

## RESEARCH GUIDE

# 68 - The Civic Courts of the City of London

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### Introduction

The Crown by a series of charters had granted considerable judicial privileges to the City of London. No citizen was required to plead outside the city. The City of London developed its own courts where the Mayor and Aldermen could settle disputes about urban property, goods and chattels, wills and debts. During the thirteenth and early fourteenth centuries the powers of the king's justices in relation to pleas relating to the possession of land in the City were on several occasions in dispute. The archives of the City of London include rolls of pleas held before the Itinerant Justices at the Tower (Iter Rolls) in 1244-1246 and 1276 (CLA/040/01/001-002). These have been published as *The London Eyre of 1244* ed. Helena Chew and Martin Weinbaum (London Record Society, 1970) and *The London Eyre of 1276* ed. Martin Weinbaum (London Record Society, 1976) 60.9 LRS, available online at <http://www.british-history.ac.uk/place.aspx?gid=49&region=1> However after 1341 there was no further session of the itinerant royal justices at the Tower, and the City's jurisdiction in questions of possession of land and other property was henceforward independent of external interference and control. This leaflet details the civic courts which developed to exercise this jurisdiction.

From 1444 the Mayor and Aldermen served as Justices of the Peace responsible for criminal trials in the City. From 1327 the Justices of Gaol Delivery for Newgate included the Lord Mayor. Petty Sessions were held before the Lord Mayor, originally at Guildhall but from the mid 18th century in the Justice Room at the new Mansion House. In 1737 a second Justice Room was set up at Guildhall where regular sittings were held before one of the other Aldermen. For more details see Information Leaflet 40 'Sessions Records for the City of London and Southwark'.

In 1478 the City gained the right to appoint the Coroner for the City of London and in 1550 the Coroner for the Borough of Southwark. See Information Leaflet 41 'Coroners' Records for London and Middlesex'.

The royal courts also sat on occasion in the City at Guildhall as the citizens of London could not be compelled to plead outside the boundaries of the City of London. However, these sittings were wholly independent of the civic authorities and their records are held by The National Archives.

### **Court of Husting CLA/023**

The Court of Husting was the supreme court of the medieval and later City of London. It is the oldest court in the City of London and, at one time, was the only court for settling disputes between citizen and citizen. The more efficient and popular forms of law practised by other courts which had initially been set up to take some of its work-load were eventually to result in its demise.

### **Origins**

In the 11th century the Court of Husting in London was a general-purpose, governing assembly which dealt collectively with all kinds of administrative and judicial work like the shire and hundred courts. The Aldermen met weekly in the Court of Husting and it is generally considered that the Court of Aldermen developed from the administrative side of this Court.

As it evolved more recognisably into a county court, with Mayor, Sheriffs and Aldermen acting as judges, its business was divisible into:

- Pleas of Land
- Common Pleas
- Enrolment of Deeds and Wills

As judicial business increased in the 13th century, the Court was increasingly hampered by the fact that it sat only weekly and the sittings were alternately for Pleas of Land and for Common Pleas. Cases relating to mercantile law, personal actions and debt were transferred to the Sheriffs' Courts and the Mayor's Court. However, the Court of Husting then dealt almost exclusively with real and mixed actions, and actions started by writ, which subsequently declined as other, more popular forms of actions developed. A few actions were still heard until the beginning of the 18th century, but by this time the Court of Husting was only really functioning as a registry for the enrolment of deeds and wills within the City of London.

The enrolment of deeds in the Court of Husting however also suffered from competition. By the time the advantages of a system of registration of the transfer of title to land were recognised, the Court of Husting was virtually moribund, and was by-passed by new Land Registries.

The Court's probate jurisdiction, claimed for beneficiaries of property within the City of London since 1230, also declined. The last recorded enrolment of a will was in 1688, but enrolments had been in decline for some years prior to this.

The Court of Husting now only meets occasionally for the enrolment of the Corporation of London's own trust deeds, but has not met since 1978.

### **Records**

There are 3 main series of Husting Court rolls:

- Court Rolls (Deeds and Wills) 1252-1965 - CLA/023/DW/01/001-390
- Court rolls (Pleas of Land) 1272-1724 - CLA/023/PL/01/001-216

- Court rolls (Common Pleas) 1272-1662 - CLA/023/CP/01/001-172

Husting Books contain brief details of cases heard week by week and include both Pleas of Land and Common Pleas 1448-1484; 1506-1723; 1838-1978 - CLA/023/CT/01/001-017.

### **Finding aids**

- Manuscript calendars of deeds and wills 1252-1896 (compiled 19th century) - CLA/023/DW/02/001-009
- Indexes of names and places on the Calendars of Deeds and Wills (compiled 1885-1908) - CLA/023/DW/02/010-014.
- R.R. Sharpe's *Calendar of Wills Proved and Enrolled in the Court of Husting 1258-1688* (2 volumes, 60.1 LON on open access in Information Area, available on British History Online at <http://www.british-history.ac.uk/place.aspx?gid=73&region=1>)
- Index of names and types of actions appearing within the Court rolls (Pleas of Land), 1272-15th century (1 ring binder available on request)
- Index of names and types of actions appearing within the Court rolls (Common Pleas), 1272-15th century (1 ring binder available on request)

### **Assizes of Novel Disseisin, Mort d'Ancestor and Fresh Force CLA/040/06**

These Assizes held before the Coroner and Sheriffs of the City of London heard pleas from those who claimed to be wrongly dispossessed from land in the City.

### **Records**

- Rolls of assizes of Novel Disseisin, Mort d'Ancestor and Fresh Force held before the Coroner and Sheriffs of the City of London 1340-1451, 1583, 1588, 1591 - CLA/040/06/003-022
- They have been published as *London Possessory Assizes: a calendar* ed. Helena M Chew (London Record Society, 1965) 60.9 LRS on open access in Information Area, available online at <http://www.british-history.ac.uk/source.aspx?pubid=569>

### **Assize of Nuisance CLA/040/02/001-004**

The assize of nuisance originally concerned the making or removal of ditches, pools, hedges, the diversion of watercourses and the obstruction of ways. After a series of major fires, the City authorities drew up regulations known as the Assize of Building for settling disputes between neighbours concerning boundaries and other matters, and for encouraging the use of stone in building. This was the basis for the medieval London assize of nuisance which mainly heard disputes between neighbours. It sometimes sought to correct public nuisances, but these were normally dealt with by wardmotes. An action was initiated in full Husting, or, if the Husting was not sitting, at a congregation of the mayor and aldermen. The Assize provided for the election of twelve aldermen in full Husting; the greater part of those so elected was to be present with the Mayor in holding assizes. The Mayor nearly always presided.

### **Records**

- Pleas of Nuisance: Miscellaneous Rolls 1301- c.1431 - CLA/040/02/001-003

### **Finding Aids**

- Calendar to the Rolls of Assize of Nuisance - CLA/040/02/004
- The rolls have been published as *London assize of nuisance 1301-1431: A calendar* ed. Helena M. Chew & William Kellaway (London Record Society, 1973) 60.9 LRS on open access in Information Area, available online at <http://www.british-history.ac.uk/source.aspx?pubid=155>

### **Viewers' Reports COL/SJ/463-475**

The Assize of Buildings prescribed a view by the Mayor and 12 elected men of land and tenements for which the assize of nuisance had been demanded; and, more specifically, to deal with party and boundary walls, gutters, windows overlooking a neighbour's land, and cess-pits about which complaint had been made. The 12 elected men were originally aldermen, but sworn masons and carpenters, seem to have been associated with the assize of nuisance from at least the beginning of the 14th century and, joined by tilers in the 16th century, acted as viewers for the City. By the 16th century the court in which the certificates were presented, and any further action taken may have been the Mayor's Court. Alternatively the certificates may have been presented in the Court of Aldermen.

After the Great Fire of London in 1666 the City viewers were not abolished, but the work of rebuilding London was not under their supervision; the surveyors and the Fire Court set up under the Rebuilding Act of 1667 were responsible for both settling disputes and policing compliance with the Act. Viewers continued to be appointed and to function. However in 1774 the London Building Act provided for the appointment of sworn district surveyors.

### **Records**

- Viewers' reports on property in dispute 1508-1558, 1623-1636, 1659-1690, 1718-1796 - COL/SJ/463-475

### **Finding Aids**

- Index to Viewers' Reports 1659-1704 - COL/SJ/27/472
- The Viewers' Reports for 1508-1558 have been published as *London viewers and their certificates, 1508-1558: Certificates of the sworn viewers of the City of London* ed. Janet Senderowitz Loengard (London Record Society, 1989) 60.9 LRS on open access in Information Area, available online at <http://www.british-history.ac.uk/source.aspx?pubid=158>

### **Mayor's Court CLA/024**

### **Origins**

The Mayor's Court originated out of business over-flowing from the Court of Husting, which by charter could only sit every Monday. To remedy this, in the early 13th century the Mayor and Sheriffs, and 2 or 3 Aldermen, were allowed to hear cases immediately from day to day, if the Court of Husting was not sitting. The Mayor sat as the judge of the Mayor's Court, assisted by the Sheriffs and Aldermen, unlike the Court of Husting where they joined him as judges. Initially this applied only to disputes involving foreign merchants, but by 1259 complaints arising over delays in obtaining judgements in debt cases led to these also being transferred to the Sheriffs' and Mayor's Courts. Also in 13th century, the Court of Husting delegated to the Mayor's Court the right to hear cases relating to non-compliance with City ordinances (eg, fraudulent bakers, tavern-brawlers, night-walkers, gamblers and other disorderly persons).

The Mayor's Court became the pre-eminent court in the City, as there was no monetary limit on actions that could be heard there, whereas the Sheriffs' Courts were confined to the recovery of small debts. It was popular because of this, because of the speed with which suits could be dealt with in comparison to other courts of the time, and was far cheaper than recourse to the royal courts at Westminster.

In 1921 the City of London Court (formerly the Sheriffs' Courts) amalgamated with the Mayor's Court to form the Mayor and City of London Court, which still exists.

### **Survival of the records**

Some Mayor's Court records especially those for 18th and early 19th centuries were destroyed in the fire at the Royal Exchange in 1838. Other 19th century records were destroyed with the Registrar's permission in c.1941. It is likely that there was also serious loss during the Great Fire, as the Court of Aldermen was informed as such afterwards. But despite this, their poor survival is inconsistent with the survival of other City records such as the Repertories, Journals and Roll of the Court of Husting. As the business of the Mayor's Court grew in distinctness from the Court of Husting, the Mayor's personal responsibility, apart from the City, was accentuated. The Plea & Memoranda Rolls make mention of the 'Mayor's Bag' in which his correspondence and legal documents were kept, and it is likely that he retained this after his year in office, after the clerks had made copies of document which they deemed necessary.

### **Records**

- Early Mayor's Court Rolls 1298-1307 - CLA/024/01/01/001-009  
The early records of the court are incomplete, but occasionally some proceedings are preserved amongst the series of Letter Books (COL/AD/01/001-050) which have been calendared and published. They are however valuable as a source on an important period of the City's development, and throw considerable light on ancient municipal law and legal custom.
- Plea & Memoranda Rolls, 1327-1484 - CLA/024/01/02/001-102  
These contain records of such actions in the Mayor's Court as seemed worthy of preservation as legal precedents or as illustrations of the rights, privileges and pre-eminence of the City.
- Files of Original Bills, 1327-1733 - CLA/024/02/001-321  
From the reign of Edward III onwards, files of actions or cases, heard in the Mayor's Court were kept, giving the declarations of plaintiff, with short notes of the proceedings, judgements and executions. Very few rolls survive prior to reign of Elizabeth I, but they are numerous for the 16th and 17th centuries. They are of particular interest owing to the full inventories of goods and chattels on which executions were made.
- Minutes and Actions 1679-1723 - CLA/024/03/01/001-042
- Books of Precedent 1603-1740 - CLA/024/03/03/001-008
- Files of Actions, 1666-1705 - CLA/024/04/001-040
- Interrogatories and answers, 1628; 1646-1710 - CLA/024/05/001-016
- Depositions 1640-1835 - CLA/024/06/001-065
- Bills of complaint and answers, 1654-1721 - CLA/024/07/001-091
- Papers relating to cases undertaken by James Gibson, attorney of the Mayor's Court. They include briefs, correspondence, and exhibits 1691 and 1705 - CLA/024/10/001-535

### **Finding Aids**

- *Calendar of Early Mayor's Court Rolls of the City of London, 1298-1307* ed. A H Thomas (1924) 60.1 LON on open access in Information Area, available online at <http://www.british-history.ac.uk/source.aspx?pubid=175>
- Calendars of Plea & Memoranda Rolls, 1327-1484 - CLA/024/01/02/103-108
- Calendars of the Plea and Memoranda Rolls, 1323-1484, 7 vols; ed. A H Thomas and P E Jones (1924-1961) 60.12 CIT on open access in Information Area. The first 3 volumes 1323-1412 are available on <http://www.british-history.ac.uk/place.aspx?gid=60&region=1>
- Mayor's Court Original Bills: Manuscript List of the schedules of goods among the common law original bills of the Mayor's Court (kept in Enquiry Office)
- Mayor's Court Original Bills: Index to Persons (plaintiff, defendants and garnishees) appearing in the Mayor's Court Original Bills A-J (1 vol.) K-Z (1 vol.) (kept in Enquiry Office)
- Most of the original bills dating from before 1560 (CLA/024/02/001-0001-004,007) have been calendared on index cards which can be made available by request.
- Calendar of Mayor's Court Interrogatories, 1628; 1641-1710 - CLA/024/011/001

### **Sheriffs' Courts CLA/025**

London had two Sheriffs who each held a court at his compter which also served as a prison for debtors and other prisoners. The Sheriffs' Courts handled cases of small debts and personal actions arising within the City. An Act of Parliament in 1785 empowered the City of London Corporation to pull down the Poultry and Wood Street Compters and to build a new compter in Giltspur Street. Prisoners were moved from Poultry to Giltspur Street Compter in about 1791 where separate sections were known as the Poultry and Wood Street Compters and the courts held by the two Sheriffs continued to be known as the Poultry Compter and Wood Street Compter. These courts were later transferred to the Guildhall and united into the City of London Court in 1867, finally being amalgamated with the Mayor's Court in 1921 to form the Mayor's and City of London Court. The survival of the records of the Sheriffs' Courts is poor, probably because the Sheriffs retained custody of the rolls of the court during their year of office when they left office as they could be personally accountable if the administration of justice was called into question.

Records include:

- Court rolls 1318-1849 (many gaps) - CLA/025/CT/01/001-105
- Plaints, accounts, proceedings, rolls of daily entries and issues tried 1653-1867 (many gaps) - CLA/025/CT/02/001-029
- Poultry Compter: Commitment books 1792-1796, 1800-1815 - CLA/030/01/018-022
- Poultry Compter: Minutes of actions 1769-1830 - CLA/025/PC/01/001-025
- Poultry Compter: Rolls 1832-1857 - CLA/025/PC/02/001-008
- Wood Street Compter: Lists of prisoners handed over by the Sheriffs to their successors on 28 Sept. annually (Indexed) 1741-1815 - CLA/028/01/001-042
- Wood Street Compter: Minutes of actions 1760-1833 - CLA/025/WS/01/001-051
- Giltspur Street Compter: Rolls 1823-1849 - CLA/025/WS/02/001-003

### **Finding Aids**

- Poultry Compter: Index to minutes of actions and rolls 1798-1841 - CLA/025/PC/03/001-009
- Wood Street and Giltspur Street Compters: Index to minutes of actions and rolls 1760-1841 - CLA/025/WS/03/001-035