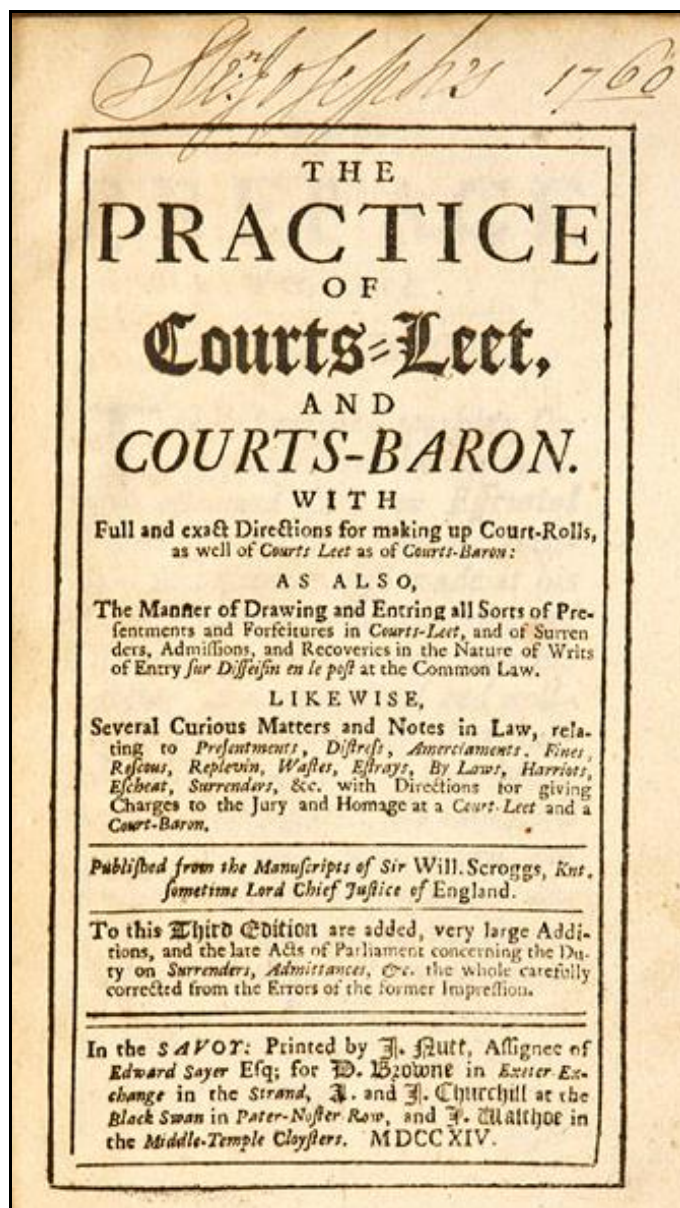


THE MANOR & TOWNSHIP OF  
WORTHINGTON -  
A SYNOPSIS OF THE HISTORY OF -  
COURT LEET AND COURT BARON



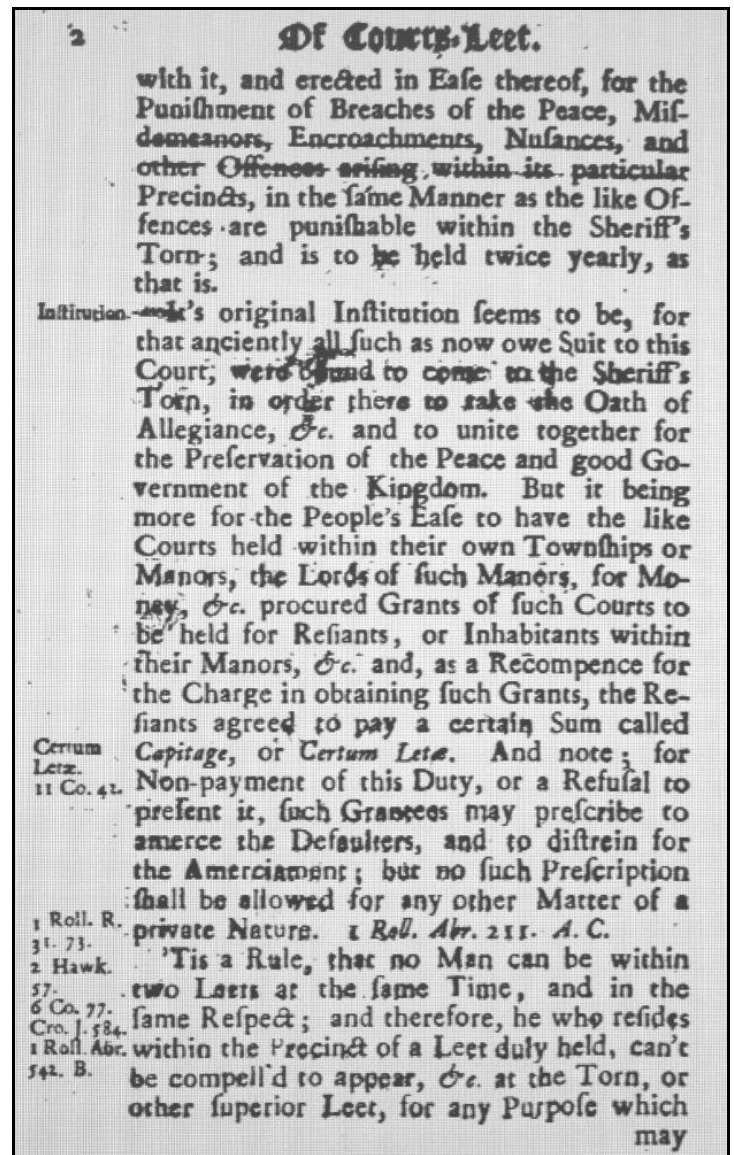
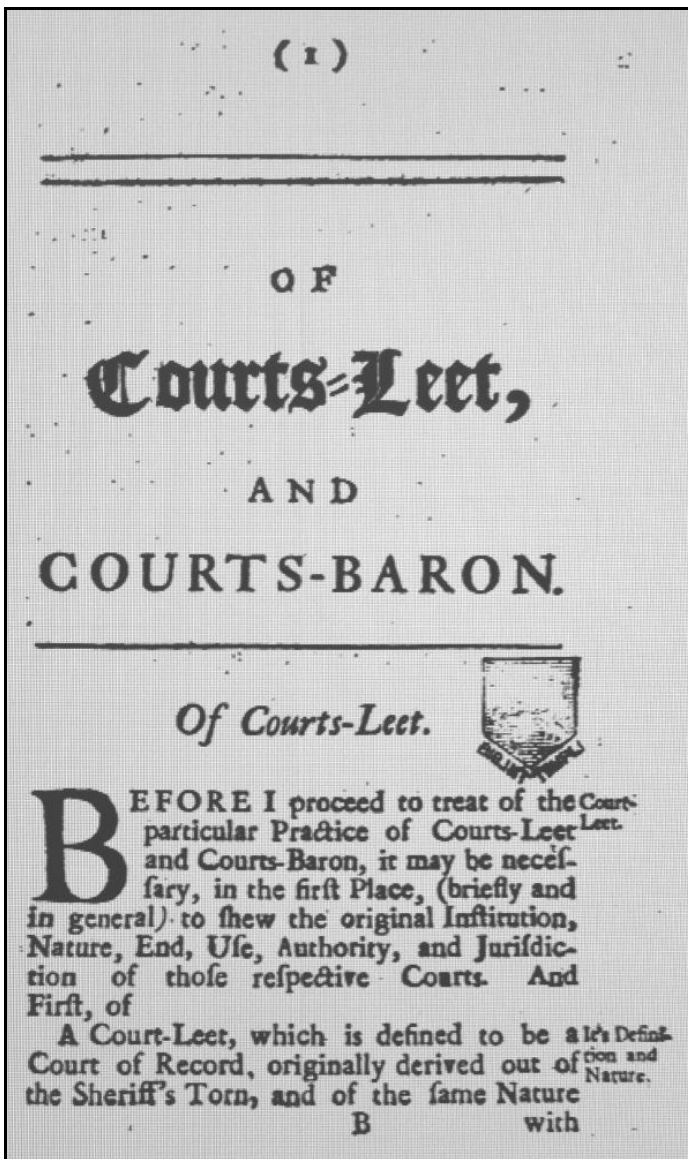
BY SIR WILLIAM SCROGGS c.1623 - 25<sup>TH</sup> October 1683

BY SAMUEL T STEWART - NOVEMBER 2020

## FRONT COVER

This shows the front cover of the third edition of the respected book on the subject written by Sir William Scroggs in the seventeenth century. This contains 510 plus pages on the subject. Sir William Scroggs (c.1623 – 25 October 1683) was Lord Chief Justice of England from 1678 to 1681. He is best remembered for presiding over the Popish Plot trials, where he was accused of showing bias against the accused.

Below are the first two pages of the book, which will give the reader some idea of the detail of the contents.



## **PREFACE**

Although the author has alluded to the subject matter of “Courts Leet and Courts Baron” in his publication “A History of the Waggon & Horses, Griffydam”, it was felt that because of its importance in the history of the local area, it should be recorded in more detail.

The Manor and Township of Worthington (including Newbold Liberty) was originally part of the ancient parish of Breedon-on-the Hill. It eventually became a parish in its own right and encompassed the hamlets of Newbold, Griffydam and Gelsmoor in that order. This is rather an over-simplification, but sufficient to provide the reader with an understanding of the geographical area covered.

## **BIBLIOGRAPHY**

The research for this publication has been based around numerous resources and extracts from Wikipedia are included.

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**COURT LEET AND COURT BARON HELD AT THE  
WAGGON AND HORSES PUBLIC HOUSE**



The Waggon & Horses in 1895 on the far RH side. The road is heading towards Gelsmoor. The public house was within the village of Griffydam by the time this photograph was taken



The Waggon and Horses just prior to being converted into a private residence. The Wesleyan Reform Chapel (known as the "Chapel in the Valley") is on the right.

The following newspaper article is the first evidence the author has found about Court Leet and Court Baron being held in the manor and township of Worthington at the Waggon and Horses public house in 1836. Further evidence has been found to suggest they were being held here as late as 1880.

The Waggon & Horses was an ale house and farm prior to 1827 when a new licensing Act demanded that inns must be given a name, and it was likely that Court Leet and Court Baron had been held here for many decades previous to this. In 1836 it was within the manor and township of Worthington.

*A history of the Waggon & Horses by Samuel T Stewart can be found on the website.*

*Leicester Journal - October 7<sup>th</sup> 1836*

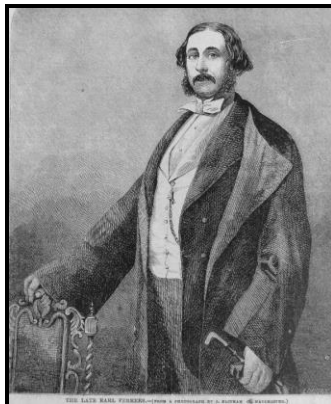
*Manor of Worthington and Newbold with the members thereof,  
In the County of Leicester  
NOTICE IS HEREBY GIVEN*

*That the next COURT LEET and COURT BARON, of the Right Honourable Washington Earl Ferrers, Lord of the Manor of Worthington and Newbold with the Members thereof, in the County of Leicester, will be holden at the house of JOHN NICHLINSON, called the Waggon and Horses, at Griffy Dam, within the said Manor, on Wednesday, the twenty sixth day of October, 1836, at eleven o'clock in the forenoon; when and where all the Tenants of the said Manor, and the Freeholders and Inhabitants within the same, and all Persons whomsoever, who owe suit and service to the said Courts, or either of them, are personally to be and appear, then and there, to pay their Rents, and to perform their several suits and services, according to the custom of the said Manor.*

*Dated, this 30<sup>th</sup> day of September, 1836.*

**GILBERT STEPHENS**

*Steward of the said Manor*



**Washington Sewallis Shirley (1822-1859), 9th Earl Ferrers**

*For anyone wishing to know more about the history of the Shirley's / Earls Ferrers please see the book on the website by Samuel T. Stewart entitled "A History Study on the Establishment of the Staunton Harold Estate".*

## COURT BARON

**Court Baron**, Latin **Curia Baronis**, (“baron’s court”), was a medieval English manorial court, or *halimoot*, that any lord could hold for and among his tenants. By the 13th century the steward of the manor, a lawyer, usually presided as a stand-in for the lord of the manor, and hence his chief official. The steward thus acted as chairman of proceedings – in a comparable manner to a modern-day judge in a jury trial; originally, the suitors of the court (*i.e.*, the doomsmen, chosen for their respectability and knowledge of the law), who were bound to attend, acted as judges, but the growing use of juries rendered their function obsolete. The 17th-century jurist Sir Edward Coke distinguished between two forms of the manorial court: the court baron for free tenants and the customary court for those who were not free. In the 12th and 13th centuries, however, there was no distinction between the two. The manorial court usually met every three weeks and considered personal actions between its suitors. The lord had considerable power over his bound tenants, but he had only civil jurisdiction over his free tenants, and that was increasingly diminished by the growing use of royal writs. Much of the business of the court was to administer the “custom of the manor” and to admit copyhold tenants; the proceedings were recorded on the court roll.

The *quo warranto* (a writ or legal action requiring a person to show by what warrant an office or franchise is held, claimed, or exercised) proceedings of Edward I (1239-1307) established a sharp distinction between the court baron, exercising strictly manorial rights, and the court leet, exercising the powers formerly held by the hundred court, emphasizing that the ability to hold court leet depended upon a royally granted franchise. **However, in many areas it became customary for the Court Baron and Court Leet to meet together, as a single operation as appeared to be the case in the parish of Worthington.**

## COURT LEET

**Court Leet**, (plural Courts Leet, or Court Leets), was an English criminal court for the punishment of small offences. The leet court could only issue fines. The word “leet”, as used in reference to special court proceedings, dates from the late 13<sup>th</sup> century, from the Anglo-French *lete* and Anglo-Latin *leta*. The court leet was an historical court baron (a type of manorial court) of England and Wales and Ireland that exercised the “view of frankpledge” and its attendant police jurisdiction, which was normally restricted to the hundred courts. The Court Leet was more concerned with the enforcement of law and order and represented the transfer of jurisdiction normally exercised in the royal courts to the local, manorial lord or lady. Court Leet evolved out of the Court Baron and this is explained in more detail below.

\*\*\*\*\*

At a very early time in medieval England the Lord of the Manor exercised or claimed certain feudal rights over his serfs and feudal tenants. The exercise of those rights was combined with manorial administrative concerns, in his court baron. However this court had no power to deal with serious criminal acts.

Before feudalism, what were called “hundred courts” had also dealt with administrative matters within their area, such as bridge repairs, road conditions, and so forth, but the courts baron had largely superseded that in practice, and some manorial lords began

claiming authority over criminal matters as well. The *hundred court* was the place to take complaints about freemen, as they were not covered by the manorial courts. If the wrongdoing was minor, it would be dealt with by the *hundred court*, but serious crimes were passed up to the shire court.

*Private hundred courts* (i.e. those run by a lord of the manor) were court Leets. These could cover a hundred or just a manor. The Leet Court could only issue fines. Eventually, the king formally granted certain trusted lords with the legal authority that had been held by the *hundred court* over the tithings in the lord's manor, the most important of those being *view of frankpledge* (the pledge of responsibility made by each freeman). The group of tithings that were located within each manor had come to be called a *leet*, and hence, in the later Middle Ages these judicial powers came to be called **Court Leet**.

The use of the word leet, denoted a territorial and a jurisdictional area, spread throughout England in the 14th century, and the term Court Leet came to mean a court in which a private lord assumed, for his own profit, jurisdiction that had previously been exercised by the sheriff. The Leet Court met twice a year under the presidency of the lord's steward, who, by the end of the 13th century, was almost always a professional lawyer and acted as judge.

The Court Leet was a court of record, and its duty was not only to view the pledges, which were the freemen's oaths of peacekeeping and good practice in trade, but also to try with a jury, and punish, crimes committed within the jurisdiction; more serious crimes were committed to the King's Justices. It also developed as a means of proactively ensuring that standards in such matters as sales of food and drink, and agriculture, were adhered to. Despite the presence of a jury, it was not *trial by jury* as understood today. The Court Leet had developed while the jury system was still evolving; the jury indicted wrongdoers, stood witness, and helped decide on punishment.

In simple terms, the two main functions of the court were to hold view of frankpledge (the pledge of responsibility made by each freeman) and to receive notices of accusation of crimes made by the juries, constituted in the Assize of Clarendon in 1166.

Because serious cases were increasingly reserved to itinerant justices, the rights of trial of small, local courts became restricted to petty misdemeanors only. The 17th-century jurist Sir Edward Coke held that a Court Leet could not imprison but could only fine or apply other pecuniary penalties, and as time went on its capacity to enforce its judgments became progressively weaker. After the 16th century the duties of the Court Leet were increasingly transferred to the justice of the peace.

## **SUPPLEMENTARY INFORMATION**

- Attendance at the court leet was often compulsory for those under its jurisdiction, with fines being meted out for non-attendance.
- Courts Leet generally had a *jury* (person having taken an oath) formed from the freehold tenants, as bondsmen (a person who stands surety for a bond) could not give an oath. The *jury's* role was similar to that of the *doomsmen* of the Anglo-Saxons and included electing the officers (other than the Steward who was appointed by the lord), bringing matters to the attention of the court and deciding on them.

- According to Wikipedia, Courts Leet still exist today in numerous places which were exempted from abolition by the Administration of Justice Act 1977, and were known to be still functioning in 2010.

**According to Wikipedia, the officers of Courts Leet could include some or all of the following:-**

- **Steward**, a stand-in for the lord of the manor, and hence his chief official. The steward thus acted as chairman of proceedings – in a comparable manner to a modern-day judge in a jury trial
- **Bailiff**, the servant of the court. He was responsible for ensuring that the decisions of the court were enacted, including being responsible for summoning the jury, and performing any arrests that had been ordered by the court **Reeve**, the bailiff's deputy (originally the servant of the hundred court, from which the court leet had taken its jurisdiction)
- **Constable**, to ensure order during court sessions
- **Bedel**, the usher; typically referred to as *mace bearer*, in modern-day courts leet, since this is largely all he now does
- **Chapelayne**, who provided prayers for the court
- **Crier or bellman**, responsible for announcing of the court's decisions to the people of the manor in general
- **Affeerers**, responsible for assessing **ameracements** (setting the level of fines)
- **Specialist professional inspectors**, in lieu of portions of the jury's responsibility:

**Specialist professional inspectors, in lieu of portions of the jury's responsibility:-**

- **Ale taster or ale conner** to ensure the quality of **ale** and to check that true measures are used
- **Carniters or "flesh tasters"**, to ensure the freshness of meat and poultry
- **Bread weighers**, responsible for verifying the freshness and weight of bread sold in the manor
- **Searcher and sealer of leather**, to ensure the quality of **leather** goods
- **Surveyor of the highways or overseer of pavements, and brook looker or ditch reeve**, to ensure the proper condition of roads and waterways
- **Chimney peeper**, to ensure chimneys were swept clean
- **Scavenger**, to ensure standards of hygiene within the lanes and privies and to try and prevent the spread of infectious disease
- **Overseer of the poor**, to collect and distribute alms
- **Specialist enacting staff**, in lieu of parts of the bailiff's responsibility
- The **Hayward**, responsible for enclosures and fences on common land
- **The Woodward**, responsible for patrolling woodlands and stopping poachers from hunting illegally
- The **Pinherd**, to impound stray animals in the pinfold