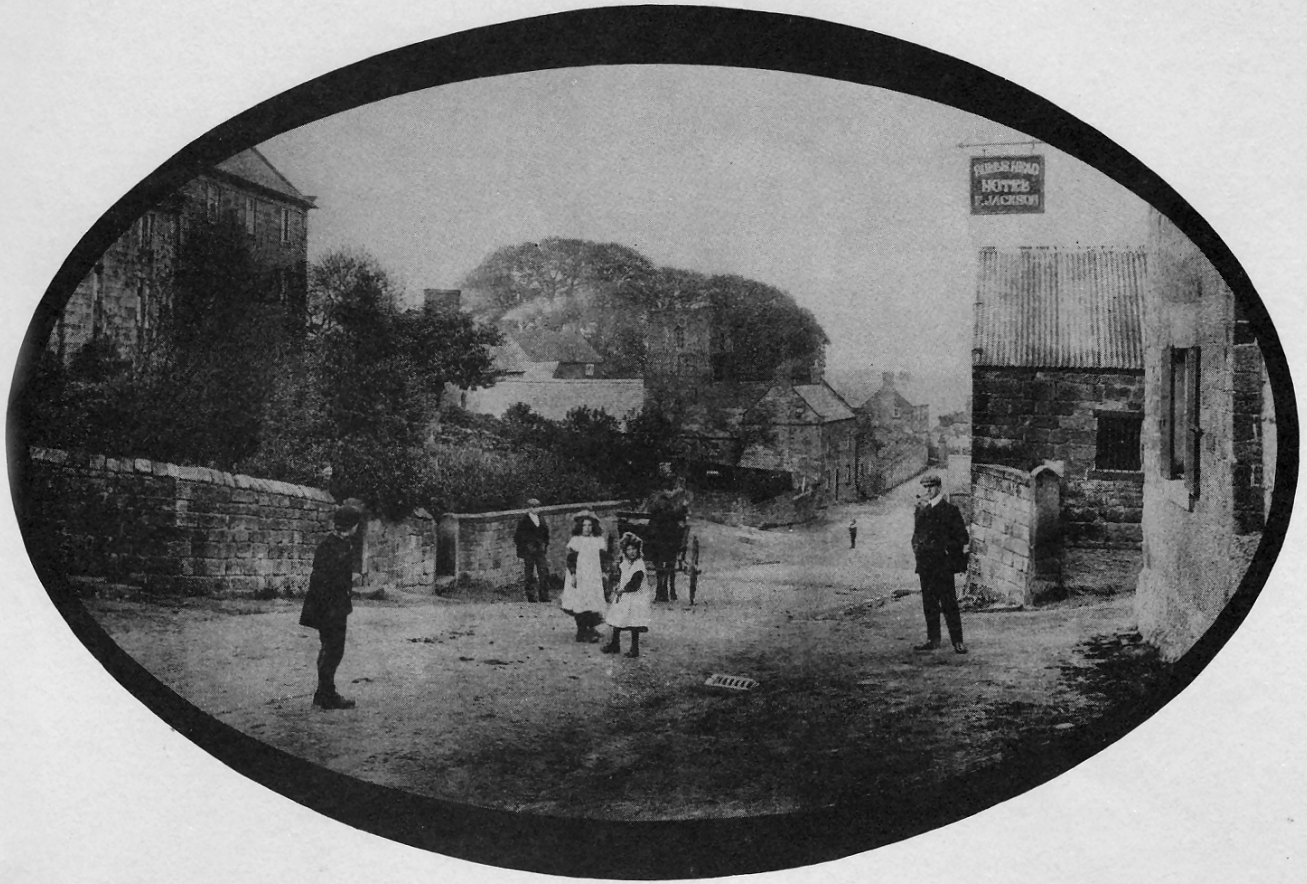


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KIRK IRETON near WIRKSWORTH

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AN ENGLISH PRIMARY TOWN? SOME SPECULATIONS ON THE PRE-CONQUEST HISTORY OF CHESTERFIELD

(by Terence Kilburn, Pineacres, Grove)

PREFACE

Between September 1979 and September 1980 I was a postgraduate student in the department of English Local History at Leicester University. The Head of the Department at that time was Professor Alan Everitt whose article on English primary towns, "The Banburys of England" was published in 1974 and to whom this essay is dedicated. On leaving Leicester University I took up an appointment in Chesterfield and quickly became aware that Prof. Everitt's criteria for primary towns could readily be applied to the town.

The writing for this largely speculative and exploratory essay was prompted by the publication of yet another book by a local historian which appeared too ready to dismiss the importance of Chesterfield during the Anglo-Saxon period. It was my intention to stimulate further discussion and research into the pre-Conquest history of the town by suggesting that Chesterfield should be numbered as one of the primary towns of England. At the time of writing the original draft of my essay I was unaware that very similar arguments to my own had been the basis of two unpublished papers by Philip Riden and that, together with John Blair, he is to write a substantive article on the subject of pre-Conquest Chesterfield.¹ Their article is to be published in a forthcoming volume of the *Derbyshire Archaeological Journal*. The present essay is therefore published by way of a precursor to what will undoubtedly be a definitive treatment of the subject.

In a recently published history of Chesterfield written by a well-respected local historian it is suggested that the pre-Conquest history of the town is of little importance. In just a few words the author had succeeded in erasing centuries of the settlement's past. Yet this tendency to write-off the early history of the town is not untypical. In his *History of Chesterfield* J.M. Bestall could write that "Before the year 1100 it cannot be said that Chesterfield has emerged in history as a distinct, recognisable community, neither village nor town". Although this view has been substantially modified in more recent times, it is still widely accepted that Chesterfield's urban origins are post-Conquest.²

The major reason for concluding that Chesterfield was of little significance prior to the Norman Conquest lies in what may be a highly ambiguous and misleading entry in Domesday Book.³ The Domesday record is unique, our earliest public record, although, in fact, it does not cover the whole country. It is often referred to as a record of early Norman England, though it is perhaps more accurate to regard Domesday Book as a record of late-Saxon England. Indeed, there are those historians who argue that the Domesday survey is little more than an updating and extension of existing Saxon administrative records which in some cases pre-date the Norman survey by at least twenty years. This would, of course, help to explain how the survey of 1086 was completed so quickly, within a single year.⁴

The Domesday record must be approached with extreme caution. Chesterfield is listed in Domesday as one of six outlying settlements (ie Whittington, Brimington, Tapton, Boythorpe, Eckington and Chesterfield) of the royal manor of Newbold. Of these, Chesterfield alone has an archaic place-name. On the other hand, the place-name Newbold originated late in the Saxon period, not before the ninth century AD and derives from the O.E. for 'new building'. Domesday manors are listed under the name of the place where the manor court or *hall* was held.⁵ Such a court could not have been held at Newbold prior to the ninth century. An earlier settlement of different name may have existed though this is unlikely to have been the manorial centre. Whatever the case may have been, by 1093 records speak of the royal manor of Chesterfield and no more is heard of the short-lived Domesday royal manor of Newbold.

Domesday Book ascribes an apparently subservient role to the settlement of Chesterfield yet within seven years of the survey the royal manor of Newbold gives way to the royal manor of Chesterfield. Could it be that this was a return to a status that Chesterfield had enjoyed before the Conquest? Some historians have gone so far as to suggest that Newbold did not come into existence until shortly after the Conquest and was perhaps part of a Norman attempt to impose a new administrative centre upon the people of the manor. There are persuasive reasons for suspecting that before 1066 Chesterfield and not Newbold was the administrative centre of the pre-Conquest manor listed in Domesday Book as the royal manor of Newbold and that the Domesday record therefore masks the significance of the nature and functions of Chesterfield prior to the Conquest. Such a conclusion would not be unparalleled: Doncaster, for example, was the centre of an important Anglo-Saxon estate but is listed in Domesday Book under the royal manor of Hexthorpe, a late place-name of Danish origin which lies to the west of Doncaster and never again achieved such importance.

The position of Newbold remains obscure. It has been suggested that the Chesterfield area may have been affected by an earthquake recorded in *The Anglo-Saxon Chronicle* in 1049 which is believed to have caused considerable destruction in Derbyshire. It could be that Newbold emerged as part of a rebuilding process possible always intended as nothing more than a temporary base for the manor court. Perhaps due to the extension of Norman authority and the possible recovery of Chesterfield the "new bold" - new building - itself had become redundant by 1093 when records first speak of the royal manor of Chesterfield. Studies of northern England suggest that there was considerable renewal of settlements in the form of planned villages following William the Conqueror's devastations of 1069. In these cases it has been noted that surrounding settlements are described as "waste" in Domesday which referred to land that had previously been under cultivation. In counties such as Durham tenants were transferred from late settlements on marginal lands to help rebuild and repopulate the larger centres devastated by William. Interestingly, the majority of Domesday entries for the Wapentake of Scarsdale show a reduction in the valuation of manors between T.R.E. and 1066 or describe settlements as "waste" thereby indicating that there may well have been a serious widespread problem of some kind in the years preceding the Domesday survey.⁶ Whether this was the result of a natural or man-made disaster is unknown but the possibility that the twelfth century witnessed a process of urban recovery in Chesterfield rather than seeing the origins of urban status cannot be lightly dismissed.

In his 'The Banburys of England' Prof. Alan Everitt outlines what he perceives to be the hallmarks of English primary towns, the earliest urban settlements pre-dating the Norman Conquest excluding those of Roman origin. Though Everitt's article was published fifteen years ago and much work has been done since that date, it still forms a useful starting point for an exploration into the pre-Conquest history of Chesterfield. Everitt's extensive research indicates that primary towns share the following characteristics:

- 1 they are ancient settlements dating back at least to early Saxon times and often back to pre-Saxon times.
- 2 they are usually associated with pre-historic tracks and/or Roman roads.
- 3 they functioned as early religious centres,
- 4 they were centres of major Anglo-Saxon royal or ecclesiastical estates.
- 5 they covered a much larger area than neighbouring parishes.
- 6 they had prescriptive markets which pre-date the Norman Conquest.
- 7 they managed to survive the severe economic stresses of the medieval period.

Prof. Everitt also pointed out that "not all places exhibit all these characteristics in equal prominence".⁷

Until 1973 there was no real evidence beyond the implications of the town's place-name and a few Roman coins to indicate that a Roman settlement of any kind had ever existed in Chesterfield. This led some historians to doubt the sixteenth century historian William Camden who wrote of ancient walls of pre-Saxon origin in Chesterfield and to suspect that he had confused Derbyshire's Chesterfield with its Staffordshire namesake close to the Roman settlement of Wall. This may well be the case as Camden himself admitted to having a suspect memory and no trace of such walls has yet been found. Others chose to seek the site of a Roman settlement elsewhere in the vicinity, particularly around a site of a supposed castle at Tapton. However, between 1973 and 1985 a rare opportunity arose for archaeologists to excavate a site close to the parish church. These excavations not only

revealed the existence of a Roman fort covering some 7.7 acres dating from c79AD but also evidence of a small Iron Age fortified settlement which had been systematically demolished and cleared by the Romans. The commanding geographical position on a hill overlooking the valleys of the Rivers Hipper and Rother has not surprisingly proved attractive to settlers from a very early date.

The Roman fort appears to have fallen into neglect around 85-90AD and was finally abandoned and demolished towards the close of the first decade of the second century AD. The excavation also revealed a few sherds of native or Romano-British pottery known as Derbyshire Ware manufactured in the south of the county. This indicates possible contact between Britons and the Roman settlement at Chesterfield. Furthermore, some evidence was found to suggest that a civilian population occupied the site after the withdrawal of Roman troops. However, the archaeologists were forced to terminate the excavation before more could be learned about this later Romano-British settlement.⁸

An annoying yet persistent and quite erroneous assertion is that the Roman place-name for the settlement was *Cesterfelda*. The place-name *Cesterfelda* is **not** Roman in origin and is first recorded in an Anglo-Saxon charter of 955AD. Dr Gelling has argued that the Saxon *ceaster* was often - but not always - used by the Saxons when naming existing Roman walled towns.⁹ Is there a faint echo here of Camden's walls of "great antiquity"? The suffix *feld* is also Saxon signifying 'open ground'. In the North Midlands place-names in 'feld' are frequently associated with the centres of large estates such as Sheffield, Mansfield, Ecclesfield and Wakefield.

As is the case with other Roman forts we do not know the Roman name for Chesterfield.¹⁰ *Cesterfelda* is an archaic Saxon place-name which indicates 'open ground by or belonging to a Roman station'. The Staffordshire example of the place-name Chesterfield suggests that the Saxons settled in open ground some half a mile from a Roman settlement. A similar situation can be envisaged for Chesterfield, the Saxon settlement subsuming the area of the Roman site as it expanded in later centuries. The early Saxons were not essentially urban dwellers but many later Saxon urban centres began life as camps close to and sometimes within the old defences of a Roman fort. We have no evidence of continuity between Romano-British and Saxon peoples at Chesterfield, although the place-name Walton may indicate the presence of a community of Britons. We must, however, admit the possibility that at Chesterfield the Saxons could have occupied part of an abandoned site. What can no longer be doubted is that Derbyshire's Chesterfield is closely associated with a proven Roman settlement and its archaic place-name suggests that a Saxon settlement was established at an early date, the first of Prof. Everitt's criteria for English primary towns.

It is extremely difficult to prove the antiquity of a road or trackway. Many roads and trackways not recorded until after the Conquest may well have existed for centuries before the coming of the Normans.¹¹ At Chesterfield it may be that Saltergate, recorded as *Salteresgate* in 1285, follows a very ancient route and is clearly to be associated with the earliest of Chesterfield's markets.¹² Its line passes somewhat to north of the late twelfth century 'new' market continuing in an east-west direction to the 'old' market which, it is argued below, may well have been pre-Conquest in origin. The road from the west passing through West Bars can be shown to have continued across what was to become the 'new Market' and on via Church Lane to the site of the old Market. There can be little doubt that this road was on great antiquity. Yet, although Chesterfield cannot be readily associated with any degree of certainty to a pre-historic track we are on firmer ground when associating the town with a major Roman road, Rykniel Street.

Until the recent archaeological excavations of part of the Roman fort historians could not with any confidence be sure of the line of this important Roman artery in relation to Chesterfield. However, the excavations revealed the remains of a probable southern gateway which may well prove to have been the fort's *porta principalis*. Approaching from the south, Rykniel Street would have crossed the River Hipper either at the site of Lordsmill Street bridge or slightly to the west of it and on to the fort. Indeed, part of the old alignment of Lordsmill Street almost certainly preserved the line of the Roman road. The archaeological evidence suggests an extension of Rykniel Street in 79AD which gave rise to Roman settlements at Little Chester, Pentrich and Chesterfield probably associated with Agricola's push into Brigantian territory of that year.¹³ The Roman fort at Chesterfield

may also be associated with a Roman road, known in the thirteenth century as Hereward Street, which probably linked the rich lead mining centre of *Lutudarum*¹⁴ to Rykniel Street. Another Roman road linked Chesterfield to the fort at Brough and an important medieval road leading to Tapton may date back to Roman times.¹⁵ Thus, the second of Prof. Everitt's criteria for identifying English primary towns can be readily applied to Chesterfield.

The third suggested characteristic of English primary towns is that they functioned as important early religious centres. The Domesday record does not refer to a church in Chesterfield but there are many examples of settlements which are not accredited with a church in Domesday but where nevertheless a church is known to have existed prior to the Norman Conquest. Chesterfield came under the control of the extensive diocese of Lichfield but in 1093 a charter of William II granted a church at Chesterfield which had existed in the time of Edward the Confessor with its dependent chapels to the Bishop of Lincoln.

The evidence of the 1093 charter demonstrates that a church existed in Chesterfield before the Norman Conquest. There are a number of other indicators which suggest that a church existed in Chesterfield from a very early date and which have parallels elsewhere in the country. We know, for example, that the present parish church stands within what was the north-east corner of a Roman fort.¹⁷ This, together with the archaic prefix *ceaster* in the town's place-name, which Stenton noted was associated with early minster churches, would certainly seem to suggest that Chesterfield was of some ecclesiastical importance.

It has been suggested that a Christian mission may have arrived in Chesterfield from Repton as early as the close of the seventh century AD.¹⁸ Chesterfield's geographic and strategic position would have provided the ideal base for early Christianising missions, being the centre of the hundred or wapentake of Scarsdale whose eastern boundary coincided with that of the ancient county but in the north-west extended beyond that boundary. The line of the hundredal boundary is of very great antiquity and may well have separated the territories of the Brigantian and Coritanian tribes of Celtic Britain in addition to being the boundary between the Saxon kingdom of Mercia and Northumbria and the ecclesiastical provinces of York and Canterbury. The wapentake of Scarsdale came to form the north-east boundary of the diocese of Lichfield and was to become a rural deanery with Chesterfield at its heart. The early medieval history of Chesterfield demonstrates that its church was the mother church to the chapelries of Whittington, Wingerworth and Brampton and that it served the spiritual needs of a vast area which together may well represent the extent of an early Saxon minster. Furthermore, Philip Riden has suggested that Chesterfield and Dronfield may once have constituted a single estate, with Chesterfield as its administrative centre or *caput*, and that it is probable that the parish church of Dronfield was a royal foundation established to meet the needs of the northern part of what would have been a vast royal manor. He has shown that the early development of Chesterfield was essentially on church land. Another historian, John Blair, has more recently put forward the view that the town of Chesterfield was generated around an Anglo-Saxon minster.¹⁹

The dedication of Chesterfield parish church to St Mary may also provide an indication of the antiquity of the original parish. Early Saxons converted to Christianity tended to favour female saints such as St Mildred and St Eltheldreda when dedicating their churches. More English parish churches are dedicated to St Mary than to any other individual saint and it is clear that her popularity continued from early Saxon times well into the Middle Ages. Pagan Saxons had a preference for water nymphs and spring goddesses and it is in this context that we should seek the origin of the name *Haliwell* recorded for the first time in 1096. This 'holy well' was chosen as the site of a chapel dedicated to St Helen, and as Bestall noted "the cult of St Helen is commonly found in towns with Roman associations" as at Derby and York both of which were sites of early Saxon minsters.²⁰ Indeed, it is possible that the well pre-dates the Saxon period. During the Middle Ages it was known as St Ellen's well suggesting possible association with the Celtic goddess *Elen*.²¹

These indications tend to suggest that Chesterfield did indeed fulfil a significant role as an early religious centre, the third of Prof. Everitt's characteristics of English primary towns, but what evidence is there to suggest that Chesterfield was part of a major Anglo-Saxon royal estate, the fourth of Everitt's criteria?²² We have already noted that in the North Midlands place-names with the suffix 'feld' are often associated with the centres of large estates and that Chesterfield was one of seven settlements known in 1086 as the royal manor of Newbold. Significantly,

this is the first entry in Domesday Book for the hundred or wapentake of Scarsdale. When the royal manor of Chesterfield was alienated from the crown in 1204 the *sokē* of the wapentake of Scarsdale went with it. Yet records of the mid-1200s speak of the 'wapentake of Chesterfield'.²³

The evidence suggests that Chesterfield was a hundredal manor which exercised lordship over the wapentake of Scarsdale. Such hundredal manors were important Saxon administrative centres, often the sites of early minsters and later comprised many of the royal manors of Domesday Book. They were not usually alienated from the crown until well after the Conquest. Significantly, when the crown alienated the royal manor of Chesterfield in 1204 the *sokē* of the wapentake of Scarsdale was an integral part of the deal. Furthermore, hundredal manors are known to be associated with major Anglo-Saxon royal estates.²⁴ Once again, it seems that we are on relatively safe ground in applying Prof. Everitt's criteria to the town by suggesting that Chesterfield was probably the administrative centre of a major Anglo-Saxon royal estate which may date back well beyond the ninth century. If this is the case, then Newbold cannot have been superior in status to Chesterfield simply because it did not exist before the ninth century.

Prof. Everitt's fifth hallmark of an English primary town relates to the size of the primary town's parish in relation to the extent of the parishes of its daughter churches and neighbouring settlements. The Norman parish of Chesterfield covered an enormous area in excess of 45 square miles (28,800 acres) comprising in a clockwise direction the surrounding settlements of Newbold, Dunston, Whittington, Brimington, Tupton, Calow, Hasland, Temple Normanton, Wingerworth, Walton, Brampton and Cutthorpe,²⁵ No other parish in the whole wapentake came near to approaching the size of the Norman parish of Chesterfield.

Reflecting the mother church's reluctance to give up its power and, thereby, income, over the settlements of the medieval parish, only Brampton, Wingerworth and Whittington were to become separate ecclesiastical parishes and even then they had to fight hard for their freedom from the mother church. It may be that the unusually large extent of the medieval parish of Chesterfield preserved part of the boundaries of a very extensive former Anglo-Saxon royal estate or an even earlier unit of political administration - in this context it should be recalled that the Domesday entry for the royal manor of Newbold lists Eckington (not the Eckington north of Chesterfield but in fact a lost settlement in the Newbold area, perhaps the original settlement on or close to the site of the later Newbold) and Boythorpe among its outliers. Moreover, the settlements of Wingerworth, Greyhurst and Padinc (now lost), Unstone, Dronfield, Ravensholm and Upton, and Tupton and Norton are all shown as sokelands and entered under the main entry for, and taken to be part of, the royal manor. Domesday gives a single value for these settlements showing that the value of the whole royal manor of Newbold together with its sokeland had risen, unusually when compared to the wapentake as a whole, from £6 before 1066 to £10 in 1066.²⁶

In 1204 King John granted to William Brewer the royal manor of Chesterfield together with the *sokē* of the wapentake of Scarsdale. Before John's reign there are some 230 known borough charters and by 1216 a further 98 had been granted. The 1204 charter declares Chesterfield to be a free borough, the true indicator of urban status. It also granted a number of liberties which are characteristic of boroughs free from customary feudal obligations, *eg tol, thean, infangenetheof* and *thelonea*. In 1202 "the men of Chesterfield" paid £1 6s 8d for an exemption from an assize on cloth, a sum only very slightly less than that paid by Newark and just under half that paid by Nottingham. There can be little doubt that the men who paid these sums were urban merchants displaying a good degree of organisation and collectivism. In this connection it is worth remembering that according to its ordinances the Guild of the Blessed Mary of Chesterfield was founded in 1219 although it has been suggested that it was in existence before this date. It is worth remembering that Chesterfield was subject to pseudo incorporation until the granting of its charter of incorporation by Elizabeth I. Until the mid-sixteenth century the town was governed by the elected officers of the Guild of the Blessed Mary, a fact which explains the inclusion of references to the affairs of the town in that Guild's ordinances. The urban crisis of the latter Middle Ages undermined the Guild's capacity to govern the town and by 1540 had led to the amalgamation of Chesterfield's two main guilds. However, by 1598 the town had recovered sufficiently to permit its leading burgesses to secure a charter of incorporation which solved the problems of town government. Another of the town's medieval guilds, that of the Holy Cross, may have formed a guild merchant associated with the 1204 charter and its grant of a fair on Holy

Cross Day though there are references to a fair at Chesterfield before the granting of Brewer's charter.

The first documented reference to Chesterfield as a borough comes in the Pipe Roll of 1199 when the *burgus* of Chesterfield paid £6 13s 4d tallage, this a full five years before borough status was officially granted to the town by the crown. In 1169 Chesterfield contributed to a feudal aid which was levied on royal tenants including those living in royal boroughs. Other references in the Pipe Rolls to a market (1165), the payment of rents for encroachment on the royal demesne (1166), a leper hospital (1171), a fair (1182) and a gaol (1196) demonstrate that Chesterfield had come to fulfil distinctly urban functions by the close of the twelfth century.²⁷ Before 1204, it was not necessary for the king to issue chartered liberties to Chesterfield because it was a royal manor. By alienating the manor it became necessary for the crown to issue a charter to the new manorial lord confirming the liberties and privileges of the town. In its essentials the charter granted to William Brewer in 1204 did not create a new situation, it simply recognised an existing one.

Among the early indications of the transition to urban status is the holding of a market. There are many examples of markets that are documented long before the granting of market charters. Such markets are known as traditional or prescriptive markets. Banbury, for example, did not receive a market charter until 1155 but a market is recorded there in 1138 whilst at Sevenoaks in Kent a market is recorded in pre-Conquest documents despite the fact that even to this day the town has never been granted a market charter. As we have seen, Chesterfield is known to have had a market serving local and regional needs at least four decades before the right to hold a market was officially granted to William Brewer.

Chesterfield is known to have had two market sites referred to as the 'old' and 'new' markets. The 'new' market was laid out to the west of the parish church because the site of the old market offered no scope for expansion being hemmed in by steep slopes and the church. It extended from the Shambles area to West Bars. The difficulty lies in dating this new market. Bestall argued that it dated back to at least 1220 and certainly by 1226 disputes possibly associated with this new market had emerged between the burgesses and their manorial lord over stall rents. However, more recently, Philip Riden has demonstrated that the new market, possibly including the Shambles, represented a deliberate act of urban development which took place during the reign of Richard I (1190-99). The later 1204 charter granted to Brewer included the right to hold a Saturday and a Tuesday or 'weekday' market. It is known from documents of the mid-fourteenth century that the new market and the 'weekday market' were one and the same.²⁸ Whether Chesterfield had held a Tuesday and a Saturday market before 1204 is unclear.

There are many examples to show that prescriptive markets are associated with Roman sites and/or the administrative centres of Anglo-Saxon royal estates. Prof. Everitt argues that they are invariably pre-Conquest in origin.²⁹ They appear to have begun life as a means by which royal reeves could sell surplus or unused produce collected as food renders. It has been suggested above that Chesterfield may well have been the administrative centre of an extensive Anglo-Saxon royal estate. Topographically the old market was triangular in shape, a shape often associated with markets of pre-Conquest origin. It was sited adjacent to and north of the parish church - and incidentally, within a short distance of the probable site of the north gateway of the Roman fort - at a point where a number of major roads converged including Rykneild Street, Saltergate, Haliwellegate and Tapton Lane.³⁰ Roads in the vicinity of the old market area helped link pre-Conquest Chesterfield to important regional centres such as Nottingham, Derby and Doncaster as well as to local settlements within its immediate hinterland.

It may be seen then that a market existed in Chesterfield before 1066 and this accords with Prof. Everitt's sixth hallmark of English primary towns. The final characteristic of such towns is that their markets tended to survive the economic vicissitudes of the Middle Ages. Chesterfield has always been the second most important town in Derbyshire after Derby though it has sometimes been rivalled by Ashbourne. By the sixteenth century there were some 760 market towns in England, two-thirds fewer than there had been during the Middle Ages. Chesterfield was one of the ten market towns of sixteenth century Derbyshire and had come to specialise in corn. The town continues to function as an important regional market centre to the present day.³¹ We need not dwell on this, it is sufficient to say that Chesterfield clearly exhibits the seventh, and final, of Everitt's characteristics of English

primary towns.

By partially re-interpreting what is already known, taking samples from elsewhere in the country and making use of criteria proposed by Prof. Everitt in his 'The Banburys of England', this essay has sought to explore the possibility that Chesterfield should be numbered among the primary towns of England. The nature of the documentary evidence relating to Chesterfield's urban development has in the past led to an over-cautious approach by some historians leading to the almost certainly mistaken conclusion that Chesterfield made the transition from rural vill to urban centre between the Domesday record of 1086 and the first documentary proof of urban functions during the 1160s. It is possible, of course, that, like Pontefract, Chesterfield did indeed become a town in a remarkably short period of time. Equally, it may prove that the nature and paucity of the documentary evidence has led historians to underestimate the town's importance during the Anglo-Saxon period, making them reluctant to accept that the origins of Chesterfield's transition to urban centre date back beyond the Conquest and that Chesterfield should indeed be numbered among the primary towns of England.

Notes

- 1 My thanks are extended to David Hey of Sheffield University, Philip Riden of Cardiff University and John Blair of Queen's College, Oxford, all of whom kindly read an earlier draft of this essay and made a number of helpful comments.
- 2 J.M. Bestall, *History of Chesterfield*, 1, 1974, 25; P. Riden, 'The Early History of the Manor of Chesterfield' and 'Early Settlement on the site of Chesterfield', (both unpublished). I am grateful to Philip Riden for providing me with copies of these papers: See, for example, R. Cooper, *The Book of Chesterfield*, 1977, p14-15, where, in an otherwise excellent book, the author covers the Anglo-Saxon history of the town in less than half a page and the Domesday entry for the royal manor of Newbold is used to support the view that in 1086 Chesterfield was no more than a "small village" and that "...Chesterfield developed with surprising rapidity from its *Domesday insignificance...*" italics my own,
- 3 *Domesday Book* (Derbyshire), Phillimore edition, 1978, 272 a,b.
- 4 See for example, S.J.P. Harvey, 'Domesday Book and its predecessors', *English Historical Review*, LXXXVI, 1971, 753-7.
- 5 F.W. Maitland, *Domesday Book and Beyond*, Cambridge, 1907. See also, F. Wheeldon-Finn, *Domesday Book: A Guide*, Chichester, 1973.
- 6 Bestall, *op cit*, 24; B.K. Roberts, *Rural Settlements in Britain*, 1977, 146-158. Interestingly encroachments onto the area of Chesterfield's new market area are described in medieval documents as incursions onto "waste" and Riden has argued that the new market was probably laid out on former cultivated land towards the close of the twelfth century. See note 28 below.
- 7 A. Everitt, 'The Banburys of England', *Urban History Yearbook*, Leicester University, 1974, 28-38 *passim*.
- 8 The long awaited report on the official DoE excavations will be published in a forthcoming issue of the *Derbyshire Archaeological Journal*. In the absence of this report the evidence of Roman and pre-Roman occupation cited here is based on H.C. Lane's, *The Romans in Chesterfield*, 1, 1985. Lane's findings will either be confirmed, amended or refuted in the DoE report.
- 9 M. Gelling, *Signposts to the Past*, London, 1979, p151.
- 10 Similarly, Doncaster contains the Anglo-Saxon suffix *ceaster* and a prefix derived from the Celtic *danu* and is not the Roman name of the fort. See Gelling, *ibid*, p43.
- 11 See, for example, C. Taylor's *Roads and Tracks of Britain*, London, 1979.
- 12 Bestall, *op cit*, p129
- 13 Lane, *op cit*, *passim*. The recent re-alignment of Lordsmill Street provides a good example of modern discontinuity.
- 14 Recorded for the first time as *Herewardstrete* c1275, this name may derive from 'military road' or 'army road', as is the case with Hereford, and would be Roman in origin. It was clearly an important road linking Chesterfield to Ashbourne, possibly via Wirksworth (Lutudarum?). Both Ashbourne and Wirksworth, together with Bakewell, are almost certainly to be numbered among the primary towns of the county. See K. Cameron, *The Place-Names of Derbyshire*, English Place-Name Society, XXVII, I, 21-22, and E. Ekwall, *The Concise Dictionary of English Place-Names*, 4th ed, 1977, p23b.
- 15 J.M. Bestall, *op cit*, 9.

- 16 Bestall, *ibid*, 28 and 97-124, the latter providing a good summary of the ecclesiastical development of the parish.
- 17 Lane, *op cit*, p54.
- 18 Bestall, *op cit*, 21.
- 19 P. Riden, *op cit*; J. Blair, 'Minster Churches in the Landscape' in D. Hooke, *Angle-Saxon Settlements*, 1988, pp48-9.
- 20 Bestall, *op cit*, 106.
- 21 The dedication of Chesterfield parish church to All Saints is much later than the dedication to St Mary. Interestingly, there are numerous instances where the establishment of a new medieval market and the rededication of churches to All Saints went hand-in-hand, eg Maidstone, Kent; For a discussion of the significance of dedications to St Ellen see D. Hey, *The Making of South Yorkshire*, 1979.
- 22 On Anglo-Saxon estates, see H.P.R. Finberg, *Roman and Saxon Withington: A Study in Continuity*, Leicester University Press, Department of English Local History Occasional Papers, No 8, 1959, and C.V. Phythian-Adams, *Continuity, Fields and Fission: The Making of a Midland Parish*, Leicester University Press, department of English Local History Occasional Papers, Third Series, No 4, 1978.
- 23 Brewer paid £69 per annum for the manor including Brimington and Whittington and »10 for the *soke* of the wapentake. *Soke* = the jurisdiction of the wapentake giving Brewer the right to administer the hundredal court, collect fines, etc; Bestall, *op cit*, 68; this is repeated in Derbyshire with the royal manor and wapentake of Wirksworth.
- 24 See Finberg, *op cit*, *passim*, and Phythian-Adams, *op cit*, *passim*; On hundredal manors see H. Cam, *Liberalities and Communities in Medieval England*, Cambridge, 1944.
- 25 Bestall, *op cit*, 34
- 26 See note 3; R. Wheeldon-Finn, *op cit*, p8; See also Finberg, *op cit*, *passim*, and Phythian-Adams, *op cit*, *passim*.
- 27 Bestall, *op cit*, 30-31, 48; the 1202 payment was the only such payment for Derbyshire; *tol* = market tolls; *thean* = the right to call people before the borough court to witness that sales in the open-market had been conducted properly; *infangenetheof* = the right to have a gallows and to hang people caught within the manor possessing property stolen within the manor; *thelonea* = the right to levy tolls, presumably in this case for passage over the Hipper and/or Rother; *tallage* = a tax levied on urban settlements. For the religious gilds of Chesterfield see P. Riden and J. Blair, *History of Chesterfield*, 5, 1980, 99-201 *passim*; See also note 21.
- 28 Bestall, *ibid*, 131; P. Riden, 'The Origin of the New Market of Chesterfield', *Derbyshire Archaeological Journal*, 1977, XCVII, 9-13, Riden suggests that the weekday market was held on the site of the old market *pace* Bestall, *ibid*, 138.
- 29 Everitt, *op cit*, p34
- 30 Lane, *op cit*, p54, *cf* Bestall, *op cit*, 124.
- 31 A. Everitt, 'The Marketing of Agricultural Produce' in J. Thirsk, *The Agrarian History of England and Wales*, IV (1500-1640), CUP, 1967, 447, 473: Chesterfield's annual fair was certainly an important one in the sixteenth century. William Camden, in his *Britannia*, singled out the fair for special mention stating that it attracted a "gret concourse of pepell from all partes of Englande"; quoted in D.M. Palliser, *The Age of Elizabeth*, 1983, p273.

LOCAL HISTORY SECTION - SUMMER PROGRAMME

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| 13 June | Visit to the Ockbrook Moravian Settlement, Ockbrook, Derby. |
| 26 June | Walk around Hartshorne. |
| 7 July | Visit to Cheddleton and Leek. |

DERBYSHIRE JUSTICES OF THE PEACE 1388-1414

(by Susan Wilkinson,

1. ORIGINS OF THE OFFICE OF JUSTICE OF THE PEACE

The Justices of the Peace evolved from an older order, that of the keepers whose own origins can be traced back to 1195. As a consequence of the widespread disorder of Edward II's reign the appointment of keepers, until then a matter of royal will, became a statutory requirement. An Act of 1327 specifies "in every county there shall be assigned good and lawful men to keep the peace". After this date, Peace Commissions became a normal part of the machinery of local administration appointing those nominated by the crown, setting out the justices' authority and outlining their duties. Undoubtedly, nominations would reflect pressure from magnates with political influences and more especially from local communities through petitions sent direct to the king's council or chancellor or presented in Parliament.¹

From the first, knights of the shire and the local gentry formed the "working" justices since one of the most repeated qualifications demanded by the Commons was of residence and knowledge of local conditions. Lawyers were included to ensure more expert justice and some of their high nobility for honour's sake.² A statute of 1360 directed that in each county there should be appointed a lord whose responsibility was to keep the peace. He was to be assisted by three or four local men, worthy and knowledgeable in legal matters. Despite successive attempts by the Commons to exclude certain officials from the commissions, justices were often occupying other government positions in the county such as sheriffs, escheaters, arrayers and knights of the shire.³

Commissions of the Peace, therefore, generally comprised magnates, lawyers and gentry. Of the lay magnates some were connected with the shire to which they were appointed, others were appointed for many shires and often engaged in important service for the crown and would not have taken part in the sessions. Similar differences exist amongst lawyers; judges were assigned to commission in several counties whilst other eminent lawyers sat in session in their own county of origin. Amongst the gentry there were the nonentities who held no very distinguished post but were appointed regularly and there were those who filled many important posts in one or several counties.

For members of the commission of the peace, apart from the great magnates, service was in theory compulsory, which has a bearing on the number of Commons' petitions for payment of justices. There are frequent complaints in Parliament that sessions are not held and justices do not do their duty because of lack of wages, but it is only in 1388 and 1390 that statutory sanction was given for regular payment of 4s a day for a justice up to a maximum of twelve days a year for each of eight justices per county.⁴

2. POWERS OF THE JUSTICES OF THE PEACE

From 1327 onwards the powers contained within the terms of the peace commission varied greatly, sometimes enlarged and then later reduced, but the commissioners were consistently required to enforce the peace keeping statutes of Winchester 1285 and Northampton 1334, along with the enforcement of later labour legislation reflecting the continuing shortage of labour and economic upheaval following the Black Death.

The variation in powers particularly related to the authority to "determine felonies and trespasses" first granted in 1329, later withdrawn and restored several times, until 1361 when the keepers of the peace were converted into Justices of the Peace by statute empowering them "to restrain ... pursue, arrest take and chastise ... according to the law and custom of the realm, to take sufficient security of their good behaviour and to hear and determine all manner of felonies and trespasses done in the same county". They could now not only receive indictments but could try those indicted for felony and trespass. Since then it was only between 1364-69 and from 1382-89 that this power was withdrawn and special commissions appointed instead with extraordinary powers during times of particular national crisis.⁵

One reason for the steady increase in their powers was to check the abuse of the sheriff's powers. He was the pre-eminent county official chosen by the crown who picked MP's, assembled and questioned juries and was therefore a potentially powerful tool of crown or magnate influence.⁶

A statute of 1362 directed that Justices of the Peace should hold four sessions a year thus inaugurating the Quarter Sessions and soon they were hearing complaints against and acquiring a supervisory and restraining power over local administrators. The increasing popularity and acceptability of their office was because of the use, in Quarter Sessions, of the new criminal procedure of presentment and trial by jury. Out of sessions justices could take surety for binding over to keep the peace, swear men into office, for example constables, and have summary powers in cases of riot and forcible entry. The local gentry could, therefore, make combined use of civil and criminal law for their own gain, hence the Commons' continued concern for control of appointments.

3. DERBYSHIRE COMMISSIONS OF THE PEACE

Between the years 1388 and 1414 there were eighteen Commissions of the Peace comprising a total of only 32 justices. During the turbulent years of Richard II's reign there were two each in 1389 and 1390 and again in 1397. Between these dates, during the political lull, there was one commission in 1394 and one final commission in 1398. Henry IV's reign saw eight commissions with two in 1404, February and November, following the two parliaments that year at Westminster in January and at Coventry in October. In the first year of Henry V's reign there were peace commissions in March and November 1413.⁷

In keeping with their important judicial and administrative roles, the Derbyshire Justices of the Peace were all men of standing reflecting the Commons' wish that they should be chosen from the "most substantial and loyal men of their shires who best know and have the power to execute statutes".⁸ There were peers such as Lord Richard Grey of Codnor and Thomas Talbot of Hallamshire. The latter inherited the title of Lord Furnival⁹ from his father-in-law Thomas Neville of Hallamshire, himself a member of the Derbyshire bench in 1406 and 1407. There were eminent lawyers such as Peter de la Pole, one of the quorum, Roger Horton, Justice of the King's Bench,¹⁰ and John Cokayne the Elder. He was also a substantial local landowner and very influential also being Chief Steward for the Duchy of Lancaster in the North.¹¹ However, the largest single element were the county gentry from knightly families and the squires some of whom were also shire knights, sheriffs and escheators.¹² The Commons' repeated attempts to exclude certain officials from commissions of the peace, particularly sheriffs, appear to have been reasonably successful. Eight Justices of the Peace were sheriffs of Derbyshire and Nottinghamshire but of these only two, Robert Franceys and Roger Leche were members during their term of office.

Of the knightly families some appear to have had a hereditary claim to the office inasmuch as they provided more than one member of the same family. Such are the Montgomerys of Cubley, father and son; Nicholas and second cousin John Kniveton of Mercaston and Bradley; John Cokayne the Elder of Ashbourne and his nephew, also John Cokayne, along with the latter's father-in-law, Hugh Shirley of Brailsford; Walter and son John Blount of Barton Blount, and de la Pole - John of Hartington who was father to John of Newburgh in turn father of Peter de la Pole, the latter two of Crich and Radbourne.¹³

Many of the justices also belonged to families who had been part of the county's landed and political society from the late thirteenth and early fourteenth centuries. These are the Curzons of both Kedleston and Croxall, Dethick of Breadsall, Foljambe of Walton, near Chesterfield, Kniveton of both Bradley and Mercaston, Langford of Longford, Montgomery of Cubley, Okeover of Okeover and Snelston, Sallowe of Stanton-by-Dale, Tykhell of Chaddesden and Wennesley (Wendesley) of Wensley.¹⁴

The greatest landowner in the county was the Duke of Lancaster whose estates dominated north west Derbyshire around the manors of Ashbourne and Wirksworth and further north centred on Hartington and the High Peak, with its administrative centre at Tutbury to the south west of the county.¹⁵ The gentry estates were concentrated mainly in the south of the county and in the Peak foothills. The two local magnates, Lord Furnival of Hallamshire and Lord Grey of Codnor, had estates in the north and east Midlands.

The county establishment undoubtedly played a large part in controlling appointments, as is evident from the family connections, and also the shire knights who themselves figure prominently in the various commissions, often whilst currently in Parliament. The other important influence in nominations must have been the Duchy of Lancaster with John of Gaunt himself heading the commissions except for the one year 1389 when no lord or his steward was included. The majority of the Derbyshire justices were either retainers of John of Gaunt, long time confidants and associates of Henry IV during his earlier years, or associates of Prince Hal. The most important retainers were the Chief Stewards of the North: John de la Pole of Newburgh, John Cokayne the Elder and, later, Richard Gascoigne and Roger Leche, rewarded by Henry IV.¹⁶ There were also the High Peak and Tutbury stewards, the Constables, the lawyers who served the Duchy and there were those like Peter Melburn who was an executor of Gaunt's will, served with Henry during his Prussian campaign in 1393 and was also a close friend of Prince Hal.¹⁷

The longest serving justice through all three reigns was Thomas Foljambe. He was the son of Sir Godfrey, Chief Steward and one of Gaunt's closest associates. Thomas himself held the office of High Peak steward from 1392 to 1399, was an MP from 1390-1391 and served on commissions of peace almost without a break between 1386 and 1413.¹⁸

Of the local Justices of the Peace just six can be found to have no known Lancastrian connections. Three are members of ancient Derbyshire families as far back as Edward I. These are Nicholas and John Kniveton and John Tuchet, created Lord Audley in Richard II's reign, with his seat and park at Markeaton.¹⁹ Two others are Derbyshire esquires and members of the Commons in the early 1380s. The first is William Adderley whose origins are obscure but he appears to have had close connections with Radbourne, being given grants of land there in 1391 and also land in Beeley and Chatsworth. His sister married William Dethick of Breadsall.²⁰ He was a member of the March and December 1382 commissions of peace, was involved in the arrest of rebels after the Peasants' Revolt and served on the commissions of array in 1392 and 1399 whilst also on the commissions of peace. He was an MP in 1384, 1385, 1387 and 1390. The other MP is William Sallowe of Stanton and Breaston. He was also escheator for Derbyshire and Nottinghamshire in 1392 and sheriff of both shires and escheator of Derby in 1404.²¹ He was still appointed to the Derbyshire bench through Henry IV's reign.

The most notable of the six non-Lancastrians who continued to serve through the three reigns is Sir Robert Franceys of Ticknall and Foremark who was possibly knighted on Richard's accession. He was a shire knight in 1384, sheriff 1388-90 and Justice of the Peace for the first time in 1386. Through his wife he had interests in Staffordshire, and in the new reign his career moved to Staffordshire as he was a shire knight and member of the Great Council in 1401. He was involved in rallying men to the King's standard at Shrewsbury and also raising men for the campaign in Hereford. He returned to a Derbyshire appointment in 1406 checking on whether Derbyshire men were joining up with the rebel Welsh instead of the Prince of Wales, was sheriff of Derbyshire and Nottingham 1406-1407 and served once again on the Derbyshire peace commission in 1408. In 1410 he served on a commission to enquire into the royal title of all castles, manors and possessions of the Crown in the Midlands and continued to serve as a shire knight and on commissions of peace during Henry V's reign.²²

Cases heard by the Justices of the Peace reflect local interests and the lawlessness of the gentry themselves. In November 1387 William Dethick investigated Gaunt's claim that Cokayne and other gentry broke into his deer park and assaulted men and tenants.²³ In November 1390 a commission enquired into complaints that travellers were being illegally charged for use of an overgrown highway by local farmers.²⁴ In October 1408 John Cokayne and Thomas Foljambe investigated threats to the King's bailiffs whilst collecting rents and tolls from farms in Chesterfield.²⁵ In June 1412 Ralph Franceys was bound over by Thomas Tykhill to keep the peace having entered the house of Henry Barton and assaulted him.²⁶

The same variety of offences occur in Derbyshire whatever the political upheavals of the time.

4. THE COMMONS AND DERBYSHIRE COMMISSIONS OF THE PEACE

The years between 1388 and 1390 were concerned firstly with the destruction of Richard II's adherents in the Merciless Parliament of 1388, an action which also removed several members of the commissions of the peace and

secondly, with the Commons' concern and the continuing debates about liveried retainers. An indication of this concern were the Statutes published on 20 November 1388 which, apart from empowering Justices of the Peace to enforce new legislation regarding wages of labourers, also petitioned that they be empowered to deal with cases of maintenances. This was "the use of his influence by a lord or any other in a lawsuit and the assembly of large numbers of men with the objects of committing offences and preventing the execution of the law".²⁷ An instance of this is the pardon of homicide granted to a servant of Thomas Rempstone on 6 February 1389 at the request of the Earl of Derby.²⁸ Other Statutes also specified the size and quality of the commissions, specifically that no steward of a lord should be included.

Nothing was done to implement these Statutes until Richard's resumption of power in May 1389 when sweeping changes were made by him amongst the leading officers of state and judiciary. His declared intention to provide a more ample provision of justice than before included the appointment of new commissions of peace in July that year and in Derbyshire the commission closely followed the wishes of the Commons as a comparison with that of 1387 shows (Appendix I). The commission of that year was headed by John of Gaunt and included two Lancastrians stewards, two Justices of the Assize and fourteen other justices representative of the local gentry.

In July 1389 only six justices were appointed, one of whom was Sir Robert Franceys shire knight in the Cambridge Parliament. Three close associates of John of Gaunt, but not yet his stewards, were also appointed but John de la Pole of Newburgh, Chief Steward of the North, who had served on the 1387 commission was not included. The remaining two were two Justices of the Assize, Walter Thirnyng and Richard Sydenham, successors to Roger Fulthorpe and John Lokton, members of the 1387 commissions and two of the judges impeached and exiled to Ireland by the Merciless Parliament. Both Thirnyng and Sydenham continued to serve on every commission in several shires until their respective deaths in 1413 and 1396.²⁹ Thirnyng was Justice of Common Pleas in 1388 and Chief Justice at Lancaster in 1389.³⁰ When Richard took his revenge on the Lords Appellant in 1397 it was he who reversed the 1388 decision regarding the condemned judges. It seems surprising, therefore, that he was also associated in the commission for deposing Richard. It was on his advice that Henry abandoned his claim to the throne by right of conquest in favour of that by descent from Henry III.³¹

New commissions of the peace were issued in November 1389 which this time restored to the justices the power to determine cases of felony, maintenance and other matters which from 1382 they had only been empowered to hear. The Cambridge Statute that six justices should be appointed in addition to the Assize Justices were now strictly adhered to and the new commission now comprised five justices who had been Members of Parliament, together with John Cokayne the Elder, Thirnyng and Sydenham.

Following continued debates in 1390 on the question of liveries, an Ordinance made in the King's Council restricted to secular peers the right to grant liveries, but no mention was made of retaining or provision made for its enforcement and the regulation of liveries continued to be a vexed question.³² An example is a commission of oyer and terminer [a trial resulting from the issue of a writ of oyer and terminer] granted on 24 June 1390 on complaint of the widow of Sir Richard de Pashale that Sir Richard Okeover with John Cokayne (his attorney) "and divers other evildoers broke into her manor with great multitude of armed men banded together by oath" took goods valued £100, assaulted and abducted her servant and also abducted her daughter.³³ This same Sir Philip was a shire knight over several years, had manors in Okeover, Atlow and Snelston and had served on several campaigns with John of Gaunt.³⁴ In the 28 June commission of peace both he and John Cokayne were members. This appears to be the first and last time he was a Justice of the Peace but in November 1391 he was again a shire knight and in 1392 was appointed to the Commission of Array to resist invasion in case of war.³⁵

Again on 30 October 1391 a pardon was granted at the supplication of John Golafre, Knight of the King's Chamber, to a William Sutton. He was guilty of breaking into a dwelling house at Ashbourne, aiding and abetting a killing at Clifton and with others "carrying tipped staves with iron points and making livery of the same to the terror of the common people" contrary to prohibition by the Justices of the Peace. He was also guilty of compassing the death and lying in wait to kill certain justices and assaulting one of them, Nicholas Kniveton, and his servants.³⁶

The commission of peace called for in January and in November 1390 firstly waived the clause excluding lords'

stewards and secondly specified that the eight justices appointed were to be in addition to the lords assigned in that Parliament. Accordingly, the December commission of peace was once more headed by John of Gaunt. However, no steward served on the commission until Thomas Wennesley, who was appointed, became High Peak steward in 1391. He and other stewards figure in subsequent peace commissions throughout the period, and every peace commission was headed by a lord: John of Gaunt, until his death in 1398, followed by Lord Richard Grey of Codnor.

The Commons' Statutes regarding the numbers of commissioners to be appointed were soon disregarded. In the next general review in November 1397 ten Justices of the Peace were appointed and also in 1399 the first of the new reign. The numbers increase dramatically in 1401 to sixteen, not dropping back to ten until 1407. This followed the political upheavals of 1406 when, under pressure from the Commons, Henry was forced to dismiss many of his councillors. Henry's reliance on knights and esquires and some of the gentry who were not of the county "establishment" was one reason for the Commons' criticisms and demands for a better government,³⁷ and this reliance is mirrored in the membership of the commissions. Only five of the sixteen justices appointed in 1401 were MP's of long standing.

The early part of Henry V's reign was concerned with petitions from Parliament to restore law and order, resulting in two peace commissions in March and November 1413. The general anxiety felt as a result of the Oldcastle rebellion in January 1414 is shown in the statute of the Leicester Parliament that year designed to give Justices of the Peace power to root out Lollardy and to restore law and order "for the chastisement and punishment of the rioters murderers and other malefactors who more than ever abound in many parts of the kingdom".³⁸ An upsurge of judicial activity ensued but, despite their new powers there were no commissions of peace in Derbyshire that year although a Commission of Enquiry was appointed in June to investigate disorders in Nottingham and Derbyshire.³⁹

5. THE INFLUENCE OF CROWN PATRONAGE ON DERBYSHIRE COMMISSIONS OF THE PEACE

The political events which led to changes in fortune amongst the senior officers of state and the judiciary during the years under review were reflected, to a greater or lesser extent, in the composition of peace commissions in particular years, thus the removal of John Lokton and Roger Fulthorpe due to the influence of the Lords Appellant in the Merciless Parliament in 1388.

The promise by Richard on his resumption of power in May 1389 that he would bring greater tranquility to the realm and provide greater justice was followed by the reshaping of the peace commissions according to the Commons' wishes through the four separate commissions in 1389 and 1390. After that time Richard appears not to have paid so much heed to the wishes of Parliament and instead began consolidating his power through increasing his personal retainers and apparently biding his time until he was ready to take his revenge on the Lords Appellant, which he did in 1397.

There were two peace commissions in 1397, one in January and a general review of commissions for the whole country in November by which time Richard's 'duketti' were being given authority throughout the country. Confirmation of this in the Derbyshire commission was the inclusion of Thomas, Duke of Surrey, Richard's nephew and one of his eight Appellant Lords, in addition to John of Gaunt. The only other new member was Robert Tirwhit, attorney to Henry, Earl of Derby, one of the surviving Lords Appellant now promoted to Duke of Hereford. He was to be one of the lawyers involved in Henry's petition on the occasion of his banishment to be allowed livery of any inheritance for which he would owe homage.⁴⁰ A significant newcomer in the January commission was John Curzon of Kedleston, absent since 1386 when he had been a member of the quorum. He had also been a MP for Derbyshire in 1382 and 1383⁴¹ and was known to have held a Portmote Court at Rolleston (Staffs) in January 1395 and by 1399 he held the stewardship of Tutbury.⁴² His return to the Derbyshire bench is an indication of the continuing influence and friendship of John of Gaunt. Both Curzon and Tirwhit were to continue to serve on peace commissions in Henry IV's reign.

Henry's problems on his accession were that there were few Lancastrian greater magnates available, hence his need to rely on barons and on knights and esquires known by him before 1399. They played an unusually large

part in government, holding commands and offices normally held by social superiors, which led to criticisms that he relied on them too much. They were his confidants and associates, available to perform all kinds of commissions and uphold his interests in their counties.⁴³ There were also the lesser knights and esquires who were not at court but were retained for life or rewarded with important stewardships. Two such appointed to the 1401 Derbyshire commission were Hugh Shirley, father-in-law⁴⁴ to Sir John Cokayne, and Richard Gascoigne. The former was Constable of Castle Donington in 1400 and in 1402 Master Forester of Duffield Frith for life. Richard Gascoigne had been attorney in the Exchequer for Henry when Earl of Derby and was rewarded with the office of Chief Steward North Parts between 1400 and 1407.⁴⁵

The composition of the November 1399 commission of peace accurately mirrors events at Westminster with the removal of the Appellants from their offices. The Duke of Surrey, therefore, no longer figures on the commission. The only other person not reappointed is William Adderley, a non-Lancastrian, and just three new men are added to those justices serving on the 1398 commission. It is not until the May 1401 commission that several of Henry's associates are appointed.

The three new men, along with John Curzon, were to figure prominently in the King's Council, each a prime example of the type of men on whom Henry relied and who were rewarded accordingly. Heading the commission, and continuing to do so into the first year of Henry V's reign, is Lord Richard Grey of Codnor. In 1399 he was an occasional charter witness and councillor, an envoy being one of the party conducting Queen Isabella home. He was admiral in the north and east in 1401 and 1403 and especially commended by the Commons for his long period of service in Wales. In 1404 he was the King's Chamberlain at court and a member of the nominated council in 1406. He held posts in South Wales and the Marches, was Constable of Nottingham Castle and again Chamberlain and Deputy Marshal in 1405. His personal services to the King, along with John Curzon in 1402 was to stand as recognisance for a £2500 loan. Again with Curzon in July 1404 he sealed the agreement between Henry and the Earl of Northumberland at Pontefract.⁴⁶

John Curzon, who had returned to the Derbyshire bench in 1397, was King's Esquire in 1399 and continued to serve him in various capacities until his death in 1406. He was awarded the keeping of Horston (Horsley) Castle for life and confirmed in the stewardship of Tutbury, worth £40 per annum. He accompanied Henry to Scotland as Treasurer in 1400 taking letters from him to the Scottish King and his magnates containing his claim to overlordship. In 1401, along with Thomas Rempstone, he was involved in the levying of tolls on Leicester merchandise.⁴⁷ In 1402 he was a member of the commission along with Thomas Wennesley to call out the men of the county to join the Prince of Wales at Chester and then to proceed against the Welsh.⁴⁸ It was at this time that there were rumours of Richard's survival and fears that the Derbyshire men were planning on joining him rather than the Prince. In 1404, in the distinguished company of Lord Grey and the Earl of Westmorland he was on a commission of oyer and terminer to investigate cases of treason, was an MP and a member of the King's Council.⁴⁹

Thomas Rempstone of Owthorpe and Bingham had been MP for Nottingham and Sheriff of Derbyshire and Nottinghamshire during the preceding twelve years. He had been on campaign with Henry in Prussia during 1390 and sailed with him in 1396 to attend a meeting of the Kings of France and England. He was Henry's standard bearer, landed with him at Ravenspur on his return from exile and was rewarded as King's Knight after Richard's capture. He succeeded the Duke of Albemarle as Constable of the Tower of London and also received Mowbray's estates after his death in Venice in 1399. His importance is shown by his appointment to the commissions of the Midland counties, no doubt to uphold Henry's policies amongst the local gentry. In 1400 he was Steward of the Household, regained his own land forfeited to Richard and was made Knight of the Garter. He became Admiral of the Fleets between 1401 and 1403, was a member of the King's Council in 1405 and was involved with the truce between France and England. His last recorded involvement in Derbyshire was the stamping out of rumours of Richard's survival. He drowned under London Bridge in 1406.⁵⁰

The fourth man, Roger Leche, is one of the most intriguing since there is very little definite evidence of past associations with Henry to account for his meteoric career, nor of his belonging to the Derbyshire gentry, although an ancestor of his is reputed to have been one of Edward III's surgeons.⁵¹ He might have been with Henry on his Prussian expedition and he was a member of his household in 1397 since there is evidence of wages received from

1397 to September 1398.⁵² There is no other information on his earlier life apart from a pardon of outlawry in June 1393 touching a ransom and for trespasses contrary to Statute of Purveyance, he having paid damages and ransom.⁵³ Following his appointment as Justice of the Peace, he became Sheriff in 1400, MP for the first time in 1402 and by November 1405 was knighted, from now on known as "of Chatsworth". In 1406 he was appointed to the Staffordshire bench for the first time as King's Justice. In 1405 he was appointed High Peak Chief Steward for life and succeeded John Curzon as Tutbury steward in 1407. That same year he accompanied Prince Hal to Wales and seems from then to have become one of his close associates. During the factional disputes between the Prince and his father, Leche, who in 1411 was steward of the Prince's household, was imprisoned along with Sir John Cokayne who had gathered a force of 200 men to resist him on behalf of Henry and his second son, Thomas.⁵⁴ Both were later released and served on the Derbyshire commission again in the new reign when Leche received further rewards. In April 1413 he was appointed Chief Steward of North Parts for life, Treasurer of the Household 1414, one feoffee of Henry's will accompanying him to Normandy the same year. By 1416 he was Keeper of the Wardrobe and Treasurer of the Household, Treasurer of England and Chamberlain for life. He died in November that year.⁵⁵ Having been of no apparent consequence prior to 1399 his successors throughout the fifteenth century rank amongst the Derbyshire political and landed society.⁵⁶

Two other members of Henry's Council were also appointed to Derbyshire commissions. One is John Cokayne serving between 1401 and 1406 and shire knight in 1394-1395, 1402 and 1404. Whilst not a Lancastrian retainer himself, he was the nephew of the Cokayne who was Chief Steward, executor of John of Gaunt's will and Chief Baron of the Exchequer in November 1400.⁵⁷ He attended meetings of the Great Council in August 1401: in May 1402 he was appointed to suppress seditious rumours regarding the return of Richard and in May 1404 asked to help levy the land subsidy granted by Parliament as Controller of Derbyshire. Mention has already been made of his spell in the Tower and in 1412 after his release he accompanied the Duke of Clarence to support the Armagnac faction in France. He continued to serve as a shire knight in the new reign until his death in 1437.⁵⁸

Ralph Staveley, who was appointed to the peace commissions of 1404 and 1406 was another companion of the Prussian campaign and also Seneschal to Henry on his pilgrimage to the East in 1393. He had survived Henry's banishment, receiving an annuity of £20 from Richard as his retainer for life but defected to Henry on his return. In 1400 he was paid the arrears owed and also granted for life an earlier annuity from John of Gaunt. In 1403 he received a grant of custody of the lands of Edmund, heir of Henry de Trafford. He was on Commissions of Array to assemble armies for Henry at Pontefract in 1403 and again in 1405 to join the King at Derby on his way to deal with Scrope's insurrection. He was appointed High Peak Steward for life, became shire knight and Justice of the Peace for Lancashire where his career continued to prosper, being appointed to the shrievalty of Lancaster in 1411. He was one of Henry V's retinue at Agincourt.⁵⁹ Staveley appears to be one of Henry's associates who, like Rempstone, was appointed to the Derbyshire commission from outside the county for the specific purpose of furthering his interests in the county. In the process, he acquired a permanent landed interest in Hope and Castleton.⁶⁰

Following the sweeping changes in the King's Council in 1406 some of the later appointments to the Derbyshire commissions reflect the fact that the Prince of Wales had returned to Westminster following the Welsh campaigns. From 1408 he took charge in the Council and virtually ruled between 1410 and 1411 without reference to the King.⁶¹ One new appointment in 1408 was Peter Melburn who had last served in 1389. He had been an executor of John of Gaunt's will, retained for life by him and granted to the post of Constable of Melbourne Castle. He had served with Henry in Prussia and in the new reign he had been rewarded with the rents of the Bishop of Carlisle's property in Derbyshire. However, in the factional dispute he sided with the Prince of Wales serving as his Chamberlain. Under Henry V he was appointed co-governor of Burton Abbey and also Repton Priory and as King's Esquire given »40 a year in return for "good and willing service from his youth up".⁶²

Yet another long serving Lancastrian is John Dabriggecourt, a descendant of one of the original Garter Knights, MP and shire knight in Richard's reign, and rewarded by John of Gaunt having served with him in Spain. He was appointed to the Derbyshire commission in 1406 and again in 1410 and 1413. His worldly wealth increased considerably in the new reign when he was rewarded with land and power, being made Keeper of the Tower in 1413 and a Knight of the Garter in 1414.⁶³ He was the co-governor with Melburn of Burton Abbey and Repton

Priory.

Henry V's policy of reconciling opposing factions at Court is reflected in the 1413 commissions which see the return of former justices along with those newly appointed in the preceding three years and a continuation of the long time survivors. The only two new names to appear in the November 1413 commission are James Strangeways and Roger Horton, professional lawyers and Lancastrian retainers.⁶⁴ Strangeways from Yorkshire had Derbyshire estates through marriage with the co-heiress of Lord Darcy of Eckington in the north-east of the county and Roger Horton had estates in south-west Derbyshire in Catton.⁶⁵

6. SOME CONCLUSIONS

Between 1388 and 1414 the judicial authority of the justices was raised to its highest level, and the terms of the commission established, until 1485. In the Quarter Sessions they became the main governing body of the county and their almost unlimited powers are a barometer of the social and political climate of the period, the Commons' desire to be more assertive over the magnates and their concern regarding the misuse of justice through the activities of their retainers.

The composition of the commissions, therefore, continued to be of supreme importance to both Lords and Commons with the Derbyshire justices reflecting this dual interest. A high proportion were shire knights or MPs: an even higher proportion were retainers of the Duchy of Lancaster and almost all belonged to the county "establishment". By and large, these worthy citizens and squires maintained their local loyalties and interests unaffected by pressure from outside. This is certainly true during Richard's reign and even when the Duchy became the property of the Crown, the same hard core of working justices remained. Henry IV did not replace existing justices, merely swelled their numbers with his own friends.

In Richard's reign commissions of the peace mainly comprised local men in the political backwater but this altered dramatically in the new reign. Local gentry were elevated to high offices of state, three in particular becoming extremely powerful and influential, one rising to eminence from total obscurity. Their local loyalties to the Duchy now earned them rewards beyond normal expectations and transformed the political and social status of the commissions. In the new dynasty Crown patronage played a significant role in the appointment and elevation of Justices of the Peace with old associates along with the county "establishment" being appointed. By Henry V's reign, every member of the commission was an associate or retainer of the King.

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APPENDIX 1

MEMBERS AND FREQUENCIES OF DERBYSHIRE COMMISSIONS OF THE PEACE 1386-1414

	1386	1387	1389	1390	1394	1397	1398	1399	1401	1404	1406	1407	1408	1410	1413
			July Nov	June Dec		Jan Nov				Feb Nov					Mar Nov
William Adderley	----	----		D	----	J/N	----								
Robert Barley	----	----													
Oliver Barton	----	----													
John Blount														----	M
Walter Blount	----	----													
John Cokayne the Elder		----	J/N	J/D	----										
John Cokayne									----	F/N	----				N
John Curzon	----	----				N	----	----	----	F/N					
William Curzon														----	M/N
John Dabriggecourt											----			----	M/N
John Deincourt											----				
William Dethick	----	----													
Thomas Foljambe	----	----	N	D	----	J/N		----	----	F/N		----	----	----	M/N
Robert Franceys	----	----	J/N	J									----		
Roger de Fulthorpe	----	----													
Richard Gascoigne									----	F/N	----				
Lord Richard Grey of Codnor								----	----	F/N	----	----	----	----	M/N
Roger Harcourt	----	----													
Roger Horton															N
John de Kniveton									----						
Nicholas Kniveton		----	J												
John, Duke of Lancaster		----		D	----	J/N	----								
Nicholas Langford		----					----		----						
Roger Leche								----	----	F/N	----				N
John de Lokton	----	----													

APPENDIX I continued

MEMBERS AND FREQUENCIES OF DERBYSHIRE COMMISSIONS OF THE PEACE 1386-1414															
	1386	1387	1389	1390	1394	1397	1398	1399	1401	1404	1406	1407	1408	1410	1413
			July Nov	June Dec		Jan Nov				Feb Nov					Mar Nov
Roger Martell				J											
Peter Melburn			J												
Nicholas Montgomery				D	---	J/N	---	---	---	F/N		---	---	---	
Thomas Neville of Hallamshire											---	---			
Philip Okeover				J											
John de la Pole of Hartington		---	J/N	J/D	---										
John de la Pole of Newburgh	---	---													
Peter de la Pole					---	J/N	---	---	---	F/N	---	---	---	---	M/N
Thomas de Rempstone								---	---	F/N	---				
William Sallowe	---	---	N	J					---	F/N		---	---		
Hugh Shirley									---						
Ralph Staveley										F/N	---				
James Strangeways															N
Thomas, Duke of Surrey						N	---								
Richard Sydenham			N	J	---	J									
John Talbot of Hallamshire													---	---	M/N
Walter Thirnyng			N	J/D	---	J/N	---	---	---	F/N	---	---	---	---	
Robert Tirwhit						N	---	---	---	F/N	---	---	---	---	M
John Tuchet									---	F/N	---	---	---		
Thomas Tykell							---		---	F/N	---	---	---	---	
Thomas Wennesley	---	---	N	D	---	J/N	---	---	---						
John Woderove						J									
William la Zouche, Baron		---													

APPENDIX II

STATUS AND OFFICES HELD BY DERBYSHIRE JUSTICES OF THE PEACE 1388-1414

	Lancastrian		Shire Knight	MP	Sheriff	Escheator	Judge/ Lawyer
	Steward	Other					
William Adderley				----			
John Blount - Kt	----	----					
John Cokayne the Elder	---- X	----					----
John Cokayne - Kt		----	----			----	
John Curzon	----			----		----	
William Curzon		----					
John Deincourt							
John Dabriggecourt - Kt		----	----				
Thomas Foljambe	----	----			----		
Robert Franceys - Kt		----	----		----	----	
Richard Gascoigne	---- X	----					----
Lord Richard Grey of Codnor							
Roger Horton		----					----
John Kniveton							
Nicholas Langford			----		----		
Roger Leche	---- X	----	----	----	----		
Roger Martell				----			
Peter Melburn		----		----			
Nicholas Montgomery - Kt	----	----	----		----		
Nicholas Montgomery					----	----	
Thomas Neville of Hal- lamshire - Lord Furnival							
Philip Okeover - Kt			----				
John de la Pole of Hartington	----						
Peter de la Pole				----		----	----
Thomas de Rempstone	----	----		----	----	----	
William Sallow				----	----	----	
Hugh Shirley - Kt		----					
Ralph Staveley		----	----				
James Strangeways		----					----
Richard Sydenham							----
John Talbot of Hallam- shire - Lord Furnival							
Walter Thirnyng		----					----

APPENDIX II continued

STATUS AND OFFICES HELD BY DERBYSHIRE JUSTICES OF THE PEACE 1388-1414

	Lancastrian		Shire Knight	MP	Sheriff	Escheator	Judge/ Lawyer
	Steward	Other					
Robert Tirwhit		----					----
John Tuchet - Lord Audley							
Thomas Tykell							----
Thomas Wennesley		----	----	----			
John Woderove							----

X = Chief Steward North Parts

BURTON ABBEY HOLDINGS AND THE ORIGINS OF DERBY: A COMMENT

(by Margery Tranter, Department of English Local History, University of Leicester)

In two articles in recent numbers of *Miscellany* (Autumn 1988, Spring 1988) Jane Steer has made a courageous attempt to explain several aspects of the early history of Derby. Her correlation of the Paget and Burton Abbey holdings has widened into a suggested outline of the development of Derby from Roman times to the beginning of the early modern town. In tackling these themes she has had to steer a course through a commendably wide range of maps and printed sources; unfortunately, not all are equally trustworthy and, taken together they provide conflicting evidence. Moreover, many of these sources present the researcher with something more akin to a heavily-mined harbour entrance than to a negotiable channel.

The evidence offered by place- and field-names for example, is not straightforward and it is fatally easy for any non-specialist to make false assumptions. Two essential reference works, Ekwall's *Dictionary of English Place Names*, and Smith's *English Place-Name Elements* should be the starting point, and Derbyshire itself has been well served by the English Place-Name Society's publication, in three volumes, of Professor Cameron's detailed and scholarly work on the place-names of the county. All these volumes should be carefully studied by anyone wishing to incorporate place-names in their research. In addition an awareness of current thinking in the fields of linguistic thought, and of place-name studies, particularly that relating to the semantic development of individual elements, is also necessary if valid deductions are to be made from place-names.

The element *-wic* may be taken as an example. In the articles referred to the assumption has been made that the *-wic* of *Waldewyk* means 'trading settlement'. However, as many place-name scholars have made clear *-wic* is a Latin loan-word taken into common Germanic before the Anglo-Saxon settlements and hence has cognates in other Germanic languages. *Vicus*, from which it derived, continued to be in use in Latin and therefore is found in medieval documents where it may describe a village, hamlet or dwelling. In the course of development of Old English this element acquired several meanings. Ekwall distinguished six occurring in literary texts, four in place-names.¹ Careful consideration, therefore, must be given to all possibilities when investigating any individual place- or field-name. The first category 'market town, port or harbour' was applied to large and important places and is exemplified by such names as *Lundenwic*, Ipswich, *Hamwic* (the port for Wessex, near present-day Southampton) and Fordwich. Sawyer draws attention to these as trading centres during the period of comparative security in the 8thC under Carolingian and Mercian rule.² The second group, also characterized by the palatalized ending *-wich*, is found in *Droitwich*, *Nantwich* and *Middlewich* where Ekwall considered the element bore the meaning 'saltworks'.³ The occurrence of the element in the names of minor places originating as

dependencies of villages or manors demonstrates its use in the sense of 'buildings, dwelling or dwellings'. Sometimes used with qualifying nouns as in Fisherwick (fisher) or Smethwick (smith), it also developed the common but more specialised sense of 'dairy farm' as in Hardwick, Butterwick, Chiswick. *Wic* also occurs as a first element and Gelling's detailed study of place-names derived from the compound *wicham* suggests that these were settlements of the earliest period which were sited near a Roman road and close to a recognizable Romano-British site.⁴ Thus place-names with this compound mean 'the settlement (*ham*) near Romano-British remains'. It is clearly not possible to transfer the meaning of a compound form to a name which contains only one of its elements. Cameron identifies Waldewyk as 'Walda's wic or dairy farm'.⁵ The position of the area in lowlying meadow land close to, but outside, the main town may be compared with Bathwick outside Bath, Exwick and Cowick near Exeter, Powick and Rushwick in the suburbs of Worcester, and could have functioned as the outlying farm supplying the town with milk.⁶ Waldewyke strete would then be simply the street leading to the farm.

Other sources which may be used to unravel early history, whether of town or country, contain similar pitfalls. Anglo-Saxon charters may be spurious or misplaced: the presence of one copy of the Weston-on-Trent charter in the Burton collection does not prove ownership. Weston, with its berewicks, given to Morcar in 1009, had reverted to the King who was in possession at Domesday. Subsequently granted to Hugh Earl of Chester, part of the original estate was used to endow Chester Abbey and remained in their possession until the Dissolution. Ultimately it was exchanged by the Bishop of the newly created diocese of Chester, and was acquired by William Paget. Church dedications can change - the church at Repton where Aethelbald and Wiglaf were buried presumably had a name prior to the murder and canonization of Wiglaf's grandson, Wystan. Literary sources are open to differing interpretations and allowance has to be made for the bias of the writer, and for his purpose in writing; Bede for example was a Northumbrian with a comparatively restricted circle of informants. Domesday Book was a taxation document, not a consistent record of all settlements and it is important that this fact is remembered when it is used.

Derby is topographically fascinating as the comprehensive sequence of maps in the articles makes clear, but the reasons for its complexity lie in an early history which remains shrouded; therein lies its mystery and its appeal.

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THE LOST MANOR OF WINLANDS

(by Howard Ushe)

The manor of Winlands in the High Peak appears variously as Winnelands, Windelands and Wynnlands. It does not appear in the Domesday Book and may have been the collected estate of a family represented by Ralph and Robert le Wyne of Bauquell who were witnesses to an undated Over Haddon deed in the 14th century. A 17th century copy of a Duchy of Lancaster rental of 1448 refers to "Terr' vocat Winneslande in Altum peccum". Papers relating to this manor are found in the X94 Archive at Melbourne Hall, mainly in boxes 16, 17, 18 and 55.

It was 1631 when Sir John Coke of Melbourne, looking for land to purchase in Derbyshire, found that the manors of Winlands and Over Haddon were on the market. A Bargain and Sale was agreed whereby the manor of Windelands was transferred from Philip, Earl of Pembroke & Montgomery, Benjamyn Ruddyard of London and Sir Robert Pye of the Cittie of Westminster to Sir John Coke and John Coke, his son, for a consideration of £2452 4s

0d. The contract is dated 23 May, 7 Charles I. On the same day, Sir John Coke purchased from Philip, Earl of Pembroke & Montgomery, Sir Edward Leche of Sawley and Sir John Thorowgood of London, the estate of Overhaddon Hall with its demesne for a sum of £2047 16s 0d. Although most of the estate of Overhaddon Hall was within the parish itself, the manor of Winlands was highly fragmented. It consisted of lands in Over Haddon, Bakewell, Monyash, Chelmorton, Ashford, Wardlow and Curbar.

Chief Rents were owed to the Duchy of Lancaster, who normally farmed them out. In 1562, Sir William Sentlo transferred the lease of the rents to Thomas Sutton of Overhaddon. In 1611, William, Earl of Shrewsbury, obtained a lease of the rents for 60 years, and on 6 July 1631, William released to Sir John Coke the Manor of Wyndelandes at a chief rent of £150 p.a.

However the income from the manor was not as high as Sir John Coke had anticipated and he sent his son, John, to Over Haddon to find out what was going on. There seemed to be quite a number of "free rents" and the tenants were keeping quiet about it. On 13 May 1633 Sir John brought a case in the Duchy Court against Richard Hodgkinson, George Brodhurst, Hugo Newton and Martin Eyre. It was argued that the lands were so intermixed that the plaintiff could not find out the boundaries, which were defaced. The decision of the Lord Keeper was that Sir Thomas Burdett and others should investigate the quantity of Winlandes in Over Haddon. The other parishes were just as uncertain and John Coke reported in 1635 "A note of such Land in Chelmarton as is esteemed to be Winneland and detained by others from my father." This included land on Salterway, Preistedmedowe, Oldfeild, Longeroodes and Mornedalecoate Close. In Wardlow he found that Christopher Jeames was detaining land in Lady Close and Butts Close. Another note headed "Concealed Winnelands" stated that Humphrey Goodwin's land in Preist medowe and under the Lowe and Arthur Frost in Knotlow acer in Moniash were testified to be Winnelands. Other pieces of land in Moniash were said to be "so-called Winland" and their tenants were listed. Land in Bakewell held by Mr Savil, servant to Mr Manners at Haddon Hall, was "supposed to be Wynneland". However, there was no argument that a meadow close in Bakewell called Wynnehookes was part of Winlands.

The matter did not seem to be resolved when the Civil War started and the world changed. Sir John Coke died in 1644 and his son ran the estates long enough to grant in 1647 a lease of a messuage and premises called Wynnelands in Curbar to Henry Wild for 21 years. Sir John Coke the younger died in 1650 and his brother Thomas inherited, only for the estates to be forfeited, as he was declared a "malignant". Thomas compounded for the fine to recover his estates, but he died in 1656, and his property passed to his son, John Coke, then a minor, aged 2. His Trustees were presented with the same Peakland lawlessness and a Bill in Chancery of 1660 prayed for a writ of partition to ascertain the Boundary and Limits of Overhaddon pasture which had been entered by George Broadhurst and others, and they should be ejected.

When John Coke became of age, he cleared up the Winlands affair by selling off all the outlying property, culminating in the sale of the Chelmorton land in 1660, and concentrating his resources in Over Haddon and Bakewell, where occasional purchases were made. The manor house appears in 1680 when John Coke granted a lease of a bay of building adjoining Winneshall in Over Haddon. It could be that Winneshall is represented by the farm now known as Melbourne Farm.

The estate passed by marriage to Matthew Lamb and his son Peniston, who became the first Lord Melbourne. The name of Winlands survived in the old documents and was picked up by the family lawyer, Charles Cookney, in 1804, when enclosure of the parish was being considered. He requested the agent Henry Fox, to ask the old inhabitants if they remembered the manor of Wynnlands. The answer must have been negative. The Duchy of Lancaster admitted Lord Melbourne to be "Lord of the Manor of Over Haddon in the Hundred of High Peak belonging to the King in right of His Duchy of Lancaster". In the Enclosure Act for Bakewell and Upper Haddon of 1806, Lord Melbourne was stated to be the lord of the manor of Upper Haddon and the Duke of Rutland was stated to be the lord of the manor of Bakewell. Winlands had been completely forgotten.

I am grateful to Lord Ralph Kerr for permission to use the documents in the Melbourne Hall archive.

THE BRASSINGTON MANORS - LAND TENURE AND USE 1550-1700: PART I

(by R. Slack)

THE MANORS

Little is known of the origin and development of English manors and there were big differences between them, even between adjacent ones or, as in Brassington, where there were two in one village. Development in Brassington probably went along these lines. The site was occupied during the Anglo-Saxon colonisation of Britain by an Anglian group - there were Anglian remains found near the village in the nineteenth century.¹ One theory has it that the group was a family group led by a chieftain called Brantziga - Brassington = Brantziga's ton.² This group, in the manner of the North German tribes, cleared enough forest and scrub to plant crops and was a self-sufficient colony, trading with and defending itself against neighbouring settlements. The people brought with them their native method of self-government for their new "vill". They held regular village meetings at a spot away from their houses. It was called "spellow" - the hill where speeches are made³ - and there are still a number of fields with that name.

As the Anglian settlement came under the control of Mercian kings, and eventually of kings claiming sovereignty over all England, the villagers found themselves under the heel of local lords loyal to the king. During the Viking invasions Derbyshire was part of the Danelaw and by the time of the Norman Conquest Brassington's Lord had the Danish name of Siward. The Domesday manor of "Branzingtune" was taken from Siward and given to the Norman Earl Ferrers.⁴ Approximately half of the manor was at a later date granted to a female member of the Ferrers family and descended from her to the Talbots after the marriage of John Talbot to the heiress Maude Neville in the early fifteenth century. John Talbot was successively sixth Baron Talbot (1421) and first Earl of Shrewsbury (1442). The family's fortunes suffered badly during the time of the sixth Earl, George, who had both an unwanted and expensive captive, Mary, Queen of Scots, and an extravagant wife, his Countess, Bess of Hardwick.

On the death of Earl George's son Gilbert, the seventh Earl, the Shrewsbury estates came to Gilbert's three daughters, married respectively to the Earls of Pembroke, Kent and Arundel. These successors sold much of the Northern estates, including Brassington manor. The new owner, William Savile of Bakewell, paid £2,250 for it in 1639 and 1640.⁵

The remaining Ferrers manor was forfeited by Robert de Ferrers, Earl of Derby, when he joined the Barons' Revolt against Henry III. Ferrers was defeated at the Battle of Chesterfield in 1266 and Brassington was one of the manors then granted to the newly-created Earl of Lancaster. It was held by successive Earls and Dukes of Lancaster and, from 1399, when Henry, Duke of Lancaster became King Henry IV, by the Crown. This manor, known as the King's or Duchy manor, was presented to a Charles Harbord and others by Charles I in 1630.⁶ They sold it in 1632 to Edward Pegge, George Pegge and George Lees, local gentry (see Fig 1). A quarter of this manor was sold to John Buxton, who in 1649 sold it to Savile. A further "moiety" was sold to Savile in 1652.⁷

The manor court book in the Derbyshire Record Office, whose earliest entry is in 1635, contains the proceedings of the Pegge manor court until 1652. From then until the entry for 15 October 1673, the courts are Savile's and his successors - George Savile and Henry Buxton (1665-1666), German Buxton (1667-1670) and Henry Buxton (1670-1673). The entries for 1673-1700 have been lost. The earliest records of the King's manor, stretching back to the fourteenth century, are in the Public Record Office, Chancery Lane, London. They are bundles of parchment sheets tied by parchment thongs and still roughly folded as they were when they were thrust into saddle bags and carried by the Lld's clerk to the twice-yearly meetings of the manor court.

Fig I. LORDS OF THE MANORS OF BRASSINGTON

King's Manor	Shrewsbury Manor
Robert de Ferrers, Earl of Derby	Ferrers family
Earls of Lancaster 1266	Furnivall family
Dukes of Lancaster 1351	Thomas Neville (m. Joan Furnivall)
Crown (Henry IV) 1399	John Talbot (m. Maude Neville 1409)
Charles Harbord 1630	Earls of Shrewsbury 1442
Edward Pegge 1632	Earls of Pembroke, Kent & Arundel 1616

TENANTS and RENTS

The two manors were not separate geographical areas. The ground allocated to the manor which eventually became the Shrewsbury manor must have consisted of "lands" picked out from all parts of the open fields. It is not possible to be precise about which these were, but mapping the fields mentioned in the records of the two manors makes it clear that their territories were intermingled. The manors differed fundamentally in the conditions under which the villagers held their land.

There are rentals, or lists of tenants and their rents, sometimes describing their holdings, for Earl George's manor for several years in the 1580s and for 1619, when the lord was Earl Gilbert's son-in-law Henry Grey, Earl of Kent. There is a list of holdings for this manor, by then William Savile's, for 1639. Most of the entries in the rentals of the 1580s describe the holdings as "fermes", and the 1619 rental is explicit - "rents... received out of Brassington for farme rents". The 1639 list of holdings refers to them as "messuage farm or tenement". The term "farm" means leasehold - the land held for a fixed term at a rent determined by the lord. The rents collected by the Earl's bailiff came to £72 0s 6d in 1581, £78 12s 8d in 1588 and £87 8s 6d in 1589, figures which had greatly increased by the time the 1619 rental was compiled. The rents amounted to £119 7s 0d for that year plus 26s in chief rent for about 120 acres of freehold. There were eighteen tenants in 1619 and twenty on the 1639 list of holdings.

The situation in the King's manor was quite different. There is an undated rental which was in fact compiled in 1620, another for the same year, and another for 1640 when Edward Pegge and his colleagues were the lords. The undated King's manor rental has the priceless addition of a customal, or statement of the customs of the manor. Customals were usually compiled as part of a quarrel between the lord and his tenants or to forestall one. This one is an answer to the tenants "which they take to be a full measure of the these points". The points were those alleged against them by Sir Edward Mosley, Attorney-General of the Duchy of Lancaster, in the Duchy Court in 1620.⁸ The Duchy was accusing the Brassington tenants, and those of Wirksworth, Bonsall and Ireton Wood, of taking over manorial land which was not theirs to take, including parts of the lord's demesne ground and parts of the "wastes" or moorland. They were also accused of obtaining grants of land from the manor steward, and of being admitted to tenancies by copy of the court roll, without the knowledge or permission of the Duchy. The Attorney-General claimed that these grants and admissions were therefore void.

The customal, at the head of a parchment roll made of several pieces sewn together, has lost a part and some of the writing has become illegible over the centuries, but enough survives to make the tenants' case clear. The roll begins "The Jury do..." and those excellent men put their case simply and strongly. They say that the custom of the

estate is to have their land in "fee simple", which meant that they could sell or bequeath it to anyone they wished and that they regarded it as their own. They have rights of pasture and "turbary" (digging turf) on the common land and owe "ne works nor boones nor other duties" to the lord. They stress the poverty of the land at Brassington, where there are no woods and very few hedgerows and where lead mining lowers the value of the land and poisons the cattle with "uncurable" belland. They say that the principal profit in the land is in the lead mines and point out that every thirteenth dish of ore goes to his Majesty or his "farmer", the entrepreneur who has bought the rights to the mining dues. The people of the neighbouring villages of Carsington, Ible, Aldwark and others have right on Brassington Common and the Brassington men give as their opinion that the profit from enclosing the common land, that is taking it out of communal ownership and selling or renting it to individuals would be less than the cost of doing it - "the incloseinge thereof would be more charge then groth could be had by it". They bring in the weather, as true Englishmen - "the clymate is so could in winter". Finally they deny charges that anyone in Brassington has been selling copyhold land as freehold, and thereby losing the lord his rent. Each entry in the rental which follows contains these words "upon w^{ch} premises there is neither millne woods nor quarries, neither is the same harriotable nor anie other services boones works or duties dew or donn for the same, other than Reevinge service & suite of court as auncient custome hath been used".

"Harriotable" meant attracting a payment to the lord on inheritance (usually the best beast), "Reevinge service" was carrying out the duties of the Reeve or other manor official, "Suite of court" was the duty of attendance at the manor court. Services in kind, the original basis on which the villagers had held manorial land was by entry in the manor court roll, of which tenants were given a copy, hence "copyhold", and they paid an entry "fine" when they were "admitted" to their holdings. It is likely that the Jury's recitation of their freedom from service is a ritual phrase, most unlikely that the Duchy was demanding service. "Auncient custome" was the most telling point that the tenants could have made in this Manorial argument.

The case was settled by compromise. The tenants' rents were fixed and their privileges confirmed on payment of 35 years' "Cheife and auncient rent" in two equal sums, one to be paid within three months of the Court's decision and the second three months after its confirmation by Act of Parliament. In Brassington's case the payments were £135 9s 7d. The final confirmation of the Duchy Court's decision was delayed by the Civil War and did not come until the reign of Charles II, by which time they were all dead and the manor sold out of Crown ownership. The tenants of Edward Pegge's manor were the beneficiaries of their ancestors' arguments, put successfully in 1620.

However, what the tenants had done in 1620 was to confirm a situation which had clearly developed over many years. The local officials of the King's manor had allowed rents to remain static, duties to the manor to lapse and demesne land and waste to be taken over. The 1620 decision meant that, so long as transactions were carried out in the manor court, the copyhold land of the King's manor could be transferred by sale or inheritance to whomever the tenants wished, while rents remained at levels unaltered for very long periods.

After the pleading of poverty in the customal, it is no surprise to find that the first-named tenant, George Wilcocke, with a messuage, buildings, four oxgangs of land and right to graze his cattle and sheep on the commons, was paying only 20s per annum. The exact acreage of an oxgang is unknown. The term originally meant the amount of land which could be cultivated in a year using one ox, and it varied according to soil conditions. In this case it seems to have been ten acres, since Wilcocke was also paying 6d for Caldwell Sitch "conteyning by estimacon one acre or thereabouts". Other calculations produce a figure of fifteen to sixteen acres. The other entries are worded similarly to Wilcocke's and attract similarly low rents. The total rent for this Manor was £10 14s 8d. This included £8 4s 3d in land and cottage rents from twenty-two villagers, all copyhold with the exception of Thomas Westerne's 37s for land which he "holdeth by lease" and 2s 6d from "Mr Agard for a ferme said to be freehold". The people of Elton, Winster, Ible and Carsington paid 16s 8d for the right to graze cattle and sheep on the moors. 6d came from "Mr Gell for Longson fields". Gell and the other villages are listed as "entecommoners", a term which must mean outsiders with common rights. There are, finally, three men described as "fermers", meaning at that time that they held their land by leasehold. Their rents totalled £1 13s 3d.

The manor consisted of 28 oxgangs plus 7¼ acres of arable land, nine cottages, houses, pasturage for 112 cattle and

King's Manor, 1620 (Rent 5s per oxgang)		Pegge Manor, 1640 (Rent 5s per oxgang)	
	Oxgangs		Oxgangs
George Wilcock	4	William Wilcock	3
Richard Gratton	3	Richard Gratton	3
Edward Knowles	4	Richard Knowles	4
Rowland Allsop	4	Robert Allsop	4
German & John Buxton	5	John Buxton	5
Richard Buxton	1	John Buxton, gent	1
Thomas Toplis	2	William Toplis	2
George Buxton	1	George Buxton	1
John Tissington	3	Thomas Tissington	3
Thomas Westerne	1	William Greateorex	1
	28		28
Shrewsbury Manor, 1619 (Rent £5 per oxgang)		Savile Manor, 1639 (Rents not given)	
	Oxgangs		Oxgangs
Andrew Lane	c1.5	Anthony Lane	4
George Lane & William Ryp-ton	c2	Elizabeth Lane	2
Richard Walton & George Lane	c1.5	George Allsop	1
George Allsop	c1.5	George Torr	1
Ralph Charlton & Richard Westerne	c1.75	William Thacker	1
Thomas Westerne	c9	William Lane	1
John Harrison	c2.75	William Kemp	1
Widow Wheldon	c1.5	Elizabeth Walton	1
	21.5	Richard Charlton	1
		Thomas Johnson	1
		Robert Westerne	9
			23

Fig 2. BRASSINGTON MANOR HOLDINGS OF 1 OXGANG OR MORE

King's manor tenancies were held by copyhold. Shrewsbury manor tenancies by "farm rents" or leasehold. The King's manor 1620-40 shows transfer by inheritance, static rents and a spread of holdings from 1-5 oxgangs. The Shrewsbury manor rents had doubled between 1581 and 1619. No rents are given in the 1639 list of holdings but that the rise was continuous is suggested by the rents given when the manor was sold in 1735. They amounted to £472 8s 0d, compared to £199 7s 0d in 1619. This manor shows a concentration of holdings in the Westerne and Lane families, and changes in family names in other tenancies.

1320 sheep, and buildings and gardens. A rental dated 1620, drawn up and signed by Richard Buxton "the Reeve of Brassington and accounted for by him at the audit at Tutbury" is annotated "28 oxgangs of copie hould land in Brassington". The Honour of Tutbury consisted of the Derbyshire and Staffordshire estates of the Duchy of Lancaster. The rental has separate lists for twelve copyholders, for six "Cotagers that have noe oxgangs of their owne", for four men with a combined total of two oxgangs, a house and a garden held in freehold, and for six "out-rents" which include an addition to the 6s 8d paid by the people of Elton for their common rights on Brassington Moor in the shape of "and thirteene hens". The copyholders are paying £7 14s 10d and the rest 52s - a total of £10 6s 10d. By 1640 the King's manor has twenty-two village tenants, plus the other manor's and Sir John Gell and Sir John Curzon, attracted £9 4s 0d in rent and consisted of twenty-eight oxgangs of copyhold land, over thirteen cottages and one house.

The decree by which the Duchy Court confirmed the Brassington tenants' copyholds listed the "several beast pastures, commons and wastes" named in the case.⁹ They were "the Great Beast Pasture and Sydes" on the eastern slope of the valley in which the village lies, and "a piece of ground in Brassington, commonly called the Green, in which there is a well or spring of water called the Coole Well". This was at the southern end of the village, by the highway. The names of the wastes locate them to the north of the village. They include "the Hill or parcel of hilly ground about Brassington Church-yard whereupon stands a rock or tor of stones, commonly called Earnest Stones". This was also called Ernstone or Yernstone and the lane running into the Pike Hall Road was formerly called Yernstone Road. There are Manystones, Roundlowe, Longcliffe, Street Knowl, Slipperlow, Gallowlowe and more, all to the north.

The cultivated land in Brassington in 1640, the twenty-eight oxgangs of copyhold in Pegge's manor, and a similar amount of leasehold plus two free-holdings, in the 1639 rental of the Savile manor (see Fig 2), amounted to approximately one thousand acres. This figure is arrived at by calculating the size of an oxgang from an earlier rental of the Shrewsbury manor in 1587. One entry here gives the rent of one and a half acres as 4s 6d, making it 3s per acre. Another gives the rent of two oxgangs as £5. This calculation of the combined size of the arable area of the two manors agrees roughly with the size of the area to the south of the village arrived at by adding up the acreages of these fields given in a survey conducted about two hundred years later in 1835. The size of the Shrewsbury manor in 1587 seems to have been 494 acres of land, 48 acres more than its extent in 1639, while chief rent of 26s was being paid on about 120 acres of freehold. This 26s chief rent was still being paid in 1619 and was again mentioned in 1639. The great difference in the rents raised from the land in the two manors may be explained by the fact that the Shrewsbury holdings were leasehold. They were for a specified period and the rents were no doubt raised in each new period.

The Shrewsbury tenants were paying an average of about £5 per oxgang in 1619, assuming that the size was the same then as it was twenty years later in the 1639 rental. This was double the rent recorded forty years earlier and about twelve times as high as the rents in the neighbouring manor whose strips were intermingled with its own. The King's manor rents in 1640 were the same as they had been in 1619 - about 5s an oxgang, or about 4d an acre. The approximately one thousand acres of cultivated land was held in the middle years of the seventeenth century by 37 tenants and freeholders. Some of this land, and many of the houses in the village held by the manorial tenants, were rented from them by landless villagers. The copyhold, leasehold or freehold land in the rentals of the two manors included the village itself and the arable and pasture near it, and amounted to about a quarter of the total acreage within the village boundaries. The rest was common land - pasture and the "moors and wastes".

THE MANOR COURTS

Savile's manor court claimed jurisdiction over a list of 104 persons "owing suite and service" in 1664, which must have been all the heads of household in the village. The court was convened by the lord's agent, who may have been a local man such as Thomas Westerne, Shrewsbury manor bailiff in 1619. Exactly who "owed suite and service" and was thereby obliged to attend is not clear, though certainly copyholders did. Customs varied widely between manors, but in Brassington freeholders seem also to have been bound to attend. A jury in 1563 fined Thomas Hurte and three others 2d each - they were "free tenants and owe service to the Court today but have defaulted". From the copyholders and freeholders was empanelled the jury or "homage", the method again being

unclear. However, the Brassington juries remained stable over long periods and their members were mostly the more substantial farmers.

There had been separate courts for bondsmen and freemen and as late as 1630 the King's manor still held courts "de bondagio" and "de socagio". This medieval survival reflected the fact that lawyers, then as now, were reluctant to move with the times. There were no bondsmen in Brassington or anywhere else by the seventeenth century, and the two juries were composed of the same men. The jury chose the manorial officials, chief of whom was the reeve. The duty of this official, always one of the most substantial of the village yeomen or "gentlemen", was to enforce the customs of the manor, interpreted and applied by the jury. The customs, usually written by the sixteenth century, though still in many cases culled from the memories of jurymen, were the result of centuries of gradual development. They differed from manor to manor because the places, and, very importantly, the personalities differed. The balance of advantage between the tenants and the lord depended on the success of the lord, or of his steward, in extorting service or rent from the tenants and the written customal reflected a history of struggle. Brassington is a striking example of the variations between manors. The great difference in the rents paid by the King's and Shrewsbury tenants must have arisen from the struggles of their predecessors or a different tenurial history. The jury appointed other officers to assist the reeve. They varied during the sixteenth and seventeenth centuries but always included a constable. The jury "presented" cases of breaking manorial customs to the lord's representative and imposed fines as punishment. The court also provided the machinery for the transfer of copyhold land.

The court book in the Derbyshire Record Office has lists of charges in 1640 for "passage of lands" and for "actions", that is trials. For regularising the transfer of copyhold for sale, mortgage or inheritance the charges range from 6d "for drawing the Surrender" to 2s 6d "for finding of an heire" and "for the Coppy". The court charged new copyholders "4d a peece" for the three "proclamations" of the title with a further 2d to the "Cryer" for the first two and 4d for the third and decisive one. For any villager bringing a complaint against his neighbour the charges were smaller. They included 4d to the bailiff who served a distraint of property, 2d for issuing a summons, an attorney's fee of 4d and "Jurors fee for eny cause" 1d. There were twelve separate fees for service concerning land transfers and eighteen for "actions". A third list, copied from one originally drawn up in 1620, has a reminder that the court served freeholders as well as copyholders - "for the p^rsent^mt of the death of a freeholder & copie" 2s 6d, the same fee as charged to a copyholder. While the manors had by the seventeenth century become suitable investments for local gentry, the courts still functioned as organs of village government, as their predecessors had done since before the Conquest.

However, it is apparent from the court rolls that by the mid-seventeenth century the court was uncertain of the extent of its jurisdiction, and the repeated appearances of the same defaulters throws doubt on its effectiveness. A meeting of the King's (by then Pegge's) manor court on 8 March 1641, with a jury of men who had lived in the village all their lives, and whose ancestors had lived there for centuries (Buxton, Wilcocke, Tissington, Charlton, Knowles, Gratton, Allsop) confessed its doubts - "Wee p^rsent to our knowledge wee doe not know whether the freeholders or other of the Tenants in the Towne doe owe any suite or service to the Courte but the Coppyholders only". The long list of 1664 presumably included freeholders. It certainly included Lanes and Buxtons, members of which families had been listed as freeholders in rentals of both manors. The 1641 meeting was also unable to state with conviction what land exactly was the lord's own - the "demesne" land. They were sure about the amount. "Wee present accordinge to our knowledge that there are foure Oxgangs of Demesne Land called by the name the Kings Demesne. And everie Oxgang hath foure beast gates in the pastures of the said Towne but for the rest of the Lands severally wee know not where it lyeth". However, "they lye Joyned to the Lands of Sir William Savile in the tenure of severall men". The court recorded that they "have heard that" certain parts of the King's demesne are in certain meadows or closes held by various tenants, for example "Wee p^rsent and have heard that there is p^te of the Kings Demesne lyeing in the Close called Washehills in the occupacon of Robert Westerne".

Just as the Lord used the ancient machinery of the manor court to determine exactly what he had bought, so his copyhold tenants used it to ensure that their land was disposed in the way they wished. The copyholders in Brassington were copyholders by inheritance and, if they observed the customary procedures, could bequeath

their property, as the jurors had observed in the customal. The final disposition of the copyhold land held by Thomas Westerne is a good illustration of the way the system worked. Westerne's will had instructed that "all that messuage and tenement called the Elme Yard wherein William Adam George Kempe and Widow Byard now dwell with all the edifices thereto belonging" should go to his younger son Richard. If his elder son William did not surrender it, Richard should have all Westerne's other land in Brassington and should receive £20 from William when he reached the age of twenty-one. Elme Yard was in the King's manor and William Westerne duly appeared before the court as Thomas's eldest son and heir and surrendered it "to the uses" of Richard on 18 April 1622, after their father's death. Richard died in 1633, William in 1635. Both men were bachelors and their inheritances were successively re-divided among the family. At William's death a court meeting in September 1635 formally recorded the admittance of William Greatrax, his brother-in-law, and Henry Spencer, presumably a kinsman, to seven cottages and a croft called Pater Noster. In the following year William's widowed mother anticipated her imminent death by surrendering the ground she had inherited from her husband. The court duly admitted her son Robert and his son Thomas to the copyhold. In 1639 Henry Spencer's sale of his inheritance was recorded in the time-honoured fashion in the court book.

During the Commonwealth (1649-1660) no wills were proved at the Bishop's Court at Lichfield. In at least one case the manor court overcame this breakdown. German Buxton died in 1652. His will left the £12 annual rent of a piece of property to his mother Margaret "in lewe and recompense of her third of her said husbands lands", and made his widow "Johane" and her eldest son German his executors. This will was not proved until 1661 but in the meantime the manor court saw to the required transfer of German's property. On 29 April 1653 the young German, fourteen years old, was declared his father's heir, on 14 June "Joane Buxton, widow" was granted one third of the estate "for her dower", and on 28 October Margaret Buxton was granted a second third.

The amalgamations and enclosures had not yet brought together all the scattered bits of land and their holders sometimes needed the court's help to make use of them - "wee doe Certifie the Courte that whereas M^{rs} Elizabeth Buxton hath put in a bill to fynd a way to a peece of Ground called Shortholm that wee conceive that there is a peece of freehold next adjoyninge to the highway and till it be cleared to the coppinghold we conceive we are not to laie out a way to the same". The court book's episodes often have no sequel and in this case as in similar ones the book does not say how Mistress Buxton's problems was solved. The book is often precise in its description of the lands in a case - Thomas Spencer, the blacksmith at Tissington and son of Henry, who had carried on the same trade at Brassington, left his son Anthony the house he was living in "att Maggott Lake within Brassington", plus lands eight yards by sixteen yards in extent, between Anthony's lands "beneath Maggott Lake".

In the courts' rules for the proper running of the manors the themes recur. Fencing and straying animals occupied the minds of the jurymen in 1578, when the court of the Shrewsbury manor met on 1 April and drew up one of many lists of "paynes". It begins "Firste that every man make his ringe hedge and uphold the same" and fixes a fine of 12d for "every gappe beinge open one daye & the ptye warned thereof". There are fines of 3s 4d for every straying "beaste" (cow), "caple" (horse) or for every ten sheep. The preoccupation with keeping the tenants out of each others' fields is seen in several pains - "Item that noe man teyther, lesowe (leash), nor kepe any beastes, calves, caples or shepe in the corne fields & meadows or pastures or bayte (chase) any shepe upon the comons in payne of any de falte hereof 12d". Humphrey Trenesbury was fined on the same day for "baytinge shepe". The jury repeated the injunction against horses and sheep - "Item that there be no persons which shall let their shepe goe unlooked or unkept in the pastures upon payne of every defalt 4d. Item that no psn putt or leade anie caples in the pastures upon payne of everie tyme 12d". The pastures were for cattle and sheep, not horses. The point is made yet again - "Item that no persons shall tether anie Beastes or capulls but upon his own ground". The manor had an official called the "hayward", whose duty was to check on fences and seize any animal found out of its rightful place and pen it in the "pound" maintained by the "pinnar". There was a charge for recovering such strays and a fine for removing them without the pinnar's consent - "Item that noe person do brake Quenes mate common pound in payne of every tyme xs". The importance of regulating the use of the land by the villagers is shown by the size of this fine. Straying animals and unauthorised grazing by the villagers were a permanent source of conflict, seen in many cases argued before the manor court. In October 1578, for instance, there were five cases before the court - Ralph Basford "for taking shepe" from the hayward, Roger Skymer "for a Beaste", "Roger

Skymer's man for takyng horses", Thomas Stone "for taking his maister shepe Thomas Whildon from the haywarde" and George Adams "same". All were fined 3s 4d.

Half a century later the Pegge manor court made a list of eleven rules. All were to do with the administration of the commons. For example, number seven - "Item that noe one shall keepe any horses in Badger Lane in payne of every horse there taken to forfeit iid". Number eight distinguished between straying horses and those deliberately pastured in unauthorised places - "Item for every horse taken in the daie tyme in either of our pastures iid in the night vid and knowne to be putt in xiid". A court of 1655 had before it a case of straying and impounding. This was a dispute between Andrew Lane and Richard Knowles "for the wrongfull takinge and impoundinge one black Colt price £2 13s 4d to the damage of xxixs xd".

There is a fine of 12d in the 1578 list for an offence which occurs in every list throughout the sixteenth and seventeenth centuries - "that every man ringe and yoke his swyne before Mayday next". It is easy to understand the damage that the village pig population would have been able to do if unhindered by rings in their snouts. The 1578 jury tried to regulate the use of the fields by imposing prohibitions - "that no person sheare or pull up anie grasse in anie closes, cornefield or medowe", "that (no) person gather anie pease but their owne nor gane anie come in the fields but at theyr Barne dores", "that noe person carry or recarry thorowe ye medowes before Mighelmasse" and "noe person doe putt into the fallowe any lambes before Saincte Barnabys day next". Conserving crops and preventing premature use of water-soaked ground were typical of the manor court's preoccupations at all times.

With fencing and hedging went drainage - ditching. The steeply-sloping village and the sides of the valley in which it lies need drainage channels. While the provision of this essential public amenity was in the hands of individual villagers the manor court did its best to ensure that they maintained the ditches on their boundaries. In 1578 there were two injunctions - "Item that the gate and the diche at the grene head may be made within eight daies next after Mayday next cominge" and "that every man scoure and make lawfull his diche lyinge thorowe the towne & on both sydes Bagger Lane before Mayd next cominge".

Brassington lies in a north-south cleft in a barren limestone plateau. There is no water on the plateau, but in the valley the water table is near enough to the surface for wells, presumably the reason for the original settlement. The importance of clean water ensured that the courts had its preservation constantly on their minds. Most lists of pains mentioned it, and there were many cases of villagers being fined for misusing the wells or taking water away from the village. Pain number four in 1661 instructed "that noe psn shall wash clothes, beaste meate or swine meate or any other noysome or filthy thinge att the Coole Well or other wells in the Town within three or four yards of the wells mouths to corrupt the water". Number five forbade miners to take the water away, a prohibition which must have been hard on men mining in a dry landscape, where water was essential to prepare their ore for sale. The fine in each case was 12d and we can be sure that the pains arose after the offences, and that the villagers continued to use the wells for washing meat and continued to take it to the mines.

To be concluded. References, sources and bibliography will be published with Part 2.

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