

# THE VESTRY OF CHOLESBURY

## 1820-1894

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CHOLESBURY gained an unwelcome celebrity in 1832 as the parish where, under the Old Poor Law, the poor rates absorbed all the produce of the place.<sup>1</sup> In many parishes the rates levied exceeded the rental<sup>2</sup> and sometimes consumed the agricultural profits, so that scores of farms in the Vale of Aylesbury were untenanted at this time;<sup>3</sup> but Cholesbury was the extreme case where the value of all the land in the place was eaten up, so that no further increase in rates was possible.<sup>4</sup> The Webbs expressed some scepticism about this, and wondered what the vestry minutes would disclose.<sup>5</sup> The vestry books for 1820-32 and 1834-99 have recently come to light, and the story can be told. It will be seen how Cholesbury weathered the storm, and how its affairs were run for the next two generations by its ratepaying inhabitants in general meeting. W. G. Hoskins<sup>6</sup> has spoken of "the breakdown of parish government in the early nineteenth century . . . the leanest century since the fifteenth for manuscript records". Cholesbury is a shining exception, and it behoves us to study it closely as an example of the old self-contained, self-governing village community in its last days.

Cholesbury was once a hamlet of Drayton Beauchamp, but in 1821 it had long been a separate manor and parish of 178 acres. Scattered around an up-land common of some 44 acres were about two dozen houses, with 132 inhabitants. Only ten of these were ratepayers; in 1827 there were thirteen, and in 1832 eleven. Rates were levied on a substantial house at Braziers End, on the parsonage, a public-house, farms of 44 and 35 acres, smaller parcels of 11 and 6 acres and other scraps of land. Over half the cottages were not rated, being occupied by paupers or "outsiders".

The living, though described as a perpetual curacy, was virtually a rectory, but although the incumbent had all the tithes the income was under £25 a year, little more than a good farmworker's pay; however, there was a lectureship annexed, worth £90 a year,<sup>7</sup> which was almost opulence.

<sup>1</sup> A. Morley Davies, *Buckinghamshire* (1912), p. 198.

<sup>2</sup> W. E. Tate, *The Parish Chest* (1946), p. 234.

<sup>3</sup> J. Holloway, *History of Whitchurch*; cited, R. Gibbs, *The Buckinghamshire Miscellany* (1891), p. 403.

<sup>4</sup> *Victoria County History of Buckinghamshire* (1908), ii, 87.

<sup>5</sup> S. and B. Webb, *The Parish and the County*.

<sup>6</sup> W. G. Hoskins, *Local History in England* (1959), p. 31.

<sup>7</sup> D. and S. Lysons, *Magna Britannia* (1813), I, iii, p. 542. *Cholesbury Parish Magazine* (1910), no. 12.

The vestry book for 1820–32 contains particulars of assessments and rates levied, but details of disbursements are not given. The financial year began on Lady Day, 25th March. In 1820–21 the poor rate had already reached 23s. in the pound, a total of £189 12s. being raised by ten rates of 2s. and one of 3s., levied by Robert Wright, the overseer. In 1821–22 there were nine 2s. rates and one of 4s., realizing £180 18s. 1d., and in 1822–23 six of 4s. and one of 2s. 6d., amounting to £217 17s. 6½d. The pressure was greatest between March and June, when a 2s. rate lasted only three weeks or so; between July and November the same sum lasted six to eight weeks. Cholesbury must have been near parochial bankruptcy early in 1823, but conditions temporarily improved, the poor rate falling to 22s. in 1823–24 and 16s. in the next two years (four rates of 4s. each). Then came another depression, with rates totalling 23s. in 1826–27 and 21s. in 1827–28. It should be emphasized that these amounts were needed mainly to supplement the wages of able-bodied labourers in full-time employment, whose families would otherwise have starved.

The total net annual value on which these frequent rates were levied was £166 9s. in April, 1827, and £162 3s. 2d. in October, 1828. The accounts for 1828–29 are fragmentary and those for the next two years missing. In 1831–32, Ezekiel Osborn being churchwarden and Richard Deverell overseer, there were six 4s. rates, of which the first five raised £31 19s., the last only £27 7s., Braziers End House being unoccupied on Thomas Lovett's death.

The year 1832–33 began with a change of officers, George Sills being churchwarden and William Mayo overseer. The summer brought no improvement. Rates of 4s. were levied in April and June, and an unprecedented levy of 4s. 6d. on 10th September lasted only five weeks. Having voted this rate, the vestry ordered Butcher Wright to be summoned for arrears unless he paid forthwith; and he did. They ordered the constable to "use every exertion to take & secure Leonard Brown against whom a warrant has been issued in a case of Bastardy" and threatened punishment for any neglect of duty. Joe Cox was to be "set to break stones at the gravel pit small enough to place at once upon the road & that he lays them as he breaks them in loads & that he be paid sixpence per load for them when properly broken".

On 18th October another rate was made, apparently by the churchwarden and overseer alone; it was confirmed by two justices on the 29th, after little more than the usual delay; and it proved the last straw. The overseer paid himself in respect of his 11-acre holding, which had had six changes of occupier in nine years, but withheld payment on his house and garden, perhaps because the churchwarden was not rated. The parsonage and glebe, the Poor's Plot and Braziers End Farm (not the House) paid in full, but the rest could not be collected, though £6 was paid later by Richard Deverell's landlord to whom he surrendered the tenancy. The new Rector, Henry P. Jeston, added a marginal note: "This Rate could not be collected except only a small portion of it the Land in the Parish being almost all abandoned." This is an exaggeration, as £21 19s. 4d. of the £27 7s. due was ultimately paid, but it became clear that the limit had been reached when Braziers End estate, which accounted for a third of the rate product, was thrown out of cultivation.

The position of Cholesbury at this juncture became notorious as “the typical illustration of the extreme consequences to which the existing system was necessarily leading. Out of 98 persons, who had a settlement in the parish,<sup>8</sup> 64 were in receipt of poor relief. . . . Only 16 acres remained in cultivation. When able-bodied paupers were offered land, they refused it on the ground that they preferred their present position.”<sup>9</sup> These paupers were not fools; they knew that every rated hereditament in the parish except one had changed hands during the past five years, some of them repeatedly. The great house on Ray’s Hill and its home farm stretching across the valley had had four occupiers in that time.

The minutes of the vestry of 29th November, 1832, are worth printing in full as a document of primary importance on the last days of the Old Poor Law.

#### Cholesbury

At a vestry held this 29 day of Nov 1832 the Perpetual Curate in the chair, due notice of the said vestry having been given. The following resolutions were agreed to by those present.

1<sup>st</sup> It appearing That the Overseer having used due diligence to collect a rate of 4/- in the pound & owing to 94 acres of the cultivated Land being unoccupied was not able to collect the same: and two of his majesty’s justices of the peace having adjudicated the Parish to be unable to support its poor without the assistance of a rate in aid on some other parish, & the said magistrates having made an order on Drayton Beachamp for that purpose—it is agreed by the persons assembled in vestry they being willing to continue their exertions and to do all in their power towards the support of their poor that a rate of 1/- in the pound be forthwith made.

This rate, entered as the fourth from Lady Day (the rate of 18th October being in part abortive) was duly levied; the list shows that rates were again being levied on Braziers End House and Farm, which Thomas Lovett’s executor had in hand; Deverell had resumed operations on Mr. Hone’s farm, George Sills had taken on the Poor’s Plot (of which, as churchwarden, he was trustee) and Jeston was farming the parsonage land, which he had originally let to the publican. Mayo, apparently, was working only part of his land.

2<sup>nd</sup> Whereas the Rev. H. P. Jeston has been for some time past advancing money towards the support of the poor, there being no parish funds, nor the means of collecting sufficient for that purpose, agreed, that with the consent of two of his majesty’s justices of the peace, the sums advanced or that shall be advanced by the said incumbent of Cholesbury, shall be repaid to him out of the £50 assessed on Drayton, or other sums that may hereafter be assessed on other Parishes in the Hundred in aid of the poor of Cholesbury, as the said two magistrates shall think fit.

Drayton Beauchamp, with Cholesbury and Hawridge, formed a detached part of the Three Hundreds of Cottesloe, separated from the main part by the irruption of Dacorum, the “Danish” hundred of Hertfordshire.

<sup>8</sup> As the population in 1831 was 127, some 29 persons had no legal settlement.

<sup>9</sup> Lord Ernle, *English Farming Past and Present* (second edition, 1919), p. 330.

3<sup>rd</sup> Whereas the equality by which the present assessments are made was formed when Land and its produce were of higher value than at present; it is agreed that a new equality be forthwith made by M<sup>r</sup> Glenister<sup>10</sup> of Tring, and M<sup>r</sup>. Horner of Marsworth, & that the assessments in future be made by the new equality, until agreed on to the contrary.

[4] Agreed that Joe Cox be found work at the stone pit & that he be allowed 4<sup>d</sup> [*altered from 5<sup>d</sup>*] a load for breaking stone sufficiently small to be applied on the roads. And that he be paid partly in bread & partly in money: He being a drunken disorderly fellow.

[5] Agreed that Thomas Thorn & Thomas Griffin having each 4 children be allowed 9<sup>s</sup> 6<sup>d</sup> a week when working for the parish [this means that when the overseer placed these men with a farmer, the parish would make up their wages to 9s. 6d.]. Agreed that such married men as have 2 children be allowed 7<sup>s</sup> a week.

This is not quite consistent with the statement in *V.C.H. Bucks.*, ii, 90, that “at Cholesbury . . . apparently no increase was made beyond four; a man with one child received 7s., with two children 8s., but with four 9s. 6d.” One might rather infer that the basic rate for a man and wife was taken as 6s., as at Aylesbury, no allowance being paid for the first child, but an additional sum for the third and fourth. This is precisely the principle on which family allowances have been graduated since 1956. It was more usual for the basic payment to be 6s. with 1s. for each child, implying that if we regard an adult as a “consumption unit”, a child was taken as one-third of a “consumption unit”. It has recently been found that in rural India this simple empirical formula accounts rather well for the actual consumption of various staple commodities by families of different sizes.<sup>11</sup> It would not fit the behaviour of contemporary British households, but rural Buckinghamshire in 1832 had points of similarity to Uttar Pradesh today.

[6] Whereas Richard Deverell has suffered his flock of sheep to graze on the common Agreed that notice be given to him to keep the same off otherwise he will be proceeded against as the law directs.

If the common were stocked with sheep, cows would be starved on it.

[7] Whereas Joseph Philbey of Tring has carried away from the gravel pit in this parish a quantity of flints without the consent of the surveyor or other parish officer agreed that the surveyor forthwith demand payment for the same: & if refused a warrant shall be obtained against the said Joseph Philbey.

[8] Agreed that such cottages [*altered from houses*] as are occupied by persons not parishioners be rated.

This action would give such persons a settlement in Cholesbury; a wish to avoid this may explain why they had previously been left alone. Probably five or six households were affected.

<sup>10</sup> John Rolfe Glenister, land surveyor. His map was adopted in 1839 as the tithe map. Hence gardens which were not rated were also exonerated from tithe rent charge.

<sup>11</sup> *Studies in Consumer Behaviour*, Indian Statistical Institute (1960), p. 68.

[9] Whereas Mr W. Johnson has demanded the rent of the cottage in which R. Cox dwells, & has threatened to remove the said R. Cox unless the rent be forthwith paid, & the parish having at present no means of paying the same according to agreement, it is now proposed that Mr W. Johnson shall be paid for the last half year's rent of the said cottage as soon as the parish is enabled to do so.

Allowances to pay rent were often made under the Old Poor Law, as under the present system of National Assistance; but under the New Poor Law they were prohibited by the Commissioners.

[10] Agreed that those persons boarding & hitherto allowed for supporting the orphans<sup>12</sup> and aged having no home of their own, shall be paid all arrears, as soon as the rate in aid from Drayton shall be procured: or otherwise from rates raised in the parish of Cholesbury if the magistrates think proper.

[11] Whereas Edmund Gurney an Idiot has no blanket or bed cloathing, agreed that a stout blanket be provided for him, to be under the care of the Overseer, and also a stout pair of shoes and smock frock.

[12] Whereas the Churchwarden has to demand of the Parish Officers of Drayton the sum of £50 according to the Order made on them for a rate in aid by two of his Majesty's justices of peace assembled at Wing, agreed that he Demand the same on Monday the [ ] & that the Overseer of Cholesbury accompany him to be a witness

Signed Henry P. Jeston, Perpetual Curate

George Sills, Churchwarden

The mark + of William Mayo, Overseer

The mark + of Mary Osborne.

Here the story is interrupted. The records for the period December, 1832, to April, 1834, are lost, and I have not ascertained how long Cholesbury's social services were maintained by rates levied on other parishes. It has been stated<sup>13</sup> that the rates for 1832[-3] rose to £367; this must include rates in aid, and would be equivalent to about 48s. in the pound on Cholesbury alone. If this is correct the position must indeed have been desperate that winter.

During 1833 the cottage allotment system is said to have been introduced with good effect<sup>14</sup>. When the new vestry book opens on 2nd May, 1834, the vestry was still paying its bills by instalments, but things were so far restored to normal that the main concern of the meeting was a furious quarrel with the next parish.

Resolved that legal proceedings be forthwith taken against the late Overseers of the Parish of Tring for having conspired to bring about the marriage of Cripple Cox with a pauper of their Parish.

This was not immediately acted on, because of the cost. But later, on 25th April, 1835:

<sup>12</sup> Two jottings may be relevant: "Edward Fishers Children put to Brooks Augst the 24 1825 By the Officers of Cholesbrey parish", and "August 26 [1826] let Broks Corbots 2 Galls for 1 year at 4s. 6d. per week".

<sup>13</sup> *V. C. H. Bucks.*, loc. cit.

<sup>14</sup> R. Gibbs, *Buckinghamshire: A Record of Local Occurrences* (1880), iii, 256.

Resolved, That the parish officers of Tring be forthwith proceeded against For conspiring to Marry Richard Cox to a pauper of their parish—M<sup>r</sup> Bull of Aylesbury having agreed to undertake the case, no cure no pay.

Meanwhile, Parliament had enacted the New Poor Law, and the vestry appointed Jeston the first Guardian of the Poor of Cholesbury on 29th June, 1835. The Aylesbury Board of Guardians came into being on 15th August, and the vestry found it hard to realize that their old powers were gone. The very next day they met to consider whether Widows Norris, Spittal and Carpenter should be relieved by the overseers.

It was the unanimous opinion of the meeting that the relatives of the said Paupers being for the most part farmers ought respectively to support them—they, the said relatives, being in better circumstances than nine tenths of the persons present; who are labouring men supporting themselves and their families by their own exertions.

Widow Spittal had been receiving 4s. a week, various other women being allowed 2s., 1s. 6d., 1s. or nothing. The Board promptly overruled the vestry, and on 23rd October:

The Vestry having been informed by the Overseer, that the Widows Spittal and Norris are receiving outdoor relief by an order of the Board of Guardians: Resolved, That they collectively object to a continuance of such relief, on account of the paupers' relatives being in a condition to support them, and that the Guardian of the poor of Cholesbury be requested to remonstrate with the Board of Guardians at their next meeting upon the injustice of the cases.

On 28th March, 1836, the Rev. H. P. Jeston was re-elected Guardian, and it was resolved:

That Mary Spittle be supported in the workhouse, & that the overseer be directed to apprise the relieving officer of the circumstances,  
and, That Caroline Cox be supported in the workhouse.

Cholesbury seems to have gained its point, but from this time poor relief drops out of the minutes except for one similar intervention in 1845. The new system had brought no immediate diminution of the burden of poor rate; the parish had indeed recovered from the crisis of 1832 without the help of the legislature. Expenditure on the poor was down to £63 10s. 10d. in 1834–35, and arrears on county rates were cleared during that year. £19 7s. 6d. was expended on the poor in the 21 weeks from Lady Day, 1835, to 15th August, and £34 4s. 10d. was paid by order of the Board in the remaining 31 weeks. A final attempt to protest against centralization came on 3rd July, 1840.

Resolved, that a vestry be held on Friday the 10th of July for the purpose of taking into consideration the parochial accounts and expenditure of the parish, and to petition the Poor Law Commissioners in London for relief from the very heavy burthen, that was thrown upon this parish by its connection with the union.

Among the signatories was Thomas Thorn, one of the paupers of 1832 but now overseer. The vestry met as appointed, but nothing further happened. Formal resolutions to make a poor rate to meet the Union's requirements are entered until 1848 and intermittently till 1866, though the vestry's concurrence was unnecessary.

Nevertheless, when the ratepayers' sympathy was aroused they could still act effectively. David Cox was crippled while working on the London and Birmingham railway and thrown on to the parish. In January, 1841, they applied to the Directors for compensation, and Jeston at length received £10 in August, 1842. Meanwhile, however, Cox had been convicted of highway robbery and stealing a shilling from a boy in Surrey, and transported for ten years to Hobart Town Barracks in Van Diemen's Land. The conditions at that time and place may be studied in *For the Term of his Natural Life*. On his gaining a ticket of good conduct, the £10 with interest was sent out to him in 1844, and duly acknowledged.

A full list of parish officers would include the churchwarden, the guardian, one or more overseers, surveyors of highways, assessors, collectors and constables, and the hayward, poundkeeper or common steward with his boy. In 1883-84, to take a not untypical year, eleven posts were filled by seven individuals, the combinations being churchwarden-assessor-hayward, guardian-surveyor and surveyor-assessor. The vestry never set up a committee, much less a sub-committee, without which local government now seems inconceivable; but their putting offices into commission had something of the same effect. When they secured a good and keen officer they left him to act; but even the weaker ratepayers were given their share of responsibility in concert with others from time to time. Women were not disqualified; Mary Osborne of the Bricklayers' Arms was overseer in 1836 and Lucy Collier in 1854, though William Collier seems to have acted for her.

The incumbent always presided over the vestry, when present;<sup>15</sup> in 1853-54 and again in 1859 the parish was served by his curate, who also took the chair, apparently as of right; but about half the meetings elected a lay chairman. From 1868 onwards the churchwarden was always chosen; previously the choice had often fallen on Captain James Berners Parkinson of Braziers End, the principal landowner though not lord of the manor. In his absence the vestry often selected an officer not immediately concerned with the business in hand; thus, in 1863 there were five meetings under as many different chairmen, namely the churchwarden (to choose officers other than himself), the overseer (for church business), the surveyor (to nominate assessors), the incumbent and Capt. Parkinson (for valuations).

The Cholesbury vestry had no clerk; a decision to appoint a paid clerk was taken in 1856, when the accounts were in some confusion, but seems to have been abortive. The practice was for the chairman to enter the minutes then and there into the vestry book and sign them on behalf of those present; often others signed too, or made their marks. Illiterate parish officers were becoming unusual by mid-century, and rarely acted alone.

<sup>15</sup> Except at the meetings leading to the tithe apportionment of 1839, which were not strictly vestries.

The vestry met in church but sometimes adjourned to the parsonage. The average attendance was from five to eight ratepayers, rising to ten or twelve for important business; as there can never have been more than 20 or so in all, this was a good attendance, though one ratepayer attended only thrice in forty years. Up to 1864 there were three to five meetings a year on the average; afterwards, only one or two, but those better attended, in spite of the declining population.

Until 1898 Cholesbury had only one churchwarden. Such a custom required continuous agreement between the rector and the parishioners, and there was no settled practice which should take the initiative. Thus, in 1873 Frederick Ware was elected in the rector's absence; next year he was "nominated by the Incumbent and unanimously appointed", and in 1883 "James Pallett was appointed Churchwarden by Mr. Jeston" with no more than tacit consent by the vestry.

Church rates varying from 4½d. to 1s. 6d. were granted to the churchwarden in most years from 1836 to 1869, the average being just over 7d. per annum. In 1843 the vestry directed that defaulters should be summoned, and the Rural Dean's orders executed. The impending abolition of compulsory church rates in 1867 is perhaps reflected in the minutes of 25th March:

It having been brought to the notice of this meeting by all those present, that the Roof & windows of the Church are greatly out of repair, it was unanimously agreed that a Church Rate of sixpence in the £ should be raised towards defraying the necessary expenses for repairing the same, & all present bind themselves to pay the same provided that the Incumbent try & beg from other sources a sum sufficient, with the amount of the Rate, to make up the remainder of the expenses: The Incumbent on his part approves of the proposal; and also promises to pay his quota of Rate, as for a poor Rate.

The leaking roof and windows may explain why the vestry was "adjourned then and there to the parsonage house". In 1868 and 1869 church rates of 6d were levied, though without legal backing; in 1870 and 1871 no rate was called for, and in 1872 its purely voluntary nature was recognized.

Resolved unanimously that a Rate of 6d in the £ be asked by the Churchwarden from the Ratepayers not present at the meeting: the persons now present agreeing to pay him according to the same proportion.

Nothing is said about the virtual rebuilding of the church in 1872-73, except that a 6d. highway rate was voted for repairing and gravelling the churchways. After the reopening the vestry introduced a church collection twice a year, but a voluntary rate was again levied in 1875.

It was unanimously agreed that Every one present contribute to the District Schools fund to the amount of a shilling rate on their property.

From 1883 the church accounts are itemized, expenditure being about £20 a year, including £5 to the organist. The rector raised most of this from the

Harvest Festival and sacramental alms, but down to 1899 a few old-fashioned ratepayers still paid the churchwarden, though offertories in church for expenses and good causes such as schools, hospitals and missions were becoming customary.

The vestry received and approved the accounts of the Poor's Land, represented after 1877 by £176 6s. in 3% Consols, a good exchange at the time, as it increased the income from £2 5s. to £5 5s. 2d. This sum, with donations by the rector and his friends, was used to provide a bonus for a clothing club to which most of the village belonged.

The guardian ranked after or with the churchwarden in the parochial hierarchy. In 1867 Jeston nominated Edward Butcher to succeed him; after one explicit and many tacit re-elections he was followed by John Bishop in 1883 and Harry Dwight in 1886. One of the guardianic duties was unexpected. To celebrate the Queen's Jubilee,

It was unanimously resolved that a Treat should be given to the Labourers & their families on June 21<sup>st</sup>, and that the Guardian be requested to call on the owners of property in the parish to collect funds for this purpose.

£25 2s. was raised, including £3 from Canon Jeffreys as lord of the manor (the only mention of the lordship throughout the minutes). This provided a dinner of rounds of boiled beef, hams, roast beef and plum pudding for 138 persons (all the inhabitants except three, and over 40 others), teas, beer, additional beer, presents for the 27 children who had passed the school inspection, gifts and money prizes at the sports, music, fireworks, a bonfire of furze and billets and a Jubilee oak tree with iron railings, planted with a "short but pointed" speech by Capt. Parkinson—and there was still £1 6s. 7d. left for the church. It was Jeston's third jubilee—he had taken part in that of George III in 1810, his own, as rector since 1830, and now the Queen's. He died 24th June, 1889, and the vestry sought a faculty for a memorial window. James Pallett, churchwarden since 1880 and hayward 1882, was guardian from 1888, being re-elected annually.

Next in rank, though no longer in importance, came the overseers of the poor. Once elected, they were scarcely responsible to the vestry; even its examination of their accounts was at first perfunctory. In 1854 the accounts were not ready for the meeting, and five years of slackness led to three of dispute. A meeting on 3rd May, 1855, had to be adjourned *sine die*, and a subsequent undated minute directs

that Cap<sup>t</sup> Parkinson be solicited to address a letter to the Poor Law Commissioners on the subject of certain balance amounting to £8 13s. 10<sup>3</sup>/<sub>4</sub>d. due to the parish of Cholesbury at Lady Day 1854 in the hands of George Gomm at that time overseer, but which was refused to be received by the other overseer of the same year.

On 26th June, 1856, George Sills was in charge of a vestry "for the Purpos of taken into Consideration certin itimes in the Accounts Book". His approach was rather more direct.

Resolved that George Gomm be Paid is Bills due from the Parish to be Paid by the Overseer [George Philbey]. Resolved that the itimes that Stand in the account Book be made Rite by the Parteyes that have Entered them Rong, Th<sup>s</sup> Thorn John Catlin and Collier [overseers in 1850–2, 1852–3 and 1849–50 respectively].

Capt. Parkinson later succeeded in qualifying this by making the payment conditional on the bills being “allowed by the Auditor, else, that the money be repaid to Philbey”.

In 1865 the auditor surcharged the overseers because they had no voucher for the expense of a new assessment; they found it, and the vestry ordered a refund. Again in 1868 a sum disallowed by the auditor was voted by the parish.

As the poor law functions of the parish withered away, its highway responsibilities became more prominent. In 1831–32 only £3 6s. 6d. had been spent on the roads, but in 1836, with the poor rate down to 12s. in the pound, Cholesbury felt free to levy a 2s. highway rate. An Act of 1835 had largely released the parish from the control of the justices, who since 1691 had appointed and supervised the surveyors of the highways: not that the first Reformed Parliaments cared for parochial autonomy, but they preferred the vestry to the largely Tory magistracy. Under the Act the surveyor still had to own an estate of £10 within the parish or occupy one to the annual value of £20. In Cholesbury this restriction, like many others, was often ignored, but there was some tendency to appoint men of standing. Thus William Mayo, a diligent but illiterate and unqualified veteran, was replaced in 1838 by R. A. Fellowes, who had some ability but did not stay long. The office was generally in commission until 1868, when Daniel Bishop, who had served since 1851, became sole surveyor, being reappointed annually until his death in 1881. His son John was at once appointed, and continued, with William Brackley, until the office was superseded in 1894.

The duties of the surveyor (often called stonewarden, and once waywarden) were to secure manual labour, team work and materials for the roads and to superintend operations, including digging and breaking stone, carting flints and cleaning out the pond. He had quite a free hand, subject to any special directions by the vestry (e.g., as to the signpost, 1838 and 1891) and subject also to the risk of disallowance, of which there is one instance, on 9th August, 1848:

Resolved that the monies expended by William Collier on Shire-lane road, & on that of Parrotts Lane, be not allowed: the former being considered by the Vestry as a disused road, and the latter as an accommodation road.

The vestry was wrong in the first case (a highway cannot be lost by mere disuse) and perhaps in the second, if a dedication could be presumed before the Act of 1835. On 5th October, 1856, the meeting reversed its decision on Shire Lane.

Resolved that the Parish of Cholesbury do cooperate with the Parishes of Tring and Drayton to make the required Highway through Shire Lane and that a rate of ten Pence in the Pound be levied in the present and two following years for that purpose and for the ordinary repair of the Parish Highway. Resolved also that the Surveyors do cooperate with those of the other Parishes in obtaining an apportionment of the road between the Parishes of Tring and Cholesbury.

The examination of the highway accounts is punctiliously minuted from 1850. Afterwards the vestry usually auctioned the road sand and sweepings among themselves to relieve the "stone rate". When in 1864 Quarter Sessions wished to divide Buckinghamshire into highway districts, Cholesbury resisted the adoption of the new Highway Acts, and so remained an autonomous highway parish until rural district councils were established.

The vestry nominated "fit persons" to serve as Assessors of Land and other Assessed Taxes, but was not formally entitled to appoint, still less to control them. Three names were presented in 1841, four in 1851, two in 1855. Entries are sporadic until 1885, then regular until they cease in 1894 with other civil business. Another set of officers, not always clearly distinguished from the land tax assessors, are variously described as "Collectors of Income Tax" (1851, 1867), "Property and Income Tax Sessers and Collectors" (1857), "Assessors of property and income tax, inhabited house duty, &c." (1873). After a twenty-year gap they were last nominated in 1893, at the instance of the Commissioners of Income Tax. Some intervening appointments, e.g., "Tax Collectors or Assessors" in 1884, may have covered both duties.

The parish was its own rating and valuation authority; usually it acted on professional advice, but not always. Thus, having decided on 9th May, 1835, that the glebe should be rated in proportion to other land, the vestry reduced its valuation on 28th October by £2. The rector found in 1838 that he was rated for 1½ acres more than he occupied, and the valuer was instructed to correct the error. By 1863 a professional valuation was considered binding on the parish.

In the opinion of this vestry Mr Brown's<sup>16</sup> valuation [of Joseph Salt's new house and garden] is excessive; but that the proper course for the overseers to pursue will be to insert the property in question in the Rate Book according to Mr. Brown's valuation and then to appeal against it (that is that Mr Salt<sup>17</sup> should appeal) to the Assessment Committee now sitting at Aylesbury.

The erection of a new house was so rare as to call for a special vestry; demolitions were more usual. In 1841 James Mundy was rated at £4, his landlord having pulled down part of the outbuildings; the figure enabled the property to retain full common rights. The vestry gave special consideration to charity land (e.g., the "Society's land and homestead" in 1836, the North-church Poor's land in 1863), and was solely entitled to write off rates as irrecoverable. A decision of 1851 transferred liability for poor rates (*quaere*, other rates) on tenements valued at not more than £6 from occupiers to owners. Complete revaluations were ordered in 1832 (the "new equality"), 1852 and 1878; the last, precipitated by Capt. Parkinson's securing a reduction, led to a general abatement of 25 per cent in the rateable value of land, coinciding with the agricultural disasters of 1879. The parish could not reduce the burden of the county rate by undervaluing itself; as between parish and parish the true annual value was to be taken under 55 Geo. 3 c. 51, and in 1859 the church-

<sup>16</sup> William Brown, valuer, of Tring.

<sup>17</sup> Joseph Salt, constable 1864-67, surveyor 1864-66, overseer 1866-68.

warden and overseers were directed to appeal against Cholesbury's new assessment to the county rate.

At common law the parish had no concern with the constable; he was chosen by the manor, but for the township. As the court leet decayed, however, the vestry quietly assumed this function along with others. On 28th March, 1836, it resolved that George Sills be appointed constable. "Appointed" is significant; in the previous minute, recording the choice of overseer, it was corrected to "nominated". Constables were "appointed" in 1838-40; in 1841 the meeting "agreed that Daniel Bishop be constable". A statute of 1842 transferred the powers of the manorial courts over constables to the vestry; strictly, the vestry had to present a list to the justices. Cholesbury, however, gave them no choice: "Resolved that Daniel Bishop be named to serve the office of Constable". Next year he was joined by Thomas Thorn, appointed by the vestry, and Edward Wright; at the end of the year the meeting agreed to pay their respective expenses out of the church rate, as had been the practice since 1839. By 1871 the constable's bill was again being paid from the poor rate. The constables seem not to have presented accounts or demanded a levy of their own. In 1849-51 four constables were appointed to look after a population of 113. John Catling alone was left by 1858; two years later three others (a farmer, drover and labourer) were "placed on the list for Constables", but Catling had only one colleague for the next seven years. There are frequent gaps, suggesting that the office was hard to fill. In 1893, after an eight years' intermission, the surveyor and the hayward were elected constables, perhaps in order to increase their authority.

The last of the parish officers, and the only one to be paid, was not the least important. The life of Cholesbury centred on its great common, and with the desuetude of the manorial courts it was natural that the vestry, comprising much the same persons as the homage, should inherit their functions. This is suggested by the proceedings threatened against Richard Deverell in 1832, and on 9th May, 1835, the common was stinted by agreement.

Resolved, That Cholesbury Common for the future be considered a Stint common, and that Richard Cox be appointed Howard, and that he be paid in the proportion of one penny per head for cows, horses &c.

Next year, on 18th April, 1836:

Resolved, the Common having been made a Stint common, that James Palmer [*altered from* a person] be appointed to look after the Stock turned out upon it, & to keep off the stock of persons having no right of Commonage, and that he be paid 2d per head till Mich: next.

The basis of the stinting is defined on 16th May, 1844:

It is resolved, that the Rate-payers of Cholesbury having right of Commonage in the said parish, are entitled to turn out on the said Common one head of cattle

[*altered from* one horse or one cow] for every four pounds<sup>18</sup> at which he is assessed to the poor rates, & no more.

Presumably the smallest cottagers could only turn out pigs and geese. A minute of 15th May, 1850, is quite explicit.

It was Resolved that any Ratepayer assessed at £4 [or under, *deleted*] to a Rate shall be allowed to turn on the common one head of cattle [and one head, *deleted*] for every £4 assessed to the poor Rates, and also that two Calves [be considered as one, *deleted*] under one year old [*altered from* two years old] be considered as one head. The Cattle or Horses to be the Property of the Ratepayers and that no Cattle of any kind be taken in to agist on the common by any Ratepayers, and also that no Sheep be allowed [to be turned, *interlined*] on the common, and also that Donkeys or Asses be considered as other Cattle and under the same regulations. Resolved that Two pence per head be paid by each Ratepayer having Cattle on the common for a Boy to look after and take care of all cattle on the common.

Resolved that Matthew Puddephatt be Pound keeper for the present year  
Present                    Tho<sup>s</sup> Little in the Chair  
                                 Daniel Bishop  
                                 Matthew puddephatt [overseer & poundkeeper]  
                                 William Thorn [overseer]  
                                 Thomas Thorn [surveyor, overseer & constable]  
May 15th 1850.            George Sills [churchwarden].

Thomas Little, a gentleman who often presided during 1845–55, clearly had some difficulty that evening in drafting the minutes. The signatures are autograph. The rule against agistment and, as its corollary, provision for impounding strange cattle, date from 9th August, 1848.

Resolved that no joisting be allowed on the Common. Resolved that a parish pound be erected on the Common under the direction of the Surveyor [George Sills] & paid for out of the Stone rates.

On 13th December the surveyor was authorized to purchase “an Iron Pound similar to that on Boxmoor Common, cost £6 10s. from Tompkins of Tring” and an iron culvert if required. The pound was to be on the common “as near to the Manor House as can be” and Thomas Thorn was appointed first pound-keeper (22nd March, 1849). Cholesbury Manor House is no more than a cottage, a very pleasant one.

Proceedings were threatened in 1847 against persons picking up or carrying away dung from the common, and in 1849 it was directed that “a bank of earth be thrown up along the road side from the hand-Post on the common to the extremity of the Parish, where the road leads to Tring”. The bank is still to be seen, though much denuded.

Although resolutions of 1856, entered on a loose sheet, reiterate earlier decisions, they are worth giving in full as an example of the vernacular. One

<sup>18</sup> This was the property qualification for constable imposed by an Act of 1842.

can almost hear George Sills and Dan Bishop speaking (they hardly ever missed a meeting)

at Publick Vestery helden in Pursistence of Publik Notice given on the 29 day of May 1856 for taken into consideration the Rits of Common and Payment of Howard to look after the Same.

Resolved that the same Rules be Carred<sup>19</sup> into hopperation as was agreed to at a Publick vester[y] in the year of 1844.

Resolved that only one head be turned on the Common let ther age be wat it may.

Resolved that one Calf under one year of age Peay half pr head to wards the Peayment of the Howard as a full head does.

Resolved that Wm Weedon be Howard to look after the Common untell further notice be gevin at Eight Shillings Per week and to be Pead by the Parisheners that turn cattle on the Common in the Perp[or]sion to wat the[y] turn out and Peay as head money.

Resolved that no Pigs be turnd on the Common untell the[y] Have Rings in ther nose [ ] to Damage the Common.

Resolved that the Common be Cleared of Cattle from the 25 day of March to the 13 day of May

Persident<sup>20</sup>  
George Sills Churchwarden  
Daniel Bishop Surveyor  
G Philbey Overseer  
George Gomm  
Edward Wright  
Will<sup>m</sup> Hows  
Ezekiel Osborn  
Wm Keen

On 1st June, 1864, the vestry decided, at the instance of Edward Butcher and Daniel Bishop,

that a Hayward [*altered from* Howard] be appointed to protect the Common of Cholesbury from trespassers & to preserve its rights to the parishioners. Carried unanimously. Resolved that the Hayward be authorized to impound cattle trespassing on the common the owners of which not being assessed to the poors Rate possess no right to turn cattle thereon. Also that the Hayward be authorised to proceed in law against persons taking from the common the droppings of cattle grazing thereon: also that he be authorized to appoint a person to look after the cattle turned on the common, & that each person having the right of turning cattle on the common shall pay two pence per head for each animal towards defraying the expenses incurred by the Hayward.

Job Thorn consented to act, and nothing further is noted until a minute of 31st March, 1882:

<sup>19</sup> Carr = carry: G. Eland, *In Bucks.* (1923), p. 129.

<sup>20</sup> A fine portmanteau word, suggesting present, president and perhaps persistent.

Unanimously Resolved that for the protection of Common Rights from trespassers the resolutions passed at the public vestry of the parish in 1864 & at other meetings be enforced.

Unanimously agreed that James Pallet be Hayward for the ensuing year.

On 27th March, 1883, the close period was varied, perhaps in consequence of the glorious spring weather :

It was unanimously agreed that the Pasturage of the Common should commence April 21 & cease Dec 25 of the present year.

A new decision on pigs was taken on 9th April, 1891 :

It was agreed that a 4/- Rate [i.e., a shilling rate on £4] in accordance with the Resolution made in 1850, should entitle the payer thereof to turn out upon the Common in addition to the Head of Cattle named in the above resolution One Sow with or without litter (under 9 weeks old) or two pigs under six months old. It was further agreed that the time for turning out pigs be the same as that for turning out cattle.

It was further agreed that the Common Steward [Wm. Darvell] be empowered to charge three pence per head for all cattle turned out on the common by the week, to pay a boy to mind the same.

The rule against agistment was enforced on 4th June, 1891 :

The meeting having been called to enquire into the right of Mess<sup>rs</sup> W<sup>m</sup> Brackley [surveyor and assessor] & W<sup>m</sup> Keen to turn out certain cattle on the common, the said cattle being supposed to be not their own, M<sup>r</sup> W<sup>m</sup> Brackley promised to produce receipts for his cattle, & the Vestry could not grant W<sup>m</sup> Keen to turn out cattle on the common, the cattle not being his own.

The conscientious William Darvell was re-elected Howard at the Lady Day vestries of 1893 and 1894, the last which were permitted to deal with civil business.

With its powers crippled, Cholesbury was still worthy of its past.

The will shall be harder, the courage shall be keener,  
Spirit shall grow great, as our strength falls away.<sup>21</sup>

<sup>21</sup> *The Battle of Maldon*, trans. Gavin Bone, in *Anglo-Saxon Poetry* (1943), p. 35.