

The burgesses to c. 1800

Introduction

The governmental arrangements for Newport were complicated even before the end of the middle ages and became more so over time. As we have seen, formally Newport was, and remained, a manor. There was no borough with a charter, no mayor or municipal officers and no borough or town court. The nearest that the borough had to a governing institution were the burgesses who, when were first see them clearly, were a closed oligarchy of about 25 men, some of whom were gentry drawn from the surroundings of the town. The burgesses claimed in the seventeenth century to own the land on which the town stood, the lanes and roads and the wastes of the manor. Some of these rights were assigned to the Marsh Trustees and others abandoned by the nineteenth century. In the last half century of their existence, all the Burgesses owned was a parcel of land called Waterpieces, donated to them in 1313 for the support of the water supply.¹ Most of their income came from the supply of water to private residents. It was conceded in 1877 that if the responsibility for the town's water supply was removed from the Burgesses, then there was no longer a reason for their existence.²

The burgesses were almost certainly a prescriptive body. No foundation charter has ever been found. They did not appoint borough officers except for men to manage the water supply. They did not own the market rights. They were, in effect, a feeble and underdeveloped corporation but nonetheless a corporation. They had their own seal – the usual sign of corporate status – by at least 1309. It is significant that the chief royal grant to them was a grant of freedom from tolls rather than a grant of corporate status or corporate rights. One can see that Newport had aspired to more than this: that this was all they secured in the early fourteenth century might reflect a recognition that a higher status was out of reach and any aspiration towards it might have been opposed by the manorial lords. The grant of freedom from tolls was therefore a consolation prize but one which was potentially valuable to those able to draw on it. This may, in part, explain why outsiders to the town were interested in becoming burgesses. It also introduced a conflict between the burgesses and the joint lords of the manor who objected to outsiders becoming burgesses and claiming freedom from the lords' tolls in Newport market.

¹ Everard, *Early Records*, no. 18.

² *Report of the [Royal] Commission appointed to inquire into the Municipal Corporations not subject to the Municipal Corporations Act (1880)*, Q. 17,313, 17,832, 17,840.

It seems to have been accepted from an early date that the early records of the burgesses were lost in the town fire of 1665. We do have notes of records in existence before that time. We also have a story about how some of the records were taken as security for the burgesses' debts and never returned.³ What little early material survives has been gathered and made available in print by Everard.⁴ There is an extant minute book extending from 1668 to 1857, but in its first century it appears to have been kept intermittently with no entries between 1701 and 1714, 1717 and 1739 and 1801 and 1812. We know from the lost account book (see below) of general meetings of the Burgesses which pass unrecorded in the minute book so we should not infer that the Burgesses were wholly inactive in those periods. Most of the recorded business in the minute book was the election of officers and High Stewards. The discussions of policy which we know took place pass unrecorded.⁵

We also have an account book dating from 1717 to 1772 (but again only intermittently maintained) which survives only in a transcript. The story of this book - which may or not survive, but if it does, its current whereabouts are unknown - is that it was rescued from paper salvage sometime in the late 1980s. It seems likely that a larger archive in the possession of the district council was destroyed at that time.⁶

The Inspector for the Royal Commission on Municipal Corporations in 1835 found little to interest him in Newport.⁷ The Corporation consisted of two bailiffs and an indefinite number of burgesses. The bailiffs were chosen by the burgesses from amongst their number. The burgesses also elected the officers, the High Steward and the deputy steward. The latter undertook the work of the town clerk. The right to be admitted a burgess was acquired by succession, father to son. If a burgess died without an heir, then the bailiffs and burgesses filled the vacancy. Most of the burgesses were men living close to, but not in, Newport.

The Inspector found that apart from some land which the burgesses held as trustees, their estate consisted of two parcels of land called Waterpieces whose rent was £29 5s. 0d. Their income was almost entirely devoted to maintaining the water supply: the burgesses also gave

³ NTM/3/16: Everard, *Early Records*, p. 6.

⁴ Ibid.

⁵ NB/B/1

⁶ For the circumstances in which the book was found and transcribed, see the note in the accessions file at Shropshire Archives for Acc. 7087 where a copy of the transcript can be found. The book is analysed, so far as it can be, in R. W. Hoyle, 'The eighteenth-century Newport Burgesses account book: a provisional analysis' (ts, 2026). Mr Peter Everall, who worked for Newport UDC in its offices at Chetwynd End before 1974, recalls a tin box in the attic labelled 'High Steward of Newport'. Whatever it contained, we do not appear to have the contents now. I am grateful to Mr Everall for confirming this in February 2026.

⁷ *Report of the Commissioners appointed to enquire into the municipal corporations in England and Wales* (1835), p. 1962.

a suit of clothing to the town crier annually.⁸ As the inspector said, ‘the municipal functions of this corporation are almost nominal’.

One wishes he had recorded more. Little more is known about the internal organization of the Burgesses until the enquiry of 1876.⁹ The deputy steward, Fisher, told it that the High Steward was elected from amongst the Burgesses and served for life or until his resignation. When the High Steward first appeared is something of a mystery. He is not named in the litigation of 1633 or the case for counsel’s opinion in 1683. A later list gives the first High Steward as Walter Pigott of Chetwynd Esq., elected in 1668. Whether he was the first or simply at the very edge of memory is not clear, but it must be at least possible that his was the inaugural appointment. The burgesses then chose Philip Eyton of Ellerton Esq. as High Steward in 1669, and Robert Cowes of Dawley Esq. in 1672. It may originally have been intended that the High Steward would only serve for a year, but that there were too few burgesses for this annual arrangement to work.¹⁰ The work of the High Steward was delegated to a deputy steward, an office held in two generations by the Newport solicitor Robert Fisher (d. 1854) and his son, Henry Fisher, who managed the burgesses up to their abolition.

A list of the burgesses of 10 October 1766 divides into 13 out-burgesses and 18 in- or resident burgesses. There were also 11 burgesses by inheritance who appear not to have been admitted. Potentially there were 42 burgesses. Four more were admitted on that day: two out-burgesses and two in-burgesses. An undated list (but of a similar date) divides the burgesses slightly differently. There were 13 in-burgesses, 10 out-burgesses ‘resident near the borough’ and 16 resident ‘at a greater distance’. The latter seem mostly to have been burgesses by inheritance and there was some doubt whether four of their number were even alive. The total was therefore 35.¹¹ In 1828 it was reported that there were about 25 burgesses. In 1835 there was apparently no fixed number. A list of 1836 gives four officers and 25 ordinary burgesses. Fisher told the Royal Commissioners in 1876 that the number was then 17. (By this time it

⁸ The town crier appears to have been appointed for the first time in 1819; NB/B/1, minute 4 May 1819. For the appointment of William Harris as Town Crier in 1873, NB/C/33.

⁹ *Report of the [Royal] Commission appointed to inquire into the Municipal Corporations not subject to the Municipal Corporations Act (1880)*, p. 465 (qq. 17,708-724). Fisher started his evidence by trying to correct what he saw as errors in the report of 1835.

¹⁰ [Printed compilation of records], pp. 9-10. This is a printed compilation of the records of the Burgesses made in 1876 for the Local Government Board (TNA, MH12/10008, Fisher to LGB, 16 June, 23 Aug. 1876). The text was also entered in the Burgesses minute book, SA, NB B/1. Printed copies can be found at SA, NB/A/2 (amended so perhaps a proof) and 1101 box 251.

¹¹ NB/C/10.

seems that the Burgesses found it hard to recruit new members.)¹² Fisher confirmed to the commission that sons had the choice of following their fathers: vacancies were filled by co-option. We have no evidence of a constitution, and so it is impossible to know whether the number was self-imposed or was as many as wished to be co-opted. New members paid a fee of £3 on their election. There were disputes over the right of younger sons to be admitted after the death of an elder sibling in the mid-eighteenth century.¹³

Many of the burgesses – and inevitably the High Stewards – lived outside Newport. The impression is that by the late eighteenth- and early nineteenth-century Burgesses largely consisted of gentry and clergy from outside the town. By mid-century there were more Newport residents but, as was made clear by Heane in 1876, not all resident burgesses took part in the burgesses' affairs.¹⁴

As to how and when the burgesses met, their minute book suggests that at some points in the eighteenth century they convened annually, at others every second or third year. By 1820 they might meet several times a year. Fisher reported that they also came together to meet any royal visitors. He had in his possession painted rods for the burgesses to carry in procession (led by the town crier). In 1820 they proclaimed George IV and processed through the town.¹⁵ But there was – it seems – no annual dinner. Nor did they have a mace, plate or any premises to call their own.¹⁶ It was put to Fisher in 1876 that 'These burgesses seem to get no advantage and to perform scarcely any functions, as far as I understand, except that they look after the rents of this property', to which Fisher replied, 'Nothing'.¹⁷

Early history

The earliest extant charter to Newport, issued by Henry II, dated loosely to the third quarter of the twelfth century, confirms the customs of the king's burgesses of Newport as they had existed in the reign of Henry I (d. 1135). Exactly what these were is not specified. Well over a hundred years later in 1292 the burgesses claimed that the confirmation allowed them the assize of bread and a guild merchant and that they had exercised these rights before 1135.¹⁸

¹² 1753, SA, NB/C/10; 1828, *Pigott's Directory, 1828-9*, p. 688; 1836, NB/B/1, Rear of volume; 1876, *Report of Commission into Municipal Corporations*, p. 467 (q. 17,790).

¹³ NB/C/9 (nd); NB/C/16 (1764)

¹⁴ *Report of Commission into Municipal Corporations*, p. 470 (qq. 17,912-3)

¹⁵ NB/B/1. Minute 19 Feb. 1820. There is no evidence that they had done so in 1760.

¹⁶ *Report of Commission into Municipal Corporations*, p. 467 (qq. 17,835-39; 17,842).

¹⁷ *Ibid.*, p. 467 (q. 17,841).

¹⁸ Everard, *Early records*, no. 1.

This seems doubtful. When Edward II passed through Newport in 1322, the burgesses secured his agreement to a grant of exemption from market and other dues throughout the realm, but the burgesses also asked for the grant of a guild merchant. They seem to have been told to apply for one by using a writ *ad quod damnum*. The jury which sat on this writ in July 1324 found that the grant of a guild merchant would not harm the king's interest but no charter followed.¹⁹ Nor did any subsequent grant give the town an independent constitutional structure: they merely confirmed the 1322 grant.

The lack of institutional form is reflected in the title the burgesses used. When recipients of royal grants the townspeople are variously referred to as 'burgesses' (1163 x 1179, 1322), 'good men of the town of Newport' (1298) and the 'beloved and honest men of the town of Newport' (1356).²⁰ The charters of the Audley family were made to the Burgesses, or in two case, to Audley's 'free burgesses' (1282 x 1299, 1313). The usage is also found in a grant of 1309.²¹ Within a few years though the town was making grants in the name of the 'whole community of Newport' or simply the 'community of Newport'.²² By the end of the sixteenth century it was usual for grants to be made by the burgesses of Newport, but the same group of people called themselves, perhaps anachronistically, 'the whole community of Newport' in 1590.²³ These may all be distinctions without a difference but they serve to disguise any internal structure to the town's government which may have existed.

The town received grants from successive members of the Audley family: the earliest limited the obligation placed on the burgesses to carry fish for the Audleys to their houses within Shropshire (1246 x 1250).²⁴ The townspeople received a grant of the Broad Marsh (1284 x 1299), a plot of land in Newport which may have been the site of the market hall (undated), a grant of all the waste and lanes in Norbroom and Calvercroft, together with two small marshes lying near the town (1313).²⁵

The grant of a small parcel between the churchyard and Puleston's cross, 40 feet by 20 feet, must leave us in no doubt that the lord of the manor considered that he and not the burgesses owned the roads and open space within the town. This is contrary to later claims made by the burgesses.²⁶ It is possible that there was a later charter conferring ownership on

¹⁹ Ibid., no. 2.

²⁰ Ibid., nos 1-5.

²¹ Ibid., nos. 13, 19.

²² Ibid., nos. 20-26.

²³ Ibid., nos. 000-000.

²⁴ Ibid., no. 11

²⁵ Ibid., nos. 12, 13, 19.

²⁶ Ibid., no 13 and compare with 75A and 75B.

the burgesses, but if there was such a charter, we do not have it. As we shall see, the ownership of the wastes and soil was challenged – probably inconclusively – in 1633.

The grant of the Little Marsh allowed the burgesses to split the land amongst themselves in 1317, reserving fee farm rents.²⁷ Why they should have done this is unknown. It may have been a device to raise rent for money to invest in other civic purposes – the erection of the market hall for instance - but the date suggests that it may have been a fire sale to raise money for immediate purposes, perhaps for relief. For whatever reason, they were made, the grants undermined the future prospects of the community.

The burgesses appear to have repeated this exercise in 1593 and then again in 1597 when they made grants in fee farm of property in the town. These included recently enclosed ground in The Flaggs and land in the Hoyles. Again this must be understood as a money-raising venture, and once again the sales in 1597 coincide with famine or near famine conditions.²⁸ And once more, the sales in fee farm locked the Burgesses into fixed rents that devalued in real terms over time. A rental of 1618, the first extant, gives the Burgesses' income from rents at £5 17s 2d., to which might be added whatever income they received from agistment in the Great Marsh.²⁹

Middle period

In April 1632 William Barnfield erected a market house in Newport. This has always been seen as a generous gift, but it may form part of a larger move to improve the town. In April 1632 the Burgesses leased the Marsh for a term of 12 years to a syndicate of John Cotes of the Middle Temple esq., Thomas Barnfield and John Tilson gents., for a rent of £30 in the first six years and £40 in the last six.³⁰ This may have been a device to raise income to invest in the town and, one suspects, in the paving of the town. It may also have prompted the renewed interest in the town by Sir Richard Leveson that we mentioned before.³¹

It followed from the failure of the Newport Burgesses to secure a charter of incorporation that their corporate status remained open to challenge right to the very end of their existence.³² A Chancery suit of the mid-1620s brought by one Thomas Tilston to recover land allegedly granted to his father by the Burgesses in Elizabeth's reign acknowledged the

²⁷ Ibid., nos. 21-5, 135.

²⁸ Ibid., 75A-B; 76 A-D (1593) and 77A-77B.

²⁹ Jones, p. 141-2, total calculated.

³⁰ Jones, p. 142.

³¹ See the account of the manorial rights.

³² R. N. Heane asked out aloud whether the Burgesses had any formal existence in his evidence to the Royal Commission on Municipal Corporations not covered by the Municipal Corporations Act in 1877.

Burgess's corporate existence and capacity to make grants. It served Tilston's purpose to admit the Burgesses' standing.³³

In 1633 the burgesses responded to what may have been a tightening of the manorial regime by launching a suit in Chancery against the two lords. Leveson and Talbot, to defend their claims.³⁴ Their first claim they made was that they were a corporate body with the right of a corporation to buy and sell land. They had a seal. Their historic existence was proved by reference to a confirmation of their charter for freedom from tolls issued by Henry VIII. No earlier charters were cited, nor the more recent confirmation by James I. As a corporation they owned 'void and waste ground' in the 'fields, streets and lands within [check] the town of Newport'. These claims may have been an extension of the 1313 charter, or justified by another lost charter, or largely prescriptive, the burgesses filling the vacuum left by the withdrawal of the lords from the active management of the town. But they were not new claims; the burgesses had, at the end of the sixteenth century, exercised the right to sell waste land within the town. The burgesses were unaware of the Audley grants and made no reference to the grants they had made 40 years before: they therefore understated the strength of their title. In his answer Leveson demonstrated that he was the lord of the moiety of the manor and for that reason he asserted he was entitled to a moiety of all the vacant and waste grounds of the manor, upon which the burgesses and their assigns had encroached.

The plaintiffs, the Burgesses, muddled the water terribly by turning a suit about the lords of the manor's claims to the wastes of the manor into one about the lord's imposition of market rights. The only witness to address the burgesses' corporate status denied that they had any such standing. The burgesses' only officers were two bailiffs employed to collect their rents: this might be taken to be an admission that they held property but equally it makes the point that they lacked a mayor or other offices. The burgesses seem to have felt it unnecessary to use their witnesses to prove their corporate status.

The suit appears to have petered out after the depositions were taken, perhaps because the evidence taken on the part of the burgesses was too weak to encourage them to prosecute the suit further. The result was that the matter of the burgesses' rights reappeared in a case prepared for counsel's opinion in 1683.³⁵

³³ C78/400 no. 5 (dismissal 25 May 3 Charles I [1627]. Tilson's bill gives a list of 19 men who were 'persons and members thereof [of which] the corporate body doth consist'.

³⁴ TNA, C2/CHASI/N28/53. The depositions are C22/405/27. I have not been able to trace any proceedings on the suit after the return of the depositions.

³⁵ For the following SA, 6000/19368

On that occasion the two manorial lords wished to challenge what they regarded as the pretense of the Burgesses. The Burgesses, they maintained that they held that by grants made by earlier lords of the manor all the Great and Little Marshes which taken together, formed all the wastes of the manor. They also claimed all the commons, wastes, ways, lanes and streets within the manor and had title to Newport Pool, all in return for small rents paid to the lords. The only right the burgesses allowed the lords was the court and some burgesses even claimed a release from this.

The lords professed to be unaware of the basis for these claims. They believed that the wastes, the roads and the rest, and the houses and other buildings erected on them, were their right. They proposed to bring an ejectment for their recovery. The immediate matter on which they sought an opinion was the best way to go about this. Their proposed method was to try the validity of the Corporation's claim to be a corporate body, whether by grant or prescription. If it were proved that they were a corporation, the litigation would limit their claims. If they were not a corporation, then their grants were void and the lords could recover the manorial wastes. They therefore proposed to bring an action of quo warranto.

The case was sent to the lawyer Henry Pollexfyn for his opinion. He quickly concluded that the evidence placed before him argued for the burgesses being a corporation. He suggested that if the Attorney General would permit a quo warranto to proceed, then it should be brought against the bailiffs and named prominent figures amongst the burgesses. But whether such an action was launched is unknown, and the issues remained unresolved into the eighteenth century.

If the seventeenth-century burgesses are thinly documented, then the eighteenth century is in some respects only a little better. There is the minute book whose coverage is intermittent. There are no minutes of the Burgess's activities from 1701-14 and 1717-39 although the account books shows that they were active in the years after 1717. The account book for 1717-26 and 1743-72 shows intermittent bursts of activity. It suggests that after 1742 there was a more business-like approach on the part of the burgesses and a clear strategy to help themselves. The minute book chiefly records the formalities of meetings and the election of new burgesses.

A brief prepared for counsel, undated but of or about 1717, offers a description of the dire state in which the Burgesses found themselves. Looking back, it tells us that none of the local gentry would accept the office of High Steward until the burgesses' affairs were sorted out. The lawyer Ralph Leeke was elected High Steward to do that: he died in 1717. The brief

makes it clear that the Burgesses had the obligation to repair the streets of Newport but lacked resources to do so. They were in debt. The tenants of their lands holding in fee farm had ceased to pay their rents and in some cases arrears of 20 or 30 years had accumulated, but the burgesses could not associate particular rents with the property that paid them. The sale of their remaining assets would not be enough to clear the debt and one of the questions posed in this case was where responsibility for maintaining the streets would fall given the burgesses' inability.

If this describes a low point in the history of the Burgesses, it also marks the moment at which they entered a period of renewed activity. The account book starts in late 1717.³⁶ This in itself may reflect a determination to place the Burgesses on new footing. And it also shows a high level of activity over the next two or three years, with what appears to have been a major repaving of the streets. There was a further attempt to collect rents in 1720 although this was to repay arrears due to one of the two joint Lords of the Manor. There continued to be low levels of expenditure on the paving over the following years, but one suspects repairs and maintenance rather than improvement. There is a sense of the Burgesses' activity running down once the streets had been repaired. The accounts cease in 1726.

We have no detailed statement of the Burgesses' income from about this time. It would appear from the brief for counsel that they may have lost track of the rents due them. The accounts after 1717 show rents paid several years in arrears, and the accounts for 1720 show that the rents due to 'Lord Talbot' had not been paid for 12½ years. This alone suggest a period of inactivity on the part of the Burgesses. The years after 1717 may have seen an attempt to recover lost ground. In the winter of 1717-18 total receipts amounted to £15 10s. 7d. In the year after October 1720, £8 12s. 8d. In other years the income was only two or three pounds, and over the years for which we have accounts the average annual income was about £5. This agrees roughly with the rental of 1618.

The majority of the rents were small sums. It seems likely that most of them were rents reserved on grants of land in the Hoyles or encroachments elsewhere in the town. The Burgesses' income was not on a sufficient scale to maintain the town's roads and water supply and this was the key problem that the burgesses faced. They were not without resource dealing with the mismatch of revenue and expenditure. Their thinking is examined in our account of the enclosure of the Great Marsh.

³⁶ The following account is based on an analysis of the account book: Hoyle, 'Eighteenth-century burgesses account book'.

That we have no accounts between 1726 and 1748 cannot be taken as evidence that the Burgesses were inactive in these years. There are suggestions from 1745 that they were once again beginning to get a grasp on their income. That year the Burgesses brought an action of trespass at Shropshire Assizes for the recovery of a little close containing limepits and the workhouse in the Flaggs which the burgesses proved to be part of the grant made them in 1313. This appears in part to have turned on demonstrating their corporate existence and it may, possibly, have been a fictitious suit to that end. Whatever its purposes, judgment was given for the Burgesses as a corporation.³⁷ A further step in establishing the Burgesses' rights came with a suit of 1753 in which four Newport butchers and a fifth Newport man were charged with trespassing on the Great Marsh with their cattle (actually horses) and then breaking the town's pound to rescue them.³⁸

The account book shows that the burgesses had three sources of income.

The first were the fee farm rents which, despite the suggestion that some or all of them had been lost, continued to be paid. These were individually small sums which were often paid some years in arrears. We have no rental from the first half of the eighteenth century and the fact that the rents were paid in arrears makes it hard to establish what the yearly annual rental might have been. But it was small and probably not much more than £5 per annum.³⁹

The second source of the Burgesses' income were their lands. The appearance is that from mid-century they were trying to increase their income from their estate. The clearest indication of this is the appearance in the accounts of new parcels of land which were put out to rent.

Their largest asset was the Marsh. From the account of 1748-50 onwards we find the payment of small balances from the Marsh Account (Table one). The income was presumably from the sale of grazing (agistment) but it is impossible to know what charges were placed against the receipts. The sums make it clear that it was not a lucrative asset.

The decision was taken to enclose the Marsh and place it in the hands of new trustees.⁴⁰ These trustees were also assigned responsibility for the repair and maintenance in the roads in the town. This manoeuvre, achieved by act of parliament in 1764, gave the roads an endowment to pay their maintenance. Once enclosed, the Marsh generated substantially more

³⁷ NB/B/1, opening page: NB/C/15.

³⁸ NB/C/12.

³⁹ A rental for 1767 in the account book is incomplete in the transcript, probably because the original was damaged. It does not appear to distinguish old fee farms and more recently established rents.

⁴⁰ This is explored more fully elsewhere.

than it had in its unenclosed state. Part of the Marsh appears to have been retained in the Burgesses' hands: this was the Small Marsh which was rented after the enclosure of the Marsh at 3*s.* 6*d.* per annum.

Whilst the Marsh was by far the largest parcel to be improved, a second parcel was granted by the Burgesses to another independent trust to support another charge on the town. This was a field called the Flaggs which can be identified as lying in the corner between the bridge and the bottom of Vineyard Road. The Flaggs is first mentioned in the accounts for 1750-3 when the Trustees of the Flaggs paid 5*s.* 0*d.* in rent. We know from other sources that the Flaggs was granted to the trustees in 1750 as part of a settlement with the joint Lords of the manor out of which emerged the Bridge Trustees.⁴¹ Whilst a fee farm was reserved, the aim was to transfer the costs of the bridge's maintenance away from the Burgesses. The rent appears in the accounts from time to time, normally being paid for a number of years at once.

A further piece which may have been enclosed out of the commons was the Waterpieces. This is one of the few parcels whose location and extent can be specified exactly because they were mapped in 1768. The map shows that the Waterpieces was then divided into three parcels.⁴² The history here is more complicated. The accounts for 1757-60 include a payment of £72 on account. A further payment of £27 in 1763 suggests that the Waterpieces were then rented at £9 per annum. In turn this suggests that they were enclosed about 1750. But there is a charter showing that waste land called Calvercroft (so unenclosed at that time) was granted to the Burgesses in 1313. The endorsement on the charter identifies it as the grant of the Waterpieces.⁴³ It may have been enclosed from an early date: if so, the alternative possibility is its rent was massively raised (to a realistic commercial rate) in about 1750. The three parcels were leased for a term of 21 years in 1770 for £16 10*s.* 0*d.* per annum.⁴⁴

The fourth piece of land which was held by the Burgesses was Nearer Common. It is not altogether plain where this lay. A lease of 1763 says that it was to the south of the Strine which formed its boundary. To the east and north it abutted on lands of a Mrs Swinnerton of Stafford called Caldecrofts and to land of the burgesses. To the west it abutted on land of Mrs Perks called the Vineyard. It appears to have been four acres in extent.⁴⁵ Given that it adjoined on the Vineyard, it is probably to be identified with long thin field running south of

⁴¹ See the account of the Bridge Trustees.

⁴² NB/C/20.

⁴³ Everard, no. 19. This may be a mistake on the part of whoever endorsed the charter. The name Waterpieces derives from a later grant to the Burgesses of Uttermost Calvercroft in 1491. It was this which was given as an endowment for the water supply, hence Waterpieces. Everard, no. 59.

⁴⁴ NB/E/3

⁴⁵ NB/E/3/1.

the Vineyard Road. There is a further argument which points in the same way. The 1767 rental records the rent of two houses on the Nearer Common. The only houses in this area shown on the tithe map are in this field.

The third source of income was financially trivial but revealing of the rights which the Burgesses exercised. There are seven payments, the earliest of 1766, from traveling troops of players for the use of the market place. We are given an indication in some years of what they offered: a puppet show (twice), rope dancers (once), but in other years they were merely payments made by the players. It may seem odd that the Burgesses still received these payments even after the Marsh Trustees had been established. There were complaints that the Marsh Trustees were slow to make improvements to the roads in their first years as their income was devoted to repaying the costs incurred in securing the act of parliament. The Burgesses' accounts suggest that they continued to maintain the streets and to take any profit arising from them to the end of the account book.

It is impossible for lack of evidence on both sides, to establish when the Marsh Trustees took over full responsibility for the streets, leaving the burgesses in charge only of the town's water supply. Little can be said about them for the remainder of the eighteenth century. A case prepared for counsel and dated 1791 suggests that they were again at a low ebb as they were seeking advice on how they could distrain for arrears of rent.⁴⁶

⁴⁶ Printed compilation of records (see n. 7) above, pp. 00-00.

341 Table A. Balances of the Marsh account paid over to the Burgesses

1748-50	7 <i>s.</i> 8 <i>d.</i>
1752	3 <i>s.</i> 11 <i>d.</i>
1753	6 <i>s.</i> 6 <i>d.</i>
1754	5 <i>s.</i> 0 <i>d.</i>
1757	9 <i>s.</i> 8 <i>d.</i>
1760	15 <i>s.</i> 10 <i>d.</i>
1761	£1 3 <i>s.</i> 0 <i>d.</i>
1762	£1 0 <i>s.</i> 5 <i>d.</i>

342