

**Westminster Abbey Muniments Book 11: ‘The Westminster Domesday’, fo. 169b-170
British Library Cotton MS Cleopatra C. vii folio cxj. v]**

Charter of Merton concerning a common way

[30.11.1225]

Let all know that this is the covenant made between the lords R the Abbot and the convent of Westminster on the one part and E the Prior of Merton and the convent of the same place, and the lord W de Mara on the other, on the day of the Blessed Apostle Andrew in the tenth year of the reign of King Henry son of King John, namely that the said Abbot and convent of Westminster have granted to E the prior and convent of Merton and the lord W de Mara and his heirs in perpetuity, a common way for all riders and pedestrians and for carts direct from the northern and western corner of their court of Morden to the southern corner of their tenement in the same vill next to the house of William son of Sweyn on the west side, extending just as straight and best as possible, behind their court of Morden, going across their meadow that is there to the least harm, not only to the said Abbot and convent of Westminster, but also to the Prior and convent of Merton and W de Mara and his heirs, having in its breadth twelve feet, if the said Abbot and convent, on both sides, wish it to be ditched, or if indeed they do not wish it to be ditched, by breadth of ten feet. Thus for this covenant and concession, the said prior and convent of Merton and W de Mara have resigned and quitclaimed to the Abbot and convent of Westminster the road that they required from them going across their court of Morden and the pathway going across their meadow. Yet the said prior and convent of Merton and W de Mara, by reason of the same way and path that is required of them, henceforth are able to require from them another way. And in witness whereof, to one part of this writing that shall reside with the Prior and convent of Merton and W de Mara, has been affixed the seal of the convent of Westminster. To the other part that with the Abbot and convent of Westminster shall reside, has been affixed the seals of the convent of Merton and of W de Mara. Witnesses to this covenant are Gilbert de Edinton, Master Phillip de Hammes, Master William de Cheiham, John de Bedington, John de Gatesdene, Geoffrey de Mora, Roger de Northbroc, Alexander de Wicford, Ypolitus servant of sheriff Geoffrey Motier.

Merton Cartulary (*ibid*) has *homines*; Westminster Domesday uses the abbreviation *oēs* for *omnes*.

\$ Merton Cartulary (*ibid*) has *corneram*.

Merton Cartulary (*ibid*) has *ex parte*; Westminster Domesday has *exte*.

WAM Book 11 gives more witnesses than BL Cotton MS Cleopatra C. vii.

A memo at the foot of BL Cotton MS Cleopatra C. vii folio cxj. v. reads:

Morden Iste Willno de Mara fuit domino de Ravensbury.

Morden: the same William de Mara was lord of Ravensbury.

Daniel Lysons, *The Environs of London* (1792) I, 353, dates this reference to 1250, and this date has been subsequently quoted by most authorities. However, the document appears to have been copied into the Merton Cartulary in the 13th century, but the handwriting of the footnote appears to date from the late 14th /early 15th century (British Library – personal communication).

NOTES:

Will. Svein is listed in the Custumal of Westminster Abbey manors of c.1225, as a villein with the smallest customary holding in Morden, of just 3 acres. (British Library Additional Charter 8139 and WAM 9287)

The Cartulary of Merton Priory (British Library Cotton MS Cleopatra C. vii. fo. cxj. v. & fo. cxij) includes a copy of this agreement, which has been translated by Alfred Heales - *The Records of Merton Priory* - p. 86.

1225. Nov. 30. A Convention was made between R. Abbot and Convent of Westminster of the one part, and E(gidius), Prior, and Convent of Merton, and Sir William de Mara, of the other part, to the following effect. The Abbot granted to the Prior and Sir William de Mara and his heirs in perpetuity a common way for men on horse and on foot, and for carts, straight from the corner of his court at Morden, Surrey, North-Easterly, to the South corner of his tenement in the vill next the house of William, son of Sweyn, on the West, as straight as possible and with the least harm to the said Abbot, twelve feet in width if he do not require it to be ditched, but if he do, then ten feet wide. In consideration the Prior and William de Mara gave up to the Abbot the road which he required of them, crossing the court, and the path crossing his meadow: but the Prior and William de Mara may nevertheless require another way instead of the said way and footpath. In witness to one part of this writing, to remain with the Prior and William de Mara was affixed the seal of the Convent (of Westminster); to the other, to remain with the Abbot of Westminster, were affixed the seals of the Priory and W. de Mara. Witnesses to this convention, Gilbert de Edinton, Master Ph. de Hammes, &c.³

³ Cart. No. 194 fo. cxj. v.

It is clear from the original Latin text of the Cartulary that Heales has made several errors in his translation. Also, as Heales only refers to the Abbot and the Prior, omitting all references to the convents, he therefore translates *suus* as **his**. The Westminster Abbey description always includes the convents and therefore *suus* translates as **their**. Either reading would be acceptable, but the original texts always include the convents, and therefore **their** is the appropriate translation. Heales's use of **his** has given rise to the suggestion that the Court at Morden belonged to William de Mara. The full text makes it clear that it was Westminster Abbey's court.