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YORKSHIRE AND THE STAR CHAMBER

by

F. W. BROOKS

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by

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YORKSHIRE AND THE STAR CHAMBER

ALL Yorkshire local historians lie under a debt of gratitude to the Records Committee of the Yorkshire Archaeological Society. For over fifty years, the Committee has published, year by year, the records which are the essential basis of local history and the hundred and more volumes, to say nothing of the magnificent extra series of Early Yorkshire Charters, are an achievement of which any Society could well be proud. Unfortunately, many beginners in local history are unacquainted with this great storehouse of information. Some, who may have looked at certain earlier volumes, may have been repelled by finding that they were written in Latin. This is inevitable, for the language of official records in England up to the fifteenth century (and often later) was Latin. But even the non-Latinist could read with profit such series as the *Yorkshire Star Chamber Proceedings*, the *Yorkshire Royalist Composition Papers*, *Archbishop Herring's Visitation Returns* and the *York Civic Records*, only to mention a few of the larger records, each running to several volumes. Another thing that may have disheartened the beginner is that, until fairly recently, the policy of the series was to cut down editorial comment to a minimum. This often meant that the reader was given very little help in understanding the purport and value of the text before him. But this policy has now been reversed and the introductions to some of the later volumes, for example Miss Putnam's to her *Yorkshire Sessions of the Peace*, and Dr. Purvis' to his *Select Tithe Cases*, do help the reader to understand the texts, and to use them for their own special interests. If what follows has the result of making local historians seek out information for themselves from the four volumes of *Star Chamber Proceedings*, I shall have succeeded in my object in writing this pamphlet.

. . . . . .

No one set of records gives a complete picture of an age, for one record must be checked and controlled by another. But perhaps no single class of records gives a more complete and many sided survey of the Tudor scene than the variety of petitions, answers, replications, depositions and commissions which make up the Star Chamber records. Before we can see what light these records shed on Tudor Yorkshire, it is essential to understand what the Star Chamber was, and how it worked.

The fifteenth century in England was an age marked by " lack of good governance ". There were plenty of good laws and statutes; it was the machinery for their enforcement that was lacking. Broadly speaking, this depended on the visiting judge and the local jury. Before a criminal could be tried, he had to be arrested, quite often by an amateur constable. He had then to be detained, either under good surety or in the local county gaol, until such time as the judges of assize came to the county. Very often the village constable would follow Dogberry's advice and let him go, and thank God he

was rid of a rogue. Even if the constable did his duty, it was quite likely that a venal gaoler or sheriff's officer might connive at the prisoner's escape. When the prisoner was brought to trial there were still more hurdles to surmount. The grand jury, the men of the wapentake, must present him, either of their own knowledge, as suspect, or, if he were accused by a private accuser, must find a true bill against him. Then, if he pleaded not guilty, a jury of trial, or, to speak technically, a jury of traverse, would have to find him guilty or not guilty. Either of these juries might be corruptly chosen by the sheriff, or the jurors might be bribed or intimidated. After all, they were men of the neighbourhood, and would have to live with the friends and supporters of the accused. Small blame to them if they feared the wrath to come and found a perverse verdict in the teeth of the evidence. Well on into the Tudor period a witness could say in a Star Chamber case that many of Sir Henry Tempest's servants had been indicted, but he never yet knew of one that had been convicted. Some readers may remember a similar breakdown of the jury system in Ireland during the period after 1918.

Faced with this situation men either fell back on the doctrine of self help, which only made matters worse, or sought the help of some more powerful or efficient tribunal. This they found in the council of some great magnate, for example, the Earl of Northumberland or the Duke of Gloucester. These councils contained enough professional lawyers to be able to decide on points of law, and their masters had enough local power to enforce their decisions. The local malefactor, who could intimidate the small man who served on a jury, was not likely to try to intimidate men backed by the authority of a Percy or a Neville. Some men even went further than this and appealed to the council of the greatest magnate in the realm, the King himself. Hence, when Henry VII came to the throne, it was already a well-established practice for a steady stream of petitions to reach the King's Council from a variety of persons to whom the common law would not, or, for the reasons given, could not, afford a remedy.

It is against this background that we must see the famous act *Pro Camera Stellata* of 1487. The preamble to this act gives a vivid picture of the evils it set out to remedy. "Whereas . . . by unlawful maintainances, giving of liveries signs and tokens, and retainders by indentures . . . oaths . . . and otherwise ; embraceries of his subjects, untrue demeanings of sheriffs in making of panels and other untrue returns, by taking of money by juries, by great riots and assemblies, the policy and good order of this realm is almost subdued . . . to the increase of robberies, perjuries and unsurety of all men living and losses of their lands and goods". The act goes on to empower the Lord Chancellor, the Lord Treasurer and the Lord Privy Seal, or any two of them, associating with them a bishop and a temporal lord of the Council and the Chief Justices of

King's Bench and Common Pleas, or in their absence, any two justices, to call before them any person accused of any of the offences mentioned in the preamble, and punish them according to their deserts. A later act in 1529 modified the composition of the Court, its main effect being to add the Lord President of the Council. There has been much learned controversy about the exact meaning of these acts, both in the seventeenth century and in our own day. Fortunately this need not concern us. It is sufficient to state, in general terms, that the effect of the two acts was to establish what, in modern parlance, we should call a committee to deal with one class of the varied business which came before the Council. This "committee" took its name from the room in the palace in which it met.

Proceedings in a Star Chamber case began by the plaintiff issuing a petition, addressed to the king or the chancellor, setting forth his grievance and praying for a remedy, almost invariably that his opponent should be summoned to appear before the Council to answer the complaint. In the fifteenth century a sergeant-at-arms was sometimes sent to arrest the defendant, but the usual method was by the issue of a writ of subpœna, commanding the appearance of the defendant under penalty (*sub pœna*) for non compliance. Sometimes subpœnas were served by officers of the court, but more frequently it was the petitioner's business to serve the writ, a process often fraught with difficulty, and sometimes with danger. A Lincolnshire petitioner sent his son to serve a subpœna, and the incensed defendant made the lad eat it.

The petition often bears an endorsement noting the issue of a subpœna for the appearance of the defendant at a stated time. Though some petitions may have been written by the party, they were usually professionally drafted, and often bear the name of the counsel who drafted and presumably submitted them. Some of the Yorkshire petitions bear the name of Robert Aske, the leader of the Pilgrimage of Grace, who, we know, "had his living in Westminster Hall".

Having been served with his subpœna the defendant had to appear at Westminster, at first in person, though later appearance by attorney seems to have been accepted. He then put in his answer and was required to take the oath and answer interrogatories based on the petition. It was in this that the Star Chamber differed most widely from common law. So far from being compelled to give his version of the facts on oath, a defendant at common law was not allowed to do so until the latter part of the nineteenth century, and is not, even today, a compellable witness. The lawyers of the seventeenth century held that the defendant's reply might be a plea to the jurisdiction of the court, or a demurrer, or an answer. This must have come in with the development of costs, for in many Tudor cases the defendant does all three, by some such reply as

this : " the said bill is uncertain and insufficient to be answered unto (demurrer) and the matters therein contained determinable at the common law (plea to the jurisdiction). Nevertheless for declaration of the truth he saith that . . . (answer) ".

The next stage was the examination of witnesses. This was usually done on commission and not by summoning the witnesses to Westminster. A list of interrogatories was drawn up by counsel on behalf of each of the parties, and a commission issued by the court, usually to two or more local justices of the peace, instructing them to put these questions to the witnesses, on oath, and return their answers into court. Then a day was fixed for hearing counsel on both sides, mainly for questions of law, not fact, and finally a day was set for the hearing of the decree of the court. Occasionally the proceedings were complicated by the issue of further documents by both parties. Sometimes the plaintiff expands his original petition and traverses some of his opponent's statements in a *replication*. To this the defendant responds in a *rejoinder*, and they may even go on to a *rebutter* and a *surrebutter*. Our collection gives several examples and these later stages became more common in the age of the Stuarts.

The books in which the decisions of the court were entered have disappeared, and we are therefore usually ignorant as to the result of a Star Chamber case, unless the decision is mentioned in a letter, or the proceedings in another court, or some similar document. This is annoying ; one would like to know what happened in some of the Yorkshire cases. But to the social historian the result is the least interesting part of the case. It is in the vivid phraseology of petition and answer, in the picture etched by the words of a witness, and, above all, in the general impression that forms in his mind as case after case unfolds its story, that the local historian reaps his reward for a study of the work of the Star Chamber.

" I will make a Star Chamber matter of it," says Justice Shallow; and, indeed, it was easy enough to make a Star Chamber matter of most things. One could always allege that one's adversary was " a man of great haveage and well-friended ", whereby the petitioner was not likely to get justice. An alternative plea was that a jury had been bribed or intimidated, and, of course, there was always riot. A common law matter, such as a dispute over a right of way, could easily lead to a brawl and a petition alleging riot. A man whose cow has been distrained may go with a friend and take it from the pound. Rescusse and pound-breach are well-known offences at common law, but the aggrieved party may prefer to consider it riot, and petition the Star Chamber. It was no dearer, possibly cheaper, than to begin an action at common law.

Hence we must beware of thinking of the Star Chamber as solely concerned with important matters, or the misdeeds of important people. Too much stress has been laid by historians on the use

of the court "to stamp out livery and maintainance" and its punishment of such offenders as the Earl of Oxford or the Earl of Northumberland. It is perfectly true that in the Yorkshire cases we frequently meet such names as Percy, Constable, Gascoigne, Fairfax, Cholmley and Saville. But side by side with them we find innumerable obscure and humble people. The quarrels of John Johnson of Beverley with his mother-in-law, the matrimonial troubles of John and Isabel Rooke, or the troubles of Robert Goldsborough, the fishmonger[1], and many other suits are the sort of quarrels and disturbances which would, today, be settled in any Petty Sessions or Stipendiary Magistrate's court. It is, of course, to the advantage of the historian that the court should have cast its net so wide. It means that its records give us a real cross-section of social history.

It is inevitable that the first impression of the student of Star Chamber records should be one of an intensely lawless land. Men go about armed, if not "with swords, daggers and bucklers", at least with "piked staffs", and an iron-shod staff might be a formidable weapon. Their tempers are not under control and a trivial squabble may lead to serious results. Local and personal loyalties are strong and a fight between two men can soon develop into a general brawl. The great magnates may act with perfect propriety, but they cannot always control their servants. Professor Neale has recently shown us that "clientage" was a feature of Elizabethan social life. The great landowner has not only a large number of domestic servants, but very often his tenants are prepared to support him. Saville, in a squabble which begins with a poaching affray, can turn out the whole of Hallamshire.

The gentry still felt, on their side, an obligation to their followers. They go bail for them, they support them if they are indicted, and even find them shelter and protection if their enemies, or the law, press hard upon them. The gentry themselves are often as quarrelsome and hot tempered as their inferiors. Shakespeare had no need to draw on his imagination for the first scene of *Romeo and Juliet* or to go to Padua for his material. Brawls flared up as quickly in Tudor York, and feuds as bitter and violent as that of Capulet and Montague existed between Yorkshire families.

A good example of a local feud is that between the Percies and Constables. The origin of the feud is uncertain. Old Sir Marmaduke Constable and Sir William Percy had been joint commanders of the left wing of the English army at Flodden in 1513, and Percy married Agnes, Constable's daughter, and was therefore brother-in-law to Sir Robert Constable. The feud may have been a family quarrel, but it certainly had lasted for several years before it finally flared

[1] *Yorkshire Star Chamber Proceedings*. I, IV, 36. I, 137.
Henceforward references to this work will be by volume and page only.

up over the " affair of the lost buckler " in 1534.[2] It seems that one George Simpson found a buckler by the road side and sold it to Amos Burdett (alias Bannaster), a servant to Sir William Percy. Burdett wore the buckler a little later at Driffield Quarter Sessions, where Christopher Constable challenged his right to it. High words followed, but the buckler was not handed over. Later, at Warkworth, there was another squabble about it, and the Earl of Northumberland (probably the 6th Earl, Sir William Percy's nephew) at Sir Robert Constable's request, sent instructions to Burdett to give up the buckler, which he refused to do without the orders of Sir William Percy. Matters stood thus when Burdett went on his master's business to York Lent Assizes in 1534 and lodged at the house of one Leonard Permelay, a common inn or lodging house, near the Grey Friars. Two of Constable's servants, Savage and Brewer and three others, went and lodged at the same inn, which, according to the plaintiff, was not their usual port of call in York. After supper the almost inevitable row began. Invidious comparisons were drawn between Percy and Constable by Savage. Burdett said he " could not bear the sight of Sir Robert Constable ". It ended in Burdett punching Savage's head, and Savage going for Burdett with his dagger, but they were parted. Next day, which was Tuesday, Brewer went, according to the plaintiff, to Sir Robert's home at Holme-on-Spalding-Moor, and there recruited about fourteen of his servants and men, including his son, Thomas, and his nephew, Christopher. There were also, perhaps, a few more of the Constable clan—little Robert Constable of Beverley, Constable of Cliffe, and Constable of Hatfield, though the defence denied this. They stayed at the house of John Hewetson adjoining the Whitefriars, which lay between Hungate and Fossgate. There on Wednesday morning they lay in wait for Burdett and his fellows, and at eleven in the morning attacked them without warning, slew Burdett and wounded his companion Gibson, and a little later attacked two other Percy servants, Thomas Constable and William Dere. An unfortunate person called Henryson seems to have been mixed up in the fray and was also wounded. After the fight six of the Constable clan slipped through the back door of Hewetson's premises into the Whitefriars, where they took sanctuary. The rest—Constable of Cliffe and his servants, and little Robert of Beverley with his servants escaped from York.

The refugees in the White Friars were visited and comforted by Lady Constable. Later, because they were allowed to frequent the garden and other parts of the White Friars where there was no right of sanctuary, they were committed by royal mandate to the common gaol, the Kidcote on Ouse Bridge, where in the words of the plaintiff " they lye at large and pleasure ". Judging by other accounts of the Kidcote, one is more inclined to accept the defendant's version at this point, " a very straight and unhealthful

[2] III, 18.

prison ". This seems to have been a form of what would today be called " protective arrest ". According to the plaintiff the criminals were visited and comforted by various members of the Constable clan, who, by influence and bribery amongst the citizens of York, ensured that no coroner's jury would find a verdict of murder.

Naturally, the defence put a different complexion on things. Burdett began the fray, it was alleged, and Thomas Constable, Sir William Percy's servant, changed his ordinary sword for a great two-handed sword on the morning of the affray. One strong point and rather an amusing one, made by the defence, was that if Constable had intended to attack Percy, he could have done it better nearer his house at Holme, which Percy frequently passed, and he would not have been so unnatural as to let his son go to York " with so small a company " to attack the Percies there, where Sir William had many retainers. He would have sent more men, having many Constable servants " more meet to be put in jeopardy than his son and nephew ". As usual we do not know the result, but the picture of York at assize time is interesting. Also, it brings out clearly the lack of control exercised over their followers by the local magnates. Both Constable and Percy seem to have restrained their followers as far as they could.

Another picture of a fray in the streets of York is given in Delariver and Barton.[3] This seems, at bottom, to have been a crime passionelle. Delariver, a contentious person, much given to Star Chamber and other litigation, alleged that, when he was on service in Scotland, Barton had seduced and eloped with his wife, taking with her a large quantity of household gear. The result was, naturally enough, a deadly feud, which finally flared up at York, where Barton with seven followers attacked Delariver with five, and Richard Wyldon, one of Delariver's servants, in self defence, seriously wounded William Wyldon, his kinsman, one of Barton's servants. William was carried from place to place by Barton, " by reason of which carriage and mysorder he dyed ". Barton secured the indictment of Delariver, Richard Wyldon and Thomas Slater by a coroner's quest sitting in his own house at Whenby, and they were arrested but subsequently released on bail.

The defendant's story, whilst denying most of the allegations, throws more light on the fray at York. His version is that he went to the summer assizes at York to sue a complaint for enclosure against Slater. The plaintiff and nine followers, well armed, laid in wait for Barton on the night of Wednesday after Lammas, in the market, but missed him. However, they were up early next morning and about five o'clock lay in wait for him at Peasholme Green. After some time they moved on to Aldwark, and then, after waiting two hours or more, met Barton and five of his servants. They

[3] II, 67.

wounded Barton; Wyldon, as we have seen, died of his wounds; and Stockdale, another of Barton's servants, was so badly hurt that he was " more lyke to dye than to lyve ". One gets the impression that, in this case, the plaintiff was trying to get his blow in first, and anticipate a complaint by the defendant. Both these are examples of real feuds, in which, for some reason or other, there was hatred between two families, which flared up every now and again in fighting and bloodshed. Another feud which led to numerous Star Chamber suits was that between the Savilles and Tempests.

But by no means all the riots and frays were the result of family feuds. Another frequent cause of trouble was the question of wardship and marriage. If a man held any land by military tenure, even though it only formed a minute fraction of his estate, the Crown, on his decease, claimed the right of wardship of his heir or heiress, if under age. Usually this right was sold by the Court of Wards and Liveries. The purchaser often made a good bargain for not only did he administer, and frequently waste, the lands of the manor, but he could also bring pressure to bear on the heir, or heiress, to marry whom he chose, —generally a member of his family. It was a good way of providing for a younger son or daughter. By and large, marriage in all grades of Tudor society was a business matter, in which dowers and jointures, rather than the wishes of the parties, were considered. Hence the frequent cases of abduction and ravishment of ward which engaged the attention of the Star Chamber.

Sir Robert Constable figures in a typical instance.[4] In April 1524 there was living at Bishop Burton, Anne Cresacre, or Rokeby, in the mansion house rented by Ralph Rokeby, Attorney of the Duchy of Lancaster, from Wolsey. Anne's father had died when she was barely a year old, and Rokeby, possibly by a corrupt bargain with Baresford, a lawyer who married Anne's mother, and, it was hinted, was keeping a goodly part of Anne's inheritance for the term of her mother's life, had taken possession of Anne, and married her at the age of nine, or thereabouts, to his son John, who was about the same age. On this April day, Sir Robert Constable, with a hundred men (according to Rokeby), came and virtually laid siege to the manor house, broke the doors, assaulted Thomas Morley, the household chaplain, and carried Anne away. He took her to the house of Brian Hastings who was a connection of Anne's, and thence to John Nowell's house, where he married her to his youngest son, Thomas, aged about eleven or twelve. Constable, of course, minimised the affair. He had only had ten servants with him, the chaplain had fiercely attacked him and the one man he took into the house with him, and had merely been given a blow with the flat of a sword to quieten him. Anne, who hated young John, had gone with him willingly enough. In any case, Rokeby

[4] IV, 28.

had concealed the fact that Anne should have been a royal ward, and on declaration by Constable the Crown had committed her to him. Poor little Anne! She had already, it would seem, been similarly abducted by Sir John Dunham. Nor was she destined to marry Thomas Constable. Her wardship finally passed to Sir Thomas More, who married her to his son Peter, and so she sits, a demure little figure, in the background of Holbein's famous picture of the More family, then aged fifteen, as the notes on the Basle sketch tell us. The artist's study of the head is in the Royal Collection at Windsor;[5] the original painting has disappeared, but there is a fine copy at Nostel Priory.

The whole story throws a vivid light on one aspect of Tudor Yorkshire, and of the life of the landowning classes. Even comparatively humble and obscure people, however, ran the same risks. Robert Dyon, a poor serving man, being contracted in marriage with Margaret Normanton, left her in service with Sir Edward Maddison of Caistor (Lincs.) and went to seek his fortune, promising to return and marry her soon. During his absence she was abducted by Guy Sotherby of Halton (Lincs.), taken across the Humber and privily married to Thomas, his son, who speedily consummated the marriage, though his bride was only 'thirteen.[6] This was perhaps the chief grievance, for most of these child marriages were *per verba de futuro*, i.e., really betrothals. They were seriously regarded by the Church, but could be denounced by either party on reaching years of discretion, unless consummation had taken place.

It was not only children who were abducted. The case of Salvayn v. Milner concerns the alleged abduction of a woman from her home at Newbiggin in Eskdale[7]. The case is an extremely vivid and amusing one, especially in the different complexion put upon the facts by the defendant, but it is too long to quote here.

The first half of the sixteenth century was a period of inflation, which probably pressed hard on landowners whose land was let to customary tenants or on lease. On the other hand, the actual farmer was usually doing well, as prices were steadily rising. Hence there arose a lot of trouble which is reflected in the cases before the Star Chamber. Some landlords tried to improve their position by enclosing land. Sometimes this was to make parks, or, towards the end of the period, for the building of new mansions, as at Burton Constable. Sometimes the enclosure was of common land, which the landlord wanted to turn into a private sheep-run, or possibly convert to arable. Other landlords sought to improve their finances by trying to convert customary tenure into tenure at will, or by increasing the " gressom ", or fine paid by a customary tenant on taking up his holding. This was one of the grievances which led to the Pilgrimage of Grace.

[5] The portrait of Anne is beautifully reproduced in K. T. Parker, *Holbein Drawings in Windsor Castle*. (Phaidon.) [6] I, 118. [7] I, 14.

A large proportion of the cases in Star Chamber were, at bottom, riots about enclosure. Quite early in the period Miles Wilsthorpe caused trouble by an enclosure at Wilsthorpe, near York. This seems to have been a park enclosure, for Wilsthorpe complained that the palings had been torn down, his fishponds emptied, and his deer chased.[1] At Carlton Husthwaite, on the other hand, we have a clear case of enclosure of common. Canon Cuthbert Marshall, prebendary of the prebend of Husthwaite, claimed that his tenants of Carlton had always had common of pasture in the " woodes and moores called Langalle and pastures and fields of Thurkilby " until John Dawnay enclosed 200 acres at Langalle, not leaving sufficient pasture for the cattle of the men of Carlton.[8] The churchman was not always to be found on the side of the claimants for common. Marshall's fellow canon, Henry Machell, prebendary of North Newbald, was forcibly driven from his rectory of North Newbald by the enraged villagers, after a riot in which one man was killed.[9] The evidence, naturally enough, is conflicting, but there is no doubt that the cause of the trouble was a dispute over whether the tenants had the right to dig turves in part of the commons. It rather looks as if Machell were trying to stop a customary right, which, whether usurped or not, had been exercised for some time.

A somewhat similar case occured at Sitlington near Dewsbury. John Cotes, Lord Mayor of London, who had invested some of the money he had earned as a salter in the purchase of this manor, complained of the seizure of the beasts of his farmer by several of the tenants.[10] Here the case hinged on the exact status of a common called the Strennes. The tenants said that this was tenant-common, and that they were used to meet on May 3rd each year and divide it out according to the amount of land each possessed. The occupier of the demesne had no rights in the common. They found that William Whetely, Cotes' farmer, had put two bullocks and four heifers on the Stennes, thereby getting the best of the eatage so they drove the beasts to Pontefract (being tenants of the Honour of Pontefract) and impounded them there. This seems to be a case of a new owner trying to encroach on common rights.

An interesting case of customary tenure occurred at Sleningford near Ripon,[11] where Thomas Player complained of riot, wounds, and forcible disseizin of 40 acres of land, 10 acres of meadow and 20 acres of pasture, which he had by lease of Fountains Abbey. Stell, the defendant, alleged that he and his forebears were the lawful customary tenants of the holding and that, so long as he paid his customary rent of 23s. 4d. and other accustomed services, he had what amounted to a freehold. It looks as if the abbot were trying to get rid of a customary tenant in favour of a tenant on lease.

[8] I, 53. [9] III, 51. [10] I, 78. [11] IV, 68.

Enclosures, however, were not always recent or the work of the rich. We frequently hear of small closes of a few acres which may well have been enclosed many years before the Tudors. Especially in the North and West Ridings, there was plenty of moorland which could be improved by an energetic man. It was one of the numerous accusations against Sir Richard Tempest, that, having the right to lease such waste lands within the royal manor of Wakefield, of which he was steward, at an accustomed fine of £1 an acre and 4d. per annum rent, he had been in the habit of returning smaller acreages than were actually let and falsifying his books.[12] The examination of witnesses shows that they were quite small amounts: Richard Longbotham had half an acre and half a rood, without over-measure. John Naylor, a chantry priest of Heptonstall, had 4 acres, and 2 acres overmeasure. Robert Bryghouse of Hipperholme had two and a half, with five acres overmeasure. Some of these men were building up small holdings. William Riley, for instance, deposed that he had taken ten acres at various times. Obviously, too, there was a certain amount of co-operation. Richard Medley, Richard Northend and Robert Dickinson admitted having taken eight and a half acres before Tempest became steward, and had recently taken from Tempest a further three and a half acres overmeasure and paid him £3 10s. 0d. fine; but, although they had been in occupation for two years, they had not been formally admitted copyholders. The value of the land varied from 6d. to 8d. an acre. Some of the smaller intakes were for tulling mills[13] and perhaps for tenting grounds.

The value of this agricultural activity is shown in a case from Erringden near Heptonstall. Here, as appears from a petition by Thomas Wyatt,[14] Richard, Duke of York, had made a park about 1450, which had subsequently been " put to tillage and husbandry " Wyatt had a grant of it by patent in 1535. When he sent two servants to collect the rent, the copyholders rioted and drove them out of the village. The answer of the accused throws a flood of light on conditions in fifteenth century Yorkshire. According to them, Erringden in Richard of York's time was " a wilde grounde out of all habitation, dwellying houses, or use of tillage or husbandry, lityl worth in yerely rent to the said Duke ". He, therefore, by the steward of his manor of Wakefield, John Savage, granted the land to several persons to hold by custom of the manor, whereby his rents were increased by £24 per annum. The tenants built houses at their own costs " where there was none before ", so that within a short time there were 60 householders and 360 men, women and children " that have theyr dayly living by their labour there ". The details of the case need not be discussed as the part which interests us is not in dispute. Wyatt did not contest the story of the growth of Erringden. Here then we have a clear description of

[12] II, 46. III, 56. [13] III, 113. [14] III, 71.

the growth of a sizeable village from what was almost, or quite, completely waste land, in the latter half of the fifteenth century. We have heard much recently of the " lost villages ", and it has been suggested that the latter half of the fifteenth century was the time when many of them disappeared. It is as well to realise that it was not a one-sided process. If villages were decaying in some places, they were coming into existence in others. Another interesting point is the indication this case gives of a certain amount of co-operation. It would be absurd to think of the peasants of Erringden as a group of partners who made a commercial bargain with the steward of Wakefield. It is not so wide of the mark to compare them with colonists who take over unoccupied territory, and partly by individual effort and partly by neighbourly help bring it into cultivation. The parallel with nineteenth century Canada or the Middle West is obvious.

It has been suggested that some of these intakes may have been tenting grounds. The use made of others is brought out in a case at Copmanthorpe, near York. If we accept the classical description of the three field system in its entirety, we are bound to conclude that a mediaeval village only produced wheat, barley and oats. Rye could be grown instead of wheat, or mixed with it as maslin, though I have always thought it must have been a tricky crop to harvest, unless mediaeval rye matured later than the modern varieties. Still, it is certain that it was grown, sometimes in large quantities. Other crops regularly grown were peas and beans. Where ? They are spring-sown crops, and presumably a peasant could sow a strip in the spring field amongst the oats and barley. But it would not be easy to get at it to harvest it. There might, of course, be a general agreement to reserve an accessible corner of the fields for these crops.

At Copmanthorpe it seems to have been the custom to plant peas and beans in small enclosures. We see John Wilkinson leasing Ortwhat Close from St. Helen's day till Lammas for beans, and John Cotes taking half an acre to sow peas upon for one crop, and a " land end " containing about half an acre for the same purpose. Thomas Johnson, the village smith, also took an acre on the same terms.[15] The point at issue in this case is interesting. Sir Nicholas Fairfax alleged that this sub-letting by his tenant, Richard Morton, was illegal, because thereby " the land of the said Sir Nicholas was like to have been put out of knowledge." He also accused Morton of farming badly.

A glimpse of a different type of farming comes from Ryehill in Holderness. William Grimston of Garton leased a messuage and lands with the milk and profits of 24 cows for six years to Albert

[15] IV, 22.

Jackson for an annual rent of £8. This looks rather like a dairy farm.[16]

The cases quoted will have shown that the manor was by no means a moribund institution in Tudor Yorkshire. There are frequent references to the custom of the manor, and to the holding of a manor court. Often the holding of a manor court was the occasion for riot, for if the title to a manor were in dispute it was an advantage to either party to prove he had held the court. Hence attempts, often frustrated by violence, to steal a march on the opposition and hold a court. The manor court was probably open to abuses, especially if it was left by an absentee landlord, as it usually was, to be held by a steward. These abuses might be on a large scale, as in the case of Tempest and the huge royal manor of Wakefield. Sometimes there was trouble between employer and steward, as at Howden, where Sir Robert Constable, who had been appointed steward by the Bishop of Durham with a salary of eleven marks per annum, claimed that his wages were in arrear and distrained the cattle of the unfortunate tenants.[17] On a much lower plane were the activities of William Hambler of Burstwick, described as a " bracer, facer, maintainer and setter forth of all evil and broken matters, a common quarrel picker, peace breaker and wondrous seditious ", who expelled Widow Green from her tenement and persecuted her in various ways. He was foreman of the manor court jury, and seems to have picked it in order to get Widow Green's tenement for one of his cronies.[18]

Most of the cases in the Yorkshire volumes deal with the period before 1540 and therefore can be expected to throw some light on the last days of the Yorkshire monasteries. The monasteries appear often enough, in one capacity or another, before the court, and two points emerge very forcibly. One is that the monasteries had definitely fallen into the position of rentiers by the period of the Star Chamber. We hear much about their farmers and tenants, but nothing of their own agricultural activities. It is true that the prior of Newburgh was accused of encroaching on the forest of Galtres at Oulston, near Coxwold,[19] but it seems reasonably certain that the enclosure was an ancient one, and was not within the forest. It is probable that the immediate precincts of monasteries were still farmed under the direction of the monks, but they had ceased to farm the outlying properties. Nor was it only their lands which they were letting to farm. A fair number of riots arose over the question of tithes. They usually conform to a definite pattern: the tithe gatherers are set upon " beaten, menaced, and put in fear ". It seems to have been somewhat a matter of chance whether the victim sued for remedy in the Star Chamber or the Ecclesiastical courts, for it should be noted that after 1537 the Council of the

[16] IV, 94. [17] I, 55. [18] I, 147. [19] III, 184.

North, drew off an incoming amount of business formerly handled by the Star Chamber. The only point that concerns us here is that the plaintiff is invariably a layman, although some of the cases arose in parishes appropriated to monasteries. The conclusion is obvious: the monasteries were farming their spiritualities as well as their temporalities. The lay rector was certainly not a product of the Reformation.

The abbots of the greater monasteries were regarded as the equals of the great landowners, and sit with them on various commissions. They frequently appear in the commissions to hear evidence, and report, which were issued by the Star Chamber. The abbot of Meaux, Kirkstall, Fountains and Byland, are amongst those thus used by the government.

There is not much evidence to show whether the monasteries were better or worse landlords than laymen. There are some indications that Fountains and Kirkstall were trying to convert customary tenures into something more favourable to the landlord and that Byland was trying to increase the very small gressoms paid by some of its tenants.[20] The abbot of Fountains, indeed, was accused by John Norton of a piece of very sharp practice. He said that the abbot (Huby) granted him a ninety-nine year lease of certain lands in Linton for a fine of £10 and £4 6s. 8d. which was an increase of 26s. 8d. on the old rent.[21] There was a penal clause that if the rent were in arrears, the abbot could re-enter. When Norton offered his rent to the receiver he refused it, saying he would come for it later. This brought the penal clause into force and the abbot ejected Norton, with the intention of getting a greater fine from a new tenant. The abbot merely denied the whole story, and we have no depositions. It is therefore impossible to guess how far the accusation was justified.

The relations of the abbot of Whitby with his neighbours seem to have been hardly amicable. It seems that the men of Whitby, and of all harbour towns, were wont to make merry with bonfires on midsummer eve and the eves of St. Peter and St. Thomas and to have carried before them on a staff half a tar barrel burning, and to drink and make merry at each bonfire with songs and other pastimes. On St. Peter's Eve these pleasant proceedings were rudely interrupted by the servants of the abbot who attacked the revellers with sticks and staves. The abbot apologised, and said he would give the fishermen half a barrel of beer on St. Thomas' Eve. But alas! when the good men of Whitby, having enjoyed themselves in the town, began to go up the hill to drink the promised beer, the servants of the abbey rolled great stones at them, and again attacked them with sticks and staves. Probably all parties had been celebrating too freely, but it looks as if there were some old feud between

[20] III, 12. IV, 1. [21] III, 159.

them.[22] In other respects, however, the abbot of Whitby was willing to co-operate with the townsmen. There was a little matter of dealing with French pirates who had taken the ship *Jesus* of Danzig, in the Humber, and brought her to Whitby, where the abbot and others bought the ship and cargo.[23]

The last years of Whitby Abbey are illuminated by a curious petition amongst the Star Chamber records. It is very incoherent but it suggests that the abbot had gone to London and, in his absence, things were going badly in the abbey, probably owing to the interference of Gregory Conyers. Sir Francis Bigod had held the stewardship till his execution in 1537. The reversion had, it seems, been promised to Conyers by the Earl of Northumberland, the founder's descendant, but the king gave it to Sir Ralph Eure. The monks probably took sides in the ensuing squabble. The main concern of the abbot seems to have been to feather his own nest and we find him writing to Cromwell in 1538, asking to be allowed to resign on a pension of £40 and the cell of Middlesbrough, worth £12, to find himself, his chaplain and his servants in food and clothing. Whether he got the £40 is uncertain. He was certainly in occupation of the Middlesbrough property till his death in 1557, an interesting commentary on the "age and feebleness" which he pleaded on resigning.[24] His successor duly surrendered the monastery in 1540.

In these last days of monasticism there are other indications of lay interference in the monasteries. The Earl of Rutland, who had inherited the Espec-Roos property, and with it the patronage of Rievaulx, seems to have forced the abbot to resign. But the rights of a monastic patron stopped short at nominating a new abbot. The abbot had to be canonically elected by the monks, and the community of Rievaulx checkmated Rutland by refusing to elect.[25] The Star Chamber case gives a tantalising glimpse of an impasse with no hint as to how the matter was settled.

We know that the hints of dissolution led many monasteries to grant leases of land, so much so that the Suppression Act of 1536 contained a clause voiding all leases made within the year before the act. It may have been some idea of this sort that led Dom Hugh Brown, a monk of Furness, to get possession of the convent seal during a vacancy in the office of abbot and seal sundry blank leases. He then proceeded to hawk these leases to various landowners, who took them in good faith and paid over the extra fines, which Brown presumably kept. Naturally this caused a great upheaval on the lands of Furness, as there were often two leases in existence for the same property. One of the few good deeds recorded

[22] 111, 198. [23] *Yorks. Arch. Journal.* 11, 246.
[24] IV, 145. [25] 1, 48.

of Layton and Lee, the notorious agents of Cromwell in the suppression, is that they "committed Brown to warde."[26]

The role of the monasteries as places for the deposit of title deeds is not illustrated in the Star Chamber records, though the Chancery Proceedings bear testimony to it. One case seems to indicate that the prior of Bridlington had lent cash to the Constables of Flamborough and had occupied land at Folkton as security for repayment.[27] On the whole, whether as landlords or neighbours, monasteries seem to have been no worse, and perhaps a little better, than laymen. They had the qualities and defects of corporate landlords; their policy was a little steadier than that of their lay contemporaries. A spendthrift heir could press hard on his tenants and reverse family policy. So, too, could a spendthrift abbot. But, of the two, the abbot was more likely to consider himself as a trustee of the property. We get an indication of this in a case in which Guisborough was concerned.

Hitherto we have been mostly concerned with rural matters, but the towns with their problems of municipal government and trade brought their quota of cases. Normally the city authorities dealt with lawbreaking on the part of their citizens; but if a case arose in which the governing body of the town itself were concerned, and some of its officers were accused of partiality, then the aid of the central courts might be invoked. One such case was the great quarrel over the government of the guild of St. Christopher and St. George at York in 1532.[28] It was alleged that Ralph Pulleyn and Ralph Simpson, as masters of the guild, had embezzled the funds and goods, with the aid of Thomas Thornton. All these were prominent members of the governing clique of York, and Simpson and Pulleyn were both aldermen. The mayor and council disfranchised them for refusal to have their accounts audited. The case was fought with the utmost bitterness; answers, replications, rebutters and surrebutters were made; it is, in fact, by far the most complete and elaborate case in the whole series. There were cross-petitions in Chancery, and Thornton brought a separate action in Star Chamber. A considerable quantity of dirty linen was washed, the character of Elizabeth Dodgeson was aspersed, and a large number of witnesses were examined. It certainly seems as if Pulleyn and Simpson, to say nothing of Thornton, had been lining their pockets from the guild funds. As one witness put it, "before they were masters, he did know Pulleyn and Simpson for verray poor men, and since that tyme they have presumed to bere the rowmes of Shereffs and Aldermen of the citie of York". In fact the whole case throws a rather lurid light on the management of a wealthy religious guild, with all sorts of accusations bandied about, from purloining guild funds to having private banquets on the guild's venison. The curious thing is that the protagonists on

[26] IV, 136. [27] III, 182. [28] II, 13.

both sides continued to serve on the governing body of the city. Pulleyn became Lord Mayor in 1536 and William Dodgeson, whose wife has been mentioned, and who was brutally referred to as "Dodgeson the cuckold", followed him in office in 1540. The citizens of York must have been either amazingly tolerant or extremely cynical. But the case must have given the ale-house gossips plenty of scope for discussion and comment while it lasted.

There was also a lot of trouble at Beverley. The peculiar position of Beverley in relation to the archbishop, and the presence in the town of a large number of sanctuary men, many, doubtless, real criminals, must have made it a fairly turbulent place. At intervals, too, in the Middle Ages, there had been bad blood between the townsmen and the canons of the minster. Superimposed upon all this was a certain amount of friction between the archbishop and the Earl of Northumberland, who was a near and powerful neighbour of the town. Somewhere about 1528, we find Wolsey complaining that his nominee as town clerk had been dismissed from office by the Percy faction, and the bailiff of the provost had been "beaten up" for not avoiding the company of the disgraced town clerk.[29] I doubt if this need be taken too seriously. Northumberland returned a reasonable answer to the long list of complaints made by Wolsey, and we know that about that time Wolsey and his master were trying to find some stick with which to beat the Percies.

A little later, trouble flared up again, this time with Sir Ralph Ellerker in the lead. Ellerker was certainly opposed to the archbishop but whether he was playing his own hand, or was backed by Northumberland is not certain, though the former is more likely. He took a house in Beverley, and having thus obtained a "property qualification", got himself elected one of the twelve governors of the town in 1534. It was a rule that governors were not immediately re-eligible but, when the elections for 1535 came on, on St. Mark's Day April 25th, Ellerker decided to stand again, and, by kidnapping the leaders of the opposition and a fair amount of intimidation, secured his re-election along with seven of the retiring governors.[30] The archbishop declared the election null and void, and ordered the burgesses to give no obedience to the new governors pending the report of a commission of local justices of the peace. The commission, however, decided it would be safer not to go to Beverley and did nothing, whilst Ellerker and his supporters had a merry time poaching the archbishop's preserves in Beverley Parks, where they killed 200 deer. The archbishop petitioned Star Chamber, which found in his favour, and presumably his nominees were put in as governors.

In 1536, anticipating trouble, the archbishop decided to postpone the elections, and ordered the governors, now presumably

[29] II, 96. [30] II, 99.

his supporters, to lock the guildhall. However, the opposition held a tumultuous meeting outside the guildhall; some of them broke in either by making a hole in the roof, or by an unlocked back door, and rang the common bell.[31] They then proceeded to elect the governors, and compelled the aged town clerk, whom they fetched from his house, to enter the names of the newly elected governors in his books, and to proclaim them in correct form. In their reply the ringleaders naturally minimised the turbulence of the proceedings, and stressed the prevalent local opinion that, if an election were not held on St. Mark's day, the town would lose the right of electing its governors for ever. It is noticeable that Ellerker does not appear on this occasion, and the riot looks more like a genuine popular uprising against a governing oligarchy. In any case it is not difficult to understand why Beverley played such a leading part in the Pilgrimage of Grace, which broke out a few months later.

The town authorities did not always succeed in keeping order, even on less turbulent occasions. Quite apart from the frays of local magnates, we catch glimpses of forcible ejection and street brawls in Beverley and York. We see Robert Philips lying in wait in the churchyard of Wakefield to murder John Jepson[32] and succeeding in his purpose, though a jury were inclined to regard it as chance medley. These lesser folk, too, had their other troubles, which occasionally engage the attention of authority. James and Isabel Rooke of Wakefield were an ill-assorted couple. He complained of her adultery; she alleged impotence and cruelty.[33] Whilst the case was pending in the church courts, we see Thomas Drawsword, the mayor of York, bringing the two parties together to supper at his house, and generally acting like a marriage-guidance clinic. He even went so far as to offer James, with some appropriateness, a bed of the value of eight marks if he " would entreat the said Isabel as a man should do his wife ". All was apparently to no purpose. The squabbles went on until James sought the help of the Star Chamber.

In this case, the mayor appears in a favourable light, but very often the agents of local government appear to less advantage. Sufficient cases have been quoted to show that justices of the peace were not infrequently involved in brawls and street fights. This probably did not outrage contemporary morality. But some of them were equally ready to attack their opponents by the slings and arrows of the law. The forfeited bond, the decision obtained in the courts at Westminster against an absent and sometimes unwitting defendant and enforced with all the machinery of the law, these were common enough in Tudor England. We have suggested that Shakespeare had no need to go to Italy to find Montagues and Capulets. Nor did he have to go to Venice (or the ghetto) to find

[31] II, 105. [32] III, 54. [33] IV, 37.

Shylock.[34] Very often this sort of thing is done by a sheriff or justice of the peace. In some of these actions they could plead that law, if not equity, was on their side. Like Shylock, they stood for justice and their bond. But some of their activities were equally remote from law and equity. John Johnson, a merchant of York was robbed of £75 at Bawtry by one Gill, who was also suspect of certain felonies at Ferrybridge. He was attached by Sir William Gascoigne, having then £60 left of the proceeds of the theft, and, so Johnson alleged, Gascoigne took all this from him except £2 and allowed him to escape. He was later arrested in the county of York, but by the sinister procurement of Gascoigne was found not guilty, though, it was alleged, he had confessed the crime. The truth of the matter is hidden from us, and Gascoigne flatly denied it, but it is difficult to avoid a suspicion that there was something in the story.[35]

The sheriffs of the city of York seem to have had an unenviable reputation. One or two cases are worth quoting to show this. Agnes Burrow of York had a cousin James, one of the yeomen of the guard, who lived near Charing Cross. Agnes decided to visit her cousin and retained Robert Smith, a turner of York, to bear her company. He murdered her, it was alleged, at Stamford Hill in Middlesex, and, not content with robbing the corpse, returned to York and took what goods he could find in her house.[36] The sheriff of York arrested Smith and took from him the greater part of the goods, and then allowed him to go. The sheriff replied that John Body voiced a common rumour in York that Smith had murdered Agnes but refused to be bound, or find surety to prosecute, and as James Burrow was not there to prove the accusation, they did not arrest Smith, though they admitted that some of Agnes' goods had come into their possession. It was finally agreed that the case should be committed to the church courts to secure the goods of the deceased and hand them over to James. We are left to guess whether there had been foul play or not.

John Yellyn, mercer, of London had an execution for £300 against Sir Thomas Fairfax and the usual writ was issued ordering the sheriffs of York to arrest him and value his lands and goods. The sheriffs demanded £10 to serve the writ. This was exorbitant, the normal fee being under £1, and the plaintiff asked for his writ, as he refused to pay this charge. The sheriffs refused to give him back his writ, and finally in desperation he gave them £6 6s. 8d. in cash and a bond for £5. Then they found good reasons for not serving the writ.[37]

[34] See for examples H. Hall. *Society in the Elizabethan Age.* London, 1891. There are also plenty of examples in our texts, e.g. IV, 25.

[35] II, 94. [36] I, 44. [37] III, 147.

But foreigners were fair game, as witness the case of Hans Symonds, a German merchant of the Hanseatic League.[38] Hans, it seems, had heard much of York, and, having business in Hull, decided to go on to spend a few days sight-seeing in York. As this was a pleasure trip, he took a lady friend with him, one Alice Johns, "neither man's wife nor retained servant", whom he "long tyme before hadd loved, kept and found as well in apparell as withe meate and drynke". Having spent three days in York, the couple took horse to return to Hull, and outside Walmgate Bar were arrested by the sheriff's officers, and brought before the sheriffs to be examined on a charge of felony. Hans agreed to be examined and told them who he was and his business. The sheriffs then accused him of running away with a man's wife or servant and his goods, and took from him his purse containing £50 7s. 6d. in cash and six gold rings, three of them with precious stones, valued at £20, and committed him to gaol. They then examined Alice, and tried, sometimes with great menaces, sometimes with "fayre and glossying wordes" to get her to admit she was a runaway wife or servant. They promised to set her at liberty with horse, clothes and money in her purse if she would admit the charges. As she stuck to her (and Hans') story, they sent her to him in prison to suggest he should pay them £20 and be set free. He refused and demanded to be put on trial. The sheriffs then opened his baggage and took out "a jacket of chamlett and two neckerchers wrought with gold" and two partlettes.[39] Later by their officers they returned his portmanteau and some of his money, but kept the jacket, neckerchers and partlettes, his purse and £7 7s. 6d. in cash, and two of the rings, one valued at £4 and the other at £1. They told him and Alice to leave York at once. The reply of the sheriff does not exist, but the fact that Hans took up his case in Star Chamber appears to indicate that he had a reasonably clear conscience. On the whole, the story confirms our worst suspicions of the York sheriffs.

Hans was travelling partly on pleasure, but most of those whom we see moving about the country in Star Chamber records were bent on business, either public or private. Disputes about trade and contracts fairly frequently came before the Star Chamber. Curiously enough, very few mention the wool trade which was probably the chief trade of the county. The lead trade, however, was responsible for some interesting cases. The leadmining area was mostly in Swaledale and Wensleydale, and the lead was loaded on to barges at the nearest point and brought down to York or Hull, where it was usually transferred to sea-going vessels. In addition to the Yorkshire lead, a lot also reached Hull by way of the Trent from the Derbyshire lead mines. Bawtry, then and later an important river port, handled a fair amount of this trade. Throughout the sixteenth century York, on the whole, was probably declining, and its merchants were making frantic efforts to keep their hold of the lead trade.

[38] III, 83. [39] A kind of scarf worn by women.

By charter York had the right of pre-emption of lead landed at the city quays. In practice, this meant that any lead landed at York had to pass through the hands of a York dealer, who naturally took what profit he could. This was opposed both by the lead miners, who accused the York merchants of buying by one weight and selling by another,[40] and the London merchants who wanted to deal directly with the lead miners. Possibly a quantity of lead was shipped direct from up-country river ports to Hull, but the Hull merchants wanted their profit just as much as their York rivals. Even if lead were hoisted from a barge to a sea-going vessel at Hull, without being landed, dues were claimed, just as if it had been landed. All the same, the greater convenience (and probably cheapness) of Hull won in the end, and by the mid seventeenth century it was handling most of the export and coastal trade in lead.

The attitude of York is shown in a case which arose in 1532.[41] John Gresham, mercer, of London had bought 45 fothers of lead at Richmond to be delivered and weighed at York. The lead duly arrived, and was weighed at the common crane near Ousebridge, the usual charges paid, and the lead loaded into a keel to be taken to London. Then the mayor of York arrested the lead. Gresham obtained letters from the Lord Mayor of London asking for its release, which York ignored. They then compelled Gresham to enter bond of £180 to abide by any decision of the Privy Council as to whether the lead was foreign bought and foreign sold. The bond was to be forfeit if no decision were given by a certain date. Not content with this, they saw to it that no York keel would take the goods, whereby Gresham's agent was compelled to make journeys to Hull to hire keels. A similar case was that of Thomas Worthington, draper, of London.[42] He bought six fothers of lead at Ripon and had it weighed at York; then, on information by William Case, a York merchant, the mayor of York arrested the lead as foreign bought and foreign sold. The plaintiff proved that the bargain was made outside the liberty of York, but, in spite of requests from London, York refused to relax the embargo. Also, when he sent from Hull two butts of malmsey, one of which he had sold to an innkeeper at Ripon, the other to another at Boroughbridge, the mayor compelled him to land them at York, saying he must sell the malmsey to freemen of the city, or it should lie there seven years. In 1520, when he shipped three fothers of lead in Caldwell's ship, the master of the merchants' guild forced Caldwell to unload the lead, and told him if he carried any more goods for the plaintiff, he would get no more freights in York. Finally one Cure brought an action of trespass against the complainant in the local courts, thinking that, for lack of sureties, he would remain in York prison indefinitely. However, he managed to find sureties, but they were threatened with loss of their franchise.

[40] II, 73. [41] I, 151. [42] III, 175.

Hull appears in much the same light. Here the local merchants seem to have feared competition in the herring trade. It looks as if some fishermen from Lowestoft and elsewhere were selling from their boats below the prices prevailing in the town. So the mayor and aldermen first made the Lowestoft men pay a toll of 2s. 4d. a cask of herring. Then, not content with this, they decreed that herrings could only be sold from shops in the town, thereby compelling the foreigners to rent shops and finally, even when they had done this, they made them pay a duty of 40d. before they were allowed to open the windows of the shops.[43] This serves to remind us of the Tudor shop with its lower flap shutter which opened outwards to form a counter.

It may surprise some readers to learn that Yorkshire was an importer of corn in the sixteenth century. This was obviously a matter depending on local harvests, but there was a fair amount of movement of corn, both from one part of England to another, and also from the continent. In 1527 one Dirk Lussynck, a German merchant, agreed to deliver twenty four lasts of barley and sixteen of rye to George Mathewson and James Janson of Hull.[44] The corn, grown in Jutland, was to be delivered in Hull by Whitsun-day, or midsummer at latest, at a price of £4 5s. per last of barley and £5 5s. for rye. Lussynck only reached Hull at the beginning of August. The merchants quite naturally refused to accept delivery, for harvest had begun and prices were lower. Lussynck had to sell his cargo for what it would fetch, and claimed that he lost £74 on the deal. The question hinged on whether the late arrival of the consignment was due to stress of weather, as he averred, or to his negligence.

Lussynck may well have been negligent; but his compatriot Hulsman was definitely unlucky. He had 662 quarters of wheat in the ship of Thomas Bertram, of Rustaghe (Rostock) in Germany, bound for London.[45] For some reason she put into the Humber on her outward voyage, where she was taken by certain pirates of Dieppe, who took 52 quarters of the wheat, and then took the ship to Scarborough. They seem to have left Bertram in charge. Off Scarborough, the Dieppois, seeing other merchantmen, fell in chase of them, leaving Bertram at anchor in Scarborough bay, where he was attacked by two other French ships, and only saved by the vigilance of the bailiffs of Scarborough, who sent out boat loads of armed men who drove off the attackers, and for a fortnight provided an armed guard of 20 men to ensure the safety of the vessel. Possibly they were not altogether disinterested; there was great scarcity of corn in the Scarborough district, so they bought the cargo from Bertam at what may have been an agreed price, but was probably the bailiff's valuation. Bertram, whose ship had been saved, seems to have been quite ready to sell the 50 quarters of his own wheat which he

[43] IV, 139. [44] II, 85. [45] III, 162.

had on board. But Hulsman denied his right to sell the cargo and claimed damages from the bailiffs.

From these fairly large operations it is a change to turn to business on a smaller scale. The smaller market towns still accounted for a goodly proportion of the total trade of the country. A glimpse of the difficulties of this sort of trading is afforded by the case of Robert Goldsborough of Pontefract who, in 1535, accused William Wildbore, the mayor, of throwing his fish into the street, attacking his wife, Isabel, with a fish knife, and later of beating him with a halbert, and unlawfully imprisoning him in the common gaol.[46] The mayor's answer was that Goldsborough sold fish from his own house and not in open market, so that people might not see what quantity of fish was in the market, thereby keeping up the price. The complainant in his replication said it was true he was a common fishmonger for Pontefract and the market towns adjacent. Every market day he conveyed fresh fish from the sea to Pontefract, and sold it in open market, except on " rainy and troublous days ", when he could not sell in the open street, and then he used to sell in an open shop opening towards the market place, as he lawfully might do.

The Star Chamber cases do not enlighten us as to the contents of any Yorkshire shops, but certain types of case do enable us to see the goods of other people. Sometimes, in a case of riot and forcible entry, the victim put in a list of the property taken. Thus there are inventories of the contents of Leonard Beckwith's houses at Stillingfleet and York, seized by the insurgents during the Pilgrimage of Grace[47] and those of the unusually well-stocked vicarage of Halifax.[48] Another type of case which led to the production of inventories were claims to the goods of suicides. They were deodauds and were claimed as such by the king's almoner. Sometimes we learn some particulars of the cause of death, as in the case of William Marshal of Brafferton, who, it was said, had drowned himself as *felo de se*. Here the executors claimed the goods as the jury had found that Marshal had the " black ague " and threw himself into the Ouse in a fit of delirium.[49]

These are but a few of the many aspects of the contemporary scene which come to life in the records of the Star Chamber. It is true that we must take complaints and answers alike with many grains of salt. But, as the lawyers say, " Truth will out, even in an affidavit ". And the historian has this advantage over the lawyer, that he seeks a different type of truth. At this distance of time, it can matter but little to us whether Anne Salvayn was hauled down the staircase at Newbeggin, with her head knocking on every step, or tripped down arm in arm with Stephen Milner.

[46] I, 137. [47] II, 126. [48] II, 186. [49] I, 22.

We shall never know if little Anne Rokeby " made owtes " when Sir Robert Constable took her away from Bishop Burton. But what does remain is a picture of a rough ride on a winter night over the moors to Scarborough, or of Constable and his followers clattering along the York road to Bishop Burton. When we have treated complaint, answer and depositions with all caution, there still remains a sufficiency of good, because unconscious, evidence. Sometimes it is a whole case which illuminates Tudor Yorkshire, sometimes a single phrase (" Ye come like a menie of butcher dogs "), which in a flash throws us back into the past. It is these things that make Star Chamber cases a mine from which the historian can dig the veritable ore of history.

Bibliographical Note:—The Court of Star Chamber is discussed in all the standard constitutional histories. The text of the act of **1487** is given in Tanner, J. R. *Tudor Constitutional Documents* (Cambridge 1922). For a general view of the working of the court in the country as a whole the following works should be consulted: Leadham, J. S. *Select cases before the King's Council in the Star Chamber* (Selden Society. vols. xvi and xxv. 1903 and 1911) and Gardiner, J. R. *Reports of cases in the courts of Star Chamber and High Commission.* (Camden Society. New series, vol. 39, 1886.)

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