

Return to [Atkinson Papers](#)

Title **The Early Relationships of Scriven and Knaresborough**
Date **19 February 1933 and 5 September 1938**
Source **Atkinson Papers**
Prime Source **Harrogate Library**

FN 420

The Early Relationships of Scriven and Knaresborough

Handwritten by Mr Atkinson between 19 February 1933 and 5 September 1938

In the large number of notes which I have now accumulated about Knaresborough and Scriven, there are many indications of archaic and practices, and among them, I think are some which seem to point to tribal differences and perhaps conflict, which may go back to the early days of the Teutonic settlement in this district.

The first fact which suggested this train of thought was a new interpretation of the meaning of the place name 'Scriven' which I stumbled upon several years ago. Many local historians have made guesses at this among other local names. Place names are, however, subjects for the expert philologist, to whom the historian must look for help; and it was not until I came across an interpretation of the name 'Scriven' by Mr William Brown or Professor Moorman that I gave serious consideration to the matter. I do not remember from which of these men I first got the information which set me thinking; but as there can have been little difference in time and as both arrived at the same practical result, the precedence is of little importance.

Mr William Brown, late a well-known member of the Yorkshire Archaeological Society writing to the Reverend Charles Slingsby Atkinson in 1902, says that he has discovered the name "Scriven" to mean 'the place or dwelling of the cave dwellers,' Professor Skeat being his authority (R.N. 351). I saw the letter after Mrs Slingsby's death (the dowager Mrs Slingsby, widow of the Reverend Charles), among a number of letters and notes loaned to me by Major T. W. Slingsby, and afterwards returned to him.

Professor Moorman in his paper on the 'Place Names of the West Riding', published by the Thoresby Society, says that it is possible that Scriven derives its name from O.E. *scraef*, meaning 'a cave, cavern, den, or hovel', to which has been added the suffix -ing, either in a diminutive sense, or to denote the dwellers in a place (R.N. 352 : cf. A. s. i.). The meaning, in this case, would be 'the little caves (or hovels)', or 'the place of the cave dwellers (or hovel dwellers)'. There can be little doubt that, for the purposes of a descriptive place name, the 'place of the cave dwellers' is the most probable meaning.

Yet in regard to Scriven, the first and most obvious fact is that such a name is not appropriate. There are no evident caves, and hardly any place where caves could exist or be made. The edge of the Magnesian Limestone, which runs northwards from Knaresborough by Farnham, gives off a few onthiers (sic) one of which forms a ridge behind the village of Scriven where the old hunt kennels are situated, but it affords no caves of a habitable kind, and the rock is hardly exposed in any place, except where it has been quarried in recent times. The ridge is fairly well covered with soil, and elsewhere there are extensive deposits of glacial gravel or a depth of surface soil much too loose to have permitted the formation of caves. Scriven cannot by any rational application of imagination be conceived as the past abode of a number of cave-dwellers.

But, just as this want of similarity between the place and its name is forced upon us at Scriven, so the appropriateness of such a name to parts at least of Knaresborough is almost immediately obvious. For a mile or more along the north bank of the Nidd at Knaresborough there are more or less precipitous cliffs of soft limestone honey-combed with natural caves. Some of these, like St Robert's Cave have been inhabited by hermits within historic times. Others, like the so-called St Robert's Chapel have been made or enlarged by the hand of man. (c.i.222,n.). In some caves, natural or artificial, have been worked into the plan of recent cottages and other buildings, mostly of a mean and primitive character. The best known of these is Fort Montague, but there were others thirty or forty years ago, which were composite of stone-built kitchens or other lighted rooms and natural cave chambers used chiefly as cellars, pantries, and, perhaps, sleeping places. One of these cottages, of which I made a sketch many years ago, (B.30), is still standing at the foot of the cliff near St

Robert's Chapel, where the road suddenly narrows and is overhung by the cliffs. It is built almost at right angles to the road, and the end of it runs, as one might say, into the cliff, out of which a cellar, and I think a sleeping place, had been excavated. It is now used as a store place for firewood etc., and no longer occupied as a dwelling; but I remember that but a few years ago it was a cottage and inhabited, and looked rather pretty and neat from without. I was in it a year or so ago. The house is shown on the 5 ft Ord. Map of 1849 (M.P. 6 – 6) with a little triangular enclosure in front of it, just below 'Mount Pleasant'. Behind it, and nearer Mount Pleasant was another building, a dwelling at one time I believe, clinging to the rock lengthwise (M.P. 6 – 6). Just beyond the cottage which I have described, and following the river southwards, other buildings are shown upon the plan, forming a row with its back to the rock. When I was young their site was occupied by one or two pig-sties, sheltering at the foot of the hollowed out cliff. But a small lithographed view of 'St Robert's Chapel & Hermitage', made by S. Howell, probably about a hundred years ago (Portfolio 1) shows that the buildings were then dwelling houses, having two stories and smoking chimneys. The site is now bare, but the rock is very much undercut, and there horizontal rows of square holes on the face of it, which show where the beams of floors or roofs have been inserted.

(Note 7/3/40) There are also hooks and other scraps of ironwork fixed in the face of the cliff.

A little further on is the site of a cottage which, if it did not actually penetrate the rock, was built very close up to it, and probably had rock walls on one, if not two, sides. Of these houses Hargrove writes in 1789 ('History of Knaresborough': 4th Edition, page 51):-

"Near this place (St. Robert's Chapel – W.A.G.) are several dwellings scooped out of the rock, that are at present, and have been inhabited by families from time immemorial, some consisting of several apartments accommodated with chimneys, windows, and other conveniences fashioned out of the rock with great ingenuity; these kind of habitations are the most ancient of any in this island, or perhaps in the world."

In the 12th edition of Parr's 'Official Handbook of Knaresborough' (1907), another of these rock-hewn dwellings, named "Rock House", is described:

"A little higher up the river (show the Priory – W.A.A.) is Rock House, a dwelling completed within the limestone rock, and which looks like a natural cave. It is one of the most complete specimens now remaining of a subterranean dwelling. It consists of two small rooms entered by descending a few steps, above which rises the solid roof of rock some thirty feet in thickness, against the face of which is trained a vine and other fruit trees interwoven with masses of ivy. The garden in front is growing wild with gooseberry bushes, and the whole place seems to realize the idea of an ancient cell." (Page 51)

Rock House is marked on the old Ordnance Plan of Knaresborough (M.P. 6 – 6), but it seems to exist no longer, and may, indeed, to have been in ruins in 1907, seeing that this popular guide book went through many editions, (cf. F.N. 499) was probably stereotyped, and retained notices of places and things long after they changed or lost their matter of interest. The house was located opposite the 'Dye House' or rug works, and some distance from the river, and even the road, whence I conclude it was near the top of the cliff, and at the head of the talns (sic), which is here of considerable amount.

In addition to these there are various other natural or artificial openings in the rock, which if they have never been inhabited, are yet of interest as showing how numerous these possible shelters are. In some cases vague traditions of human associations attach to them. Perhaps the most interesting from our point of view is 'the Grotto' below what used to be the Parnassus Mount Inn and near to Gallon Steps (M.P. 6 – 4). It has, I think, traditions of occupation. On the other side of the river is Mother Shipton's Cave (M.P. 6 – 4) near the Dropping Well. In Briggate, I am told, there used to be a passage cut in the rock, and running "towards" the castle. Years ago, as I have heard, it used to be shown to visitors; but the opening is now closed by a door, and I do not remember that I have ever seen this door open. This passage is on the left side of the street, as we ascend it. On the opposite side of the road many of the cottages must have their cellars cut out of the rock. The old, narrow, cobble-paved Briggate is on this side, and the newer and wider street, being made of an easier and longer gradient, cuts into the rock in the middle part of its length, leaving a hump of the old street at the side of it. The entrances to the ground level of the old houses are from the old street, which is protected from the new one by a parapet. The cellars of these houses reach down to the level of the new street, and in several instances passages have been cut in the rock from the new street to the cellars, and passing under the old street. These passages are closed by doors flush with the outer face of the rock, and are rarely opened.

Nearly all these openings are made from natural or artificial rock faces, and probably the subterranean passages in the castle may be classed with them, as they were probably excavated from the rock faces in the moat. This explains in a great measure why so many are along the river, and so few away from it whether in Knaresborough or Scriven. The cellars in Briggate are exceptional, and they probably illustrate the reverse procedure to that adopted in making the subterranean passages of the castle.

Similar excavations occur in the castle rock and elsewhere at Nottingham, and in the shire, and some of them have been inhabited. The earliest name for the settlement at Nottingham was the British name *Tiggnocobanc*, which is said to mean 'the house of caves' (D.I.). A somewhat similar meaning – 'a dwelling among the rocks' – has been attached to the original forms of the modern name (E. iv, 2), but Swinnerton says this is an erroneous impression, and derives the name more correctly as 'the home of Snot', an Anglian family whose head was Snot, a man reputed for his wisdom (D.I. cf. A snotor, wise, prudent). Of the fact of the caves in Nottingham, shire and city, being inhabited there is good evidence. The Church Hole Cave at Cresswell Crags was inhabited in pre-historic times, again by post-Roman Britons, and had been used as a stable within quite recent times (D.76). In Nottingham itself the rock-hewn dwellings were not wholly disused when the account for 'Our Own Country' (E. iv. 2:11:9:cf. D1) was written.

At Nottingham we may assume a British community of characteristic cave dwellers was superseded, perhaps conquered by, a Saxon tribe on the same ground, some of whose descendants still continued to make use of Cave dwellings. At Knaresborough there are at first sight two slight differences from the circumstances at Nottingham. Both names – Scriven and Knaresborough – are of Saxon origin; and the one does not supersede the other on one site but they occupy different localities.

Were Scriven a British name, we might assume that a group of Saxon invaders, led by Kenward, had dislodged them, and taken their places, including their cave haunts. Two other assumptions on similar lines are possible. An earlier Saxon tribe of cave dwellers may have had to give place to Kenward's men; or the earlier inhabitants may have been British bearing a British name, which has been replaced by a Saxon name conferred upon them by their conquerors for what seemed to the latter a characteristic feature of their life, the earlier name being now entirely lost. The former assumption, because it seems to limit the antiquity of the occupation of the site, and because it occurs to imply differences of habit and of power too marked for contemporary tribes of a conquering people, does not seem very probable. The latter requires further consideration in relation to the localities of Scriven and Knaresborough.

At the present time Scriven is popularly regarded as a little village about three-quarters of a mile from the centre of Knaresborough, a cluster of houses and farms surrounding a green. But as a Poor Law and administrative 'township' Scriven extends far beyond this village, or did in bygone times, and it was then a far larger district than the borough and township of Knaresborough. Indeed, if we follow the boundaries of the borough set down in the 'Customs' recorded in 1611 (F. 155-156), and compare them with the boundaries of the 'township' of Knaresborough and Scriven in the same record, we shall find that the borough was a small municipal nucleus to a wide rural area, extending to the neighbourhood of Goldsborough, Flaxby, Ferrensby, Farnham, and Scotton, and along the course of the Nidd from somewhere probably near Scotton Mill to Sike Geat (F.157), perhaps near the junction of Goldsborough Lane with York Road. (cf. M.P.8). With the exception of the borough's contact with the Low Bridge, anciently March Bridge, the whole of the north bank of the river between the points named was in the township of Scriven. Even the boundary of Beechill did not include the flat or strand where the old Manor House and the Laundry are located, though it probably ran along the bottom of the cliff at this point (F.134:g6). The Old Manor House was rated to the township of Knaresborough (G29), but this was probably exceptional, like the similar connection of the Abbey Town House and other houses not within the perambulated boundaries of the borough (F.156-157), of which we shall have more to say later. This strip of land along the riverside contained much, of not most, of the exposed rock in the district, and especially the precipitous river cliffs in whose face most of the excavations which may have served as cave dwellings are found. In these places the original population, whether we regard it of Knaresborough or of Scriven, may have clustered and from them it may have received its name. Any agrarian territory possessed by these cave dwellers would probably be similarly named, and if, under changed circumstances, however they were brought about, the population concentrated in a new part of the territory, that new nucleus would come to be regarded as the centre whence the named had originated, and in this way the place itself might make a quite illusory migration. In some such way the name of 'the place of the cave dwellers', quite appropriate to the early inhabitants of the river cliffs, might be transferred to an ordinary rural site, where it is so inappropriate as to be meaningless, and, if these arguments are sound, even worse than meaningless, positively misleading.

Whether these inferences be true or not, many archaic institutions and customs are associated with Scriven, but not apparently with Knaresborough. The differences are, indeed, so marked as to suggest an earlier stage of civilization for Scriven than for Knaresborough, although it may be in reality that Knaresborough progressing more rapidly in municipal and social organisation has simply shed archaisms, and left Scriven behind in a race which really started from the same mark. Let us set down and discuss as many of these differences as seem to be instructive or significant.

Prior to 1823 the local government of Knaresborough appears to have been in the hands of a bailiff and a Borough Court (F.154-155:150). This bailiff seems in the Tudor and Stuart periods to have been the direct farmer or lessee of the borough and its fee farm rent (burgage rent) (F.154-155:F.N..283:R.N. 32:RN.33). At an earlier time he would probably be an officer or sub-lessee, of the steward of the whole honor, as he seems to have been after the Restoration (cf. F.N. 335: cf. Epit. 2439 – Nos. 177-179). At that time Knaresborough, though a parliamentary borough seems to have had little or no municipal government. Its constitution was of a manorial character.

In 1823 a group of Improvement Commissioners was appointed to administer the Act for the Paving, Lighting, and Improvement of the town (Ep. 2439 – No. 171); and these Commissioners were superseded, first by a Board of Health, and then by the present Urban Council (Ep. 2439 – 172 & 173).

In Scriven the officer corresponding to the bailiff of the borough was, apparently, the Grave, who was elected yearly, and usually 'sworn at the Leet next after Michaelmas' (F.151). He was probably the same as the 'praepositus' de Scriven (F.N. 283). According to the Survey of 1611, the Grave of Scriven was chosen 'of' (Query, from or by) the 'inheritors of any bondhold messuages' (F.151), and it was his duty to collect the bondhold rents and pay them over to the king's use, to note and seize all heriots falling due, and to perform various duties in connection with the surrender of bondhold land etc., within the township of Scriven. (F.151:148). He also collected the 'swine-tack' (F.149), or, perhaps farmed it, since it is a yearly rent of 3 shillings and 4 pence, and charged a small sum to each person whose swine he 'staffherded', or kept on the Common (F.149). (cf. also for 'grave', F.N.384). The Bondhold Rentals of 1674 and 1677 show the 'constables' of Scriven and of Knaresborough each paying 3s. 4d. for swinetax to the Grave of Scriven (F.N.384), whence we may infer that the constables farmed the tax, and collected the separate fee from the swine owners, the grave being the recipient of the farm rent as of the bondhold rents (cf. F23-24).

The Grave was not an officer peculiar to Scriven. He was rather an officer distinctive of the Forest. The first business of the Great Court Leets of the Honor, or the first to be recorded in the rolls, was the election of the Grave and Bedell of the Forest and of the Constables of the townships and hamlets within the Forest, all yearly offices (C.I.X & viii, Preface: F33 (No. 13): 34:35:38:cf. F.40). The next business of the Courts was the election of a Grave and Constables for the Liberty of Knaresborough (C.I. x), apparently one grave for the whole Liberty and a constable for each of its townships (cf. F.41). There was, apparently, no bedell of the Liberty. The Grave of the Liberty was in all probability the Grave of Scriven who collected the bondhold and other rents (F.N.384), and I think he may also be the 'bailiffe of the liberty' mentioned in the 'Collections to prove Knaresborough Field parcel of Scriven' (F.N. 409). It is, however, more likely that the bailiff of the liberty was more or less an honorary officer, as the post was held by Sir Henry Slingsby in 1611, in addition to the bailiwick of the borough (F154-155). But whereas the jurors on that occasion assumed that Sir Henry held the borough bailiwick by grant from Queen Elizabeth they particularly record that they do not know by what grant he held the office of Liberty Bailiff (F.155). Nor are they quite so certain of the antiquity of the latter bailiwick as they are of that of the former; 'report' says that there has been a Liberty Bailiff time out of mind, but the antiquity of the Borough bailiwick is a matter of first hand knowledge (F.154-155).

It is difficult to reconcile the various accounts of the scope or range of these offices. It seems clear that even in remote times some arrangements had been made. I think that at first, as stated above, two graves were appointed, one for the Forest, and another for the Liberty, along with one Bedell for the Forest. At some later time one grave only was appointed probably for both franchises, and he was first recognized as the Grave of the Liberty and afterwards of Scriven.

The Forest anciently consisted of 3 constabularies, Thurcross, Clint, and Killinghall, having respectively 7, 5 and 4 hamlets in each, that is, if we add the principal places a total of 19 hamlets (F.40). These were later grouped into 11 constabularies (F.40); but if we separate the bracketed names in the list we get 14 names of hamlets. The Liberty was divided into 9 constabularies (F.41); but if we separate the names in the same way, we get 11 hamlets, one of which is Tentergate. Taking the separate names, we get a total of 25 places, which, leaving out Tentergate, which can hardly have been at any time a really independent hamlet, give us 24 places,

which may have been the 24 towns in the Liberty of the Liberty Bailiff, circa 1610 (F.N.409). In some such adjustment of reckoning we should probably find the rectification of apparently conflicting statements, though this one may not be definitely right. For instance, though Scriven and Arkendale are mentioned in the tabulated list of Liberty Towns, Ferrensby (and part of Knaresborough), within the 'soke', is not named. (F.41). Yet it is within the district, and sufficiently important, one would think, to be separately named.

The bailiff would seem to be, as the executor of warrants (F.N.409), a superior officer to be classed with the constables in regard to his functions.

The Grave of Scriven was elected by, or as, representative of, the 'inheritors' of the 'bondhold messuages' (F.151), and bondhold was peculiar to Scriven (F.N. 409: F.N. 384:F.N.421: cf. F.N. 430). An account, dating from about 1610 and probably drawn up for the first Sir Henry Slingsby, seeing that he has annotated it (F.N.409), states that 'all the bondholde' (except 10 acres, etc, in Knaresborough) 'doth belonge to some of the 20 messuages in Scriven', though even at that time various persons in Knaresborough had bought pieces of bondhold land without taking an interest in the messuages to which the land was attached, and so a process of separation had begun. In an account of about the same date, 'Liber de Henrico Slyngesby' we find the 'terra nativa' separately indexed (F.N.421), and the plots are mostly half-acre lots, the few exceptions being multiples or submultiples. They are all in Scriven. In the Rentals of 1674 and 1677 the rents are sometimes for land and sometimes for messuages (F.N.384), but mostly for a message and land combined. Not infrequently a half message is rented.

In an 'Extent' of Scriven drawn up in 1302 the names of the bondmen are given, and the values of their services are set down. An analysis of this document might yield valuable results: but this would probably take up some time, and must for the present be passed over.

The writer of the 'Collections' to prove that Knaresborough Field is part of Scriven (F.N.409) seems to suggest that the bondhold tenure of Scriven is the original form of tenure by permission of the manorial court, and that the copyhold tenure of the borough is a later and derivative form, in fact a formal copy, of bondhold. There may be a large measure of general truth, applicable not merely to Scriven and Knaresborough but to other places, in this suggestion.

"All these 20 messuages" (that is, bondhold houses in Scriven), he says, "have liberty of common on Scriven Moor . . . " In process of time divers wastes within the town (i.e. of Knaresborough) have been built and granted by copy of court roll, some a long time since and some of late years, so as now the wastes exceed the burgages; and yet they have no common on Scriven Moor, notwithstanding they hold by copy, as the bondholders do." (F.N.409).

A similar origin of the borough copyholds, but without any suggestion of relationship to bondhold, is described in the presentment made by the Commission of 1611. (F.N. 208):

"There is also sundrie waistes upon which houses are built, & have been to be Granted by the Clerke of the courte upon three Proclamations made at three Severall great Courts, to know if any Tenant would gainsay the same, whereupon such Fines & Rents Have been Imposed as have been thought fitt in the Discretion of the said Clerke but by What authority the same was done we cannot Present" (p2. S2).

Such an explanation as this accounts for the varying amounts of the payments, or 'rents' made to the Crown for the wastes in the borough. They may be assumed to be economic rents at the time they were fixed, but remaining constant they, like the burgage rents, became merely nominal or 'token' rents, though in a varying degree, according mainly to their age. Thus as money gradually depreciated in value, the newer rents would be fixed at a higher rate; and perhaps we may be able to fix approximately the age of the copyhold grant by the amount of the rent, the older rents being, of course, the smaller.

A more interesting point, however, is that if this be a true explanation of the origin of copyholds, if only indeed of some copyholds, their creation might go on successively down to recent times, so long in fact as the Crown had forest or moorland common or waste to dispose of. And such seems to have been the case in fact, thus, in 1555-6 Cock Place was granted to Redshaw, after three proclamations in open court, for his own occupation, but with a proviso that he should provide thereon a place for the holding of the Borough Courts, and a prison and stocks for the punishment of offenders (F.N. 314). All the details point to a copyhold tenure. The proclamation

was made in the Capital Court of the borough of Knaresborough of the lord and lady the King and Queen Philipp and Mary, and was made thrice. The fine upon proclamation was 3s. 4d., the 'new' rent 8d or 4d. The rent was fixed by 'Mr Auditor and other officers'. The land was of 'the soil and waste of the said lords, the King and Queen, lying within the borough'. It was taken at an annual rent of 4d and by fidelity 'and suit of the Court of the Castle of the said lords, the King and Queen, of Knaresborough.' It remained copyhold until the present Town Hall was built in 1862, when it was definitely enfranchised by Sir Charles Slingsby (R.N.82:83). Let us carefully note that the 'suit' was to the Castle Court, the court of the Honor, and not to the Borough Court.

The grant of Appleby Carr to Francis Slingsby in 1593, as an enclosure from the waste of Scriven Moor, saving (?) to the Queen's tenants the right to water their cattle at the pond seems to be a similar creation of copyhold nearly forty years later. There are similar proclamations for three times, a fine of 12d and a new rent of 6d, and the grant is according to the customs of the manor (F.N.236). (R.N.375: Epit. 2428).

Such grants of copyhold would probably cease, certainly so far as the Crown was concerned, curing the Commonwealth, when the Crown Lands in Knaresborough and district, if not universally, were sold (cf. F.N.291:F.N.288:F.N.271). At the Restoration, when the Crown lands were resumed, a new and uniform policy seems to be been adopted. A uniform rent per cottage and per acre was fixed or assumed for all encroachments, and the fines and rents of the leases which were subsequently granted of the Honour or its perquisites were, in part at least, based upon these encroachment rents. Squatting on the unoccupied lands seems to have been permitted without restraint; but each squatter would probably be put through the customary form of copyhold conveyance. This would continue until the Crown land of the Forest and the Liberty were enclosed, when private ownership would commence. Let us see now what evidence there is for or against this assumed line of development or adaptation. The Survey of the Honour made in 1649 suggest that squatting on the wastes of the Borough and the Liberty had been going on uncontrolled for some time, probably owing to the disturbances caused by the Court War. The Comissioners' List or Schedule, (F.N.271) includes a Waste Rental of 13s. 11d. Collected by the Liberty Bailiff from certain small tenements on the Waste of the Borough and the Liberty – apparently an old, pre-war, rental. These 'waste' Rents totalled up to a sum apparently much too small to be the sum total of the waste or copyhold rents recorded in the Survey of 1611 (F.N.208). At a rough estimate I make the marginal figures of waste rents in the latter survey to total £1.4s.2d, nearly twice the sum noted in the Parliamentary Survey; and still more significant is the fact that many of the copyhold rents are not enumerated in the Survey of 1611. We must, I think, accept the statement that they were the rents 'due out of certain erections or small tenements upon the waste within the bailiwicks of the Borough and Liberty of Knaresborough'. (F.N.271)

Probably they were old rents fixed at the same time as the burgage rents, and thus remaining small and uneconomic. They may have been the wastes strictly within the borough boundaries, however those boundaries were defined, whether by ditch or perambulation. They were 'collected by the bailiff of the same Liberty'.

(Author's Note

Were these small rents of this kind, at all times, in addition to these 'wastes' rents recorded in the 1611 Survey?)

This, I think, we must interpret as the 'Borough and Borough Liberty', as described on the earliest Ordnance Plan of the town (M.P.6-1) the borough perhaps standing for the burgages and the 'Liberty' for the intervening unoccupied land or waste or associated with them.

According, however, to a newspaper account of the ancient courts, which seems to me to be the most consistent I have yet met with (Cutting 353). There were anciently four courts associated with Knaresborough. These were (1) the Forest, (2) The Forest Liberty, (3) the Borough, and (4) the Borough Liberty. Some few years before 1900, when the lease of the Forest from the Crown to the Duke of Devonshire expired, the Forest Liberty Court was 'abolished'; but in 1901 the other three courts were still held, as I believe they were until the period of the great war. And, it is to be noted each court had its own jury (Cutting 353).

(Author's Note

Did it resolve itself into the separate manorial courts – like Scotton?)

Calvert and Collins both seem to rather confuse the matter – the former by recording 'the manor or soke', apparently in place of the borough liberty; the latter by enumerating, apparently, only three courts, 'the Borough, the Forest, and the Liberty and Soke of Knaresborough' (F.40:C.I.vii).

(Author's Note

This was in 1902-4 after the Forest Liberty was abolished)

Calvert does, however, define the courts in a fairly satisfactory way. He enumerates the town of the Forest, by which it is clear that this jurisdiction was Arne to its name, and was within the forest boundaries. A corresponding list of the towns of the Forest Liberty shows that it comprised the rural district north of the river and around Knaresborough with Brearton, Buron Leonard, Great Ouseburn, and Arkendale as rough limits (F.40-41), though Great Ouseburn would seem to be an outlier. The Borough was only part of the town of Knaresborough, and its boundaries were usually perambulated by the borough jury, whose jurisdiction did not extend beyond those bounds (C.41). What were those bounds? A modern perambulation, if one could be found recorded, should be helpful, and might clear up the difficulties in the Survey of 1611. The Borough Liberty embraced 'that part of the township of Knaresborough which lies without the bounds of the borough' (C.48)

Author's Note

Apparently there were partial, more strolls to or along some part of the boundary (Leet Building 27/3/40))

These four ancient courts, and these only are named in the old Ordnance Plan (M.P.6-4)/

The chief difficulty of classification now centres in the 'soke' – the 'Manor or Soke' (C41), or 'the Liberty and Soke' (C.I. vii). Did it correspond with the Borough Liberty, or was it a separate jurisdiction? I think it was perhaps mainly used in relation to the area over which the mills of Knaresborough claimed culture. This area included Scriven and parts at least of Arkendale, Conethopre, and Ferrensby (F.N.27), and is much too large, I think, to represent the Borough Liberty, and much too small to embrace the Forest Liberty. It seems to correspond much more nearly to the area of the manor of Beechill, but this had its own court, which was usually held annuallly, until at least about 1842 (F.144-145).

Author's Note

It was probably the Borough Liberty nevertheless (8.3.40)

It seems best, perhaps, to record the 'soke' as a fifth area, having perhaps certain vague franchises not connected with the administration of justice or local government in the strict sense of the term, but rather customary practices and services.

Incidentally, it may be noted that the two juries of the Borough and the Borough Liberty would perambulate the same boundary, in part at least – the boundary which separated their jurisdictions – and would probably set out upon their perambulations together, and cooperate very much as if they were one jury.

Reverting to the Survey of the Honour in 1649, we have, after the Borough (1) and the Waste (2) Rents, the Bondhold Rent (3). This is described as due from the copyholders of Scriven and Tentergate and Bondend, to have been certain or fixed, payable at Lady-day and Michaelmas, and collected by the Grave. It amounted at that time to £13. 4s. 10½d (F.N.271); about 27 years later it amounted, with the swine taxes and the rent of the Castle Ings, to £15. 4s.0d (FN384). When these are allowed for, the discrepancy between these amounts seems to be about 16s. 5½d.

The bondhold tenure was undoubtedly a form of copyhold (F.N.271:F147, & 2, 'every other Copyholder' : cf. H, 43, & 2:cf. K43-51); and in this district, as far as the records accessible to me show, it was peculiar to Scriven (F.147:157-152: F.N.271, not only in the paragraph dealing with Rents, but also in the third paragraph from the end, dealing with heriots: F.N.409 etc). The Grave who collected these rents etc was the Grave of Scriven, and was elected by the bondholders (F.151-152:FN409). There was a similar officer for the Forest, but no part of Scriven was within the boundaries of the Forest (F.N.234); and the inquisition (sic) of its 'ancient customers' was taken with those of Knaresborough (F.146 et seq). There is no mention of bondholders in the Forest Customs (F.27 et seq).

We get here a clear marking off of Scriven in some respects from the Forest as well as from the Borough. All had copyholders, but, apparently only Scriven had bondholders. Bondholder seems in its very nature to imply an original bondage or servitude to someone. By the time of the various recorded inquest, from which records alone we can obtain definite information, the customs were all fixed, and all appearance of servitude or bondage – of unresisting compliance with the caprice of a superior – is taken from them, and they have become simply more or less inexplicable variations of copyhold customs or tricks. Whatever the special customs associated

with bondhold were, the absence of them from the borough copyholds seems to imply a superior and perhaps a dominating, position. It matters not, in this connection, whether the bondhold servitudes were imposed upon Scriven by the inhabitants of Kenward's borough, or whether, being originally exacted by some superior from the first occupiers of the site of Knaresborough as well as from the inhabitants of the surrounding district, Kenward's invaders refused to submit to them; the freedom of the boroughmen suggests a superior status, and if it be the fact that bond tenure was peculiar to Scriven, and not even customary in the Forest, this would seem to show that it was an exceptional form of servitude definitely imposed, perhaps for punitive or administrative purposes, upon a conquered tribe.

(Author's Note

Invasion? Doubtful; franchise by charter or custom more likely March 1940)

What the peculiar customs which distinguished bondhold from copyhold were, we do not know. The distinctive custom named in the Survey of 1649 (F.N.271) is that a heriot could be demanded on the death of a bondholder, but not of a copyholder. This, however, is a late inquest, and was taken at a time when many of the early customs had been modified, if they had not even become obsolete. Heriots were recoverable from the copyholders of the Forest, too, until they were abolished in 1770 by the Act for the Enclosure of the Forest (F.28-29, and footnote). Mr Hartley told me some time ago that a heriot was demanded within his time at Scriven. It was, I think, on the death of Sir Charles Slingsby, and was to be one of his hunters. How the matter was settled, I do not know. (cf. K.44). This claim would be made in respect of the manor of Scriven, I suppose, which was not, apparently, affected by the Act abolishing heriots in the Forest. But, according to Stephens and other authorities (passim, Digby etc), heriots were a personal obligation, and might even in some cases be obtained from freeholders.

The distinguishing liability of the bondholder, as ascertained from the Customs of 1611, was a higher payment for relief of the messuages upon the death of the holder (F.147), and the difference between this higher payment and the next lower one, which was paid by the ordinary borough copyholder may be the compounding of a special service or fine originally due from the bondholder. The amount of the payment is confused by some misstatement; but when corrections are made it would appear that the bondhold relief upon death was in 1611 seven pence half penny for every messuage and twelve pence for every acre (F.147:cf. F.N.271: FN409: FN 384). The corresponding relief for the Foresters was 8d and 12d respectively (F33 & 15:L101:cf. H14 & 15). Is this eight pence an adaptation to make easier subdivisions or was there truly a radical difference in the two rates? The corresponding relief within the Borough would seem to have been fourpence for the messuage and twelpence an acre for the land (F147 & 2:H43). For surrender of copyhold in fee the fines were 4d and 6d respectively; and in reversion, or for life, or for years, 2d and 3d respectively (F147-8: cf. H44:FN271). The only fixed characteristic of bondhold, so far as payments are concerned, seems to be the 7½d for relief of the messuage, and this is the detail emphasised in FN409, where the object seems to be to show that bondhold was an earlier (and therefore more binding?) tenure than copyhold. One other distinction noted by this authority (F.N.409) is that all the bondhold messuages had liberty of common on Scriven Moor (P157: H56-57), which was denied to all others except the inhabitants of Scotton, whose own moor joined up inseparably with Scriven (cf. F149-150: H45 – 50). All had rights of common in the Forest, for which however both the inhabitants of Knaresborough and those of Scriven paid swine tax (Ibid F.N.384).

Finally we may note that in or about 1010 there were twenty bondhold messuages in Scriven (F.N. 409); that all the bondhold land except 10 acres and half a rood in Knaresborough, belonged to some one or other of these messuages (ibid); that some of the messuages had no land but what was in 'Knaresbolrough field' (ibid); and that the exceptional 10 acres and half a rood paid no rent to the Grave of Scriven, but paid a rent of 16d an acre to the Collector of the Castle Rents (ibid). There were 240 acres of land belonging to the 20 bondholds of Scriven (Ibid).

In 1077 the number of bondhold messuages had been reduced to 14¼. (FN384), and the land to 167 acres 1½ roods (exclusive of 4 acres of furland), and the rent, exclusive of swine tax, was £14. 17s 4d. If from this amount we deduct the rent paid by Sir Thomas Slingsby for an unspecified holding, £5. 3. 6½d (FN 384), we get a remainder of £8. 17s 9½d which is within 4½d of the sum of £8. 17 5d which would be the rent of 167 acres at 1/- and of 14½ houses at 7½d each.

The sum of the revenues of Scriven in 1302 amounts to £16. 19s. 6¾d (FN430); but as the record is imperfect, it is not possible to see how it is made up.

With all my investigation of these various figures nothing very clear or helpful emerges, and it seems doubtful whether this line of investigation is worth pursuing further.

Nevertheless, the fact is clear that special conditions of tenure, pointing to an inferior status, if not actual serfdom, existed in Scriven. The odd relief of 7½ is peculiar to Scriven. But quite apart from monetary payments, there is a list of 'terra nativa' in the 'Liber de Henrico Slingsbye' (FN 421), and various services and their values are actually named in the 'Extenta' of 1302 (F.N.430).

Reverting to the Survey of 1649, following the assessment of the bondhold rents we have the homage rents, the chief rents, and the soke rents within the 'soke or liberty aforesaid'. (FN1271). They must, I think, be taken as a group. They represent, as I see the matter, the rents due from freeholders and copyholders who were at once outside the borough and outside Scriven where bondhold prevailed exceptionally or peculiarly, but at the same time within the liberty. Whether the 'liberty'; in this case embraced those areas which were separate manors and had manorial courts of their own, like Scotton and Brearton, I am not decided; but I think it did not. In fact we may have here the distinction between the liberty and the soke. The liberty would embrace the whole. However, apart from the Forest and the Borough, the latter including Scriven; the soke would be that part of the liberty not included in a separate manor, and owing suit to Knaresborough, that is to say such places as Ferrensby and Arkendale. And the copyholders of the soke would, I take it, be the ordinary copyholders who were neither boroughmen nor bondholders. The ordinary freeholders paid chief rents – their very name suggests that they were not paid to an intervening lord; and the copyholders paid 'soke' rents. The homage rents were evidently exceptional in some way, and paid only by 'certain' freeholders. It is unfortunate that the numbers of the various holders, or the scales of charges, are not given. Interesting statistics might then have been worked out, or obscure payments of today traced to their source.

But in addition to the old tenants of various categories holding from time immemorial to the commencement of the Civil War, there were apparently squatters whose tenure and rents had not yet been fixed, possibly because of the disturbed state of affairs both territorially and legally. These were the occupiers of 16 cottages and two barns upon the waste or common ground near the borough (FN271).

In earlier times these would probably have been dealt with by the manorial court or the steward upon manorial lines, and made into copyholders (F.N.409: FN208) (cf. F151). Provision and procedure for such an event are illustrated in the Customs of the Forest, 8, where, if a customary tenant allowed a new building in the Forest to be inhabited for a quarter of a year, the new building should be forfeited to the lord, 'after the lawful term of the said person (i.e. the occupier) . . . shall be expired, forfeited, or surrendered' (F31: H11-12). The building being thus within the full possession of the lord would probably be dealt with as already indicated (F.N. 409 etc), and become an ordinary copyhold of new creation. It may be noted that this forfeiture was only for new erections occupied as dwellings, and that the occupier was, apparently, allowed quiet possession for the term granted him by the 'customary tenant', but this term would seem to be limited by the preceding clause ((7) which forbids a tenant to let his lands for more than 31 years, and then only by surrender in the open court. Allowing for the customs of frank pledge, which made communities responsible for the character and good behaviour of their constituents, and recognising that land was plentiful in the forests and wastes, these customs would seem amply sufficient for the acquisition of land by squatters, and their orderly absorption into the existing communities, as soon as the stringencies of strict feudalism and forest law were relaxed.

The surveyors of 1649, as ardent reformers breaking down these ancient customs, suggest economic rents for these new or post-war buildings, in assessing the revenues and value of the Honour (F.N.271).

At the Restoration these cottages and encroachments upon the waste of the Forest and Manor were treated, not as copyholds, but as perpetual leases at a fixed annual rent, and their revenues as such were granted to the Earl of Burlington for a term of years in 1752, with a proviso that the several rents were not to be fixed at more than one shilling per annum. (F.N.335). A similar system, but with apparently smaller rents, had evidently been proposed when Sir Thomas Slingsby desired a lease of the Honour in 1669 (F.N.210); and had been actually adopted in intermediate leases between that date and the date of the grant to the Earl of Burlington (F.N.335 passim).

Leaving now the evidence of tenants (?) and their rents and incidents, let us look for other evidence of the inferior or dependant position of Scriven. Among these I would include the loss of full manorial constitution in the case of Scriven. Though frequently, if not usually, spoken of as a manor, and sold as such to Sir Thomas Slingsby, it seems, as the result of several enquiries and investigations, to have been established that a court leet

had never been held within the memory of man or in any record (F.N.231:F.N.232:F.N.235:F.N.234). The peculiarity is very clearly stated in F.N.231, apparently a brief in some lawsuit about the manor and its rights:

“Scriven has been called a Manor in all the conveyances from the Crown, and in the Survey is called a Manor, and the boundaries in part will still appear; but a Court has not within memory been kept within the manor of Scriven, but the tenants there have done suit and service at the Castle Court of Knaresborough, and no footsteps of any record of such court can appear. But all pains and presentments that have been laid have been in the Court of Record at Knaresborough, but (though) there are both freeholders and copyholders within Scriven.”

And the brief goes on to say that trespasses on the adjoining moor were presented and punished at the courts of Brearton and Scotton respectively, when committed on those parts of the moor, but that trespasses on the Scriven part of the moor, though they might be ‘accounted for’ by the Bailiff or Collector of Scriven, ‘which was an ancient office’, had been invariably punished at the Court of Knaresborough, where many records of such punishments are to be found (F.N.231).

Whether the copyholds in these separate manors having courts were enrolled in those courts, or like those of Scriven were enrolled at Knaresborough, I have no immediate proof. It is a matter for investigation.

It is extremely probable that the records of Scriven disclose interesting traces of the ‘open field’ system of cultivation, and perhaps other forms of archaic agriculture (F.N.531); but it is not impossible that these old agricultural practices were common to the surrounding district, and were not confined to Scriven (cf. F.N. 407). This is a subject for independent investigation and treatment, and has an interesting and perhaps historical significance of its own.

A fact which may have some importance in this investigation of the early relationship of Scriven and Knaresborough is that Scriven has never had, apparently, a church of its own, but has always within historic times shared in the ministrations of the parish church of Knaresborough. There is at the present day a people’s warden for Scriven as there is one for Knaresborough, though, as there is only one vicar, there is only one vicar’s warden.

In some ways the church is, perhaps, more closely linked with Scriven than Knaresborough. The church has, of course, its own prebendal manor of Beechill; and considering the ancient and continued connection of Knaresborough with the Crown, and its administrative and military importance, it seems not unlikely that the manor of Beechill was carved out of the lands of Scriven rather than out of the borough. It is not a little curious that the Parsonage, which was the prebendary’s or rector’s freehold, was in 1611 sworn to be within the township of Scriven, and to have always paid scot and lot to Scriven, and to have common rights on Scriven moor (F.153:CF. H50-51:G29:35). The statement has been confused by the transcriber, but it seems to mean that six of the jurymen denied the right of the ordinary tenants of Beechill to commonage on Scriven moor, which the remaining jurymen appear to have asserted, but all admitted the right to the parsonage and to one other house, then occupied by William Millet. The vicarage, on the other hand, was rated to the township of Knaresborough (G29).

That Beechill was carved out of the lands of the Liberty rather than from those of the Borough seems strengthened by the fact that the prebendary in 1611 had ‘divers lands within the *fields* of Knaresborough, Scriven, and Arkendale,’ and copyhold tenants in Knaresborough and as far away as *Arkendale*. (F.152:144). The italics are mine. And possibly the addition of Beechill to the borough and wastes of Knaresborough gives us the larger part, if not the whole, of the rather puzzling ‘soke’ of Knaresborough. There is no record of a soke mill for Beechill, and in respect of manorial grinding it must always have been formed with Knaresborough, while manors like Scotton or Staveley had other facilities.

The relationships of individual outlying places to the borough are often curious, however, and may be exceptional arrangements for exceptional reasons. Thus, in 1611 the lodges in Hay Park and Bilton Park, and the seal of the Abbey paid, and had always paid, assessment and lays with the borough ‘for as much as concerns the church only,’ and were reputed to be within the township (F156-157: H55-56); and certain messuages once belonging to the ‘Abbey’ bore lays etc with the boroughmen, ‘save only suit of court’ (F156).

One or two casual notes may here be made for future development.

Actual bondage was at one time known in the district. In an abstract of various ancient deeds relating to the Birnand lands in Knaresborough and district there is a record of the transference of two bondwomen and their chattels by deed from one person to another about the time of Richard II (FN 437). Details are however wanting to show whether these bondwomen were dwellers in Scriven or elsewhere.

'Bond End,' Knaresborough, may be analogous to a somewhat similar name, Bondgate, I think in Ripon, which has been derived from 'boundary'. This explanation does not seem entirely satisfactory as the distinguishing mark of a particular suburb, because as town has boundaries on all sides. Somewhat illustrative of this point is the personal name, 'Richard Atte Townsende,' which occurs in the Extenta of 1302 (F.N.430). The 'town end' of Scriven would be a very definite locality, if we may take the 'town' to be Knaresborough. Bond End need not definitely refer to actual bondage; it may be simply the locality where bondhold tenure, whether of cottages or lands, prevails.

I find that in the early part of this note I have not specifically dealt with the derivation of the name 'Knaresborough'. I have accepted the derivation which Moorman gives, that is, that it is the equivalent of 'Kenward's borough', Kenward being, as his name indicates, a Saxon, and the argument assumes that the cave dwellers of Scriven were dominated by Kenward's followers. On reading this note again, (after a visit to the 'Rock House'), I find the subject still very puzzling, baffling in fact; and though the general ideas which are shadowed, rather than distinctly expressed, in the foregoing sheets are perhaps shaping towards the truth, the details are uncertain, and some of the inferences which I had at least in mind, may be wrong. There may be much, too, especially in the calculations, which is irrelevant or unreliable. It is useless, however, to try to recast the whole note while I am still so puzzled by what there is in it. It seems better to go on adding commentaries in the hope that the purport of the facts will gradually become clearer, while ensuring at the same time that intermediate facts and surmises, which may be valuable, may not be lost.

I do not now incline to the idea of a social differentiation being brought about by tribal or party conquest, at least between Knaresborough and Scriven, though there may be such differences at Ferrensby, Farnham and Scotton. I begin to think that the differences are purely those of grant or charter, of concession or agreement, though why the name of Kenward comes in with the borough, I do not see. I incline to the view that Scriven was originally the name of the community of cave-dwellers by the riverside at and near Knaresborough; that it was extended to the district beyond the banks in the manner already explained, though possibly further extended when the Scriven-in-Tentergate township was formed; and assumed a new centre at the village of Scriven when the old haunts in the cliffs were gradually abandoned for a more rural and communal life, and this new centre may also have been made more important by a growing local government. Within this general area a nucleus of higher development was formed at Knaresborough, as I now think, by organization rather than by conquest and subjugation, and with it the home of Kenward has for some unknown reason, which may however be one rather of statesmanship than of conquest, become inseparably associated. This became the borough in what way we hardly know, as the early history of boroughs, before the period of charters, is very obscure. The fact that this nucleus developed into a comparatively self-contained borough, perhaps even a chartered borough if we knew its history completely, would probably help in the localization of the government of the remaining area, such as it was, in the village of Scriven.

The explanation of the 'soke' seems now a little clearer. It seems to have been the agrarian demesne of the castle and honour, corresponding to the municipal demesne of the borough, or perhaps rather of the burgage houses. It would thus be specially associated with the castle and the manorial castle mills; and though it might be administered after the fashion of a manor, and by similar institutions, it would have no mesne lord, and would thus be on a rather different footing from not only such entirely independent manors as Goldsborough or Spofforth, quite outside the Honour of Knaresborough, but even from such a manor as Scotton which had a mesne lord, though accounted part of the Honour. The Borough, though it were demesne, would also be on a slightly different footing, because of its special organization and its unity, and by the fact that it was farmed, the bailiff taking the place of a mesne lord. It may, indeed, at some early time have had a mesne lord or chartered grantee, in the person of Kenward or some other, and may have reverted to the crown by escheat; but, considering the prevalence and extent of burgage custom, this I unlikely. May not, however, Kenward have been an early and specially distinguished praepositus, or bailiff, with perhaps larger powers than were allowed to later deputies?

From these considerations we seem to get a clear explanation or classification of the four courts:

1. The Forest, a division under Forest Law and Custom down to the enclosure ca. 1775.
2. The Forest Liberty, Crown land granted out in manors, or with manorial franchises perhaps of a limited nature.
3. The Borough, royal demesne of municipal or burgage constitution.
4. The Borough Liberty, the remaining agrarian demesne

Of these divisions those most clearly separated by law and custom are the Forest and the Borough. They are the extremes of local governments as well as of social life in the district. The Forest Liberty and the Borough Liberty, approved each other in social conditions, just as they are near to each other in position; and there can be little doubt that their administration was very similar, especially if the franchises granted to the lords of the manors were of a restricted kind, as seems to be indicated by the fact that their copyholds were transferred in the Liberty Courts. When, therefore, simplification of procedure was sought 'some few years before 1900,' the abolition of the Forest Liberty Court, and the absorption of its business into the Borough Liberty Court, which I suppose is what actually happened, seems a very natural and simple proceeding. It is desirable, however, to discover, if possible, exactly what functions the manorial courts, like that of Scotton, could and could not perform. It may be that the limitations are fixed by the nature of the court, whether it be purely prescriptive like the leet or tenurial like the courts baron and customary courts (M50:45-46:CF. N 43-44).

A reperusal of the boundaries of the township of Knaresborough and Scriven, as recorded in the Survey of 1611 (f.157), suggests that the 'township' of the two places was larger than I have imagined, and larger than the Poor Law areas, previous to the establishment of Poor Law Unions, would suggest. Indeed, as far as I can fix them by the jury's description, they seem to correspond with what I conceive were the rough boundaries of the Borough Liberty, or agrarian demesne. This surmise seems strengthened by the statement that 'the prince hath the waife, stray, and all other Royalties within this Bounder to our knowledge,' (F.157) which he naturally would have within land which had not been granted to a mesne lord, in other words, demesne land.

It would seem therefore that the Jacobean 'township' of Knaresborough and Scriven was co-extensive with the agrarian demesne, and was already fixed before, and perhaps long before, the acts of the 13th and 14th of Charles II, with which I have been disposed to associate it (cf. F. 46), in default of a better explanation of its origin.

And here arises another point deserving of investigation. The area of the 'township' or agrarian demesne seems to correspond with the extra-urban area dealt with by the Survey of 1611 in FN309, FN 447, and especially FN 449, the demesnes of the castle with more or less confusion with freeholds and copyholds and uncertain forms of ownership, that is to say holdings of which the nature or classification is doubtful. This general correspondence of area supports to some extent the theory that the demesne and the township are but different aspects of the same thing.

When we study the details of this list, we find that all the land or all the land which is not waste or common, is either freehold, copyhold, or bondhold, and the two last forms we may for the moment regard as one. There is no leasehold. There is no special form observable whereby we may now distinguish the true demesne land from the customary or bondhold land. We are told, and it is quite intelligible, that in early times the demesne land was the land as actually retained by the lord of the fee, and cultivated by the labour of villain tenants or by paid labour. When labour rents were discontinued, the whole of the work would have to be done by hired labour. In this case the lord would become the landlord of a large estate worked by hired labour. If he found the management of such an estate too onerous, the obvious remedy would be to leave it to one or more tenants at leasehold rents in money, labour rents being no longer customary. But here in Knaresborough we find nothing of the kind between the Crown and the immediate tenant. All the land is either freehold, which might arise from an unqualified gift, or copyhold which confuses the tenure of the demesne land with that of the earlier customary holdings which existed by the wide of the lord's demesne actually cultivated by villain or hired labour.

I see my escape from the conclusion that the demesne land was treated like the lord's waste 'and granted by copie of Courte Rolle' as stated in the attempt to prove that Knaresborough 'field' was part of Scriven (FN 409) And though at first perusal there seems no clue by which the customary copyholds may be distinguished from the demesne copyhold grants, a close study of the details may yet yield some clue. It may be that some of the distinctions in the early Surveys, especially that of the Honour in 1649, prior to its sale (FN271), may be

explained in this way – in the creation of manors as a whole had become impossible or illegal. Such creations could, however, only arise from waste land such as forest or common, including common fields cultivated in strips, demesnes, and reclaimed land by drainage etc. They might result sporadically by squatting on unenclosed land, or be systematized upon enclosures in some such way as is shown in the grant of Knaresborough Forest to the Earl of Burlington (F.N.335).

The statement previously made that a heriot is rather a personal than a territorial obligation eventually assimilating itself to a relief, is explained and confirmed by Maitland (M. 147-8: 159-160). Its consideration hardly enters into the subject of this note, though it is perhaps noteworthy that the chief difference of bondhold from copyhold in the borough in recent times is in the amount of relief which was paid in each case.

Gowland has a curious footnote to the effect that ‘it appears it was only a name in Yorkshire,’ (N.43, note 2); but whether this refers to township or manor I am unable to decide from the words or their context. It may be, perhaps indeed is, the ‘frankpledge system’ which is referred to.