

## Allestry Church Lands : Report of a Commission of 1682.

BY J. CHARLES COX, LL.D., F.S.A.



ON November 16th, 1682, a Commission met at Derby, to hold an enquiry under a Statute of 34 Elizabeth entitled "An Act to addressse the misimployment of Lands Goods and Stocks of money heretofore given to Charitable Uses," with regard to the alleged misapplication of the rents of certain lands at Markeaton that had, from time immemorial, been applied to the repair of the church of Allestree. The Commission reported in favour of the parish; all the arrears that had been appropriated, as well as the costs of the suit, had to be refunded to the churchwardens by the defendants. A brief abstract of this report appeared some years ago,\* but it has been suggested that it is of sufficient interest to warrant its being printed in full. The transcript is taken from a contemporary copy in the parish chest at Mackworth, written by Jo. Hayne, clerk to the Commissioners; it covers eighteen folio pages, and is widely written in a legal hand. The Commission met to draw up their report on May 5th, 1683. The Great Seal was affixed thereto, and it became a Chancery decree on July 3rd of the same year; and on the following 10th of August, the churchwardens append to this copy of the decree the receipt for the payment in full of Mr. Edward Mundy's moiety of the sum decreed. It is rather curious that there is no like entry with regard to the payment of Mr.

---

\* *Churches of Derbyshire*, vol. iv., pp. 293-5.

Gilbert Mundy's moiety. There is a modern copy of this decree with the parish papers at Allestry.

## ALLESTRY CHURCH LANDS.

### *Report of a Commission of 1682.*

At Derby in the County of Derby on Saturday the Fifth day of May in the Five and Thirtieth yeare of the Raigne of our Sovereigne Lord Kinge Charles the Second

Whereas by an Inquisition taken at Derby aforesayd, the Sixteenth day of November last past before us Rowland Okeover Esq Thomas Ruddyard Esq Mathew Smyth Henry Lowe Joseph Parker and Gervas Raynor gentlemen by virtue of A Commission under his Majesties Great Seale to us and others directed for the due Execution of a Statute made in the Court of Parliament holden the Seaven and Twentieth day of October in the Three and Fortieth year of the Raigne of Elizabeth late Queene of England deceased entituled Audit to redresse the misemployment of Lands Goods and Stocks of Money heretofore given to Charritable Uses by the Oathes of Samuell Bradshaw Anthony Bradshaw Thomas Wetton William Hunter Robert Fletcher Andrew Jacques Richard Clayton Thomas Wilson Thomas Cockayne Robert Rowland John Carrington Robert Newton Richard Squire John Spencer and George Porter gen. lawfull men of the said County It is found and appeareth that certaine closes or parcells of Ground Situate lying and being in Marton alias Marke Eaton feild in the parish of Mackworth in the said County of Derby called Sawcy Hill formerly lying open in the said field and now inclosed and divided into Three Closes or parts have all the tyme whereof the memory of men is not to the contrary belonged and the Rents Issues and proffitts thereof (till about Twenty Eight yeares since) byn employed towards the repaire of the parish Church of Allestrey in the said County called St. Edmunds as was proved to the said Jury not onely by the Testimony of divers credible Witnesses Examined upon Oath, But also by severall Leases, made of the premises by the

Churchwardens and other Inhabitants of the said Parish of Allestry, to wit, one Lease of A moyety of the premises made in the Six and Thirtieth yeare of the Raigne of Kinge Henry the Eighth by the then Wardens of the said Parish Church of St. Edmund in Allestry to one Richard Kindar for Thirty yeares paying to the said Wardens and Theire Successors Wardens of the said Church Two and Twenty pence yeare by Rent at the feast of the Nativity of our Lord, Another Lease made of the whole ground called Sawcy Hill in the Eleaventh yeare of the Raigne of our Late Queene Elizabeth by the then Churchwardens and other parishioners of the said Parish of Allestry to the said Richard Kindar for Thirty yeares paying yearely to the said Churchwardens and Theire Successors Foure Shillings at the feast of our Lord God onely, Which said Richard Kindar by Indenture in the Seaventeenth yeare of the said Queene Elizabeth did Assigne A moyety of the premises to one William Hardy, and to the Sealeing of the said Assignement, one Edward Mundy (then Lord of the Mannor of Allestry aforesaid) was a Witness, One other Lease made in the Two and Fourtieth yeare of the Raigne of the said Queen Elizabeth by the churchwardens and other inhabitants of Allestry to Richard Collier and Thomas Bakor for One and Twenty yeares, paying yearly to the Churchwardens and other Successors Churchwardens of the said Church, to the use of the same Church the yearly rent of Twenty Six Shillings and Eight pence, And one other Lease made in the Eighteenth yeare of the Raigne of our Late Sovereigne Lord Kinge James by the then Churchwardens of the said parish or Church to one Richard Jackson, for One and Twenty yeares, at and under the yearly rent of Three and Thirty Shillings and Four pence.

And it is further found by the said Jurors upon oath, That one John Mundy late of Marke Eaton Esq., Eight and Twenty yeares sinse, to wit, in the yeare of our Lord One Thousand Six Hundred fifty and foure (beinge then Lord of the Mannor of Allestry and a powerful Man and taking advantage of the then rebellious and distracted tymes) caused the then tenant of Sawcy Hill to Attorne Tennant to him and since that tyme the said John Mundy received

the rent of the said grounde and withhold the same from the said parish Church of Allestry till the tyme of his death which was on the nineteenth day of March then last, And that after his death William Mundy Esq Son and Heire of the said John Mundy possessed himselfe of the said grounde and withhold the same from the said Church of Allestry till he dyed, which was the Two and Twentieth day of September last past, after whose death Francis Mundy Esq Son and Heire of the said William Mundy possessed himself of the said Sawcy Hill and was then in possession thereof and still withholds the same from the said Church, And it is further found by the Jurors aforesaid upon Oath, That there is a certain Cottage House in Allestry aforesaid with A Yard, Orchard, backside, and Garden, One piece of Meadow in Mickle Meadow by Estimation Two Acres, and A halfe of Arrable Land, to wit, One Land thereof in the Abbey feild containing Three Roods, and Three Lands thereof being Three Roods in the Heltfeild ; One had (head) land in Croshill feild conteyning halfe an Acre, and One had land halfe an Acre in Broadfeild, And one beast gate or grasse in the cow-pasture lying within Allestry aforesaid All which have likewise tyme whereof the memory of man is not to the contrary belonged, and the Rents thereof, (till about nine yeares sinse) byn Employed towards repaire of the said parish Church of Allestry, As appeareth to the said Jury by Antient Witnesses Examined by the said Commissioners in evidence to the said Jurors and alsoe by a Lease thereof made the Foure and Twentieth day of June in the Tenth yeare of our Sovereigne Lord Kinge Charles the first by Nicholas Collyer and William Sadler then Churchwardens of the said Parish Church of Allestry with the consent of the Cheifest Inhabitants, to one Thomas Peate, for one and Twenty yeares, under the yearely Rent of Forty Shillings payable the Second of February and the second of July by equall portions, And that at after the expiration of that Lease the then Churchwardens in consideration of a Fyne of Foure and Twenty pounds (which was laid out in repairs of the said Church) made a new Lease to the said Peate for his life and foure yeares after, which last Lease expired above nine yeares since And then the aforesaid John

Mundy Esq got the then Tenant of the said house and Lands last mentioned to Attorne to him, and since that tyme till the aforesaid tyme of his death had withheld the Rents and Profitts of the said Howse and Lands from the said parish Church, And since his death the said William Mundy his Heire withheld the same dureing his life And the said Francis Mundy Heire of the said William doth as yet withhold the same And it is further found by the said Jurors upon Oath That the said grounds called Sawcy Hill dureing the tyme the same were withheld by the said John Mundy, were worth Three and Thirtie Shillings and Foure pence Rent by the yeare, And that the said howse and Lands in Allestry were (during the tyme they were withheld by the same John Mundy worth Fourty Shillings Rent by the yeare, And the said Jurors did further find That the said John Mundy dyed possessed of A very great personall Estate, And that Gilbert Mundy of Allestry aforesaid gentleman and Edward Mundy gentleman Two of his younger Sonns Administred of A great part thereof To the value of Above Six Thousand pounds As by the said Inquisition hereunto Annexed more at large it doth and may appeare

Nowe wee the said Rowland Okeover Thomas Ruddyard Mathew Smyth Henry Lowe Joseph Parker and Gervas Rayner haveinge fully Examined and considered the Matters and things in and by the said Inquisition fownd, As alsoe haveinge weighed and considered what hath byn objected and said in defence by the said Francis Mundy Esq the Heire at Lawe and the said Administrators Gilbert Mundy and Edward Mundy and every or any of them, and Sir Symon Degge their councell who was present at swearing the said Jury to make Challenge thereunto, and alsoe at Examination of the Complainants Witnesses and other proofes, and had free Liberty to make what defence they then could, And not only soe, but upon the motion of the said Sir Symon Degge, Wee the said Commissioners Adjourned the said Jury till the 27th of January then next following that the said Mr. Mundy might have tyme to inspect their Evidences and make further defence of what was charged and proved against them, whereupon and upon heareing and debateing the full matter and what hath byn proved

or said or either side, Wee doe (by virtue of the said Statute and Comission and the power and authoryty to us thereby given) Order Adjudge and decree that the aforesaid Frantis Mundy shall within One Moneth next after notice of this our Decree Judgment and Order to him given peaceably and quietly leave and yeild us and deliver to the Churchwardens of the Parish Church of Allestry aforesaid then beinge, possession of the aforesaid Closes or parcells of ground and premises lying and being in Marton alias Marke Eaton feild in the said Parish of Mackworth called Sawcy Hill, And alsoe of the aforesaid Cottage House in Allestry aforesaid with the yard, orchard, backside, and Garden, and of the aforesaid Meadow and Lands in Mickle Meadow Abbey field Crophill feild and Broadfeild and the beast grasse in the cowpasture in Allestry aforesaid with their and every of their appurtenances and permit and suffer the said Churchwardens of the said parish Church of Allestry aforesaid and their Successors for the tyme being, forever, hereafter peaceably and quietly to have hold occupy possesse and enjoy the same and every parte and parcell thereof and receive have and take the Rents Issues and Proffitts thereof which we order and decree from henceforth forever hereafter be employed disbursed and layd forth in repaires of the said parish Church of Allestry as there shall be occasion for the same And if in case the said Francis Mundy or any person by his order or for his use, shall (at and before the tyme of notice of this our order and Decree to him given at aforesaid) have received any Rents Issues or Proffitts of all or any the aforesaid Closes parcells of ground howse Lands and premises or any part and parcell thereof, Then he the said Francis Mundy shall upon demand thereof made as aforesaid pay such Rents Issues or Proffitts by him or them received had or taken to the said then Churchwardens of the Parish Church of Allestry to be employed and Layd forth for and towards the repaire of the said parish Church of Allestry as aforesaid.

And whereas it appeares to us the aforesaid Commissioners by the aforesaid Inquisition that the aforesaid Gilbert Mundy and Edward Mundy have administered of the Personall Estate of the

aforesaid John Mundy and have Assets in their hands sufficient to pay and satisfie all the Rents and Issues and profitts of all the aforesaid Closes Grounds howse Lands and premises by him the said John Mundy received had and taken with a very great overplus, Wee doe hereby further Order Adjudge and decree that the aforesaid Gilbert Mundy and Edward Mundy shall within One Moneth next after notice of this our said Order Judgement and decree and demand of them made, pay, or cause to be payd unto the Churchwardens of the said parish Church of Allestry, then being the sum of sixty foure pounds and Thirteene Shillings and fourepence for and in Respect of the said Rents Issues and profitts of the said Lands and Premises of the said John Mundy in his life tyme received and taken as aforesaid, And that the Acquittance or Receipt of the said Churchwardens shalbe A good and sufficient discharge to the said Gilbert Mundy and Edward Mundy for payment thereof, which said Sume of Sixty foure pounds Thirteene Shillings and foure pence Wee doe hereby likewise Order Adjudge and Decree shall be imployed and layd forth in repaire of the said Parish Church of Allestry aforesaid.

And wee doe further Order Adjudge and decree that the said Gilbert Mundy and Edward Mundy shall also pay and satisfie to the said Churchwardens of the said parish Church of Allestry aforesaid the further Sume of Seaven pounds upon One Moneths notice of this decree, and demannnd thereof made out of the personall Estate of the John Mundy deceased for and towards the damages Costs and Charges of the parishioners of Allestry aforesaid by them Sustained and expended, and towards suing forth the said Commission and the prosecution thereupon in and about obtaining the said Inquisition and this Decree.

In Witnes whereof wee the aforesaid Commissioners to this our present order and decree have put our hands and seales this day and yeare first above written

A true copy examined by

JO: HAYNE

Clerk to ye Commissioners.

Received this 10th of August 1683 of Mr. Edward Mundy the full Summe of Thirtyfive pounds Sixteene shillings and Eightpence being in full for his halfe Moiety of the foregoing Decree in Chancery for the use or Repares of St. Edmonds church in Allestry as in the recited Decree is mentioned

by us SAMUEL WARD Churchwardens.  
W. COLLIER JUNR

---

### Derbyshire Easter Dues.

AS throwing further light upon the ancient Easter church dues and offerings, varying so much in amount and nature (which are discussed elsewhere in this journal under the head of "Hope Easter Roll"), the following extract from a MS. commonplace book, that formerly belonged to Roger Columbello, of Darley Hall, who died in 1665, will be read with interest. This entry was written early in the reign of Queen Elizabeth, as is proved by dated entries in the same hand.—ED.

A Dewtye belonging of oulde tyme to the churches.

Every house payd at Easter for small tythinge *ij d. ij ob.*, one garden penny, one glebe penny, 1 fartheynge called a wax farthinge, and an other called a chadd farthinge. The wax farthinge for lyght of the alter; the chadd farthinge to hallow the fonte for christening of children and for oyle and creame to anoyle sycke folkes wyth.

The parson had the garden penny for tythinge and the bishop the glebe *1 d.*, then the parsons charge was to fynde Bread and wyne to serve with at Easter of hys pasteroule, And the parishe by howshoulde to fynde every sondaye in the year 1 peny white lofe for holye bread and a halfpenny for wyne to receyve with and this to be provided.