

## SOME ACCOUNT OF THE COURT LEET OF THE BOROUGH OF CLARE, WITH EXTRACTS FROM THE VERDICTS OF THE HEADBOROUGHES.

It is probably but little known that the town of Clare is a borough, existing from the time of the Saxons,\* and that its affairs were managed by a Court Leet. To rescue from oblivion the proceedings of this Court, and to shew how diverse and important were the duties of its officers, I beg to offer a short account of them, illustrated by extracts from their records, entitled "Verdicts of the Headboroughes of the Borough of Clare." These "Verdicts" are MS. books in the custody of the Chief Steward of the Honor of Clare, who has kindly permitted me to inspect them.

I may here be allowed to mention that I was induced to examine these records in consequence of the "Remarks on a singular bequest in the Will of George Whatloke, of Clare," which appeared in the first volume of the Institute's "Proceedings," page 282, where it is said :—

"The Court Leet, like the Sheriff's tourn, was a Court of Record, wherein the Steward was the judge, and it was held commonly once a year; when all the deceners, including the headboroughes, owed suit or attendance at it; and out of them a jury of twelve or more was sworn. It had cognizance of a great diversity of matters, most of which are now under the jurisdiction of the Justices of the Peace."...

"It was the duty of the jury to inquire into and present all petty treasons, felonies, larcenies, and all public nuisances, by artificers of every kind, and by dealers in bread, meat, ale, &c., and divers offences of other sorts committed within the jurisdiction of the Leet; and even such social annoyances as brawlers, scolds, and eavesdroppers, were within their surveillance."

From the verdicts it appears that the Court Leet was composed of eighteen members selected from the principal inhabitants of the town. They were styled "Headboroughes,"

\* In Clare 43 burgesses existed, and the market was by immemorial usage.—*Doomsday Book.*

and chose from among themselves the following officers:—two bailiffs, two ale-tasters, two constables, two leather sealers, a crier, a pindar, a clerk of the market, and (when required) two occasional officers, called affeerors.\* At one period this Court also elected the churchwardens and surveyors of the parish. The presiding officer, called the “Chief Steward † of the Honor and Borough of Clare,” was generally resident in Clare or its vicinity, received his appointment from the Chancellor of the Duchy of Lancaster, and held the office during life, by virtue of a patent from the crown.

It would be difficult to define correctly the respective duties of the officers above enumerated, as some are now obsolete, and others superseded by modern laws and customs. It will be sufficient to say that they kept a watchful eye over the proceedings of the townspeople, as well as strangers, and that no class of persons was exempt from their jurisdiction; the members of their own body, and the vicar and gentry, as well as the poorest inhabitants, were alike liable to “presentments” at the Court, and fined, or “amerced” if proved to have violated the laws of the borough.

The place where the Court Leet originally assembled was doubtless the Moot Hall, but no allusion to the place of meeting is made in the Court books until the 15th of April, 1729, when the Court is said to be “holden at y<sup>e</sup> half moon.” Twice in the year, generally in April and October, the headboroughs held their meetings. Their first business was to call over the list, and if any of their number were absent to “amerce every of them iij<sup>d</sup>.”

The next proceeding was to dismiss in a formal manner those headboroughs and officers whose term of service had expired, and to fill up the vacancies.

After being duly sworn to the proper performance of their duties, the Court proceeded to receive the “presentments,”

\* Fr. *afferer*: in law to assess or reduce an arbitrary penalty or amercia-ment to a precise sum.—*Blackstone*. But in the *Customary of Normandy*, cap. 20, is the word *affeure*, which the Latin interpreter expresseth by *taxare*, that is,

to set the price of a thing, as *estimare*, *indicare*, &c., which etymology seems to be best.—*Blount's Law Dictionary*.

† This officer is not once mentioned in the books till 1766, when he appeared by deputy.

and to adjudicate upon them. It is not stated by whom these presentments were made: the only things recorded are the name of the offender, the place and nature of the offence, and the "payne" or penalty for so offending. Nor is it mentioned whether the accused was present to exculpate or defend himself from the charge. It would, however, appear that the proceedings of the Court were summary, and with closed doors, and that the only check upon it was the occasional appointment of affeerors to determine the justice of the "amerciements;" their decision being final. If any of the offenders neglected or refused to obey the verdicts of the headboroughs, or the decisions of the affeerors, the bailiffs were empowered to enforce payment of the fines by a levy on their goods and chattels. In confirmation of this account I propose to make a variety of extracts from the "Verdicts" during a period of 220 years, commencing in 1612. Although these extracts are, perhaps, too numerous, it is probable that many, even more curious, may have escaped my observation in consequence of the frequently illegible writing. Enough, however, is shewn to prove that the ancient Court Leet was adapted only for the times that are past.

1612. Oct. 18. Item, we inioyne Lewys Mortlock to carry awaye that muck or compas w<sup>ch</sup> he hath cast out of the pond adioyning to the Vicarage of Clare, betwene this and Hallomas next, upon payne of vs.

Item, we do present that John Hills, of Clare, hath purchased of Henry Gridly, one ten'te, sometyme Sparks, situate in Callis streete, in Clare aforesaid.

1613. April 22. Item, we do also present John Worrill, baker, of Sudbury, that he uttereth bread in our markt wanting 4 oz. in a 2d. loafe of the Statute, and therefore we do amerce him at vs.

1613 Oct. 14. Item, we doe further paine every inhabitante of the towne of Clare, eyther freholder or coppylholder, not at any time hereafter, to take any inmate or inmates into their dwellinge houses there to continue dwellers, except he or they do putt in good bond, with sufficient suerties to the churchwardens of the sayde towne of Clare, to discharge the sayd towne of any charge which hereafter may happen, upon paine to forfeit for every such offence, five pounds.

[At the next, and many subsequent Courts, we find instances of fines for transgressing this law.]

- Item, we doe further find that Jacob Bigge, an inhabitant of the borough of Clare, and frehoulder, hath received into his house as an inmate — Keye, contrary to the bye law made at the last Courte for which he hath forfeited *vl.*, and therefore, we do amerce him in the some of *vl. vs.*, that he the sayd Bigge doe remove the sayd Keye, betweene this and the next Court.
1614. Oct. 11. Item, we the headboroughs and chiefe inhabitants of Clare, in Suffolk, here at this pr<sup>te</sup> Court assembled, do for ever hereafter, for the good estate of the said towne, conclude, order and agree, that no inhabitant or inhabitants of Clare aforesaid, w<sup>ch</sup> be headboroughs or freeholders dwelling in the same towne or without the towne, or any other p<sup>son</sup> or p<sup>sons</sup> for them, shall at any time hereafter, let or sell any freehold ten'ts or ten't or any p<sup>t</sup> thereof, to any p<sup>son</sup> or p<sup>sons</sup> whatsoever, w<sup>ch</sup> be straungers, and not byn resident in the said towne three yeares or above, w<sup>out</sup> consent and agreement of the greater-p<sup>t</sup> of the headboroughs of Clare, upon payne to forfeite for every such message or ten'te so let, or to be hereafter letten w<sup>out</sup> consent or agreement as aforesaid, five pounds.
- [This bye-law is signed by the whole 18 headboroughs.]
- Imprimis we do p<sup>nte</sup> that Roger Barrowe, thelder, of Clare, in Suff., yeoman, since the last Court, have dep<sup>ted</sup> this lyfe, and that one message or ten'te called the Dragon, is descended to Thomas Goulding, as next heyre to him.
- Item, we present that James Games, of Clare, in Suffolk, hath wilfully and contemptuously made a pound breach in Clare since the last Court, and did take out of the pound his gelding in contempt of authority.
- 1615 April 25, Item, we do from henceforth payne all the b<sup>ouchers</sup> of Clare, that they shall not hereafter kill any flesh openly in the streets, nor shall not throw out into the streets any paunches or offal, upon payne of *xs.* upon every of them so offending.
1615. Oct. 10. We do find that Edward Richardson hath a slaughterhouse in Rotten rowe, which annoyeth the streete, for w<sup>ch</sup> we payne him in the some of *xxs.*, that he do make his slaughterhouse in some convenient place.
- We find that James Richardson had a bullock impounded, and he killed the same in the pound and carryed it away, and therefore we do amerce him in *xxs.*
1616. Oct. 10. We present John Barrow, that his bread was not weight according to the Statute, and that he did resist the Alefounders in the executing of there office, and doe amerce him in the some of *xs.*
1617. Dec. 24. ....made the daye and yeare abovewritten, that one John Cope, of Tuddington, in the county of Bedforde, hus-

bandman, did bargain and openly sell for *v<sup>l</sup>*. unto one Thomas Flacke, of Stansfielde, in the countye of Suff., in the open markt, at Clare, in the countye of Suff., one trotting colt, of the age of two years and a half, of an iron grey collar, and yt was verified by the testimony of one John Beman, of Tuddington aforesaid, husbandman, that the said John Cope was true owner of the said colt, in the presence of William Constable.

[Many similar entries subsequently occur.]

1618. April 21. Item, we doe further present that John Maxie, Thomas Merrills, John Cadge, and John Warren, have not fenced up their prepastures, accordinge to the last paine, for w<sup>ch</sup> doe amerce every of them in the summe of *xx* shillings, and we doe paine every of them in *xx* shillings more to doe it betwixt this and the next general court.

Item, we doe finde that George Wragge and John Pottell have not layde open their shoppe according to the last paine, and therefore we do amerce the said George Wragge in the summe of *v* pounds, and doe him in five pounds more to lay it open the same as usuall it hath bin betweene this and the next generall courte.

1619. May 25. Item, we finde Mr. Isaacke Joyner, vicar of Clare, hath a ditch in Callice street which annoyeth the hywaye, w<sup>h</sup> we doe paine him *iij*s. *iiij*d. to be done betweene this and the next general court.

Item, we present William Constable, for not selling a quart of beer for a penny, according to the statute, for w<sup>h</sup> we doe amerce him *ijs*. *vjd*.

1620. Jan. 16. Item, we paine Jacobbe Bigg in *xs*. to remove one William Kempe and George Burton out of his house betweene this and our Ladye Daye next.

Item, we further present that Thomas Pottell hath killed and uttered for sale unwholesome fleshe, for w<sup>ch</sup> we doe amerce him in the some of *iij*s. *iiij*d.

Item, we paine Richard Leysall and Barniby Warren in the summe of *xs*. a peice, to nayle up their gates into the common pasture before the second of February next, and soe continually to keepe them sufficiently fenced.

Item, we present that Sir Thomas Barnardistone, knight, died ceased of one messuage in Nethergate street, wherein one John Gibbs dwelleth and houldeth of the borroughe, and renteth *vid*.

And of one messuage wherein the widdowe Whitehead dwelleth, in Millane, and of one other messuage, wherin one George Were dwelleth, in Nethergate streete, but howe the same are houlden we know not.

1621. April 17. Item, we find that Mr. Skinner, of Sudbury, hath erected a chimney w<sup>ch</sup> is a great danger to the towne, w<sup>ch</sup> we

doe paine him in the summe of xs. to make it sufficient betweene this and the next generall court.

Item, we dismisse Peter Farmer from his office of Headboroughshipe, for discovering our verdite before we had delivered in the same.

Item, we the chief inhabitants and headboroughs of Clare, at the present court assembled, doe for ever hereafter, for the good estate of the towne, doe conclude order and agree that no man shall erect and build up any chimney within the borough, but only of bricke, and to be builded above the roofe of the house fower feete and a halfe, upon the paine for every such offence to be hereafter committed the summe of *vi*.

1621. Oct. 9. Item, we find that John Skinner, of Sudbury, hath not amended his chimney, according as he was payned to do att the court howlden the 17th of Aprill last, for the w<sup>ch</sup> we did amerce him in xs, and doe payne him to amend the said chimney betwyne this and the next generall court in the summe of xls.

1622. Oct. 15. Item, we present John Cadge, senior, and Thomas Merrills, and John Cadge, junior, shopkeepers, for selling of ware upon the Sabbath day, contrary to the order w<sup>ch</sup> was heretofore made; also John Crosse, and Thomas Pottall, and William Pottall, for selling of flesh upon the Sabbath day; also William Rushin, senior, and William Rushin, junior, for barbering upon the Sabboth day; and doe amerce them all in ijs. a peece.

Item, we present that Richard Miller hath committed a bloudshed upon one Robert Clearke, for w<sup>ch</sup> we doe amerce him in the summe of ijs. iiij*d*.

1638. April 3. Item, we present William Griggs and John Walford, Baylyffs of the borough of Clare, for felling of one tree of the King's waste, and doe amerce them 3*s*. 4*d*.

1639. April 23. Item, we payne the inhabitants of Clare in 3*s*. 4*d*., that they make a paire of butts betwixt this and midsomer next.

Item, we present the wife of Edward Gilvie for railing and abusing the constable and his assistants in groce termes, and doe amerce her in xiid.

1640. April 14. Item, we doe amerce the alfounders John Endred and John Mawlborne for neglect of there office 12*d*. a peece.

1640. May 4. Item, we p'sent John Ewson for nott makeinge his bread accordinge to statute, and denying of the alfounders and constables to cutt it out to the poore.

Item, we doe p'sent W<sup>m</sup>. Pottoll for killing of a bull w<sup>th</sup>hout baytinge of it, contrarie to the statute.

1646. Oct. 6. Item, we doe elect to be churchwardens for this yeare following Henry Cawthorne and W<sup>m</sup>. Netherstreete.

1649. April 3. Item, we doe elect to be surveyors Giles Barnardstou,

esquire, Henry Cuts, gent., John Pettit, gent., John Plombe.

1650. April 23. Item, upon the complaynt of sum of the townsmen wee present the well agaynst-goodman Mallburne's howse, as very dangerros, and doe order the next cunstables to mend it softiently between this and the tenth of Māye next, or uppon default to pay twenty shillings.

Item, we present the churchwardens for a towne house joyning to Larenc Eusden, the wall being fallen downe, to his great annoyance, and doe amerse the churchwardens ten shillings if it bent a mendedd before mikillmas next.

Item, We present Mr. Trig, being lord of the manner, for not repairing the Moote Halle\* and stares, which are dangerros to those that doe sute and serfice in that place, and doe amerse him in ten pounds, if it bee not repaired between this and mikehellmas next.

1651. April 8. Upon the complaynte of Petter Norfolke wee present the defaulte of a gate wanting at the land's end, going to pond meddowes, and uppon inquire wee find by the custom of mayntayning of that gate that it belongs to Mr. Will. Netherstreete to mayntayne, which if he neglect to doe between this and the 14th daye of Māye next wee amerse him to paye twente shillings.

Upon the complaynte of John Pettet wee present Richard Crispe, for a fence of his lying open, to the greate a noyance of the saide John Pettet, and wee doe a merse the same Richard Crispe thurte shillings if he a mend not the same fence in a fortnightes time after this court siting, and where as ther is a tree in the saide fence questionabell, wee finde it belonging to the saide John Pettet.

1657. April 8. Item, Lawrence Eusden complayninge of the almes howseschimneyes† how dangerous they are for want of repayre, we p'sent the churchwardens that they putt them into suffy-cyent repayre betwixt this and michallmas next, or else we doe amerse them in twenty shillings.

1664. Oct. 4. Item, we p'sent Danniell Barrons for sawinge downe the groundsell which was part of the Moott hall, which was the occasion that the upper part of the hall fell downe.

1702. April 14. Item, we p'sent Rob<sup>t</sup> and Jn<sup>o</sup> Fairs for eves droppers and night walkers, and fine them halfe a crowne a piece, &c.

1715. April 26. Item, wee present Th<sup>o</sup>. Bevis for laying his wood

\* The situation of the Moot Hall is not known, but there is still standing in the High-street, opposite the church, a house described in the deeds as the "Guild hall," which, from its style, may have been erected in place of the decayed

Moot hall. It is now the Post-office.

† The only almshouses in the town were till lately on the south side of the churchyard, in which the widows—recipients of Cadge's Charity—resided.

ag<sup>t</sup> y<sup>e</sup> towne shopps\* and breaking y<sup>e</sup> tiles of y<sup>e</sup> s<sup>d</sup> shopps, and if y<sup>e</sup> s<sup>d</sup> tyles are not mended or repaired, and wood soe moved to his house, and in a month's time, wee fine him twenty shillings.

1718. Sept. 30. Item, we present Joseph Totman, John Johnson, William Gilbie, John Hamant, William Green, Ed. Harrington, Henry Letch, Jer. Hill, Tho. Deeks, Wid. Chapman, James Button, Willm. Summers, George Robinson, Ann Gilbert, and Danll. Hills, for their logs and new timber and old stuff lying about the streets, being annoyances to the s<sup>d</sup> burrough, and we fine them five shillings, if not removed in six weeks time.

1719. April 7. Whereas leave have been given to Mr. Joshua Brise by us, whose names are hereunder subscribed, for erecting a palisade and rails w<sup>th</sup> foot passage through the same, not exceeding ten or eleven feet at furthest from y<sup>e</sup> front of his house, and placing trees before the same, and allso for lowering or sinking the curb of y<sup>e</sup> well so as to agree w<sup>th</sup> the gravelling before his house, and to be done at his own cost and charge.

Item, we do present all out town buchers, that shall come to hauk about y<sup>e</sup> town selling of meat excepting market day, for such ofence we fine them 10s. a piece.

Item, we p'sent Mr. Jn<sup>e</sup> Smith clay chimney, and Mrs. Grace Lagdens clay chimney, and y<sup>e</sup> Town House chimney, and Will. Summers clay chimney, where Jn<sup>e</sup> Martin live, if not all made new brick chimneys within 3 months, do fine them 10s. a piece.

1726. Oct. 4. We present y<sup>e</sup> ovens of Sam Gervice, John Minge, and y<sup>e</sup> Widow Green, and do fine them ten shillings each, if not amended in a fortnight.

Wee present Wm. Barham, John Loudon, Joseph Starling, Samuel Golding, Tho. Deeks (Nethergate), and John Elsdon, for selling beer before the fair day, and do fine them two shillings each.

And who ever shall sell beer before the fair day, or after the second day of the fair, shall forfeit five shillings each man for the future.

1730. Oct. 6. Item, we p'sent y<sup>e</sup> willow trees standing against William Gilbert's house as a com'on nuisance, and if not pull'd down by Christmas next, we amerce him two shillings and sixpence.

1760. Oct. 14. We the headboroughs do present a cellar window belonging to Jos<sup>b</sup> Crow, in the Market street now lying to the street, and unless it is not secured in one month, shall be fined five shillings.

\* These shops were situated in the middle of the Market-street, in a line with and not far from the old market cross. They were in existence until about 35 years since, when, being in a very ruinous state, and unfit for repair, it was deemed advisable to take them

entirely down. They were at first apparently used by butchers for slaughtering and selling their meat, although afterwards diverted to other purposes. The market cross shared the same fate in 1839.

We the Jurors also present and certify, that within the borough there has been a practice for the inhabitants who keep hogs, to suffer them to go about the borough, to y<sup>e</sup> great nuisance of the inhabitants within the said borough; and that the several persons following namely, George Jay, Wm. Brown, and Jonathan Cutts, and several other persons have of late suffered their hogs to go at large about the streets to the very great damage and nuisance of the inhabitants within the s<sup>d</sup> borough, and therefore, we adjudge a fine upon the s<sup>d</sup> sev<sup>l</sup> persons, who have been guilty of comitting such nuisance, of twenty shillings each, and if the same nuisance be continued, we adjudge a fine of forty shill<sup>s</sup>, upon evry person who shall be guilty of comitting such nuisance.

1766. April 20. We, whose names are hereunderwritten, having been sworn duly and faithfully to afeer the several amerciaments above sett, do afeer the amerciament of the sum of twenty shillings imposed upon Samuel Clarke, to the sum of five shillings, and we afeer the amerciament of sixpence imposed on Shadrach Brise, Esq. at the like sum, the same being a reasonable amerciment. As witness our hands,

JOHN SNELL,  
JOHN SPALDING.

1780. April 22. We, the afeerors having been sworn to afeer and determine the reasonableness of the several fines and amerciaments above sett and imposed, and do afeer and determine all, and every the same fines and amerciaments to be reasonable. As witness our hands,

JOS. HARRINGTON,  
WM. FENNER.

To this list of Presentments must be added another that requires a little more notice. It stands thus:—

1613. April 20. And we do lastly p<sup>u</sup>te the comon fyne xs.

This was a yearly fine paid by the borough to the Sovereign as Lord of the Manor. It appears to have been due at Michaelmas, as it was generally entered in the verdicts of that period, as the closing business of the Court. How the money was originally raised is not said, but in 1772, and ever after, it was paid by the overseers, as these entries shew:—

1772. May 1. We present there was due to the Lord of this leet at Mich<sup>l</sup>as last, the sum of forty shillings for four years common fine, and the same was paid at this Court to the steward, by John Hickford, the overseer.

1782. Dec. 9. We also present that there is due to our Sovereign Lord the King, the sum of 10s. for his comon fine, and there is due 20s. in arrear, and order the overseer to pay the same.

This is the "commyn fyne" mentioned in the will of George Whatloke (*vide* vol. I, p. 187), who directs his executors to purchase so much land "as shalbe to the yerely value of xs.," and that the said sum of xs. "shall yerely from thensforth paye and dyscharge the holle *commyn fyne* as well as for the Deceners as for the *Hedborows* then dwellynge w<sup>h</sup>yn the same towne of Clare." Whether the intentions of the testator in this particular bequest were carried out, is not known, as there is no piece of land belonging to the town charged with any such payment. Nor did the fine pass through the hands of the churchwardens, although they were expressly directed to receive the rent and pay it to the Court.

In connexion with these records there is also a register, kept by the criers, of things cried in the market of Clare. The nature and quaint description of the articles lost, or found, is very curious, and a perusal of them would be interesting; but the length of this paper will not admit of further extracts.

I have thus endeavoured to shew the nature and extent of a useful local Institution, whose name is almost forgotten, whose laws are disregarded, whose officers are powerless, and whose customs are becoming traditions. Nearly a quarter of a century has elapsed since the last meeting of the Court in Clare, and in that period legislative enactments have co-operated with changes in society to render it obsolete.

J. B. ARMSTEAD.