

# **THE COURT LEET AND COURT BARON OF THE MANOR OF RUSHTON OR RUSHTON JAMES**



## **CONSTITUTION**

### **1. The Court**

Historically the Court Leet was a body of Freeholders of the Manor of Rushton or Rushton James [henceforth referred to in this document as the manor of Rushton] who met to perpetuate the ancient traditions and customs of the Manor.

The Administration of Justice Act 1977 removed the powers of all Courts Leet or Courts Baron to hear and determine legal proceedings. However, the Overlordship of the Manor of Rushton has retained the customary right for the Manor of Rushton Court Leet in particular to appoint a Bailiff and Reeve and to observe the ancient customs of the Manor.

### **2. The Inner Court**

The Inner Court is a Committee including The Immediate Past Bailiff, Bailiff, Reeve, Foreman of the Jury, Marshal, Custodian of the Records, Headborough, Steward, Affeerors and other co-opted members. It is responsible for the internal running of the Court and its functions and serves to make recommendations to the Spring and Autumn Courts for formal approval/adoption. It meets as required under the Chairmanship of the Bailiff.

### **3. The Lord of the Manor**

The Lord is the holder of the Fief, and as such the authority within the Manor which the Court represents. By tradition he does not take part in the proceedings and is represented by his Steward who is responsible for summoning the Court to meet each half year in the Spring and Autumn.

### **4. The Steward**

The Steward is appointed by the Lord of the Manor and acts on behalf of the Lord in all matters concerning the Manor including presiding at the Spring and Autumn Courts. By tradition and precedent this is deputed to the Bailiff who presides and takes full control of the running of the Courts.

## **5. The Bailiff**

The Bailiff is elected annually at the Autumn Court usually and invariably after having served one year as Reeve. He represents the Court at all public functions, and notifies the members of all pertinent information including a programme of forthcoming events at the commencement of his year of office. His duty is to ensure the proper running and administration of the Court during his year of office.

## **6. The Reeve**

The Reeve is elected annually and acts for the following year as deputy and assistant to the Bailiff. It is his duty to arrange – subject to the approval of the Inner Court – for his successor, who is normally the next Juror with the longest service, but in special cases may be any Juryman considered suitable and eligible by the Inner Court.

## **7. The Marshal**

The Marshal is elected annually, acts as a Master of Ceremonies at all formal functions of the Court Leet and in particular is responsible for marshalling the parade at Fair Day and advises the current Bailiff in terms of custom and function.

## **8. Foreman of the Jury**

The Foreman of the Jury is elected annually and is Head of the Jury and speaks for (and represents) the Jury at all formal functions of the Court. He is also responsible for summoning Members of the Inner Court when requested by the Bailiff and to keep a Minute of such meetings.

## **9. Custodian of the Records**

The Custodian of the Records will normally and invariably prior to the Autumn Court produce each year a Balance Sheet and proper Accounts of the finances of the Court for the approval of the members, and proposes a fee to be levied on each member for the ensuing year as recommended by the Inner Court. Each new Juror will also be levied three times the annual levy, or such sum as may be decided from time to time. This sum is deemed to be a fee by each new Juror upon his admission to the Court and is non-refundable.

## **10. Officers**

The various Officers of the Court are elected annually at the Autumn Court.

## **11. Ealdormen**

Ealdormen are Jurors of the Court having served in the office of Bailiff. At the recommendation of the Inner Court and acceptance by all Members at either the Spring or Autumn Court.

## **12. Jurors**

(i) Historically, membership of the Court has been open to Freeholders of the Manor of Rushton or such Members of the Jury whose main living or occupation was gained from working within the Manor of Rushton. For the purpose of encouraging new Jurors and for the Court to ensure that there is always a healthy number of Jurors ready and willing to take their turn to be elected as Reeve and Bailiff, new entrants will henceforth be selected from candidates who are resident within the Parish of Rushton or who have demonstrated, by dint of their past or current occupations, calling or activities, within the Parish of Rushton, that they are fit and proper persons to be elected as Jurors of the Court.

(ii) Evidence of such occupation, calling and activities should demonstrate a singular and sincere commitment to the Parish of Rushton, its traditions, history and future.

(iii) The Court may also give careful consideration to suitable candidates who, whilst not able to meet the above criteria set out in sub-paragraph (i) above and whilst being able to satisfy the criteria in sub-paragraph (ii) above can demonstrate to the Court that such an individual would bring self-evident benefit and advantage to its proceedings - provided always that such candidate can reasonably undertake all normal duties and commitments asked of him including (but without limitation) the election to Reeve and Bailiff when called upon to do so.

(iv) All such recommendations will be submitted to the Bailiff who will be assisted in his deliberations by the Inner Court whose findings will then be submitted for adoption and acceptance by all Members of the Court. The chosen candidate will be formally proposed and seconded in open Court and voted upon by simple majority (and in the case of a tie the Bailiff will have the casting vote) and thereafter be presented to the next following Court for swearing in as Juror.

## **13. Introduction of New Jurors**

Jurymen of the Court will meet annually for the purpose of nomination to the Inner Court of prospective new Jurymen to increase their ranks with a discussion of any other relevant matters that they would wish to submit to the Bailiff for consideration. Members of the Jury will be free to consult with and accept any nomination from any other Member of the Court who may wish to submit the name of a prospective new Juror.

## **14. Headborough**

The Headborough and Constable speaks for and represents the Tythingmen of the Court and is responsible for the good order of everybody at the Court Meetings subject to the directions of the Marshall and for waiting on the Bailiff, and supervising the Tythingmen, including recommending replacements as and when vacancies occur.

## **15. Bellman (Cryer)**

The Bellman or is responsible for “crying” various announcements for and on behalf of the Court, in particular at Fair Day, and for opening the Spring and Autumn Courts. The Bellman will also give an account of his year of office at the Autumn Court. The Bellman is appointed by the Court and subject to the authority of the Bailiff.

## **16 Tythingmen**

Each Yield of the Manor is attended by a Tythingman who is responsible to the Bailiff for reporting (or presenting) any breaches of the Customs of the Manor. He is to keep a list of the free and customary Tenants in his yield and produce the list to the Steward at the two Great Courts and present any death that may have occurred in order that the customary Heriot may be claimed. The Tythingmen or those of their number so nominated by the Headborough also attend as Pole bearers at any procession or formal occasion of the Court. The eligibility criteria of Tythingmen will be subject to the same conditions and provisions as contained in paragraph 12 (Jurors) but subject to the overall recommendation by the Headborough submitted to the Inner Court.

## **17. Fair Day**

The arrangements for Fair Day are in the hands of a sub-committee under the Chairmanship of the Bailiff who may appoint members as may be necessary to carry out the various duties. Normally and invariably to include the Marshal and the Market Master.

## **18. Functions/Fundraising.**

The Bailiff will hold such functions or fundraising activities as are discussed and approved by the Inner Court during his year of office so as to augment the Bailiff’s Charitable Fund and the finances of the Court wherever possible and necessary.

The Court has a Charitable Fund and it is the responsibility of the Bailiff during his year of office to add to the Charitable Fund and to declare to the Inner Court at the outset of his year of office of his preferred Charity or Charities. At the end of his year of office the Bailiff will distribute monies to those Charities that he nominated at the commencement of his term of office.

## **19. Regalia and Robes**

The Bailiff’s, Reeve’s and Ladies’ chains of office together with the Regalia and Robes of Office are the property of the Court and as such are insured by the Court. Individual members are responsible for their upkeep. Similarly, the gowns of the Bailiff, Reeve and other Members of the Court are the property of the Court and should be handed over to the Custodian of the Records following death or retirement.

## **20. Bailiff's Dinner**

Traditionally the Bailiff was obliged to entertain at his own expense all members of the Court to an Annual Dinner which is invariably held before the Autumn Court. This responsibility is now largely self-financing by the Court although the Bailiff is traditionally required to pay for his own guests and pays for the cost of wine and ale at his Dinner unless excused by authority of the Inner Court.

## **21. Power of Amendment**

- (i) Subject to the provisions of this Clause the Inner Court may amend the provisions of the Constitution.
- (ii) Any amendment must be made under the authority of a Resolution passed at a special Meeting of the Spring or Autumn Court.
- (iii) The Inner Court must not make any amendment which would vary this Clause.

Any Resolution passed at a Special Meeting of the Court will be deemed to have been made provided that a majority of 75% of all Members of the Court in attendance signify assent.

*Martin Goldstraw*

