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*Albert Frederic Hart, Esquire*



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**Three Centuries of Derbyshire Annals.**





THREE CENTURIES  
OF  
DERBYSHIRE ANNALS.

AS ILLUSTRATED BY THE

RECORDS OF THE QUARTER SESSIONS

OF THE COUNTY OF DERBY,

FROM

QUEEN ELIZABETH TO QUEEN VICTORIA.

BY THE

REV. J. CHARLES COX, LL.D., F.S.A.,

*Rector of Barton-le-Street,  
Author of "Churches of Derbyshire," "How to Write the History of a Parish," "The Capitular  
Muniments of Lichfield," etc., etc.*

IN TWO VOLUMES.

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VOL. II.

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"FOR WHICH END I TAKE IT MEETE, THAT HOWSOEVER THOSE RECORDES HAVE HERETOFORRE BEENE  
SUFFERED TO LIE IN THE HANDS OF THE CLARKE OF THE PEACE, AND BY THE DEATH OR REMOVE OF  
HIM, HAVE BEEN TO SEEKE; YET NOW THE INCONVENIENCE BEING FOUNDE, AND THE RECORDS THEM-  
SELVES BEING GROWNE TO GREATER BULKE, THE SAME SHOULD BE LODGED IN SOME SPECIALL AND  
PROPER ROOME UNDER SAFE CUSTODIE, BUT NOT WITHOUT AN INVENTORIE (OR REGISTER) INDENTED,  
WHEREOF THE ONE PART TO REMAINE WITH THE CUSTOS ROTULORUM, AND THE OTHER WITH THE  
KEEPER OF THEM."—*Lambar's "Eirenarcha, or the Office of Justice of the Peace." Ed. 1607.*

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London:

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## SECTION V.—CRIMINAL.

### The County Gaol.

In the year 1532, "An Acte concernynge where & under what manner the Jayles within this Realme shalbe edefyde & made" became law. The preamble recited that it was necessary and commendable to substantially edify gaols in those towns in every shire as are most suitable for prisoners, especially where "the Assyzes & Sessyons ben usually kepte & where is moste resorte & repayre of people, to the intent that by the menes thereof fewer shall escape, & also the rather & oftener relyeff & charyte of the people shalbe to the Prisoners mynystred." The justices of twenty-two specified shires are ordered within a year to have a common gaol newly built; and then, as though it were an afterthought, is added—"Be it further enacted by auctorite aforesaid that like prysion in every behalfe be had for a newe Jayle to be made within the Countie of Derbye in like fourme as is afore provyded for other Shires aforesaide." \*

Up to this date the prison for felons in the counties of Nottingham and Derby was at Nottingham. But many years passed by before the justices of Derbyshire obeyed this Act. In 1566, as has been already stated, a separate sheriff was appointed for each of these two counties. Two years later the justices of assize, at the summer gaol delivery at Derby, insisted upon the county fulfilling its obligations. The following is a copy of the agreement then made between the justices of assize and the justices of the peace, recently found at Belvoir Castle :—

At the Assizes holden at Derby the xxvjth day of July Anno decime Regine Elizabeth Hyt ys agreed by Sr James Dyer Knight Lord cheiffe Justice of the Common pleas and

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\* 23 Henry VIII., c. 2.



Nicholas Barham one of the Quenes Maties Serjantes at Lawe Justices of Assize & of the peace & of Generall gayle delyvery wtin the said county of Darb' at the dyssyre & with the consente & assente of all other justices of the peace of the same countie then & there beinge presente That a newe taxation shalbe made and a Some of monye levyed amountinge to the thyrde part of one Fyftent throughe oute all the Sheyr of Derb' for and towards the newe making of a Gayle within the said Countie of Darb'.

James Dyer

Nicholas Barham. \*

At the Mich. Sessions, 1588, John Baxter, of Kirk Langley, was appointed by the justices gaoler of the newly built common prison for the County of Derby, Mr. Bentley, of the Swan, and Mr. Fytche being his bondsmen.

This gaol was from the very first a gross discredit to the shire, and was notorious, even in those evil days for prisoners, above all others for its foulness and consequent frequent visitations of plague and gaol fever. It would almost seem as if the county authorities deemed it most economical to confine their prisoners in a place where fatal fevers were nearly a certainty; for it was built in the Corn Market, over the then open brook, which was at that period merely the town sewer. Hutton, the historian of Derby, writing of his recollections of the old gaol, which had been before then materially improved, says—"Our ancestors erected the chief jail in a river, exposed to damp and filth, as if they meant to drown the culprit before they hanged him. A worse situation could not have been chosen: it extended across the Corn Market, one of the principal streets, as if to hide the brook, or bind the flood. The wretched inhabitant was open to the public, and they to him. A vile arch admitted the horse passenger, and a viler the foot; inconvenient to both, hurtful to the stranger, dangerous to the inmate; a reflection upon the place, without one benefit as a counterbalance."

The condition of this prison and its terrible visitations of sickness have been incidentally portrayed in that part of the fourth section of this work which deals with the condition of the Recusants under Elizabeth. In the year 1610, the sudden rising of the brook in the night time drowned three of the prisoners ere they could be rescued.

An undated petition, but certainly of the Commonwealth period,

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\* Belvoir MSS. Vol. IV.

and probably of the year 1647, gives the name of the gaoler of that date, together with several other interesting particulars :—

To ye right worppl ye justices of peace in open Sessions Assembled, The petition of Henry Agard.

Sheweth, That yor petitioner haveing byn gaoler for about thirteene weekes hath disbursed to ye bakers for bread to ye prisoners forth of his owne money fiteene pounds foure shillings & sixpence & twelve shillings for straw, which is to yor petitioner unsatisfyed.

Yor petitioner being gaoler about two yeares since did disburse for ye places for ye Ladyes to sitt in foureteene pounds tenne shillings in ye old place, and for tents in ye Frier Yarde, Derby being visited, eight pounds.

And in that yeare there was deu to him for bread for ye prisoners thirty pounds of which said three last summes hee hath received of ye County about foure & twenty pounds.

The petitioner humbly prayeth An order from this Court to redeame ye same.

And in tender commiseration of ye prisoners being ready to famish havinge in this extremity of dearnes of Corne but a penny a day allowed them, Doth therefore humbly pray that two pence a day may bee allowed them, & that present order may bee taken to rayse monyes to satisfy ye same, and he shall pray etc.

The Court, in answer to this prayer, ordered that "Monyes bee allowed for bread & for Henry Agard whatt hee hath layed forth," and further ordered that the prisoners' allowance be two pence a day until the next sessions.

The reference in the petition to the tents in the "Frier Yard," is explained by the fact that in 1645 there was an outbreak of the plague at Derby, and that the Assizes were held in Friar's Close;\* the term "visited" was a usual seventeenth century euphemism for a visitation of the plague.

The county records that yet remain afford hardly any other information with respect to the gaol till the latter part of the reign of Charles II., but thence onwards the references are numerous. In 1680, the two following petitions were presented to the justices by prisoners cruelly detained through non-payment of the fees of the clerk of assize. It is satisfactory to know that the justices at once ordered their "enlargement" :—

The petition of Francis Gibson A poore prisoner in Derby Goale to the Right Worshipfull his Maties Justices of the peace at the quarter sessions houlden at Derby the 5 of October 1680 humbly sheweth

That whereas I youre poore petitioner, having beene confined to the Common Goale at Derby for four score weekes together, & I had my tryall at St. James Asizes was twelfth month & at the last Asizes my pardon Came Downe and was Red to mee, but I am still continued here at the Cunteries charge and my owne Ruin by the Clarke of the Asizes for feese which he demands of mee, which I am altogether Unable to pay, for of all this

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\* Hutton's Derby, p. 191.

fourscore weeks I have bene here, I have not had the vallor of A grote from any Relation I have in the world ; nether have I any friends or Relations to help mee in the least if I was shure to perish ; And Mr. Vessy the Goaler knows my powverty soe well, that provided I might be set at liberty he saith he will forgive me my feese which are deu to him, therefore worthy Gentlemen I humbly beg of youre Worships, that you will comiserate my condition & by some meanes procure my liberty, And I shall ever pray for the prossperity of your Noble familys whilst I live & am

Fran : Gibson.

The petition of John Taylor A poore prisoner in Derby Gaole to the Right Worshipfull his Maties Justices of the peace at the quarter sessions houlden at Derby the 5 of October 1680 humbly sheweth

That whereas I youre poore petitioner have bene confined prisoner in the Comon Goale at Derby almost A twelfth month for selling two Beasts in Chesterfeild for which I had my tryall at Lent Asizes that the last Asizes my Pardon Came & was Red to me, but I am still Continued here at the Cunteryes Charge & my owne Reuin, by the Clarke of the Asizes for feese which he demands of me ; which I am altogether Unable to pay, for I have of all this long time I have layne here had nothing at all to live Upon but the bare allowance of the Contury ; And I have neather friends nor relations will give me A grote if I were shure to perish for want of soe much, therefore Worthy Gentlemen I humbly beg of youre Worships that you will Comiserate my Condition & by some meanes provide my liberty & I shall ever pray for the prossperity of your Noble familys whilst I live and am

John Taylor.

In 1682, considerable repairs were executed at the county gaol. The following appears on the orders at the Easter Sessions of that year :—

Ordred That Sr Simon Degge, the Clerke of the peace and Mr. John Bagnold or any two of them whereof Sr Simon Degge to bee one doe contract with such p'son or p'sons as they shall see convenient for the buildinge of the County Gaole, and that pursuant to the said Agreemt the Clerke of the peace p'sent Treasurer of this County for the money raised and to be raised for repair of the said County Gaole pay such sume and sumes of money as by such Contract are Covenanted to bee paid to such p'son or p'sons with whom they have so contracted for the doeing thereof ; And deliver an accompt of such Contract and paymts as aforesaid to this Court at the Sessions next after the worke is finished and for their respective doeing herein this shall be their Warrt And that the Clerke of the Peace shall bee acquitted discharged and saved harmelesse by this Courte for what hee shall Act or doe as to payment of moneys in pursuance of this Order.

It might almost appear, from the wording of this order, that a new gaol was about to be erected, but in the margin is written—" Sr Symon Degge, Clerke of the Peace, & Mr. Bagnold appoynted to contract for Repayre of Gaole." Sir Simon Degge was at this time not only Recorder of the borough of Derby, but usually acted as chairman of Quarter Sessions. He lived at Babington House.

Bread, until quite recent days, was the only food supplied to prisoners at the public charge. Its quality was a frequent cause of complaint. At the Trans. Sessions, 1682, a general petition from the

prisoners was presented to the justices with regard to this question. The following Order was the result :—

Whereas the poor prisoners in this County each preferred their petition to this Court this p'sent Sessions, by which it appeared upon readinge hereof that they complayned of Thomas Mee the p'sent Baker appointed by Order of last Sessions to bee baker of the said poor prisoners' bread, that his bread was not soe wholesome and serviceable as that which former Bakers have delivered to them to their great injury, And therefore prayed that another Baker might be employed by this Court to joyne with the said Thomas Mee in bakeing of their bread for the future ; by which meanes they might expect better usage, It is Ordered by this Court upon consideration had of the said petition, and for the reliefe of the said petitioners that for the future from this time forward and untill the further Order of this Court that John Piggin bee joyned with the said Thomas Mee in the bakeing of the said poore prisoners' bread and that they bake weeke for weeke by turnes, And that the Gaoler keep their Tallies severall and distinct in Order to the keeping and deliveringe Upon their Accompts by the same distinct to the Clerke of the peace.

There were in these days no "visiting justices," and the habit of directly petitioning the court of Quarter Sessions was of frequent occurrence.

The Humble Petition of Roger Barber a poore Prissoner in the Common Gaole for the County of Derby, To the Right Worshipfull his Maties Justices of the peace at the Generall Quarter Sessions of the peace houlden for the County of Derby the 17th day of Aprill Annoyne Dom 1683

Humbly Sheweth

That whereas I yr Worships poore petitioner being Cast into Prison through the Mallice of one Edmund Hall, under pretence that I am a madman, the reason of which is by reason I have threatened to sue him for severall things done unto mee as follows, first he hath throwne stones at my sheep & knocked severall in the head & hath killed severall of my dogs yt I have kept to help mee to drive my sheep & keep sheep & other things to eat up my Grass to my great detriment & disadvantage ; & hee had a Mortgage on my house from my father & by reason I was thrifty & paid him his money againe, nay more for hee tooke twelvenpece above the price of the bond is the great cause of this my sad Condition which I humbly desire yr worships to take into yr most Judicious Considerations and forth of yr Clemency graunt mee my Enlargement (for I am a poore lame Impotent Creature & have nobody to look after my sheep which is all I have to live upon), and allso to cause him the said Edmund Hall to make mee Restitution for the wrongue I have sustained by him, & I yr poore petitioner shall for Ever be bound to pray for yr Worships good healths & prosperities whilst I live & am

Roger Barber.

In the same year (1683), two other petitions reached the justices. John Hardy, who had been imprisoned for three months "through false & malicious wordes" on a charge of bastardy, prays for liberty, the child being now dead ; and Richard Blount, imprisoned on a like charge, which he also denies, for over a year, makes a similar prayer "haveinge noethinge to live upon but the bare County Allowance." In each of these cases, the justices constituted themselves an irregular

court of appeal, and ordered discharge, without apparently hearing any evidence.

An incident of the troublous times of the Prince of Orange revolution may here be introduced. William Longston, the constable of Youlgreave, was ordered to take to Derby gaol a prisoner committed for alleged high treason against the new government, but having Jacobite sympathies the constable favoured his prisoner's escape, with the eventual result of being himself committed to gaol. The following appears in the Orders of the Epiph. Sessions, 1689 :—

Whereas William Longston of Yolgreave Indicted at Michallmas Sessions last for willfully p'mitting one Ralph Mather Comitted to his Custody for Suspition of High Treason to escape from him whoe submitted to this Cort of his fine whereupon this Court Imposed the fine of Twenty pounds upon him for such his offence upon condition that if the said Longston did not produce the said Mather at this Sessions and the said Willm Longston appearinge at this Sessions And had not retaken the s'd Mather according to the Order of this Court doth Order that the said Will'm Longston bee comitted to the County Goale until hee pay the sume of Twenty pounds for his Fine as aforesaid.

At the Mich. Sessions, 1691, it was "Ordered that the Prisoners' allowance of one penny halfe penny a day be reduced to the allowance of one penny per diem till further order in regard of the Cheapnesse of Corne & the debt the County is in more than what is raised for that purpose;" but the following Epiphany, owing to the "dearnenesse of Corne," order was made to revert to the 1½d. per diem.

At the same sessions, upon a petition of the prisoners in the county gaol read in court, setting forth that "the River water would bee of necessary use, & great benefitt to them upon severall occasions & praying that the same might be brought by Pipes into the said Gaole," it was ordered that the clerk of the peace take a lease of the water on behalf of the county, and that "the charge of the Branch and the yearely Sallary of forty shillings" be paid by him out of the public money.

The question of the prisoners' bread once more came before the court at the Mich. Sessions, 1712, when the following entry was made in the orders, together with a minute relative to the repair of the gaol roof:—

This Court being informed that greate irregularities are used touching the delivery of bread to ye Prisoners in this County Goale, more bread being taken in than ought to be, and very often for Prisoners that are not in custody to ye greate charge & abuse of the County; ffor remedy whereof It is Ordered by this Court that the Treasurer of the County, doe inspect ye said ill practices and settle what Prisoners ought to have Bread & yt a list of

all the Prisoners in the County Goale be delivered to the Treasurer at any tyme upon request, and for the future the County Bakers take care to deliver the bread to such Prisoners only as are in the said List, and to such Prisoner in person and not otherwise, And that noe bread be delivered to any person that boards in the said Goalers House or is of such circumstances or ability as can maintaine himselfe, And further ordered that the boards upon ye County Goale Leads being loose and decayed and dirt and sludge got betwixt the same yt the Leads be taken up and ye top of ye Leads changed, and that the Treasurer of ye County cause the same to be done and pay for ye same out of the Treasury.

At the Easter Sessions, 1713, the Court issued a stringent order to their gaoler not to accept prisoners of the borough of Derby, the borough having their own gaol, which was, however, if possible, in worse order than the county prison and too small for their small requirements. The following is a copy of the Order, which was repeated in almost identical terms a year later:—

Ordered by this Court that the Goaler of ye County of Derby do from the date hereof refuse to accept or take into his custody any prisoner or prisoners comitted or to be comitted to him by Virtue of any Warrant or Mittimus from the Mayor Recorder or any other authority whatsoever of the Burrough of Derby in ye sd County of Derby.

In 1717, it was discovered that the bakers had entered into a conspiracy with the gaoler to deliver county bread to those prisoners (chiefly debtors) who boarded in the gaoler's house and paid him chamber rent. The court took means to prevent this for the future, by ordering that the bread should be delivered personally by the bakers to the prisoners in the upper common gaol for debtors and in the felons' gaol, and nowhere else.

At the Mich. Sessions, 1718, it was reported that the gaol beds were much out-of repair, and the treasurer was ordered to buy new planks and other things requisite for their repair.

In the following year, a prisoner escaped from the felons' gaol by a window into the Corn Market, and on the representation of the gaoler the court ordered the window to be immediately stopped up.

At the Easter Sessions, 1724, presentment was made of a causeway near the end of the wooden bridge at the back gate of a house in Derby in possession of Mr. Thomas Litchfield, which was in so inconvenient a condition as to be a public nuisance, and was especially detrimental to the prisoners in the County Gaol, "diverting the ancient watercourse which cleansed and scoured the filth and nastiness from the Gaol." The court ordered the causeway to be renewed at the charge of the county.

Complaint was made to the justices in 1726, that the county gaolers were taking unreasonable and extortionate fees for keeping persons

committed to their charge, and it was ordered that for the future 8s. 4d. should be the committal fee.

From an entry made at the Epiphany Sessions, 1732, it transpires that the county prisoners were then in the custody of a female gaoler. It was ordered that "Mrs. Mary Greatorex, widow, keeper of the Goale for this County do give account upon oath at next General Sessions what means she has used towards the retaking Elias Wheldon, and George Hamblet, and John Bradshaw comitted to her custody."

On the evening of February 13th, 1752, between seven and eight, four prisoners broke out of the county gaol, Derby, by making a breach through the bottom part of the wall, and then, breaking the ground, came through on the bridge. The next morning Anthony Frost, one of the escaped felons, was found in the prison, having voluntarily returned again to his old quarters the same night, by getting into gaol again through the same hole at which he had escaped. His three companions do not seem to have been again apprehended.

At last the county was shamed into providing more decent accommodation for their prisoners, and in 1755-6 a plain, substantial brick building was erected in Friar Gate to serve as a gaol for felons and debtors, and also as a house of correction for short sentence prisoners. It was a great improvement on the two county prisons that it superseded; the architect was Mr. Irons, of Warwick. The area of the prison, including the gaoler or governor's house in the front, the back rooms of which commanded a view of the several courtyards, was 126 feet by 121 feet. The ground behind the prison was divided into three yards, one for male felons, another for male debtors and house of correction prisoners, and a third, much smaller one, for women. There were only seven separate cells, and a common day-room for the felons, so that young and old, untried and convicted, capital and petty offenders, all herded together without distinction. Irons were used on all committed before trial, and for grave offences after conviction, refractory prisoners being doubly ironed at the discretion of the governor. The prisoners were allowed to work and receive all they could earn; no work was found for them by the county, either in the gaol or house of correction, but they procured it for themselves subject to the approval of the gaoler. The nature of work is sometimes indicated in the annual accounts, as when the purchased wool, combs, and, on another occasion, flax-dressing

machines. Playing at ball was allowed for exercise in all the yards, but no other games. There was no other allowance to the prisoners save bread ; but they were permitted to buy meat and vegetables and beer, the last article being supposed to be limited to a quart per diem. The governor or gaoler was allowed to supply better accommodation to prisoners, on payment, in two rooms over the chapel, and was also permitted to let his own apartments, and this was done not only for debtors but actually for felons, when they had well-to-do friends. The debtors, of whom we specially treat below, had a separate place for sleeping, and had the use of a courtyard in common with the persons confined in the house of correction, but they had also the exclusive privilege of walking on the flat roof of the prison, which was 90 feet long by 26 feet wide ; and on payment of sixpence a week they might have a pair of sheets and a flock bed, instead of the straw assigned to the other prisoners.\*

The prison was originally designed for twenty-one criminals and twenty-six debtors, and was good of its sort for the time at which it was erected, but in the present century it got disgracefully overcrowded.

The noble movement of John Howard, the prison philanthropist, resulted in an Act,† wherein provisions were made for the better preserving of the health of prisoners and for preventing the gaol distemper.

The result was that at the Trans. Sessions, 1774, advertisements were ordered to be inserted in the Derby newspapers "for persons willing to make a Bath & two rooms over same according to Act of Parliament." At the next Sessions, the lowest tender, £98 13s. 6d., proffered by Elisha Sims, was accepted. At the same time, and in pursuance of this Act, a gaol surgeon, Mr. John Harrison, of Derby, was appointed at a salary of £30. Annual whitewashing and scraping of the prison walls was now ordered, and another yearly charge that henceforth appeared on the accounts was eight guineas for "straw for the felons."

A charge of ten guineas was incurred in the year 1784 "for ventilating the gaole."

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\* For several of these particulars we are indebted to a privately printed report of a Committee of Aldermen of the city of London, appointed in 1814 to visit various county gaols, with a view to the reconstruction of Newgate.

† 14 George III., c. 59.



At the Trans. Sessions, 1764, it was ordered by the court :—

That the following Rates and Fees be taken by the Keeper of His Majesties Gaol for the said County and no other :—

	£	s.	d.
For the Lodging of every prisoner in his House per week .. .. .	0	2	6
For the Discharge of each Prisoner out of Custody .. .. .	0	13	4
To the Turnkey .. .. .	0	2	0
For the Copy of every Warrant .. .. .	0	1	0
For signing a Certificate in order to obtain a Supersedeas .. .. .	0	2	0
For Registering each Declaration .. .. .	0	1	0
For attending with every Prisoner in order to give Bail or be otherwise discharged .. .. .	0	2	0

And it is further Ordered that the Clerk of the Peace do cause this Order to be printed and that the Keeper of the Gaol for the time being do observe the same upon pain of being prosecuted according to Law.

In 1782, we find that Blyth Simpson, the gaoler, was in receipt of £60 salary for the combined offices of gaoler of the felons and debtors and keeper of the house of correction. Two years later a most salutary Statute became law, whereby “no gaoler is to suffer tipping or gaming in the prison, or to sell any liquors therein, under the penalty of £10, to be recovered by distress upon conviction.”\* The utterly discreditable condition of things in the county gaol was thereby revealed, for evidence was forthcoming that Blyth Simpson had actually made a profit equal to double his salary by the sale of liquor to the prisoners within his gaol. He was not, however, removed from his office, but £120, from that time onwards, appeared to his credit in the annual account of the treasurer, in addition to his previous salary, under the head—“A year’s increase of Salary on account of his not being allowed to sell ale.” The amount of drunkenness within a small gaol to permit such a profit as this must have been terrible. On the successor to Mr. Simpson being appointed, in 1793, the salary of the gaoler was fixed at £200, but there were still many regular and casual fees pertaining to the office, such as discharge fees of prisoners and those for flogging. In 1817, the justices commuted the fees for £64 10s., which was henceforth added to the stipend.

In 1789, a stable was purchased for the gaoler at a cost of £84. Extensive repairs and slight additions, costing over £600, were made to the gaol in 1798-9.

Meanwhile, as population increased in Derbyshire, chiefly through

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\* 24 George III., c. 54, sec. 22.

the mining and cotton spinning industries, the accommodation for the county prisoners became notoriously insufficient.

The attention of the magistrates to its then disgraceful condition was frequently called both by philanthropic visitors and by Judges of Assize. In 1817, it was discussed by the justices in session, and an experienced architect ordered to report, who in December of that year condemned it as "insufficient and insecure, as well as wrong and defective in construction." At the Lent Assizes, 1818, Mr. Baron Garrow personally visited the gaol, and in his subsequent charge to the Grand Jury severely censured the county as to its condition and insufficiency. The Grand Jury, numbering twenty-three gentlemen, thereupon presented the gaol in terms according with the Judge's remarks, but actually down to the time of the Summer Assizes, 1820, the justices did nothing. This assize brought Mr. Baron Garrow again to Derby, who indignantly denounced the supineness of the justices, and threatened, unless the work was at once undertaken, to lay a heavy fine upon the county. On August 9th, the Grand Jury published in the *Derby Mercury* a strongly worded address and appeal to the justices, calling upon them to proceed.

A return made to the Home Secretary in 1820, showed that in the three previous years actually more than three times the number of criminals for which it was designed had been at one time confined in this gaol; viz., sixty-eight in 1817, sixty-three in 1818, and sixty-nine in 1819.

There was yet further and needless delay, but at last, at Mich. Sessions, 1822, the court determined on the purchase of six acres of land belonging to Large's hospital near the Uttoxeter Road.

The plans and designs of Mr. Francis Goodman for the new gaol were approved at the Epiph. Sessions, 1823, the expense being estimated at £37,403, exclusive of the purchase of the site, the treadmill, and the furniture. The committee submitted the plans to the Society for the Improvement of Prison Discipline, at whose suggestions various alterations were made which added materially to the estimate. The extensive buildings were completed in 1827, and at that time formed the most complete prison establishment in the United Kingdom. The plan was upon the radiating principle, and consisted of 161 cells, having twenty-one wards for the classification of prisoners, the governor's house standing in the centre. The total expenditure, as declared at the Easter Sessions, 1828, amounted to £63,335 5s. 6d.

On the rejection of the Reform Bill, in October, 1831, formidable riots broke out in Derby. The old county gaol, which had been purchased of the county and improved for the use of the borough, was broken open and the prisoners released. The mob then made an attack, which was repulsed, on the new county gaol. The result of these riots was that eight martello towers were designed and built at the angles of the gaol walls, at a cost of £1,540.

In 1880, the Government undertook the remodelling of the prison, commencing by improving the system of drainage, and filling up all existing cesspits. The old central brick partitions in the present male reception ward have been removed, and the whole modernised; the Governor's house completely gutted and rebuilt as offices; and the visiting rooms, etc., and the three large wings brought into a central hall, on the modern system. The female prison has been almost rebuilt; a reception building and hospital provided, and a new laundry constructed. The boundary wall has been pulled down on one side, and a new one, enclosing an enlarged area, erected; the old Treadwheel House replaced by a lofty and well-ventilated building, and a new kitchen and bakehouse provided, and fitted with steam boilers, etc., so that all food is now cooked by steam, a great improvement on the old system. Numerous other small alterations and additions have been made, such as pulling down old outbuildings and walls around yards, to let in light and air. A modern disinfecting apparatus has been put up, and a mortuary and dissecting room provided. The prison has thus during a period extending over seven to eight years, been almost entirely rebuilt and modernised, the work being executed largely by prison labour, only a few skilled free workmen being employed.

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### Gaolers or Governors.

In the previously quoted papers and records mention has been made of four county gaolers, namely, John Baxter (1508), Henry Agard (1647), Mr. Vessy (1680), and William Wragg (1690); and an indictment shows that Joseph Walker was gaoler in 1718. From 1720 downwards we are able to give a complete list of the gaolers or governors of the county prison. Down to 1760, the names and

dates are taken from the contracts for the transportation of felons, and subsequently from the Orders of Sessions.

1720, Sept. 10th, John Greatorex.  
 1726, June 29th, Mary Greatorex.  
 1733, Aug. 28th, John Greatorex.  
 1741, May 2nd, Henry Greatorex.  
 1743, April 13th, Samuel Greatorex.  
 1744, Feb. 15th, Richard Fletcher.  
 1750, April 15th, John Greatorex.  
 1752, Oct. 6th, Richard Fletcher.  
 1756, April 3rd, John Greatorex.  
 1758, Sept. 27th, John Marriott.  
 1760, Sept. 17th, Blyth Simpson.  
 1793, Epiph. William Eaton.  
 1832, Trans. Richard Eaton (resigns).  
 1832, Mich. John Sims.  
 1852, Mich. James Henry Sims.  
 1879, C E. Farquharson, the present Governor, late Captain 21st Hussars, was appointed Governor of Northampton prison by the magistrates of that County in 1876, and transferred by the Prison Commissioners to Derby in 1879.

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### Chaplains.

With regard to the spiritual welfare of the prisoners, it is of interest to note, though not very creditable to the justices, that the first move for a chaplain proceeded from those in confinement. At the Epiphany Sessions, 1710, the following order was made :—" Upon Petition of the Prisoners in the County Goale for Divine Service & Prayers & Preaching, This Court haveing taken the same into consideration doe nominate elect and make choice of Jasper Hossington of Derby in the County of Derby Clerke to doe the same if he will except of it upon the termes proposed by this Court (vizt) to read ym prayers or Divine Service once a week at least, & to Preach once a Moneth at least ; the tyme for so doing to be performed at the Electon & convenience of the said Mr. Hossington, for which This Court doth Order & it is hereby Ordered that Mr. John Wright Treasurer doe pay to the said Mr. Hossington five

Pounds per Annum wh money is to be paid Quarterly from the date hereof." Jasper Horsington was vicar of Mackworth from 1695 to 1724. Though the sum of £5 seems small for his services at the gaol, Mr. Horsington held such a multiplicity of appointments that he doubtless made a fair income. In the Allestree register he is described as "curate of Allestree, vicar of Mackworth, curate of Quarndon, & one of ye Friday Lecturers at All Saints in Derby."

In 1722, on the death of Mr. Horsington, William Lockett obtained the gaol chaplaincy at a like stipend; he was also vicar of both St. Michael's and St. Werburgh's, Derby. On Mr. Lockett's death in 1751, the same duties and salary were assigned to William Blackwell, curate of St. Peter's; and to him succeeded, at the Easter Sessions, 1761, the Rev. Mr. Dixon. At the Michaelmas Sessions, 1766, the justices took a more generous view of their duties, both with regard to chapel and chaplain, now that the prisoners were in the new gaol, and "ordered that Blyth Simpson keeper of His Majesty's Gaol for this county do employ a proper workman to Bench round & Desk the Chappel in the said Gaol for the convenience of the prisoners there during service." The cost of these improvements, as certified at the next sessions, was £22 13s. 9d. At the same sessions it was resolved that the salary of the chaplain be raised from £5 to £20, "for performing that office on the execution of Criminals & for performing divine service in the Chappel of the said Gaol every Monday Wednesday & Saturday, & also for preaching a sermon every Saturday."

At the Easter Sessions, 1769, Rev. John Seale, vicar of St. Michael's and St. Werburgh's, was appointed chaplain at a salary of £20; but the salary was raised to £30 in 1774, when the appointment of a chaplain became by law compulsory.\* After the death of Mr. Seale, the Rev. Ellis Henry was appointed in 1775, at a salary of £30, which was augmented in 1787 to £35. At Easter, 1806, the Rev. Nicholas Bayley, vicar of St. Michael's, was appointed, the salary being augmented to £40 in the following year.

In 1814, the Rev. George Pickering, vicar of Mackworth, was appointed chaplain, the stipend being then £70, which was increased in 1817 to £120, and afterwards to £150. Mr. Pickering resigned in 1855, and was succeeded by Rev. Henry Moore. The present

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\* 13 George III., c. 58.

chaplain, who was appointed in 1877, is the Rev. Charles Edward Crellin, M.A. The present chapel is a low inconvenient room, and does not compare at all favourably with the places of worship in several other gaols of a like size.

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### Surgeons.

The first appointment of a surgeon to the gaol was made, on compulsion by Act of Parliament, in 1774, when John Harrison was nominated at a salary of £30, inclusive of medicine. He was also allowed three guineas for travelling to Chesterfield and Bakewell when the sessions were held there. At the Trans. Sessions, 1784, John Harrison and Timothy Pitman were appointed joint surgeons. Four years later the appointment was solely in the hands of Mr. Pitman, who only received a salary of £20, though extra grants were voted by the court on several occasions. In 1793 Mr. Pitman died, and at the Easter Sessions of that year Francis Fox was appointed at £20 per annum, which was, however, augmented to £40 in 1802. In 1823, Douglas Fox was elected, on the resignation of his father, and the salary, on occupying the new gaol, was raised to £120. On the resignation of Mr. Douglas Fox in 1855, Mr. Henry Francis Gisborne received the appointment. The present surgeon is Mr. C. A. Greaves.

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### Debtors.

The miserable and deplorable condition of debtors throughout England during both the seventeenth and eighteenth centuries has long been well known, though the chief incidents of the harsh operations of the law and of the cruelties of the gaolers have been in the main drawn and published from the London gaols, especially from the Fleet prison. The following petitions from Derbyshire debtors, and other illustrations of their treatment in the county, show that the lot of the provincial debtor was about as melancholy as that of his fellow-sufferers of the metropolis.

The following letter written on November 15th, 1662, by Mr. George Sitwell, of Renishaw, to an Eckington yeoman, then in the house of correction at Chesterfield, before being passed on to Derby gaol, is

proof of the frequency of imprisonment for debt, and the little salutary effect that such a system possessed :—

You desire me to lay downe mony for your inlargmt & you will morgage land to me for my security, you are a straunge man to make such an offer to goe about to deceiue your freind ; for I know the estate of your land is in your brother, so that without him you can make noe assurance, its true he writt to me that yf you would have paid him that you owe him he would reassure it back to you, but you tooke noe care to doe that, so that you are like to suffer for it till it be done. Now you may discerne what it is to be an honest man, I formerly redeemed you twice out of prison, & all I had for my labor was a great deale of trouble to gett mine owne mony againe from you ; when your brother hath reassured the land, then yf he will not, I will redeeme you upon good assurance : so I remaine

Your friend

G. S.

Yf you can gett so much favour of the Bayly as to stay at Chesterfeild till your brother come to you it will be the best for you otherwise when you are at Derby you must send for him thither. Vale.\*

The earliest petition to the justices that we find among the extant records of the shire is one of the time of Charles II., from a member of a family of considerable standing in the county, the Lowes of Locko and Denby, a younger branch being also established at Hazelwood for several generations—a family that supplied many justices for the county bench ; John Lowe, the elder brother of the petitioner being himself on the commission of the peace :—

The petition of Jasper Lowe ye Brother of John Lowe Esq now A poore prisoner in the Comon Goale in Derby to ye Right Worshipfull his Maties Justices of the peace at the quarter sessions houlden at Derby the 7 of October 1620 :

humbly Beggs

That wereas I youre Worships poore petitioner was by my unkind Brother sent to this Uncomfortable prison, where I have nothing at all to live Upon but the bare allowance of the Cuntery ; truely I know not that I owe A grote in England, but all that my Brother can object against me is for that through paverty & want I was inforced to repaire to the last sessions houlden at Bakwell : for releefes, where the Justices were pleased to order me two shillings & six pence A week to be paid by the parish of Denby and worthy Gentelmen if this allowance shuld be taken from me I doe not know which way is possible for me to live, but in gret danjer to perish ; which prevented by your Worships clemency will oblige me to love Honer and pray for you whilst I live and am

Jasper Lowe.

In 1683, a general petition from the debtors in the Derby gaol reached the justices, to the following effect :—

The Humble Petition of All & singular the poore Debtors in the Common Goale for the County of Derby To the worshipll Gentlemen of the Grand jury this Gen'all Quarter

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\* This letter was kindly supplied to us by Sir George Sitwell, Bart.

Sessions of the Peace houlden for the said County of Derby this 18th day of Aprill Annoque Dom. 1683

Humbly Sheweth

That Whereas the Countrey hath been at soe great A Charge as to build A Goale for Debtors separte & Apart from Fellony, & the Goaler will not suffer us to have the Privilidge of the leads & threatens to take the great Roome from us as Allso yt if there come in A hundred debtors they shall bee all Lodged in the three lowe Rooms or hee will turne them downe to lodge in the neither Goale Amongst the Fellony before they shall have the Benefit<sup>t</sup> of the upper Chambers for hee sayes those are for himself & by reason wee are very thronge at present for yt wee are forced to lye three in A bed wee make bold to let you understand our Greivances humbly desiring you to take the same into serious Consideration & let the Court understand whether the Countrey builded the prison for debtors or for Goaler as Allso that you would some (or all) of you come & vieue whether it be not sufficient and stronge Enough for the Security of the Goaler & wee youre poore petitioners shall for Ever be bound to pray for yr worships good health & prosperities whilst wee live.

This petition is endorsed—"The Gaole to bee made more secure."

This petition affords proof that the flat roof of the old Corn Market Gaol, as was the case with its successor in the Friar Gate, was intended to be used by the debtors for exercise.

In 1691, a remarkably bold little book was published by Moses Pitt, called *The Cry of the Oppressed*. The secondary title explains the nature of the work, for on the title page it is described as "A True and Tragical Account of the Unparallel'd Sufferings of Multitudes of poor Imprisoned Debtors, in most of the Gaols in England, under the Tyranny of the Gaolers and other Oppressers, lately discovered upon the occasion of this present Act of Grace for the Release of poor Prisoners for Debt or Damages; some of them being not only Iron'd & Lodg'd with Hogs Felons & Condemn'd Persons, but have had their bones broke, others Poisoned & Starved to Death, others denied the Common Blessings of Nature, as Water to Drink or Straw to Lodg on; others their Wives & Daughters attempted to be Ravished; with other Barbarous Cruelties, not to be parallel'd in any History or Nation; all which is made out by undeniable Evidence." Pitt's book is the result of communications addressed to no less than sixty-five debtors' prisons in England, and is dedicated to the Lords and Commons assembled in Parliament. The opening of the preface truthfully says that "it is a small book as full of Tragedies as Pages, which are not Romances but Truths, they are not acted in Foreign Nations among Turks and Infidels, Papists and Idolaters; but in this our own countrey, by our own Countrey men and Relations each to other, not Acted time out of mind by men many Thousands or Hundreds Years agoe, but now at this very Day by men now living in Prosperity, Wealth, and Grandeur; they are such Tragedies



as no Age or Countrey can parallel." The following are the statements of the debtors here printed with regard to the gaols of Chesterfield and Derby:—

FROM THE GAOL AT CHESTERFIELD.

Sir,

We hope there is not such another Prison again in England as ours, for the Court the Prison is held under, it hath destroyed all the poorer sort of People in Scarsdale; if a Stranger come into the Town, let him come from where he will, if he owe anything to any Man, straightway a *Capias* is laid on him, and there he must pay before he go, or procure such Security as can hardly be got; and if he come out of any other County or Shire, as *Nottingham, Yorkshire, &c.*, into close Prison he must be clapt, and if he have no Money wherewith to help himself withal, he may starve for want of Sustenance, for no Relief at all will be afforded him, neither by the *Town*, nor by the *Gaoler*; and if the Prisoners make any Complaint, all that is said in excuse is, if any Allowance should be afforded them, they would never pay their Debts, and so the poor Prisoners may starve for Want. If we Complain of this hard Usage to the *Steward* or *Gaoler*, they say, they pay such a great Rent for their Places, that they cannot afford the Prisoners anything; so Relief they have none, not so much as fair Water, but what they pay for, and many times, for the bestowing of a Penny, must give a Halfpenny; so good Sir, if you can remedy our poor Condition, whereby we may have some small Allowance to the Prison, it will be the greatest Comfort in the World, both to us, and those that come after us. Hoping to hear from you some Comfortable News of our Releasement, we remain poor Prisoners in *Chesterfield Gaol, John Hay, George Wright, &c.* Novem. 25. 90.

FROM THE GAOL AT DERBY, SEPTEMBER THE 22D, 1690.

Sir, We the Prisoners for Debt in the Gaol of *Derby*, have received several Letters and Printed Papers from you concerning the *Act of Grace for the Relief of poor Imprisoned Debtors*, for which we thank you; we have here inclosed sent you our Grievances (and desire that you should Print them with what speed may be) which are as followeth.

Our County of *Derby* hath been at the Charge of Building a new Gaol, for the separating of Debtors from Felons, according to the Act of Parliament; and also that Debtors should not be constrained to Lodg in the Gaoler's House, which is Eight Shillings a Week Charges for Diet. Notwithstanding *William Wragg*, the keeper of the Gaol, hath withheld several of the Rooms in the aforesaid Gaol from the Debtors several years together, which said Rooms Debtors have formerly enjoyed, but persons that have been Condemned for High Treason, have been permitted by the said Gaoler, for some extraordinary benefit to himself, to have the use of those Rooms, which said Persons by the Act of Parliament ought not to come among Debtors; and the want of these Rooms hath been very prejudicial to the poor Debtors, in respect of their Health, and hereby also they are in great danger of Diseases to breed among them by the Noisome smell that is occasioned by the Crowd; and when the weather is cold, half of the poor Debtors cannot come to the Fire to get their Meat drest, and are almost starving. And the keeper doth say, That if Three Hundred Prisoners come, they shall have no more Room. The Debtors do humbly conceive, That it will be judged very reasonable, that such Persons, who, by the Act of Parliament, ought not to come amongst Debtors, should have the use of those Rooms, and that the Debtors, for whom they were built, and who have also contributed towards the building of them, should not enjoy them. And for want of these Rooms many have been forced to Lodg in the Gaoler's House, which is above Twenty Pound a Year Charge for Diet, besides other Expenses which cannot be avoided; which hath been in a great measure to the Ruin of many persons, and hath made them incapable of paying their Debts, which otherwise might be prevented. Several other Abuses the Debtors have received from their Keeper, and his

Turn-Key *Joseph Sherwin*, as upon a Complaint made, by us poor Debtors, to *John Barrow Esq*; and — *Finney, Esq*; in both their years of High-Sheriff, hoping to be relieved by them under these Abuses; our Keeper *William Wragg* hearing of it was very Angry with us the poor Debtors, and caused us to be Lock'd up in our Rooms for several nights together, which was not done before; so that when we had occasion to go to the House of Office to Ease our selves we could not, neither could we have anything brought us to comfort our selves when we were not well. And also he threatened one *John Finney*, who wrote the complaints to the said High Sheriffs, who was then, and is now, a Prisoner, that he would make him swallow his knife. Also when the poor Debtors have no Money, and cannot be Trusted by the Keeper for a little Ale when they are not well, he hath refused to let them have it where they might be Trusted, and also have more for their money. And further, When People come to bring any of us Work, whereby we may get an honest Penny towards our Relief, and also when any come to bring us Victuals, the Turn-Key will not suffer them to stay to pay or receive Money for what they bring; and if they be not just ready to come when he calls, he curseth them, and calls them Whores, and Salt-Birches, so that they are unwilling to bring us either Meat, Drink, or Work. As whereas we the poor Debtors do usually Petition the County, for the Charity of all well-disposed People, for something towards our Relief against the good time commonly called *Christmas*; and tho' we are at the Charge of sending Persons to Collect the same, yet notwithstanding our Keeper will suffer none to go to Collect it, but some particular persons, who have been Five or Six Years in his Custody, and to whom he hath shewed Kindness above others, by granting them Liberty to be at home almost all the time of their Confinement; and for this Kindness shewed to them, they are afraid to displease their Keeper in answering his Desires, which is to give the Money they have Collected into his, or his Wifes Hands, which they have usually done; and hereby we have been Defrauded of a great part of our Money which hath been given. At Christmas was Two Years there was gathered by the Collectors confession, between Eight and Nine Pounds, and we the poor Debtors had not above Four Pounds of it; neither would our Keeper ever since give us an Account of the rest, altho' we have several times demanded it, and have also charged him openly with cheating of us. Likewise, about Two Years since, The Right Honourable the Earl of *Devonshire* gave us the poor Debtors Five Pounds, which would have been to every one of us Five or Six Shillings, had it been honestly disposed of, but we had but Two Shillings and Half a Crown a piece. Several other Gentlemen have given to us poor Debtors, and we have been abus'd in the like manner. Likewise our Keeper has a Prejudice against some of us the poor Debtors, for declaring there his Abuses to his Face for which reason he hath caused the Countray Allowance to be taken from some of us, but upon our Complaint to our Justices it was allowed to us again. Also *Elisabeth Hardey*, a Prisoner, received her Allowance of Bread, which was a Four Penny Loaf, and that Day the Bread was delivered, after she had Eaten some of it, was discharged from her Actions, the *Turnkey* came immediately and took the remaining part of the Loaf from her. *Winefrid Buxton*, widow, aged seventy, a Prisoner almost Four Years, the same Day she had her discharge from her Creditor, the Keeper took her Allowance of Bread from her, and she continued a Prisoner above a Fort-night after, because she could not have her discharge from the Sheriff, and so lost her Bread for that time; and this the Keeper did, because she refused to pay those unjust Fees which he demanded. Several others have been abused by paying undue Fees. Likewise we the poor Prisoners have been abused by our Keepers putting his *Swine* amongst us, Four or Six at a time, for several Days and Nights together, when the water has come into his yard, and thereby we have been almost Choaked, and could not open our Doors into our Lodging Rooms, but the *Swine* ran in upon us; in like manner, he hath Abused us, by putting Felons among us, when he might as well have kept them separate from us. Many other Grievances we might alledg.

But we Humbly Pray, That the Parliament, or at least the Judges, will be moved with Pity and Compassion to look upon our Miserable Condition. And as the County, together with our selves, (tho' now in a low condition,) have been at the Charge to build a new *Gaol*

for poor Debtors, and on which, (under God,) our Health, whilst in durance, doth much depend, so likewise we may enjoy the Privileges we have paid for; and that an end may be put to the *Gaoler's* Arbitrary Government, hoping that our Confinement will be thought to be sufficient punishment for that which was not, nor is not, in our power to help, without this Cruelty and Oppression added to it. And that there may be a Table of Fees, and of the Gifts that Benefactors have or shall bestow upon, and to the said *Gaol*, for the release of poor Prisoners, and that it may be set up in the said County-Gaol, where all Prisoners may see their Charge, and that the Chamber-Rent may be settled according to the Statute made in the Twenty Second, and Twenty Third Years of *Charles* the Second of Blessed Memory, so that we may Enjoy so much of the Liberty as is there set forth, and we the poor Prisoners for Debt, shall ever Bless God, and them for it. We are yours,

*Mich. Laughtenhouse, etc.*

There is abundant testimony in the Orders of Sessions to the immediate use made in the county of the Act of Grace for the relief of small debtors, referred to in the *Cry of the Oppressed*. The following are the entries at an adjourned Sessions held at Derby on October 2nd, 1691:—

A List of Prisoners taken by Sr Simon Degge & discharg'd by him at this Sessions from the County Gaole & Townes Gaols.

Robert Willson.	Henry Flint.
Jonathan Middleton.	William Moore.
Thomas Latham.	William Parker.
Richard Wright.	Thomas Jenkinson.
Samuel Boomer.	Thomas Fletcher.
Mary Amott.	John Welch.
Francis Davies.	John Jackson.
Hugh Roome.	John Finney.
Thomas Marriott.	John Towle.
John Tonnycliffe.	Robert Ward.
John Needham.	William Muggleton, discharged from the
Thomas Denman.	Townes Gaole.

A List of the Prisoners discharged at this Sessions by the Court from the County Gaol.

Robert Jeffry in Execution at the suit of John Barrow Esq Debt 22li. 40s. Costs and at the suit of Ralph Brough upon a Cap 20li. Debt.

Francis Smith upon a Cap: at the suit of John Nevell gent. charged nothing & at the same suit in execution 14li. & at the suit of Ralph Sherman a Cap: 10li. at the Suit\* of Eliz. Stone 18li.

George Blackwell at the suit of Alice Stamford upon a Cap. 100li.

William Johnson upon a Cap: at the suit of Luke Vallence 10li.

Thomas Robinson upon a Cap at the suit of George Tomlinson Debt 30li.

Thomas Haywood in Execution at the suit of John Haynes gent. 10li. Debt 10li. Damages.

Philipp Strongitharme upon a Cap at the Suit of Francis Bridges, 11li. 2s. 4d.

Henry Allen upon a Cap at the Suite of Francis Tallent charged nothing a Cap at the Suite of John Redferne 16li. a Cap at the Suit of John Harvey charged Nothing.

A List of the Prisoners discharged at this Sessions by the Court from the Gaole for the Borough of Derby.

William Stevenson at the suite of William Allen Debt 20li.

Francis Hutchinson in Execution at the Suite of John Hunt Debt 4li. 19s. and alsoe in execution at the Suit of Thomas Higginton Debt 3li. 1s.  
Elizabeth Corden upon a Cap at the Suite of John Haynes for 70li. and John Dowly.

A List of the prisoners discharged at this Sessions by the Court out of Chesterfield Gaole for the Lib'ty of the hundred of Scarsdale.

Stephen Hayne charged with two sev'all Executions one at the Suit of Francis Lowe gent for 20li. 16s. 2d. one other Execution at the Suite of George Horobbin for 8li. 16s.  
John Hay charged wth three sev'all Executions one at the Suit of Joseph Jackson for 14li. 15s. 2d. another at the Suit of Charles Peace for 7li. 16s. & at the Suite of John Kosleven for 5li. 16s. & one comon proces at the Suite of George Hall.  
John Bartin charged with an Execution at the Suit of Jonathan Lee gent. for 4li. 17s. 2d. And upon another Execution at the Suite of Elizabeth Turner for 14li. 15s. 8d.  
Robert Tissington charged wth a Cap : at the Suite of Richard Dakeyne & alsoe wth an Execution for the Sume of 12li. 15s. 6d. and wth one comon p'ces at the Suite Edmund Elliott.  
John White charged in Execution at the Suit of Godfrey Stansall for the Sume of 10li. 15s. 6d.  
Samuel Foram charged wth a Cap : at the Suit of Winnifrid Poole for 40li. Debt.  
Elizabeth Smith charged wth an execution at the suit of William Lowden for 11li. 18s. 4d. and alsoe wth a Comon warrt at the Suit of Thomas Innocent.  
John Lambert charged wth an Execution at the Suite of William Uttersall Debt 7li. 2s. 10d.

A List of the prisoners in the Gaole for the County of Derby that was heard at this Sessions but not discharged.

Jeremiah Ward upon a Cap : at the Suit of Thomas Jennings Debt 53li. & in execution 40li. Debt 40d. costs.  
Continued because first charged wth above 100li.  
John Higton upon a Cap at the Suit of Jane Farmore Debt 40li. at the Suit of Richard Burbridge upon a Cap : 50li. at the Suit of Francis Garret upon a Cap 100li. at the Suite of Francis Garret another Cap 40li. at the Suit of John Osbourne a Cap : 100li. at the Suit of Anthony Fitzherbert a Cap : 40li. at the suit of Thomas Daykn a Cap. 100li. at the Suit of Thomas Walker a Cap : 60li.  
Continued because charged above 200li.  
Edward Needham at the Suit of Thomas Chapman upon a Cap. 25li. at the Suit of Richard Allen a Cap : 34li. at the Suite of Rebecca Sale a Cap : 25li. at the Suit of Richard Allen Danll Bitchcroft John Lord upon a Comission of Bankrupt.  
Continued because charged with above 200li.  
William Blackwell upon a Cap : at the Suit of John Upton Esqr: 20li. at the suit of Alice Stamford a Cap 100li.  
Continued worth above 10li.  
Rowland Swann upon a Cap : at the Suit of Laurence Pott 10li. and at the Suit of John Hollingworth a Cap 14li.  
Remanded because once heard before this Sessions.  
William Yates upon an Action of Privilidge charged Nothing at the Suit of John Chambers and at the Suit of Thomas Walker a Cap 40li.  
Continued worth above 10li.  
Richard Wright upon a Cap : at the Suite Samuel Ward charged nothing upon an other Cap : at the Suit of George Tomlinson charged nothing and upon a Cap : at the Suit of Robert Burton 16li.  
Continued worth above 10li.

Thomas Briggs upon a Cap : at the Suit of John Briggs 10li. and in Execution at the Suit of Paul Jenkinson Barrt. 40li.

Continued worth above 10li.

John Williamson upon a Cap : at the Suite of John Turner gent 200li. upon a feigned action. Remanded charged wth above 200li.

William Barlow upon a Cap : at the Suit of William Cockle 20li. at the Suit of George Storer a Cap 10li.

Continued worth above 10li.

William Alton a Cap : charged nothinge at the Suite of John Hayne and a Cap : at the Suit of William Purdue charged 22li.

Continued worth above 10li.

Joseph Austen in execution at the Suite of Joane Hallowes Debt 100li.

Remanded because charged with above 200li. in execution.

Prisoners in Chesterfield Gaole for the Lib'ty of the hundred of Scarsdale that was heard at this Sessions But Not discharged.

George Brough charged in Execution at the Suit of Paul Jenkinson Barrt. for 70li.

Continued worth above 10li.

Adam Blackoe charged wth two Sev'all Cap : Isueinge forth of their Matys Cort of Record at Chesterfield one at the Suite of Robert Ward and the other at the Suite of Revell Copley and Since that charged wth sev'all Warrts Issued forth of their Matys Cort of Comon Pleas at Westm : (viz) one at the Suite of Robert Ward for 40li. another at the Suite of Alice Stamford widd. for 100li. another at the Suit of John Upton & Anthony Upton for 24li. another at the Suit of Mr. Thomas Statham upon a ppr : 20li. another comon Processe at the Suite of William Oldfield and Since hee the said Adam Blackoe tooke his Oath in order to his discharge was charged wth another warrt at the Suite of Thomas Bagshaw gent for 200li.

In 1695, the following petition reached the court :—

To the Honble and right Worppl his Maties Justices of peace and Quar' at their Generall Quarter Sessions held at Derby for the County of Derby upon Tuseday the fourteenth of this Instant January, Ano Dom. 1695

Humbly Sheweth

That your poore Petitioner William Ward of Goatham in the parish of Parwich in this County Labourer hath bin Prisoner in this County Goale for debt about 2 yeares, who hath a Wife & three small Children and now great with Child againe. And hath nothing to Mentain himselfe upon but the bare allowance of the saide Goale ; And that his wife for want of a Livelyhood, and wherewthall to pay her Landlords rent was Necessitated to Leave her habitation and her Children to the Charge of the said Parish. Therefore your poore Petitioner humbly prayes this Honourable Bench to take the premises into your serious Considerations and grant your poore Petitioner's Wife an order of Court to the said Parish for a Weekly allowance, dureing youre poore Petitioners Confinmt. That she may returne again into the said Parish to her Children as also for an Habitation, And youre Petitioner as in duty bound shall ever pray etc.

There are various other petitions of about this date to the court, from debtors, still extant among the county papers, but the above will suffice as an example.

At the Michaelmas Sessions, 1713, it was ordered that "the Goale Windowes be mended and a Chimney in the Debtors Goale be alsoe Repaired and other Repaires about the Fyerharthe in ye said Debtors

Goale be done by the Treasurer of this County who is to pay for ye doing thereof."

At the Summer Sessions of 1715, there was a further discharge of imprisoned debtors, as witness a transcript of an order then made :—

" Ordered that the persons whose names are under prisoners in the County Goal & also the two prisoners under mentioned to be in the Goal of the Burrow of Derby be discharged and released according to the act of Parliamt lately made for the releasing of Insolvent debtors.

John Dicken.	William Crosley.
John Farnworth.	Humphrey Gregory.
Richd Cantrell.	Anthony Heathcote.
John Peach.	Ralph Hudson.
John Woodwarde.	Margarett Bagshaw.
William Shaw.	Richd Millhouse.
Peter Kenyon.	Elizabeth Lowe.
Martin Thompson.	Thomas Braddock.

In the Burrow Goal  
John Blande and Edward Gillott."

In 1718, Joseph Walker, the county gaoler, was indicted for extortion in taking unreasonable fees from one William Wilders, a debtor; and further for lodging William Wilders and other debtors with the felons.

The old scandal with regard to the bread allowance keeps continually recurring. "The poor Prisoners in Derbyshire Goal for Debt" thus addressed the justices in 1731—"Whereas yr Worships are pleased to allowe a pound of Bread each day, and finding it not sufficient to support Nature, and if not handy craftsmen are sorely Starved for want of Bread, and some hath had no bread for 24 houres, We once more make Intercession to yr worships for the former allowance of Bread, and having short Weight from the Bakers, and of Late been Less than usual (Mr. Weston excepted who sends us good bread and good weight), We Crave yr Worships Charity towards yr poor Petitioners that we may have our bread full Weight and our former allowance.

L. Atterbury.	Edward Hurd.
W. Brough.	Ed. Bradbury.
James Lee.	Robt. Handforth."

There is an entry in the orders at Mich. Sessions, 1737, that eleven prisoners for debt were discharged, in accordance with the Act for the relief of insolvent debtors (10 Geo. II).

In 1747, the following graphic letter was received from the debtors of Derby gaol by Mr. Richard Bagshawe, one of the county justices, giving the most painful details as to their cruel treatment. It is addressed "To Richard Bagshaw Esq at Castleton. To be left at Mr. Kirkman's at Chesterfield. Post paid, and so forwarded with speed." \*

Worshipful Sir

We are unfortunate prisoners for debt in the Sheriff's prison for Derbyshire, & are sorry to trouble your Worship with an affair of this kind ; but it is necessity obliges Us to apply to your worship with this complaint against John Greatorex (present Gaoler) of his Exactions & abuses Upon Us & all his late prisoners ever since he has been in office, which is but about a year & an half, We have not at this Time wherewithal to employ Counsel to move your worship & the rest of the Justices at the next Sessions in a Suitable manner, Therefore humbly desire you'll be pleased to excuse this our freedom, & tenderly beg you'll be so good to read this our long & tedious petition & consider our unhappy Case, & be pleased to assist us in our present Calamities, that we may be dealt withal as Human Creatures, which we shall always acknowledge with the most greatest acknowledgments & be ever obliged to pray for you & your families health & prosperity, & the which we shall ever confess the Greatest charity that can be done for us.

The Goalers Exactions are truly sett forth in the Shortest Manner we are able to prevent troubleing you too much & the which so far as concerns us separately we are ready to verify upon Oath & can sufficiently prove every Individual of the rest by undeniable Evidences so farr as concerns all those prisoners that are released which some of us can testify of our own knowledge in a great measure & which are as follows, to wit

That Jno Greatorex was placed in his Office of Goaler but abt a year & an half since That he keeps a publick house & retails Spirituous Liquors at Exhorbitant prices which as well as exacting great premiums to wit 8d. a week for each prisoners' Dyet & Lodging is of great Prejudice to ye prisoners by reason they dare not send for necessaries elsewhere without being abused by the Goaler, & if prisoners have a mind to live in the house & spend extravagantly they are admitted to go at large & do as they please ; but if they leave the house & go into the Goal then they are sure to be abused which is most of our cases. That the Goaler & his Wife have agreed for her to have the sole Management of the prisoners, he to have so much a Week & to take his pleasure. That the Gaoler's Wife exacts 3s. 6d. Garnish of every prisoner that lyes ith house, and also 3s. 6d. Garnish when they go into the Goal, & likewise 3s. 6d. when charged with a fresh Action, & on refusal she causes 'em to be stript & even sells their Cloaths to raise the Garnish. if prisoners Goods are left in her custody by the Carrier or other Messenger she exacts Money of the prisoners before she will part 'em a little before last Assizes she forceably took one of the prisoners Bedding from him on pretence of the Messenger that brought it owed her a shilling, which Bedding she denied before Mr. Gisborne, notwithstanding she stopt 8d. in part, but since the Assizes she extorted another Shilling, then she deliver'd the Goods, she also extorted 1s. 6d. more from the same prisoner for another parcell of Goods delivered to her, on pretence of carriage, being in all 3s. 2d. which was clear money to her, for we were lately informed that the

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\* This letter has been kindly supplied to us by Mr. W. H. G. Bagshawe.

Messenger that brought the Bedding paid for what he called for & that the Carrier was paid for the other Goods. That the Goalers Wife has ordered lye & other Filth to be put into the prisoners Beds & other places in the Goal, & turned the Debtors out of their rooms & put in many felons with their Gang amongst the Debtors & suffered 'em to lye there for half a year together, that she has fed great numbers of Geese in the prison with nasty Granes which caused an insufferable stench, that she has lockt up the Outmost Door of the prison for a fortnight together to prevent the prisoners getting in their necessaries & receiving charities brought for them, That she has lockt the Door of the Walk on the Goal for ten weeks together to hinder the prisoners having the Benefit of the Air & even prevented 'em making use of the water in the Hall of the prison. That when some of the prisoners were in Liquor she has robbed 'em of their money & other Things & even caused their Shoes to be pulled of to search for money, that when the prisoners wives & other persons came to see 'em & to bring 'em necessaries she forces Liquor on them or they must not return out of prison, That several Charities has been given to her for the prisoners but she has kept it for her own use, That the County allows us each a Shief of Straw the month to lye upon, but the Goaler applies that charity mostly to his own use, some of us having had only five Shieves i'th year, That the Goaler suffers a Whelp to lye i'th goal all Night for this half year which makes nasty work i'th Goal, That he suffers a Vile man, who was last Assizes sentenced to be imprisoned for treasonable words to lye amongst the Debtors and in the day time to go at large where he pleases, And the Goaler has suffered and done a great many more such like Exactions and abuses upon Us too tedious to mention and in short does every thing he can to annoy us in order to deter others from leaving his house.

At the last Assizes the Judges were petitioned against the Goaler, and they ordered the Grand Jury to come down and examine into the Affairs, which they did and examined 4 or 5 of the prisoners there being as many more to examine, but the Jury said they were satisfied and did not examine the whole and upon their reporting the Matter to the Judge we were credibly informed that his Lordship reprimanded the Goaler and discharged him keeping a publick house, and desired the Justices to make some Rules and Orders for the better Government of the Prison and to settle the Goalers fees according to the Statute.

Since the Assizes both the Goaler and his wife have used us worse and they declared they valued not our petition, and the Goaler said what his Wife did was right and that he would vindicate her and that we should suffer for what we had done, boasting of his friends that interceded on his behalf, they also declared they valued not Mr. Gisborn, what had he to do with their prisoners, they wld do what they pleased with Us, and even the other day the Goaler declared he'd be revenged on some of us.

Indeed, Sir, we are most miserably dealt with all not being suffered to have anybody to come at us ever since the Assizes till within this day or two (the Goaler expecting we shall complain at the next Sessions agt him) tho' some of us may go down into the house to people, but others of us are not suffered, and in that Manner, we are distressed and even compelled to spend our money with 'em, Nay they even provoke us as much as they can possibly to mutiny in order to take that advantage and confine us more but we are resolved to be content and bare our Burthen with patience.

Inclosed is a draft of the Rules and Orders for the better Government of this prison with a Table of the Goalers Fees, which We recommend to you Worships Consideration to settle and adjust as you think proper, a great many of 'em being taken out from those now in the King's Bench prison, And we humbly beg that your Worship will cause some Rules and Orders to be settled and established this next Sessions that we may be dealt w'thall as is becoming to Christians, and that we may not be given up as a prey to mercenary and inhuman Goalers.

And we as in Duty bound shall ever pray etc.

C. Girling,	Tho. Johnson,	Henry Lowe
Bernard Gregory,	Bennit Highton,	John Clay.

Derby Goal, 1st October, 1747.



Sr, We humbly beg Liberty to disclose to your worship who this Goalers wife is, by which you may have a better Idea of her life and conversation. She was the pretended wife of Roger Johnson who was hanged at Tyburn some years ago, and who was partner with Jonathan Wild—she has often boasted of Roger's having a Ship of his own and of their merchandizing in Flanders and elsewhere, and of his being cast into Newgate, and of her renting the Tap there with Mary Geary, and how she used to manage the prisoners there, and of her being in several other Goals. We need not trouble your worship any further only her present conduct and behaviour as well to the prisoners here as also to others is manifestly known amongst all her present neighbours. Her son Christopher Johnson has taken advantage of prisoners when in Liquor and picked their pocketts, he has also committed several Robberies upon others and even attempted to Robb a Neighbours money Cupboard, he was Caught in the fact, but what money he took could not be guessed at though he was seen to give his mother some money saying at same time, here's all I gott when I gett any more I will give it you (being overheard to say so), but what money it was cant yet be known—nay, even he wld have persuaded that Neighbours Daughter, whom he attempted to robb, to go upstairs to search their Boxes, for that he had Keys and could open 'em.

At the Mich. Sessions, 1748, complaint was again made against the gaoler by the debtors, as to extortionate fees and other offensive conduct, and a committee of the justices living nearest to the town of Derby was appointed to draw up and amend the table of fees.

The condition of the debtors was materially improved in the new gaol erected in 1756, which has been already described.

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### Houses of Correction.

Each county had for the most one or two minor prisons, in addition to the county and borough gaols, for the detention of small offenders, long before the days of Elizabeth. But it was not until after the monasteries, with all their eleemosynary functions, had been so hastily swept away, that the term "House of Correction" came into general use. Early Elizabethan legislation provided that in every shire there should be at least one house of correction for rogues, vagabonds, and sturdy beggars.\* In the next reign, the purposes of the house of correction were more specially defined; in addition to their being the places for the detention of rogues, and vagabonds, and those who by incorrigible and dangerous habits set the local constable at defiance, all such poor persons as would not employ themselves on appointed work were therein to be imprisoned. The shires were ordered to provide their houses of correction with "convenient back-

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\* 18 Elizabeth, c. 3.

sides thereto adjoining together with mills, turns, cards, and such like necessary employment to set the rogues and other idle persons on. By the same statute it was also provided that women having bastards chargeable to the parish might be therein detained.\* To these houses, constables, overseers, and afterwards excisemen brought their prisoners in the first instance; and to the same places the justices occasionally committed those sentenced to short terms of imprisonment.

In the time of Elizabeth and the first Stuarts, there were three of these smaller gaols in Derbyshire, namely, at Derby, Chesterfield, and Ashbourne; and to these, at a later date, were added Wirksworth and Tideswell. But we are able to learn little about them in detail until the second half of the seventeenth century.

The Derby House of Correction for county offenders for there was another one pertaining to the borough, used to be situate in Walker Lane, but in 1756 it was amalgamated\* with the county gaol, and both prisons brought under the same roof. The earliest entry of any length among the county records with regard to this prison is the following petition from the keeper; it is undated, but is about the year 1662:—

To the right worshipfull the Justices of peace at the Sessions holden for the County of Darby.

The humble petition of Thomas Sharman, Master of the house of Correction in Darby,

Humbly Sheweth,

That whereas formerly the antient pay to the house of Correction in Darby, hath bene full double & more to the pay of the other two houses of Correction of Chesterfeild, & Ashborne, in regard of Continuall attendance, both at the Assises & Sessions, or at any other meeting of the Justices in the Shire townes, yet may it please you to be informed that the aforesd house of Correction in Darby, is made equall, nor worse than the other for the master of the house of Correction in Chesterfeild, hath a house found him by an order from the Sessions, for the upholding, maintaining, & repairing of the same house, at the Cost & Charge of the County, whereas your petitioner finds himselfe a house, & doth uphold, & maintaine the same, at his owne proper Cost and Charges, soe that the late vendings of the lease, & the greate repaire of the same, to make it fit for the present hath bene a greate hindrance to your petitioner, his raising of a stocke for the employing of the prisoners, which youre worships hath or shalbe pleased hereafter to Commit to his Charge,

Your petitioners humble request therefore is, that your good worships will be pleased, to take my inst. cause into youre serious considerations, and to order that he may have an amendment of his wages, according as he was promised at the first by this worshipfull bench, and that to be payd twice a yeare at Midsummer & Christmas, if it be but one shilling more a trained souldier on every pay day, which will but rise to 3s. 6d. the trained souldier to bee payd . . . by the two hundreds assygned to this house of correction . . . [defective].

\* 7 James I., c. 4. The more important later legislation affecting houses of correction is in statutes 12 George II., c. 29, and 17 George II., c. 5.

Female gaolers seem then to have been the fashion in the county; we have already chronicled their appointment to the county gaol, and we now find that they also acted as keepers of the lesser prisons. On the death of Thomas Sharman, he was succeeded by his daughter. On the daughter's death, Thomas Walker received the appointment, and when Walker died in 1695, the justices were asked to appoint his married daughter, Mrs. Taylor, the precedent of Sharman's daughter being urged. The following letter from Sir Robert Wilmot to his brother justices will be read with interest :—

July 11th, 1695.

I am earnestly solicited by this Bearer Mrs. Taylor, Daughter to Mr. Walker, late Master of ye House of Correction, to Recommend her to your Favour to have the office to be continued to her for some few years untill her son is of Age to performe and Execute ye same. She affirms the like was once don to a woman (Mr. Shermans daughter) immediate predecessor to Mr. Walker : she further sayth yt she is in all Respects ready prepared to execute the same, as she hath don for this 7 or 8 years last past, dureing which time her father, Mr. Walker, hath bene very infirme and helplesse : and farther also affirmed that it is very well knowne yt she is more than ordinarily qualified to oversee and direct those under her charge in such employments and manufactures as most proper to employ you in. My humble opinion would have been, if I had been so well as to have waited upon you at Bakewell, yt she would probably, by reason of her long experience execute ye office as well, or better, than any a stranger thereto, and it would be of some conveniency that she is in possession of a House fitted for ye purpose, for this comty, as I take it, hath no County House, as other have provided at ye Charge of ye County. But my opinion, together with my humble service hereby presented is wholly submitted to yr judgement, who am yr humble servant

Robert Wilmot.

There was, however, another applicant for this post in the person of Apothecary Fletcher, who applied in the following terms, but we have not been able to ascertain which candidate was successful :—

To the Worppfull The Justices of Peace for ye County of Derby.

The humble petition of Geo : fletcher late of Derby apothecary and Licentiate in Phisick Sheweth Providence this Juncture of time hath brought him the said Geo : Fletcher from Ireland, Aged & in meane State Tho healthy Active, Welknowne times past to many for his publick works to his Cost etc.

The master of The house of Corection in Derby being vacant by the death of Mr. Tho : Walker,

The prayer is That your Worpps will settle your suppliant to be Keeper of the said house of Correction in Derby to doe, And Receive all that Legally belongeth to the said Employ And your petitioner shall pray for your healths, & happiness etc.

I doe not doubt but to have had his Grace the Duke of Devonshire's recomendation to this Employ had I had an opportunity upon ye account of that Service his Grace was pleased to put upon mee in the late revolution.

The considerable discretionary powers vested in keepers of houses of correction is illustrated by an entry on the Orders at Mich.

Sessions, 1719, with respect to Grace Rowe, committed to the house of correction at Derby for three months for stealing a gown, wherein the justices order her "to be kept to hard labour and severely punished in such manner and as often as the Master thereof shall think fitt."

Abraham Ward, tallow chandler, was appointed by the justices to the post of master of this prison in the summer of 1731, on the death of Jonathan Mead.

The office of master or keeper of the Derby house of correction was amalgamated with that of county gaoler in 1756.

The **Chesterfield** house of correction was for the two hundreds of Scarsdale and the High Peak. The earliest prison of this character at Chesterfield, of which we have any record, was built in 1615, on the bank of the little river Hipper; the building was as odious as its situation. The piece of ground on which it was erected was conveyed in fee to Lord William Cavendish and others, "for ye buildinge of a house of correction for suche persons as shoulde bee apprehended within the hundreds of Scarsdale & High Peake."

During the latter part of the Commonwealth period the following petition was presented to the justices by the master:—

To the Right Worpll the Justices of Peace for the County of Derby.  
The humble Petition of John Whittaker Maister of the house of Correction in Chesterfield.  
Sheweth

That whereas att the Generall Quarter Sessions of ye peace houlden att Derby the 14th of July in the two & twentieth yeare of ye late Kings Raigne, your petitioner had then an Order graunted unto him by ye Courte that hee should continue Maister of ye said house of Correction, & to have wages for ye same as formerly. And that ye said house of Correction should be repayred & amended, & soe uphould at ye generall charge of ye Inhabitants wthin ye hundreds of High Peak & Scarsdale as formerly & nothing is yett done in it.

Yett soe it is, may it please this Worpll Bench that notwithstandinge the sd Order the High Constables for the sd Hundreds of High Peake & Scarsdale, doe detayne & Keepe backe a great part of your petitioners accustomed wages, as your petitioner cann make it evident in every p'ticular (as may appeare uppon ye Indorsement of this petition) your petitioner haveinge alsoe lost much tyme and expended his monies in travelling to sollicite them for ye same, In which regards (together with ye hardnes of ye present tymes, & ye former losses your petitioner sustained in ye sd house, in ye beginninge of these troubles) your Petitioner is much impoverished, & not well able to subsist.

May it therefore please your good Worpps to take ye premisses into your grave considerations & to graunt your petitioner such further order whereby hee may receive ye monies soe in arrears from ye sd high Constables, & alsoe for tyme to come Receive his wages, either at every Quarter Sessions as it shall grow due, or att some such certaine tyme as your Worpps shall thinke fitt to appointe, it being formerly levyed after ye Rate of 2s. 6d. for every trayned souldier.

And your petitioner as in duty bound shall pray etc.

In 1730, Joshua Needham, on account of his infirmities, was removed from the office of master, and Samuel Elliot, on the petition of the mayor and chief residents, was appointed by the justices in his place.

At the Mich. Sessions, 1741, the court decided to suppress the Chesterfield house of correction as unnecessary, but the master, Samuel Elliott was to continue to live there, and to receive £10 per annum. However, at the summer sessions of 1744, the justices reversed their decision, and re-opened this house of correction.

From the annual financial reports, we find that George Bretland was master in 1782, at a salary of £20; John Glossop, in 1784, at £26 5s., soon afterwards increased to £30; and that Daniel Glossop was appointed master in 1800, and John Roberts in 1819 at a like stipend. In the accounts of 1789-90 there is a query, which does not surprise us, against an item of 5s. 6d. for a pack of cards for the constable of Pleasley, charged against the county, and appearing in the accounts of the master of the Chesterfield house of correction! We can only suppose that the constable ordered them whilst waiting there with a prisoner. In the year 1815 upwards of £550 was spent by the county on the Chesterfield prison. In 1820, J. Walker was appointed surgeon to the prison at a salary of £20.

The earliest record of the **Ashbourne** house of correction, beyond its mere mention, occurs in the following petition presented to the justices in 1660, on behalf of a loyalist ironmonger:—

To the Right Worpll the Justices of the Peace for the County of Derby.

Wee whose Names are subscribed, Inhabitants within the Town & Parish of Ashburne, & other neighbours thereto adjoining, do certifie unto your Worps, That George Woods of the said Towne & Parish, Ironmonger, having been faythfull & Loyall during the Troubles to his Matie, is in our Judgements both in respect of his Trade and his Abilitie and honestie a very fitt person to bee constituted and intrusted the Keeper of the house of Correction in the said Towne. And wee humbly desire Your Worps (if yee shall judge it meet, as wee hope you will) that by Your Order hee may bee settled in & intrusted with the said Office accordingly. Dated the 21st day of December in the twelvth year of ye Reign of our Sovereign Lord Charles ye second by the Grace of God King of England Scotland France and Ireland, Defender of the Faith etc.

Jo: Milward.  
Anne Cokayne.  
Thomas Cokayne.  
Francis Sleigh.  
Roger Jackson.  
Thomas Brown, vicar ibm.  
Hen: Knyveton sen.  
Hen: Walker.

Edward Cooper.  
Richard Wallton.  
Robert Yates.  
William Walker.  
George Bowne.  
Thomas Sheepie.  
William Bradshawe.  
Abraham Cade.

Francis Beresford Sr.	Robert Hemsworth.
Francis Beresford Jr.	Ben : Taylor.
Edward Browne.	Jo : Hayne.
Wm. Frogott.	Ralph Eyre.
Antho : Eaton.	Robert Shatwall.
Ralph Norton.	Henry Reade.
John Lee.	John Mellor.
Gilbt Swift.	Robert Buxton.
	Arthur Buxton.

A petition of 1677 gives us the name of the then master of the Ashbourne house of correction, together with that of his predecessor :—

The humble petition of William Cantrell Mr. of the house of correction at Ashborne, humbly sheweth unto yor worshipps That whereas yor petitioner was constituted Mr. of the said House after the decease of one Abraham Greenwood formerly Mr. thereof whoe dyed indetted & yor petitioner paid to his wife towards the mayntenance of her & her children 22 *li* & alsoe expended 20 *li* in buildinge a house for the securinge of prisoners which hath much weakened yor petitioners estate & occasioned him to neglect his tradinge, yor petitioner therefore prayeth that if it bee yor worshipps pleasures to remove yor petitioner from his place to take it into consideration that some reasonable allowance may bee given yor petitioner towards his disbursements & that his arreares for halfe a yeare may bee paid to yor poor petitioner.

One of the incidental duties of the masters of these prisons is named in the Orders of 1719. A sheepstealer was ordered by the justices to be whipped in open market at Ashbourne in the forenoon, and at Dovebridge in the afternoon ; and for quelling any disturbance that might be attempted by his relatives or confederates, the keeper of the Ashbourne house of correction (who was to administer the punishment) was to take with him the late Act of Parliament for quelling riots, and to publicly read it before each flogging.

At the Epiphany Sessions, 1722, it was decided to build a new house of correction at Ashbourne.

In 1765, James Hurd resigned the keepership of this house of correction, and Thomas Litton, jun., was appointed in his place at a salary of £15. The salary was raised to £25 in 1787. In 1790, £33 7s. was expended for the purchase of ground for building another house of correction, but in 1813 a yet larger one was required, and £270 was expended on the site. The new building was finished in 1815 at a cost of £2,252 5s. 11d. In the same year a new master, J. W. Whiston, was appointed, at a salary of £25, but the salary was raised two years later to £50. In 1820, the Rev. T. Gibbs was made chaplain at a salary of £50.

Up to the reign of Queen Anne, the hundred of the High Peak had been content to share with the hundred of Scarsdale in the Chesterfield house of correction, but in the year 1711 it was decided that the High Peak should have a prison of its own, and though Bakewell was originally named for the purpose, the more central claims of Tideswell prevailed. The following are the entries in the Orders of the Easter and Trans. Sessions for that year :—

After reading her Majties Declaration agt Immorality & prophanes and upon application made to this Court that some more easye method might be taken for ye Punishmt of wicked and disorderly p'sons and discouragement of vice and more strict observation of ye Royall Commands in the said Declaration, And this Court takeing into their Sessions' Consideration in what manner to p'vide for the poore, the vast charge expense and burthen whereof this County in a lamentable manner labours under, And likewise how the Laws against Rogues Vagabonds to be loose and disorderly p'sons may more effectually be put in Execution, And it being represented to this Court that the Hundred of High Peake and a great p'te of the County thereunto adjoininge are very much discouraged and in some measure disabled from Setting up Manufactures for employment of the poore & punishmt of Vagrants and Idle dissolute p'sons for want of some convenient Prison Goale or house of Correction for ye punishmt of such like p'sons It was this day Ordered And this Court doth Order that a house of Correction shall be Erected and established at Tidswell in this County, And that William Shore of Tidswell aforesaid shall be, and is hereby appointed Master or keeper of the same, and shall imediately enter on the said Office.

This day on Reading the Petitions from the Gentlemen and Freeholders in the Hundred of High Peake returning their thanks to this Court for the Order of the last General Quartr Sessions of the Peace for this County whereby an house of Correccion was appointed and Ordered to be Erected at Tidswell in this County and that William Shore of the said Towne should be Master and keeper thereof, and praying that a Competent yearely Sallery might be allowed, to the said William Shore, for the Same ; And it now on debate of the premises, appearing to this Court, that the Law cannot so effectually be put in Execution without the said House of Correction, And the said William Shore haveing behaved himselfe honestly and dilligently in the said office since the said last Sessions. It is this day Unanimously Ordered by this Court that the Order of the said last Generall Quarter Sessions for ye Erecting and appointing of the said house of Correction, and the said William Shore keeper or Master thereof, shall be & is hereby confirmed, And this Court doth further Order and appoint that the sd William Shore shall & is hereby allowed twenty pounds and for the same to Comence and begin from the said last General Quarter Sessions, being the tenth day of April last past, And the Treasurer of this County is hereby Ordered & appointed, from tyme to tyme, out of the County Treasure to pay the same.

The method of passing vagrants being altered by the Vagrant Act of 1739, all houses of correction became filled with tramps. This brought about a dispute between the justices of the counties of Derby and Nottingham about vagrants being sent out of certain parts of Nottinghamshire to the Chesterfield prison. The Derbyshire justices closed the Chesterfield house to the vagrants of the neighbouring shire, whereupon a mandamus was obtained to compel their admission. The Derbyshire justices, in their obstinacy, took the expensive

step of entirely closing the Chesterfield prison by an order of 1741, as has been already recorded. The consequence of this order was that a great increase of vagrants were sent on to the small house of correction at Tideswell, "frequently 20 of a night and generally 30 or more in a week." The space for confining vagrants at Tideswell was "only 6½ ft. in length by 5 ft. 7 in. in breadth, and not of strength sufficient to secure them without keeping a continued guard," so that at the Trans. Sessions held at Bakewell in 1741 the master complained of insufficient accommodation, and, after a formal presentment by the grand jury, the following order was made:—"High Peak House of Correction, being Presented by the Grand Jury to be out of Repair and not sufficient to hold the Prisoners, it is ordered by this Court that Richard Bagshawe and Thomas Chetham Esqrs., two of His Majesty's Justices of the Peace for this County do view the same and lay out what they think proper for the necessary Repairs thereof and make their Report thereof at the next Sessions to be held for the County."

In pursuance of the above order several estimates for repairing were laid before these two justices, the lowest of which was £40. Thinking this too large a sum to expend on someone else's freehold, they declined repairing the house, and reported to subsequent sessions. Whereupon, at the Trans. Sessions, 1744, an order was made empowering Messrs. Bagshawe and Chetham to purchase a suitable house at Tideswell, and to convert it into a house of correction, the money to be raised in the usual way by rate on the hundred per trained soldier. At the next sessions these two justices informed the court that they had purchased a house at Tideswell, subject to the goodness of the title, and an order was made for £50 to be raised and paid to Mr. Bagshawe for the purchase and conversion of this house. But the title proving defective, the agreement was at an end, and a suitable house was not found till 1746, when a vote of £40 was recorded, and another vote of £54 1s. 6d., in 1747, to complete the purchase and building, both sums to be paid to Mr. Bagshawe. These several sums having been raised and expended in the purchase and repairs of the house, the attorney's bill of law charges only remained, and the same was presented to the court by Mr. Chetham at the Mich. Sessions held at Chesterfield in 1747. Whereupon Mr. Bache Thornhill, who only qualified as a justice at these sessions, objected to the former proceedings as being irregular for want of a presentment by the grand jury, and Messrs. Bagshawe and Chetham



being the only other justices present, declined proceeding in the matter, although they, being in a majority, could have made any order that they thought proper. At the next January Sessions, held at Derby, before a full court, and without any notice to Messrs. Bagshawe and Chetham, who were not present, the previous orders by which the sums had been levied and expended on the Tideswell house of correction were cancelled on account of the absence of grand jury presentments,\* and it was further ordered "that the Clerk of the Peace of this County do wait on the said Mr. Bagshawe and Mr. Chetham to Demand that the said sums of money by them received by virtue of the said Recited Orders be by them Repaid into the Hands of the said Treasurer and that in case they shall refuse to comply with such Demand the said Clerk of the Peace is to take the opinion of counsel touching the Proper Method of Compelling them to repay the sd Sums of Money."

The only excuse for this high-handed treatment by the court of two of their brother justices, is that it was probably brought about through pressure from the freeholders through the grand juries, as they were usually very jealous of their rights of initiating the financial business of the county. Naturally enough, Messrs. Bagshawe and Chetham refused to comply with the demand to restore the money (£144 1s. 6d.), which they had expended on the authority of three different orders of the court. The opinion of three separate counsel was taken by the two justices, and they united in believing that, if the money paid by the county treasurer was honestly and fairly laid out for the benefit of the county by the two justices to the best of their judgment, no criminal procedure would lie against them if they had erred, and that there would be considerable difficulty about any proceeding for the recovery of the money. They were further advised not to refund and to let matters take their course. Apparently this advice was followed, and the idea of recovery seems to have been abandoned.†

From the treasurer's accounts, we find that William Shore, junior, was master of the Tideswell house of correction in 1782, at a salary of £20, and that the following were subsequently appointed masters

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\* As to the financial powers of grand juries, see Section ii., pp. 117, 118 of Vol. i. Presentments by grand jury in connection with houses of correction are especially provided for in the statutes 13, 14, and 17 George II.

† For most of these particulars, we are indebted to original papers lent us by Mr. W. H. G. Bagshawe.

or keepers at a like salary:—1797, Thomas Bagshawe; 1803, Samuel Mather; 1804, George Sheldon; 1805, William Sheldon. The county spent over £600 upon a new house of correction at Tideswell in the year 1816.

In 1827, the county incurred expenses amounting to £6 12s. od. in having a pew erected in Tideswell church and allotted to the house of correction.

There was a house of correction at **Wirksworth** in the reign of Charles II., but for some reason with which we are not acquainted, it was subsequently suppressed. In the reign of George II., strong efforts were made to secure its re-establishment. The inhabitants of Wirksworth petitioned the court of Quarter Sessions to the following effect:—"That Wirksworth is a very populous place and greatly oppressed with Poor by reason of the Mines now in decay, That in order to their better maintenance (the present yearly pay amounting near six shillings in the pound) your Petitioners are erecting of Workhouses and establishing a manufacture for their employment, but neither the undertaker nor your Petitioners can proceed therein without an house of Correction be continued there as formerly." The petition was largely and influentially signed, and included the names of Charles Hurt, Thomas and Philip Gell, John Mellor, and Edward Buxton. Another petition was presented, to a like effect, from the gentlemen freeholders and inhabitants of the wapentake of Wirksworth, signed by representatives of the townships of Matlock, Wensley, Bonsall, Elton, Brassington, Hognaston, and Middleton. They stated that they paid about a sixth part of the charge of the maintenance of the houses of correction in the county, and had been well content to do so, knowing their value, so long as they had one at Wirksworth, but that the house at Ashbourne "so farr from being useful is a charge and damage to us being so remote."

The result of these petitions was that the court, at the Trans. Sessions, 1727, restored the house of correction to Wirksworth, and re-appointed Richard Wheatcroft to the mastership which he had previously held. In 1782, James Wingfield was master at a salary of £15, which was increased to £20 in 1787. To him succeeded Thomas Mather in 1797, the salary being raised in 1810 to £25.

The Poor Law Amendment Acts of 1834 and subsequent years, and the Police Act of 1839, amended by later Acts of Victoria, have

rendered houses of correction a superfluity, their place being now taken by the tramp wards of the union workhouses, and by the numerous "lock-ups" of our modern police-stations.

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### Capital Punishment.

Though the Court of Quarter Sessions, during the centuries herein under review, did not possess that power of life and death which in feudal days pertained to the lords of the great manors, yet the county papers and records afford occasional proofs of the terrible frequency of capital punishment. Among a few disjointed Elizabethan papers is the record of the Derby gaol delivery at the summer assizes of 1578. There were twenty-one prisoners, all of them apprehended on suspicion of felony. Of these seven were discharged, one was committed to Nottingham, eight were sentenced to various terms of imprisonment, and five were hung. The names of those who suffered death were Peter Greaves, of Bubnell, Thomas Robinson, of Wirksworth, Eleanor Wright, of Bakewell, Edward Morriss, of Chesterfield, and Christopher Harrison, of Monyash. At the Derby summer assizes of 1591 seven were hung. There are also a few gaol delivery returns of the eighteenth century, from which we find that a man was hung in 1723 for horse stealing, another in 1726 for a like offence, and two others in 1727 for the same crime. A woman was hung for rick burning in 1734. In 1752, a man was hung for sheep stealing, and in 1753 one for sheep stealing and one for robbing £5 17s. in money. During the present century many suffered the extreme penalty of the law at Derby for other offences than murder. In 1800 a man was hung for forgery. The following year was disgraced by a number of capital sentences, for after the summer assizes of 1801, the bodies of two convicted of highway robbery, one for house-breaking, and two for sheep stealing, were swung from the Derby gallows. In 1817, four men were hung for rick firing; in 1819, one for highway robbery; in 1825, one for rape; and, in 1833, one for bestiality—the first who suffered on the gallows of the new gaol. The punishment of death was abolished in a great number of cases by Sir Robert Peel's Acts, 1824-1829. The Criminal Law Consolidation Acts of 1861 confined death to wilful murder and high treason. Public executions, with all their ghastly contagion of evil, were not abolished until 1868.

As to other forms of capital punishment besides hanging, it is now almost quite forgotten that BURNING TO DEATH was not reserved for heretics only, and that it has been used within one hundred years. Women were burnt at the stake not only for high but for petty treason. Petty treason included the murder of a master by a servant or a husband by a wife, so that rarely a year passed by in England without one such sickening a spectacle. In 1601, a woman was burnt to death in Windmill Pit, Derby, for poisoning her husband. A girl in farm service at Swanwick was burnt in 1693 for murdering her master. So far as we can ascertain, this was the last case in Derbyshire of death by burning, but there were far later instances in other parts of the country. On the western circuit occurred what were probably the two last of these cases. In 1782, Rebecca Downing was burnt for poisoning her master. In 1784, Mary Bayley, of Portsmouth, was condemned for the murder of her husband; the judgment stands thus entered against her—"to be drawn on an hurdle to the place of execution on Monday the eighth of March, & burned with fire until she be dead." She was executed by virtue of this sentence, and her body was burned at the stake only sixteen years before the beginning of the nineteenth century.\* The punishment of hanging in these cases was substituted for that of burning in 1790.†

A yet more awful sentence was the *peine forte et dure*, or the being PRESSED TO DEATH, a judgment, dating from the reign of Henry IV., pronounced on those who refused to plead and remained mute. Before the infliction of this sentence, the accused was warned three times of the penalty which would attend obstinate silence, and allowed a short time for consideration. If the prisoner still persisted in silence, the Judgment of Penance, as it was termed, was thus pronounced:—"That you be taken back to the prison whence you came to a low dungeon into which no light can enter; that you be laid on your back on the bare floor, with a cloth round your loins, but elsewhere naked; that there be set upon your body a weight of iron as great as you can bear—and greater; that you have no sustenance save, on the first day, three morsels of the coarsest bread, on the second day three draughts of stagnant water from the pool nearest to the prison door, on the third again three morsels of bread as before, and such bread and such water alternately from day to day until you

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\* Pike's "History of Crime in England," Vol. ii., p. 279.

† 30 George III., c. 48.

die." It has generally been supposed that the case of Major Strangeways, pressed to death at the Old Bailey in 1658 on refusing to plead when charged with the murder of his brother-in-law, was the last instance of death under the awful penalty; but the criminal annals of Derbyshire afford an example several years later, for a woman was pressed to death in the County Hall, Derby, as a mute, in the year 1665.\* As late, however, as 1726 a man charged with murder at Kingston stood mute, and after the usual warning was placed under the weight. For an hour and three-quarters he bore the torture and sustained life under a pressure of four hundredweight. At last he succumbed and asked for mercy; he was brought back to the bar and pleaded "not guilty," but was hung. By an Act of 1772, judgment was awarded against mutes as if they had been convicted or had confessed, but a further statute of 1827 directs the court to enter a plea of "not guilty" when the prisoner refuses to plead.

That disgusting medley of butchery and torture, being HUNG, DRAWN, AND QUARTERED, which our forefathers reserved as the penalty for high treason, has already been described in the account of the treatment of the recusants under Elizabeth. To Derbyshire belongs the discredit of being the last instance in the provinces in which a modified form of this judgment was carried out.† It was inflicted on the persons of three men of the humblest position, one a framework-knitter and two stonemasons. In 1817, when the distress amongst the labouring classes, especially of the Midlands, was very severe, and when all projects of constitutional reforms were stifled, a few half-starved men, excited by the designing informers and perjured spies of the Government, formed a riotous and murderous scheme, which was hatched at the White Horse, Pentrich. The two or three score of peasantry that took part in this rising were immediately scattered by the Yeomanry; but the policy of the Government was to terrify the people, in the hopes of suppressing all demands for reform, and therefore the outbreak was termed a rebellion, and those apprehended were charged with high treason, and with the crime of levying war against the king and

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\* A singularly cruel instance of the application of this awful punishment to a woman occurred at York, on March 25th, 1586, when Margaret Clitheroe was pressed to death for refusing to plead when accused of harbouring Roman Catholic priests and hearing mass, knowing that if she pleaded she would bring about the death of others. In the last 4th edition of Challoner's *Memoirs* there is a ghastly plate, illustrative of this scene.

† The last instance occurred on May 1st, 1820, when the five Cato Street conspirators were beheaded after being hung.

seeking to subvert the state. A special commission, consisting of four judges, was appointed, and the trials began on October 15th. The proceedings closed on October 25th. The greater part of the prisoners were condemned to transportation, but the capital sentence for high treason\* was pronounced upon three of the ringleaders, James Brandreth, William Turner, and Isaac Ludlam. On November 1st, the Prince Regent signed the warrant for the execution of these three misguided peasants, remitting that part of the sentence that related to quartering, but ordering the hanging, drawing, and beheading. The High Sheriff, Mr. Thomas Hallowes, after consultation with the prison surgeon and other officials, contemplated taking off the heads of the sufferers with a knife, the work to be done by some one skilled in anatomy, but the idea was abandoned after communication with the authorities in London, and it was settled that the execution should take place in the old way. Two axes were ordered of Bamford, a smith of Derby, who was instructed to make them 8½ inches across the edge and one foot long, after the pattern of one that had been used for beheading and was then in the Tower. On the morning of Friday, November 7th, the three prisoners received the Sacrament. Bamford, the smith, attended to knock off the irons, and to substitute others of just the same size and weight, but fitted with locks, so that they could be easily removed. The hurdle or sledge was then brought within the gaol; it was a very simple machine, prepared, like the block, by Finney, the town joiner, consisting of a few cross bars of wood nailed upon two strong beams. A horse was attached to it, and each of the three condemned men was dragged round the gaol-yard, their hands being held to prevent their being jolted off. On mounting the scaffold in front of the gaol, Brandreth exclaimed, "It is all Oliver and Castlereagh;" Turner, following him, also called out, "This is all Oliver and the Government; the Lord have mercy on my soul."† They hung from the

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\* For the horrid details of such a sentence see Vol. i., page 263, of this work.

† There was a difference of opinion among reporters and spectators as to the exact words used, but those given in the text are supported by far the greater weight of evidence. One or two government papers tried to minimise or deny these references to Oliver, who was a degraded Government spy, and who appears to have urged on these miserable men to open crime. Brandreth and his fellows during their imprisonment often asserted that if it had not been for Oliver they would not have been there. The night before the opening of the special commission, the walls of All Saints' church, and other wall spaces in the town, had chalked upon them in large letters—"Jurymen, remember Oliver." The files of the London "dailies" of the period, the *Chronicle*, *Herald*, *Courier*, and *Times*, as well as London and provincial weekly journals, have been searched to compile this account.

gallows for half-an-hour. On the platform, in front of the gallows, was placed the block and two sacks of sawdust, and on a bench two axes, two sharp knives, and a basket. The block was a long piece of timber supported at each end by pieces a foot high, and having a small batten nailed across the upper end for the neck to rest upon. The body of Brandreth was first taken down from the gallows, and placed face downwards on the block. The executioner, a muscular Derbyshire coal miner, selected by the sheriff for his proficiency in wielding the pick, was masked, and his name kept a profound secret. Brandreth's neck received only one stroke, but it was not clean done, and the assistant (also masked) finished it off with a knife. Then the executioner laid hold of the head by the hair, and holding it at arm's length, to the left, to the right, and in front of the scaffold, called out three times—"Behold the head of the traitor, Jeremiah Brandreth." The other two were served in like manner. Turner's neck received one blow and the knife had to be applied, but Ludlam's head fell at once. The scaffold was surrounded by a great force of cavalry with drawn swords, and several companies of infantry were also present. The space in front of the gaol was densely packed with spectators. "When the first stroke of the axe was heard, there was a burst of horror from the crowd," says an eye witness, writing to the *Examiner*, "and the instant the head was exhibited there was a terrifying shriek set up, and the multitude ran violently in all directions, as if under the influence of a sudden frenzy."

In that crowd, we believe, was the poet Shelley. The day before the execution, the Princess Charlotte died in childbirth. Shelley seized the occasion to write a vigorous pamphlet, drawing a contrast between the two deaths, and giving certain details relative to the execution. The following is one of Shelley's paragraphs in this pamphlet descriptive of the scene within and without the gaol on that eventful day:—"When Edward Turner (one of those transported) saw his brother dragged along upon the hurdle he shrieked horribly and fell in a fit, and was carried away like a corpse by two men. How fearful must have been their agony sitting in solitude that day when the tempestuous voice of horror from the crowd told them that the head so dear to them was severed from the body! Yes, they listened to the maddening shriek which burst from the multitude, they heard the rush of ten thousand terror-stricken feet, the groans and hootings which

told them that the mangled and distorted head was then lifted in the air."\*

The remains of these three "traitors" were buried the same night in one grave in the churchyard of St. Werburgh, without any religious ceremony, under an escort of javelin men in the charge of Mr. Simpson, the under sheriff.

In the new gaol at Derby, the block upon which these men were beheaded is still preserved. It consists of two 2½ inch planks fastened together, and is 6 feet 6 inches long by 2 feet wide. Six inches from one end a piece of wood is nailed across three inches high. The whole is tarred over, but the old warder drew our attention to the fact that, though the cell where it is kept is very dry, the wood is still in places damp. It is a gaol tradition that the blood of these unhappy men, shed in 1817, has never and will never dry.

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### Gibbeting.

The habit of gibbeting or hanging in chains the body of the executed criminal near the site of the crime, with the intention of thereby deterring others from capital offences, was a coarse custom very generally prevalent in medieval England. Some early assize rolls of the fourteenth century pertaining to Derbyshire, that we have consulted, give abundant proof of it being a usual habit in the county at that period. In 1341, the bodies of three men were hung in chains just outside Chapel-en-le-Frith, who had been executed for robbery with violence. In the same year, a woman and two men were gibbeted on Ashover Moor for murdering one of the King's purveyors.

When we come to the records of the earlier times included in these volumes, no entry of special cases of the use of the gibbet in Derbyshire has been brought to our knowledge, save two incidental references to the fact in the time of the Commonwealth, one at Wirksworth, and the other at Sinfin Moor.

This wretched practice prevailed down to almost modern times. It was usual to saturate the body with tar before it was hung in

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\* This very rare pamphlet bears the singular title of "*We pity the plumage, but forget the dying bird.*" *An address to the people on the death of the Princess Charlotte.* By the *Hermit of Marlow.*



chains, in order that it might last the longer. This was done with the bodies of three highwaymen, about the middle of last century, gibbeted on the top of the Chevin. They had robbed the north coach when it was changing horses at the inn at Hazelwood, just below the summit of the Chevin.\* After the bodies had been hanging there for a few weeks, one of the friends of the criminals set fire, at night time, to the big gibbet that bore all three. The father of our aged informant, and two or three other of the cottagers near by, seeing a glare of light, went up the hill, and there they saw the sickening spectacle of the three bodies blazing away in the darkness ! So thoroughly did the tar aid this cremation, that the next morning only the links of the iron chains remained on the site of the gibbet.

The last person gibbeted at Derby was Matthew Cokayne, who was hung in 1776 for the murder of Mary Vicars, an old woman, resident in Tenant Street. The body was afterwards suspended in chains from a gibbet, which had to be erected on the open space nearest to the scene of the crime. The gibbet post was consequently erected where the outbuildings of the infirmary now stand, between the London and Osmaston Roads.

The last instance of gibbeting in the county took place at a much later date, namely, after the March Assizes, 1815. The following is the account of the offence as given in the *Derby Mercury* for March 13th, 1815 :—

On Saturday morning, Anthony Lingard, the younger, aged 21, was put to the bar, charged with the murder (by strangulation) of Hannah Oliver, a widow woman, aged 48 years, who kept the turnpike gate at Wardlow Miers, in the parish of Tideswell, in this county.

It appeared in evidence that the prisoner committed the robbery and murder in the night of Sunday the 15th of January last ; that he took from the house several pounds in cash and notes, and a pair of new woman's shoes ; that immediately after the deed was perpetrated, he went to a young woman in the neighbourhood, who was pregnant by him, and offered to give her some money with a view to induce her to father the child upon some other person ; that he gave her the shoes, and also some money ; but it being rumoured that Hannah Oliver had been murdered, and that a pair of shoes had been taken from her, the young woman returned the shoes to the prisoner, who said that she had no occasion to be afraid, for that he had had them of a person in exchange for a pair of stockings. The shoes, however, were returned to him ; and the evidence adduced in respect to them, as well as in respect to a great variety of circumstances connected with the horrid transaction, was given in such a very minute detail of corroborative and satisfactory proofs, as to leave no doubt in the minds of everyone that the prisoner was the person who had committed the murder, independent of his own confession, which was taken before the magistrates, previous to his committal.

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\* The main road to Manchester and the north used to go up King Street, Duffield, and thence up a very steep hill to Hazelwood. At the top of this hill, to the left of the road, was the inn where was the first change after Derby ; it is now a farm-house.

The trial on the part of the prosecution being closed, and the prisoner not having any witness to call, the learned judge carefully summed up the evidence to the jury, who after a few minutes returned a verdict of guilty.

His Lordship then passed the awful sentence of the law upon the prisoner, which was done by the learned judge in the most solemn and impressive manner, entreating him to make the best use of his time, and to prepare himself during the short period he had to live, for the great change he was about to undergo.

Since his condemnation he conducted himself with greater sobriety than he had manifested before his trial; but his temper was obstinate, and his mind lamentably ignorant: and being totally unacquainted with religious considerations, he exhibited very imperfect signs of real penitence, and but little anxiety respecting his future state. He acknowledged the crime for which he was about to suffer the sentence of the law, but was reluctantly induced to pronounce his forgiveness of the young woman who was the principal evidence against him.

At 12 o'clock yesterday he was brought upon the drop in front of the County goal, and after a short time occupied in prayer with the chaplain (who had previously attended him with the most unremitting and tender assiduity), he was launched into eternity. He met his fate with a firmness which would deserve the praise of fortitude if it was not the result of insensibility. He appeared but little agitated or dejected by his dreadful situation.

Let the hope be encouraged that his example may operate as a warning to those among the multitude of spectators, who might not before feel all the horror with which vice ought to be regarded. When wickedness is thus seen not in its allurements, but in its consequences, its true nature is evidenced. It is always the offspring of ignorance and folly, and the parent of long enduring misery.

Before the Judge left the town, he directed that the body of Lingard should be hung in chains in the most convenient place near the spot where the murder was committed, instead of being dissected and anatomized.

In Rhodes' *Peak Scenery*, first published in 1818, mention is made of the gibbet of Anthony Lingard. "As we passed along the road to Tideswell, the little villages of Wardlow and Litton lay on our left . . . here, at a little distance on the left of the road, we observed a man suspended on a gibbet, which was but newly erected." The vanity of the absurd idea of our forefathers, in thinking that a repulsive object of this kind would act as a deterrent of crime, was strikingly shown in the case of this Wardlow gibbet. It is related of Hannah Pecking, of Litton, who was hung on March 22nd, 1819, at the early age of 16, for poisoning Jane Grant, a young woman of the same village, that "she gave the poison in a sweet cake to her companion as they were going to fetch some cattle out of a field near to which stood the gibbet post of Anthony Lingard."

The treasurer's accounts for Derbyshire, for 1815-1816, show that the punishment of gibbeting involved a serious inroad on the county finances. The expenses for apprehending Anthony Lingard amounted to £31 5s. 5d., but the expenses incurred in the gibbeting reached a total of £85 4s. 1d., and this in addition to ten guineas charged by the gaoler for conveying the body from Derby to Wardlow.

## Whipping.

One of the commonest punishments of a violent character inflicted in public in the medieval days was that of whipping or flogging. It was resorted to almost equally by the spiritual and the civil courts, in the former case usually for incontinency, in the latter case usually for thieving. At the summer assizes at Derby in 1586 seven men and four women were ordered to be whipped in the market place. In addition to various incidental allusions to floggings at different dates and for different offences already made in these pages, there is frequent entry of sentences of this character in the Orders of Sessions, which begin in 1682. The following are some of the examples transcribed verbatim :—

1684. Ordered that Samuel Levesly & William Bennett Jun both convicted for Petty Larceny bee delivered over to the Custody of the Master of the House of Correction in Derby there to remaine for the space of one moneth, during which time hee is required by this Court to punish them by whippinge & keepinge them to hard labour. And to allowe them noe more maintenance than what they shall gett by their labour.

1685. Ordered by this Court that Hambleton Buxton and Richard Gilbert who severally stand Convicted in this Court for a Petty Larceny by them severally done and comitted bee severally stript to the wast and whipt through the Towne of Derby the next market day and that the said Richard Gilbert bee afterwards conveyed to Ashborne to bee whipt there in like manner the next market day there and from thence returne backe to the Comon Gaole being accused by Indictment for Perjury there to remaine till hee find good sureties for his appearance att the next quarter Sessions to answer the same And that the said Hambleton Buxton bee after conveyed to Wirksworth the next Markett day there and whipt there alsoe in manner aforesaid and then sett at lib'ty.

1691. Whereas Thomas Carlile als Carelesse and William Ward stand convicted of Petit Larceny at this Sessions It is Ordered by this Cort that they bee Carried back to the County Gaole and that on Fryday the Twenty fourth of this instant Apl the Sheriffe of this County cause them to bee stripped to the wast and whipt till bloody in the heighth of the market at Derby and then remanded to the said Gaole and on Ashbourne Faireday next to bee stript to the waste and whipt till Bloody in the heighth of the said Faire in Ashbourne and afterwards to bee delivered to the master of the house of Correction in Derby there to be kept untill the next quarter Sessions of the Peace and that they have noe allowance during their stay there but what they shall earne by their labour.

1696. It is ordered by this Court that Thomas Swaine Indicted this Sessions for petty Larceny and found Guilty thereof bee comitted to ye House of Correction in Chesterfield and there severely whiped, and alsoe in open and high markt the next markt day afterwards and to bee thence conveyed to Wirksworth there to be whiped on Tuesday following in open and high markt and from thence to be reconveyed to the House of Correction in Chesterfield and on the next markt day next after to bee againe conveyed to Wirksworth and in time of open and high markt there againe whiped after such execution done as aforesaid to bee discharged.

1708. Cutberd Rodgeron and Mary his wife both found Guilty this Sessions of Petty Larceny Ordered both to be whipt through the markt in the hight thereof to be Strip'd to the wast and whipt at a Carters from one end of the Towne of Wirksworth unto the other.

1709. Robert Smedley of Morley in this County being found Guilty of Petty Larceny for receaving One Ewe Sheep of the Goods and Chattels of . . . . Ordered to be whipt by the master of the house of Correcon in Derby and then he is discharged paying his fees.

In 1718, two prisoners, on their confessing to several petty larcenies, were ordered to be "severely whipped the next Market Day at Derby from the gaol round the Market Place."

A man convicted at the Epiph. Sessions, 1729, of sheep stealing, was ordered to be "publicly wipt round the Market at Derby between the hours of 12 and 1 three Market days next following."

The first instance that we have noted of private flogging, is at the Mich. Sessions, 1733, when Thomas Matkin was ordered to be sent to the house of correction at Ashborne, and there privately whipped. On the next market day, he was to be taken to the Ashborne Market Cross between 12 and 1, and there to make a public confession of his crime, and afterwards to be discharged on payment of his fees. His offence was assaulting and abusing Roe Port, Esqr., one of the justices of the peace.

The entry quoted above, under 1708, shows that the public whipping of women was continued in Derbyshire in the reign of Queen Anne, though it is stated in Pike's *History of Crime* that men were flogged in public and women in private during the eighteenth century. But we have much later evidence than this of the public whipping of women. At the Quarter Sessions held at Bakewell in 1735 three prisoners were ordered to be flogged naked to the waist, two of whom were women. On September 29th, 1738, Alice Pearson, single woman, confessed to stealing "the cloth belonging to the Coach Seat being the property of Bach Thornhill Esqr.," when taken before Mr. T. Gisborne. Justice Gisborne, in forwarding the committal to the Clerk of the Peace at Chesterfield, where she was to be tried at the Sessions, coolly writes across the committal, in a big straggling hand—"She is a Yorkshire woman, I hope she will be severely whipt at Chesterfield and sent home."

At the Mich. Sessions, 1751, a strolling woman, pretending to be deaf and dumb, was ordered to be severely whipped next market day at Derby, in the open market, as a vagrant and cheat, and to be kept at hard labour in the house of correction until further order.

It should not be forgotten that constables and other parish officials could whip vagrants of both sexes, under Acts of Henry VIII. and Elizabeth, found wandering in their parishes, a permission of which they usually freely availed themselves. The posts of the parish stocks were often made high, with iron fastenings for the wrists high up, so that they served for whipping posts. The whipping of female vagrants was forbidden by a statute of 1791.

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### **Pillory.**

The punishment of the Pillory, by which the head of the offender was exposed in a confined and painful position in some public place to all the ill usage that the mob chose to assail it with, was until recent days a favourite one in England. The two or three calendars of prisoners of Elizabethan date pertaining to Derbyshire, that have come down to our times, are a proof of its frequent application. Five prisoners on one occasion and nine on another were condemned to exposure in the pillory at Derby previous to a short period of imprisonment. At the summer assizes, 1726, John Clowne, "convicted of a Misdemeanor is Ordered to be set in the Pillory next Market day at Derby between the hours of eleven and one for the space of one hour and to suffer three months imprisonment." In 1732, Ellen Beare was convicted of endeavouring to persuade a man to poison his wife, and of giving him poison for the purpose ; she was sentenced to stand twice in the pillory, and to suffer imprisonment for three years. George Lomas, for forging the hands of Thomas Cheetham and Richard Bagshawe to a certificate, was condemned, in 1736, to stand in the pillory of Tideswell for an hour, and to be imprisoned for six months. Subsequently the pillory was considered specially suitable for false swearers, and perjury had strength enough to hand down one of the most ancient of barbarous public punishments even into the reign of Victoria. It was applied to various offenders up to 1816, and it could be applied to perjurers and suborners of perjury up to June 30th, 1837.

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## Stocks.

The Stocks were so common a form of punishment and existed in almost every parish that but few words need here be said about them. They were mostly used for petty offences such as drunkenness and resisting the constable or other parish officials. The idea of the stocks was to excite local contempt for the offence, so in 1685 Joseph Snow, convicted at the Derby sessions of drunkenness and violence at Derby, was condemned to occupy the stocks in his native village of Pentrich during three successive Sunday afternoons. The village stocks usually stood very near the church, and sometimes actually in the churchyard. James Crozier, of Bakewell, convicted in 1703 of wilfully breaking the stocks there, was righteously condemned to the occupancy of the said stocks so soon as they were repaired.

In Fairey's *General View of the Agriculture of Derbyshire*, published in 1815, occurs the following passage:—"Sitting in the Parish or Township Stocks, a summary and wholesome manner of paying for the less heinous offences against good morals, seems here, and almost everywhere else, to have gone into entire disuse; although ridiculously enough, every country place continues religiously to uphold its stocks. On a great many occasions when seeing them repairing, or new ones erecting, and such as lately had been renewed, I have inquired whether anyone in their place remembered a single instance of the stocks being used; but have almost invariably, except by very old persons, been answered in the negative." We have, however, come across instances of stocks being used in Derbyshire, later than Fairey's time. At Killamarsh they were used in 1827, and again in 1829. In this case the outer supports of the stocks were stone; these two stones are still standing in the churchyard, to the east of the church, about four feet apart. They used to be fixed just outside the gate of the churchyard, which was the most usual place for the stocks, so that the occupier might be exposed to the contempt of the worshippers.

The following shows that the stocks have been used quite of late years in the county of Berkshire:—

A novel scene was presented in the Butter and Poultry Market at Newbury, on Tuesday (June 11th, 1872) afternoon. Mark Tuck, a rag and bone dealer, who for several years had

been well known in the town as a man of intemperate habits, and upon whom imprisonment in Reading gaol had failed to produce any beneficial effect, was fixed in the Stocks for drunkenness and disorderly conduct in the Parish Church on Monday evening. Twenty-six years had elapsed since the Stocks were last used, and their re-appearance created no little sensation and amusement, several hundreds of persons being attracted to the spot where they were fixed. Tuck was seated upon a stool, and his legs were secured in the Stocks at a few minutes past one o'clock, and as the church clock, immediately facing him, chimed each quarter he uttered expressions of thankfulness, and seemed everything but pleased at the laughter and derision of the crowd. Four hours having passed, Tuck was released, and by a little stratagem on the part of the police, he escaped without being interfered with by the crowd.\*

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### Branding.

It would be foreign to our purpose to say anything of the origin, meaning, and gradual expansion of the term Benefit of Clergy, as it would take us back to centuries with which we have no concern. Suffice it to say that in the sixteenth century exemption could be claimed from convictions for various serious offences by the offender showing that he was a clerk, that is, that he could read. This privilege could only once be claimed, therefore the safeguard of branding in the hand was adopted, in order that those persons who had taken benefit of clergy might be recognised. At the Trans. Sessions, 1696, the following order was entered :—

Whereas John Palmer late of Wirksworth in this County Butcher was Indicted at this p'sent Sessions for the felonious Stealinge of another Sheep price five shillings the Goods and Chattells of a p'son Unknowne upon which Indictment the said John Palmer was arraigned and upon his arrainmt pleaded not Guilty and for his tryall put himselfe upon his Country whoe found him Guilty of the felony whereof hee Stood indicted as aforesaid, whereupon the said John Palmer prayed the benefit of his Clergy which was granted him by the Court, and hee read, whereupon the Court gave Judgment that the said John Palmer should bee burnt in his left hand which was Executed Accordingly. It is furthered ordered by this Court that the said John Palmer remaine in Gaole till hee finde Sufficient Suretyes for his Good behaviour to bee approved of and taken by Recogn. by Mr. Justice Pole and Mr. Justice Borrowes and for his appearance att next Sessions and then to abide further Order of this Court.

In the year 1698 a retrograde statute was passed substituting branding on the left cheek for thieves claiming benefit of clergy. Two were thus branded in open court at the Lent Assizes of 1699 at Derby, but within eight years this Act was repealed, as it was found to provoke bravado and continued evil life, the sufferers being unable

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\* *Notes and Queries*, 4th Series, Vol. X., p. 6.

to obtain any honest employment. By this repealing statute of Anne, benefit of clergy was enlarged and declared to be in law what it had long been in fact, a means of showing mercy to criminals convicted for a first time, for it provided that any person convicted of felony to which benefit of clergy might apply was, upon his own request, to be punished as a clerk convict, without any use of the reading test. This Act extended branding, but materially reduced long terms of imprisonment. Branding was not discontinued till the reign of George III., and benefit of clergy was not entirely abolished before the reign of George IV.

### Transportation of Felons.

Transportation of felons was first brought into general use as a punishment in 1718, by the statute 4 Geo. I., c. 11, continued by 6 Geo. I., c. 22, which statutes allowed the judges a discretionary power to order felons, who were by law entitled to benefit of clergy, to be transported to the American Plantations. This system of transportation continued till the American War, in the year 1775, and great numbers of felons were sent out, chiefly to the province of Maryland. The county records of Derbyshire with reference to this subject commence August 8th, 1720, and terminate on May 16th, 1772. The order of procedure on the conviction of a felon, whose crime came within the provision of the statute, was as follows:—At the termination of each gaol delivery, the court appointed certain justices to contract with whoever they might select for the transportation of the convicts. The first so nominated were “Robert Wilmott, Jun of Osmaston—Robert Wilmott of Chaddeston—Brook Boothby, and Thomas Gery Esquires.” Then next followed an order signed by the clerk of assize, specifying the names of the convicts and the terms of their several sentences. The first of such orders is dated August 6th, 1720, and is addressed to Mr. Wilmot, of Osmaston. Amongst the names of felons enumerated is that of “Hellen Martin, who was convicted of Theft and Larceny, for which she is liable to the penalty of burning in the hand;” a pen has, however, been passed through this entry, and the reason is explained in a letter addressed to Mr. Wilmot, of which the following is a copy:—“August 9, 1720. I send you enclosed an order for the transportation



of the Felons in Derby Goal—Signed Thomas Blencowe (Clerk of the Assizes).” The letter has this postscript—“Since the order was drawn up, the Judge, at the instance of my Lady Atkins, has altered his mind as to Hellen Martin, that she should not be transported, and being just now going out of Town cannot stay to transcribe the order, therefore beg your pardon for sending it erased.” The contractors employed by the magistrates were merchants. Mr. Jonathan Forward, whose house was in Fenchurch Street, over against the Mitre Tavern, in London, appears to have been a large exporter of this description of merchandise, and it would seem by his letters that he had cells at his residence provided for the reception of his freight. A convict on being delivered to a contractor became his, and his assigns, personal property for the term of his sentence, and as the man’s value for sale when landed in America would depend on his physical strength, the sum to be given by the justices to the contractor formed a topic of dispute. The sum per head actually given varied from two to three guineas. In answer to an enquiry made by the Clerk of the Peace, Mr. William Pole, of Liverpool, merchant, replies on August 22nd, 1743, “If he (the convict) be either old or large I cannot take him under £5.” This shows pretty close packing in the ships, none of which exceeded one hundred tons burden. The agreement having been signed, the men or women were conveyed in waggons (though sometimes on horseback), accompanied by the warders on horseback to the port of embarkation. The cost of taking eleven prisoners to Liverpool was estimated at £20 18s. 5d., and the journey there occupied four days. On the arrival of the felons, the contractor was required to give a receipt for their bodies and sign a bond for their safe custody, and, further, to procure from the Governor or chief Custom House officer of the port at which they were landed a certificate pursuant to the statute. On Plate I. is a reduced fac-simile of one of these printed certificates, of the year 1751.

The number of male and female convicts transported from Derbyshire between 1720 and 1772 amounted to 199.

The following are copies of the full set of documents with the transportation of Samuel Hibbard in 1736:—

Derbyshire. At the General Delivery of ye Goal of our Lord the King of his County of Derby held at Derby in & for the same County on Tuesday the eighteenth day of March in the eighth year of ye Reign of our Sovereign Ld George ye 2nd King of Great Britain &c. before Sr Francis Page Knt one of ye King’s Justices assigned to

hold Pleas before the King himself Thos Blencowe Esqre and others their fellows Justices &c.

Whereas at this present Sessions of Goal Delivery held for this County Samuel Hibbord is convicted of theft & larceny for which he is liable to the penalty of burning in the hand It is ordered by this Court that he the said Saml Hibbord be transported as soon as conveniently may be to some of his Majesty's Colonies & Plantations in America there to remain for the space of seven years And it is further ordered by this Court that Thos Abney Robert Wilmott of Osmaston Samuel Saunders John Gisborn & Thomas Gisborne Esqres Justices of the Peace for this County or any two of them be & they are hereby nominated & appointed to contract with any person or persons for the Transportation of ye said Saml Hibbord and to cause such sufficient security to be taken as the Statutes in that case made and provided direct to be taken by order of Court and also to order him to be delivered pursuant to such contract to the person or persons contracting for him or to his or their Assigns.

By the Court  
Tho. Blencowe  
Clerk of ye Assizes.

Memorandum of an agreement and contract made between Thomas Abney Robert Wilmot of Osmaston Samuel Sanders John Gisborne and Thomas Gisborne Esqres some of his Majesty's Justices of the Peace for the County of Derby and Thomas Martin of Liverpool in the County of Lancaster and George Tyner of the same place Merchants as follows

And whereas the said Thomas Abney Robert Wilmot of Osmaston Samuel Sanders John Gisborne Thomas Gisborne Esqres have received an order of the Court of General Goal Delivery held at Derby in and for the said County on Tuesday the eighteenth day of March in the eighth year of the reign of his present Majesty before Sr Francis Page Knight one of the Justices of our said Lord the King and other Justices his Associates assigned to hold the said Assizes there by and under the hand of Thomas Blencowe Esqre Clerk of the said Assizes relating to the transportation of Samuel Hibbard who is thereby ordered to be transported to some of his Majesty's Colonies and Plantations in America according to the several Acts of Parliament for that purpose made which order is as follows to wit.

Derbyshire At the General Delivery of the Goal of our Lord the King of his County of Derby held at Derby in and for the same County on Tuesday the eighteenth day of March in the eighth year of the reign of our Sovereign Lord George the second King of Great Britain before Sr Francis Page Knight one of the Kings Justices assigned to hold Pleas before the King himself Thomas Blencowe Esqre and others their fellow Justices.

Whereas at this present sessions of Goal Delivery held for this County Samuel Hibbard is convicted of theft and larceny for which he is lyable to the penalty of burning in the hand. It is ordered by this Court that he the said Samuel Hibbard be transported as soon as conveniently may be to some of his Majesty's Colonies and Plantations in America there to remain for the space of seven years and it is further ordered by this Court that Thomas Abney Robert Wilmot of Osmaston Samuel Saunders John Gisborne and Thomas Gisborne Esqres Justices of the Peace for this County or any two of them be and they are hereby nominated and appointed to contract with any person or persons for the transportation of the said Samuel Hibbard and to cause such sufficient security to be taken as the Statutes in that case made and provided direct to be taken by order of Court and also to order him to be delivered pursuant to such Contract to the person or persons contracting for him or to his or their Assigns.

By the Court  
Thos. Blencowe Clerk of the Assizes.

Therefore by virtue of the said recited Authority it is agreed by the said Thomas Abney Robert Wilmot of Osmaston Samuel Sanders John Gisborne Thomas Gisborne or two or more of them whose names are subscribed with the said Thomas Martin and George Tyrer That the said Samuel Hibbard shall be delivered by John Greateorex Goaler for the said County unto the said Thomas Martin or his Assigns at the Goal in Liverpool before the fourth day of September next that the said Thomas Martin shall transport him to some of his Majesty's Colonies and Plantations in America and that the charge of carrying him to the said Thomas Martin shall be bore by the said County of Derby and that at the time of delivering the said Prisoner they the said Thomas Abney Robert Wilmot of Osmaston Samuel Sanders John Gisborne and Thomas Gisborne or their Assigns shall pay unto the said Thomas Martin the sum of Four pounds four shillings and the said Thomas Martin hereby promises and agrees with the said Justices to take the said Samuel Hibbard into his care and custody when tendered unto him on or before the said fourth day of September next to transport him according to the said recited Order and at the same time to enter into such security as the Statute in that case directs or shall be reasonably required upon payment of the said Four pounds four shillings.

Dated the twenty seventh day of August in the year of our Lord 1735.

Thos Martin  
Geo Tyrer

Witnesses to the signing hereof by the said

Thomas Martin and George Tyrer

John Greateorex

Henry Greateorex

Jno Durnill.

The 29th day of August 1735 Received then by the hands of Mr. John Greateorex the said Samuel Hibbard and at the same time received of him Four pounds four shillings

By Thos Martin

Signed in the presence of

Jno Durnill

Henry Greateorex.

Know all Men by these presents that we Thomas Martin of Liverpool in the County of Lancaster Merchant and George Tyrer of Liverpool in the said County of Lancaster Merchant and John Doe are held and firmly bound unto Joseph Hayne of the Borough of Derby in the County of Derby Gentleman Clerk of the Peace for the said County of Derby in Five hundred pounds of lawful British Money to be paid to the said Joseph Hayne or to his certain Attorney his Executors Administrators or Assigns to which payment well and truly to be made we bind ourselves and every of us by himself for the whole and in gross and the Heirs Executors and Administrators of Us and every of Us firmly by these presents sealed with our seals dated the seven and twentieth day of August in the ninth year of the reign of our Sovereign Lord King George the second over Great Britain and so forth and in the year of our Lord Christ 1735.

Whereas Samuel Hibbard now remains in his Majesty's Goal for the County of Derby in order to be transported into America pursuant to the several orders made by the Justices of Goal Delivery for the said County for the term therein mentioned, to wit, the said Samuel Hibbard for seven years to commence from the eighteenth day of March in the said eighth year of his present Majesty's reign And whereas the above bound Thomas Martin and George Tyrer have this day contracted and agreed to and with Thomas Abney Robert Wilmot of Osmaston Samuel Sanders John Gisborne Thomas Gisborne Esqres his Majesty's Justices of the peace for the said County of Derby or some of them for the transportation of the said person. The Condition therefore of this obligation is such that if the said Thomas Martin and George Tyrer or either of them their or either of their Executors Administrators or Assigns shall within three months next after the date of the

said obligation convey and transport the said Samuel Hibbard to some of his Majesty's Colonies and Plantations in America there to remain for the term of years mentioned And if also the said Thomas Martin and George Tyrer or either of them their or either of their Assigns shall procure one or more Authentick Certificate or Certificates from the Governours or Chief Custom House Officers of the place of the landing of the said person so to be transported there (Death and casualties of the seas excepted) and deliver the same to the said Joseph Hayne his Successors or Assigns within three months next after such delivery of the said person so to be transported and if also the said prisoner be not suffered to return to any part of Great Britain or Ireland by the consent or wilful default of them the said Thomas Martin and George Tyrer nor either of them their nor either of their Assigns within the said respective limited Term then this obligation to be void.

Thos Martin  
Geo Tyrer.

Sealed and delivered in the presence of  
John Greateorex  
Henry Greateorex  
Jno Durnell.

Port Oxford in Maryland.

This may certify that Thomas Hallsall master the ship Squire from Liverpool burthen one hundred Tuns, no guns navigated with sixteen men British built p Rege arrived at this port the twenty sixth day of April one Thousand seven hundred and thirty six, here landed and put on shore Samuel Hibbard said to be convicted of theft and larceny at the Sessions of Goal Delivery held for the County of Derby on Tuesday the eighteenth day of March one thousand seven hundred and thirty four.

Sam Chamberlaine  
D. Collr & N Offr.

Dated at the Custom House at Port Oxford in Maryland the twenty eighth day of April in the ninth year of the reign of our Sovereign Lord George the Second King of Great Britain Anno Dom 1736.

When the American declaration of independence closed one receptacle for our convicts, another was speedily found in Australia and the neighbouring islands. Between 1787 and 1857 no less than 108,715 convicts were transported to the Australian colonies. Only a few were sent after 1852, and none have been transported since 1867. Derbyshire seems to have supplied its full contingent of convicts for the Australian colonies, though there seem to be no other papers extant about them otherwise than the entries in the accounts. In 1786, Mr. Blyth Simpson incurred an expense of £20 os. 4d. for "conveying two transports to Portsmouth," and later on in the same year £119 for "conveying seventeen transports." In 1790, the same gaoler incurs an expense of £77 os. 4d. for "conveying eleven transports from Derby to Woolwich." Under the expenses of the year 1817 occurs the large sum of £339 incurred by William Eaton in "conveying 42 convicts to Woolwich and Sheerness;" these were the associates of the three men executed for high treason in connection with what has been absurdly termed "the Pentrich insurrection."

### The Assize Ordinary.

The following information might, perhaps, have been more correctly given when treating of the office of Sheriff; but it is not out of place here, as it concerns the entertainment of the Judges when they visited Derby for gaol delivery, and therefore pertains to matters criminal. The most serious expense to which a High Sheriff used to be put was the Assize Ordinary, or entertainment for the Judges, Judges' servants, and all the varied retinue of the Sheriff and his friends.

An interesting, and hitherto unprinted, memorandum, unfortunately not quite perfect, tells of the extensive scale on which preparation was made for this judicial feasting at Derby, in 1598, when Francis Fitzherbert, of Norbury, was High Sheriff.

vijth August, 1598. A note how every . . . . .

*To Ryde.*

Richard Allport undersheriff, Rowland Eyre, Charles Agard, John Waldram, John Rooe, Robert Lambert, Thomas Eyre, Mathew Knyveton, James Sleigh, Francis Columble, Roger Rooe, Nicholas Allen, George Columble, Thomas Gelstrop, George Lytton, Alexander Goff, Edward Cocks, Thomas Sleigh, Thomas Cotes, Edward Allen, Wm. Whitaker, Wm. Cleyton, Alexander Coke, Anthony Woolley, Richard Abbey, John Hyde, George Eyre, Robt. Barber, Lawrence Barber, Francis Fox, Richard Senyor, Thomas Bates, Thomas Cooke, Thomas Buxton, Richard Dale, Robt. Haslam, Thomas Woolley, Wm. Owtram, Robt. Woolstenholme, Rowland Richardson, Richard Sleigh, Humfrey Teele, Thomas Hawk, James Elliott, John Buckton, Edward Wingfield, John Stathem, Edward Adames, Roger Newton, Wm. North.

*Wayters in the great Ch . . . . .*

Rowland Eyre, Charles Agard, John Waldram, Ruben Lambert, Thomas Eyre, Mathew Knyveton, Francis Columble, Roger Rooe, Nicholas Allen, George Columble, Thomas Gellstrop, Edw. Allen, Wm. Cleyton, Edmund Cocks, Alexander Goff, Thomas Cotes, Richard Abbey, Thomas Woodward, Thomas Burton, Francis Fox, Richard Dale, Thomas Baker.

*To scrape trenchers.*—Jack Syte, Robt. Walker.

*Porters.*—Richard Sleigh, Roger Newton.

*Stewards & clerks of the kitchen.*—John Rooe, James Sleigh, Thomas Cooke.

*Cookes.*—Wm. Norton, Wm. Cooke, John Dawson, Ric. Cooke, George Cooke, John Shore, John Pawley.

*Caterers.*—Symon Wilkinson, Wm. Garratt.

*Kytchen Stewards.*—Henry Gardyner, John Pawley.

*Kytchen Boyes.*—Thomas Gyte, Will. Hiblyn.

*Usshers in the hall.*—Henry Sheldon, Thomas Woolley, John Buckton, Edmund Wingfield.

*To help them.*—Will. Plomer, Mychaell Ogden.

*Wayters in the parler & hall.*—George Lytton, Robert Haslam, George Eyre, Lawrence Barber, Humfrey Seele, Anthony Woolley, Wm. Owtram, Robt. Wollstenholme, John Seath, Willm. North, Edward Adams, and gentlemen's men.

*Holberlers to wait of the Gaole.*—Wm. Clayton, John Hyde, Alexander Cotes, John Buckton, Thomas Cotes, Robt. Woolstenholme, Robt. Barber, Lawrence Barber, Edmund Wingfield, George Eyre, Wm. Owtram, Robt. Haslam, Humfrey Seele, Thomas Woolley, Thomas Burton, Richard Dale.

*To Wayte about the Sheriffs chayre in the hall.*—Rowland Eyre, John Walldram, Francis Columble, Roger Rooe, George Columble.

*To keepe the barres of the hall vist. iij at a barr.*—Edmund Cocks, Alexander Goff, Thomas Baker, Richard Dale, Thomas Sleigh, Anthony Woolley, Richard Abbey, Francis Fox.\*

The very lavish way in which Sir Thomas Reresby, in the next reign, supplied the Assize tables at Derby, is detailed in the following note :—

“ He was Sheriff of Derbyshire, which office he was reported to have performed at too prodigal a rate in the year 1613. I find among old papers a bill of fare for provisions at the Lent assizes, with this superscription upon it, in Sir Thomas’s own hand :—‘ The Stewards’ appointment for Lent Assizes at Derby, when I was Sheriff for that county ; wherein I find 15 several sorts of fowl, among others young swans, knots, herns, bitterns, &c. ; three venison pasties appointed for every meal, 13 several sorts of sea fish, 14 several sorts of fresh-water fish, each appointed to be ordered a different way, &c.’ ” †

The following covenant was entered into on January 14th, 1652, and is endorsed, in George Sitwell’s hand—“ A Note concerning the Ordinary at the Assizes.” ‡

“ It is agreed betweene Henry franceys gentle on the behalfe of George Sitwell Esqr Sheriffe of the County of Derby of the one pte, & Hugh Newton of Derby Inne keeper concerneinge the provision of the said Geo : Sitwells’ house at the Assizes at Derby, for the said County at both the next Assizes, as followeth  
ffirst That the said Hugh Newton shall pvide all manner of provision for both the Assizes at his house in Derby in such manner as shalbee both for the honor & creditt of the said high sheriffe in as full a manner as hath formerly beene  
And in consideracon thereof the said George Sitwell is to pay unto the said Hugh after theis rates followinge vizt  
for all such psons as shall sitt at the sheriffs Table 4s. 6d. apece the number beeing 20 or above

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\* Belvoir MSS., Vol. XIII.

† B. M. Add. MSS., 29, 442 ; where it also mentions that, “ He built Estwood Hall at Ashover of free stone and leaded the roof, which cost him about £2,000 only to live in that year that he was Sherif of Darbyshire.”

‡ This covenant is kindly supplied to us by Sir George Sitwell, from the Sitwell MSS. at Renishaw.

for all such psons as shall sitt at the under-sheriffes Table 2s. apeece  
the number beeing 10 or above

And for all the Livery men & such as sitt at their Table 1s : 6d :  
apeece

And for soe many as breakefast 6d. apeece

And for the grand Jury 2s. apeece

And for the Judges Servants 2s. apeece

And for the High Sheriffe & such as breakefast or dine that day they  
goe homewards 2s. 6d. apeece

And for every Venison pastie vis.

And for every hodghead of beare wch shall bee layd in a seller for

the Sheriffs use by his appoyntmt. at the Assizes li s. d.  
1 : 5 : 0

And as for venison the said George Sitwell is to pvide it himselfe

HEN : FFRANCEYS

HUGH NEWTON "

The Sheriff's expenses in entertaining the Judges of Assize became so serious that, in 1690, forty-four of the leading county gentlemen entered into the following compact :—

Derb : SS : Articles of Agreeemt made & Entred into by severall Gentlemen of the County of Derby whose names are hereunto Subscribed Concerning the Shrevalty of the said County etc.

Imprimis It is greed by all the p'sons whose names are hereunto Subscribed That noe one of them shall directly or Indirectly either by himselfe or by any other p'son or meanes whatsoever seek or endeavour to free or excuse him or themselves either from being nominated Sherriffe for the sd County or made Sherriffe thereof without the consent & approbation of Six or more of the p'sons Excepting all & every Such p'son and p'sons as have bene Sherriffe of the sd County And alsoe all & every such other p'son and p'sons as shall hereafter be made Sherriffe of the sd County after such time as he or they shall have once bene made & p'formed ye office of Sherriffe for the said County.

2ndly But noe one of the p'sons who shall Subscribe these Articles shall when he is made Sherriffe of the sd County have above fferty nor under Twenty livery men for his attendance at any of the Assizes or however not more in Number of Such livery men at ye Assizes or at any other time or place when his presence as Sherriffe of the sd County shall be required then ye Subscribers incase ye Subscribers be above fferty besides ye nominall Servants of Such p'son that shall be Sherriffe of which number not exceeding forty of the number of the Subscribers the Liverymen that are to be p'vided by such Gentlemen that shall Subscribe to these Articles shall be part.

3rdly That when ever any one of the Subscribers to these Articles shall be made Sherriffe of ye sd County he shall within the Space of ffourteen dayes next after he shall have taken upon him ye sd office give notice in writing to every other of the Subscribers to these Articles & appoint a time & place within one month next ensuing for every other of the sd Subscribers to send in Such p'son as ye shall respectively designe to attend ye sd Sherriffe in his office with ffive pounds to be then pd to the sd Sherriffe by him to be disbursed for ye p'viding of ye sd S'vant a livery (viz) a hatt, hatt band, Coat, Breeches, Stockings, a Belt Sword & Javelin, in convenient time before the next A-sizes, and ye sd Livery to Continue

Three Years & noe longer and every fourth Yeare successively ye Sherriffe for the time being shall p'vide a New Livery Upon the rates & Tearmes aforesd And ye Respective Liverymen soe habited shall at every Assizes for ye County dureing the Continuance thereof attend each Sherriffe yt is A Subscriber according to ye Tenure of these Articles.

4thly That when any one of the sd Subscribers shall be made Sherriffe of ye sd County he shall at each Assizes dureing his Shrevalty at Such house as he shall think fit p'vide two Ordinarys, and noe more, one for himselfe & the other Subscribers at ye rate of four shillings for each Gentleman the other for liverymen at the rate of one shilling sixpence & noe more.

5thly That when any one of the sd Subscribers shall be made Sherriffe of ye sd County every other of the said Subscribers shall p'sonally accompany such Sherriffe at the Assizes for the sd County & shall dureing Such Assizes Dyne at ye Sherriffe's Table and pay for his own Ordinary And incase any of the Subscribers shall be hindred from coming to ye Assizes by any extraordinary occasions Then such Subscriber shall p'cure some other Gentleman to rep'sent him & accompany the said Sherriffe and pay as himselfe should doe if p'sent. And every Subscriber shall likewise pay one Shilling sixpence for his Liveryman's Ordinary & defray all other charges both of such charges & his horse dureing the said Assizes.

6thly If any thing contained in these Articles be found Inconvenient or impracticable in there Useing the same shall be altered & amended from time to time by such of the Subscribers as ye Major p't of all the Subscribers shall at any time appoint and agree upon ye not Increaseing in ye Generall ye charge of ye sd Subscribers nor shall any Gentleman be admitted to Subscribe these Articles who shall have had them offered to them before ye last day of December One Thousand Six Hundred & Ninety & shall have refused to Subscribe the same Except Such Gentlemen who have already beene Sherriffes of ye sd County & Minors under the Age of Twenty and one Years.

John Bradshaw  
 Paule Jenkinson  
 George Vernon  
 William Eyre  
 Samuell Pole  
 Thomas Wright  
 Tho: Stones  
 Robert Wilmot of Chad'son  
 Robert Mower  
 John Revell  
 Robert Revell  
 Henry Every  
 Richard Stubbing  
 Charles Scrimshoe  
 Richard Bate  
 George Savile  
 Robert Wilmott  
 Gilbert Clarke  
 Strelly Pegg  
 John Gilbert  
 John Leech  
 Jno. Berisford

Benjamin Ashton  
 George Sitwell  
 Robert Harding  
 John Spateman  
 John Turner  
 John Wigfall  
 Robert Sacheverell  
 Henry Coape  
 Henry Cavendish  
 Edward Coke  
 Gilbert Mundy  
 Architell Gray  
 John Wilkins  
 Rowland Ockover  
 Robert Newdygate  
 Tho: Browne  
 Jno: Stanhope  
 Fran: Mundy  
 Charles Pye  
 Edwd: Abney  
 Philip Gell  
 Robert Doxy



### Criminal Offences.

Criminal offences were prosecuted at Sessions in three modes—by Indictment, by Presentment, or by Information.

Prosecution by indictment, the most usual method, is an accusation preferred in the name of the Sovereign to the grand jury and found by them on their oaths. It is sent to the grand jury written on parchment, before it is returned "found" it is called a bill, and only becomes an indictment on that return. With most county records, we believe the parchment indictments of the sixteenth and seventeenth centuries are numerous, but very few of the earlier Derbyshire ones are preserved, and those relate to indictments about highways or other civil offences.

Prosecution by presentment could be made by any twelve of the grand jury for offences within their own knowledge. Presentment was also usually made by the parish constables of various offences (named under Constable) during the seventeenth and eighteenth centuries at the Quarter Sessions, and prosecution on such a presentment became valid when the constable had appeared before the grand jury and supported his presentment on oath.\* A large number of these Derbyshire presentments are extant, many of them endorsed as being sworn to by the constable, showing that procedure was taken.

Prosecution by information at Quarter Sessions could only be instituted in cases where, by a penal statute, an informer is allowed to take this course to recover the penalty. Some of those technical informations are among the county papers, but other informations referred to in this section are merely what at a later date were termed depositions, or the notes of evidence upon which a justice or justices committed.

The books of minutes of Indictments pertaining to the Derbyshire Sessions do not begin earlier than the year 1711. We have analysed the various offences therein recorded for ten years, namely, from 1711 to 1721, with the following result: Larceny, 37; sheep stealing, 13; house breaking, 3; forcible entry, 5; assault, 36; game offences, 3; refusing to watch and ward, 3; trespass, 4; keeping a disorderly house, 6; exercising trade without serving apprenticeship, 3;

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\* These petty constable presentments were finally abolished by 7 & 8 George IV., c. 38.

droving, badging, and swailing without license, 378 ; repair of highways and bridges, 101 ; obstructing highways, 16 ; constable not making presentment, 8 ; converting a barn into a cottage, 6 ; also one each of the following offences—nuisance, usury, breaking Wirksworth house of correction, gaoler for extortionate fees of debtors, over-stocking Hatton moor, breaking the pound, furious driving, perjury, false weights, slander, gander snatching, false imprisonment, entertaining guests on a Sunday, pulling wool off live sheep, not repairing gate, not obeying high constable's warrant, and refusing to execute office of overseer. The following indictments during this period seem worthy of more notice than a mere arithmetical computation :—Joseph Lee, of Chesterfield (1714), for drinking damnation and confusion to the Church of England and for declaring there was nothing true in the Common Prayer ; he was convicted on his own confession of being drunk, and was fined 5s., and bound over.—Bartholomew Booth, of Mellor (1714), schoolmaster, for teaching a school without taking the oaths and making the declaration ; fined 10s. 8d.—Richard Cope, of Buxton (1715), for not sending his cart to the mending of the highways according to notice given in Church.—William Foxglove, of Tideswell, fellmonger (1716), for “keeping a great mastiff dogg and suffering it to go loose and unmuzzled by which means he hath done great injuries” ; fine 12s. 8d., also compensation of £8 7s. od. to Edward Palfryman, who had been bitten ; and Samuel Bennett, of Derby, for saying “God dam ye Parliament,” and for saying “God dam Harly and St. John.”

Some of the more noteworthy offences mentioned in the county papers are separately chronicled in this section, chiefly of an earlier date than these minutes of indictments. In point of law, justices in sessions had, and to a great extent still have, jurisdiction over almost all offences inferior to treason, yet it has never been the practice for them to try any indictments for capital felonies ; in fact, few felonies, except simple larceny, were tried at the sessions. In this forbearance, the justices act on the caution given in their commission, “that if a case of difficulty shall arise, they shall not proceed to give judgment except in the presence of some justice of one of the benches or of assize.”

It is not until the 6th year of William and Mary (1694) that complete calendars of the prisoners tried at Derbyshire Quarter Sessions are found. From that date down to 1760 they exist intermittently, with numerous omissions. From 1760 down to the present date,

hardly any are wanting ; they have been arranged chronologically in decades. The calendar first began to be printed at Easter Sessions, 1799. The following is an extended transcript of the first of these calendars ; it is written on parchment. It will be noticed that all the thirteen prisoners tried were charged with stealing articles of food.

1694.

Amos Bradshawe for stealing one Ewe sheep price 6/- of the goods of a man unknown.

Elizabeth Howe for stealing a cheese value 1/- half a strike of peas valued 9d. of the goods of John Gamble.

The same for stealing two hens price 8d. of the goods of Jonathan Spencer.

The same for stealing two hens price 8d. of the goods of James Beighton.

Adam Greene & Francis Greene for stealing one wether sheepe price 1/- of the goods of a man unknown.

Anthony Roose for stealing one wether Sheepe price 5/- of the goods of a man unknown.

William Moreton & John Hill for stealing one Ewe sheep price 10/- of the goods of John Mann.

Edward Mather for stealing one Ewe sheep price 5/- of the goods of a man unknown.

Symon Ford & Sarah Ford for stealing one strike of Wheat flour of the goods of Robert Parr value 4/-.

John Mabkin otherwise Ballidon for stealing one Ewe sheepe price 10/- of the goods of Robert Wells.

The same for stealing one wether sheep price 5/- of the goods of Henry Ferne.

Joseph Brother for stealing 14 cheeses to the value of 7/- two blankets value 2/6 one coat value 5/- a panel of yarn value 2d. of the goods of Thomas Rosee.

Thomas Dawson and Eleanor his wife for stealing two Turkey cocks price 3/- of the goods of Henry Jones.

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### Articles of Misdemeanor.

The legal term "misdemeanor" includes every indictable offence below the degree of felony. It is thus easily distinguishable from the baser class of crimes, but its extent downwards is less capable of being marked with precision. In order to constitute a misdemeanor, beyond those acts expressly made misdemeanors by statute, the offence must consist of some attempt to commit a clearly indictable offence, or must violate the public peace, or interfere with the due course of justice, or must injure or insult the moral feeling of the public. In earlier times, when statutes defining offences and elaborating penalties were far fewer, the preferring general articles of misdemeanor of a wide, varied, and sometimes trivial character was a common custom, sometimes set in motion by an individual, but more often by the principal inhabitants of a parish or township. In certain

cases, through such presentments, the offender or offenders could be bound over by the justices to be of good behaviour, or indictments could be based on them. The presentments in cases of this description, of the seventeenth century, are sometimes not a little curious.

Articles of misdemeanor presented against George Woodward, of Belper, husbandman, in 1656, allege that "he went to the house of William Tantum, in Morley Parke & called to Tantum's wife & tould her yt one Godfrie Litchfield was driveing her Cow to ye pinfould whereupon shee ran forth to looke after her Cow & there was not any such driveing, & in her absense ye said Woodward entred ye house, broke open severall chests, rifeled them, tooke down her pewter, brasse, & kettells & broke some of them, upon ye woman's returne hee tould her hee had destrayned upon her goods but showed noe warrant"; that he arrested one Ralph Tomlinson, of Hazelwood, on a pretended writ and carried him about from place to place prisoner for three days, making him pay "fifteene shillings for Ale & Tobacco which hee & his Company devoured"; that he arrested another man at Duffield and forced him to pay 15s. for pretended charges, claiming to be "a Bayliffe of ye Generall Court; that to get himself money & drink, he fixes suits among his neighbours," "one Ballydon of Shotley oweinge one Allen (both being Colliers) eight pence, ye said Woodward arrested him & tooke him to an Alehouse in Belper & there forced him to spend fifteen shillings or there about"; that on St. James' Day "Edward Calowe goeing about his occasions to ye Cole pitts upon Chevin, ye said Woodward did ride after him, overtooke him, did beate him & wounde him, & endanger his life, hee being a very aged man"; that on Calowe repairing to Colonel Saunders and obtaining a warrant to bind him over to the Sessions "ye cunstable of Belper gave him notice of it, & upon ye Lord's Day after, ye cunstable tould Calowe hee would meete him on Monday to execute itt, but did not, & ye said Woodward upon Tuesday with one Bayliffe arrested Calowe & tooke him to Lenton prisoner but never did declare against him."

At the Trans. Sessions, 1676, very voluminous articles of misdemeanor were presented to the honorable bench sitting at Bakewell against Richard Silcock by "the inhabitants of the Townes of Codnor & Loscoe unanimously." The articles are in eleven heads, some much elaborated, by which they allege that Robert Silcock (1) had obtained through false statements an order from the sessions of 8d. a week to be paid by the overseer of the poor, although well able to

work ; (2) that William Gladwin would have given him five pounds a year wages and meat and drink and lodging, but that he refused it ; (3) that he had a son that might have been bound apprentice to a Joiner, but he would not let him go ; (4) that he became a sojourner in the house of Mary Bardell, a woman of bad repute, "whoe allsoe brewes without a lycense & keeps a lewd & disorderly house where there is frequent quarrellinges & feightinges between them" ; (5) that Mary Bardell hath had several warrants brought against him "all to the great trouble & charge of our said Townes" ; (6) that he has not come to church for several years but spends the Sabbath in an alehouse ; (7) that Mary Bardell taking refuge one night at a neighbour's from Silcock's "fewery," he came with a burning candle after midnight and threatened to burn the house down unless they turned her out ; (8) that he put the towns to the charge of 8s. 8d. by a false charge against a stranger at an alehouse of felony ; (9) that a warrant against Silcock for a false writ cost the towne 9s. ; (10) "notwithstanding all ye greate & unnecessary chardges that the said Silcock hath heretofore putt on ye said Townes, he still threatens that if this Honble. Bench would but take his Oath he would make it cost ye said Townes Twenty pounds more" ; (11) that in all other ways that he possibly can, he tries to become "chardgable & burdensome to our said Townes." To these Articles there are ten signatures.

As further samples of these proceedings, we will give two verbatim copies of these proceedings, the one of 1651 promoted by a parish, and the other, of 1676, prompted by an individual.

Articles of misdemeanoure preferred against Clement Wakelin of Coton, July 3rd 1651 :—

To the Honble. bench of Justices of the Peace the humble petition of divers of the parish of Lullington and Coton,

Who humbly shew that Clement Wakelin of Coton is a frequent breaker of the peace, having assaulted & stroken divers of his neighbours, viz. Thomas Dakin, Peter Marshall, Robert Swan, & others, and that he is a frequente abuser of officers to the State on their office, calling the Constables rogue & knave when they are executing the duties of there office, that he menaceth & threatneth many persons & states, that he is a disturber of the publique worship of God, haveing two severall Lord's days disturbed his Minister when he was in performing his duty in the publique service of God.

Their humble petition therefore is that this Honble Bench would be pleased to take some process with the sayd Clement Wakelin, as they in their wisdom shall thinke fit, that the publique worship of God may not be hereafter disturbed by him, & that his neighbours may have & enjoy there goods safely & quietly by him, & hereby you shall oblige your humble petitioners to pray to God, etc.

Lawrance Brooke	Thomas Heathcote
Thomas Chamberlayne	Custons Herne
William Drake	Nicolas Heath
John Francis	Thomas Cook, ould constable
Robert Swan	Thomas Taylor, constable.

Articles of Misdemeanor preferred by John Hoydon of Darley in the said County of Derby, yeoman, against Mary the wife of Anthony Goodwin of the same towne & County Husbandman Before John Lowe Esq. One of his Maties. Justices of Peace a Quorum for the sd. County of Derby; and taken the 16th day of May in the 28th yeare of our Sovereigne Lord Charles the Second by the grace of God of England Scotland France & Ireland King deffender of the faith. Annoque Dom. 1676.

Imprimis That she the said Mary Goodwin is of evill name & fame generally & doth often walke from house to house & carry false tales with her to sett her neighbours at variance.

2ly That when persons come to demand any just debts from her, she will usually forswear the debt & raise false scandalls upon them & tell them yt she will sweare to what she saith, & theirely often brings them to agreement according to her owne minde for feare of a false Oath against them & particularly one George Williamot sent his wife to demand twenty-five shillings of the said Mary Goodwin of a just debt, & she the said Mary forswore it; whereupon George Williamot sued her and then she swore he would have ravished her.

3ly That she is a Common breaker of the King's peace & doth often fight with her neighbours.

4ly That Anthony Goodwin her husband and she keeps an Alehouse & therein keeps very much disorder by suffering people to drinke commonly there upon the Sundays in the time of Divine service.

Robert Dunn & John Hoydon swear to these Articles.

Jo. Lowe.

## Sedition.

The informations sworn before Derbyshire justices of the seventeenth century, which are still extant, show that charges of using seditious language were by no means uncommon. Some of the more characteristic of these are given at length, both Roundhead and Cavalier, as they afford a good deal of insight into the unhappy condition of provincial life during that period of civil strife.

In 1651, speaking slightly of Cromwell, or drinking the king's health, was a serious offence, and savoured of high treason, as witness the sworn information against Hugh Sheldon and William Calton, of Youlgrave:—

The information of Samuell Carrington of Youlgrave Shoemaker taken before Raphe Clarke Esquire the 20th of September 1651.

This informant saith that Hugh Sheldon of Youlgrave came to this informant's shopp window and said to this informant nowe the State is in a sad messe since Gen'all Cromwell is come into England: And further saith that since Gen'all Cromwell came into England the said Hugh Sheldon was with divers others in an alehouse in Youlgrave drinking the king's health haveinge all their hatts throwen upon the flore and hee sawe the said Hugh Sheldon drinck the said health.

The further examination of Samuell Carrington above said  
This examinant saith that after the Scottisse aremie was come into England that hee heare William Calton saye God blesse king Charles and put off his hatt, and said hee would raigne ere long wch the said Calton said in an Alehouse in Allport in the p'sence of divers others.

Ra: Clarke.

In 1654, Elizabeth Chawner, of Brailsford, presented a petition to the justices at Quarter Sessions assembled, complaining of personal abuse that she experienced from one William Chawner, presumably a relative, and compelled attention to her case by a further charge against him of using evil language against Lord Fairfax and Colonel Saunders. The result was that the offender was bound over to good behaviour under the recognisance of two sureties.

The humble petition of Elizabeth Chawner of Braylsford spinster

That yor petitioner hath beene much abused with disgracefull tearmes tending much to her disrepute, by William Chawner of the same towne, who called her separate whore, and badd her goe to Fairfax and Sanders houlding upp a Pitchforke betwixt his hands resembling a paire of Gallowes, And said this is theires and the separates Fortune, being not content to abuse mee alone, but his Exelensie Thomas Lord Fairefax and Collonell Thomas Sanders. The sd Chawner further said that I went to the Church to serve the divell, much revilinge the Roundheads (as hee Called them) sayinge if the Caveleirs weare not better than they hee wished they weare all hanged. All which and with others I am reddy to prove to this Honoble. bench.

Therefor humblie praie the good behaviour against the said William Chawner and that yor wilbee pleased to take such Course that yor petitioner may live peaceable by the said Chawner and shee shall dayly praie, etc.

Another example of these informations, taken from a later Commonwealth date, gives details as to the offence of singing a royalist ballad in a public house, together with drinking the health of the son of the late king :—

The information of Henry Williamson of Stanton and Newhall in the County of Derby husbandman taken on his Corporall oath before James Abney Esq. one of the Justices of the Peace for the County aforesaid the 24th day of Aprill 1658.

Saith the day and yeare above written yt he and his informant saw Samuell Buckberry drinking in the house of Henery Heys victualer in Newhall Lordship, and then and there also heard him sing a certain song in relation to ye late King and his eldest Sonn Charles Stuart, at the Conclusion whereof the said Buckberry demanded if any man there present would pledge an health to ye late King's eldest sonn, whereupon diverse persons absolutely refused to drink any such health, and some others were silent, then the said Buckberry replied he would drink that health himself, and did drinke the sd health imediately :

Henry X Williamson  
his marke.

The Information of Henry Parker of Stanton and Newhall in the county aforesaid Coleminer taken on his Corporall the day and yeare as above written

Saith that the day and yeare above written Samuel Buckberry was drinking in Henry Heyes his house (being an Alehouse), and this informant did heare him sing a song in reference to ye late king and his eldest sonn, and imediately after the sd Buckberry did drinke the health of Charles Stuart, and invited others to drinke in the same manner but they refused :

Henry X Parker  
his marke.

The examination of Samuel Buckberry of Tutbury in ye County of Stafford barbar taken ye same day and yeare above written

Saith that on ye 24th day of Aprill as abovesaid he was at Henry Heyes his house to trimme Colliers, and after did sing a song referring to the late king, and after the conclusion of the song tooke a Cann of Beare and dranke and further saith not.

James Abney.

The last instance of seditious language under the Commonwealth that we quote is undated, but is probably of the year 1650, and seems to be evidence that had been taken down to lay before the Parliamentary Commission of that year for inquiring into the condition of the ecclesiastical benefices. Though we have not hitherto met with the name of Smerwick Clark as a vicar of Crich, we can but conclude that he was either then holding the Benefice or officiating for the vicar.

Chrich.

Articles Concerninge Smerwick Clarke.

- Witnesses.* Hee usually speaks against the Army saying that they goe on in there one strength, and in the pryde of there one harte, and that God will not deliver by them.
- Mary Moris Hee spooke in justification of Hamleton\* sainge that he was wrongfully put to death, and when the Generalles declaration which he sent to the good people in Scotland came forth hee said it was lyes, and said that England was the first that brooke Covenant and that the Scotese was the first that selled Remormation (*sic*) in England.
- Mary Moris Upon a victory in Ireland against the Rebelles there and a day of Thanksgivinge beinge apoynted by the parliment and a booke Coming to hand Concerning the same, he said it was lyes and trudd it under his feete and said would he Reed lyes in the Church.
- Gorge Browne And when the Lorde Generall went into Scotland he said to the Clarke I want thee Clarke Crumwell will come back with a Bluddy Nose.
- Milesent Browne And Concerning Richard Varden hee said that hee would make him to stand upon a Tube bottome with a superscription on his head before the Justices and that Justis Benit should be the man that should witnes against him.
- Milesent Browne Hee usually carrieth about with him the Kinge's picture uppon a bookes liefe, and usually sheweth it to such as have beene enemys to the State.
- John Wyld And Concerning John Wyld hee said that none was against him but such as wear malicious envyous persons and such as weere in a Consperasi against him and that they weere of the devell and to the devell they will goo.
- Richard Varden Hee is knowne to be a Comone lyer and a frequenter of leude Company and is only sosyety is the basest of men and wee for our partes cannot say that ever wee heard him pray for the good successe of the parliment.
- Charity Lillewod And upon his present oposinge of him hee said that hee cared neither for the parish nor Benit (? Benefice) but hee would have it from above and that hee

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\* The Duke of Hamilton, who had been sent by the King to Scotland to suppress the Covenant, was adjudged guilty by the Parliament of high treason against the State, and put to death on March 9th, 1649.



would breek open the Church doore upon the Saboth day morning and hath broken the loocke of the lych gates.

And when the parliment hath apoynted dayes of Thanksgiveinge for any victories he hath Changed them to other dayes of his one devisinge and in his preaching hath caled them Rotten parlimentires.

When the Restoration of the monarchy was brought about, the charges of seditious language continued, though of course the offence was then of a different character ; that which was loyalty in 1659 becoming treason in 1660, and *vice versa*. The following are the two earliest charges of this character that we have met with among the county papers subsequent to the Restoration, and both yield evidence of the trashy talk that was thought worthy of being noted by informers :—

Derb. SS. 30 May 13 Charles II. (1661).

This Informant saith that uppon ye nynthe day of this instant May he beinge in Company with John Hague, an inhabitant within Aston in ye said County, Thomas Thornell and others at one Sara Barbors House in Derwent in the sd County: He ye said John Hague, in this informants hearing, tooke uppon him to speake of ye act of oblivion and said ye Kinge was a foole and a knave if he made it not voyde, and hanged not upp all ye Round-heads, where uppon this informant rep'hended him ye said John Hague telling him of ye dangerous Consequence of these words soe by him speaken as aforesaid, but this informant further saithe yt ye sd John Hague grew high in his languadge and repeated ye words above and others

Roger Barber.

Robt. Eyre.

The information of John Roulston of Etwall Labourer taken before Richard Coke Esqr September ye 22d 1664.

Who saith yt about this time two yeares this informer did heare Henry Alsibrooke ye elder of Church Broughton wish yt ye bone meadow were full of souldiers and he amongst ym and yt he should never be light at heart till yn yt they may pull downe ye higher powers (meaninge ye Kinge) and yt if there were any riseinge if he had noe horse of his owne he would take ye best horse he could light on and hoped to be at ye dealinge

Rich. Coke.

This may, perhaps, be the best place to introduce a reference to a conviction for high treason at Derby in 1665, which has hitherto been unchronicled ; nor have the circumstances attending it been apparently known to any of our national historians. Historians of the reign of Charles II. all note the armed rising of a small body of religious fanatics in Yorkshire and Westmoreland in the summer of 1663. It was quickly suppressed. Fifteen were found guilty of high treason on trial, of whom several were executed. Some have minimised this rising as of trifling moment, and one designedly fostered by the Government to enable them to pass measures such as the Conventicle Act ; whilst others have regarded it as the partial

explosion, happily soon suppressed, of a generally organised conspiracy to do away with both the episcopacy and monarchy. But it has not up till now been known that this was followed by another rising, apparently of some reality, of the Presbyterians and other disaffected persons in the Midlands, which was to take place on October 12th, 1664. Though chiefly in Nottinghamshire and Staffordshire, Derbyshire had its share, and among the last arranged Domestic State Papers of the Public Record Office are found various documents which give authoritative information.\*

The Earl of Devonshire, towards the end of 1664, received instructions from the Council to inquire into this plot, as Lord-Lieutenant, so far as Derbyshire was concerned. After a diligent examination of those charged with complicity, he wrote the following letter to Secretary Sir Henry Bennett, afterwards so well known as the Earl of Arlington:—

“Sir,

Upon Wednesday the 12th of this moneth I went to Derby where I met with my Deputy Lieutents and some Justices of the Peace, whom I desired to assist mee in this service. Before my going I sent out warrants for such persons as wee then thought fit to bee examined, and caused them to bee apprehended and brought to Derby. Upon the examination of these wee sent for such others as thereupon wee saw cause to suspect. I send you herewith the copy of all the examinacons as it was sent me yesterday by the Clarke of the Peace whom we employed in the takeing of them. They are of great length and held us foure days. However the informacon you will have from them, I thinke, will not bee much more then you know allready, saving that Caulton in his last examinacon speaks of a designe of Presbiterians in Staffordshire, wch was to second the intended riseing of the 12th of October, about a moneth after as Fletcher told him Masr. Gladman had ordered it. Those wee had any witnesses against, though but one, are committed to the Gaole. Others against whome wee had lesse prooffe, though there were reason enough to suspect them, are bayled and I here send you their names. I wondered that Caulton that could make soe large discoveries of what was done in Yorkshire and Staffordshire could say soe little of this County where hee was an Agitator; but the

\* Domestic State Papers, Charles II., Vol. 103, No. 149; Vol. 115, No. 56; Vol. 125, No. 11 and No. 56; also Entry Book, No. 22, p. 211.

reason hee pretends for it is that hee found those here already engaged with those of Staffordshire, and that there were few Anabaptists here that hee durst trust my Cousin Frescheville was present at all the examinacons, from whom you will have a perticular account concerning the persons now questioned, who are most of them very inconsiderable there being not proof enough against some we most suspect. Wee were all of us I assure you very intent upon this service to have made as full a discovery as possibly we could have all the disaffected persons of this County. I shall not add further to yor trouble but to assure you that I am with great respect

Yor most affectionate and humble servant,

W. Devonshire."

"It may be further observed from Caulton's examinacons that this hath been a continued design carried on for 2 years together under severall pretences."

[Addressed] "To the Right Honorable Sr Henry Bennett his Maties principall Secretary of State

at London."

The result of this inquiry was that the following persons were committed to the gaol to await the Assizes :—Thomas Caulton (the informer), Philip Wild, James Wright, John How, Francis Shelly, and Robert Hollingworth. Four persons of some consideration were admitted to bail, namely, Colonel Saunders, of Commonwealth fame, Robert Porter, Thomas Goodwin, and Edward Barker.

Every care seems to have been taken to sift the evidence before bringing the matter before a jury. The Attorney-General directed the three Counsel retained by the Crown to prosecute, to go through the informations in March, 1664-5, and to report to him. The following letter shows that they decided only to give evidence against Wild, with the result that Wild was convicted of high treason and sentenced.

" Sir,

According to your direcons in your letter of the eleventh of March wee did againe consider of the evidence agt Wright and Howe and the other prisoners att Derby and wee finde noe evidence agt any of them but onely the testimony of Calton except agt Wild, soe as wee did not thinke fitt to p'ceede agt any but Wild who was try'd upon Sattrday. The course of our evidence agt him was to

make the genrall plott appr and that sevrall was attainted and executed for itt. This wee did by Waters Nicholson and Calton. Then we brought it downe to the prisoner that Calton acquainted him wth the plott and that Lockier would raise 500 att Nott and offered the prisoner any employmt under him. Hee said hee would consider of itt. After this hee spake of the plott to one Revill, and after hee comeing into the company of Allen and Roper, hee asked them if any would bee listed as souldrs and hee would give them presse money. Allen said hee would be listed for the King; the prisoner reply'd, it is noe matter for whome I will find you captaines. Allen ye wisse reply'd, these were dangerous words: it is noe matter, sayd the prisoner, there will bee an alteracon wthin fouer or five dayes. The prisoner challenged none nor made any defence but sd hee had a hurt in his head and a peice of his scull was taken out and that hee did not remember yt ever hee sd any such word and if hee did yt hee was in drinke and p'duced some witnesses that att.the falle and waine of ye moone hee was distempered in his braine and yt a litle drinke would make him distempered in his braine att any time; and our witnesses did say that hee had been drinking att the speakeing the word, but that they did not knowe that hee was drunke and the prisoner brought some evidence that hee was not engaged of either side in the late troubles and that hee did frequent the church. This was the substance of his defence. The Jury hath found him guilty and on Monday judgemt was given agt. And wee have it in comand from the Judge to acquaint you that in regard Easter is soe neer and that there is hopes hee may make some discovry, yt hee will give order yt execucon shalbee done on Thursday in Easter weeke. This is the best accompt yt can be given of this businesse from

Yor very humble servts,

Charles Dalyson.

Willm. Ellys.

Nich. Willmot.

Derby 20 March 1664."

[Addressed] "For our much honed freind Sir Geoffrey Palmer, Knt and Bartt his Maty's Attorney Genll, att his lodgings in the Middle Temple

These."

Poor Wild was respited, and availed himself of his respite to forward the following petition for pardon to the king :—

To the King's Most Excellent Matie.

The humble Peticon of Phillip Wyld of Woolley in the County of Derby Humbly sheweth

That through his animadvertancy and unadvisednes yor Petr was at the last Assizes and generall Gaole delivery held for the County of Derby convict and condemned for high Treason whereupon yor Petr humbly peticoned yor most sacred Matie for his Repreive by whose most gracious favour yor Petr had his life given to him.

Yor Petrs humble suite to yor most sacred Matie is that yor Matie will as already yor gracious Matie hath done take into yor pious and princely consideracon yor Petrs poore and deplorable condicon and that yor Petr may have yor Maties warrant for his pdon amongst others that sue out their genrall pdon for that yor Petr by reason of his poverty is not able to pay the fees of a pticuler pdon.

And yor Petr as in duty bound shall ever pray for yor Maties most happy and psperous reigne.

The petition was at last granted ; it is of some interest to follow it through its various stages.

At ye Court at Whitehall June ye 22th 1665.

His Maty is graciously pleased to referre this Peticon to Mr Baron Turner before whome the Peticoner was tryed to certefy his Maty how farre ye Petr is capable of mercy. And his Maty will then declare his further pleasure.

Arlington.

[Endorsed] May it please yor Matie uppon the tryall of the Peticoner it apeared to mee uppon the evidence, that his sculle had binne broke and that not only upon the least drinking of any strong liquor but att severall seasons in the Moone hee would bee very extravagant wch induceth mee humbly to conceive him to bee a proper object for yor Maties mercy. All wch I humby submitt to yor Matie.

Chr. Turnor.

You are to make copies of the Indictment and Attainder of Phillip Wilde who was at the last Assizes holden for the County of Derby attainted of high Treason and deliver the same to this bearer. And for soe doeing this shall be your warrant.

Dated this 27th of June 1665.

T. Palmer.

To Mr Farrington Clerke of the Assize for ye County of Derby or to his Deputy or either of them.

I doe hereby certify that at the last Assises and generall gaole delivery held for the County of Derby before Sr Christopher Turner Knt one of the Barons of his Maties Court of Excheqr and others Justices assigned to deliver the goale there Philip Wyld of Wolley in the sayd County of Derby was then indited and convicted of high treason in endeavouring to list souldiers and levy open warr agt the King and was at the same Assises adjudged to bee hanged drawne and quartered.

A. Farrington,

Clicus Coron and Assiars.

Phillip Wilde.

Pardon to Phillip Wilde of Wolley in our County of Derby who was convicted att the late Assises held for ye County, of high treason in endeavring to list souldiers and lay open warre agt us and was att that time adjudged to dye for ye same. Sr Christopher Turner is to cause his name to be inserted among others in the generall pardon by the preparinge &c. June 27th 1665.

By his &c.

Arlington.

To Sr Christop Turner.

The result, so far as Derbyshire was concerned, of the examination into the alleged plot, and the trial of the offenders, was certainly very insignificant, as it merely brought about the conviction, for high treason, of a single man, with a broken skull, given to drink, who was subsequently pardoned. We hear no more of those of some position who were supposed to be cognisant of the plot, and who were admitted to bail by the Lord-Lieutenant; but, some twenty years later, old Colonel Saunders, who had played so prominent a part in Derbyshire during the Commonwealth, and who, after the general pardon, lived peaceably at Little Ireton under heavy recognizances, was discharged from his bond given at the Restoration, both in his own person and in that of his sureties.

The matter came before the court at the Trans. Sessions, 1687, when the following entry and order were made upon the books:—

“Att the Court at Hampton Court the 18th of June 1687 By the King's Most Excellent Matie and the Lords of His Maties most honble Privy Councill.

Upon readinge this day at the Boord the humble Petition of Thomas Saunders of Little Ireton in the county of Derby Gent setting forth That on the 26th of July In the 35th yeare of his late Matys reigne, Hee entred into a Recognizance before Sr Henry Every barrt One of his Matys Justices of the Peace for the County of Derby of Two Thousand Pounds Penalty together with two Suretyes each of them in a Thousand pounds penalty, Conditioned for the Pet's personall appearance before his late Maty in Councill when thereunto required, and not to depart without License and in the meane tyme to keepe his Maties peace, as well towards his Maty as all his leige people, That the Petr hath ever since behaved himselfe peaceably and loyally, was never sumonned to attend the Councill, nor hath anything beene objected against him, And therefore prayinge the said Recognizance may be vacated His Maty was graciously pleased to grant the Petrs request, And accordingly did Order That the said Sr Henry Every or such other of his Matys Justices of Peace for the said County whome it may concerne doe Cause the said Recognizance to bee forthwith delivered up to the Petr and vacated upon Record.

John Nicholas.”

“Upon hearing read in Court this p'sent Sessions by the Clarke of the Peace An Order of his Most Excellent Maty and the Lords of his Most Honoble Privy Councill dated at Hampton Court the 18th

day of June 1687 Granted upon the humble petition of Thomas Saunders of Little Ireton in this County gent. For the vacating a Recognizance entred into by the said Thomas Saunders of Two Thousand pounds penalty, and from his two Surtyes of One Thousand pounds penalty a peece before Sr Henry Every barrt one of his Matys Justices of the Peace for this County the 26th day of July In the 35th yeare of his late Matys reigne Conditioned for the said Thomas Saunders his p'sonall appearance before his late Maty in Councell when thereunto required and not to depart thence without License and in the meane tyme to keepe his Matys peace as well towards his then Maty as all his leige people, This Court in humble Obedience to and in p'suance of the said Order doth Order and it is Ordered by this Court That the said Recognizance bee and is vacated accordingly discharge of the said Mr. Saunders and his Surtyes."

The old Parliamentary Colonel, and Custos Rotulorum for Derbyshire, enjoyed his perfect freedom for eight years, dying in 1695, at the age of 85. He was buried at Mugginton.\*

We give one more example of informations of the reign of Charles II., for seditious language, consisting of the charges made against John Wilcock, of Weston-on-Trent, together with his reply :—

Derby SS. The information of Joseph Creswell of Weston upon Trent in ye county aforesd Laborer taken upon oath ye second daye of August in ye 21st yeare of or Sovereign Lord King Charles ye Second before us John Harpur Barronet and Robert Harding Esqs Two of His Majesties Justices of ye peace of ye sd County as followeth

The sd Informant sworne and examined sayeth yt on Saturday being ye 24th day of July last, after six of ye Clock at ye night Hee came to ye house and shopp of John Wilcok of Weston upon Trent aforesd in ye County aforesd Mercer wherein ye sd John Wilcok then was present, as allso one Elizabeth Rose of Weston aforesd spinster, and this Informant there sitting downe uttered and spoake these words Vidt (what Newes with you) to which this Informant answered Mr. Wilcockes I can tell you Good Newes I heare the King hath Granted an order That wee shall have no more Conventicles, To which ye sd John Wilcok then and there replyed these words (There will bee Conventicles, for all Him, and I hope there will not be a King Long).

The Information of Elizabeth Rose of Weston upon Trent aforesd spinster Taken upon oath ye same second day of August in ye yeare aforesd before us His sd Majesties Justices of the peace aforesd as followeth

The sd Informant sworne and examined sayeth yt on Saturday the 24th day of July last past about sun sett she was in the shopp and Howse of John Wilcoks of Weston upon trent aforesd Mercer before and when ye sd other Informant Joseph Creswell came in thither, and stayed there while the discourse happened betwene ye sd Joseph Creswell and ye sd Wilcoks, and shee heard not ye sd John Wilcoks ask ye sd Creswell what newes or

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\* See some interesting particulars and pedigree of the Saunders family in the 11th vol. of the *Reliquary* from the pen of Mr. John Sleigh.

what newes with you, But as soone as ye sd Joseph Creswell came into ye sd Howse and Shopp, He ye sd Joseph Creswell of his owne accorde being full of Drinke Spoke and uttered these words to the sd John Wilcok vizt you are an old Conventicular Rogue, The King hath granted out an order yt all such conventicle Rogues as you are shall be Hanged, not Imprisoned, but just Hanged upp, To wch ye sd Wilcok then and there to the sd Joseph Creswell replied in these words vzt If that bee then wee shall have a King but a whyle where on ye sd Joseph Creswell offered to strike ye sd Wilcok but did not, and bad her, this informant, beare witness, and hereon came out of ye sd Shopp and further shee this Informant knoweth not.

John Harpur.  
Robt. Hardinge.

The examination of John Wilcoks of Weston upon Trent (on same day before same justices) as followeth.

This examinant sayeth yt on ye 24th of July last past the sd Informant Joseph Creswell about ye same time of ye day aforementioned came to this examinants sd Howse and Shopp where Elizabeth Rose and this examinant then was, and the sd Joseph Creswell called this examinant Round-headed Rogue and tould him the king had granted an order yt all Round-headed and Conventicle Rogues should be hanged upp at their owne doores. To which this Examinant upon ye sd Joseph Creswells sd provocation confesseth That hastily and unadvisedly hee Replyd Then there would not bee a King long: but further saith hee being then much provoked and abused with ye sd Creswell his sd ill words against him, this examinant, Hee doth not now well Remember what hee then sayed.

John Harpur.  
Robt. Hardinge.

The following is the latest instance of a charge of seditious language that we have found among the Derbyshire records, namely, of the year before the '45 rising. The motives of Benjamin Barker in making this charge become at least suspicious, when we find that he at the same time swore an information against John Lewis as to an assault upon himself and wife:—

The Information of Benjamin Barker of Matlock in ye sd County taken upon oath ye 23d day of June 1744

This Informant upon his oath saith that on ye 20th June Instant John Lewis of the Liberty of Lea in ye sd County Cursed the King (to wit) King George ye 2d and Dammed him saying—Dam ye King.

The mark of  
X  
Benjamin Barker.

Sworne the Day and year above  
written before me  
Isaac Borrow.



## Larceny.

A very large proportion of the numerous informations of the seventeenth century that are extant among the Derbyshire records pertaining to larceny, relate to the stealing of sheep. In those days of open moors and unenclosed commons, the temptation to theft of this character was very strong, and was not materially checked by the tremendous penalties, usually of death, thereto attached. The following is the first record of this crime that is among the informations :—

The examination of Robbert Sowter of Duffield wyer drawer taken before mee John Bullok Esqr one of his Maties Justices of the Peace for this county the 8th day of November 1633.

Being examined where hee had the ewe sheepe that was found yesterday fortnight amongst his owne sheepe, and marked with raddle, and an eare crophe like unto his owne sheepe, and then challenged by widdow Collier of Chevinside to bee her sheepe saith

That about a fortnight before, hee tooke up the said sheepe in Morley way lane, pasturing with his owne sheepe there, taking it to have beene one of his owne sheepe that hee had lost a little before, and thereupon did then sett his raddle marke and eare crophe upon it.

Jo. Bullok.

The warning a prisoner against committing himself by any statement of his own is a comparatively modern product of English law. The general use of our justices in the past much more nearly corresponded to modern French methods of ascertaining the guilt or otherwise of those suspected. The person charged was almost invariably examined by the magistrate privately, a course of action which not infrequently led to confession. Thus Richard Royall, of Tibshelf, accused before Henry Wigfall, of Renishaw, on October 9th, 1648, of sheep stealing, was examined by that justice, with the result that his confession is added to the informations :—

“This examinant saith that he upon Satterday last being the 7th day of October wrought at a Neighbors house the forenone of that day and in the night after being necessitated for vittalls for his Familley he went out into the Groundes of Thomas Ouldham of Hartshill in the sd County of Derby yeoman and thence tooke one of his sheepe and kild it and cast the skinn and the bowells into a pitt upon the Common and carried the rest of the aforesaid sheepe whom to his owne house.”

A man charged with stealing a sheep from Egginton common, in 1674, hit upon this ingenious excuse in his confession to the justice—that he was walking back from market at Derby at great speed in the dark across the common, when he trod on a sleeping sheep, the sheep rising and he not knowing what it was, but thinking

he was being attacked and going to be robbed, wrestled with it until he had by evil chance killed it; then finding the sheep was dead, and expecting he might be suspected of purposely killing it, thought he had better take it to his house and use it, and hence the mutton that the constable found in various parts of his dwelling.

Farm produce was often stolen, especially grain, and also yarn. We have only noted two or three instances of horse stealing. In 1683, a noteworthy petition was presented to the Justices in Session by Gervase Browne, in which he made bold to inform their worships that he had had the mare, for which he and his brother Robert were committed to gaol upon suspicion of feloniously taking, "on Sunday sevensight of one George Arthur of Hansworth Woodhouse, a horse coarser, who desired mee to sell or swop ye said Mare for him at Bakewel faire and hee would content mee for my paines and it seems hee knowing himself guilty durst not undertake to doe it, but his guilty conscience accuseing him and feareing lest wee should bee apprehended, being hee had her not above 3 miles off and then should cause him to be taken hee forthwith causes us to be apprehended, and sent to Derby gaole where God knows I fear wee must stay untill the Assizes and the Constable of Bakewell did take of my brother 3*li*. in money bateing 1*s*. 6*d*. which I hope yr worships will please to order him to give us yt wee may have something to maintaine us and pay our fees with." The petition is endorsed—"Deliver the 3*li*. unto the Gaoler for the use of the prisoners."

The following is an example of the informations of the first half of the seventeenth century, with regard to the stealing of a goose :—

Derb SS. The Information of Willm Jackson of Alfreton in the sayd County husbandman and John Godbeare of Riddinges in the sayd parrish of Alfreton, taken before John Bullok Esqr one of his Maties Justices of the peace for this county of Derby 26th November 1638.

The sayd William Jackson sayth that on Thursday night last hee had a white-gray goose stolne out of his yarde in Alfreton aforesayd neare unto the dwelling house of George Clarke and his wife went the next morninge to the Constable to search for ye sayd goose; who taking with him the sayd John Godbere to assist him, The sayd Godbeare sayth yt they found in the sayd George Clarke's house parte of a goose newly baked (that night as hee thinketh) in three pastyes, and the rest locked up in a little boxe amongst other things, wch box when they shaked, the blood dropped out, and found the winge beinge white dryinge by the fire.

Jo. Bullock.

The examination of the sayd George Clarke then and there taken.

Who sayth yt on Fryday was senight hee this exat comminge from worke out of Shropshire through Derby hee there bought a goose in ye market wch cost him xvjd and brought her home to his wife who beinge great wth childe had a desire to have parte thereof presently baked, and soe tooke some batch meale and baked some parte of the sayd goose

in three little pastyes upon the tyle stones, and the rest shée poudred upp in a pott to keepe till such time as shée could gett some other meate to bake with it, and on the Fryday last beeing a fortnight after, the constable comminge to this examinant's house to make search for a goose of William Jackson that was stolne, found the sayd pastyes and the remainder of the sayd goose in the sayd pott, and tooke away the same from this examinant, And denyeth that the same was the sayd William Jackson's goose, or that hee ever stole any goose from the said William Jackson.

Jo. Bullok.

The depositions relative to a robbery of butter at Ashbourne, in 1742, show that at that time a large trade was done with London in butter. It was sent to the metropolis by stage waggon in pots averaging 24lbs. a piece.

Pewter ware was often stolen during the seventeenth and eighteenth centuries : it generally seems to have fetched about 6d. a pound.

As might naturally be expected, the earlier records of Derbyshire stealing include many instances of the robbery of lead ore and of mining implements in connection with that industry. A copy is given of the examination of a labourer charged with this offence in 1634 :—

The examination of Adam Flint of Wirksworth labourer taken before Jo : Bullok Esqr one of his Maties Justices of the peace for this County of Derby 4th Aprilis 1634.

Being demanded whether hee did not yesternight about tenne or eleaven of the clock come into a coe\* in Dainewall within the townshipp of Cromford in the parrish of Wirksworth belonging unto the right honble Sr Robbert Heath Lord chief Justice of his highnesses court of Common Pleas and Sr Corneleius Verminden Kt and whether hee did not breake the said coe :

Saith, That hee was in the same coe about that time, and that hee did breake downe some part of it, whereby he gott into it.

Being demanded to what intent hee came thither at that time, saith That it was with intent to have taken but a small parcell of Oare out of the sd Coe to the value of 6d.

Being demanded what hee would have done with such a small quantity of Oare as hee then confessed hee would have taken saith

That hee knoweth not what hee should have done with it, for that hee thinketh hee should not have gotten money for it.

Being further demanded whether ever hee was at the said Coe before to steale out any oare from the same Saith

That hee never was at the said Coe before to steale away any oare from thence, nor ever anywhere else with such an intent or purpose—

Jo : Bullok.

Among the more interesting details for offences of this description may be mentioned the apprehension of a vagrant by the constable of North Winfield, in 1633, for cutting boughs of yew in the churchyard of that parish to make into bows.

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\* Coe was the name for a small house or hut near to a mine, in which the miners stored the ore, or kept their tools.

A curious charge was brought in 1639 against a music master, of Chesterfield, of stealing drapery from the shop of the Mayor of that borough. The following is the result of the examination of the accused :—

The examination of Thomas Brandwood of Chesterfeild in the Countie of Derby Mussition taken before John Greaves Esquire, one of his Maties Justices of the Peace for the Countie of Derby aforesaid The seaventh daie of May : Ano dni 1639.

Beinge demandeth whether hee was in Mr. Will : Newton's shopp now Maior of Chesterfeild, upon Friday the third day of May last past, sayth hee was twice there that day, first in the morninge and afterwards aboute twelve o Clocke ; And the first tyme hee looked if twoe Remlants of Cloth hardley yards apeece, And had a price of them (but left them) but afterwards thinkeinge the Cloth worth his monie, haveinge had much familiaritie with Mr. Maior, for that hee had taught one of his daughters to play of the Verginall, hee made bould to take the tow e peeces of Cloth away, Mr Maior's Children beinge present and in the shopp (when hee soe tooke them) not with intent to steale them, but to paie for them the price that was made of them. Never doubtinge there would have bene any evill construction made of this his Act because hee did it openly and esteemed himselfe of soe much Credyt with Mr Maior : And further sayth not.

John Greaves.

Our extracts, under this head, shall be brought to a close with an information that gives the remarkably varied contents of a hawking bag, stolen in 1652 :—

The information of John Holt of Chesterfield within the County of Derby Chapman taken at Dronfield Upon oath before Lionell Fanshaw Esq one of the Justices of the Peace within the said County Upon the 25th day of March 1652.

This informant saith yt on Thursday at night last himselfe Edward Holt and his wife and Godfry Hodgkinson and his wife lodged in a Barne of George Hodgkins in Worsop, and yt when this informant and the rest afore mentioned were prepareing to goe to bed Henry Firth come in amongst them, and laid himselfe downe upon a hawkinge bagge of Edward Holts wherin were a bible 3 pairs of cordevant gloves one paire of sheeps leather gloves two tobacco boxes two silver seales and a dozen and eleaven pairs of bondstrings and yt after a little time the said Firth pretendinge to goe home to Troway where he lives left this informant and the rest and yt before any one else come into or went out of the said Barne, the said hawkinge bagge and comodities in it before mentioned was gone, for wch reason this informant positively accuseth the said Firth for conveyinge away and stealinge the said bagge and said comodities in it and further saith not.

L. W. Fanshawe.

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## Assault.

There is nothing much as a rule to distinguish the assault cases of the seventeenth or eighteenth centuries from those of the present time, and it is unnecessary to burden our pages with records of the vulgarity, coarseness, and cruelty of those days. Perhaps, however, there are sufficient characteristics about these two cases to warrant

the reproduction of the informations, the one relative to an assault on the constable and watchman of Ashbourne in 1653, and the other on a Scotch pedlar in 1665.

August 29th, 1653. Richard Watson, of Ashborne, haberdasher of smallwares, being Constable of Ashborne aforesaid, saith upon his oath that on Saturday the 20th of August last, between Tenne and Eleven of the Clocke in the night, Mr. German Buxton with Two others with him, one called Lees whose lives at Ladyhole and the other called Whitehall, came to this informer's house, and one of them (they being together) knocked deboystly at this informer's dore and molested him and his wife; and one of the company threatened the watchman and said hee would knocke them over there pates, and one of the said company said yt if his partners would consent to him hee would ruinate the Towne, and said there was none in the Towne but Apron-men, Butchers, and Tinkers; and this informer saith that a Candle was fixed upon the Post of this informer's house, where it burnt part of the post, and had it byn but a yard higher might have fired the whole Towne; and this informer saith that the said company continued about Three Quarters of an houre, and when they departed, the said German Buxton gave order to his man to stay till the Constable came and then make him acquainted, and said wee will goe drink at Mr. Hippeplays in the meane tyme; and this informer further saith that hee was in his owne house at the same tyme; but his wife would not suffer him to goe forth for feare hee should have byn hurt.

William Spalton of Ashborne, shoemaker, saith upon his oath, that upon Saturday, being the 20th of August, German Buxton, Mr. Lees, Mr. Whitehall's brother, of Yeldersley, and one Valentine Jackson some other that night after they had byn at Mr. Manlove's house walked in the Tōwne and disturbed severall people, and the said Mr. Whitehall had a large Bill in his hand; and further this Informer saith that the said Mr. Whitehall (the other before-named beinge wth him) would have examined this informer (hee being watchman) and threatened to strike him, and did endeavour it, had hee not byn held backe; and this informer further saith that the said German Buxton did knocke uncyvilly at the dore of Richard Watson the Constable, and they commanded the watchman to depart from them, and there upon this Informer departed beinge not able to resist them.

Edw. Man'ove.

Archibald Macleod of Glascoe in the kingdome of Scotland saith upon his oath before Charles Agard Esqr of Foston, that upon Friday the last day of March, 1665, about tenn of the clocke in the forenoone passinge as a Traveller with severall sortes of linnen Clothe brought out of Scotland to sell here in England and callinge at the house of John Wetton in Sudbury, Inkeeper, to enquire for customers to buy his cloth, was demanded by Jane, the wife of the afore-named John Wetton, the price, which being disliked by the said Jane as too great, shee gave this informant many ill words as Scotche Dogge and traitor, and afterwards stroke him with her fist upon the face, where upon this Informant endeavoured to defend himselfe, A certain man to him unknowne but was informed hee was a Chesherman and a Carrier in the house aforesayd then beinge with a certaine paire of tonges stroke this informant upon the head three or four tymes and gave three dangerous wounds to this informant upon the left side of his head in soe much that this Informant bled exceedingly, and further this Informant saith not.

Cha : Agard.

### Game Law Offences.

The earliest papers relative to game law offences among the Derbyshire records, are of the Commonwealth date. The game laws were rigidly kept up by the "Keepers of the Liberties of England." An order was issued, through Colonel Saunders, to all the Derbyshire constables in 1650, reciting the penalty of 20s. "for spoyling and distroyinge of every feasant, partidge, hare, mallard, pigeon, and such like games, with any gunnes, netts, crossbowes, or other instruments or engynnes, and alsoe for spoyling and distroyinge of every egg of feasant and partidge, and likewise for killing and distroyinge of hares with harepipes, cords, or other engynnes." The order also recited the penalty of 40s. on any person keeping greyhounds or setters ("setting doggs"), except such as had an estate of inheritance of £10 per annum, or an estate for life of £30, or the value of £200 in goods or chattels. "Nevertheless," continues the order, "of late yeares the severall games above mencioned have beene more excessively spoyled and distroyed then hath beene in former tymes, especially by the vulgar sort of people and men of smalle worthe employinge most parte of there tyme in takinge such said games, thereby bringing themselves the rather unto poverty." The constables were empowered to arrest such offenders without warrant.

In 1658, the constables of Derbyshire were specially warned to present all game law offenders at the next Quarter Sessions. The following is the presentment of Daniell Clarke, constable of Alfreton, at the Epiph. Sessions, 1658 :—

"Wee present Rowland Allsoppe of Alfreton labourer for traceing of Hares in ye snow, 18th of this month.

Wee present John Roome of Alfreton for ye like.

Wee present James Garrett senr of Somercoates for ye like."

The Belper constable, at the same sessions, presented "Thomas Luke collyer for snareinge fesants off a tree."

The following game informations sworn before Justice Lowe, of Hazlewood, will serve as a specimen of that class of document of the reign of Charles II. :—

The Information of Francis Ratcliff of Yolgrave in the County of Derby against Francis Smith of Yolgrave in the said County tayler taken upon oath before John Lowe Esqr one of his Majestyes Justices of the Peace and Quorm for the said County the 30th day of November 1674.

The said Informant saith that upon Saturday morning last being the 28th day of this instant November hee saw the said Francis Smith trace a hare in the snow in Haddonfeild banke and shoote her with his gunn and carry her away and the same morninge hee saw him trace and kill another hare with his gun in Mr. Buxton's ground neer to Haddon feild which said Land belongeth to the Right Honourable John Earle of Rutland but now in the possession of the said Mr. Buxton or his Assignes.

The Information of George Sheldon alias Middleton of Yolgrave husbandman against the said Francis Smith taken before John Lowe Esqr the 10th day of December, 1674.

The said Informant saith that hee saw Francis Smith and one Samuell Robert's man upon Sunday af er the snow fell, as they went to the cattell they had either of them a Mungrill and killed a hare nigh a close called Shockedale and Francis Smith carried her away.

The Information of William Bache of Stanton gentleman and Richard Nuttall of the same towne and county mynor against Humphry Fisher of Yolgrave labourer and the above-named Francis Smith before John Lowe Esqr the 10th day of December 1674.

The Informant William Bache saith that the said Francis Smith did confesse to him that hee had coursed and killed a hare in the snow upon Sunday after ye snow fell.

The said Informant saith that hee did advise the above named Humphry Fisher to make away his greyhound for that my Lord Rosse was coming to the Country and that hee would bee angry att him for keepinge a greyhound and the said Fisher answered hee would keepe him and that hee neither cared for my Lord Rosse nor his Lady, and Richard Nuttall the other Informant did upon his oath the day and yeare above written affirme that hee was present when Fisher made this reply to Mr. Bache.

Jo: Lowe.

In 1687, Christopher Thorp, constable of Bolsover, presented "William Godly of Bolsover for destroyinge of hares and fesants and other sort of game by shuetinge in a gune not beinge qualified accordinge to the statute att Barlborough att severall tymes untill ye 4th of October."

At the Epiph. Sessions, 1691-2, it was

"Ordered by this Court That Thomas Alsop Clerke Indicted in this Court for Shootinge in an hand Gun charged wth Powder and Haile Shott against a Statute in that case made and provided, appeare at the next gen'all quarter Sessions of the peace to bee held for this County and then Travers the Same wth effect If the Justices of assize at the next Assizes to bee held for the County of Derby shall determine the said offence to bee within the Jurisdiction of this Court, and to whome this Court humbly refers the same."

The numerous documents relative to game keepers' "deputations," that are extant among the County Records, will be mentioned under another section.

### Swearing.

A good deal of cheap ridicule has been undeservedly expended upon the Puritans of the Commonwealth for their legislation against profane swearing, as though it was something altogether novel and exceptional. This ridicule is not only poor in point of morality, but also gives evidence of exceeding ignorance on the part of the sneerers. The canon law, binding on all England, had ever prohibited under penalties profane oaths and blasphemy. The post Reformation canons provided that—

“If any offend their brethren by swearing, the churchwardens or questmen and sidesmen in their next presentment to their ordinaries shall present the same, that they may be punished by the severity of the laws according to their deserts: and such notorious offenders shall not be admitted to the Holy Communion till they be reformed.” This canon was by no means a dead letter; we could produce abundant evidence that in the diocese of Lichfield, presentments followed by heavy penalties for profane swearing were frequent in the reign of Charles I. The records of many convictions for swearing before the ecclesiastical courts, from Staffordshire country parishes, have passed through our hands of the years 1630-1640. Moreover the offence was dealt with by statute law long before the Commonwealth. An attempt was made, in 1601, to punish common swearing by statute law, but the bill, having been carried up to the Lords, it dropped after the first reading. Five bills having this object were introduced during the earlier part of the reign of James I., but it was not until 1623 that an act was carried defining and controlling the offence. The 21 James I., c. 20, provided a forfeit of 12d., or in default, being placed in the stocks for three hours, and the culprit, if under the age of twelve, was to be whipped. In July, 1635, Letters Patent were granted for establishing a public department for enforcing the laws against swearing, and the money realised was to be paid over to the Bishops for the benefit of the deserving poor. But by far the chief suppression of the sin of blasphemy was carried out by the ecclesiastical courts. When, therefore, these courts were abolished thoughtful men saw at once that the special kind of moral offences that they had held in check must now be dealt with more stringently. Hence came about the greater rigour of the ordinary law in dealing with blasphemers during the Protectorate, and the convictions appear in the records of the civil courts.



Under the Commonwealth, a single justice could convict for swearing, but he had to return to the next Quarter Sessions a list of such convictions, or a certificate of each case. The following are some of the earliest examples under the new legislation :—

Md that before me Francis Revell Esqr one of the Justices of Peace of the keepers of the liberties of England by authoritie of Parliament, It hath this present day (being the xvijth of November 1650) beene duely proved by the oath of Parnell the wife of William Beardsley of Sherland in the said County husbandman, That Henry Robinson of Sherland aforesaid husbandman did upon the xvijth of the same moneth sweare two most odious & detestable oathes : vidlt By God's blood ; by God's blood ;\* and hath paid six shillings and eightpence, which is distributed to the poore of the same Parish Accordinge to the late Act of Parliament in that case made & provided.

Fr. Revell.

Febr 10th, 1650. George Hardy of Hopton convicted for swearinge by God & other such like othes 6 severall tymes before me Edw. Manlove.

George Gould of Yeavelie convicted likewise for swearinge 6 oathes by God & by the blood of God since ye first of August 1650. Edw. Manlove.

A certificate of such persons as have bin Convicted upon the late Act of this present Parliament intituled an Act for the preventing of profane swearinge and Curseinge before Gervase Bennett Esqr one of the Justices of Peace of this County of Derby since the last Quarter Sessions of the Peace holden for this County January the seaventh and eighth 1650.

Jan. 24th 1650 Wm. Taylor de Belper Convicted for swearing the first time  
 Jan. 31st 1650 Jo : Crossewell de Chester Taylor Convicted the first time  
 Feb. 10th 1650 Wm Miles de Headnaston Yeoman Convicted the first time  
 Feb. 7th (sic) 1650. Wm Miles convicted the second time  
 Feb. 13th 1650 Rich. Slack de Chadsden husbandman convicted the first time  
 Feb. 21st Wm Rivitt de Brettby convicted the first time  
 Feb. 24th Tho. Gorse de Quarndon Carpenter convict. the first time  
 Feb. 25th Wm Taylor de Spoodon convict. first time  
 March 14th Tho. Pim de Sawley husbandman convict. the first time  
 March 20th 1651 Jo : Lowe de Ockbrooke Convict. first time for swearinge  
 Allice wife of Jo : Wood of Windly first time convict.  
 Feb. 10th Allice Smith de Sinfin Wid. Convict. first time  
 1650 Luke Tebbatt de Dreacott husbandman Convict. first time

Ger. Bennett.

At the Trans. Sessions, 1651, Justice Bennett presented a list of the convictions for swearing, two of them being women ; and at the Mich. Sessions of the same year, a further list of ten, some of whom had been convicted three times. Among Justice Manlove's certificates for the year 1653 is one against William Taylor, of Bradley, "for swearinge Tenne oathes uppon the Twentie second of October." The different

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\* A particularly foolish little book, with a foolish title, *A Cursory History of Swearing*, was published on this painful subject in 1884. As a sample of the writer's egregious blunders, he says with respect to such an oath as that in the text—"The whole brood of Catholic oaths were swept away by the besom of the Reformation"—and proceeds to give a ridiculously untrue origin of the use of the word "bloody."

justices had varied ways of filling up their certificates, Justice Pegge styling the offence "curseinge."

The following is an instance of the kind of informations which set justice in motion in such cases :—

November 17th, 1651.

The Information of William Hiberd of Ashover taken before mee Samuel Taylor Esqr one of ye Justices of peace within ye said County.

This Informant sayth yt upon Fryday night beeing the fourteenth day of this Instant November Richard Dakin of Ashover gentleman, beeing farr gone in drinke, swore twenty severall oathes, & was very much debeysted other ways.

John Spencer of Ashover aforesaid sayth that at the time aforesaid hee was at the house of William Hiberd whereinto comes ye said Richard Dakin beeing full of drinke and quarelling with the said William Hiberd swore twenty severall oathes & was very much debeysted other wayes.

S. Taylor.

The offence is now regulated by 19 George II., c. 21, which imposes a penalty of 1s. upon a labourer, 2s. upon a tradesman, and 5s. upon a gentleman.

### Immorality.

The same ignorance that has so often been shown in commenting upon Commonwealth legislation against blasphemy is equally common with regard to the legislation of that period against immorality. Instead of being more particular with regard to offences of that character, the fact is that under Puritan government such sins were punished less frequently and less severely. Up to the time of the abolition of the ecclesiastical courts, all offences of this character, including pre-nuptial fornication, had been habitually punished on the presentment of the churchwardens. Instance after instance could be given of midland villages wherein various breaches of the seventh commandment, not now usually taken cognizance of, were punished by the ecclesiastical authorities up to the very eve of the outbreak of the Great Rebellion. It was imperative, for their credit's sake, that the Roundheads should substitute statute law in the place of that which they swept away. With regard to cases of bastardy, though the law before the Commonwealth time chiefly took cognizance of it because of the illegitimate children becoming chargeable upon the parish, still women thus offending were liable to punishment in the houses of correction, and the Derbyshire records show that such punishment

was by no means uncommon in the days of the Stuarts. The following is a petition presented at Trans. Sessions, 1631 :—

To the right Worll his Maties Justices of the peace for the County of Derby aforesaid.

The humble petition of Ann Evens now in the house of Correction in Derby Humbly sheweth That yor poore petitioner has bin in the sd house of correction for the space of six month last past for haveing a bastard child and has bin sevearely punished for her offence.

Therefore yor sd poore petitioner humbly prayes yor good Worps to take her condition into yor grave and serious consideration and graunt her her Libertie and yor sd poore petitioner will ever praye, etc.

It was usual for the father of a bastard to be bound over to hold the parish harmless from keeping the child. In cases where the child died, evidence had to be produced of the death at Quarter Sessions, and there are various papers of this character among the county records. For instance, in 1632, William Edwards, minister of Ashover, William Wing, clerk, three of the churchwardens, and other of the chief inhabitants testify to the death of an illegitimate child, and pray that the recognizance of the father may be withdrawn.

The following remarkable defence of a woman of Bradley when charged with having an illegitimate child, wherein she alleges a marriage with the then representative of the Kniveton family at the hands of a Roman Catholic priest, is sufficiently noteworthy to be quoted at length, and with this we beg to take leave of this unsavoury subject :—

The Examination of Abigall Bramwell of Bradley taken the nineteenth day of September 1657 before Edward Manlove and Edward Pegg Esqrs two Justices of peace of the said county.

The said Examinee being charged to have a bastard Child and thereupon prosecuted in the behalfe of the parish of Bradley aforesaid to which parish the said child may be chargeable Answereth that about twelve Moneth since she was married to Gilbert Kniveton Esqre (late of Bradley, deceased) at London in a house shee knowes not, nor in what streete shee knowes not, nor of what name the Parson is that married her shee knowes not, and saith that when shee was married to the said Gilbert Kniveton none were present but the said Gilbert herselfe and the Preist that married them and further saith the said Preist that married them was a popish Preist.

Edw. Manlove.

Edw. Pegge.

### Witchcraft and Charms.

When Reginald Scot published his "Discovery of Witchcraft" in 1584, he was more than a century in advance of his time. A statute had been enacted towards the close of the reign of Henry VIII., and

reaffirmed by Elizabeth, declaring all witchcraft and sorcery to be felony without benefit of clergy.\* The pedantic and superstitious James was as much behind the age as Scot was in advance of it. Six years before he came to the English throne, James Stuart issued his "Demonologie," being moved to compose the work by "the fearful abounding at this time in this country of those detestable slaves of the devil, the witches or enchanters." When he came to the English throne, the Parliament, through his influence, passed a retrograde "Act against Conjuraton, Witchcraft, and Dealing with Evil and Wicked Spirits," wherein the subject was treated with greater elaboration, cruelty, and credulity than in all past statutes. By this Act, the invocation or conjuration of any evil spirit was to be felony; and to entertain, employ, feed, or reward such a spirit, as well as to exhume any dead body, or any part of it, for purposes of witchcraft, or to practise any witchcraft by which anyone should be killed, destroyed, wasted, pined, or lamed were also felony, and as such punishable by death. Certain minor forms of incantation subjected the guilty person to the pillory.† Convocation also was ready to deal with this imaginary crime, and by the 72nd Canon of the Convocation of the Province of Canterbury, 1604, prohibited attempts to cast out devils by the clergy without special license of the bishop of the diocese. A terrible amount of innocent blood was shed through this unhappy revival of the superstitious sport of witch-finding, the victims numbering beyond doubt many thousands. This flame of credulity burnt steadily right through the seventeenth century, though with much more vigour before than after the Commonwealth; but even such a proverbially learned and upright judge as Sir Matthew Hale passed sentence of death by burning on two women at Bury St. Edmunds in 1665. Two witches were executed in 1705, and five in 1712. In 1716, Mrs. Hicks and her daughter aged nine, were hung for the same imaginary crime at Huntingdon. The laws against witchcraft then lay dormant for some twenty years, when an ignorant person attempting to revive them, by finding a bill against an old woman in Surrey for the practice of witchcraft, brought about their repeal in 1736. By that Act, which repealed the wicked laws of James I. and his predecessors, the crime of witchcraft, except as an imposture; ceased to exist in the eye of the law.‡

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\* 33 Henry VIII., c. 8; 5 Elizabeth, c. 16.

† 1 James I., c. 12.

‡ 9 George II., c. 5.

Within three years of the accession of James I. the new Act against witchcraft was put in force in the county of Derby, the witches of Bakewell being burnt to death in 1607; but the stores of the Public Record office refuse to yield any information as to their number or the particulars of the offence, so that we can do no more than chronicle the fact. The County Records are naturally, for the most part, silent on this once common crime, because being felony it came before the judges of assize and not before the justices, save by way of commitment. There are, however, a few papers of interest relative to this offence, of three of which we give full transcripts.

The first is a certificate to the justices from John Rowlandson, Vicar of Bakewell, as to charms alleged to be issued by a Mr. Hall, an offence which could be dealt with at Quarter Sessions. Mr. Rowlandson was instituted to the vicarage in 1615, but held it for a long period; the certificate is undated, but we believe it to be towards the end of the reign of Charles I. :—

To the right honble and right worppl his maties Justices of peace for the county of Derby.

The humble certificate of John Rowlandson vicar of Bakewell, Shewing that about five yeeres since one Ellen Gregory of Over Haddon in the parrish of Bakewell came to mee in the church of Bakewell, & seemed to bee much troubled with a thinge that was sowed up in a cloth & hunge in a stringe about her neck; wch beinge opened, there was founde in it a paper in wch (to my best remembrance) there were about tenne lynes written, but soe as that I could not read all, The wrightinge (as I conceaved) was intended for a charme, or some such like thinge; & (as the poore woman confessed to mee) it was hunge about her necke by one Mr. Hall who had 3 li. of her husband in hand, & was to have 3 li. more when shee was cured of her lunacy, But yt charme being taken away, the same man coming to her afterwards did fasten uppon her another paper, in which there was nothing soe much wrighting as in the former, for uppon ye sight of it I read it & founde that to bee but a peece of the Lord's prayer; I am enformed that this Mr. Hall dwells about Glossop and is by trade a Webster, But this I am confident of that hee is about 40 yeeres of age of a myddle stature, & somewhat yellowish haired, for I have since mette wth him, & tould him of his folly, wch hee could not deny, but seemed to promise reformation, which if hee have not made good, hee deserves to bee severely punished, either as a charmer, or as a cheater or in some other such manner as shall seeme best to your Wisdom.

In 1650, the following informations were taken before Justice Gervase Bennett, one of the most active of the Derbyshire Commonwealth justices, against one Ann Wagg, of Ilkeston. Beyond the fact that the reputed witch was committed for trial, we know nothing as to her fate; but slipshod and puerile as the statements are, and wholly illogical in their reasoning, they are just as strong as many that were followed by the capital sentence, so we should think there is little doubt that Ann Wagg was burnt

to death on evidence that now-a-days would not even convict a poacher :—

The Information of Francis Torratt of Ilkestone in the County of Derby Baker, Taken before Gervase Bennett Esq., one of the Justices of peace for this County June the xviiith 1650, upon his oath.

Concerning Ann Wagg of the same Widdow upon Suspicion of being a Witch or using enchantmt Whereby she hath done hurt & impayred divers persons with their goods.

Saith she hath beene comonly suspected to bee a Witch & about three yeares agone the said Anne did upon a certain Satterday give forth some speeches against this Infor & his Wife to Elizabeth Parkson this Infor then Servt whoe told this Infor of them & the next Lord's Day as this Infor his Wife & the said Servt weere going to church the said Anne Wagg stood in the way & frowned upon the said maide butt uttered noe Words & presently the Mayd fell sick & was not able to goe a Stones Cast & the same night this Infor caused his mayd to lye neere to this Infor and his wife & about nine of the Clock in the night the Mayd Cryed out Master Mr. but this Infor & his Wife being both awake Could not answer her untill Somthing went of the Maydes bed and then this Infor gott of his bed and the Maid said see you not this Catt, looke where shee goes & this Infor could not stir till the Catt was gone & then this Infor went to the Mayd & then shee cryed out of her throate & there her Winde was stopt. And the Mayd haveinge formerly heard that the putting the tongues into the fire the Woman if she was a witch Could not goe. She did put the tongues in the fire & the said Anne did not goe till they were taken forth againe. And lately the Minister Mr. Foxes Wife falling suddainely sicke about five weekes since the said Ann was suspected as this Infor hath heard & the said Mr Fox fetcht her downe & his Wife drew blood on her.

Ger. Bennett.

The Information of Wm Smith of Ilkestone in the County of Derby husbandman Taken before Gervase Bennett Esq one of the Justices of peace for the said County June the Six & twentieth 1650.

This Infor saith that about two Monthes since Ann Wagg Came to John Elliott's to desire Milke & shee not being provided to give her went Away Grumbling & this Infor said Would you had given her some but before the next Morning they found a Calfe of theirs dead wch was well overnight.

The Information of Alice the wife of Wm Day of Ilkeston aforesaid taken the same day concerning the same matter.

Saith that about two or three yeares since one Elizabeth Webster dyed who tooke upon her death that Anne Wagg had done her hurt & this Infor would have had her the said Webster to have forgiven the said Ann Wagg but she refused & would not.

The Information of Elizabeth the Wife of George Gothard of Ilkestone aforesaid taken concerning the same matter.

Saith about fiteene yeares since Ann Wag Came to this Infors house to buy some whea but this Infor told her she had promised it her sister & she answered is not my Money as good as hers & the same night this Infors Child fell suddainely sick & was taken with a Continuall Shakeing & soe continued a week and then recovered & by the foureteene dayes the child was well recovered & then the said Ann Wagg the very same Satterday was fortnight came to buy butter but this Infor not haveing any for her she went away & the very same night the Child fell sick suddainely & dyed before morninge.

The Information of Ann the wife of Tho: Ancoke taken ye same day concerning the same matter. This Informant saith about tenn dayes since she had a daughter about fiteene yeares of age whoe being sick the said Mayd in her sickness & divers of the Neighbours had some feare least Anne Wagge had done her some hurt & caused her to be sent for and they asked forgiveness each of other & soe the Girle dyed & in the time of her

sickness the mayd said she was witch-ridden for this she knowes because she could not speake.

The Information of Allice the wife of Wm Carpenter of Ilkestone aforesaid taken the same day Concerning the same matter upon her oath Saith Ann Wagg is of ill repute & that about twelve monthes since this Informant's child was taken suddainely with a skreeking & soe continued about a weeke & then dyed & she being ill reputed before did then Call her a Witch, & was the rather induced to beleeve soe by reason the Child was taken with skreeking & foming att the Mouth wch fitts Continued for the space of foure dayes & then the Child dyed.

Ger. Bennett.

Thirty years later a vague charge of witchcraft was brought against the well known Romanist baronet, Sir Henry Hunloke, himself a justice in the time of James II., together with some of his tenantry. The charge was considered sufficiently grave to be met by articles of general misdemeanour exhibited against the complainant, Elizabeth Hole :

Articles of Misdemeanour exhibited & sworne unto against Elizabeth Hole of Wingerworth in the County of Derby spinster before Thomas Eyre Esqr one of his Maties Justices of the Peace of the County of Derby aforesaid the Tenth day of September Anno Dom. 1680.

Imprimis. The sayd Elizabeth Hole ali Turner is a very disorderly & dissolute person & very troublesome, & dangerous to her neighbours, as may appeare by the particulars followeing.

Item. The sd Elizabeth hath defamed & scandalized Sr Henry Hunlocke Barront, one Richd Clayton Gent, Richard Marshall, & one William Walker by giveinge forth in speeches that the sd Sr Henry & the rest have held her in witchcraft, by means of which speeches the sayd William Walker is bound over to appeare at the next Assizes for this County aforesd to his great trouble & expence.

Item. The sayd Elizabeth hath formerly cutt up the woods and underwood of the sayd Henry Hunlocke to the damage of the sd Sr Henry.

Item. The sayd Elizabeth hath claimed marriage of severall married persons of good repute (Charles Dixon, Geo. Hole, John Fidler, Francis Eastmeate), And publikely justified the same to their great scandall.

Item. The sayd Elizabeth hath further scandalized the sd Sr Henry Hunlocke by declaringe publikely that the sd Sr Henry withheld her right from her where as the sd Sr Henry is & alwayes was a stranger to any of her concerns.

Item. The sd Elizabeth hath further defamed the sd Sr Henry & the other persons abovesd by sayinge they first went about to starve her & now goe about to Destroy her by conjuration.

Item. The sd Elizabeth (if any neighbour thwart her humour) imediately threatens to goe to Mr. Gladwin & place them meaning imprison them to the terror of her sayd neighbours.

Item. The sd Eliz. hath further scandalized the sayd William Walker by sayinge publikely to him, Goe carry thy stolen goods home to the Hall meaning Sr Henry Hunlock's house.

Item. The sd Eliz. hath likewise scandalized the sayd William Walker at other tymes by sayinge hee had robbed Sr Henry Hunlock's clossett, whereas there was never any such thinge done.

## SECTION VI.—FISCAL.



SUBSIDIES. THE BOARD OF GREEN CLOTH. BENEVOLENCES  
AND LOANS. SHIP MONEY. COMMONWEALTH ASSESSMENTS.  
THE EXCISE. A TAX ON LEATHER. HEARTH MONEY.  
WINDOW TAX. HAIR POWDER CERTIFICATES.





## SECTION VI.—FISCAL.



### Subsidies.

The various acts for the payment of subsidies for imperial or royal purposes, under the Tudors, contained long and elaborate regulations for the assessment and collection of the tax, which we have only space to briefly summarise. The taxpayers were divided into two classes, (1) landowners charged in respect of their income *in terris*, and (2) persons charged in respect of their movables *in bonis*, which included crops from land. Sometimes a light poll tax was added for persons not otherwise charged. Aliens paid double. A full subsidy was 4s. in the pound *in terris*, and 2s. 8d. *in bonis*; but sometimes the subsidy was collected in parts. An exemption was allowed for persons having less than £3 in value, at which figure the charge began. The inhabitants of the northern counties of Northumberland, Cumberland, and Westmorland were exempted, as liable to be ravaged by Scotch invasions. The appointment of commissioners for the management of the tax was in the hands of the Lord Chancellor, associated with other great officers of the crown. For the purposes of assessment they were to divide themselves into sets of district commissioners for the various hundreds, and to issue their precepts to the constables and other inhabitants to attend for examination. The assessors were to be appointed by and to return their certificates to the commissioners, and persons dissatisfied in the assessment were allowed an appeal to the commissioners. Collectors were also appointed by the commissioners, who were accountable to the high collector of each shire, who in his turn was accountable to the exchequer. The commissioners being invariably landowners, and as a rule local justices, it is not surprising to find that the subsidy *in terris*

was assessed on monstrously low terms, whilst that *in bonis*, levied on the merchants and traders, was sometimes as egregiously high.\*

In 1592, after much debate, an Act was passed by the two Houses granting three entire subsidies for the next three years (in addition to the old fifteenth and tenth grants), to be paid half yearly at Easter and Michaelmas, but with a proviso that the grant should not be drawn into a precedent. At the same time two clerical subsidies of 4s. in two years were confirmed.† On July 20th, 1594, the lords of the Council wrote to the Commissioners of the subsidy in Derbyshire, significantly ordering that all the Commissioners of that shire should meet together in one place for the purpose of rating themselves; such rates to be set down in writing and signed, so that the Council might know who were present. Accordingly, on August 29th, four of the Derbyshire Commissioners met at Belper and set down the rate of their own assessments as follows, each of them being *in terris* only:—John Manners £40, William Cavendish £30, John Stanhope £20, and John Rodes £26 13s. 4d. The other Commissioners, who were not then present, were Sir Humphrey Ferrers, Francis Leeke, Godfrey Foljambe, William Bassett, John Harpur, William Kniveton of Bradley, and William Kniveton of Mercaston.

Among the recently discovered Belvoir Castle records is a note, in the handwriting of John Manners, dated September 8th, 1595, of the names of the Commissioners for Derbyshire for the different hundreds, with the date of their meeting for the purpose of assessing the half subsidy due that Michaelmas.

**Scarsdale.** John Manners, Francis Leeke, William Cavendish, and William Kniveton of Mercaston, at Chesterfield, Sept. 23d.

**High Peak.** John Manners, Francis Leeke, William Cavendish, and William Kniveton, at Bakewell, Sept. 24th.

**Appletree.** William Bassett, John Stanhope, William Kniveton of Bradley, William Kniveton of Mercaston, at Brailsford, Sept. 25th.

**Wirksworth.** Sir Humphrey Ferrers, William Kniveton of Bradley, William Kniveton of Mercaston, Henry Sacheverell, and William Bassett, at Kirkireton, Sept. 23d. . . .

**Repton.** Sir Humphrey Ferrers, William Bassett, and Henry Sacheverell, at Repton, Sept. 23d.

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\* See Dowell's *History of Taxation and Taxes in England*, vol. I., pp. 151-9. Mr. Dowell describes the method adopted as "a burlesque of assessment and a travestie of taxation."

† 35 Elizabeth, cc. 12, 13.

**Morleston.** William Bassett, Henry Sacheverell, and John Stanhope, at Denby, Sept. 18th.\*

In 1601, after the Spaniards had landed in Ireland and fortified Kinsale, the crown asked for further subsidies. There was much debate in the Commons, and it was urged that the subsidy should be gathered by a new commission, and not according to the old roll; the iniquity of justices of the peace assessing themselves at £6 or £10, when the statutory qualification for a justice was that they should be assessed at £20, being pointed out by some bold members. In the event, four entire subsidies were granted.†

On January 12th, 1601-2, the Commissioners for these subsidies were nominated for the different hundreds of Derbyshire. They were much the same as in the list just given of 1595. John Bentley was added for the hundreds of Scarsdale and High Peak; Francis Fitzherbert and Richard Harpur were new Commissioners for Wirksworth, Morleston, and Appletree; whilst John Francis was associated with Richard Harpur as the only two for Repton. On the same date the Scarsdale Commissioners issued their precept to Godfrey Clark, high constable of that hundred, to summons the constables and principal inhabitants to meet them at Chesterfield on April 15th, for the purpose of raising the subsidy granted by the late Parliament by presenting the names of all persons within their constabularies who have lands of the yearly value of 20s., or are worth in goods £300 or upwards, and also the names of all aliens and strangers inhabiting amongst them, with particulars of their estates.

The first grant made to James I. in 1605, by the Parliament that so narrowly escaped the gunpowder plot, included three subsidies from the laity.‡ On June 17th, 1606, Sir John Bentley wrote to Sir John Manners enclosing a list of the Derbyshire Commissioners for the assessment of the first payment of the first of these subsidies. The list included the names of Lord Cavendish, Sir John Manners, Sir Francis Leeke, Sir Peter Frescheville, John Parker, Sir John Bentley, Henry Sacheverell, William Kniveton of Bradley, Francis Fitzherbert, Richard Harpur, Robert Bainbrigge, and Sir John Stanhope. On January 17th, 1606-7, the Derbyshire Commissioners received a letter from the lords of the Council complaining of the smallness of the amount received in discharge of the last subsidy.§

In 1620 subsidies were granted for assistance to the new King of

\* Belvoir MSS., Vol. xii.

† Belvoir MSS., Vol. xiv.

‡ 3 James I., c. 25.

§ 43 Elizabeth, c. 17.

Bohemia, and also in 1623 as compensation for the abolition of monopolies. Ship-writs then took their place till 1641, when they were again granted to the king. In 1663 the final subsidies were granted by Parliament, when it was generally admitted that the subsidy, as a method of taxation, had become effete.

### The Board of Green Cloth.

The Board of Green Cloth was, in the Elizabethan and Stuart times, the worst remainder of the ancient right of purveyance for the King's use. Under the authority of this board, victuals for the use of the royal household were exacted at prices far below the real value, and in quantities far beyond any possible requirement.

On December 18th, 1593, an agreement was entered into between Sir Francis Knollys, treasurer of the Queen's household, and Sir James Croft, controller, and the rest of the officers of the Green Cloth, with Robert Milward, to compound for the delivery of 40 oxen and 200 sheep from the county of Derby.\* The order also authorises Robert Milward, as purveyor, to seize upon hay, pasture, and even drovers for the cattle when conveying them to town, at "reasonable price and payment." All justices, bailiffs, constables and other officers are warned to aid and assist the purveyor to the best of their power. So much dissatisfaction was caused by the enforced collection of this provision in kind, that the Earl of Shrewsbury, acting for the rest of the justices, was at last able to enter into an arrangement with the Board by which each hundred should pay annually a fixed sum to Robert Milward as purveyor. This did not, however, work well, and the arrears had got so considerable by January, 1596-7, that Milward drew up an account of the deficiencies of the three past years and submitted it to the bailiffs of the respective hundreds. The following is a copy of this account:—

Mr. Myllward's Account and the Bailiffs for the provision, 22 January 1596.

Woorkesworth.	Arrerages.	
First in old arrerages imposed by the old Erle .. .. .		xxiijs. vjd.
1595 Itm this yeare behinde .. .. .		xxvjs. ij <i>d</i> .
1596 Itm this yeare behinde wherof he hath a pticuler notise		iiij <i>l</i> . xixs. vij <i>d</i> .
Itm Wigley the Baylif hath in his owne handes .. .. .		xls. vij <i>d</i> .
In Roger Skymer's hand .. .. .		iiij <i>l</i> . js. j <i>d</i> .
		Sma vij <i>l</i> . vjs. iiij <i>d</i> .

\* Most of the information pertaining to the Board of Green Cloth and Derbyshire is taken from the Belvoir MSS.

Repton and Greasley.

There is behinde in all in this Hundred .. .. . *ls. ij<sup>d</sup>.*  
*Sma ls. ij<sup>d</sup>.*

Derbie towne.

In old arrerages .. .. . *xxx<sup>s</sup>.*  
 1595 In this year.. .. . *xx<sup>s</sup>.*  
 1596 In this year.. .. . *xxx<sup>s</sup>.*  
*Sma iiij<sup>li</sup>.*

Scarsdale.

Mr Strelley is v yeares behind .. .. . *xxxiijs. iiij<sup>d</sup>.*  
 Pleasley Sherbrouk and Houghton for the year 1594 .. *xxiijs. iiij<sup>d</sup>.*  
 Stretton for the year 1594 .. .. . *viijs. x<sup>d</sup>.*  
*Sma iiij<sup>li</sup>. vjs. vj<sup>d</sup>.*

A pticuler he hathe of this.

Itm there was vij <sup>li</sup> . xij <sup>d</sup> . for iiij yeares arrerages sett upon	}	<i>vij<sup>li</sup>. xij<sup>d</sup>.</i>	}	
this Hundred to be levied upon the gent and best men,				
wch was never collected .. .. .				
1596 Norton for this year .. .. .	}	<i>viiij<sup>li</sup>. vs.</i>	}	
Dronfield .. .. .				
Glapwell & Rowthorne .. .. .				
Allferton .. .. .				
Elmeton & Creswell .. .. .				
Sutton & Duckmanton .. .. .				
<i>Sma Scarsdale xviiij<sup>li</sup>. xs. vj<sup>d</sup>.</i>				

Heigh Peak.

This Hundred is nothing behinde but onely lvij<sup>s</sup>. x<sup>d</sup>. wch was  
 pt of those arrerages imposed upon the gent and best men for  
 ij years wch the Bayliff hath undertaken to see discharged ) *lvij<sup>s</sup>. x<sup>d</sup>.*

Appletry.

Bayliff Ball offereth to stopp ix<sup>li</sup>. in his hande of the money  
 due in the year 1595 for his fees wch he sayth he did not  
 receive before .. .. . ) *ix<sup>li</sup>. xjs.*  
 Anthony Latham was behinde xlijs. viij<sup>d</sup>. whereof as he saith  
 xx<sup>s</sup>. for the old Erle and for Mr Strelley xxij<sup>s</sup>. viij<sup>d</sup>. .. ) *xlijs. viij<sup>d</sup>.*  
*Sma tota lli. vjjs. ix<sup>d</sup>.*

Woorkesworth.

A pticuler note of the said xxij<sup>s</sup>. vj<sup>d</sup>. for arrerages sett downe at lardge as yt is due.  
 Mr Knyveton of Bradley for Imber Grange .. .. . *ijs. vj<sup>d</sup>.*  
 Mr Blackwall for Wendsley .. .. . *ijs. vj<sup>d</sup>.*  
 Mr Flackelt .. .. . *ijs.*  
 Mr Edward Cocken .. .. . *xij<sup>d</sup>.*  
 Mr Anthony Allsop .. .. . *xij<sup>d</sup>.*  
 Mr John Basford .. .. . *xij<sup>d</sup>.*  
 John Harrison Hurdloe .. .. . *ijs.*  
 Thurston Dale .. .. . *xviiij<sup>d</sup>.*  
 Adam Woolley .. .. . *ijs.*  
 Edward Myllward for Bentley .. .. . *xij<sup>d</sup>.*  
 Ric. Cotton .. .. . *xij<sup>d</sup>.*  
 George Jackson .. .. . *xij<sup>d</sup>.*  
 George Buxston .. .. . *xij<sup>d</sup>.*  
 France Fullwood .. .. . *xij<sup>d</sup>.*  
 Tho : Woodward, Winster .. .. . *xij<sup>d</sup>.*

Nichas Hurt	.. .. .	xijd.
Tho: Woodward of Knyveton	.. .. .	xijd.
Mr Armstrong for Poole Hall	.. .. .	ijs.
		xxiijs. vjd.

## A pticulr of the xxvjs. ijd.

1595 Mr John Flackett..	.. .. .	vjs. viijd.
Hartington Soke	.. .. .	xs.
Dethick Tansley & Lea..	.. .. .	vijs.
Wookesworth	.. .. .	ijs. vjd.
		Sma xxvjs. ijd.

## Workesworth.

A pticulr of the iij*li*. xixs. vijd.

1596 Mr Flackett	.. .. .	vijs.
Dethick Tansley & Ley	.. .. .	xjs.
Hartington Soke	.. .. .	vijs.
Mapleton & Thorpe	.. .. .	vijs.
Knyveton, Ofcote and Underwood	.. .. .	xxiiijd.
Wookesworth	.. .. .	iijs.
Bradburne	.. .. .	xxs.
Sr Humfrey Ferrers for Lea demeanes & his grandge..		xviijs. viijd.
		Sma iij <i>li</i> . xixs. vijd.

## Scarsdale.

A pticulr of the vij*li*.

The Countess of Shrewsbury	.. .. .	vjs. viijd.
Therle of Shrewsbury	.. .. .	vjs. viijd.
Francis Leek, Esq	.. .. .	iijs.
Godfrey Foliambe, Esq..	.. .. .	iijs.
Wm Cavendishe, Esq	.. .. .	iijs. iiijd.
Jo Rodes, Esq	.. .. .	iijs.
Peter Fretchevile Esq	.. .. .	iijs.
Wm Bradburne, Esq	.. .. .	ijs. vjd.
Mr Hercules Foliambe	.. .. .	ijs.
Mr Robert Syttwell	.. .. .	ijs.
Mr John Parker	.. .. .	xvjd.
Mr Barker of Dore	.. .. .	xiiijd.
Mr Revill of Carlingthorpe	.. .. .	xvjd.
Mr Basford Cutthorp	.. .. .	xvjd.
Mr Longe	.. .. .	xijd.
Mr Strelley	.. .. .	xijd.
Mr Blunt	.. .. .	xvjd.
Mr Lynaker	.. .. .	xvjd.
		Sma xlvjs.

Wch being unpaide for iij yeares cometh to vij*li*.\*

On February 3rd, 1596-7 the officers of the Green Cloth write, from the Court at Whitehall, to the young Earl of Shrewsbury, and to John Manners and Sir Humphrey Ferrers as his deputies, requesting the immediate collection of all arrears of money due in respect of the composition for the Queen's household. If all the arrears were not

\* Belvoir MSS., Vol. XIII., No. 1.

paid up at once, security was to be taken for the appearance of the defaulters at the Queen's counting house at Court.

On September 13th, 1597, the Earl of Shrewsbury wrote to the officials of the Green Cloth, enclosing a warrant for their signature for the appearance before his deputies of those who had refused to pay their share of the provision composition; and on the 18th of the same month the Board send their reply to John Manners and Sir Humphrey Ferrers, requiring them immediately to call the defaulters before them and to bind them to make their personal appearance at the Green Cloth on October 20th.

The next year the trouble with Derbyshire over this hated impost was renewed. In April, 1594, the Derbyshire justices heard from the Board to the effect that Mr. Serjeant Lancaster, master of the household, and other officers were at Creslowe on April 10th, and remained there four days, expecting the delivery of the sheep according to the new composition, but none appeared. The Board upbraided the Derbyshire justices for their neglect, warned them that they might be fined 2s. 6d. per sheep, and gave them till next May 10th to deliver the right number of sheep at Creslowe in good condition. The receipt of this letter was acknowledged by John Manners, John Rodes, W. Cavendish, John Bentley, H. Sacheverell, and John Francis. After waiting till April 25th, the justices wrote to Lord North, Sir William Knollys, and the rest of the officers of the Green Board asking for an extension of time for the composition of that year, owing to the barren state of the county. On the same day they sent a copy of that letter to the Earl of Shrewsbury, and wrote further begging him to move to appoint someone to undertake to serve the provision for Derbyshire who would accept a reasonable sum and who would give them longer time for the levy. They reported that Robert Milward declined to act any longer, and that they had neither the sheep nor the oxen that would content the officers. They stated how unwilling the people were to pay this charge, and hoped that the Earl might be able to get the Board to accept a composition of £160 or £180, which was quite as much as Nottinghamshire paid.

The officers of the Green Cloth, however, were firm in their demands, and on May 8th wrote again to the Derbyshire justices, from the Court at Greenwich, stating that order had been given to the purveyor to take within the county as many oxen and sheep as were contained in his commission, unless good and serviceable cattle were speedily delivered at Creslowe. They stated that the Earl of Shrewsbury



had offered on their behalf £200 in lieu of cattle, but it was so far short of the composition that it could not be accepted. On the 16th of the same month, the Earl of Shrewsbury writes from Broad Street to the justices saying that he had offered openly to the Board and had also pressed on the chief of them privately the proposal of £200, but it was not accepted, whereupon a Commission was directed to Walton, whom the Earl thought "an honest and sufficient man." He had got a like commission for Yorkshire and Staffordshire, and the Earl suggested he should be offered a sum of £220 when he reached the county. The justices took the Lord Lieutenant's advice, and on the visit of the purveyor in June they compounded with Walton for £220, with a private fee of £20 for himself, but still found the county so unwilling to pay the levy that they wrote to the Board asking for warrants to distrain on those refusing. The Board replied accepting the composition, declining to grant warrants, but stating that they would send a marshal to compel the attendance before them of any refusing their share.

Christopher Walton was the chief purveyor of the Board, and seems to have had the refusal of all their contracts or compositions. He was purveyor, at this time, we know, for the counties of Devonshire and Wiltshire, as well as for Yorkshire, Staffordshire, Nottinghamshire, and Derbyshire.

By the composition that the justices made they rendered themselves personally liable for the different hundreds, Earl of Shrewsbury for Scarsdale, John Manners for High Peak, John Stanhope and Henry Sacheverell for Appletree and Morleston, and Francis Fitzherbert and Sir Humphrey Ferrers for Repton and Wirksworth. But the people were so unwilling to pay, that in August, 1598, the justices wrote to Lord North and the other officers signifying that they could no longer perform the composition, with the result that the Lord-Lieutenant was ordered to instruct the bailiffs of the different hundreds to distrain for the arrears due to the household.

In March, 1598-9, Christopher Walton entered the county with full power as purveyor to seize all cattle and sheep that were required. After the conclusion of the Easter Sessions, John Manners wrote to the Lord-Lieutenant, on behalf of the justices, saying that as they had declined the composition they could not undertake to make any new assessment, and that the purveyor had no power to treat with them, only to take the cattle, and begging him to intercede with Lord North and the others that they would be mindful of the state of that

poor shire. In return the Earl wrote to his uncle urging him to renew the composition at £220, with another gift of £20 to the purveyor; but the Board continued to levy on the cattle and sent down their own marshal to arrest defaulters and bring them up to London.

On May 18th, 1599, John Manners and Sir Humphrey Ferrers write to the Earl, saying that Walton had already taken a good many sheep and oxen before his further suggestion came, and that if now they agreed to give him £240 they would still have to bear the loss of the cattle already taken; they begged him to try and compound for them at some lesser rate. On June 6th, 1599, a special meeting of the justices was held at Derby, attended by John Manners, Sir Humphrey Ferrers, H. Sacheverell, J. Stanhope, John Willoughby, and W. Kniveton, with the result that they sent a communication to Lord North and the Board to the effect that the county had been greatly charged by the late purveyance, amounting to 29 oxen and 180 wethers, which were levied at such an under rate that the late owners were willing to give £50 to have them restored and making an offer of £180 as annual composition, which had been the uttermost rate till Walton came, and further being willing to give Walton £20 towards his expenses. In the next month, the justices again came to an arrangement with Walton.

For six years the composition with the purveyor continued to be renewed year by year, at about £200 per annum; but on January 22nd, 1606-7, Christopher Walton wrote to Sir John Manners declining to continue the service of the provision in Derbyshire any longer. A week later Sir John forwarded this letter to the justices, adding that Walton should be entreated to continue his services. On February 8th, the justices wrote to Walton begging him to continue the service of the provision for their shire, and promising to see henceforth that the money was duly collected.

In 1611, the county again defaulted over this vexatious charge. Sir John Harpur and Sir John Bentley were deputed by the other justices to go up to London to try and arrange matters with the officers of the Green Cloth and with the Lord-Lieutenant. However, they reported that the Green Cloth would not be satisfied with any money, but would have forty lean oxen and ten score good wethers.

This odious system of purveyance and pre-emption, as a part of the royal prerogative, was formally extinguished by statute at the time of the Restoration.

### Benevolences and Loans.

Royal exactions by way of benevolence were irregular means resorted to for securing additional revenue chiefly from the rich bourgeoisie. These benevolences were sometimes obtained by flattery and royal letters when a king was popular, but subsequently at times took the more peremptory form of being demanded at the hands of commissioners. Notwithstanding the express condemnation of benevolences by statute, that kind of levy was resorted to by Henry VII., in 1491, when he took a benevolence from the abler sort for the popular expedition to France.\* The next benevolence was the "amiable graunte" demanded by Henry VIII. in 1528; the same sovereign levied another in 1545, after the costly expedition to Boulogne.

Queen Elizabeth received throughout her reign a very considerable sum in "gifts" from her subjects both in town and country, often under much pressure, but no formal benevolence, under that title, was generally exacted. However, the cognate form of exaction, under the name of "loan," was freely resorted to during Elizabeth's reign; "loans" to the crown were usually found to be a very precarious security, and at last came to be looked upon as simple exactions without any prospect of recovery.

An interesting letter from the Earl of Shrewsbury to his brother-in-law John Manners, who was then Sheriff of Derbyshire, as well as deputy-lieutenant, dated January 11th, 1588-9, begs him to call together Godfrey Foljambe, Thomas Gresley, John Harpur, and Thomas Kniveton, in whom he felt special trust, to make them acquainted with a communication just received from the Council. The Council demanded a "loan" from Derbyshire of £2,000 at the least, to be lent by men of lands and means for the general defence of the realm. John Manners was required, as soon as he had considered from what persons the money may be had, to send their names and residences, together with the amount which each was able to provide. On the back of this letter is a rough draft of the names and amounts. Francis Leeke, Godfrey Foljambe, Thomas Gresley, John Manners, John Harpur, Sir Thomas Cokayne, William Bassett, Mrs. Frechville, and Henry Sacheverell are each

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\* *Ab opulentioribus tantum.* Bacon's Works, Vol. vi., p. 121.

put down for £100; fourteen names are entered for £50 each; and forty-nine for £25.\* On March 12th, Thomas Kniveton, writing from Mercaston to excuse himself waiting personally on John Manners, owing to a cold and fever, strongly objects to the loan; and the deputy-lieutenant himself writes to the Earl saying that, notwithstanding the fervour against the Spaniards, nothing is worse liked than the payment of this loan money which he is charged to demand. Nevertheless, as in duty bound, John Manners persisted in the work assigned to him, and on March 27th, 1589, wrote to Anthony Latham, high constable of Scarsdale, to warn the following gentlemen to bring their money to Derby, on April 5th, according to the privy seals they had received:—James Linacre of Linacre, John Gill of Morton, — Spenser of Glapwell, Richard Kirkland of Normanton, Christopher Sclater of Barbro', Francis Leeke of Sutton, John Parker of Lees, John Rodes of Staley, Godfrey Foljambe of Walton, George Revell of Normanton, and John Longe of Clowne. The "privy-seal" was the official document demanding the particular share of the "loan" assigned to a special person, sealed with the royal privy seal and sent down into the provinces by the Council. A letter is extant from one of the Scarsdale gentlemen mentioned above to John Manners, namely Robert Spencer of Glapwell, in which he acknowledges the receipt of the Queen's privy-seal demanding £25, but declines to pay as it is insufficient in that it wants his name; he promises to pay the money when it has been made perfect. Henry Sacheverell, of Hopwell, writes about the same time concerning the £100 demanded of him, and hoping to be discharged, as the Earl of Shrewsbury was mistaken in his estate, thinking that his father was dead.

On May 7th, 1589, the Earl writes to his brother-in-law, from Sheffield, saying that it troubles him to hear of the slackness of those gentlemen who ought to be the most forward to do the Queen's pleasure, but that he (John Manners) cannot be discharged nor receive allowance till the rest of the money be paid. He recommends that new privy-seals be delivered to those in arrear warning of payment by an early day, and if they fail he will ask the Council to grant his deputy-lieutenant's discharge and to summon those who refuse before their lordships for contempt.

In September, 1589, John Manners drew up a list of those who had paid their contributions to this enforced loan, according to their

\* Belvoir MSS., Vol. xi.

hundreds; after enumerating all those who had discharged their obligations, the list thus concludes—"John Zouche of Codnor remains in London and has not paid, also Lady Bradburne, who refuses on the score that she has conveyed her land to her sons-in-law, Mr. Ferrers and Mr. Cotton. Also Mr. William Cavendish of Hardwick, Henry Sacheverell of Morley, Francis Leeke of Sutton, Robert Spencer of Glapwell, and another have not paid.

To this communication, Sir Francis Walsyngham replied on October 3rd, on behalf of the Council, to the effect that the four gentlemen last-named on his schedule of defaulters might be spared; but that the money must be got from Lady Bradburne, Mr. Zouche, and Mr. William Cavendish, save that if the last of these cannot or will not be found, a privy-seal must be directed to some other fit person.

Another loan was exacted from the County of Derby in the next year, John Manners, to his sorrow, being again appointed collector. This renewed exaction brought about organised resistance from many of the gentlemen of the county, who strongly objected to the capricious and uncertain nature of such an impost. Humphrey Dethick, of Newhall, the sheriff for that year, called together the chief of those to whom privy-seals had been addressed in the south of the county, with the result that the following memorial was drawn up and forwarded "to the Right honorable and our Verie good Lord the Earle of Shrewsburie":—

Right Honorable with humble remembrance of our duties—Having received this daye of Mr. Manners her maties Collector appointed for the loan of money within this countie, divers privie seales for severall sumes. Wee finding ourselves to be more charged thereby than our present abilities are able to supplie, and the greatest number of us havinge lent her matie money at her last time and a number of poore men beinge also now charged who are most unable to perform this Loane, do humblie besech yr good L. to be a meadiator for us to the body of the Councell that we may not be charged with theis payment now, but that the Countrey may be safelie rated respectinge their contynuall charge and payments and that for such Somes as their Honors shall sett downe your good L. may have blancke returned to ym whereby such as were able and not charged the last time may paie and the residew of the Some wch they shall not supplie may be made upp upon such persons as yr honore shall upon examination of the state of the Countrey find most able to performe this service. And so humblie take our leaves at Derby this xxth of March, 1590.

yr Lo. humblie to commande,

Humphrey Dethick, vic.  
Tho Gresley  
John Curzon

Patricke lowe  
Henry Kendall  
William Blackwall

John Ffrancis.  
Ralph Sacheverall  
,, Mundy  
Richarde Harpur.\*

\* Shrewsbury Papers—Lambeth, Vol. vii., f. 35.

On June 30th, 1592, the Lords of the Council wrote to John Manners, as Collector for the Queen for the loan in Derbyshire, understanding that he had paid £930 to the Queen, but that there were divers persons who had not paid and had not been excused; he was therefore required to fix a certain day for all those who had received a privy-seal and had defaulted to make their payment; and in case any still refused, to take bond for their personal appearance before the Council.

In 1597 another loan was claimed from Derbyshire, and John Manners was beset with requests for exemption from many of those to whom privy-seals had been addressed namely:—William Rivett, of Melbourne, because of loss among his sheep; John Claye, of Wakebridge; William Blackwall, of Blackwall; John Longe, of Holmehall; Francis Gilbert, of Youlgreave (to whom John Manners kindly lent the £20 rather than the privy-seal should be disobeyed); Patrick Lowe, of Denby, who said he was in debt £1,500; Henry Howden; William Barwell; Richard Sale; Walter Powtrell; William Collidge; Robert Larke; Nicholas Longford; and Robert Collier. On September 1st, 1597, John Manners sends to the Council £815, by his servant James Sleigh, which was the total the loan of that summer had produced, and stated that he had allowed some to defer payment till October. Lord Burghley personally replied to this letter from Theobalds, on September 9th, acknowledging the money and list of names who had paid, and asked to be informed as to those who sought to be excused on the ground of disability and of the truth of their plea.

On June 25th, 1598, the council sent another of their loan missives to John Manners requiring him to fix a day for payment by the defaulters, and afterwards to bind over any continued defaulters to a personal appearance before the council. At the same time a letter was received from the Queen apologising for not having repaid previous loans. The number of those who declined to pay this year materially increased; in fact, the list sent to the council at the end of July of those who had received privy-seals but had refused to lend was far in excess of those few who complied. The defaulters numbered fifty-three, and included such names as Eyre, Bagshaw, Gresley, Mundy, Stanhope, Agard, Bassett, and Harpur.

On September 2nd, 1598, John Watkinson of Brampton, and William Buckley of Bonsall, were bound over, each in a sum of £40, to appear before the council on October 16th, to answer why they had not lent £20 each on their privy-seals.

When the disputes between James I. and his Parliament began in 1614, on the refusal of the Commons to go into the question of supply until their grievances were redressed, the House was dissolved without passing any Act of subsidy. The King, warned of the very general and to a great extent successful resistance to his predecessor's last effort for a "loan," determined cannily on a "benevolence" of a novel character, that doubtless appealed successfully to the hearts or interests of not a few of his subjects. On July 4th, 1614, the Council sent a circular letter to the Sheriff and justices of Derbyshire asking them to call upon the gentlemen of the shire, "of their own free motion," and "out of their dutiful love and great affection to his Majesty, in contemplation of the many blessings of his most gracious government," to give unto the King plate or money, or both. The gifts were to be sent to his Majesty's Jewel House in Whitehall, with a register in writing of the value of every particular gift, and the names of the several givers, "that they being presented to his Majesty's view, he may be pleased to take notice of their good affections, which he will ever retain in his grateful remembrance."

The next instance of a "benevolence" is one of peculiar interest, as it shows the stern spirit that was gradually rising against these capricious exactions. When Charles I., early in his reign, namely in 1626, was so badly advised as to press for a benevolence, or "free gift," as it was on that occasion absurdly called, Derbyshire was practically unanimous in refusing it. Four of the hundreds declined to subscribe a farthing "otherwise than by way of Parliament," and in the whole county the people only contributed £20 4s. od. This was a grave foreshadowing of the troubles that culminated in the Great Rebellion. The following is the highly interesting and full reply sent to the Council by the Derbyshire justices :—

Maye it please yor Lopps

Accordinge to a letter wth instructions from his most excellent Matie dated the 7th day of July last and accordinge to other Letters of yor Lopps of ye 26 of the same concerninge the raysinge of monies as of free guift to his Matie from the people of this County of Derby, Wee whose names are underwritten and other his Maties justices of ye Peace for ye same County, have wth our utmost industry and judgment endeavoured so to pforme that his Maties service as that the effect thereof might have rendred our endeavor acceptable. But so it is that the successe therof hath bene so meane as were not to be related but that wee are in duty to give account unto yor Lopps of our owne proceedings; humbly prayinge that his most excellent Majesty may be satisfied concerninge our diligence in the service. On Tuesday the 18th day of July beinge the daye of our

Quarter Sessions at Derby it was agreed on by opinion of ye most, as ye best way to bring his Maties desier to effect and most conformable to the instructions to addresse ourselves to ye country, not all at one place and time but on diverse dayes in ye six severall Hundreds of this County. The prosequition and effect whereof appeareth in a Schedule hereunto annexed.

Now for as much as the sommes of mony in the same expressed to have bene offred by the people of the County amount but to 20*li.* and 4*s.* and the sommes of mony wch wee his Maties Justices of the Peace whose names are subscribed amount only to 91*li.* or thereabout wch in ye totall is but 111*li.* 4*s.* a somme nothinge answerable eyther to our desires or his Maties occasions, wee have soworne to appoint Collectors for ye same till yor Lopps pleasure be therein further knowne.

So we humbly take our leave resting

At yor Lopps commandement

W. Devonshyre	Fra. Coke
He. Wilughby	Jo. Bullok
Petr. Frechevile	Chr. Fullwood
Roger Manners	N. Browne
Henr. Agarde	Richrd Caryer

Frō Chesterfield this 17th of August 1626.

**The Hundred of Morleston**  
assembled Aug. 4 before us

{ Sr Henry Willughby  
Sr Henry Lea and  
Sr Richard Harpur

Desired a weeke tyme to consider, wch in regard of their importunity & their present inclinacōn not to give, was granted them. Neverthelesse at their meeting agayne they all denyed to give otherwise then by way of Parliament.

**The Hundred of Ropington**  
assembled Aug. 7 before

{ Sr George Greaseley and  
Sr Thomas Burdet

Desired time to consider, wch graunted, they conferred awhile together & then wth one voice denyed to give, otherwise then by way of Parliament.

**The Hundred of Appletree**  
was assembled Aug. 8 before us

{ Sr Henry Agard and  
Sr Francis Coke

And upon the 14th of the same wch day was given them they promised to give as followeth :—

		<i>li. ss. d.</i>
The Names & somes of such as have given in this Hundred.	Willm. Millwarde of Eaton Esqre .. .. .	2 0 0
	Mrs. Margaret Longford .. .. .	0 10 8
	Thos. Heacocke .. .. .	0 4 0
	Willm. Jackson .. .. .	0 9 4
	John Whithall .. .. .	0 10 8
	Thomas Pegge .. .. .	0 8 0
	Collingwood Sandes .. .. .	0 16 0
	Nicholas Oldham .. .. .	0 8 0
	Geo. Harrison .. .. .	0 13 4
	Clement Rossington .. .. .	0 8 0
Hen. Hill .. .. .	0 5 4	
		6 13 4

All the rest denyed to give unlesse by way of Parliamt.



**The Hundred of Wirksworth** { Christofer Fulwood  
assembled Aug. 8 before us { Richard Carryer

And upon the 14th of the same, wch day was given them they promised to give as followeth :—

		<i>li. ss. d.</i>
The names & somes of such as have given in this Hundred.	John Ferne of Hopton .. .. .	0 10 0
	Robt. Greatrax .. .. .	0 10 0
	Tho. Stone .. .. .	0 10 0
	Willm. Booth .. .. .	0 10 0
	Tho. Ferne .. .. .	0 10 0
	Eliz. Goodwyn .. .. .	0 10 0
	John Wolley .. .. .	0 6 0
	John Ferne of Hartington .. .. .	0 8 0
	Humf. Alsop .. .. .	0 8 0
	Martha Bradley .. .. .	0 6 8
	Wm. Buckley .. .. .	0 8 0
	Raph. Gell .. .. .	0 5 0
	Wm. Alsop .. .. .	0 8 0
		5 9 8

The rest denied all to give anything but by way of Pliamt.

**The Hundred of High Peake** { Wm. Earle of Devonshire  
assembled Aug. 9 before us { Sr Peter Fretchvile  
Sr Fra. Coke  
Christofer Fulwood &  
Nicholas Browne

Denied all to give anything but by way of Parliamt.

**The Hundred of Scarsedale** { Wm. Earle of Devonshire  
assembled Aug. 12 before us { Sr Peter Frechvile  
Sr Roger Manners  
Sr Francis Coke  
John Bullock &  
Christofer Fulwood

Denied all in like manner excepting onely Sr John Rhodes who is willing to give viij*li.*

The inhabitants of the **towne of Derby** assembled before the Bayliffes deny all to give in like manner.

The Justice of the Peace for this County having all appointed this present day for their meeting at Chesterfeild to make this their relacon to yor Lopps. We whose names are underwritten being assembled accordingly & conceiving his Matie desire to be no lesse directed unto ourselves then to those wth whome we have dealt doe humbly make our severall answeres as followeth :—

I Henry Willughby having at Christmas last lent unto his Matie the some of 30*li.* doe humbly pray in this present occasion to be excused.

I Peter Frechevile am willing to give unto his Matie 30*li.*

I Roger Manners am willing to give his Matie 9*li.*

I Henry Agard having lent unto his Maty 10*li.* at Christmas last humbly pray for this present to be excused.

I Francis Coke am willing to give his Matie 8*li.*

Mr. John Manners being not in the contrey sent his man excusing him & in his name promising to give his Maty twenty pounds—20*li.*

I John Bullocke am willing to give his Matie after the rate of foure intire subsedyes as I stand assessed.

I Christofer Fulwood am willing to give to his Matie after the rate of foure intire subsedyes as I stand assessed.

I Nicholas Browne am willing to give to his Maty after the rate of foure intire subsedyes as I stand assessed.

I Richard Carryer being a clergyman & standing charged wth paymt of subsedyes for theis foure yeares yet to come & conceiving that theis letters are not at all addressed to the clergy do humbly submit myselfe freely to give when such direceon shall come unto the clergy whatsoever I shall be required unto.

The rest of the Justices of the Peace usually residing in this County namely Sr George Greasely, Sr Tho. Burdet, Sr John Ferrers, Sr Henry Lea & Sr Richard Harpur expected here to joyne wth us in this our certificate as having had notice of the tyme & place, not coming accordingly we cannot certefy yor Lopps what they are willing to contribute or what answere they will make :—

W. Devonshire	Fra. Coke
He. Wilughby	Jo. Bullok
Petr. Frechevile	Chr. Fulwood
Roger Manners	N. Browne
Henr. Agarde	Richrd Caryer

[Endorsed] From the Justices of Derby about the contributions—the 17 of Aug.

The sume given by the people but 20*li.* 4*s.* 0*d.* By the Justices 91*li.* The Justices rated themselves not before but after the assemblie.

Few Justices present.\*

As we read between the lines of this memorable communication from the Derbyshire justices, it is obvious that they themselves had very considerable sympathy with this resistance to arbitrary taxation. For a time Charles and his advisers were overcome by the widespread character of the opposition, and the king, in March, 1628, gave his consent to the Petition of Rights, which put an end to benevolences and forced loans by the clause that enacted—"That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by Act of Parliament, and that none be called to make answer, or take such oath, or give attendance, or be confined or otherwise molested or disquieted concerning the same, or for refusal thereof."

### Ship Money.

Blind to repeated warnings, and forgetful of the most solemn pledges, the advisers of Charles I. in their next difficulty again attempted an extra-parliamentary method of taxing the nation. The

\* State Papers, Domestic, Charles I., Vol. xxxiii., No. 131.

king continuing to attempt to rule without a Parliament, and having failed to exact a sufficiency by straining to the utmost the feudal revenue from wardship, the fines for knighthood, and the patents for monopolies, decided, in 1634, to raise money by ship writs. This was no new expedient, for in earlier days they formed a well-known expedient for getting together a navy in war times. In the days of the Plantagenets, before the use of cannon made such a difference between ships of war and ships of trade, and before the time when the country possessed any regular navy, writs were issued by the sovereign, when occasion needed, to the seaport towns calling upon them to furnish ships and men for the defence of the kingdom. Although Elizabeth had inherited a small navy from Henry VIII, and had materially increased it, still two-thirds of the ships that fought against the Armada were derived from the merchant navy and were the result of ship writs. Ship writs, too, had brought together the greater part of the English fleet that engaged in the only warlike enterprise by sea of the reign James I., namely, the attack on Algiers in 1618. Even as late as 1626, when at war with Spain, the seaports had been required on the royal warrant to provide a fleet and to maintain it for three months. But then these were all war precedents, and applied only to the seaport towns. The ship writs, however, issued on October 20th, 1634, were made at a time when there was no immediate war. England, taken by surprise, for the most part quietly submitted, and a sum was raised of £104,252. The Court, growing bolder, on August 18th, 1635, ordered a second issue of ship writs to extend to inland as well as to maritime counties and towns.

Sir John Gell, of Hopton, afterwards the local leader of the Parliamentary forces, was then Sheriff of Derbyshire, and on September 11th he wrote to Secretary Coke with regard to the writ to the two boroughs in the county that the inhabitants of Chesterfield were very conformable, but that at Derby they rejected it altogether, apparently on a question of jurisdiction, and would not suffer him to be present at their assessment. He recommended that the share of Derby should be raised from £120 to £250 or £300, as there were many residents very rich, and that they usually bore a twentieth part of payments in the county, as Sir Francis Coke and other deputy-lieutenants had informed him.\* The total demand from the shire

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\* Domestic State Papers, Charles I., Vol. ccxcvii., No. 34.

under this writ was £3,500, of which £90 was to come from the clergy.

The opposition shown in the town of Derby to the ship money demand was shared by many other boroughs and counties. Special resentment seems to have been felt at the sheriff issuing orders to the constables to assess, which naturally roused the jealousy of the justices. In one of the Oxfordshire hundreds, the constables unanimously refused to proceed to the assessment, and troubles of a like kind arose in Devonshire, Lancashire, and Staffordshire. One of the Derbyshire justices, a man of high-standing and family, Sir John Stanhope, of Elvaston, absolutely refused to recognise the writ in any way. He had himself been sheriff in 1629. The Council felt bound, if they were to retain authority, to make an example in such a case as this, and on December 13th, 1635, issued the following warrant for Sir John's arrest:—

A warrant directed to Mathew Francis Esqre one of his Mats Sergents at Armes to fetch before the Ls the person of Sr John Stanhop of Elvaston in the County of Derby Kt for refusinge to paye the moneys assessed upon him towards the shipping, and reseving of the distresse taken by warrant from the Sheriff for the same. Dated the 13th of Dr 1635.

Signed

Lo. A. Bp. of Cant.	Ea. Morton
Lo. Keeper	Ea. of Kellie
Lo. Privie Seale	Lo. Cottington
Ea. Marshall	Mr. Compr.
Lo. Chambr.	Mr. Sec. Coke
	Mr. Sec. Windebank.*

In addition to thus sending for Sir John Stanhope, the lords of the council ordered the sheriff to at once make full distraint upon the goods of Sir John and also on those of Sir Pope Blount for their respective amounts of the ship money. He was ordered to distrain not on horses but on goods suitable for victualling, such as wheat, pease, beeves, muttuns, or hogs, and to take sufficient to bear the charge of conveying them from Elvaston to London.

Resistance was so wide-spread that in February, 1636, Charles submitted a case to the judges as to the legality of the levy. Their judgment was that such writs for ships, men, and victuals were legal "when the good and safety of the kingdom in general is concerned—*and the whole kingdom is in danger,*" adding that the king was the

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\* Domestic State Papers, Charles I., Vol. ccciii., No. 135.

sole judge both of the danger and how it was to be prevented. Although, therefore, it was obvious to any intelligent person that the kingdom was not in danger, if the king chose to say it was then the writs were legal, and so the court for a time triumphed, but only to its own destruction. Fortified by this judgment, Charles issued a third set of ship writs in August, 1636. In the autumn the sheriff of Derbyshire, John Milward, forwarded his certificate to the Council, showing that he had only succeeded in levying £700 out of the £1,300 demanded. He also reported that the town of Derby had paid no part of the £63 at which it was assessed, and that several gentlemen (justices) of the county, namely, Mr. Gresley and others, refused to pay and that he had threatened them with distraint.

In October of the same year a fourth ship-writ reached the county, this time for the full sum of £3,500. Sir John Harpur, the new Sheriff that Michaelmas, had the duty of collecting it. On February 27th, 1636-7, he forwarded the following letter and plan of assessment to the lords of the Council :—

Right honorable,

In obedience to his Matyes writ and directions from yor Lopps for prperation of a shipp in the Countie of Derby for his Matyes service I have caused to be assessed and taxed the sume of 3,500li. in the rateing whereof upon the severall townships I have governed myself (as much as might be) by such publike payments as have bine usuall in the said County.

The perticular sume of everie Constablerie is mentioned in the schedule here inclosed wth distinction of the charge of the Clergie according to yor Lops appointment And some addition is therein proposed to be raised out of prtended exempt places from their townships for supplie of others unable to pay. And although some part of the money in the said schedule in regard of the povertie of the parties cannot without great pressure be prsently leavyed nor the rates of some impropriate tythes and some other things for the prsent be distrayned for, because the owners thereof reside not in the County whereby one hundred pounds and upwards is not yet come to my hands. Yet in my desire of expediteing the service I have brought up the whole sume of 3,500li. humbly desireing that if I finde any absolute refusall to pay the said sume of 100li. and upward to me I may have the honorable assistance of this Board to helpe myselfe. And soe I shall remaine to be commanded by your Lopps.

In all humblenes,

John Harpur.

27 Feb. 1636.

Com Derby.

Hundreds.	Constableries.	Assessmts. £ s. d.	Clergie assessed for their	Spiritualities. £ s. d.	Temporalities. £ s. d.
Highpeake	Ashford ..	052 16 00	} Mr. Holland Rector Mr. Evans Rector	001 00 00 001 00 00	000 10 00
	Chelmarton and Buxton ..	044 00 00			
	Darley ..	044 00 00			

## SHIP MONEY.

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				[Abstract].	£	s.	d.
Sum total for the Hundred of Highpeak	..	..	..	..	704	0	0
Do.	do.	Scarsdale	..	..	789	4	0
Do.	do.	Reppingdon	..	..	378	8	0
Do.	do.	Wirksworth	..	..	440	0	0
Do.	do.	Morleston & Litchurch	..	..	440	0	0
Do.	do.	Appletree	..	..	589	12	0

[The following appears after Appletree Hundred].

				£	s.	d.
Derbie Towne	..	..	..	175	00	00
Increased in Dovebridge supra	..	..	..	003	12	00
In Duffield	..	..	..	008	16	00
Codnor Castle, &c.	..	..	..	005	00	00
Dale Abbey and Willestrop	..	..	..	005	00	00
Hopwell	..	..	..	003	00	00
Sm. total				200	08	00

Sm. tot. £3,541 12 00\*

With regard to this assessment for the ship-money, Sir John Manners' papers give particulars of some of the High Peak townships.

1636, Dec. 2nd. The cessment of Over Haddon, Great Rowsley, Little Rowsley, and Darley for ship-money, made by George Columbello senior, George Columbello junior, John Taylor, Henry Bradley, John Stevenson, Hugh Newton, George Brodhurst, William Goodwin, and George Hatfield, the total amount being £44.

1636, Dec. 4th. The cessment of Eaton and Alsop for levying £8 16s. imposed on that constablewick for providing a ship of 350 tons,† made by Thomas Alsop, Thomas Milward, and John Mellor.

1636, Dec. 10th. The cessment in the constabulary of Middleton for providing a ship for the King made by Richard Rowland, Robert Bateman, Thomas Garret, Richard Slater, and Francis Ridyard, the total amount being £8 16s. †

The "Long Parliament," which the King was compelled to summon in 1640, speedily made short work of the ship writs by "An Act for declaring illegal and void the late proceedings touching ship money and for vacating all records and processes concerning the same."§

The two following undated petitions to the Derbyshire justices are among the county papers, the one from the constable of Kniveton,

\* Domestic Papers, Charles I., Vol. cccxlviii., No. 51, etc.

† The cost of providing, manning, and victualling a ship was reckoned in these writs at £10 per ton, therefore this writ for £3,500 on Derbyshire was supposed to supply a ship of that burden; but it was notorious that very little of the money thus levied went towards a navy.

‡ Belvoir MSS., Vol. xvii.

§ 16 Charles I., c. 14.

and the other from the inhabitants of Mappleton, both make mention of the ship money, and are evidently of this period :—

To the right Worll his Maties Justices of the peace and Quorum assembled at the quarter sessions at Derby for the said County.

The humble petition of Thomas Wiberley Constable of Knyveton Ofcoate and Underwood in the sd county

Sheweth unto yor good worps that yor petitioner beinge Constable of Knyveton cum membris aforesaid, is to pay in moneys to Mr. Walker the high Constable, And divers of the inhabitants doe refuse to pay their levies and taxes in regard that it is of late found out that many of the lands within the lib'tie pay not any thinge but the *Shipp Money*, and divers lands that are situate in the p'sh of Knyveton doe pay to Ofcoate and Underwood wch is in Ashborne p'sh, and soe some of the said inhabitants doo answer yor petition that they will pay for their land where it lyeth, and they will not pay except all other lands within the lib'tie pay as well as the lands whereby yor petitioner is in danger to incurre the displeasure of the Court.

In Consideration whereof yor petitioner humble suite is that yor good worpps will be pleased to sett down an order that yor petitioner may have his levies paid him, and that all the lands within the lib'tie may pay their levies, and pay within the lib'tie where they are scituate, and if any refuse to pay for their landes that they hould, that then they may be ordered to appeare at the next monthly meetinge within the woopentage of Wirksworth their to shew cause why they doe refuse, And yr petitioner as in duty bound shall ever pray, etc.

To the Right Worll his Maties Justices of the peace and Quorum for the Countie of Derby.

The humble petition of the Inhabitants of Mappleton

Humbly sheweth unto yor good Worps That whereas yor poore petitioners haveinge formerly beene at great Charges wth manie taxations laide upon them Concerninge the Towne of Mappleton in the said Countie of Derby, being all or the most pte of the towne verie poore men, And whereas divers s'vall p'sons have heretofore held, and still doe hold Certaine groundes belonginge to the said towne of Mappleton wch have heretofore paid both towards his Maties provision and the *Shipp Money*, And now deny to pay the taxation laid upon them, Concerninge the trayninge and the Charge of settinge for the prest Soldyers, Prayinge that in this case yor petitioners may be relieved as to youre good worps shall seem most fitt and convenient And that those p'sons houldinge the groundes aforesaid may pay theire due according to every one's rate, wch soe houldeth the groundes as aforesaid, towards the easinge of us youre poore petitioners, we havinge had all the charge laid upon us hitherto And soe are likely still to have unlesse youre good worps will be pleased to sett downe, and take some order for our relieffe herein, And yor poore petitioners shall be ever bounden to pray, etc.

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### Commonwealth Assessments.

Under the Commonwealth the system of assessing the taxpayers was very materially improved. The old capricious method, which had made the very name of "subsidy man" a bye word redolent of peculation, and an equivalent of the Scriptural "publican," was swept away, and the taxpayers were rated by the local authorities on a fair equitable basis, every endeavour being made to arrive at what

each was really worth. In order to obtain a more rapid and continuous supply of funds for the parliamentary forces, a plan of monthly assessments was adopted and this method of monthly payment was maintained throughout the Commonwealth, after the pressing necessity for it had passed away. Derbyshire was called upon, by an ordinance of February 20th, 1644, to pay a monthly sum of £255 10s. 5½d. The committee, appointed to arrange the details of the assessment and to collect the impost, consisted of Sir George Gresley, Sir John Curzon, Sir John Gell, Sir Edward Coke, Sir Edward Leech, Sir John Coke, Sir Samuel Sleight, together with Randall Ashenhurst, Henry Wigfall, John Wigley, Robert Eyre, Ralph Clarke, Rowland Moorwood, John Mundy, Thomas Saunders, George Poole, and Edward Charlton. For the town of Derby, Thomas Gell, recorder, and Nathaniel Hallows, Luke Whittington, and Robert Mellor, aldermen, were appointed. On May 26th, 1645, the same committee were authorised, by a special ordinance of Parliament, to raise an additional monthly sum, not exceeding £1,600, "in an 'equal indifferent' and proportionable way" to the previous levies, owing to Derbyshire being the seat of so much of the strife of the times. The preamble runs as follows:—"Whereas the County of Derby is frequently infested by Incursions of the Enemy, to the great prejudice of the Inhabitants of the said County, and whereas the said County hath raised a considerable number of Horse, Foot, and Dragoons for their necessary Defence and Service of the Publique, and must be at great charges in maintaining their Forces, and providing other things requisite for the Defence and Safety of the said County; and without the raising of Moneys to defray the charge the Inhabitants of the said County cannot be preserved in such safety as is necessary: It is therefore ordained," etc. The force supported by this special levy was not to be used outside the county, except with the consent of the committee.

The system of the usual monthly assessment of the Commonwealth was as careful and fair in its plan and method as the old subsidy had been careless and unfair. In Derbyshire the required sum from each hundred was to be raised by a rate at so much in the pound on each township or parish. The commissioners or committee, all local men, divided themselves into sub-committees for the hundreds. The sub-committee for the hundred appointed by warrant "two at the least of the honest and able inhabitants within each parish" to be surveyors and assessors. These assessors ascertained the yearly



value of both the real and personal estate of the inhabitants, and returned their assessments in writing. These assessments or surveys were next laid before the sub-commissioners, and then with the assistance of the high constable and any other officials or persons they liked to summon, the assessments for each township were signed and sealed in duplicate. One copy was to be delivered to the appointed sub-collector, and the other to the general receiver of the county, by him to be transmitted to the lords of the treasury. The salaries of the different receivers, the general receivers for the county, the high collector for the hundred, and the sub-collector for the township were all fixed by act of Parliament at 1d. in the pound on moneys collected ; and all the receivers were to be men of the district.

With regard to the ordinary monthly assessments of these times, there are a few isolated papers among the county records. Colonel Colvile mentions in a note a small bundle relative to the monthly assessment of Pinxton and South Normanton for 1646-9, but these we have not been able to find.

A slip of paper, only five inches by three, is the one Derbyshire fragment that tells of a curious and almost forgotten tax of the Puritan times. It runs as follows :—All ye ministers are to give notice of ye meale tax next Sabbath daye, Thomas Saunders." At first sight this paper seems to have reference to some charge on corn or flour, but it relates to an impost of much greater interest. A weekly meal tax, or contribution from every person of the price of one meal per week, which he was supposed to give up, was exacted by the Parliament for six years, producing during the time it was collected no less a sum than £608,400. After abolishing all special seasons of obligation according to the Church's calendar, as superstitious and of man's invention, the Parliament most inconsistently ordered a monthly fast ; and afterwards, by way of unconscious compensation for the abrogation of Friday abstinence, they actually commanded abstention from one meal a week !

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### The Excise.

To the Parliament belongs the credit or discredit, according to the financial views adopted, of introducing into our fiscal system inland duties imposed upon a great variety of articles. On the continent, taxes of this description had long been known, but this new impost, or excise,

was first introduced into England by ordinances of 1643, which were strengthened and continued by others up to 1647. The system of inland duties on articles of consumption was termed excise—a phrase coined in Holland where the method was first adopted, from the excision of a part of the article taxed. Originally intended to be adopted only for a limited period during the stress of circumstances, the excise or new tax was found to be, notwithstanding opposition, so profitable, that it was soon continued as a permanent charge. The schedule to the order of July 23rd, 1643, specifies ale, beer, cider, and perry; and of imported articles, wine, tobacco, grocery, wrought and raw silk, furs, hats, lace, leather, linen, thread, and wire. Two months later the list of imported articles that were henceforth to be excised was considerably extended, and afterwards various other native or inland goods. Under an ordinance of September 20, 1649, the commissioners had power to let out to farm the excise upon all or any commodities. Most of these excise duties became blended with and formed part of the articles taxed, and this imperceptible operation soon removed friction; but it was different with the excise on ale and strong drinks.

When the revenue of the Crown came to be settled immediately after the Restoration, the excise duties on beer and ale and other intoxicants were transferred to the crown, the duties being continued at almost exactly the same rate as under the commonwealth. The duty on beer and ale was paid by common-brewers weekly; but innkeepers and victuallers paid on the various excisable liquors they retailed according to a monthly return. The Derbyshire documents of the time of Charles II. show that excisemen were often accused, probably with good cause, before the justices, of unfairness and roughness in carrying out their duties. The longest of these documents shall suffice as an example:—

Articles of Misdemeanor preferred against William Page before his Maties. Justices of ye peace in open Sessions holden at Chesterfield for the county of Derby upon 12th day of January Anno Dom. 1674.

Impr. That William Page drew out James Wrights drinke, threw some away, gave some to Henry Taylor of Paintridge and Robert Sandon and others, and being demanded why hee did for, hee swore he would throw it on the ground and sett the house on fire when hee had done, And discharged him from brewing any more, or sell what drinke hee had brewed.

Susanna Frost }  
Robert Hollinworth } Witnesses.

2d. That William Page was told that James Wright had a License under two Justices of the peace hands to brew Ale at that time, and he replied that he neither cared for a

Lycense nor the Justices of the peace, and said that they might . . . if they would ; before the same witnesses.

3d. That William Page refused to leave a Rate in writing of what hee charged the Brewers withall when hee came to gage their vessells, or tell them what the vessells would hold.

James Wright  
Willm. Roobotham } Witnesses  
Sara Heaward

4thly. That James Wright upon ye 18th day of December being required to come before the Commissioners of Excise to pay his duty of Excise at Alfreeton ye sd 18th day of December being no market day, William Page charged James Wright that he had to pay one, pound five shillings and sixpence And his due to pay was but twelve shillings and sixpence And that James Wright tendered his money.

Robert Hollinworth  
Susanna Frost } Witnesses  
Sara Heaward

5thly. That William Page had given false Entries to the Commissioners of Excise, and particularly upon the 18th of December at Alfreeton not being the market day by charging Twelve Shillings and sixpence upon William Roubotham And the duty was but nine shillings one penny half penny, And further he demanded of him Twentie Shillings for a Contempt when there was none, And further hee and one Timothy Ratclif would have money privately before the Excise should be payed, but hee would not give them any.

Susan Johnson  
William Roubotham } Witnesses

6thly. That William Roubottom tendered his money in due time, And it was throwne away upon the floor by the Excisemen ; The said tender being in the office of Excise and hee never had it againe.

William Gretrox  
William Rubotham } Witnesses

7thly. That William Page went into William Roubotham's Seller and drew drinke out of severall vessells and threw it upon the ground.

William Roobotham, Witness.

8thly. That William Roobotham's wife agreed with William Page to the filling of one vessell Two shillings and foure pence, And next time hee came to view the Seller he swore it was a Contempt, And hee would double the duty for it although hee found it standing in ye Seller The very first Vessell ; And bad William Roobotham bring with him Ten shillings when he came to pay the Excise for that vessell, besides doubling the duty for the vessell, And when he came to pay the Excise They demanded twentie shillings for a Contempt.

Susan Johnson, Witness.

9thly. That William Page frequently calls the Alewives jades . . and . . , and swears at them . . . . . and such like Execrations, And that he refuseth to gage, And said he would have a grant a vessell.

Willm. Roobotham  
James Wright  
Susanna Frost  
Susanna Johnson } Witnesses.

10thly. That Willm. Page said that he would give Elizabeth Sydebotham that which should hinder her for appearing at the Bench, being a good Evidence in ye Cause.

Richard Cotes, Witness.

Occasionally, however, we find proof that the justices had to interfere on behalf of the unpopular collectors of revenue, as the

following order made at the Trans. Sessions, 1683, testifies:— William Roberts, licensed victualler, of Sutton, was bound over in £100 to appear at the next Assizes at Derby, and “in the meane time to bee of the good behaviour, for saying that the Excisemen were knaves and their actions were worse than the Plotters, the wordes being spoake immediately after the King’s proclamation.”

With the advent of William of Orange to the throne, certain alterations were made in the excise, whereby considerable additions were made to the tax on brewing for sale, and the spirit produced by the first distillation at the distillery was taxed, in lieu of an excise on the spirits themselves. The result of this was to bring about further conflicts between the local excisemen and the brewers and distillers. In the spring of 1694 several complaints, supported by influentially signed petitions, reached the justices, as to unfair exactions on the part of some of the officers. It was probably as the result of this that the following letter was sent to the Derbyshire justices by the chief officers of excise in London, and entered upon the Orders of Mich. Sessions, 1694:—

“A letter from their Matys Comrs of their Revenue of Excise  
To the Justices of the peace in this County.

Gentn.

Wee their Matys Comrs of Excise haveinge thought it our duty to p'mitt noe p'son to bee Employed in Collectinge or Manageinge the Excise whoe is unfaithfull to the trust reposed in him oppressive to the Subject or otherwise disaffected to their Matys service, and not beinge able to receive soe true an Information concerninge those Employed in yor County as from you (to whose care the Examination of all Misdemeanors within yor County is comitted by their Matys Comission) and the judgment betwixt the Payer and the Levyer of Excise is entrusted by the Statute doe make it our earnest request to you and every one of you that you will for their Matys Service and the Publicke Good give yor Selves the trouble to examine wheather any of the Excise Officers of what Quallity Soever in yor County have been guilty of any Unfaithfullnesse in their Office or have in any Sort oppressed the people or have discovered themselves any wayes disaffected to the Governmt either in words or actions or in any manner or kind whatsoever And in Case you shall find any such that you will not only Punish them by one Course of Law but transmitt the Informations to us that they may bee dismissed from the Service

In the p'formance whereof you will doe an acceptable Service to  
their Matys and very much oblige

Gentn,

Yor most Humble Servants,

Fra. Parry.	Sam. Datewood.
Tho. Hall.	Step. Evemee ( <i>sic</i> ).
Edw. Clarke.	Jno. Foche.
Fra. Onslowe.	J. Danvers.

Excise Office,

Lond., 27 Sept., 1694."

In 1697, the excise officers had a new duty imposed on them by the imposition of A TAX ON LEATHER, which was to remain in force for three years. No sooner was the Act in operation than several legal conflicts arose between Derbyshire tanners and the officers. The most serious of these cases came before the Epiph. Sessions, 1697-8, by way of appeal, with the following result as entered in the orders:—

" Upon an Appeal brought by one Robert Lomas pursuant to an Act of Parliamt Intituled an Act for layinge a Duty upon Leather for the Tearme of three years. The matter of fact being That Mr. Joseph Harvey one of his Maties Officers of Excize had Seized two and twenty Calves skinns of the said Robert Lomas pretending hee had not made an entry wth the proper officer of the same thereby intendinge to defraude his said Matie of the Duty arrising by virtue of the said Act. And Upon hearing Councell and Witnesses Examined upon oath on both parties It appearing to this Court that the Seizure of the said two & twenty Calves Skinns was wrongfull and injurious to the said Robert Lomas, And it further alsoe appearinge that there was a Judgmt given against such Seizure upon the said matter of fact By Sr Henry Every and Gilbert Thacker Esq two of his Maties Justices of the Peace of this County wch the said Mr. Harvey has refused to observe in Contempt of the said Justices, This Court doth therefore order and It is ordered by this Court that the Judgmt of the said two Justices bee and is Confirmed and that the said Mr. Harvey doe forthwith deliver bail unto the said Robert Lomas the said two and twenty Calves skinns soe by him Seized and taken as aforesaid And that the said Mr. Joseph Harvey doe enter into Recognizance sittinge the Court."

In 1710, some further addition was required for the purposes of the

war of the Spanish succession, with the result that the tax on leather was re-imposed, and in the following year was raised from 1d. the lb. to 1½d.\* No sooner was this excise re-imposed than renewed disputes appear among the Derbyshire records. At the Trans. Sessions in 1712, this order was entered:—

“Upon an appeal brought this Sessions by Joseph Moore of Caldwell in the parish of Dronfield, Tanner, to be relieved from a Fine of twelve pounds & ten shillings set upon him by a Warrt & Order for levying the same under the hands & Seals of the Lord James Cavendish & Michael Burton Esqr for using false weights in weighing his leather thereby defrauding her Matie of the duty taxed upon Leather by virtue of a late act of Parliamt & for other irregularities & abuses committed agt the said Act It is therefore upon hearing the sd Matter & Witnesses examined upon oath in open Court ordered by this Court that the sd order & Judgmt of the said Justices be confirmed & that the same money be levyed as the Act directs.”

A further order of the court, made at Mich. Sessions, 1713, deals with a technical dispute that rose between the tanners and the excisemen as to the manner of cutting the hides:—

“Queen’s Officers of the duty on Lether & Tanners of the County.

The case in difference betwixt the sd Officers and Tanners & in which they appeal to this Court for their direction & order is what & how much leather shall be accounted & adjudged pates of hides dressed & whether such pates & tayls shall pay ad valorem by tale or by weight within the laws for laying certain dutys upon hides etc. And ye Court being willing to know & be informed of what extent & largenes & in what manner pates were heretofore usually nitt in this County examined sev’all antient Witnesses upon Oath who thereupon informed this Court that the antient & usuall way & method of nitting pates of the same length & extent behind the hornes of every hide as they respectively were before the hornes. Therefore the Court takeing the mre into consideration & takeing itt to be even a prejudice to the Tanners to nitt more into the pates than the sd usuall method do direct & order that the rule & method of nitting pates of hides by the Tanners of this County be by nitting the same, of the same length & extent behind the hornes as shall be before the

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\* 9 Anne, c. 11 ; 10 Anne, c. 26. The tax was made perpetual by 3 George I., c. 7.

horns And do order that the Tanners do for the future pay for such pates & also tayls ad valorem & not by tale or weight And also do further order that the Tanners shall ascertain the value of such pates and tayles with ye proper officer in their respective divisions pursuant to the laws for laying such dutys on leather if such Officer & officers are willing to enter & take the same but if they or any of them refuse so to do Then the Tanners concerned therein shall ascertain the value thereof with the next Justice of the peace of this County or place where such pates & tayles shall be so nitt & tanned And afterwards render the Duty according to such valuation to the Collector of such dutys for the time being and if such Collector refuse to accept the same yett nevertheless such Tanner shall be at liberty to remove sell and dispose thereof."

In 1718, the excise officers seized certain leather said to be un-taxed, and the charge was sustained before two justices who fined the delinquent £12 10s. ; but on an appeal to Quarter Sessions, the decision was reversed, the officers had to refund the fine and deliver up the leather. Several like cases of conviction were reversed on appeal at subsequent sessions.

The tax on leather was doubled in Vansittart's budget of 1813, but was reduced to the old level in 1822, and finally abolished in 1830.

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### Hearth Money.

In order to make up the required amount of revenue "to support the king's crown and dignity," Parliament granted to Charles II., in 1662, the first English tax in respect of houses which was charged at 2s. for every fire hearth and stove. Hence the levy soon became known as hearth money, and the obnoxious collectors as chimney men. It was assessed on a return made by the occupier after notice from the constable. The local officer was to enter each house and verify the return, and the returns were to be delivered to the justices at the Trans. Session. The clerk of the peace was to enrol the accounts and to send a duplicate to the court of exchequer. None of these returns, so valuable for statistical purposes, are now extant among the county records, but a table drawn up from the Hearth Books of 1690, at the Public Record office, shows that there were 24,944 houses in Derbyshire at that date subject to the tax, possessing 36,901 hearths.

The tax was paid in half-yearly portions, the collection being made by special officers, who paid over their receipts to the high constable of the hundred, who in turn handed them over to the sheriff of the county. Those were exempted from the tax who by reason of poverty or the smallness of their estate were exempted from church and poor rates, or who could prove the annual value of their house to be not more than 20s. The tax from first to last was regarded as a peculiarly odious one; it touched many of the poorer classes who had hitherto escaped direct taxation; it was farmed out to the highest bidder and hence extorted most rigorously; and it brought about, through the inquisitorial visits of the chimney men, a constant and ever jarring invasion of the privacy of home. The eloquent passage from Macaulay on this tax, with its apt citations from contemporary ballads, is too well-known for quotation.

Among the Sitwell MSS. is an undated and unsigned letter relative to this tax, addressed to Simon Degge who usually acted as chairman of Sessions in the reign of Charles II. It is, we suppose, from Renishaw township. The date is probably 1663, for mention is made of two Acts on the subject. The Act of 1662 was amended in detail in 1663, and again in 1664.\*

For Simon Degg Esqr  
Sr

There is a Warrt directed to our Constable from the High Constable for 20*li*. 08*s*. wch is said to be in arreare to his Matie for hearth money in this Townshipp, but noe direction of whome, or after what manner it is to be gathered. We can not imagine that any who have seriously perused those two Acts for hearth money, would have those who have pd their money for those hearths they have, to make good the ffailure of their neighbours, it is soe dissonant to reason, that we conceive it a gross mistake in the High Constable, and imagine he hath forgotten his direction from the Justices att the Sessions for admitt one should make good the failure of his neighbour, then every man would be lyable to make good the whole, if there be a failure, it is either in the officers, or in some particuler persons who have not paid.

The prmisses considred we knowing you to be an understanding discreet person, and a great lover of Justice, make bould to give you the trouble of this, and humbly intreat you would please to direct the Constable what he is to doe therein; for we who have done our duties, paid our money, and have acquitances according to the Act, conceive we ought to pay noe more till another rent day: and thereby you will not onely doe a favour to us, but yor whole Country in generall and will oblige us to be

Yor humble servts.

Though there are not many Derbyshire papers extant of the earlier years of the Restoration, three or four prove that the county shared in the general dislike to the hearth money. There are two petitions

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\* 13 and 14 Charles II., c. 10; 15, c. 13; 16, c. 3.



to the Sessions against the claim in cottages which pleaded statutory exemption, and one case of a grievous assault on a "chimney man." The following memorandum from the fly leaf of one of the old registers of Darley Dale affords a further proof of the zeal of the officials in seeking hearths.

Memorandum, That in ye year 1685 An officer employed for ye collecting of Hearth money demanded money for a hearth in ye Burley field house which had been for many years used for a barne only, & had not been payd for as haveing no hearth remaining ; of which a Certificate was made to exempt it from payment for ye future, Subscribed by

John Edwards, Rector  
Richard Adams, Churchwarden  
George Wagstaff, Constable

Which Certificate (in behalfe of James Ward then occupant of ye said house) was allowed by ye Justices at ye Sessions at Bakewell July 14, 1685, & subscribed by

Francis Barker } Justices of ye Peace.  
Robert Ashton }

William of Orange, on his route from Torbay, received many petitions complaining of the hearth tax. Recognising the popularity that would accrue from its repeal, he had no sooner come to the throne than he ordered the House of Commons to report on the subject. To their adverse report, the new king promptly gave assent, and an act for the abolition of this first house tax was promptly carried, with a great flourish of trumpets, "in order to erect a lasting monument of their Majesties' goodness in every hearth in the kingdom."\*

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### The Window Tax.

Notwithstanding the magnanimous air with which William III. had repealed the house-tax in the shape of hearth-money, in a year or two he himself followed the Stuart example and reverted to a house tax, only this time it took the form of taxing the openings for light instead of the openings for smoke. The new tax of 1696 imposed upon every dwelling-house, except those not paying church or poor rates, the following charge:—for each with less than ten windows, 2s. ; from ten to twenty, 6s. ; twenty or more, 10s. It was managed by the commissioners of the land-tax, and parochial collectors were selected from "the most substantial" inhabitants of the district.†

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\* 1 and 2 William and Mary, c. 10.

† 7 and 8 William III., c. 18.

The tax was much disliked, but in two respects it was an improvement on its predecessor; the inquisitors could generally satisfy themselves outside instead of inside the house, whilst the local collection and power of Quarter Sessions removed some of the alien feeling with which the hearth-money had been regarded. The Act was amended in 1709, when houses with twenty and under thirty were charged 10s., and with thirty or more, 30s.\*

The first mention of the Window Tax in the orders occurred at the Epiph. Sessions 1698-9, when various oaths were taken as to houses having only 8 or 9, or 18 or 19 windows. "Ordered that James Platts of Longford bee charged but two shillings for his windows, it appearing to this Court upon his Oath that hee had but eight windows." "Ordered that Jacob Gaunt of Yeavly bee charged but six shillings for his windows, it appearing upon his Oath that hee had but nineteen windows." At the same sessions, appeal was made on behalf of Mr. Doughty, Schoolmaster of Repton, asking the court's opinion on his being charged with the window tax duty for the school house, in respect of his inhabiting some part of it. The collector was ordered by the court to forbear levying till the court learnt how other like schools were charged. At the next sessions, an exemption was claimed because the house had not been inhabited since the previous Midsummer. In 1703, there were nineteen cases of appeal as to number of windows heard at Quarter Sessions; in fact throughout Anne's reign there were cases at every sessions. At the Epiph. Sessions, 1710-11, "This Court doth order that William Fowke of Quorne in this county, being a poore man dwelling in a small poore little cottage in the said Liberty, be for the future excused and is hereby discharged from the payment of any duty or tax upon his lights or windowes in his said Cottage." At the Easter Sessions, 1711, "Upon the oath of Thomas Bond of Derby mason that Mr Benjamin Parker's house in St. Alkmund's parish in Derby hath but 17 Lights or windowes in his house there, two of which windowes in ye Garrott have beene made up long before ye Window Act, ordered yt he pay for no more." At the same sitting of the court, a case was sworne to that just escaped the heaviest charge under the amended Act—"Upon the oath of Mr. Wm. Chambers that he hath but 29 windowes in his house in All Saints' parish in Derby, Ordered that he pay but for 29 windowes."

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\* 8 Anne, c. 4.

The following is given as the form of appeal to the sessions :—

To her Matyes Justices of the peace at their generall Quarter Sessions held at Bakewell in the County of Derby.

Whereas I (John Beestone) am Assessed the sum of six shillings this present yeare 1714 for my Dwelling House in Doveridge in the said County, and not having any more than the number of nine Windows or Lights in the same, do humbly Appeale to this honourable Court That I may be abated in the said Assessment for my said House.

John Beeston.

Various other Acts were passed in later reigns in which the charges on windows were recast, and steps taken to prevent the temporary blocking up of lights to evade the assessment. Skylights, and windows to passages, staircases, kitchens, cellars, laundries, and brew-houses, etc., etc., were all by degrees included as the need for increased revenue became more pressing. During the great war with France, the charges were raised on several occasions, until in 1808, by a gradually ascending scale, beginning at 6s. 6d., the charge on a house of 180 windows reached £93 2s. 6d., with 3s. additional for every window over 180. The yield from this form of house-duty, in 1815, was about £2,000,000. In 1817, one glazed window was allowed in farm houses, for the dairy or cheese room, free of duty. This is the reason, unknown to many of the present generation, why the words "Dairy" or "Cheese room" are still found over windows of some quiet undisturbed farm houses of the country districts of Derbyshire. The window tax was not finally repealed until 1851, under the chancellorship of Lord Halifax, then Sir Charles Wood, who replaced in our fiscal list the tax on inhabited houses.

The antiquary and the lover of picturesque domestic architecture have every reason to abhor the memory of both hearth and window money ; the former caused many a country manor-house or fine old grange to be dismantled of its chimney shafts, whilst the latter brought about the still commoner disfigurement of blocked up or defaced windows.

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### Hair-Powder.

Hair powder, which was first introduced about 1590, was for a long time only occasionally used by fashionable ladies and their footmen; but about the middle of last century it began to come into general use and was accepted as tantamount to the wearing of a wig. In England, before 1775, the fashion became general among men of wearing the natural hair long, tied in a pig-tail, and powdered. In 1795 Pitt proposed to tax the use of hair-powder; though acknowledging that the proposal might at first thought seem ridiculous, he estimated that such a levy would produce £200,000 per annum and was, therefore, to be seriously regarded. On the part of the opposition, Fox replied that a fiscal arrangement dependent on a capricious fashion was an absurdity. However the proposal passed into law, and after May 5th, 1795, every one in Great Britain using hair powder was required to take out an annual certificate costing a guinea.\*

Exemptions were allowed to the royal family, and their servants; to clergy with an income of under £100; to subalterns, non-commissioned officers, and privates in army and navy; and to all officers and privates of the yeomanry and volunteers enrolled during the past year. A father having more than two unmarried daughters might obtain, on payment for two, a license for the remainder. The master of a household, on making a return of all his servants and their duties who wore powder, might obtain a certificate for each servant, which would serve for any successor in the same capacity during the year. The persons using powder were required to apply for and take out certificates at certain offices. Duplicate lists of the certificates granted had to be forwarded by the official "distributor" for the district to the Clerk of the Peace to be by him preserved. Hence the appearance of documents of this class among the county records. Full returns for the county of these certificates for the years 1795 and 1796 are still preserved. They are arranged in two forms—firstly, a list of names and descriptions of those who had taken out certificates, arranged according to parishes, and wholly in manuscript; and, secondly, a list on folio printed forms, arranged alphabetically for the whole county, giving in parallel columns the number of the certificate,

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\* 35 George III., c. 49.

the date, the person's name, and description. The first "distributor" for the Derbyshire district was Richard Leaper Head.

We will give, as a specimen, a single sheet of the first of these returns :—

A List of Persons describing themselves as residing in the parish of Darley in the County of Derby, who have taken out Certificates for using Hair powder for the year 1795.

Names.	Descriptions.
<i>Darley.</i>	
Cooper Susannah	
Dakeyne Joseph	Cotton Manufacturer
Dakeyne Thomas	Ditto
Dakeyne Daniel, jun.	Ditto
Dakeyne Peter	Ditto
Dakeyne Edward	Ditto
Dakeyne James	Ditto
Dakeyne John	Gent.
Southern Thomas (of Wensley)	Housekeeper
Wray Lucy	One of the five Daughters of Wray the Revd Wm.
Wray Mary	Second of 5 Daughters of Do.
Wray Revd. William	
Wray Frances	Wife of Wray Revd William
Hampston Joseph	Lodger with Hopkinson Joseph
Holden Robert Esqr	Housekeeper
Harpham Robert	Butler to Holden Robt Esqr.
Holden Captn Robert	Inmate with Holden Robt Esqr.
Peat Sarah	Housekeeper to Holden Robt Esqr.
Spray William	Under Butler to Holden Robt Esqr.
Whitworth Mark	Footman to Do.

Pitt proved right in his estimate ; the yield of the hair powder tax amounting to £210,136 for the first year of its levy, and this notwithstanding that the leading members of the opposition and their followers ceased to use hair powder. The prominent Whig families of Derbyshire are conspicuous for their absence from the certificate lists of 1795 and 1796. But the amount of ridicule that the tax aroused, the wearers being termed "guinea pigs," and the absurdity of the opponents of the government giving up their accustomed mode of hair dressing, together with the still greater absurdity of Tory squires insisting on plastering the hair of all their servants with flour for the pleasure of paying another patriotic guinea, soon brought a general abandonment of the custom among sensible folk, though a minority clung to the custom with much persistency.\* This tax was added to

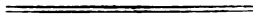
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\* So late as 1820, Major John Cox, of Derby, an excellent Tory, declined for some time to allow his son Edward (father of the author of this work) to become the pupil of a well-known clerical tutor, for the sole reason that the clergyman did not use powder and wore his hair short, arguing that he must, therefore, be a dangerous revolutionist.

the group of assessed taxes in 1802. In 1812, 46,684 persons in Great Britain still paid hair-powder duty. This was the year of the re-opening of Drury Lane Theatre, to which the "Rejected Addresses" refer. It is in the first of these addresses that the humorous lines occur :—

"God bless the guards, though worsted Gallia scoff;  
God bless their pigtails, though they're now cut off."

The tax soon became merely an additional levy on the man servant of fashionable life. In 1855 the number of these powdered flunkeys had decreased to 951, so that soon after the tax was repealed as unproductive. It is said that of late the beplastering of the heads of coachmen and footmen is on the increase; if the admirers of this silly custom only knew the unpleasant origin of the use of powder for the heads of men servants, it would be at once abandoned.





## SECTION VII.—POOR LAW.

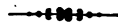


INTRODUCTORY. OVERSEERS. WOMEN OVERSEERS. ASSESS-  
MENT. SETTLEMENT AND REMOVAL. ROGUES, VAGABONDS,  
AND VAGRANTS. PETITIONS FOR RELIEF. WORKHOUSES, OR  
HOUSES OF INDUSTRY. HABITATIONS. APPRENTICES.  
LUNATICS.





## SECTION VII.—POOR LAW.



### Introductory.

“ Under cover of the ‘ Reformation,’ Henry VIII. got to himself a vast proportion of what was expressly given in trust for the poor. He got it under false pretences. He gave it to his favourites, in breach of honour, honesty, and his pledged faith. This monstrous pillage of the poor, and gross fraud upon the nation, produced an immediate effect. The real and deserving poor, robbed of what was thus from of old set apart to meet their true needs, were flung upon society. Vagrancy had thus everywhere a colourable excuse given to it, and soon largely increased. Instead of the true remedy being applied, and a part of what had been wrongfully misappropriated being restored, a new burthen was cast upon the country for the support of the poor as a class. Thenceforth ‘ pauperism ’ became a caste in England.” \* Thus wrote Mr. Toulmin Smith, the able literary barrister, himself a Nonconformist, in the best known of his works, nearly forty years ago ; and although some historians have differed somewhat in their estimates of the causes that brought about the enormous increase of pauperism that flooded England in the sixteenth century, and beneath the weight of which she still staggers, the opening up of new sources of information, both national and private, since the time of Mr. Toulmin Smith, has most abundantly substantiated his strongly expressed conclusions.

Though other minor causes had some small share in bringing about the misery and mendicancy of so large a section of the nation, the one true overwhelming cause was the wholesale sweeping away of

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\* The Parish : its Powers and Obligations at Law ; 2nd Edition, p. 144.

the monasteries, a measure conceived in sin, and brought forth in the most wanton and reckless greed.\* Even if the administration of the wealth and means of the monasteries had been made to change hands, and had been appropriated for useful and national purposes, it would still have been a mistake thus hastily to disband corporations whose very *raison d'être* was the disposal of alms and care for the sick and infirm. But when the monks were pillaged to find funds for the profligate courtiers of the most licentious king that has ever degraded a European throne, what wonder that the results of such a policy were woefully evil.

We have quoted from a cool-headed critic of these days as to the pauperism these measures created ; we shall now quote from a good old writer who lived in the generation after the dissolution, writing these words in 1591 as to the use the monastic houses made of the property which they regarded as " the patrimony of the poor."†

" They made such provision daily for the people that stood in need thereof, as sick, sore, lame or otherwise impotent, that none or very few lacked relief in one place or another. Yea, many of them, whose revenues were sufficient thereto made hospitals and lodgings within their own houses, wherein they kept a number of impotent persons with all necessaries for them, with persons to attend upon them : besides the great alms they gave daily at their gates to everyone that came for it, yea, no wayfaring person could depart without a night's lodging, meat, drink, and money ; (it not) being demanded, from whence he or she came and whither he would go.

" They taught the unlearned that was put to them to be taught : yea, the poor, as well as the rich, without demanding anything for their labour, other than what the rich parents were willing to give to them of mere devotion.

" There was no person that came to them heavy or sad for any cause that went away comfortless. They never revenged them of any injury, but were contented to forgive it freely upon submission. And if the price of corn had begun to start up in the markets, they made thereunto with wainloads of corn, and sold it under the market price

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\* The sequel to this act—the confiscation of the property of the Guilds (which were the "benefit societies" of the Middle Ages), as planned by Henry VIII., and carried out by the adventurers who surrounded the boy king Edward VI., added yet another wave to the flood of pauperism. Reference will be made to this in the next section, under "Rates of Wages."

† Cole MSS. (Brit. Mus.) xii. ; quoted in Gasquet's remarkable and memorable work on *Henry VIII. and the English Monasteries*, 1889.

to poor people to the end to bring down the price thereof. If the highways, bridges, or causeways were tedious to the passengers that sought their living by their travel, their great help lacked not towards the repair and amending thereof; yea, oftentimes they amended them on their own proper charges.

"If any poor householder had lacked seed to sow his land, or bread, or corn, or malt, before the harvest, and come to the monastery, either of men or women, he should have had it until the harvest, that he might easily have paid it again. Yea, if he had made his moan for an ox, horse, or cow, he might have had it upon his credit. And, such was the good conscience of the borrowers in those days, that the thing borrowed needed not to have been asked at the day of payment.

"They never raised any rent, or took any rent, or took any incomes or garsomes of their tenants; nor ever took in or improved any commons; although the most part and the greatest was ground belonging to their professions." . . . "All sorts of people were helped and succoured by abbeys. Yea, happy was that person that was tenant to an abbey, for it was a rare thing to hear that any tenant was removed by taking his farm over his head. He was not afraid of any re-entry for non-payment of his rent, if necessity drove him thereunto. And thus they fulfilled all the works of charity in all the country round about them, to the good example of all lay persons that now have taken forth other lessons, that is *nunc tempus alios postulat mores.*"

To be a poor Christian used to be held an honour; Henry VIII. changed all that, and made poverty a crime. His children, Edward and Elizabeth, showed how they had been taught to regard poverty by the very spirit of their poor law legislation, as will be shown under the different sub-headings of this section.

It seems difficult to exaggerate the astounding numbers of the beggars that swarmed everywhere, when the rankly covetous actions of Henry VIII., with their necessary sequel of riotous living and outrageous expenditure on the part of the few, had been thoroughly accomplished. The alarm created by their numbers is about the only excuse that can be offered for the astounding severity of Edward VI.'s Statute of Vagabonds, to which definite reference will shortly be made. One careful writer actually estimates that for one beggar at the beginning of the reign of Henry, there were a hundred in the days of Elizabeth. Even if we reduce this estimate by one half it

presents a singularly sad picture, very much the reverse of the delusions that are generally propagated as history about the glorious days of "Good Queen Bess." Nor are these estimates the vague generalities of prejudiced surmisers. Let us give a contemporary account from the same Elizabethan writer, from whose MS. we have already quoted, of the funeral of the great Earl of Shrewsbury, the Lieutenant of Derbyshire. "At the funeral of George, late Earl of Shrewsbury, celebrated at Sheffield in Yorkshire, the 13th day of January in the 33rd year (1591), there were by the report of such as served the dole unto them, the number of 8,000. And they thought that there were almost as many more that could not be served through their unruliness. Yea, the press was so great that divers were slain and many hurt, And further it is reported of credible persons, that well estimated the number of all the said beggars, that they thought there were about 20,000." It is thought, adds our author, in order to form a better idea of the general and grievous poverty, that all these poor people, thus ready to struggle for a small dole, were abiding and dwelling within thirty miles compass of Sheffield. The greater part of them would come from Derbyshire, where the Earl's estates lay, and where he was so well known.

The stress of beggary does not seem to have been quite so severe after the Commonwealth, though it was occasionally a serious trouble when corn ran up to a great price. The following is a presentment made by the Grand Jury at the Quarter Sessions, held at Chesterfield, on January 12th, 1674:—"The Grand Inquest for ye County of Darby observing that in this present time of dearenesse of Corne there is a great grievance in ye County by reason of the Wandering of great multitudes of Poore out of their owne Parrishes into other places to begg releife Wee therefor desire that Order may be taken by the Court to restrayne persons from Wandering from the place of their habitations into other Parrishes to begg releife;" signed by Geo. Heathcote & sixteen other jurymen.

"The poor of England," says Blackstone, "till the time of Henry VIII., subsisted entirely upon private benevolence, and the charity of well disposed Christians."\* It now remains for us to consider how Acts of Parliament took the place of the older form of relief, and what serious labours were now imposed upon the justices, their poor law administration forming by far the largest part of their civil administration.

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\* Blackstone's *Commentaries*, Vol. I; Bk. I.; Sec. 6.

### Overseers.

It was by the later poor law legislation of Elizabeth that "Overseers of the Poor" were brought into existence in every parish. Previously the alms of the faithful deposited in the church alms-box, or contributed in other ways, and sometimes gathered by appointed "Collectors," were not unfrequently divided amongst the poor by honest men chosen by the parish, and styled in early records "Distributors." \* It is usually said in hand-books and in articles on the Poor Law, that these officers were created by the elaborate statute of 43 Elizabeth, but this is a mistake. By the 39th of Elizabeth, c. 3, it was enacted "that the churchwardens of every parish and four substantial householders of the said parish, who shall be nominated yearly in Easter week, under the hand and seal of (not by) two or more justices of the peace in the same county, dwelling in or near the same parish, shall be called 'Overseers of the Poor' of the same parish." This was an avowedly temporary Act, and it was renewed in most particulars as abiding legislation, four years later. Their office and duty were principally to raise competent sums for the necessary relief of the poor and impotent, and to provide work for such as were able, but could not get employment.

This Elizabethan legislation gave appeal to Quarter Sessions against parish officers' accounts, and occasional instances are found among the Derby records of resort being made to the court for this purpose. But another and more frequently used appeal to the court lay with respect to the actual appointment of overseer by "any person or persons aggrieved." Several such appeals are extant in the county papers, particularly of the seventeenth century, and are chiefly based upon the customary rotation not having been observed.

A curious point of appeal with regard to the appointment of overseer comes to light on different occasions, when a woman had been chosen for the office. The first instance of this kind that we have noted occurred in 1684, in the case of a female churchwarden, but which may rightly be here mentioned, as under the statute all churchwardens were also overseers of the poor. The following Order of the court rendered the election void :—

Upon hearing Mr. Turner Attorney on behalfe of Mary Jaques of Draycott whoe informed this Court that the Minister and Inhabitants of the p'ish of Little Wilne had elected the

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\* See Toulmin Smith's *The Parish*.

said Mary Jaques to bee one of the churchwardens of the said p'ish and being alledged by the said Mr. Turner that shee as a woman was not capable of that Office nor by Lawe compellable to serve it And therefore prayed the Order of this Court to discharge her from the same. Itt is thereupon ordered that the said Mary Jaques bee freed and discharged from the said office and that the Minister and Inhabitants of the said p'ish doe forthwith proceed to a newe election.

In 1695, the court, on appeal, distinctly affirmed the incapacity of a woman to hold office of overseer.

Ordered by this Court that Mrs. Elizabeth Sleigh and William Mellone bee discharged from serveinge the office of Ov'seere of the poore of Hartington Parish Shee beinge a woman Incapacitated to Serve that office and William Mellone haveinge Served the office the yeare last past and that Jonathan Brunt William Fletcher and William Bagnold Serve the said office of ov'seere of the poore for the said parrish of Hartington for the yeare ensueinge and execute the same accordinge to their powers and directions of the severall Acts of Parliament in that case made and provided.

In later instances, however, the Derbyshire court of Quarter Sessions did not consider itself bound by these precedents, and accepted the occasional appointment of women to the position of overseer as a matter of course.\* The following Order was made at Easter Sessions, 1712, on the motion of Mr. Balguy :—

Whereas Mrs. Isabel Eyre widdow late officer of Woodland in this county is considerably out of Pockett since she served ye offices of Headborow & Overseer of the Poore of the said Liberty and yt several persons neglect & refuse to pay the assessmente, This Court doth therefore order & it is hereby ordered that the accounts of the said Mrs. Isabel Eyre be laid before ye Justices of this County at their next Monthly Meeting for the Hundred of High Peake, or before any two Justices of the same hundred at any other tyme before or after ye said Monethly meeting, etc., etc.

The original Poor Law Statutes fully recognised the appointment of the overseer by the parish and the parish only, the appearance before two justices being merely a formal ratification of the appointment and a reminder of the legal obligations pertaining to the office. After the Act of the 14th of Charles II., it became customary to serve the appointed overseers with printed or written forms signed by the two justices, instructing the new officials as to the nature of their duties. The Derbyshire records include a variety of these forms, but none earlier than the reign of George I. Plate I. is a somewhat reduced facsimile of the form supplied to the overseers of Brampton in the year 1732.

Later legislation necessitated the alteration of this form ; but though in the later ones the justices "appoint" the Overseer, they

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\* In this, there seems no doubt that they were right. "A woman can be appointed and will be compellable to serve," says Toulmin Smith, in his *Parish*, p. 151.



*25th. 11.*  
*Tho. Adams*



By Vertue of the Statute made (in the Three and fortieth Year of the Reign of our late Sovereign Lady Queen Elizabeth) for the Relief of the Poor: These are to Will and Require You whose Names are here under-written, That You, together with the Church-wardens of your Parish for the time being, do, according to the same Statute, take Order from time to time (for this

Year to come) for the setting to work all the Poor within your Parish, (as well married as unmarried) that are able to work, and have no means to maintain themselves, nor use no ordinary and daily Trade of Life to get their Living by. And also for the placing out as Apprentices all such Children within your said Parish as are fit to put forth, whose Parents are not able to keep and maintain them. And also for the raising of a convenient Stock of Flax, Hemp, Wool, Thread, Iron, and other necessary Ware and Stuff in your said Parish for that purpose; And also for the providing of necessary Relief for all such Poor within your said Parish, as are Lame, Old, Blind, Impotent, and Unable to work, wherein if you be found negligent, or shall fail to meet once a Month, to confer together for the purpose aforesaid, then You are to forfeit 20 s. a-piece for every Month that you shall be found remiss or careless therein. And therefore see that you fail not in the Premises at your perils.

*Geo. Halloway*

Dated the 15<sup>th</sup> day of April in the 15<sup>th</sup> year of the Reign of our Sovereign Lord George the First by the Grace of God of Great Britain, France, and Ireland, King — Defender of the Faith &c. Annoq; Dom. 1732

*To Roger Whigg and Governor Shaw  
of the Liberty of Brompton*





only appointed those who had been previously nominated or elected by the vestry of their own parish. The following appointment of the overseer of Unston in 1784 shows the change in the official notification:—

“Derbyshire (to wit.) To Thomas Webster, of the Township of Unston, in the said County, he being a substantial Householder.

We whose Hands and Seals are hereunto put, being his Majesty's Justices of the Peace for the County of Derby, do hereby appoint you whose name is above-written, to be Overseer of the Poor of the said Township, for the space of one Year next ensuing the Date hereof, according to the Directions of the Statute in that Case made. For the due performing of which Office, you must take Notice that once every Month, you with the Churchwardens of your Liberty, must assemble together and make an equal Rate upon the Inhabitants thereof; and with the Monies raised thereby you must relieve the Impotent, place out as Apprentices the Children of those Parents who are not able to maintain them, and provide a sufficient stock of Materials for the Employment of those that are able to work. Which Rate, before it can be collected, you must get ratified by two of his Majesty's Justices of the Peace for the said County, and must give public Notice thereof to your Inhabitants the next Sunday after the same is so ratified. And you must also take Notice that if you relieve any Person not wearing the Poor's Badge, or one that is not duly registered in Books to be kept by you for that purpose (except upon pressing occasions), you will incur a Forfeiture of Twenty Shillings for each offence. To all which and to every thing else relating to your Office, you are hereby required strictly to conform.

GIVEN under our hands and Seals the 14th day of April, 1784.

Wm. Bagshawe.

J. Rotheram.”

The legislation of 1834 materially changed the duties and responsibilities of the Overseer of the Poor.

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### Assessment.

It was not until 1572, that the legislature ordered that a general assessment for the relief of the poor should be made in every township. It was provided that, if any surplus remained after providing for their maintenance, it should be applied to setting rogues and vagabonds to work under the superintendence of overseers. The principle was re-affirmed and extended by the general Poor Law statute of 43 Elizabeth. By that statute it was enacted "that the churchwardens and overseers of the poor of every parish, or the greater part of them, shall, by and with the consent of two or more justices of the same county, whereof one to be of the quorum, dwelling in or near the same parish or division where the same parish doth be, raise weekly or otherwise by taxation of every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, propriations of tithes, coal mines, or saleable underwoods in the said parish, in such competent sum or sums of money as they shall think fit, a convenient stock of flax, hemp, wool, thread, iron, and other necessary ware and stuff, to set the poor on work; and also competent sums of money for and towards the necessary relief of the lame, impotent, old, blind, and such other among them being poor and not able to work; add also for the putting out of such children to be apprentices, to be gathered out of the same parish, according to the ability of the same parish."

The same statute gave a right of appeal against rates for the relief of the poor to any persons "who shall find themselves grieved with any cess or tax, or other act done by the churchwardens and other persons or by the justices allowing the rates." Such appeal was to be made to the Quarter Sessions, who were to make such order thereon as by them should be thought convenient; the same to conclude and bind all parties.

No doubt this liberty to appeal was freely used from the time of the passing of the statute, but the Derbyshire records do not supply any instances until we come to the time of the Commonwealth. The form of appeal to the Quarter Sessions, in this as in other cases, seems to have been invariably by petition up to the time of the Restoration. We can find no instances in Derbyshire previous to that date, of appearing before the court through

attorney or counsel. Several petitions against assessment are extant of the year 1649. The inhabitants of Meynell Langley, in the preamble of their petition, state that they "have been sore burdened & oppressed with greate Taxes & payments & alsoe four quarters of souldiers & whereas the parke is houlden by some which never yealde or Contribute anything att all towards the easment of yor said petitioners which being but a few & housekeepers that have continually daily extraordinary charges, whereas they that houlde the said parke at Langley have not the like by reason they are no housekeepers there," etc. They therefore prayed the court to "sett downe an Order whereby the houlders of the said parke, which are Mr. Robert Haywood, Mr. Henry Buxton, & Richard Warde . . . . may be compelled to contribute." The petition is signed by Thomas Jolly, John Parkins, Richard Grovenor, and several others; the court granted the prayer, ordering that the park be proportionably assessed with the rest of the township.

At the same time, James Finny, and other inhabitants of Great Longston petitioned against "the great inequality in all assessments in ye same towne to ye Church & poore." They asked for a new valuation to be made according to the quantity and quality of every man's holding, and named Robert Craven, clerk, Mr. William Wright, James Finny, and George Sheldon as suitable assessors.

Another petition presented at the Trans. Sessions, 1649, is from Peak Forest and is of interest as showing in what jurisdiction that extra parochial district was then held to be. The petition states that "ye Peake Forrest is very spacious and lyeth in ye Constableries of Chelmerton and Hope;" they prayed that "for ye ease of ye Inhabitants that Robert Wood, Hugh Cocker, George Martyn, and Ralph Cantrell may bee Assessors, and that Henry Barber may bee nominated to collect ye sayd assessments, and yf hee refuse then any able man whome ye foure Assessors shall appoint."

Occasionally the court ordered a re-measurement of the cultivated land, so that an improved levy might be made. This was the case with the township of Monyash, and the following report was presented at the Mich. Sessions, 1649:—

In obedience to ye order of the last Sessions hereunto charged wee whose names are subscribed have uppon vewe of the lands therein named by survay shewed unto us doe fynd that the lands in Monyash doe contayne 778 accors. And as wee are credibly informed Monyash Grange doth containe 650 accors, And wee considering as well the quantitie as the

quallitie of the one with the other doe conceive that Monyash grange well deserves to pay one sixt partt of all taxations & assessments with Monyash which wee doe humbly certifie referring the whole matter unto the Judiciall Censure of this worl. Bench remaying yor humble servants.

Thurston Dale.  
Geo. Howley.

Edward Brereton.  
William Barker.

The court, in response to this petition, ordered that the sixth part be paid by Monyash Grange, "till next sessions accordingly & further except cause shall bee proved to the contrary & noe prejudice."

Petitions were also presented to the court from individuals by way of appeal, as well as from the inhabitants of a township. In the same year from which the previous instances have been quoted, Henry Woodward, of Hallowes, in the township of Cold Aston, represented that he was tenant to two parts of the farm called Hallowes since last Lady day, and that "the assessments were augmented extraordinarily more than before accustomed." The court ordered that he should pay according to the "ancient apportionment." This order of the court is of special interest, as it is signed, on the face of the petition, "Fairfax." We take it that the celebrated General was at this time visiting Derbyshire, and that he was called upon, with some irregularity, to act as chairman of Quarter Sessions.

The following is a 1649 example of a petition from a constable supported by the leading parishioners:—

To the wpsfull the Justices of the peace for the Countie of Derby the humble petition of Thomas Underwood Constable of Bradley.

Sheweth yt yr Petitioner hath (to prevent danger to the townships) bestowed his constant paines to gather in the several portions of money each warrant, yet upon Assessment made he hath founde dangerous delays in the two members of Yeldersley & Stirson, which was prove very prejudiciall to them of Bradley whose portion is denyed without the whol be gathered, as also to your petitione who is much out of purse for charges laid out for ye township & cann no way procure it of divers of the fornamed members, the truth of which premises being subscribed unto by the inhabitants of Bradley.

May it therefore please ye wpsfull Bench to grant a warrant of distress, that may inable yr petitioner to cause the warrants to be executed with equalitie by sch member of our township, & that yr petitioner may gather the disbursements, which do appear in his accompts, which els may ten i greatly to the impoverishing your petitioner, if not prevented before he go out of his office, & yr pet: shall ever pray etc.

John Wyerdale  
minister of Bradley

Tho: Hill  
John Greenwood  
William Elliot

Tho: Banerat  
William Willis  
Henry Burrowes

In 1652. Robert Hunt, constable of Foston and Scropton, humbly desired the court to grant an order whereby he might collect the levies that were in arrear, or otherwise "a warrant to bringe them in to the next meetinge."

Two years later, at the Trans. Sessions, 1654, we have an instance of appeal with regard to that common subject of later assessment litigation, the levy upon growing woods :—

To the right worshipfull Justices of the peace for the County of Derby.

The humble petition of Elizabeth Woodhouse of Cole Aston widdow humbly sheweth

That whereas the third parte of a springe wood called Owlercarr lying within the aforesaid Hamlett of Cole Aston hath anciently belonged to a half an Oxegange of lande belonging to Woodhouse farme at the Moore topp, & did formerly pay layes & Assessments with the aforesaid farme till such tyme as it was sould out of the said farme, since which tyme the purchasers thereof hath never paid any laye or sesments for the same, by reason whereof the rest of that farme is greatly overcharged at every lay & sessment (the sessments since these tymes being very burthensome) to the owners thereof

May it therefore please your good worships the premises considered to graunt such order forth of this Court yt the aforesaid third parte of the sd springe wood called Owlercarr now in the possession of Mr. Robert More may beare its equal proportion (as of right it ought to doe) at all layes & sessments within the aforesaid farme wherunto it did anciently belonge, yt the said farme may be noe more overcharged as it hath been & your petitioner shall dayly pray etc.

At the Easter Sessions, 1662, complaint as to the assessment was made by the inhabitants of Duffield, with the result that Edward Potterell, Thomas Catesby, and Richard Crosse, gentlemen, were appointed as commissioners. They delivered their report on July 11th, stating that they had met several times about the apportionment of the several payments, and had conference with many of the inhabitants, with the result that the ratepayers were "all well pleased for the future to pay their severall proportions of their taxes accordinge to their former assessments, Save only that some of them would have Mr. Gervas Raynor his Ancyent taxe only raysed & noe others." With this desire the commissioners did not see their way to comply, but recommended that a former award of Mr. Henry Gilbert of "thirteene pence halfe penny upon every single leavy" be adhered to throughout the township.

With the Orders of Sessions, that begin in 1682, the references to assessment disputes and appeals are continuous. It was rarely that the court met without one or more cases of this description being submitted to their arbitrament. The following is a sample case of several wherein the court compelled special manors and would-be exempt districts to contribute their quota to the parochial levy. At Mich. Sessions, James II., the following entry was made :—

Upon information given to this Court by Mr. Bagnold on the behalfe of the Inhabitants of Chrch Gresly Castle Gresly Swadlingcott Okethorpe & Dunisthorpe parcell of the parish of Gresly cum membris are not able to levy amongst themselves sufficient summes

of money for the necessary reliefe of the poor of their said Hamletts, And that Sr Thomas Gresly & the rest of the Inhabitants & Landholders within the village or hamlett of Drakelowe alsoe parcell of the said parish have hitherto endeavoured to exempt themselves from being taxed rated & assessed towards the reliefe of the poor of the said parish, And have paid nothing towards the reliefe of any parish or place, Itt is Ordered by this Court that the sd Sr Thomas Gresly & the Inhabitants within the village of Drakelowe showe cause att the next Quarter Sessions of the Peace why they should not bee rated & assessed by this Court for the reliefe of the poore of the severall Hamletts aforesaid or in default of any such cause being showed This Court will proceed to rate and asseesse the Lands within the said village of Drakelowe for the reliefe of the poor of the said Hamletts soe overcharged according to the Statute.

At the ensuing Epiph. Sessions the following order was made :—

Upon complaint made to this Court that the Inhabitants of Church Gresly Castle Gresly Swadlingcott Okethorpe & Dunisthorpe in the Hundred of Gresly in this County are not able to levy amongst themselves sufficient entries of money for & towards the necessary reliefe of the Lame Impotent Old Blind & such other among them being poore & not able to work, And that the Mannor & vill of Drakelowe in the said Hundred is of the yearly value of foure hundred pounds & upwards & is not charged with any poore, & the said Complaint appearing in this Court upon examination of Witnesses & hearing Councill on both parties to bee true This Court doth thinke fitt to tax rate & asseesse Sr Thomas Gresly Barronett Owner & Occupier of the Lands within the said Mannor & Vill of Drakelowe, And therefore Order that the said Sr Thomas Gresly shall upon all Levies to bee made for the reliefe of the poore in the before mentioned ville pay a full third parte thereof that is to say if there bee occasion to levy foure & twentye pounds for the reliefe of the said poore then the Overseers of the poor of the said Complaining vills shall pay sixteene pounds & the sd Sr Thomas Gresly Eight pounds & soe after the same rate for a greater or lesser summe the same to be paid upon demand to the Overseers & Churchwardens of the said complaining vills for the use aforesaid.

At the Trans. Sessions, 1692, the differences that had several times been before the court between Mr. Hurt and the inhabitants of Alderwasley and Ashleyhey were adjusted by all parties accepting the award of a new assessment made by four commissioners appointed by the court. A closely written large folio page of the Order Book, in double column, is taken up with a copy of this assessment "after an equall Pound rate made for the Courtable of Alderwasley & Ashleyhey according to an Order of the last sessions by us nominated and appointed assessors whose names are hereunto subscribed." Three out of the four referees append their signatures, viz.: Robert Ferne, William Stables, and Thomas Milles. The names and cess of every landholder are entered. The following are the amounts assigned to Nicholas Hurt, Esq. :—

Alderwasley—	£	s.	d.
For his demeane .. .. .	4	1	0
For Parte of Bradshawes .. .. .	0	1	0
For Part of Allens .. .. .	0	1	0

Ashleyhey—	£	s.	d.
For Norwood & the ground called ye Cocke . . . . .	0	10	0
For Ridge & Fish Poole Peice . . . . .	0	2	0
For Bridge Hill . . . . .	0	0	6
For Noton Flash . . . . .	0	1	0
For the Conygreaves . . . . .	1	1	0
For Alford . . . . .	0	3	6
For his Tyth . . . . .	1	3	0
For Millehey called the Kings Parte . . . . .	3	4	0

Arthur Lowe, Gent., and Ferdinando Lowe are among the assessed of Alderwasley. Another interesting entry under Ashleyhey is "The Copsyholders parte of the Commons £2 os. od."

The Mich. Sessions of the same year afford the first recorded instance of any dispute with regard to coal mines assessment. The following Order was made by the court at that date:—

Upon hearing the Complaint of Mr. Erott Proprietor of certaine Coale Mines within Pentridge that hee was over-rated for the same in the Assesments to the poore and that Mr. Hornes Coale Mines are not rated at all in the said Assesments And that the said Mr. Erott is also over rated in proportion with the Lands in Pentridge aforesaid And it appearinge to this Court upon oath that notice had been given by Mr. Erott that hee would make his complaint to this Court as at this Sessions. It is ordered by this Court that the churchwardens and overseers of the poore of Pentridge aforesaid doe make an Equall Assesment for the poore and therein rate and Tax Mr. Horne for his Coale Mines Equall in proportion with Mr. Erott And that both the Coale Mines and the Lands bee Equally rated and Taxed Accordinge to a pound rate.

In addition to the numerous references to parochial assessments in the Orders,\* there are also various separate papers relative to awards on this question of the eighteenth century, but they do not possess any sufficiently remarkable features to warrant their reproduction or to give occasion to any comment.†

The Poor Law Amendment Act of 1834 materially altered the question of procedure, and the Union Chargeability Act of 1865 did away with the endless parochial disputes as to both assessment and settlement.

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\* In the following cases, the Orders give full particulars: Idridgehay (1695), Alfreton (1713), Hartington (1713), Tilshelf (1718), Clay Lane and Holmesgate (1732), and Fairfield (1736).

† The papers we have noted relate to Calow (1729), Wirksworth (1750), Markeaton (1753), Hazelwood (1754), Beard and other Glossop hamlets (1768), Weston-on-Trent (1777), Ilkeston (1778), Matlock (1784), Stretton in North Wingfield (1784), Ashover (1785), and Glossop (1791).



## Settlement and Removal.

It is usually said in legal handbooks and in treatises on the Poor Law, that the power of removing paupers was given by 13 and 14 Charles II., c. 12, which enacts—"That it shall be lawful upon complaint made by any churchwardens or overseers of the poor of any parish, to any justice of the peace, within forty days after any such person coming (*i.e.*, a poor person coming from one parish to another) to settle in any tenement under the yearly value of £10, for any two justices of the peace, by their warrant, to remove and convey such person to such parish where he was last legally settled," subject to an appeal by any parties thinking themselves aggrieved to the next Quarter Sessions.

But the fact is that settlement and removal grew out of the Elizabethan statutes long before the Restoration; the Act of Charles II. being passed for their control and regulation. The practice obtained, if not precisely sanctioned by statute law, of the Court of Quarter Sessions removing migratory paupers, by the instrumentality of the constables, right through the time of the Stuarts and Commonwealth.

The following petition to the Court in 1649, and the subsequent order, is an example of a few instances of that date:—

The humble request of the Inhabitants of Boulsover

Humble sheweth that whereas Willm Alcocke with his wife & three children having bene resideinge from our Towne of Boulsover for the space of 3 yeares & upwards & as hee doth testifie did remaine Two yeares compleat in the Towne of Higgington in Lincolneshire in a hired howse for his rent, And from thence did remove to the parish Clowne where he did remayne for the space of a whole year last past, And now within this six weekes hee hath Thrust himselfe into anould ruinous howse wch stood upon our wast ground where now hee doth remayne, These are therefore, the premises considered, to desire yor worships to take the Busines into your considerations, & lett him be disposed of according unto law in that case provided & we shall desire to remayne yours in all Christian dutie & serves

Thomas Fulkes, minister

Oliver Youle

George Rawson } Overseers of the poor etc, etc.

[endorsed]

The Court thinke fitt & order his remove to Clowne with family in sixe dayes or Constable of B. take him to house of Corr :

In the same year, the inhabitants of Lullington petitioned the justices with regard to one Richard Cooper, who had lived at Hartshorne, and who had recently married a Lullington woman, "which said Richard Cooper & his wife doe continue at Lullington against the consent both of the Lord of the towne & against the

will of the inhabitants," praying that they may both be carried to Hartshorne, lest they become chargeable to Lullington. The Court granted the prayer, and ordered the constable to see to the couple being sent back to Hartshorne.

An interesting but hard case occurred in 1650, when John Huit, who claimed to have been "a painfull & labord workman with his neibors at Haslewood above sixty yeares, & who was then eighty years of age & incapable of work, petitioned the Court for help." His difficulty was that "the house where hee was borne & hath ever since lived, stands in Posterne liberty; in the pale; where it shoveth itselfe into Haslewood; where hee hath all his liffe been a workman, which causeth Posterne to neglect him; & his house standing in Posterne causeth Haslewood to neglect him; and soe is like to be neglected of boeth." The Court showed considerable wisdom in its decision, for it did not make John Huit chargeable to either of these two hamlets, but to the mother parish, for an order was made on the overseers of the parish of Duffield to pay the petitioner 12d. per week.

This curious reference to the pale of Posterne liberty shoving itself into Hazelwood is of peculiar interest, and can be explained from the knowledge gained by the author during a residence of some years at Hazelwood.

The bound of the old royal deer forest or firth of Duffield corresponded on the east, in the time of Charles I., with the limits of Posterne liberty. The Duchy laid claim to the old right of the "Deer-leap," or about sixteen feet of land on the further side of the park pale or fence, a distance to which it was supposed a deer might leap over the bound. Legal decisions had established, here and elsewhere, this manorial claim to the deer-leap to the extent of even assigning all timber growing within this limit to the park owner. John Huit had evidently lived in a cottage that had been built, probably by some squatter, within the deer-leap limits which was technically within Hazelwood, but legally in Posterne—*hinc illæ lachrymæ*. It is not a little remarkable that the identically same question arose between these two townships with regard to the relief of an aged man called James Shaw, nearly two centuries later, namely, in the year 1817, and with a like result. The foundations of the cottage that caused this latter dispute have been more than once shown to the writer, and there can be little doubt that it was also the residence of John Huit in earlier days. The cottage was pulled down

by the overseers on the death of James Shaw to avoid further litigation. A further legal quarrel, though not in connection with pauperism, was with difficulty avoided at a far later date than 1817, with regard to this very deer-leap question in the very same place.

The question of settlement and removal, as regulated by the legislation enacted immediately on the Restoration, gave rise to the continuous, wearisome, and expensive litigation between different parishes or their sub-divisions. The place of a person's natural settlement had to be determined under the following heads: (1) birth, (2) parentage, (3) marriage, (4) apprenticeship, (5) hiring and service, (6) renting a tenement, (7) paying parochial taxes, (8) owning an estate, (9) serving an annual office, and (10) non-appeal against an order of removal. Appeal against an order of removal lay to Quarter Sessions, and could be made by all persons aggrieved, not only by the parish officers of the parish to which the pauper was to be removed, but by the pauper himself. The Derbyshire Orders of Sessions bristled every quarter (subsequent to the Act of 13 and 14 Charles II., c. 12) with settlement disputes, which gave fully twice as much employment to the lawyers as all the other cases put together. From these numerous records, we only propose to make a very small selection of the more striking cases.

But before doing so, space may be found for the following draft of a parochial letter on this question, soon after the passing of the Settlement Act, which is taken from the Sitwell papers, by kind permission of Sir George Sitwell, Bart. :—

For Sr ffrancis ffaine

Dec : 7th 1665

Sr One Peter ffrance was sent by Warrt from two of his Maties justices of the peace of this County from Troway in the parish of Eckington to Waleswood in the parish of Treeton, where his last lawfull settlemt was : notwithstanding you have sent him back hither by yor Warrt for yt he hath taken his Oath that he was quietly & peaceably settled here for nine weeks, wherein wee are confident you are misinform'd, & therefore to prevent farther trouble, thought it convenient to send divers persons to informe you (who are ready to take their Oaths) that he had noe such settlemt here, wch when you are satisfied in, wee doubt not but you will doe yor selfe & us that right, that he may be settled where according to law he ought, & you will oblige us to be

Yor humble servts

The following Order of the court, made at Mich. Sessions, 1696, in connection with a case of settlement by hiring or service, seems to be of sufficient interest to warrant a full transcript :—

Upon an Appeal brought in this Court this p'sent Sessions from an Order of two Justices of the Peace one of them of the quorum by the Inh'tants of the hamblett of Walton by wch

one Francis Jerrison and his wife was removed from Chesterfield in this County to the said Hamblett of Walton as the place of his last legall settlemt And Upon hearing Wittnesses upon Oath and Councell on both sides in the Court the matter of fact in the Cause appearing to bee That the said Francis Jerrison the husband lived wth Sr Paul Jenkinson Barrt as a Foot boy at his house in Walton aforesaid for three yeares or thereabouts and afterwards Upon some Misdemeanor the said Sr Paul Jenkinson turned him away and hee was absent from that Service about 3 Months but noe other Settlemt appeared to this Court in that time And that afterwards the said Sr Paul Jenkinson made an Agreemt wth one Wm Thorpe a Barber in Chesterfeild to take the said Francis Jerrison for one year in order to teach him to shave and to make a Bobb Wigg the better to fitt him for any Gentleman's Service for wch the said Sr Paul gave him the said Wm Thorpe six pounds and the said Wm Thorpe was to find him meat Drink Washing and lodginge Upon wch Agreemt the said Francis Jerrison lived wth the said Wm Thorpe for the purpose aforesaid one year or thereabouts and the said Wm Thorpe had the Advantage of such worke as aforesaid that afterwards hee left the said Wm Thorpe and Married his now wife and since returned to Chesterfeild from whence being thought likely to bee Chargeable there hee was removed to Walton as aforesaid where hee had lived as a Servt in maner aforesaid This Court Upon Consideration had of the whole matter of Fact is of an opinion that the said Francis Jerrison by his Inhabitation with the said William Thorpe for a year had not obtained any Lawfull Settlement at Chesterfeild And therefore this Court doth confirme the said order of the said two Justices.

A very curious point, that throws light upon the gaol customs of the time of Queen Anne, was raised in a settlement dispute between Mickleover and Brailsford. At the Trans. Sessions, 1709, Mickleover appealed against Sarah Beech, alias Potts, being chargeable to that parish. Sarah Beech was born at Brailsford, but whilst in the Derby county gaol was married to John Potts, by one Winter, who was then a prisoner upon a writ *de excommunicate capiendo*, for acting as a clergyman without having any Orders. Potts was a soldier at the time of the reputed marriage, but his last legal settlement was at Mickleover, where he had served as an apprentice for five years. The Court was divided in opinion whether the pretended marriage was such as to procure the woman a Mickleover settlement or not; the question was therefore adjourned to the next Sessions, the opinion of Sir John Powell, one of the Justices of the next Assizes, being meanwhile sought. At the Michaelmas Sessions, the Judge's opinion was formally entered to the effect that the pretended marriage could not avail to bring about a Mickleover settlement.

In the following year (1710), another curious removal case occurred. It was an appeal by the inhabitants of Barton, from an order of two justices, by which John Haddock, alias Gregory, and his wife, likely to bear children, were removed from Pleasley to Barton.

The arguments showed that one Richard Babb was firer at Pleasley Forge in 1696, and lived in a little house built there for the workmen at the forge, and was paid "ten shillings per tun for the sow mettle

he melted and fired there." In that year John Haddock was bound apprentice to Babb and his wife for seven years. The three lived there for a year, and then all moved to the forge at Barton and lived in a "like little house" there, and worked at a like payment for six years, when Haddock's apprenticeship expired. Sometime afterwards Haddock removed to the forge at Abbots Bromley, in Staffordshire, living in a "like little house" there for above a year, working under the chief firer at 3s. 8d. per ton. Then Haddock moved to a forge at Monmouth, living in the "little house," and worked there for the chief firer for two years; for half a year at 3s. 10d. per ton single handed, 2s. 6d. per ton double handed, and for the rest of the time at 5s. per week as stock-taker. During all this time Haddock remained single. Sometime after this Haddock moved to the forge at Sheldesley Walsh, Worcestershire, living in the "little house," and working at 2s. 6d. per ton double handed. It was whilst living here that John Haddock married his wife Elizabeth.

At the beginning of the year 1709, there being reason to believe that Haddock and his wife would become chargeable, they were removed by warrant from Sheldesley Walsh to Pleasley. Pleasley did not appeal, but by another warrant removed the Haddocks to Barton. Whereupon Barton appealed at the Trans. Sessions at Derby. At these sessions it was argued that Pleasley not appealing on the first removal, save by a new warrant for Barton, nothing could be done by this court until Queen's Bench had either quashed or confirmed the warrant. It was further argued whether Haddock's rightful settlement was not Abbots Bromley, Monmouth, or Sheldesley, rather than either Pleasley or Barton. The result of the arguments was that the court, consisting of five justices, disagreed, and the appeal was suspended till next Quarter Sessions, "and in the meantyme for their better direction in giveing judgment therein do desire the opinion of Sr John Trevor Knt, Chief Justice of her Majestyes Court of Common Pleas & one of the Justices of Assize this present Circuit for the said County." The Orders of Sessions contain no further entry with regard to this case, so we are left in doubt as to the final parochial allotment of the oft-moving Haddocks.

We conclude these few examples of Derbyshire settlement disputes with a reproduction of the pathetic information sworn before Sir Brooke Boothby in 1790, by the wife of an old discharged soldier :—

Derbyshire to wit.

The Examination of Sarah Holt, Wife of Cornelious Holt, late of the Island of Jersey,

an old Invalid doing Duty there in his Majesty's service, but lately discharged therefrom and now on his Way to Rochdale, in the County palatine of Lancaster, the Place of his last legal Settlement, taken on Oath before me Sir Brooke Boothby, Baronet, one of his Majesty's Justices of the Peace in and for the said County of Derby, this twenty sixth Day of August, one thousand seven hundred and ninety, who saith that her said Husband was born at Rochdale aforesaid of parents settled there, with whom he lived and served an Apprenticeship until he was about twenty one years of Age, when he enlisted into his Majesty's Service as a Soldier, in which Service he hath been forty six years, the last twenty one years as an Invalid, ten years of which he was stationed at Jersey aforesaid doing Duty there. Saith that about three weeks ago the said Cornelious was discharged from all Duty in his Majesty's Service, and is now on his Way to Rochdale aforesaid the place of his Settlement, where this Examinant expects to meet him on her Arrival thither. Saith that the reason of her not travelling with her said Husband is, that he was sent out of the said Island of Jersey to Chelsea, to be regularly discharged, and to receive his pension there, without her Knowledge and that when she heard of his Departure she followed him to Chelsea whence he had been gone before her Arrival (he not then knowing of her following him) back to Jersey to fetch her, and to travel together to their said Place of Settlement; thus having missed each other she is now on her Way to meet her said Husband, who is upon some other Road on his Way to Rochdale aforesaid.

Before me  
Br. Boothby

Sarah Holt  
her mark X

### Rogues, Vagabonds, and Vagrants.

Laws against vagabonds may be traced back to the reign of Henry II.\* The cessation of the Wars of the Roses turned adrift a large number of dissolute persons rendered unfit for a life of careful toil, with the result that two Acts had to be passed in the reign of Henry VII. with the object of repressing begging. Vagabonds and idle persons were to be placed in the stocks, "there to remayne by the space of thre dayes & thre nightes & there to have none other sustenance but bread & water," and then to be put out of the town where they had been found. But beggars unable to work were "to go rest & abyde in ye hundred where last he dwelled, or there where he is best known or born, there to remayne or abyde without beggin out of the sayd hundred." This last provision, based on the old ideas of lordship and villenage, contains the germ of the subsequent law of parish settlement.†

A further Act of Henry VIII., just before the destruction of the lesser monasteries, deals with the same question. It is, therefore, an exaggeration to ascribe the flood of beggary with which England was

\* Vagabonds were legislated for by 23 Edw. III., c. 7; 7 Richd. II., c. 5, and 12, c. 9.

† 11 Henry VII., c. 2, amended and extended by 19 Henry VII., c. 12.

deluged in the sixteenth century entirely to the dissolution of those great eleemosynary establishments, the monasteries, still there can be no doubt, as has been already stated, that this policy was responsible for by far the greater part of the vagrancy and misery that followed. The infamous Statute of Vagabonds of the beginning of the reign of Edward VI. attempted to stop, by awful severity, the evil created by his father. A runaway servant was to be branded on the breast with the letter V for vagabond, and adjudged to be the slave of any purchaser for two years. The owner was "to give him bread, water, or small drink, and refuse meat, and cause him to work by beating, chaining, or otherwise," at any kind of labour, "though never so vile." If he absented himself for fourteen days at any time during the two years, he was to be branded on the forehead or cheek with the letter S, and adjudged to be the slave of his master for ever. It was also lawful to put an iron ring about the neck, arm, or leg of one of these slaves. Much of this Act was soon afterwards repealed. In the fifth of Elizabeth the licensing of beggars, under certain restrictions, was again approved. Nine years later, an Act was passed of almost equal severity to that of Edward VI. A vagabond above fourteen was to be grievously whipped, and burned "through the gristle of the right ear with a hot iron of the compass of an inch," unless some responsible person would take him into service for a year. If after the age of eighteen, he fell a second time into vagabondage, he was to suffer death as a felon, unless he obtained service for two years; and for a third offence, he was to be unconditionally executed. This Act remained in force for twenty-one years. The later legislation of this reign with regard to rogues and vagabonds, though less fierce, was still exceedingly stringent with penalties of whipping and imprisonment.

In April, 1597, the Earl of Shrewsbury, at the instigation of the Council, writes to the Derbyshire justices urging them to restrain "the multitude of vagrom people wandering evilly about the shire." Later on in the same year a further order of the Council was forwarded to the justices, ordering them to call in all "lycenses for beggars," and forbidding the granting of any more. They were also enjoined to be very careful in seeing that search was made in every parish once a fortnight for "rogues and vagrant persons."

The Derbyshire justices were ordered, in the spring of 1629, to instruct the high constables of the hundreds to see to the parish constables making weekly searches for the arresting of "suspect

persons, rogues, both sturdy beggars, & begging vagrants, some whereof pretend to be petty chapmen hucksters, & higglers, & others tynckers, & others palmesters, fortune tellers, Egiptyans, & the like."

There are not many Derbyshire papers left of the Stuart days, but among the informations before justices is the following examination of a man apprehended as a vagrant in 1634, which is sufficiently characteristic of the time to be reproduced :—

The Examination of Richard Jackson late of Elaston in the Countye of Stafford laborer, taken before Sir Henry Legh Knt one of his Maties Justices of the peace within the sd Countye the 12th daye of June 1634.

This Examinee saith that upon Tuesday beinge the third of June hee was hyred at Congerton in Cheshire by one Mr. Tompson a Graszer whoe dwelleth at Northampton, to helpe him to drive a drove of Cattell towards Derby and that they lodged that night at Newcastle at the sign of the Starre but knoweth not the Inkeepers name, And that on Wednesdaye they travelled from thence to Stone, & soe to a Bridge supposed to bee Wolsley bridge, neare to the wch bridge hee saith they lodged that night at the sign of the Lyon but knoweth not the name of either his hoste or hostes there And from thence on Thursdaye came to Derby about foure of the Clocke in the Afternoone, where hee was paid for his labour of dryvinge by the s<sup>r</sup> Mr. Tompson & by him discharged and further saith that upon Wednesdaye hee lefte Uttoxeter on his right hand to goe to Derby, and denyeth that he was any of the three d<sup>y</sup>es spied at the house of Mr. Richard Morton vicar of Spoonedon. And saith upon Thursdaye hee went to Marton from Derby whither hee came much about sunset, & layd there all night in a barne belonginge to an Alehouse, the owners name whereof hee knoweth not & upon Frydaye went hee knoweth not whither & lodged that night hee knoweth not where, the like hee saith for Saterdaye, savinge that on Saterdaye night hee laye under a hedge, and upon Sundaye after morninge prayer hee came to Elaston & undertooke to drive Cattell for one Mr. Scattergood towards Belton Fayre, and haveinge driven that afternoone & all that night hee came the next morninge beinge Mondaye to Belton Fayre And beinge asked how hee came by an apron, & a stockinge that were found upon him, saith that hee found them on Munday last in the Road Waye cominge from Belton Fayre towards Burton, where he was apprehended as a Vagrant, & beinge sent towards Derby, was stayed by Mr. Morton aforesd upon supposition of felony and by him brought before Sir Henrye Legh at Egginton.

He : Legh.

The following record of the brief examination of three vagrants arrested by a constable at the beginning of the Commonwealth period is of interest :—

The Examination of Richard Oxly, Christopher Pope, & Thomas Foster, taken before Gervase Bennett one of the justices of peace for the said County of Derby, January xxi., 1649.

Being apprehended by the constable of Marketon upon suspicion of being robbers & disorderly persons.

Richard Oxly saith he had no habitation or settled abode in England but come lately forth of Holland.

Tho : Foster said he had no habitation or settled abode, but come lately from Fraunce.

Christopher Pope saith he is a Chapman & hath benee three weeks in their company & said his occasion was to goe with Oxly to seeke his wife, & that Oxly lived by going from gent : house to another.

Ger. Bennett.



The bonds of society were doubtless somewhat relaxed at the time of the important but peaceable revolution of 1688, in which Derbyshire under the Cavendishes played so important a part. Although, curiously enough, the recorded Orders of Sessions are silent on the subject, we find from a detached paper that the court was petitioned, at the Easter Sessions, 1689, by various inhabitants of the hundreds of High Peak and Scarsdale, to take further order with regard to the increased number of sturdy beggars who had grown "insolente and threatheninge in the uncertaintie of the tymes."

There was further legislation both in the reign of William III. and of Anne with regard to the due punishment of vagrants and the conveying them to their place of settlement. These Acts are referred to in the following order of the Derbyshire Sessions, made at Easter 1704, whereby an authorised scale of payment was determined on for their removal :—

Whereas severall great Sumes of Money since the makeing of an Act in the late Reigne of King William the Third Intituled an Act for the more effectuall punishment of vagrants and sending them whither by Law they ought to bee sent have been levyed and expended for Conveyinge of Vagrants more then might bee necessary. And whereas by another Act of Parliamt in the First Year of the Reigne of her p'sent Majtie Intitule an Act for continuinge former Acts for Exportinge Leather and for Ease of Jurors and for Reviveing and making more effectual an Act relateing to all Vagrants whatsoever the Justices of the Peace are required to put the same in Execution as at this p'sent Sessions and thereby impowered to ascertaine and sett downe the severall rates that shall for the Year ensueing bee allowed for maintaininge and Conveyinge and carryinge of all Vagrants as shall by Law bee passed and conveyed through the severall Countyes of this Kingdome Pursuant therefore to the said Act and to the end the rates hereafter mentoned and other the rates in the said Act may bee strictly observed in this County It is Ordered by this Court that where there shall bee Occasion for passing and Conveyinge Vagrants by Cart and Horse Nine pence bee allowed for every Mile and no more to the Constable or his Deputy and that where there shall bee occasion only for a Horse and Man Three pence for every mile and no more, and for every Mile that a person is Conveyed on foot One penny and no more and that every Vagrant to bee conveyed as afore said that is healthy to bee allowed only Three halfe pence a day, And every Vagrant that is Sickly and ill Three pence a day and no more And further ordered that all petty Constables doe bring all and every Vagrant and Vagrants to bee passed and Conveyed before the next Justice of the Peace of this County which Justice is desired so to regulate the allowances and to Tax them upon the backe of the Certificates by them to bee given to the severall petty Constables And that no high Constable doe pay the rates Taxed upon such Certificates brought to them by their petty Constables unless the said Petty Constables shall at the same time produce to such high Constable a receipt from the Constable of the Adjacent County to whom such petty Constable was Ordered to deliver the said Vagrant or Vagrants of such Constables haveing received such Vagrant or Vagrants which Constable of every Adjacent County are by the said Act required to doe ; And hereof the said High Constables petty Constables and other such officers are not to faile upon the Paynes and Penalties mentioned in the said last recited Act.

At the following Trans. Sessions, it was ordered that a levy should be made at the rate of two shillings "per trained soldier" \* for conveying vagrants out of the county; the money to remain in the hands of the high constables, and to be paid as the Court should direct. In the 7th year of Queen Anne, this special vagrant conveying rate was raised to 2s. 6d. per trained soldier.

At the Easter Sessions, 1710, the following Order was made :—

This Court taking into Consideration a former Order of this Court made for settling ye Rates for Conveying of Vagrants whither by Law they ought to be sent, It is Ordered by this Court that the directions rates & allowances mentioned & contained in ye said former order doe stand & be confirmed in every perticuler thereof Except in these perticulers following (that is to say) Where Vagrants shall be Conveyed to such remote places as that the Constable or his Deputy cannot returne home the same day that then (and in such case only) every Justice of the Peace signeing a Certificate for such Constables charges may allow for a Guide & his charges, & the lodging of such vagrant or vagrants on the Road & the maintenance of them, as he in his discretion shall think fitt and convenient, over & above the allowances sett downe in the said former order, the reason of which said further allowance to be particularly expressed & certified in the said bill or certificate to be signed by the said Justice or Justices, which being Conveyed to the Treasurer of ye County is by him to be paid out of the publicke moneyes raised for that purpose accordingly.

At the Trans. Sessions, 1714, the rate per trained soldier for the conveyance of vagrants was raised to 3s. 6d.; and in the next year it was 3s.; in the 2nd year of George I. it dropped to 1s., but soon returned to 2s.

In the reign of George II. the use of printed forms for the more general business of the justices began to prevail in Derbyshire, and a considerable number of the passes for vagrants, and the sworn information of the vagrants themselves, are among the county records. The Act obliged the justice to send duplicates of passes, etc., to be filed among the Sessional Papers. The following, with respect to the case of a female vagrant of 1740, may be taken as an example; the first document is altogether written, the second is a filled-up printed form :—

Derbyshire to wit

The Exam. of Sarah Cooke, singlewoman taken on her oath this 26 day of Nov. 1740, saith that she has been a hired servt in severall places particularly at Mr Thos Chambers in All Sts parish in Derby for seven yrs, a few yrs at Burley, wth Lady Exeter for

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\* This assessment per trained soldier was adopted as a convenient form of levying, and dated back to the time of James I., when the proportion to be furnished by each hundred was determined. It was used as a basis for various levies of an entirely non-military character. The county had to provide 378 trained soldiers, so that a 2s. rate realised £37 16s. The number, 378, were thus divided among the hundreds :—Scarsdale 88, High Peak 80, Wirksworth 50, Appletree 65½, Morleston and Litchurch 52½, and Repton and Gresley 42½.

4 yrs, and severall places in London, but her last hiring for a year's service was at Chelsey where she was hired to one Mr. Eyre's there for a yr at £8 wages. She served ye sd year, and two other yrs at the same place, since then she has never done Any Act to alter her settlement at Chelsey aforesaid.

Sworne before me  
J. Gisborne.

Sarah Cook.

Derbyshire to wit. To the Constable & other officers of the Peace of the Parish of Longford, in the County of Derby, & also to the Governor or Master of the House of Correction at Derby, And likewise to all Governors or Masters of all Houses of Correction whom it may concern, to receive & convey ; & to the Churchwardens, Chapelwardens, Overseers, or other proper officers of the poor of Chelsea Colledge in the County of Middlesex or either of them to receive & obey.

Whereas Sarah Cooke Singlewoman was apprehended in the parish of Longford in the County of Derby as a Vagabond & brought before me one of his Majestys Justices of the Peace for this County, & upon examination of the said Sarah Cooke, taken before me on oath, it doth appear that she is a vagabond within the true Intent & Meaning of the Statute in that case made & provided ; & that the place of her last legal settlement is the Colledge of Chelsea aforesaid, where the sd Sarah Cooke continued as a hired Servant for the space of two years & upwards : These are therefore to require you the said Constable or other officers to convey the said Sarah Cooke in the next direct way to the House of Correction at Derby. And you the said Governor or Master of the said House of Correction are to receive the said Sarah Cooke into your custody & her convey or cause to be conveyed to the first House of Correction in the next County or Place in the direct way to the said Parish Town or Place of Chelsea Colledge in the said County of Middlesex, & in like manner every other Governor or Master to whom it may belong, is to convey the said Sarah Cooke from House of Correction to House of Correction, until she shall arrive at the House of Correction belonging to the County etc. to which the said parish or place doth belong ; and the Master or Governor last mentioned is also to convey & deliver, or cause to be conveyed & delivered the said Sarah Cooke to some Churchwarden or Overseer or other proper officer of the Poor of the said place of Chelsea Colledge aforesaid to be there provided for according to Law. And you the abovementioned Churchwardens, etc. are hereby required to receive the said Sarah Cooke & provide for her as aforesaid. Given under my hand & seal this twenty eighth day of November in the Year of our Lord one thousand seven hundred & forty.

J. Gisborne.

The next pass, filled up by the same magistrate, on Dec. 5th, 1740, was for John Chapman and his two daughters, Elizabeth and Mary, apprehended at Duffield as rogues and vagabonds, and sent on to the parish of St. Trinity, York, the parish of their settlement by birth.

These forms, however, became obsolete soon after this date, for in 1744 there was further legislation on the subject, whereby the vagrants were divided into three classes, (1) idle and disorderly persons ; (2) rogues and vagabonds ; and (3) incorrigible rogues. The first of these were to be punished with a month's imprisonment in the house of correction ; the second class with whipping and imprisonment not exceeding six months ; and the third with the like discipline, and

with confinement not exceeding two years.\* The justice, or the Court of Quarter Sessions, might order a vagabond to be conveyed to his place of settlement after punishment; but by an Act of George III. this could not be done until the culprit had been actually whipped or imprisoned for at least seven days, which was to be certified on the pass. The object of this was to prevent the abuse of removing ordinary paupers by a vagrant pass instead of by an order of removal. The parish bore the expense of the order of removal, but the expense of conveying by vagrant pass fell on the counties through which the vagrants were conveyed.

Its seems scarcely worth while to give in detail the somewhat shorter forms of passes used under the new Acts, for they much resembled that already given, save that they were addressed to the Constable of the place where the vagrant was apprehended, and not to successive Masters of Houses of Correction; for the later Acts made the one constable responsible for the delivery of the vagrant at the terminus of the journey, and they could lodge where the constable thought fit, only at a fixed rate.

The following was the table of rates for conveying vagrants that was fixed by the Sessions for Derbyshire, in 1753:—

	<i>s.</i>	<i>d.</i>
“ For every Vagrant by the Head, per mile ...	0	2
For every Vagrant’s maintenance per night—		
if above 14 years of age ...	0	6
if under 14 years of age ...	0	4
For the charge of each Horse per night ...	0	6
For every night the Constable is out ...	1	0
For every Originall Pass & Examination ...	2	0
For every Receipt (that is of vagrants’ arrival at destination) ...	0	6
For signing a continuation of pass ...	0	0

Every Constable is to carry two Vagrants upon one Horse, & that nothing be allowed for any night’s expenses unless the Constable do carry them upwards of 12 miles.”

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\* This statute, 17 George II., c. 5, defined *idle and disorderly persons* as those (1) who threaten to run away and leave their families chargeable, (2) who return from the parish of their settlement as paupers, (3) who refuse to work for usual wages, (4) who beg within their own parishes, and (5) who neglect to work or spend their money idly. *Rogues and Vagabonds* included (1) gatherers of alms under pretence of losses, (2) fencers, (3) bearwards, (4) players of interludes not authorised by law, (5) minstrels, (6) jugglers, (7) gipsies, (8) fortune tellers, (9) deceivers by subtil craft, (10) players and betters at unlawful games, (11) persons running away from their families, (12) unlicensed pedlars, (13) persons lodging in outhouses and open air, (14) persons seeking harvest work without a certificate from the minister and one churchwarden of their parish, (15) and all wandering beggars.

In 1774, the above rates, though expressed in rather different phraseology, were ordered to be printed, and a copy sent to all the petty constables. This further proviso was added :—“ And it is further Ordered, That no Constable shall, from henceforth, convey or pass any Vagrant in the said County of Derby, without first taking such Vagrant before one of his Majestys Justices of the Peace for the said County of Derby, to be dealt with according to Law, & receiving from such Justice a Certificate, ascertaining how such Vagrant shall be conveyed, & the allowance to be made to such Constable for conveying him. And it is further Ordered, That no Constable shall receive any Vagrant from a Constable of another County, to be conveyed otherwise than in the direct Road to the Place of his Destination.”

The charge to the county in 1782-3 for the apprehension and passing of vagrants was £379; the average of this yearly charge for the next ten years comes to a rather higher sum.

The following examination of one Thomas Berry in 1771, is given as an example of a self-convicted blackleg. He was sentenced to be whipped and detained for a month at the Chesterfield house of correction, and then to be conveyed by a pass to Harstoft :—

The Examination of Thos. Berry this day brought before me Iman. Halton one of his maty's Justices of the peace for the said county by the constable of Tibshelf charged with being a dangerous & scandalous person, living idly & yet faring well, tho' having no visible means of an honest livelihood : which said Thos. Berry on oath saith that his legal settlement is at Harstoft in the said county, that his general abode is at Tibshelf aforesaid, where he pays a penny pnight for his lodging ; that he sometimes works at the coal-pits ; that he attends the feasts & wakes in the neighbourhood for the purpose of gaming, that being his chief support, that he hath not done any work for ten or eleven weeks last past, but hath supported himself during that time with his winnings at Shirland wake, being forty shillings.

Sworn 2 Sept., 1771

before me Iman. Halton.

Thos. Berry.

his X mark.

At the Easter Sessions, 1790, complaint was made that but few parishes had any place for the temporary reception of vagrants and paupers with pass or order of removal, and that they were often put into damp stables and outhouses whence maladies and even death arose ; and further that there was no proper place of confinement for riotous or drunken persons, or for persons chargeable with bastardy, and hence they were conveyed by the Constable to Public Houses, “ and half the Parish under pretence of guarding them (the warrants being frequently served on a Saturday evening) were entertained and intoxicated at his cost nearly to his ruin, and totally to the

destruction of industry, peace, and good order in the neighbourhood." The court therefore ordered that in every parish, where there was not already any "Round House, House of Correction, or Gaol, a small cottage should be assigned expressly for the above purposes, with windows and door properly barred, for the temporary confinement of offenders and for the lodgement of vagrants ; and that the cottage should always be inhabited by a pauper till wanted for public use."

Occasionally application was made by respectable paupers to the court for a travelling pass which would entitle the holder to the help of the overseers of the parishes passed through. The earliest instance extant of this is of the year 1663 :—

To the Rt Worshipful, etc.

The Humble Petition of Anne Barker, of Wirksworth, widdow, Humbly sheweth that your Petitioner is a very poore Women of about Threescore and Ten yeares of Age, and haveinge occasion to goe to London and nothinge towards maintaineinge of her on her Journey humbly prayes

Your good Worps to graunt her a Pass for the carryinge of her on her Journey.

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## Petitions for Relief.

The right of appealing to the justices in Quarter Sessions against rates for relief of the poor, as well as of appealing against refusal or dilatoriness of the parish officials in granting relief, originated with the comprehensive statutes of 39 and 43 Elizabeth. The county records include a considerable number of petitions under the latter of these two heads, addressed to the justices, which often have the order of the court subscribed at the bottom of the petition. The earliest of these are of the Commonwealth period.

At the Trans. Sessions, 1646, a petition was presented to the court by three orphans, Elizabeth, George, and Anne Briggs, of Chesterfield, setting forth their "miserable & distressed estate & condition, the parents being deceased & so much indebted that all the goodes they lefte (consisteinge only of househould stuffe) will not extend to discharge a fifte parte of the debt that is oweinge"; whereupon order was made that "the Inhabitants of the Towne of Chesterfeild together with the Overseers of the poore for the said Towne do take especiall care for the livelyhoode & mainetenance of the said poor children untill it shall please God to enable them to gett their owne Liveinges, they beinge as yet but of tender

yeares." The court still further adjudicated in this case, for they ordered the overseers to hand over a portion of the household goods to the "moste needful creditors," but to employ the remainder towards the orphans' maintenance. The same order provided that the constables within the town of Chesterfield were to take the overseers before the nearest justice of the peace, by him to be bound over to appear at the next sessions to answer for their contempt, in case they neglected to collect and pay the contributions necessary for the support of the three children.

The next petition that we have found is one presented at the Easter Sessions, 1648, by Richard Bennet, of Ashbourne, stating that he had for seven years kept a poor lame child, daughter of George Sheepee, who, in 1641, "tooke up Armes under the command of Sr Edward Filton." At that time one of the overseers placed the child in his charge, promising him eightpence a week during the time he maintained it. Richard Bennet, however, only received 6s. for the first nine weeks, and then could obtain no more from the parish, until the overseers of 1648 came into office, when they paid him 7s., so that in all he only received 13s. for seven years' maintenance of the child. He therefore prayed for satisfaction for the time past and that he might be discharged from any further keeping of the child. The court paid no attention to the question of arrears, possibly because the father was a royalist, but simply ordered "the Overseers to releive her (the child) according to necessity."

There are two petitions extant of 1649, addressed to a single justice, namely, to Colonel Saunders, to whom reference has often been made in these pages, and whose office, as Custos Rotulorum, most likely carried with it a position equivalent to that of chairman of Quarter Sessions. The following is a copy of the first of these :—

To The right Honoble Collonall Saunders at his howse at Ireton.

Whereas William Blackshaw of Chevinside in this countie of Derby Laborer had his nativitie and birth in the place aforesaid and hath behaved himself treuly honestly and Justly and hath beene a faythfull paynfull and treu dealing man all the dayes of his lyef as far fourth as we did ever know heare perceive or understand and the said pore man being himself fallen blind and his wyfe lame He also havinge one child and not being able to releeve them wth his paynefull labour as heartofore he hath done, is likely now with his familie utterly to perish unles some speedy course be Taken for ther relieffe wherefore the premises tenderly Considered may it please your Honr to pitie the same pore Blackshawe's cause as truth Charitie & merit in Justice will require on god's behalf and the same pore man with his wyfe shal be bownd to pray for your health and prosperitie.

Aprill 2d, 1649.

Henry Stookes.  
William Jolley.

The second of these petitions is dated July 17th of the same year, and is addressed "To the worshipfull Corronall Sanders, Justice of peace & other Justices of the peace for the Countie of Derby." The petition recites that Robert Wright, who had been resident at Kirk Ireton above twenty years, and who had all that time rented a house was now about to be ejected, and prayed that a house might be found for him to dwell in, both he and his wife being "lame people & veary oulde withall," and being willing to pay "a sufficient rent." The petition is thus endorsed:—"Itt is ordered by ye Court yt ye overzeers of ye poore presently provide a house for your petitioner, as they will answer ye contrary att theire perills. Per Cur'. John Withers, Cler. Pac."

At the same Trans. Sessions, 1649, the subjoined petition, which is of much interest, as pointing to the voluntary relief by collection that prevailed during the Commonwealth, was also presented:—

The Humble Petition of William Roy of Tansley in the parish of Crich to the right worshipfull Justices for the countye of Derby assembled in Sessions.

Humbly Sheweth your worships Poore Petitioner that Whereas hee hath a long tyme layne lame of a soore Legge wch came first by a hurt received in the parliament's service, and now not being able to move no further than hee is borne & moved by the help of others, And having a Wife & a Child and being no wayes able to mantayne himselfe & his family by Reason of the Sorrowes of his Legge which is in great danger to bee Cutt offe lest it infect his body, And having received no more from the parish in Generall but foure shillings & a paynge one Sabboth day by way of Collection from well disposed people never since your poore petitioner begann first to bee lame, Therefore your Worships poore petitioner humbly prayeth your good Worships to take his distressed estate into consideration & that you would bee pleased to graunt an order that your poore petitioner might have some Reliefe from the parish of Crich wherein hee liveth now in his great need and Extremity, As your worships in your good discessions shall think fitting and hee shall bee ever bound to pray, etc.

There is yet another petition of this year 1649 which is worthy of reference, for it shows the method adopted in pressing cases to compel relief from overseers, during the period from one quarter sessions to another. On June 19th, Nicholas Morehouse, of Alfreton, drew up a petition, setting forth that he was over fourscore years of age, blind, very lame, with a wife of almost his own age, who had lately met with an accident whereby she was "broken & bruised in her body & legges," and that they were almost starved, having no constant allowance made by the parish. The petition was taken to Ralph Clarke, the nearest justice, who thus endorsed it:—"To the overseeres of the poore at Alfreton. These are to require you that present means of subsistence bee allowed to the petitioner yf the



Contents of this petition bee true. Ra. Clarke." It was subsequently presented at the ensuing Trans. Sessions, when 1s. 6d. per week was ordered, and the overseers bound over to observe the order.

The next petition to the Sessions that we shall quote, is of the year 1656, and tells of the troubles of an adventurer in the lead mines of Hartington :—

The Humble petition of Thomas Sutton of Hartington.

Sheweth, Whereas yr petitioner & wife having 8 children four being with him very young are unable to get a livelyhood beinge very laborious att there time hitherto takeinge great paines at ye mines : haveinge noe gets for many years together, ventur.nge his substance in vindication of ye mines, yr petitioner haveinge a small Cottage of his one, & a little Corne wch ye petitioner hath caused sowen, & goinge into debt for ye sd seed, ye man to whom I had ye seed hath seized of my corne allready for his pay, I beinge in a weake condition Almost past my worke & my wife also sellinge that small substance wee had in our house for maintenance for our family, & ye hardness of ye winter hath forced sell all wee had, to preserve us all a life, & beinge in extream poverty, makein complaint to ye overseers of ye sd Towne, who daly excuseth, & say the will doe much for us but never performe Anythinge, humbly desiringe that yr worshipful bench wold give Orders to ye Overseers of ye poor yt yr petitioner may have yt weekly pay, as in yr grave wisdom you shall thinke fit & yr petitioner will ever pray.

Thomas Sutton.

Yr petitioners eyesight beinge dim humbly desireth yr assistance for without yr worships order I must have nothinge.

(Ordered) 2s. weekly.

The next petition in connection with relief that is here presented is one from the inhabitants of Darley, praying that a former order of the court with regard to a special pauper may be abated. It is undated, but from the time that Thomas Moseley held a mediety of the rectory of Darley, we know that it is between the year 1672 and 1685.

This is humbly to Certifye his Maity's Justices of the Peace That whereas Frances Watson of Darley in ye County of Deruy widd had an Order of Sessions granted severall yeares agoe for one shilling per weeke ; wh sd Order was accordingly obeyed untill shee was willing to compound wth ye neighborhood for 9d. per week ; and now her charge being much lesse than formerly the neighbors thought 6d. per week a sufficient allowance for her which she refuseth : Wee whose names are hereunto subscribed inhabitants of Darley aforesd doe certify That Frances Watson aforesaid hath but foure persons in the family, Three wherof are in constant work & getts : & that wee are confident shee is not so great an object of charity as formerly shee hath beene, & that some other pensioners are newly fallen upon us which wee believe are more indigent than shee is, & are likely still to fall, & therefore wee humbly crave redresse.

Tho. Moseley, Rector of Darley.

[And thirteen others.]

In the days when there were no hospitals, in the usual modern acceptation of the term, it has often been a question for conjecture as to the way in which accidents to the poor were treated. A petition

in 1681, to the justices from a Derby townsman, who had befriended an old man at the time of a serious accident, shows what was probably a usual method of procedure :—

To the Honoble Bench of his Matyes Justices of the peace for the County of Derby.

The Humble petition of Thomas Sales of St. Alkmond parish in Derby.

Sheweth that on the one and Twentyeth day of August last past John Brindley a poor impotent old man travelling by the Towne of Derby in the highway neer St. Mary-bridge by a fall from of an horse was soe crushed and bruised that of himselfe hee could not rise again but after a while lying there was by some compassionate good people brought into the Towne to your petitioners house in the street called Bridge-gate where void of money and in great weakness of body hee hath ever since continued at your petitioners great charge and trouble without releife from any other person. Humanity forbids your petitioner to let him dye for lack of dayly bread and if the charge be not removed from your petitioner he shall in a short time become an object of charity also. Therefore humbly proposing the premises to your mercifull considerations and since the said John Brindley's necessities may in reason require supplies more from the publick charity than any privat man's pitty your petitioner prayeth such redresse in this case as to your Honor's discretion shall seem meet.

(Ordered) iij li. to be leavyed in ye county. This order received Easter Sessions, 1681.

Tho. Sales.

At Easter Sessions, 1683, the court received a very remarkable petition for relief from the county gaol. It proceeded from one William Wardle, who at the last assizes had been condemned to death (we know not on what charge), but before the sentence could be executed, a man and his daughter, the chief witnesses against him, acknowledged their false statements and perjury, with the result that Wardle was reprieved, but kept in confinement till the next gaol delivery. The substance of the prisoner's petition was that the overseers of Hartington might be ordered to assist his "wife & two small children, the one of which hath borne since I came into this lamentable place." The court ordered payment of one shilling a week for the wife and children.

The next petition quoted is from the wife of a prisoner. The court in this case ordered that the eldest boy should be apprenticed, and that the woman should receive a shilling per week.

To the Rt Worll his Maj. Justices of the Peace for the County of Derby, at their Genll Quarter Sessions held at Derby, Jan. 17th, 1683.

The humble petition of Elizab. Pilkington of Langley in the Parish of Heanor Humbly sheweth

That your poor pett. husband haveing the ill fortune to be drawn into Company of divers Leud and Wicked Persons was amongst them taken & Comitted to prison, where he now remains, leaving your poor Pett. with six very small children to the Charity of Good people, who indeed are burdened enough with poor already, & therefore without your wor'ps Order will neither grant your poor Pett. relief for her poor children, nor a house to hide their heads in, whereby they may be prevented from being wandring beggars & so a scandall to

a Christian Kingdome, These humble petition therefore of your poor Pett. is, That you in your Great care of the poor, & Consideration of the distress of a poor undone woman, would please to Grant your Order to the Overseers of the poor of the sd Parish, to oblige them to Provide your poor Pett. a house, & some mentenance sutable to so great a necessity as the cryes of six poor babes & a desolate woman under such circumstances requires.

And your poor Pett. (as in duty bound) shall ever pray for your Wor'ps health & prosperity.

The following petition is endorsed "heard upon a motion" :—

To ye Right Wor. his Maties Justices of ye Peace at their Quarter Sessions, houlden at Bakewell, July ye 22nd 1684.

The humble Petition of Henry Worrall most humbly sheweth unto your worships

That whereas yr worships formerly granted several Orders for ye maintenance of yr Petitioners children, & yor last Order of ye 10th of Aprill ordered ye overseer of Holmesfeild to pay weekly Five shillings for ye better maintenance of yor Petitioner & his children, The payment of which they faile in paying so that for want thereof & by their threats hinder him for haveing one to stay with him to helpe his children & pretende to take ye children away & dispose of them as they please, which yor petitioner desires may not be, because their usage was so ill when they had them before, And further some within Holmsfeild forth of their ill disposition & malice against yor Petitioner use all meanes they can to undoo yor Petitioner & send him to Prison for things that do not concern them, & so hinder him both from Personally attending yor worships or following his occasions whereby he might ye better look to his Children himselfe & provide necessaries for them.

Yor Petitioner therefore in most humble manner desires the Continuance of yor favours, & that you will see that yor orders may be duly observed, & yor Petitioner will ever pray, etc.

The minutes of the Orders of Sessions begin with 1683, and on referring to the first volume for this case, we find that the reason of the action of the overseers of Holmesfield in the case of Henry Worrall, was that they disputed their liability, alleging that his settlement was at Hathersage, where he had a house that he held on lease. The question was argued by counsel on each side, with the result that the court adjourned the case to the next sessions, meanwhile ordering that the overseers of Holmesfield and Hathersage do equally contribute to the maintenance of Henry Worrall and his family. At the following Mich. Sessions, "Itt did appear to this Court upon hearing of Councill & examination of Witnesses on both sydes in the Cause that the said Henry Worrall his Wife & family were last legally settled at Hathersage, Itt is therefore ordered by this Court that the said Henry Worrall his wife & family bee settled & provided for att Hathersage, & that Holmesfeild bee and are discharged from them."

The earlier Orders of Sessions give a good idea of the amount of work, now assigned to Boards of Guardians, that was transacted at Quarter Sessions during the last part of the seventeenth century.

The first sessions of which there is definite record is Easter, 1683. These are the "Orders upon Petitions" then made, twenty-one in all :—

"It is this day Ordered by the Court That the overseers of the poore of Compton doe forth of the moneys their raised & to bee raised for the necessary releife of the poor pay one shilling weekly unto Margret Attleborough, Shee beinge a poore Impotent Inhabitant there for her better releife & maintenance."

Belper, one penny a day in bread unto Anne, the wife of Francis Jackson.

Alderwasley, sixpence weekly unto Elizabeth Stapleton.

Denby, one shilling weekly unto Anne Snell.

Wirksworth, one shilling weekly unto Richard Browne.

Windley, sixpence weekly unto Sarah Allsibroke, "& if the Duke of Newcastle's gratuity faile their the said Overseers of the poor to pay the said Sarah Allsibroke one shilling & sixpence weekly."

Litchurch, two shillings weekly unto Anne Wright.

Kings Newton, one shilling weekly unto Mary Birch.

Repton, two shillings weekly unto Thomas Ashmore.

Youlgreave, one shilling and sixpence unto Dorothy Gregorie.

Churchbroughton, sixpence weekly unto Alice Twist, until the overseers find her an house.

Sterndale, sixpence weekly unto Alice Robinson.

Biggin and Heathcote Quarter (Hartington), three shillings weekly unto Sarah Woolley "untill the next Monethly meeting to bee held for that hundred."

Sterndale, sixpence weekly unto Roger Mellor.

Sterndale, ninepence weekly unto Mary Swyndell.

Upper Quarter (Hartington), one shilling weekly unto John Wardell.

Codnor, one shilling weekly unto Eleanor Carrington.

Compton and Clifton, sixpence weekly unto Robert . . . .

Cold Aston, one shilling weekly unto Thomas Marradin.

Ireton, two shillings weekly unto Laurence Crofts, "till they find a convenient house for ther.rent."

Cromford, two shillings and sixpence weekly "unto the wife of Thomas Crooks prisoner in his Maties gaole at Derby, & all the arrears due on the former order granted from this court."

Chaddesden, one shilling weekly unto Mary Ive, "untill the said Overseers put forth two of the eldest Children."

At the Trans. Sessions, 1684, Henry Green, of Cowley, Dronfield, petitioned to be made a pensioner, or to obtain relief, he having been, according to the attestation of his friends, "a souldier in Collonell Eyre of Hassop his Regiment, and under the command of Captain Howard Brook for the space of fower yeares & upwards in ye service of his late Maties being Charles ye first of ever blessed memory, & during his service in ye late civill wars he was wounded in ye hand & in ye knee, & is now much aged, & by reason of his Cutts & hurts received in ye sd fower yeares service, he is now become very lame indigent & disabled in body for any manner of work, & is destitute of any competent substance or livelyhood, and hath ever since he left ye sd late king's service continued faithfull to his trust & never deserted ye same, nor ever in all his life did he take up armes against his sd late Matie, or his Matie yt now is, But after yt he was forced to leave ye late king's service he repayed to ye place where he was settled before he became a souldier, which was at Corber in this County, & hath lived there & at Cowley aforesaid ever since, & is now a great object of pittie & charity."

On October 14th, 1687, Ellin Mellor, a widow, of Findern, petitioned the justices for assistance, stating that the town had for several years bestowed yearly upon her a load of coal, "which hath been all the Charity yt has been allowed me, only this year they have denyed me that small assistance so that I may in all likelihood starve for want of Fire." The court mercifully ordered her "2s. weekly till they find her a Load of Coales."

Not infrequently, the overseers seem to have evaded the orders of the court, or to have given less than the order specified. There are several protests of this character extant that were presented to the justices, of which the following will suffice as an example; it is of the date 1701:—

To the Right Worshipful his Mayties Justices of the bench for the quarter Sessions.

The petition of Margaret Holmes of Kirk Ireton humbly sheweth

Whereas your worships was formerly pleased to grant me an order of one shilling weekly to be paid by the overseers of the poore, Iddridgehay, toward the Relief of me & my two Children, which money the have kept part back & paid me but sixpence a weeke for a whol yeare last past soe that their is twenty six shillings behind according to the order which they doe Deny paying for which I humbly beg of your worships Clemenceys that you would be pleased to take my sad & deplorable Condishion into your serious consideration soe that I may have the money which is behind & the order continued, & your poore petitioner will for ever pray, etc.

(Ordered) To pay all the arrears & to bring ye youngest child to ye overseer & hee to provide for him & if they refuse to provide for him then to pay sixpence weekly.

Just at the end of the eighteenth century several petitions reached the Derby justices complaining that the parochial overseers, in specified cases, were supplying paupers with bread or other victuals, when the court had ordered money. Eventually, in 1702, the court put a stop to this practice by passing the following stringent order. The order is also noteworthy as it is the first instance, so far as we are aware, of the court directing printed matter to be sent into every parish; the ingenuity by which the court put the cost of the printing on the parishes is further to be admired:—

“Whereas it appeared to this court that the overseers of the Poor of divers Parishes, Townships and vills in this County doe instead of givinge weekly allowances in Money to the poor people of such parishes Townships and vills force them to take weekly the same in Bread, meale, corne, and other victualls, and thereby make a gaine to themselves by Sellinge such Comodityes to them at much dearer rates then if the said poor people were to buy the same in open markt with their ready money which ought to bee paid them, to the manifest wrong injury and oppression of such poor people and the manifest greivance Damage and loss of the Inhabitants by the great encrease of their Taxes thereby; Now for the effectuall redresse and remedy thereof; This Court doth order and it is Ordered by this Court that for the future all Moneys raised and to bee raised for the Necessary reliefe of the Poor of any Townships, Parishes, or vills within the County aforesaid bee paid by the Overseers of the Poor of every respective parish Township and vill to such poor person or persons who ought to have and receive the same in ready Moneys in Specie and not in any other thing or kind whatsoever; And to the end that all and every the Churchwardens and Overseers of the poor of the said severall parishes Townships and vills in this County may take notice thereof, It is further Ordered that the Clerke of the Peace of this County, Doe cause such a number of this our Order to bee forthwith printed and sent to the respective head constable of every hundred in this county and by him to bee delivered to the Churchwardens and Overseers of the poor of every Parish Township and vill in such respective hundred that the same bee strictly observed in every p'ticular thereof, As they will answer the contrary at their utmost p'ills, and further ordered that the Overseers of the poore of evry Parish Township and vill doe pay to the head Constable of every their

respective hundred upon the delivery of such Order the Sums of One Shilling to bee by him paid over to the said clerke of the Peace: which this Court doth allow him for his paynes and charge herein."

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### Workhouses.

The disgraceful Statute of Vagabonds of Edward VI., to which allusion has already been made, was in one particular more merciful than previous legislation. It not only ordained that the aged, crippled, and weak should be released, but also that convenient houses should be provided for them "by the willing & charitable disposition of the parishioners." Although this permissive legislation effected very little, we have in this proviso the germ of the workhouse. In the thirty-ninth year of Elizabeth's reign was passed the important "Act for erecting Hospitals or Abiding & Working Houses for the Poor;" but this again was only permissive, being passed with the object of assuring benevolent founders that they might bestow lands and moneys for such purposes without infringing any law or royal privilege. But the more extended "Act for the Relief of the Poor" of the forty-third year of the same reign, provided that convenient dwelling places for poor persons, unable to work, might be erected upon waste or common lands, "at the general charges of the parish." This was the true beginning of the parish workhouse, but it should be borne in mind that even at the end of the reign of Elizabeth, and indeed to some extent throughout the next reign, the distinction between the house of correction and the workhouse was not very clear, for it was assumed that infirmity or wilful idleness were the only two impediments to earning a livelihood.

Some instances are given in the next sub-division, under "Habitations," of single houses provided by overseers, at the charge of the parish, on waste lands; we are now only concerned to give some brief information with regard to workhouses or houses of industry for the poor of one or more parishes. The county records do not give us any information under this head earlier than the eighteenth century; in fact, there was nothing in Derbyshire that would correspond to our idea of a workhouse or poor house for a number of paupers of an earlier date, unless it may have been in the boroughs of Derby or Chesterfield.

The year 1724 made an important step in advance in the question of workhouses.\* Full sanction was then given to the churchwardens and overseers of any parish, with the consent of the majority of the parishioners in vestry assembled, to purchase or hire any house or houses in the parish, and to contract with persons for the lodging, employing, and keeping of poor persons. In case any poor person should refuse to be thus lodged and maintained, such person was to be struck out of the parish books, and was not entitled to relief. Moreover, the same Act empowered two or more small parishes, with the sanction of a justice, to unite in purchasing or hiring houses for such a purpose. Workhouses, in which the poor were cared for by a contractor, soon began to be erected.

By 1732, there were sixty such houses in the provinces, chiefly in towns, in addition to about fifty within the Metropolitan area. But the clause for amalgamating small parishes was slower in being carried into effect.

In 1733, the overseers of the poor of the two townships of Offcote and Underwood, in the extensive parish of Ashbourne, threw four cottages, that had been erected on the waste for the use of individual paupers or their families, into one, making it a common poorhouse for those townships.

The first instance of the common action of various parishes and townships in providing a workhouse, occurred, we believe, in the year 1738, when the churchwardens and overseers of Dale Abbey, Stanton-by-Dale, Sandiacre, Risley, Wilne, Breaston, Draycott, Wilne Mills, Ilkeston, Little Hallam, Stanley, and Mapperley united to build "a certain cottage workhouse or place for the inhabitation & employing the poor of & belonging to the said severall parishes & townes upon a certain common or moor called Dale or Stanton Moor." There is a record of this with the sessional papers, because in such a case the consent of the lord or lords of the manor, where the building was situate, was required, and such consent had to be deposited with the clerk of the peace. This formal consent is signed and sealed by the Honble. Harry Lord Grey and John Stanhope, Esq., who were lords of the manors of Dale and Stanton, under date October 16th, 1738.

A workhouse, or House of Industry, in accordance with the provisions of 9 George I., was established at Winster, in 1744, of

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\* 9 George I., c. 7.



which due entry, together with a copy of the rules, is made among the Orders of the Epiph. Sessions of that year.

The following are the rules :—

First. That a proper person shall yearly be fixed on who shall see that the Poor have their provisions in a decent manner three times a day & shall be supplied with moneys by the Overseers to buy in the same and proper materials for setting the poor on Work, and such persons shall have the care and custody thereof and shall keep a Book wherein Entrys shall be distinctly made of ye same as well of the provisions as the materials to be manufactured and also a distinct account of the gain made by such materials and the weekly expence of the house and make a true ballance thereof [James Johnson appointed for the year at a salary of £10 per annum.]

2dly. There shall be made weekly by the Governors of the House a weekly Bill of Fare which shall be delivered to the said James Johnson and his successors for the time being.

3dly. The Chappel-Wardens and Overseers of the poor for the time being and three of the Inhabitants of the Hamlett aforesaid who shall be chosen every year on Easter Monday shall be the Governors and inspector of the said house some one of whom shall visit the same every day by himself or deputy to be chosen out of that number or shall forfeit sixpence for every default to be disposed as the majority of the said Governors shall direct.

4thly. That all proper Inquirys shall be made by the Visitor of the day touching the behaviour of the family and if there are any complaints they shall be minuted down in a paper kept for that purpose.

5thly. That all the Governors shall meet every Saturday at 3 o'clock to advise up the last week's minutes and accounts under penalty of sixpence for absence without reasonable excuse.

5thly. All Bills shall be discharged every Month.

7thly. When any of the poor be employed out of the house the Overseer shall take the benefit of their work for their better maintenance and relief.

8thly. None of the poor shall be permitted to wander up and down the streets but be kept within the said House.

9thly. No persons shall be allowed any relief out of the house unless in Sickness or on some very extraordinary occasion.

Another permission of a lord of the manor for the erection of a workhouse, filed by the clerk of the peace, is one duly signed and

sealed by Sir William Fitzherbert. It is very brief and runs as follows:—"I do allow ye Overseers of the Poor of Tissington to Build and they and their Successors to have and enjoy a Poors House at a Place called Farfield Gate in Tissington, given under my hand and seal as Lord of ye Mannour of Tissington this 7th day of Octr. 1753. Wm. Fitzherbert."

A large bathing house with lodgings adjacent, what in modern parlance would be termed a "hydropathic establishment," was erected at Ashover in the reign of Queen Anne, with the hopes that the attractions of the waters in that beautiful valley might rival the baths of Buxton or Matlock; but the hopes of the promoters were disappointed, and its walls stood bare and tenantless for more than half a century. It was this gaunt empty building that gave rise to the formation in 1767 of the largest amalgamation of parishes that the Poor Law had up to that date known, and which soon embraced an area wider than many of the "Unions" of the Act of 1834. The building was originally purchased, adapted, and enlarged by the parishes of Ashover, Matlock, and Darley. The parish officers of all the surrounding districts were invited, by a printed list of rules and proportionate payments, to send their paupers there to be lodged, fed, and employed. In the year 1800, there were no less than sixty subscribing parishes. The following parishes (forty-two in all) were those who formed this Ashover permissive Union immediately prior to the passing of the Poor Law Amendment Act:—Ashover, Baslow, Bighton, Bolsover, Brampton, Little Chester, Cromford, Darley, Dronfield, Eckington, Edensor, Glapwell, Hasland, Horsley, Horsley Woodhouse, Kilburn, Killamarsh, Longston, Matlock, Middleton, Newbold, South Normanton, Norton, Pilsley, Pentrich, Pinxton, Ripley, Shirland, Shottle, Scarcliffe, Smalley, Stretton, Sutton, Tibshelf, Tupton, Unston, Walton, Wensley, Whittington, Williamthorpe, South Winfield, and Wingerworth.

Three important volumes were published in 1797 by Sir F. M. Eden on *The State of the Poor in England*. In addition to an historical disquisition on the subject and various recommendations, the work included careful returns from all the principal centres of population in the different counties, made up for the most part to the year 1795. From the second of these volumes, we gather that there were then 36 paupers in the workhouse of the parish of St. Alkmund's, Derby, 53 in that of All Saints', 39 in St. Peter's, and 24 in St. Werburgh's. St. Alkmund's is described as the best poor

house in Derby, as it was airy, very clean, and well provided with good feather beds! At Chesterfield, there were 31 inmates of the workhouse; the occupants were chiefly employed in spinning lint and wool. There were at the same time 28 paupers in the Wirksworth workhouse.

In 1802, an agreement was made for uniting for Poor Law purposes the parishes and townships of Rosliston, Stretton-en-le-Fields, Cauldwell, Linton, Coton-in-the-Elms, and Croxall, within the hundred of Repton and Gresley, in accordance with the provisions of an Act of 1782, whereby the Act of 9 George I. was amended. The agreement recites that they unite for the purpose of "the better maintaining and employing their poor, and that a convenient House or Houses with proper buildings and accommodations thereto, and with land fit for Gardens Orchards and the keeping of a Cow or Cows shall be built purchased or hired at or near Rosliston."

A workhouse or house of industry on a large scale was established at Shardlow in the year 1816, by special Act of Parliament, which was a forerunner of the future Unions, inasmuch as it did not observe county limits, but included several adjacent parishes and townships in the counties of Leicester and Nottingham, as well as many in the county of Derby.

At last, in 1834, the Poor Law Amendment Act, the chief feature of which was the obligatory forming of Unions and Union Workhouses was passed, and was amended in 1836, 1838, 1846, and 1847.

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### Habitations.

By the 39th of Elizabeth, the churchwardens and overseers were ordered, for the relief of the impotent poor, to build convenient houses at the charge of the parish, but only with the consent of the lord of the manor. In such cottages they might place single inmates, families, or more families than one. The 43rd of Elizabeth re-enacted this section, and added that such buildings should not at any time afterwards be used for any other habitation, but only for the impotent poor, who were to be placed there from time to time by the churchwardens and overseers. Appeal was often made to Quarter Sessions to compel the parish authorities to carry out the above sections, or in other ways to provide shelter for the poor. On the other hand, houses

that were in any way likely to be burdensome to a parish could not be erected without a sessional order.

On April 20th, 1639, the court received the following application :—  
 “ Right Worll may it please you that Mathew Bagshawe hath moved Sr Thomas Hutchenson, Mr. Manner, Mr. George Columbell junr, and Mr. Richard Senior to erect a house in a croft where hath formerlie been an ancient Cottage the sayd Sr Thomas hath thought it fit that the sayd Mathew Bagshaw should request the worll Bench that hee might build him a house in Derby because hee hath been an ancient Inhabitant and now is destitute of a house. That much wee thought good to certifie you that you would be a means whereby this poore man may have an order from the bench to build a House and so wee humbly take our leave and rest

yr lovinge neighbours

John Manners

George Columbell Junior

Ric. Senior.”

At the Easter Sessions, 1649, held at Derby, there were several petitions from paupers as to habitations. William Shepherd, a poor man, who had lived for forty years at Duffield, “ now destitute of habitation by reason of age and want,” applied to the court, with the result that the overseers were ordered “ forthwith to provide him a habitation and something towards his maintenance,” unless they were able to show good cause to the contrary at the next sessions. A postscript to the order adds—“ and in case the Townsmen refuse they (the overseers) to be bound.” At the same court a petition was received from Elizabeth Shepherd, of Windley, in the parish of Duffield, in which she alleged that she “ was in possession of a Certayne Cottage situate in Chevin, which was pulled downe and taken away by the Inhabitants of Dooeffield, shee left without habitation and hath soe Continued Twelve months at the least, shee being borne in Windley and hath two small children,” she therefore prayed that the inhabitants of Duffield, of Windley, of Hazelwood, or of the whole parish should find her a homestead, leaving the choice of the four alternatives to the wisdom of the bench. The case was adjourned to enable the inhabitants of Duffield to reply.

At the Trans. Sessions of the same year, the overseers of Duffield successfully raised the technical objection that Elizabeth Shepherd was married, and that a woman’s petition could only proceed from a spinster or a widow.

Meanwhile, Elizabeth Shepherd's claim to consideration increased, for another child was born to her, and at the Mich. Sessions, an amended petition in the name of her husband and herself was duly presented. It runs as follows:—

To the Right Worpfull Justices of the Peace for this County of Derby now assembled in ope Courte of Sessions

The humble petition of Raph Shepherd and Elizabeth his wife  
Sheweth

That Whereas your petitioner Elizabeth was borne in Windley and haveinge built a cottage upon Chevin Comon was first forcibly thrust out of the same afterwards the buildinge pulled downe & Timber carried away by the Inhabitants of Duffield, since wch tyme your petitioner & her three small Children have bene without any habitation.

May it therefore please this Courte the premisses considered to order that the Inhabitants of Windeley Turneditch & Haselwood may finde your petitioner & her Children a habitation Mr. Gregson & many others beinge very willinge to doe the same but some other p'sons refuse unlesse it be ordered by Courte of Sessions & your petitioners & theirs will dayly pray.

It is pleasant to be able to record that the court decided that "The overseers are to find him habitation or show cause to next Justice forthwith."

The Commonwealth papers afford another example of this destruction of cottages on the waste, the destruction being doubtless intended to keep down the poor rates. In the year 1650, the following petition was presented:—

To the worpll the Justices of Peace for this County of Derby The humble petition of George Boothe of Chalsworth (Charlesworth in Glossop parish)  
Humbly Sheweth

That your petitioner havinge a wife & foure children & being destitute of a habitation for himself or them did in May last with ye consent of all his neighbours (one onely excepted) & with ye fruites of his owne labour erect a Cottage on the waste of ye Countesse of Arundell, & had the same pulled downe by the malice & envye of Thomas Boothe, tending to ye utter undoing of him & their familie.

Your petitioner therefore humbly prayeth that he may with ye consent of his neighbours (& not otherwise) be admitted to rebuild the same at his proper Costes & Charges

And your petitioner shall ever pray

The court ordered "Thomas Booth to rebuild or to be conveyed and bound to good behaviour."

In the same year two petitions were presented from Melbourne parish addressed "To the right worll Gervayse Bennet Esquire and to ye rest of ye Justices of peace at Derby." The first was from Margaret Clark, who alleged that she was "an aged woman by reson wherof she had falne into a most extreame want and povertie," had lived all her life in Melbourne, and was then "in great want of harbour, for the house she now lives in the one parte is falne downe and the other parte is in great dainger to fall down on her head, neither will it keep her dry to her utter undoeing." The petitioner proceeded

to state that she had frequently made her complaints both to the churchwardens and overseers, but that she could obtain no redress. The court ordered that "the petitioner have vjd. per week allowed which is to be pd. till next sessions and further order taken."

The other petition was from Thomasin More, of King's Newton, aged 77, who was "constrained to ly in a house wch hath no cover in any parte thereon, but onely a rotten Chamber flore, by reson whereof and for want of food and rayment and other necessaries your poor petitioner is in a most miserable condition." Thomasin also stated that she had applied to the parish officials, but they were "regardless of her miseries," and would not provide a house. The poor woman further alleged that she "was for want of a house forced to ly 15 weekes under a hedge." The order made in this case is not recorded on the petition.

The next instances of these petitions for houses that we are able to quote occur at the end of the reign of Charles II. At the sessions held at Derby on April 17th, 1683, the following petition was presented, written in an excellent hand by the petitioner herself, who had evidently seen better days :—

The Humble Petition of An Peach a poor disconsolate widow of Ripley in ye Parrish of Pentridge truly sheweth, That your Petitioner hath beene Harborlesse since Candlemasse last, that she hath frequently importuned the Overseers & the Officials & principall Inhabitants of Ripley to find her an house wch they obstinately refuse to doe ; that your Petr has bin a widow above 9 years, left wth a young child that is Lame, & altogether disabled to gett his Liveing, that your Pet. is far remote from all relatives, brought (up) a considerable person, & for above 9 years hath by her owne Industry maintained herselfe & lame child, that she hath sould & pawned all she hath, exhausted her Fortune, is in above £3 in Debt, & hath sould yevry cloathes of her back & the gloves of her hands to support her impotent child, that she can gett no work, hath neither money creditt nor harbour, & is in great danger to perish without your Assistance be timely vouchsafed. May it please your good Worships to grant her a house to Lodge in, or such a competent sum weekly as you think fitt.

And your petitioner will pray etc.

An Peach.

The court ordered the overseers to find her a house and one shilling weekly until further order.

Another curious habitation struggle came before the court in the next year, as shown by the following petition :—

The humble petition of Mary Machant of Youldgreave.

To his majesties Justices of ye peace at ye generall Quarter Sessions holden at Bakewell July 22th 1684.

Sheweth

whereas your petitioner livinge in good estimation And repute for many years together : being very Carefull to maintaine herselfe : And family for beinge prejudice to ye sd Towne : ye petitioners husband beinge abroad and driven Away : and returninge not backe Againe

to her leaveinge ye petitioner wth A little girle : beinge In want was put into a little Cottagge by & wth ye Consent of ye sd Towne : ye sd Owner of ye sd Tenement comeinge when ye petitioner was gon forth to worke leaveinge her girle in ye sd house : ye sd Owner get a locke And Key upp on ye door, where as your petitioner cannot Injoy her habitation wth peace & quietness : soe yt your petitioner is likely to starve for want of A habitation & child wth all without your worships speedy good Assistance : & yt forth of your clemency and goodness : ye would vouchsafe : to Comiserate her deplorable condition and grant Order to your petitioner to whereas she may have a habitation wth peace & quietness : who ever will pray for your worships long life : by mee

Mary Machant.

The petitions of those who had erected habitations on the waste were not always fully granted by the court. In 1689, one William Marrison, a labourer, of Dronfield, petitioned the justices, stating that he had been warned several times by his landlord to provide himself with another house, and at last his landlord "threatened to pull ye thack of, in wch great strait he made his moane to a friend who was willing to trust him with wood for a house on ye waste, the freeholds of Stubly and Woodhouse being willing, and he had got it up and had lodged in it two nights, when some people of Dronfield went to it and pulled it down to ye ground where his wife had been murdred if he had not got her out." He prayed that he might have harbour, having been reduced to poverty by much sickness. In this case the court took the exceptional course of ordering the overseers to find him 12s. yearly, out of which he was to pay his house rent.

In 1692 Sessional Orders were made on the overseers of Bradway to build a house for Richard Moody on Bradway Green, after license from the lord of the manor, and on the overseer of Brailsford to build a house on Nether Heath for John Gadesby under like conditions. Complaints having several times been made of the squalid nature of these overseer-built houses that were insisted on by the justices, the court took care to prescribe the actual size and other details. In 1693 the overseers of Shipley were ordered to build a house on the waste there for Archelaus Braylsford, which was to contain "two chambers floored fit for lodgings," or in default the then great sum of 5s. per week. At the following adjourned sessions, the question of Archelaus's house again came up, and the court insisted that it was to be "a convenient habitation, twelve foot high upon the side walls soe as to make two convenient Chambers."

At Easter Sessions, 1731, John Frost, of Kirk Ireton, was indicted by the parish for erecting a cottage on the waste. He expressed himself as ready to submit to a fine, and was fined one shilling, which was handed over to the parish!

In 1737, a petition signed by Samuel Davison, rector, by the churchwardens, overseers, and thirteen other inhabitants of Dalbury, was presented to "Dame Elizabeth Sleigh Lady of the Manor of Dalbury and Dalbury Lees," praying for leave to erect a cottage on the waste for Henry Maulton, a poor man, settled as an inhabitant of Dalbury, with wife and three children. This petition, and the formal consent of Dame Elizabeth, under her hand and seal, dated June 11th, 1737, "provided that an order of Sessions be procured according to law for confirming thereof," are enrolled among the county papers.

At the Trans. Sessions, 1743, the overseers of Scarcliffe obtained authority from the court to build no less than ten cottages for the poor on different parts of the waste, and the formal sanction of Lord Bathurst, as lord of the manor, was handed in "on treble sixpenny stamped paper."

The subject could be pursued further, but enough has been given to show the working of the habitation clauses of the old poor law.

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### Apprentices.

The jurisdiction of Quarter Sessions in connection with the question of apprentices was considerable. An early statute of Elizabeth\* provided that if any master illtreated an apprentice, or if any apprentice neglected his duty, that the complainant was to resort to a justice of the peace, but if the justice could not make such order as should bring about agreement, then they should be bound over to appear at the next sessions. This statute not only gave to the Court power of correcting the apprentice, but also of discharging the apprenticeship, in which case the cause in writing was to be enrolled by the clerk of the peace. The order for discharge of apprenticeship had to be under the hand and seal of at least four justices. This Act, and the numerous Acts by which it was amended,† brought a variety of these cases before the Derbyshire court, and a large number of cancelled apprentice indentures are to be found among the records. The later Acts allowed two justices

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\* 5 Elizabeth, c. 4.

† 43 Elizabeth, c. 2; 1 James I., c. 25; 7 James I., c. 3; 8 and 9 William and Mary, c. 30; 2 and 3 Anne, c. 6; 4 Anne, c. 19; 17 George II., c. 5; and 18 George III., c. 47.



in certain cases to cancel indentures, provided that the indenture, endorsed with the reason for cancelling, was returned to the next sessions.

One of the most usual forms of charity from well-disposed persons subsequent to the Reformation was the giving money in their lifetime, or leaving it by will for binding out the children of the poor of both sexes as apprentices. The Act of 7 James I., c. 3, specially deals with these bequests. A very large number of the Derbyshire apprentices entered into their indentures through these bequests and parochial charities, and in such cases the overseers of the poor had to act for the parish. But these apprentices had nothing really to do with the Poor Law, and must be distinguished from the parish apprentices, who were bound out of the parish rates, and as a part of the system of Poor Law relief to destitution.

The phraseology and terms of the Indentures of Apprenticeship, even as late as the time of Anne, when printed forms for filling up began to be used, are so quaint that a copy of one is given *in extenso*, which is an instance of an apprentice bound by charity:—

This Indenture Witnesseth that Robt. Heatherly of Repton in ye County of Derby hath put himselfe Apprentice to Thomas Mills of Repton & in ye County aforesaid Taylor And with him after the manner of an Apprentice to serve from seven years from thence next ensuing fully to be compleat & ending during which terme the said Apprentice his sd Master faithfully shall & will serve his servers keep his lawfull Commands every where gladly doe he doe no damage to his sd Master nor see it to be done of others but to his power shall let or forthwith give notice to his sd Master of the same The goods of his sd Master he shall not waste nor the same without by cause of him to any give or lend Hurt to his sd Master he shall not doe cause or procure to be done He shall neither buy nor sell without his Master's lycense Taverns Inns or Alehouses he shall not haunt At cards dice tables or any other unlawful games he shall not play Fornication he shall not commit nor Matrimony shall he contract within ye sd Terme nor from the service of his said Master day nor night absent himselfe but in all things as an honest & faithful Apprentice shall & will demean & behave himselfe towards his Master and all his during the sd terme And the said Master his sd Apprentice in the Art mistery or occupation of a Taylor which he now us-th shall teach & instruct or cause to be taught & informed the best way and manner that he can finding & allowing his said Apprentice wholesome meat drink washing & Lodging befitting an Apprentice, & also giving him ye mending & making his clothes at his Mother's house during ye said Term And for the true performance of all and every ye sd covenants & agreements either of ye sd parties abovesaid bindeth himselfe unto the other firmly by these presents In Witnesse whereof the said parties to these Indentures Interchangeably have sett their hands and seales the Twenty Fifth day of March in the ninth year of the Reigne of Sovereigne Lady Anne by the grace of God of Great Brittain & France & Ireland Queen Defender of ye faith, etc., Annoque dne, 1710.

Seal and delivered in ye presence of  
John Bower, Churchwarden.  
William Gamble, Churchwarden.  
Thomas Gilbert, Overseer.

Robert Heatherly.



This boy within named is set out at ye charge of Mr. Thomas Hindley of Newbold.

The cadence, quaint arrangement, and phraseology of the sentences, in the part of the old Apprenticeship indenture that deals with the duty of the Apprentice, yields obvious proof (like the betrothal words of our marriage service) of considerable age, that is of the time when there was but little learning, and the part that had to be recited was so composed as readily to strike the memory.

The form for binding a regular parish apprentice differed materially from the one just cited. The earliest example of a printed form of this character that we have found among the county papers is the following one of the year 1739:—

This Indenture made the seventh day of November in the Thirteenth Year of the Reign of our Sovereign Lord George the Second of Great Britain etc Annoque Dom 1739, Between John Chowlerton James Flixson Thomas Eley & Samuel Smith, Churchwardens & Overseers of the Poor of Chaddesden in the said County of Derby on the one part, & George Bosworth of Spondon in ye County of Derby Framework Knitter on the other part, Witnesseth that the said Churchwardens & Overseers of the Poor, with the Consent & Allowance of two of his Majesties Justices of the Peace for the said County, Have Put, Placed, & Bond, and these Presents do Put, Place, & Bind Joseph Barker, son of Joseph Barker a poor child for the Township of Chaddesden aforesaid, aged about Thirteen years, as an Apprentice with the said George Bosworth to dwell from the day of the date of these Presents until the said Apprentice shall attain the age of Twenty one Years according to the Statute in that Case made & provided. During all which time the said Apprentice shall His said Master faithfully & obediently serve, & in all Things dutifully behave himself to him and his Family, as doth become such a Servant. And the said George Bosworth for his part doth hereby Covenant, Promise, & agree to & with the said Churchwardens & Overseers of the Poor, and their Successors, That he the said Master shall his said Apprentice Instruct (or cause to be Instructed) in some honest Calling Trade & Employment, and shall at all Times, during the said Term, find & provide for him sufficient Meat, Drink, Washing & Lodging, & all sorts of Apparel, and all other Things meet & necessary for such an Apprentice during the said Term, And for ye inconsideration of which the said Churchwardens & Overseers shall pay or cause to be paid unto ye said Master The sum of Three pounds of Current money at or before the twenty-fifth day of December next following.

In Witness whereof, the Parties abovenamed have interchangeably to these Indentures set their Hands and Seals the Day & Year first above written.

George Bosworth	Jno Chowlerton	} Churchwardens
Joseph Barker	James Flixon	
X his mark	X his mark	
	Samuel Wallace	} Overseers.
	Sam Smith	

Sealed and delivered in the  
Presence of Peter Hough.

Approved of and allowed by us his  
Majesties Justices of the Peace for  
the said County whose names are  
hereunto subscribed

R. Wilmot  
G. Pole

Among the reasons assigned by the Justices in their endorsements for cancelling parish indentures are "beating without cause or provocation" (1791), and several of about that date for bad treatment; on the other hand, masters obtained the cancelling, in 1795, of a female apprentice "disordered in her eyes," and of a youth for "divers misdemeanours and particularly of running away and being guilty of felony." This girl apprentice had been bound till she was twenty-one or till the day of her marriage.

In 1796, one Anne Redgate was bound apprentice to Francis Parker, framework knitter, of Shirland, when only eight years old; but was released from her indentures on October 13th, 1797, owing to her master "misusing and illtreating" her; at the same time the justices released two other pauper girls from the same thralldom for the like and worse reasons, Mary Redgate, who was then fifteen, and had been his apprentice for five years, and Martha Story, of a like age, who had been apprenticed but for one year.

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### Lunatics.

Till the end of last century lunatics were treated with the most cruel severity. They were commonly chained in a corner of the parish poor-house or of the district house of correction, and if very violent were sometimes sent to the county gaol, although not felons. The following are some of the references to Derbyshire lunacy of the seventeenth century.

Trans. Sessions, 1685 :—

Upon complaynt made to this Court that John Norton an Inhabitant of Burton upon Trent a frantique and distracted person being come to Ashborne in this County & that hee might bee hurtfull to his Maties Subjects if care was not speedily taken for his security, Itt is ordered that the Mr of the House of Correction in Ashborne forthwith take the said John Norton into his Care & Custody and him safely keepe till hee bee recovered of his said frenzy And further Ordered that in case the said John Norton bee incapacitated to work for his maintenance the Overseers of the poore of Ashborne are to provide for him during such his Imprisonment according to Lawe.

Mich. Sessions, 1688 :—

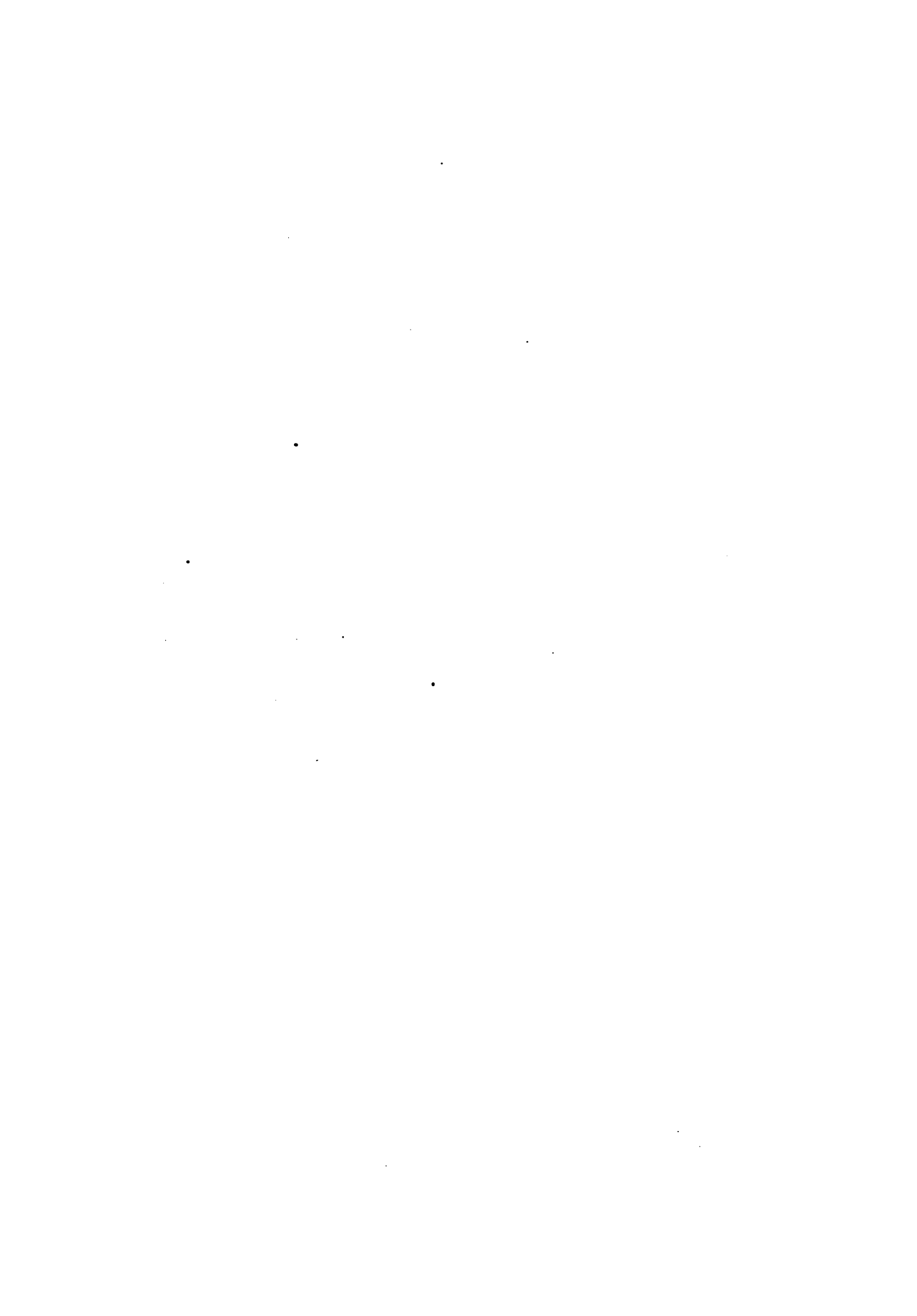
Upon the Petition of the Gaoler & the Prisoners in the County gaole read in Court setting forth that one Richard Johnson a prisoner in the said Gaole was & is Lunaticke & very quarrelsome & that they were in danger of their Lives of him And it alsoe further appearing that hee was Imprisoned at the suite of one John Ibutson by contrivance of Mr. Richard Whitby his Brother in Lawe. And that the said Richard Whitby being possessed

of Johnson's Estate ought to mainteyne him. And it alsoe appearinge that the said Whitby had notice from Sr. Symon Degge to appear at this p'sent Sessions at Chesterfeild to shew cause why the said Johnson was soe deteyned & why hee did not allowe him sufficient mainteyance It is ordered by this Court that the said Richard Whitby appear upon the adjournment of this Sessions to bee held at Derby the fourteenth of this instant October, & then shewe cause if hee can for what cause the said Johnson is deteyned & why hee does not provide for him And in Case the said Richard Whitby does not appeare as aforesaid this Court will then proceed to make such order therein as shall bee agreable to Lawe & Justice.

Easter Sessions, 1689:—

Whereas one Thomas Whyte of Great Longston a Lunaticke was conveyed to the Comon Goale of this County to bee safely kept there And upon complaint of the Gaoler that hee was troublesome to the Prisoners in the Gaole And that place very unfit for the custody of such persons And upon hearinge Mr. Ralph Adderley on behalfe of the Inhabitants of Longstone in the matter It is ordered that the master of the house of correction in Ashbourne doe at his own charges forthwith remove the said Thomas White from the Comon Gaole aforesaid to the House of Correction in Ashbourne there to remaine till further order, & that the overseers of Great Longston pay two shillings weekly for his maintenance.

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## SECTION VIII.—ECONOMICAL.



PRICES OF CORN. CLERK OF THE MARKET. WEIGHTS AND  
BALANCES. HEMP AND FLAX. WOOL WINDERS. COTTON  
MILLS. BRIDGES. HIGHWAYS. CANALS. RAILWAYS. RATES  
OF CARRIAGE. RATES OF WAGES. CIVIL DISPUTES. DROVERS,  
BADGERS, SWAILERS, AND HUCKSTERS. RECOGNISANCES.  
ALEHOUSES.



## SECTION VIII.—ECONOMICAL.



### Prices of Corn.

Forestalling the market, especially with regard to such a necessary of life as corn, was made a criminal offence by statutes of Henry III., Edward III., and Richard II. The elaborate statute of 5 and 6 Edward VI., c. 14, supported and extended by 5 Elizabeth, c. 12, and 13 Elizabeth, c. 25, defines various market offences of this character by three names. *Forestalling* was described to be the buying or contracting for any merchandise or victual coming in the way to the market ; or dissuading persons from bringing their goods or provisions there ; or persuading them to enhance the price when there. *Regrating* was described, by the same statute, as the buying of corn or other dead victual, in any market, and selling it again in the same market or within four miles of the place of purchase. *Engrossing* was described to be the getting possession of, or buying of large quantities of corn or other dead victual, with intent to sell them again. The object of these statutes was excellent, and intended to keep down the price of provisions within a moderate profit, but they proved so restrictive and vexatious that they were repealed by 12 George III., c. 71. Nevertheless, in common law, the practices described under these three terms, if carried on to an extent manifestly injurious to the public, would be regarded as offences.

Queen Elizabeth and her Council were frequently engaged in attempts to artificially regulate and control the corn markets of the provinces. In the autumn of 1576, the lords of the Council forwarded



the following interesting despatch on this subject to the sheriff and justices of the county of Derby :—\*

After our hartie commendations The Queenes Matie understanding here that of late the prices of graine are somewhat risen in sonderie partes of the realm rather by the greedie practices of some private persons uncharitable seekinge their owne gaine then any great necessitie or lacke of graine Hath thought meete to prevent soche inconvenience as myght in tyme ensew by some good order to be taken generally at the beginninge which yf they shal be by you executed accordinglie there is no doubt but that this matter wilbe easelie remedied & the whole realme sufficientlie provided for And whereas it is by some thought that the graunte of certin licenses for transportation of graine into the partes beyond the seas is a cause of the raisinge of the prices & that scarcetie & dearth among her Mats subjects may thereupon followe Her Heighnes pleasure & straight commandment is that under pretence of anie license whatsoever although we knowe of none latelie graunted or intended without our special letters none be transported exceptd it shal be in soche places where it may be spared from porte to porte upon such good bondes & sureties as heretofore the justices & other officers of those partes have ben directed to take of such as shall have charge for the provision of the same for other places, nor any carryed out of the sheres unles it shalbe for the furniture of other marketts & sheres adjoyninge which have ben accustomed to be served & furnished from thence But besides this the greatest cause that we generally finde throughout the realme whic the prices be so risen is that diverse havinge sufficient graine of their owne growth nevertheles are suffered to buy up great quantities in the marketts under the collor of buyinge of seede Comonlie to engrosse the same upon hope of dearth to sell it att what price they list agains And further that soche an excessive number of Badgers & Lodes is saied by inordinate licenses to be tollerated in everie shere upon speciall or rather partiall favor of some justice of peace to their owne servants or tenants being persons not qualefied accordinge to the statute as that therebie the marketts are not dewlie served & the prices enhanced And albeit wee remember heretofore to have written sonderie letters at dyverse tymes unto you & other sheres of this realme to have a more care thereof yet we here that there hathe not ben soche an observation & execution thereof or at the least since some seasonable order taken therein the number hathe ben increased & therewith the inconvenience followed as we are sorie to here of Wherefore we shall desire you upon some meetinge together to be holden as soon as convenientlie may be to advise of some means which you shall think best that some uniform order be taken throughout the hole shere that none beinge knowen to have sufficient graine of their owne growth be suffered to buy any soch quantities in the marketts to sell them againe under the collor above mentioned but that every soche person according to the good customes of this Realme bring as moche to the marketts to be solde as he shall buy att the same markett And also as you shall see cause & nede so to requier to give order to searche that soche persons as shall be knowen to have a greater quantitie then shall suffice their owne householde bringe forthe the remainder to be solde in the marketts at tymes reasonable to be by you apointed And touchinge Badgers Brogers & Laders of Corne at yor saide metinge you shall cause accordinge to your discretions the unnecessarie number of them to be restrained & none hereafter admitted but soche as are qualefied accordinge to the wordes of the late Statute & able to put in good bondes & sureties to her Mat's use that they shall use that trade accordinge to her Mats lawes And of the contents of this our letter we requier you to give notice as so specially directed from us to the officers of the previledged places & liberties within that shere whatsoever to the entent they may continue with you in one uniforme order of the observation & execution of the premises in soche sorte as we have particulerlie written unto them hereabouts or they will upon their perils answer to the contrarie And because we have great care of theis

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\* Belvoir MSS., Vol. iv., f. 109.

matter we shall desier you to certife us particularie from tyme to tyme of your doinge in this behalfe And so we bid you hartely farewell. From Hampton Court this xxiiij day of October 1576

Your loving frindes

W. Burghley  
[& nine others]

The receipt of this letter was acknowledged on October 29th by John Manners, and was by him passed on in succession to the following Derbyshire justices, who each made acknowledgment by his signature of the letter having reached him together with the date of its arrival :— Francis Curzon, Sir John Zouche, Sir Francis Leeke, John Harpur, Ralph Sacheverell, John Francis, Sir Humphrey Bradburne, Sir Thomas Cokayne, Nicholas Browne, Thomas Knyveton, Godfrey Foljambe, Anthony Gell, and James Hardwicke.

In 1586-7 several other communications of a like character were received in Derbyshire ; and these were not mere circular letters sent to all counties alike, but only to counties where there seemed at the time to be real distress. In that season the price of wheat was greatly exalted, reaching a point in the spring that was unprecedented in the previous years of Elizabeth. Wheat actually reached, in Derbyshire and adjacent counties, the great price of 65s. a quarter.

The year 1596, with other two or three adjacent years, forms another almost famine period, owing, it is said, to continuous wet seasons. Corn was again sold in Derbyshire at upwards of 60s. a quarter. On October 27th, 1596, the Justices of Assize, Sir Edward Anderson and Mr. Justice Clench, wrote to the justices of the peace for Derbyshire, reminding them of their duties with regard to the regulation of the supply and price of corn at their markets.

In the summer of 1600, the price of corn in Derbyshire was again abnormally high. On June 1st, in a despatch from Greenwich signed by six of the lords, with signet attached, the Council direct the Derbyshire justices to take measures to abate the high price of corn in their shire. Among the Belvoir MSS. is a letter from John Willoughby, Thomas Gresley, and John Bentley, dated Derby, June 25th, addressed to John Manners, then acting as lieutenant, stating the measures they had adopted. On June 30th, two of the justices, John Manners and William Jessop, ordered William Bowden, high constable of High Peak, to summon a jury at Bakewell on July 14th to take into consideration the letter from the Lords of the Council concerning the high price of corn. On October 26th, of the same year, the Council again sent a despatch to the Sheriff and the rest of

the justices of Derbyshire, from the court at Richmond, giving directions for preventing the high price of corn and other grain food.\*

The corn crop of 1621-2 was deficient and the season wet, and a second season of a like character in 1622-3 made the prices rise considerably throughout England.† The Council instructed the sheriff to take active measures to abate the distress. The following communication from the sheriff to the Secretary of State, enclosing a letter and certificates from the hundred of Morleston and Litchurch and Borough of Derby, is of considerable interest :—

May it please yor honors

According to your Honr Directions and appointment in a Book of orders lately exhibited by his Matie to his highness' Justices of Peace within the County of Derby to be putt in execution for the preventing and remedieinge of the dearth of grayne and other Victualls I have received from some of his Maties Justices within the said Countie as also from the Towne of Derby certificates of their proceedings in that service such said Certificate being all that are as yett come to my hand. I have herein enclosed & accordingly have sent them unto your Honour And being ready & willinge to performe that & whatsoever other service shall by your honors be given me in charge I humbly take leave & rest

Your honors to be commanded in all dutifull obedience

Morley 21 Aprilis Anno Dom 1623.

Jacinth Sacheverell.

[Enclosure.]

To the worll Jacinthe Sacheverell esquire highe shrieve of the County of Derbye

According to a book of orders for the preventing of the dearth of corne we did appoint within our division or hundred of Morleston & Litchurche a competent number of substantiall & discreet persons who upon diligent search have certified us of all the particular quantities of corne & grayne within the said devisiion which in their judgements may well be spared by the owners thereof for the furnishinge of the Markett over and above their needfull occasions for seede & servinge of their famylees until the ende of harvest next: And we wth all convenyent speede after the receipt of the presentments have given order for the said corne & grayne (the severall quantytes whereof are hereunder written) to be brought or sent by the severall owners thereof & solde in the open markett in Derby att such daies & according to such proportions as we conceive to be most convenyent to the furnishing of the said markett with corne & grayne for thirty weeks next coming

Your very loving Friends

He. Willughby

R. Harpur.

Feb. 10, 1622.

	Quarters
Harde corne, vizt., wheet, rye, & blendcorne . . . . .	clxxxxvj
Barlye . . . . .	ccxxvij
Mault . . . . .	xlv
Pease & beanes . . . . .	ccccxxv
Oates . . . . .	cxxv
Item more of grain not distinguished presented by the name of grayne of all sorts . . . . .	xv

So the totall some of all the said spare corne and grayne is one thousand thirtie and three quarters.‡

\* Belvoir MSS., Vol. xiii.

† Rogers' *History of Agriculture & Prices*, Vol. v., pp. 192-3.

‡ Dom. State Papers, James I., vol. cxliii.

This is followed by a certificate, dated March 20th, 1622, signed by Thomas Smith and Nathaniel Hallowes, bailiffs, testifying that they have surveyed the grain, have limited the number of alehouse keepers and maltsters, and have provided 140 quarters of corn to be sold weekly to the poor below the market price, and have further made due arrangement for the supply of the markets. They enclose a certificate of the quantity of corn and malt in Derby with the names of the owners. The price of corn for the last month at Derby had been per quarter:—Oats, 10s. 8d. ; pease, 25s. 4d. ; malt, 34s. 8d. ; barley, 32s. ; rye, 38s. 8d. ; blend corn, 40s. ; second wheat, 48s. ; and best wheat, 54s. 8d.\*

In 1629 prices had been again gradually rising, and the Council growing alarmed instructed the Judges of Assize to take conference with the sheriff and justices of the different shires when on circuit. A letter of peculiar interest was written on March 10th, 1689, by Godfrey Thacker (sheriff), Philip Stanhope, Francis Leeke, and seven others of the Derbyshire justices to the Justices of Assize, as to the erection of a magazine for keeping of store corn, wherein they argue against the proposal, as they had found from long experience that Derbyshire did not grow above half the corn required for the county's consumption, so much of the land bearing nothing but oats, and so many thousands being employed in the lead mines, coal mines, stone-pits, and ironworks. They report that the price of corn has not much abated during the two last years, and that unless the county had received a great store of rye at cheap rates from the port of Hull by the river Trent, the price of corn would have fallen little or nothing.†

We are only giving sufficient evidence to establish the frequent and almost constant anxiety with respect to the food supply of Derbyshire during the Elizabethan and Stuart period ; much more might be brought forward. The reason why Derbyshire gave rise to exceptional heartsearching on this question, so that the Council in London seemed always to think of this small central county directly prices went up, is explained in the last quoted letter. The county had a large proportion of its population employed in occupations other than agricultural, and yet a large extent of its area was unsuited for the growing of any other kind of grain than a limited amount of oats.

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\* These Derbyshire prices range higher, on the whole, than any of those quoted by Professor Thorold Rogers, from different parts of the kingdom, for this date. See *History of Agriculture & Prices*, vol. vi., pp. 35, 36.

† Dom. State Papers, Charles I., vol. cxiii., No. 17.

The well-intentioned, but entirely false-principled legislation (both imperial and local) of the time, that kept all English markets as far as possible strictly to their own localities, would have brought about actual starvation in Derbyshire on many occasions had it not been for the large importation of cheap foreign grain, that it was well worth while to send across from Holland when prices in England ruled exceptionally high, and which, through the Trent, could readily obtain access to the heart of the kingdom.

The year 1631 brought about almost famine prices in some districts of England. Professor Thorold Rogers quotes 80s. a quarter in one centre.

On February 21st, 1631, Henry Agard and Francis Coke, as justices for the hundred of Morleston and Litchurch, report to Francis Bradshaw, sheriff, that they constantly keep their monthly meeting "wherein wee take order that the pettie Constables keep wardinge and that they put in operation the Statute concerning roagues; and the Overseers for the poore doe make provisions for the poore and impotent of each parish and for the settinge to worke all such as are poore and yett well able to worke, wch wee fynde doeth much good in the cuntrye.

"Also concerning the orders directed for corne wee doe straightly charge the Pettye Constables that they doe see the former orders taken by us at our last meeting be put in execution viz. That noe man sell such corne (as hee is appointed to sell) out of the markt, excepte to the poore of the sayd parishe, and that they present unto us such as forestall the markt or ingrosse corne, and if any such bee wee doe take order for their punishment, And that noe Badgers doe badge corne contrarye to the said instructions."

They report the price of corn at the last markets at Ashbourn and Derby to be :—

" Wheate of the best for the strike	...	...	viijs.
Rye	"	"	vjs. viij <i>d</i> .
Barlye	"	"	vjs.
Maulte	"	"	vjs. iiij <i>d</i> .
Pease	"	"	vs. viij <i>d</i> .
Oates	"	"	ijs. v <i>d</i> .

Wee thinke the prices of Corne somewhat greater than before they weare by reasone of the present seed time."

They further state that they have put down many ale houses,

“and only allowe such competent number as are fitt and noe more.”  
 “And they have also taken order for the hinderinge of all cooks butchers and Innkeepers and other victuallers within the said hundred that they neither dresse nor suffer to be dressed or eaten any fleshe in any of their homes during the tyme of Lent or upon any other dayes prohibited.”

They also report that new enclosures are being made, and further pastures broken up into arable land.\*

In April, 1631, Francis Bradshawe, sheriff, writes to the Council to inform them that, in accordance with their directions, and for the better performance of his Majesty's service, with regard to the dear-ness of corn, the Derbyshire justices had divided themselves into six divisions, according to the hundreds of the county, each justice being of that division which he inhabits.

They were thus apportioned :—

Hundred of Morleston and Litchurch.—Sir Henry Willoughby, Sir Richard Harpur, and Sir Henry Leigh.

Hundred of Wirksworth.—Sir John Fitzherbert and Christopher Fulwood.

Hundred of Appletree.—Sir Francis Coke and Sir Henry Agard.

Hundred of Scarsdale.—Sir Peter Freschvile, Sir Roger Manners, John Bullock, and Edward Revell.

Hundred of Repton and Gresley.—Sir George Gresley, Sir Thomas Burdett, and Sir John Ferrers.

Hundred of High Peak.—John Manners and Randall Ashenhurst.†

A curious charge was made against one George Towgoode, before Justice Edward Bennett, on June 6th, 1631, “for that hee being a badger (or dealer) was in the markt of Ashbourne on the last markt daye before ye seconde belle was runge by ye clarke.” The explanation of this is to be found in the action that we know to have been taken by the Devonshire justices about this period, and doubtless similar kind-hearted regulations had then been adopted for Derbyshire. The constables were required to attend every market in time of dearth to see that the poor were served first. This was accomplished by causing the market bell to be rung “two severall times,” the second time an hour at least after the first time, and by preventing any “badger or carrier of corne,” or any baker, from

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\* Dom. State Papers, Charles I., Vol. clxxxv., No. 41.

† Dom. State Papers, Charles I., Vol. clxxxix., No. 76.

buying any corn, or even being in the market, until after the second ringing. No forestaller, ingrosser, regrater, miller, or maltster was to be suffered to buy any corn at all. If any persons promised a price for corn of any kind "to be reserved for him or her till after the second ringing of the bell or after all markt," such person was to be forthwith bound over to the next sessions.\*

Irregular appeals from civil decisions of Quarter Sessions to the Justice or Justices of Assize next on circuit occasionally took place, of which the following is an example. It is inserted here as a remarkable case of heavy fining for the offence of *regrating*; though the fine seems also to have carried with it additional punishment for the contempt of non-appearance.

To the Right Honble Sr Robert Heath Knt one of his Maties Justices of Assize for the County of Derby.

The humble Petition of Humfrey Cowper of Shottell.

Sheweth unto your Lordship that seaven yeares since there was an Information preferred against your Petitioner by Charles Fownes for buying of Oates to convert in Oatemealle & to retayle the same in Marketts; your saide Petitioner did then appear & after his appearance did compound with the said Fownes & did give him three Poundes for Composition therein; yet notwithstanding at Easter Sessions last the said Fownes obteyned a judgment of Two hundred & Thirtye Poundes uppon a *Nichil dicit*.

Humbly prayeth your Lordship to order & direct that your Petitioner may pleade to the said Information *de novo*, And your saide Petitioner his wife & tenne children will daylye praye etc.

[ Below, on the face of the petition, is written ]

If this petition be true, the request of the petitioner is just & fitt to be granted. I desire the Justices of peace at their next General Sessions to take it into their consideration, & if they find uppon examination the suggestions of this petition to be true, that they doe therein what they shall find to be just for the relief of the petitioner in this case of extremity, if it soe appere to them.

14 March 1638. R. J. Heath.

The Act of 1647 for prohibiting the exportation of wool and leather, soon made a decided mark on English agriculture, and brought down the prices of grain in Derbyshire and elsewhere, for it turned the attention of landowners to other sources of profit than the feeding of sheep and cattle for their wool and hides. So much had corn growing increased that the Protector's parliament permitted its exportation, under certain restrictions, which, with regard to wheat, were to be imposed when the price exceeded 40s. a quarter.

At the beginning of the eighteenth century, England became a very large exporter of corn. Davenant, writing in 1711, says: "Corn

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\* Hamilton's Quarter Sessions (Uevon) from Q. Elizabeth to Q. Anne, p. 103.

is in a manner a new exportation arising to us from the war which has in other countries so employed the hands of the people that they could not till the ground, or from dearths and plagues wherewith divers nations have been afflicted for these last twenty-three years. . . . . Now we export grain of all sorts to Africa, the Canaries, Denmark and Norway, East Country, Flanders, France, Germany, Holland, Ireland, Portugal, Russia, Scotland, Spain, Sweden, Venice, Guernsey, and the English plantations, by a medium of years from Christmas 1699 to Christmas 1710; to the value of £274.141.\*

The importation of corn was on the other hand hindered by severe restrictions. But these restrictions were relaxed in years of bad home harvests, as in 1756 and 1767; and at last, in 1773, England was opened to foreign supplies at considerably lower prices, the duty being sixpence the quarter. † From this year, England became gradually a larger and larger consumer of foreign grain, and the balance of our imports of grain began to exceed the balance of our exports.

In 1791 the corn law was changed by Pitt, the duty being regulated by the home price of wheat, the high duty being practically prohibitory:—

	<i>s.</i>	<i>d.</i>
Below 50s., "the high duty" .. .. .	24	3
50s. to 54s., "the first low duty" .. .. .	2	6
54s. or more, "the second low duty" .. .. .	6	‡

But even an elastic Act of this description could not foresee all contingencies. In 1793, the price of wheat was so low, 49s. 3d., that all foreign wheat was excluded. On the other hand, in 1795-6, the price ran up to 75s. the quarter, and foreign corn was admitted duty free.

In order to afford a correct basis for the frequent corn legislation, an Act was passed in 1769, for improving the machinery by which corn returns were made, and for securing their due registration. § Under this statute, duplicates of the returns of the prices of corn, from the Derbyshire corn markets of Derby and Chesterfield, had to be sent in to the clerk of the peace. These returns, filled up on printed forms, are among the county records, and are perfect from

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\* *Report to Commissioners of Public Accounts, Part ii., Vol. v., 24*; quoted in Dowell's *History of Taxation.*

† 13 George III., c. 43.      ‡ 31 George III., c. 30, table D.  
§ 9 George III., c. 58.



1769 to 1790, when a new Act brought about a change of procedure. The following is a copy of one of these returns :—

County of }  
Derby. } Derby.

Samuel Simpson,  
Officer.

A Duplicate of the Returns of the Prices of Corn from this Market.

From Midsummer to Michaelmas, 1772			Price by the Standard Winchester Bushel of 8 Gallons.					
			Wheat	Rye	Barley	Oats	Beans	Big*
			s. d.			s. d.	s. d.	
June	26	Friday	6 10½	...	...	2 3	3 11	...
July	3	"	7 0	...	...	2 3½	4 0	...
"	10	"	7 2	...	...	2 1½	3 9	...
"	17	"	7 0	...	...	2 3	4 0	...
"	24	"	7 3	...	...	2 3	4 3	...
"	31	"	7 3	...	...	2 3½	4 6	...
August	7	"	7 0	...	...	2 3	4 6	...
"	14	"	7 2	...	...	2 4½	4 6	...
"	21	"	7 3	...	...	2 3	4 6	...
"	28	"	7 4	...	...	2 1½	4 4	...
September	4	"	7 9	...	...	2 1½	4 8	...
"	11	"	7 6	...	...	2 4	4 6	...
"	18	"	7 6	...	...	2 5½	4 9	...
"	25	"	8 0	...	...	2 6½	4 9	...

Sir,

I certify that Samuel Simpson hath made the above fourteen Returns, and is intitled to receive for his Care & Trouble therein, a Sum not exceeding Two Shillings for each Return.

Willm. Cooke.

Treasury.

The Act of 1791 ceased to demand the local depositing of corn returns. The county was still held responsible for payment for the returns of the market corn inspectors, and printed certificates were sent in to the Clerk of the Peace of the number of returns made each quarter. There were now three official corn markets in Derbyshire—Derby, Chesterfield, and Ashbourne. The following is an example of these papers, of which a few are extant :—

London, 31st December, 1791.

Sir,

I hereby certify that Thomas Litton, Corn Inspector for Ashburn, has made twelve Weekly Returns of the Prices of British Corn and Oatmeal, in the Quarter ended Christmas last, conformable to the Act of the 31st George III., chap. 30.

J. J. Catherwood.

To the Treasurer of the County of Derby.

Recr. of Corn Returns.

\* "Big" was a special kind of barley.

The payments to these three corn inspectors, averaging about £5 each, regularly appear in the Treasurer's accounts.

This is not the place in which to record, even in the briefest way, the various changes in corn duties during the present century, beyond remarking that from February 1st, 1849, the duty on imported corn has been practically abolished, only 1s. a quarter being charged as a registration fee.

The only papers of this century that we have noticed among the county records that have reference to the price of corn are a parcel, between 1826 and 1833, relative to what are termed "Corn Rents," in connection with the Inclosure Act of 1796. The way in which such matters came under the cognizance of Quarter Sessions is clearly shown by the following official notice from the *London Gazette* of January 24th, 1826, with reference to the Beighton inclosures:—

NOTICE is hereby given, that we, the undersigned, the Right Honourable Charles Herbert, Earl Manvers, impropiator, and the Honourable and Reverend Thomas Erskine, Vicar of the parish of Beighton, in the county of Derby, in pursuance of the powers and authorities given to us as such impropiator and Vicar, under and by virtue of an Act of Parliament, made and passed in the thirty-sixth year of the reign of His late Majesty King George the Third, intituled "An Act for dividing and inclosing the commons and waste lands within the manor and parish of Beighton, in the county of Derby," do intend to make application at the next General Quarter Sessions of the Peace to be holden in and for the county of Derby, in the week after the Feast of Easter now next ensuing, to have two persons named and appointed by the Justices then and there assembled, to be, together with a third person to be named and chosen by such two persons, arbitrators or referees for enquiring into and ascertaining, by or from or by means of the *London Gazette*, the average price of a Winchester bushel of good marketable wheat within the said County of Derby for the fourteen years then last past, in order and to the intent that such arbitrators or referees, or the major part of them, may and shall by their report to be made and delivered to the Court of Quarter Sessions to be held in and for the said county of Derby in the first week after the Feast of the Translation of Saint Thomas the Martyr then next ensuing, set forth such average price; and that in case it shall by such report appear, that such average price of a bushel of such wheat is more or less than the average price thereof set forth in the award of the Commissioners appointed for carrying into execution the powers of the said Act of Parliament, by the value of three pence or upwards, then that the several and respective annual rents or yearly sums of money charged upon and payable, by virtue of the said Act of Parliament and award, out of the lands, tenements, and hereditaments in the said parish of Beighton, in lieu of all great and small tithes (except mortuaries, Easter offerings, and surplice fees), may and shall be increased or diminished in such manner as shall be declared by order of the said Court; and in order and to the intent that the same yearly rents or sums of money, so increased or diminished, may and shall, from the quarterly day of payment preceding such order, remain and continue issuing and payable, in manner by the said Act directed, out of the several lands and estates charged by the said award with such respective yearly rents or sums of money until the same shall, at or after the end of fourteen years then next ensuing, be again varied, pursuant to the powers for that purpose contained in the said Act.

Given under our hands, this 17th day of January, in the year of our Lord 1826,

*Manvers.*

*Thomas Erskine, M.A.*

### Clerk of the Market.

The Clerk of the Market was an important official of the royal household, whose duty it was to take charge of the king's weights and measures, to keep properly stamped standards of them all, and to go on circuit testing the accuracy of the measures in use.\* Clerks of the Market, or officials deputed to act under them, did not come within the jurisdiction of the justices in sessions; and the various manorial courts, to whose lords markets and fairs had been granted by royal patent, were entitled to take cognisance of market offences, so that, as a rule, Quarter Session records would be searched in vain for any proceedings of this character. It happens, however, that there are among the Derbyshire records certain papers and documents of this character that have been accidentally preserved amongst them, and which illustrate clerk of the market and market juries proceedings in an interesting way, a subject upon which all printed authorities seem to observe a complete silence.

Over a considerable part of Derbyshire and Staffordshire, and in certain parts of Warwickshire, Leicestershire, and Nottinghamshire, there was for several centuries a peculiar franchise or liberty, which included market jurisdiction. The office of the clerk of the market for the honor of Tutbury (under the Duchy of Lancaster) was a patent office, and held under the same interesting horn tenure, about which so much has been said in the first volume under the head of Coroners.† Sir Henry Agard established in court of law in 1631 the right of his family to this office in perpetuity throughout the honor of Tutbury by records and accounts from the time of Edward I. downwards,‡ and successfully resisted the attempts of Hugh May, who had been appointed clerk of the market of the Duchy of Lancaster, to establish control over the Derbyshire markets of Wirksworth, Ashbourne, etc. Through the incidence of John Adderley, who was a kinsman of the Agards, and who had been appointed by that family coroner and clerk of the market of the honor of Tutbury, being also appointed clerk of the peace to the county by the Duke of Devonshire,

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\* There is legislation pertaining to the office of Clerk of the Market in statutes 14 Edward III., c. 12; 13 Richard II., c. 4; 16 Richard II., c. 3; and 17 Charles I., c. 19.

† Vol. I., pp. 70, 71, etc.

‡ Duchy of Lan. Orders and Decrees, Car. I., No. 31, 7 to 10; quoted fully in first volume.

various of these market papers appear among the Derbyshire records.

The clerk of the market for this honor was bound by the terms of his appointment to keep two sessions at every market town throughout the honor, making two circuits, which comprised four hundred miles. The precepts that he issued to the various parish constables commanded them to warn before him, at a certain place and day, all vintners, innkeepers, victuallers, maltsters, badgers, salters, swailers, farmers of husbandry, buyers and sellers of wool, butter, and cheese, and all other persons whatsoever who used weights and measures with the strickles\* belonging to such measures. The constable had also to appear at the market court and to bring with him a true presentment of the names of all persons within his liberty who used weights and measures. The trader had to produce his weights and measures at each court, and to pay a small fee for their being certified.

From the litigation of 1631, it seems that there were eight centres in Derbyshire where this clerk of the market then held his courts, viz., at Ashbourne, Wirksworth, Bakewell, Tideswell, Marston, Etwall, Greasley, and Brailsford. The four first-named places seem always to have had their courts, but in the other districts the session was sometimes held in different villages.

A presentment made by the constable of Lullington, on April 29th, 1689, when the clerk of the market was sitting at Lullington, gives a record of the fees then paid. A tailor, a chandler, a webster, a rope-maker, and two blacksmiths each paid 2d.; Robert Arnold and Richard Arnold, who are entered jointly as websters, paid 3d.; William Boston, who was both butcher and brewer, paid 4d.; and "our Towne Strike" paid 4d.; common measures, we suppose, paying a double fee. We find the same rate charged at courts held at later dates at Wirksworth and Matlock.

Another duty of the constables of the liberties summoned to a clerk of the market's court was to call a jury. To the jury would be submitted the guilt or the reverse of any persons charged or suspected of using faulty measures, and various neglects of duty were certified, too, by the jury before the clerk executed his considerable power of fining. This market jury also certified as to the price of wheat. There is a list among these papers of the

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\* Halliwell says that a *strickle* is a piece of wood used in striking off an even measure of corn.

jurymen summoned to the clerk of the market's court, held at Duffield on October 18th, 1683. The foreman was William Haynes, of Duffield. There were seventeen summoned; thirteen appeared and were sworn. This jury was comprised of householders from Duffield, Allestry, Spondon, Hulland, Breadsall, Mugginton, Mercaston, Underwood, and Stanley. The jury made "a true presentment made accordinge to ye best of our knowledge of ye reasonable prizes of wheat.

ye best wheat .. .. .	3s. 6d.	ye Strike
ye second sort.. .. .	3s. 4d.	„
ye worst sort .. .	3s. od.	„ "

The names are also given of another jury summoned at the same place in 1695. The jury summoned at Foston, in 1695, say—"The verdict of ye Jurey given In at the sessions held at Foston, and as to ye three pricies of Corne wee present

the best wheat .. .. .	4 shillings
the second at .. .. .	3s. 6d.
the third at .. .	3s. 4d."

The presentment of the constable of Hope, "delivered in to John Adderley gent Clarke of the Markett or to his Deputy att Tidswall the 24th day of Aprill, 1695," gave a list of 19 alekeepers, 5 smiths, 3 butchers, 6 swailers, 2 maltsters, 2 chandlers, 1 ironmonger, 3 tailors, 2 weavers, 2 millers, and 1 shopkeeper. At the same court, the constable of Eyam delivered in his list of those who had weights and measures both at Eyam and Stony Middleton, amounting in all to fifty; and the constable of "Boden Midlecall" (Chapel-en-le-Frith) thirty-seven. The constable of Tideswell, Robert Middleton, presented the names from Great Hucklow, Haselbadge, Little Longton, Grindlow, Little Hucklow, and Litton, amounting to twenty-nine; but his presentment is marked with the statement that he was "fined xxs. for not appearing in tyme, and summoning noe Jurymen, and for an imperfect presentment." Three names are added in the margin in Mr. Adderley's handwriting. We find, from these papers, that it was the custom for each constable to add at the bottom of his presentment the names of two jurymen in his liberty. The jury, who on this occasion numbered twenty-one, made the following presentments—

Imprimis, Wee present the price of wheat as it was sold the Last Markett Day, the best sort at 3s. 4d. a Strike, The second sort at 2s. 8d. a Strike, and the worst Sort at 2s. 6d. a Strike.

Item, Wee have duly tryed & examined all weights & measures that have beene brought before us This day, & find none defective.

Item, Wee doe . . . . All Constables within the Jurydickshon of This Court That if the doe not bring in all the weights & measures the next Sessions to be held at Tidswall the shall pay the sume of 3s. 4d. every Cunstable.

Item, Wee have no more to present at this present to the Best of our knowledge or by information.

Going back two years, we find some further interesting papers relative to the court held by Mr. Adderley, at the Three Swans, Wirksworth, on May 15th, 1693. Josiah Adams, constable of Matlock, presented a list of "all persons that useth Weights and Meseures within his liberty"; his list comprised thirty-five, who each paid 2d. to the court, and two bakers who paid 4d. each, making a total payment of 6s. 6d. The return of the constable of the town of Wirksworth is of considerable interest, as showing the proportionate numbers of the different classes of tradesmen. The preponderance of alehouses is remarkable.

A presentment made by the Cunstable of wirksworth for the Clerk of the market Sittings at the signe of the three Swanes in wirksworth on may ye 15 1693

Imprimis we present

*Innkeepers*

Mr. Edward Millard  
Mr. Henrey wigley  
Mr. williams Bennett

*Item Alehouses*

Thomas Dale  
George Maddock  
Adam Marshall  
Edward Milton  
John Stordd  
Eliz Buxton  
Thomas Toplis  
Thomas Swift  
Mr. williams Hopkinson  
Edman Vallance  
Frances Baylay  
Ralph Adkinson  
George Armfield  
John Slack  
Mrs. Roy  
Joshua Wheatcroft  
Eliz Botham  
Eliz Phillips  
John Cockin  
Thomas Blount  
Eliz Haslam  
John Sleere

Richrd woodiwist  
Anthony Gritorex  
John wheatcraft  
Dinah Buxton  
Darothy Malinas  
williame Millard  
Henrey Tuce  
James Allin  
Anne Allin  
George Haslam  
Samuell Puye  
Frances Bradshaw  
Thomas Wigley  
Henry Lucraft  
Anne Stoore

*Item Grocers*

Mr. Buvas  
Mr. Richard Booth  
Mr. Love  
Mrs. Blackwall  
Mr. Riganway  
John Green Milliner

*Item Ironmonglers*

Perman Buxton  
Thomas Stecher  
Edward Botham  
John Slack

*Item Apotacaryes*

Mr. Allsop  
Mr. Wigley

*Item Blacksmiths*

John Cooke  
John Hellobee  
Williame Hellobee  
James Alline  
John Blunt  
Adam Marshall

*Item Bakers*

Bartholomew Griffin  
Edward Greenhough

*Item Chandellers*

Robert Toplis  
Richard Roye

*Item Taylors*

Thomas Spencer  
Richard Mason  
William Norman  
William Rowley  
Joseph Flecher  
Thomas Roper  
Frances Brickelbank  
George Kemp  
Thomas Mason

*Item Weavers*

John Hall  
Thomas North  
William Eason

*Item Swaleors*

Ralph Brusell, salt  
John Smith, cloath

Item we present

George Simpsan and  
James Allin to serve  
on ye Jury.

Thomas Jackson, tobacco  
Timothy Cadman  
Margarett Anderson

*Item Buchers*

George Tompson  
Edward Ragg  
John Bruckshaw  
Anthony Cheatle  
George Cragg  
Robert Spencer

*Item Millars*

Joseph Steer  
James Simson

*Item Shearmen*

James Byard  
Henry Ancraft

*Item Dyers*

Mr. John Buxton  
Mr. Robert Redgate

*Item P.dler*

Frances Page

*Item Softmunglers*

John Toplis  
Samuel Branderock  
George Griffin

*Item Applemungler*

Tho Cleater  
Susannah Boame  
Nickleas Thacker

*Item Feltmakers*

William Wheatcraft  
Jacob Gell

17s. 8d.

Per Tho Lockowe, Const.

The jury, who were eighteen in number, and whose foreman was Adam Wolley, of Matlock, made the following return :—

	s.	d.
Imprimis ; We present the prize of ye best wheat .. .. .	6	0
Item we present ye second soart of wheat .. .. .	5	6
and ye Third soart to be .. .. .	5	0

Item we present Ralph Higel of Wirksworth for Forstaling & buying 30 pecks of oatmeal coming neare ye Markit towne of Wirksworth, by the oath of Henry Burton on a market day vizt the 18th day of Aprill last which was bought of George Oakly of the Whyte house.

Item wee present Robert Shawe of Atloe for a weight too light in weight his wife being a seller of Bacon [added, in Mr. Adderley's hand, only recorded as a Fine not to be returned].

Mr. John Adderley died in 1699, and, as has been stated in the first volume, was succeeded for a few years by his son Charles, and afterwards by Mr. Henry Gregson, who held the offices of clerk of the market and coroner under the honor of Tutbury, but was not clerk of the peace. Henry Gregson, attorney, of Higham, was a younger son of George Gregson, of Turnditch, whose pedigree was traced back for many generations by the heralds.\* He was nephew to the wife of Charles Agard, the last heir male of that family. He seems to have been of some help to the co-heiresses of the Agard family in their pecuniary difficulties, already alluded to, and hence to have obtained the succession to these franchise offices. Since we wrote upon the coroner question, we have found the following document relative to his appointment at the Public Record Office:—

To all Christian people to whom these p'sents shall come Greeting Know yee that we Catherine & Vere Agard, spinsters, daughters & coheires of Charles Agard late of Horton in the County of Derby Esq for divers good causes & consideracons us thereunto especially moveing and also for & in consideracon of the sume of 5s. to us in hand paid by Henry Gregson of Higham in the sd County, gent, the receipt wherof is hereby acknowledged, Have granted bargain'd & sold & by these p'sents do grant bargaine & sell unto the sd Henry Gregson All those our Offices of Feodary, Bayliffe in Fee Escheator, Clerke of the Markett & Coroner for the honor of Tutbury parcell of the Duchy of Lancaster And do hereby give him full power & lawfull authority to keep all such Co'ts and to do & perform all matters & things wtssoever by himselfe or his sufficient deputy or -deputys as to the sd offices or any of them belongeth or in anywise appertain'd & to receive & take all such fees perquisits & profits arising therefrom to his own use dureing the terme of his nrall life in as full ample & beneficiall maner to all intents & purposes as we ourselves might may or can do To have and to hold all & singular the sd offices and p'mises before mencond with all privileges & advantages to the same belonging unto him the sd Henry Gregson for and dureing the terme of his nrall life in as full ample & beneficiall maner as the same are before granted or as we have power to grant the same. In witness,

A Bond from H. Gregson and Ellis Faneworth in penalty with condicon as on the back side

Whereas the above named Katherine & Vere Agard have by Deed Poll beareing even date with these p'sents granted unto the above bound Henry Gregson All those their Offices of Feodary, Bayliffe in Fee, Escheator, Clerke of the Markett & Coroner within the Honor of Tutbury together with all fees and advantages ariseing therefrom for the terme of his life as by the Deed relation being thereunto had maie appeare And whereas it was agreed at & before the executeing thereof that the sd Henry Gregson should pay or caused to be pd to the sd Catherine & Vere Agard or their order the yearely sume of £13 6s. 8d. at two equal paymts in the yeare so long as he shall live & enjoy the sd offices & p'misses by virtue of the sd Deed now the condicon that if the sd Henry Gregson shall pay or cause to be pd to the sd Catherine & Vere Agard or their order the sd yearely sume of £13 6s. 8d. at two equal paymts in the yeare so long as he lives & injoys the offices & p'misses by virtue of the sd Deed according to the aforesd Agreement then this obligation to be void or else to remain in full force & virtue.†

\* Reynolds' Notes; Add. MSS. (Brit. Mus.) 6666, f. 588; 6675, f. 230; 6689, f. 620.

† Duchy of Lanc. Div. xxv., Bundle P., No. 21, c.



Mr. Gregson made a severe clerk of the market, and seems to have been very ready in fining peccant constables as well as downright offenders. It does not, however, appear that he profited by the fines, a full return of them being expected to be rendered at the duchy office. The following is a literal transcript of the return of the fines, made to the Duchy at a single Derbyshire court in the year 1716. Stanton Ward was a manor in Stapenhill parish.

## Derb SS

Honor de Tutbury Ducat Lancatr in et pro Cofi Derb Stafford War- wick Leic & Nott	}	Extract <sup>l</sup> Finiū & Amerciamen <sup>t</sup> dni Regis nunc apud Sessio <sup>n</sup> clerici mercator' teit <sup>l</sup> apud Stanton Ward in Com Derb' vicesimo tertio die Septembr' annoq <sup>3</sup> dni 1716 Coram Henrico Gregson clerico merca <sup>l</sup> ibm
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De Henrico Fletcher constab' de Lullington quia ipse neglexit officiū suū in faciend' falsū retorna <sup>l</sup> p'cep <sup>l</sup> ei direc <sup>l</sup> in non retornand' oīa nōia inhabitant' uten <sup>l</sup> ponderibus & mensur' infra suo constabulario ad impedimentum servic' dom <sup>i</sup> Regis nunc .. .. .	00 06 08
Ac de eodm etiam quia ipse neglexit officiū suū in non sumonand' & retornand' sufficie <sup>n</sup> juratores ad inquirend' p Dno Rege p'd scdm tenōr p'cep <sup>l</sup> ei direc <sup>l</sup> ad impediment <sup>l</sup> serviē p'd. .. .. .	00 06 08
De Ricō Ward constabular' de Greizly p consillibus constab' .. .. .	00 13 04
De Johe Heffield de Appleby p cons <sup>l</sup> .. .. .	00 13 04
De Johe Benfield constab' de Linton p cons <sup>l</sup> .. .. .	00 13 04
De Johe Harrison constab' de Stanton p cons <sup>l</sup> .. .. .	00 13 04
De Edro Hatterton constab' de Stapenhill p cons <sup>l</sup> .. .. .	00 13 04
De Samuel Ludford constab' de Willesley &c p cons <sup>l</sup> .. .. .	00 13 04

Extract<sup>l</sup> finiū & amerciamen<sup>t</sup> Dni Regis nunc apud Sessio<sup>n</sup> clerici mercator' teit<sup>l</sup>  
apud Stanton Ward p'd vicesimo septimo die Aprilis annoq<sup>3</sup> Dni 1717 Coram p'd  
Henrico Gregson gen clerico mercator' ibm

De Thome Benfeild constab' de Lullington quia ipse neglexit officiū suū in faciend' falsū retorna <sup>l</sup> p'cep <sup>l</sup> in direc <sup>l</sup> in non retornand' oīa noīa inhabitant' qui utunt ponderibz & mensuris infra suo constab' ad impedimentum serviē Dni Regis nunc. .. .. .	00 06 08
Ac de eodm etiam quia ipse neglexit officiū suū in non summonand' & retornand' sufficie <sup>n</sup> jurator' ad inquirend' p Dno Rege p'd scdm tenor' p'cep <sup>l</sup> ei direc <sup>l</sup> ad impedimen <sup>l</sup> serviē p'd. .. .. .	00 06 08
De Johe Newbold constab' de Greizley p cons <sup>l</sup> .. .. .	00 13 04
De Johe Jordan constab' de Appleby Magn p cons <sup>l</sup> .. .. .	00 13 04
De Humfrido Burton constab' de Linton p cons <sup>l</sup> .. .. .	00 13 04
De Johe Harrison constab' de Stanton Newall p cons <sup>l</sup> .. .. .	00 13 04
De Edro Hatterton constab' de Stapenhill p cons <sup>l</sup> .. .. .	00 13 04
De Hoump Royle constab' de Willesley p cons <sup>l</sup> .. .. .	00 13 04
De Thome Griffin de Lullington Blacksmith quia ipse non comperuit ad diem & locū p'd ul <sup>l</sup> mençōna <sup>l</sup> cum ponderibz & mensuris suis ut examinarent cum Standard' Dni Regis prou <sup>l</sup> legitime submonit fuit .. .. .	00 03 04
De Thome Berresford de eadm Inkeeper p cons <sup>l</sup> .. .. .	00 03 04
De Rico Smith de eadm Innkeeper p cons <sup>l</sup> .. .. .	00 03 04
De Georgio Shalliner de Greisley webster & Innkeeper p cons <sup>l</sup> .. .. .	00 03 04
De Franco Peech de eadm Inkeeper p cons <sup>l</sup> .. .. .	00 03 04

De Johe Clarke de eadm Blacksmith p conß	..	..	..	..	..	..	00	03	04
De Willo Blackwell de eadm Webster p conß	..	..	..	..	..	..	00	03	04
De Johe Mosey de eadm Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Short vid de eadm Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Thome Massey de eadm webster p conß	..	..	..	..	..	..	00	03	04
De Thome Morton de eadm Webster p conß	..	..	..	..	..	..	00	03	04
De Blacke vid de eadm Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Thome Fower de eadm Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Thome Edwardly de eadm Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Thome Ball de eadm Baker p conß	..	..	..	..	..	..	00	03	04
De Johe Smith de eadm Miller p conß	..	..	..	..	..	..	00	03	04
De Thome Fulladine de Appleby Magn Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Rico Mathew de eadm Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Georgio Wissen de eadm Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Smith de eadm vid Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Edro Cutbert de eadm Blacksmith p conß	..	..	..	..	..	..	00	03	04
De Jacobo How de eadm Roper p conß	..	..	..	..	..	..	00	03	04
De Johe Mould de eadm Taylor p conß	..	..	..	..	..	..	00	03	04
De Johe Jordan de eadm Butcher p conß	..	..	..	..	..	..	00	03	04
De Samll Jackson de eadm mercer p conß	..	..	..	..	..	..	00	03	04
De Johe Welbey de Linton Blacksmith p conß	..	..	..	..	..	..	00	03	04
De Guliet Newbold de eadm Baker p conß	..	..	..	..	..	..	00	03	04
De Johe Kingsley de eadm Webster p conß	..	..	..	..	..	..	00	03	04
De Abra Radford de eadm Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Stepho Leedham de eadm Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Henrico Notton de Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Franco Hame de eadm Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Margareta Hardwicke de eadm Inkeeper p conß	..	..	..	..	..	..	00	03	04
De Gulielmo Parker de eadm Inkeeper p conß	..	..	..	..	..	..	00	03	04
De Thoma Clarke de eadm Inkeeper p conß	..	..	..	..	..	..	00	03	04
De Gulielmo Parker de Stapenhill Inkeeper p conß	..	..	..	..	..	..	00	03	04
De Franco Clarke de eadm p conß	..	..	..	..	..	..	00	03	04
De Franco de eadm Webster p conß	..	..	..	..	..	..	00	03	04
De Josepho Nollen de eadm Webster p conß	..	..	..	..	..	..	00	03	04
De Timoth Crosse de eadm Taylor p conß	..	..	..	..	..	..	00	03	04
De Jarvis Bull de eadm Baker p conß	..	..	..	..	..	..	00	03	04
De Edro Atkens de Willesley Blacksmith p conß	..	..	..	..	..	..	00	03	04
De Thoma Tomlinson de eadm Baker p conß	..	..	..	..	..	..	00	03	04
De Robto Goodman de eadm Taylor p conß	..	..	..	..	..	..	00	03	04
De Roger Barwell de eadm Innkeeper p conß	..	..	..	..	..	..	00	03	04
De Simmons de eadm vidt Inkeeper p conß *	..	..	..	..	..	..	00	03	04

Mr. Gregson seems to have been of a most litigious disposition ; particulars are given of three Derbyshire law suits in which he was engaged with respect to his alleged rights in the Wolley MSS.† The following petition to the Chancellor of the Duchy, undated, but obviously towards the end of his term of office, shows how he

\* Duchy of Lancaster, Div. xxv., Bundle S, No. 21, G.

† Add. MSS. [Brit. Mus.] 6707, ff. 48, 92 ; 6668, f. 253 ; 6687, f. 603.

resisted any payment to the Duchy on behalf of the office of Clerk of the Market :—

To the Right Honoble Nicholas Lechmere Esqre Chancellor of his Majesties Duchy and County Palatine of Lancaster and one of the Lords of his Majesties Most Honoble Privy Councell.

The humble Peticon of Henry Gregson, gent.

Sheweth

That your peticoner being possessed of the Office of Feodary of the Honor of Tutbury parcell of his Majesties Duchy of Lancaster comonly intituled prima pars Agard is returned in arrear by the Recei<sup>o</sup> of the said Honor for many yeares last past at 9<sup>h</sup>. per ann amounting to near 150<sup>l</sup>. for which arrear your peticoner is threatened with the process of this Court.

That the said Office long before the sd arrear was only charged with the yearly paymt of 6<sup>l</sup>. p ann which then was & still is more than the yearly profits arising thereby The particular branches of the sd Office being taken away by the Statute of Wards and Liverys and such rents as had been usually paid to the sd Officer are either lost granted in fee or demised so as he now receives no benefit thereby except by the office of the Clerk of the Market which was always incident to the sd Office of Feodary & no rent was ever paid in respect of that Office as will appear by Records & Accompts of the sd Dutchy.

Wherefore your peticoner humbly prays your honor that the matter may be referred to his Majesties Auditor for the north parts to state the facts & arrears & report the same to your Honor And that process for the sd arrears may be staid till your Honour gives further order therein.

And your peticoner shall ever pray &c.

We have already recorded how the court of Quarter Sessions fined Mr. Gregson for non-attendance at the court as a coroner, but a few years later a far graver charge was made. At the Easter Sessions, 1725, the following Order was not only made, but was printed on a handbill and circulated throughout the county :—

Upon Complaint made to this Court, by many Inhabitants of this County, that Henry Gregson, Gent. Clerk of the Market for the same County and his deputies; have not only taken extortionate Fees, but exacted Fees where none are due, in the Execution of his said Office. For Remedy whereof, and that the County may be for the future preserved from such oppressions, it is agreed by the Justices present in Court, and by this Court recommended to the rest of the Justices, in this County; that each and every of them, in their respective Hundreds and Districts, shall enquire into such Complaints and Grievances: and that each of them shall and will at the next General Quarter Sessions, to be holden for this County, Report the particulars of their respective Enquiries; And it is ordered by this Court, that the Clerk of the Peace, do cause Publick Notice to be given thereof, through the whole county, that all Persons who think themselves aggrieved, or have any Complaints to make, in respect to the matter aforesaid; may have opportunities of laying them before the said Justices living nearest to them. AND all Persons so complaining, are ordered to bring their Complaints in Writing, to the Justices they shall so attend, before the next Sessions. To the End that such further Order may be made as shall be reasonable.

Per Cur'.

Joseph Hayne,  
Clerk of the Peace.

To this Mr. Gregson replied in his turn by a handbill, which was also circulated about the county, and of which a copy has fortunately been preserved in the Wolley MSS. of the British Museum.\*

The Clerk of the Market's Case for the Honour of Tutbury, parcel of the Dutchy of Lancaster.

That the Office of Clerk of the Market for the Honour aforesaid, is an Antient Judicial Office and that the (*Posse Comitatus*) belongs thereto, appears by many Antient Records, and other undeniable proofs.

The Clerk of the Market for the said Honour is oblig'd every Year (at his own Expence) to keep Two Sessions, and to go Two Circuits, which contain in both near 400 Miles, the Honour extending itself into the Counties of Derby, Leicester, Stafford, Nottingham and Warwick.

For the support of his Sessions and Reward for his great Trouble and Expence, there are certain Accustom'd Fees due to him for sealing, &c., of such Weights and Measures as are produced before him.

His Precepts to the Constables have always commanded them to warn before him (at a certain Day) all Vintners, Inn-keepers, Victuallers, Malsters, badgers, Salters, Swalers, Farmers of Husbandry, Buyers and Sellers of Wool, Butter, and Cheese, and all other persons whatsoever who Use Weights and Measures with Strickles belonging to each Measure; and to deliver in a fair Presentment, of their Names and Additions, together with an Account of what Weights and Measures they severally Use; and to Return Persons of the most Sufficiency to serve on the Jury; Requiring a due performance of his Warrant on Oath.

The Constables have accordingly always Appeared and brought what they have styled, *A True Presentment of the Names of all Persons who Use Weights and Measures within their Several and Respective Liberties*: Yet 'tis plain their Presentments have been deficient; great numbers of Tradesmen of all Sorts left out, and Farmers of Husbandry for several Years, and in many Places wholly omitted; and the Constables in such Liberties where such Omissions have been being lately required to present the Names of such Farmers of Husbandry who Buy and Sell by Weight and Measure, refuse to do it; and such Farmers insist, That they are not obliged to produce their said Weights and Measures, or have them Inspected or Seal'd; or in case they do, they say, they are not liable to pay any Fees on Account thereof.

The Farmers of Husbandry of Tutbury, Uttoxeter, and several other Towns within the said Honour, now do, and have always appear'd [and paid] the Accustom'd Fees.

The Farmers of Husb[andry] in Scarsdale in the County of Derby (other part of the said Dutchy), do always Appear before the Clerk of the Market there, and pay his Accustom'd Fees.

1. *Quere.* Shall any Constable being Required so to do, Neglect or Refuse to Summons all Persons who Use Weights and Measures within his Liberty, to appear and produce them, or deny to give in his Presentment according to the purport of his Warrant on Oath.

2. Shall any Person or Persons whatsoever within the Realm of England Use Weights and Measures, not having them Seal'd by some Authority or other; and after they are Seal'd, are not all persons liable by the Statutes of Henry vijth, to bring them in twice a year to the proper Officer to have them examined by his Majesty's Standard of the Exchequer; and, is not such Officer oblig'd twice a Year, or oftner if occasion requires, to View and Inspect them.

3. Has any Act of Parliament whatsoever taken away the Clerk of the Market's accustom'd Fees, or Exempted any Person or Persons from the payment thereof.

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\* Add. MSS., 6668, f. 569.

The present Clerk of the Market has nothing so much in view, as justly performing the Duty of his Office, which he apprehends was design'd for the Publick Good, and particularly to give a Mutual Confidence between Buyers and Sellers ; which cannot be done, unless he take due Care that every Weight and Measure any such Person or Persons produce, appear to have a Mark or Testimony that it has had a Legal View and Approbation : But if any Set of Persons be suffer'd within his Liberty to do otherwise, or claim an Exemption from his Inquiry, it is impossible for him to render his Office so Serviceable as he cou'd desire, or put an end to the many wrangling Disputes that Daily arise upon fixing of certain particular Persons' Weights [and] Measures to be determined by.

He therefore desires all persons concern'd, to Consider of the before mention'd Queries, and shall be very attentive to any pertinent Answer (if any such they have) to the same, or any of them ; and hopes no particular Persons can be Personally Disoblig'd or Disgusted, if in a Fair and Lawful Manner he shall Assert and Try the Rights of his Office, which he is advis'd he ought to do, as well for his Own, as the Publick Interest.

H. Gregson,

Clerk of the Market for the Honour aforesaid.

[Endorsed] :—

[Print] Clerk of the Market's Case for the Honour of Tutbury Parcel in the Dutchy of Lancaster.

[Writing] To Thos. Bagshaw, Esqr., at Bakewell.

Sr, the perusall of this Case is the request of

Sr, Your Most humble Servt.,

Hen : Greg[son].

This printed answer was apparently accepted as sufficient ; at all events, according to the minutes, no further Order was made in respect to this case at the next or at any of the subsequent sessions. Mr. Gregson's name does not appear again ; he died in 1738.

## Weights and Balances.

In 1797, the somewhat conflicting laws and customs with regard to standard measures and the testing of them, which had in Derbyshire given rise to much confusion and litigation, were brought to an end by a new Act.\* By this Act Examiners of weights and balances were appointed for the different hundreds by the justices in session.

The following advertisement, which appeared in the *Derby Mercury* of January 19th and 26th, 1797, with regard to the hundred of Scarsdale, shows the course of procedure :—

*Hundred of Scarsdale,* } HIS Majesty's Justices of the Peace for this County, having  
*Derbyshire.* } at the last General Quarter Sessions held at Derby,  
appointed us the undersigned (in pursuance of an Act of Parliament passed in the 35th year

\* 35 George III., c. 103 ; speedily amended by 37 George III., c. 143.

of the reign of his present Majesty) Examiners of Weights and Balances within the said Hundred, and we being of opinion that a number of Shopkeepers and others within the said Hundred may have some defective Weights and Balances in their possession not knowing thereof, and in order that such persons may not for the first time be taken by surprize, and that such Defective Weights may be properly adjusted, we in pursuance of such appointment do hereby give Notice, that for the General convenience of the Shopkeepers and others within the said Hundred, we will attend with proper assistants at the undermentioned places in order to regulate and adjust such Weights accordingly, viz.

At Alfreton, on Monday the 30th instant, and the two following days, for the parishes of Alfreton, Southnormanton, Southwingfield, Shirland, Stretton, Morton, Pinxton, Tibshelf, Brackenfield, and Wessington ;—at Ashover, on Thursday the 2d of February :—at Bolsover, the two following days, the 3d and 4th, for the parishes of Bolsover, Oxcroft, Glapwell, Pleasley, Rowthorne, Heath, Stainsby, Sutton, Duckmanton, Scarcliffe, and Langwith ;—at Barlbrough, on Monday and Tuesday the 6th and 7th, for the parishes of Barlbrough, Clown, Whitwell, Elmton and Steveley ;—at Eckington, on Wednesday and Thursday the 8th and 9th, for the parishes of Eckington, Beighton, and Killamarsh ;—and at Dronfield the 10th and 11th of the same month, for the parishes of Dronfield, Norton, Dore, Totley, Holmsfield, Beauchief, Coal Aston, Unstone, and Barlow.

Such other persons residing in the several other parishes, not above mentioned, as adjoin or are near Chesterfield, are desired to send their weights there to us before the 18th of February, as after such time, and before the next Sessions, a general search (of which no notice will be given) will be made in every parish throughout the said Hundred, and all such weights and balances as shall then, or at any future time be found false or defective, will be forthwith broke and destroyed, and informations laid against the owners thereof, pursuant to the said Act of Parliament.

JOHN CARTER, Bolsover.

GEORGE GOSLING, Chesterfield.

*Chesterfield, 16th Jan., 1797.*

Among the county papers is a small account-book, detailing the exact action and expenses of Examiners Carter and Gosling on their first circuit of inspection. One hundred and twenty-four persons submitted their weights to be tested. In the ensuing April, the inspectors paid surprise visits to one hundred and seventy-six shops, warehouses, and mills, with the result that in several cases weights were destroyed and their owners summoned and convicted. The fines imposed varied from 5s. to 40s. The inspectors say :—"The amount of the present convictions paid into the Treasurer's hands is £7 17s. 6d., and the inspectors have no doubt, provided they had during their first inspection caused informations to be laid against the owners who had defective weights in their possession (there being few then without them), and not adjusted them, that at least 200 persons must have had informations laid against them, in which case the fines would have amounted to a large sum of money." The expenses in this hundred seem surprisingly reasonable, only amounting to £20 3s. 3d. In one place in their accounts the inspectors say : "N.B.—We walked ourselves the whole of our journeys."

Another small paper-covered account-book contains "An Account of the several persons who have had their Weights and Ballances tried and adjusted by John Latham and John Sniboon, Inspectors and Examiners of Weights and Ballances in the Hundred of Wirksworth, together with an accountt of the expenses incurred by making a private search in different parts within the said Hundred." Ashbourne was visited on June 21st and 23rd, and sixty-five persons' weights inspected. Wirksworth was visited on June 28th, and sixty-four persons' weights inspected; the villages of Elton, Cromford, Brassington, Bonsall, and Middleton bringing their weights, as well as Wirksworth proper. The other centres in the hundred were Hartington and Matlock. The expenses for making the circuit, and of private search in many parts of the hundred, amounted to £45 3s. 3d., estimated on a much higher scale than in the hundred of Scarsdale. To this is added: "N.B.—For an Account of the number of Convictions and Money paid thereon, together with the sum Defective Weights have been sold for—see the account delivered to Mr. Maynard."

From the County Treasurer's Account from Easter, 1797, to Easter, 1798, we find that the county paid £78 os. 6d. for standard weights and scales for their different inspectors, and that the money received from the fines imposed on defaulters amounted to £37 11s. 1½d. No other inspectors' accounts were paid this year save those for Scarsdale hundred; it would look as if the other accounts were held over for re-adjustment.

The only other papers pertaining to this subject that we have noticed among the county records are the sheets of convictions, giving names, dates, and full particulars of offending traders in the single district of the hundred of High Peak for the year 1822. The record is certainly most startling, in the disgraceful revelation it makes of the then prevalence of the sin of cheating. Two hundred and sixty-seven summonses were granted against traders in the High Peak during that one year, out of which there were two hundred and fifty-six convictions for false weights or measures. The county finances actually profited by the transaction, for the fines amounted to £107 10s. 6d., and the sale of defective weights and measures to £15 6s. 5½d., which, after deducting the whole of the legal and inspecting expenses, left a balance to the good of £14 17s. 9½d.

## Hemp and Flax.

Previous to the Restoration, the use of linen in England was somewhat of a luxury. It was only the rich who could use the imported fine linens or hollands; but much of the household and coarser linen was manufactured in Cheshire and Lancashire. After the Restoration, foreign linen from France, Germany, and Holland, came into England in so much larger quantities, owing to improvement of manufacture and the cheapness of their readily-grown flax and hemp, that our manufactories as well as household spinning almost came to an end.

Various protective enactments were now brought into play, as, for instance, the burying in woollen, to lessen importation of linen, of 50 Charles II.; then linen was prohibited coming to us from France. At a later period, when French cambrics and lawns came into fashion, a very heavy duty was imposed, out of which a bounty was to be paid to English manufacturers who exported to Africa, America, Portugal, or Spain; and, in 1745, the entry of these goods was totally prohibited under a penalty, which might be recovered from the husband should the wife incur it by wearing them.\*

The raw material for the manufacture—viz., undressed flax, and undressed hemp for coarser use—we allowed, in 1731, to be imported duty free. In George III.'s reign duties on foreign linen were again raised, by Acts of his 7th and 10th years, out of which bounties were to be provided for encouraging the growth of hemp and flax. This project was further defined in 1782, when an Act to last for five years was passed, assigning £15,000 from these duties to promote the raising and dressing of hemp and flax, at the rate of 3d. a stone for dressed hemp and 4d. a stone for dressed flax. This Act, on its expiration, was renewed for seven years.† This bounty was to be received by the grower or other person who properly broke and prepared the hemp or flax for the market. The person applying for the bounty was to state in writing full particulars of the amount claimed, the field and parish where grown, to obtain the signature of the parish officials to the justice of his claim, and, further, to obtain the endorsement of a justice of the peace after making oath before

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\* 15 George II., c. 29; 18 George II., c. 36; and 21 George II., c. 26.

† 21 George III., c. 50; 21 George III., c. 43.



him. The person who obtained the bounty, as a further precaution, had to enter into a bond, of treble the value of the bounty, with the clerk of the peace, with two sureties approved by the justices of the session, as to the truth of the claim.

The county records contain a large bundle of these certificates and their accompanying bonds—all of the hundred of Scarsdale, between the years 1783 and 1797—which afford proof that a very considerable and widespread growth of flax resulted in Derbyshire from these Acts. The flax was grown in the following townships of the hundred:—Alfreton, Bolsover, Barlborough, Beighton, Brampton, Chesterfield, Dronfield, Eckington, Glapwell, Heath, Hault Hucknall, Killamarsh, Norton, Pleasley, Scarcliffe, Shirland, Stoney Haughton, Unston, North Wingfield, and Whitwell. The following is a copy of the first of these certificates:—

This is to Certify that John Wood of Mansfield in the County of Nottm. did grow Two Hundred & Six Stones of flax Broken & Properly prepared for Market at 14lb to the Stone in a Close called the Comone Close in the Parish of Pleasley in the County of Derby in the year of our Lord 1783.

Likewise the said John Wood did grow Fifty two Stones of flax 14lb to the Stone Broken & Properly prepared for Market in a Close called the Longman nook in the Parish of Pleasley in the County of Derby in the year of our lord 1783.

Witness my hand John Wood.

We the Churchwardens do believe the above Clame to be true.

Witness our hands { Willm. Dane, Corch Wardin  
Thomas Turner, Overseer of the Poor.

Derbyshire.

The above named John Wood came before me first day of Oct. 1783 & made Oath that he did grow & prepare for Market the several Quantities of two hundred & six Stones & fifty two Stones of Flax as is set forth in this certificate.

Tristram Revell.

### Wool-winders.

The skilled workmen brought by Edward III. into England from Flanders so materially improved the manufacture of cloth from the always excellent English wool, that the woollen trade became by far the most important industry of the country. The statutes bristle with enactments for the protection and regulation of this manufacture. Our search among the county records has only brought to light a single document that has any immediate relation to this trade and its control.

By a clause in an Act of Henry VIII., which was made perpetual by an Elizabethan statute, no one was allowed to exercise the handicraft of a wool-winder until he was furnished with a certificate from a wool-grower, and had taken an oath to abstain from fraudulent practices.\* Among the records are the following certificate and oath of the end of last century.

This is to certify that the bearer hereof William Curtis is properly qualified to be a Winder of Wool as Witness our hands this 12th day of April 1790.

Tho. Webb } Growers of Wool.  
Tho. Hollies }

I William Curtis of Tutbury in the county of Stafford Wool Winder do swear that I will truly & justly without deceit wind & fold all & singular the wool which I shall take upon me to wind & fold, without leaving or putting any Clay, Lead, Stones, Sand, Tails, deceitful locks, Lamb Wool, or any other Thing whereby the Fleece may be made more weighty, to the Deceit & Loss of the Buyer; and that I will not use any other Deceit, Craft, Guile, or Fraud, in the winding or folding of any such aforesaid wool.

So help me God.

Wm. Curtis.

## Cotton Mills.

It would be strange if the county of Strutt and of Arkwright had no reference among its later papers to the cotton industry. Accordingly, among the Derbyshire records we find some of the earliest accounts of factory inspecting, that are well worth noting, as showing the great strides that have been made in this direction, especially in the hours of labour, which were appallingly severe for young persons at the beginning of the century.

The first legislative interference with the trade, so far as the work-people were concerned, was by an "Act for the Preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills and Cotton and other Factories," which came into operation on June 2nd, 1802.† By this Act it was ordered that the rooms should be whitewashed twice a year and be well ventilated; that the hours of work were not to exceed twelve hours, exclusive of meal times; that no apprentice was to be compelled to work before six in the morning or after nine at night, save in mills of over 1,000 spindles, where night work might be done up to June, 1804; that

\* 23 Henry VIII., c. 17; and 13 Elizabeth, c. 25.

† 42 Geo. III., c. 73.

apprentices for the first four years of their apprenticeship were to be instructed each working day in reading, writing, and arithmetic; and that regulations were to be made for the instruction of all apprentices on Sundays. With regard to inspection, the Act provided that two visitors of such mills and factories were to be appointed yearly at the Trans. Sessions, one a justice and the other a clergyman, who were to report yearly as to the observance of the Act; and that in counties where there were many mills, visitors might be appointed for different districts.

The following is the list of the thirty-seven mills or factories registered in 1803:—

An Account of Cotton Mills in this County entered with the Clerk of the Peace at this Sessions pursuant to the late Act of Parliament, vizt. :—	
Two Cotton Mills or Factories ..	situate at Bridge End in Glossop belonging to John Wood.
One Cotton Mill or Factory .. ..	situate at Charlesworth in the Par. of Glossop, in the occupōn of Do.
Hurst Mill .. .. .	situate in the Hamlet of Whitfd., in the Par. of Glossop belonging to John Kershaw.
Charlestown Mill .. .. .	situate at Do. in the occupation of John Wood and Jas. Kershaw.
A Cotton Mill called Belper Mill ..	situate at Belper belonging to Messrs. Edwd. Strutt, Geo. Benson Strutt, and Jos. Strutt, Esqrs.
Do. called the Milford Mill .. ..	situate at Milford belonging to Do.
Do. called the Forge Mill .. .. .	situate at Do. belonging to Do.
Starkey's Mill .. .. .	situate in the Parish of Glossop in the occupation of Benjn. Waterhouse and Robt. Holland.
The New Mill .. .. .	situate in Do. in the occupōn of Saml. Hodson Sale and John Harrison.
The Old Mill .. .. .	situate in Do. in the occupōn of Thos. Ward.
Platts Mill .. .. .	situate in Do. in the occupōn of Saml. Hodson Sale, and Jno. Harrison.
The Warth Mill .. .. .	situate in Do. in the occupōn of Robt. Shepley.
The Hurst Mill .. .. .	situate in the Hamlet of Whitfd. in the occupōn of Jno. Kershaw.
Cow Brook Mill .. .. .	situate in the Par. of Glossop in the occupōn of Wm. Hadfield.
Hadfield Mill .. .. .	situate in the Hamlet of Whitfield in the occupōn of John Rueby and Isaac Linney.
Mill Town Mill .. .. .	situate in the Parish of Glossop in the occupōn of John Beely.
Howard Town New Mill .. .. .	situate in Do. in the occupōn of Jno. Wood.
Howard Town Old Mill .. .. .	situate in Do. in the occupōn of Do.
Shepley Mill .. .. .	situate in the Hamlet of Whitfield in the occupōn of Wm. Barber and Sons.
Wrennest Mill .. .. .	situate in Do. in the occupōn of Fras. Sumner.
Brookfield Mill .. .. .	situate in the Hamlet of Hadfield in the occupōn of Saml. Shepley.
Woolley Bridge Mill .. .. .	situate in Do. in the occupōn of Henry Lees.

Waterside Mill .. .. .	situate in the Hamlet of Padfield in the occupōn of Messrs. Jno. Wm. and Jas. Sidebottom & Co.
The Lower Mill .. .. .	situate in the Hamlet of Hadfield in the occupōn of Thos. Thornely.
The Higher Mill.. .. .	situate in Do. in the occupōn of Do.
Braddocks Mill .. .. .	situate in the Hamlet of Padfield in the occupōn of George Platt.
Clarkes Mill .. .. .	situate in Do. in the occupōn of Wm. Barber.
The Lower Mill .. .. .	situate in Do. in the occupōn of Do.
Padfield Brook Mill . . . .	situate in Do. in the occupōn of John Lees.
Bank Wood Mill.. .. .	situate in the Hamlet of Charlsworth in the occupation of Wm. Wardlow.
Best Hill Mill .. .. .	situate in Do. in the occupōn of Saml. Marsland.
Charlsworth Mill.. .. .	situate in the Hamlet of Charlsworth in the occupōn of John Wood.
Prim Rose Mill .. .. .	situate in the Hamlet of Whitfield in the occupōn of Wm. Radcliffe.
Bridge Field Mill .. .. .	situate in Do. in the occupōn of Josh. Howard.
Whitfield Mill .. .. .	situate in Do. in the occupōn of Jno. and Josh. Bennett.
Charlstown Mill .. .. .	situate in Do. in the occupōn of John Wood and Jas. Kershaw.
Kinder Lee Mill .. .. .	situate in the Hamlet of Charlsworth in the occupōn of Benjn. Harrison.

At the Trans. Sessions, 1808, the following visitors were appointed under this Act for the different hundreds :—

F. N. C. Mundy, Esq.	}	Appletree.
Rev. Nicholas Bayley		
Dr. Denman	}	High Peak.
Rev. James Grundy		
John Radford, Esq.	}	Morleston and Litchurch.
Rev. Charles S. Hope		
Ashton N. Mosley, Esq.	}	Repton and Gresley.
Rev. Samuel Pearson		
W. Attwood Lord, Esq.	}	Scarsdale.
Rev. Thomas Webster		
Philip Gell, Esq.	}	Wirksworth.
Rev. John Chawner		

We are fortunate in having a single instance of the report of a visitor preserved. It is the report of Mr. M. M. Middleton, who was then the justice inspector for the hundred of High Peak :—

My Report was delivered in at this Session.

Leam 18th Apl. 1811

Report of Cotton Mills and Factories inspected from the last Midsummer Sessions to the present date, by me

M. M. Middleton.

Names of Mills.	Masters or overlookers.	Condition of the Mill.
1. Dinting, near Glossop.	Mr. Thomas Chadwick.	Clean.
2. Shipley            ,,	John Shaw	{ Directed to be whitewashed & the upper room ventilated.
3. Bridge End        ,,	George Burgess.	
4. Shipley Mill, Glossop.	Robert Shipley.	Dirty.
5. Whitfield, near Glossop.	Messrs. J. & W. Kirshaw.	Very clean.
6. Charlstown        ,,	Mr. George Robinson	Clean.
7. Hayfield	Aaron Barnsley.	Requires ventilation.
8. Goddard, at New Mills.	James Pollet.	Do.
9. Forr                ,,	Danl. Stafford.	Do. & white-washing.
10. Grove             ,,	Charles Walker.	Do. & Do.

At the above Mills no Apprentices were taken.

At the following Mills there are Apprentices taken

Mellor.—Mr. Oldknow. Very clean.

Any commendation of mine must fall short of Mr. Oldknow's very meritorious conduct towards the Apprentices under his care, whose comfort in every respect seems to be his study; they were all looking very well and extremely clean.

Litton Mill.—Mr. Ellis Needham. Clean.

I found the house, in which the Apprentices board and lodge very clean: but two of them having come to me with a complaint of being worked too hard, and of not having sufficient support, I thought it right to examine some of the Apprentices upon oath as to the facts they complained of, and the substance of their deposition is as follows; viz., "That they go into the Mill about ten minutes from six o'clock in the morning, and stay there from ten to fifteen minutes after nine in the evening, excepting the time allowed for dinner, which is half to three quarters of an hour; that they have water-porridge for breakfast and supper, and generally oatcake and treacle or oatcake and poor broth for dinner; that they are instructed in writing and reading on Sundays."

Mr. John Needham said that the Mill was useless, and the Apprentices unemployed for a month in the winter in consequence of pulling down a water-wheel.

Cressbrook Mill.—Mr. William Newton. Clean.

Upon enquiring of the Apprentices here, how they lived, I received for answer, "that they go into the Mill at six o'clock in the morning and come out again at eight o'clock in the evening, that they have an hour allowed for dinner, are very comfortable, and live well." Their diet consists of milk or milk-porridge for breakfast and supper, and they have flesh meat every day at dinner. They looked well and appeared perfectly satisfied with their situation.

## Bridges.

Bridges differed materially from highways, inasmuch as the repair of them, save quite exceptionally, never fell upon the parish. The origin of this is supposed to arise from the fact that brooks, streams, and rivers are very often the boundary lines of parishes, whence the bridge crossing such watercourse could not be said to be in either parish. The old common law is quite clear that of common right

the whole county must repair bridges. True, an Act, usually termed the Statute of Bridges, was passed in the reign of Henry VIII.,\* enacting that counties should do these repairs, but it was but a declaratory Act of the previously understood common law. The obligation that is imposed on all counties to repair all public bridges extends not merely to the bridge itself, but to the roads at each end, the extent being fixed by the statute just quoted to three hundred feet "from any of the ends of it." This provision seems to have originated in the difficulty of ascertaining the exact termination of the arches.

The remarkable and ancient bridge at Swarkeston over the Trent, has, from its great length, given rise to much litigation, not only at Quarter Sessions, but on two occasions in the King's Bench. The span of the bridge over the river is only 138 yards, but the whole length is 1,304 yards, or little less than two-thirds of a mile. It was stated in 1745 that at the east end there were five arches over the Trent, and at the west end eight, under one of which a stream flowed, but that the centre of the bridge was a raised causeway carried over low-lying meadows, having twenty-nine arches in it at varying intervals, most of which were over pools, and under all of which the water of the Trent flowed at the time of floods. It was decided that the whole structure was properly and legally a bridge, and that therefore the whole of the repair was obligatory on the county. The bridge in its unwidened state was only between eleven and twelve feet wide throughout its whole course. Parts of the masonry prove that the construction of this bridge dates back to the thirteenth century; and the bridge then made was most probably the successor to one of earlier date.

At the Trans. Sessions, 1713, the question of Swarkeston bridge was considered, and it was "Ordered by this Court that John Harding Esqr One of her Ma'ties Justices of the peace for the County of Derby be desired to accept the trouble of overseer of Swerkeston Bridge and that he be overseer accordingly and from time to time as occasion shall require order such repairs and amendmts thereof as he shall adjudge proper."

At the very next sessions, this bridge and the damage done by navigation were under consideration, with the following result:—

It being represented to this Court by Isaac Kirk Mason who is by this Court appoynted Surveyor of all the bridges in this County that sev'all persons have & still do navigate with

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\* 22 Henry VIII., c. 5.

boats & barges & other vessels thro Swerkiston bridge Situate on the river Trent in this County & thereby do very great damage to the same bridge by putting up piles & otherways. It is ordered therefore by this Court that the Clerk of the Peace do & shall imediately appoint the sd Isaac Kirk & what other workmen he shall think fit needful & proper to fix chains across the Arches of the sd bridge or drive Stakes or Piles in the same or otherwise to oppose & hinder all p'sons passing thro the same bridge except such as first p'cure liberty to pass thro the same from Mr. Richard Sheperd who lives upon the sd bridge & is left capable of judgeing of any prejudices that may be done to the same.

I do hereby by virtue of the authority given me by this order appoint Isaac Kirk & his servants & labourers to be the workmen for the purposes mentioned in the sd Order.

Witness my hand 2nd Ocbr 1713

Joseph Hayne Clerk of the peace  
for the County aforesd.

Two years later the Orders of Sessions contain this order:—  
“Ordered by this Court that the sum of ffifteen shillings and ten pence be raised in this County and pd into ye hands of the Tre'ar at or before the next Sessions to pay Thomas Fowks for making an Iron chain for the p'servation of Swarkiston bridge being a County bridge.”

In 1752, 1767, and 1771, Swarkeston bridge was presented for being out of repair. The presentment of 1781 alleged that it was in great decay and dangerous for horses and carriages. From that date up to 1795, presentments were made nearly every year, when at last a policy of patching was abandoned, and it was agreed that the part over the river itself must be re-built or strengthened and widened.

The maintenance of this bridge has ever been a serious charge to the county. The average expenditure on Swarkeston bridge for the last ten years of last century was £64 3s. per annum; and during 1800-2 no less a sum than £1,780 was spent on widening the five arches that actually span the Trent.

We suppose the winter of 1789-90 was a severe one; there is a charge for that year of £1 3s. for “clearing the ice at Swarkeston Bridge.”

Having thus gone through some of the leading items pertaining to the records of this great bridge, we now revert to earlier documents pertaining to the general bridges of the county.

The following interesting letter, relative to the damage done to Tutbury bridge in 1648, is the earliest document of the kind among the county records.

Sr

Upon Saturday last I mett Sir Edward Vernon & Mr. John Agard together with our High Constable & divers others very sufficient persons at Tutbury Bridge where we took a Survey

of the devastations which the River hath made upon the way & the eminent danger of the Bridge, the way which leads to Scropton is worne away & the river hath worne a gullett at that end of the bridge next to this County soe that another flood or two will make it wholly useless unles a speedy course be taken by floytering & gravelling. It is conceived that less than 200 pounds will not for the present be able to effect this business therefore if you please to acquaint the rest of the gentlemen herewith & accordingly to impose a tax upon the county for the worke for the same you shall do a very acceptable service for this County, Sir (*sic*) our High Constable & Mr. Bagnold will attend you with the order of the judge herein & give you a more particular information than this of yor : humble servant.

Ash, Octbr 3, 1648.

Sa : Sleigh.

I thinke Mr. Bagnold & Mr. Poundall of Marston & Mr. Montgomery & Eld of Scropton will be fit Treasurers & Surveyors of this worke, but I submit to your wisdom.

[Endorsed.] It is referred to the justices at next monthes meeting in that hundred to certifie.

For my honored friend Sir George Gresley  
Knt & Barronet at Derby.

The next year yields an instance of a parochial presentment to the court.

October the first 1649.

These may be to Certifie to the righte worshipfull bench That whereas Baslowe bridge over the river Darwin hath severall tymes beene presented in this Courte for wante of reparaire for which wee whose names are hereunder wrytten doe specifie to this Courte that without speedy reparaire itt will bee an undoinge to the Countye therefore wee desire the worshipfull benche to take itt into their good Consitheracion.

Geo Greaves  
Henry Lees

John Greaves  
James Hewett minister of Baslowe.  
[And seven others].

The following long petition relative to a bridge over the Amber is undated, but is of the later Commonwealth period :—

To the Worshipfull Bench att Derby.

The humble petition of the Inhabitants of Shirland & Higham, whose names are hereto subscribed.

Humbly sheweth Whereas there is an ancient stone bridge of two Arches over the river of Amber, in the highway betwixt Wassington and Higham, wch waye is much used to the Märketts, Colepitts, & the like. Now soe it is that by longe continuance of tyme, the said River hath worne a new passage and the said ancient bridge is growne alltogether uselesse, and another narrow bridge made where the water (especially in Lingestonde) wants passage ; By reason whereof & the many great fouds wch have happned this p'sent Winter, the Causies & Banks are broken & borne downe ; soe that the wayes here are become very dangerous for passengers.

In consideration whereof & for as much as the takeing up of the said ancient bridge and buildinge it in a Convenient place where the said River may have good passage under it, (without which it is in vaine to reparaire the breaches) Which by the view of Workmen, will amount to the sume of fiftee pounds at the least or above, which is a worke of farr greater Charge than the said Inhabitants of Shirland & Higham are able of themselves to undergoe.

May it therefore please the Worshipfull Bench (the premisses considered) to grant an order for the Levyeinge and Assessinge of ye said Sume of fiftee poundes in the Countrey (as in the



like cases is accustomed) To be employed for the buildinge of the said bridge, for the ease & saftye of Passengers, wch otherwayes is like to prove verye dangerous, And the said Inhabitants shall ever pray for your Worppps severally & happiness long to continue.

Edward Revell  
Edw: Payne

John Payne  
Thomas Ludlam

[and 34 others].

In 1658, William Horobyn, whose presentments at the same time with respect to highways have been already quoted, presented a ford and a bridge.

Wee present the Inhabitants of ye parish of Duffield in ye County aforesayd for not repaying and mending a Foarde in ye River of Derwent called Duffield Foarde used for all Carts & Carriages being in ye sayd Parish in great decay, & ought by them to be repayed.

Wee present ye Inhabitants of Egginton parish for not repaying of the Bridges upon ye roade leading to Muncks great Bridge in ye sayd parish being in great decay, & ought by them to be repayed.

William Horobyn.

[Endorsed] Wee doe find this to be a True Bill.

This ford at Duffield was almost opposite the present railway station. In the year 1714, the court voted £30 to be given by the treasurer as a gratuity "for and towards the repair of Duffield Ford, the same being of great use to preserve Duffield bridge, being a county bridge." This ford is marked on the enclosure map of 1791 as then used, with a lane leading down to it on each bank. The old Roman ford, which the author found and identified in 1887 at Duffield, was a little higher up the river, just opposite the old castle.\*

At the Epiph. Sessions, 1682, the court made a long general order with regard to the bridges, which it may be well to quote *in extenso*:—

Whereas by an Order of this Court att the Generall quarter Sessions held at Bakewell in and for this County the Eleaventh day of July last made Upon the Informacion of divers Inhabitants resideinge neare severall County Bridges in this County that the same were out of rep'e Itt was then referred to Simon Holt the County Mason together with some of the respective Inhabitants liveinge neare to the said respective County Bridges to viewe the same and report their Judgmts to this Court what repaires are necessary to bee made thereof and what such repaires of each Bridge will cost respectively to the end this Court might grant such further Order therein for the raising such some of money for repaire of the sante as should bee sufficient for that purpose ; And whereas by the severall reports and Informacion made and delivered in Court this p'sent Sessions in pursuance of the said Order, Itt doth appeare, That the Severall Bridges hereafter mentioned are out of repaire, and that it will cost respective sumes hereafter likewise mentioned for repaire of the same respectively, That is to say Rowsly Bridge nine pounds Swerkeston Bridge Eighty pounds Matlocke Bridge Thirty pounds Darwent Bridge One hundred Pounds Duffield bridge Five pounds North Bridge f'ive Pounds Heyfeild Bridge Five Pounds Killamarsh Bridge fiftene pounds Neathershall Bridge in Hope Seaven pounds and p'te of Hanging Bridge Fifty pounds In the whole Three hundred and Six pounds. Itt is Ordered by this Court that the Clerke of

\* See *Derbyshire Archaeological and Natural History Societies' Journal*, Vol. IX.

the peace issue out of Warrts to the Severall Head Constables in this County: for the raiseinge leaveyenge and collecting the said Three hundred and six pounds after the usuall manner of Trayned Soldiers betwixt this and the next Sessions And that the severall high Constables pay in their severall p'portions of the same att the next Sessions in manner and forme followeing That is to say that severall p'portions of the nine pounds for repaire of Rowsly Bridge to Mr. John Stenson And Mr. Rowland Mason their sev'all p'portions of the Eighty pounds for repaire of Swerkeston Bridge to Mr. John Adlerley Clerke of the peace Their sev'all p'portions of the Thirty pounds for repaire of Matlocke Bridge to Adam Woolly and Stephen Badesly Their sev'all p'portions of the One hundred pounds for repaire of Darwent Bridge to Henry Balguy, Jun. Esqr. Their sev'all p'portions of the five pounds for repaire of Duffield Bridge to Mr. Arthur Lowe Their severall p'portions of the five pounds for repaire of North Bridge to Thomas Smyth of Stavely Their Sev'all p'portions of the fiteene pounds for repaire of Killamarsh Bridge to Robert Harrison and George Savadge Their sev'all p'portions of the seaven pounds for repaire of Neathershall bridge in Hope to Mr. Hall of Goosehill Their sev'all p'portions of the Fifty pounds for repaire of Hanging Bridge to Sr William Boothby Knt and Barrt and Thomas Ruddiere Esqe And that the said severall p'sons bee Overseers of the worke done att the Bridges for repaire whereof the severall sumes before mentioned are made payable to them respectively and sev'ally to Account to this Court for the same soe soone as the said severall Bridges are repaired, And that Simon Holt the County Mason bee employed to doe the said worke att the said severall Bridges p'vided hee Undertake to doe it as well and at as cheape rate as other Masons Always p'vided And itt is Ordered by this Court that the fifty pounds ordered to be raised for repaire of Hanging Bridge bee not drawne into p'sident hereafter to charge this County with repair of any p'te of the said Bridge. It being only the intent of this Court that the same bee laid out at p'sent de bene esse for repaire of the same for the better and safer passage of his Maties Subjects and only untill it bee p'ved by Records or by Judgment of twelve men that the County of Derby ought to repair any p'te thereof which as yet doth not appeare to this Court.

From this time onward, there is scarcely a recorded sessions at which more or less bridge orders were not made; we give two or three of the longer and more noteworthy entries of this description:—

Trans. 1682. Darley Bridge.

Whereas in pursuance of an Order of last Sessions Mr Arthur Lowe and Mr John Fox have viewed Darley bridge in this County and have certified that the said Bridge consisting of Seaven Arches three of the said Arches are filled up and the openinge of them being the fifth arch would tend much to the p'servacion of the said Bridge and that there must bee cut away above the said fifth arch about Twenty five yards in length and belowe the Arch forty yards in length and about Eight yards in breadth, for a free passage of the water, and that the Charge of doeing the same will amount to forty pounds, To all which Mr George Wood of Wabebridge p'sent in Court alledged that the Ground certified fit to be Cut away was his freehold and that it would bee much to his damage to have it cut away as aforesaid and therefore prayed it might bee divided by some Justices of the peace, before any of the Ground was cut away; It is Ordered by this Court that forty pounds bee levied in this County for repair of the said Bridge and paid to Mr Arthur Lowe, and Mr John Fox appoynted Overseer of the worke by this Court and they to accompt for the same, as soon as the worke is finished and this Court desires that two of the next justices of the peace doe forthwith viewe the said Bridge in Order to contrive that in the cuttinge of the Ground as afores'd as little p'judice as may bee done to Mr. Wood, and hee the said Mr Wood to be concluded with the Judgmt of the said two Justices therein as hee himselfe hath consented to in Court.

Mich. 1693. Yorkshire Bridge.

This Court being Informed at the beginning of this Sessions by a Certificate Under the Hands of Mr William Eyre of Highlow Mr Henry Balguy of Darwent and Mr Benjamin Ashton of Hathersage That whereas by an Order of last Sessions at Bakewell the Sume of forty pounds was given for the repaire of Yorkshire Bridge within the Hundred of High Peake That the said Bridge beinge a Wood Bridge Stood in frequent need of such large Sumes to repair it And that it was much more for the Countyes Interest to Convert it into a Stone Bridge there beinge plenty of Stone near at Hand And the Masons that have viewed it beinge willinge to Undertake to make it with three Turned Arches for one hundred and Thirty pounds It is therefore Ordered by this Court that Twenty five pounds wch with the forty pounds already given makes up one Moity of the Said Sume of one hundred and Thirty pounds bee forthwith raised and that Sixty five pounds more the residue of the said Sume of one hundred and Thirty pounds be raised the next Epiphany Sessions and paid at or before Easter Sessions next into the Hands of the said William Eyre Henry Balguy & Benjam. Ashton whoe are desired to see the same Laid out for the aforesaid Purpose And to Account for the same at the next Sessions after the worke shall be finished.

East. 1698 School House Bridge, Ashbourne.

Whereas by a former Order of this Court granted att the instance of the Inh'tants of Ashborne in this County desireinge the Assistance of the County towards the repair of a Certaine Bridge called the Schoole-house Bridge in Ashborne aforesaid and a certaine p'cell of Stone was bought and laid down at the charge of this County and intended to bee given to the said Inh'tants as a gratuity towards the buildinge of the said Bridge And whereas the Court being Informed that Mr. William James of Ashborne in kindness to the said Towne of Ashborne would att his owne Charge being Allowed the said Stone soe bought as aforesaid together with the Materialls of the old Bridge Erect and build a good new foot Bridge of Timber in roome of the said old Bridge This Court doth Consent that the said Mr. James shall have the said Stone and the said old Bridge And doth therefore Order and it is Ordered by this Court (by and with the Consent of the Inh'tants of Ashborne aforesaid) That the said Mr William James bee hereby Authorized and impowered to take to his owne proper Use the said Stone already laid downe And the Materialls belonginge to the said old Bridge and erect and make a new foot Bridge instead thereof accordingly And it is further Ordered and declared by this Court by the Consent aforesaid That neither the Stone given by this Court nor the erectinge and buildinge the Foot Bridge as aforesaid by the said Mr James shall bee nor is intended to bee a p'sident for this County or for the said Mr James to Charge either the said County or the said Mr James with the repair of the said Bridge for the future.

In 1682, the court appointed Simon Holt, mason, as surveyor of the bridges, paying him at the rate of 2s. 6d. per day. He was also allowed to contract for repairs. His services were not, however, always acceptable. In 1699, the question of the repair of Renishaw bridge, over which so much of the iron from the Sitwells celebrated ironworks passed, came before the court, with the result that Mr. George Sitwell, as one of the justices, obtained leave to act as surveyor and clerk of the works in this particular case.\* He delivered

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\* See a most interesting article on these Ironworks in the seventeenth century in Vol. IX. of the *Journal of the Derbyshire Archaeological and Natural History Society*, from the pen of Sir George Sitwell, Bart.

to the grand jury at the sessions held at Chesterfield on October 3rd, 1699, the most minute particulars of the way in which the money (£29 14s. 10d.) had been expended, the whole being copied into the Order Book. The largest item is £2 3s., which was paid "to Symon Holt for his pains and Charges comeing to view the decays of the said Bridge and Causey by Order of Sessions, and to keep him from comeing to doe his worke, by reason wee could doe it much Cheaper than he would have taken it." Labourers were paid at 10d. and 8d. a day, and masons at 12d. and 14d. per day. Two women labourers were also paid 8d. for a day's work. A handbarrow cost 10d., and six baskets 1s., and three strikes of lime 1s. 1d. Many loads of "sinders" from the adjacent forges were spread upon the causeway.

From 1695 downwards, there are a large number of presentments by the High Constables of the different hundreds with regard to defective and dangerous bridges. The majority of these presentments are endorsed as true bills by the Grand Jury, who append all their signatures.

The bridges seem to have been well looked after in Queen Anne's reign. £160 was spent on Tutbury bridge, £71 on Belper bridge, £75 on Hague bridge over the Etherow, £50 on Rowsley bridge, £46 on Darley bridge, and £40 on Baslow bridge, etc., etc. Owing to heavy floods in 1706-7, £500 was spent on the three bridges of Grindleford, Froggat, and Yorkshire.

In 1708, £20 was paid by the county "as a free gift towards making a bridge over the river Derwent" at Hazelford, where, as the name implies, there was an ancient ford. A year later the bridge was almost completed, the county having increased its bounty to a total of £50 5s. 6d. It was intended to be a wooden bridge carried on two stone abutments and two pillars of stone built in the stream, but "the worke was unfortunately taken downe by a flood before the wood was laid over." After this misfortune, the court of Quarter Sessions was again applied to, "and from the occasion there was for a Bridge at that place they were pleased to encourage the workes by giving twenty pounds and promising twenty more on a new application." Mr. Ashton and Mr. Nodder, two of the High Peak justices, entered into articles with Ezra Moreton, a mason, of Hallome, co. York, to erect a stone bridge of three arches. But "when the said three arches were finished, finding them to be insufficient to receive the water in a large flood, they further agreed with the said Ezra Moreton to make another arch and a causeway at each end of the

bridge, containing in the whole thirty-five yards." The total cost of this stone bridge was £166 6s. The question of payment came before the Trans. Sessions, 1710, when it transpired that £60 had been paid by the county, £50 by neighbouring gentlemen and inhabitants, and £10 had been subscribed "by the inhabitants of Bradford in the County of Yorke." The reason for this Yorkshire contribution doubtless arose from the fact that the woollen goods of Bradford came largely into the county on pack horses by this route. The requisite balance of £46 6s. 1d. was paid by the county at this sessions to, what was termed by redundancy of expression, "Hazelford Ford Bridge."

In 1708, the court contributed £20 as "a free gift" towards making Crowdcote bridge, Hartington, "a stone bridge for horses."

At the Trans. Session, 1714, the court ordered "that Isaac Kirk bridge master of this county do demolish deface or pull down all manner of inscriptions carved or engraven in posts or stones set upon any bridges in this County purporting the same to be County bridges except on those that actually are so." Isaac Kirk, a mason, of Shirland, had been appointed in the previous year surveyor of the bridges at a salary of £10, at the court's pleasure.

A petition was presented at the Mich. Sessions, 1714, from freeholders and inhabitants of Chapel-en-le-Frith, asking for the benevolence of the court "to enable the makeinge of a Bridge over a rapid Brook called Smithy Brook near the towne of Chappell in le Fryth and also towards cutting a trench four hundred yards in length to turn the River called Blake brooke betwixt Chapell parish and Bugsworth which has by the rapidness and force thereof utterly ruined the King's highway adjoining thereto at a place called Crispent." The court ordered a gift of £12, but "that for the future there never be any more money given to the repair of the said Smithy Bridge."

In 1716, Isaac Kirk was discharged from the office of bridge surveyor.

About this time various disputes arose between the counties of Derby and Stafford, as to the joint county bridges over the Dove. Each county accused the other "of carrying their water works too farr into the River to cast the current and weight of the same upon the other. Harmonious action was proposed, and the two clerks of the peace were, at the Epip. Sessions, 1717, desired to meet. This resulted in a joint committee of justices of the two counties being formed to control the repairs of the bridges of Mappleton, Coldwall,

and Hanging Bridge, as well as of three bridges at Tutbury. The Derbyshire justices were Sir John Every, Brooke Boothby, John Fitzherbert, and Baptist Trott; whilst those of Staffordshire were Henry Vernon, Thomas Kinnersley, and Archibald Grosvenor.

The question of Alport ford, over the Lathkil, came before the court in July, 1718. It was stated that the King's highway from Manchester and Stockport to Derby and London passed over it, and that, lying in a bottom, the river there often overflowed. There was a steep fall immediately below the ford. Recent heavy rains had torn up the channel, and rendered it impassable for eight or ten days together. "Carriers with loaden horses and passengers cannot pass the said Road without great danger of being cast away." All this was sworn to in court, and that men's lives and goods were frequently in danger at that ford, by many witnesses. It was argued that a horse bridge was most urgently needed, for "great gangs of London Carriers Horses as well as great drifts of Malt Horses, and other dayly carriers and passengers" use the ford. The bridge was ordered.

The following is a presentment of the Grand Jury at the Epip. Sessions, 1748:—

We the Grand Jury of the Lord the King & the body of this County at the General Quarter Sessions of the Peace held in & for the said County this 10th day of January 1748 do present a certain Horse Bridge over the River Dove lying in Aston in the said County called Aston Bridge to be so much out of Repair as to be in danger of immediate falling And we present & say that if there was a Carriage Bridge erected at the same place it would be of utmost utility to this County and absolutely necessary to be done for the safety of Passengers the Passage over the said River there being very much used by Travellers from many parts of the Kingdom but more especially by the Subject of our said Lord the King residing in this County & ye Neighboring County. And Us the Jurors aforesaid do further present that it is altogether unknown to us nor can we find any Persons lands Tenements or Body Politic ought of right or by ancient custom repair the same or any part thereof

Witness our hands

Tho: Wagstaff [& 13 other jurors].

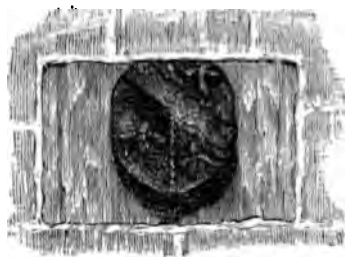
In 1766, J. Brough, High Constable of Morleston and Litchurch, presented Hanging Bridge over the Dove as "very dangerous for Chaises and other Carriages to pass by reason of the sudden Declivity of the Hill upon such narrow part, all which inconvenience I humbly apprehend can be removed by no other meanes. than widening the said Bridge, as appears upon a View lately taken by me thereof."

Between 1770 and 1800, a good many of the Derbyshire bridges were widened, especially in the Peak district; pack horses bridges

were rebuilt for wheels, and the older wheel bridges were, in some cases, widened for greater safety or convenience.

At Mich. Sessions, 1776, James Grove, High Constable of the High Peak, certified "that Ashford Bridge (being a County Bridge) is so extreme narrow that it is dangerous for Carriages to pass over the same, and that the Battlements are very frequently knocked off by carriages, which renders the Bridge dangerous for Passengers."

Among the county records is a note book of Thomas Sykes, who held the office of surveyor of bridges and other county works from 1786 to 1816. It is chiefly taken up with accounts for the repair of bridges, and extends from 1791 to 1813. The most important part relates to the building of the new bridge at Belper, which was begun May 25th, 1796, and finished about the close of 1798. It cost £2,220 os. 5d.\* The old bridge, at this place, was washed away by an extraordinary flood; it used to be called John of Gaunt's bridge, and was said to have been built by him, and to have his arms over the centre arch. But a century at least after John of Gaunt's death, a warrant was issued in the reign of Henry VI., to pay twenty pounds towards building a new bridge over the Derwent for the benefit of the tenants of Beaurepaire. The armorial stone of that date is still to be seen in the gable of a house in Belper Lane, where it was built in when the remains of the old bridge were taken down.



The arms on the stone, whatever they may be, have no connection with John of Gaunt. The carving seems to be of 15th century date; the stone was probably placed where it stood when the bridge was rebuilt *temp.* Henry VI., being the arms of its chief benefactor.

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\* The specifications and other particulars about the building of this bridge are given in Vol. XII. of the Journal of the *Derbyshire Archaeological and Natural History Society*.

A bend between three quatrefoils might pertain to so many families, that conjecture seems useless.

Sykes' note book also gives full particulars of the widening of Duffield Bridge, in the year 1803, at a cost of £1,025 os. 10d.

We find from the treasurer's accounts that the average annual expenditure of the county on its bridges, during the final ten years of last century, was £621.

Colonel Colville drew up several interesting returns relative to the bridges, which are kept with the county records; it had been our intention to give these in an appendix, but lack of space forbids.

There is a calendar of bridges which the county is bound to repair, the place where situate, the river which they cross, and the period when first built or ordered to be repaired (if ascertainable). One of these lists is arranged according to hundreds, and another according to petty sessional districts.

There is also a calendar taken from returns furnished in the year 1836 by the parochial authorities, giving the names and descriptions of those bridges or culverts not repaired by the county, by whom built, and by whom kept in repair.

We noticed, some fifteen years ago, at Derwent, a good instance of the old pack-horse stone bridge; it was obviously of pre-Reformation date, the centre stone of the battlement on one side still showing the base whence the cross or crucifix had been knocked off. The old bridges, at both Bakewell and Ashford, at that time also showed on the battlements the bases of the crucifixes, which were the invariable pious accompaniment of the medieval bridge.

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## Highways.

At common law the obligation to repair all highways lay, from early days, upon the parishes through which they passed, and they could be indicted at the sessions for their neglect; but it was not until the year 1555 that it was incumbent on any particular officer to call the parish together and set them to this work. At that date "the statute for mending of Highways"\* became law, by which it

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\* 2 and 3 Philip and Mary, c. 8.



was enacted that "the Constables and Churchwardens of every parish shall yearly, upon the Tuesday or Wednesday in Easter week, call together a number of the Parishioners, and shall then elect and choose two honest persons of the parish to be Surveyors and Orderers for one year of the works for amendment of the Highways in their Parish." The Constables and Churchwardens were to appoint days for amending the highways, and "openly in church to give knowledge of the same days," whilst the Surveyors were to "order and direct" the persons working on the appointed days. Every occupier was declared proportionably liable to contribute labour to the needful work. The Act was to last for seven years. It was renewed in 1563 with increased powers to the Surveyors; and in 1587 was made perpetual. Meanwhile, another Act had been passed in 1576, which made surveyors independent responsible officers of the parish, and not any longer mere clerks of the works under the Constables and Churchwardens.\*

Soon after the Restoration, by an Act "for enlarging and repairing of common Highways," a further charge was made in the position of the surveyors, for they were now empowered to lay an assessment upon the parish and to render their annual accounts to a parish meeting. †

The question of the highways, though (unlike the bridges) strictly a parochial responsibility, came frequently before Quarter Sessions, and thus found a place in the county records, through indictments and presentments for neglect or nuisance, and through petitions and protests as to liability.

There are two petitions extant of the year 1649. The first is the protest of an inhabitant of Breadsall, against being fined for neglecting to do his share of the common work on the roads:—

To the right woll his Maties Justices of the peace for this County of Derby

The humble petition of Thomas Cheshire Humbly Sheweth

That whereas your petitioner is tennt of a Cottage in Bredsall of foure poundes per annum uppon the rack, and was never charged to bringe any cart to the mending of the kinges high wayes but only a labourer, neither his father before him when hee enjoyed the same and that both his father and himselfe have beene so carefull to sende such labourers as no exception hath beene taken agst them by the overseers of the sayd worke neither was it ever intimated unto your petitioner that more would bee required at his handes so that if hee hath beene any way defective as to the letter of the statute for not bringinge his carte, it was done in ignorance not in contempt beeing very willing henceforwards to doe what

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\* 5 Elizabeth, c. 13; 18 Elizabeth, c. 10; 29 Elizabeth, c. 5.

† 13 and 14 Charles II., c. 6.

shalbee any way reasonably required at his handes for any publick good worke, wherewith the officers were so well satisfied that your petitioner was not p'sented at the last sessions when the Constables p'sentmts were first delivred into ye Court and yett after by the instigation of some neighbours not well disposed towarde your petitioner (and as your petitioner is informed it was an Ale house plot) your petitioner was p'sented xxs for not bringing his cart to the common worke without notice.

Your petitioner therefore most humbly prayeth (the premisses considered) that the sayd penalty may bee taken of, or mitigated with as much favour as your worps lawfully may, and your petitioner will willingly hereafter come so p'pared to the sayd common worke as the Court shall appoynt, and for your favourable p'ceeding for the p'sent (as in duty bound) will dayly pray etc.

The other petition is from the surveyor (supervisor) of the roads of two townships of Chesterfield, asking that an assessment might be laid upon these townships, as many neglected to do their share of the work. Until the Act of Charles II., authorising parochial assessment for such a purpose, a levy of this kind could only be imposed by the sessions. The court made an order in accordance with the prayer of the petition.

For ye Right Honoble ye Justices of ye Bench in Sessions

The humble petition of John Fowler of Stonegravels in ye townshippe of Newbold & Dunston

Sheweth

That whereas your petr is Supervisor of ye highways for ye said townes wherein hee now dwelleth, & but few of ye Inhabitants have helped or paid towards ye mending of ye said highways and many doe refuse both to helpe wth their draughts or to give mony, yt draughts & labourers might bee hyred according to Lawe & custome. And your petr has layd out before what hee had received ye sume of five poundes, and still there is much to bee done, and it will not bee done except your petr should disburse all himselfe for ye finishing thereof. And there is alsoe a bridge called Breatly bridge wch is much out of reparaire.

Your petr humbly prayeth your honours to grant an Order yt an Assesemt may bee made through ye wholl townshipp of Newbold & Dunston, to pay yor petr his disbursemt & to goe on wth the perfecting of his worke, namely ye amending ye rest of high wayes wch are not yet done, & alsoe to reparaire ye said bridge.

And your Petr shall pray etc.

Another petition asking for a highway assessment was presented by the inhabitants of Calow in the next year :—

To ye right worpll ye Justices of peace in Sessions Assembled.

The humble petition of ye Inhabitants of Calowe. Sheweth that within ye libertyes of Calowe there are many high wayes, mightly in decay by reson of ye many carriages of Coale, leade, & milne stones passing that way.

Itt is therefore prayed that all ye occuppers of lands within ye sayd hamlett, may bee equally Assessed for repayre of ye same.

At the Easter Sessions, 1656, one of the justices presented a

portion of the highway leading to Chesterfield for being out of repair in the following terms :—

“The presentment of John Spateman, Esq., one of ye Justices of peace of this County of Derby ye 15th day of Aprill, 1656, upon his owne veiw.

I present the Inhabitants of ye Parish of Chesterfeild for not repaying of ye highwayes leading betwixt Wingerworth and ye towne of Chesterfeild, and being within ye sayd Parish.

Jo. Spateman.”

At the Trans. Sessions, 1658, William Horobyn, who made various presentments in different hundreds, and who seems to have been a kind of County Surveyor, presented these two instances of faulty roads, and the Grand Jury found a true bill :—

“Wee present the Inhabitants of ye towne of Stapenhill and Inhabitants of ye towne of Winsell in ye county of Derby for not repaying A lane lying in ye parish of Barton called Ashby lane lying betwixt Stapenhill and Winsall being in decay, and ought by them to be repayed being used for all Carts and Carriadges.”

“Wee present the Inhabitants of the parish of Duffield in ye County aforesayd for not repaying Cowhouse lane being in ye sayd Parish and in great decay, and ought by them to bee repayed being used for all Carts and Carridges.”

The following batch of presentments of faulty roads was made at the Easter Sessions, 1665 :—

Wee present the Inhabitants of Mark Eaton for not repaying ye high way leading betwixt Quarndon & Derby called Quarndon lane on ye way over against Marton.

Wee present ye owners & occuppers of Darleigh for not repaying of Frihers Lane.

Wee present ye Inhabitants of ye parish of Headge for not repaying of ye high way leading betwixt Bull Bridge & Belper warde.

Wee present ye Inhabitants of ye parish of Pentridge for not repaying of ye high way betwixt Ripley & Codnor greene all which sayd wayes are fowle & unrepayed.

Wee present ye Inhabitants of ye parish of Northwingfeild for not repaying of ye high way upon Lockoe moore leading betwixt Bakewell & Mansfeild.

John Statham, jur.

[Endorsed by Grand Jury.]

Wee find this a true presentment.

As for the keepinge our Watch & Ward we believe it a great neglect throughout this County & desire that both High Constables & Pettie Constables do forthwith take especial care about it.

In 1682, the court was appealed to by the Melbourne overseer of the highways for the re-imbusement of a sum spent in repairing a

dangerous common well, which could not apparently be charged in the parochial highway accounts :—

Upon Information given to this Court by Mr. Heathcott on the behalf of Owen Mapples, Overseere of the Highwaies within Melborne and King's Newton That hee had expended Twenty five shillings and tenne pence, for the necessary repairs of a Coñon well situate in the Towne Street of Melborne, for the coñon Use of the Inhabitants, How the same being much out of reparaire and become dangerous to the King's Subjects that pass that way, The said Mr. Heathcott prayed that the present Constable of Melborne might forthwith reimburse the said Owen Mapples the said twenty five shillings and tenne pence, and also the charges of this mocion, It is ordered by this Court accordingly And that the Charges of the said mocion bee taxed by the Clerke of the peace and the said p'sent Constable to pay the same accordingly.

For Charges in attendinge the mocion upon which This Ord' is granted Six shillings eight pence, taxed by : J. Adderley Clk peace.

The following order was made at the Easter Sessions, 1696, with respect to the highway on Swinfen Moor, leading to Derby :—

Upon Information given to this Court That the Draynes and Water Courses upon Synfin Moore were grown up wth Sludge and Mire soe that the Water upon the said Moore could not have its free current and passage by reason whereof the King's Highway leadinge from Swerkeston to the town of Derby is much out of repair soe that his Matye's Subjects cannot safely pass in by and over the same, It is therefore ordered by this Court that each of the Eight Towns yt are comoners upon the said Moore doe forthwith pay Thirty Shillings a Town to Mr. Richd. Sayle and Mr. Richard Sheppard whoe are desired by this Court to see the said Money Laid out in the clensinge the said Draynes & Water Courses aforesaid.

In 1709, at the Trans. Sessions, a very stringent order was made insisting upon the overseers of the highways complying with a useful Act of the last reign, providing for the erection of guide posts or stones at suitable places for the instruction of travellers. Such a provision would indeed have been a boon to travellers over the wide moors and other desolate roadways of Derbyshire.

Whereas in and by an Act of Parliament made on the Eight and Ninth yeares of the reigne of the late King William the third Intytuled an Act for Enlarging Comon highwayes (amongst other things) it is therein Enacted for the better convenience of travelling in such part of this kingdome which are remote from townes and where severall high wayes Meet, that there shall be in every Parrish or place where two or more cross high wayes meet, erected or fixed, by the Surveyor of the high wayes of such place in the most convenient place where such wayes joyne, a Stone or Post, with an inscription thereon in large Letters, containinge the name of the next Markett Towne to which each of the said joyning high wayes Leads, who is to be reimbursed according as the said Act for the Repaire of the high wayes directs, and in case any Surveyor or Surveyors shall, by the space of three months after notice thereof neglect or refuse to cause such Stone or Post to be fixed, as is aforesaid, every such offender shall forfeit the Sume of ten Shillings to be Levyed by warrant under the hand and Seale of any Justice of Peace of the County where such Parrish or place shall be, by Distresse and Sale of ye offenders goods, rendring the overplus, which Sume is by the said Act to be Employed in and towards the Erecting or fixing such Stone or Post as aforesaid, and if any part remains, after such Stone or Post is Erected, the remainder to goe in amending the same Cross high wayes; and not otherwise, as in and by the said Act may appeare. And whereas

the said Act of Parliament hath not bene effectually put in Execution, by reason whereof the Queenes Subjects have not reaped the Comfitt thereof, but on ye contrary have bene put to many greate difficultyes and inconveniencies for want of such directions as the said Act describes for their convenience in travelling in such Cross high wayes. To the end therefore that the said Act may bee speedily and fully putt in Execution, and that her Majtyes Subjects may have the advantage thereof This Court doth order and it is ordered by this Court, that the Clarke of the Peace of this County doe forthwith cause this order and Precept to be Printed, and to bee distributed to all and every the Supervisor and Supervisors of ye high wayes of every Parrish & place in this County who are hereby required forthwith to observe the directions of the Act of Parliamt herein before recited, by causing a Stone or Post to be Erected or Fixed in ye most convenient place in every p'ish or place, where two or more Crosse high wayes meete or Joyne, with an Inscription thereon in large Lettrs containinge the name of ye next Markett towne to wch each of the same joyning high wayes leades, upon the paines and penaltyes prescribed in the said Act, and it is further ordered that the Clarke of the Peace be allowed to take twelve pence a peice for the Printing and dispersing of such order or Precept, which every Petty Constable in this County is obliged to take from ye high Constable of his Hundred and pay him for the same, and deliver them to the Supervisors of the high wayes aforesaid, as they are directed, the charge whereof each Supervisor of the high wayes is to repay the said Petty Constable, and place the same in their Publick accounts of the high wayes, Given in open Court the day and yeare above said.

There are several stone guide-posts, of the time of Queen Anne, still remaining in Derbyshire. A drawing of an interesting example of one of these was given as an initial letter on the first page of the eighth volume of the *Journal of the Derbyshire Archæological and Natural History Society*; it is situated at Hopton, about a mile from Wirksworth, opposite to the Sycamore Farm. On the south aspect is "DARBY 1705" in bold lettering, on the north Bakewell, on the east Wirksworth, and on the west Ashburn, the date being repeated on each face. The road from this spot to Bakewell is now only a disused, grassed-over lane; to Derby by lanes through Callow and Kirk Ireton; and to Wirksworth and Ashbourne by the regular turnpike roads. There used, until recently, and perhaps there still remain, to be some guide-stones of the actual year of the stringent order, 1709. We noted two bearing that date nearly twenty years ago; one on the moorland road, near Derwent, leading to Glossop, and the other at the turn off to Hartington from the Buxton and Ashbourne road.

An entry in the Orders for Easter, 1713, shows that a parochial assessment was not usually made, provided labour and team work were sufficient without it. We suppose the intervention of the court, in this instance, came about through Ashbourne declining to make a levy.

Whereas the inhabitants of Ashborne in this County have made it appear to this Court that they have already done their six days work apeice towards the repairing of their

Highwaies (pursuant to the act of Parliamt in that case made & provided) & it proveing insufficient to amend the same This Court doth order & it is hereby ordered that the sum of six pence in the pound be raised by Assesmt for & towards the repairing & amending thereof.

During the reigns of George I. and II., the court of Quarter Sessions employed one William Richardson to report to them on roads that had been indicted or presented. Various small slips of paper containing his reports in various parts of the county are extant, of which the following is an example :—

“Derby S S. This to Certifie That the Highway within Horseley Woodhouse in the sd County of Derby leading from that Vill to Smally Common in the sd County is amended and put into very good repair. Viewed by me this 14th day of September 1727.

Wm. Richardson.”

Among the Wolley MSS. of the British Museum is an interesting letter from Edmund Evans to Mrs. Turnor, dated Bonsall, July 10th, 1738, which gives a graphic idea of the private road enterprise in Derbyshire of those days. Mrs. Elizabeth Turnor was daughter and co-heiress of Mr. Henry Ferne, of Snitterton, Receiver-General of the Customs, who purchased much property in Bonsall and elsewhere towards the end of the seventeenth century. He died in 1723. His daughter Elizabeth, who inherited the Bonsall estate, married Edward Turnor, of Stoke Rockford, Lincolnshire. She was a widow for most of her life and very charitably disposed, endowing a school at Bonsall.

“We have lately been very busy in making a coach or waggon road from Bonsall to Crumford, from which place there is one already made to Mat Bath (wh was done at Mr. Pennell's expense, who built the Bath) & another from Crumford to Swanwick made mostly at Mr. Turnor's expense for the encouragement of his cole trade. So when ours is compleated it will make a through passage from Matlock Bath to Buxton & likewise neigh to the colepitts, to Nottingham or Derby, or where else they have occasion that way.

This rough piece of work is not done by any levey, but chiefly by the Miners, who have no wage, but all come to assist, some at the instance of one fd and some another who goes along with them & assists the overseer on their respective dayes: the gunpowder they blow away & the ale we allowed 'em is paid out of a Collection some of us have made amongst ourselves, only Mrs. Hallam (who keeps the Bath) hath sent a guinea & Mr. Moore of Wimper ten shillings.

I have not yet heard any of 'em mention any expectation they hd of anything from your Ladyship, neither do I think they will, yr Ladyships late bounties being (I hope) not so soon forgot. And yet (tho' I am under the greatest obligation to be silent) still I beg leave

to tell your L— that I think you ed never better bestow a guinea of 'em than now, which wd be enough, & (if pleased to order it) would please 'em more than a gter thing another way or from any other hand."

Address—"To Madam Turner at her  
House in Oldworke in the City of  
York  
by Doncaster post from Chesterfield." \*

The diversion and stopping of highways forms an important class of documents, of which there are a large number pertaining to Derbyshire, that have been carefully arranged and calendared by Colonel Colvile. By the common law, an ancient highway could not be changed without the king's license, which had first to be obtained through a jury of the district under a writ of *Ad quod damnum*.

A statute, however, which was passed in 1773, provided a more commodious and easier method, though far more arbitrary and often unfortunate in its results, by placing the power, under certain conditions, in the hands of the justices.† Such power has been continued to the sessions, under various amending Acts, up to the present time. Derbyshire is fortunate in possessing specimens of these various modes of procedure. The papers and plans that accompany them have been collected from the several Sessional Rolls through which they were distributed, and are now arranged from 1773 to 1873 in portfolios for ready reference, with a good index. The number of calendared divisions of highways within this period is two hundred and thirty-five. Besides the great value for the special purpose for which these papers and plans were originally enrolled, these documents, in most cases, show the ownership of the lands through which the diverted highways were to pass.

The statute above-named became law on October 11th, 1773. The last case of procedure under the old form in Derbyshire was on September 13th of that year, when an inquest was held by the Sheriff at the Ship Inn, Full Street, Derby, in obedience to a writ of *Ad quod damnum*, issued out of Chancery, to enquire if any damage would arise to the king or others, if the king should grant to Anna Maria Rivett, John Bateman, Thomas Macklin, and Thomas Borrows, license to enclose a common footway leading from Cock Pit Hill in the borough of Derby, over a close called Long Close, alias Cock Pit Hill close, alias Cow Castle close, and a close called Newton Leys, and the end of close belonging to Thomas Borrows, of Castle Fields,

\* Add. MSS. 6692, f. 180.

† 13 George III., c. 78.

to the turnpike road leading from Derby to Osmaston, and containing in length 450 yards. The jury found that no damage as aforesaid would arise.

The old distinction between a highway and a turnpike is sometimes lost sight of; the highway was a common right, implied common obligations, and was supported by common contributions; the turnpike was a public convenience in which a special right existed, carried out by private enterprise, but accompanied by a special obligation of repair, and supported by special contributions taken in the shape of toll. Tollbars or turnpikes are said to have originated in England in 1297, on the grant of a penny for every waggon passing through a particular manor; and the first regular toll was collected a few years later for mending the road in London between St. Giles and Temple Bar. Toll gates were set up in various parts of England in 1663; but it was not until the statute of 1773, which was the first general Turnpike Act, that these roads came under sessional control.

The first Turnpike Act that had reference to Derbyshire, says Glover in his history of the county, was for repairing and improving the road from the bridge over the Trent at Shardlow, through Derby, to Brassington. The reason given for this first Derbyshire turnpike road ending at so small and obscure a place as Brassington, was that the traveller towards the north, having, by means of this improved road; been helped over the low and deep lands of the county, might proceed over the rocky districts to Buxton, Tideswell, Castleton, or the districts beyond, without further assistance.

Colonel Colville arranged and drew up a calendar of the Turnpike Trust Accounts that were filed with the clerk of the peace pursuant to 1 George IV., c. 95. From these accounts, which give the date of the Act of origin of each trust, it appears that there have been fifty-five such trusts in the county that sent in their annual accounts between 1822 and 1869. The oldest of these, Chesterfield and Worksop, dates from 1739; Burton-upon-Trent and Derby, and Ashby-de-la-Zouch and Tutbury, from 1753; Derby and Duffield, through Chesterfield to Sheffield, called "the Duffield Road," from 1756; and no less than nine trusts from the year 1759, namely Mansfield and Chesterfield, Nottingham and Newhaven (three separate districts), Oakerthorpe and Ashbourne, Chesterfield and Matlock, Nottingham and Derby (two separate districts), and Derby and Uttoxeter. The last Turnpike Trust in Derbyshire, created by Act of Parliament, was for the Greenhill Moor and Eckington road in 1840.



The plans of a variety of Turnpike Roads of Derbyshire, beginning in 1807, as well as of others that were projected but not carried out, are in the county record room, and have been calendared.

We have met with only one reference to the old bridle roads for the pack horses, among the Derbyshire papers. At the Epiph. Sessions, 1790, various indictments were preferred against the responsible persons for not repairing certain parts of "a certain common and ancient Pack and Prime Way."

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### Canals and Railways.

The county records also include a variety of papers and plans relative to Canals and Railways, which are all now arranged and indexed.

The first navigable canal, constructed in any part of Derbyshire, was the one that connected the river Trent, near Wilden ferry, with the river Mersey, near Runcorn gap. It was surveyed by James Brindley in 1758, the Act obtained and the works begun in 1766, and completed in May, 1777. The second was the Chesterfield canal, connecting that town with the Trent; it was surveyed by Brindley in 1769, the Act obtained in 1770, and the works completed in 1776.

The earliest canal plans deposited with the clerk of the peace, namely those of last century, are—(1) 1791, Intended canal from Grand Trunk near Derwent river to near Lenton and the Trent river, and from Shardlow to Derby; (2) 1792, Newall and Swadlincote canal; (3) 1792, Derby canal to Swarkeston; (4) 1792, Towing path from St. Mary's bridge to Darley Mill; (5) 1792, intended canal from Sheffield, by Brinsworth to Eckington; (6) 1792, intended canal from the canal near Martin bridge to Ashby-de-la-Zouch, Tickenhall, Stanton Harold, and to or near Swadlincote and Church Gresley; (7) 1793, Nutbrook canal near Kirk Hallam and Ilkeston; (8) 1793, Trent Navigation, from Cavendish bridge to Newark; (9) 1793, Peak Forest canal; and (10) 1794, intended commercial canal from Ashby-de-la-Zouch, including the Trent, to the division of the counties of Derby and Stafford.

With regard to RAILWAYS, the earliest use of flanced iron rails above-ground (for they had previously been used under-ground in several pits) is said to have been at the Wingerworth pits, by Joseph

Butler, about the year 1788. The Peak Forest canal (the Act for which was obtained in 1794, but it was not completed till 1800) included six miles of railway. The earliest railway plan deposited with the clerk of the peace is of the year 1799, and is of an intended railway from Loads Knowl quarries to Buxton and Sparrow pit. The following are the other railway plans among the county records up to the original formation of the Midland Railway Company :—

1801. Railway from Cromford canal at Bull bridge to Belper bridge.

1809. Intended railway from Newall and Swadlincote to Burton-on-Trent.

1813. Railway from Mansfield to Pinxton.

1815. Railway from Loads Knowl to near Beard and near Bank End to Disley.

1815. Railway from Peak Forest to near Grenber Bar in Hope Woodlands.

1816. Railway from Brierley Wood to Chesterfield canal at Wheeldon's Mill.

1824. Railway from canal at Cromford to High Peak canal at Whaley.

1829. Proposed Stockport junction railway to connect Liverpool and Manchester with the Cromford and High Peak railway.

1830. Railway from Cromford to Leicester and Branch to the Mansfield and Pinxton Railway.

1830. Railway from Victory Lime Kiln, Tideswell, to Bing's farm, Chapel-en-le-Frith.

1830. Intended railway from Manchester to Sheffield (Locomotive).

1832. Intended railway from Pinxton to Leicester.

1833. Intended railway from Pinxton to Whitstone, to be called the Midland Counties' Railway. This was the outcome of a meeting of coal masters at the Sun Inn, Eastwood, on August 16th, 1832, which was the birthday of the Midland Railway Company.

1834. Proposed Midland railway with branches thereof.

1835. Proposed North Midland Counties' railway.

### Rates of Carriage.

By an Act passed in the 3rd year of William and Mary, entitled "An Act for the better amending the Highways and for settling the Rates of Carriage of Goods," which was amended in 21st year of George II., the justices were required, at the Easter Quarter Sessions, to yearly assess the rate and price of all land carriage of goods whatsoever that was brought into or carried from their respective jurisdictions, by any common waggoner or carrier. The rates so made were to be certified to all Mayors and chief officers of all market towns. Any carrier charging in excess of the rate, was liable to a penalty of £5, payable to the party aggrieved.

In 1717, the justices fixed the rates for the common carriers, from Lady-Day to Michaelmas, at 6s. per cwt. between London and Derby, or Ashbourne, and from Michaelmas to Lady-Day at 7s. 6d. per cwt. Between London and Bakewell, the charge, according to the season, was 6s. 2d. and 7s. 8d. per cwt.; and between London and Chesterfield, 6s. 3d. and 7s. 9d. The rate for distances between other places on the same or other routes was to be proportionably calculated.

The distance from Derby to London is 126 miles, so that the charge per cwt. was at the rate of about a halfpenny a mile in the summer, and three farthings in the winter.

In 1721, the court ordered that tables of the rates of carriage were to be hung up by the chief officers of every market town in the county for the information of the public. The rates were the same as in 1717.

At the Easter Sessions, 1754, the following enlarged and somewhat altered table was passed:—

				Lady-Day to Michaelmas.	Michaelmas to Lady-Day.
				s. d.	s. d.
London to Derby	...	...	...	6 0	7 6
„ Ashbourne	...	...	...	6 0	7 6
„ Bakewell	...	...	...	6 6	8 0
„ Chesterfield	...	...	...	6 6	8 0
„ Wirksworth	...	...	...	6 6	7 0
„ Tideswell	...	...	...	7 0	8 0
„ Chapel-en-le-Frith	...	...	...	7 6	8 6
„ Buxton	...	...	...	7 6	8 6

In 1773, when Anthony Lax Maynard became clerk of the peace, the county had a large number of printed sheets of the rates of carriage struck off, with blank spaces at the top for inserting the day, month, and regnal year of George III., when the rate was annually voted. The rates remained the same as in 1754, save that the table was enlarged by stating that the rate from Derby to Northampton was 3s., and to Leicester 1s. 6d., these charges remaining the same throughout the year. The last of these printed sheets, for which the date has been filled up, is for the year 1812.

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### Rates of Wages.

The miserable greed of Henry VIII. and his courtiers was not satisfied with the monastic spoils, but was followed by the still less excusable confiscation of the chantry and guild lands, an act projected by Henry, and ruthlessly carried out by the guardians of his son. "The guild lands were really the benefit societies of the middle ages, *i.e.*, were the principal means by which the sick and destitute were maintained. On the ground that they were given for superstitious uses, they were confiscated, and employed to assist in enriching the adventurers who were about the young king's throne. Upon these impoverished and disinherited peasants, and upon these artisans, who had not, like the old London companies, contrived to get an exemption from the statute, was induced the Act of 5 Elizabeth, c. 4, under which the magistrates in quarter sessions were empowered to fix the rate of wages for husbandmen and artificers, were directed to enforce their assessment by fine and imprisonment, and to compel under a severe pecuniary penalty all artisans to pass through a period of apprenticeship." \*

This odious Act of 1562, the results of which were so momentous, and delivered English labour, tied and bound, into the hands of the most interested capitalists for nearly three centuries, demands a brief explanation of its principal clauses. It repealed the whole of the labour statutes, of which thirty-four had been passed since the time of Edward III. ; it obliged, for the most part, hiring by the year ;

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\* Professor Thorold Rogers' *History of Agriculture and Prices*, vol. v., p. 611. "It is perfectly certain," says the Professor, "that this Act effected the degradation of the English peasant . . . it was the most powerful instrument ever devised for degrading and impoverishing the English labourer."

it compelled all persons between the ages of fifteen and sixty, not otherwise employed or apprenticed, to serve in husbandry; it provided that masters wrongly dismissing servants should be liable to 40s., but servants unlawfully quitting, to imprisonment; it forbade servants to leave any parish without a testimonial, under pain of imprisonment. The hours of work and the rate of wages being fixed by the justices, any labourer defaulting in either was liable to a month's imprisonment and £5 fine, and any employer giving higher wages, ten days' imprisonment and £5 fine. By this Act single women between twelve and forty were compellable to work by the year, week, or day; artificers were obliged to work in harvest, or be put in the stocks; and a workman assaulting a master was to be imprisoned for not less than a year.

It enacted that the justices at each Easter Sessions should fix the rates of wages of labourers and artificers for each county, and send the same to the Lord Chancellor, who, after royal approval, was to return ten or more copies of the same, to be entered on the record of the clerk of the peace, and proclamation made before Michaelmas. A penalty of £10 was put on every justice absent from this rating Session.

By the 39th Elizabeth, c. 12, the Act was extended to weavers, the necessity of certifying the rates in Chancery was abrogated, the rates were to be proclaimed by the sheriff, and provision was taken for preserving the wage assessment by the *Custos Rotulorum*. The Act was continued by 43 Elizabeth, c. 9, and by 1 James I., c. 6. It remained in force with but little modification up to 1825, when the repeal of the Statute wage fixing was at last effected, chiefly through the determination of Mr. Joseph Hume.

This Act is the origin of the Statutes or annual Hiring Fairs, still held in many agricultural parts, to the great detriment of those concerned.

Although the Act strictly provides for the preservation of these wage assessments, very few of the older ones have come down to our time, and hardly any have been printed *in extenso*.\* Two of the first

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\* Professor Thorold Rogers says:—"Only a few of these Quarter Sessions Assessments survive, though I have searched for them in all directions. It is said they were issued yearly, and in all counties, which probably meant that the same assessment was constantly republished."

Eden's *History of the Poor* quotes from eight; Rogers was only able to add three; Hamilton quotes from four others; and now Derbyshire brings the total up to seventeen. They are thus divided among the shires:—Bucks., 1; Chester, 2; Derby, 2; Devon, 3; Essex, 2; Gloucester, 2; Lancaster, 1; Rutland, 1; Suffolk, 1; Warwick, 1; and York, E. R., 1.

half of the seventeenth century have been found among the Derbyshire records. These two documents are now reproduced in full, as they are of great value for historical and economical purposes.

Derb. ss. [Easter, 1634]

The severall Rates and Taxacons for servants wages Laborers and Artificers Handicrafts men or any other laborer or App'ntice or other Workeman mayde and sett forth by his Maties Justices of the Peace for the County of Derby att the gen'all Quarter Sessions of the peace holden att Derby for the said Countie the fifteenth day of Aprill in the Tenth yeare of the Raigne of our sovraigne Lord Charles by the grace of God of England, Scotland france and Ireland Kinge Defendor of the ffaith, &c. Annoq; Dom̄ 1634, according to the forme of the Statute made in the fift yeare of the Raigne of our late Sov'aigne Lady Queene Elizabeth, intituled an Acte concerning divers orders for servants of husbandry laborers artificers and app'ntices, and according to the act of the Parliament of the said Statute mayde in the nyne and Thirteth yeare of the Raigne of our late Sov'aigne Lady Queene Elizabeth which Rates are to remayne in the Custodie of the Custos Rotuloꝝ of the said Countie &c. Anno Dom. 1634.

	Livery.	Wages.
A Bayliffe of husbandry taking to have liverie therefore ..	xs.	vijs. iiijd.
The best hinde servant a liϕie or therefore .. .. .	vjs. viijd.	xls.
The comon hinde servant a liϕie or therefore .. .. .	vjs. viijd.	xxxiijs. iiijd.
Boyes under the age of Twentie yeares and above the age of Twelve yeares old untill hee bee of xvij yeares old eϕie quarter of the yeare to have xijd., and from xvij yeares of age untill (he) bee xxij yeares old eϕie yeare .. .. .	o	xs.
A woman being scilfull in ordering a house a liϕie or therefore	xs.	xxxs.
A woman being a malster or good deary woman a liϕie or therefore .. .. .	vjs. viijd.	xxs.
A woman servant above twelve yeares old & under twenty a liverie or therefore .. .. .	vs.	xxs.
The best Shephard a liϕie or therefore .. .. .	vjs. viijd.	xls.
A Shephard boy, a liϕie or therefore .. .. .	vs.	xxs.
A Milner a liϕie or therefore .. .. .	xs.	ls.
A mower in harvest for his dayes wages with meate & drinke vjd. & finding himselfe		xijd.
A man reaper for his dayes wages with meate & drinke iiijd. & finding himselfe..		viijd.
A woman reaper or a woman following a mower for dayes wages with meate & drinke & finding herselfe .. .. .		vjd.
A woman hey maker for dayes wages with meate & drinke ijd. & finding herselfe		vjd.
A mower of Barley oates & dredge by ye acre viijd. & for pease beanes & other Codcorne by ye acre .. .. .		xd.
A Thersher of wheate ry or blend corne for ye quarter xijd. for barly dredge & oates .. .. .		viijd.
For pease beanes & other Cod corne for ye quarter .. .. .		viijd.
A Mower of Grasse by ye acre .. .. .		xd.

Memorand to accompte the Acre according to ye Treatise de Terr meſurand.

Laborers by ye day worke &c. 1634.

The laborers for the day worke with meate & drinke frō Michelmas till o' Lady day in Lent ijd. finding himselfe vjd. and frō o' Lady day in Lent till Michaelmas with meate & drinke iiijd. & finding himselfe .. .. .	viijd.
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A hedger ditcher plasher* or Quicksetter frō or Lady day till Michelmas for his wages with meate & drinke iij <i>d.</i> & finding himselfe viij <i>d.</i> and frō Michelmas till or Lady day with meate & drinke iij <i>d.</i> & finding himselfe .. .. .	viij <i>d.</i>
A hedger or plasher by the pole or measure of xxiiij foote long xij inches to ye pole for e <i>v</i> ie pole .. .. .	ij <i>d.</i>
for a meane hedge of the same measure .. .. .	ij <i>d.</i>
for a new ditch being five foote broad & foure foote depe for e <i>v</i> ie pole .. .. .	vd.
for scowring an old ditch neare the depth aforesaid for e <i>v</i> ie pole .. .. .	iiij <i>d.</i>
And for Quicksetting ditching and hedging of a pole length .. .. .	vj <i>d.</i>

Artificers & other workemen for a day worke ffrom or Lady day in Lent untill Michaelmas &c. 1634.

A Master Carpenter free mason plumer glasier or Joyner having ij or iij workemen under them by ye day vj <i>d.</i> and finding himselfe .. .. .	xij <i>d.</i>
Bricklayers Tylers Slaters free masons & plasterers for their dayes wages with meate & drinke vj <i>d.</i> and finding themselves .. .. .	xij <i>d.</i>
Any of the said Artificers their Apprentices or servants being xviiij yeares of age or above and an apt workeman for their dayes wages vd. and finding himselfe	xd.
All manner of plowing wheelwrights Milnewrights & such other wrights and cowpers for their dayes wages vd. and finding themselves .. .. .	xd.
And there apprentice or servants being apt workemen being xviiij yeares old or above by ye day iiij <i>d.</i> or finding themselves .. .. .	viiij <i>d.</i>
Sawyers Charcole maker & Collyer to have by ye day vd. and finding himselfe ..	xd.
A Sawyer by ye great for sawing one c of Boards reckoning six score to the hundred and every foote xxij inches broad and xij inches long .. .. .	ijs.
And from Michaelmas till our Lady day in lent every of the said artificers or workemen which had in Summer time meate and drinke and vd. a day to have in winter meate drinke and iiij <i>d.</i> a day and without meate and drinke .. ..	xd.
And they that had from the sayd Lady day untill Michaelmas meate and drinke and vj <i>d.</i> a day to have from Michaelmas untill the said Lady day with meate and drinke vd. and finding himselfe .. .. .	xd.
And such as have ij <i>d.</i> a day from our Lady day till Michaelmas the same to have from Michaelmas till our lady day and finding himselfe .. .. .	vj <i>d.</i>
Hedgers and hatcher† in every season of the yeare to have by the day with meate and drinke vd. and finding themselves .. .. .	xd.

P. Chesterfield  
 Hen : Legh  
 Ri. Harpur  
 F. Forshawe  
 Fra : Coke

Derby ss. [Easter, 1648]

The sev'all Rates and taxacons for wages of Servants labourers Artificers Husbandmen handicrafts men or any other labourer or Apprentice or other workeman made and sett forth by His Majesties Justices of the Peace for the County of Derby at the generall Quarter Sessiones of the Peace houlden att Derby at Easter Sessions in ye ffoure & Twentiyth yeare of the Raygne of our Sovereigne Lord Charles by the grace of God, of England Scotland

\* To *plash* is to lower and narrow a broad-spread hedge by partially cutting off the branches, and entwining them with those left upright.—*Halliwel*.

† A *hatcher* was one who made dams or earthworks, and renewed or repaired the baulks in the common fields.

france & Ireland Kinge defendor of the fayth &c. Anno 3 Dni 1648. According to the forme of the Statute made in the fifth yeare of the Raigne of our late Queene Elizabeth Intituled an Act concerning di<sup>vs</sup> orders for Servants of Husbandry Labourers Artificers & Apprentices and according to ye Act of the proclamation of the sayd Statute made in the Nyne & Thirtyth yeare of the Raigne of the late Queene Elizabeth wch rates are to remayne in the Custody of ye Custos Rotuloꝝ of the sayd County.

A Bayliff of Husbandry takeing charge to have a livery or therefore .. .. .	xxs.	ixs. viij <sup>d</sup> .
The best hinde servant a livery or therefore .. .. .	xiiijs. xd.	.. vj <sup>d</sup> .
The Comon hinde servant or man servant a livery or therefore	xxvjs. viij <sup>d</sup> .	xls.
Boyes under the age of twenty yeares and above the age of Twelve yeares a livery or therefore .. .. .	xs.	xxvijs. viij <sup>d</sup> .
An apprentice at husbandry to have common foode sustenance and apparell and from ye age of Tenne yeares ould untill he is xvij yeares ould & from eightene yeares ould untill he be Twenty two yeares ould e <sup>vy</sup> yeare .. .. .		xiijs. iiij <sup>d</sup> .
A woman being skilfull in ordering a house a livery or therefore	xvs.	xls.
A woman being a Malster or good Dayry woman a livery or therefore .. .. .	xiiijs. viij <sup>d</sup> .	xxxjs.
Women servantes above twelve yeares and under twenty a livery or therefore .. .. .	xiijs. iiij <sup>d</sup> .	xxvjs. viij <sup>d</sup> .
The best shepheard a livery or therefore .. .. .	xvs.	.....
A milner a livery or therefore .. .. .	xvs.	.....
A Mower in harvest for his dayes wages with meate and drink xij <sup>d</sup> . and finding himself .. .. .		.....
A man reaper for his dayes wages with meate and drinke iiij <sup>d</sup> . and findeing himselfe .. .. .		.....
A woman reaper or a woman following a Mower for dayes wages with meate and drinke ij <sup>d</sup> . finding herselfe .. .. .		vij <sup>d</sup> .
A woman Haymaker for her dayes wages with meate and drinke ij <sup>d</sup> . and finding herselfe .. .. .		ix <sup>d</sup> .
A mower of barley oates and dredge by the acre xd. and for beanes pease and other corne by the acre .. .. .		xiiij <sup>d</sup> .
A Thresher of Wheate Rye or Blende Corne for the quarter xvjd. for barley dredge or oates .. .. .		xviij <sup>d</sup> .
For pease beanes and other blende Corne for the quarter .. .. .		xvj <sup>d</sup> .
A Mower of grasse by the Acre .. .. .		xvj <sup>d</sup> .

Memorandum to account according to the acre to the treatyes de ter<sup>r</sup> mensurand

Labourers by the day worke &c.

The labourer for the day worke wth meate & drinke from Michaelmas untill our Lady day in Lent iiij <sup>d</sup> . and finding himselfe .. .. .	xjd.
And from our Lady day in Lent untill Michaelmas with meate and drinke ij <sup>d</sup> . and finding himselfe .. .. .	xd.
A hedger pleacher dicher or quicksettor from our Lady day untill Michaelmas for his wages wth meat & drinke iiiij <sup>d</sup> . & finding himselfe .. .. .	xvj <sup>d</sup> .
A pleacher or hedger by the Pole or Measure of 24 foote longe being xij inches to the foote of every pole .. .. .	ij <sup>d</sup> .



ffor a meane hedge of the same measure . . . . .	iiij <i>d.</i>
ffor a new ditch being five foote broad & foure foote deepe for every pole . .	viiij <i>d.</i>
ffor scouringe an aulde ditch neare the depth aforesd for every pole . . . .	vd.
And for ditcheinge quicksetting & hedgeing 1 pole length . . . . .	viiij <i>d.</i>

Artificers & other workemen for a dayes worke from Lady day in Lent  
until Michaelmas &c

A Master Carpenter Free Mason Plumor Glasier or Joiner haveing 2 or 3 workemen under them by the day xv <i>d.</i> ( <i>sic.</i> ? viij <i>d.</i> ) or finding himself . .	xv <i>d.</i>
Bricklayers Tylers Slaters Freemasons & Plasterers for their dayes wages with meate & drinke viij <i>d.</i> finding themselves . . . . .	xv <i>d.</i>
Any of the sayd Artificers their apprentices or servants being xviiij yeares of age or above being apte & for his dayes wages v <i>d.</i> & finding himselfe . .	xv <i>d.</i>
All manner of ploweinge whelewright Millne wrights & such other wrights & Cowpers for their dayes wages viij <i>d.</i> & finding themselves . . . .	xiiiij <i>d.</i>
And their apprentice or servants beinge apte workemen & of the age of xviiij yeares or above by the day v <i>d.</i> and finding themselves . . . . .	xj <i>d.</i>
Sawyer Charcole maker & Collyer to have by the day viij <i>d.</i> & finding them- selves . . . . .	xv <i>d.</i>
A Sawyer for the great for saweing one hundred of boardes reckoning 120 foote to the hundred and every foote 12 inches broad and 12 inches long . .	iiijs.
And from Michaelmas day untill our Lady day in Lent every of the sayd artificers or workemen had in Summer time meate & drinke v <i>d.</i> a day to have in winter meate and drinke & vd. a day without meate and drinke . .	xviij <i>d.</i>
And they that had from the sayd Lady day untill Michaelmas meate & drinke & v <i>d.</i> a day to have from Michaelmas until the sayd lady day with meate and drinke viij <i>d.</i> and finding himselfe . . . . .	xv <i>d.</i>
And such as have iiiij <i>d.</i> a day from our Lady day till Michaelmas to have from Michaelmas till our Lady day iiiij <i>d.</i> and finding himselfe . . . .	ix <i>d.</i>
Hedgers & Thatchers in every season of the yeare to have by ye day with meate and drinke viij <i>d.</i> and finding himselfe . . . . .	xv <i>d.</i>

Geo. Dewsbury  
Johys Stanhope  
Edw: Coke.

With regard to these tables, and their contrasts, it may be remarked that the day's wage of the Derbyshire labourer, and of the artisans in proportion, for 1634, are lower than any hitherto known assessment or statement, even from the beginning of Elizabeth's reign. Nor was the price of corn at all abnormally low for that year, the average of wheat being 41s. 8d. During the ten years of the Commonwealth, as has been already ascertained, the justices were far fairer in their statute wages than at any other period; the Derbyshire table of 1648, just at the dawn of this term, fully bears out the statements and inferences of others upon this subject. Corn was undoubtedly higher in price in 1648 than in 1634, but not in proportion to the very considerable rise in wages.

## Civil Disputes.

The records of Quarter Sessions show that a variety of petty personal litigation, that now usually comes before County Courts,\* as organised in modern times, used to be submitted to the judgment of the justices in session. Other cases were not infrequent, otherwise than apprentice disputes, which would now come before petty sessions under Master and Servant Acts.

Of these, we proceed to refer to a few of the more striking cases of the seventeenth century.

In 1648, the following petition reached the court:—

To the Right Honble the Justices, etc.

The humble petition of John Tompson thelder of Midleton Butcher

Sheweth That your petitioner heretofore being bound as a surety with Thomas Godbehere & Richard Amot of Cromford for one yeares Rent being Eight pounds for ye Tyth of Cromford unto Mrs Cockaine or her sone Mr Asten Cockaine, your petitioner & his wyfe repayed to the sd Mr. Cockaine who acknowledged there was three pounds thereof paid & endorsed upon the back syde of ye bond & promised for £5 more within a short tyme after he would deliver up the same bond, whereupon your pet. acquainted ye sd Godbehere therewith who promised that he would pay the same & save your pet. harmlesse & did goe to the sd Mr Cockaine & pay him some money, And your pet. & his sd wife about midsummer last repaired againe to the sd Mr Cockaine to Pooley to knowe whether the sd Godbehere had satisfied him who then tould your pet. that Godbehere had agreed with him for one halfe & that your pet. must pay £4 to Mr German Buxton & then he should have the said bond delivered up to him with £4, your pet. agreed to pay.

About Michaelmas last & thereupon the sd Mr Cockaine writ a note under his hand & seale to deliver the sd bond unto your pet. upon his payment of £4, That accordingly presently after Michaelmas last your pet. sent the sd £4 to ye sd Mr G. Buxton by his wyfe who promised to deliver up the sd Bond upon ye Receipt thereof, but after your pet. wyfe had paid him the £4 he refused to deliver up the sd bond.

That upon the 24 of Aprill inst. your pet. wyfe repaireinge againe to Mr Buxton to desire the sd bond he tould her that her husband & she had articed against him & that hee wd not deliver up the bond without 4 nobles more of charges, Although your pet. was never arreasted thereupon & both keepeth the bond & the sd Mr Cockaine's note under his hand & seale & your pet. money.

Wherefore your pet. being a very poore man & a surety onely haveinge never had any benefit for the sd £4, humbly prayeth this Honble Bench to examine the trueth of the premises & to order the said Mr Buxton to deliver up the sd bond according to ye sd Mr Cockaine's note & the sd agreement,

And your pet. will ever pray etc.†

\* The County Court Act of 1648 abolished the old Courts of Requests, through which the greater part of small debts used to be recovered; there are a few Derbyshire papers pertaining to these Courts of Requests, but they are only of this century, and are of no special interest.

† As to the Cromford tithes and the Cokaynes, see *Churches of Derbyshire*, Vol. ii., pp. 541-2.

Richard Bagshawe, of Staveley, petitioned the court in 1649, inasmuch as he had provided "a towne boye with convenient lodginge" for 3d. a week, by agreement with the overseers, the arrears of which, 26s., he was not able to obtain, though he was a poor man and had a great charge of children of his own. The court ordered the overseers at once to pay or to be bound over.

In the same year John Roby, who had served for a year with Robert Rowland, of Chaddesden, and who could not obtain his wages, made his petition to the court, who ordered that the case should be taken before the next (nearest) justice, who was to examine and report.

In 1651, William Jackson, of Shottle, makes a somewhat similar charge against Mr. German Buxton, of detaining a bond, to that made in 1648. The judgment of the court is not recorded.

In 1679, the court received a petition from Sara Allsabroke, widow, who alleged that her late husband had been under the Duke of Newcastle, "and lived in very good fashion and repute," but becoming much indebted, had absconded; that she, not being capable of managing the farm, agreed with John Harrison that he should enter upon the farm and pay the rent, allowing her "sowinge for 2 coves, a croft to gett hay in for the coves in winter, house roome for 2 coves in winter, room for to lay her hay in, and a small cottage for herselfe and little children rent free," together with option of resuming the farm should she require it; that this bargain was for some years honestly carried out, but that now, under some false pretence, Harrison refused to allow her anything or re-entry, and that her five small children were ready to starve. The widow, therefore, petitioned the court "to grant an order that Harryson may performe his agreement."

At the Trans. Session, 1684, Robert Key, who owed some money to Francis Staley, asked the help of the court against Henry Gregory for an illegal distraint, inasmuch as "he came to my house and distrained of my goods I beinge absent, put my wife being with child in a fright and abused her contrary to ye law, detained my goods, carried them to a neighbour's house, and ye sd Francis Staly wold not have my goods but send to mee to acquaint mee It was down without his consent and wold have mee to have my goods." The court granted an indictment against the bailiff.

In 1669, Richard Harvey, of Alfreton, petitioned against the raising of the rent of his land by Mr. Turner, in whose "cole pitts" he had

been working. He alleged that the agreement was that the rent of the land was not to be altered nor raised during his lifetime, and that for his work he should get five shillings a week; but that when he came to reckon up his wage, he found he was only getting two shillings and sixpence a week, whereupon he declined to work, and Mr. Turner, in revenge, raised his rent, and prevented him taking his goods off the ground. The court ordered that Mr. Turner should appear before the next justice and show cause why he should not pay the stipulated wage.

In 1700, Mary Cooper, of Holmesfield, single woman, was brought before the Sessions for breaking her hiring. She was hired by Henry Wells, of Barlow, for a year at 20s. wages, and when she had served her year all but seven days, her master commanded her "to goe to the harrow;" this she refused to do, and was discharged without any payment. The court ordered Wells to pay her wages, less the seven days.

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### **Drovers, Badgers, Swailers, and Hucksters.**

Traders on the move, that is hawkers, pedlars, and all itinerant dealers, have from an early period been subject to special taxation or license, not so much from the idea of any profit to be gained thereby to the revenue, as in the interest of the local shopkeeper, burdened with local rates and house tax, and as a means of putting a check upon a vagrant class, always looked upon with some suspicion. Licenses were required for all such dealers by an Act of 1552, which were granted by two justices of the peace. But this Act was soon repealed to make way for a more elaborate licensing measure, which included also cattle drovers, and which required that lists of drovers and all itinerant dealers should be registered with the clerk of the peace.\*

A "Badger" was the petty retailer of corn, or more usually of corn turned into meal, and occasionally of other victuals, who was licensed to buy corn in one place and sell it in another, without incurring the penalty of engrossing.

The word came from "baga," a bag or purse, from the bag or bags that he carried with him, and is akin to our present word baggage; it was sometimes spelt "bagger."

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\* 5 Elizabeth, c. 12.

A "Swailer" or "Swaler" was the one who stood in different markets with his wares, and who occasionally sold on his journeys. He often carried his goods on a pack-horse. The swailer generally dealt in one or more special articles named on his license. In the list of 1693 traders of Wirksworth, given under "Clerk of the Market," swailers of cloth, of tobacco, and of salt are specified. The terms badger and swailer still both linger in some parts of Derbyshire.

A "Huckster" is a better-known word, and implies a dealer or retailer of small articles, nuts, etc. Primarily the term meant a pedlar, or one who carried his goods on his back, for it is derived from "hocken," to take on one's back.

At the Easter Sessions, 1713, the following order was made to enforce the jobbing traders taking out licenses :—

Whereas complaint hath been made to her Ma'ties Justices of the peace at this Generall Quarter Sessions that severall persons as well resideing in this County as others frequenting & the Markitte within the same do buy & sell Cattle Oat Meal Groats fflower corn Grain Butter Cheese & other sorte of dead victualls as Jobbers drovers Badgers Swailers & Higlers without being lycenced so to do according as if directed by severall acts of parliament for that purpose made and provided to the great p'judice of the Markette & oppression of the poor within this County and to the end that such persons may not be p'judiced for want of knowledge of their duty in that respect It is therefore by this Court ordered that all persons in w'soever resideing within this County & all others who shall buy & sell any cattle or Oat Meal Groats fflower corn Grain Butter cheese or any other sorte of dead victualls as Jobbers drovers Badgers Swailers Higlers or such like within the same shall before they so buy & sell take Lycences & enter into Recognizances to quallifye them Selves for those purposes as the said acts of parliament or any of them have provided & directed as the person or persons offending agt such acts will answer the contrary & upon paines under the penalties in the said Acts mentioned.

The High Constables were instructed to see that the petty constables returned the names of all drovers, badgers, and swailers within their liberties. At the Trans. Sessions, 1714, presentments on this subject were made by all the constables. We give two instances of the form that these presentments took.

July ye 13, 1714.

A True & perfect List of ye names of all Drovers, Badgers, & Swalers within ye Liberty of Shottle & Posterne.

I present	William Statham	} Drovers
	William Aulton	
	William Jackson	
}	Richard Poysor	} Badgers
	Joseph Smedley	
	Esabela Bramley	
	Joseph Statham	

by me Thomas Spendlove Const.

July ye 13, 1714

A True & perfect list of ye names of all Drovers, Badgers, & Swalers in the liberty of Hulland.

I present     George Wall  
                   John Smith     } Swalers.  
                   Thomas Slator

by me William Webster Const.

A like general return by all the constables was ordered in 1769, and at certain other dates.

In 1740, the court of Quarter Sessions ordered that henceforth no licenses should be granted to badgers, swailers, or drovers, save in open court.

From 1746 down to 1770, the registers of the names of all who were thus licensed at the different sessions are extant, contained in four folio paper-covered volumes. The applicant for the license had to enter into a bond with the clerk of the peace, usually for £20, and to find a surety, the fee for which was two shillings. From 1750, the name of the surety as well as the licensee was entered. The following is an example of a swailer's bond :—

Derbyshire to wit. At the General Quarter Sessions of the Peace held at Derby in & for the said County on Tuesday the Thirty first day of March 1761

James Wingfield of Wirksworth in ye County of Derby Swailer in .. .. . £20  
 George Godbehere of Wirksworth aforesaid miner .. .. . £10  
 to be respectively made & levied of their several Goods and Chattels Lands & Tenements for the use of our Sovereign Lord the King his heirs & successors, if default shall be made in performance of the Conditions hereunder written.

The Condition of this Recognizance is such that if ye said James Wingfield do not fore-stall, regrate ingross or buy any Corne except in open markette, & if the said J. W. shall demesne himself in the office of a Swailer according to the Laws & Statutes of this Realm, then this Recognizance to be void Otherwise to be & remain in full force & virtue.

There is an alphabetical list, with residences of all drovers, badgers, swailers and hucksters who held licenses, of the year 1760. They amount to two hundred and eleven. As an instance of the invariable ups and downs of all families, especially in their younger branches, it may be mentioned that among the eighteenth century itinerant dealers of Derbyshire the following names may be found :—Bagshawe, Bateman, Buxton, Foxlow, Gell, Greaves, Heathcote, Hart, Mellor, Meynell, Mundy, and Wilmot.

## Recognizances.

The most bulky part of the Derbyshire records are the Recognizances, or bonds for good behaviour, etc. It is tantalising to find so large a number of sixteenth and seventeenth century records carefully kept to which so little comparative value or interest is attached, when documents of a like date, far more precious, are altogether absent, or only illustrated by a very few examples. The recognizances extend from the very beginning of Elizabeth's reign down to the present time. There are some for every reign, but the amount that have been stored is very capricious for different periods and for different years of the same reign. For instance, of the reign of Charles I. there are seven recognizances of the third year; of the fourteenth year there are no less than two hundred and three, arranged in months; of the fifteenth year there are nearly as many, but only covering nine months; of the remainder of the reign there is not a single example.

By far the greater part of the recognizances are those taken out by ale-house keepers; another fruitful source of bonds was bastardy; another, the binding over of witnesses or prosecutors to appear at the sessions; and yet another was the taking of sureties for the keeping of the peace. Various other occasions that required statutory recognizances have been incidentally alluded to throughout these volumes.

With regard to ale-house recognizances, no general legislation took place with reference to these houses till the years 1551-2,\* when an Act was passed requiring keepers of ale-houses and tippling-houses to be bound by recognizances. No specified form of obligation is given in the statute, but the recognizances were to be certified at the next Quarter Sessions, and there to remain upon record before the justices of the peace of that shire. The earliest recognizance bears date the 8th of August, in the first year of Queen Elizabeth, 1559, and is for the wapentake of Scarsdale. The heading is in Latin and the condition in English, an arrangement that remained usual for a century and a half.

[Translation.]

Derbyshire to Wit. Recognizances of Alehouse Keepers admitted within the Wapentake of Scarsdale in the aforesaid County of Derby and taken at Chesterfield in the County

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\* 5 and 6 Ed. VI., c. 25.

aforesaid the 8th day of August in the first year of the reign of Elizabeth by the grace of God of England France & Ireland, Queen defender of the faith, &c. Before George Lord Talbott, Francis Leek, Knight, and James Hardwyck Esq. Justices of the peace of the said lady the Queen in the aforesaid County appointed. Also assigned to hear and try divers felonies trespasses and other misdemeanours in the aforesaid County perpetrated.

Memorandum, that on the day year & place aforesaid Richard Ynce of Spinkhill yeoman & William Brebys of Eckington personally appeared before the said justices & acknowledged themselves separately to owe the sum of £5 each and John Ynce of Eckington personally appeared & acknowledged himself to owe the sum of £10, which sums are to be respectively levied on their several lands & tenements goods & chattels for the use of our said sovereign lady the Queen if default shall be made in performance of the condition hereunder written.

The condition of this Recognizance is such that if the above bounden John Ynce now being by the said Justices Admitted and allowed to keep a common Alehouse or Typling house, from henceforth do neyther frequent or use nor suffer to be frequented or used any unlawful game or games in his houses orchards or gardens or in any of them but maintain & keep good order & rule in the same and in every one of them That then this Recognizance to be void and of non effect or else to stand and be in full power strength and virtue.

On the same membrance are the bonds of five other ale-house keepers fully recited, whilst a second smaller one records condensed particulars with regard to fourteen other licensed victuallers of Chesterfield. At another licensing session for the wapentake of Scarsdale, held at Chesterfield, on September 13th of the same year, six other ale-house licenses were granted, the bonds being fully enrolled and testified at the foot by Francis Leeke and Godfrey Foljambe. There are two or three other detached ale-house recognizances for the same hundred of the first year of Elizabeth granted by these two justices.

The second year of Elizabeth furnishes the first example, under date November 10th, of a recognizance to keep the peace; Francis Mylnwarte being bound over at Sudbury, before Henry Vernon, in the sum of twenty marks, to keep "ye peasse agaynste all her Majestyes leige peopell & specially agaynste Roberte Mylnwarte & his householde," and to appear at the next general sessions.

The third year of Elizabeth gives a list of recognizances entered into at Derby, at the Easter Sessions, before Francis Curzon, Vincent Mundy, and Gilbert Thacker.

The fourth year of Elizabeth, 1562, supplies an interesting letter, signed by the great Earl of Shrewsbury, begging the justices to grant licenses to two men at Chesterfield, whose licenses seem to have been taken away for misbehaviour. To the official request written by his secretary, the Earl, in his peculiarly illegible running hand, appends a note, apparently urging caution, although he wants the



favour to be granted. The following is a copy of this letter, which is given in fac-simile on Plate II. :—

After my Hartie commendaciones Whereas Harry Sharson & John Woodwarde both of Longtyme occupied the trade of brewinge in Chesterfyld Wherefore these are to desyre you to allowe the same uppon bondes of their good behavior to brew as they have done in tymes past Thus fare you well From Rufford this xxvijth of October.

Yor lovinge Frinde

G. Shrewsbury

Of favour I pray you that they charg that they behave themselves well in ther houses & to suffer no shop servants to be in ther houses as they have been acostomyed at unlawful oures.

[endorsed] To my Lovinge Frinde

Sr Francis Leake

Knyght.

On the following 4th of November, Woodward and Sharson obtained their licenses at Chesterfield, their bonds for good behaviour being taken before the Earl and his friend Sir Francis; they are both filed among the County papers.

There is also extant a membrance of November 2nd, 1562, containing the recognizances of seven ale-house keepers, of Hathersage, Tideswell, and Hope, taken at Overhaddon, before Sir George Vernon and Sir Thomas Sutton.

The records of the recognizances taken for the borough of Chesterfield from the ale-house keepers and butchers immediately after the Restoration are of special interest. On the 22nd of February, before Thomas Needham, Mayor of Chesterfield, and Godfrey Clarke, one of the county justices, no less than ninety-four ale-house licenses were granted, bonds being taken from the holders for £10, together with two sureties of £5 each. The condition of these recognizances was—"That if the above-bounden — shall not dresse nor suffer anie flesh to be dressed or eaten in his house in the time of Lent or uppon anie other dayes prohibited by the Law nor shall make any Supper for anie Person or Persons whatsoever uppon Fryday nights either in Lent or out of Lent nor suffer anie meate to be then dressed uttered sold or eaten in his house contrary to Lawe and his Maties late Proclamacon That then this Recognizance to be void or els to remaine in force."

In a like manner, at the same time, and before the same justices, the butchers of Chesterfield were bound, to the number of twenty-one, the condition of their recognizance being, "That if the





above-bound — shall not kill or sell any flesh during the time of Lent contrary to Law and the Kings Maties late Proclamacon without lycence That then this Recognizance be void or els to stand in force.”

On the following first of April, the whole of the ale-house keepers had to take out separate recognizances, before the same justices, after the usual form, in accordance with the statute of Edward VI.

The legal prohibition as to Lent and Fridays was founded on the Statutes 2 and 3 Edward VI., c. 19, and 5 Elizabeth, c. 5 ; and the proclamation quoted is one issued by Charles on January 29th, 1660, “for restraint of killing, dressing, and eating flesh in Lent or on any fish days appointed by Law to be observed.” \*

For the year 1666, part of the roll of recognizances entered into by the ale-house keepers of the hundred of Repton and Gresley, before Sir Thomas Gresley, Sir John Harpur, and Robert Harding, is preserved ; the condition recites among the unlawful games, “ tables, dice, cardes, *tennis*, and bowles ; ” and prohibits the dressing of flesh on prohibited days.

For the year 1669, the whole list of the victuallers of the hundred of Scarsdale, with their bondsmen, licensed by James Chadwick, Godfrey Clarke, and Francis Bailee, is preserved ; it amounts to a total of three hundred and fifty-six names. There is another list for the same hundred ten years later.

On March 27th, 1673, at Bakewell, before John Shallcross, Robert Eyre, Robert Ashton, and Ralph Aspenhurst, one hundred and sixty-three recognizances were entered into by the licensed victuallers of the High Peak. As the condition of these later bonds of the reign of Charles II. differs materially from the shorter forms that preceded them, it may be well to give the first of those granted at Bakewell on the date just mentioned :—

The Condition of this Recognizance is such that whereas the above bounden Edward Dodson is admitted and allowed by the said Justices to keep a Common Ale house and Victualling House for the space of one whole year next ensuing the date hereof and noe longer in the house where he now dwelleth at Bakewell in the County of Derby and noe elsewhere in the said County if therefore the said Edward Dodson shall not during the time Aforesaid permit or suffer or have any playing at dice Cards tables, quoits Loggets Bowls or any other unlawful game or games in his House Yard Garden or backside, nor shall suffer to be or remain in his house any Person or Persons, not being his ordinary household servant, upon any Sabbath day or holy day during the time of divine service or sermon nor shall suffer any Person to Lodge or Stay in his House Above one day, and one night, but such whose true name and sirname he shall deliver to the Constable, or in his absence to some of the officers of the same Parish the next day following unless they be such Person or

\* See *Proclamations & Declarations, 1625-1699, c. 21 f.* [Brit. Mus.]

Persons as he or she well knoweth, and will answer for his or their forth coming nor suffer any Person in his or her House tipling or drinking contrary to the Law nor yet to be there tipling and drinking after nine of the clock in the night time, nor buy or take to Pawn any stolen goods, nor willingly harbour in his said house, or in his Barns, Stables, or others where any Rogues Vagabonds Sturdy Beggars Masterless men or other notorious offenders whatsoever nor suffer any Person or Persons to sell or utter any Beer or Ale or other victuals by Deputation or by Colour of his or her Licence, and also he shall keep the true assize and measure of his Pots, Bread, and otherwise in his uttering of his Ale Beer and Bread and the same Beer and Ale and also to Sell by Sealed Measure and according to the assize and not otherwise and shall not utter or sell any Strong Beer or Strong Ale above a penny a quart, and so on after the same Rates, and also shall not utter nor willingly suffer to be uttered drink taken or tiple (sic) any tobacco within his said House Shop Celler or other place there unto belonging that then this Recognizance to be void.

Loggett, mentioned in this recognizance, is one of the unlawful games prohibited in the statute of 23 Henry VIII., c. 9. It has been described in diverse ways, and was probably played after varying methods in different parts of the country; but it seems to have much resembled skittles, only that the pins were thrown at a bowl instead of bowls at pins.\*

The smoking of tobacco, described in such a confused way by the scribe of this recognizance, was prohibited in common ale-houses at this time, not because of the sin of smoking, but on account of fear of defrauding the revenue by the consumption of smuggled tobacco.

A sessional list of recognizances for Easter, 1674, recites forty that had been entered into *extra curam* for good behaviour and keeping the peace, as well as several for bastardy, the holders of which had to appear before the Sessions. There were also several for good behaviour and future appearance entered into *in curam* during the Sessions. At the Trans. Sessions, 1676, forty-nine had to appear on recognizances, and at the Epiph. Sessions, 1677, forty-eight had to make a like appearance; and these in addition to the victuallers.

"Conditions" for ale-house bonds used to vary much, according to the changing times, but the following form was adopted early last century, and remained almost stereotyped till nearly our own days:—

Upon condition that the said . . . . . do and shall keep the true assize in uttering and selling Bread and other Victuals, Beer, Ale, and other Liquors, in his House, and shall not fraudulently dilute or adulterate the same, and shall not use, in uttering and selling thereof, any Pots or other Measures that are not of full size, and shall not wilfully or knowingly permit Drunkenness or Tippling, nor get drunk in his House, or other Premises: nor knowingly suffer any Gaming with Cards, Draughts, Dice, Bagatelle, or any other sedentary Game in his House, or any of the Outhouses, Appurtenances, or Easements thereto belonging, by Journeymen, Labourers, Servants, or Apprentices; nor knowingly introduce, permit or suffer any Bull, Bear, or Badger Baiting, Cock-Fighting, or other such Sport or

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\* Brand's *Popular Antiquities*, Vol. ii., p. 294-5.

Amusement in any part of his Premises, nor shall knowingly or designedly, and with a view to harbour and entertain such, permit or suffer Men or Women of notoriously bad fame, or dissolute Girls and Boys, to assemble and meet together in his House, or any of the Premises thereto belonging, nor shall keep open his House, nor permit or suffer any Drinking or Tippling, in any part of his Premises, during the usual hours of Divine Service on Sundays; nor shall keep open his House or other Premises, during late Hours of the Night, or early in the Morning, for any other purpose than the reception of Travellers, but do keep good Rule and Order therein, according to the purport of a Licence granted for selling Ale, Beer, or other Liquors, by Retail, in the said Houses and Premises, for one whole Year, then this Recognizance to be void, or else to remain in full force.

### Alehouses.

The question of the licensing and regulating of alehouses has been already dealt with to some extent in the previous sub-section on recognizances, but other points in connection with the licensing and general control and conduct of these houses remain to be noted.

The licensing justices seem to have been ever ready to receive, and in a great measure to be guided by, the expressed wish or petitions of the inhabitants of the districts affected, thereby indirectly admitting the principle of what is now termed "popular control."

In connection with petitions both in favour of and against the licensing of houses, we have noticed, as examples, the following instances:—In 1649, Nathaniel Ash, the clergyman of Scropton, together with the churchwardens and nine other inhabitants, petition the court in favour of a license being granted to Thomas Rowbothome and Margery his wife, "very honest people of good Carriage Credit and behaviour both in their owne house and amongst their neighbours being both industrious and willinge in any lawfull endeavoures to get their maintenance and livinge but most desirous in regard that the house wherein they now dwell hath beene an old accustomed Alehouse and victualling house and very fitt and decent for lodginge strangers and passengers being so necessary and standinge by the common hiewayside and of much respect and note of many who have made it their Inne." The prayer was granted.

This note, of the same year, endorsed "For ye worpfull Coll. Sanders at Derby," is from the vicar of Wirksworth, a prominent Presbyterian:—

Much Honoured Sr

May it please you to take into consideration the condition of Henry Hall of Wirksworth, who was formerly a shoemaker & lived of his trade is now through old age impayred

in his eyesight and unable to work, & towards ye maintenance of himself his wife & children desires to brew ale to sell, & withall doth promise yt there shall be no disorder in his house. I humbly desire yt according to his good behaviour hee may bee permitted to brew & sell ale, & you shall thereby engage

Yrs humbly devoted to you to his power

Wirksworth,  
this Octob :  
1649.

Martin Topham.

In the same year, Martin Topham addresses the sessions on behalf of two other Wirksworth men who were desirous of obtaining licenses.

At the Mich. Sessions, 1649, the churchwardens, constable, and seven other residents of Horsley, state in petition that there have been two licensed houses for a long time in their town, one of which was suspended for disorder, and beg that the license may be transferred to Richard Middleton, "Who hath kept an antient victualinge house and good order."

In 1650, a noteworthy case occurred, in which there is an irregular appeal from the sessions to a justice of assize.

To the right Honble Philipp Germin Justice of Assize & Goale Delivery for the County of Derby.

The humble petition of John Hodges of Belpar.

Humbly sheweth that yor petitioner's house in Belpar having beene an Inn these fourescore yeares & noe other Inn in the Towne there being greate want of an Inn & yor petitioner's house very fitt for that purpose & yor petitioner alwaies well affected to the Parliament.

That yor petitioner for one miscarriage out of his house was by Colonel Sanders & the justices of peace for the County of Derby restrained for which hee hath given satisfaction.

May it please your Lorpp if upon notice to Colonell Sanders & the justices of the peace att next Quarter Sessions the same bee not by them opposed to grant yor petitioner a License to brewe, to begin from & after the said Quarter Sessions

And yor petitioner shall dayly pray for yor Lorpps happiness

[Note in the writing of the Justice of Assize].

Colonel Saunders & ye Justices of ye peace at ye next Quarter Sessions are desired to commiserate the petitioner's case & to restore him to keep his Inn as formerly if they see cause. Sale. Martii 22—1650.

Philip Jermyn.

In the same year, William Jackson, William Poyser, William Smedley, John Canton, Thomas Canton, and Thomas Poyser, petitioned the justices that Thomas Wood, of Shottle, "may bee put downe from brewing," the reasons alleged being that he was of loose behaviour and kept evil company in his house, not only upon ordinary days but upon the Lord's day, and was very "unfitt to bee authorised

keepe a victuallinge and Alehouse." The justices granted a warrant for Wood's immediate apprehension, and he was deprived his license.

On July 13th, 1650, information was laid by an informer before Justice Manlove, that Thomas Hoode and Millicent his wife kept an alehouse without a license, and that they were "much given to drinke and tipplinge."

An undated document of the Commonwealth period affords an example of a petition against an expected penalty.

To the Right Honorable Bench of Justices of Peace for the County of Derby.

Whereas your poor petitioner Francis Woodhouse of Woodhouse in the Parish of Horsley in the County of Derby a coale minor having five small children & nothing but what I get by my hard Labor doth stand indicted through malice of a neighbor for filling of ale on Sabath day whereof your Humble Pettitioner is wrongfully accused for the substance of but too pintes of ale that day which never was any use to break the sabath day by selling ale nor no other unlawfull matter in my house as all my neighbors can witness.

Therefore your poor & humble Petitioner Humbly Craves that your Honorable bench will consider my wrongfull accusation upon such a small matter & consider my condition of my family which I hope your Honorable bench will be favourable to my destressed condition & I shall be bound to pray, etc.

The petition is signed by William Hunter, John Lowe, Robert Atcher, and nine others, who testify to their belief in the guilt of the petitioner. The result was that the court fined him £100.

At Trans. Sessions, 1654, a petition, signed by Christopher Anderson and seven other inhabitants of Chaddesden, was presented on behalf of Sampson Blackeshaw, asking for a renewal of his license to keep a victualing house, as he was "one of the ablest of that town in our Towne for matter of outward estate, & that there hath been nothing objected against him, nor can be soe for we have no knowledge of his cariage."

In 1665, the humble petition of "many of ye Inhabitants" of Stanley was presented to the justices in session, stating that John Holland, an ale-house keeper of Stanley, "doth keepe very great company in his house & three severall Lords day lately did suffer the company to drincke & bee druncke in his house," and that he might be suppressed. The petition is endorsed with emphasis, "To bee suppressed, John Holland."

An order of Easter Sessions, 1688, gives a very imperious reason for withdrawing a license:—"Ordered that John Holme & his wife be suppressed from any longer brewing or sellinge"





on licensed premises is recorded. The following are the informations of two witnesses, taken on oath before Richard Bagshaw, on January 26th, 1746:—

The Examination of John Oliver taken Upon Oath this 26th January 1746.

Who saith that on Wednesday ye 21st day of this Jstant January he was at Thomas Thorps at Heeley with John Gregory & whilst they was at that place there came Abraham Cooper & Samuel Selvester into there Company & after they had been there some time they all went together to Robert Wainwrights at ye four lane ends in the parish of Norton & from there they went to William Marshes another house at ye Said four lane Ends, & this Examinant further saith that about Seven a Clock last Evening whilst they was at ye said William Marshes there came John Wright of Dronfield & Samuel Sparks of Unston, And then he this Examinant & the said John Gregory John Wright Samuel Sparks Abraham Cooper & Samuel Selvester all begun of Drinking together & soon after Sarah ye wife of ye said William Marsh brought in a Pack of Cards and this Examinant and ye said Samuel Sparks begun to play at a Game called put & ye said Sparks got about two guinnas of him at that Game & then this Examinant & Samuel Sparks John Wright & Abraham Cooper begun at a Game called Brag, and he this Examinant did at one time Brag £3 12s. at another £1 16s. at another £1 1s. and Samuel Sparks John Wright & Abraham Cooper all joyned together & took up this Examinants money without ever showing their Cards & he further saith that in ye whole the said Samuel Sparks John Wright & Abraham Cooper Cheated and defrauded him that night of about £18 & then they all fell upon this Examinant & struck & abused him after a barbarous manner.

The Confession of Samuel Parks taken this 27th January 1746

Who saith that on Wednesday ye 21st of this Jstant January about 3 a Clock in the Afternoon John Wright & this Examinant went from Hole Milln in the Liberty of Unston to William Marshes an Alehouse in the Parish of Norton with an intent to Spend a Shilling & when they got there the said John Wright called for a Tankard of Punch & whilst there John Gregory came in & Challeng'd to play him a Game at Whist but the Said John Gregory and this Examinant play'd two Games at Putt and then there came in John Oliver who Challeng'd this Exam' to play him at Putts for Sixpence a Game and after they playd at Putt for 5s. a Game & for half a Guinea and a Guinea a Game & then this Examinant & John Wright Samuel Selvester John Selvester & John Oliver who was all in Company and begun at a Game called bragg and at which said Games this Examinant got £9 : 8s : 6d. of which said money this Examinant gave John Wright 3 Guinnas that night they having agreed before between this Examinant & John Wright to goe Shares at what they won.

The license of a publican of Dronfield was taken away in 1778 “because that a pair of cocks were fought in the said house between twelve and one o'clock of the night and sundry other irregularities.”\*

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\* With regard to early licensing laws and the way in which they were worked in Derbyshire, see an article by the author in the *Fortnightly Review* for June, 1890, which shows that there is not the slightest precedent for “Compensation.”



SECTION IX.—TERRITORIAL.



DEEDS ENROLLED. CLOSE AND PLEA ROLLS. RENT CHARGE  
ROLL. DEEDS RELATIVE TO COUNTY PROPERTY. ENCLOSURE  
AWARDS. GAMEKEEPERS' DEPUTATIONS. COURT LEETS OF  
ELVASTON, THURLSTON, AND AMBASTON.



## SECTION IX.—TERRITORIAL.



### **Deeds Enrolled.**

Under the sectional heading "Territorial," we shall first consider these sessional documents which affect proprietary rights. The first of this series, both as regards antiquity and importance, are the Deeds enrolled under an Act made in the 27th year of the reign of King Henry VIII., c. 16. This statute was entitled "An Act concerning enrolmentes of bargaines and contractes of Landes and Tenements," and it required that every bargain and sale of any estate of inheritance or freehold should be made by deed, indented and enrolled, within six months from the date, in one of the Courts of Record at Westminster, or before the Custos Rotulorum and two justices of the peace and the clerk of the peace for the county in which the lands lay, or two of them at the least, of which the clerk of the peace should be one. The clerk of the peace was required to "sufficiently enroll & ingrosse in Parchement the same deeds & writings, & the rolls thereof at the end of every year to be given to the Custos Rotulorum."

Although this statute was passed in the year 1535, no enrolments of an earlier day than the 26th Elizabeth are now extant at Derby. From that period down to 1601, which embraces the first roll, the entries come with great regularity, and so continue to the end of the second roll, which ends in 1611. Between the end of the second and the beginning of the third roll there is a gap of ten years, but in 1621 the entries continue with the same regularity as is found in their predecessors down to 1626. Then comes another

hiatus of six years, the fourth roll commencing with 1633, and recording enrolments for two years, after which occurs another interval of fifteen years. The fifth roll commences in 1651, continuing during the Commonwealth, and ends with the year 1666. From that date down to the year 1720, no enrolment under this statute is found; one then occurs, beginning the sixth roll, and in 1729 they recommence, appearing at short intervals till the year 1765, and then wholly cease.\* The diminished number of enrolments under this statute may be accounted for by an easier communication being established with Westminster, and that enrolments in the courts of record there might be preferred to the local registration; or it might be caused by the loophole discovered in the statute (it is said by Sir Francis Moore, serjeant-at-law, in 1620), "which, when a few had safely passed, many others followed."† Perhaps, however, a yet more probable reason for the very long intervals between some of the rolls is that many of these valuable documents have been lost to the county.

These deeds contain enrolments of bargain and sale of houses, lands, tenements, and hereditaments (in some cases the coal and ironstone being reserved by the vendor); sales of manorial and commonable rights; grants in fee of reversion and remainder; grants of annuities, of mortgage deeds; deeds of gift; grants of rights of fishery; grants of tithes, mortuaries, oblation, and first-fruits; perpetual rent charges; sale of advowsons; and marriage and post-nuptial settlements. There are besides some enrolments of property taken under the powers of Acts passed for repairing and widening the road from Little Sheffield, in the county of York, to Sparrow Gate, in the county of Derby;‡ for repairing and widening the roads from Chapel Bar, near the west end of the town of Nottingham, to Newhaven, in the county of Derby;§ for repairing and widening the road from the turnpike road near the west end of the town of Chesterfield to Matlock-Bridge;|| and also of grants of perpetual rent charges in respect of lands taken by authority of the Trent and Mersey Canal Act.¶ These are entered, with various others

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\* The periods covered by these five Rolls are: I., 1588 to 1622; II., 1623 to 1641; III., 1642 to 1646; IV., 1653 to 1658; V., 1681 to 1686; and VI., 1720 (with gaps) to 1769.

+ Williams's *Law of Real Property*, § 51 George II., c. 22.

‡ 32 George III., c. 38. § 33 George II., c. 30.

§ 6 George III., c. 26.





M 6

13 August 30 Elizabeth [A.D. 1588]

Henry Foljambe, of Kinston, Notts,  
Esqre

To

Rauffe Wyggley, of Duffield, in co. of  
Derby, yeoman, and Edward Allen, of  
Watfild in same county, Husbandman.

Grant of a Rent of Six pounds thirteen  
Shillings and four pence out of the Manors of  
Dethick and Lea, in the said county of Derby,  
parcel of the sum of thirty six pounds thirteen  
Shillings and four pence, residue of an  
Annuity of one hundred Marks granted to the  
said Henry Foljambe by Anthony Babyngton,  
late of Dethick in the said County of Derby  
Esqre deceased, of High Treason attainted.

## ROLL II.

M 1

10 February 45 Elizabeth [A.D. 1602-3]

Edmunde Slighe, of Derby, in the  
County of Derby, Merchant of the Staple,  
and Gervase, his son, of the same Town,  
also Merchant of the Staple,

To

Edward Smythe, of Alestree, in said  
County, yeoman; John Sadler of the same  
Town, yeoman; and Humfrey Vicars, of  
Quarndon, in the same County of Derby,  
yeoman.

Grant in fee of all manner of Tithes of  
Corn, Grain, Blade, Hay, Wool, Lambs, Pigs,  
Geese, Hemp and Flax becoming due or  
growing within the Village and Fields of  
Quarndon aforesaid; and of all manner of  
Mortuaries, Oblations, Obventions, Fruits &c.  
in Quarndon aforesaid belonging to the late  
College, or Free Chapel of All Saints, in the  
Town of Derby aforesaid.

M 2

20 September 1 James I. [A.D. 1603]

Richard Harpur, of Little Over, in the  
County of Derby Esqre; Bryan Bewley of  
Melborne in said County gentn; Thomas  
Roper, of Appleby in said County, gentn;  
John Brownloe, of Nottingham in the  
County of the Town of Nottingham, gentn;  
Richard Dale of Osmaston, gentn; Francis  
Aspynall of Derby, gentn; and Robert son  
& heir of Robt. Roper late of the same  
Town Esqre

To

William Sales, of London, Merchant  
Tailor.

Lease of a Tenement or Farm in Langley,  
parish of Heynor, in the County of Derby  
aforesaid; To Hold for such term of years as  
the said Richard Harpur and the other five  
first-named parties or any four of them may  
"demise," according to the appointment of  
the said Robert Roper.

M 3

30 September 1 James I. [A.D. 1603]

Richard Harpur, of Little Over, in the  
County of Derby Esqre; Bryan Bewley of  
Melburne in the same County gentn;  
Thomas Roper of Appleby in the same  
County, gentn; John Brownloe, of Basford,  
Notts, gentn; Richard Dale of Osmaston,  
in the said County of Derby; and Francis  
Aspinall of the Town of Derby, gentn,

To

John Steere, of Osmaston aforesaid, yeoman

Bargain and Sale in fee of a Message,  
Farm and Tenement in the Town of Loscove,  
parish of Heynor, in the County of Derby  
aforesaid.



M 3

14 June 9 Charles I. [A.D. 1633]

Philip Earl of Chesterfeild,  
To  
Henry Lord Stanhope, son & heir apparent  
of the said Earl.

Grant for Lord Stanhope's maintenance and pursuant to previous Indentures therein recited, of the Manor and Soke of Sawley, and the appurtenances &c. in the Counties of Derby and Leicester, and other Lands, &c., of the said Earl in Sawley, Long Eaton, Wilstropp, Thrumpton, Hopwell, Risley, Breaston, Draycote, Wilne, and Sandiacre in the said Counties of Derby and Leicester; with Closes called Mawkin, Hill Close, The New Rayled Close, the Great Moor Close, the Town End Close, the Conny Croft, the Upper and Neather Fox Holes, in Shelford, Notts; To Hold the said Manor and Soke in fee, and the said Closes &c for forty years if the said Earl and Henry Lord Stanhope shall live so long.

## ROLL V.

M 1

25 March [A.D. 1650]

Sir Samuel Sleighe, of Ashe, in the  
County of Derby, knight,  
To  
Thomas Sanders, of Little Ireton, in the  
said County, Esqre

Bargain and Sale in fee of a Messuage or Tenement &c. in Little Ireton with four Closes or Inclosed Grounds, called Three Morelande Feilds and Preist Close; all in Little Ireton in the County of Derby aforesaid.

M 2

29 May [A.D. 1651]

Robert Drapur, of Culland, alias Coland,  
in the County of Derby, gentn; George  
Harpur, of Twiford, in said County, gentn;  
and John Harpur, of Morley, in said  
County, clerk,  
To  
George Allestrye, of Derby, gentn.

Grant of a Capital Messuage or Tenement with the appurtenances &c. in Culland, alias Coland, Sutton, Yeandly, and Brailsford, in the said County of Derby; To Hold during the life of the said Robert Drapur.

M 2

29 May [A.D. 1651]

Robert Drapur, of Culland, alias Coland,  
in the County of Derby, gentn; and John  
Port, of Ilam, in the County of Stafford,  
Esqre;  
To  
George Allestrye, of Derby, gentleman.

Grant of a Messuage or Tenement with the appurtenances in Osmaston in the said County of Derby; To Hold during the life of the said Robert Drapur.

M 3

21 May [A.D. 1651]

Robert Mellor and Thomas Sleigh, two  
of the Aldermen of the Borough of Derby;  
And John Donaye and John Gisborne, two  
of the Brethren of the said Borough,  
To  
The Mayor and Burgesses of the said  
Borough.

Assignment in discharge of a Trust of the Manor of Little Chester Quarndon and Eaton, with the Rights Members and Appurtenances thereof in the County of Derby; And all Quit Rents, Rents of Assize, Chief Rents, Old Rents, Free Rents, Copyhold and Customary Rents to the said Manor belonging; and all that Messuage or Tenement with the appurtenances called the Manor House of Little Chester aforesaid; And a Close of Pasture and several parcels of arable meadow and pasture ground in Little Chester aforesaid; And all that Messuage, Tenement or Farm House, sometime Normons Farm in the parish or Township of Eaton in the said County, with a Barn & Close; And all those Several parcels of Arable Land, Meadow and Pasture ground in the Parish, Township and Fields of Little Eaton aforesaid; And all that parcel of ground &c called Eaton Park containing sixty acres; And all that Quarry in and upon the said Park called the Two Handed Quarry, with another

Quarry sometime in the occupation of William Normon and Rowland Litchfeild ; And all that Water Corn Mill situate in the Township of Eaton aforesaid ; And all Suit and Service, Socken, Culture, Water Courses, Tolls Commodities and appurtenances &c to the said Mill, belonging &c ; All which premises were lately parcel of the Possessions of the late Dean and Chapter of the Cathedral Church of the Blessed Virgin Mary in Lincoln ; To Have and To Hold the said Manor with all and singular the premises aforesaid unto the said Mayor and Burgesses and their Successors for ever.

## ROLL VI.

M 1

11 November 1 George I. [A.D. 1720]

William Halford of Roston als. Rossington in the co. of Derby Yeom & Constance Halford of Roston als. Rossington afsd Widow Mother of the sd Wm. Halford of the 1st part Mary Mullinoux of Ellaston in the co. of Stafford Spr. of the 2nd part & Matthew Mullinoux of Chepwardine in the Coy. of Salop Yeom & William Huxley of Ellaston afsd Yeom of the 3d part.

Bargain & sale in fee by sd Wm Halford & C. Halford to sd Matthew Mollinoux & Wm Huxley of a Messe house or tent. in Roston als. Rossington afsd & croft adjg & the closes of ground in Roston als. Rossington called Big Croft & the 3 Intackes with the appurts To the uses follg As to pt of sd prēs to the use of the sd C. Halford for life As to an amy of £5 to the like use As to residue of sd premes to the like use Remr. as to part

to use of sd Wm. Halford for life witht impeacht for waste Remr. as to other part to the use of sd Wm, Halford & Mary his then in wife in case sd Marrs took effect & she survd him for life subjt to sd anfy Remr to the use of the heirs in tail of sd Wm. Halford Remr to the sd Wm Halford his wife & assns. As to or pt to Mary Halford & Magdalen Halford as tenants in common & their heirs in tail Remr to sd Mary Mollineux & her assns for life Remr to her heirs in tail & a grant of  $\frac{1}{3}$ d part of the household goods of the sd C. Halford to the sd Wm Halford.

M 2

25 March 2 George II. [A.D. 1729]

Robert Bill of Roston in the County of Derby Yeom

To

James Gilman of Agton in the sd Co Yeom

Bargain and Sale for 500 years by way of mtge of a messe with the appts at Roston & Arable and Meadow land in Bruchfield & Yieldwall within Roston afsd except as therein mentd for securing £340 and interest.

M 3

30 May 2 George II. [A.D. 1729]

Robert Hurt of Marchington in the County of Stafford Yeom Ellen Burneby of the Par of St. Giles in fields in the Co. of Middx Widow James Burneby of same place printer & Sarah his wife Thomas Greensmith of same place printer & Ann his wife Brian Harding of Snelston in the sd County of Derby clerk & John Gallimore of Marston Montgomery in the Co. of Derby Baker

To

John Townsend of Marston Montgomery afsd gentn.

Bargain & Sale by way of Lease of a messe or tenement situate at Marston Mountgomery afsd & the closes of land called The Croft also the Spring Walls the Croft adjg to Birchwood Field the land adjg & the upper piece with their appurts.

inspected at the charge of one shilling. The Act of 6 & 7 William IV., c. 115, further provided for the awards being deposited in the parish churches where the lands were situated, and this was still more specifically laid down by the Act of 8 and 9 Victoria, c. 118, the fee for inspection being fixed at two shillings.

The Derbyshire Record Committee, who reported in 1872, thus describe the work they undertook with regard to the enclosure awards :—

“ Your Committee have given special attention to these **valuable** Records. Their first care was to form a list of all Acts of a **private** nature relating to Derbyshire. The printed Acts which have been found in the Statute Book or in the Library of the British Museum have been noted ; the unprinted Acts have been copied from the Parliamentary Rolls in the House of Lords.\* A Calendar has been prepared, and the information obtained arranged under the following heads :—Name of Place ; Title of Act ; Regnal Year ; Year of the Lord ; Printed or Not ; Award on authorised Copy ; Where directed to be Deposited ; Where Deposited ; Date of Enrolment when Deposited with the Clerk of the Peace. With very few exceptions the Acts require that one copy of the award should be enrolled and deposited with the Clerk of the Peace, and one with the Courts of Record at Westminster, or the Clerk of the Counsel of the Duchy of Lancaster. It is a matter of congratulation that, with three exceptions, all the awards directed to be deposited with the Clerk of Peace will be found in the Record Room, though their value in several cases is lessened by their not being accompanied with a plan. In nearly every case a copy of the award is directed to be placed in the chest of the parish in which the lands to be enclosed are situated. With the view of ascertaining in whose custody these parish copies could be found, a circular was sent to the authorities in each parish or township in which enclosure, partition, or boundary awards have been made. The replies disclose a very unsatisfactory state of affairs, the great majority of the awards having got into the hands of solicitors, surveyors, and other private individuals. There are cases reported of awards and plans purposely destroyed—sold by auction

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\* From 1 Richard III. (1483) to 37 George III. (1797) the division of the Acts was twofold, Public and Private. From the latter date a threefold division has been made, namely—Public, general ; Public, local and personal ; and Private Acts. This was founded upon the resolution of both Houses of Parliament concerning the promulgation of the Statutes ; the first of these resolutions requires that H.M. Printers shall print 3,550 copies of every Public General Statute, 700 copies of every Local Statute, and 700 copies of every Private Statute.

at a sale of a solicitor's goods, and even left in pawn by a drunken overseer at a public-house.\* Your Committee can do no more than call the attention of those locally interested in the provisions of the 3 and 4 Will. IV., cap. 87, sec. 5, which enacts, 'when any award is not deposited in the Parish Church in which the lands to which such award shall relate are situated, and shall not be in possession of any lord or steward of any manor, of which manor an allotment shall have been made under such award, but shall be in the possession of any other person, it shall be lawful for anyone interested in any allotment to require the same to be deposited in the Parish Church, and the person in whose possession the same shall be shall deliver up the same to the minister and churchwarden.'

The calendar of these awards is of sufficient interest and value to be given in full in the Appendix; it extends from 1731 to 1865, and includes 146 Acts, and is complete save for the award of the year 1726 that has already been quoted, and which had not been found when the calendar was drawn up.

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### Gamekeepers' Deputations.

Gamekeepers were first created by 22 and 23 Charles II., c. 25. By this statute lords of the manor, of the degree of an esquire, were empowered to appoint under their hands and seals gamekeepers, who were to have the power within that manor to seize dogs, guns, nets, and engines for destroying game kept by unqualified persons. No limit was fixed by this statute as to the number of those to whom such power might be given. The 4 and 5 William and Mary, c. 23, gave protection to gamekeepers in arresting offenders at night time. The 5 Anne, c. 14, permits any lord of a manor to authorise gamekeepers to kill game within the manor. The 9 Anne, c. 25, enacts

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\* From the letters of the Derbyshire Clergy in reply to this circular, we append the following selections:—

"It is said that two persons (both now dead) who had access to the award, destroyed it years ago."—"The award and plan have been obtained and detained, without my permission, by Mr. S. . . . F. . . ."—"The award and plan are unlawfully detained in the muniment room of . . . ."—"The award and plan are deposited with the collector of rates (several of these)."—"The award was taken away some years ago by the steward of . . . estate, and never returned."—"In the custody of the clerk of the local board."—"In the hands of a most respected parishioner, a surveyor."—"In the custody of the squire."—"After many years search the award and plan are found to be in the office of Mr. R. . . . C. . . . mineral surveyor."—"In the custody of the schoolmaster."—"Borrowed four years ago and never returned."

that no lord nor lady of a manor shall appoint more than one gamekeeper, within one manor, with the power of killing game, and his name shall be entered with the clerk of the peace.

The last of these statutes caused no little share of the time of sessions to be taken up with the registering of these manorial deputations of gamekeepers, and added materially to the county records. At the Trans. Sessions 1711, the following entries are made in the Orders, the four first being retrospective :—

Andrew Whitticar of Sudbury in this County appointed Gamekeeper for ye Lordship of Sudbury and Rodsley in this County by Henry Vernon of Sudbury Esq.

Francis Scroope of Mugginton in this County Husbandn appointed Gamekeeper for ye Mannor of Mugginton in this County by Samuel Hallowes of Nottingham Esq.

Dated 8th March 1704

Timothy Halton of Southwingfeild in this County Genn appointed Gamekeeper for the Mannors or Lordships of Southwingfeild, Critch, Shirland and Stretton in this County by Gartrude Marchionesse Dowager of Hallifax

14th July 1707

Richard Sheppard of Swarkeston in this County gen, appointed Gamekeeper for ye Mannor or Lordship of Melborne in this County by John Gery Dr of Lawes Testamentary Guardian to the Right Honorable Theophilus Earle of Huntingdon

Dated 10th June 1707

Edward Houghton of Derby Butcher appointed Gamekeeper for ye Mannor or Lordship of Breadsal in this County by the Countesse of Ballamont

4th July 1711

Thomas Koul of Tissington in this County Cler' appointed Gamekeeper for the Mannor or Lordship of Tissington by Wm. Fitzherbert of Derby Esq.

1st Sept 1711

John Demiers of Sheffield in the County of York gen appointed Gamekeeper for the Mannor or Lordship of Cole Aston and Norton in this County by Stephen Offley Esq.

5th Sept 1711

John Bembrigg senr of Brailsford in this County Husband' appointed Gamekeeper for the Mannor or Lordship of Brailsford by Robert Earle Ferrers

25th Sept 1711

John Bembrigg junr appointed Gamekeeper for the Mannors or Lordships of Shirley and Edneston by ye said Robert Earle Ferrers

25th Sept 1711

Woolston Riggs of Marston Mountgomery in this County yeon appointed Gamekeeper for ye Several Mannors of Cubley Hilton and Sawley in this County by Philip Earle of Chesterfeild

Woolston Riggs sup' dict' appointed Gamekeeper for the Mannor of Marston Montgomry by the said Earle of Chesterfeild & Henry Vernon of Sudbury Esq

13th Sept 1711

Mr. Sampson Rodgers appointed Gamekeeper for the Mannor or Lordship of Blackwell in this County by Margaret Dutches of New Castle

4th Sept 1711

Henry Alsope of Hucknall in p'ish de Sutton in Ashfeild in the County of Nottingham appointed Gamekeeper for Mannor of Blackwell aforesaid by Sr Fran Molyneax

24th Sept 1711 Entred 1st Octob

Thomas Henwerth appointed Gamekeeper for the Mannor of Willesley by Sr Edward Abney knit

Dated 1st Octob 1711 Entred Then

Joseph Smales of Hullah Hall in this County Husbandn appointed Gamekeeper for ye Mannor of Hough in this County ; in the p'ish of Ashborne by Isaac Burrows of Derby Esq

At the following Mich. Sessions, these entries appear :—

Robert Jissope of Waterthorpe in this County Husbandn appointed Gamekeeper for the mannor or Lordship of Beighton by Edward Nevel of New Hall in p'och de Chesterfeild Esq

Dated 2nd October 1711

George White of Calow in this County Husbandn appointed Gamekeeper for ye Mannor or Lordship of Calow by the said Edward Nevill Esq 2nd Octob 1711

Samuel Jules of Tidswall in this County gentn appointed Gamekeeper for the Mannor or Lordship of Litton by John Statham Esq 2nd October 1711

George Crowshaw of Barlow in this County Husbandn appointed Gamekeeper for the Mannors or Lordships of Barlow, Brompton, Newbold, Chesterfeild, Dore, Totley and Hathersidge by Margaret Dutches of Newcastle 20th August 1711

Thomas Wolstenholme of Horsley Gate in this County Husband' appointed Game for the Mannor or Lordship of Holmeifeild and the Libertyes in ye p'ts Adjacent to the said Mannor by his Grace the Duke of Rutland. 20th August 1711

George Machin of Balbrough in this County Husband' appointed Gamekeeper for ye Mannor or Lordship of Bolsovr and Woodthorpe by Margaret Dutches of Newcastle 20th August 1711

John Barker of Barlbrough in this County gen' appointed Gamekeeper for Elmtan and Cresswell Mannors or Lordships by Sr John Rhodes Knit. 20th August 1711

Robert Blood of Trusley in this County Husband' appointed Gamekeeper for ye Mannor or Lordship of Trusly in this County by Wm Coke of ye same Esq 5th October 1711

George Rhodes of Steetley in this County appointed Gamekeeper for the Mannor of Steetley, by the Right Noble Thomas Duke of Norfolk 5th October 1711

William Toplisse of Kirk Langley in this County Blacksmith, appointed Gamekeeper for the Mannor of Kirk and Meynell Langley by Mrs. Mary Meynell of Langley, widow. 19th Octobr

William Jackson of Shottle in this County yeo. appointed Gamekeeper for the Mannors or Lordships of Shottle and Posterne and else where in the County of Derby, where his Grace ye Duke of Devonshire hath any Mannor within ye County of Derby 26th Octobr 1711 Dated ye 29th Sept 1708

Thomas Asberry of Walton upon Trent in the County of Derby fowler appointed Gamekeeper for the said Mannor of Walton by the Right honorable Robert Earle Ferrers 27th Octobr Dated 13th August 1711

John Spencer of Smalley in the County of Derby fframewerknitter appointed Gamekeeper for the Libertye or Mannor of Smalley and Kidsley in this County by Robert Sacheverell of Barton Esqe 10th November 1711 Dated then

Thomas Kirk of Nether Locoe in this County Husband' appointed Gamekeeper for the Mannor or Lordship of Morley by ye said Robert Sacheverell Esqe 10th Nov

Thomas Kirk of the same appointed Gamekeeper for ye Mannors or Lordships of Lockoe, Spoondon and Chaddesden by Henry Gilbert ye Younger of Lockoe Esq

Dated 9th Sepbr 1711

John Hawley of Park Hall in the p'ish of Kirk Hallome in the County Carpenter appointed Gamekeeper for the Mannor of Park Hall by the above Sir Henry Gilbert Esq

Dated ye 9th Sepbr 1711

William Twigg of Birchover in this County Ale Draper appointed Gamekeeper for ye Lordship or Mannor of Birchover by George Savile of Lockoe in this County Esq

Christopher Colthough of Shipley in this County Husband' appointed Gamekeeper for the Mannor of Codner in this County by Sr Streynsham Master Knt

Entred ye 21st Decber 1711

John Hodges of Shipley in this County Husband' appointed Gamekeeper for the Mannor of Shipley in this County by Col' Humphry Miller

Dated 12th Nov: 1711 Entred 21st Dec. 1711

John Mathew of Swanick in this County Husband' appoints Charles Hunter of Ripley in ye said county Gamekeeper for one Moiety of ye Mannor of Ripley Entred 12th Jany

William Challinor of Longford in this County yeoman appointed Gamekeeper for the Mannor or Royalty of Longford in County by Sr Edward Coke Barrt

Dated ye 14th Jany Entred do.



Thomas Gresley Barrt an Infant und' ye Age of 21 years Dame Barbara Gresley Mother and Guardian to the said Sr Tho : do. appoints John Price of Drakelow in this County Gamekeeper for ye said mannor or Lordship of Drakelow

Dated 11th Sepb 1711 Entred 14th Janry

The Same p'sons above mentioned do appoint Thomas Benskin of Lullington in the said County of Derby Gamekeeper for the said Mannor or Lordship of Lullington

Dated 11th Sepb 1711 Entred 14th Janry

The Same p'sons above sd doe appoint Richd Ward ye younger of Castle Gresley in this County appointed Gamekeeper for the Mannor or Lordship of Castle Gresley

Day of Janry 1711 Entred ye 14th

At the next Epiph. Sessions, the entries thus continue :—

William Ethurington of Bradley in this County is Appointed Gamekeeper for the Mannor of Bradley by Madm Elizabeth Meynell widdow and Guardian for her Sonn Littleton Meynell Esqe

25th Janry 1711

James Ashton of Osmaston Brick layer is appointed by the Said Madm Meynell as Guardian to her Sonn Gamekeeper for the Mannor of Osmaston

25th Janry 1711

Joseph Cantrell of Kniveton is appointed by the said Madm Meynell to bee Gamekeeper for the Mannors of Kniveton Offcott and Underwood

25th Janry 1711

Mr. John Lillyman appointed Gamekeeper within the precincts and Libberties of ye Mannor or Lordship of Parkhall containing Parkhall, Pilsley and Morton in this County and also for ye mannor of Norwingfeild in this County by ye right honorable Nicholas Earl of Scarsdale Custos Rotlor of this County

Richard Gray of Repton appointed Gamekeeper for the Mannors or Lordships of Repton and Southwood by Gilbert Thacker Esqe

19th february 1711

William Johnson de Little Ireton in this County Yeoman appointed Gamekeeper for ye Mannor of Little Ireton by Margaret Howe Widdow

17th Mar 1711

Samuel Marell Jun appointed Gamekeeper of ye Mannors of Heage and Morley Parke by Godfrey Wentworth gent'

21 March 1711

Daniel Gratorex of Westhallam in ye County of Derby clerk appointed Gamekeeper of ye Lordship of Westhallam by ye Henry Hunloke Bart

26 March 1712

David England appointed Gamekeeper for ye Mannor of Kirkhallam by George Newdegate of Hillingdon in ye County of Midlx Esq

26 March 1712

John Blackwall appointed Gamekeeper for the Mannor of Callow in this County by George Sacheverell of Newhall in the parish of Sutton Colefield in the County of Warwick Esqe

26th April 1712

In addition to these and other entries in the Orders of Session, there are a great number of the duly signed and sealed deputations of the manorial lords appointing gamekeepers. The following may serve as an example :—

Know All Men by these p'sents That we the Right Honble Daniel Earl of Nottingham John Conyers of the Middle Temple London Esqr and Francis Owin of the City of Westminster Esq (The Surviving Exectrs of William Late Lord Marquesse of Halifax) Lords of the Mannors of Eyam & Middleton in the County of Derby in pursuance and by virtue of sev'all Acts of Parliament made for the Better preservation of the Game Have made nominated and appointed & doe hereby make nominate & appoint John Weight of Eyam aforesd Gent our Lawfull Game Keeper of & for our sd Mannors of Eyam and Middleton to look after & take care to preserve the Game there And do allow authorise & Impower Him in our Names to Hunt Hawke Fish Fowle and Kill Game within our sd Mannors &

Demesnes thereof And places thereto belonging from time to time during our Free Wills & Pleasures And to seize persons guns dogs Netts etc And do all other things Belonging to the office of a Game Keeper according to the sevall Acts of Parliament in that case made & provided In Wittnesse whereof we have hereunto sett our Hands and Seales the Twenty Eight Day of June in the Eighth year of the Reign of our Sovereign Lord George over Great Brittain etc. King Annoque Dno 1722.

Witnesse

Rob : Fawcett

Nottingham

Jo : Conyers.

A painstaking calendar was prepared by Colonel Colvile of the various Gamekeepers' Deputations, pursuant to 9 Anne, c. 25, and 1 and 2 William IV., c. 32, as found in the Orders of Session and Entry Book of the Clerk of the Peace, as well as on separate papers. This calendar, which gives the names of the manor and the lord, together with the date, extends from 1711 to 1869. The names of the manors enumerated in this calendar amount to four hundred and forty-nine.

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### The Court Leets of Elvaston, Thurlston, and Ambaston.

We have to thank Mr. John Adderley's omnivorous desire of office for another highly-interesting small collection of documents that range between 1687 and 1697. They have no connection whatever with county records proper, but have evidently found their way to the record room owing to Mr. Adderley having been clerk of the peace, in the same way as was the case with the clerk of the market papers, upon which we have already commented.

These documents, sixty in number, are the orders, presentments, and pains (*i.e.*, penalties) of the jurors of the Derbyshire manors of Elvaston, Thurlston, and Ambaston. These were originally three separate manors of the parish of Elvaston, all requiring their own courts; but two centuries ago the courts of Elvaston and Thurlston had become amalgamated, though the jurisdiction of Ambaston remained quite separate. These courts, over which John Adderley presided, were the ancient manorial gatherings of the freeholders, that is, the court leet. In these documents it is variously termed the "court leet," "great leet," "court baron," and "court leet of view of frank-pledge" (together with, occasionally, their Latinised equivalents), usually with the addition of the name of the lord,

who was John Stanhope for the greater part of the decade, and Sir Nathaniel Curzon, Bart., at its close. John Adderley's position as president of these two manorial courts was in virtue of his appointment as steward, sometimes expressed by the Latinised form of seneschal. Two or three of the later of these courts were presided over by John Wright, deputy-steward.

Two courts were held every year—namely, in April and October. It does not seem that the exact date was regulated by any fixed or movable calendar day, but rather probably by the condition of the seasons. It is interesting to note what a keen hold the saintly nomenclature of days and seasons still had on the English peasantry of Derbyshire; the Puritanism of the Commonwealth had altogether failed in its efforts at eradication. We find mention of the following days and periods named to regulate the time of certain agricultural or pastoral proceedings:—"Our Lady's Daye," St. Andrew, St. James the Great, St. Thomas, SS. Simon and Jude, All Hallows, and also Candlemas and Martinmas, the latter generally spelt "Martlemas." Nor was this due to the churchmanship of the steward, for each court, judging from the diversity and uncouthness of the handwriting, seems to have appointed its own scribe or recorder, John Adderley merely signing, and that only occasionally, the various presentments as steward.

The number of the jury of these courts, in each case where these names are recorded, was thirteen; they were sworn from the freemen of the manor. Several official duties pertained to them. They had once a year to present for the acceptance of the court two names as field-reeves, who regulated the common interests of the manor; occasionally these officers were appointed for a longer period; thus, at Ambaston, on April 28th, 1690, Edward Coxon and William Matthew were presented as field-reeves for the two years next ensuing. The jury also nominated two to act as "pinners" or "pinders" of straying cattle for the year. The Elvaston court, in addition, nominated the parish constable.

The jury made "pains," or bye-laws, to regulate the common husbandry almost every court day, which varied slightly in the nature of the offence and in the penalty imposed from time to time, and occasionally dealt with new and transient offences. These pains, except in the case of thoroughly-established ones, such as pinfold charges, only remained in force from the time they were promulgated to the next court day. The "presentments" that the juries made

were the actually imposing of fines upon those who had infringed the rules, and therefore rendered themselves liable to the pain or penalty.

The following examples of pains and presentments in the two court leets of Elvaston with Thurlston, and Ambaston, made between 1687 and 1697, give a good idea of their jurisdiction:—Fences left open, 1s. to 10s. ; breaking hedges, 3d. to 1s. ; ploughing away the footpath, 1s. ; tenting beasts in the fallow where he had no pasture rights, 1s. ; tenting or tethering horses on commons when he had no pasture rights, 1s. ; encroaching on highway, 6d. ; not scouring out ditches and water-courses, 6d. to 10s. ; cattle straying at night, 10s. ; not attending the court, 1s. ; turning horses out to pasture a day too soon, 2s. ; and not gathering stones in the field, 1s.

These presentments and bye-laws also establish the following interesting regulations and customs of these manors:—Notice was given by the field-reeves when any common work had to be done, when every freeholder had to be present or to provide a substitute, usually under a pain of 1s. for every day's neglect. All beasts put into the fields or commons were to pay towards the herdsman's wages, in default, 3s. 4d. for each beast. No cattle were to be put out till the herdsman called for them, under pains varying from 1s. to 5s. ; on another occasion it was ordered that no cattle were to be put out before the herdsman's call, "except the sun bee risen" ; from another paper we find that the picturesque custom prevailed of the herdsman's call being given on a horn. The repair of the pinfold was done annually in the spring ; on one occasion the pinners were threatened with a pain of 3s. 4d. if it was not sufficiently repaired within ten days after May day. At the April court, it was usual to order all to fence their part of the meadow rails within a brief specified time, under a 3s. 4d. pain ; the field-reeves had, at the same time, to see to the proper hanging of the gates. On one occasion, a fine of 1s. was charged on "Mrs. Smithson's maid-servant for resqueinge beests from ye pinner," and 6d. on "Samuel her son for same." The jury also decided the dates and places when sheep, cattle, horses, mares, foals, and swine might be put out, tented, or tethered, as the case might be, each decision being enforced by a pain.

The thoroughly popular or democratic nature of these courts is shown in the fact that the lord of the manor was just as amenable to the pains, and that the jury were just as ready to present and

enforce presentments as in the case of the humblest freeholder or tenant. At the Elvaston court, held on April 20th, 1688, John Stanhope was fined 1s. for not causing his part of the fence to be made. The Ambaston jury, in 1691, "present John Stanhope for not scouring his water course thro Willin Close according to pain, 10s." He was fined again in 1692 for the same offence. On April 13th, 1694, Madame Stanhope was fined 15s. for not scouring a water-course in the new close according to pain.

We now give three examples of this class of document :—

Amberston paines 8 October 87

Item we make a paine that every one scour up their little moore ditches and Colington Close ditches betwixt now & martlemas pained every one that neglects ten graots.

Item we make a paine that Johnathan Whithed & william Town scour up the ditches belonging to their Closen betwixt now and a week after martlemas pained if they do not ten graots.

Item we make a paine that every one ring their swine at A quarter ould pained for every one that doe not one shiling.

Item we make a paine that the Cannoe ditch be prepared betwixt now & martlemas pained if it be not done ten graots.

Item we make a paine that every one send a sufficient laboerer to Common worke when we have given notice then pained for every one that neglects for every day 8 graots.

J. Adderley . . . . ibm.

Aprill ye 21th 1688

Amberston Presentments.

	£	s.	d.
Impr We present William Trowell for his littell moore ditch not scouring .. .. .	0	0	2
Edward Poule ffor not scouring a trench at litell moore .. .. .	0	0	2
Item We present Jonathan Whitehead ffor not scouring his ditch now close .. .. .	0	0	6
Item We present Edward Coxon for not coming to common works one day .. .. .	0	0	8
Item Wee present Widdow Bovinly for not coming to common worke .. .. .	0	0	8
Item Wee present Ann Bates for not coming to common worke.. .. .	0	0	8
Item Wee present Will Leare for not coming to common worke .. .. .	0	0	8
Item We present Sarah Coxon not coming to comon worke .. .. .	0	0	8
Item Wee present Will : Matthew for not coming to comon worke .. .. .	0	0	8

Amberston Pains.

Item We make a paine that every man Fence his part of the Meadow railles by a weeke after May Day on paine for neglect .. .. .	0	1	0
Item Wee make a paine that every man Fence his land ends at flatsmouth by a weeke after May day on pain .. .. .	0	1	0
Item We make a paine that Will Leare scour his nine ridges ditch & gileans ditch by Michalmas next on paine .. .. .	0	3	4
Item Wee make a pain that Will Rowell scour his nine ridges ditch & pinfold ditch by Michaelmas next on pain .. .. .	0	2	6
Item That one Beast shall goe for one pasture and noe more on payne to forfeit	0	10	0
Item Wee make A paine that Will Leare scower his ditch at ye Cobheades on pain .. .. .	0	2	6
Item Wee make a paine that noe one put any C: unpastured on paine for every defaulte . . . . .	1	0	0

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	£	s.	d.
Item Wee make a paine that noe persons keepe any swine unrunge past a quarter old on paine.. . . . .	0	0	8
Item Wee make a paine that every person goe to common worke at notice given on paine for every days neglect .. . . . .	0	1	0
Item Wee make a paine that the Cannoe ditch be sufficiently repaired by Midsummer next on paine .. . . . .	0	1	0
Item Wee make a paine that no person that taketh any pastures on the Greene shall hath the pasture or pastures after Michalmas past a fortnight on paine	0	5	0
Item Wee make a paine that noe sheepe come into the stuble till eight days after corne be got.. . . . .	0	2	6
Item Wee make a paine that noe sheep shall come of the Meddow till Michaelmas nor on the Greene till Martinmas .. . . . .	0	2	6
Item Wee make a pain that no person turne his cattell down before neaturd (neat-herd) call on paine .. . . . .	0	1	0
John Coxon			George Sowter
Edward Coxon			Johnathan Rudgate

Aprill ye 13th '95.

Agreement & Pains made & ordered by the Jury att the Court (Elvaston) held this day & yeare above aforesaid.

Wee make a pane yt ye Comon Dike betwixt ye Hardhurst & the Deep Croft be sufficiently amended & made goode by May day next, every one neglecting to forfeit .. . . . .

0 3 4

We make a pane yt ye Wroat Field be sufficiently fenced & the Gates Hung by May day next & the gates & fences in & about all the Corne fields be well fenced & hung by May day next, every one neglecting to forfeit .. . . . .

0 3 4

Alsoe wee make a pane that ye Fences be well & sufficiently fenced betwixt Amberston nook & Nine Ridges by the 24th day of this present Aprill everyone soe neglecting to forfeit .. . . . .

0 5 0

Wee also agree make & ordane yt every one that turnes beastes or tents beastes uppon ye Comons shall be assessed & pay towards the Herdsmans Wages, Every one denyenge or neglectinge to forfeit .. . . . .

0 3 4

We make alsoe a paine yt every one yt tents or teathers Mares & Foles in any of the Corne Fields shall forfeit .. . . . .

0 3 4

And every one that tents or teathers any cows within any of the Corne fields shall forfeit or pay .. . . . .

0 5 0

Wee all agree & order yt the Breach Field be broak within a weeke after ye Corne be gotten off, with sheep

Wee order & agree that ye two weather fields be not broake with ships till Michelmas next, every one therein offendinge to forfeit .. . . . .

0 10 0

And wee also make a pane yt every one yt suffer beastes or horses to goe loose a night in ye Pooley Field shall pay forfeit .. . . . .

0 10 0

And alsoe wee make a pane that ye Dike by ye Lay Close and all other Comon Water courses be sufficiently scoured and diked by Midsomer next every one neglectinge their or any of their presentments to pay forfeit .. . . . .

0 5 0

C. Ward	Edward Robin	Edw. Bridgford
William Piggin	John Johnson	John Coxon
John Spencer	William Holland	Will. Leare
Ambrose Towlle	John Smedley	George Sowter
		Will. Breirly

In addition to these various Pains and Presentments there are three "Suite Rolls," of the manor of Elvaston, of the years 1687, 1690, and 1694. These rolls remind us of the original intention of the court leet or view of frank pledge, which was to view the frank pledges, that is the freemen of the manor or liberty, who were all, by ancient use, reckoned as mutual pledges for the good behaviour of each other. All freeholders within the liberty were bound to attend these courts, save persons under twelve and over sixty, peers, priests, women, and the king's tenants in ancient demesne. The Suit Roll for April, 1687, contains the names of seventy-seven freeholders, beginning with the names of Sir John Harpur, Bart., Robert Rollston, of Beaston, and Isaac Osborne and Joseph Fellowes of Alvaston, who seem not to have been called on to reply to their names; of the remainder, forty-six were present, as signified by the "a" (*Adsum*) against their names. The roll is ingeniously entered on the centre of the paper, so that the same list of names, by the use of parallel columns served also for the other court of 1687, and for each of those of the two following years, six courts in all. In like manner the Suit Rolls for 1690 and 1694 each served for three years; the number of freemen enrolled for each of those dates was seventy-six.

Although the steward presided over the court to keep order, to regulate the proceedings, and to submit questions to the jury, the general members of the court, that is the freeholders, were their own masters and controlled the decisions of the juries. After the sworn jury had made their presentments and pains, the sanction or approval of the whole court was requisite to make the orders valid. This is the meaning of such expressions as—"afferred\*" by the whole homage," "affaired by the whole homage," "affaired per totum homagium," and "allowed by the whole homage."

A duty of the steward of the court was to assign the pain money received to the custody of one of the freemen; mention is made on several of these papers in the handwriting of Mr. Adderley, of the names of the persons thus nominated to act as temporary treasurers.

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\* An old law term derived from the French *affier*, that is *affimare*, *confirmare*.

SECTION X.—MISCELLANEA AND  
ADDENDA.



CORONER. PINXTON AND SOUTH NORMANTON ASSESSMENTS.  
SWARKESTON SCHOOL HOUSE. THE SHIRE HALL. ROYAL  
AIDS. THE FIRST POST STAGE FOR DERBY. CATTLE PLAGUE  
OF 1745-1755. DAMAGE BY FIRE. HORSE SLAUGHTERERS.  
THEATRICAL REPRESENTATIONS. FRIENDLY SOCIETIES. FREE-  
MASONS. GUNPOWDER MILLS AND MAGAZINES. POLLING  
DISTRICTS. THE LORD-LIEUTENANT AND THE COMMISSION.





## SECTION X.—MISCELLANEA AND ADDENDA.



### Coroner.

The following letter has been copied from the Belvoir MSS. since the sub-section treating of the coroners, in the first volume, was printed :—

To my very Lovinge Unkell Mr. John Manners Esqr heygh Shereff of the County of Derby.

Unkell Manvers havynge formerly wrytten unto you for your good furtherance to the election of suche a one to be Coroner in place of Abell, as the bearer of ye letter sholde name unto you, which letter I wrytt in great haste, supposinge yt the county day was sooner than now I percave it is, so as it is lyke my sd letter is not yet come to your handes I have thought good once agayne to renew my said former request in ye behalfe, and to intreate you that for so muche as it is lyke your undershereffe will be heare at London on the nexte countye daye & yt the countie clarke will perhaps be Lothe to meddell with the writt without some especiall direction from you, that you will therefore send some one of your servantes to be there with authoritie from you for the breakynge up of the said writt, & proceedinge by due course to the election of the partye that I shall nominate, if so the country shall lyke of him, beinge such a one as I hope you & the rest of my freinds will not fynde any juste cause to mislyke. I here there be some who have resolved to make a great opposition agayneste me in this matter, wch makes me the more carefull therein, & to intreate ye furtherance of some of my best frends to prevente theyre good meaninges towards me And so with my very hartly commendacons I will take my Leave from my house in brodstrete this 7 of May 1598. In haste

Yor Nephew & very lovinge frend  
Gibt. Shrewsbury.



## Pinxton and South Normanton Assessments.

At page 116 of this volume, reference was made to certain missing Commonwealth assessments of Pinxton and South Normanton. Although those have not been found, three later assessments of Pinxton of the Commonwealth date have since been discovered with some modern Poor Law papers, as well as some interesting military baggage accounts for the two parishes of last century. These are now reproduced :—

June 5th day 1654.

Assesment made the day and yeare above written for the Releife of the Prisoners in the upper Bench marshalsey and the Gaole

	s.	d.		s.	d.
Mr. Hatton ... ..	0	4	William Walton ... ..	0	2
Mr. Francis Byfeild .. ..	0	9	Anthony Straw .. ..	0	2
Mr. William Byfeild ... ..	0	3	Widow Bennit ... ..	0	1
Thomas Hodgkinson ... ..	0	3	Timothy Farnworth ... ..	0	2
Mr. Ralph Royston ... ..	0	4	Anthony Farnworth ... ..	0	1
Francis Cook ... ..	0	3	Tymothy Farnworth ... ..	0	1½
Edward Spalton ... ..	0	2	Anthony Flint ... ..	0	2
William Downing ... ..	0	2	William Rowson } ... ..	0	2
William Bennit ... ..	0	3	Francis Cocker } ... ..	0	2
Richard Morton ... ..	0	1½	Bartholomew Lee ... ..	0	4
Mr. John Crowshaft ... ..	0	2	William Walton } ... ..	0	2
Edward Cooke .. ..	0	1½	Edward Spalton } ... ..	0	2
Samuel Wright ... ..	0	3	Richard Norton } ... ..	0	2
Widow Whitworth ... ..	0	2	Quintilian Armstrong } ... ..	0	2
William Sanders ... ..	0	2	John Crowshaw } ... ..	0	2
Widow Wood ... ..	0	4½	Sum total ... ..	5	8
Henery Spurr ... ..	0	1			

Sessors

Tymothy Farnworthe	}	Churchwardens
Edward Cooke		
William Downing	}	overseers
Henery Harvey		
		of the poor

Pinckston

July the 5 daye 1654

Assesment maid the day and yeare above written for the mentenance of the Armyes and navies of this Commonwealth for sixe monthes' paye from the 24th day of June last unto the 25th day of December nexte the first three monthes to be paid the 10 day of this Instant July the latter three monthes uppon the second day of October nexte following

	£	s.	d.		£	s.	d.
Parson Hatton ... ..	0	16	0	Willi. Bennit ... ..	0	6	9
Mr. Fra. Byfeild } ... ..	1	0	3	Willi. Downing ... ..	0	4	6
Mr. William Byfeild } ... ..	0	6	9	Richard Newton ... ..	0	3	4½
Tho. Hodgkinson ... ..	0	6	9	John Crowshaw .. ..	0	4	6
Francis Cook ... ..	0	6	9	Edward Cook ... ..	0	3	4½
Edward Spalton ... ..	0	4	6	Mr. Ralph Royston ... ..	0	9	0

PINXTON AND SOUTH NORMANTON ASSESSMENTS. 285

	£	s.	d.
Samuell Wright ... ..	0	6	9
Wid. Whitworth ... ..	0	4	6
Willi. Sanders ... ..	0	4	6
Wid. Wood ... ..	0	10	1½
Henry Spurr ... ..	0	2	3
Willi. Wallton ... ..	0	4	6
Antho. Straw ... ..	0	4	6
Wid. Bennit ... ..	0	2	3
Timo. Farnworth ... ..	0	4	6
Antho. Farnworth ... ..	0	2	3
Timo. Farnworth ... ..	0	3	4½

	£	s.	d.
Antho. Flint ... ..	0	4	6
Francis Corker } ... ..	0	4	6
Willi. Rawson } ... ..	0	4	6
Bartho. Lee ... ..	0	9	0
Willi. Wallton } ... ..	0	4	6
Edward Spallton } ... ..	0	4	6
Richard Newton } ... ..	0	4	6
Quintill. Armstronge } ... ..	0	2	3
John Crowshaw } ... ..	0	2	3
Sum Total ... ..	8	0	0

	£	s.	d.
Parson Hatton ... ..	0	12	0
Mr. Fra. Byfeild } ... ..	0	15	0½
Mr. William Byfeild } ... ..	0	15	0½
Tho. Hodgkinson ... ..	0	5	1½
Francis Cook ... ..	0	5	1½
Edwa. Spallton... ..	0	3	5
Willi. Downing ... ..	0	3	5
Willi. Bennit ... ..	0	5	1½
Ritchard Newton ... ..	0	2	6½
John Crowshaw ... ..	0	3	5
Edward Cook ... ..	0	2	6½
Mr. Ralph Royston ... ..	0	6	10
Samuell Wright ... ..	0	5	1½
Wid. Whitworth ... ..	0	3	5
Willi. Sanders ... ..	0	3	5
Wid. Wood ... ..	0	7	8½
Henry Spurr ... ..	0	1	8½

	£	s.	d.
Willi. Wallton ... ..	0	3	5
Antho. Straw ... ..	0	3	5
Wid. Bennit ... ..	0	1	8½
Timo. Farnworth ... ..	0	3	5
Antho. Farnworth ... ..	0	1	8½
Timothy Farnworth ... ..	0	2	6½
Antho. Flint ... ..	0	3	5
Francis Corker } ... ..	0	3	5
Willi. Rawson } ... ..	0	3	5
Bartho. Lee ... ..	0	6	10
William Wallton } ... ..	0	3	5
Edward Spallton } ... ..	0	3	5
Richard Newton } ... ..	0	3	5
Quintill. Armstronge } ... ..	0	1	8½
John Crowshaw } ... ..	0	1	8½
Sum Total ... ..	6	1	4½

May the 14 1656

An asesment made the day and yeare above written for the repairing of bridges, Provost Marshall and the Roberie.

	s.	d.
Mr Byfidd .. ..	3	10
Widdow Cooke .. ..	0	6
Edward Spolton .. ..	0	6
William Downing .. ..	0	6
William Bennett .. ..	0	9
Richard Newton .. ..	0	4
Mr Crawshaw .. ..	0	3
Edward Cooke .. ..	0	4
Mr Roiston .. ..	1	0
Barkle Lee .. ..	1	0
Samwell Wright .. ..	0	9
Widdow Whitworth .. ..	0	6
William Saunders .. ..	0	6
Widdow Wood .. ..	1	6
Mr Spurr .. ..	0	6
William Wolton .. ..	0	6
Anthony Flint .. ..	0	6
Edward Straw .. ..	0	6

	s.	d.
Widdow Benit .. .. .	0	3
Tymothie Farnworthe minor .. .. .	0	6
Tymothie Farnworthe senior .. .. .	0	7
Francis Coker William Rawson .. .. .	0	6
William Wolton Edward Spolton William Downing .. .. .	0	6
Quinting Armstrong .. .. .	0	3
Mr Crawshaw .. .. .		
Coate Close .. .. .	3	0

## Decembr ye 8th 1715

An Amount of ye Carriages horses and Workmen of South Normanton and Pinxton That went wth ye Souldiers betwixt Alfreton and Sheffield

	li.	s.	d.
first 40 horses att 3s. 6d. p' day two dayes and one Night			
Amounts to .. .. .	03	00	00
five Carts two dayes att 2s. p' day. . . . .	01	00	00
fifteen men 2 dayes and One Night att 1s. 6d. p' day .. .. .	02	05	00

## The 5th of May 1716

Eighteen horses one day att 1s. 6d. p' day .. .. .	01	07	00
and 6 Men one day att 1s. 6d. p' day .. .. .	00	09	00
3 Carts att 2s. p' Cart .. .. .	00	06	00

## In 1719

One Wagon two dayes att 2s. p' day 8 horses 2 dayes att 1s. 6d. p' day and two men .. .. .	01	14	00
In 1720: 12 horses att 1s. 6d. p' day .. .. .	00	18	00
And two Carts att 2s. p' day .. .. .	00	04	00
four Men att 1s. 6d. p' Man .. .. .	00	06	00
	<u>11</u>	<u>09</u>	<u>00</u>

Derb. Ss. To Mr. John Wright ye County Treasurer

In compliance with an Order of the Last Generall Quartr Sessions of the peace held at Derby: & whereas upon a Motion referred unto us two of his Majesties justices of the peace acting within the Hundred of Scarsdale in the said County

These are therefore to require you to pay the sum of Eight pounds & Ten shillings unto such person or persons as the Town & Inhabitants of South Normanton & Pinxton shall Impower to receive the same for Defraying ye Expence of Conveying the Military Baggage, &c. to & fro in the late Expedition into Scotland being in full upon all demands

Given under our hands and seals the Eighth Day of February in the Eighth year of the reign of our Sovereign Lord George by the grace of God of Great Britain France and Ireland King defender of ye faith, etc. An. Dmu. 1721

(Signed) Thomas Stones, Richard Bagshawe.

### Swarkeston School House.

A really remarkably early instance of a healthy greed for learning occurred at the small village of Swarkeston in the first half of the seventeenth century. The inhabitants united together about 1639 and built a school-house and provided a schoolmaster for the village, by a voluntary assessment, without the aid of any bequest or help from any wealthy landowner. The following petition refers to this noteworthy germ of the modern school-board :—

July 17th 1649

To the Right Wor<sup>sh</sup> the Justices of the Benche at ye Quarter Sessions.

The humble petition of the Inhabitants of Swarkeston.

Whereas the Inhabitants of Swarkeston did about Tenn yeeres agoe at ther owne paines and charges build a Schoolhouse to have ther children taught in good Litterature and it was Employed to yt use till within this three yeeres and then it standing voyd a little space till another Schoolmaster could be provided In the meane on Robert Beerley yt hath two houses of his owne at Weston upon Trent thrust himself into it without or consent, yet upon diverse demands of it hath promised yt he would avoyd & go to his owne But so it is Right Wor<sup>sh</sup> yt hee geeres us, keeps possession & will not out, So that to or greefe & prejudice or Children want teaching, & what an injury this is to us & they to want such a benefitt as a Scholmaster & good learning wee leave to yor gracious consideration

Humbly beseeching yor worships so to do for us yt hee may be cast out of ye said Scholhouse yt it may be Employed to yt good use for which it was ordained

John Bould clarke  
John Fisher  
Edmund Hawker  
Thomas Wright  
Thomas Draper

Ralph Banckcroft  
Thomas Henisor  
William Roberts  
Tho Bould

The petition is endorsed—"To be removed upon due consideration."

### The Shire Hall.

This draft of a petition of 10th March, 1661, from the Sitwell MSS., forms an interesting sequel to what has been said about the new County Hall in the introductory section of the first volume :—

Most gracious Sovereigne

Wee yor Maties loyall and obedient subjects the Grand Jury for the County of Derby att the Assizes held there the 10th day of March 1661 humbly make bould to informe yor Matie that there have beene great summes of money raised in this County in these late tumultous times, for the building of a Shire Hall there, a greate parte whereof is remaying in severall

hands now after the worke is finished, who are . . . . . pay in the same (though there was an Order att the last Assizes held there the 17th day of August last from the Judges, who did impowre two Gentlemen to take the said accompts and to order the money found to be in arreare to be paid into such Treasurer's hands as they should appoint) pretending they may be called into the Exchequer to accompt for the same there ; And some particular towns are yet behinde in paying what was imposed, whoe ought to pay the same that the charge may be equall.

Therefore in all humility we become petitionrs to your Sacred Matie in the behalfe of the whole County, that you would graciously please to impower some Gentlemen of our County to take the accompts of all whoe have received any of that money, or have been employed in that worke and that they may have power to charge the High Constables to Collect what is unpaid, and that all whoe are found to be in arreare may pay the same to the sd Gentlemen for to be employed for the use & benefit of our County And we shall as in Duty bound pray &c.

### Royal Aids.

The following five interesting letters from the Sitwell papers, relative to royal aids or special levies after the Restoration, were not received in sufficient time for insertion in their proper place in the Fiscal Section of this volume :—

Mr James Bullock  
March 12th 1662

Sr The 18th of Aprill 1661 I received of Willm Roger (who was then our Constable) 3*li*. 12*s*. 11*d*. wch was imposed upon the Townshipp of Eckington for the buying of Trophies &c : but upon Lamberts rising being Commanded to March to Derby wth what force we could raise I pd 2*li*. to honest poore men my neighbours who marched as far as Chesterfeild wch I expect to have againe (it cost me more) I have sent you the rest by our Constable Willm Kirkby being 1*li*. 12*s*. 11*d*. when I received it I intreated Mr Willm Bulloke to take it to the Sessions, he would not, but said he would lay it downe for me if there was occasion, soe after my kinde respects remembered I remaine

Yor servant  
G. S.

ffor Captaine Mazine  
May 1st 1665

I pray God send us good success wth our flect against the Dutch, certainly its a vast charge the flect lyes his Matie in ; there are letters come to the Comissioners for the Royall aied to advance mony ; we are to meet at Derby on ffryday next, & I doubt not but every man will be willing to putt to his helping hand &c.

ffor Mr ffreeman  
May 9th '65.

Sr I was yesterday at Sutton, & did hope to have found you there, my Lord was pleased to say you should meet the Commissioners for the Royall Ayde at Chesterfeild to morrow, so that I doubt not seeing you then ; this bearer James Potter tells me you had appointed to meet at Pleasley to morrow to take up wood there, but all particuler business must be sett aside to serve the publique ; when we meet I shall informe you what we did at Derby, & am confident of your compliance to serve your Country & so remaine

Your friend to serve you.

For Capt Mazine  
May 13th 1665

\* \* \* \* \*

I hartily thanke you for yor last good news, & longe to heare what the ffrench intend to doe : the Comrs for this County (as I formerly hinted) mett, & are apprehensive of the vast charge of the Navy, soe that we have agreed to advance two three moneths pay without interest, notwithstanding some are of Oppinion that his Maties officers will gett that interest that was offered into theire owne purses, & soe deceave both Kinge and Country, but truly I thinke none dare to be soe unworthy : noe more but my kinde respects presented & I remaine

Yor faithfull humble servt.

July 17th 1665

Received then by me Richard Clarke of Chesterfeild in the County of Derby Gent. head Collector of the hundred of Scaresdale for the Royall Aide granted unto his Matie of George Sitwell of Renishaw in the same County Esqr the summe of one hundred pounds of Currant money wch the said George is content to lend to his Matie accordinge to propositions from the Lord Treasurer, menconed in a lettr sent to the Comrs of this County, notwithstanding if the Country bringe in money to me the said Rich : Clarke, the sd George is content to receive it att any time before Michalms next, and will expect noe interest for ye same I say recd

per me Richard Clarke  
Head Collector.

For Mr. Richard Clarke  
August 26th 1665

Mr. Clarke,

I bad Thomas Starky ask you for that hundred pounds I sent to you the 17th of July, wch I was willinge to lend to his Matie, the reason I sent for it was because I heard that that money you have returned is not paid in for the Navys use, & that you have most of the rest lyeing by you, and are like to have all shortly : yor answer was somethinge odd vizt ; that you had returned & paid that particuler money I sent, it may be soe, other money will be the same thinge to me, I doe not accuse you as faulty that the money is not paid, but I fear whereas wee thought to deserve thanks for advanceing money, we deserve to be chidden because that is not paid that js due ; if you cannot pay Thomas the money this day pray you tell him what day I may send for it, noe more but my kind respects & I remaine

Yor friend to serve you

## The First Post Stage for Derby.

Many incidental references occur throughout the Derbyshire records to the early despatching of letters by the mail ; it will therefore be of some interest to give an account from the Public Record office, hitherto unprinted and unknown, of the first Derbyshire post stage.

James I. established a post-office in London for letters to foreign countries for the benefit of merchants, but it was not till the reign of Charles I., 1635, that a post-office of inland letters was established.



A regular communication was then established between Edinburgh and London, "to go thither and come back again in six days," and to take with them all such letters as should be directed to any post-town on the road. Posts were also established to Ireland by Holyhead, and to Plymouth and Exeter. Posts for letters materially progressed during the Commonwealth, but it was not until the restoration, namely on December 27th, 1660, that the Post-office, as at present constituted, was founded. Part of the scheme then established brought about, for the first time, a regular post between London and Derby. The Derby Road of the post-stage system began at Towcester, sixty miles from London. Up to that point the Derby letters were conveyed by the Holyhead or Irish mail; from Towcester they went, by four intervening stages, to Derby, a distance of 69 miles.

The following is a specimen of a printed post bill of the year 1666 pertaining to the Derby Road, the date being filled up by handwriting:—

"For the special service and affaires of His Majesty.

Haste, haste,

Poste haste—Whereas the management of the Post Stage of Letters of England Scotland and Ireland is committed to my care and conduct: These are therefore in His Majesties name to require you in your respective Stages to use all diligence and expedition in the safe and speedy Conveyance of this Mail and Letters from London to Derby and from thence to return: And hereof you are not to fail, as you will answer the contrary at your perils. Given under my hand this 28th of Octor past 2 in the morning, 1666.

Philip Frowde.

To the severall Postmasters on the Derby Road"\*

Each postmaster of the town through which the mail passed had to state, on the bottom of the post bill, the hour at which he received and forwarded it. The prescribed rate of progress was but five miles an hour.

The above post bill is thus subscribed:—

"Towcester the 28th of Octbr. Sent this malle away at 4 after noone. Andrew Snape.

Received the mall att Northampton att 6. J. Sumner.

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\* Dom. State Papers, Charles II., 1666, Bundle 184.

Received the mall at tow. John Pares  
 29th. Received ye mayle at six morne. Robt Bunnys  
 Received the maile at 2. Hugh Newton.  
 Received ye mayle at six at night. Robt Bunnys  
 Received the mall at 11 at night John Pares  
 Received the mall at 7 and sente away. Tho. Palmer  
 Received the mayle at Northampton att 12 and sent away by mee  
 John Sumner."

From other post-bills, it becomes clear that the following were the stages on the "Derby Roade," with the names of their first post-masters :—

Towcester, Andrew Snape ; 10 miles to  
 Northampton, John Sumner ; 16 miles to  
 Market Harborough, Thomas Palmer ; 15 miles to  
 Leicester, John Pares ; 11 miles to  
 Loughborough, Robert Bunnys ; 17 miles to  
 Derby, Hugh Newton.

### Cattle Plague.

A severe cattle plague, or "pestilence amongst the horned cattle," raged in England from 1745 to 1755. The distemper was supposed to have been introduced into England from Holland by means of two white cows which a farmer at Poplar sent for to improve his breed. By October, 1745, it had spread thence into Surrey, Kent, Essex, Berkshire, and Bedfordshire; few of the farmers "saving more than one in five of the cattle that have been taken, but most having lost their whole stock."\* An Act was passed in February, 1745-6, authorising the Privy Council to take necessary measures for the abatement and suppression of the plague. On March 12th, 1746, the Privy Council ordered diseased beasts to be shot, and their skins destroyed; granting moderate compensation. But the disorder continued to rage in one part or other of the country for nearly ten years from the time of the first outbreak. It gradually passed northwards, and on January 15th, 1746-7, it was ordered that no cattle should pass from the south across the Humber and Trent.

\* *Gentleman's Magazine*, 1745, p. 557.

In April, 1747, the plague had reached Derbyshire. By the beginning of September, it was estimated that 40,000 head of cattle had died in the three counties of Derby, Nottingham, and Lincoln.\*

At the Epiph. Sessions, 1748-9, inspectors of horned cattle were appointed for the county of Derby, to be paid at a rate not exceeding one shilling per day when on duty.

Just a year later, the matter came again before the court, when the good effects of putting the laws for checking the distemper into force were demonstrated, and that where they had been disobeyed or laxly enforced, the evil had spread from herd to herd. It was established that the plague had been brought into the hundred of High Peak by carrying of hides, horns, hoofs, and bones of infected cattle through the county. Complaint was also made that various farmers had refused to kill their cattle, or to give proper notice of disease to the inspectors. The justices, therefore, resolved to adopt more stringent precautions, and appointed all the several petty constables, overseers of poor, and churchwardens of the whole of the townships of the county of Derby inspectors under the Act, and they were enjoined to be very careful and diligent in the execution of their office. Specially qualified inspectors were also appointed for Glossop and Chapel-en-le-Frith, who were to stop all carriage of horns, hides, etc., through the county. No fair nor market for any sort of horned cattle was to be held anywhere in Derbyshire until further order, and no horned cattle were to cross Swarkeston bridge or Wilne ford one way or the other.

At the Trans. Sessions, 1750, Samuel Dury, printer, was ordered to print three hundred copies of the Act of Parliament for prevention of distemper.

At Mich. Sessions, 1751, fairs and markets for horned cattle were again prohibited throughout the county. Notice to this effect was

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\* In 1748, the following prayer was ordered to be used in the churches of England and Wales "every day, on occasion of the present mortality among the cattle" :—

"O gracious God, who, in Thy great Bounty to Mankind, hast given them the Beasts of the Field for their Provision and Nourishment, continue to us, we humbly beseech thee, this Blessing, and suffer us not to be reduced to Scarcity and Distress by the contagious Distemper, which has raged, and still rages, among the Cattle in many Parts of this Kingdom. In this and all other thy Dispensations towards us, we see and adore the Justice of thy Providence, and do with sorrowful and penitent hearts confess, that our manifold Vices and Impieties have deservedly provoked thine anger and Indignation against us. But we earnestly entreat Thee, Almighty Father, in this our calamitous State, to look down upon us with an Eye of Pity and Compassion; and, if it be Thy blessed will, to forbid the spreading of this sore Visitation, and, in Thy good time, to remove it from all the Inhabitants of this Land, for the sake of thy mercies in Christ Jesus, our only Saviour and Redeemer. Amen."

ordered to be issued in the *General Evening Post* and in the Derby and Nottingham *Mercuries*, whilst other notices were to be distributed throughout Derbyshire by the clerk of the peace. A like order was made by the court at Easter, 1752.

It was ordered, at the Epiph. Sessions, 1752-3, that the constable of Winshill have notice that he be very diligent in obliging people in his jurisdiction to bury their cattle that die in the infection, according to the King's order in Council. This is the last entry that we have noticed amongst the orders upon this subject.\*

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\* By the kind permission of the Rev. Canon Raine, of York, we are able to print the following highly remarkable and original "Psalm, composed by the Clerk of Stillington (North Riding of Yorkshire), and sung by him at Divine Service on Sunday, May 28th, 1749." It was in the possession of Mr. Thomas Beckwith, F.S.A., of York, who died in 1786, and is now in the hands of Canon Raine.

Let us sing to the praise and Glory of God a Psalm of my own making.

1. O Lord, we are fearfully distrest,  
But Thou canst help us still ;  
Thou canst, if Thou wilt do Thy best,  
Let men say what they will.
2. For this Distemper are full sad,  
And rages in our town,  
It is enough to make one mad,  
The like was never known.
3. There's old John Crow, and Richard Pen,  
And likewise William Bland,  
With many more substantial men  
Now ruined out of hand.
4. And we shall be quite undone,  
It is no boot to strive,  
And broke-up every mother's son  
As sure as we're alive.
5. No Christian bull or cow, they say,  
But take it soon or sine,  
And it is tef to one, I lay,  
Good God ! take care of mine !
6. For, Lord ! Thou know'st we are full poor,  
So help us ! for Thou can !  
And we will put our trust no more  
In any other man !
7. The doctors—tho' they all have spoke  
Like learned gentlemen,  
And told us how the intrils look  
Of cattle dead and gone ;—
8. Yet they can nothing do at all  
With all their learning store,  
Then come away Thyself, O Lord,  
And vex us so no more.
9. But come with help all in Thy hand !  
O come without delay !  
And drive it forth out of the Land,  
For ever and for aye !

AMEN.

### Damage by Fire.

We have noticed three entries among the records, which make mention of an appeal to Quarter Sessions with reference to loss and damage sustained through fire.

The first of these is a long statement entered on the Orders of the Trans. Sessions, 1694, with reference to a recent disastrous fire at Long Eaton :—

A Certificate of the Losse and Damage susteyn'd by Severall p'sons in Long Eaton occasioned by a Suddain Fire.

To the Charitable and well disposed Christians to whom these p'sons shall come, Greetinge

Whereas upon fryday the Twelfth day of May last past happened a dredfull Fire in the Town of Long Eaton in the County of Derby wch within lesse then two Houres time burnt down and consumed fourteen Dwellinge Houses together wth the Barnes Stables and out houses and other Buildings containeing Ninety Bayes of Building & together wth divers Quantities of Corne Hay and Househould Stuffe and other goods Amountinge in the whole to the Sume of Eight Hundred Eighty Nine pounds and Upwards by the Estimation of Abram Ward Mason George Baron and Robert Chevyn Carpenters and other Credible p'sons whoe have Viewed the said Ruins by which said Conflagration and Ruins Severall of the p'sons whose houses and Goods were consumed by the said Fire (to witt Edward Carter Thomas Clover Charles Willson Christopher Tebutt junr Widdow Canner William Canner George Canner wth divers others which are Utterly Undone and Ruined and are not able to Subsist without the charity and benevolence of Charitable and well disposed Christians wee therefore whose hands are here under written beinge well Satisfied of the great Poverty and want of the above Named Persons and Others whoe suffered by the said Fire and in the Vallue of the losse sustained thereby doe most Humbly Recomend their Sad and Deplorable Conditon to all Charitable and well disposed Christians for their Charity and Benevolence. Assuring them what Money shall bee given and Collected for the Reliefe and Support of the poore Sufferers aforesaid shall bee Employed & disposed to the Severall p'sons abovenam'd and other Sufferers by the said fire And for the better Satisfaction of all Such whoe shall Extend their Charity to the said Sufferers they have Humbly Requested the Honoble Anchtell Gray Esqre Arthur Warren and Robert Sacheverell Esqre to receive what money shall bee Collected of all Charitable people for the purpose above said to bee disposed of by them Amongst the said Sufferers Accordinge to their best divisions they beinge p'sons Near Neighbours to the said Sufferers and Satisfied in their Severall Losses and Circumstances.

We have Viewed the Sad Ruins above mentioned and believe the Computation of the losse to bee true and that the poore Sufferers are true objects of Charity.

Anchtell Gray      Robert Sacheverell  
Arthur Warren

Upon Hearinge of the above written Certificate openly Read in full Co'te This p'sent Sessions And upon examination of the Carpenters and Mason therein Mentioned upon oath of the reall Estimation of the loss and Damage Susteyned by fire by the Severall p'sons in the said Certificate Named This Court believes the whole Contents of the said Certificate to bee true and that the Trust reposed in the Honoble Anchtell Gray Esqre is well plact and that the charity collected will bee by him Honorably & faithfully Employed and Distributed for the benefit of the p'sons onely Named in the said Certificate and None others.

At the Sessions held at Bakewell on July 3rd, 1731, the following certificate was presented to the court for their endorsement :—

“Wee Roland Cotton and Thos. Gisborne Two Justices of the Peace acting for the Hundred of Appletree in ye County of Derby, pursuant to an Order of the County Sessions held at Derby the 7th of Aprill last have considered ye case of Jno Hall of Marston upon Dove concerninge his Hay Stack being maliciously fired—and doe adjudge that we have pd him by the County as the Act directs six pounds ten shillings.”

At the Easter Sessions, 1820, a petition was presented to the court by James and William Bate, of Thornsett, Mellor, showing “that a very sudden and terrible fire” broke out in their cotton mill on March 11th, through the overheating of the machinery. In little more than an hour the fire consumed five double carding engines, all the necessary machinery for preparing and spinning cotton, the cotton then in stock, together with an adjacent dwelling-house and its furniture. The petitioners were reduced to utter poverty, and estimate their loss at £862. They appealed to the assistance of “well-disposed Christians, and asked the court to certify the truth of the premises to the Lord Chancellor in order that a Brief might be issued.” The truth of the statements is attested by the signatures of M. Olorenshaw, minister of Mellor, and twenty-five of the principal inhabitants.\*

### Horse Slaughterers.

Among the records are several papers, extending from 1787 to 1823, which are certificates obtained from the court of Quarter Sessions, pursuant to 26 George III., c. 71, of the fitness of certain persons for the slaughtering of horses.

Two examples of these papers will suffice :—

We whose names are hereunto subscribed being inhabitants of the parish of Shirland in the County of Derby, do hereby certify that the bearer hereof, Edward Lester of Higham, in the aforesaid parish of Shirland, is a proper person to take out a license for slaughtering

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\* On the subject of Briefs, see vol. I., p. 365, etc. The above seems to have been the last secular Brief obtained in the county of Derby; the last Brief for church repair was in 1826.

Horses, pursuant to an Act of Parliament passed in the Twenty-sixth year of his present Majesty King George the third, Witness our hands the 2nd day of October 1787

Thomas Fidler, Rector of Shirland.  
George Hardy } Churchwardens.  
Thos. Fogg }

We the undersigned Minister Churchwardens and Overseers of the poor of the Township of Ashborne in the County of Derby Do and each and every of us Doth hereby certify that Richard Massey of Ashborne aforesaid Sadler and Collar Maker is a fit and proper person to be trusted with the Business of slaughtering horses, mares, Geldings, Colts, Fillies, Asses, Mules, Bulls, Oxen, Cows, Heifers, Calves, Sheep, Hogs, Goats, or other cattle not killed for Butchers meat, Given under our hands and seals the ninth day of April and the year of our Lord 1804.

William Webb, minister.  
Geo. Hardy } Churchwardens.  
Robt. Blore }  
Edwd. Barnes } Overseers.  
John Barnes }

### Theatrical Representations.

The first Act for licensing plays and playhouses was passed in 1737 (10 George II., c. 28); but in 1788 "An Act to enable justices of the peace to license theatrical representations occasionally under the Restrictions therein" became law (28 George III., c. 30). Among the county papers are several sessional licenses granted to travelling companies, dating from 1788 to 1839.

This latter was soon put into operation in Derbyshire. In June, 1788, the following was addressed:—

To Francis Heywood Constable of Bakewell.

Messrs. Welsh & Ferrizer give this public Notice to the Ladies and Gentlemen of Bakewell they intend making application at the next General Quarter Sessions, to be held at Bakewell for the County of Derby, for a License to enable them & Company to perform plays &c. for the space of 7 weeks in the months of October and November next, According to Act of Parliament in such case made & provided.

J. Welsh.

Bakewell June 21st

At the sessions held on July 29th, the required license was granted for plays and interludes at Bakewell, as well as one for Buxton from that date to September 30th.

In the following year, application was made to the justices at the Mich. Sessions for a license to play at Ashbourne:—

To his Majesty's Justices of the Peace for the County of Derby at the General Quarter Sessions assembled at Chesterfield in and for the said County on Tuesday the sixth day of October 1789.

The Humble Petition of John Welch and Edward Williams on behalf of themselves and their Company of Comedians now being at Buxton within the said County.

Your Petitioners in Pursuance of an Act passed in the twenty eighth year of the Reign of his present Majesty Intituled—"An Act to enable Justices of the Peace to License Theatrical Representations occasionally under the Restrictions therein Contained"—Do humbly Petition this Court to grant them a License as prescribed by the said Act for the Performance of such Tragedies Comedies Interludes Operas Plays or Farces as are mentioned therein at Ashborne within this County from the twentieth day of this Instant October for the space of eight weeks.

And your Petitioners shall ever pray etc.

John Welch  
Edward Williams

At the Epiph. Sessions, 1794, Samuel Stanton petitioned for license to perform at Ashbourne "Such Tragedies Comedies Interludes Operas Plays and Farces as now are or hereafter shall be acted or performed at either of the Patent or Licensed Theatres in the City of Westminster, or as shall in the manner prescribed by Law have been submitted to the Inspection of the Lord Chamberlain." He recited that he had been at a considerable expense in erecting a theatre in the town of Ashbourne, which he describes as "a place of considerable resort." He obtained a license, which was to come into operation on the following March 14th.

Record is also made of licenses granted to Myrton Hamilton and his company of comedians, in 1795, at Matlock Bath; to John Nunns at Ashbourne, in 1796 and 1799; to Charles Stanton at Ashbourne in 1805, 1807, 1808, and 1812; to James Robertson and T. H. W. Manley at Chesterfield, 1812, and to Mr. Manley also as manager for several consecutive years, down to 1839.

The use of the County Hall, Derby, by strolling players at the beginning of the eighteenth century, has been already mentioned with some detail.\*

### **Friendly Societies.**

The county papers include a variety of returns of Friendly Societies made to the clerk of the peace, pursuant to the respective requirements of 59 George III., c. 128; 10 George IV., c. 56; 6 and 7 William IV., c. 32. They extend from 1793 to 1847. In the year 1793, when these societies, or clubs of the industrious classes, began to be formed, four were organised in Derbyshire, and in the

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\* See Vol. I., pp. 13-15.



following year no less than ninety-eight ; by the end of the century the number was one hundred and forty-three. The first that were enrolled at the sessions were the societies formed at Alfreton, Crich, and Ashford. The numbers filed by the clerk of the peace up to the passing of the amending statute of 10 George IV. were three hundred and ninety-nine. By that Act a list of the societies enrolled had to be forwarded to the Secretary of State at the end of each period, five years from the year 1836. The return thus made up to 1847 is extant.

There is a parcel of bonds given by the treasurers of such societies, with two sureties, that had to be entered into with the clerk of the peace. They extend from 1830 to 1848.

In 1874, pursuant to the provisions of 37 and 38 Victoria, c. 42, transcripts of the rules of Benefit Building Societies that had been enrolled under 6 and 7 William IV., c. 32, were sent in to the Registrar of Friendly Societies ; the number of these societies in Derbyshire was then forty-three.

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### Free Masons.

The alarm felt in England at the progress of events on the continent, as last century was closing, brought about, *inter alia*, in 1799 the passing of "An Act for the more effectual Suppression of Societies established for seditious and treasonable Purposes, and for better preventing treasonable and seditious Practices," whereby a list of the members of every Freemason's Lodge, with the abode and profession of each, had to be annually deposited with the clerk of the peace. The papers pertaining to the enrolment of these masonic lodges, pursuant to 39 George III., c. 79, extend from 1799 to 1841, and belong to four Derbyshire lodges.

The "Scarsdale" lodge (No. 519) papers are from 1799 to 1818. The members met once a month at the house of William Lovett, at the Angel, Chesterfield. The roll for 1799 showed thirty-three members of varied sections of society ; there were several esquires, including Thomas Windsor Hunloke, of Wingerworth, and Cornelius Heathcote Rodes, of Barlborough ; gentlemen and professional men, as well as tradesmen, farmers, and servants. In 1818, this lodge had only twelve members.

Of the "Derbyshire" lodge (No. 201) there is a single return for 1818. The members, numbering seventeen, of whom Hugh Huntley, architect, was the worshipful master, met monthly at a private lodge room at Buxton.

Of the "Royal Sussex" lodge (No. 690) there are various returns, from 1818 to 1839. It met monthly at the Mitre at Repton. The master was George Mugliston, plumber and glazier, with a membership in 1818 of fourteen. The members afterwards increased in number and importance, including Rev. J. H. Macaulay, head master of Repton school, James Chiosso, late a captain in the Spanish service, and Michael Bass and Charles Allsop, of Burton-on-Trent.

The "Union" lodge (No. 335) has several returns, the earliest of which is for 1834, and the latest for 1841. This lodge, comprising about twenty members, chiefly miners and small tradesmen, met monthly at Mellor, at the sign of "The Duke of Sussex."

### Gunpowder Mills.

It was enacted in 1772, by 12 George III., c. 61, that gunpowder mills should only be permitted after license by the court of Quarter Sessions. The various other restrictions of this Act need not be enumerated, as they are obvious from the petitions about to be cited. We are not aware of any application in Derbyshire under this Act previous to 1800, at all events the application for such a mill in the parish of Hope at that date, is the earliest one preserved among the county papers. The following are copies of the papers:—

Notice is hereby given

That Application is intended to be made to the next General Quarter Sessions of the peace to be holden in & for the County of Derby by me Thomas Williamson of Fernilee in the said County Millwright, for a License to erect & have Mills or other Engines for making Gunpowder with proper Magazines & Offices to adjoin thereto, upon certain Lands situate lying & being in Shalcross in the Hamlet of Fearniley in the parish of Hope in the said County, called by the several names of the Geldee Warth, the Mill Warth, & the Warth-on-the-other-side-the-Water.

Dated this Twenty sixth day of December

1800

Thomas Williamson

To Messrs. John Cottrill, John Howe, & } The above Notice was read in the Parish  
John Higginbotham, Churchwardens of the } Church of Hope on Sunday the 28th Day of  
said Parish of Hope } Decr 1800

J. Ibbotson, Curate  
John Cottrill, Churchwarden of Hope.

At the Epiph. Sessions, 1801, Mr. Balguy moved for and obtained the requisite license.

On the petition of Thos Williamson of Fernilee in the County of Derby, Millwright, to this court showing that he is a Manufacturer of Gunpowder, and hath lately contracted with Francis Godsell Esqr for a lease of certain Lands lying in Shalcross in the Parish of Hope in the said County for the purpose of erecting Gunpowder Mills with proper Offices to adjoin them.

That the Land so contracted for is twelve miles distant from the Parish Church of Hope, & one Mile & three Quarters from the Parish Church of Taxal in the County of Chester, & is several Miles distant from any City, Borough, or Market Town, & upwards of thirty miles from any other Gunpowder Mills or Magazines.

That the Manufacture of Gunpowder upon the premises so contracted for will be very useful & beneficial to the Neighbourhood on Account of the great number of Coal & other Mines thereabouts, in the working whereof great Quantities of Gunpowder are used, which by reason of the Carriage, is an Article of very heavy Expense to the Proprietors of such Mines,

And praying this Court to grant him a license to erect Gunpowder Mills with proper Offices to adjoin thereto upon the said Lands lying in Shalcross aforesaid, called by the several Names of the Geldee Warth, the Mill Warth, & the Warth-on-the-other-side-the-Water,

And it having been proved to this Court that proper Notice had been given to the Churchwardens of the parish of Hope aforesaid, that this Court would be applied to for the said License & that such Notice had been read in the parish church of Hope pursuant to the Act of Parliament for that purpose, and no objection being made against granting the said License,

This Court doth Order that the said License be granted to the said Thomas Williamson, & the same is hereby granted to him accordingly

By the Court.

At the Easter Sessions, 1827, the Butterley Company obtained a license for a powder magazine at Amber wharf, near Bull Bridge, in the parish of Crich; at Trans. Sessions of the same year, Henry Orton obtained a license for a powder magazine on Sinfin Moor; and at the Mich. Sessions of the same year, Charles Hitchener obtained a license for a powder magazine in the township of Alvaston.

Messrs. Curtis and Harvey obtained a license for a powder magazine in the township of Boulton, at the Mich. Sessions, 1834.

### Polling Districts.

The Reform Bill of 1832 provided that the justices should meet in special sessions to select polling places, and to allot the townships to their respective centres. Derbyshire was then divided into two electoral divisions, North and South. The justices held a special session at Bakewell on October 23rd, 1832, for assigning polling districts for the northern division, and for the southern division at Derby on October 24th. They appointed five polling places for each division; in the north, Bakewell, Chapel-en-le-Frith, Glossop, Chesterfield, and Alfreton; and in the south, Derby, Belper, Melbourne, Ashbourne, and Wirksworth. But the Act reserved power to the justices to alter and increase the number of polling districts, with the consent of the Privy Council, provided they were petitioned by the inhabitants of any district and accepted the prayer of such petition. The singularly awkward roads and long distances in the hundred of High Peak soon brought about petitions from the voters for greater accommodation. Petitions are extant engrossed on parchment and numerous signed by freeholders, that were presented at Quarter Sessions, urging the respective claims of Tideswell, Castleton, Bradwell, and Buxton as polling places. Castleton soon obtained its desire, and by 1838 Buxton and Tideswell were appointed; Eckington was also added in the hundred of Scarsdale. The polling centres of South Derbyshire were likewise increased, but at a later date.

These petitions, their acceptance by the justices, and the replies of the Privy Council, form a bundle of some little interest owing to the great changes that have since been made in the representation of the people; they extend to May, 1867, the eve of the passing of the next Reform Bill.

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### The Lord-Lieutenant and the Commission.

The following remarkable document is given without any comment.

County Hall Derby. Epiphany Sessions 1807.

His Grace the Duke of Devonshire, the Lord Lieutenant of the County, having with his usual attention to the Magistracy referred to the present Bench, through the Clerk of the peace, the question of introducing Mr. Thos Hassall into the Commission of the peace; the

Justices now assembled, in obedience to His Grace's request to receive their opinions in writing, find it their duty to state that, though the good sense & unexceptionable character of Mr. Hassall are fully acknowledged by some of them who have had opportunities of knowing him, his situation in life does not seem to entitle him to a place in the Commission of the peace of this county, conformably to those regulations under which His Grace's consideration has supplied and guarded it. They hold that any departure from them in any instance however unexceptionable in itself, would unavoidably open the way to others which might not be so, to the injury of that weight and consequence of the Magistracy in the public mind on which its efficacy so materially depends. They recollect similar objections to similar applications; and they cannot consistently with precedent, or with their deliberate judgment on a review of the rules and usages hitherto observed here, recommend the admission of Mr Hassall into the Commission of the peace.

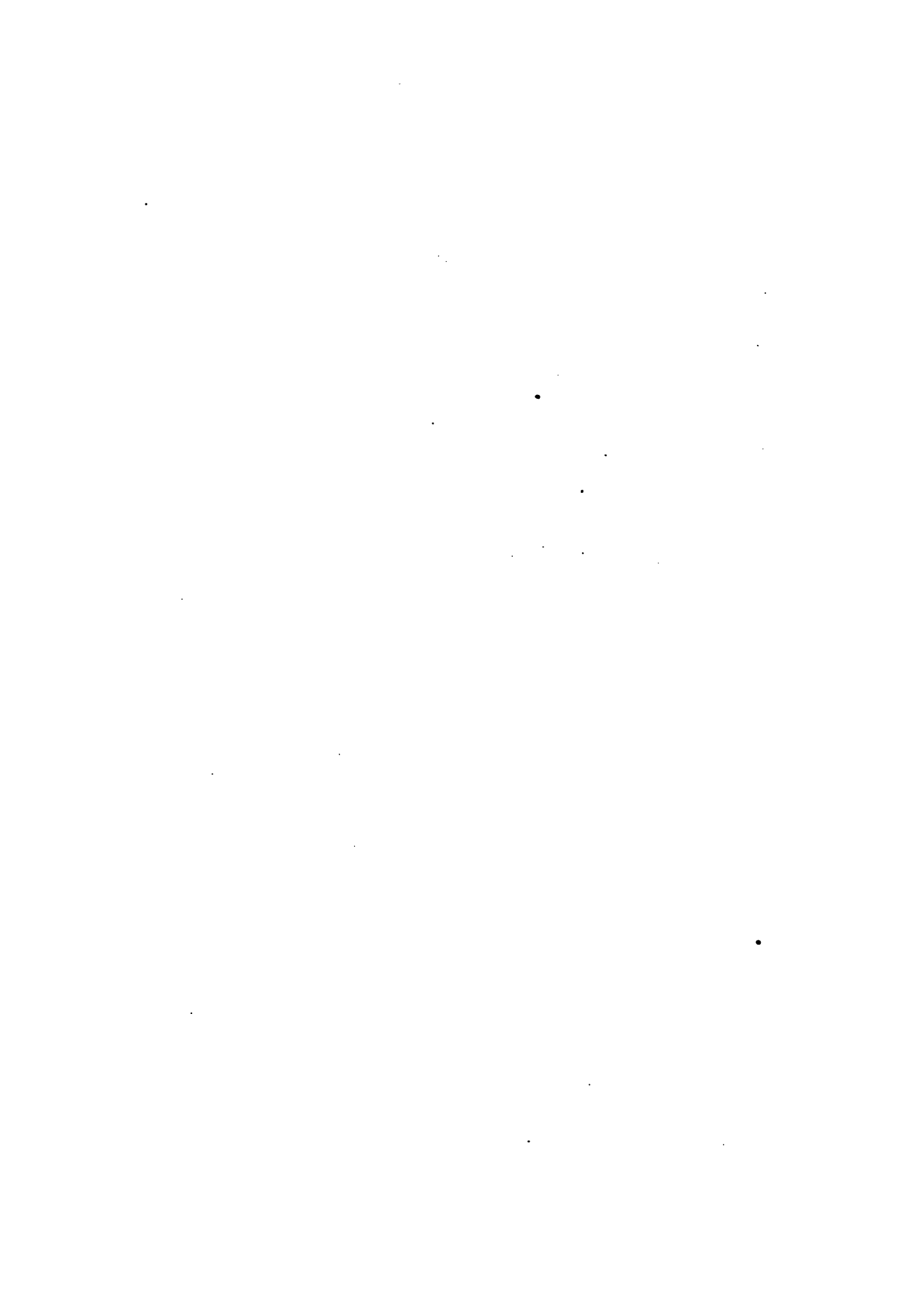
In thus submitting their unanimous opinion they beg leave to offer to His Grace The Lord-Lieutenant their respectful acknowledgments of that confidence with which he has honoured them, and his obliging consideration of their wishes and satisfaction.

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APPENDIX.



ENCLOSURE AWARDS.



# APPENDIX.

## Calendar of Enclosure Awards of the County of Derby.

c.	Name of Place.	Title of Act.	Regnal Year.	Year of our Lord.	Award or authorised Copy where directed to be Deposited.	Where Deposited.
1	Broughton West...	An Act for dividing and enclosing divers parcels of commons and waste grounds lying within the manor of West Broughton in the parish of Dovebridge.	4 Geo. II., c. 19 ...	1731	Clerk of the Peace.	Clerk of the Peace. Mr. Thomas Povey, Lord Waterpark's Steward, Dovebridge.
2	Langwith and Plesley ...	An Act for enclosing certain common pasture grounds within the manors and parishes of Langwith and Plesley, and the hamlets of Stoney Houghton and Shirebrook, in the said parishes.	21 Geo. II., c. 28...	1748	Parish chest, Langwith. Parish chest, Plesley. Clerk of the Peace.	Clerk of the Peace.
3	Beaston ...	An Act for dividing and enclosing Beaston common pasture.	27 and 28 Geo. II., c. 51.	1755	Clerk of the Peace.	Clerk of the Peace.
4	Aston and Shardlow Moor.	An Act for dividing and enclosing a common Moor, called Aston and Shardlow Moor, and several common fields, meadows, pastures and waste grounds, lying within the manor of Weston-cum-Membris and Prebent of Sawley.	29 Geo. II., c. 39 ...	1756	Parish chest, Aston. Clerk of the Peace.	Clerk of the Peace. Late Mr. Sutton, Shardlow.
5	Wingerworth and Tupton	An Act for dividing and enclosing certain common pastures and common grounds in the manor and parish of Wingerworth and in the hamlet of Tupton, in the parish of North Wingfield respectively.	30 Geo. II., c. 18 ...	1757	Parish chest, Wingerworth. Parish chest, North Wingfield. Clerk of the Peace.	Clerk of the Peace.
6	Mackworth ...	An Act for dividing and enclosing the common fields, meadows, pastures, and waste grounds in the parish of Mackworth.	33 Geo. II., c. 6 ...	1760	Clerk of the Peace.	Clerk of the Peace. Mr. Mundy, Markeaton.



No.	Name of Place.	Title of Act.	Regnal Year	Year of our Lord.	Award or authorised Copy where directed to be Deposited.	Where Deposited.
7	Eivaston and Thulston.	An Act for establishing and confirming certain articles of agreement for dividing and enclosing several common fields, meadows, and pastures in the township of Eivaston and Thulston.	2 Geo. III., c. 5 ...	1762	Clerk of the Peace.	Clerk of the Peace. Parish chest.
8	Aston-upon-Trent ...	An Act for dividing and enclosing the common fields, meadows, pasture and waste grounds in the township of Aston-upon-Trent.	2 Geo. III., c. 8 ...	1762	One of the Courts of Record at Westminster; or, Clerk of the Peace.	Clerk of the Peace.
9	Draycott ...	An Act for dividing and enclosing the common fields, common meadows, common pastures, common grounds, commonable lands, in the manor of Draycott, in the parish of Wilne.	3 Geo. III., c. 11 ...	1763	One of the Courts of Record at Westminster; or, Clerk of the Peace.	Clerk of the Peace. Parish chest of Wilne.
10	Scropton ...	An Act for dividing and enclosing the several open and common fields, common meadows, common and waste grounds within the manor and parish of Scropton.	3 Geo. III., c. 12 ...	1763	Clerk of the Peace; or, Court of Chancery.	Court of Chancery (4 Geo. III., 1763-4, Part II., No. 11), Mr. John Broadhurst, Foston.
11	Litton ...	An Act for dividing and enclosing the commons, common pastures, and common fields, in the manor of Litton, in the parish of Tideswell.	3 Geo. III., c. 31 ...	1763	Clerk of the Peace and Parish chest of Tideswell.	Clerk of the Peace. Parish chest, National school at Litton.
12	Winster ...	An Act for dividing and enclosing the common moor or waste ground within the hamlet of Winster in the parish of Youlgrave.	3 Geo. III., c. 41 ...	1763	Clerk of the Peace and chest of hamlet of Winster.	Clerk of the Peace. Parish chest.
13	Long Eaton ...	An Act for dividing and enclosing the common fields, meadows, pastures, and waste grounds in the manor of Long Eaton, in the parish of Sawley.	5 Geo. III., c. 8 ...	1765	Court of Record at Westminster; or, Clerk of the Peace.	Clerk of the Peace. Award in Parish chest, Long Eaton. Plan destroyed by damp. Copies of plan in possession of Mrs. Wm. Bainbridge and Mr. W. E. Brown, Surveyor.

14	Hartshorn ...	An Act for dividing and enclosing the several open and common fields, common meadows, commons and waste grounds within the manor and parish of Hartshorn.	5 Geo. III., c. 65 ...	1765	Clerk of the Peace ; or, Court of Chancery.	Clerk of the Peace.
15	Ashford and Sheldon	An Act for dividing and enclosing the several fields, meadows, pastures, commons, and waste grounds, within the hamlets of Ashford and Sheldon, in the parish of Bakewell.	5 Geo. III., c. 81 ...	1765	Clerk of the Peace.	Clerk of the Peace.
16	Repton ...	An Act for dividing and enclosing the open fields, common meadows, common pastures, commons and waste grounds within the parish of Repton.	6 Geo. III., c. 20 ...	1766	Clerk of the Peace.	Clerk of the Peace. Copy of Award with Mr. Seth Smith, churchwarden, Repton.
17	Willington ...	An Act for dividing and enclosing the open fields, common meadows, common and waste grounds within the parish of Willington.	6 Geo. III., c. 23 ...	1766	Clerk of the Peace.	Clerk of the Peace.
18	Darley ...	An Act for dividing and enclosing a certain common, parcel of waste ground, or moor, situated in the liberty of Darley, called Darley common.	6 Geo. III., c. 92 ...	1766	Clerk of the Peace ; and chest of the hamlet of Darley.	Clerk of the Peace. Parish chest of Darley.
19	Nuns Green	An Act for selling a part of a green, called Nuns Green, in the Borough of Derby ; and for applying the money arising from the sale thereof in the improvement of the remaining part of the said green, and for other purposes therein mentioned.	8 Geo. III., c. 38 ...	1768	No Award. Directed to be deposited.	
20	Littleover ...	An Act for dividing and enclosing the commons, waste grounds, open fields, common meadows, and common pastures, in the liberty of Littleover, within the parish of Mickleover.	8 Geo. III., c. 44 ...	1768	Clerk of the Peace ; or, Court of Record, Westminster. Chest of the Liberty of Littleover.	Queen's Bench Plea Side (2 Geo. III., 1770, Mich. Ro. 208).
21	Normanton next Derby.	An Act for dividing and enclosing the open fields, common meadows, and common pastures, in the parish of Normanton next Derby.	8 Geo. III., c. 46 ...	1768	Clerk of the Peace ; or, Court of Record, Westminster. Parish chest of Normanton, next Derby.	Queen's Bench Plea Side (11 Geo. III., Mich. Ro. 209).

N.	Name of Place.	Title of Act.	Regnal Year.	Year of our Lord.	Award or authorised Copy where directed to be Deposited.	Where Deposited.
22	Belper Ward, Highceige (Heage).	An Act for dividing and enclosing that part or share of Belper Ward which belongeth to Highceige.	9 Geo. III., c. 34 ...	1769	Clerk of the Peace ; or, Court of Record, Westminster.	Clerk of the Peace. Mr. Joseph Alton, The Firs, Heage.
23	Derby Hills	An Act for dividing and enclosing a certain common or waste ground, called Derby Hills, parcel of the manor of Castle Donnington, in the counties of Leicester and Derby.	10 Geo. III., c. 13.	1770	Clerk of the Peace for the County of Derby.	Clerk of the Peace.
24	Ravenstone...	An Act for dividing and enclosing the open fields, meadows, and waste grounds, in the lordship or liberty of Ravenstone, otherwise Raunston, in the counties of Leicester and Derby.	10 Geo. III., c. 36.	1770	Court of Record, Westminster ; or, Clerk of the Peace.	Common Pleas (11 Geo. III., 1771 ; East.No.12.) Mr. Leonard Fosbrook's, Lord of Manor. Another copy or paper with Overseer.
25	Fairfield	An Act for dividing and enclosing the several open fields, common pastures, commons and waste grounds, within the township, hamlet, or liberty of Fairfield, in the parish of Hope.	11 Geo. III., c. 19...	1771	Clerk of the Peace. Clerk of the Counsel of the Duchy of Lancaster.	Clerk of the Peace. Duchy of Lancaster Office. Iron chest, Vestry of Hope.
26	Mony Ash	An Act for dividing and enclosing the common and waste grounds within the manor of Mony Ash, in the parish of Bakewell.	11 Geo. III., c. 40...	1771	Clerk of the Peace ; or, Court of Record, Westminster. Parish chest of the livery of Mony Ash.	Mr. John Mellard, Monyash.
27	Priestwood	An Act for dividing and enclosing Priestwood common in the parishes of Mackworth, Kedleston, Meynell Langley, or some of them.	11 Geo. III., c. 42...	1771	Court of Record, Westminster, and parish chest at Mackworth.	Queen's Bench Plea Side, 14 Geo. III., 1773. Mich. Ro. 252.
28	Stapenhill and Winshill.	An Act for dividing and enclosing the several open fields, common or waste lands, stinted pastures, and commonable grounds, within the hamlets of Stapenhill and Winshill.	11 Geo. III., c. 46...	1771	Court of Record, Westminster ; or Court of Record Henry Lord Paget held in his manor of Burton-upon-Trent.	Public Record Office.

29	Hulland Ward	...	An Act for dividing and enclosing a certain common called Hulland Ward, otherwise Hollin Ward.	11 Geo. III., c. 54...	1771	Duchy of Lancaster Office. Chests of townships of Mugginton, Windley, Mercaston, Turn-ditch, Hulland, Biggin, Ireton Wood, Ideridge Hay.	Duchy of Lancaster office. Windley box, in vestry of Turnditch church. Plan. Mr. Wheelodon, Ireton Wood. L. Bainbrigg, churchwarden, Biggin.
30	Appleby	...	An Act for dividing and enclosing the open fields, commons and waste grounds, lying in the parish of Appleby, in the counties of Leicester and Derby.	11 Geo. III., c. 59..	1771	Clerk of the Peace. County of Leicester; or, Court of Record, Westminster.	
31	Buxton	...	An Act for dividing and enclosing the several commons and waste grounds within the liberty of Buxton, in the parish of Bakewell.	12 Geo. III., c. 27...	1772	Clerk of the Peace; also Clerk of the counsel, Duchy of Lancaster.	Clerk of the Peace; also Office, Duchy of Lancaster. (Lib. 2, p. 71.)
32	Ockbrook	...	An Act for dividing and enclosing the several open fields, meadow, pasture, common and waste ground within the liberty of Ockbrook.	12 Geo. III., c. 60...	1772	One of the Courts of Record at Westminster; or Clerk of the Peace.	Plan. Clerk of the Peace. Mr. Cope, Minister's churchwarden, Ockbrook.
33	Bonsall Leys and Green.		An Act for dividing and enclosing a certain open field or parcel of Land, called Bonsall Leys and Green, within the parish of Bonsall.	13 Geo. III., c. 14...	1773	Clerk of the Peace.	Clerk of the Peace. National School-room, Bonsall, in custody of churchwarden—Plan.
34	Church Broughton.		An Act for dividing and enclosing the several open fields, arable lands, meadows, commons, and waste grounds, within the manor of Church Broughton.	13 Geo. III., c. 16...	1773	Clerk of the Peace; or, Court of Record, Westminster.	Clerk of the Peace. Parish chest, Church Broughton—Plan.
35	Hognaston Wynn, or Hognaston Old field.		An Act for dividing and enclosing certain commons or pastures, called Hognaston Wynn or Hognaston Oldfield, within the liberty of Hognaston.	13 Geo. III., c. 83...	1773	Clerk of the Peace; or, Court of Record, Westminster. Chapel of Hognaston.	Clerk of the Peace.
36	Bonsall	...	An Act for enclosing certain common or pieces of waste ground in the parishes of Bonsall, Wirksworth, and Matlock.	16 Geo. III., c. 7 ...	1776	Clerk of the Peace; or, Court of Record, Westminster. Duchy of Lancaster office. Bonsall parish church.	Clerk of the Peace. Plan—Duchy of Lancaster office, 22 July, 1776. National School-room, Bonsall.

No.	Name of Place.	Title of Act.	Regnal Year.	Year of our Lord.	Award or authorised Copy, where directed to be Deposited.	Where Deposited.
37	Lea ...	An Act for dividing and enclosing the several commons and waste grounds within the manor of Lea, in the parishes of Ashover, Crich, and South Wingfield.	16 Geo. III., c. 32 ..	1776	Clerk of the Peace. Chest in chapel of Dethick, in parish of Ashover.	Clerk of the Peace. Vicarage House, Dethick.
38	Shirland ...	An Act for dividing and enclosing several common and waste grounds within the manor of Shirland.	17 Geo. III., c. 38...	1777	Clerk of the Peace. Chest in church of Shirland.	Clerk of the Peace.
39	Stretton ...	An Act for dividing and enclosing the several commons and waste grounds within the manor of Stretton, in the parishes of North Wingfield and Morton.	17 Geo. III., c. 39 ..	1777	Clerk of the Peace. Parish Church of North Wingfield.	Clerk of the Peace. Parish chest, North Wingfield—Plan.
40	Tibshelf ...	An Act for dividing, enclosing, and improving certain common lands and grounds in the township of Tibshelf.	17 Geo. III., c. 66...	1777	Award, with Plan, Parish chest, Tibshelf; without Plan, Hospital of St. Thomas the Apostle.	St. Thomas' Hospital, Westminster Bridge, London—Plan.
41	Killamarsh ...	An Act for dividing and enclosing the several open fields, arable lands, meadows, commons, and waste grounds within the manor of Killamarsh.	17 Geo. III., c. 104.	1777	Clerk of the Peace. Parish chest of Killamarsh.	Clerk of the Peace. Mrs. Charlotte Stoney, Bridge Farm, Killamarsh.
42	Bolsover ...	An Act for dividing and enclosing the open arable fields and commons within the manor of Bolsover, in the parishes of Bolsover and Clown.	18 Geo. III., c. 94...	1778	Clerk of the Peace. Town chest of Bolsover.	Clerk of the Peace. Clown copy — Rectory, Clown.
43	Ashover ...	An Act for dividing and enclosing the commons and waste grounds within the manor of Ashover.	19 Geo. III., c. 61...	1779	Clerk of the Peace. Parish chest of Ashover.	Clerk of the Peace. W. White, Collector of Rates, Ashover—Plan.
44	Hasland ...	An Act for dividing and enclosing the several commons and waste grounds within the manor of Hasland.	19 Geo. III., c. 98...	1779	Clerk of the Peace. Chest of hamlet or manor of Hasland.	Clerk of the Peace. Duke of Devonshire, muniment room, Hardwick. Parish church, Chesterfield—Plan.

45	Staveley	...	...	An Act for dividing and enclosing the several commons and waste grounds within the manor and parish of Staveley.	20 Geo. III., c. 8 ...	1780	Clerk of the Peace. Lord of manor of Staveley.	Clerk of the Peace. Duke of Devonshire as Lord of the manor, at maniment room at Hardwick—Plan.
46	Matlock	...	...	An Act for dividing and enclosing the several commons and waste grounds with the manor of Matlock.	20 Geo. III., c. 13...	1780	Clerk of the Peace. Parish chest, Matlock.	Clerk of the Peace. Mr. Thomas Newbold, Sol., Matlock.
47	Findern	...	...	An Act for dividing, allotting, and enclosing, the commons, open fields, and common pastures, in the liberty of Findern in the parish of Mickleover.	20 Geo. III., c. 35...	1780	Clerk of the Peace; or, Court of Record, Westminster. Box of liberty of Findern.	Queen's Bench, Plea Side, 21 Geo. III., 1781, Trin. Ro. 600. Box of liberty of Findern—Plan.
48	Hilton	...	...	An Act for dividing and enclosing several open common fields, common meadows, common pastures, commons, and waste grounds, within the manor and hamlet of Wilton, in the parish of Marston-upon-Dove.	20 Geo. III., c. 38...	1780	Clerk of the Peace; or, Court of Record, Westminster. Box of hamlet of Hilton; or, parish chest of Marston-on-Dove.	Common Pleas, 21 Geo. III., 1781, Trin. Ro. 214. Late in the poss. of J. H. Mousley, given up to the Clerk of Peace by Mr. Power. Deposited in Record Room.
49	Stoney Middleton	...	...	An Act for dividing and enclosing the several commons and waste grounds within the manor of Stoney Middleton.	21 Geo. III., c. 16...	1781	Clerk of the Peace. Parish Church of Stoney Middleton.	Clerk of the Peace. Mr. S. Furness, High Street, Stoney Middleton.
50	Dale Moor or Stanton Moor.	...	...	An Act for dividing and enclosing a certain common called Dale, or Stanton Moor, within the manors of Dale and Stanton, or one of them.	21 Geo. III., c. 37...	1781	Clerk of the Peace; or, Court of Record, Westminster. Town chest of Stanton.	Common Pleas, 22 Geo. III., 1782, Trin. Ro. 253. Plan.
51	Sandiacre	...	...	An Act for dividing, allotting, and enclosing the open fields, meadows, pastures, commons, and commonable places, within the township and liberty of Sandiacre.	22 Geo. III., c. 30...	1782	Court of Record, Westminster.	Common Pleas, 24 Geo. III., 1785, Hil. Ro. 11. Do., 24 Geo. III., Hil. Ro. 35. Mr. Stevens, Sandiacre.

No.	Name of Place.	Title of Act.	Regnal Year.	Year of our Lord.	Award or authorised Copy, where directed to be Deposited.	Where Deposited.
52	Boilstone	An Act for dividing and enclosing the several open common fields, common meadows, common pastures, commons, and waste grounds, within the manor and parish of Boilstone.	23 Geo. III., c. 37...	1783	Clerk of the Peace. Parish chest of Boilstone.	
53	Morley	An Act for dividing and enclosing the several commons and waste grounds within the parish of Morley.	24 Geo. III., c. 3, Sep. 1.	1784	Clerk of the Peace. Court of Record, Westminster. Parish chest, Morley.	Common Pleas, 27 Geo. III., 1786, Mich. Ro. 48. Plan. Parish award last heard of at Mr. E. Mousley's office.
54	Marston Montgomery.	An Act for enclosing and leasing, or letting, a certain common, and certain waste grounds lying within the parish of Marston Montgomery, and applying the profits thereof in aid of the Poor Rate and other parochial taxes of the said parish.	25 Geo. III., c. 4 ...	1785	No award ordered to be made.	
55	Holbrook	An Act for dividing and enclosing the commons, open common fields, common meadows, commonable lands, and waste grounds, within the liberty of Holbrook, in the parish of Duffield.	25 Geo. III., c. 27...	1785	Court of Record at Westminster; or, Clerk of the Peace. Chest of liberty of Holbrook.	Common Pleas, 27 Geo. III., 1786, Mich. Ro. 134. Plan. Chest of liberty of Holbrook.
56	Crich and South Wingfield.	An Act for dividing and enclosing the several commons and waste grounds within the manors of Crich and South Wingfield.	26 Geo. III., c. 19...	1786	Clerk of the Peace. Parish chest, Crich. Parish chest of South Wingfield.	Clerk of the Peace.
57	Weston-upon-Trent	An Act for dividing and enclosing the several open fields, and common meadows, common pastures, commons, and waste grounds, in the parish of Weston-upon-Trent	26 Geo. III., c. 35...	1786	Clerk of the Peace; or, Court of Record, Westminster.	Queen's Bench, Plea Side, 27 Geo. III., 1787, Hil. Ro. 474.
58	Belper Ward and Chevin Ward.	An Act for dividing and enclosing certain commons, called Belper Ward and Chevin Ward, and certain waste lands within the liberties of Duffield, Belper, Hazelwood, and Makenny, within the parish of Duffield.	26 Geo. III., c. 57...	1786	Court of Record, Westminster; or, Clerk of the Peace. Parish box, Duffield. Parish box, Belper.	Queen's Bench, Plea Side, 34 Geo. III., 1793, Mich. Ro. 200. Vicarage, Duffield; not at Belper.

59	Barrow-upon-Trent	An Act for dividing and enclosing the several common and open fields, meadows, pastures, commons, and waste grounds, within the manor and hamlet of Barrow-upon-Trent, in the parish of Barrow-upon-Trent.	27 Geo. III., c. 25...	1787	Clerk of the Peace ; or, Court of Record, Westminster. Parish chest, hamlet of Barrow-upon-Trent.	Common Pleas, 28 Geo. III., 1788, Trin. Ro. 395. Plan.
60	Sawley	An Act for dividing and enclosing the several open fields, common meadows, common pastures, and waste grounds within or belonging to the hamlet of Sawley.	27 Geo. III., c. 35...	1787	Clerk of the Peace ; or, Court of Record, Westminster. Parish chest, Sawley.	Common Pleas, 28 Geo. III., 1788, Trin. Ro. 251. Plan, Rectory House, Sawley.
61	Little Eaton	An Act for dividing and enclosing the common open fields, commonable lands, and waste grounds in the liberty of Little Eaton, in the manor of Little Chester.	27 Geo. III., c. 36...	1787	Court of Record, Westminster ; or, Clerk of the Peace. Chest of liberty of Little Eaton.	Common Pleas, 29 Geo. III., 1789, Trin. Ro. 285. Plan.
62	Melbourn and Kings Newton.	An Act for dividing and enclosing the several common and open fields, meadows, pastures, commons, and waste grounds within the liberties of Melbourn and Kings Newton, in the parish and lordship of Melbourn.	27 Geo. III., c. 37	1787	Court of Record, Westminster ; or, Clerk of the Peace.	Queen's Bench, Plea Side, 33 Geo. III., 1793, East. Ro. 498. Plan, parish chest, Melbourn. Plan.
63	Parwich	An Act for dividing and enclosing certain open fields or stinted pastures, lying within the parish of Parwich.	28 Geo. III., c. 7 ...	1788	Court of Record, Westminster ; or Clerk of the Peace. Parish chest, Parwich.	Clerk of the Peace. Parish chest, Parwich. Plan.
64	Spondon	An Act for dividing and enclosing the open fields, common pastures, common or moor and waste grounds within the hamlet or liberty of Spondon.	28 Geo. III., c. 39	1788	Court of Record, Westminster ; or, Clerk of the Peace. Parish chest, Spondon.	Queen's Bench, Plea Side, 30 Geo. III., 1790, Hil. Ro. 923. Plan, Parish chest, Vestry, Spondon. Plan.
65	Marston-upon-Dove, Hatton Hoon, and Hoon Hay.	An Act for dividing and enclosing the common and open fields, meadows, pastures, and commons or moors within the liberties of Marston-upon-Dove, Hatton Hoon, and Hoon Hay, in the parish of Marston-upon-Dove.	29 Geo. III., c. 54	1789	Clerk of the Counsel, Duchy of Lancaster. Marston parish chest.	Queen's Bench, Plea Side, 38 Geo. III., 1797, Mic. Ro. 1613.



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66	Osmaston-next-Derby.	An Act for dividing, allotting, and enclosing all the open fields, meadows, commons, and waste lands in the lordships or liberties of Osmaston-next-Derby, except only a certain meadow called the Moor Meadow, and a certain commonable place called Sinfm Moor.	29 Geo. III., c. 58	1789	Court of Record, Westminster.	
67	Mickleover ...	An Act for dividing and enclosing the open fields, common meadows and pastures, common and waste lands in the liberty or lordship of Mickleover.	30 Geo. III., c. 22	1790	Court of Record, Westminster; or, Clerk of the Peace, Parish chest of Mickleover.	Queen's Bench, Plea Side, 37 Geo. III., 1797. Trin. Ro. 2267.
68	Doveridge, <i>alias</i> Dovebridge.	An Act for dividing and enclosing the common fields, common pastures, and waste lands within the parish of Doveridge <i>alias</i> Dovebridge.	31 Geo. III., c. 2.	1791	Clerk of the Peace. Parish chest, Dove-ridge.	Clerk of the Peace.
69	Eggington ...	An Act for dividing and enclosing the common and open fields, common meadows, common pastures, stinted pastures, commons, and waste lands within the manor and parish of Eggington.	31 Geo. III., c. 19	1791	Clerk of the Peace; or, Court of Record, Westminster. Parish chest, Eggington.	Queen's Bench, Plea Side, 39 Geo. III., 1798. Mich. Ro. 315.
70	Heanor and Codnor	An Act for dividing and enclosing certain common or waste grounds within the lordships or liberties of Heanor and Codnor, in the parish of Heanor.	31 Geo. III., c. 48	1791	Court of Record, Westminster; or, Clerk of the Peace, Parish chest, Heanor.	Queen's Bench, Plea Side, 37 Geo. III., 1797. Trin. Ro. 2268.
71	Chaddesden	An Act for dividing and enclosing the open or common fields, meadows, commons, and waste grounds within the liberties of Chaddesden, in the parish of Spondon.	31 Geo. III., c. 51	1791	Court of Record, Westminster; or, Clerk of the Peace, Parish chest, Chaddesden.	Queen's Bench, Plea Side, 33 Geo. III., 1793. Hil. Ro. 114. Plan.
72	Edingale Fields	An Act for dividing and enclosing the several common and open fields common meadows, and common pastures, commonly called Edingale Fields, within the parish of Edingale, in the county of Stafford, and the parish of Croxall, in the county of Derby.	31 Geo. III., c. 60	1791	Court of Record, Westminster; or, Clerk of the Peace, Stafford Church chest, within the church, Edingale.	Deposited with the Clerk of Peace of Staffordshire in 1875, by T. L. Princes.

73 Stanley	...	An Act for dividing and enclosing the common and waste grounds within the manor and liberty of Stanley.	32 Geo. III., c. 48	1792	Court of Record, Westminister; or, Clerk of the Peace. Chest of the church of Stanley.	Queen's Bench, Plea Side, 34 Geo. III., 1794. East. Ro. 547. Plan.
74 Taddington and Priestcliff.	...	An Act for dividing and enclosing the several open fields, meadows, pastures, commons, and waste grounds within the hamlet of Taddington and Priestcliff, in the parish of Bakewell.	33 Geo. III., c. 85...	1793	Clerk of the Peace. Chest of the chapel of Taddington.	Clerk of the Peace. Isaac Broome's, Priestcliff.
75 Ilkeston	...	An Act for dividing, allotting, and enclosing the open fields, meadows, pastures, commons, and waste lands within the liberty of Ilkeston.	34 Geo. III., c. 102	1794	Court of Record, Westminister; or, Clerk of the Peace. Parish chest of Ilkeston.	Clerk of the Peace. Parish chest, St. Mary's church, Ilkeston.
76 Barlbrough...	...	An Act for dividing and enclosing the several open fields, commons, and waste grounds within the manor of Barlbrough.	35 Geo. III., c. 74...	1795	Clerk of the Peace. Parish chest, Barlbrough.	Clerk of the Peace. In custody of Mr. de Rhodes, Barlbrough Hall. Plan.
77 Eckington	...	An Act for dividing and enclosing the commons and waste lands, common fields, and mesne inclosures within the manor and parish of Eckington.	35 Geo. III., c. 100	1795	Clerk of the Peace.	Clerk of the Peace. Chest in church, Eckington.
78 Beighton	...	An Act for dividing and enclosing the commons and waste lands within the manor and parish of Beighton.	36 Geo. III., c. 34...	1796	Clerk of the Peace.	Clerk of the Peace. Parish chest of Beighton. Plan.
79 South Normanton	...	An Act for dividing and enclosing the several commons and waste grounds within the manor and parish of South Normanton.	37 Geo. III., c. 6 ...	1797	Parish chest, South Normanton.	Clerk of the Peace.
80 Etwall	...	An Act for dividing and enclosing the several open common fields, meadows, and pastures, commons, and waste grounds within the parish of Etwall.	37 Geo. III., c. 45...	1797	Court of Record, Westminister; or Clerk of the Peace. Parish chest, Etwall.	Queen's Bench, Plea Side, 39 Geo. III., 1799. Hil. Ro. 39. Vestry of church, Etwall. Plan.

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93	Brassington, <i>alias</i> Brasson.	An Act for dividing, allotting, and enclosing the open fields, meadows, and pastures within the township of Brassington, otherwise Brasson, and the commons and waste grounds called Brassington, otherwise Brasson Common, in the parish of Bradbourne.*	43 Geo. III., c. 93...	1803	Court of Record, Westminster; or, Clerk of the Peace, Church, Brassington.	48 Geo. III., 1808. Hil. Ro. 150. Plan. 48 Geo. III., 1808. Hil. Ro. 173.
94	Kirk Ireton and Callow.	An Act for enclosing lands in the township of Kirk Ireton, in the parish of Kirk Ireton, and Callow, in the parish of Wirksworth.	43 Geo. III., c. 104	1803	Court of Record, Westminster; or, Clerk of the Peace, and such person, or at such place as Commission under Act shall appoint.	Queen's Bench, Plea Side, 47 Geo. III., 1807. Trin. Ro. 316. Plan. Duchy Lancaster, Lib. 4, p. 68.
95	Hucklow Little ...	An Act for enclosing lands within the township of Little Hucklow.*	44 Geo. III., c. 2 ...	1804	Court of Record, Westminster; or, Clerk of the Peace.	Clerk of the Peace. Duchy Lancaster, Lib. 4, p. 9. Parish church, Hope.
96	Chelmorton and Flagg.	An Act for enclosing lands in the hamlets of Chelmorton and Flagg, in the parish of Bakewell.*	45 Geo. III., c. 103	1805	Court of Record, Westminster; or, Clerk of the Peace. Chapel of Chelmorton.	Clerk of the Peace. Mr. Thomas Breton, Yeoman, Chelmorton.
97	Hope, Bradwell, Aston, and Thornhill	An Act for enclosing lands in the hamlets of Hope, Bradwell, Aston, and Thornhill, in the parish of Hope.*	46 Geo. III., c. 15...	1806	Court of Record, Westminster; or, Clerk of the Peace. Parish church, Hope.	Clerk of the Peace. Iron chest, vestry of Hope. Plan.
98	Bakewell and Over Haddon.	An Act for enclosing lands in the manors and Townships of Bakewell and Over Haddon, in the parish of Bakewell.*	46 Geo. III., c. 79...	1806	Court of Record, Westminster; or, Clerk of the Peace. Parish church, Bakewell.	Clerk of the Peace.
99	Wheston and Tideswell.	An Act for enclosing lands in the townships of Wheston and Tideswell, in the manor of Tideswell.	47 Geo. III., s. 2, c. 64	1807	Court of Record, Westminster; or, Clerk of the Peace. Parish church, Tideswell.	Duchy Lancaster, Lib. 4, p. 176. Clerk of the Peace. Vicarage, Tideswell.

100	Quarndon, <i>alias</i> Quarndon.	An Act for enclosing lands in the township of Quarndon, <i>alias</i> Quarndon.*	48 Geo. III., c. 15... 2, c. 64 ... ..	1808	Court of Record, Westminster; or, Clerk of the Peace.	Queen's Bench, Plea Side, 57 Geo. III., 1817. Trin. Ro. 254. Plan.
101	Hathersage	An Act for enclosing lands in the parish of Hathersage.	48 Geo. III., c. 129	1808	Court of Record, Westminster; or, Clerk of the Peace. Parish chest, Hathersage.	Clerk of the Peace. Vicarage, Hathersage.
102	Elton and Winster...	An Act for enclosing lands in the townships of Elton and Winster, in the parish of Youlgrave.	49 Geo. III., c. 66...	1809	Court of Record, Westminster; or, Clerk of the Peace. Chest in the chapel of Winster.	Duchy Lancaster extract, Common Pleas, 3 Geo. IV., 1822. Trin. Ro. 66. Plan.
103	Stanton	An Act for enclosing lands in the township, hamlet, and manor of Stanton.*	49 Geo. III., c. 102	1809	Court of Record, Westminster; or, Clerk of the Peace. Parish church, Youlgrave.	Clerk of the Peace. Parish chest, Youlgrave.
104	Dronfield (Dore)	An Act for enclosing lands in the parish of Dronfield.	49 Geo. III., c. 170	1809	Court of Record, Westminster; or, Clerk of the Peace. Chest in church of Dore.	Clerk of the Peace.
105	Whitfield	An Act for enclosing lands in the hamlet or township of Whitfield, in the manor and parish of Glossop.*	50 Geo. III., c. 17...	1810	Court of Record, Westminster; or, Clerk of the Peace. Parish church, Glossop.	Clerk of the Peace.
106	Longstone Great and Little, and Wardlow.	An Act for enclosing lands in the township of Great and Little Longstone and Wardlow.	50 Geo. III., c. 184	1810	Court of Record, Westminster; or, Clerk of the Peace. Town chest, Great Longstone.	Clerk of the Peace. Town chest, vicarage, Longstone.
107	Beeley	An Act for enclosing lands in the township of Beeley.	51 Geo. III., c. 90...	1811	Court of Record, Westminster; or, Clerk of the Peace. Town chest of church or chapel of Beeley.	Clerk of the Peace.

\* Act not printed.

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108	Pinxton	An Act for enclosing lands in the parish of Pinxton, in the counties of Derby and Nottingham.*	52 Geo. III., c. 42...	1812	Court of Record, Westminster; or, Clerk of the Peace, Public chest in church, Pinxton.	Clerk of the Peace.
109	Alfreton	An Act for enclosing lands in the parish of Alfreton.	52 Geo. III., c. 103	1812	Court of Record, Westminster; or, Clerk of the Peace, Public chest, vestry, church, Alfreton.	Clerk of the Peace.
110	Whitwell	An Act for enclosing the lands in the parish of Whitwell.	53 Geo. III., c. 145	1813	Court of Record, Westminster; or, Clerk of the Peace, Parish chest, Whitwell.	Clerk of the Peace. Parish chest, Whitwell.
111	Breadsall	An Act for enclosing the lands in the parish of Breadsall.	55 Geo. III., c. pr. 42.	1815	Court of Record, Westminster; or, Clerk of the Peace, Parish chest, Breadsall, or such place as Commissioners under Act direct.	Queen's Bench, Plea Side, 58 Geo. III., 1817. Mich. Ko. 428. Plan. Parish chest, Breadsall. No Plan. Award with Plan at Messrs. Simpson, Taylor, and Simpson, solicitors, Derby.
112	Brampton	An Act for enclosing the lands in Brampton.	55 Geo. III., c. pr. 44.	1815	Court of Record, Westminster; or, Clerk of the Peace. Town chest, church, Brampton.	Court of Record, Westminster; or, Clerk of the Peace.
113	Youlgrave and Middleton - by - Youlgrave.	An Act for enclosing lands in the townships, hamlets, or manors of Youlgrave and Middleton-by-Youlgrave, both in the parish of Youlgrave.*	55 Geo. III., c. 77	1815	Court of Record, Westminster; or, Clerk of the Peace, Parish church, Youlgrave.	Clerk of the Peace. Parish chest, Youlgrave.
114	Rowsley Little	An Act for enclosing lands in the manor or hamlet of Little Rowsley, in the parish of Darley*.	55 Geo. III., c. 86	1815	Court of Record, Westminster; or, Clerk of the Peace.	Clerk of the Peace.

115	Homesfield...	...	An Act for enclosing lands in the hamlet of Homesfield, in the parish of Dronfield.	56 Geo. III., c. pr. 19.	1816	Clerk of the Peace. Chapel of Homesfield, or such other place as the Commission appoint.	Clerk of the Peace. Anthony Morgan, Homesfield.
116	Hollington...	...	An Act for enclosing the lands in the township of Hollington, in the several townships of Longford and Brailsford.	57 Geo. III., c. pr. 25.	1817	Court of Record, Westminister; or, Clerk of the Peace. Parish church, Longford.	Clerk of the Peace. Iron Safe, Longford Rectory. Plan.
117	Barlow	...	An Act for enclosing lands in the manor of Barlow, in the townships of Great Barlow and Little Barlow, in the parishes of Staveley and Dronfield.	57 Geo. III., c. pr. 34.	1817	Clerk of the Peace. Chapel of Barlow.	Clerk of the Peace. Chapel of Barlow.
118	Norbury	...	An Act for enclosing lands in the parish of Norbury.	58 Geo. III., c. pr. 16.	1818	Clerk of the Peace. Church of Norbury.	Clerk of the Peace. Thomas Maskery, Norbury.
119	Oker Hill and Cross Green.	...	An Act for enclosing and leasing or letting certain common or parcels of waste ground, called Oker Hill or Cross Green, within the township of Wensley and Snitterton, in the parish of Darley, and for applying the profits thereof in aid of the poor rates of the said parish.	59 Geo. III., c. pr. 17.	1819	No direction as to disposal.	
120	Smisby	...	An Act for enclosing lands in the parish of Smisby.	1 Geo. IV., c. pr. 5	1820	Court of Record, Westminister; or, Clerk of the Peace. Parish church, Smisby, or such other place as Commission appoint.	Queen's Bench, plea side. 9 Geo. IV., 1828. Trin. Ro. 2387. Plan. Miss Woodward, Smisby.
121	Whittington	...	An Act for enclosing the lands in the parish of Whittington.	1 and 2 Geo. IV., c. pr. 37.	1821	Clerk of the Peace. Parish church, Whittington.	Clerk of the Peace. Parish chest of Whittington.

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122	Baslow ...	An Act for enclosing lands in the manor and township of Baslow, in the hamlets of Bubnell, Curbat, and Froggatt, all in the manor of Baslow, and in the parish of Bakewell.*	4 Geo. IV., c. 30 ...	1823	Clerk of the Peace. Church of Baslow.	Clerk of the Peace. Awards and plans of Baslow and Bubnell in chest of church of Baslow.
123	Snelston, amended by 7 Geo. IV., c. 18, pr. No. 127.	An Act for enclosing lands in the parish of Snelston.	5 Geo. IV., c. pr. 1	1824	Clerk of the Peace. Parish Church, Snelston, or such other place as the Commission shall by the said award direct.	Clerk of the Peace. Evidence room, Snelston Hall.
124	Chindley ...	An Act for dividing, allotting, and enclosing certain unenclosed lands in the hamlet or village of Chindley, in the parish of Glossop.	5 Geo. IV., c. 41 ...	1824	Clerk of the Peace. Parish Church of Glossop.	Custody of Vicar of Glossop.
125	Carsington Hill ...	An Act for dividing, allotting, and enclosing a certain stunted pasture, called Carsington Hill, in the parish of Carsington.	6 Geo. IV., c. pr. 8	1825	Clerk of the Peace. Churchwardens of Carsington.	Clerk of the Peace.
126	Whittle ...	An Act for dividing, allotting, and enclosing the common or waste lands in the hamlet of Whittle, in the parish of Glossop.	7 Geo. IV., c. pr. 4	1826	Clerk of the Peace. Churchwarden of Glossop.	Clerk of the Peace. Custody of Vicar of Glossop.
127	Snelston ...	An Act to alter and amend an Act of his present Majesty's reign [5 Geo. IV., c. 1] for enclosing lands in the parish of Snelston.	7 Geo. IV., c. pr. 18	1826	No deposit of award directed.	Evidence room, Snelston Hall.
128	Stainsby and Heath	An Act for dividing, allotting, and enclosing the several common and waste grounds within the manor of Stainsby and Heath, in the Parishes of Ault Hucknall and Heath.	7 and 8 Geo. IV., c. pr. 3 ...	1826-7	Court of Record, Westminister; or, Clerk of the Peace. Parish chest, Ault Hucknall.	Clerk of the Peace. Duke of Devonshire. Estate Office, Chesterfield. Plan.

129	Sinfin Moor	... An Act for maintaining and repairing the public drains, bridges, and highways on certain extra parochial lands formerly called Sinfin Moor.	7 and 8 Geo. IV., c. 1826-7 48	... ...	Court of Record, West- minster; or, Clerk of the Peace.	Clerk of the Peace.
130	Ollerset and Phoside	... An Act for dividing, allotting, and enclosing the common or waste lands in the hamlets of Ollerset and Phoside, in the parish of Glossop.	9 Geo. IV., c. pr. 11	1828	Clerk of the Peace. Churchwarden of Glos- sop.	Clerk of the Peace. Duchy Lancaster Office copy. Custody of Vicar of Glossop.
131	Great Hamlet	... An Act for dividing, allotting, and enclosing the commons or waste lands in Great Hamlet, in the parish of Glossop.	10 Geo. IV., c. pr. 3	1829	Clerk of the Peace. Churchwarden, Glos- sop.	Custody of Vicar of Glos- sop. Clerk of the Peace.
132	Middleton-by-Wirks- worth.	... An Act for dividing, allotting, and enclosing lands in the township of Middleton-by-Wirksworth.	3 and 4 Wm. IV., c. pr. 10	... ...	Clerk of the Peace. Parish Church, Wirksworth.	Clerk of the Peace.
133	Kirk Langley	... An Act for dividing, allotting, enclosing, and otherwise improving the open fields, commons, and waste lands in the liberty of Kirk Langley.	4 and 5 Wm. IV., c. pr. 12	... ...	Clerk of the Peace. Parish Church, Kirk Langley.	Clerk of the Peace.
134	Twyford and Stenson	... An Act for facilitating enclosure of certain common and open lands in the parish of Twyford and Stenson.	6 and 7 Wm. IV., c. 115	... ...	Clerk of the Peace.	Clerk of the Peace.
134 a	Hayfield	... An Act for enclosing open fields, pastures, moors, and waste lands in the hamlet of Kinder, in the township of Hayfield, in the parish of Glossop.	6 and 7 Wm. IV., c. 115	... ...	Clerk of the Peace.	Clerk of the Peace.
135	Newbold	... An Act for enclosing lands in the manor of Newbold, in the parish of Chesterfield.	7 Wm. IV. and Vic. I., c. pr. 5	... ...	Clerk of the Peace. Free School at New- bold.	Clerk of the Peace. School House in Little Moor, in Newbold. Plan.

\* Act not printed.



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136	Totley	An Act for enclosing lands in the manor and township of Totley, in the parish of Dronfield.	2 and 3 Vic., c. pr. 9	1839	Clerk of the Peace. Parish Church, Dronfield.	Clerk of the Peace. Vicarage, Dronfield.
137	Unstone	An Act for enclosing lands in the manor of Unstone, in the parish of Dronfield.	2 and 3 Vic., c. pr. 10	1839	Clerk of the Peace. Parish Church, Dronfield.	Clerk of the Peace. Vicarage, Dronfield.
138	Dronfield	An Act for enclosing lands in the manor of Dronfield.	3 and 4 Vic., c. pr. 10	1840	Clerk of the Peace. Parish Church, Dronfield.	Clerk of the Peace. Vicarage, Dronfield. See Norton No. 88 for award of Coalston, part of the parish of Dronfield.
139	Brimington	An Act for enclosing the commons and waste lands in the township and manor of Brimington.	4 and 5 Vic., c. pr. 18	1841	Clerk of the Peace. Episcopal Chapel. Township of Brimington. Plan and schedule of old enclosures in the manor and township to be added to award and copy.	Clerk of the Peace. Vestry of church, Brimington.
140	Brough and Stretton Common	An Act to authorise the enclosure of certain lands in pursuance of the second report of the Enclosure Commission.	10 and 11 Vic. c. 25, sch.	*1846 11 Sep., 1846	As directed by the 8 and 9 Vic., c. 118.	Clerk of the Peace. Iron chest, Vestry of Hope. Plan.
141	Elmton				Do. do.	Clerk of the Peace. Vicarage, Elmton.
142	Tansley Common	An Act to authorise the enclosure of certain lands in pursuance of the third, and also a special report of the Enclosure Commission.	11 and 12 Vic., c. 27, sch.	16 Jan., 1846	Do. do.	Clerk of the Peace. Mr. James Bobanks, Parish Churchwarden, Tansley.

143	Dalbury Lees Green	An Act to authorise the enclosure of certain lands pursuant to the fifth annual report of the Enclosure Commission.	13 and 14 Vic., c. 8 14 June, 1849	Do.	do.	Clerk of the Peace.
144	Bamford, in parish of Hathersage ...	An Act to authorise the enclosure of certain lands pursuant to a special report of the Enclosure Commission.	18 and 19 Vic., c. 56 5 April, 1855	Do.	do.	Clerk of the Peace. Parish chest of Hathersage.
145	Siddles and Chequers Close ...	An Act to authorise the enclosure of certain lands pursuant to a special report of the Enclosure Commission.	27 and 28 Vic., c. 66 27 May, 1864	Do.	do.	Clerk of the Peace.
146	Cheswell, part of the parish of Bradwell.	An Act to authorise the enclosure of certain lands pursuant to a report of the Enclosure Commission.	28 and 29 Vic., c. 34 12 Jan., 1865	Do.	do.	Clerk of the Peace. June, 1872. Vicar and church-wardens of Hope.

\* Date of Provisional Order, July 12.

No.	Name of Place.	Title of Act.	Regnal Year.	Year of our Lord.	Award or authorised Copy, where directed to be Deposited.	Where Deposited.
136	Totley ...	An Act for enclosing lands in the manor and township of Totley, in the parish of Dronfield.	2 and 3 Vic., c. pr. 9	1839	Clerk of the Peace. Parish Church, Dronfield.	Clerk of the Peace. Vicarage, Dronfield.
137	Unstone ...	An Act for enclosing lands in the manor of Unstone, in the parish of Dronfield.	2 and 3 Vic., c. pr. 10	1839	Clerk of the Peace. Parish Church, Dronfield.	Clerk of the Peace. Vicarage, Dronfield.
138	Dronfield ...	An Act for enclosing lands in the manor of Dronfield.	3 and 4 Vic., c. pr. 10	1840	Clerk of the Peace. Parish Church, Dronfield.	Clerk of the Peace. Vicarage, Dronfield. See Norton No. 88 for award of Coalston, part of the parish of Dronfield.
139	Brimington ...	An Act for enclosing the commons and waste lands in the township and manor of Brimington.	4 and 5 Vic., c. pr. 18	1841	Clerk of the Peace. Episcopal Chapel. Township of Brimington. Plan and schedule of old enclosures in the manor and township to be added to award and copy.	Clerk of the Peace. Vestry of church, Brimington.
140	Brough and Stretton Common ...	An Act to authorise the enclosure of certain lands in pursuance of the second report of the Enclosure Commission.	10 and 11 Vic. c. 25, sch.	*1846 11 Sep., 1846	As directed by the 8 and 9 Vic., c. 118.	Clerk of the Peace. Iron chest, Vestry of Hopec. Plan.
141	Elmton ...				do.	Clerk of the Peace. Vicarage, Elmton.
142	Tansley Common ...	An Act to authorise the enclosure of certain lands in pursuance of the third, and also a special report of the Enclosure Commission.	11 and 12 Vic., c. 27, sch.	26 Jan., 1846	Do.	Clerk of the Peace. Mr. James Bobanks, Parish Churchwarden, Tansley.

143	Dalbury Lees Green	An Act to authorise the enclosure of certain lands pursuant to the fifth annual report of the Enclosure Commission.	13 and 14 Vic., c. 8	14 June, 1849	Do.	do.	Clerk of the Peace.
144	Bamford, in parish of Hathersage ...	An Act to authorise the enclosure of certain lands pursuant to a special report of the Enclosure Commission.	18 and 19 Vic., c. 56	5 April, 1855	Do.	do.	Clerk of the Peace. Parish chest of Hathersage.
145	Siddles and Chequers Close ...	An Act to authorise the enclosure of certain lands pursuant to a special report of the Enclosure Commission.	27 and 28 Vic., c. 66	27 May, 1864	Do.	do.	Clerk of the Peace.
146	Cheswell, part of the parish of Bradwell.	An Act to authorise the enclosure of certain lands pursuant to a report of the Enclosure Commission.	28 and 29 Vic., c. 34	12 Jan., 1865	Do.	do.	Clerk of the Peace. June, 1872. Vicar and churchwardens of Hope.

\* Date of Provisional Order, July 12.



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