HISTORY AND MYTH IN SOUTH YORKSHIRE

Stephen Cooper

To the staff and volunteers at Wentworth Woodhouse.

I often think it odd that it should be so dull,
for a great deal of it must be invention.

Quotation in E.H.Carr's *What is History*? (1961).

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Introduction

Jane Austen's books were works of fiction, though they contained a brilliant portrayal of English society at the time of the Napoleonic wars; but her character Catherine Moreland once remarked 'I often think it odd that History should be so dull, for a great deal of it must be invention'. The historian of the Bolshevik Revolution E.H.Carr (1892-1982) cited this in *What is History*? (a series of lectures first published in book form in 1961). Reading about the history of South Yorkshire over the last forty years, I now agree with Morland, not in thinking that a lot of historical writing is dull, but that much of what passes for History is based on myth rather than evidence.

That is not a reason for dismissing it altogether. Leaving aside the big questions which troubled Carr (for example, whether there is any such thing as objective truth), myths have much to tell us about the society in which they were created, and often emit a sort of radiation for centuries. I hope this book will demonstrate what I mean; but I also hope that each of the chapters contains at least one good story which is firmly grounded in reality.

These essays span 1,000 years of English history, between the Battle of Brunanburh in 937 CE and the death of the last Earl Fitzwilliam in 1979 - years which saw the foundation of the Anglo-Saxon nation state, the Norman Conquest, the rise and fall of the monasteries and chantries, the advent of printing and Protestantism, the growth and dissolution of the British Empire, and the rise and fall of the dynasties of Strafford, Rockingham and Fitzwilliam. The chapters follow each other in chronological order and are mostly concerned with real events which gave rise to myths of various kinds. Others are concerned with ideas, or works of the imagination which took on a life of their own.

Maurice Keen (1933-2012), who was a Fellow of Balliol College, Oxford for over 40 years, taught me that the purpose of studying history was not so much to learn about the present, as to learn about ourselves. At the same time, it is a joy to share the passion with others. I am therefore very pleased that Wentworth Woodhouse - a focal point in so much of South Yorkshire's history - has at last been saved for the nation by a new Preservation Trust. I dedicate this book to the staff and volunteers there, in the first year of its renaissance.

Stephen Cooper
Thorpe Hesley
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Acknowledgements

The photographs which serve as illustrations are largely from my own collection; but I acknowledge Sir Anthony Cooke-Yarborough's in relation to the photographs relating to the Cocos Island expedition of 1904-5. The drawing of Tankersley Old Hall is taken from Habershon's *Chapeltown Researches*. The drawing of *H.M.S.York* was first published in my *Burglars and Sheepstealers* (1992).

I have consulted primary sources; a novel and a ballad; legal and administrative records; newspaper archives; official reports; the Cooke-Yarborough journal recording the sea-voyage; and a recent law report. Details of these are to be found in the footnotes and in the Bibiliography, which also contain details of the secondary works which I am most indebted to. In particular I owed a great deal to the works of Michael Wood (see chapter 1), David Hey (chapter 5) George Fox (chapter 6); and Sidney Pollard and Mick Drewry (chapter 10); and I am also grateful for the assistance of David Allott, who alerted me to the existence of Dr Marjorie Bloy's PhD thesis (chapter 7); and of Melvyn Jones, who first showed me a copy of the Cooke-Yarborough Journal (chapter 11).

1 THE BATTLE OF BRUNANBURH

They take the rustic rumour of their bourg
For the great wave that echoes round the world.

Idylls of the King
Alfred Lord Tennyson (1809-1892)
Quoted in Eastwood's *Ecclesfield* (1862)

We will probably never know where the Battle of Brunanburh was fought; but there are many theories. Some of these rely on geography and topography but one, which located the Battle in Brinsworth near Rotherham, relied almost wholly on the supposed derivation of place-names. This is an unreliable methodology; but it was popular (and apparently unquestioned) in the 12th century, when Geoffrey of Monmouth wrote his *Historia Regum Britanniae* ('History of the Kings of Britain'). Geoffrey tells us that our island took its name from Brutus, Prince of the Trojans, in the same way that (according to early Scottish historians) Scotland took its name from the daughter of an ancient Pharaoh, Scota. These proved to be enduring myths. One would not have expected a 20th century audience to be so gullible.

The Problem

For 400 years after the first Germanic settlers arrived on our shores, 'England' was not even a geographical expression. The southern parts of the old Roman province of *Britannia* were occupied by a series of tribes whom we have come to call 'the Anglo-Saxons'. They were ruled by a large number of kings and petty kings, though eventually there were only seven kingdoms which mattered. According to Bede, the Anglo-Saxons sometimes recognised one of their petty kings as 'Bretwalda', or 'leader of the Britons' (whch may have implied lordship over the Celtic Britons as well as Teutonic kinsmen).

During the late 9th century, these kingdoms came under attack from Danish Vikings, who overran large parts of northern and eastern England while, in the early 10th century, Norse Vikings settled in the North and the West, briefly creating a kingdom based on York. Meanwhile, Alfred the Great (871-899) managed to preserve the independence of Wessex, and claimed lordship over all England.

However, (as that great student of Anglo-Saxon law, Patrick Wormald, put it) 'there is evidence that Alfred came to see himself in some sense as a king of all Englishmen; [but] there is almost no evidence that Englishmen beyond Wessex and perhaps the West Midlands would have agreed'.

Alfred's son Edward the Elder (899-924) succeeded in liberating a large part of Mercia, with the help of his sister Aethelflaed, the so-called 'Lady of the Mercians.' (911-918); and his son Athelstan was raised in Mercia, and retained strong connections there. His coinage styled him 'King of all Britain'; but England was still only a 'fledgling' kingdom, whose survival was precarious.

Athelstan's great victory at Brunanburh in 937 ensured the survival of England as a political unit; yet he is an unsung hero, especially when we consider that his grandfather earned the soubriquet of 'Great'. H.E.Marshall (author of *Our Island Story*, first published in 1905 and the model for many later popular histories) mentions Athelstan only once, and then only in passing:

> When Edward the Elder and Ethelfleda both died, Edward's son, Athelstane, came to the throne. He, too, was a good king, and he, too, had to fight with the Danes.

There was a little more to it than this! For a start, more legal texts survive from Æthelstan's reign than from any other tenth-century English king; and the later law codes show a concern with threats to social order, especially robbery. Indeed Athelstan's preoccupation with these has invited the comment that he was 'tough on theft, and tough on the causes of theft'. Moreover, Athelstan gave generously to existing churches and monasteries, as well founding new ones, and did his best to revive ecclesiastical scholarship. Above all, his military victories enabled him to assume a new role in Anglo-Saxon England and indeed throughout these Islands.

Athelstan travelled a good deal around his kingdom. According to the evidence of charters, he visited Nottingham, Tamworth and Whittlebury (near Northampton) – all of which had at one time been under the Danes - as well as Colchester, London and Exeter. At Eamont in the Lake District, he was recognised as overlord by King Constantine of Alba in Scotland, King Hywel Dda of Deheubarth in Wales, Ealdred ruler of Bamburgh, and King Owain of Strathclyde. After this, he summoned the Welsh kings to Hereford, imposed a heavy annual tribute on them and fixed the border between England and Wales in the Hereford area at the River Wye. Welsh kings attended Æthelstan's court between 928 and 935 and witnessed his charters. The alliance produced peace throughout Wales and between Wales and England, though some Welsh resented English supremacy. According to William of Malmesbury, it was after the Hereford meeting that Æthelstan went on to expel the Cornish from Exeter and fix the Cornish boundary at the River Tamar. Athelstan had a good claim to be the new 'Bretwalda', and in his case the title was more than nominal.

Meanwhile, relations between Athelstan and the Scots king Constantine had broken down. Further fighting resulted in a meeting at Cirencester in 935 which Michael Wood has characterised as a 'Durbar' - making a comparison between Athelstan's informal 'Empire' in Britain and the British Empire in India over 1,000 years later. But, beneath the ceremonial veneer, there was seething resentment of the recently imposed English hegemony; and Constantine organised a grand coalition of Athelstan's opponents. A coalition of Scots, Norse Vikings from Dublin and the Britons of Strathclyde, with some Gaels from Ireland, Northumbrian rebels and Icelanders was formed and marched South.

What were the coalition's objectives? In *Land of My Fathers* (1974) the Welsh Nationalist MP Gwynfor Evans was in no doubt that the hot-heads wanted to drive the Anglo-Saxons back into the sea, whence they had come; and in *The Story of A Scotland* (2009) Neil Oliver wrote this:

> Everyone has heard of Hastings, of 1066. But who has heard of Brunanburh? And yet this more than anything that happened in Sussex a century and more later was what determined the shape of the Britain we live in today.

No one knows how many men fought and died at Brunanburh, nor are we ever likely to know. The surviving accounts of the battle either give no figures at all, or else they give wholly fantastic figures, like 100,000. The debate is unlikely to advance much further, in the absence of relevant battlefield archaeology; but, for this to be useful, the archaeogist has to have some reliable information as to approximately where the battle was fought; and in the case of Brunanburh, this is also absent. Yet many historians are not content to leave it at that. Instead, they squeeze more information out of the evidence than there is to be found. They give estimates of the number of troops involved on each side which are largely based on guesswork; and, driven by antiquarian enthusiasm and local patriotism, they purport to know where the battle was fought.

J.H.Cockburn estimated that 30,000 men from Scotland and Northern Europe were involved, on the basis that 615 ships entered the Humber, but all we can confidently say is that comparatively large forces must have been involved, given the number of different parties who took part in the battle, and the importance to all concerned of the struggle.

As for the location, some writers opt for Brunanburh in Wirral, others for Brinsworth or Burghwallis in SouthYorkshire; and some prefer Burnley in Lancashire, or Lanchester or Hunwick in County Durham. Is there anything in any of these theories? The geography provides only a rough guide. In the time of Alfred the Great, Danish Vikings had overrun all the old English kingdoms except Wessex and, even in Athelstan's reign, the hold which the King of England had over the former Danelaw was questionable, while his control of Yorkshire was non-existent. It is therefore likely that a grand coalition of Scots, Strathclyde Britons, and Norse Vikings (whether emanating from Norway, Ireland or Yorkshire) would have

invaded and met Athelstan's forces somewhere in the North of what we now call England. The two best candidates for the location of Brunanburh are therefore Wirral and South Yorkshire. The first is the more traditionally favoured theory, the second has recently been argued by Michael Wood.

There is no shortage of primary sources for the battle, but they are both difficult (because written in Anglo-Saxon, Welsh, Latin, Old Norse, Middle English and Anglo-Norman). First is the vernacular poem entered into manuscript A of the *Anglo-Saxon Chronicle* in the mid-tenth century, but probably composed in Winchester, the capital of Wessex, soon after the battle. This tells us simply that the enemy invaded 'our land', meaning the English kingdom: it also tells us that Æthelstan left Wessex and won a great victory, and that Constantine of Scotland returned to his land after that. So the fighting must have taken place somewhere between the borders of Wessex and Scotland, which does not take us very far.

Æthelweard (d.c. 998) tells us little more:

> [N]ine hundred years plus twenty-six more had passed from the glorious Incarnation of our Saviour when the all-powerful King Athelstan assumed the crown of empire. Thirteen years later there was a massive battle against barbarians at Brunandun [sic] which is still called 'the great war' to the present day by the common folk. The barbarian hordes were then overcome on all sides and they held sway no longer. Afterwards he drove them from the shores of the sea and Scots and Picts alike bent their necks. The fields of Britain were joined as one; everywhere there was peace and abundance in all things. No fleet has since moved against these shores and remained without the consent of the English.

The Anglo-Norman chronicler Geoffrey Gaimar tells us about Brunanburh in his *History of the English* (fl. 1130s) but again gives only the vaguest of details:

> After that reigned Edward's son Athelstan. When he had reigned to the fourth year, he waged a battle against the Danes; and he defeated Guthfrith the king. After that he assembled a great army and into the sea issued a great fleet. Directly to Scotland he went; he harried that country well. One year later, no less no more, at Brunanburh he had the upper hand over the Scots, and over the men of Cumberland, over the Welsh, and over the Picts. There were so many slain I think it will be told forever.

Some accounts written after 1066 are more helpful. In particular, around 1122, John of Worcester based himself on the Anglo-Saxon Chronicle poem, but gave additional information, in particular that the enemy were led by Anlaf, 'a pagan king of Ireland and many islands', encouraged by his father-in-law Constantine. Crucially, he says that the invasion fleet entered the river Humber; and this statement is repeated verbatim by several others in the twelfth century.

The lengthiest account of Brunanburh in any historical source is in the *Gesta Regum* ('Deeds of the Kings') of William of Malmesbury. William includes several pages from a 10th century which is reproduced in the Appendix hereto;but the crucially important line is the one which refers to the 'northern land; which 'gave willing assent' to Anlaf's invasion, following his arrangement with the King of Scots. According to Wood, 'the Northern land' does not mean Scotland (as one might assume) but Northumbria, which in turns tells us much about the state of Anglo-Saxon politics in 937, and gives credence to the idea of that the coalition's army landed in the Humber estuary.

With so little to go on, one might think that scholars would tread carefully, and not give definite opinions as to the location of the battle. Indeed, 75 years ago Alistair Campbell ended his study of the problem with the conclusion that 'unless new evidence can be produced… all hope of localising Brunanburh is lost… and an honest *nescio* ['I don't know'] is greatly to be preferred to ambitious localisations built upon sand'; but not everyone has been so cautious. Several writers have preferred to adopt Fluellen's broad-brush approach, when examining toographical evidence. In Shakespeare's *Henry V*, he compares the town of Monmouth (which was the King's birthplace) with Ancient Macedon, birthplace of Alexander the Great:

FLUELLEN:

I think it is in Macedon where Alexander is porn. I
tell you, captain, if you look in the maps of the
'orld, I warrant you sall find, in the comparisons
between Macedon and Monmouth, that the situations,
look you, is both alike. There is a river in
Macedon; and there is also moreover a river at
Monmouth…and there is salmons in both.

Solutions

Northampton?

In 1996 the normally iconoclastic Eric John expressed a view as to where Brunanburh was most likely to have been fought:

> Olaf's army was composed of Irish Norwegians, Scotsmen and so on, and men tend to fight as far from their homeland as they can. The English casualties show that the battle was a close one and suggests that the English choice of strategy was limited. Their enemies would never have fought so far north from choice. The most convincing arguments about the site of the battle

> seem to me those of Dr Alf Smyth. Smyth thinks it was probably very near Northampton.[1]

As we can perhaps tell, Eric John was not really committed to Northampton; and his theory has not found favour with other historians, who tend to be more partisan, even while being less well qualified to judge.

Bromborough, Merseyside?

The argument for Bromborough was put forward in a 40 page pamphlet published by W.T. Tudsbery in 1907; and it is still being urged upon us today, not least by the remarkable compendium *The Battle of Brunanburh, A Casebook*, edited by Michael Livingston and published by Liverpool University Press in 2011. This contains a very wide range of source material, and the editor's commentary appears to be neutral at various points; but the map which appears at page xvi of the text focusses on Wirral. At page 19, Livingston goes so far as to write:

> The case for Bromborough is currently the standard against which all other theories are measured Put simply, it is currently so firm that many scholars are engaged not with the question of whether Bromborough occurred on [the] Wirral, but where on the peninsula it took place.

The case for Wirral now has wide support. We are told that charters from the 1200s suggest that Bromborough was originally named *Brunanburh* (which could mean "Bruna's fort"). In addition, the Anglo-Saxon *Chronicle* states that the invaders escaped at *Dingesmere*, and *Dingesmere* could be interpreted as "mere of the Thing" (a kind of Viking parliament, although the word might mean nothing more than 'wetland'). Since the *Anglo-Saxon Chronicle* describes the battle as taking place "around Brunanburh", numerous locations near that place have been proposed, including the Brackenwood Golf Course in Bebington. Recent research locally has identified a possible landing site for the Norse and Scots, which is Wallasey Pool, near the River Mersey. Not long ago the *Journal of the English Place-Name Society* claimed corroborative, indeed clinching, evidence with the interpretation of an elusive phrase in an Old English poem on the battle, *ondingesmere*, as a place-name in Wirral; and in December 2004 *The Times* announced that 'the battle which decided the destiny of Britain has been located', while the *Today* programme on BBC Radio 4 trumpeted the discovery of the 'birthplace of Englishness'.

Yet Michael Wood has put forward several other cogent objections to the Wirral theory. He points out that there is no tradition in Chester or Cheshire of the battle taking place so close, and that even the the chronicler Ranulf Higden (c. 1280-

[1] Eric John, *Reassessing Anglo-Saxon England*, Manchester University Press, 1996

1364), who was an ardent Cheshire patriot, repeated the story that the Viking army invaded via the Humber in 937, and not via the Mersey or Dee.

As for place-name evidence, Bromborough appears as a place-name only in the first half of the twelfth century, and the manor is not called Bromborough in Domesday Book, but *Estham* (Eastham). The Bruna who allegedly gave his name to the site may well have lived in the early 12th century. In that case, the suffix 'burh' would not refer to a Viking fortification but rather to the enclosure of a twelfth-century manorial house.

Finally, as Wood also points out, there is simply no hard evidence that the Great War of 937 was fought in the Wirral area, or even nearby. Small wonder that the great George Ormerod, the first historian of Cheshire, could nevertheless write, as long ago as 1819, that:

> It is acknowledged by all writers that the fleet of the invaders was placed in the Humber, and although the battle took place at such a distance from the point of landing, that the pursuit and slaughter of the Danes and islanders lasted two days. It is impossible to trust sufficiently to the similarity of names, as to believe any circumstances could bring the conflicting armies to the distance of Bromborough.

Brinsworth, South Yorkshire?

There had long been a tradition in South Yorkshire that 'Brunanburh' was to be identified with Brinsworth (now a suburb of Rotherham); but in 1931 a local solicitor, John Henry Cockburn, purported to provide massive documentary proof of this. He evidently thought his legal qualification lent weight to the argument, and the fruit of his researches was published as *The Battle of Brunanburh and its Period as elucidated by PLACE NAMES* (London & Sheffield, Sir W.C.Leng & Co. (Sheffield Telgegraph) Ltd.[2] But the full title is enough to start alarm bells ringing; and the suspicion is confirmed as soon as one starts reading the book.

There are fundamental problems with Cockburn's methodology. He admits that he is aware that the connection between any single modern place-name and the ancient one in documentary or literary records may be tenuous; but he claims that, where there is a clear connection between such names in very many cases, this 'cannot be ignored'. Well, why not? Surely, a large number of dubious propositions does not constitute a convincing argument.

[2] Cockburn was senior partner in Parker Rhodes, at one time a well-known Rotherham firm of solicitors. He was steward of the manors of Rotherham, Kimberworth, Rawmarsh and Aston, and vice-president of the Sheffield and District Law Society.

Cockburn seems to have had no such doubts. For example, he lists dozens, if not hundreds, of similarities between place names and the names of warriors who fell, or fought, at Brunanburh according to the medieval sources; but there are several problems with this approach. Some of the alleged similarities are not very close; place names often derive from geographical features, rather than personal names; and many places must have been named long before Brunanburh was fought, though the earliest evidence for them is often in Domesday Book (c.1086). Lastly the derivation of many place names is already well established, and the battle of Brunanburh is simply not relevant to the process.

Cockburn thinks that any man present at Brunanburh may have given his name to a local place, but places usually take their name from settlers rather than warriors (e.g. Kettlewell and Hubberholme in the Yorkshire Dales). He even lists place-names said to derive from warriors who fought for the coalition, that is against Athelstan's English army; but it is very difficult to see why local people would have adopted enemy names. He also lists many places which are relatively far away from the supposed site of the battle (e.g. Thorpe Hesley, which is over six miles from Brinsworth); and it is difficult to see why these should have had any connection with it.[3]

One could go on; but the main point has been made, and indeed it was made by the *Sheffield Daily Telegraph* in reviews published on 9 July and in the *Hull Daily Mail* on 18 July 1931. The most the *Telegraph* could find to say in the book's favour was this:

> We can at least say of it that we should be very glad to believe that things were as Mr. Cockburn describes, for it would give a new importance to this district in English history, and a new interest to many of the names that trip so lightly off our tongues, but of which we know very little regarding their origin, meaning, or historical value.

Faint praise indeed; and this helps to explain why Cockburn's work failed to gain much credence even in the West Riding of Yorkshire. It has certainly been largely ignored by subsequent scholars, even in a painstaking symposium like Livingston's.

To be fair, Cockburn did not think that all the place-names he mentioned derived from persons present at the battle. His third map (see illustration) marks the district to the South-East of Rotherham, known as Morthen, as the probable epicentre of the battle. The rubric gives the derivation of 'Morthen' as 'the slaughter field'; and the argument is repeated in the text, where other equally plausible derivations are rejected. Cockburn even tells us that 'to this day, the village of Morthen is in the ecclesiastical parish of Rotherham' although surrounded by the

[3] Cockburn seems to have assumed that very large numbers of men were involved at Brunanburh. At one point he makes a comparison with Scutari, in the Crimea!

lands of other parishes; and he asks 'Can this be because men of Rotherham lost their lives here in the day of the great battle, and that the town has continued to claim this hallowed ground as belonging to it?'[4] It was a rhetorical question, since he had no doubts.

The popular TV historian Michael Wood (1948 -) has been interested in the location of Brunanburh all his adult life. Unlike Cockburn, he has many scholarly doubts; but has nevertheless argued that Brinsworth is more likely to have been the site of the battle than any other candidate.

In chapter 11 of his book *In search of England* (Penguin, 1999), Wood told how he had visited Brinsworth as a schoolboy in the early 1960s, and then again in the 1970s, 1981 and 1999, and how the schoolboy in him became convinced that Brunanburh had been fought there, specifically in or near Tinsley Wood. He was almost lyrical in his descriptions of this, though it had largely disappeared by the time of his last visit, and is now difficult to find. He mourned the destruction of the environment brought about by agriculture, industrialization and de-industrialisation across the decades. He was clearly inspired by local stories and traditions about a great battle fought nearby at an unknown date by unknown armies, which could have given rise to the idea that Athelstan's greatest victory was won near here; but he did not rely on the work of John Henry Cockburn. Instead, he read up on the background, studied the maps, did the fieldwork, and spoke to local people, including archaeologists who had excavated local sites.

Wood was sceptical from the start about the value of place-name evidence, and in particular the alleged similarity between 'Brinsworth' and 'Brunanburh'. He pointed out that the former meant 'Bryi's ford', whereas the latter meant 'the fort by the Bruna'. He relied instead on geography and topography. He realized that, strategically, the battle was always likely to have taken place near the Roman road through Castleford and Doncaster to Nottingham and Derby. He also knew that, not far from Brinsworth, and also on the Don, there was another place which was important during the Saxon period, which was Conisbrough - the King's town (the centre of what the Rotherham Alderman John Guest called 'Ivanhoe Land' (see chapter 2 below).

Wood noticed how the layout of Brinsworth and nearby Tinsley wood, in particular the proximity of the river Don, Tinsley Wood and White Hill, resembled the description of the battlefield in *Egil's Saga*. He also noticed the proximity of the chapel of St Laurence, which had received a royal stipend in the middle ages, and which might have originated in a royal grant for the saying of masses for the souls of the dead (see illustration). Could these have been the souls of men who fell that day in 937, whilst fighting in royal service? All these features might be at the base of the local tradition that Brinsworth had a special place in the history of the kingdom of England.

[4] Cockurn, 245-6.

Wood became more sceptical as he grew older and wiser. By the time he wrote *In Search of England* he had lost his conviction that the battle which saved England had been fought near Brinsworth, though he retained his enthusiasm for Athelstan and his great victory.

> Going back to the mystery of Brunanburh, I have to say that I no longer think the site can be located with any certainty. Of course, I don't deny that something might turn up….I am still sure that the general area is right - it can hardly have been much further south, otherwise how would southern and Midlands annalists have failed to record where it was? But, for the moment at least, I've come round to agreeing with what Alistair Campbell wrote in 1938, that by now 'all hope of localising Brunanburh is lost'.

Barnsdale Bar, South Yorkshire?

Michael Wood continued to study the problem; and in 2013 he wrote an article for the *Yorskhire Archaeological Journal* entitled *Searching for Brunanburh: The Yorkshire Context of the 'Great War' of 937*, in which he theorised that Brunanburh may have been fought near Barnsdale Bar on the Great North Road, north of Doncaster. He rehearsed the argument that a Yorkshire, rather than a Cheshire, location is more likely, pointing out once again that the 'Great War' 937 was only one campaign in a prolonged period of fighting between Anglo-Saxons and Viking for control of the North of England. More specifically, the Viking kingdom of *Yorvik*, or York was only established in the early 10th century, a period when the Northumbrians were still proudly independent. Any battle with Athelstan's Wessex was therefore almost bound to take place on 'the Great North Road' which ran from York to Doncaster.

Wood also pointed out that no surviving *bruna-* name has yet proved of any help in the search for the site, but that the form 'Wendun' appears in a set of 10th century annals, written in Chester-le-Street from between the 890s and 954, while a later source, using John of Worcester, and compiled by Symeon of Durham, also tells us that:

> King Æthelstan fought at Wendun and drove into flight King Anlaf with 615 ships, and Constantine King of the Scots, and the King of the Cumbrians, with all their host.

Finally, Wood now argued that the topography points to a location near the River Went, between the Don and the Aire, and that 'Went Hill' fits very well with the name 'Wendun':

> It is worth also drawing attention to another very prominent hill south of the Went in a vital strategic position astride the Roman road to York. This is the

> imposing rounded hill of Barnsdale Bar which rises steeply 150 feet above the important Roman site at Burghwallis, where the Great North Road is met by the Roman road from Templeborough.
>
> In addition:
>
> Between the twelfth and sixteenth centuries, the area around the Roman fort at Burghwallis, Robin Hood's Well, and the great hill at Barnsdale Bar, was viewed as the customary assembly place for the Northumbrians, where they met the southern kings for 'adventus' ceremonies of greeting and submission, and also, crucially, where they made their military assemblies.

Hunwick, County Durham?

In *Brunanburh Located through Egil's Saga* (CreateSpace, 2018), Stefán Björnsson and Björn Vernhardsson claim that the great battle took place somewhere else entirely. They argue:

> The battlefield is near Vinovia on the Roman Road, Dere Street, in the county of Durham. And the battle was fought in a field close to and north of Hunwick. In the saga we have description of a field big enough with river on the east side and wood on the west side. Hunwick is only one kilometer northwest from the bridge over the river Wear from Vinovia. The saga tells of two towns in intermediate distance and we assume Durham to be the one in the north and Darlington in the south.

My inclination, on reading the saga for the first time, was to think that it was literature rather than chronicle or history, more like Homer's *Iliad* than Froissart's *Chronicles*, especially since it was written in Iceland in the early 13th century, about events which had taken place some 300 years earlier. My doubts were reinforced when I read A.Keith Kelly's essay *Truth and a Good Story*, which is included in Michael Livingston's *Casebook* on Brunanburh (2011). Kelly explains that Old Norse literature of this kind was intended to be both 'truthful' and a 'good story', while explaining that the Icelander(s) who wrote it would not have understood the distinction, in quite the same way as we do. Kelly concludes that *Egil's Saga* 'is not intended to be taken as an authentic record of history: there are simply too many red flags in the way', starting with the fact that, in the saga, the King of Scotland is Olaf (old Norse for Anlaf), whereas in reality, it was Constantine.

Turning to the content of the saga, there are two further points which can be made. First, the composer of the saga tells us that messengers were sent by Athelstan, from the place where he had decided to give battle, to see the King of

Scotland; and they rode back and forth no less than three times, during the course of protracted negotiations:

> Athelstan's men sent messengers to King Olaf to tell him that their king was ready to do battle and had a great army with him, but that he wanted to avoid inflicting casualties on the scale that seemed likely. Instead, he told them to return to Scotland, offering to give them a shilling of silver for every plough in all his realm, as a pledge of friendship between them. King Olaf began preparing his army for battle when the messengers arrived, and intended to set off. But when they had delivered their message, he called a halt for the day and discussed it with the leaders of his army. They were divided over what to do. Some were eager to accept the offer, claiming that it would earn them great renown to return after exacting such a payment from Athelstan. Others discouraged him, saying that Athelstan would offer much more the second time if they turned this gesture down. This was what they decided to do.

The negotiations were fruitless; but the narrative strongly suggests that the messengers could complete the journey between the rival camps in a day. If we take this seriously it surely rules out a location in South Yorkshire (which is 240 miles by road from Gretna Green, and 193 to Berwick on Tweed) and argues in favour of Durham, not Yorkshire. A man could surely not ride from Brinsworth to Scotland in a day.[5]

The second point to be made about the description of the battlefield in *Egil's Saga* points towards the difficulty of the identification of Brunanburh (or 'Wen Heath') with Hunwick.

> There was a fortress north of the heath where King Olaf stayed and kept the greater part of his army, because beyond it lay a large stretch of countryside which he considered well suited for transporting provisions for his army. He sent his men up to the heath which had been appointed as the battlefield, to camp there and prepare themselves before the other army arrived. When they reached the place chosen for the battlefield, hazel rods had already been put up to mark where it would be fought. The site had to be chosen carefully, since it had to be level and big enough for large armies to gather. At the site of the battlefield there was a level moor with a river on one side and a large forest on the other. [6]

So, there is a fortress, a heath, a level moor with a river on one side and a large forest on the other; but this could describe a dozen, or even a hundred

[5] Though Dick Turpin is supposed to have ridden from London to York (on Black Bess in 1735), in 15 hours - a distance of just over 200 miles.

[6] *Egil's Saga* (Penguin Classics, 2004).

locations in the North of England, especially in medieval times, when there was more forest and more uncultivated land than now, and a legion of old fortresses.

The Forgetting of Brunanburh

At the time, Brunanburh was hailed as a great English victory, and Athelstan as the hero of the hour; but by 1300 the battle and the man were relegated to the backwaters of English culture, a position which they continued to occupy for centuries. How this came about, and why, is explained by Robert Rouse in his contribution to Livingston's *Casebook* (2011).

The background to the relegation is the Norman Conquest of England, which saw the replacement of almost the entire Anglo-Saxon aristocracy by French-speaking Normans and their allies. These new men brought fundamental changes in Church and State. The system of landholding was overhauled, in favour of a centralised and royal kind of feudalism. Vast new forests, with their own laws and jurisdiction, were established. A separate system of Church courts was introduced. Almost all existing Cathedrals and Abbeys were pulled down and replaced. French became the language of government, law and literature for around 300 years.

These profound changes meant that the history of England and the English was gradually re-written, from the Norman point of view; and the Normans and their successors came to regard their Anglo-Saxon predecessors as uncultured barbarians. In the Anglo-Norman period, and even as late as the 13th century, there were still chroniclers (notably Eadmer of Canterbury, John of Worcester and William of Malmesbury) who told the story of Athelstan and his heroic triumph at Brunanburh; but, in the *Stanzaic Guy of Warwick* which appeared around 1300, the invading Danes have become Saracens and Athelstan had been replaced by Sir Guy of Warwick, who defeats the invader by killing the African Giant Colbrund, in single combat at Winchester. There is no mention of Brunanburh, while Athelstan has become a cowardly tyrant, instead of a paragon of Christian kingship.

This is a startling and puzzling development, but again we need look no further than the Norman Conquest for our explanation. This meant that English connections with Scandinavia were weakened, while the links with Western Europe - and more specifically, with France - were greatly strengthened. During the four centuries between 900 and 1300, the period which saw the 'making of the Middle Ages',[7] Western European civilisation expanded, into Spain, Southern Italy, the Balkans and even the Holy Land, while Germany expanded to the East, and Anlgo-Normans moved into Wales, Ireland and large parts of Scotland. Athelstan's great war in northern England must have seemed both distant and parochial, in so far as it was remembered at all.

[7] The title of Sir Richard Southern's first book, published in 1953.

At the same time, taste and fashion changed. People became interested in French literature, and above all the 'Matters' of Rome, France and Britain, and the Crusades. In particular, Geoffrey of Monmouth (c.1095-c.1155) wrote extensively for an English audience about the deeds of the mythical King Arthur, and his Knights of the Round Table. The emphasis now was on the daring deeds performed by individuals, rather than the fate of nations; and this helps to further explain how Athelstan was eventually replaced by Sir Guy of Warwick, who did battle with a Saracenic monster, rather than with the Welsh, Scots and Norse.

The forgetting of Athelstan may also owe something to the infant medieval tourist industry, since the monks of Winchester clearly had an interest in promoting the new story, just as they promoted the cult of St Swithun. There again, Winchester was a far more important place than anywhere in the North of England (except perhaps York). The North- South divide existed, even in the Middle Ages.

Lastly, a change in the popular perception of monarchy may be important. In Anglo-Saxon times, Kings had been revered as heroes and demi-gods: Alfred was called 'Great', while St Edmund of East Anglia (d.860) was both a saint and a martyr for the Faith; but after the Conquest, the Gregorian Reform of the Church brought a stricter division between the Church and the State, between the political and the sacred. Moreover, there were unfortunate arguments in England, between Henry II and Becket, and between King John and Pope Innocent III, which caused some to think the less of kings in general. No post-Conquest English king was ever made a saint, as Louis IX of France was, though (on the other hand) there was only one English pope. This made it easier to characterise the great Athelstan as both weak and tyrannical. It was only in the late 16th century, when William Camden moved the study of English history out of the realm of myth and into the groves of academe, that Athelstan's rehabilitation could begin, and it was not completed until the Victorian era. Even then, it was Alfred the Great, not Athelstan, who was hailed by English historians as 'the highest type of Englishman' and 'the greatest of English kings.'[8]

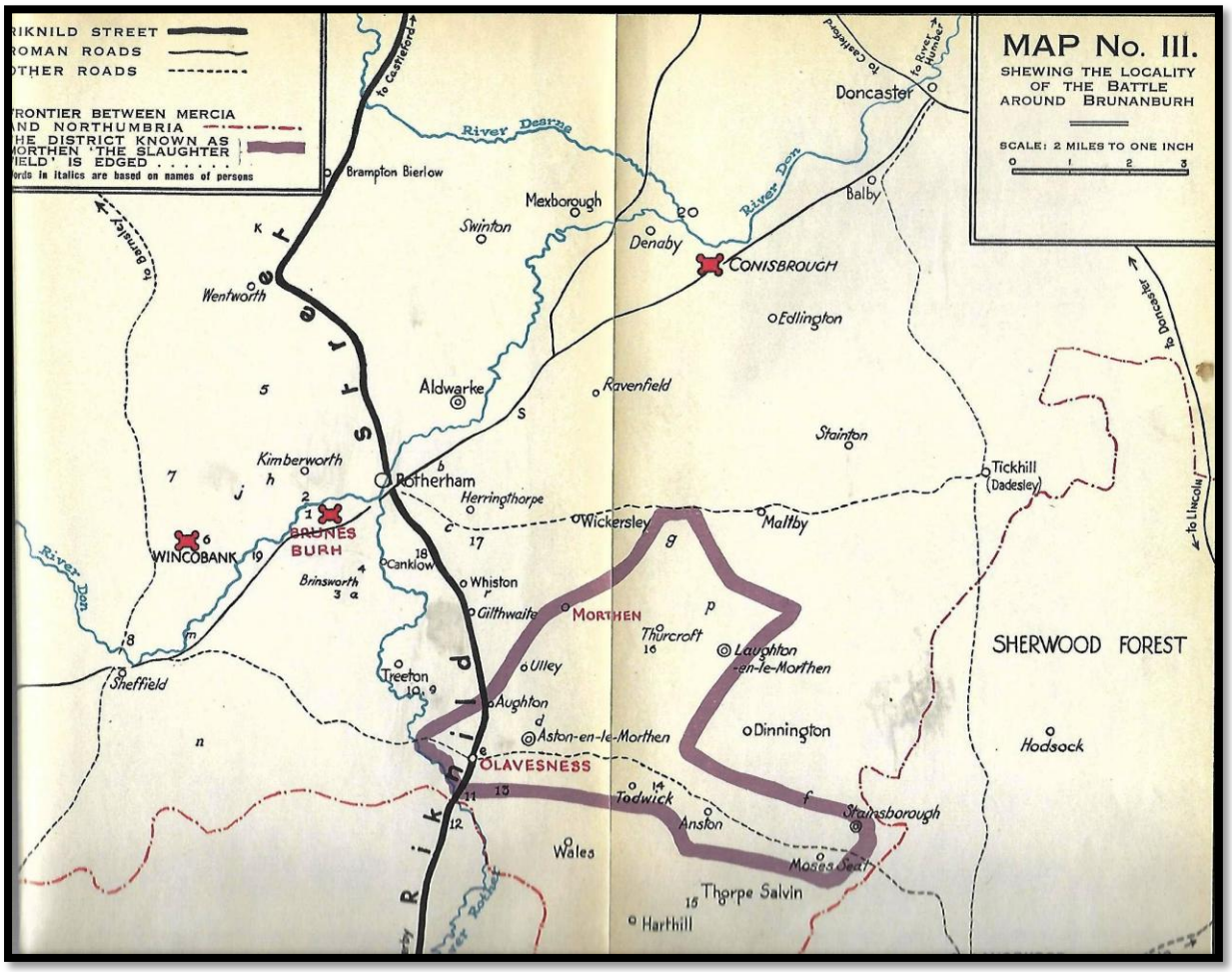
Appendix

Extract from the poem reproduced by William of Malmesbury

His subjects governing with justest sway,
Tyrants o'erawed, twelve years had pass'd away,
When Europe's noxious pestilence stalk'd forth.
And pour'd the barbarous legions from the North.
Then pirate Anlaf the briny surge

[8] Joanne Parker, in Livingston, 385-6.

Forsakes, while deeds of desperation urge.
Her king consenting, Scotia's land receives
The frantic madman and his horde of thieves:
Now flush'd with insolence, they shout and boast,
And drive the harmless natives from the coast.
Thus while the king, secure in youthful pride,
Bade the soft hours in gentle pleasure glide,
Though erst he stemm'd the battle's furious tide,
With ceaseless plunder sped the daring horde,
And wasted districts with their fire and sword.



1 The location of Brunanburh, according to Cockburn, 1931

2 Tinsley Wood, 2018

3 St Lawrence Church, Brinsworth

2 CONISBROUGH & *IVANHOE*

> There are few more beautiful or striking scenes in England, than are presented by the vicinity of this ancient Saxon fortress. The soft and gentle river Don sweeps through an amphitheatre, in which cultivation is richly blended with woodland, and on a mount, ascending from the river, well defended by walls and ditches, rises this ancient edifice, which, as its Saxon name implies, was, previous to the Conquest, a royal residence of the kings of England.
>
> Sir Walter Scott, *Ivanhoe* (1819)

Ivanhoe! Ivanhoe!
To adventure, bold adventure watch him go
There's no power on earth can stop what he's begun
With Bart and Gurth, he'll fight 'till he has won
Ivanhoe! Ivanhoe!

Ivanhoe TV series, 1958-9

Sometimes, a work of art can be so powerful that it displaces the history on which it is based. The classic example of this is Shakespeare's play *Henry V*, first staged in 1599, and made into a memorable film by Laurence Olivier in 1944. Both take many liberties with the facts, but have entered the modern consciousness, so that it is virtually impossible for us to see the historical Henry (who reigned between 1413 and 1422) other than through the prisms which Shakespeare and (at least for my generation) Olivier - created. Sir Walter Scott's novel *Ivanhoe* (1819) was almost as influential in its day. It played an important part in popularising the myths of 'the Norman Yoke' and of 'Merrie England', while it also set the scene for a new genre of history written by Bishop Stubbs, E.A.Freeman and J.R. Green in the late 19th century.

Sir Walter Scott

There have been many film versions of Scott's *Ivanhoe* but the version I shall always remember is the TV series broadcast in the late 1950s. My younger sister and I used to gather almost every day to watch children's TV after school, and (apart from the adverts on ITV) our fabourite programmes were episodes of *William Tell*, *Robin Hood*, and *Ivanhoe*, all of which had memorable jingles. TV was a scarce commodity then, and we used to treasure it, not so much (I think) for the content, as for the opportunity to spend time together. Boys and girls did not go to the same schools after the age of ten.

The morality on display in these shows was simple. Ivanhoe was played by a young Roger Moore, before he became the Saint, let alone James Bond; but he was already engaged in righting wrongs. This was all right by us, but we did think - even then - that much of the action was comical. Above all, watching TV was a ritual, which including the singing of songs, though neither of us was especially musical:

There's freedom on his banner
Justice in his sword
He rides against the manor
Where tyranny is lord!

Rich and poor
Together we go
Forward with Ivanhoe!
With I-van-hoe!
[repeat last line, ad nauseam]

Despite my infantile familiarity with the story, I only read Scott's novel recently, following a visit to Conisborough, where some of the most important scenes in the book take place.

Scott sets his novel during the reign of Richard the Lionheart (1189-99), and in the West Riding, or what we now call South Yorkshire (the two being not at all coterminous). In particular, he describes 'Rotherwood', the home of Ivanhoe's father Cedric, and 'Coningsbrough' the seat of Athelstane. Both these men are fierce Saxon patriots, who submit to the harsh Norman Yoke with great reluctance. The novel begins:

> In that pleasant district of merry England which is watered by the river Don, there extended in ancient times a large forest, covering the greater part of the

> beautiful hills and valleys which lie between Sheffield and the pleasant town of Doncaster. The remains of this extensive wood are still to be seen at the noble seats of Wentworth, of Warncliffe Park, and around Rotherham. Here haunted of yore the fabulous Dragon of Wantley;[9] and here also flourished in ancient times those bands of gallant outlaws, whose deeds have been rendered so popular in English song.

Much later, Scott continues his description, though the beauty of South Yorkshire must have faded somewhat by 1819 as a result of incipient industrialisation:

> [Conisbrough Castle] The outer walls have probably been added by the Normans, but the inner keep bears token of very great antiquity. The wall is of immense thickness, and is propped or defended by six huge external buttresses which project from the circle, and rise up against the sides of the tower is if to strengthen or to support it. The distant appearance of this huge building, with these singular accompaniments, is as interesting to the lovers of the picturesque, as the interior of the castle is to the eager antiquary, whose imagination it carries back to the days of the Heptarchy.

Scott's choice of location reflected the importance of Conisbrough in Saxon, rather than Norman times. Many years ago, the late David Hey pointed out that, before the Conquest, the town was owned by King Harold and was a major administrative and military centre, while St Peter's Conisbrough was the mother church for much of South Yorkshire. After 1066 it became the centre of an important feudal 'honour' created for the Warenne family, which was 'one of the great dynasties of medieval England', and held the fee until 1347.[10] However, Scott was quite wrong when he wrote that Conisbrough Castle was built in Saxon times. In fact, the unusual keep dates from the 1180s and therefore from 'Norman' times - or, more accurately, from the time when England formed part of Henry II's so-called Angevin Empire. It was built by an illegitimate relative of the King called Hamelin Plantagenet, while other parts of the castle were built later still. But, as the visitor can see for himself, Scott's description of the architecture was accurate.

> The mode of entering the great tower of Coningsburgh Castle is very peculiar, and partakes of the rude simplicity of the early times in which it was erected. A flight of steps, so deep and narrow as to be almost precipitous, leads up to a low portal in the south side of the tower, by which the adventurous antiquary may still, or at least could a few years since, gain access to a small stair within

[9] See Chapter 5 below.

[10] Hey, *The Making of South Yorkshire* (Moorland Publishing, 1979); *Conisbrough Castle*, Brindle & Sadraei (English Heritage Guidebooks, 2018).

> the thickness of the main wall of the tower, which leads up to the third story of the building.

Ivanhoe was written after Walter Scott had published several novels in the *Waverley* series, all concerning Scotland and Scottish history; and it is thought that he wanted to make the point that England and Scotland were 'better together' as a result of the Act of Union of 1707, in the same way that the English and the Normans had been much better off, once they had forgotten the bitterness engendered by the Conquest. The novel was certainly not written for children, but it is difficult to see that it would have much appeal nowadays (were it not for the enduring fame of the author) except to young boys (and they would probably find it much too slow).

The eponymous hero Sir Wilfred of Ivanhoe has been disinherited by his father (as we noted, an Anglo-Saxon chauvinist), because he chose to go crusading in Palestine with the Norman, King Richard. Other characters include Robin Hood and his outlaws, Ivanhoe's two love interests (Rebecca, a Jewish woman, and the Lady Rowena) and various evil Knights Templar, of whom one - Brian de Bois-Guilbert - is Ivanhoe's rival. There is also Isaac the Jew (Rebecca's father), Gurth the Saxon swineherd and a Ken-Dodd figure, Wamba, who are there to demonstrate that the Saxons, united, can never be defeated, even when shackled to the Norman Yoke. The Normans include the wicked Prince John. The story features duels, tournaments, a siege, two kidnappings, dungeons, unspeakable tortures (or the threat of them) and no less than two masked knights.

The major criticism one can make this writing of History as Romance is that there are numerous inaccuracies. Such was Scott's taste for all things 'Gothick' that he could not resist lumping all kinds of 'medieval' phenomena together, which did not belong to the same period, so that sometimes we cannot be sure what century we are in. Although the scene of the action is Yorkshire in 1194, we are presented with modes of dress and behaviour which belong to the early Saxon period; Templars from the 12th century mingle with friars from the 13th; there are chivalrous episodes which resemble the tales told by Jean Froissart (who died around 1405); and a trial for witchcraft which properly belongs in the following century. Most problematical of all, we are presented with a description of the relations between Saxon and Norman which might have been appropriate in the 1070s, but not in the 1190s.

This will not do, whatever Scott's admirers may say in his defence. To be convincing, historical fiction has to be firmly grounded in the facts. If it is not, it rapidly becomes a comedy, even when it depicts tragic events.

Much nearer to the truth, perhaps, is Walter Scott's depiction of the anti-semitism present in medieval English society. For, in *Ivanhoe*, Normans and Saxons of all classes each behave abominably towards the Jews:

> There was no race existing on the earth, in the air, or the waters, who were the object of such an unintermitting, general, and relentless persecution as the Jews of this period. Upon the slightest and most unreasonable pretences, as

> well as upon accusations the most absurd and groundless, their persons and property were exposed to every turn of popular fury; for Norman, Saxon, Dane, and Briton, however adverse these races were to each other, contended which should look with greatest detestation upon a people, whom it was accounted a point of religion to hate, to revile, to despise, to plunder, and to persecute. It is a well-known story of King John, that he confined a wealthy Jew in one of the royal castles, and daily caused one of his teeth to be torn out, until, when the jaw of the unhappy Israelite was half disfurnished, he consented to pay a large sum, which it was the tyrant's object to extort from him.

In the novel, the Saxon thane, Cedric, behaves better than the Norman Templar, but not much:

> Oswald, returning, whispered into the ear of his master, "It is a Jew, who calls himself Isaac of York; is it fit I should marshall him into the hall?" "Let Gurth do thine office, Oswald," said Wamba with his usual effrontery; "the swineherd will be a fit usher to the Jew." "St Mary," said the Abbot, crossing himself, "an unbelieving Jew, and admitted into this presence!" "A dog Jew," echoed the Templar, "to approach a defender of the Holy Sepulchre?" "Peace, my worthy guests," said Cedric; "my hospitality must not be bounded by your dislikes. If Heaven bore with the whole nation of stiff-necked unbelievers for more years than a layman can number, we may endure the presence of one Jew for a few hours. But I constrain no man to converse or to feed with him.

The worst example of persecution occurs when the Templar seizes Isaac the Jew and threatens him with torture unless he hands over money:

> Seize him and strip him, slaves," said the knight, "and let the fathers of his race assist him if they can." The assistants, taking their directions more from the Baron's eye and his hand than his tongue, once more stepped forward, laid hands on the unfortunate Isaac, plucked him up from the ground, and, holding him between them, waited the hard-hearted Baron's farther signal. The Jew then looked at the glowing furnace, over which he was presently to be stretched, and seeing no chance of his tormentor's relenting, his resolution gave way. "I will pay," he said, "the thousand pounds of silver".

The Norman Yoke

Scott's view of English society in the mid 1190s was anachronistic. *Ivanhoe* portrayed the Anglo-Saxons as a people who had recently been conquered and were still regarded as an inferior race. Moreover, Ivanhoe's father Cedric secretly hoped for the return of a native English dynasty whereas, by the time Richard I became King,

the English had long ceased to engage in active revolt against their Norman masters. However, in other ways, Scott's description of English society is no more than a precursor of the 'Germanist' view of Anglo-Saxon history, which was so important in late Victorian times and which is still embraced (in one form or another) by many modern historians of the 'High' Middle Ages.

The Normans, on the other hand, have always had their champions. The 'E' version of the Anglo-Saxon Chronicle for 1087 – the year of the Conqueror's death - praises his wisdom and piety and tells us that, as a result of the Conquest, 'any honest man could travel the kingdom without injury with his bosom full of gold' and that, 'if any man had intercourse with a woman against her will, he was forthwith castrated.' Poor men lamented and powerful men complained. For Ordericus Vitalis, who was English by birth though he became a monk in Normandy, William the Conqueror was a man who 'during his whole life had followed the advice of wise counsellors, feared God and been the unwearied protector of holy mother Church.'

There was even a view that the Anglo-Saxon nobility 'had it coming'. William of Malmesbury, whose father was Norman, wrote his *Deeds of the Kings of the English* in the 1120s. According to him, moral standards had declined steeply in England in the years before the Conquest, which had then brought about a real religious revival. The Normans were praised for their 'economy in large houses', their taste in dress, their delicacy when it came to food, their hardiness and prowess in war, their politeness and the protection they afforded to their subjects. On the other hand, the Anglo-Saxon priests had been ignorant, their monks had consistently disregarded the Benedictine Rule, and they had given themselves up to 'luxury and wantonness.' Above all, 'drinking parties had been a universal English custom, in which they passed entire days and nights.' (So, was it 'binge-drinking' which condemned the Anglo-Saxons to ignominious defeat at Hastings?)

Yet there have long been historians who took the view that the Normans had nothing to teach the Anglo-Saxons. This view became popular in England in the 1640s and during the English Civil War; and it was also the view taken by the Victorians J.M.Kemble, Bishop Stubbs and E.A.Freeman. In the late 20th century James Campbell and Patrick Wormald both wrote that late Anglo-Saxon England was a nation state, with 'an effective monarchy, uniform institutions, a national language, a national Church, clear frontiers and a strong sense of national identity.' Michael Wood has also described it in glowing terms, referring in particular to the monastic revival led by St Dunstan in the 10th century and centred on Glastonbury in Wessex.

In the end, it is a question of perspective; but there seems little doubt as to what the Anglo-Saxons themselves thought about the Norman Conquest in 1066, or 1087, or 1100. It was their equivalent of the Palestinian *Nakba* – the catastrophe which saw 700,000 Arabs driven from their homes in 1948. The numbers of Englishmen who were killed, expropriated, or driven into exile, during the reign of William the Conqueror was far smaller; but it was nonetheless substantial.

In the years after 1066, William spent much of his time putting down rebellions, which only diminished after the Saxon pretender Edgar the Aetheling surrendered in 1074. William the Bastard, soon to be known as the Conqueror, crushed all these risings, displaying a ruthlessness which was remarked upon even by Norman chroniclers. The so-called Harrying (or Harrowing) of the North in 1069 was so brutal that its effects were still in evidence when the royal commissioners compiled Domesday Book 20 years later. The scale of English resistance was played down by the Norman chroniclers, and has often been underestimated by historians.

The Normans and their allies were few in number – around 8,000 compared to a native population of about 2,000,000. Moreover, they expected to be rewarded with land and titles in return for their service during the invasion, and in the putting down of these numerous rebellions. A certain degree of ruthlessness was therefore to be expected from the Conqueror, and the eventual outcome was the almost complete replacement of Anglo-Saxon lords with Normans. William not only expropriated the rebels, he also established a kind of centralised feudalism, whereby all land was held directly from the king in return for military service. (The 'fee' or 'estate' has formed the basis of English land law ever since). Anglo-Saxons were removed from high governmental and ecclesiastical office. After 1075 all earldoms were held by Normans, and Englishmen were only occasionally appointed as sheriffs. Senior English office-holders were either expelled from their positions in the Church, or kept in place and replaced by foreigners when they died. By 1096 no bishopric was held by any Englishman, and English abbots had become uncommon, especially in the larger monasteries.

All this is well known. It is less widely known that many Anglo-Saxons, including groups of nobles, fled the country for Scotland, Ireland, or Scandinavia. The largest single exodus occurred in the 1070s, when a fleet of 235 ships sailed for Constantinople. As a result, Englishmen became an important element in the elite Varangian Guard, part of the Byzantine army which fought Robert Guiscard, Norman conqueror of Southern Italy, at Durazzo in 1081. According to French and Icelandic sources, some of these English exiles were rewarded with a gift of land, possibly in the Crimea, where they named new settlements after London, York and other places which reminded them of home.

For those who remained in England, the French spoken by the conquerors became the official language for a period of 300 years; and, when English re-emerged, it was no longer Anglo-Saxon but Middle English. The law discriminated against the subject people both directly and indirectly. The *murdrum* fine provided that, if a Norman was killed and the killer was not apprehended within five days, the hundred within which the crime was committed should be collectively punished. (An Anglo-Saxon enjoyed no such protection). At the same time, new forests established for the benefit of the Normans made the English who presumed to hunt outlaws in their own land. Men who lived in the forest were forbidden to bear hunting weapons, and dogs were also banned (though mastiffs were permitted as watchdogs if they had their front claws removed).

On the other hand, Professor le Patourel tells us that 'slavery died out in England after the Norman Conquest'. By contrast, it had been a normal feature of society in Anglo-Scandinavian England, where slave-trading had been indulged in by Viking and Saxon alike. There is a sermon of Bishop Wulfstan of Worcester (c.1008-1095) in which he lambasts the Englishmen who:

> club together to buy a woman between them as a joint purchase, and practise foul sin with that one woman, one after another, just like dogs, who do not care about filth; and then sell God's creature for a price out of the country into the power of strangers.

Traditionally we have found consolation for the disaster of the Norman Conquest in the idea that the immigrants were soon assimilated. This comforting thought is largely based on a single statement made by Richard Fitzneal in his treatise *The Dialogue of the Exchequer*, written in the late 12th century:

> With the English and Normans dwel1ing together and alternately marrying and giving in marriage, the races have become so fused that it can scarcely be discerned at the present day - I speak of freemen alone-who is English and who is Norman by race, I except, however, the bondmen, who are called villeins, and are not permitted, if their lords object, to change their status.

However, when le Patourel examined the extent of intermarriage between Normans and English more closely, he could find very little evidence for it. Instead, he found that, by and large, the Norman aristocracy which came over with Duke William 'tended to marry wthin their own ranks', and intermarriage in English towns was also uncommon. Meanwhile, 'at the level of the men who tilled the soil and those who kept the flocks and herds', there was 'probably no intermingling of any consequence at all.' Finally, any mixing which did take place was likely to have been between 'the luckier survivors of the English landed families and the second or third ranks of the Norman baronage'. So there is little here for our comfort, after all.

Viewed in this light, Walter Scott's dismal description of the situation in England in 1194 may be more accurate than we may once have thought. The Normans show their contempt for the Saxons quite openly. The Saxons hate the Normans with equal measure, and take the opportunity to attack them when the occasion arises. The Saxons retain certain enduring characteristics – their fondness of dogs, their love of sport and their idea of fair play – but they are a subject race, with limited room for manoeuvre. Most of the time they have no choice but to comply with the wishes of their masters; and it is forest and feudal law which prevails. Scott describes very well how French became the official language of government and the law courts, and how French words displaced their English equivalents, in certain contexts:

> "Why, how call you those grunting brutes running about on their four legs?" demanded Wamba. "Swine, fool, swine," said the herd, "every fool knows that." "And swine is good Saxon," said the Jester; "but how call you the sow when she is flayed, and drawn, and quartered, and hung up by the heels, like a traitor?" "Pork," answered the swine-herd. "I am very glad every fool knows that too," said Wamba, "and pork, I think, is good Norman-French; and so when the brute lives, and is in the charge of a Saxon slave, she goes by her Saxon name; but becomes a Norman, and is called pork, when she is carried to the Castle-hall to feast among the nobles; what dost thou think of this, friend Gurth, ha?" "By St Dunstan," answered Gurth, "thou speakest but sad truths; little is left to us but the air we breathe, and that appears to have been reserved with much hesitation, solely for the purpose of enabling us to endure the tasks they lay upon our shoulders. The finest and the fattest is for their board; the loveliest is for their couch; the best and bravest supply their foreign masters with soldiers.

Merrie England

Sir Walter Scott's novel focussed on the wholly new and fictional character of Ivanhoe; but it also involved the figure of Robin Hood, and broke new ground by placing him in the 1190s, at the centre of a clash between Anglo-Saxon and Norman culture. However, Robin was a well known character in English literature long before 1819. According to Michael Wood, the legend was 'already taking shape' in the 13th century and and can most convincingly be traced to Wakefield or Barnsdale;[11] but it is generally considered that the first mention of Robin in a literary context is in William Langland's late fourteenth century poem *Piers the Plowman*, where Sloth, the lazy priest, confesses:

> I know not perfectly my Paternoster, as the priest it singeth,
> but I know rhymes of Robyn Hood, and Ranulf Earl of Chester.

Patrick Wormald took up the story at this point:

> By the early 15th century, references have become relatively abundant. The earliest extant Robin Hood 'ryme', 'Robin Hood and the Monk', is found in a manuscript of 1450 or soon after. The central text forms the core of the legend as it was bequeathed by the Middle Ages. Robin already has his most familiar companions - Little John, Will Scarlett (or something similar), Much

[11] Wood, *In Search of England*, 73, 81.

> the Miller's son and Friar Tuck. He is at home in Sherwood Forest and the sworn enemy of the Sheriff of Nottingham. He is an archer of genius and a master of disguise. He is loyal to the king, and 'dyde pore men moch god', but he had no time for the wealthy and grasping religious orders: the *Gest* begins with the story of how Robin helped an impoverished knight pay his debt to the abbot of St Mary's York, and fleeced the abbey in the process.[12]

So here is the familiar Robin Hood of Sherwood Forest, though this is clearly a subject which engages local passions, and there are other possible locations; but was there ever an identifiable individual of this name?

As Wood pointed out:

> Back in the 1850s, the Yorkshire scholar Joseph Hunter Hunter had noticed that the original location of the Robin Hood story was not in Sherwood in Nottinghamshire, but in Barnsdale. He was the first to reject the idea of a mythical Robin and to offer a real model in real historical setting. He suggested Robin was active in the time of Edward II (1307-27), and was perhaps one of the disgruntled supporters of the rebellion of Thomas, Earl of Lancaster in 1322. Hunter even connected the ballad's tale of the king's visit to Robin in the greenwood with the royal visit to the North in I323. To cap it all, Hunter noticed that the king's wardrobe accounts recorded a payment to one Robert Hood.[13]

However, Wood also noted that 'unfortunately, this [Hood] was a porter, not an outlaw. Nor, on inspection, do the Robin Hood ballads refer anywhere to Thomas of Lancaster and his rebellion.' The truth is that, although Hunter was a first-rate scholar, he only looked at a tiny fraction of the records, military, legal and administrative, which are now available in for medieval England; and a wider study justifies the conclusion that there were several Robin Hoods, not one.

The earliest known dates from 1226 and is a record of the York Assizes. This mentions a person named Robert Hod whose goods worth 32 shillings and 6 pence were confiscated; and Hod became an outlaw. In the following year, he is called "Hobbehod"; but there are many other references to men of that name in the 13th century. Indeed John Maddicott has suggested that "Robin Hood" was a stock alias used by thieves. Between 1261 and 1300, there are at least eight references to 'Rabunhod' in various regions across England, from Berkshire to Yorkshire; but, importantly, these men were criminals rather than heroes. They may have robbed from the rich, but there is no sign that they gave to the poor.

[12] Wormald, *London Review of Books*, 5 May 1983.

[13] *In Search of England*, 75.

Another view has been put forward by Andrew Ayton,[14] who found one excellent archer who was not even an outlaw:

> On 21 November 1338, forty-three archers joined the company of troops entrusted with the security of the Isle of Wight. The garrison pay-roll, which forms the greater part of an excellent set of accounts now preserved at the Public Record Office[15], records the names of the newly arrived men. In their midst is a name as familiar as any from English literature or history: Robin Hood.

Ayton thought he had found his man, largely because this soldier was such a crack-shot that he may have become an object of lasting admiration for miles around; but it has to be said that so many tales have been told about Robin Hood that there must be dozens, if not hundreds, of rival candidates, who left no record at all. The better view is that Robin probably represents a mythical past, when the outlaws roamed free, unrestricted by convention or law, in a green version of the Golden Age. It is even possible that he represents an amalgam of characters.

J.C.Holt (1922-2014), who wrote one of the best books about Robin, told us that he has or had 'the unique distinction of being the only entry in the *Dictionary of National Biography* which was devoted exclusively to proving that its subject never existed'; but by the 1950s, Robin had become the subject of innumerable books, films and TV programmes; and my younger sister and I thrilled to Richard Greene's portrayal of him (and I to Patricia Driscoll's of Maid Marian) in *The Adventures of Robin Hood*, a series which ran between 1955 and 1959, partly again because it had a catchy theme tune. In due course Robin acquired fierce partisans in many parts of the country, including Nottingham, Sherwood Forest, Wakefield, York, and Barnsdale. My daughter, who attended Nottingham University in the late 1990s, was outraged when the City of Doncaster had the audacity to call its airport after Robin. In fact, the inhabitants of Doncaster had long laid claim to an association with the outlaw, because of the existence of 'Robin Hood's Well' at Skellow, which is only eight miles north of the town.

There came a time when historians began to study the composition of the audiences of the early ballads, to probe their social significance. This led to a series of articles in *Past and Present*, a journal founded in 1952 by a group of historians which included members of the Communist Party Historians Group, amongst them Rodney Hilton of Balliol College, Oxford (1916-2002). In 1958, in article an entitled *The Origins of Robin Hood* (P&P No 14, November, 1958), Hilton argued that there was continuity between the Robin Hood ballads and the agenda of some of the

[14]Ayton, *Military Service and the Development of the Robin Hood Legend in the Fourteenth Century*, Nottingham Medieval Studies, 1992)

[15] Now the National Archives.

rebels involved in the Peasants' Revolt of 1381. This idea was attacked with some vigour by Holt, who was Professor at Nottingham at the time, in an article entitled *The Origins and Audience of the Ballads of Robin Hood* (P&P No. 18, November 1960). He pointed out that rural and peasant issues are nowhere found within the texts, and proposed that the supposedly dissident audience was in fact composed of the lower gentry, their hangers-on and higher servitors. Maurice Keen (1933-2012), also a Fellow of Balliol, weighed in to support Hilton,[16] and was bluntly rebuked by Holt. He told me later that the Professor was probably right; but that he 'need not have been so rude about it.'

[16] *Robin Hood, A Peasant Hero, History Today*, volume 8, issue 10, 1958.

4 Conisbrough Castle

5 The Keep, Conisbrough Castle

3 THOMAS ROTHERHAM'S COLLEGE

> Also I heartily Will and beseech that my executors, according to the hope which I put in them, and according as they will answer Christ, apply the greatest diligence, that a thousand masses may be celebrated immediately, as quickly as they can after my decease.
>
> From Archbishop Thomas Rotherham's will,
> John Guest, *Historic Notices of Rotherham*.

The Protestant Reformation involved profound changes to several tenets of the Christian faith. Yesterday's heresy became today's orthodoxy; and what had once been orthodoxy was now regarded as superstition. Out went the Pope, clerical celibacy, transubstantiation, the mass, the special role of the Priest, and the idea that the soul had to spend time in Purgatory (before ascending to Heaven or descending to Hell). In came the Royal Supremacy, established by Act of Parliament. Other Acts abolished the monasteries and then the chantries. The second of these meant the end for the 'sumptuous' brick-built College of Jesus, established in Rotherham only half a century previously, by the town's most famous son, Archbishop Thomas Rotherham (discounting the Chuckle brother who died in 2018).

The College

The antiquarian John Leland took particular note of the College, when he rode through Rotherham at the end of Henry VIII's reign. It was an important educational as well as religious institution, which housed a theologian, several secular clergy, teachers and scholars. There were only around 90 such colleges in the whole of England and Wales, and there was nothing else like it in the West Riding. The town was 'worth a detour' on its account.

The founder, Thomas Rotherham, had been born and baptised in the town in 1423. He was educated in Rotherham, before going up to Cambridge, then rose through the ranks of the Church, becoming Bishop of Rochester, Bishop of Lincoln,

and finally Archbishop of York. 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. It is as Lord Chancellor that he appears in Shakespeare's *Richard III*, where he resigns his seal of office as Edward IV's widow seeks sanctuary, in a vain attempt to protect her sons:

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

The foundation stone of the College was laid in 1482-3, '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. Why did Thomas found a college in Rotherham? He clearly had a great interest in education, had given generously to both Oxford and Cambridge and drawn up the Statutes of Lincoln College, Oxford (see illustration); and the 15th century was the age of the chantry chapel, college and collegiate church. Sometimes they 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. They were founded all over England, sometimes by Kings - the classic example being Henry VI 's foundation of Eton - and sometimes by bishops. 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 colleges at Acaster and Rotherham were each consciously modelled on the much older college in Winchester.

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 the town and the site was suitable, being near the parish church. Having recently become Archbishop of York, Thomas was in a position to override any objections which might be raised to his scheme, by the Abbots of Rufford or anyone else.

There is a tradition that, while he was engaged in building his College, Thomas stayed at Wortley, some nine miles to the north-west of Rotherham. When the College was finished, the buildings 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.

The Archbishop's own reasons for founding the College are not in doubt. He stated them clearly in 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 taught him Latin, a prerequisite for the priesthood and all forms of higher education. Thomas believed that, if he had not been so fortunate, he would have remained '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 enjoyed. The College of Jesus was therefore to have a grammar school, with a Fellow who would provide free tuition in Latin for local youths.

Secondly, Thomas believed in the power of music. He knew that very few people could be taught Latin, but music could be enjoyed by all. In particular, he thought that good singing enriched religious services, and wanted to encourage the untutored majority of men and women to come to church. He also considered that the parish of Rotherham contained at least its share of ignorant country people (the Statutes describe them as 'mountaineers' or 'mountain men'). Such people needed to be helped, if they were ever 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 Rotherham and Ecclesfield, who would be provided with free board, lodging, and tuition. In return they were to sing regularly in the parish church.

Thirdly, Thomas was keen to produce potential clergymen; but also wanted to assist boys who, while they might not be suitable candidates for the priesthood, did not deserve to lead a life of ignorance. Such 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 grander, in terms of size, architecture, wealth and fame; but even they had only two schools - grammar and song.

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 must be a priest and also a theologian, who should preach 'the ladder of James, the Word of Jesus, [and] the shortest and most certain way to heaven'. He was directed to do this throughout the diocese of York, but especially in Rotherham, Ecclesfield, Almondbury in West Yorkshire, and Laxton in Nottinghamshire (whose churches and tithes were assigned to the new foundation).

There was yet a further reason for the foundation of Rotherham College. The parish church had several chantry chapels; but Church dignitaries often worried about how chantry priests spent their time when they were not engaged in singing masses. Archbishop Thoresby of York had expressed this concern in the mid-14th century; and now 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'. They may even have been guilty of sins worse than 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.' It would be much safer if they resided in the new College. Thomas 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.'

Finally, the College itself a kind of enormous chantry, founded for the benefit of the founder. The Archbishop believed fervently in Purgatory, and in the power of masses and prayers to relieve the condition of those who were held there, pending the Last Judgement. In his will, he asked that a thousand masses be celebrated as quickly as possible after his death. No effort must be spared to reduce his time in Purgatory.

By 1498 Thomas was in a position to provide his College with a generous endowment. He had already given it the church of Laxton in Nottinghamshire; and, in 1488 he gave it the church of Almondbury, near Huddersfield.[17] Now, by his will, he confirmed this gift and added several smaller properties in and around Rotherham. In all, the College's net income was £102/6s/2d.

In addition to gifts of land, tithes and manorial rights, Thomas showered his new college with precious vessels and holy objects - chalices, paxbreds, crewetts, pixes, basins, cups and spoons, vestments, and around 105 books. We shall see later that many of these were service books and collections of sermons; but, according to a catalogue drawn up just a few years after the Archbishop's death, they also included works by Cicero, the histories of Lucan and Sallust, the comedies of Terence, and three copies of Ovid's *The Art of Love*.

[17] Herbert, *Annals of Almondbury* pp 441-5.

Litigation was a constant preoccupation amongst the property-owning classes of the time (as the *Paston Letters* amply demonstrate). As an Archbishop, Thomas knew full well how 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 if it be wronged'.

The College of Jesus was not yet finished in 1498; 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 here such as were made in the cases of Warwick and Ripon Colleges in the 1530s, although we shall see that there was a theological controversy of significant proportions. So far as education is concerned, there is no account of the teaching methods employed, such as exists in relation to the grammar school at Rotherham in the 17th century. Nor do the registers and records of the College survive; but, when the Commissioners appointed by King Henry VIII surveyed the College in 1546, they reported that all was well, though they had an opportunity to be critical, since the old King already had it in mind to confiscate all chantry lands.

Several 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 VIII'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. The musical content of the town's religious services was enriched, just as Archbishop Thomas had wished.

By appointing a Cambridge theologian as Provost, Thomas Rotherham hoped to promote the Christian religion, at a time when parish priests were chiefly responsible for celebrating the mass, or communion, rather than 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 has a fine memorial brass in Tideswell Church in Derbyshire.[18]

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 were both licensed preachers, but held radically different ideas about theology. It was said that they had used 'opprobrious and undecent words' about each other, from the pulpit. The matter came to the notice of the Archbishop of York, who

[18] In *Historians I have Known* (1997) A.L. Rowse noted that Pursglove's brass shows him wearing full pre-Reformation episcopal vestments.

appointed a commission of enquiry, which included the Provost of Rotherham College. Thomas Rotherham would surely have been proud; but he would not have been pleased to witness the scandal which rocked his own college in 1537, when Robert Neville was Provost. It is to this that we must now turn.

William Senes & Heresy

In the late 1530s Rotherham was home to one of the most notorious heretics in the Diocese of York.[19] This would have come as a profound shock to Thomas Rotherham, whose Statutes for Lincoln College Oxford had described the Lollards as 'that pestilent sect which, reviving ancient heresies, attacks the sacraments, and the position and the endowments of the Church.' If any Fellow disagreed, he must be expelled, 'as a diseased sheep.'

William Senes was one of the three Fellows of the College of Jesus in Rotherham, being Master of the song-school there; and it was here that he was arrested, on 4 August 1537, along with Thomas Frauncys and John Padley, who were also suspected of heresy. Frauncys may have been the same man as the *Nicholas* Fraunkes who was a chantry priest in Rotherham in 1535; and John Padley may have been one and the same as the John *Addy* who was Master of the writing-school.

Following their arrest, the accused appeared before George Talbot, Earl of Shrewsbury (1468-1538), possibly at the latter's stronghold of Sheffield Castle. Shrewsbury was royal lieutenant 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.[20] He was also a conservative in matters of religion. When the Master of Rotherham song-school was brought in, 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 remark seems harmless enough, but Shrewsbury was in no mood for levity. He snapped 'The New Testament nought thou has' and repeated the phrase several times. To understand this exchange, we must realise that, at the time, there was no authorised version of the Bible in English. The Testament in Senes's possession must either have been William Tyndale's unofficial translation, or (worse still) an older Lollard version; and Tyndale had recently been executed as an

[19] See Dickens, *Lollards and Protestants*, 37-44; and *L & P Henry VIII* vol XII part 2, 175.
[20] See article in YAJ 34 (1939) pp 379-98 *Sedition and Conspiracy in Yorkshire during the later years of Henry VIII*, by A G Dickens, reproduced in the latter's *Reformation Studies*.

'obstinate heretic,' while reading the Bible in English translation was the classic charge brought against the Lollards.

Shrewsbury railed once more at the accused:

'Thou art an heretic and but for shame I should thrust my dagger into thee.'

At this point, Senes remained silent and was put in a dungeon for seven days. Meanwhile, what of his colleagues? Frauncys was released; but John Padley was treated as roughly as Senes. The Earl told him

'Thou art a heretic and a Loulere {Lollard].'

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 but then asked 'What hast thou spoken?' 'Nothing' said Padley 'but that that shall become a Christian to speak, to love God above all things and my neighbour as myself.' The Earl then accused him of speaking against the Mass, and referred to the bailiff of Rotherham. The latter denied having heard him so speak. Nevertheless, Padley was imprisoned, for seven days.

Senes and Padley were then sent to the Duke of Norfolk, who was President of the King's Council in the North; but it must have been decided that, whatever else he was, Senes was not a traitor, because 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, Senes wrote a memorandum drawing attention to his plight and containing his defence. He claimed that there were two schools of thought in Rotherham College, one loyal to the King and his religious views, the other disloyal and unorthodox. Naturally, Senes belonged to the first group, his accusers to the second. Senes asserted that he was no heretic. His opponents were the ones who deserved to be punished.

Senes recalled that the Lincolnshire rising of autumn 1536 had provoked a lively discussion in Rotherham; and it seems almost certain that this took place in the College of Jesus. Senes was on one side of the argument, while on the other were William Drapper (Master of the Grammar-School) and Thomas Holden (a cantarist in the Chantry of the Holy Cross in Rotherham parish church). It has been suggested that Thomas Holden 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.[21] In any case he was clearly a religious

[21] 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

conservative. He spoke warmly of the Lincolnshire rebels involved in the Pilgrimage of Grace:

> '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.'

It was very dangerous to refer to these three as heretics. Thomas Cromwell was King Henry's chief minister, Cranmer was Archbishop of Canterbury and Latimer likewise a leading Protestant; and Senes claimed that he took Holden to task for talking so loosely, saying that 'those who withstood the king were rebels.' At this point, 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 contradicted Drapper, telling him that the Earl would 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 Roughforthe and his convent according to the King's commandment.'

What was being discussed now was the dissolution of an important local monastery. 'Mr Markham' was Sir John Markham of Cotham, an M.P. for Nottinghamshire, who had evidently played a leading role in suppressing Rufford Abbey; but, if Senes is to be believed, William Drapper was now past 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. (This was an obvious reference to rumours that Henry VIII intended to seize Church plate).

The two Rotherham schoolmasters lost their tempers. Senes called his colleague 'Sir John Lack-learning', while Drapper called Senes a 'Whoreson knave'![22]

According to Senes, the argument was reported to Robert Nevill, the Provost of the College; but Nevill does not seem to have taken the matter very seriously, and merely told Senes to see the bailiff of Rotherham about it. However, the bailiff 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

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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?

[22] There may have been some personal animosity at work here. Both men were Fellows of Rotherham College, but Senes was a layman, whereas Drapper was a priest; and Senes was paid less than Drapper. His stipend, according to the *Valor Ecclesiasticus* was £6/13s/4d a year, Drapper's £10.

irritated by this criticism, and 'carpeted' Senes, threatening to expel him, if he brought the College into disrepute again.

This is the end of the narrative composed by Senes in the Archbishop's jail in York; but it is by no means the end of the story. The indictment for heresy which followed shows that Holden and Drapper were not the only enemies Senes had in Rotherham. The prosecutor alleged, firstly, that on 8 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, etc. Holden commented that these were not authorised by Parliament but Senes rejected this, saying 'such books as were sent down to the curates was made by heretics and none of them true.' He went on to argue 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. From a conservative point of view, this was not only unorthodox, it was downright offensive. To criticise the notion of Purgatory was to undermine the ideological foundations of all chantry chapels and attack the College of Jesus itself.

The indictment against Senes set out further allegations, made by one William Ingram, the parish clerk of Rotherham. It is a reminder that it was not just the doctrine of Purgatory which was challenged by the Protestant Reformers: the Mass itself was under attack.

Ingram alleged that he was in church on Friday 4 May 1537. Also present was Thomas Pilley, the priest of Henry Carnebull's chantry. Carnebull had been a great benefactor of Rotherham, and more especially of Rotherham College. Yet, when Senes saw Pilley saying a mass for Carnebull's soul, and sprinkle some water on his tomb, he mocked him. Ingram defended himself by saying that he simply 'believed as his father had done.' Senes then added insult to injury:

> 'Thy father was a liar and is in Hell… he never knew Scripture and now it is come forth.'

On Sunday 10 June 1537, William Ingram had another encounter with Senes in Rotherham church, when Senes attacked the doctrine of transubstantiation - the idea that the bread used in the Mass actually became the body of Christ when the host was elevated. He asked Ingram: 'When didst thou see God?' Ingram replied that he saw Him 'every day at Mass, in the priest's hands;' and Senes again subjected him to ridicule, telling him: 'Thou sawest but bread'.

Another count in the indictment alleged that on 24 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, it did not become Christ's flesh. Rather, he said: 'God is here upon my hand, in my body, in this stulpe (pillar) and everywhere.' (Dickens suggests that the idea behind this is the Lutheran notion of 'the ubiquity of Christ's glorified body)'.

These charges indicate that a serious heresy trial was now in the offing; but Senes had friends in high places and the case was never brought to court. On 16 October 1537, John Babington, son of the M.P. for the borough of Nottingham, wrote to Thomas Cromwell on behalf of 'divers honest neighbours' who were kinsmen of Senes. Cromwell was known to be sympathetic to the new religious deas. As a result the case against Senes was transferred from York to the King's Bench in London, where Cromwell could keep an eye on it.

A letter written by Babington to Cromwell in London on 21 August 1538 takes us a stage further. The bearer was no other than William Senes. Babington now informed Cromwell that Senes earned his living by teaching music in Rotherham, but had no prospects of promotion, since he was not a priest. Babington thought that Senes might be better employed in paying off the debts which he had recently incurred as a result of a malicious prosecution ('by the wrongful procurement of that country'). Accordingly, Cromwell was requested to ask the Provost of Rotherham College to give Senes a lease of the vacant farm of Laxton in Nottinghamshire (part of the endowment of Rotherham College). In other words, the heat should be taken out of the affair by packing Senes off to the sticks.

Unfortunately for William Senes, Cromwell's own position was insecure. In fact, he fell from power in June 1540 and was executed shortly afterwards. A religious reaction then set in, and those who were inclined to favour Protestantism were no longer safe. The Act Book of the Court of Audience in York shows that Senes became a marked man once more; and the Church soon brought fresh proceedings against him.

A man called Richard Sewell said that he and two others were at Senes's house in Rotherham, after the latter returned from London. Allegedly, Senes told Sewall that

> 'As the ale poole [pole] signifieth that there is ale to sell and yet no ale in the poole, so, Firth [sic] said in his booke, is the sacrament of thalter.'[23]

The remark is cryptic now; but would have been perfectly well understood at the time, as an attack on the doctrine of transubstantiation. It also showed that Senes had been studying heretical books, though he denied any wrongdoing. The judge investigating the case concluded that he was dealing with a serious case of heresy, and Senes's books provided some confirmation of this. We have already seen that in 1537 he had an English translation of the New Testament, as well as certain ballads (possibly of Lollard origin) in his possession. 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. Frith's works had been condemned by Thomas More, and Frith had been burned at the stake for denying both transubstantiation and the existence of Purgatory.

[23] Pubs and ale-shops used poles in those days to advertise their wares.

The rest of William Senes's story can be swiftly told, because it seems that the authorities in York did not want to make a martyr of him. Meanwhile Senes decided, in any event, to give in. The court assigned a day when he should abjure his heresy; and on 26 November 1540 he admitted the truth of the accusations made against him:

> '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 the sign of the cross. The judge absolved him from the penalty of excommunication; and, by 17 December Senes had performed his penance at York Minster, though he had to repeat it later in his own parish. He was a lucky man to get off so lightly, for by the Six Articles' Act of 1539, a heretic could be burned at the stake for denying transubstantiation, even if he later abjured the heresy.

Robert Swift and the destruction of the college

In the North Chancel of 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 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 is clean-shaven, and 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 us, and reminding to reflect on our mortality - 'Respice finem' ('consider the end'); but 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.'[24]

Behind Robert are the couple's two sons, Robert and William, their hair cut exactly like their father's and also wearing long gowns, though these do not appear to be trimmed with fur; and behind Anne are their two daughters, Anne and Margaret. It is amusing to note that these young ladies are dressed in a 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, their partlets are frilly. Most noticeably of all, they wear the 'Paris

[24] Compare the inscription on the tomb of the last provost of Rotherham College, who lies in Tideswell church in Derbyshire: *Christ is to me as life on earth, and death to me is gaine.*

head', or 'French hood', often called the 'Mary Queen of Scots' head-dress.[25]

The inscription reads:

> Here under this Tombe are placyd and buried the Bodyes of Robarte Swifte Esquire and Anne his fyrste wyfe, who lyvyed 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.[26]

What does this tomb tell us about Robert Swift? First, he was clearly a wealthy man. (It is refreshing that, although rich men are inclined to protest that they are not rich, Robert makes no such protest). Secondly, he was important. He lived in 'good worship', and he used the style 'Esquire' after his name. At the 5th Earl of Shrewsbury's funeral in Sheffield in 1560, the 'gentlemen' processed separately from the 'esquires', who were only one step behind the Knights in the pecking order.[27]

According to Joseph Hunter, Swift was originally a mercer - a dealer in cloth and clothing; but he had certainly risen in status by the time he obtained a grant of arms on 5 May 1561, only three months before his death. In the language of the heralds who conferred this right, 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. There were originally five shields there, but only two remain today (1992).[28]

The Swifts continued to climb the ladder. Hunter called Robert (the mercer) 'the great advancer' of his family. His two daughters found suitable husbands. Anna married into the Reresby family of Thribergh.[29] Margaret Swift married a Waterton of Walton. The eldest son, also Robert, married a Wickersley, 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; but he had no sons, and it was therefore Robert the mercer's younger son William who carried on the Swift family name.

William Swift married Margaret Wyrral (daughter of Hugh Wyrral) of

[25] Victoria and Albert Museum Catalogue of Brass Rubbings, Muriel Clayton, London, HMSO, 1968.
[26] Guest, 260.
[27] Laslett, Chapter 2.
[28] Hunter's *Hallamshire* 364(n) and 366(n).
[29] Reresby's *Memoirs*, 3.

Loversall, and had a son, and a number of daughters. He died in 1569, and his funeral was a major event in Rotherham. He directed that a substantial dinner should be provided on the day of his funeral for his worshipful and honest friends; and that every poor man, woman and child who attended his funeral should have a dinner and a penny in silver.[30] He gave a black gown to his sister Mrs Reresby, and directed that his wife and children should be clothed in black 'after the ancient custom of this realm.' He also expressed the hope that his son (another Robert) should 'follow in the steps of his late grandfather'; and his grandson (also called Robert Swift) was knighted by James VI and I at York in 1603.

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 Justice of the Peace and was High Sheriff of Yorkshire on two occasions, under Queen Elizabeth and King James. He was also Bow-Bearer of the royal chase at Hatfield, an important position at a time when this was the largest deer park in England, reputedly extending over 180,000 acres. Sir Robert Swift was also 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. He was every inch the gentleman, and he liked a duel.

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; and some of what remains to be told may lead us to whether he was as pious and respectable as the inscription on his memorial brass would suggest.

First, let us look at Robert Swift's will, made on 11th February 1560. There are no gifts to charity here, and specifically nothing for the poor people of Rotherham, despite the claim that Swift was 'pitiful to the poor and relieived them liberally' - though he may of course have been generous during his lifetime. We notice too that he was married twice - it is his second wife Agnes who is mentioned in the will, though it is his first wife Anne who figures on the brass. Finally, there is a mysterious reference to a 'base child' (a.k.a. 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 it may be wrong to jump to conclusions. 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.

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 a different light. The Rolls show that he and his two sons were amongst those who acquired large quantities of Church land,

[30] 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, 79

following the dissolution of the monasteries. In 1544 the 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. Then, in 1553, following the dissolution of the chatries in Edward VI's reign, old Robert and his second son William were granted a large part of the endowments of the chantries formerly attached to Rotherham church and 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, Herringthorpe, Ravenfield, and in the vill of Greasborough, in the 'town and fields of Scholes', and in Wentworth. Several of these properties had been given to Rotherham College by the founder Thomas Rotherham himself.

Many people in 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 House of Swift. There were other purchasers of the lands formerly belonging to Rotherham 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 moveable collegiate property, this was valued at various figures between £32/10s and £54/7s/8d, and the plate at a staggering £247/0s/4d. What happened to all this is not even recorded.

To appreciate the full impact of the destruction of Rotherham College, we must consider its previous importance. It had been an imposing and beautiful building, as well as a wealthy institution. The net income of the properties listed in the founder's will was £102/6s/2d. King Henry's *Valor* has a value of £74 net, but the corresponding figure at the time of the dissolution was £107 (or £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; and this this lent distinction to the town, at a time when Rotherham was as yet unincorporated. It provided employment, for cooks, washerwomen, barbers, and no doubt for other servants 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 16th 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!).

No wonder that many writers have waxed indignant over the fate of the College. Some said '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 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:

> 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…which are now suppress'd by the wicked avarice of the last age.[31]

The strongest verdict was that delivered by Michael Sherbrooke, rector of Wickersley between 1567 and 1610 and an old boy of Rotherham College himself. In his treatise *The Fall of Religious Houses* Sherbrooke he 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;[32] 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, 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;[33] but it was to this End and Purpose, that the Master thereof, should be a Preacher and to have three Fellows within it [and] by the Foundation of Lincoln College in Oxford, whereof the said Bishop was a Founder also, the scholars that came from the this College of Rotheram [sic], were to be preferred to a Fellowship of that College, before any other: which was performed very well so long as the House stood; but so soon as the said

[31] *Britannia, or a Chorographical Description of Great Britain and Ireland*, revised by Edmund Gibson 2nd edn. vol II p 847.

[32] Concealed lands were former Crown lands with a defective title. Under Elizabeth I, commissioners appointed to negotiate with the incumbents extorted considerable sums of money (often with the aid of informers - the bounty hunters of their day - who made a business of searching them out.

[33] Later the last surviving part of the College buildings became the Old College Inn, though this was pulled down early in the 20th century.

> House was dissolved, neither Preacher nor Schoolmaster was provided [But the Town hired the Schoolmaster for the School many years after].
>
> 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.

A sad tale indeed. 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 this light, we may find it difficult to read his epitaph now without some degree of cynicism.

4 WITCHCRAFT IN YORKSHIRE

BANQUO: What are these
So wither'd and so wild in their attire,
That look not like the inhabitants o' the earth,
And yet are on't? Live you? or are you aught
That man may question? You seem to understand me,
By each at once her choppy finger laying
Upon her skinny lips. You should be women,
And yet your beards forbid me to interpret
That you are so.

From Shakespeare's *Macbeth*, 1606

The Middle Ages are often known as the Age of Faith, but the name disguises the fact that Faith included superstition; and that, in some people's eyes, there had to be an evil counterpart for everything that was good. So, if there was a God, there must be a Devil, and if there were angels and saints, there must be demons and imps; and if there were priests and ministers, there had to be witches. There was a whole mythology regarding Satan and his servants; and, superficially, it is puzzling that the Protestant reformers, so often supposed to stand for progress, also insisted on the correctness of the Biblical injunction: 'thou shalt not suffer a witch to live.' In fact the belief in witchcraft reached its apogee in the early modern period; and it became so generally accepted that an obscure Rotherham solicitor, sitting down to write a handbook for his colleagues at the end of the 16th century, felt obliged to include draft indictments for use in the case of witch trials.

William West

In an essay about the authors of Tudor Yorkshire, Professor A.G.Dickens wrote that "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 (1548-1598) who lived in Rotherham and played a central role in its affairs.[34] West's father was rector of Hooton Roberts; but William went to London and practised as

[34] TRHS 5th Series 13 1963, 49-76 *The Writers of Tudor Yorkshire*, reproduced in Dickens, *Reformation Studies*. See now ODNB (2004) vol 58.

an attorney there, though he was never called to the bar. He made a fortune in legal practice, before returning to Yorkshire in 1581. In the Feoffees' Charter of Common Lands he is described as a gentleman of Rotherham; and John Guest tells us that he lived in Moorgate. At some date before 1593 he moved to Firbeck, near the ruins of Roche Abbey, and built the hall there. His career was in some ways typical: 'Now all the wealth of the land doth 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'. West lived at Firbeck for many years and was buried there.[35]

After his return North, West threw himself into local affairs. He was the Earl of Shrewsbury's chief steward for the manor of Sheffield in the 1580s ad '90s. He was also steward for the manors of Ecclesfield and Cowley; but, although these duties must have kept him busy, he also devoted much time and energy to Rotherham. In the 1580s, he arranged fror the purchase of the town's common lands from Queen Elizabeth's courtiers, and secured the Feoffees' title. Later, he acted for them in various capacities. In the 1590s, he did conveyancing work for the town (and had a clerk to help him with the laborious business of copying documents by hand). The Feoffees had land which they let out for pasture and West was responsible for collecting the rent, or herbage, and doubtless for negotiating the terms on which the pasture was let. His son Francis succeeded to his father's duties in this area.[36]

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'.[37] 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". As a result, he acquired a formidable reputation.

Yet William West is best known as a writer. While he was still in London, he had already edited a famous legal textbook - Littleton's *Tenures*; but it was only after he returned to Yorkshire that his literary talents found their most famous expression. In 1590, he published a book called *Symbolaeographie*. This was intended as a handbook for legal practitioners, and contained precedents of all kinds and for all occasions. 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 work into two parts, the first of which appeared in 1592, the second in 1594. Numerous further editions followed.[38]

The edition of *Symbolaeographie* published in 1590 was a Tudor equivalent of

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[35] Surtees 106, 142; YASRS 85 149; G 375; Hall, *Incunabula*, 128; Palliser, 105; *A Catalogue of ACM* in SCL, 1965, 10.

[36] 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*, 134; G 387, 389.

[37] Guest 387, 391,392.

[38] Guest's account of the different editions, 375, is erroneous.

today's *Encyclopaedia of Forms and Precedents*.[39] It was concerned with civil rather than criminal matters, and contained a large number of model wills, and deeds of sale, mortgages, and leases. West clearly drew on his own experience, but to preserve confidentiality, he deleted the names of parties he had acted for (and relevant places), leaving only initials, so that we often find that a person is described as 'A.B. of C. in the County of Y.; but it is sometimes possible to divine where the original document comes from.

The precedents are drawn from many different parts of the country, including London; but we can see that some originated in the West Riding of 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. 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.[40] 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..... also originated in West's practice in Rotherham.

In other cases, a local origin is not certain but is very probable. The condition 'that a Prentice shall not wast his master's goods' (section 94) is taken from the articles of apprenticeship of a cutler (and these were already very common in the Sheffield area). 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 and carried away'. 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 suffificent pinchwood for the same to be taken within A aforesaid, making no spoile in or of the same woodes.

Coal was already being mined in large quantities in South Yorkshire in

[39] Written in the early 1990s. The *Encyclopaedeia* has now been largely superseded by the internet.

[40] 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.

Elizabethan times.

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 the latest edition of Archbold's *Criminal Pleading, Evidence & Practice*, originally published in 1818, but still 'the Bible' for advocates specialising in criminal matters.[41] Many of the crimes which West was concerned with are familiar enough today. Elizabethan society had its share, perhaps more than its fair share, of murders, robberies, burglaries, rapes, assaults and so on. However, West also suggested model indictments for use against men who fight in churchyards, or pull out eyes, or tongues. He also provides a form for use against 'those who keep retainers'. We also find precedents which would come in useful when there were riots at the Quarter Sessions or batteries at an Assize (which occurred more frequently than one might have thought).

The Tudor State sought to intervene - perhaps for the first time? - in economic and social life; and there are draft charges here 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 people whose only crime is being vagabonds. There are two indictments headed 'Against Egyptians' (gipsies). There is one for use against a person who keeps a blind tavern (one without a sign), receives suspicious persons there, and whose wife is also a scold. (Poor man!) It was also necessary to have a precedent for use when prosecuting people who offended against the sumptuary laws. Hence West suggests a form of words which could be used in the case of a tailor, 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 (for use in a contract) that a servant shall not play at dice.

The modern English lawyer often needs precedents for similar situations; but he has no need to be told what form of words he should use to prosecute people who absent themselves from church, or say and hear mass, or are suspected of the treason of Jesuitism. West has indictments for use in each case, and indeed cites numerous examples of how treason can be committed. This illustrates how the crime expanded after 1570, when the Pope published *Regnans in Excelsis* ('Reigning on High'), the bull which purported to depose Queen Elizabeth I.

Sorcery

Finally, there is a section on witches. This needs some explanation now, at least in the West, but in the past the belief in witchcraft seems to have been universal. It permeated both the Old and New Testaments of the Bible, and found full expression

[41] This may no longer be the case (2018).

in two works of the late 15th century: the Papal Bull *Summis Desiderantes Affectibus* (1484) and the treatise written for prosecutors by Jakob Sprenger, *Maleficus Maleficarum* ('the Hammer of the Witches', 1486). One might have expected that the Renaissance and Reformation would see the end of the phenomenon; but, on the contrary, it was in the 16th and 17th centuries that a 'witch-craze' swept through Western Europe, particularly affecting France and England between 1580 and 1650. There were notorious outbreaks in Aix-en-Provence in Provence in 1611, Loudun in Poitou in 1634, Louviers in Normandy in 1647, and (in a very different form) in East Anglia in the late 1640s, where the 'Witchfinder General' Matthew Hopkins became famous.[42]

In 1967 Hugh Trevor-Roper, who was Regius Professor of Modern History at Oxford, described the demonology at the heart of the witch-craze as a 'new religion' - a mirror image of Roman Catholicism, as expounded in the works of St Thomas Acquinas (1225-1274). Medievalists did not approve of his thesis, but to my mind the Professor did show that the Protestants persecuted and prosecuted witches even more enthusiastically than their Catholic predecessors had done; and this was was particularly true in countries and communities where Calvinism prevailed, such as Geneva, Scotland and Puritan England. By contrast the mainstream Church of England adopted a moderate position.[43]

The main features of the 'new religion' were the same everywhere. They included the making of a personal compact between the witch and the Devil; the 'group exercise' known as the witches' sabbat; and group or individual sex with the Devil or his demons, whether they be male (*incubi*) or female (*succubi*); but there were regional variations:

> They all joined to worship the Devil and danced around him to the sound of macabre music made with curious instruments - horses' skulls, oak-logs, human bones, etc. Then they kissed him in homage, under the tail if he were a goat, on the lips if he were a toad. After which, at the word of command from him, they threw themselves into promiscuous sexual orgies or settled down to a feast of such viands as tempted their national imagination. In Germany these were sliced turnips, parodies of the Host; in Savoy, roast or boiled children; in Spain, exhumed corpses, preferably of kinsfolk; in Alsace, *fricassées* of bats; in England, more sensibly, roast beef and beer.

As for the distinctive method of kissing the Devil here described, it is interesting that the great French historian Jules Michelet (1798-1874) considered that some of his 17th century female compatriots preferred to kiss the Devil's arse rather than their husbands' mouths (since the latter were contaminated by smoking

[42] See Aldous Huxley's *The Devils of Loudun* (1952) and Ken Russell's film *The Devils* (1971). The three outbreaks in France were connected, according to Michelet, *Satanism and Witchcraft*, chapter 20.
[43] Trevor-Roper, 69, 118-9.

tobacco, recently imported from the West Indies.)[44] As for diabolical intercourse, there was much speculation as to whether this could produce offspring, and if so, what they might be like:

> As a lover, the Devil was of 'freezing coldness' to the touch; his embrace gave no pleasure - on the contrary, only pain; and certain items were lacking in his equipment. That he could generate on witches was agreed by some doctors (how else, asked the Catholic theologians, could the birth of Luther be explained?); but some denied this, and others insisted that only certain worm-like creatures, known in Germany as *EIben,* could issue from such unions.

Trevor-Roper pointed out that the authorities on the Continent (and in Scotland), which followed the traditions of the Roman civil law, employed a wide variety of torture to extract confessions:

> There were the *gresillons* (in Scottish *pennywinkis),* which crushed the tips of fingers and toes in a vice; the *echelle* or 'ladder', a kind of rack which violently stretched the body; and the *tortillon* which squeezed its tender parts at the same time. There was the *strappado* or *estrapade,* a pulley which jerked the body violently in mid-air. There was the leg-screw or Spanish boot, much used in Germany and Scotland, which squeezed the calf and broke the shin-bone in pieces - 'the most severe and cruel pain in the world', as a Scotsman called it; and there was the 'ram' or 'witch-chair', a seat of spikes, heated from below. There was also the 'Bed of Nails', very effective for a time in Styria. In Scotland one might also be grilled on the *caschielawis,* and have one's finger-nails pulled off with the *turkas* or pincers; or needles might be driven up to their heads in the quick. But in the long run perhaps nothing was so effective as the *tormentum insomniac,* the torture of artificial sleeplessness which has been revived in our day.

The treatises written by Matthew Hopkins and his associate John Stearne illustrate important differences between the 17th century witch-crazes in England and France. Firstly, the French cases involved orgies, when nuns allegedly had intercourse with the Devil (in the form of a man), whereas in East Anglia, the witch was nearly always female, and though she sometimes had sex with the devil, she more usually gave suck to his imps, who fastened onto various 'marks' on her body. Secondly, torture of the kind commonly used on the Continent never formed part of English legal process, as Sir John Fortescue (c.1394 – 1479) famous treatise *De Laudibus Legum Angliae* (*Concerning the Praises of the Laws of England*) confirms. Fortescue expressly disapproved of it, as both inhumane and ineffective (because a man under threat of torture will say anything, to escape it); but this did not prevent

[44] Michelet, 197: "*Mieux vaut le derrière du Diable que la bouche de nos maris*."

the English from administering the *peine forte et dure* (pressing with great weights) when the accused refused to plead to the indictment; and there are certainly cases in which sleep deprivation was used.

Why was the witch nearly always a woman? John Stearne provided an answer in his *A Confirmation and Discovery of Witchcraft*, published in London in 1648, the year before Charles I was executed; but this must have been the standard justification all along, because it reflects the Biblical view:

> Satan's setting upon woman rather than man is, or like to be, because of his unhappy onset and prevailing with Eve; or their more credulous nature, and apt to be misled, for that they be commonly impatient, and being displeased more malicious, and so more apt to revenge according to their power, and thereby more fit instruments for the Devil.[45]

The great surprise here is that people in all countries believed in this nonsense, and maintained that belief for centuries; but we must bear in mind that the Bible also provided copious authority for the existence of witches, and demanded that they be prosecuted. Verse 22:17 of the book of Exodus contains the divine command: 'Thou Shalt not Suffer a Witch to Live'; and this was taken entirely seriously by no less a person than James VI & I, King of Scotland (1567-1625) and of England (1603-25), who even wrote an influential book expressing his views (*Demonologie*, 1597).

Some of the greatest minds of the age agreed with King James - including Jean Bodin (1530–1596), professor of law in Toulouse, who had also written a book on the subject entitled *De la démonomanie des sorciers* (*Of the Demon-mania of the Sorcerers*). Neither Francis Bacon, nor Hugo Grotius nor John Selden raised their voices against the belief in withcraft, though there were some brave men who did, notably Reginald Scot (or Scott) (c. 1538 –1599) MP, author of *The Discoverie of Witchcraft* (1584). He wrote that in the average witch trial, the witnesses were usually either 'lewd, miserable and envious poor people' or else old women, or children between the ages of 4 and 9. However, few people agreed with him at the time, at least not in public.[46]

The Witch Craze

Under Queen Elizabeth I the Church of England pursued a 'via media', a middle course, in matters of religious doctrine and liturgy, and this included a moderate view of witchcraft; but in 1603 King James was crowned in England; and he sought

[45] Much the same view can be found in the *Malleus Maleficarum* of Jakob Sprenger (c. 1436-1495): Michelet, *Satanism and Witchcraft*, 9.

[46] Notestein, 37 (n18).

to change official attitudes in his southern kingdom. Whereas Elizabeth I, famously, did not want to 'make a window into men's souls', James had written a treatise entitled *Demonologie* when King of Scotland, in the same decade as West published his *Symbolaeographie*.

The English Witchcraft Act of 1563, whose long title was *An Act Against Conjurations, Enchantments and Witchcrafts* was enacted in the fifth year of Queen Elizabeth's reign. Before this, sorcery had fallen within the jurisdiction of the Church; and it was the Church which had presided over the most famous witch trials of the early 15th century, involving Queen Joan of Navarre,[47] and Eleanor Cobham Duchess of Gloucester;[48] but the new statute provided for prosecution and trial according to English common law procedures. Its terms were relatively 'liberal', compared to what was done in other places. The Act provided that anyone who should "use, practise, or exercise any Witchcraft, Enchantment, Charm, or Sorcery, whereby any person shall happen to be killed or destroyed", was guilty of a felony and was to be put to death; but 'mere' sorcery - enchantment which did not result in death of the victim - was not of itself an offence.

So, where does William West's book fit into all this? We should start by admitting that he certainly seems to have believed in witchcraft himself; and in this he was no different from the leading light of his legal world, Sir Edward Coke (1552-1634). West certainly includes numerous definitions which would seem to indicate acceptance of the existence of the diabolical creed: Thus '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, having taken themselves to the devil, have forsaken God and broken their covenant, made in baptisme.
>
> '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.

[47] Joan of Navarre was the second wife of Henry IV, who died in 1413. When Henry V won the Battle of Agincourt in 1415, he captured Joan's son by her first marriage, Arthur of Brittany, and Joan tried to have him released. Henry did not take this kindly, and in 1419, she was accused of hiring two magicians to use witchcraft to poison the King. She was expropriated and imprisoned in Pevensey Castle, and only released on the King's death in 1422.

[48] Eleanor Cobham was the second wife of Humphrey Duke of Gloucester, youngest brother of Henry V. In 1435 she consulted astrologers, who predicted that Henry VI would suffer a life-threatening illness in 1441. Word got out, and Eleanor was arrested. She confessed to obtaining potions from Margery Jourdemayne,'the Witch of Eye'. She and her fellow conspirators were found guilty. Eleanor had to do public penance in London, divorce her husband and was condemned to life imprisonment. She was imprisoned at Chester Castle, then in Kenilworth Castle, the Isle of Man, and finally Beaumaris Castle in Anglesey, where she died in 1452.

There are also descriptions of professors of the art of divination, jugglers and 'sleighty' curers of diseases, enchanters and charmers, 'augurers' and '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[49] 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 playing, sporting, banquetting, dancing, daliance, and divers other devillish lusts, and lewd disports, and to shew a thousand such monstrous mockeries.

These definitions are framed carefully, by an astute and experienced lawyer. The book is a grim reminder of how differently the Elizabethans saw the world.

William West was a practitioner, rather than a jurist or philosopher. He had studied the common law, and (following the Act of 1563) he was principally concerned to provide his colleagues with useful precedents - forms which they could use in court, when prosecuting malefactors. It may therefore be of some significance that he only includes three sample indictments relating to witchcraft, two against individuals 'for killing a man upon the statute of Year 5 of the Queen', and one for use against those who bewitched a horse 'whereby he wasted and became worse' (which would seem to have been a felony at common law anwyay, rather than under the Act).

The American historian Wallace Notestein (1878-1969) noted that these precedents were based on trials which had actually taken place in Yorkshire between 1591 and 1593. The titles of the cases in question indicate that all three witches were female - one being a spinster and two being widows; but they are hardly evidence that there was a 'craze' or outbreak of sorcery or witch-hunting in the West Riding of Yorkshire at the time; and this was confirmed by Wallace Notestein's extensive researches, which revealed only 50 executions for the whole country during the reign of Elizabeth I, mostly in other parts of the country.[50]

Things changed after 1603. James I thought he had been the victim of witchcraft himself, when King of Scotland. Specifically, he believed that they could fly; and that not all of them were poor old women. 'Some of them', he wrote, 'are rich and worldy-wise, some of them are fat or corpulent in their bodies'. His book

[49] A.k.a. 'imp' or demon.

[50] Notestein, chapter II. He refers to the cases noted by William West, and no others, for Yorkshire.

on the subject was written in order to refute what he regarded as the 'pernicious doctrines' of the Englishman Reginald Scot, that they did not exist, or at least that they did not constitute a threat to others.[51] James, on the other hand, was convinced that witches were a real and present danger, and must be prosecuted.

In the very first year of James's reign in England, a statute was enacted which was designed to tighten up the law. Its full title was *An Act against Conjuration, Witchcraft and dealing with evil and wicked spirits*; and it amended the law so as to criminalise anyone who 'invoked' evil spirits or 'communed' with 'familiars'. Two centuries later, Sir Walter Scott described and condemned the result, despite being a Scot himself:

> The English statute against witchcraft, passed in the very first year of James I is of a most special nature, describing witchcraft by all the various modes and ceremonies in which, according to King James's fancy, that crime could be perpetrated; each of which was declared felony, without benefit of clergy. This gave much wider scope to prosecution on the statute than had existed under the milder acts of Elizabeth. Men might now be punished for the practice of witchcraft, as itself a crime, without necessary reference to the ulterior objects of the perpetrator.[52]

Wallace Notestein thought that James I was responsible for the subsequent use of two kinds of highly questionably evidence, notwithstanding the historic disapproval of torture under English common law. The first was the evidence provided by the witch's 'marks' (indicating that she had 'familiars' or imps). The second was use of the 'swimming' (or floating) test, which involved throwing a witch into water to see if she would sink or swim. If she sank she was deemed innocent; but if she floated, this was evidence of guilt, since water was a pure substance, which would reject an impure body. (A kind of 'Catch-22', 350 years before the phrase was coined.)

This is a bleak chapter in English history, and there are few consolations to be had; but at least the Church of England seems to have taken a 'liberal' turn at this time, by banning the practice of exorcism at parish level:

> In the same year [1603] when the legislature rather adopted the passions and fears of the king than expressed their own by this fatal enactment, the Convocation of the Church evinced a very different spirit; for, seeing the ridicule brought on their sacred profession by presumptuous men, in the attempt to relieve demoniacs from a disease commonly occasioned by natural causes, if not the mere creature of imposture, they passed a canon, establishing that no minister or ministers should in future attempt to expel

[51] Notestein, chapter V.

[52] *Letters on Demonology.*

> any devil or devils, without the license of his bishop; thereby virtually putting a stop to a fertile source of knavery among the people, and disgraceful folly among the inferior churchmen.[53]

Still, there were undoubtedly instances of great injustice or at least of rough justice, in early 17th century England; and there is little doubt that the Jacobean legislation produced an increase in the number of prosecutions (though very few in Yorkshire). Perhaps the best known example in the North of England was the case of the Pendle Witches in 1612, made famous by Harrison Ainsworth's 19th century novel *The Lancashire Witches*. Even more famous is the murderous career of Matthew Hopkins in East Anglia between 1645 and 1647, which has been the subject of numerous books and at least one horror film, *Witchfinder General* (1968), starring Vincent Price.

There are several especially horrifying, and puzzling, features of Hopkins's reign of terror. One is that, despite the historic aversion to torture in England, the magistrates routinely allowed him to deprive suspects of sleep. Another is his use of the swimming test. He excused himself on the basis that sleep deprivation (accompanied by aggressive questioning) worked, because it did produce confessions,[54] and that he only used the swimming test in fine weather, when the water was relatively warm; but a Parliamentary enquiry eventually prohibited him from using both techniques. Meanwhile, however, several hundred people (almost all of them women) had been hanged.

The question is how any of this could happen in England, in view of what we have said about the protections afforded by the common law? The answer is that Hopkins operated in Suffolk, Essex, Norfolk, Cambridgeshire and Huntingdonshire, and to a lesser extent in Northamptonshire and Bedfordshire. These were the counties where Oliver Cromwell had formed the Eastern Association, during the First Civil War. They were centres of Puritanism, as well as loyalty to the Parliamentary cause, and provided the crack regiments which defeated Charles I and his Cavaliers. The Puritan soldiery were not naturally inclined to go soft on what they regarded as evil-doing, as was to be shown when they came to power in Massachusetts in the 1690s. Moreover, the civil war had produced bitter divisionsand led to a breakdown of the machinery of justice. Notestein went so far as to say that England as a whole was in a state of 'judicial anarchy' in the late 1640s; and there is certainly evidence that there was a collapse of central control in East Anglia. Specifically, the Assizes which at least provided a high level of judicial scrutiny of the evidence, ceased to function; and most trials were conducted by local Justices of the Peace, or else by special or local jurisdictions.[55]

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[53] Scott; Notestein, 58 (n.36).

[54] It is true that there were many confessions; but there were also many retractions, at the trial.

[55] In Chapter VIII of his book, Notestein makes the point that, when it came to the evidence for the existence of imps, he came across only one case where there were eye-witnesses (other than the accused) who swore that they had seen the imp or imps. All the others relied on confessions, by

The Waning of the Superstition

In *Intellectual Origins of the English Revolution* (1965, 1980, 1997) Christopher Hill argued that it was during the revolutionary decades between 1640 and 1660 that the English abandoned the old unscientific way of thinking about the world, including the belief in witchcraft. He cited numerous examples to show how members of the medical profession started to regard witches as people who were mentally ill, rather than evil or sinful; and how scientists also undermined traditional ideas about about alchemy, astrology, physics, chemistry and geography, and hence witchcraft itself. He quoted from John Aubrey (famous as the author of *Brief Lives*) - 'till the year 1649 twas held a strange presumption for a man to attempt an innovation in learning'; but 'civil wars do not only extinguish religion and laws, but superstition.'

Hill's view was far too rosy, since some of the worst examples of superstition occurred during the civil wars, and in Puritan areas; but it is true that, even at the height of the witch-craze, there were sceptics. The Parliamentary newspaper *The Moderate Intelligencer* asked:

> Whence is it that Devils should choose to be conversant with silly Women that know not their right hands from their left?

At the same time, the historian Arthur Wilson wrote:

> There is nothing so crosse to my temper as putting so many witches to death. I saw nothing [in the women condemned at Chelmsford] other than poore mellenchollie, ill-dieted atrabilious constitutions, whose fancies working by grosse fumes and vapors might make the imagination readie to take any impression.[56]

Eventually, the Scientific Revolution did its work; and, even before then, Oliver Cromwell proved more liberal, when he came to power in 1654, than one might have expected. In *God's Englishman*, Hill wrote this:

> The 2nd wife of Oliver's grandfather, Sir Henry Cromwell, was alleged to have been killed by witch-craft, and in 1593 a woman was hanged for the crime. Sir Henry endowed a sermon against witchcraft, to be preached at Huntingdon annually for all time. Oliver must have heard many such sermons. In 1646 a witch was executed at Huntingdon. Yet the occupation of Scotland by English troops under Cromwell's

witches who were usually old, often demented, and had been fed leading questions, after being deprived of sleep.

[56] This suggest that drugs might have caused the delusions suffered by witches, in some cases. What else did Wilson mean by 'grosse fumes and vapors'?

> command led to a virtual cessation of witch persecution there. In England the burning of witches was coming to an end, and educated men were ceasing to believe in their existence.[57]

There were several possible reasons for the waning of the witch-craze in England. One was that, by the time of Cromwell's Protectorate (1654-59), the ordinary courts were working again, and proper judicial control had been restored. Another was that there was a steady increase in the number of writers who, while reluctant to openly deny the existence of witchcraft, were nonetheless doubtful about the morality and efficacy of trying witches on the sort of evidence which had commonly been used in the 1640s.

So far as Yorkshire is concerned, James Raine, the founder of the Surtees Society and editor of *Depositions from the Castle of York, relating to Offences Committed in the Northern Counties in the 17th Century* could find no instance of a person being executed for witchcraft. Moreover, the Yorkshire poet Edward Fairfax of Fewston near Harrogate, who complained vociferously that two of his daughters had been bewitched in 1622, found few supporters for the idea that the alleged culprits should be prosecuted. He even wrote a treatise on the subject, pointing out that there were three kinds of doubting Thomases in Yorkshire, including some who did not believe in the existence of witches at all. But he admitted that these included 'men of worth, religious and honest'. Another Yorkshireman reported, as if it were a scandal, that:

> There are some who are of opinion that there are no Divells nor any witches. Men in this age are grown so wicked, that they are apt to believe that there are no greater Divells greater than themselves. [58]

There was a significant change of opinion at this time, even in Catholic France. According to Jules Michelet, there was an intrepid magistrate called Yvelin, who investigated the Louvier scandal and published a report into it in the 1640s. He declaring that, in duels between Science and the Church, the proper judge was not the Priest, but the man of science. It is also remarkable that in 1672 Louis XIV orderered that all persons recently condemned for witchcraft by the *Parlement* of Paris should have the sentence of death commuted to banishment,[59] while his minister Jean-Baptiste Colbert abolished the charge of *sorcellerie sabbatique* altogether, only a few years before Louis's revocation of the Edict of Nantes.

There was a sting in the tail in the form of an increase in the number of prosecutions for witchcraft after the Restoration of 1660, though this was also the period which saw the foundation of the Royal Society. However, there were very few convictions and executions. In Yorkshire, Joseph Hunter's *Life of Oliver Heywood*

[57] *God's Englishman* (1970)
[58] See Notestein, Chapter X.
[59] Huxley, 134.

shows that the belief in diabolical possession persisted longer amongst the Puritans than it did amongst mainstream 'Anglicans'. Heywood was one of those Ministers who was ejected from his living by the repressive legislation of the Cavalier Parliament; and he records having fasted and prayed with co-workers over several 'convulsive' and 'hysterical' boys and girls in the West Riding in the 1660s. He also gives details of a Mr Nathan Dodgson of Wakefield, who was

> strangely taken, especially at prayer; six or seven lusty men could scarcely hold him, but he was lifted up off the bed with incredible violence. He had abundance of fits that day; had all his senses taken from him, was as stiff as a stone; did sing in his fits. He often sees an apparition like a woman, and those that are with him hear a terrible noise, but see nothing.

Heywood recorded that Dodgson obtained some relief when his group prayed together. However he also noted that a woman in Wakefield who was already under suspicion, was accused of having bewitched Dodgson, and this 'caused her death', at the hands of three persons who were tried and executed for murder.

At the end of the 17th century, we see the first signs of what we now call the Enlightenment. In England this took the form of a change of attitude, not just on the part of intellectuals, but by influential members of the higher judiciary, who set a good example to their fellows and to the Justices of the Peace. Thus we find a case where evidence was given that the accused was accustomed to go flying, but Justice Powell turned to her and said

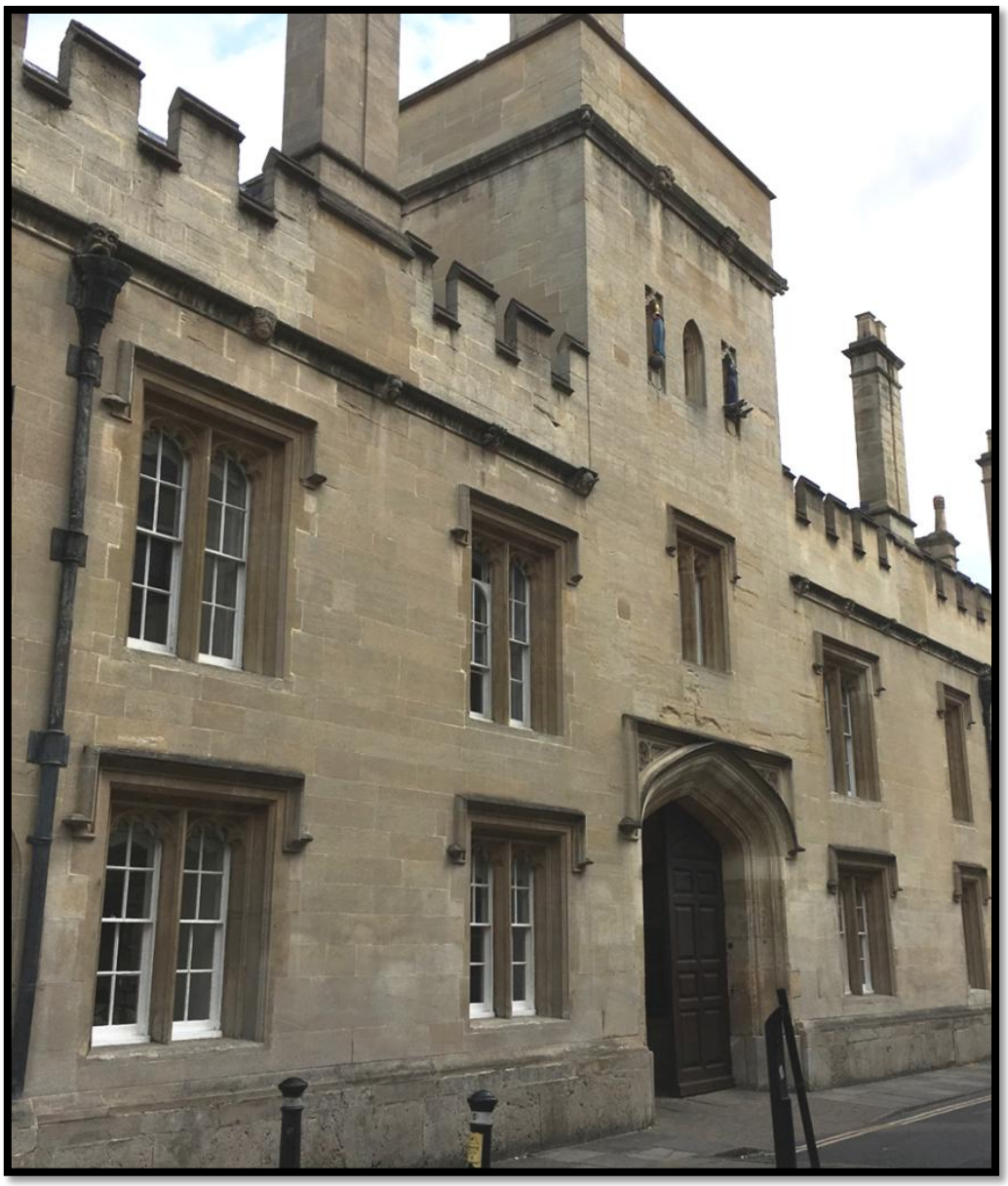
> 'You may, there is no law against flying'.

In another case Chief Justice Holt ruled that in future, where there was evidence that a witch had drowned as a result of the swimming test, those responsible for administering it should be prosecuted. Finally, there was a case in Leicester before Justice Parker, where all the old nonsense was paraded, including evidence that an old woman and her daughter had been thrown into the water and that they both 'swam like a cork', which would have been enough to condemn them in former times; but on this occasion the grand jury found there was no case to answer.

The offence of sorcery created by James I was finally abolished by the Witchcraft Act of 1735, which turned the legal tables around completely. This made it a crime for a person to claim that another had magical powers or was guilty of practising witchcraft! And, in any event, the new offence was only punishable with a term of one year's imprisonment.

6 Rotherham Parish Church

7 Rotherham Bridge Chapel



8 Lincoln College, Oxford

5 THE DRAGON OF WANTLEY

The dragon featured often in medieval prophesies and ballads. The Welsh were told of a red Welsh dragon which would eventually defeat its White English opponent. The English appropriated St George and his famous adversary in the reign of Edward III (1327-77), who created the Order of the Garter as part of a conscious plan to rally the nation in support of his war in France. The ballad of the Dragon of Wantley dates from the early 17th century, but is probably based on an older legend, or legends. The lyric is not very specific when it comes to the time and the place; but, once again, local patriotism has made up the deficit.

The Legend

The Dragon of Wantley concerns a dragon which lived near Wharncliffe Crags in South Yorkshire. It first appeared in print in 1685, and was later included in Thomas Percy's *Reliques of Ancient Poetry* of 1767. It enjoyed widespread popularity in the 18th and 19th centuries. It tells how a knight, More of More Hall (which lies in the Don Valley beneath the Crags), obtains a special suit of Sheffield armour and attacks the dragon by delivering an almighty kick up the "arse-gut," which kills the beast outright. The lyric contains an accurate description of the area around Wharncliffe Chase, though the story has been told in many places far from Sheffield. 'Wantley' is thought to derive from either Wortley or Wharncliffe.

For those who are unfamiliar with the area, I should explain that Wortley is a village in Yorkhire (about seven miles from Thorpe Hesley, where I live), as well as the name of a famous local family, who subsequently became Earls of Wharncliffe.[60] Wharncliffe Crags, Wharncliffe Woods and Wharncliffe Chase form a large area of woodland and heath perched high above the River Don, around five miles to the North of Sheffield, and they are virtually uninhabited, except for hikers and cyclists. The Woods in particular are popular with mountain bikers, though you could take a hybrid up there. You would be unwise to try it on a road bike.

I first came across the place 40 years ago when I moved to South Yorkshire and, not long afterwards, I came across the legend attached to it – at least I assumed

[60] The present Wortley Hall is an 18th century building, owned since the Second World War by a consortium of trade unions. Wortley Park is now entirely given over to agriculture.

that there was a connection between the legend and the place. After all, perhaps the most famous lines in the ballad are:

> And More of More Hall, with nothing at all,
> He slew the dragon of Wantley.

Now, there is more than one version of the ballad (and, for the sake of completeness, there is also an opera and a novel about the affair), but all versions refer to More, More Hall and Wantley/Wortley, while the description of the topography does at certain points remind one of the geographical features associated with the name Wharncliffe, especially the Crags. More's battle with the dragon is also remembered in local tradition;[61] and, for what it is worth, there is a wood on the western (or More Hall) side of the Don, called Wantley Dragon Wood. This has a notice board displaying a map, which shows a Dragon's Den and a Dragon's Well on Wharncliffe Chase, on the heights opposite. Some years ago, the Woodland Trust built a drystone wall in the shape of a dragon at the top of the Wood, with a carved wooden head.[62] Moreover, long ago, Horace Walpole, son of Prime Minister Robert Walpole, and a prolific writer, thought that Sir Richard Wortley (who died in 1603) was the prototype for the allegorical dragon:

> Old Wortley Montagu [d.1761] lives on the very spot where the dragon of Wantley did, only I believe the latter was much better lodged: you never saw such a wretched hovel: lean, unpainted, and half its nakedness barely shaded with hareteen,[63] stretched till it cracks. Here the miser hoards health and money, his only two objects; but the savageness of the scene would charm your Alpine taste: it is tumbled with fragments of mountain, that look ready for building the world. One scrambles over a huge terrace, on which mountain ashes and various trees spring out of the big rocks; and at the brow is the den, but not spacious enough for an inmate. However, I am persuaded it furnished Pope with this line, so exactly it answers to the picture:
>
> 'On rifted rocks, the dragon's late abode.'[64]

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[61] See for example *The History of Morehall* by Brenda Duffield, at www.stocksbridge.co.uk. The writer points out that in 1862 More Hall was sold to Lord Wharncliffe, so that 'the Dragon might have triumphed in the end'!

[62] I say 'for what it is worth' because the Trust only acquired the wood in 2000, and it was only then that the relevant part of the adjacent woodland was given its present name.

[63] Or harrateen, an English fabric of linen or wool, used in the 18th century for curtains and bed hangings.

[64] *Wortley & the Wortleys*, lecture delivered before the Sheffield Literary and Philosophical Society and the Rotherham Literary and Scientific Society, Rev. Alfred Gatty, D.D. (Thomas Rogers, Sheffield, 1877).

A very accurate portrait of the place, which we might struggle to equal now; but, in all view of all this evidence, is there any reason to doubt the connection between the ballad and the Wortleys of Wharncliffe?

Sheffield

The current *Wikipedia* article relies, partly, on an article posted on the internet by Steve Moxon (www.stevemoxon.co.uk/dragon-of-wantley.php), who traces the origin of the legend to 1573, and a lawsuit arising, not in Wortley or Wharncliffe Chase, but in Shefffield:

> A lawsuit was taken out in 1573 by one George More of Sheffield on behalf of the Sheffield Burgery (the 'free men' of Sheffield) against the Lord of the manor of Sheffield, George Talbot, the sixth Earl of Shrewsbury, in respect of his appropriation of the proceeds of Sheffield 'waste' land, which hitherto had paid for Sheffield's poor, civic works and the parish church.

In a single sentence, the writer jettisons the traditional origin of the ballad, which was related by the doyen of 'local history', David Hey, as recently as 2002, in his *Historic Hallamshire*. Moxon summarises this conventional view as follows:

> Historians have long maintained a consensus that the once hugely famous legend (in the form of a bawdy anonymous ballad, and later an opera) of the fight between a dragon of Wharncliffe Crags and 'More of More Hall' is entirely an early-modern fancy: of Sir Francis Wortley personified as a dragon, with someone cast as the knightly adversary, who, though, can't be a More of More Hall because the family had died out by Sir Francis' time, necessitating the awkward twist that it has to be a later owner of More Hall, George Blount, as being one of those who took legal actions against the Wortleys circa 1600. The Dragon of Wantley ballad, it is insisted, is nothing more than the flippant appropriation of the standard 'George & the Dragon' tale to allegorise the contest, with a literary treatment to satirise medieval romance.[65]

Before turning to Moxon's theory, it is worth remembering that the original ballad was quite specific as to location:

> In Yorkshire, near fair Rotherham,
> The place I know it well,
> Some two or three miles, or there-abouts,
> I vow I cannot tell;

[65] Moxon, op. cit., who pays tribute to David Hey, while stating emphatically that he was wrong.

But there is a hedge, just on the hill edge,
And Matthew's house hard by it;
O there and then was this dragon's den,
You could not chuse but spy it.

Now, it has to be admitted that it is about 8 miles from the centre of Rotherham to Wharncliffe Crags, whereas the latter are only about 7 miles from Sheffield; but these lines make it clear that the author was deliberately vague about the exact distance. However, we are told that the 'big fight' took place near Rotherham, not Sheffield. If the origin of the story was in a Sheffield law suit, it seems most unlikely that the ballad would not have made this clear. As it is the poet does refers to Sheffield, but only when he tells us that his hero went there when he was in need of a new suit of armour, of high quality:

But first he went, new armour to
Bespeak at Sheffield town,
With spikes all about, not within but without,
Of steel so sharp and strong,

The poet also refers to a 'hill-edge' and to 'Matthews's house' close by. This does sound like the solitary house perched on the Crags high above the Don Valley that one sees even now from the Manchester Road; and, if this identification is correct, one can see why the poet said 'you could not chuse but spy it'. The house in question is indeed a remarkable sight from the West, and in particular from More Hall Reservoir. It is now called Wharncliffe Lodge.

Why was this place called 'Matthew's House' in the ballad? The name is probably medieval, as is much of the language used in the poem, but Matthew's house is described in the Bible, in *Matthew* 9:10-12. The New Life Version tells us that:

> Jesus ate in Matthew's house. Many men who gathered taxes and many who were sinners came to Matthew's house and sat down with Jesus and His followers. The proud religious law-keepers saw this. They said to the followers of Jesus, "Why does your Teacher eat with men who gather taxes and with sinners?" Jesus heard them and said, "People who are well do not need a doctor."

So, Matthew's House was a kind of haven or refuge, which would be an appropriate name for Wharncliffe Lodge in former times (despite Horace Walpole's criticisms). This was certainly what Lady Mary Wortley Montague thought, when she visited the place in the early 18th century. She wrote that 'it was a sequestered rural spot, quite of a rude nature.' A ride in a horse-drawn coach, along the track

from the Woodhead Road and across the Chase, to the Lodge, must certainly have been a bruising business, even when the sun shone; but the Lodge would still have been a welcome sight.

But Mr Moxon will have none of this. For him, the identification of the dragon with a lord of Wortley (as opposed to a lord of Sheffield) is simply false, indeed it is no more than 'an 18th century conjecture by Godfrey Bosville, likely serving to aggrandize one of his ancestors and to denigrate this ancestor's antagonist, Sir Francis Wortley'. He criticises all previous historians (including Bosville, Bishop Percy, Joseph Hunter and David Hey) for missing the point, which only he has discovered – which is the existence of a lawsuit in 1573 between George More and the Earl of Shrewsbury. According to Moxon, this is the true origin of the legend, which he also thinks is a commentary on the social tensions generated by the Reformation and Counter-Reformation.

These theories are open to serious objection:

1 The ballad does not mention the Earl of Shrewsbury, or the subject matter of the Sheffield lawsuit, and cannot be tied to Sheffield in terms of topography. Admittedly it does mention a More of More Hall; but not a George More, which is the particular name Moxon focusses on .

2 Moxon establishes no connection between the facts of the 1573 litigation, involving George More and the Earl of Shrewsbury and those which appear in the ballad; and the 1573 litigation does not relate to Wantley or Wortley or Wharncliffe or More Hall. Yet Moxon asserts that it is 'self-evident' that the lawsuit of 1573 is the one 'indistinctly recalled by Bosville', in the 18th century. Why?

3 Moxon thinks that what lay behind the case in 1573 was the re-distribution of land which took place as a result of the dissolution of the monasteries and chantries some decades previously; but there is no mention of religion, or of the two great dissolutions, in the ballad. Admittedly, the English Reformation did lead to many disputes about the title to land; but again, there is not a hint of this in the ballad, though it accuses the dragon figure of many injustices. In addition, Moxon seems to think that the 1573 dispute was a rare event; but disputes like this were very common. Likewise, there is no reason to regard the 6th Earl of Shrewsbury, or his wife Bess of Hardwick, as unusually rapacious. The Elizabethan aristocracy was notorious for its extravagant spending, indebtedness, litigiousness and ruthlessness.[66]

4 Moxon claims that George More of Sheffield was probably related to the More of More Hall. Why? More or Moore is a common name, for obvious reasons, in the

[66] See Lawrence Stone's *Crisis of the Aristocracy* (1967), David Cannadine's *Aspects of Aristocracy* (1994) and Chris Bryant's *Critical History of the British Aristocracy* (2017).

North of England. Further, there is nothing in the idea that 'More' was commonly mis-spelt. There could be no mis-spelling in an age before orthography was standardised.

5 There are several passages in Moxon's article where he draws conclusions from Celtic or Gaelic place-names. One would have more confidence in these if he could spell English correctly. Thus he has 'villein of the peace', where he means 'villain of the piece', and 'principle' where he means 'principal.' Yet he castigates 'the stubborn failure of academics to consider Gaelic roots, through false outdated notions about prehistory.'

6 Moxon draws the wrong conclusion about the poet's use of 'Matthew's House' as the name for what is generally considered to be Wharncliffe Lodge. He says Matthew's House was the name of the house of Jesus's first disciple, which is true, but then says 'the Wortley Lord can hardly have been considered in the ballad both as 'Matthew' *and* the 'monster'. Why not? Why should we assume that Wharncliffe Lodge was occupied by the lord of Wortley at the relevant time? It might have been occupied by a tenant or employee. In any case, on my reading of the poem, the allegorical dragon might have had his den 'on the hill edge' (which I take to be Wharncliffe Crags), rather than in Matthew's House itself, though this was undoubtedly close by. Finally, Moxon reads the poem too literally at this point. Why should we assume that 'Matthew's House' was a holy place, when the reference might have been the equivalent of saying that the place was a haven, especially in winter time?

7 Moxon proposes that Sir Richard Fanshawe, a Cavalier who spent some years in internal exile at the now ruinous Tankersley Old Hall, may have been the author of the ballad; but there is no evidence to support this conjecture. We do know that Fanshawe translated Luis de Camoens's epic poem *The Lusiads*, from Portuguese into English in the mid-1650s. His wife tells us so.[67] Why didn't she mention *The Dragon of Wantley*, if Fanshawe wrote it?

Wharncliffe Chase

Let us turn from the critic to the criticised. David Hey's view of the origins of 'the Dragon of Wantley' was that the ballad probably had its origins in the 1590s, in litigation between local people and their landlord Sir Richard Wortley. The Wortleys were 'accepted in the Earl of Shrewsbury's circle', centred on Sheffield Manor Lodge; but there was 'no reason to link the Earl with these disputes'. The litigation concerned tithes and enclosures –common enough sources of conflict in Elizabethan

[67] *Chapeltown Researches*, M.H.Habershon, (London & Sheffield, 1893).

times. It is the second of these disputes which featured Sir Richard Wortley as the villain of the piece.

In 1594 Sir Richard Wortley lodged a complaint in the Court of Chancery, alleging that George Blount of More Hall and others had repeatedly broken into and vandalised both the Old Park at Wortley and the New Park on Wharncliffe Chase. The offenders were mostly yeomen or members of the minor gentry, some of whom were servants of the Earl of Shrewsbury. These Parks had only recently been enclosed: Sir Richard had enlarged the former and created the latter while extending Wharncliffe Chase in 1589, which almost certainly involved the eviction of some of his tenants. In real life, therefore, it was deer, rather than dragons, which 'ate up men'. (We should also note that Sir Richard's ancestor Sir Thomas Wortley had 'form', when it came to the enclosure of parts of Wharncliffe Chase).

For my money, Hey's is the better view. To start with (and to employ an admittedly *ad hominem* argument) David Hey knew more about the history of South Yorkshire than anyone else. He spent his life, and built a career, on it, acquiring several degrees, and was latterly Emeritus Professor of Local and Family History at the University of Sheffield. He read all the sources, and published learned articles about many subjects relevant to the argument, long before he published *Historic Hallamshire*. Moreover, he was a scholar and took a cautious approach to evidence. While he clearly thought that the the ballad originated in the events of 1593, rather than 1573, he did not assert this dogmatically. He suggested that it was the most likely explanation, which is often the most we can hope for.

But what matters more is the evidence; and here there are again several points we can make:

1 Hey's theory is soundly based on a study of the text of the ballad which appeared in Bishop Percy's *Reliques of Ancient English Poetry* of 1765; and in particular on the place names and topography used by the author of that text. Thus the action is shown to have taken place on Wharncliffe by the poet's use of the place names 'Wantley' (which appears as 'Wantcliffe' in an inscription cut in the rocks at Wharncliffe Crags in Henry VIII's time); and there are features of Wharncliffe Crags which find an echo in the poetry ('the stones he could not crack' could well be the gritstone boulders which lie in profusion up there). Hey even reproduced a black and white photograph of a hole in the rocks (not far from the Lodge) known as the Dragon's Den. Meanwhile, More Hall still lies where it always was, on the minor road leading to More Hall reservoir, West of the Don.

2 Though he cannot prove it, Hey explains a possible origin for 'Matthew's House', pointing out that in the 18th century Godfrey Bosville identified one Matthew Northall as the keeper of Wharncliffe Lodge. My earlier point that Matthew's House has a Biblical connotation is not inconsistent with this. The ballad after all is a work of fiction; and there could be a *double entendre* here, though Hey's explanation is the more obvious one.

3 Crucially, Hey shows that Sir Richard Wortley's activities in the Wharncliffe area in the late 1580s and '90s are the most likely explanation for the complaints made in the poem about the 'eating' of trees, houses and churches; and that he is the most likely villain to be cast as the Dragon, rather than the Earl of Shrewsbury (though it should not be assumed that the latter was a stranger to litigation or bullying). He does this by a close study of the archives as a whole, rather than as a result of a chance discovery of a single document.

4 Hey thinks that the ballad was probably written by a minstrel attached to the court of the Earl of Shrewsbury, shortly after the death of Richard Wortley in 1603. He thereby sets the ballad in context, in terms of authorship and audience, as well as geography.

5 Admittedly, the argument that the ballad can be traced to identifiable people in the 1590s would seem to breakdown when we come to More of More Hall, because (as Hey points out) the last owner or tenant there called More moved out of the area in 1547. Moreover, the tenant of More Hall in the 1590s, who (uniquely as far as we know) was involved in both the tithe and hunting disputes with Sir Richard Wortley, was called George Blount. However, Hey did not argue that the ballad was a precise allegory, but simply that the Wortley family's activities in the Wharncliffe area in the 1590s were its most likely source. The two disputes are presented in the form of a consciously antique ballad, with archaic language and touches of medieval romance, and featuring elements of the story about St George and the Dragon; and there is nothing unusual in giving a story a hero who lived in the past, rather than the present. More of More Hall may well have been such a hero.

6 At the end of the ballad, the Dragon is slain, with a kick up the backside, rather than a club or a sword. This explains why we are told in the first verse that More did what he did 'with nothing at all' – which is to say that no weapon was used. Can we draw a connection between this and the version of the facts on which the legend was based, as related by David Hey or Steve Moxon? In the first case the connection is slim, but in the second case it is non-existent. If the Dragon of Wantley represents Sir Richard Wortley, then we know that he died at the age of 42 in 1603, not long after the court proceedings involving George Blount;[68] but, if it represents the 6th Earl of Shrewsbury, he died in 1590, some 17 years after the court case involving George More of Sheffield.

In conclusion, the ballad was meant to be enjoyed, rather than picked apart, although that is what I have spent most of this chapter doing. It was immensely

[68] The coincidence did not escape Hey, who thought it accounted for the probable date on which the ballad was composed: *Historic Hallamashire*, p. 153.

popular in its day, giving rise to a comic opera in 1734 and a novel by the American novelist Owen Whistler in 1892; but, above all, it was entertaining, being included in all the great collections of ballads, in 1685, 1699, 1725 and 1765. It was also referred to frequently in 19th literature, and the reference to it in Sir Walter Scott's *Ivanhoe* in particular helped to create a minor tourist industry in South Yorkshire. It can be read for pleasure even today, without knowing who all the 'characters' were meant to represent.

APPENDIX: THE BALLAD[69]

Old stories tell how Hercules
A dragon slew at Lerna,
With seven heads, and fourteen eyes,
To see and well discern-a:
But he had a club, this dragon to drub,
Or he had ne'er done it, I warrant ye:
But More of More-Hall, with nothing at all,
He slew the dragon of Wantley.

This dragon he had two furious wings,
Each one upon each shoulder;
With a sting of his tayl, as long as a flayl,
Which made him bolder and bolder.
He had long claws, and in his jaws
Four and forty teeth of iron;
With a hide as tough as any buff,
Which did him round environ.

Have you not heard how the Trojan horse
Held seventy men in his belly?
This dragon was not quite so big,
But very near I'll tell ye.
Devoured he poor children three,
That could not with him grapple;
And at one sup he eat them up,
As one would eat an apple.

All sorts of cattle this dragon did eat;

[69] www.allpoetry.com/The-Dragon-of-Wantley, see also Percy, op.cit.

Some say he ate up trees,
And that the forests sure he would
Devour up by degrees;
For houses and churches were to him geese and turkies;
He ate all, and left none behind,
But some stones, dear Jack, that he could not crack,
Which on the hills you will find.

In Yorkshire, near fair Rotherham,
The place I know it well,
Some two or three miles, or there-abouts,
I vow I cannot tell;
But there is a hedge, just on the hill edge,
And Matthew's house hard by it;
O there and then was this dragon's den,
You could not chuse but spy it.

Some say, this dragon was a witch;
Some say he was a devil;
For from his nose a smoke arose,
And with it burning snivel;
Which he cast off, when he did cough,
In a well that he did stand by,
Which made it look just like a brook
Running with burning brandy.

Hard by a furious knight there dwelt,
Of whom all towns did ring,
For he could wrestle, play at quarter-staff, kick, cuff and huff,
Call son of a whore, do any king of thing,
By the tail and the main, with his hands twain,
He swung a horse till he was dead;
And that which is stranger, he for very anger
Eat him all up but his head.

These children, as I told, being eat,
Men, women, girls, and boys,
Sighing and sobbing, came to his lodging,
And made a hideous noise;
"O save us all, More of More-hall,
Thou peerless knight of these woods;
Do but slay this dragon, who won't leave us a rag on,
We'll give thee all our goods."

"Tut, tut," quoth he, "no goods I want:
But I want, I want, in sooth,
A fair maid of sixteen, that's brisk and keen,
With smiles about the mouth,
Hair black as sloe, skin white as snow,
With blushes her cheeks adorning,
To anoynt me o'er night, ere I go to fight,
And to dress me in the morning."

This being done, he did engage
To hew the dragon down;
But first he went, new armour to
Bespeak at Sheffield town,
With spikes all about, not within but without,
Of steel so sharp and strong,
Both behind and before, arms, legs, and all o'er,
Some five or six inches long.

Had you but seen him in this dress,
How fierce he look'd and how big,
You would have thought him for to be
Some Egyptian porcupig.
He frighted all, cats, dogs, and all,
Each cow, each horse, and each hog:
For fear they did flee, for they took him to be
Some strange outlandish hedgehog.

To see this fight, all people then
Got up on trees and houses;
On churches some, and chimneys too;
But these put on their trowses,
Not to spoil their hose. As soon as he rose,
To make him strong and mighty,
He drank by the tale six pots of ale,
And a quart of aqua-vitae.

It is not strength that always wins,
For wit doth strength excell;
Which made our cunning champion
Creep down into a well,
Where he did think, this dragon would drink,
And so he did in truth;

And as he stoop'd low, he rose up and cry'd, "Boh!"
And hit him in the mouth.

"Oh," quoth the dragon, "pox take thee, come out!
Thou disturb'st me in my drink:"
And then he turn'd, and s[hat?] at him;
Good lack how he did stink!
"Beshrew thy soul, thy body's foul,
Thy dung smells not like balsam;
Thou son of a whore, thou stink'st so sore,
Sure thy diet is unwholesome."

Our politick knight, on the other side,
Crept out upon the brink,
And gave the dragon such a douse,
He knew not what to think:
"By cock," quoth he, "say you so, do you see?"
And then at him he let fly
With hand and with foot, and so they went to't;
And the word it was, Hey boys, hey!

"Your words," quoth the dragon, "I don't understand:"
Then to it they fell at all,
Like two wild boars so fierce, if I may
Compare great things with small.
Two days and a night, with this dragon did fight
Our champion on the ground;
Tho' their strength it was great, their skill it was neat,
They never had one wound.

At length the hard earth began to quake,
The dragon gave him a knock,
Which made him to reel, and straitway he thought,
To lift him as high as a rock,
And thence let him fall. But More of More-hall,
Like a valiant son of Mars,
As he came like a lout, so he turn'd him about,
And hit him a kick on the a[rse?]

"Oh," quoth the dragon, with a deep sigh,
And turn'd six times together,
Sobbing and tearing, cursing and swearing
Out of his throat of leather;

"More of More-hall; O thou rascal!
Would I had seen thee never;
With the thing at thy foot, thou hast prick'd my a[rse-gut?],
And I'm quite undone for-ever.

"Murder, murder," the dragon cry'd,
"Alack, alack, for grief;
Had you but mist that place, you could
Have done me no mischief."
Then his head he shaked, trembled and quaked,
And down he laid and cry'd;
First on one knee, then on back tumbled he,
So groan'd, kickt, s[hat?], and dy'd.

9 Wortley Park

10 Wharncliffe Lodge from the Chase

11 Wharncliffe Lodge from the Don Valley

12 More Hall

13 The Dragon in Dragon Wantley Wood

6 STRAFFORD'S LOYAL SERVANT

Kentish Sir Byng stood for his King,
Bidding the crop-headed Parliament swing:
And, pressing a troop unable to stoop
And see the rogues flourish and honest folk droop,
Marched them along, fifty score strong,
Great-hearted gentlemen, singing this song.

Robert Browning (1812-1889)

The civil Wars of the 1640s produced bitter divisions within English society, so much so that one faction accused the other of being unprincipled dandies, while the other accused their opponents of being joyless Puritans, who all cut their hair short. The 'Cavaliers' and 'Roundheads' each made their opponents into caricatures. Later on, when the Parliamentary forces prevailed, they changed the definition of treason, so that it now meant 'conspiracy to subvert the State' rather than 'conspiracy to kill the King'.

John Marris (or Morris) was brought up in the household of Thomas Wentworth, 1st Earl of Strafford, who lived at Wentworth Woodhouse (then called Wentworth House) in South Yorkshire. He served King Charles I to the best of his ability, and beyond the call of duty. Condemned as a traitor, he was executed in 1649, the same year as his King; but, while Charles became a martyr for the Church of England and the Tory cause after 1660, Marris was largely forgotten. Yet he was one of the bravest men in England.

John Marris

Marris was born in Elmsall, but brought up in the household of Thomas Wentworth, probably as a page, and possibly at a time when his time when his grandfather Richard was Steward at Wentworth Woodhouse. When Thomas became Lord

Deputy of Ireland in 1632, Marris was only 16, but was nevertheless made ensign in his master's company of foot, and soon afterwards lieutenant of his guard. During the Irish rebellion of 1641 he was appointed sergeant-major in a regiment commanded by Sir Francis Willoughby, and major by a commission from the Earl of Ormonde. He helped to defend the town of Drogheda against an attack by Irish rebels.

Meanwhile, civil war had broken out in England. In South Yorkshire, the sympathies of the common people in Sheffield and Rotherham were mainly with Parliament, whilst a majority of the local aristocracy and gentry supported the King. Amongst those who joined the ranks of the Cavaliers was Sir Francis Wortley of Wortley, described by the Roundheads as 'the first incendiarie in this county that publikely engaged a party for the King against the Parliament';[70] but some members of the gentry were reluctant to take sides, and tried to keep out of the fight for as long as possible.

During the second half of 1642, the Parliamentarians fortified the area around Rotherham and Sheffield. Not to be outdone, the Royalist gentry strengthened their manor houses (part of Richard Elmhirst's fortifications at Hound Hill can still be seen). Sir Francis Wortley organised a garrison at Tankersley, consisting of 150 dragoons plus officers. Local constables received orders from the Royalists that they must pay for the maintenance of the garrison.[71]

In 1643 the Earl of Newcastle, who was the King's commander in the North, mounted a general offensive against the Parliamentary forces in Yorkshire. According to his wife's memoirs, Newcastle:

> sent a considerable party into the west of Yorkshire, where they met with about 2,000 of the enemy's forces, taken out of their several garrisons in those parts, to execute some design upon a moor called Tankersley Moor, and there fought them and routed them. Many were slain, and some taken prisoners.

The Royalists went on to capture the main towns. Rotherham was taken on 4 May, after an assault which lasted two days. Sheffield fell on 9 May 1643. A fortnight later, the Parliamentarian commander Lord Ferdinando Fairfax wrote to the Speaker of the House of Commons, bewailing the fact that 'the Earl of Newcastle's army do now range cruelly over all the south-west part of the country, pillaging and cruelly using the well-affected party.'

Marris returned from Ireland as a Sergeant-Major in a regiment of foot commanded by Colonel Byron. He landed in Chester and fought for the King at Nantwich and Middlewich, where the Royalists were defeated, though it was said that he 'fought half an hour after any of the rest'. Some months later he and his

[70] See chapter 5 above.

[71] Hunter's *South Yorkshire* vol II, 14, 317; *The History of Worsborough* by Joseph Wilkinson 1872, 12; YAS XVIII, 60; Surtees LXV, 281.

fellows marched into Lancashire and took part in the storming of Liverpool Castle. Eventually, however, the port surrendered to a parliamentary army, and Marris became a 'Roundhead' for a time, though he always denied that he was responsible for betraying Liverpool. It was at this uncertain time that he retired to Elmsall and started to plan how he could help the Royalists once more.[72] He also took a wife, Margery Dawson, daughter of Dr Robert Dawson, Bishop of Clonfert and Kilmackdough in Ireland.

One Royalist observed that, between 1645 and 1648, there was one law for the victors and another for the vanquished. On 14 March 1646 the County Committee complained that Yorkshire taxpayers were suffering from an intolerable tax burden; and there were also complaints about the outrages committed by the Scots in Tickhill. Of seven Tickhill cases which came before Colonel Frazier at Laughton on 21 April, three related to men charged with rape, and three of them were called Frazier; but all were acquitted. Accused of raping widow Crompton's daughter, John Frazier said:

> He denies he ever knew her carnally, but she being sitting in a chair and making some sport with her, both of them kissed one another, and he had some intention to have had carnal dealing with her, and was between her legs. He confesses the woman refused unless he made her promise of marriage, to which he answered, *that* he could not grant, but promised to give her contentment some other way.

Wentworth & Strafford

Dame Veronica Wedgwood wrote that 'between Thomas Wentworth and his steward [Richard Marris], there existed that friendship which is possible between master and servant when each has a respect for each other's character.' It appears that Thomas preferred to sit down with Marris, enjoying a pipe and discussing agricultural projects, rather than go to dinner with his neighbours. However, Wedgwood also noted that the steward was 'an inveterate and excessive drinker'. She seems to think that this was a vice which Wentworth disapproved of, since he lent at the time towards the Puritans.

Thomas had entered the House of Commons as M.P. for the County of Yorkshire in 1614, when the Crown and Parliament were already at loggerheads; but it was not until 1621 that he spoke in Parliament. When he did, he was ambivalent. On the one hand, he said that the security of the whole country depended on maintaining the strength of the Crown; but, on the other, he supported a bill promoted by John Pym 'for better keeping the Sabbath day.'

In January 1626 Wentworth asked for the Presidency of the Council of the North and was refused it. After the dissolution of Parliament, he fell out of favour,

[72] See also Fox, 98; ODNB; Ashton, 405.

and was dismissed from his remaining offices in Yorkshire. In 1627, he refused to contribute to a forced loan demanded by the Crown and was imprisoned. In 1628 he supported the Petition of Right, which attempted to curb royal powers and prerogatives; but, once Charles accepted the Petition, he switched sides and supported the Crown. For this, he was branded a turncoat by the parliamentary opposition. There followed several years during which Charles I came to admire his policy of 'Thorough', and to value his services.

Wentworth was President of the North between 1629 and 1633 and made many enemies in the region as a result. He lived in some style and built a new wing on to the Manor House at York. He reduced the legal fees payable by litigants in the appearing before the Council of the North, and defended it against various atempts to challenge its jurisdiction. He also fell out with Sir Thomas Gower, who took refuge in Holborn in London with a group of friends, known as 'the rebels of the North'. He obtained a commission from the King, making it clear that the powers of the Council of the North were equal to those of the Court of Star Chamber in Westminster. As a result, his enemies were to charge him later with abuse of power.[73]

There was a curious incident in 1631 which goes far to explain why Dame Veronica Wedgwood eventually changed her mind about Wentworth, and came to a less favourable view. In February he wrote to his steward Richard Marris, to instruct him to buy wheat in Yorkshire and ship it to London. As the Dame wrote:

> It would be consistent with his repeated asseverations about justice for the poor if it could be shown that his plan was intended merely to supply the crying needs of London. But Wentworth gave no such motive: he merely informs Marris that the price in London was very high, as the Irish shipments had not come, and that it would be excellent business to buy cheap in Yorkshire and sell dear in London.

This was not the right way for one of Charles I's Privy Councillors to behave; and, in the later edition of her book, Dame Veronica did not hesitate to condemn her erstwhile hero for his greed and hypocrisy.

In January 1632, Wentworth was made Lord Deputy of Ireland. His goal was to make Irishmen as like Englishmen as possible, in order that they might be equally loyal to the English Crown; but this was unlikely to work in a country which was deeply divided between Celtic natives, old Anglo-Norman settlers, and the Scots and English 'planted' in Ulster in the early 17th century. The first two groups were predominantly Catholic, the third were fiercely Protestant; but, in attempting to be impartial, Wentworth succeeded in alienating all three. Though he attempted to reform the Irish armed forces and administration, he faced a country which was united only in its hostility to the English government. Strong-arm tactics,

[73] Wedgwood, 106-122.

vehemence and a 'Thorough' approach (as Wentwrth himself called it) were no substitute for genuine loyalty on the part of the King's subjects; and at the same time, many suspected (not without some justification) that Wentworth was lining his own pockets.

In June 1636 Wentworth heard that his steward Richard Marris had drowned, while crossing a stream in Yorkshire in a drunken condition. This cannot have come as a complete surprise, because he had already warned Marris about his drinking; but, when he returned from Ireland, he found that his estates had been much neglected. He took up residence in Covent Garden in London, attended on the King, and on 21 June made a statement in Westminster, arguing that there had been a 'marvellous improvement' in the state of Ireland since he had become Deputy. He returned to Dublin with a full assurance of the king's favour. Indeed he was now seen by many as potentially 'the greatest man in England.' It was also at this time that he sat for Van Dyk.

In the middle of August 1636 Wentworth found time to visit his estates in Yorkshire, at Gawthorp and Wentworth. He found his orchard heavy with fruit and his park at Wentworth teeming with deer (as it does again today); but he was back in Ireland by the end of November 1636; and it was during the following three years that he started to buy land there on a large scale.

On 28 February 1637 Charles I consulted Wentworth as to whether he should intervene in a war between France and her allies on the one hand, and Austria, on the other. The minister advised against intervention, because the royal finances were not yet on a sound footing (despite a recent judicial decision that the tax known as Ship Money was legal). Like Margaret Thatcher, Wentworth had little time for those who did not think like him. He thought that John Hampden, whom history deems a champion of liberty, should be 'whipped home into his right wits' for his refusal to pay the Ship Money.

In 1640, when Charles attempted to subdue the Scots and a Scottish Army invaded England, the King asked Wentworth to return from Ireland, and he became Charles's chief minister for all three kingdoms. It was now that he was made 1st Earl of Strafford; and it was on Strafford's advice that Charles first summoned the 'Short Parliament' and then the fateful 'Long Parliament', to provide the money which would enable the King to make war on his own Scottish subjects. On 18 March 1640 Strafford returned to Ireland.

Strafford set out for London again on 6 November, writing that he was 'with more dangers beset, I believe, than ever any man went out of Yorkshire.' In the Commons Pym moved for a committee to prepare for a conference with the Lords 'and the charge against the Earl of Strafford.' It was decided that they would impeach the minister. 'I will go', replied Strafford, 'and look my accusers in the face'; but, when he arrived in Parliament, the Lords would not allow him to speak. His trial opened in Westminster Hall on 22 March 1641; and John Pym stated he case against him. Strafford was now allowed counsel. He denied all charges and

asserted that he had had only done his duty. There was no illegality, let alone treasonable conduct.

The vigour with which Strafford defended himself won him some popularity outside the House of Commons; but on 5 April a new charge was brought against him, of raising an army of Irish papists 'for the ruin and destruction of England and of his majesty's subjects, and altering and subverting the fundamental laws and established government of this kingdom'. Sir Henry Vane (the elder) was brought forward to say that Strafford had said that he would bring over an Irish army to reduce 'this kingdom'; but Strafford defened himself by insisting that he had meant to refer to Scotland here, not England.

It began to seem as if impeachment might fail. The leaders of the Commons and some peers in the Lords now argued that Strafford must be got rid of by Act of Attainder, which meant that Strafford should be executed for treason. The Earl of Bedford was against this, and sought to moderate the violent opinions of some of his fellow peers; but the Earl of Essex's answer was chilling: 'Stone Dead hath no Fellow'.[74]

The Commons now brought forward a bill of Attainder. Strafford defended himself in the House of Lords. He asked how a number of mere misdemeanours could amount to high treason. He pointed out that there was no precedent for executing a man for mere words - and all he had allegedly done was to threaten to bring over an Irish army. Parliament should hesitate to invent new capital offences in this way.[75]

On the 19 April the Commons declared Strafford a traitor and, two days later, it passed the bill of Attainder by a majority of 204 to 59. The King wrote to Strafford, promising him his life:

> I must lay by the thought of employing you hereafter in my affairs, yet I assure you now, in the midst of your troubles, that, upon the word of a King, you shall not suffer in life, honour, or fortune.

The next day a mob beset the House of Lords, crying for justice, and posted up the names of the 59 M.P.s who had voted against the bill of Attainder as traitors to their country. The bill became an Act, and it provided that Strafford be hung drawn and quartered, like a common traitor; but, in fact, he was granted the 'privilege' of death by beheading. He asked the King to let him die in private; but this was beyond Charles's power; and his head was struck off in public. He was buried in the vault in what is now the Old Church at Wentworth; but legends grew up that he had been buried elsewhere, to prevent his grave from being desecrated. Some even said that he was buried nearby, at Hooton Roberts, where his widow,

[74] Clarendon *Hist. Rebellion* (1702) I. III. 191.
[75] Wedgwood, 361.

who survived him by 47 years, was undoubtedly interred. In Wedgwood's view this story is baseless.

The Sieges of Pontefract Castle

There were three sieges of Pontefract. The first began on Christmas Day 1644 and involved an attack by Parliamentary forces led by Colonel Lambert. The attackers were unable to breach the castle defences, and the siege had to be lifted when Royalist forces under Sir Marmaduke Langdale won a victory nearby on 1 March 1645; but the Royalist success was short-lived. The second siege began on 28 March 1645 and went on for four months before the royalists finally surrendered. The Third Siege was part of what is known as the Second Civil War of 1648, when the Royalists organised armed uprisings in South Wales and Kent, as well as in the North of England. They received considerable support from the Scots at this time and - given that the Scots had been allies of Parliament during the First Civil War – it is worth asking why.

The Scots were disappointed when the English Parliament, victorious in 1645, failed to re-model the Church of England along Presbyterian lines; and they resented the influence of the Independents at Westminster and in the New Model Army. In February 1647 they went home and the dominant faction in Scotland made an 'Engagement' with Charles I, whereby he agreed to support the establishment of Presbyterianism in England, in return for a military alliance. On 8 July 1648, a Scottish 'Engager' army crossed the Border and seized Berwick and Carlisle, before marching south. The commander of the New Model Army was Lord Thomas Fairfax (1612-71); but it was Cromwell who marched north to deal with the Scots. At the Battle of Preston, fought between 17 and 19 August 1648, his 8,000 'Ironsides' decisively defeated a force of Scots and Royalists which was three times as large.

Thomas Paulden (1625-1702) came from Wakefield. His part in the capture of Pontefract Castle began when he heard of the Duke of Hamilton's plan to invade England in 1648, and joined a group of Royalists in Yorkshire. Encouraged by Lady Savile and joined by his brothers William and Timothy, he managed to enlist around 300 foot and 50 horsemen. We know this because, many years later in 1702, Thomas wrote an account of his part in the Royalist capture of Pontefract Castle and the third siege we have referred to.

Of John Marris's part in the affair, Clarendon wrote:

> [Marris] now, as a Country Gentleman, frequented the Fairs and Markets, and conversed with equal freedom with all his Neighbours, of what Party soever they had been, and renewed the Friendship he had formerly held with some of those Gentlemen who had served the King. But no Friendship was so dear

to him, as that of the Governor of Pontfret Castle'.[76] He declared to one of those Gentlemen, who were united together to make that Attempt That he would surprise that Castle, whenever they should think the Season ripe for it.

John Marris was evidently a gifted conspirator. He had ingratiated himself with the Governor of Pontefract Castle, although the latter was warned by his friends not to trust him. However, the Governor was replaced in November 1647 and Marris did not know his replacement, Colonel Cotterell.[77]

In May 1648, Marris's men decided to attack Pontefract by *escalade* (with ladders); but there are differing accounts of what happened. Paulden's Royalist account is as follows:

> We had secret Correspondence with some in the Castle; Amongst the rest, with a Corporal, who promised, on a certain Night, to be upon the Guard, and to set a Centinel [sic], that would assist us, in scaling the Walls by a Ladder, which we had provided, and brought with us. But the Corporal happened to be drunk at the hour appointed, and another Centinel was placed, where we intended to set our Ladder, who fired upon us, and gave the Alarm to the Garrison. They appearing upon the Walls, our Men retired in haste, leaving the Ladder in the Ditch; whereby the next Day they within knew, that it was no false Alarm, but that there had been a real Attempt to surprise the Castle.
>
> The Ladder being found the next Morning, made the Governor call the Soldiers out of the Town, to lodge in the Castle: in order to which he sent his Warrants into the Country, for beds to be brought in by a day appointed. We had notice of it, and made use of the Occasion. With the beds came Colonel Morice and Captain William Paulden,[78] like Country Gentlemen, with Swords by their sides, and about Nine Persons more, dressed like plain Countrymen, and Constables, to guard the Beds, but arm'd privately with Pocket-Pistols and Daggers. Upon their approach, the Drawbridge was let down, and the Gates opened by our Confederates within. Colonel Morice and those who were with him, entered into the Castle.
>
> The Main-Guard was just within the Gate, where our Company threw down the beds, and gave a Crown to some Soldiers, bidding them fetch Ale, to make the rest of the Guard drink; and as soon as they were gone out of the Gate, they threw up the Draw-bridge, and secured the rest of the Guards, forcing them into a Dungeon hard by, to which they went down by about Thirty stairs; and it was a place that would hold Two or Three hundred men.

[76] He adds that the two men 'always lay together in one bed'; but it is unsafe to build too much on that: 98-9; ODNB.

[77] Fox, 89 et seq. says that Overton was called to London; but the ODNB tells us that he became governor of Hull.

[78] The writer's brother.

> Then Capt. William Paulden made one of the Prisoners shew him the way to the Governor's Lodging, where he found him newly laid down upon his Bed, with his Clothes on, and his Sword, being a long Tuck, lying by him. The Captain told him the Castle was the King's, and he was his Prisoner; but he, without answering anything, started up, and made a thrust at the Captain, and defended himself very bravely, till being sore wounded, his Head and Arm cut in several places, he made another full and desperate Push at the Captain, and broke his Tuck against the Bed-post, and then asked Quarter, which my Brother granted.[79]

Marris had achieved a remarkable success. It was found that, along with the castle itself, he had acquired 'a great quantity of malt & salt, 4,000 stand of arms, a good store of ammunition, some cannon & 2 mortar pieces.' On 17 June he appointed a Council of War with himself as president. This agreed on eight Articles of War, and appointed officers to command foot and horse soldiers both inside the castle walls and in the town of Pontefract, where Marris decided to quarter some troops.

Marris's *coup* was so successful that it seems as if the Royalists captured most of the Parliamentary garrison. Fortunately they had somewhere to keep these men, which was in the dungeon, now called the Underground Magazine. The prisoners were chained there and had only limited access to daylight; and food must have been scarce. Nonetheless some 30 of them found the time, and were given permission, to inscribe their names on the walls.[80]

The capture of the castle gave heart to Royalists everywhere. Paulden provides us with the details:

> There came speedily to us, in small Parties, so many of our old Fellow-Soldiers, that our Garrison at last was increased to Five Hundred Men.

Marris and his men had found the castle well stocked; but it was still necessary to increase supplies. He sent to his wife for any money she had in their house, and purchased some goods with his own funds; but it was also decided to send out raiding parties:

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[79] Paulden, 8-11.

[80] Foster, 10-12. Foster suggests that the gaolers may have done the inscribing, as apparently happened at the Tower of London. The graffiti include the name John Grant - four times! The guide may tell you that Grant was a Scotsman, who refused to pay a ransom. Foster tells us that he was a Parliamentary gunner. The other important name is I. Toulson, which bears the date 1647 – though the castle was not captured by Marris until 1648. This might suggest that the Parliamentarians (who held the castle prior to Marris' coup) also held prisoners; but Foster thinks the date is simply a mistake.

> We found in the Castle a good quantity of Salt and Malt, with Four thousand Arms, and good store of Ammunition, some Cannon and two Mortar-Pieces. We expected a Siege very suddenly, and got what Provisions of Corn, and Cattle, we could, out of the Country.[81]

From the parliamentary point of view it was important to re-take Pontefract as soon as possible; but at first there was a distinct lack of co-ordination to this end. The *Modern Intelligencer* published a story that 'some hundreds of horse and dragoons' had been sent to 'try a bout or two with the career men of Pomfret'.[82] Eventually, the Commons decided to refer the problem to a joint committee of English and Scots known as the Derby House Committee. The result, according to Paulden, was that:

> In a very short time after, we were besieged by Sir Edward Rhodes and Sir Henry Cholmondly, and Five Thousand Men of regular Troops: But we kept a Gate open on the South-Side of the Castle, which was covered by a small Garrison we placed in an House called New Hall, belonging to the family of Pierrepoint, being about a Musquet-shot or two from the Castle.[83]

The Royalists were not about to give up. They planned a raid on Doncaster, with the aim of releasing the leading Royalist Sir Marmaduke Langdale; but, though daring, the expedition was unsuccessful. It had to be aborted when they entered Doncaster but killed Colonel Thomas Rainsborough by mistake. He was a leading Radical in the New Model Army, and his 'murder' by the Royalists caused an uproar.

Meanwhile, John Marris was engaged in a fascinating correspondence with his opposite number Cholmley about the exchange of prisoners. It is clear from this that Marris would not be talked down to. His firmness and directness were displayed again a little later, for on 27 November 1648 he wrote to Fairfax to complain and to threaten retaliation:

> Sir, I understand you have hanged a soldier which did belong to this Castle who did but go forth to secure his horse (which I know to be true). I desire to know what Article you hanged him for – some of yours here shall taste of the same flavour.

Oliver Cromwell arrived back at Pontefract on Friday 3 November 1648. On 9 November he sent a summons to Marris, asking him to surrender, or else the castle

[81] Fox, 106, 114, 103; ODNB, Marris; Paulden, 11.
[82] Fox, 111, 114, 106.
[83] Paulden, 13.

would be taken by storm. We can already guess what answer was given. Marris even refused to recognise Cromwell's authority:

> Sir, I am confident you do not expect that I should pass my answer before I be satisfied that the summoner has power to perform my conditions, which must be confirmed by Parliament. Besides, the dispute betwixt yourself and Sir Henry Cholmley, commander in chief by commission of the committee of the militia of Yorkshire, who, as I am informed, denies all subordination to your authority, when my understanding is cleared in this concerning scruple, I shall endeavour to be as modest in my reply, as I have read you in your summons.[84]

Marris did not tell his own men about Cromwell's summons: he must have thought little enough of his opponent; and Cromwell was in any case called away to deal with a political crisis in London; but John Lambert soon arrived to take charge for the Parliament. He soon reported that they were closing the ring on Marris's men. Paulden confirms the desperate state of the Royalist garrison:

> Close shut up, without hope of Relief, and our Provisions very nigh spent, which put us upon Capitulating; and they threw Papers over the Walls, offering Honourable Conditions, saving that Six Persons were to be excepted from any Benefit of the Articles, who were not to be named till after the Articles were Signed by the Governor.[85]

By Christmas 1648, John Marris was reduced to asking Fairfax for permission to allow Sir John Digby to leave the castle, on grounds of ill-health; but Fairfax refused. There was indeed a hardening of relations, so much so that Marris felt obliged to write again, at the end of January 1649, threatening retaliatory measures:

> I would gladly receive and have several times desired an answer of my letter which I sent in Major Crathorne's behalf for you sending in of syrups which I understand his lady would have done but that she was by yourself prohibited. Consequently your wounded men will fare the worse.

The common civilities had now ceased. On another occasion, Marris informed Fairfax that, because the Roundhead soldiers had beaten a Royalist drummer, he would be compelled to 'use the law', by which he meant the Biblical *lex talionis* – an eye for an eye. Meanwhile, the corpses of those who had been killed in the conflict

[84] Fox, 127.
[85] Paulden, 19-20.

were no longer returned in respectful fashion to their former comrades: they were dumped unceremoniously between the lines. [86]

The military situation at Pontefract now was summarised by a subaltern in the Roundhead army, Thomas Margetts. He thought that all would be well in Yorkshire, if only 'this unlucky hole' (that is, Pontefract) were reduced; but he feared that this might take a long time yet, and the delay might prove 'the undoing of this poor country'. In particular, he wrote:

> The poor people in these parts are afraid of Jocky[87] again, hearing rumour as if they were preparing for a second invasion; and I perceive that is the great hope of this besieged enemy.

In the middle of January, Margetts had reported that he had learned of the plan to put King Charles I on trial at Westminster. He thought that this was a good idea, one which was likely to hearten local Roundheads and discourage Royalists.

Trial and Execution

The Cavaliers in Pontefract refused to give up, even when they heard the astonishing news that the Roundheads had executed the King. When Charles II sent a message to say that, as far as he was concerned, they were under no duty to continue the fight,[88] they took no notice. Instead they minted silver coins with Charles II's name and likeness on them.[89] However, the besieged garrison must also have known in their hearts that their days were numbered – and we soon learn that negotiations had indeed begun. At the beginning of February John Marris wrote to Fairfax, asking for terms. He wrote again soon afterwards, saying that he had received a reply from Lambert and now proposed to send envoys to a pub called *The Bull* (or some other convenient 'house').

For his part Lambert proposed that the garrison should surrender and that a general indemnity be granted to the garrison, with six named exceptions; and these 'Colonel Morice'.[90] One might have thought that these were the best terms that could be obtained; but the Royalists did not agree:.

> They from within acknowledged [Lambert's] civility in that particular, and would be glad to embrace it, but they would never be guilty of so base a

[86] Fox, 132-5.

[87] The Scots.

[88] ODNB.

[89] These 'siege coins' were the first to be struck in Charles II's name. On one side they bore the words *Dum Spiro, Spero* ('Where there's life there's hope'); on the other *Post Mortem Patris pro Filio,* ('After the death of the father, [we are] for the son)'. After the Restoration, this became Pontefract's motto. See the town's loyal address to Charles II: Fox, 155-6.

[90] Paulden, 20-3.

> thing, as to deliver up any of their companions; and therefore they desired they might have six days allowed them, that those six might do the best they could to deliver themselves; in which it should be lawful for the rest to assist.

Amazingly, Lambert agreed, which seems to indicate that the age of chivalry was not quite over, even amongst stern Puritans. Paulden tells us what happened next to 'the Pontefract six':

> The Governor [Marris] and Blackborne charged thro' and escaped; but were taken in Lancashire about ten days after, (seeking for a Ship to pass beyond Sea). Smyth was killed in the attempt. Austwick, Ashby, and Floyd were forced back into the Castle, where they hid themselves in a private Sally-Port (which we had covered, designing to take the Castle again by it, when there should happen a fair Opportunity). Thence they made their Escape the next Night after the Castle was surrendered, and all lived until after the King's Return.[91]

To Lambert's disgust the Parliament disregarded his proposed generosity to the Royalist escapees. He had apparently said that, if any of the six escaped more than five miles from the castle, no attempt would be made to recapture them; but the Council of State decided instead that the fugitives should be tried as common criminals.

There was a delay of some months between Marris's capture in Lancashire and his trial in York. This began on 16 August, when he was indicted under the Treason Act of 1351 'for levying war against the late King Charles.' The report in the State Trials makes it clear that Marris contested this strongly. He attacked the jurisdiction of the court in much the same way as Charles I had done three months earlier; and argued that, if he was to be tried at all, it should be by way of court-martial. For these reasons, he was unwilling to plead; but the court pressed him on this point:

> Court. Sir, what do you say, are you guilty or not guilty? This is the second time you have been asked: sir, if you will not answer the third time, we shall know what to do. Are you guilty or not guilty?
> Col. Marris. My lords, I still conceive I ought not to be tryed here ; if I have done anything worthy of death, I appeal to a martial court, to my Lord Fairfax, major-general, or a general council of war : You have not any precedent for it, either for you to try me in this way, or me to suffer by it.
> Court. Are you guilty or not guilty? This is the third time.
> Col. Marris. My lords, if your honours will force me to plead, I conceive I am not guilty.
> Court. How will you be tryed?

[91] Paulden, 23-4.

Col. Marris. My lords, I was never at any bar before; I am ignorant herein.
Court. Tell him what to say.
Upon that some near him told him, 'By God and the country'.
Col. Marris. By God and the country.

Master Brooke, a great Parliamentarian, stepped up to be sworn as foreman of the jury; but Marris objected.

Col. Marris. My lords, I except against [challenge] this Brooke.
Court. Sir, he is sworn, and you speak too late.
Col. Marris. My lords, I beseech your honours that I may except against him; I know him, as well as I know my right hand, to be my enemy.
Clerk of Assize. Sir, he is recorded sworn; there is no disputing against the record.
Col. Marris. My lords, I must submit to your honours.

After that, Marris challenged sixteen men, which one judge thought him 'tedious', saying 'Sir, keep within your compass, or I will give you such a blow as will strike off your head'. Marris replied 'My lords, I desire nothing but justice, for by the statute of 14 Hen. VII. fol. 19 I may lawfully challenge thirty-five men, without showing any cause to the contrary'.

After a full jury was empanelled, the indictment was read, and evidence for the state was produced, that Colonel Marris was governor of Pontefract; but Marris was not about to give up now:

Col. Marris. My lords, I humbly desire a copy of my indictment, that I may know what to answer; I conceive I may plead special as well as general.
Court. Sir, you cannot by the law.
Col. Marris. My lords, I conceive there is a point of law in it, and I humbly desire to have counsel; for I conceive by the law, being attainted for high treason, I ought to have counsel by the statute 1 Hen. VII. fol. 2.3.
Court. Sir, I tell you, you cannot have it.
Col. Marris. Then, my lords, I conceive I am not any way guilty to the indictment for treason. My lords, it is said to be against the king, his crown, and against his peace, whereby, my lords, I can make it appear I have acted only for the king, and nothing against him, which may appear hereby by my commission.

Marris was again adopting the tactics employed by Charles I at his trial; but he needed to be more ingenious than Charles had been. If Charles was the hedgehog – who knew one big thing - Marris had to be the fox – who knew many small things. He therefore pointed out, not only that the court's credentials were dubious but that his own were impeccable, since everything he had done was done by direct

authority from the King, in the form of his commission as Colonel. There was the slight complication that the King in question was now dead; but Marris claimed that, in that case, his authority must necessarily derive from the Prince of Wales (later Charles II). The court was having none of it:

> Court. Sir, you are deceived, this is false, it is from the Prince.
> Col. Marris. My lords, it is very well known my Lord Fairfax hath his commission derived from the Parliament, and upon that he grants commissions to his officers, which is all one and the same. The Prince hath his from his father, and I have mine from the Prince, which is full power, he being captain-general of his majesty's forces.
> Court. Sir, have you nothing else to say?
> Col. Marris. My lords, under correction, I conceive it is sufficient; for, by the same power, all judges, justices of peace, your lordships, your predecessors, and all other officers did act by the same power, and all process and writs of law were acted and executed in his name and by his authority.

Marris had touched here upon the central contradiction in the Parliament's case. Under English law, all authority derived from the King and the law of treason had been framed so as to protect him, his family and his government. Yet here was a court trying him for *assisting* the King. The republican way of dealing with this argument was to say that the King had two 'bodies'. He was a corporation, or institution, as well as a natural person, and must as trustee for the nation; but, as we shall, Marris had prepared to meet this argument too:

> Court. His power was not in him but the kingdom, for he was in trust for the kingdom; the king's highway and the king's coin being so called, is not his own but his subjects, and his natural power and legal power are different.
> Col. Marris. My lords, under correction, I conceive his legal and personal power are indivisible, all one, and cannot be separated.
> Court. Sir, all is one if the king bid me kill a man, is this a sufficient warrant for me to plead? No, sir, it is unlawful: Sir, have you no more?
> Col. Marris. My lords, I conceive I have acted nothing against the Parliament, for that which I acted it was for the king; and since the abolishing of regal power I have not meddled with anything against the parliament, for that act was but enacted the 14 July last, and before that time an act of abolishing kingly-government, that princely place which I kept by his commission was demolished; my lords, I beseech your honours, that my commission may be read, to give satisfaction to the court.

Marris was putting a further argument here. If it was said that, although he had not acted against the King personally, he had acted against 'the King in Parliament', which Parliament would that be? The Long Parliament, which had sat

since 1640, had been much reduced in numbers by the effects of the First Civil War, and then 'purged' by Colonel Pride. Moreover, Parliament was a medieval institution, which had always consisted of two houses, Lords and Commons; but, by an Act of 16 March 1649, the House of Lords had been abolished. So, if the prosecution said that Marris's treason consisted of acting against the interests of the people as represented in Parliament, this was not the same institution as had existed at the time of the acts complained of. However, the judges had little time for these arguments either.

Having seen his appeals to law and reason fail, Marris now let raw emotion speak:

> But, my lords, I do not speak for saving my own life, for (I thank my God) I am prepared, and very willing to part with this lump of clay. I have had a large time of repentance, it being twenty-two weeks since my imprisonment. Though you take away my life, there will be others which will take up the lintstock to give fire, though I be gone.

Whatever one thinks of the various arguments, we have to admire Marris's ingenuity, when he had no access to legal advice (though we cannot rule out the possibility that there was a royalist 'grapevine' which circulated details of the best defences to use). In addition, we must admire his tenacity.

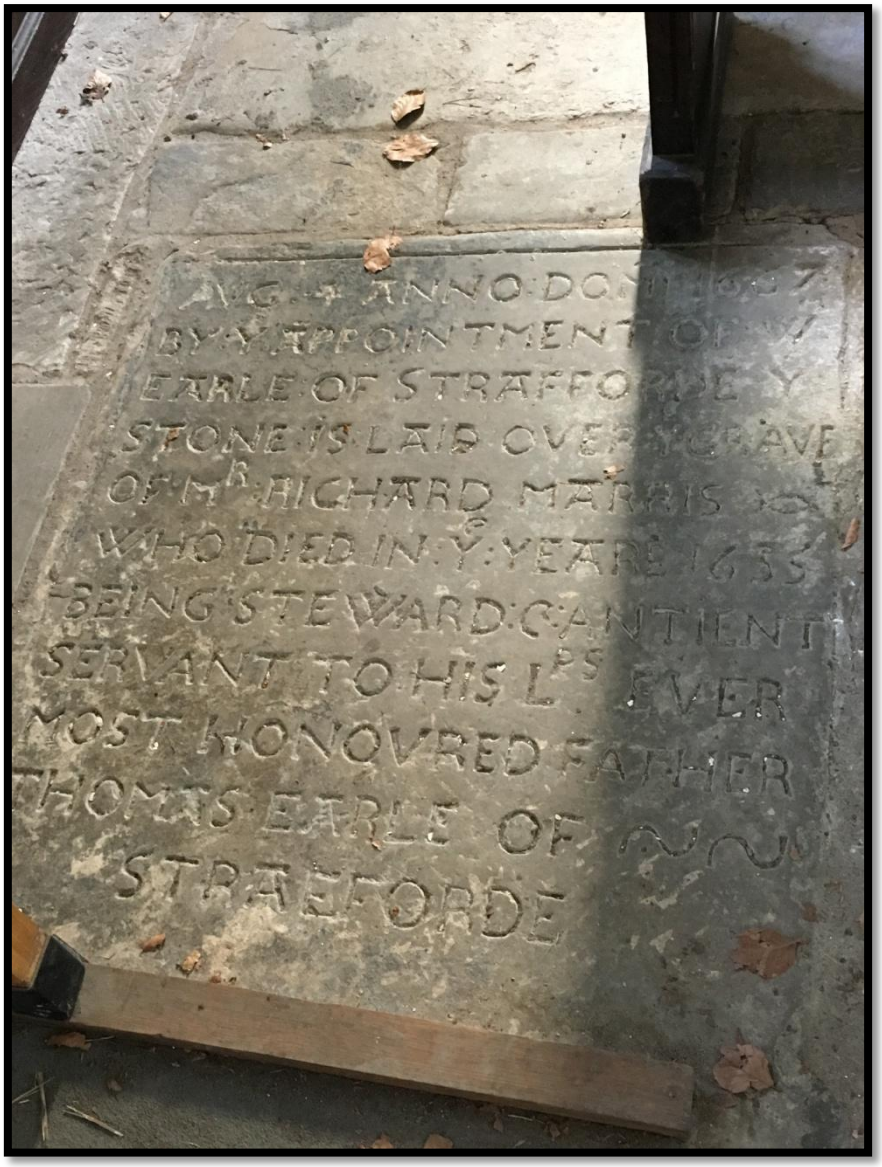
Even now, he did not throw in the towel. He and Blackborne managed to escape from York Castle; but Blackborne broke a leg in doing so, and Marris refused to abandon him. The ghastly but popular spectacle of public execution was then played out. At the place of execution, Marris made his last profession of faith:

> Gentlemen, First, I was bred up in the true protestant religion: having my education and breeding from that honoured house my dear lord and master Strafford… and now I am resolved, by God's assistance, to die in it.

*T*he outcome was predictable. Like Strafford and like King Charles, Marris was beheaded. His body - or what was left of it - was buried at Wentworth 'near unto the grave of his worthy lord and master the late famous Earle of Strafford.'[92] He was 34 years of age.

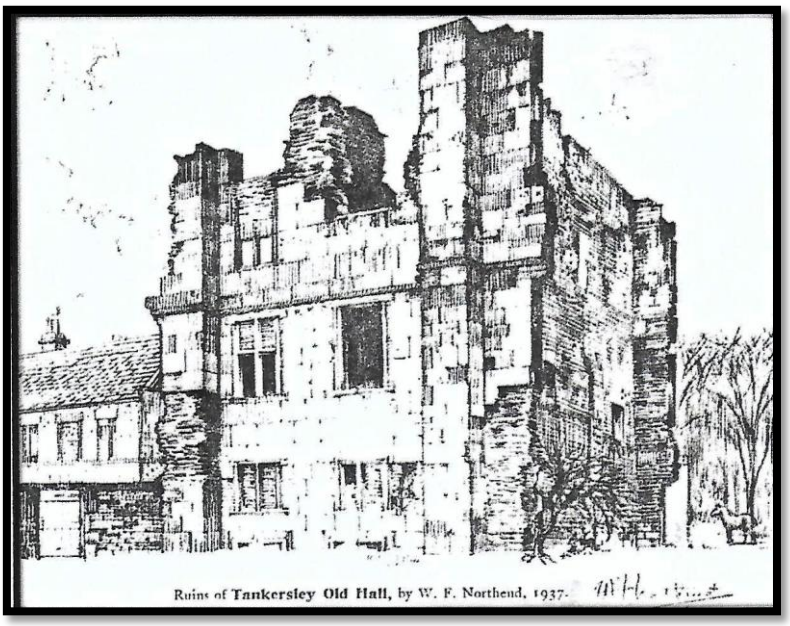
[92] Surtees XXXVII, 115; Surtees XL, 13-15; Hunter's *South Yorkshire* vol. II, 98.

14 Wentworth Old Church



15 Marris Gravestone

16 Strafford family memorial



17 Tankersley Old Hall, 1937 & 201

7 ROCKINGHAM & AMERICA

Up Sluggards, up!
Up! Climb the oak-crowned summit! Hoober Stand
And Keppel's Pillar gaze on Wentworth's halls
And misty lakes, that brighten and expand
And distant hills, that wath the western strand.

From *The Ranter*
by Ebenezer Elliott (181-1849)

The 2nd Marquis of Rotherham, who was Prime Minister twice, and in one sense a hero of the American Revolution, is not widely regarded as such, either here or in the U.S.A. He was condemned at the time as a poor speaker, and a hopeless manager of Parliament - indeed, even of his own Cabinet; but his private secretary Edmund Burke M.P. took a very different view, claiming that he was the true founder of the modern Whig Party; and shortly after his death, Rockingham's nephew Earl Fitzwilliam erected the great Monument to him at the bottom of Wentworth Park, which includes both a lifesize statue and a fulsome encomium. Although this scarcely mentions Rockingham's two terms as Prime Minister, or the American connection, there are two lines which refer to his part in making peace with the American colonists:

NO FIELDS OF BLOOD, BY LAURELS ILL REPAID
NO PLUNDER'D PROVINCES DISTURB HIS SHADE.

The Marquis can even be regarded as the champion of a lost cause. What would have happened, if he had continued to hold office during the late 1760s or early 1770s? Would he have been able to avoid war with the Americans altogether – as he certainly wanted to do? Could the Thirteen Colonies have been kept within the British Empire, in some way or form? These are among the most interesting of counterfactual questions.

In Government

The pecking order of the British aristocracy is Duke, Marquis, Earl, Viscount, and Baron; and Wentworth Woodhouse has been the home of no less than two Earls of Strafford, two Marquisses of Rockingham and seven Earls Fitzwilliam. The last of these died in 1979; but if you stand in front of the East Front of Wentworth Woodhouse and admire the splendid architecture, you are looking at the home of the 2nd Marquis of Rockingham (1730-1782), pretty much as it was in 1760, the year when George III became King of Great Britain, Ireland, and an Empire which included thirteen American colonies, as well as Canada.

Arthur Young (1741-1820), the well known writer on agriculture and economics, described Wentworth House (as it was always known) as 'one of the most exquisite spots in the world', and 'in every respect one of the finest places in the kingdom'. He complimented the Marquis both for the part he had played in building the place, and for his taste:

> Nature has certainly done much at Wentworth, but art has heightened, decorated and improved all her touches; in such attempts no slight genius is requisite.

You may know that Wentworth Woodhouse (as we now call it) was (and is) the biggest house in England, at least in terms of width. You might not know that it was also an economic and political powerhouse in the 18th century, and that "the Rockingham Whigs and the Whig intellectuals who gathered there – such as Edmund Burke, Charles James Fox and the Duke of Portland – did much to forge modern Britain and champion political values still relevant today."[93] This was largely thanks to Charles Watson-Wentworth, 2nd Marquis of Rockingham, who was born in Wentworth in 1730, lived here for most of his life, and controlled the representation of Yorkshire in the House of Commons, though he sat in the House of Lords.

Rockingham was brought up in Yorkshire, though he was educated at Westminster School and Cambridge University, and visited Italy during his Grand Tour of Europe when he was in his late teens. While there, he famously met the Principessa Francavilla; but, more interestingly, he pursued an interest in the classics – Ancient Greek & Latin, Greek and Roman history and mythology, and Palladian architecture and sculpture. He also started to collect statues, books, medals and miniatures. Knowledge of the two 'dead' languages was considered 'an absolute necessity for a gentleman', while an understanding of classical principles of building and design is (even today) essential to an understanding of Wentworth Woodhouse and its Park.

While on the Grand Tour, Rockingham visited Florence, Siena, Rome[94], Lucca Naples, Turin, Milan, Bologna, Venice and Mount Vesuvius (showing an interest in

[93] Cruickshank.

[94] Where he witnessed the annual Curse Against the Heretic.

geology and vulcanology). He also met King George II of Great Britain in Hanover, the Austrian Empress Maria Theresa in Vienna, and King Frederick II of Prussia in Prussia. If travel broadens the mind, we can say that Rockingham's mind was certainly expanded at a young and impressionable age. Ironically, when Rockingham returned to England, his father advised him to avoid 'vicious pleasures [which] ever destroy the Bodily Constitution and choke the Intellectual Spirit'. The advice came too late, since he had already contracted V.D. whilst in Venice, and been treated for it in Padua.[95]

In 1750 Rockingham inherited his father's estates in Yorkshire, Northamptonshire and Ireland, together with houses at Wentworth, Malton, Higham Ferrers, Newmarket, Grosvenor Square in London, and Ireland. There was a party in Wentworth Park to celebrate the occasion, when 10,000 guests attended and around 3,000 were admitted to the House. (At that time there were 54 full-time staff employed there, though this had increased to 88 by 1767).[96]

In typically British fashion, Rockingham liked clubs. In 1751–52 he joined White's, the Jockey Club and the Royal Society, while in 1753 the Whig Club in York was re-named after him;[97] but he was no idle aristocrat. In 1752, he opened a coal mine at Elsecar.[98] In the late 18th and early 19th centuries his successors became famous for their involvement in agriculture and industry, canals, turnpike roads and railways.

Rockingham had an income of around £40,000, which made him enormously rich; and he and his fellow aristocrats controlled the House of Commons, through their ownership of 'rotten boroughs' and their connections with the local gentry. The country had been ruled by the Whigs ever since George I of Hanover came to the throne in 1715, despite the two brief and unsuccessful Jacobite risings of 1715 and 1745; but it should not be thought that 'the Whig party' was anything like a modern political party. In the 18th century, the political parties were not tightly organised, or whipped, and the choice of Prime Minister was still very much in the hands of the monarchy. In any case, Rockingham was no more than the leader of an important Whig faction, and his governments were more like coalitions than anything else. The figures for the House of Commons in 1767 are revealing:

Rockingham Whigs	67 MPs
'King's Friends'	73
Bute's followers	43
Chatham's followers	72

[95] This may account for the fact that his marriage was childless, and for his early death at the age of 52 Bloy, 32 & Appendix 2.

[96] The Wentworth estate covered 14,206 acres, and Wentworth Park 1,784, while the Irish estates comprised 54,000: Bloy, 5. For the party (and what was consumed, see Bloy, 36. This included 110 dishes of beef, 55 of mutton, 70 of veal, 40 of chicken and 104 of pork). For staff see Bloy, 38.

[97] Bloy, 39.

[98] For the mine see Bloy, 102.

Tories 73

In the General Elections of 1768 and 1774, Rockingham's party increased its representation in the Commons to 89 and then around 100 MPs (including supporters); but in 1780, this fell to 60, no doubt as a result of the polarisation caused by the American War of Independence.[99]

The East Front of Wentworth Woodhouse was the work of the 1st Marquis rather than the second; and is a classic piece of Palladian architecture; but it is also a political statement:

> If a house dominated the land, exuded power, voters would be impressed and – more to the point – if huge and vote-winning entertainments were to be given, the house had to be big to accommodate guests and to provide sleeping quarters for those who had travelled far – and of course for their servants.[100]

Meanwhile, what of America? Edmund Burke M.P. (later made famous by his authorship of *Reflections on the Revolution in France*) was the 2nd Marquis's Private Secretary between 1765 and 1782. As such he made two speeches, the *Speech on American Taxation* of 1774, and the *Speech on Moving Resolutions for Conciliation with the Colonies* of 1775, which have become famous, not only for their eloquence but because his advice went unheeded; but his explanation of the problem is remarkable. In the second speech, Burke referred to the remarkable growth of the American colonies since 1700, in terms of population, trade and wealth; and concluded that the British Government was making a big mistake in failing to take the Americans seriously now, because the Colonies were no longer places which simply provided amusement, 'with stories of savage men, and uncouth manners'.[101] He pointed out that "the fierce spirit of liberty is stronger in the English Colonies probably than in any other people of the earth." He gave six reasons, including (1) English descent; (2) longstanding government by popular assemblies; (3) the strong Dissenting tradition in the northern colonies; (4) the slave-owning mentality in the South (which made the whites value their liberty all the more!); (5) education; and (6) the remoteness of the Colonies from Westminster and London.

The Dispute with George III

By 1759 the young Marquis of Rockingham occupied the leading position in South Yorkshire, possibly in the whole of the county, though he was only 30 years of age. He had a seat in the House of Lords, and George II's ear. Moreover, 1759 was the 'year of victories' in India and in Canada, which established 'the first British

[99] Bloy, Chapter 6.

[100] Cruickshank.

[101] Rockingham kept deer from America in the menagerie at Wentworth, while he also had a moose in the garden of his London house in Grosvenor Square: Bloy, 83.

Empire', thanks to the political and military abilities of Pitt the Elder, General Wolfe and Clive of India.

But then George II died, and was succeeded by George III, who had his own ideas about government. Dan Cruickshank gave us the traditional Whig view of the matter recently:

> The 2nd Marquis perceived in George III a wayward and autocratic propensity that threatened, if fanned by the power-eager Tories, a slide back towards a form of arbitrary monarchy largely ungoverned by parliamentary democracy.

So, what did Rockingham do? In 1762, he resigned from his post as Lord of the Bedchamber. This might not seem all that significant; but in those days the King had far more power than the Queen does now; and he reacted very badly to Rockingham's resignation, removing him from his offices of Lord Lieutenant of the West Riding of Yorkshire, Lord Lieutenant of the City and County of York, and Vice-Admiral of the North.[102] Cruickshank's conclusion was:

> And so the fight was joined between two visions of Britain – one reactionary, conservative and autocratic, the other progressive, liberal and determined in its desire to forge a more egalitarian nation fit for the increasingly technological and scientific modern world.

This was not the view taken by the majority of the House of Commons at the time, which was that the King was entitled to change the established way of doing business, if he wanted to, and form his own administration from amgonst his own 'Friends'. George III has on the whole had a 'bad press' in Britain for taking this line; but there are historians who take the view that there was a good deal of 'fake news' surrounding the whole affair.

George III has also enjoyed a bad press in America, and has often been described there as a tyrant; but again there was very little difference at the time, between his personal view of the colonial problem, and that taken by the majority of MPs. They considered that it was the first duty of the colonists to obey His Majesty's government, and that when they refused, they ought to be treated as rebels, rather than free-born Englishmen.

Perhaps it was inevitable that the two sides would fall out, sooner or later; but there were two flashpoints in the conflict between the British and the Americans which need to be mentioned. The first concerned a royal Proclamation of 1763, which placed a limit on the westward expansion by the colonists. This was

[102] Rockingham became Lord Lieutenant again between 1765 and 1782. Bloy gives an excellent account of his involvement in the suppression of the food riots of 1756 and 1766, in recruiting and the Militia Act of 1757, in the prosecution of offenders guilty of coining and clipping in Halifax, and in the defence of Hull against attack by John Paul Jones (see Chapter 4 of her thesis).

acceptable to the 'settled' majority of American, but highly unpopular with a vocal minority. The second concerned taxation. While the British government thought it appropriate that the colonists should pay a fair share of the cost of their defence (against native Americans and the French), the Americans invoked a constitutional convention that there should be "no taxation without representation"; and the fact is that they were not represented in the British House of Commons (putting the artificial doctrine of 'virtual representation' to one side); nor was it ever going to be practical to allow this, given the distances involved, and the state of communications in the 18th century.

Rockingham's stance, in relation to both domestic and colonial politics, was a conservative one. He did not want any fundamental change in the relationship between King and Parliament (which had suited the Whigs for many years), nor in the relationship between Britain and her American Colonies. However, his sovereign wanted to break with convention both at home and in America, and most peers and MPs supported his attempts to do so. The consequence was that Rockingham spent most of his political life out of power.

We may wonder, looking around Wentworth Woodhouse, its Park and the surrounding estate, whether he missed the cares of office. His predecessor there, the 1st Earl of Strafford, had once written to a friend of his joy in being at Wentworth, rather than in London or Westminster:

> Our objects and thoughts are limited to looking upon a tulip, hearing a bird sing, a rivulet murmuring, or some such petty, yet innocent pastime. By my troth, I wish you, divested of the importunity of business, here for half a dozen hours: you should taste how free and fresh we breathe, and how *procul metu fruimur modestis opibus*,[103] wanting sometimes to persons of greater eminency in the administration of the commonwealth.

The First Administration

Dan Cruickshank regards Rockingham as a principled idealist; but most British historians would say that by 1760 the term 'Whig' had become a badge of convenience. When Sir Lewis Namier studied the structure of politics in that year, he famously concluded that:

[103] 'Free from anxiety, we are able to enjoy our modest labours'. Extract from a letter written by Sir Thomas Wentworth, 1st Earl of Strafford (1593-1641), to Sir George Calvert.

> Men went into politics to make a figure; and no more dreamt of a seat in Parliament in order to benefit humanity than a child dreams of a birthday cake in order that others may eat it.

Personally, however, I find it difficult to condemn Rockingham for being motivated by pecuniary considerations, since he was one of the richest men in Britain, and really didn't need the financial rewards of being in power. Moreover, he didn't even need to stand for election to the House of Commons after 1751, since he had a seat in the House of Lords.

Rockingham was Prime Minister for about a year between 1765 and 1766, and is most famous for presiding over the repeal of the Stamp Act. This levied a stamp duty on every document in the British colonies in North America, including newspapers (which were the most effective at producing propaganda opposing the tax!); and it immediately poisoned relations between Britain and America. Benjamin Franklin opposed it on the ground that Americans already contributed heavily to the defence of the Empire. He said that the colonial assemblies had raised, outfitted and paid 25,000 soldiers to fight France in the recent war - as many as Britain had sent - and spent many millions from American treasuries to the same end. More widely, the Stamp Act enabled activists to raise the cry for the first time of 'no taxation without representation', and this proved a powerful rallyiny cry. The Sons of Liberty were formed; and they used public demonstrations, boycotts, violence, and threats of violence to ensure that British tax laws were unenforceable. Moreover, the Colonies started to band together. Nine sent delegates to the Stamp Act Congress in New York City in October 1765.

Rockingham predicted that the attempt to tax the Americans, rather than letting them raise their own revenue (as they had long been allowed to do) was a mistake; and he became something of a hero to the colonists when he presided over the repeal of the hated Act; but he was only able to do this on condition that his government enacted the Declaratory Act of March 1766. This enshrined in statute the principle that Parliament retained full power to make laws for the colonies "in all cases whatsoever". Anything less would have been unacceptable to the majority in the House of Commons, as well as to King George.

Rockingham had many interests, other than politics. In particular, Horace Walpole (the builder of Strawberry Hill) wrote 'this lord loves only horses.' The Marquis also liked to gamble; but at least his wife wrote of her hopes that he might restrict himself to gambling "just upon *the turf*". It was her view that "there is always a possibility of some sort of pleasure in that; but not the smallest in other sorts".

In 1762 Rockingham commissioned Stubbs to produce a series of portraits of his horses, one of which was *Whistlejacket*; and the artist spent some months at Wentworth House, engrossed in painting. *Whistlejacket* was named after a contemporary cold remedy containing gin and treacle. He raced from 1752 and won many races in the North of England, including a four-mile race at York in August

1759. He retired to stud, at the age of ten, and is mentioned in Act IV of Oliver Goldsmith's play *She Stoops to Conquer* (1773) when an elopement is planned: "I have got you a pair of horses that will fly like *Whistlejacket*".

There must have been many entertainments at Wentworth Woodhouse in the 2nd Marquis's time; but we have the following account from his father's time, which shows how lavish the expenditure could be:

> [January 1732] I gave a large entertainment to all my tenants in the neighbourhood & their wives & some neighbouring gentlemen also came … the number of guests was about one thousand. Two hundred and twenty five dishes were served including: of beef 43, of Pork 30, Venison pasties 24, Turkeys 15, Geese 21, Apple and Mince pies 16, Boar's Heads 4.[104]

Rockingham also took comfort in society and the company of his friends, and was a member of several clubs. This was a time when London was said to have around 3,000 clubs, including the Lazy Club (where members were supposed to arrive in their nightshirts), the Club of Ugly Faces, the Tall Club, the Surly Club and the Farters' Club. There was even a club named after Rockingham, and the Marquis hired James Stuart to paint portraits of William III and George II for the club rooms. It held monthly meetings and a list written in June 1754 showed that it had 133 members.

What does one do in clubs? Talk, mostly – and not just about politics. This is the age of Dr Johnson; but it is also the age of the phlegmatic Englishman. There is a story about a man who had eaten at the same tavern for twenty-five years. Over those years he and his neighbour in the next cubicle had never spoken. Eventually the man plucked up the courage to call out:

> 'Sir, for twenty-five years we have been neighbours at dinner, and yet we have never spoken. May I enquire your name, Sir?'
>
> To which his neighbor replied:
> 'Sir, you are impertinent.'[105]

The Marquis was a member of White's Club. In 1764 his sister Lady Harriet embarrassed the whole family by eloping with a footman, named Sturgeon. Rockingham was so shocked he considered retiring from politics. Meanwhile, a fellow member at White's made him blush by suggesting over a fish dinner that Rockingham should help himself to some sturgeon.[106]

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[104] Dan Cruickshank.

[105] Peter Ackroyd, *A History of England*, vol IV, *Revolution*.

[106] Rockingham paid his sister an allowance every quarter out of his Irish estates: Bloy, 46.

We may even wonder how Rockingham found the time for politics; but his interest in it was more than a passing fad. In particular, he kept in touch with American affairs even after losing office in 1766; and received information about what was going on across the Atlantic from three American friends: Joseph Harrison, a customs collector at Boston; James Delancey, who led the majority in the New York Assembly; and Governor Wentworth of New Hampshire. On 24 May 1771 Benjamin Franklin arrived at Wentworth in Yokshire from the Rectory of Thornhill, the home of Rockingham's kinsman and fellow Whig, Sir George Savile. This was a very significant connection, since Franklin was one of the Founding Fathers of the American Republic.

In Opposition

After the repeal of the Stamp Act and Rockingham's fall from power in 1766, the British Government changed its approach. It still wanted to raise revenue in America; but it now tried to do that by means of customs duties, as provided for by the Townshend Revenue Act; but the Americans proved as hostile to these as they had been to stamp duty; and so any goodwill generated by Rockingham's repeal of the latter was soon dissipated. For their part, the Rockingham Whigs were in an invidious position. However much they might sympathise with the Americans' objectives, they did not want to be seen in England as approving rebellion. Meanwhile, the Americans turned from passive to active resistance. The Boston Tea Party took place in 1773.

Rockingham's 'line' was put by his secretary Edmund Burke, in his *Present State of the Nation* (1768). He argued that the right to legislate for the American Colonies, as asserted in the Declaratory Act, should be used with prudence, and confrontation should be avoided. When the Americans started to boycott British goods and officials, and then engage in armed resistance, he could not approve; but, at the same time, he predicted that the British would find it impossible to subdue the rebellion, and that the attempt to do so would ruin British trade. This view was not popular at home – it was seen as 'talking the country down'.

As it turned out, the Rockingham Whigs were out of power for fifteen years. Rockingham reckoned there were about 170 MPs who were sympathetic to his point of view; but he could never quite engineer a return to government; and, indeed, his followers became known as the *enfants perdus* – the lost children – of politics. They fought the General Elections of 1768, 1774 and 1780; but had no real 'programme', at least not in the modern sense. Unlike a modern political party, they had no central database or list of members, and no party discipline, inside or outside of Parliament. In particular, there was no system of whipping, when votes were taken. Moreover, they were ideogically suspect. The concept of 'His Majesty's Loyal Opposition' had yet to be developed, and they were repeatedly accused of being a mere 'faction'.

Even those closest to the Marquis thought it was wrong in principle to form a 'General Opposition', dedicated to imposing its will on the King on every issue.

The long absence from power caused many of the Whigs to become pessimistic about their chances of ever changing the King's mind; and some of them even considered giving up politics altogether. At one point Burke thought of accepting an offer to put the affairs of the East India Company in order. He also became agent for the colonial assembly of New York, between 1770 and 1775.

How far did the long years in opposition affect Rockingham? In the late 1760s he wrote from Wentworth:

> Since I came home I found so much real private business and so much amusement in riding about inspecting, farming, and other occupations that I own I took up such an indolence of mind that I dreaded to write on political matter. Indeed for the last ten days I have had company constantly with me. I am to set out for York Races tomorrow.

But the distinction between political and social activity was not always clearly drawn. Rockingham started a practice of holding open house at Wentworth during the race weeks at York in August and Doncaster in September, and this was continued by his successor after his death.

The American War of Independence

Rockingham's chief leisure interest was racing – indeed one sometimes suspects that this was his main interest in life, rather than politics. We have already heard about the career of his favourite horse, *Whistlejacket*; and it is remarkable that the Stable Block at Wentworth House (built by John Carr of York) dates from 1768 and was therefore built for the 2nd Marquis, whereas the West Front and the East Front had both beensubstantially completed by his father. (The Block was built for 84 horses, and is sometimes mistaken for the mansion house!) It is also ironic that 1776, famous throughout the world as the year of the American Declaration of Independence, was also the year the St Leger was first run, in Doncaster. (Five ran and the winner was an unnamed filly owned by Rockingham, whom he later named *Allabaculia*).

Returning to the American problem, the Prime Minister Lord North proposed a number of legislative measures to punish the Bostonians, following the Boston Tea Party. These were known as the Coercive Acts in Great Britain, but as the 'Intolerable Acts' in the colonies. By shutting down the Boston government and cutting off trade, Lord North hoped to damage both economy and morale of the rebels. Instead, this new policy set Massachusetts and other colonies alight, and eventually produced open warfare. There were clashes between British regular

troops and colonial militiamen at Lexington and Concord in April 1775. As a result, the rebel leaders were declared traitors by the Crown and a year of fighting ensued.

Rockingham's first words on hearing of the violence at Boston were:

> The conduct of the Americans cannot be justified; but the folly and impolicy of the provocation deserves the fullest arraignment; and notwithstanding all that has passed, I can never give consent to proceeding with actual force against the colonies.

The reputation of the Rockingham Whigs suffered greatly at home, when the cold war turned hot. Many British MPs blamed the Marquis and his friends for the crisis, taking the view that Rockingham and his party had been guilty of appeasement, when they presided over the repeal of the Stamp Act; and that this had served only to encourage the Americans to further aggression.

In his *Speech on Conciliation* in 1775 Burke revealed the depth of hostility to the Americans in certain quarters in Britain, when he referred to two solutions to the problem which were talked about in Westminster at that time.

The first solution was for the British to abolish slavery in the southern colonies. Burke's view was:

> This has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it.

The second was to prevent the Americans from spreading out of the Thirteen Colonies and into the West. In Burke's view this would be counter-productive:

> Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian Mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars; and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them.

We may think this an exaggerated fear; but it was written at a time when the historian Edward Gibbon's suggested that Western Europe might yet be overwhelmed by a fresh invasion of barbarians from the Steppes. Western civilization did not yet feel totally secure, or superior.

In 1776 Tom Paine published *Common Sense*, in which he argued for the removal of of Lord North and his 'detestable *junto*', while recognising that the Americans had no real complaint to make about the administration of the Marquis of Rockingham. Most significantly, though, he rejected any idea of conciliation and called for independence for the Colonists. The Americans duly issued their momentous Declaration of Independence on 4 July 1776.

The Declaration referred to a long list of abuses and 'usurpations', designed to bring the Colonies back under despotic rule. The 'Indictment of the royal government' included the complaint that George III had:

> Excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

The conclusion was that 'A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.'

The Americans complained about the behaviour of the British Parliament, as well as of the King:

> Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. They too have been deaf to the voice of justice and of consanguinity.

For his part, Rockingham never supported the more radical American pretensions, whether they took the form of a demand for independence, or for new schemes of government. In his view, the Whigs must take their stand, instead, on the preservation of 'a friendly union between the Colonies and the Mother Country.' It is questionable whether this could ever have been achieved, after war had broken out.

From Rockingham's point of view, the war was a disaster; and it went from bad to worse. Early in 1778, France (which was Britain's chief rival) signed a treaty of alliance with the new United States; and, when Spain and the Dutch Republic joined the alliance, Britain was left without a friend. Though the Rockingham Whigs were largely ineffective, opposition to the war gradually increased, and in June 1780 law and order briefly gave way to anarchy in London during the Gordon Riots. In 1781, news of Lord Cornwallis's surrender to George Washington's forces at the Siege of Yorktown reached the British capital. The King drafted a notice of abdication and, though this was never delivered, he finally (if very reluctantly) accepted defeat, and authorised peace negotiations.

The only victory scored by the Rockingham Whigs at this time was in the law courts. In 1778, Rockingham's friend Admiral Keppel was tried for desertion, after

the Battle of Ushant. Rockingham suspected that the prosecution was politically motivated. The trial was held in Portsmouth and Rockingham took a house there, where Keppel lived, which became a temporary H.Q. for the Whigs. The Admiral's acquittal was the occasion for a national celebration; and Rockingham began to erect a large column, in the Admiral's honour, on the southern horizon of Wentworth Park, which was intended to have a gigantic figure of Keppel on top. The statue was never built; but the column remains, and could be visited and climbed as recently as the 1950s, when the price was one (old) penny. It is unsafe now, and remains closed.

Before leaving the War of Independence, we should mention a famous incident which took place in 1779, when the American Admiral John Paul Jones came raiding along the East Coast of England. When he encountered two British ships off Flamborough Head, he is said to have replied "I have not yet begun to fight!" On the day of this Battle, Rockingham was in Hull, speaking against Lord North's American policy; but at the same time, he offered to pay for the defence of the town, by erecting a battery of guns, which had been cast by Samuel Walker of Rotherham. In the event, the town refused his offer of help, probably because they did not want to pay for the gun-crews once the danger had passed. Rockingham repeated his offer of assistance after he became Prime Minister for the second time in 1782.[107] The incident shows that, when the chips were down, he was a patriot before he was a politician.

The Second Administration

In the face of military defeat, Lord North's government disintegrated; and, when the House of Commons voted, by 234 to 215, that there should be no more offensives in America, he resigned. This enabled Lord Shelburne to negotiate a transfer of power to a new ministry, and Rockingham was invited to see the King; but the circumstances in which he became Prime Minister are not entirely clear. The Whig version of events is that the Marquis's policy was not to accept office unless the King agreed to make peace; but it is unlikely that George III agreed. Whatever the truth of the matter, it was Shelburne who was really held the balance of power in the new Ministry, and Rockingham died after only fourteen weeks in office. It was only then that negotiations with the Americans were begun. By the Treaty of Paris, Britain recognised the independence of the American Colonies and returned Florida to Spain. She also conceded American control of a vast hinterland, stretching West from the Appalachians to the Mississippi.

Rockingham's modern American biographer, Ross J.S.Hoffman delivered a very unfavourable verdict on him in 1973:

> [The] Rockingham administration was flawed from the start by the long-enduring jealousies of Rockinghamites and Chathamites, weakened by lack of

[107] Bloy, 222, 226.

> royal confidence, facing the same Parliament which had so reluctantly withdrawn its support from North, and facing too the prospect of having to do many disagreeable and unpopular things in the liquidation of an unsuccessful war.

Not everyone agreed at the time, or would now. Horace Walpole, who had always deprecated Rockingham in the 1760s and '70s, nevertheless wrote that in 1782 the Marquis had "triumphed without the shadow of compromise of any sort" and deserved "all praise and all support;" and, in Yorkshire, the *Leeds Intelligencer* for 9 July 1782 reported:

> The death of this amiable Nobleman, who was not more distinguished by his illustrious rank, than by the benevolence of his heart and integrity of his life and manners, would at any period have been considered a National Misfortune. How much more then must his loss to his country be felt and deplored at the prefent awful crisis.

Rockingham's nephew Earl Fitzwilliam shared this view. He commissioned an enormous mausoleum in his uncle's memory, to be built in Wentworth Park. This contains a central statue of the Marquis and busts of eight of his friends and associates. Several decades later, on 23 December 1824, this same Earl Fitzwilliam wrote to Lord Grey deploring current authoritarian measures in Ireland:

> I am old enough to have lived through the American business from its first commencement to the ultimate result, and remembering how this unfortunate country was led on from one little step to another, I know our only chance of salvation must be stopping at the very first. Having lost thirteen provinces to compliment the overbearing prejudices of a king, shall we throw away half our empire to compliment the rash folly of an heir presumptive - are we never to grow wise, does experience work nothing in our favour?

On the whole, historians have judged Rockingham severely; but it is wrong to judge him by modern standards. He was an 18th century Whig, not a 19th century Liberal, and he lived at a time when the monarch was still expected to rule as well as to reign, albeit with the support and advice of Parliament. For example, it is said that he was a poor speaker and an ineffective Prime Minister, on the two occasions when he held that office. 'The central difficulty of Whig politics [it was once said] was to get Rockingham to speak, or to stop his private secretary Edmund Burke, from speaking'; but did he need to be the equal of Pitt and Fox in terms of oratory, when he had Burke to write and deliver the speeches? After all, modern politicians nearly all use speech writers; and politics is the art of the possible. Rockingham's enduring problem was that he did not have the full confidence of George III, at a time when this was essential. In 1867 the author of the *The English Constitution*,

Walter Bagehot characterised the UK as a republic in all but name; but this was very far from being the case in the late 18th century; and Rockingham could do little without George III's support. We should also bear in mind that he suffered from a mysterious and debilitating illness for most of his life in politics.

From the British point of view, Rockingham is accused of being half-hearted about parliamentary reform; and it is true that he disliked John Wilkes (famous for his attachment to 'Liberty'), just as he opposed the Yorkshire reformer Christopher Wyvill; but this was because he was a Whig of the 'old school', in favour of reducing the power of the Crown, rather than increasing the representation of new cities and classes in Parliament. Clearly, too, he was neither a Radical, nor a democrat, and did not pretend to be; but 'democracy' was still a dirty word in Britain as late as 1884. His reason for opposing George III for so many years was not that he wanted to introduce 'progressive' reforms; but rather that he saw the King as departing from the old norms.

From the American point of view, it is said that Rockingham's support for the colonial cause was only half-hearted; but this criticism also ignores the realities of contemporary British politics. At all times prior to 1782, George III and the majority of the House of Commons took the view that the Americans should do as they were told; and that they could not expect to elect MPs to Westminster. As for Rockingham, he was never in favour of independence, until such time as it became inevitable, because of military defeat, but this was not an unusual position at the time. He simply took the view that it was best to leave the Americans alone in practice, and not upset the established methods of government. If this is regarded as being 'half-hearted', then he is guilty as charged; but there is a very strong plea in mitigation.

Yet Rockingham's political career was not entirely in vain. Perhaps the last word on his place in British political history should go to his successor's biographer, E.A.Smith:

> It was once suggested that British political organisation in the mid-eighteenth century should be studied without reference to the terms 'Whig' and 'Tory'. Yet it cannot be overlooked that by the end of the American War of Independence there was again an identifiable political group that claimed for itself the sole right to the title of 'Whig' and the function of representing the true national interest, and which based its claim not only on organised connection but on shared political experience, a set of avowed political principles and a political programme for the immediate future. This was the group led by the second Marquis of Rockingham.

In relation to America, Dr Marjorie Bloy summarized the position very well in 1986:

Rockingham's policy and his opposition to government measures and its conduct of the war made him unpopular in England, except amongst his staunchest followers; but he does appear to have been vindicated by events. He was the man who had the foresight and imagination to envisage events as they subsequently developed. He has never received the recognition of his efforts.[108]

[108] We should mention Ireland, where Rockingham was not only the benevolent landlord of a vast estate, but where he was able to enact several measures designed to relieve the desperate situation of Irish Catholics, in particular in 1782: see Bloy, Chapter 7.

18 Wentworth Woodhouse

19 Hoober Stand

20 The Rockingham Mausoleum

21 The 2nd Marquis of Rockignham, by Knollekens

8 THE CLIFFE HOUSE BURGLARY

In this sweet place, where freedom reigns,
Secured by bolts, and snug in chains;
Where innocence and guilt together
Roost like two turtles of a feather;
Where debtors safe at anchor lie
From saucy duns and bailiffs sly'
Where highwaymen and robbers stout
Would, rather than break in, break out.

Written in York Castle 14 June 1796
by James Montgomery (1771-1854)

In 1959 Dame Alexandra Hasluck published a study of transportation, under the title *Unwilling Emigrants*. The book focussed on Western Australia, and a very sad story concerning William Sykes, who was a poacher, transported for a crime committed in 1865. It is not widely known that Sykes was born in the village of Wentworth, in 1827, and subsequently lived at Greasbrough and in Midland Road, Masbrough, which are now suburbs of Rotherham. It is even less well known that two local men were transported to New South Wales in 1819 for a burglary committed in Ecclesfield (now a suburb of Sheffied).

The Burglary

On the night of 22nd February 1818, at about 1 a.m., six men from villages to the north of Sheffield and Rotherham committed a terrifying burglary. Four of them broke into Cliffe House, near Ecclesfield, the home of the widow Sarah Booth, and carried out a robbery, while the other two villains remained outside the house, and acted as lookouts.

At first, the thieves tried to get into the house by using a ladder, taken from a neighbouring farm; but this proved too short to reach the upstairs windows, so they abandoned the ladder, smashed their way into the drawing-room, and made their way upstairs. They had their faces covered with black cloths, and they were armed with pistols and a bludgeon.

During the course of the burglary the intruders awoke the owner of the house and her two maid-servants, terrorised them all, assaulted the maids when they got in the way and attempted to murder one of them when she offered resistance. The maids managed to rouse the manservant, and he came running, armed with a blunderbuss; but it was too late by then, for the gang had made its escape, getting away with two pocket books (containing banknotes of various denominations), one silver thimble, two chains, a pair of spectacles, and - most valuable of all - a gold watch, which had been unceremoniously wrenched from its place next to Sarah Booth's bed.

Immediately after the burglary, the criminals made their way to Wentworth Park, three or four miles distant. This Park belonged to Earl Fitzwilliam, the Lord-Lieutenant of the West Riding of Yorkshire, and it was one of the largest and finest parks in England; but, by the same token, it was virtually impossible to deny access to it, to the determined trespasser. In 1787 Fitzwilliam had declared himself in favour of vigorous action to protect his property and 'deter the Neighbourhood from coming into the gardens'; but this a Canute-like endeavour. In 1810, one of the Earl's own employees, Smithson the blacksmith at Lawwood colliery, was committed to the Wakefield House of Correction for stealing wheat and flour stored in the Park, and he must have been one of many who managed to breach its defences.[109]

There was little or nothing to stop the gang which had burgled Cliffe House from climbing the wall of Wentworth Park at some unguarded spot, and making their way to their rendezvous, which was a barn inside the perimeter. It was about three o'clock when they met there, and fell to discussing what had occurred at Sarah Booth's. One member of the gang was worried, not because he had a guilty conscience, but because he thought that he had been recognised by one of the maids although, as he explained anxiously to his fellows: 'She would not have known me had it not been for the mask falling from my face.'

The purpose of the meeting was to divide the spoils. One of the burglars was anxious that there should be no misunderstanding on one point: he had recently stolen some property in Kimberworth and he did not want anyone claiming a share of the loot he had obtained on that occasion. The others readily agreed; but the distribution of the proceeds of the Cliffe House burglary proved to be a much more difficult problem. For example, how were they to divide the gold watch? One of the burglars was in favour of selling it; but another thought that this would inevitably lead to their arrest. A third

[109] Mee, 162

suggested (somewhat unhelpfully) that they should break the watch 'in bits'; and a fourth proposed that they hide it in the barn for the time being, and sell it after a decent interval. Before they could reach an agreement, one of them noticed that they were not alone. There was a woman hiding in the hay-loft above them, who had been listening in.

The eavesdropper was Mary Ann Keyworth, from Rotherham. What *she* was doing in the barn in Wentworth Park that night is far from clear, but she later admitted that she had been there with a man and another woman, Sarah Oxley. Mary was clearly up to no good herself. In fact, she had committed a number of frauds in Rotherham earlier in February 1818, and was probably on the run and sleeping rough, with whatever companions she might chance to find.

One of the burglars asked Mary what she was doing there. She replied that she might very well ask him the same question. The burglar did not like her tone and began to handle her roughly; but Mary knew that she was in a strong position. She told her assailant to leave her alone, or she would tell all: 'If you don't take care, I'll let the cat out of the poke [bag].' For the time being, though, she agreed to keep quiet; and the robbers soon split up and made their separate ways home in the dark, three going down Wentworth Park and then up to Thorpe Hesley, two slinking off towards Greasborough, and one going home to Elsecar.

Three of the thieves met for a drink in a public house in Thorpe Hesley some weeks later. The subject of the gold watch came up again, the conversation became heated, and they made the mistake of talking too loudly. They were overheard by one or more public-spirited denizens of the pub who, having perhaps heard about the events at Cliffe House, put two and two together and lost no time in sending for a constable. In fact two arrived from Sheffield, and arrested the three alehouse conspirators; and two more suspects were apprehended the following day.

Who were these? William Hague lived in Thorpe Hesley, with his wife. He was a young nailmaker, in his early twenties. He was a little over five feet eight inches tall, with a ruddy pock-marked face, sandy hair and grey eyes. George Steer was a neighbour of Hague's, who lived at Thornwell Hill, a hamlet in the fields just north of Thorpe, next to the public well. He was a collier, some thirty years of age. George James was in his late twenties, lived in Thorpe and was probably another nailmaker. John Philips was an older man, aged fifty, from Greasborough and also a collier. Of George Smith, we know next to nothing, except that he was later released by the magistrates, for lack of evidence.

The arrest of these five suspects left one of the original six burglars still on the run, and this was John Mitchell of Greasborough. He was the man who feared that he had been recognised during the course of the burglary. He was a coal miner, aged thirty-one, and was five feet six, with a ruddy complexion, light brown hair, and hazel

eyes. He did not enjoy his freedom for very much longer, for he too was arrested shortly afterwards; and his worst fears were soon confirmed.

The Investigation

On 14 and 15 April three Sheffield Magistrates, Hugh Parker, the Reverend Doctor Stuart Corbett of Wortley and the Reverend William Alderson of Aston, heard the evidence of Sarah Booth and her maids, Sarah Yeardley and Hannah Copley; and they also questioned the prisoners John Philips and George Steer. The full horror of what had happened in Ecclesfield, that night in February 1818, was now revealed.

Sarah Yeardley gave a graphic account:

> On the night of the twenty second or the Morning of the twenty third day of February last past, the family were all in bed, and had been for about two hours, and been asleep. She was awakened by a noise of footsteps and voices of persons talking together as they ascended the stairs. The door of the sleeping room of herself and her fellow servant (Hannah Copley) who was in bed with her, was wide open. The Informant (Sarah) rose up in bed, and at the same instant two men entered their room with their faces blacked or covered with black cloths and one of them had a lighted candle in his hand. He went towards some drawers, and tried them, and the other man went to the bedside, and had something in his hand like a pistol. He said:
>
> '
>
> 'Lie down; lie down, and make no alarm, or I will blow your brains out; it is your Mistress we want, and not you - if you lie still we will not hurt you'

The men left the room, and Sarah began to 'rap' (knock) for the man servant, but two other men now entered the room, each one disguised as the others had been, and asked:

> '
>
> 'Where is your Mistress?'

Hannah Copley, who had her head in the bedclothes answered:

'On there.'

The men all left the room, and Sarah again knocked for the manservant to come; but the first two intruders returned, and one of them asked

'What is that noise about? If you dont lie still I will blow your brains out'.

The burglars again left the room, and Sarah knocked a third time; but the burglars also entered the bedroom a third time. Sarah then decided to go downstairs; but retreated to her bed when she saw someone standing outside the door. Eventually she and Sarah tried to descend the stairs a second time, but one of the men knocked Hannah down as she did, cutting her head.

Somehow, Sarah managed to make her way to the manservant's room, but found it locked. She knew that the key was in Mrs Booth's room upstairs, so she climbed the stairs again, where she met three of the burglars again. She went into her Mistress's room, and got the key; but, while she was unlocking the door to the manservant's room, the man with the black cloth over his head approached her again and asked

'What now? Be quiet or I will blow your brains out'.

Sarah said 'Do if you dare' and struck him on the face. There was a scuffle, and (according to Sarah) the man fired a pistol at her but it didn't go off.

The six prisoners were then brought forward, and Sarah Yeardley was asked if she could identify anyone. She picked out John Mitchell, but said she could not be sure about the others.

Hannah Copley gave evidence similar to Sarah Yeardley's; and her evidence was followed by Mrs Booth's. She told the magistrates that:

> On the evening of the 22 day of February last she went to bed about eleven o'clock, and that her House was Burglariously entered on that night or on the following morning by breaking in and demolishing the drawing room window - about one o clock on the following morning or thereabouts she found herself awaked by a man with his face blacked, in a disguised plaid dress, in a leaning posture over the bed, a light in one hand and a pistol in the other - The Informant exclaimed 'Lord have mercy upon me what is the matter?' The man said 'Your money directly or I'll blow out your Brains' and put the pistol to the side of the Informant's head - the Informant desired that might be taken away, and told the man what she had was in two pocket Books in her pocket - almost immediately afterwards, she found a pressure on her arm, and she heard her Watch torn from the bed head where it was suspended by a ribbon, and at that moment another pistol, or something like a pistol was presented to her Cheek, and a voice said
>
> 'Another word and you are dead'.

Mrs Booth went on to say that:

> The man, or men, who were there took the gold watch of the Complainant and two Steel Chains two pocket Books, one of them containing two five Guinea Notes, one Note for £1/11s/6d - and two Notes for £1 each, a pair of Spectacles, a Silver Thimble & other Articles

Lastly, Sarah Booth was confronted with the suspects, and asked if she could identity anyone; but she could say only:

> That John Philips now in custody for the Burglary and Felony very much resembles the Man, who leaned over the bed and demanded her money, the figure of the man is very like, she observed that the man had a full Chest, but his face being blacked, and being disguised in his dress, she cannot say more as to his Identity.

John Philips and George Steer protested their innocence; but neither George James nor John Mitchell said anything.

The magistrates decided first of all to release the prisoner George Smith. There was no evidence against him. No-one had identified him, or even named him as one of the six burglars. Ann Hague had simply said that her husband had spoken of the involvement of a man called Smith - a common enough name after all! - while John Philips and George Steer had merely said that they knew a man called *Thomas* Smith.

The magistrates committed Steer, James, Mitchell, and Philips to the Castle jail in York to stand their trial at the Summer Assizes. The journey they made proved an interesting one because, on the way, John Mitchell, was foolish enough to fall for an old trick. Constable Flathers asked him why he hadn't covered his face completely during the robbery, as the others had done; and the prisoner responded angrily: 'It was a d____d lie of the girl; it was so dark she could not know me'. The Constable must have smiled to himself, as he committed this unwitting confession to memory.

These events were widely talked about in the communities to the north of Sheffield. News of them certainly reached the ears of one inhabitant of Ecclesfield, who noted this in his diary:

> George James of Thorp and others his Fellow Partners sent to York Castle Charged with Being Conserned in Robbing Mrs Sarah Booth House called Cliff House Near Ecclesfield. April 15th. Wm. Hague of Thorpe committed to Wakefield House of Correction April 15. Charged with Being Conserned

Robbing Mrs Booth Cliff house near Ecclesfield.[110]

On 27th April 1818, William Hague was brought back to Sheffield for further questioning, and he now confessed to the Cliffe House burglary. There is no surviving record of exactly what he told the authorities; but it is clear that he not only gave a full account of his own part in the affair, but also named the five men who had accompanied him on the expedition. He named James, Steer, Philips, Mitchell, and Thomas Smith of Elsecar, the last being still at large. In addition, he named Sam Evans, 'the Refiner', who had supplied one of the guns, and gave details of the property which the burglars had stolen.

Trial & Conviction

The five defendants were tried in the Crown End of the magnificent court house, built in York by John Carr. This building (with the Debtors' Prison next door and the Female Prison opposite) still helps to make the 'Eye of York' a pleasant place to visit, 200 years after it was completed; and it is still used as a Crown Court (1992).

The jury was out for a little over half an hour. They returned a verdict of not guilty in relation to George James, George Steer and Thomas Smith, but guilty in relation to John Mitchell and William Hague. Small wonder that the Sheffield *Iris* reported:

> Mitchell, on hearing his fate, shook his head with an angry look towards the Jury. Hague stood trembling. They were all immediately removed from the bar.

It was now for Mr Justice Bayley to pronounce sentence on the prisoners. Burglary attracted the death penalty; but large numbers of prisoners had their sentences commuted; and in this case the Home Secretary issued a pardon on 11 September, on condition that both men were to be transported 'for the term of their respective natural lives'. Hague and Mitchell duly left York on 11 October, probably shackled to other prisoners, and with little or no protection against the elements. They arrived in Portsmouth and were received on board the *Leviathan* a week or so later.[111]

The *Leviathan* was a former man o' war of 1700 tons. She had been built in Chatham dockyard in 1790, and had carried 640 men and 74 guns for England throughout the long French Wars. She had seen action at Toulon, Minorca and Cadiz

[110] *Old Ecclesfield Diary*, ed. David Hey.
[111] P.R.O. H.O. 9

and, in 1805, at Trafalgar; but her glory had faded now. The French Wars had come to an end in 1815 and in the following year *Leviathan*'s masts were struck, her rigging was removed, her capstans and her cannons hoisted away, her gun-ports barred with iron grilles, a roof built over her deck, and she was anchored in Portsmouth harbour with other men of war, to serve as a prison hulk.

These hulks were truly disgusting. The most recent historian of transportation has described them as 'slum tenements', and this is no exaggeration. A ship like *Leviathan* might hold as many as 600 prisoners at any one time. The quarters were cramped, there was little light, and the air was foul. Everything was wet or damp, not only because of the proximity of the sea, but because the upper decks of the ship were constantly sluiced to keep them clean. John Mortlock, who was sentenced to twenty-one years' transportation and experienced imprisonment in the *Leviathan* some years later, was reminded by what he saw on board of a verse which appears in the Book of *Lamentations*: 'They that were brought up in scarlet embrace dunghills'. Hague and Mitchell were kept on board *Leviathan* throughout the winter of 1818/19; and in the spring, the *John Barry* arrived to take them 'beyond the seas', to the other side of the world.

The *John Barry* was a 520-ton merchantman, built at Whitby in the North Riding of Yorkshire in 1814; but the voyage she made to Australia in 1819 was her first as a convict ship. She left Deptford on the 8 April and, after circumnavigating the coasts of Kent and Sussex, she arrived at Spithead on the 16th. On the 20 she embarked sixty convicts from the *Laurel* hulk and eighty from *Leviathan*, including William Hague, John Mitchell, their fellow burglars Isaac and John Farrer and David Holt, and a horse-thief by the name of James Jackson. Another two prisoners must have been collected from the hulks, for she was carrying 142 male convicts when she set sail once more on April 30 1819. Master Stephenson Ellerby was in command, with a Lieutenant, a Sergeant and thirty Privates of His Majesty's 59th Regiment on board, to maintain law and order. The surgeon on the *John Barry* was James Bowman. His log shows that all the convicts who left Portsmouth arrived safely in Australia; and that they enjoyed relative good health during the voyage, though he recorded cases of catarrh, coughs and fever.

The voyage which the *John Barry* made in 1819 was over 17,000 miles long. She ran down the North Atlantic, flying the distinctive red and white pennant of the convict ship. She collected supplies from Madeira and then made for the Equator and Rio de Janeiro, where she stopped for over a fortnight. Then, blown along by the Westerlies and Roaring Forties, she sailed from Brazil to Australia non-stop, passing the Cape of Good Hope and forging on across the Indian Ocean, before turning north again for the Tasman Sea and New South Wales. At long last, after exactly 149 days at sea, the ship dropped anchor in Sydney harbour on September 26 1819.[112] It was all a far cry from

[112] PRO, HO 11 and ADM 101/38/1; Bateson; *The Australian Encyclopaedia*, Angus and Robertson Ltd.,

Yorkshire.

On 7th October the prisoners left the ship. The surgeon's log recorded: 'All convicts landed and inspected by His Excellency Governor Macquarie previous to them being distributed to the different duties allotted to them.' Macquarie was Governor of New South Wales between 1810 and 1821, succeeding Captain William Bligh, who had held the same high office for four years, despite his unfortunate experiences on the *Bounty*. Hague and Mitchell arrived at the height of Macquarie's building boom; and it was the Governor's practice to tell all new convicts 'What a fine and fruitful country they had come to, and what he would do for them if their conduct merited it.' It therefore comes as no suprise to learn that, according to the Census of Convict Populations in New South Wales for 1820, the newcomers were put to work for the Government.

Mitchell seems to have behaved himself, but William Hague did not. He was brought before the Sydney Magistrates on 12 February 1820, only five months after his arrival in Australia, and sentenced to one year, for a crime or crimes unknown. One might ask what more could be done to him, when he was already under sentence of transportation for life? The answer was that he was otaken on board the brig *Lady Nelson* and sent to Newcastle - the 'Botany Bay of Botany Bay', a place about seventy miles north of Sydney. Prisoners there had to work under unusually harsh conditions, mining coal, felling cedar trees, or gathering and burning oysters, to provide lime for the building industry; but Hague came through his time there and returned safely to Sydney. On 28 December 1821 he was sent to work for Charles Fairclough of York Street, Sydney, a blacksmith who had once been a convict himself. Meanwhile Mitchell's name appeared in the *Register of Prisoners who were not Artificers*; and on 26 July 1822, he was sent to work for John Moss of Castlereagh Street.

Both men had now been assigned to private employers. Hague's name appears in the 1822 General Muster, when he was still employed by Charles Fairclough. Mitchell is mentioned in the Colonial Secretary's Papers in July 1825: he was now described as the convict servant of one John Leadbetter, and for some reason a request was filed that both of them (and Leadbetter's wife and child) should be "victualled from His Majesty's Stores for six months". They are both also referred to in the Muster of 1825. By this time, Hague was back in 'Government Employment' at the 'P.B.', which probably stands for the Prisoners' (or Hyde Park) Barracks at Sydney. Knowing what we know of him, this may indicate that he had broken the law again. On the other hand, Mitchell was transferred to James Oatley, who may have been a watchmaker. He stayed with him for

1958; Hughes Chapter 5; *The Ancient Port of Whitby and its Shipping* by Richard Weatherill, Whitby, 1908; *The Old Seaport of Whitby* by Robert Gaskin, Forth & Son, 1909.

some years, as appears from the Census of 1828.[113]

The two burglars from South Yorkshire therefore progressed along the road to freedom at different rates. John Mitchell's journey was slow, but steady. He was granted his ticket-of-leave on 1 December 1833. By now he was in the district of Liverpool and was allowed to remain there, by recommendation of the local magistrates. He was still there four years later, when the General Return of Convicts of 1837 was compiled. Eventually, he was granted a conditional pardon, on 1 January 1841. By contrast, Hague was not able to keep to the straight and narrow, despite his time in Newcastle. He was granted his ticket-of- leave on 1 May 1830, even before Mitchell; but this was soon suspended, for six months. The reason does not appear: it was noted on the bottom of his ticket but, alas, part of the writing has become illegible with the passage of time. The tantalising footnote begins: "Recommended by the Sydney Bench to be suspended for 6 months for....." and it is impossible to decipher what is missing.

The suspension seems to have lasted longer than expected (or perhaps there was a further suspension), because it was only restored in December 1833. Nor was this the last of William Hague's relapses, for the Census of 1837 places him in (or at least in the employment of) the Sydney House of Correction. Even this was not the end of the story. His ticket-of-leave was eventually returned to the authorities in a mutilated condition on 14 May 1838, but he was given a fresh one and allowed to remain in the district of Sydney, before being given a conditional pardon on 1 April 1841.

At the age of 44 and 52 William Hague and John Mitchell were at last free to lead their own lives again, but only on condition that they continue to reside 'within the limits of His Majesty's Territory of the Eastern Coast of New South Wales and the Islands thereunto adjacent'. If they were ever to set foot again in Britain, they were liable to be transported a second time.

William Hague may have found some consolation in his exile, because he remarried in 1830, shortly after he had first obtained a ticket-of-leave. His bride was Margaret McGarr, a convict who had arrived in Australia in 1828 on board the *City of Edinburgh*, which had brought a total of 80 women convicts from Cork in Ireland. At 24, Margaret was some years younger than her husband. She had been a farm servant and dairy woman in Kildare, before her conviction for pickpocketing and her sentence of seven years' transportation. The Convict Indent for her ship shows she stood 5' 1¾" and was 'much freckled', her hair was 'red' and her eyes were 'red hazel'. One could hardly fail to notice her, for the same document also shows that she had a 'nose inclining to the right & cock'd'.

[113] P.R.O. (now TNA), A.D.M. (Admiralty Medical Journals), 101; H.O 10, Censuses of Convict Populations in New South Wales. AONSW (Archives of New South Wales),Colonial Secretary's Papers 1788-1825, Fiche 3290 (26).

It is striking that, on the occasion of his marriage, William Hague was stated to be a bachelor, when we know that he was not, having left a wife in Yorkshire. But, after all, Hague had no reason to cherish fond memories of his first wife Ann, who had given evidence against him in York. So he married again, secure in the knowledge that he had a good defence to a charge of bigamy as the law then stood, since he had been 'continually beyond the seas, by the space of seven years together.'[114]

Myths

According to certain members of her family, Sarah Booth lost none of her fighting spirit as a result of the break-in at her house. The old lady soon recovered her composure, if not her gold watch; and she evidently did not find it too much of an ordeal to give evidence to the magistrates in Sheffield in the spring of 1818, or to the jury in the summer. Indeed, according to her eldest daughter Margaret Booth (1777- 1856), she proved to be a very effective witness:

> When Mrs Booth gave her evidence at York she showed remarkable firmness and self possession, and the opposing counsel remarked: 'To his knowledge he has never cross-examined such a witness.'

The burglary did not cause Sarah to move away from Cliffe House. She lived there for a further sixteen years, maintaining a keen interest also in Brush House and the Brushes Estate. Then, in 1834, she went to live with her youngest son, the scholarly George, who had been a Fellow of Magdalen College, Oxford, but had recently become vicar of Findon in Sussex. George did not welcome this invasion of his privacy. He liked his books, especially the plays of Aristophanes, and found his mother a burden; but she had asked him directly if she could come, and he must have felt that he could hardly refuse - after all he was a man of God. But later on, he wrote querulously of the five years during which his mother lived with him:

> Though she had a strong and acute natural intellect, cheerful spirits, playful humour, and a substantial motherly attachment, I above all her children most experienced the impetuosity of her temper of late years. It was her sole entreaty to come and live with me. My wife's friends didn't like it.

[114] AONSW: Convict Indents of 1819 and 1828; Registers of Artificers and other Labourers Assigned, 1821-25; General Muster, 1825; Censuses; Ticket of Leave Butts 1827-75; Conditional Pardons 1826-70; Convict Marriage Banns 1826-41; Registrar General, Marriages. On bigamy see Archbold, 1822, 359.

Sarah died at the age of 84 on 4 June 1839, not in Sussex, but in her native Yorkshire. She had come to visit her friend and solicitor, William Smith (junior) at Barnes Hall in Grenoside, and it was there that she passed away.[115] She was buried at Ecclesfield, with the Reverend Ryder officiating.[116] Awkward to the last, her coffin would not fit into the grave, and this caused a good deal of embarrassment, especially for those members of the family who were present to witness this "indecorous interruption of the last sad offices."

There was also an unfortunate exchange at the funeral between three of Sarah Booth's sons. The eldest, Dr John Kay Booth, had evidently quarrelled previously with his younger brother Thomas, who was an ironmaster; but he made overtures of peace at the graveside. Thomas wasn't willing to let bygones be bygones and rejected the offer of reconciliation. Thereupon, Dr John declared: "I am only casting pearls before swine!" Thomas turned to the youngest brother the Reverend George, who was standing nearby, and said: "I am wondering where the pearls are." George seemed to side with Tom, for he agreed: "So am I."

Sarah Booth's gravestone can still be seen outside the east end of Ecclesfield church. Cliffe House remained in the possession of the Booth family for two generations or so, and was considered to be worth a mention when the Reverend Eastwood published his *History of the Parish of Ecclesfield* in 1862; but the scene of the burglary in 1818 has been drastically transformed today. Cliffe House was demolished in about 1930 to make way for a Fire Station; Brush House is still standing, being part of Firth Park Comprehensive School,[117] but the grounds and John Booth's Mausoleum have gone. The area to the south of Ecclesfield, which at the time of the burglary was countryside interspersed with the houses of the gentry, has now been largely built over, with only a few street names - Brush House Hill and Cliffe House Road among them - to suggest what life was once like there.

Sarah Booth had two grandsons who were keenly interested in family history. Charles Booth (1828-1921) was a barrister in London and Sheffield. He spent a long retirement editing his father's and uncles' correspondence during the Peninsular War, and making notes on genealogy. Dr Charles Mellor was a medic who had surgeries in Ecclesfield and Sheffield. In his memoirs, probably written between 1870 and 1888, he recorded the following version of what happened when the gunmen broke into his grandmother's house:

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[115] For Barnes Hall, see also chapter 11 below.

[116] There were two Ryders who were vicars of Ecclesfield, William Ryder (1823-5) amd Thomas Ryder (1825-39) - the right of presentation being at that time in their father, Thomas Ryder of Hendon: Eastwood, 211. As to Sarah's continuing interest in the Brushes Estate, see SCL SC 240 - she agreed to buy Brush House back from Dr J.K.Booth in 1821, but the sale was cancelled by agreement.

[117] Written in 1992.

> Whilst Sarah lived at Cliffe House, one night after her son Major William Booth had left her and gone down across the fields to sleep at Brush House, then tenanted by his brother Thomas of the Park Iron Works, the house was broken into, and robbed by six men, who had doped the large mastiff guard dog and quieted him. A man always slept in the house next to her room, and she kept the key to his door, which on this occasion, was unfortunate. The first alarm was given by a servant girl who slept above her mistress, and on hearing a noise got up, and on coming down stairs met a man on the landing where she had left a scuttle of coal, and in his attempting to stop and strike her, she seized this missile and held him back with it, and then running down stairs, threw up the dining room window & was about to descend to the lawn to give the alarm, but was stopped by a man who threatened her, but she recognised the voice as that of her sweetheart, who swore at her, but she jumped over him and past him, it is said, and gave intelligence at Crowder House, a farm-house across the fields, where she had fled, and was rewarded by a gift of £10 for her bravery by Mrs Booth afterwards. The leader of this gang of house breakers, turned out to be her late coachman whom she had premptuously dismissed for insubordination a short time before.

This account corresponds in many respects with that given by the witnesses at the trial in 1818, and with contemporary newspaper reports; but the fact that the leader of the gang was a boyfriend of the maid's and had once been the coachman at Cliffe House is entirely new.

Some of the most entertaining episodes in the story recorded by Charles Mellor concerned the arrest which followed:

> Four of the gang were apprehended soon afterwards, but two others eluded the constable for some time, though said to be in the neighbourhood. Mr Thomas Booth was of service here however. There was an empty house at Thorpe Mill with a wide old fashioned chimney. Although the constable had searched this house in the daytime, no trace was found of the burglars. Mr Booth however insisted on searching with him, and found the fellow perched up with his foot lodged on a projecting stone, and he forthwith pulled him down by the legs and gave him in charge. On another occasion as he was riding through Smithy Wood where some coal pits were situated, he heard some children conversing together rather earnestly, & he caught at the words of one of them:
>
> 'Thou doesn't know where my Daddy is.'

He immediately turned his horse and said to the lad:

'But I do!'

Which, being denied, he offered a bet of a shilling. On having guessed the chimney and all sorts of other places, he pulled out the shilling if the lad would tell where he was secreted, and on throwing down the shilling, the lad cried:

'Why in the boiler!'

Mr Booth recollected an old engine boiler which had been thrown out some time ago along in the wood, and there he captured the sixth scamp. These fellows were all afterwards transported to Van Dieman's Land. It was a matter of observation in the neighbourhood at the time.

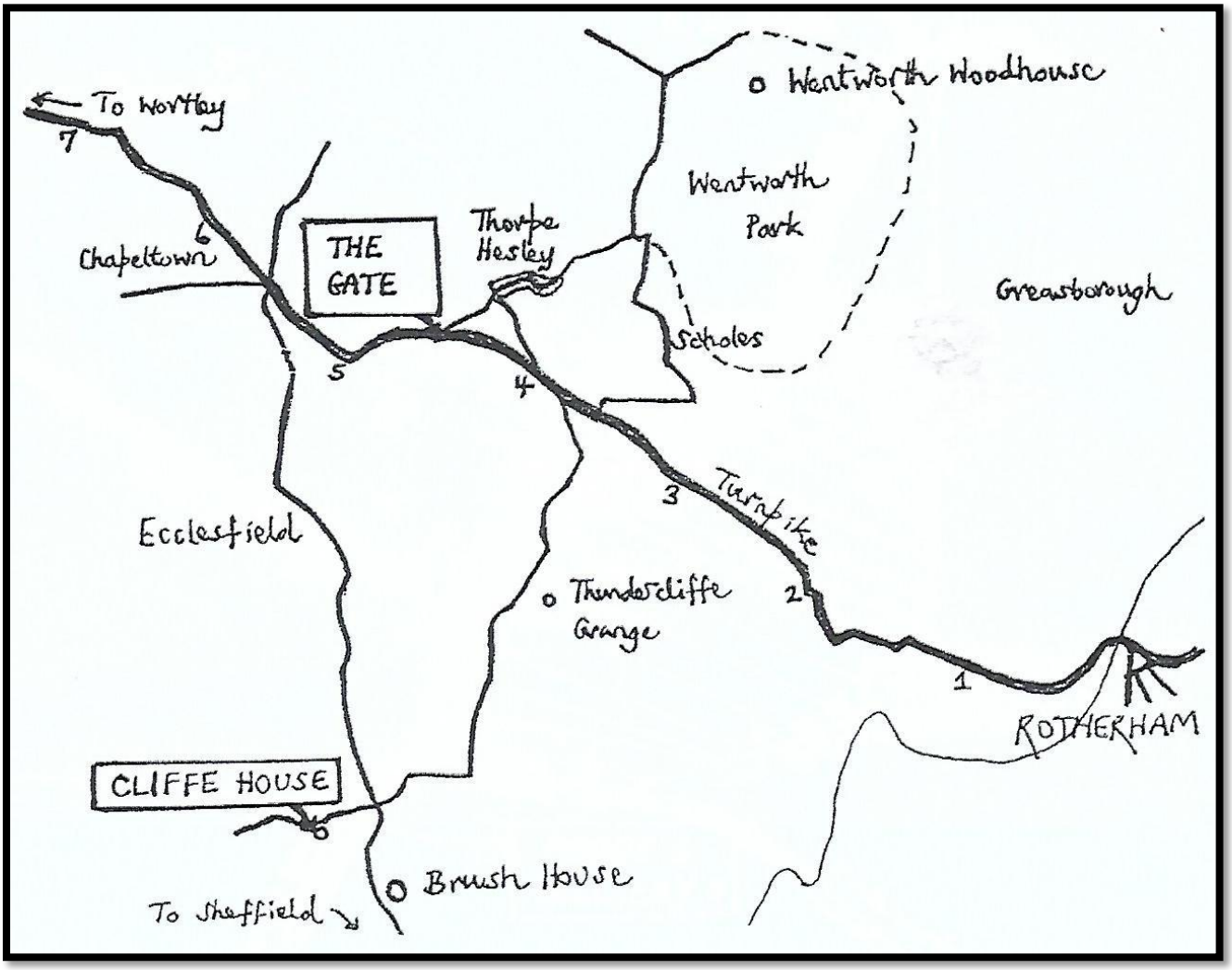
Now, as we know, it is not true that all six criminals were transported to Van Diemen's Land (now Tasmania); but this is not to say that the rest of the account is entirely without foundation. The story of Thomas Booth's wager with the small boy sounds almost too good to be true; but there is nothing inherently improbable about a man hiding in a chimney at Thorpe Hesley, or about an old engine boiler lying around in Smithy Wood; and the official records say nothing about the circumstances in which the burglars of Cliffe House were arrested. On the other hand, this may well be a case of someone embroidering the facts to impress family and friends.

The most extraordinary passage in Dr Charles Mellor's memoirs concerns an interview which is supposed to have taken place some thirty years after the burglary of Cliffe House:

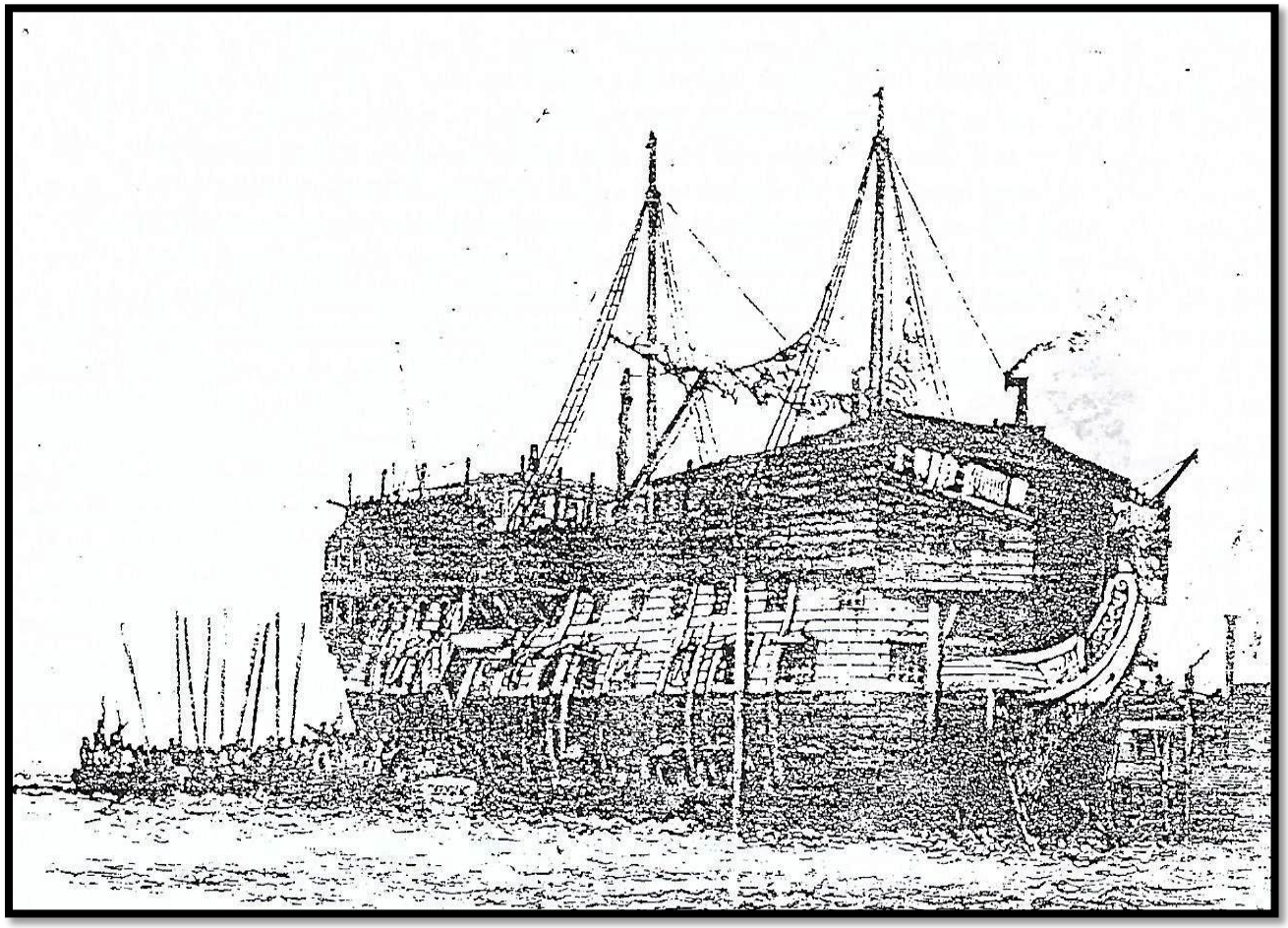
In 1850, when practising at Ecclesfield, I allowed [treated] a George James living at Thorp Hesley and he was grandson of one of those burglars, and indeed his father was one of them. His father being a young man at the time, and a very powerful man (as my patient was) and a good swimmer, jumped overboard about ½ mile before the vessel came into port, and swam to land, and at the time of my attendance he had got a letter saying, that the fellow had secreted himself at Hobart town, and being a nailer by trade (as was my patient) he had opened a hardware shop and had made an independency and offered to pay for the sons of all his family if they would go [out there].

What is one to make of this? Sad to say, this story cannot be true. The George

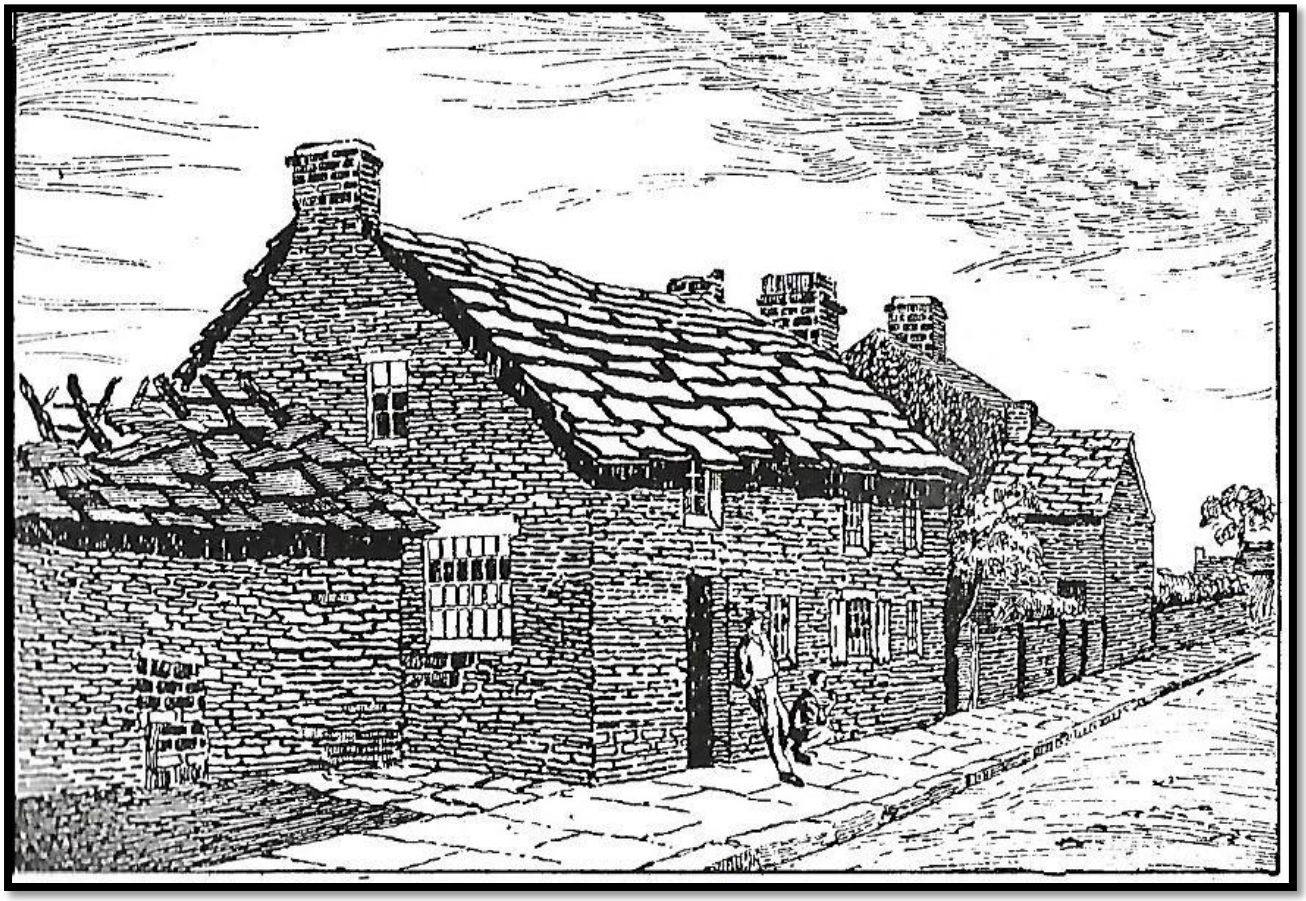
James who was tried for burglary in 1818 was not even convicted, let alone sentenced to transportation. Only two of the six men suspected of the burglary were transported, and neither was sent to Hobart. Finally, it is extremely unlikely that any of those involved in the Cliffe House burglary ever jumped overboard from a convict ship in Australia and survived. There is no record of any convict escaping in this fashion. On the contrary escapes were usuallyattempted when a ship was moored at Rio or the Cape. So we must conclude that, on this occasion, the patient was simply telling his doctor a tall story.



22 Thorpe Hesley in 1818-22



23 H.M.S.York as a prison hulk at Portsmouth, 1828



24 Old Nailshop, Thorpe Hesley

25 Nailmaker, 1844

9 MUTTON TOWN

Rotherham's reputation as a fat stock centre was greatly enhanced in the later eighteenth century when beasts fattened on the rich Leicestershire grazing lands were driven north to the butchers of the West Riding and Lancashire manufacturing towns. Lean beasts came in the opposite direction over the Pennines, and several small farms alongside the route via Woodhead, Hartcliff and Green Moor were turned into beer houses.

David Hey (1938-2016)
Packmen, Carriers & Packhorse Roads.

The Raid

In 1822, the 'Manchester drove' was a well-known sight on the turnpike road which led from Rotherham across the Pennines to Stockport in Cheshire. Manchester's appetite for meat could not be satisfied by home-bred cattle and sheep, and the butchers in and around the great cotton-rich city went far afield for the supplies they needed.

Rotherham's market had been founded in medieval times. It flourished in the eighteenth century, since the town provided a convenient link between the farmers in the Midlands and the burgeoning cities of the industrial North. The Feoffees of the Common Lands, who governed Rotherham at the time, took particular care to remove any obstacles which made access to the market more difficult. The facilities were further improved by an Act of Parliament of 1801, and the town's standing as a fat-stock centre reached new heights. Fifty years later, when times had changed, Rotherham's historian John Guest looked back with pride:

> The cattle market at this period was hardly second to any cattle market in the kingdom. It was held early on the Monday morning, so that the Manchester butchers who were the principal buyers, had either to come the night before or to travel all night over the moors, so as to be in time in the morning. And this they generally did through all weathers, and a brave and hardy class of men they must have been who could do this. The beasts penned would be

from 20,000 to 25,000 in the year, and the sheep nearly the same in number.[118]

The Manchester butchers who bought sheep in Rotherham employed drovers to shepherd them across the thirty or forty miles which lay between the two towns, and these men took several days to bring the meat across on the hoof. The road across the Pennines was an ancient trade route. It had been considered a 'King's highway' in medieval times, and it was turnpiked in 1741; but, despite the improvement, it was still not an easy road to travel. There were numerous long, steep hills to be climbed, and surveyors' fieldbooks show that the road constantly snaked from side to side, as well as climbing up and down. And the sheep did not move in a straight line anyway.

The journey had to be made in stages. The travellers needed places along the way where they could stop to rest; and several farms on or near the turnpike were turned into beer houses as a result. The drovers became well-known in these pubs, and could order their drink on tick. They only had to show their faces, and the landlord would charge the ale they craved to their employer.

The first leg of the journey to Manchester was on the Rotherham to Four-Lane-Ends Turnpike, and ended at Finkle Street near the village of Wortley. It was convenient to recruit men who lived in Rotherham for this part of the drove. The distance involved was about nine and a half miles, which was a day's walk for men travelling at the pace of a sheep, with toll-gates to negotiate at Grange Lane Bar, Masborough Bar, Hesley Bar and High Green Bar.

Nine miles was certainly too much to tackle non-stop: the drovers commonly halted for ale halfway, after passing through Hesley Bar. There was a pub there, suitably known as *The Gate* and, when the drovers halted, they left their animals in the road. A map in the Fairbank Collection at Sheffield dated 1764 shows the position of the toll-bar, with Joseph Shaw's cottage close by; and in 1822 this cottage was occupied by William and Mary Shaw. This was an ideal place for the weary traveller to slake his thirst, before continuing through the woods, and down the long hill to Cowley and Chapeltown.

There was one disadvantage if the drove stopped at *The Gate*: Hesley Bar was only about a mile from the village of Thorpe Hesley, which was home to a large and godly congregation of 'people called Methodists', but also to some families wit a reputation for sheepstealing.

On Monday 25 February 1822 a butcher named William Greaves of Atthouse Fold near Stockport bought sixty-six sheep in Rotherham market, and employed a 'head' drover called Joseph Taylor of Stayley to bring them back to Cheshire. Taylor recalled later that he personally marked each of these sheep: 'with a Black Mark a

[118] For Rotherham market see Hey, Packmen, 170-4 and Guest, 415, 545. For the careers of the Rotherham footpads Ledger and Hollingworth, who were arrested in 1798 after trying to rob a carrier called Nicholson on Thorpe Common, see Guest, 443.

Cross the Loin, whilst the Sheep were in the Penns.' He drove the sheep out of the market and turned them over to two 'common drovers', James Mills of Masborough and his companion Mark Walton, who were hired to go as far as Finkle Street.

Mills and Walton drove the flock past the church, along Bridgegate and across the old bridge over the Don, on which stood a medieval chapel, now used as a gaol. They herded their sheep onto the turnpike and then onwards, through Masborough Bar and Kimberworth, and along 'Prison Lane'. They passed the Red House and Keppel's Pillar to their right, and Kimberworth Park Gate to the left.[119] By the time they had passed through the toll-gate at Hesley Bar, the two drovers had passed the fourth milestone, and must have felt that they had earned a rest. They halted at *The Gate*, leaving their sheep in the road as usual, whilst they took some ale. They noticed three other men leave the pub while they were still drinking, but thought nothing of it; and, after a short time, set off again on the road for Chapeltown. The head man Joseph Taylor, who was able to travel more quickly than the drovers, overtook them at Mortomley-Lane-End, between Chapeltown and High Green, and then walked or rode along with the sheep. The animals were counted through High Green toll-bar; but nothing untoward was noticed at this stage.

It seems that although the two Yorkshiremen had originally been hired to go only as far as Finkle Street, they were kept on for a further thirteen miles. This was undoubtedly the worst part of the journey, for it involved crossing the high and desolate Pennine ridge, where wayfarers had even been known to perish in winter; but the drovers eventually arrived safely at Woodhead, on the Cheshire side of the mountains. 'The Wood-head' had been described some years before as 'a place well known to the weary travellers who have crossed the hills above, in their way from Yorkshire'. It consisted of a few public and private houses; and was no doubt a welcome sight now. The Yorkshiremen turned back, but Joseph Taylor carried on a further six or seven miles to Sand Mill near Mottram-in-Longdendale, arriving there on Wednesday morning, 27 February.[120] Whatever pleasure Taylor may have experienced in completing his journey and fulfilling his contract cannot have lasted long because, when he 'separated' the sheep and counted them, he discovered that 'there were four Sheep wanting!'

James Mills and Mark Walton had not been the only customers at *The Gate* on that Monday, 25 February 1822. The pub was one of three 'locals' used by the inhabitants of Thorpe Hesley, and a number of 'regulars' had been there that afternoon, in particular William Stephenson and William Heppenstall the fiddler, as well as 'Meller' and 'Moorwood'. In fact they had been there since two o'clock, and would not leave until eight that evening. It was about five o'clock when the three men briefly noticed by our two drovers arrived. These three were young Joseph

[119] For a description of the turnpike see Hey, *South Yorkshire*, 61-3. For Methodism in Thorpe Hesley see Everett and Russell. For the Gaol Bridge in Rotherham see *Rotherham* by Freda Crowder and Dorothy Greene, S.R. Publishers Ltd, 1971, *Reminiscences of Rotherham* by Ald. George Gummer, H.Garnett & Co Ltd., Rotherham, 1927, 34, and Guest, 404.

[120] For Woodhead, see J.Aiken *A Description of the Country Round Manchester*, 1795.

Warburton, William Wigfield and George Hague. The landlady Mary Shaw must have known them well.

Young Warburton, or Warbleton as folk often called him, lived in Thorpe Hesley. He was a married man and a farm labourer, and his father, old Joseph Warburton, also lived in the village - possibly in one of the homesteads next to the Town Street - and may even have been the landlord of *The Gate* himself at one time. Wigfield was a naimaker, a bachelor who lived in lodgings in Thorpe, with his landlady Sarah Fullilove. George Hague was a married man who lived at West Wood near High Green. His father Michael was probably the same Michael Hague who had at one time been an 'overlooker' at Earl Fitzwilliam's pit there. Indeed all four of the Earl's overlookers in South Yorkshire in 1795 had been called Hague! Shortly afterwards, however, they left the Earl's service; and by 1822 Michael Hague owned a share in a colliery of his own, in Thorpe Hesley. This was large enough to be mentioned in Baines's *Directory*, and this was where his son George worked, as an 'engine-tenter', or attendant.[121]

Warburton, Wigfield and Hague were friends, and the first two were related, since Warburton was married to Wigfield's sister. It was natural for them to go drinking together. On the Monday in question, Warburton had left home and walked the short distance to Hague's pit. When he got there, he found George. Perhaps he did not find it difficult to persuade him to leave his father's steam-engine and come to the pub. (Proximity to the engine must have been hot and dirty work). Soon afterwards, they were joined by Wigfield, who had walked across from his lodgings. They all wanted a drink, and they crossed the fields which lay between the colliery and Hesley Bar, and arrived at *The Gate*. They went into the first room, known as the 'House', and Mary served them with pints of ale. They stayed about an hour, leaving the pub before the two drovers from Masborough had finished their drinks.

A plan had formed in Warburton's mind even before he left home, so he had brought an old butcher's knife and a rope with him. As soon as he and his companions left the pub, he bawled 'Come let us have a Sheep, there are some down here.' George Hague claimed later that he protested at this suggestion, telling Warburton that 'They should not do so by anybodys things'; but this somewhat fainthearted objection was overruled with a curt reply: 'Never Mind, nobody will see us.'

The three accomplices found a sheep by the roadside, about a quarter of a mile from The Gate. What happened next is best told in the words of George Hague:

> Joseph Warbleton took a Sheep and carried it into a Wood adjoining the Road, Hague and Wigfield went with him; Warbleton stuck the Sheep with an old Butcher's Knife he had brought with him, and then hung it up in a Tree with a Rope.

[121] Mee, 95-6. The road from Thorpe Hesley to Wentworth is now called Hague Lane.

At the trial George Hague expanded on this, and described exactly how the animal was hung up: 'We cut a short stick, and put it through the gristles of the heels like a stang.'[122]

Warburton and Wigfield had clearly done this kind of thing before, because they performed the messiest part of the work, while Hague sat by, though he did join in to the extent of cutting off one of the animal's feet:

> After having taken out the entrails, Warbleton and Wigfield skin'd it, Hague cut off a foot, and sat by during the Time they were skining the Sheep; part of the Rope was left in the Wood where the Sheep was slaughtered. When the Sheep was dress'd, and skin'd, they wrapped up the Carcass in his Hague's smockfrock, and Wigfields Coat; the Sheep's Head and Skin with the entrails, they threw into a Coal Pitt adjoining the Road near Cowley; They carried the Carcass successively to Thorpe, and took it to a Stable belonging to Hague's father.

With his local knowledge, George Hague was to explain later that the pit referred to was one of Mr Darwin's, and was on land belonging to William Smith of Cowley Manor (one of the founders of the Ecclesfield Association for the Prosecution of Felons in 1829).

It was now quite dark, but the three men were not deterred by this:

> Hague procured a light from his Lodgings, and Warbleton cut up the Sheep in the Stable; Warbleton took a Leg, and Hague a Shoulder, and the remainder they covered up with Hay and left it in the Haychamber.

Warburton was clearly the senior partner in crime. It was he who butchered the sheep in the stable, and returned to the Haychamber later that night to take away the rest of the meat. Even so, he did not have the skills of a butcher; and this proved to be a point of some importance later on.

William Wigfield could hardly take his share of the spoil home with him, since he was a bachelor and it would have been suspicious if had come home with a large quantity of raw meat. So, according to Hague: 'It was agreed amongst them, that Warbletons Wife was to Cook Wigfields share of the Mutton'.

William Greaves and his chief drover Joseph Taylor were not alone in losing a sheep in the neighbourhood of Thorpe Hesley that week. On the following Saturday, 2 March, an Ecclesfield butcher named William Fletcher noticed that one of his animals was missing, and a second disappeared the next day. Fletcher had been

[122] 'Stang' - a bar passed between two posts, as in the old custom of 'Riding the Stang', where an effigy was mounted on the bar, to express disapproval of adultery or other anti-social behaviour.

robbed before and his son John had his suspicions as to who the culprits might be. On Monday 4 March he went to *The Tunnel Inn* in Thorpe Hesley and applied to the landlord (who was also a constable) for permission to search several dwellings in that village, including the homes of John Copley and Joseph Warburton. The search proved successful, in relation to the raid on the Manchester drove, rather than the theft of Fletcher's sheep. As Butcher later testified:

> On searching Joseph Warburton's house he found some cold Mutton in a cooked state but not cut on. It was part of the Breast and Neck joined together and cut in a very different manner from what a Butcher would have cut it.

No arrest could be made, since Warburton was not at home when the search was effected, so Fletcher returned to Ecclesfield, saying he would tell the constable there, William Foster, to be on the look-out for Warburton.

It did not take long for word to spread round the Warburton clan that their Joseph was in trouble. He was found and alerted, and took refuge at his father's, as did his confederate William Wigfield. Joseph Warburton's father - 'Old Warburton' - was seventy-three, and still wily, if not wise.[123] He knew how important it was to ensure that everyone told the same story, and he sent another of his sons, James, to fetch George Hague. As the latter subsequently related:

> James Warbleton informed him that his father wanted to speak to him at his, Old Warbletons House, in Thorpe, that they had been searching his Brother Joseph's House and had found part of the Meat which he, Wigfield and Warbleton had slaughtered the week before.

George Hague had been horrified when James Warburton appeared on his doorstep. He could not understand why Warburton had not hidden the stolen meat more effectively. He blurted out: 'They should have got it out of the way.' Nevertheless, he agreed to answer Old Warburton's summons. When he arrived at Warburton's house, the old man demanded:

> 'What's to be done now, Lad?'

Hague was cagey, and replied: 'Why whats amis?'

Old Warburton spelled it out for him: 'they had been searching our Joseph House and had found a piece of Meat in it, will Thou go and stick up I believe thou had some hand in the sheep that was kil'd last Monday?' Hague agreed and Old Warburton began to coach him, telling him to say: 'that he saw Joseph Warbleton buy part of a Breast and part of a Neck of Mutton of a Man at Sheffield on Tuesday

[123] Wentworth Burial Register 29th March 1823: Joseph Warburton of Thorpe, aged 74.

night 26th February and that he Hague lent him five shillings to pay for it.'

The three men now had their story ready for the constable, the magistrates, and if necessary a jury, (though it failed to explain why the meat had been butchered in such an unorthodox fashion); but George Hague's determination to 'stick up' for the Warburton clan was not strong.

The Arrest

George Hague had always been a reluctant criminal. It was not his idea to steal the sheep. He had protested (though feebly) when the suggestion was first made; he had stood to one side while the animal was disembowelled; and he now made a full confession. We must recall that sheepstealing was a capital offence in 1822 and, even if the death penalty was commuted, this probably entailed transportation, which many regarded as a form of living death. On the other hand, those who co-operated with the authorities by 'turning King's evidence' were usually granted a free pardon.

So Hague gave himself up, and told all he knew. Tuesday 5 March 1822 saw him in the Town Hall at Sheffield, making his deposition to Constable William Foster of Ecclesfield, and a certain Mr Fisher. He told them about the raid on the drove, and the cover-up concocted at Old Warburton's house in Thorpe Hesley soon afterwards. He admitted that he had lied when he said initially that he had seen Joseph Warburton buy mutton in Sheffield on 26 February, and lent him five shillings to pay for it.

Hague also told the authorities that Warburton had used a particular kind of knife to kill the sheep they had stolen, and where to find the sheepskin. He said this would be found 'in the first level Pit on the right hand in a field belonging to Mr Smith of Cowley next to the Wood.' These clues were followed up next day. On Wednesday 6 March Charles Butcher went back to young Joseph Warburton's house in Thorpe and made a further search; and, eventually, Warburton's wife produced a butcher's knife. The following day Constables Butcher and Foster obtained permission from the landowner, William Smith of Cowley, to inspect the old pit near Smithy Wood, and there they found 'the Skin of the Sheep, with the Head and one foot on'.

Butcher and Foster knew the importance of accurate identification - which, in the case of a sheep, might consist of distinctive marks, burns or ear clippings - and they would have been relieved to find that no attempt had been made to disguise the mark on the sheepskin. They were able to report to the magistrates that: 'the Skin is marked with a Black Spot on the Back or Loin'. Charles Butcher took the gruesome carcass away with him.

On Tuesday 5 March, the same day as George Hague appeared in court, Joseph Warburton and William Wigfield were arrested in connection with the theft of Fletcher's sheep from Ecclesfield. Evidently they were men who were early to

rise, and early to booze. At about 6'o clock that morning, they called at a public house in Ecclesfield called *The Plough* and ordered some ale. They had never been there before in their lives and, presumably, did not know that the landlord was William Foster, the constable of Ecclesfield. For his part Foster may have known who his early customers were, but initially he had no reason to suspect them of any crime, though he was surprised to see them there at that hour. He asked what they wanted so early. To which Warburton gave the sparkling reply that: 'He did not know!' Nonetheless, Foster served them with a drink, in 'the Room' of his pub.

According to Foster, 'Whilst this conversation was passing, John Fletcher came to inform the Constable that some Mutton had been found in Warburtons House the day before and that Warburton was then somewhere in the Town'.

Constable Foster was a lucky man (though he jumped to the wrong conclusion). He thought he had the man he wanted sitting right there, in his bar-room; and he acted without delay:

> He went into the Room to Warburton and Wigfield and charged Warburton with stealing Mr Fletchers Sheep, took him into Custody and locked him and Wigfield together.

This was the moment of arrest, when men who had strayed from the straight and narrow out of sheer necessity often confessed, pleaded poverty, promised not to offend again, and offered to make amends; but Young Joseph Warburton stuck to the line which he had agreed and rehearsed with his father, and protested his innocence. He said:

> He was clean and the Mutton found in his House was about 5lbs a part of 12lbs which he had bought of a Butcher in Sheffield and that Wigfield would prove that he (Warburton) had bought it at Sheffield of a Butcher.

Foster put it to Warburton that, if what he said was true, he should be able to name the butcher in question. Warburton replied that he could not remember the name, but that he could find the butcher again, if he had to. A short time afterwards, Foster freed his two prisoners so that they could get something to eat. Foolishly, he left them alone for a moment, while he took a pen and ink into another room. Warburton seized his opportunity immediately, and bolted out of the pub and across the fields.

Constable Foster did not give up easily. As soon as he saw that his prisoner had gone, he set off in pursuit, and ran Warburton down, after a chase which lasted about half a mile. Warburton then used 'very abusive language.' Meanwhile, John Fletcher had assembled a posse, and came to the constable's assistance. His arrival was timely, for Warburton swore at them both and openly menaced Foster, saying: 'If thou had been by thy self, I would have made thee a Corpse.' Nothing daunted, Foster delivered his prisoners into the custody of his colleague at Thorpe, Charles

Butcher, who lodged them in Sheffield gaol pending further investigations. Events had moved very quickly. It was only two weeks since the raid on the Manchester drove, and only one week since Fletcher's sheep had gone missing.

On Friday 8 March 1822 George Hague made a full statement and confession before two Sheffield magistrates, Hugh Parker esq. of Woodthorpe, and the Reverend Milner of Thrybergh. The proceedings were reported in the *Sheffield Mercury* the next day:

> The attention of the acting magistrates for this town and district has been very much taken up during the present week with the examination of several persons charged with sheepstealing, the property of Mr Fletcher of Ecclesfield. They are said to have resided at Thorpe, and to be men of very suspicious character.

The journalists had again reached the wrong conclusion; and they continued to muddle things up. The article which appeared in the *Iris* for Tuesday 12 March 1822 got the names of all three suspects wrong, stated incorrectly that all three lived at Thorpe Hesley, and mentioned that Fletcher had lost three sheep - when he had only lost two. There was no sign that the writer understood that two separate crimes had been committed.

The magistrates must have realised this very quickly. Warburton and Wigfield had been arrested on suspicion of stealing two sheep from William Fletcher of Ecclesfield; but the crime George Hague had confessed to was the theft of a sheep from William Greaves of Stockport. Looking at the evidence given as a whole, it was clear that the case against Warburton, Wigfield and Hague in relation to the raid on the Manchester drove was solid. Hague's evidence had been amply corroborated by the discovery of the mutton and the butcher's knife in Warburton's house, and by the recovery of a sheepskin with a distinctive mark on it from Darwin's pit. On the other hand, it was equally clear there was no hard evidence to link any of the accused to the theft of William Fletcher' sheep. The magistrates duly committed the accused for trial in relation to the first offence only.

The Trial

The Lent Assizes in York had begun on Saturday March 9 1822. Assize fortnight was an important event in the social as well as in the legal calendar; and there were Assize Balls which attracted crowds of 300 or more, and Assize Concerts, when 600 were known to attend. On Saturday 16 March *The School for Scandal* was performed by special request of the Grand Jury, to a packed house. All this merrymaking and hob-nobbing had a certain irony, when so many who were due to appear in court stood in peril of their lives.

The Assizes had to deal with a wide variety of crimes, some of which were 'of the deepest dye' - to quote the phrase used by Mr Justice Holroyd, in his opening address to the Grand Jury. There were two cases of murder, two of cutting and maiming, two of manslaughter, one of secreting the birth of a child, two of rape, one of 'unnatural crime', one of forgery, two relating to forged banknotes, one of setting fire to a haystack, ten of burglary, four of highway robbery, seven of stealing from the person, eleven of stealing from dwelling-houses and other premises, two of riotous assembly, three of horse-stealing, two of receiving stolen horses, and two of sheep-stealing, apart from the case we have described above.

Warburton, Wigfield and Hague awaited their trial in the jail at York at York Castle, like the Cliffe House burglars before them; but they did not have long to await, because their trial took place on Friday 22 March. Meanwhile, the Grand Jury had found that there was a case to answer; and George Hague agreed to give evidence for the prosecution. The charges against him were dropped, and only Warburton and Wigfield would appear before the Petty Jury.

There were four counts in the indictment. They alleged that the two accused had stolen the sheep in question from the Manchester butcher, William Greaves, or alternatively from the head drover Joseph Taylor, or alternatively again that the two men were guilty, not of theft, but of killing an animal with intent to steal.

The *Sheffield Iris*; reported in full on the case; but we will only reproduce part of the report here:

Friday, March 22

Joseph Taylor examined - I am a drover of cattle to Stockport and the adjacent parts; I was employed to drive sheep from Rotherham to Stockport on Monday, the 25 February, by William Greaves. There were 66 sheep in the lot; I marked two lots 20 and 6, which he bought the last that day, before they left the pen. I employed James Mills and Mark Walton to drive them part of the way; I overtook them at Mortomley-lane end; there were four sheep wanting at Sand Mill, near Mottram, when we counted and separated them. I know the skin to be mine.

George Haigh examined. Lives at Westwood, four miles from Thorp; knows the prisoners, who live at Thorp; my father has a colliery at Thorp, and I am employed by him as the engine-tenter. On Monday, 25th February, at Rotherham market I was with the prisoners about four o' clock; they came to the pit to me; Warburton came first, and Wigfield after him; they asked me to go up some fields, and then to Hesley Bar, to the public house kept by W. Shaw; it was about five o ' clock when we all three got there; there were Mr H Moorwood, Mr Meller, Mr Stevenson, Mr Heppenstall and many others in the house; we were in the first room, called the House, and had three pints of ale; it was about six o'clock when we went out; does not know the drovers Mills and Walton. After we left the house, Warburton said "let us go down the road,

there's some sheep down here"….Warburton cut the sheep's throat; we had all a hand in it; we had every one a knife; we hung it in a tree by the heels with a rope, which Warburton had and dressed it there; we cut a short stick, and put it through the gristles of the heels like a stang, and hung it up with the rope; the entrails we put into the skin, and the head was on the skin, which were thrown into an old coal-pit of Mr Darwin's…

Cross-examined - We had a tough job in carrying it home; it was a good fat sheep; they were about three hundred yards from the public-house; Warburton jumped over the wall with the sheep, in his arms; we met two men on the road, but did not speak to them; I never fed my dog with mutton, nor have I been in any concern of this kind before; I never was here before, nor wish ever to be here again if I once get safe home. I was not at Sheffield on Thursday, although I said so; it was all a lie; my father never said any thing to me to inform against Warburton; the mutton was found at Warburton's house, his father sent for me to his house and said "George, what's to be done now, lad? This is a bad job" -

[Cross-examined by the Judge]. Did you ever go upon such business before? No; it was the first time I ever had any concern with rogueishness in my life; they were comrades of mine; and led me into it; I will not swear false to save myself; it is all true that I have said here to-day.

Mary Shaw examined - The wife of William Shaw, of Hesley-bar, ale-house-keeper; on Monday 25th February, had many people in the house; Mr Moorwood, Mr Stevenson, Mr Meller, and Mr Heppenstall, the fidler, were there from two till eight o'clock; the prisoners and Haigh all came in together; …the prisoners left the house directly after the drovers come in; I saw no more of them that night; the drovers staid about ten minutes or quarter of an hour at the outside.

Charles Butcher, constable of Kimberworth, examined - Searched Warburton's house, and found some roasted mutton in a box upstairs; it was the 4th March; the mutton was not cut on; it was a breast and neck joined together; there was a pantry in the house; it had no meat in it; the mutton was up stairs in a box; it was cut very different from what butchers cut it; they separate the neck and breast, this was joined together; I searched Warburton's house, on the 6th March, Wednesday; I found an old butcher's knife

The case for the prosecution had now closed. Warburton and Wigfield had made no admissions, so that the case against them rested very largely on the testimony of George Hague, who was an accomplice. The first edition of Archbold's authoritative work on *Pleading and Evidence in Criminal Cases* (1822) summarised the relevant law on his evidence as follows:

The fact of the witness's being an accomplice, accessory or principal, detracts very materially from his credit; and it is always considered necessary, in order

> to induce the jury to credit his testimony, to give other evidence confirmatory of, at least, some of the leading circumstances of his story, from which the jury may be able to presume that he has told the truth as to the rest.

The Judge was therefore bound to direct the jury to treat George Hague's evidence with caution; but at the same time, he gave a very clear indication that, in his own view, the prosecution had proved its case. However, after retiring for only twenty-five minutes, the Jury brought in a verdict of Not Guilty on all counts, in respect of each of the prisoners! So, all Constable Butcher's careful police work, and Constable Foster's considerable courage, had been in vain, as had the hours spent by the magistrates in Sheffield in taking evidence about the case. We may ask why.

It is possible of course that the jury really did think that Warburton and Wigfield were innocent; and it is also possible that the jurymen were uneasy about convicting on the basis of Hague's evidence; but it is more likely that they siply thought that the men in the dock were guilty, but did not want them to hang.[124] The Judge felt moved to address the accused as follows:

> Prisoners, you have had a very narrow escape. You owe your lives to a merciful Jury. I do hope that this may be a warning to you never to run the same risk again. If at any time you should be brought here again, for a similar offence, you may not have the good fortune to be tried by another such a Jury.

His Lordship was not alone in thinking that Warburton and Wigfield were lucky to have been acquired because, as the Sheffield *Iris* also reported: 'The whole Court expressed great surprise at the verdict.'

Mutton Town

Sheep-stealing was endemic in Yorkshire, which had a very large sheep population, as well as thriving markets at Rotherham and elsewhere. The records of the Assize trials in the County contain details of many cases similar to the one we have been considering; and many of these involved theft on a larger scale, and gangs whose crimes seem much more serious. Aaccording to the *York Courant*, 'a very deep laid and extensive system of robbery' was in operation in the East Riding in 1820, with many farmers and others losing horses, sheep, corn, bacon and other articles.[125]

In the early 20th century people in the adjacent communities sometimes referred to Thorpe Hesley as 'Mutton Town'. We do not know when this name was first used; but the late Robert Chesman, who wrote the first history of the village, mentioned two traditions:

[124] See Harding, 276; Bryant, 331; Emsley, 146.
[125] *Northern History*, 134, 138.

> Thorpe itself once had a nickname - Mutton Town - as its inhabitants had a reputation for sheep rustling. Raids were carried out on the farms in the hills around Grenoside. In 1893 the village Bobby had been warned to look out for rustlers in Thorpe, and he found one of the culprits in a way he least expected. Being on friendly terms with many of the inhabitants he called on one in Hesley Lane. He expressed surprise at seeing a cradle near the hearth and remarked that he didn't know about any new arrival. "Well", was the reply, "you know what t' neighbours are like i' Thorpe, so we've not talked about it much". After chatting for a time the policeman took his leave but in doing so disturbed the cradle - and its occupant - which turned out to be a lamb! Another source dates this story as 1822 when a Thorpe Hesley man was reputed to have escaped hanging for sheep stealing by hiding the animal in a cradle.[126]

We have seen that Warburton, Wigfield and Hague were tried in 1822, and they all escaped hanging, in various ways; but there is no mention in the records of their trial of a sheep being hidden in a cradle. Indeed, there is good reason to think that legends about lambs in cradles originated in a much earlier period, for there is just such a tale in the Wakefield Miracle Play known as *Secunda Pastorum* ('The Second Shepherds' Play'), which dates from the late 15th century.

In the play the sheep-stealer Mak abuses the hospitality of three shepherds on the moors at Horbury near Wakefield, by stealing one of their ewes; and announces his plan to the audience: 'Though the flock be frightened, yet shall I nip.' He takes the sheep home, where his wife Gill is at first horrified, telling him (she remarks: 'By the naked neck thou art like for to hang!'). Nevertheless Gill agrees to help her husband, by hiding the stolen animal in a cradle, and pretending that it is a baby, when the irate shepherds arrive to search the house. A comic scene follows, centred on the cradle: the shepherds commenting that the 'infant' smells, and has a long snout, while Mak maintains that the occupant is his baby, and not a lamb. He also insists: 'I am his father, and yon woman him bare.' At last, the occupant of the cradle is definitely identified as a lamb when one of the shepherds declares: ' I know him by his earmark. That is a good notch!'

Clearly, Thorpe Hesley is not the only place where a cradle is said to have been used in times past to hide a stolen lamb, and we must treat this explanation for its nickname with some scepticism.[127] But, does the history of what actually happened to Warburton, Wigfield and Hague in 1822 throw any light on the question of how Thorpe Hesley acquired its unsavoury reputation?

It is not claimed that the arrest and trial of Warburton, Wigfield and Hague

[126] Chesman, 5. The source referred to is not known to me.

[127] See *Notes on Miracle Plays* by Anne Malcolmson, Constable & Co, 1959.

was definitely the incident which gave rise to the name of 'Mutton Town'; but their story is instructive. It shows that, when sheep went missing from the Manchester drove, or from an Ecclesfield farm, in the early 19th century, the finger of suspicion pointed in the direction of Thorpe Hesley - and not without some justification.

The incident also reveals certain characteristics which made the village an ideal place for the sheep-stealer. Thorpe Hesley adjoined a turnpike, where the drovers and their animals passed back and forth, and had a pub next to the toll-gate, where they often stopped for refreshment, and left their flock unattended. The sheep had to be counted through Hesley toll-bar, but this process would not be repeated until the drovers got to High Green bar, two and a half miles further on. This meant that, if any sheep went missing, their loss would not be noticed immediately. Then again, there were extensive local woods adjoining Hesley Bar, where criminal acitivity would probably not be observed; and numerous old mine shafts, where incriminating evidence might be concealed. Last, and by no means least, the inhabitants of Thorpe formed a close community, where many people were either related, or at least knew each other, and could (usually!) be relied upon to 'stick up' for each other, against the forces of law and order. These were the circumstances which made Thorpe Hesley a convenient base for sheep-stealers to operate from, and a safe haven for them to retire to, after the deed was done.

10 THE BOMBINGS IN THORPE HESLEY

THORPE HESLEY, partly in Wentworth chapelry, is an ancient village 6 miles N. by E. of Sheffield. The manufacture of nails, for which the village is noted, has long been carried on here. The CHURCH is a small neat structure, erected by the late Earls Fitzwilliam and Effingham in the year 1837. The living· is a perpetual curacy, valued at £160, in the patronage of trustees and incumbency of the Rev.William Woollam. Here are chapels belonging to the Wesleyan, Primitive, and Reform Methodists. Here is also a small Endowed School.

Drake's *Directory of Rotherham*, 1862

The Bombings

On the night of Saturday 21 December 1861 two nail-shops belonging to John Hattersley and Charles Butcher in the village of Thorpe Hesley in South Yorkshire were blown apart, by crude bombs made from tin cans and gunpowder.[128] No-one was hurt, but there was considerable damage to property. Three men from Derbyshire, all members of the Nail Makers' Union based in Belper, were tried for the crime at York Assizes. The story of their conviction, sentence and subsequent pardon is curious and tortuous.

According to *Drake's Directory* there were ten nailmakers in the village in 1862.

Burgin, John
Copley, Thomas
Favell, William
Goddard, George
Greaves, Joseph

[128] I first wrote about these events in *Aspects of Rotherham* (Wharncliffe Publishing Ltd, 1995).

Hattersley, Joseph
Waller John
Waller, Matthew
Watson, William
White, Thos. (also a bolt and screwmaker)

Nailmaking was an old industry in 'Thorpe', as the locals still call it. Iron was readily available locally and could be worked up into nails at home; and, when Joseph Hunter, the historian of Hallamshire, described the village in 1831 he wrote "Here is a populous village inhabited for the most part by nailers and agriculturists". According to local historian Melvyn Jones:

> The Census of 1841 showed that the population of Thorpe Hesley was 1,239 and [the nearby village of] Scholes had a population of 315. Of the 446 males living in Thorpe Hesley for whom occupations were given, 82 (18 per cent) were engaged in farming, 130 (29 per cent) in nailmaking and 202 (45 per cent) in mining. Of the 78 males living in Scholes for whom occupations were given in 1841, 17 (22 per cent) were in farming, 11 (14 per cent) were nailmakers and 31 (40 per cent) were miners. In some Thorpe families there were both ironstone and coal miners.[129]

By the 1860s the nailers were starting to feel the impact of competition from factory made nails. One result was that some of them took steps to protect their position, by forming or joining a trade union. In fact, there had been 'Thorpers' amongst those who signed a Nailers' Agreement at Ecclesfield in 1733, fixing the terms on which apprentices could be taken; and they had also played a leading part in the formation of a Horse-Nail Makers' Union in 1822. The Rules of this society referred to the 'inevitable ruin' facing the trade in consequence of 'the immoderate number of apprentices. The historian of Ecclesfield, David Hey, referred to a market 'flooded' by machine made nails.

Some workers were prepared to use violence to bring their fellows into line; and 'the Sheffield Outrages' of the 1850s are well known. These included 'rattening' (the removal of a workman's tools until he complied), damage to property, the maiming of horses, and even murder.

In 1861 there were nailmakers in Thorpe who were employed by a Mr Favell (or Flavell) of Westgate in Rotherham, but he paid less than the rate recommended by the Nailmakers' Union; and the Union called a strike. On 19 October 1861 Thomas Jenkinson was asked by a Union man whether he intended to begin making nails for Favell. Jenkinson confirmed that he did, once he had 'worked up his common iron'. He was told that he had 'better be on strike and have 8s from the box

[129] M. Jones, *The People of Thorpe Hesley & Scholes*, in *Church, Chapel & Community* (Jones, Cooper & Chesman, 1990).

per week', but Jenkinson insisted that he would continue to work, and was then told 'If you do, it will be the worse for you'.

Thereafter, men from Belper visited Thorpe on more than one occasion, to persuade the 'knobsticks' (or blacklegs)" to join the strike. The Unionists held a meeting in a local pub, but the knobsticks refused to attend. Men from Belper and Chesterfield were heard to vow that they would 'blow the b------s up'. Later that night, someone placed a can of gunpowder in the chimney of Charles Butcher's workshop, so that it would explode next day when the fire was lit; but this 'infernal machine' was discovered in time and no damage was done. Butcher still refused to join the strike (as did John Hattersley); but the bombers struck again on the Saturday before Christmas, this time successfully.

The Trial

Sarah Ann Butcher lived with her father in Thorpe. She said that on the Saturday before Christmas 1861, at about 11 pm, she was in Kirby Lane with her sweetheart William Frost, who was a miner from Barley Hole (or 'Hall'), very close to Thorpe Hesley, but in the township of Wentworth. She was walking with him, when she saw three men running away from John Hattersley's nailshop, shortly before it exploded. She recognized all three, because (as she put it) 'they were not Thorpers', adding that 'she did not like their looks, because they were not belonging to Thorpe'.

The police arrested two brothers, Emmanuel Isaac Watson (aged 30) and James Watson (28), and a third man, Joseph Tomlinson (aged 32). They were nailmakers, who lived either in Chesterfield or Belper. They were committed for trail by local magistrates and appeared in the dock at York Assizes on Monday 10 March 1862, charged with 'feloniously throwing gunpowder into building occupied by John Hattersley, with intent to destroy the same, at Thorpe Hesley'. The prosecution outlined the case, but it had to be adjourned almost immediately because their star witness, Sarah Butcher (now Frost), had gone into labour that morning. Her new name would seem to indicate a shotgun wedding at some date between Christmas 1861 and March 1862. In any event, she gave birth and the trial resumed a week later, when she was allowed to remain seated while giving evidence. She testified as follows:

> I am the daughter of Charles Butcher, and live at Thorpe Hesley. I was in Kirby Lane on Saturday, the 21st of December, with a person of the name of Wm. Frost. We were about twenty yards from John Hattersley's shop at ten minutes to eleven. I saw Joseph Tomlinson and James Watson there. They were the first persons I saw. I did not meet any person before I saw these two men. There was another man with them, and they were going up the lane towards Hattersley's shop. I did not see any other person until they came

back again, which was within five minutes. They ran when they came back again, and passed within a yard of me and Frost. The first of the three was Joseph Tomlinson, who called out 'Come on, come on' to the other two. Jas.Watson was the last of the three. I had known him ever since I was a child. I had known Joseph Tomlinson about twelve months ago, and he had lived next door. I have had many a conversation with Tomlinson before that night. After they had gone past, I heard a crash, and saw much smoke and light arising from John Hattersley's shop. Frost was with me during the whole of this time. I went to the shop, and afterwards went home, and mentioned some names to my father. Frost was present when the names were mentioned. I knew Tomlinson by his voice when he cried 'Come on, come on'.

William Frost testified as follows:

I am a miner, and live at Barley Hole, near Wentworth. I remember the night that Hattersley's shop was blown up. I was about forty yards beyond the shop when I met the men. They were the prisoners. That would be about ten minutes to eleven. They were then going towards the shop. Afterwards, they came running back, in about five minutes. They ran within a yard of me and Sarah Ann Butcher. They were then coming back from the shop. I did not know the men by name, but knew them by their dress. Directly after they had passed I heard the explosion. The first man who passed was Joseph Tomlinson, and he was about ten yards in advance of the other two. He shouted 'Come on, come on.' I can swear to James Watson and Tomlinson as being two of the three men who came running down the lane. I and Sarah Ann Butcher then went to Hattersley's shop, and afterwards to her home. Her father directly afterwards came home, and she mentioned the names of two men. When the men passed James Watson was the nearest to me, and he struck at me, but he missed me. The thing which he had in his hand was like a sword, and it struck against the wall. I avoided the blow.

John Strange, who was a Police Constable in Thorpe Hesley, gave evidence as follows:

I was on duty on Saturday, the 21st of December, about nine o' clock in the evening, on Thorpe Common. I there met two men. They were the two Watsons, the prisoners at the bar. I met them about three quarters of a mile from Hattersley's shop. I talked to them about five minutes. They began talking to me first in some language which I could not understand but which they called Welsh. They then asked which was the road to Barnsley, and I

> directed them. Afterwards I saw them go into Senior's public-house.[130] I subsequently heard the explosion, and went to Hattersley's shop. I searched the premises that night, and found two pieces of tin, some fuse, and pieces of paper. I received other pieces from Charles Butcher. I found a quantity of fuse in Butcher's shop. I received two pieces of tin from John Hattersley. The 29th of Dec. I was in the ruins of Butcher's shop, and a piece of tin was given to Sergeant Chennall. It was a very light night when I saw the two Watsons. On the night when he saw the men, there was a great light shining from the coke ovens near the place. There was a glow of light from the coke ovens about a quarter of a mile off. I saw them again at the Rotherham lock-up on the 29th of Dec. I picked them out of half dozen other prisoners.

Next morning, the defence criticised police methods, when Sergeant Chennall (or Chinhall) gave evidence. According to the newspaper reports:

> Chinhall said he took Tomlinson and Isaac Watson into custody at Chesterfield on the 26th of December. He arrested them at work and took them to the Chesterfield Police Station and charged them. Tomlinson said he had not been at Thorpe for eight or nine weeks; but Watson made no reply. He then searched Tomlinson's house and the shop where he found the two prisoners. He found two small tin boxes in the shop, with a small quantity of blasting powder in them. After that he went on to Belper with Police Constable Crabtree, and got there between five and six.
>
> On the following Sunday the witness went to Butcher's shop at Thorpe Hesley and saw Waller find a piece of tin there, which is now produced. On the 2nd of January, he went to the prisoner's shop at Chesterfield, and found it locked up. Mr. Radford, the Chesterfield superintendent of police, gave him the key, and he went to the shop and searched it. He found two pieces of tin, which he produced, under the chippings from the anvil. He found several other pieces of tin in the shop garret. He saw the circular piece of tin, which was picked up by Waller, flattened by Mr. Gillett. It was compared with the edges of a piece of tin which he brought from Chesterfield, and it corresponded exactly.

Under cross-examination the sergeant said that the piece which he said fitted the other was not in the same state now as when it was found. The superintendent had flattened the edges, and they fitted afterwards. The other piece was also flattened by Mr. Gillett. The edges of the pieces of tin were turned up when they were found. The defence barrister then asked a question: "And they fitted,

[130] The *Sportsman's Inn*, at the top of Scholes Lane: see *Drake's Directory of Rotherham*, 1862. The building ceased to be a pub quite recently (2018).

when they had been manipulated?" The Sergeant had to agree, which made it look as if the Police had deliberately engineered the result they were looking for.

The next witness was John Gillett, superintendent of police at Rotherham. He agreed with his sergeant:

> On Thursday, the 2nd of January, I received two pieces of tin from Sergeant Chennall. The tin was bent, and I straightened it upon an iron mould. On the 4th of January I straightened two more pieces which I had received from Sergeant Chennall. I did not do more than straighten them. I compared the edges of the pieces, and found the two pieces fitted. The one that fits entirely fits with a kind of tooth in the jagged places.

Counsel then cross-examined Gillett about an altercation with the defence solicitor at the earlier committal proceedings, when the policeman had accused the defence solicitor of being ignorant of the law; but the Judge ruled that this had nothing to do with the case.

Adam Toplis, who was an innkeeper in Chesterfield, then gave evidence:

> I know the prisoner, Isaac Watson, he lodged at our house. All the three prisoners were at the house on Saturday night, the 21st of December, and they left somewhere about six o'clock. James Watson said he was going to Leicester. Isaac Watson was not at the house any more that night, but he came home on the following morning, Sunday, and went to bed between two and three o' clock in the afternoon.

Samuel Tyers gave evidence that he was a parcel porter at the Masbrough station, the nearest to Thorpe Hesley. He said that on Saturday 21 December, a train arrived from Chesterfield at four or five minutes past seven (having left Chesterfield about eleven minutes past six). Under cross-examination he said Thorpe was about four miles from Masbrough.

Mary Ann Hattersley testified:

> I am wife of John Hattersley, manager to Mr. Favell, at Thorpe. In the month of October there was a union meeting at Thorpe. At the meeting I saw Tomlinson there. He wanted my brother-in-law and some others to come away from a public-house and go to the union meeting, and because they wouldn't, he said every b------r would be blown up.

The Judge then asked her, a little sarcastically: And have you come all this way from Thorpe to say that?

Joseph Allott, who was a beerhouse-keeper in Thorpe Hesley,[131] confirmed that there had been a meeting of Mr. Favell's men at his house in October 1861; that a number of the union men had come to his house; that he had seen Tomlinson and James Watson amongst them, and heard Tomlinson say that he "would blow every one of them up." When cross-examined as to character, he admitted that he had been charged with a felony at Rotherham some months earlier, but it was found to be a mistake. Also, on one occasion he had jumped bail when he had been summoned to appear in York for obtaining goods by false pretences. He had gone to America for a time, to avoid the law. Since then he had been before the court for another offence, but the charge had been dismissed.

This marked the end of the prosecution's case; and the court was now adjourned for the day. There were twenty witnesses for the defence, who were waiting to be called; but the first thing the defence counsel did, when the trial resumed, was to address the jury, pouring scorn on the prosecution's case:

> The principal witness was Sarah Ann Batcher, and she said that on the very evening of the explosion she mentioned the names of the two men she had been to the police. Then why did not the police apprehend those men the very next morning? They had failed to do so, and now they brought the evidence of Chinhall to bolster up their miserably weak case. Counsel made some strong observations on the fact that the tins found in the shop were not laid before the Jury in the same state as they were in when they were found. The tins ought to have been brought into Court in the same state as when they were found, without having undergone any manipulation by the police. Was the evidence of those policemen evidence on which they could find these prisoners guilty? Counsel would present such a case for the defence as would convince the Jury that the case ought never to have been sent for trial by the Magistrates.

Evidence was then called for the defence, including alibi evidence for Tomlinson.

> William Kirkland said that he was a police-officer in Chesterfield. He was on duty on the night in question. He knew Tomlinson, and saw him at the bottom of Newbould lane at ten minutes past ten. He was with a woman, and was drunk. He spoke to him, and told him he had had enough to drink and had better go home. He had known him about 18 months, and was quite sure he was the man.

[131] Forty years later the licensee at *The Gate Inn* in Thorpe Hesley was one Aaron Allott, the father of another Aaron Allott who kept a notebook: see my *Flower Shows, Fraudsters & Horrible Murders*, published on www.chivalryandwar.co.uk, 2017.)

> Thos. Vincent, Inspector in the Chesterfield police force, also remembered being on duty the night of the Saturday before Christmas. He had known the prisoner Tomlinson about 12 months, and had very often seen him. He saw him on that night at ten minutes to eleven, at Holywell Cross in Chesterfield. The prisoner was drunk, and was stumbling on the causeway.

At this point, the Judge asked prosecuting counsel if he ought to continue to prosecute Tomlinson, in view of this evidence:

> A very strong impression was left on my mind by the evidence of two of those policemen, who gave their testimony very intelligently. Because if there is one person more strongly spoken of by Sarah Ann Butcher than another it is Tomlinson. She speaks to him by his face and by his voice. Still, it is not for me to stop the case.

The Jury was consulted but the Foreman announced that in their (unanimous) view, the case should go on. The next witness was Ann Bestall, wife of Charles Bestall, framework knitter at Belper, and she provided an alibi for James Watson.

> The prisoner James Watson was her next door neighbour. He was arrested on the evening of the 26th December last. On the Saturday before that, he came to her house about one o'clock, and asked her if she had seen his wife. The witness pointed out Mrs. Watson in the garden. The prisoner was dressed in his working clothes. She saw him again at half-past ten o'clock at night. He was without a coat at that time. She went to bed a few minutes after eleven o'clock, when her husband came home. She remembered seeing him the second time, because her boy had put some potatoes in the oven in the prisoner's house, and the prisoner had eaten one. Mrs. Watson came and told the witness, and the prisoner followed her and told the witness that, if his wife had not told him the potatoes were not his he should have eaten them all.

There now followed five witnesses, all from Thorpe Hesley, who also testified on behalf of the accused. (So, the trial was not simply *Thorpe v Belper*).

> Mary Ann Senior, who was the wife of George Senior, the publican on Thorpe Common, recollected the evening of Saturday 21st of December, because the explosion had taken place that night. Between eight and nine o'clock, two strangers came to her house, and remained about an hour. One of them asked her for five pipes. She told him she would have no gambling, because the policeman would come. The stranger said he had left the policeman (Strange) at the door. She noticed the strangers, and heard them sing a song about Napoleon. One was tall and looked very respectable, and the other was "low."

> She was quite sure the Watsons were not the two strangers. She described the dress and appearance of the two men to the police.

His Lordship summed up, and the Jury retired to consider their verdict, taking with them the pieces of tin found in the shops at Thorpe and the prisoners' shop in Chesterfield. The Court was crowded with people, and the majority of those who had the best opportunity of watching the case seemed to be in favour of an acquittal. However, when the jury returned after forty minutes or so, the verdict was guilty, in each case.

> His Lordship then proceeded to pass sentence. He said: "Prisoners at the bar, you have been convicted of this crime — of this most dangerous crime — with which you are charged. The Jury, after a patient investigation—after a most careful investigation, have come to the conclusion that you are guilty. It is my duty, under such circumstances, to give full effect to that verdict, and I should fail in the discharge of my duty if I did not, under the circumstances of the case, pass upon yon a sentence of a most serious description. The sentence of the Court for this your offence is that you and each of you be kept in penal servitude for the term of fourteen years."
>
> The prisoners, who were confident of an acquittal, seemed completely overwhelmed by the result.

The Pardon

This was where the story ended, when I first looked into the matter in 1995. I had the feeling that there had been a miscarriage of justice; but I had made the mistake of ending my research too soon. After I retired, I had more time for research and I discovered the riches of the British Newspaper Archive, which comes with a wonderfully efficient search engine.

Had justice been done in 1862? I soon found the answer was 'no', at least ostensibly. It turned out that my doubts about the conviction of the two Watsons and Tomlinson had been widely shared, at least by their comrades in the Nail Makers' Union; and the Union had supporters in high places, and was able to raise the matter in the House of Lords. The *Cheshire Observer* for 29 March 1862 reported:

> HOUSE OF LORDS. Tuesday. The Thorpe Hesley Outrages. Viscount Dunganon gave notice that on Friday he should call attention to the cases of three men convicted at York assizes, of feloniously placing gunpowder in a house near Rotherham, and ask if the Government had received any report of the affair?

The case also attracted public attention nearer home. The Sheffield Town Council debated whether to write to the Home Secretary to pardon the men; but decided not to. However, a meeting had also been held at the Temperance Hall in Townhead Street:

> Mr. Skelton (Attercliffe) proposed the following resolution, upon the principle of humanity — That in the opinion of this meeting the verdict of the jury against Joseph Tomlinson, Isaac Emmanuel Watson, and James Watson, is at variance with the reports which have appeared in the newspapers.[132]

The *Derbyshire Advertiser and Journal* for 9 May 1862 also reported a widespread feeling that a great wrong had been done:

> Memorials were also sent from Belper, Chesterfield, and Thorpe Hesley, the scene of the outrage. Mr. Walker waited upon our worthy member [of Parliament], T.W. Evans, Esq., and that gentleman kindly promised to look them through, and lay them before the Home Secretary.

The petition succeeded beyond all expectations, because the three men involved were all pardoned. The *Sheffield Independent* for 10 May 1862 reported:

> LIBERATION OF THE MEN CONVICTED OF THE THORPE HESLEY OUTRAGE. Considerable sensation was created at Masbro' station on Sunday afternoon on the arrival of the 4 pm train from the north, by' the appearance of two men at a carriage window who stated that they were Joseph Tomlinson and James Watson, two of the men convicted of the Thorpe outrage, who had been liberated that morning on receipt of the Queen's pardon. Emmanuel Isaac Watson, who was also convicted along with the men, had been liberated, but had gone to York.
>
> This statement naturally attracted the attention of the persons at the station, and the men requested Mr. Poulton, landlord of the *Wellington Inn*, Westgate, to make known the news to their friends in Rotherham. They stated to him that a pardon had come down from London late on Saturday night or on Sunday morning, and they were liberated on Sunday morning, furnished with a ticket to Belper, and presented with 5 shillings each. On Monday morning the parents of the Watsons, who reside at Thorpe Hesley, received a letter announcing the liberation of their sons.
>
> The final decision has been taken upon the report of the Judge who tried the case. The opinion of his Lordship was clearly manifested in the course of the first day of the trial, that this was not a case in which a

[132] *Sheffield Daily Telegraph*, Saturday 3 May 1862.

> conviction could be hoped for and his address to the Jury was in favour of an acquittal.[133]

Towards the end of May the *Sheffield Independent* contained this message, addressed to the people of Sheffield:

> Belper, May 19, 1863. To Mr. Samuel Jackson. — The three men convicted at the late York Assizes for the Thorpe Hesley outrage wish to return thanks to the inhabitants of Sheffield for the interest they took in their case, and especially to Councillors Booth and Mosley, Messrs. Henry Bach, Samuel Jackson, Henry Titterton, Skelton, A. Jackson, Broadhead, &c., &c. For the interest you have already taken, please accept our warmest thanks. Joseph Tomlinson. Emmanuel Isaac Watson. James Watson.

In 2017, I felt safe in concluding and writing: "In view of the doubts surrounding the case, it is pleasing to report that the prisoners were released, and within months".[134] Little did I know that I had still overlooked yet another piece of the jigsaw.

The Examiners

In 2018, while working on something else entirely, I came across the report of the Sheffield Examiners to the Trades Union Commission established by Act of Parliament in 1867. The purpose of the Commission was to look into 'the Sheffield Outrages' in particular, and advise as to whether the law on trade unions should be changed. The Examiners heard evidence in Sheffield Town Hall between 3 June and 8 July 1867 and reported on 2 August that year; and it is important to note that anyone giving evidence to the Examiners was granted immunity from prosecution.

The Minutes of Evidence occupy 451 large pages, of which only five are devoted to the Thorpe Hesley bombings. Nevertheless, the evidence which had been produced to the Rotherham magistrates and then to the York Assizes was now rehearsed for a third time; and the conclusions reached were entirely new. The most sensational testimony was undoubtedly given by Isaac Emmanuel Watson. We recall that in 1862 he had been sentenced in 1862 to 14 years' penal servitude, but also that he had been pardoned the same year.

22,854. *(Chairman.)* Are you a nailmaker? Yes.
22,855. Do you live at Rotherham? Yes.
22,856. In 1861 did you live at Chesterfield? Yes.
22,857. Did you work in the same shop with Joseph Tomlinson? Yes.

[133] Not so. Fake news?!
[134] In *The Jubilee Poacher* (CreateSpace, 2018).

22,858. Were you in the union in 1861? No.
22,859. Had you anything to do with the union? I was not in the union; I did not pay any contributions, and neither did the others.
22,860. Do you recollect on the 21st of December going over to Thorpe Hesley? I do.
22,861. Who went with you? Joseph Tomlinson.
22,862. Who besides? Samuel Proctor.
22,863. Did you go to the shop of John Hattersley? Yes.
22,864. What did you do to him? Put some powder down the chimney and lit the fuse.
22,865. What was the consequence? We blew the roof off.
22,866. Did you go anywhere else the same night? We went to Charles Butcher's shop.
22,867. What did you do to his shop? We served it the same.
22,868. Did you put the powder into that shop? Yes.
22,869. What was your reason for blowing up the shops of Hattersley and Butcher? My reason for one thing was, we did not think they were doing right.
22,870. They were not doing right in what respect? They were working for less than the Rotherham men.
22,871. What besides? And another thing, we were engaged to do it.
22,872. Who engaged you? That I never knew.
22,873. When you say that you were engaged what do you mean? I received letters from the Belper postman, but no name.
22,874. What became of the letters? I burned them because it said at the end of every letter "Burn as soon as read."
22,875. What did the letter state? It stated that a job wanted doing, and if we would do it we should be paid for it.
22,876. Who were the letters signed by? Did they bear any signature? There was no signature.
22,877. Did you know the handwriting? I did not.
22,878. Did you know where they came from? I knew they came from Belper, but no more.
22,879. Who were the parties that sent them? I do not know.
22,880. You do not know? No.
22,881. You say that you blew them up with powder? Yes.
22,882. Where did you get the can of powder from? I got one part of the powder at Chesterfield. I had a letter come to Chesterfield to me, telling me to meet a certain train, and I met it, and they said I should see a party there with a parcel. I went to the train, and I was looking for the party that I expected, and there was a gentleman put his head out of the window and said to me, "Will you get me a ticket for Whittington?" I took the money in my hand to do so, but then I turned back and said, "I beg your

pardon, sir, but I am looking after a party." He said, "Is your name Watson?" and I said "Yes." He said, "Take this;" and he gave me a parcel, and there was six or eight pounds of powder in it. I cannot say which.
22,883. Who was that man who gave you the parcel? I am not aware that I ever saw him before.
22,889. Having got the powder you say that you put cans down the chimney; where did you get the cans from? I bought the cans for nail pots; the cans are what had been got previously for nail pots.
22,892. You put the powder into the cans? I never saw it put in; I did not put it in; there was more powder than that.
22,893. Joseph Tomlinson and Samuel Proctor went with you to get the powder? I believe Tomlinson got it. I did not see the powder put into the cans.
22,894. You saw the cans when they had the powder in? Yes.
22,895. Who carried them? I carried one and one of the others carried the other - I believe it was Tomlinson.
22,896. Were you then living at Chesterfield? Yes; all three of us were.
22,897. How did you go from Chesterfield to Thorpe Hesley? We came by train to Masbro' from Chesterfield, and then we walked from Masbro' to Thorpe Hesley.
22,898. Was that on the 21st of December? Yes.
22,899. What time did you arrive at Thorpe Hesley? Between 10 and 11 o'clock.
22.900. At night? Yes.
22.901. And you did the thing in the two shops and then you came away again? We came away another road.
22,902. Where is Tomlinson? For anything I know, he is in London.
22,903. When was he in London? I am not aware when he was in London.
22,904. Is he a nailmaker? Yes, he is a nailmaker there.
22,905. Where is Samuel Proctor? I have not seen him since we came from York.
22,906. You do not know what has become of him? I do not.
22,907. Did you know the shop and the name of the people you were going to blow up before you got there? I knew perfectly well all about them.
22,908. How did you know that? I had been brought up about Thorpe Hesley.
22,909. You knew the shops, both of Hattersley and Butcher? Yes.
22,910. Did the other men know the places, or did you show them? Proctor did not know them, but Tomlinson did.
22,911. After you had blown them up you were told that you would be paid? Yes.
(Mr. Webster was called in and pointed out to the witness.)

22,923. Is that the man whom you believe paid you the money? I believe it is, but I could not be sure.
22,924. You received how much? £2.
22,931. You blew this up on the 21st of December? Yes.
22,932. You were taken up for it? Yes.
22,933. And tried for it? Yes.
22,934. You and your brother? Yes.
22,935. What was his name? James Watson.
22,936. And you and Tomlinson were all tried for it? Yes.
22,937 And all found guilty? Yes.
22,938 You set up an alibi? I did so.
22,939 You set up an alibi to show that you were not at Thorpe Hesley that night? Yes.
22,940 And how many witnesses did you call? 15 or 16.
22,941. And you knew that when they all swore that you were not there that night that they swore falsely? No; they were not all false. .
22,942. How was it that they were not all false? Because all those at Belper swore to my brother, and he was there; he was really at Belper.
22,943. But all those that swore to you? There was never one swore to me but one woman.
22,944. And she swore falsely? Yes.
22,945. And with respect to Proctor, how many swore to him? None.
22,946. Only one person swore falsely? There was only one that swore to me.
22,947. There were others who swore for an alibi to Tomlinson? Yes.
22,948. How many swore to him? Three or four.
22,949. And they all swore falsely? Yes, all.
22,950. Are you sure that it was done falsely, or by mistake? I believe it was a mistake.
22,951. They swore to Christmas Eve instead of Saturday? Yes.
22,952. They fixed on the wrong night? I believe it was so; we did not tell them different.
22,953. Some of the police swore to that; they did not commit perjury, but they swore to the wrong night; you knew that they were wrong when they gave their evidence? Yes; but we did not tell them.
22,954. Some perjured themselves, others made a mistake, but there was a strong representation made for you, and you got off in consequence of the alibi that was set up; some people believed the alibi to be true, and that you had been improperly convicted, and you were set at large? Yes.
22,958. Had not you tried to blow him up before? No; I did not want to blow him up then. When we were going to do it, I said, "Let us pass Charles Butcher's," but the others said he did not get the price for his work.
22,959. You did not want to do him? No.
22,960. You wanted to do Hattersley? I cared nothing about doing Hattersley.

22,961. You were perfectly indifferent whether you did it or not? Well, I considered that he deserved it.
22,965. You say that Tomlinson, you, and Proctor were the persons; are you sure that your brother was not one of the party? My brother was never near it.
22,980. *(Mr. Chance.)* How did you do the blowing-up of the chimney? We put the can of powder down the chimney.
22,981. How did you do that? We hung the powder to a string, the fuse came out, and that way we lit it.
22,985. Did you endeavour to hang it as near the fire as possible? No; we wanted no fire.
22,986. You lighted the fuse? Yes; the fuse would be five or six yards long.
22,987. Did you ascertain whether there was anything in the shop at the time or not? We knew there was nobody in the shop. We never expected anybody in the shop when it was shut up at night.

So, there we have it at last – the truth about the Thorpe Hesley bombings. The Examiners summarise the position very concisely in their findings about the Nail Makers' Union:

> This union has its head-quarters at Belper, in Derbyshire, but the persons on whose property the fol1owing outrages were committed lived and worked at Thorpe Hesley, within the district to which the present inquiry is limited. In this union there is no weekly regular contribution, but when a strike occurs a levy is made to support the men who are out.
>
> In December 1861 the nailmakers in the employment of Mr. Favell, of Rotherham, were on strike, but John Hatters1ey and Charles Butcher, who carried on their trade at their own shops at Thorpe Hesley, persisted in working for Mr. Favell. Hattersley was subjected to many acts of annoyance, and Butcher, on going to his work, discovered one morning in the chimney above his hearth, a can full of gunpowder suspended by a rope from the top, which would have exploded immediately the fire was lighted.
>
> On the 21st December 1861 the shops of these men were blown up by a can of gunpowder suspended by a rope in the chimney of each shop, and exploded by a fuse. Isaac Emmanuel Watson, Joseph Tomlinson, and Samuel Proctor committed these outrages, and were paid for doing them out of the funds of the union (by order of the committee) by Charles Webster, a member of the committee, the money being handed to him by the chairman, James Beighton, for that purpose.
>
> Watson, Tomlinson, and a brother of Watson, were tried for these outrages at the York Spring Assizes, 1802, and found guilty, and sentenced to 14 years transportation [sic]. Upon strong representations being made of their

innocence, they were pardoned and released. The men were defended by the union, and their defence cost the union £40 or £50.

We report that these outrages were promoted and encouraged by the Nail Makers' Union.[135]

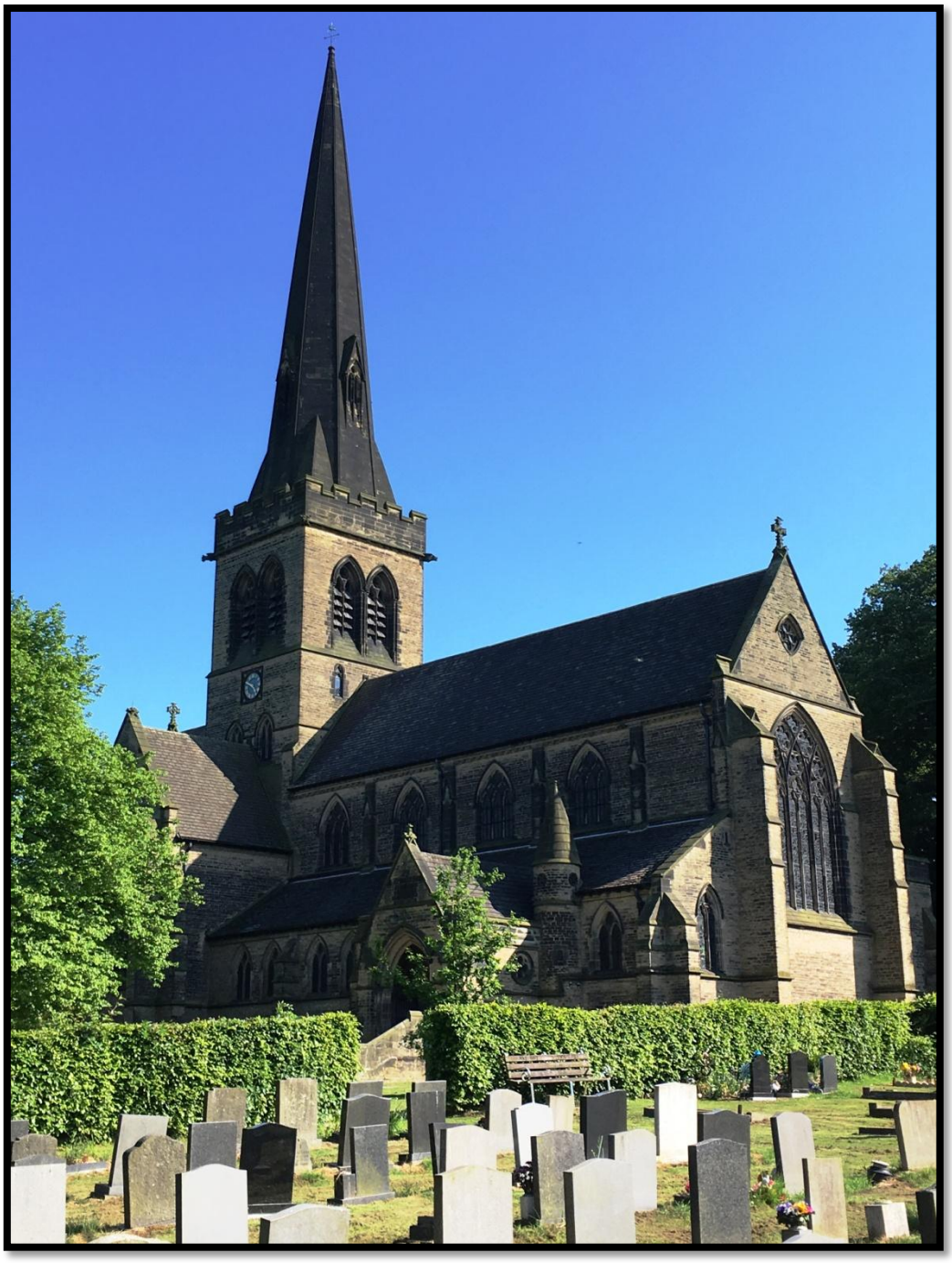
I was stunned. It appeared now that *both* the trial *and* the granting of the pardon were miscarriages of justice. True, James Watson was innocent of the bombings, and he had been wrongly convicted at the Assizes. But his brother Isaac had now admitted his guilt, and had incriminated both Joseph Tomlinson (who had also been pardoned) and Samuel Proctor, who had never even been arrested. Most shocking of all, perhaps, was the evidence relating to the last conclusion - that the trade union concerned had paid the culprits to commit the crime in the first place, then arranged for witnesses to provide false evidence at the trial, and financed the successful campaign leading to a pardon.

[135] For the Commission and the evidence given to it see *Intimidation* (Mick Drewry, Austin Macaulay Publishers, 2017); and *The Sheffield Outrages (*Report presented in 1867, introduction by Sidney Pollard.

26 Newcomen Pump, Elsecar

27 Elsecar Worshops

28 Elsecar Station



29 Wentworth Parish Church

11 EARL FITZWILLIAM'S TREASURE- HUNT

At length an oak-chest, that had long lay hid,
Was found in the Castle - they raised the lid.

The Mistletoe Bough,
Habershon's *Chapeltown Researches* (1893)

The 7th Earl Fitzwilliam's reputation stands high in South Yorkshire; but it is not widely known that he once led an expedition to Cocos Island, in the Gulf of Panama, in search of the Treasure of Lima. Yet the adventure was once so well known that a journalist even suggested that the Earl had started a 'society craze'.

The Expedition

In 1904, the 7th Earl Fitzwilliam (1872-1943), who owned Wentworth Woodhouse, mounted an expedition to Cocos Island, in conjunction with Admiral Henry Palliser and a group of friends. The Earl provided miners, engineers and a ship, the *Harlech Castle*, which he re-named *Véronique*, after a popular musical of the day.[136] He also obtained a concession from the Costa Rican government to land and dig on the Island, while Palliser provided the seamanship, and a map. Once in Costa Rica, the Earl's party encountered a fellow Englishman Hervey de Montmorency, who claimed that he also had a concession, and Fitzwilliam was obliged to travel up to the capital San José, by railway and donkey, to resolve the dispute with the President of the Costa Rican Republic. This was done, apparently, to everyone's satisfaction; but, when the Earl landed on the Island, the German Governor August

[136] TNA BT 110/222/10.

Gissler objected, though he acquiesced once the President's *volte-face* had been explained to him.

Fitzwilliam stayed on Cocos Island for five days, before his mining engineers blew themselves up with high explosive, whilst trying to remove a landslip. The whole party had to retire to Panama, where the most badly injured were cared for in the American hospital. Despite the failure of the expedition, most of them would have continued the search, if Fitzwilliam had permitted it; but he felt that he had put them through enough. Accordingly, he sold the *Véronique* and arranged for the officers and men to sail home separately from Colon, on the Caribbbean side of Panama. They all arrived in Southampton, without further mishap, in January 1905. Fitzwilliam gave only one interview to the newspapers about the affair, and never admitted to the true reason for the expedition. So, why did he (and so many others) undertake the arduous journey to Cocos Island? The short answer is to be found in the nature of Palliser's map.

The British have long been interested in desert islands, perhaps because our own Islands are so far from being deserted, even in their least populated parts. This interest has been variously displayed, for example in Daniel Defoe's novel *Robinson Crusoe* (1719), in the stage play *The Admirable Crichton* (1902) and in the radio programme *Desert Island Discs* (first broadcast in 1942); but the main reason men and women went to Cocos Island in the late 19th and early 20th centuries, at any rate, was to look for buried treasure; and Palliser's map purported to show precisely were this was to be found.

Fitzwilliam swore his friends and his crew to secrecy, and repeatedly told enquirers that he had gone in search of coal and minerals; but very few believed him, and excessive secrecy only encouraged suspicion and speculation. Indeed the Press engaged in a feeding frenzy upon his return and some very wild stories appeared in the newspapers. The Earl's response was to deny that he had been involved in a fight with the Americans, or that eight of his men had been killed, or that he had swum through through shark-infested waters to rescue some members of his party. The newspaper men hounded and stalked Fitzwilliam for a while, before moving onto other stories; but not before publishing a less than complimentary cartoon, lampooning him and suggesting that his activities might start a 'society craze' for treasure-hunting.

In Fitzwilliam's estate village of Wentworth, in the West Riding of Yorkshire, the miners who had accompanied him kept their word, and never spoke to anyone about the treasure-hunt; but two of Fitzwilliam's friends wrote accounts of the great adventure. Eustace Cooke-Yarborough never published his, though a copy was eventually deposited in Doncaster Archives; but David's Smith's account, entitled *El Dorado*, appeared in *Blackwood's Magazine* in 1932, the year in which Sir Macolm Campbell's *My Greatest Adventure* was also published. No-one paid much attention to the former.

Fitzwilliam had the benefit of rapidly developing technology. He went on board a steamship, which burnt coal in large quantities. While in transit, he sent

messages by telegram, making use of cables which spanned the Oceans; and, while he was on the Island, at least one of his team took photographs. After the First World War, adventurers went in oil-fired ships. In addition to dynamite and gelignite, they had radio, metal detectors and excavating machines. Much later, they were able to make use of low-flying aircraft, helicopters and satellites.

The social profile of the average adventurer also underwent an important change. Before 1914, many of the British who went to Cocos Island were rich enough to pay for their expeditions themselves, or obtained funds from wealthy friends and sponsors. Palliser was a retired Royal Naval officer, his rival Montmorency a former Army officer, Fitzwilliam an Army man, major landowner and coal magnate. These were people who could afford to indulge their taste for adventure and had no great need of treasure. It was not always so. In the United States, the adventurers came from the business class and often used limited companies to raise capital. After 1918, several voyages were undertaken by American tycoons, but we also find plainer and poorer men taking part in the game, the classic case being Commander Plumpton of Cullompton, in Devon, who did everything on the cheap.

Cocos Island and its legend

The opening paragraph of a Peace Handbook, published by His Majesty's Stationery Office in 1920 described Cocos Island as follows:

> COCOS ISLAND lies in the eastern Pacific Ocean in latitude 5° 35' north, and longitude 87° 2' west. Its distance from Panama is about 540 miles. The island is about 4½ miles long and 14 miles in circumference. Its area, including that of a few islets off its coast, is 18 square miles. The island is mountainous and entirely volcanic, rising to several peaks, of which the highest reaches 2,788 ft. These peaks are probably volcanoes, but the interior is unexplored and almost impenetrable, owing to its steep, rugged, and often precipitous nature, the many rushing streams, and the dense vegetation. There are small areas of comparatively level ground surrounding Chatham and Wafer Bays.

Some of the early explorers were ecstatic about the Island; but others thought it was a hostile environment. As a French writer eplained:

> The ants on Cocos bite men cruelly, when the leaves are touched. The waves dash with rage on the shores of the bay between Meule Island and falling cascades fling their rainbows across the sides of Dampier Head. In this large bay a great waterfall dashes and foams from a neighbouring hill (345 m.), and there is no landing on its shores where landcrabs scuttle along the beaches and sidle out of holes in the banks of the streams.

Eustace Cooke-Yarborough tells us that, when the *Véronique* dropped anchor in Chatham Bay in December 1904, Earl Fitzwilliam, Admiral Palliser and one of the Earl's officers, Captain Brooke, went ahead to see if they could recognise any feature described in the Admiral's map; but, after spending half an hour slipping and sliding around, they were forced to return to the ship's boat, in search of a better landing-place, and somewhere to pitch the tents. With the aid of field-glasses, they could all see that the land rose steeply from the sea on all sides and was almost entirely covered with dense vegetation. There was only one small piece of level sand which would be suitable for a campsite, and it took them the best part of a day to unload there in comparative safety, because of the large number of sharks in the waters. Moreover, that was only the start of their difficulties.

Prior to the opening of the Panama Canal in 1914 Europeans explorers had to undertake a voyage of over 12,000 miles to reach Cocos Island, and they were obliged to pass through the Straits of Magellan at the tip of South America (so as to avoid Cape Horn); but, nevertheless, some 300 expeditions to the Island were undertaken between 1850 and 1978, when the Costa Rican government declared it off limits. We may wonder once again why these travelers continued to set out, when the destination was so remote and difficult to explore, and when nothing of material value was ever found there; but the reader of the Peace Handbook of 1920 was left in little doubt as to the answer:

> In 1818 or 1819 a notorious pirate known as Benito, *alias* Bennett Graham, [hid] a vast plunder he had obtained by rifling certain churches in Peru. A few years afterwards, it is said, Benito deposited a fresh quantity of gold bars and specie, worth eleven million dollars. In or about 1826 a man passing as William Thompson, who appears to have previously served under Benito, but was then in command of the brig *Mary Read,* concealed about twelve million dollars' worth of stolen gold coin, jewels, and silver ingots on Cocos Island.

Further:

> The existence of treasure concealed in the island is well established and has been a matter of notoriety among residents not only of Costa Rica but of all the principal coast towns from Lima to Vancouver for many years.

In fact, there were several legends about how there came to be treasure on Cocos Island; but the main one concerns the so-called 'Treasure of Lima.' This legend originated in the activities of the Spanish Conquistadors, who conquered Mexico and Peru in the early 16th century in the wake of Columbus's epic voyages of discovery. Unlike the Europeans, the Aztecs and Incas did not treat gold

and silver as currencies or commodities: they were ornamental, since the local economies were based on barter. The Spaniards were therefore free to take the precious metals, or dissipate them, once they had taken control of the two great indigenous empires.

The Spanish conquests were amazingly rapid. In South America, Francisco Pizarro first entered Inca territory in 1526, the Spaniards founded Lima in 1535, and the last Inca stronghold was captured in 1572. Meanwhile Potosi was found to have enormous deposits of silver; and, by the second half of the 16th century, it supplied 60% of the world's silver.[137] An Italian naturalist described Peru as 'a beggar sitting on a heap of gold', while an anonymous citizen of the U.S.A. described Lima in 1826 as:

> The great emporium of trade for the whole Pacific coast of the continent of America, and the grand depot of the metallic regions of South America, into which they have been pouring their wealth for nearly three centuries.

The silver which the Spaniards brought home inaugurated a price revolution in Western Europe and stimulated a vast expansion of piracy, since it was easier for interlopers to seize treasure whilst it was still at sea, than it was for them to compete with the Spaniards on land; but, since pirates, buccaneers and privateers operated on the fringes of the law, they needed to keep their operations secret. Publicity attracted unwelcome attention, though it might be useful in spreading fear; and the outlaws needed refuges where they could hide their ill-gotten gains.

Cocos Island, which was uninhabited and far removed from the mainland, was a magnet for the pirates. Accordingly, it would not be surprising if one or more pirate ships called in there to bury their loot, and failed to collect it later; but this does not prove the existence of any particular hoard of treasure. It merely explains why the myth of the Treasure of Lima arose, and why it has proved so enduring.

There were three figures who were central to the main story (or at least the version of it which became current in Britain and the British Empire). These were Captain William Thompson, John Keating and Nicholas (or Patrick) Fitzgerald. According to legend, the Treasure of Lima consisted of a vast reserve of gold and silver which the Spaniards had accumulated in Lima, but were unable to bring home because of the wars of independence in Central and South America. In 1821, when the army of the Liberator José de San Martín was approaching the city, the Spanish Viceroy supposedly entrusted the imperial treasure to a British trader, Captain William Thompson, so that he could convey it to a place of safety in his ship the *Mary Dear* (or perhaps it was the *Mary Deer*, or even the *Mary Dier*). But Thompson proved unreliable. Instead of doing what he was supposed to do, he and his crew killed the Viceroy's men and sailed to Cocos Island, where they buried the loot.

[137] Williamson, chapter 1; Hobsbawm, *Age of Capital*.

Shortly afterwards, they were arrested by a Spanish warship and the whole crew (except Thompson and his first mate) were executed for piracy. In exchange for their lives, the two men promised to reveal where the treasure was hidden; but, once they were put back on the Island, they ran off into the jungle, from which they eventually escaped, but without the treasure. It is impossible to be sure where they hid it, assuming there is any truth in the legend at all.

As he lay dying in Newfoundland twenty or more years later, Thompson passed his secret to John Keating. This is H.T.Wilkins's version of how this happened:

> A mysterious seaman supposedly lay dying in the home of a Newfoundland fisherman with whom he had formed a friendship. He signed to the fisherman to bend down, when he handed to him a chart full of directions about a treasure buried in a desert island in mid-ocean.
>
> Thompson then tells how his ship was captured by a Peruvian man-o'-war, and his men shot. He and two of the crew were spared on promising to reveal the location of the cache. They led the warship on a fool's chase to the Galapagos Islands, and on the way out, in the Bay of Dulce, he and another pirate escaped at night and swam to a whaler. "We said nothing about the treasure, and some years later, went home to Nova Scotia."[138]
>
> "Once there", said the chart, "follow the coast line of the bay till you find a creek, where, at high-water mark, you go up the bed of a stream which flows inland. Now, you step out seventy paces, west by south, and against the skyline you will see the gap in the hills. Turn north, and walk to a stream. You will now see a rock with a smooth face, rising sheer like a cliff. At the height of a man's shoulder above the ground, you will see a hole large enough for you to insert your thumb. Thrust in an iron bar, twist it round in the cavity, and behind you will find a door which opens on the treasure."

Keating supposedly made three voyages to Cocos Island. Here is Wilkins's narrative of these.

> [First voyage] He told a Captain Boag, or Bogue, who, in his turn, induced two Liverpool men (Smith and Irwin) to charter a brig, the *Edgcombe,* and, with Captain Bogue as skipper, and Keating and one Gault, they sailed for Cocos Island, which they reached in June 1841. Two deserters from an American brig were on the island when Bogue and Keating landed, but whether any treasure was found by the *Edgcombe* is not clear. It is probable that the cave was visited; since

[138] We note that in this version of the story, Thompson is Canadian, rather than Scots.

Keating, on his return to Newfoundland, gave orders to Kearney, a local man, to build a clipper schooner, *Red Gauntlet* of 120 tons, of 120 tons.

[Second voyage] Bogue again joined him for a second voyage, some time in the early 1840s. They found the treasure cave, and secretly carried to the ship, in canvas pockets sewn inside their clothes, some of the gold. Another version is that, on the return trip, Bogue, his pockets loaded with heavy loot, fell into a hole in the raging surf, when the subsequent proceedings interested him no more; but there were folk who roundly said that Keating had hit Bogue on the head while he was bending down in the treasure cave, and had pushed the heavy door to and left comrade Bogue to die inside.

[Third voyage] Keating made a third trip to Cocos Island, in 1846, and brought off altogether about $110,000. Bogue's son, says one account, found that his father's sea-chest had been rifled and only a small button-bag, containing twenty-seven gems, left; but whether Captain Bogue's sea-chest was picked up in the sea, afloat off Cape Horn, and mailed to St. John's, N.F., by the skipper of the *Flying Dutchman,* doth not appear in this variant.

Twenty years later, Keating met another shady figure, Fitzgerald. This fellow had retired from the sea and made no further voyages himself; but he passed the secret (and a map showing where the treasure was to be found) to the genuinely historical figure of Henry Palliser (1839–1907), an officer in the Royal Navy who, following his promotion to Captain in 1878, was appointed Commander-in-Chief of the Pacific Station in 1896. Palliser made one landing on Cocos Island while he was serving in the Pacific; but we are told that he kept the secret to himself until he could find someone back home to back a private expedition. In the end, his main backer was the 7th Earl Fitzwilliam. How he met Palliser is not recorded; but it proved to be an eventful meeting.

British Expeditions between the World Wars

Fitzwilliam came back empty-handed, or claimed that he did. At any rate, he seems to have made no plans to return to Cocos Island; but there were many others who went there in search of profit and adventure. Indeed, there was a boom in treasure-hunting of all kinds in the 1920s and '30s, both in Britain and America; and not all the adventurers were as scrupulous as the 7th Earl.

In 1926 Sir Malcolm Campbell (1885 – 1948) took up the challenge. People of my generation remember his son Donald, who was killed when his boat *Blue Bird* turned over on Coniston Water in 1967; but the father was more famous than the son in his day, setting no less than 13 land and water speed world records.

Sir Malcolm travelled to Cocos Island with Lee Guinness (1887 – 1937), a member of the Irish brewing family who once held the world land speed record himself. Guinness provided the yacht, suitably called *Adventuress*; and they were able, now, to use the Panama Canal. Campbell describes the wonder of it in Chapter VIII of his book, *My Greatest Adventure* (1932). It is noteworthy that technology does not seem to have been of great assistance to him. There is no reference in his book to radio and, after many frustrating experiments with electrical metal detectors, he concluded that these were of little use.[139] As a result, he seems to have been entirely reliant on having an accurate map or 'clue', showing the supposed location of a cave where the treasure was to be found.

When Sir Malcom was unable to find the cave, he tried blasting a rock which he thought to be obstructing the entrance. He describes this in Chapter XI of his book, using language which was typical of his class and his age:

> We drilled holes all around [the rock], plugged them with dynamite and blew great chunks out until we had completely blasted the top away. There were no traces of a cave, and the rock, like the n-----r's head, seemed to be solid right through. We blasted several other large boulders in the immediate neighbourhood and finally came to the conclusion that it was a waste of time and dynamite to hunt round any further in that locality. [140]

Campbell found nothing, though he spent three times as long on the Island as Fitzwilliam had three decades earlier. Nevertheless he still had faith that there was treasure awaiting discovery, though he was also told that someone had once found it, and taken part of it away:

> I have heard rumours… that the treasure was removed thirty years ago from its original hiding place and secreted elsewhere. This may or may not be true. I had a most interesting letter from another correspondent abroad, who states that he himself has been to Cocos, unearthed half the treasure and upon returning for the remainder some years later, was nearly engulfed in a landslide, and was unable to enter the cave in consequence.

It is very unlikely that this anonymous 'correspondent' of Campbell's was Earl Fitzwilliam, though it is just possible.

In 1932 Campbell set up a company with the aid of a Colonel Leckie, in order to finance further attempts to find the treasure. This was Cocos Island Treasure Ltd., and it issued a prospectus featuring a galleon on the cover, referring to Colonel Leckie's new metal detecting device - the 'Metalaphone' - as a crucial tool in the company's possession, and promising investors a return of $600 for every $2 they

[139] Campbell, 67-72.
[140] Campbell, 223.

were willing to contribute. (Clearly, the document was principally aimed at the America market). The prospectus also contained a further promise:

> The treasure hunt will give you all the thrills and excitement of the sweepstake, the horse race, the lottery, with the added satisfaction,
>
> *IF ANYONE WINS, - EVERYONE WINS*

The expedition never even left Vancouver. The promise did, however, come to the attention of one investor who proved in a way to be Campbell's nemesis – Admiral B.M. Chambers. His critique of the search for the Treasure of Lima was to be published only three years later (see below).

By 1931, the phrase 'Cocos Island treasure' had entered the language, albeit temporarily, as indicating a windfall which would rescue the indigent from money worries; but some of those who went to the Island could have done with financial assistance before they set off. Commander James Plumpton was one, since his expedition of 1932 operated on a shoe-string. Plumpton had radios – both a 'Marconi set', and an 'Eddystone four valve'; but the *Vigilant* was a small wooden sailing ship built by Uphams of Brixton and weighing only 50 tons, whereas Fitzwilliam's *Véronique* (for example) had been a steamship, 350 feet long, weighing 6,650 tons and capable of making over 300 miles a day. This explains why Plumpton took four months to make the voyage from England to Cocos Island, despite using the Panama Canal.

On the first page of his account of the voyage, Plumpton tells us that, although the 'definite objective' of it was to visit Cocos Island, he also hoped to call in at Grand Piton Island, and stop at one of the Salvage Islands (in the Atlantic), where there was also supposed to be treasure. He sailed via Madeira and the Canaries, St Vincent, and Trinidad. The voyage was uneventful, except that that they had some mechanical problems, and the boat suffered from Teredo worm, which meant that they had to scrape her bottom on Grand Piton Island; but the crew remained cheerful, and there were some comical moments when they tried to make bread.

Like Fitzwilliam, Plumpton sometimes resorted to subterfuge to disguise the true nature of his expedition. When his party met a 'murderous looking gang of Venezuelan fishermen' on the Testigo Islands, and were asked what they were doing there, the Brits replied that they were hoping to get a shipload of turtles, and take them back to Trinidad. However, when they met an American in Balboa, on the Pacific coast of Panama, they told him the truth. He directed them to Montuoso and then to Cano Island (which belonged to Costa Rica, as Cocos did); and they landed on each in turn. They found Montuoso impossible to penetrate (and temporarily lost

a man there) but spent two days digging on Cano, though all they found was some old shards of pottery.[141]

When it came to finding the treasure, Plumpton was at first entirely dependant on the expertise of his companion Frank Cooper, who supposedly had an uncanny ability to detect precious metal with a spring extracted from an old gramophone;[142] but, once arrived on Cocos, he fell in with a party of Canadians who were engaged in the same search as he was, and they had a 'Metalophone'. Plumpton now describes this device.

> This was a long cable connected to a coil at each end, these coils being of either two, four or six feet in diameter, and constructed of a mass of fine wire wound in some intricate fashion. Electric current was passed through these coils, and it was alleged that sound would be given at the listening-end should these coils pass over hidden metal. Conclusive tests were said to have been carried out by the Metalophone Company, in which metal had been located on land at a depth of 50 feet and beneath water to a depth of over 100 feet.

The two parties agreed to join forces; but, in the event, the Metalophone did not work. Nevertheless, Plumpton did not think that the device was entirely without merit.

Plumpton even made another voyage, undaunted by his previous failure; and, once again, he took Frank Cooper of Yeovil with him. Their destination was kept secret, though the newspapers speculated that the aim was to find a sunken Spanish galleon, full of gold bullion and silver cannons; but, this time, our bold adventurers ran out of luck rather more quickly. Their ship the *France* foundered in a storm some 33 miles off the coast of Guiana. Plumpton was found, after he had drifted for four days on the wreckage; but Frank Cooper never was. (His widow gave a heart-rending interview afterwards to the Press).

Neither Gissler, nor Montmorency, nor Earl Fitzwilliam, nor Campbell nor Plumpton ever found anything; but they all thought that it would be worthwhile to return to Cocos Island for a second try. None of them saw through the myth, to the reality, which was that there was nothing of any pecuniary value there in the first place. Some of the adventurers placed their hopes in modern science; and thought that if the right equipment was deployed, this would facilitate the search. This was certainly the view taken by the Canadian company which had developed the Metalophone. This company ceased trading early in 1933 but, in 1934, a new company was formed.

Treasure Recovery Ltd. was floated on the Stock Exchange, with the aim of raising £75,000 to finance a search for the 'numerous treasures' to be found on Cocos

[141] Plumpton, 66-67.
[142] Plumpton 29, Chapter VI.

Island. The prospectus described the shares as 'definitely speculative'; but observed that, according to the Peace Handbook of 1920, the existence of treasure on the island was 'well established'. The promoters of the company were well-connected, and tried to exploit the strength of British snobbery. They pointed out that previous treasure-hunters had included a belted Earl, a knight of the realm, a senior army officer and a Royal Navy commander.[143]

In the prospectus and again upon embarkation, the chief promoter of the enterprise, Captain Arthur, claimed that he would use only the latest equipment: an aeroplane for surveying, electrical instruments for exploration, telephones for communication and the latest core-drills for digging.[144] The treasure awaiting discovery was now estimated to be worth between £12,000,000 and £25,000,000 and Arthur claimed that he knew exactly where to find it; but he did not bother to ask the Costa Ricans for permission to land. Instead, he laid claim to the Island in the name of the British Crown, and hoisted the Union Jack upon his arrival there.

The company's first expedition, on board the *Queen of Scots*, had to be aborted when the chief engineer cracked his skull, was evacuated to Panama and died there! Captain Arthur wanted to continue, especially since he had left most of his crew on the Island; but the diplomatic chickens had now come home to roost. The Panama Canal authorities impounded Arthur's ship for non-payment of tolls and duties, and the Costa Rican government barred him from returning to the Island. His Majesty's Government was asked to intervene, but declined to do so. The Costa Ricans sent two launches and 75 soldiers, who were lost at sea for a few days, but eventually arrived on Cocos, arrested 18 treasure hunters and confiscated all their equipment.[145]

At this point, Captain Arthur abandoned his ship and his men, and scuttled off back to England; but it is pleasing to report that they were all acquitted of any wrongdoing, the Judge being of the opinion that they had all been duped by their Captain.[146] 200 electric lamps which had been left on the Island were confiscated by the Costa Ricans and given to the penal colony on St Luke's Island, where members of Fitzwilliam's party had been so royally entertained in 1904.[147] Arthur's crew were allowed to sail home on the *Queen of Scots*, returning to England at the end of November 1934.

Captain Arthur was not a man who was easily embarrassed and, amazingly, he managed to restore relations with various members of the 1934 expedition. He persuaded them that there had been a 'misunderstanding' with the Costa Ricans, but said that all would now be well, because he had done a deal with Clayton Metalophone and bought out its concession. New capital was raised, for a second expedition in 1935. Another ship was acquired, called the *Veracity* (an odd name in

[143] *The Times*, 31 July 1934.
[144] Hancock & Weston, 163; *Hartlepool Mail*, 20 August 1934.
[145] *The Times*, 29 October 1934.
[146] Hancock & Weston, Chapter 17; *The Times*, 29 October 1934.
[147] *Earl Fitzwilliam's Treasure Island* (CreateSpace, 2016).

the circumstances). She set sail for Cocos Island on 11 February, though without Captain Arthur.

Veracity reached Barbados on 23 April and Cocos Island on 9 June. The story now gets stranger and stranger. When *Veracity* arrived at Cocos Island, the crew spotted four American 'castaways' on the beach in Chatham Bay. They had been shipwrecked there after setting sail from California the previous December in the auxiliary sloop *Skukum*, ostensibly on a pleasure cruise bound for New York; but two of them now offered to stay on the Island 'to give the Britishers a helping hand.' Hancock and Weston, who later interviewed them in Costa Rica, thought they had in fact been on a treasure hunt of their own, especially since they did not appear to be hungry. This suspicion was confirmed when it was discovered that they had a number of guns and stocks of ammunition, as well as picks and shovels, and had been digging in several places. Meanwhile, a maverick called Pete Bergmans had been found in a brothel in Puntarenas, and turned over by the police to the captain of the *Veracity*, which now returned to Cocos with him. There, he claimed that he knew various places where treasure could be found; but it was not long before some of the search party concluded that he was a fraud.[148]

Not everyone was content with these developments. Some of Treasure Recovery's creditors asked the High Court in London to wind up the company, and their petition was granted in May 1936, leaving 1,500 creditors in the lurch.[149] Others took action against Captain Arthur personally, and this eventually resulted in his personal bankruptcy. The Official Receiver informed the creditors' meeting that Arthur could not be found, because he had now gone fishing in Trinidad.[150]

The 'boom' in treasure-hunting between the World Wars was remarked on in the magazine *Britannia and Eve* on 1 October 1938. The article listed dozens of searches, for lost treasures of all kinds, and all around the world, in particular in Latin America; but the author was clearly a sceptic.

> Searching for lost treasure is indeed becoming rationalised - one of the minor but more adventurous industries of our money-obsessed world. There are joint-stock companies whose business is treasure-hunting. One with a capital of £50,000 is called 'Treasure Recovery Ltd.' During the last ten months I have thrice been shown in confidence old stained charts by men desirous of finding backers for a new quest for some ancient golden fleece; and I have been five times invited to participate financially in organised searches for treasure which, if located and recovered, would amount in the aggregate to £37,000,000.
>
> On my desk (it reached many other desks!) lies an invitation to risk money in a search for the treasure of the Incas. "Millions of pounds" worth of

[148] H&W, 214-248.
[149] *The Times*, 9 July 1936.
[150] *The Manchester Guardian*, 25 March 1939.

> gold lie buried in that part of South America which was once the Empire of the Incas," says the prospectus. Yes, and there is also coal under the polar ice, and a needle in a haystack somewhere in England. Total cost of Cocos quests to date, probably half a million. Total recoveries, a spade and a doubloon.

The expeditions which were sent out to Cocos Island in the period between the World Wars make Earl Fitzwilliam's adventure of 1904-5 seem more like an episode from Michael Palin's *Ripping Yarns*, than something which really happened. The Earl's expedition was undertaken in a more innocent age, by men who may have been wanting in 'know-how', but possessed what might be called 'moral fibre' (at least in their dealings with others of the same race).

The Sceptic

It was widely believed that there was treasure on Cocos Island, and that it was probably the Treasure of Lima; but not everyone thought so. Bertram Mordaunt Chambers, C.B., (1866 - 1945) was a distinguished naval officer who served in the First World War although, like Palliser, he was only advanced to the rank of full Admiral after he retired. In February 1935 he published an article in *Chambers's Journal*, the successor to *Chambers's Edinburgh Journal*, which had been started in 1832. This posed a question: *Did the Cocos Island Treasure Exist?* And the answer, noted by *The Times* the same month, was an unambiguous 'No.'[151]

Chambers started by explaining that he had long been 'a student' of treasure and pirate's literature, but thought that the popularity of the gentre had been exploited by the unscrupulous, who had used it as a lure to attract 'a certain type of investor.'

> For beyond the human desire for gain lies the hope that by proxy, at least, the investor may share in some glorious adventure redeeming the dullness of modern day life.

The Admiral had spent many years at sea and his considered advice, in old age, to anyone tempted to engage in treasure-hunting was clear.

> They should all be treated with gravest suspicion. The treasure-seeker should remember that for years after piratical enterprises had ceased, the old sailor with a treasure-chart was a familiar character at every maritime port. Such stories were a very profitable variant of the 'Spanish treasure' fraud, and there is no doubt that it was in this way that many of these legends originated.

[151] *The Times*, 1 February 1935. The review was very short: 'Admiral Chambers disputes the existence at any time of the Cocos Island treasure and of the ship *Mary Dier*.'

It is safe to conclude that Chambers was thinking here of the prospectuses issued by Cocos Island Treasure Ltd and Treasure Recovery Ltd in the early 1930s; and we cannot help wondering if so many people would have lost their money, if they had but taken the Admiral's advice. Would they even have considered that the investment they were being asked to make was a 'glorious adventure', if they had known that it was more of a tacky confidence trick? Chambers gave many reasons for doubting the promises made to investors.

> Even if we assume that some of the stories may be based on fact, the possibility that previous searches may have taken place must be considered, for the successful treasure-seeker does not, as a rule, parade his success before the eyes of the world. The treasure may thus have been recovered long ago; indeed, one naval officer who took part in a classical attempt at Cocos Island was definitely of that opinion.

Chambers then divulged that he had himself become an 'adventurer' to the extent of investing five dollars in a company which proposed an expedition, due to leave for Cocos Island from Vancouver in Canada in 1933. Although he does not name the company, this can only have been Sir Malcolm Campbell's Cocos Island Treasure Limited; and the Admiral feels obliged to offer the following excuse for investing even a modest amount.

> It was with the intent of obtaining a report of the doings of the expedition than with any idea of gain that I made my investment, for I had already formed a very definite idea of the hoard's non-existence. I was, however, disappointed even in my modest hopes, for beyond a suggestion that the treasure was on the point of recovery in the early days, I heard nothing, and no report came to hand of how our money was expended,

Chambers concluded that key features of Campbell's version of events, whilst making a 'capital story', were inaccurate. He had also read Knight's *Cruise of the Alerte* and Whall's *Romance of Navigation*; and found that neither of them provided him with any good reason for believing in the traditional legend: on the contrary they confirmed his initial scepticism. He also studied materials relating to the Peruvian Revolution, and came to the view that it was unnecessary to introduce Captain Thompson, as a kind of *deus ex machina*, to explain the disappearance of the wealth of Peru in 1821. This could perfectly well be explained by other events.

The Admiral was very thorough. He even discovered a witness who could testify as to the likelihood of Captain Thompson's having carried away the fabulous Madonna of Lima.

It so happens that another British man-of-war was on the coast a little earlier, H.M.S. *Briton.* She was at Callao in the year 1818, and the marine officer, one Shellibear, not only visited the cathedral at Lima, but wrote a very full account of its riches. It is as follows:

> "The cathedral does not possess any external beauty, but the splendour, magnificence and riches of the interior can alone be conceived. The enchanted palaces as described in fairy-tales recurred to my memory the instant I entered this elegant sanctuary. The great altar at the eastern end is modern and the columns numerous; they are, together with every other part, covered with silver about the thickness of a dollar, and when lit up for the performance of any particular ceremony, its brilliant and beautiful appearance cannot be exceeded."

So, the Madonna probably never existed in the first place; but Chambers went even further in his search for the truth:

> Having obtained from these sources at least a fair presumption that the story of the *Mary Dier* was an invention, I made inquiry of the Peruvian Consul-General, who should certainly be in a position to know whether such an international happening had ever taken place. I was here confronted with a somewhat unexpected difficulty - repeated letters met with no response, and it was not until I paid a personal visit to the Consulate, explaining that I was in no sense a treasure-seeker, that I obtained a full reply to my questions.
>
> No! As I had suspected, nothing whatever was known in Peru either of the ship or the piracy. I did gather, however, that the Consulate was very thoroughly bored with the whole affair - though I personally met with every courtesy, more especially when the secretary discovered that I was acquainted with his home town, Piura, some sixty miles by rail from the little port of Payta, so often sacked by British buccaneers.

Following his visit to the Peruvian Consulate, Chambers set out to see if he could find any original sources confirming the existence of the *Mary Dear*.

> A visit to the reading-room at the British Museum[152] enabled me to acquire the details and, as such a thrilling story as the *Mary Dier* affair could certainly never have escaped such a painstaking historian, I can only conclude that the episode is mythical. Since writing the foregoing I

[152] The contents are now in the British Library.

> have received information that neither Lloyds nor the Registrar of Shipping knows anything of a ship of the name *Mary Dier,* which confirms the belief that she never existed.[153]

Although Chambers used moderate language, his article is a devastating critique of the idea that interlopers could ever have spirited away the so-called 'Treasure of Lima'; and, although he did not use the phrase, it is also a condemnation of the kind of treasure-hunting which took place in the 1930s as a kind of 'casino capitalism'.

The really surprising thing is that anyone still takes the legend of the Treasure of Lima seriously; but they do, especially in Costa Rica. There are various reasons for this. Firstly Admiral Chambers was not well known, and his critique was published in a relatively obscure magazine, whereas Sir Malcolm Campbell - who was entirely credulous - was world famous, and his book about treasure hunting was already a bestseller when Chambers gave voice to his scepticism. Secondly, it has long suited the Costa Rican tourist industry to maintain the fiction that there is treasure on Cocos Island; and this continues to be so, despite the fact that the Island was declared off-limits for treasure-hunting in 1978 and is nowadays better known for its flora and its sea-life. Sharks, manta rays and vegetation may be a big attraction, but it does no harm to mention buried treasure, when one is trying to sell the place.

Lastly, it has to be said that opinion continues to be divided, even amongst historians. There are around 13 books and articles about the Treasure of Lima which could be said to be histories, rather than mere travellers' tales. These are the books by Paine (1911) and Wilkins (1920), the Handbook published by H.M.S.O. in 1920, the article by Admiral Chambers (1935), the chapters by Nesmith and Snow (both 1958), the books by Hancock & Weston (1960), Disch-Lauxmann (1985) and Christopher Weston (1992), the thesis of Raul Arias Sanchez (1993), and the books by Jack Fitzgerald (2005), Ina Knobloch (2009), and Hodge (2013). The conscientious reader will find that the authors of eight of these argue, sometimes very firmly (if not convincingly) that the Treasure of Lima was a historical treasure, and that it was buried on Cocos Island around 1821. On the other hand, there are only five which agree with Admiral Chambers that the entire myth is an edifice built on sand.

Unfortunately for the historian (though fortunately for the ecosystem) it has long been forbidden to dig, or excavate in any other way, on Cocos Island, so this method of testing the truth of the matter is no longer possible. Nevertheless, a new science, or fake science, has come to the assistance of the 'believers'. In a recent film about the Island, which can be found on the internet, we are shown photographs of Cocos Island, taken by a powered hang-glider, which are then compared with photographs taken from a satellite, using 'Micro-Lepton Geo-Vision'.[154]

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[153] Confirmed by my own enquiries.

[154] www.chamco.net/images/alkor/ML%20Geo%20Vision.html.

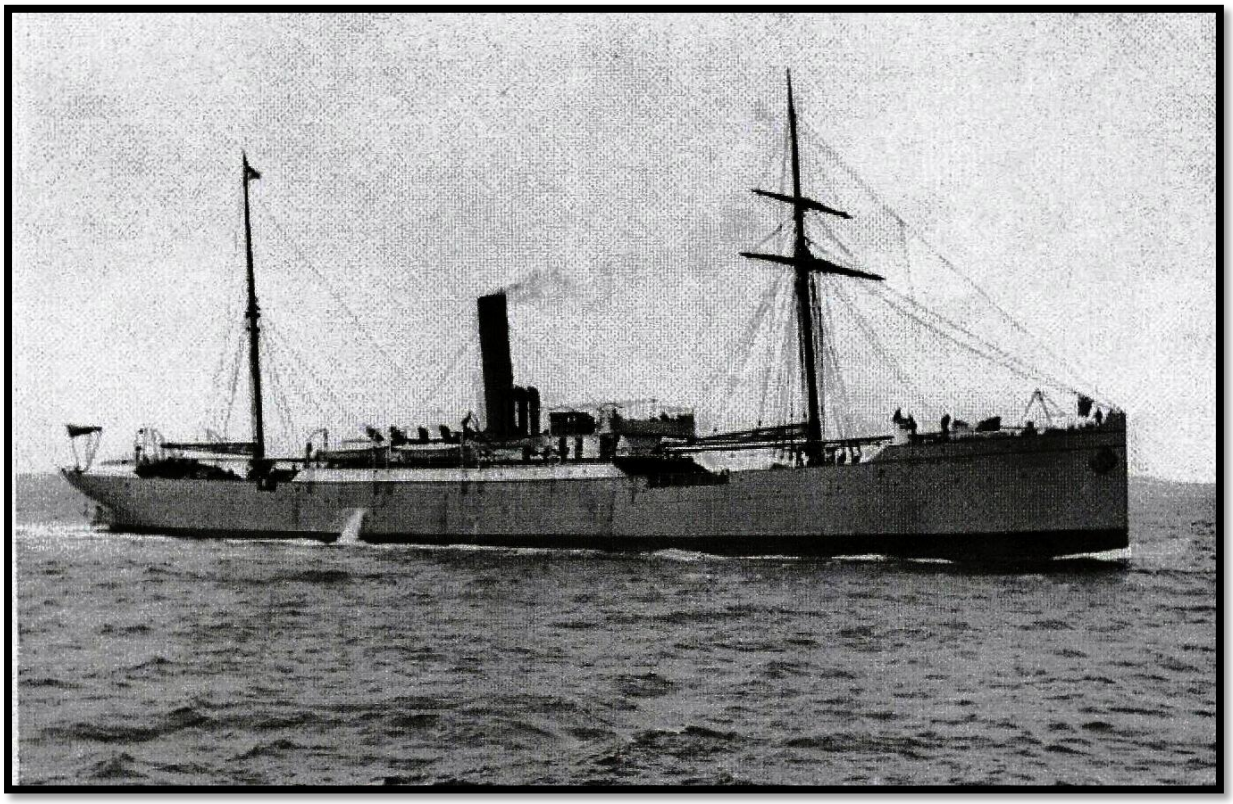
We are told that this technology was developed by an Anglo-Russian company called Alkor International, and that it involves analysis by means of nuclear particles called microleptons. It is also said that in the late 1990s Alkor's technicians identified three deposits of gold on the Island, two on the ground and one in the sea, all in the area of Wafer Bay. On this basis, it has been estimated that the value of the treasure awaiting discovery is in the region of $4 billion; and we are even assured that the hoard must contain a number of statues of solid gold, including one of the Virgin Mary 3 metres tall, and 12 statues of the Apostles, all over 1 metre in height.

Now it seemed to me that it was fundamentally unlikely that one could detect a hoard of treasure by the use of particle physics; but, to be sure, I consulted my sister, Professor Amanda Cooper-Sarkar, a Fellow of St Hilda's College, who is Professor of Particle Physics at Oxford University. She told me (and I quote with her permission):

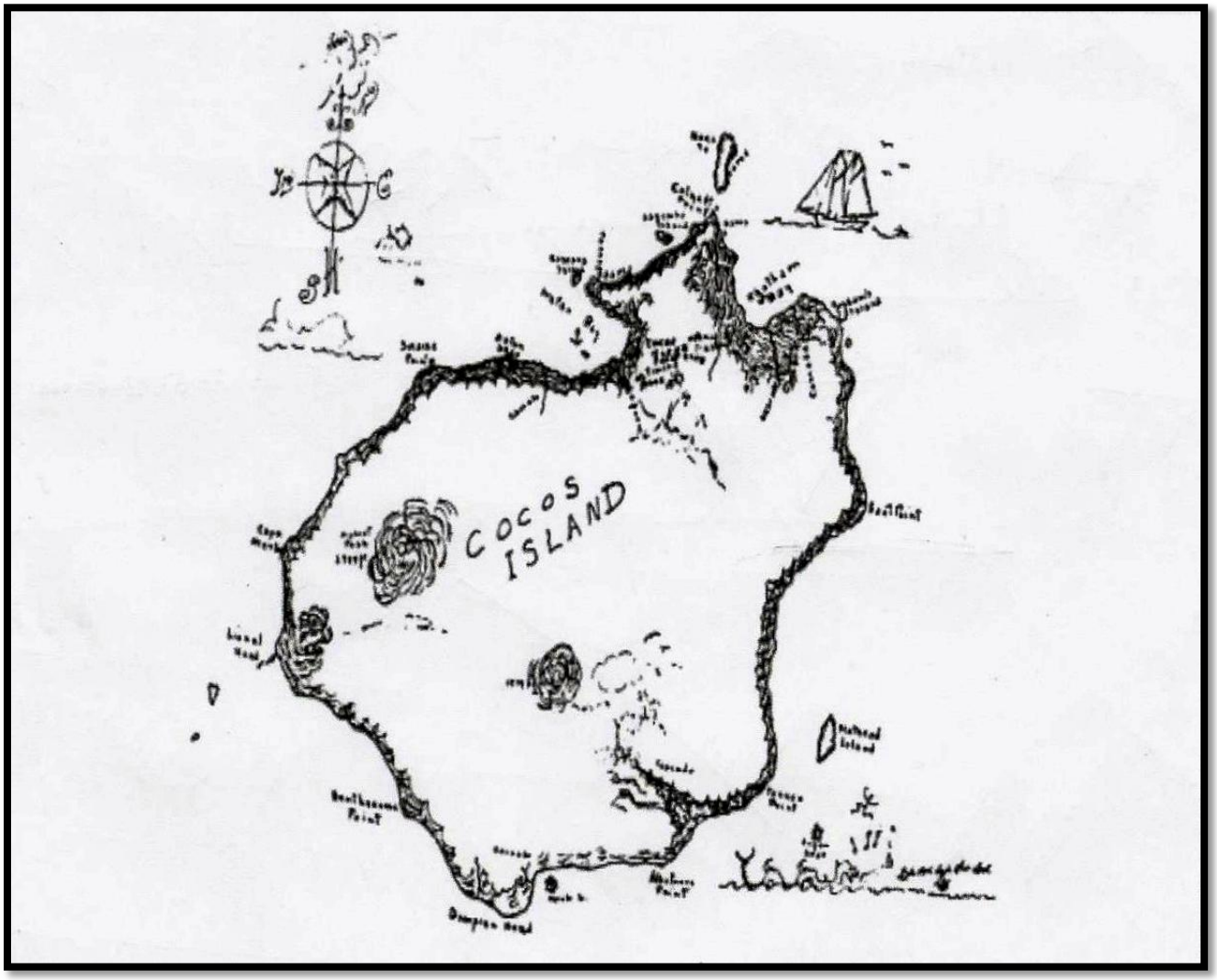
> The technology described here is simply bogus. The supposed technique is drivel. Leptons are particles like electrons. There is no such thing as a microlepton. Some of what they say does apply to particles called neutrinos. But they are not talking about neutrinos; and in any case, neutrinos dash around all of space. They do not adhere to atoms, they are created in the decay of atoms and they travel at the speed of light - this is normal radioactive decay. We cannot control them easily and certainly not in the way that this article claims.[155]

[155] This chapter relies heavily on my two books about Cocos Island, referred to in the Bibliography. *Cocos Island and the Treasure of Lima* (2017) contains a fuller bibliography.

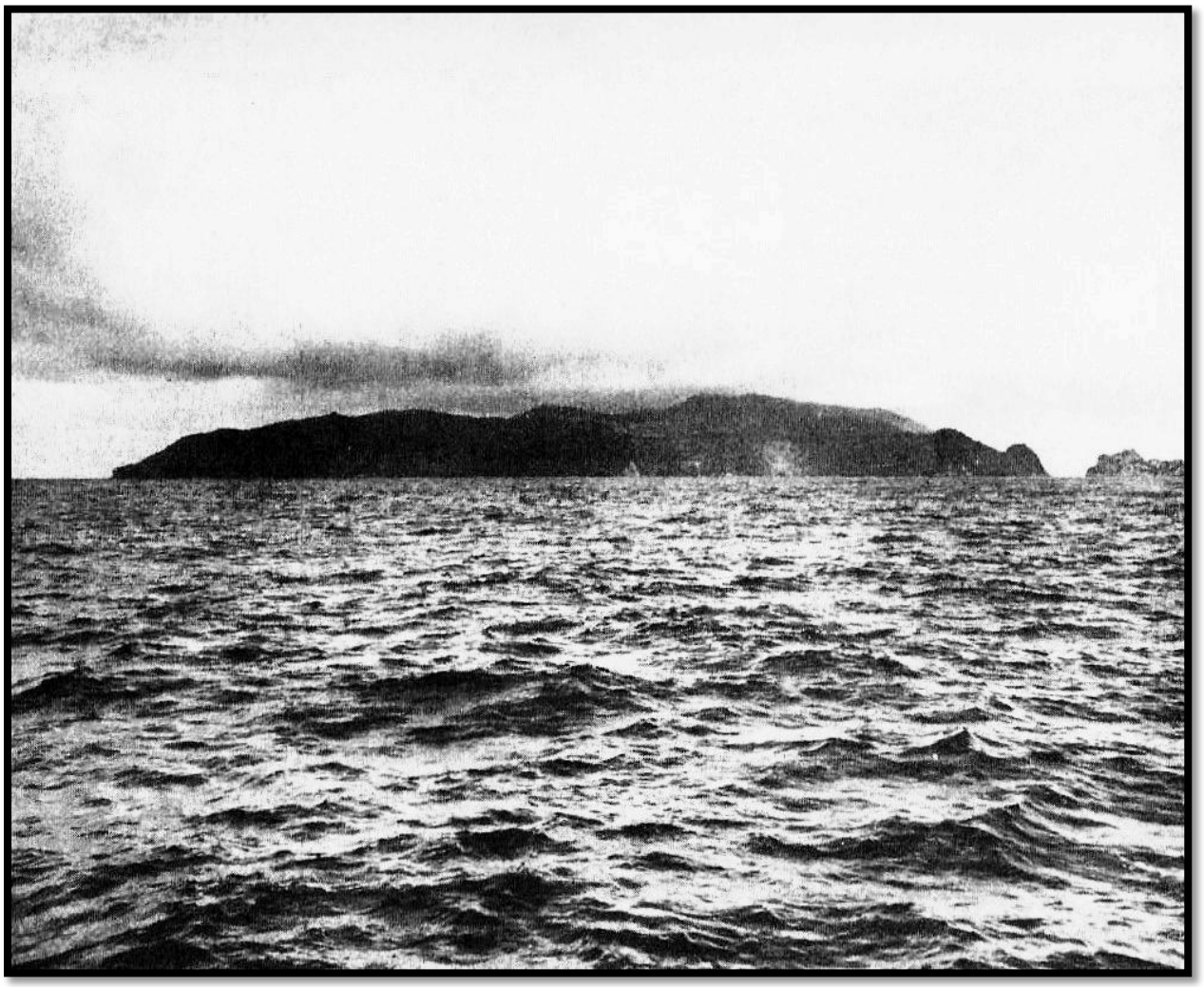
30 The 7th Earl Fitzwilliam



31 R.Y.S.*Véronique*



32 Map of Cocos Island



33 Cocos Island

34 The British Camp on Cocos Island

12 SUBSIDENCE & DECLNE at WENTWORTH WOODHOUSE

Encouraged in part by Catherine Bailey's *Black Diamonds*, many local people blame 'Manny' (Emmanuel) Shinwell, Minister for Power in the post-War Labour governments of 1945-51, for the decline and fall of Wentworth Woodhouse, which has only recently started to be reversed. In fact, there were several other factors at work. Though Lord Shinwell (as he became) was not well disposed towards the aristocracy, we should also mention, at least as contributory factors, the impact of death duties, the failure of the Fitzwilliam dynasty to produce direct male heirs, and the changes in society brought about by the two World Wars. However, Shinwell provides an easy target, a villain whom the audience can boo and hiss at. The expert evidence given in court during the recent trials of actions brought by the erstwhile owners of Wentworth Woodhouse against the Coal Authority may (or may not) do something to restore his reputation.

The Economic Miracle

In the first half of the 19th century, Britain saw a *Wirtschaftswunder* – an economic miracle - far more wonderful than the one experienced in West Germany in the years following the Second World War, if only because it was entirely home-grown, rather than financed by American money. Few Englishmen living in 1851 (the date of the Great Exhibition) would have denied that there had been dramatic progress in recent decades, in terms of population, GDP, average income, trade, manufacturing, finance, shipping and transport. These had all grown substantially, and often spectacularly.

According to the prevailing Liberal philosophy, the British economy grew as a result of the abolition of the corn laws, the wider adoption of free trade, the abolition of tolls on internal trade, the harnessing of the steam engine, the spread of the factory system and the division of labour. Bank rate remained constant and inflation was non-existent. The United Kingdom was a single market without parallel, as well as 'the workshop of the world.' On the other hand, trade unions as yet lacked any real influence. When Karl Marx issued his call to arms in *The*

Communist Manifesto of 1848, he was a prophet crying in the wilderness, so far as most of the British working class was concerned.

The economic miracle may have peaked in 1851, but it certainly did not come to an end. Praising Britain's constitution and political stability as well as her economic and social achievements, Bernard Porter characterized the mid-Victorian era as Britain's 'Golden Years.' Sir Ernest Llewellyn Woodward, Professor of History in Oxford between the Wars concurred:

> For leisure or work, for getting or spending, England was a better country in 1879 than in 1815. The scales were less weighted against the weak, against women and children, and against the poor. There was greater movement, and less of the fatalism of an earlier age. The public conscience was more instructed, and the content of liberty was being widened to include something more than freedom from political constraint.

Sir Llewellyn's rider to all this reflected a shame felt in the 1930s, rather than the 1870s:

> England in 1871 was by no means an earthly paradise. The housing and conditions of life of the working class in town & country were still a disgrace to an age of plenty.[156]

It is doubtful if any such doubt afflicted Samuel Smiles (1812 – 1904), the author of *Self-Help*, first published in 1859. Smiles promoted the idea that hard work and thrift (rather than Marx's class struggle) provided the redmy for poverty – though he also attacked materialism and *laissez-faire* government. His most famous book sold 20,000 copies within a year of publication, becoming "the bible of mid-Victorian liberalism". By the time of Smiles's death in 1904, *Self-Help* had sold over a quarter of a million copies; but he was also the author of numerous other books: *Character*, 1871; *Thrift*, 1875; *Duty*, 1880; *Life and Labour*, 1887; and *Lives of the Engineers* (5 vols, 1862).

Meanwhile, in Europe and America, the late 18th and early 19th century saw revolutions in America, France and South and Central America, the foundation of ultimately successful nationalist movements in Italy and Germany, *coups d'etat* and plots in many other countries, and (last but not least) the rise and fall of the first Napoleonic Empire. The Marxist Eric Hobsbawm called the years 1789-1848 *The Age of Revolution*.

The exception of course was Great Britain. We had no political revolution here; and, contrary to what people generally believe, no social revolution either. The second of these statements is, however, controversial. It has long been taken for granted, not least by Marx, that capitalism was the agent of a bourgeois revolution,

[156] *The Age of Reform*, 1938.

which transformed the medieval feudal society of Western Europe, in accordance with the law of dialectical materialism; but, looking at 19th England (and indeed Britain), the theory cannot be sustained. When we consider the popularity of John Bull, the history of the Game Laws, the depth of the opposition to the repeal of the Corn Laws, the failure of the Chartist and Republican Movements, the remarkable survival of aristocratic titles, country houses and estates and the House of Lords, the phenomena known as deference voting, the failure of Gladstone's Liberal Party to carry Home Rule for Ireland and the Marquis of Salisbury's long periods in office, there is at least a case for saying that England remained a bastion of aristocratic rule, right down to the Liberal landslide of 1906, and perhaps even down to 1914.

This is not very different from the conclusion reached by David Cannadine and Christ Bryant in their recent but very different studies of the British aristocracy. Bryant points out what is obvious to students of 'local history' in South Yorkshire - that the aristocracy played an extremely important part in the development of capitalism:

> Nor was it just what happened on the land that was of interest; the exploitation of mineral rights underneath it became one of the most significant new sources of aristocratic income. Landowners had mined coal for centuries, but as shallow shafts and adits were exhausted and engineers developed means of extracting much deeper sea-coal, aristocrats stood in a uniquely privileged position. Right across the country, peers became prominent mine-owners.[157]

Cannadine was surely right too, when he pointed out that the British aristocracy's position remained largely unchanged and unchallenged at the beginning of the 20th century. Decline only set in with the introduction of estate duty, the catastrophic effects of the Great War of 1914-1918 on the labour market, and the rise of a more egalitarian spirit in politics, coinciding with the rise to power of the Labour Party, which only came to power for the first time in 1924. There again, some of the great families managed to hold on to what they had; and amongst these were the Earls Fitzwilliam.

Grandeur & Decline

The position which the Fitzwilliam family occupied in South Yorkshire can easily be appreciated when we stand in the park of Wentworth Woodhouse and survey the scene, especially the vast width of the East Front of the mansion House (a Grade I listed building with more than 300 rooms and 1,000 windows), the Park itself (which extends to 180 acres and has a boundary wall which is nine miles long), and the monuments to be seen on the horizon (see illustrations). Hoober Stand, in particular,

[157] Bryant, *Critical History of the British Aristocracy*.

is remarkable: it commemorates the defeat of the Jacobite Rebellion of 1745, and the making of peace in Europe three years later. The first of these events had a particular significance in the life of the 2nd Marquis of Rockingham, because, as a boy of 15, he ran (or rather, rode) away from home and crossed the Pennines to join the royalist forces which were mustering to resist the Jacobite army.

As the architecture and the landscape-gardening indicate, most of what we see today was created in the 18th century, when the estate belonged to the Marquises of Rockingham. As we have seen in Chapter 7, the second Marquis was Prime Minister in 1766 and again in 1782; and it was in his time that the East Front (and the magnificent stable block) was built. The Earls Fitzwilliam as a whole inherited the House and estate and lived there for almost 200 years, until the earldom became extinct in 1979; but their wealth, power and grandeur were still evident in the early 20th century.

William Charles de Meuron Wentworth-Fitzwilliam, the 7th Earl Fitzwilliam (1872 – 1943) succeeded to the earldom on the death of his grandfather, the 6th Earl, in 1902; and he was one of the richest men in Britain. He had several estates in England and in what is now the Republic of Ireland. He owned the coal which lay in abundance under the West Riding of Yorkshire, as well as the mining equipment, some of the railways, and the houses and cottages inhabited by hundreds of miners and agricultural workers. He maintained a stud to provide racehorses and hunters. He had a priceless art-collection and a 50-room house in Mayfair.[158] This is a man who would probably be worth around £3,000,000,000 in today's money; but he controlled the lives of those who worked for him to an extent which would be unthinkable in 2016, even for a Gates, a Bezos or a Zuckerberg.

There are several stories about Wentworth Woodhouse which emphasize its size. In 1910 an American visitor is said to have remarked:

> It is a place so huge that guests find it of advantage to bring with them treble the ordinary number of hats, which are kept at the various entrances, so as to save themselves the trouble of walking about a quarter of a mile from one entrance in order to get the hat which they may have left at another.'[159]

Another story, related by a national newspaper in 1931, concerned the basement and vaults. Supposedly, one of the Countesses Fitzwilliam had advised her husband that it was his duty to know every part of his house in great detail. He had confessed that he knew very little about the geography of the nether regions, and undertook a voyage of exploration, by way of penance:

[158] Bailey, 7; *Nottingham Evening Post*, 12 February 1907; Sheffield Archives, Wentworth Woodhouse Muniments, T93, cited by *British History Online*.
[159] *Northampton Mercury*, 16 September 1910.

> For what seemed to him like a very long time he groped his way along passages and through cellars without encountering any human being. At last he came across a smallish boy and asked him what might be his function in the establishment. "Me?" said the boy, "Why, I do all the work as is done in this place, don't I?" Upon that, Lord Fitzwilliam decided that he had, as it were, discovered the mainspring of his household, and retired to the upper regions.[160]

In 1937 the 'Court and Society' column of another national newspaper informed its readers that:

> Nervous guests are reputed to have tried the experiment of having a paper trail along passages to guide them back to their rooms; and another tale is that, during Doncaster week, when the host and hostess always entertain a large party, a manservant decided to test the distance covered while performing his duties, and his four days' work registered over fifty miles on a pedometer.'[161]

In the 6th Earl's time, there had been 84 servants at 'the Big House.' A photograph, taken in 1890, shows a housekeeper and 8 maids. Another, taken ten years later, shows 60 out-door and non-domestic staff. A third, taken in 1902, shows 11 woodyard staff; but there were also gardeners, park-keepers, deer keepers, gamekeepers, grooms, poultry men and many others. Wentworth Woodhouse saw no less than three royal visits, in 1886, 1891 and 1912.

The wealth, and the power or influence, was accompanied by a good deal of popularity. The Earls were all, to a greater or lesser extent, philanthropists; and 'Billy Fitzbilly' was regarded, in British public school terms, as both a 'good egg' and an 'all-rounder'. He was educated at Eton and Cambridge, where he was Master of the Trinity College Beagles and won a Blue in point-to-point racing. He was an Army Officer in India between 1893 and 1894, and in South Africa during the Boer War of 1899-1902. He sat in the House of Lords and was an experienced mining engineer, a sportsman interested in racing and golf, and a pioneer motorist who held a car rally in Wentworth Park as early as 1903.

Successive owners of Wentworth Woodhouse enjoyed a reputation as being on the reformist wing of British politics. They were Whigs and then Liberals. As we have noted, the 2nd Marquis of Rockingham opposed George III and supported the demands of the colonists during the American War of Independence (1776-1783). His nephew, the 4th Earl Fitzwilliam, inherited his uncle's estates and assumed his position in the Whig party, but he resigned from office as Lord Lieutenant of Ireland in 1795, when George III refused to countenance any measure of emancipation for

[160] *The Manchester Guardian*, 10 December 1931.
[161] *The Observer*, 12 September 1937.

Roman Catholics. The Whig and Liberal tradition survived until the late 19th century, when it foundered on the rock of Gladstone's advocacy of Home Rule for Ireland.

The 7th Earl became a Conservative and was M.P. for Wakefield between 1895 and 1902, when he took his seat in the House of Lords; but he was on what we would call now the 'one nation' side of the Tory party. The Fitzwilliam family continued to enjoy its favourable reputation in England in the 19th and early 20th centuries, despite the advent of democracy in politics and radical changes in master-servant relationships. Indeed, they were regarded with respect and affection even in the South of Ireland, where hatred of the Protestant Ascendancy ran deep. Many country houses belonging to the British aristocracy went up in flames during the Irish War of Independence of 1919-21; but Coolattin House and Carnew Castle still stand, though they no longer belong to the Fitzwilliam family.

The 7th Earl was an entrepreneur and an industrialist, as well as a landowner. If the headquarters of his agricultural empire was in Wentworth, the beating heart of his industrial empire was in nearby Elsecar, where the Elsecar Main colliery was opened in 1905. The importance of this can be seen even today, by the visitor to the Elsecar Heritage Centre, where what remains of the Earl's private railway runs alongside the his old workshops and the Newcomen Pump (believed to be the oldest surviving steam engine of its kind in the world).[162]

The 7th Earl was also an adventurer and innovator. His taste for adventure was demonstrated in 1904, when he bought a steam yacht and set off to Cocos Island in the Pacific, in search of buried treasure,[163] while shortly after his return, he founded the Sheffield Simplex car company, which almost proved a rival to Rolls-Royce, before closing in 1925.

But, if Wentworth Woodhouse continued to enjoy days of grandeur in the early 20th century, it experienced a sad decline after 1943, when the 7th Earl died. Billy Fitzbilly was succeeded by his son Peter, who was killed in an aircrash in 1948, along with his lover Kathleen (or 'Kick) Kennedy, the sister of the American President John Kennedy (assassinated in 1963). The 8th Earl Peter had no male heir, and so the estate and the title passed to a distant cousin, Eric (the 9th Earl), who was an alcoholic and died without issue in 1952. After a dispute resolved by the Probate Divorce and Admiralty Division of the High Court, the Fitzwilliam title and estates then passed to an even more distant cousin, known as 'Tom' (the 10th Earl), who also died without issue in 1979. It was then that the title to the earldom became extinct.

Meanwhile, the House underwent several changes of use and ownership. It had already been used as a Training Depot and Headquarters of the Intelligence Corps during the Second World War. Then the Ministry of Health proposed to requisition it as "housing for homeless industrial families". To prevent this, the 8th

[162] See illustrations.

[163] See *Earl Fitzwilliam's Treasure Island*, Stephen Cooper & John Moorhouse (CreateSpace, 2016) and Chapter 11 above.

Earl attempted to donate the house to the National Trust, which declined to take it. Subsequently, Billy Fitzbilly's sister Lady Mabel, who was a Socialist, arranged for the West Riding County Council to lease most of the house, leaving forty rooms for the Fitzwilliam family. Thus, from 1949 to 1979, the house was used by the new Lady Mabel College, which trained female P.E. teachers (including some who taught at my wife's school in Doncaster).

The college then merged with Sheffield City Polytechnic (now Sheffield Hallam University), which eventually gave up the lease in 1988, due to high maintenance costs (and, by some accounts, because many of the students considered Wentworth too remote from the high-life of Sheffield). Forty-five years after Billy's death, Wentworth Woodhouse had fallen into a very poor state of repair, and already needed millions spending on it, given the enormous size of the place.

In 1989 the family trustees decided to sell the House and the area surrounding it, but retain the Estate's 15,000 acres of land. A buyer was found in the businessman Wensley Haydon-Baillie; but he was eventually overwhelmed by debt, and Wentworth Woodhouse was re-possessed by a Swiss bank, and in 1999 sold for £1.5 million, to Clifford Newbold (1926–2015), a former architect from London, and his sons. They started a programme of restoration, and began to open the House to the public for the first time; but (as we shall see) they also made the serious (and seriously expensive) mistake of suing the Coal Authority for compensation, in respect of mining subsidence.

Finally, the Newbolds put the property back on the market in 2014, and in March 2017, it was sold to the Wentworth Woodhouse Preservation Trust for £7 million. By this time, the cost of repairing the mansion block was estimated to be anything between £40 million (the figure put forward by Newbold when interviewed by *Country Life* in 2010) and £100 million (the figure claimed at one stage during the litigation with the Coal Authority). At any rate, the cost is thought to dwarf the amount given by the nation by the Chancellor of the Exchequer in his Autumn Budget Statement of November 2016.

What accounts for the decline and fall of the House of Fitzwilliam in the second half of the 20th century? To some extent the answer is obvious. As Catherine Bailey tells us, it was the failure of the dynasty to produce direct male heirs – a problem which had also afflicted their predecessors in Wentworth, the Earls of Strafford (of whom there were only two) and the Marquises of Rockingham (of whom there were also only two).[164] This certainly accounts for the extinction of the title in 1979, since under the traditional law of primogeniture, this could only be inherited by male heirs. To some extent, it also accounts for the decline of the House itself, because the division of the family estates meant that a way of life was lost, something which meant a lot to local people in particular. Wentworth Woodhouse was no longer at the heart of an aristocratic community and enterprise.

[164] Catherine Bailey, *Black Diamonds* (Viking 2007, Penguin 2008).

But this is not enough to satisfy everyone's desire for a scapegoat; and there are many who seek to put the blame on 'Manny' Shinwell, and 'the Coal Board', though this was abolished in 1987.

Manny Shinwell

As Minister of Power in the post-war Labour Government of 1945-1950, Shinwell was in charge of the mines, which needed to produce unprecedented quantities of coal during the late 1940s, as a result of a balance of payments crisis and an exceptionally cold winter in 1946-7. This included an extensive programme of open-cast mining in and around the village of Wentworth.

During the War, the coalmines had been under state control, and the Labour Party was committed to nationalising the means of production when peace was restored. The new Labour Government (elected in 1945) therefore had little time for coal-owners like the 8th Earl Fitzwilliam, who had succeeded his father in 1943, though the new Earl had served in the War and was popular with local people, including the miners. Catherine Bailey describes what she regards as an inevitable confrontation between the Labour government and the owner of Wentworth Woodhouse:

> The Coal Nationalization Act was making its way through Parliament between January and May 1946. Manny Shinwell, the senior Government official who had served the requisition order, was responsible for steering the legislation through the House of Commons. Shinwell was one of the 'wild men of the Clyde', a left-wing group of Glasgow Labour MPs returned in the General Election of 1922. Born in 1884, the son of Jewish immigrants, he had grown up in a two-room flat in a tenement block in Glasgow.

Shinwell told Parliament:

> The total quantity of coal I desire to work on the Wentworth Estate is 371,000 tons, of which 220,000 tons is the good-quality Barnsley coal which is urgently required for the railways. The Barnsley coal I desire to work is equivalent to nearly three-quarters of a week's requirements for the British railways.

Earl Peter disagreed, not least about the quality of the coal which could be got by open-casting. He commissioned an expert report from Sheffield University who found that, if Shinwell's plan was implemented, the coal obtained would be 'very poorf stuff' and 'not worth the getting'. Accordingly, Fitzwilliam proposed an alternative scheme, involving drift mining; but Shinwell thought this would take too long; and he pressed head with his own proposals, despite the Earl's extensive lobbying, and his success in obtaining the support of the miners' trade union, which

Shinwell dismissed as 'intrigue.' The open-casting went ahead, turning the fields between the parish church and Wentworth Woodhouse, and even part of the gardens behind the House into a moonscape, while some of the spoil was dumped in large heaps next to the Long Terrace (see illustrations).

As Bailey says 'open-cast mining in the vicinity of the House continued into the early 1950s; and much of the woodland and the formal gardens were not replaced'. As she also says, this was widely resented in South Yorkshire (as this part of the West Riding was re-named on April Fools' Day 1974). Some local people will still not hear a good word said about Manny Shinwell; and it is difficult not to agree that there was an element of vindictiveness about his decision; but it also has to be stated that, whatever else it does, open-cast mining does not cause subsidence. Further, the Fitzwilliam family was compensated financially for what was done; and much of the land directly affected was eventually reinstated. When I moved into the area in 1975, I was blissfully unaware of what had taken place, although I was a frequent visitor to both Wentworth village and the Park, though admittedly not to the gardens - which were closed to the public for many years.

It is also fair to say that there were other reasons for the decline and fall of the House of Fitzwilliam, both in the literal and figurative sense. Above all, the Earls Fitzwilliam died without leaving sons to come after them, in 1948, 1952 and 1979; and this had catastrophic effects - and not only in the realm of taxation. Remote cousins proved no substitute for sons. In particular, the 9th Earl was not the man the 8th Earl had been, nor was the 10th and last anything like the 7th.

The 10th Earl continued to live at Wentworth Woodhouse, but he did not occupy the whole of it, which was now a Physical Education college. Instead, as Bailey writes:

> He lived at the back of the house in the apartment that Billy and Maud had occupied during the Second World War. His suite of forty rooms resembled an Aladdin's Cave, crammed with paintings, fine pieces of furniture, porcelain and silver - the precious family heirlooms that had once filled the other 325 rooms in the house.

Inevitably, many of the contents were disposed of, in successive sale; and in any case, the 10th Earl was not popular locally, whether because of his addiction to drink, or for other reasons:

> Eric drew cold stares from the villagers as he shuffled past. 'No one wanted him. No one liked him. He weren't someone you could respect. "Him," they'd say, nodding at 't big house. Then they'd tip their hand. "Him as 'ud like a drink.'"

Bailey's conclusion was as follows:

> All hope that Wentworth House and the Estate could pull through this dark period in its history had gone. 'When Peter got killed, that were it then,' Geoff Steer, a miner's son who was at the funeral, recalled. 'Wentworth House died with him.'

Another possible factor in the decline of the dynasty's fortunes may have been the need to fund litigation. In particular, there were serious disputes within the family in 1902 and 1951. In *Black Diamonds* Catherine Bailey describes the dispute in 1902 about the 7th Earl's right to succeed to the Earldom. Some members of the family (including Billy Fitzbilly's Aunt Alice) contended that he was a bastard, whose mysterious birth in a log cabin at de Meuron in Canada in 1872 had disguised the fact that he was also a changeling. Bailey also relates the counterclaim that Aunt Alice pilfered various valuable from the House when the 6th Earl died. This dispute was settled out of court; but the one in 1951 led to a full hearing before Mr Justice Pilcher in the Royal Courts of Justice.

The trial in 1951 concerned the dispute between 'Toby' and 'Tom' Fitzwilliam, who were brothers, as to was entitled to the earldom on the 9th Earl's death – Tom's allegation being that Toby, though older, was illegitimate, while Toby claimed that his parents had undergone two ceremonies of marriage. The first had been in Scotland; but the Judge held that this was not a valid marriage, partly because the parties had not lived in Scotland for the requisite 21 days prior to the wedding ceremony. The legal expenses involved in the case cannot have been cheap, though it is difficult to think that these alone would have been an intolerable burden for a family which was still so wealthy.

Having reviewed these sorry tales of succession and family discord as a whole, it is difficult to think that Emmanuel Shinwell was solely responsible for the downfall of the House of Fitzwilliam. If there was a villain of the piece, it was surely Dame Fortune.

The Trial

Others blame the Coal Authority – at least this was the myth peddled by the Newbold family, who owned Wentworth Woodhouse and lived in the West Front, between 1999 and 2017. Towards the end of that time, I went on two tours of the House – Newbold senior having, to his credit, opened it to the public for the first time. On each occasion, we were assured by the guide that 'Mester Newbold' had sued 'the Coal Board' on no less than three occasions, and on each occasion he had won, but that the Coal Board had yet paid a penny. Some members of the public believed this, just as they believed that Newbold was due to receive around £40 million in compensation for mining subsidence, because this is what he told journalists from *Country Life* in 2010, as well as Dan Cruickshhank, when the latter interviewed the owner for his film *The Country House Revealed* (BBC, 2011).

Yet, as the Wikipedia entry on Wentworth Woodhouse reveals, the truth is very different:

> [The Newbolds] allege that mining operations near the house caused substantial structural damage to the building due to subsidence, and lodged a claim in 2012 of £100 million for remedial works against the Coal Authority. The claim was heard by the Upper Tribunal (Lands Chamber) in April 2016. In its decision dated 4 October 2016 the Tribunal found that the damage claimed for was not caused by mining subsidence (2016 UKUT 0432 (LC).

There cannot be many who take the trouble to dig out the law report referred to, and there are probably even fewer who bother to read it, since it is 100 pages long; but it does confirm the truth of this summary.

The first stage in the proceedings took place in the Lands Chamber of the Upper Tribunal, which was created as a result of certain legislative changes made in 2008; but the hearing concerned a preliminary point only. The way this came about was that, when old Clifford Newbold bought the property in 1999 he had only the most cursory of surveys done, which said that there was nothing to be concerned about, because any mining which had taken place had ceased years ago, or been compensated for. This is the kind of report which is routinely obtained as part of the conveyancing process, and it is relatively cheap. As a solicitor who once practised conveyancing, it amazes me that Newbold did not have a full survey done, as would have been required if he had needed a mortgage; but then he had been an architect, and doubtless a 'full' survey would in this case have been extremely expensive.

Be that as it may, Newbold began to notice, not long after he moved in, that parts of the House were suffering stresses and strains as a result (in his view) of 'mine water rebound' in the South Yorkshire coalfield. This is what occurs when active mineworking has ceased years before, but water trickles back into abandoned seams, causing the ground to rise. It is a recognised phenomenon; but it does not always lead to significant subsidence in overlying buildings. Nevertheless, Newbold commissioned reports which confirmed his own view that there was subsidence which would cost many millions to put right; and he decided to lodge a claim.

Under the Coal Mining Subsidence Act 1991, there was a duty on anyone claiming compensation to serve a notice on the Coal Authority (formerly the British Coal Corporation, and at one time the NCB, or National Coal Board); and the notice had to comply with certain rules as to the form it took, and who should sign it. Now, as far as the general public was concerned, Clifford Newbold had bought Wentworth Woodhouse from Haydon-Baillie's bankers in 1999; but legally, he was in some kind of partnership with his three sons, Paul, Marcus and Giles, and in 1999, none of them had acquired the freehold: this was only acquired by the brothers in 2005, though a limited company retained a 20 year lease of the vast majority of the site. Complex as the legal situation was, it seems that at all relevant times the senior Newbold was the principal figure involved; but there was a doubt as to who should

serve the relevant notice on the Coal Authority. When the latter rejected the notice signed by Paul Newbold alone in 2007 (though amended in 2009), all three Newbold brothers sued in order to establish its validity. In the event, the Lands Tribunal agreed with them, holding that the notice was valid because, while it may not have complied with all requirements to the letter, it was sufficient to put the Authority on notice of what the claim was about. So the Newbolds won round one.

The second stage in the litigation took place when the Coal Authority appealed to the Court of Appeal against the decision of the Lands Tribunals on this technical preliminary point; but on 23 May 2013 the Court of Appeal unanimously dismissed its appeal. The judgment at this stage runs to 89 paragraphs and is reported as Newbold v the Coal Authority [2013] EWCA Civ 584; but, in the circumstances, it is enough to say that the Newbolds won round two.

The third and final stage of the proceedings was the judgment of Lands Tribunal dated 4 October 2016, and reported as Newbold v the Coal Authority [2016] UKUT 432 {LC]. This consists of 102 pages and 468 paragraphs; but the sting is in the conclusion because, this time, Newbold lost.

Before going any further, it is necessary to explain that one of the sons, Paul Newbold had died after the claim was made and before the case came to court for the third time; and that the father Clifford Newbold also died in April 2015; but neither of these events prevented the remaining two Newbolds from pressing on.

The first two paragraphs of the final judgment contain an excellent summary of the history of Wentworth Woodhouse and of the effects of coalmining in the local area upon it, while paragraps 5 and 6 summarise the issues before the Tribunal, and the central arguments put by each side:

> 1. This reference concerns Wentworth Woodhouse, one of the greatest private houses in Great Britain. It was built in the second quarter of the 18th century in open country a few miles from Rotherham. Its façade is one of the longest of any house in Europe and its interiors the finest of any Georgian stately home. The house and its associated structures are now in a state of deterioration which the claimants attribute to subsidence caused by the effects of coal mining for which, in their reference to the Tribunal, they seek compensation "likely to be in excess of £100m".
>
> 2. Beneath the house and its landscaped park lie the productive seams of the South Yorkshire coalfield which had been mined in the area at surface outcrops from the early middle ages. The Fitzwilliam family, whose ancestors had owned Wentworth Woodhouse since the time of the Normans, were mining coal reserves on their estates by 1750. The invention of Newcomen's steam powered engine allowed deeper mine shafts to be sunk in the 18th and 19th centuries to meet the insatiable demand created by the industrial revolution and by the increasing use of coal to power ships, railways and factories. By the 1920s deep seams were being exploited under the park and

close to or under the buildings and structures at Wentworth Woodhouse. The 1947 nationalisation of the coal industry brought intensified mining beneath the park and formal gardens which continued until the 1960s, by which time the mines in the immediate vicinity were exhausted or uneconomic.

5. The issue now for consideration is whether any of the deterioration in four separate parts of the buildings and structures at Wentworth Woodhouse is "subsidence damage" within the meaning of section 1(1) of the 1991 Act, such that the cost of its remediation will fall on the Coal Authority. The four areas selected for consideration are (1) a line through the east front of the north wing of the mansion following the area putatively influenced by the Wentworth fault; (2) the north tower of the mansion and the adjacent north quadrant; (3) the south terrace wall; and (4) the camellia house. On 1 May 2014 the Tribunal directed the trial of preliminary issues to identify whether, in relation to those four specific areas, coal mining has caused any subsidence damage. The evidence and the arguments before us went rather further, the real debate being not simply whether subsidence damage had occurred at any time (which in many instances was not contentious), but whether such damage was the result of a renewed phase of ground movement occurring since the 1990s, long after conventional expectations would have ruled out historic mining as a cause of damage.

6. The claimants contend that the great majority of the damage at Wentworth Woodhouse is at least likely to have been caused by ground movement attributable to mining. The primary trigger for this movement is suggested to be the collapse of old mine workings as a result of their inundation by rising ground water following the general cessation of pumping in the South Yorkshire coalfield in the 1990s. The Coal Authority asserts the contrary: that ground movement caused by mining ended many decades ago and that Wentworth Woodhouse is largely stable, with the damage visible in the four selected areas being either historic or attributable to a variety of other causes, including neglect and decay.

A case like this was always going to depend upon expert testimony; and evidence was duly given by structural and mining engineers, some of whom contradicted each other. The judge therefore had to decide which opinion to accept; and, in the end, he preferred the evidence of the Coal Authority's experts, to those called by the Newbolds.

The conclusions of the Tribunal were as follows:

463. Following the cessation of deep mining in South Yorkshire and the discontinuance of strategic pumping, the level of groundwater has recovered and the former workings, including those surrounding Wentworth

Woodhouse, have become progressively inundated since the late 1980s. Ground or mine water rebound had the potential to cause a new phase of damage to surface structures long after the end of active mining either by the disruption of historic workings causing collapse or further consolidation or by the reactivation of geological faults.

464. Had we been satisfied that damage to the structures at Wentworth Woodhouse had been caused in either of these ways as a result of mine water rebound, we would not have had difficulty in accepting that the damage was subsidence damage within the meaning of section 1(1) of the 1991 Act. If deep mine workings collapsed, or the fractured overburden above them settled, causing vertical or horizontal displacement, the resulting damage could fairly be described as having been caused by the withdrawal of support from land in connection with coal mining operations. Neither the lapse of time between the mining operations and the withdrawal of support, nor the key role played by returning water (itself previously kept at bay as part of those mining operations), appear to us to take the damage so caused outside the scope of the statutory definition of subsidence damage. If the cause of damage was the reactivation of a fault because of the discontinuance of pumping and the general return of water, so as to cause differential movement and the withdrawal of support either vertically or laterally from ground along the line of the fault, we would equally have been prepared to accept that that was subsidence damage.

465. However, we are satisfied that the mechanism of damage relied on by the claimants in this reference does not explain the damage at Wentworth Woodhouse. We think it more likely than not that the critical Parkgate seam was damaged to a much greater extent in the 1940s than Mr Stevenson's hypothesis allowed for. Although the possibility of further consolidation, triggered by returning mine water, cannot be ruled out, there is no evidence to support it having occurred. All of the technical monitoring evidence available since 1995 suggests that, on the balance of probability, the house has been stable. In the face of that data the suggestion that further subsidence has occurred during the same period depends on a theory of equal but opposite regional uplift in the surface of the ground which, having reviewed all of the evidence, we find implausible. The sequence of benchmark evidence is incapable of differentiating between subsidence which undoubtedly occurred in the 1960s and any that may have occurred subsequently. The evidence of recent large scale movement given by Mr Newbold was unreliable, while that of Mr Pearson was imprecise. When evaluated in the light of the technical and expert evidence, the more careful observations of Mr Scholey and Mr McWilliams did not establish that such changes as have occurred since 1999 were as a result of mining subsidence.

> 466. We are satisfied that Wentworth Woodhouse has experienced mining subsidence on a substantial scale. We are also satisfied that damage occurred for longer than would ordinarily have been anticipated by the application of conventional rules of thumb. This was, in particular, due to the presence of the fault which remained active for perhaps as much as fifteen years after the cessation of mining. We are also satisfied that the impression that mining related damage continued long after the time it would usually be expected to have ended was contributed to by the NCB's dilatory approach to carrying out or paying for repairs, which may have made it difficult until the 1980s for it to resist some questionable claims (the clearest example of this being in relation to the terrace wall).
>
> 467. The preliminary issue we have been considering asks simply whether coal mining has caused subsidence damage in the four areas of investigation, which clearly it has to the extent we have identified. In their submissions and in the lay and expert evidence which they relied on, both parties addressed the more relevant question, namely whether coal mining caused a second phase of subsidence damage after the 1980s when mine water rebound began to occur. For the reasons we have given we are satisfied that it did not.

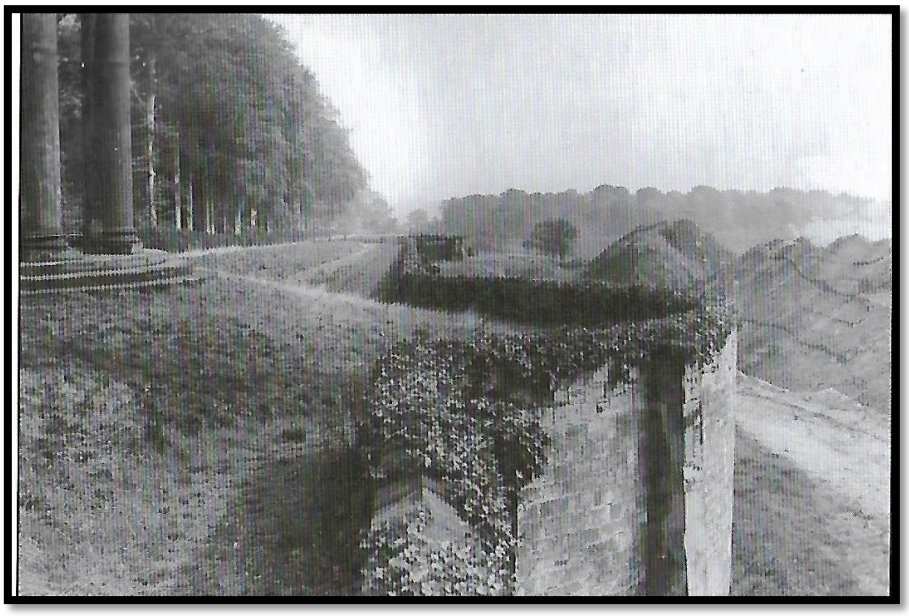
One of the features of the judgment which may strike the layman as odd is that, after a hearing which lasted for a total of fourteen days in April and May 2016, the Tribunal did not give a judgment which was truly final; but this was because it was not asked to. We may wonder why.

It would have cost the Newbolds hundreds of thousands of pounds to have commissioned a full survey of Wentworth Woodhouse, of the quality required by a court. Instead, they chose to present evidence about four areas only: the north tower and quadrant; the line of damage through the mansion; the [Long] terrace wall and the camelia house (see illustration). So the Tribunal gave a ruling on those four issues, and those reinstatedonly. The final paragraph of the judgment reads as follows:

> 468. In the light of our conclusions we now invite the parties either to agree or to make further submissions on what, if anything, remains to be determined in this reference.

For all practical purposes, however, the case had come to an end. As we have already noted, Clifford Newbold and his son Paul had already died and, in any event, Clifford had already decided to sell up, even before his death. Instead Wentworth Woodhouse was sold – ultimately, as it turned out, to the nation.

35 The Camelia House



36 The Long Terrace, 1947 & 2018

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