



Manor Courts.

By the Rev. Canon Oldfield, D.D.

THE following instructions for the procedure of a Manor Court are found in a "Minute Book of Courts" which also contains notes of Courts held for the Manors of Stanton Harcourt, Nuneham Courtney, Coggs, Lyneham, Ducklington and Churchill from the year 1736 to 1749. The book belongs to the Right Hon. Lewis Harcourt, M.P., Secretary of State for the Colonies.

After the Steward has plac'd himself in the Court he must enter the Title of the Court in the Minute Book in the following manner :

MANOR OF STANTON HARCOURT IN THE COUNTY OF OXON.

The Court of Veiw (*sic*) of Frank pledge with the Court Baron of the Rt. Honble. Simon Lord Viscount Harcourt Lord of the Manor aforesd. Held for the sd Manor on Friday the Twenty second day of October in the Tenth year of the reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. and in the year of Our Lord One Thousand Seven Hundred and Thirty Six Before Samuel Rock Gent Steward of the same.

Then cause the Tything man to make three proclamations and to repeat after the Steward the words following viz : All Manner of Persons that do owe Suit and Service to this Court Leet & Court Baron of the Rt Honble Simon Lord Viscount Harcourt now to be holden in & for this Manor draw near and Give yor attendance and answer to yor Names.

Then take from the Bailiffe the List of Suitors. Then call over (the Cryer repeating after you) the List of the Tenants Freeholders Leaseholders Copyholders & all others who owe suit & Service to the Court and mark them which answer (ap). Then Let the Cryer make Proclamation.

After which say You Good men who are Return'd to Enquire for Our Sovereign Lord the King and also to be of the Homage Answer to your names. Call them over and Let the Tything man

Count them. Then mark them which appear (ap) call over the Defaulters thrice and not appearing Fine them 6s. 8d. each.

FOREMAN'S OATH.

Then Swear the Foreman. You as Foreman of this Jury & Homage shall Enquire and true Presentment make of all such things as shall be given you in Charge, The King's Counsel your own & yor Fellows you shall well and truly keep. You shall present nothing out of Hatred or Malice nor shall conceal anything out of Love fear or Affection but in all things you shall well & truly Present as the same shall come to yor knowledge. So help you God.

Then Swear the rest of the Jury by 4 at a time thus : The like Oath that Yor Foreman hath taken on his Part you & either of you shall well & truly observe & keep on yor parts. So help you God.

In the 2d & 3d Fours say The like Oath that Yor Foreman & others yor Fellows have taken on their parts you and either of you shall well and truly observe & keep on yor parts. So help you God.

CHARGE.

Then after Proclamation made say All you who are Sworn Draw near and Hear yor Charge. Those matters wch you who are Sworn as to this Court Leet are now by yor Oaths obligd to Enquire upon are either of such things as are here only Enquirable & Presentable or else of such things as are not only Presentable but punishable also in this Court.

Of the first sort are the more Capital offences such as Petty Treasons Felonies by Comon Law Felonies by Statute Law together with their Accessories which offences altho' not Punishable in this Court yet are here Presentable and the Presentment must be certified unto some Superior Court where the offenders are to be prosecuted and punished according to Law.

The offences which are both Presentable and punishable in this Court are such as these. First you are to Enquire how the Constable and Tythingman have discharged their Duties in arresting Felons pursuing Hues & Cries according to Law and apprehending Rogues Vagabonds and Sturdy Beggars. And for securing such Idle and Disorderly Persons there ought to be a pair of Stocks kept in good repair.

You are also to enquire of Bloudsheds : If any person within this Leet hath willfully or maliciously drawn Bloud from the person of another it is here punishable.

If any Rescous hath been made upon any person driving Cattle to be impounded for a Trespass committed, or any pound breach hath been made, and Cattle illegally taken from thence, without due delivery, it is here punishable.

Keepers and Maintainers of Publick places for Playing at Cards Dice Skittleplaying and such like unlawfull games together with the Frequenters thereto, are here punishable. So are also Comon Barretors as Scolds Brawlers and Raisers of Quarrells, Eves dropers, such as hearken after News and Carry it about with Intent to Sow Dissention & Discord among the Neighbourhood.

There's another sort of persons very mischeivous & indeed too numerous within this Kingdom and they are such as have no competent Estates to maintain them & yet will not work to get themselves a Livelihood but comonly spend the day in Sleep or Idleness and the Night in robbing Henroosts & Fishponds and such like Villanies. The law adjudges such persons very dangerous, and so ought you, if any such come to yor knowledge.

Whosoever shall Kill or Destroy any Pheasants or partridges in the Night time or Hares by tracing them in the Snow or House Doves or Pidgeons by Guns Nets or otherwise it is here punishable.

You are likewise to Enquire of those that keep or make use of Hounds Greyhounds & Setting Dogs whereby to destroy the Game that have not Estates which by the Law do qualify them for it.

If any Victuallers have conspir'd together to sell their Victualls but at certain prices, or have put to sale any Corrupt Victualls not wholsom for mans body, it is here punishable.

If any Labourers or Artificers have combined together to work but at certain rates or at certain times or not to finish the work they have begun & undertaken to perform, it is here punishable.

If any person hath usd false weights or Measures or double weights or Measures, that is, a Great to Buy by and a Small to sell by in deceit of the People, it is here also punishable.

You are likewise to Enquire of offences done and committed by Forestallers Ingrossers & Regrators.

Now a Forestaller is one that Buys or Causes to be Bought any Corn or other Victualls, which is Carrying to the Fair or Market to be sold, before it be brought into the Fair or Market.

An Ingrosser is one that Buys corn growing upon the Ground (otherwise than by Demise or Grant) or any Butter or Cheese or other Victualls with Intent to sell the same again for Unreasonable profit.

A Regrator is one that in open Fair or Market buys & gets into his own hands corn or other dead Victualls & sells the same again in some Fair or Market within 4 miles of the same place.

You are to make strict Enquiry of such Cottages as are Erected contrary to Law.

Now the Law is that if any person shall sett up a Cottage without laying four Acres of land to it or without the allowance of the Lord of the Soil & the Justices of the Peace in open Sessions he forfeits Ten pounds for his so doing & forty shillings a month for the Continuance of it.

You are also to look into yor Highways how they are repaired & amended & whether the several persons therein concerned have done their Due Services towards repairing the same and whether the hedges & Ditches adjoyning be kept low and scourd as they ought to be.

If any Footpath to Church Mill or Market be denyd that has been an ancient and accustomed way Or if any House Wall hedge or Ditch be sett up or made in the Kings Highway or any Watercourse stopped or turned thereinto or any Carrion Dung or other offensive thing be laid in or near it, Or any other Nuisance to ye annoyance of the Kings Subjects it is here punishable.

You are to take notice what officers ought of course to be now Discharged of their respective offices And to Present the names of other Fit persons to Serve in their places.

And you are to Enquire of all other matters by me omitted that are here in this Court Leet Enquirable & Presentable as fully & effectually as if ye same had been particularly named to you.

You being also Sworn of the Homage yor Charge is to Enquire of such things as relate to the Court Baron of this Manor.

All you who are Sworn of the Homage Draw near & Hear yor Charge.

First you shall Enquire what advantages have happened to the Lord since the Last Court either by Escheats or Forfeitures.

As if any Freeholder of this Manor hath committed Felony & thereof hath been lawfully convicted In such Case the King shall have year day and wast And afterwards the Land will fall to the Lord by escheat.

If a Bastard having purchased any land within this Manor be dead without Issue of his body lawfully begotten in such Case also the Lord shall have his land by escheat.

You shall Enquire whether there be any Rent Service or Custome withheld from the Lord, what it is, from whom due & what Lands are chargeable for it.

You are also to Enquire whether there be any Freeholder or Copyholder dead or that alienated his Estate since the last Court or before, & his Death not yet Presented ; what hath happend to the Lord upon his Death & who is the next Tenant.

If any Bound stones or Landmarks Between this Lordship & another, or Between Tenant & Tenant have been removd Or if any Incroachment hath been made upon the Lords Wast Or any of the Lords lands be unjustly withheld from him Or any Trespassers upon the Lords Royalties by Fishing Fowling Hawking or Hunting you have it in charge to Present it.

If any Houses want repairing hedges gates Styles or Bridges want mending or ditches want Scouring you have it also in charge to Present it.

If any person hath Impoverished his Tenement by carrying the Compost or Soil thereby made or by penning his Sheep upon other lands to ye prejudice of his Tenemt you have it in charge to Present it.

You are likewise to Enquire whether the several Tents of this Manor be now here to do their Suit of Court and who made default.

You are likewise to take notice whether the Orders of the Last Court or any other preceding Court have been duly observd or not & wherein & by whom default hath been made.

And if there be anything else that Concerns the Lords Interest or anything unjustly done or omitted betwixt Tenant & Tenant you have it in charge to Present it.

After the Charge is deliverd Let the Cryer make 3 Proclamations And then repeat after you If any man can inform this Court or Inquest of any Treasons Felonies Bloudsheds or any other thing now given in Charge or Enquirable at this Leet, Let him come into this Court & he shall be Heard.

If any comes in Swear him :

The Evidence that you shall give at this Inquest shall be the truth, the whole truth & nothing but the truth. So help you God.

Then add

If any man will be assoigned let him come forth and he shall be received Or if any one will Enter any plaints let him come into this Court and he shall be heard.

After Proclamation made adjourn the Court, the Cryer saying after you :

All manner of persons that have further to do at this Court Leet & Court Baron may from hence Depart and make their appearance here again at two of the Clock in the afternoon.

When they are returned at Two o'clock in the Afternoon (after Proclamation) say

All manner of Persons that were adjourned to appear at this time & Place Draw near & Give your attendance & answer to yor names.

Then call over the names of the Jury and ask the Foreman if they be all agreed of their By Laws & who shall Deliver them in for them To which they reply Their Foreman.

Then ask if they are contented that they shall be amended in Form so as they be not changed in Substance To which they answer they are. The Steward alters it in form accordingly.

Then the Steward reads over the By Laws.

Then Swears such new officers as are chosen.

CONSTABLE'S OATH.

You shall well & truly serve Our Sovereign Lord the King and the Lord of this Leet in the office of a Constable in & for this Manor until you be therof Dischargd according to due course of Law. You shall well & truly do & Execute all things belonging to yor office according to the best of your knowledge. So Help you God.

THE HAYWARD'S OATH.

You shall well & truly serve in the office of Hayward for the year ensuing You shall duly execute all such process as shall be directed to you by this Court You shall from time to time Signify & Present all such pound Breaches as shall happen to be made during yor continuance in yor office and in everything well & truly behave yorself in the sd office. So Help you God.

THE AFFEERER'S OATH.

You shall well & truly affeer & affirm the several amerciamts here made & now to you remembered You shall spare no one out of Love fear or affection Nor raise or inhanche anyone out of Malice or Hatred but Impartially shall do yor Duties herein. So Help you God.

TYTHING MAN'S OATH.

You shall well & truly serve the office of Tything man for untill you be thereof Discharged according to due Course of Law. So Help you God.

COURTS DISCHARGD.

Cryer makes Proclamation

Then repeats after the Steward as follows All manner of Persons that have appeard this day at this Court Leet & Court Baron may from hence Depart and Keep their day & hour again upon a New Summons.