MERTON HISTORICAL SOCIETY

BULLETIN NO. 138 **JUNE 2001**

PROGRAMME JUNE - SEPTEMBER

Saturday 16 June 2.30pm **Martin Boyle:** **Mitcham Common walk**

This guided walk, led by the Warden of Mitcham Common, is a sequel to March's lecture. Meet at the Mill House Ecology Centre. (The Mill House Ecology Centre is in Windmill Road, Mitcham, next to the Mill House pub. It is close to bus routes 118 and 264, and to the Beddington Lane Tramlink stop.)

Saturday 21 July **Coach trip to Oxford**

Now fully booked!

Saturday 18 August 2.30pm Eric Montague: **Ravensbury Park walk**

A guided walk, led by the expert, exploring the history of the park - the people, the buildings (past and present) and the industries that once belonged here. Meet at the Mitcham Bridge entrance. (Bus routes 118, 280; close to Mitcham Tramlink stop.)

Thursday 13 September 11.30am **Day visit to Addington**

Addington was a country home for the Archbishops of Canterbury in the 19th century. Meet at Church of St Mary the Blessed Virgin, Addington Village - 11th-century in origin, with many interesting memorials and windows. Pub or picnic lunch. Then Addington Palace at 2.30pm. Travel by Tramlink, changing to New Addington line at East Croydon, and alighting at the Addington Vllage stop.

Illustrations from Coombe, Shirley & Addington - Living History Publications 1974

The Society's events are open to the general public, unless otherwise stated.

MHS 50th ANNIVERSARY EXHIBITION 20th-25th February 2001

The idea of an exhibition at The Canons to celebrate the Society's activities during its first 50 years came originally from Merton's Heritage Officer, Sarah Gould. The timing was as near as possible to the anniversary day of 28 February, and also usefully coincided with most of the half-term break. The project was put into effect by a special committee chaired by Bill Rudd, our knowledgeable keeper of the store. The other members, whose talents included design, layout and publicity as well as the ability to work well under pressure (!), were Ellen Eames, Margaret Groves, Peter Hopkins and Tony Scott.

In the entrance hall some memorabilia of the Society's early days were on view, including methodically kept, and beautifully written, membership lists and cash books - how small the sums of money seem now! Also there to be browsed through was a complete run of the Bulletin - 136 issues. It was begun in April 1965, when the Society was still the Merton and Morden Historical Society (a vote at the AGM that year changed the name), and cost permitted only one or two foolscap sheets laboriously duplicated from stencils.

Images of events included some lecturers in costume (Parliamentary soldiers from the Civil War Society, and a Roman legionary); a performance by the popular, if short-lived, MHS Players; and the Society 'float' from the Coronation Carnival in 1953. A key occasion was the dedication of the commemorative stone at the Priory site in 1959.

Screens, provided by Steve Turner, with display tables, divided the large ground floor room to the left of the entrance into a number of sections with different themes. An impressive range of archaeological 'digs', mostly organised by the Society, and all involving members, was illustrated with photographs, maps, artefacts and even human bones. There was a 'guess what this is' collection too, which aroused interest and amusement. Bill Rudd, dedicated recorder of the changing scene in Morden that he is, mounted a fine photographic survey of some of its vanished shops, factories and horse-drawn vehicles.

Workshop topics illustrated included studies of early Merton and Morden (Peter Hopkins), and Mitcham (Eric Montague), which are being undertaken as part of Surrey Archaeological Society's Millennium Project on Surrey village origins. From Rosemary Turner came a selection from her detailed analysis of Merton Priory, and her husband Steve contributed his map and survey 'snapshot' of Mitcham in 1838. A small display on William De Morgan's 'Merton Abbey' pottery at Colliers Wood was contributed by this reviewer. Over the years, particularly recently - thanks to Peter Hopkins, the Society has produced an impressive number of publications. A few are now out of print, but all were on display (and most for sale). Illustrations from Eric Montague's new *The Cricket Green* were projected continuously onto a small screen throughout the opening hours. The complex Rutter family of Merton, Mitcham and Morden was the subject of another of Bill's displays, made up of family trees, memorial inscriptions and pictures of Rutter residences. On view too were some of the Society's precious rescued objects - from Morden the old Crown inn sign, now handsomely supported on a wrought-iron stand commissioned by Bill; catalogues from Carters Tested Seeds of Merton; price-lists and packaging from Gutteridge's seed and corn merchant premises in Mitcham, demolished in 1970.

Our thanks are due above all to the exhibition committee for an outstanding effort; also to Sarah Gould for her support and enthusiasm; to those who lent photos and other material (especially Bill Rudd); to the 19 volunteer custodians, and to the more than 100 non-member visitors, many of whom contributed handsomely to the donations box. The special guest at a buffet lunch on the Saturday, kindly laid on by Sarah and her volunteers, was the Mayor, Councillor Ian Munn, who enjoyed his visit to the exhibition and expressed his appreciation of the Society's achievements.

Judith Goodman

MHS 50th ANNIVERSARY DINNER

Thirty-seven members and guests attended the Society's 50th Anniversary Dinner on Wednesday 29th February at Morden Hall Beefeater restaurant pub. The Mayor and Mayoress of Merton, Councillor Ian and Mrs Carol Munn, and Sarah Gould, Merton's Heritage Officer, were our guests of honour, but we were also glad to welcome several of our members' partners.

The meal was excellent, as was the celebration cake made by Mary Hart of the Wandle Industrial Museum, who also provided the floral decorations. The evening closed with speeches from Chairman and founder-member Lionel Green and from the Mayor.

Many thanks to Sheila Harris, Eric Montague and Tony Scott for organising everything for us. It has been suggested that an anniversary dinner might become an annual event.

Peter Hopkins

THE WILDLIFE OF MITCHAM COMMON

A talk by Martin Boyle at Mill House Ecology Centre, Mitcham, on Saturday 17 March

Some 30 or so members gathered at the Mill House Ecology Centre in the centre of Mitcham Common, and soon forgot the grey, damp afternoon, as Martin (who is the Common Warden) introduced us to some of the delights of what is the largest wildlife site in the Borough.

The Ecology Centre, owned by the Borough Council, was built at no cost to the community by Whitbread plc, when the former Mill House was converted into the present restaurant. It now forms an important teaching centre, much used by local schools. Martin explained how management of the Common is the responsibility of the Board of Conservators, composed of members representing the Boroughs of Merton, Croydon and Sutton. Merton acts as the Conservators' agents, and four full-time staff plus an education officer and a part-time clerk are employed. The Conservators have no power to levy a rate (as in the case of Wimbledon Common), and funding is by grants from the local authorities, augmented by income from the golf club and investments.

The ecological importance of Mitcham Common has been recognised by its designation as a Site of Metropolitan Importance for Nature Conservation, and within a relatively small area of 160 hectares (400 acres) it has a unique diversity of habitats. Each supports its own distinctive flora and wildlife, and requires special management if its character is to be preserved.

With the aid of some excellent colour slides Martin took us across acid heathland, over undulating chalk downland, around ponds, through hay meadows and past wetlands. *En route* he regaled us with fascinating and often amusing stories of how he and his colleagues grapple not only with such 'natural' problems as the tendency for dense woodland to develop, and periodic invasions by geese, but also those arising from the increasing pressures of an urban environment and, sad to say, abuse of the Common by the general public for whose enjoyment it was saved by Parliament 110 years ago.

For those who missed Martin's talk, there is a second chance to become acquainted with the Common on, Saturday 16 June next, meeting at the Ecology Centre at 2.30pm. Bring cameras, binoculars, raincoats and sunglasses, and you should be ready for anything!

Eric Montague

IN BRIEF

- **Merton Heritage Centre**, at The Canons, Madeira Road, Mitcham (tel: 020 8640 9387). From 8 May to 28 July the main exhibition illustrates the early 20th-century struggle for Votes for Women, in *Cat & Mouse: the Women's Suffrage Campaign in Merton.* From 14 August to 27 October, *Poetry & Prose: Literature and the Theatre in Merton,* will pay tribute to the many writers and actors for whom Merton has been home. And upstairs, from 31 July to 14 August, will be a reprise of *Angels and Tearaways,* a historical look at childhood in Merton. The Centre is open: Tues, Wed, Thurs 10-4; Fri, Sat 10-5; Sun 2-5; Mon, closed. Admission free.
- Just a few miles down the A217, **Reigate Priory Museum**, Bell Street, Reigate (tel: 01737 222550) has an exhibition *Priory Children Through the Ages,* open on Wednesday and Saturday afternoons 2-4.30pm.
- ***Eighty Years of Wimbledon Labour Hall 1921-2001,*** recently out, is an account, by Heidi Topman, of the ups and downs in the last 80 years of radical politics in Wimbledon, forming a useful sequel to Gillian Hawtin's *Early Radical Wimbledon 1880-1931* (1993). While the best-known figure was Tom Braddock, there were many other notable characters, both men and women. A delightful group picture of the Wimbledon Marxist Socialist Society on Wimbledon Common is only one of the varied illustrations. 64 pages. £3 from the William Morris Meeting Rooms, 267 The Broadway, or from Fielders in Wimbledon Hill Road.
- It has been pointed out that the MHS publication, ***The Ravensbury Mills,*** lost a line of text between pages 9 and 10, when last reprinted. If you have one of the 50 defective copies, please return it to our Publications Secretary, who will replace the page with a corrected one. Many apologies!

Rose Lamartine Yates of Merton Park and her son Paul, wearing Suffragette sashes.

courtesy John Innes Society

RECENT WORK ON THE SITE OF MERTON PRIORY

With some 14 years' experience of excavating in Merton, mostly on the priory site, Dave Saxby of the Museum of London Archaeological Service was supremely qualified to address us on this subject on Saturday 21st April. Our usual meeting room at the Snuff Mill Environmental Centre was packed with members and visitors, eager to learn all they could of this our most important archaeological site.

Dave led us first through the various phases of excavation during his time at the site, beginning with the main excavation of the priory church and chapter house, between 1986 and 1990. Further excavations followed on the Christchurch Road site, and on the William Morris site and Mill Road. Then, last year, the former Furnitureland site was excavated, prior to redevelopment. Recently, work has been taking place on the car park/car boot sale area, as part of the application for planning permission for the proposed development there.

This most recent work has been more concerned with topographical information rather than more familiar archaeological activity. A radar search combined with a bore-hole survey has yielded good results, identifying gravel deposits and areas of naturally high and low ground. This has enabled the experts to predict the original courses of the river Wandle, which in pre-medieval times flowed along the route now known as Bennett's Ditch. Evidence has also been found of various millponds. Not surprisingly, the high ground was selected for Roman Stane Street and for the priory church.

The 1997 work on the Christchurch Road site also found prehistoric river channels in the 12 evaluation trenches, but in two of the trenches the line of Stane Street was identified. This has enabled the alignment of the road to be defined more precisely. The bandstand at Merton Abbey Mills lies directly on the line of the Roman road.

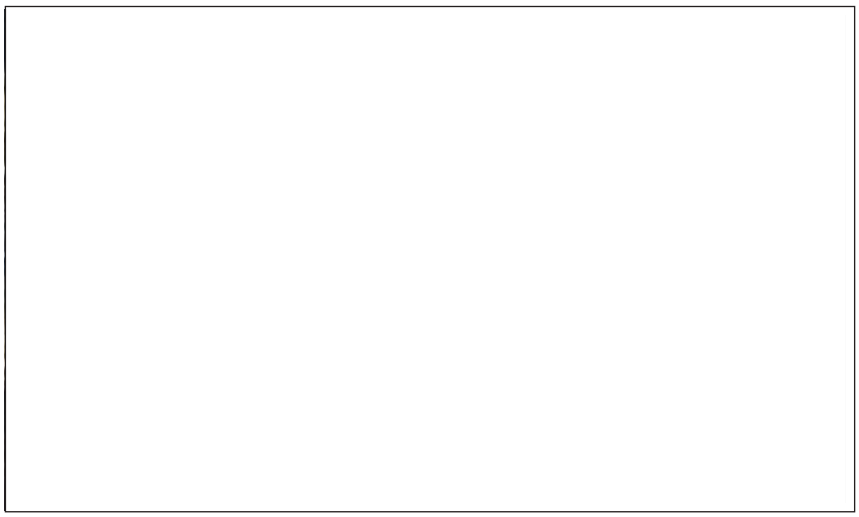
Two phases of Stane Street have been established. The first was around AD50, when the road was some 12 metres wide between two ditches. The road was generally constructed of local river gravels and sands over the original gravel surface, though occasionally chalk from the Downs was also used.

Towards the end of the 2nd century the road was recut and resurfaced, and this road surface survived quite well under the factories, a metre and a half below the present ground level. This second phase was wider, up to 16 metres. Approaching the ford there was evidence of two banks each side of the 14 metre road, suggesting the presence of pedestrian walkways. This ford was presumably the Bradenford of the Saxon charter of AD967. Some 30 coins from the 2nd to 4th centuries were found here, together with a few brooches.

This section of Stane Street had gone out of use by Saxon times, probably because of the flooding of the area, for which there is considerable evidence. Some 10th-century Saxon ivory brooches and metalwork have been found elsewhere on the site, possibly in the vicinity of the Saxon mill. The precinct wall cut across the old line of the road, but the earliest datable medieval activity was around 1200/1250, when a major phase of development at the priory necessitated the recutting of ditches and river.

In 1992 the northern section of the William Morris site was excavated. Old photographs record the weatherboarded buildings of Halfhide and Son, dating from around 1752, and offcuts of weatherboard were found in a backfilled ditch, together with paintbrushes, still caked with whitewash, and various pots, marked with initials. The foundations of other 16th- and 17th-century buildings were found, which had reused Reigate stone from priory buildings. Oak trestles from around the 16th century may have been part of a bridge. A cesspit from the Morris period included wine bottles, some still containing wine.

Last year the former Furnitureland site was excavated. Perhaps better known to older residents as the Palais, this had been the site of the gatehouse to the priory. An early ditch, running east-west may be Roman, and some fire-cracked flint is of prehistoric date. A narrow evaluation trench picked up evidence of a structure which, when opened up, proved to be a late-medieval tile kiln. It was well-built, some 7 metres wide, and had been truncated by the later cellar walls of the gatehouse and later buildings.

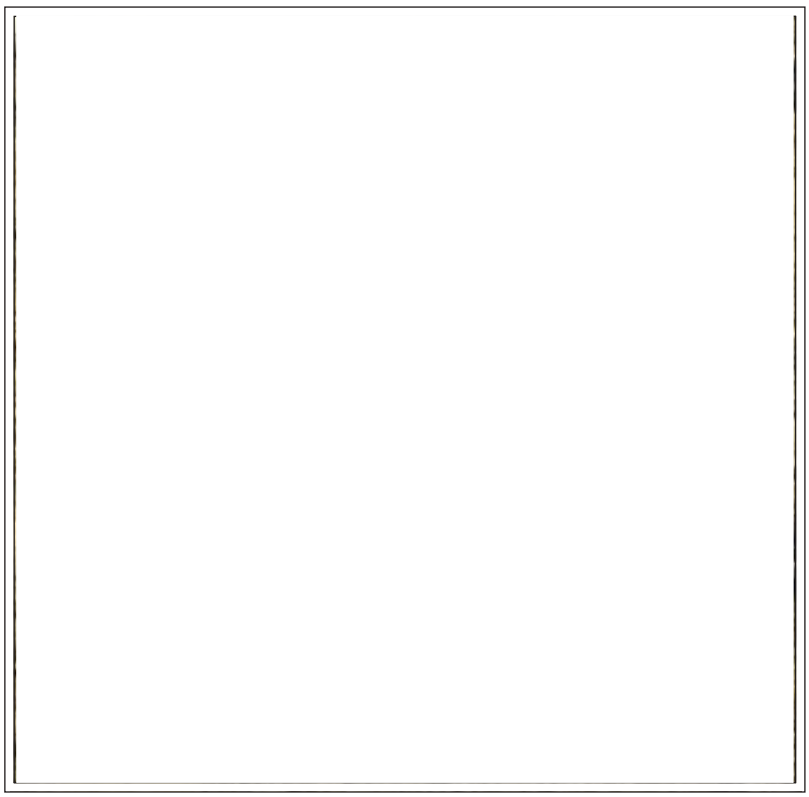


Cleaning the kiln structure - photo courtesy of Dave Saxby, MoLAS

There were three furnace chambers, originally arched, built onto an earlier structure. The construction used Roman tile and brick as well as Reigate stone from a 12th-century phase of the priory, similar in style to the arch now rebuilt in St Mary's churchyard.

Some over-fired roof tiles were also incorporated in the structure. These were of the style prevalent around 1480, a period of further building work at Merton Priory, when church, infirmary and reredorter were buttressed. The kiln was probably rebuilt to produce roofing tiles for this phase. The underlying kiln structure was 11 metres by 1 metre, with an area behind for fuel and rake-out deposits. Very little debris survived from this phase, though a 'Westminster' tile suggests it may have dated from the 13th century. Below the kiln structure were found lines of stakeholes, possibly from a forming shed, where the unbaked tiles had been formed. This was the only area of clay within the precinct, with deposits of brick-earth overlying London Clay.

Photographs from the early years of the 20th century show the house known as Abbey Gatehouse, with twin towers each side of a central structure. The excavation revealed the chalk foundation wall of part of the medieval building, which post-dated the second phase of the tile kiln, and was probably 15th-century. However, much of the building is now under the road, which is considerably wider than heretofore. The excavated remains may belong to a 15th-century rear extension to the main building. The building was further extended, to east and west, in the 18th century.



The 'Gatehouse' looking east. In the foreground is one of the 18th-century brick extensions. The chalk medieval walls are in the centre of the picture (just in front and to the right of the brick drains). Courtesy Dave Saxby, MoLAS.

The full report on the excavations is in its final stages, and may well be ready for publication later in the year. It will be the biggest MoLAS publication to date, of around 200,000 words. It will include earlier work on the site, including that of our first President, Colonel Bidder in the 1920s and of our present President, Scott McCracken in the 1970s.

The publication has taken several years to prepare, two to three years' work being required just to evaluate the human bones found on the site. Some 700 human skeletons were uncovered, and these have been examined for age, gender, burial patterns and disease. Many suffered from the disease now known as DISH, from eating too much fatty food. One discovery was of a leather and cloth hernia belt, only the second to be found in the UK. 20,000 fragments of animal bone were found, the largest quantity of any site. A mid-12th century food preparation area was uncovered beneath the infirmary hall, itself dating from the 1220s. Here were found trellises (for vines?), ditches, planting pits, fruit stones (apple, grape, etc. though fruit is not found on the site after the 12th century), hatched chicken and goose eggs, as well as ladles, pots, etc. Evidence was also found for timber and daub structures.

In the hearths of the infirmary kitchen, the burnt ash deposits included seeds from both fruit and grain, and remains of conger eel, dolphin, oyster, herring, dove and red deer.

We eagerly await publication of this mammoth report, though it was disturbing to learn that our own expert on Merton Priory, our Chairman Lionel Green, has not been consulted on the historical details. Hopefully this will not result in the wholesale repetition of the many unfounded myths that have attached themselves to Merton Priory over the years, as was the case with the interim report.

We thank Dave Saxby, not only for his presentation to the Society, but for all the work he has put in over the years to reveal more of our rich historical heritage.

Peter Hopkins

LOCAL HISTORY WORKSHOPS

Friday 23 March 2001: Lionel Green in the chair. Eight persons present.

- **Sheila Harris** spoke of the proposed development at Merton Abbey Mills, which has caused much concern. After discussion we agreed to sign a petition from the Polka Theatre against the proposal. Sheila also informed us that the David Evans silk works at Crayford was closing (relocation to Macclesfield), including their museum of silk-printing.
- **Steve Turner** mentioned references to several local pubs, including the Six Bells in 1838. This reminded Eric of Mitcham's Francis Merritt, licensed victualler, who may possibly have made 'champagne' in the 18th century [see Bulletin No.129].
- **Bill Rudd** has seen the writing on the wall. Haven't we all, Bill? In Bill's case it was Herrington's furniture store in Wimbledon, and by the Dolphin pub in Sutton High Street [see items on painted advertising in Bulletins No.136 page 4, and No.137 page 8]. He also showed us a miniature pipe (a donation to the Society), in its case, which Christies declared to be 150 years old, with a value of £45.
- **Peter Hopkins** has been looking at some abstracts from local wills of 1480-1649, published on microfiche by West Surrey Family History Society. He has come across representatives of many old local families: Otwaye, Locke, Stondon and Whitinge. One particularly interesting will was that of Nicholas Smythe of Morden, yeoman, who in 1559 left five shillings to the church of Morden towards weatherboarding the steeple. A map or 'plott' of Morden, dating from Edward VI's reign, depicts Morden parish church complete with steeple.

  Peter also reported that he had managed to decipher the footnote to the 1225 document, illustrated in the last Bulletin, as: "Morden - The same William de Mara was lord of Ravesbury". He had often wondered why Lysons, and all local historians since, cited this document as the first reference to the manor of Ravensbury, in 1250. [He has since written to the British Library, who have informed him that the document appears to have been copied into the Merton Priory Cartulary during the mid or later 13th century, but that the footnote appears to be in a hand of the later 14th or early 15th century.]
- **Don Fleming** had noticed that with the refurbishing of South Wimbledon station the new platform name signs no longer mention '(Merton)'. Don continues with his work on the wards of the City. In the 13th century the dialect of London changed from East Saxon to East Midlands, due to the growing population of the City.
- **Judith Goodman** continues to search for local artists, and spoke of G A Storey RA (educated at Morden Hall Academy), active from the mid-19th to the early 20th century, and of Evelyn Dunbar, official war artist, of whom Josephine Davis (then of Merton Park) wrote in 1971 in a memoir, held at the Imperial War Museum, of life as a land girl.

  [PS: Thanks to the efforts of Doris Green, and the Merton Park intelligence network, the Imperial War Museum has subsequently been able to contact Josephine Loosemore (formerly Davis), now living in Sussex. JG]
- **Eric Montague** is researching aspects of the 17th century - in particular life between 1640 and 1660, and how Mitcham people fared under the Commonwealth, including transfer of lands and administration of the Poor Law.
- **Madeline Healey** showed us a dictionary and a Catholic bible, both from the 18th century, which had belonged to her ancestor, Elizabeth Soane of Morden, born 1770.
- **Lionel Green** informed us that the Mayor of Merton had asked him, at the 50th anniversary dinner, about the Statute of Merton (see pages 14-16).

The meeting ended at 9.45 pm.

Don Fleming

Workshop dates: Fridays 13 July and 24 August at 7.30 pm at Wandle Industrial Museum.

All are welcome.

STOP PRESS!

Look out for ***A History of Mitcham Common*** by E N Montague. This copiously illustrated hardback book (ideal gift!) published by Phillimore & Co Ltd for Mitcham Common Preservation Society, to be officially launched on 11 July, should be available ahead of that date. Price £14.95, but at a discount through the Society.

TONY SCOTT has been investigating a local example of a largely forgotten chapter in the history of education:

THE INDUSTRIAL SCHOOL IN MITCHAM

Eagle House in Mitcham, the fine Queen Anne house in London Road, was built in 1705 as a private house, and is now slightly forlorn office premises looking for a buyer. For much of its life it was used to accommodate a school of one kind or another.

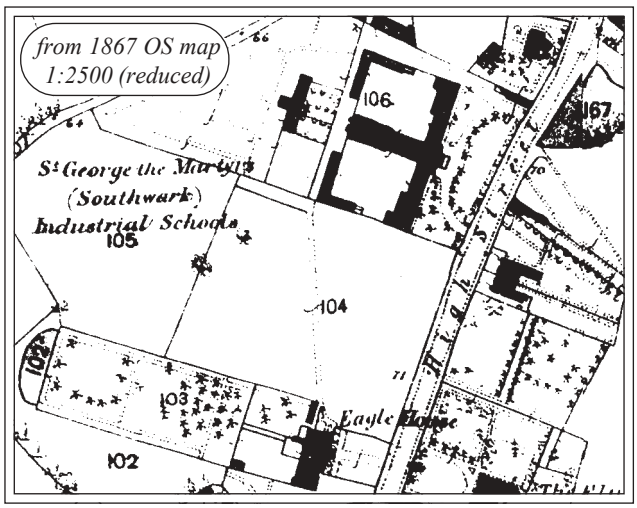
James Dempster opened his academy there in 1825, and it remained Dempster's Academy (known occasionally as Eagle House Academy) until the early 1850s. As can be imagined, Dempster's Academy was a boarding school which educated the sons of the reasonably wealthy, with an occasional sprinkling of aristocracy mixed in with them. In 1855, after Dempster had closed his school, probably due to retirement, Eagle House and surrounding land were bought by the Guardians of the Poor of the parish of St George the Martyr, Southwark, in order to establish an Industrial School there. St George the Martyr church still stands today as a large porticoed building in Borough High Street, near its junction with Great Dover Street. I was intrigued by the name 'Industrial School' and decided to find out more about them.

The principle of Industrial Schools was established by John Pounds, a poor shoemaker of Portsmouth, who died in 1839. For 20 years before that he had gathered the ragged children of the district around him as he sat at work. They came freely and were taught gratuitously. The success of his pioneering work led to many more people in similar circumstances providing the foundations of a trade to orphans and children of the poor. Initially these were called Ragged Schools, the first of which in London started in 1838. Eventually, in about 1850, the Ragged Schools became officially recognized; they were given the name Industrial Schools, and were given a grant, for maintenance only, from the Treasury. The finding of suitable buildings, equipment etc was still left to voluntary effort. The schools were put under the supervision of the Home Office, and it was only in 1921 that they came under the Board of Education in England.

Before the introduction of universal elementary education by the Education Act of 1870 (compulsory to the age of ten in 1880), poor children were encouraged to attend an Industrial School, usually as boarders, by the Guardians of the Poor of the local parish. After this date, children were sent to Industrial Schools by the courts because they were not under 'proper guardianship'. This could be due to the death or imprisonment of their parents, or because they had been convicted by the courts for a petty offence, or they had been 'frequenting the company of a known criminal'. Gradually Industrial Schools became known as Reformatory Schools, and I suppose their successor is today's 'secure accommodation' for young offenders, run by the Local Education Authority.

The clientele of the new St George's Industrial School at Eagle House was clearly quite different from that of James Dempster's Academy. In 1855/6 large blocks of buildings were erected next to Eagle House in London Road which, in plan, formed a large H with its ends almost enclosed to form two quadrangles. Boys were transferred from the Southwark parish's school in Lewisham on 2 August 1855 and the girls transferred in July 1857 when the Lewisham school closed. In 1870, when St George's Industrial School accommodated 400 boys, girls and infants, and had a superintendent, matron and 80 other staff, it was decided to move the school and sell the new buildings with Eagle House to the Guardians of the Poor of the Holborn Union of Parishes.

Eagle House remained part of the school, which was now used for the Holborn Union workhouse children. The Holborn Union workhouse was not transferred to Mitcham until 1886, after the Guardians had constructed more buildings at the rear of the site towards Bond Road. The school building which survives today in London Road to the south-west of Eagle House was built as a classroom block in 1892. Probably at that time, Eagle House became a convalescent home for the workhouse children.



In 1930 the Poor Law Unions were abolished. Powers and responsibilities were transferred to County Councils, and Eagle House came under the ownership of the London County Council. In 1932 it was sold to Surrey County Council for use as a day nursery. After World War II Eagle House became a special school annex for children with (what we now call) learning difficulties. The Workhouse buildings were demolished and Monarch Parade replaced those along London Road. In 1965 Eagle House was transferred from Surrey County Council to the London Borough of Merton as part of Local Government reorganisation, and in 1971 the special school was closed. The building was restored as a Teachers' Centre in 1976 and was sold by the Council in 1987.

LIONEL GREEN traces some more Merton connections:

RALPH DE CAHAIGNS (d.1174) AND THE KEYNES' BENEFICENCE

Some of the possessions of Merton priory came from the Maminot family who had received them from William the Conqueror as part of their reward for supporting him in England.

Land in *Peckham* which had belonged to Hugh Maminot was given at the request of his wife Emma to Ralph de Cahaigns on his marriage to their daughter Alice. Ralph then gave the land to Merton priory at his wife's desire. Both Emma and Alice were buried in "the church belonging to the convent" at Merton.[1]

Other properties that came to Ralph from the Maminot family included the manors of Coombe, East Lulworth and Tarrant (all in Dorset), Somerford (Glos.) and Barton (Camb.), the churches of which he gave to Merton Priory about 1173.

On the death of his grandfather, Ralph took possession of the Cahaigns inheritance, which included a cell (church and estate) at Cahaigns in Normandy. The manors of Flore and Greatworth (Northants.) went to his brother Hugh, but even the churches of these two manors were given to Merton.

The name of Ralph de Cahaigns was entered in the annals of Merton,[2] and the name of Keynes is kept alive today in the villages of Coombe Keynes, Tarrant Kaines[3] (Dorset), Somerford Kaynes (Glos.), Ashton Keynes, Poole Keynes (Wilts.), Horsted Keynes (Sussex) and Milton Keynes (Bucks.).

Barton south-west of Cambridge.

In 1202 a collateral descendant of the Cahaigns claimed that the right of presentation of the priest of Barton did not belong to the priory.[4] The prior maintained that the present incumbent, Eborad, had been there for 30 years, having been presented by Ralph de Cahaigns. William de Caham (d.1217) argued that his grandfather Hugh (brother of Ralph) had presented Savaric, who had died. It would seem that when Savaric was too old to perform his duties, he put his son Eborad into the office, and when his father died the son continued to act.[5]

Apparently Savaric was priest at Barton for 40 years, with William de Caham acting as patron, and the right of presentation descended to Elias, his son, and from Elias to Roese and Maud his daughters.

Following the death of William de Caham in 1217, the prior of Merton sought to settle the matter, and sued Alan de Berton and Roese his wife, and Maud, sister of Roese. The prior produced a charter of Ralph's granting the advowson to take effect after the death of Hugh his son, the rector thereof, and also charters of William de Cahaigns (d.1222), grandson of Ralph, who came to court and warranted the charters.

Greatworth, Northamptonshire.

The church here was also given to Merton priory by Ralph, but, in order to placate a descendant of the family, the priory ceded the church to William de Caham about 1203. The cartulary records that the canons of Merton, "moved by the affection which we have for our dear friend William de Kaaines (Caham), son of Richard, grant to him and his heirs" the advowson of the church of Tureworth (Greatworth) so that when a vacancy occurred, he, or they, should present to them a suitable person whom they would present to the bishop of Lincoln.[6] On his death in 1217 his widow Gunnora renounced the right of presentation.[7]

Cahaigns, Normandy.

This church, or cell, between Caen and Vire, was also given to Merton priory by Ralph. Some land in Cahaigns belonged to the church, and about 1150 a homicide caused the lessee to be disinherited. The chaplain, William Postell, took a female relative of the lessee, who gave birth to four daughters, and he continued to take an annual rent for the land. Robert de Curwandun', a relative, sued the parson at the court of Ralph, which ruled that the land belonged to the church, and this was confirmed in the king's court.

Heinous behaviour was rife, as Ralph de Grenvil, a knight, whose wife was ill, had an affair with one of the daughters of Postell, which produced two sons. The woman was excommunicated for adultery and died. The sons of the dead mother, Robert and Ralph, later brought a plea before Henry II for the inheritance from their father, and claimed right of patronage of the church at Cahaigns. A further action in the king's court led to a fine payable by all parties, including the canons of Merton.

When King John lost the dukedom of Normandy in 1203, descendants of the daughters of William Postell complained to the French king that Merton priory had deprived them of their rights. The case was heard in the court of the Count of Boulogne, who at the instance of Robert de Geldeford, canon of Merton, sent his seneschal Peter Leschaut. No adversary to the canons appeared, and the claim was dismissed. Henry, bishop of Bayeux (1164-1205), had written to the prior informing him that a jury had established that William Postell was a deacon, son of Hervey a priest, son of Ambobert a priest.[8] The bishop also mentioned that the estate involved "the old iron mine" in his deanery.

Whilst all the litigation over the church at Cahaigns continued, Merton priory sought an arrangement with a monastery in Normandy to exchange foreign properties in each others' countries. An agreement was drawn up for the church at Cahaigns to be transferred to the abbey of St Fromond. In return, Merton priory would receive the tithes of Stamford castle and five churches in the town, as well as two churches further north in Lincolnshire.[9] Pope Lucius III (d.1185) had issued indulgence, and King John confirmed the charter in 1200,[10] but the exchange was never put into effect.

Merton priory continued to hold the cell at Cahaigns until 1267, when a fresh exchange took place. This gave Merton the possession of two tourist attractions of today, viz. a church in Somerset which after 600 years became the setting of a shooting in R.D.Blackmore's *Lorna Doone* (1869), and what is claimed to be the highest waterfall in England.[11] This exchange of properties will be the subject of a further article.

1. BL Cott. Cleop. C VII 20
2. *Surrey Archaeological Collections* 36 (1925) p.42
3. Now Tarrant Crawford
4. A.Heales *The Records of Merton Priory* London 1898 p.58
5. *Sussex Archaeological Collections* 63 (1922) p.189
6. Heales *op.cit.* p.53 but with the name Talworth Surrey given in error; *SxAC op.cit.* 63 (1922) p.192
7. Heales *op.cit.* p.94; BL Cott.Cleop. C VII 20 No.248 fol.cxx
8. *SxAC op.cit.* 63 (1922) pp.191/2; Heales *op.cit.* p.56
9. St John the Baptist, St Paul, St Michael Cornstall, St George, All Saints in the Market (with a pension of two silver marks), and the churches of All Saints, Saxby and St Andrew, Bonby
10. Charter Rolls 17th Feb 1200 I John m.25: *SxAC op.cit.* 63 (1922) p.192
11. **A small competition for members (excluding Committee members please), to mark the Society's 50th birthday. Can you identify these two sites? Answers, with name and address, by post to Lionel Green**

The sender of the first correct pair of answers opened on 1 August will receive Society publication(s) of his/her choice up to value £12. (Don't forget the new publications.)

FOOTNOTE by PETER HOPKINS

The scandalous activities of chaplain William Postell have frequently been attributed to a more local parish, rather than across the Channel in Normandy. Manning and Bray, in their *History and Antiquities of the County of Surrey* (1804), mistakenly identified Cahaigns as Cheam! This error was repeated by Heales in his *Records of Merton Priory* (1898) and, more recently, by C J Marshall in his *A History of the Old Villages of Cheam and Sutton* (1936) p11. Hopefully future historians of Cheam will set the record straight. Thank you, Lionel.

FROM THE POSTBAG

Reading
Berkshire
21st March 2001

Dear Editor

My sister, Jeanette White (née Want), who lives in Nelson, New Zealand, has asked me to pass on her congratulations to the Society for its Fiftieth Birthday. Unfortunately she is unable to write to you herself.

Both she and my mother were founder members, my mother also being an early committee member. At 9 years old I became the youngest member shortly after.

Jeanette says she had fun helping to arrange the Pageant and was very involved with the plays. As a family we looked forward to the Rambles, which were ably led by Arthur Turner.

We wish the Society every success in its activities for the next 50 years.

With best wishes

Hilary Nethersole

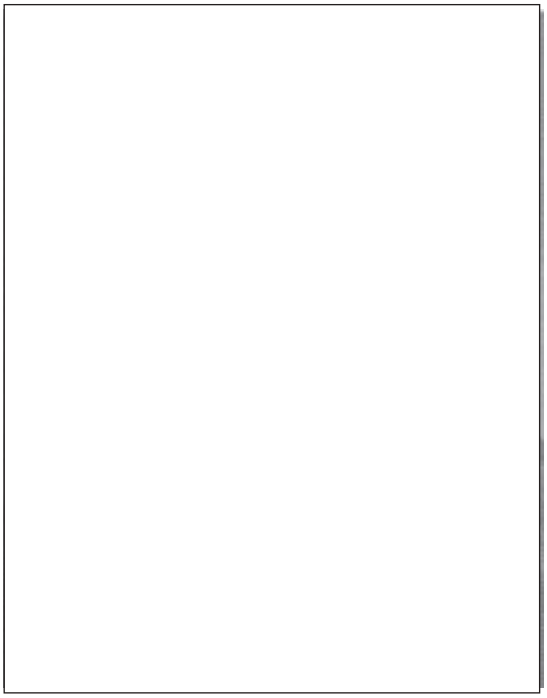
[Mrs Nethersole, still a member, enclosed a photocopy of an article in *The Nelson Mail* of 2 December 1995 about her sister, Jeanette White, whose second book on the history of South Street in Nelson had just been published. Jeanette's scrapbook of MHS events was displayed at our anniversary exhibition. We congratulate both sisters on their enduring enthusiasm for local history.
JG]

By request of the editor, in another extract from his *magnus opus,* ERIC MONTAGUE describes the exile of one of our great poets.

JOHN DONNE IN MITCHAM

John Donne, the Elizabethan adventurer, gallant and poet, who, at the wish of James I, entered into holy orders and became dean of St Paul's in 1921, spent six years of his life in Mitcham, renting a house in the village from 1605 until 1611. Lysons[1] recounts how

> "Sir George More of Losely, whose daughter he had privately married, was so exasperated, that he not only refused to forgive, but employed his utmost endeavours to ruin him: and actually procured his removal from the family of Lord Chancellor Ellesmere, to whom he was secretary. At this juncture Sir Francis Wolley took compassion on him, and received him and his family into his house at Pyrford, where they continued as long as Sir Francis lived. At his death, being left destitute of an asylum, Donne took a small house at Mitcham, 'a place as his biographers observe, noted for good air and choice company'."



Dr John Donne
Painting by R T Bone, engraved by W Bromley

Brief as Donne's sojourn may have been, it has never been forgotten, and is enshrined in virtually every guide and history of the village published during the last 200 years. In addition to a collection of metaphysical poetry notable for its wit, he left to posterity some of the finest sermons ever delivered in the English language. Furthermore, a large number of his letters, many written whilst at Mitcham, have escaped destruction and provide not only a valuable insight into his character, but also a vivid picture of his home life. To quote Lysons again

> "Being very learned in the civil law, he was occasionally consulted by persons of the first rank, who paid him liberally for his advice; but this yielded only a precarious support, and he was sometimes reduced to great distress, as may be seen by the following extract from a letter to a friend dated from this place.
>
> 'The reason why I did not send an answer to your last week's letter was, because it then found me under too great a sadness; and at present it is thus with me. There is not one person well but myself of my family; I have already lost half a child, and with that mischance of her's, my wife has fallen into such a discomposure as would afflict her too extremely, but that the sickness of all her other children stupifies her, one of which in good faith I have not much hopes of, and these meet with a fortune so ill provided for physic and such relief, that if God should ease us with burials, I know not how to perform even that; but I flatter myself with this hope - that I am dying too - for I cannot waste faster than by such griefs.
>
> From my hospital at Mitcham
>
> John Donne'"

Unfortunately, knowledge of the exact location of Donne's house has been lost, although it survived into the mid-1840s. The late Tom Francis, an authority on life in the village during the latter half of the 19th century, and an assiduous compiler of notes on local folklore, much of it handed down through his father, used to say that the house overlooked the Three Kings Pond,[2] but this view is not shared by another authority on old Mitcham, Miss Emma Bartley. The author of *Mitcham in Days Gone By,* Emma Bartley certainly might have been able to remember the last days of the house from her early childhood, and was in no doubt that "the learned Doctor Donne" resided in a house in or near Whitford Lane, between the Upper and Lower Greens.[3] Nevertheless, Black, compiling his guide to Surrey, published in 1864, was "unable to fix upon the exact locality" of the house.[4]

Donne himself described the house disparagingly as "little" and "thin".[5] He mentioned a parlour, and bedchambers on the first floor, and also a cellar or "vault" beneath the room he used as a study, from whence, he complained bitterly, "raw vapours" arose. Although Lysons would have us believe that Donne "became so attached to his situation that he would have stayed there for life", the impression Donne has left of his stay in Mitcham is one of deep depression and frustration - he referred to the house in his correspondence as his "little hospital", his "prison", "dungeon" and "grave". It has to be remembered, however, that Donne was a Londoner, the son of an

ironmonger, and aspiring to a place at court. To him, life in the bucolic tranquillity of Mitcham must have been an anathema, and though he could ill afford the expense, he maintained lodgings near Whitehall until 1607 in an endeavour to retain contact with the wealthy and influential in whom lay his main hopes for future preferment and patronage.

Donne's life in Mitcham was marked by illness, acute depression and melancholy, heightened by his remorse at the suffering he inflicted on his devoted wife Anne. Writing to Sir Henry Goodyer from Mitcham in 1608, he confided that he wrote

> "by the side of her, whom because I have transplanted into a wretched fortune, I must labour to disguise that from her by all such honest devices, as giving her my company and discourse, therefore I steal from her all the time which I give this letter."[6]

Anne was the third daughter of Sir George More of Loseley, and had been used to a life of comfort and luxury. Both her sisters married well, Mary to Sir Nicholas Carew of Beddington, and Margaret to Sir Thomas Grymes of Peckham. The contrast between her life and theirs was marked, and yet Anne seems to have accepted her lot for the most part with a stoicism and patience that is remarkable. Children arrived at yearly intervals, and died almost as regularly. She herself was to die in 1617, aged only 34, seven days after her twelfth confinement.[7]

With the belated recognition of the marriage by Sir George More, and the commencement of annual allowances in 1608, the family's penury ended, and Donne was able to devote his time to writing and the cultivation of friends, whose patronage proved invaluable in the years to come. The Donnes left Mitcham in 1611, having been offered more commodious and congenial accommodation by Sir Robert Drury in a wing of Drury House, his palatial mansion near Temple Bar.

Shortly before its demolition Donne's house was sketched by Richard Simpson, vicar of Mitcham from 1844 until 1846, whose father is said to have owned the property at one time. Simpson's drawing confirms that the house was small, but also shows that to modern eyes it would appear picturesque and very attractive.[8] With its gable and latticed windows, and a jettied first floor above the front entrance door, it is undeniably 'Tudor' in style, but in the cross-wing just visible at the rear there is a hint of an earlier ancestry, perhaps in a little open 'hall house' of the late Middle Ages. Guided by Simpson's sketch, and allowing for artistic licence, a tolerable ground plan can be drawn, but this does little to advance the quest for its site. Various maps of Mitcham survive from the latter half of the 18th century and the first part of the 19th, but, being produced for travellers, they are deficient in the detail necessary to identify anything but the larger houses. At 22 chains to the inch the tithe map of 1847 is the first reliable large-scale map of the parish, and, had Donne's house been still standing at the time of the survey, it should have been possible to identify it. Unfortunately this has proved a hopeless task. Simpson resigned the vicarage in 1846, and left Mitcham, so his sketch must predate the commencement of the survey. From the absence of any house in the register or on the tithe map which could remotely be considered as a candidate for the distinction of having been Dr Donne's house, one is obliged to conclude that it had been demolished before the Tithe Commissioners commenced their work.

Drawing by Rev Richard Simpson

1. D.Lysons *Environs of London* I (1792) 354-5
   See also Izaak Walton *The Life of Dr John Donne* (1640) in Walton's Lives edited by S.B.Carter (1951) 18. It was Walton who described Mitcham as "noted for good air and choice company".
2. Merton Local Studies Centre. Tom Francis Lecture Notes. 65,141
3. E.J.Bartley *Rural Mitcham* (nd) 8, and Mitcham in Days Gone By (1909) 16
4. Black's *Guide to the History, Antiquities, and Topography of the County of Surrey* (1864) 84
5. E.Gosse *The Life and Letters of John Donne* (1899) I 223-4
6. Gosse *op.cit.* I 214
7. O.Manning and W.Bray *History and Antiquities of the County of Surrey* (1804) I 96
8. Reproduced in A.Jessop *John Donne* (1897) 59-60 and N.Clive *Jack and the Doctor* (1966) 70

JUDITH GOODMAN on a tragedy of long ago:

"HIS FORTUNE'S PRINCELY AND HE HAS THE HEART OF A PRINCE"[1]

For a small quiet village Morden saw some startling events in the 19th century. The fatal fire at the Crown in 1839 has been dealt with in an earlier issue (Bulletin No.119, September 1996), but 21 years before that a tragic death beside the Wandle brought not only grief to family and friends, but confusion to the money market.

From *The Times* of Monday 1 October 1810:

CORONER'S INQUEST

> An Inquisition was held on Saturday on the body of the late Mr Abraham Goldsmid, at his house at Morden. Among the Jury were some of the most respectable and intelligent persons of the vicinity. The proceedings lasted but a few minutes when the following verdict was returned - "Died by his own hand, but not in his senses at the time". There was but one evidence [ie witness] examined, and he but as to fact of the suicide. Some of the Jury had been witnesses, in the course of the preceding fortnight, to unequivocal proofs of mental derangement in this lamented gentleman. They had consequently no difficulty in coming to the conclusion they did.
>
> It was proved before the inquest, that about six o'clock Mr Goldsmid left his house, and coming out of doors he desired the watchman to tie his shoes (his usual custom). He remarked to the watchman that it was a fine morning; and after walking a few yards from the house, he returned and went in doors. Mrs Goldsmid, alarmed by his restlessness through the night, immediately dressed herself, and came down stairs, inquiring of everybody she saw if they had seen Mr Goldsmid? Getting no information from anyone, a search was immediately set on foot, and about seven o'clock the house carpenter found him in a water-closet in the Wilderness, sitting with his head reclined on his right shoulder, a pistol in his left hand, and apparently dead. A surgeon being sent for, on examining him, found the ball had gone through the brain. The pistol, it appeared, had been put in the mouth of the deceased.
>
> Soon after the Jury had returned their verdict, the body was conveyed to town, to be placed at the disposal of the Elders of the religious community to which Mr Goldsmid belonged. Mrs Goldsmid was to leave Morden yesterday on a visit to the house of a friend.

The date of the death was Friday 28 September 1810.

Abraham Goldsmid[2] was Dutch by birth. His parents were Aaron Goldsmid, a merchant, and his wife Catherine de Vries. Abraham was born *c.*1756, the youngest of four sons, and there were also four daughters. In about 1763 the family left Holland to settle in London, and, one by one, all the brothers entered the field of trading and/or broking.

In particular, Abraham and the next youngest, Benjamin, who were the closest two among the brothers, began as merchants, went on to become bill-brokers (acting as middle-men between merchants and the financial houses), and finally operated as what we now call merchant bankers. This was at 6, Capel Court in the City.[3] Both brothers prospered and became rich. Benjamin built one of the grandest houses in the fashionable village of Roehampton (Thackeray called it the 'banking colony'). Abraham, whose town address was 27 Finsbury Square, built himself a country villa at Morden, which he called Morden Lodge. Close to the site of Morden's medieval manor house, Growtes, this was on the site of, though larger than, the present Morden Lodge.[4]

Goldsmid's Morden Lodge was intended for summer living and entertaining, and was strikingly designed, with the main salon rising to the full height of the house. The decor of all the principal rooms was by John

'The Seat of Abraham Goldsmid Esq'' (1806) courtesy of Merton Local Studies Centre

and Frederick Crace, members of the most important firm of interior decorators in the 19th century, and creators of some of the rooms at the Royal Pavilion, Brighton.[5] Access to the house was by way of a drive on the west, and it is probable that the small but distinctive Ivy Lodge, in Morden Hall Road, was the lodge cottage. Contemporary prints show exotic plants in tubs ornamenting the grounds, and there were tropical conservatories and aviaries. Goldsmid hosted spectacular garden soirées, with musicians in the groves between house and river, and thousands of lanterns in the trees. (Presumably the water closet that figured in the inquest report was for the convenience of guests on these occasions.)

Increasingly the brothers were concerned in negotiating loans for a cash-strapped government. The sums were enormous, the risks difficult to predict and the stress relentless. In 1808 Benjamin hanged himself with a cord attached to the tester of his bed.

Grief for this much-loved brother was now added to Abraham's anxiety about his own affairs. In conjunction with Sir Francis Baring he set up yet another government loan, for the huge sum of £13,400,000, but was badly shaken when Baring died suddenly on 10 September 1810. This death caused a dangerous fall in the value of stocks. There may have been also some kind of concerted manoeuvre, directed against Goldsmid personally, in the money market, that crucially drove the interest rate down further. It was said too that the East India Company, which had lent him £500,000 on ample security, had asked for redemption on that fatal Friday the 28th.

It was reported that friends had joined Goldsmid at Morden Lodge for the Thursday evening. While playing cards with them "his mind seemed totally absorbed in the thought of other subjects". However he was expected to go into town as usual the following morning, and an early report said that it was his coachman who found him "weltering in his blood".[6,7]

The news of the death, and its manner, caused consternation in the City and in Government circles. It was assumed that the Goldsmid house of business would be unable to pay its debts, and as they were the nation's principal loan contractors this was a serious situation. After a rocky period however matters settled down, and in time all debts were paid. Morden Lodge was never again occupied, and was pulled down a few years later, to be replaced with a more conventional Regency house.

Goldsmid was buried in an early morning ceremony at the Jewish Burial Ground off Whitechapel Road. There were 13 mourning coaches, and the high priest and elders from the synagogue attended. "Though every respect was shown there were no funeral rites."[7]

Most of the obituaries were adulatory and credited Goldsmid with exceptional integrity, charity, patriotism, generosity, high-mindedness and so on. A memoir in the *European Magazine*[8] is unusually full of italics and capital letters even for that time, and also includes a specially written poem:

> "... Pure and expansive as the noontide ray,
>
> Mild as the genial breath of blooming May ..."

A notable exception was a piece by William Cobbett[8], in which the radical writer damages a vigorously critical assessment of Goldsmid and his world by some anti-Semitic ranting.

To modern ideas it is strange that the inquest was held in the dead man's house (but then there was no public building in Morden), and on only the day following the death. It would be interesting to know the names of the "respectable and intelligent persons of the vicinity". The local surgeon called was probably Mr Parrott of Mitcham, a respected practitioner. Parrott and Goldsmid knew each other, as frequent guests at Merton Place, both during Nelson's lifetime and later, when Emma Hamilton continued to use it for entertaining. So, a sad and shocking call for this medical man to make.

1. Description of Abraham Goldsmid by George Matcham, Nelson's nephew, quoted in M.Eyre Matcham *The Nelsons of Burnham Thorpe* 1911
2. Biographical details (which are not always consistent) are taken from:
   Dictionary of National Biography
   Annual Register 1810 pp279-80
   Burke's *Landed Gentry* 1898
   L.Alexander *Memoirs of the Life and Commercial Transactions of the late Benjamin Goldsmid Esq.* London 1808
   P.H.Emden 'The Brothers Goldsmid and the Financing of the Napoleonic Wars' *Jewish Historical Society Transactions* 14 (1935-30) pp225-246
   P.H.Emden *Jews of Britain* London 1944 pp.83-107
   J.Picciotto *Sketches of Anglo-Jewish History* London 1875 pp249-56
3. Emden 1944 *op.cit.* pp84-6
4. Information from Peter Hopkins, Bill Rudd and the late John Wallace.
5. Cuttings FC45,1; FC45,2; FC46; FC47 in the Crace Collection at the Archive of Art and Design, Blythe House, Blythe Road, London W14
   M.Aldrich (ed.) *The Craces: royal decorators 1768-1899* John Murray and The Royal Pavilion, Brighton 1990
6. *The Times* 29 September 1810
7. Unattributed cuttings in the extra-illustrated Manning and Bray *History of the County of Surrey* at the British Library, shelf-mark Crach.1.Tab.1.b.1 vol XII at p488
8. *European Magazine* 1810 pp244-47
9. *Cobbett's Weekly Political Register* vol XVIII No.16 (3 October 1810) pp513-34

LIONEL GREEN, responding to a request from the Mayor, explains

THE STATUTE OF MERTON.

On January 20th 1235/6 Henry III married Eleanor, daughter of the Count of Provence, at Canterbury Cathedral. The wedding had brought together the greater part of the nobility and high clerics of the land, and all left Canterbury for Surrey where "a great council [was] called at Merton after the festivities were over".[1]

Henry III, from *Cassell's Illustrated History of England* I (*c.*1860)

Normally such a meeting would have taken place in London, probably using Westminster Hall, but the winter of 1235/6 was severe and the Thames at Westminster had overflowed the banks "and in the great Palace of Westminster men did row with wherries in the midst of the Hall, being forced to ride to their chambers".[2] The complex of buildings within the large precinct of Merton Priory was probably the nearest available.

There must have been great confusion in the outer court of the priory with men-at-arms, pages, scriveners, clerks. Each of the great men attending would have brought horses and carts. Stabling would have been intimidating with additional work for the farriers. Fires were probably lit in the open to supplement the kitchen. Over these fires would have hung the cauldrons for boiling meats and other food. Emergency storage areas would contain piles of faggots and wood for the fires.

At this Great Council was the Archbishop of Canterbury, Edmund Rich, no stranger to Merton, having lived here as a canon 1213/4 (see Bulletin No. 137 p.13). He had officiated at the royal wedding and would later crown the queen. Also present was Ralph Neville, Chancellor of Henry III.

The political event at Merton was the culmination of fears by the barons that the king was relying on foreign advisors and disregarding the traditional right of counsel of the barons. The result was incompetent rule. They were also fearful of the influence of the Poitevins, Bretons and Provençals who had been invited to occupy royal castles and fill administrative posts forming an extravagant Court. They could see the influence of canon law as practised on the continent and were alarmed that the king might abolish the common council of the realm and introduce a French-type court of 12 lords only - a distinct possibility now that the king had married Eleanor of Provence.

In the crowded chapter house of Merton Priory there would have been no direct representation of the people, for it was to be another 18 years before elected knights of the shires would be summoned, or burgesses from the towns were eligible to attend. Consequently this Parliament was limited to what we now call the House of Lords. It is noteworthy that in spite of the fact that the common people had no say in the passing of this Statute, it remained in part on the Statute Book of Parliament for over 700 years. The enactments passed by the 'Lords' were naturally for the gain of themselves and to the detriment of the people.

The Statute consists of eleven chapters but the term 'Statute of Merton' is usually reserved for chapter 4 because of its importance throughout British history.

Chapter	**Summary of measures.**
1	Safeguarding widow's share of her late husband's estate.
2	Giving the right of widows to bequeath the crops of their own dower lands.
3	Redisseisin - i.e. the second attempt to repossess. Where a plaintiff had legally secured repossession of land but the 'disseisor' (dispossessed) had taken it back again, the sheriff was authorised to arrange a site meeting with twelve knights or free men of the shire and hold an inquest with the coroner. If they found that the second repossession had taken place, the disseisor was to be imprisoned and the plaintiff given lawful possession.
4	Giving the right of lords of the manor to enclose commons and waste lands, provided that sufficient land is available to satisfy customary tenants' rights. (See Appendix).
5	Safeguarding minors against proceedings for interest on father's debts.
6	Giving the right of a guardian for recompense if a ward marries without his consent. The guardian may retain the estate until he pays himself double the value of the marriage, "as one would *bona fide* have given for such an alliance". The law was already in existence for female wards but this statute extended the rights over male wards.

7 The guardian's right to dispose of his infant ward in marriage was clarified. He might tender any match that was not disparaging or unequal, which if he or she unreasonably refused, they forfeited the value of the marriage - *viz*. "so much as a jury would assess or anyone would *bona fide* have given for such an alliance".

8 The time of prescription in several official Writs was reduced.

9 This was a failed attempt to legitimise children born before their parents' marriage. (See Appendix)

10 Giving the right for all free men to be represented by an attorney at the county court. Hitherto, personal attendance was essential and the passing of this Chapter proved beneficial to heads of monasteries,

11 The nobles wished to assert their rights on convicted offenders of disturbing the peace on their private estates. They wished to imprison those held for poaching in parks and fishponds but the king claimed jurisdiction and withheld assent.

The Importance of the Statute.

The purpose of the Council of Merton was not to obtain concessions from the king but to set down points of law suggested by experiences.[3] Some were accepted and others (Ch. 9 & 11) not agreed.

Magna Carta had formulated some fundamental freedoms for all subjects but written parliamentary law had to wait for the Statute of Merton (1235/6), the Provisions of Oxford (1258) and the Provisions of Westminster (1259). The laws made at Merton remain the first item in the printed Statutes of the Realm. Magna Carta was not entered in the Statute Book until the *Confirmatis cartorum* of 1297.

The proceedings at Merton were carefully reported to the Irish government and the Statute was extended to Ireland by Letters Patent.[4] There was a need to keep Irish feudal practice in line with English common law. The Statute was abolished in the U.K. under the Statute Law Revision Act of 1948.

APPENDIX

Further information on Chapters 4 and 9.

Chapter 4 - Commons

At a time when most of England was common land, that is land held in common by local freeholders, its availability was an important factor in supporting the local economy. All who possessed arable land enjoyed rights of common on the manor waste. But these common rights made it difficult for the acreage of plough land to be increased, since any individual commoner could bring an action against any man who did this. Early in the 13th century there was land 'hunger' and the landlords found it profitable to lease land for a money rent, often to men already occupying customary holdings. These were small assarts carved from the waste and additional to the peasant's main holding. There was also the need to increase acreage under corn to feed a growing population.

Under this Chapter, lords of the manor were allowed to enclose (anciently "approve") parts of the waste lands providing that "on complaint of the free tenants that there was left, a sufficiency of the common to satisfy their rights with free access thereto".

This enactment was of benefit to all lords of the manor and this included monasteries and other ecclesiastical bodies. By the terms, simple proof that sufficient pasture for tenants was available would be defence to actions of unlawful dispossession of common land. But this referred to pasture for his own tenants and failed to protect others with pasture rights. The anomaly was corrected in the Statute of Westminster in 1285.

The Statute of Merton was operative throughout the medieval period and hotly debated. At the Reformation there was a tendency to return arable land to pasture and on 1st May 1551 a proclamation expressed anxiety at the decay of tillage. When the Duke of Northumberland took over from Protector Somerset in 1552, a Tillage Act made reference to the Statute of Merton. Any land that had been tilled for four or more years since 1509 could not be converted to pasture.

Due to the rapid expansion of London around 1845 advantage was taken of the Statute, and common enclosures took place for development by lords of the manor. In 1864 Earl Spencer, lord of the manor of Wimbledon wished to set apart a portion of Wimbledon Common for his own use. In the following year George Shaw-Lefeyre (later Lord Eversley) formulated plans to resist the enclosures, and the Common was handed over to the public living close by, in perpetuity. This led to the passing of the Commons Acts of 1876 and 1899 which reduced the danger of encroachment. In the early 1890s attempts were made to repeal the Statute but a compromise was made whereby common land could only be enclosed under the Statute if agreed by the government department.

Chapter 9 - Bastardy.

The Church had always provided for children born before the marriage of their parents to be made legitimate. They were brought to church and at a ceremony were covered by the nuptial cloth like a woman's mantle to become 'mantlechildren' and henceforth legitimate. In the Anglo-Saxon laws no distinction was made between the duties to God and obligations to society. The law of the Church was the law of the land. The Plantagenets followed feudal practice and held that such children were bastards. To them the right of succession to land often depended upon legitimacy (seemingly forgetting that the Conqueror was illegitimate). In the early 1230s many cases of legitimacy were being referred to the bishops rather than the manorial courts. Henry III desired to remove the ambiguity of canon law and the English common law. He held a parliament at Tewkesbury on 12th October 1234 where it was decided to ask all bishops to rule on the matter, Unfortunately the question on the form of inquisition was not whether such a person was legitimate but whether the person was born in wedlock. The bishops refused to answer the question as being contrary to the common form of the Church.

At Merton, the bishops asked the barons to consent to such children being regarded as legitimate because the Church held them so. Led by a royal judge, William de Ralegh,[5] they replied with one voice *Nolumus leges Angliae mutare* - we are unwilling to change the laws of England. In a report of the discussion sent to Ireland, the king added that the bishops had washed their hands of the affair and had left the matter to the secular law.[6] For the next 689 years no change was made on this issue.

Post script.

The bishops and barons stayed at Merton from 20th to 27th January and the Statute was dated Wednesday 23rd January 1235/6. Seven other charters were issued, attested by 30 witnesses. The Statute involved the drafting of new writs and some were worded by William de Ralegh.[7] The chancellor, Ralph Neville, followed the king on his journeys accompanied by the clerks who made out the writs. Frequently a strong horse was requisitioned from the nearest monastery to carry the rolls.[8] Acts of Parliament were sent to important monastic houses to be recorded as there were no national archives. The Statute of Merton was entered fully into the annals of Burton and mentioned in those of Waverley and Dunstable.[9]

On Sunday 27th January, all departed for London where Queen Eleanor was crowned in Westminster Abbey.[10] The Prior returned to his duties with thoughts of a memorable occasion ... assisted in his reveries by the gift, made at Merton, of a tun of Gascony wine from the king.[11]

Footnotes.

1 W.Stubbs *Constitutional History* 1875 Vol. 2 p.53.
2 J.Stow *A Survey of London* 1598 (C.L.Kingsford 1908 II p.1 1415)
3 F M Powicke *The Thirteenth Century 1216-1307* 1962 p.69.
4 Pat.Roll 20 Hen III m. 13 d.
5 A.Harding *England in the Thirteenth Century* 1993 p.177.
6 F M Powicke 1962 p.71.
7 F M Powicke 1962 p.70.
8 F.Palgrave *Original authority of the King's Council* p. 1 1 5.
9 *Annales Monast.* (Rec. Pub.No.36) I pp.249-51 (Burton), II p.xxxi (Waverley) and 111 p. 144 (Dunstable).
10 The *Red Book of the Exchequer* (p.755) quotes "on the Sunday before Purification". Matthew Paris's chronicle gives the date as 20th January. The *Red Book* contains the oldest surviving official record of a coronation.
11 Close Roll 20 Hen III m.18.

MUSIC IN THE LIFE OF ST THOMAS BECKET

Regrettably, few members of Merton Historical Society were among the 70-strong audience at the Chapter House of Merton Priory on 7th May for a unique and fascinating experience, when Mary Remnant, a world-renowned expert on medieval music, gave her lecture-recital. Supported by the Choir of the Confraternity of St James, Mary performed a selection of medieval music from England and the Continent, playing a range of instruments - harp, psaltery, rebec, fiddle, organistrum, pipe, shawm, horn, chimebells and percussion instruments. Although, of necessity, modern reproductions, these were all based on surviving instruments or on evidence from illustrated manuscripts or sculptures of the period, many of which were shown as part of the slide presentation which accompanied the performance. The 25 musical items were linked by a commentary on the life of Becket, from childhood in London, schooldays at Merton, service in the household of Archbishop Theobald of Canterbury, promotion as Henry II's Chancellor, appointment as Archbishop of Canterbury, and eventual martyrdom. At key points in the narrative, Mary introduced us to music that Becket would have experienced at that time. Congratulations to Sheila Fairbanks and the Friends of Merton Priory for arranging a memorable evening.

Peter Hopkins

Letters and contributions for the Bulletin should be sent to the Hon. Editor.
The views expressed in this Bulletin are those of the contributors concerned and not necessarily those of the Society or its Officers.

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