

# Court Leet



## Court Leet

Article by George Winn Darley

Originally written for the Parish Plan in 2004 but last reviewed and updated in 2016.

Manors became prominent with the coming of William the Conqueror and in 1085 Spaunton was one such Manor. Its first Lord was Berenger-de-Todeni. It very quickly came into the hands of St Mary's Abbey at York, who owned it for over 400 years. Abbot Stephen came from Whitby in 1078 to build an Abbey Church at Lastingham, but in 1088 York became the centre for Christianity and he left Lastingham to build St Mary's Abbey at York. The abbey at Lastingham was never completed but made into the Parish Church. At the devolution of the monasteries in 1550 Edward VI gave Spaunton Manor to William Ford Grey of Wilton and John Bannester Esq. It passed through various hands until the Darley family acquired it in 1780.

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Many Courts had ceased to function by around 1900 but about 16 in the country were still operating in 1977. Then the Administration of Justices Act repealed the ability of Courts to operate except those that were still operating which were listed in a schedule. Spaunton was one of those.

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The essential role of the Court Leet today is to protect the Manorial Land within the Manor (that is common and wastes of the Manor which includes village greens and verges) and to protect the rights of those who have "common rights" i.e. the rights held in common by a number of different properties over the common. Under the 1965 Commons Registration Act all common rights had to be registered and quantified but in practice the majority of common rights on Spaunton Common relate to grazing which attaches to the appendant land that it was originally registered with and the rights of turbury (peat cutting) which run with specific dwellings which many years ago used peat as fuel.

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## The Court

The Court Leet sits on the first Thursday in October at the Manor House Spaunton, usually starting at 10.00am. Members of the public/press are welcome to attend although the room is not large and therefore space is limited.

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The Court Leet consists of 14 of the owners of the common rights who are invited and duly summoned to appear and be sworn in as jurymen – that is 12 jurymen and 2 affearors (affeer = to assess). Officially the Lord of the Manor instructs the Steward of the Manor, who in turn instructs the Bailiff to summon the Court together. In practice the Lord of the Manor liaises with the Foreman of the Jury to get the right number of people. The Manor covers 5 parishes and we appoint representatives from all the parishes. We try to select people who obviously not only have been around long enough to understand many of the local issues but also particularly people who are elected councillors or parish councillors so that they can report to those bodies as to what is happening in the Court Leet and vice versa.

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The Court is presided over by the Steward who is a solicitor and effectively acts as Chairman and provides the jury with legal advice.

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The main business of the Court is usually taken up with encroachments on the common. This is essentially anything on the common which doesn't have a right to be there or which interferes with the surface of the common.

The surfacing of driveways, placing of signs, enclosure of bits of common for front gardens etc. are all regular matters which usually include the imposition of fines which are then paid annually.

Another standard condition is that applicants should obtain planning permission and all other necessary consents from the appropriate bodies.

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The list of fines is put before the Court each year and is called the presentment. The Jury appoints the Foreman. At present the moor keeper holds the position of Pinder. Traditionally the job of the pinder was to impound in pinfolds any stray stock and to generally monitor the flocks of sheep grazed on the common.

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The Bailiff is appointed and paid for by the Lord of the Manor to collect the fines that the Court levies.

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## Manor

## Luncheon

By tradition the Lord of the Manor invites all members of the Court to a Manor Luncheon after the meeting. The traditional fare is hare pie followed by Christmas pudding although this is becoming less popular. The luncheon used to be held at Spaunton Manor prior to 1939 but since then it has been rotated around the pubs within the Manor.

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## Fines (NB The following are not the current rates)

Fines are calculated and set by the Jury. The following benchmarks have been set as a guide. In October 2007 it was agreed that the rate of the fines should be increased once every 5 years by the rate of inflation over the preceding 5 years.

Agreed with effect from October 2012 to be collected October 2013.

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Pedestrian Access—£7  
Vehicular Access—£14  
Garden, Car Park, etc—£28  
Commercial Sign—£14  
Underground pipes/wires—£7  
Potato Garths—£7

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Enclosures

Agreed with effect from October 2013

Acreage payment: £35 for SDA and Moorland. £47 all others.

These are larger areas enclosed off the common usually as a result of Ploughing up Orders.

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Additional sheep gaits

Agreed with effect from October 2015

Extra gaits £1.50 per head

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### Inconsistency

Members of the Court and particularly Jury members try to keep an eye out for any encroachments onto the common but some of these have been missed over the years or perhaps were deemed by the Jury as being of some ancient quality and not warranting a fine. This may account for why some properties are deemed to have caused an encroachment and others not.

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### Ownership

In the same way most residents own their property, the village green belongs to the Spaunton Estate. It is happy that people enjoy it and it forms a community focus. It is not, however, public property and the estate has all the same rights which private owner residents have over their own property.

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There was an agreement in 1980 between the Lord of the Manor, who owns all the freehold of the common and wastes of the Manor etc and the Court that all the income raised by the Court would be expended on management and improvement of the common and in particular, “the immediate reduction and ultimate eradication of bracken, which is the worst menace on the moor”. Bracken control continues as do a number of other works such as thistle control and maintenance and improvement of tracks which benefit the common right holders and others who use the common. A large contribution is made towards the cost of the Steward out of the fines but the Bailiff and Assistant Bailiff are paid for separately by the Lord of the Manor.

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A contribution is also made to the Village Caretaker Schemes. Whilst the estate is happy for the residents to organise to keep the village greens to a particular standard there is no advantage to the estate in doing so. Currently contributions are made to the Village Caretaker Schemes in

villages of Hutton-le-Hole and Rosedale and occasionally one off contributions have been made to projects in Lastingham and Appleton-le-Moors.

### Selling

When people are selling property which has the benefit of an encroachment we do recommend that the selling agents/solicitor contact us to make sure that they describe the situation correctly in their details. We have been trying to educate the local agents and solicitors with mixed results and we would much rather help them to understand what the situation is so they can explain it to the potential purchasers rather than having to explain it to the new purchaser or their solicitors who often come from further afield and later feel perhaps they had been misled.

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