

R E P O R T

ON

THE CORPORATION OF STRATFORD-UPON-AVON.

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## CORPORATION OF STRATFORD-UPON-AVON.

1. The Limits of the borough extend over a space of about half a mile in breadth, and rather more in length. The borough forms only a small part of the parish of Stratford-upon-Avon. Its extent is correctly denoted by the yellow colouring in the annexed plan. The mayor, recorder and senior alderman of the borough, have also jurisdiction, as justices of the peace, over a small town or suburb adjoining the church of Stratford-upon-Avon, called Old Stratford, and over the precincts of the church itself. Limits.
- The population within the limits of the borough in 1831, was 3,488; and of the whole parish, including the borough, 5,171. General state and prospects.
2. The inhabitants of Stratford-upon-Avon appear to have been first incorporated by a Charter of the 7th Edward 6th (1553.) Another charter, confirming former liberties, and materially altering the constitution of the corporation, was granted in the 8th James 1st (1611.) The governing charters are at present the 16th and 26th of Charles 2d (1664 and 1674.) Many provisions of these two charters are inconsistent with each other, and in such cases, the corporation usually follow the directions of the latter. Charters.
3. The Title of the corporation is "The Mayor, Aldermen and Burgesses of the Borough of Stratford-upon-Avon;" and the body, with its officers, Title.
4. Consists of a High Steward, Recorder, Steward of the Court of Record, a Mayor, twelve Aldermen, of whom the mayor is one, twelve Capital Burgesses, two Chamberlains, a Clerk of the Peace, (commonly called a Town Clerk,) and two Serjeants at Mace. The mayor, aldermen, and capital burgesses form the Common Council of the borough. Officers.
5. The High Steward, who, according to the charter of the 16th Charles 2d, must be a baron or a knight, is elected for life by the common council. He is a justice of the peace within the borough, but has no other functions; nor has he any privileges, salary or emoluments. High Steward.
6. The Recorder, who is required to be learned in the laws, is elected by the same body as the high steward, and holds his office for life under the second charter of Charles the 2d. By virtue of his office, he is a justice of the peace within the borough, and in the town of Old Stratford and the precincts of the church, and is authorized to assist at the quarter sessions. He has no salary, privileges or emoluments. He is expressly authorized by the charters to execute his office by a deputy, to be approved by the common council. Recorder.
7. The Steward of the Court of Record is also elected by the common council, and holds his office during the pleasure of that body. His duty is to preside with the mayor as judge in the court of record, and he has a salary of 10 l. a-year. He has the privilege of nominating four attornies to practise exclusively in the court of record, with the assent of the mayor, aldermen and burgesses. He has no incidental emoluments. By the charter, the appointment of this officer, as well as that of the high steward and recorder, is of no validity until confirmed by the King. Steward of the Court of Record.
8. The Mayor is in modern practice elected annually, in the month of September, by the aldermen and burgesses, from the body of aldermen, in rotation; but the first charter of Charles 2d, by which the mode of election is directed, authorizes the election of any member of the whole body of aldermen and capital burgesses. The mayor for the time being must always be present at the election of his successor. Mayor.
- The Mayor is entitled to preside with the steward in the borough court of record, and by charter his presence is required in the courts of quarter sessions. He is, by virtue of his office, a justice of the peace and coroner within the borough; and a justice of the peace with the recorder and senior alderman in the town of Old Stratford and the precincts of the church; he is also a justice of the peace for one year after the expiration of his mayoralty.
- He has a Salary of 80 l. a-year, and an allowance of 8 l. 16 s. in lieu of capon money upon the granting of leases. He also receives to his own use 7 l. 7 s. as the rent of a piece of land, called the Mayor's Garden.
9. Upon the death or removal of an Alderman, his successor is chosen by the remaining aldermen from the body of capital burgesses. The aldermen continue in their offices during life. Aldermen.
- The two senior aldermen are justices of the peace within the borough, by virtue of their office, and the senior alderman, with the mayor and recorder, is, by charter, a justice of the peace in the town of Old Stratford and the precincts of the church. The aldermen have no salaries, privileges or emoluments.
10. Upon the occurrence of a vacancy among the Capital Burgesses, a successor is chosen by the common council, from the inhabitants of the borough. The burgesses hold their offices for life. Their only functions appear to be, to act and vote as constituent parts of the common council. They have no privileges, salary or emoluments. Burgesses.

STRATFORD UPON AVON.  
Chamberlains.

11. The Chamberlains are elected annually by the common council, from the capital burghesses. Their functions are to receive the rents, fines and other emoluments of the corporation, and generally to superintend their receipts and disbursements. They are required by charter to find security for the discharge of their duties, and to render their account annually to the common council on the Friday before the Epiphany. In practice, one of the chamberlains alone performs the duties of the office. He superintends the estates of the corporation, and has a salary of 80 l. a-year for his services. This salary was formerly 30 l.; it was raised to 100 l. per annum, in consequence of the time occupied and trouble occasioned by the general duties of the office; and the peculiar services rendered in the improvement of the funds by the present officer; but it has been reduced to the present amount at his suggestion. The chamberlains are also entitled to an ancient fee of 10 s. 6 d. upon the sealing of every lease.

Town Clerk.

12. The Clerk of the Peace, or Town Clerk, who is required by the charters to be learned in the laws, is elected by the common council, and holds his office during the pleasure of that body, or a majority of them, of which majority the mayor for the time being must be one. His Duties are to assist at the quarter sessions, and at the borough court of record; to attend the common council; and generally to transact the law business of the corporation. He has an annual salary of 10 l., and the corporation pay him the usual professional charges for all the business he does on their account.

Serjeants at Mace.

13. The Serjeants at Mace are appointed by the common council, and hold their offices during pleasure. By the charter their duty is to serve processes in the court of record; but as that court has been discontinued, their present functions are limited to general attendance upon the mayor in his official character. They receive a salary of 10 l. per annum, in lieu of certain small tolls, not now collected. They are also entitled to share with the beadle a fee of 4 s. on the sealing of every lease granted by the corporation.

Beadle.

14. Under the power contained in the charter to appoint inferior officers, a Beadle is appointed by the common council, with a salary of 12 guineas a-year, and a suit of clothes once in two years. He lives in the town-hall, rent-free, for the purpose of taking care of it. His duties are to act as crier, and to attend upon the mayor.

Freemen.

15. There are no Freemen of the borough. In some ancient corporation books we find traces of the existence of an exclusive right of trading within the borough in very early times, and of fees paid to the corporation upon admission to freedom; but no such practice has prevailed since the date of the governing charters.

Ruling Body.

16. The common council, constituted and elected as above described, form the Ruling Body of the corporation.

Fees, Fines, &c.

17. There are no Fees paid upon admission to any office in the corporation.

The common council are authorized by their charter to impose Fines upon persons who refuse to serve in corporate offices. By a bye-law, made many years ago, the amounts of these impositions are thus defined with respect to the following officers:—

	£.	s.	d.
Mayor - - - - -	10	-	-
Aldermen - - - - -	5	-	-
Chamberlains - - - - -	6	13	4
Constables - - - - -	5	-	-

Courts:  
Quarter Sessions.

18. There is a Court of Quarter Sessions of the Peace, for the trial of misdemeanors only, the cognizance of treason and felony being expressly excepted by the charters from the jurisdiction of the borough magistrates. This court was formerly held four times a-year; but as the county magistrates have a concurrent jurisdiction, it has entirely fallen into disuse for the trial of offenders; and is merely held once a-year for the purpose of swearing in officers.

Court of Record.

19. By the first charter of Charles 2d, a Borough Court of Record is constituted with a jurisdiction to try all kinds of civil actions by plaint, to the extent of 40 l. This court, which the charter directs to be held once in every week, is now fallen entirely into disuse, not having been held within the memory of any of the present officers.

Juries.

20. No Juries are summoned under the borough jurisdiction, excepting a jury at the annual sessions of the peace, who are sworn to make presentments. In fact, however, presentments have not been made for many years past.

Police.

21. The Police of the town is under the management of the borough magistrates, who annually appoint seven constables, by virtue of their charters. There are also a superintendent of the watch and three watchmen, who are appointed under the provisions of the statute 11 Geo. 4, c. 27. No doubt was suggested to us as to the efficiency of the means adopted by the corporation for the management of the police, and the general regulations of the town; but great inconvenience has been experienced from the circumstance that a populous suburb is out of the borough jurisdiction.

Gaols.

22. There are no Gaols within the borough.

Property and Income of the Corporation.

23. The Property of the Corporation consists principally of an estate, called the Guild Estate, and the tithes formerly possessed by the College of Stratford, and now commonly called the College Estate. This property was originally vested in the corporation of Stratford by a charter of the 7th Edward 6th, and the grant has been confirmed by several subsequent charters. The maintenance of an almshouse and a free grammar school is expressly mentioned

mentioned in the charter as the main object of this grant; but the payments directed to be made for the support of those institutions are not specifically charged upon the lands or stated as charitable uses to which the property is given. On the contrary, the estates are granted to the corporation "as fully and in as ample a manner and form as any previous possessors had held or enjoyed the same, or as they had come to the hands of the King." In consideration of this grant, the charter then directs the corporation to maintain the almshouse and grammar school, and for that purpose to make weekly payments of 4 *d.* each to the poor persons inhabiting the almshouse; and to pay an annual stipend of 20 *l.* to the schoolmaster. It also directs, but without reference to the maintenance of any establishment, charitable or ecclesiastical, that a yearly pension of 20 *l.* shall be paid by the corporation to a perpetual vicar of the Church of Stratford-upon-Avon, besides 40 *s.* a year for his tenths; and also that they shall provide a chaplain, or vicar's assistant, and pay him 10 *l.* per annum. A question was raised before us by the present Vicar, respecting the sufficiency of the Stipend paid to him by the corporation; with respect to which, we concur in the opinion expressed in the Report of the Commissioners for inquiring concerning Charities, upon the construction to be put upon this part of the charter. We think that there is an obvious distinction between a direction to pay a specific stipend for the expressed purpose of maintaining an institution, and a direction to pay a stipend to an individual, without reference to an object to be attained by such payment. In the former instance, we conceive that the payments must be increased to the full extent of the revenues granted, if such additions become necessary for the proper and effectual support of the institution; in the latter case, the whole obligation is discharged by the payment of the specific sums directed. In point of fact, it appears from the above cited Report that, with respect to the proper and effectual maintenance of the charitable establishments, "the corporation do substantially perform the duty cast upon them so far as is at present required, and that they are not bound to do more." It will be seen from the subjoined account of the expenditure of the corporation, that the vicar's stipend has been raised from 20 *l.* to 157 *l.* 10 *s.* a-year, and that the chaplain's annual salary is at present 50 *l.*; instead of 10 *l.* as directed by the charter. Under these circumstances, the suggestion that the corporation have not acted with justice respecting the stipends of the vicar and chaplain seems to us to be without foundation.

STRATFORD UPON  
AVON.

Vicar's Stipend.

The following statement will show the amount of the receipts of the corporation, and the sources from whence they are derived; and the statement of the particulars of expenditure will show to what purposes they are applied:—

## RECEIPTS for the Year ending Michaelmas 1832.

	£.	s.	d.
Rental of the Guild Estate	984	7	10
Income of the College Estate	888	15	8
Amount received for sittings in the market-house	12	5	-
<b>Total Income of the Corporation</b>	<b>1,885</b>	<b>8</b>	<b>6</b>

## EXPENDITURE for the same Year.

	£.	s.	d.	£.	s.	d.
By payments to 24 almspeople (12 men and 12 women) at 5 <i>s.</i> each per week, (4 <i>d.</i> per week by the charter)	312	-	-			
- Annual stipend to the schoolmaster of the free grammar school, (20 <i>l.</i> a year by the charter)	115	-	-			
- Annual allowance to him to provide a dwelling-house	30	-	-			
				457	-	-
- Annual stipend to the vicar, (20 <i>l.</i> a year by the charter)	157	10	-			
- Ditto to the vicar's assistant (10 <i>l.</i> a year by the charter)	50	-	-			
				207	10	-
- Annual salary to the mayor	80	-	-			
- Allowance to ditto for the Mayor's Garden	7	7	-			
- Allowance to ditto in lieu of capon money	8	16	-			
- Annual salary to the chamberlains	80	-	-			
- Ditto the steward of the borough court	10	-	-			
- Ditto the town clerk	10	-	-			
- Ditto the clerk to the justices	5	5	-			
- Ditto two serjeants at mace	20	-	-			
- Ditto the beadle	12	12	-			
- Ditto regulator of the town clocks	5	5	-			
				239	5	-
- one year's interest of 5,447 <i>l.</i> 10 <i>s.</i> on bond at 4½ per cent.	245	2	8			
<i>N.B.</i> This debt is supposed to have commenced at the time of the inclosure in 1775, to pay the expenses thereof, and has been subsequently increased by expenses incurred in repairing the chapel and the vicar's house, and in two tithe causes.						
- one year's land-tax	29	7	9			
- Annual payment towards the repairs of Stratford Bridge, as directed by Act of Parliament, 7 Geo. 4.	30	-	-			
				304	10	5

STRATFORD UPON AVON. Expenditure—*continued.*

Miscellaneous Payments in 1832 :			
By Subscription to charitable institutions - - - - -	10	5	-
- Law expenses incurred in defending an action brought against the corporation, for preventing a public footway being encroached upon - - - - -	38	13	9
- Ditto for general business - - - - -	20	5	2
- Payment for repairs, &c. to the almshouses, the grammar school, the vicar's house, the town-hall, the guild-hall, the guild chapel, the market-house, the prison, the poor-house, the mill-bridge, and to the other property belonging to the corporation, not let on lease, and also for new buildings upon one of the farms - - - - -	257	13	1
- Expenses at dinners, &c., on the annual inspection of the corporation property, the perambulation of the borough boundaries, the two rent days, (at which all the tenants, renting above 10 <i>l.</i> , are entertained), the election of the mayor, and the audit of the chamberlain's accounts	139	1	11
- Sundry small payments, not reducible to any particular class, such as livery for the beadle, stationery, &c. &c. - - -	33	3	10
- Payment into a fund, for the purpose of reducing the debt - - - - -	-	-	-
			499 2 9
			150 - -
			£. 1,857 8 2

The Debt was some time ago considerably larger than at present, but has been reduced by means of a Sinking Fund created for that purpose. Of late years, however, the money applicable to that fund has been considered to be better applied in effecting some improvements in the town. Within the last few years the corporation have expended upwards of 1,200*l.* in purchasing the interests of lessees and others in certain property, and have given up several houses not let on lease, for the purpose of being taken down to widen one street, and to form another new street, in order to effect a more convenient communication between the old and the new town.

It appears, upon the inspection of the chamberlains' accounts for several years, that the income of the corporation has progressively increased since the year 1827. In that year the income arising from the Guild and College Estates amounted to about 1,500*l.*, while the rental of the last year amounted to 1,872*l.* The causes of this improvement are to be found principally in the improved system of management which has taken place within the last five or six years, in the discontinuance of the practice of granting leases on fines, and in the falling in of old leases of premises which have been since let by auction at rack-rents.

We find that in every instance the corporation have attended to the suggestions made by His Majesty's Commissioners for inquiring into Charities, both as regards the general management of their funds, and the proper application of them to the charitable establishments designated by the charter.

In several cases where the income of charities entrusted to the corporation has become inadequate to their support, the deficiency has been supplied out of the corporate funds.

Patronage.

24. The common council appoint all the members of the several almshouses; and also the chaplain, or assistant to the vicar of the parish church. The lord of the manor has by the charters the absolute right of appointing the vicar, and the master of the free grammar school; but these appointments are always made upon the nomination of the common council of the borough.

Local Acts.

25. There are no Local Acts relating to the municipal government of the town; and the only statute respecting local taxation is the 7th Geo. 4. c. (local and public,) which imposes a rate for the purpose of repairing and enlarging the bridge over the Avon. By this Act of Parliament the corporation are required to contribute 30*l.* per annum to the repairs of the bridge.

26. The only manufacture carried on at Stratford is one of the departments of button-making, but this is by no means extensive. The town has been much improved by the corporation, and is generally in a thriving state.

Stratford-on-Avon, }  
Sept. 15, 1833. }

*Peregrine Bingham.*  
*David Jardine.*