Yorcks Hill wiche will safelye appear uppon the mapp wiche you have.

There is a greate deale more greate woode about Itham than Yorcks Hill.

The parsonage hathe binn allways accounted worthe £80 per annum and the advowson is not soe little worthe as £150.

The woods at Itham did allways sell at a better rate than those at Yorck Hill and there was wont to be sum benefitt made yearlye of wallkers [fullers'] earthe, and for conneys Olburye

¹ On a lease for 21 years from 10 May, 1586.

Hill hathe binn allways thought as fitt a place as anye in the countiee.

Beside mutche might be there saved and improved if the lande were in anye man's hands of worthe that woulde either live there or cause it to be so looked unto as other men's grounds there adioyninge.

For these parcellis I had as may appear of Mr. James	£ 3,650
to wiche he addethe the charge of his new billdinge at the least	750
and the grothe of his wood wiche as I remember was in his note above	400
wiche in my opinion can not be soe little worthe for the woode.	

And all the other particulars he hathe sett noe other rates upon them than what they cost at the first and have binn so lett longe before they came to his hands."

Section (d)—THE VIEW OF FRANK-PLEDGE AND THE COURT BARON.

Two Courts were held periodically in Ightham in medieval days, the Court Leet or View of Frank-pledge, and the Court Baron.

The View of Frank-pledge was the descendant of the Saxon institution of that name, under which the freemen within a tithing were pledges for the good behaviour of one another. It was concerned principally with the keeping of the public peace and order and, therefore, it was the King's Court. The View was a half-yearly court which, as its functions and importance declined, came to be held less often and died out at Ightham in the early years of the eighteenth century.

The Court Baron was the civil court of the lord of the manor. Its primary business was the business of the manor, e.g., the registration of title to land and the collection of the dues to which the lord was by custom entitled. It was also for a time a court for the collection of small debts and its functions included some fragments of local government. The Court Baron was a three-weekly court, but it was held

irregularly even in early times and by the beginning of the seventeenth century it usually met only once a year.

Both courts were presided over by the steward of the manor, who acted at the View as the King's representative, unless the sheriff or his deputy was present. The jury of the View was drawn from persons resident within the manor, the jury of the Court Baron, called the homage, was chosen from tenants of the manor.

Section (e)—THE JURISDICTION OF THE VIEW OF FRANK-
PLEDGE AT IGHTHAM.

The Manor of Wrotham, which had been ecclesiastical property since Saxon times, passed into the hands of the Crown in the reign of Henry VIII, and was granted by Edward VI to Sir John Mason, who alienated it to Robert Byng about the year 1556.

The Manor of Ightham passed in 1545 to Robert Willoughby, son of Sir Thomas Willoughby, who had inherited it in right of his wife, one of the co-heirs of her father, Sir Robert Read. From Robert Willoughby the manor came to Thomas Willoughby, who held it in 1570.

Differences arose between Robert Byng and Thomas Willoughby as to the rights of the respective Courts Leet (or Views of Frank-pledge) of the "tythyngge or parysshe of Eighteham" and of the hundred of Wrotham, the hundred court claiming a jurisdiction within the Manor of Ightham which the lord of that manor and the inhabitants declined to admit.

The dispute was one of long standing and some preliminary skirmishing had preceded the main challenge. "Stephen Swanne of Eightham" had obtained a judgement in the Court of Chancery against the "bedell or reve of the hundred of Wroteham" for the wrongful taking of Swanne's cattle to satisfy a fine of 20d. imposed on him at the Wrotham court for refusing to be sworn or to present Ightham offences there. In that suit it was found by a jury that the tithingman and four inhabitants of Ightham had not been accustomed to

be sworn at Wrotham or to present there offences committed in Ightham.

This finding went too far, for it must have been common knowledge at Wrotham and Ightham that it was contrary to the facts, and it was not accepted as settling the points at issue. The next step was to refer to a local jury, chosen apparently from persons residing within the hundred of Wrotham (including Ightham), the question "whether the borsholder and foure other men of the towne of Iteham" were accustomed from the time of the memory of man to present to the "Court of vewe of franck plege of Wroteham" offences committed in Ightham. The outcome of this reference has not been traced, but in any case it was not taken as final, for the matter was afterwards committed to the arbitration of John Lennarde (of Chevening) and George Moulton (of St. Clere), who made their award on 21 April, 1570.¹

The award recites that "contencion, stryfe and debate hathe of longe tyme been betwene Robert Byng . . . and Thomas Wylloughbye . . . about the ryght . . . to the presentment, amercyng, correccion and punysshement of all . . . such . . . offences . . . comytted . . . in the tythyng or parysshe of Eightham . . . as . . . ar presentable and corrigable in the Courte of any lete or lawdaye, together with . . . fynes, issues, amerciaments, forfeittours and profitts . . . to be had by reason of the same."

From another recital it appears that Robert Byng had taken distresses and had brought actions against certain tithing men of Ightham in connection with their refusals to be sworn at the hundred court or to present there offences committed in Ightham, and an undefended action of debt for 40s. was stated to be pending in the Court of Common Pleas at Westminster against "William Wybourne of Eightham."

The parties had submitted themselves to the judgement of the arbitrators for the final determination of all the disputes, and the latter, after making a full investigation and

¹ The earlier part of this award is missing but it has been reconstructed from an existing draft the text of which is complete. The award, however, contains at the end a proviso which is not found in the draft.

examining Court Rolls and other muniments, came to the following conclusions :—

(1) that as the lord of the Manor of Ightham had time out of mind had and kept a "lete or lawdaye at the . . . towne of Eightham," and had taken there the presentments of sundry offences committed in Ightham "usually presentable in leetes" under the Statute 18 Edward II *de visu franci plegii*,¹ he should continue peaceably to hold his leet there as in times past, and should take and enjoy the fines arising from such presentments;

(2) that William Wyborne and other inhabitants of Ightham should be discharged from the fines put upon them at the hundred court;

(3) that as the tithing man and four inhabitants of Ightham had been accustomed to appear and be sworn at the hundred court and to present there sundry offences committed in Ightham,² and also to pay to the beadle of Wrotham the sum of two shillings annually, they should continue to do so, and should present there all presentable

¹ This Statute covers many subjects, bare mention of which is all that is possible here :—Attendance of jurors; tithing business; fugitive villeins; services not done; wrongful enclosures; hedges, etc., set up or removed; bounds taken away; ways opened or stopped; waters diverted; house breaking; thefts; cries not pursued; bloodshed and frays; escapes of felons; outlaws returned; offences against women; coinage offences; treasure found; Assize of Bread and Ale; false measures; haunters of taverns; vagabonds; unauthorized selling; improper sanctuary; prisoners released without bail; trapping of doves.

² The nature of these offences may be gathered from an extant document containing a sort of index of "Presentments made at the hundred courte or lawdaye at Wrotham of dyvers offences don in Iteham," arranged under the following heads :—"Butchers; myllers; brewers; victellers; hunters; keepers of hayes [nets] and ferretts; keepers of greyhounds and harryers; keepers of players and evyll rule; frayes; rapes; felonys and fleying for the same; watches not duly kepte; hues and kryes unjustly levyed; defaultes; tennys players; bowlers; pownde breakers; for mendyng of highewayes; for mending of dykes in highewayes; for shredyng [scattering] of coves in higewayes; annoyeing of highewayes; for mendyng of foteways; for annoying of foteways; brydges decayed; inrochements; nuisance; rescousse [rescues]; strayes; of the great inqueste at Wrotham; constables chosen of Iteham; afferers [assessors of fines] for Iteham; the aleconner's presentment; of Iteham sworne to the Kyng; the lorde of Iteham presented and amerced, &c." Although undated, this document bears internal evidence that the index was compiled about the year 1555. From a comparison of this and the last preceding note it appears that there was some overlapping of the jurisdictions of the Ightham and Wrotham courts.

offences done in Ightham not expressed in the Statute *de visu franci plegii*, and all offences contained in the Statute which for any reason should be omitted to be presented at the Ightham court ;

(4) that the lord of the Manor of Wrotham should enjoy all "wayffes, straves and fellons goodes" found within Ightham ;

(5) that the judgement obtained by Stephen Swanne should thereafter be treated as void.

The award also contained directions as to minor matters and the costs of the parties, and ended with the following proviso relating to Ightham Mote :—

"This . . . award . . . shall not . . . extende to the lorde of the moote within the said parisshe of Eightham . . . or to the sergeaunt and twoo tenements¹ of the mote . . . for or concerning there sute of Courte, service or any other thing whiche they or any of them oughte to do at the sayde hundred Courte, lawdaye, or leete of Wroteham . . . or to any matter whiche they or any of them oughte to present at the same Courte, but that they . . . may . . . appere, do there sute, make there presentments, and do every other thyng at the sayde hundred Courte . . . in such sorte as they . . . have used to do."

Even this carefully considered award was not universally accepted, for in 1612 Stephen Swanne and others again challenged the right of the Wrotham court to require the men of Ightham to be sworn and to present there. Swanne probably still relied on the judgement which he had obtained in the Court of Chancery, notwithstanding its abrogation by the arbitrators. The result of his second challenge has not been traced, nor does it appear whether on this occasion he was backed by the lord of the Manor of Ightham, but it may be noted that in 1618 the tithing man and four inhabitants of Ightham, as well as the sergeant of the Mote, duly attended at the Wrotham court.

The relations of the Ightham court to the Court Leet of Wrotham, the independent liability of the owners of the

¹ Or tenants.

Mote, which so far as it lay within the bounds of the Manor of Ightham was held of that manor, to do suit at the Wrotham court, and other vaguer indications suggest that the Manor of Ightham, which was created before the Statute of *Quia Emptores*, was originally a sub-manor of Wrotham. However this may be, we find that in 1533 the King's officers holding courts for the bailiwick of Otford and other franchises claimed the right to amerce the tenants of the Manor of Ightham for respite of suit of court. It does not appear whether this claim was admitted or not.

Section (f)—THE COURT ROLLS OF IGHTHAM MANOR.

Ightham is not mentioned in the Domesday survey but there is a record of an owner of the manor in the time of King John.¹ If the manor was created early in the thirteenth century, the Court Rolls for the first 200 years of its existence have disappeared.

The earliest existing Court Roll is a record on parchment of a View of Frank-pledge and Court Baron held on 25th October, 1425. There are also records of three other Courts Baron of 1425 and 1426.

The records of 1427-60, 1467-73, and 1476-89 are missing. The period 1461-6 is represented by records of 14 courts, 1474-5 by 4 courts. A period of 18 years, 1490-1508, is represented by records of 24 Views out of a likely 36, and of 109 Courts Baron; and there is internal evidence that few rolls are missing in most of those years.

No records of the period 1509-52 remain. When they are found again, in 1553, the records are written on loose foolscap sheets, and the Courts Baron have ceased to be held oftener than twice a year, on the days of the Views. There are records of 11 sittings of each court in the period 1553 to 1559, and of one in each of the years 1561, 1566 and 1574.² With these exceptions the period 1560-85 is a blank.

¹ Harris's *History of Kent*. Hasted, however, quoting Philipott, substitutes Henry III for John.

² Captain H. W. Knocker has brief notes of three other Views and Courts Baron of the years 1573-4, which are not included in the table given below.

From 1586 onwards the proceedings at the courts were entered in books and, except for one large gap, the records, though sometimes badly kept, seem to be continuous. The two courts were held half-yearly till 1604 and after that yearly, as a rule, till 1618. The book for the period 1619-96 is missing but half-yearly courts were still held, fairly regularly, from 1697 till 1724.

After 1724 the intervals become longer and irregular, the contemporary books (which, however, may not have been fully written up) containing records of only 13 courts from 1725 till 1786.

The Views ceased to be held after 1707, the Courts Baron continued till after the passing of the Law of Property Act 1922, but records later than 1786 have not been examined.

The position is summarized in the following table:—

Period.	Number of years		Number of Courts of which there are existing Records.	
	for which there are existing records of Courts	for which no Records of Courts have been found.	Views of Frank-pledge.	Courts Baron.
1425-6	2	—	1	4
1427-60	—	34	—	—
1461-6	5	1	9	14
1467-73	—	7	—	—
1474-5	2	—	1	4
1476-89	—	14	—	—
1490-1508	18	1	24	109
1509-52	—	44	—	—
1553-9	7	—	11	11
1560	—	1	—	—
1561	1	—	1	1
1562-5	—	4	—	—
1566	1	—	1	1
1567-73	—	7	—	—
1574	1	—	1	1
1575-85	—	11	—	—
1586-1604	18	1	35	35
1605-18	14	—	14	16
1619-96	—	78	—	—
1697-1707	11	—	11	11
1708-24	14	3	—	14
1725-86	13	49	—	13
Totals ..	107	255	109	234

362 years.

343 Courts.

Ightham Court Rolls—Analysis of Business done at the Courts.

	1425-6.			1461-75.			1490-1508.			1553-74.			1586-1618.			1697-1707.			1708-86.			Totals (1425-1786).		
	View.	C.B.	Total.	View.	C.B.	Total.	View.	C.B.	Total.	View.	C.B.	Total.	View.	C.B.	Total.	View.	C.B.	Total.	View.	C.B.	Total.	View.	C.B.	Total.
Numbers of Views of Frank-pledge and Courts Baron recorded	1	4	5	10	18	28	24	109	133	14	14	28	49	51	100	11	11	22	—	27	27	109	234	343
Number of Suits of Court done, excused or remitted, and number of defaults ..	—	44	44	22	112	134	171	587	758	37	33	70	1,052	662	1,714	118	244	362	—	309	309	1,400	1,991	3,391
Number of Entries relating to—																								
Brewing	12	—	12	47	—	47	161	—	161	31	—	31	13	—	13	—	—	—	—	—	—	350	—	350
Baking	1	—	1	5	—	5	49	—	49	31	—	31	—	—	—	—	—	—	—	—	—	—	—	—
Oath of Allegiance	—	—	—	—	—	—	16	—	16	5	—	5	19	—	19	—	—	—	—	—	—	40	—	40
Contempt of Court	—	—	—	—	—	—	—	—	—	—	—	—	3	—	3	—	—	—	—	—	—	3	—	3
Breaking the Peace	—	—	—	—	—	—	—	—	—	—	—	—	60	—	60	—	—	—	—	—	—	60	—	60
Strangers received without Sureties ..	—	—	—	—	—	—	—	—	—	—	—	—	59	13	72	—	—	—	—	—	—	59	13	72
Trespass, Obstruction, Encroachments, Hedge-breaking, Neglect to Repair Bridges, Fences or Stocks, or to Clean Ditches, Rights of Way	—	—	—	—	2	2	—	60	60	—	6	6	68	41	109	1	—	1	—	—	—	69	109	178
Nuisance (Fouling Water, Refuse on Highways)	—	—	—	—	—	—	—	—	—	—	—	—	11	—	11	—	—	—	—	—	—	11	—	11
Immoral Houses, Illicit Games, Drunkards	—	—	—	—	—	—	—	—	—	—	—	—	10	—	10	—	—	—	—	—	—	10	—	10
Short Weight, Excessive Prices	—	—	—	—	—	—	—	—	—	—	—	—	2	—	2	—	—	—	—	—	—	2	—	2
Rescues of Distresses and from Pound ..	—	—	—	—	—	—	—	—	—	—	—	—	2	1	3	—	—	—	—	—	—	2	1	3
Slander	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—	—	—	1	—	1
Rights of Common (not included elsewhere) ..	—	—	—	—	—	—	—	—	—	2	2	—	—	3	3	3	—	3	—	—	—	3	5	8
Poaching	—	—	—	—	—	—	2	6	8	—	—	—	—	—	—	—	—	—	—	—	—	2	6	8
Deaths, Alienations, Reliefs and Fealty ..	—	22	22	—	21	21	—	131	131	—	42	42	—	160	160	—	19	19	—	210	210	—	605	605
Debt and Detinue	—	—	—	—	4	4	—	129	129	—	—	—	—	—	—	—	—	—	—	—	—	—	133	133
Title to Land	—	—	—	—	—	—	—	20	20	—	1	1	—	22	22	—	—	—	—	3	3	—	46	46
Copyhold Land	—	—	—	—	—	—	—	11	11	—	1	1	—	14	14	—	1	1	—	4	4	—	31	31
Apportionments of Quit Rents	—	—	—	—	—	—	—	3	3	—	—	—	—	—	—	—	3	3	—	3	3	—	9	9
Inclosures	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Returns of Lands and Acreages	—	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Miscellaneous (Deceit, Suits, Valuation of Goods, Alehouse without Sign, Watch, Arbitration, Cottage without Land) ..	—	—	—	—	—	—	1	6	7	1	—	1	2	—	2	—	—	—	—	—	—	4	6	10
Totals (exclusive of the 3,391 entries relating to Suits of Court)	13	23	36	52	27	79	229	366	595	68	52	120	249	255	504	5	23	28	—	222	222	616	968	1,584

It will be seen that existing Court Rolls touch only 107 of the 362 years from 1425 till 1786 and that the spread of extant records is very uneven. The uneven spread, however, has left to us a concentrated group of fifteenth and sixteenth century records (1490-1508) which is not far from complete and a second valuable group covering the period 1586-1618.

The ancient, more interesting records ended in 1707, when a double change took place. The last View was held in that year, and from 1708 onwards the contracted medieval Latin of the older records gave place to English. The later, English records are useful in certain directions (e.g., the tracing of properties) but contain little archæological information of much value.

The next table gives the result of a rough count of the classes of business done at the two courts—rough because problems of overlapping and other difficulties had to be solved arbitrarily. Subject to this caution, the table shows the nature and amount of the work of the Views and the Courts Baron at different periods, and illustrates the coming and passing of jurisdiction with changed conditions and the lapse of time. Practically all the business recorded is included in the table, except appointments of officers, lists of jurymen and the like. Each case has been counted every time it is mentioned, so that an action which was continued from court to court would be reckoned several times. The grouping of Court Rolls adopted in the table has been determined almost entirely by the existence of considerable gaps in the records. In view of the particulars given in the table, it has been considered, in general, unnecessary to indicate whether particular extracts reproduced in these pages have been taken from the proceedings at a View of Frank-pledge or a Court Baron.

The earliest group of Court Rolls opens with a record of a View and Court Baron held on 25th October, 1425, which is here reproduced in full.

Eghtham. Court with View there held on Thursday the 25th day of October in the 4th year of the reign of King Henry VI.

John Smyth, the tithing man, comes there with his whole tithing, and they present that Isabel Hogges is a baker of bread and has broken the Assize. She is therefore in mercy.

John Kene, taster there, presents that Ellen Fyssher (2d.) has brewed once, Jane Dyker (2d.) once, Denis Sawyer (2d.) once, Margery Shode (2d.) once, Denis Hunt (2d.) once, Alice Pertrych (2d.) once, Agnes Pelsolte (2d.) once, Isabel Hamond (2d.) once, Isabel Hogges (4d.) six times, and all of them have broken the Assize of Ale. Therefore they are in mercy.

John at Bore, taster of Hevyhacche, presents that Isabel Ivot (2d.) has brewed once, Margery Mote (2d.) once, Alice Pelsolte (2d.) once, and all of them have broken the Assize of Ale. Therefore they are in mercy.

The great inquest : John Pelsolte, senior, Richard Pertrych, Simon Shode, John at Merssh, William Mote, Robert Reve, Laurence Ivot, Peter Morejohn, John Hadlo, Walter Fuller, Henry Beneyt, Richard Beneyt, who being charged upon their faith, &c., say that all things are well, nothing having been concealed, &c.

At this Court the beadle there was ordered to distrain Richard Mydendale for relief and fealty for lands bought from Robert Fyssher.

And to distrain Thomas Baldewyn for relief and fealty for lands bought from John de Dene.

And to distrain John Danyell ; John Berton for lands lately Thomas Shode's ; John Pelsolte, poulterer ; Richard Gylmyn ; Thomas Parker for lands lately Peter Wylkyn's ; William Wynker ; John Chapman for default of common suit of Court. And the tenants of the lands of Walter Rogger put themselves in mercy for default of [suit of] Court.

And because Richard Gylmyn (2d.), John Chapman (2d.), James Godwyn do not come to make good their applications to be excused¹ therefore they are in mercy. And the beadle there was ordered to distrain them to the next Court.

At this Court Robert Reve paid his relief for lands bought from Thomas Baker ($\frac{1}{2}$ d.).

And William Mote did fealty to the lord for lands bought from John Berton. And he pays to the lord a relief of $1\frac{1}{2}$ d.

¹ The word used in the original is *essoyn*, i.e., an excuse for non-appearance at a Court Baron.

And Richard Beneyt did fealty to the lord for one messuage, called the Hasyll, bought from John Pope. And he pays no relief because he pays no quit rent, only the customary [service].

And John Kyng, Thomas Kyng did fealty to the lord for the aforesaid messuage bought from Richard Beneyt. And they pay no relief because they owe no quit rent, only the customary [service].

And Richard Beneyt did fealty to the lord for lands called Bournefeldys bought from Thomas Barbor, and he pays for relief $3\frac{1}{2}$ d.

And the same Richard and Simon Shode did fealty to the lord for lands bought from John Pelsolte, senior. And they pay a relief of $1\frac{1}{2}$ d.

And the same Richard and Simon Shode did fealty to the lord for lands bought from William Mote. And they pay a relief of $1\frac{1}{4}$ d.

And the same Richard and Simon did fealty to the lord for lands bought from William Byrme and Richard Mydendale. And they paid to the lord a relief of $2\frac{1}{2}$ d.

And John Pelsolte, senior, John Pelsolte, poulterer, did fealty to the lord for lands bought from Richard Pertrych, senior. And they paid a relief of 6d.

At this Court Reginald Pekham (6d.), William Beryme (4d.), John Boteler (6d.), Walter Fuller paid to the lord fines for remission of their suits of Court till the feast of St. Michael next following.

And all the tenants there have a day to make a statement of their acres and their lands, to be measured before the feast of Saints Philip and James, under a penalty of 6s. 8d. each.

To the office of reeve were elected Richard Gylmyn and William Beryme. Therefore they are to be distrained against the next Court.

Certain features of this early record deserve notice. The proceedings at the View come first, but as the state of Ightham was reported to be peaceful there was no business to be done, except the presentment of the names of the bakers and brewers and the assessment of their fines.

The order to distrain Richard Mydendale opens the business of the Court Baron, which consisted mainly of

noting and enforcing the dues and services arising on the transfer of land. A few fines were paid for remission for a year of the liability to attend courts, and all the tenants of the manor were ordered to make a return giving particulars of their holdings. The election of reeves closed the business of the court.

The surname Shode, which occurs several times in the Court Rolls of 1425-6, but not later, suggests one who dwelt near the Shode stream. William Mote, or his ancestors, no doubt lived near the Mote.

The occupations of persons named in the Court Rolls are seldom given. The reference to John Pelsolte, poulterer, was necessary to distinguish him from John Pelsolte, senior. This surname, variously spelt, runs through the Ightham records for nearly 200 years (1425-1607).

In the Court Roll of 1425 we get the name Baldewyn. Baldwins appear in Court Rolls, Parish Registers and Churchwardens and Overseers' books with substantial continuity, and it is likely that for over 500 years there has always been a Baldwin connected with Ightham parish. Reginald Pekham was one of the Peckhams of Aldham, who held lands of the Manor of Ightham for several centuries.

The other courts in the earliest group of rolls were three Courts Baron held on 31st January, 1425-6, 8th March, 1425-6 and 3rd April, 1426. Such courts were due to assemble every three weeks but in practice were often held at longer intervals.

The second group of Court Rolls (1461-75) contains a record of 28 courts. The Assize of Bread and Ale fills most of the records of the Views, whilst particulars of suits done, excused, remitted, or neglected, together with alienations of land, occupied the Courts Baron. But cases of debt, trespass, and the like had also begun to appear in the records, as yet in small numbers.

The name Thomas Tryce appears in 1461. He came to "Eytham" from East Malling in 1438, buying from John Watts, for £42 payable in instalments in the parish church of Eytham, a small farm on the east side of the village,

and other land. The locality still bears his name in Trice Lane and Trice Well. In 1461 we also get the name of John Preston, who gave his name to the property which is still called Prestons.

Other names which occur in the 1461-75 rolls are John Thrope, baker, John Mercer, William Godewyn, William Sawyer and John Smyth, who with Richard Thrope make up the list of men of Ightham who took part in the Cade rebellion of 1450.¹

From the Court Rolls of 1490-1508 it is possible to outline a picture, ill-balanced, but still a picture, of Ightham and Ightham people in Yorkist and early Tudor times. Numerous cases of trespass, hedge-breaking and the like, a few cases of poaching and many small debt cases tell us something of local happenings and local contemporary conditions, as will be seen from the extracts given hereafter.

The next group belongs mainly to the reign of Queen Mary but includes also isolated records of 1561, 1566 and 1574. The elaborate headings of the courts after the Queen's marriage with Philip of Spain are a noticeable feature, for example :

Ightham. *Cur' cum vis' franc' pleg' ibm. tent' septimo die mensis Octobris annis regnorum Philippi et Marie Dei gra' Angl' Franc' Neapolis, Jerusalem, et Hibernie, Regis et Regine, fidei defensoris, principum Hispaniarum et Sicilie, Archiducum Astrie, Ducum Mediolan, Burgundie et Brabantie, Comitum Haspurgie, Flaundrie et Tirolis, secundo et tercio.*

The Court Rolls which cover the years 1586-1618 contain the fullest contribution to local history to be found in the existing records. Breaches of the peace, immigration from other places, trespass, nuisance, hedge-breaking, and so on occupy much of the record, and with cases relating to public rights and duties and the protection and welfare of the inhabitants make up a substantial body of useful information.

The later rolls are of less interest, but contain occasional entries of value.

¹ See *Arch. Cant.*, VII, p. 265.

Many extracts have been made from the rolls and will be found below arranged under the subjects to which they relate.

Section (g)—WAYS AND BRIDGES.

There are in many places traces of old ways which were in common use before the modern roads were made. Ancient highways may survive only as grassy tracks, lanes as foot-ways, and footpaths may have been lost. Equally, old paths and tracks may now have become broad highways. As a general rule some indications of changed conditions or abandoned routes are to be found in visible marks on the ground, in written records, or in oral tradition.

The Ightham records, although falling far short of an account of the local roads of past times, contain references to ancient ways and bridges which are both informative and suggestive. They require to be interpreted with such help as local knowledge affords and, so treated, they tell us a good deal about the topography of the parish in the past and the changes that have since taken place.

It is convenient to state here that there is no mention of the old road which crosses the northern part of Ightham parish, near St. Clere, and which is now known as the Pilgrims' Way. This is not surprising, as St. Clere never formed part of the Manor of Ightham.

The following extract from a Court Roll of 1500 contains several interesting features and has even some prehistoric significance.

1.5.1500. Ightham. . . . Raginald Pekham, esquire, holds 100 acres of land lying to the highway leading between Eyghtham and Sevenoke towards the sowth, and to the lands of the said Raginald called Bornefeld and the way leading across Ives towards Wallehacch north and east, to the lands of the lord of Ightham west, by rent per annum 35s. at the four terms, and owes suit, heriot, and relief 3s. 10d.

Reginald Peckham's land is readily identifiable. It lay on the northern slope of Oldbury Hill, and included part of the early iron age hill fort. The highway between

Ightham and Sevenoaks in 1500 followed a track which crosses the hill from east to west and divides the hill fort into two nearly equal parts. Bornefeld¹ and Ives are fields which were in Wrotham parish before 1934, and a track which crosses Ives from the direction of Aldham (the home of the Peckhams) is, no doubt, the old way mentioned in the extract, for the parish boundary between Ightham and Wrotham followed its course near Oldbury. The name Wallehacch is locally unknown to-day but its site is unmistakable. The southern end of the track across Ives runs up to and through the north-eastern, prehistoric entrance to Oldbury hill fort, and the word Wallehacch (wall-hatch) can mean nothing but this gateway through the wall.² The earthworks at this old gateway are still a respectable feature. The name Wallehacch suggests that four or five centuries ago they were still more prominent, the bank being then commonly known as the wall. We accordingly get from this name a definite hint of the gradual denudation which the old rampart has undergone since it ceased to be used as part of the defences of the hill fort, and may picture the greater, more formidable obstacle which it presented 2,000 years ago. A neighbouring strip of woodland through which the earthworks run from end to end, now known as the Toll, was called, in a lease of 1631,³ Walgrove—the wall wood—a name which tells the same story.

The next seven extracts require to be considered together.

7.10.1554. Thomas Skynner has neglected to repair the bridge . . . [an illegible passage follows] to the great inconvenience of the subjects of the King and Queen [Philip and Mary]. Fined 5s., the bridge to be repaired before the next Court, under penalty 20s.

¹ The Borne Croft of *Bing v. Hooper*, see Section (x), post. Now called Barn Field.

² Wallehacch is marked K on the sketch plan of the hill fort printed at *Arch. Cant.*, XLV, p. 144. The old highway between Ightham and Sevenoaks is marked C on the same plan.

³ This lease has been preserved among the manor records.

11.10.1555. Thomas Skynner has encroached upon the highway in Ightham Streyt in building his house, to the inconvenience of the subjects of the King and Queen. To be amended before the next Court, under penalty 10s.

4.10.1586. The homage present that there is a certain bridge not well repaired, adjoining the house of Valentine Skinner, who is legally bound to repair and maintain it. Ordered to repair it sufficiently before the next Court, under penalty 10s.

27.4.1587. Valentine Skynner has well and sufficiently repaired the bridge adjoining his house, as ordered.

22.4.1590. Valentine Skynner has allowed the bridge which formerly stood opposite his house in Ightham to become useless, to the inconvenience of passers-by. To be repaired before 7 June, under penalty 10s.

5.4.1594. Valentine Skynner, who lately held a messuage and orchard in Ightam Strete has alienated the premises to Robert Wiborne.

17.10.1594. Robert Wyborne of Wrotham has allowed the foot-bridge opposite his house in Ightam, leading to the church of Ightam, to be ruinous and out of repair, to the inconvenience of inhabitants of the village of Ightam who pass by. Given till 1 November to repair the bridge, under penalty 20s.

Skinner's house (later Wyborne's) stands at the lower end of Ightham village, at right angles to the George and Dragon Inn, facing up the street. It is marked by its construction and appearance as a sixteenth century house. The second extract dates it precisely, 1555.

The Shode stream, or Busty, passes immediately along the front of this house and the way leading from the village to the church, mentioned in the latest extract, crosses the stream beside the house by a substantial stone bridge. The extracts make it plain that in Tudor times there was only a wooden footbridge for pedestrians at this spot, and point to the certain inference that animals and vehicles had to ford the stream.

A road leading towards Borough Green and Wrotham Heath leaves the way from the village to the church at a right angle just behind Skinner's house. This road is part



THOMAS SKYNNER'S HOUSE AND TOWN HOUSE (left), 1933.
PLATE III.

of a turnpike road constructed in the eighteenth century, but it, no doubt, followed for at least part of its course an older route. The section which runs eastwards from the corner behind Skinner's house (known as Leathercoat Corner) seems to be modern. The earlier route from the village to Borough Green and beyond probably followed the stream, without crossing it, by the lane called Busty Lane. It may, later on, have taken the same course as the turnpike, or it may have followed the route of a footpath leading to Borough Green which used to be called Bellows Lane. If it took the former course the stream was, no doubt, forded by animals, and foot passengers crossed it by a bridge in Busty Lane which seems to be the bridge referred to in the following extract.

8.5.1598. Thomas Guning allows his foot-bridge at Ightam leading from Ightam to Borrow greene to be in decay. Given till 4 June to repair it, under penalty £5.

There are other references in the Court Rolls to the Shode crossings. The first relates to a point where the road to Borough Green is left by the footpath mentioned above as Bellows Lane. The existing bridge over the stream is only thirty years old, but it replaced an earlier bridge of three arches which itself superseded a line of stepping stones. This last is evident from the name of the adjoining field, which was called Stonestapps in 1495, and also from the next extract.

4.10.1605. Robert Baldwyn has obstructed the highway¹ between Ightham and Barrow greene near the Stone Steps. To be amended before 1 November, under penalty 3s. 4d.

About half way by road between Ightham village and Borough Green a tributary stream has to be crossed, and the bank on the Borough Green side is climbed by a short rise, now called Dark Hill. This name has not been found in any old record, and the word dark has no obvious application to the hill or the locality. The Court Rolls,

¹ The word highway, as here used, may mean a public way for (i) wheel traffic, (ii) a bridle path, or (iii) foot passage only.

however, have yielded the following information which affords a possible explanation of the name :—

(i) One William Cockerell was a tenant of the manor from 1586 (or earlier) till 1609.

(ii) In a lease of 1625, which is to be found among the manor records, a field which adjoins the bridge at the foot of Dark Hill is called Cocklebridge Field. This name, as applied to the field, has survived.

(iii) The following extract almost certainly relates to the same bridge :—

26.10.1618. A certain ditch is unscoured and flooded, leading from Dockrell Bridge to Shadwell, by the neglect of William Cripps, William Flower, and Jane Wooddye, widow. Given till the next Court to clean and drain it, under penalty 10s.

It is not certain that (i), (ii), and (iii) are all links in the same chain, but it is a fair conjecture that Dark Hill, Dockrell, and Cockle are all corruptions of the same word, which may be the personal name Cockerell.

At the beginning of the year 1934 a question arose as to the extent of the public rights over a path that crosses the churchyard. The following extract, which refers to this path, implies that it was a recognized public way in 1616.

16.10.1616. Widow Woodye allows a certain foot-bridge between the churchfeilds leading from Ightham to Sinckcleers [St. Cleres] to be in a state of decay. Given till 25 March to repair it, under penalty 5s.

At the western end of the manor, near Chart Bottom (now known as Styants Bottom) an old green track runs northwards from the old Ightham—Sevenoaks road. In a conveyance to the lord of the manor in 1624-5 of a house and land, stated to be “in the occupation of John Livermore, abutting upon a little highway leading from Ightham Common to Patch Grove,” the “little highway” mentioned is the old green track. The conveyance is endorsed, “Bargain and Sale of the house at Chart,” but the house has gone and two modern cottages occupy its probable site.

Near the middle of Oldbury hill fort the old way from Ightham to Sevenoaks runs immediately along the side of a shallow pond called the Waterflash.¹ The plan of Oldbury Hill given in Hasted's *History of Kent* represents this way as passing through the pond by a ford, suggesting that the pond was a water splash or plash, and that the name has been corrupted into Waterflash.² Confirmation of this suggestion is found in the following passage.

16.10.1598. Richard Hawke has carried away certain stones from the common way at the Water Plashett on Oldberrie Hill, to the detriment of the public way. Ordered to amend it before 30 November, under penalty 3s. 4d.

In the next extract we have an interesting presentment by a jury respecting a right of way, and also a reference to the Ightham beacon, which communicated towards the south and east with Crowborough and Goudhurst and towards the north with Cobham.³

26.10.1618. The jury present that there is a common way leading from Ashewell to Ivey Hatche Playne towards the Beacon is a common way⁴ "to lead, drive, and travell," and so it has been used from a time of which the memory of man runneth not to the contrary, as was testified by the oath of John Ivill and John Saxton in open Court in the same matter, and by the oath of other old men of this inquest it was testified that the said way has lately been stopped up by George Hawkes or his predecessors. George Hawkes was therefore ordered to open the way before 2 February next, under penalty 10s.

The way referred to is an acknowledged public footpath which leaves the west side of the road running northwards from the Mote to Ivy Hatch at a spring (Ashewell) and bears in the direction of Ivy Hatch Plain and the old beacon.

There is a lane which runs northwards from the Cobtree Inn, west of Ightham village, soon becoming a mere footpath.

¹ Marked P on the plan given at *Arch. Cant.*, XLV, p. 144.

² There are local variants of Waterflesh and Waterflush.

³ See Lambarde's *Carde*, of the Beacons, in Kent, reprinted in *Arch. Cant.*, XLVI, opposite p. 77.

⁴ So in the original. The sentence does not read, but the meaning is clear.

It is joined from the east by the path "between the churchfeilds" which was crossed by Widow Woodye's neglected footbridge, and which continues its course towards "Sinckcleers", or, more accurately, Heverham. This lane, now called Chapel Lane, was once Gardener's Lane, before that Old Fenn's Lane, and, in 1500, Redegrove Lane. It is mentioned in the following passage :—

1.5.1500. Be it known that I, John Pyers of Ightham, Kent, have released to John Ivot in his existing possession all my share of one croft of land with appurtenances called Godcroft, containing three virgates of land, more or less, lying to the woodland called Redegrove, north, to the lane called Redegrovelane, east, to the land of the said John Ivot, west and sowth, which he lately had, among other lands and tenements, by the grant and feoffment of William Sawyer.

This memorandum, written on the back of a Court Roll, not only gives the old names of the lane and the neighbouring wood (which still exists as Heron Shaw), but also the likely area of a virgate of land in local measure. The virgate is known to have varied considerably in different localities, generally between 12 and 40 acres. The Ightham virgate seems to have been a much smaller unit.

Let us examine the evidence for this statement. Godcroft is to-day called Seven Acres, its precise area according to the 25-inch Ordnance map being 7.462 acres, that is very nearly $7\frac{1}{2}$ acres. There are strong reasons for thinking that the boundaries of this field had not been altered down to the time when the acreage was measured by the Ordnance Surveyors,¹ and, if so, the virgate, as measured at Ightham, was equal to $2\frac{1}{2}$ statutory acres, that is, a square with a side of precisely 110 yards, or one-fourth of a square furlong.

Confirmatory evidence is not lacking. A field at Oldbury called Barnfeild² is also stated, in a Court Roll of 1553, to contain 3 virgates. The 25-inch map gives its area as 6.897 acres—to which $7\frac{1}{2}$ acres (three virgates) is a

¹ A small portion of the field has recently been added to the grounds of a neighbouring house.

² The Borne Croft of *Bing v. Hooper*, see Section (x), post.

sufficient approximation. Again, land called Mudlers was described in 1611 as "two tenements, one orchard and 3 acres of land," and in 1618 as "one tenement and one virgate of land." It is not clear what had become of the second tenement, but the "one virgate" of 1618 probably corresponds with the "3 acres" of 1611, a result which is again near enough to the $2\frac{1}{2}$ acre virgate, when regard is had to the fact that the old areas were nearly always estimates.

The following extract perhaps contains an indication of the relative age of two roads.

1.5.1506. John Chown and Walter Pelsowth have alienated to Richard Hawke a messuage with the land adjoining called Merymans, lying on the west side of the highway between Hevyhacch and Ightham.

The name Merymans has survived, but the land mentioned does not lie on the direct Ightham—Ivy Hatch road. It does, however, lie on the west side of a road—known to be an ancient road—which branches from the present direct route and reaches Ivy Hatch by a bow-shaped course. It is reasonable to infer that the longer, winding route was the "highway between Hevyhacch and Ightham" in 1506, and that the present straight road had not then been made.

Section (h)—ENCROACHMENTS AND NUISANCES AFFECTING HIGHWAYS.

The extracts given under this head may generally be left to speak for themselves. In the days when roads were narrow and often foundrous the importance of keeping them open and cleanly was obvious, and the local courts were active in this direction.

The first encroachment on a public road at Ightham of which we have a record relates to the way between Ivy Hatch and the Mote—"Scattislane".

28.5.1493. The lane called Scattislane has been encroached upon by John Mote, namely, in length 3 rods and in breadth 4 feet. To be amended before the next Court, under penalty 12d. He says that it has been amended.

John Mote's answer was evidently not the exact truth, for the case came up again. The extension of time and the reduced penalty may perhaps indicate that he had lessened the encroachment without entirely removing it :—

22.6.1493. A time was given to John Mote till the next View of Frank-pledge to amend the way encroached upon by him, under penalty 8d.

3.11.1506. Thomas Laneham has neglected to keep up his fence against the highway between Stonehill and Ightham Strete, to the inconvenience of the neighbourhood. To be amended before the next Court, under penalty 20d.

Laneham occupied land to the north of Ightham Church, and Stonehill, no doubt, lay in that direction.

The foregoing extracts cover practically all the cases of this class that are to be found in the earlier Court Rolls ; when we reach Elizabethan times cases have become much more numerous.

4.10.1586. Stephen Mills has not removed the manure which he placed in the highway, to the serious inconvenience of the neighbourhood and of passers-by, as he was ordered to do, under penalty 3s. 4d. The bailiff was ordered to distrain for the penalty of 3s. 4d., which has been forfeited, and Mills was ordered to remove the manure within one month, under a further penalty of 6s. 8d.

27.4.1587. Stephen Mills has removed his manure, as ordered.

2.10.1587. Robert Stace has allowed his hedge to grow to the hindrance and grave inconvenience of travellers, against the highway leading from Hevy Hatch to Plackstole. Fined 6d., and ordered to amend it before the next Court, under penalty 3s. 4d.

17.4.1588. Robert Stace has cut his hedge, as ordered.

17.4.1588. Robert Baldwin and Edward Rootes have deposited their sillage opposite their houses in the highway, in contamination of the air and to the inconvenience of travellers. Ordered that each of them remove his dung heap within 20 days, under penalty 20d.

3.10.1588. Thomas Wooddy has made a nuisance in the highway leading to Hevyhatch, towards Morsels, by neglecting to repair and cleanse his ditch there. To be amended before the next Court, under penalty 3s. 4d.

11.4.1589. George Cooper has encroached on the highway leading from Itham to Hevyehatche, to the inconvenience of persons going and coming there. To be amended before 18 May, under penalty 3s. 4d.

1.10.1589. Walter Mugge has placed a rack for feeding his cattle in the highway near the rectory of Itham, to the inconvenience of the common passage there. To be removed before 1 November, under penalty 5s.

From an entry in the Court Roll of 22nd April, 1590, it appears that Mugge forfeited the penalty: he had not complied with the order of the earlier court.

1.10.1589. The hedge of Charles Allen, between Ivehache and the Mote, has not been cut, to the inconvenience of travellers. Given till Christmas to cut the hedge and over-hanging branches of trees, under penalty 10s.

1.10.1589. William Pelsaut was given a like time to cut his hedge between Ivyhatche and the Mote, under penalty 10s.

22.4.1590. William Petley has placed a manure heap in the highway. To be removed before 7 June, under penalty 3s. 4d.

22.4.1590. Thomas Stretfeilde has allowed certain trees to lie in the highway between Ightam and Oldbury Hill, to the obstruction of the common passage there. To be removed before 7 June, under penalty 10s.

4.10.1590. George Cooper has not cut his hedge in Millane, to the inconvenience of the Queen's subjects. Given till 25 March to do so, under penalty 3s. 4d.

The same time was given to George Huble to cut his hedge opposite the land of George Cooper in Millane, leading from Ightam to Stangate Crosse, under a like penalty.

The same time was given to John Rosse and John Rignall to cut their hedges opposite the way leading from Ightam to Millane end, under the like penalty.

4.10.1590. Robert Homewood has encroached upon the highway leading from the Common of Ightham to Wingfeilde Mill, with his hedge there. Given till 25 March to amend the encroachment, under penalty 40d.

Six months later Homewood had still not amended the encroachment and the penalty was forfeited to the lord of the manor. There is now no "highway" running directly from Ightham Common to Winfield Mill, but a footpath leading from Woodgate (now Copthall) across Chaltons (now the Warren) farm may be the route intended.

26.4.1593. William Chowning has encroached upon the highway at Trice Lane in Itham, by placing his palings upon the way for the length of ten feet, to the inconvenience of passers-by. Given till 24 August to remove the encroachment, under penalty 10s.

5.10.1593. George Hawkes has obstructed the highway between Rowles Wood and Ivy Hache with the trunks of two trees. To be removed before Christmas, under penalty 3s. 4d.

24.4.1595. John Willner has neglected to cut his hedge on his land at Ightham leading to Tricewell. Given till 1 May to cut it, under penalty 10s.

11.4.1597. John Terrie has placed a manure heap on the highway at Bewley Greene. Fined 4d., and to remove it before 1 May, under penalty 3s. 4d.

The said John Terrie has also placed certain hog troughes in the highway at Bewley Greene. Fined 2d., and to remove them before 13 April, under penalty 3s. 4d.

16.10.1598. George Hawkes was ordered to purge and scour his ditch at Musols before 30 November, under penalty 3s. 4d.

16.4.1601. John Oliver has encroached upon the highway in Longestreete lane, leading between Ightham and the lord's common there, with his hedge, to the length of 3 rods. Given till 1 May to remove the encroachment, under penalty 3s. 4d.

The extract of 1st October, 1589 (above), relating to the hedge of Charles Allen, who was the son of Sir Christopher Allen of the Mote, and the following extract respecting William Selby, who bought the Mote estate in 1591, show that the court was no respecter of persons.

1.4.1602. William Selbye, esquire, has allowed his sullage to lie in the highway leading from Ivie hatche to Buds plaine in detriment of the highway there and of passers-by. To remove it before 30 June, under penalty 5s.

5.10.1602. John Terrie has obstructed the highway at Bewley between Ightam and Highe Crosse by throwing out his sullage there and certain trunks of trees. Fined 12d., to remove the obstruction before 1 November, under penalty 5s., and if he offends again in this respect to forfeit a further penalty of 5s. for each offence.

The serious notice taken by the court of John Terrie's offence is probably accounted for by his having been fined in 1597 for similar offences. George Hawkes, whose name appears in the next extract, had also been reported before for neglecting to clean his ditch.

6.10.1603. George Hawkes was given till 1 November to scour out his ditch at Mossalls, under penalty 3s. 4d.

On 16th October, 1604, five failures to trim hedges were dealt with, orders being made in each case for the hedge to be cut before 1st March, under penalty 3s. 4d., namely,

Thomas Baker—a hedge between Ightam and Bewley.

Nicholas Pelset—a hedge in Mill Lane leading to Basted.

Robert Hunt—a hedge between Ivihatche and the Mote.

James Foxe—a hedge between Ivy Hatch and the Mote.

Theophilus Hadlow—a hedge between Standgate and Barrow Greene.

11.12.1611. Stephen Swanne, William Aldridge and Thomas Richardson have separately encroached upon a certain lane leading to Trice Well with their posts, palings and hedges. They were severally given till 2 February to remove the encroachments, under penalty 3s. 4d. each.

The ditch of George Hawkes at Moresoles (variously spelt) was again uncleansed in 1612:—

7.10.1612. William Hubberd and George Haukes allow their ditch next to Mugsolles to be unscoured, to the detriment of the highway there. Given till 1 November to clean it, under penalty 3s. 4d.

25.10.1614. Widow Willnar has not cut her hedge leading from Millende Lane to Basted Mill, to the inconvenience of passers-by. Given till 25 December to cut it, under penalty 3s. 4d.

26.10.1618. Mathew Wakelyn has made a nuisance by throwing "pease hame" [haulm] in the highway between Chaltonsgate and Bewley, and also [? alongside] a certain hedge on the east side of his barn there, to the serious inconvenience of the King's lieges passing and riding there.

He has also obstructed the highway leading from Ightam towards the Beacon by throwing "dunge" there.

He was given till 25 December to abate the nuisances, under penalty 3s. 4d. in each case.

Section (i)—IGHTHAM SAND.

The merits of Ightham sand for building purposes have long been known, but the large sand-pits which scar the hillsides to-day are a comparatively recent development. When, several hundred years ago, an inhabitant of Ightham needed a few loads of sand he dug a hole, sometimes by the highway, sometimes on the lord's common, and took away what he required, with or without lawful authority. The following entries in the Court Rolls relate to sand digging.

28.10.1492. William Taillor (20d.), Thomas Chapman (20d.) and William Hobyll (20d.) of Chapell in Wrotham dug in the land of the lord and carried away four cartloads of "sawnde" without licence.

5.12.1493. John Burdon (2d.) and William Pacche (2d.) dug and made a pit upon the highway at Wodegate, without licence.

William Pacche was a copy holder, whose land had probably been enclosed off the adjoining common. His holding was situated near Copthall, which adjoins Wodegate.

28.10.1494. Thomas Laneham and others dug a pit in the land of the lord opposite the church of Ightam, to the damage of the lord of this Court and the inconvenience of the neighbourhood. Ordered that it should be amended before the next

Court, and that no one should afterwards dig there, under penalty 40d.

Thomas Laneham lived very near to the church and a likely site for his pit is the small open space now called Church Green.

17.7.1497. John Pyers dug soil called lome and sande in the highway at Ightham, to the inconvenience of the neighbourhood and the damage of the lord.

1.5.1507. Richard Weller (4d.), without licence from the lord or his officers, dug a certain hole called a "sandpet" at Wodegate, to the damage of the lord and the inconvenience of the neighbourhood.

5.10.1591. Richard Collen, in September last, not being a tenant of this manor, took and carried away a cartload of sand from the common of the lord called Ightam Common, by digging holes called "pitts" for the sand, by the labour of John Egles, by order of the said Richard, to the considerable damage of the lord of the manor and his tenants. Fined 3s. 4d., and given till the next Court to fill in the pit, under penalty 10s.

5.10.1591. William Bawcom and John Walter, not being tenants of the lord of the manor, on 10 September last, took and carried away a cartload of sand from Ightham Common, which sand they dug on the said common without licence from the lord, namely, the said William Bawcom by the labour of Christopher Cotes, by order of the said William, and Stile, by order of the said John Walter. Fined 3s. 4d. each, and given till the next Court to fill in the "pitts," under penalty 10s. each.

The last two extracts recite that the offenders were not tenants of the manor, implying that the tenants had the right to dig sand on the common, probably at prescribed places. If so, the pits in Rose Wood and its vicinity, some sixty in number, for long considered to be the site of a pre-historic village associated with a neighbouring workshop where flint tools were made, might in this way be simply explained.¹

¹ See the account of excavations at Rose Wood in 1933, and of the absence of evidence to support the view that the pits were prehistoric, at *Arch. Cant.*, XLV, p. 162.

Section (j)—IGHTHAM COMMON.

The common of Ightham has already been mentioned. Its precise extent in mediæval times is not now known, but it covered the greater part of the western side of the manor and, roughly speaking, was bounded on the east by the line of the present road running from Ightham village to Ivy Hatch. Taking the area of the manor as a little over 2,000 acres, we may attribute about 560 acres, or 28 per cent. of the whole, to the common, including the woodland of Oldbury Hill. It was mainly a tract of birches and beeches, furze and heath, with some pasture near Ivy Hatch.

The timber and underwood were cut periodically and were a source of profit to the lord of the manor, as records going back to 1586 show. In that year Thomas Willoughby, who had "lately felled" the woods on "thother side"¹ of Oldbury Hill, granted a 21-year lease² of 100 acres of woodland on the hill to "Henry Bossevyll of Brodborne, Kent, esquire," at a rent of £20 a year, and sold to him the "wooddes, under-wooddes and trees upon Oulde Bury Hill" for £540.

In 1595 Thomas Willoughby let to "Richard Wilkinson of Frenesburie, Kent,"² the Court Lodge of Itham and 300 acres of land, also for 21 years, at a rent of £100 a year. The 300 acres may have included part of the common, but not Oldbury Hill. There was well-grown timber on the land which the lessee considered himself entitled to fell, a view that was not shared by the homage of the Court Baron, as the following passage shows.

8.5.1598. Richard Wilkinson, or his servants by his order, since the death of Thomas Willoughbie, esquire, deceased, has cut down two "quercos, anglice tellowes," one great beech, two great oaks two fathom about, divers trees cut down to the ground, three great beeches six "shide" about, three beeches "fower shide" at the ground and sundry small trees, one great beech one fathom and a half "by groundes," one young oak "of a fathom about at stubb" and twenty younger beeches, some of

¹ Apparently the eastern side.

² The original lease is with the manor records.

them being "4 shide by grounde," two great beeches two fathom about at the stubb, one beech one fathom about at the stub, four beeches six "shede at stubb," twenty other smaller beeches, two beeches, the one four "shed," the other two "shede," to the disinheriting of the lord of the manor. Whereon the homage will consider with the lord of the manor what shall be done in this case.¹

In the particulars of the manor estate in 1605, reproduced in Section (c) above, it was stated that 120 acres of wood had been felled by Sir Percival Willoughby about 1597-8, 40 acres more were "well-grown", and 120 acres more were "not yet ready to be felled but are of a good groathe". The "groathe" of all the woods, that is, the growing timber and underwood in 1605, was "worthe £400".

The earlier cases relating to the common which are recorded in the Court Rolls refer chiefly to infringements of the rights of the lord.

28.10.1494. Reginald Reve has encroached on the land of the lord at Wodegate. To be amended before the next Court, under penalty 2s.

1.5.1507. Ralph Armestrong (4d.) has cut off a branch of a great oak growing at Wodegate, without licence.

1.5.1507. John Bownde, sen. (12d.), has cut down sundry forest birches in the lord's wood near Oldebury Hill, without licence.

1.5.1507. John Pyers and others, by order of Edward Hawt, have cut down, without licence, wood growing on a parcel of woodland of the lord lying near Rolf's Grove, which he holds by copy of Court Roll at the will of the lord.

Rolf's Grove may probably be identified with Rose Wood and Edward Hawt with one of the owners of the Mote.

From the indefiniteness of the following presentment it looks as if the names of the offenders had not been discovered.

¹ *Fathom, tellow, shide.* A fathom (six feet) was originally the space reached by the extended arms. The word tellow (Old English *telga*, "branch, twig") is used in Sussex as meaning a young sapling. A shide, as a quantity, was a block of timber 12 by 12 by 6 inches, or half a cubic foot.

3.10.1553. Sundry persons have beaten down the boughs of the oaks on the common of Ightham. For each such occasion the said persons have forfeited 20d.

4.4.1554. Elizabeth Colyn, wife of John Colyn, and John Crongger are common fellers of wood of the lord upon the common of Oldebury.

Colyn was amerced 4d. and 40d., Crongger 2d. and 20d. The smaller amounts may represent the fines and the larger sums the damage, which had to be paid for.

It appears from a passage which is partly obscure that Richard Branfeild was fined 3s. 4d. on 27th April, 1587, as a common breaker of hedges and fences and wood. He was also presented by the jury for cutting the lord's woods and for obstruction [? of his officers] and carrying away firewood from the common, against the peace of the Queen, in bad example of the inhabitants of the View, and in prejudice of the lord of the manor. But he was only fined 6d. for these offences because "he was fined twice".

27.4.1587. Thomas Walter, a stranger and inmate, and Thomas Ware, an inhabitant of this View, have often cut the wood of the lord upon his common and taken it away with them. Fined 12d.

At the same court Thomas Ware was fined for receiving into his house Thomas Walter, who had come into the View without finding sureties for his good behaviour.

27.4.1587. Widow Walkelyn (12d.) has often taken from the common of the lord certain bundles of wood called shores [props], hedge-wood and cord-wood.

27.4.1587. The wife of Daniel Syfelett is a common breaker of hedges and abstractor of the wood of the lord of the manor. Her husband was fined 20d.

27.4.1587. One Awcock (12d.) of Chart Common has taken away and stolen the wood of the lord upon his common, namely pales, hedge-wood and cord-wood.

27.4.1587. The jury present Robert Eglestone (6d.) for breaking the hedges and fences of the lord, and for taking away the lord's wood upon his common.

11.4.1589. Thomas Brocke, John Sommer, William Milles, Chaney's Usmer, John Busby, Brancon and the wife of Smythe of Charte are common breakers and spoilers of the hedges of the lord around his common. Fined 20d. each, and ordered to offend no more in this respect, under penalty 3s. 4d. for each such offence.

5.4.1592. Lawrence Stone (12d.) is a common plunderer of the lord's wood on Ightam Common.

5.4.1592. William Brampton (12d.) has allowed his son to cut down and carry away a tree called a "byrche" lately growing on the common of Ightam.

5.4.1592. The wife of Loder and the wife of Thomas Pennet are common plunderers of the lord's wood on Ightam Common, and that with the knowledge and permission of their husbands, who were fined 12d. each.

11.4.1597. John Bennet, sen., husbandman, Robert Launder, labourer, the wife and children of John Deane, labourer, Jane Burrowes, wife of John Burrowes, labourer, since Michaelmas last have severally cut down and carried away various "byrches and beeches" in the lord's wood at the common of Ightam. Fined 6d. each, and each of them is to be put in the stocks at Ightam for one hour on every feast day before Michaelmas next, by the bailiff of the lord of the manor and the borsholder of the View of Frank-pledge.

11.4.1597. [At the Court Baron] John Skeile, labourer, Edward Smyth of Seale, labourer, Adam Alexander, labourer, the wife and servants of John Cornford, husbandman, and the wife and servants of John Bramfield, husbandman, since Michaelmas last have severally cut down and converted to their own use various "beeches and byrches" in the lord's wood upon the common of Ightam, to the serious damage of the lord. Fined 6d. each but no bodily punishment was imposed because the homage left it to the lord to say whether they should not be punished in the Queen's Court for their trespass.¹

8.5.1598. Robert Boughton (2s.) of Seale, sa[w]yer, cut down and carried away the lord's wood on the common of Ightam, about 21 December last.

¹ The second extract of 11 April, 1597, follows immediately the first extract of the same date in the Court Rolls. The reference to bodily punishment in the second extract probably means that the offenders were not to be put into the stocks, as had been ordered in the other case.

8.5.1598. Agnes Curd (12d.) cut down and carried away the lord's wood about Christmas last.

8.5.1598. Robert (2s.) servant of Richard Butcher, cut down and carried away the lord's wood on the common of Ightam about Christmas last.

16.4.1601. Richard Shoebridge (6d.) has cut a bundle of firewood in the lord's wood at Ightham Common, without licence.

On 5th May, 1603, it was reported that John Rotes had cut down a tree growing on the common. Rotes seems to have claimed that the tree was not on the common, and the homage were given till the next court to ascertain the facts and report. They moved but slowly, and on 6th October they were given till the following court to inspect the tree and make their report. They actually reported in April 1604, eleven months after the case was first mentioned.

19.4.1604. The homage reported that the tree growing upon the lord's common, near the lands of Thomas Ware there, and lately cut by John Rootes, was unlawfully so cut, because it properly belongs to the lord of the manor. Therefore John was fined 6d.

Thomas Ware occupied two copyholds, Tebbs and Patches, both of which were on the verge of the common, so that the dispute may well have turned on its precise boundary.

16.10.1604. William Chowning (6s. 8d.) allows his children to break and plunder the woods of the lord of the manor on the common of Ightam.

11.12.1611. Reginald Hasenden (12d.) has cut down two birches lately growing in the lord's wood on the common of Ightam.

The earliest reference to the protection of the common pasture from excessive use by individuals occurs in a list of fines imposed in 1561.

6.10.1561. John Fuller, for overcharging the lord's com'en with his shepe and cattell, 40d.

The same John Fuller, because his wyffe gatherith akorns [word doubtful] upon the lord's com'en contrary to the ordre therefore taken at the Court by the tennt'y [tenantry], 12d.

17.10.1594. Christopher Pellset, William Petlye, Theophilus Hadloe and Thomas Woodeye overburden the common of Ightam with more sheep than they ought to keep there. Fined 3s. 4d.

8.5.1598. Reginald Haseden, William Warren and John Warren, tenants of this manor, allow their cattle to go and feed on the common after 1 May last, wherefore each of them has incurred a penalty to the lord, according to the tenor of a certain order.

11.10.1704. Richard Shoebridge and James Marshall, yeomen, have overstocked the common pastures of Ightham, within the jurisdiction of this manor, having no right or title so to do. Fined 3s. 4d.

There was a like presentment against Shoebridge and Marshall in each of the next two years.

The beating of boughs for mast by unauthorized persons was an infringement of the rights of the tenants.

17.10.1594. Theophilus Hadloe and Robert Hooke of Seale "have beaten downe akers" [acorns] on the common of Ightam, to the inconvenience and damage of the tenants of the manor. Fined 12d. each, and it was thereupon ordered that no one else should offend in this respect, under penalty 3s. 4d., of which one half should go to the lord of the manor and the other half to the person discovering the delinquent.

7.10.1612. The wife of John Hadlow (12d.) of Tebbes has committed a trespass on the lord of the manor by beating down mast of trees growing on the common of the lord.

16.10.1616. Reginald Hasden, George Shawe alias Simpson, John Huble, Margery Milesse, daughter of William Milesse, sen., and the wife of John Hadlowe have often and separately trespassed on the lord of this manor by beating down mast of trees growing on the common of the lord, they not being tenants of the manor. Fined 5s. each.

Encroachment by unauthorized enclosures, as well as use of the common without right, seems to be aimed at in the following passage :—

27.4.1587. The homage were given till the next Court for consideration of an order against sub-tenants, and builders of new buildings, and creators of poor new holdings, who without right oppress the common of the lord and of the free tenants.

One John Williams persistently encroached on the common, and in spite of the fines imposed on him and the orders made by the courts, he was not easily dislodged.

5.4.1592. John Williams has encroached upon the common of the lord of the manor with his hedge at Oldbury, "*apud pedem montis vocat'* the foote of Oldbury Hill *ibm.*" Given till the next Court to remove the encroachment, under penalty 3s. 4d.

26.4.1593. John Williams has encroached upon the waste and common of the lord at Oldbury, at the foot of the hill there. Given till Michaelmas to remove the encroachment, under penalty 10s.

1.4.1602. John Williams has encroached upon part of the common of the lord of the manor at Redwell, to the extent of two rods. Given till Michaelmas to remove the encroachment, under penalty 10s.

5.5.1603. John Williams has encroached upon the lord's waste at Redwell to the extent of two "l'es dayworks" of land. Given till Michaelmas to open out the land and remove the encroachment, under penalty 5s., and a further penalty of 5s. for every such offence in future.

19.4.1604. John Williams has not entirely removed the encroachment made by him upon the lord's common at Redwell, to the extent of one half of a dayworke taken into his garden there, contrary to the order and presentment made at the previous Court. He has therefore forfeited the fine of 5s. imposed on him, and has till the next Court to open out the encroachment, under penalty 6s. 8d.

John Williams' land at Oldbury cannot have been far from Roundabout Field, which early in the nineteenth century was owned by John Hards. Williams' example was followed by Hards, for a manor rental of 1815 contains a note as follows, "The above is John Hards' property, who has encroached largely on the common adjoining."

13.10.1703. Humphrey Baldwyn (6s. 8d.) has mowed the brakes upon the common pastures of Ightham within the jurisdiction of this manor, having no title or right so to do.

An enclosure at Ivy Hatch, authorized in 1739, suggests that the houses there were once grouped round a small open

space or green. The forge mentioned in the next extract still stands, well in front of the building line of the old houses behind it, and a fair picture can be formed on the spot of the open appearance of the hamlet before the forge was built.

25.10.1739. The homage gave liberty and licence for William Stone to inclose and keep inclosed one rod and a half, part of the waste of the manor, adjoining to his dwelling-house at Ivy Hatch, and whereupon a smith's forge is now erected. And the lord of this manor doth accordingly grant unto the said William Stone the said piece of the said waste, to hold to him and his heirs of the said Manor of Ightham by the services of right due and accustomed, and at the rent of 6d., and the said William Stone is accordingly admitted tenant.

The turnpike road between Ightham and Westerham was made about the middle of the eighteenth century, the route being chosen to avoid the steep gradients of the older road across Oldbury Hill. William Couchman no doubt foresaw the growth of traffic on the new road, for he obtained authority to enclose part of the common, and built a house (now Crown Point Inn, Sir Jeffery Amherst) by the roadside. The record is as follows :—

22.10.1767. The homage present that at this Court application being made by William Couchman for liberty to enclose certain waste grounds on Ightham Common, part of the waste of this manor, that the lord of this manor, with the consent and approbation of the tenants, hath given and granted . . . free liberty, licence and leave to the said William Couchman to take and enclose All that . . . parcel of land, part of the waste of this manor and fronting his new erected messuage there, being part of a certain waste or common called Ightham Common, containing by admeasurement sixteen acres three roods and twenty-six perches, abutting to a . . . field . . . called Frankfield to the south, to the new turnpike road leading to . . . Ightham on the north, to . . . Ightham Common on the east, and to the ditch dividing the said common from Seal Chart or waste on the west . . . to hold unto him the said William Couchman for ever . . . yielding and paying yearly . . . the rent or sum of 2s. 6d.

Section (k)—TRESPASS, ENCROACHMENT, OBSTRUCTION,
NEGLECT, AND THE LIKE.

The first recorded case of trespass occurs in a list of fines imposed in 1466. The particulars given are scanty.

27.3.1466. Richard Partryche was convicted by the jury in a plea of trespass against Geoffrey Hadelo, 4d.

The same Richard for damages and costs due to the lord 4d.

And by the steward of the Court to the use of Geoffrey Hadelo, 2d.

In a similar list of 22nd May, 1475, William Mercer was amerced 4d. for breaking the hedge of John Sawyere.

On 28th October, 1490, Walter Fuller complained against William Tebold for trespass, but no particulars were recorded.

After 1490 the facts tend to be more fully set out, although entries often break off without the result of a case being given. Extracts relating to encroachments on highways have been reproduced under that head, whilst tree-cutting and hedge-breaking on the common have been dealt with in the section relating to Ightham Common. Other cases are given in the extracts which follow. Many cases of cutting wood are, no doubt, to be explained by an acute need for firewood among the poorer inhabitants.

1.5.1491. William Fuller (3d.) has cut down and carried away divers trees upon the lord's land, without licence from him or his officers.

1.5.1491. Ralph Armestrong has encroached on the lands of the lord with a certain fence, 4 rods in length and 2 in breadth, without licence.

John Thropp, whose name appears in the next extract, may be the John Thrope, baker, who joined the Cade rebels in 1450. The site of Town House in Ightham village was once called Thrupp's tenement and may represent a part of John Thropp's holding, which, if it extended northwards as far as the gate of the Court Lodge, must have been a farm of considerable size.

1.5.1492. John Thropp has not removed an obstruction to his ditch at the great gate of the lord, to the inconvenience of the lord and his farmer. To be amended before the next Court, under penalty 40d.

Perhaps there was something to be said on Thropp's side, for negotiations evidently took place, and on 28th February, 1492-3, the homage reported that John Throp, present in court, agreed to make right the obstructed ditch. A little later he was himself a plaintiff :—

28.10.1494. John Thropp complains against Reginald Reve for not keeping up the fence between his land and that of the plaintiff, namely, against his garden, as from old time his predecessors were accustomed to do, but he has neither made nor repaired it. The defendant appeared in person and agreed to make the fence before the next Court.

10.6.1495. John Barlo, successor to Ellen Fischer, holds a certain parcel of land and woods lying at Redegrove, now in the hands of the lord. And John Piers cut down and carried away trees lately growing there upon the demesne lands of the lord.

15.12.1495. Lawrence Partrich has cut down oak trees on the demesne lands of the lord, without licence.

15.12.1495. John Hale, on 11 February, 1494-5, entered the land of the lord and took and carried away three trees called "crabstokks," value 8d.

24.2.1495-6. William Stawley complains against John Piers for trespass. The complainant states that on 23 June, 1495, at divers times, the defendant destroyed and consumed with his horses and sheep corn and barley belonging to the plaintiff, to the value of 10s., growing in the field next to the manor.

21.12.1496. Thomas Nisell has neglected to scour and clean a ditch between his meadow called Wythfield and land of the lord called Stoneacre. To be amended before the next Court, under penalty 40d.

28.10.1497. William Fuller has neglected to keep up his fence against the lord's land called Burnfield.

Fuller was ordered to be summoned to the court, and the fence was to be repaired before the next court. On 23rd

November he was given till the following court to repair it, under penalty 2s.

28.10.1497. Jane Parker and Margaret Parker are common breakers of their neighbours' hedges.

23.11.1497. John Swetyng, sen., complains against Reginald Reve. He says that the defendant has failed to keep up the fence between his land and the land of the plaintiff at Long strete, wherefore he has suffered damage 6s. 8d.

On 23rd January, 1497-8, a licence was granted for the case to be settled out of court.

28.10.1499. Richard Hawke has encroached on the lord's land by making a hedge between the land of the lord and the land of James Pekham, esquire. To be amended before the next Court, under penalty 40d.

20.11.1500. Henry Hasylerst, on 6 November, 1500, beat down with a stick the thorns and underwood of the lord . . . in the Conyerd.

1.5.1501. John Benet has neglected to keep up the fence against the lord's land called Conyerd. To be done before the next Court, under penalty 20d.

A like order was made on the same day in the next three cases :—

1.5.1501. Lawrence James has neglected to keep up the fence between Bellowslane and the Conyerd and Courtmede.

1.5.1501. John Throp has neglected to keep up his fence between Courtmede and Highfeld.

1.5.1501. John Tryce has neglected to make a fence against Highfeld and the lands called Homecroft [name doubtful].

Coneyearth, Bellows Lane, Court Mead and High Field all lie close together, and the last four extracts suggest that vigorous action was being taken in 1501 to get the fences bounding the lord's land put into repair. On 17th June, 1501, it was reported that the four defendants had well and faithfully repaired the fences.

An action and counter-claim between Stephen Bryggs and Richard Wellar come next. The dispute between them

could be readily explained if Wellar's dogs had hunted Bryggs's pigs because the pigs had first broken into Wellar's land. But if the dates given are correct it was the dogs and not the pigs that began the trouble.

25.11.1504. Stephen Bryggs complains against Richard Wellar for trespass. He says that the defendant, on 9 August, 1504, hunted with hunting dogs and then and there killed two of the plaintiff's pigs, value 6s. 8d. The defendant was distrained by two "laten basyns," value 20d., and was required to answer, but did not appear. Fined 2d.

23.12.1504. Richard Wellar appeared at the suit of Stephen Bryggs. He said that he was not guilty of hunting and killing the two pigs, as the plaintiff alleged. The case was referred to a jury of twelve men.

The jury were named on 31st January, 1504-5, and, after formal steps at the next two courts, it was arranged to take the case on 7th April, 1505. On that day a juror was fined for non-attendance and the case was adjourned. At the same court Wellar made his counter-claim.

7.4.1505. Richard Wellar complained against Stephen Braggs, for trespass. He said that on 12 August, 1504, the defendant broke the plaintiff's fence at Chaltons with his pigs and destroyed and consumed two acres of standing oats, damage 10s. Case to go to a jury.

This entry was followed by a record of the settlement of the first action by the verdict of a jury of eleven. Stephen Bryggs was found to have suffered damage 17d. by the hunting and killing of his pigs. The counter-claim may have been dropped, for nothing more was heard of it.

Richard Wellar's dogs, however, gave rise to a further action :—

23.12.1504. John Lymage complains against Richard Wellar for trespass. He says that the defendant, on 10 August, 1504, killed with his dogs one sow, value 6s., of the goods and chattels of the plaintiff : damage 6s.

The defendant denied liability and the case was referred to a jury, but there is no record of the decision.

21.1.1505-6. Walter Hadlow is a common breaker of his neighbours' hedges, and broke the hedge of the lord in the Conyerd and took and carried away "*facolia*" [? faggots].

3.11.1506. The tenants of the land of William Lambe have encroached on the land of the lord between Brownacre and the land of the lord called Conyerd.

3.11.1506. William Fuller has failed to keep up his fence. To be amended before the next Court, under penalty 20d.

John Tryce, whose hedge bordering on High Field was the subject of complaint in 1501, was again in default several years later, and was apparently slow to comply with the orders of the court.

3.11.1506. John Tryce, sen., has failed to keep up his fence against Hyfeld, to the damage of the lord's farmer. To be amended before the next Court, under penalty 20d.

18.1.1506-7. John Tryce, sen., has neglected to keep up his fence against the lord's land called Highfeld.

11.4.1508. John Tryce, sen., was given till the next Court to amend an encroachment upon the land of the lord called Hyghfeld. And in the meantime the tenants have an order to see that it is done, and to certify thereon to the next Court, under penalty 20d.

Tryce was still dilatory or recalcitrant, for the penalty was forfeited.

18.1.1506-7. John Sexteyn and William Fuller have neglected to keep up their fences against the same land [High Field].

11.10.1555. Thomas Turner has encroached at Bewly Playne, by making his hedge on waste land there, in length 7 rods and in breadth 4 rods. Penalty 10s.

27.4.1587. Richard Staley has encroached upon the land of Thomas Willoughby, esquire, lord of the manor, at Barrow Greene, where the barley was sown. To amend it before the next Court, under penalty 3s. 4d.

Staley's land at Borough Green, or part of it, was called The Acre, and is the subject of Section (y) of this paper.

2.10.1587. The wife of Robert Bounde and the wife of John Burghe are common hedge-breakers. Fined 6d. each.

A small fine seems to have been ineffective in many cases of hedge-breaking, Mrs. Bounde's among them, and eighteen months afterwards the court decided that more serious notice should be taken of such offences.

11.4.1589. Bownde, wife of Robert Bownd, and West, wife of Richard West, are common breakers and spoilers of hedges. Their husbands were fined 3s. 4d.

And at this Court it was ordered, with the assent of the jury, that if anyone hereafter offends in this respect, he shall pay for each bundle of wood so taken from the hedges 12d., one half going to the lord of the manor and the other half to the person whose wood was taken; and, moreover, the delinquent is to be put into the stocks until the said sum has been paid.

22.4.1590. William Chowning "hathe cut downe and sawed downe" certain trees in the wood of the lord called Highe Grove. Fined 12d., and a like penalty to be forfeited for each bundle of wood that he may cut hereafter.

22.4.1590. William Powell has neglected to maintain his fence lying south-east opposite the land of William Weston, and adjoining the way leading from Ightam to Oldbury. Given till Michaelmas to repair it properly, under penalty 3s. 4d., of which one-half will go to the lord of the manor and the other half to the said William Weston.

22.4.1590. A like time was given to William Webb to repair sufficiently his fence, lying south-east opposite the land of Richard Syfflet, and John Warren was given a similar time to repair his fence opposite the land of Richard Cornford on the south, and opposite a meadow of the said John on the north and opposite certain land of William Warren of Charte, under penalty 3s. 4d.

5.4.1592. The wife of William Milles, the wife of John Finche, and the wife of Richard Colvyn are common breakers and spoilers of hedges of their neighbours within this View, and that with the known permission of their husbands. William, John, and Richard were fined 12d. each.

5.4.1592. John Haberdejohn has encroached upon the land of William Hatche, near Tricewell, with his hedge there. Given till the next Court to amend it, under penalty 10s.

26.4.1593. Jane Powell, widow, is a common breaker of hedges, and lately broke and plundered the hedges of Thomas Gunninge, Richard Syfflet, Robert Balden and John Hamon. Fined 3s. 4d., and if she refuses to pay that sum she is to be put into the stocks for four hours for the said offence.

8.5.1598. Thomas Ware, since Christmas last, has broken, stolen and taken away the hedge of James Martin at Ightam. Fined 2s.

8.5.1598. Jane Johnson, on 4 May last, broke, stole, and carried away the hedge of James Cowper at Ightam. Fined 12d.

24.4.1599. Robert Launder, Jane, wife of John Crudd, and the seventh daughter of Lowes have broken, taken, and carried away divers bundles of wood from the hedges of the inhabitants of this View. Fined 6d. each.

20.10.1601. Edward Tunbridge has allowed his wife to break and plunder the hedge of Vane Somers. Fined 6d.

19.4.1604. Lawrence Winter allows his maidservant to break and plunder the hedges of his neighbours, and particularly the hedges of Greenshaw, to the bad example of the other inhabitants. Fined 12d.

(To be concluded.)