

ART. X – *A brief history of Kendal Petty Sessions*

BY W. G. WISEMAN

ON the 6 January 1992, the new court house for the Kendal and Lonsdale Petty Sessional Division became operational and on 6 July the same year it was officially opened by Her Royal Highness The Princess Royal. Situated in Burneside Road, Kendal, the purpose built structure and extensive administrative machine operating within it contrasted markedly with the system which had dispensed justice to Kendal and its environs over the last eight centuries or so.

In the early Middle Ages the business of justice was clearly associated with lordship over land and tenants but “above the local and manorial courts with their conflicting laws there towered the majesty of the royal court whose law was everywhere and at all times the same”.¹ Locally it was a confused, complex arrangement that had evolved in a piecemeal fashion, with different kinds of courts applying laws which frequently varied from place to place, and which had its roots in the principle of feudal tenure. The activity of the courts involved considerable administrative duties and were closely interwoven with local government.² The detail of the local jurisdiction varied, from an almost absolute control – having criminal jurisdiction and the authority to hang offenders, and to hear some cases which fell within the ambit of Royal jurisdiction – to a much lesser degree of control, merely a share of the profits of the courts. This same system applied in Kendal where the early courts, the manorial courts, were probably held in Kendal Castle. Over a period of time, particularly in towns, the authority for local administration and legal matters was taken over by the representatives of the community. This transfer came about as a result of the changing needs of the expanding population, commercial pressures and also as a result of grants by charter of rights and privileges, royal and baronial. The establishment of these rights and privileges is one of the keys to the emergence of borough status and served to distinguish boroughs from other units of local government.³

The first borough charter for Kendal, dated to *c.*1222-46 does not appear to grant any significant rights of jurisdiction at that time.⁴ The control of the courts resided in the hands of the lord of the manor and he derived benefit from them. By 1274 the court of Kendal was worth £18⁵ and in an Inquisition Post Mortem in 1310 a quarter share of the perquisites of the court of pleas of the vill and the free court were valued at 6s. yearly⁶ – “free” in this instance meaning for the freemen as opposed to the bondsmen. By 1323 the annual value of the quarter share was 12d.⁷ with still no indication that authority had passed to the burgesses. A year later stallage⁸ and the court of the borough, which ought to have been worth 26s. 8d., was worth nothing because of the destruction caused by the Scots,⁹ and by 1334 there is the first mention of the court of the burgesses, which together with stallage, was worth 2s.¹⁰ As late as 1547 Sir Thomas Parr still appears to have had a share of the profits of “Lez Courthowes et Letehowes”¹¹ but by 1572 the Inquest of William Parr does not mention court profits¹² and in 1580 only the profits of two Courts Leet, a Court Baron and a Court Baron with View of Frankpledge in Kirkland, are mentioned.¹³



PLATE 1. The reconstructed former Moot Hall at Kendal showing the window of 1729.

There is no evidence as to the exact location of these courts, but in a demise dated 1471¹⁴ there is a reference to “lez Bankes with court housez of the town of Kirkeby in Kendale, the borough and Lethouse”.¹⁵ The “Bankes” cannot be identified with complete certainty,¹⁶ but probably refers to the area now known as Fellside. Curwen suggests that the present All Hallows Chapel, on Fellside, was the site of the old workhouse and “a building which is said at one time to have been Kendal’s original Town Hall”.¹⁷ A further inquest the same year again refers to the courthouse of the vill of Kirkeby in Kendale, Burgh and “le Lithouse”.¹⁸ An Inquest taken on 16 August 1512¹⁹ still refers to “lez Bankes et Crosbankes et de la Courthouse et Lethowse”. Such references fail to give a clear indication that the control of the courts had passed to the burgesses but they do suggest that jurisdiction was confined to the area within the borough boundary. There were separate courts at Helsington²⁰ and at Windermere, Crosthwaite, Grasmere, Hutton and Casterton.²¹ It was probably not until the Charter of Incorporation granted to the borough in 1575 that burgesses had full control of their own court.

The Kendal Moot Hall, the “Town Hall”, was originally built in 1591,²² probably in response to the 1575 Charter of Incorporation. It served as the centre of borough administration and as the courthouse, sited on the south-west corner of what is now the Market Place,²³ but was also then Mercer’s Lane.²⁴ In 1637-8 extensive building work was carried out²⁵ and it was almost entirely re-built in 1729,²⁶ when it was heightened and given new windows. It was clearly a galleried building for, in a survey of encroachments made in 1768, it was recorded that “. . . These three shops on the rebuilding of the Town’s Hall were brought forward about four feet under a gallery which went into the Town’s Hall which before the same was rebuilt [was] open below, they are about 14 yards in Front, one possessed by Thos. Holme, another by Miss Scotts and another by Obadiah Hadrington”.²⁷ In 1860 Whellan described the building as a, “plain but convenient structure for the purposes to which it is applied. It consists of a large courtroom, and the other requisite appartments; and is surmounted by a square tower, which contains the town clock”.²⁸ Curwen,²⁹ however, provides a rather different description of the interior:

. . . The court loft was approached by twenty-four steps and was only partially lit with the aid of some half burnt sixes³⁰ fixed in tin candle-sticks against the whitewashed walls. Turning sharp round to the west, at the head of the stair, so as to face the portrait of John Yeates³¹ hanging above the bench, the careful observer might have distinguished truly a few long windows begrimed with dirt on the right hand looking into the lane, and another on the left over the gallery appropriated to the jury. Beside this latter window there was a doorway leading to the retiring room, the which being separated only by a sliding partition, could be thrown into the main court as necessity required. In front of the bench was a round table for the use of the learned profession and their subordinates, with occasional room for the newspaper reporter. But nothing, I think, can describe the dilapidated condition of the building, so much as the wooden rail pen-like enclosure which was placed in the centre of the room as a necessary precaution to keep the public away from this rotten portion of the floor, and beneath which were no wooden supports.

The form of lighting referred to above may well have been the cause of a fire which broke out on 27 December 1832, originating in the Justice’s room, and which destroyed an oaken bookcase containing valuable law books.³²

Justice was dispensed at a number of different types of courts, within the Moot Hall, at Kendal through the years. There were Borough Quarter Sessions, established by successive borough charters, held before the Mayor, Recorder, or Deputy

Recorder, and two senior Aldermen, together with justices of the peace, on a Thursday, four times annually – the first full week after 31 March, the first whole week after 24 June, the first whole week after 11 October and the first whole week after 28 December.³³ There were the County Quarter Sessions, which had been held solely in Appleby until the early 1600s, when they were held alternatively at Appleby and Kendal.³⁴ In 1675/6, a bitter political dispute erupted between county justices residing in Kendal and those living in Appleby regarding the holding of Sessions at both venues, which resulted in their temporary withdrawal from Kendal.³⁵ In 1835, the Municipal Corporations Act was passed to regulate and standardise local government, administration, and the criminal courts. Amongst its provisions was a requirement for boroughs to make application to have a Recorder and to seek to retain the right to hold separate Courts of Quarter Session. Those boroughs, which failed to so acquire the new status, would lose all criminal jurisdictions, whether originally granted by statute or charter. A meeting of the Kendal Borough Council, on 11 January 1836, resolved that no petition be presented and they accordingly lost their Recorder and their right to hold Quarter Sessions as from May that year.³⁶ The Council minutes do not give the reasons for their decision but the report in the *Kendal Mercury* of the 16 January 1836 clarifies the matter. The Borough Treasurer had stated that for the previous fifteen years the sums paid by Kendal rate-payers for prosecutions within the Borough had annually amounted to 10¹/₂d. in the pound, whilst the country rate for all purposes had not averaged more than 3d. in the pound. Alderman Mr R. Wilson stated that in his opinion a separate Court of Quarter Sessions “. . . would be a positive nuisance . . . In the first place there would be the expense of a Recorder”. He went on to point out that without the Quarter Sessions the town would “get rid of the maintenance of two or three bridges and its present share of keeping up the House of Correction”. He had no doubt that the County Quarter Sessions would still be held in Kendal four times a year. He proposed that no petition should be made: the matter was voted upon and was passed unanimously. Jurisdiction within the Borough therefore passed to the County but the Moot Hall remained as the venue. On 9 June 1868 the Borough Council resolved to petition the Home Secretary for a separate Court of Quarter Sessions but they do not appear to have taken any action on that resolution.³⁷ On 25 March 1879, following a further resolution they did petition. The main reason they put forward was that since the Prisons Act 1877 the only authorised gaol in Westmorland was at Kendal and that prisoners committed for trial at the Summer and Winter Sessions had to be conveyed to Appleby by rail, “a difficult journey”, and brought back when sentenced. A court at Kendal would ensure that they could be tried “within a few hundred yards of the gaol”.³⁸ On 24 June the same year they heard from the Home Office that the application had been refused.³⁹ Until 1830, the Sessions for the Kendal and Lonsdale Wards had been held in the Moot Hall, by adjournment from Appleby, four times a year – on the Friday of the weeks referred to above. From 1830 it was agreed that the Sessions for the whole County should be held alternately at Appleby and Kendal, twice at each place during the year.⁴⁰ Quarter Sessions were abolished by the Courts Act 1971 and the final sitting of the Westmorland Quarter Sessions was held at Kendal on 30 December 1971 before Mr E. S. Temple, M.B.E., Q.C. (later His Honour Sir Sanderson Temple, M.B.E., Q.C., Honorary Recorder of Kendal, Honorary Citizen of Kendal and formerly Recorder of Liverpool).

The Mayor, Deputy Recorder and two or three senior Aldermen of Kendal held a Court of Record⁴¹ and View of Frankpledge⁴² every third Thursday, when they considered matters arising within the borough, in accordance with the Charter of Incorporation. In 1829 their constitution specified that they could have cognizance of matters not exceeding £20, but by 1835 that limit had risen to £40. They had the power to make by-laws, for the government of all officers, artificers, burgesses, inhabitants, and residents in the borough, “so that they are not contrary to the laws of the land”. Although it appears to have ceased regular meetings after 1835, the Court must still have been in existence as a Council meeting on 1 January 1836⁴³ resolved that a John Walker be continued in his office as Minister of the Court of Record.

The Court Leet, originally a court of criminal jurisdiction, related to the manorial court, again with a View of Frankpledge, formed the embryo from which much of “local government” evolved. In most boroughs the right to hold this court had devolved, by charter, from the Sovereign or the lord of the manor, to the Corporation. This was certainly the case in Kendal.⁴⁴ From the sixteenth century onwards, the jurisdiction and power of the Leet was gradually eroded by the growth of the authority of the justice of the peace. The justices took over the greater proportion of criminal matters and many of the administrative tasks of “local government”. The Leet was held, certainly from 1770 onwards, in the Moot Hall on the Monday after Michaelmas-day each year, before the Recorder or Deputy Recorder acting as Steward of the Leet, again in accordance with the Charter of Incorporation. The Court Leet Book records the appointment of Jurors, Constables and other public officers. The list of the public officers gives an indication of the areas of jurisdiction – “swine and goat lookers, searchers for weights and measures, searchers for grain meal and flour, ale tasters, coal meter, Market and Shambles lookers, flesh lookers, fish lookers, Spout Well, Buttery Well, Beck Head and Town Beck lookers, and beadle”. Matters dealt with include rubbish dumping, the nuisance caused by dunghills, street lighting, general repair of the highway, obstructions of the highway, slaughtering animals in the street and the regulation of activities in “ale-houses” – “tippling during divine service”. There are references to the “jurors of the Court Leet and View of Frankpledge” in the minutes of a meeting of the Corporation on 16 December 1825, but it was then diminishing in jurisdiction and the final sitting appears to have been on 20 October 1834.⁴⁵

The Court of Conscience, Court of Requests or Wapentake Court was initially established by private Act of Parliament and the first meeting in Kendal was held on 3 May 1764.⁴⁶ Such courts were originally tribunals comprised of five or six “worthy elders”, but later became formalised under the presidency of a clerk who was a qualified barrister or attorney, assisted by twelve freeholders. It had jurisdiction within the parish of Kendal, for the recovery of debts of less than £40, which were not to be sued for in any other court. It had no jurisdiction with regard to rent, contracts relating to freehold, nor to any matters dealt with by the Ecclesiastical Courts or Justices of the Peace. In 1829, with Mr Thomas Richardson as clerk, this court sat once every three weeks, or more often if necessary, and had the power to issue warrants, with costs, for the seizure of debtor’s goods or bodies; but no debtor could be imprisoned for more than three calendar months.⁴⁷ It was superseded by the County Court, established as a result of the County Courts Act 1846, and first

held in Kendal Town Hall on 6 May 1874, before Judge T. H. Ingham of Skipton.⁴⁸

Courts Baron were held, sometimes combined with a Court Leet or View of Frankpledge, for the Manor of Kirkland, and dealt with tenancy matters, by-law enforcement and the control of nuisance. Extant records reveal the business of the court from October 1771 to 17 April 1856 and from November 1917 to June 1922 when the effective jurisdiction appears to have ceased.⁴⁹ It was held each year on the last Thursday in October and the Thursday of Easter week, before the Steward or his deputy. As with the Borough Court Leet, Constables were appointed, together with By-law men, Ale Tasters, Wellsike Lookers, Sealers and Leather Searchers.

Petty Sessions had been evolving over the years.⁵⁰ A statute of 1344⁵¹ enabled the king to appoint “two or three of the best of reputation in the Counties” as “keepers of the peace”, to hear cases of felony, trespass, and to act as conservators of the peace – in effect to have control over policing and the administration of local justice. The royal commission of the peace, headed by the Custos Rotulorum (now the Lord Lieutenant of the county), was assigned to each county. In 1360 the number of such justices in each of the counties was fixed by statute⁵² at “. . . one Lord and with him three or four of the most worthy of the County, with some learned in the law . . .”. By 1388, that number had risen to six and by 1390, to eight. The rapidly increasing workloads soon resulted in the removal of any limit on numbers. The justices normally sat with a jury and dealt with all but the most serious offences, which were reserved for the royal judges in the assizes. They were ordered, from 1362,⁵³ to sit four times a year, hence Quarter Sessions; but from the sixteenth century, through the seventeenth and into the eighteenth, statutes were enacted which gave power to one or two justices, sitting outside sessions, and without a jury, to deal with certain less serious offences, “summary offences”. From the sixteenth century, the practice developed of granting commissions of the peace to certain boroughs, either by statute or as part of a charter. The scope of the jurisdiction of these summary courts, or “Petty Sessions” gradually increased and as a result the jurisdiction of the local courts, such as the Court Leet, diminished proportionately. This transfer of power meant that the justices dealt not only with “criminal” matters and “policing” but also performed most of the administrative functions of local government. County justices, whose jurisdiction covered less populous areas, were relatively unconcerned with these administrative matters. The title “Petty Sessions” was initially used in a statute of 1826, but the constitution was finally consolidated in the Summary Jurisdiction Act of 1848, during the wave of legal reforms which took place around that time: and with the Petty Sessions Act 1849, each county was divided up into petty sessional divisions roughly equating to the old Hundreds. Legislation enacted at the end of the nineteenth century removed the greater number of the administrative duties into the hands of the county, district and parish councils, leaving the petty sessions to deal more exclusively with criminal matters. The Municipal Corporations Act 1835, which provided for the establishment of a salaried police force in each borough, transferred most of the control of the police to the Borough Watch Committees. On 1 January 1836 a committee was appointed to enquire and report as to the Police Force of the Kendal Borough and to recommend what they might think necessary to establish an efficient Force.⁵⁴ Ten days later the Borough Council resolved that a Committee be appointed consisting of all the members of the Council, to be called a Watch Committee, and a further committee

was set up to select a suitable site for a police office and lock-up.⁵⁵ By 13 June that year a special meeting of the Council resolved “to accept the proposal made to appropriate the house [off Finkle Street], lately occupied by the Misses Chamberlain for that use”.⁵⁶ Further legislation in 1856 and 1888 created similar police forces in county areas and vested authority in the hands of Standing Joint Committees. These controlling committees were composed of magistrates and local councillors, but the direct element of control by the justices was lost.

As far as Kendal Borough was concerned, development had followed the national pattern. A Charter of Incorporation, dated 1636, confirming the Charter which had been granted in 1575, made provision for the mayor, recorder and two senior aldermen to be justices of the peace (the 1575 Charter made similar provision), “and they, or any three of them (whereof the mayor and recorder shall be two), may hold sessions, and hear and determine offences; except treason, murder, felony, or any other matter touching the loss of life or limb, in which they shall not proceed without the king’s special command. And the justices of the county shall not intromit, unless in defect of the justices of the borough. Provided, that nothing herein shall derogate from the right of the hereditary high sheriff of the county, with respect to any goods or chattels of felons and fugitives, waifs, deodands, estrays, views of frankpledge, tourns, and county court, or execution of process. And provided, that the mayor, recorder, aldermen, and town clerk, shall not be put or impanelled in any jury at the assizes; and the sheriff shall not impanel them, nor shall they forfeit any issues for not appearing”. Both Charters were surrendered to the Crown in the latter part of the reign of Charles II, but were soon replaced with a new charter, which was brought to the town on 26 December 1684. The new charter was very similar to the old ones, but had a number of additions; the justices could hold pleas on any matter arising within the borough for any sum not exceeding £40, the deputy recorder should also be a justice of the peace (and might act in the absence of the recorder), and there was a specific clause reserving the right of the Crown to remove “the mayor, recorder, aldermen, or any other corporation officer at pleasure”.⁵⁷

The County had its own commission⁵⁸ and its justices, also sitting in the Kendal Moot Hall, but the relationship between the two benches was at times rather uneasy – there was a degree of rivalry, with the nature and composition differing quite considerably. The Borough bench was mainly composed of men of trade and commerce with a clear vested interest in town matters, whereas the County bench was almost exclusively the province of the titled and landed gentry, together with strong support from the Church.⁵⁹ At a meeting of the Borough Council on 12 April 1828⁶⁰ concern was expressed with regard to the provisions of a Bill before Parliament which impinged upon the authority of the Borough bench to regulate the granting of liquor licences and local Members of Parliament were requested to oppose the Bill’s passage. On 2 February 1832 differences arose between the two as to the definition of the boundaries of the Borough for the purposes of rates and an umpire had to be appointed.⁶¹ Accommodation was also a problem. In January 1833 a meeting of the Council ordered that, to increase the accommodation in the Moot Hall, the seats should be “brought nearer the table and the Bench advanced so as to admit a double row of chairs . . .”. It was also ordered that the County magistrates pay a rent of £5 per annum for the use of the Hall.⁶²

The Borough Charter and its provisions remained in force until the passing of the Municipal Corporations Act in September 1835. The Act redefined and consolidated the position of the Corporation, confirming the constitution as a mayor, six aldermen and eighteen councillors – the mayor to be chosen annually. The town was divided into three wards, the East, West and North Wards. Only the mayor retained his position as a justice ex officio for the duration of his mayoralty and for one year after. Under the provisions of the Act the remaining justices were able to retain their offices until 1 May 1836. Understandably, there appears to have been a certain degree of resistance to the Act from the Corporation. At a council meeting on 29 June 1835⁶³ it was noted that several letters had been received, addressed to the Mayor and Town Clerk, requesting the aid and co-operation of the Corporation in superintending the progress of the Municipal Corporations Bill through Parliament, but it was resolved that “no notice be taken of the same”. At a Council meeting on the 18 January 1836,⁶⁴ it was resolved that the Town Clerk prepare a petition for a separate commission of the peace in respect of the re-formed Borough and on 25 January a list of the recommended names was submitted to the Home Secretary for insertion in that commission – Thomas Reveley, Edward Tatham, John Wakefield, Arthur Shepherd, John Richards, William Gelderd, Roger Moser and Richard Wilson. The petition was granted, thus retaining petty sessional jurisdiction for the Borough.

On 5 May 1840 it was resolved that the magistrates for the County be at liberty to improve the access to the Court of Quarter Sessions, subject to the approval of the committee superintending the repair of Corporation property and subject also to the payment of a nominal rent of five shillings for the use of the Moot Hall.⁶⁵ On 16 July 1841 the following additional names were inserted in the Borough Commission – John Jowitt Wilson of Kendal, James Machell of Mosergh, George Braithwaite Crewdson of Kendal and Richard Wilson of Kendal. The new Borough Magistrates sat on Monday and Friday each week and the County bench sat on every alternate Saturday. The County Commission and its justices had continued mainly unchanged by the borough upheavals.

By 1847 it was clear that problems were still being experienced with the accommodation in the Moot Hall. At the Borough Council meeting held on 2 February that year, following an enquiry from the Lords of the Treasury regarding the uses of the Town Hall for the purposes of the new Local Courts Bill, it was resolved to reply to the effect that the Town Hall was available, but that accommodation was small and that it would be desirable to transfer the Assize business from Appleby to Kendal and to provide more adequate accommodation.⁶⁶ Later meetings followed this theme, with opposition being expressed to any idea of repairing or enlarging the Shire Hall at Appleby. At the October meeting a committee was appointed to wait upon the magistrates in Quarter Sessions and urge them not to vote any sum of money for that purpose, and to stress that immediate steps should be taken to effect the transfer of the Assizes to Kendal. In August 1850 a petition, under the Common Seal of the Corporation, was sent to the Privy Council.⁶⁷

Not only was the accommodation at the Moot Hall small but it appeared to lack comfort. On 7 February 1854 it was resolved that “the present partition between the two rooms of the Town Hall be superseded by one of lath and plaster and that the

room in which the Corporation usually meet be rendered as comfortable as may be⁶⁸ but in October 1852, Mr John Wilson on behalf of the County Court Judge asked for permission to warm the Hall. The matter was referred to the Property Committee, but it was not until the meeting on 13 September 1854 that it was finally resolved “to set up the grate presented by Mr Wakefield and introduce a proper supply of gas”.⁶⁹

Accommodation was restricted and court business was increasing, for on 7 August 1855, it was agreed that the Mayor should communicate with the Secretary of State for the Home Department with a view to obtaining an increase in the number of magistrates within the Borough. This was obviously granted swiftly, as at the meeting on 31 August the names of the new magistrates were announced.⁷⁰

By 1858 the old Moot Hall premises were deemed to be totally unsuitable and, on 1 January, a Council meeting resolved that a committee, consisting of Councillors Rhodes, Wakefield, Brunskill, Thompson and Fisher, together with Aldermen Ireland, Whitwell and Longmire, be appointed to consider what better accommodation could be found to hold Corporation meetings and the Petty and Quarter Sessions for the Borough and County. Two main proposals were to be evaluated: alteration or adaptation of the Whitehall Buildings; or by adjoining with other parties, the building of a new court in some other part of town. The Committee would have to ascertain to what extent the Magistrates for the County would be prepared to join in the expense and it was agreed that they would report back to the Council in due course.⁷¹

The Whitehall,⁷² in Highgate, stood on the site of an earlier mansion house, originally called Leather Hall, but then the White Cloth Hall, and had been the former home of the Robinson family. William Robinson had settled there during the reign of Henry VIII and was engaged in the cloth trade in the town. It is believed that he was involved in the export of Kendal cloth to Virginia and the West Indies. The front of the building projected with two wings; the windows were stone mullioned, and the staircase was of stone – spacious and circular. The ground, which later formed New Street (now Lowther Street), was a garden. In 1825 a joint stock company purchased the site from the Corporation for £1,380 with shares of £55 each and constructed a building which comprised a subscription news room, lecture hall, ballroom, card and billiard rooms, at a total cost of £6,000. The architect was George Webster and the foundation stone was laid on 2 July 1825.⁷³

The *Kendal Mercury* 17 April 1858, reported a Council meeting, at which the chairman read a letter he had received from the Mayor of Kendal, as representative of the Corporation of the Borough, intimating that a deputation had been appointed to wait upon the magistrates, to confer with them on the subject of the new town hall, and to ascertain how far the magistrates would co-operate with them in preparing a new one. There was a slight dispute as to the rent, £25 or £30, and the accommodation available.

On the 4 May the Committee presented their findings. In summary they were:

1. That the present Town Hall was incapable of being made sufficient for the wants of the town.
2. That it would be undesirable for the Corporation of Kendal to be joint proprietors of a building which would not entirely belong to the Town and over

- which the Corporation did not have the whole and sole control.
3. The Committee was of the opinion that the Whitehall Buildings might be very commodiously arranged so as to secure all the requirements of the Corporation, Quarter and Petty Sessions and County Court.
 4. Provided that adequate remuneration for the use of the building could be secured from the County Magistrates and County Court authorities, the Committee would agree to recommend that the Corporation accede to the proposal of the Whitehall Building Committee, subject to the approval of their shareholders, to give them £2,250 0s. 0d., for the building, together with all the fixtures and fittings.
 5. The conclusion had not been matured without much negotiation and many meetings of the respective Committee. The Mayor, Mr Aldermen Ireland and Whitwell had had interviews with the Chairman and Magistrates of the Quarter Sessions, when a committee of Magistrates had been appointed to confer on the subject. The County Court Judge and Treasurer had also been "waited upon" to enquire as to what amount of remuneration they were willing to provide. All parties had received them courteously and had promised to record their efforts in the proper quarter.
 6. All were agreed that the present Town Hall was in a very unsatisfactory state and that more suitable accommodation for public business in Kendal was absolutely indispensable.
 7. The Whitehall Building having externally all the appearance of a Town Hall, was a large handsome modern-built edifice and could by a moderate outlay be altered to meet all the wants of the Corporation, Quarter and Petty Sessions and County Court. With the assistance which had been suggested the Committee felt warranted in recommending the Corporation to avail themselves of the opportunity for improving their accommodation and comfort.

The Council received the report and adopted it, stipulating that the Committee should be continued to arrange proper means of carrying out the recommendations.⁷⁴ The *Kendal Mercury* of 31 July 1858 reported that a meeting of the proprietors had been held the previous day and it had been unanimously carried to dispose of the building to the Corporation for the agreed purchase price of £2,500 including all fixtures.

On 29 October 1858 there was a special meeting of the Borough Council to receive a report on the result of negotiations with the County Magistrates and to authorise further steps, including the purchase of the adjoining house of Miss Agnes Airey.⁷⁵ They then heard a report from the New Town Hall Committee:

1. The offer made to sell the Whitehall building, its fixtures and furniture, for the sum of £2,250 was confirmed.
2. Close attention had been given to the best plan for altering the building so as to provide suitable accommodation for the usual purposes of a Town Hall as regards meetings of the Corporation, Board of Health and other public bodies, and the Magisterial and Police requirements. They had also considered the provisions required by the Quarter and Petty sessions and the County Police.
3. They recommended that the present lecture room be divided in two; the west end to be used for Petty Sessions, meetings of the various committees; and the east

end as a general waiting room for parties attending Petty Sessions.

4. The present Assembly Room to be provided with moveable fittings as a room for Quarter Sessions and the County Court.
5. The card room to be used as a Grand Jury Room and room for magistrates on County business at the Sessions.
6. The retiring rooms at the east end of the Assembly Room to be fitted with the usual conveniences to be appropriated for magistrates, barristers etc.
7. A Petty jury room with retiring rooms attached to be made out in the attic where there was ample space.
8. The above arrangements had been agreed between the Committee and the County Magistrates and it was recommended that the Quarter Sessions pay an annual rent of £50 to include all charges for cleaning, lighting, warming, etc., and the Corporation to provide lock-ups for the temporary detention of prisoners during the time of the Quarter Sessions.
9. It appeared that the convenience of all parties would be best served if the whole police arrangements were concentrated and one set of cells provided for all purposes. It was therefore proposed to abandon a proposal to make new lock-ups in the Police yard in Finkle Street and instead to provide two cells for male prisoners and a night room for the police constables in the basement of Whitehall on a level with Lowther Street. A room would be provided for the Police Superintendent and a room fitted as a cell for female prisoners. It was further recommended that the house adjoining the Whitehall, the property of Miss Agnes Airey, be purchased for the sum of £260 and used as a house for the Superintendent, with doors to be broken through to give him access to the cells as required by the Secretary of State. It was proposed that the Quarter Sessions pay an additional £10 for rent of the cells.

The sum required for the purchase and alterations could be borrowed on mortgage and if the suggestions were accepted “the Borough will obtain possession of buildings suitable and adequate to the use of the Corporation on all occasions and that all concerned in the administration of Justice or conduct of the affairs of the Borough will be conveniently accommodated . . .”.

A special meeting on 17 March 1859 authorised the fixing of the Common Seal to a mortgage for securing £2,160, in the name of George Braithwaite Crewdson and others.⁷⁶ On 8 April, the first Quarter Sessions were held in the new accommodation⁷⁷ and on 22 September a formal dinner was given by the Mayor to the Corporation, magistrates and others, to celebrate the inauguration.⁷⁸

On 12 April 1859 the Moot Hall was sold by auction, to Mr Job Bintley,⁷⁹ surveyor, and realised the sum of £280.⁸⁰ The Borough Treasurer reported that he had paid to the Proprietors of the Whitehall the sum of £2,250 purchase money for the new Town Hall, including £76 3s. 6d the value of the furniture, and to Miss Airey, £260, the purchase money for the Police Superintendent’s house.⁸¹

The wheels of Justice were therefore able to proceed apace, comfortably accommodated in the new building, but difficulty with staffing arose in 1863. On 4 August the Council heard, via the Watch Committee, of repeated reports from the Superintendent of Police indicating that the administration of Justice was rendered difficult by the circumstances of there being only one County Magistrate resident in

the town of Kendal.⁸² It was resolved that the matter be submitted to the Lord Lieutenant, William, 2nd Earl of Lonsdale, and that his Lordship be solicited to make such an addition to the number of magistrates as may meet the exigencies of the case. On 29 September the reply⁸³ was read to the members:

Dear Sir,

After making enquiries on the subject of your letter of the 5th inst. I am glad to find that the Justices for the County residing near Kendal have come to an arrangement that some of their body shall meet twice a week at Kendal at 11 o'clock am to facilitate the administration of Justice. Under the circumstances I hope the difficulty complained of will be obviated.

Yours etc. Lonsdale

Staffing for the Borough bench appears to have been a relatively regular concern. On 1 March 1876 the Council resolved to take the requisite steps to increase the members of the bench.⁸⁴ The matter was raised again on 28 March that year when it was reported that of the eight names on the current Commission, after the last appointments in 1863, two members were dead, three were seldom in town and the active duties of the Bench devolved upon three remaining members. Four new names were therefore submitted.⁸⁵ In October/November 1881 it was reported that there were seven magistrates but because of ill health and other causes three of them were seldom able to sit. A further five names were submitted and, on 28 January 1882, those five were appointed, together with another two.⁸⁶

On 15 November 1889 a special meeting of the Council was held to consider the purchase of land and buildings near the Town Hall, under the provisions of the Municipal Corporations Act, for the price of £3,650. A report of the Property Committee recommended purchase and the meeting resolved to proceed.⁸⁷

On 31 December that year there were further staffing problems in the Borough. Three magistrates had died, one had gone abroad and three were unable to attend because of illness or other cause. The effective number of Borough Justices was therefore reduced to seven. It was decided that the following names would be submitted for insertion in the Commission of the Peace for the Borough – Titus Wilson,⁸⁸ Thomas Baron, John Edward Hargreaves, Colin Somervell and John Henry Jefferys.⁸⁹

It may well be that the reduced numbers on the Bench at that time was an indication of a more general problem in the borough, for on 25 March 1890, the Mayor presented, to the Council, a petition from fifty-seven rate-payers in the town drawing attention to the growing concern about the “disorderly condition of the streets, especially among young people which appears to reach a climax on Sunday evenings”. It was requested that action be taken.

By the 26 August 1890, the Town Clerk was able to report the completion of the purchase of the property near to the Town Hall and a committee was set up to enquire into the needs of the Corporation with regard to accommodation in and connected with the Town Hall in the light of the purchase. On the 30 September the “Town Hall Improvement Committee” submitted its report to Council and amongst other recommendations suggested that, “a suitable Court Room be constructed with retiring room and library, combined rooms for witnesses and other proper accommodation”. There should be “a Council Chamber with Mayor’s Parlour and four Committee Rooms, and the Assembly Room should be enlarged so as to seat 800 to 1000 persons”. For the Police, there should be two offices and a Constables’

room, three cells for the Borough and two for the County. On 28 October a rider was added, that the Court Room should have proper connection with the cells. Architects should be invited to supply plans, and prizes would be offered to them – £30 for the best, £20 for the second and £10 for the third.⁹⁰ On 29 March 1891, the Council were asked to approve the recommendations of the Improvement Committee, which they agreed to do, but the idea was not without its detractors – a resolution from a Town Meeting of the 21st inst. was read out, “That this meeting emphatically expresses the opinion that it is not necessary and therefore not desirable to build a courthouse and cells for this Borough as resolved by the Corporation . . . seeing that such action would seriously increase the already too heavy rates”.⁹¹

By 1894 the Borough Petty Sessions were still held every Monday and Friday at 11 am. The County Petty Sessions were now held each Saturday.⁹²

On the 15 January 1895 plans were laid before the Town Hall Improvement Committee⁹³ by Mr Stephen Shaw F.R.I.B.A, and approved, showing the proposed new courtroom. Work was taking place at the same time on improved accommodation for the county police – Superintendent’s house, cells etc. – despite the fact that a dispute had arisen with the Angel Hotel and businesses in Lowther Street. There had been generous gifts from Mr and Mrs Bindloss.⁹⁴ By the 22 April it was reported that the work was progressing but the upper rail of the dock was found to be too high and it was resolved to lower it. On 7 August 1895 a letter was received from the Chairman of Quarter Sessions asking that the Court be ready for occupation at the next Quarter Sessions – “The inconvenience of the present temporary accommodation⁹⁵ is great and not suited to the administration of criminal justice”. It was resolved to press on with the fitting of the new courtroom.⁹⁶

By the 16 October 1895 Chairman Alderman Titus Wilson was able to report that the new courtroom was used for the first time by the Borough Magistrates, on Monday 14 October 1895, under the clerkship of Richard Hargraves Greenwood,⁹⁷ and seemed to give general satisfaction. He mentioned a couple of matters which required attention:

1. Moveable step for the dock for prisoners of less than ordinary height.
2. Umbrella stand should be provided.⁹⁸

The “new court room”, was essentially the room used until the move to Burneside Road in 1992, little extra alteration being made over the years. The bench was raised and occupied the western side of the courtroom, in front of a door which led across a corridor into the retiring room. Seating for a jury occupied most of the north side and there was seating for the public, behind the dock and above in a public gallery on the eastern side. The witness box stood on the southern side with a partition screen blocking it off from the court entrance. The clerks were seated below and in front of the bench and faced the tables and seats occupied by the prosecutors and defending lawyers. Behind them, facing the bench was the raised dock which had direct access, via a stone stairwell, to the cells below. For many years a large portrait of Queen Victoria hung on the north wall above the jury seats.

A major change following the turn of the century came about as a result of the Sex Disqualification (Removal) Act 1919 – women were allowed for the first time to sit on the bench. The first female county magistrate was Miss Mary Wakefield

Cropper who was appointed on the 14 July 1920⁹⁹ but her first Borough colleague, Mrs Florence Somervell, was not appointed until 18 February 1921.¹⁰⁰

The absorption of the Borough Police Force into the County Force on 1 April 1947¹⁰¹ appeared to signal the beginning of the era of centralisation for “local” units of judicial administration. The Justices of the Peace Act 1949 provided for the establishment of magistrate’s courts committees and empowered those committees to consider the boundaries and amalgamation of benches. On 1 February 1952, the Magistrate’s Courts Committee for the County of Westmorland was established and commenced its full functional control as from 1 April 1953. The Committee took over the responsibility for the Justices’ Clerks and, as from the 1 July 1954, merged the Clerkships’ of Kendal Borough, Kendal Ward, Milnthorpe and Lonsdale under Mr L. Powell, a local solicitor. The appointment was on a part-time basis and attracted a salary of £900 per annum.¹⁰²

The recurring problems of an increase in workload and the consequent inadequacy of accommodation presented itself again in 1960. Following initial discussion in May, the Clerk to the County Council reported at a meeting on 1 December 1960, that additional accommodation, adapted from the old police station in the town hall, had been handed over for use as juvenile and matrimonial court rooms.¹⁰³ The same meeting mooted the idea of building a new courthouse on land between the new police station in Busher Walk and the river, as notice had been received from the Town Council of its intention to use all available accommodation in the town hall for its own purpose. For a variety of reasons this idea did not come to fruition for many years and only then in a modified form.

At a town council meeting on 3 October 1967 a notice was received from the Clerk of the Magistrate’s Courts Committee, stating that they had submitted to the Secretary of State a draft of an Order, the effect of which would be to amalgamate, as from 1 January 1968, the Petty Sessional Divisions of Kendal Borough and Kendal Ward into a single Petty Sessional Division, but that magistrate’s courts would continue to be held at Kendal. The amalgamation took place and the new bench elected Mr J. E. Richardson as chairman with Mr Derek Willink as his deputy (the last chairmen of the old Borough bench and County bench respectively). The first full time clerk, Mr V. N. C. Geary, was appointed in 1973 and retired in September 1986 to be followed by Mr W. M. S. Tildesley. The increasing demands of centralisation further modified the situation with the enactment of the Justices of the Peace, England and Wales The Petty Sessional Divisions (Cumbria) Order 1987 on 31 December 1987, when the divisions of Kendal and Lonsdale Ward were combined to form the Kendal and Lonsdale Division, under the chairmanship of Mrs Mary Reckitt.

On Tuesday 19 December 1989, with the last court and the last Transfer Sessions at the Town Hall, one hundred and thirty years of occupation ended and temporary accommodation was found in the old Kendal Green School until the new courthouse on Burneside Road was completed.

Notes and References

¹ G. J. Hand and D. J. Bentley, *Radcliffe and Cross The English Legal System* (London, 1977), 24.

² For a more detailed study of the evolution of the English legal system see A. K. R. Kirafly, *The English*

- Legal System* (London, 1978) and G. J. Hand and D. J. Bentley, *op. cit.*
- ³ J. Tait, *The Medieval English Borough* (Manchester, 1936), 30-67.
- ⁴ Julian Munby, "Medieval Kendal: the first Borough Charter and its connexions", *CW2*, lxxxv, 95-114, esp. 102 and 110.
- ⁵ J. Munby, *op. cit.*, 110.
- ⁶ W. Farrer, *Records relating to the Barony of Kendale* (1923 reprinted 1998) (hereafter *RK*), i, 15.
- ⁷ *RK*, i, 17.
- ⁸ The income derived from letting space in the market place for stalls.
- ⁹ *RK*, i, 17.
- ¹⁰ *RK*, i, 19.
- ¹¹ *RK*, i, 87.
- ¹² *RK*, i, 93.
- ¹³ *RK*, i, 97.
- ¹⁴ *RK*, i, 49-50.
- ¹⁵ A. H. Smith, *The Place-Names of Westmorland* (Cambridge, 1967), i, 119 gives this word as meaning dyehouse but the context here surely suggests that it refers to the Court Leet.
- ¹⁶ A. H. Smith, *op. cit.*, i, 119. Beast Banks remains as a street name in the present day Fellside area.
- ¹⁷ J. F. Curwen, *Kirkbie-Kendall* (Kendal, 1900), 310.
- ¹⁸ *RK*, i, 50.
- ¹⁹ *RK*, i, 55.
- ²⁰ *RK*, i, 20.
- ²¹ *RK*, i, 44.
- ²² Cornelius Nicholson, *Annals of Kendal* (Kendal, 1832), 118. That at Keswick was rebuilt in 1571. Blake Tyson, "Re-building the Medieval Court-House at Keswick in 1571", *CW2*, cxv, 119-135; Appleby Moot Hall was built in 1596.
- ²³ Prof. G. H. Martin in his "The town as palimpsest", in H. J. Dyos (ed.), *The Study of Urban History* (London, 1968), 164, suggests that the present market place is only a fragment of the original market place, and that the whole space between it and Finkle Street has gradually been built up. The Moot Hall would therefore have stood in the middle of the market place, on the main street of the town.
- ²⁴ The Stricklandgate end of the market square was occupied, until 1909, by the public library, formerly a market hall with a dungeon underneath it, which in turn had replaced the chapel of St. George. The northern entrance into the square from Stricklandgate was Cheapside and the southern one was Mercer's Lane. Stocks, which had stood in the Market Square, were finally removed in 1835.
- ²⁵ The accounts of the expenses incurred in repairing the Moot Hall have been preserved. Cumbria Record Office (Kendal) [hereafter CRO(K)] WSMB/K HMC A.11
- ²⁶ John F. Curwen, *op. cit.*, 292.
- ²⁷ CRO(C) D/Lons./L. 5/2/11/273.
- ²⁸ Whellan, 846.
- ²⁹ John F. Curwen, *op. cit.*, 292.
- ³⁰ Sixes were candles weighing six to the pound.
- ³¹ John Yeates, formerly Richards, J.P., of Kirkland and Park Head, Levens, 1796-1847, the first mayor of the reconstituted borough of Kendal in 1836 R. S. Boumphrey, C. Roy Hudleston and J. Hughes, *An Armorial for Westmorland and Lonsdale* (Kendal, 1975), 335. On 1 January 1838, the Kendal Council resolved at a meeting to accept the painting, executed by Mr James Ward in 1837 by subscription, and to hang it in the Moot Hall, CRO(K) WSMB/K Borough of Kendal Minute Book 1835-1848.
- ³² C. Nicholson, *op. cit.*, 298.
- ³³ *Ibid.*, 179.
- ³⁴ *Calendar of State Papers, Domestic 1675-1676*, 415, 477.
- ³⁵ *Ibid.*, 75, 415, 477-8.
- ³⁶ CRO(K) WSMB/K Borough of Kendal Minute Book 1835-1848.
- ³⁷ CRO(K) WSMB/K Borough of Kendal Minute Book 1849-1873.
- ³⁸ CRO(K) WSMB/K Borough of Kendal Minute Book 1873-1888.
- ³⁹ *Ibid.*; PRO HO 45/9577/82153.
- ⁴⁰ C. Nicholson, *op. cit.*
- ⁴¹ C. Nicholson, *op. cit.*, 180. The Court of Record Pleadings 1646-1665 and the Rolls 1580-1651 are

- preserved in the CRO(K) WSMB/K Box 1 and 30-35.
- ⁴² Frankpledge was a system of compulsory collective bail fixed for individuals as a method of ensuring their good behaviour and in anticipation of it. All persons (except for those excluded because of rank) were enrolled in a tithing or group of ten men presided over by a tithing man. If a member of the group committed an offence the group were required to produce the offender for trial. Twice a year, at the hundred court, the sheriff reviewed the enrolments.
- ⁴³ CRO(K) WSMB/K Borough of Kendal Minute Book 1835-1848.
- ⁴⁴ C. Nicholson, *op.cit.*, 180.
- ⁴⁵ CRO(K) WSMB/K Kendal Court Leet Books 1770-1834.
- ⁴⁶ C. Nicholson, *op.cit.*, 180. For a history of these courts generally see G. J. Hand and D. J. Bentley, *op.cit.*, 102, 122-3, 125, 281-2.
- ⁴⁷ *Parson and White Directory 1829*, 637.
- ⁴⁸ C. Nicholson, *op.cit.*, 180.
- ⁴⁹ CRO(K) WD/MM Manor Court Books.
- ⁵⁰ For a detailed study of the office of Justice of the Peace see Sir Thomas Skyrme, *History of the Justice of the Peace*, 3 vols (Chichester, 1991).
- ⁵¹ *Statutes of the Realm*, I, 109.
- ⁵² *Ibid.*, 139.
- ⁵³ *Ibid.*, 144.
- ⁵⁴ CRO(K) WSMB/K Borough of Kendal Minute Book 1835-1848.
- ⁵⁵ *Ibid.*
- ⁵⁶ *Ibid.*
- ⁵⁷ C. Nicholson, *op.cit.*, 171-177.
- ⁵⁸ A number of the county commissions, from 22 May 1747 to 3 October 1876, are preserved in the CRO(K) WQ/J Commissions of the Peace.
- ⁵⁹ During the Westmorland Sessions which sat in July 1835, out of the thirteen magistrates present, seven were clergymen *Local Chronology*, 102. The two benches were frequently referred to, colloquially, as the "Lords" and the "Commons" until their amalgamation in 1968 – ex inf. Mr J. E. Richardson, J.P.
- ⁶⁰ CRO(K) WSMB/K Borough of Kendal Minute Book 1815-1835.
- ⁶¹ *Ibid.*
- ⁶² *Ibid.*
- ⁶³ *Ibid.*
- ⁶⁴ CRO(K) WSMB/K Borough of Kendal Minute Book 1835-1848.
- ⁶⁵ *Ibid.*
- ⁶⁶ *Ibid.*
- ⁶⁷ CRO(K) WSMB/K Borough of Kendal Minute Book 1849-1873.
- ⁶⁸ *Ibid.*
- ⁶⁹ *Ibid.*
- ⁷⁰ *Ibid.*
- ⁷¹ *Ibid.*
- ⁷² Curwen, *op. cit.*, 41.
- ⁷³ *Rk*, iii, 97.
- ⁷⁴ CRO(K) WSMB/K Borough of Kendal Minute Book 1849-1873.
- ⁷⁵ *Ibid.*
- ⁷⁶ *Ibid.*
- ⁷⁷ *Westmorland Gazette* 9 April 1859.
- ⁷⁸ *Westmorland Gazette* 24 September 1859.
- ⁷⁹ 1812-1889. Appointed as Borough Surveyor 1849, resigned 1852 *CW2*, lxxiii, 331.
- ⁸⁰ The building was subsequently used as a shop but in 1969 it was gutted by fire.
- ⁸¹ CRO(K) WSMB/K Borough of Kendal Minute Book 1849-1873.
- ⁸² Difficulty with County justices was not a new problem – as early as 1676 Daniel Fleming was reporting that "divers of our Justices are dead, and others are but seldom amongst us, so that I think it would be for the service of his Majesty and the country to have some added". *Calendar of State Papers, Domestic 1675-1676*, 547, 573-4.
- ⁸³ CRO(K) WSMB/K Borough of Kendal Minute Book 1849-1873.

- ⁸⁴ CRO(K) WSMB/K Borough of Kendal Minute Book 1873-1888.
- ⁸⁵ *Ibid.*
- ⁸⁶ *Ibid.*
- ⁸⁷ CRO(K) WSMB/K Borough of Kendal Minute Book 1888-1896.
- ⁸⁸ A founder member and first Secretary of our Society.
- ⁸⁹ CRO(K) WSMB/K Borough of Kendal Minute Book 1888-1896.
- ⁹⁰ *Ibid.*
- ⁹¹ *Ibid.*
- ⁹² *Kelly's Directory* 1894.
- ⁹³ CRO(K) WSMB/K Minutes of the Town Hall Improvement Committee.
- ⁹⁴ William Bindloss, an ironmonger of Castle Green, was a benefactor in respect of a number of the town's institutions and was mayor six times – 1880-1881, 1881-1882, 1886-1887, 1892-1893, 1893-1894, and 1894-1895. On 27 October 1892, the Council Minutes record that Alderman Bindloss and Mrs Bindloss were prepared to offer the Corporation the sum of £7,000 towards the anticipated cost of £11,000. Two conditions were attached to the offer – that Mrs Bindloss be permitted to open the altered building with any entertainment she wished on the occasion of their silver wedding and that the work be completed before 30 August 1894. Sadly Mrs Bindloss died in December 1894 before the work was completed. Mr Bindloss died on 2 April 1895, the work still not finished, and left £3,000 in his will for a “carillon or chime of bells for the tower of the New Town Hall”.
- ⁹⁵ Rooms formerly occupied by the Liberal Club at 28 Stricklandgate were used as temporary accommodation for the courts and for the Council from July 1893. CRO(K) WSMB/K Borough of Kendal Minute Book 1888-1896.
- ⁹⁶ CRO(K) WSMB/K Town Hall Improvement Committee Minute Book.
- ⁹⁷ Richard Hargraves Greenwood, a solicitor with an office in Exchange Buildings, was part-time clerk to both the Borough and the County Magistrates for over thirty years. He died in 1927, at that time the oldest practising solicitor in Westmorland, having been admitted in March 1876. Following his retirement from the office of clerk he was appointed a Justice of the Peace. His salary as clerk, from the Borough, was £37 10s. 0d., in each of the years 1889-1894 (CRO(K) Borough of Kendal Minute Book 1888-1896). There are earlier references in the Minute books to monies paid out by the Treasurer to magistrates clerks, a practice which appears to have developed from the mid-nineteenth century; 5 February 1862 – £4 5s. 0d. (the clerk at this time was Thomas Harrison, solicitor of Stramongate, who also acted as clerk for the County): 2 February 1864 – £11 15s. 0d.: 6 February 1866 – £41 10s. 0d.: 5 February 1867 – £56 4s. 8d. (still Mr Harrison). When Mr G. E. Cartmel was appointed clerk to the County Magistrates in 1919, his salary was £150 per annum. By 1936-7 it had risen to £185 and, by 1947-8, with Mr Ernest Temple as clerk to the County, it was increased to £225. As a result of the Justice of the Peace Act 1949, Magistrates Clerks passed under the jurisdiction of the new Magistrates Courts Committee which was established on 1 February 1952 and commenced its full functions on 1 April 1953. This committee was then responsible for setting the remuneration of Clerks.
- ⁹⁸ CRO(K) WSMB/K Town Hall Improvement Committee Minute Book.
- ⁹⁹ *Westmorland Gazette* 24 July 1920.
- ¹⁰⁰ Mrs Somervell's obituary in the *Westmorland Gazette* 29 October 1938 – I am obliged to Mr Jonathan Somervell for bringing this to my attention.
- ¹⁰¹ Borough of Kendal Minute Book 1946-47, 314-5.
- ¹⁰² *Westmorland County Council Minutes 1954-55*, Meeting of Finance Committee 2 April 1954.
- ¹⁰³ *Westmorland County Council Minutes 1960-61*, 247, meeting of 26 May 1960.

APPENDIX 1

Oath of Justice of the Peace [From the *Boke of Recorde of Kirkbie Kendall*, edited by R. S. Ferguson (Kendal, 1892), page 44]

YE SHALL SWEAR that as Justice of the Peace wthin this Boroughe off Kirkbiekendall, in all Articles in the Quens Commyssion to yowe directed ye shall do equall right to the poore and the riche after your Cunynge witt and power and after the lawes and customes of the Realme and statuts thereof made And ye shall not be off Counsell withe any person in any quarell hanginge afore yowe And that ye hold your Sessions after the fforme of statute thereoff made And thisshewes ffynnes and amercyaments that shall happen to be made and all fforfeytours which shall ffall before yowe ye shall truly cause to be entryd withowte any Concelemente or Imbecillinge and trulye send them to the Quenes Exchequer. Ye shall not lett ffor gifte or for other cause but well and trulye ye shall do your Office of Justice of the peace in that behalff And that ye take nothings ffor your Office off Justice off the peace to be donne But off the Quene and ffees accustomyd and costs lymyttid by the statute And ye shall not directe or cause to be directid any warrannte by yowe to be made to the p'ties But ye shall directe them to the Bayliffes of the sayd Boroughe or other the Quenes Officers or Ministers or other indifferente p'sons to do execucon theroff. – So helpe ye God and by the Contents of this booke &c.