

THE BOROUGH OF DARTMOUTH

1 The limits of the Borough comprise the whole of the town of Dartmouth. They include the whole of the parishes of St. Saviour and St. Peter's, and part of the parish of Town-stall. The green line in the map appended to the Report of the Boundary Commissioners, accurately marks the limits of the borough.

2 The Charters of Dartmouth are numerous; they are, 14 April 1331,
5 Edward III
14 December 1378, 2 Richard II
15 November 1394, 18 Richard II
1 February 1415, 2 Henry V
14 March 1426, 4 Henry VI
23 June 1463, 3 Edward IV
14 March 1435, 2 Richard III
10 December 1487, 3 Henry VII
10 May 1511, 2 Henry VIII
8 August 1547, 1 Edward VI
6 November 1553• 1 Mary
9 November 1559, 1 Elizabeth
3 August 1604, 2 James I
12 July 1674, 26 Charles II

3 The greater part of these charters, excepting those of Queen Elizabeth and King James, are simply charters of confirmation; all, with the exception of those of Edward III and IV and of Henry VII and VIII are in the possession of the corporation. The charter of Charles II was never accepted. The corporation also claim to be a corporation by prescription.

4 The legal style and title of the Corporation is, "The Mayor, Bailiffs and Burgesses of the Borough of Clifton Dartmouth Hardness, in the County of Devon."

5 The Bodies composing the Corporation are, a Mayor, twelve Masters and Counsellors, and an indefinite body of Burgesses. There are also a Recorder, two Bailiffs, a Town Clerk, a Coroner, a Receiver, two Serjeants at Mace, a Gaoler, twelve Constables, an Aletaster, a Tithing-man, a Quay Master, Porters and Measurers, and a Town Crier.

6 The mayor, masters and counsellors are the Common Council and governing body of the borough.

7 The Mayor is elected by the burgesses from out of their own body. The mayor presides at that election, but has no casting vote. The election takes place on the Monday next after the 15th of August. The mayor is appointed for one year only. No express power of removing him is given. He is a justice of the peace for the borough, and also for the whole of the parish of Townstall. He presides at the Quarter Sessions, and also at the Court of Record. There is no power given to him to make a deputy; he receives an allowance of £60 a. year; it was formerly £120. He also receives two bushels

of coals out of every vessel discharging coals in the harbour of Dartmouth; this is worth about £9 per annum. There have been no contests latterly for the office of mayor. The present mayor is Daniel Codner, esq.. merchant, of Dartmouth, aged 40.

8 The Masters and Counsellors, twelve in number, are elected by the mayor, and masters and counsellors, or the major part of them, for life. There is no express power of removal given, except in the case of wilfully absenting themselves. They attend the mayor, advise him, audit the accounts, and assist in the election of officers; with him they form the common council. They have no particular emoluments, privileges or exemptions. They are generally selected from mercantile men, and from the more respectable classes of the town. Since the repeal of the Corporation and Test Acts, no dissenter has been admitted into the corporation, all the members of which are of the Established Church.

9 The following are the present Masters and Counsellors

| Date of Appointment | Name | Profession | Residence | Age |
|---------------------|----------------------------------|---------------------------|----------------------------|-----|
| 1798 | Arthur Hunt | Esq | Near Dartmouth | 65 |
| 1805 | Rob. Houldsworth | Clerk | ditto | 50 |
| 1808 | Henry Houldsworth | Esq | ditto | 60 |
| 1823 | Jos. Hakespark | Comptroller of Customs | ditto | 47 |
| 1830 | John Bastard | Captain RN | Sharpham near Dartmouth | 44 |
| 1830 | R D Langworthy Hinkstone, Jun | Merchant | Dartmouth | 46 |
| 1830 | Arthur Brooking | Lieutenant | ditto | 41 |
| 1830 | Henry Taylor | Clerk | 10 miles from ditto | 43 |
| 1832 | Arth. W Houldsworth | Gentleman | Dartmouth | 25 |
| 1833 | James Strong | Landing waiter | ditto | 41 |
| 1833 | Dan Codner | Merchant | ditto | 40 |
| 1833 | Robert Harris | Banker | ditto | 51 |

10 Mr Hunt and Mr. Houldsworth were resident when elected. Two of the Messrs. Houldsworth are father and son; the third is a, cousin. Mr. Hunt is also a cousin of Mesars. Houldsworth, as is also Mr. Arthur B/r/ooking. Mr. Taylor is likewise related. to Mr, Houldsworth, Mr. Strong is connected; by marriage with Mr. Brooking.

11 The Burgesses are elected by the mayor and common council or the major part of them. They are appointed for life. There is no other mode of obtaining the franchise than election. The burgesses vote in the election of Mayor and other officers. They enjoy the privilege of exemption from town dues. They have no emoluments. The tradesmen of the town are in general selected to fill up vacancies in the body. The present number of burgesses is 71, of

whom 53 are resident. Many of those who are non-resident are honorary freemen; and of the non-residents many were resident when elected. Eighteen freemen have been lately elected, but are not sworn in; of these nine are resident

12 About six months since an attempt was made to add a considerable number to the body of burgesses, and the freedom of the borough was offered to 32 individuals, residents in the town, and principally respectable men. This measure was proposed by the then mayor, and assented to by the council, with the view, as it was of ultimately rendering the corporation more open, By the greater part, however, of the persons to whom the franchias was offered, it was declined; some, as they asserted on account of their age, some from having retired from business, and others from differing in opinion from the corporation. There is reason, however, to believe that it was chiefly from a jealousy and distrust of that body that the individuals in question declined to be admitted freemen.

Only ten out of the whole number accepted the franchise: most of these have been sworn in. A disposition has lately existed in the corporation to admit any respectable inhabitant who might desire to become a freeman; but no applications appear to have been made.

13 The practice which has prevailed of electing the relations and connexions of masters and counsellors into that body has also been extended to the freemen, and amongst the latter there are 1^ who are in various ways related to masters and counsellors.

14 The burgesses pay a fine of £2 to the town clerk, and of 10s. 6d. to the serjeant at mace on their admission.

15 The Recorder is appointed by the mayor, and masters and counsellors, or the major part of them. The charters are silent as to the description of person who shall be elected. He is generally a gentleman of fortune in the neighbourhood; he receives a salary of £6 6s. a year; formerly he had a butt of sherry. He is a justice of the peace for the borough, and for the parish of Townstall. He does not sit in the Civil Court. He has no power given him to make a deputy. The present recorder is Arthur Howe Houldsworth, esq. of Dartmouth, aged ^2. He was appointed in 1832; he has sat once as a justice. His predecessor frequently attended at the sessions.

16 The Bailiffs, two in number, are officers of the Mayor's Court, or Court of Record, which is held before him and them. They are elected by the mayor and burgesses, or the major part of them, from the burgesses. They are appointed for one year only. Their duties are to attend the court; to act as overseers of the market, and of weights and measures; and as water-bailiffs. They have no emolument, except a fee of 10s. 6d. on executing the process on the water called the process of the silver oar. One of the bailiffs, called the King's Bailiff, returns the list of jurors for the Quarter Sessions. The King's bailiff, after serving his office one year, is usually elected Town's Bailiff.

17 The Town Clerk is appointed by the mayor and common council, or the major part of them, for life. He acts as town clerk, clerk of the peace,

clerk to the magistrates, and generally as solicitor to the corporation. He receives a salary of £50 a year, and his ordinary emoluments amount altogether to about £120 a year, exclusive of the profits derived from conducting suits. The present town clerk, Mr. Samuel Wear Prideaux, aged 30, was appointed in 1832.

13 The Coroner is appointed annually with the other officers, by the mayor and burgesses. He receives a fee of £1 from the corporation upon every inquest. The jurors receive 6d. each: they are summoned from the inhabitants at large. Mr. William Congdon, shoemaker, is the present coroner. He has been several times re-elected.

19 The Receiver is appointed by the mayor and burgesses. He holds his office for one year only. Since the last year he has been continued in office. He receives a salary of £26 5s. Per annum. He does not give security. It is his duty to make up his accounts at the end of the year, when they are audited by the mayor and council. It is his duty to attend a meeting of the council every fortnight, and to pay over his balances at that time into the bank. The accounts are not published, but are open to the burgesses, who may inspect them if they please. Applications for inspection have been made and granted; but it does not appear that the state of the accounts has ever been made known to the inhabitants at large. In what manner the accounts for many years were, in fact, kept, will be subsequently stated.

20 The two Serjeants at Mace are elected by the mayor and common council, or the major part of them. They hold during pleasure. Their duty is to serve the process of the civil court, and any other process directed to them, and to summon juries. They are sworn in as constables. They receive a salary of £8 5s. per annum each. They have also the fees on the serving of process, and a house to live in. They are likewise supplied with cloaks.

21 There are twelve Constables appointed by the mayor and common council, or the major part of them. They receive no salaries; but a gratuity of £2 12s. is annually given them to provide a dinner, called the weighing feast. They are stated to form a sufficient police force. One of the constables is gaoler, and receives £6 per annum as such, and has apartments in the gaol.

22 The Quay Master is appointed by the mayor and common council, or the major part of them, during pleasure. He receives a salary of £20 per annum, and also a halfpenny per chaldron out of every vessel laden with coals discharged at the quay.

23 The other inferior Officers are appointed by the mayor and common council, or the major part of them. They receive no salaries; but the porters and measurers have a small fee for measuring.

Zk The mayor and recorder, and the last predecessor of the mayor, called the justice, are Justices of the Peace for the borough and also for the whole of the parish of Townstall. They have an exclusive jurisdiction, except in cases of treason, murder, manslaughter or other felonies or matters touching the loss of life or member.

25 The Civil Court is given by the charter of Edward III. It is held before the mayor and bailiffs, both of whom are required to be present. Its jurisdiction is confined to the borough, and does not extend over the parish of Townstall, the charter which enlarged the jurisdiction of the borough justices not having reference to this court. It has jurisdiction in all real and personal actions to an unlimited amount, but it has not been usual to bring actions where the sum to be recovered is above £20. Fines were formerly levied

and recoveries suffered in this court. It has also jurisdiction upon the water, extending about a mile from the Castle, and as far as the White Rock, a mile below Totnes. The process is by summons and attachment, and in bailable cases by *capias*. The court is held from Monday to Monday, and the juries are summoned in the same manner as the juries at the quarter sessions. There are no written rules of practice. The last trial took place in the year 1821, and since that period few actions have been brought. Within the last two years, only two suits have been commenced. The costs of the plaintiff where the cause is tried, are about £15.

26 The Court of Quarter Sessions is held before the mayor, recorder and justice, or two of them, of whom the mayor or recorder must be one. They have jurisdiction over offences committed in the borough, and also (by the charter of James I.) in the parish of Townstal. Their jurisdiction extends to the trial of all offences, except those punishable with the loss of life or members. In practice they only try petty offenders, those who are likely to receive sentence of transportation being committed for trial at the Assizes. In the latter case the borough pays the expenses. The longest term of imprisonment does not in general extend beyond three months. The number of prisoners tried does not exceed two or three in the course of a year. The grand jury are chosen from the inhabitants of the town. The town's bailiff makes out a list of those residing in a particular quarter. The list is submitted to the mayor, and when approved of by him, it is returned to the bailiff, and the parties are summoned. The next sessions the same process is gone through with regard to another quarter of the town, and so on until all the inhabitants of the town have served in their turn. This practice has, however, been lately departed from, and the jury are taken from the inhabitants at large, from whom also the petty jury are summoned. A freeman is always placed at the head of the panel, both of the grand and petty jury, and he acts as foreman. There is no table of costs which are assimilated to those of the county.

27 The magistrates hold Petty Sessions once a week on Monday.

28 The Gaol is a modern building, but is far from being convenient. There is no sufficient space for exercise, and no means of putting the prisoners to work.

9 The whole Police force of the town consists of the twelve constables and the two serjeants at mace. There is a local Act, passed in 1815, (55 Geo. 3.) intituled, "An Act for building a Market House in the Borough of Clifton Dartmouth Hardness, in the County of Devon, and for the better Paving, Lighting and Watching the Streets and other public Places within the said Borough." The masters and magistrates of the borough are *ex officio* commissioners under this Act, together with other persons. The qualification of a commissioner is, the possession of freehold or leasehold estate within the borough. The qualification of the electors is the possession of freehold or leasehold estate within the borough, of the annual value of £5. The rate for the purposes of the Act is not to exceed 2s. 6d. in the pound. Before the passing of this Act, the inhabitants repaired the pavement before their own doors to the gutter in the centre of the street. The gutter was repaired by the corporation. The latter still defray the expense of repairing the outer part of the pavement of the quay. The provisions of the Act for lighting and watching the town are not acted upon.

30 The number of licensed public-houses in the borough is 23, and in the parish of Townstall, four; there were till lately only twelve; but since the passing of the Beer Act, the magistrates have granted licenses to public-houses, to prevent the establishment of beer-shops, of which there is only one in the borough.

31 The earliest Bye-law is in the 3d Henry VII. and purports to nsade by the mayor and bailiffs; sever, sometime mayors, and eight sometime bailiffs, and other burgesses and inhabitants franchised. The early bye-laws relate principally to fines for not serving offices, etc. but not to the sale or leasing of the property of the corporation. By the charter of James, it is directed that the mayor and masters or those of the common council for the time being, having called together twelve of the most honest and discreet burgesses, of whom the mayor must be one, shall have power and ability to make bye-laws. The last bye-laws purport to be made by the whole body of the corporation.

32 There was a School in the borough, to the master of which the corporation annually presented a gratuity of £10. This school has been discontinued about a year.

33 The corporation possess the Vicarage of Townstall and the Chapelry of St. Saviour's, which they acquired by purchase about the year 1586. They have never sold the presentations. The livings are worth about £140 a year. The Rev. Robert Houldsworth (one of the masters) is the incumbent.

34 Since the year 1790, there have only been two contested Elections within the borough for Members of Parliament. Those elections took place in 1791 and 1830. The prevailing interest, during that time, has been exercised by the Houldsworth family. The political opinions of that family, and of the principal members of the Corporation, have been the same. In general, some member of Government has been, until lately, returned for the borough. Places and favours in the gift of the patrons were applied for, both by individual members of the corporation, and by the body generally. Places in the Taxes and in the Custom house were bestowed in consequence of these applications. Two livings in the gift of Government, those of Brixham and Stoke-in-ham, were bestowed upon the recommendation of members of the corporation, and the present incumbents axe members of the corporation; these livings are worth about £¹⁰⁰ per annum each. The office of postmaster of Dartmouth was bestowed in the same manner.

35 Formerly it was the custom for the corporation of Dartmouth, alternately, with the corporation of Poole, to nominate the collector of the customs in Newfoundland. On the death of the late collector, Mr. Brooking was appointed on the recommendation of the corporation of Dartmouth, and gave Mr. Houldsworth 300 guineas per annum, in consequence of Mr. Houldsworth, who was first nominated, resigning the appointment to Mr. Brooking.

36 The sole right of voting in the election of Members of Parliament was, before the passing of the Reform Bill, vested in the corporation, and the freemen made by them.

37 The corporation are Trustees for several Charities in Dartmouth, the whole of which are noticed in the Report of the Charity Commissioners (7th Report). The Commissioners recommended that a book should be kept, containing a separate account of the disbursements made on account of the charities, and also that certain funds given away by the corporation should be distributed at fixed periods, in the presence of the overseers. Both these recommendations have been complied with.

38 The value of the whole Property belonging to the corporation, if in possession, is reckoned by one of its members to amount to £85,000.

39 The income of the corporation is thus derived:-

| | |
|--------------------------------------|--------------------|
| From the Tithes of Townstall - | £ s. d. |
| Pew-rents in Chapelry of St. Saviour | 308 15 2 |
| High rents - | 120 - - |
| Rack-rents - | 78 10 - |
| Market-house and tolls of the Market | 34 - - |
| Duchy or Town dues - | 156 - - |
| Quay dues - | 246 2 - |
| Watercourses - | 5 5 4 |
| Fines and renewals (on average) | 12 - - |
| | 140 - - |
| | £1,100 12 6 |

40 The Tithes, for which there is a composition, are in hand. The corporation collect the pew-rents in St. Saviour's themselves. Some of the lands of the corporation have been granted upon lease to members of their own body. Leases are usually granted for a term of 79 years absolutely, but when from 30 to 33 years of the term have expired, the practice of the corporation has been to grant renewals at one year's value; that value is settled by a surveyor. The corporation still continues to renew on the same terms. There is a table of calculations for renewals, made in 1761, upon which the corporation act. Two leases of property have fallen in lately, and the premises have been again let on lease by public auction, which is the usual mode of disposing of the property of the corporation. It does not appear that there has been of late years any sale in fee of any of the lands of the corporation. The rack-rents arise from a small tenement and garden: the garden was let by auction for a term of seven years; the tenement, a building under the Guildhall, was let by auction also. The Market-house and tolls are let for a term by public auction. The town dues are in hand, and are collected at the Custom-house; the collector receives an allowance, 12-| per cent, for his trouble. They are collected by the collector of the customs. The question of the right to the town dues has been very frequently tried, and always decided in favour of the corporation; the last case was tried at Exeter in 1793-The corporation acquired the dues by lease from the Duchy of Cornwall, dated 25th day of May 1792, for 99 years, deter-minable on three lives, of which two are still living. The chief rent payable to the Duchy is £12 Is. 4d. The quay dues are a prescriptive payment. The corporation keep the quays in repair. The water rents arise from payments for water conveyed in pipes laid by the corporation.

41 The average annual expenditure of the corporation is as follows:-

| | |
|---|---------|
| Chief Rent paid to the Duchy - | £ s. d. |
| Serjeants at Mace - | 12 1 4 |
| Coroner (average) - | 16 10 - |
| Jury - | 3 - - |
| Repairing ancient road | - 18 - |
| Recorder - | 3 - - |
| Town Clerk - | 6 6 - |
| Quay Master - | 50 - - |
| Feoffees of St. Petrox | 20 - - |
| Constables' weighing feast | - 5 - |
| Mayor's allowance (including) | 2 10 - |
| Priestwood's gift, £.3 for bread) | |
| 60 - - | |
| and meat - - - - -) | |
| Shift money, for garments to the poor | 8 2 - |
| Cage's gift at Christmas - | 2 - - |
| Rent of Mayoralty-house - - - | 12 12 - |
| Servants, & c . - - - - | 5 5 - |
| Receiver - - - - - | 26 5 - |
| Collecting Townstall tithes - - | 10 - - |
| Tithe dinner - - - - - | 5 - - |
| Poor and way rates on Townstall tithes | 40 - - |
| Gaoler - - - - - | 6 - - |
| Interest on £1,249 8s. 9d. at 4-j per cent | 56 4 2 |
| Ditto £1,200 at 5 per cent - | 85 - - |
| Boundary viewing - | 4 - - |
| Subscription to county hospital - | 5 5 - |
| Minister of St. Saviour's salary - | 30 - - |
| Clerk ditto - - - - - | 4 - - |
| Washing surplices - | 1 - - |
| Sexton - - - - - | 4 - - |
| Cleaning chandeliers - - - | 1 10 - |
| Organist - - - - - | 30 - - |
| Blowing organ - - - - - | 1 - - |
| Chimer - - - - - | 2 - - |
| Singers - - - - - | 6 6 - - |
| Six poor boys instructed in singing and arithmetic - - . - - -) | 5 10 - |
| Sacramental wine - - - - - | 10 - - |
| Ditto bread - - - - - | - 6 - |
| Lighting church for lecture - | 15 - - |
| Churchwardens' expenses - - - | 4 - - |

| | |
|---------------------------------|------------------|
| Repairing church clock - | 2 2 - |
| Coals, &c. | 1 10 - |
| Ringers - | 8 - - |
| Insurance - - - - - | 12 10 - |
| Repairs of church (average) | 40 - - |
| Repairs of quays - | 50 - - |
| Repairs of chancel of Townstall | 5 - - |
| Water-pipes and conduits - | 40 - - |
| Repairs of gaol and maintaining | 15 - - |
| Total Expenditure | <u>£758 17 6</u> |

42 Amongst the expenditure of the corporation, there is a sum of £100 paid in June 1818, which, by a resolution of the common council, it appears, was presented by them to the committee of Mr. Bastard, then a candidate for the representation of the county of Devon.

43 The Accounts of the corporation are in a very unsatisfactory state. It was formerly the practice for the mayor, who acted as treasurer to the corporation, to keep a separate account of the receipts and disbursements during his year of office; and the books containing these accounts, accompanied by the vouchers, were in general preserved. In the year 1308, it was thought proper that a receiver should be appointed, and the Rev. Robert Houldsworth consented to act as such. The only account of the receiver, from the year 1808 to the year 1824, appears to have a book which was kept by the clerks of the Dartmouth General Bank, with whom the corporation had a banking account. This book merely states the names of the parties to whom money was paid, as they appeared on the checks presented at the bank. The checks were signed sometimes by the mayor, sometimes by the town clerk, and sometimes by the receiver. This account was never audited between the years 1808 and 1824, nor does it appear to have been examined during that period by the receiver, who in fact neither received nor paid monies, but occasionally signed checks upon the bank for the amount of tradesmen's bills presented to him, and bearing the mayor's signature. None of the mayor's accounts, between the year 1308 and 1824, are to be found. Since the year 1824, the accounts have been kept in a more regular manner, balances have been struck, and they have been occasionally audited.

44. In consequence of the accounts being in so irregular a state, it became very difficult to ascertain for what purposes various considerable sums of money entered in the Rev. Robert Houldsworth's accounts, had been expended; many of these appeared to have been paid to members of his own family. On further inquiry, the following information was obtained respecting these payments. An account was produced, bearing no date, but supposed to have been in the year 1804 during the mayoralty of Arthur Houldsworth, esq. whose account it purported to be. From this document it appeared that, in addition to a small balance due to himself, Mr. Houldsworth claimed a sum of £1,021 15s. 4d. due to him as the representative of his father. There was some difficulty in accounting for the manner in which this debt was contracted, but from an account allowed at an audit of the corporation accounts in 1812, it appears the debt was incurred to the patron of the borough, in consequence of large sums of money paid on account of the corporation by the patron from the year 1772, and for interest thereon. Whilst the patron was paying these expenses, the then town clerk was receiving the revenues of the corporation. The accounts of the town clerk were never settled. It is presumed he never kept accounts, and no settlement was made with him. Mr. Houldsworth, senior, was at the time of the debt being incurred, patron of the borough. In 1812, there was a statement of accounts between the corporation and

Mr. Arthur Houldsworth, when a balance was struck in favour of the latter of £676 3s. Id. It was conjectured that the various sums appearing on the face of the Rev. R. Houldsworth's account, to have been paid to members of his family, were in fact paid in reduction of the claim of Mr. A. Houldsworth. Of the mode in which, or of the period when the account was finally settled, nothing appeared, but it was stated that the demand was now finally satisfied.

45. A further debt was incurred in the year 1831 to Mr. Houldsworth, then the patron, who in consequence of certain informations, in the nature of a quo warranto, having been filed to remove certain members of the corporation, had been requested by that body to act on their behalf. Costs to the amount of upwards of £1,200 having been incurred, they were paid to the town clerk by Mr. Houldsworth and on the 22d of April in the present year, a resolution was entered into by the common council for the repayment of this sum to Mr. Houldsworth, and a bond was accordingly given to him for the sum of £1,241 8s. 9d. with interest at 4 1/2 per cent

46 In consequence likewise of the defective state of the accounts, it was impossible to trace the entry or application of some considerable sums of money, which had been paid for fines on the renewal of leases.

47 The repairs done by the corporation are not in general executed by contract; but new buildings are generally erected by contract. The new market was built by contract, after public tender.

The following return includes the parish of Townstall

English statute acres, 1,650.

Population:

| | |
|--------|--|
| 1801 - | 3,412 |
| 1811 - | 3,595 |
| 1821 - | 4,485 |
| 1831 - | 4597; : viz. males, 1,958; females, 2,639. |

Occupations:

| | |
|--|-----|
| Families employed in agriculture | 35 |
| Ditto " " trade, manufactures, &c. | 575 |
| Ditto not comprised in either of the above classes - | 445 |

Annual value of Real Property in 1815, £8,135.

| | |
|--|---------------|
| Assessed Taxes for year ending, 5 April 1829 - | £596 - 10 - 0 |
| 1830 - | 512 - 12 - 7 |
| 1831 - | 655 - 18 - 1 |

Parochial Assessment for year ending,

| | | |
|----------|--------|---------------|
| 25 March | 1825 - | £1,328 - 19 - |
| | 1829 - | 1,363 - 16 - |

Number of Houses in 1830:

| | |
|-----------------------------|-----|
| £10 and under £20 rent - - | 186 |
| £20 and under £40 rent- - - | 44 |
| £40 and upwards - - - - - | 4 |
| Total of £10 and upwards- - | 234 |

49 Number of electors registered under the Reform Act in 1832, 243, of whom 22 were freeholders.

50 Great dissatisfaction prevails amongst the inhabitants of Dartmouth, both with regard to the constitution and the conduct of the corporation. The predominating interest in municipal affairs, acquired by one family and exercised by them for so long a course of years, has naturally caused much jealousy and distrust. The consequence of this influence has been, not only the filling of offices in the corporation with the relations and connexions of the family in question, but the securing to them the political and pecuniary patronage of the borough. The mode in which the property of the corporation has been managed, and in which their accounts have been kept, shows that they have been very culpably negligent of their public duties. With property which under an able management would produce a considerable revenue, they have accomplished little or nothing for the general benefit and improvement of the town. Another source of dissatisfaction amongst the inhabitants, is the levying of town dues, an unequal and unjust exaction, as they contend, the freemen of the borough being exempt from the payment of the dues. The suspicions of the people of Dartmouth extend even to the administration of justice by the borough magistrates, and general charges of this nature were made before us. One particular instance also was mentioned. In a case of the King against Gibbs, the grand jury cut the bill, which was for an assault; the presiding magistrate declaring that he would have a jury who would find a bill, ordered another to be impannelled. A second grand jury was impannelled, and the bill was again presented, and again thrown out. A third jury was then impannelled, and found a true bill. The presiding magistrate was an attorney, and the partner of the town clerk. In answer to the statement made respecting this case, it was alleged by several members of the corporation, that they had no recollection of such a transaction having taken place, and it was added, that the magistrate in question was at that time suffering under a mental complaint.

51 Another matter of dispute between the corporation and the inhabitants, was on occasion of the former, a few years since, soliciting an Act of Parliament authorising them to put down buoys, and to take certain tolls. This Bill was opposed by the inhabitants, and ultimately abandoned, it being understood that the opposing party should bring forward a similar measure. No such measure, however, has been proceeded with, and the reason is alleged to be, that the parties were prevented by the opposition of the officers of the duchy, who acted at the suggestion of the corporation.

52 Since the passing of the Reform Bill, some alteration has taken place in the character of the corporation of Dartmouth. The political patronage of the borough being lost, it has become of little importance to preserve the exclusiveness of the corporate body, and an attempt was made in the early part of the present year to conciliate the parties opposed to the corporation, by offering them admission into that body; but the general feeling of distrust and dislike prevailing amongst the inhabitants of the town, prevented this attempt from being successful.

Henry Roscoe
Edward Rushton

London, December

THE BOROUGH OF DARTMOUTH

NOTES

The numbers of each note refer to the numbered paragraphs in the text of the Report.

1 There were two reports on the boundaries of the borough in the 1830s. The first was by the Parliamentary Boundary Commission as a result of the Reform Act of 1832. The second was by commissioners appointed to establish revised boundaries after the Municipal Corporations Act, 1835—One of their number, John Buckle, reported on Dartmouth in 1837.

The boundaries of the borough had been defined and extended at many times from the first charter of 1341, through the addition of Southtown in 1463 and the inclusion of the whole parish of Townstal within the jurisdiction of the borough courts in 1604. Knowledge of the ancient limits of the borough was so hazy in 1832, however, that the Parliamentary Commissioners made a serious error in their description.

By 1837, the municipal borough was held to be co-extensive with the parliamentary constituency; that is, comprising the whole of the parishes of Townstal, St. Petrox and St. Saviour and that part of Stoke Fleming bounded approximately by Crowther's Hill and Weeke Hill and running down to Southtown from Swannaton Cross. The Commissioner in 1837 proposed a revision of this boundary so as to remove farmland in Norton and Little Dartmouth from the borough but not from the constituency. He also proposed extending the seaward boundary to a line from Combe Point to Outer Froward Point on the Kingswear side in order to overcome the anomaly of a debtor being able to remove himself and his vessel from the jurisdiction of the magistrates by anchoring on the outer side of Blackstone. Upriver, he proposed drawing the boundary at the line of the Higher Ferry rather than at the Anchor Stone below Greenway.

The present boundary of the borough follows the line drawn by the Parliamentary Commissioners in 1332.

2 Edward Windeatt has described many of the charters of the borough in "The Borough of Clifton Dartmouth Hardness and its Mayors and Mayoralties", part I (Transactions of the Devonshire Association vol. XLIII, 1911, pp. 120 ff.); further elucidation of pre-reformation grants is given by H.R. Watkin: Dartmouth, vol.1 (1935).

The charter dated 14 April 1331, 5 Edward III as listed by the Commissioners is more correctly dated I** April 1341, 15 Edward III,

The grant of 2 Richard II was a confirmation of the original charter of Edward III.

The grant of 18 Richard II, properly dated 20 November 1394, extended to the borough rights to hear certain pleas and the right to elect a Coroner.

The grant of 2 Richard III should be more properly dated 4 March 1485.

The Commissioners' list omits certain Letters Patent and confirmations that might be included in a complete schedule, for example

those of 14 April 1376 and 5 November 1393.

3 The most significant charters for the constitution of the borough were those of Edward III and James I. The grant of Elizabeth was in fact a mere confirmation, the last to be made, of the grant of the water bailiwick of the Dart to the borough. The charter of Charles II reserved to the Crown the right of removal of officers of the Corporation; it was part of a general offensive by the Crown to gain control of the corporations and thereby the electorate of the House of Commons. It was expunged, with other offensive aspects of Stuart policy, by the revolution of 1683.

8 The Corporation and Test Acts were repealed in 1828. The absence of dissenters from the corporation reflected on the one hand the fact that the ruling oligarchy had always been anglican, indeed included at this time two clerics (when A.H. Holdsworth was put up for election to Parliament in 1830, his proposer was the reverend Caleb Rockett of Dartmouth and his seconder was the reverend John Russell of Crediton), and on the other hand the fact that dissenters were temperamentally more likely to favour the cause of reform and therefore support the opponents of the corporation. Certainly at this time dissent was flourishing in the town. A new Wesleyan chapel had been built in 1316; the Independents were to found sister congregations at Dittisham in 1836 and Stoke Fleming in 1842, and they were to rebuild their own chapel in Foss Street in 1841 (on land owned by the Corporation). At least two of the councillors after the elections to the reformed corporation in 1835 were dissenters. The new council was also to evince an anti-clerical opinion: it forced the resignation of the reverend Robert Holdsworth in 1836 and it sold off the advowson of Townstall. As well as flourishing dissent, there was also a strong evangelical anglican party in the town. The completion of St Petros's chapel of ease at St Barnabas in 1831 seems to be an indication of the evangelicals' enthusiasm. The future Bishop of Natal, John William Colenso, spent the years 1831 to 1833 as a teaching assistant to the incumbent of St Petros.

9 Arthur Hunt's father was apparently a doctor in Dartmouth who married a sister of Arthur Holdsworth (d.1807). According to Arthur Howe Holdsworth, he owed his success in the town to this marriage (Holdsworth's letter book, 22 September 1812). One of Arthur Hunt's brothers, William Cholwich Hunt (1769-1839) continued in medical practice; another, Robert Hunt, bought an estate at Sidbury, near Sidmouth and had interests in Ireland (Holdsworth's letter book, passim). Arthur Hunt was a merchant and shipowner; there are still port shippers in Oporto - Hunt, Roope - whose name celebrates the ventures of him and his family. He was Mayor in 1799.

Robert Holdsworth was vicar of Townstall from 1311 to 1836 and of Brixham from 1309 to his death in 1361. He was Mayor in 1814, 1822 and 1827. He was the younger brother of Arthur Howe Holdsworth. Although apparently a typical member of the old oligarchy, he was actually a man of some energy. He attempted to reorganise the chaotic affairs of Dartmouth charities and he lent his support in Brixham to the building of the new church in Lower Brixham to which Henry Francis Lyte, the hymn writer and poet, was appointed as the first curate. It was also during his incumbency of Brixham that Kingswear, hitherto a chapel of ease, was elevated to parochial status in 1337-

Henry Holdsworth was a cousin of Arthur Howe, Henry Joseph and Robert Holdsworth. He was Mayor in 1808 and 1826. He was a merchant, with warehouses on the Hardness side. Henry Holdsworth, like his cousins, ceased to play any part in Dartmouth politics after 1835- There seems to have been a complete exodus of the family from the affairs of the town.

In part this was due to political defeat and in part because the economic base of the family's wealth seems to have either changed or gone into decline. A.H. Holdsworth speaks in 1841 of their Newfoundland interests being sold off. The Dartmouth General Bank, a Holdsworth concern, failed in 1825. A.H. Holdsworth had sold the Warfleet Brewery by the same time. He and his son A.B.E. Holdsworth had moved out of Dartmouth to Widdicombe in Stokenham or the Beacon, Kingswear. There were soon to be no more Holdsworths at Mount Galpin, their Dartmouth home since the 17th century. Although A.H. Holdsworth retained the governorship of Dartmouth Castle and a seat on the magistrates' bench (together with his son) neither can be said to have played an important role in the town after 1835- He continued to encourage the construction of turnpike roads and other useful enterprises but, more often than not, they were to the benefit of his country interests rather than of Dartmouth.

Arthur William Olive Holdsworth, who celebrates in his name the mercantile combination of Holdsworth, Olive and Newman, merchants in Oporto, was the son of the foregoing. He lived at Ford in Dartmouth.

Joseph Hake Sparke (rather than Hakespark) had been appointed Comptroller of Customs through the influence of A.H. Holdsworth. He was Mayor in 1823; he remained Comptroller until the 1850s and lived on at Mount Pleasant in Dartmouth until his death in 1871. He did not stand for re-election to the Corporation after 1835- His sister, Margaret F. Sparke (d.1865) was postmistress of Dartmouth for at least forty years before her death. She, too, owed her appointment to A.H. Holdsworth.

Captain John Bastard (c.1786 - 1835) was the son of Edmund Bastard (1758 - 1816) who had married the heiress of Philemon Pownoll, the builder of Sharpham House, above Dittisham. The family was that of the Bastards of Kitley, near Plymouth. It is said that John Bastard gambled away the wealth that had been passed to him by his mother. Six years after his death in 1835. "the estate was put up for auction by his trustees. The Bastards had been members of parliament for Dartmouth since 1787, the year of the first election of Edmund Bastard of Sharpham. He sat until 1812 when he was succeeded by his nephew Edmund Pollexfen Bastard of Kitley who sat for only four years before taking a seat for the county until 1830. John Bastard was elected in his place and remained a member until 1832. (See Country Life, 17 and 24 April 1969, pp. 952-5 and 1014-7 for articles on Sharpham House by Marcus Binney.)

Richard Langworthy Kingston's (not Hinkstone) father was identified by A.H. Holdsworth in a letter regarding corporation cabals and conflicts in 1812 as a potential enemy to his interests - one who owed his place on the corporation to friends other than the Holdsworths. R.L. Kingston, junior, was mayor in his first year as a master and counsellor. He was of the Holdsworth interest inasmuch as he was one of the proposers of John Bastard at the 1830 parliamentary election. He was one of the old oligarchy who attempted re-election to the reformed corporation although he was never successful. His family firm was based at Bayard's Cove and was that of shipowners, merchants and ropemakers. The Hingstons were also consular agents to most countries and were agents for Lloyds. R.L. Kingston, junior, was a notary public and receiver of droits for the Admiralty. In later years, Kingston suffered from the enmity of the town council. His name was put forward in 1846 by the Home Secretary for promotion to the bench. The corporation was aghast: "The public do not require nor have they asked for any addition to the magistracy and this Council cannot but see that the appointment of Mr Kingston has been recommended solely to serve party and political purposes for were it necessary for the public interest to increase the number there are gentlemen of wealth, education, and leisure living within the Borough and its vicinity (and of

conservative opinions also) whom this council and, it believes, all the inhabitants of Dartmouth if consulted would name for the appointment in preference to Mr Kingston." Apart from the political considerations, there were also charges against Kingston's character that remained unexplained and disproved which caused the Council to be so concerned. (Council minutes, 15 June and 29 June 1346). The precise nature of the charges has not been discovered, but Kingston did not get his magistracy.

Lieutenant Arthur Brooking was the son of Nicholas Brooking, junior, an attorney and mayor in 1786, 1304 and 1818. Arthur Brooking failed to get on in the navy, notwithstanding the efforts of A.H. Holdsworth on his behalf (see Holdsworth's letter books). He tried for re-election to the corporation in 1836 but was unsuccessful. Brookings were controllers and collectors of the customs in Dartmouth and Brixham and Newfoundland. Nicholas Brooking, junior, apart from marrying a Holdsworth, acted in law on behalf of that family.

Reverend Henry Taylor was incumbent of South Pool and Stenham. -As the Commissioners report, the living of Stokenham was in the gift of the Grown and had been allowed to be disposed of by the Holdsworths who had their seat of Widdicimbe in the parish. Taylor played little part in civic affairs, his connection was that of family alone. There exists a portrait by .Arthur Devis (d.1787) of Arthur Holdsworth (d.1787), Thomas Taylor and Captain Stancembe standing together with Dartmouth in the background. Arthur Holdsworth's mother was Rebecca Taylor of Denbury, Henry Taylor's aunt.

James Strong was an officer in the customs. He was mayor in 1832.

Daniel Codner was a merchant and shipowner, listed in Pigot's Directory for 1323-4 as Codner and Tracey & Co. at Axford Slip. He was mayor in 1833 and again in 1838. He, together with Robert Harris and James Strong, was brought into the corporation by the oligarchy in an attempt to disarm criticism in the Town. It is worth noting that after an almost unbroken occupancy of the mayoral office by Brookings and Holdsworths for the first quarter of the 19th century, after 1828 they were succeeded, in turn, by J.H. Sparke, Francis Whitney, R.L. Kingston, James Strong, Daniel Codner and Robert Harris - all, relatively speaking, outsiders and new blood.

Robert Harris was a banker. Harris & Co. was established in 1806 and merged with the National Provincial Bank of England in 1839. Harris's offices were at first in St Saviour's Street. After the amalgamation, the bank moved to 9 Duke Street. The National Provincial took Harris on as Dartmouth manager from the time of the merger until his retirement in 1853- He was mayor in 1339 • He attempted re-election to the, corporation after 1836 but was not successful. He was a magistrate and treasurer of the Dartmouth United Shipping Association. (I am grateful to the Archivist of the National Westminster Bank for information about Harris & Co.)

15 A.H. Holdsworth became Recorder at the same time as he ceased to be M.P. for Dartmouth. He did not continue in office after municipal reform. In October 1836, Peter Stafford Carey was elected in his stead.

16 The Silver Oar was the emblem of authority of the water bailiwick of the Dart, leased to the borough by the Duchy of Cornwall from 1505 until 1863. The oar itself was presented by the Duke (later King George II) in 1721. The King's Bailiff described in this paragraph was in origin the water bailiff for the Duchy described in the grant of the bailiwick in 1521 (printed in Watkin's Dartmouth pp. 412-4). The process of the Silver Oar

was therefore the service of a writ to attend a suit at the bailiwick court. This court had been absorbed by the other borough courts by the time of the 'Commissioners' report in 1833. The Oar was returned to the Duchy when the lease was surrendered but was later given back to the Council by the then Duke (later King Edward VIII) in 1911 (see E. Windeatt in Transactions of the Devonshire Association, XLVI, 1914, PP-423-5).

17 Samuel Were Prideaux. was one of a family of attorneys in Dartmouth His father, town clerk during the 1820s, appears to have been in partnership with Nicholas Brooking. His son, Robert Walter Prideaux, was to continue his practice, he was clerk to the Townstal Church Land?, Kelly's Gift and Forder Estate charities. Prideaux tenure of office as Town Clerk was brief. In December 1835 J. B. Smith was elected in his stead, His removal may well have been a forcible one as, for many years afterwards, the Borough paid him compensation for loss of office In 1846 he was owed £610 9's- 11d, for arrears in this compensation. (Council minutes, 21st April 1846). During 1836 and 1837 he was an assessor under the new Act for supervising and regulating the "voting at municipal elections in Dartmouth In 1859' 60 he was Mayor, although he was not a council for many years either side of this date.

21 The police force at Dartmouth was put into County control by the Police Act of 1856. Under the now arrangements Dartmouth formed part of the Stoke Fleming sub-division. The town gaol was situated in St Saviour's Square below Collaford Steps; it has since been demolished

25 When County Courts were established by statute in 1346, the work of the small civil courts such as Dartmouth's was taken out of their hands. The County Court was at Totnes and had jurisdiction over all those parishes in the Totnes Poor Law union.

26 Dartmouth also lost its Quarter Sessions in the judicial reforms of the mid-19th century, although the Petty Sessions continued to be held here until more recent times As these paragraphs indicate, important judicial decisions, both civil and criminal, had long been removed from the purview of the borough magistrates.

29 The improvement act for Dartmouth was an important step in the physical development of the modern town. The Improvement Commissioners were responsible for the laying out of the new quarter on the drained and reclaimed mill pool. As well as these most obvious achievements, they succeeded in widening many of the streets and dismantling many encroachments. Much of their work was once undertaken through legal action in the Mayor's Court. Watkin's edition and calendar of the proceedings of this court in the 15th and 16th centuries has many examples of prosecutions for encroachments on the highway and for omission to pave the street before one's property. This form of action had fallen into desuetude and the Improvement Act was a necessary measure to undertake the task by a new body with new powers. Although the Municipal Corporations Commissioners saw no sign of lighting or watching, moves had in fact been made on both these subjects. In June 1833 the borough council had agreed to contribute £30 towards a night watch (Council minutes). The Improvement Commissioners were also working on street lighting. At first they relied on oil lamps, perhaps installed and maintained at the expense of private individuals, but as soon as gas was available in Dartmouth, in 1836-7, street lights were taken off the gas mains as they were laid. The minutes of the Commissioners for 1846 make it plain that the service was exiguous but that they had the greatest difficulty in persuading the proprietors of the Gas Company to extend the mains at a price that they felt was reasonable. Unfortunately, the written records of the Commissioners have not survived in extenso, so that it is not possible to date more precisely the introduction of street lighting.

30 The Beerhouse Acts of 1830 and 1834 made more simple the obtaining of a licence for the sale of beer alone. Their aim was to curb the sale of spirits, but their effect seems only to have been to increase the number of licensed premises and the general consumption of alcohol in unregulated and unsalubrious locations. The inns and taverns listed in Pigot's Directory of 1823-4 were the Castle; the London Arms, Foss Street; the Commercial, Lower Street; Dartmouth Arms, Lower Street; Dartmouth Inn, Higher Street; the George and Dragon, Undercliff or Silver Street; the King's Arms, Lower Street; the Royal Oak, Lower Street; Seven Stars, Smith Street; the Ship in Dock, Hardness; and the Sun, in Pillory Lane or Smith Street. By 1838, Robson's Directory lists in addition the Commercial, New Road or Victoria Road; the Custom House Inn, the Free Trade inn, the Marine tavern, the Plume of Feathers and the Royal Tar in Lower Street and on Bayard's Cove; the

Floating Bridge at Sand Quay; the Market Inn on Market Square and the Shipwright's Arms in Clarence Street. The justices were not as successful as the Commissioners make out in halting the opening of beerhouses for the same directory lists ten or them Dartmouth.

32 The school here referred to was that once under the charge of the reverend Michael Peach from 1700 to 1707 whose career is so well described by Russell (Dartmouth pp. 141-4). The corporation had evidently paid towards the support of a schoolmaster from an early date. Watkin notes a payment by the mayor of 3s. 4d. as a reward to the schoolmaster in the churchwardens' accounts for 1489. When the Forder Estate Charity was set up in 1673 its terms assumed the continuing support by the corporation of a Latin schoolmaster at a yearly rate of £10. Part of the Charity's income was set aside as a contribution towards this allowance. Another part was allocated towards the payment of an English schoolmaster to teach English, arithmetic, navigation and writing. There was a Latin schoolroom on the first floor of a house in St Saviour's churchyard. It was built for the borough by the then member for Dartmouth, Walter Carey, in 1729. It ceased to be a Latin school at some time during the first quarter of the 19th century after which it was let to one William Thomas, writing master, the rent going towards the Latin Schoolmaster's salary. Eventually it became dilapidated and was demolished in the course of street widening by the Dartmouth Improvement Commissioners some time after 1835- (See Return and Digest of Endowed Charities (County of Devon): Parishes of Dartmouth and Townstall, 1907, pp.9-10 and 36). When the Charity Commissioners reported in 1822 the Latin Schoolmaster was the incumbent of St Petrox who maintained a classical school in his own house. The English master's appointment had lapsed after 1805. The corporation made no compensation to the schoolmaster or the Forder Estate Charity for the demolition of the schoolroom. The 1820s and 1830s saw a rise in educational activity in the town when the petty and private schools were replaced or reinforced by the National Schools in South Town, founded in 1823 and the British School, founded in 1838. To a degree, therefore, the corporation's contribution was less necessary than hitherto.

38 This estimate was made before the separation of corporation property from that which should be allocated to the various charities which the corporation administered. These had come to be intermingled with corporation affairs when the town sought to avoid the full effects of the

dissolution of the chantries in the 16th century. The great landed wealth of the borough meant that its inhabitants were rarely bothered by borough rate demands.

41 'Rent of the Mayoralty House' refers to the Mansion House, now Battarbee's, in St George's Square.

'Lighting church for lecture' refers to the institution in 1828

of evening services at St Saviour's. The new arrangements required the purchase of new lamps and the provision of oil and candles. (See E.H. Back's manuscript history of St Saviour's in the possession of the incumbent and the Parochial Church Council.)

42 This was Edmund Pollexfen Bastard, M.P. for Dartmouth 1812-1816 and for Devon 1816-1830. The identity of family, politics and borough affairs is here thrown into relief.

43 Robert Holdsworth was treasurer from 1808 to 1831. Although this and succeeding paragraphs seem to be an indictment of his capacity, if not his probity, he does seem to have been a man of some energy who, singlehanded, put the affairs of Dartmouth charities into greater order from 1813. It is not clear what event occurred that led to the accounts being kept with greater proficiency after 1824. Perhaps It was the effect of the strictures of the Charity Commissioners who reported in 1322. The Dartmouth General Bank to which this paragraph refers was owned by Messrs. Hine and Holdsworth.

50 The presiding magistrate referred to in this paragraph - .ay wall have been Nicholas Brooking, senior. Although the excuse seems specious, his behaviour, as evinced in A.H. Holds-worth's correspondence, does seem to have been morose and aggressive to a peculiar degree.