

THE DEPUTY STEWARDS of SUTTON COLDFIELD

by

Kerry Osbourne



Thomas Vincent Holbeche (1846-1904)

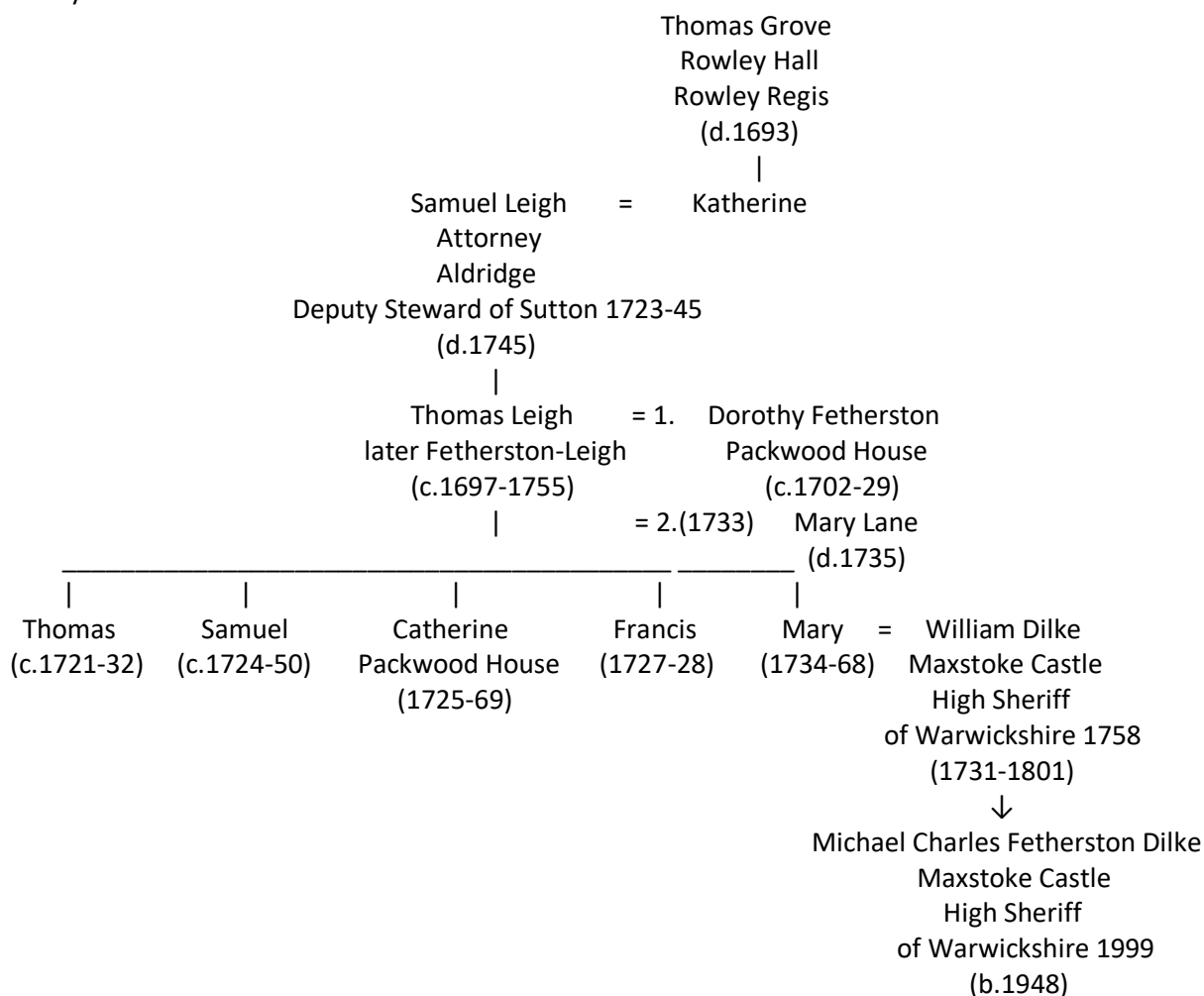
*Partner in the Solicitors' firm of Holbeche & Addenbrooke, Deputy Stewards to the
Sutton Coldfield Corporation, and from 1886 its first Town Clerk*

October 2021
Revised June 2023

THE DEPUTY STEWARDS OF SUTTON COLDFIELD

The Sutton Coldfield Town Charter of 1528 contained a clause which allowed the newly-formed Warden and Society to appoint a fit person learned in the laws of the land to be their Steward, to hold and keep the Court Leets (courts of record held by the lord of a manor) by himself or by his sufficient Deputy or Deputies. At a later date the person so appointed became known as Sutton's High Steward. The fact that the Steward was required to be learned in the law implies that it was envisaged that he would take an active role in presiding over the local court, but in practice, right from the start, the Steward exercised his right to name a deputy. It is on record that in 1552 the first Steward, Sir John Throckmorton, appointed Robert Edgeworth to be his deputy. Probably, to begin with, the Steward appointed his deputy on an ad hoc basis, but in time the post of Deputy Steward became a permanent one. Incoming Stewards reappointed the existing Deputy Steward as a matter of course, and the post of High Steward became a purely honorary one.

The Minute Books of the Corporation Meetings show that in 1723 the Deputy Steward was Samuel Leigh, Gentleman, an attorney living at Aldridge. There were no doubt earlier permanent deputies, but the Minute Books prior to 1723 have not survived, and none of the standard histories names an earlier appointment. Samuel Leigh married Katherine, the daughter of Thomas Grove of Rowley Hall Rowley Regis. His son Thomas married Dorothy Fetherston of Packwood House Warwickshire and he changed his name to Fetherston-Leigh. Dorothy died in 1729 and he remarried four years later. His daughter by his second wife married William Dilke of Maxstoke Castle and they were the direct ancestors of the present owner of Maxstoke Castle, Michael Charles Fetherston-Dilke. Samuel Leigh's family tree is as follows:



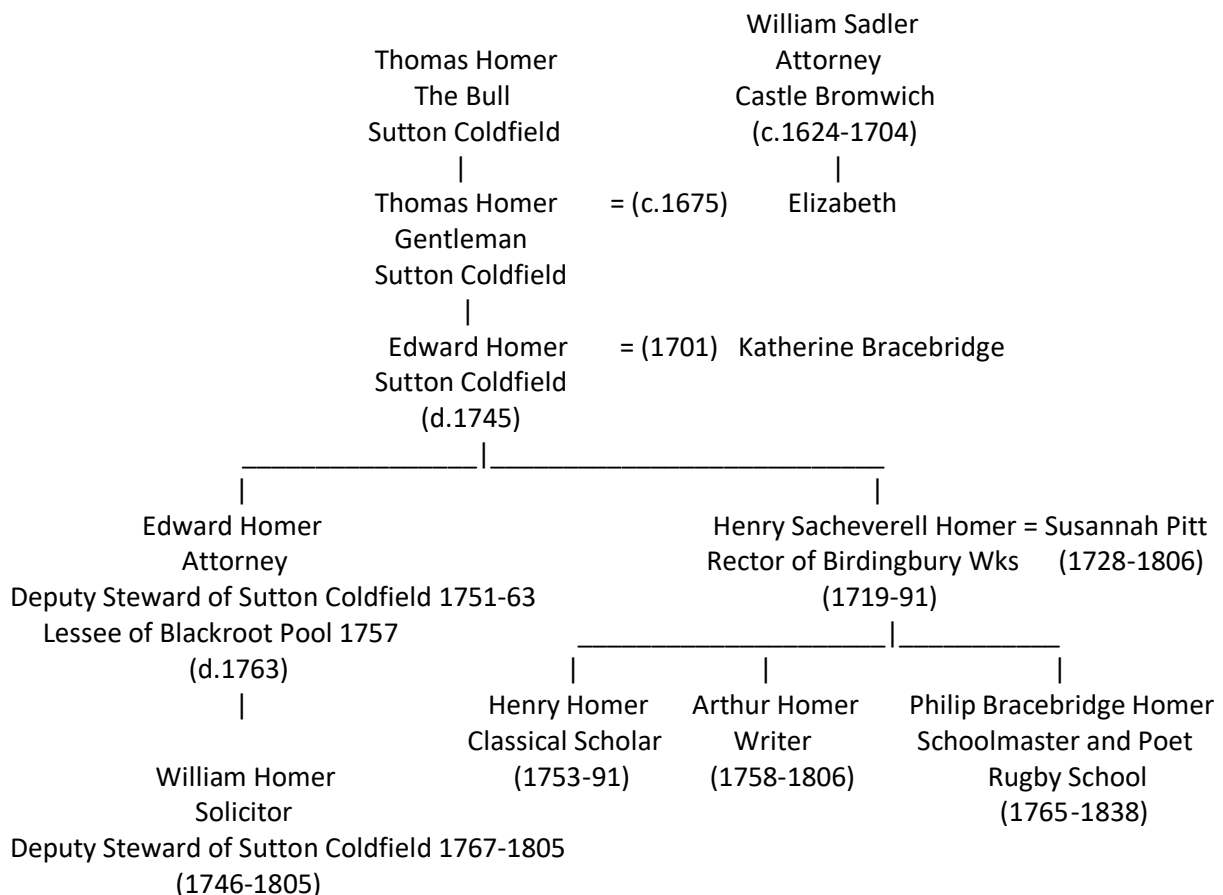
On Samuel Leigh's death in 1745 John Gibbons was appointed as Deputy Steward. The author of the third part of *The History of Sutton Coldfield with a Continuation and an Addenda by an Impartial Hand*, written under the pseudonym 'Agricola' (Latin for farmer) and published by Thomas Bonell in 1763 tells us that John Gibbons was "a man of good natural abilities and remarkably generous, and who fell an unfortunate victim to the enjoyment of those generous passions of the soul, which kept within bounds, would have made his life as valuable and memorable, as his death was lamented by those who knew the goodness of his heart". This appears to be a euphemistic way of saying that Gibbons died of chronic alcoholism. Gibbons, who may have been a descendant of Bishop Vesey's sister Agnes, the wife of William Gibbons, Sutton's first Warden, was an attorney; he was the Undersheriff of Warwickshire in 1747, appointed by the High Sheriff John Addyes (1684-1762), the owner of Moor Hall. The Corporation Minute Book records that Gibbons was also the Undersheriff of Warwickshire in 1745, when the High Sheriff was Thomas Adderley. When Gibbons died in 1751 his executors appointed Thomas Bonell "to sort his papers". Bonell was also an attorney and it is probable that he had been articled to Gibbons and then worked as assistant to or in partnership with him.

Thomas Bonell may have hoped to succeed Gibbons as Deputy Steward, especially as in 1747 the Corporation had employed him to write letters-before-action to twelve persons who had hunted for game in the Park without the Corporation's permission, but instead the appointment went to Edward Homer, another Sutton attorney. Homer's father, also Edward, who died in 1745, had been a member of the Sutton Corporation for over twenty years at the time of his death. In 1757 the Corporation granted to Edward Homer and Nicholas Dolphin fifteen acres of land in Sutton Park with "liberty to make a drain or pool in the valley below Black Root and the pool belonging to the mill in the Park now occupied by Mr Bonell" for a term of forty-two years at an annual rent of one shilling, and with licence to renew the lease for a further forty-two years at the same rent. Dolphin was the Corporation's Warden in 1756 and 1757. The pool which was created under this grant became known as Blackroot Pool and the mill in the Park was Blade Mill at Park House. This lease was the subject of litigation on two occasions. In 1762 Thomas Bonell tried to get the grant annulled by the Chancery Court on the grounds that it needed an Act of Parliament to ratify it, and that it was a breach of trust, being a grant by the Corporation to its own Warden and Deputy Steward. The case rumbled on until 1766 when the Court ruled in the Corporation's favour. In 1788 proceedings against the Corporation were commenced by William Twamley, Richard Kesterton and Isaac Terry alleging mismanagement of public funds and breaches of trust, including the 1757 lease of Blackroot Pool. This litigation dragged on until 1825 and, although the Court of Chancery agreed that all leases to members of the Corporation were invalid, nevertheless, because the events complained of had taken place so long ago, the case was settled by a Scheme for the better management of the trust properties and funds being approved by the Chancery Court.

The author writing under the name of 'Agricola' in 1762 says that Edward Homer was "a very reputable and worthy attorney whose house is little inferior to any in size or conveniency" (likely to have been the oldest part of the building in the High Street that is now the Townhouse hotel, formerly the Royal Hotel, which was built by Homer's father in 1739). The author goes on to explain the role of the Deputy Steward: "The business of a deputy steward is much the same of town clerks in other corporate and borough towns; he has the legal direction and management of the whole parish business; keeps a court of record every three weeks for the trial of civil actions, wherein they hold to bail for 40s [forty shillings or two pounds] and upwards; they also therein levy fines and suffer recoveries to bar dower, entails and remainders; they hold sessions, court-leets, and other customary courts." It is clear that a legal training was essential for the job. Fines and recoveries were artificial methods of transferring ownership of property by means of collusive court proceedings in order to release the new owner from the rights of widows (dower), male heirs (entails) and reversioners (remainders). The word 'fine' had nothing to do with a financial penalty, but came from the Latin 'finis' meaning 'end'.

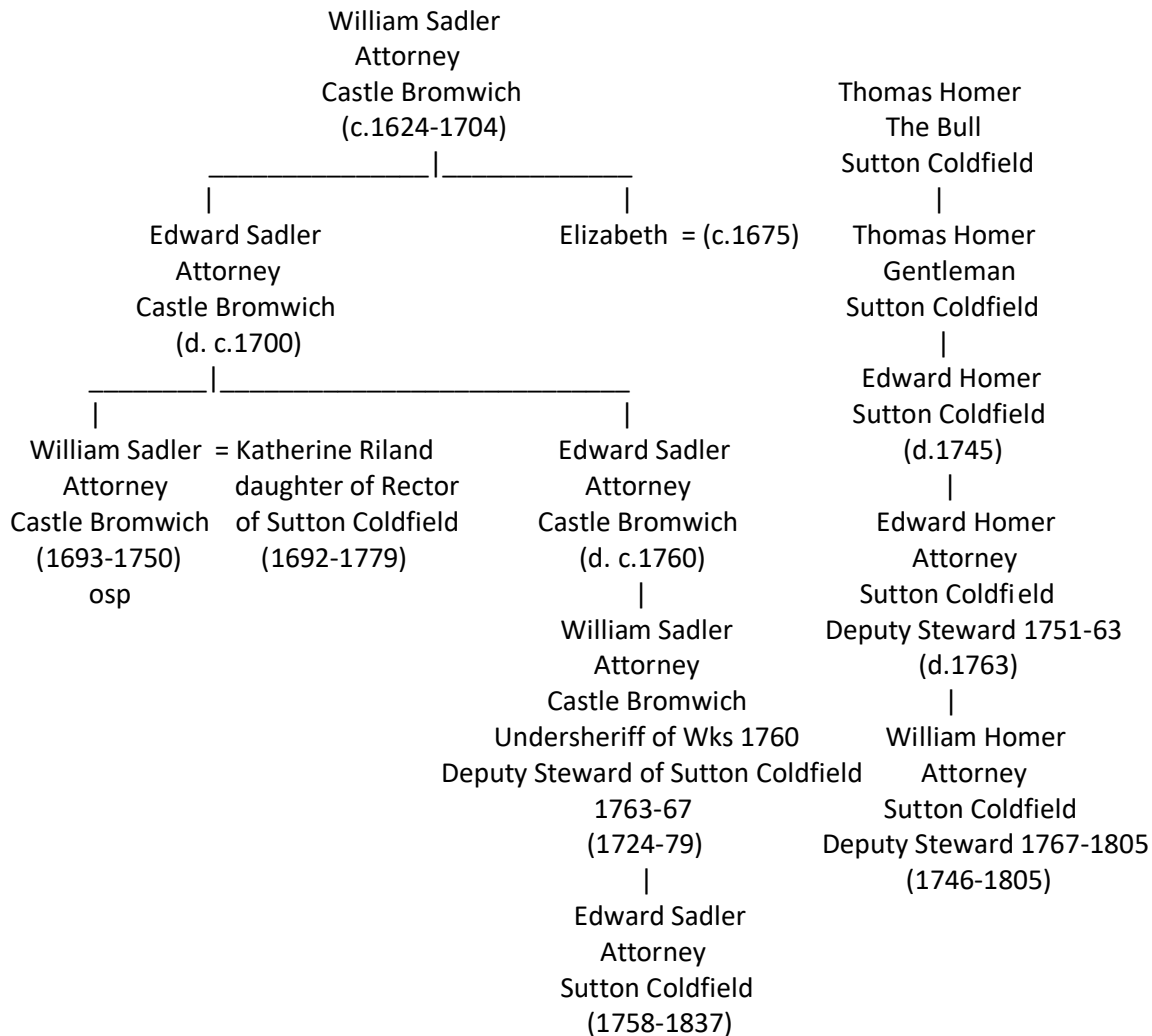
Edward Homer died in June 1763. In his *Three Hundred Years of a Family Living being a History of the Rilands of Sutton Coldfield* (1889) Rev W.K. Riland Bedford records that in December 1763 the Warden and Society gave Edward Homer “our Deputy Steward” authority to defend applications for faculties to the Ecclesiastical Court of the Bishop of Lichfield and Coventry by persons aggrieved by the reordering of the pews in Holy Trinity Church (Thomas Bonell was one of those persons), but this is an error; the correct date was December 1761.

Notable features of Homer’s family tree, which follows, are that his great-grandfather appears to have been an innkeeper, that his grandfather and father both made good marriages which raised their social standing, and that he had three nephews who made their mark in the literary and academic world. His mother, Katherine Bracebridge, belonged to a wealthy family which had been long established in Sutton. In 1419 Henry de Beauchamp 14th Earl of Warwick granted Sir Ralph Bracebridge a lease for life of the Manor and Chase of Sutton Coldfield at an annual rent of £10 or 120 bream; he was also required to provide nine lancers and seventeen bowmen for service in the English garrison at Calais. Sir Ralph created Bracebridge Pool in Sutton Park, by damming the Ebrook stream, for the purpose of supplying the Earl of Warwick with bream, then an expensive delicacy. Homer’s grandmother was Elizabeth Sadler, the daughter of William Sadler of Holt Hall in Over Whitacre, who had established a legal practice in Castle Bromwich in about 1650.



The original plan had been that when Edward Homer died or retired his son William would succeed to the post of Deputy Steward, but when Edward died in 1763 William had not completed his legal training, and William Sadler an attorney of Castle Bromwich was given the appointment pending William Homer qualifying as an attorney. Sadler and Homer were related in that both were descendants of the William Sadler, mentioned above, who founded the legal practice in Castle

Bromwich; Sadler was the great-nephew of Homer's great-grandmother. Sadler had been the Undersheriff of Warwickshire in 1760, appointed by his distant cousin Miller Sadler of Holt Hall Over Whitacre, the High Sheriff of Warwickshire that year. William Sadler's son Edward Sadler moved the legal practice from Castle Bromwich to Sutton Coldfield in about 1800, where it survives to this day. The Sadler family tree is as follows:



In December 1767 William Sadler notified the Warden and Society of Sutton Coldfield that William Homer was now out of his clerkship and admitted as an attorney, and he therefore resigned as Deputy Steward and Homer was appointed. Strictly speaking, the appointment was made by the High Steward of Sutton Coldfield, but the High Steward invariably accepted the recommendation of the Corporation. The appointment of a Deputy Steward was also subject to royal approval, as there was a provision in the Town Charter of 1644 that such appointment should be ratified by King Charles II or his successors. No doubt the principal reason for this provision was so that a fee could be extracted on each occasion.

William Homer was the Corporation's Deputy Steward for thirty-eight years, from 1767 until his death in 1805. In his *History of Sutton Coldfield* Rev W.K. Riland Bedford refers to him bringing "his sleepy tenure of office to an end – the most prominent incident in it being that certain parchments and other archives of the Corporation were lost by the corrosion of droppings of port wine, from bottles which he kept for his own refreshment in the same coffer with those ancient documents," and says that his successors were "men of the time, who held the modern views of political economy," by which he

meant that they supported the enclosure of common land. This was a rather unfair reflection on Homer, as the Corporation themselves had been against enclosure during his term of office.

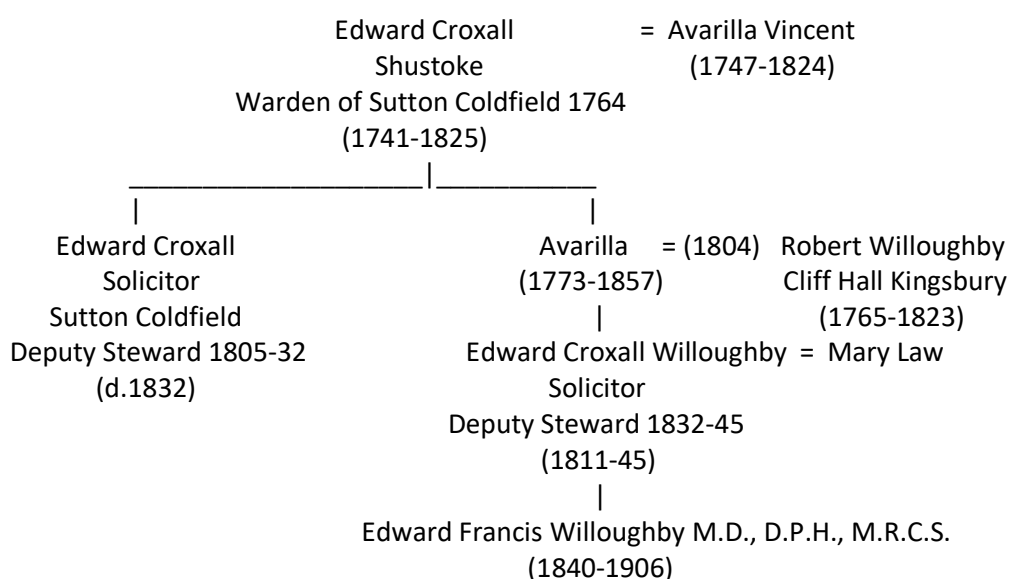
The next Deputy Steward, appointed in 1805, was Edward Croxall the Younger, who was the son of another Edward Croxall of Shustoke Warwickshire. The father had been appointed to the Sutton Coldfield Corporation in April 1764 (he must have been living at Sutton at the time since it was a requirement for Corporation members to be residents of Sutton) and later in the same year he was elected as Warden. He was replaced as a Corporation member in November 1770 because by then he had left Sutton, presumably to move back to Shustoke. The son was a solicitor who practised in Sutton and was the founder of a firm which went through various name changes but continued in practice until the early years of the twentieth century. From 1817 to 1904 the practice was conducted from 1/3 Coleshill Street, and before then was at 36 High Street (bought by Edward Sadler in 1817). Croxall was an old Sutton name; a William Croxall who owned a farm in Little Sutton died in 1569, but whether he was an ancestor of the Deputy Steward is not known. It seems likely that both Edward Croxall's father and grandfather were attorneys. His grandfather, also Edward Croxall of Shustoke, was one of the trustees of a settlement dated December 1742 made prior to the marriage of Miller Sadler of Holt Hall Over Whitacre and Frances Scott, daughter of John Scott of Great Barr.

Edward Croxall had a partner, Thomas Holbeche (pronounced Holbeech), who had been a member of the Corporation from 1796 until he resigned in 1807 and had been Warden in 1797 and 1798, and in 1825 the Corporation appointed Edward Croxall and Thomas Holbeche as their Deputy Stewards to act jointly and severally, which meant that they could act together or separately, and the decisions of one of them would be binding on the other. Croxall was around sixty years old and Holbeche was fifty-three. The approval of King George IV is worth quoting in full:

"George the Fourth by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith etc. To all to whom these presents shall come Greeting. Whereas our right truly and well beloved Henry Lord Middleton High Steward of the Corporation of the Warden and Society and Town of Sutton Coldfield in the County of Warwick hath by his Deed dated the 14th day of March inst nominated and appointed our truly and well beloved Edward Croxall the Younger late of Sutton Coldfield aforesaid but now of Shustoke in the said County of Warwick and Thomas Holbeche of Sutton Coldfield aforesaid Gentlemen to be Deputy Stewards of the said Corporation jointly and severally in his name And we having received a good character of the loyalty and ability of the said Edward Croxall and Thomas Holbeche Do hereby according to the power reserved in the Charter of the said Corporation to us our heirs and successors approve allow and confirm the nomination and appointment of them the said Edward Croxall and Thomas Holbeche into the Office of Deputy Stewards of our said Corporation of Sutton Coldfield. Given at our Court at Carlton House the 24th day of March 1825 in the sixth year of our Reign. By his Majesty's Command Signed R. Peel." The future Prime Minister Sir Robert Peel was Home Secretary from 1822 to 1827. It seems likely that Croxall had more or less retired and moved back to the family home in Shustoke. All the minutes of the General Sessions of the Peace from 1825 were signed by Holbeche alone.

Edward Croxall died in 1832, by which time Thomas Holbeche had taken Croxall's nephew Edward Croxall Willoughby into partnership under the name of Holbeche and Willoughby, and the Corporation appointed the two of them as their joint Deputy Stewards. The approval of King William IV, in similar terms to the previous royal approval, was signed by the future Prime Minister Viscount Melbourne, who was Home Secretary from 1830 to 1834. The family tree of the Croxalls is as follows:

Edward Croxall
Shustoke
(fl. 1742)
|



There was an attempt to challenge Holbeche's firm's monopoly of the post of Deputy Steward in 1835. In that year Henry Willoughby 6th Baron Middleton the High Steward of Sutton Coldfield died. It was not normal to have a contested election for the post, a suitable candidate who had a consensus of approval being put forward without opposition, but on this occasion Shirley Farmer Steele Perkins, a barrister who lived at Moat House and had been Warden in 1804, persuaded his friends on the Corporation, the Rector Rev William Riland Bedford (Warden in 1822), George Browne (Warden in 1833 and 1834) and Charles Barker, the Headmaster of Bishop Vesey's Grammar School (Warden in 1836 and 1837) to nominate him as High Steward against the consensus candidate Heneage Finch 5th Earl of Aylesford. Apart from his own ambition to achieve Sutton's most prestigious appointment, Perkins's secondary motive for putting himself forward was that, if he were successful, he would appoint his solicitor son William Steele Perkins as Deputy Steward and oust Holbeche and Willoughby from that position. This was contrary to the established practice that a new High Steward reappointed the existing deputy. At the meeting to decide the matter, a majority voted in favour of the Earl of Aylesford and he confirmed Holbeche and Willoughby as his deputies. Sarah Holbeche, daughter of Thomas, wrote in her diary: "The three big Bs beaten – we never had such excitement."

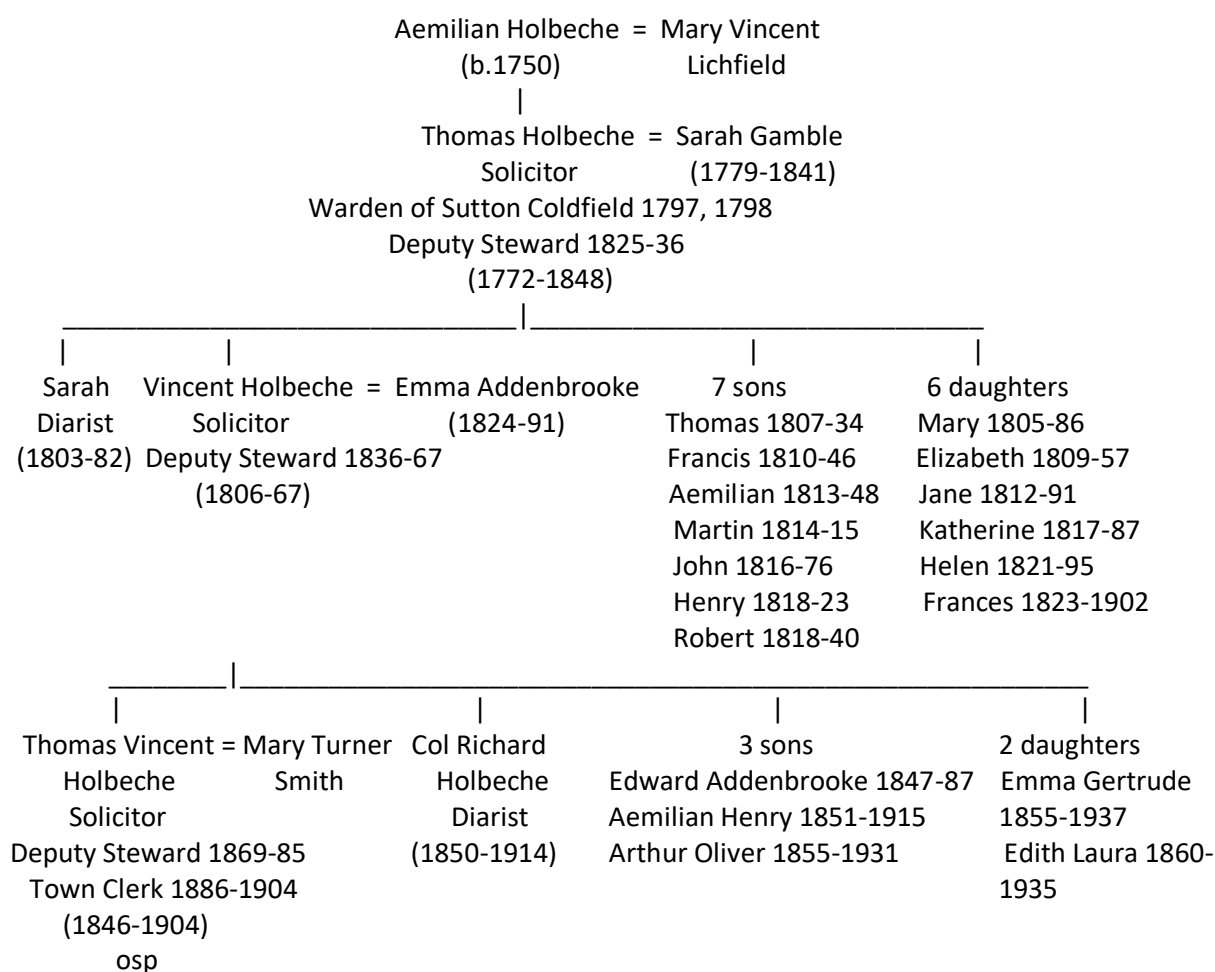
At the age of sixty-four Thomas Holbeche resigned as Deputy Steward in 1836. He may have been upset by the Corporation's failure to settle a bill which he presented to them. He had a basic annual salary for attending Corporation meetings and dealing with general business, but he was entitled to charge extra for any additional work. For instance, he was paid £77.15.11d. for successfully getting Sutton excluded from the provisions of the 1834 Municipal Corporations Bill, which would otherwise have replaced the Warden and Society with an elected Council. He claimed £44.2.0d. for seven years' attendance on the School Committee, a subcommittee of the Corporation, and £61.15.10d. for work in connection with the Sutton Coldfield Enclosure Bill, but the Corporation considered that the former was covered by his annual salary and that the latter was excessive. On 29th November 1836 King William IV approved the appointment of Thomas Holbeche's son Vincent as his replacement as Deputy Steward jointly with Edward Croxall Willoughby. The approval was signed by Lord John Russell, the Home Secretary and subsequently twice Prime Minister. Vincent Holbeche was a thirty-year-old partner in his father's law firm, which had changed its name to Holbeche, Son and Willoughby. Eight years later Holbeche was appointed as a member of the Corporation for a second time, forty-six years after his first appointment; he died in 1848.

Edward Croxall Willoughby died in 1845, aged thirty-four, leaving a five-year-old son who became an eminent London doctor and a writer on matters of public health: his death left Vincent Holbeche as the sole Deputy Steward.

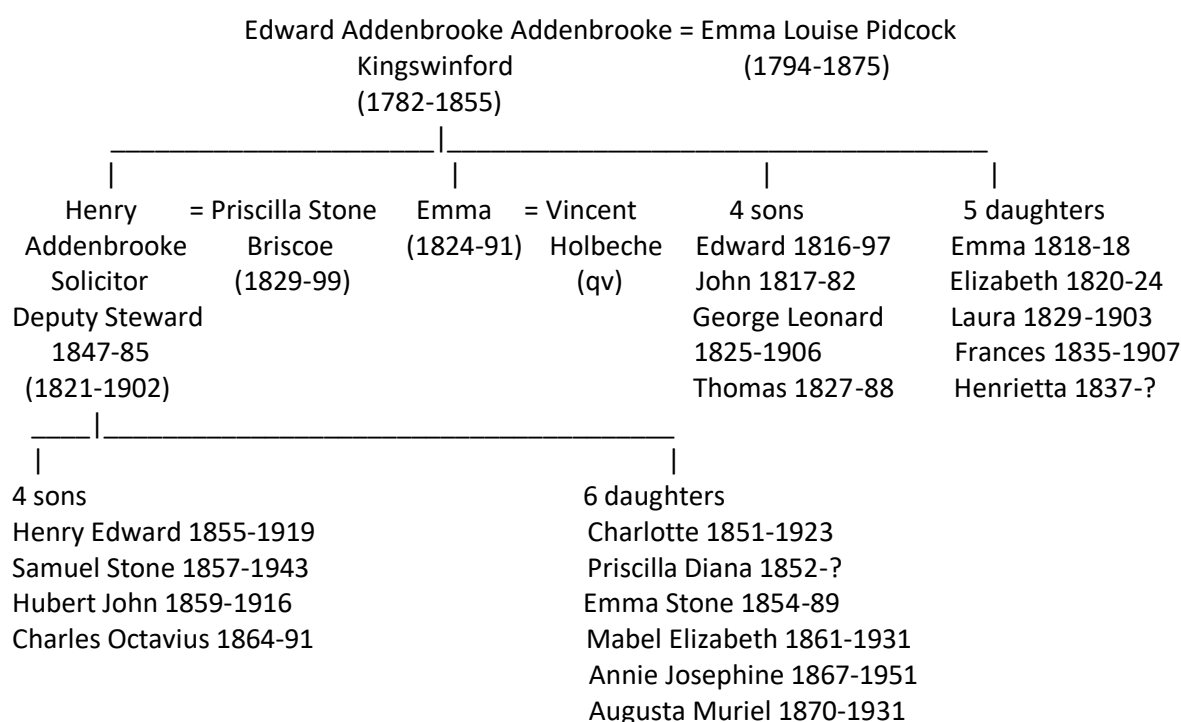
Vincent Holbeche took into partnership his brother-in-law Henry Addenbrooke, the older brother of his wife Emma, and the firm changed its name to Holbeche and Addenbrooke. In 1847 the Earl of Aylesford, as High Steward of Sutton Coldfield, appointed Vincent Holbeche and Henry Addenbrooke as his Deputy Stewards. The approval of Queen Victoria, dated 26th February, was signed by the Home Secretary Sir George Grey, nephew of the former Prime Minister Charles 2nd Earl Grey (he who had a liking for herbal tea).

Vincent Holbeche died in 1867 which left Henry Addenbrooke as the sole Deputy Steward, but shortly afterwards Vincent's son Thomas Vincent Holbeche qualified as a solicitor and joined his uncle in the legal practice. In 1869 the High Steward, William Henry Leigh 2nd Baron Leigh of Stoneleigh, at the request of the Corporation appointed Henry Addenbrooke and Thomas Vincent Holbeche as his Deputy Stewards. The approval of Queen Victoria on this occasion, dated 6th January, was signed by William Gladstone's Home Secretary Henry Austin Bruce, later 1st Baron Aberdare. Addenbrooke and Holbeche remained in office as Deputy Stewards until the post was abolished, along with the Warden and Society, by a Charter of Queen Victoria dated 31st December 1885.

The Holbeches' family tree looks like this:



and the Addenbrookes' family tree was as follows:



It is apparent that both families did their best to boost Sutton's population figures.

The list of Deputy Stewards can be summarised as follows:

[1723]-1745	Samuel Leigh
1745-1751	John Gibbons
1751-1763	Edward Homer
1763-1767	William Sadler
1767-1805	William Homer
1805-1825	Edward Croxall
1825-1832	Edward Croxall and Thomas Holbeche
1832-1836	Thomas Holbeche and Edward Croxall Willoughby
1836-1845	Edward Croxall Willoughby and Vincent Holbeche
1845-1847	Vincent Holbeche
1847-1867	Vincent Holbeche and Henry Addenbrooke
1867-1869	Henry Addenbrooke
1869-1885	Henry Addenbrooke and Thomas Vincent Holbeche

When Sutton Coldfield became a Municipal Borough by Charter dated 31st December 1885, with six wards, each appointing one alderman and three councillors to the new Town Council, the office of Deputy Steward was replaced by a Town Clerk. The Charter directed that the first meeting of the new council should be held on 9th April 1886, allowing three months for the election of council members, and that a Town Clerk should be appointed at the meeting. As the post of Deputy Steward ended on 31st December 1885, to avoid there being a vacuum the Charter appointed Charles Hugh Edwards, a Birmingham solicitor who lived at Driffold House in Sutton (formerly Dr George Bodington's lunatic asylum), as the interim Town Clerk. At the April meeting the Town Council appointed Thomas Vincent Holbeche as its permanent Town Clerk, a post which he held until his death in 1904.

Subsequent Town Clerks were:

Robert Armstrong Reay-Nadin	1904-1937
Robert Walsh	1937-1959

John Paul Holden 1959-1974 (died 1991)

The post of Town Clerk was abolished in 1974 when the Sutton Coldfield Borough Council ceased to exist and Sutton Coldfield merged with the Birmingham Metropolitan District of the newly-formed County of West Midlands.

The Royal Sutton Coldfield Town Council was established in 2016 with John Furze appointed as its temporary Town Clerk. Olive O'Sullivan was appointed as its first permanent Town Clerk, with the alternative title of Chief Executive Officer, which is now generally preferred.

Sources

Minutes of the Meetings of the Warden & Society 1723-1886

Sutton Coldfield Charters from Original Translations (1836)

The History of Sutton Coldfield with a Continuation and an Addenda by an Impartial Hand (1763)
[Sutton Library ref SH97SUT]

History of the Forest and Chase of Sutton Coldfield, by Agnes Bracken (1860) [SH97SUT]

The Dairy of Sarah Holbeche (1803-82), transcribed by Janet Jordan (2021) [sclhrg.org.uk]

Charter of Incorporation (1886)

Three Hundred Years of a Family Living being a History of the Rilands of Sutton Coldfield, by Rev W.K. Riland Bedford (1889) [SH78.1RIL]

History of Sutton Coldfield, by Rev W.K. Riland Bedford (1891) [SH77SUT]

Sutton Park A History and Guide, ed. John C.W. Field and Peter W. James (1965)

A Short History of Maxstoke Castle, by Charles and Michal Fetherston Dilke (2000)

Thomas Vincent Holbeche, by Janet Jordan (2007) [sclhrg.org.uk]

History Spots in the Royal Sutton Coldfield Observer, by Roger Lea (2008-17)

Tales from Sadler House, by Kerry Osbourne (2022)

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October 2021
Revised June 2023

