The books in this series focus on the British Isles in the early modern period, as interpreted by eighteenth- and nineteenth-century historians, and show the shift to ‘scientific’ historiography. Several of them are devoted exclusively to the history of Ireland, while others cover topics including economic history, foreign and colonial policy, agriculture and the industrial revolution. There are also works in political thought and social theory, which address subjects such as human rights, the role of women, and criminal justice.

West Riding Sessions Records
Published in 1915, this collection of the transactions of the quarter sessions held in Yorkshire West Riding contains the orders for 1611–33 and the indictments and orders for 1637–42. This volume forms a companion to the 1888 edition of West Riding session rolls for 1597–1602, also edited by John Lister (1847–1933), who here provides a lengthy introduction in which he gives an account of the various indictable offences specified in the court records. These include house-breaking, arson, murder, and riotous assembly, as well as absence from church and selling meat during Lent, among others. Court orders are concerned with such subjects as vagrancy, bastardy, alehouses, soldiers, and the plague. The texts themselves, which in this volume are all in English, typically state the indictment, describe the incidents of the trial, if any, and give the verdict in each case. Lister provides extensive explanatory footnotes.
Cambridge University Press has long been a pioneer in the reissuing of out-of-print titles from its own backlist, producing digital reprints of books that are still sought after by scholars and students but could not be reprinted economically using traditional technology. The Cambridge Library Collection extends this activity to a wider range of books which are still of importance to researchers and professionals, either for the source material they contain, or as landmarks in the history of their academic discipline.

Drawing from the world-renowned collections in the Cambridge University Library and other partner libraries, and guided by the advice of experts in each subject area, Cambridge University Press is using state-of-the-art scanning machines in its own Printing House to capture the content of each book selected for inclusion. The files are processed to give a consistently clear, crisp image, and the books finished to the high quality standard for which the Press is recognised around the world. The latest print-on-demand technology ensures that the books will remain available indefinitely, and that orders for single or multiple copies can quickly be supplied.

The Cambridge Library Collection brings back to life books of enduring scholarly value (including out-of-copyright works originally issued by other publishers) across a wide range of disciplines in the humanities and social sciences and in science and technology.
The Anniversary Reissue of Volumes from the Record Series of the Yorkshire Archaeological Society

To celebrate the 150th anniversary of the foundation of the leading society for the study of the archaeology and history of England's largest historic county, Cambridge University Press has reissued a selection of the most notable of the publications in the Record Series of the Yorkshire Archaeological Society. Founded in 1863, the Society soon established itself as the major publisher in its field, and has remained so ever since. The *Yorkshire Archaeological Journal* has been published annually since 1869, and in 1885 the Society launched the Record Series, a succession of volumes containing transcriptions of diverse original records relating to the history of Yorkshire, edited by numerous distinguished scholars. In 1932 a special division of the Record Series was created which, up to 1965, published a considerable number of early medieval charters relating to Yorkshire. The vast majority of these publications have never been superseded, remaining an important primary source for historical scholarship.

Current volumes in the Record Series are published for the Society by Boydell and Brewer. The Society also publishes parish register transcripts; since 1897, over 180 volumes have appeared in print. In 1974, the Society established a programme to publish calendars of over 650 court rolls of the manor of Wakefield, the originals of which, dating from 1274 to 1925, have been in the safekeeping of the Society's archives since 1943; by the end of 2012, fifteen volumes had appeared. In 2011, the importance of the Wakefield court rolls was formally acknowledged by the UK committee of UNESCO, which entered them on its National Register of the Memory of the World.

The Society possesses a library and archives which constitute a major resource for the study of the county; they are housed in its headquarters, a Georgian villa in Leeds. These facilities, initially provided solely for members, are now available to all researchers. Lists of the full range of the Society's scholarly resources and publications can be found on its website, www.yas.org.uk.
West Riding Sessions Records
(Record Series volume 54)

This volume focuses on the earliest surviving Order and Indictment Books of the West Riding Court of Quarter Sessions. The order books record all the business of quarter sessions, both administrative and judicial, apart from indictments, which were recorded in a separate sequence of volumes.

The first Order Book, for the years 1611–1632/3, transcribed here on pages 1 to 26, is not part of the official quarter sessions archive, but was presented to the Yorkshire Archaeological Society by its president, Sir Thomas Brooke (1830–1908), and has the archival reference MS38. The other sessions records are now held by the Wakefield office of the West Yorkshire Archive Service, whose website can be found at www.wyjs.org.uk. A description of the records of the court can be found in B.J. Barber, Guide to the Quarter Sessions Records of the West Riding of Yorkshire 1637–1971 and Other Official Records (2nd edition, Yorkshire Archaeological Society Occasional Paper, no. 8, 2011).

In this Record Series publication, the texts of the first surviving Indictment Book (1637–42) and the second Order Book (1638–42) were rearranged so that the entries from the two books follow each other in a single chronological sequence. The editor, John Lister (1847–1933) of Shibden Hall, Halifax, edited several volumes for the Record Series, five of which are reissued in the Cambridge Library Collection. An obituary and bibliography of Lister, which can be found in the Yorkshire Archaeological Journal, 31 (1934), 423–6, records that he died ‘at his ancestral home’, Shibden Hall, Halifax, and that – like many of his colleagues in the Society – he was a member of the landed classes, and also a non-practising barrister. His obituary in The Times of 13 October 1933 reported that he was a founding member of the Labour Party in Halifax and had twice stood as a parliamentary candidate for the Independent Labour Party.
WEST RIDING SESSIONS RECORDS.

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RECORD SERIES.

Vol. LIV.

FOR THE YEAR 1915.

WEST RIDING SESSIONS RECORDS.

Vol. II.

Orders, 1611–1642.
Indictments, 1637–1642.

EDITED BY

JOHN LISTER, M.A.,

PRINTED FOR THE SOCIETY.

1915.
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PREFACE.

GENERAL REMARKS.—In 1888 our Association published the West Riding Sessions Records for the years 1592–1602, which had been committed to me to edit, and to which I contributed a preface of some thirty-six pages. In the present volume are contained: (i) "Sessions Orders," 1611–1632, taken from our Yorkshire Archæological Society's MS., No. M. 38, and (ii) Indictments and Orders from Indictment Book A, and Order Book A, covering the space of time between October, 1637, and July, 1642.

The "Sessions Orders," 1611–1632, are contained, as already stated, in the MS. No. M. 38, now, by the bequest of the late Sir Thomas Brooke, Bart., the property of our Yorkshire Association. An excellent account of the MS., its history, and contents, has been given by Mr. S. J. Chadwick, in vol. xv of the Association's Journal, p. 434, under the title of "Some papers relating to the plague in Yorkshire." The MS. was mainly written by Colonel Charles Fairfax, but for the life of the Colonel and an account of his writings and collections of MSS., the reader must be referred to Mr. Chadwick's paper, and to the Dictionary of National Biography. The MS. is thus described in the Library Catalogue of our Society:—

"FAIRFAX MSS., M. 38."

A volume of miscellaneous matters concerning the county of York, principally relating to the Justices, Quarter Sessions, etc., temp. James I and Charles I, with sundry law forms, etc. The volume is not perfect. Small quarto. There is an index rerum at the end. C. Fairfax is written on the first page."

I may add that on the same page is the date "Feb. 27, 1628," preceded by the words: "Ex com. infra libr. Archiep.'s." Does this mean from papers found in the Archbishop's library?

We learn from one of the volumes of the Fairfax MSS., entitled: "Liber Owen," that certain documents were lent to Fairfax by Toby Matthew, Archbishop of York, and from these he seems to have gleaned the materials for this particular MS. This archbishop died March 29th, 1628.
vi

PREFACE.

Extracts from the Order Books were made long ago by the late Mr. Fairless Barber, and were printed in vol. i of our Journal, pp. 371-405. These the Council of our Association have not thought it worth while to have reprinted, which, perhaps, is a matter for regret. The titles of these Orders are merely given in this volume, and the reader is referred, under the letters "Y.A.J., vol. v," to the page of the Journal on which these entries occur.

It is, of course, unnecessary to repeat what may be found relating to our Sessions Records in the preface to the volume published in 1888. In regard to

The Sessions Towns of the West Riding, dealt with in that preface, it may be again remarked that "the order in which the Sessions were held in the different towns does not seem to follow any fixed plan." Thus in 1637-8 the order was:

11th "  Wakefield. 18th "  Skipton.
3rd April. Pontefract. 3rd "  Halifax.
9th July. Rotherham. 10th "  Doncaster.

In 1638-9 the order was:--

8th Jan. Wetherby. 16th July. Rotherham.
10th "  Wakefield. 18th "  Wakefield.
23rd April. Pontefract. 4th "  Knaresborough.
11th July. Skipton. 9th "  Doncaster.

The heading of the Sessions at Skipton, held there "on Tuesday next after the Feast of St. Thomas the Martyr," viz. the 12th July, 1642, is interesting. It was, the reader may be reminded, about this time that the Earl of Essex was appointed Captain-General of the Parliamentary forces, and about six weeks later—August 22nd—the King raised his standard at Nottingham. The heading referred to runs thus:—

"Wakefield.—General Sessions and Gaol Delivery, by virtue of the King’s Letters Patent, dated at Beverley, 8th July, 1642, held at, on Tuesday next after the Feast of St. Thomas the Martyr, viz. the 12th July, 1642, and continued there for the space of one day, before William Mallorye, James Metcalfe, Richard Lowther, and Edward Parker, Esqres, Justices, and thence by adjournment to Wakefield on Thursday, the 14th,
PREFACE. vii

for two days, and thence by adjournment to Rotherham on Monday, the 18th July, 1642, for two days.” It is curious to find the “Feast of St. Thomas [of Canterbury] the Martyr” still recognised by the West Riding Justices, so long after it had been expunged by Henry VIII from the Anglican calendar!

Indictments.—Under this heading, in our previous volume, some comments were made on the little interlineary and side-notes that are frequently found in connection with the indictments. Often are the words cul. or non cul., i.e. culpabilis or non culpabilis, written over the names of the persons indicted, signifying, apparently, that a verdict of “guilty” or “not guilty” was found, followed sometimes in the latter case by nec re. se, i.e. nec retraxit se, which does not mean—as stated in the preface to the former volume—“nor did he retract,” but “nor did he withdraw himself,” or, in other words, “flee from justice.”¹

In regard to the abbreviated words po. se, i.e. ponit se, “puts himself,” it is interesting to note that the word “puts” is still used as a side-note by the Clerk of the Peace in present-day indictments, when a prisoner has pleaded “Not guilty.” “Puts” or “puts himself,” of course, signifies that the prisoner “puts himself on the country”—desires to be tried by a jury.

The punishments, especially whipping or branding, are frequently recorded in side-notes. It was remarked in the preface to the former volume that “our Sessions Records have no notes upon them informing us that culprits were sentenced to be hanged.” In the present volume there are two instances, and two only, in which this sentence is recorded, viz. on p. 53 and p. 170. In both cases the prisoners had been committed to York Castle, and in the former case we are told that the sentence of guilty was passed there, apparently at the Assizes.

In the present volume also, unlike the former one, there are instances, passim, in which an offender “pleaded his clergy, and was delivered according to the Statute” (18 Eliz., c. 7).

Incidents of Trial.—In regard to witnesses, whose names were hardly ever given in our previously published Elizabethan Rolls (1598–1602), we find in these later Indictment Books that the contrary is very generally the case. Sometimes, and not at all infrequently, after the word “witness” is written “con-

¹In the North Riding Records, vol. i, p. 221, is this side-note to an indictment: “Triied and found not guilty, nec fugam fecit.”
vi

PREFACE.

ession,” and sometimes “examinations.” This means that upon his arrest by a constable, a prisoner was taken before a Justice, who examined and questioned him much in the same way as is done now on the continent, the great object being to get the man or woman to confess. It will be remembered that the use of torture to make accused persons confess was common in Elizabethan and early Jacobean days, but that when, in 1628, Charles I was wishful to employ it in the case of Felton, Buckingham’s murderer, the Judges declared it to be illegal. “Whether”—as writes the editor of the Calendar of the Quarter Sessions Papers relating to the county of Worcester—“it was ever employed to Sessions prisoners is uncertain, but that the Justices deemed it their duty to get, if possible, a confession from an accused person seems clear.” This procedure was authorised under the Statute 2 and 3 Philip and Mary, c. 10, which directs Justices, or one of them being of the quorum, before whom any person shall be brought for manslaughter or felony or for suspicion thereof, before they commit or send such prisoner to ward, to take the examination of such prisoner and information of those that bring them the facts and circumstances thereof. “Here you may see,” writes William Lambard, “if I be not deceived, when the examination of a felon began first to be warranted amongst us. For, at the common law, Nemo tenetur prodere seipsum, and then his fault was not to be wrung out of himself, but rather to be discovered by other means and men.”

The great object of an English Justice then, as of a French Procureur now, was to obtain a confession, and, as the editor of the Worcester County Records observes, “it is a curious fact in the legal history of the country how, in two-and-a-half centuries, the ideas as to prisoners being questioned has so completely changed that a proposal to allow them, if they desired it, to give evidence on oath was for a long time most strenuously opposed as being too hard upon the prisoners.”

Sometimes the name of the Justice before whom the examination was conducted is given, as in the case of Rosamond Wright, of Ackworth, accused of burglariously entering a house, where the Justice is stated to have been Sir Edw. Roades.1

CRIMES AND OFFENCES IN THE INDICTMENTS.—“Offences against the Rights of Property” are, of course, the most

1 Page 73.
numerous class recorded in the Indictment Books, the cases of Larceny exceeding in an overwhelming proportion those of any other offence in that category. Many of the cases of larceny appear to be of a very trifling nature. They may be of some interest as showing the value of property at the time, but they cannot be implicitly relied upon for this. In those days there was a distinction between grand and petit larceny, one of the elements of which was the value of the stolen article. It often happened that the value was placed very low so as to bring the case within the limit of petit larceny, and prevent capital punishment being incurred.

The chief subjects of larceny were:—(1) farm produce, including animals and poultry; (2) clothing and goods about a house; and (3) miscellaneous chattels. The reader can find for himself in this volume samples ad nauseam of all these three classes of theft. As specimens, it will suffice to quote the following cases tried at the Sessions at Halifax on the 2nd October, 1637.

(1) James Waterhouse, of Holmfirth, was then and there indicted on three charges of sheep stealing, viz.: an ewe sheep, value 5s., on 31st December, 1636; two ewe sheep, value 10s., on 31st August of the same year; and a lamb, value 2s. 6d., on the 20th August, 1635. Thomas Marshall at the same Sessions was indicted for stealing on the... October, 1637, four "thrvses" of barley, value 10d.

(2) Martha Baylye, of Bradford, at the same Sessions, was indicted for stealing a napkin and a silk girdle, value 5s.

(3) Richard Jowett, of Wibsey, was indicted for stealing 10 window stanchions.

Such articles as could be pilfered most readily, and with the least risk of discovery, by persons belonging to the most necessitous class in the community, formed the main subjects of the thefts of the period. Next, in frequency of commission, came the cases of sheep-stealing, then, longo intervallo, those of stealing cows, oxen, etc., and, lastly—strange as it may appear in the case of Yorkshiremen—a few charges (17) of horse stealing.

There are but 5 cases of Burglary (one of which, however, is not an indictment), but it is doubtful whether credit should be

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1 See Preface to West Riding Sessions Rolls, Record Series, vol. iii, p. xxxviii.
2 Page 27.
3 Page 28.
4 Page 28.
5 Page 28.
given to the county for this fact, as, possibly, it may have been usual in those days to deal with a large number of such crimes at the Assizes, rather than at Quarter Sessions.

House-breaking.—Of this offence there are 39 instances, and in some of them the crime was committed at night, in one, indeed, the hours of 10 and 12 p.m., but as the word “burr- glariter” does not occur in the indictment, such cases, though much akin to it, must not be calendared as burglaries. In one case the house-breaking seems to have been accompanied with considerable violence, the walls of the house being “thrown down” and the wife of the occupant assaulted and maltreated. The “breaking and entering” of the house of Samuel Vanpanie, Esq., called Barnes Hall, is an interesting one, and gives food for speculation, especially in connection with the circumstance that the bailiff of the High Sheriff was afterwards indicted for having taken from Mr. Vanpanie, “under colour of his office,” £18 for executing a writ, “when in truth and fact no kind of fee was due.”

Robbery is not a very common offence in the Indictments. There are fifteen cases in this category. In one instance “a sword and a bill” were the subject of the offence, and in one instance the crime was perpetrated on the king’s highway.

“Amid,” writes old William Lambard, “and between the violent robber that taketh from the person by force, and the myching thief that stealeth when the person (or the owner) is absent, standeth the crafty Cutpurse or Pickpurse, that taketh goods (or money) from the person by sleight only, the owner neither being made afraid, nor witting of it.” Of this class of criminal there are only two representatives, a man and his wife, to whose case reference is made three times in the “Orders.” This couple seem to have been tried at the Assizes at York, and were there acquitted.

In the class of “Offences against Rights of Property,” those created by or connected with the Game Laws, we find, were sufficiently common. They consist of keeping greyhounds for coursing; tracking hares in the snow; hunting without license with spaniels over lands sown with crops; and breaking into and hunting in deer parks and warrens. On page 43 will be
found three indictments for keeping “setting dogs” and a greyhound, the former, of course, being used for taking pheasants and partridges, and the latter for “coursing of deer and hares.” The Justices proceeded against offenders in this matter under the Statutes r Jas. I and 7 Jas. I, the former being entitled: “An Act for the better Execution of the Intent and Meaning of former Statutes made against shooting in Guns, and for the preservation of the Game of Pheasants and Partridges, and against the destroying of Hares with Hair-pipes and tracing Hares in the Snow,” and carrying a gun loaded with powder and shot was in these days a statutable offence, under 33 Hen. VIII, c. 6, which prescribed a penalty of £10 “if any person, not having £100 revenue by the year, have carried in his journey any cross bow bent, or gun charged, unless it be to the musters.” An indictment for this offence occurs on p. 44, and another on p. 54, where William Purdie, of Frickley, gent., not having the property qualification necessary, is charged with carrying “a hand-gun charged with powder and hail shot,” wherewith “he walked or rode . . . not being in service of war.” There are several indictments for shooting wild ducks and “mollards,” pigeons, partridges; others for shooting a blackcock, a greyhound, a doe, a “hind calf,” and conies. The pigeon-shooting cases are the most numerous. The offence of carrying a hand-gun and shooting pigeons, etc., although not an offence against the Game Laws, as we should consider it, seems to have been almost treated as such by the law in those days, as proved by the title already quoted of the Act 7 Jas. I, where the “better execution of the Statutes made” against “shooting in guns” is coupled with “the better preservation of the game of pheasants and partridges.” The game offences proper, however, divide themselves into (1) deer stealing; (2) poaching in a free warren; (3) unqualified persons keeping hunting dogs; (4) taking pheasants’ eggs.

Deer-stealing, killing, or chasing was a somewhat common offence, and we have 21 cases of it. Most of them are in connection with Wortley Park, the domain of Sir Francis Wortley, whose ancestor, Sir Thomas Wortley, we are told, in the reign of King Henry VIII, pulled down “a town near unto him” in which were some freeholders whom he had begged by litigation, “and laid the buildings and town fields even as a common, wherein his main idea was to keep deer and make
a lodge.”¹ Eight of the offences in connection with deer stealing, etc., were committed in the New Park, Wortley, and in some instances were very severely punished. For “unlawful hunting, chasing, and killing of a deer” in the New Park of the “Right worshipful Sir Francis Wortley, Knight and Baronet,” Nicholas Whiteley and Richard Hall, yeomen, who had been convicted on their own confession, were committed to York Castle for three months, and further, until they should have “satisfied unto the said Sir Francis Wortley the sum of £3 6s. 8d., for his damages in that case sustained, if he please to accept thereof.”²

Sir Francis won, it appears, a good deal of unpopularity in regard to this business, and many “scandalous, malicious, and contemptuous words” were uttered against him, for which the offenders were brought to justice.³ There are many Chaces mentioned that do not exist to-day, and free warrens and their franchises have long since disappeared. The Indictments and Orders show that before the Commonwealth period there were, at least, six distinct franchises of free warren in the county, viz.: at Hunshelf; Lindle Hill, near Wakefield; Selby; Towlston Moor, and Topcliffe, and Wortley. It would seem that the “New Park” at Wortley had been enclosed since the 5th of Elizabeth, for the Justices, in dealing with cases relating to it, proceeded under the Statute 3 Jas. I, c.13, which related to “grounds inclosed, and used and kept for the Preservation and Maintenance of Deer and Conyes” since the passing of the Statute of Elizabeth. The penalty we have quoted as meted out to Whiteley and Hall for killing a doe at Wortley was the penalty prescribed by the Statute of 7 Jas. I. As Lambard writes: “Against him that is convicted for the unlawful taking or slaying of any deer, they (i.e. the Justices) must adjudge treble damages to the party grieved, three months imprisonment of the body of the offender, and (after that expired) to find sureties of his good behaviour for seven years after, or else to remain in prison until he shall find those sureties during those seven years.” But the sureship for good behaviour could be released at the pleasure of the party aggrieved within the said seven years; anything in the Act (7 Jas. I, 13) mentioned or declared to the contrary notwithstanding.

¹ See note, page 39, and Hunter’s Hallamshire.
² V.A.J., v, 381.
³ See pages 60 and 159.
The Free Chaces were Wortley, Uden, and Selby. Uden, described also as a forest, belonged to the Earl of Pembroke, while Selby—both a warren and chace—which had originally belonged to the Abbey there, was at this time owned by Thomas Walsmsley, Esq.

Regarding the free warrens, it may be noted that Hunshelf belonged to the Countess of Devon; Lindle Hill to Thomas, Lord Savile; Towlston Moor to Sir William Fairfax; and Topcliffe to William Armitage, gentleman. The only forest mentioned, besides that of Uden, is Knaresborough, then appertaining to Queen Henrietta Maria, in which Rich. Widdopp, yeoman, hunted on one occasion "with a greyhound, and killed and took away a young male red deer within the said forest." ¹

Poaching in a free warren is illustrated by the case of John Hobson and others,² who in 1641 unlawfully assembled at Hunshelf, and there broke and entered "the close and free warren of the most noble Elizabeth, Countess of Devon, chasing with dogs and killing and carrying away two hares."

The offence of the keeping of hunting dogs by unqualified persons is illustrated by three cases on page 43, in one of which William Warwick is indicted for keeping "a setting dogge" at Knaresborough, [he] not being then in his own right, or that of his wife, seised of lands, etc., to the clear yearly value of £10 a year, or of an estate of inheritance, or lands, etc., for a term of lives of the clear yearly value of £10 a year, or of any estate of inheritance, or lands, etc., for a term of lives of the clear yearly value of £30 a year to his own use, or that of his wife, nor being the son of a knight, baron of Parliament, or of any person of higher grade, nor the son of an esquire— against the Statute 1 Jas. I.

The taking of pheasants' eggs is exemplified in the case of William Hall, of Hatfield, yeoman, who was indicted for having, in the year 1639, unlawfully taken nine pheasant eggs, to the grievous damage of Sir Arthur Ingram, senr., against the form of the Statute (1 Jas. I. c. 27). By the Statute just cited it was enacted that all and every persons, etc., who shall take the eggs of any pheasant, partridge, or swans out of the nests, or wilfully break, spoil, or destroy the same in the nest, should be committed to gaol for three months without bail, unless they paid to the use of the poor of the parish where the offence

¹ Page 84.
² Page 356.
was committed, or they were apprehended, the sum of 20s. for every egg taken or destroyed.

Dealing with “Malicious Injuries to Property,” we find only one case of arson, viz.: that of William Sikes, of Darfield, indicted in 1640 for having broken and entered the dwelling-house of Richard Yeates, and then of malice aforesaid burning with fire the said house and divers goods therein, to the value of £10. This criminal was committed to York Castle.¹

The offence of “killing, maiming, or wounding cattle” is represented by a case of injuring a horse,² and two of killing mares.³ In the first instance, for cutting the tail of a horse the delinquent, on his own confession, was fined £12., while for killing a grey mare on Halifax Moor a woman was only sentenced to pay £2.

“Killing or maiming dogs” occurs in one instance,⁴ where a certain yeoman is charged with “shooting at and killing a greyhound bitch with a gun charged with powder and hail shot.” This was a statutable offence.

Among “sundry injuries to property” also occurs an indictment for maliciously killing swine with a pitchfork.⁵

Passing from “Offences against the Rights of Property” to “Offences against the Person,” as in the earlier Rolls of 1591–1602, the cases of “Malicious Wounding” largely outnumber all others. Assaults committed on bailiffs, constables, and other officials are, perhaps, the most interesting. There are three of these which relate to bailiffs of the High Sheriff, and thirteen to constables, while two others are assaults on a warrant server and a watchman respectively. In the latter case, the watchman’s “watch-bill” was forcibly taken from him by the defendant.⁶

There are no indictments for “Murder,” probably for the reason already offered in regard to the scanty indictments for burglary. One attempt to “commit murder” by administering poison occurs, in the case of Elizabeth Helliwell alias Hellifeld, of Rotherham, who “maliciously and wickedly” attempted to poison not only herself, but also “her maister,” Nicholas Spadem an, and his wife, “by putting into their pottage certain rat’s-bane.”⁷ The prisoner was committed to the House of

¹ Page 185. ² Pages 347 and 389. ³ Page 217. ⁴ Page 188. ⁵ Pages 265, 301, and 302. ⁶ Page 367.
Correction, at Wakefield, there to remain until the next General Quarter Sessions, if in the meantime she should be not otherwise delivered by due course of law. As there is no mention of her case in the records of the next or subsequent Sessions, it would appear that this delinquent was tried at the Assizes, unless perchance it were that the "rescue," made on her behalf by one William Oates,¹ was effective in causing the woman's complete escape from the hands of justice.

As was the case in the volume of Sessions Records previously published by our Association, the crime of rape is only represented by a single indictment,² in which a woman is implicated as an abetter.

"Abuses and Obstructions of Public Authority" are of frequent occurrence. Of the total number the old-fashioned offence of barratry is responsible for fifteen indictments. The "Common Barrator"—as defined by Justice Stephen—is an exceedingly objectionable person, "who habitually moves, excites or maintains suits or quarrels, either at law or otherwise." The "common barrator" was drawn from all classes of society. In the cases where occupations are recorded, we have two yeomen, five husbandmen, two clothiers, two butchers, one blacksmith, one turner, and one labourer.

Of "Extortion and Oppression by Public Officers" there are five cases. In one of these the deputy bailiff of the Wapentake of Claro is charged with receiving 4s. for an arrest, "when in fact no fee was due."³

The other cases are of the same nature, are similarly committed by bailiffs, and need no comment, except, perhaps, in the striking case of the High Sheriff's bailiff, Gregory Danbie, of Doncaster,⁴ who "under colour of his office" extorted from Samuel Vanpanie, Esq., £18 "for executing a writ directed to him."

For the offence of "Rescue" we find four persons indicted. To one of these, viz., that of Elizabeth Hellwell, the rat's-bane poisoner, by William Oates, reference has already been made, and the other cases present no exceptional features of interest.

There are not many cases of "Riotous Assemblies" or "Riotous Assaults." Perhaps the most interesting of these is the forcible entry made at Barnes Hall, Ecclesfield, when Samuel Vanpanie, Esq.,⁵ was ejected from that mansion, apparently by

¹ Page 302. ² Page 296. ³ Page 33. ⁴ Page 356. ⁵ Page 331.
his landlord, Mr. Richard Watts (Vicar of Chesterton), and others. The object of these and of other unlawful assemblies was generally, it would appear, to assert a right to some particular building or land.

The misdemeanour of “Forcible Entry” numbers eighteen cases, including that, of course, of Mr. Vanpanie, which also involved the allied misdemeanour of “Forcible Detainer.” If any controversy or dispute arose as to the ownership of land, the person who was not in possession often had resort to force to obtain it; and though damage is sometimes alleged to have been done to grass or trees in taking possession, usually it is the forcible entry that is the subject of the indictment. Rather an interesting illustration of forcible entry is the charge brought by divers inhabitants of Hatfield Wood House and Stainforth against Francis Thurley and other “ill-doers,” who, with staves and swords, entered the common pasture in Hatfield, called Burmoor, and by force dispossessed and expelled the said inhabitants from the same common, and by force and power of arms kept them so dispossessed and expelled. One of the defendants, we learn, submitted himself to the clemency of the Court, and was fined 2s. 6d.

Leaving the category of “Offences against Public Order,” we pass on to those which in Stephen’s Digest of the Criminal Law are entitled: “Acts injurious to the Public in General.” Of these, in the Sessions Books, we meet with the sub-divisions: “Offences against Religion,” “Offences against Morality,” and “Common Nuisances.” The first of these, under the head of “Being absent from Church,” is committed by one hundred and fifty-six persons, of whom one hundred and fifty are included in one Presentment. In the Sessions Roll of the year 1598, the reader may be reminded, there were one hundred and twenty-one persons presented or indicted. The names of the places from whence the offenders came are different in the present instance from those that are met with in 1598, with the one exception of Kirkby Overblow. The places and numbers of individuals are as follows:—

Aberford, 1. Barnborough, 4.
Aldwark, 1. Beale, 1.
Badsworth, 4. Bradfield, 8.

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Bramwith, 1. Goole, 6.
Brindsworth, 1. Haughton, 13.
Campsall, 1. Kirkby Overblow, 1.
Cawthorne, 1. Linton, 1.
Clayton-cum-Frickley, 17. Peniston, 4.
Cowick, 1. Rotherham, 10.
Ecclesfield, 7. Snaith, 1.
Featherstone, 16. Whitgift, 1.
Fryston, 21. Womersley, 12.

Of these places in a list of Roman Catholics, made in 1604, the following are named:—Aberford, Bradfield, Cawthorne, Ecclesfield, Frickley, Haughton (?), Linton, and Rotherham.

In connection with these places, the following family names occur in 1604 and in the years covered by the Sessions of 1638–42, viz.: Under Bradfield, in 1604, Margaret, the wife of Richard Revell, of Stannington, and Thomas Revell, their son, are reported as “non-communicants at Easter last.” In 1641, Roland Revell, of Bradfield, gent., and Elizabeth his wife, and under Ecclesfield, to which parish Bradfield belonged, we find also, in 1641, George Revell, and Alice his wife, presented for not attending church. Under Frickley, in both lists we have a William Clayton. These are the only names that correspond at the two periods. Besides the long list given on pp. 296, 7, 8 of this volume there are a few other cases in the Indictments, viz.: those of Ambrose Appleby, of Linton-upon-Ouse, gent., and Mary his wife; Thomas Empson, of Goole, gent.; Thomas Appleby, of Linton-on-Ouse, gent., whose offences were committed in 1637; Edmund Hickornigill, of Aberford, gent., who “forbore” church in 1638; Richard French, of Brindsworth, husbandman, 1639; Thomas Harrison of the parish of Kirkby Overblow, husbandman, in 1642.

The various offenders were drawn from all classes of society, but their status is not often recorded. Title-bearing families are represented by Lady Mary Reresby and Jane, Diana, and Dorothy Reresby, of Rotherham, and by Lady Elizabeth Foljambe, of Aldwark. The families of Esquires are represented only by Anne Scoope, wife of ——— Scoope, Esq., and by

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Matthew Hamerton, Esq., of Featherstone; and the Gentlemen and Gentlewomen by fourteen names. Two persons are entered as “Husbandmen,” and one as “Yeoman,” the occupations of all the others being undefined. A few notes regarding some of the names may be acceptable.

Lady Mary Reresby was daughter of Sir John Mounson, and probably widow of Sir Thomas Reresby, of Thribergh, who died in 1609, Jane, Diana, and Dorothy being her granddaughters.1 As Sir Thomas was a J.P. in 1598, it would seem that he may for a time have temporised, but he and his wife were returned as “non-communicants” in 1606, and George Eglisham, M.D., a schoolmaster “which teacheth the children of Sir Thomas Reresby,” was in the same entry denounced as “a Recusant.” This schoolmaster had been educated at Louvain. In Sir Thomas Gargrave’s List of Principal Gentry in the West Riding, made in 1572, he labels Sir Thomas Reresby as “doubtful” in his attachment to the Reformed Faith.8

Lady Elizabeth Foljambe was daughter of Sir George Reresby, of Thrybergh, and second wife of Sir Francis Foljambe, of Aldwark. She married three husbands after the death of Sir Francis, and was sister to Jane, Diana, and Dorothy, who, as we have seen, were presented for non-attendance at church. Sir Francis was M.P. for Pontefract in 1 Chas. I.

Taking the other names of non-churchgoers in the order they occur, let us endeavour to identify some of them.

Roland Revell was one of the Revells who lived at Revell Grange, in Stannington, where, as Hunter tells us,3 they had resided from an early period, and “whom we often meet in the old genealogies, as connected by marriage with the superior gentry of the county of Derby. The attachment of this family to the old profession of religion exposed them to much injurious treatment in the time of the Civil Wars and Commonwealth. From the effect of the severe and heavy fines which were levied upon them, at the time when the name of Recusant was supposed to place a man out of the pale of civil protection, the family seems scarcely now to have recovered itself. Mr. Richard Bromhead, of this place,” Hunter adds, “married the heiress of the Revells about the year 1740.”

1 See Dugdale’s Visitation of Yorkshire, with Additions, p. 331. Lady Mary is there named Margaret.
8 See Cartwright’s Chapters of Yorkshire History, p. 69.
3 Hallamshire, by Hunter and Gatty, p. 467.
In 1604, “Margaret, the wife of Richard Revell, of Stannington, and Thomas Revell, their son, of twenty years of age,” were returned as “non-communicants at Easter last.”

In 1665, Richard Revell, gent., Anne Revell, spinster, and Gertrude Revell, spinster, were presented as Recusants; in 1679, Anne, Gertrude, and Hanna; and in 1680, Elizabeth Revell, widow, and Gertrude and Ann, were similarly dealt with. In 1691, Rowland, Gregory, Gertrude, and Anne Revell were ordered to be “attached,” while, in 1715, Rowland Revell, of Stannington, was returned as a Catholic non-juror.

SARA, WIFE OF THOMAS WEBSTER, of Bradfield, yeoman, was doubtless the Sara Webster, widow, who, under the same township, was convicted as a Recusant in 1666.

RICHARD SHIERCLIFFE and BENNETT, his wife, probably belonged to the family of Shiercliffe, of Ecclesfield Hall, who purchased lands at Whitley, in the parish of Ecclesfield.

MARY, WIFE OF JOHN WYLDE, of Ecclesfield, may have been of the same family as Francis Wild, “pensioner,” who was presented in 1680.

PHILIP ANNE, of Clayton-cum-Frickley, Esq., was the eldest son of George Anne, of the same, by Margaret, daughter and sole heir of Richard Fenton. Philip died in 1647, having married Ellen, daughter and coheir of Hugh Sherburn, of Esholt. His sisters, Bridget and Frances Anne, were nuns in Flanders.

George Anne, Esq., Philip’s father, paid £15 in 1593 as a Recusant “for the providing and furnishing of light horses in Ireland.”

JANE ANNE was probably Jane, a daughter of the above Philip Anne.

MARY CONYERS, of Frickley, appears to have been the aunt of Jane, and sister of Philip Anne, who had married a Conyers.

WILLIAM CLAYTON, of Frickley, was probably the William Clayton, a servant of Mr. Anne’s, whose treatment of a Privy Seal directed to his master, and despatched to him by Sir Gervase Cutler, is described in a letter written by that knight to the Privy Council, on May 3rd, 1626.

2 Shiercliffe in the text is evidently a clerical error for Shiercliffe.
3 A pedigree of the family is given in Hunter’s *Hallamshire*.
4 See Dugdale’s *Visitation of Yorkshire, with Additions*, part v, vol. ii, p. 87.
5 Cartwright’s *Chapters of Yorkshire History*, p. 180.
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ELIZABETH LEPTON, of Frickley, was evidently Elizabeth, the wife of Thomas Lepton, of Kepwick, another of the sisters of Philip Anne.

LAWRENCE BAYE appears to be the fellow-servant of William Clayton, mentioned above, as employed in Mr. Anne's service at Frickley, and is named in Sir Gervase Cutler's letter.

JOHN PIERCE, described as of Womersley, was of Stubbs-Walden, in that parish, and was eldest son of Francis Percy of that place by his wife Frances, daughter of Ralph Vavasour, of Hazlewood. He married Frances, daughter of Andrew Yonge. She is also, as we see, returned as a non-church-goer. Her husband, John Percy, was living in August, 1665, at the time of Sir William Dugdale's Visitation, and was then aged 81. Their second son, John Percy, was slain fighting for the King in 1648.

LUCY PERCY was evidently the sister of John Percy, the father. She died, a spinster, at Stannington, and her will is dated 8th April, 1669, while Dorothy Percy was the daughter of the same John and Frances, who afterwards married John Bretton, of Bretton, co. York.

BARTHOLOMEW PERCY would seem to be the brother of John Percy, named as second son of Francis in Dugdale's Visitation. John and Bartholomew Percy's sister, Theodosia, married Richard Shiercliffe, of Ecclesfield, and their sister Elizabeth married Richard Revell, of Stannington—families noted, as we have seen, for their recusancy.

MATTHEW HAMERTON, of Featherstone, Esq., was son of Paul Hamerton, of Preston-Jacklyn, by his wife Isabel, daughter of Matthew Wentworth, of Bretton, Esq. He died in 1644, having married Bridget, daughter of Edward Rolston, of Toyn- ton, co. Lincoln.

PHILIP HAMERTON, gent., was the eldest son of the above Matthew. He married Dorothy, daughter of Andrew Young, of Burn, co. York, who with her husband is presented as a Recusant. The Hamertons were a strong Roman Catholic family, and Philip's two sisters, Barbara and Frances, were nuns at Pontoise. In 1679, the bailiffs, constables, etc., of the West Riding were commanded to "attach the body" of Anne Hamerton, of Preston-Jacklyn, "under several Acts of Parliament made against Popish Recusants," and, in 1680, Philip Hamerton, senr., and Philip Hamerton, junr., and his wife and John Hamer-
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The families of the West Riding Sessions Records of 1611–1642 were returned as “suspected recusants.” In 1683, Philip and his wife were presented for being absent from church, and in 1691, Mr. Matthew and his wife were ordered to appear at the Sessions to take the oath of allegiance, and that against the papal supremacy; to be disarmed; have their horses (over the value of £5) seized, and their weapons confiscated for the King’s service. Mr. John Hamerton, son of Matthew, was a Catholic non-juror in 1715.

Elizabeth Hippon, of Featherstone, was the widow apparently of George Hippon, of Newhall, and was the daughter of Edward Rolleston, of Toynton, co. Lincoln. She was buried at Featherstone, 3rd Nov., 1643. Margaret Hippon (misspelt “Hipperon”) was the daughter of this lady, and afterwards married in 1655 George Thimbleby, of Snydal. Bridget, Alice, and Mary Hippon were also daughters of Mrs. Elizabeth Hippon. Mr. Hunter states that “the family became reduced, and sold their estate to Sir E. Winn.”

Ellena Beckwith was probably one of the Beckwith family that possessed Ackworth until the time of the Commonwealth; in fact, she seems to be the “Ellinor” baptized at Featherstone, 29th Nov., 1607, and daughter of Thomas Beckwith by his wife Barbara, daughter of John Milburne, of Hinderskelfe.

Philip Dolman, gentleman, of Badsworth, was apparently the third son of Sir Robert Dolman, of Pocklington. He married Frances, daughter of Walter Vavasour, of Hazlewood, after the death of her first husband, James Lawson, of Newsam Abbey. His grandfather, Thomas Dolman, of Pocklington, was in 1572 described by Sir Thomas Gargrave as “a manne or lesse eryll papist.” He, Thomas, probably conformed, in some measure, to Protestantism, as we find him a Justice of the Peace in 1584. His widow, Elizabeth, was a Vavasour, and was presented as a Recusant in 1604.

The Dolmans suffered not only for their religion, but for their attachment, in the Civil Wars, to the King’s cause. Philip Dolman, who was presented as a Recusant in our Sessions Records, may have been the Philip Dolman whose forfeited lands in Bishop Wilton were sold by the “Treason Trustees” in 1653. In 1912, the Dolman family was represented by the

1 See Dugdale’s Visitation of Yorkshire, with Additions, by J. W. Clay.
2 See Royalist Composition Papers, vol. iii of the Y.A.S. Record Series.
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Rev. George Dolman, Catholic priest of Banbury, a claimant to the Stapleton barony.  

Francis Ogletorpe and his wife, of Knottingley, appear to have been of a lowly position, for he seems to have been the same Francis Ogletcherpe, described as “labourer,” who was presented, under Knottingley, along with Elena, his daughter, in 1666.

Mary, wife of Ralph Hill, of Haughton, in Castleford parish, may have been connected with Anna, the wife of Thomas Hill, yeoman, of the same place, who was presented as a Recusant in 1666.

William Billcliffe, of Haughton, and —— his wife, were probably the William Billcliffe, carpenter, and Mary his wife, who were convicted as Recusants in 1666, along with Richard their son and Winefrid their daughter, and with Thomas Billcliffe, yeoman, and Mary his wife, Ellena Billcliffe, widow, and Margaret, her daughter. In 1680, Matthew Billcliffe, Anne, Margaret, and Mary Billcliffe, the elder, were presented, and Matthew Billcliffe, Ann his wife, and Margaret and Mary Billcliffe in 1691.

John Huntresse and Mary his wife, also of Haughton, in the parish of Castleford, were, doubtless, the John Huntresse and Mary his wife presented in 1666, he being then described as a “taylor.”

——— Rasin, of Castleford. In 1666, Francisca Rasin, of Castleford, was fined for recusancy.

John Coopelaine and Margaret his wife, of Fryston, were represented among the Recusants of the West Riding, by Margaret Coopeland, then a widow; by Margaret Coopeland, her daughter; and Frances Coopeland, her “servant,” in 1661, and by Elizabeth Coopeland, in the return of 1691.

Thomas Shillito and Elizabeth, his wife, and Anne and William Shillito, of Fryston, were members of a family who suffered over and over again for conscience sake. In 1666, Elizabeth Shillito, widow, doubtless widow of the above William, William Shillito, her son, and Anne and Elizabeth, her daughters, were presented as Recusants; also Elizabeth Shillito was summoned to appear at the Rotherham Sessions in 1679; and Elizabeth and her daughter Elizabeth were reported as “suspected Popish Recusants” in 1680.