

**‘THOSE WAS GOOD LADS’
A HISTORY OF TUDOR ROTHERHAM**

by

Stephen Cooper

Those Was Good Lads

For my grandchildren

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A NOTE ON JOHN GUEST

No-one who reads his friend Thomas Beggs's *Sketch of the Life and Labours of Mr Alderman John Guest F.S.A.* (1881) can avoid feeling respect and even affection for Guest. He set out in 1865, when he was already sixty-six years of age, to 'construct a more noteworthy memorial' of his home town, he spent the next fourteen years 'prosecuting' enquiries and 'ransacking' national and local records, and when his 'compilatory labours' were concluded and the 700-page tome was finally published, he confessed that he felt 'somewhat forlorn', as Edward Gibbon did when he parted company with *Decline and Fall of The Roman Empire*.

Guest's book is indispensable, though he was not a historian by profession. He was apprenticed to a grocer at fourteen, before becoming a magistrates' clerk, and eventually a partner in Guest and Chrimes Brass Works. As a historian, he must have been largely self-taught, though he was eventually elected Fellow of the Society of Antiquaries. He clearly did not understand the nature of everything he wrote about and quoted (and no wonder!); but his work is a vast storehouse of documents, some of which would not be easy to gain access to, or transcribe, even now, after a century and more of improvements in information technology. This is not only because Guest was efficient at 'prosecuting' his enquiries, and evidently had the time and the money to 'track the historic quest through briar and brake'¹, but also because he was himself one of the Feoffees of the Common Lands of Rotherham, and therefore had access to the archives of that organisation, not all of which are reproduced in *Historic Notices*.

¹ Beggs, 205.

Guest's local knowledge was unparalleled. He was born in Bridgegate in 1799, and died in Moorgate in 1880. In between those dates he spent virtually the whole of his rich and varied life in Rotherham. For about half a century, from the time when he took the pledge (having been by his own admission "one of the greatest drunkards that there was..."),² he was 'Mr Rotherham'. His was involved with the Board of Health, Board of Guardians, Burial Board, Dispensary Committee, Library Committee, and British School Committee; and he was President of the Temperance Society, of the Town Mission, Chairman of the Institute Committee, Vice- Chairman of the Hospital Committee, Feoffee, Churchwarden, Vice-President of the Literary and Scientific Society and 'Chairman of three-fourths of the public meetings of all kinds and creeds'.³ This experience must have given him insights into all aspects of the town's affairs and history, which it would be very difficult to match today.

It is indeed arguable that John Guest's intense civic pride and local patriotism influenced his work as an historian. For many years, he strove to bring about improvements for the people of Rotherham. Although he was a Conservative, he argued successfully that the waterworks, the gas works, and the markets in the town should be taken into public ownership. He was instrumental in setting up the Board of Health, the Hospital, a building society, a mechanics institute, and a public park. He worked to enlarge the grammar school of his day, He rescued an Italianate doorway belonging to the old College of Jesus when this was discovered on a building site, and presented it to the Park,⁴ where it remains. It is hardly surprising that someone with this degree of involvement in municipal affairs should regard anything which tended to increase the facilities available in Rotherham as good, and anything which diminished them as bad. Specifically, Alderman Guest was outraged that the College of Jesus, created by his 'patron saint', Thomas Rotherham,⁵ should have been destroyed by virtue of the Chantry Act, its buildings ruined, its endowments seized, its Provost and Fellows expelled, its links with the Universities broken, its choirboys silenced, its schools decimated, and the local importance of Rotherham as a centre of learning obliterated. Guest knew that Thomas Rotherham had intended his foundation to last for centuries, and he assumed that the College functioned satisfactorily down to the date of its dissolution. He also thought - which can never be proved - that if the College had

² Beggs, 224.

³ Beggs, 208.

⁴ Boston Park. The plaque in the park states (1991) that the doorway displays something of the magnificence of the College of Jesus in its heyday; but the style of the doorway suggests that it did not form part of the original College buildings, but rather dates from the sixteenth century when the buildings were turned to secular uses: Munford.

⁵ Beggs, 204.

survived, it might have gone on to become another Winchester. Its destruction was inexcusable and thoroughly bad; and Guest took this view despite the fact that he was a Protestant and the College had been dissolved at least in part as a result of the Protestant rejection of Purgatory, and of masses for the dead.

The full title of Guest's book is significant: *Historic Notices of Rotherham, Ecclesiastical, Collegiate, and Civil*. This reflected his strong attachment to Thomas Rotherham, his interest in the architecture of the parish church (largely built in the late medieval period), and his conviction that the College of Jesus had played a vital role in the history of the town. It meant that he concentrated on the early Tudor period, and did not have as much to say about Elizabeth's reign.

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INTRODUCTION

The men and women who walked the streets of Rotherham four hundred years ago, who crossed its bridge, gossiped in its market, drank in its inns, worshipped in its church and studied in its College, were as alive as you or I, though their material circumstances were very different. Some of them were our ancestors, others simply lived in the places that we now frequent. They deserve to be remembered, from time to time.

Rotherham did not play an important part in national affairs in the Tudor period, though Cardinal Wolsey must have passed through the town, and Mary Queen of Scots stayed there.⁶ There were no battles or sieges or risings or plots in which the town was directly involved, although the Pilgrimage of Grace must have caused some alarm there. No martyrs were burned there. No magnate had his seat there. With the exception of Archbishop Rotherham, no famous person is associated with the place; but this does not mean that nothing happened. The Tudor age saw the rise and fall of the College of Jesus; the transfer of the manor of Rotherham from the Abbots of Rufford to the Earls of Shrewsbury; and the foundation of the Feoffees of the Common Lands, who still exist today. These events were important milestones in the history of the town, although we may argue about whether the destruction of the College was as catastrophic as has sometimes been alleged, and whether the dissolution of the monasteries made as much difference as one might at first think.

These questions have been discussed before, notably by Joseph Hunter in *South Yorkshire* (1828-31) and John Guest in his *Historic Notices of Rotherham, Ecclesiastical, Collegiate, and Civil* (1879) but I have tried to bring the discussion up to date. I have also narrated lesser-known episodes in the history of the town, like the outbreak of heresy in the 1530s, and of plague in 1570.

What excites me most is being able to relate something of the lives of people from Rotherham who have never appeared in the pages of a history book before. These are the folk who appear as litigants and witnesses in the Tudor courts: the likes of William Drabble, Isabella Dowke, and Agnes Foxe. This is only possible because of the availability in York of original documents and the work during the last hundred years or so of the Yorkshire Archaeological Society, the Surtees Society and others.

Joseph Hunter devoted only a few pages to the history of Rotherham, though his

⁶ G 384, 385; *Mary Queen of Scots* by Antonia Fraser p 484.

contribution is invaluable. Guest has many extracts and passages which are relevant; but, as he himself wrote in his Preface, his work was not so much as history as a compilation of original materials. Those passages which do contain his comments and judgements are scattered somewhat haphazardly throughout his book, so that in some ways his is not an easy work to use. Having said this, it will be obvious to everyone that my debt to Guest is immense.

In Tudor times, 'Rotherham' was the name of a township, a manor and a parish. The township was the smallest of these. The manor was larger, but did not include several areas which are now part of the Rotherham conurbation (the lordships of Kimberworth, Greasborough, Rawmarsh etc). The parish was larger again, but again it did not include many communities which are now part of Rotherham for local government purposes, (the parishes of Thrybergh, Rawmarsh, Wath-upon-Deane, Wickersley etc).

The book was largely written in the early 1990s on an Amstrad home computer, but I laid it aside because of a change of career, although some work I had done was published in three articles in the 'Aspects' Series, published by Wharncliffe Publishing Ltd and edited by Melvyn Jones. They were '*Sumptuously Builded of Brick: Thomas Rotherham's College, 1482-1550* in *Aspects of Rotherham* (1995); '*In the Name of God Amen: Tudor Will-Makers of Rotherham* in *Aspects of Rotherham 2* (1996); and *The Earl of Shrewsbury and the Tithes of Meadowhall* in *Aspects of Sheffield 1* (1997). In the last few months, I have been able to take up the project again and finish it, thanks to retirement, the invention of the laptop and the internet, and the assistance of Apex Technology Ltd., who were able to recover the entire contents of some very old 'floppies'.

Stephen Cooper
Thorpe Hesley
February 2012

I THE SETTING

ROTHERHAM IN THE TUDOR PERIOD

The antiquary John Leland spent several years in the late 1530s and early 1540s, touring England and Wales at the request of King Henry VIII. He searched the libraries of monasteries and colleges for manuscripts which might be suitable for the royal library, and made voluminous notes about geography and history. Eventually, he wrote to the King that:

I have so travelled in your dominions both by the sea coasts and the middle parts, sparing neither labour nor costs, by the space of these six years past, that there is almost neither cape, nor bay, haven, creek or pier, river or confluence of rivers, breches, washes, lakes, meres, fenny waters, mountains, valleys, moors, heaths, forests, woods, cities, boroughs, castles, principal manor places, monasteries, and colleges, but I have seen them; and noted in so doing a whole world of things very memorable.⁷

On one of his tours, Leland travelled south via York and Rotherham. He took a look at Bishopthorpe Palace, crossed the River Ouse at Cawood near Selby, visited Sherburn-in-Elmet and Ferrybridge, and arrived in Pontefract, after noting excitedly the *wooddi and famose Forest of Barnesdale, where they say that Robyn Hude lyvid like an Outlaw*'. From Pontefract, he went via St Oswald's⁸ to Great Houghton, and reached the River 'Tarne'⁹ at Wath:

A ii Mile beyond I roode over a Stone Bridge, under the whiche ran Tarne, a Riveret that goith (as they said) into Dune River betwixt Rotheram and Dunecastre. From Tarne to Rotheram a iiii Miles. I enterid into Rotheram by a fair Stone Bridge of iiii Arches, and on hit is a Chapel of Stone wel wrought. Rotheram is a meately large Market Towne, and hath a large and fair Collegiate Chirche. The College was instituted by one Scotte, Archbishop of Yorke, otherwise caullid Rotheram, even in the same Place wher now is a very fair College sumptuously buildid of Brike for a Provost, v Prestes, a Schole - Master in Song, and vi Chorestes, a Schole - Master in Grammar, and a nother in Writinge. Though betwixt Cawoode and Rotheram be good Plenti of

⁷ E.H.D. vol V p 155.

⁸ Nostell Priory.

⁹ Dearne.

*Wood, yet the People burne much Yerth Cole, bycawse hit is plentifulley found ther, and sold good chepe. A Mile from Rotheram be veri good Pittes of Cole. In Rotheram be veri good Smithes for all cutting Tooles. Betwixt Rotheram and Worksope x long Miles the Soile partely Woody, as specially within iii Miles of Worsop, partely Pasture and partely Corne.*¹⁰

Here we have a postcard from the town of Rotherham in the early sixteenth century. For all the revolutionary changes which have taken place since then, there are several features which have endured the ravages of time. The bridge, and its (now unusual) chapel are both still standing today, as is the splendid Perpendicular church. In contrast, Thomas Rotherham's College of Jesus was destroyed after an existence of little more than fifty years; but the town still has a flourishing market. The coal industry and the metal trades were to assume an ever increasing importance: 300 years later, William Cobbett wrote *All the way along from Leeds to Sheffield it is coal and iron, and iron and coal*, his words echoing Leland's description.

The route by which John Leland approached the town seems somewhat eccentric today, but was then commonly used. A century later it was referred to as *the High Rode way from the markett towne of Pontefracte and other Northern Parts unto the markett towne of Rotheram, and soe upp to the Cittye of London and other Southern Partes*.¹¹ At other times, it was referred to as the *high gate, high way* or *London way*. Travellers for London crossed Rotherham bridge and made their way along Bridegate, past Thomas Rotherham's College in Jesus Gate, along Wellgate, and a narrow lane bordered by oak trees to a place known as the Mile Oaks, then via Whiston to Mansfield and Nottingham; but, by the late sixteenth century, those willing to pay a toll to the lord of the manor could take a shortcut across the Moor, from High Street direct to the Mile Oaks.¹²

Rotherham was not a stronghold, having neither town walls nor castle to keep an attacker at bay; but it was of some strategic significance. The River Don could be crossed there, by the bridge or by the ford. During the Pilgrimage of Grace of 1536, when the rebels held Pontefract Castle and the royal forces held the country to the south of the Don, it became important to secure the town and the river crossing. The Earl of Rutland wrote to Thomas Cromwell on 10th November 1536, saying that the bearer of his letter knew the *passages fords and straits of all that country* and a separate memorandum listed *Passages that I know on the water of Dun*, including *A bridge and a forthe at Rotheram*, fords at Aldwark, Thrybergh and Conisbrough, and the bridge at Doncaster. The suggestion was clearly that these river crossings should be fortified or at

¹⁰ *The Itinerary of John Leland the Antiquary*, Oxford, 9 vols., 1770 vol v folios 91 & 92.

¹¹ Hey, Packmen pp 79, 206.

¹² G 380-1, 359; Hey, *South Yorkshire* p 57.

least made safe, and subsequently the King acted on this intelligence, writing to the Duke of Norfolk: *As it may be doubted what way these rebels shall yet take, fortify the passages of the Don, put Doncaster under Sir Brian Hastings, fortifying the bridge and desire Shrewsbury to do the like with Rotherham.....* On 28th November 1536, Shrewsbury wrote to Lord Darcy (later executed for his part in the rising), telling him that Norfolk had sent a lieutenant *to Doncaster, Rotherham and Doon to keep the passages*. For a period of some weeks at the end of 1536, the citizens of Rotherham must have seen a good deal of military activity, particularly down by the bridge, while it is also thought that Henry Saville's men took refuge from the rebels by fleeing to Rotherham on or about 19th November.¹³

Among those who arrived in the town from the north was Mary Queen of Scots, when she journeyed from Castle Bolton in Wensleydale to Tutbury in Staffordshire in January 1569. Her 'train' travelled via Ripon, Wetherby, Pontefract and Rotherham, where she was required to be guarded at the town's expense.¹⁴ There was an interesting sequel to this. Following the suppression of the Northern Rising of 1570, it was suspected that spies working for the Scots Queen were travelling between Scotland and Staffordshire; and Queen Elizabeth's servants sent agents of their own to Rotherham, Doncaster, Ferrybridge, and other places, to lie in wait for them, and if possible apprehend them. The intelligence gathered by the Queen's men, and the precautions they decided to adopt as a result, throw an interesting light on Rotherham's geographic position.¹⁵ There were other ancient highways which converged on Rotherham, and its river crossing. One linked Doncaster and Sheffield, following the course of the Don: this must have been the route taken by Cardinal Wolsey, after his arrest at Cawood Castle for high treason, in 1530. He journeyed from Doncaster to Sheffield Park, to meet the Earl of Shrewsbury; *and all the way* wrote his gentleman-usher *the people cried and lamented as they did in all places as they rode before*. When three of the King's men travelled in the opposite direction, from Rotherham to Doncaster, they paid 4s 8d for the hire of seven post horses, and 8d for a guide, and had to mend a saddle at Doncaster.¹⁶ There was also an east-west route, linking the Pennines, Rotherham market, the stronghold of Tickhill, and the river-port of Bawtry. This route was so familiar that the author of the seventeenth century ballad *The Dragon of Wantley* sang that his story was set *in Yorkshire*

¹³ *L & P Henry VIII* vol XI 997, 1112, 1113, 1114, 1038, 1136, 1174, 1187; *The Pilgrimage of Grace*, M.H. & R. Dodds, Cambridge University Press 1915 vol I pp 310, 319, 323, 344.

¹⁴ G 384.

¹⁵ *CSP Domestic Series*, Elizabeth, Addenda 1566-79 p 236 item 95: letter from Sir Thos. Gargarve to Sir Wm. Cecil Feb 16 1570 at York.

¹⁶ *Thomas Wolsey*, by George Cavendish, The Folio Society 1962. For a different view of Wolsey's popularity see Dickens, *Reformation* p 64; *L & P Henry VIII* vol IV part III, 6489.

near Rotherham though the events related took place near Wortley, which is ten miles away! It was turnpiked in the eighteenth century, and parts of it are still called 'Wortley Road' today.¹⁷

Rotherham was only about fifty miles from York, which *was a real capital city for the North....the seat of the Council in the North....and of the Ecclesiastical Commission for the Northern Province*. Its courts attracted litigants from all over the northern counties, and it was also the leading social centre for that area.¹⁸ We shall often hear the northern capital mentioned in the chapters which follow. We shall meet men and women who went to York to appear in court, if not as litigants then as witnesses. We shall see how Rotherham's Catholic service books were taken there for destruction, during the reign of King Edward VI; and we learn of men who were taken there to be imprisoned and even hanged; but Rotherham was not a city in the same sense as York. It had only one parish, and it had no trade or craft guilds. It was not a 'county town', nor even an incorporated borough. It was however a market town.

Although Leland thought that Rotherham was comparatively ('meateley') large, and although the West Riding Justices in 1602 rated it on the same basis as Sheffield,¹⁹ the town was tiny by modern standards. In King Edward VI's time, it was reported that the number of people who took Communion in the parish as a whole was 2000.²⁰ The number of inhabitants in the town would therefore have been even smaller. In terms of area, Rotherham town was no larger than many modern villages: the traveller could ride across it in a few minutes.²¹ The countryside was never far away. Camden, whose *Britannia* was first published in 1586, wrote of the Don flowing towards Rotherham *under the shade of alder, yew-trees and others...* In his *Description of England* in 1587, William Harrison wrote of his country's resources in woodlands *we have sufficient of them for our necessary turns and uses, especially of yew, as may be seen betwixt Rotherham and Sheffield....*²² Lovers could walk out of the town and immediately find a meadow: in 1602 Adam Goodyear and Elizabeth Revell *walked together over Rotherham brigge upp a faire meadowe talkinge together hand in hande*. A mile further on and they could have reached the Earl of Shrewsbury's deer park at Kimberworth. When Samuel Buck made a drawing of the town much later, in 1723, what he depicted was still a small settlement, in

¹⁷ Hey, *South Yorkshire* p 65. see also Law and Order part (1) below.

¹⁸ Clark & Slack pp 49, 54.

¹⁹ YAJ vol I 1870 p 164.

²⁰ Surtees 92 (1893) p 380: *the number of houslyng people ys MM*; and this may imply a total population of about 3340. Guest suggested a multiplier of 1½ but more modern authorities suggest 1 2/3

²¹ Even in 1801, the population of Rotherham parish was only 8418: Tony Mumford, *Victorian Rotherham*, Quoin Publishing Ltd 1989.

²² *The Description of England*, ed Geroges Edelen, Cornell University Press, Ithaca, New Yrk, 1968 p 280.

overwhelmingly rural surroundings.²³

There was a manor of Rotherham, with three common arable fields, or 'town fields' as they were referred to in 1638.²⁴ These were all situated on the east side of the town, bounded by fields belonging to the manors of Dalton and Herringthorpe. They were only a short walk from the town centre, access being gained through the gates in Pigeon Lane or Doncaster Gate Head.²⁵ Local people referred to these fields by different names. Accounts compiled in 1549 refer to 'crose felde', 'Estwode syde', and 'Cantlowe felde' but a document of 1583 refers to Netherfield, Canclowfield, and Elemetryfield; and when the Feoffee Nicholas Mounteney died in 1615 he left property in Micklehill Field, Cross of the Ash Field, Canklow Field and Elsemorefield.²⁶ There was also a manorial common, known as 'the Moor', which began on the south side of the High Street, in what is now Moorgate. The common was not thought to be very large, and rights of pasture on it had to be limited, or 'stinted', in accordance with ancient rules enforced by the manor court. The common was also used for other purposes when the times demanded it, as when there was an outbreak or 'visitation' of the plague: in 1570 and 1589 huts or lodges were built or re-built, so that those who were affected by the pestilence could be kept in quarantine there, while the emergency lasted. At the time of enclosure, in the eighteenth century, the common comprised 197 acres. The lord of the manor also had at least one wood, for in the mid-16th century his manor court imposed fines on those who cut timber there without his consent. This was probably *Eastwood*: subsequently this was leased to William Whitmore, who left his son all his *tymber lyeing at Eastwood hewen and made redye to build*.²⁷ When Rotherham mill was leased out in 1582 the tenants were given the right to take timber from the lord's woods as often as they required.

Close to the town was the archery field, where the 'butts' were maintained for the benefit of the local bowmen. In the second half of the sixteenth century, these were the responsibility of the Feoffees of the Common Lands. John Guest, who was a Feoffee himself and very familiar with the Feoffees' accounts and records, stated that the butts were in a three acre field called St Anne's Well, near Eastwood. It is natural to visualise them arranged in a row, like the targets used by modern archers; but in fact they may

²³ Camden 4th Series vol 12 p 39 G 67.8

²⁴ G 359.

²⁵ G 357, 361.

²⁶ G 383, 368, 386; BIHR wills vol 33 f 487. There is a reference in Charles II's time to an acre of arable near 'the Cross of the Ash': HSY vol II p 14(n). By 1764 when enclosure took place there were stated to be 5 fields: Gallowtree hill or Haselgreave Field (with 193 acres); Badsley Moor Field or Micklehill (with 218); the Nether Field (with 101); St Anne's Well Field (with 60); and Canklow Field (with 73).

²⁷ G 351, 359-360; BIHR Probate Registry vol 18 folio 28.

have been set up here and there, at intervals around the field, the aim being to progress from one to another, as on a golf-course. This was certainly the practice in Finsbury in London, in 1559.²⁸ Within the town, the buildings mentioned by Leland must have been impressive in their day. Built of red sandstone or in the new brick, at a time when there was little smoke to blacken their features prematurely, they were proof of Rotherham's prosperity and civic pride.

The bridge over the River Don was built of stone, when many were still of wood, and was much more than a packhorse bridge. In 1752, the surveyors who compiled the *West Riding Book of Bridges* found that it was 114 feet long and 15 feet wide. The chapel on this bridge (dedicated from its inception to the Virgin Mary) was probably built in the early 1480s, possibly for the convenience of pilgrims who were expected to arrive in the town once the College of Jesus was finished. In 1483 John Bokyng, grammar master at Rotherham College, left 3s 4d towards the building of the chapel; a widow called Margaret Taylor left the same amount in 1484 ; and in 1485 Arnold Reresby of Thrybergh left twice that sum for the glazing of a window. The chapel was not the only structure on the bridge: in 1611 a man called Edward Worrall had a house which was said to be *situate upon Rotherham Bridg*. When the bridge was repaired in 1624, it was found that a wall *under Worrall's house was decayed and fallen downe*, and had to be rebuilt.²⁹

The most impressive building in Rotherham in John Leland's day was undoubtedly the *fair church*. There had been a church of sorts in Norman times, and probably even before but, during the late medieval period, the Abbot and monks of Rufford Abbey had set to work, creating a beautiful building in the latest style, with tower, 180 foot spire, pinnacles, panels, canopies, and crockets. Much of the work had been completed in the fifteenth century. In 1480, Archbishop Rotherham had built the Chapel of Jesus, its roof being decorated with bosses representing the Five Wounds of Christ, the monogram of Our Lady, the Wheel of St Katherine, and the sun in glory (the badge of the House of York). Around 1483, the Chancel had been equipped with stalls topped with beautiful figurines, telling the story of the Annunciation and of the Adoration of the Magi. The church had also been adorned with shields of arms, with frescoes and tapestries, including a 'cloth of arras' of the Passion of Our Lord, which was intended to hang before the rood loft, and a stained cloth of a tournament between Lord Scales and the Bastard of Burgundy, bequeathed by the London grocer Thomas Clarel in 1493. There was also a sculpture of St Christopher, and a Sepulchre attached to

²⁸ G 385, 569; *Moorfields in 1559*, M.R.Holmes FSA, The London Museum, 1963.

²⁹ Hey, Packmen p 74YASRS 33 p 141; Surtees, Test. Ebor. vol II (1855) p 282(n G 125, 393; Archbishop's Register V 23 f 322. For the chapel in general, see Dorothy Greene's article in Crowder & Greene.

the Chantry of the Holy Cross. There were candlesticks and candles in profusion; and there were probably stained glass windows, for in 1505 Robert Holden left 13s/4d *ad up cancello par eccl. de Rotherham pro vitriatione unicio fenestra* - for the glazing of a window in the chancel. The Chancel roof was completed between 1508 and 1512, and this too was adorned with bosses, showing the Holy Monogram, the cypher of the Blessed Virgin Mary, the initials H.C. (for Henry Carnebull, Archdeacon of York), T.B. (for Thomas Bilton, Abbot of Rufford), and H.O.T.O.N. (for Richard Hoton, Provost of the College of Jesus between 1502 and 1509, and later vicar of Rotherham). Not much was added to Rotherham church after Leland's visit, and many of the architectural and ornamental details which the Tudor traveller saw can still be admired today, though we shall see that some features of the medieval building were destroyed by the Churchwardens during the radical Reformation which took place in the time of Edward VI (1547-1553). Prior to that reign, the parish church was endowed with several chantries.³⁰

160 feet from the church, and closely associated with it, lay Thomas Rotherham's College of Jesus, founded in 1482-3. The College and its grounds were extensive: the site measured approximately 600 feet by 600, and occupied much of the eastern part of the town. In the 1540s, the College consisted of a *mansion house* with a garden and orchard extending over two acres, surrounded by a wall. Another source mentions *buildings, houses, stables, dovecotes, and other their appurtenances*. There was a turreted gate-house, with a chapel on the east side of it, and a separate house where the schools were kept. Leyland said that Rotherham's College was 'sumptuously' (expensively) built in red brick. Brick was indeed still a relatively uncommon building material, though it had already been used at Tattershall Castle in Lincolnshire, Queen's College Cambridge, and Eton College, and was soon to be used at Sheffield Manor. Another expensive item was the lead used to cover the rooves of several of the College buildings. (This valuable commodity did not go unnoticed by the Chantry Commissioners when they cast avaricious eyes over the site a few years after John Leland's visit).³¹

The town's ancient streets were called by names which betrayed their Viking origin and described their position or function. *Gate* was the Scandinavian for 'road', and so we find Briggate (Bridgegate), Westgate, Wellgate, Milne (Mill) Gate, Doncaster Gate, and Brookgate, this last becoming Jesus Gate when the College of Jesus was built there. These streets all appear in the records of the Court of Augmentations in the late

³⁰ G 260; HSY vol II pp 8(n), 53; G 169, Surtees 116 (1908) p 62; HSY vol II p 17; Surtees *Test Ebor* vol IV (1868) p 130(n); Dorothy Greene's article on the church in Crowder & Greene; G 297-330; Journal of British Archaeological Association, 1904, article by E. Isle Hubbard on Rotherham church pp 111-115; THAS vol 2 (1920-4) p 37.

³¹ Surtees 91 (1892) p 201; G 105, 148-9, 152, 159; Trevelyan vol 1 p 122; HSY vol II p 9(n).

1530s, which also mentions Market Place, the Crofts, Market Hill, High Street, 'end of the church', Church Stile, and Draper Row. Other sources mention Butcher Row, Brazier Row, Pigeon Lane, and Sparkelane. Guest stated that the last of these was otherwise known as Talbot Lane, and there is certainly a contemporary reference to 'the lane that lies by the Talbot'.³²

Though most of these street names remain, there is little sign today of the timbered buildings which must have housed the inhabitants of Tudor times. Many houses were crowded close to the church, for when the Churchwardens raised an assessment in 1627 they recorded many of the townsfolk as living simply 'West Side' or 'North Side of the Churchyard'. A document of 1553 tells us of one apparently humble dwelling: *a chamber in Rotherham, called the Highe Garrett*, then occupied by a miller called Ralph Danckes; but not all dwellings were hovels. Before the Reformation the Earl of Shrewsbury had a 'chief house' in Westgate; and the town had its *bourgeoisie*, like the Swifts, Thomas Lilly (d. c 1556), William Whitmore (d. 1568) and (later) the yeoman Thomas Woodhouse (d. 1606) and the mercer Nicholas Mounteney, who would doubtless have owned houses appropriate to their status and large enough to house their servants. We may hazard a guess that the houses of William Swift (d. 1569), known as *the Swanne*, of Thomas Woodhouse in The Crofts, and of Nicholas Mounteney in Doncaster Gate adjoining Pigeon Lane, would have been impressive dwellings, to judge by the bequests made in their wills. A set of accounts prepared in 1537 mentions one John Wynter, who entered into an agreement with the greaves of Rotherham to build a house within three years (though it looks as if the house was to be in Denaby, some five miles from Rotherham, rather than in the town itself). The new house was to be *of vi postes, with a chymney, and chamberyd thorowe*... This must have been a comparatively comfortable dwelling, if it was in fact completed: six posts implies that the house was to have two bays, 'chambered' meant that it had rooms upstairs; and not every Tudor house had a chimney.³³

As a market town situated at the junction of several routes, Rotherham had its inns, and probably a much larger number of alehouses. In 1595, the wife of Richard Edmonds supplied ale and bread for the workmen when the Hood Cross was set up, and in 1608, when Edmonds made a will, he described himself as an 'innholder'. The innkeepers in the High Street were said to have benefitted from arrangements made in 1617 for the diversion of the London road. In 1615 we learn the name of one of these pubs, when Thomas Oke of *The Bull* contributes 2s 6d to the Virginian lottery. *The Bull* was said to have been in *the Market Stede* and later featured in *Drunken Barnaby's Journal*

³² G 66; G 59-63G 78; *Rufford Charters* no 990C p 543, G 361, 388, 350.

³³ G 205; G 72, 154; G 62; HH 390; G 203 ; Surtees 121 (1912) p 53; BIHR wills.

of 1638.³⁴ In 1627, we first hear of *The Crown*, in High Street. An unpublished poem written at the end of the sixteenth century appears to complain about the prevalence of gambling in at least one Rotherham inn; but unfortunately this 'den' is not named.³⁵

The market mentioned by Leland had a toll-booth and stalls, apparently laid out in areas according to the type of goods sold there - clothes, brassware, meat and so on. There is no clear statement of where the market was; but there is no reason to think it was not in the position occupied by the sheep market in the eighteenth century: at the top of High Street, between the west side of the church and the river. There was also a covered 'cross' or market building, at the bottom of High Street, near its junction with Wellgate. The market was a place where goods were bought and sold, but it was also a forum for the exchange of news, views and gossip, and a place where condemned fornicators might be required to do public penance.³⁶

Milne Gate, or Millgate, ran westwards from the church to the River Don, and led to the place where the river was dammed, and where the town had its mills, described in the 1660s as *water corn mills*. These belonged to the lord of the manor, and they were a valuable asset, especially since the townsfolk were not allowed to carry out their own milling, except for purely domestic consumption. In his will of 1522, Thomas Reresby of Thribergh left 3/4d to the two millers at Rotherham mill; but in 1535, we are told that there were 'five millers under one roof' (*quinque molendinorum sub uno tecto*). According to John Guest that other manorial monopoly, the town bakery, was in Jesus Gate, and consisted of a large, roughly- constructed stone building about thirty feet long, with an upper storey running along its entire length.³⁷

The main supply of water for the town consisted of the spring in Wellgate, which ran down Jesus Gate and Bridgegate and so into the Don. It was necessary to keep this brook clean: hence, in Henry VIII's and Edward VI's time, the manor court penalised those citizens who put *filth* into it, as well as the official known as the 'bellman' if he failed to scour it regularly. Likewise, according to Guest (whose firm of Guest and Chrimes was said in the 19th century to be *the largest manufacturers of waterworks articles in the world*). The town's Elizabethan officials were continually occupied in repairing and cleaning out the wells, especially those in Wellgate. He added that *the fine stream which flowed down the street, seems to have been deepened at different places, at which access was given to the stream by steps*. This stream provided drinking water for beasts as well as

³⁴ G 362,391.

³⁵ G 389; BIHR wills; Hey, *Yorkshire* p 158; G 380; G 204. Possibly the *cottage called the Talbot* in Westgate was a pub, but we cannot be sure; G 368; Hunter *South Yorkshire* vol II p 9; G 362.

³⁶ G 383, 386; BIHR, VCB 1586, fol 221r.

³⁷ THAS vol 2 (1920-4) p 37(n): *firma molendini aquatici*; G 351; HSY vol II p 40; G 63; *Valor* vol V p 173; G 355; G 355.

people: in 1597, the Feoffees paid Richard Inkersall 6s/8d *for making a well in Wellgate for the cattle to drink at*.³⁸

There was also a well known as *Domine Well*. No doubt this was situated close to the market, in the continuation of High Street which became known (if it was not already) as *Domine Well Lane*. This well also needed the protection of the manor court, for there were those who insisted on polluting it, by washing their clothes (and even puddings!) in it. Finally, there was St Anne's Well, which was situated, not in the town centre, but at Eastwood, near the archery butts. In the late nineteenth century, an archstone from this well, bearing the date 1596, was said to have been presented to the town.³⁹

There was a cockpit, referred to in 1543 when the King granted a lease of a piece of land called *the cocke Pyttes lying beside the bridge of Rotheram* to John Yole, William Banke and William Hartley, and agreed to provide timber for its. In 1569 the Feoffees paid Mr Belle 20s to *make* the cockpit - not necessarily the same one of course. This occasion was celebrated in time-honoured fashion. Bread and ale were consumed on the occasion of the *feyng* of the cockpit. (Leader states that this word means 'cleaning out'). In the 1630s, when Charles Hoole wrote his *Scholastic Discipline*, some thought that a cockpit had been erected by the Earl of Shrewsbury to ingratiate himself with *some townsmen and gentlemen*. People might also find what many considered entertainment at one of the town's instruments of justice – for there were stocks, a pillory, and a *gybcrake* (gibbet?) By the Don and near the bridge there may also have been a *cuckstool*, or ducking-stool, as there was in later times, although I have been unable to find any Tudor reference for this.⁴⁰

Rotherham was a town, a manor and a parish. The parish was described in 1548 as being *great and wyde*, and was in fact one of the largest in South Yorkshire, comprising the townships of Rotherham, Kimberworth, Greasborough, Dalton, Tinsley, Brinsworth, Catcliffe and Orgreave. Parts of the parish could be difficult to reach. Four of the townships mentioned - Tinsley, Brinsworth, Catcliffe and Orgreave - lay on the far side of the River Rother. If the river rose, it was difficult, if not impossible, for the inhabitants to get to Rotherham parish church, or alternatively for the priest to get to them. The problem was particularly acute in winter. Because of this, there was a chapel at Tinsley, known as the Chapel of St Lawrence:

The same is within the sayd parysshe, & dystaunte from ye churche ij myles, the necessitie is to

³⁸ G 350; G 567-9; Beggs pp 44, 221; G 386; G 387.

³⁹ G 350; G 569.

⁴⁰ *L & P Henry VIII* vol XVIII part I 476(12); G 385. Leader's *Burgery* p 27(n); G 387, 56, 569.

pray for the soules of ye Founders & all Christen soules, as also to mynistre to the seke people the sacrement, when as the waters of Rother and Downe are so urgent that the curate of Rotherham cannot to theyme repayre, nor the inhabitants of Tymnyslaw, Brynsforth, Orgrave, or Catclyff unto hyme, nother on hors backe or bote....

There is also said to have been a chapel at Greasborough; but its history is very obscure. It does not appear in King Henry VIII's *Valor*, and is not described in the Edwardian chantry certificates. It has therefore always been thought that it was not endowed; but there is a grant of concealed lands which were given for mass in Greasborough Chapel on Trinity Sunday, recorded in the Patent Rolls for 19th April 1571.⁴¹ (Possibly, this means that it was endowed, but its endowments were hidden from the Chantry Commissioners). Hunter stated that it was an ancient chapel possessing the right of burial; and further states that after the Reformation, the chapel, chapel house and a small amount of land were purchased by the greave of Greasborough for the use and benefit of the inhabitants.⁴²

In his will, Thomas Rotherham referred to the *many rude and mountain men* who flocked to Rotherham church from different parts of the parish. There are in fact no mountains near Rotherham; but the phrase suggests that the outlying districts were regarded as remote and 'uncivilised', when compared to the town itself. Men distinguished between life in the town and in the countryside, despite the small scale of the former, and the vastness of the latter.⁴³

Even now, the speech of people in Yorkshire seems rough and strange to the southern ear. How much more so in Tudor times, when there were no mass communications? We occasionally find evidence of the way in which people spoke, when their words are cited directly in contemporary records. When the Rotherham chantry priest Thomas Holden spoke approvingly of those involved in the Lincolnshire rebellion of 1536 he said *those was good lads* - a phrase which one might easily overhear in Rotherham today. In 1552, when the erstwhile master of Rotherham grammar school made his will, he mentioned certain items which were in *thouse*. In 1584 the witnesses in a case concerning the tithes of Meadowhall consistently pronounced the word 'heard' as *hard*: we know, because the clerk who recorded the proceedings wrote the word down as it was spoken.

⁴¹ C.P.R Eliz I, vol V 1941.

⁴² G 147; HSY vol II p1; G 75, 79; and for the endowments of the chapel, 157; HSY vol II pp 29- 30.

⁴³ G 137; Keith Thomas, *Man and the Natural World*, Penguin 1984 p 258.



Samuel Buck's drawing of Rotherham, 1723 [Guest p 678]

II RELIGION

1 THOMAS ROTHERHAM AND ROTHERHAM COLLEGE

As we know, John Leland took particular note of the College of Jesus when he rode through Rotherham, towards the end of Henry VIII's reign. The College was an important religious and educational institution which housed a theologian, several secular clergy, teachers and scholars, and there were only ninety or so such colleges in the whole of England and Wales. There was certainly nothing like Rotherham College in the rest of South Yorkshire. It lent distinction to the town, which might be said to be 'worth a detour' on its account.⁴⁴

The College was founded in 1482-3 - its foundation-stone was laid *on the feast of St Gregory in the twenty-second year of the reign of King Edward IV* and the Provost and Fellows were inducted the following year. Its founder was Archbishop Thomas Rotherham. This great ecclesiastic was born and baptised in Rotherham in 1423, and may claim a place amongst the town's most eminent sons. He was educated in Rotherham, before going up to Cambridge, and then rose through the ranks of the Church, becoming Bishop of Rochester, Bishop of Lincoln, and finally Archbishop of York between 1480 and 1500, the year of his death. In addition, he served Edward IV and the House of York, as Keeper of the Privy Seal, ambassador to both France and Burgundy and Lord Chancellor of England (from 1474). It is in this capacity that he appears in Shakespeare's *Richard III*, where he resigns his seal of office as Edward IV's widow enters the sanctuary, in a vain attempt to protect her sons:

*For my part, I'll resign unto your grace
The seal I keep...*⁴⁵

Thomas Rotherham held many distinguished offices. He clearly had a great interest in education and learning. A benefactor of both Universities, he was Chancellor of

⁴⁴ G 145. There is a map in the *Valor*.

⁴⁵ *Richard III* Act II Scene III; G 92.

Cambridge, and drew up the Statutes of Lincoln College, Oxford.⁴⁶

Why did Thomas found a college in Rotherham? Before we consider the reasons which he gave himself, it is worth considering the religious and historical background. The twelfth century had been the great age for building monasteries in England and the thirteenth had seen the establishment of the Friars, but very few houses for regular clergy had been founded after that. The fifteenth century was the age of the chantry chapel, the college and of the collegiate church, but these were served as a rule by secular clergy. Rich and powerful men founded colleges all over England, both in the two University towns and elsewhere. Sometimes these were annexed to a parish church and sometimes they had one or more schools attached, though neither of these features was essential. Typically, the priests and Fellows who staffed them were enjoined to pray for the soul of the founder and others. Kings sometimes founded them, as Henry VI founded Eton in 1440; and bishops often did so. In establishing his college, Thomas Rotherham was following the example of many contemporaries, in particular Bishop Stillington of Bath and Wells, who had founded a school at Acaster in about 1460. The College of Jesus was not unusual: it was consciously modelled, like Acaster, on Winchester, although Thomas Rotherham's particular enthusiasm for education is demonstrated by the fact that his College had no less than three schools attached to it.⁴⁷

There was room for a College in Rotherham, in more ways than one. There was no religious house closer than Roche Abbey, some eight miles away; and there was no friary in the town. Archbishop Thomas owned land in Rotherham, and the site was suitable, being very near to the parish church, with which the College would be closely associated. The site was described in the royal licence which authorised the foundation:

Upon a certain ground or site of the said Archbishop in the aforesaid town of Rotherham, which said ground contains in length, between the waste land of the Abbot of Rufford from the east part and the tenement of John Wentworth on the west part, 638 feet 7 inches, and in breadth between the close of the said abbot called the Imp-yard⁴⁸ on the northern, and the common stream in Rotherham aforesaid running and falling into the water of the Don on the south part, 623 feet 6 inches.⁴⁹

⁴⁶ G 88; HSY vol II p 5; YASRS XXXIII pp 102-4. See now the article on Thomas by Rosemary Horrox in ODNB (2004) vol 47.

⁴⁷ M.H.Keen, *England in the Later Middle Ages*, Methuen, 1973 p 225; Trevelyan vol 1 p 151; Dickens, *Reformation* p 297; VCH vol I pp 452-3.

⁴⁸ An imp was a young tree, and an imp-yard was a nursery for young saplings: HSY vol II p 6(n); Keith Thomas, *Man and the Natural World*, Penguin, 1984.

⁴⁹ G 105.

Having recently become Archbishop of York, Thomas was in a position to override any objections which might be raised to the scheme, whether by the Abbots of Rufford or anyone else. There is a tradition that while he was engaged in building his College, he stayed with Sir Thomas Wortley, at Wortley, some nine miles to the north-west of Rotherham, along the ancient highway which we have already described.⁵⁰ Once the College buildings were finished, they must have looked more or less as King Edward VI's commissioners described them in 1548:

*First. The mansion house of the said College with a garden and an orchard within the clausture of the same of two acres and one house near unto the said College wherein the three free schools be kept. Part of the said seyte or mansion house is covered with lead, viz., the gate house containing six yards in length and four yards in breadth with two little turrets thereunto annexed. The chappel on the east side the said gate house with a crested roof containing in length eighteen yards, and in width on either side the roof five yards. A chamber on the west side the said gate house with like roof containing in length twelve yards and in breadth on either side the said roof five yards*⁵¹

The Archbishop's own reasons for founding the College at Rotherham are not in doubt. He stated them clearly in the College Statutes, and in his last will, of 1498. Firstly, he was grateful for the education which he and some of his boyhood companions had received in Rotherham, from a teacher of grammar, who had come to the town: *by I know not what fate, but I believe that it was by the grace of God...* This anonymous but highly successful teacher had laid the basis for Thomas's subsequent success by teaching him Latin, the prerequisite for the priesthood, and for all forms of higher education. Thomas believed that if he had not been so fortunate, he would have remained ignorant ('untaught and unlettered and rude'); and he wanted to give other Rotherham boys (though not of course girls) the opportunity of having the same start in life as he had received. The College of Jesus was therefore to have a grammar school, with a Fellow who would provide free tuition in Latin for local youths. Thomas had already helped to found Lincoln College, Oxford and this would doubtless help to provide it with students. There is a parallel here with Cardinal Wolsey, who founded Cardinal College (later Christ Church) and a school in his home town of Ipswich.⁵²

Secondly, Thomas believed in the power of music to move men's hearts. He

⁵⁰ G 101; Hey, *South Yorkshire* p 28.

⁵¹ G 106, 136. Guest seems to be quoting here from a chantry certificate which is different from that printed by him on p 148, also printed in Surtees 91, p 201.

⁵² Guy, p 113.

knew that very few people could be educated in Latin grammar, but music could be enjoyed by all. In particular, he thought that good singing enriched religious services, and encouraged the untutored majority of men and women to come to church. He considered that the parish of Rotherham contained at least its fair share of ignorant country people (whom the Statutes described as 'mountaineers' or 'mountain men'). Such people needed to be helped along, if they were ever to learn to 'love Christ's religion'. His new College was therefore provided with a song-school, with a singing Fellow who would provide free tuition for anyone who wanted to learn, particularly if they were from the diocese and province of York; and six choristers or choirboys, chosen if possible from the poor boys of the parishes of Rotherham and Ecclesfield, who would be provided with free board, lodging, and tuition. They were to sing regularly in the parish church.

Thirdly, although Thomas was keen to produce potential clergymen. Having 'no concept of a literary education for laymen,'⁵³ he nevertheless wanted to assist boys who, while they might not be suitable candidates for the priesthood, did not deserve to be condemned to a life of complete ignorance. These youths should be taught writing and arithmetic, in a third school where another Fellow (to be called the Chaplain of St Katherine) would again provide free tuition:

because that land produces many youths endowed with the light and shrewdness of nature, but all do not attain the dignity and height of priesthood, as such are fitted rather for the mechanical arts and other worldly affairs, we have ordained a third associate, skilled and learned in the art of writing and reckoning.

It was this third school which was distinctive. Eton and Winchester might be altogether grander foundations, in terms of size, architecture, wealth and fame; but even they had only two schools - grammar and song - and so lacked the writing school which distinguished Rotherham College. Hunter states that Rotherham College had only two schools when it was founded in 1482/3; and that the third school in writing and reckoning was added by virtue of Thomas Rotherham's will. The licence to found the college refers to two schools only, whereas the College Statutes undoubtedly refer to three.⁵⁴

The new College was more than just a collection of schools, however. In the Archbishop's view, *writing, music and grammar are subordinate to the divine law and to the Gospel* and the College was therefore to be governed by a fourth Fellow, or Provost. He

⁵³ C.S.L. Davies p 37.

⁵⁴ YASRS XXXIII pp xxvii, xxx HSY vol II pp 6-7.

must be a priest (whereas the three Fellows need not be) and he must be a Cambridge theologian and must preach *the ladder of James, the Word of Jesus, the shortest and most certain way to heaven*. He must preach regularly, at least every Sunday in Lent (except Palm Sunday) and on the days of the Preparation, the Assumption and the Annunciation of the Virgin, and All Saints' Day; and he must preach throughout the diocese of York, though particularly in Rotherham and Ecclesfield (the parishes adjacent to the College) and in Almondbury in West Yorkshire, and Laxton in Nottinghamshire (whose churches and tithes belonged to it).

There was a further reason for the foundation of Rotherham College. We have seen that Rotherham parish church had several chantry chapels. Throughout the later Middle Ages, there were concerns as to how chantry priests spent their time when they were not singing masses. Archbishop Thoresby of York had expressed this concern in the mid-fourteenth century. So now, one hundred years later, Thomas Rotherham heard reports that some of the Rotherham chantry priests had given themselves up to 'ease and idleness'. The Archbishop attributed this to the fact that the priests in question lived in the town, amongst their fellow citizens, 'eating and passing the night in different places'. It may even be that some of these offenders had been guilty of sins worse even than that of sloth, for as Thomas explained in his Statutes:

...in these days a scandal often arises from clerks and women dwelling together, and from the too great frequency of them at and in houses greatly suspected of lay men and women...

Thomas felt that it would be much easier to reform the morals of the Rotherham chantry priests, to *take away this disgrace or scandal as far as in us lies*, if they were safely lodged within the shelter of his new College. He therefore authorised the Provost to receive *all stipendiary or chantry chaplains ministering and celebrating in the said church of Rotherham.....as guests and residents at his table at their own costs and expenses.....and to assign them fitting rooms for nothing*. That way those wishing to reside in the college may avoid ease and receive a stimulus.... to study and learning by occupying themselves with grammar, music, singing, the art of writing, hearing the Bible, studying in the library, and discussions with the Provost and Fellows.⁵⁵

Such were the reasons which Thomas Rotherham himself gave for his actions in founding and endowing the College of Jesus. We should also realise that there was another motive behind the foundation, though the Archbishop did not specifically refer to it: the College was not merely a home for chantry priests, but was itself a kind of enormous chantry, for the benefit of its founder. The Archbishop was an orthodox

⁵⁵ YASRS XXXIII p 111.

Catholic, who believed in Purgatory - a place where the soul was suspended, and subjected to various torments, before ascending to Heaven or descending into Hell - and in the power of masses and prayers to relieve the condition of those who were in Purgatory: in his will, he asked that a thousand masses be celebrated as quickly as possible after his death, so that his soul might be "more mildly dealt with." There is some evidence indeed that Thomas intended to set up a chantry in the parish church of Rotherham. In 1480, he obtained a mortmain licence from Edward IV to found a chantry called 'the chantry of Master Thomas Rotherham'; but this was never founded, being merged in the larger project of Rotherham College, some two years later.⁵⁶

No less than three of the College Statutes contain detailed directions for the saying of masses and prayers for the founder, his parents and benefactors: those entitled *Of the Collects to be said in the Masses*, *Of Saying Solemn Obsequies*, and *Of Private Obsequies and other Prayers*. The cumulative effect was that hardly a day would go by without some intercession by the members of the College of Jesus, on behalf of the soul of Thomas Rotherham.⁵⁷

By 1498 Archbishop Rotherham must have been a wealthy man, and he was certainly a powerful one. He was in a position to provide his College with a generous endowment, when he came to make his will. He had already given it the church of Laxton in Nottinghamshire. In 1488 he gave it the church of Almondbury, near Huddersfield.⁵⁸ Now by his will he confirmed this gift and added several smaller properties in and around Rotherham:

My tenement in Rotherham, purchased of Thomas Bowne, of the value of 20 shillings and 10 pence a year clear. My messuage beside the College, on the western side, of the yearly value of 8 shillings. My messuage in Byrnnesforthe, 23s 5d. My cottage in Thorp, purchased of Thomas Wodall, of the yearly value of 8s 4d. My tenement called Scoles, of the yearly value of 20s..... My lands with the rents in Wightill, 10s. My lands with the rents in Gresebroke, 28s 2d. My lands with the rents in Newthorp beside Aston, of the yearly value of 11s. A messuage, with a cottage and with certain land and rents in Mekesburgh, of the yearly value of 27s 4d. My lands with rents and farms in Dynnynton, Thropen, and Gildenwelles, of the yearly value of 31s 8d.Also my lands and tenements in the town of Wentworth, of the yearly value of 34 shillings clear. Also my close lying in the Carrehous Meadows, purchased of the Executors of John Bokyng, of the annual value of 13s 4d.

⁵⁶ G 130-1.

⁵⁷ G 142, 113.

⁵⁸ Herbert, *Annals of Almondbury* pp 441-5. The church there may have been appropriated earlier. According to the index at BIHR the date was 13th March 1485-6: Reg 23 ff 276-279v, while the new endowment of the Almondbury vicarage was date 18th June 1488: reg 23 ff 279v-280v.

In all, the College's net income according to Thomas's will was £102/6s/2d.⁵⁹

In addition to tithes, manors, and gifts of land, Thomas showered his College with precious vessels and holy objects - chalices, paxbreds, crewetts, pixes, basins, cups and spoons - with gorgeous vestments, and beautiful books. We shall see later that many of these were service books; but a total of 105 books was bequeathed, according to a catalogue drawn up a few years after the Archbishop's death, and they included not only a huge stock of sermons for use by the Provost, but also works by Cicero, Lucan and Sallust, comedies by Terence, and even three copies of Ovid's *The Art of Love*, despite the fact that this was often expressly forbidden in schools. This gift of books was augmented by those given by Provost William Rawson in 1495.⁶⁰

Litigation was a constant preoccupation amongst the property-owning classes, both lay and clerical, and the title to landed property was frequently called into question in the courts. As an Archbishop, Thomas knew full well how involved and expensive these disputes could be. Amongst his last bequests, he gave £200 to the treasurer of the Church at York, and to his Archdeacon, Henry Carnebull *to this end and use, and no otherwise nor in any other manner, that my College of Jesus of Rotherham shall be defended with that money if it be wronged*.⁶¹

The College of Jesus was not entirely finished in 1498, when Thomas's will stated that he had 'begun to erect it'; and yet it was dissolved soon after 1547. How far did it live up to its founder's expectations, during the half-century or so of its existence? In general, the College seems to have been well-ordered. There were no allegations of financial irregularity such as were made in the cases of Warwick and Ripon Colleges in the 1530s, although there was theological controversy, as we shall see. So far as education is concerned, we have no materials with which to paint a picture of the work done in the three schools which the Archbishop established. There is no account of the teaching methods employed, such as exists in relation to the seventeenth century Rotherham grammar school, in Charles Hoole's *A New Discovery of the old Art of Teaching Schoole*; and no registers or other College records survive either. There is some evidence that Rotherham College had a special relationship with Lincoln College. As we have noted, Archbishop Rotherham was a co-founder of Lincoln College, and he drew up its Statutes of 1479. The Statutes included the following provisions:

Let there be also four in our College from our diocese of York; two at least to be of the County of

⁵⁹ YASRS 33 pp xxix, 131-141.

⁶⁰ YASRS pp xxxviii, 164; YASRS 33 p 143.

⁶¹ G 136-42.

*York, and particularly of the Archbishoprick of York. These two to be parishioners of Rotherham, and such parishioners to be always preferred, if so many are found fit.... Likewise we appoint and order that of the number of the four who are elected from the County and Diocese of York, one at least of the parish of Rotherham, is always to be preferred, if any of the parish in the judgement of those who choose them is found fit.*⁶²

This surely means that boys from the parish of Rotherham were to be given favourable consideration for places at Lincoln College, Oxford, and even for one of the Fellowships there. In practice, once the College of Jesus had been founded, preference was given to scholars from its grammar school; and we have the evidence of a former pupil of that school, Michael Sherbrooke, who was rector of Wickersley between 1567 and 1610, that Rotherham College grammar school boys did indeed go up to Lincoln College in the period prior to 1547:

by the Foundation of Lincoln College, Oxford.....the scholars that came from this College of Rotheram, were to be preferred to a fellowship of that college, before any other; which was performed very well so long as the house stood, according to his Thomas Rotherham's first foundation...

We cannot discover how many boys were bright ('habilis') enough to gain places, or be elected Fellows, at Lincoln College because the records of that College do not record the schools from which boys or fellows came;⁶³ but Sherbrooke's statement does suggest that the founder's hopes with regard to learning were fulfilled to some extent. Sherbrook implies that the grammar school's connection with Lincoln College lapsed after the Chantries Act. Guest argued - three hundred years too late! - that it ought to be restored.⁶⁴

In general, there is no reason to believe that the three schools at Rotherham College did not function more or less as envisaged by their founder. Indeed, there is positive evidence that they did. When the Commissioners appointed by King Henry VIII surveyed the College in 1546, they reported that "the same is observed accordingly", that is that the purposes of the founder were being fulfilled; and they had every reason to be critical if they wished, since the King had the confiscation of college and chantry lands in mind.⁶⁵

⁶² 'habilis'

⁶³ Information supplied by the Librarian of Lincoln College, Oxford.

⁶⁴ G 341-2, 96. see also YASRS 125 (1959) pp 122-7G 34

⁶⁵ YASRS 33 p 175; Surtees 91 p 201

Generations of Rotherham boys must have benefited from the free tuition provided at the schools in Rotherham College, while the provision of free board and lodging for six poor boys from Rotherham and Ecclesfield parishes was at least a contribution towards the relief of poverty, noted by King Henry's Commissioners in 1535, and King Edward's in 1548. These boys repaid the debt they owed to the College by singing in the parish church, and in the chapel on Rotherham bridge, where they were required to chant the Mass of Jesus and the *Antiphone* of the Blessed Mary, at regular intervals. The musical content of the town's religious services was greatly enriched, just as Archbishop Thomas had wished. Thomas Rotherham had also hoped that by appointing a Cambridge theologian as Provost, he would promote knowledge of, and faith, in the Christian religion, at a time when the parish priest was not responsible for preaching. We know the names of most if not all of the men who held that office: William Greybern, Richard Hoton, Robert Cutler, Robert Neville, Richard Jackson, Robert Newrie, and the last, Robert Pursglove, who surrendered the College to the Chantry Commissioners, and who has a memorial brass in Tideswell Church in Derbyshire.⁶⁶ The list is not necessarily accurate. Robert Newrie's date is 1534, but it follows from what is stated above that Neville was still Provost at that date.

Neville became the fourth Provost in January 1518, and he was still in office when the *Valor Ecclesiasticus* was compiled in 1535. In 1534, an unseemly quarrel broke out in Doncaster, between the Prior of the Carmelites (Grey Friars), and the Warden of the Franciscans (White Friars). These two held radically different views about theology, though they were both licensed preachers. The former (John Bale) was to become a famous Protestant reformer and propagandist, the latter was a staunch conservative. It was alleged that they had used 'opprobrious and undecent words' about each other, even going so far as to attack one another from the pulpit. The matter came to the notice of the Archbishop of York, who was understandably very concerned, and he appointed a commission of enquiry which consisted of four men, the Priors of Monk Bretton and Blyth, Doctor William Ferrar, and Robert Nevill, the Provost of Rotherham College. This account refers to Neville as William Neville, but there can be little doubt that this is

⁶⁶ G 114; HSY vol II p 7; G 120-123; HSY vol II p 9. See illustration. Pursglove was also last Prior of Guisborough; but he became suffragan bishop of Hull, Archdeacon of Nottingham. He was deprived of office in 1559 for refusing to take the oath of supremacy to Queen Elizabeth. In that year he also obtained letters patent from Elizabeth to found a grammar school at Tideswell. On 5 June 1563 he also obtained letters patent to found a similar school and 'hospital', or almshouse, at Guisborough. In his last years he resided at Tideswell and was buried there. As the late A.L. Rowse noted in *Historians I have Known* (1997), when visiting Tideswell with his friend Bruce MacFarlane, Pursglove's brass shows him wearing full pre-Reformation episcopal vestments.

the same man as Robert Neville.⁶⁷

No doubt Thomas Rotherham would have been pleased to see one of the Provosts of his College being requested to act in this way, as an impartial inquirer into a cause of scandal in Church affairs. He would almost certainly not have been pleased to learn that the same kind of scandal rocked Rotherham College itself shortly afterwards in 1537, when Robert Neville was still Provost. We shall hear later of the accusations of heresy which were levelled at William Senes, the master of Rotherham College song-school. For the moment we will comment that by placing so many learned men under the single roof of his College (in the hope that this would reform the morals of Rotherham's chantry priests) Thomas Rotherham did unwittingly create a situation where discussion and argument about points of theology could flourish, when the old Roman Catholic consensus broke down. The very detailed account of the Senes case which has survived shows that when new ideas about religion did arrive in Rotherham College in the 1530s, they became, not just a subject for lively discussion, but the cause of bitter animosity and personal abuse; and Provost Neville was unable to prevent this, or to resolve the problem once it had arisen, despite the extensive powers given to him by the College Statutes. Moreover, because of the regular contact between the members of the College and the townspeople, the theological controversy which took place soon became a matter of public knowledge. It spread beyond the precincts of the College, to the parish church and the town itself, involving clergy and laymen alike, and coming to the attention of the bailiff, and ultimately of the lord of the manor himself. These were developments which Archbishop Thomas would surely have deplored.

Did the housing of the chantry priests in the College at Rotherham achieve the desired effect of improving their morals? I do not know of any records which deal with the question of the behaviour of these men prior to 1548: archiepiscopal visitation records do not apparently survive for the early Tudor period.⁶⁸ The Chantry Commissioners of 1548 were certainly concerned with the character of chantry and college priests, as well as with the lands and properties of institutions affected by the Act of 1547, and the degree of usefulness claimed by them. Elsewhere, they readily reported on matters which tended to bring these institutions into disrepute, or made people see them as obsolete or irrelevant; but they said very little against the priests of the Rotherham chantries, or indeed against the Fellows of the College. Guest said: "Nothing appears.... which would impute to the then priests incompetent qualification for the holy office, or improper conduct therein, or sordid motive for holding it."

This is not entirely correct, because the Commissioners did say that the two

⁶⁷ Dickens, *Lollards and Protestants* pp 140-3.

⁶⁸ Information supplied by BIHR.

priests who served the Altars of Jesus and Our Lady were 'somewhat learned' which implies that they were not very learned at all; and a further reference to the same chantry states that although one of the priests (Thomas Pylley, of whom more anon) 'observed the foundation' and performed the services for which the chantry had originally created, the other plainly did not, for he was not even in residence! But these are comparatively minor quibbles, and alongside them we must set the complimentary remarks which the Chantry Commissioners made about Thomas Snell, the grammar master at Rotherham College: that he was of 'honest conversation, qualities and learnyng'.⁶⁹ The signs are that the way of life of the residents of the College on the eve of its destruction was not such as to invite substantial criticism, though this was not enough to save it.

We have said that the College not only housed a number of priests who served the chantries in the parish church, but also served as a chantry for its founder. No earthly tribunal is qualified to judge whether the College functioned effectively in this respect. What can be said is that, just as the fifteenth century saw the rapid multiplication of chantries, the sixteenth saw their total extinction in England and Wales, as a result of the destruction wrought by the Chantries Act of 1547, and the Protestant rejection of Purgatory and therefore of intercessory prayers and masses. In the case of Rotherham College, the intercessory function was certainly fundamental to its existence. Hence it is not surprising, though it may be regrettable, that the College was destroyed, in spite of its importance for education and the preaching of the gospel.

Thomas Rotherham would almost certainly have been disappointed by the verdict passed by a nineteenth century vicar of Almondbury on the annexing of that parish to the College of Jesus, for he had hoped thereby to promote the Faith, and increase knowledge and virtue:

It would appear that Almondbury church did not derive any benefit from Archbishop Rotherham's foundation except that a man of learning was appointed from the College on any vacancy as vicar...

This may be unfair. New building was undertaken at Almondbury church during the period in question, for which the Provost and Fellows paid; and we should also bear in mind that the Provost was under a duty to preach regularly there.

Some of the inhabitants of Almondbury may have had cause to regret the passing of Rotherham College. In particular, those liable for tithe may have looked back on the time when their tithes were payable to the College with some affection.

⁶⁹ Surtees 91, 208-210; Surtees 92, 378-383; G 74-9, 147-8.

Following the dissolution, the rectory passed into the hands of William Ramsden, who started proceedings against several local men, including Edward Hirst and Edward Dyson.⁷⁰ Numerous witnesses from Almondbury and nearby parishes gave evidence in these tithe suits, which suggests that they were hotly contested. Among them was William Nettleton(?) who had farmed the tithes for Rotherham College in former times, and said that when he did so he used *a rental delivered unto hym by the provoyst and fellowes*.⁷¹ Another was Peter Key (or Kay), who testified for Dyson. It was surely no coincidence that Ramsden also sued Peter Key at this time, alleging that Key had slandered him late in 1550, saying that Ramsden was *a knave a harlot and a noughtye fellowe, and a craftie and a noughtye harlot and a craftie fellow*. But, if some men quarrelled with those who superseded Rotherham College, there were others who disagreed with virtually the last decision which it made with regard to the parish. For we shall see that when the last vicar appointed by the Provost and Fellows tried to take up his post, he encountered vigorous, though unsuccessful, opposition from some of the people of Almondbury.

It is difficult to reach any sound conclusion with regard to the church of Laxton, which Thomas Rotherham also attached to the College of Jesus. We know that he was responsible for erecting the rood screen, the clerestory with its figures of the apostles on the inside of the church, and a series of remarkable gargoyles on the outside; and that he commissioned an effigy of himself replete with cope, mitre and archbishop's cross, which stands on the battlements on the North side of the church to this day. We also know that Laxton was one of the places where the Provost of Rotherham College was obliged to preach; but the history of the church of Laxton has been little studied, unlike its open field agriculture, which is nationally famous.

We do not know enough about the character of the vicars appointed by College of Jesus to be able to say whether the close connection between Rotherham Laxton had any improving effect on the latter. There may have been room for improvement, for in 1471, the vicar of Laxton had been suspected of a 'jollity' (affair) with the wife of William Blyton of Wellow, an adjoining parish. Blyton was a man of some substance, and he allegedly lured the offending vicar to Lincoln, had him beaten up, put him in the stocks at Wellow and then imprisoned him at Nottingham, where he remained for several months, before resigning as vicar early in 1472. The vicar contended that the whole thing was a plot, designed to deprive him of his living, but wherever the truth lay, the affair was a scandal for the Church, and men would perhaps expect better of

⁷⁰ BIHR CPG 406, 417, 474(part); CPG 474(part), 476.

⁷¹ CPG 417.

priests appointed by Thomas Rotherham and subsequently by his College of Jesus.⁷² (Note: the *manor* of Laxton was given to Thomas Rotherham by Robert Roos, but it was never settled on his College, and it returned to the Roos family in 1508, in accordance with Rotherham's will, following some litigation in Chancery. It was the *church* of Laxton (tithes and advowson) which the Archbishop gave to his College).



The Chapel on the Bridge

⁷² J.V.Beckett, *A History of Laxton*, Blackwell, 1989; *A Fifteenth Century Vicar of Laxton* by R.L.Storey, Trans. of Thoroton Society vol 88 (1984) pp 39-41.

2 HENRY CARNEBULL AND PURGATORY

Maurice Keen wrote that "in the conventional religion of the late middle ages, concern with the relief of penance in purgatory is perhaps the most striking feature".⁷³ The life and death of Henry Carnebull demonstrate that the belief in purgatory was still very strong in the early Tudor period.

Carnebull was a close associate of Thomas Rotherham. According to Hunter, he was educated by the same anonymous Rotherham schoolmaster whom Thomas Rotherham eulogised in his College Statutes. He acted as a witness in 1483, when the Archbishop granted the rectory of Laxton to Rotherham College. Henry was then described simply as 'clerk', or priest, but by the time Thomas appointed him as his executor in 1498, he had been appointed archdeacon. The monograms of Thomas and Henry appear side by side on the roof beams of Rotherham parish church.⁷⁴

Henry took a close interest in the affairs of Rotherham College. We have seen that Archbishop Thomas was afraid that his foundation might be challenged and left £200 for its defence. The persons he entrusted with the fighting fund were Henry Carnebull and Hugh Trotter, who was Treasurer of York. At some date, Henry drafted amendments to the College Statutes, in the light of certain doubts and obscurities which had emerged. He acquired land in the Rotherham area; and he must have spent time in the College, for he became sufficiently acquainted with the neighbourhood and its problems to leave a sum of money for the mending of a local road: *I will that £6/13s/4d be delivered to the factours of Rawmarshe caucey which is now sore decaide*.⁷⁵

In addition Carnebull was the principal, benefactor of the College of Jesus, after Thomas Rotherham himself. He showered it with gifts during his lifetime, and in the will and codicil which he made shortly before his death. An inventory exists of the 'jewels' which he gave. These seem to have consisted largely of books and vessels used in the celebration of the mass but the list is impressive: a great breviary with silver-gilt clasps, and images of Christ and the Virgin, and a silver-gilt marker; a similar missal; a pair of silver basins, parcel-gilt, with flowers called columbines, weighing 42 ounces;

⁷³ Keen, *English Society* p 272.

⁷⁴ HSY vol II p 6; YASRS 33 p 137; G 322.

⁷⁵ YASRS 33 pp xxxviii, 147, 171 A 'causey' was a series of flagstones laid across the most vulnerable parts of a road.

two ewers with columbines on their covers, weighing 51½ ounces; two bowls, parcel-gilt and chased, weighing 77 ¾ ounces; a great chalice with image of the Virgin with the child on her bosom, called Our Lady of Pity (and on the foot Christ on the Cross, with Mary and John) weighing 34 ounces; a bowl and cover with a ring of hawthorn leaves, and on the top a shield, three lilies in chief, a bar with three billets weighing 20 ounces; a pair of candlesticks, parcel-gilt, weighing 46 ounces; a nut (a cup in the shape of a coconut) with a cover with the words *better may be when God wolle* around the base; two mazer-bowls, each with the name of *Jesus* on the bottom; another with *Jesus* on the bottom and three times on the rim; and a silver salt-cellar *for the boys* – which must refer to the six choirboys who resided in the College.

Henry Carnebull's generosity to Rotherham College was recognised even during his lifetime. In 1499 Thomas Rotherham decreed that Henry was to be remembered in all the prayers of the College:

Priests ought especially to pray and offer sacrifices stained with the blood of the Lamb without blemish for the souls of those by whose benefactions they are maintained. So in remembrance of the services rendered and gifts given to the College, we give you a share in all prayers to be offered in matins, masses, hours, wakes, fasts, alms and prayers, now or hereafter for ever done in the College, during your life and after your death, and when on the summons of the Most High, the Provost and Fellows learn of your passing, they shall make commendation of your soul, and obsequies and requiem mass; and shall do the same yearly on your anniversary.

This decree was confirmed by the Provost and Fellows of the College. It was the origin of an 'obit' for Henry Carnebull - an annual memorial service, followed by a distribution of money and/or food to the local poor.⁷⁶

Thomas Rotherham died in 1500. On 2 March 1505 Henry Carnebull obtained permission to found a chantry at the altar of Jesus and Mary in York Minster and he was also permitted to found two chantries in the parish church of Rotherham, at the altar of Jesus and Our Lady. The two priests at Rotherham were to pray daily for the souls of King Henry VII, his wife Queen Elizabeth, Margaret his mother, all their issue, the souls of Thomas Rotherham and Henry Carnebull, and all Christian souls. They were also to perform divine service in the parish church for ever. Henry had to pay dearly for the privilege of founding these chantries. The Crown controlled the alienation of land to the Church, by means of the grant of 'mortmain' licences, and in Henry VII's reign the amount charged for these was increased dramatically: Carnebull had to pay 200 marks for permission to endow his chantries with lands which were

⁷⁶ YASRS 33 pp 144-7.

worth only 20 marks (£13/6s/8d) a year! He must have wanted very much to found them.⁷⁷

There were large numbers of chantries in England: there were 269 chantry priests in the West Riding alone in 1535. The parish of Rotherham had five, prior to Carnebull's foundation. There was the Chantry of Our Lady of the Carr, founded in 1318. There was the Chantry at the altar of the Cross, which men in the sixteenth century thought to have been founded in 1421, but which was in fact considerably older; it sprang originally from the activities of the Brotherhood of Holy Cross, which dated from 1366. There was also the Chantry of Our Lady at the altar of Our Lady, the Chantry of St Katharine, and the Chantry at the altar of St Laurence, the last of these being, as we have noted, at Tinsley. All these were long established. Henry Carnebull's two chantries were the last of a long line; but his action in founding them in the early years of the sixteenth century does show that for him, Purgatory and its tortures were as real as they had ever been in the late medieval period.⁷⁸

In 1512, Henry Carnebull became ill, while he was at Rotherham College. He made a will, which was witnessed by the Provost Robert Cutler, one of the Fellows, and one of the chantry priests. Realising that he was *sone to departe owt of this worlde at the plesour of God*, Henry declared that *if hit shall happen to be at Jesus College in Rotherham now at this tyme*, he should be buried in the parish church, in front of the altar of Jesus, where his chantry priests had been directed to pray. A marble stone was to be placed over the grave, with an inscription which invited onlookers to pray for the souls of Henry, of Thomas Rotherham, their relatives and friends, and for the souls of all the faithful departed. Here again was a demonstration of Henry Carnebull's belief in the ability of the living to intercede for the dead. Nor was this all, for his will continued:

Forthermore, for the rather purchasing me of grace and the sonner obteygnyng of heavenly rest for my soill, when it shall departe from my body, I will that, immediately aftur my said disceysse, a Dirige and Masses be songyn for my soill ; and my body to be buried. I will also that the seven nyght day at next aftur my said decesse and buriall that myn executours doo me to have an obbett in the church of Rotherham, wher I will my body be buried. And I will that every prest, as well seculare as religiose, cummyng therunto, singing and saing for my soill Dirige and Masses, shalbe given, 8d; to every clerk cummyng, syngng and saing, as is afore rehersed, 4d; and every poore man, woman, and childe asking almes be gyven for Godd's sake a peny, wyth owt any

⁷⁷ YASRS 107, p 133; G 76; Kreider p 82.

⁷⁸ Smith p 93; YASRS 107 p 132; G 74-9; YASRS 33 pp xxxiv-xxxvi, 169-70; Surtees 91 pp 205-9, 92 pp 379-80.

excessive chalange or objection maid ayenst any of them

This 'obit' was to be celebrated once only, on the seventh day after Henry's funeral. Perhaps Henry did not feel the need to provide for a further perpetual obit in Rotherham church, when one had already been created for him at the College in 1499.⁷⁹

But Henry had still not completed all his preparations for his entry into Purgatory. Although he had obtained permission to found his two chantries in 1505, it seems that he had not proceeded to endow them immediately, at least not fully. So now, after appointing his executors (one of whom was John Lyly, vicar of Rotherham), and directing that they should dispose of his moveable goods *as thei shall seme best for the helth of my soill*, he went on to give them the income (*lyveloid*) from the land which he had purchased in Rotherham, Greasborough, Ravenfield, and Wentworth, and in any other places he had purchased with his 'penne'. This income was to be placed at the disposal of Rotherham College, on the basis that the College would pay ten marks a year (£6/13s/4d) to a priest, who would offer up perpetual prayers, and *sing and say* for him. This sum completed the total endowment of twenty marks, with which Henry had intended to establish his chantries in Rotherham.

Henry Carnebull was still *lyeng full seike in the College of Rotherham* on July 14th 1512, when he made a codicil to his will. In this he left a crucifix and various other precious objects to the altar of Jesus in the parish church, where he was to be buried. He also left the Provost of the College £40 *to fynd hyme at the Universitie*, that is to enable him to take his Doctorate in Divinity, which would involve expensive feasts, and heavy fees. Still concerned by the prospect of Purgatory, Henry also left 26s/8d to the four orders of friars at York, requesting that they too should pray for him.⁸⁰

Henry did not recover from the illness which moved him to make the will and codicil which have been described. He died at Rotherham College on 10th August 1512, and was duly buried in the parish church, in the place (and presumably in the manner) which he had specified. If his soul did experience Purgatory, he at least had the members of Rotherham College, the poor and others who attended his annual obit, his two chantry priests, those who responded to the invitation inscribed on his tombstone, and the four orders of friars at York, to pray on its behalf, and in theory these arrangements should have lasted for as long as it took to secure his soul's release from

⁷⁹ There were two obits in Rotherham parish church in 1548, one founded by Thomas Reresby, and the other by *the commons of the towne of Rotherham*; and there were also two at Rotherham College, one for Thomas Rotherham, the other Carnebull's: Kreider p 67; Scarisbrick p 4; G 148, 113, 145, 173; Surtees 92 p 382.

⁸⁰ YASRS 33 p xxxviii, 169-171.

torment.

Alas, the arrangements which Henry made to reduce the 'pains' of Purgatory (commonly thought to last for hundreds if not thousands of years) lasted only a few decades. The monasteries, friaries, nunneries and other religious houses were all dissolved in the 1530s; and in the late 1540s, the Protestant faction which ruled England under Edward VI rejected the whole idea of Purgatory. Obits, anniversaries, 'lights', and 'lamps' were now regarded as superstitious and they were swept away by the same Act of Parliament which extinguished Rotherham College.

From time to time we can catch glimpses of the priests and others who prayed on behalf of Henry's soul. Amongst the first of these was Thomas Gree. When Gree made a will on 4 September 1505, he described himself as a priest in the chantry *recently founded by Henry Carnebull*. The sort of man Thomas Gree was can be gauged from the terms of this will. He was very much a part of Rotherham College. Himself. He had a wide circle of friends and acquaintances within the clergy. He owned books, on sacred music, theology and grammar, and was interested in education. Gree referred to Carnebull's chantry as "the chantry in the College of Jesus at Rotherham" (*cantarista cantarie in collegio Jesu de Rotherham noviter fundat. perHenricum Carnebull*). Clearly, the church and the college were one institution, so far as Gree was concerned. He made the Provost of Rotherham College, Richard Hoton, the supervisor of his will, and left him 13s/4d, and a book containing some of the epistles of St Paul. He left the grammar master, John More, 20d, and any priest dwelling within the College or town (*infra collegium et infra villam manent*) 12d. Any priest from Rotherham who attended Gree's funeral was to receive 6d, any other priest from Gree's 'own country' (*de patria*) 4d, and any boy from Rotherham College 2d. A chaplain (*capellanus*) was to receive seven marks for celebrating masses for Gree's soul for one year. He left his attendant (*famulus*) Thomas Wilson his best belted-gown (*cinctam togam*), all his books on grammar and five marks for an 'exhibition' (*pro sua exhibitione*), which meant that the money was to be used to finance Wilson's further education.⁸¹ (This suggests that Wilson may well have been a pupil at Rotherham College: the six choristers there were certainly under an obligation to serve the Provost and Fellows at mass, and these and other guests at table).⁸²

Gree had connections with Nottinghamshire. Some of his relatives lived in Lound, others in Sutton, and he left various bequests to them and to churches and clergymen in that county: an antiphonary (a book containing sacred music to the church

⁸¹ Provost Greybarn had left property for exhibitions for poor scholars generally, only four years previously: YASRS 33 p 168.

⁸² G 114.

at Clifton, a book of sermons to the vicar of East Drayton, and his best surplice and another book to Henry Frankish, one of the vicars choral at Southwell Minster. We can even gain some idea of Thomas's appearance since, in addition to the belted gown which he left to his attendant, he left a gown of best cloth to each of his sisters, and a girdle of copper and silver (*unam zonam soricam et deargentatam*) to Robert Rayner of East Drayton.⁸³

The next of Henry Carnebull's chantry priests of whom we know something was John Lillie. He was Vicar of Rotherham, and "prebendary of North Kelsey in the Cathedral Church of Lincoln". He was appointed cantarist by Henry Carnebull in 1507, on the death of John Milner, and Carnebull appointed him as one of his executors in 1512. Curiously, one of the priests who witnessed Thomas Gree's will in 1505 was a man with a very similar name. This was Thomas Grene, who also witnessed Carnebull's will in 1512, and was named as one of John Lilly's executors in 1513. Both Carnebull and Lilly referred to Grene as "Our lady's priest in Rotherham church", so it is possible that Thomas Grene was another of Carnebull's priests.⁸⁴

From the *Valor Ecclesiasticus* of 1535 we learn that Rotherham College paid out 10s a year to the poor on the occasion of the obit of Thomas Rotherham, and 13s/4d at the time of Henry Carnebull's. We also learn the names of two more of his chantry priests. The first was Nicholas Fraunkes, who was paid his salary by Rotherham College, the second was Thomas Pilley, who had been appointed in 1513 by Provost Cutler and the Fellows of the College but received his salary from the monastery of Lenton in Nottinghamshire. These two received an income of ten marks each, making 20 marks in all, which equates with the amount for which Carnebull had obtained his expensive mortmain licence in 1505.⁸⁵

In 1546, when King Henry's commissioners reported on the condition of both chantries and colleges, they confirmed that Rotherham College was *charged to pay yerely to a chaunterye pryste in the church of Rotherham, of the foundacion of Henry Carnebull, £6/13/4d*; and the schedule of payments which they appended confirmed that this amount was payable to a priest called Thomas Bayschaw. In the same year the commissioners reported that the two incumbents of the Carnebull chantries were Thomas Pylley and Thomas Bayshawe, and pointed out that *on ye behalfe of Thomas Pylley the same foundacion is observid & kept. but ye sayd Thomas Bayshawe is not resident there accordyngly to the foundacion*. The Edwardian chantry commissioners, who conducted their surveys in 1548, reported that the priests in Carnebull's chantries were

⁸³ BIHR: Abp Reg V 24, f 163v.

⁸⁴ YASRS 33, p 170 ; BIHR Abp Reg V 26,f 141.

⁸⁵ YASRS 107 p 134; YASRS 107 p 134; *Valor*; Crowder & Greene p 25.

now Thomas Pylley (aged forty-four) and William Feldishend (aged thirty): perhaps Feldishend had taken Bayshaw's place because of the later's non- residence. Neither of these priests had any source of income apart from the £6/13s/4d (ten marks) mentioned.

The Henrician and Edwardian chantry certificates each mention the goods, ornaments and plate belonging to the Carnebull chantries: the earlier certificate states that the chantry had goods worth 47s/5d and the plate £17/14s/6d, the later mentions 21s/ 9d worth of goods and 47 ½ ozs of plate, 'parcell gylte'. There is no explanation of this discrepancy: possibly the first chantry survey was more thorough than the first with regard to property. Or possibly someone had decided to forestall the confiscations threatened by the Crown, by removing part of what the chantry possessed. With regard to income from property, the later certificate states that the yearly value of the freehold land belonging to the chantries was £13/6/8 (twenty marks); the earlier gives the same figure, but makes it clear that half this sum was paid by the Crown receiver (who had now taken over the land and possessions of the monastery of Lenton), and the other half was payable by the Provost and Fellows of the College of Rotherham.⁸⁶

What these certificates tell us is that prayers for Henry Carnebull continued to be offered up until the last possible moment. His chantries were not dissolved by descendants of his, nor by the men of Rotherham, nor by Henry VIII in one of the 'pre-dissolution dissolutions' of the early 1540s. Elsewhere in Yorkshire, and in England generally, events like this did take place, and chantry funds were diverted to public or private uses, either through greed, or because the belief in Purgatory was dwindling. But this does not appear to have happened with the Rotherham chantries in general, nor with Carnebull's in particular. They fell, but only when the Act was put into effect.⁸⁷

There is a further point to make concerning the dissolution of the Carnebull chantries. In some places, local communities withheld information about the lands with which the chantries had been endowed. (They did not trust the government to use the property which fell to be confiscated so as to promote educational and charitable purposes, though that was the stated purpose of the legislation). Though it is difficult to obtain definite evidence now about these 'concealed lands' – since the whole point of the exercise was to keep them hidden - there are signs that some properties and titles in Rotherham were kept secret in this way; but nothing of the sort seems to have happened with the Carnebull chantries. The Henrician commissioners of 1546 considered that: *There is no landes, tenementes sold, ne alyenated sythens the 4th day of*

⁸⁶ YASRS 33 pp 175, 181; Surtees 91 pp 201, 204; Dickens, *Reformation* p 285; Scarisbrick p 96; Surtees 91 p 205, 92 pp 378-9. G 74, 76. Guest states that the two sets of chantry certificates are of approximately the same date; but the editor of Surtees does not agree.

⁸⁷ Dickens, *Reformation* pp 147, 288; Dickens, *Lollards and Protestants* p 207; Kreider Chapter 6

February [1536]. Of course, they would say that, even if there were concealed lands, if the concealment had been successful! But it seems they were right in this case, because the value of the lands for which a mortmain licence had been obtained in 1505 - twenty marks - corresponds with the value of the chantries in the *Valor* of 1535, and also with the value given for them by the commissioners of 1546 and of 1548. In short, when the Carnebull chantries fell, their endowments were intact, and they all passed to the Crown - lands, plate and goods.

What then happened to Thomas Pilley, the dutiful chantry priest, who had interceded for Henry Carnebull's soul for at least thirty years, defended the old ways against the likes of the singing master William Senes, and had no income apart from the ten marks received from Carnebull's endowment? The Edwardian chantry commissioners who dissolved the chantries and confiscated their endowments were authorised to appoint former chantry priests as assistant curates in parishes, where the rector or vicar required assistance, and to grant adequate pensions to any who lost their livings entirely because of dissolution. In Rotherham, these commissioners did report that: *In the sayde towne & paryshe of Rotherham being great and wyde there ys no preist founde to serve the cure besydes the vicar & paryshe preist, which heretofore have ben accustomed to have helpe of the chauntrie preistesas needed hath required.* Clearly therefore it would be logical to continue the services of at least some of Rotherham's chantry priests; and according to one modern writer, this was what happened, no less than three of them being ordered to continue as priests; but whether Thomas Pilley was one of the three is not stated. Likewise, we do not know for certain if he was granted a pension, though we know that Thomas Holden, the cantarist in the chantry of the Cross, did receive a pension after the dissolution, which he was still enjoying in 1553.⁸⁸

According to Professor Dickens, chantry priests usually suffered 'no great hardship' financially, although there is evidence that the pensions which were awarded were not always paid on time. A survey of pensioners was carried out in 1552-3. The former provost of Rotherham College, Robert Pursglove appears in this with his stipend of £14/4s/4d fully paid; but lesser men fared less well. 58% of the known grantees in the West Riding were in arrears, mostly for one year but nearly one third for longer.⁸⁹

⁸⁸ Surtees 1892 p 380 Kreider p 51. His ref is E 301/103/14; HSY vol II p 17; Hunter also states, p 16, that in the memoranda of the Exchequer in 1562-3, mention is made of an annual pension of £6/13s/4d paid to Henry Asheley, assistant in the church of Rotherham, and says he was possibly the forerunner of the nineteenth century lecturer of that name.

⁸⁹ Dickens Reformation p 292; Dickens, *The Edwardian Arrears in Augmentation Payments and the Problem of the Ex-Religious*, EHR 55 (1940) reproduced in *Reformation Studies* p 398(n) 402, 409; YASRS 33 p 187 for the West Riding Pension List.

Whatever the position, it would be surprising if Pilley had not regretted the passing of the old order in general, and Henry Carnebull's chantry in particular. One modern historian has written that many Tudor Englishmen "felt no more compunction in diverting chantry-funds to practical uses, both public and private, than we should feel in demolishing the once-mighty Bethesda Chapel in some depopulated area of an industrial city"; but it may be doubted whether Henry Carnebull or Thomas Pilley would have agreed.⁹⁰



Rotherham Parish Church [2012]

⁹⁰ Dickens, *Reformation* p 147. See also Appendix III concerning chancery proceedings of 1515.

3 WILLIAM SENES AND HERESY

In the late 1530s and '40s Rotherham was home to one of the most notorious heretics in the Diocese of York.⁹¹ This would have come as a profound shock to Thomas Rotherham, the founder of the College of Jesus, whose Statutes for Lincoln College Oxford had provided that every Fellow swear that he would not favour *that pestilent sect* [the Lollards] *which, reviving ancient heresies, attacks the sacraments, and the position and the endowments of the Church*. If any Fellow transgressed, he was to be cast out of the College fold *as a diseased sheep*.⁹²

William Senes was one of the three Fellows of the College of Jesus. In 1535, he was Master of the song-school there, according to the *Valor Ecclesiasticus* (which referred to him as 'Symmez'); and it was there that he was arrested on 4th August 1537, along with Thomas Frauncys and John Padley, who were also suspected of heresy. The identity of these two is not certain; but it is at least possible that they were also resident at Rotherham College. Frauncys may have been the same man as the *Nicholas Fraunkes* who was a chantry priest there in 1535; and John Padley may have been one and the same as the John *Addy* who was Master of the writing-school there in the same year. Incorrect Christian names, and variable spellings of surnames, often appeared in Tudor documents.⁹³

Following these arrests, Senes and his two co-accused were brought before the Earl of Shrewsbury (George Talbot, 1468 - 1538), possibly at the latter's stronghold of Sheffield Castle. We may ask why they were taken to see the Earl, when he was not lord of the manor of Rotherham at the time.⁹⁴ Perhaps he was already 'lording' it there, even before the manor was his. In any event, he was already one of the King's most trusted lieutenants in the North of England, having played a key role in the suppression of the Pilgrimage of Grace of 1536; and he was still on the lookout for troublemakers of any description. These were difficult times, despite the failure of the rising, and the King's friends needed to be vigilant in the face of continuing conspiracies.⁹⁵

⁹¹ The whole of this section is based largely, but not exclusively on Dickens, *Lollards and Protestants* pp 37-44. The relating to the Senes case are printed in *L & P Henry VIII* vol XII part 2 p 175 et seq.

⁹² Joan Simon, *Education and Society in Tudor England* p 43(n).

⁹³ Addy was still Master of the writing-school in 1548, when the College of Jesus was dissolved.

⁹⁴ Shrewsbury received his grant of the Lordship on 6th October 1537 :G 170; HSY vol II p 10.

⁹⁵ See article in YAJ 34 (1939) pp 379-98 *Sedition and Conspiracy in Yorkshire during the later years of Henry*

The Earl of Shrewsbury was a conservative in matters of religious doctrine, and did not look kindly upon the activities of those who were suspected of heresy. When the Master of Rotherham song-school was brought before him, the Earl spoke fiercely: *Come near, thou heretic and kneel near, ha, thou heretic, thou has books here!*

William Senes replied meekly: *Yea my Lord, the New Testament I have*. This admission seems harmless enough, but the Earl was not in a conciliatory mood. He snapped back *The New Testament nought thou has*; and he repeated several times that the New Testament was 'nought', meaning that it was worthless or injurious.

To understand the Earl's reply, we must appreciate that, at the time the conversation took place, there was no authorised version of the Bible in English, and the Testament which Senes had on him must either have been William Tyndale's unofficial translation or an older Lollard version. Tyndale's English Bible had been printed in Cologne and then smuggled into England. King Henry had banned it in 1530, along with all other *blasphemous and pestiferous* works. Tyndale himself had been executed, as an *obstinate heretic*. Lollard translations of parts of the Bible had circulated in England for over a century; and the reading of Scripture was 'the classic charge brought against Lollards in the fifteenth and early sixteenth century'. Whichever it was, Senes's New Testament was not as innocent as it sounds.⁹⁶

Having questioned Senes about his Testament, Shrewsbury railed once more at the accused: *Thou art an heretic and but for shame I should thrust my dagger into thee*. Senes remained silent and was put in a dungeon for seven days.

Meanwhile, what of Senes's colleagues? Frauncys was released; but John Padley was treated as roughly as Senes. The Earl told him *Thou art a heretic and a Loulere*⁹⁷. Padley answered *Nay my Lord, it is not so*.

When Shrewsbury inquired what Padley had learned, he answered *Humanity*. *That is well* replied the Earl *what hast thou spoken? Nothing* said Padley *but that that shall become a Christian to speak*; and he continued to the effect that he had only spoken upon the commandments of God, which were *to love God above all things and my neighbour as myself*. The Earl then accused him of speaking against the sacrament, and referred to the bailiff of Rotherham; but the latter denied having heard him so speak. Nevertheless, Padley was also imprisoned for seven days.

It is interesting that Senes and Padley were then sent to the Duke of Norfolk, who was President of the King's Council in the North. For the reasons we have given, the Council was particularly concerned to discover any evidence of seditious behaviour

VIII, by A G Dickens, reproduced in the latter's *Reformation Studies*.

⁹⁶ Dickens, *Reformation* pp 107,109, 188; Keen, *English Society*, p 294.

⁹⁷ Lollard.

at this time, but it was presumably decided that Senes was not a traitor, whatever else he might be, and the Duke simply handed him over to the ecclesiastical authorities. Senes and Padley then languished for some time in the Archbishop's jail in York.

While he was in prison there, Senes wrote a memorandum drawing attention to his plight. By this means, he was able to do what he had not been able to do during his one-sided interview with the Earl of Shrewsbury, which was to compose his defence to the charge of heresy, as well as a theory as to why he had been falsely accused. Senes claimed that there were two schools of thought in Rotherham College in the late 1530s, one loyal to the King and his views about religion, the other disloyal and treacherous. Naturally, Senes belonged to the first of these groups, his accusers to the second. Senes was no heretic - he was the King's loyal subject. It was his opponents who deserved to be punished.

Senes related that the Lincolnshire rising of autumn 1536 had provoked a lively discussion in Rotherham; and, when one reads his account, it seems almost certain that this discussion must have taken place in the College of Jesus. On one side of the argument was Senes, the Master of the song-school, while on the other were Thomas Holden, a cantarist in the Chantry of the Holy Cross in Rotherham parish church (who would therefore have had the right to reside in the College) and William Drapper, who was Master of the Grammar-School. It has been suggested that Thomas Holden the Rotherham chantry priest may have been the same man as the Robert Holdyne or Howden who was arrested and imprisoned at Sheriff Hutton and York, for involvement in the Yorkshire Plot of 1541.⁹⁸ In any case he was clearly a religious conservative. He spoke warmly of the Lincolnshire rebels

God was in Lincolnshire, for those was good lads, for they would put down those heretics Cromwell, Cranmer and Latimer...we dare not stir; but let them rob us of our money.

This was dangerous talk. Thomas Cromwell was King Henry's chief minister, Cranmer was Archbishop of Canterbury. Senes claimed that he took Holden to task, saying that *those who withstood the king were rebels*. At this point the grammar master William Drapper intervened, taking Holden's side in the argument. He said that for his part, he had faith in the Earl of Shrewsbury as *a favourer of the common people*. Senes thought he knew better, and contradicted Drapper, telling him that the Earl would

⁹⁸ HSY vol II p 16, 17; G 74 & 76YAJ 34 pp 379-398, reproduced in Dickens, *Reformation Studies* p 12; YASRS, 107 p 133. However, Thomas Holden is recorded as a chantry priest in Rotherham both in the *Valor* of 1535, and in the Chantry Surveys which were conducted some thirteen years later. If he had really been arrested for his part in the plot of 1541, how likely is it that he would still have had a head on his shoulders in 1548?

never be in favour of the rebels, for he had *always been true to the king*. Drapper's reply was swift and to the point *In that case, the Earl himself was nought. Why* (replied Senes) *is all nought that doth hold with our king? Yonder is Mr Markhame, he hath put out the abbot of Roushforthe and his convent according to the King's commandment...* What was being discussed now was the dissolution of Rufford Abbey, a landmark in the history of Rotherham. 'Mr Markham' was Sir John Markham of Cotham, an M.P. for Nottinghamshire, who had evidently played a leading role in suppressing the abbey.

By this time (if Senes is to be believed) William Drapper was passed caring what he said. He told Senes that Markham too was a heretic and even that he, Drapper, would openly resist if the King tried to take away his chalice, which was for the service of God - an obvious reference to the rumours which were then current, to the effect that King Henry intended to seize Church plate. Tempers had now become frayed. The two Rotherham schoolmasters could hardly contain themselves. Senes called his colleague: *Sir John Lack-learning*; and Drapper called Senes *Whoreson knave!*

It may help to explain the enmity between these two men, both Fellows of Rotherham College, when we note that Senes was a layman, whereas Drapper was a priest. It will be remembered that Thomas Rotherham's Statutes for Rotherham College provided that the Fellows should be priests, if priests could be found to fill the posts; but this was not mandatory;⁹⁹ but, although this meant that Senes free to marry if he wished, it also meant that he had less chance of obtaining promotion; and Senes was paid less than Drapper: his stipend, according to the *Valor Ecclesiasticus* was only £6/13s/4d a year, whereas Drapper's was £10.

According to Senes, the bitter argument which he had with Holden was reported to the Provost of Rotherham College, Robert Nevill. Nevill does not seem to have taken the matter very seriously, and merely told Senes to see the bailiff of Rotherham about it; but the latter washed his hands of the problem as well. Indeed, he rebuked the Provost, by asking him if he was not capable of maintaining order in his own house. Provost Nevill was irritated by this criticism, and 'carpeted' Senes, threatening to expel him (as he had power to do)¹⁰⁰ if he brought the College into disrepute again, by telling tales out of school.

This is the end of the narrative which William Senes composed, when he was in the Archbishop's jail in York; but it is by no means the end of his story. The indictment for heresy which was now prepared shows that Holden the chantry priest and Drapper the Latin master were not the only enemies which William Senes had made in the town of Rotherham.

⁹⁹ G 110.

¹⁰⁰ G 118.

This indictment alleged firstly that on 8th June 1537 in the parish church of Rotherham, Senes had shown Thomas Holden some printed ballads, which attacked the prayers used by the Church in the hallowing of water, the blessing of bread and bells, and concerning Purgatory. Holden commented that the ballads were not authorised by Parliament, but Senes rejected this, saying *that such books as were sent down to the curates was made by heretics and none of them true*. He went on to say that after death the soul went straight to Heaven or to Hell - there was no such thing as Purgatory, and therefore prayers for a man's soul were pointless. These views were not only unorthodox, they were also offensive. To attack the notion of Purgatory was to undermine the ideological foundations of the chantry chapels which pious men in times past had created and endowed, and it therefore constituted an attack on the College of Jesus itself.

The indictment against Senes set out further allegations, which were made by one William Ingram, who apparently became the parish clerk of Rotherham during the reign of Edward VI. Senes's encounter with Ingram is a reminder that the Master of the song-school was obliged, by the Statutes of his College, to spend time in Rotherham parish church. It is also a reminder that it was not just the doctrine of Purgatory which was challenged by the Protestant Reformers: the Mass itself was also under attack.

Ingram was in church on Friday 4th May 1537. Also present was Thomas Pilley, the priest of Henry Carnebull's chantry. As we know, Carnebull had been a great benefactor of Rotherham, and more especially of Rotherham College. Yet, when Senes saw Pilley finish saying mass for Carnebull's soul - by sprinkling some water on the tomb - he mocked him openly. Not unnaturally, this caused great offence. When Ingram defended himself by stating that he simply *believed as his father had done*, Senes added insult to injury, commenting *Thy father was a liar and is in Hell*, though he frankly conceded that he also thought that his own father was also in Hell, since he: *never knew Scripture and now it is come forth*.

On Sunday 10th June 1537, William Ingram had another encounter with Senes in Rotherham church, when Senes attacked the Catholic doctrine of transubstantiation - the idea that the bread used in the Mass actually became the body of Christ. He did this in an indirect way, asking Ingram: *When didst thou see God?* Ingram replied that he saw Him every day at mass, in the priest's hands, which Senes again ridiculed, saying: *Thou sawest but bread*.

On 24th June a man called Richard Wade was in church with one Katharine Bretton, reading a life of Christ. Senes told him that the Blessed Virgin Mary was not the mother of God, that prayer to her could do no good, and that when the host was elevated during the Mass, it did not become Christ's flesh, remarking cryptically that: *God is here upon my hand, in my body, in this stulpe (pillar) and everywhere*. Senes used similar language to another Rotherham man called Cutler, on 6th July. (Professor

Dickens's suggests that the idea behind this comment is the Lutheran notion of 'the ubiquity of Christ's glorified body').

These charges indicate that a serious heresy trial was contemplated. But Senes was evidently related to people who had friends in high places, and the case was never brought to court. On 16th October 1537, John Babington, son of an M.P. for the borough of Nottingham wrote to Thomas Cromwell on behalf of *divers honest neighbours* who were kinsmen of Senes. Cromwell was not only the King's principal adviser but more importantly his vice-gerent in relation to ecclesiastical matters; and he was sympathetic to the new religious deas. Babington sent Cromwell a copy of a presentment which a Yorkshire jury had brought against Senes, and which the latter's relatives said was untrue. Babington also sent *a paper written on both sides of the leaf*'- evidently, the memorandum which Senes had written whilst in prison at York. As a result of this intervention, the case against Senes was transferred from York to the King's Bench in London, where Cromwell could exercise greater control.

A letter written by Babington to Cromwell in London on 21st August 1538 carries the tale a stage further. This letter was sent by hand, and the bearer was none other than William Senes. Babington stated that Senes earned his living by teaching music in Rotherham, but that he had no prospects of promotion there, since he was not a priest. (Surely, there was more to it than this: Senes had not exactly gone out of his way to curry favour with the local establishment.) Babington thought that Senes might be better employed, and should even be assisted, to pay off the debts which he had recently incurred *by the wrongful procurement of that country*. Cromwell was requested to ask the Provost of Rotherham College to grant Senes a lease of the vacant farm of Laxton in Nottinghamshire, which was part of the endowment of Rotherham College. We do not know whether this request was granted, but the fact that it was made at all does confirm that Senes was now under Cromwell's protection, at least to some extent.

Unfortunately for William Senes, Cromwell's own position was not unassailable: he fell from power, very suddenly, in June 1540 and was executed shortly afterwards. A religious reaction then set in, and men with views which smacked of full-blown Protestantism were no longer safe. The Act Book of the York Court of Audience shows that William Senes became a marked man again, as far as the ecclesiastical authorities in Yorkshire were concerned. They brought fresh proceedings against him as soon as they felt able to do so.

The Act Book refers first of all to some unrecorded earlier proceedings in York. It relates how on 10th September 1540, in a certain low parlour under the chapel in the Archbishop's palace before the vicar-general, William Senes *confessed and said that Sir Thomas Holgat, and William Yngram* (our old friends Thomas Holden and William Ingram) *asked him for forgevenes for that they had deposed agenst him before that time*. This

suggests that his two former accusers had decided to placate Senes with a view to avoiding counter-charges of treason. But in addition Senes now faced entirely new charges, which related to the period since he had returned from London. It seems that Senes had once more talked in an unguarded and provocative fashion, about highly controversial and sensitive religious issues. A man called Richard Sewell said that he and two others were at Senes's dwelling in Rotherham, after the latter came back from the capital, and that Senes said to Sewall that *as the ale poole signifieth that there is ale to sell and yet no ale in the poole, so, Firth [Frith] said in his booke, is the sacrament of thalter*. In other words, Senes had once again denied the Catholic doctrine of transubstantiation in the Mass.

Evidence was also produced which showed show that Senes had been reading and studying heretical books. Senes denied writing notes about transubstantiation, but admitted that he had written others *out of odre bokes, but he saith that he did never affirme them ne beleve them*. Reference was then made to a paper book in the accused's hand; in reply he claimed that he did not believe what he had written, but rather believed *as the catholique Church teacheth and beleveth*. Still further writings - the nature of which can only be surmised - were produced, but Senes protested that he had merely copied extracts *out of the notes of the Bible sett forth by Thomas Mathew and imprinted by the Kinge's licence*.

The judge investigating the case, Dr Palmes, had by now called in two assistants, the chancellor Dr Geoffrey Downes and Dr Cuthbert Marshall: he must have formed the view that what he was dealing here with a serious case of heresy, despite Senes's denials. We can draw certain conclusions ourselves from the nature of Senes's reading matter. We have already seen that in 1537 he had possessed an English translation of the New Testament, and certain ballads, possibly of Lollard origin. The evidence from the York Act Book suggests that he must also have read *A boke made by Johan Fryth* (1533) which contains the simile of the ale-pole. John Frith's works were certainly considered highly subversive by Thomas More, who wrote that one of them taught *in a few leaves shortly all the poison that Wyclif, Oecolampadius, Huss, Tyndale and Zwinglius have taught in all their books before*. Frith himself had been burned at the stake in 1533, for denying transubstantiation and the existence of Purgatory. All the works which Senes was said to possess were prohibited. His possession of them indicated that he had travelled a long way down the road to Protestantism. It also says much about the way in which the printing press was expanding the numbers of those who had access to books, heretical or otherwise.

There was one, more orthodox, author who may still have been an important influence on Senes. This was a famous doctor of the Parish schools, Nicholas of Lyra (c 1270 - 1340). Lyra's book on the Psalter was bequeathed to Rotherham College by one of

its Provosts, William Rawson, in 1495, and a commentary of his on the Bible was bequeathed by Thomas Rotherham himself. These books may still have been available in Rotherham College Library in Senes's day, though we do not know that they were, or that Senes read them. Lyra's criticisms of those who obscured the literal sense of Scripture were very influential in early Tudor England, and some anonymous wag later quipped that *If Lyra had not lyred, Luther would not have danced*.¹⁰¹

The rest of William Senes's story can be swiftly told. On 23rd November 1540 Senes again appeared in court in York, and the judge read the attestations of certain witnesses who had been examined on some previous occasion. Senes thereupon argued *that he was discharged of this by the last Earl of Essex (Thomas Cromwell) and by the Kynges Counsell, and also allegid that he hadde the Kynges pardon by the generall Act of Parliament*. In other words, he argued (we may think plausibly) that he had already been dealt with for this offence, and should not be put in double jeopardy.

As it happened, the authorities in York do not seem to have wished to go to extremes, and for his part, Senes decided to submit, reflecting perhaps on the danger presented by the recent change of political climate. The court assigned a day when he should abjure his heresy; and on 26th November 1540 he at long last admitted the truth of the accusations made against him, submitted himself to correction, and offered to renounce his opinions and heresies: *And for the opinion conteyned in his abjuracion, he confessith it and offerith hym self to abjure it as concernes the sacrament of the altare*. Senes took an oath on the gospels and read the formal act of abjuration from a schedule, which he signed with his full names and with the sign of the cross. The judge absolved him from excommunication, and appointed a day when he should do penance.

By 17th December Senes had performed his penance at York Minster; but he had to repeat it in his own parish church. In due course he returned to court to report orally that he had done so; but this was evidently not sufficient, for he was sent back again to get a certificate in writing from the 'curate' (i.e. parish priest) of Rotherham, to prove that he had fully complied with the order of the court. Senes obtained this certificate and produced it in York on 21st January 1541.

We can imagine the pleasure that Thomas Holden, William Drapper, William Ingram, Thomas Pilley, and others, may have taken in watching William Senes do penance in the parish church of Rotherham. They must have felt then that revenge was sweet. However, despite his public humiliation, Senes was really a lucky man, for by the Six Articles' Act of 1539 a person could be burned at the stake for denying transubstantiation, even if he later abjured the heresy. At least the Master of

¹⁰¹ YASRS 33 pp 143, 164; G 123; Dickens *Reformation* p 99.

Those Was Good Lads

Rotherham's song-school had escaped this ghastly fate.¹⁰²



The tomb of Robert Swift

¹⁰² Dickens, *Reformation* p 247

4 THE CAREER OF WIILIAM DRAPER

In 1534, King Henry VIII made himself "the only supreme head in earth of the Church of England", and in the following year, he ordered that a great survey be carried out, to discover the yearly value of all ecclesiastical property in England and Wales. Commissioners went out and about, painstakingly collecting the necessary information, and eventually filed it with the Court of First Fruits and Tenths in London. The voluminous *Valor Ecclesiasticus* which was produced provides a detailed account of the property of Mother Church on the eve of the great confiscations, when she still enjoyed some 20 % of all landed income.¹⁰³

When they visited Rufford Abbey in Nottinghamshire, the commissioners found that it owned both the manor and the 'rectory' of Rotherham, the rectory being the right to receive the tithes of the parish - though these were in practice collected by Robert Swift and his two sons, in return for a fixed annual payment of £67/13s/4d. When they visited Rotherham itself, the commissioners valued the College of Jesus, its properties in the town, and its endowments in the vicinity: 'Marsburgh cum Gresbroke', 'Dalton cum Brayneford', Wentworth, 'Ravenfeld cum Hoton', 'Dynnynghon cum Thorp', 'Mekesburgh', and 'Steynford cum membris'. Amongst the payments made by the College they recorded the salaries of the Provost and Fellows *Valor*¹⁰⁴

	£	s	d
<i>Robert Nevell (provost)</i>	13	6	8
<i>William Drapour (master of the grammar school)</i>	10	0	0
<i>William Symmes (master of the singing school)</i>	6	13	4
<i>John Addy (master of the writing school)</i>	5	6	8

We have met William Draper/Drapour before. He was one of those who quarrelled with William Senes/Symmes, the singing-master and heretic, and been called 'Sir John Lack-Learning' for his pains. It is clear from the figures in the *Valor* that the position of grammar school master was second only to that of Provost. This was in accordance with the wishes of the founder: singing and writing were all very well; but Latin grammar

¹⁰³ BIHR CP G 307; 790; 427 & 435; Davies C.S.L. p 63.

¹⁰⁴ *Valor* vol V p 44.

was more important, since it was the essential qualification for the higher studies undertaken at the two Universities. This was why William Draper's post was so well-paid. His stipend of £10 a year compared favourably with those of curates and vicars in the West Riding of Yorkshire. The former often got less than £5, the latter on average £9, though the vicar of Rotherham parish church received £16. In addition, Draper had a room in College, and it is likely that he received both a clothing and a heating allowance, along with the services of a barber and a laundress, free of charge: this was certainly the case only a few years later, when these items were thought to be worth an extra 15s/4d a year. Moreover, the Statutes of Rotherham College required that the Provost should provide the Fellows with the services of a cook, and certain other 'common servants', and that their common rooms and kitchens be furnished with fuel and other necessary items like salt, salt fish, flour and candles, at no cost to them.¹⁰⁵

However, £10 per annum was not a fortune, even with these perks thrown in. Hugh Latimer considered that on that sum, a person was not able "to buy him books, nor give his neighbours drink"; and the salary was fixed by Thomas Rotherham's Statutes, and could not easily be increased. There were better livings to be had. A clergyman who was able to obtain an appointment as a rector (the person or corporation entitled to receive the tithes payable in the parish) might hope to improve his financial position considerably. The rectory of Whiston was worth £10/11s/6d, that of Rawmarsh £10/18s/4d, and that of Thrybergh £13, gross. A resident rector might also live in a parsonage house of his own, rather than in a single room in a College; and from the spiritual point of view, he would be entrusted with the central and essential task of the Church - the cure of souls. Some priests might think this pastoral work more rewarding than teaching Latin to schoolboys. Draper was able to apply for better positions within the Church because for he was a priest, unlike some of his predecessors at Rotherham College. And perhaps Draper also welcomed the chance to leave the College, which had seen such bitter controversy over matters of theology.¹⁰⁶

In 1542, a man called *Richard* Draper, said to be the grammar master at Rotherham College, was presented as the rector of the adjoining parish of Thrybergh, and was duly installed. This is the same man as our *William* Draper since, in the court proceedings to be considered shortly, it is stated that Richard Draper became the rector of Thrybergh on 9th October 1542, and that he was at that time master of the grammar school at Rotherham College, having held that position since at least 1539 (...*tu per annum biennium triennium aut quadriennium ante admissionem et institutionem ad ecclesiam de Thribarghe fuisti electus per praepositum et socios de collegii de Rotheram ad reverendum*

¹⁰⁵ Davies C.S.L. p 37; G 169G 147, 112, 137.

¹⁰⁶ Dickens, *Reformation* p 77; *Valor* vol V p 60.

officium magistri scoli grammaticalis in villa de Rotherham.....et ea ratione fuisti electus et admissus socius in eodem collegio). An alternative, but unlikely, explanation is that there were two Drapers, William, who was grammar master in 1535, and Richard, who succeeded him in that office, and then became rector of Thrybergh.¹⁰⁷

Drauer was chosen as rector of Thrybergh by its lord, Thomas Reresby. The Reresbys owned the advowson (the right of presentation) along with the manor of Thrybergh; and practically every rector of Thrybergh in the Tudor period was chosen by a Reresby; but not everyone approved of Thomas Reresby's choice on this occasion. Objections were lodged - we do not know by whom - alleging that Drauer was guilty of pluralism (the holding of more than one ecclesiastical living at the same time) and non-residence, evils which frequently meant that clergymen neglected their parishioners. Drauer had to defend himself, before the court of the Archbishop of York.

The accusations which were levelled against Drauer were twofold. Firstly, that he had not taken possession of Thrybergh, as he could and should have done, within a few days after his installation: he had delayed for a far longer period, and without good reason. Secondly, that he had stayed on as grammar master at Rotherham for approximately three months after he had been installed at Thrybergh, thereby infringing Thomas Rotherham's Statutes, which provided that no Fellow of his College should hold any living whilst he was a Fellow, unless it were a free chapel or prebend not requiring residence - which Thrybergh was not.¹⁰⁸ When elected as a Fellow, Drauer had sworn an oath to observe these Statutes, and yet he had contravened them. The nub of these objections appears towards the end *...the benefice of Thrybergh is a benefice which has the cure of souls attached to it and the cure of souls of the parishioners of that parish was at the time of your installation committed to you; and the benefice requires personal residence and at the present time you are not resident at all in the benefice*.

So it was a question of pastoral care; and the Church took the matter seriously: Drauer was required to give an account of his actions. In fact, he had a convincing defence to both charges. Firstly, he pointed out that he could not possibly have taken possession of Thrybergh immediately, because he was legally obliged to settle the question of the 'first fruits' of the parish before he did so. The 'first fruits' were one year's income of the living, payable when a new priest took over. Traditionally, they had been payable to the Pope; but in 1534 they had been diverted to the Crown. The additional revenue became payable to the Court of First Fruits and Tenths. Any cleric taking over in a new living had to make contact with this Court and settle the question of how much should be paid over. The size of the payment might be settled by

¹⁰⁷ HSY vol II p 42.

¹⁰⁸ G 111.

reference to the *Valor Ecclesiasticus*; but it was specifically provided by Act of Parliament that every such clergyman should ...*before any actual or real possession or meddling with the profits....satisfy, content, and pay, or compound or agree to pay, to the King's use at reasonable days upon good sureties the said first fruits and profits for one year.*¹⁰⁹

These changes meant that when Draper was chosen as rector of Thrybergh, he was presented with a very real dilemma. For the sake of his parishioners' spiritual welfare, he ought to take possession as soon as possible, and there were those who said it was physically possible to do so within two or three days. But the *Act concerning the payment of the first fruits and tenths* meant that he could not possibly take over in so short a time. He must either incur the wrath of his parishioners (and possibly that of the ecclesiastical authorities) or provoke the anger of King Henry VIII and his officials. And in the England of the 1540s, there was really no choice to be made: Draper elected to obey the King. As he explained to the court in York: *he coulde not nor durste not tayke possession tyll that he had compoundyde wyth the kings officers for the first fruytes*. The operative word here is surely 'durste' – he dare not do otherwise!

However, Draper had one advantage, which may not have been enjoyed by many parish priests who had to negotiate with the Court of First Fruits and Tenths: he had a brother who lived in London. So: *...he sent up to London to his brother dwellinge with Mr Chameley(?) the recorder of London to compounde for his sayde ffyrste ffruytes*. Draper's brother reached an agreement as to how much should be paid into the King's coffers. Eventually, back in Rotherham, the grammar master was duly granted a certificate to prove that he had complied with the law. Only then did he feel it was safe to take possession of his new living. The justification for his actions which he gave to his superiors in York was as follows: *his sayde brother dyde compounde ande sent hyme downe a certificate of the same composicion about the feaste of Sainte Edmund the king before Christemmas laste/ And imediately after the receipt of the same certificate the sayde Mr Draper went ande tok possession of ande in the parsonage of Thribarghe aforesayde*. Now, the feast of St Edmund - which incidentally marked the high point of Rotherham's annual Fair - fell on 20th November.¹¹⁰ We can see that, if this be right, Draper had only delayed a little over five weeks before taking possession of his new living.

So much for the argument about delay. As for the second objection, that he taken up his new appointment when he was still a Fellow of Rotherham College, there was no doubt that Draper was technically in the wrong here; and he did not seek to argue that

¹⁰⁹ Statute 26 Henry VIII c. 3; E.H.D. pp 507, 743, 747. The Court was abolished in Queen Mary's reign, and not revived under Elizabeth. See G.R.Elton, *The Tudor Revolution in Government*, CUP 1960 pp 194, 202.

¹¹⁰ St Edmund was the last king of East Anglia, martyred by the Danes in 870 A.D. He gave his name to Bury St Edmund's.

he had obtained any special licence or dispensation, permitting him to hold the rectory of Thrybergh at the same time as his Fellowship at Rotherham. Instead, he pointed out that if he had immediately resigned the fellowship, the grammar school at Rotherham would have been left without a teacher. It was surely reasonable to allow enough time for a replacement to be found; he had never intended to stay on indefinitely; and he had resigned from the College as soon as he could. Furthermore, he had acted with throughout with the knowledge and consent of his colleagues: *he kepte his ffellowshipe witheyn the College of Rotheram by the tolleracione of Master provost and fellowes of the same tyll Sainte Anthonies daye last pastel ffor whiche tyme he taughte ande kepte the scoole tyll they hadde provyde an other*. St Anthony's Day fell on 17th January, so we can see once again that the period between Draper's installation at Thrybergh (9th October 1542) and his resignation as grammar master at Rotherham (17th January 1543) was not excessive.

We do not know what view the court took of this case, since this is another case where the papers do not record the outcome; but it does seem that Draper managed to overcome the challenge presented by his opponents. It may even be that the grounds of objection had ceased to exist by the time he came to file his answer in court, because he had by then both taken up residence at Thrybergh, and resigned his fellowship. He certainly became rector of Thrybergh, while his successor as grammar master at Rotherham College seems to have been Thomas Snell, who was to play such an important part in the history of the school in Queen Elizabeth's time both list Snell as succeeding Draper in 1548, presumably because Snell is mentioned by the Chantry Surveys of that year; but the Cause Papers which form the basis of my account suggest that Draper resigned in 1543. Snell may therefore have succeeded Draper in that year.¹¹¹

This was not the last time the former master of Rotherham grammar school was involved in litigation. While he was rector of Thrybergh, he brought an action against one of his parishioners, Stephen Copley, who had a flock of eighty sheep, claiming that Copley should pay the tithe of lamb. Perhaps unusually, the court at York found in the defendant's favour, holding that Draper had utterly failed to prove his case, and that Copley should hear no more about the rector's claims. Draper also had to pay the costs.¹¹²

More importantly, Draper was the subject of a further allegation of pluralism in 1550. In that year he was chosen to be vicar of Almondbury near Huddersfield. He owed this appointment to his past association with Rotherham College, although he had resigned his Fellowship there in 1542. As we have noted, Thomas Rotherham had

¹¹¹ G 347 and YASRS 33 p xc BIHR Cause Papers C.P. G 307. One page of these Cause Papers is reproduced in J.S. Purvis *Educational Records*, BIHR, York, 1959, plate 8 pp 24-5.

¹¹² BIHR CP G 790.

given the church of Almondbury to the College of Jesus in the 1480s. Thereafter, the Provost and Fellows owned the 'great' tithes, the glebe lands, and the right to appoint the vicar. They appointed Robert Neville, who had been Provost of the College in the 1530s, when Draper was grammar-master; and upon Neville's death, they chose Draper, which indicates that he must have kept in touch with them while he was at Thrybergh.¹¹³

When Thomas Rotherham annexed the church to Rotherham College, he placed great emphasis on the need for the vicar of Almondbury to reside there personally. He wanted to 'promote the faith', and *increase knowledge and virtue* in Almondbury, just as in Rotherham. He therefore provided the vicar of Almondbury with a parsonage house, and specified that he should have the generous sum of £20 per annum, together with the small tithes (including lambs, wool, calves, foals, pigs, geese, ducks, chickens, doves, eggs, bees, honey, wax, milk, flax, hemp, apples, woods, trees and coppices) so that he could *maintain hospitality and support housekeeping* there. He even specified that any future vicar of Almondbury should *in his admission and institution take a corporal oath that he will not obtain any dispensation contrary to the form of the constitutions of the legates....respecting the residence of vicars....*¹¹⁴ No-one could be under any illusion as to what Thomas Rotherham's wishes were with regard to the residence of the vicars of Almondbury; Draper did not resign as rector of Thrybergh when he was chosen for Almondbury. It was evidently his intention to hold both livings at the same time.

A priest called John Kent objected, sued Draper, and claimed the right to succeed his opponent in Thrybergh. Kent relied on an Act of Parliament passed in 1529,¹¹⁵ which provided that if any person in possession of a living with cure of souls worth £8 per annum or more accepted another such living and was *instituted and inducted in the possession of the same*, then the first benefice should be regarded in law as vacant, and the owner of the advowson could present another candidate, *as though the incumbent had died or resigned*. There were however certain exceptions, in favour of priests who were members of the King's Council, or chaplains to certain members of the royal family, or to members of the nobility; but none of them would seem to apply here. Kent submitted that Draper fell within the terms of this Act: Thrybergh was worth more than £8 per annum; both Thrybergh and Almondbury were livings which had the cure of souls; and Draper had been inducted at Almondbury on 27th March 1550; but, despite this, Draper would not stand down and was, on the contrary, collecting tithes and other revenues from both Thrybergh and Almondbury, and even administering the sacraments in both

¹¹³ Herbert pp 94, 485. The College must even then have been on the verge of extinction, by virtue of the Chantries Act. The records show that Draper was appointed by Rotherham College *by the assignee's letter*. I do not know what this means.

¹¹⁴ Herbert pp 130, 441-445.

¹¹⁵ Or perhaps 1530: 21 Henry VIII.

places. Kent wanted the court to put a stop to this; and he also claimed that he was entitled to become Rector of Thrybergh in Draper's place: he was a priest and had been chosen by the owner of the advowson, Lionel Reresby. If true, this would indicate that Draper had fallen out with the Reresby family since his appointment at Thrybergh in 1542.¹¹⁶

Draper admitted that it had been intended that he should be inducted at Almondbury on the earlier date, but said that this had proved impossible, for when the parish clerk had come to perform the ceremony, the church had been full, and the people inside the church would not move!

There being present within the said churche dyvers & many persons the said Sir William¹¹⁷ at my request went in to the said churche and desired and wylled all suche persons whiche were then present in the churche to come furthe of the said churche. And then the said Sir William came furthe of the said churche into the churche porche and said unto me the said Sir Richard that they wold not come furthe of the said churche and then I answered & said that all was lost/ meaning thereby that I could not be lawfullie inducted to the said churche & vicarage at that tyme nor that daie because there was then so many people in the church that would not come furthe.¹¹⁸

Draper went on to say what he did next

And then I without having any mynd or intent to have beyne inducted to the said churche & vicarage at that tyme for the causes aforesaide entered in to the said churche. And the said Sir William came after me and then I said the lords praier and went in to the stall where the vicars have used to sytt within the quire of the said churche without any ledyng or bringing in of the said Sir William otherwise than is before said. And there I did drink with certeyne neighbours of the said parishe. And so I went my waie and knelled no bell...

This careful explanation of his actions that day in Almondbury must be read alongside Draper's argument that a lawful induction must take a certain form. The parish clerk must have lawful authority from the archdeacon; the church door must be

¹¹⁶ Thomas Reresby must have died not long after he presented Draper, because his will was proved in 1543: HSY vol II p 39.

¹¹⁷ The parish clerk, William Crossland.

¹¹⁸ Why should certain people in Almondbury resist the induction of Richard Draper? It may be that they objected to pluralism, or it may have been connected with disputes over tithe. There are several cause papers at the BIHR relating to tithe disputes in Almondbury at this time: CPG 406, 417, 446, 453, 474, 476.

shut, and nobody must be in the church; the parish clerk must then take the new vicar by the arm or sleeve, and lead him into the empty church; the vicar must sit in the stall or pew normally reserved for him; and finally he must toll the great bell (or some other bell). Only then could he say that he had become the vicar of his new parish. Perhaps significantly, Draper made no mention of the oath prescribed by Thomas Rotherham as a means of discouraging pluralists!

Witnesses were called, to say precisely what had taken place on the day in question. Peter Key, and William Stables and Robert Key (both of whom may have given evidence around this time in the tithe case of Ramsden v Dyson¹¹⁹) were all now sworn. Stables's testimony was as follows

the Friday before Palme Sunday last past he this deponent, Peter Key.....William Longley, Charles Lockwood and Richard Battersby with others and the sayde Sir Richard Draper were all together in the churche portche at Almondbury where and when the sayd Mr Richard delivered unto one Sir William Crossland a commandment from ...Palme(?) Archdeacon of York to inducte the sayde Sir Richard Draper into the vicaredge of Almondbury the effecte thereof the sayd Sir William dyd open unto these men. And that done the Vicar opened the churche dore and went into the churche they being in the churche before his enteringe vii or viii powre pepill that tarrayd for theyr alms and kneleyd downe before the highe alter and mayde his prayers and made a cross of the alter and kyssed it and that done set hym selfe downe in the vicar stall and called this deponent and others before rehersed to drinke with hym but he tolyd not the grete bell nor any other bell as far as this deponent saw.

Peter Key's evidence was similar, though he said that the only people in the church when the clerk and Draper entered were the bellringers, rather than paupers: *those that range bells which were ringinge when they above named were coming in the churche porche...* This evidence did tend to suggest that Draper had been inducted in March 1550 - which incidentally is what is recorded in the York Diocesan Registry;¹²⁰ but Draper tried to cast doubt on it: he suggested that the witnesses were ignorant laymen - what did they really know of the true *manner & custome of inductynge clerks to benefyces with cure within the Realme of England And especyally within th archdeaconry of York...*?

Despite his vehement denial that he had been inducted in March, Draper conceded that the ceremony of induction had been duly and properly performed on 7th June 1550. But he claimed that his possession of two benefices at the same time was legitimate, despite the contents of the Act of 1529, for two entirely different reasons:

¹¹⁹ BIHR CPG 474.

¹²⁰ Herbert p 485.

firstly, there was a law or custom that the first living should not become vacant, unless the priest concerned enjoyed the fruits of the second living; and he had not done so. Apart from anything else, he had paid the first fruits and tenths to the King, just as he had done when he first succeeded to Thrybergh. Secondly, Draper just happened (somewhat conveniently, it may be thought) to be chaplain to Sir William Windsor of Windsor, who was 'a, lord, viscount or baron'! He was therefore exempt from the provisions of the Act!

Once again there is no judgement surviving in this case; but it is recorded that Richard Draper exhibited certain letters, from the King, the Archbishop of Canterbury Thomas Cranmer, and from Sir William Windsor, confirming his version of events; and this seems to have been enough to win the case. At any rate, Draper still described himself as 'parson of Thrybergh' when he came to make his will on 13th April 1552, and requested that he be buried in the 'high choir' of Thrybergh church; and when he died not long afterwards, he was succeeded by Nicholas Swyft, not by John Kent.¹²¹

Draper's second argument in the case concerning Almondbury begs two questions. Why did he make no mention of Thomas Rotherham's requirement that the vicar of Almondbury reside there personally and should not obtain any dispensation to the contrary? And why spill so much ink arguing whether he was inducted at Almondbury in March or June of 1550, if he was exempt from the provisions of the statute of 1529 all along? It looks as if Draper arranged for his appointment as Sir William Windsor's chaplain at a late stage in the proceedings, as a way of answering John Kent's challenge.¹²² This in turn may make us question the *bona fides* of the arguments which he deployed in the earlier case, concerning his appointment to Thrybergh.

Is it stretching the evidence too far to suggest that Draper was a determined individual, bent on advancing his career, and none too scrupulous as to the means he employed to do so? He progressed from grammar-master at Rotherham College, to rector at Thybergh, vicar of Almondbury, and chaplain to Sir William Windsor. His ambitions provoked resistance, and accusations of pluralism, on two occasions, but he was a man who had connections in the capital, and he was able to overcome his opponents, both in 1542 and in 1550.¹²³

Draper's will makes for interesting reading. He evidently did not avail himself of the liberty to marry, conferred on priests during King Edward VI's reign: the

¹²¹ BIHR CP G 427, 435; HSY vol II p 42.

¹²² Although Draper appears to have argued that he had held the chaplaincy at all material times.

¹²³ It is stated in Herbert's history of Almondbury that when Gabriel Raynes became vicar on June 14th 1552, on the presentation of the King, this was 'by deprivation'; but Draper died sometime between April and August 1552 in any event: Herbert p 94.

beneficiaries in the will were his sister Jane, his two brothers Henry and Andrew, and various others who may have been parishioners of his. He had a house in 'Moorgate', and he left various legacies: forty shillings to Alice Fribber, twenty to William Fribber, five marks here, forty sheep there, a cow to someone else. Most of his gifts consisted of items of clothing, cooking utensils, and beds and bedding - then a valuable commodity. He left his sister Jane a feather bed, with tester¹²⁴ and curtains, a bolster, two blankets and a pillow. Another beneficiary was given a featherbed, a bolster, two coverlets and a covering. One Thomas Milner received the deceased's best doublet a pair of black hose,¹²⁵ and 13s/4d, while another was given Draper's best gown. A certain Mr Hawley was given a feather bed, a 'royal' of gold [a ten shilling coin] and a stool of ease!¹²⁶ Mary Doubleday received an 'ambrye'¹²⁷ and a cupboard, Henry Doubleday's wife 'my best short gown'. A fellow priest, Sir Thomas Hodgson, was given the deceased's best bonnet and velvet cap. Alice Fribber was given a pot and 'two little pans with a saucer', someone else 'all the pan[?] vessels and brazen vessels'. Jane Stanesfeld was given Draper's best gown 'with certain napperyd ware [cloth] in the house thouse'.

If the contents of this will show that Draper was not rich, they also show that he was also not poor; but, for some reason, things went awry. The nephews whom he appointed as his executors renounced probate, and administration of the estate was granted to one Thomas Stanerfield of Retford, who was required by the court at York to pay the deceased's debts and legacies *so far as his goods would extend*. In other words, the rector of Thrybergh was not as well off as he thought, and there were not enough goods to pay all the legacies which he had left in his will. At the end of his life, Draper had overreached himself, and it was too late for any terrestrial remedy.¹²⁸

¹²⁴ A canopy over the bed.

¹²⁵ Stockings.

¹²⁶ Commode.

¹²⁷ Small cupboard.

¹²⁸ Draper's original will has been lost; but a transcript is in BIHR AB vol 29 f p 107.

5 ROBERT SWIFT AND THE DESTRUCTION OF ROTHERHAM COLLEGE

In the East End of the North Chancel in Rotherham parish church, not far from the main altar, the visitor can still see the tomb of Robert Swift, who was born in 1478 and died in 1561. It is a very fine monument, and is indeed a copy of the tomb of an Archbishop, to be found at Kirk Sandal, near Doncaster.¹²⁹ It consists of an altar-tomb placed in an arched recess, within which is a mural brass, showing Robert and his first wife Anne, and their four children. Robert is kneeling at a prayer desk, his hands raised in the attitude of prayer. His wife kneels at a similar desk, her hands also raised. Robert has his hair formally cut, and is clean-shaven. He is dressed in a long loose gown edged with fur and with long hanging sleeves; Anne wears a long gown bound by a rich girdle, and a head dress in the pedimental style. There is a skull and cross bones between the desks, and a larger skull above, grinning at the beholder, and reminding him of the need to consider his eventual fate - *Respice fine*. There is also a message of hope, for there is a scroll issuing from Robert's mouth, which reads *Christe is oure lyfe, Deathe is our advantage*.¹³⁰

Behind Robert are the two sons, Robert and William, their hair cut exactly like their father's and wearing long gowns also, though these are not apparently trimmed with fur; and behind Anne, the two daughters, Anne and Margaret. It is amusing to note that these young ladies are dressed in a different, and more up-to-date, fashion than their mother. Their gowns have sleeves which are short and puffed, and the sleeves of the under-dresses are edged at the wrist with a small frill. Whereas their mother's neck is covered by a plain partlet made of close-fitting pleated material, they sport partlets which are again finished with a frill. Most noticeably of all, they wear the 'Paris head' or 'French hood' rather than the pedimental head-dress. (This was often called the 'Mary Queen of Scots' head-dress, and consisted of a close-fitting cap with a curved border coming over the ears, and a veil hanging behind). It is not hard to see why there was this difference between the generations in the Swift family. The older style was fashionable in the reign of Henry VIII, while the newer was adopted during

¹²⁹ HSY vol II p 18.

¹³⁰ Compare the inscription on the tomb of the last provost of Rotherham College, who died in 1579, and is buried in Tideswell in Derbyshire: *Christ is to me as life on earth, and death to me is gain.*

the reign of his son. The daughters must have followed the trend, but the mother preferred the clothes of her youth.¹³¹

The inscription on this mural brass reads:

*Here under this Tombe are placyd and buried the Bodyes of Robarte Swifte Esquire and Anne his fyrste wyfe, who lyved manye yeares in this Towne of Rotherhm in vertuus fame grett wellthe, and good woorship. They were Pytyfulle to the poore and Relevyd them lyberallye and to theyr ffrends no les faythfulle, then Bowntyfulle. Trulye they ffearyd God, who Plentuuslye powryd his Blessings uppon theym. The sayd Anne Dyed in the moneth of June in the yere of our Lord God 1539, in the 67 year of hur age, and the sayd Robarte Deptyd ye viii day of August in the yere of our lorde God 1561 in the 84 yeare of his age. On whose Sowlless with all Chrystyn Sowlles Thomnipotent lorde haue marcy. Amen.*¹³²

What does this tomb tell us about Robert Swift? First this was clearly a wealthy man. The very fact that he (or rather his estate) could afford the expense of erecting such a tomb is evidence of this; but the inscription specifically states that he is wealthy. Rich men are inclined to protest that they are not rich; but here is a man who makes no bones about it. Moreover, Swift and his family are depicted in fine, fashionable clothing, at a time when rich clothes were a visible demonstration of a man's wealth.¹³³

Secondly, Robert Swift was a man who had attained a certain position in society. The inscription on his tomb states that he lived in 'good worship', and he used the style 'Esquire' after his name. The first of these terms implies that he was a 'gentleman', entitled to call himself 'Master', and be addressed as 'your worship,' just as a magistrate is addressed in court today. The second meant that the royal heralds had granted him the right to use a coat of arms. It was not every 'Mr' who was an 'Esq' in those days. At the funeral of the 5th Earl of Shrewsbury in Sheffield in 1560, the 'gentlemen' processed separately from the 'esquires', for they were separate orders, and an Esquire was only one degree lower than a Knight.¹³⁴

Robert Swift had not always been an Esquire; but we know that Rotherham in the late 1530s was *a meately large Market Towne* and markets need merchants. It would seem that Robert Swift was one of the more successful of these. According to Hunter, he was a mercer - a dealer in cloth and clothing. If this was the case then he had certainly risen in society by the time he was able to obtain a grant of arms on May 5th 1561, only three months before his death. In the language of the heralds who conferred this right,

¹³¹ Victoria and Albert Museum Catalogue of Brass Rubbings, Muriel Clayton, London, HMSO, 1968.

¹³² G 260.

¹³³ For the sumptuary laws which regulated dress and diet, see EHD p 249 & Youings p 110.

¹³⁴ For status and rank, see Laslett, Chapter 2.

the arms consisted of: *Or, a chevron burry nebuly azure and sable between three roebucks courant proper; and for a crest a demi-roebuck with a flowered sprig in the mouth.* These arms were duly displayed in a prominent position on the family tomb, next to the main brass. There were originally five shields on the tomb, and two still remain today.¹³⁵

The Swifts continued to soar upwards, in social terms. Hunter called Robert Swift (the mercer) *the great advancer* of his family. There were four children shown on his brass. The two daughters both married into local families with suitable pedigrees. Anna married into the Reresby family of Thribergh (*from whom descended a race of baronets of that name and place*). Sir John Reresby (1634-1689) wrote that her marriage portion was *greater than ordinary for those days*.¹³⁶ Margaret Swift married a Waterton of Walton. The eldest son, Robert, married a Wickersley (thereby acquiring the mansion of Broom Hall in Sheffield), was one of the 4th and 5th Earl of Shrewsbury's most important agents for over twenty years, and became one of the twelve capital burgesses of Sheffield, when that body was founded in 1554; but he had no sons, and it was therefore Robert the mercer's younger son William who carried on the Swift family name, and had the closer associations with the town of Rotherham in the late sixteenth century.

William Swift married Margaret Wyrral (daughter of Hugh Wyrral) of Loversall, and had a son, and a number of daughters. He held an important position in local society. When John Snell took his son to be baptised in Rotherham church on 15 October 1558, Mr Wylliam Swift was especially named as one of the godfathers, though at that date the parish register had ceased to note the names of godparents as a matter of course. In 1568 the Sheffield Burgesses paid 20s into *Mr William Swyfte hands for the lottre* - the first state lottery in England in aid of public works.¹³⁷ He died in 1569, and his funeral must have been a major event in the town of Rotherham: he directed that a substantial dinner should be provided on the day of his funeral for his worshipful and honest friends; that every poor man, woman and child who attended his funeral should have a dinner and a penny in silver. (In making this provision, Swift was aping the great funerals of Rotherham's lords of the manor, held at Sheffield in 1538 and 1560.)¹³⁸ He further gave a black gown to his sister Mrs Reresby, and directed that his wife and

¹³⁵ HH pp 364(n) and 366(n) for information regarding the arms of Swift, about which there have been various erudite and esoteric controversies.

¹³⁶ Reresby's *Memoirs* p 3.

¹³⁷ The baptism register gives the names of the godparents between September 1556 and December 1557. This would seem to have followed the orders of Cardinal Pole: G 221-4; Tate pp 45, 56; Leader's *Burgery* p 21.

¹³⁸ A cynic might doubt the wisdom of such a provision. In 1810, Thomas Tuke of Wath-upon-Dearne left a penny to every poor child who should attend his funeral. It is said that 700 children attended: Keble Martin p 79

children should be clothed in black *after the ancient custom of this realm*. We also know that a special 'pennon' was made for this funeral, because when the heralds visited Rotherham in 1585, they recorded it, amongst several coats of arms which hung in the church at that time, though they later disappeared.)

William Swift expressed his hope that his son (another Robert) should *follow in the steps of his late grandfather*; and we may feel that old Robert Swift the mercer would indeed have approved of his grandson's career, for the new Robert Swift was knighted at York in 1603 by James VI and I, as the new King travelled south from Scotland to take the Crown of England.

It had taken two generations for the Swifts to attain the status of knighthood; but the family had certainly arrived now. *Sir* Robert Swift enjoyed the favour of the Crown, and held high office: he served as a J.P., and was high sheriff of Yorkshire on two occasions, once under Queen Elizabeth and once under King James. He was also Bow- Bearer of the royal chase at Hatfield, an important post at a time when this was the largest deer park in England, reputedly extending over 180,000 acres. As Bow- Bearer, he was in charge of the Chase on behalf of the King, and often had cause to prosecute men who poached the royal deer, though on one famous occasion, which the wits loved to recall, Swift was allegedly outmanoeuvred by Slack.

Sir Robert Swift was considered a great swordsman, and an elegant speaker. He knew his sovereigns personally. Queen Elizabeth called him Cavaliero Swift, and he entertained King James's son Prince Henry at his home near Hatfield Chase in 1609, on the occasion of the last recorded royal hunt to be held on Hatfield Chase before it was drained by the Dutch under Vermuyden. He resided mostly in Doncaster, though he still owned land in Rotherham. He was every inch the gentleman, and had the aristocrat's liking for a duel.¹³⁹

But there is more to the story of old Robert Swift than a survey of his tomb, and an examination of his progeny would suggest. There are other things to know about him, and some of these may lead us to question whether he was as pious and respectable as the inscription on his memorial brass claims.

First, let us look at Robert Swift's will, which he made on 11th February 1560:

To be buried within the roode quier in the church of Rotherham. To each of my laite sister Wirght's children 20s. To my nephew Henrye Swifte and Alice his syster of Norlache co Gloucester £4. To nephew Henrye Swyfte of Sheaffeld 40s. To each of his sons 20s. To my nephewe

¹³⁹ HH pp 363-366; HSY vol I pp 204-206; G 520-522; and YAJ vol IV, article on *Sir Robert Swift* by Charles Jackson.

Francis Swyfte of Sheaffeld my godson Thomas Rerisbye a gilt goblet with a cover having an R & an S on the toppe. & to my doughter his mother a standyng cuppe with a cover all gilt. Where I have brought upe within my house one Nicholas base sonne of one Swifte who by the grace & sufferaunce of God may attayne in tyme to come to learnyng & knowledge & prosper therby to some staie of lyvinge I will my executors he be brought upe in learnyng at some good scoole unto such tyme as he shalbe mete for the universitie of Cambridge & then to se hym placed in some scollershippe & allow hym yerlie xs. I have granted my farme in the parish of Babworth to Wm Swyft my sonne. To Agnes my wife all suche plaitt of silver as was hers at the daye of our mariage & parcell of the goodes of her laite fyrste husband John Molle citizen & alebrewer of London deceased. Residue to sonne William and he executor.¹⁴⁰

We notice that there are no gifts to charity in this will, and specifically nothing for the poor people of Rotherham, despite the claim that Swift was 'pitiful to the poor and relieved them liberally' - though he may of course have been generous during his lifetime (and some disapproved of funeral doles, on the grounds that *most commonly the unneedy taketh relief of the needy*¹⁴¹). We notice too that he was married twice - it is his second wife Agnes who is mentioned in the will, though it was his first wife Anne who figures on the brass. Presumably this is because he married Agnes relatively late in life, and they had no children: the brass commemorates the dynasty he founded as much as the man himself. Finally, there is the mysterious reference to the 'base child' (bastard) called Nicholas Swift! Was the child Robert's own? We may wonder. According to one historian of Tudor society, it was not at all uncommon for illegitimate children to be brought in the same household as their legitimate brothers and sisters. But the child may not have been Robert's: he may simply have assumed responsibility for the child of a kinsman, or even of an employee of the same name, although the detailed and no doubt expensive, provisions for the boy's education do suggest a closer relationship.¹⁴²

There is more information regarding Robert Swift of Rotherham in the Patent Rolls, which give details of the land grants made by the Crown in the mid-sixteenth century. These show his family in an interesting light: it was perhaps more than just another typically English case of trade acquiring wealth, land and gentle status, by means of honest toil and good business sense. Robert Swift lived through the dissolution of the monasteries in the late 1530s, and of the chantry chapels, colleges, guilds and fraternities by the Chantries Act of 1547. The land market was revolutionised as a result of the great confiscations which accompanied these events, and great fortunes were made, and large estates founded. The Patent Rolls show that Swift and

¹⁴⁰ HH 364.

¹⁴¹ Youings p 260.

¹⁴² Pinchbeck & Hewitt p 201; Quaife.

his two sons were amongst those who acquired large quantities of former Church lands. In 1544, the two sons, Robert and William, paid some £532 for a valuable grant of abbey property, including one third of the tithes of Ecclesall, Heeley and Hallam, and the advowson (the right to nominate the vicar) of the parish church of Sheffield. In 1553, old Robert and his second son William were granted a large part of the endowments of the various chantries which had been attached to Rotherham parish church, and also the majority of the properties which had belonged to Rotherham College. They also acquired the tithes of Tinsley, in 1554. The Swifts thereby acquired numerous buildings and lands, including arable, meadow, pasture, and woodland, in the town of Rotherham itself, but also in Masborough (*Marshbrough*), Herringthorpe (*Heryngthorpe*), Ravenfield (*Raynfeilde*), and in the vill of Greasborough (*Gresbroke*), and the 'town and fields of Scholes', (*Scoles*) which were both within the parish of Rotherham, and in Wentworth, (*Wentworthe*) which was not, being in the parish of Wath. Several of these properties had been given to Rotherham College by Thomas Rotherham himself.¹⁴³

Many people who lived in the town of Rotherham now found that they had a new landlord. For decades, they had paid rent to the College of Jesus, but they must pay it now to the rising house of Swift. There were other purchasers of the lands formerly belonging to the College: the College buildings and grounds were reserved for the 5th Earl of Shrewsbury; but the Swifts were the main buyers, and Robert Swift the younger may even have advised the Earl about his purchase. As for the goods of the College, these were valued at various figures (between £32/10s and £54/7s/8d) and its plate at a staggering £247/0s/4d. What happened to this is moveable property is not recorded; probably the less valuable possessions were sold off on the spot; but it is known that, as a whole, the institutions in the West Riding of Yorkshire suppressed after 1547 yielded 1611 ounces of plate to the Jewel House in Westminster and 29 foddors of lead, of which 8 were given to the 5th Earl of Shrewsbury. The rest were sold off at £4 each.¹⁴⁴

To appreciate the full impact of the destruction of Rotherham College, we must consider its previous importance. We have already seen that it was an imposing and beautiful building; but it was also a wealthy institution. The net income of the

¹⁴³ HH p 237; G 144 & 146-162. For tithes see H. Grove, *Alienated Tithes*, 1896 CXLIV. Another purchaser of monastic and chantry property was Hugh Wirral, who had acquired Monk Bretton Priory's grange of Carr House, Greasborough: Smith pp 220-1, 241. He apparently also seized some of Rotherham College's lands even prior to 1547, though if Guests's dates are correct this land was not part of the original endowment of the College: G 148-9. Wirral's daughter married one of Robert Swift's sons.

¹⁴⁴ VCH vol III p 374; G 147; Scarisbrick p 87. Bernard, p 142, states that the Earl bought the lead on the roof of the main building at Rotherham.

properties listed in the founder's will was £102/6s/2d. King Henry's *Valor* gives £74 net, but the corresponding figure at the time of the dissolution is £107 (£127 gross). The College owned forty or fifty houses, and about 400 acres of land, amongst other sources of revenue. It was an independent corporation with a common seal, a common chest, and an elaborate constitution, whose members wore a livery. This lent distinction to the town, at a time when Rotherham itself was not incorporated. It provided employment, for cooks, washerwomen, barbers, and no doubt for other types of servant who worked in the stables and gardens. It was a source of alms for the poor: £16/13s/4d per annum, according to the *Valor*, though this included the maintenance of the six choirboys. Spiritually, its chantry priests provided important services in the parish church. Its Fellows were learned men, dwelling in the heart of the local community. They ran schools for local children, who could board there. They had a library, originating from the gifts of Archbishop Rotherham and Provost Rawson, which other churchmen could use: a sixteenth century scribe noted on the College's inventory of books that the Abbot of Kirkstead Abbey had failed to return a copy of a collection of sermons, and was even denying that he had ever borrowed it. The College may also have enjoyed close ties with Lincoln College in Oxford. Three hundred years after its annihilation, John Guest claimed that, had it survived, Rotherham College might have become a kind northern Winchester, producing scholars fit for admission to the Universities at Oxford and Cambridge.

The dissolution of the College by the Chantries Act therefore had a profound effect on the town of Rotherham. It was done in the name of religion. Protestants objected to prayers for the souls of the dead because there was no such thing as Purgatory: you either went to Heaven or to Hell, there was no 'half-way house' and any institution which had an explicit intercessory function must be suppressed; but the religious objection was not a sufficient reason for the total destruction of Thomas Rotherham's foundation, which could easily have been re-modelled, as other institutions were. Moreover, the purpose of the Chantries Act was supposedly to enable the Crown to make better provision for the poor, pay the salaries of preachers and endow new schools; but comparatively little of this was done. The lands which were confiscated were in many cases simply kept by the Crown and its accomplices.¹⁴⁵

No wonder that many writers have waxed indignant over the fate of the College of Jesus at Rotherham. Some have even said that there is *no page so black in English history*. John Guest wrote of the *mute astonishment and shame* which he felt when he considered what had happened. He declared that *the dissolution of the College... was an act*

¹⁴⁵ Much of the radical ecclesiastical legislation of King Edward VI's reign was repealed under Queen Mary; but not the Chantries Act.

so unmerited and atrocious as to deserve only the severest condemnation, and as respects the perpetrators of the wrong, beyond human forgiveness. These are strong words but no stronger than those used by the Elizabethan antiquary William Camden, who wrote the following only a generation or so after the event

*Rotherham, which glories in having had an Archbishop of York of its own name, viz Thomas Rotherham, a very wise and prudent man, born here, and a great benefactor to the place; having founded and endow'd a College with three Schools for instructing boys in Writing, Grammar, Musick; which are now suppress'd by the wicked avarice of the last age.*¹⁴⁶

The strongest verdict was that delivered by Michael Sherbrooke, rector of Wickersley between 1567 and 1610 and an old boy of Rotherham College. In his treatise on 'The Fall of Religious Houses' Sherbrooke had this to say

Now you shall hear of the Fall of a College standing in Rotherham, within three Miles where I was born and now do dwell: for I learned at the School in the said Town, at the Freeschool, founded by the Founder of the said College, whose name was Scott, Archbishop then of York: which is a fair House yet standing; but God knoweth how long it shall stand; for certain Brick Chimneys and other Brick Walls (for it is all made of Brick) is decayed and fallen down for lack of Use: for there hath been few Persons; and sometimes none at all of long time dwelling therein: because it is in the Earl of Shrewsbury his Hands; and as the Report is, it is concealed Land;¹⁴⁷ which seemeth to be the Cause that he maketh no more account thereof: and much less because all the Lands and Possessions are sold from it by the King [my underlining] saving the Yard, Orchard, and Garden Places lying within the Walls thereof: for it is walled in with a Brick Wall.

The Foundation whereof was not to make a Malt House, as it is now used;¹⁴⁸ but it was to this End and Purpose, that the Master thereof, should be a Preacher and to have three Fellows within it; of the which Fellows, one should teach freely a Grammar School within the Town for all that came to it: the second should teach freely a Writing School, and the third a Song School; and further to find vi Choristers for the Maintenance of God's Service in the Church; until their Voices changed; at which time they went to the Grammar School: For by the

¹⁴⁶ *Britannia, or a Chorographical Description of Great Britain and Ireland*, revised by Edmund Gibson 2nd ed vol II p 847.

¹⁴⁷ Concealed lands were former Crown lands to which the holder had only a defective title. Under Elizabeth and later, commissioners appointed to compound with such holders extorted considerable sums, often with the aid of unscrupulous informers, who made a business of the search for defective titles.

¹⁴⁸ Later the last surviving part of the College buildings became the Old College Inn, in turn pulled down early in the twentieth century.

Foundation of Lincoln College in Oxford, whereof the said Bishop was a Founder also, the scholars that came from the this College of Rotherham, were to be preferred to a Fellowship of that College, before any other: which was performed very well so long as the House stood, according to the first Foundation. But so soon as the said House was dissolved, neither Preacher nor Schoolmaster was provided: But the Town hired the Schoolmaster for the School many years after. Until they made unto the Queens Majesty and obtained £x yearly towards the finding of the Schoolmaster for the Grammar School; which cost the Town not a little before they could get it.

Now let everyone consider what great Loss this was to such a Town, and the Country round about it, not only for the Cause of Learning, but also for the Help of the Poor; that now in the Town is not a few: for these are many more than was then.

In short, there is a considerable body of opinion which holds that the fall of Rotherham College was an unmitigated disaster for the town; and that those who participated in the business were little better than 'a crew of spoilers'. Yet we know that the chief purchaser of the College's lands was Robert Swift, that same Swift who 'lived in virtuous fame', and 'truly feared God', according to his memorial brass. In the light of what we now know, we may find it difficult to read his epitaph without some feeling of scepticism; and we may wonder if the Swifts really did enjoy a reputation for virtue amongst all the inhabitants of the town and parish of Rotherham.

Perhaps we should not be too hard on Robert Swift. He did not make his fortune entirely at the expense of Rotherham College. He was already in his late fifties when the abbey went down, and in his late sixties when the chantries and colleges followed them. He was probably a wealthy man even before he was given the opportunity to buy Church lands. His parents had not been poor, he married sensibly, and he may have done well in trade. The *Valor Ecclesiasticus* and a rental of Rufford Abbey shows that he farmed the tithes and the mil and held several properties (including a forge in the market place) in Rotherham in the 1530s, a decade and more before the Chantries Act. He was probably one of the two 'common greaves' for the town in 1549, the other being William Whitmore. One wonders whether it was this Swift who was fined 10s for *not grinding the corn of the inhabitants of the town of Rotherham before that belonging to the country folks*. The Swifts also acquired the tithes of Greasboroguh, Dalton and 'Morthing', and two-thirds of those due from Tinsley.¹⁴⁹

Robert Swift's acquisition of so much of the property of the College of Jesus was not a means of progressing from rags to riches, so much as a means of consolidating his fortune. In this he was probably typical. "Most purchasers were already members of the

¹⁴⁹ G 59-63; p 351? Swift and Greasborough, 588; Tinsley HSY vol II p 33; *Valor* vol V p 173; G 63, 383, 588.

landowning classes who were taking the opportunity to increase their estates; or the sort of successful businessmen and lawyers....so intent on gaining acceptance as gentlemen that they hastened to conform to the social ethics of the countryside."¹⁵⁰

Moreover, Swift was only doing what large numbers of others were doing - including the leading magnate in the local area, the Earl of Shrewsbury, and he may have felt that in acquiring the lands of the College, he was at least preventing them from falling into the hands of complete strangers. At any rate, he was not uniquely wicked in trying to ensure that he and his family were not left out, when the inevitable scramble took place. We can compare his behaviour with that of Michael Sherbrook's own father, who participated in the spoliation of Roche Abbey in the late 1530s. Michael of course strongly disapproved of what had been done, and he took his father to task

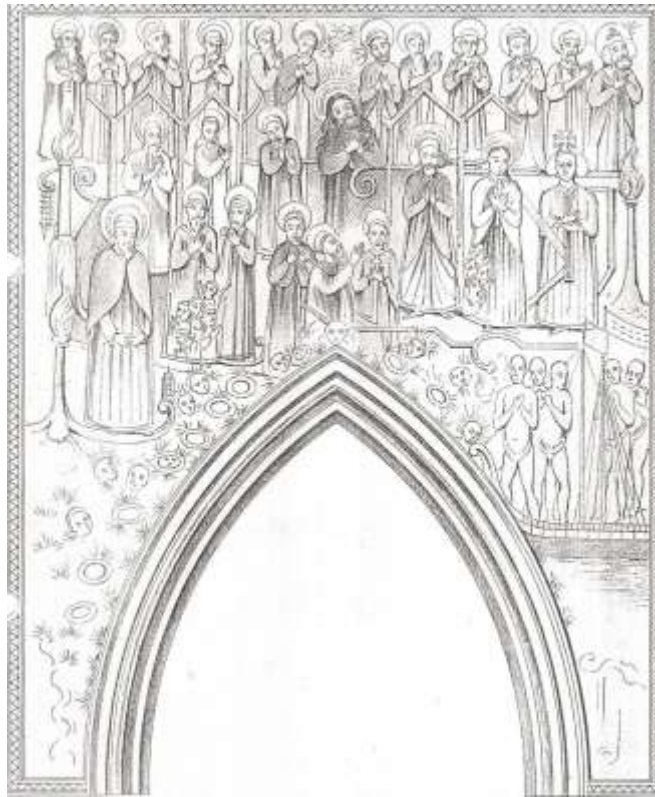
*I demanded of my Father, thirty years after the Suppression, which had bought part of the Timber of the Church, and all the Timber in the Steeple, with the Bell Frame, with other his Partners therein (in the which steeple hung viii, yea ix Bells; whereof the least but one, could not be bought at this Day for £xx, which Bells I did see hang there myself, more than a year after the Suppression) whether he thought well of the Religious Persons and of the Religion then used? And he told me Yea; For said He, I did see no Cause to the contrary: Well, said I, then how came it to pass you was so ready to destroy and spoil the thing that you thought well of? What should I do, said He: might I not as well as others have some profit of the Spoil of the Abbey? For I did see all would away; and therefore I did as others did.*¹⁵¹

And yet when all is said and done, there is still something unedifying about the spectacle of the Swifts continuing to build their fortune on the ruins of Rotherham College. We do not of course have the whole picture, or anything like it. For all we know they may have used part of their new wealth to relieve the poor, or in other charitable ways; but there is no obvious sign that they did anything other than keep the lands of the College for their own use and benefit; and there were alternatives to joining the rush to acquire Church lands. There were places where the leading citizens in local communities felt that the possessions of religious houses brought down by the Chantries Act should be preserved for the common good. In forty three towns in England and Wales the citizens successfully petitioned the Crown to re-grant the lands in question to the community as a whole. One of these was Sheffield (where the first name among the twelve capital burgesses who applied was that of Robert Swift of Broom Hall, the eldest son of Robert Swift the mercer); but there is no evidence that this

¹⁵⁰ Davies CSL p 254.

¹⁵¹ YASRS 125 p 125; and for commentary, see Scarisbrick p 70. My underlining.

happened in Rotherham.¹⁵² We shall see that Rotherham's grammar school survived, though without endowments. We shall also see that some of the properties attached to the town's chantries were preserved for the benefit of the local community and formed the basis for the foundation of the Feoffees of Common Lands in the 1580s; but the majority of the lands which had once belonged to the College of Jesus were never restored.



Ancient Fresco over Rood Loft, Rotherham Church [Guest p 300]

¹⁵² HH pp 75, 363.

6 THOMAS SNELL AND THE SURVIVAL OF ROTHERHAM GRAMMAR SCHOOL

The reputation of King Edward VI as a founder of schools has been much debated by historians. Many people, at the time and since, have concluded that the boy-King and his ministers should really be remembered for the schools they destroyed, rather than for those they founded, though some have taken a more sanguine view: for example, Clifford Davis - "most schools were re-founded, often with improved endowments; some were not. Moreover, there was some delay...but any deficiency was more than made up by the new foundations in Edward VI's and Elizabeth's day."¹⁵³ Whatever the overall national picture may have been, the position in Rotherham was that two of the three schools attached to Thomas Rotherham's old College of Jesus - the song- and writing-schools - were suppressed, while the grammar school continued to exist. This meant that the Provost and two-thirds of the Fellows were pensioned off, and the butler and the cook who had served them were sacked. Only the grammar Master Thomas Snell remained in place.¹⁵⁴ He is mentioned by the Chantry Commissioners of 1548

The Grammer Scole in the seid Colledge

*Thomas Snell, scholemaster there, 36 yeres of age, bachelor of arte, of honest conversation, qualities, and learnyng, hath and receyueth yerely for his stipend £10, for his gowne clothe 12s, for fyre to his chamber 3s 4d, his barber & launder free, in all £10/15s/4d. And hath none other lyving.*¹⁵⁵

We learn from this that Snell was a graduate; that he had a room in the College itself, and that he existed solely by his teaching. Most importantly, we learn that he was well thought of, for the Chantry Commissioners were not always so complimentary when they mentioned schoolmasters. William Gegalton of Acaster near York, for

¹⁵³ Davies C.S.L. p 270.

¹⁵⁴ see YASRS 33 p 185 for pensions.

¹⁵⁵ G 147; YASRS 33 p 183; Surtees 1892 p 381.

example, was stated to be *indifferently learned in grammar*.¹⁵⁶

It is no surprise that it was the grammar-school which survived, for the Crown had instructed Commissioners to see that the schools where preachers, priests and curates were trained should be maintained: without these the Tudor State could hardly have functioned. These Commissioners authorised Thomas Snell to continue as the grammar-Master, at a stipend of £10/15s/4d - the total value of his salary and the 'fringe benefits' which had been provided for him when he was a Fellow of the old College, (though no value seems to have been assigned to his room). The new stipend was to be paid by the Court of Augmentations, through its Receiver for Yorkshire; and it was duly paid for several years after 1548. The certificate for continuance of the grammar school has survived, and Snell's name also appears in the West Riding Pension List compiled in 1552, alongside that of the late Provost of Rotherham College, Robert Pursglove.¹⁵⁷

It was in Queen Mary's reign that things went wrong, for Snell was refused payment of his stipend after 1555. Why this was so is not easily discovered. Professor Dickens says that the money may have been withheld because the Marian government was Catholic, and Snell was a Protestant. However, there seems to be no real evidence for this theory; and the explanation may be more prosaic, arising out of the administrative (rather than the religious) history of the mid-Tudor period. In 1554 the second Court of Augmentations, which had been set up to administer the lands confiscated by the Chantries Act, was abolished. This was not on account of any ideological objection by Queen Mary, for abolition had been proposed under Edward. It was simply that the 'Civil Service' of the day thought that it would save money and improve efficiency if the Court of Augmentations were amalgamated with the Exchequer; but one result of this financial re-organisation was that the stipends paid to schoolmasters under the warrants of the Chantry commissioners were stopped, and the Masters had to sue for them in the Exchequer to have them renewed. This theory is supported by what happened elsewhere - for example at Acaster, where Master Gegalton was refused his pay after 1556, and at Hull, where payments to the schoolmaster stopped in 1554. Each of them had to bring legal proceedings to have payments continued by the Exchequer.¹⁵⁸

¹⁵⁶ But some think that the Chantry Commissioners were too favourable, just as the Royal Visitors to the monasteries had been too critical: Kreider.

¹⁵⁷ YASRS 33 pp 184-5, & 187.

¹⁵⁸ Dickens, *Reformation Studies* p 152, reproducing *The Marian Reaction in the Diocese of York* St Anthony's Hall Publications 11 and 12, 1957. This repeats a suggestion made in a footnote by Leach in YASRS 33 p 189(n); VCH vol 1 pp 453, 456; *The Tudor Revolution in Government* by G.R.Elton Cambridge University Press 1960 p 244-50. The stipends were restored in 1557 (Hull), and 1561 (Acaster).

In the case of Rotherham grammar school, it was several years before the Exchequer was persuaded to honour the commitments of the old Court of Augmentations; but Thomas Snell did not give up in disgust, nor did the town of Rotherham abandon him to his own devices. Snell continued to teach grammar, and his stipend was paid by the town. We have this on the authority of Michael Sherbrook, the rector of Wickersley whose words we have previously quoted, since he wrote not long after the events in question:*but the town hired the schole-master for the schole many years after.* Sherbrook also tells us what happened next: *Untill they made unto the Queen's Majesty, and obtained £10 yearly, towards the finding of the schole-master for the grammar schole, which cost the town not a little before they could get it.*¹⁵⁹

In fact it was Thomas Snell who started legal proceedings in the Court of Exchequer, requesting that the stipend formerly paid by the old Court of Augmentations should once again be paid to him: *as well for himself as other such schoolmasters there for the time in future being, that he and the said other such schoolmasters.....so long as they.....should keep the said school, should be paid....the foresaid £10/15s/4d.....and that the said Thomas Snell may be satisfied of the arrears of the same.*

Snell did not have to fight the case alone. Sherbrook's account implies that the case was brought by the town of Rotherham, and we know that the costs of the case, amounting to twenty marks, were met by the community as a whole. (They were paid by William Swift, presumably the younger son of Robert Swift the mercer). This was fitting, since the town had an interest in the outcome of the case, having paid Snell's salary during the years when this was withheld by the Crown. It was also natural for the citizens of Rotherham to do their best to rescue that part of the old College where their sons could secure an education to equip them for the Universities. The case was considered by the Barons of the Exchequer, who decided that the disputed stipend should continue to be paid in future, both to Thomas Snell and his successors. The result was the *Decree for the revyving and continuance' of Rotherham Grammar School*, dated 15th April 1561.¹⁶⁰

But now we come to one of the great puzzles of Rotherham's history, and that is whether Thomas Snell (and the town) did succeed in recovering the arrears which were due for the years 1555 to 1561. Some writers (for example, Crowder and Greene) say that he did; and some say he did not (Leach, the Victoria County History, and Professor Dickens).¹⁶¹ Guest does not really give a clear opinion in his commentary, and in the

¹⁵⁹ G 96 & 334; Dickens, *Reformation*, p 299.

¹⁶⁰ G 334-6.

¹⁶¹ Crowder and Greene p 7; YASRS vol 33 p lxxi, and marginal note to text on p 190; VCH vol 1 p 456; Dickens, *Reformation Studies* p 152.

English version of the decree of 1561, which he gives, he translates the Latin word *citra* incorrectly as 'before', when it means 'since', and thereby renders his text obscure on the point.¹⁶²

In fact, the position is that Thomas Snell recovered most of the arrears which he asked for, but not all. The Latin text of the decree of 1561 states quite clearly that this is what happened. Snell claimed arrears from Michaelmas 1555 (the 2nd and 3rd year of the reign of Philip and Mary), but was only awarded them from Michaelmas 1556 (the 3rd and 4th year of that reign), though this would still represent a tidy sum of about £50. It is however understandable that some writers have stated that he was not successful in securing the arrears, for the Latin text which appears at page 190 of the widely available volume 33 of the Yorkshire Archaeological Record Series has the following marginal note: "refusal of the payment of arrears"; and the editor of that volume stated baldly in his introduction that the arrears were not recovered.¹⁶³

It is worth considering the nature of the school where Thomas Snell taught after 1561. We should not be misled by the title of the Decree which he obtained from the Exchequer, into thinking that he had restored the grammar school to the position which it had enjoyed before the Chantries Act. All he had won from the Crown was the right to receive a fixed amount of money each year, at a time when inflation was already a problem. The real value of his stipend was bound to fall over a period of years, unless it were supplemented by private or civic charity. By contrast, the old grammar school had been an integral part of a wealthy and self-governing College. It was for this reason that Leach disparagingly called the new grammar school a 'mangled fragment' of Rotherham College.

Some writers have suggested that the Elizabethans re-endowed the grammar school (or even that they founded it in the first instance!); but I can find no record of any gift of landed property to the school, before 1608, when Robert Okes gave land in Dalton worth 33s/4d per annum. However, the schoolhouse was amongst the properties granted to the town's Feoffees of Common Lands in 1583/4 and they did maintain it thereafter, as their accounts show. The following sums were expended in 1595 alone

<i>Item for a locke for the Schoolehouse dore</i>	14d
<i>Item Worley for mosse to the Scholehouse</i>	22d
<i>Item for fetchinge the same at Haworthe</i>	10d
<i>Item Sandall for mossinge and ridgeinge the Scholehouse</i>	7s 3d

¹⁶² G 333, 336.

¹⁶³ YASRS 33 p 190, p lxxi.

<i>Item for slate stones to the same</i>	20d
<i>Item for lattes and nayles to the same</i>	7d
<i>Item to Henry Lee for makinge the mortar and dawbinge ther</i>	2s 6d
<i>Item for a lode of mortar</i>	6d

Where was the Elizabethan grammar school? We know that it was in Jesus Gate, in the heart of the town, very close to the site of the College of Jesus; but it is difficult to be more precise. There are no plans or drawings of the town in the Tudor period, and the verbal descriptions to be found in deeds and other documents are inexact. Guest wrote that the school *...would very probably continue to occupy some portion of the dilapidated college premises during the mastership of Thomas Snell. It seems afterwards to have moved to the opposite side of the street and a little lower down, and this may have been the site of the place described in the Grant of 26 Eliz., 1583.* However, these statements are open to question, when one examines the few descriptions which have survived. The Chantry Commissioners of 1546 and 1548 referred to *one house nere unto the sayd College, wherein the thre fre scoles be kept and taught.* This suggests that even before the dissolution, the school may not have been in the College itself, but in a house nearby, on one side or the other of Jesus Gate. However, the grant of 1583 simply refers to *a house or building called the schoolhouse in Rotherham aforesaid, in the street called Jesus Gate, in the occupation of Robert Saunderson.* There is nothing in this which necessarily implies that the schoolhouse had moved to the other side of Jesus Gate between the 1540s and the 1580s, though Charles Hoole, who taught in Rotherham in the 1630s, thought that the Earl of Shrewsbury had *removed the school out of the college into a sorry house before the gate around the time that Rotherham acquired a new cockpit, which may have been in 1569.*¹⁶⁴

How successful was the school 'revived' by Thomas Snell, in terms of the education it provided? Arthur Leach was extremely critical of Edward VI, his ministers, and all their works. He wrote that of all the places which he studied in his volume on *Early Yorkshire schools* (Pontefract, Howden, Northallerton, Acaster, Rotherham, Giggleswick and Sedbergh) "Rotherham suffered the most signally by the malversation of the Chantries Act". In drawing this conclusion, he was partly thinking of the effect of the dissolution of Rotherham College on 'elementary education', and partly of the grammar school itself. So far as the former is concerned, he pointed out that the loss of the distinctive writing school after 1547 left a gap which "may be marked in the vile writing and spelling of the Feoffees' minutes and accounts of the Elizabethan and Jamesean periods, forming as marked a contrast to the scholarly hand and accurate

¹⁶⁴ G 343, 637-8; YASRS 33 pp 197,201; G 368; YASRS 33 pp lxxii, 195; G 365-374; 345, 368; YASRS 33 p 176; G 149; G 385, 345 It only becomes possible to give a more exact location in the seventeenth century.

Latin of the few extant accounts of Henry VIII's time as can well be imagined." Whether this was fair criticism, we may doubt: the men who penned the Feoffees' accounts at the relevant dates may not have been educated in Rotherham; but it is certainly true that there is no sign, in Elizabethan times, of the revival of an elementary school, teaching writing and arithmetic to pupils who were not 'grammar school material', though a 'petty school' may have been re-created by 1611.¹⁶⁵

So far as the grammar school was concerned, Leach's argument was that the removal by the Chantries Act of the former College's endowments was bound to cause problems, and that the fixed stipend for the grammar master which was provided instead was a poor substitute. There were bound to be difficulties in getting the Crown to pay the stipend - as indeed there were, at least between 1555 and 1561; and the real value of the stipend was certain to fall over a period of time. As a result, it would then be hard to attract schoolmasters of the right calibre. The standard of teaching would inevitably suffer, and the status of the school would decline. Similar arguments were deployed by contemporary critics. *What learned man will go to this provincial spot for such a narrow stipend, when the lands have been taken away, what man of any promise will leave the University, a place of much amenity, where he can spend his time among learned men with the greatest advantage to his own learning, and with probably no less an income from the College, to go to a rude people, a sparsely inhabited country, a rough neighbourhood, with no vestige of elegance or culture, to hard and intolerable labour, for such a mean stipend?* These words were penned by a sixteenth century 'action group' struggling to save Sedbergh school, but they could well have been appropriate in the case of Rotherham too.¹⁶⁶

However, we may well think that the picture painted above is too bleak. Although the schoolmaster's stipend was fixed, much must surely have depended on the personality of individual teachers. We know that Thomas Snell himself stuck to his post in the difficult years prior to 1561, and stayed for some years after that. We also know that in the 1630s the grammar school was able to secure the services of another able Master, Charles Hoole, author of the *New Discovery of the old art of Teaching School*: if Rotherham was able to attract a man of this calibre at that date, why should it not have drawn men who were equally able, if less famous, in the Elizabethan period?

Supposition does not take us very far. We must look for evidence, and this is sparse. As previously mentioned, there are no records of the school which we can turn to, and no equivalent of Hoole's book, to show us the curriculum or teaching methods which were used in the late sixteenth century. As we have noted, the rector of Wickersley, writing in the late 1590s, thought that the connection of the College of Jesus

¹⁶⁵ YASRS 33 pp lxx, lxxi.

¹⁶⁶ YASRS 33 p lix.

with Lincoln College, Oxford was strong prior to 1548, and implied that it was broken or weakened after that date;¹⁶⁷ but this is difficult to check, for the Tudor registers of many Oxford colleges, including Lincoln, are silent as to the origin of their students and teachers. However, there are two reports of the school in Elizabethan times, and the striking fact is that they were both very favourable, despite the gloomy prognostications we have cited.

In 1570 the Crown decided to find out whether it was getting value for money, in relation to the payments which the Exchequer was making to schoolmasters in the North of England. The Archbishop of York was commissioned to investigate whether the schools in question were properly kept, with the idea that, if necessary, they would be closed and the money moved to another place. One of the schoolmasters listed in his Commission was William Becke of Rotherham. The records of the Exchequer were evidently out of date, for the Archbishop eventually reported that William Becke had left the town at about Michaelmas 1568; and the wording of the report implies that his departure had been somewhat abrupt; but the inhabitants of Rotherham had made good the deficiency by appointing one Thomas Woodhouse in his place, and he was the person currently in receipt of the stipend of £10/15s/4d from the Crown Receiver of Yorkshire. It turned out that Woodhouse had proved a very satisfactory replacement: he ran the school in a diligent, sound and correct manner (*diligenter, sincere et decore*). Having examined the matter thoroughly, the Archbishop was in no doubt that it was proper to allow the school to remain in Rotherham, and that the Master himself was efficient, able and altogether suitable (*aptum, habilem et idoneum*).¹⁶⁸ A further report was commissioned in 1571, when the Archdeacon of York confirmed that William Becke had only been Master for about a year, that Thomas Woodhouse was '*a man apte for that purpose*', and further confirmed that in general the system of appointing schoolmasters in Rotherham was satisfactory *the Schoolemaisters there for the tyme being have been appointyd by the Lord Archebisshope of Yorke*.¹⁶⁹

Thomas Woodhouse served as Master until 1584, when he was succeeded by Robert Sanderson, whose famous son of the same name (1587-1663) attended Rotherham grammar school at the very end of the Tudor period, went up to Lincoln College, Oxford in 1603, and eventually became Bishop of Lincoln (1660-63) and Regius Professor of Divinity at Oxford (1642-8 and 1660- 63).¹⁷⁰ There is also a passage in Izaak Walton's life of Sanderson, published in 1678, which throws some light on the matter:

¹⁶⁷ G 96.

¹⁶⁸ YASRS 33 pp 74, 193.

¹⁶⁹ YASRS 33 pp 79, 193.

¹⁷⁰ G 337; DNB; Leach in YASRS 33 p lxxii states that Archbishop Sanderson was the son of Robert Sanderson the schoolmaster.

And in this time of his being a Scholar there, he was observ'd to use an unwearied diligence to attain learning, and to have a seriousness beyond his age, and with it a more than common modesty; and to be of so calm and obliging a behaviour, that the master and whole number of scholars lov'd him, as one man.....And in this love and amity he continued at that School till about the thirteenth year of his age; at which time his Father design'd to improve his Grammer learning by removing him from Rotherham, to one of the more noted schools of Eaton or Westminster; and after a years stay there then to....Oxford.

This implies that the best education that Rotherham could give was not good enough, at least for an outstanding pupil, with a parent who wanted only the best. However, as they were travelling south, Sanderson and his father called on an old friend, who was asked what he thought on the matter of schooling. The friend put certain questions to the boy and listened to his answers. He was so impressed that he concluded that the youth *was so perfect a Graumarian, that he had laid a good foundation to build any, or all the Arts upon.* As a result the boy was left with the Rector of Lincoln College when he was only thirteen, though he did not matriculate until some years later. The tuition he had received at Rotherham cannot have been so bad, after all.

In general it seems, from what little we know, that Elizabethan Rotherham was fortunate in its schoolmasters, and that the standard of education was not so low as we have been led to expect by the opponents and critics of the Chancies Act. (see Appendix, The Historians and Rotherham College). Of the known Elizabethan schoolmaster, Snell, Woodhouse and Sanderson all had some favourable opinion passed on them, and Becke (who did not) was only in place for a very short period.

An interesting footnote is provided by an agreement, perhaps made between 1603 and 1608, relating to the appointment of a new schoolmaster.¹⁷¹ In this the Feoffees and forty or fifty of the town's inhabitants subscribe to the proposition *that the King's Majesys pension belonging to the schoolmaster there....being but ten pounds and odd money is not holden a sufficient or competent maintenance for a good and diligent schoolmaster for that place;* and they state that the problem is most acutely felt by *the poorest sort of the inhabitants who are not able to maintain their children at foreign schools.* Thus far the agreement seems to some extent to confirm the justice of Leach's criticisms: by the early seventeenth century some of the better off were clearly less than entirely satisfied with the standards of tuition in Rotherham, and were sending their children to school

¹⁷¹ This agreement is in the John Goodchild Loan Collection at Wakefield District Library. The reasons I date it between 1603 and 1608 are (1) It refers to the King's Majesty's pension (2) It was signed by Nicholas Mountney, who died in 1614 (3) It refers to the fact that it was hoped to raise money by voluntary contribution. Robert Okes' bequest to the school in 1608 may have been one of these.

elsewhere. However, the signatories now propose to do something about the problem which has arisen. A vacancy at the school has recently occurred and they propose to appoint Henry Saxton M.A. *whose sufficiency in learning and painful industry in teaching* they are said to have evidence of already. In appointing him, they will let him have the use of the schoolhouse; and they will supplement the salary he receives from the royal coffers with a further £6/13s/4d, to be raised by voluntary contributions if possible, but otherwise by assessment, the supplement to be paid as long as Saxton personally holds office. David Cameron's 'Big Society' at work,



Archbishop Thomas Rotherham

7 SIMON CLERKSON, THE FIRST MARRIED VICAR OF ROTHERHAM

Simon Clerkson was vicar of Rotherham for fifteen years, between 1539 and 1554. His career was remarkable in a number of respects: he was the first vicar to be appointed by a layman; he was given permission to absent himself from the parish for ten years; he was the first of Rotherham's vicars to marry; and within a few years, he was deprived of the vicarage, because of that very marriage.

Clerkson took his degree at Oxford in January 1535. He was a Carmelite and, not long afterwards, he became Prior of the Whitefriars at York. In 1537, he and another Prior from London assisted in the examination of a heretic called William Cowbridge, who held some distinctly odd views about the Mass and other points of doctrine: Cowbridge was burned at the stake as a result. Clerkson seems to have been a King's man, and followed Henry VIII's line on religious matters. In 1538, he surrendered his friary at York, in accordance with royal policy. The Earls of Shrewsbury were also unswervingly loyal to the Crown - as we have seen, the 4th Earl had played a major part in suppressing the Pilgrimage of Grace. – and, when Rufford Abbey was dissolved, and the right of presentation to Rotherham church passed into the hands of the Earls of Shrewsbury, the 5th Earl presented Simon Clerkson as vicar, on 17th July 1539. The novelty of this appointment should not be underestimated: the previous nineteen vicars, starting in 1296, had all been appointed by the Abbot and Brethren of Rufford.¹⁷²

In 1541, Simon Clerkson was appointed as an official travelling preacher, and was given leave of absence from his parish for ten whole years. This came about because the King, now steering a perilous course between Catholicism and Protestantism, needed clerics who would tour the country and preach his own particular brand of religion - the pulpit being an essential part of the 'mass media of Tudor England'.¹⁷³ Perhaps he was also responding to the popular will: Robert Ferrar, Prior of St Oswald's (Nostell Priory) had written to Cromwell in 1538 that *there are almost none in these parts who sincerely, plainly and diligently preach the Gosepl, the people so hungrily desirous to hear and learn. Rodderham, Doncaster, Pontefrette, Wakefeylde, Leydys, Bradforde, Halyfaxe, Manchester, and many others, have not one faithful preacher that he can*

¹⁷² HSY vol II p 22.

¹⁷³ Guy p 136.

hear of... though naturally this was only one man's view.¹⁷⁴ Henry VIII came North on a royal progress in 1541 (the only time he visited Yorkshire as King), and whilst he was in Hull, he granted Clerkson a special licence for this purpose. John Guest reproduces this document in its entirety, but passes no comment on it, other than to say: *Here is a remarkable Licence for A Travelling Preacher*. It is indeed a remarkable document: the King recites the fact that Clerkson is a bachelor in theology and excels in his knowledge of the scriptures (*sacrarum literarum cognitione pollet*). He is granted extended leave of absence from Rotherham so that he may preach the Word of God *in Latin sermon or in vulgar tongue*, depending on his audience. During his ten years' non-residence, he may continue to draw the profits of the vicarage, provided that funeral services continue to be held, that the cure of souls is in no way neglected, and provided finally that he preaches in Rotherham itself at least four times a year.¹⁷⁵

Despite these very specific conditions, we cannot help wondering what the effect of Vicar Clerkson's absence was on the parishioners of Rotherham. He had only been vicar for two years before the royal licence was sealed. Perhaps he was not too sorely missed between 1541 and 1548, for we know that, prior to the Chantries Act, the vicar was *accustomed to haue help of the chauntrie preistesas nede hath required*; and that the Provost of Rotherham College was required to preach regularly in the parish; but after the Act took effect, neither the chantry priests nor the Provost was available to help, so that the absence of the vicar may have become very serious.

We have no information as to where Simon Clerkson went on his travels, or how often he was away, or whether he honoured the commitment to preach four times a year in Rotherham, though it is known that in 1548 he was appointed to the living of Stainby in South Lincolnshire, which he held at the same time as the vicarage of Rotherham. Clerkson must have stood close to King Henry's current's position on theology, or he would not have been appointed; but it seems likely from his conduct that he moved on from a Henrician position to a decidedly more Protestant stance. This is shown by the fact that, before the end of King Edward's reign, he had taken a wife, which was a radical move indeed for one who had been both a priest and a friar. Marriage was a step which was taken by many members of the clergy once it was permitted, and in some cases was entered into in as a sign of modernity rather than for the more usual personal reasons. In the diocese of York about 100 clergymen (out of about 1000) married; and they were headed by Archbishop Holgate, though he was already in late middle age.¹⁷⁶ Conservatives strongly disapproved, and Robert Parkyn

¹⁷⁴ *L&P Henry VIII* vol XIII part II, 953.

¹⁷⁵ G 73-4. The licence is also referred to in *L & P Henry VIII* vol XVI (1540-1) item 1308(38).

¹⁷⁶ Dickens, *Reformation* pp 336-9.

the curate of Adwick- le-Street near Doncaster, thought that those who accepted that it was *leafull for preastes to marie women, usynge tham as ther wyffes, wich was veray pleasantt to many* were simply *blyndide with carnall concupiscens*.

Unfortunately for Clerkson, the course of the Protestant Reformation did not run smooth. King Edward was succeeded by the stunchly Catholic Queen Mary, and all over the North married clergymen were summoned to appear before the Church courts. The normal procedure was for the court to establish the fact of matrimony and then order the offender to abstain from priestly functions. He then suffered formal deprivation of his living. Secular priests undertook to revert to a life of chastity, and live apart from their wives, while ex-monks and friars were formally divorced, and had to take a solemn oath that they would not renew contact with their former wives. After this, all had to undergo the humiliation of performing an act of penance in their own churches, just as if they were common fornicators. Robert Parkyn commented gleefully on the plight of the married clergy, and he no doubt expressed the view of many who clung to the old ways. After recording that as soon as Mary became Queen, the common people began to *ponnt tham withe fyngers in places when they saw tham* he added

*Hoo, it was ioye [joy] to here and see how thes carnall preastes (which had ledde ther lyffes in fornication with ther whores and harlotts) dyd lowre and looke downe, when thay were cammandyde to leave and forsayke the concubyns and harlotts and to do open penance accordynge to the Canon Law, whiche then toyke effectt.*¹⁷⁷

Rather than endure this kind of treatment, Simon Clerkson chose to absent himself. He was summoned to appear in court at York on 16th April 1554, but did not go; and he was summoned again on 29th October but again failed to appear. As a result he was deprived of the vicarage of Rotherham, and his living at Stainby, not specifically for matrimony, but for contempt of court. We do not yet know what became of him afterwards. He may have followed the many *émigrés* who tok refuge on the Continent, there to await the end of the Marian persecution which was to continue and intensify, burning an indelible mark on the Protestant memory. Certainly there is no further record of Simon Clerkson in Rotherham. He was succeeded there by Nicholas Bramhall, who was also presented to the vicarage by the 5th Earl of Shrewsbury.¹⁷⁸

¹⁷⁷ Dickens, *Reformation* p 381 & *Reformation Studies* pp 308, 311.

¹⁷⁸ Dickens, *Lollards and Protestants*, pp 145-7 and 200; HSY vol II p 22.

8 THE CHURCHWARDENS AND RELIGIOUS CHANGE

(1) RELIGIOUS CHANGES, 1547 - 1558

The sixteenth century was a time of great religious upheaval, and the people of Rotherham did not escape the earthquake. We have seen that in the late 1530s, the town was affected by a bitter theological controversy, centring on the prosecution of William Senes for heresy. At about the same time, Rufford Abbey was dissolved, following allegations that the Abbot had been involved with at least two married, and four single, women. The dissolution of the Abbey meant that the Church, as well as the manor, of Rotherham passed into lay hands, after more than two centuries of monastic rule. Ten years later, the town was subjected to a further series of shocks, administered by the Chantries Act, for this dissolved several institutions which held an important place in local life. The College of Jesus was the most distinguished of these casualties; but no less significant for the many townspeople who were involved with them in one way or another, were the chantries and *obits* in the parish church, together with the lay fraternity known as the *Greaves of Our Lady's Lights*. All of these were swept away.

It is worth dwelling on the obits for a moment, if only because the concept is relatively unfamiliar. An obit was a requiem mass, held once a year for the benefit of a deceased person. The Chantry Surveys of 1548 recorded that there were:

*Twoo Obbittes in the sayd Parishe Churche of Rotherham. Thone was founded by Thomas Reresby, Esquier, thother by the commons of the towne of Rotherham to haue contynuanee for euer. The yerely value of the ffreehold land belonging to the seyd obbittes, as partyculerly doth appere by the rentall, xiiijjs. Coppiehold, nil. Whereof resolutes and deduccions by yere, nil; and so remayneth clere to the kinge's maiestie by yere xiiijjs.*¹⁷⁹

We know the circumstances in which Thomas Reresby's obit was established. When he made his will in 1522, he gave property in Denaby to the 'commonalty' of

¹⁷⁹ G148.

Rotherham, telling them to use half to set up an obit in the parish church *for my sall, the saulles of my fader and moder, the saull of Mr Henry Carnebull, for all my frendes and benefactours' saulles, and for all Cristen saulles...*¹⁸⁰

The Act of 1547 declared all endowments for obits and prayers for the dead forfeit to the Crown; and accounts preserved by the town's Feoffees show that in 1549 the town paid the King a total of fourteen shillings - the entire value of the suppressed obits:

Itm payde to the Kyng for an obit for mr Thos Rerisby *xs*
Itm payde for Wilcoke obit *iiijs*¹⁸¹

The abolition of obits and chantries, and the priests who served them, had a profound effect; but there was more to come. By a series of edicts issued during Edward VI's reign, the state officially imposed the Protestant religion, and in particular Protestant views as to how the parish church should look, and how religious services should be conducted. Ceremonies which were deemed superstitious were prohibited, as was the display of images. This meant that statues, roods and rood lofts had to be dismantled and wall paintings must be whitewashed. The First Book of Common Prayer, in English, replaced the Latin Breviary and Missal. In November 1550, the government ordered that altars should be replaced by communion tables, which symbolised the abandonment of the Roman Catholic conception of the Mass.

The men who had the main responsibility for implementing these orders locally were the Churchwardens, of whom there were four in Rotherham. We can see what happened by reading the accounts which they kept: they were seen and transcribed over 100 years ago by Guest, who remarked that they were torn, *tattered, and not easily decipherable*.¹⁸² They have unfortunately since disappeared (see Appendix).

The churchwardens in 1547-8 are Alexander Oke, John Snell, William Parker and William Cutler. They record the following payment:

s d

It. to Harry Laweton, for taking down the yron in the Rode
loft and in other places *4*

Here, the Churchwardens are paying for the removal of the rood loft, in accordance

¹⁸⁰ Surtees 79, p 152.

¹⁸¹ G 383.

¹⁸² HSY vol II p 1; G 177-8.

with the Royal Injunctions of 1547, the rood loft being a wooden structure which separated the nave from the chancel and carried the rood itself - a cross, often bearing the figure of Christ. In Rotherham, the rood loft may at one time have been hung with a 'cloth of arras' or tapestry, also showing the crucifixion. All this was now swept away.¹⁸³

The process which was at work in Rotherham is further described by Robert Parkyn, the curate of Adwick le Street, in his critical narrative of the Reformation: *In the sayme Lentt [1548] all ymages, pictures, tables, crucifixes, tabernacles, was utterly abolischide & takyn away furth of churches within this realme of Englande, and all searges of wax (except two standynge uppon highe altars)*. Back in Rotherham the following payment appears

£ s d

*It. to the Kynge's vyciters clerke, for a byll whiche they had
uppon our othes*

4

The 'king's visitors' must be the royal commissioners who have come round, with powers overriding those of the local bishop. It looks as if the Churchwardens take an oath to obey their orders.

£ s d

*It. to John Kynder, and an other Clerk, for helping to wryte the book
of the Commynyon at Doncaster*

2 8

It. to Wm. Symkynson, for 2 quyer paper

6

*It. to Sir William, our Curytes and our Clerk's for their Costes at
Doncaster, the tyme of the wrytyng of our Servys bokes*

2 2

It. to William Inggram, for the wrytyng of the seid bokes

3 4

William Ingram was the parish clerk referred to in the story of William Senes, who had maintained traditional views about religion in the 1530s. Here he is apparently, a dozen years later, helping to write out the new Protestant service books. For these items are all concerned with the introduction of the Book of Common Prayer. Printed copies of this were not immediately available - we should remember that the output of the printing press was still restricted - and in order to get the book into use as quickly as possible, handwritten copies are commissioned. Professor Dickens has argued that this action shows a high degree of co-operation with the new order; but we may ask if the

¹⁸³ G 177; OED; EHR 62 (1947), reproduced in Dickens, *Reformation Studies* p 295; Dickens, *Reformation* pp 280-1 Dickens, *Lollards and Protestants* p 181.

Churchwardens really have any choice in the matter.

We know at any rate what was done with the old catholic books, for there are charges

£ s d

*...for carrying of the Chirche Bokes to Doncaster, Ale when they were
packyed, Corde to trusse the said bokes in 1s 6d, and to
Robt. Prouentorye, of Doncaster, for the Carege of all our bokes to
Yorke*

3 4

According to Robert Parkyn, orders has been issued throughout all the deaneries of Yorkshire that the old books should be taken to the Archbishop's Palace at York *ther to be defacyde and putt owtt of knowledg, the penalties wherof for the contrarie to ryne in the Kyngs highe displeassowr & dannger.*

One item of expenditure in the Rotherham accounts is at first sight particularly mysterious:

It. to Wm. Symkynson, for our perrapharus

13s

This does not relate to some early species of parrot, newly imported from the Indies. It concerns a book written by the famous early sixteenth century Dutch scholar Erasmus, and called the *Paraphrases*. The Royal Injunctions of 1547 ordered that a translation of this work, which *made the gospel story a vehicle for countless pointed allusions to the pride pomp and contentiousness of the Roman Church*, should be provided in every parish in the land, and set up in a convenient place within the parish church, along with the English Bible. Our Rotherham Churchwardens are complying with this order.

At about the same time, they incur further expenditure in relation to the fabric of the church:

£ s d

*It. to Robt. Bate and Thomas Daweson, for helping to take down the hye
Aulter stone and other thynges*

3

*It. to Ric. Brodhed and John Welles, for two days and a half day
Working*

3 4

It. to the seid Brodhed, for viii mettes lyme

2 8

*It. to John Yole, Robt. Sheppard, and other, for taking down the
Tabernaykyles*

3 2

It. Thomas Reyvell, for one mette lyme

12

Here the churchwardens are paying workmen to take down the high altar and also the *tabernacles* - canopied structures which may have housed tombs, shrines, or images. We know from the Chantry Surveys that there were at least three altars in Rotherham, those of Jesus, Our Lady, and the Cross; and that in his will of 1513 John Lilley, who was vicar of Rotherham and cantarist in Henry Carnebull's chantry, left 40s *to the garneshing of our Ladie's tabernacle*. These objects of Catholic devotion were now systematically dismantled. Again we find confirmation of what was happening throughout the North of England in Robert Parkyn's account, for he wrote that *in the monethe of Decembre (1550) all allters of stoyne was taken away also furthe of the churches & chappels from Trentt northewardest and a table of woode sett in the qweare*.¹⁸⁴

Historians have drawn general conclusions about the reception of the Reformation in England, by studying Churchwardens' accounts like these, and in particular from the fact that Churchwardens had to pay to have the churches in their care stripped of their Catholic paraphernalia.¹⁸⁵ There is one view which says that the fact that payments were made for the work in question, and that it was not done spontaneously, or gratuitously, shows that the the government's orders were implemented with some reluctance. Another view is that the payments demonstrate the opposite: the Churchwardens were prepared to pay and were therefore willing agents of the Protestant Reformation.¹⁸⁶

So far as Rotherham is concerned, the fact that sums of money were disbursed is not in dispute, but it is much more difficult to know what this proves. Is it really possible to say with what grace, and in what spirit, the wardens made the payments listed above? An explanation suggests itself, which is more mundane than either of those given above: perhaps the churchwardens felt that if the altars in the parish church had to be dismantled, the job had better be done in the time-honoured fashion, by local craftsmen and workmen; and perhaps those same workmen would be unwilling to allow the manual labour involved to be done by anyone else, or to be done without proper payment. It look as if at least one man who was hired to do some of the dismantling had been accustomed to performing more routine tasks for the parish: the man called John Yole who was one of those paid for taking down the tabernacles was presumably the same man who had previously been paid 5s/2d for mending the bells.

What happened to the objects which were removed from the parish church as a result of the Royal Injunctions? There is little or no evidence. Some things would doubtless have been grabbed by the unscrupulous. Michael Sherbrook wrote of men of

¹⁸⁴ OED; YASRS 107, p 42; Dickens, *Reformation Studies* p 301; G 76.

¹⁸⁵ See now Eamon Duffy, *The Voices of Morebath* [2003]

¹⁸⁶ Scarisbrick p 89; Dickens, *Lollards and Protestants* p 181.

easy conscience who *took many things away without commissions, seeing all things were put to the spoil*; and he particularly mentioned an event which affected the neighbouring parish of Laughton-en-le-Morthen, where Thomas Bosvile of Tickhill Castle *a very shyfter, I will not say a theif stole the great bell forth of the steeple.....& carried it away in the night*.¹⁸⁷ This sort of thing may have happened in Rotherham as well.

On the other hand, Professor Scarisbrick has suggested that some items hitherto regarded as holy may have been taken by honourable men, whose intention was to keep them for future use, against the day when the old religion might be restored; and that the churchwardens in some places sold items cheaply to individuals who could be relied on to hold them on trust for the future use of the parish. Sherbrook's account seems to confirm that this sometimes happened in the North: *some churchwardens, wiser than other some, sold many things to the use of the parish: yea, that thing for 1d which cost xiid*. There is a little evidence which suggests that the process may also have taken place in Rotherham. We will see that when the Marian Reaction took place between 1553 and 1558, and the old religion was indeed restored, the structure known as 'the sepulchre'¹⁸⁸ had to be mended by the Churchwardens, which must mean that it was still available to be repaired. This was probably the Easter Sepulchre, containing the crucifix and consecrated host in Holy Week.

In this connection, it is worth considering an earlier piece of evidence, which relates to the late 1530s rather than to King Edward's reign, and concerns the chapel on the bridge over the Don, rather than the parish church. This chapel had been built for the benefit of both townsmen and travellers. It had no endowment, but precious objects had been donated to it. A memorandum of 1538 survived in John Guest's day, though it has since disappeared

That Thomas Richardson and John Holdham had delivered to their hands, of Our Lady's stock of the Bridge, for certain stuff that was there, in money £6/ 2s/ 0d.

Item that there remaineth in their hands, also an image of our Lady and her Son, of fine gold, and a broken ring of gold.

What is going on here? One interpretation would be that those responsible, perhaps the Greaves of our Lady's Lights, have sold off certain items belonging to the chapel, in order to avoid confiscation by the Crown. This may strain the evidence, of

¹⁸⁷ Dickens, *Lollards and Protestants* p 208.

¹⁸⁸ Previously maintained out of the income of the Chantry of Holy Cross?: HSY vol II p 17. Arrangements for the taking of communion had been altered by royal decree from Easter Sunday 1548: Duffy, *op. cit.*, 122.

course: it could be that the memorandum simply records a routine transaction, whereby one set of officials accounted to another at the end of their period of office.¹⁸⁹ On the other hand, we know that even in the 1530s men did feel that church property of all kinds was under threat of confiscation - Richard Drapper had told William Senes that he would resist if the King tried to take away his chalice! - and some of those responsible for the safe custody of precious objects took action to sell them, so as to thwart the expropriators.¹⁹⁰ We shall see that there is circumstantial evidence that some people removed part of the possessions of Rotherham's chantries when these were threatened with extinction in the late 1540s. (See Appendix I.)

When King Edward VI died, he was succeeded by Mary, who did her best to reverse the changes made in his name. Her reign is forever associated in the popular imagination with the burnings recorded in Foxe's 'Book of Martyrs'; but these did not begin immediately and, so far as the North of England was concerned, it seems that the Queen's accession was a cause for popular rejoicing. Robert Parkyn wrote that the news was received on 21 July 1553 at York, and on the following day at Pontefract, Doncaster, Rotherham, and many other market towns, commenting *wheratt tholle commonalltie in all places in the northe parttes grettlie reiocide, makynge grett fyers, drynkinge wyne and aylle, prayssing God*. Parkyn did however add that the news of Mary's accession was not welcome to those of a Protestant persuasion, whom he regarded as heretics, nor to those members of the clergy who had married - whom he damned as *libidinous reprobates*. Presumably, he would have numbered the vicar of Rotherham, Simon Clerkson, amongst the latter.¹⁹¹

The Rotherham Churchwardens' accounts tell us something about the changes which took place under Queen Mary

	£	s	d
<i>It. peyd to the meyson, for setyng up of the Alters</i>		2	4
<i>It. to Rauf Bayntes, for one day werke and half</i>			9
<i>It. to Gills Robyson, for ledying of one lode of stone to the seid alters</i>			4
<i>It. to Nicholas Inglye, for 3 meytes and 3 peckes of lyme to the alters</i>			15

Here the Churchwardens are paying for the altars to be put back; and it is not just the high altar which is restored but *altars*, in the plural. There is also the following entry in

¹⁸⁹ Tate pp 88-9.

¹⁹⁰ G 125; Scarisbrick p 96

¹⁹¹ Dickens *Lollards and Protestants* p 211. See Simon Clerkson, the first married vicar of Rotherham, above

the Greaves' accounts for 1556

*Item for nailles to ye scepulcre & for wood & a corde
and mendyng of it*

2½¹⁹²

Guest rightly says this item is 'difficult to understand'; but it must surely relate to the restoration of the forms and symbols of Roman Catholic worship. It was not just the Churchwardens who were affected by the Marian Reaction. What the Greaves were paying for was the restoration of 'the sepulchre'. This object was now mended and put back into use. (As noted above, this means that it could not have disappeared entirely during Edward VI's reign).

The Greaves' accounts for 1553 also contain an intriguing entry, relating to the chapel on Rotherham bridge.

*Item paid to John Avkerede for mending a loke of ye quere dore
in ye Chappell at Bryge*

2

This must surely mean that this chapel is being used for worship once more, in the first year of Mary's reign. Not much point in putting a lock on the door, if you are not intending to occupy the building! Another change brought about under Queen Mary was in the way the parish registers were kept. In 1555 and 1557, Cardinal Pole ordered the bishops to ensure that the names of godparents be entered in the baptism registers. The Rotherham register routinely gives the names of god parents between September 1556 and December 1557. Thereafter, this becomes rare.¹⁹³

¹⁹² G 178, 384

¹⁹³ G 384; 221- 4; Tate pp 45, 56.

(2) THE ELIZABETHANS

In many parishes there were only two churchwardens, but Rotherham had four. Someone noted the names of those who served in 1602 at the back of a later burial register, and this note can now be found after the burials recorded for the year 1654:

Churchwardens for the towne & parish of Rotheram chosen at Easter Anno domini 1602

<i>Nicholas Carr</i>	<i>Richard Slack</i>
<i>Phillipp Ffletcher</i>	<i>Thomas Colt</i>
<i>Thomas Nole(?)</i>	<i>Richard Sheirclyffe</i>
<i>Thomas Goodyear</i>	<i>Robert Black</i> ¹⁹⁴

Presumably, four of these men were retiring from office, and the other four were taking their place.

We have seen how earlier churchwardens were involved in the great religious controversies of the mid-sixteenth century. The churchwardens' accounts for 1596 and 1600, which are all that survive for the Elizabethan period, paint a less dramatic picture. They show these officials involved in the routine business of looking after the church and its contents, and ensuring that the vicar was supplied with the means to conduct services. They also show them performing various civil duties placed upon them by the Elizabethan state.

The accounts for 1596 show the wardens repairing their church, and in particular the roof

	£	s	d
<i>It. pd. to Goodman Borgess 14 day work</i>		14	
<i>It. pd. to Wastnes, glazier, for the hed Rouffe laying downe, and for sauthier [solder] and sauthering all the Rouffe, bott one baye</i>		50	
<i>It. for a lesse Roufe mending with Sauther</i>		4	6
<i>It. pd. to Thomas Culdain for 3 Irne boulttes, 13 crouckes byger and lesse and for plattes and braggess</i>		7	
<i>It. for bred and alle at the hed roufe taking up</i>			10
<i>It. pd. Henry Forthe, for 60 yerdes of bordes for ye Rouffe</i>		9	6

¹⁹⁴ SCL PR(M) 87/2.

<i>It. pd. to Robert Ockes, for 32 yerds bordes at 1½d. yerd, and for 3 planckes</i>	5 8
<i>More to him for bordes</i>	2 8
<i>It. pd. to William Trypett, for 6 yds. of half-inch bordes to make seilinge of</i>	16
<i>It. pd. to Nych Carre, for 22^{li} of naylles of 6d a li, 11s, and 4d in greatt naylles</i>	11 4

These repairs were presumably to the nave of the church, for the chancel was the minister's respnsibility - vicar Blackwood being admonished, in 1578, for allowing it to fall into decay.¹⁹⁵

There are also entries concerning the books kept in the church

<i>It. pd. for 2 large red lether skines for ye coveringe of ye bybells, and 2 other serves bouckes 20d, for coveringe them 8d, for claspes to them 18d, all is</i>	3 10
<i>It. pd. to Robt Wyghtman, for mending one of the bokkes that is cheyned in the church</i>	8

The largest item of expenditure consisted of the bread and the wine needed for religious services:

<i>It. payd for wyne and wafers, for ye holl yere, as appereth by our boke</i>	4 16 8
<i>and</i>	
<i>Item payd to Thomas Ingman's wyf for wafferens</i>	1 ¹⁹⁶

There was further expenditure on 'wafferens' in 1600, while in the same year it was necessary to provide the vicar, Thomas Jopson or Jepson with a new surplice:

<i>Item payd for a yard of whyte sylke, lace, and threed to laye of a surplis for Mr Jepson, 5th May</i>	4
<i>Item payd to Robt Pettie wife, for setting one the same and getherhing it in the neck</i>	6

¹⁹⁵ BIHR VCB 1 fol 84r.

¹⁹⁶ G 179.

There are various matters on which the accounts for 1596 and 1600 are silent, but which can be deduced from other sources. Thus we know that the churchwardens provided the books in which the parish registers were kept - at least they did so in 1574, when the register begins with the proud declaration

The boke of christenings weddinges and Buryalles begunne at Rotherham the ffyrst of Januarye....wiche was provyded by Phylippe Fletcher, Wyl Tymme, Henrye(?) Watsone and Thomas Donke Churchwardens...

During the Elizabethan period, the churchwardens were given the task of enforcing many Acts of Parliament. For example, in 1566, they were given powers in relation to the destruction of vermin. They could assess holders of land or tithe, in order to provide a fund which would enable them to pay a bounty for the heads of creatures which were regarded as pests: crows, choughs, magpies, rooks etc. The legislation was renewed in 1592; and so we find the Rotherham churchwardens paying the following amounts in 1596

<i>It. pd. to Lyon Keper, for 2 Fox hedds and a cub head</i>	2 4
<i>It. pd. Jhon °sic§ Haggess man, for a foxhead and 7 cub heads</i>	3 4
<i>It. pd. to Ryc Kynge, for a cub head</i>	4

An Act of 1571, designed to protect and encourage the woollen industry, required that every person of common degree over the age of seven should wear a woollen cap, made in England, on Sundays and holidays, with a fine of 3s 4d a day for each transgression. Communities as well as individuals were held liable for paying the fines, and in Rotherham we find payments made by both churchwardens and Feoffees. The Act was repealed in 1597-8; but in the meantime, we find the following entry in the accounts of the churchwardens for 1596 ¹⁹⁷

<i>It. pd to the Comyhioners for nott wearinge of cappes</i>	4
--	---

There was legislation in the 1590s to help men who had served in the wars, since this was a period when England was involved in a protracted conflict with Spain. One Act in particular provided that soldiers and sailors who had been discharged, were making their way home, and were short of money, were entitled to ask for assistance, to

¹⁹⁷ Tate pp 106, 324, G 179, 389(n).

enable them to reach their destination.¹⁹⁸ In 1596, we find the churchwardens making the following payment:

*It. payd Mr Wylbore, quarterly, for ye decayed soulgieres
6s 6d yx is to say, ye holl yere*

26

The curious word 'decayed' can be clarified by comparison with a contemporaneous payment made by the Sheffield Burgesses¹⁹⁹

*Item, paid the same tyme to the church wardens for the maymed
soldiers*

3 4

The surviving accounts for the Tudor period do not give a complete picture of the churchwardens' activities at that time. There is nothing in them about the church bells, or the church clock, both of which feature in the accounts for 1611. There is nothing about how the wardens raised money, equivalent to the very complete record of the assessment made in 1627. Nor is there anything concerning the renting out of pews, which features largely in other post-Reformation accounts. Most disappointingly, there is nothing about the Poor Law. However, in this connection, an agreement of 22nd March 1600 was written at the back of one of the parish registers, and this is now preserved at the end of the burial register for 1653-78. The agreement records that two men have agreed to take in a child called William Garladys:

[Memorandum] that we John Taylor and Thomas Wilkinson do informe and promyse to the inhabitants of Rotherham that yf yt shall happen that William Garladys the sone of Thomas Garladys be sent to us for any tyme(?) to be kept according to law that they/us(?) sayd John and Thomas shall and will kepe the sayd towne harmeless and indempnyfied of and for the sayd child so(?) begotten and borne in Rotherham aforesayd in wytness whereof we have hereto sett our hands the xxii daye of march 1600

*the marke of John Taylor
Thomas Wilkinson his mark*

wytnesses Thos. Jopson

¹⁹⁸ Tate pp 27, 286; Eastwood's *Ecclesfield* p 34.

¹⁹⁹ Leader's *Burgery* p 71.

Richard Edmonds churchwardens

John Bankes

*Brian Shaw*²⁰⁰

As we have already noted, Thomas Jopson (or Jepson) was the vicar of Rotherham in 1600; and it will be seen that three of the witnesses to the agreement were churchwardens. It is therefore likely that this agreement to provide for a poor child was the work of the parish authorities, who were charged with the responsibility for operating the Poor Law of 1597-1601.

We cannot take leave of the Rotherham churchwardens without mentioning the following items of expenditure, which they incurred in 1600:

Payd the 17th of November, 1600, to 26 ringers to ring the same day at the rate of 10d the man, 21s 8d; and to Gurrye and Marshall, 20d; and to Rich. Edmoundes, for 10 gallons of ale at 7d the gallon, 5s 10d; and to Bryan Shawe wif, for 4 gallons, 2s 4d; and for bred 4s 10d; and for 3^{li} of candles to Rich. Bell, 12d; and for the supperes of alle the churchwardens, the minister, the clerke, and the bellman, 6s; in toto, 45s 8d.

John Guest does not appear to have understood what these payments related to. He described the event in question as an 'unusual jollification'. It was no such thing: the people of Rotherham were in fact celebrating the anniversary of the accession of Queen Elizabeth I, which was celebrated throughout England and Wales, in more or the less same fashion, with bellringing, feasting, bonfires, and carousing. For example, the following entry appears in the accounts of the Sheffield Burgery for 1584

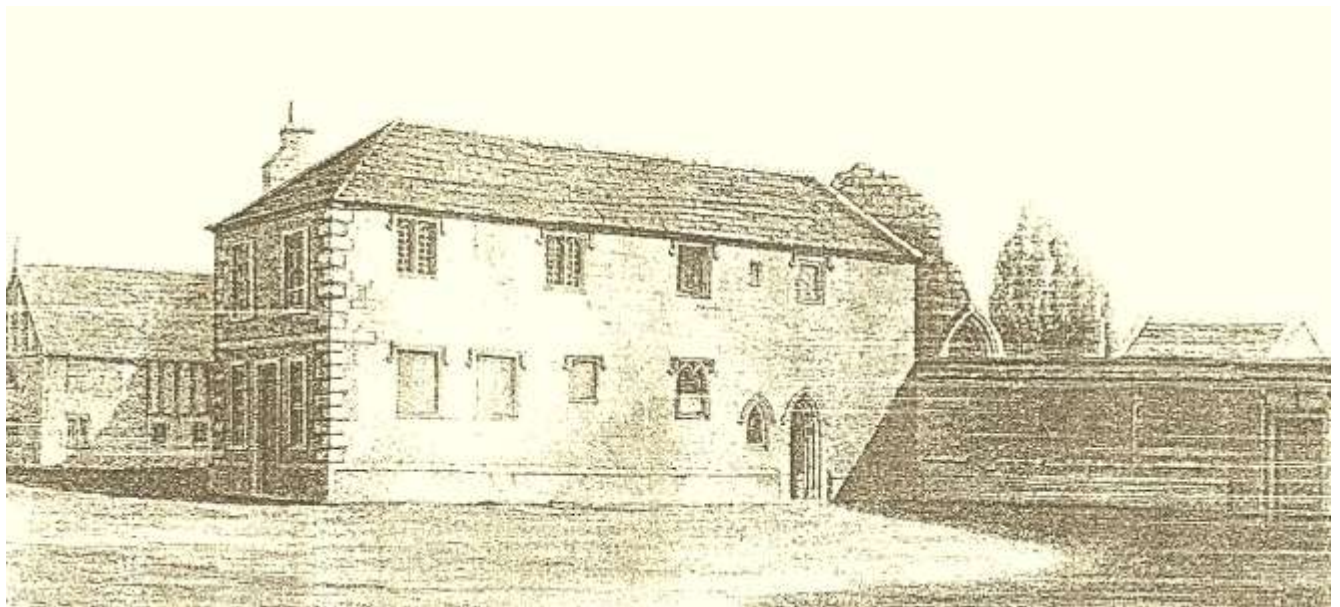
*Item, gyven to Ringers which dyd Ring in the Quenes
hollyedaye 1584*

xiid

The Elizabethans did not 'remember' the 5th of November. They had no reason to, for the Gunpowder Plot had not yet been hatched; but they did celebrate the 17th of November. There was more to this than a spontaneous outpouring of popular devotion, respected and loved though the Queen may have been. The government 'public relations' machine was also at work. In the view of one modern historian: "By 1576 the Queen's day was under official control, as an elaborate state festival with authorised

²⁰⁰ G180; Tate p 90; G 278G 204; SCL PR(M) 87/3. see also the microfilm of the parish registers at Rotherham.

prayers, municipal processions and propagandist sermons: 17th November 1558 was presented as a turning point in the history of the nation..." We have no way of assessing how far the celebrations in Rotherham in 1600 were a genuine demonstration of the popularity of Queen Elizabeth, who had now been on the throne for over forty years, and how far they were the result of the day being an official 'Bank holiday'. We may guess that both these factors were at work. Either way the event was a good excuse for eating, drinking and making merry.²⁰¹



The College of Jesus and Grammar School, Rotherham
From a water colour by J C Buckler 1813

²⁰¹ G180; Haigh p 4.

9 OFFENDERS IN THE CHURCH COURTS

Substantial numbers of records survive from the Elizabethan period which show how the Church exercised control over the religious and moral lives of the people. In particular, there are records of the visitations conducted by the Archbishops of York on several occasions between 1567 and 1600, and of a visitation by the Archdeacon of York in 1598. The procedure in relation to an archiepiscopal visitation was that the Archbishop drew up Articles, listing those matters which he wanted to look into, and these were sent to the churchwardens (and possibly other "swornmen") in the parishes. The churchwardens reported suspects by means of bills of presentment, for use by the Archbishop's 'correction' court, though more serious cases might be referred to the Court of High Commission. Amongst the sources which have survived are the Articles, digests of the bills of presentment, and the Act Books of both the correction court and the Court of High Commission; and we can see from these that the men and women of Elizabethan Rotherham did not escape censure.²⁰²

Some three weeks before Christmas 1571, Christopher Snyderall of Rotherham parish appeared in court in York Minster, when it was said that *he cometh seldorme to the Church*. The background to this is the religious settlement reached when Elizabeth became Queen - the famous *via media*, which steered a middle course between Catholicism and Puritanism. The settlement was underpinned by the Act of Uniformity of 1559, which provided that everyone must attend church on Sundays and holy days, and participate in services using the new Prayer Book. Anyone who refused to do so was liable to a fine of a shilling per Sunday.

Snyderall denied the charge, but the court *enjoined upon him that hereafter he shall frequent his owne p(ar)ishe church of Rotheram, and orderlie use hym selfe; in commynge to devyne s(er)vyce; as a true Chr(ist)ian ought to do and that he shall recevye the Co(mmun)ion att Xreimas next...* It was also decided that the court's order should be 'published' in the parish church, on a Sunday before Christmas; and upon these terms Snyderall was discharged.²⁰³

There were a number of interesting cases in 1575, when Archbishop Grindal held

²⁰² Alcuin Club, 26 p 90, 27 p 258; Borthwick Texts, 4 pp i, ii; BIHR VCBs. For the High Commission there are both Act Books and Cause Papers; but none of the latter appear to relate to Rotherham in the Tudor and early Stuart period.

²⁰³ BIHR VCB 1571-2 folio 135v.

his last Visitation, shortly before his translation to Canterbury. In May, the churchwardens presented Janet Cooye or Coie (Coe?) for being *a common scolde and a disquyeter of her neighbours*. The matter came before the correction court in September: the offender was ordered to do penance *in the street and at the centre*, that is (presumably) at the centre of Rotherham town. What penance might consist of - if not commuted - is shown in a case from early Stuart Somerset ..*Thomas Odam with a white sheet upon his uppermost garment, and a white wand in his hand, shall come into the parish church...at the beginning of the forenoon service and stand forth in the middle space before the pulpit during the whole time of divine service...and immediately after the sermon shall with an audible voice make this humble acknowledgement, repeating the same after the minister namely 'I, Thomas Odam, do here before God acknowledge and confess that I have grievously offended the divine majesty of almighty God...'*²⁰⁴

The churchwardens also complained that *Margaret Burleye als Harper liveth not with her husbände*. (This case came before the correction court, but the outcome is not recorded). They also reported that *Henrye Brownehill and Christofer Byllam, beinge married, do live a sunder from their severall wyfes*. Brownhill had a ready excuse, when his case was heard: he argued *that they lyve together as man & wyfe savinge that he sometymes is from her about his busynesses*. The court ordered him to produce a certificate from the vicar and churchwardens of Laughton (en- le-Morthen) and from a man called George Cheshire, who knew his wife well, to the effect *that he Resorteth to her company*. Billam's case was different. He admitted that he lived apart from his wife, but said *that his wyfe hath gyven him just cause of lyving from her*, and he offered to prove this, producing a testimonial from two J.P.s in Wales (presumably the village near Rotherham, rather than the Principality); but the court was not very sympathetic. He was ordered either to *serve a dyvorce against his wyfe and to beginn the same before the First day of may next And effectuallie to prosecute the same cause to fynall end therof, or els to Receyve her and cohabyte with her as man and wyfe before the said first day of may...* It is not recorded which course Billam took.²⁰⁵

In the same year, William Waybinde was *suspected of incontynent lyvinge with Raufe Halles wyfe of Bolton* (presumably, Bolton on Dearne). William denied the charge. He was ordered to produce evidence from the vicar and churchwardens of Conisborough to the effect that he had not lived *suspiciously* with the woman in question, and furthermore that he had not *gyven any cause of offence to his neighboures by frequenting her company*. That certificate was duly produced.²⁰⁶

²⁰⁴ Borthwick Texts 4 p 32; BIHR VCB 1575 folio 82v; Laslett p 164.

²⁰⁵ Borthwick Texts 4 p 32; BIHR VCB 1575 folio 83r.

²⁰⁶ Borthwick Texts 4 pp 31-2; BIHR VCB 1575, folio 90r.

The churchwardens now complained about an entirely different matter: that *their is a surplesse [surplice] wantinge, and the chauncell is in decaie in the defalte of the earle of Shrewsburie*. Allegations of disrepair were also made that year in relation to the churches or chapels at Doncaster, Adwick le Street, Loversall, Barnby Dun, Maltby, Marr, Worsbrough, Wath and Skelbrooke. The complaint about Rotherham church was evidently not brought before the correction court on this occasion, but we shall hear more about it presently. They also presented Janet Hallamshire, saying that she had not taken Holy Communion since the previous Easter, and the case came before the correction court, though the outcome is again not recorded.²⁰⁷

The case of William Lawson was more serious. He was presented for speaking against the communion. When the matter came before the correction court, it was alleged that *after he had Recevyed the Communion at Easter last he said that he had Recevyed nothinge but bread and wyne and that he would bring it with him next tyme and so save his money*. This remark sounds harmless, if typical of a certain Yorkshire parsimony; but there is an innuendo here which would not have been lost on the Archbishop's commissaries. This was that the Anglican communion was not as good as the Catholic Mass, because the former gave the communicant only bread and wine, whereas the latter would have given him the very body and blood of Christ. His careless words were certainly enough to put Lawson in jeopardy. It was found that *because plainly he appears to have uttered such words or other intentions in effect (or) virtually, they have warned him to acknowledge a Recognisannse personally to appere before the Quenes majesties Commissioners for (matters) Ecclesiasticall within the province of York at the cyttie of yorke*, there to answer the charge. Lawson was duly committed to the jail at York Castle on 10th October 1575.²⁰⁸

The Ecclesiastical Commission was a prerogative court. Like its better known cousin the Star Chamber, it had special powers: the normal system of trial on indictment and by jury, did not apply, since the Commission compelled defendants to take an oath to answer any questions which might be put to them. Moreover, it could impose unlimited fines or imprisonment, and there was little or no right of appeal from its judgments. The Commission was used to strengthen the hand of the Archbishop; and it was particularly sensitive to Catholic dissent in the wake of the Northern Rising of 1569 and the issue of the Papal Bull of 1570 purporting to depose Queen Elizabeth. The fact that the Archbishop's representatives saw fit to command William Lawson of Rotherham to appear before the Ecclesiastical Commission was therefore a measure of

²⁰⁷ Borthwick Texts 4 pp 31, vii, 29-41; Haigh p 45; Borthwick Texts 4 p 32; BIHR VCB 1575 folio 83v

²⁰⁸ Borthwick Texts 4 pp i,ii,31; BIHR VCB 1575 folio 82v.

the seriousness with which they viewed his case; but, in the event, Lawson's encounter with the High Commission was an anti-climax. When he appeared before it on 10th October 1575, the case was simply adjourned, and when he appeared again at the end of the month, it was dismissed.²⁰⁹

Apart from the case of William Lawson, the visitation records reveal only two (possibly three) other cases of people from Elizabethan Rotherham who apparently held Catholic beliefs (all of them dating from 1590, when England was still menaced by Catholic Spain, despite the defeat of the Armada two years before). Nor is there any other evidence which links the town or parish with such beliefs, unless we regard the use of wafers (rather than ordinary bread) in religious services as evidence of Catholicism. (As we have seen, the Rotherham churchwardens can be shown to have made regular purchases of wafers in 1596 and 1600, and some modern historians do regard this as an indication of adherence to Catholic doctrine, though it may be explained by simple conservatism).²¹⁰

On the other hand, there is no evidence at all that the town was a centre of Puritanism. Robert Blackwood was summoned to appear before the Commission in 1598; but this was over ten years after he had ceased to be vicar of Rotherham. He was by now rector of Kirton in the diocese of Nottingham, and although it seems likely that the charge against him arose from the suspicion that he was a Puritan, even this is not certain. The lack of evidence to suggest that there were active Puritans in Rotherham at this time is interesting, in view of the undoubted fact that the town did attract several vicars of that persuasion in the seventeenth century. These were John Newton (1621-8), John Shaw (1639-45) and Luke Clayton (1662), the last two of whom went on to found nonconformist congregations which had a long history.²¹¹

For 1578 the Visitation Articles prepared by Archbishop Sandys have survived, and it is interesting to compare the terms of some of these with the presentments made by the churchwardens. There were 45 Articles in all. Article 6 asked the churchwardens *whether any victualling, tippling, or aleselling be had and kept within the mansion house of any parson or vicar?* The Rotherham churchwardens reported that their vicar, Robert

²⁰⁹ Northern History vol II 1967, *The Significance of the Ecclesiastical Commission at York*, by Philip Tyler; J.B.Black *The Reign of Elizabeth 1558-1603* Oxford 1959 p 199; BIHR HC AB 8 (1574-6) folios 134r and 148r.

²¹⁰ See The Elizabethan Churchwardens above; Haigh p 198; Guest drew no such conclusion, thinking that wafers were regularly used in the Church of England until 1662: G 179(n). As to recusancy, Peacock's List of Recusants in 1604 shows no entries for Rotherham. It does however include *George Eglesome a Scottish man, a scolemaster wich teacheth the children of Sir Thomas Reresby at Thribergh*: Dickens, *Reformation Studies* pp 158, 210, 191, 199.

²¹¹ Marchant, *Puritans* pp 264, 277, 296; G 453.

Blackwood, had indeed sold ale in his house; but Blackwood denied the charge when he appeared in court in York Minster on 25th June 1578. However, he was given a warning *that he do not sell any ale in his house, under penalty of the law*.²¹²

Article 18 asked *Whether there be any in your parish, man or woman, being of convenient age, that hath not received the Holy Communion thrice at the least this last year, and namely at Easter last or thereabout for once....and whether yearly before Easter at convenient times...such of your parishioners as the parson, vicar or curate shall appoint and require to come unto him do come and recite unto him the Cathechism, or at least the Lord's Prayer, the Articles of the Christian Belief, and the Ten Commandments by heart in English; or if any so required do wilfully and stubbornly refuse to come and recite the same...* An accusation was made that a woman by the name of Jenet Robynnett(?) was *excommunycated and will not come(?) at the churche nor say the Lordes Prayer*. It would seem that she did not appear before the correction court, for the Act Book simply records *Let her be called before the Commissary*. However, we know that in 1580-1 one Jennet Robinet was reported to the Court of High Commission *for not receyvinge the communion for the space of one year* while, in 1582, it was alleged that a widow called Janet Robynell *does not communycate*. Perhaps these entries all relate to the same person. At any rate, after the last of them the Archbishop issued a certificate *the same Janeta is to go to church and there attend divine service reverently*. She was then discharged.²¹³

Returning to the Visitation Articles of 1578, Article 21 asked *Whether your church or chapel and chancel be sufficiently repaired and cleanly kept; and the mansion house of your parson and vicar with the buildings thereunto belonging likewise sufficiently repaired; and your churchyards well fenced and cleanly kept; and if any of the same be ruinous and in decay, through whose default it is so...* We have already seen that a presentment regarding the condition of Rotherham's chancel had been made three years earlier; but now the churchwardens presented Vicar Blackwood (who was already in trouble for other reasons), re-iterating their complaint that *the channcell is in decay*; but once again, we are not told the outcome.²¹⁴

Article 25 asked *Whether there be in your parish any that be malicious, contentious, or uncharitable persons, seeking the unjust vexation of their neighbours; scolds, common swearers, or blasphemers of the name of God; any fornicators, adulterers, incestuous persons, bawds, or receivers of such incontinent persons; or harbourers of women with chid which be unmarried,*

²¹² Alcuin Club 26 p 92; BIHR VCB 1578 folio 84r.

²¹³ Alcuin Club 26 p 95; BIHR VCB 1578 folio 84v; BIHR HC Misc: Returns of juries for Enquiry into Non-Attendance at church 1580-1 (also presented on this occasion were Richard Craying(?) and Charles Honley); BIHR VCB 1582 folio 251v.

²¹⁴ Alcuin Club 26 p 96; BIHR VCB 1578 folio 84r.

conveying or suffering them to go away before they had done any penance or make satisfaction to the congregation; or any persons that are vehemently suspected of such faults, or that be not of good name and fame touching such crimes and faults; any common drunkards, ribalds, or other notorious livers? This Article brought forth several accusations!

John Wilson of Rotherham was accused of being *an adulterer or fornicator with one Katherine Cusforthe delyvered of chylde in the hows of Roger broke of Kyrkeburton parish*. The outcome is not recorded. Robert Smyth was accused of being *a slanderer of his neighboures and a common drunkard*. He came before the court on the same day as vicar Blackwood and denied the charge *savinge he confessethe that he sayd that one John Stacye of Rotherham had had a chylde in adulterye with Isabell Greene as he hath done in dede*. He was not ordered to pay damages, as would have happened in a court of common law, but had to make a public declaration in Rotherham church on the following Sunday, the wording of which was prescribed *in a certain document hereafter to be made for him*. Nicholas Crane was accused of *harbouring* his niece Joan Crane, who was pregnant. Crane told the court that his niece had lived with him for seven years, and she *was brought in bed in his house*; but although it is *Reported in Rotherham that he him selfe is the father of the chyld and so hath the sayd Jone confessed*, he vigorously denied the charge. He was ordered to clear himself by *compurgation or ordeal concerning this report, himself by the fifth hand of his honest fellow-inhabitants & neighboures of the parish of Rotherham on the Friday after the feast of St Bartholomew the Apostle next (24th August) at this hour & in this place*. Compurgation was a process whereby a person took an oath as to the truth of what he was saying, and supported it with oaths sworn by a number of 'oath-helpers', in Crane's case, five; and Crane did this, for he was discharged by the court.²¹⁵

Article 26 asked *Whether there be any that be married in degrees forbidden; or that have married two wives or husbands both living; or that live not together with their wives*. It was reported that George Gaynes and Thomas Ellyson had *Runne away and....left ther wyves behynde them*.²¹⁶

So much for 1578. In 1582, John Stanley and Elizabeth Brathwait were charged with being fornicators, but they were both discharged when John made a declaration that he had in fact married Elizabeth. At the same time, Christopher Walker was accused of receiving a fornicatrix called Joan Wilcock into his house. He appeared in court on 1st September 1582, and confessed his guilt, explaining that he *let the house to*

²¹⁵ Alcuin Club 26 p 97; BIHR VCB 1578 folio 84r. Defamation was sometimes a matter for the Church, sometimes dealt with by the ordinary law courts: *Defamation and Sexual Slander in Early Modern England/The Church Courts at York* by J A Sharpe, Borthwick Papers no 58 p 4; BIHR VCB 1578, folio 84v; Potter's *Outlines of English Legal History* ed. A.K.R. Kiralfy, Sweet & Maxwell London 1958.

²¹⁶ BIHR VCB 1578 folio 84v.

her for two yeares before she was knowne to be with child. This explanation was accepted, and Walker was simply warned *not to harbour any suche hereafter under penalty of law.* As for Joan Wilcock herself, she was also summoned, but the authorities discovered that she was *poor and feeble*, and they discharged her as well.

Several cases were dealt with on 15th August 1586, in Doncaster parish church. James Sheapley and Margery Jenkinson were accused of being fornicators. Sheapley admitted this, and that he was married. The court ordered both *to do acts of penitence in the church of Rotherham twice and twice in the market-place.* Both parties did this penance, and were discharged. At the same time, Christopher Stewards and Janet Plates were accused of a similar offence. She admitted the charge, he denied it; but the court ordered that he should *cleanse himself by ordeal (ad purgand(um)) by the fifth hand of his neighbours before the dean of Doncaster...* As for Janet Plates, she was ordered to perform acts of penance in Rotherham church on two successive Sundays; she duly did so. A third case of fornication involved Henry Garnet and Anne Skelton (who was an excommunicate). Garnet admitted the offence, and again had to perform acts of penance on two occasions in Rotherham church.

A different type of case involved William Wright, John Charlesworth and William Benson, who were accused of refusing to pay *Clark wages*. Who this clerk was is not clear, but it was perhaps the parish clerk, who was employed to look after the church bells and bell-ropes, and write up the parish registers. At any rate, the three accused were warned that they must pay the wages which were due before 21st September. This they did and the court discharged them.²¹⁷

For 1590, the Visitation Articles prepared by Archbishop Piers have survived. Article 17 asked *whether are there any within your parish or chapelry that wilfully and obstinately, usually and commonly absent themselves from your church or chapel on Sundays and Holy Days; or negligently behave themselves in that behalf; and who they be*, while the following Article asked *whether is there any that doth not communicate thrice in at the least yearly, according to the order set down in the Book of Common Prayer and who they be?* It was doubtless in response to one or both of these Articles that proceedings were brought against Nicholas Caplewood, who was described as "*exco(mmun)icated, A recusant these tenne years*, as also against Lawrence Anthw(ai?)te, whose offence was similar to Caplewood's, and James Base who allegedly *denyed to co(mmun)icat at Easter last, his c(on)science wold not suffer him.*

Article 30 asked *whether within these three years last past there hath been within your parish or chapelry any incestuous persons; adulterers; fornicators; usurers; or any vehemently*

²¹⁷ BIHR VCB 1582 folio 251v; BIHR VCB 1586, folio 221r, 221v; G 394, 182; Tate pp 131-3.

suspected for any such crimes and offences; and what be their names?, while Article 31 asked how many of those or the like offenders, within the time of the said three years, have been put to open penance; and how many have been winked at and borne withall; or have been fined and paid money to the chancellor, archdeacon, commissary, or official or their deputies, or registrars, to escape punishment and correction; and what be their names and surnames? As a result of these enquiries, proceedings were brought against Maria Wright, who had allegedly had a child in fornic. begotten by Georg Armitag of Connisbrough, and against Eliz' Bede and Ric. Morye fornicators said to be fled away.

Finally, there is a more mysterious complaint, also dating from 1590. The obscurity of the original material would mean that the matter was scarcely worth mentioning, if it did not relate to a member of the clergy rather than the laity, specifically to Thomas Jopson, who had become vicar of Rotherham in 1587. It was said that he *serveth the m'ie receyveth the semytes, sine ant' q(uo)cu(m)q(ue) non ext l(itte)ras(?) on* (without previously having examined the letters in any way whatsoever?) Both the writing and the meaning here are obscure; but it is likely that the complaint relates to Article 16 of the Archbishop Articles, which enquired *whether your parson, vicar, or curate doth read service or administer the Sacraments knowing any excommunicate person to be present, and not willing him to depart until he be restored, or not?* (An examination of Article 19 shows that an excommunicated person had to obtain a document under seal from the proper authorities before he could be reinstated). The allegation may therefore have been that Jopson allowed excommunicated persons to receive the blessed sacrament, without examining the written proof that they had been restored to the fellowship of the Church first. Unfortunately, the outcome is not recorded.²¹⁸

Several cases were dealt with at York Minster on 31st July 1594. Most of these concerned charges brought against fornicators: against *Elizabeth Cowper a fornicatrix she will not tell bye whom*. Against Robert Bretton and Elizabeth Abdy, Robert Michell and Jenet Nell, and Richard Wildsmith and Jenet Woode; (in all three cases, acts of penance on two successive Sundays in the churches of Rotherham and Rawmarsh were imposed); against Cicily Barley and Henry Garret (one wonders if this is the same man as had admitted fornication with Anne Skelton in 1586!); against Richardson of Greasborough - *he lives suspected of fornic. with a woman not knowne whether married or no*. Robert Bower livethe also in suspicion with her; against Helen Smith and Thomas Western; and lastly, against Hugh Fishar and Helen Ofspringe. This Hugh Fishar may or may not be the same man who was involved in the next matter, which concerned insults offered to the vicar of Rotherham, Thomas Jopson: *Against Hugh Fishar he used evill woord(es)*

²¹⁸ Alcuin Club 27 p 258-262; BIHR VCB 1590-1, folio 226r.

*againste the mi(ni)ster callinge him knave and drunken rascall. There was also an accusation brought against Alice Garret wife of Thomas she scold(es) with her neighbours" and against Richard Eamont - he lives not orderlie with his wife sayinge he will never co(mmun)icat.*²¹⁹

In 1595 Anne Habberion and John Smith were accused of fornication, Anne stating that she had become pregnant, while in 1596 there were several more cases involving sexual irregularity. Margaret Hillingworth admitted that Robert Hudson had made her pregnant, and was ordered to do acts of penitence in the churches of Rotherham and Rawmarsh; Janet Pudsay was admitted that she had been *begotten with childe in adultrie* by Francis Gentleman, while Elizabeth Sheparde could only confess that she was *begotten with childe in fornication by a man unknown*. Alice Wildsmith was *begotten with childe by Lawrence Chappell who onelie is diffamed with her*. Robert Ledgerde was *an adulterer by his owne confession with Alice Pettie wife of Robert Pettie*. Perhaps the most interesting case was that of Henry Robotham. He had a daughter, and was accused of allowing her *being with childe to depart unpunished*. From a modern perspective, it seems extraordinary that he should have been expected to inform on her, although Article 34 of the Injunctions of 1590 (repeating a question put in Article 25 of those of 1578) had inquired *whether there be any in your parish or chapelry that have harboured any woman begotten with child forth of lawful matrimony, and have suffered them to depart away unpunished?*. Robotham's case shows that the obligation to report such matters could even require a father to inform on his daughter; and we know that Henry Robotham did just that. On 11 October 1596 he appeared in Doncaster parish church *and he introduced his daughter, Elizabeth by name, and she confesses that William Bromshead made her pregnant, Concerning which the lord [or dean] ordered upon the same Eliz acts of penitence to be done in a penitent fashion [habitu] in the churches of Rotheram and Rawmarsm and for her to answer for or certify for the same on the Friday after the feast of S Martin next, On which day there was introduced a schedule with a seal etc by which it appears that the said Eliz Robotham has performed her acts of penance, and she is dismissed of this charge*. This was not the only case of its type, for Brian Hereson was likewise accused of *harbouring his daughter with child*.

The only case dealt with in 1596 which was not sexual in character was that involving Edmund Bolton of Kimberworth and the widow Anne Lechworth, who were both accused of refusing to pay *Layes* (rates) due to the church. Lechworth was ordered to pay the amount due within a month, that is before the feast of St Martin, and to put in an appearance in York on the Friday following that feast, to prove that she had done

²¹⁹ BIHR VCB, 1594, folio 89r, 89v.

so.²²⁰

The Archbishop's Visitation of 1600 brought to light a familiar mix of cases: there was a single case of refusal to pay rates or taxes (*reasonable cesmentes*); and two cases involving people who were excommunicated (one of these being an adulterer as well); but the other eight cases all concerned sexual misconduct of one kind or another: fornication before marriage; adultery; harbouring; and *living suspiciously together*.

The case against Richard Rawson and Elizabeth Haistiethwittle was unusual with regard to the penalty eventually imposed. Rawson initially denied the charge of fornication, when the matter came before the authorities in Doncaster church on 7 August 1600. He was ordered to do *acts of compurgation or purification*; but a short time afterwards he confessed that he had indeed committed adultery with the said Elizabeth, and he *submitted himself*. He was ordered to do penance before 21 September (St Matthew's day), not only in the churches of Rotherham and Rawmarsh, but also in the parish of Rotherham; but the matter did not end there, for on 14 January 1601, he was ordered *to pay to the inhabitants, minister and churchwardens of Rotheram xxvs to be distributed among the poor*. This is the only case where someone found guilty of fornication was fined; and twenty five shillings was a large sum of money. One wonders what was special about the case. Possibly, it was because Richard Rawson was prominent in local society and was thought to deserve this punishment because of the evil example he had set his inferiors. (A man by the name of Richard Rawson had been one of the original Feoffees of Common Lands).

The way in which a *harbourer* of women who had offended against Church law could escape punishment is clearly shown by the last case which occurs in the records for 1600. John Mitchell of Nether Haugh was accused of harbouring a girl called Mary. When charged he said that Mary had indeed given birth in his house, and had continued staying there for a month; but then a man called William Haririson of Shafton Hall in Felkirk parish had *relieved her*, which presumably means that he had come to fetch her. Mitchell thought that Harrison was the father of the child. The court then ordered that Mitchell should make a declaration to this effect in Rotherham church; and that William Harrison should be summoned.²²¹

The records we have so far examined relate to archiepiscopal visitations; but there is also one year, 1598, for which there are records of an archdiaconal visitation, which was held in June. There were several cases of fornication and of failure by husbands and wives to live together; but there were also more unusual cases. William

²²⁰ BIHR VCB 1595-6, folio 201v; folio 202r, 202v.

²²¹ BIHR VCB 1600 folios 171r, 171v, 172r; G 366, 371.

Cosinge was accused of *setting Frauncis Jentleman on worke*, the objection to this employment being that Jentleman was an excommunicated person; and John Wilson was accused of harbouring John Gregg, who was also an excommunicate. As it happened, both the accused were discharged, since the alleged excommunicates had already been absolved. Alexander Caster was accused of refusing to pay a *cessment* or rate, but he was discharged when he readily acknowledged that the sum in question was due. Margaret Badger, wife of William Badger was accused of *bearinge of wodd upon the Sabothe day*; but she was discharged, the clerk simply noting that she was a pauper.

Finally, Robert Milfurth and Isabella Satterstett were accused of sorcery; but unfortunately the nature of the alleged offence is not specified. The evidence against these two cannot have been strong, for they denied their guilt and were discharged, without even receiving a caution. This is the only record we have of any accusation relating to witchcraft in Tudor Rotherham, despite the fact that Article 36 of the Articles for the archiepiscopal Visitation of York in 1590 specifically enquired of the churchwardens whether they knew of *any that use charms, sorcery, enchantments, invocations, circles, witchcraft, soothsaying, or any such like thing; any that curseth their neighbours or their goods; any that under the names of cunning men, wise men, cunning women or wise women, telling of things lost; or use charms to things' hurt or such like*, and despite the fact that witchcraft was discussed extensively by the contemporary legal writer William West, who lived in Rotherham. This is a cause of disappointment for the historian, but not for those involved at the time.²²²

²²² BIHR Y.V/CB 1, folios 66r, 66v; as to West see below.



The same doorway in before removal to Boston Park (from Munford) [1869]

III GOVERNMENT

1 THE MONKS OF RUFFORD ABBEY

Rufford Abbey in Nottinghamshire was a Cistercian monastery, founded around the year 1147 as a daughter house of Rievaulx in Yorkshire. The monks of Rufford came into possession of the manor of Rotherham in the thirteenth century, and they held it until 1536. As lords of the manor, they played an important role in the life of the town during two and a half centuries; and conversely the town of Rotherham was extremely important to the Abbey, at least from an economic point of view.

As Leland's description shows, Rotherham was known as a market town. Its weekly markets and annual fairs owed their existence in no small part to the monks, who had repeatedly claimed the right to hold them. The King had confirmed the privilege on several occasions, for example in 1309: *a market every week, on Friday, at his manor of Roderham, in county York, and a fair there every year, to last eight days, that is, on the eve, the day and the morrow of St Edmund, the Archbishop and Confessor, and for the five days following, unless that market and fair be to the hurt of neighbouring markets and fairs.*

The monks of Rufford had not founded the market at Rotherham and they do not seem to have marketed their own produce there, Nottingham being more convenient to them; but they at least ensured that it did not die out.²²³ On the other hand they did not concede any large measure of self-government to Rotherham, which did not become a fully incorporated borough like Doncaster (1467) or Pontefract (1484).²²⁴ By contrast, the 'free tenants' of the town of Sheffield had secured their first charter from Thomas Lord Furnival as early as 1297.

Despite this, the town evolved some institutions which were typical of minor boroughs. The first of these was a peculiarly urban form of land tenure, known as 'burgage' service. This is specifically referred to in a Rufford Charter of 1409. There is also a letter of attorney of 18th December 1528 which refers to a *messuage or burgage with the appurtenances in Rotherham...in the tenure or occupation of Robert Lyllly*. Eighteenth century maps are also said to indicate a pattern of burgage plots to the south of the High Street, and possibly also in Well Gate and West Gate. Burgage service gave the burgesses the right to hold their properties at a customary rent and to sell them (or leave them by will) freely; and a collective agreement regarding the *firma burgi* was an important step in the evolution of English towns, since it meant that the burgesses had engaged in a form of 'collective bargaining' with their feudal superior. It implied the emergence of some kind of corporate identity, even if full incorporation was still a long

²²³ G 29-33; *Rufford Charters* p 535.

²²⁴ Smith pp 127-8.

way off.²²⁵

Secondly, there was a recognisable 'community' in the town. This is referred to in various sources. As early as 1409 there is a reference to 'the proctors of the goods of the community of Rotherham', who were to share in the task of appointing the contrarist of the Chantry of the Cross – a duty they performed down to the 1540s. When Thomas Reresby of Rotherham made his will in 1522, he left *to the commynaltye of Rotherham my messe in Denyby, xvij [27] acres of arable landes, iiij [4] acres of meddow, and iiij [4] acres of pasture*, directing that half this gift should be used to set up an obit and the other half be employed to the *common profitt and needs of the said towne*. Reresby enlarged on this by stating that this was *after the effecte of a deede of feoffment made to Robert Westby gentleman, William Swift gent., to Ric' Oke, Roger Hardy and to Robert Brownell of Rotherham, beryng dayte xth Maye, 6th Henry VIII*. These individuals were doubtless the forerunners of the later Feoffees – men who held land on trust for the town as a whole. Reresby's gift was referred to again in 1537, when *ye hole Comonte* of Rotherham was mentioned. A rental drawn up in the 1530s likewise refers to a payment to Rufford Abbey of 14s a year by *the Commote of Rotherham*. Clearly a 'community' did exist, separate and apart from its individual citizens, and capable of receiving gifts, holding land, handling money, keeping records, and administering funds on behalf of the town, despite the absence of formal corporate status, and the trappings of mayor, aldermen, and seal. Moreover, this 'community' had officers or 'greaves', who acted on its behalf. In 1521, Robert Hertley left *3s 4d a yeare during my termes* to the *commyn's greffes of Rotherham*.²²⁶

These particular greaves were not the only men in the town who were used to holding office, and undertaking civic responsibilities of various kinds. There were 'proctors of the commonalty of Rotherham', proctors of the service of the Blessed Mary; collectors of wardens of the service of Holy Cross; and we find numerous references to 'greaves' of various kinds. There were also greaves of the various gilds, which were organised on a religious, rather than a craft, basis: greaves of Our Lady's light, greaves of Our Lady's service', greaves of Our Lady's light for Westgate, greaves for Our Lady's light of Briggate, greaves for St Katherine's service. These references are taken from documents of the late 1530s and '40s, which postdate the end of monastic lordship, but

²²⁵ G 36; T.Walter Hall, *Sheffield and Rotherham from the 12th to the 18th Century*, J.W.Northend, Sheffield, 1916 p 70; Hey, South Yorkshire p 55; G 383-4. The present writer has also noted two entries in the accounts of the 'common greaves' of the town for 1549 which mention 'free rent' of 8s/2d paid twice a year at Michaelmas and Easter. This perhaps confirms the existence of burgage service; *The Records of the Sheffield Burgery*, J.D.Leader, London and Sheffield 1897 p xxvii.

²²⁶ YASRS 107 pp 132-3; YASRS 33 p 172; Surtees 79 pp 151-2; G 72; G 62; Youings p 76; Surtees vol 79 (1884) p 129. Compare Thomas Lilly's gift in 1556 of three acres of arable land and other property to 'the Commonality of Rotherham', G 377.

the names given to the greaves, (deriving as they do from the forms of medieval Catholic worship), show that they must have been in existence long before. Some of these men must have been concerned with matters which we would regard as purely 'religious'; but the religious merges with the charitable even today, and in early Tudor times the greaves of the various gilds must have assumed wide social and legal obligations on behalf of their fellow citizens.²²⁷

Despite the existence of these institutions, the lord of the manor still reigned supreme. His was by far and away the most important power in the town. The monks of Rufford owned a large amount of property there, they regulated the lives of the townspeople in many different ways through their control of the manor court, and they held an important economic monopoly in the mill. The monetary value of the manor was recorded in the great survey of Church property conducted in 1535, the *Valor Ecclesiasticus*. This tells us that it yielded a gross amount of £86/3s/11d, made up as to £53/5s/-d in rents, £1/12s/3d in 'perquisites of the court' and a further £31/6s/8d from the mill, where there were five millers at work under the same roof [*quinque molendinorum sub uno tecto*]. If anything, these figures were probably an underestimate.²²⁸ When we add that the monks also had the right to the tithes and the right to nominate the vicar, who was responsible for the spiritual welfare and in a broad sense for the education of the parishioners, we may well conclude that Rufford Abbey had Rotherham in a stranglehold.

In view of the income which the monks of Rufford drew from rented property and the mill, it is natural to ask what sort of landlords they were. What were their policies with regard to the granting of leases, the fixing of rents and fines, and other leasehold terms? How did they treat those who could not pay the rent on time, or at all? How jealously did they defend their monopoly of milling? How did they decide who was allocated stalls in the market, and on what terms were these let? What tolls did they charge on strangers who wanted to trade in Rotherham? What fines did they levy in their manor court?

Unfortunately, we do not know the answers to these questions. In the past some writers supposed that ecclesiastical landlords tended to be more humane than others: Hunter hints at this when he refers to the 'patronage of the great and wealthy monastery on which it [Rotherham] had depended'. But such a view is too romantic. When they were expanding their farming activities, the Cistercians in particular had

²²⁷ YASRS 107, pp 132-3; G 72-3, 125, 365.

²²⁸ *Valor* vol V p 173; Knowles p 245. An alternative set of figures is given in the return filed in 1536, after the dissolution of the abbey: this gives the value of the rents as £57/14s/11d, the perquisites of the court plus the profits of the market and toll of fairs as £4 and the farm of the mill as £31/6s/8d: THAS vol 2 (1920-4_ pp 37-8; G 59-63.

depopulated villages when it suited them: indeed, this seems to have happened when Rufford Abbey itself was founded. Later on, as Professor Youings has pointed out, the monasteries in general gained a reputation as great raisers of rents, and it was only after the Dissolution that they were 'adorned with haloes', and recalled fondly as benevolent landlords. She adds that if anything the monks tended to be more efficient administrators than laymen: having corporate status, they 'never died'; they kept better records; and consequently they were seldom benevolent by default. But to give specific answers to the questions posed above about Rufford Abbey would require a very detailed examination of Charters, estate accounts, and other documents, to the extent that these have survived, and would in any case be beyond the scope of the present work. The writer can only add that, so far as Charters are concerned, about 1000 of these are in existence and have been edited, but few of them relate to the early Tudor period.²²⁹

Two points can be made, however. The first is that Rufford Abbey, so far from being the 'great and wealthy monastery' described by Hunter, was struggling to survive, and would hardly have been in a position to be an especially lenient landlord. The ownership of Rotherham was extremely important to Rufford, and the monks depended very much on its prosperity. Rotherham mill was one of only three mills which the Abbey owned, and its fair was the only one they had. In 1535 net income from the manor of Rotherham came to £76/13s/11d, while the tithes yielded a further £23/6s/8d net, making £100/0s/7d in all. At the time of its dissolution, the total net income of Rufford Abbey was only £176/11s/6d, which compares badly with the income of Fountains Abbey (£1,115) and even with that derived from the more humble Welbeck Abbey (£249); and the conclusion reached by the learned editor of *Rufford Charters* was that "Without the windfall of Rotherham, which by the time of the Dissolution provided nearly 57% of net income, the general economic situation would have been severe..."²³⁰

The second point is that by the early sixteenth century, the monks of Rufford, like monks everywhere, were exploiting much of their estates indirectly. They employed laymen to act as 'farmers' for them. These middlemen paid the Abbey a fixed amount for the right to collect a particular source of revenue. In 1536 the profits of the court and of the fair were farmed by William Whitmore, the bailiff of Rotherham (presumably the same who jointly rented the Hall and other land at 'Marshbrugh'), and the mill was farmed by Robert Swift, who also farmed the rectory.²³¹ This in turn means

²²⁹ HSY vol II p 9; Richard Muir, *The Lost Villages of Britain*, Michael Joseph Ltd, 1982 p 88; Youings p 63 see *Rufford Charters*, introduction.

²³⁰ *Rufford Charters* vol 1 pp lvii, 535.

²³¹ Knowles p 248; G 63; THAS vol 2 (1920-4) pp 37-8.

that the way in which the people of Rotherham were treated would have depended on the personalities and policies of laymen like bailiff Whitmore and mercer Swift, as much as on decisions made by the Abbot of Rufford and his monks and probably more so.

There is no evidence that Rufford Abbey drew recruits from Rotherham. "The surviving records, patchy as they are, provide no signs that men in Rotherham wished to become monks or lay-brothers at Rufford, as some at least did in Nottingham or Chesterfield"²³²; but, given the dominant position of the monks in their town, the people of Rotherham must nevertheless have been interested in how the monks of the Abbey behaved. In many cases, monastic reputations have been blackened by the reports filed by the Royal Visitors appointed by Henry VIII, just before the great Dissolution took place. People enjoy a scandal, and the sensational material amassed by Richard Layton, Thomas Legh, and others has often been quoted.

Layton and Legh took in Rufford Abbey when they made their lightning tour of the North in the winter of 1535-6. Their report was as follows

*Rufford. - 6 sod. Incontinence, Thos. Doncaster, abbot, with 2 married women, and 4 others; 6 seek release. Superstition: Virgin's milk.*²³³ *Founder, Mr Henry Norres. Rents £100; debt £20*²³⁴

In other words, six monks had confessed to 'sodomy' (which probably meant no more than 'solitary vice')²³⁵, the Abbot himself had admitted adultery with two married women and fornication with four others and there were six monks who were so tired of or dissatisfied with the religious life that they wanted to be released from their vows of poverty and obedience. (Release from chastity was not on offer!) If true, this report reveals a monastery which was very far from achieving the noble ideals personified by the great Cistercian St Bernard of Clairvaux. Even if untrue, the report may well reflect contemporary beliefs, especially those held by people who were already inclined to be critical of the monks.

However, there are very good grounds for rejecting the accuracy of this catalogue of vice. Most modern historians would probably agree that the Royal Visitation of 1535-6 was more of a propaganda exercise than a genuine attempt at reform. In the words of one of the foremost authorities on the subject, the Visitors were "searching for discreditable information by which [the abbeys] might be ruined once

²³² *Rufford Charters* p 535.

²³³ The abbey claimed to possess some of the BVM's milk.

²³⁴ Knowles p 286; L & P vol X p 138. Compare their findings at Roche Abbey: *Rupa alias Roche - 5 sod., John Robinson, suspected of treason, and imprisoned at York. Pilgrimage to an image of Christ crucified, found, as supposed, in Rupa. Founder, Earl of Cumberland. Rents £170; debt £20.*

²³⁵ Knowles p 297.

and for all" and they employed irregular methods to get it. Dens of iniquity were what their master Thomas Cromwell wanted them to find and, sure enough, they found them.²³⁶

A more reliable picture of some of the monasteries can sometimes be found in the records of earlier visitations, which were carried out in the proper canonical manner, at a more leisurely pace and without ulterior motives. In the case of monasteries belonging to the Cistercian order, these inspections were carried out by two abbots from sister houses; and for Rufford we have a set of Regulations, issued by the Abbots of Loos and of Warden, after a visitation carried out in 1481, just before the start of the Tudor period. These Regulations do not suggest that the visitation which preceded them had uncovered anything that was seriously amiss. The two visiting abbots found it necessary to correct and counsel their brethren of Rufford on many points, regarding the chanting and learning of offices, the performance of manual work, the teaching of novices, and so on; but we hear nothing about sodomy, adultery, and the like. The learned editor of *Rufford Charters* confirms that "there is no record before the Dissolution of major scandals at the house."²³⁷

Although the morals of the monks of Rufford may not have been as bad as Layton and Legh described, there is no doubt that the Abbey was not in good shape. In terms of numbers, we must remember that the average number of monks per monastery in England and Wales at the time of the Dissolution was only twelve, and in the smaller houses, the figure was between seven and eight. It is quite possible therefore that when the Royal Visitors mentioned six monks at Rufford, apart from the Abbot, that was the total number in the monastery, although (this being a Cistercian house) there would ordinarily have been a larger number of lay-brothers. In addition, it is clear that the Abbey was struggling to survive economically. Its income in the *Valor* was well below £200 per annum, and it was therefore suppressed by the Act of 1536, which swept away over 200 of the smaller monasteries. All its property was declared forfeit to the Crown, and in the following year, the King gave the Abbey and all its possessions, to the Earl of Shrewsbury. The most important parts of the grant were as follows:

We etc.....have given, granted, and by these presents do give and grant to the said Earl all the site, encircled and enclosed, of the late Monastery or Abbey of Rufford, together with all and singular messuages, houses, buildings etc....And also all our lordships, manors, and granges of Rufford.....and our lordship of Rotherham, with all and singular the messuages, lands, and tenements in Rotherham, Thurleston, Charlecotes, and Wyuleden, in our County of York, to the

²³⁶ Knowles, esp pp 286-8 and Chapter XXIII.

²³⁷ Knowles pp 28-38; *Rufford Charters*, no 1004, pp 555-561, vol 1 p lvii.

*same lordship and the rest of the premisses in any way whatever belonging together with the Rectory of Rotherham aforesaid, and the patronage of the vicarage of Rotherham aforesaid.....with all and singuler messuages, lands, and tenements.....mills, woods, etc etc fairs, markets, profits, etc of whatever kind.....whereof a certain Thomas Dancaster, late Abbot of the said Monastery of Rufford, was seised in his demesne as of fee, in right of the late Monastery.*²³⁸

Thus Rotherham passed intact to the Earl and his successors. Some historians have considered the accession of the first Tudor King in 1485 as a milestone in English history, while others have regarded the Dissolution of the Monasteries as a more important landmark. For the people of Rotherham, there is no doubt that the Dissolution of Rufford Abbey was the end of an era, for they now ceased to be part of a monastic estate, and passed into lay hands for the first time since the reign of Henry III.²³⁹

²³⁸ Dickens, *Reformation* pp 80-1; *Rufford Charters* vol 1 p lvii; G 170-1. According to *A History of Nottinghamshire* supplied to me by the Managing Ranger of Rufford Country Parl., the last abbot, Thos. Doncaster obtained a pension on dissolution of £25 p.a. but this was voided on his appointment to the rectory of Rotherham on 2/7/1536: Aug. Off. Bks ccxxxii, 196. However, if this is right, he only held the rectory for a little more than a year since it was granted to the Earl of Shrewsbury on 6/10/1537.

²³⁹ *Rufford Charters* vol 1 p xiv. According to an entry in the Patent Roll for 1558-9, the advowson of Rotherham church was granted to the Archbishop of York: G 82. Presumably, this was part of the attempt by the Marian regime to restore the control of some clerical appointments to the Church: Guy, p 236. D.M.Loades, *The Reign of Mary Tudor*, Ernest Benn Ltd 1979, p 439. It seems to have been in vain, since Elizabeth succeeded shortly afterwards.

2 THE EARLS OF SHREWSBURY

There were various reasons why the estates of Rufford Abbey were granted to George Talbot, 4th Earl of Shrewsbury, after the dissolution of the monasteries. The Earl had been a faithful servant of King Henry VIII, and he and his son played a crucial role in putting down the Pilgrimage of Grace. He was already lord of Sheffield - his principal seat - where he had a castle and a park, and had built a fine lodge on a hill. From the ruins of this building - 'Sheffield Manor Lodge' - you can still look down the valley of the Don, and see the spire of Rotherham church in the distance, as the Earl would have seen it 450 years ago. Even before 1537, the Earl was an important figure in Rotherham. He rented land there, in particular a *chief house in Westgate in the tenure of Hugh Rawson*. In his position as steward of the Royal Household, he also held power there - the *Valor Ecclesiasticus* records a payment by the monks of Rufford of £5 per annum to the Earl, as 'seneschal' for the King. Shrewsbury was Steward of the royal Household from 1502 until his death.²⁴⁰

It was therefore natural for the Earl to want the manor of Rotherham, and for the King to grant it to him. It completed Shrewsbury's hold on the town, and consolidated his estates, the most important part of which were those around Sheffield; and he was glad to get it: he wrote to Thomas Cromwell on 20th October 1537 (a fortnight after the grant) to thank him for *the good speed my servant John Leek had, at his late being with you, touching the King's grant to me of Rufford, Rotheram, and other lands...* But there was more to it than this, for there was also an Irish dimension to the situation. The grant of the lands of Rufford Abbey dated 6th October 1537 informs us that it was made to *George Earl of Shrewsbury whose possessions in Ireland were granted to the King by a statute in the Parliament holden at Dublin 28 Hen. VIII*.²⁴¹

This is not the place to discuss the complexities of Irish history. Suffice to say that the Earl of Shrewsbury was also Earl of Waterford. A rebellion had taken place in Ireland in 1534, which had been bloodily suppressed in the following year. As a consequence of the rising, the English government decided to change the way in which

²⁴⁰ Bernard pp 53-4; HH p 68; Hey, *South Yorkshire* p 105G 62; Valor vol V p 173; *The Complete Peerage*; see also THAS vol 2 (1920-4) p 38. G.W.Bernard has now written articles on the 4th and 5th Earls of Shrewsbury for the 2004 edition of the ODNB, vol 53, while in the same volume there is an article by Elizabeth Goldring about the 6th Earl.

²⁴¹ Bernard pp 139-40; *L&P Henry VIII* vol XII part II, 954; L & P XII part 2 p 350.

the country was governed and a number of royal officials were sent over to take control of the administration. The money for this new policy, and for the maintenance of the English army which was required to keep the peace, had to be raised by various means. A Parliament was accordingly held in Dublin between May 1536- Dec 1537, and this passed various financial measures, including the Act of Absentees, which confiscated the landed property of certain English landlords - amongst whom was the Earl. Having taken this decision on grounds of political expediency, the Crown found it necessary to compensate him with lands elsewhere: hence the grant of Rufford Abbey and all its estates. It is indeed strange and ironic, looking at the matter from a late twentieth century point of view, that one of the reasons Rotherham came to be ruled by the Talbot Earls of Shrewsbury was because of a decision taken in Westminster to impose direct rule on Ireland.²⁴²

The 4th Earl did not enjoy his new estates in Rotherham for long, for he died in 1538; but his successor, Earl Francis (who held the earldom between 1538-60) consolidated these still further by acquiring certain chantry lands there (1549) and then by acquiring the lordship, manor, park and yearly fair of Kimberworth (1552).²⁴³ He was succeeded in his turn by Earls George (1560- 90), and Gilbert (1590-1616), who ruled in Rotherham as successors to the monks of Rufford for the rest of the Tudor period and beyond. To understand what this change may have meant for the people of Rotherham, it is necessary to understand the enormous power of these aristocrats, remembering that there were in any case only some 50 peers of the realm. If the monks of Rufford had been poor and obscure, the Earls of Shrewsbury were enormously rich and distinguished. According to Professor Collinson, the 6th Earl was the wealthiest peer, and perhaps the wealthiest man, in England. This wealth can be glimpsed even today when one looks at the magnificent tombs of the 4th and 6th Earls, who lie in the Shrewsbury Chapel in Sheffield Cathedral. A more accurate way of gauging it is to consider the contents of a memorandum prepared in 1586, which estimated that the 6th Earl's income was about £10000 a year, with £3000 deriving from Yorkshire alone. His epitaph stated truly that:

*A mighty man he was, in wealth he did abound,
Of all his howse therein the like was never found*

²⁴² Roger Lockyer, *Tudor and Stuart Britain, 1471-1714*, Longman, 1985; Steven G Ellis, *Tudor Ireland*, Longman, 1985.

²⁴³ Bernard 142, see also Catalogue of the ACM in SCL 1965 p 114 SD 268.

The Earls of Shrewsbury had households commensurate with this wealth. In 1550 the 5th Earl was granted a licence to retain 100 persons. The Earls enjoyed the favour of the Tudor dynasty almost continuously, although the 5th Earl forfeited this briefly when he flirted with Lady Jane Grey. They held high office, both civil and military and served the Crown both locally and nationally. The 5th, 6th, and 7th Earls were all members of the Privy Council, which was the most important instrument of Tudor government. The 5th Earl was President of the Council of the North between 1550 and 1560, and even before that he was described by the imperial ambassador as "one of the most powerful men in the kngdom". The 6th Earl was Earl Marshal. The Earls held an 'almost hereditary lien' on the Lord Lieutenancy of Derbyshire, and at the end of the sixteenth century, the 7th Earl was described as 'Prince' in the two Counties of Derbyshire and Nottinghamshire.²⁴⁴

In short the Earls were a real power in the land, yet they were much closer to hand than the Abbot of Rufford had been. Throughout much of the late sixteenth century, they lived at Sheffield: the 5th Earl's residence there created obstacles to the smooth running of the Council in the North when he was President in the 1550s. The 6th Earl's stewardship of Mary Queen of Scots required him to be in Sheffield for long periods of time between 1569 and 1584. The proximity of the lord of the manor was all the more significant because the monarchy was relatively remote. The Tudor power base was in the South-East. King Henry VIII only came to the North of England once - his progresses were made in the south-east and that was also where the royal palaces were. His daughter Elizabeth did not visit the North at all. In some ways, the power of a magnate like Shrewsbury went virtually unchallenged.²⁴⁵

What did it mean for the people of Rotherham to be drawn into the orbit of these wealthy and powerful Earls? Before turning to specific events, we may well ask what good lordship consisted of in the late sixteenth century. One answer would be that it consisted of leadership, public generosity, and active patronage of one's tenants and inferiors. They in return gave their loyalty, and revenues of various kinds.

Let us look at the record of the Talbot Earls of Shrewsbury in this light. With regard to leadership, it is worth recalling that in 1569, the Earls of Northumberland and Westmoreland led their followers into open rebellion against the Queen's government. The rebels took Durham and subsequently marched down through Richmond, Ripon,

²⁴⁴ Surtees vol 116 (1903) p 144; Bernard pp 59, 142. In 1572, George's son Francis was lord of the manor. Apparently it had been entailed on him. But he died without issue in 1582, before his father: HH p 62; Palliser p 68; Collinson p 21; HH pp 98, 261; *The Complete Peerage* vol XI p 711; Reid pp 168, 179, 180; Williams p 430.

²⁴⁵ *Historical Atlas of Britain*, ed Malcolm Falkus & John Gillingham, Granada Publishing, 1981, p 84.

Wetherby, Knaresborough, Tadcaster, and Cawood, to Selby, before turning back and dispersing. After the rebellion had been put down, the two Northern Earls fled, leaving those who had been loyal to them to face the consequences, which were severe indeed. According to Sir John Neale "stern was the vengeance meted out to humble offenders. In every village that had sent men to the Earls, martial law took its toll. Some six hundred were hanged. They cursed their leaders...." But, just as his grandfather the 4th Earl had supported Henry VIII during the Pilgrimage of Grace, even swearing his undying loyalty before all his men, so now the 6th Earl of Shrewsbury remained loyal to Elizabeth. Considering the aftermath of the Northern Rising, we may well feel that the people of Rotherham had good reason to be thankful that their lord was:

*The Talbot ever true and faithfull to the crowne*²⁴⁶

As to generosity, one of the occasions when this was demonstrated was at funerals, for the Talbots were buried in great state. We can read about these elaborate ceremonies and the largesse which accompanied them in the pages of Hunter's *Hallamshire*. Thus when the 4th Earl died in 1538, he gave twenty-five marks to be distributed in penny dole to such poor people as should be present at his burial to pray for his soul. When his successor died in 1560, there was a great funeral dinner at Sheffield Castle, where 320 were served, including *all manner of people who seemed honest*. Each dinner consisted of eight dishes, and fifty does and twenty-nine red deer were killed to provide the meat. After dinner, 'the reversion of all the said meate was given to the poore with dole of two pence a piece; with bread and drinke great plenty'. In 1590, when the 6th Earl was buried, 20000 were reportedly present and 8000 poor received dole. The 7th Earl allowed the cutlers of Sheffield parish to enter Sheffield Park once a year, to kill and carry away as many deer as they could manhandle, and founded the Shrewsbury Hospital. These three funerals were all held in Sheffield, but it is inconceivable that men and women from the manor of Rotherham would not have been present. Poorer people especially would surely have flocked to enjoy their share of the bounty which was on offer.²⁴⁷

*The poore mans plaint to here his eares would alwaise bend,
And them in there cause against there foes defend.
Five hundred pound he gave for ever to remaine*

²⁴⁶ Sir John Neale, *Queen Elizabeth I*, Pelican Books 1960 p 191; Bernard p 38.

²⁴⁷ HH pp 74, 78; Sheffield in Tudor and Stuart Times, Sheffield City Museums, 1985, p 9; HH pp 332-3. In 1668 a Derbyshire tailor named John Bowman claimed that he had seen the Earl's ghost on Sheaf Bridge, near the newly erected Shrewsbury Hospital: Surtees XL p 161.

To Chesterfield to help poor tradesmen without gaine.

We may well be suspicious of this eulogy, especially when we learnt that the Rotherham churchwardens complained in 1575 that their chancel was in disrepair *in default of the Earl of Shrewsbury*, and that he had done nothing about it three years later; but it is a fact that in his will the 6th Earl left £200 *unto the benefytt of the poorest artificers of Rotherham, to be paide to the bailyffe*. This enormous sum was set up in such a way as to create a loan fund. The bailiff was directed to lend each poor artificer a sum of £5 over three years, and to take security for repayment. In this way the capital was intended to be preserved for the benefit of the town indefinitely. It swelled the coffers of the town for decades after it was given.²⁴⁸

With regard to patronage, it is clear from what has been said already that the Earls of Shrewsbury wielded far more power and influence than the Abbots of Rufford. They employed large numbers of people in many different capacities. To take one example, they were patrons of literature: two minor writers of verse, Thomas Howell and Richard Robinson, are known to have been members of the Shrewsbury household at Sheffield, and we should also mention Dr John Jones who wrote a treatise on the waters of Buxton, which he dedicated to the 6th Earl, who in due course made him rector of Treeton. Rotherham people may well have benefitted from the greater opportunities for advancement which existed under the Talbots, as retainers, entertainers, stewards, bailiffs, and the like, although the only member of the Shrewsbury household who is definitely known to have had close connections with Rotherham was the lawyer William West, who was chief steward under both the 6th and 7th Earls.²⁴⁹

So far we have been looking at the positive aspects of the Shrewsbury 'regime'; and there certainly were advantages to be derived from the close proximity of the lord of the manor. Hunter made this point about Sheffield, when he declared, with a classical allusion, that "the age of Pericles of our little district was unquestionably under the reign of the Tudors." He contrasted the relative neglect which began in 1616, when the lords of Hallamshire were no longer resident in the North; but, as David Hey has pointed out "those of us who have read the brutal language of George the 6th Earl

²⁴⁸ Borthwick Texts 4 p 31, BIHR VCB 1578 folio 84r ; Surtees 121 (1912) p 149; Jordan p 292; G 378, 394-5. It is easy to confuse this gift of £200 with the gift of £100 made by Edward Earl of Shrewsbury, made in 1617. It would appear that the latter was the gift recorded on the charity tables in the parish church: Crowder and Greene p 21

²⁴⁹ Dickens *Writers of Tudor Yorkshire* TRHS 1963; HH pp 80, 492; T. Walter Hall, *Incunabula of Sheffield History*, J.W.Northend Ltd., Sheffield 1937, chapter 6 *William West the Seneschal of Hallamshire*.

when confronted by opposition from the townsmen of Chesterfield may question whether resident lords were a refining influence". There were also negative aspects to having a Talbot on the doorstep, not least because they were an irascible race of men, who (like any landowner) were naturally concerned to maximise the income which they derived from their estates.²⁵⁰

Hunter himself noted that in 1546, in the 5th Earl's time, the penalty exacted in the manor court for carrying corn out of Rotherham, to be ground other than at the lord's mill, was substantially increased. Anyone owning a quern who allowed another person to use it for grinding corn was liable to be fined the same amount. Thus the monopoly of milling, whose value to the monks of Rufford we have already noted, was enforced even more strictly by their successors. They clearly found it lucrative. There are accounts for the mills for the 1580s; and the monopoly was still being defended vigorously in the late seventeenth century by the Dukes of Norfolk, though challenged by Sir John Reresby. There are indications that the rule which required that all commercial baking be done at the lord's bakehouse was also jealously guarded. We have also noted (see Robert Swift and the destruction of Rotherham College above) that after the suppression of Rotherham College by the Act of 1547, the College buildings were acquired by the 5th Earl, who let them fall into disrepair, an act which attracted criticism from the acerbic rector of Wickersley.²⁵¹

In general the Talbot patrimony was administered in a conventional fashion by the 4th and 5th Earls. Although the sparsity of surviving estate records makes it difficult to be sure, there is no evidence of any significant changes in the average level of fines levied in their manor courts as a whole, and no evidence that rents rose much before 1560. Consequently, there is "little sign that the 4th and 5th earls had serious disputes with their tenants". They may well have decided to "subordinate the search for profit to their local and regional ambitions and to contemporary notions of good lordship: or possibly they were just too rich to notice, or worry about, inflation at its mid-sixteenth century rate".²⁵²

The situation may have changed with the advent of George, the 6th earl in 1560. We know that in 1563, a serious dispute occurred between the 6th Earl and his freeholders and copyholders, over a feudal obligation known as an 'aid'. The Earl demanded a sum of money from his tenants on the occasion of the marriage of his eldest daughter Katherine to the Earl of Pembroke. The men of Hallamshire and

²⁵⁰ "Sheffield on the Eve of the Industrial Revolution" by David Hey in THAS vol 14 1987.

²⁵¹ HSY vol II p 10; L.Stone in Econ. History Review 2nd Series III p 104; G 351(n) see further The Manor Court below.

²⁵² Bernard pp 144, 174-5.

adjoining districts refused to pay, since they thought the obligation was obsolete. So far as Rotherham was concerned, no such aid had been requested for centuries, for the Abbots of Rufford obviously had no daughters to marry off; but the Earl still expected to be obeyed and did not take kindly to anyone who questioned his authority. Displaying that temper which his grandfather had shown during his interview with the master of the Rotherham song-school, he issued these stern instructions to his subordinates:

I perceave by your leters the frutles and unadvised answers of my freholders within Hallomshire and other places, touching their releefe, or lawfull ayde, which they ought to paye unto me at the mariage of my dowghter, I have thereof no little mervaile, considering that at their handes I do desire no more then of right they owe, and but that which the lawes of this realme dothe bothe gyve me and will compell them to paye, as all my lerned counsaile have fully resolved withe me: Wherof throughout all Shropshire, and other places where my landes do lye, I have not beene so aunswered as most neerest home, albeit the case thorough longe sufferance, be growne to as greate doubte emonge them, as where you have beene. Wherfore I woll you declare unto suche as you shall think most expedyent of them, that I am determyned by law to constrayne those obstynate persons to paye that which by faire meanes I have demaunded, and wold thankfullye have receyved at their hands, which being declared, you may staye your further dealing with them, and you shall eftsons heare from me therein, which ye shall verie shortly....

The threat of legal proceedings was enough to cause the resistance to collapse, and the amounts which the tenants of the various communities concerned then paid the Earl were duly recorded. In particular, Rotherham paid £26/5s/4d. The behaviour of the 6th Earl in this matter of the feudal 'aid' may have been the tip of an iceberg. The historian of Ecclesfield records that the Earl's relations with his tenants there left much to be desired, while Shrewsbury's treatment of some of his tenants in Glossopdale was so rough that the Crown (fearful of what a disaffected peasantry might do when the Queen of Scots was still alive to form a focus of discontent), intervened on their behalf. We shall also see that the Earl's policy with regard to tithes was one which brought him into conflict with certain inhabitants of the parish of Rotherham.²⁵³

The 6th Earl's policy towards the towns which were situated on his estates can best be illustrated by an incident which occurred in 1567. A conference was held at Sheffield between the Earl and the aldermen and burgesses of Chesterfield - a town

²⁵³ HH p 83; Eastwood's Ecclesfield p 73; E.Lodge, *Illustrations of British History*, London 1791 vol II p 219(n).

which laid claim to full corporate status. The Earl began by demanding to see the muniments, or documents, of the town. The men of Chesterfield had to admit that they had not brought these with them, because they liked to keep them in safe hands. They pointed out that the Earl's agents could always inspect the deeds in question in Chesterfield, and have copies taken. This suggestion sounds sensible enough, but the Earl did not agree: he was extremely annoyed by what he took to be the townsmen's impertinence: *Why, you villain knaves he said do you misdoubt me, that I should detain or withhold your evidence if they were put into my hands.* Tempers became frayed, and eventually the Earl vowed undying hostility towards the presumptuous citizens of Chesterfield:

Avaunt knaves, for I will take you as mine enemies forever, and I will charge my son upon my blessing that he shall do the same, and that he may never show you favour nor to your generation, for you have wakened a sleepy dog.

The Earl's parting shot is especially revealing:

You shall not come into any of my towns, neither Rotherham, Sheffield or Worksop, but as foreigners.

Clearly, he regarded Rotherham and the other towns mentioned as *his* property. Equally clearly, he had the power to dictate how the men of Chesterfield should be treated when they came to do business in Rotherham, for the threat to treat them as 'foreigners' probably meant that they would be subjected to various kinds of commercial discrimination, in the way of higher tolls, higher rents on market stalls, and so on. Shortly after the interview of 1567, Chesterfield had to surrender any pretensions it may have had to the status of an incorporated borough. Instead of being ruled by an officer of its own choosing, it had to submit directly to the lord's bailiff, and the jurisdiction of the manorial court leet was fully restored.²⁵⁴

Small wonder then that Rotherham made no visible progress towards self-government as a result of the dissolution of the monasteries, or in the second half of the sixteenth century, despite the fact that some towns, like Reading St Albans and Abingdon, all acquired incorporated status when their monastic lords were swept away, and that the Tudor period generally saw a host of new charters, granting borough status to mere market towns. We shall see that the position of the Feoffees of

²⁵⁴ Youings pp 77, 97; Palliser p 221. For evidence that men from Chesterfield did take stalls in Rotherham market, see *People at Work* below. Riden and Blair *History of Chesterfield* vol V, 1985, pp 32-3, and 69-71.

Common Lands was formalised in this period, by virtue of a Charter obtained from the Crown, but just as the town had received no charter from the monks of Rufford, so it received none from the Earls of Shrewsbury. It is noticeable that when the 6th Earl established loan finds of £200 each for the poor artificers of Pontefract and Rotherham, the fund for Pontefract was entrusted to the mayor and his brethren, but in the case of Rotherham it was paid to the bailiff: there had been no increase of self-government in Rotherham's case.²⁵⁵



The remains of a doorway from Rotherham College, in Boston Park, Rotherham [2012]

²⁵⁵ Palliser p 222; Clark & Slack pp 29, 128; Surtees 121 (1912) p 149; Jordan p 292. The bailiff is mentioned by Guest, G 63, 350, 377 and in THAS vol 2 (1920-4) pp 36-7. The 7th Earl later quarrelled with Sir William Wentworth of Wentworth Woodhouse, 1608-12: Camden 4th Series vol 12 pp 43-6.

3 THOMAS CORKER, 'THE VILE WICKED VARLET'

Thomas Corker became vicar of Rotherham in 1567, when he was presented by George, 6th Earl of Shrewsbury. Although he was also the Earl's chaplain and therefore a member of Shrewsbury's Sheffield-based household, we know that he was not an absentee, so far as Rotherham was concerned. We have seen that in 1570, the Archbishop of York was asked to ascertain whether certain schools were properly kept, and that he commented favourably on Rotherham grammar school; but his commission also extended to *preachings* which had been continued or instituted by the Chantry Commissioners of 1548, and which were paid annual stipends by the Receiver of the Crown revenues for Yorkshire. The Archbishop was to recommend whether these sums should still be paid to the current recipients, or diverted to other places. He reported that there was a preacher in Rotherham called Thomas Croke [sic] who received £14/4s/8d per annum; but Croke and Corker were one and the same man. He added that he had visited and examined him and found that *his preaching was properly maintained in the parish church, which was a fit place*.²⁵⁶

Thomas Corker must have approved of by the Earl of Shrewsbury, when the latter made him vicar of Rotherham in 1567; but in 1573-4 an incident occurred which led to his being accused of treachery, both by the Earl and by the Crown's minister the Earl of Leicester. It also caused him to be described as a *vile wicked varlet*, and a *shameful slanderer of true religion*. The background to this is that by late 1573 Mary Queen of Scots had been a prisoner in England for several years. We have seen how she passed through Rotherham in 1569 when she first came out of the North and into the custody of the Earl of Shrewsbury. She had spent most of the intervening period in Sheffield.

Shrewsbury's task as Mary's jailer was difficult and unenviable. It confined him to his estates, when he might have preferred to be in London; and it involved him in considerable expense. It eventually aroused the jealousy of his wife, the formidable Bess of Hardwick. Worst of all, it gave rise to accusations of disloyalty, though the House of Talbot had been renowned for its faithful service to the Crown. If Shrewsbury allowed Mary too little freedom, he incurred her displeasure, and she might one day become Queen of England; but if he allowed her too much liberty, he was accused of failing in

²⁵⁶ HSY vol II p 22; G 270; HH p 91; YASRS 33 pp 68,74,75,78,80.

his duty to Queen Elizabeth.

In August 1573 Mary was allowed to pay her first visit to the baths at Buxton, whose curative properties were then being celebrated by Dr John Jones in *The benefit of the ancient baths at Buckstones*; but some thought that Shrewsbury should not have allowed Mary to visit the spa. Expeditions such as this gave her too many opportunities for making clandestine contacts, whatever precautions might be taken; and in December Shrewsbury's son Gilbert gave his father some worrying news - Queen Elizabeth had received reports that the Earl was a secret favourer of the Queen of Scots, who had discussed and openly maintained the Scottish Queen's right to succeed to the English throne. One of the sources of these disturbing stories was none other than the vicar of Rotherham, Thomas Corker.²⁵⁷

Joseph Hunter's summary of this affair is based on the account given by John Strype in the latter's *Annals of the Reformation*, published in 1824. This account is reproduced below; but it is as well to bear in mind that Strype wrote from a decidedly Protestant point of view. According to him, late in 1573 and early in 1574

Cunning plots seemed the next month to be hatching in the north, by the Scottish queen's [Mary's] favourers, to bring the earl of Shrewsbury into distrust and disgrace with the queen [Elizabeth]; out of hopes thereby, that he might be discharged from the custody of her. This business was managed chiefly by two persons that went for ministers and divines viz Haworth, and one Corker, the Earl's chaplain. The charge against the earl seemed to be either one of treachery or carelessness.

We learn more about what allegedly happened from a letter written by the Earl to Lord Burghley on 16th April 1574: *His [Corker's] weked speches of me cannot be hydde; I have them of his owne hande, cast abroad in London, & bruted thorow oute this realme, & knowne to her Matie's counsell....if he scape scharpe & open ponysement dyshonor wyll redound to me.*

Strype went on to relate that the Earl of Shrewsbury wrote to both the President of the Council of the North at York, and to the court, protesting his innocence. His assurances of loyalty were accepted, and Elizabeth and Leicester now took Shrewsbury's side in the affair:

The queen [Elizabeth], soon suspecting it to be falsehood, and wicked design against the earl gave a commandment to the earl of Leicester for the apprehension of those two ministers; who

²⁵⁷ *The English Captivity of Mary Queen of Scots*, Patrick Collinson, Sheffield History Pamphlets, University of Sheffield, 1987; *Mary Queen of Scots*, Antonia Fraser, Panther, 1970 pp 516-8; HH p 91.

pretended themselves voluntarily to be going up with their information. Which Leicester acquainting Shrewsbury with, and that he should take them up, and send them to him, Shrewsbury answered, that he verily thought they were come to London by that time; and that he thought fit neither to stay them, nor use any extraordinary speech or dealing with them; and to suffer them at liberty to return unto the council, unto which, as they said, they had occasion to make their speedy repair: nothing doubting on his part, but that that, upon due examination of them, they should plainly appear, as they were, vile, wicked varlets, and shameful slanderers of true religion. Nevertheless he told the earl of Leicester, he would cause diligent search to be made in places in the country where they were most likely to haunt. And if they, or any of them, could be found, he would with all diligence take order for the sending them up, according to her majesty's pleasure.

But Thomas Corker still manage to reach London:

What was done further in the discovery of this wickedness (which it seemed was cloaked under the profession of religion) the earl of Leicester's letter to that noblemen [Shrewsbury] will acquaint with: viz, that Corker, Shrewsbury's chaplain, came unto London, and reported to Dr Wylson, master of requests, in order to make his information, who forthwith brought him to Leicester's house by Temple-bar. He had skulked in London for some days, consulting (as it seems) with some of his complotters for the better management of their enterprise though he utterly denied it. The earl ordered him to be kept at Wylson's, till he were, by her majesty's appointment, examined.

He then made foul and evil report of Shrewsbury. But Leicester told the earl that he was like to prove them, or forswear them, ere he departed: and withal, that the queen meant to prosecute his doings by due examination thoroughly; and after that he should receive according to his deserts. And then the earl made a reflection upon the credulity of Shrewsbury, and good opinion of the religion of his chaplain, saying, that his Lordship might see all was not gold that glistened: and that many had cloaks for all weathers. And so did this good companion make religion his countenance, to utter his knavery. As for Haworth, he would come to Islington. Whither Leicester had sent to apprehend him. And doubted not, as he continued his letter, but his lordship should hear much stuff to come out of these two devilish divines.

*Strype concludes his narrative with an attack on Queen Mary's supporters: I cannot trace this story further; but by the honourable correspondence of these two earls we may see enough of the intrigues on behalf of the Scottish queen; and how busy the popish faction then was.*²⁵⁸

²⁵⁸ John Strype, *Annals of the Reformation*, Oxford 1824, vol II pp 116-7; 251- 3; 288 - Leeds City Library.

So much for Strype's account. It is clearly a highly prejudiced version of what had happened. Unfortunately, we do not have Thomas Corker's version to set along side it. We do know he 'utterly denied' certain matters of which he was accused. Strype relates that what Corker did, he did *under the profession of religion*. Presumably this means that Corker pretended to be a good Protestant, who thought that the Queen of Scots should be kept more closely confined, while actually being a Catholic, who was plotting on Mary's behalf. If Corker was indeed a Catholic, this is interesting, for historians have previously thought that Catholics, (or at least recusants who openly refused to conform and paid the fines imposed by the Act of Uniformity) were rare in Rotherham and the surrounding area in the Elizabethan period, as for that matter were Puritans. Yet here we have the man who was vicar of Rotherham for ten years, and preached there regularly, allegedly working on behalf of the *Popish faction*.²⁵⁹

But can we really be sure that Thomas Corker was a crypto-Catholic? It would not be so surprising if a man who was Shrewsbury's chaplain, and who may therefore have had access to the Queen of Scots, had come to sympathise with her, and had decided to work for her cause. He was not the only Englishman to do so. In 1569 the Earls of Northumberland and Westmoreland had risen in her favour. In the following year the Pope had declared Elizabeth deposed. In 1571, the Ridolfi Plotters had planned to place Mary on the throne. In 1572, the Duke of Norfolk had been executed for complicity in the plot. In times such as these, one man's view of what was loyalty and what was treachery, of what was true religion and what was heresy, could differ fundamentally from another's.

All this assumes that Corker was guilty of what he was accused of, and we cannot know this. It is perfectly possible that Corker was what he claimed to be, a Protestant concerned about the laxity of the conditions under which the Queen of Scots was held, and anxious to see her subjected to a stricter regime. Such was the aim of some of the 'hotter' Protestants of the day.

Whatever the truth about Thomas Corker's religious affiliations, it seems from Strype's account that the government dealt sternly with him. Certain words which are evidently taken from the Earl of Leicester's letter(s) make chilling reading : *he was like to prove them, or forswear them...due examination thoroughly...after that he should receive according to his deserts...his lordship should hear much stuff to come out of these two devilish*

²⁵⁹ As to recusants, see Dickens, *Reformation Studies*, maps at pp 158,210,191, reproducing articles in YAJ 35 1941 and YAJ 37 1948. As to Puritans, Marchant's work does not show any prosecution for Puritan activities in the parish in the Tudor period, although Robert Blackwood, who was vicar 1577-87 was summoned before High Commission for Puritan activities in 1598, when he had left Rotherham and become Rector of Kirton.

divines. Surely these phrases have something to tell us about the nature of the Elizabethan state machine. They suggest that the Rotherham clergyman may have been roughly handled; and some of them even hint at the use of torture during the process of interrogation. According to John Guy 'the reign of Elizabeth was the period when torture was most used in England.'²⁶⁰

Unfortunately we do not know more of the details, nor do we know the end of the story, any more than Strype did 160 years ago. One would have thought that one way or another, Corker would have met a bad end following the events of 1573-4, and that his days as vicar of Rotherham would certainly have been numbered. This may indeed have been the case. The list of the vicars of Rotherham compiled by Hunter and reproduced by Guest shows him in office between 1567 and 1577; but there are two pieces of evidence which suggest that he may not have remained after 1574, and that there may have been a vacancy before Vicar Blackwood was installed.

Firstly, there is a curious memorandum in the parish burial register, between the entires for September and October 1574 - *I Henry Lillye began to receyve the offerings for buryalls the xxiii daie of October 1574 by my lord of Shrewsbury comandment*. Lilly was similarly ordered to receive the offerings for *churchings* in October 1575. There is no proof that these arrangements have anything to do with the dispute between Shrewsbury and Corker; but one explanation for them would be that Corker had gone, and that monies which had hitherto been collected by the vicar were now to be received by someone else.²⁶¹ The second piece of evidence is an entry in the *Comperta et Detecta* Book compiled in connection with Archbishop Grindal's Visitation of his archdiocese in 1575, which shows that in May of that year the Rotherham churchwardens complained that *the chauncell is in decaie in the defalte of the earle of Shrewsburie*. By common law, the chancel was undoubtedly the Earl's responsibility, since he was the rector; but if a vicar had been in place in May 1575, one might nevertheless have expected the churchwardens to present him, as they did in 1578, when a further complaint about the chancel was made.²⁶²

It is clear at any rate that the Earl was never reconciled with his former chaplain: as late as 1582, he described Corker in highly uncomplimentary terms, in a letter to Francis Walsingham; and he specifically charged him the vicar with spreading the rumour that he (the Earl) had uttered uncomplimentary remarks about Queen Elizabeth

²⁶⁰ Guy p 318.

²⁶¹ The explanation may be more mundane: Shrewsbury authorised someone else to receive the offerings for *churchings* in November 1577: see parish baptism register.

²⁶² Tate pp 93,97; Borthwick Texts no 4 p 31; BIHR VCB 1578 folio 84r.

Now, this wicked serpent Corker added, that thereuppon I should infer and say yt her Matie thought herself a goddess, yt colde not be touched wth the handes of men; wheras I never uttered any suche thynge.



Thomas Rotherham, Laxton Church [Joan Jones, 1991]

4 THE MANOR COURT²⁶³

The lords of the manor of Rotherham exercised wide powers; but routinely they did so through their stewards or bailiffs. In 1483 the bailiff was Richard Lylle (or Lillie), whose wife shared a pew in the south chancel of Rotherham church with the wife of the grammar school master, Margaret Bokyng. A later bailiff was William Whitmore, who held office in 1553 and in 1556. He may have been a greave (with Robert Swift) in 1549. When he married Cecily Parker in Rotherham on 16 August 1558, the parish clerk described him as Mr William Whitmore. The 'Mr' was a mark of distinction. When Whitmore made his will in 1568, he described himself as a 'gentleman', disposed of land in Nottinghamshire, a lease at Eastwood and a farm at Masborough, and left sums of money to five named servants. These had been mentioned twelve years earlier by Whitmore's son-in-law Thomas Lilly, who left two shillings *to every servant in my father Whitmore's house*.²⁶⁴

Periodically, the bailiff or steward presided over a meeting of the manor court, in which local people played their part, both as suitors and officials. Though they might also be affected from time to time by proceedings in higher courts - Star Chamber at Westminster, the Council in the North, the Church Courts at York - the manor court was probably the most important tribunal, for most people, most of the time. Strictly speaking, there was more than one type of manor court: court leet, court baron, and view of frankpledge; but we shall consider the workings of the institution as a whole.

The court was kept very busy. It acted as a kind of 'small claims court', hearing disputes of a civil nature where the sum involved did not amount to forty shillings. It also had criminal jurisdiction, dealing with 'frays', or assaults: in Edward VI's time, a fine of twelve pence was imposed when *Thomas Garrett & George Senyor did make a ffray and Senyor had his head brokyn*.²⁶⁵ The manor court dispensed justice in suits between individuals and it also made law. As Guest put it, it was 'the local legislature of everyday life', for it declared what the local customs were and decreed what 'pains' (or penalties)

²⁶³ Note on sources: (1) Guest's extracts from the manor rolls were based on Hunter's *Notes on Yorkshire*, British Museum Add. M.S. 24, 439, pp 81-83. Guest stated paradoxically [p 350] that the manor rolls had been lost, though he quoted from them. (2) There is now a microfilm in Rotherham Archives Department, no 352/Z, obtained by Tony Mumford (1991) which appears to contain the originals of much of the material cited by Guest, but possibly more as well. It is headed 'Rotherham Rolls for 1,2,3,4,5,6 & 7 of King Edward VI, but possibly also contains the roll for 37 Henry VIII, cited by Guest. It certainly contains lists of suitors, lists of 'pains', names of officials appointed.

²⁶⁴ YASRS 33, 141; Palliser p 3; G 235, 377, 382.

²⁶⁵ Microfilm in Rotherham Local Studies Library (1991).

should be imposed for transgressing them. Periodically, as in 1553, a list of these 'pains' was ordered to be hung in the parish church, to give them wide publicity.

The 'pains' imposed in King Edward VI's time covered a wide variety of matters. Traffic was regulated by means of a penalty on anyone who allowed wains (or waggons) to stand in the street for more than a night and a day. In the field of public health, the court dealt with those who sold unwholesome meat, put diseased cattle on the common, laid 'skins' in the 'broad water' (this probably refers to tanners who washed pieces of leather in the River Don); put filth in the brook, or in the dyke by the side of Rotherham College; failed to void their dunghills before St Luke's Day; washed filthy clothes or puddings(!) in the public wells; laid ashes or dung at the Church Stile or in the lane by the Talbot; or failed to clean and maintain watercourses. We also hear of an official known as the 'bellman' (town crier), who was fined for his failure to scour the brook.

Economic regulation was one of the court's most important functions, especially since Rotherham was a market town. Corn had to be brought into that market for sale: it must not be kept back, or sold in private houses, where the 'market price' would not apply. The price at which the common bakers had to make bread was fixed. The quality of goods was controlled by 'searchers', or inspectors, of flesh (meat), fish, and leather, while 'aletasters' tested bread and ale. (In 1620 the Feoffees bought them a new 'gallon standard'.)

The court attempted to deal with social problems. Men were forbidden to keep other men's employees ('servants') in their houses after eight at night, or to keep other men's employees, apprentices or children at play, at any time of the day or night. Sharing the common Tudor concern about vagabondage, the court also prohibited the 'harbouring' of 'valiant beggars'. The manor court also sought to protect public morals, for it fined those who took part in unlawful gaming and those who kept bowling alleys. It supported the Church's efforts to enforce religious observance, by prescribing fines for those who kept their employees at home in 'matin' or communion time, or sold bread at the Church Stile on Sundays or holidays in communion time.²⁶⁶

Perhaps the most vital aspect of the court's work was the regulation of the community's common-fields. As we know Rotherham had three, as well as a common, and agriculture was organised on classically medieval lines: "the arable and meadow were divided into unhedged strips among the cultivators; both arable and meadow were thrown open for common pasturing after harvest and in fallow seasons; the cultivators...enjoyed common rights over pasture and waste."²⁶⁷ This system required a

²⁶⁶ G 350-1, 392.

²⁶⁷ Palliser, p 165.

good deal of organisation, and policing, and it was important that everyone should understand the rules. The earliest 'customal' (or list of customs) dates from 1638; but these were certainly in existence in Edward VI's time, since there is a list of fines levied then on those who found guilty of breaking with tradition.

The customal starts with the common and the right to pasture animals there. It states that there is *very little ground belonging to the town* and goes on to declare that *our Common ys a stynted pasture* - meaning that the number of animals a man is permitted to put there is limited. It declares that *every man knowes his rate & stynte* viz (1) a mere 'cottager': two beasts (oxen) or two horses, or one beast and one horse (2) a farmer with a plough and a team of oxen: as many animals as he has in that team, plus six sheep for every acre of land which he tills in the town fields, provided that between Mayday and Lammas (1st August) the sheep are kept *under the hye way of the more leading towardes Whystone commonly called the hye gate or london way*. We also learn from a document of 1617 that swine and geese were not considered to be 'commonable' at all, *especially upon a stinted pasture*.²⁶⁸

In King Edward's time, men were constantly fined for 'overpressing' the common, that is for putting too many animals on it. The manor court also decreed *that none kept no sheep but for their portions above six to an acre*, which ties in with the stint referred to in 1638. The court also fined individuals *for keeping cattle of the common before Lammas day*; and it also punished those who kept a *stable mare* or *cattle of merchandise* on the common. Men had a tendency to flout the customs of the manor when it suited them, and animals did of course stray if they were not securely fenced in or tethered. Thus, fines were levied for *breaking the common pynfold* - the place where animals were taken if they were found to be at pasture where they should not be; for failing to ring swine; and on the swineherd for *not keeping the pigs well*.²⁶⁹ It is interesting to note that men were responsible for the actions of their wives. Thus one Richard Hilton was fined 10s *because his wyff brak ye pynfold*. This must have been most unwelcome since Richard incurred a further fine of 3s in the same year for *overpressing the common with 4 beasts*.²⁷⁰

It was not just the common which required close and detailed regulation. The three town fields were equally important. These fields needed to be fenced and gated, to separate them from the common fields of other communities, and to stop strays from the town from causing damage. Thus we find the following fines levied by the 'byerleyemen' in Queen Elizabeth's time

²⁶⁸ G 359-60.

²⁶⁹ The pynfold was probably a wooden structure: there is a record that in 1643 the Feoffees spent £10 18s in building *a New Pynfold all of great stone and lyme which was before of wood altogether and always in decay*.

²⁷⁰ G 350-1; Microfilm.

[1578]

Wylliam Fletcher for one gapp at Doncaster gate heade lyinge open 2 dayes 4d

*Robert Donke & Staplesmith's man for breking the yate [gate] between
Herringthorpefeld & Rotherhamfeld, either of them* 12d 2s 0d

The same being made upp agayn Wylliam Eyresley breake the same yate agayne

[1583]

Edmund Hoyle for his fence unmade between our feild & Dalton feild 4d

Robert Cawthorne for breaking open the yate in Pygeon lane 4d²⁷¹

When it came to gates, the jurisdiction of the manor court in the late sixteenth century overlapped with that of the Feoffees of Common Lands, for as we shall see, the latter were constantly required to attend to them.

The 'closes' were another problem. These were pieces of land which had been created out of the town fields at some time in the past; and the question was how to make best use of them when the open field to which they had originally belonged lay uncultivated. Custom required that when this happened, either in fallow years or each year after 'scythe and sickle', the fences surrounding the closes should be taken down and the land be 'cast open'; but in some cases the owners of the closes resented this practice and even defied it, by keeping their closes fenced. If necessary, they were prepared to face the consequences: penalties were sometimes imposed for *keeping in of closes when the same should lie open*. The matter came to a head when the tenants of one close in the Crossfield near Eastwood, known as Wheat Close, failed to throw it open, though the Crossfield lay fallow that year. Others took exception to this, and the problem of what to do about the closes as a whole was brought before the lord of the manor, in 1572.²⁷²

The lord was Francis Talbot, eldest son and heir apparent of the 6th Earl of Shrewsbury; and he attempted to settle the issue by promulgating *Orders for the whole towne and Lordshipp of Rotherham, made with the consent and assent of the whole comons tennants and all other thenhabitants of the aforesayde towne and lordshipp*. These Orders

²⁷¹ G 361.

²⁷² G 351, 357-7, where the history of the dispute is recited in a request for a legal opinion made inf 1615.

provided, firstly, that the old custom of casting open the closes, when the field from which they had originally been taken lay fallow, should continue for the future. A temporary exception was made for Mistress Whitmore, the occupier of Wheat Close, (possibly the widow of the former bailiff of Rotherham, William Whitmore, who had died in 1568, leaving to his wife Cecilia his *farme and lease of Eastwood... in full recompense of her jointure and dowrie*. She was permitted to keep that close enclosed for one year, on payment of an unspecified amount). Secondly, it was ordered that all closes (including Mrs Whitmore's) should be laid open for pasture after the harvest was in, and that the owners of the closes should not expect any monetary compensation for observing this ancient custom.²⁷³

This legislative solution to the problem itself became the subject of legal argument in subsequent years, particularly in the early seventeenth century; but the orders which the lord of the manor issued did form the basis of the customs set out in the 'customal' of 1638, when it was stated that the practice of throwing open the closes for common pasture was for *the better releife & maynteynance of the...pore inhabitantes*.²⁷⁴ What is more, the custom was still extant almost 200 years after Lord Francis Talbot was dead and buried, for when the Rotherham Enclosure Award was made in 1764, it dealt not only with the remaining town fields, but also with some 176 acres of land known as the 'Michaelmas lands', which were said to be *formerly taken in from the Common Fields and...enclosed and used by the owners thereof as separate property during part of the year and at Michaelmas...laid open & depastured in common*.

If the manor court was a judicial body, and a legislature, it also had executive functions. As well as bellmen, pinders and swineherds, aletasters and searchers of the market, it also appointed constables and bylawmen. The court rolls shows that there were two constables, one for Bridgegate and one for Westgate. No constables' accounts have survived for the sixteenth century; but those which have survived for the early Stuart period illustrate the sort of tasks they performed. Thus, in 1608 a man called Brian Mounser killed another man called Richard Relfe. The constables had to watch over the dead body, report the matter to the coroner, pay his fee, arrest Mounser, look after him while he was in custody, and eventually take him to York Castle. All this must have been both time-consuming and expensive, and we learn that the constables took possession of two pieces of material which belonged to Mounser and were worth 24s, together with his sword and his bag, in order to defray the costs which the town of Rotherham might incur in the affair. Two years later, the constables recorded their

²⁷³ YASRS 19, 174; BIHR Probate Registry vol 18 fo. 28. Earl George (1560-90) apparently entailed the lordship on his son Francis. The latter died in 1582, without succeeding to the earldom: HH p 62; G 356-7.

²⁷⁴ G 357-8; G 360.

Charges about levying and prosecuting the Hue and Cry as followeth.

*1610 Oct 4 For prosecuting hue & crye to Tinsley after a yonge woman
of 30 yeares of age who did steale from Richard Mawger a gowne,
a hatte, a petticoat and diurse other things* *2d*

*Oct 23 For the like to Whiston after two suspicious persons th'one
apparrelled in a gray horseman's cote, dunish boutes, and dunish
stuffe britches and dublett and th'other a grey fryse jerkin and
olde britches suspected to have stolne a blacke bay meare with a white
starre in the foreheade from John Ward of Pontefract* *2d²⁷⁵*

Events like these must have occurred at regular intervals in the Tudor period; but the activities of the constables at that date are only recorded indirectly, in the accounts of other officials like the greaves. Amongst the payments they made in 1549 were

Itm to John Aukryng for mendyng our Constable axe *xiid*

and there were also two payments relating to a criminal called Wilson

*Itm pd to Ric' Sawode & Robt Broghton constables for haueing Johan
wilson to yorke for their costs* *xs*

*Itm gyffyn to the Constabls at the syse [assize] tym for
folyng agynst John Wilson* *viiiis*

The same accounts shows that twice a year, at Easter and Michaelmas, the constables were paid 2s 6d for going to Hickleton (between Barnsley and Doncaster) to the 'tourn' - a special session of the old hundred court, presided over by the sheriff.

When the constables arrested someone, they would clearly have needed a secure place to hold him. We know that Rotherham had a toll-booth, for use in connection with its market, for there is a record of the Feoffees paying 20d for *making an Iron belle to ye yate this syde towll both*; and such booths were sometimes used as jails.²⁷⁶

²⁷⁵ G 350; G 435-6.

²⁷⁶ G 382, 384, 386; Richardson.

It is no coincidence that York is mentioned so often in connection with the activities of the constables. Although the manor court might exercise criminal jurisdiction in relation to 'frays', and the Justices of the Peace could deal with other matters, more serious crimes had to be dealt with at York Assizes. It was there that men stood trial for their lives, and it was there that they were hanged, as was Richard de Aldrich of Rotherham, in 1587

Saturday, March 28, 1587, Frederick de Alcyonius aged 47 a native of Pontefract; Richard de Alrich, aged 37, a native of Rotherham; and William de Malcolm, aged 28, a native of Richmond, were executed at the gallows of St Leonard's Green Dykes, without Walmgate Bar. These three unfortunate culprits were drawn from the castle of York upon a sledge to the fatal spot, where they suffered the severe penalty of the law. Since their condemnation their behaviour had been such as became their unhappy situation, and they acknowledged the justice of their sentence. After their execution they were beheaded and quartered; their heads were set up on Walmgate Bar, with their quarters. This execution took place at three o'clock in the afternoon, in the presence of not less than 8,000 spectators.

This was a traitor's death and indeed it is stated in *York and York Castle* by A.W.Twyford that the crime for which these three were executed was 'petty treason'. (Unfortunately, the records of the North-Eastern Assize circuit for the Tudor period do not survive, so we have no further particulars, but petty treason could include the murder of a master by his servant). Not everyone who was hanged in front of such a large crowd had his body dismembered, or stuck on poles in York. The corpse of a more ordinary criminal might be brought home instead, to be exhibited at the scene of the crime. Among the items which the Feoffees kept in repair in the late Tudor period were the stocks, a pillory and the 'gybcrake' [or gibbet], the place where the bodies of malefactors might be hung in chains after execution.²⁷⁷

As well as two constables, the manor court appointed four 'byerlawmen' [byelawmen].²⁷⁸ These four lawmen were responsible for enforcing the regulations for the common and the town fields. According to the customal of 1638, they were chosen by the court leet at Easter each year, and it was one of their tasks to go with the constables, the pinder, and others on the day after Michaelmas, to cast down the fences around the closes in the town fields. They could also levy fines, or 'streats', and their 'streat' books for 1578 and 1583 have survived. These show the lawmen at work, ensuring that gates are maintained, that trespassers are prosecuted, that the common

²⁷⁷ G 441, quoting *Criminal Chronology of York Castle*, William Knipe, Burdekin, York, 1867; G 387.

²⁷⁸ The antique spelling is preserved to this day in the place name of Brampton Bierlow.

does not become 'overpressed', and that the man who dares ride his mare through the corn is punished.

The pasturing of horses was a particular problem. According to the customal of 1638, the custom was that they could be put into the town fields *soe sonne as hey and corne ys gotten & caryed away from the ground*, whereas cattle and sheep could not be pastured until Lammas; but the horses ought to be tethered, to minimise the damage they might cause. However, the streat books of 1578 and 1583 make it clear that men often tethered their horses amongst the hay- and corn- stacks. John Guest also noted the levying of fines in Edward VI's time on those who failed 'to show their.....to the Byerley men'.²⁷⁹ Evidently he could not read the missing word, which appears to be 'ffangh'. The Oxford English Dictionary gives various meanings for 'fang', including a capture, a catch, captured game, booty, plunder; and also 'a noose or trap'; and the present writer would venture to suggest that the last of these is the relevant meaning here. What we see recorded in the Edwardian manor rolls is therefore a further responsibility of these lawmen: to ensure that those who went trapping on Rotherham common did so with snares and traps of an approved type.

The byelawmen's work was varied and brought them into contact with all kinds of men, not all of whom were willing to co-operate with the forces of law and order. The accounts of Thomas Benson, Thomas Senyour, Richard Bonner and John Gregg for 1583 contain details of an altercation, and a fine imposed on

*Thomas Lyster for abusing the byerlawmen with evill words for his
swyne taken on ye more*

8d

On another occasion, the lawmen had to lend support to the pinder, when they fined

*John Hochensone for tethering his horse in the standinge grasse &
giving the pynder evyll wordes*

6d²⁸⁰

The manor court was not simply a forum where the local community regulated its social and economic life. It was also the means whereby the lord of the manor maintained his rights, and was a source of revenue for him, though income in the form of fees seems to have been modest: 24s/4d at the end of Henry VIII's reign and 47s/4d at the end of Edward VI's; but the court also established who the heir was, when a tenant

²⁷⁹ G 360-1, 351.

²⁸⁰ G 360-1.

of the manor died, and who therefore had to pay a 'relief' on taking up the inheritance. It enabled the lord to enforce the various monopolies which he enjoyed. It fined those who took firewood (*burthens of wood*) out of his woods; and it regulated the use of his mill and his bakeries.

The lord's monopoly of milling was of prime importance. The law prevented the local inhabitants from taking their corn elsewhere to be ground, on pain of a fine. Some individuals were allowed to keep a quern, or hand-operated grindstone, but they must use this for purely domestic purposes; and the monopoly was doubtless very profitable. Lawrence Stone calculated that the care of Shrewsbury's coalmines in Sheffield Park were far less profitable than his flourmills in Sheffield, which brought him three times the profit, for under half the outlay.²⁸¹

There was some compensation for these restrictions in that the miller was ordered to grind the corn of the inhabitants of the town of Rotherham before that belonging to the country folk; and in Edward VI's time a miller by the name of Swyft was fined 10s for failing to do this; but a monopoly is still a monopoly; and the signs are that the Earls of Shrewsbury strove mightily to enforce it. In 1546, the penalty for breaking the law in this respect was increased from 13s/4d to £5 - a drastic increase, though this was a time of rapid inflation. In the seventeenth century, the Dukes of Norfolk, who inherited the lordship from the Earls of Shrewsbury, were still prepared to engage in litigation repeatedly over their milling rights.²⁸²

The lord of the manor also had one or more bakeries, where the inhabitants of the town had to bake their bread, unless they were baking for purely domestic consumption; and no-one was allowed to erect any competing bakery. There is some evidence too that the lord exercised control over the brewing of ale. In one manor roll of Edward VI's time, there are fines of 4d each levied on thirteen women for offences relating to baking and/or brewing. Possibly, these are offences against the Assize of Bread and Ale, designed to maintain the quality of these basic foodstuffs.

²⁸¹ Econ. History Review 2nd Series III pp 97-105. There are numerous accounts for the Rotherham flour mills for the years 1578-82 in the British Museum: BM Add MSS folios 8-30, 80-3; 108-116; 127-30; 237-40; 272-81; 304-312; 322-4.

²⁸² G 351, 355. Guest's extracts from the manor rolls were taken from Hunter's *Notes on Yorkshire*, which are still in the British Museum - Add MSS 24439 pp 81-3. Guest stated p 350 that the original manor rolls had been lost; but there is now a microfilm in Rotherham Archives and Local Studies no 352/2, which appears to contain the originals of much of the materials he cited, possibly more. It is headed 'Rotherham Rolls for 1,2, 3, 45, 5, 6 & 7 of King Edward VI', but possibly also contains the rolls for 37 Henry VIII, also cited by Guest [1991].

5 THE ORIGIN OF THE FEOFFEES

We have already seen that Rotherham was not an incorporated borough, being ruled (essentially) by its lord, through his bailiff and his manor court. Nevertheless, it was not without certain institutions which were characteristic of the smaller towns: a market and a fair; some tenants who held their land by burgage service; a recognised 'community', with officers or 'greaves' who acted for it; and, prior to the Reformation, several religious societies, which also appointed 'greaves'. There was also the ancient Guild of Holy Cross, whose two officials were known as wardens; but it is only in the 1580s that we hear for the first time of the Feoffees of the Common Lands, a body of men who were granted land upon trust for the benefit of the town - 'feoffee' being an old legal term for 'trustee'.²⁸³

The events leading up to the foundation of the Feoffees are not easy to interpret. They rest upon the construction which one puts upon a handful of documents which survive either in the records of the Feoffees themselves or in the Public Record Office, and which were printed by John Guest over a hundred years ago.²⁸⁴ Guest realised the difficulty of producing a coherent narrative from these sources. Writing of the Letters Patent dated 26th August 1584, he said "The transaction seems, with our present knowledge of it, a very extraordinary and unaccountable one;" but nevertheless, he did express a view as to what had happened, by describing the grant of land contained in those Letters as "the noble grant made by Queen Elizabeth to this township through Lawrence Woodnett and Anthony Collins" and by speculating that the motive behind the grant was to restore to the town some of the properties confiscated by the 'vandal spoliations' committed by those operating under the authority of the Chantries Act of 1547. He also stated that "Rotherham must needs regard itself as having been fortunate in being one of the towns on which, from whatever cause, the prerogative of royal

²⁸³ G 69-70.

²⁸⁴ Letters Patent granted by the Crown on 26th August 1584 [G 367-8, 369-370]; *The Charter of Rotherham Common Landes dated 3rd August 1589* [G 371-4]; a *Register of thinges concering the Common Lands of Rotherham* made on 8th August 1589 [G 365-6]; entries in the accounts kept by the greaves of Rotherham [G 388]; a Decree in the Exchequer made on 11th October 1606 [G 416-7]; and records of a case brought against the Feoffees by the Attorney-General in 1631 [G 375-6].

bounty was so conspicuously exercised."²⁸⁵

At first sight, this seems a plausible view. All over England the Chantries Act involved the confiscation by the Crown of properties belonging to chantries, colleges, guilds, services, obits and lights, now held by Protestant theologians to be 'superstitious'; but, almost as soon as the Act was passed, local people in many areas started to plan how they might one day retrieve some of the property which had been confiscated; and the Crown not infrequently agreed to these demands, not least because many of the endowments in question supported charitable activities which it was desirable to maintain, particularly in the towns, where the problems of poverty were most acutely felt. In Sheffield, for example, the Chantries Act involved the confiscation of the major part of the Sheffield Burgery's income of £27, leaving them with very little to finance their activities. With the assistance of the Earl of Shrewsbury, the Sheffield Burgers petitioned Queen Mary and part of their confiscated lands were restored, whilst a new body, known as 'The Twelve Capital Burgesses and Commonalty of the Town and Parish of Sheffield', was set up to administer what was recovered, by charter dated 8th June 1554.²⁸⁶

It is tempting to conclude that Rotherham's experience matched that of Sheffield thirty years earlier, and to think, like John Guest, in terms of a generous monarch responding to the request of her loyal subjects, for the restoration of lands unjustly taken from them. However, I believe that this view does not correspond with the facts, and that what actually happened in Rotherham was more dramatic, though it presents a less favourable view of Queen Elizabeth, and of the Elizabethan court, than that which was expressed by Guest. In my view, the lands which were granted to Rotherham's Feoffees in the 1580s were not being *restored* to the town, for they had never left its possession in the first place. They were 'concealed lands', which had either been hidden, quite deliberately, from the Crown and its agents, or which the Crown had for some reason overlooked, for a period of about forty years. And what happened in the 1580s was that the agents of a greedy courtier, acting with the Queen's consent, discovered the existence of these lands, and used this discovery to blackmail the people of Rotherham, extracting a sum of money from them in return for confirming their title to the concealed lands. If this interpretation is correct, there is little reason to be grateful to Queen Elizabeth for her 'noble grant', and no reason to view Lawrence Woodnett and Anthony Collins as benefactors of the town, though this is how Guest and Hunter

²⁸⁵ G 366-7, 375.

²⁸⁶ Scarisbrick chapter 6; Clark and Slack; Mary Walton, *Sheffield: Its Story and Achievement*, Sheffield Telegraph and Star Ltd 1952.

before him both saw them.²⁸⁷

Dr Kitching has described the quest for 'concealed lands' during the reign of Elizabeth I. The background was that Edward VI's Chantry Commissioners had great difficulty in listing all the multitudinous pieces of property which the Chantries Act affected. In many places they missed endowments which the Act declared forfeit, and local people had no interest in bringing the omissions to their attention. In other cases, they noted the existence of endowments, but for some reason, nothing was done to actually transfer them to the Crown. These were the 'concealed lands' which were the cause of so much controversy. There has been a persistent tradition that there were concealed lands in Rotherham. Michael Sherbrook referred to the buildings and grounds of Rotherham College as 'concealed land' in his treatise about the dissolution of the religious houses. Charles Hoole's seventeenth century lament for Rotherham College, though written long after the event, mentioned that 'deeds and evidences' had been concealed. John Guest suggested that the town concealed land from the Crown in the 1540s and Arthur Leach clearly thought that the town managed to conceal some of the old chantry endowments: "these lands in 1584 the town brought from the Crown, or rather some lawyers to which they had been granted, as 'concealed lands', and they became the Common Lands administered by the 'greaves and Feoffes of the Common Lands'. We shall see that this is a fair summary of what happened.²⁸⁸

The lands which the community of Rotherham managed to conceal were a miscellaneous collection of properties in and around the town itself and in the town fields - a few acres of arable, some meadow and pasture land, a barn and a croft here, a cottage and garden there. There were also certain lands in Denaby, Rotherham, Wickersley and Marr which had been given for the support of two obits in the parish church of Rotherham, the existence of which had actually been recorded by the Chantry Commissioners. The value of all these properties was perhaps small, but it was not insignificant. The income from them paid for (or helped to pay for) a whole range of items which were clearly being provided long before the Feoffees of Common Lands were founded. This perhaps explains why there were accounts kept by 'greaves for the town' for a period of forty years before there was any charter requiring such accounts to be kept; and it may explain how the town was able to pay Thomas Snell the grammar master his salary, when this was stopped in the late 1550s, as well as to help him when he sued for the Decree for the revival of the school.²⁸⁹

²⁸⁷ HSY vol II p 12.

²⁸⁸ *The Quest for Concealed Lands in the Reign of Elizabeth I*, C.J.Kitching, TRHS 1974, pp 63-78; Scarisbrick p 124; YASRS 33 pp lxxi-lxxii, 192, 231; G 316, 416.

²⁸⁹ G 368, 148, 383, 370, 388, 416, 376, 382, 96; YASRS 33 pp lxxi-lxxii.

In holding on to concealed lands, the town and its officials were pursuing a dangerous course, whether they knew it or not. The Crown was always anxious to find new ways of exploiting its resources and increasing its revenues, provided this could be done cheaply. It did itself not want to undertake the expense of conducting a nationwide search for properties which might rightfully belong to it; but, throughout Elizabeth's reign, it was prepared to authorise courtiers to seek out concealed lands, so that these could be seized and sold; and there were always informers at work who might report the existence of such properties, in the hope that they would be paid a fee for their services.

There was money to be made from the discovery of concealed lands, but it was not always made in quite the same way. The courtiers concerned proposed various schemes. One of these was that implemented by Sir James (also known as Jacob) Croft, who was one of Queen Elizabeth's most important privy councillors, and controller of the royal household. In July 1583, Croft petitioned *in consideration of his poverty* for a grant of such concealed land as he might discover within ten years. Next month, he and his agents were given permission to search for concealed lands for four years. They were authorised to persuade alleged owners to compound for arrears of monies owed to the Crown, and thereafter regularise their tenure of the lands. Croft kept the compounding fee, whilst the Crown benefited from the revived rents which the plan produced. Dr Kitching states that "numerous entries in the Patent Rolls between 1585 and 1587 of grants made at the behest of Croft testify to the frenzied activity of his helpers throughout the country", and adds that "all the grants passed in the name of agents, though they are registered as promoted by Croft."²⁹⁰

Now, the opening passage of the Letters Patent considered by Guest to be a "noble grant made by Queen Elizabeth to this township", reads as follows:

The Queen, to all to whom, &c., greeting. Know ye that we, in consideration of true, faithfull, and acceptable services before this rendered to us by our beloved servant and councillor, Sir James Croft, Controller of our Household, and also on his humble petition, by our special grace and out of certain knowledge and our own mere motion, have given, granted, and by these presents do give and grant to our beloved Lawrence Woodnett, of Lincoln's Inn, in the county of Middlesex, esquire and to Antony Collins of London, esquire.

There follows a very long document, occupying 14 membranes of parchment, of various properties in different counties, among which are the lands in Rotherham, Denaby,

²⁹⁰ D.N.B. Kitching op cit p 73. See now the article on Croft in vol 14 ODNB (2004).

Wickersley and Marr, which are described more fully below. I believe that the only possible conclusion is that Rotherham fell victim to the machinations of Sir James Croft; and that Woodnett and Collins were simply London agents acting on Croft's behalf.

Croft and his cronies latched on to Rotherham relatively soon after the Crown had given them permission to proceed. We learn from later documentation that an 'Inquisition' was held at there on 2nd May 1584, before Thomas Reresby and others. This Thomas Reresby was probably the older brother of William and Leonard Reresby of Thrybergh. He is known to have been a J.P. Indeed his descendant Sir John Reresby considered that he was an effective one, characterising him as *knowing in the office of justice of the peace*; and it is likely that an inquisition of this kind would have been conducted by a magistrate.²⁹¹ The Inquisition of May 1584 must have found that there were indeed 'concealed lands' in Rotherham, which were liable to be forfeit to the Crown, for the result, on 26th August that year, was the grant of the Letters Patent referred to above. The lands in Rotherham were now now to be held of the Crown 'in free and common socage', subject to payment of the following rents

	s	d
<i>For a barn and croft in Wellgate street</i>	8	
<i>For a cottage and garden in Wellgate street</i>	8	
<i>For a close lying near to the chapell of St James</i>	6	
<i>For two cottages in the High Street</i>	16	
<i>For three acres in the Netherfield</i>	18	
<i>For a close in the field called Canclowfield</i>	3	4
<i>For two acres and a half in Elemyrefield</i>	12	
<i>Part of a meadow and pasture called Cranocarre</i>	2	8
<i>Part of a meadow and pasture called Castle for the Sick, alias Thornell Sick, in Bentmoor</i>	2	0
<i>An acre of land in the field called Micklehill field</i>	4	
<i>Seven acres of meadow and pasture in the fields called the Crosse of the Ashefield</i>	3	0
<i>A cottage in Briggate street adjoining the bridge</i>	8	
<i>Another cottage in Briggate street</i>	8	
<i>Another cottage in Briggate street</i>	8	
<i>The School House in Rotherham</i>	6	

²⁹¹ G 367, 376, 416; *Memoirs of Sir John Reresby* p 4; HSY vol II p 39.

A cottage in Mylne Gate street
A cottage called the Talbot

8
 8²⁹²

In addition to the above, the Letters Patent included a grant of some lands in Brinsworth, Masborough, Kimberworth, Denaby, Wickersley and Marr.

Of course, the object of the exercise was not to hold onto these lands, but to sell them and keep the proceeds. Hence, there was a further transaction within a matter of days. On 1st September 1584, Woodnett and Collins sold out to four local men, William West and William Blyth ('gentlemen'), and Richard Burrowes and Henry Browne ('yeomen of Rotherham'). We learn from a later document that the price paid was £61/5s/0d. No doubt Woodnett and Collins accounted to Sir James Croft for that amount. We also learn from the same source that the rents payable to the Crown for the lands granted in Rotherham, Brinsworth, Masborough, Kimberworth came to 28/- in all, whilst that payable for Denaby was 10/-, and those for Wickersley and Marr amounted to 11/-.²⁹³

The most important figure at this critical juncture, from Rotherham's point of view, was William West. We are told that it was by his *speciall labor meanes and procurement* that the purchase of the common lands of Rotherham from Sir James Croft's agents was achieved. It was by no means a straightforward matter to obtain a good legal title. Conveyancing was a more arcane art than it is now, and West had to go through various procedures, including the enrolment of a 'fine' in the Court of Common Pleas in London late in 1586. West and his three associates also acted as temporary trustees of the lands in question, collecting the rents and profits which were due from them, and keeping accounts.²⁹⁴

Who was William West? He was a Rotherham lawyer: indeed he went on to become a famous one, by virtue of his authorship of a formidable collection of precedents known as the *Symboloeography*; but West was also one of the Earl of Shrewsbury's men, being chief seneschal, or steward, of Hallamshire, a post which he probably held between 1581 and 1597. It is therefore likely that the Earl's influence was at work in the events we have been considering. The 5th Earl had certainly assisted Sheffield in the 1550s, when the Twelve Capital Burgesses had been created. We have no proof that the 6th Earl was involved in the events of the 1580s; but it is inconceivable that he was unaware of what was being done by his chief steward; and West could

²⁹² G 368; THAS vol 2, 1920-4 p 37. A much fuller description of these properties is contained in the body of the document quoted; St James's Chapel was not a chapel, but a house '*mansio ibidem vocat St James' Chapel*'.

²⁹³ G 416.

²⁹⁴ 365,

hardly have acted in so delicate a matter, involving negotiations with Croft, who was an extremely important courtier, about matters which affected the royal finances, without the Earl's approval, if not encouragement.²⁹⁵

The 3rd August 1589 was a special day in the history of Rotherham. On that day William West, William Blyth, Richard Burrowes, and Henry Browne were at last able to convey the lands rescued from Sir James Croft's clutches to the twelve men who were to be the first 'Feoffees of Common Lands'. The conveyance was stated to be *with the full consent of the Inhabitantes of Rotherham*, and to be upon *such uses as was then agreed upon by by the Cheifest part of the said Inhabitauntes*. On the same day a further deed, known as the *Charter of Rotherham Common Landes* was signed in public, embodying the terms agreed by all the parties concerned - West and his three associates; the twelve Feoffees; and so many of the townspeople as had a voice in these matters. It was specifically provided that the common lands should be

*used & ymployed to diverse good uses as before tyme hath bene accustomed (that is to say) for the releife of the pore people of the said towne for the mayntayninge & repayringe of briges in and about the said towne and for and towards the discharge and contribucion of fiftenes taxes musters & other common charges wherewith the said towne of Rotheram and inhabitantes therof may be charged and in ease & releife of the pore people of the said towne of Rotheram.*²⁹⁶

The conveyance and the Charter of 3rd August 1589 were each probably executed in public, in the parish church. Certainly there were twenty-six men present when the Charter was sealed. On the same day, 3rd August 1589, we learn that there was a ceremony in the parish church, when William West, Blyth, Burrowes and Browne delivered the various title deeds relating to the Common Lands to the twelve new Feoffees, so that they could be placed in the town's common chest for safekeeping. This was not at all unusual: the parish church was used for multifarious purposes, and any transaction which required special solemnity would normally be enacted there. A few days later, all the principal characters returned to the parish church, and delivered an account of all the rents they had collected, and of their activities generally down to 8th August 1589, producing the various bills and receipts which verified the account. It was recorded that *all thes thinges weare done openly in the parish Church there in the presence of the most part of thinhabitantes of the said towne of Rotherham*. At the same time a clerk began the first book of accounts for the new Feoffees, in which he recorded the momentous events which had happened since 1584, including those which he had just

²⁹⁵ G 375; Hall, Incunabula p 128; Guy p 311.

²⁹⁶ G 371.

witnessed, in a *register of things concerning the common lands*.²⁹⁷

The documents relating to the events of 1584-9 do not use the expression 'concealed lands', nor do they express any criticism of Sir James Croft, Lawrence Woodnett or Antony Collins; but we would not expect them to. The harsh reality of what was happening, and the rapacious conduct of Sir James Croft and his agents, is politely hidden under the cloak of neutral legal language; but it would be strange if the men of Rotherham did not resent their activities. We know that Croft's agents certainly roused the anger of York corporation and the President of the Council of the North was thereby persuaded to protest about their deviousness.²⁹⁸

Confirmation that Rotherham's Feoffees acquired concealed land is to be found in certain events which occurred after 1589. There is first of all the payment of rent made on 11th October 1597, for which a receipt survives

Receyved the day and year above seyd of Christopher Tayler & Nycholas Tym 2 on her Majesty's graves of Rotheram for one year rent endyd at the feest of St Mychell thercangell last past due to hir majetty fourth of certyne messuages, landes and tenementes and appurtenences in Rotherham which the County of York purchased as landes concealed and rented by year

*By me John Smyth Deputy unto Edward Morris Collector.*²⁹⁹

Here then is a specific reference to 'concealed lands'. Further confirmation is to be found in documents which date from the reigns of James I and Charles I. These make it clear that, unfortunately, despite all the efforts of William West, the Feoffees did subsequently experience considerable difficulties in relation to the Common Lands of Rotherham. These must have caused them considerable anguish at the time, but they have the advantage for the historian that they produced documentation which casts light on the events of the 1580s.

In 1605, early in the reign of James VI & I, a royal official found that there was a discrepancy in the accounts relating to *Chauntrye landes, Obitts, lights and such lieke*, concerning Rotherham. It was alleged that the rents due to the Crown had not been paid for twenty years (which, if true, would indicate that the Feoffees had paid very little rent at all). How this had come about is unclear, but the Crown certainly claimed the sum of £44 by way of arrears, and the Feoffees had to resist that claim. They advanced several arguments. First, they said that although the lands in Wickersley and Marr had been included in the Letters Patent obtained by Sir James Croft and his agents

²⁹⁷ G 374; Christopher Hill, *Society and Puritanism*, Secker & Warburg, 1964, pp pp 420-9; G 365-6.

²⁹⁸ Kitching op cit p 74.

²⁹⁹ G 388: my underlining.

in 1584, they had never in fact been occupied and enjoyed by the people of Rotherham. Rather, they were in the occupation of Sir Francis Leake and a gentleman called Thomas Lewes respectively, and it was impossible for the Feoffees to obtain any benefit from them: accordingly they should not have to pay rent to the Crown of 11/- per annum. Secondly, with regard to the 'obit lands' in Denaby and Rotherham, which had been declared to the Chantry Commissioners in the 1540s and had subsequently been included in the Letters Patent of 1584, they had actually paid the rent of 14/- for those, ever since the dissolution of the Chantries, and they should be given credit for that. Thirdly, they had furthermore paid a large sum of money in rent to a person called Henry Mappleton, who purported to be acting on behalf of the Crown but evidently had no authority to receive the sums in question.

The result of these proceedings was a Decree in the Exchequer of 1606. This severed the lands in Wickersley and Marr from the Common Lands administered by the Rotherham Feoffees, and, after giving credit for various payments, specified the sum of money which still remained owing to the Crown.³⁰⁰

The Feoffees had to meet a further (and as it proved, final) challenge in 1632. Their accounts for that year refer to the following expenses

	£	s	d
<i>To Thomas West when he went to London about the towne's business when our purchase from Q. Elizabeth was in question and for a copie of George Erle of Shrewsbury's Will</i>	5		
<i>Spent then at London about the townes business</i>	2	6	6
<i>More allowed for Mr Mounteney and his man then</i>	5	3	5

and also

<i>Paid to Thomas Brodebent his charges to Yorke going thither by warrant concerning concealed lands</i>	5 ³⁰¹
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The exact nature of the question mark which hung over Rotherham's Common Lands is, once again, hard to understand; but the case brought against the Feoffees in 1631 referred once again to the Chantries Act of 1547 and the Letters Patent of 1584, as well as the more recent Decree of 1606; and the argument undoubtedly centred on the

³⁰⁰ G 148, 416-7.

³⁰¹ G 394.

question of whether the lands contained in the Letters Patent were concealed lands. It was said on behalf of the Crown that the lands held by the Feoffees could not truly be said to be 'concealed', because they clearly fell within the ambit of the Chantries Act. Therefore, by rights they should have been Crown property all along, and the Letters Patent were void, since they could only be valid if they related to truly concealed lands

And surely these landes cannot be said to be concealed in that they were given for the maintenance of superstitious uses as ys confessed in the said Decree and so come to the crowne by the statute of Chauntries... And are by the same statute well vested in the crowne without office found & therefore cannot be said to be concealed. In asmuch as thereby the said Pattent ys conceived to be voyd in lawe according to Legates case and the Judgment therein in my lords Cokes 10th reportes.

In conclusion, the Letters Patent were void, the Feoffees had no title to the Common Lands, and the Crown could seize them

for which cause his Maiestie may seyse the same landes and be answered the meane profittes at his good pleasure.

To answer this somewhat curious argument and maintain their title to the common lands in Rotherham, the Feoffees had to argue in effect that those lands had been concealed between the 1540s and the 1580s, because it was only if that was so, that the Letters Patent of 1584 would be valid. The irony here is that the Feoffees were forced to defend the very legal processes which had been used against their community in the 1580s, in order to ward off the threat which now faced them fifty years later. The nub of their reply was that *there was never any record whereby the certeinty of the said landes so particularly appeared that the Kinges officers cold possibly charge them until the Inquisition taken 26 Elizabeth Regine*. This reply was brief; but we must agree with Guest that the Feoffees won the argument: *the case for the revocation of the grant of the 26th Elizabeth [1584] was answered, as there seems to have been no further danger threatened.*³⁰²

In the course of time, and in the absence of other representative institutions, the Feoffees of the Common Lands developed into a kind of municipal corporation, with a role which was wider than that envisaged by their original constitution. Guest called them 'the main executive' of the town. However, so far as the Tudor period is concerned, we should remember the limits to their power and responsibilities. The

³⁰² G 375-6.

events of the 1580s did not mean that the town of Rotherham achieved full self-government. The Charter of 1589 was by no means a charter of incorporation, for which Rotherham had in fact to wait another 300 years. The power of the Feoffees and their greaves was limited to minor and charitable objects; the town still had neither mayor, nor resident magistrate; it sent no M.P.s to Parliament; it did not exercise exclusive or higher jurisdiction. The Earl of Shrewsbury, as lord of the manor, retained the jurisdictional and administrative powers of his manorial courts, just as he did in Sheffield and throughout all Hallamshire.³⁰³

Nevertheless, the formal establishment of the Feoffees of the Common Lands was an important landmark in the history of Rotherham. The Feoffees were to be an enduring feature of the Rotherham scene. They still survive, in a somewhat different form, despite the passage of over four centuries!

³⁰³ Since the Earl's chief seneschal had been a prominent figure (and possibly the only lawyer present) when the Charter of 1589 was drawn up, this should occasion no surprise. G 364; Hey, *South Yorkshire* p 55; Walton pp 32-4; G 375.

6 THE FEOFFEEES AT WORK

Who were the Feoffees of the Common Lands? The original twelve were Robert Bunting, Jeffrey Woollen, William Taylor, Nicholas Mounteney, Robert Okes,³⁰⁴ Thomas Woodhouse, Edward Holland, Richard Rawson, Christofer Taylor, Thomas Barber, Nicholas Carr, and Nicholas Tym. The first four were described as 'gentlemen', the last eight as 'yeomen'. They were a close knit band of men and knew each other well. They bought and sold land among themselves. They lent each other money as occasion demanded. They witnessed each others wills and acted as each other's executors and trustees. Nicholas Mounteney was a mercer.³⁰⁵ Thomas Woodhouse was a prosperous yeoman: when he died in 1606, he owned one house in the Crofts, several in 'Westgate Green', and another in Westgate itself. He also had land in Rotherham, Brinsowrth, Tinsley and Greasborough. He left substantial legacies to relative and friends, particularly his sister Alice Caland. He made two gifts to the poor of Rotherham: the first was of £33/6/8d cash, the second consisted of two closes in Greasborough, these being given to his fellow Feoffees Nicholas Mounteney and Robert Okes.³⁰⁶ Shortly after Woodhouse died, his sister made further provision for the poor of Kimberworth, Masborough and Gilberthorp-hill.³⁰⁷

³⁰⁴ Died 1612: G 343, 637-8. In 1608 he gave property, for the maintenance of the schoolmaster, to Nicholas Mounteney & Francis Dickenson, woollen drapers.

³⁰⁵ He is recorded in the court rolls of the manor of Ecclesfield for 1591 as *Nicholas Mountney of Rotherham mercer son of John Mountney then lately of Creswick decease*". In the following year he appears in the same place, described as a 'gentleman'. He was a greave to the Feoffees in 1600, when he was described as 'Mr Mountnaye'. He may have been churchwarden in 1605: his name appears in the marriage and burial registers for that year. His own son Richard became a barrister, was *one of the foremost men* in Rotherham in public matters, and owned a prominent house near the Hood Cross. His great-great-grandson was Samuel Tooker of Moorgate. He died in 1615, a wealthy man to judge by the terms of his will. He left £3/6/8d to the poor of Rotherham town (and 15 shillings to the poor of Ecclesfield town and parish). He also left all his old clothes to his *needful friends and customers for mault*" T Walter Hall, *South Yorkshire Historical Sketches*, 1931 pp 24, 25; HH p 390; G 203-4, 389.

³⁰⁶ BIHR wills vol 30 f 93.

³⁰⁷ HSY vol II p 13(n) - Hunter calls her Alice Ealand. In 1614 an Inquisition held at Rotherham recorded that the value of the land left by Thomas to the poor was £5/0/8d per annum ; G 367. Thomas was buried in Rotherham church where his inscription read: *Here lyeth the body of Thomas Woodhouse, who dyed 29 of April 1606.*

In Adam's fall, Sinne made us thrall

Eight of these men were present in the parish church on 8th August 1589, when the register of the events of that month was compiled. Woodhouse, Rawson, Barber, and Carr were able to sign their names on that register; but Okes, Holland, and the two Taylors could only make their mark. It is likely that some of the twelve had already served as 'greaves of the community' in the period preceding 1584 - a man called Jeffrey Wollen is recorded as having paid 33s 4d for flesh (meat) on the 1st July 1570. On the other hand, some of the original twelve served as Feoffees for a long time after 1589. When the difficulties of 1605-6 occurred, we find that three of the original twelve - Woodhouse, Okes and Woollen - were still Feoffees, and had to give evidence on oath on that occasion, concerning the Common Lands. By that time, they had been joined by Robert Cawthorne, not one of the original twelve, but a man who had evidently signed the register and Charter of 1589.³⁰⁸

The Charter established a kind of constitution for the Feoffees. It provided that if any of the original twelve should *remove goe & depart away forth of the said towne of Rotheram to any other place to inhabit and dwell*, he should not collect any rents of income from the common lands, but should transfer his title in them to the remaining Feoffees; and furthermore that when six of the original twelve should be dead or should leave Rotherham to dwell elsewhere, then *yt shall and may be lawfull to and for the chefest and most substanciall part of thinhabitantes of the said towne to name elect and chose a newe other twelve persons of thinhabitantes of the said towne of Rotheram to be feoffees*, this process being repeated as often as might be necessary.

We ask in vain how these arrangements worked in practice. The wording of the Charter begs many questions, and provides few answers. One might think that the expression *chiefest and most substantial part of the inhabitants* meant 'the majority' of those inhabitants; but it is more likely that it meant 'the most important' of them. The Elizabethan period was one of oligarchy, and even of *increasing* oligarchy so far as town government was concerned. The method of selecting the successors of Rotherham's original Feoffees may contrast with the situation in Sheffield, where the Twelve Capital Burgesses chose their own successors; but we have no clear idea how new Feoffees were appointed: we do not know, for example, whether there had to be an election, and if so who was entitled to vote, and who was entitled to stand for office. Hunter states in the early nineteenth century that "the full number of feoffees is twelve, who are elected by the inhabitants occupying to a certain extent or being freeholders.

*to Death and dreadfull payne;
But Christ and Crosse hath payd our losse
and got us lief againe.* HSY vol II p 18.

³⁰⁸ G 386-9; 416. I have assumed that men with the same name are the same men.

Each feoffee must have a freehold of £20 per annum in the township"; but we do not have equivalent information for the Tudor period.³⁰⁹

The Charter also provided that the common lands were not to be converted to any uses other than those already agreed upon, without the consent of *the most or cheifest part of the inhabitauntes*" Restrictions were imposed upon the length of time for which leases could be granted. No Feoffee was to take a lease of any part of the common lands himself, and conversely, no such lessee was to be chosen as a Feoffee. These were obviously sensible arrangements, designed to protect the value of the 'trust fund' held by the Feoffees, to avoid conflicts of interest, and ensure that the common lands were administered for the benefit of the town.

Two of the feoffees were to be chosen *by lottes* each year to be 'greaves', or officers. They would collect the rents which were due to the Feoffees, and generally be responsible for their finances from one Lammas Day (1st August) to the next. The greaves were to prepare accounts for the year they were in office. Those accounts were to be made up in the parish church, in the presence of the other Feoffees and as many townspeople as could manage to participate in the meeting. The retiring greaves would then hand over the monies remaining in their hands to the two men chosen as new greaves. Surviving accounts reveal that Christopher Tayler and Nycholas Tym were greaves in 1597, and that 'Mr Mounteney' and William Taylor were greaves in 1599.³¹⁰

We have already seen that the Feoffees had a 'common chest', in which they kept their title deeds, their accounts, and no doubt their ready monies. In the early years of the seventeenth century, the chest had two locks, and there were two key-holders, probably the greaves. Whether this was the same chest as that which was required to be kept by the vicar and churchwardens, we know not. From time to time it needed to be repaired, as in 1592, when the greaves paid 8s/6d to two men *for making the common chiste, Stokes, gibcratche and covering for a table for the common haule*. This entry is also evidence for the fact that the Feoffees had the use of a hall. This may well have been the building which became known as the Old Town Hall. Guest described this as *a substantial and well-designed, if not handsome building, extending from what was the old bakehouse, in Jesus Gate, to the opening leading through the little churchyard*. It was large and lofty, and was approached by *two noble flights of steps, of about ten steps between each*

³⁰⁹ Tate p 18; Clark and Slack; HSY vol II p 14(n). He added "I have enquired in vain for the patent and decree under which the feoffees act".

³¹⁰ It is interesting to note that the Feoffees decided to have two greaves, rather than any other number. The medieval Gild of Holy Cross similarly had two wardens: G 69. Leach considered that these two wardens were 'the germ' of the later greaves: YASRS 33 p xxxv. It might be possible to check the identity of the greaves by looking at the rental for 1599 in the John Goodchild Loan Collection in Wakefield.

landing.³¹¹

In 1600, the Feoffees' income was £38/15s/9d, of which £9/6s/3d was carried forward from the previous year, £29/5s/1d was rent from the Common Lands for the current year, and 4s/6d was 'herbage' money (rents from certain land let as pasture, which for some reason was separately accounted for). In the same year, they spent £24/16s/10d. This does not seem a lot. However, it may be that the Feoffees were able to raise extra money from time to time by calling on the inhabitants at large to agree to the making of a rate, or "Assessment". When the Feoffees and forty or fifty other inhabitants wished to supplement the schoolmaster's salary (early in the seventeenth century?) they called for a 'general consent', saying that this was desirable for the *more certain obtaining of the said increase by ordinary cessment* [sic], and they added that what they were doing was not without precedent, for *other necessary cessments have been heretofore made and supported if the same happen not to arise of voluntary contribution*.³¹²

"The releife of the pore people"

The relief of poverty was the first of the 'good uses' listed in that Charter and this objective has to be seen in context. The Elizabethans thought that they were living in an age when poverty and vagabondage was increasing. These phenomena, and the devastating consequences of plague, affected the towns more severely than the countryside. The period saw the introduction of a national system of poor relief, in a form which was to last until 1834: J.P.s, and churchwardens and overseers of the poor, would be empowered to levy compulsory rates to finance the relief of the deserving poor, whilst the law prescribed summary treatment for this adjudged 'rogues and vagabonds'. At the same time an Act of Parliament of 1563 made it a capital offence to be seen for one month in the company of persons known as 'Egyptians' (gipsies). In 1570, we find a pardon issued to certain men and women from Tuxford in Nottinghamshire, who had *consorted with the vagabonds called Egyptians to the number of 40 persons at Rotherham, co. York, and then at Backewell, Assheburne and Horseley, co. Derby, and afterwards at Tuxford and elsewhere in the same counties for a month and more*. The accounts of the Sheffield Burgery for 1580 and 1585 contain details of payments made to the town's officials *for carrying rogues to Rotherham*. In 1598, the magistrates ordered that

³¹¹ G 391; Tate pp 37, 44; G 366, 387; Tate p 18; Clark and Slack; HSY vol II p 14(n). He added "I have enquired in vain for the patent and decree under which the feoffees act"; G 65, 403.

³¹² G 390, 389. Agreement for support of Henry Saxton: John Goodchild Loan Collection, Wakefield: see above, Thomas Snell.

a new statute *against rogues be proclaimed and publicly read* in all the market towns in the West Riding, including Rotherham. Presumably this was the *Acte for punyshment of Roguyes, Vagabondes and Sturdy Beggars* of 1597.³¹³

Despite the work of statutory authorities, private charity was still very necessary. "Informal and indiscriminate almsgiving continued, on an unquantifiable but probably large scale." Vagrants still continued to call at "at many gentlemen's and honest men's houses to have their charity", just as the ex-friar Richard Lonsdale was wont to call at the house of Henry Foxe of Rotherham in the 1560s (see Agnes Foxe and the Friar of Tickhill, below). We recall that the mercer Robert Swift (who died in 1561) was *pitiful to the poor and relieved them liberally*, according to the composer of his epitaph, and we shall note later several example of the provision for the poor made by testators; but there was still a need for the contribution which could be made by bodies like the Rotherham Feoffees.³¹⁴

The Feoffees' forerunners had also engaged in poor relief. Many of the payments we know of from the period prior to 1589 were made to people who were stated to be sick rather than poor, but perhaps there was little distinction made - after all, when you were sick, you could not support yourself. Thus we find that the following payments made in 1549

<i>Itm gyffyn to Thomas Barow & his wyfe when they ley seke</i>	<i>xiid</i>
<i>Itm gyffyn to Robt Brodley when he was seke</i>	<i>viiid</i>
<i>Itm gyffyn to Helen Rossell when she ley seke</i>	<i>viiid</i>
<i>Itm gyffyn Charls Barley and his wyfe when they ley seke</i>	<i>viiid</i>
<i>Itm gyffyn to Helyn Russell when she ley seke</i>	<i>iiiid</i>

Clearly Helen, or Ellen, Russell had made repeated calls on the funds of the town, for we find yet another payment

<i>It to Elyn Rossell another tyme</i>	<i>viiid</i> ³¹⁵
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In 1569, the town had expended a comparatively large sum in *halmys* (alms) on one unfortunate individual, who evidently suffered from an affliction which eventually proved fatal

s d

³¹³ Leader's *Burgery* pp 43, 50; YSASRS 3 p 74; Holdsworth, *A History of English Law* vol II p 560; *Calendar of Patent Rolls Elizabeth I* vol V 1569-72, 580.

³¹⁴ Haigh, chapter 9, *Poverty and Social Regulation*, by Paul Slack.

³¹⁵ G 382-4.

<i>Imprymys To the pore to hold Sanders wyfee</i>	4
<i>Item in halmys to ye sayd wyffe at sondre tymes</i>	13
<i>Item in halmys to ye sayd wyfe into ye handes of Armfeldes wyfe</i>	19
<i>Item in halmys to ye sayd wyffe at sondre tymes</i>	17
<i>Item in halmys to ye sayd wyffe departeing to Collears wyffe for bred and hayll °ale§ for ye sayd Sanders wyfe furth breinging</i>	17
<i>Item payd for a wenchyng [winding] sheyt for her</i>	12
<i>Item payd Annyer Newson for wenden [winding] her</i>	2
<i>Item payd Thomas Hall & Robert Byt for ye Cherche duttys</i>	2 ³¹⁶

So far as the period after 1589 is concerned, the Feoffees' Accounts show that the expenditure on certain individuals could be comparatively large. In 1597, one Thomas Greaves made heavy demands on the public purse

	s	d
<i>Lad forth for Tho Greaves clothes</i>		
<i>Thre yeardes & a half of seckin for to make a dublett for the sayd Thomas</i>	2	4
<i>Thre yeardes of harding³¹⁷ for linyng for yt</i>		17
<i>A yearde & half of gray to make him britches</i>		20
<i>A yearde & half of harding for linyng for the hose</i>		9
<i>Two yeardes of hempteare³¹⁸ for a shirte for him with the making of yt</i>		22
<i>To Henry Garrett for makinge of thafforesayd Thomas Greaves for dublett and hose</i>		20
<i>A paire of Stockinges for him with a dozen of poyntes³¹⁹</i>		20
<i>A paire of Showes for him</i>		20
<i>The whole which is layd forth for the sayd Thomas Greaves cometh to</i>		
	s	d
		13

Thomas Greaves was not the only person who was clothed at the public expense:

For ale and bread for the pore children when measure was taken of

³¹⁶ G 385.

³¹⁷ Harding: a very coarse cloth made from the refuse of 'hards' of flax and hemp.

³¹⁸ Hempteare: hempen fabric.

³¹⁹ Points: a string for tying boots or stockings.

<i>them to make ther cotes</i>	5
<i>To Robert Okes for three yeardes of hardinge to lyne the pore folkes clothes within the bodyes</i>	18
<i>To Henry Garrett for making the clothes for six pore children and for Girkyn and hose for Thomas Roe with a payre of hose for old Milforth</i>	4 5

The harvest failed several times in the 1590s, and 1597 may have been a bad year in general for the poor of Rotherham, as it was in many parts of the country. The Feoffees made payments to over one hundred and forty poor persons, mostly of twopence each, and in some cases of threepence and fourpence. These payments were little different from the sort of occasional 'dole' which the poor could expect to receive at the funeral of a rich aristocrat: when the 4th Earl of Shrewsbury was interred in 1538, they received a penny dole, and at the 5th Earl's funeral in 1560, twopence. They were certainly not enough to sustain a person for longer than a few days: when the City of York made provision for old and infirm people who had lived in the City for three years, it decreed that they should receive 1½d a day; and in Leicester at about the same time 8d a week was thought right for a pauper woman with a child.³²⁰

Poor children might be boarded out at the public expense, so that one payment in 1597 was

<i>To Widow Jones who kepeth two pore children</i>	4d
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Adult paupers were in some cases housed in the building on Rotherham bridge, which had been a chapel before the Reformation, and was now used as an almshouse. According to a source quoted by Guest, "the chapel on the bridge is standing, but converted into a dwelling house for poor people". Nationally, this was an age for founding almshouses: over 100 were founded between 1570 and 1600. In Rotherham the conversion of the former chapel seems to have been effected before 1589, for the town's accounts for 1570 record this payment³²¹

<i>Item geven the same day [1st July] to Agnes Walker in Almes house</i>	2d
--	----

But the almshouse was also used by the Feoffees after 1589, for the Greaves' accounts record the following items

³²⁰ G 388-9; Haigh p 226; Youings pp 265, 272, 277-8.

³²¹ G 125-7.

1593

*Item given to the pore of the Almes House the 29th day November
when they ley sicke*

6d

Item given to the pore of the Almes House at Christmas

16d

1597

*To Roger Worrall for 2 horse loode of coalles which he carryed
to the Alms House*

8d³²²

The Chapel on the Bridge is not very large; and one wonders how many people it accommodated when it was used as an almshouse! The payment of 6d in 1593 perhaps suggests a complement of three people at that time, if the average dole four years later was 2d a head; but it is impossible to be sure.

As for the effectiveness of the Feoffees' spending on poor relief, we can draw very few conclusions. We have seen that the total amount spent in 1600, for example, was only a few pounds, at a time when some think that there was widespread and desperate poverty in the towns. The amounts available would be sufficient to feed and clothe a few individuals like Thomas Greaves, and to provide the occasional dole to those larger numbers of people who were in need, either because of some personal misfortune like illness, or because of some local or national disaster like plague or a poor harvest; but that is all. It may be that the Feoffees were not the mainstay of the poor, but were simply supplementing the work of the statutory authorities, and of private charity. But in the absence of reliable census information, it is impossible to know exactly what the population of Rotherham was, and to make sense of the figures for expenditure; and we cannot compare what the Feoffees spent with the amount spent by the statutory authorities, since we do not have the latter's accounts.

One thing is certain, private benefactions were necessary, and were made. Some of these were made by will, others by deed of gift. In 1602 Dame Trothe Mallory, first wife of Sir Godfrey Foljambe of Aldwark, gave the rent of 7 acres of land and 3 rentcharges amounting to £10 per annum, among the poor of Rotherham and eight adjoining townships. Her trustees included Nicholas Mountney and Robert Okes. The loan fund of £200, which was established for the benefit of the 'poorest artificers' of Rotherham by the 6th Earl of Shrewsbury when he died in 1590, was obviously a magnificent bequest. This model was followed a few years later (c. 1616) when Thomas

³²² G 386-9; Dorothy Greene, *The Chapel of Our lady on Rotherham Bridge* S & R Publishers 1971, pp 3-4.

Colt left £40 for the purchase of hemp, flax, wool etc for setting the poor on work.³²³

"The mayntayninge & repayringe of brigges in and about the said towne"

One might think it obvious that the Feoffees would assume responsibility for the town's bridge over the Don, since it was such an important river crossing. We have seen that John Leland had used it in the 1530s, when he travelled south from York and Pontefract, and that it was of strategic importance during the Pilgrimage of Grace. But in fact, John Guest's extracts from the Feoffees' accounts do not contain any payments for the upkeep of Rotherham bridge in the Tudor period; and it is necessary to ask whether this means that this particular bridge was maintainable by another authority.

The absence of items recording expenses does not of course mean that they were not incurred: the relevant entries may have perished before Guest came to make his selection from the Feoffees' accounts, or he may simply have chosen not to transcribe them. The original records have disappeared since he wrote, so it is impossible to check. It is also possible that the bridge did not need repairing during the years covered by Guest's extracts; but some bridges were 'county bridges': by virtue of the Statute of Bridges of 1531, the magistrates could levy a county rate towards their upkeep; and we do not know for certain when this provision was first applied to Rotherham bridge. The Justices named forty-eight of the *most considerable bridges* in the West Riding in 1602, but the list has not survived. However, it seems unlikely that Rotherham bridge became a county bridge prior to 1603. The Feoffees were certainly responsible for at least part of the cost of repairing the bridge in 1624, when they spent £16/14s

Item in repair of half of Rotheram bridge called the Ladye Bridge with the half of the Chappell and building up a new wall under Worrall's house being decayed and fallen downe and the foundation of the same and of our part of the said bridge being much decayed in divers places.

Although the Feoffees did successfully petition the magistrates for a refund of monies spent in 1634, the question of whether Rotherham bridge was "a Riding bridge" was still a matter of keen debate in 1683. It therefore seems unlikely that the bridge was a county bridge in the Elizabethan period, and probable that the Feoffees did indeed take on the job of keeping the town's main bridge in repair, at the time of their Charter in 1589.³²⁴

³²³ G 638-40; Surtees 121 (1912) p 149; Jordan p 292; G 638.

³²⁴ Hey, Packmen pp 77-8; YASRS 3 18888 p xxxviii West Riding Sessions Rolls 1597/8-1602 ; G 39 (we do

As for roads, the Feoffees were not responsible for these. In the early Tudor period, individuals often made donations for their upkeep, just as they did for bridges; but roads became the legal responsibility of the parish authorities in the Elizabethan period. Nonetheless, the Feoffees may well have been concerned with at least one important right of way. The accounts of their precursors for 1549 contain a payment:

....to my lorde for the Chymiege at the feast of Saynt Mychill

xxvis viiid

There is something of a mystery about this item. A *chymiege* or *chiminage* was 'a toll paid to pass through the lord's forest on a track cleared by him'; and it is known that for most of the seventeenth and eighteenth centuries, the Feoffees did make a payment of £1/6s/8d to the lords of the manor of Whiston for the right to go straight over Rotherham moor to the Mile Oaks, mid-way between Rotherham and Whiston. The payment of this single sum by the town as a whole meant that individual travellers did not have to pay tolls as they had before; and the practice was especially welcomed by the town's innkeepers and market traders, who prospered when restrictions on travel were eased. It has always been thought that this payment was first made in 1617. Was the right of way for which the town's officials were paying in 1549 the same as that which the Feoffees paid for in 1617? The amount is the same, but that of course is not conclusive. However, it is at least possible that the greaves of Edwardian and Elizabethan Rotherham anticipated the actions of their early Stuart successors, in negotiating a more direct course for the London road, which had previously gone to the Mile Oaks via Wellgate.³²⁵

The Feoffees also incurred expenses in relation to wells, the pinfold, and various 'yates', or 'gates'. The word 'gate' in the North of England often means road, but in this context it did indeed mean gates, in the sense of barriers. The accounts for 1549 contained the following payments

Itm pd to Ric' Shepde and Robt Sandis for makyng a Comon yate of the more

xvid

not know who paid the other half of the repair bill); G 395, 127: Guest speculated that the Chapel on the bridge was saved from destruction by the Chantries Act because it was structurally part of the bridge: if the Chapel had been pulled down, the bridge might have collapsed, and this could not be allowed to happen. The implication is that both the Chapel and the bridge became the responsibility of the Feoffees' predecessors: G 127.

³²⁵ Youings pp 338-9; G 382; Richardson p 62; G 379-81.

<i>Itm for ij stopis and tymb [timber?] to the same yate</i>	<i>xiid</i>
<i>Itm payde to Ric' Shepde for mendyng the pynfolde yate</i>	<i>viiid</i>
<i>Itm for tymb for the same</i>	<i>iiid</i>
<i>Itm payde for Ric' Shepde for hangyng ij Comon yatts in the cros felde</i>	
<i>j Comon yate at Estwode syde ij Comon yatts at Cantlowe felde</i>	<i>xiiid</i>

And there are several other similar items. It seems that the Feoffees' forerunners were forever attending to the local gates; and this continued after 1589

1597

<i>For a locke for the yate at the lane in the upper ende of Welgate leadinge to the tythe lathes</i>	<i>4</i>
---	----------

1603

<i>Payd for ye locke and key for ye Yeate neere the Chappell</i>	<i>6³²⁶</i>
--	------------------------

It was also the Feoffees who paid when the Hood Cross was erected in 1595. This structure was in all probability not just a cross, but a building used in connection with the town's market and fair. Hence the Feoffees thought it important to keep it in repair – and this required them to spend money at regular intervals during the early seventeenth century. At this date they also owned and repaired the schoolhouse, and took steps to supplement the salary of the schoolmaster.

"Fiftenes taxes musters & other common charges"

This was the third 'good use' which the Feoffees' forerunners had been concerned with, and which they themselves pledged that they would attend to. 'Musters' were a military obligation, which we shall discuss separately below. 'Fiftenes', or 'fifteenths' were an ancient form of taxation, dating from 1334 when Parliament granted the King a fraction of the value of all rents and moveables, being a fifteenth part of their value in the counties, and a tenth in all cities and towns. The fact that Rotherham was subject to a fifteenth and not a tenth, shows that it was assessed (as was Sheffield) as part of the

³²⁶ G p 382-3, 388-9.

county of Yorkshire, and not separately. There were evidently some advantages to the lack of borough status.

In Tudor times, the fifteenth was supplemented by a different form of taxation known as the 'subsidy'. When Parliament wanted to grant the Crown a large sum overall, it would often grant several fifteenths, tenths or subsidies, which would then be collected in several instalments. Thus, for example, in 1589, which was Armada year, four fifteenths and tenths, two lay subsidies, and two clerical subsidies were voted. In 1592 and 1597, six fifteenths and three subsidies were granted. This helps to explain the following receipt which John Guest found among the Feoffees' accounts

The 20 daie of November 1596

Rec the daie & year abovesaid of the Cunstables thereof the sixt and last taxe unto her majestie now vidz £3

Per me Gilbertum Saltonstall - Collectorem ibidem

Guest also recorded that he had found a receipt *in full discharge of 'our Counstables Lay, £5/2s/8d.*³²⁷ What we have here are payments made by the Feoffees to a royal official responsible for collecting taxes, and in the case of the first receipt mentioned we seem to have evidence of the payment of the last in a series of six fifteenths, no doubt made necessary by the heavy cost of the long war with Spain. The exact nature of the second receipt is more obscure, but it may relate to the payment of a subsidy rather than a fifteenth.

In fact, there is clear evidence that Rotherham was a regional centre for royal taxation - a place where the officials who were responsible for collecting taxes throughout a wider area came, in order to examine the constables of several communities, and receive payment of what was due from them. Thus, the Sheffield Burgery accounts contain numerous entries, relating to 1572, 1576, 1587, 1588, 1590, 1599, and 1603, when the Sheffield constables travelled to Rotherham to meet 'the Collectors', or 'Commissioners', *about the subsidy*, or *for the cessinge of the Subsidie* and made payment of various amounts. It is a little puzzling that the Sheffield constables should go to Rotherham to pay their taxes, when Sheffield was even then the larger town, as well as being the seat of the local magnate. The explanation may lie in the geography of the situation - the Queen's representatives would come up from London, and this journey would in Tudor time bring them to Rotherham, which would also be

³²⁷ Leader's Burgery pp xlv, xlvi; G 388.

conveniently placed as a collection point for South Yorkshire, or what would then be the wapentake of Strafforth and Tickhill.³²⁸

Were there any other 'common charges' which the Feoffees paid, apart from the fifteenth and the subsidy? There is no evidence that the Feoffees played any part in enforcing the Tudor legislation designed to control vermin: this role seems to have been left to the churchwardens; but both bodies seem to have been concerned with the law about woollen caps. The Feoffees' accounts include the following payment for 1599:

Pd to Thomas Barlow for a mersyment for not wearynge of Cappes 3s 4d

It is strange to find the Feoffees paying this fine as late as this, for the Act of 1571, which punished those who did not wear their woollen caps, had been repealed in 1598!³²⁹

³²⁸ Leader's *Burgery* pp xlv, 26, 35, 54, 55, 57, 60, 78, 85.

³²⁹ Tate p 106; G 179; Tate pp 106, 324; G 389(n). N.B. There is a series of rental of common lands, herbage money and arrears, starting in 1599 in the John Goodchild Loan Collection, City of Wakefield Library H.Q., Balne Lane, Wakefield, which I did not examine.

7 THE TRAINED BAND

The legal duty to contribute towards national defence was very ancient. By the Statute of Westminster of 1285, confirmed in 1511, all able-bodied men between the ages of sixteen and sixty were required to have weapons, suitable to their means and status, and to know how to use them; and there was also an obligation on each local community to have a stock of armour, to be used by this militia in time of need. Likewise, there was an obligation to maintain shooting butts, where men could practice their skills in archery. We first hear of the armour kept for common use by the townspeople of Rotherham in about 1539

*Memorandum, that there is delivered in harness to Robert Walker and Richard Cutler, first, four jacks, a plate coat, six pairs of splents, six standards, five sallets, two sheaves of arrows, that is to say in one sheaf fifteen, and in another seventeen.*³³⁰

The 'harness' is the armour itself; a 'jack' is a coat of mail; a 'sallet' is a light helmet with a projection at the back; a 'splent' is a piece of armour with overlapping plates. The items listed would not have equipped a great many men, and Rotherham's weapons towards the end of Henry VIII's reign did not exactly constitute an awesome display of firepower. Thirty-two arrows would not take long to discharge, and there is no trace in this inventory of firearms, or gunpowder, or even for that matter of swords. One is left with the impression, (assuming of course that the list is accurate, and that it is a complete record of all the armour held in Rotherham) that the militia was probably badly-equipped and ill- prepared for war - nothing unusual of course, in terms of the English 'Home Guard'.

The absence of firearms is in fact easily explained. The militia in England was forbidden to have them until 1544, and archery was encouraged instead, partly because it was considered to be a healthy pastime, unlike tennis, bowls, cards, and dice. For Rotherham, there are records which show that the responsible authorities spent money every year on providing the local bowmen with serviceable butts. For example

³³⁰ Youings pp 206-7; G 385(n), 72-3.

1554 Item paid to Robt Elles for makyng Comon Buttes	16d
1569 Item payd to John Stell for makeing ye Common Butts	14d ³³¹

After the Charter of 1589, the task of maintaining the communal armour and maintaining the shooting butts was taken over by the Feoffees of Common Lands

1595 Item paid to John Kidde for dressing of Armour	3s
1595 Given to Wm Ashley for mendinge the butt which was shot down	6d

They also assumed responsibility for mustering the local soldiery. We have seen that the Charter specifically mentioned *the discharge and contribucion of fiftenes taxes musters & other common charges wherewith the said town of Rotherham and inhabitantes therof may be charged.....*" This reminds us that "from 1585 until the end of Elizabeth's reign, heavy and continuous calls were made for waging war at sea and in the Netherlands, Portugal, France and Ireland."³³²

Before Elizabeth's reign, the soldiers who were required to bear arms in Rotherham's name were called out for inspection and listing infrequently, but there was a certain amount of activity in 1549. In that year accounts were prepared by Robert Swift and William Whitmore *Common Greaves* and amongst the *Expences laid owt for the use of the Comones and other charges for the town of Rotherham* were the following

<i>Itm payd to the Kings Comysioners for the Conduct money and Cotts for our sawgers [soldiers'] laborrs</i>	26s	8d
<i>Itm gyffyn to the Sawgers when they went forth</i>		20d

This is 'coat and conduct money': the conduct money was paid to the soldiers for their maintenance while they were marching to their destination. The 'cotts' mentioned were their coats, or uniforms. There follow a number of entries which could relate to military activity, including

<i>It for their Costs of meyt & drynke at Doncaster.</i>	20d
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What could this military activity be concerned with? It is possible that this drilling was linked with the relief of English garrisons in Scotland, with whom England was then at

³³¹ G 384-5.

³³² G 371; Haigh p 129

war. Another possibility is that it was connected with the widespread risings which took place in 1549, in various parts of the country. Or it may be nothing more than routine inspection and training. Great events certainly occurred in 1549, a year in which the Earl of Shrewsbury was President of the Council of the North; but we do not know if these affected the Rotherham militia. The accounts are silent on the point.

Several changes in military organisation were made in Elizabeth's reign. From 1573 the government gave orders that regular exercises should be held, not by all those who were liable to serve in the militia, but by a select few in each locality who were considered *meet to be sorted in bands and to be trained and exercised*. This was the origin of the *trained band*. Then, in 1589, Lord Burghley ordered that the trained bands be mustered four times a year, and that the armour be inspected, and repaired if necessary, once every six weeks. There was certainly an increased amount of drilling in the 1590s, when the country was still threatened with invasion by Philip II's Spain, despite the defeat of the great Armada of 1588.³³³

I have discovered only one mention in the accounts of the Rotherham Feoffees quoted by John Guest, of the sort of muster which the Queen's government envisaged. This reference dates from 1595

<i>Pd to ye settinge forth of ye souldiers</i>	24s
<i>To ye Constables for ye Souldiers</i>	24s

These two lines tell us very little. However, the Calendar of State Papers also records a muster in 1595 at Rotherham:

*Certificate of the musters in Strafforth-and-Tickhill Fee Wapentake, taken before Lord Darcy, by Robert Swift, Thomas Reresby and William Rokeby; total, calivers 118; corsletts, 108; bows, 28; and halberts, 46; horsemen, 24. Rotherham Sept. 19 1595*³³⁴

We must picture the Rotherham trained band arranging for their newly- cleaned armour to be carried to some local moor or green, and then following on themselves, joining with the bands from other neighbouring communities under the command of some northern *John Gilpin*, donning their armour and dividing up the town's few weapons, being put through their paces, and then repairing to a nearby inn for refreshment. For this they were supposed to receive 8d per day plus 1d for wearing and

³³³ *Cromwell's Army*, C.H. Firth, University Paperbacks, Methuen, 1962 p 5; Talbot papers, quoted in Eastwood's *Ecclesfield* p 27.

³³⁴ *C.S.P. Domestic Series*, Elizabeth 1595-7 p 166 27 ix.

carrying their armour to and from the place of muster. Sometimes, these musters were undoubtedly held at Rotherham. Apart from the reference in the Calendar of State Papers, we know that this was so by reference to the records of the Sheffield Burgesses. These show that there were exercises at Rotherham at least in 1569 (the year of the Northern Rising) when the 'white coats' met there; and again in 1592, 1595-6 and 1597-8. Thus in 1592 the Sheffield Burgesses made the following payments

<i>Item, gyven to the Constables to pay to Richard Allen and Henrie Morton for carryeing the armor to Rotheram</i>	2s
<i>The charges of Trayned Salgiers at Rotherham</i>	10s ³³⁵

It is not certain whereabouts in Rotherham the men would have gathered; but Rotherham Moor would have been a convenient place from several points of view. As to the other places where the trained bands mustered, we have no definite information, but we know that in 1638, when the troubles in Scotland provoked a good deal of military activity, the Ecclesfield trained bands met at Rotherham, Ecclesfield Moor, Sheffield and Thorpe Hesley, twice at Scawsby, three times on Tankersley Moor, and ten or twelve times at Harley near Wentworth. All these would have made suitable places for a rendezvous forty years earlier.³³⁶

The numbers involved in the manoeuvres held in Elizabethan times were not large. A review of the trained bands of Hallamshire held at Sheffield Castle in 1589 showed that Sheffield itself had eight men, Hallam with Ecclesall four, Bradfield twelve, Brightside two, Ecclesfield seven, and Handsworth also seven. On this basis we may hazard a guess that the Rotherham trained band in the year after the Armada may have numbered six or seven: this would roughly correspond with the number of 'corsletts' (cuirasses, or pieces of body armour) which the town possessed early in the reign of James I, in 1610, according to the Constables' accounts (though it would be wrong to assume that there was necessarily one cuirass per man in the communal armoury)

*1610 Oct 10. Payd to Abraham Graye for the repaire of six
Corsletts, varnishing, lethering, and buckling them, four of them*

³³⁵ Leader's *Burgery* pp xxxvi, 306, 62, 64, 71.

³³⁶ Eastwood's *Ecclesfield* p 31.

*being made shorter in the breast, & for varnishing one heade
piece*

30s

That small numbers of men were involved is confirmed by the records of a local regiment raised in the late seventeenth century, when Rotherham raised two pikemen and three musketeers.³³⁷

The town's armour must surely have been updated between 1538, when it was in the hands of the greaves, and 1610 when it was so carefully cleaned and re-fitted by the Constables. This period must also have seen a transformation in weaponry. During Elizabeth's reign, according to Sir Charles Firth, bills and bows went out, and pikes and muskets came in. Thus, by about 1600, Ecclesfield's armoury included three muskets, two callivers (a kind of gun), two bandeliers, three flasks and touch boxes, three musket rests, and four pikes, though it still included a long bow and arrows. Sheffield in 1615 had four muskets, one caliver, four musket rests, five bandaliers, five flasks, five touch boxes, and two paire of 'bullet moodes', as well as five pikes, though it had not thrown out its 'old armour' : eight daggers, eight girdles, three corslets, three headpieces, and two old calivers.³³⁸ Sadly, no similar inventory exists for Rotherham, though the Constables did record in 1610-11 that they had

*Payd to William Parkin for dressing the polleaxes
belonging to the sayd towne for one yeare ended the
3rd day of October 1611*

16d

'Polleaxes' were of course long-handled battle-axes; and these should by now have been replaced with pikes. This entry perhaps shows a certain tendency to cling to the old ways; but of course we cannot be sure of this, because the town may have possessed more modern weapons which did not need repairing. All that the entry shows for certain is that the town had not discarded its poll-axes, just as Ecclesfield had not thrown out its longbow, or Sheffield its daggers or ancient calivers. This is entirely understandable, for if a Spanish invasion had taken place in the 1590s, the English would have needed all the arms they could lay their hands on, obsolete or not.³³⁹

There is a further entry in the accounts of the Feoffees which is of interest in

³³⁷ G 436; Eastwood's *Ecclesfield* p 36.

³³⁸ Firth op cit p 8; Eastwood's *Ecclesfield* p 27; HH 134(n).

³³⁹ Colin Martin and Geoffrey Parker, *The Spanish Armada*, Hamish Hamilton, 1988 esp chapter 14.

relation to the history of armaments

[1603] *Paid to the Constables for salt peter men [and towards the
repayre of divers brydgges as appeareth by their acquittance]* 37s

This shows that, like their counterparts in Sheffield, the authorities in Rotherham maintained works for the manufacture of saltpetre (gunpowder), which was made from refuse, in particular from animal skins.³⁴⁰

Did men schooled in the Rotherham militia see active service? Fortunately, England was not invaded, and the history books do not say that Rotherham was directly affected by any of the major rebellions and risings in 1536, 1549, and 1569: we read that these great scenes were enacted 'off- stage'. Despite this, we have already seen that there is evidence that royal forces moved to secure the town and its bridge when it was threatened by the Pilgrimage of Grace in 1536, and that Rotherham's soldiers *went forth*, for some reason or other, in 1549. It is also possible, though I have no evidence for it, that local men may have helped in the suppression of the Northern Rising of 1569, and they would certainly have witnessed the beacons which burned at the time of the Armada's approach. They may also have fought alongside the Dutch, in the common war against Spain, or towards the end of Elizabeth's reign, in Ireland. This is speculation; but, as we have seen, the community certainly had to contribute towards the relief of ex-servicemen.

So, although we have no narrative of any military activities undertaken by members of the Rotherham trained band, we do know that the Churchwardens assisted veterans who passed through the town on their way home; and these men must surely have brought news of the campaigns they had been involved in, to such of the townsfolk as were willing to listen to a tale told by a 'decayed soldier', or even an ancient mariner.

³⁴⁰ G 389,391; Leader's *Burgery* p 85(n).

8 LAW AND ORDER

(1) Robert Wilson, John Chamber, and the fray in Wortley Park, 1527

There were several extensive deer-parks in South Yorkshire in the Tudor period. These were the property of aristocrats and gentlemen who used them as a source both of both food and amusement. One of these, at Kimberworth, was within the parish of Rotherham, while there were others not far away, at Tankersley and at Wortley/Wharnccliffe. The last was a scene of strife on several occasions, for it was enlarged by the Wortley family, at the expense of the local inhabitants, and they fought back.³⁴¹

We have already seen (in *The Setting* above) that people were used to travelling between Wortley and Rotherham. Robert Wilson and John Chamber had occasion to make the journey in 1527, for reasons which speak volumes about the society they lived in and, in particular, about the problem of lawlessness. The owner of the deer park at Tankersley was Sir Henry Savile, while Wortley Park was 'in the hands' of George Talbot, 4th Earl of Shrewsbury, though it was owned by the Wortley family.³⁴² The day to day supervision of the Park was entrusted to one William Partryche, who was described as its keeper or 'parker'.

According to Savile, he and his men were hunting *in his park of Tankersley* when the hounds broke out of that park, and pursued a deer into Wortley Park. Savile said that he did not follow them himself, but sent two messengers to William Partryche, to ask him to send the hounds back. He made it clear to his men that they should not stray from the public highway which ran from Tankersley to Wortley village. On their way, the two messengers fell in with two other men, so that they were four when they reached their destination; but Partryche was unwilling to receive any messages from Savile. Instead, he *assembled and raysed upp* a large body of men - about forty in all, of

³⁴¹ Hey, YAJ. Certain violent incidents which occurred in the 1590s were *commonly and generally talked of and spoken by most of the inhabitants in the parishes of Tankersley, Ecclesfield, Sheffield and Rotherham*: Eastwood's Ecclesfield, Appendix p 496.

³⁴² Had the Earl had taken a lease of the Park, or did he have temporary custody of the Park pending the outcome of litigation then current? HSY vol II p 314.

whom sixteen were armed with bows and arrows, and the rest with clubs and *glavis* [spears] and called on *every man wyche was no traytor to the Earl of Shroisbery* to strike them down. Savile's men were set upon and wounded, and one of them was dragged off and imprisoned in Sheffield Castle, a fortress which belonged to Shrewsbury.³⁴³

Such was Savile's account of the affair; but William Partryche had a completely different tale to tell. He claimed that the men who had entered Wortley Park were not innocent messengers, but trespassers, who had been deliberately poaching his master's deer. Partryche had been *making merry at a marriage dinner* at a house in Wortley village at the time, but his wife had alerted him to the presence of the intruders, and he and a number of others had left the festivities, and entered the Park to repel them. When he got there, he had been shot at, wounded and left for dead! Furthermore, this was only the latest incident in a long history of law-breaking by Savile or his men: throughout 1525 and 1526 they had frequently hunted in Wortley Park, killing deer, damaging property, threatening Partryche and his wife when he had reported their activities to his master, and even shooting arrows at him. On one occasion, Savile's men had entered Wortley village, broken open the door of a public house, taken out a barrel, set it up in the High Street, and shouted *Come, knavez and laddes of Wortley, as many as wyll, and drynke*.³⁴⁴

How did all this affect the people of Rotherham? Robert Wilson and John Chambers were in Rotherham market, on market day (which means that it was probably a Monday) when they heard a rumour that there had been a fight in Wortley Park, in which Partryche and a kinsman of Wilson's had been involved, and possibly killed. They left what they were doing at once, and made their way on foot to the scene of the crime

Robert Wylson and John Chamber....say that, being in the town of Rotheram on market day, there was a common voice and fame in the open market that divers of the servants of the said Herry Savell had hunted in the park of Wortley, and killed one William Parteryche, keeper of the same, and also one Richard Wylson. By reason whereof the said Robert Wylson, cousin to the said Richard, and John Chamber in his company, having no manner of weapons but their usual walking staves, repaired to Wortley to see in what case the said Richard Wylson stood.

This testimony shows that Rotherham market was a place where rumours flew, while goods were bought and sold. It also shows that in those days men were quite ready to join the fray, especially when their relatives were in danger. As Dr Elton has written

³⁴³ YASRS 70 pp 49-50.

³⁴⁴ YASRS 70 p 51; YASRS 41 pp 178-181.

"Men had weapons about them and were readily enough moved to use them".³⁴⁵

As it happens, Robert Wilson's fears for his kinsman were unfounded, for when he got to Wortley he learned *that Partryche was sore wounded, and like to die, but that Richard Wylson was not at the said fray*. So he and John Chamber went home; but this was not the end of the matter. According to Henry Savile, his men came home (apart from the one who was detained in Sheffield castle). They were in a bad way, and he saw that their wounds were attended to; but he also took the responsible course: he had them arrested by the 'king's constable', taken to *my lord of Richemond and to hys honorabyll councell* - that is, to the head of the King's Council in the North - to await further instructions, and he sent word to the Earl of Shrewsbury's agents, asking that *them of Wortley* should be dealt with in the same fashion.³⁴⁶

Shrewsbury's agents refused to behave in an equally responsible fashion. On the contrary, Savile said that on the very next night (3rd July 1527) they

Mad[e] open cryes and proclamacons thorow the townships and contrey called Halamshere, as in the towne of Rotheram, uppon peyne of dethe, that every man shuld assemble them selves into armes, and so furwythe to come to Wortley. And ther came acordyngly the seyd ryotous persons and other to the nombre of cc persons and above, in harnes, and assembled afer the maner of a newe insurrexcion, and came to Wortley.

Having arrived there, this army of 200 Shrewsbury supporters threatened to *pull Savile forthe of hys howse* although even Savile did not claim that they actually carried out the threat.³⁴⁷

The proclamation which the Earl of Shrewsbury's agents made in Rotherham is interesting. Robert Wilson and John Chamber had evidently gone up to Wortley out of concern for Wilson's cousin; but on this occasion (if Savile is to be believed) men from Rotherham were actually being summoned to turn out for Shrewsbury, and the penalty for disobeying the summons was death! Yet we should note that the Earl of Shrewsbury was not yet lord of the manor of Rotherham, because in 1527 the manor still belonged to the monks of Rufford Abbey. Yet the Earl was clearly a power in the land and the neighbourhood, if he could command men to rally in this way, over about a dispute concerning private hunting rights.

The reason we know of these events is that Henry Savile eventually complained

³⁴⁵ YASRS 70 pp 51-2.; G.R.Elton *Policy and Police* CUP 1972.

³⁴⁶ The Duke of Richmond was Henry VIII's illegitimate son. He was appointed head of the Council in the North in 1525, though he was only a boy at the time.

³⁴⁷ YASRS 70 p 50.

to the King's Council, sitting in the Star Chamber. There was obviously no point in his taking the case to more local tribunals, who would probably do as the Earl of Shrewsbury told them; and he had already tried the Council in the North, without success. So he went 'to the top'. The Star Chamber has since had a bad press. As a result of events in the 1630s and '40s, when a victorious Parliament successfully branded it as an instrument of royal tyranny, it has become a byword for the exercise of arbitrary power; but in the early Tudor period, when justice was often the prisoner of local magnates, it performed a necessary function. One historian has given the following assessment of the period when Cardinal Wolsey was in charge

*The judicial activities of the King's Council, sitting in Star Chamber, were exercised energetically. Riots were prosecuted, and the judicial system supervised; cases of perjury, contempt of court, and of juries which had blatantly brought in false verdicts were all dealt with. Edward Hall, no admirer of the Cardinal, commended his prosecution of lords and knights for riots and maintenance so that the poor men lived quietly.*³⁴⁸

One final point may be made. One might assume, from the events which took place in 1527, that Sir Henry Savile and the Earl of Shrewsbury were sworn enemies, whose servants were ready to fight it out on their behalf, whenever the occasion demanded; but this was not necessarily the case. Unless the writer is mistaken, Savile was Sir Henry Savile of Thornhill and Tankersley, who was born in 1498 and died in 1558; and it appears that the 4th Earl of Shrewsbury had custody of him in his youth. Moreover Savile helped Shrewsbury to suppress the Pilgrimage of Grace in 1536. The families were closely connected and the dispute about hunting rights of 1527 may have been a comparatively minor affair, so far as the principal contenders were concerned. In 1546 – in the time of the 5th Earl – Savile was to write, apparently without concern, that

*Lord Talbot was at Tankersley, and killed two stags in Wharncliffe-walks.*³⁴⁹

³⁴⁸ Davies CSL p 164.

³⁴⁹ Bernard, p 160; HSY vol II pp 301-2. This paragraph was written in 1991. I would be less inclined to be so sanguine today (2012), having read the article on Sir Henry in the entry for 'the Savile family' in the ODNB (2004) vol 49. It appears from this that Shrewsbury was merely one of six trustees for Sir Henry in his youth; and also that Savile's wife tried to divorce him on the grounds of cruelty, though his friends found him 'affectionate and hospitable.'

(2) John Harpam and the riot at Gilthwaite, 1536

There was another case which was brought before the Star Chamber a few years later, which illustrates that a man might encounter violence even if he stayed at home and minded his own business. John Harpam lived at Gilthwaite, a hamlet two miles south of Rotherham, in the parishes of Whiston and Rotherham. He was married and had in his own words *grett charge of children*; and his wife was expecting yet another child. He was a poor man with no capital, entirely dependent on what he could earn by manual labour - he had *onely suche guddes as he doth dayly labor for and geytt with his handes labor*.

On 22nd February 1536, Harpam was at his work, perhaps in the fields, while his wife and children were at home *about suche necessarye labor and busynes as was lawfull and convenient for them to do*. Suddenly, fourteen people gathered outside the house, led by Richard Parker and William Westall. They were armed to the teeth, having *swords, bucklers [shields], staves, bylles, bowes, arrowes and other diverse wepyns*; and they proceeded to break in, and assault his wife, who was so terrified that she nearly died. The gang evicted her and her children from the house and then set to work on the contents, dumping *all other his moveable guddes and howssehold stuffe* into the High Street. Not content with that, they searched the house from top to bottom, hunting for Harpam himself. He was convinced that if he had been at home, they would certainly have killed him

*they dyd serche and seche every privy place and corner within the sayd housse for your sayd orator, to thentent that yf they myght have founde hym in the sayd howsse, to have kyllled, slayn or murdered hym.*³⁵⁰

Though Harpam escaped, he felt far from safe. He thought the gang was likely to return or make some further attempt on his life. They continued to threaten daily that they would *beat, maim or kill* him, and he was totally unable to lead a normal life.

Harpam complained about the riot and the forcible entry of his house, and the bill of complaint was received by the King's Council in Star Chamber; but, since the bill is the only cause paper which has survived, this is another case where we do not know the outcome. Nor do we hear, for that matter, whatever it was that the 'gang' had to say about the affair. As any lawyer will tell you, there are usually two sides to the story.³⁵¹

³⁵⁰ The 'orator' was the person who filed the bill of complaint with the Star Chamber.

³⁵¹ YASRS 70 pp 138-9.

In particular, the circumstances suggest that the assault on Harpham and his family may have been made in the course of what would otherwise have been a lawful eviction, rather than an act of mindless violence.

(3) The feud between the Wests and the Darcys, 1556

To the south of Giltwaite lie the villages of Aughton, Aston and Wales. Twenty years after the riot at John Harpam's house, they were the scene of a bloody feud between the sons of Sir William West and George Lord Darcy.

The Wests had lived in Aughton for over two hundred years. The head of the family was Sir William, who had served in Henry VIII's wars, been rewarded with monastic land, and had his coat of arms confirmed by the royal heralds. Lord Darcy had his principal seat at Aston. His father had been executed for his part in the Pilgrimage of Grace, but the family had subsequently proved its loyalty, and had its title restored. Lord Darcy served as sheriff of the county of York, and was given a commission by Queen Mary when the country was threatened with invasion by the Scots.³⁵² We can therefore say with some accuracy that the Wests and the Darcys were - like the Montagues and the Capulets in *Romeo and Juliet*

Two households, both alike in dignity

And, like the families of Shakespeare's Verona, the Wests and the Darcys were enemies. We do not know why this was so: the author of the ballad which provides us with our information declared

*I know not well what the cause was
Whereof the hate did spring;
But how indeed it came to pass
I will declare the thing.*

The story goes like this. Sir William West and Lord Darcy each had two sons. In 1556, Darcy's sons John and George tried to kill Lewis West, the eldest son of Sir William. The ballad relates that they

The XVII day of April plain,

³⁵² HSY vol II pp 163, 164, 173-6; G 337, 669(n); see also Surtees 41.

*To make hereof short tales,
Assaulted him to have slain
; At his own house at Wales.*

*Having with them twelve men indeed
Their quarrel to assist;
Yet at that time they could not speed
But of their purpose mist.*

The Darcys tried again, unsuccessfully, about three weeks later

*At Aytton the VII day of May,
With seventeen men right tall,
They did assault and mithe asaye
Upon him eke to fall.*

At this point, attempts were made to settle the quarrel, without further bloodshed, Lewis West trying his best to persuade the younger Darcys

Not to attempt such strife

West was assisted in his efforts to make peace by no less a person than Lord Darcy himself

*The Lord Darse yet made behest
And did then undertake,
Between his sons and Lewis West
An unity to make.*

Lewis West now thought that all was well. He decided there was no reason why he should not attend the Fair to be held at Rotherham on Whit Monday. He rode there with his brother Edmund, and his followers

*As at the fair at Rotherham
Appeared very well,
Which on the next Monday then came;
In Whitsun week it fell.*

*Thither rode Lewis West full straight,
And Edmund West his brother,
Twelve tall yeomen on him did wait,
His servants, and none other.*

But the two Darcy brothers had not renounced their murderous intentions. They went to Rotherham Fair as well, and they did not go alone

*Both John and George Darse also
Came thither with their band;
And all that day about did go,
With him to fall in hand.*

This verse gives us a wonderful (if sombre) picture of Rotherham Fair in the mid-sixteenth century, with two rival gangs swaggering about between the stalls and taverns, literally 'looking for a rumble', like the Jets and the Sharks of *West Side Story*; but in the event, there was no showdown at Rotherham Fair. Disappointed, the Darcys held a conference and decided to ambush the Wests as they made their way home

*.....they rode their ways before
To Aytton, three miles thence,
And lay in wait, with men three score
Armed to make defence.*

*With privy coats and shirts of mail,
With weapons of each kind,
Wherewith they thought them to assail
Afore and eke behind.*

The West brothers rode home unawares, but soon found themselves surrounded on all sides, and heavily out-numbered. Lewis West was clearly a marked man, and had little choice but to fight, but he called on his followers, and asked if they would stand by him

*To whom they answer'd by and by,
Saying, "We are thy men,
And with thee will both live and die,
Though each of them were ten".*

Although he had received an encouraging reply, Lewis thought he might be able to shorten the odds, by appealing to his adversary's sense of fair play

*West said unto the Darse then,
"The match is nothing like,
That ten or twelve against one man,
At once should fight or strike,*

*"A gentleman, I know, you be,
And so you wot am I:
With shame therefore murder not me,
But thus the matter try:*

*"Come you, and four of your best men
At once and fight with me,
And furthermore, if you will then,
To each of my men three.*

*"And if you chance to slay me now,
I do you clean remit;
And if I chance for to slay you,
Thereof do me acquit."*

If Darcy had been willing to adopt this suggestion, the odds would still have been three to one overall in the case of the servants, and five to one in the case of the principal protagonists; but the Darcys had stalked their prey for some time, and they were not about to give up any part of their advantage. They refused any further parley and instead launched an all-out attack.

Lewis West fought bravely, and at one point wrestled both Darcy brothers to the ground; but eventually they killed him, and then they killed his brother Edmund. All West's followers were also killed or wounded; and the Darcys even slaughtered one of their own men - a piper who was foolish enough to say that what was being done was shameful. Then the murderers fled.³⁵³

We can see that aristocratic violence was by no means a thing of the past; and that fighting between two important local families spread to their followers, of which

³⁵³ HSY vol II pp 173-5; G 337, 669(n).

each clearly had considerable numbers - Henry VII's prohibition of the practice of keeping retainers notwithstanding. As Hunter said, it was "one of those feuds which, even in the sixteenth century, sometimes existed between neighbouring families, in which were active, not the parties only who were personally interested and their passions engaged in the quarrel, but the friends, dependants and servants of each party adopted the quarrel as their own." We are reminded once more of the feud in *Romeo and Juliet*, where one of Capulet's servants says

The quarrel is between our masters and us their men.

The really surprising feature of the murder of Lewis and Edmund West by John and George Darcy is the way in which peace was restored between the families concerned. One might have expected that Lewis West's widow Margaret would seek redress from the Queen or her agents, perhaps by filing a bill of complaint in the Star Chamber. But in fact Margaret West 'settled' her account with one of the Darcys by means of a deed, as if the dispute concerned a piece of land, or some stray cattle! On 11th November 1556, only months after Lewis West's murder, she agreed that she would not prosecute any appeal against John Darcy; and the latter agreed to pay the sum of 500 marks, to be shared by Margaret and her two daughters. Even in 1556, it seems that some people might think the less of Margaret for behaving in this way, and the parties agreed that the document should never be *alleged to the displeasure, hindrance, or slander of the said Margaret or any of her friends*.³⁵⁴

The purpose of this agreement was to prevent further acts of private vengeance, and the bloodshed which would accompany them. The settlement had been brought about through the *earnest motion of sundry honourable and worshipful friends* of the parties. It was said to be *in consideration of a friendship hereafter to be had between the said John Darcy, and other his friends and servants, towards the said Margaret, her children, and friends, and towards George West of Aughton [a cousin of the murdered brothers] and all other the kinsmen and friends of the said Lewis West deceased*. In other words, it was intended to be binding not only on the principal parties involved, but on their families and their followers. All this seems very strange. It is reminiscent of a process which was common in Scotland in the sixteenth century, known as *assythment*, whereby the kin of a wrongdoer paid compensation to the kin of a victim, and the latter discontinued any court proceedings;³⁵⁵ but Tudor England has usually been considered to be a relatively

³⁵⁴ HSY vol II p 176.

³⁵⁵ Jenny Wormald, *Bloodfeud, Kindred and Government in Early Modern Scotland, Past and Present* May 1980.

'civilised' place, where a strong centralised monarchy ruled and such practices had become obsolete. To find the *bloodfeud*, and a private agreement establishing 'peace after the feud' in existence in the Rotherham area in the 1550s is remarkable.

The agreement of 11th November 1556 was not the last we hear of this feud. The deed dealt only with John Darcy's part in the murder, and Lewis West's widow specifically reserved the right to prosecute the younger brother George Darcy, and three named individuals who had presumably formed part of his gang. Margaret West, and other kinsmen of her late husband, were determined to pursue at least one of the Darcys.

George Darcy took sanctuary at Westminster, and on 6th December 1556, he dressed himself in a white sheet and was publicly whipped, as the abbot of Westminster passed by; but this was not enough, for on 10th February 1557, he was brought before the court of King's Bench. We are told that when this happened *certain men of the friends of Mr West deceased, offered battle with Mr Darcy and his party, and to fight at combat on a day set*. So, although the Wests were pursuing their grievance through formal legal channels, they still wanted revenge for the murder of their kinsman on the day of Rotherham Fair; and they sought to exact that vengeance on the body of George Darcy, if possible, by means of the institutionalised violence of trial by battle. We do not know if they were allowed to do so.³⁵⁶

(4) Sir Thomas Reresby, the duelling J.P., 1599

In the course of the sixteenth century many towns secured their own Justices of the Peace, and Quarter Sessions. Rotherham was not amongst them, but the Justices for the West Riding of Yorkshire sat there regularly;³⁵⁷ and the Sessions Rolls for 1598 and 1599 survive and have been published.

In October 1598, the magistrates there heard that William Halley of Wentbridge had stolen a grey horse worth forty shillings from a man called Wiliam Hawmonde, at Hillam, a village four miles from Ferrybridge. They also heard about a crime which had taken place much closer to home: William Barker of Kimberworth and Edward Allen of 'Grynnell' had broken into the house of Henry Ibbotson at Kimberworth, and beaten him up, so that *his life was despaired of*. They also dealt with the case of Ralph Wadsworth, who had been fined £6/13s/4d at the previous sessions held at Barnsley (for

³⁵⁶ HSY vol II p 176.

³⁵⁷ *Guide to the Quarter Sessions Records of the West Riding 1637-1971*: WYAS 1984. They certainly sat there in 1537 – see *L & P Henry VIII* vol XII part I, 871.

contempt of court upon an indictment of *common barratry*); but they decided that this fine should be reduced to £3/6s/8d, in view of Wadsworth's poverty *and also for the great hope of his amendment*.

In October 1599, the court at Rotherham heard of a riot at Barnby Dun near Doncaster, when William Gregory, Richard Gregory and Thomas Gregory, armed with sticks, daggers and swords, had assaulted Cordelius Savile, and given him a beating. They also heard how a butcher from Stockes [Stocksbridge?] called Anthony Higginson had beaten William Firth alias Greenwood at Sheffield. Another butcher from Sheffield, Henry Spittlehurst alias Steele had stolen a black cow at Bissett in the parish of Hemsworth. The remaining three cases all concerned unlawful hunting activities. Robert North of 'uslett' (Hunslet?) had been found shooting at ducks with a handgun on Hatfield Chase. His crime was that he had used a type of ammunition called *haileshott*, which had been banned in 1548. Likewise, Peter Eyre, who was a yeoman from Aston, had killed a *sucken* [sucking] *doe* in Treeton Wood. Again, the crime was not that he had killed the deer, but that he had used a handgun loaded with the prohibited *haileshott*. Finally, Reginald Thompson from Brightholmlee had broken into the Wortleys' game park on Wharncliffe Chase and shot a hind there, contrary to an Act of Parliament of 1563.³⁵⁸

One of the Justices who sat on the bench at Rotherham in 1599 was Sir Thomas Reresby of Thrybergh. He was the nephew of William and of Leonard Reresby and the great-grandfather of Sir John Reresby (1634-1689). In his *Memoirs* Sir John describes Sir Thomas thus

he was certainly a fine gentleman, both as to person and parts. He was very tall, well shaped, his face was handsome and manly and he was well behaved. His conversation was pleasant and witty, and his company very acceptable to persons of the best quality of the neighbourhood, especially George, the great Earl of Shrewsbury.....I had the greatest part of this character of him not only from those that knew him and had lived with him as his servants, but from the old Duke of Newcastle, who was educated with the said Earl of Shrewsbury, and remembered Sir Thomas Reresby as acquainted with him in that family very particularly.

However, there was another side to Sir Thomas Reresby's character: he was hopeless with money, and he had a violent temper (being, as even Sir John put it, *a man of high spirit*).

Sir Thomas was a big spender, and he ran up large debts, partly through

³⁵⁸ Clark and Slack p 128; *L&P Henry VIII* vol XII part I, 871; YASRS III, 1888, pp 25,96,106,166.

following the court, partly through an humour to live high at the first, which he did not abate as his fortune decreased. Another reason for his financial difficulties was *his great charge of children³⁵⁹ and great attendance, seldom going to church or from home without a great many followers in blue coats and badges, and beyond the usual number for men of his quality and fortune.* Sir Thomas's wife was also said to be an *expensive* woman. She certainly had an independent mind, for she converted to Roman Catholicism at a date when this was at best unwise and at worst dangerous; and, on one occasion when her husband was away, she scrapped the 'fetters' of Leonard de Reresby, which had reportedly been in her husband's family since the time of the Crusades, and ordered that they be converted into ploughshares!

Such was the knight who graced the bench at Rotherham; but although this meant, as we have seen, that he sat in judgement when his inferiors came to blows, this did not stop him from engaging in the ritualised violence of the duel. In 1597, a dispute broke out between Sir Thomas and Sir William Wentworth [father of Sir Thomas Wentworth, 1st Earl of Strafford, beheaded in 1641] concerning land in Wentworth's manor of Hooton Roberts, about a mile from Thrybergh. The dispute was about the division of the commons in Hooton and Wentworth also claimed the Reresby manor of Thrybergh was held of the manor of Hooton Roberts, so that Reresby owed suit of court there, and some kind of rent.³⁶⁰ There had been bad blood between the Wentworth and Reresby families before this; and on this occasion Sir Thomas responded by sending his uncle Leonard to see Wentworth, to tell him that he was a liar and a coward, and to suggest that they should meet in Hooton the following Thursday, to settle their differences. The fight never took place, for Wentworth would not accept the challenge. He told Leonard Reresby *to advise Sir Thomas to live at home in peace like a gentleman.* This only confirmed Reresby's opinion of his adversary.

Two years later, in 1599, Sir Thomas Reresby and Sir William Wentworth were both sitting as Justices of the Peace at Rotherham Quarter Sessions, when a discussion took place concerning the escape of a prisoner who had been put in the stocks. The question was whether the escape had been due to mere negligence, or whether someone in authority had connived at it. The discussion became an argument and tempers became frayed. Eventually Reresby, remembering the abortive duel of 1597, exclaimed

'In thy teeth, thou art a rascal, a villain, and darest not draw a sword. I sent thee a challenge before this which thou durst not accept.' When Wentworth disagreed, Reresby *smote him on the face with his hand and after pulled him so hard by the ears that he made them bleed.* What

³⁵⁹ Hunter's pedigree shows nine.

³⁶⁰ Camden 4th Series vol 12 p 43(n).

happened next will not surprise us *the servants, then espousing their masters' quarrel, drew their daggers, insomuch that the rest of the justices had made much ado to keep the peace in the court.*

Such is the account of this affair which has survived amongst the Earl of Shrewsbury's papers. A somewhat different version is contained in a deposition which one Richard Wortley made to the Star Chamber: according to this, there was indeed an argument about the escape from the stocks of a man called Slack; but it was Wentworth who first insulted Reresby, telling him

that he was an ass. Reresby was much discontented, but did nothing at first - they were after all in court; but Wentworth would not leave well alone. He proceeded on in further terms, and in conclusion pressing on with a stern countenance near to Sir Thomas his face, told Sir Thomas that he lied. Reresby still kept his temper; but Wentworth provoked him further. Reresby could take no more and thrust out his arm, and...flirted up his beard, or touched his nose, with his hand, whereupon Mr Wentworth struck the said Sir Thomas with his fist, and divers of Mr Wentworth's men approached to the place with their swords or rapiers drawn.

It is impossible to know which of these two accounts is nearer to the truth; but Sir John Reresby certainly thought that his ancestor, though *a man of great courage* had expressed it not seasonably in giving Sir William Wentworth... *a box on the ear upon the bench at the General Sessions, held at Rotherham.* He tells us that his great-grandfather was punished for this conduct: he was dismissed from his position as a J.P., and was fined £1000 in the Star Chamber. He did not pay the fine all at once, and the balance outstanding in 1603 was remitted by James I, in one of those acts of generosity (or profligacy?) which came to be thought of as characteristic.

Sir John Reresby's criticism of his great-grandfather Thomas is richly ironic, for he inherited a taste for duelling himself and behaved in an almost identical fashion some eighty years later. In July 1682, Sir John was sitting as a J.P. at Rotherham Quarter Sessions. An argument developed concerning the enforcement of the laws against Dissenters (the so-called 'Clarendon Code', imposed after the Restoration of Charles II in 1660).

Reresby quarrelled with his fellow Justice Francis Jessop, telling him that he was *saucy*. Jessop replied that Reresby was

impudent. At which words, wrote Sir John, I took up a leaden standish (he sitting behind a table, and at some distance from me), and threw it at his face, where the edge lighting upon his

cheek cut quite through. We after this drew our swords, and I went into the middle of the chamber, but the company prevented his following of me, and afterwards reconciled us.

Reresby's final comment on this extraordinary incident shows that he had little intention of mending his ways

*I was sorry for this accident, it happening at a session of the peace, but the provocation could not be passed over(!)*³⁶¹



Robert Pursglove, the last Provost of Rotherham College, in Tideswell Church

³⁶¹ Reresby's *Memoirs* pp 4-7 and 256-7.

9 WILLIAM WEST, THE 'ADMINISTRATIVE POWER'

In an essay about the authors of Tudor Yorkshire, Professor Dickens writes "Amongst the many Elizabethan legal writers, two of the first rank were natives of Yorkshire and prominent figures in its public life". One of these was William West, who lived in Rotherham and played a central role in its affairs.³⁶²

William West (c. 1548-1598) was a relative of that Lewis West who was murdered on his way home from Rotherham Fair in 1556. His grandfather was John West of Aughton and his father was rector of Hooton Roberts. William went to London and practised as an attorney, though he was never called to the bar. He made a fortune in legal practice; but, in 1581, he returned to Yorkshire. In the Feoffees' Charter of Common Lands he is described as a gentleman 'of Rotherham'; and John Guest stated that he lived in Moorgate. Sometime before 1593 he moved to Firbeck near Roche Abbey, and built the hall there. His career was in some ways typical: *Now all the wealth of the land dooth flow unto our common lawyers, noted a contemporary writer, of whome, some one having practised little above thirtene or forteene yeares is able to buie a purchase of some manie 1000 pounds.* He had lived for many years at Firbeck and was buried there when he died.³⁶³

After returning to the North, West threw himself into local affairs. He was the Earl of Shrewsbury's chief steward for the manor of Sheffield between about 1581 and about 1597. He was also steward for the manors of Ecclesfield and Cowley; but although these duties must have kept him busy, in preparing for and presiding over courts baron, courts leet and views of frankpledge, he also devoted much time and energy to Rotherham. In the 1580s, he secured the purchase of the town's common lands from Queen Elizabeth's courtiers, and secured the Feoffees' title. He also acted as trustee for the common lands and kept certain of their accounts. Later, he acted for the Feoffees in various capacities. In 1592, they paid 2/- to West's 'man' for *writinge a copy of the lease of Deinbye which was sent to London.* This shows that West did conveyancing work for the town and had a clerk to help him with the laborious business of copying documents

³⁶² TRHS 5th Series 13 1963 pp 49-76 *The Writers of Tudor Yorkshire*, reproduced in Dickens, *Reformation Studies*. See now ODNB (2004) vol 58.

³⁶³ Surtees 106, p 142; YASRS 85 p 149G 375; Hall, *Incunabula* p 128; Palliser p 105; *A Catalogue of ACM* in SCL, 1965, p 10.

by hand. He also continued to act as agent for the Feoffees. They had land which they let out for pasture and West was responsible for collecting the rent, or herbage, which the tenants paid for this and doubtless negotiated the terms on which the pasture was let. His son Francis succeeded to his father's duties in this area.³⁶⁴

West gave the Feoffees the benefit of his advice, and they treated him with respect. There is an entry recording that in 1593 they paid 22d *for Wyne and Suger when we went to Mr West of Firbecke for hys Counsaile*: it seems to have been the 'done thing' to give dignitaries a present of wine and spices. Thus in 1606 the Feoffees were to pay 3s/10d for wine and sugar *when ye Judges come throw ye towne*, and at Christmas 1608 they arranged for a *present in wyne suger and pepper which was presented in the town's name to my lud of Shrewsbury*.³⁶⁵

The activities described above were possibly only the tip of the iceberg. According to Guest, "there is rarely a record of a town meeting at this period at Rotherham in which his [West's] name does not appear, and in which, in fact, he is not *the administrative power of the place*". This is not surprising, for in West the town had a man with an encyclopaedic knowledge of legal procedures; and such a man would be able to dominate the proceedings he attended, by his superior technical know-how. As the Earl of Shrewsbury's chief steward for Sheffield, he would also be privy to the thoughts and feelings of the lord of Rotherham manor, whether he held any formal position in the latter or not. As a result, he acquired a formidable reputation - even receiving credit in later years for achievements which cannot have been his, like the obtaining of the decree for the reviving of Rotherham School in 1561.

Yet William West is best known nationally as a writer. While he was still in London, he had already edited *Littleton's Tenures*; but it was only after he returned to the North that his literary talents found their most famous expression. In 1590, he published a book called *Symbolaeographie*, whose dedication was written in Rotherham. This work was intended as a handbook for legal practitioners, and contained precedents of all kinds and for all occasions - indeed Charles Hoole, the seventeenth century Rotherham schoolmaster, later referred to it as *the Precedents*. It proved an instant success, so much so that West immediately began to prepare a second edition, practically re-writing the whole book in the process. He divided this new edition into two parts. The first appeared in 1592, the second in 1594. There were numerous further

³⁶⁴ T. Walter Hall, *South Yorkshire Historical Studies*, 1931, article on William West, to which is appended thirty pages of extracts from the court rolls of Sheffield, Ecclesfield and Cowley, some of them showing that West presided over courts there in 1591 and '92. Hall, *Incunabula* p 134; G 387, 389.

³⁶⁵ G 387, 391, 392.

editions in the late sixteenth and early seventeenth century.³⁶⁶

The edition of *Symbolaeographie* published in 1590 was a Tudor equivalent of today's *Encyclopaedia of Forms and Precedents*. It was concerned with civil rather than criminal matters, and contained large numbers of model wills, and deeds of various kinds, including deeds of sale, mortgages, and leases. West clearly drew on his own experience, and included documents which he had drafted or collected whilst in practice. To preserve confidentiality, he usually deleted the names of parties and places, leaving only their initials, so that we often find that a person is described as '*A.B. of C. in the County of Y.*'; but not all the names were expunged, and it is sometimes possible to see where the original document comes from.

West's precedents are drawn from many different parts of the country, including London, whose economic pre-eminence was bound to make it the setting for many kinds of commercial transaction. But we can see that some of his documents originated in his experience of South Yorkshire. For example, the lengthy precedent for *the grant of a corporation by the King* (section 254) reproduces the grant to Doncaster, which was incorporated in 1467. The section on copyhold tenure (section 428) contains instructions on the manner of keeping court rolls and includes wording used by West when he presided over the manor court in Sheffield in 1590. There are also sections which relate to Rotherham: the licence to erect a school (section 383) *is* the licence which Edward IV granted to Archbishop Thomas Rotherham in 1482, permitting him to found Rotherham College: despite the passage of more than a century, and the dissolution of the College, West evidently thought that this was a useful item to put in his collection. The *feoffment to twelve persons in trust to certain uses* (section 188), whilst relating to *the town of C..... in the County of D.....* has many of the features which appeared in the Charter of Common Lands granted to Rotherham's Feoffees in 1589. The objects are very similar (repair of bridges, payment of common charges, relief of the poor). The procedure for replacing Feoffees is the same. The number of greaves is the also the same, and so is the procedure which they had to follow when they prepared their accounts. It seems likely too that certain instruments (sections 38G, 39I, 146A) which specify that debts be paid in cash *in the south porch of the parish church of R.....* related originally to Rotherham.

It seems reasonable to suppose that West's experience of local economic activities underlies certain other precedents. The *condition that a Prentice shall not wast his master's goods* (section 94) is taken from the articles of apprenticeship of a *cutler*. The *perfect testament and last will* (section 406) contains a gift of coalpits, to include *sufficient place and places for staking and laying of the coles to be gotten in the same pits until they shall be sold*

³⁶⁶ Guest's account of the different editions, p 375, is erroneous.

and carried away. And convenient place for all the horses, oxen, carts and carriages coming to the said coalepits during their tarying there. The same document contains the following gift

Also I give and bequeath unto the said W my wife such coalepits as shalbe going at the time of my death, and also full power, authoritie and libertie to digge, use and have two coalepits to be commonly going yerely in my lands and tenements in A aforesaid, wyth free libertie to digge new pits when any old pit or pits shall faile, with sufficient pinchwood for the same to be taken within A aforesaid, making no spoile in or of the same woodes.

West also includes the following contractual conditions relating to the delivery of coals (section 68)

T.C. ...to lead, cary, bring and deliver....two and fortie good and sufficient wayne loades of Sea coales, every load thereof conteyning one whole rucke of coales or more, from the coale pits commonly calledcoale pits in the Lordship of.....aforesaid, to the now dwelling house of the said W W in R aforesayd at the severall times hereafter expressed. That is to say, ten loades of the said two and fortie loades parcell, before the feast of Penticost next insuing the date hereof, and other twentie loades of the sayd two and fortie loades before the feast of S Michael tharchangell now next insuing, and other six loades.....before the feast of S Michael tharchangell which shalbe in the yere of our Lord God 1592 and other six loades.....before the said feast of S Michael tharchangell.....1593.

The second part of *Symbolaeographie*, published in 1594, contains a treatise on criminal law, and a large number of precedents for indictments. The equivalent today would be Archbold's *Criminal Pleading, Evidence & Practice*, the Bible of advocates specialising in criminal matters. Many of the crimes which West was concerned with are familiar enough today. Elizabethan society had its share, perhaps by our standards more than its fair share, of murders, robberies, burglaries, rapes, assaults and so on. However, it is noteworthy that West suggested model indictments for use against men who fight in churchyards, or pull out eyes, or tongues. We know why he provides a form for use against those who keep retainers, for we have already seen evidence that some men were quite ready to support their lord's cause with armed force, long after what we think of as 'the Middle Ages' had ended; and we may not be surprised, having read what sometimes went on in Tudor courts, to find precedents to be used when there were riots at the Sessions and batteries at an Assize.

A modern lawyer has no need to be told what form of words he should use in order to prosecute people who *say and hear mass* or are suspected of *treason of Jesuitism*, or absent themselves from church; but West gives indictments for use in each case, and

indeed cites numerous examples of how treason can be committed, illustrating how the crime had expanded during Elizabeth's reign, following the papal bull of 1570 which purported to depose her as Queen.

Other indictments show how the Tudor State sought to intervene in economic and social life: there are draft charges for use against moneylenders who engage in usury; landlords who convert tillage into pasture; merchants who attempt to defeat the working of the market by *forestalling* and *regrating*; bakers who conspire to make loaves of bread lighter than they should; blacksmiths who sell horses into Scotland without Royal licence; and to be used in cases of *vagabondage*. There are two indictments headed *Against Egyptians* (gipsies). There is one for use against a person who keeps a *blind tavern* (i.e. one without a sign), receives suspicious persons there, and whose wife is also a scold. It was also apparently necessary to have a precedent to use when prosecuting people who offended against the sumptuary laws. These were still in force in Elizabeth's time. Hence West suggests a form of words which could be used in the case of a tailor who was audacious enough to wear silk in his cap for a whole day. Finally, there is an indictment for use against those who play unlawful games like bowls, while section 107 of West's great work contains *a condition not to play at the dice*

J.K. hath heretofore accustomed ... to play at the dice, cardes and tables, to his great hinderance and losses,... so that ... the said J.K. hath been like to fall... into extreme povertie... the said J.K. through the advertisement of his friends hath agreed to be bound in the summe of fourty pound... to absent himself from the playes and games of them ... for seven yeares... (libertie for playing at cardes for the space of eight dayes yeerely, next after the feat of the birth of our Lord God, commonly called Christmas).

One particular curiosity concerns sorcery. There are indictments for use against those who bewitch a horse *whereby he wasted and became worse*, and against a woman who kills a man by witchcraft. In this connection West includes numerous definitions, which his contemporaries must have found useful. 'Magicians' are *those which, by uttering of certaine superstitious words conceived, adventure to attempt things above the course of nature, by bringing forth dead men's ghosts, as they falsely pretend; in shewing of things either secret or in places far off; and in shewing them in any shape or likenesse. These wicked persons, by oath or writing, written with their own blood, having betaken themselves to the devil have forsaken God and broken their covenant, made in baptism.* 'Wizards' are *that kind of magician who divines and foretells things to come and raises up evil spirits...[they] set before their eyes, in glasses chrystalls stones or rings, the pictures or images of things sought for.* There are also descriptions of *professors of the art of divination, juglers and sleighty curers of diseases, inchanters or charmers, augurers or southsayers by birds, diviners by seeing the intrals*

of beasts sacrificed, and witches or hags.

A witch or hag is shee which being eluded by a league made with the devill, through his perswasion inspiration and jugling, thinketh she can designe what manner of evill things soever, either by thought or imprecation, as to shake the aire with lightnings and thunder, to cause haile and tempests, to remove green corne or trees to another place, to be carried of her Familiar which hath taken upon him the deceitful shape of Goate Swine or Calfe, into some mountain far distant, in a wonderful short space of time, And sometimes to flye upon a staffe or forke, or some other instrument; and to spend all the night after with her sweetheart, in playing, sporting, banquetting, dancing, daliance, and divers other devillish lusts, and lewd disports, and to shew a thousand such monstrous mockeries. The fact that these definitions are framed so carefully, by a distinguished and experienced lawyer, in a book intended for use by his fellow practitioners, is a grim reminder of how differently the Elizabethans saw the world, compared with most of us today.



The tomb of George Talbot, 4th Earl of Shrewsbury (1468-1538) in Sheffield Cathedral

IV ECONOMICS AND SOCIETY

1 AGNES FOXE AND THE FRIAR OF TICKHILL³⁶⁷

Agnes Burley was born in Tickhill, which is about ten miles east of Rotherham, on the Bawtry road, in about 1498. She lived there until she was thirty. During that time, she visited Tickhill Priory many times and she became acquainted with some of the friars who lived there - for, unlike monks, friars were supposed to mix with lay people. For a number of years, Agnes helped her father Robert Burley gather the tithes of corn which grew on land belonging to the Priory. Years later, when she was an old woman, she still remembered doing this work, and recalled the name of one of the 'farmers' who collected the tithes, Robert Turvyn, who had a house inside the Priory wall.

There had been a Priory of Augustinian Friars at Tickhill since the middle of the thirteenth century. These friars were not great landowners: they had a house, dove-cote, garden, stable and other outbuildings and about sixty acres of arable, meadow and pasture land. They kept a school for local boys. There were only eight of them in residence when the Priory was dissolved, apart from the Prior himself.³⁶⁸

In the late 1520s Agnes Burley married Henry Foxe and moved to Rotherham. There is a Henry Foxe recorded as having a cottage there in Edward VI's time, when he paid twenty shillings in rent for it. Later, in 1570, when Rotherham was 'visited' by the plague, the town paid 16d to the wife of one Henry Foxe for oat meal, and Foxe himself was paid seven shillings *for warding the moor* (keeping watch on the plague victims who were kept in quarantine there).³⁶⁹

One of the Friars whom Agnes Foxe had known in her Tickhill days was Richard Lonsdale, who had entered the Priory at the age of ten, though his birthplace was Sutton 'upon Lound', near Blyth; but Lonsdale earned himself an evil reputation. Some said he led a *noughtie lieffe*, though this was said of many monks and friars, by those who coveted their lands. Nicholas Storres, who was a yeoman from Bawtry, said that

³⁶⁷ YASRS vol 114 pp 106 - 11, taken from R.VII.G. 1384 and 1455.

³⁶⁸ HSY vol I p 244.

³⁶⁹ The cottage had until then belonged to the Chantry of Holy Cross, but became the Crown's as a result of the Chantries Act: G 157, 386.

Lonsdale was an 'apostate' who had broken his vows, and run away from the Priory, and was absent from it at the time of its suppression. John Gaunte, who was a 'husbandman' from Tickhill itself, took a different view, and claimed that Lonsdale behaved in a strange way because he was insane. Indeed Gaunt testified that Lonsdale *was.... madd and distracte and was bounde in yrons and imprisoned for his madnes and distractnes and was so madd and distracte....that he was alwaies in prison for the moste parte and bound in yrons everie weke once and he hath hard him R. Lonesdaill yell and crye owte as madd men use to do* – though another witness denied all this.

Tickhill Priory was dissolved in about 1538. According to the letter written to Thomas Cromwell by the Commissioners of the North (who may have had an interest in minimising any protests) the dissolution did not cause any trouble locally: *we perceyved no murmure ore gruge in anye behalfe, bot were thanckefullye receyvede*.³⁷⁰ But the suppression must surely have been a calamity for the Friars themselves, including Richard Lonsdale. After all, he had entered the Priory at a tender age, in the expectation that he would stay there, and be provided with free board and lodging, for the rest of his days. When Tickhill Priory fell, he was already 50 years old and he had no other reliable source of income.

The Friars were treated differently from the monks, when the religious houses were dissolved in the late 1530s. Monks were normally given a pension, usually of £5-£6 per annum, or else a parish church or chantry chapel; but the Friars received nothing. Historians tell us that there were about 9,000 monks, nuns and friars in England and Wales, and that about 1,800 of these received neither pension nor living by way of compensation. About 1,000 of these were friars.³⁷¹ Like most of his fellows, therefore, Richard Lonsdale now had to depend on the generosity of others. According to John Dodworth, who was a monk at Roche Abbey, and later became rector of Armthorpe near Doncaster, Lonsdale existed by spending the winter with his *frendes* (which should perhaps be understood as 'relations') in Sutton on Lound, while in the summer he took to the road, to seek alms: *Lonesdaill hathe bene accustomed to lye at Sutton upon Lound with his frendes and yet dothe accustome to lye ther in winter tymes, and in somer goeth to gentleman of worshippes howseis*. 'Gentlemen of worship' was a somewhat flexible term. It included anyone who held an office in 'city, borough, town or hamlet', and was not confined to members of the gentry.³⁷²

The ex-friar of Tickhill was still travelling the roads of South Yorkshire some thirty years after the dissolution of Tickhill Priory, when he was 80y; and one of the

³⁷⁰ Camden Society 1843 *Letters relating to the suppression of monasteries*, 84.

³⁷¹ Davies C.S.L. p 193; Dickens, *Reformation* p 206.

³⁷² G 389(n).

houses he begged at was that of Henry Foxe of Rotherham. There were perhaps two reasons for this: he had known Agnes Foxe in his youth, even before he became a friar (though it would seem that she did not like him); and Henry Foxe may have been a 'gentleman of worship' - the type of person who was picked to hold office in the town, and who would be in a position to assist him in his hour of need. We have Agnes Foxe's account of what happened on one occasion, probably the last, when Richard Lonsdale called at her house in Rotherham. This incident occurred in about 1565, and Agnes gave evidence about the matter in 1568/9, when she was a witness in a court case concerning the tithes of Tickill Priory

Agnes Foxe wife of Henry Foxe of Rotherham, aged 70.....was borne in the towne and parishe of Tickhill and continewally remained and dwelt in the same towne and parishe from hir birthe untill she was xxx [30] yeres of age By reason whereof and by her resortinge to the Frearedge of Tickhill she knewe very well Ric. Lonesdaill clerk before he was maid Frear of the howse attende upon one Frear Watte a Frear of the howse and also knew him many yeres after he was maid Frear viz by the space of x or xii yeres.....R.L. was a light person of evell conversation....he was often put in pryson and bounde in yrons for his evell behaviour and there kept in yrons sometymes a weke sometymes a fourtenight together or more of her certein sight....within three yeres past he came to her husbands house at Rotherham a begginge for his almes and because she did answer him she had no other drink but new aill which he wold not drink being so aged a man he called her olde witche and rayled verie undecentlie most like unto a person utterly withowte perfite discretyon.

This is a strange episode. We always used to think that 'beggars can't be choosers'; but here is Lonsdale, an old man without any means, who has travelled fifteen miles or so from Sutton, arriving at Agnes Foxe's door, and yet taking offence, when she offers him the wrong kind of ale. Not only does he reject the drink which Agnes offers him, he openly insults her. Why? The 'new ale' may be brewed with hops, in the new way, or it may simply not have been fermented long enough. At any rate, it is clearly not to his taste. Perhaps there are other people in the town whom he can call on. As for Agnes Foxe, she does not take kindly to being called an 'old witch', the incident is imprinted on her memory, and she remembers it vividly when she gives her evidence about the matter three years later.

2 THE 'VISITED FOLKS' - PLAGUE IN TUDOR ROTHERHAM

English towns in the early modern period were frequently affected by disasters of various kinds, which at their worst not only damaged property, but actually acted as brakes on population and economic growth. Fire, plague and warfare could all have these effects; but only plague is to be found in the annals of Tudor Rotherham.

The earliest specific reference we have to the existence of plague in sixteenth century Rotherham dates from 1570, although the absence of evidence before that date does not mean that the plague itself was absent: it is known that there were outbreaks in other parts of England in 1500- 1502, 1520, 1527-8, and 1535-9 and the disease was in truth endemic, at any rate in the towns. Guest records a payment made *to pore folke that ley of the more seke of the plage* but the date of this is unclear. It may be 1569.³⁷³

For the 1570 outbreak, we have the testimony of no less a witness than Mary Queen of Scots, who mentioned it in a letter which she wrote to the Duke of Norfolk on May 17th 1570, when she was in the process of moving from Tutbury in Staffordshire to Chatsworth in Derbyshire

*But I have need to care for my health, since the Earl of Shrewsbury takes me to Chastwyth [Chatsworth] and the pestilence was in Rotherham and in other places not further than Fuljeam's next land.*³⁷⁴

Further evidence for this outbreak of plague exists in the records of the Sheffield Burgery. A man called Anthony Hobert had occasion to visit Rotherham in the spring of 1570. When he returned to Sheffield, he was shut up in his house because of the risk which he was thought to pose to the town's health, and as a result the Burgesses of Sheffield compensated him with the payment of a shilling

Item, delyveryd to Anthony Hobert the viiiith day of Maye 1570 to kepe his house bycause he had benne at colts of Rotherham where they dyed of the plagge

12d³⁷⁵

The seriousness of the outbreak of 1570 is confirmed by the number of charitable

³⁷³ Patten p 74; Youings p 138; G 386.

³⁷⁴ G 385. Godfrey Foljambe had a house at Chesterfield.

³⁷⁵ Leader's *Burgery* p 23.

payments which Rotherham's own officers made in that year, especially in the summer, when the pestilence was at its height. The surviving accounts show disbursements totalling £9/12/6d.

	<i>s</i>	<i>d</i>
<i>Payd to Henry Foxe wyfe for a stroke of otte Mealle</i>	16	
<i>Item payd to Worrall wyff for a peke of Salt</i>	5	
<i>Item pyd for a calve on Tewesday the 4 of Julye</i>	4	
<i>4</i>		
<i>Item payd the same daye to Robert Wilson for half a natte & a quarter mutton</i>	14	
<i>Item payd for butter of Frydday the 6th of July</i>	3	4
<i>Item payd to Robt Wilson for beffe & muttune</i>	14	
<i>Item payd to Henry Fox for wayrdinge of ye more</i>	7	
<i>Item payd for fleshe for ye vysytt fookes</i>	17	9
<i>Item payd to Hugh Wattson for maulte the 9th Julie</i>	8	2
<i>Item payd for sault & all other neceries</i>	11	
<i>Item payd for caredge to the moure for 7 weekes</i>	7	
<i>Payd to the Melners</i>	4	
<i>Payd to Christopher Goodyeare for wardenge of the moure for 5 weekes</i>	17	
<i>Item more for flesh this daye being ye 10th of July</i>	24	

These entries show that people who were afflicted with the plague, and even those who had simply been in contact with plague victims, were accommodated on Rotherham Moor, and whilst they were there they were supplied with food, drink and other necessities. A strict guard was maintained and the people on the Moor were certainly not allowed to leave - hence the payments for 'watching' and 'warding'; and this state of affairs clearly persisted for some months during that summer of 1570.

We now know that bubonic plague is not actually infectious, but is rather spread by fleas which have been in contact with infected rats. But in Tudor (and Stuart) times, the chief measure which the authorities took against plague was to isolate the affected population, and anyone who had been in contact with it. As early as 1543, some towns were removing the sick outside their walls, while the Elizabethan *Book of Orders*, circulated to all J.P.s in 1578, was essentially a codification of earlier instructions, urging that infected houses be quarantined. These precautions demonstrate that the authorities regarded the plague at least to some extent as a natural phenomenon which it might be possible to contain. Others saw it purely and simply as a punishment from God, which

it was useless to try to combat. An outbreak of the plague was still referred to in religious terms, as a 'visitation', hence the Rotherham accounts which we have cited refer to those people whom the calamity affected, as *ye vysytt fookes* - 'the visited folks'.³⁷⁶

There were evidently various means of attempting to achieve an effective quarantine. In Eyam in Derbyshire in 1665-6 the village itself was sufficiently compact and isolated to be sealed off from the adjacent communities, though they also built huts on the common there. In London during the great 'visitation' of the same period, those affected were locked up in their own houses and closely guarded, though there were many escapes, and attempts to escape. In Rotherham in 1570, and later in 1589, the *vysytt fookes* were taken out of the town itself and onto Rotherham Moor, where they were confined in lodges or huts for as long as it was thought that the danger existed.

Other measures included the killing of various domestic animals. It is difficult to see what other interpretation can be put on the following payment made by the authorities in Rotherham

[1570] *Payd to Sall for kyllyng of one catt*

4d

John Guest thought this "a comic entry", but it is hard to see the joke. It is surely a sad little item, as well as being an indicator of wider circumstances which were nothing less than tragic. Surely the only reason there could be for killing a (possibly healthy) cat, and for paying someone to do it, was that it was thought that this would help to stop the spread of the plague. An interesting parallel is provided by one of the Orders which the Lord Mayor and Aldermen of the City of London issued about a century later, and which was afterwards reproduced by Daniel Defoe in *A Journal of the Plague Year*

*That no hogs, dogs, or cats, or tame pigeons, or conies [rabbits], be suffered to be kept within any part of the city, or any swine to be or to stray in the streets or lanes, but that such swine be impounded....and that the dogs be killed by the dog-killers appointed for that purpose*³⁷⁷.

In fact, the killing of town cats may very well have had the opposite effect from that which was intended, since cats do chase rats, which were the real agents of infection; but this was not appreciated at the time.

1570 was certainly not the last year when Rotherham was affected by the plague. There seems to have been an outbreak in 1586, for in that year the people of Sheffield

³⁷⁶ Youings p 142; Haigh p 224; Thomas, Religion pp 101-2.

³⁷⁷ *A Journal of the Plague Year*, Daniel Defoe, Penguin Classic, 1986 pp 20,64; see also Keith Thomas, *Man and the Natural World*, Penguin, 1984, p 105.

were asked to help in providing money for relief, as the records of the Sheffield Burgesses relate

*Item, payd towards the Releife of the visyted people of
Rotheram the same xxvth of Aprell*

*iiiiis*³⁷⁸

In 1589, there was another serious outbreak, which meant that some people had again to be quarantined on the Moor, for a period of over twenty weeks. Clearly, this was a cause of great hardship, even for those who survived the sickness: they were unable to earn their living whilst they were confined, even if they were fed at the town's expense; and other types of loss might be suffered as well. Amongst the earliest records of the Feoffees of the Common Lands, following the Charter of 1589, is a document describing an interesting claim for economic loss which resulted from the 'visitation' that year, when a shoemaker called William Bonner lost twenty gallons of oil, which he kept in his house, and which he was forced to leave there unattended, when he went into quarantine on Rotherham Moor

*IMPRIMIS. Whereras Wiliam Boner of Rotheram Shoemaker in the late plage tyme in Rotheram, at the request of diuerse honest men of the same towne was not onely contented to remove himself and family to the lodges upon Rotheram More, but also to maintaine and kepe in his house one William Cosyn and one Mynskypps wyf and especially the said William Cosyn by the space of xxii^{ty} wekes. And where further at his departure from the towne he left in his house in Rotheram xxxiiii^{ty} gallons of oyle which he bought of Alexander Cayster at xvii^{tene} pence the gallon and by reason of his absence thence xx^{ty} gallons thereof was run forth of his vessell. All which he was contented to suffer upon hope of some recompense at the common charge of the towne. It is therefore agreed by th'consent pf thinhabitants that the said Wm. Boner shold be allowed towardes his saide losses and chardges out of the revenues of the Common landes of the same towne the iust somme of xxxiii iiii to be paid proportionally as William Taylor and others be paid by the greaves of the same towne in the presence of William West gentleman, William Pennell baylif of Rotheram, Robt. Okes, Wm. Shaw, F.West & twenty others.*³⁷⁹

It can readily be appreciated that the expenses of the town's officials increased substantially in time in time of plague. It cannot have been cheap to maintain an effective guard on the Moor, whilst also attempting to see that the *vysytt fookes* were adequately supplied. Money was spent more quickly than revenue flowed in. The

³⁷⁸ Leader's *Burgery* p 53.

³⁷⁹ G 363-4.

authorities were therefore sometimes forced to borrow from individual citizens who had ready cash to lend. These debts were then repaid, when the community had the funds to do so. There are entries in the Feoffees' accounts which record the repayment of this type of loan, though it is not clear when the outbreaks of plague to which they relate actually occurred, or whether the lenders received interest on the sums which they had advanced

*[1592] Item of lent money to the towne in the plague tyme which was
now paid to Chrstofer Taylor* 10s

*[1593] Item to Robert Okes of the money he laide downe at the plague
tyme* 10s

*Item paid to Edward Holland for the money laide downe by him
in the plague tyme towards the common charges of the town* 30s 11d

In 1594 there were thirteen persons who were repaid money which they had advanced in plague time, the total repayments amounting to £9/3s/10d.

We can see from the above narrative that plague was more than just an occasional problem for the people of Tudor Rotherham. It was a constant menace. It broke out regularly, but unpredictably. When it did, it lasted for months at a time. We know from numerous other sources that its effects were terrible. The gruesome buboes, or glandular swellings, which it produced in the neck, groin or armpit were awful to behold. The mortality was dreadful: it has been estimated that 70% of those affected died within three to four days, and 90% succumbed within five days. If men were lucky enough to survive, they would still probably suffer serious loss, personal and financial.

There is a further source of information for the incidence of plague in Tudor Rotherham, which it has not yet been possible to examine, and that is the parish burial registers. These were ordered to be kept from 1538, and they have survived in Rotherham from shortly after that date. They are a mine which awaits exploration, though they will not help us for the earlier part of the century. It would be interesting indeed to study the death rates in 1570, 1586, 1589, and the 1590s, when we know from other sources that the plague occurred, and also to see (if possible) whether there were in fact other years when similar visitations took place, which may not have left any other trace. It may well be that the plagues so far identified were only the biggest of a series of waves which broke repeatedly upon a long-suffering populace.

3 MUSICIANS

Before the Reformation, music had a firm place in the life of the community; and when Archbishop Rotherham founded Rotherham College, he had a clear idea of the importance of a musical education. One of the reasons for creating a song school was to beautify and enrich religious services, and in particular to encourage ignorant country people to attend church

Considering that many parishioners belong to that church and that very many mountaineers flock to it, that they may the better love Christ's religion, and the more often visit, honour, and love His church, we have thought good to establish another man learned in singing, and six choristers, or chapel boys, so that divine service may be celebrated there the more honourably forever.

The master of the song school was to teach whichever scholars were desirous to learn singing *according to the rules and institutes of the art of music and particularly in plain and prick song [plano et fracto cantu]*. In addition, six of the poorer boys in the district of Rotherham, *and particularly of our blood, and from the parishes of Rotherham and Eglesfeld* were to be educated without charge until they were eighteen years of age. They were to be taught singing, as well as grammar and writing. The duties of these choir-boys were carefully specified

We will, ordain, and establish that the master-teacher in singing there for the time being, and the said boys, shall devoutly sing on every Friday for ever, at the altar of Jesus, within the said parochial Church of Rotherham, the mass of Jesus, and an antiphone of Jesus always at the vesper there on the same days; on Saturdays [being?] the eves of the Feast of the Blessed Virgin Mary and on every eve of the feasts of the Blessed Mary, at vesper, an antiphone for her at her altar, in the chapel upon the bridge, in the said town of Rotherham: Also every Saturday through the year at vesper, for ever, not happening on eves of the Blessed Mary, an antiphone of the Blessed Mary at her altar within the said church.

The six boys were to be provided with a livery to wear, like medieval retainers, and like many modern choirs

*the six college boys....shall have every year suitable gowns, reaching to their heels, of like colours, at a price per ell according to the discretion of the provost.*³⁸⁰

We can also see the importance of music in the provisions of Thomas Rotherham's will of 1498. Thomas endowed his College with lands and properties, and with precious vessels and vestments; but he also bequeathed a generous quantity of the valuable books which contained the music and the texts used in the Roman Catholic Office and in the Mass - *Antiphonales, Graduales, Missals* and *Breviaries*

*Also I have given to my said College one beautiful Missal written according to the use of the Church of York, sumptuously illuminated, beginning on the 2nd leaf Omnis Judaea. Also another beautiful Missal of great value, written and illuminated as above, beginning on the second leaf, Post diac'eat, according to the use of Sarum. Also one large new and beautiful Antiphonary, according to the use of York, on the second leaf facta pectoris. Also another large new and beautfiul Antiphonary according to the use of York, on the second leaf sul ad custodiam. Also I have given to my said College one new and beautiful Graduale according to the use of York, on the second leaf, In te confido. Also another new and beautiful Gradual according to the use of York, on the second leaf, Non erubescam. Also one new Breviary, according to the use of York, on the second leaf, Deus qui.*³⁸¹

We may also note the gift of a splendid mitre, for the use of one of the choristers, who was periodically chosen as the 'boy-bishop': *one Mitre of Clothe of goold, having two silver knoppes enameld, given to be used by the Barnes-bishop*. The custom of electing a boy-bishop from amongst the choirboys of schools and cathedrals was a common one. This 'bishop' was elected on St Nicholas's day, 6th December (St Nicholas being the patron saint of boys), and he then had to process in episcopal garb, and preach a sermon, which the other boys, and even Church dignitaries, were supposed to take seriously. It would also seem that boy-bishops were sometimes hired out, and went on tour as paid entertainers: indeed one eminent historian has even compared them and the other minstrels they appeared with to modern 'pop' artists! The bursar's accounts for Fountains Abbey in the late 1450s contain payments to the boy-bishops of both Ripon and of York. However, there were some who objected to the disorderliness which sometimes occurred on St Nicholas's day and the festival was suppressed by Henry VIII

³⁸⁰ G 107-110, 114-5.

³⁸¹ G139.

in 1541.³⁸²

During the sixty or so years of its existence, the song school founded by Thomas Rotherham must have played a vital role in the life of Rotherham College, and indeed in the life of the town and parish. It was a source of free education for generations of local boys, who in turn took part in the services held in the parish church and in the Chapel on the bridge, in accordance with the wishes of their founder. We have few records of this school during its heyday. It was mentioned by John Leland, and it appears in the *Valor Ecclesiasticus*; but these are merely passing references, and we have no description of the day to day musical activities of the choir-boys and their masters. We are left to wonder, for example, whether the boy-bishop of Rotherham ever took to the road, like his fifteenth century counterparts from Ripon and York, to entertain the monks in the great Cistercian abbeys of Yorkshire. Perhaps this will be confirmed or denied one day by reference to the account books of one of those houses. However, there is no reason to doubt that the song school functioned in the main as Thomas Rotherham had prescribed - except perhaps during the tenure of William Senes. (Given Senes's views, as expressed in the documents relating to his trial, it is difficult to believe that he would have regarded the Antiphonaries and Graduales which Archbishop Rotherham had bequeathed to the College with the same reverence as their donor). Nonetheless, the valuation of Rotherham college, drawn up at the time of its dissolution confirmed that amongst the functions still performed by the College was

the instruccions of chyldren in the knowledges of gramer, song, and wrytynge, in the sayd countrey, beyng very barayn of knowlege, & also the contynualll brynging vppe of vi poore childeren, & and the mayntenaunce of Godes service in the Paryssshe Church of Rotherham.

The song school was destroyed by the Chantries Act. There was no reprieve, as there was for the grammar school. The last song school master was Robert Cade, who appears in the Chantry Certificates for 1548

The Songe Scolle of the seyd Colledge

Robert Cade, scholemaster there, xxxviii yeres of age, hath and receyveth yerely out of the revenue of the sayd colledge £vi xiiis iiid for his salarie, xiis for his gowne cloth, iiis iiid for fyre to his chamber, his barber and launder free, in all £vii viiis viiid, and hath none other

³⁸² G 169; Trevelyan vol 1 p 184; *Robin Hood*, J.C.Holt, Thames and Hudson 1989 p 137; H Maynard Smith pp 137-141.

lyving.³⁸³

Robert Cade was pensioned off at £6 a year, and we hear no more of him: his name does not appear in the West Riding Pension List prepared 1552-3. This may mean that he took up a living elsewhere, for a priest who did so had to surrender his pension. As for the six choir boys who were in attendance at the time of the dissolution, they too were awarded a pension of £3/6s/8d a year, in lieu of the *meat drinck and clothe* they had received out of the College revenues. Presumably this would cease when they were eighteen if not before, but in the meantime it is conceivable that they continued to be taught by Thomas Snell at the grammar school, for it had always been intended that they should be educated in grammar and writing as well as song.³⁸⁴

Not only was the school dissolved, but all its possessions were dispersed. Office and Mass Books were now considered Popish and superstitious, and they were put away. We have seen that the Churchwardens' accounts for 1547 contain details of payments made for carrying *Church books to Doncaster*, and ultimately to York. These books may have included some of those previously used by the song school: they were probably stripped of their clasps and hinges, and anything else that was valuable, before they were sent off.³⁸⁵

After the Reformation we hear for the first time of the town 'waits'. These officials acted as both watchmen and as musicians, and they existed in many towns, for example York, Beverley, Norwich, and Bristol. In Sheffield, they were under the government of the Burgesses. In Manchester, they were appointed by the manor court. In Rotherham, they were controlled by the Common Greaves, and later by the Feoffees of the Common Lands. The Rotherham records do not enable us to describe the waits' performances in any detail; but by analogy with other towns, we may conjecture that they kept watch, looking out for fires and suspicious comings and goings, called the hour and made music on certain days of the week, on special occasions, and at wedding feasts.³⁸⁶ What is clear from the Rotherham records is that the town regularly spent substantial amounts on clothing for them. John Guest stated that the entry in the Feoffees' Accounts for 1579 was the first mention of the waits, but in fact he reproduced the following entry in the accounts prepared by Robert Swift and William Whitmore ('Comon graves') for 1549. Both these entries relate to the purchase of materials for the waits' coats or 'gowns', or else to the expenses of making or mending them, and they

³⁸³ G 147; Surtees 92, p 381.

³⁸⁴ YASRS 33 pp 175, 183-5, 187. There is no certainty, however, that he was a priest.

³⁸⁵ Scarisbrick p 86.

³⁸⁶ Leader 's *Burgery* p.xxxiii.

record only the earliest in a series of such payments

<i>1549 Itm pd to Edmond gurre for the wayte gown and linyng of the sam</i>	<i>10s 6d</i>
<i>1579 Item pd to Rowland Robyson for the Waytes Cloth & lyninge</i>	<i>19s 9d</i>
<i>1581 Item for the Waytes Cotes the outsyde</i>	<i>21s</i>
<i>Item paid for lyninge</i>	<i>4s</i>
<i>For makyng buttons & sylke</i>	<i>4s 4d</i>
<i>1593 Item payde for foure yeardes & three quarters of red & for nine yeardes of Cotton to the Waytes of the towne of Rotheram</i>	<i>33s 9d</i>
<i>Item payde for foure nayles of taffetie & for fourtene yardes of lacinge and syxe dossen of buttons and three sceynes of threed to their cotes</i>	<i>2s 10d</i>
<i>Item payd for the making of the Waytes coates</i>	<i>3s</i>
<i>Item for canvys to the bodyes of their cotes</i>	<i>2s</i>

These are generous payments, and it is clear that the Feoffees of Rotherham were anxious that their musical watchmen should be sumptuously and elegantly dressed. It is instructive to contrast the amount spent by the Feoffees on the purchase of cloth for the poor of the town, with that spent on the finery required for the waits. In September 1597, both types of expense were incurred, within a few days of each other

<i>13 For eightene yeardes of blacke russet Clothe to make the pore clothes of</i>	<i>26s 8d</i>
<i>18 To Francis Dickenson for five yeardes of redde clothe for th'waytes of the towne to make their cotes</i>	<i>32s</i>

It will be seen that the Feoffees bought over three times as much cloth for the poor, but it still cost far less than the material required for the waits. Clearly, the poor had to be satisfied with plain stuff.

Rotherham may also have had a piper. The following payments in the Feoffees' accounts for 1569(?) have been thought to relate to him

<i>Item payd for vi yards of cles for Jamys pyper gone</i>	11s 0d
<i>Item payd to Marshall for dyeng of ye sam</i>	15d
<i>Item payd Thomas Wod for shereng on ye same</i>	2d
<i>Item payd for lyeneng to Rawfe Engell</i>	22d
<i>Item payd to ye sayd Rawfe for maykeng</i>	12d

Guest stated that these were the first in a series of payments made for a piper, similar to the one who played in Sheffield and other towns; but it is difficult to be sure that the expenses in Rotherham were not simply charitable payments in respect of an individual called James Piper, rather than James the piper.³⁸⁷

What of sacred music in the post-Reformation period? Unfortunately, the few Chuchwardens' accounts which survive are not very informative on this topic, but some clarification is provided by an interesting and in some ways amusing case which took place in the Church courts at York, some years after the end of the Tudor period. In 1620, allegations were made in York against one Peter Curry, who was then parish clerk of Rotherham. It was said that Curry was *a man of lewd life and inordinate behaviour a curser and common swerer given to excessive drinkeing of Ale beere and wine*; and also that he had assisted at the celebration of various clandestine marriages (a charge which was not uncommon and was not as sinister as it sounds); but most of the offences which he was supposedly guilty of related to his activities as an organist in the parish church.³⁸⁸

It was alleged that Curry had taken it upon himself to play upon the *Organes*, both on the Sabbath and holy days *without all order decencie or discretion wanting fitting and competent skill either for singing or playing*. On one occasion, he had even played on his organ *while Mr John Newton preacher there was in his prayer after his sermon, and that very untuneably of set purpose to disturbe*. On another, he had supposedly begun to play *in such disorderly manner and with such untuneable sound as that [he] had for shame desisted to play any longer*. The result was that the minister and the congregation were compelled to sing the rest of the Psalm unaccompanied *which moved many to laughter and other some better affected to great grieve and discontent*.

Thus far, the alleged misconduct might be said to consist of disorderliness and

³⁸⁷ G 383-9; Leader's Burgery p xxxvi.

³⁸⁸ BIHR C.P. H 1460, One is curious to know whether he is the same man whom the Feoffees paid in 1632: *To Gurry for fetching charcoal from the furnace to the church at the first search & sorting the evidence and for his attendance there, 9d*. There was also a Robert Gurrye who was paid to grease the bells, oil the clock fit clock ropes and write the register in 1611. These are all duties one might expect a parish clerk to perform: G 394, 182.

malice on the part of the defendant, rather than lack of musical ability; but the complaints against Peter Curry did not end there

through his want of skill in musicke [he] is not able to play above 3 or 4 tunes and that of ordinarie Psalmes and those so untuneable and unperfectly using but few keyes of the Organes as that it is farre from a decent and melodious harmonie neither is the sound hee makes thereby correspondent soe much as with the vulgar ordinarie tune nor doth concurre or agree with the voyces of the congregacon and in his comon Psalmes tunes by is disorderly playeing hee makes the noyse soe confused partly through the untuneablenes of the Organes and partly through his want of skill that the people cannot conveniently ioyne with him in the singing of any Psalme at all.

Here we have a detailed criticism of Peter Curry's performances on the organ: he has a limited range of tunes; he does not even play those which he does know at all well; he cannot play in tune; he cannot harmonise with the congregation; and it seems also to be suggested that he cannot tune his instrument properly.

To this barrage of accusations, Curry could only make a half-hearted reply. He denied that he had ever deliberately interfered with the minister's prayers, and said that on the occasion when he had stopped playing halfway through a psalm, he had thought it best to do so because the organ was playing so badly. He said he had left it in tune the previous day and someone else must then have put it out of tune *malitiously of purpose*; but for the most part, he simply replied that he had not thought it wrong to play the organ *according to his skill*, which almost concedes that his skill was not great.

These allegations, true, false or simply exaggerated, tell us a number of things. Firstly, that the parish church of Rotherham had a form of organ by 1620. Secondly, that the singing of Psalms was a regular part of the act of worship. These would in all probability be the metrical psalms of Thomas Sternhold and John Hopkins, first published in 1547-1549, which were widely used in the England of Elizabeth I. They were easy to sing as well as theologically correct, from the Protestant point of view.³⁸⁹ Thirdly, and most interestingly, these criticisms were treated seriously enough to form the basis of a court case against Curry. Clearly the congregation at Rotherham cared about its music.

The alleged effects of Peter Curry's failings as a musician are clearly spelled out in the charges laid against him

³⁸⁹ Dickens, *Reformation* p 309.

by reason the said Curry cannot tune and play the Psalmes as they fall out in order or upon occacon to be sung the congregacon is restrained and forced to sing continually onely a few such Psalmes as hee can play the tune of which is a great hinderance to divine service and a distast and disturbance to the congregacon; [and] by reason of the premises...and especially through the disorderly carriage of the said Currie in the premises devine service in the said Church of Rotherham is become ridiculous the word of god less esteemed and many of the inhabitants there occaconed to absent themselves from the same.

These allegations were made by one Richard Burrows, who was described as one of the churchwardens of Rotherham. Burrows possibly came from a family which had *a convenient seat* in the parish church and therefore had particular reason to complain about the incompetent organist; but presumably the charges were pressed on behalf of the congregation as a whole. This surely tells us that the people of Rotherham still had an ear for music, that they knew when someone played well or badly, and whether the organ was in tune or not, and it mattered to them whether they could sing a wide range of Psalms in church, or just the same old few.³⁹⁰

At the end of the fifteenth century, Archbishop Thomas Rotherham had considered music to be an essential element of religious services, and that the *mountain men* of Rotherham parish needed to listen to good singing, if they were to be encouraged to come to church. Is it too much to suggest that the case brought against Peter Curry in 1620 shows that the people of Rotherham had lost none of their appreciation of music, despite the various upheavals of the Reformation? Many changes had taken place in theology and liturgy in the years between 1480 and 1620, and many elements of religious observance which were considered sacred in Archbishop Thomas's time had been unceremoniously discarded; but good singing and playing were still appreciated.

³⁹⁰ G 173.

Those Was Good Lads



The Remains of Rufford Abbey, Nottinghamshire, 2012

4 PEOPLE AT WORK

What did the people of Tudor Rotherham do for a living? John Leland noted the existence of the market, the abundance of cheap coal, and the specialisation in cutlery, and we shall consider these below; but the features of the local economy which interested the visitor were not necessarily those which were the most important. Most people were probably still engaged in whole or in part in agriculture. The town was not so large as to have developed a way of life wholly different from that of the surrounding countryside. The common fields and closes were only a short walk from the town centre, and the 'townsmen' were constantly occupied in them, in many different ways. Indeed, husbandry went on even within the confines of the town itself: around the time Rufford Abbey was dissolved, we find William Hill and John Greenwood paying rent of 8s/6d *for a close and a lathe in Welgate* - a lathe being a barn; and we also find a lady who pays 6d for three *garden-stedes* (pieces of garden). °G 60-1§ The regulations made by the manor court show that the modern distinction between town and country meant very little: animals had to be brought into town to the market; corn had to be brought to the mills; pigs were kept in many a household yard; waggons were left standing in the streets. All this suggests that "husbandry in one form or another was the most important by- occupation of townsfolk of all classes", as it was in most English towns.³⁹¹

Husbandmen, and yeomen, can be found everywhere. What distinguishes the town is the presence of specialist craftsmen and tradesmen. Rotherham certainly had these, although we have to look harder for them than in some other cases, since the town was not incorporated, and there are accordingly no freemen's registers. Nor did Rotherham have craft guilds: as we have seen, the guilds which did exist before the Reformation were not organised around individual trades.³⁹² We therefore have to look for other sources.

It seems likely that Tudor Rotherham had a clothing industry, though this was not mentioned by Leland, and is not traditionally associated with the town. A rental drawn up for the monks of Rufford in the 1530s shows that William Oke paid 12d *for the Teyntures*. This implies the existence of a fulling mill where woollen cloth was cleansed and thickened, since a 'tenter' ground was an area with frames or hoardings, on which cloth was stretched to dry. William Oke is also recorded as paying 20s/3d for 'Draper Rowe'. When the 5th Earl of Shrewsbury acquired Kimberworth in 1552, there were said to be two fulling mills there, while in 1556 Thomas Lilly left a bequest to the

³⁹¹ Patten pp 39, 46, 199.

³⁹² Contrast York, where there were 64 in 1579: Clark & Slack.

'Communality of Rotherham' of *three acres of arrable ground lying in Rotherham feild my leyes and doles in the Tenter meadowe*, while Thomas Woodhouse the Feoffee owned land in the 'Tenter Meadow' in 1606. Lilly may well have been engaged in the cloth trade himself: he left twenty gowns worth 4s each to the poor of Rotherham; his brother Henry (whom he made his heir) was a mercer in London - a dealer in the more refined types of cloth and three of the four men who witnessed his will were also mercers. He was certainly a man who had prospered: he described himself as 'Mr'; he had a 'man' called Christopher; he accumulated cottages in Welgate, a chamber and two shops in the Market Stead, and land near Rotherham bridge and in Masborough; and he married the daughter of William Whitmore, who was bailiff of Rotherham. According to Hunter, Robert Swift (died 1561), whose prosperity has been discussed elsewhere, was also a mercer. Towards the end of the sixteenth century, we also find that one of the original Feoffees of Common Lands, Nicholas Mounteney, was a mercer. We may pause here to reflect that if the clothing industry was important in Tudor Rotherham, this was nothing new, for when the Poll Tax returns of 1379 are examined, it is found that the most commonly recorded occupations relate to that trade: there had been at that date four websters, one 'couerle' weaver, three walkers, two 'sheremen', three drapers and seven tailors. The 'pains' imposed by the manor court in the 1540s punished those who laid 'skins in the broadwater'. This confirms that the town had tanners, for who else who be guilty of this conduct?³⁹³

We also know that some men were employed in the business of transport, as a result no doubt of Rotherham's position at the confluence of several important highways. Thus we know that there was a carrier called Richard Woodhouse there in 1516, for in May of that year one of the Earl of Shrewsbury's servants, Thomas Alen, used him to transport ten pasties of baked 'congers' - *the greatest and fattest he ever saw*. These magnificent eel-pies were sent from Cold Harbour, which was a mansion in London, to the Earl, who was perhaps at Sheffield. The geography tells us that Woodhouse's carrying activities must have been extensive and were certainly not confined to Rotherham parish. Incidentally, Shrewsbury found them *veray good and sweete*, so Woodhouse must have delivered them safely. Some years later, in 1529-30, the accounts of three agents *sent to divers parts of England by the King's command* show them paying 4s/8d *for seven post horses from Rotherham to Dancastre* and likewise disbursing 8d for a guide between those towns. Clearly there were men who provided mounts and offered to show the way - services which may well have been provided by

³⁹³ Guest puts 'dyers' next to 'Teyntures': G 63; Bernard p 142; G 377-8, 41-6; 350.

innkeepers.³⁹⁴

The records compiled by the Chantry Commissioners in Edward VI's time tell us the name of a miller, Ralph Danckes, who lived in a chamber called 'the Highe Garrett', while the rental previously mentioned shows that there were several bakers - in Doncaster Gate, Bridgegate and Westgate.

The records of Beverley Minster tell us of one Rotherham 'chapman', or merchant, who fell on hard times. Roger Padley evidently got into debt, which meant imprisonment; but he went to Beverley, and claimed the right of sanctuary, which was granted to him on 20th March 1505.

Deeds in the possession of the Feoffees of Common Lands(?) record the presence in the town of at least one barber, butcher, fletcher in, horse- shoer, innkeeper, and roper, while the payments made by the town's officials also testify to the existence of several different types of tradesmen: when the greaves of 1549 wanted to have gates mended or hung, or a house repaired, they called on Richard Shepherd, who was evidently skilled in carpentry. They used William Tingle for hedging work. When ironwork was required for the pinfold, or for a gate, or if they wanted to have a bell made for the gate by the toll-booth, Henry Lawton's services were employed. There were others, no doubt tailors, who made and mended clothing. The Feoffees' accounts in Elizabethan times demonstrate the existence of a soapmaker (1569), of masons (1595); and of shoemakers (1597).³⁹⁵

Of course, we cannot tell very much from isolated entries in accounts. We know nothing about the individuals who received the payments in question. They may not have pursued their trades full-time. It would be necessary to examine the probate inventories of the people involved to discover whether they combined more than one occupation, and the scale of their various activities. But it seems plain that Rotherham did have a variety of tradesmen and craftsmen, despite the absence of craft guilds.

1. The Market

Leland wrote that Rotherham was *a meately large Market Towne*; and the market was indeed very important to it, both economically and because it gave the town a certain

³⁹⁴ L & P Henry VIII vol II part I, 1870; *The Complete Peerage*; HH p 68; Bernard p 152; L & P Henry VIII vol IV part III, 6489.

³⁹⁵ Surtees 1837/1 (*Sanctuar. Dunelm et Beverlac*) p 115. See p xvii for the privileges conferred by sanctuary. G 382-4, 386, 388.

status. There were only about thirty markets in the West Riding in 1530, and Rotherham's ranked in size with those of the cloth area (Wakefield, Halifax, Leeds) and chartered boroughs (Doncaster and Pontefract).

Where was the market held? There is no reason to think it was not more or less where the present Market Street is, in the place where the sheep market and the shambles were in the eighteenth century. This is consistent with references in documents of the early Stuart period, which refer to the *Market Stede* as if it adjoins the west side of the churchyard, and is in 'the heart of the town' next to High Street.

When was the market held? Direct evidence is rare; but markets and fairs were usually held on the days specified in the Charter which founded them. In the case of Rotherham, the medieval charters are somewhat confusing: one document of 1307 refers to a market on a Friday, and an annual fair held over three days in Midsummer, while another of 1316 refers to a Monday Market, and a fair held over eight days, during and after the feast of St Edmund the King (20th November). It is probable that it is the Charter of 1316 which is the more relevant. In the early nineteenth century, the sheep and cattle markets were certainly held on a Monday, and the annual hiring Fair (known as the Rotherham Statutes, or simply as *T' Stattis*) was held in November. These must be the favourite dates for the Tudor market and fair. (Though it is not impossible that there were other fairs as well: the feud between the Wests and the Darcys culminated in violence after a Fair supposedly held in Rotherham on Whit Monday, and Alderman Gummer tells us that there was a horse fair held on that day in his young days.

The market had at least one and probably two buildings which were maintained by the town and put to official uses. The first of these was a market hall, known as the 'tollbooth'. The exact position of this is not known, but it would probably have been in the market place itself. We do know that it had a gate near or next to it, with a bell attached, no doubt to warn those responsible for collecting dues of the approach of those liable to pay toll: the Feoffees and their predecessors paid for the repair or renewal of this bell on at least two occasions in our period.

The second structure was the 'Hood Cross', situated not in the market place, but at the bottom of High Street, at its junction with Jesus Gate, Doncaster Gate and Well Gate. An assessment of 1627 lists the houses in High Street, 'beginning at Hood Cross'; and the Feoffees accounts for 1632 contain a payment for cleaning the streets in Wellgate 'near ye Hood Crosse'. The Cross had been erected by the Feoffees in 1595.

Pd to Robt Bankes for leading stone to ye Crosse

s d

3

Pd to Edwarde Redwarde & ye masons for settinge up of ye Crosse

18

Payde to John Pits for paving at ye Hood Crosse 22 yeardes

3 8

This was not the whole amount which was spent, for the accounts for 1597 record a further payment

*3 Sept. To Richard Edmundes wyf for a gallon of ale & 2d in breade
which Robt Okes and Jeffry Wollen left unpayd at the settinge
up of the Crosse*

14

Guest wrote that the Hood Cross was 'a stone cross'; but it is more likely to have been a building, used in connection with the town's market. Most market towns had such a building, where vendors gathered to sell their wares. It was "ususally polygonal with an open archway on each of the sides, and vaulted within". The evidence for saying that the Hood Cross in Rotherham was more than just a plain cross comes from the nature of the expenses incurred by the Feoffees in the years after it was erected. In 1606 they spent 36s on *paving 3 score and 12 yeardes at hood crosse, timber, stone, sand etc*, while in 1640 they paid no less than £4 to the beadle *for his wages and for warding and clensing the Hood Crosse*. These items surely suggest that this was a building, which needed to be watched, and cleaned regularly, after market traders had used it. The name Hood Cross further implies that the building was a covered one, like that erected by the mayor of Shaftesbury in 1570 *for all those who sold butter, cheese, eggs, poultry, or the like to stand or sit dry in during the market*.

Some towns had more than one market 'cross', but it is difficult to say if this was so in Rotherham. In 1603, the Feoffees paid for repairs to the highway near *Stonde Cross*, while in 1610 they repaired the stocks at *ye Market Crosse*. These may well be alternative ways of referring to the Hood Cross, or they may be different structures altogether. Guest reproduces a picture of 'The Old Town Hall', which shows a simple cross and a set of stocks situated in the market place; but he does not say where the picture came from, or what period it is meant to relate to.

What of the stalls used by the people who traded in the market? A rare glimpse of what these may have been like is provided by a lease made just before the start of the Tudor period, in 1478. In that year, the Abbot and monks of Rufford granted to John Swerde, brasier (brassworker) of Chesterfield, a lease of a stall on the north side of the market, measuring 22 feet in length and 10 feet in breadth. The stall could be manned by him or any apprentice or servant of his. The lease was for twenty years at a rent of twenty pence, payable on the feast of St Edmund, and at the Abbot's fair. The Abbot reserved the right to take possession of the stall, if Swerde fell behind with the rent. Significantly, the site of the stall in question was called *Brasier Ratwe*, indicating that the

market was perhaps divided into areas where vendors of the same type set out their stalls. We recall that there was certainly a *Draper rowe*, presumably a row of drapers' stalls, as there was at Doncaster market; and the Chantry Certificates mention a *bocher rowe*.

The market had its own officials: in particular, there was a clerk to the market, who was of some importance - in 1597 the Feoffees had dinner with him and gave 'his man' 6d. We should also recall that the manor court appointed 'searchers' of the market, for flesh (meat), fish and leather.

Nowadays, the idea of a market implies free competition; but a Tudor market was a highly controlled place. First of all, tolls were levied on those who used it, or at least on some of them. We do not have any scale of charges for Rotherham; but it would have been pointless to have a tollbooth without tolls, and the Earl of Shrewsbury's threat (made in 1567) to treat the men of Chesterfield as 'foreigners' in his towns presumably meant that they would have to pay toll (or perhaps an increased amount), if they wanted to peddle their wares there. Secondly, there were controls on the quality and quantity of goods sold, exercised by the 'searchers' mentioned above. And thirdly, there were the regulations passed by the manor court, which ensured for example that corn was not sold privately, but was brought into market, where the price would be decided. All this meant that the market was a potential source of revenue, and a rental of 1536, prepared after the dissolution of Rufford Abbey, shows that the bailiff of Rotherham, William Whitmore, had taken a lease three years previously of *the yearly farm of the perquisites of Courts and profits of the Market toll of the Fairs and passage*, for which he paid £4 per annum. There is evidence that towards the end of Queen Elizabeth's reign, Rotherham market was one which men would travel a considerable distance to attend: we learn that one purchaser came from Carlton in Lincolnshire, 40 miles to the south-east, and one seller came from Ellerburn in the Vale of Pickering, 70 miles to the north-east. These mileages are significant, because the average distance a person might travel to go to market in England and Wales was probably no more than five or ten miles. Journeys of 40 and 70 miles imply that Rotherham market was attractive; and they may also mean more specifically that it was already acquiring a name for sheep and cattle, for animals were more easily transported than many other types of goods, and traders were therefore prepared to travel further afield for them. When they did so, they may very well have stayed overnight in the towns's inns.³⁹⁶

³⁹⁶ G 32-3, 65-6, 78, 203-5, 350-1, 380, 383, 386, 389, 392, 394; *Agrarian History* pp 481, 486, 499; Gummer p 40; THAS vol 2 (1920-4) pp 37-8; Rufford Charters no 990C at p 543; Hey, Yorkshire p 137.

2. Coalmining

There are many records of coalmining in Rotherham: Leland wrote that *the people burne much Yerth Cole, bycawse hit is plentifulley found ther, and sold good chepe. A Mile from Rotheram be veri good Pittes of Cole*, adding that *Hallamshire hath plenti of woodde, and yet there is burnid much se cole*. The traveller's description of the widespread use of coal as a household fuel is illustrated by the fact that the Provost of Rotherham College was supplied with both *wood & coles sufficient for his chamber*, according to the Chantry Commissioners who reported shortly afterwards. A rental of the College also shows a payment received from

Michael Wentworth, for.....

The Coole pitts

66s/8d

while in 1543 the King granted a lease to John Yole, William Banke and William Hartley of *all coal mines called 'the coledelfes or colepyttes' in the lordship of Kimberworth*, with the right, when *the pits already diggen shall be spent and consumed* to search and dig for others, provided that there be only one pit at a time. The lease was for twenty-one years, the rent being *66s/8d and 6s/8d for the increase*. The King was to provide *competent and sufficient punchewoode and all other manner of wood for the said coal pits and for soughes for the same*. The 5th Earl of Shrewsbury's grant of Kimberworth in 1552 included 'a mine of coals'.

These references do not tell us very much; but an idea of what the pits may have been like can be obtained from accounts relating to certain of the 6th Earl of Shrewsbury's mines in Sheffield Park, for the years 1579-82. The Sheffield mines were very small: the average number of face- workers never rose above four and occasionally fell to two, and the total number of men employed was usually five, and never more than eight. The miners were divided into three distinct groups: the face-workers or 'pykemen', the barrower, and the bankman. The last two occasionally had a helper. The bankman was the foreman: he sold the coal direct to purchasers on the spot, and with this cash paid himself and the others every week; he also kept the accounts.

The work was totally unmechanized. The tools employed were steel picks and wooden shovels. The pits were illuminated by candles lit by 'strikes' of flint. The hewn coal was dragged along underground in baskets to the pit, where it was hauled up the timber-lined shaft by hand, over a pulley wheel. All there was at the pit head was a little portable thatched hut, which two men could dismantle and re-erect in a couple of days; the pulley wheel; some sawn planks; and the 'banck' or 'hill' of stacked coal. At

one side there as perhaps a stack of 'punch-wood' for supports and props, and below, at the bottom of the hill emerged the 'sough' or adit, which drained the pit.

Remarkably, the Sheffield accounts show that there was a good deal of absenteeism among the mineworkers - over and above the time lost through the presence of gas (known as 'dampe'). One of the pickmen was continually taking a day or two off during the week. The bankman, as the foreman, was more responsible, but on at least one occasion, all work had to stop for three days, when the barrower 'went forth'. The whole gang regularly took itself off for occasional festivities, such as Sheffield Fair-day. More significantly, they invariably took numerous regular fixed holidays: a week at Christmas, four or five days at Easter, three days at Whitsun, plus Candlemas, May Day, Midsummer Day, Haw Thursday and Cocking Monday, and thirteen saints' days of the old pre-Reformation calendar. As has rightly been said, this is "hardly what one has been led to expect of a defenceless working class freshly subjected to the full pressure of unbridled capitalism"! It may well be, however, that the miners were employed in other ways than in the pit, during some or all of these holidays.³⁹⁷

3. Cutlery

In Rotheram be veri good Smithes for all cutting Toolles. It is well known that cutlery was already a speciality in Sheffield by the sixteenth century. The streams to the west of that town were used to drive the cutlers' wheels from a very early date; and in 1588 there were at least 20 on the estates of the Earls of Shrewsbury, whose enterprises were in the forefront of the iron industry. Rotherham's place in the development of this industry is perhaps less well known, though there had been at least six 'smiths' in the town in 1379; but Leland's description certainly implies the existence there of metalworkers skilled in the production of knives, and other tools. We can in fact give a name to one of these men. In 1521, a man called Robert Hartley made his will. He did not describe himself as a cutler or as a smith, but amongst the property he left were *my hoole bargan of Kymberworth mylne, & the Cotelar Whelle; amd my walke mylne that I last made*. These mills and wheels are surely the motive power for a cutler's forge.

In the rental of Rufford Abbey which we have referred to several times, we find forges in the market place, and by the Church Stile

³⁹⁷ VCH vol II p 339; G 147, 152; L & P Henry VIII vol XVIII part I, 476(12); Bernard p 142.

*Robert Swyft, for a forge in the market place, in the tenure of _____
yearly* iid

*William Hill & John Grenewood for the said heirs [the heirs of John Cutler & Thomas Cutler] for
the land of a forge, near the Church Stile* iid

We also find 'foreigners' paying rent for forges in the town

Robert Parson, of Sheffield, for a forge, yearly iis

William Wolf, of Barnsley, for a forge, yearly vd

No doubt many of the items wrought in Rotherham were sold in the market. An examination of probate inventories would doubtless reveal more details of these Rotherham smiths, whom Leland praised so highly.

How, then, did the working people of Rotherham fare in the Tudor period? Obviously their conditions must have varied considerably. But can we say anything by way of generalisation? The question is worth asking because widely differing pictures have been painted, of economic conditions as a whole. According to Trevelyan's somewhat old-fashioned view, the age of Elizabeth was a golden one: the English enjoyed an unprecedented period of internal peace, during which a 'great re-building' took place. It was period of social harmony. The excesses of poverty were mitigated by means of the Poor Law. It was a time, not simply of literary excellence, but of rising prosperity for all. More recent historians (including Youings) have inclined to the view that the undoubted brilliance of court life and in the arts was not matched in the country as a whole. Population and prices were both rising, and wages did not keep pace. The 1590s in particular saw poverty, unemployment and commercial depression. "The trend in the standard of living of the urban worker was unmistakably downwards: from the point of view of the bottom half of the population, the sixteenth century was disastrous"...."With industry increasingly centred in the countryside, and with London swallowing the trade of provincial ports, many towns complained loudly of decay". Of course, the Tudor period lasted more than a century, and things did not stand still. David Hey identifies a period of stagnation or even decline, followed by recovery in Elizabeth's

reign, in several Yorkshire towns, including York.³⁹⁸

The evidence is patchy. In 1517, Cardinal Wolsey set up a commission to look into the problem of enclosure. The Inquisitions which were held show that twenty-eight presentments were made in relation to the West Riding of Yorkshire, and two concerned areas which adjoined Rotherham. In Wentworth, Thomas Wentworth had enclosed four acres of pasture land, while in Thrybergh, Ralph Reresby had enclosed sixty acres of pasture and woodland, and twenty-six acres of arable. One historian has concluded: "...in all these areas one can see good reasons why arable should be converted to pasture at this time for [Leeds, Wakefield and] Rotherham were all prospering towns with an increasing need for meat and cheese." This may be true; but one has to say that the picture of prosperity rests on very little evidence; the area enclosed by Wentworth and Reresby were not large, and we know next to nothing about the circumstances in which these enclosures were made.

Moving forward in time, it has been said that "Leland's Itinerary of the 1530s and 1540s is full of decayed towns and departed glories": he noted the decay of several towns in Yorkshire, including Beverley, Ripon and Tickhill (the latter being 'very bare'); but Rotherham was not amongst them. Indeed, his brief description suggests that the town was relatively prosperous.³⁹⁹

It is even more difficult to say whether the town prospered or declined after Leland's visit. We have already considered some of the negative aspects of belonging to the Talbot patrimony; but there may have been economic benefits too. The 4th and 5th Earls were involved in mining coal and lead and in ironworking; but the 6th Earl was a veritable 'tycoon'. He was the largest demesne farmer of whom we have any record. He had shipping interests. He was the largest single lead smelter in the country. He made most of the steel which supplied the Sheffield cutlery trade. He owned coalmines and glassworks and forests. One can well imagine that there may have been considerable advantages to be derived from living and working on the estates of this man: it might bring access to supplies of raw materials: steel, coal lead, glass and timber. It might promote useful business contacts. And it might throw up new ideas and procedures.

The only economic benefit conferred on Rotherham by the 6th Earl which we can actually document is his gift to the town of £200, in 1590; but this is instructive. The money was left to the 'poorest artificers', *as in Pontefract*. What this meant was explained earlier in the Earl's will: it was *for the increase of trades there*, and it was intended that

³⁹⁸ Smith, citing SCL ACMS 117; G 41-6; Surtees 79 (1884/II) p 128; C.S.L.Davies pp 244, 259; Hey, Yorkshire p 131.

³⁹⁹ TRHS 2nd series vol VII 1893 pp 227, 242; Smith pp 18-19; Hey Yorkshire pp 120-1; Palliser p 235. Possibly the fact that coal was cheap gave a boost to other economic activities: Hey, Yorkshire p 121.

each poor artificer should if possible be lent £5 for three years, *putting in some securitie in doble for the repaiment*. This was not simply a gift, but a loan fund, intended to promote future economic development. However, the establishment of the fund may suggest that the town, or certain trades, were in the midst of a 'recession' in the 1590s.

On the other hand, if I am right in thinking that the 'Hood Cross' set up in 1595 was not just a simple stone cross, but a market building, and a covered one at that, separate and apart from the existing tollbooth, then this is surely an indication of prosperity, at least amongst one very important part of the town's population. The healthy condition of the market is also confirmed by the fact that it attracted traders from far and wide: by the end of Queen Elizabeth's reign, at least one purchaser came from Carlton in Lincolnshire, forty miles to the south-east, and one seller from Ellerburn in the Vale of Pickering, seventy miles to the north-east.

When the West Riding Justices set the rate for the County in 1602, they assessed Rotherham at 9d, the same figure as for Sheffield. This was relatively high, and only Doncaster, Hatfield and Bradfield (at 1s 4d each) were rated higher; and half a century later, in 1658, when they met at Doncaster, they were 'credibly informed' that the town of Rotherham, now 'sadly decayed' had once been

an eminent and ancient markt Towne....thorough the Endeavours and Industry of the inhabitants thereof in former time....populous & wealthy and well able to supply the wants and yielde helpe to the neighbouring townes in time of need.

However, it is not clear what period the Justices were being invited to look back on; and this sort of harking back to 'the good old days of yore', though very common, must always be treated with suspicion.⁴⁰⁰

⁴⁰⁰ Bernard p 145; Collinson p 21; Andrews p 24; Surtees 121 (1912) p 149; Jordan p 292; *Agrarian History* p 499; YAJ vol 1 (1870) p 164; G p 397.

5 ROTHERHAM MILL, 1578-1582

Rotherham had a manorial cornmill, or mills, for at least 700 years, between the late 11th century and the late 18th century. Domesday Book refers to a mill there which was worth 10s. John de Vesci's grant to the monks of Rufford in the 13th century included *the mill of the said town* and also *mills, kilns, and the suits of mill and kilns*. An Inquisition post mortem held in 1322 is more specific, since it refers to *two water-mills, which are worth yearly 26s 8d*. In the late 17th there were *two Water Corne Mills standing upon the river of Dunn in Rotherham...within the said manor* - this appears from proceedings brought by the Dukes of Norfolk, in an attempt to enforce the monopoly of milling. The mills declined, and fell, in the canal age. The Don Navigation was opened in 1740, and this included a cut at Rotherham which was near the weir which served the mills. The Proprietors of the Navigation had a policy of buying the mills along the River so that they could control the abstraction of water by the millers, and in 1780 they bought Rotherham mill for £6000. Finally, in 1792 Rotherham's famous ironmasters, the Walkers, converted them from cornmills to a water powered rolling mill. Perhaps it is no coincidence that between 1774 and 1781 two windmills were built in Rotherham at the top of Doncaster Gate, though were in turn in ruins by the mid-1860s. By 1879, when John Guest published his *Historic Notices* - the fruit of 14 years' research - memories of Rotherham's ancient water corn-mills had already faded, and even he was unsure as to exactly where they had stood; but there is no reason to doubt that they stood on south/east bank of the Don, above Rotherham's medieval bridge, and at the end of Millgate, more or less in the position shown on the earliest known map of Rotherham, which dates from 1774.⁴⁰¹

The Tudor period marks an important turning point, for in the 1530s, as a result of the dissolution of the monasteries, the manor, the tithes and the patronage of the church of Rotherham all passed from ecclesiastical to lay hands, from the abbot and monks of Rufford Abbey in Nottinghamshire to the Earls of Shrewsbury. King Henry VIII's grant to the 4th Earl in 1537 (made as a result of certain events in Ireland) specifically included all *mills, woods....fairs, markets, profits*.⁴⁰²

⁴⁰¹ G 35, 351-5, 489; Munford photos 72-3, 68; Charles Hadfield, *The Canals of Yorkshire and North-East England*, David and Charles 1972, vol 1 p 80.

⁴⁰² G 170; *L & P* XII part 2 p 350. The Earls of Shrewsbury were the predecessors of the Dukes of Norfolk, who owned the mill in the late 17th century, and the Earls of Effingham, who inherited it in the 18th, HSY vol II, 10.

The printed sources which refer to the Rotherham cornmills in the Tudor period are sparse and insubstantial. There is the will of Thomas Reresby made in 1522, which contains a legacy of 3s 4d to the two millers at Rotherham mill. There is a valuation in King Henry VIII's *Valor Ecclesiasticus* of 1535 - £31 6s 8d - which refers to 'five millers under one roof' (*quinque molendinorum sub una tecte*). There are rentals prepared at the time Rufford Abbey was dissolved which give the same figure as the *Valor*, and show that the monks did not operate the mills directly, but farmed them out to Robert Swift, who also farmed the tithes and had many other business interests in Rotherham, and whose wall brass can still be seen in the parish church; and there are the notes which Joseph Hunter made on the rolls of Rotherham manor in the reign of Henry VIII and Edward VI, which tell us that in 1546 (when the 5th Earl of Shrewsbury was lord) the penalty for carrying corn out of Rotherham to be ground elsewhere was 13s 4d, subsequently increased to £5. This reminds us that milling was a manorial monopoly. Guest had no doubt that it was an area of economic activity "in which great extortions were exercised;" but, all in all, these sources tell us very little about the mill and the people who worked in them.⁴⁰³

In the early 1990s the present writer's attention was drawn to an article by Lawrence Stone in the *Economic History Review* for 1950, concerning the coalmines on the Earl of Shrewsbury's estate in Sheffield Park. The accounts on which the article was based relate not only to coalmines, but also to the mills at both Sheffield and Rotherham, as Stone himself indicated in a footnote, and an examination of those accounts showed that the accounts for the mills at Rotherham in particular have survived for the years 1579 to 1582. The original accounts are in the British Library, and a copy was at that time preserved on microfilm in the Archives and Local Studies Section of Rotherham Central Library.⁴⁰⁴

The accounts in question cover some 60 folios. They begin at Lady Day 1579 (with an account for the previous quarter), and end at Christmas 1582, although the figures for 1582 precede those for Midsummer 1581, and the Michaelmas and Christmas

⁴⁰³ °HSY II, 40; *Valor Ecclesiasticus*, ed J Hunter 6 vols 1810-25, vol v p 173; G 63, 260-1; THAS vol 2 1920-4 p 37. A footnote in the latter refers to the fact that the *Monasticon Anglicanum* vol v 521 gives a figure of £31 6s 8d for the farm of the watermill; G 351, based on Hunter's Notes MS *Notes on Yorkshire*, BM Add MS 24,439 pp 81-3. Guest stated that the rolls of the Court-leet had been lost; but there is now a microfilm in the Archives and Local Studies Section of Rotherham Central Library, which is entitled "Rotherham Rolls for 1,2,3,4,5,6 & 7 of King Edward VI, but possibly also contains the roll for 37 Henry VIII noted by Hunter and reproduced by Guest; G 67. The lawsuits previously mentioned were of course brought to protect this jealously-guarded monopoly; G 351-5.

⁴⁰⁴ *An Elizabethan Coalmine*, EcHR 2nd Series III pp 97-105; BM Add MSS 27532 folios 8-30; 80-83; 108-116; 127-130; 237-240; 272-281; 304-312; 322-324.

quarters of 1581 are largely missing. They were prepared for the Lord of the Manor. This was not George Talbot, 6th Earl of Shrewsbury (1560-90) as one might expect, but his son Francis, Lord Talbot upon whom the 6th Earl appears to have settled the manor of Rotherham, certainly by 1572. However, Francis pre-deceased his father, and was buried at Sheffield on 3 September 1582 and the manor then presumably reverted to the Earl. The accounts record income, in the form of corn sold, or delivered to the Lord's use, and expenditure in the form of wages and other outgoings such as repairs. Every quarter there is a summary, showing the net profit due to the Lord and sometimes splitting this between the profit taken in kind and in cash. Towards the end there is an unusual item: a memorandum of a lease of the mills granted to John Pickering and Edward Popplewell on 27 August 1582, of which more later.⁴⁰⁵

These accounts contain a wealth of detail about the mills and the people who worked in them during four years in the middle of the Elizabethan period. They even include items relating to the person who prepared them: in the quarter ended Christmas 1579 there are entries recording that 2d was spent on "*candles to wryt by*" and that 4d was paid to Allen Tushingham "*for i quere of paper to mak his booke*".⁴⁰⁶ Whoever he was, the bookkeeper knew Arabic numerals, for he used them to give the year and sometimes jotted them in the margin, as if by way of clarification; but for all other purposes - days, quantities of corn and monetary sums - he used Roman numerals.

The accounts always speak of *Rotheram mylnes*, in the plural, but there is no specific statement of how many there were. There are however numerous items which refer to the malt mill and the malt miller, and there always appear to have been two millers employed. This, together with the fact that medieval and 17th century documents refer to two water cornmills, suggests that there two such mills in the period we are concerned with, one of them being used for malt.

The mills were on the river, and had a reservoir (*dam*) with a weir (*wayre*) which served them. The water was led through a *fore-bay* or conductor via floodgates (*shottles*) to the waterwheel; but we do not know what type of wheel it was. Inside the mill, some of the machinery (*gayre*) was made of timber, as for example the bridge trees - adjustable beams which supported the spindles of the runners, or upper millstones - and possibly the spindles and cogs which drove the stones; but there was also a certain amount of ironware (*iron gayre*). Artificial light was provided by candles. Power came from the River Don, and from the mill horse.

Work went on all year round. There seems to have been little difference between the level of activity in winter and summer, to judge from the profits recorded each

⁴⁰⁵ G 356, 358; HH p 62.

⁴⁰⁶ Folio 27.

quarter; and the amounts spent on candles would seem to indicate that the hours of darkness saw no immediate cessation of activity. Likewise, there is no sign of the generous holidays which the Lord's miners at Sheffield Park awarded themselves. However, we do know that there was no corn sold on Christmas Eve 1582; and the mill must have been shut some of the time, for the mill door was locked when the mills were not in use.⁴⁰⁷

Although other sources tell of the Lord's monopoly on milling, whereby the Lord's tenants, and possibly all the inhabitants of Rotherham, had to take their corn to the mill to be ground, and presumably pay a fraction of that corn by way of toll, there is no reference to toll-milling in the accounts under consideration. Instead, these are concerned with corn which the Lord is selling or consuming himself in various ways. Whether the corn in question came from the Lord's own lands originally, or was derived from toll-milling, does not appear.

The Lord's main source of income came from the sales of the different varieties of corn - wheat, rye, malt (barley) and "*shelling*" (husks or chaff). Occasionally the mills sold "*dust*", and on one occasion peas. The corn was sold in various quantities: by the peck, mett, sack or quarter, the peck and the *mett* being the most common. At the beginning of 1579 a peck of wheat sold for 8d, and a mett for 2s 8d, while the equivalent measures of malt sold for 7d and 2s 3d, and of rye for 7d and 2s 6d. It was evidently necessary to weigh the quantity sold before the deal was completed, for on 5 August 1581 the sum of 19s 4d was paid to Godfrey Heathcoat for two new brass weights (or perhaps, sets of weights) with a combined weight of 47 pounds. These would have cost more but the mill was able to trade in some old weights in part exchange.⁴⁰⁸

The mill had its regular customers, many of them women. During the first quarter of 1579, Pagmore's wife bought a peck or two of malt virtually every week, Mellor's wife two or three pecks or even a quarter. Gregg's wife usually bought a mett of rye, though on one occasion it was a peck of shell.⁴⁰⁹ The week ended 6 April 1579 seems to have been typical. It will be noted that cash was paid on delivery and this was the rule throughout the period we are concerned with except for one transaction in August 1582 (which was an unusual time)⁴¹⁰

⁴⁰⁷ Folios 281, 27.

⁴⁰⁸ Fo. 116, 311.

⁴⁰⁹ Fo. 8-10.

⁴¹⁰ Fo. 11.

Rotheram Corne Sold there of a new qter sythens
mylnes our Ladye Day 1579 viz the vith of Aprell

To Bromelie wiffe i sack malt	ixs paid
To Rich Robts i sack malt	ixs paid
To Meller wiffe ii metts malt	iiiis vid paid
To Tho Cook of Sheff iii str? malt	vis ixd paid
To Walker wiffe iii metts malt	vis ixd paid
To Pagmore wiffe ii pec malt	xiiiid paid
To Ward wiffe ii pec malt	xiiiid paid
To Richard Wolley i mett malt	iis iiid paid
To Jo Silvester ii pec	xiiiid paid
To James Sharpe i pec malt	viid paid
To Hardegate i mett rie	iis iid paid
To George Roo i pec rie	viid paid
To Isabell Hill i mett rie	iis iid paid
To John Goodeyeson ii pec rie	xiiiid paid
To Tho Clarke ii pec rie	xiiiid paid
To Tho Smith ii pec rie	xiiiid paid
To Beamonde wiffe i pec shell	ixd paid
sum	lis iiid

Most of the customers seem to have come from Rotherham town or parish. Occasionally, their occupation was recorded, as with Robinson's wife: she was listed as *Rawbonsons wife* [the] *cutler*, perhaps to distinguish her from someone else of the same name. When a customer came from outside Rotherham, this might also be recorded, as with Thomas Cooke of Sheffield.⁴¹¹

It seems likely that these sales were made, not at the mill itself but in Rotherham market, thereby ensuring that a proper price was paid, for between Lady Day 1579 and the same day in 1580 there were regular payments to Allen Tushingham for *going to*

⁴¹¹ Folios 8, 11.

Rotherham - though the distance from the mill to the market was very short. On one occasion it is stated that he went *to sell ye corn*, while on another it is stated that he went on 13 successive Mondays, Monday being the local market day °fos 27 & 83; G 32- 3§. Similarly, in 1581, other men were paid 2/- a quarter *for their charges in going to sell ye corne at Rotheram*, or for *charges at Rotheram ev[er]ly monday*.⁴¹²

Sometimes the Lord took his profit from the mill in kind: on one occasion in Midsummer 1581 a peck of shell valued at 10d was delivered to Richard Walles (Wallace's) wife *"to feed ye Lord's chickens"*.⁴¹³ But by far the most common method in which this was done - at least in the first half of 1579 - was when wheat was delivered to the Lord's bakers. Baking (like milling) was a manorial monopoly and so, in arranging for these deliveries the Lord's agents were merely transferring stock from one part of their master's enterprises to another; but nevertheless these transactions were carefully recorded, the corn being *rated*, or valued, in the accounts at market value.

On one occasion early in 1579, 2½ quarters of malt, valued at 42/6d were delivered to John Hanks *to brewe ale for my Lord*.⁴¹⁴ Three years later on, corn from Rotherham mill seems to have been supplied for a special occasion. Half a quarter of wheat valued at 12/- was sent to Buxton: *Item wheat delivered to your Lord. use halfe a quarter wheat which was sent to Buxestones when my Lord of Sussex was there in August last 1582*. The Earl of Shrewsbury had developed Buxton: he built a capital mansion there early in Elizabeth's reign and his protégé Dr John Jones published a treatise on the beneficial effects of the town's waters. It was natural for the Talbots to use the place to entertain fellow courtiers like the Earl of Sussex.⁴¹⁵

When we turn from income to expenditure we find that the main expense at the Rotherham mills was labour, in particular the wages of the two millers. There were two types of wages, wages and *bond wages*. Possibly *bond wages* were what the employer was contractually obliged to pay, and ordinary "wages" were what was otherwise agreed or paid. In 1579 the two most regular recipients of wages were Lawrence Shemeld and Henry Shent, and it is reasonable to infer that they were the millers that year, Shemeld being the malt miller. He was far less well paid than his colleague, for he received only 19d per week in wages, which were usually (though not always) paid every three weeks, plus 7/6d bond wages, paid only at the end of each quarter. This was the equivalent of 2/2d per week in all, whereas Shent received his wages and bond wages together, usually every 3 or 4 weeks, at a weekly rate of 3/4d. There must have

⁴¹² Fos 312, 130.

⁴¹³ Fo 307.

⁴¹⁴ Fo 21.

⁴¹⁵ Fo 279; HH pp 80-1. Jones was vicar of Treeton between 1581 and 1600.

been a big gap in seniority and skills to justify the differential.

Early in 1580, Lawrence Shemeld was replaced by one Nicholas (we are not told his surname), who was specifically described in the accounts as the malt miller.⁴¹⁶ He was paid more than Shemeld (though still less than Shent), receiving bond wages equal to 19d per week every 3 or 4 weeks, plus a quarterly payment of 11/8d, the equivalent of 2/5d per week in all. In May 1581 he was succeeded by James Darwins, whose arrival is recorded in an informative marginal note

Memorandum James Darwins is received to be a mylner at Rotheram mylnes for vi^{li} wages & bond wages & a Coat[?] & came on ye xxiith of maye 1581

£6 per annum was of course equivalent to 2/6d per week, a little more than his predecessor, but still less than Henry Shent had received; but Shent had himself left the mill on 23 May 1580. His place was taken by John Chambers, who was paid at the rate of 2/6d per week, usually every 4 weeks but sometimes fortnightly. (It is interesting to compare these wages with those paid at this time in the Earl of Shrewsbury's mines at Sheffield: drawers were paid between 3d and 6d per day, barrowers and pickmen could earn £6/1/1d a year, banksmen £9/2/10d).

The millers' wages accounted for about 75% of total expenditure at the mill. The remaining 25% consisted of many different items. In the last quarter of 1579, 4d was spent on a key for the mill-door and the same amount was paid to Ashmore for mending the door. Tallow and candles were purchased regularly: in one quarter in 1581 Wightman's wife was paid 3/9d for 15lbs at 3d a pound. One guesses that the tallow may have been used as a lubricant for the mill-gear. Money was also expended on the horse. A smith named Nicholas Palmer was paid 6/8d early in 1579 *for showing* [shoeing] *ye mylne horse for one whoole yere endyd at last christemas 1578*, while a year later he was paid the same amount *for showeing of ye mylne horse for one whoole yeare endyd at Rotheram fayre last past* - Rotherham fair being held over eight days in November, according to the medieval charters. On another occasion, 4d was spent *for ii halters for ye mylne horse*.⁴¹⁷

The mill dam and weir had to be kept in good repair. In the first quarter of 1579 Ralph Wollen was paid 10d for supplying 6 pecks of lime *to amende ye forebaye*, while Harrison was paid 6d *for ye mending of ye same*; but this must have been a minor repair compared to what was done in the second quarter, when John Law and two of his men spent three days mending the weir. Law himself charged 6d a day plus his food (*meat*),

⁴¹⁶ Folios, 83, 130.

⁴¹⁷ Fos 27, 30, 25, 27; G 32-3.

his men 4d each. It was also necessary to pay John Kidd 15d *for draweing & gaytting stones furthe of ye water for to mend ye wayre*; and at the same time or soon afterwards Jackson's wife was paid 3/3d *for the bonde of John Lawe & his two men iii daies when they mended ye wayre*, and Christopher Courtenay, Thomas Clarke, Robert? Shemeld, Christopher Hawking and Nicholas Shaw were each paid various amounts (usually 6d per day) for spending a day and a half (in Shaw's case a day) helping John Law and his gang to carry stones to the dam - clearly a labour intensive, if unskilled, business. Further repairs were required in 1581, when John Kidd was paid 7d per day (*meat and wages*) for 6 days' work and Thomas Beete and John Leake were paid 3/3d for 3 days work, at the dam. About the same time, Kidd was paid a further 4d for *scouring a sandbedd wh was wreck up before ye shottles at ye wheele* - scouring the millstream when there was a sandbed silted up against the sluice-gates near the wheel.⁴¹⁸

For the mills to grind effectively, the millstones had to be kept in good condition. Hence money was spent on the *mill-picks*, which were used to cut the patterns in the faces of the stones. One Swift (perhaps George Swyft the carpenter whom we shall meet presently) was paid 1d late in 1579 for mending a *mylne peck*. This must have been a minor repair, for when it became necessary to re-surface (*laye*) the picks with steel, the expense was far greater. On 23 April 1579 Richard Bunting was paid 2/4d *for Steele for ye mylne pyckes*, and the same amount was spent between Michaelmas and Christmas. There came a time however when it was no longer possible to keep re-surfacing the old millstones and in 1581 new stones were fitted in the malt mill. This was a big job, and cost a total of 18/7d. Richard Hinchcliffe was paid a basic 10/- for *layeing a newe payre of Stones at ye malt mylne*, plus 10d for a day's work he did personally, but his man laboured for a total of 10½ days in all, at 9d a day: this must have been skilled work.⁴¹⁹

The millstones were not the only equipment which needed regular attention. Richard Oxspring was paid an annual sum to attend to the *mill gear* as and when necessary. Indeed, it looks as if his job was more specifically to look after the *iron gear*. In 1579 he charged 10/10d a year and in the first quarter of that year he was paid in kind, for a delivery of rye was made to him in lieu of wages. By 1580, his rate had increased to 13/4d a year; but the mill kept him on. He received two payments of 6/8d at Pentecost 1580, the first being the second instalment of his retainer for 1579-80 and the second being the first instalment of his fee for 1580-81. This seems to have troubled the bookkeeper somewhat, for he recorded the second payment in great detail, as if to justify it to himself and others

⁴¹⁸ Folios 25, 26, 312.

⁴¹⁹ Folios 27, 311.

*It pd to oxespring the first pte and halfe of his whole yeres wages for making all the yron gayre for ye mylnes there the xxx of maye 1580 vis viiid so that he must have at pentecost wh shalbe in ano 1581 other vis viiid being ye laste pte for that yere wh then shall be endyd*⁴²⁰

A considerable part of the machinery which connected the waterwheel with the millstones must have been made of wood rather than iron, and we therefore find several payments to men who must have been carpenters, if not specialised millwrights. In the third quarter of 1579 20d was paid to Thomas Hurst *for making the brydge tree & mendeing ye cogg wheele to ye malt mylne* and the same man was paid 4/6d (meat and wages) in the last quarter *for makeing coggs & spyndels*. On that occasion he laboured for 3½ days and his man 2½. Likewise in the second quarter of 1580 George Swyft and his brother Henry were paid 2/4d (meat and wages) *for cogging & spyndling one of ye mylnes*. George spent 2 days on the job, his brother a day. They came back in 1581, receiving 8/6d (meat and wages) *for mending ye mylnes*: George spent 4 days at the mills, Henry 6. Their daily rate in each case was 10d, which shows that they were both skilled men. About the same time Jo. Burgon (a less skilled man) was paid 8d a day for 2 days' work *cogging & spindling one of the mills*. Henry Swift returned to the mill yet again later that year when he spent 2 days *laying* a bridge tree in the malt mill. In the third quarter of 1579 Henry Shent the miller was paid 1d *for neales to mend ye arke* °fo 26§. This was presumably the meal ark, where the meal collected after it had passed through the grindstones.⁴²¹

We have seen that those in charge of the mill paid many different craftsmen and workmen varying amounts of money, at various intervals. Since there were no banks and since payment in kind was the exception, there must have been a constant demand for cash, and the mill would have needed a place to keep this in; but there is no reference to in the accounts to chest being kept there for this purpose.

So far we have painted a static picture of the mill on the River Don; but there were several important changes in the period covered by the accounts. This is clear if we consider the surviving quarterly totals. The first conclusion is that after Midsummer 1579 the amount delivered to the Lord's bakers and brewers, when there were any deliveries at all, was very small. During the first two quarters of that year, the Lord took almost half his profit in that way; but for some reason he ceased to do this, and took the profit in cash instead. The second conclusion is that the Lord's profit was apparently declining. The calculation is complicated by the absence of figures for the third and fourth quarters of 1581; but if we assume that the figures for those two quarters was the

⁴²⁰ Folios 25, 26, 83.

⁴²¹ Fos 26, 27, 130; 312

same as for the first two quarters, the net profit was £144 in 1579, £137 in 1580, £106 in 1581, and £120 in 1582, despite the fact that expenditure remained at about the same level. However, perhaps it would be wrong to read too much into four years' figures. The ratio of profit to expenses might be considered quite healthy today; and the figures certainly compare well with those for the Earl of Shrewsbury's coalmines at Sheffield. Lawrence Stone pointed out that the four flour-mills at Sheffield in 1580 earned the Earl three times the profit with under half the outlay. The expenses for the Sheffield mills were £26/5/1d, the net profit £161/19/5½d. The equivalent figures for the two mills at Rotherham were £16/16/7½ and £134/12/5½.⁴²²

There were some unusual developments at the Rotherham mills in August 1582. Henry Shent (presumably the man who had been miller there three years before) was buying small quantities of corn on behalf of other people - not something which appears to have happened at other times. On 28 August 1582 there is a record of quite a large quantity of corn being sold to Thomas Walles (Wallace?) on credit. The total price, for 9 metts and 2 pecks of wheat at 3/- a mett and 7 metts and 1 peck of rye at 2/4d a mett, was £2/5/5d. The bookkeeper seems again to have been somewhat troubled by this transaction, and took great care to note the particulars of the credit given, recording in the margin

*ye wheat is xxviiiis vid & must be payd between this & michalmas & ye rye is xv is xid & must be payd a fortenight after michalmas*⁴²³

The most unusual item was the grant of a tenancy of the mill on Thursday 27 August 1582. A marginal note states that the letting was made by William Dickenson, who had become the Earl of Shrewsbury's principal steward in 1574. The memorandum in the body of the accounts records that the tenants were John Pickering and Edward Popellwell. The property to be let was described as *all Rotheram mylnes wth all ye gryst & sacken thereto belonging*. The term was *by weekes for this one whoale yeare yf my Lord so pleases & lyke of it*. The rent was to be £160/0/2d per year, payable weekly on a Monday. (This is a surprisingly high figure; but a possible explanation is that the accounts we have examined relate to part only of the total business done at the mill). There was a provision that if the tenants did not pay the rent on time, the Lord could forfeit the tenancy. The tenants were to be responsible for repairs, *as well Iron work as Tymber work with ye howsing there*, but the *wayre & waterwork* remained the Lord's responsibility. The tenants were given the right to *have Tymber allowed them in my Lor§ woods when and as*

⁴²² Folios 10,14,19,25; 30,82,112,116; 130,307; 240,275,279,28.

⁴²³ Folio 278

often as neede shall Requyre. When they vacated the premises they must leave them in the same state of repair ss they found them, and they must leave behind *all such Implements and necessities* as were in the mill when the tenancy started - an inventory or *byll* being prepared to make sure that this condition was observed.⁴²⁴

This tenancy did not last. We do not know why; but it had from the start been subject to the Lord's consent, so the fact that Lord Francis Talbot died in September 1582 may have been relevant. At any rate, the ordinary weekly accounts begin again for the week ended 24 September 1582, and the quarterly return for Michaelmas 1582 is an ordinary return for thirteen weeks, so the tenancy agreement seems to have been an experiment which failed after a very short time.

At the end of 1582, the entries in the accounts in BM Add MSS 27532 which relate to Rotherham end. The curtain descends, and our view of the Rotherham cornmills and the people who worked there four hundred years ago is obscured.

⁴²⁴ Catalogue of the ACM in SCL, 1965 pp 1, 20.

V PRIVATE LIVES

1 WILLIAM DRABBLE, MARGARET MORE AND A HANGING, 1509

Like couples everywhere, the men and women of Tudor Rotherham sometimes experienced matrimonial problems, and some of these found themselves in court; but a study of the five cases for which records have survived shows that the remedies which were available were very different from those which can be sought today. There are no cases of divorce as such, although in one case in 1593 a third party asks for an order that a married couple should live apart, on the grounds that they are too closely related. In another (from 1566), a disappointed wife asks for a decree of 'restitution of conjugal rights'. The remaining three (1509, 1563/4 and 1602) are 'causes of matrimony', which were brought to establish whether the parties in fact married in the eyes of the law: interestingly, all three were brought by men, against women who had evidently changed their minds, and did not wish to be married after all.

The reason why disputes about the validity of a marriage were a regular feature of litigation in Tudor times was that the law was different from what it is today. Nowadays one generally proves a marriage by production of a marriage certificate; but it was only in the 1530s that it was made compulsory to keep a register of marriage ceremonies which took place in church; and, even then, there was no legal requirement that a marriage should take place there, or even in the presence of a minister. The religious ceremony merely 'solemnised' a marriage, and was not an essential part of it. In law, a marriage was the agreement of a man and a woman to marry, as expressed in certain well-worn phrases which are still familiar: *I [John] take thee [Jane] to my wife and thereto I plight thee my troth* etc. Provided that these or similar words were spoken by each party to the other, clearly indicating a present intention to marry, that was enough: the man and the woman were then regarded as 'handfast', since it was common to mark the occasion by the joining of hands. These mutual pledges did not have to be exchanged in church: they could be given in house, barn, field, or wood.

The difficulty was that sometimes one of the parties had a change of heart, and there could then be an argument as to what exactly had been said and intended. The girl might say that she had never intended to marry immediately, but only at some future date, or on certain conditions. Or she might deny that 'words importing

matrimony' had ever been spoken at all. Differences of opinion about these issues could only be resolved by reference to independent evidence. Commonly the Church courts - for it was they who had jurisdiction in these matters - would accept the testimony of two independent and credible witnesses as to what had happened.

On the face of it, therefore, the case which William Drabble brought against Margaret More in York in 1509 was straightforward.⁴²⁵ William asked the court to declare that he and Margaret were man and wife, because they had contracted a 'handfast' marriage before two witnesses, at the house of Thomas Tailor in Rotherham. This was not an unusual course of action; but some of the evidence which was given during the course of the proceedings was far from routine. This evidence, concerning a homicide which had taken place some years before, and two hangings which had followed it, must have had considerable impact in its day, and certainly seems to have influenced the outcome of the case. It still makes dramatic reading today.

The documents which have survived in the case of Drabble v More consist of a Petition filed by William Drabble, the evidence given by two witnesses in support of that claim, the devastating attack upon the credibility of those witnesses which was mounted by the defendant Margaret More, the evidence given by her witnesses, and the final judgement in the case. The papers consist of six pages, written in Latin except where direct speech is used. Where English does occur, it is fascinating to see the expressions which sixteenth century men and women used, in particular to express their love for one another.

William Drabble came from the parish of Rotherham. His Petition began by describing those incidents in his courtship of Margaret More which were important from the legal point of view. Firstly, the couple had reached an understanding that they were going to marry, one of them saying to the other: *ever [if] I have enny I wille have you*. These words are hardly romantic, but it is clear that (according to William Drabble) the couple now regarded themselves as betrothed, or 'engaged' as we might say; and later on nature took its course and they slept together - in the words of the original document *after this betrothal William had carnal knowledge of Margaret (post hanc affidacionem.....Willelmus eandem Margaretam carnaliter cognovit)*.

Next, William argued that he and Margaret had progressed from mere betrothal to actual marriage. He contended that two men of the parish had been called in *at Margaret's request* to hear and see the proceedings, that is, the mutual agreement of the parties to take each other as husband and wife: *duo viri eiusdem parochiae ad requisicionem et rogatum dictae Margaretae invocati fuerunt ad audiend. et vidend. contractus matrimonialae inter eosdem Willelmus et Margaretam*. These two witnesses gave evidence in due course,

⁴²⁵ The following account is based on BIHR CPG 38.

so we know that they were father and son, and that they were both called William Watall. All this was supposed to have happened around the year 1507.

The young couple had continued to see each other regularly, and William had given his new 'wife' certain tokens of his affection. In particular, he had made her a gift of a pair of gloves worth 2½d, or perhaps it was a pair of gloves *and* 2½d. Whichever it was, Margaret had gladly accepted the gifts which he gave her. *Willelmus dictae Margaretae unum chirothecorum unum plicatum deinorum duorum deinorum et unum obolum plicatum contulit et ipsa dicta minuscula gratulanter ab ipso Willelmo recepit.* This kind of behaviour was typical of the courtship rituals which existed in the East Riding of Yorkshire about a century later: according to the contemporary writer Henry Best

*The young man goeth perhaps twice to see how the maid standeth affected. Then if he see that ...her inclination is towards him, then the third time that he visiteth, he perhaps giveth her a ten-shilling piece, or a ring of that price, then 10s the next time, or the next after that, a pair of gloves of 6s 8d a pair; and after that, each other time, some conceited toy or novelty of less value".*⁴²⁶

As we have seen, William Drabble's wooing of Margaret More had been somewhat more rapid than this: he had gone way beyond the point of merely establishing that 'her inclination was towards him', before he gave her any presents; but nevertheless, the ritual is broadly similar, and the gift of a pair of gloves was apparently a traditional means of winning a Yorkshire lady.

William Drabble next argued that Margaret More had become pregnant by him, and had actually had the child: *...unum prolem post dictum contractum ex eodem Willelmo genitum pertulit.* Finally, he cited the fact that Margaret had even told another man called Henry Faxe(?) that she was betrothed to William. *...retulit Henrico Ffaxe(?) quod fuit affidat. cum eodem Willelmo.*

Such was William's case. What was there to support it? Proof was to be found in the evidence of William Watall senior, who was 40 years old, and his son William Watall junior, who was 20. They testified on 16th January 1509. The older man gave evidence first, stating that about two years before Margaret More had frequented the house of Thomas Tailor in Rotherham, and on one occasion when she had visited it, she had seen Watall there, and had said to him: *William Drabble has gat me with childe and I am a ferd lest he go owt of the cuntry. I pray yow help that we be handfast.* Watall was willing to assist if he could, and he asked Margaret if she was in fact willing to have William as

⁴²⁶ Laslett p 102, quoting Best's, *Rural Economy in Yorkshire in 1641.*

her husband. She replied with a memorable phrase: *ye bi the feith of my body*.

Acting as the go-between, Watall then went to Drabble and asked him if he in turn for his part was willing to have Margaret for a wife and he replied that he was willing, being ready if necessary: *to forsake all England for her*. These words are very striking. They show that the process of falling in love was thought to be important in 1509, when many marriages were undoubtedly arranged. A leading authority on this subject has stated that "the ideal of romantic love was deeply rooted in popular culture", despite the active part played in matchmaking by the families of young men and women.⁴²⁷ Following these mutual declarations of affection, Margaret uttered the crucial words: *I take the William to my husband and thereto I plighte the my trouth*. To which William replied *I take the Margaret to my wiffe and tharto I plight the my trouth*.

William Watall junior then gave evidence, confirming what his father had said. He had also been at Thomas Tailor's that day. In particular he had heard Margaret voice her fears as to William Drabble's intentions, though he remembered the words she had used slightly differently from his father. The variation is not suprising: after all, it was two years since the events at Thomas Tailor's house had taken place. According to the younger Watall, Margaret More had said: *William I am with childe with William Drable and I am fered lest he owt goo me. I pray you help that we may goo together*. The younger witness added only one detail to his father's account, which was that he recalled that William Drabble took his wife's right hand in his, as he made the 'vow' of matrimony. *Drable accepit dictam Margaretam per manum dextram et contraxerunt matrimonium sic dicendo...*

At the end of their evidence, both Watalls stated that they were not related to William Drabble either by blood or by marriage *et dicit quod non est consanguineus nec affinis with Drabble*. This declaration was common form in legal depositions; but it was to have a particular significance in the case of Drabble v More.

Sadly, we do not have Margaret's account of what happened that day at Thomas Tailor's - indeed we cannot be sure that she admitted that she had ever been there in the first place, let alone that she had uttered the words she was alleged to have spoken. Nor do we know whether she conceded that she had become pregnant by William Drabble and had borne his child. What we have instead is Margaret's attack on the character and credibility of the Watalls, and this was vitriolic.

Margaret began her assault on her adversary's witnesses slowly: she argued that the court should not rely on what they said because they were associates of Drabble's. They had come forward solely in order to assist his cause and to defeat Margaret, and not in any proper spirit of impartiality. Building up momentum, Margaret next argued

⁴²⁷ Houlbrooke pp 73-88.

that both the Watalls were paupers, having no goods to speak of. ...*dicti testes praetenses fuerunt et sunt pauperes parvum aut nihil habentes*. Their opinions were 'light' - of little account. They enjoyed a bad reputation. They were liable to be corrupted, and had indeed been suborned. No respectable person who knew them would believe a word they said. ...*deposicionibus inter honestiores noticiam ipsorum habentes modica fides est adhibita*. All these arguments turn on the fact that in Tudor law courts "a favourite way of disparaging an opponent was to refer to him as only a poor man and therefore of no credibility."⁴²⁸ There is no sign that anyone thought it wrong to 'discriminate' against the poor in this way!

In full flow, Margaret More now contended that the evidence of Drabble's witnesses, whom she referred to repeatedly as 'pretended witnesses', was worthless, because it could be shown that they had lied about one specific point, the implication being that, if they had lied about this, they had probably lied about everything. The particular point Margaret picked out was that the Watalls had each said that they were not related in any way to William Drabble; but, in fact they were related in the third and fourth degrees. ...*fuerunt et sunt Willelmo Drabble...infra terciam aut quartum gradum affinitate...*

Lastly, Margaret said plainly that the Watalls were her 'capital enemies' and that they had worked against her interests, and continued to do so because they hated her. They had given their evidence out of sheer malice; and this was because of a deep-seated enmity which existed between her family and theirs. The cause of this enmity lay in the past. Margaret explained that the father of Watall senior, and another man called Thomas Watall, who was his illegitimate half-brother, had killed an ancestor of Margaret More's - probably her great- grandfather. ...*pater dicti Willelmi Waltall sen. et quidam Thomas Waltall frater naturalis ipsius Willelmi Waltall senioris ac avunculul praefati Willelmi junioris interfecerunt proavum (?) dictae Margaretae Moor*. These two Watalls had both been prosecuted, condemned, and hanged on the gallows on account of this killing: *fuerunt indictati dampnati et patibulo suspense*. From that time forward a deadly feud (*inimicia capitalis*) had arisen between the Watalls and the Mores, and Margaret added that the feud was still ongoing and in her view was likely to continue.

Margaret did not just assert that these were the facts. She supported her claims with hard evidence, in the form of the testimony of two witnesses, Robert Dawson, who was aged 56, and John Shercliff, who was 44. These men both came from the parish of Ecclesfield. Dawson and Shercliff gave evidence on 13th July 1509 and they supported what Margaret had said in every detail.

⁴²⁸ Youngs p 124.

Dawson had no doubt that the Westalls were acting in collusion with William Drabble. They were indebted to him, and they wanted to see him win the case (*Willemo Drable...indebiti affectant victoriam*) being motivated by the hostility which existed between them and Margaret More (*Maiores est inimicitia inter Watalls et More*). Dawson knew William Drabble well, and he knew his father, and he knew his grandfather John Drabble by sight. *...bene novit iste Willelm. Drable et patrem suum Willelm. Drable et vidit Johan Drable avum eiusdem Willelmi*. He also knew the Watalls. Watall senior's father and brother had indeed killed Margaret More's ancestor, Richard Bromley, and they had both been hanged at York as a result *pater Willelmi....fuit suspensus cum frater ...Willemi Watall sen. apud Ebore*. When asked how he knew all this, Dawson said he had heard his own father say it was so; and he also said it was a 'well-known fact', being the subject of much talk in all the local communities. Likewise the fact that there was enmity between the Watalls and the Mores because of the killing of Richard Bromley, and the hangings which had followed it, was common knowledge. This is interesting when we recall that that this witness came from Ecclesfield. It shows that word of the feud had spread beyond the bounds of the parish of Rotherham.

John Shercliff's evidence repeated much of what Dawson had said, but it was more specific on some points. He too was convinced that the Watalls' evidence could not be relied on. In his view, the enmity between the Watalls and the Mores was so great that the former could not possibly be impartial witnesses in a case which involved the latter. And in any case, he confirmed Margaret More's argument that the Watalls were poor men, and most people would not attach any importance to what they said. Shercliff also clarified the relationship which existed between the Watalls and William Drabble:

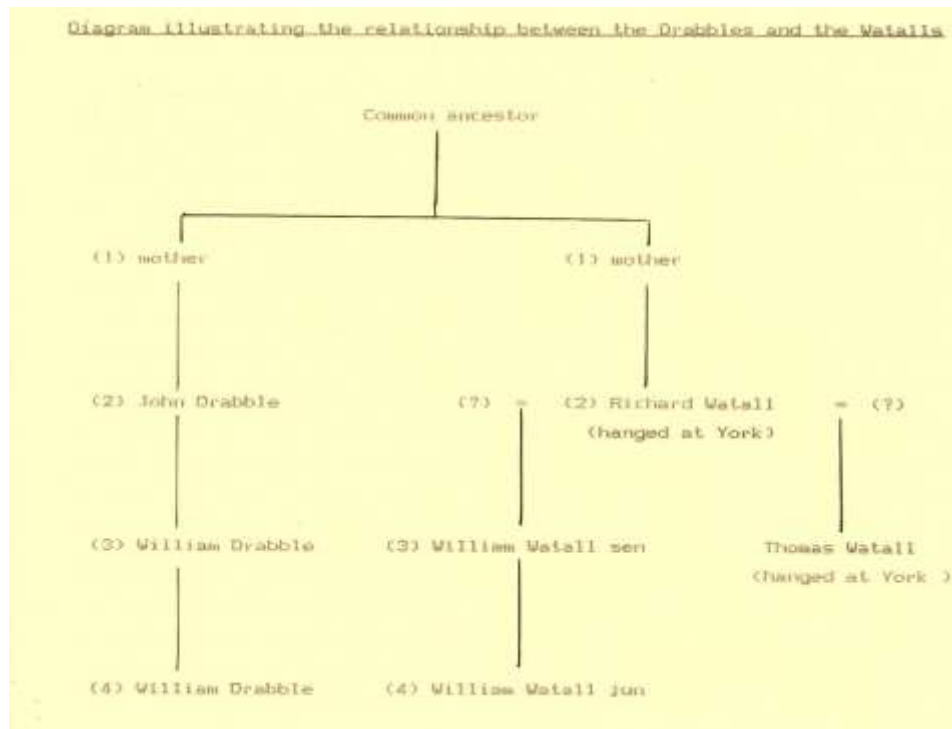
Richard Watall the father of William Watall senior....was a cousin of John Drabble the father of William Drabble father of William Drabble the plaintiff; and William Drabble the father of William Drabble the plaintiff who is still living says that the mother of John Drabble and the mother of Richard Watall were sisters; and he can swear that he knows this to be so because he knew John Drabble well as also Richard Watall and others of their descendants...

As the family tree demonstrates William Watall senior and William Drabble were indeed distant cousins. In sixteenth century terms, they were related 'in the third degree', the degree being calculated from the 'common ancestor' shown on the diagram. This meant in turn that William Watal junior was related to William Drabble 'in the third and fourth degree'. These relationships were evidently considered sufficiently close to cast doubt upon the evidence given by the Watalls in court, just as they would

have barred a marriage between individuals who were so related.⁴²⁹

The evidence of Dawson and Shercliff seems to have been crucial. The judgement in the proceedings has happily survived, and we therefore know that the judge decided in favour of Margaret More, declaring that William Drabble had failed to prove his case. *Judicemus praefatus Willemum Drable partem actricem intencionem suam coram nobis in iudicio deducto. sufficienter non fundasse nec probasse* Margaret was to be troubled no more by him and his claims that she was really his wife. *...praefatum Margaretam More ab impetu(?) vexatione et instancia praefati Willemi Drabble dimittemus et absolumus*

There are many questions which occur about these proceedings, to which an answer will probably never be found. What exactly had the relationship between William Drabble and Margaret More been? Was it true that she had become pregnant by him, and had subsequently borne his child? If so, why on earth did she not want to marry William, as one would expect that she would have been more than happy to do? And, perhaps most tantalising of all, what was the effect of this bitterly contested court case, and the judgment which was given at the end of it, upon the continuing feud between the Mores and the Watalls?



⁴²⁹ Houlbrooke p 39.

2 ROBERT WILSON WINS A BRIDE

Robert Wilson came from the parish of Rotherham, Catherine Leathley from Hunsingore, a small village near the Great North Road, between Wetherby and Boroughbridge.⁴³⁰ They were evidently a suitable match, and a wedding began to be spoken of. In the sixteenth century it was common for marriages to be arranged; and in this case, we learn that the matter was discussed on several occasions, not only by Robert and Catherine themselves, but also by their relatives and friends. The economic aspects were important, for marriage was one of the principal means of obtaining financial security, in a society which knew no large scale salaried employment, insurance or welfare state.⁴³¹ It comes as no surprise that money was high on the agenda for the negotiations between the families of Wilson and Leathley. We are told that:

The said Robert and Catherine by the mediation of there frends did all agre uppon guddes and setting furthe of there childe porcons ever for quietnes of matrimony between the said Robert and Catherine to be made.

‘Quietness of matrimony’ is a phrase which speaks volumes.

Clearly, it was well understood that money and property lay at the root of many matrimonial problems, and that every effort should be made to provide the new family unit with a firm economic foundation. Few details are recorded of the arrangements which were agreed upon; but Catherine’s ‘child’s portion’ was specifically mentioned – the amount which her father had to pay to the groom’s father by way of dowry.⁴³² The financial negotiations which took place are reminiscent of the procedures followed in the East Riding of Yorkshire some eighty years later:

*The father of the said [woman] carrieth over to the young man’s house to see how they like of all, and there doth the young man’s father meet them to treat of a dower, and likewise of a jointure or feoffment for the woman.*⁴³³

⁴³⁰ BIHR, CPG, 1127.

⁴³¹ Houlbrooke p 74.

⁴³² Keen, *Englisjh Society*, p 179.

⁴³³ Laslett p 103.

Whatever the exact terms which were agreed, we are surely entitled to conclude that the Wilsons and the Leathleys did not come from the lowest classes in society: there must have been money and/or property available, to be applied for the benefit of Robert and Catherine, in one way or another. Although the family's role in the making of a marriage was therefore important, the young people themselves had to agree with their families' choice; but in this case we learn that there was no disagreement:

The said Robert by expressed words did consent and say to the said Catherine that he was content to have her to his wife And in like maner the said Catherine by expresse worddes did consent and say to the said Robert that she was content to have him to her husband

Indeed, the relationship between Robert and Catherine developed a good deal further than this. Firstly, 'words importing matrimony' had been spoken, by each to the other.⁴³⁴

Robertus et Catherina matrimonium verbum purum et legitimum per verbum de presenti seu saltem sponsalia per verba de futuro ad invicem contraxerunt viz dicto Roberto eidem Catherina dicente 'Here I take you Catherine to my handfest wife and thereto I give you my faith and trewthe' et ipsa Catherina statim respondent eidem Roberto et dicente 'Here I Catherine take you Robert to my handfest husband and thereto I give you my faithe and trewthe seu alia verba eis in effectis consilia matrimonium seu sponsalia importantia.

Secondly, the legal formalities had been complied with:

The bannes of matrimonye were there solemnly times asked in the parish church of Hunsingore between the said Robert and Catherine

Everyone in Hunsingore must have known of Robert and Catherine's intentions. Indeed it was said that what had passed between them was common knowledge both there and in the neighbouring districts:

De et super premissis singulis fuit et est public vox et fama in dicta parcohia de Hunsingore

Everything must have been ready for a wedding in church; but something (we know not what) went amiss, and Catherine Leathley decided that she no longer wished to

⁴³⁴ Laslett p 82, Houbrooke, p 79.

continue her relationship with Robert, despite the making of the 'handfast' marriage described above. Since Robert was not willing to accept this, it became necessary for him to start legal proceedings, which he did, in 1563.

The papers which have survived in relation to this case consist of Robert's Petition, comprising seven 'articles' or arguments, Catherine's Reply and the final Judgment of the court. There were two features of the case which must strike us as unusual. Firstly, although Hunsingore was geographically in the County of Yorkshire, it was in the diocese of Chester for ecclesiastical purposes. However, this anomaly was easily surmounted, because Catherine consented to the case being dealt with by the Consistory Court in York. Secondly, there was a third party involved in the case, one Brian Wilkinson of Monk Bretton in the parish of Royston (near Barnsley). Quite what his interest in the case was is unclear, since he seems to have filed no pleadings. We can only hazard a guess that he may have been a rival suitor for Catherine's hand, concerned to refute the argument that she was already validly married to Robert Wilson.

Robert Wilson relied on various matters: the agreement which had been made between his family and Catherine's; the financial arrangements which had been discussed; the reading of the banns at Hunsingore; Catherine's own agreement to marry him; the making of the 'handfast' marriage; the consent given by Catherine to the case being tried at York; and the fact that all this had become a matter for public discussion, and could not really be disputed. He asked for justice to be done, and in particular for two remedies (1) a declaration that he and Catherine were man and wife already; and (2) an order that Catherine should be compelled to participate in a ceremony of solemnisation of marriage in Hunsingore, before the local congregation, in the manner prescribed by the Church. Such a ceremony of solemnisation would mean that the marriage would be acknowledged in public, before a large number of witnesses and would be fully accepted in religious terms. There would no longer be any room for argument. (And, from the Church's point of view, sexual relations were only permissible after solemnisation.)

Catherine filed her reply to Robert's arguments on 11th December 1563. Surprisingly, she did not deny the facts alleged by him. To each of the points which he had made, she answered simply that 'the same is true' or that 'the same contains the truth' *credit eandem esse veram... eandem continere in se veritatem*. This is curious: perhaps she was not in a position to contradict what he said; but nevertheless still hoped that there was some point of law which could be advanced in her favour, which would result in her obtaining her release from Robert's claims.

It was not to be. The judgment in the case was given by Dr John Rokeby on 27th January 1564. The judge found that Robert Wilson had proved his case, and that

Catherine Leathley had made no effective reply to it, nor had the mysterious Brian Wilkinson *probasse nihil effectuale de parte et per partem dictorum Catherine Leathley et Brian Wilkinson*. The judge went on to make the appropriate order, as requested by the plaintiff. He declared that Robert and Catherine were indeed man and wife - *prefatam Catherine Leathley partem ream iudicamus in uxorem sive coniugem legitimam Roberti Wilson ac dictum Robert Wilson in virum sive maritum legitimum dictae Catherine Leathley adiudicamus*. And, though this seems strange to us, the judge further decreed that Catherine be compelled to undergo a wedding in church, solemnising her marriage to Robert before the people of Hunsingore. Whether this wedding did indeed take place is impossible to establish, because the parish registers of Hunsingore survive from 1626 only.

Robert Wilson had not just won a court case, he had won a bride as well; but we may doubt that he had truly won her affections.



George Talbot, 6th Earl of Shrewsbury (1528-90)

3 ISABELLA DOWKE AND CONJUGAL RIGHTS

In 1566, Isabella Dowke, of the parish of Rotherham, sued her husband Robert in the Consistory Court at York, claiming that he had denied her the 'conjugal rights' she was entitled to, and asking for them to be restored. As we have seen, marriage was very much a matter for the Church courts, and matrimonial causes were routine; but Isabella's action for restitution of her rights is the only one of its type in sixteenth century Rotherham for which records have survived.⁴³⁵ The expression 'conjugal rights' did not just mean sexual intercourse, though it included that. It meant the whole collection of obligations and responsibilities involved in marriage - the right to be loved, supported, and treated in general as a spouse should be treated. The right to sue for restitution of these rights was only abolished in 1970.

In her petition Isabella Dowke stated that she had been married to her husband Robert six years previously, in about 1560. She took great care to spell out exactly how they had become husband and wife, so as to leave as little room as possible for argument about that point. She said that they had first of all entered into a private contract of marriage, using the correct form of words for such an agreement: *I Robert take thee Isabella to my wedded wife for better for worse and thereto I plight my troth*. Next they had solemnised the marriage in Rotherham parish church 'in the face of the congregation'. Lastly, they had consummated their marriage, not only by sexual intercourse - *per carnalem copulam* - but by living together - *cohabitatione* - and by having children - *liberorum procreatione*.

Unfortunately, the course of true love had not run smoothly. Sometime in 1566, Robert had (according to Isabella) thrown her out of the matrimonial home *expulsit a domu sua*. Isabella contended that some time after this had happened, she came home again and threw herself on her husband's mercy, humbly beseeching him to take her back, and restore her to her rightful position - *ad mensam eius et thorum ceteraque obsequia conjugalia admittere et recipere* - but Robert had refused to agree, and was still refusing at the date of the court case. Isabella further complained that Robert was failing to support

⁴³⁵ BIHR CP G 1282.

her financially *competentem alimoniam denegavit*, even though she was expecting another child by him *ex eodem Roberto fuit et adhuc est pregnans et gravida*. On the basis of the above arguments, Isabella asked for justice, in the form of a court order, restoring her to her husband's bed and board - *se ad mensam et thorum.....restitui*.

In the Reply which he filed with the Consistory Court, Robert Dowke admitted the fact of his marriage to Isabella, and fully admitted also that he *haythe not had carnall knowledge, with the said Isabella latearli...* There was however a clear implication here, that it was Isabella who had left him, rather than he who had driven her from the matrimonial home. Robert agreed that his wife had 'come home agayne' - indeed he said she had only been away for three days - but they had not started to live together again as husband and wife, because, as he explained, he *hath refused to take to bed the said Isabella his wief and to use her body as a husband should use his wyfe viz carnali copula*; and Robert further conceded that he was still refusing to bed her 'at this present' - though, again, by implication, the fault was hers and not his. Lastly, Robert stated that his wife had indeed been *great with chylde with the said Robert* but he pointed out that *at this present she is delivered*. Perhaps significantly, Robert did not say whether or not he agreed that he had failed to provide his wife with an adequate amount of maintenance.

All this is very tantalising and puzzling. There are many questions which present themselves, and which we shall probably never be able to answer, since we have only two documents relating to the case - Isabella's Petition, and Robert's Reply. How old were the parties, and what was Robert Dowke's occupation? Why did Robert turn Isabella out of his house? (Or, alternatively, why did she leave it?) Where did she stay, while she was away from home? Why did Robert shun her, when she came back? Neither the pleadings, nor the judgement, nor the witness statements, which might have thrown light on these matters, have survived. We do not even know whether the case ever came to trial, and so cannot say whether Isabella obtained the decree she was hoping for.

The only point on which we can (perhaps) provide independent evidence is a minor one, on which there was never any dispute, and that is that the couple had a child. Amongst the entries from the earliest surviving baptismal registers for Rotherham parish is the following:

ffbruarye 1562

*Anne Donke i die bapt'*⁴³⁶

⁴³⁶ G 227.

There can be no absolute proof that this child was the daughter of Robert and Isabella Dowke, since the names of the parents were not recorded in the register, and there were other people of that, or a similar, name living in Rotherham at about the same time; but it is certainly possible that this is the same family, and that little Anne Dowke/Donke was the child of a broken home.

We can still learn a good deal from the dispute. First, we note the pains taken to argue that Isabella's marriage to Robert was a valid one, and to set out in detail the various stages in the making of that marriage. This was surely because (for reasons already noted) the parties to matrimonial litigation might easily dispute that there had even been a valid marriage. It was necessary for Isabella to prove the marriage and therefore she took no chances here - she set out at length and in detail all the various elements - the contract, the solemnisation and the consummation.

Secondly, it may be profitable to explore the petitioner's motive for bringing her case to court. It may not simply have resulted from a wife's natural desire to return to the comforts of home, financial support, and conjugal affection. As we have seen, a person who lived apart from his spouse ran the risk of being cited to appear before the Church courts, to explain his conduct. Perhaps Isabella Dowke brought the case, quite literally, to put her house in order, and terminate the irregularity which arose by virtue of the fact that she, a married woman, was not 'living' with her husband, in the full sense of the word. If she did nothing, she might be presented before the Church courts and her position was in any event an unenviable one, in that it was likely to give rise to all manner of rumours and gossip. Indeed Isabella stated in her Petition that this was already the case, complaining that 'a public voice and rumour' (*publica vox et fama*) about the affair in Rotherham and adjoining places.⁴³⁷

Lastly, it is interesting to consider the economic and social aspect of the Dowke case. Obviously, both parties to the litigation must have been in a position to afford the fees involved in going to law; but it is the position of Isabella in particular which provides food for thought. According to her own arguments, she had been driven out of the matrimonial home, and her husband was refusing to support her. Moreover, at that period in our history, the law regarded husband and wife as one person, that person being the husband. So in theory, Isabella was in a hopeless situation. Yet she was still able to bring her husband before the courts and seek justice. Somehow, she found the courage and the resources, to embark on what one would have thought was a very unequal contest. One wonders how she managed it and where the money came from. Did Isabella have resources of her own, which she somehow retained control of, despite

⁴³⁷ Though this may have been a form of words inserted unthinkingly by her proctors (ecclesiastical lawyers) rather than a true reflection of her position.

her marriage? Or was she assisted by family and friends? There are various possibilities, but we can only guess at the answer; but it is possible that Tudor wives were not always in such a grossly inferior position as we might at first think, or as contemporary legal theory prescribed.

Of Robert Dowke we can say little more. Except that in 1578 the byelawmen of Rotherham - John Archdale, Henry Swift and John Taylor - fined two individuals a shilling each for *breking the yate between Herringthorpefeld and Rotheramfeld*. The two culprits were named as Robert Dowke and 'Staplesmith's man'. The Robert Dowke who married Isabella in about 1560 was presumably a relatively young man and he could certainly still have been alive in 1578, and still capable of breaking a gate; but, as so often, it is impossible to be sure if this is really the same man.⁴³⁸



Sir James Croft

⁴³⁸ G 361.

4 ELIZABETH LOCKWOOD AND FORBIDDEN FRUIT

Elizabeth Lockwood married her first husband, Nicholas Hatfield, in Glossop near Manchester, in about 1572. She married her second husband, Nicholas Staniforth, in Rotherham in 1592. There was nothing unusual about the re-marriage of a widow, indeed it was very common; but there was something about this particular second marriage which gave rise to scandalous talk, and ultimately to a court case. The reason for this was that Elizabeth's second husband was the nephew of her first.⁴³⁹

This may not seem important today. There is no law nowadays which prevents a woman from marrying her late husband's nephew, though it may be relatively uncommon to do so; but in Elizabethan times, such a union was considered incestuous. The medieval Church had prohibited marriage between parties who were related in the fourth degree, whether the relationship was by blood (consanguinity) or by marriage (affinity). These rules were relaxed somewhat after 1540, so that it was only marriages between those who were related in the second degree which were forbidden; but it was precisely in the second degree that Elizabeth Lockwood's two husbands were related. The rules were well known: a table prohibited degrees was published in 1563.⁴⁴⁰

The exact circumstances can best be shown by a diagram. Elizabeth's first husband Nicholas Hatfield had an illegitimate half-sister called Elizabeth Hatfield, who was the mother of Nicholas Staniforth (himself illegitimate). This meant of course that Nicholas Hatfield was the uncle of Nicholas Staniforth by consanguinity; but it also meant that Elizabeth Lockwood was related to Nicholas Staniforth by affinity. It will be seen that Nicholas Hatfield's relationship to Nicholas Staniforth was 'in the second degree' because Staniforth was only two 'steps' removed from the 'common ancestor'.

We know about these relationships because someone, perhaps a neighbour, perhaps an officious Rotherham churchwarden, found out what had happened, and reported the matter to the Church. The relevant authorities instructed a lawyer called William Fothergill to look into the matter, and in 1593, he took action by starting court proceedings in York against Elizabeth and Nicholas Staniforth, who were at that time living in Tinsley. Tinsley lay within the parish of Rotherham, as we have seen, but was

⁴³⁹ BIHR CPG 2737; Laslett p 104.

⁴⁴⁰ Houlbrooke, 39-40; Tate p 146.

a distinct settlement, separated from the town of Rotherham by the River Rother. The Articles, or Petition which Fothergill filed in court have survived. They show the view which Fothergill took of the case. What the Staniforths said about the matter is not known.

William Fothergill recited the fact that, about twenty years before, Elizabeth Lockwood had married her first husband Nicholas Hatfield. They had entered into a contract of marriage in the customary way, and the marriage had then been solemnised in church in Glossop, with full religious ceremonial. Afterwards the marriage had been consummated and confirmed, by virtue of the fact that the couple had lived together as husband and wife in various dwellings, by sexual intercourse, and by the procreation of offspring.⁴⁴¹ Fothergill then gave details of the relationship between Elizabeth's first and second husband, and drew the conclusion that: *by reason of the foregoing Nicholas Staniforth was and is related to Elizabeth Lockwood alias Staniforth alias Hatfield in the second degree of affinity so as to prohibit the solemnisation of matrimony between them.*⁴⁴²

Despite the ban on such marriages, Elizabeth and Nicholas Staniforth had proceeded to marry. They had not sought any special dispensation or licence for this marriage. They had not merely contracted to marry each other, they had actually had the audacity to have their marriage solemnised, and in church. Fothergill clearly thought their conduct was outrageous – they had 'profaned' the church by doing this. Their marriage was not a true marriage, but a sham. By marrying in this fashion, and by subsequently living together as husband and wife, they had imperilled their immortal souls, and they had set the worst possible example to other Christian people.⁴⁴³

Fothergill continued to wax indignant. The 'pretended' marriage of the Staniforths was incestuous, the law condemned it, and its continuance could not be tolerated. Elizabeth and Nicholas had besmirched the parish of Rotherham with their

⁴⁴¹ *Matrimonium verum purum et legitimum per verba.....ad hoc apta ad invicem inter se legitime contraxerunt solemn. ceremonium in facie ecclesiae de Glossopp seu alterius ecclesiae per ministerium ad sacros ordines legitime....et admissio rite et legitime solemnizari procuraverunt et obtinuerunt posteaque illud matrimonium per mutuaem cohabitacionem in variis aedibus tanquam vir et uxor carnalemque copulam inter eos habitum liberorumque seu prolis procreationem inter eos genit. et corroboraverunt et confirmaverunt.*

⁴⁴² *Racione premissis Nicholas Staniforth fuit et est affinis dictae Elizabeth Lockewoode alias Staniforth alias Hattefeild in secundo affinitate gradus quoad matrimonium solemnizacionem inter eos habendam prohibet.*

⁴⁴³ *Matrimonium seu potius matrimonium effigiem quem? de iure non potuerunt nec debuerunt in facie ecclesiae absque dispensacione legitima seu facultate in ea parte obtenta Anno dm 1592 ad invicem de facto solemnizari procuraverunt et obtinuerunt seu profanaverunt posteaque illud confirmaverunt per carnalem copulam inter eos habitam prolis procreationem et mutuaem cohabitationem in variis aedibus tanquam vir et uxor in animarum suarum grand. periculum aliorumque Christianorum fidel. exemplum pessimum?*

crime of incest and adultery.⁴⁴⁴ Their behaviour constituted an open scandal. Everyone in the hamlet of Tinsley and in neighbouring districts knew that the couple were living together as husband and wife, despite the fact that Nicholas Staniforth was related to Nicholas Hatfield in the second degree, and that their behaviour was criminal. You had only to ask anyone from that area to step forward and bear witness, and he or she would confirm that these matters were common knowledge thereabouts. For that matter, they were widely talked about throughout the whole of the parish of Rotherham.⁴⁴⁵

William Fothergill had made his point. He now asked the court to find in his favour, and to make certain orders. These were threefold. Firstly, the Staniforths must be punished [*corrigi et puniri*]. Secondly, their marriage must be ended and they must live apart. [*separari et divortiar*]. Thirdly and finally, they must pay the legal costs which Fothergill had incurred in bringing the case against them. These were drastic remedies.

Regrettably, Elizabeth and Nicholas Staniforth's reply to these charges has not survived, nor do we have the evidence of any witnesses who testified in the proceedings, nor the final judgement of the court in York. But we can say that if the court did indeed find that William, Fothergill had proved his case, then it is very likely, the law being what it then was, that the Staniforths would have had to separate, and moreover that they would have been compelled to do penance for their sins.

The entire case appears to be the proverbial 'mountain out of a molehill', when seen through modern eyes; but we should not underestimate the seriousness with which the Church treated these matters in Tudor times. Persons found guilty of 'incest' might be subjected to a considerable degree of public humiliation. We do not know what happened to Elizabeth and Nicholas Staniforth; but we know what happened not long afterwards in Somerset, when a man called Thomas Odam was punished for a not

⁴⁴⁴ *Matrimonium pretensum....fuit et est incestuosum ac de iure damnatum nusquam legitimum nec tolerabile.....crimen incestus seu adulterii infra parochiam de Rotheram praedicto dicto anno dm 1592 nefarie perpetraverunt atque commiserunt.*

⁴⁴⁵ *Ante hanc litem fuit et ad hunc est publica vox et fama nec non communis opinio omnium et singulorum inhabitantium vill. villat. seu hamelet. de Tinslowe aliisque locis vicinis infra seu iuxta parochiam de Rotheram seu maioris partis eorundem quod dicta Elizabeth Lockewoode et praefatus Richard Hatefeld fuerunt vir et uxor et quod dictus Nicholas Staniforth et Nicholas Hatfeld fuereunt consanguinii in secundo gradu de consanguinitate. Et quod dictus Nicholas Staniforth et Elizabeth Lockewoode crimen incestus seu adulterii infra parochiam de Rotheram praedict. perpetraverunt atque commiserunt. Et qualis testis in hac parte producendus si diligenter examinatur dicet et deponet hanc famam fuisse et esse veram Et quod eandem audivit a maiori parte inhabitantium locorum praedict. et nominabit? aliquos a quibus eandem sic audivit nec non dicet et deponet quod credit in conscientia sua hanc famam fuisse et esse veram.....de et super premissis fuit et est publica vox et fama in parochia de Rotheram praedict. aliis locis vicinis.*

dissimilar offence: on two successive Sundays, he had to come into his parish church at the beginning of morning service wearing a white sheet, with a white wand in his hand, and stand before the pulpit while a sermon was 'against the crime of fornication and incest' was preached. After the sermon he had to repeat, after the minister, the words

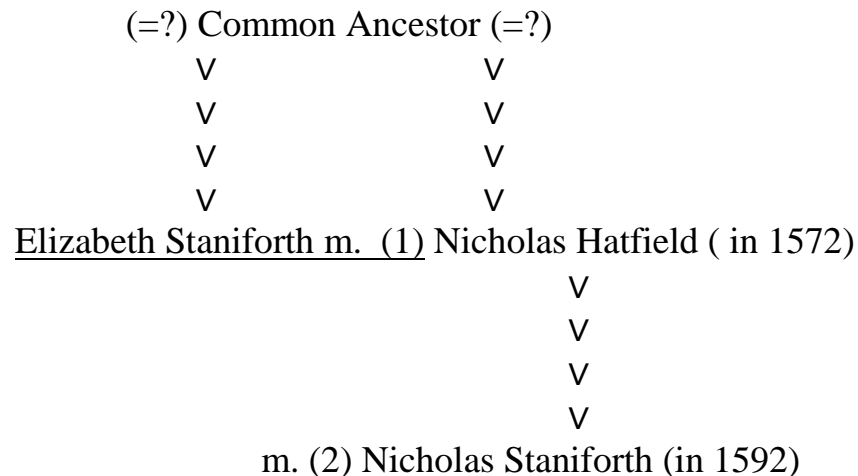
I Thomas Odam, do hereby before God acknowledge and confess that I have grievously offended the divine majesty of almighty God in living incestuously with my wife's daughter.

This public act of shame had then to be repeated at a later date in Wells Cathedral, where Odam had to wear a placard reading

CHARLTON (the name of his parish) THOMAS ODAM, FOR INCEST WITH
AUCHARETT WHITE HIS WIVES DAUGHTER.

Similar scenes may have been witnessed in Rotherham parish church, not long after 1593.⁴⁴⁶

Diagram – the Hatfields and the Staniforths



⁴⁴⁶ Laslett p 165.

5 ADAM GOODYEAR AND PERJURY

We have seen that the Church courts had to deal with many cases where a disappointed lover claimed that he (or she) had entered into a binding arrangement to marry, with someone who then sought to deny that agreement. Since there was as yet no legal requirement that a valid marriage involved a church service preceded by banns, all that the injured party generally had to prove was that both parties had openly and freely consented to be married, in the presence of two witnesses; but, what if there had been no witnesses when the pact was made? In that case a determined and unscrupulous person might well decide to manufacture the evidence which he needed to place before the court. This is what seems to have happened when Adam Goodyear was rejected by Elizabeth Revell (also known as Vessye) in the year 1600.⁴⁴⁷

Adam wished to marry Elizabeth, and thought indeed that he had married her, for they had 'joined hands' and pledged themselves, using the words which we still employ in the marriage ceremony today. All this had happened in November 1600 in a meadow not far from Rotherham bridge; but something had happened to cause Elizabeth to change her mind. She must have told Adam of her decision, but he would not accept it, and was willing to go to law. Unfortunately for him, there had been no witnesses to the proceedings in the meadow that day. Undeterred, Adam decided to enlist some.

On 25th March 1601, he travelled into Derbyshire to see a man called Laurence Siddall. The fact that Siddall used two other surnames may suggest that he was a shady character. The fact that he lived in Derbyshire, relatively far away from the scene of the marriage may also be significant. Perhaps it suited Goodyear to recruit a stranger to do his dirty work. There would be less risk of detection that way, than if he used a local man. The next part of the story can be told in the words of Laurence Siddall: "

about the ladye daye in lent last past....Adam Goodyeare cam to him....into darbye shire and requested him goe with him to Thribargh in yorke shire which he.....dyd accordinglye.....And when [he] cam hither he lodged at one graye's hous at Thribargh.

Gray's 'house' in Thrybergh was probably a public house. It was there that Siddall met Robert Needham, who was to be Goodyear's other witness. Where Needham came from is difficult to decipher. The record shows that he came from *Lea Green nighe bucksons*,

⁴⁴⁷ 1602 BIHR CP H 87, formerly R VII H 87; Youings p 363; Houlbrooke p 79

which may be Lea Green near Buxton. If so it would mean that Goodyear had decided to recruit both his accomplices in Derbyshire.⁴⁴⁸ Goodyear now put his proposal to Siddall:

[he] was requested by.....Adam goodyeare to goe to york & be sworne & testefye in a suite there depending betwene him and.....Elizabeth Vessye alias Revell that they were contracted together in matrimonye at or neare a stake in a meadowe neare Rther bridge and that [he] dyd see them take handes & speake one to thother the for sayd wordes the daye & tyme a for sayd.

It is interesting to learn the lengths to which Goodyear was prepared to go, in order to ensure that the evidence which his 'witnesses' were to give should have the ring of truth. He got his brother Michael to take Siddall to Rotherham and show him the meadow near Rotherham bridge, and even the stake at the far end of the meadow, where he claimed he had contracted matrimony. He obviously thought that a touch of local colour would impress the court: *Michael goodyeare by the appointment of.....Adam goodyeare his brother showed to [him] the sayd stake.*

What were Siddall and Needham to be paid for giving false testimony? According to Siddall:

Adam promissed Robert Needham & [him] about xxvi li [£27] which was due unto him by one Ralphe? Cook for deposing as aforesayd & sayd further that that moneye was due on a bond at lammas then following [1st August]

Bribery was not the only means of persuasion employed by Goodyear. He wanted Siddall to believe that the events which he was going to say that he had seen with his own eyes had indeed occurred:

& further to induce [him] so to sweare.....Adam goodyeare of himself voluntarely tok many horrible & feareful oaths that the same was true....& sweared that he was contracted to.....Elizabeth the day tyme & place aforesayd.

Perhaps this was true. Perhaps Adam Goodyear and Elizabeth Revell had indeed married, and it was Elizabeth who was in the wrong by going back on her word. This does not alter the fact that what Siddall did next was inexcusable. For, on 6th May 1602,

⁴⁴⁸ Buxton was at this date sometimes spelt Buckstones: HH p 80

when the case of Goodyear v Revell had finally begun, he did go to York as arranged, and give evidence. It will be seen that he had been well briefed, not only about points of geography, but also about the items of clothing which the lady was supposed to have worn on the day in question:

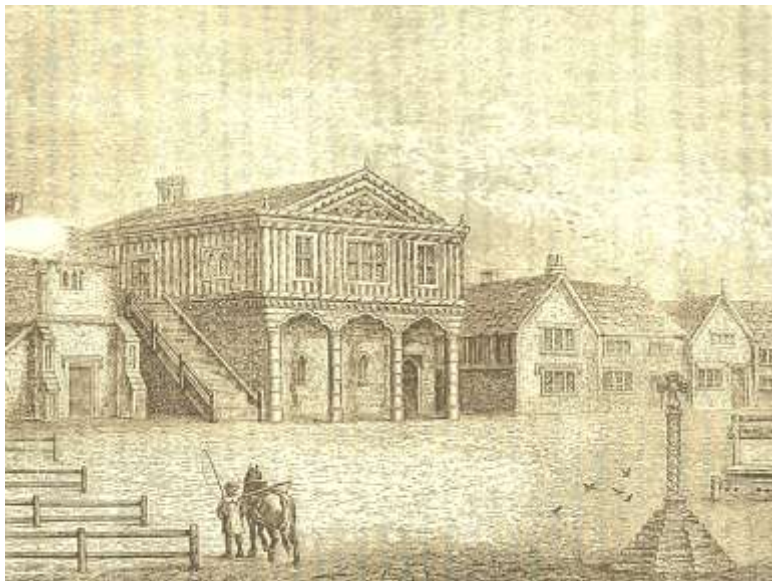
[he]upon or about the syxte daye of maye....was producted sworne and examined in the consistory Court of the most Reverende Father in god the Lord Archbishop of york his grace before the officiall thereof on the behalfe of Adam goodyere...against....Elizabeth Vessye alias Revell in a cause of matrimonye there dependynge.....and in that Courte tok a Judiciall oath to depose a truth in that matter....and...being soe sworne and examined....deposed.....that about foure of the clock in thafter noone upon mondays next after martinmas daye last was atwelve month.....Adam good yeare and a yonge woman apparelled in agrene gowne and ared pettecoate a white apron and a high Crowned felte hat on her heade whom.....Adam named Elizabeth Revell walked together over Rotherham brigge upp a faire meadowe talkinge together hand in hande and that he and his contest [fellow witness?] Nedeham followed them and when theye cam at agreate stake in the further ende of the forsayde meadowe they leaned thereunto and talked agood while together ([Siddall] and.....Nedeham standing a loofe....) and after a while.....Adam goodyere called them to come to them and assone as we were all comed together besydes the same post or stake.....Adam goodyeare havinge the woman by the Ryght hande sayd unto her I Adam goodyere take yow Elizabeth Revell to my wedded wyfe forsakinge all other and thereto I plyght the my trothe and there Ryght handes beinge still ioyned together the same woman sayd to the sayd Adam goodyeare And heare I Elizabeth Revell take the Adam goodyeare to my wedded husbande forsaking all other & thereto I plight yow my trowthe and drewe? handes and they both the sayd Adam and the sayd woman desyred us to beare witness of the sayd wordes or to the lyke effect as by his....deposicion at large? maye appeare.

This was not the end of the matter. Siddall claimed that he was smitten with pangs of conscience soon afterwards, to such an extent that he told various people, and eventually the authorities of what he had done. But it is equally possible that his perjury came to light in other ways. At any rate, Siddall was back in court within a month, giving evidence in a suit brought against him by someone called Michael Vessye. (Possibly, this was Elizabeth Revell's new husband, with an interest in discrediting the claim that she was already married to Goodyear: this would explain Elizabeth Revell's *alias*.) The Church courts had jurisdiction over matters relating to perjury as well as matrimony;⁴⁴⁹ and so it was once again in York, on 5th June 1602, that Laurence Siddall testified, this time confessing that what he had said in May had been lies:

⁴⁴⁹ Dickens, *Reformation* p 345.

[his] deposicion was false & untrue in most partes thereof for [he] was not present the daye and place mencioned in his sayd deposicions wythe the sayd Adam and Elizabeth and any man knowne or called Needeham or by any other name neyther did [he].....see...Adam goodyeare take the woman whom he called Eliz Revell by her ryght hand nor dyd heare themn or eyther of them speake thone to thother the words set downe in thedesposicion ...nor any other wordes importing matrimonye but the same in that behalfe was & is false & untrue & so [his] conscience accusing him hath confessed to dyvers honest & credible persons.

Siddall still sought to excuse his conduct to some extent, by saying that he had committed the cryme of perjury wilfullye by the earnest solliciting of Goodyear, but at the same time he did abase himself before the court: *he submitteth himselfe to the censure & correction of this honorable court & jurisdiction(?) of the same of his owne accorde.* The punishment meted out to him is not recorded, nor do we know for sure what the effect of his retraction was on the outcome of the main proceedings between Adam Goodyear and Elizabeth Revell-Vessye. We may think it likely, however, that Siddall's confession would have completely undermined Goodyear's case, as well as creating a great deal of trouble for him with the authorities.



The Market Place (early eighteenth century) [Guest p 65]

APPENDIX I: CONCLUSIONS ABOUT ROTHERHAM IN THE TUDOR PERIOD

There is no question that Rotherham was a very different place at the end of the sixteenth century from the one it had been when Henry VII became king. The lordship had been transferred from monastic to lay hands, along with the tithes and the right to present the minister. The College of Jesus had disappeared, though its grammar school survived. The chantries and the guilds had gone. The parish church may have looked much the same from the outside, but its interior had been transformed.

Some writers have not been content to chronicle these changes, they have roundly condemned them. Joseph Hunter's assessment of the position was very striking:

Few places suffered more than Rotherham by the measures which accompanied the reformation of religion in England. It lost its college, and it became also withdrawn from the patronage of the great and wealthy monastery on which it had depended. It lost also whatever benefit it had derived from the services of those members of the clerical order who were connected with the private religious foundations in the church. No attempt was made here as at Sheffield to obtain an efficient assistant ministry, or, if the attempt was made, it was unsuccessful. All duty belonging to the office of the priesthood rested upon the vicar, and one assistant, who must have been unequal to the burthens of the duties through so extensive a parish. Even the two chapels of Greaborough and Tinsley, in remote parts of the parish, ceased to be used for the purposes for which they had been founded. The morals of the town seem to have degenerated. I think we may perceive that in the times of the good schoolmaster,⁴⁵⁰ and when the archbishop was engaged in his munificent benefactions, there was a sound and healthful state of the public morals at Rotherham. But towards the close of the century in which Rotherham lost its college and its array of clerks, there circulated a rhyme, still remembered, but too gross to be more than alluded to, which conveys a strong imputation upon the morals of this town: and it receives some countenance from the following lines in a poem written at the close of that century.....

⁴⁵⁰ Hunter meant the anonymous teacher of grammar who had so inspired Thomas Rotherham in the early fifteenth century.

*Rotherham, in the County of York, is the first to receive us;
this town was free for gamesters only;
both host and hostess are excellent gamesters.*

And again

*Rotherham, which before time was free from gamblers,
now swarms with them;
denying a sojourn to whosoever does not know how to gamble.
Although we were indignant at being kept out (told to move on),
we yet happened to find a better and more honourable place of sojourn.
Now and then that which seems injurious to us is pleasant.⁴⁵¹*

How far were these comments justified? When Hunter referred to the loss sustained by the suppression of Rotherham College, it does seem that he was on firm ground. Despite various qualifications which could be made, it is difficult to deny that the town suffered when the College of Jesus was dissolved, by the Act of 1547. As we noted in the chapter dealing with Robert Swift, the College played an important part in the life of the town. It was an independent, self-governing corporation, at a time when Rotherham itself did not enjoy equivalent status. It was home to a group of learned men, who mixed with the townsfolk, and participated in the life of the parish. Its very existence lent distinction to the town. The damage inflicted by the Chantries Act was all the more noticeable because the College had been a late foundation: it was cut down in its prime.

With regard to the educational facilities provided by the College concerned, we have seen that the grammar school under Thomas Snell survived, and that it may have been more successful in the Elizabethan period than has sometimes been thought; but this does not alter the fact that the song- and writing-schools disappeared without trace, and that even the grammar-Master's status had been reduced. He was no longer a Fellow of the College, with an income derived from the endowments of that institution, but received only a fixed stipend, payable by the Crown.

Thomas Rotherham's College was a source of charitable relief, as well as educational facilities: the *Valor Ecclesiasticus* of 1535 gives the annual value of the alms

⁴⁵¹ Hunter quoted these verses in their original Latin, but I have quoted Guest's translation: HSY vol II p 9; G 362.

provided by the College as £16/13s/4d, listing the amounts distributed upon the occasion of the *obits* of the founder and of Henry Carnebull (10s and 13s/4d respectively), the provision of free board and lodging for the six poor choristers (£13/6s/8d), and the cost of employing one poor person as the College janitor (£2/3s/4d).⁴⁵² One can argue that the main purpose of this charity was to benefit the souls of the departed, rather than the pockets or stomachs of the poor. One can also contend that this was not an efficient 'system' of tackling poverty, and that the amounts involved were relatively small; but the present writer is still inclined to think that the College made a useful contribution, which the poor of the town and the parish probably had reason to be grateful for, and which no longer existed in the same form after 1548.

Hunter noted the loss of the 'patronage' of Rufford Abbey. Here, the loss to Rotherham is not so clear. Firstly, far from being a 'great and wealthy monastery', Rufford Abbey was in a poverty-stricken and run-down state, when it was dissolved in 1536.⁴⁵³ Secondly, we have to define what is meant by the word 'patronage'. Let us consider the lordship, the rectory and the advowson.

So far as the lordship is concerned, historians no longer tend to believe that the monks in general were benevolent lords, or that those who bought up ex-monastic lands "unleashed a series of depopulating enclosures or an orgy of rack-renting."⁴⁵⁴ We would have to study the estate accounts of Rufford Abbey before the dissolution, and of the Earls of Shrewsbury afterwards (if these documents still exist) to be able to say whether local people derived any benefit from the fact that Rotherham was "the only major monastic estate in the wapentake of Strafforth and Tickhill" prior to 1536.⁴⁵⁵ It is the same with tithes. We do not have the information which would enable us to compare the ways in which the rectory was exploited before and after the Reformation. In 1535, the monks farmed the tithes out to Robert Swift and sons, and we know that the amount which they paid to the vicar of Rotherham for ministering to the spiritual needs of the parish was not ungenerous (although the stipend was charged with payments for bread, wine, lights, books, vestments and other items which did not normally fall upon vicars).⁴⁵⁶ On the other hand, Cause Papers have also survived which show the Earl suing the men of Meadowhall for arrears of tithe, in 1584; but these isolated records are not a sound basis for making generalisations. Lastly, we do not know enough about the personalities, and careers, of the individuals involved to be able to say whether Rufford Abbey and/or the Earls of Shrewsbury chose the vicars of

⁴⁵² Valor vol V pp 44-5.

⁴⁵³ *Rufford, Past and Present*, Nottinghamshire County Council, 1980.

⁴⁵⁴ Dickens, *Reformation* p 214, Smith p 83.

⁴⁵⁵ Smith p 52.

⁴⁵⁶ HSY vol II p 16.

Rotherham wisely. According to the student of the 4th and 5th Earls, there is "little sign of any consistent policy of patronage in the 1540s and 1550s."⁴⁵⁷ As for the 6th Earl, the story of Thomas Corker shows that the mere fact that the owner of the advowson presented the vicar did not mean that he could control the latter's behaviour. To sum up, it is difficult to see what the town lost by the dissolution of Rufford Abbey after 1536, although it may be that there were other aspects of the Abbey's patronage which I have failed to consider.

Turning to the dissolution of the chantries, this undoubtedly led to a reduction in the numbers of clergy in Rotherham, and, as Hunter reminds us, the chantry priests had taken part in church services, and assisted the vicar from time to time.⁴⁵⁸ Some might argue that this did not really matter, because the Protestant form of worship (with its emphasis on the sermon rather than on the mass) required fewer priests. But, despite the views of men like William Senes, there was no real sign that the Rotherham chantries lacked popular support. There were no 'pre-dissolution dissolutions' and no unauthorised 'resumptions' of their endowments. Nor is there much sign that the chantrypriests were inefficient or ill-educated.⁴⁵⁹ There must have been many who regretted their passing, and with it their contribution to the religious life of the parish – particularly when the town had some measure of control over the appointment of at least one of the chantry priests. The cantarist of the Cross was appointed jointly by the vicar, 'the collectors of the profits of the church' and 'the proctors of the goods of the community of Rotherham'.⁴⁶⁰

It is instructive to ask what happened to the endowments of the chantries when they were dissolved. The following table, compiled from the surveys which were carried out by the Henrician Commissioners in 1546 and the Edwardian Commissioners in 1548, shows the possessions of the six chantries listed for Rotherham parish. Five of these were situated in the parish church, and the other at Tinsley:

⁴⁵⁷ Bernard p 148.

⁴⁵⁸ Though it would be wrong to assume that there was necessarily one extra priest for every chantry: John Lillie, who was vicar of Rotherham from 1515-1514, was also cantarist in one of the town's chantries: YASRS 107 p 42(n).

⁴⁵⁹ G 76-9.

⁴⁶⁰ YASRS 107 pp 132-3.

Name of chantry		goods	plate	net income ⁴⁶¹ (land, stipend or tithes)
1 Jesus and Our Lady (2 priests)	1546	£2/7s/5d	£17/14s/6d	£13/6s/8d
	1548	£1/1s/9d	47 ounces	£13/6s/8d
2 The Cross	1546	10s/3d	£4/-/-	£8/18s/9d
	1548	5s/10d	14 ounces	£9/7s/5d
3 Our Lady	1546	15s/7d	Nil	£5/16s/3d
	1548	8s/3d	Nil	£6/1s/8d
4 St Katherine	1546	12s/7d	£2/-/-	£5/3s/10d
	1548	7s/5d	13 ¼ ounces	£5/11s/9d
5 Our Lady of the Carr	1546	10s/3d	Nil	£4/11s/-
	1548	9s/4d	Nil	£4/5s/-
Totals		£2/12s/7d	-	£38/12s/6d
		£4/16s/1d	£23/14s/6d	£37/16s/6d
Tinsley	1546	8s/-	£1/19s/-	£2/14s/10d
(St Lawrence)	1548	3s/10d	8 ¼ ounces	£5/5s/10d

Before passing any comment on these figures, it is necessary to point out, firstly, that although the Chantry at the Altars of Jesus and Our Lady (founded by Henry Carnebull) appears to be richer than the others, it supported two priests, whereas the other chantries had only one. Secondly, in only two cases did the chantry priests have any other ecclesiastical source of income, apart from that listed in the table: these were the priest of St Katherine's chantry, Richard Lyng, who (according to the survey of 1548) *hath of the kinge's majestie one annuall pencion of £5/6/8* (he was perhaps a former monk), and the priest at Tinsley, John More, who (according to the same source) enjoyed at least some of the tithes of the chapel there.

⁴⁶¹ Surtees 91 pp 205-209, 92 pp 378-380. G 74-9 prints both the Henrician and Edwardian certificates, but in reverse order, since he thought that they were of approximately the same date. The values which appear in the *Valor* are given by Hunter in HSY vol II pp 16-17.

Subject to these two points, we can draw certain conclusions. Professor Dickens wrote that "the great majority of stipendiary curates, chantry and chapel priests worked for very small salaries ranging between £4 and £7". It would therefore appear that the endowments of the Rotherham chantries, and consequently the incomes of the priests who served them, conformed to the national average. They were not 'wretchedly endowed', but neither were they rich livings: it must certainly have been a great help that the College of Jesus provided the Rotherham chantry priests with free lodging while it existed.⁴⁶²

But although the lands of the Rotherham chantries were not of great value when considered individually, collectively they represented an appreciable 'inheritance', especially when one adds the value of their goods, and more particularly their plate - above all the rich hoard amassed by the chantry of Jesus and our Lady, which no doubt derived in whole or in part from the bequest made by Henry Carnebull himself; and the Crown declared itself heir to this inheritance, by Act of Parliament. One of the stated purposes of the Chantries Act was to enable the King to endow new educational and charitable institutions; but no new schools or almshouses were endowed in Rotherham. The Chantry Commissioners took the endowments, and all they gave in return was some fixed stipends, the history of which is somewhat obscure. (Possibly the remaining chantry priests were pensioned, but that was no help to the parish of Rotherham.) All this supports Hunter's view that Rotherham did not do well out the dissolution of the chantries. It lost a good deal, and did not receive much by way of recompense (although some local patriots concealed part of the chantry endowments, and these were later administered for the benefit of the town).⁴⁶³

A comparison of the value of the goods owned by the Rotherham chantries in 1546 with their value in 1548 prompts a further thought. It will be seen that the value of the goods declined by about one half between the dates of the two surveys. Does this mean that the Edwardian commissioners valued the goods differently? According to Professor Dickens, they "paid less attention to the lands and properties but more to the characters of the incumbents and to the degree of usefulness claimed for the various foundations".⁴⁶⁴ Or does it mean that the good people of Rotherham decided to 'save' some of the goods given by their forefathers, and not allow them to be seized by the Crown - just as we know that they withheld some of the landed endowments of the same chantries? A similar process may have been at work in relation to the plate which belonged to the various chantries - it is difficult to say because the survey of 1546 gave

⁴⁶² Dickens *Reformation* pp 77,291.

⁴⁶³ G 366.

⁴⁶⁴ Dickens, *Reformation* p 285.

values for the plate while that of 1548 simply gave the weight.⁴⁶⁵

Hunter stated that the numbers of clergy in Rotherham parish after the Reformation were unequal to the tasks they had to perform. This may have been so, but we need to know more about the activities of the three chantry priests who were apparently continued by the Chantry Commissioners of 1548, and also about the 'preaching' from which it would appear that Thomas Corker benefited in the 1570s. Hunter himself noted, in the records of the Exchequer for 1563, a memorandum of an annual pension of £6/13s/4d to Henry Assheley, assistant in the church of Rotherham, who he thought was possibly the predecessor of the early nineteenth century lecturer. Perhaps the vicar had more help in the Elizabethan period than has previously been supposed.⁴⁶⁶ The history of the chapel at Greasborough in the sixteenth century, as related by Hunter himself, is so obscure as to invalidate any conclusion which might be drawn about it, though we know that some of the lands which were given to it became 'concealed lands'. On the other hand, the chapel at Tinsley did survive the Reformation: although the chantry which existed there was put down, the Crown allowed a stipend for the minister of £4/17s/9d, and services continued to be held there. This was not so in the case of the chapel on Rotherham bridge, which ceased to be used for religious purposes, and became an almshouse instead. Finally, the present writer cannot agree with Hunter's suggestion that the morals of the town underwent a decline in the Elizabethan period. The basis for this is surely very thin. It rests on the verses of one poet, and all he reported was that there was far too much gambling going on in the town for his liking, on the occasion when he passed through. This behaviour may have been thought reprehensible by Joseph Hunter - a clergyman of Jane Austen's generation; and was also considered 'disreputable' by John Guest - a Victorian Alderman, and President of the Rotherham and Masborough Temperance Society; but the evidence is not such as to enable us to form any reliable conclusions.

⁴⁶⁵ *CPR Elizabeth I* vol V, 1941 HSY vol II pp 30,33; G 127; Scarisbrick p 96.

⁴⁶⁶ HSY vol II p 16.

APPENDIX II: THE HISTORIANS OF ROTHERHAM COLLEGE

Many writers since Tudor times have touched on the history of Rotherham College and Rotherham grammar school. Michael Sherbrook, rector of Wickersley, who wrote his *The Fall of Religious Houses* in the late sixteenth century, bemoaned the fate of Rotherham College, stating that it was "a great loss for the town and country round about it, not only for the cause of learning, but also for the help of the poor;" but although his account of the Reformation is very pessimistic, it does in fact confirm that the grammar school survived the fall of the College, and enjoyed a continuous existence between 1547 and 1561, when the decree for its revival was made.⁴⁶⁷

We have already noted Camden's brief comment (see Robert Swift and the destruction of Rotherham College above):

....Rotherham, which glories in having had an Archbishop of York of its own name, viz Thomas Rotheram, a very wise and prudent man, born here, and a great benefactor to the place; having founded and endow'd a College with three Schools for instructing boys in Writing, Grammar, and Musick; which are now suppress'd by the wicked avarice of the last age.

Charles Hoole, the famous Rotherham schoolmaster, published a work called *Scholastic Discipline* in 1639. One would think that the opinions of this eminent classicist and pedagogue about the history of the school where he taught would be invaluable; but in fact he seems to have relied on what others told him, and the locals gave him an extremely misleading view of what had happened:

...in the time of Henry the Eight, the Earl of Shrewsbury.....having obtained Roughford Abbey in Nottinghamshiretook advantage also to sweep away the revenues of Rotherham College (which, according to a rental that I have seen, amounted to about £2000 per annum), and after a while (having ingratiated himself with some townsmen and gentlemen thereabout by erecting a cockpit) he removed the school out of the college into a sorry house before the gate, leaving it destitute of any allowance, till Mr West (who wrote the 'Precedents') in the time of Queen Elizabeth (and when Mr Snell was schoolmaster) obtained a yearly salary of ten pounds per annum, which is since paid out of the Exchequer by the auditor of accounts. I remember how

⁴⁶⁷ YASRS vol 125 N.B. One source of confusion is that earlier writers, including Guest and Leach, have stated that the author of *The Fall of Religious Houses* was Cuthbert Sherbrook of Wickersley, a relative of Michael Sherbrook, the rector of that place; but Dickens in YASRS vol 125 established that it was Michael himself who wrote the treatise.

often and earnestly Mr Francis West, who had been clerk to his uncle, would declaim against the injury done to that school, which indeed (as he said) ought still to have been kept in the college, and how when I was a schoolmaster there he gave me a copy of the foundation, and showed me some rentals of lands, and told me where many deeds and evidences belonging thereunto were then concealed, and other remarkable passages, which he was loth to have buried in silence.

This account is fabulous - apart from, anything else it was the 4th Earl who was given Rufford Abbey, the 5th who was given Rotherham College, and William West had not even been called to the bar when the decree for reviving and continuing Rotherham school was obtained; but it does tell us what people in the seventeenth century believed to have happened in the sixteenth. Educated men in Rotherham had already formed a very distorted and jaundiced view of the history of their grammar school.

Some men held the opinion that the grammar school had ceased to exist altogether between the 1540s and the 1560s, and Joseph Hunter repeated this traditional view in his *South Yorkshire* of 1828-30, although he expressed some doubts:

The foundation of a grammar school did something to repair the loss which the town sustained in the dissolution of its college. The foundation of the grammar school is attributed to Laurence Woodnett, of Lincoln's Inn, esq. and Anthony Collins, of London, of London, esq. who by deed dated September 1 1584, conveyed to certain trustees and their heirs lands at Rotherham, Masborough, and Brinsworth, together with a building called the town-hall at Rotherham, for the purpose of establishing a grammar school; but I find that as early as the third of Elizabeth 1561, the sum of £10/15s/4d, was paid to the masters employed in a grammar school at Rotherham out of the profits of the country, so that it is even doubtful whether the school founded by archbishop Rotherham was ever entirely put down.⁴⁶⁸

The first part of Hunter's account (which was bound to be influential in view of his eminent position in the historiography of South Yorkshire) not only implied a break between the pre- and post- Reformation grammar schools. It also contained the myth that the school had been re-founded by two Londoners, Woodnett and Collins – a myth which was repeated for example by White's Directory of 1862. This was ironic, since they were merely the individuals who conveyed certain former chantry lands to Rotherham's Feoffees in the 1580s. (See The Origin of the Feoffees above.)

Guest did not follow Hunter on this occasion. Writing in the 1870s, he gave much

⁴⁶⁸ HSY vol II p 12.

the same account of the survival of the grammar school as I have given above, though he does not seem to have discovered the Certificate for the continuance of the grammar school, which the Chantry Commissioners gave in 1548, nor the Edwardian Pension List for the West Riding of 1552, which contains Snell's name, nor the reports about the school made by the Archbishop and Archdeacon of York in 1570 and 1571. These documents (and many others) were edited and printed for the Yorkshire Archaeological Society Record Series by Arthur Leach, in 1903, and appear in volume 33 of that publication.⁴⁶⁹ Leach himself expressed a consistently pessimistic view of developments in education after 1547, in his Introduction. Yet his pessimism about the Elizabethan period seems to be contradicted by some of his own material, especially the reports of 1570 and 1571. Furthermore, he created another source of confusion by stating that the arrears of Thomas Snell's stipend were never recovered by him (a statement again contradicted by his own edition of the decree of 1561), and by suggesting (without any evidence that I know of) that the reason this stipend was withheld may have been because Snell was a Protestant.

The relevant section in the *Victoria County History of Yorkshire*⁴⁷⁰ was written by Leach and repeats the statement that the arrears due to Snell were never recovered; but it does make it clear that the reason that payment of Snell's stipend was withheld was because of the abolition of the second Court of Augmentations. In my opinion, that view is supported by the relevant passages in Dr Elton's seminal work on Tudor administrative history, *The Tudor Revolution in Government*.

⁴⁶⁹ G 333.

⁴⁷⁰ Volume 1 1907 pp 454-7.

APPENDIX III: CHANCERY PROCEEDINGS RELATING TO ROTHERHAM COLLEGE, 1515

In the records of Monastic Chancery Proceedings, published by the Yorkshire Archaeological Society Record Series, there is a fragment of a case, which throws some light on the gifts made by Henry Carnebull to Rotherham College, and on the readiness of the Provost and Fellows there to defend their rights.

The record shows that Provost Robert Cutler and the 'brethren' of Rotherham College filed a petition in the Chancery court, around 1515, claiming (1) that Henry Carnebull had owned freehold land in the town of Wath upon Dearne called 'Cressis', of the yearly value of ten marks (2) that he had enfeoffed George Earl of Shrewsbury, Sir Thomas Wortley and Master Thomas Fitzwilliam with this land 'to the use of Henry Carnebull and his heirs' and (3) that in his will he had given most of the land in question to Rotherham College. The Provost and Fellows pleaded that they 'had no remedy at the common law' and asked the Lord Chancellor for justice.

Incomplete and mutilated as the record of these proceedings is, we can see roughly what must have happened. Firstly it is clear that Henry Carnebull had created a 'use', or trust, in respect of this land in Wath. He transferred the legal title to three feoffees, while he retained beneficial ownership, trusting that the feoffees would deal with the land as he later directed. There were various reasons for conveying property in this way; but one of the most common was so to enable the landowner to dispose of the land in question by will. In the early sixteenth century it was not possible to do this in a direct way: when a man died, the legal title to his freehold land passed automatically to his heir, and his will did not affect the position; but there was also what one legal historian has called 'a definite and extremely important settled rule....that uses could be disposed of by will'. So, it seems likely that Henry Carnebull's reason for transferring his land at Wath to the three local worthies mentioned was so that he could leave it to whomever he wished when he came to make his will; and, according to the Fellows of Rotherham College, he left it to them.⁴⁷¹

Something must have gone wrong, after Henry Carnebull's death in 1512, or there would have been no Chancery action. The jurisdiction of the Chancery Court in the later middle ages grew up around the willingness of the Lord Chancellor to depart from the strict rules of the common law, and to act in accordance with the principles of

⁴⁷¹ YASRS 88 p 128; An Introduction to the History of the Land Law, A.W.B.Simpson, Oxford University Press, 1961 p 171

'equity'. When a man created a use, he left himself without a remedy so far as the common law was concerned, if his feoffees let him down. In the eyes of the law, the feoffees were the owners of the land and could do what they liked with it; but the Lord Chancellor would provide a remedy and ensure that the feoffees did their duty, if the use or trust was abused. So one reason for the court case may have been that the three men to whom Henry Carnebull transferred the land at Wath let him down in some way; but another may have been that there was a genuine difficulty in interpreting Henry Carnebull's wishes, arising from a number of ambiguities in his will.

The will made it clear that Carnebull wanted the 'livelihood' which he had purchased in Rotherham, Greasborough Ravenfield, and Wentworth or "in any other places he had purchased with his pen", to be applied for the benefit of his soul. It went on to say that "his mind was" that "all such livelihood" should be put to the use of Rotherham College. The present writer can see that this phraseology leaves room for substantial differences of opinion as to what Henry intended. For example: had Carnebull purchased the land in Wath 'with his pen' or not? If not, did he intend it to be used for his soul or not? And was the reference to the College really a binding direction, or was it merely the expression of a preference? The brethren at the College clearly thought they were entitled to the land called Cressis, but Carnebull's feoffees might in good conscience have taken a different view.

Unfortunately, we do not know the outcome (although I can find no reference to land called Cressis in the list of Rotherham College's properties which is recorded in the Chantry Certificates of 1548); but the record we do have is interesting nonetheless. It shows the complexities of contemporary law and the importance of the development of equity in particular. On a local level, it demonstrates the determination of the Provost and Fellows in Rotherham to defend the interests of their College. Thomas Rotherham had envisaged that his foundation might have to face certain challenges, and had left £200 for its defence. Whether any of this money was still available for use in 1515 I know not, but in any event Robert Cutler and his brethren were clearly not prepared to stand idly by, when property which they regarded as part of their patrimony was threatened.

APPENDIX IV: NOTE CONCERNING THE RECORDS OF THE FEOFFEEES

Anyone looking through the pages of John Guest's work will be struck by the number of extracts from documents which were at that date in the possession of the Feoffees. On page 365 Guest referred to the Feoffees' first book of accounts, beginning in 1584 and reaching to 1658. On pages 125, 363, and 388 he reproduced numerous entries, but clearly not the whole of it. He also reproduced memoranda of 1538 and 1589, and a receipt of 1597, which he appears to say were found with the Feoffees' accounts. On page 382 he says "recently a bundle of ragged, dirty, and discoloured papers, ticketed 'done with' have been turned up in the Feoffees' box...." These accounts from before the Feoffees' Charter, beginning in 1549 and reaching to 1589, though some years were missing. Guest copied the whole of the accounts for 1549, but only extracts from the rest. Finally, on pages 177-180 he reproduced entries from certain churchwardens' accounts from the reigns of Edward VI and Mary, and also for 1596 and 1600, which were in the possession of the Feoffees, pointing out that though these were "torn, tattered and not easily decipherable", they were much earlier than the earliest book of accounts in the hands of the Church, which began in 1672. One can see what an important source this was.

In 1991, the Feoffees deposited their documents with the Local Studies Library in Rotherham; but upon examination it was found that there were none which related to the Tudor period, apart from certain deeds which related to the Feoffees themselves. All the documents described in my two chapters about them had disappeared, and there seemed (and seems) little likelihood of their being found. There will probably always be a mystery surrounding their fate (though Arthur Leach seems to have looked at them at some date after Guest, commenting on the poor quality of the Feoffees' handwriting). Their loss is a great tragedy, though it makes one even more appreciative of Guest's work.

APPENDIX V: ROTHERHAM'S EARLY PARISH REGISTERS

The Tudor period was important in the history of Rotherham. It witnessed the building of Thomas Rotherham's College of Jesus and its destruction only half a century later. It saw the lordship of Rotherham transferred from Rufford Abbey to the Earls of Shrewsbury in the 1530s; and the grant of the Feoffees' Charter, in 1589. There are various sources for the study of Tudor Rotherham which are not available for earlier periods. One of these is parish registers, which Thomas Cromwell ordered to be kept from 1538. Rotherham's registers survive in each case from the early 1540s, though there are some breaks in continuity thereafter.

The books in which the registers were kept were apparently provided by the churchwardens: at least, this was what happened in 1574, when a new register was begun with the declaration:

The boke of christenings weddinges and Buryalles begunne at Rotherham the ffyrst of Jannarye Anno super dato Johannes Walker curator wiche was provyded by Phyllippe Ffletcher Wyl Tymme Henry(?) Watsons and Thomas Donke Churchwardens Anno praedicto.

Thomas Cromwell ordered that every parish should provide a *sure coffer* with two locks, the parson having one key and the churchwardens the other. Rotherham's Feoffees certainly had a common chest, in which they stored their deeds and accounts, and early 17th century records show that this had two locks, though it is not certain that this was the same chest as was used by the churchwardens. Nowadays [1991] the original parish registers are kept in Sheffield, while Rotherham Archives and Local Studies Section has a copy on microfilm.

The registers contain several features which are very striking. For example, there is a break in the baptism register after May 1550, when Edward VI was King. It begins again in September 1556, when his sister Mary Tudor was Queen, but in a completely different form: the names of the godparents are now given, as well as those of the child and its father. This must have been in response to the wishes of Cardinal Pole, who had ordered the bishops to ensure that this was done. The practice was discontinued in December 1557; but there were exceptions. It is noticeable that when John Snell took his son to be baptised in Rotherham church a year later, the child's godparents were named. This was doubtless because they included at least one VIP: Mr William Swift, who was an agent of the Earl of Shrewsbury, held office in Sheffield, and had a fine house in Rotherham known as The Swan. (His father was Robert Swift the mercer,

whose wall- brass can still to be seen in Rotherham church).

Another very unusual entry appears in the burial register between September and October 1574. This is a memorandum *that I Henry Lillye began to recevye the offerings for buryalls the xxiii daie of October 1574 by my lord of Shrewsbury comandment*. Lilly was similarly authorised in relation to offerings for *churchings*, in October 1575. It is tempting to think that these memoranda are connected with the bitter dispute between the Earl and the vicar of Rotherham, Thomas Corker. The Earl had appointed Corker in 1567, but subsequently fell out with him and, in 1573, the vicar was accused of being in league with the Earl's prisoner, Mary Queen of Scots. According to Strype: *cunning plots seemed....to be hatching in the north, by the Scottish queen's favourers, to bring the Earl of Shrewsbury into distrust and disgrace....This business was chiefly managed by two persons that went for ministers and divines - one of whom was the vicar of Rotherham*. Corker was arrested and interrogated on the Earl's orders. Perhaps Henry Lilly's appointment was part of the Earl's campaign against his former protégé.

As John Guest pointed out over a hundred years ago, the strangest entry of all is in the burial register for December 1550: *vij litle weches at cutloffs buried.....xxiiij d* - "seven little wenches at Cutlove's were buried on the 24th day". The events which occasioned this entry are a complete mystery.

From time to time someone wrote a memorandum, relating to parish business of various kinds, in a spare column in a register, or in the back of the book. These items are now to be found in odd places. The names of the churchwardens for 1602 are listed among the burials for 1634, while others are named after the marriages for February 1605. At the back of the volume containing burials between 1592 and 1640, we find lists of those parishioners who were licensed to eat meat during Lent, in 1594, 1596 and 1632/3: in the last of these years, four people were licensed, William West esquire (on account of his age), Ann Dickens (because she was sick), and Margaret Tyrrull(?) and her daughter (who were both sick and weak). At the end of the burial register for 1653-78, we find an agreement dated 22nd March 1600, which relates to the boarding out of William Garladys, a child *begotten and borne in Rotheram*; and also a note of a *brief*, or collection, made on 22 September 1633 for the repair of Old St Paul's in London, when the churchwardens collected eight shillings and ten pence, and the constables a further eighteen shillings and eleven pence.

The writer has not attempted to subject these early parish registers to any mathematical analysis, in order to ascertain the total population of Rotherham, or whether that population was increasing; and does not know whether it would be possible to obtain any meaningful results. Nor has he grappled with other questions which the students of the history of population ask themselves: seasonality of births, marriages and deaths, illegitimacy rates, mortality as a result of plague, and so on. New

techniques have been developed in recent years, and it may be that the Rotherham registers will divulge further secrets, when these are applied.

As for doodles, there are, at various places in the registers, a face, what looks like a dog, and three little men. Opposite the burials for April and May 1585, some learned scribbler has written the Greek alphabet, adding some words and his name in Greek and in English. At the end of the burials for November 1601, someone else has responded to the catalogue of death with the comment: *Sic transit gloria mundi*. One can almost hear his sigh. But it is of course impossible to know when these doodlers doodled.

The earliest registers are often very difficult to read; but John Guest helpfully printed them (at pp 212-257) of his great book; and the marriage registers only are printed in Phillimore's Parish Register Series (volume 201).

SOURCES AND ABBREVIATIONS

(1) Primary Sources

BORTHWICK CAUSE PAPERS (Rotherham Parish)

CPG 38 1509 matrimonial
 307 1542 Rotherham school
 1127 1563 matrimonial
 1282 1566 restitution of conjugal rights
 2166 1584 tithe
 2737 1593 matrimonial
 3458 1554 tithe

CP H 87 1602 matrimonial
 1460 1620 parish clerk offences

HCB High Commission Act Book HC AB (1574-5)
High Commission Misc Papers HC Misc

(2) Printed Sources

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Alcuin Club 25-27 W.P.M.Kennedy, *Elizabethan Episcopal Administration*
Borthwick Texts 4 Archbishop Grindal's Visitation 1575, ed W.J. Sheils
Calendar of Patent Rolls Elizabeth I (HMSO 1966)
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CSP Calendar of State Papers
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Hall, Sheffield and Rotherham "*Sheffield and Rotherham from the 12th to the 18th Century* by T.Walter Hall Sheffield J.W.Northend 1916.
L & P Letters and Papers of Henry VIII in Calendar of Letters and Papers Foreign and

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Selden Society vol 12 1989 The Court of Requests
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(3) Secondary Works

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Bean *Crime in Sheffield* by J.P.Bean Sheffield City Libraries 1987
Beggs *Sketch of the Life and Labours of Mr Alderman John Guest FSA*, Thomas Beggs, London & Worksop 1881
Bernard *The Power of the Early Tudor Nobility, A Study of the 4th, 5th Earls of Shrewsbury*, G.W.Bernard, The Harvester Press 1985
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