

THE COURT LEET AND GREAT COURT BARON OF CHESTERFIELD 1763-1841

By J. M. BESTALL, M.A.

A VOLUME containing the records of this Manor Court in its last years has recently become available for study again and its contents are sufficiently interesting to merit a supplementary note to the account given by J. P. Yeatman in his "History of the Borough of Chesterfield" (pp. 42-46), reprinted in 1890 from Vol. II of his *Feudal History*. The proceedings of this Court throw some light on the government of the town and its social condition in a period when the records of its public life are seriously deficient and when the affairs of the Manor and the Borough before and after the reform of the Corporation were closely interwoven.

In 1763, it may be noted that it was "The Court Leet and Great Court Baron of the most Noble Margaret Cavendishe Dutchess Dowager of Portland held at Chesterfield for the Mannor and Borough aforesaid by the free Inquest of the Burgesses of the said Borough" held before the Steward, Beaumont Hotham. After 1771 it was the court of the 3rd Duke of Portland until 1792 when, as a result of an exchange of ducal estates, the Manor of Chesterfield passed to the Dukes of Devonshire for whom the Court was held until 1841. The Duke of Portland was responsible for the building by Carr of York in 1787-8 of what was called the Town Hall (situated where the Midland Bank now stands), where the Quarter Sessions and local courts were held; to some extent this fact symbolises the continuing influence of the Lord of the Manor within the Borough until the 1840's.

The Court normally met each year in October but the volume of its business varied considerably, being greatest in the first twenty and last twenty-four years of this

period; it declined notably from the 1780's, and between 1799 and 1817 when Robert Waller, the Town Clerk, acted as Deputy Steward, only the appointment of manorial officers is recorded. A marked revival, accompanied by the quadrupling of the usual fine of 3/4d., occurred after 1817 under John Charge, who became Clerk of the Peace in 1830. Earlier there had been a Jury normally of twelve men of some standing in the town, frequently members of the Corporation, with a Foreman who had commonly been Mayor in the preceding year, but from 1817 both a Grand and a Petty Jury were sworn in at the opening of the Court. The manorial officers presented annually by the Jury included two Market-Lookers until 1776, when their disappearance from the records may be related to the removal of the seventeenth-century Market House and the old market cross, which according to Dr. Pegge were pulled down about 1776 (Pegge MSS., Derbyshire Collections, Vol. II, 23, in the College of Arms). A Pinder responsible for the Pinfold "at the bottom of West Bars" was appointed yearly, except for the years 1776-81, but the office was usually held for several years, John Bower for instance being both Pinder and Beadle with only one year's break between 1819 and 1834. More important was the nomination of two Constables, each man usually serving for two years. From 1785 they were reinforced by varying numbers of Assistant Constables, often four during the following years of war but in 1816 rising to the unprecedented number of thirty-three, presumably as a precautionary measure to meet the growing post-war discontent which found some expression a few months later in Brandreth's *Derbyshire Rising*. The close association between the personnel of this Court and of the pre-1835 Corporation has already been noted. After 1836, when one — Samuel Hollingworth — was appointed Superintendent of the Borough Police by the newly-formed Watch Committee¹ and another who was also Pinder — Robert Pearce — became a member of the new force, the new Town Council for a time shared and ultimately took over from the

¹ Chesterfield Corporation Minute Book in the Town Hall.

Manor Court the responsibility for policing Chesterfield.

This very significant change in the government of the town may be more fully demonstrated by reviewing the main business of the Court between 1763 and 1841. It was solely concerned with the enforcement of the manorial bye-laws, most of which existed in 1763 or in the following two decades and were therefore summarised by Yeatman. They were concerned with the supervision of the markets, which belonged legally to the Lord of the Manor with the important right of levying tolls on corn and cattle, the suppression of nuisances and the removal of common annoyances or dangers to the inhabitants of the town. No infringements of the market regulations are recorded, but in 1764 the Jury presented that "the Markethouse, the Cage, the Market Cross and the Rails at the bottom of Glumangate . . . belonging to . . . the Lady of the said Manor are out of repair and dangerous." This was repeated in 1765 when the Jury recommended to "the Steward of this Court to desire her Grace will consent to have it taken down." After 1818 when the Jury warned George Gosling, who rented the market stalls, that when left in the Market Place all week they were a "considerable Nuisance", stalls and their holders came before the Court on several occasions. In 1823 a fine of £1 was instituted for anyone putting fruit or other stalls outside the line of posts at the top of the Market Place on days other than market days. That year also the Jury presented "the Fleaks used for making Pens for Sheep and Pigs in the Market Place lying against Joseph Cooper's Bakehouse to be a common annoyance;" these were on Swines' Green (now New Square) of which Dr. Pegge, in 1782, said, "They affect to call it now 'The Square'."² The stalls there rented by Abel Kirk were ordered to be removed in 1840 as were others that had spread to Church Lane.

The most frequent nuisances, especially in the earlier years, were the ashes, rubbish, refuse and dunghills which were spread in some profusion through the town streets. Yeatman quoted a number of examples involving the

² Derbyshire Collections, Vol. II, p. 23.

Vicar, the Reverend Wheeler, and other influential people. From the later period the case of Back Lane, which in 1818 was said to be "a shocking nuisance to the Town, being almost impassible for Rubbish of various kinds", may be quoted with that of the newly made Cavendish Street, presented as a common annoyance in 1837 partly because of "several heaps of rubbish lying on the east side". In the latter instance it was the Surveyors of the Highways, appointed annually by the Vestry, who were required to take action on pain of a fine of £5; on other occasions they were censured for their inadequate maintenance of streets and causeways, for example in 1822 when a stretch of West Bars was said to be "very much out of repair and dangerous". The state of bridges also concerned the Court and the Jury at different times ordered the Surveyors to "erect stoops and rails against the River at Wheatbridge" (1768), the Commissioners of the Derby and Sheffield Turnpike to set up rails between road and river at Lordsmill Bridge (1770) and the Constable to repair the end of Silk Mill Bridge when it was "dangerous for want of a paviour being put down" (1829).

There were other causes of annoyance and danger in the town streets. Firstly, in the earlier years the habit of some leading people in the town of erecting rails or stoops in front of their houses caused the Court to require Godfrey Heathcote, Senior, Joshua Jebb and Lord George Murray among others to remove such obstructions. Secondly, throughout the period overgrown trees near to the centre of the town, notably those of Robert Malkin at the top of Tipton Lane, were a cause of complaint in the Court. In 1817, for instance, A. L. Maynard, Clerk of the Peace (1774-1823), who resided at West House, was required to remove branches overhanging West Bars as they were "dangerous to the passengers on the outside of the 'Tally Ho' Coach". Thirdly, the Court took measures to deal with vehicles left in the town streets in 1775 by imposing a fine of 6/8d. on anyone allowing "any Cart or other Carriage (to) stand in any of the Streets or Highways . . . so as to be a Nuisance". Two years later when the first case arose the offenders were

given twenty days in which to move their carts from the Market Place, but there was a greater sense of urgency shown in 1778 when John Frith was amerced 3/4d. for leaving his cart there for only three hours. After 1800 there were no other such cases in this Court, but the problem of parked carts, especially on market days, soon engaged the new borough police after 1836. To these forms of obstruction may be added two other matters of public concern — fire and smoke — although they are represented only by single cases.³ In 1821, the Jury presented William Gascoigne's blacksmith's shop, "a low thatched building", owned by the Lord of the Manor, as it was "in danger of taking Fire from the Sparks falling upon it and also a great Nuisance in the Centre of the Town". This presentment was repeated yearly until 1826 when Gascoigne had left and a dangerous gable end became the cause of the Jury's concern. The smoke problem appeared in 1834 when the Jury presented "the Smoke proceeding from the house of Richard Kirke in the Shambles for want of a proper Conductor"; this was to be abated within fourteen days on pain of a fine of 40/-. The Shambles with its slaughterhouses and butchers' shops was an area where nuisances abounded; the fine imposed on John Harvey in 1775 for sweeping "blood and guts" into the Market Place was for a breach of a bye-law directed at such characteristic offences.

In all ages Manor Courts had been greatly concerned with the clearance of ditches and watercourses; in Georgian Chesterfield innumerable people were presented in the Court for neglecting to scour the ditches on which the drainage of the town largely depended. Occasionally more than negligence was involved as in 1767 when William Robinson had to "open the Ditch which he had filled up . . . at the bottom of Dark Lane (now Foljambe Road) leading from Mr. Spencer's Pothouse to the bottom of West Bars". Four years earlier John Frith had been ordered "to remove and take away the Stones and Rubish by him thrown into the River". By the 1830's ditches were less prominent in the Court but soughs and sewers

³ Corporation Minute Book.

which were gradually taking their place continued to raise the same problem. In these last years the Court was preoccupied to a striking degree with water from roofs; after numerous cases the Court in 1836 introduced a bye-law imposing a fine of 40/- on "all persons occupiers of Houses and Buildings . . . who shall not have proper spouts and conductors to their respective Houses and Buildings fronting public footways so as to convey the water therefrom". The reformed Corporation made a similar bye-law which ultimately involved a penalty of £5;⁴ in 1838 the Court respectfully recommended its stricter enforcement, but two years later there were complaints in the Town Council that "for want of Spouting and Landers the Causeways in the Streets are most uncomfortable to walk upon".⁵ It was, however, not only falling water that endangered the pedestrian but insecure tiles, slates, plaster and chimneys as well as open grates and various dangerous projections such as shutters and inn-signs. From the records of the last years one obtains a very strong impression of the hazards of town life, especially after dark, even though Chesterfield had begun to enjoy the benefits of gas street-lighting from 1826 and Glover could write that "its streets may now be perambulated at evening with pleasure and safety".⁶ Much of the town property was clearly in a neglected — some in a seriously dilapidated — state. This accords with contemporary descriptions of local economic conditions, such as Sir Richard Phillips' reference to "a dull worn-out town, with little trade except in corn, the market for which is well attended"⁷ or the verdict of a Royal Commission in 1837 that "The Town seems to be in a depressed state, and the inhabitants are supposed to be far from wealthy; there are nearly 100 uninhabited houses in it".⁸

The records of this Manor Court in Chesterfield between 1763 and 1841 thus offer some useful and varied information about the state of the town and its pattern of govern-

⁴ *ibid.*

⁵ *ibid.*

⁶ *History of the County of Derby*, II, p. 260.

⁷ *A Picture of England*, 1828, p. 231.

⁸ Report of the Commission on Municipal Corporation Boundaries.

ment. Most significant perhaps is the relationship between the Court and the Corporation or the Manor and the Borough. The ending of the Court in 1841 soon after the establishment of a new Municipal Corporation, which was to assume responsibility for all those questions comprehended by the term "Public Health", for policing the town and for the other matters of public interest with which the Court had been solely concerned in its later years, marks an important stage in the development of Chesterfield — the withdrawal of the influence of the Lord of the Manor. The same process was seen in the 6th Duke of Devonshire's surrender of his market tolls and other market rights and also in the sale of many Cavendish properties in the town, especially during the 1840's.⁹ The "Bachelor Duke", who during the debate on Parliamentary Reform in 1831 had looked forward to the abolition of his borough influence and who wrote in 1847 to his nephew, Frederick Leveson Gower, a candidate for the Cavendish seat in Derby, ". . . you are the only person to whom I should consent to prolong that sort of interest with Derby",¹⁰ acknowledged that the borough of Chesterfield in the 1840's should no longer be subjected to the influence of the Lord of the Manor.

ACKNOWLEDGMENTS.

I am greatly indebted to Mr. J. W. Pashley for allowing me to consult the volume on which this article is based. On particular points my thanks are due to Mr. R. Clegg, Town Clerk of Chesterfield, Mr. H. E. G. Reade and Mr. Hodgkinson of the Chatsworth Estates Office, Mr. G. R. Micklewright and the staff of the Chesterfield Library. For permission to work on the Pegge Collection in the College of Arms I am grateful to Colonel J. R. B. Walker, *Lancaster Herald*; this was made possible by the Research Grants Committee of the University of Sheffield.

⁹ Chesterfield Rental 1835, Chatsworth Estates Office.

¹⁰ N. Gash, *Politics in the Age of Peel*, p. 216.