

TRESPASSERS AND DEBTORS: DERBY AT THE END OF THE SIXTEENTH CENTURY

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Credit was an essential feature of 16th-century life. It enabled trade to operate smoothly across borders, it facilitated the conspicuous consumption of the elite, it allowed the trader to stay in business, and the labouring poor to survive. But in the absence of banks and a formalised credit system arrangements were made on a face to face level, creditor and debtor were likely to be involved in day to day transactions, and the whole system of credit took on a personal aspect.

The intricate relationship of creditor and debtor can, therefore, help us to reconstruct in intimate detail life in the early modern community. It allows us to look at business and personal arrangements, and to examine day to day inter-action between neighbours. This paper will look at society in Derby at the end of the 16th century using litigation in the local court as a starting point that leads to individual and collective biographies of a cross section of the community.

DERBY IN THE 1590s

At the end of the sixteenth century Derby had a population of between 2000–2500.¹ Many of these were involved in crafts and trades, or were retailers living in and around Irongate, the Market Place and Sadlergate. Kilns and warehouses in St Peter's parish suggest a more industrialised area in the south of the town, but we know that there was a baker's shop in Babington Lane, butchers stalls in the Market Place, and tailors living on the Morledge.² Clothworking was the town's staple industry, and the tailors and clothworkers had their own trade company whose guardians protected their interests in the town by fixing prices, preventing outsiders from trading in the town, and making sure that debts owed to their members were paid on time.

The town was governed by two bailiffs chosen annually from the burgesses, with the Earl of Shrewsbury as High Steward. The burgesses were freeholders who had the advantage of operating a trade cartel in the town with a monopoly on buying and selling in the market, a privilege they had enjoyed since Domesday and which was confirmed in 1555 by a charter given to the town by Queen Mary. The same charter gave a large gift of property to the bailiffs and burgesses of the town, the rents from which were to be used to maintain perpetual vicars in All Saints and St Alkmund's churches. St Michael's, St Peter's and St Werburgh's completed the number of parishes in the town. The medieval religious foundations such as Kings Mead Nunnery, and the Dominican Friary in Friargate had been turned into private residences by the end of the sixteenth century.

Religion created divisions in the town, with both Protestants and Catholics martyred for their faith during the sixteenth century. Poverty was another division. Each parish was required by central government to levy a rate in order to pay poor relief to its paupers, but individuals also made bequests of money and property to be used by the poor. Bess of Hardwick made such a bequest in 1597 when she endowed almshouses as homes for eight old men and four

old women. One of the tasks the inhabitants of the almshouses had to undertake was keeping her magnificent tomb in All Saints clean and tidy. There is evidence that the town as a whole was undergoing a period of economic hardship at the end of the 16th century. In 1590 the bailiffs wrote to the Earl of Shrewsbury asking him for assistance in lowering the subsidy of £240 owing to the Queen, because of the poverty of the town.³

Plague was an ever present fear in Tudor Derby. At the end of the 16th century there were outbreaks in 1586 and 1592–93. This was a particularly severe outbreak. Evidence from the parish registers shows that during the epidemic the burial rate rose by 88 per cent.

Outbreaks of civil disturbance also disrupted life in the town. In 1576 retainers from the households of Sir John Zouche and Sir Thomas Stanhope gathered in the town's streets to settle a private dispute over rights of access on the Derbyshire coalfield. The town hall bell was rung and order restored by the burgesses. Another affray took place in 1588 between Mr Vernon's and Mr Longford's men, which again the burgesses had to stop.

In 1590 the Earl of Shrewsbury had to adjudicate in a dispute over an enclosure in Siddalls meadows. A decade later the Earl himself was in dispute with the bailiffs and burgesses over the appointment of the town's steward which the town claim interfered with its liberties and customs.⁴

Most citizens of Derby at the end of the 16th century did not settle their disputes by violence in the streets, but were more likely to take their differences to the borough court. It is the proceedings of this court that provide the starting point for this prosopographical investigation of Elizabethan Derby.

THE COURT

In Early Modern England local courts were extremely idiosyncratic in their conditions and regulations, no two being the same. Thus there is no model that can be applied to the Derby court, and its parameters have to be reconstructed pragmatically from its proceedings, and the Royal charters which gave the town the right to hold its own court. The court dealt with cases of trespass, illegal detention of goods, and the non-payment of debts. It could also hold inquisitions on disputed wills. It was a civil court in which the petitioner or plaintiff initiated the case. The court stipulated that one of the litigants, but not necessarily the plaintiff had to be resident in the town. This allowed those from outside the town to sue defaulting towns people, and vice versa. The court had the right to empanel a jury, and to call and examine witnesses. The closest modern equivalent of the court is the small claims court.

But what type of court was it? The charter granted to the town by Henry III in 1229 confirming the burgesses' liberties and privileges, gave them jurisdiction over thieves ('*infangenetheof*'), and a court of attachment which had the right to arrest or detain either persons or goods. In 1446 the borough was given the right to appoint a recorder who with two bailiffs could hold a court of record. A court of record was so called because it enrolled for perpetual memory acts and judicial proceedings. This meant that it could be used as a legal record of a transaction such as a loan or transference of property. It also had the right to levy fines, and to imprison for contempt of its authority. As the first folio of the court book is missing it has to be assumed that the court proceedings described below are those of the court of record.⁵

The court was held at irregular intervals ranging from three days to seventeen weeks, but once every three weeks seems to have been the norm. Usually the court was held on a Tuesday,

but during the period 1589–99 it was held on at least three occasions on every other day except Saturday. This included fourteen occasions when the court sat on a Sunday. It is probable that the day chosen for the court depended on the convenience of the court officials, and the interval between courts on conditions in the town. The period when the court did not sit for seventeen weeks coincided with an outbreak of plague in the town in 1592.

THE SOURCE

The source itself is in the Derby Local Studies Library. It is in a bound folio-sized book, but the binding is not original. The court entries are on parchment, now mounted on paper. Folios 1–47 are missing, and the whole shows evidence of flood damage which is sometimes so severe as to render some entries unreadable. This is especially true for the folios from 211 onwards. Mounted at the back of book is a miscellaneous selection of deeds dating from temp. Charles II.

The whole is in Latin, written in a variety of hands, and with a variety of recording styles suggesting that the clerks had some latitude as to what they could record of the court proceedings. It is not a verbatim account, and the selectivity of the information given has to be taken into account. The Local Studies Library also possesses a transcript of the court book by Isaac Jeayes. However, when the two versions are compared it is obvious that Jeayes has edited his version, as some information is omitted.⁶

An additional problem in understanding the court records is the terminology used in the court which is connected to the way in which a creditor could sue for debt. Some creditors sued for non-payment of debts incurred over sealed obligations, such as bills of exchange or bonds, but others sued to recover debts incurred on verbal agreements or for non-payment for goods supplied. In these latter cases the action was called a trespass upon the case in which a writ of trespass was issued for wrongs done to person, land or chattels as a breach of a promised undertaking; in the case of debt this was a verbal promise to repay the sum lent. Care has to be taken to identify trespass upon the case, from cases of trespass which involved incursion on property in the way we might understand it today.

In Elizabethan England trespass not only involved an incursion into property, but also an alleged breach of the peace, and personal assault. It could also include allegedly chasing cattle, knocking down fences and hedges, breaking a close, mowing grass or digging a plot without permission, the destruction of crops, and allowing a dog to worry sheep. In some courts trespass was extended to include false imprisonment, disputed titles to land and adultery.

The court could enforce short terms of imprisonment for non-payment of debt and trespass, but preferred to fine those found guilty of trespass and to collect a percentage of the money reclaimed by the debtor or damages awarded for trespass. One of the main objects of a local court was to make money for the town, so a fine was preferable to imprisonment which might involve the town in further expense.

The plaintiff initiated proceedings, and the case was heard before the two bailiffs and a sworn jury of burgesses. Plaintiff and defendants could produce witnesses, although in most cases they seem not to have bothered. Often the defendant did not turn up for the hearing, and cases were postponed again and again. Judgements too were often postponed for several weeks, sometimes months, during the interim the defendant had to find friends to stand as sureties. The delay in achieving judgement may have been connected to the custom of some courts and possibly that at Derby that three court days had to intervene between each pleading.⁷

The amount of information given about the proceedings varies from clerk to clerk. The lack of any detailed verbatim evidence means that we do not know the background to the cases, but once a plea was entered it is possible to see events escalating with claim and counter-claim being entered in the court book.

COURT BUSINESS AND POPULATION

Between 1589 and 1599, 1225 separate citizens of Derby, and 127 outsiders were involved in litigation in the borough court. During the 1590s there were 1802 cases with a mean of 164 cases per year and a standard deviation of 44. The absolute number of cases per year can be seen on Figure 1. This figure shows that in 1590 the number of cases at 213 was above the average plus the standard deviation, and 1593 at 113 was below the average minus the standard deviation. The drop in the number of cases in 1593 coincides with the outbreak of plague, and work done on other local courts for the Early Modern period shows that the number of cases dropped significantly during the plague. This was probably due to the fact that during an epidemic of plague public gatherings and crowds were avoided. The All Saints parish register states that this outbreak started in the house of William Sowter a butcher in 1592. William Sowter was one of the litigants in court, who before his untimely demise had a rather chequered career. In 1591 a warrant was issued against him for affray. In the same year he appeared as a defendant against James Osborne for a debt of £6. In 1592 he was sued three times by William Crompton for theft of victuals, trespass and a further debt of £6.

The increase in cases in 1590 as shown on Figure 1, cannot be explained. But when the number of cases again topped 200 in 1597 this was due in part to a number of cases brought by the Crown in an endeavour to recover back rents from crown properties in the borough.

The total number of households for Derby in the 1563 religious census was 507. If it can be assumed that the number of households in the 1590s was at the same level it means that in any one year over half were involved in litigation in the court. It has to be borne in mind, however, that between 1563 and 1590 there had been at least one outbreak of plague, and between 1563 and 1599 two, of which one was long lasting and severe. It is also known that the 1590s were a period of dearth and distress which further suppressed the population so that the proportion of the population involved in litigation may have been higher than 50 per cent.

It is possible that some of the litigants were not normally resident in Derby, but stayed in the town for a short period in order to use the court facilities. The court records give the origin of those from outside the court, but if the litigant was in reality from outside the town and falsely claiming residence this would not appear. In order to test this a list of debtors which gives the place of origin was compiled from a series of inventories for Derby in the late 16th and early 17th centuries, and compared with the litigants in the court book. Where the debtor also appeared as a litigant the information given in the court record matched. Although this is a small and inconclusive sample amounting to nine per cent of individuals it suggests that on the whole we should assume that the court record is accurate as to the origin of the litigant, rather than otherwise.

DEBTS AND DEBTORS

The amount of debts being recovered varied from the 3d which Thomas Crychelowe tried to recover from Hugh Browne a clerk, to the £200 which Francis Goodwyn a glover owed to John

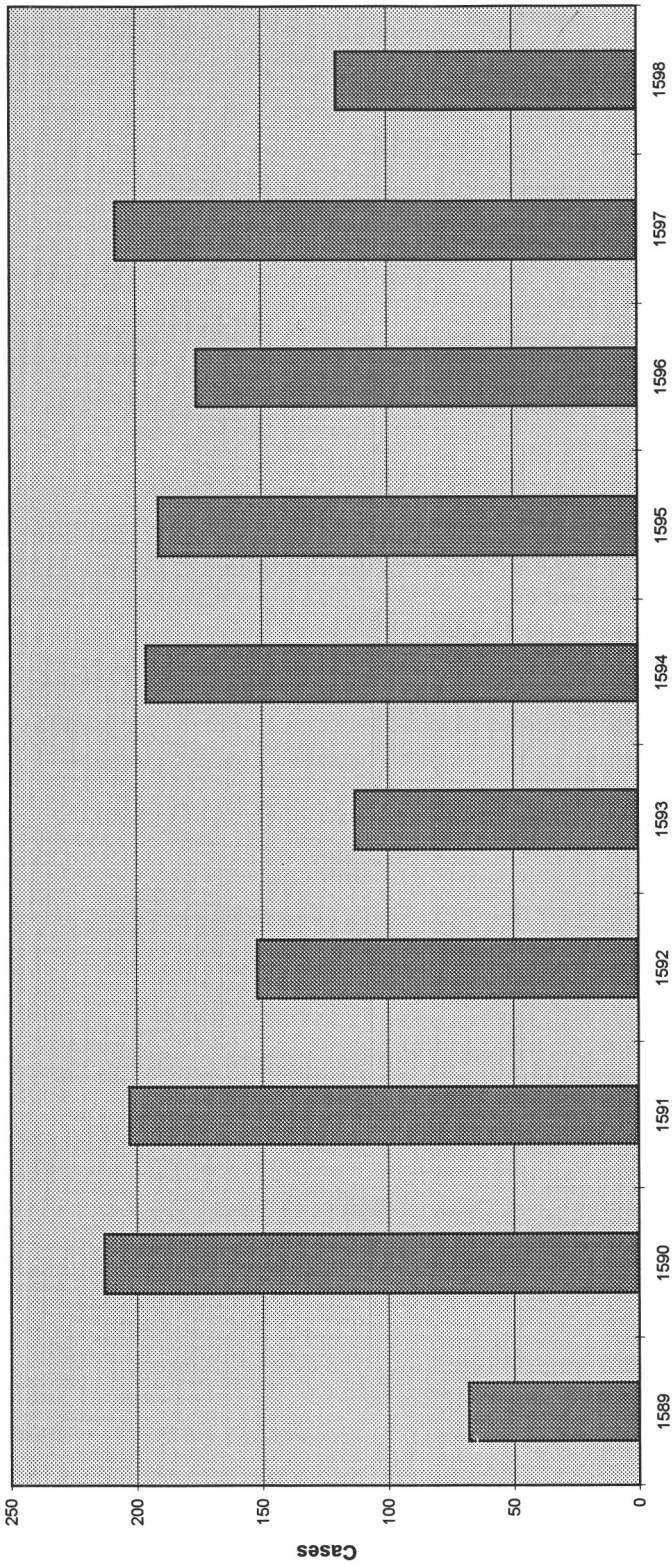


Fig. 1 Annual Number of Cases in the Derby Borough Court Book 1589-98.

Bentley in 1598. Figure 2 shows the scope of debts that plaintiffs sought to recover. Three hundred and twenty eight of the debts were for £1 and under, and 42 were for under 9s. On the upper level 38 debts were for over £50, of which eight were for between £100 to £200, and eleven for £200 and above.

Taking one year as an example, 1596 which with 176 cases was closest to the mean number of cases, the amount of money tied up in unpaid debts amounted to £925–2s–9d. We can compare this to the average annual income of merchants of between £10–60, and an average annual wage for labourers of £9, and see that much of the capital of the town was tied up in credit and debts.⁸ Historians have called the period we are looking at the ‘price revolution’. Prices rose and the purchasing power of wages fell, especially in the years 1595 to 1605.⁹ In towns where court records are extant before the 1590s there is a noticeable inflation in the number of cases for debt in the last decade of the 16th century. Nationally, in the Court of Common Pleas which was the central court for civil litigation there was also a persistent growth in cases for debt as the 16th century drew to a close. In 1560, 67 per cent of the cases in that court dealt with debt, by 1606 this had risen to 80 per cent, and by the end of the 16th century England had become the most litigious country in Europe.¹⁰ It is difficult to say with certainty the type of people who were suing or being sued for debt in the borough court. Occupation was not given in the court records as a matter of course, but only to distinguish a litigant who bore the same name as someone else in the town, so it is only through record linkage that it has been possible to add occupations to some of the litigants. However, rank and status were assiduously added to the records so that gentlemen appear to be over represented in the court. Including gentlemen the occupation or status of 216 individuals who appeared in the court, sixteen per cent of the total, has been traced. Two groups of defendants stand out, yeomen and husbandmen. 44 yeomen were traced who owed money, compared to only four who sued for debt, and three who appeared both as plaintiff and defendant in debt cases. 35 husbandmen appeared in court as defendants owing money, but none sued for debt. The implications of this can be related to the price revolution and how it might have affected the small land holder. Yeomen and husbandmen made their living from the land. Yeomen were freeholders with land worth at least 40s a year, who voted and served on juries. They usually had holdings big enough to allow them to farm for the market, selling their surplus for cash, and responding to market forces. Husbandmen were likely to have smaller holdings, and were often farming at a subsistence level. The price revolution sent up commodity prices, which were aggravated by an overall rise in population creating an increased demand. We should expect to see those working the land and involved in food production as the capitalists lending money rather than borrowing it. It is possible, however, that as the 1590s coincides with the ‘Great Rebuilding’ when houses were re-designed and re-modelled in new materials and new styles that the money the yeomen and husbandmen were borrowing was being invested in their houses. Further work relating debtors and inventories will help to shed more light on this question.¹¹ Taking a national overview Christopher Brooke suggests that yeomen and husbandmen were the most litigious citizens, and that litigation declined in periods of agricultural depression.¹²

Other heavy borrowers were those whose livelihood depended on the purchase and re-sale of raw materials and produce, butchers, bakers, tanners, skinners and glovers. This points to a probable inflation of prices at the farm gate, and may lend more credence to the idea that the farmer was putting capital into rebuilding. One butcher, William Atterley was sued for debt in 1596 by five different individuals in what may have been a campaign to put him out of business.

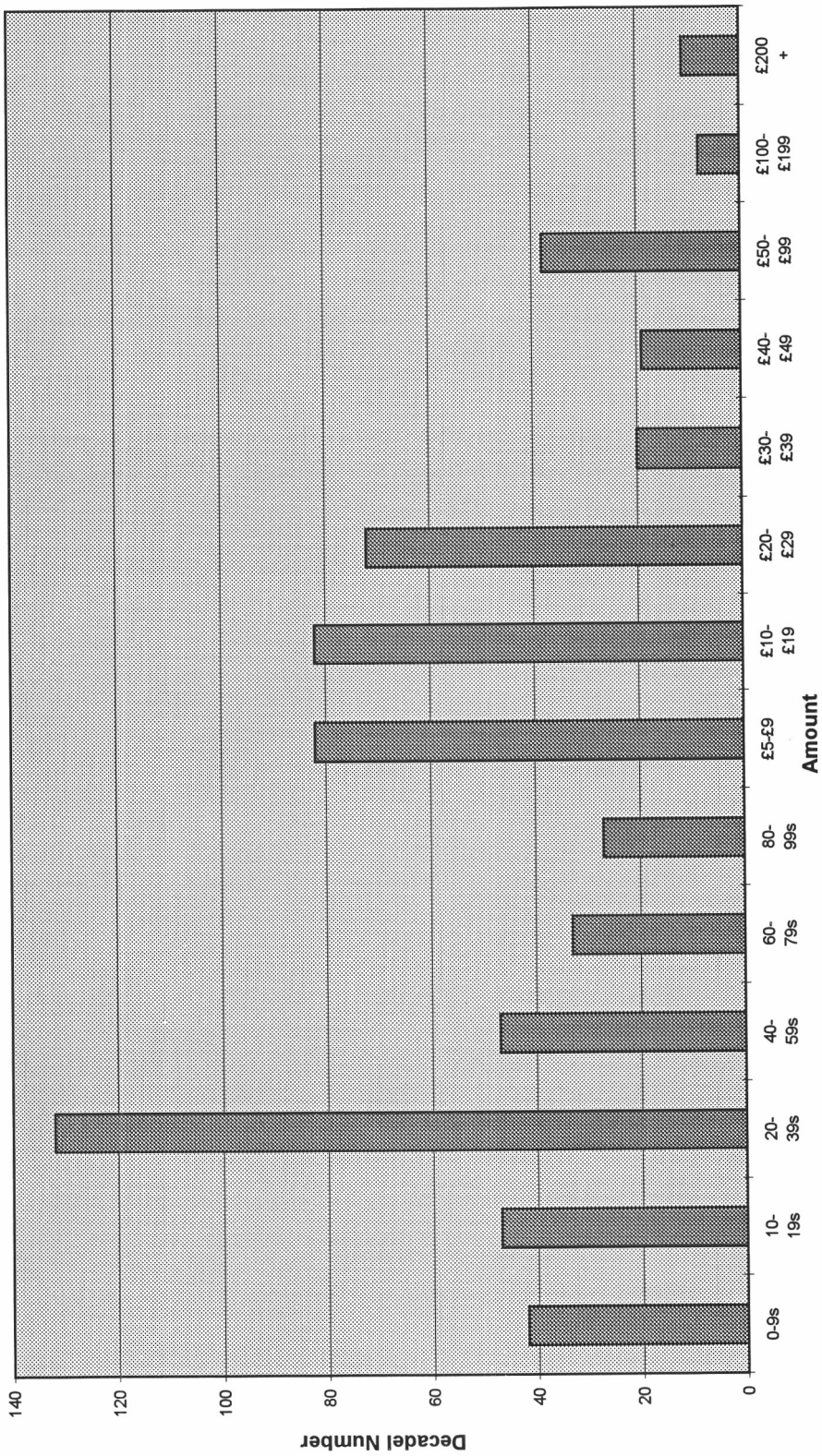


Fig. 2 Scale of Debt in the Derby Borough Court Book 1589-99.

Henry Fisher of Mickleover started the process by suing Atterley for £20. He was followed by William Jessop, Henry Pearson, John Marsh and John Massey who sued Atterley for a total of £56–3d. A little later Jessop himself was sued for debt, but Henry Pearson and John Massey had a number of debtors and were not sued themselves. They may have been professional creditors facilitating the flow of money through the town by extending credit to those who needed it.

Equally as insolvent as butchers were the minor clergy. One, Hugh Browne was sued five times for debt between 1594–95. In total he owed £5–8s–11d. A more substantial citizen was William Botham, a draper of All Saints Parish who was bailiff in 1590 and 1598, and MP for the borough in 1586, 1591 and 1593. He was the plaintiff in nine cases of debt, and was owed in total £416–11s–5d. He was sued in turn for an unpaid debt of £60, and sued jointly with Edward Turner for detaining goods, and for a debt of £24 owing to Thomas Fisher. Edward Turner was a mercer of All Saints parish, and bailiff in 1585 and 1593. William Botham was also sued for trespass eight times, and was sued himself five times. In 1592 he accused Ellen Jeyes of taking a piece of red English broadcloth belonging to him, and also of stealing £2 worth of goods belonging to Thomas Bate. As well as being a draper Botham was also the joint owner of one of the town's mills.

Richard Fletcher was a mercer who diversified his interests. As well as being MP for the borough in 1589, he was also active in the land market. In 1591 he sold seventeen acres of land in Derby to William Buckley. This included two parcels of land in the Nether Cowsley abutting Linmure Fitch, a headland abutting Harwood Close by the highway to Chaddesden Cross, two parcels in the Parkfield, an acre in Michael's Flatt abutting the Abbott's meadow, land in Whitecross, Rowditch and Stockbrook fields, and in the Middle Furlong. Fletcher also owned a capital messuage called 'The Colledge', and another messuage in Irongate.¹³

Fletcher and Botham were members of the urban elite of Derby who figured prominently in the court and the public life of the town. The urban elite were the mercers, drapers, maltsters and goldsmiths. They were the people who lent the money. They bolstered the gentry's consumption of luxury goods, both lending the money to buy these and supplying the goods. In an age of nascent capitalism they were the small town capitalists. Take for example Antony, Matthew, Robert and Thomas Bate. Antony who died in Tripoli in 1598 was a mercer who lived in St Alkmund's parish. Before his death he sued for unpaid debts four times. He also sued jointly with Robert Bate for further unpaid debts. Robert Bate was a clothworker and citizen of London. Like many of the mercantile class having amassed capital from trade he returned to his roots, and purchased land at Trusley.¹⁴ Matthew Bate was a draper who lived in Little Chester. He sued eleven times for unpaid debts and was owed at least £409–10s. He too had an interest in land as he was leasing closes in Dalbury.¹⁵ Thomas Bate was a mercer from St Alkmund's parish. He was bailiff in 1586, and sued eight times for unpaid debts in the last decade of the 16th century. The Bates were lending money to people such as Ranulph Pegge a yeoman of Sinfin who owed Matthew Bate £40, or Elizer Hakes the fishmonger who was in debt to Thomas Bate for £4–6s–8d.

The Bate family, William Botham and Richard Fletcher are examples of a pattern that can be seen emerging in Elizabethan small towns, of merchants whose livelihood was not involved in production but in retailing, amassing capital which was not only disbursed as loans, but also invested in land. In Kingston upon Thames in Surrey, for example, an inter-married core of families emerged at the end of the 16th century who monopolised local offices acting as guardians of trading companies, bridgewardens, aldermen and bailiffs. This core of six to nine

families not only controlled the political life of the town, but also its monetary system. Like the successful merchants of Derby they came from occupations divorced from the productive process. These merchants and others like them spread across the market towns of England were at the pivot of the price revolution in the 16th century.¹⁶

The ultimate aim of the mercantile elite in England was to buy land, and in the space of a few generations to become members of the landed gentry. In 16th-century Derby we can see tentative steps in that direction by some of the mercantile families. In one instance, the ubiquitous Bate family, they succeeded and by the 18th century had joined the ranks of county society from which the Justices of the Peace were drawn.

At the other end of the scale to the urban elite were those described as paupers. Three of these have been traced. Richard Frearson of All Saints, Thomas Greneway of St Michaels and William Higgenbotham. Richard Frearson was one of Thomas Bate's debtors, sued in 1596 for £4–12s. He was also sued by Michael Turner for £5 worth of goods, and in 1599 for an unspecified sum. He was also called into court on a charge of trespass against Richard Fletcher in 1593. Thomas Greneway was sued five times for debts of sums between 6s and £10 by five different individuals. By 1597 he owed £16–12s–9d, a sum his creditors could have had no hope of recovering. William Higgenbotham was sued for non-payment for goods belonging to William Buckley in 1591, but Higgenbotham was one of the plague victims of 1592, so disappeared from the records. The lack of collateral would have made it difficult for paupers to get credit, and the small number traced may be representative of the actual numbers of poor sued for debt.

A number of those suing and being sued in the courts were women. Although in Elizabethan England married women were invisible before the law, placed on a par with infants and lunatics, spinsters and widows were visible in law and able to act on their own account. 30 cases in the court were initiated by women trying to recover debts, and a further eight were sued for non-payment of debts. Those initiating debts were often widows who were the executrix of their husband's wills seeking to recover debts owed to the estate. The frequency with which the same widow sued the same debtor suggests that widows were assiduous in chasing unpaid debts. For example Alice Beamont, widow and executrix of Edward Beamont entered into a lengthy litigation against Robert Wilmot, gentleman to recover the £40 he owed to her husband's estate. Margaret Harrison, widow, pursued a number of debtors through the court, and in 1595 we find Isobel Woodward the widow of Alexander Woodward suing Antony Bate for a debt of £5.

Outsiders who sued or were sued in the court came from the area around Derby. Litigants from Duffield, Breadsall, Mackworth and Markeaton were common, but some came from further afield. These included people from as far away as London, Leek and Berwick-upon-Tweed, as well as a number from Leicestershire and Nottinghamshire.

The other questions we might ask about the credit system in early modern Derby is whether the debts were repaid, and whether any interest or usury was exacted. The court could instruct the debtor to re-pay the sum, and had power to imprison for non-payment. In some cases the plaintiff returned to court and reported that debt was still unpaid. For example, in 1589 Antony Roper came into court and said that Thomas Elyot who had promised in the court to pay 20s 6d he owed, had not done so. In the same year William Potter said in the court, in English, that he had paid Robert Wilmot £20 of the £100 he owed him.

The usual fine given by the court to a debtor was 2d. It is possible that this sum was not a fine, but represented the sum paid to the court by a creditor who wished to register a debt. This

would be part of the function of a Court of Record. However, we find in July 1594 that William Bancrofte was instructed to pay Henry Fytche the debt of 26s 8d he owed him, and to give the court 2d, and Richard Vincent was to pay the debt of 36s he owed and give the court 2d. The rate could represent a sliding scale of 2d in the £, but there is no hard evidence for this. Neither is there any evidence that creditors were charging interest on loans. A test to see if sums which were odd amounts represented the addition of ten per cent interest which was the usual charged, proved to be inconclusive. It is impossible to see from the court records how the sum borrowed was made up, and whether it represented an accumulation of interest as well as a capital sum.

The success of the court in recovering debts can be judged from the lists of debts in inventories made on the death of litigants in the court. Where inventory and litigant match, as for example in the case of Thomas Crychelowe who died in 1601 it can be seen that although during the period 1590–99 he sued nineteen individuals for debt, none of these appear in the list of 98 debtors in his inventory. However, it has to be noted that apart from two exceptions those sued by Crychelowe in the court owed larger sums than those in the inventory. Other inventories show that money was often owing for goods supplied, which reinforces the important role of credit in the trading life of Elizabethan England.¹⁷

TRESPASSERS

The other main concern of the court was the prosecution of trespassers. Trespass could involve incursions into fields, yards and houses, and include the removal of goods and livestock. It often led to charges of assault, and an escalation of violence is shown through a number of claims and counter-claims.

A vast number of presentments for trespass occur in all local courts in Early Modern England. This was partly due to the survival of the open field system where on the one hand despite hurdles set up to protect crops it was all too easy for livestock to stray and damage these, or for animals to be removed from common grazing, but on the other hand individuals enclosing parts of a common field could also precipitate trespass on the part of neighbours.

In the last decade of the 16th century 62 per cent of the cases in the Derby court were for trespass. The plaintiff sued the defendant in the hope of getting damages, either by claiming a given sum or asking the court to name a sum. How the plaintiff arrived at the sum claimed is not known, but it seems that there was considerable rounding up, and amounts awarded by the court were usually a third to a half lower than that demanded. Seventeen per cent of all claims for damages for trespass were for £10, but 58 per cent were for under that amount, and 49 per cent of these were for between £1 to £2. However, at the other end of the scale there were fifteen claims for damages of £100.

Much of the trespass involved the town fields and common land. In 1590, for example, Robert Bashford of St Werburgh's parish trespassed on the fallow. This was witnessed by Thomas Hallows and Humphrey Donnecliffe, and presented in court by Thomas Whetman. This particular case seems to have been a public prosecution. In Osmaston there were ten cases of trespass on Robert Wilmot's enclosed land. One of those charged by Wilmot, Edward Turner entered a counter-plea against Wilmot in 1594, whilst Oliver Smythe, Isabel Burrows and John Ward entered a joint plea of trespass against Wilmot in 1595. Thomas Sutton, who had land in the Nuns Green area entered pleas against seven trespassers between 1592–95. Two of these entered counter pleas against him, and one of these, Thomas Pegge further claimed that Sutton

had assaulted him and demanded £40 in damages. Thomas Ball, a yeoman with land in St Peter's parish was plaintiff in eight cases of trespass between 1590–95, and was defendant in a further five.

Some were chronic trespassers. William Baker, for example, who before he died of plague in 1593 was sued four times for trespass by plaintiffs claiming damages of between 40s and £40, or Henry Bayley of Normanton charged on three separate occasions in 1599 for trespass and assault. Twenty three women were sued for damages arising from trespass and 25 were plaintiffs against trespassers.

It is a land transaction that allows us to reconstruct the unstable relationships between neighbours farming in open fields, and grazing animals on the common land. One particular parcel of land in Whitecross Field was notorious in the court. Whitecross Field lay between Ashbourne and Kedleston Roads where Whitecross Street lies today. This parcel lay between land held by Thomas Walker and William Bradshaw, and at one time it was held by William and Thomas More. In 1592 when Thomas More was accused by Thomas Walker of taking and animals which did not belong to him it was being used for grazing. Shortly after this the Mores granted the land to Martin Stringer who leased it to William Firebrace. The deed granting the land to Stringer was witnessed by a group that included Thomas Walker and William Bradshaw, and the subsequent cases of trespass that involve other members of the witness list suggests that many of those were holding land close to that leased by William Firebrace. In 1595 Firebrace sued Walker twice for trespass. He also sued Erasmus Steynes another of the deed's witnesses in 1594 and 1595. In 1594 he was accused jointly with Richard Wardell, Richard France and Lawrence Smythe of trespass and damage on William Buckley's land. In the same year Richard Wardell was accused by Thomas Sutton of Nuns Green of taking and keeping animals, which points to the theatre of contention being in the Whitecross area. Firebrace was sued twice in 1595 by another witness, John Watson. He was also sued by Richard Jackson, William Buckley and Arthur Gregory. Both Walker and Watson were butchers which reinforces the idea that the field was being used for grazing and fattening livestock. William Buckley also sued Firebrace for trespass and damage.

In some cases of trespass it is possible to identify where the litigants lived. In 1598 we know that William Firebrace was living in a house in Sadlergate owned by Francis Morris who was a maltster. Twice in that year Morris sued Firebrace for trespass, and it is possible that Morris had tried to evict Firebrace, as later Morris himself is recorded as living in the house previously occupied by Firebrace. Morris owned another house in Sadlergate which he leased first to Stephen Slighe, and then to Ralph Bentley.¹⁸

Francis Morris and his family seem to have been a quarrelsome lot with no compunction against entering into litigation against each other. Francis Morris sued Ralph Morris for trespass in 1593, William Morris for a debt of 22s in June 1595, and Francis and his wife Marie sued Christopher Morris twice for trespass and assault in 1595, and for trespass in 1598. Francis Morris sued John Sadler for trespass and insult, and trespass and damage in 1593. In the same year he also sued Michael Beardsley and William Sadler of trespass and assault. Beardsley entered a counter claim of trespass and assault against Morris. Francis Morris and his wife sued William Botham for trespass in 1596, and were themselves sued for trespass and damage by George Blutworth in 1596 and 97. Blutworth was not allowed to get away with this, and Morris quickly entered counter claim against him. One of Morris's alleged assailants, John Sadler, seems to have been a choleric man. He was involved in four other cases of trespass and assault in the mid 1590s. This included a claim of £100 damages against him by Ranulph Pegge.

These case studies only scratch the surface of life in Elizabethan Derby. But they show a town buzzing with activity and life in which disagreement could erupt into violence that the conciliation service of the local court went a long way towards defusing.

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1. This figure is based on the 1563 religious census. It is probably an under-estimate. This will be the subject of a further paper by the author. The census figures can be found in, Riden, P. The Population of Derbyshire in 1563, *Derbyshire Archaeological Journal*, Vol. XCVIII (1978), 61–71 and Clark, P. & Haskings, J. *Population Estimates of English Small Towns, 1550–1851*, Rev. ed. (1993), 29. Clark and Haskings use a multiple of 5.05 to arrive at the total population, but their figures for Derby include settlements outside of the town.
2. See for example Derbyshire Record Office, Liversage Charity, *Leases* (D1955); Derby Local Studies Library, *Deeds*, for example 544W, 3521, 10847, 15444.
3. Lambeth Palace Library, Shrewsbury Papers, Mss 708, Vol. H. fol. 261 (190/91) (1590).
4. Lambeth Palace, Shrewsbury Papers. Mss. 702, fol. 11 (1601).
5. The Webbs, whose early twentieth century work on local government contains one of the few analysis of town courts suggest that a statute of Edward VI which transferred cases formerly held by court leet to the general sessions of the peace meant that many towns tried to gain immunity from this by making the mayor and bailiffs justices of the peace. Derby was to get its own sessions of the peace in the 1611 charter. It is possible that the town court proceedings of the last decade of the 16th century and first decade of the 17th century represent an interim period during which the Court of Record tried cases of trespass and assault that might otherwise have been tried elsewhere, as the Webbs also state that the majority of borough courts only tried civil cases. (Webb, S. & B., *English Local Government: The Manor and the Borough*, Part 1 (Longmans, 1908), 349–58).
6. At present the Court Book is not catalogued but is easily available on application to the librarian of the local studies library.
7. Webb, *Local Government*, p.343 gives Walsall as an example. Derby took out a private act in 1765 for the more easy and speedy Recovery of Small Debts by a Court of Requests, which was to sit every three weeks and had the power to award judgement in favour of the plaintiff if the defendant did not appear. (*An Act for the more easy and speedy Recovery of Small Debts, within the Borough of Derby, and the Liberties thereof*, Geo.III, Cap. XX. Dec. (1765))
8. Any discussion of income has to take regional variations into account. The best general discussion is still that in Phelps Brown, E. H. & Hopkins, S. V., *A Perspective of Wages and Prices* (Methuen, 1981).
9. Ramsey, P. H. (ed.), *The Price Revolution in Sixteenth Century England* (Methuen, 1971)
10. Brooks, C. W., *Pettifoggers and Vipers of the Commonwealth* (Cambridge University Press, 1986), 69–70.
11. W.G. Hoskins's identification of the 'great rebuilding' has been questioned by subsequent historians. A lucid and upto date assessment of the debate can be found in Johnson, M., *Housing Culture . . .* (UCL Press, 1993).
12. Brooks, *Pettifoggers*, for example p. 95.

13. Derby Local Studies Library, *Deeds*, 6598 (1591).
14. Derby Local Studies Library, *Deeds*, 1011 (1596).
15. Derby Local Studies Library, *Deeds* 15400, 15411 (1611, 1613).
16. Unpublished research by the author.
17. I would like to thank Richard Clark and Joan D'Arcy for giving me information on Crychelowe's and other inventories.
18. Derby Local Studies Library, *Deeds*, 15410, 15420 (1616).