

# WHEN NIGHT-DOGS RAN

A Yorkshire Poacher and his family, 1642-1699

by Stephen Cooper



*A son can bear with composure the death of his father, but the loss of his inheritance might drive him to despair*

from *The Prince*  
by Niccolo Machiavelli (1469-1527)

*The quarrels of relations are harder to reconcile than any other*

from *Law is a bottomless pit*  
by John Arbuthnot (1667-1735)

For my mother and father, with whom I had no quarrel.

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# CONTENTS

Acknowledgement and Notes on Sources, Currency and Dates

Illustrations

Introduction

Chapter One	Civil War in South Yorkshire , 1642 - 1649
Chapter Two	<i>An Innocent Country Life</i> , 1649 - 1661
Chapter Three	When Night-Dogs Ran, 1662 - 1663
Chapter Four	A Widower and his Children, 1661 - 1666
Chapter Five	Thomas Burdett and his Farm, 1661 - 1666
Chapter Six	<i>The Year of Wonders</i> , 1666
Chapter Seven	Margaret Crawshaw, 1667 - 1673
Chapter Eight	Benjamin, Gervase, & Thomas, 1667 - 1678
Chapter Nine	Francis & Phyllis, 1667 - 1678
Chapter Ten	The Court at York, 1678 - 1679
Chapter Eleven	A Plot and a Judgement, 1679
Chapter Twelve	<i>A Fine and Private Place</i> , 1679 - 1699

Thomas Burdett's Will

Thomas Burdett's Probate Inventory

Glossary

Sources and Abbreviations

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I would like to thank Melvyn Jones for reading and checking the typescript (1992).

The history is based mainly on the will of Thomas Burdett dated 1st January 1666, his Probate Inventory dated 18th January 1667, and the Cause Papers relating to the case of Guest v Crawshaw in 1678-9 CP H 3320 and 3321. All these documents are at the Borthwick Institute of Historical Research in York.

Prior to the introduction of decimal currency in 1971, there were twelve pence in a shilling, and twenty shillings in a pound; and the symbols for pounds, shillings, and pence were £ s d, although the symbol for shillings was often omitted. Thus, for example, eight pounds, eight shillings, and eight pence might be written £8/8/8d.

The average agricultural labourer's wage in the mid-seventeenth century was about 4/- (four shillings) a week without food<sup>1</sup>, although according to one Yorkshire squire in 1701 "the wages of a good husbandman in the parts about Barnsley and Wortley I find to be noe more than £3 a year."<sup>2</sup>

Until 1752, New Year's Day was on 25th March for civil and legal purposes. Hence many dates in seventeenth century documents are not what they appear to be at first sight. For example 18th January 1666 may very well be 18th January 1667. In such cases I have given the date according to the modern way of looking at the matter i.e. 1667.

The four quarter days, when rents commonly fell due, were/are

Lady Day: 25th March

Midsummer Day: 24th June

Michaelmas Day: 29th September

Christmas Day: 25th December

<sup>1</sup> Macaulay Chapter Three p 313; Ogg p 85.

<sup>2</sup> Trevelyan vol 2 p 240.

## ILLUSTRATIONS

- 1 Extract from John Blaeu's Map of the West Riding of Yorkshire, 1672
  - 2 Wentworth Woodhouse in the early seventeenth century
  - 3 The trial of the 1st Earl of Strafford, 1641
  - 3 Hound Hill
  - 4 Richard Elmhirst's fortification
  - 5 The Collector Earl of Arundel with the 5th Duke of Norfolk as a boy
  - 6 Sir Richard Fanshawe
  - 7 Anne, Lady Fanshawe
  - 8 Tankersley Hall in 1937
  - 9 Tankersley Park in the early eighteenth century;
  - 10 Coursing fallow deer, c.1671
  - 11 Sheffield Manor, the home of Francis Ratcliffe
  - 12 Making hay
  - 13 Ploughing in the open fields
  - 14 Thomas Burdett's will
  - 15 Thomas Burdett's inventory
  - 16 Hesley Hall, the home of Humphrey Northall
  - 17 Margaret Crawshaw's Accounts
  - 18 The School at Wath;
  - 19 A Schoolgirl in 1667
  - 20 Guest v Crawshaw: the signatures of the protagonists and of the witnesses
- Family tree of the Burdetts of Thorpe Hesley

# INTRODUCTION

When Thomas Burdett of Thorpe Hesley died in 1666 - the year of the Great Fire of London - it seemed that he had left his affairs in good order. A prosperous yeoman, with three farms replete with live- and dead- stock, a slate quarry and over £100 lent out at interest, he was apparently able to provide for all five of his young children. He had thought long and hard about the terms of his will, after his wife Mary's death some five years before, and had formulated detailed plans for his family.

Amongst other provisions, Thomas's will contained legacies for each child: £60 for Benjamin, £50 for Gervase, £100 for Thomas junior, £50 for Francis, and £100 for Phyllis, to be paid when she attained the age of twenty-one, or when she married. Thomas appointed his sister Margaret Crawshaw as his executrix, and her role was crucial, for she not only had to carry out the directions contained in her brother's will. She also had the responsibility of bringing up his two youngest children, who were only eight and seven years of age respectively when their father died.

"The best laid schemes o' mice and men  
Gang aft a-gley."

Thomas was not as well off as he appeared to be. He owed more than was originally thought, and several of his own debtors proved unreliable. The administration of his estate quickly gave rise to serious problems, which Margaret Crawshaw was left to grapple with throughout the late 1660s and early 1670s. Despite all her efforts, she could not collect in enough money to pay the amounts due to her nephews and her niece in full. In particular, the sum of £100 payable to Phyllis Burdett could not be found, when she came to marry the nailmaker George Guest.

Phyllis Burdett/Guest was a determined young lady. She was not disposed to accept the situation which had arisen, for she did not believe her Aunt Margaret Crawshaw's protestations as to the inadequacy of her father's estate. When she was told that there was no money left, she sued, even though Margaret had looked after her as if she were her own daughter, for eight long years. The case of Guest v Crawshaw was tried in the Consistory Court in York Minster in 1678-9, during the crisis created by the so-called "Popish Plot". Convincing arguments were marshalled on either side, and copious evidence was adduced in support of each; but at the end of the day, the verdict of the court concerning Phyllis Guest's legacy was clear and unequivocal.

The court proceedings in York generated a great deal of written material, including the formal legal documents or "pleadings", and several witness statements, made by people who knew the deceased. These "Cause Papers", when placed alongside the will made by the testator himself, the probate inventory prepared by his neighbours shortly after his death, and the accounts kept by Margaret Crawshaw to justify her



position, provide the materials for a vivid picture of a seventeenth-century yeoman farmer. This portrait is, perhaps, the most substantial legacy bequeathed to posterity by Thomas Burdett.

Thorpe Hesley, 1988, 2012

## CHAPTER ONE

### CIVIL WAR IN SOUTH YORKSHIRE, 1642 - 1649

*There shall be a battle fought at Tankersley Moor on May Eve, and Hallamshire men shall lose the day.....*

from a prophecy of Old Carr of  
Ecclesfield quoted in Eastwood's  
Ecclesfield p 546

*I went down, quoth Sir Ralph Stapleton, with musquet, pike and drum,  
To fetch Sir Francis Wortley up, but truly he'd not come.*

from a popular ballad,  
quoted in Blazeby p 37

The execution of Thomas Wentworth of Wentworth Woodhouse, 1st Earl of Strafford, in May 1641 was one of the most notorious events in the period immediately preceding the outbreak of the English Civil War. As President of the Council of the North and Lord-Lieutenant of Ireland, Strafford had been one of Charles I's most effective ministers, and an advocate of a "Thorough" approach to government, during the so-called "Eleven Years' Tyranny", when the King attempted to rule without Parliament. King Charles was eventually compelled, by military defeat and shortage of money, to summon the Short and the Long Parliaments; and Strafford was made the scapegoat for his master's unpopular policies and arbitrary methods: he was executed

in pursuance of an Act of Attainder, to which the King reluctantly gave his assent; but the monarch's surrender on this point did not resolve his differences with the majority of the House of Commons. The crisis could not be resolved politically and, as John Shaw the Puritan vicar of Rotherham wrote in his autobiography, "....in the year 1642 began our sad civil (or rather most uncivil) wars betwixt the king and parliament".

At the start of the conflict, the sympathies of the people of Sheffield and Rotherham were mainly with Parliament, whilst a majority of the local aristocracy and gentry supported the King.<sup>1</sup> Amongst those who joined the ranks of the Cavaliers in South Yorkshire were: Sir Francis Wortley of Wortley, described by the Roundheads as "the first incendiary in this county that publickly engaged a party for the King against the Parliament", and Wortley's son of the same name; Richard Elmhirst of Hound Hill near Worsborough, who had been a close associate of the Earl of Strafford in the 1630s; Robert Greene of Thundercliffe Grange; and Thomas Barnby of Barnby Hall, near Cawthorne.

Some members of the gentry were reluctant to take sides, and tried to keep out of the fight for as long as possible. Robert Greene's uncle, William Shiercliffe of Ecclesfield Hall, later argued that he was "an old man (above 60 years)" and that he "continued quietly at home until a printed letter was sent him by the lord of Newcastle for the payment of the sum of £200 at the City of York. To avoid the payment he repaired thither and could not return home before the city was beleaguered." In this way, he became involved in the war, like it or not.

There were other men who changed sides during the course of the Civil War. William Shiercliffe's kinsman, Thomas Shiercliffe of Whitley Hall, started off as a Roundhead. He "took arms for the Parliament till the beginning of May 1643", but then became a Cavalier. We shall see later what happened to bring this about.<sup>2</sup>

During the second half of 1642, the Parliamentarians fortified Rotherham and Sheffield for about four miles around. According to one Royalist, this was in order to give "protection and encouragement to all those parts of the country which were populous rich and rebellious"; and the constables of Aldwark, Rawmarsh, Greasborough, Kimberworth and Ecclesfield received orders from the local Parliamentary commanders to "furnish or lend money plate armes or horses" for the support of the garrison at Rotherham. 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. The constables of Tankersley, Royston, Penistone, Silkstone, High Hoyland, Cawthorne, Darton, Barnsley, Darfield and Wath received orders from the Royalists that they must help to pay for the maintenance of the garrison. Amongst the individuals who contributed voluntarily towards the forces there was Thomas Barnby of Barnby Hall.<sup>3</sup>

During the first months of the war there was no large scale fighting, though there were raids and skirmishes between the two sides. However, 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 2000 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." Following their victory at Tankersley, the Royalists went on to capture both Rotherham and Sheffield. Rotherham was taken on 4th May, after an assault which lasted two days and considerable resistance on the part of the defenders. These included a party of thirty boys from the grammar school, who made good use of a piece of artillery known as a "drake", from the vantage point of Rotherham bridge. When the town was captured, the Puritan John Shaw hid in the attic of an empty house for three days, before escaping to Manchester. Shaw took the view that this escape was an example of divine intervention. He called it "the marvailous delivery of a minister of Christ's gospel...wherein you may still see God's hand", omitting the fact that his wife had been taken prisoner, and dragged off to prison! Thomas Shiercliffe of Whitley Hall was also taken prisoner at Rotherham. To regain his liberty, he changed sides and accepted the King's commission, promising to raise a company of infantry for his royal master's cause.<sup>4</sup>

The victorious Royalists then marched on Sheffield, and the town and its valuable castle fell to them on 9th 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."

For a period of about a year the Cavaliers were in the ascendant in South Yorkshire. From their stronghold at Sheffield Castle, they financed the king's war effort by levying taxes on the surrounding countryside, and mounted patrols, with orders to look for spies. They also made good use of the skills of local craftsmen. The Earl of Newcastle's wife recorded that her husband, "...finding near that place some ironworks...gave present order for the casting of iron cannon and other instruments and engines of war." These ironworks may have included those situated at Wortley, where cannon balls of the Civil War period were found in 1868, and at Kimberworth, where iron was certainly being made in the period 1643-6.<sup>5</sup>

The situation changed dramatically the following year, when the Scots intervened in the war on the side of Parliament. Newcastle's army was besieged in the City of York by three separate Roundhead forces, the Scots under Lord Leven, the Yorkshiremen under Lord Fairfax and the Eastern Association under the Earl of Manchester and Oliver Cromwell. The siege of York lasted from April to July 1644, and

during that time the Cavaliers Richard Elmhirst of Hound Hill, Robert Greene of Thundercliffe Grange, William Shiercliffe of Ecclesfield Hall, and Francis Nevile of Chevet near Wakefield were shut up in that City, and were probably among the large numbers who thronged York Minster every Sunday, singing Psalms to keep their spirits up. Meanwhile, Roundhead cavalry units became active again to the north and south of Barnsley and one of these captured Sir Francis Wortley on June 3rd 1644, when Walton Hall near Wakefield was taken. It was also at this time that Wortley's seat at Wortley Hall surrendered and Richard Elmhirst's house at Hound Hill was stormed.<sup>6</sup>

York surrendered on 16th July 1644, after the Roundhead victory at the Battle of Marston Moor. Under the terms of the surrender, the Royalist garrison was allowed to leave the City with its arms and its horses, and with colours flying; but this honour did not disguise the fact that the King's cause in the North had received a shattering blow, from which it never recovered. The *Marquis* of Newcastle (as he now was) retired to the Continent, to devote himself to the study of horses and dressage; and the towns of South Yorkshire fell once more under the control of forces loyal to the Parliament. On this occasion, Rotherham fell without a fight, but Sheffield Castle only surrendered after its walls had been battered by three cannons - a culverin, a demi-culverin, and a demi-cannon specially provided by Lord Fairfax and colloquially known as "The Queen's Pocket- Pistol".

It was now the Roundheads' turn to maintain "watch and ward", and to raise taxes in the areas they controlled. Nicholas Crossley of Thorpe Hesley was one of the local farmers who felt the effects of the Roundhead victory. He had to pay four shillings towards the cost of the war in 1645, and the men of Rotherham had to pay contributions towards the cost of maintaining the garrison at Sheffield, and also for supplying the Scots, who were stationed at Tickhill. It was useless to complain, as the postscript to a letter of May 1646, issued by authority of the governor of Sheffield Castle, makes clear.<sup>7</sup>

*Straford and Tickhill.*

*WHEREAS I have receo<sup>d</sup> an order from Mr John Ellis, These are to will and require you the cunstables of the severall townes hereunder written y<sup>t</sup> you assesse, colect and gather the three munths last assessment and areares of the former six munths according to your former war<sup>ts</sup> upon Munday next at Rotharm or Tusday next at Sheffeild unto Mr John Ellis: likewise that you keepe stronge watch and ward, that all such persons as shall repeire from Newworke or any other place infected, be restrained and kept in some convenient place remote from company for a convenient time. Faile not herein at your perill.*

*Middlewood the 12 May, 1646*  
THOMAS WANEWRIGHT.

*To the Constables of Darfield, Wombwell,  
Hoyland, Wentworth, Ecclesfield, Bradfield,  
and to every of them.*

*Post scriptum - If the moneyes be not in pay at this time and place abovesayd, he will send  
shoulders soldiers presently which will be a greater chardge to the contrye: so he writes in his  
order."*

The local clergy also felt the effects of the Parliamentary triumph: the church at Wath-upon-Deerne was badly damaged, and Thomas Benson, who had been vicar there for thirty years, was ejected from his living, just as Thomas Wright had been ejected from his at Ecclesfield, in 1643, though the latter preached a sermon, prophesying that he would return someday.<sup>8</sup>

The King's forces had now been defeated militarily; but Royalist sentiment was not extinguished, as is shown by the case of Henry Revell and Robert Browne of Rotherham and William Crofts of Doncaster. In 1647, these three published a piece of propaganda called "the Parliament's Ten Commandments". This satirical tract was regarded by the Parliamentary authorities as a blasphemous and seditious libel, the three men were accordingly prosecuted, and Revell was fined £50, and Browne and Crofts £100 each.<sup>9</sup>

In 1648, the Royalists tried to stage a "come-back", in a series of risings in various parts of the country which became known as the Second Civil War. The Scots intervened again, but this time on the side of the King. Oliver Cromwell, who had made his name as a cavalry commander in the army of the Eastern Association and was now Lieutenant-General of the New Model Army, stayed the night at Rotherham before continuing north to Preston, where he inflicted a decisive defeat on the invading Scottish army; but meanwhile a force of English Cavaliers, led by John Morris of South Elmsall, who had been a page of the 1st Earl of Strafford, surprised the Roundhead garrison at Pontefract Castle and turned it into a rallying point for the King's cause.<sup>10</sup>

The force which now held Pontefract for the King eventually grew to about 500 men. It was drawn from a wide area, and put up a stout resistance, withstanding a siege which lasted for nine months, between June 1648 and March 1649. For part of that time Cromwell himself was amongst the Parliamentary commanders directing the siege operations; but the Cavaliers beat off all attacks and refused to give

up, even after King Charles I was executed. Indeed, their reaction to the regicide was to proclaim Charles II as their king and mint coins in his name, using plate which they had melted down. The siege of Pontefract was a major event in the Second Civil War, and must have aroused intense emotions in the towns and villages to the south. We know that men from South Yorkshire were involved in the military operations at Pontefract, for on 11th December 1648 one William Smith was buried at Wath-upon- Dearne, and the person who recorded this event described him in the parish register as "a soldier wounded at Pontefract Leaguer."<sup>11</sup>

John Morris of South Elmsall fought his way out of Pontefract, when the Castle was eventually forced to surrender in March 1649, but he was captured some days later in Lancashire, taken to York and tried there. It was ironic that the charge brought against him was that of "levying war against the late King Charles"! Morris defended himself ably and vigorously, pointing out the obvious inconsistencies in the indictment; but he was inevitably found guilty and, after a further heroic attempt at escape, was executed on 23rd August 1649. At his trial Morris told his judges bluntly that "they might do by him as by his dear Lord Strafford, put him to death without law...". Shortly before his execution he declared that "he was brought up in the true Protestant religion in the house of his dear master the Earl of Strafford, one of the best governed houses in the kingdom and without wavering had professed it and now would die in it". Morris was hung, drawn and quartered; and 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."<sup>12</sup>

The blood shed in the Second Civil War aroused deep emotions amongst the Parliamentarians, and led to a demand that the King be put on trial. One parliamentary committee was informed that the reduction of Pontefract Castle "cost much blood and treasure"; and the Army Council passed a resolution that "It was our duty.....to call Charles Stuart, that man of blood to an account for the blood he had shed, and mischief he had done to his utmost." Charles I was duly tried and executed in January 1649; and in March the institutions of monarchy and the House of Lords were abolished.

The late 1640s were not an easy time for the Cavaliers of South Yorkshire. Sir Francis Wortley was an unrepentant Royalist: he was regarded as a ringleader, and was imprisoned in the Tower of London for many years. Others were punished financially: their estates were sequestered and they had to negotiate for them with the Parliamentary Committee for Compounding. In this way Sir Francis Wortley's son was fined £671/13s/4d for having been "in actual war against the Parliament"; Richard Elmhirst was ordered to pay £566, for having "fortified his howse against the King and Parliament's fforces", though he claimed that he had fortified it against "the Plunderers on both parties"; Robert Greene was fined £100, for having deserted his own dwelling

and gone to live in York when it was kept as a garrison against the Parliament, despite his plea of duress; and a penalty of £108 was imposed on Greene's uncle William Shiercliffe, despite his age and his protests that he had not been a king's man willingly or even actively. Likewise, Thomas Shiercliffe was fined the sum of £100, though he argued that he never had in fact raised the company of foot-soldiers which he had promised the King, when he changed sides in 1643.<sup>13</sup>

Thomas Barnby of Barnby Hall was specifically charged with his part in setting up the garrison at Tankersley, and in his case the fine was £188, though he filed a petition which claimed that he had been "living under the power of the enemy" at the time the offence was committed, and had had no choice in the matter.

Interestingly, Barnby also asked the Committee for Compounding to take account of the fact that his estates at Barnby were not all his to dispose of, for both his mansion Barnby house, and his ironworks, were his for life only, and must then pass to others under the terms of a family trust. Barnby also mentioned the matter of two annual payments, to which his lands were subject:

"He craves an annuity of £20 p Ann payable to Mary the wife of Rob<sup>t</sup> Barnby during her life given by the grandfather 30 years since, also £3/2s/6d out of her lands at Barnby unto Mr Valentyne Burdett for ever."

We shall hear more of the second of these payments, for Valentine Burdett was the father of Thomas Burdett of Thorpe Hesley.<sup>14</sup>

1 Surtees LXV p 135; Hey, Yorkshire p 177. Other Royalists included Sir Edward Osborne of Thorpe Salvin, Sir John Reresby of Thrybergh (father of the Sir John who has left us his memoirs), Gervase Cutler of Stainborough, and Thomas Edmunds and Robert Rockley of Worsborough. The parliamentary gentry included Jessop of Broom Hall, Bright of Carbrook, Spencer of Attercliffe, Godfrey Bosville of Gunthwaite, Adam Eyre of Hazlehead (the diarist), William Rich of Bullhouse, Wordsworth of Water Hall, and Sir Edward Rhodes of Great Houghton: Hey, South Yorkshire p 147.

2 YAS XVIII pp 24, 83

3 Hunter's South Yorkshire vol II pp 14, 317; "The History of Worsborough" by Joseph Wilkinson 1872 p 12; YAS XVIII p 60. Sir Francis Wortley was "a tall proper man with grey hair": Surtees LXV p 281. In 1618 he obtained a lease from Thomas Barnby's grandfather of the "Iron Smithee Mills, Forges and Mines at Silkstone": Andrews, Wortley Ironworks p 25.

4 The Battle of Tankersley is mentioned by the Earl of Newcastle's somewhat eccentric wife in the memoir she wrote of her husband. According to Hunter's South Yorkshire vol II p 303, it was also referred to in the patent for Newcastle's Dukedom, after the Restoration; and it is also mentioned in John Hobson of Dodworth Green's Journal, although this was not written until 1728: Surtees LXV p 281. (It also appears to have been foretold by Old Carr, the prophet of Ecclesfield: Eastwood's Ecclesfield pp 360 & 546 !); Surtees LXV p 136; YAS XVIII p 83

5 Hunter's Hallamshire pp 135-6(n), 139, 140; YAJ 34 p 331.



6 Wenham pp 32, 41, 122. For the singing of psalms in the Minster, p 69. For military activity near Barnsley see the Letter Books of Sir Samuel Tuke 1644-5 HMSO 1963 p 662 no 150. Elmhirst p 52 states that Hound Hill was taken in 1643; but the sources quoted by Wenham pp 18 & 41 place that event in 1644.

7 YAJ 34 pp 333-4; Hunter's Hallamshire p 143. (A Nicholas Crosley alias Walker of "Thorpp" was prosecuted at Barnsley on 17th January 1638 for stealing a flitch of bacon, value two shillings. Amongst his judges were Sir Francis Wortley and Francis Nevile of Chevet: YAS LIV p 53.)

8 Keble Martin p 73; Eastwood's Ecclesfield pp 193-6. The vicar of Wath stayed in the parish despite his ejection from the living - he was recorded as vicar there again in 1650 (Survey of Parishes, 1650), and he was buried there on 23rd January 1652: Wath parish registers in Doncaster Archives. Some communities also suffered from the depredations of groups of Scottish cavalry which were given free quarter on the area in 1646: YAS XVIII p 4.

9 Surtees XL p 53

10 Surtees XXXVII pp 84-116; Surtees XL pp 13-15; "The Cromwellian Gazetteer" by Peter Gaunt, Alan Sutton and the Cromwell Association 1987.

11 V.C.H. Yorkshire vol 1 pp 428-9.

12 Surtees XXXVII p 115; Surtees XL pp 13-15; Hunter's South Yorkshire vol II p 98. Morris's widow was given some relief from the penalties imposed by the Committee for Compounding, when she proved that her husband had at least helped to fight the Irish in 1643: YAS XX p 130.

13 Eastwood's Ecclesfield p 364; Wenham pp 28 (n) 122, 123, 126; Hunter's Hallamshire p 446; YAS XVIII pp 23, 24, 83; YAS XV p 225. Some people would not have been sorry that Sir Francis Wortley was made to suffer. He had been a J.P. and as a result was unpopular with certain regular offenders, like James and Zachariah Parkin of Mortomley, in the parish of Ecclesfield (now High Green, Sheffield). James Parkin was prosecuted in 1638 for openly and publicly saying "I scorne Sir Francis Wortley's proposition with my arse, and I worship him with my arse": YAS LIV p 60. The following year, Thomas Beale of Masborough near Rotherham and Walter Hurt of Bradfield both declared that they "cared not a fart" for Sir Francis: Bean p 16.

14 YAS XVIII p 61.

## CHAPTER TWO

### *AN INNOCENT COUNTRY LIFE, 1649 - 1661*

*And first, the justest, and the best of kings,  
Rob'd in the glory of his sufferings,  
By his too violent fate inform'd us all,  
What tragic ends attended his great fall,  
Since when his subjects, some by chance of war,  
Some by perverted justice at the bar  
Have perish't: thus, what th'other leaves, this takes,  
And whoso escapes the sword, falls by the axe...*

from *On the Lord Derby*  
by Charles Cotton (1630-1687)

*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, wanting sometimes to persons of greater eminency in the administration of the commonwealth.*

from a letter written by Sir Thomas Wentworth,  
1st Earl of Strafford (1593-1641), to Sir George Calvert,  
concerning life at Wentworth in 1623

In October 1649, some nine months after the execution of King Charles I, Francis Nevile of Chevet, the receiver acting for the 4th Earl of Pembroke and his sister-in-law the Dowager Countess, drew up a list of their tenants in South Yorkshire. Thomas Burdett of "Thorpphesley" was on that list, and he was recorded as holding a lease which was subject to a rent of £20/13/4d and an entry fine of £24. To put these sums in perspective, there were only two other Pembroke tenants in Thorpe Hesley in that year: Anne Wiggfall, whose rent and whose entry fine were both £13, and Nicholas Hartley, whose rent was £3/6/8d, and whose fine was only £2.<sup>1</sup>

In the mid-seventeenth century, Thorpe Hesley had a population of a

mere hundred or two.<sup>2</sup> The village was a small collection of homesteads, cottages and crofts, clustered around its town street, and surrounded by its own pastures, commons and arable fields. To the north lay West Field, Middle Field, St. Ellen's Field (or "field next to the Town of Thorpe") and the Chapelfields (or Kirkfield), where the villagers practised strip-farming in accordance with ancient and communal regulations. To the south was the Common, and the road to Rotherham. The western edge of the village was distinguished by a large deer park belonging to the Earl and Dowager Countess of Pembroke and subsequently to the Duke of Norfolk, and a small moated manor house known as Hesley or Heslow Hall, which was inhabited between 1637 and 1670 by Humphrey Northall, the keeper of the red deer.<sup>3</sup> To the east, at a distance of about a mile and a half, was the village of Wentworth and the mansion of Wentworth Woodhouse, the favourite retreat of the 1st Earl of Strafford, which his son William inherited after his father's execution.

Thorpe Hesley was known as "Thorpe" for short. It was a village without a resident squire or parson. It had no church of its own, and for religious and ecclesiastical purposes it lay partly in the parish of Ecclesfield, partly in that of Rotherham, but for the most part in the chapelry of Wentworth, which was a subdivision of the large parish of Wath-upon-Deane. Its position on the very edge of the parish meant that the spiritual needs of the village did not rank high in the vicar of Wath's priorities, especially when he had to pay the minister at Wentworth chapel out of his own pocket. Indeed, there is clear evidence that the cure of souls in Wentworth chapelry as a whole was grossly neglected. In 1618 Sir Thomas Wentworth wrote to the Archbishop of York, complaining bitterly about the situation which then existed in the chapelry which bore his name:

*Mr Benson [the vicar of Wath] hath procured one Henry Tailor, the minister of Adwicke, with a kind of superintendant power to post from mother church to Chappellry for burialls, christenings and such like, the said Henry Tailor being like a deacon; but I am sure hee was within these 3 yeares a comon informer, and now at this present an alehowse keeper and soe farre engaged to his tiplinge howse, that being reprehended for the same hee himselfe did professe in open Sessions to be so unworthily affected to the minstery that he would rather giue ouer that then his brewinge.*

There had evidently not been much improvement a generation later, despite Strafford's rule as President of the Council of the North, and the revolutionary changes brought about in church government as a result of the Civil War. In 1650 a survey of the parishes in the West Riding and the City of York was conducted, by order of the magistrates sitting in Quarter Sessions. After noting that vicar Immanuel Knutton of Ecclesfield was a "godly and well deserving minister", and that the Puritan Luke Clayton of Rotherham was a "painefull [i.e. painstaking] preacher of good

conversation", this survey noted caustically that the minister of Wentworth Chapelry Richard Picker(?) was "a scandalous man & a comon Drunkard".

For secular purposes, the village was in the upper division of the wapentake of Strafforth and Tickhill, in the West Riding of Yorkshire, and just outside the boundary of historic Hallamshire. Disputes about the infringement of communal regulations, stray animals, encroachments on the highway or false weights and measures were taken to the appropriate manor court. Allegations of libel and slander might be taken to the church courts, sitting in York Minster. Cases of unseemly behaviour were taken before the magistrates, sitting quarterly at Doncaster, Barnsley, Pontefract, Wakefield and sometimes Rotherham; and there was a cucking- stool at Wentworth, where appropriate punishment was meted out: this was where Dorothy Marwood of Thorpe was punished in 1639, when her neighbours complained that she was a "common scold, disturber of the King's Peace and calumniator." Cases of poaching might also be dealt with by the Quarter Sessions or else by the Assize Court at York Castle. <sup>4</sup>

The countryside adjoining Thorpe Hesley was heavily wooded: *Hesley* Park may have contained a great number of hazel trees, and there were certainly holly trees at Barley Haggs nearby. There were several deer parks in the neighbourhood, as we shall hear; but it would be wrong to picture the landscape as entirely rural, for there was small-scale industrial activity going on all around. The woods were a source not only of timber but also of charcoal for the iron industry, and of bark, which was used in the tanning of leather. Both coal and ironstone were both mined in the vicinity, the ironstone providing the raw material for those farmers in Thorpe who supplemented their income by engaging in nailmaking for part of the year. <sup>5</sup>

Thomas Burdett was one of the yeomen farmers who lived in Thorpe Hesley, though he also had economic interests elsewhere. The Burdett family's roots were set firmly in the Yorkshire soil. Burdett is a surname which may derive from the nickname "broad head", or from the geographical feature known as Broadhead Edge, which is to the west of Holmfirth. In its various forms, it is a name which has been known in the West Riding for centuries. There were Burdetts in Denby from the time of Edward I; and in the sixteenth century a notable branch of that family became established at Birthwaite near Barnsley. The West Riding Hearth Tax Book of 1672 records five Burdetts in Silkstone, and the name occurs no less than seven times in Denby, including the constable Mathew Burdett. Thomas Burdett of Thorpe Hesley was certainly related to one of the Burdetts of Silkstone - he was the uncle of *Mr* Francis Burdett who lived there in 1672 - and it is possible that he was also a distant cousin of *Sir* Francis Burdett, of Birthwaite Hall. <sup>6</sup>

Thomas Burdett's landlords in 1649 were Philip, 4th Earl of Pembroke and his sister-in-law Mary, the Dowager Countess. Before her marriage, she had been Mary Talbot, eldest of the three daughters of the Sheffield magnate, Gilbert Earl of Shrewsbury. In 1604 Mary had married William, 3rd Earl of Pembroke, but he died without issue in 1630, and the management of his widow's estates devolved upon his younger brother Philip.

The Pembrokes were remarkable characters. In his youth the 4th Earl had been a favourite of King James I, who had an eye for a handsome young man. He and his brother were the "incomparable pair of brethren" to whom the first folio of Shakespeare's works was dedicated; but, although he was a great patron of literature, the 4th Earl was himself illiterate, and was described by one critic as "*an ingrate, an ignoramus, a common swearer, a bully, and a coward*". He was also renowned for his sexual promiscuity, despite his close associations with the Puritans, including John Shaw, who was Pembroke's chaplain before the Earl appointed him as vicar of Rotherham.

From 1632 much of Pembroke's time and energy was devoted to the rebuilding of his mansion at Wilton near Salisbury, and in laying out the famous garden there; and some said that Pembroke's support for Parliament throughout the Civil War derived from nothing more than a selfish concern for Wilton House, which was situated in an area where the Parliamentary forces were stronger than the Royalists. Whether this was true or not, it is a fact that Pembroke was one of the few peers who opposed the King throughout the Civil War. He continued to sit in the House of Lords, and was voted a Dukedom by a grateful Parliament in 1645. When the House of Lords was abolished he took the extraordinary step of standing for the Commons, and was duly returned as an M.P., despite his peerage - an "ascent downwards" which provoked much satirical comment by Royalist pamphleteers.

As for Mary, Dowager Countess of Pembroke, men held widely differing opinions about her character. Rowland Whyte had written in 1605 that she was "much honoured" by all the 3rd Earl's friends, and that "*all strive who shall love her best*"; but the Earl of Clarendon, in his "History of the Great Rebellion" expressed the somewhat ungentlemanly view that her husband had "paid much too dear for his wife's fortune by taking her person into the bargain". Clarendon thought that Mary was to blame for the fact that the 3rd Earl of Pembroke, like his brother the 4th Earl, was "immoderately given up to other women".<sup>7</sup>

The Pembrokes dabbled in the world of science and pseudo-science, as did many aristocrats and gentlemen of that period. Both the 3rd and 4th Earls employed astrologers, and it is recorded that the 3rd Earl actually died on the very day predicted by his horoscope. The Countess Mary, for her part, had a chemical laboratory at Wilton

House, which was used by the chemist Adrian Gilbert, half-brother to Sir Walter Raleigh.<sup>8</sup>

The steward who recorded Thomas Burdett's presence in Thorpe Hesley in 1649 was Francis Nevile of Chevet, near Wakefield. At first sight it is surprising that Nevile was employed by Pembroke, for Nevile had been an ardent Royalist during the first Civil War: it was said that he had been "very active for the Earl of Newcastle's army", and even that he had been directly responsible for "the first blood that was spilt in Yorkshire". As we have already seen, he was in York during the great siege of 1644. Moreover, Nevile did not apologise for his Royalism when he was prosecuted by the Committee for Compounding. Unlike many Cavaliers, he did not try to minimise his part in the war, or to argue that he had only fought for the King under duress. On the contrary, he "answered very impudently that he had done all the mischief that he could"! This did not go down well with the Committee, and he was fined £2000. Nevile accepted the reality of the Roundhead victory, and submitted to the new political order; but he contested the amount of the fine, and there were protracted proceedings about the matter, which lasted throughout 1644, 1645 and 1646.

Meanwhile, on 10th May 1645, Pembroke the Parliamentary peer appointed Nevile the Royalist firebrand as his "surveyor and receiver of manors lands tithes and ironworks" in the Counties of York, Derby, Stafford and Nottingham. The key to this surprising appointment is the fact that the Pembrokes' affairs in the North had fallen into some disarray, and the Earl and the Countess needed an able administrator to recover some of the ground which had been lost. Nevile's Royalist past was unimportant in comparison with his determination and ability to restore order after the chaos created by the Civil War. He set to work, compiling accurate accounts and rentals in relation to his master's estates; and it was as a result of this campaign that the list of the Pembroke tenants at Thorpe Hesley was prepared.<sup>9</sup>

The ownership of the freehold of Thomas Burdett's farm in Thorpe Hesley changed hands several times in the 1650s, and Thomas found that he had a new landlord on no less than three occasions - in 1650, 1651 and 1654.

The 4th Earl of Pembroke and the Dowager Countess both died in 1650, without issue. The Shrewsbury inheritance in South Yorkshire thus passed to the Countess's sister Elizabeth, the Dowager Countess of Kent, who was the author of "A Choice Manuall of Rare and Select Secrets in Physick and Chyrurgery", and who was said to have secretly married her husband's steward, the eminent legal authority John Selden; but Elizabeth had no children either, and when she died in December 1651 the inheritance passed to the third and youngest daughter of Gilbert Earl of Shrewsbury, Alethea, who was Dowager Countess of Arundel.

Alethea had been given her unusual name - which meant "Truth" - by her godmother, Queen Elizabeth I. Her husband was Thomas, Earl of Arundel, for whom

Harrison prepared his famous Survey of the Manor of Sheffield in 1637, and who was renowned as the "Collector Earl", because of the great number of works of art which he had amassed on his travels, especially in Italy; but the Earl of Clarendon portrayed Arundel in a very unfavourable light. He thought that he was "most illiterate", and refused to give him credit for his interest in art, remarking of his rare and precious collection of medals that "he was only able to buy them, never to understand them". Clarendon was equally cynical about Arundel's character, stating that "he would have been a proper instrument of tyranny if he could have had a master tyrant enough to have been advised by him". It was therefore, perhaps, fortunate for the Burdetts of Thorpe Hesley that the Earl of Arundel had died in 1646, and that it was Alethea, the Collector Earl's widow, who became Thomas's landlord in 1651.

Thomas Burdett's new landlord was very different from the old. Whereas Pembroke had been a pillar of the new order, a Parliamentarian and an associate of the Puritans, Alethea was under suspicion of being both a Roman Catholic and a Royalist; but Pembroke and Alethea had something in common, apart from their enjoyment of the Shrewsbury inheritance: they had both been present in Westminster Hall when the 1st Earl of Strafford was tried there in the spring of 1641 - Pembroke as Lord Chancellor of the Household, and Alethea as the wife of Thomas of Arundel, who presided at the trial as Lord High Steward. They are both depicted in the famous print of that trial, which has preserved the scene for posterity.

Alethea of Arundel had many problems in the late 1640s and early 1650s. She was prosecuted both by the Committee for Plundered Ministers, for being a Catholic "recusant" and by the Committee for Compounding for being a Royalist "delinquent". She was liable to have her estates confiscated on either count. She pleaded that she and her husband had gone abroad in 1641, before the outbreak of the Civil War, and consequently had not done anything "prejudicial to the Parliament" "that she was "no recusant" and that she should be allowed to "enjoy her estate" in "the Manor and Rectory of Sheffield and the manors of Rotherham, Treeton, Whiston, and Cowlye"; but the legal proceedings brought against her were still not resolved when she died in May 1654 at Amsterdam.<sup>10</sup>

Upon Alethea's death the Shrewsbury inheritance descended to her grandson Thomas Howard, then aged twenty-seven. Unfortunately, he had contracted something which the physicians of the day could only describe as "brain fever" at the age of eighteen, when visiting Italy with his grandfather the Collector Earl, and he had never recovered. Consequently he was, in the uncompromising language of the time, "an incurable maniac", and was kept in confinement at Padua in Italy, where Sir John Reresby of Thrybergh later saw him, reporting that "he had all the marks imaginable of lunacy" upon him. Because of Thomas Howard's mental condition, he was never able to return to England, and the management of his estates was entrusted to his younger

brother Henry, or Harry, Howard, who was a staunch Royalist and - like all but one of the Dukes of Norfolk - a Roman Catholic. It was therefore Henry, "the Lord Howard", acting on his brother Thomas's behalf, who became Thomas Burdett's new landlord in 1654, in all but name. <sup>11</sup>

Despite the political upheavals of the Interregnum of 1649-60, some families were able to lead a relatively quiet life, even if they had been Royalists. William Wentworth, 2nd Earl of Strafford had gone into exile during the troubles. Whilst he was away his two sisters continued to live in grand style at Wentworth Woodhouse, thereby putting their brother to great expense; but he returned from his exile in 1650, and in 1654 he married Henrietta-Maria Stanley. The Earl and his new bride had at least one extraordinary thing in common: their fathers had both been beheaded, as a result of loyal service to the House of Stuart. William's father had been executed in 1641, as we have seen, whilst Henrietta's father, the 7th Earl of Derby had been executed at Bolton in 1651, following the defeat of Charles II's forces at the Battle of Worcester. It is not surprising that William and his new bride decided to avoid public life, choosing to live in retirement at Wentworth Woodhouse, and to employ their time in works of charity. Even so, William had his problems, especially financial: he grumbled that his rents were always in arrear: "thereat no man can wondere very much for the war hath caused such a stayte of affairs both heare and elsewheare that there is neither encouragement to risk the expense of tilling the soil, nor securitye that ever the harvestte will be gathered".<sup>12</sup>

In March 1653 William granted a lease of Tankersley Park to a fellow Royalist who had fought for the King, suffered imprisonment as a result and was still on parole. The lessee was Sir Richard Fanshawe, sometime poet, scholar and diplomat. Fanshawe, his wife Lady Anne and their three children moved to Yorkshire soon afterwards and took possession of Tankersley Hall. Some years before Sir Richard had written a poem extolling the pleasures of country life. In the "Ode on His Majesty's Proclamation Commanding the Gentry to Reside on their Estates" he sang:

*Believe me ladies, you will find  
In that sweet life more solid joys,  
More true contentment to the mind  
Than all town toys*

and again

*Plant trees you may, and see them shoot  
Up with your children, to be served  
To your clean boards, and the fairest fruit  
To be preserved*



In Yorkshire the poet and his lady were able to indulge their taste for these rural delights to the full. Indeed they did not have much choice, since the terms of Sir Richard's parole were that he was not to go more than five miles from Tankersley Hall without special permission. Some years later Lady Anne Fanshawe wrote of their time at Tankersley:

*We lived an innocent country life, minding only the country sports and the country affairs. Here my husband translated Luis de Camoens; and on October the 8th 1653 I was delivered of my daughter Margaret. I found all the neighbourhood very civil and kind upon all occasions; the place plentiful and healthful, and very pleasant, but there was no fruit: we planted some and my Lord Strafford says now, that what we planted was the best fruit in the north. The house of Tankersley and park are both very pleasant and good, and we lived there with great content.*<sup>13</sup>

In London, the 1650s were a time of political experiment. One innovation was the summoning in 1653 of a Parliament composed of members nominated by Oliver Cromwell and his associates, rather than elected in the traditional fashion. This was the assembly which became known to history as "Barebones Parliament". Cromwell had high hopes of his new-style M.P.s, and he resigned his power into their hands. He told them "Truly you are called by God to rule with him and for him"; but these expectations were soon disappointed. Instead of initiating the Rule of the Saints, the new Parliament merely made a few administrative changes, before dissolving itself. Amongst those measures which were introduced, however, were new arrangements for the granting of probate of wills - made necessary by the abolition of the church courts in the 1640s - and a Registration Act which provided for the compulsory registration of births, marriages and deaths.

This Registration Act had practical significance so far as Thomas Burdett of Thorpe Hesley was concerned. In 1654 the civil registrar appointed under its provisions began a new register for the chapelry of Wentworth, which has happily survived. As a result we know that Thomas's three youngest children, Thomas, Francis and Phyllis, were baptised on 5th May 1656, 18th February 1658 and 21st December 1659 respectively, though we do not know the date of his marriage, or the dates of birth or baptism of his two eldest sons, Benjamin and Gervase.<sup>14</sup>

The late 1650s and early 1660s again witnessed major political and religious changes. Oliver Cromwell died in 1658. His son Richard Cromwell became Protector, but resigned in 1659. General Monk marched down from Scotland and recalled the "Rump" of the Long Parliament. Charles I's son returned to England, crossing the Channel on 25th May 1660, in the company, among others, of the former tenant of Tankersley Hall, Sir Richard Fanshawe.<sup>15</sup>

The Cavaliers now came back into their own. Sir Francis Wortley the elder

had died, after his imprisonment in the Tower of London; but he was succeeded by his son, the second Sir Francis who, in the words of Joseph Hunter "found himself in possession of a noble estate", despite all the sufferings and losses which he and his father had experienced in the civil wars. Robert Greene of Thundercliffe Grange and Thomas Barnby of Barnby Hall were both alive when the Restoration took place, and were succeeded in due course by their heirs, while Richard Elmhirst's family still lives in his timber-framed house at Hound Hill. William Shiercliffe of Ecclesfield Hall was not so fortunate, for he died without issue in the year of Charles I's execution; but his kinsman Thomas Shiercliffe of Whitley Hall lived to see the Restoration, becoming a churchwarden for the Grenofirth quarter of Ecclesfield parish in 1660 and a lieutenant of trained-bands under the new King, and was succeeded in due course by his son Nicholas.<sup>16</sup>

Charles II rewarded those who had been loyal to the Stuart cause during the Interregnum. The Marquis of Newcastle was made a Duke. William Earl of Strafford was confirmed in his title, and the proceedings in Parliament against his late father were ordered to be expunged. Even poor Thomas Howard, the Burdetts' new landlord, was created 5th Duke of Norfolk, despite the fact that he was still a madman, locked up in Padua. Because of this insanity, his younger brother Henry began to style himself "of Norfolk", though he had to wait almost twenty years before he officially became 6th Duke.

In 1661, following the election of the "Cavalier Parliament", the Anglican religion was restored to its former position; and the church courts came back, with their jurisdiction over wills and probate. Religious dissenters of all types were subjected to new regulations and penalties, by the provisions of the so-called "Clarendon Code". In the parish of Ecclesfield, vicar Rowland Hancock was ejected from his living as early as 1660, to be replaced by Thomas Wright - the same who had been ejected in 1643 and had predicted that he would return one day. For his part, Hancock was subsequently elected assistant minister at Sheffield, only to be ejected a second time, when the Act of Uniformity was passed in 1662, and forced to move out of Sheffield altogether by the provisions of the Five- Mile Act of 1665. In the parish of Rotherham, the Puritan Luke Clayton was ejected, and even imprisoned; but he survived his three months in gaol at York Castle and returned to Rotherham, helping his predecessor John Shaw and the itinerant Oliver Heywood to keep the spirit of religious dissent alive, in the face of continuing persecution.

As is well-known, public morality underwent a profound change at the time of the Restoration. In September 1661, Samuel Pepys made a note in his diary concerning the incidence of syphilis at Court, and in the autumn of that year Charles II's affair with the Countess of Castlemaine became known to the public. There was a widespread sense of shock, for Charles was the first monarch since Henry VIII to have a

mistress, and Lady Castlemaine was by no means his first or his last.<sup>17</sup>

None of these developments in the history of the nation is likely to have had the same impact on Thomas Burdett, as the event which devastated his personal life in November 1661. For on the 12th of that month the new register for the chapelry of Wentworth recorded the burial there of

*Mary, wife of Mr. Thomas Burdit of Thorpe.*

Thomas was now the sole parent of five young children, the youngest of whom, Phyllis, was not yet two.

1 YAJ 34 "Two Seventeenth-Century Yorkshire Rentals" by W.E.Preston.

2 The population estimate is based on (a) The Survey of Parishes, 1650 (about 400 communicants in Wentworth chapelry) (b) The Hearth Tax Returns for 1672 (172 hearths, or 65 households, for Wentworth township) (c) The Compton Ecclesiastical Census of 1676 (426 inhabitants for Wentworth chapelry: Hey, Nonconformity pp 90-1).

3 For the open fields of Thorpe Hesley see Cooper, Chapter One; and SCL,SC 30, 34. For Hesley Hall see Sitwell Chapter XIII.

4 For Thorpe Hesley generally, see Hunter's South Yorkshire vol II p 100. For the relationship between the chapelry of Wentworth and the mother church at Wath, see Keble Martin pp 68-70, and the Survey of Parishes, 1650. For Henry Tailor see Camden Fourth Series vol 12 Wentworth Papers 1597-1628 p 117, and Keble Martin p 512. For Dorothy Marwood see YAS LIV pp 118, 122, 139. (Amongst the magistrates who sat in judgement on her were Francis Nevile of Chevet, and Sir Francis Wortley.) Thorpe was where the lay fees of Wentworth, Cowley and Kimberworth met: Sitwell, Chapter XIII; but there was also a manor of Thorpe Hesley, which belonged to the Foljambes of Aldwark: Hunter's South Yorkshire vol II p 60. The records of the Manor Court of Kimberworth survive from 1791, and are in Rotherham Library (Parker Rhodes Collection item 101 C.7) For Hallamshire see Hey, Yorkshire pp 26-28.

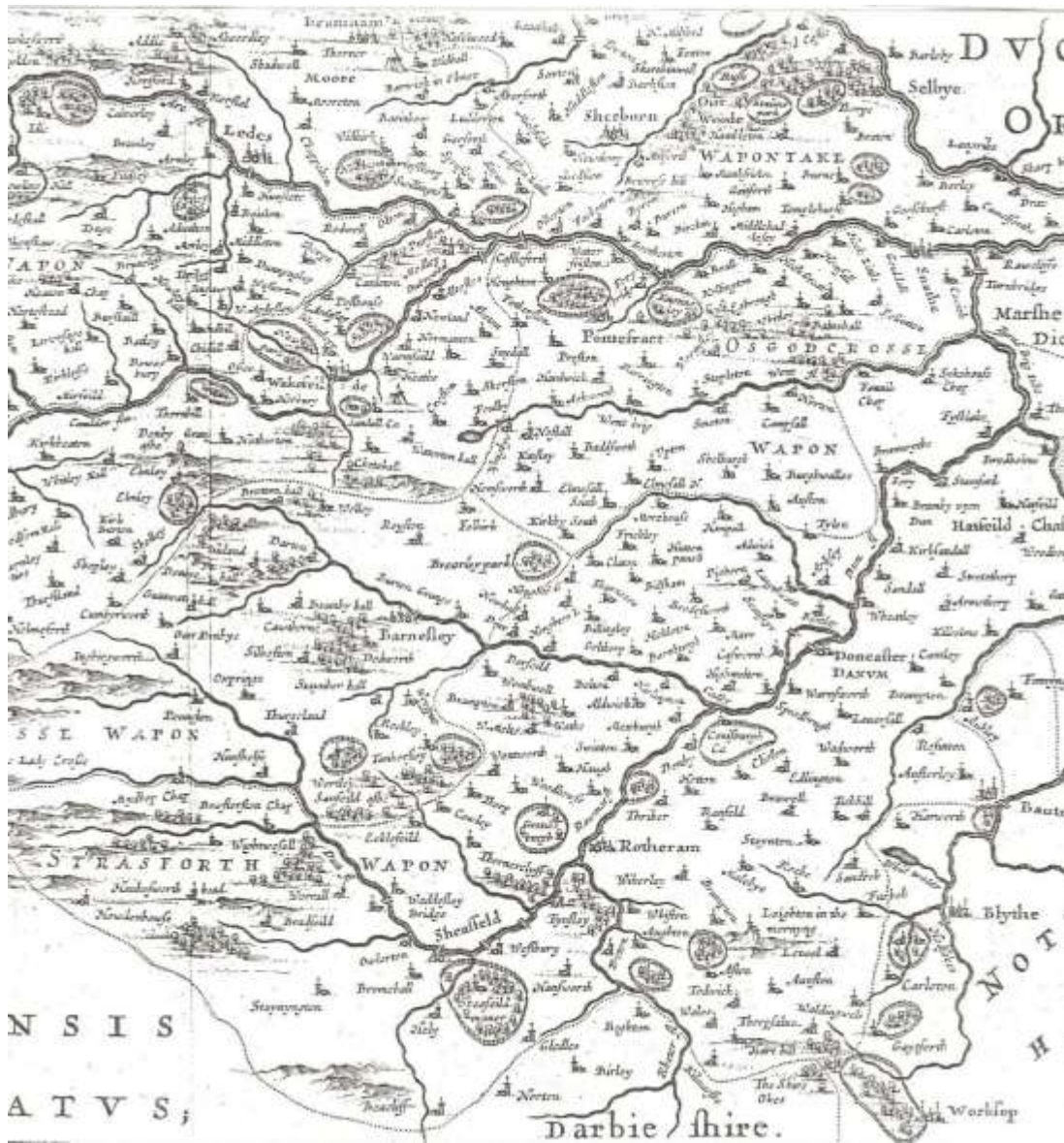
5 For woodlands see YAJ 58 "Seventeenth Century Sheffield and Its Environs" by G.Scurfield p 154. For Rotherham in the mid-seventeenth century see Sitwell, Chapter XII; Guest pp 362 (morals) and 397 (economic decline). For a yeoman in Thorpe who was described as a "Nailler" as early as 1611, see SCL SC 29 - Thomas Smith. An even earlier example was Richard Lee who was a nailer living in Thorpe in 1580: Hall, Sheffield and Rotherham p 223. Chesman p 38 refers to an example from 1506.

6 "English Surnames" Series I Yorkshire, West Riding, by George Redmonds, Phillimore, 1973; Hey, Family History p 39. There was a Thomas Burdett referred to in Adam Eyre's Diary for 1647-49, and in particular a "Burdet's goose feast" referred to on 22nd November 1649: Surtees LXV p 76. For the Burdetts of Birthwaite and their troubles, see the Name Index below.

7 DNB; Complete Peerage; Hunters' Hallamshire p 126; Blazeby Chapter IV.

8 "Intellectual Origins of the English Revolution" by Christopher Hill, Panther 1972 p 138 n.

- 9 YAJ 34 pp 329-332; YAS XVIII pp 3-5; Wenham p 126.
- 10 YAS XX pp 135-6; Eastwood's Ecclesfield pp 134-7; Hunter's Hallamshire p 127.
- 11 Hunter's Hallamshire pp 128-9; Complete Peerage; DNB; Pepys's Diary; Reresby.
- 12 "The History of Wentworth Woodhouse" "Times" Printing and Publishing Company Ltd Mexborough, in Rotherham Libraries °4942 - 823§ p 15.
- 13 See Hall, Incunabula pp 178-184. The translation was of the Portuguese epic poem The Lusiads.
- 14 For Barebones Parliament see "God's Englishman" by Christopher Hill, Weidenfeld and Nicolson 1970 p 140. The Wentworth Registers are in Doncaster Archives. The Register which begins in 1654 in fact records the date of baptism and not the date of birth, as the new legislation envisaged.
- 15 Hall, Incunabula p 186
- 16 Hunter's South Yorkshire vol II pp 233,319-320; Hunter's Hallamshire pp 446,449; YAJ 34 p 341; YAS XX p 39; Eastwood's Ecclesfield pp 249,529.
- 17 For the Restoration and local clergy see Hunter's Hallamshire pp 286-7, Guest p 453, and Blazeby Chapter X; Eastwood's Ecclesfield pp 193-6, 200; Hunter's South Yorkshire vol II pp 22-4. For morals see Hutton, Restoration pp 186-7.



John Blaeu's Map of the West Riding of Yorkshire, 1672

## CHAPTER THREE

### WHEN NIGHT - DOGS RAN, 1662 - 1663

*When night-dogs run, all sorts of deer are chased*

*The Merry Wives of Windsor*  
Act V Scene 5, 252

*'Which is he that killed the deer?'*  
- *'Sir, it was I.'*

*As You Like It*  
Act IV Scene 2, 1

Between 10 and 11 p.m. on the last day of February 1662 Thomas Burdett and a companion broke into the deer park of the 2nd Earl of Strafford at Tankersley. They were armed with staffs and swords, and they used "sharpened instruments" to smash and cut their way through the palings surrounding the park, which was only a mile or so from Thomas's home. Once inside, they unleashed their greyhounds and gave chase.

This moonlit excursion was richly rewarded: Thomas and his accomplice killed four animals - "two brace of deer" - that night. No doubt his family's table, or the table of his confederate, benefitted as a result, for fresh meat was scarce in winter and venison pasty made a tasty meal.

Thomas Burdett's raid on Tankersley Park was of course illegal. It was an invasion of the private property rights of the Earl of Strafford, and it was also a breach of the King's Peace, at a time when the authorities had good reason to feel apprehensive

about armed men who went roaming the countryside by night. But the crime did not go undetected, for the expedition was seen by witnesses. The matter was duly reported, and Thomas Burdett and another man from Thorpe Hesley called Alexander Hill, who was a tailor by trade, were eventually prosecuted. They appeared in court at Pontefract in April 1663. They both denied their guilt, and were tried by jury. Alexander Hill was acquitted; but Thomas Burdett was not so lucky. He was found guilty, and was punished.

Why did Thomas Burdett go hunting the deer in Tankersley Park, on a cold winter's night, with all the risks which this entailed, only two months after his wife's premature death, when he had five young children at home?

Deer-hunting was extremely popular with the aristocracy in England throughout the middle ages, and the pleasures of the chase continued to be enjoyed in Elizabethan and early Stuart times. Shakespeare's plays, especially "The Merry Wives of Windsor", contain numerous images which derive from the hunt; and shortly after the death of Queen Elizabeth I, the traveller Fynes Moryson wrote that: "

*The English have abundance of white meats, of all kinds of flesh, fowl and fish and of things good for food. In the seasons of the year the English eat fallow deer plentifully, as bucks in summer and does in winter, which they bake in pasties, and this venison pasty is a dainty, rarely found in any other kingdom. England, yea perhaps one County thereof, hath more fallow deer than all Europe that I have seen.*<sup>1</sup>

All deer belonged originally to the king; but members of the upper classes often obtained royal permission to hunt on their own land, and then created deer parks, enclosing part of their estates with ditches and mounds topped with walls, hedges or fences. Sometimes they built "sautreys" - special leaps which allowed wild deer to enter the park, but made it impossible for them to escape. Very often, the nobles and gentlemen who created these parks turned less powerful men off their land and out of their homes, in order to enlarge the area grazed by the deer, and improve the hunting. Once a deer park was created, it was far easier for the keepers to look after the deer, and see that they came to no harm; and for the lord himself to bring them to bay, when he had a mind.<sup>2</sup>

South Yorkshire was well supplied with deer in the early seventeenth century. When he surveyed the Manor of Sheffield in 1637, John Harrison declared that it was well-stocked with both main varieties: "This Manno is not only proffitable but for pleasure also, beeing furnished with Red Deare and fallow...." There were wild deer in Rivelin forest, in Grenowoods, Hesley woods, and on the free chase at Wharncliffe, while deer parks were a prominent feature of John Speed's map of the West Riding, published in 1610 and later of John Blaeu's map of 1672: every great family had one or

aspired to have one. There were parks at Sheffield, Wortley, Tankersley and Kimberworth, to name four which were relatively near Thomas Burdett's home.

Perhaps the greatest of these three was Sheffield Park. In 1637 this belonged to Thomas of Arundel, the "Collector Earl". It extended over 2,461 acres, within a ring-fence which was eight miles long; and it was said that 1000 fallow deer and 200 "deer of antler" were kept there, for the pleasure of the Lord of the Manor and his private hunting party; but some recalled the generosity of a previous lord of Sheffield, Gilbert Earl of Shrewsbury, who : "was wont on every yeare, on a certayne day to have many bucks lodged in a meadow neare the towne side about a mile in compasse, to which place repaired almost all the apron-men [cutlers] of the parish, and had liberty to kill and carry away as many as they could with their hands; and did kill some tymes twenty, and had money given them for wine by the Earle." <sup>3</sup>

Sir Francis Wortley the elder had two parks near Wortley - the Old Park next to Wortley Hall, and the New Park, created on part of Wharnccliffe Chase; and his guests enjoyed the venison these provided: when John Taylor the Water Poet was entertained by Sir Francis in the Dragon's Den on Wharnccliffe Crags in 1639, he was feasted on "a good red deere pye", amongst other delicacies; and he described the Chase as follows: "Sir Francis brought me to a lodge, the place is called Wharnccliffe, where the keeper dwells who is his man, and keeps all this woody, rocky, stony, vast wilderness under him, for there are many deere there, and the keeper were an asse if he would want venison, having so good a master."

In contrast to these idyllic impressions absorbed by the poet were the unhappy memories which the deer at Wharnccliffe evoked for many local people, for Wortley's ancestors had been ruthless in their efforts to improve the hunting. The creation of the New Park out of Wharnccliffe Chase, and the clashes between the Wortley family and local yeomen which this produced in Tudor times, were remembered in a popular seventeenth century ballad called "The Dragon of Wantley"; and the activities of Sir Francis's great-grandfather in depopulating certain hamlets next to the Chase were still talked about in Thomas Burdett's day, when some men recalled, with a certain amount of satisfaction, that the old lord Sir Thomas Wortley had gone mad. Oliver Heywood the nonconformist preacher certainly noted this fact as an example of divine punishment:

*Sir Francis Wortley's great- grandfather, being a man of great estate, was owner of a towne near unto him, onely there were some freeholders in it, with whom he wrangled and sued until he had beggared them and cast out of their inheritance, and so the town was wholly his, which he pulled quite downe, and laid the buildings and town fields even as a common, wherein his main design was to keep deer, and make a lodge, to which he came at the time of the year and lay there, taking great delight to hear the deer bell. But it came to passe that before he dyed, he belled like a deer,*



*and was distracted...*<sup>4</sup>

Sir Francis seems to have carried on the family tradition of riding roughshod over the rights of his social inferiors, in the pursuit of game: there was further trouble over the New Park at Wortley in the 1630s, and in 1638 nine local men, including a priest and several yeomen were charged with killing forty deer in that Park, while several others were charged with slaughtering another thirty. The accused admitted killing the deer, but claimed that one of their number owned part of the area covered by the Park, so no wrong had been done to the Wortley family; but, as one might expect, the knight won the case.<sup>5</sup>

Tankersley Park had probably been in existence since medieval times, though the first documentary evidence of it dates from 1527. Some time prior to 1635, the Parks at Tankersley and Kimberworth came into the possession of the 1st Earl of Strafford, who wrote a letter from Ireland to the rector of Greenhill. The letter reveals that the effective ruler of Ireland was immensely proud of his deer parks, and wished to ensure that they were properly managed, and if possible that the stocks of deer be increased. Strafford also gave specific instructions as to who should be allowed to benefit from the plentiful supply of venison which his Park could provide: "I appoint my cousin Rockley, Master of the Game at Tankersley, desiring him he will now and then look into the house to see that it be kept from decay; that the woods be preserved without cutting or lopping, which is almost as bad; that the park be sufficiently maintained, the deer increased till they come to three hundred; that the ponds may be from time to time kept in repair and maintained. In like manner I appoint my brother Hutton, Master of the Game at Kimberworth, always provided that you have the liberty to command in either park what deer you list, and that I would have venison sent to my cousin Wentworth of Woolley, to my cousin Wentworth of Emsal, and to my brother Rhodes every season; and that any of them may command a piece of venison when they have occasion to desire it. Sir Richard Scott hath power to dispose of a buck in either park in summer and a doe in either park for winter; and soe I pray you let him know that if he have any friend he may pleasure them therewith as he likes best himself."<sup>6</sup>

The 1st Earl of Strafford's plans for his deer parks, like his schemes for the government of England and Ireland, were overtaken by the collapse of his royal master's policies, which resulted in his own execution in 1641; and it was left to his son to take up where his father had left off, after the Civil Wars were over.

There is a theory that deer-hunting, at any rate as traditionally practised, never recovered from the disorder of the great Civil War, when deer-parks were broken open, and large numbers of animals were destroyed: after the Restoration, the fox was substituted in many districts; instead of hunting the highly edible stag on their own land, gentlemen took to pursuing the "uneatable" and smaller animal, across the

country at large; so that deer-hunting did not disappear overnight, but it steadily declined.<sup>7</sup> So far as Tankersley Park is concerned however, the 2nd Earl of Strafford attempted to re-establish the status quo, and even to implement his father's plans for augmenting the herd. Thus it was that in 1653, when he leased Tankersley Hall and Park to Sir Richard Fanshawe, the Earl retained the right to enlarge the areas within the Park which were used by the deer, and to increase their number to 280. Perhaps most importantly he specifically reserved:

*full liberty and authority for his said lordship and his heirs with his and their respective trayne, followers and company at all times to enter the said Parke in the then present and future extent thereof respectively and to chace, hunt, kill and take away the said deere and take and use all other Parke - like royalties libertyes and priviledges of comand and pleasure in and upon the same...*

Strafford was keen to ensure that his deer would not go hungry, so he made detailed provisions with regard to fodder:

*for the preservacion and management of the said deere with due care as also for their better management and support, by serving them with holley to be cutt therein in winter, and likewise with the hay which his lordshipp was to allow them from other places after the proportion of two loads to each hundred of deere for a wintering...*

Lastly, the Earl kept the right: "to appoint from time to time such keepers and underkeepers of the said game as his lordshipp should think fit..."<sup>8</sup>

This reference to game-keepers reminds us that the existence of large numbers of deer, especially in enclosed parks where they were relatively easily brought to bay, constituted a standing invitation to the poacher. The upper classes were not alone in liking the taste of venison pasty, and there was a ready market for stolen meat: a letter written by the Lord Mayor of London in 1585 shows that nearly all the cookshops of London were at that time supplied with *stolen* venison.<sup>9</sup>

Court records also show that the hunting and killing of deer with greyhounds was extremely common, even if it was necessary to break down the palings of a nobleman's or gentleman's park to do so. In 1637 a yeoman called Ralph Greaves of Bolsterstone was charged at Quarter Sessions with "unlawfully breaking and entering the free chase or park of Sir Francis Wortley commonly called the New Park and with killing a doe after a chase with greyhounds." In 1659 Henry Bright, Stephen Bright and the aptly-named Roger Roebuck, all of Whirlow, and Cornelius Clerk of Cathorp in Derbyshire were indicted at York Assizes for breaking into the "forrest of Thomas Earle of Arundell, called Riveling Forrest", and killing a stag there. In 1661 George Dickinson

was convicted at York "of stealinge deare from Sheffield Park", and was ordered to be imprisoned.<sup>10</sup>

Such was the background to Thomas Burdett's incursion into Tankersley Park in February 1662. The only account of that incident which survives is contained in the Indictment Book of the West Riding Quarter Sessions, which records the charge that was brought:

*Thomas Burdet late of Thorpe Hesley in the county of York, yeoman, and Alexander Hill late of the same place, Taylor, On the last day of February in the 14th year of the reign of king Charles II (1662) between 10 hours and 11 hours in the night of the same day, the park of the right Honourable William Earl of Strafforth called Tankersley Parke at Tankersley aforesaid in the West Riding of the said county, being fenced off, enclosed and used and protected for the nurturing, conservation and preservation of deer, by force of arms, namely with staffs, swords, and sharpened instruments unjustly and illegally broke and entered and the deer in the same park being did then and there with dogs called Grehounds (sic) unjustly and illegally hunt, put to flight and chase And four deer - 2 brace of deer - with the said greyhounds did then and there unjustly and illegally take, kill and carry away against the will and pleasure of the said William Earl of Strafforth without any legitimate entitlement or authority Against the peace of the said Lord King now crowned and his dignities And also against the form of statute...*<sup>11</sup>

What were Thomas Burdett's motives for committing this crime? The desire to obtain a plentiful supply of food at no cost must surely have been the main factor. Venison was a meat which was eaten with relish at any time; but Thomas's expedition took place at the coldest time of the year, when salt beef and pork were the norm, and fresh meat was scarce. He may also have enjoyed the thrill of the chase; and it was probably easier to go poaching in the winter, when there was little or no competition from the legitimate huntsman, and at night, when the Earl's game-keepers would be less inclined to follow.

As for Thomas's choice of Tankersley Park as the scene of the crime, we may note that there were almost certainly wild deer to be had nearer to home: the records of the Duke of Norfolk show that in 1637 one Humphrey Northall of Hesley Hall in Thorpe Hesley had been paid £3 for his wages as "the keeper of Cowley Woods"; and in 1664 a sum of £4 was paid to "Henry Priest for lookeing to Cowley Woods and ye outlyeing Red Deer in Humphrey Northall's place".<sup>12</sup> But there were several good reasons for Thomas to resist the temptation to stalk the deer in Hesley and Cowley woods: those deer belonged to Thomas's own landlord, the Duke of Norfolk, and the consequences of stealing from the Duke (if one were caught) might be more serious than those which would flow from a conviction for theft from a mere stranger. It is also very likely, as we shall see, that Thomas was personally acquainted with the Duke's

game-keeper Humphrey Northall. All in all, it was a more straightforward business to raid the Earl of Strafford's deer at Tankersley.

Thomas's crime did not go unpunished. His nocturnal activities on the last day of February 1662 were observed by three witnesses, Henry Burley, William Dowkson and Robert Greene. Quite when, and why, these men reported the matter to the local magistrates is not known, though it is interesting to note that on 8th April 1662 a man called Henry Burley was prosecuted at York "for coursing, hunting, and killing of deare in Tankersley Parke."<sup>13</sup> If this was the same person who was a witness in Thomas's case, one is left wondering whether Burley informed on his fellow poacher in order to persuade the authorities to deal more leniently with his own offence.

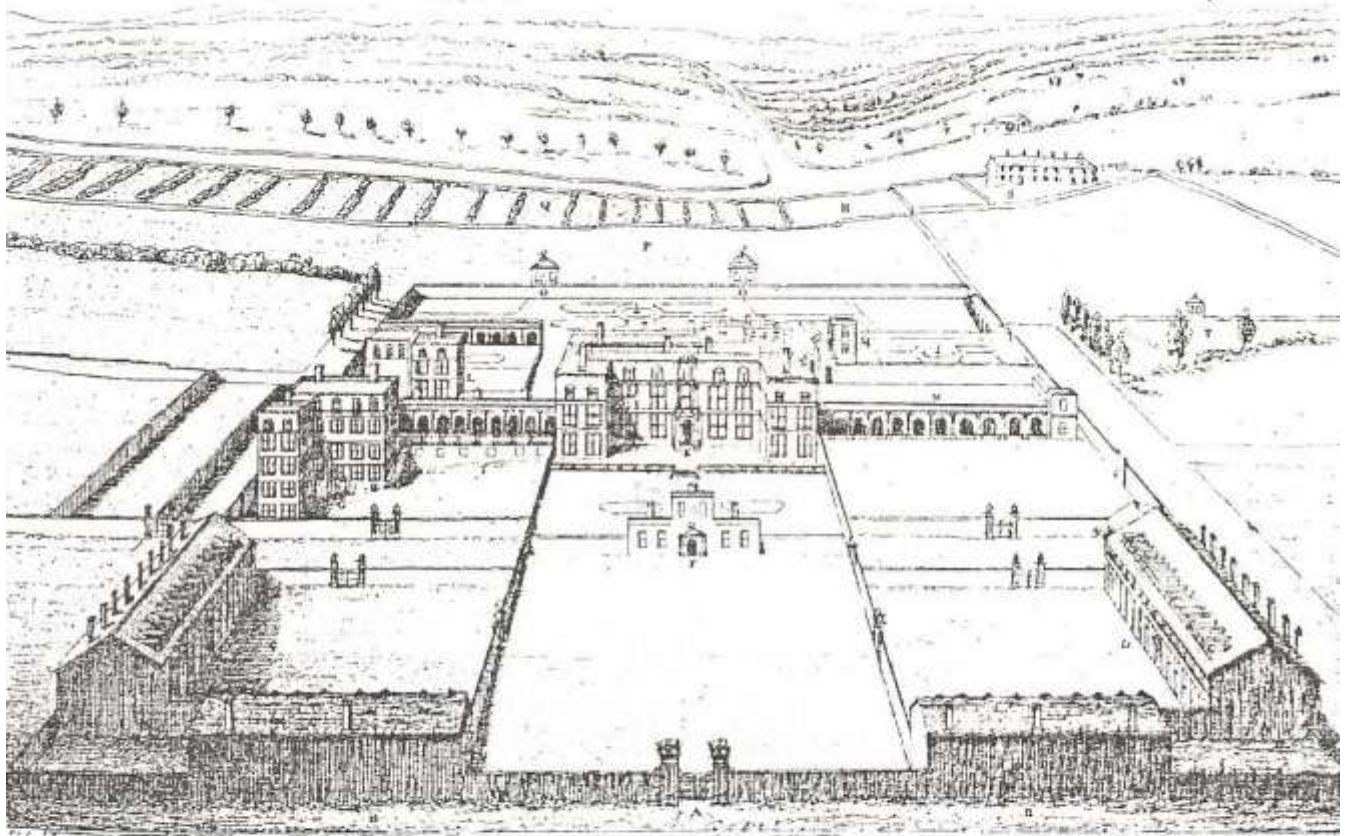
What is certain is that in the spring of 1663 Thomas was sent to the Quarter Sessions in Pontefract, to stand trial, not far from the ruins of the castle which John Morris of Elmsall and Wentworth had defended so doggedly some fifteen years previously.

Thomas appeared in court on 28th April 1663. Amongst the justices who presided over his case were those old Cavaliers, Sir Francis Wortley the younger and Francis Nevile of Chevet (the same who had recorded Thomas's rent fourteen years before). Both these men were members of the gentry and, as we have seen, Wortley had inherited his father's extensive deer parks. They were not likely to take a sympathetic view of the poacher and his trade.

Thomas pleaded not guilty, and decided to "put himself on his country", by electing trial by jury, as did his co-accused Alexander Hill the tailor. Unfortunately for him, Thomas's confidence in the verdict of a jury was misplaced: whereas Alexander Hill was acquitted, Thomas was not, and following his conviction, he was ordered to pay a fine "according to the form of statute." If the statute referred to was 13 Charles II c. 20 (1661), this meant a fine of £20. It is likely that Thomas would also have had to give a guarantee that he would be of good behaviour, for a period of seven years. We may think that the court had dealt with Thomas in a relatively lenient way, compared to the penalties which an eighteenth century court might have imposed; but, if he had to pay anything like £20, that was a very large sum indeed.

Thomas's reputation must also have suffered as a consequence of his appearance in court. Some of those who heard about the affair may not have thought the less of a yeoman, for having stolen a few deer out of the Earl of Strafford's Park, when there were hundreds in the herd; but others may have looked on the theft as a serious matter, no matter what the circumstances. In particular, it is reasonable to suppose that word would have reached the ear of the Duke of Norfolk's bailiff Francis Ratcliffe, that one of the Duke's tenants was a person who could not be relied on to obtain written permission, when he wanted to go hunting - and such a report would not have improved Thomas's standing in the eyes of that influential figure.<sup>14</sup>

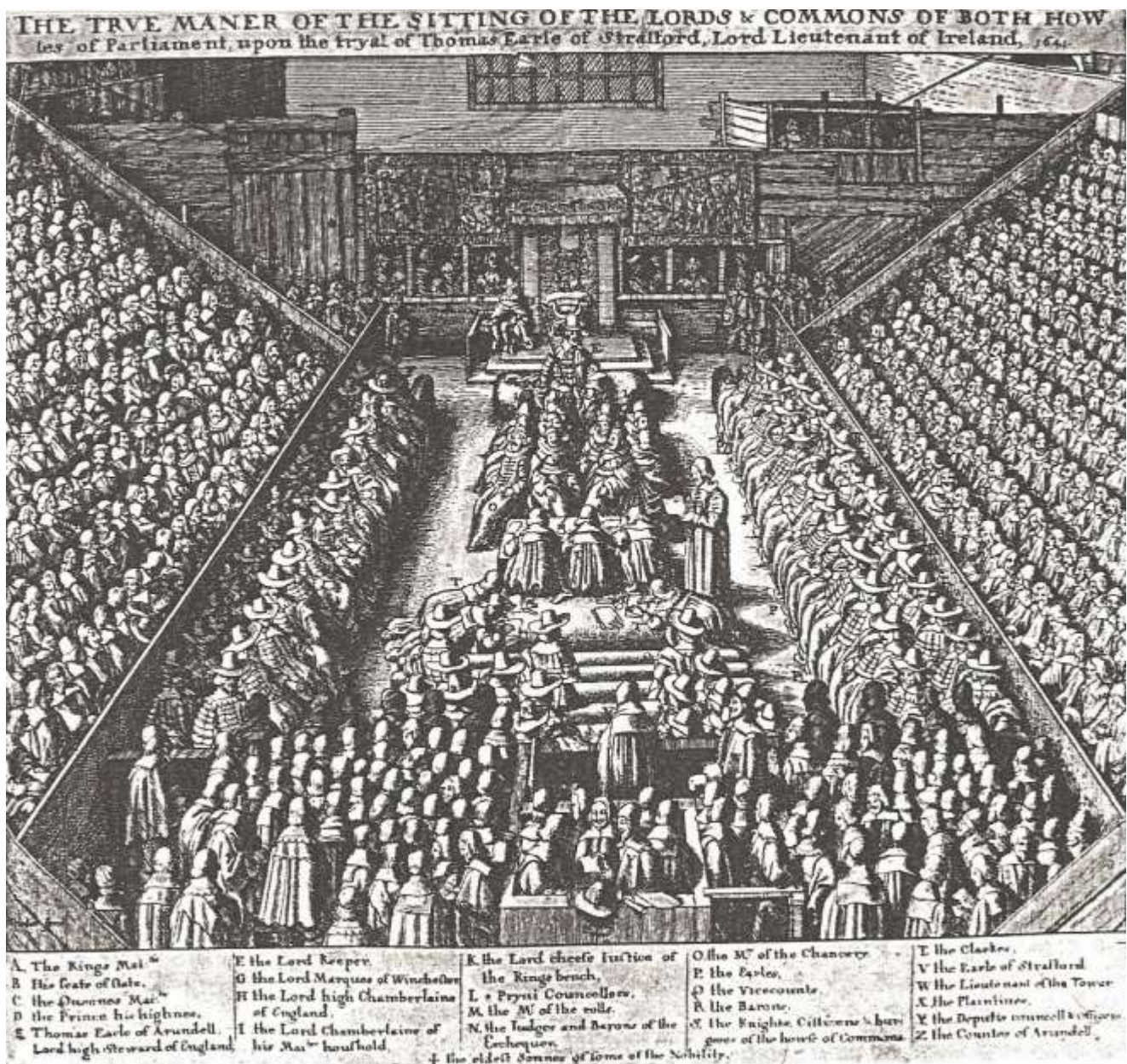
- 1 A medieval deer hunt, with greyhounds, is described in *Sir Gawain and the Green Knight*. For Moryson see Trevelyan vol 2 p 29.
- 2 Hey, YAJ p 109.
- 3 Hunter's Hallamshire pp 332-3. Hunter suggested that this custom was the origin of the annual Cutlers' Feast.
- 4 Ibid p 3(n); Hunter's South Yorkshire vol II pp 329-332. "Belling" is the noise made by deer at certain times of the year.
- 5 Hey, YAJ p 118.
- 6 Habershon p 71; Hunter's South Yorkshire vol II p 303.
- 7 Trevelyan vol 2 p 250.
- 8 Hall, Incunabula pp 178-182.
- 9 Eastwood's Ecclesfield p 440.
- 10 Hey, YAJ p 118; Surtees XL p 70.
- 11 West Riding Quarter Sessions Records QS 4/7 Indictment Book folio 2 v. Translated from the Latin by Mr Stephen J Whittle.
- 12 SCL ACM S 127; Eastwood's Ecclesfield pp 359-360.
- 13 Surtees XL p 70.
- 14 For the sentencing of three yeomen who stole deer from Sir Francis Wortley in 1638, see YAJ 5 p 381. For deer-stealing generally, see Bean pp 14-15. Mr Bean thinks that many deer poachers remained in prison indefinitely because they were unable to pay their fines, and/or find sureties for good behaviour. He also states that cases of deer-stealing were always sent to York Assizes, but this did not happen with Thomas Burdett. For further poaching in 1685, see Chapter 12 below. For the Statute of 1661, see E.P. Thompson, *Whigs & Hunters*, Penguin, 1990, p 59.



- |                                                                       |                                                 |
|-----------------------------------------------------------------------|-------------------------------------------------|
| A. The principal entry.                                               | K. The house.                                   |
| B. Two stables.                                                       | L. Another tower, both which have good lodgings |
| C. Brewhouse, bakehouse, &c.                                          | M. A banquetting-house, and the lead walks.     |
| D. A stable.                                                          | N. An orangery.                                 |
| E. Coach-house and stable.                                            | O. Two summer-houses.                           |
| F. Porter's lodge.                                                    | P. A grove.                                     |
| G. A tower.                                                           | Q. The orchard.                                 |
| H. The kitchen.                                                       | R. The kitchen-garden.                          |
| I. Vaults, over which is the passage from the<br>hall to the kitchen. | S. The gardener's house.                        |
|                                                                       | T. The bowling-green.                           |

Wentworth Woodhouse in the early seventeenth century





The trial of the 1<sup>st</sup> Earl of Strafford, 1641

## CHAPTER FOUR

### A WIDOWER AND HIS CHILDREN, 1661 - 1666

Eyam, August 31, 1666

*Dear Hearts,*

*This brings you the doleful news of your dearest mother's death; the greatest loss that could befall you. I am deprived of a kind and loving consort, and you are bereaved of the most indulgent mother that ever poor little children had. But we must comfort ourselves in God, with this consideration - the loss is only ours; our sorrow is her gain, which should sustain our drooping spirits. I assure myself that her rewards and her joys are unutterable. Dear children, your dearest mother lived a holy life, and made a comfortable end, though by means of the sore pestilence, and she is now invested with a crown of righteousness.*

from a letter written by the Rev. W.Mompesson  
to his children, quoted in 'The Story of Eyam Plague'  
by Clarence Daniel, Eyam, 1966.

*Ale doth comfort the heavy and troubled mind; it will make a weeping widow laugh and forget sorrow for her deceased husband;...it is the warmest lining of a naked man's coat; it satiates and assuages hunger and cold; with a toast it is the poor man's comfort; the shepherd, mower, ploughman, and blacksmith's most esteemed purchase; it is the tinker's treasure, the pedlar's jewel, the beggar's joy; and the prisoner's loving nurse.*

by John Taylor, the 'Water Poet'(1578?-1653)  
quoted in Thomas, Religion, p.23

We know what Thomas Burdett's house looked like. It was a larger than average



yeoman's house, with ten rooms, apart from outbuildings. It consisted of the Hall-house, Upper Parlour and Kitchen (all with Chambers over them), a Buttery, Nether Parlour, Little Chamber and Milk-house. It was probably built in the local flaggy sandstone, with a "grey slate" roof made from the same material, and the dwellinghouse and farm buildings - Corn Chamber, Old Barn and New Barn - were constructed around a *Fould*, or farmyard, where the animals could be penned in.<sup>1</sup>

The Hall-house was the most important of these rooms. This was where Thomas and his children gathered and kept warm, in front of a large open range, where food was cooked and prepared. This too was where the family *Chest* was kept, and where the Burdetts took their meals, seated around the *long table* on their *buffett Stooles*.

The two Parlours served as bedrooms. There were two beds in the Upper Parlour, two in the room over it, and two more in the Nether Parlour. Thomas was rather old-fashioned in continuing to use both parlours as bedrooms, and the Hall-house as the dining-room. The new fashion was to use the parlour as the dining-room; but with five children to accommodate, perhaps he did not have much choice.<sup>2</sup> Thomas himself slept in the Chamber over the Hall-house, where the warmth of the main fire below could be felt. He slept in a *Seeled bed* but there was also a *trindle bed* in that room - a small moveable bed which could be pushed under his during the day.

The Kitchen had a *rainge* in it, and food was sometimes cooked there; but for the most part it seems that the Kitchen was given over to the brewing of beer. A *brewing lead* (or cauldron) and a *wort trough* (containing an infusion of malt) were both kept there. The Kitchen was also the place where clothes were washed, for there were 2 *great tubbs a great Arke and a flaskett* all in place, an ark being a box, and a flaskett a clothes basket.

In winter, it was essential to keep warm. The late seventeenth century was unusually cold, and has even been described as a "mini ice- age". The Thames at London froze in 1649, 1665, 1683, 1684, 1685, 1688 and 1695, and there were reports of sea-ice around the coasts in 1684, 1695 and 1698. In the winter of 1665-6 in particular the Thames was frozen over from December 13th to January 6th, and there were also hard frosts at the beginning of January 1667.<sup>3</sup> In his homestead at Thorpe, Thomas Burdett had fires in the Hall-house, Kitchen and Nether Parlour. It is clear that both logs and coal were used as fuel: the Burdetts had equipment for felling and cutting-up timber - 5 *Iron wedges a mawle* and 2 *axes* in the New Barn - and coal could be purchased from the shallow pits which were to be found in and around Thorpe Hesley.<sup>4</sup>

There were various implements placed around the range in the Hall-house, which were used to keep the fire going, and to transfer heat to other rooms - *a paire of tongs a fire scumer* and *a warmeing pann* were important items; but despite all this, cold was a pervasive and constant enemy. So on his bed in the Chamber over the Hall-house, Thomas Burdett had a *Chaffe bed* (straw mattress) with a *feather bed* or mattress on

top, and on top of that again a *pair of sheets a paire of blanketts a bed Hilling* (cover) and a *red rugg*.<sup>5</sup> Draped around the posts of the bed there were *curtainies & vallians* (vallances).

The only form of artificial lighting in the house was provided by candles. The family possessed only four candlesticks, and there appear to have been no lanterns. So there may well have been occasions when the Burdetts went to bed when it grew dark, and rose early to compensate.<sup>6</sup>

The Burdett family often ate salt beef or bacon.<sup>7</sup> It was customary to kill beef cattle and pigs before the onset of winter, because of the chronic shortage of animal feed in that season. So meat was usually jointed and salted in the first weeks of October. Wet-salting was the normal practice in Yorkshire: the joints, or flitches, were soaked in brine for three or four weeks in a large wooden tub known as a *kinnel*, and then hung, often in a room specially reserved for the purpose. When John Taylor was entertained by Sir Francis Wortley in 1639, he enjoyed not only a venison pie, but also "cold roast mutton, and an excellent shooing-horn of *hanged Martinmas biefe*." In the Burdett household, the Little Chamber was one place where a *kinnell* and *beefe flitches* were kept, but meat was also hung elsewhere in the house. On 18th January 1667, there were two beef flitches in the Little Chamber, another *kinnel* and two bacon flitches in the Entry, and two more in the Hall-house.<sup>8</sup>

Meat was roasted or boiled. By the range in the Hall-house, there were *three spitts*, which had to be hand-turned if the meat was roasted, and a *dripping pann* to catch the juices, which could then be used for basting. There was also a *gallow balks* and 2 *reckon hooks* - wrought iron chimney cranes which were swung over the fire to allow cooking pots to be hung over the flames.

The heat from the fire was too fierce for some cooking operations, and the Burdetts had 2 *priggs or skellits*, forerunners of the saucepan, near the range. These were pans mounted on legs, in which embers could be placed, to heat a dish placed on top.

The Burdetts also had a *fish scumer*, or pan, in the Hall-house. Fish was eaten, not only because it made a delicious meal, but because there were laws in force, dating from the time of Queen Elizabeth and designed to promote the fishing industry, which decreed that it must be eaten during Lent, on Fridays, and at certain other times. This legal requirement coincided with the demands of religious observance.

We have no record of the type of fish eaten by the Burdetts, but Harrison's Survey of the neighbouring Manor of Sheffield in 1637 stated that salmon, trout and chub were all to be found in the River Don, and ten years later Adam Eyre of Hazlehead often went fishing, sometimes alone and sometimes with friends, in the upper reaches of that river. Sometimes he was disappointed, but on other occasions he brought home a good catch, and on one memorable day in March 1648 he recorded in his diary that he "tooke 8 trouts."

Thomas and his family ate home-baked bread. Wheat and rye were both grown on the farm, and there was a *knead trough* in the Kitchen and *six mould boards* in the Chamber over it. Wheat was used to make high quality bread, but ordinary bread was made with a mixture of wheat and rye.

The Burdetts had poultry in their Fold and they enjoyed dairy products from their Milk-house, though they also bought cheeses from other farms in the neighbourhood. Herbs were also grown, for there was a *morter a pestell & a pair of garden Sheres* in the Upper Parlour.

In accordance with contemporary custom, the Burdett family ate with knife, spoon and fingers. They dined off pewter ware, possessing *12 pewther flaggons 3 Cupps 19 pewther dishes....and a pewther bottle*. Pewter was more expensive and therefore more prestigious than wood or earthenware, though it was more difficult to wash, as the following recipe for cleaning pewter pots demonstrates:

*For your plaites if they be well washed every meal with water and bran soe hott as their hands can indewar it, then well rinsed in faire woater, and soe sett one by one befoare the fire, as they may drie quick, I am confident they will drie without spots, for I never knew any sawce staine so except it be pickled rabbits, which stand upon the plate awhile, soe they will staine them filthily.*<sup>9</sup>

Thomas brewed his own beer. It was not just the Kitchen, with its brewing lead and its wort trough, which was given over to this activity: the Buttery had a *taverne*, or cellar, in it, in which there were *eleaven barrells a hogshead a guile tub* and a *stand barrell*. It is clear that large quantities of ale were made.

The writer Gervase Markham described the way in which these brewing vessels might be used:

*After the Malt is ground they put it into a mash vat and the liqor in the [brewing lead] being ready to boyle put it to the malt and mash together. Let it stand an hower. Then drain the liqor from the Malt and put it in the [brewing leads] againe, and add to it for every quarte of Malte a 1½ lbs of hops and boyle over the space of an hower. Then cleanse the liqor from the hops through a straight sive into the [guile tub] then put in your barme (yeast) and after they have wrought then heat them together and tunne your Beer into Hoggsheads and let it purdege (work) well, and after closse them up. This Beere may be drunke after at a fortnight's age and is of long lasting.*

The English were notorious in the seventeenth century for drinking and for drunkenness. We have already noted the Earl of Strafford's complaint in 1618, about the fondness of the minister at Wentworth for his "tiplinge howse". Strafford had

further cause to disapprove of excessive drinking, for in 1635 his steward and "Ancient" (servant) Richard Marris was killed when he fell off his horse on a cold night, after a drinking bout. The horse dragged the rider along, Marris came to rest in a "wet place", and he died of exposure. Marris was buried at Wentworth; and Strafford wrote that this incident should "deter us from this Swinish vice and all others which may draw upon ourselves like Punishments." However, there was no escaping the fact that ale was the universal drink: tea and coffee were not available before the reign of Charles II (and then only to very few ); water was unsafe; and ale was part of the staple diet for adults and children alike, even at breakfast-time. So it was inevitable that the consumption of alcohol was high, and that some people drank more than was good for them.<sup>10</sup>

Ale was even supplied to condemned criminals who were awaiting execution, or after a whipping. This example was recorded by Robert Combe the Constable of Ecclesfield in his accounts for 1642:

Paid to two men for watchinge Ellen Shaw one nighte	£ s d
and goeing with her before Sir ffran:Woortley she	
beinge accused for felonie	3 0
My charge in app'hendinge and goeing with her	1 4
Paid to Renald Allen for goeing to Wakefield with the	
said Ellin Shaw	3 0
Laid out for vittuals for her	1 6
Paid out to a woman for whippinge the said Ellen Shaw	4
Paid for beare for her after she was whipped	3

Henry Tailor of Adwick and Wentworth was not the only clergyman who was thought to be fond of the bottle. In 1647 certain of the inhabitants of Penistone requested the Committee for Plundered Ministers to remove their minister Christopher Dickinson on eight separate grounds, four of which alleged drunkenness, and one in particular "That hee is a common frequenter of alehouses, and of idle company, and hath beene severall tymes drunk since his coming to Penistone; and that before his coming thither, and after his entrance to the ministry, he kept a common tipling house". It is curious that one of the people who worked for the removal of this alleged drunkard was Adam Eyre of Hazlehead, who recorded in his own diary on 15th February 1648: "I went to Mortomley to an ale where I met Mr Greaves of Tankersley °the rector of Tankersley§, Mr Foljamb, Capt Barker, my coz Joseph, and Capt Rich. This day I abused myselfe with too much drink, God have mercy on mee and forgive mee...".

The following month Eyre recorded that he went to church in Penistone with his wife, where she received communion: "....and I spent (God forgive mee) the afternoone in the alehouse and spent in all 2s 6d; and so wee came home again, and I

had abused myself in drinking."

During the Interregnum and after the Restoration alcohol continued to be the cause of unseemly behaviour, even amongst the clergy. We have seen that Henry Tailor's successor at Wentworth, Richard Picker(?) was considered in 1650 to be "a scandalous man & a comon Drunkard"; and in 1664 it was alleged that the minister of Cawthorne Christopher Walbank frequented alehouses in the parishes of Rothwell and Silkstone, "and did in the night time come to the house of John Moore of Rothwell and broke the glass windows of his house, and called Moore's wife a whore, saying that she was his whore and further saying and vaunting that she knew what they two did upon the Parlour Bed in the said Moore's house."

Ale was brewed and drunk in such large quantities that it became a target for revenue-hungry governments, as we shall see; and one of King Charles II's mistresses, the Countess of Castlemaine, even had her pension secured on the tax on beer. In Thorpe Hesley memories of the tragic end of Richard Marris were revived in 1667, when the 2nd Earl of Strafford placed an inscription in the chapel at Wentworth in memory of his father's retainer; but it is to be doubted whether this or any other warning had much effect upon the drinking habits of the majority of the parishioners.<sup>11</sup>

Eating and drinking have certain inevitable consequences. In the Chamber over the Upper Parlour, Thomas Burdett kept five *Chamber potts* which could be distributed to the children at night, and emptied into a midden or privy in the fold yard next morning.

Carpentry was an important activity in the Burdett household. In the Chamber over the Kitchen the Burdetts had *thirty yards of sowne boards* and *eight Sowne Railes*, and in the Chamber over the Upper Parlour *a quarte Saw a wimble* (auger) *and divers other Carpenter tooles*. In the New Barn, there were more sawn boards, planks, and *cowper ware*. Equipment of this nature was needed for the repairs which had to be done to the structure of the house, and for barrel-making. It was also employed in the repair of the waggons which were used for transporting hay and corn, lime, manure and slate.

In his Hall-house, Thomas Burdett had *two gunns*. In view of what is known about his nocturnal activities in February 1662, it is likely that these were sporting weapons. John Harrison noted in 1637 that the Manor of Sheffield had an abundance of pheasants and partridges and other game birds, whilst Adam Eyre recorded shooting peewits, thrushes and plovers up on the Pennines, some ten years later; but guns may also have had other uses <sup>12</sup>: it was common to own firearms, and self-defence was a necessary consideration. Murder and violent assault were very common, as the records of the proceedings at the Assize Court in York clearly show. For example, on 30th December 1662 a labourer called Henry Thompson murdered a poor widow, Margaret Hill, close by the almshouses on Rotherham bridge. He beat her with a rod for an hour and a half and called her a witch, after an argument which apparently

arose over the alleged theft of some apples.<sup>13</sup> On 25th September 1664, again at Rotherham, one Lionel Copley *esquire* assaulted Richard Firth, in a very unusual way: he beat him, then put a bridle in his mouth, got on his back and rode him for half an hour, kicking him now and then to keep him on the move.<sup>14</sup>

The most horrific incident recorded in the depositions at York Castle occurred at Longley, between Ecclesfield and Sheffield, on Wednesday 8th February 1665, when a Rotherham apothecary, John Burrows, brutally murdered one John Jones, after a dispute concerning some wood. Burrows used an "iron wood bill" as his murder weapon, "hewinge and hackinge att the throat" of his victim, and inflicting "many grievous severall wounds upon the head face throate and elsewhere". The unfortunate Jones was buried at Ecclesfield church on 9th February 1665, mourned by his poor wife, who had been an eye-witness to the murder. Burrows was taken before a magistrate at Hatfield House on the same day, and committed for trial at York. There he in effect pleaded insanity. He said that, so far as he knew, "he had slaine a monster". This explanation was accepted, and he was set free! Many people in and around the parish of Ecclesfield must have heard news of this strange verdict. It is not surprising that men felt the need of the protection which the possession of firearms afforded.<sup>15</sup>

Guns were also required in connection with military service. All males between the ages of sixteen and sixty were obliged to serve in the militia, which might be called out to deal with domestic troubles or to counter the threat of foreign invasion. In 1663 this force was called out to deal with the abortive "Yorkshire Plot". In the summer of 1666 it was called out because England was at war with the Dutch, and it was feared that the latter might effect a landing, after their victory at sea in the Four Days' Battle.<sup>16</sup> In the West Riding, Edward Goodwin of Rawmarsh issued a warrant commanding the constables of Aldwark, Greasborough, Kimberworth, Brightside, Ecclesfield and Bradfield to see that all men of relevant age appeared with their best arms at Doncaster, with horses if they had them, upon the firing of Grenoside beacon. The beacon at Grenoside would be clearly visible from Thorpe Hesley; but it is very doubtful if Thomas Burdett would have been amongst those able to respond to the summons of the constable, because by this time he was already a sick man.<sup>17</sup>

As for home comforts, Thomas had no books in his house - not even a Bible or a Foxe's Book of Martyrs. Nor did he possess any pictures, musical instruments or mirrors. The only *window curtaine* he owned was that in the Nether Parlour; and if he had a pipe or tobacco or a clock, there is no record of it.<sup>18</sup> He did however have certain items in the house which were considered luxuries in his day: *a glase case with glass bottles, quissions* (cushions) and *carpetts*; and close by the range in the Hall- house, near his guns, he had *an Iron for warmeing beare*. This pleasant- sounding object conjures up a picture of our widower, on a winter's night, sitting alone by his fire, turning the iron in

it, and plunging it sizzling into a consoling pot of home-brew.

Thomas was relatively well off in material terms, but there were several items in his house which must have reminded him, from time to time, that he was after all a widower, deprived of his companion by Mary Burdett's early death. There were 2 *line wheeles* in the Kitchen: these were wheels for spinning flax into linen yarn. Spinning and weaving was women's work and these objects must have reminded Thomas of his late wife. In the Chamber over the Upper Parlour there was a *side saddle & a pillion seate*, the latter being a form of cushion upholstered in leather and used by a lady passenger when she rode out with a gentleman. This item may have held romantic memories for Thomas Burdett. Most poignantly of all, in the Chamber over the Hall-house, where Thomas slept, there were 2 *hattes and other womans apparrell*. It looks very much as if Thomas had kept some of his wife's clothes by him, to remind him of happier times.

1 Most houses had from six to eight rooms. For local buildings see "New Light on Old Ecclesfield" Ecclesfield WEA Local History Class ed. Derek Holland 1975 South Yorkshire Historian supplement 1. Stone was replacing timber, and slate replacing thatch during the course of the seventeenth century: Hey, South Yorkshire p 131. Thomas Burdett had a slate quarry in Thorpe, which was known as "Slatethorpe" in the eighteenth century. The term "slate" was used for any form of stone which could be split easily into thin slabs.

2 As to the new fashion regarding parlours, see the Introduction to YAS CXXXIV.

3 For the weather see "Agricultural Records A.D. 220 - 1977 " by J.M.Stratton and J.H.Brown, John Baker Publishers Ltd 1978; and John Evelyn's Diary esp. for 24th January 1684.

4 The accounts prepared in 1645 for the Pembrokes recorded that the sum of £10/8/-d had been levied on the coal pits in Kimberworth Lordship, towards the cost of the Civil War: YAJ 34 p 334. There is documentary evidence for shallow coal pits before 1700 at Chapeltown, Greasborough, Hoyland, Kimberworth, Mortomley, Tankersley and Thundercliffe Grange: Hey, South Yorkshire p 121.

5 Rugs and carpets were usually put on beds and walls, rather than on the floor.

6 Fussell, Countryman p 19. As to rising early see Trevelyan vol 2 p 240n: "About Wortley, all the husbandmen are up every morning with their beasts at three o'clock."

7 "The staple diet was bread, or rather bread, beer and usually meat. Vegetables and fruit played a small, and meat a very large, part in the English meal of that date." Trevelyan vol 2 pp 28-9, 241.

8 Hunter's Hallamshire p 3(n); Pinchbeck and Hewitt p 6. Nicholas Crossley of "Thorpp" stole a "flicke of bacon", value two shillings, from Michael Nawte on 31st December 1637. He was prosecuted at Barnsley on 17th January 1638, and found guilty. Amongst his judges were the J.P.s Sir Francis Wortley and Francis Nevile of Chevet: YAS LIV p 53. There was a commonly held "notion" in the eighteenth century that "bats go down chimnies and gnaw men's bacon." Gilbert White the naturalist considered that this was "no improbable story": "The Natural History of Selborne" Penguin Classics 1987 p 35. For a description of how pigs were killed, butchered and dry- salted in South Yorshire in the late nineteenth century see "Years of Grace"

by Phyllis Crossland, Bridge Publications, 1985, pp 106-8.

9 For fish, see Eastwood's Ecclesfield p 5. Pewter is an alloy of tin and lead, and lead could be obtained from the mines in Derbyshire. The recipe for cleaning pewter pots appears in Fussell, Countrywoman p 69.

10 For ale see Thomas, Religion p 21 and Hey, Myddle p 227. For Richard Marris see Sitwell p 138. See also Thomson pp 167 (coffee) 169 (tea) 77 (children's beer). There was a coffee-house in Rotherham in 1685: Sitwell p 220.

11 For Ellen Shaw see Eastwood's Ecclesfield pp 41-2. (Her offence may have been theft of two pewter "dublers", value 2/8d, and a salt-cellar, value 8d, belonging to George Hobson: YAS LIV p 355.) For Adam Eyre see Surtees LXV. For the excise on beer see Ogg p 77. For attempts to suppress drinking see Northern History vol XII 1976 "County Government in Yorkshire During the Interregnum" GCF Forster pp 98-100. For the story of the Reverend Christopher Walbank see "Aspects of Life in Old Cawthorne, South Yorkshire" by D.J.Smith, Hilltop Press p 42.

12 For game birds, see Eastwood's Ecclesfield p 5 and Surtees LXV p 100.

13 Richard Townend of Upper Hoyland, who made his will on 4th January 1683 possessed a "sword, two muskets and bandaleeras": Clayton, Hoyland Nether p 30. As to lawlessness, see Thomas Hobbes Leviathan Part 1 Chapter 13; and the Introduction to Gough, Myddle by Dr Peter Razzell. For Henry Thompson, see Surtees XL p 96. For a local example of lawlessness in 1646, see Surtees XL p 5.

14 Surtees XL p 125. A Lionel Copley was "the leading figure in the South Yorkshire irontrade" at the time: Hey, South Yorkshire p 121(!)

15 Surtees XL p 128. The burial of John Jones is recorded in Eastwood's Ecclesfield p 234.

16 Hutton, Restoration pp 243, 264.

17 Eastwood's Ecclesfield, p 405. Edward Goodwin of Rawmarsh was married to a cousin of Mary Saxton, who later married Valentine Hurt, the tenant of Hesley Hall between 1670 and 1692. He was appointed a testamentary guardian in Mary's will of 1709: Sitwell pp 228-9.

18 It was common practice, in the West Midlands at any rate, not to include tobacco (or dogs) in probate inventories: Trinder and Cox pp 38,83.





Hound Hill



Richard Elmhirst's fortification



'The Collector' Earl of Arundel and the 5<sup>th</sup> Duke of Norfolk as a boy

## CHAPTER FIVE

### THOMAS BURDETT AND HIS FARM, 1661 - 1666

*Here, here I live with what my Board,  
Can with the smallest cost afford.  
Though ne'r so mean the Viands be,  
They well content my Prew and me.  
Or Pea, or Bean, or Wort, or Beet,  
What ever comes, content makes sweet...*

from *His Content in the Country*  
by Robert Herrick (1591-1674)

*Againe we have hay in the barne, horses in the stable, oxen in the stall, sheepe in the pen, hoggs in the stie, corn in the garner, cheese in the loft, milke in the dairy, creame in the pot, butter in the dish, ale in the tub, Aqua vitae in the bottle, beefe in the brine, brawne in the sowce, and bacon in the roofe, hearbs in the garden and water at our doors, whole cloths on our backs, and some money in our cophers, and having all this, if we serve God withall, what in God's name can we desire to have more?*

from *The Court and Country* by Nicholas Breton (1555?-1626?)  
quoted in Fussell, *Countrywoman* p 64

The house described in the previous chapter was on a farm in Thorpe Hesley for which Thomas Burdett paid rent to "the Lord Howard" - Henry Howard, later 6th Duke of Norfolk. The latter's interests were represented locally by his bailiff Francis Ratcliffe, who lived at Sheffield Manor, where Mary Queen of Scots had been imprisoned a hundred years before, and where the Catholic mass was still celebrated.<sup>1</sup>

The lease which Thomas held was estimated to be worth some £20 in January 1667; but the total area of land which he farmed is not known, though an

average farm might consist of twenty or thirty acres. Thomas certainly had *tenn acres of hard corne*, sown in the autumn of 1666, but an "acre" was both a unit of area and in another sense a single strip of arable land in the open fields of the village, so it is difficult to know exactly what area he had sown in that season; and the exact location of Thomas's land is also a mystery.

Thomas was more of an arable than a pastoral farmer. He cultivated rye, wheat, barley and oats, and had substantial quantities of each in his barns in the winter of 1666-7. Rye and wheat were the "hard corn" sown in the autumn, whereas barley and oats were sown in the spring. Thomas also had *blend corne* stored in his New Barn. This was the product obtained from sowing wheat and rye together on the same ground, for - as Sir Anthony Fitzherbert had written in "The Booke of Husbandry" in 1523 - "some ground is good for wheat, some for rye, and some is good for both; and upon that ground sow blend-corn....the which is the surest corn of growing and good for the husband's household."

It was possible to make bread from any of the four cereals, or from a mixture of them; but it seems that in general rye was the main breadcorn, barley was used for making malt and hence beer, and that oats was used as animal fodder, as well as for making oatcakes and similar traditional fare.<sup>2</sup>

Cereals were not the only crops grown on the Burdett farm. Thomas grew other foodstuffs for his animals, in particular peas and hay. In January 1667 he had 2 *Loads of peas* in the Corn Chamber, *Certain Pease* in the Old Barn, and *Certaine hay at home & in a stack*.

Thomas took care to keep his land in good heart. He had £2 worth of manure in his fold yard, as well as 7 *loades of limestone* worth £1/15/0d, which could also be used as a fertiliser. It was reckoned that in the two years 1665 and 1666 he had put £60 worth of *tillage of manure and lime* into the ground. He was not alone in doing this. The Roundhead captain Adam Eyre of Hazlehead had also made sure that his fields were well-limed, some twenty years previously.<sup>3</sup>

Ploughing might be done by oxen or horses; but there were important differences between the two species. Sir Anthony Fitzherbert thought it was better to keep oxen as working animals: they pulled better on tough clay or hilly ground, though horses were quicker on even or light ground; oxen were cheaper to keep in winter and were satisfied with straw and hay to eat, whereas horses needed both hay and corn to eat, and straw for litter; the ox did not need to be shod, whereas the horse did; an ox harness was cheaper and longer-lasting than the equivalent for a horse; and lastly, when an ox was injured or became too old to work or blind, he could be fattened up cheaply, killed and eaten, whereas the horse "when he dieth is but carrion." On the other hand, Sir Anthony conceded that oxen would only work all day in the fields if they could be put "unto some convenient pasture" at the end of it: they needed lush

grass, and could not simply be tethered and put on a balk next to the furrows at night, as horses were.

Because of the importance of arable farming, and because of the need to plough the same land repeatedly before sowing cereals, Thomas had several ploughs, which he kept in the New Barn, together with other items needed for ploughing: <sup>4</sup> *3 ploughs with two pair of Irons 4 horse harrows and ox harrow; and nine yokes 4 teames 2 paire of plough shackles & two paire of waine shackles, 2 paire of Iron horse geares and 2 paire of hemp tresses & collers.*

Alongside this ploughing equipment, Thomas kept his waggons: *two shelv'd waines, 2 cort waines, wain ratches, sawne boards, and other planks* while in the Entry, he stored what can only be described as the "spare parts" for these vehicles - axles, wheel-rims and spokes: *Seaven Axletrees, 2 gang of filkes and Certaine spoaks*

A wain might be horse-drawn, but again, it was more usual to employ oxen. The sides of the wain were built up by means of various pieces of equipment, which increased the height of the vehicle, and therefore the amount which it could carry: "shilburns", "shelves" and "ratches". These words now sound like entries in a foreign vocabulary book; but three centuries ago they must have been as familiar as the terms for the commoner parts of the motor car are today.

Thomas repaired his waggons on the farm, and perhaps even constructed one from time to time - hence the supplies of boards and planks which he had on hand. When there was no harvest work to be done the wheels were taken of the wains and they were stacked on their sides, to be re-assembled in the appropriate season.

Thomas also had *one great sled* in the New Barn, a sled being particularly useful on steep ground, where a wain might easily topple over.<sup>5</sup>

After the grain harvest came threshing time; and threshing was done in the Corn Chamber, where Thomas had *measures Three Metts 4 Sives a window cloth nine sacks & 2 poakes* - that is, measuring equipment, three measures of cereal, four sieves, a winnowing cloth, nine sacks, and two bags smaller than a sack; but the grain so produced would probably have been ground into flour at the Lord Howard's mill. Howard was a jealous landlord, who insisted that his tenants use his mill wherever possible and who was quite prepared to go to court to enforce his rights, if it became necessary to do so.<sup>6</sup>

A popular saying held that "he that hath sheep, swine and bees, sleep he, wake he, may thrive". Although there is no record that bees were kept by Thomas Burdett, there were certainly sheep and pigs in his fold in January 1667, amongst the other animals which were kept there: *five oxen 2 mares a filly and a colt, 3 cows & 3 young beasts, 14 sheep 8 swine & 6 piggs*. The Burdetts' farmyard must have echoed to a chorus of sounds when these animals were penned up in close proximity.

We have already seen that horses might be used as work animals, but they

also had other uses: as we know, Thomas owned a side saddle and a pillion seat, which his wife Mary had used when she was alive. No doubt he continued to ride after her death - he certainly continued to use the services of a local blacksmith, William Bradley. Moreover, horses were animals one could grow uncommonly fond of: Luke Burdett of nearby Tankersley, who died in 1680 and whose plain gravestone lies in Tankersley churchyard to this day, mentioned his grey mare by name, when he made his will - she was called Warren.

Thomas Burdett's flock of fourteen sheep provided wool, meat and dung, which was a valuable fertiliser. Since black sheep were rare, the wool supplied by the flock was occasionally supplemented by black wool bought in from other farms - in 1666 Thomas placed orders for black wool with two local men called Yealand and Hobson.

As well as fourteen sheep, Thomas had fourteen pigs. This was a relatively large number, especially when we remember that these were the pigs which remained on the farm in mid-winter, after the autumn slaughter had taken its toll, and the bacon flitches had been hung from the roof beams.<sup>7</sup>

Thomas Burdett had two other farms in South Yorkshire, apart from the main one at Thorpe. The first of these was a freehold property at Silkstone near Barnsley, consisting of two cottages and one croft, and containing about half an acre. At the beginning of 1667, this land was occupied by William Wande and Andrew Hollingworth. The second farm was a leasehold property at Abdy, a mile to the south of Wath-upon-Deane. In 1667 this farm was occupied by Robert Hudson and by Henry and Elizabeth Ardsley, of whom we shall hear much more. At Abdy, Thomas Burdett had

<i>one cow</i>	worth	£2	13s	4d
<i>two feares</i>		2	13	4
<i>4 swine</i>		1	6	8
<i>certaine barley</i>		7	14	0
<i>certaine wheat and rie</i>		6	5	0
<i>pease there to thrash &amp; In the chamber</i>		8	5	0
<i>certaine Oates</i>		1	6	0
<i>certaine manure</i>		1	5	0 <sup>8</sup>

With three farms growing cereals and other crops, and a variety of animals, Thomas Burdett would often have travelled to market, to buy a particular animal or sell produce of various kinds. There were markets nearby, in Rotherham, Sheffield and Barnsley, and it is possible that he journeyed even further afield, in order to trade in markets and at fairs which had a particular reputation or speciality. Markets

were events which excited keen interest and, later in the century, seventy-two of the "principal inhabitants" of Wentworth, Hoyland, Thorpe Hesley, Scholes, Greasborough, Morley, Haugh, Barrow and Cortworth would sign a petition, certifying that to have a weekly market and annual fair in Penistone would be "very commodious to the whole Country thereabouts".<sup>9</sup>

In addition to land, Thomas had another interest in property, of more doubtful value. His father Valentine had given him the right to receive a yearly rent of £3/2/6½d charged on land owned by the former Royalist Thomas Barnby of Barnby Hall near Cawthorne. As we have seen, Barnby had been severely punished for his Royalism during the Interregnum, when he had actually mentioned the existence of the Burdett rentcharge to the Parliamentary Committee for Compounding, as one of the reasons for his inability to pay a large fine. Although Thomas Burdett claimed that his title to this rentcharge was indisputable, since it had been "freely and clearly given" to him and his heirs by his father, the very words which he used to describe it suggest that the obligation to pay was in fact contested. It is questionable whether the Burdetts would ever have been able to obtain payment from Thomas Barnby, who appears to have been an improvident individual, and had certainly been rumbustious in his youth, when he had been involved in a fight at a wedding in Cawthorne church, after demanding money with menaces from the bride.<sup>10</sup>

Thomas Burdett combined other economic activities with his farming. There is evidence that he sold at least some of the beer which he brewed at Thorpe Hesley. In the reign of Charles II, excise duty was charged on beer which was produced for sale, but not on that which was for purely private consumption. An Act of Parliament passed in 1660 provided that duty was payable: "for every barrel of beer or ale above six shillings the barrel brewed by the common brewer or any other person or persons who doth or shall sell or tap out beer or ale publicly or privately to be paid by the common brewer or by such other person or persons respectively, and so proportionately for a greater or lesser quantity, one shilling three pence."<sup>11</sup> Thomas was certainly liable to pay the excise and this must mean that there was a commercial aspect to his brewing, although whether the farmhouse at Thorpe was actually an alehouse, and Thomas was a "common brewer", it is impossible to say.

Thomas also quarried the local Yorkshire slatestone both at Thorpe and at Canklow in the Manor of Sheffield, five or six miles away. In 1664 he paid 14/3d to Francis Ratcliffe, the Lord Howard's bailiff, for making a "slait delph" or quarry in the farm at Thorpe, and a further £1/0/0d for "ye Quarrye in Canklow".<sup>12</sup> In 1667 the rent payable to the Norfolk estate for the slate quarries was 15/0d per annum, payable twice a year on Lady Day and Michaelmas Day.

Lastly, Thomas acted as banker to his friends and neighbours. In January 1667 there was a total of £112/2/6d owing to him. It was common at that time, when

there were no banks, for individuals with money to lend it out at interest. This was a safer way of dealing with cash than keeping it in the family chest, particularly when there was no insurance available to cover the risk of theft. Nearly half the money owed to Thomas Burdett (£50) had been advanced to one person, William Smith of Thorpe Hesley, on the security of a mortgage. The rest was lent out on the security of "specialities" - formal bonds entered into by the debtors concerned. Perhaps unwisely, Thomas had allowed William Smith to have a further £25/14/4d in this way, and there were twelve others who had borrowed from him in a similar fashion.

The consequence of owning property, and of prosperity, is that there are taxes to pay, and Thomas Burdett was no exception. It is safe to assume that he did not welcome the taxes which were imposed by the Cavalier Parliament in the early years of Charles II's reign to deal with the financial problems of the newly-restored monarchy.

A tax on beer had been introduced during the Civil War; and we have already seen that this was re-introduced by an Act of Parliament of 1660. The Excise was to become a permanent feature; but it was not well- liked. There were stories of brewers hiding behind their barrels to avoid the Excise men; and the poet Andrew Marvell, who was M.P. for Hull between 1658 and 1678, wrote the following lines in his "Last Instructions to a Painter":

*Excise a Monster, worse than E'er before  
Frightened the Midwife and the mother tore.  
A thousand heads she has, a thousand eyes,  
Breaks into shops and into cellars pries.*<sup>13</sup>

In 1662 Parliament introduced an entirely novel tax on hearths. This was also extremely unpopular. Householders were reluctant to pay the new tax and its yield proved disappointing. The tax collectors were generally reviled, and were contemptuously referred to as "chimney lookers". A ballad preserved in Samuel Pepys's library expressed the hatred which contemporaries felt for these men:

*The good old dames, whenever they the chimney man espied,  
Unto their nooks they haste away, their pots and pipkins hide.  
There is not one old dame in ten, and search the nation through,  
But, if you talk of chimney men, will spare a curse or two.*

Abolition of these new taxes was one of the aims of the somewhat incompetent conspirators involved in the Yorkshire Plot of 1663. The Hearth Tax was especially resented by the smiths of Hallamshire, since they had hearths in their smithies as well as in their homes, and were therefore liable to pay several times the tax



which an ordinary householder had to bear. The Cutlers' Company challenged the legality of the tax on smithies and consequently when the Hearth Tax Book for the West Riding of Yorkshire was compiled in 1672, hearths and smithies were recorded separately, pending the outcome of the test case and a change in the law, which was hoped for, but did not take place until after the Revolution of 1688.<sup>14</sup>

Thomas Burdett was liable to pay both the Excise and the Hearth Tax. These impositions were over and above the normal taxes which he paid for local purposes - the tithes, "churchlays" (rates) and "assessments" payable to the parish authorities, which financed the work done by the constables, chapelwardens and overseers of the poor of Wentworth chapelry.<sup>15</sup> So Thomas would naturally resent the new tax burdens put upon him by Parliament; and there is some evidence that he was not quick to pay the amount due by way of Excise duty; but there could be no argument about the amount of Hearth Tax for which he was liable: he had three hearths in his house at Thorpe, and he had to pay two shillings on each of them.

The Excise and the Hearth Tax were so unpopular that they were difficult to collect, and so the government's financial problem remained unresolved: there was still an accumulated deficit. In 1663 several steps were taken, in an attempt to improve the situation. One Act of Parliament permitted Excise men to search cellars. A second allowed constables to search houses suspected of making a false return of hearths. A third statute revived an extremely ancient method of raising money, the "Subsidy", first introduced in the reign of Richard II and much used by the Tudor monarchs. This tax had been abandoned after the 1620s because of its inefficiency, but Parliament decided to try again and voted the King four Subsidies in all, the last to be paid by 1st March 1664.

The Subsidy was a tax levied at the rate of four shillings in the pound on freehold land and two shillings and eight pence in the pound on goods (aliens and convicted popish recusants to pay double!). Thomas Burdett was unfortunate enough to be one of the six "subsidiymen" in Wentworth township, and records preserved in the Public Record Office show that he was duly taxed on the value of his goods in Thorpe Hesley. His feelings at being subjected to this ancient tax, which had not been imposed for forty years, may well be imagined, especially when we recall that he had recently been fined for poaching; but the amount which he had to pay may well have depended on how well he knew the constable who had to assess him for the subsidy. There was clearly scope for argument about the valuation of one's property and, in town and country alike, there were ways of avoiding and evading the tax. In general the revival of the old Subsidy in 1663-4 proved so disappointing for the government that it was never used again.

There was one tax which was levied in the 1660s, from which Thomas Burdett had little to fear. This was the Poll Tax, which the government resorted to

several times, as a result of its chronic shortage of money. Gentlemen were liable to pay this tax at the rate of £5 per head, but Thomas was not a gentleman: he was a yeoman and would have been rated at six pence only.<sup>16</sup>

Thomas was plain Thomas Burdett, and did not use the style "Mr" before his name, or "Esquire" after it. Indeed, in theory, he would be breaking the law if he did, and would incur a penalty at the hands of the Earl Marshal - an office which was virtually hereditary in the family of Thomas's own landlords the Dukes of Norfolk. As a yeoman, Thomas watched as an outsider when those in authority over him - the Nevilles of Chevet, the Ratcliffes of Sheffield Manor, the Greenes of Thundercliffe Grange, the Elmhursts of Hound Hill, the Morrises of Elmsall and the Burdetts of Birthwaite - answered the summons of the herald Sir William Dugdale, when he conducted his Visitation of Yorkshire in 1665 and 1666. These were some of the families who took their coats of arms, their crests and their pedigrees to Rotherham or to Sheffield, to Barnsley, Doncaster or Pontefract, for official approval and registration by the Norroy King of Arms.<sup>17</sup>

The gulf which existed between Thomas Burdett and the local gentry in terms of status was matched by an equal gap in wealth, as measured by the size of their homes. Whereas Thomas's house had three hearths in it, Ecclesfield Hall had six, Thundercliffe Grange and Whitley Hall nine each, Barnby Hall ten, Hound Hill eleven, and Wortley Hall eighteen, though all these were dwarfed by Sheffield Manor, with thirty-six hearths, and by Wentworth Woodhouse, with forty-three.<sup>18</sup>

However, Thomas was a long way from being at the bottom of the social pyramid. In terms of status, he was above a husbandman, a craftsman, a tradesman, an artificer, a labourer, cottager or pauper; and in terms of wealth he was definitely not a poor man: there were many in Wentworth township who only had one hearth in their homes, while five families were exempted from the hearth tax altogether, on grounds of poverty.<sup>19</sup>

Thomas could bake his own bread, brew his own beer and make his own butter and cheese. He had his own poultry and eggs, and could butcher his own cattle and pigs for meat. He could spin both woollen and linen yarn, build his own carts and repair his own buildings, using the local materials. He could buy timber and coal from the local woods and pits; and, as we know, the pleasures of the chase were not unknown to him. It was true that he had debts, but the amount which he owed appeared to be comfortably exceeded by the amount which was owed to him; and he seems to have absorbed the effects of the fine imposed by the court at Pontefract in 1663. He was "in the black" so far as he could tell. Though lonely, he had reason to be content from the material point of view. When he came to make his will, and was thinking of the next world rather than of this, he was nevertheless mindful of *my Worldly Estate which God of his great mercy hath pleased to bestow upon me herein in this life.*

We may think that these words constituted more than just a trite legal formula, in Thomas Burdett's case.

1 For the mass see Hey, *Nonconformity* p 94, and Aveling, *Catholic Recusants* pp 295-6.

2 38% of Thomas's farmstock was invested in animals and hay, and 62% in crops, following the method given in Hey, *Myddle* p 59. As to cereals see Fussell, *Countryman* p 31; Fussell, *Countrywoman* p 60; Thirsk pp 169-171. "Brown bread" was sometimes made with a mixture of rye, peas and barley. Perhaps this is why Thomas had a "pease stack with some Barley on't" in his Old Barn.

3 Surtees LXV pp 93, 100. Lime was also used as a building material: Eastwood's *Ecclesfield* p 221; Guest p 189; Surtees LXV p 74; Hey, *Packmen* p 147.

4 For repeated ploughing for certain crops see Hey, *Ecclesfield* p 50.

5 For wains, waggon and sleds see Introduction to YAS CXXXIV, and Hey, *Packmen* pp 93-7.

6 See Reresby's *Memoirs* for 1676, and the Name Index below, under Norfolk. There may have been a windmill at Thorpe Common. Thomas Jeffreys's map of 1767-72 shows one there; and it is a good place to put one: see Chesman p 9.

7 For Luke Burdett see Clayton, *Hoyland Nether* p 14. I do not know whether Luke Burdett was a relative of Thomas Burdett's. His will dated 26th May 1680 is filed at the Borthwick. For sheep and pigs see Thirsk p 33. Sheep-dung was so important in the economy of the average farm that the number of sheep often corresponded more or less to the number of acres which the farmer had at his disposal, so fourteen sheep may give some indication of the size of Thomas Burdett's farm at Thorpe.

8 Abdy is now (1988) Wath Golf Club; but "was long the residence of a family which derived its hereditary name from the place": Hunter's *South Yorkshire* vol II p 75. One William Addy, who was a pioneer in shorthand writing, and produced a shorthand bible in the late seventeenth century, may have been the son of John Addy, the parish clerk of Wath-upon-Deane: THAS vol 3 1925-8 pp 95-104 ("William Addy and Nathaniel Stringer Stenographers" by S.O.Addy M.A.) The Abdy seam of coal was named after an outcrop at Abdy farm. It produced good house-coal.

9 For markets generally see Hey, *South Yorkshire* pp 54-8, and Hey, *Packmen* p 173, citing Surtees XXXIII. For Penistone market and fair see Hey, *Packmen* p 166, and Wilson VII, 114. See also the Name Index below - entries for Bingley, Birks, Hoyland and Pilley.

10 See Name Index below, Barnby.

11 EHD doc 107.

12 SCL ACM S 127 p 145, which also mentions one Thomas Calton paying £1/15/0d for a "slait delph in his farme at Thorpe".

13 Quoted in "Roundhead to Royalist: A Biography of Colonel John Birch 1615-1691" by E.Heath-Agnew, Express Logic Ltd 1977.

14 For "chimney lookers" see the famous Chapter Three of Macaulay. For the Yorkshire Plot of 1663 see YAJ 31. For the Hearth Tax in Hallamshire see Reresby esp 1676; Hey, *Ecclesfield* p 46; "Sheffield Its Story and Its Achievements" Mary Walton, Fifth Edition, 1984, The Amethyst Press Ltd, pp 93-4.

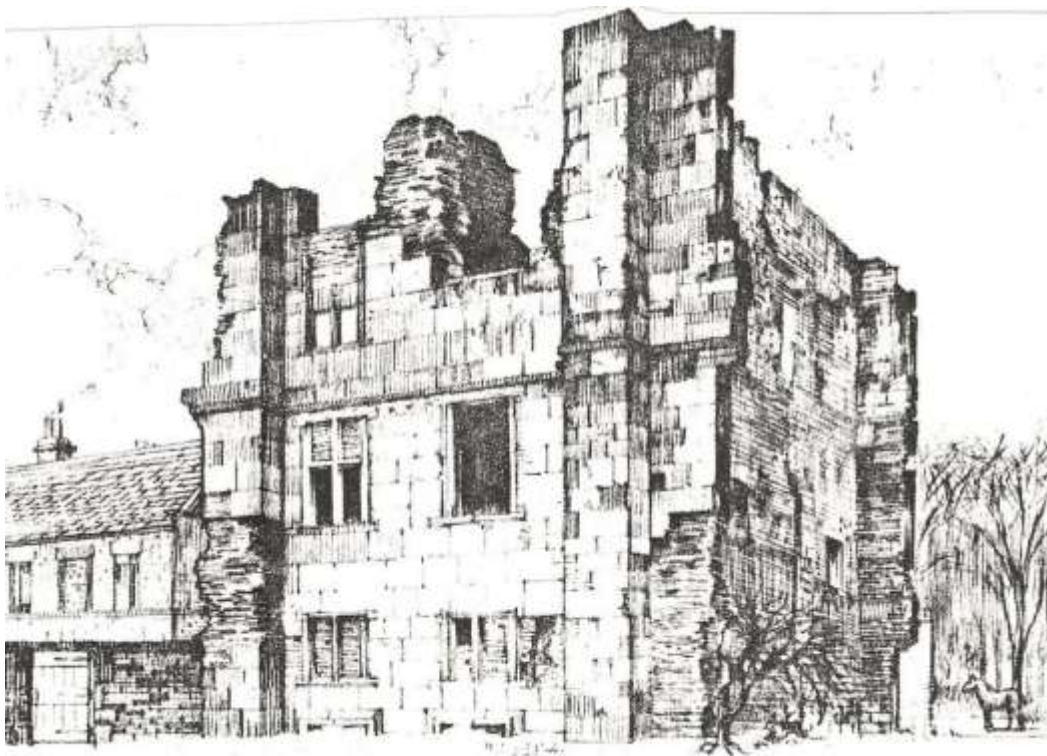
15 The accounts for the Constables, Chapelwardens and Overseers of the Poor for Wentworth, starting in 1743, are in Doncaster Archives. The seventeenth century records have not survived.

16 For the financial measures taken in 1663 see Hutton Restoration pp 198-9; Ogg pp 434-5; "Record Sources for Local Historians" by Philip Riden Batsford 1987 pp 60-1; and Richardson p 93. For Thomas Burdett's liability for the Subsidy see PRO E 179/210/389. (Microfilm in SCL). The most notorious instance of tax evasion was when the members of the Bristol Corporation assessed themselves at about one per cent of their real wealth. For the Poll Tax of 1660 see EHD doc. 113.

17 Surtees XXXVI (esp Preface); Clay.

18 Hearth Tax Book pp 447 (Wortley) 445 (Worsborough) 435 (Cawthorne); Hey, Ecclesfield p 46 (for Thundercliffe Grange, Whitley Hall and Ecclesfield Hall); and Hey, THAS vol 14, 1987 p 3 for Sheffield Manor.

19 Laslett p 38; PRO E 179/262/15, Wentworth township. (Microfilm in SCL)



Ruins of Tankersley Old Hall, by W. F. Northend, 1937.

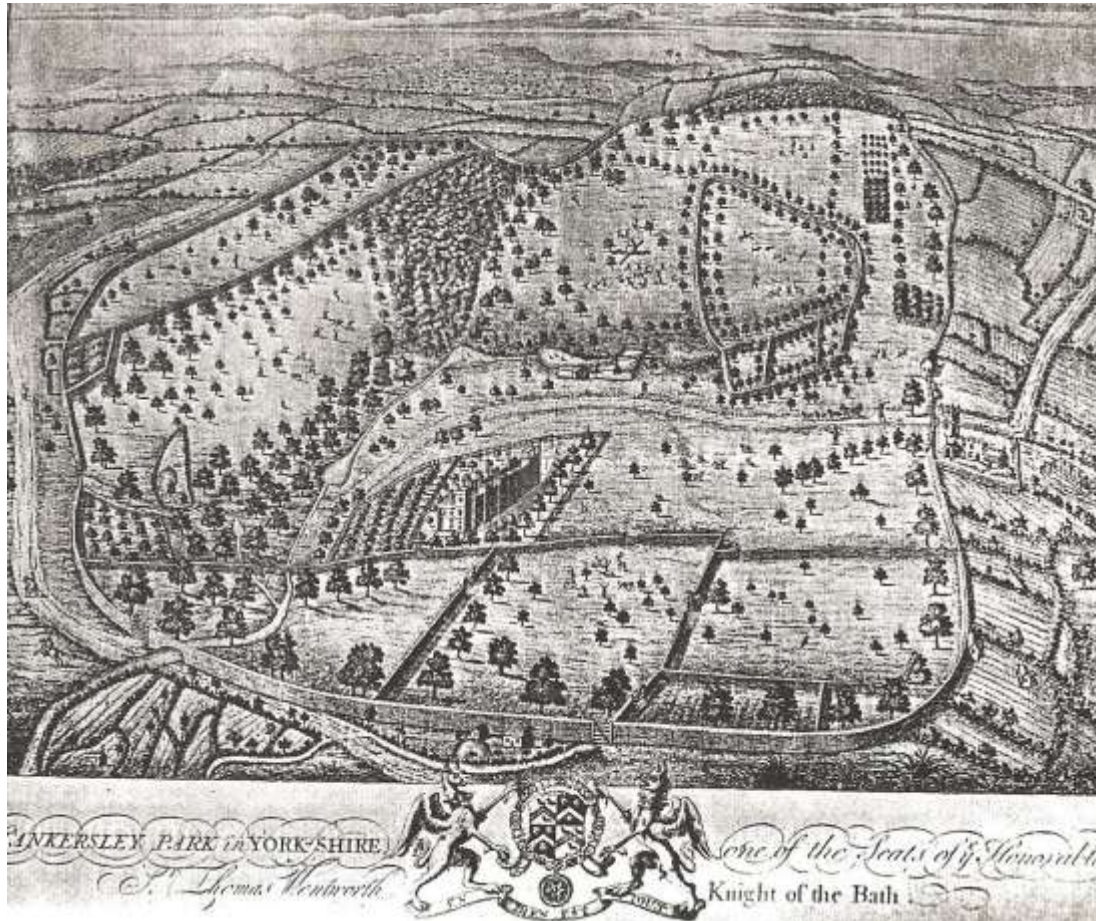


Sir Richard Fanshawe



Anne, Lady Fanshawe





Tankersley Park in the early eighteenth century

## CHAPTER SIX

### *THE YEAR OF WONDERS, 1666*

*Here is wisdom. Let him that hath understanding count the number of the beast: for it is the number of a man; and his number is Six hundred threescore and six.*

*Revelation, chapter 13, verse 18.*

*Philipp Earl of Pembroke & Montgomery being sicke in bodie but of perfect memorie thanks be unto Almighty God for the same calling to minde that all Flesh is naturally born to dye and that the place tyme and manner thereof is uncertaine I am therefore at this present resolved whilst it pleaseth God to give mee time and opportunitie for the same to settle and dispose of my personal Estate and make some provision for my children hereafter named and for that end purpose I doe make and declare this my last will and Testament in manner and forme following...*

from the will of the 4th Earl of Pembroke, 1649  
reproduced in Briggs p 144

The English were a superstitious people in the mid - seventeenth century. In 1650, when she was in Ireland, the Lady Anne Fanshawe thought she saw a ghost. The spectre was a pregnant woman, who had been murdered some years previously. It leant in at the window and spoke the mysterious word "Ahone" three times, then vanished with a sigh. Lady Anne was so frightened that her hair stood on end, and her night-clothes fell off, though her husband did not wake up. At about the same time Sir Francis Wortley the younger's gamekeeper claimed that he often saw the ghost of a boy or girl walk along the gallery over the kitchen in his master's house at St Ellen's Well, near Monk Bretton, while in the same house there was a room called the yellow chamber "thro' which, if anyone attempted to carry a candle in the night, it would burn blue and go out immediately." In 1668 a Derbyshire tailor, John Bowman, saw the ghost of the Earl of Shrewsbury on Sheaf Bridge in Sheffield, near the newly - erected

Shrewsbury Hospital, though the Earl had been dead for many years. Bowman fainted, and was so shaken by the experience that he later informed the local magistrates about the matter - though there would seem little point in doing so, looking at the matter through twentieth-century eyes.<sup>1</sup>

Many people feared the approach of the year 1666. It was a year which contained the "number of the Beast" referred to in the Book of Revelation, and some thought that this heralded the end of the world. In the month of October, a comet ominously appeared in the sky over the Midlands, just as one had appeared over London in 1665, before the outbreak of the Great Plague; and this heavenly activity was invested with great significance by contemporaries.<sup>2</sup>

In reality 1666 did prove to be an extraordinary year. In January, the French joined in the war between England and Holland, on the side of the Dutch, and in February the Danes followed suit. The hostilities with the Dutch led to two major naval battles in the North Sea, the Four Days' Battle in June, and the St. James's Day Fight in July. The bubonic plague, which had decimated the capital in the previous year, claimed a further 2000 lives in London, and there were serious outbreaks in the provinces as well: the story of the death toll in the village of Eyam in Derbyshire in the summer of 1666 is well known, and the West Riding magistrates took steps to keep the plague out of Yorkshire, by banning trade with the capital. In September the Great Fire of London destroyed 13200 houses, 400 streets, 89 churches and numerous public buildings, including the Guildhall and Old St. Paul's.<sup>3</sup>

The poet John Dryden hailed the year of 1666 as "Annus Mirabilis" - the Year of Wonders. He celebrated the prowess of the English fleet and the courage of King Charles II, both in his handling of the Dutch War and in the face of the Great Fire of London. Others saw both the Plague of 1665 and the Fire of 1666 as a punishment meted out by God to a sinful nation, and in particular a sinful court, of which the King was the head.

1666 was also an eventful and tragic year in the lives of the Burdetts of Thorpe Hesley.

On New Year's Day 1666 Thomas Burdett "published" his will, by putting his seal on it, in the presence of certain members of his family and friends. It seems likely that the will was written out for him by a neighbour in Thorpe, Henry Hill, who sometimes acted as clerk or "scrivener" on such occasions.<sup>4</sup>

At the very beginning of his will, Thomas declared that he was *very sicke and weake in body* though he also stated that he was *of good & perfect memory, praysed be God for the same*.

The will certainly shows signs of having been written in haste, as if its maker was so ill that he was not expected to survive for very long - several lines have been deleted, and a fair copy has not been made, following those deletions.



Thomas was a Protestant, and a member of the Church of England. In making a will, he was in fact following the guidance of his Church. "The Order for the Visitation of the Sick", contained in the Book of Common Prayer, which was re - issued in 1662, and was required to be used in all churches by the Act of Uniformity, stated quite clearly that every Minister should "admonish" a sick parishioner "to make his Will, and to declare his Debts, what he oweth, and what is owing unto him; for the better discharging of his conscience, and the quietness of his Executors"

The Book of Common Prayer also contained the following warning, which Thomas had failed to heed: "But men should often be put in remembrance to take order for the settling of their temporal estates, whilst they are in health."

The first "bequest" in Thomas's will was that of his own soul:

*first and principally I doe comend my Soule into the hands of Almighty God hoping assuredly of the salvation thereof in and through the merritts and precious bloodshedding of my alone Saviour Christ Jesus.*<sup>5</sup>

Only when he had dealt with this matter of supreme importance, and given directions for the burial of his body, did Thomas turn to the disposal of his "Worldly Estate", and express his hopes for his young family.

Though the will itself may have been written in haste, its contents had been carefully considered. They needed to be, for this was not an easy will to make. Emotionally, it must have been difficult for Thomas to cope with the knowledge that when he died he would leave five young orphans; and intellectually it must have been hard to decide how he should divide the various properties, interests and monies which he owned, amongst those five children.

Thomas left his eldest son Benjamin the freehold farm at Silkstone, together with a legacy of £60, to be paid when he attained the age of twenty-one.

To Gervase and Francis, his second and fourth sons, Thomas left the lease of the farm at Thorpe, together with the right to take a new lease at the end of it (subject to landlord's consent). Gervase and Francis were to agree among themselves whether they should become joint owners of the farm or partition it between them. In addition, they were each to receive a legacy of £50, payable when they were twenty-one.

The third son, Thomas junior, was in a different position from his brothers, and special provisions were necessary in his case. There was no land for him and, like many a younger son, he would have to rely chiefly on his own talents; but the signs are that he was an intelligent boy, or at least a diligent one, for in 1666, though only nine years of age, he was already living with Henry and Elizabeth Ardsley on the Burdett farm at Abdy, and was attending school nearby. There was nothing unusual in the fact that he was away from home. Children were often sent to the homes of friends

or acquaintances, for the purpose of following some course of training or supervision, but his performance at school was unusually promising.<sup>6</sup>

Thomas Burdett had high hopes of his namesake. He directed that young Thomas should live with Henry Ardsley

*during all the tyme of his learneing at schoole untill he shall be ready and fitt by & through his learneing to go the University of Cambridge.*

To put this ambition in context, it should be remembered that if the boy was in fact able to gain admission to that University, he would not only be in the company of members of the gentry but, by the process of acquiring an education, he would actually join their ranks, and thereby acquire a higher social status than his yeoman father. According to Harrison's "Description of England", published in 1577:

"Whosoever studieth the laws of this realm, who so abideth in the university giving his mind to his books, or professeth physic °medicine§ and the liberal sciences, or beside his service in the room of captain in the wars, or good counsell given at home, whereby his common-wealth is benefitted, can live without manual labour, and thereto is able and will bear the port, charge and countenance of a gentleman, he shall for money have a coat and arms °coat of arms§ bestowed upon him by the heralds (who in the charter of the same do of custom pretend antiquity, service and many gay things) and thereunto being made so good cheap, be called master, which is the title that men give to esquires and gentlemen, and reputed for a gentleman ever after".<sup>7</sup>

Thomas wanted to do his best to ensure that his third son became a scholar. He directed that Henry Ardsley should find the boy

*competent and sufficient meat drinke washing lodging and all manner of Apparrell Bookes and other necessaryes as shall or may be requisite fitt and meete for one of his degree & age.*

Furthermore, when the youth was old enough to go to the great University, Henry Ardsley must

*beare paie & provide for his preferment when hee shall come thither.*<sup>8</sup>

One may well ask, why should Henry Ardsley do all this? It would certainly be expensive to implement all Thomas's directions. It was common to go up to Oxford or Cambridge at the age of fifteen or even earlier, but that would still mean keeping the young scholar for several years. Thomas gave a lot of thought to the question of how he could make it worthwhile for Henry Ardsley to further young Thomas's career. At last, he decided that the only way was to give Henry the lease of

the farm at Abdy:

*In consideration of which engagement to be performed by the said Henry Ardsley in maner & forme aforesaid I doe hereby give devise & bequeath unto the said Henry Ardsley all the right title use interest & possession of in or to that farmehould or messuage situate lyeing & being at Abdy aforesaid....for & during the remainder & reversion of the lease (of the said farme) now in being.*

What was to happen to the lad when he eventually arrived in Cambridge? This was another difficult problem. At first it was in Thomas's mind to direct that Henry Ardsley should pay the young scholar's bills while he was at the University, but he changed his mind, thinking perhaps that this was asking too much. Instead he gave a further legacy of £100 to his son, but instead of making him wait for this money until he was twenty- one, he declared that the young man could have the use of the money whilst he was a student:

*the said moneyes to..be paid according as the said Thomas shall have occasion dureing the tyme he shall or may remaine at Cambridge to demand or require the same.*

Last in line came young Phyllis, Thomas Burdett's only daughter. Women were in a greatly inferior position in the seventeenth century, their expectations were different from those of men, and it is not surprising to find that Thomas did not leave the girl any land. He did however give her a legacy of £100, to be paid when she attained the age of twenty-one, or when she married, if that event occurred earlier. Thomas also gave his daughter all his late wife's linen. This linen would obviously be of great sentimental, if not material, value. It would provide the girl with a "bottom drawer", and serve to remind her of her mother. In order to ensure that Phyllis would eventually obtain all the items she was entitled to - she was after all only six when this will was made - Thomas left specific instructions for the supervisors of his will:

*when the residue of my Goods shall come to be apprized.....they cause the said Lynens to be recorded into some note and the said Note and Lynens to be reserved & safely kept for the onely use and behoofe of my said daughter.*

We shall see that this linen of Mary Burdett's became a bone of contention some years later.

The "supervisors" of the will were the scrivener, Henry Hill of Thorpe Hesley, and the testator's nephew Francis Burdett of Woolley, in the parish of Silkstone; but the executrix was Thomas's sister Margaret, wife of John Crawshaw. Thomas referred to his sister not as Margaret Crawshaw, but as Margaret Walker - for it seems

that she had been married before. It also appears that Margaret was illegitimate, and Thomas's half-sister only. Presumably she was a love-child whom Valentine Burdett had fathered in his youth. What is certain is that, despite the stigma of bastardy, Thomas was close to his "natural" sister, for he appointed her as the only executrix, and gave her the sole right to decide the manner of his burial, which was a matter of great religious importance<sup>9</sup>: at the beginning of his will Thomas had declared: [I commend] *my Body to the Earth from whence it was and to be buried in such decent & Christian maner as to myne Executrix.....shall be thought fitt & convenient.*

The closeness of the relationship between Thomas and his sister is evidenced by the fact that it would be Margaret Crawshaw, as executrix, who would have to bring up the two youngest Burdett children, Francis and Phyllis, after their father's death. Benjamin and Gervase were not yet twenty-one, but they were old enough to fend for themselves, and no special provision was made for them in the will. Thomas was only nine, but he had Henry Ardsley to look after his interests. The position of Francis and Phyllis was different. They were only eight and six respectively in 1666, and they would certainly need a home, in the event of their father's death. It would be Margaret who would have to provide that home. She lived nearby, and she would be on hand when the time came.

Thomas realised that his sister's responsibilities would be heavy - she had children of her own to care for. In recognition of this, he gave her the residue of his estate, so that it would be Margaret who would inherit all his household furniture and goods including his two guns, his iron for warming beer, his side-saddle, his pillion-seat and his late wife's hats and clothes.<sup>10</sup>

Almost as an afterthought, Thomas left the disputed rentcharge payable by Thomas Barnby of Barnby Hall to his eldest son Benjamin. The words he used to describe this gift demonstrate the difficulty which was anticipated, in obtaining payment from the impoverished and cantankerous Barnby

*all the right use interest & possession that I now have or hereafter may might or ought to have in or to a Certaine yearly Rent of Three pounds two shillings six pence halfe peny the which yearly Rent is to be paid by Thomas Barnbey of Barnbey Hall....*

It comes as no surprise to note that Thomas Burdett's will contained no bequests to the poor of Thorpe Hesley or of Wentworth chapelry. He had his own five children to consider, and he may well have foreseen that, despite appearances, there would be little enough money to spare when his estate came to be distributed.

This will of Thomas Burdett's was signed by him on 1st January 1666, probably in his Hall-house at Thorpe, or in the Chamber over it. The witnesses were George Holgate, Joseph Fether, William Crosse, and the supervisors were Henry Hill

and Francis Burdett of Silkstone. We know nothing of Joseph Fether; but George Holgate and William Crosse were evidently men who were in the same social class as Thomas, with farms in Kimberworth township which they leased from the Duke of Norfolk, and homes with three hearths assessed to the hearth tax.

When it came to the moment when Thomas had to sign his will, he was either too illiterate or too weak to write his name and could only manage to make a poor sort of mark at the foot of it. At least he *did* sign it, unlike the younger Sir Francis Wortley, who drafted a will in 1665, but put it to one side, intending to make a fair copy of it, and never got around to it: Wortley's will was left unsigned and unattested, when he died in 1666, and this omission led in due course to labyrinthine legal proceedings, and according to some accounts a change in the law.<sup>11</sup>

Having made his will, but scarcely having set his mind at rest, Thomas Burdett must now wait, to see how his health held up. In fact, like his sovereign Charles II some twenty years later, he was "a most unconscionable time dying ". He lingered on throughout the rest of 1666. It must have been an anxious year for the Burdett family, although the fact that Thomas was so obviously ill did at least mean that his sister could plan ahead - she knew only too well what was going to happen.

To judge from the memoirs of Sir John Reresby and other contemporary diarists, it was the custom, then as now, to celebrate Christmas and the New Year with feasting and drinking, merrymaking and music, unless one was of a Puritan persuasion. So, on Christmas Day 1666 Samuel Pepys made the following entry in his diary <sup>12</sup>:

*Lay pretty long in bed. And then rise, leaving my wife desirous to sleep, having sat up till 4 this morning seeing her maids make mince- pies. I to church, where our parson Mills made a good sermon. Then home, and dined well on some good ribbs of beef roasted and mince pies; only my wife, brother, and Barker, and plenty of good wine of my own; and my heart full of true joy and thanks to God Almighty for the goodness of my condition at this day.*

There would have been no such rejoicing in the Burdett homestead in Thorpe Hesley at Christmas 1666 for on 20th December Thomas Burdett had died, within days of his daughter Phyllis's seventh birthday. <sup>13</sup>

1 For the Fanshawe ghost see Thomas, Religion p 704. For that at St Ellen's Well, Surtees LXV p 283. For that on Sheaf bridge, Surtees XL p 161.

2 Thomas, Religion p 167; Hutton, Restoration pp 246,250; Pepys 1st March 1665 and 6th April 1665.

3 For the Plague see "The Story of Eyam Plague" by Clarence Daniel, 1966; Hunter's Hallamshire p 8; Hey, South Yorkshire p 141. For the Fire see the North Panel of the Fire

Monument. A collection in Sheffield for the victims of the Fire raised £27/10/0d: Hunter's Hallamshire p 153

4 The suggestion that Henry Hill was the draftsman is based on the fact that Henry Hill was a witness to the will, he acted as clerk on other occasions (see Name Index, below) and, as far as an amateur can judge, the handwriting of the will is similar to Hill's writing, as displayed in his signature. As to the process of "publication", compare the practice of Adam Eyre in 1647: Surtees LXV p 62.

5 As to Thomas's Protestantism: traditionally Roman Catholics commended their souls not to God alone but also to "Our Lady, Saint Mary, and the Whole Company of Heaven" or "To God Almighty, Blessed Mary, Mother of God ever a virgin, and to all the celestial company of heaven, beseeching them to pray for me": see "Sixteenth Century England", The Pelican Social History of Britain, Pelican 1984 p 197; and Hey, Myddle p 224. Despite the advice by the Church that men should make wills, there was a common belief, which still persists, that to do so was unlucky: Thomas Religion, p 746.

6 Pinchbeck and Hewitt p 26

7 Laslett p 35. Contrast *ibid* p 27.

8 In January 1666, when Thomas Burdett made his will referring to the University of Cambridge, the members of that University had in fact been evacuated, because of the Plague. One of the graduates who had to escape from the pestilence was Isaac Newton, and it was during this enforced holiday that he saw the apple fall, and worked out the laws of gravity: Hutton, Restoration p 229.

9 Margaret was referred to in the Cause Papers of 1678-9 as "Soror Naturalis" - natural, or illegitimate sister. For contrasting views on illegitimacy see Pinchbeck and Hewitt Chapter VIII and Hey, Family History p 73.

10 As to Margaret's own children, the will of John Crawshaw dated 22nd October 1669 refers to their child Joshua, and the evidence of Francis Burdett of Silkstone in 1679 referred to her as having a daughter, presumably by her first husband, Walker.

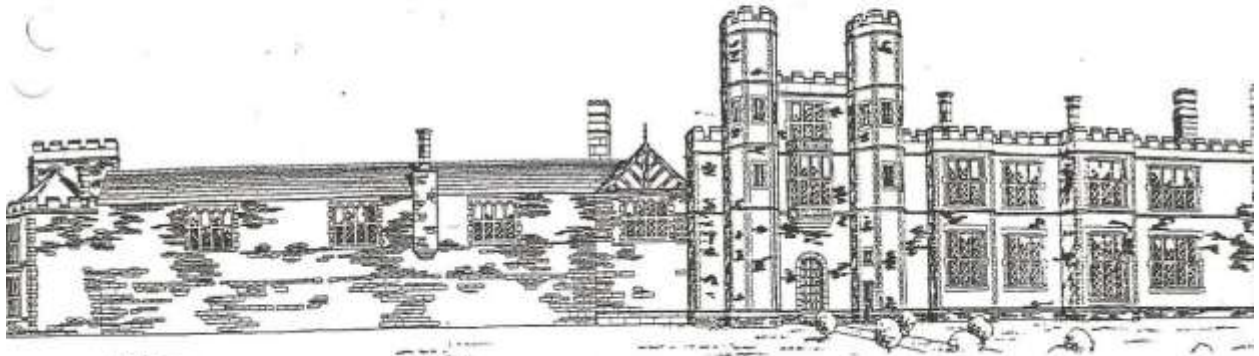
11 Hunter's South Yorkshire vol II pp 319-320.

12 See also Reresby's Memoirs, especially December 27th 1684.

13 The graphic Latin phrase used to describe Thomas's death in the Cause Papers of 1678-9 was "ab hac luce migravit"- he migrated from this light.



Coursing fallow deer, c. 1671



Sheffield Manor, the home of Francis Ratcliffe

## CHAPTER SEVEN

### MARGARET CRAWSHAW, 1667 - 1678

*So he passed over, and the trumpets sounded for him on the other side.*

from *The Pilgrim's Progress*  
by John Bunyan (1628-1688)

*Defend the poor and fatherless....*

from Psalm 82

We do not know what Thomas Burdett died of nor how old he was when he died. The burial registers for the chapelry of Wentworth survive from 1654, but they do not give the cause of death or the age of the deceased at the time of burial, before 1777. After that date, the catalogue of deaths in infancy, from smallpox, "kinkcough" (whooping cough), "fits", "sore throat", and "rising of the lights" (pneumonia); in adulthood, from consumption, "childbed", "mortification" following fractures and "decline"; and in all ages, from fever, "wearing" and "wasting", tells its own tale - which is that life was often short. Infant mortality was especially high; but mortality in all age groups was great in comparison with what we have become used to. There is every reason to think that the situation was worse one hundred years earlier, when bubonic plague was still endemic: the burial register for the parish of Wath - upon - Dearne does in fact contain the following entry for the year 1646:

"Jun. - Oct. visitation of plague - 59 deaths recorded".

Thomas Burdett's death was not unexpected, but it was nevertheless a tragedy for his family, and especially for his five young children. They were indeed fortunate to have an aunt, Margaret Crawshaw, who was prepared to shoulder the burden of administering her brother's estate and of taking them under her wing, though she had her own family to look after.

Margaret's first task was to supervise her brother's funeral. If the usual



practice was followed, Thomas's body was laid out on top of his bed, with a single linen sheet spread over him, while the burial arrangements were made.<sup>1</sup> There was some delay with the funeral itself - perhaps because of Christmas - and Thomas was not in fact buried until 9th January 1667, when the funeral procession took him up the hill from Thorpe, to be laid to rest with his wife at Wentworth. The minister preached a funeral sermon for the occasion, the church bells were rung, and the body was buried in its own coffin, rather than in a simple shroud.<sup>2</sup> Margaret ordered a tombstone and paid for it to be engraved. She arranged a funeral dinner - with bread, meat, cheese, spiced wine and lots of ale. We do not know how many people attended that dinner, but the quantities of food and drink provided suggest that it was a lavish affair, and that it would certainly have been worthwhile for neighbours and friends to attend the burial, so that they could enjoy the meal afterwards.<sup>3</sup>

A few days after the funeral four local men were brought in to value the deceased's goods and chattels, since the law required that an inventory of the deceased's personal property (household contents, monies, farmstock and leasehold land) be prepared by "some honest and skilful persons".<sup>4</sup> The four men chosen for this task were Thomas Hattersley, Henry Ardsley, Richard Elam and Joseph Birks.

Thomas Hattersley was a yeoman who lived at Greasborough, some three miles from Thorpe Hesley. He was forty-eight years of age in 1667, and had known the Burdetts for some years. As a farmer, he was well qualified to value many of the items which had to be included in a probate inventory, and his honesty is evidenced by the fact that he was later chosen to act as a receiver of monies for Wentworth chapelry.

Henry Ardsley was a sub-tenant of Thomas Burdett's at Abdy, near Wath, some three miles north - east of Thorpe. We have already met him, as the person charged in Thomas's will with the responsibility of educating his third son, of whom so much was expected. Henry and his wife Elizabeth knew Thomas Burdett well, and had in fact lent him money on several occasions, so that they had become his chief creditors. Ardsley was referred to in the inventory which he now helped to prepare as *Mr Henry Ardsley*, indicating in theory that he was a gentleman, and in practice that he was at least a person to whom a certain degree of respect was due. He was well qualified to act as a valuer in general, and particularly well placed to judge the value of Thomas Burdett's goods at Abdy.

Richard Elam had a farm at Kimberworth Parkgate, not far from Thorpe Hesley, on the Rotherham road: it was there that he and Thomas Barnsley were recorded as tenants of the Duke of Norfolk in 1664, and there that he paid tax on two hearths in 1672. The West Riding Hearth Tax Book records him as having two smithies as well, revealing that he was one of those rural metalworkers who were so numerous in the area to the north of Sheffield - he may well have been a nailmaker.

Very little is known about the fourth valuer Joseph Birks. He may have

come from Thorpe itself: there was a Ralph Birks living there, near Kirby Lane in 1649, though it was a common surname in several nearby villages as well. At any rate, Birks must have had a certain reputation for honest dealing because, like his companion Thomas Hattersley, he was later chosen as a receiver of tithes for Wentworth chapelry.

Hattersley, Ardsley, Elam and Birks met at Thomas Burdett's house on 18th January 1667, which they described as *the eighteenth year of our Sovereigne Lord Charles the Second of England*.<sup>5</sup> They then viewed the house room by room, itemising the furniture and the clothing, the implements and the stores, and putting a figure on each item, based in theory on what it would sell for.

The four men started their work in the Hall-house, where they first came upon Thomas's *purse and apparrell & his Chest*, which they valued at £5 altogether. They did not specify what they meant by each of these three items. *Purse* speaks for itself. The term *Apparrell* included clothing, but also referred to other articles which could be worn about the person, such as rings or a sword. Swords were strictly speaking the hallmark of a gentleman, but we know that Thomas went armed with one, when he went poaching in 1662, so there may well have been one in the house five years later. As for the *Chest*, it was common for coinage, bills, receipts and deeds to be deposited in there, but it may also have contained linen and items of clothing. As we shall see, the fact that the four valuers did not record more details of Thomas's Apparel and Chest gave rise to certain arguments later, when it was alleged that several gold and silver rings, and a number of purses containing silver and gold coins, had been omitted from the inventory which they compiled.<sup>6</sup>

After they had finished in the Hall-house, the valuers inspected the Upper Parlour, the Buttery, the Chamber over the Upper Parlour, the Chamber over the House, the Little Chamber, the Milk-house, the Kitchen, the Chamber over the Kitchen and the Nether Parlour, in that order. Then they went on to look at the outbuildings, itemising and valuing the tools, the stores of grain, the animals and even the heaps of manure. Then they added a list of relevant goods and chattels at Abdy, presumably by reference to information supplied by Henry Ardsley. They also prepared a list of the deceased's debtors and creditors, after perusing his papers and discussing the matter with his executrix. Finally, they added everything up, signed their names at the foot of the inventory, and handed it to Margaret Crawshaw.<sup>7</sup>

The valuers' job was lengthy and demanding. By the time they had finished, they were tired and, despite using their best endeavours, they contrived to get the totals in the inventory wrong, which provoked adverse comment some years later.

Margaret Crawshaw's next duty was to obtain probate of her brother's will, to establish its validity. Accordingly, she and the two supervisors and witnesses, Francis Burdett of Silkstone and Henry Hill of Thorpe Hesley, arranged to see the Dean of Doncaster, who was the local representative of the Exchequer Court of York,

and was empowered to grant probate where the deceased's goods lay entirely within the confines of his deanery. Margaret produced the original will, and she and Francis and Henry swore an oath as to its validity. Margaret also delivered, or promised to deliver, the inventory of her brother's goods, which had been so painstakingly prepared by Hattersley, Ardsley, Elam and Birks.

No record of the meeting with the Rural Dean has survived; but a precise account of what happened in a similar case in the deanery of Craven in North Yorkshire in 1564 has come down to us, and this paints the picture:

*The Dean then read the will, those who had witnessed it being present, after which he did then call the same...witnesses by their names and asked them yf they wolde be witnesses of the said will or no, and they answering sayd yea, whereupon [the Dean] did Commande...his summoner to holde theme a booke, whereupon they all...laid their handes on the booke, and then [the Dean] did gyve them their othe in this manner following, this shalbe your othe that this will which you have now harde red is the trew will laste will and hole will of [Thomas Talbot] late departed, and that there is no other will maid by the said [Thomas Talbot], neyther by worde nor writings sence this will was maid that you know of, so helpe you god and the holly contents of that booke, and thereupon they kissed the booke...*

Margaret Crawshaw also applied to the Rural Dean for "letters of tuition" in relation to her young nieces and nephews, to authorise her to act on their behalf until they came of age. For this purpose, she and Francis Burdett of Silkstone jointly entered into a bond, promising to bring the children up in a suitable manner, to feed and clothe them as befitted the sons and daughters of a yeoman, to keep proper accounts, and to pay over what was due to them when they attained the age of twenty-one, or were married, as the case might be. Margaret and Francis also agreed to forfeit a sum of money, if these promises were not kept.

Eventually, the grants of probate and letters of tuition were obtained, though not until 11th June 1667. Margaret was now free to deal with her brother's property, with the exception of the freehold farm at Silkstone, which passed directly to Benjamin Burdett as the eldest son and heir, in accordance with the special rules which applied to "real" property under English law.<sup>8</sup>

On paper Thomas Burdett's net personal property was worth some £379, the legacies which he had given to his children in his will totalled only £360, and his estate was therefore solvent; but in reality the situation which Margaret Crawshaw had inherited was a difficult one. The estate was only worth £379 if the right price could be obtained for the assets listed in the probate inventory, if all the people who owed money to the deceased actually paid what they owed in full, and if the deceased's own debts were no more than they were expected to be. The amount given away in legacies

was such that there was a very high risk that the money would run out. If the true value of the estate was only a few pounds less than the figure in the inventory, there would simply not be enough cash to pay all the legacies. The truth is that Thomas would have done better to divide his estate into five shares, equal or unequal, rather than giving his children fixed amounts of money. That way, it would not have mattered what the size of the estate was: each child would simply have taken an appropriate fraction of what was available, and no-one would have been left without a share.

As it was, Margaret Crawshaw soon found that things were very different from what they appeared to be on paper. The expenses of the funeral and of the administration proved to be substantial. Many of the people who owed money to the deceased proved to be unreliable. The debts owed by the deceased turned out to be larger than expected. At the end of the day, Margaret was simply not in a position to pay her niece and her nephews what was due to them: some of them would have to go without.

The food and drink at Thomas's funeral dinner cost £2/14/0d in all. The accounts which Margaret kept give the details:

	£	s	d
<i>Imprimis paid for bread att the funerall of the said deceased</i>		8	11
<i>Item for meate then</i>		10	6
<i>Item for Cheese then</i>		14	4
<i>Item for wine &amp; spice then</i>		8	0
<i>Item for Ale then</i>		12	3

The remaining funeral and testamentary expenses were as follows:

<i>Item for a Coffin for the deceased</i>	11	6	
<i>Item for the Church dues ringing then</i>	7	6	
<i>Item to the Minister for a funerall sermon then</i>	6	0	
<i>Item to the Rurall Deane for prooveinge of the said deceased's will &amp; the tuition of his Children and the said Executrix and her witnesses charges then</i>	1	16	0
<i>Item for a grave stone for the said deceased and the engraveinge of itt</i>	5	7	0

It will be seen that the purchase and engraving of the gravestone were especially expensive; and Margaret may well have regretted later that she spent so much on this item. Then there were certain taxes payable on death - a heriot to the landlord, the Duke of Norfolk, and a mortuary to the vicar of Wath, Joseph Ludlam M.A.:

<i>Item paid to Mr Radcliffe the Lord Howard's Baliffe</i>	
<i>for an Heriott</i>	2 18 0
<i>Item for Charges when it was paid</i>	1 0
<i>Item to the Minister of Wath for a mortuary</i>	10 0

There were legal fees payable, both in connection with the grant of probate and later. The ubiquitous Henry Hill was paid £1 for drawing up a fair copy of the will and inventory and other documents:

<i>Item to Henry Hill for drawinge &amp; engrossinge the will &amp;</i>	
<i>Inventory of the deceased &amp; severall other writings</i>	
<i>his paines therein</i>	1 0 0

Hill was later paid 12/- for travelling to Barnsley and a further 4/4d for travelling to Rotherham with Margaret on three occasions. A sum of 5/- was paid to another local scrivener, Thomas Barnsley of Kimberworth Parkgate, for drawing up a deed to settle the terms upon which two debtors should be allowed to repay money they had borrowed:

<i>Item paid to Mr Barnsley for drawinge of a lease</i>	
<i>from William Smith &amp; Humphrey Smith to the sd Executrix</i>	
<i>of the deceased to secure seaventeene pounds sixe shillings</i>	
<i>unto her which was due to the deceased</i>	5 0

Fees were also incurred when Margaret started court proceedings in order to enforce the payment of certain other debts which were due to the estate:

<i>Item paid for a writt against severall persons who were</i>	
<i>indebted to the deceased</i>	8 7

Many of these expenses were small in themselves, but they were far from negligible when added together.

The problems which Margaret encountered when she tried to collect in the money which her brother had lent out were considerable. A total of £112 was owing to the estate, and this constituted about a third of its value. When the valuers prepared their inventory, it was thought that only three of the debts which were owing, those owed by Ambrose Hoyland, John Guest and Humphrey Northall junior, were *desperate* - or doubtful of recovery. Surprisingly, John Guest did pay, at least he paid £6/17/6d of the £7/10/0d which he owed; but on the other hand several of those who were thought to be good for the money they owed, did not in fact pay. As Margaret herself said later,

it turned out in too many cases that the deceased's debts were *very desperate and not in any likelihood to be gott or recovered by reason of the indegence and poverty of the said severall and respective persons*. So Margaret was unable to recover any money at all from William Yates and William Fairburn, although they owed a total of £2/15/8d and she went to demand it from them on three occasions. Likewise, she was unable to recover the £3 owed by William Cutt, though she travelled to Mexborough three times on that account:

*Item for charges in going to demand the debts due  
to the decd by William Cutt of Mexborough*

*William Yates & William Fairburne*

1 4

*Item for charges in goinge about them a second &  
a third time*

2 2

Similarly, Margaret could not recover any part of the £2/8/6d owed by Thomas Pilley, though Pilley was not without means, if he was the same man who was taxed on three hearths in Wentworth township in 1672, as seems likely. Nor could Margaret recover any of the money owed by Thomas Parkin (16/0d), nor even the sum of £1 owed by John Burdett, though the latter was a gentleman, and paid tax on four hearths at Silkstone in 1672. William Clerk paid only 10/- towards his debt of £2. James Nickson paid 10/-, though he owed two guineas; and John Dyson paid only 12/-, when he owed £5. The situation was so bad that Margaret even went to see Ambrose Hoyland to demand payment of the amount which he owed, although that debt had always been considered "*desperate*".

The debts accounted for so far were relatively small, but the amount owed by William Smith of Thorpe Hesley was not. He owed £50 on mortgage, £25/14/4d on bond and £17/6/-d jointly with one Humphrey Smith. Margaret could certainly not afford to be easy-going when dealing with sums like these - and she was not. William Smith could not or would not pay, so Margaret had him thrown into the debtor's prison at Rotherham! To imprison one's debtors was standard practice and Margaret's treatment of William Smith was not at all unusual, though some of the consequences of locking up debtors with common criminals were beginning to attract the attention of reformers. In 1671 Parliament debated the matter and made some changes in the law: the gaols were so full, and the conditions so noxious, that an increase in plague and disease was feared; and some felt sorry for the poor debtor, kept awake at night by the clanking of chains and the foul language of the criminals incarcerated next to him.<sup>9</sup>

At some stage, Margaret Crawshaw relented, so far as William Smith was concerned. She instructed her lawyer to draw up terms, whereby the repayments on the debt of £17/6/-d were re-scheduled. Instalments of £4/6/6d a year for four years were

agreed upon, and the interest on the loan was waived. Margaret had to go to Rotherham three times to see William Smith in prison while all this was being settled. She recorded the journeys she made, and the travelling expenses, in her accounts:

<i>And she was forced to take by fower pounds sixe shillings &amp; sixe pence a year for fower yeares &amp; loose the interest</i>	
<i>Item for the said executrix &amp; Henry Hill's charges in goinge to William Smith who was imprisoned at Rotherham to know what security he would give for the said money</i>	1 6
<i>Item for those charges the second time about the same</i>	1 4
<i>Item for those charges the third time about the same</i>	1 6

Eventually, by dint of these efforts, Margaret managed to recover all the principal owed by William Smith, while forfeiting the interest. She must have concluded that her brother had been most unwise to lend so much to that particular individual in the first place; and the fact remained that of the £112 supposedly owed to her brother's estate, only £94 was in hand.

The situation with regard to Thomas Burdett's own debts was even worse. The valuers who prepared the inventory of 1667 thought that he owed £75/13/4d - £44/5/4d to Henry Ardsley, £30 to Elizabeth Hownfield of Dore and £1/8/-d to William Smith of Rotherham. It turned out that this was not by any means the whole story. The amount payable to Henry Ardsley was in fact £60 when all the interest on the loan was added and, in the same way, the amount payable to Elizabeth Hownfield was found to be £36. Worst of all was the story of Thomas Burdett's dealings with a certain Mrs Wordsworth, where his judgement certainly seems to have been at fault. Not only had he lent her the sum of £10, which had to be written off, since Mrs Wordsworth *died insolvent and left noe estate behind her*; but, in addition, he had entered into a bond agreeing to guarantee a debt of £20, which that lady owed to one Robert Laverack. Laverack was another of those local metalworkers who ran a business from home: in 1672 the Hearth Tax collectors recorded him as having both a hearth and a smithy in Kimberworth township. Following Mrs Wordsworth's death, and the insolvency of her estate, Laverack sued Margaret Crawshaw on the bond which Thomas Burdett had given and, since there was no defence, Margaret had to pay the £20 plus interest of £3/1/1d to settle the matter. It must have hurt to pay so large a sum, when her brother had not even had the benefit of the money in the first place, though Margaret's laconic entry in her accounts betrays no emotion:

*Item paid to Robert Laverack for a debt oweing to him  
upon bond & interest for the same*

23 1 1

Margaret's outlay in settling her brother's debts was therefore £119 not £75, as had been expected. As if this was not enough it turned out that Thomas had fallen into arrears with certain dues which he was legally obliged to pay, and had neglected or been unable to pay several local tradesmen for goods and services ordered prior to his death.

<i>Item for a halfe yeares Rent for the slate Quarries due by the said deceased to the Lord Howard at Michaelmas 1666</i>	7 6
<i>Item paid to John Frankish Churchwarden for a Churchlay oweing to him by the said deceased</i>	3 4
<i>Item paid for tieth Corne money oweing by the deceased</i>	4 0
<i>Item paid to Joseph Birkes for tieth money oweing by the said deceased</i>	4 0
<i>Item paid to Thomas Hattersley &amp; others for arrearas for tiethes due by the deceased</i>	1 11 0
<i>Item paid to John Tim for Gloves oweing to him by the deced</i>	1 8
<i>Item paid to William Smith for Cloth oweing to him by ye deced<sup>10</sup></i>	1 8 0
<i>Item paid to William Bradley for horses showinge &amp; other worke oweing to him by the said deceased</i>	1 7
<i>Item paid to William Yealand for black wooll oweing to him by the deceased</i>	1 6
<i>Item paid for a pound of black wooll oweing for by the deceased to Hobson</i>	10
<i>Item for a Cheese oweing by the sd deced to John Heyward</i>	2 6
<i>Item paid for Coles oweing by the deceased</i>	1 8

Thomas Burdett had obviously been losing his grip on his affairs towards the end of his life. He had not even paid his solicitor, Mr Taylor of Barnsley, who was owed £3/5/-d for legal work. This was unusual, since lawyers were normally paid immediately;<sup>11</sup> but Taylor made up for his client's omission by sending a man with a reminder, and charging a further 6d for the letter, which Margaret duly paid, along with the amount originally owing for legal charges:



<i>Item paid for bringing a letter from Mr Taylor the Attorney from Barnesley about Law charges owed by the decd</i>	6
<i>Item paid to the said Mr Taylor for a debt owed to him by the said deceased as appeares by an acquittance</i>	3 5 0

As for taxes, Thomas had failed to pay 8/- excise duty owing in relation to his brewing activities. Margaret attempted to dispute her liability to pay this levy, or at any rate the amount which should be paid, and the case went to court; but this simply resulted in her having to pay costs and expenses in addition to the amount claimed:

<i>Item paid for Excise money oweing by the deceased &amp; for Charges of suite</i>	8 0
<i>Item to the Baliffe for his fee on the asses<sup>o</sup>smen<sup>st</sup></i>	1 6
<i>Item to the Attorney for his appearance &amp; fee for ye defen<sup>o</sup>dan<sup>st</sup></i>	4 6
<i>Item for the Attorneys fee the second terme</i>	3 4

This left the matter of the hearth tax. Thomas had died some three months after one instalment fell due, at Michaelmas, and three months before another was payable, on Lady Day; but Margaret had nonetheless to pay half a year's payment of the hated "chimney money". On three hearths at 2/- each for the whole year, this came to 3/-

<i>Item for hearth money due by the decd att Lady Day 1667</i>	3 0
----------------------------------------------------------------	-----

Perhaps in an attempt to defray some of these additional and unforeseen expenses, perhaps because she could not negotiate a surrender of the lease and had no choice, Margaret retained the slate quarries at Thorpe Hesley and Canklow, and continued to exploit them. She continued to pay rent for these quarries to the Lord Howard's bailiff for several years after her brother's death:

<i>Item for the Slate Quarry Rent due att <sup>o</sup>Lady Day<sup>s</sup> 1667 <sup>12</sup></i>	7 6
<i>Item paid to Mr Radcliffe for the Slate Quarry Rent due att Michaelmas 1667</i>	7 6
<i>Item paid to Mr Radcliffe for two yeares &amp; a halfe Rent for the Slate Quarryes from Michaelmas 1667</i>	1 15 9
<i>Item paid for a yeare &amp; a halfe Rent for the slate Quarry att the end of the lease</i>	1 1 6

In facing all these difficulties, Margaret at least had the support of her husband John. We know that he sometimes assisted her because, according to Elizabeth

Hownfield of Dore, she received the money which was due to her from the Burdett estate from John Crawshaw, and not Margaret. Unfortunately however, this much-needed support was removed before the administration of Thomas Burdett's estate could be completed. John fell sick in the October of 1669, and was dead by the following February. Margaret was henceforth known as "widow Crawshaw": she was referred to as such when the collector Robert Bennett and the constable Nicholas Smith came to collect the hearth tax due on Lady Day 1672. Widow Crawshaw now had to shoulder the continuing burden of being her brother's executrix on her own.<sup>13</sup>

1 Some people thought that this practice led to very unfortunate results. Dr. Goddard of Myddle in Shropshire "was confident that many English people were buried alive; for if they had been kept in their warme beds for forty- eight hours many of them would have recovered.": Gough, Myddle p 160

2 A surprisingly long time after his death! We do not know what type of cloth Thomas was buried in. The Burial in Wool Act was passed in 1667, but was not always observed, and was not tightened up until 1678: Richardson p 72. After the Plague of 1665, the Lord Mayor of London ordered that all graves be at least six feet deep, and this became the norm: "A Journal of the Plague Year" by Daniel Defoe, Penguin Classics Edition 1986 p 62. It was quite usual in the seventeenth century for the body to be taken to the graveside in a coffin belonging to the parish, and put into the ground in a shroud only: THAS vol 3 1925-8 p 93. On the same day on which Thomas was buried, his landlord Henry Howard was acclaimed by the members of the new Royal Society for making them a gift of the Collector Earl of Arundel's library: see the Name Index below.

3 The will of Joan Cockson of Hoyland, made on 10th January 1573, made the connection between attendance at the burial and at the funeral meal quite clear. She directed that her executor John Spyvie should "cause a good dyner at Wentworthe for the neighboures which take panes to go to my buriall". Thomas Tuke of Wath-upon-Dearne, who died in 1810, left one penny to every child who should attend his funeral. It is said that 700 came: Keble Martin p 79.

4 Act of Parliament of 1529 (21 Henry VIII, 15). Quoted in Trinder and Cox p 5.

5 The valuers stated that their Inventory was made in January 1666, but we would regard this as January 1667: see Note on Dates below. King Charles II was restored to the throne in May 1660, but he did not recognise the Interregnum of 1649-60 and regarded his reign as having started on 30th January 1649, when his father was executed. Hence the 18th year of his reign ran from 30th January 1666 to 29th January 1667: Richardson p 127.

6 For swords see Thomson p 328. For chests *ibid* pp 41-2

7 Adam Eyre of Hazlehead left his executors a list of his debts at the same time as he published his will: Surtees LXV p 98.

8 By making a will, it would seem that Thomas had saved his executrix the trouble of a trip to York. The Rural Dean had power to grant probate, but may not have been in a position to grant letters of administration. Certainly, Adam Eyre had to go to York in 1648 to obtain

administration of his brother's goods : Surtees LXV p 93. For the role of the Rural Dean see Marchant pp 89-90 and Till p 112. As to letters of tuition, the bond filed in the case of the Burdett children has not survived; but see bond filed 12th October 1703, in connection with the Tuition of Margaret Guest dated 25th October 1703 (referred to below in the footnotes to Chapter Twelve), where John Kirk of Meadow Hall, linen weaver, had to promise to "well and honestly Educate and bring up" the child in question and provide her with "sufficient meat, Drink, Cloaths and all other Necessaries agreeable to her condition and estate"; and also to pay her "all such filial or Childs part and Portion gifts, Legacies and other personal Estate and all other rights, dues and demands due or oweing to her."

9 For debtors' prisons see Ogg pp 118-9. Valentine Hurt of Hesley Hall was arrested for alleged debt in the 1680s: Sitwell pp 224-5.

10 It is not known whether this William Smith was the same man who had borrowed substantial sums from Thomas Burdett

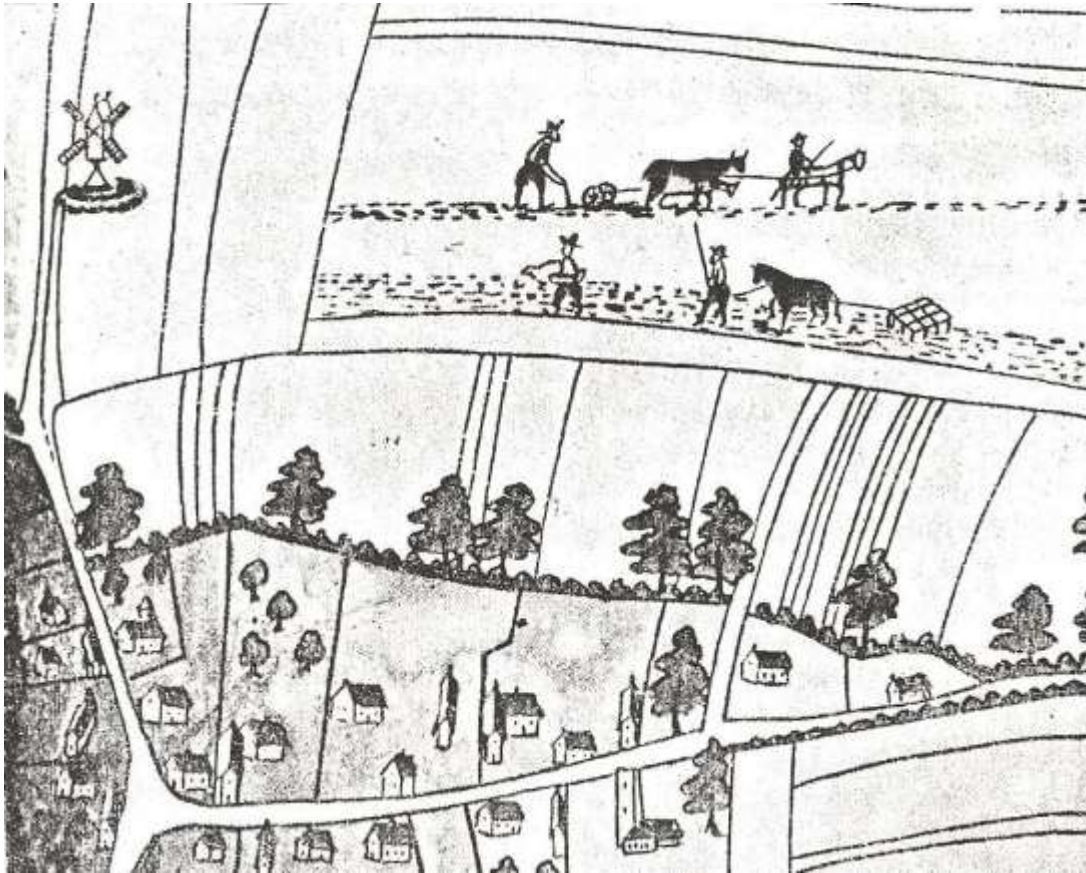
11 Thomson p 58

12 The original reads "Michaelmas" but this must surely be a mistake.

13 Borthwick, will of John Crawshaw dated 22nd October 1669. Probate of that will was granted 4th February 1670; Hearth Tax Returns; Margaret was also referred to as "widow Crawshaw" when young Francis Burdett was made an apprentice in about 1673.



Making hay



Ploughing in the open fields

## CHAPTER EIGHT

### BENJAMIN, GERVASE, & THOMAS, 1667 - 1678

*...as a twigge will best bend when it is greene, so children are fittest to be bound when they are young, otherwise by reason of their idle and base educations, they will hardly hold service: but as they have wavering and straying minds, so they will have wandering and unstaid bodies, which will sooner be disposed to vagrance than activitie, to idlenesse than to worke.*

from advice to parish overseers on making children  
apprentices, in *Ease for Overseers* 1601, quoted in  
Pinchbeck & Hewitt p 235

*Having no child, he began to consider of an heir to his estate, and first he designed his sister's son, and to that end sent him to Oxford to learn university reading.*

from *The History of Myddle*  
by Richard Gough (1634-1723)

During the course of the decade between 1670 and 1680 Thomas Burdett's five children all grew to adulthood. This must have pleased their aunt Margaret Crawshaw, but in her capacity as the executrix of her late brother's will, it presented her with new difficulties, for the legacies given by that will were payable, in the main, when the children attained the age of twenty-one; and it had become increasingly clear that there was not enough money to pay them all in full. Margaret was faced with an insoluble problem. There was no clause in Thomas's will which entitled her to pay his older children less than they were entitled to, so as to preserve enough money to pay the

younger children some part of what was due to them.<sup>1</sup> She had no choice but to pay Benjamin, Gervase and Thomas in turn, and hope that she would be able to reach some accommodation with Francis and Phyllis, when they came of age. In practice, there were some difficulties even with the three older children; but these were overcome. The problems with regard to the two younger children proved to be insoluble.

Benjamin was the eldest son. His father had left him the smallholding at Silkstone, consisting of two cottages and half an acre, together with a legacy of £60. Since the croft at Silkstone was freehold land, there was in theory no reason for Benjamin to have any contact with his aunt about it, for in law the title to freeholds did not pass through the executrix at all, but vested directly in him, as his father's heir. As far as we know, Benjamin duly entered into possession of his modest inheritance at Silkstone without argument, and we hear no more of that property.<sup>2</sup>

There were problems, however, when it came to the question of Benjamin's legacy. Margaret Crawshaw made the following entry in her accounts, when her nephew was twenty-one, from which it would appear that there was no difficulty at all:

<i>Item paid to Benjamin Burdett eldest sonne of the</i>	£	s	d
<i>said deceased for his portion by his father's will</i>			
<i>as appeares by his acquittance</i>	60	0	0

But this was certainly not the whole story, for it seems that the young man only received £57 in hard cash. Benjamin's cousin, Francis Burdett of Silkstone, was present at the time, and he gave evidence as to what he had seen some years afterwards: *Benjamin Burdett received of Margaret Crawshaw in Money and goods the sume of sixty pounds portion...hee had about three pounds in goods & the rest in money*'.

John West and Thomas Hattersley of Greasborough were also witnesses when this legacy was paid. John West's version of what happened has not survived. Hattersley's account has, but it is slightly different from Francis Burdett's. When he gave evidence later, Hattersley made no mention of any payment in kind, but said that Margaret made a deduction from the legacy, on account of expenses incurred. Despite this conflict of evidence, it is clear enough that Benjamin did not receive the entire £60 in cash; and also that he was not best pleased: Thomas Hattersley said that there was a "stirr" - a commotion or argument - between the nephew and his aunt about the matter, when the young man was asked to provide a receipt, though tempers soon cooled, and Benjamin accepted the position:

*at another time some money was paid to Benjamin Burdet....in full of his portion And when he had received the same he sealed and as his Act and deed delivered the release....and this deponent*

*set his name....as a witness to the same....he canot remember what sune was paid but sayes there was an accompt betwixt them for disbursements by her whereof after some stirr he allowed & received the said money in full of his portion & gave the release aforesaid.*

Benjamin did not really have much to complain about; but Gervase was not so lucky. It had been his father's wish that he and Francis should inherit the lease of the farm at Thorpe jointly, for the remaining years it had to run, and thereafter that they should negotiate a new lease; but in the event, this appears not to have happened. It is not clear why, but the most likely explanation is that it was not possible to negotiate acceptable terms with the Duke of Norfolk's agent, Francis Ratcliffe: perhaps the entry fine demanded for the renewal of Thomas's lease was more than the young Burdetts could afford; perhaps it was just that the youth of the two boys proved an insuperable obstacle; and perhaps Thomas Burdett's conviction for deer-stealing in 1663 did not make the negotiations any easier. In any case, the result was that, instead of following in his father's footsteps, Gervase took up a trade. As happened later with his younger brother Francis, Gervase was "bound" as an apprentice to a local craftsman.

We do not know what trade it was that Gervase entered, but the term of his apprenticeship would probably have been seven years, in accordance with the requirements of the Statute of Artificers of 1563. An apprentice normally had to promise to live with his master, keep his secrets and obey his commands. The master was in loco parentis, and could inflict severe punishments on his apprentice, if he thought that they were required. The Roundhead captain, Adam Eyre of Hazlehead, whipped his father-in-law's apprentice Jane Goodyear, on 24th August 1647 "by reason of some ill condicioned carriage", and it was only a few weeks later that he made the following entry in his diary: "9th October 1647 This night I whipped Jane for her foolishnesse as yesterday I had done for her sloathfullnesse." A master was not entirely free to do what he pleased, however. In the case of Jane Goodyear, the officers of Holmfirth parish eventually complained about the way she was being treated, and Eyre had to attend court on his father-in-law's behalf, where the magistrates ordered that Jane should be given up to the authorities, to be taken care of by them.<sup>3</sup>

An apprentice was "bound" to his (or her) master by means of a formal deed known as an indenture, which might contain detailed regulations concerning the apprentice's behaviour, most of which would be considered totally unacceptable today. No indenture made in Wentworth chapelry has survived from the seventeenth century; but the obligations undertaken by an apprentice in that period were no different from those which applied a century later, when Thomas Speight of Great Houghton in the Parish of Darfield bound himself to the miner John Speight of Barley Hole near Thorpe Hesley. Their agreement was dated 27th July 1789, and contained the following covenants by the apprentice:

*...the said Apprentice his said Master well and faithfully shall serve, his Secrets shall keep, his lawful Commands shall do, Fornication or Adultery shall not commit, Hurt or Damage to his said Master shall not do, or Consent to be done, but to his Power shall Let it, and forthwith his said Master thereof warn: Taverns or Ale-houses he shall not Haunt or Frequent, unless it be about his Master's Business there to be done: At Dice, Cards, Tables, Bowls, or any other unlawful Games he shall not Play: The Goods of his said Master shall not Waste nor them Lend, or give to any Person without his Master's Licence: Matrimony within the said Term shall not contract, nor from his Master's Service at any Time absent himself; but as a True and Faithful Apprentice shall order and behave himself towards his said Master, and all, as well in Words as in Deeds during the said Term: and a true and just Account of all his said Master's Goods, Chattels, and Money committed to his Charge, or which shall come to his Hands, faithfully he shall give at all Times, when thereunto required by his said Master, his Executors, Administrators or Assigns.*

For his part, the master John Speight promised to:

*Teach, Learn, and Inform him the said Apprentice, or cause him to be Taught, Learned, and Informed, in the Art Trade or Mystery of Miner....And also, shall find, and provide to and for him the said Apprentice, sufficient and enough of Meat Drink, Washing, & Lodging as also shoes & Aprons & also pay or cause to be paid unto the said Apprentice the sum of sixteen pence yearly every first Day of August during the said Term of seven years, & likewise a Month's Attendance at a proper School for every year during the said Term.<sup>4</sup>*

Gervase Budett had also been left £50 in his father's will when he attained the age of twenty-one; but this legacy was not paid in a straightforward fashion, any more than Benjamin's legacy had been. Again, Margaret Crawshaw's entry in her accounts does not contain any detail, or give any hint of trouble:

*Item paid to Jervase Burdett second sonne of the said  
deced for his portion as appeares by his acquittance*

50 0 0

In fact, Gervase seems to have received only £30 in cash: he was given a "bond", or written promise, for £10: £6 was paid to his master when he was bound as an apprentice; and the balance of £4 was made up in sundry ways which were not specified at the time, and which it is no longer possible to discover. His cousin Francis gave the following evidence about this matter, some time afterwards:

*Margaret paid six pounds for binding Gervase Burdet an Apprentice & paid him forty pounds in money and by bond and foure pounds was satisfied him by accompts made between him & the*



said Margaret.

Again, Thomas Hattersley of Greasborough witnessed the deed of release which Margaret Crawshaw presented to young Gervase for signature, when he was twenty-one, and was consequently able to throw further light on the matter when he was called upon to testify, some years later:

*hee was present when And saw Margaret Crawshaw pay to Gervase Burdett some money but the particular sume He cannot now remember but she entered him a bond for tenne pounds more & she spoke of other moneys then formerly paid him and they had a reckoning before that day whereon the Release was Sealed and all was made straight between them soe that the money she then paid him and the tenne pounds bond she entered him were full of his portion*

There does not seem to have been the same "stirr" over the matter of Gervase's legacy as there had been over Benjamin's, though we may think that there was, if anything, more reason for argument: Gervase must have been satisfied with the position and he signed the "acquittance" which his aunt had prepared, acknowledging that he had been paid in full.

Thomas Burdett's third son, Thomas junior, also had cause for dissatisfaction, but he did not show it. In 1667 Thomas Burdett junior was ten years old, and was living with Henry Ardsley at Abdy. Ardsley was responsible for seeing that the boy went to school. We do not know for certain which school Thomas went to, or what studies he undertook there; but it may be no coincidence that Abdy was just south of Wath-upon-Dearne, where a new school had recently been founded. In 1647, a local benefactor named Anthony Sawdrie had left a sum of money to be paid annually to a schoolmaster, to teach eight "of the poorer sort of children from Brampton Bierly °Bierlow§". Further, in 1661 the vicar of Wath, Thomas Wombwell, left £30 in his will, for the provision of a schoolhouse. This money was duly used to buy a small field and erect a building upon it, and the new schoolhouse was completed in 1663.

This little school may well have been the one which the junior Thomas Burdett attended. His family lived in that part of Thorpe Hesley which was in the chapelry of Wentworth, and therefore in the parish of Wath; and more particularly, the Abdy farm was situated within the confines of the township of Brampton Bierlow, so that the young Burdett would have satisfied the residence condition specified in Anthony Sawdrie's will (though it may be doubted whether he could truly be said to be a "poorer sort of child"! ) Abdy farm was less than a mile from the new schoolhouse at Wath, and a boy who lived at Abdy would only have to walk across the fields and up the hill, and he could be at school in a quarter of an hour. It would obviously have been much more convenient for Thomas to stay at Abdy while he was at school, than to make

the journey from Thorpe, which was three miles away.<sup>5</sup> As for the studies undertaken by young Thomas, we can be confident that they would have consisted almost exclusively of Latin and Greek, since his father had thought him an able scholar, with a good chance of gaining admission to one of the colleges at Cambridge; and at that time, a knowledge of the classical languages was the key to all the subjects which were taught at the Universities.

No curriculum has survived from Wath school; but the methods employed by Charles Hoole, who was Master at Rotherham Grammar School in the years before the Civil War were recorded in a work which he published in London in 1660, entitled "A New Discovery of the old Art of Teaching Schoole, In four small Treatises" - a book which would intimidate even the most conscientious pupil of today. In Hoole's view, boys should start school at seven years of age, provided that they could by then "readily read English and write a legible hand, or at least be willing to learn to write and to proceed in learning Latine." They then proceeded through six forms and at the end of that time - by the age of twelve or thirteen - he considered that "they may easily attain such knowledge in the Latin Greek and Hebrew tongues as is requisit to furnish them for future studies in the Universities or to enable them for any ingenious profession or employments which their friends shall think fit to put them upon in other places."

In the first years some concession was made to what Hoole described as the "remedillesse inadvertancy" of children aged seven and eight - the fact that they would not always pay attention, and could not be made to do so - and they were allowed two whole years to master the rudiments of Latin Grammar. In the third year however their wits were thought to be "ripened" and they were expected to master "the whole grammar and the right use of it." In the fourth year, the boys read works by Ovid and Terence in Latin, learned to translate from Latin into English and from English into Latin, and began Greek and Rhetoric. In the fifth, they read Sallust, Livy, Tacitus and above all, Virgil. They read Demosthenes and Epictetus in Greek and had to translate Psalms from English into Latin, and then from Latin into Greek. They had to compete with one another in making speeches, both in English and in Latin. This last was a favourite exercise of Hoole's - when his pupils were engaged in it, he compared them to "so many nightingales contending with each other who could most melodiously tune his voice and frame style to pronounce and imitate the prementioned orations." It would be interesting to know whether the boys took the same pleasure in the work as the schoolmaster obviously did.

In the sixth form these prodigious children of twelve or thirteen were ready for "the best and most difficult authors in Latin and Greek", to do "all manner of school exercises", and to begin Hebrew, of which Hoole was particularly fond. School hours at Rotherham Grammar School were from seven to eleven in the morning and

one until five in the afternoon, although school finished at 4 pm on Tuesdays and 3 pm on Thursdays. On these occasions, Hoole advised that the pupils be "dismissed ordered into some close (or other place appointed for the purpose) near the school where they may play together and use such honest and harmless recreations as may moderately exercise their bodies and not at all endanger their health"; but he cautioned that "because some boys are apt to sneak home" there should be frequent roll-calls, without warning, during these playtimes.<sup>6</sup>

Such was the kind of education which it is likely that young Thomas Burdett benefitted from, or endured, in the late 1660s; but he did not in fact go up to Cambridge: there is no record of his ever having become a student at, or graduate of, any of the Colleges at that University.<sup>7</sup> We do not know why this was so. Thomas may simply have failed to persevere with his studies; but it is more likely that the reason was financial. As we have seen, the arrangements in his father's will were that Henry Ardsley was to pay for the youth's "preferment" to the University - the expenses of the journey from Yorkshire to Cambridge, the purchase of suitable clothing, and College fees; and thereafter the boy would pay his way by drawing on his own legacy of £100; but when considering the costs of this "preferment", we must remember that Thomas Burdett owed Henry Ardsley a substantial sum at the time of his death - £44/5/4d - and Henry may not have been willing or able to spend the necessary amounts on the boy's behalf, despite the inducement which had been offered him in the will in the shape of the farm at Abdy. It is also a fact that Henry Ardsley died some time before 1679, so he may simply not have been there to assist, when young Thomas Burdett needed him.

Thomas Burdett's ambition that his third son would become a scholar and a gentleman, was therefore not achieved. It may never have been realistic. One wonders if the sum of £100 would have been enough to cover the costs of living at Cambridge, and who would have looked after Thomas if he had gone up, for although boys were often sent to the two Universities at the age of fourteen or so, they were usually accompanied by a guide who stayed with them while they were there.<sup>8</sup> Since young Thomas did not go to Cambridge after all, he had to wait until he was twenty-one before he qualified for the legacy bequeathed to him in his father's will. He attained that age in 1677. His aunt's record of what transpired at that time was again very brief. She simply noted:

*Item paid to Thomas Burdett third sonne of the sd deced  
for his portion as appeares by his acquittance*

100 0 0

Once again it appears that young Thomas did not actually receive this amount in cash. Instead, his cousin Francis Burdett of Silkstone delivered fifty shillings to him, at the request of Margaret Crawshaw; Margaret paid him a further £20 herself; and she also

gave him some of his father's old furniture, which she had in her possession. All this was revealed by cousin Francis Burdett, when he gave evidence about the affair later on:

*And to Thomas Burdet she (by this examinante) paid fifty shillings and also by herselfe in money at one entire paymt about twenty pounds and he had from her a bed and some furniture but at what rate this examinante knows not but shee satisfied him for the rest of his portion.*

A sum of £22/10/-d, plus a bed and some old furniture, sounds as if it fell a long way short of the £100 which the young man was entitled to; but Thomas was apparently content, for he sealed a deed of release, drawn up by Thomas Barnsley of Kimberworth Parkgate, acknowledging that he had indeed received £100; and the same Thomas Barnsley acted as a witness when this was done, and overheard the young man say *that he was willing to receive his porcon according as the estate would bear*. These words portray Thomas Burdett junior as a sensible and moderate character, ready to reach a compromise when the situation demanded it. His little sister Phyllis was to take an entirely different attitude towards the question of her inheritance, when her turn came.

1 Such a clause had been included in the will made by Humphrey Northall senior of Hesley Hall, on 19th December 1661: *Provided always and my will is that in case any cleare goods & personal estate will not extend to satisfye the severall summes mentioned and bequeathed to my severall children as is above expressed that then every one of them shall abate in their said several & respective portions & legacies bequeathed to them aforesaid, according as the same shall fall short, for the satisfaccon of the same and every one receyve after the proportion of my cleare estate accordingly & not otherwise.*

2 Except that it is interesting that in 1672, Francis Burdett of Silkstone paid hearth tax on two houses at Silkstone, one with three hearths and the other with six. It is conceivable that the larger house was Francis's own and the other was one which Francis was then occupying in right of his cousin Benjamin; but this is speculation.

3 Surtees LXV p 116.

4 Ecclesiastical Records of the chapelry of Wentworth, Doncaster Archives P55/6/B2/27. The earliest apprenticeship indenture in those records is dated 1749.

5 For Wath school see VCH Yorkshire vol 1 p 483; Keble Martin p 42; Charity Commissioners' Return of Endowed Charities 1893; Hunter's South Yorkshire vol II p 75. The school was opposite Newhill Park in Cemetery Road.

6 For Charles Hoole and Rotherham School see YAS XXXIII.

7 "Alumni Cantabrigienses" by John Venn C.U.P. 1922.

8 Pinchbeck and Hewitt p 9.

## Thomas Burdett's Will

## CHAPTER NINE

### FRANCIS & PHYLLIS . 1667 - 1678

*I must serve the Olde Woman, I must learn to spinne, to reele, to carde, to knit, to wash buckles,  
and by hande, brew, bake, make Mault, reap, bind sheaves, weede in the Garden, milke, serve  
Hogges, make clene theyr houses; within doors, make beddes, sweepe filthy houses, rubbe dirtie  
ragges, beat out the old coverlets, drawe up old holes; Then to the kitchen, turne the spitte,  
although it was but seldome, for we have not had roast meate often; then scoure Pottes, wash  
dishes, fetch in wood, make a fire, scalde milke Pannes, wash the cherne and butter dishes, ring  
up a Cheese clout, set everything in good order.*

*from The Court and Country*  
by Nicholas Breton (1555?-1626?)  
quoted in Fussell, Countrywoman p 66

*Walk in the Groves and thou shalt find  
The name of Phillis in the Rind  
Of every straight and smooth-skin tree;  
Where kissing that, Ile twice kisse thee.*

*from To Phillis to love and live with him*  
by Robert Herrick (1591-1634)

Benjamin, Gervase and Thomas Burdett junior had received a substantial, though diminishing, proportion of the sums they were entitled to under their father's will; but the position was different in the case of Francis and Phyllis Burdett. There was no money left at all when their turn came. It is apparent that Margaret Crawshaw had been scraping the barrel in the case of Thomas junior, and she had now reached the bottom; but we shall see that Phyllis was not prepared to accept that this was so. She

was not willing to sign any "acquittance", or deed of release, as her brothers had done, acknowledging that she had received money which she had not in fact had. She was prepared to see her aunt in court first, rather than reach a compromise. Why was this so?

Though Margaret Crawshaw had no assets left with which to pay legacies, either in cash or in kind, she had given value for money in other ways. When her brother died, Margaret took Francis and Phyllis Burdett into the bosom of her family. The boy was then nearly nine years of age, the girl just seven. Margaret fed them and clothed them, and saw that they were given some schooling. She may even have uprooted herself and moved into their home, the better to lend her assistance, though the evidence on this point is slender.<sup>1</sup> What is certain is that both Francis and Phyllis lived with their aunt after their father died. Francis was kept at home for six years, between 1667 and 1672 and then, when he was fourteen, he was bound as an apprentice, like his brother Gervase before him. Francis was bound to William Henn of Rotherham and Margaret had to pay Henn £5/2/-d as a premium when this was done: Henn gave a receipt for that sum, which was written out by Thomas Barnsley of Kimberworth Parkgate.<sup>2</sup>

During all the years Francis lived with her, Margaret carefully recorded the money she spent on the boy, and she reckoned later that it had cost her £3 a year to keep him. In 1679 she produced the following account of her expenditure, from which it can be seen that she continued to buy items of clothing and footwear for her nephew, even after he was made an apprentice:

<i>Item for the education &amp; keepinge of Francis Burdett</i>	£	s	d
<i>youngest sonne of the said deceased sixe yeares before</i>			
<i>he was bound apprentice</i>	18	0	0
<i>Item paid to William Hen of Rotheram upon the binding of</i>			
<i>the said Francis an apprentice</i>	5	2	0
<i>Item for a new Suite of gray Cloth for him</i>	14	0	
<i>Item for a Coate &amp; breeches for him</i>	12	8	
<i>Item paid for a mixt coloured suite for the said Francis</i>			
<i>and makeing it<sup>3</sup></i>	1	2	1
<i>Item for a paire of leather breeches for him</i>			
<i>&amp; three leather aprons</i>	6	5	
<i>Item for five paire of Showes for him att severall times</i>	16	0	
<i>Item for seaven paire of stockings for him at severall times</i>	7	9	
<i>Item for a read waistcoate for him</i>	4	0	
<i>Item for fower waistecoats more for him</i>	12	0	

<i>Item for fower shirts for him &amp; 3 paire of Lyneings</i>	14	0
<i>Item for 2 more hatts for him</i>	5	0
<i>Item to a Taylore for mending his Clothes</i>	1	0
<i>Item for three new Shirts for him</i>	7	?
<i>Item for two paire of showes for him since the first of May 1678</i>	6	0
<i>Item for a waistcoate a paire of Stockings a paire of new lynnenn Lyneings and a paire of leather lyneings for him and a mending of his Cloathes</i>	8	?

It is clear that on several occasions young Francis's clothes were mended and re-lined rather than replaced: Aunt Margaret Crawshaw was thrifty, and saved money where she could. It is also apparent that Francis was heavy on shoes, as young boys are.

We do not know what trade it was that Francis entered, though the fact that he needed leather breeches and leather aprons during his apprenticeship suggests that it was a manual occupation.<sup>4</sup> We also know that William Henn's business was only a small one, for he was probably the same man who is recorded as having one hearth in Rotherham in 1672. This indicates that young Francis started his apprenticeship in a modest household, in comparison with the one he had spent his early life in. At the end of his seven years as an apprentice Francis was twenty-one, and therefore entitled to claim the £50 which his father had left him in his will; but this did not happen until 1679, by which time certain events had occurred in Phyllis Burdett's life which had repercussions for her brother.

Phyllis Burdett was the youngest of the Burdett children. She lived with her aunt for eight years, between 1667 and 1674, and again Margaret Crawshaw kept a careful record of her expenditure:

<i>Item for educateinge &amp; keepinge of Phillis Burdet daughter of the said deceased eight yeares at £5 a yeare</i>	40	0	0
<i>Item for a stuffe gowne a waistcoate Cloth &amp; triminge for Phillis Burdett daughter of the said deceased</i>	1	1	6
<i>Item for a tammy pettycoate and another petty Coate for her</i>	11	2	
<i>Item for a yard of Rabons, a black hood, a white apron two new smocks 2 paire of showes &amp; a paire of bodyes for her</i>	17	2	
<i>Item for a serge gowne a waistcoate Cloth &amp; trimming for her</i>	17	10	
<i>Item for five yard of lynnenn for smocks &amp; aprons for her</i>	4	7	
<i>Item for a paire of new showes a new hatte a paire of bodyes &amp; two new paire of stockens for her</i>	12	0	
<i>Item for her schoolwages &amp; Cookes</i>	9	0	
<i>Item for a yard of scotch Cloth a red shiff pettycoat</i>			



*& three paire of stockings for her*  
*Item to Thos. Taylor for makeing her Cloathes and for silk*  
*thred & whalebone*

14 6

3 2

We can see from the above that young Phyllis was well turned-out - silk thread and whalebone were both items which had to be imported<sup>5</sup>, and were therefore expensive - and that she was given a certain amount of education, though it is unlikely that this compared with the schooling which her elder brother Thomas had received, while he was at Abdy: a girl's education was not considered to be so important.

All in all, Margaret Crawshaw must have considered that she had done her best, by the time her accounts were completed. In return for all that she provided, she no doubt expected her niece to help her with all the numerous chores which had to be done around the house; but Phyllis did not see matters in the same way. She had a mind of her own, and she later described the years which she had spent with her aunt as the time when *she lived as servant with her and did her work without wages*. This telling phrase shows the depth of the resentment which Phyllis felt towards her aunt: she clearly regarded the older woman's hospitality as little more than exploitation. Her complaint recalls that of the "lazy" housemaid Hylding in Nicholas Breton's "The Court and Country" of 1618, which is quoted at the beginning of this chapter.

Perhaps it was inevitable that Phyllis should turn against her aunt. Thomas Burdett's death must have come as a great shock to the little girl, and it brought about great changes in her life. Brought up in a house full of men, she was not used to hearing the voice of authority from a woman's lips. She did not applaud the role which her aunt now played in her life as mother-figure and, like many children, she did not appreciate what was being done for her, as she grew up. Phyllis could not hope to escape her aunt's tutelage by gaining admission to one of the Universities, or by entering a trade or profession. The day was still far distant when these avenues were open to women; but there was another means of escape which soon enough presented itself to her, and that was marriage: after all, a girl might wed at fifteen.

As we have seen in an earlier chapter, there was an old-established nailmaking industry in South Yorkshire, where the raw material needed was to be found close to the surface. Ironstone had been mined at Thundercliffe near Thorpe Common for hundreds of years, and was also to be found at Tankersley. The lease of Tankersley Hall and Park granted by the 2nd Earl of Strafford to Sir Richard Fanshawe in 1653 had referred to it: the Earl reserved the right "to sett one or more Iron Mills att his Lordship's pleasure within the said new Parke and inclosed ground and from time to time to do all and every other thing in and upon the premises in order either to the setting such mill or mills on worke, or carrying the ironstone to be wrought elsewhere....." There were forges at Chapeltown, Kimberworth and Wortley, which

converted the ironstone into the rod-iron used in nailmaking. The nailers were especially numerous in the region to the north of the Sheffield cutlery district. The nailer was normally a part-time farmer, with a smithy attached to the back of his house. He heated rod-iron in his hearth and chopped it to the required length, over a cutting edge fixed to an anvil. Then he placed the pieces in a hole in the anvil and hit them with a hammer to form the head. This was a process which was easy to learn and simple to perform, and nails were produced at astonishing speed when the farmer- nailers were not busy with the harvest. A young man with determination and luck could prosper, and might hope to join the ranks of the "nailchapmen", the middlemen who formed the link between the nailmakers and their markets.<sup>6</sup>

George Guest of Thorpe Hesley was one of these ambitious young nailers, with two hearths and a smithy in 1672.<sup>7</sup> Some time in the mid 1670s he met Phyllis Burdett, they courted, and then they were married, while she was still in her teens. By this means, the young woman was able to escape both from her aunt's service and from her control, though this was very far from being the last which Margaret saw of her. Marriage was an occasion for rejoicing. On 25th December 1665 Samuel Pepys saw a wedding, and recorded his feelings afterwards in his diary:

*25th (Christmas Day) to church in the morning, and there saw a wedding in the church, which I have not seen many a day; and the young couple so merry with another, and strange to see what delight we married people have to see these poor fools decoyed into our condition, every man and woman gazing and smiling at them.*

This entry depicts the romantic side of marriage; but in the seventeenth century marriage was often a business transaction rather than a celebration of love, and it was always a relationship with serious legal consequences. So far as the Church and the Law were concerned, husband and wife became one person and that person was the husband, whom the wife had promised to obey and serve. Phyllis Burdett's views from now on were therefore bound to be heavily influenced by those of her husband George Guest.<sup>8</sup>

Phyllis's marriage meant that under the terms of her father's will she was now entitled to receive her late mother's linen, and a sum of £100. She did not have to wait until she was twenty-one, for her father had specified that both should become hers *when shee shall attaine & come to the Age of one & Twenty yeares or be married*. Phyllis Guest and her new husband were both determined that she should have both the linen and the money forthwith; but Margaret Crawshaw could not, or would not, agree. She had the linen, and the happy couple could have that; but she did not have the money to pay the £100, and moreover she did not even think she was obliged to pay it. She had sworn to pay the legacies left by her brother only *so far as his goods will extend* and, as

she was repeatedly to argue, there were no such goods remaining. Margaret could honestly say that the financial problems she had encountered as executrix had been created by Thomas Burdett, not by her; and after all she had virtually been mother and father to young Phyllis for eight years. She considered that she had followed her brother's wishes in spirit, even if she was unable to carry them out to the letter. Surely Phyllis would agree that this was so?

Phyllis Guest did not agree. She wanted what was hers by right, and she meant to have it. Shortly after her marriage Phyllis asked Margaret Crawshaw for her late mother's linen. Margaret would later argue that she had complied fully with this request. She protested that she had:

*really & truely delivered, or caused to be really & truely delivered unto Phillis Burdett alias Guest now wife of George Guest....or unto George Guest her husband, All such lynnings as was formerly her the said Phillis mother's, pursuant and accordinge to the tenor and effect of the last will and testament of the said Thomas Burdett deceased, Which said lynnings and every part thereof she the said Phillis & George Guest her now husband, both or one of them....did take & receive....and have severall times since before divers & sundry credible witnesses acknowledged the receipt of the same*

To this, Phyllis Guest gave the following reply:

*Margaret Crawshaw alias Walker did deliver.....certaine Linnen formerly belonging to her mother but the said Margaret kept back, and detayned divers parcells of her said Mother's wearing Linnen and other Linnen of considerable vallue...*

It was to avoid arguments like these that Thomas Burdett had directed that a note be drawn up, itemising his late wife's linen, and had requested that this note should be kept and handed to his daughter, when the linen itself was delivered to her; but this eminently sensible suggestion was made in vain. Either the list was never prepared, or else it was lost, for it was never mentioned by either party during the course of the litigation which ensued.

Putting the matter of the linen to one side, Phyllis asked her aunt for her legacy of £100. Margaret explained that she did not have the money, and as a result was not liable to pay it; but Phyllis and George Guest would not accept this. They had cause for suspicion, since Margaret had inherited the residue of Thomas Burdett's estate, including all the items which had been in his house and on his farm on the day of his death. When she failed to obtain satisfaction, Phyllis instructed her husband's attorneys to start court proceedings against her aunt. Those proceedings were duly begun in York, in the autumn of 1678.

1 In the Cause Papers relating to the case of Guest v Crawshaw in 1678-9, Margaret is simply described as living in the parish of Wath; but the will of John Crawshaw dated 22nd October 1669 refers to him as "of Thorpe in the parish of Wath": Borthwick wills. In 1672 Margaret Crawshaw paid hearth tax on three hearths in the township of Wentworth: Hearth Tax Book and Hearth Tax Returns. This evidence could point to the fact that Margaret went to live in Thomas Burdett's house when he died (or even that she was living there before he died); but it could equally well be that she lived in a house with the same number of hearths as her bother, which was also situated in Thorpe Hesley.

2 The practice of paying premiums for apprenticeships was enforced by the craft gilds, though not provided for in the Statute of Artificers. £5/2/-d was not an unusual amount to pay although a labourer's annual wage was only £3 or so: Pinchbeck and Hewitt pp 227, 236; Trevelyan vol 2 p 240(n).

3 In 1671 John Field the gardener of the Earl of Bedford at Woburn Abbey, paid £1/3/-d for cloth with which to make a suit and coat for one of his labourers and a further 4/- for making it up: Thomson p 245

4 The wearing of leather aprons suggests that Francis was possibly apprenticed to a cutler, for the cutlers were known as "apron-men" in the early seventeenth century: Hunter's Hallamshire p 332; but many other tradesmen must also have used leather aprons.

5 The merchant Aquila Dawson of Bawtry was importing whalebone in 1693-4: Hey, Packmen p 113.

6 For the lease of Tankersley Park see Hall, Incunabula p 181, and Chapters Two and Three above. For the iron industry and nailmaking see Hall, Incunabula Chapter 3; Hey, Rural Metalworkers; Hey, South Yorkshire; Andrews, Wortley Ironworks; Hey, Packmen p 127; and YAJ 34 p 329 et seq. Of 600 smithies in the Sheffield Region in 1672, one hundred were employed specifically in the making of nails. In the mid-seventeenth century, new technology was being introduced into the making of iron. The charcoal blast furnace which still survives at Rockley was built in 1652. The old- fashioned bloomery at Barnby was replaced by a new furnace in 1656. The forge at Wortley was also modernised in the years after the Civil War. The nailers remained apart and did not join the Cutlers' Company, founded in 1624.

7 Hey, Rural Metalworkers p 41; Hearth Tax Book p 80

8 The promise to obey and to serve was contained in The Form of Solemnization of Matrimony prescribed by the Book of Common Prayer, which was re-issued after the restoration of the Anglican Church, and made compulsory by the Act of Uniformity of 1662.

A True and Just Inventory of all and  
 singular his goods Chattels debts Credits  
 and other rights of Thomas Burdett  
 of Thorpochefley in the County of York  
 gentl lately deceased taken & viewed  
 appraised & Estimated the eighteenth  
 day of January in the eighteenth  
 year of our Sovereign Lord  
 Charles the Second of England &c.  
 Anno dñi 1666 by us Underwriters  
 and householders written

In the Hall house

Amoris his purse and apparell &c his 35 - 0 - 0  
 his 1 - 0 - 0  
 An one ringe a paire of tongs a pair  
 of tongs a dropping pan, gallow  
 baile & 2 workin hooke an Iron for  
 a. ad. in. in. on each side spits  
 An two gunns - 3 - 10 - 0  
 An a warming pan & priggs or shovels  
 and a fish pan  
 An a long table and six Buffett stools - 1 - 2 - 0  
 An four chairs a little 3 footed table a chest - 12 - 0  
 An 2 Iron chairs - 0 - 15 - 0  
 In the upper parlour  
 An a footed bed & 2 coverlets a paire of  
 Blankets a paire of sheets & a feather  
 bed & a flange bed & a fringed bed & 2  
 coverlets and a flange bed  
 An a cushion - 1 - 10 - 0  
 An a table 6 Buffett stools & 12  
 Spots or chairs about it - 2 - 05 - 0  
 An a desk a coverlet Buffett & 2 quillions - 5 - 0  
 An a mortar a pestle & a y of ganders  
 shovels - 3 - 5 - 0  
 In the Buttery  
 An a small cupboard a little a chest &c

Thomas Burdett's Probate Inventory

## CHAPTER TEN

### THE COURT AT YORK, 1678 - 1679

*Shall we have no lawyers?*

*There is no need of them, for there is to be no buying and selling; neither any need to expound laws, for the bare letter of the law shall be both judge and lawyer, trying every man's actions.*

from *The Law of Freedom*  
by Gerrard Winstanley (1609-1676)

*Then to Bow Church, to the Court of Arches, where a judge sits and his proctors about him in their habits, and their pleadings all in Latin.*

from *Pepys's Diary* for 4th February 1663

The church courts had been abolished, along with the Bishops, during the Civil War, and the radical thinkers of the Interregnum hoped they had seen the last of them; but those hopes were disappointed: there was an ecclesiastical restoration after 1660, as well as a political one and these courts were in full working order again by the time Phyllis Guest went to law in 1678. The chief ecclesiastical court dealing with disputes about wills and probate was the Exchequer Court; but because Phyllis's suit concerned an unpaid legacy, it was begun in the Consistory Court, the main business of which was tithes: of one hundred cases begun there in the Michaelmas term of 1661, sixty-four were concerned with tithes, and only ten with testamentary matters.<sup>1</sup>

The Consistory Court sat in York Minster, "in the void place" on the north side. It sat on one day of the week during the law terms - usually on a Thursday - and the sitting lasted from 9 a.m. to 11 a.m. only. Not surprisingly, some thought that the court's procedures were too slow and cumbersome; but, as we shall see, the case of Guest v Crawshaw took only a little more than a year, or four law terms, from beginning to end, which many would think acceptable for a civil case, even today. Other critics of the system attacked the obscurity of the proceedings: it was said that it

was practically impossible for the layman to understand what was going on; but again the arguments used in Guest v Crawshaw do not seem at all arcane, though the formal pleadings filed with the court were undoubtedly written in Latin.

Cases in all the church courts were conducted by specialist lawyers called proctors, of whom only eight were allowed to practise at any one time. Consequently, the business of those courts was virtually monopolised by certain "proctorial" families, who generally lived in York itself, notably the Parkers, the Squires, the Waddingtons and the Oateses; but the figure at the centre of this legal stage in the late seventeenth century was undoubtedly Judge Henry Watkinson. Watkinson combined so many judicial offices in his person that he has been described as an "ecclesiastical Pooh-Bah"! A Doctor of Laws, he was Commissary to the Dean and Chapter from 1665, the main surrogate in the Exchequer Court, Official to the Archdeacon of York and for the Hexham Peculiar Jurisdiction, Commissary of the Admiralty Court, Vicar General and Official Principal of the Consistory and Chancery Courts and ultimately Chancellor from 1673 until his death in 1712. He was clearly an extremely busy and industrious man and a respected figure in York society. His court was habitually referred to in legal documents as "Alma Curia" - the fair or bountiful court - and he himself was referred to as "Vir venerabilis" - a venerable man. These were perhaps more than just empty phrases when applied to Henry Watkinson, whose family arms and pedigree had been registered by the Norroy King of Arms, Sir William Dugdale, when he visited the City of York in March 1665.

Judge Watkinson's reputation, and that of the church courts in general, may have suffered somewhat as a result of an unfortunate incident which took place in 1675, involving his brother-in-law Jonathan Jennings and the church court Registrar George Aislaby. For on 10th January of that year Jennings and Aislaby fought a duel at Bootham Bar in York. The background to this was that Jennings had escorted a lady of gentle birth home to Aislaby's, after an entertainment at the Duke of Buckingham's house. On arriving at Aislaby's gates, the coachman found them locked. So Jennings took the lady home to Judge Watkinson's, where he lodged. Next day Jennings met Aislaby, and had words with him: he "told him it was hard that Sir John Mallery's daughter must wait at George Aislaby's gates and not be admitted." The explanation for the apparent snub was in fact perfectly simple - Aislaby's gatekeeper had in fact left his post to go to the Duke of Buckingham's, thinking that he had to collect the lady there, and had missed Jennings's coach coming in the other direction; but Aislaby evidently did not succeed in putting this explanation across in a manner which satisfied Jennings, who called him "the scum of the country."

Aislaby was not a man to leave an insult like this unavenged - he was reputed to have fought at least twelve duels previously - and he issued a challenge. The two men met on a Sunday, when other respectable citizens were in church. The fight swayed back and forth: at one point Aislaby had his opponent "in his power"; but

finally Jennings was the victor: he ran his sword through his opponent's right arm and, thinking that he had won the contest and had not injured the Registrar too severely, went home to Watkinson's, telling Aislaby's servants to fetch their master. Unhappily, the sword thrust to the right arm had cut so many veins that Aislaby "bled excessively" and died soon afterwards.

News of this tragedy was quickly brought to Judge Watkinson's house; and Jennings was so distraught when he heard it that he "was ready to tear the flesh off himself". Watkinson must also have been deeply shocked when he learned that this brother-in-law Jennings had killed his colleague Aislaby. The event affected him both personally and professionally, for news of the duel was widely reported. Specifically, it came to the attention of the nonconformist minister Oliver Heywood, who was a severe critic of Registrar Aislaby in particular and hostile to the church courts and the "Bishops' government" in general. Heywood duly noted Aislaby's death in his Event Book, as an example of God's punishment of the wicked, though Aislaby's family and friends arranged for him to be buried in York Minster, in keeping with his position in local society.<sup>2</sup>

Three years afterwards, it was the still august figure of Judge Henry Watkinson who presided over the Consistory Court in York Minster, when Phyllis Guest's case was begun there in the Michaelmas law term of 1678. Phyllis was represented by a member of one of the leading proctorial families, Robert Squire, and her opponent Margaret Crawshaw by another York worthy, Francis Parker. These men were so well-known to the clerk who recorded the proceedings that he referred to them in his notes of the case as "Sq" and "Par" respectively.

Phyllis's "Libel", or Statement of Claim, was entirely in Latin and contained eight main points.<sup>3</sup> The gist of her argument was that her father had been of sound mind when he made his will, that he had left her a legacy of £100 and that she ought to receive that sum because:

*all and singular the goods rights credits and chattels of the said deceased came into the hands and possession of the said Margaret Walker alias Crawshaw....and....the said goods rights and chattels....were and are sufficient to pay the debts of the said deceased and the legacies which the said will gives disposes and leaves*

Accordingly, Phyllis claimed her £100, together with interest on that sum and the costs of bringing the court case, made necessary by her aunt's obstinate refusal to do what was right.

In the following law term, on 6th January 1679<sup>4</sup>, Margaret Crawshaw replied to each of the points which her niece had made, and the Answers she gave were recorded in a mixture of Latin and English, curious to the modern ear. Margaret stated



that the goods and monies which had come into her possession were not in fact sufficient to pay the debts of the deceased and all the legacies he had given:

*Ad sextam posicionem respondendo credit* By way of reply to the sixth argument she believes that ....as for the legacy of one hundred pounds given unto her the said Phillis by the last will & testament of the said deceased She this Respondent hath not pd the same, because she is not bound by law thereunto as she believeth, *Et aliter non credit eandem posicionem esse veram in aliquo* °And otherwise she does not believe that there is any truth at all in that argument.

In February Margaret filed a copy of the probate inventory which she had deposited with the Rural Dean in 1667 and explained that, while she had been able to realise the goods and chattels listed in that inventory, she had had great difficulty in collecting the money which was owed by the debtors, particularly John Dyson, James Nixon, William Smith, Humphrey Smith and William Clarke. Phyllis then filed a second formal document, entitled *Posiciones adicionales sive declaratoria* [Additional or explanatory arguments], though it was mostly in English, commenting on the Answers given by Margaret. Phyllis and her lawyers had obviously spent some time researching the matter, and the points she now made were very detailed. She argued that:

1 Margaret's inventory was added up incorrectly: *ye Inventory of ye goods & chattels of ye sd Thomas Burdett ye Testator in this Cause mentioned, exhibited by ye sd Margaret Walker als Crawshaw & remaining upon Record in ye Exchequer Office of ye Lord Archbishop of York is falsely computed or sumed upp, for that after ye subtraction or deduction of ye pretended Debts therein mentioned as owing by ye sd Testator, which (if reall) amount to £75/13s/4d the Clear Estate or Residue is & doth amount unto ye sume of £384/10s/3d, as by ye sd Inventory, reference being thereunto had, & A Due Computation made, doth & will now more plainly appear...*

2 Certain assets had been left out of the inventory, which should have been included: *one Mrs Wordsworth was indebted to ye sd Testator att ye time of his death in ye sume of ten pounds, which debt is wholly omitted & left out of ye Inventory exhibited as aforesaid by ye sd Margt Walker als Crawshaw, And that ye sd Testator left att ye time of his death ye severall & respective purses of gold & silver hereafter mentioned all which are omitted & left out of ye Inventory exhibited as aforesaid & are of ye respective values hereafter sett downe vizt:*

	£	s	d
three 20/- purses of gold worth	3	10	00
One ten shillings purse of gold worth		11	6
two gold rings worth		2	0 0
two silver rings worth			6 8

*which said debt of ten pounds & ye severall purses of silver & gold, amounting in all to £16/18s/2d did since ye death of ye sd Testator come to ye Hands & possession of ye sd Margaret Walker als Crawshaw, & were received & disposed of by her, or att least she might have recd ye same if she soe pleased, so that ye sume of £16/18s/2d is to bee added to ye Inventory exhibited as above.*

3 The Inventory had mentioned some peas and some barley stored in Thomas Burdett's Old Barn, and valued in the sum of £5. Phyllis disagreed with this valuation: *the Pease stack & some Barley vallued in ye Inventory exhibited as aforesaid att £5 were really worth, & by judicious men apprized to, £5/10s.* Moreover, the inventory referred to a cow which Thomas had on his farm at Abdy, and which was valued at £2/13/4d. Phyllis said her father had two cows at Abdy, not one, and they were worth £4/6/8d: *And whereas in ye said Inventory mention is made of One Cow only vallued at £2/13s/4d, yett ye sd Testator left att ye time of his death two cows which did or might have come to ye hands of ye sd Margaret Walker als Crawshaw & were really worth, and by judicious men apprized to £4/6s/8d.* The conclusion was obvious: *Ten shillings on account of ye said Pease stack & Barley, & £1/13/4d on account of ye said two Cows are to be added to ye said Inventory & are to bee charged upon ye sd Executrix.*

Where had all these details come from? Could Phyllis really remember what was in her father's house and what was in his barns on the day he died? One would not have thought that a child of seven would pay much attention to a stack of peas and barley; but she may well have recalled that her father had two cows at Abdy: she may have gone there as a little girl to visit her brother Thomas while he was at school, and she may have remembered the animals she saw there.

Margaret dealt with her niece's criticisms as follows:

1 The inventory she now relied on was a true copy of the original prepared in 1667 by Hattersley, Ardsley, Elam and Birks, and filed in the Registry when she obtained probate. To prove this, she filed evidence by her own proctor Francis Parker, who said that he had compared the two. So, if there were any arithmetical errors in the inventory, she was not responsible for them and they had no relevance to the issues which had to be tried.<sup>6</sup>

2 It was true that the deceased had been owed £10 by Mrs Wordsworth, and that debt had not been included in the inventory; but this was of no importance because everyone knew that the debt *was then, and now is, altogether desperate; for that the said Mrs*

*Wordsworth dyed insolvent, and left noe estate behind her, to pay the said debt, or any part thereof.*<sup>7</sup>

3 With regard to the peas and the barley, she repeated that they were worth £5 and no more; and as to cows, she repeated that as far as she knew the inventory was correct - there had only been one..*the Pease Stack and Barley....vallued in the Inventory of the Goods of the deceased to the sume of five pounds, were then worth the said sume of five pounds and noe more; And this Respondent believeth, that the deceased...left att the time of his death only one cow, which is apprised in his the said deceased's Inventory to the sume of £2/13/4/d and was worth noe more.*

Having given her answers to the arguments made in Phyllis's "Libel", Margaret's proctor Francis Parker now filed a document containing a full statement of her side of the case, in the spring of 1679. In this, Margaret emphasised the difficulties she had experienced as executrix, the scale of the deceased's funeral and testamentary expenses, and the cost of looking after his children; and she produced an extremely detailed list of her expenses between 1667 and 1679, in the form of a Schedule of payments totalling £419/6/-d. The main argument which she asked the court to accept was as follows:

*Item ponit et allegat Again she argues and alleges, That by reason of the premises, the said Margaret Walker alias Crawshaw Executrix aforesaid, hath not assetts in her hands sufficient to pay the legacy in this Cause sued for, for that she hath paid since the death of the said deceased, for the just & true debts of the said deceased, for his funerall expenses, for the charges of the probate of his will, for the tuition of his children, for their maintenance & education, and severall other necessaries thereunto belonging, as much as the Goods Credits & Cattells of the said deceased which are comed to the hands and possession of her the said Margaret Walker als Crawshaw did or doth amount unto. Et ponit ut supra [And she argues as above].*

Margaret added that the position of young Francis Burdett the apprentice should also be considered:

*Item ponit et allegat, That the said Thomas Burdett the Testator in this Cause named did by his last will & testament (amongst other things) give & bequeath unto Francis Burdett his fourth and youngest sonne the sume of fifty pounds of currant money of England, to be paid unto him when he shall attaine to the age of one & twenty yeares, As by the last will & testament of the said deceased remaineing in the Registry of this Courte (to which reference beinge had more plainly doth & may appeare) And that the said Francis Burdett is not yet attained to his age of one and twenty yeares, and when he comes to that age, there will be noething remaineing to pay*

*the same; et ponit etc*

Margaret's defence closed with the following form of words:

*Item Quod de et super premissis omnibus et singulis fuit et est publica vox et fama in locis partis aliisque locis vicinis. °There was and is a public voice and rumour concerning each and every one of these matters in the places of that district and other neighbouring places.*

Clearly the affairs of Thomas Burdett and his family had become public knowledge in Thorpe Hesley and neighbouring villages. The family may have disliked this, but it was inevitable in a small community, and it at least meant that there were witnesses available to give evidence on the many points which were in dispute.

In the summer of 1679, at the start of the third law term since the case had begun, Phyllis Guest replied with her comments on the arguments deployed by her aunt. She had considered them carefully, particularly the contents of the Schedule of payments which Margaret had filed. Phyllis was forced to concede that the inventory filed in the proceedings was a true copy of the original probate inventory of 1667. She admitted too that some payments listed in her aunt's accounts had indeed been made - bread, meat, cheese, spiced-wine, ale, coffin, funeral sermon, probate fees - but she claimed that those payments had not been made out of funds which Margaret had accounted for, but *out of certaine moneys remaineing in the said deceased's house att the time of his death and not Inventaryed*. One of the payments in the Schedule was:

*Item paid to Mr Radcliffe the Lord Howard's Baliffe for  
an Heriott*

2 18 0

Phyllis admitted that her aunt had paid this heriot; but said that Margaret should not be given credit for this, for she had not told the whole story. The fact of the matter was that by feudal tradition the landlord had the right to seize a tenant's "best beast" after his death, in satisfaction of his right to a heriot.<sup>8</sup> On Thomas's death the bailiff Francis Ratcliffe had "challenged" the ox in question in pursuance of the Duke of Norfolk's customary rights, so Margaret Crawshaw had no choice but to pay what was due, in order to keep the animal. In so doing, she had successfully preserved the beast for the benefit of the estate, but then (according to Phyllis) she had failed to include the ox in the probate inventory at its true valuation, which was £6/10/-d: *she hath necessareily paid to the said Mr Radcliffe £2/18s for an Ox challenged by Lord Howard for an Herriott which Ox belonged to the said deceased, but is not Inventaried with his goods, and yett was and is really worth £6/10s.*

Turning her attention to other items in her aunt's accounts, Phyllis

asserted that her brother Benjamin had been paid only £50, not £60; that Gervase had been paid £46 not £50; and that her brother Thomas had been paid £21 *and noe more*. As to those entries in the accounts which related to herself, she conceded that it was true that her Aunt had bought her clothes when she was younger, but she pointed out that this was at a time when she had been the older woman's drudge: *And this Respondent further believes that she paid for stufte gownes and other clothes for this Respondent when she lived as servant with her & did her work without wages*. Finally, it was no defence to say that there was no money left to pay young Francis Burdett what was due to him: Margaret ought to pay his legacy as well, and quickly, since: *the said Francis is now one and twenty yeares of age or thereabouts*.<sup>9</sup>

Doubt had now been cast on many of the arguments which Margaret Crawshaw had put, and in particular on the figures set out in her accounts. Margaret had to do what she could to dispel these doubts, and with this end in view, she produced several witnesses in support of her case. The first and most important of these witnesses was Thomas Burdett's nephew, Francis Burdett of Woolley in the parish of Silkstone. He had been a witness to, and supervisor of, Thomas's will, and had put his name to the administration bond of 1667. He was usually referred to as a "gentleman"; and his standing in the community is demonstrated by the fact that on 22nd January 1667 he had been appointed one of the chief constables for the wapentake of Staincross.

Mr Francis Burdett travelled to York and gave his evidence on 25th September 1679. He started by saying that he was now forty-four and had known his aunt Margaret Crawshaw for thirty years, and his cousin Phyllis Guest for twelve years or more, that he was well acquainted with the business in hand, and had acted in particular as a witness to various deeds which had been produced to the court as exhibits in the case: *All which this deponent is the better enabled to depose for that he was nephew to the deceased and very well acquainted with him & his concerns & an apprizor of his goods & an overseer of his will & privy to much of his business & concerns & alsoe to many concerns of his Executrix*.

Francis gave evidence that Margaret had paid Henry Ardsley the sum of £59/19/-d, Elizabeth Morton (formerly Hownfield) of Dore the sum of £36/9/-d, and the Barnsley solicitor Mr Taylor the sum of £3/5/-d. He also testified that she had paid the deceased's three sons, Benjamin, Gervase and Thomas junior their legacies. In each case Francis said that he had seen his cousins sign an "acquittance" for the sum in question. He also confirmed that Margaret had paid William Henn of Rotherham £5/2/-d, when his cousin Francis had become an apprentice. When cross-examined<sup>10</sup> Francis added further details. He explained the ways in which Benjamin Gervase and Thomas junior had been paid what was due to them:

*...Benjamin Burdett received of Margaret Crawshaw in Money and goods the sume of sixty*

*pounds for his portion before he gave the release or discharge in this cause exhibited & this deponent remembers hee had about three pounds in goods & the rest in money, And that the said Margaret paid six pounds for binding Gervase Burdet an Apprentice & paid him forty pounds in money and by bond and four pounds was satisfied him by accompts made between him & the said Margaret before the release or discharge exhibited given, And to Thomas Burdet she (by this deponent) paid fifty shillings also by herselfe in money at one entire payment about twenty pounds and he had from her a bed and some furniture but at what rate this deponent knows not but shee satisfied him for the rest of his portion before the release exhibited was given.....*

We shall return to Francis Burdett of Silkstone. Meanwhile, the next witness was Thomas Barnsley junior of Kimberworth Parkgate, a farm about a mile from Thorpe. He was a yeoman who was thirty-two years of age. It is likely that he or his father were the same "Mr. Barnsley" as had paid hearth tax in 1672 on five hearths in Kimberworth township, so his family was of some substance and importance in the area. He and his father often witnessed local wills and deeds, and Thomas Barnsley junior could certainly read and write. He had a fine signature and was known locally as a scrivener. He testified that he had known Margaret Crawshaw nine or ten years, and Phyllis Guest about twelve. He confirmed that he *was present & heard William Henn confess he received five pounds of widdow Crawshaw for taking Francis Burdett apprentice and this deponent saw him give the receipt for the same which is exhibited in this cause.* He also said that he was present when Thomas Burdett junior signed a receipt in relation to his legacy, and also when Elizabeth Ardsley had been paid the money owed to her late husband Henry: *And hee this deponent was also present and saw Elizabeth Ardsley signe seale and as her act & deed deliver the Release or discharge in this cause exhibited whereto her mark is subscribed.*

Barnsley was able to confirm that these three - William Henn, Thomas Burdett junior and Elizabeth Ardsley - had signed the three receipts he referred to, because he had not only witnessed their signatures on those deeds, but had actually been the scrivener who had prepared the documents in question: *which this deponent thereto deposes for that he findes his own name subscribed to the said receipt & the said severall Releases aforesaid, set to by himselfe at the respective times of sealing or making the same which receipts and releases are of this deponent's owne hand writing.* Writing was obviously Thomas Barnsley's speciality: he also gave evidence that he was acquainted with the handwriting of the deceased's solicitor, Mr Taylor of Barnsley. He was in a position to confirm that it was Taylor who had signed a receipt for the sum of £3/5/-d and therefore that Margaret had discharged her late brother's legal bills, as she claimed to have done: *And this deponent was acquainted with the handwriting of Mr Taylor mentioned in the sd Schedule & has seen a note mentioning his receipt of three pounds five shillings which this deponent believeth was subscribed by him the sd Mr Taylor et altera nescit deponere [and he cannot add any further].*

Elizabeth Ardsley was the next witness to be sworn. Henry Ardsley had died and she was now a widow, living at Almholme in the parish of Arksey near Doncaster.<sup>11</sup> She declared she had known Margaret for about thirteen years, and Phyllis for the same period. She confirmed that Thomas Burdett had owed her late husband about £60 pounds and that Margaret had indeed settled that debt: *Thomas Burdet deceased at the time of his death was indebted to Henry Ardsley this deponent's late husband almost three score pounds, and she the now defendant after the death of the said Thomas Burdett paid the said debt to this deponent's said husband but she cannot depose to the particular sume but says it was almost three score pounds.* There seems to be a contradiction here between the evidence of Thomas Barnsley and Elizabeth Ardsley. The former had stated that the sum of £60 was paid to Elizabeth Ardsley herself, whereas Elizabeth testified that the money was paid to her husband. Perhaps the explanation for this is that Elizabeth Ardsley's memory was fading: she was now sixty, and it was more than ten years since Thomas Burdett had died.

The next person to give evidence was Elizabeth Morton (formerly Hownfield) of Dore, in the parish of Dronfield in Derbyshire. She was now fifty-nine years of age, and she too was a widow. She explained that she had known both parties in the case for about twelve years. She said that the deceased had owed her husband John Morton £30 upon bond, and that Margaret had paid him what was due, including an amount for interest, but again this witness's memory was not perfect: *Thomas Burdett at the time of his death was and stood indebted to this deponent and her husband John Morton in the said schedule mentioned the sume of Thirty Pounds principall money upon Bond besides interest, and after he the said Thomas Burdetts death the defendants then husband John Crawshaw paid to this deponents husband the said debt together with the interest due for the same But how much the interest amounted to this deponent knows not nor can she now remember.*

The last witness was Thomas Hattersley of Greasborough, one of the four valuers of 1667. He was now sixty and had known Margaret for fifteen years, and Phyllis from her childhood (*ab infantia sua*). He explained the somewhat complicated dealings between Thomas Burdett, Robert Laverack and Mrs Wordsworth, and Margaret Crawshaw's part in the affair after 1667. Thomas could give evidence on this subject because he had been present when Margaret had finally settled the matter:

*Thomas Burdet deceased at the time of his death was indebted to Robert Laverack in twenty pounds upon bond as suerty for one Mrs Wordsworth which was principall money besides interest And after Thomas Burdetts death the defendant was sued for it and did pay the said twenty pounds & alsoe the interest due for the same which amounted to three pounds or thereabouts which this deponent the better remembers for that he was present when the said*

*sume was paid tho' it was paid at severall payments & the bond was delivered in to bee cancelled*

As we have seen, Thomas Hattersley was also in a position to throw light on the manner in which Margaret Crawshaw had paid Benjamin Burdett his legacy, for he had actually witnessed the deed of release, or receipt, which Benjamin sealed on that occasion. In the same way, he had witnessed the receipt which the second son Gervase had sealed, and he was able to give relevant evidence about that incident, and to reply to the written Interrogatories which were administered to him by way of cross-examination.

All these witnesses, Francis Burdett of Silkstone, Thomas Barnsley, Elizabeth Ardsley, Elizabeth Morton and Thomas Hattersley had given their evidence for Margaret Crawshaw. There is no record of any witnesses being called for Phyllis Guest; but in one sense her case spoke for itself: she was claiming that she had been left a legacy and that she had not received it; and these facts did not need to be proved, for they were admitted. It was really for her opponent to show that there were circumstances which justified her in not paying that legacy. The arguments in the case of Guest v Crawshaw had now been presented to the Consistory Court, and all the available witnesses had given their evidence. The proceedings thus far had taken no more than the usual amount of time allowed for this type of case; and it seemed that all that remained was for the judge to give his verdict.

And then an unexpected development occurred.

1 Ritchie pp 16-17; Marchant p 63; Till p 83. The other cases begun in 1661 were concerned with defamation (eleven) and matrimonial problems (four).

2 For the church courts see Till. For the duel see "The Rev. Oliver Heywood. His Autobiography Diaries Anecdote and Events Books." ed J.Horsfall Turner Brighouse 1882 vol 3 pp 209-211; and for the relationship between Watkinson and Jennings see Clay vol I p 9. Aislaby was a Royalist in his youth and was fined £35 as a result: YAS XX p 30.

3 During the Interregnum it was enacted that all court proceedings should be in English, but Latin crept back with the Restoration and was only replaced by English in the eighteenth century. Latin was used in part in the pleadings and exclusively in the Court Books. The Consistory Court Books for 1678-9 have survived. There are no Proctors' Abstract Books for 1678-9.

4 See Note on Currency and Dates below as to the calendar.

5 It was difficult to know whether coins or items of jewellery belonging to a deceased person had gone missing, and allegations of misappropriation were common. For example, after the death of Francis Burdett II of Birthwaite in 1637 it was claimed that the following items had been omitted from his Inventory: "One Nuggett and Curkanett of rubies and diamonds, a diamond ring and a ruby ring, one pair of bracelets of pearl, one gould ring, one jewell": Cliffe p



109.

6 The Inventory was added up incorrectly. This often happened when such inventories were prepared, because the men who drew them up frequently had little education. See Steer, Essex Inventories, Introduction.

7 Curiously, Margaret did not specifically reply to the point about the gold and silver allegedly in the deceased's house at the time of his death.

8 "Heriot" was originally an Anglo-Saxon custom, whereby an heir was obliged to return his father's military gear to his lord. After 1066 the custom was superseded by the delivery to the lord of the deceased's best beast. Eventually a simple money payment was made: Richardson p 32. Richard Elmhirst of Hound Hill had two oxen seized by the Manor Court of Worsborough in 1622: Elmhirst p 40

9 Margaret and Phyllis could not even agree as to just how old young Francis Burdett was! Even Phyllis, his own sister, said he was 21 "or thereabouts". Birth certificates were not available and it was difficult to be sure about such matters without referring to Parish Registers.

10 There was no oral cross-examination as we know it, but witnesses did have to answer written questions known as Interrogatories. For procedure see Ritchie; Till pp 130-1; and "The Medieval Courts of the York Minster Peculiar", Sandra Brown, Borthwick Paper no 66 pp 19-23.

11 The hamlet of Almholme retains its primaeval character, though overshadowed by Thorpe Marsh power station. It is a tiny collection of buildings in the flat country to the north of Doncaster, near the River Don. The word "holme" or "holmes" was originally a term for low-lying pasture land near water: Hunter's South Yorkshire vol I p 323.



Hesley Hall, the home of Humphrey Northall



## CHAPTER ELEVEN

### A PLOT AND A JUDGEMENT, 1679

*This Plot, which failed for want of common sense,  
Had yet a deep and dangerous consequence:  
For, as when raging fevers boil the blood,  
The standing lake soon floats into a flood,  
And every hostile humour, which before  
Slept quiet in its channels, bubbles o'er;  
So several factions from this first ferment  
Woke up to foam and threat the government.*

*from Absalom and Achitophel  
by John Dryden (1631-1700)*

*I went to York, where I caused a monument to be erected for my wife's father in Coney Street Church: an eminent man of the law in his time, and ever reputed a very honest lawyer, which is not very usual...*

*from Reresby, entry for 22nd August 1681*

The word "plot" was often on men's lips in the early 1660s.<sup>1</sup> Many of the conspiracies which occurred were the work of disaffected Puritans and Republicans who were determined to overthrow the restored monarchy - they included White's Plot of 1660, Venner's Rising and the Wildman Plot of 1661, the Tonge Plot of 1662, the Yorkshire (or Farnley Wood) Plot of 1663 and the Danvers Plot of 1665. Then came the Great Fire of London, which was thought by many to have been deliberately started by

Roman Catholic fanatics, acting in the tradition of Guy Fawkes. Officially, the Privy Council dismissed this view, concluding that "nothing had been found to argue that the fire in London to have been caused by other than the hand of God, a great wind and a very dry season"; but this explanation did not even convince the House of Commons, let alone the London mob. Rumours of Catholic plots persisted throughout the 1660s and 1670s, and were fed by the revelation in 1673 that King Charles's own brother James, the Duke of York, was a Roman Catholic. Many Protestants found this extremely alarming, since the King had no legitimate children, and James was the heir to the throne.

Then, in the autumn of 1678, a group of perjurers, led by Titus Oates, began to reveal details of what they alleged was a widespread conspiracy, to assassinate Charles II, put the Duke of York on the throne, and extirpate the Protestant religion. The evidence which Oates and his colleagues gave convinced many people and caused widespread panic; and the supposed existence of this so-called "Popish Plot" eventually led to a constitutional crisis, when successive Parliaments tried to pass legislation to exclude the King's brother from the succession. In the popular imagination, the Great Fire of London and the Popish Plot became linked, and at the height of the crisis, the Fire Monument in the City (which users of the London Underground will recall as "Monument for Bank") was engraved with two additional inscriptions, one of them stating baldly that "the City of London was burnt and consumed with fire by the treachery and malice of the Papists in September in the year of our Lord 1666", and the other warning darkly: "But Popish frenzy, which wrought such horrors, is not yet quenched."<sup>2</sup>

London was not the only centre of alarming events. In the far north James Sharp, Archbishop of St. Andrews and primate of all Scotland, was murdered in May 1679, and the oppressed Presbyterian Covenanters rose in rebellion. News of their rising reached Rotherham, where one William Mandeville openly declared: "If there bee forty thousand men upp in Scotland they will beat all England. Though the Duke of Monmouth bee gone downe to suppress them, its thought hee is gone to take their and the Kirke's part. I dare not whistle treason, but I know what I thinke. I hope to see the Church downe and the preists buried in their surplices; for I know noe good they do, but are a great charge to the parish in washing them."<sup>3</sup> In Yorkshire two servants of Sir Thomas Gascoigne of Barnburgh laid false information against him, saying that he had bound them in "the Papists' Bloody Oath of Secrecy", although it is difficult to see how they hoped to be believed, when Gascoigne was eighty-five, lame and half-blind. Nevertheless, Sir Thomas was brought to London to be charged with treason - the first time he had been south of the Trent for thirty years.<sup>4</sup> By the autumn of 1679 the atmosphere was highly charged. Plots and rumours of plots were rife. Francis Burdett of Silkstone even came to think that there was a plot afoot in York, underlying the case

of Guest v Crawshaw.

Francis had chosen to give evidence on behalf of Margaret Crawshaw, as we have seen; but he had his own position to consider as well. He was not simply a disinterested observer of the conflict between his cousin and his aunt. He had joined Margaret in entering into the bond of 1667, guaranteeing that the estate of Thomas Burdett would be administered properly and according to law. The existence of this bond meant that if any irregularities were found to have occurred, either Margaret or Francis might be called upon to make good the deficit. In particular, it meant that if Margaret did not pay Phyllis what was due to her, then Francis might be called upon to do so. Francis thought long and hard about this situation. Phyllis was clearly determined to have her legacy. Margaret was equally resolute in resisting that claim. £100 was a substantial sum, the equivalent of many thousands of pounds today. Francis was therefore in some jeopardy. The more he thought about it, the more intolerable his position seemed. Why should he have to pay, when he had been neither the executor of the will, nor a beneficiary under it? Margaret Crawshaw had been both executrix and beneficiary. If anyone had to use their own money to satisfy young Phyllis, it should be Margaret, not he.

Eventually, a strange idea formed in Francis Burdett's mind. He did not simply decide that his aunt Margaret had failed in her duty as an executrix. He came to a much more sinister conclusion. This was that the entire case in the Consistory Court had been fabricated by Margaret and Phyllis between them, in such a way as to penalise him. He decided that they were in cahoots and had agreed that Phyllis would sue for her legacy: that Margaret would defend the action on the basis that there was no money left in the estate, and that she had none of her own; and the outcome would be that Francis would be made to pay, because of the guarantee he had given in 1667. Let Francis Burdett pay - was he not a gentleman, with two houses and nine hearths assessed to the hearth tax? Having reached this conclusion, Francis decided that he was not going to stand idly by. He instructed his lawyers to intervene in the case; and an "Allegation" was duly filed on his behalf, in the autumn of 1679. In that Allegation, Francis pleaded that Margaret Crawshaw could easily afford to pay Phyllis's legacy personally, if required to do so.

*[she] hath a considerable personal Estate worth the sume of £500 £400 £300 £200 or £100 at the least, besides severall sumes of money which she hath lett or put out into her own name, or in some other persons names intrusted for her, and receiveth interest & consideration for the same*<sup>5</sup>

Furthermore, according to Francis, Margaret *hath promised or offered to give her daughter a portion in marriage farr exceeding the legacie left to the said Phyllis Guest alias Burdett by the*

*last will and Testament of the said deceased.*

So Margaret was certainly in a position to find the sum of £100, and Francis hinted, in a rather unpleasant turn of phrase, at what might happen, if she did not do so: *the said Margaret is able & sufficient to pay unto the said Phillis Guest the legacie due unto her, and questionless will pay the same, rather than suffer imprisonment for it.*<sup>6</sup> Francis then stated his conspiracy theory in plain language:

*there is a contrivance made, and plott laid between the said Margaret & the said Phillis Guest to get the bond aforesaid delivered out, that thereby the said Margaret Crawshaw might be excused from paying the said Phillis Guest her legacie, and to inflict the penalty thereof upon the said Francis Burdett.*

Francis even claimed that the alleged conspirators had been overheard talking to each other, since the case had begun in York, in terms which confirmed his theory: *And so much the said Margaret & Phillis or the one of them have confessed before divers & sundry credible Witnesses before & since the beginning of this suite.* In view of these suspicious circumstances, Francis naturally regarded the entire case of Guest v Crawshaw as a sham, and an abuse of the process of the court. He submitted that the proceedings should not be allowed to continue and that the whole matter should be transferred from the ecclesiastical to the secular court. At any rate, he wanted to hear no more of the present claim; and he demanded justice:

*Whereupon this party seeks that the said Francis Burdett should be finally released and determined to be relieved of and from all further annoyance interference and trouble from the said Phylis Guest by virtue of this case and that this case should be dismissed and that his costs should be paid and that this Allegation be admitted.*

The Court did not see the matter in the same light as Francis Burdett of Silkstone. The judge must have concluded that Francis's conspiracy theory was too fantastic to be worthy of belief; and there is even some evidence that his behaviour was looked upon as so extraordinary, that he was held to be in contempt of court: an entry in the Court Book for 30th October 1679 refers to him as "contumax testis" °a contumacious witness§. Accordingly, Francis's request that Guest v Crawshaw should be transferred to the secular court was not granted, and instead, it proceeded to judgement in the Consistory Court, on Thursday 20th November 1679.

The venerable Henry Watkinson's judgement was delivered entirely in Latin. It was a verbose piece of work, but the verdict which it contained was unequivocal:

*In the name of God Amen*

*Since the circumstances and merits of a certain Cause or business deputed of a legacy have been heard, seen and understood and fully and appropriately investigated by us Henry Watkinson Doctor of Laws established lawfully as principal officer of the bountiful Consistory Court of York Which was lately pending and still is pending and remains undecided before us in judgement between Philis Burdett otherwise Guest now the wife of George Guest, the plaintiff on the one part, and Margaret Walker otherwise Crawshaw the Executrix of the testament or last will of Thomas Burdett late of Thorphesley in the Chapelry of Wentworth in the diocese of York the accused party and defendant on the other part, since a writ has been presented by the said plaintiff, with a copy of the same delivered to the defendant in these words*

*"In the name of God Amen"*

*Before us etc.,we consider and wish to have before us for consideration this writ which has been truly read here, and, with all and singular the statements which ought by law to be regarded in this respect, and with a fixed date having been assigned judicially by us for the purpose of hearing our definitive Sentence to be conveyed to the parties aforesaid in the said Cause, and with the fixed date itself arriving upon the parties aforesaid as well, the plaintiff, namely, represented by master Robert Squire, and the accused and defendant represented indeed by master Francis Parker, notaries public, their respective proctors lawfully appointed Before us meeting in the place of the Consistory within the Cathedral and metropolitan church of Saint Peter of York judicially and publicly sitting as a tribunal and demanding the sentence to be issued and justice to be done immediately by us, and with the whole and complete process of the action having been first investigated, considered and carried out and diligently reviewed by us in the said Cause or business, and also with the grace of the holy spirit called upon and with timely deliberation obtained in advance,<sup>7</sup> of and with the advice of legal experts with whom we have communicated in this regard, in order to pass our definitive Sentence in this Cause, we have thus caused pronouncement of sentence to be declared and we proceed in this manner which follows*

*In the name of God Amen*

*Because through the acts enacted, deduced, put forward, exhibited, alleged, told, proved and made known in the Cause mentioned, we have clearly found and we pronounce that the said plaintiff has established and proved her intention related and put forward in her said writ, sufficiently and fully as far as the things which follow on are concerned, and that nothing*

*effectual ["nihilque effectuale"] on the part and by the part of the said defendant has been and was alleged and proved in this cause which might destroy or in any manner at all weaken the argument of the said plaintiff, Therefore we Henry Watkinson, doctor of law, the aforesaid Judge, do sentence the aforesaid Margaret Walker otherwise Crawshaw in regard to the legacy or sum of one hundred Pounds of Lawful Money of England given, left and disposed by the testament or last will of the said Thomas Burdett deceased to the same Philis Burdett otherwise Guest according to the revelations and lawful proofs made in this regard, and also in regard to the Expenses incurred and lawfully arising in a Cause of this type on the part and by the part of the said Philis Burdet otherwise Guest, and, in order that the due and effectual payment of both the legacy aforesaid and of the Expenses aforesaid to the part of the same Philis Burdett otherwise Guest will be made according to ecclesiastical law, we pronounce, resolve and declare by this our definitive Sentence or this our final decree which we have made or which we publish in this written judgement, that it will be so, reserving indeed the assessment of the expenses of such a kind to ourselves or to any other competent judge whomsoever in this regard in just the same way as we also reserve it in this written judgement.*<sup>8</sup>

So Phyllis Guest had won her case. We will never know precisely why. Perhaps her lawyer argued more persuasively than Margaret's when the final speeches were made - Squire may have got the better of Parker on this occasion. Alternatively, the court may have been unimpressed by Margaret's witnesses: Francis Burdett of Silkstone's volte-face towards the end of the proceedings can hardly have helped the defendant's case. Or perhaps the judge was influenced by considerations of public policy - that it would set a bad example to allow an executor to avoid liability for the payment of a legacy clearly given by the deceased's will; but all this is guesswork, since the judge did not give the reasons for his judgement. At the end of the day, the decision as to which side should prevail was Henry Watkinson's, and his alone; and it is difficult to criticise that decision, after three hundred years, especially when the body of canon law, and the system of procedure, with which the judge was familiar, have not been used since the nineteenth century<sup>9</sup>. Watkinson was a professional lawyer and an eminent judge. He had listened to all the arguments and seen all the witnesses; and he at any rate seems to have entertained no doubts about the case, since he clearly stated that he found nothing convincing (*nihilque effectuale*) in Margaret Crawshaw's arguments.

Even so, it is difficult not to sympathise with Margaret Crawshaw. She must have felt a degree of bitterness when this judgement was delivered, and must surely have concluded that she had received small thanks for all the work she had done and the trouble she had experienced in the administration of her late brother's estate, and no recognition at all for the part she had played in bringing up his infant children.



Margaret's resentment may well have been increased by having to pay a further legacy, after this judgement was delivered. The progress of the case in York would doubtless have been watched with interest by Thomas Burdett's youngest son Francis; and Judge Watkinson's final judgement would certainly not have gone unnoticed. Young Francis was now twenty-one, his seven year apprenticeship had come to an end, and a legacy of £50 would be more than welcome. The young man's claim depended on the outcome of Guest v Crawshaw, and we have seen that any arguments which his aunt might have used to resist that claim had been utterly demolished. So it is likely that Margaret now had to find a further £50 with which to pay her nephew, in addition to £100 for her niece, and the costs of the court proceedings.

The judgement of November 1679 was handed down only a few days before Advent, when Christians began to look forward to Christmas. The mood which prevailed in two particular Christian households in the village of Thorpe Hesley, as that season approached, can be imagined. In Phyllis Guest's home, there was good cause for celebration: she was just twenty, and she had her whole life in front of her. She had won a famous victory. In Margaret Crawshaw's homestead, there was very little reason to feel goodwill towards men: Margaret was no longer young, she was a widow, and she was now feeling the full effects of the reverse which she had suffered, as the lawyers's bills arrived and the true cost of her defeat was finally counted. In December she may also have reflected on the fact that thirteen years had now passed since her brother had died. It was an unlucky anniversary for her, and she must have rued the day when she had agreed to become the executrix of Thomas Burdett of Thorpe Hesley.<sup>10</sup>

1 Briggs p 149.

2 These inscriptions inspired Pope to write the following lines:

*Where London's column pointing at the skies,  
Like a tall bully, lifts the head, and lies.*

The two anti-Catholic inscriptions were obliterated and removed soon after the accession of James II in 1685. They were restored by order of the Court of Common Council on 16th September 1689, after the accession of William and Mary; and finally removed by the same authority, in 1830, following Catholic Emancipation: "A Guide to the Monument", City Lands Committee of the Corporation of London 1957.

3 Surtees XL p 239 (June 17th 1679). Mandeville was convicted at York of using seditious words.

4 For the case of Sir Thomas Gascoigne, see Kenyon.

5 The reason for putting forward several figures was presumably to keep one's options open, so

that if the court was not satisfied that Margaret had £500, it might accept that she had £400, and if not £400, then £300, and so on. This is known nowadays as "pleading in the alternative".

6 There was a certain irony in the fact that Margaret was now threatened with imprisonment, since she had seen to it that William Smith of Thorpe Hesley was thrown into gaol, some years earlier: see Chapter Seven above.

7 This was a spiritual court, so there was nothing extraordinary about invoking the Holy Ghost. For contemporary beliefs that life was not a lottery, but reflected the working-out of God's purposes see Thomas, Religion, Chapter Four.

8 Translation made by Mr Stephen J. Whittle of Wakefield.

9 The ecclesiastical courts retained their jurisdiction to make grants of probate and letters of administration until the Court of Probate Act of 1857.

10 For another Thorpe Hesley will made in 1645, see that of Thomas Smith the elder: SCL SC 32. For a Rotherham will made in 1653 see Sitwell, Chapter XI. For a really complex dispute see the will of Sir Francis Wortley the Younger, made in 1665: Hunter's South Yorkshire vol II pp 319- 20. For Richard Elmhirst's problems following his father's death see Elmhirst p 40 et seq. See also THAS vol 3 pp 97-8 for the will of John Addy, the parish clerk of Wath-upon-Dearne, and the law of inheritance in force in Yorkshire at this time.



Guest v Crawshaw: signatures



The Schoolhouse at Wath



A Schoolgirl in 1667

## CHAPTER TWELVE

### *A FINE AND PRIVATE PLACE, 1679 - 1699*

*The grave's a fine and private place,  
But none, I think do there embrace.  
Now therefore, while the youthful hue  
Sits on thy skin like morning dew,  
And while thy willing soul transpires  
At every pore with instant fires,  
Now let us sport us while we may...*

from *To His Coy Mistress*  
by Andrew Marvell (1621-1678)

*You that are Young, and do pass by  
I was Young, and here must lie  
My Marriage Bed, is in the Dust  
Yet Hopes to Rise, among the Just.*

inscription on the tombstone of Mary Hardy  
(died 13th February 1768 aged 26)  
in Wentworth Old Churchyard

Too many innocent men lost their lives as a result of the Popish Plot, including the Duke of Norfolk's uncle, Viscount Stafford, who was found guilty of treason and beheaded; but not all those who were falsely accused suffered the same fate: Sir Thomas Gascoigne of Barnburgh, who had been brought to London in November 1679, had the sense to demand trial by a Yorkshire jury. He was sent back to York Assizes, where he was tried and acquitted, when several Protestant Yorkshiremen rallied to his cause, and gave evidence on his behalf. Eventually, the Popish Plot was exposed for the monstrous

fraud that it undoubtedly was; and the attempt to exclude the Duke of York from the throne failed. James duly succeeded his brother, when Charles II died in 1685; but the favours which he conferred on his fellow Roman Catholics soon provoked a further reaction, and he was replaced by his daughter Mary and her husband William of Orange, as a result of the "Glorious Revolution" of 1688, one of the first results of which was that the widely-detested Hearth Tax was abolished.<sup>1</sup>

Thomas Burdett's landlord, Henry Howard, finally became Duke of Norfolk on the death of his mad brother Thomas, in 1678. Soon afterwards, Henry married his mistress, Jane Bickerton, much to the annoyance of John Evelyn, who described her as "that idle creature and common". This second marriage was also strongly disapproved of by the Duke's children, who were afraid for their inheritances - and rightly so, for he greatly impoverished his family by the lavish bequests which he made to Jane. Henry kept a low profile during the panic engendered by the Popish Plot, and escaped unscathed, despite his Roman Catholicism. He died in 1684 at the age of fifty-five, and was buried at Arundel in Sussex, though his heart was deposited in the convent of St. Elizabeth at Bruges. He was succeeded by his son Henry, known as "the Protestant Duke"; his steward, Francis Ratcliffe, who had harried the Burdetts by claiming their "best beast" as his master's heriot, died in 1685; and his wife, the former Jane Bickerton, died in 1693, her bowels being buried in the chancel of the parish church at Rotherham.<sup>2</sup>

In Wentworth the 2nd Earl of Strafford spent £700, in rebuilding the chapel where Thomas Burdett's funeral had taken place. He also erected the memorials to his father, which still survive there. Unfortunately for him, the Earl's deer-parks continued to suffer from the unwanted attentions of local poachers: Elizabeth Clarke of Hoyland was prosecuted at Rotherham Quarter Sessions on 21st July 1685 for taking a deer "out of the park of William Earl of Strafford"; but a far greater calamity occurred in Strafford's life, shortly afterwards. In December 1685, "to the unexpressible griefe of her afflicted husband", his beloved wife Henrietta Maria died, of "a spotted fever". She was buried in York Minster, amidst scenes of disgraceful rioting, which included a running battle in the nave between the soldiers of the Governor of York, Sir John Reresby, and the mob, which tried to steal the escutcheons and trappings from the Countess's funeral bier. Strafford thereafter composed a lovely tribute to her, and had it inscribed in stone in Wentworth chapel, where it remains to this day.

Strafford survived his beloved wife by ten years, and when he died, he too was buried in York Minster, despite the unfortunate events at Henrietta's funeral. The Earl had no issue and on his death his estates descended to his nephew Thomas Watson, who was the son of one of those sisters who had caused Strafford such great expense in the 1640s, by living in style at Wentworth Woodhouse, whilst he was abroad.<sup>3</sup>

Francis Burdett of Silkstone devoted himself to farming and the development of a tanning business, which he carried on at his main residence at Woolley, despite the terrible smell which it created. Tanning was an important industry in an age when leather was an indispensable material, required for making clothes, shoes, saddles, harnesses, horse-collars, bags and bottles, and was especially important in Yorkshire, where the demand was so great that hides were even imported from other parts of the country.<sup>4</sup>

Francis's tannery was a thriving concern. By the time he died in 1691, he had amassed total personal wealth amounting to some £649. He owned six farms in South Yorkshire, at Woolley, Worsborough Dale, Penistone, Wentworth, Grenoside and Wadsley.<sup>5</sup> His main residence at Woolley had eighteen rooms, excluding the "Stairshead":

<i>Hall</i>	<i>Old Buttery Chamber</i>
<i>Dineing Roome</i>	<i>Kitching Chamber</i>
<i>Parlour</i>	<i>Middle Chamber</i>
<i>Painted Chamber</i>	<i>Fare Chamber</i>
<i>Closett next dyneing Roome</i>	<i>Buttery</i>
<i>Rubd Chamber</i>	<i>Sellar</i>
<i>Buttery Chamber</i>	<i>Kitching</i>
<i>Nursery Chamber</i>	<i>Milkehouse</i>
<i>Maids Chamber</i>	<i>Old Buttery</i>

The above list does not include the barns, nor the outbuildings:

<i>Brew house</i>	<i>Garner</i>
<i>Oven house</i>	<i>Malt chamber</i>
<i>Ware house</i>	<i>Kilne</i>
<i>Servant chamber</i>	<i>Tan house</i>

Francis's prosperity can be judged by the fact that he clearly had rooms specially reserved for male and female servants (though these were probably farm labourers rather than house-servants) and that some of his rooms were decorated. The contents of his home were equally indicative of material success, for he had luxury goods, including French tables, looking glasses, window curtains in several rooms and a collection of silverware worth £10: *Two Silver Tankerds 18 Silver Spoons one Silver bowl one Tipt bowl two Silver cups.*

In addition, Francis had farm stock which was worth more than £150 and substantial stocks of leather and leather goods. In his Ware House he had:

<i>.... A parcell of Tanned leather being six score &amp; five fore bends foure score &amp; seaven streight bends &amp; one side</i>	£   s   d
	41   12   6

In the Barn, he had

<i>... Thirty cowhides ten coucheons seaven White Hydes with other parcells of Leather</i>	36   0   0
------------------------------------------------------------------------------------------------	------------

In and around the Tan Pits he had more hides, and also bark, which was an important ingredient in the chemistry of the tanning process:

<i>.....Hydes in the Tann pitts and Barke nigh the pitts</i>	129   16   2
--------------------------------------------------------------	--------------

In his Tan House, Francis had a cauldron and valuable stores of wood

<i>Item one Lead</i>	3   0   0
<i>Item the wood of two trees &amp; some other wood</i>	11   10   0

Finally, there were some finished leather goods, and stocks of leather held elsewhere in the West Riding:

<i>Item severall saddles &amp; pillions with other Huslements</i>	2   10   0
<i>Item some leather at Wakefeild</i>	1   10   0
<i>Item more Leather att Barnsley</i>	5   5   0

Francis's finances were evidently in good shape, since he had no debts - on the contrary, there were substantial amounts owing to him:

<i>Item book &amp; other debts oweing to the deced in all amount to</i>	20   0   0 <sup>6</sup>
-----------------------------------------------------------------------------	-------------------------

Francis became ill in March 1691, and concluded that it was time to make his will. Indeed he specifically stated that he was *Considering ye uncertainty of this life...* He further declared that he was: *.... undersome indisposition of Bodie but of sound & disposeing minde & memory praised bee God....* By this stage in his life, Francis was a widower, with three unmarried daughters, two of whom were minors. He therefore faced the familiar problem - of how to make the best financial provision for his three

children and to ensure, in particular, that the interests of the younger girls were safeguarded. In fact, he gave his main farm and residence at Woolley to his eldest daughter Rachel; he gave the farms at Worsborough Dale and Penistone to his second daughter Frances; and lastly, he gave his farms at Wentworth, Grenoside and Wadsley to his youngest daughter Elizabeth; and to protect the younger girls, he appointed his brothers-in-law George Scholes and George Archdale as their "tutors", until they attained the age of twenty-one. Shortly after putting his affairs in order, Francis Burdett of Silkstone passed away, at the age of fifty-six.

What of the protagonists in the case of Guest v Crawshaw? In Margaret Crawshaw's case, we know very little. She survived her brother's landlord, Henry, Duke of Norfolk, and also his troublesome steward, Francis Ratcliffe. She would therefore learn, no doubt with a considerable degree of shock, of the dreadful rioting which accompanied the funeral of the Countess of Strafford; and she would hear news of the accession of James II, in 1685 - with what feelings we cannot tell; but, by the time William of Orange landed at Torbay, she was dead, for she was buried at Wentworth on 24th September 1688. There is no record of her having made a will.

Much more is known about Phyllis Guest. Her husband George's nailmaking business flourished, and he became a leading chapman - a dealer in nails, rather than a simple nailmaker. In 1691, he was one of the four people who were called in to value the goods of Alice Greene of Ecclesfield Hall, one of the most important houses in the district. Records kept at Wortley Forge show that he bought £191/12s/0d worth of rod-iron from the ironworks there in 1696/97. George became well-acquainted with other important nailchapmen in the district, including Nicholas Sylvester of Chapeltown, Richard Bingley of Wortley, the Parkins of Mortomley Hall in High Green, and the linen weaver and Protestant Dissenter, John Kirk of Meadow Hall near Rotherham.<sup>7</sup>

Phyllis and George had five children, whom they christened Mary, George, Gerard, Phyllis and - more surprisingly - Margaret. Mary Guest married one Francis Holmes, and produced a grandson, also called Francis, for her parents to dote on.<sup>8</sup> The Guests accumulated a substantial estate. They had a house which contained the following rooms:

<i>House</i>	<i>Chamber over the House</i>
<i>Nether parlour</i>	<i>Milke house</i>
<i>Over parlour</i>	<i>Chamber over the nether parlour</i>
<i>Buttery</i>	<i>Kitchin</i>
<i>Cellar</i>	<i>Kitchin Chamber</i>
<i>Chamber over the Upper parlour</i>	



George's personal goods were valued at £108, and they included *Purse and Apparrell* worth £62, and luxury items: *Three dozen of Napkins, Seven Stone and Three Pounds of pewter Three Gold Rings a Silver Jugg and a silver spoone*. Interestingly, the Guests' possessions also included one item which had been notably absent from Phyllis's father's house: *a parcell of Bookes*, but sadly we have no idea what this reading matter consisted of. Phyllis and George Guest had an interest in three local farms, two of them at Thorpe Hesley, and the other at Morley nearby. They owned many animals - *quick goods* - twelve oxen, twenty other cattle, ten horses of various kinds, fifty-four sheep and eight pigs, as well as ample stocks of corn, hay, barley, malt, oats, rye, hard corn and peas. Their farm stock was valued in the sum of £319.

So far as their nailing business was concerned, this was clearly a substantial concern, for the Guests had:

*Stock in Trade at New Castle & Hull & other places*

217 0 0

They even owned a share in a ship:

*The Sixteenth parte of a Hull pinke  
called the Southend Society*

30 0 0

It looks as if Phyllis and George Guest were the beneficiaries of an expanding trade which enabled them to send their wares, first on packhorses or in waggons, to the port at Bawtry, thence along the Rivers Idle and Trent to Hull; and finally, from Hull to places further afield, such as Newcastle-upon-Tyne, in their small ship with the overhanging stern, known as a "pinke".<sup>9</sup>

George Guest fell ill in 1698, and made his will on the 17th February of that year, declaring that he was *weak in bodie but of good and perfect mind & memorie praised be God*. He appointed his wife as his sole executrix, and left forty shillings to charity: *I give to the people of Thorpe Hassle aforesaid and Wentworth the sume of fortie shillings lawfull English money to be distributed at the discretion of my Executrix....*

George then gave various legacies to his children: £200 to George, £200 to Gerard, £100 to Phyllis and £100 to Margaret; but to Mary Holmes, he left only forty shillings, with an explanatory comment: *Item I give and bequeath unto my daughter Mary the wife of Francis Holmes the sume of fortie shillings lawfull English money in full of her filiall part portion claim and demand out of my estate I haveing already sufficientlie provided for her...* The words used here by George Guest to explain the gift of so small a sum as forty shillings were not just a fatherly apology: they had a precise legal significance. The expression "in full of her filiall part".. etc was intended to show that the beneficiary in question had already been benefitted, or "advanced", and to defeat the common law,

which (at least in Yorkshire) provided that a man with a wife and children to support could only dispose by will of a third part of his personal estate, while a third went automatically to his wife, and the remaining third to all his children equally, subject to any advancements made in his lifetime.<sup>10</sup>

George Guest gave his principal farm at Thorpe Hesley to his wife, to live in for the rest of her life, or until his eldest son came of age: ..... *I give to my said sonne George All my tearme of yeares & Tennant right to my ffarme at Thorpe Hassle aforesaid To enter upon & enjoy the same immediately from & after the decease of my loveing wife Phyllis or other wife at his my said sonne George's age of one and twenty yeares whatever shall first happen.* He gave his interest in the second farm at Hesley to his son Gerard: ...*I give to my said sonn Gerard my Right moyetie or interest to my ffarme in Heshley °sic§ in the parrish of Ecclesfield to enter upon at his age of one & twentie yeares.* Finally, he gave the residue of his estate to his wife: *All the rest of my Goodes and Chattles (my debts as aforesaid being first paid Legacies performed and funeralls discharged) I give & bequeath to my said loveing wife Phillis.*

When this will was made, Mary Holmes was the only one of the five Guest children who had come of age. So George was faced with the common problem of how to ensure that his children's inheritances were preserved, and their best interests safeguarded, though in this case the children's mother was still alive. Accordingly, George appointed Phyllis "tutor" or, as we should say, trustee for his infant children; but George was a prudent man, and he did not believe in leaving things to chance. He did not leave matters exclusively in Phyllis's hands, fond as he was of her.<sup>11</sup> Instead, he specifically directed that she must not spend any capital, but must maintain his sons and daughters entirely out of income; and, to make sure that these directions were followed, he appointed his friends John Kirk of Meadowhall, Nicholas Sylvester of Chapeltown and John Parkin of Mortomley as supervisors of his will: *and I will my said wife shall educate maintaine & bring upp my said sonnes George & Gerrard and my said daughters Phillis and Margaret out of the profits of their portions without lessening the principall such I desire may be done according to my reall intent to such purpose I appoint her my said wife Tutor to my said last named fower children And desire to the intent that this my will may be rightlie performed That my good friends John Kirk of Meadow Hall, Linnen weaver, John Perkins of Molton lea gent. and Nicholas Silvester of Chappell Towne Nayler wille & I appoint them to be Supervisers of this my will and Testament for my said fower last named children to see to the management of their Estates And assist them and my executrix in the performance thereof To each of such I give tenn shillings a piece lawfull money and to have their necessarie charges herein allowed them out of my Estate.*

Within a few weeks of making this will, George Guest was dead. There was a great irony in the situation in which Phyllis Guest now found herself. She was the executrix and residuary beneficiary of an estate which was subject to the payment of debts, funeral expenses and legacies; and she had to bring up several young children,

who were entitled to receive those legacies when they grew up. In all these ways, her circumstances were similar to those of her aunt Margaret Crawshaw, some thirty years before. Moreover, her husband's precise directions meant that Phyllis was not a free agent, for George's three "good friends", John Kirk, Nicholas Silvester and John Parkin, all lived within a radius of two miles from Thorpe Hesley. In one way, these three supervisors were appointed as assistants, to help and advise the widow; but in another way, they were watchdogs, set there to see that she made no mistakes. It is clear that Phyllis would have to keep careful accounts, and ensure that she fulfilled her duties as trustee and guardian in a meticulous manner, if she was not to find herself in court again, this time as defendant, rather than plaintiff.

As events turned out, however, Phyllis did not have to grapple with these difficulties for very long. One of George Guest's contemporaries was Richard Bingley, a nailmaker whose operations were based at Wortley, and who bought substantial quantities of rod-iron from the forges there between 1695 and 1697. Bingley was not just a competitor of Guest's, he was an acquaintance, who witnessed George's will on 17th February 1698. After the latter's death, Richard helped Phyllis to obtain probate, by joining her in a bond, to guarantee that the estate would be properly administered; and on 14th June 1698, only three months after George's death, the Wentworth chapelry registers recorded the marriage of "Richard Bingley" and "Phyllis Guest". There appears to have been a marriage of commercial interests as well, for in the same year Bingley transferred his nailmaking business to Thorpe Hesley, and started to buy iron from the mills at Masborough, rather than from the forges at Wortley. Consequently, when the "principal inhabitants" of Thorpe Hesley signed a petition in 1699, declaring that it would be "very commodious to the whole Country thereabouts" to have a weekly market and annual fair established at Penistone, Richard Bingley was amongst the signatories.<sup>12</sup>

Phyllis Guest/Bingley's second marriage is not quite the end of our story. There is a further entry in the Wentworth registers which provides a more suitable point at which to leave the youngest of Thomas Burdett's children. On October 13th 1699, the burial was recorded of

*Phyllisse Wife of Richard Bingley.*

So Phyllis was Bingley's wife for little more than a year. She was not quite forty when she died and was laid to rest in Wentworth old churchyard.<sup>13</sup>

1 Writing of Stafford's execution, Macaulay said "Whigs were disposed to murmur because he was suffered to die without seeing his bowels burned before his face". For Gascoigne's acquittal, see Kenyon.

2 Hunter's Hallamshire p 129.

3 The 2nd Earl gave the church several items of silver plate in the 1660s. Most of these were stolen in the eighteenth century, when four boys left the church unlocked after bellringing. The exception, missed by the thieves, was a large silver flagon which the Earl donated in 1664. This is now in the Clifton Museum at Rotherham: "A Brief Guide to the Two Churches of the Holy Trinity Wentworth" J.A.Harrison 1981 p 18. The inscriptions which the Earl erected in Wentworth chapel to his father and his wife appear in Hunter, South Yorkshire vol II p 86-88. For Elizabeth Clarke's case see Clayton, Hoyland Nether p 10. For Strafford's sisters see Chapter Two above.

4 For tanning see "Yorkshire from A.D. 1000" (A Regional History of England) by David Hey, Longman, 1986 p 157; and "Lime, Liquor and Leathermen: Oak-Bark Tanning, The Forgotten Rural Industry of South Yorkshire 1660-1820" by Brian Elliott, in The Hallamshire Historian vol 2 no 1 published by Sheffield Record Office. The tanners imported hides from London via the River Humber and the port at Bawtry.

5 Borthwick, will of Francis Burdett dated 2nd March 1691.

6 Borthwick, probate inventory of Francis Burdett dated 14th May 1691.

7 Hey, Ecclesfield pp 46 & 116; Hey, Rural Metalworkers pp 37-8; Andrews, Wortley Ironworks Chapter VII.

8 Phyllis was baptised on 12th June 1685, Margaret on 27th May 1687, "Garrett" on 18th January 1695: Wentworth Baptism Registers. A Francis Holmes was amongst the inhabitants of Wentworth, Hoyland, Thorpe, Harley, Scholes, Greasborough, Morley, Haugh, Barrow and Cortworth who petitioned for the setting up of Penistone market and fair in 1699: Wilson VII, 114. A Francis Holmes was Overseer of the Poor for Greasborough parish in 1726: Wentworth Ecclesiastical Records in Doncaster Archives, P/55/6/B5 (Settlement Certificate of John Duke). A person by the name of Francis Holmes became a leading nailchapman in Rotherham by 1742 when he was selling nails at Hull, Beverley, Newcastle, York, Scarborough, and throughout the North, in competition with the Spencer Syndicate: Hey, Rural Metalworkers p 42

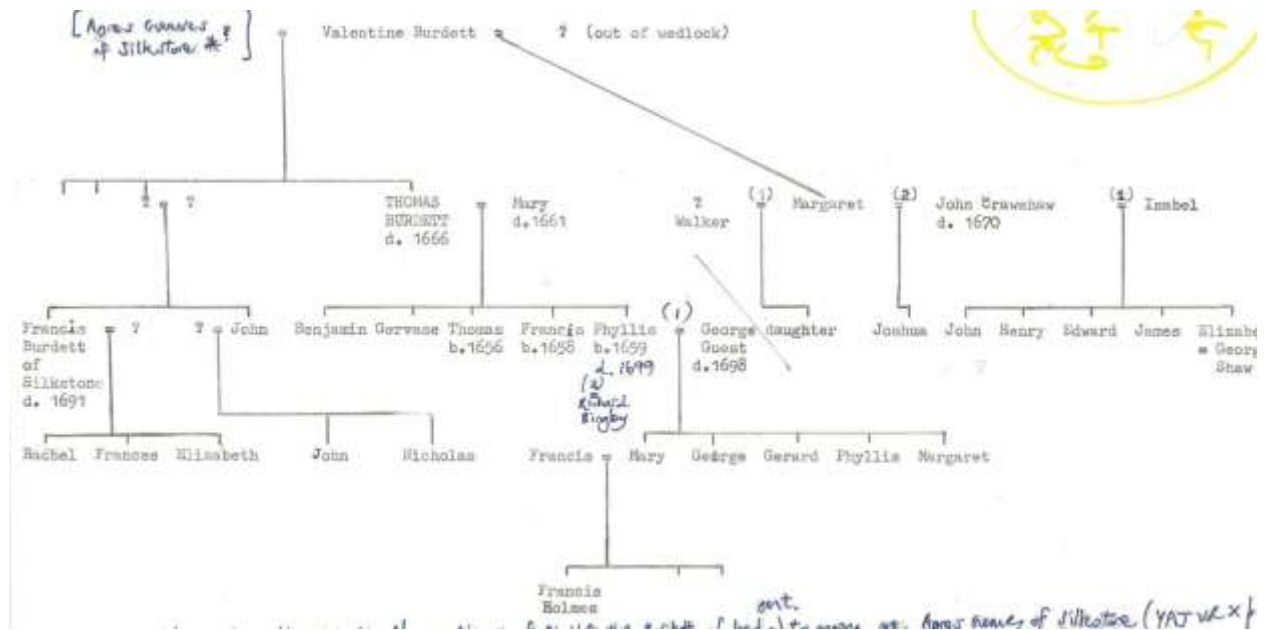
9 Borthwick, probate inventory of George Guest dated 31st March 1698: Hey, Rural Metalworkers p 40; Hey, Packmen Chapters 5 and 6. An alternative route was overland to Doncaster, and then along the River Don to Hull; but the Don was only navigable as far as Doncaster for part of the year.

10 THAS vol 3 1925-8 p 98.

11 He refers to Phyllis twice in his will as "my loveing wife".

12 Hey, Rural Metalworkers p 38; Borthwick, Administration Bond of 7th June 1698; Wilson VII, 114.

13 Like her father before her, Phyllis Guest/Bingley left four young children. A Tuition bond has survived which shows that John Kirk the linen-weaver of Meadow Hall - a "good friend" of George Guest - was granted the tuition of Margaret Guest, youngest daughter of George and Phyllis, on 12th October 1703.



Family Tree of the Burdetts of Thorpe Hesley

# THOMAS BURDETT'S WILL AND PROBATE INVENTORY

*And if he hath not before disposed of his goods, let him then be admonished to make his will, and to declare his debts, what he oweth, and what is owing unto him; for the better discharging of his conscience, and the quietness of his Executors. But men should often be put in remembrance to take order for the settling of their temporal estates, whilst they are in health.*

*from The Order for the Visitation of the  
Sick in the Book of Common Prayer, 1662*

*I came with my family to Thrybergh, where I found my house in a ruinous condition, and all the furniture removed to Beverley, where my stepfather had built a house and lived with my mother; except four beds, six dishes, six pair of sheets, some furniture for the kitchen, six silver spoons, a large silver salt (given me by Sir Francis Foljambe, my godfather), and some old heirlooms, some eight old pictures and as many books, with very little more; and with this stock I began the world.*

*from Reresby, entry for June 12th 1665*

## THE WILL

IN THE NAME OF GOD AMEN. The first day of January Anno Domini 1666. I Thomas Burdett of Thorphesley in the Parish of Wath & County of Yorke yeoman, Being at this present very sicke and weake in body but of good & perfect memory/praysed be God for the same doe make constitute & ordaine this my last will & Testament, in maner & forme following first and principally I doe comend my Soule into the hands of Almighty God hoping assuredly of the Salvation thereof in & through the merritts & precious bloodshedding of my alone Saviour Christ Jesus And my Body to the Earth from whence it was and to be buried in such decent & Christian maner as to myne

Executrix hereafter named shall be thought fitt and convenient And as touching my Worldly Estate which God of his great mercy hath pleased to bestow upon me here in this life my mynde & will is the same shall be employed & bestowed in maner & forme following And I doe hereby revoke frustrate & make voyd all wills by mee formerly made and doe declare nominate & appoynt this to be my last will and Testament.

Imprimis I doe devise give & bequeath unto Benjamin Burdett my eldest sonne, all those Two Cottages & one Croft with their and every of their appurtenances the said Croft being by Estimacon halfe an Acre, and Lying & being in Silkstone in the County aforesaid and now in the severall Tenures or occupations of William Wande & Andrewe Hollingworth, Unto the said Benjamin my eldest sonne and to the onely use & behoofe of him & his heires & assignes forever. And alsoe Three score pounds of Currant English money & to bee paid unto him when he shall attaine unto the age of one & twenty yeares. Item I give devise & bequeath unto Garvase Burdett my sonne fifty x x x x pounds of Currant English money & to be paid unto him when hee shall attaine to the age of one & twenty yeares. Item I give devise & bequeath unto Francis Burdett my sonne x x x x fifty pounds of like Currant money and to to be paid unto him when hee shall attaine unto the age of one & twenty yeares, And further my mynde & will is and I doe hereby/By & with the consent and approbation of the Earle of Arrundell give devise & bequeath unto the said Garvase & Francis my sonnes all the right title use interest and possession that I now have of the Messuage or farmhould wherein I now dwell situate & being in Thorphesley aforesaid for and dureing the reversion of a Lease now in being. And after the expiracon of the said Lease, if a new Lease shall or may be obtained Then my mynde & will is that the said Garvaise & Francis, shall joyntly either of them be at equall changes in takeing a new Lease, and then hould the said Messuage or farmehould either joyntly or else devide the same according to the discretion of two indifferent persons to be equally chosen by the same Garvaise & Francis. Item my mynde & will is That my sonn Thomas Burdett shall remaine & abide with Henry Ardsley of Abtey during all the tyme of his learneing at Schoole untill he shall be ready & fitt by & through his learning to goe to the University of Cambridge & Then hee the said Henry Ardsley to be beare paie & provide for his prefirment when hee shall come thither And in the meanetime to finde minister and yeild unto him the said Thomas Burdett Competent & sufficient meate drinke washing lodgeing and all maner of Apparrell Bookes and other necessaryes as shall or may be requisite fitt & meete for one of his degree & age \*\*\* [And further my mind & will is that the said Henry Ardsley after my said sonne Thomas shall come to be preferred to the University of Cambridge as aforesaid That then the said Henry Ardsley shall & will yearly & every yeare dureing the reversion of the Lease of the Abtey farme now in being pay or cause to be paid unto my said sonne Thomas \_\_\_\_\_ pounds of Currant English money for & towards paying & discharging in part all such reckonings accounts

& charges as shall or may be founde & approved to be due & payable upon the accompts of my said sonne Thomas] \*\*\* In consideration of which engagement to be performed by the said Henry Ardsley in maner & forme aforesaid I doe hereby give devise & bequeath unto the said Henry Ardsley all the right title use interest & possession of in or to that farmehould or Messuage situate Lyeing & being at Abtey aforsaid And now in the tenure or occupacon of the said Henry Ardsley & Robert Hudson or their assigns for & dureing the remainer & reversion of the Lease (of the said farme) now in being And I do further give devise & bequeath unto my said sonne Thomas one hundred x x pounds of Currant english money and to be paid to & for the onely use & behoofe of the said Thomas Burdett at or before hee shall attaine & come to the age of one & twenty yeares and that the said money to be paid according as the said Thomas shall have occation/dureing the tyme hee shall or may remaine at Cambridge/to demand or require the same. Item I give devise & bequeath unto Phillis Burdett my daughter one hundred pounds of Currant English money and to to be paid unto her when shee shall attaine & come to the Age of one & Twenty yeares/or be married/ And alsoe I give & bequeath unto the said Phillis all such Lynening as was formerly her mothers and withall desires my supervisors hereafter named that when the residue of my Goods shall come to be apprized that they cause the said Lynens to be recorded into some note and the said Note & Lynens to be reserved & safely kept for the onely use & behoofe of my said daughter. And I doe hereby desire & entreat my Nephew Mr Francis Burdett of Silkestone & Henry Hill of Thorphesley aforesaid to stand supervisors of this my last will & Testament and that they would be ready upon any ocaction concerning this my last will & Testament for to advise & assist myne Executrix herefater named, and I doe hereby declare that the said supervisors shall have their reasonable charges borne & allowed as often as they or either of them shall be employed upon such sevice as aforesaid. Item I give devise & bequeath unto Benjamin Burdett my sonne all the right use interest & possession that I now have or hereafter may might or ought to have of in or to a Certaine yearly Rent of Three pounds two shillings six pence halfe peny The which yearly Rent is to be paid by Thomas Barnbey of Barnbey Hall in the Parish of Cawthorne and was freely & clearly given unto me & myne heirs & assigns by Valentyne Burdett my father as may more fully & plainly appeare (by his Deed) relation being thereunto had And the said Rent I doe hereby give devise and bequeath to the use & behoofe of the said Benjamin my sonne & to his heire and assigns for ever. The rest of my Goods Chattells debts Creditts and other rights/Debts being paid & funerall expenses discharged / I doe hereby give devise & bequeath unto Margaret Walker °iurat§ my sister and doe make & ordaine the said Margrett full & sole Executrix of this my last will & Testament. In witness whereof I have hereunto sett my hand & seale. Dated the day & yeare first above written.

Read signed sealed & published

Thomas Burdett



in the presence of                                                  his        marke  
George Holgate                      Francis Burdett [iurat]  
Joseph Fether  
William Crosse  
Henry Hill [iurat]

Note: the symbol \*\*\* indicates that the words in square brackets are missing or have been deleted in original.

## THE PROBATE INVENTORY

A TRUE AND JUST Inventory of all and Singular the goods Chattles debts Credits and other rights of Thomas Burdet of Thorpehesley in the Chappellary of Wentworth and County of Yorke gentl. late deceased taken veiwed apprised & Estimated the Eighteenth day of January in the eighteenth year of our Sovereigne Lord Charles the Second of England & Anno dm. 1666 by us whose names are hereafter written.

In the Hall house

Imprimis his purse and apparrell & his Chest	5	0	0
Item one rainge a paire of tongs a fire scumer a dripping pann, gallow-balks & 2 reckon hooks an Iron for warmeing beare on and three spitts	1	0	0
Item two gunns	10	0	
Item a warmeing pann 2 priggs or skellits and a fish scumer		6	8
Item a long table and six buffett Stooles	1	2	0
Item fower Chaires and a little 3 footed table a Chest		12	0
Item 2 bacon flitches		13	0

In the upper parlor

Item a seeled bed 2 Coverletts a paire of blanketts a pair of sheets & a feather bed & a Chaffe bed	3	13	4
a trindle bed 2 Coverletts an a Chaffe bed		18	0
Item a Cubbord	1	10	0

Item a table 6 buffett Stooles & the Seates or binches about it	1	3	4
Item a deske a covered buffett & 2 quissions	5	0	
Item a mortar a pestell & a p of garden Sheres	5	0	

#### In the Buttery

Item a low Cubbord a Safe a glass case with glass bottles & other Implements	1	0	0
In the taverne eleaven barrells a hogshead a guile tub a stand barrell a loome a Chairne & a wooden flaskett	2	10	0

#### In the Chamber over ye up parlor

a seeled bed next the Chamber doore with furniture belonging to it	1	15	0
Item another Seeled bed with furniture to it	2	5	0
Item a Side Saddle & a pillion Seate	6	8	
Item 3 tables one buffett stoole & 2 boxes	10	6	
Item 2 Chists	13	4	
Item a quarte Saw a wimble and divers other Carpenter tooles	13	4	
Item 12 pewther flaggons 3 Cupps 19 pewther dishes one plate v Chamber potts 4 Candlesticks 10 pottingers eight Saucers 5 Salts and a pewther bottle	5	0	9

#### Chamber Over the house

Item a Seeled bed with Curtaines Vallians a red rugg a bed Hilling a paire of blanketts a pair of sheets a feather bed and a Chaffe bed	5	0	0
Item a trindle bed & a chaffe bed	10	0	
Item a large prass	1	3	4
Item Eight Sett Cushons	16	0	
Item 2 setts of Curtaines & vallians & 2 carpetts	2	0	0
Item a paire of blanketts	8	0	
Item a table & 4 Covered buffet stooles with a wanded Chaire and a seeled Chaire	1	4	0
Item 2 Chists 2 little boxes & 2 old trunks	13	4	
Item 2 hattts and other womans apparrell	1	13	4
Item Certaine Line yearne	13	4	
Item Certaine Woolen yearne	10	0	
Item 5 fretts a new Chaire Crookes and Capens with other Implements of Iron	9	4	

In the little Chamber			
Item a kinnell 2 beefe fflitches and certaine other Implements	1	0	0
In the Milke House			
Item a flesh kitt & other kitts & milke vessels	16	0	
In the kitching			
a rainge a fire shovell a paire of tongs a Cobb Irons with divers other Implements of Iron		14	0
Item five brass potts 2 brass posnetts fower brasse panns	3	10	0
Item a brewing lead	1	13	4
Item 2 great tubbs a great arke and a flaskett	1	2	0
Item 2 line wheeles a wort trough 2 buffet and one Chaire & 2 dressing bords		12	0
Item a knead trough a great Arke & a little Arke		16	0
In the Chamber over kitching			
Item a bed with furniture to it	1	0	0
Item thirty yeards of Sowne boards		7	0
Item eight Sowne Railes		2	0
Item six mould boards		4	0
In the Nether plor			
Item one rainge a paire of tongs a fire shovell		6	8
Item a seeled bed with Curtaines and Valians & all other furniture	3	13	4
Item another bed with hangings and other furniture	2	10	0
Item a Long settle & 5 Chaires	1	2	0
Item a livery Cupbord & 2 Cushions and a Carpett		17	0
Item a long table six buffett Stooles and a back seat	1	8	0
Item 2 little buffetts 5 Cushions & 2 ringers		10	0
Item an old trunke & a window Curtaine		5	0
In the Entry			
Item 2 hacks 2 shovells & divers other Implements		8	6
Item Seaven Axletrees 2 gang of filks and Certaine Spoaks	1	10	0
Item 2 waine Ropes 2 pike forkes a paire of Iron racks 2 trissles and other Implements		8	2

Item a kinnell with 2 flitches of bacon	1	10	0
-----------------------------------------	---	----	---

In the Corne Chamber

Item 4 loads of Rye	1	0	0
Item 2 loads of Wheat		13	4
Item 2 loads of pease		10	0
Item 2 quarters of barley	1	4	0
Item 3 quarters of Oates	1	4	0
Item Measures Three Metts 4 Sives a window Cloth Nine Sacks & 2 poakes		15	6

In the old barne

Item Certaine Oates	16	16	6
Item Certaine Pease	3	0	0
Item a greate Arke	2	0	0
Item a pease Stack with some barley on't	5	0	0
Item a wheat stack	6	0	0

In the New barne

Item Certaine wheat	6	0	0
Item Certaine Rie and blende Corne	6	12	0
Item Certaine hay at home & in a stack	9	0	0
In the backside two shelv'd waines	4	3	4
Item 2 Cort waines	5	6	8
Item one paire of Shilburns one great Slead three stand hecks one frame and a Cratch	1	1	4
Item Certaine waine ratches Sawne boards and other planks	2	13	0
Item 3 ploughs with 2 pair of Irons 4 horse harrows and an ox 2 harrow and one paire of Cart Sills	2	2	0
Item 2 paire of Wain Ratches	1	10	0
Item 5 Iron wedges a mawle 2 axes a hack two Siths a gavelock and Iron Rakes with other Implements	1	0	0
Item one Mattock and a spade		2	0
Item 5 stone troughs 2 grindlestons one Cheese prass a bucket & a chaine		12	0
Item Certaine Cowper ware 2 planks		13	6
Item nine yoakes 4 teames 2 paire of plough Shackles & two pair of waine Shackles	1	5	0
Item 2 paire of Iron horse geares 2 paire of hemp tresses & Collers		9	0

In the fould

Item 3 paire of waine Ratches three waine Copps			
3 ladders and a wheele barrow	1	6	0
Item five oxen	16	0	0
Item 3 Cows & 3 young beasts	9	0	0
Item 8 swine & 6 piggs	3	6	8
Item 14 Sheep	3	10	0
Item 2 mares a filly and a colt	7	0	0
Item 7 loades of limestone	1	15	0
Item all the pullan a goose cocks & hens		13	4
All the manure in the fould	2	0	0
Item tenn acres of hard Corne sowne	30	0	0
Item the tillage that is putt into the grounde of manure & lime in the two yeares last past we conceive to amounte to the vallue	60	0	0
and further we conceive that the Interest of the Lease of his farme to be worth	20	0	0

Goods & Chattles of his at Abtey

Item one Cow	2	13	4
Item two feares	2	13	4
Item 4 swine	1	6	8
Item Certaine barley	7	14	0
Item Certaine wheat & rie	6	5	0
Item pease there to thrash & In the Chamber	8	5	0
Item Certaine Oates	1	6	0
Item Certaine manure	1	5	0

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Sum totall of goods and Chattles

342 14 11

Debts as appeares by Specialities

William Smith of Thorpehesley	25	14	4
William Smith upon a Mortgage	50	0	0
Humphrey Smith & William Smith	17	6	0
John Dison	5	0	0
William ffaireburne & Wllm. Yeates	2	9	8

James Nickson	2	2	0
Willm. Clerk	2	0	0
Willm. Cutt	3	0	0
Tho. Pilley	2	8	6
John Burdett gen.	1	0	0
Thomas Parkin	16	0	
Willm. Yeates & Willm. ffairburne	6	0	

Sum totall of debts	<hr/>	<u>112</u>	<u>2</u>	<u>6</u>
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Desperate debts

Ambrose Hoyland	3	3	0
John Guest	7	10	0
Humphrey Northoll Jun.	2	15	0

Debts owing by the deced

To Mr. Henry Ardsley	44	5	4
To Elizabeth Hownfeild of Dowre	30	0	0
To Wm. Smith of Rotheram	1	8	0

Sum totall of debts owing by the said Thomas Burdett		75	13	4
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Sum Totall of Goods and debts owing to the decd except desperate debts	454	17	5
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Cleare estate	<hr/>	<u>338</u>	<u>4</u>	<u>1</u>
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Thomas Hattersley, Henry Ardsley, Richard Elam, Joseph Birks

## GLOSSARY

Arke	chest
Assessments	taxes
Axletree	axle
Bandaleeras	belt worn around shoulder to support musket and ammunition
Barrel	36 gallons of ale
Bend	half a tanned hide
Blende corn	wheat and rye sown/grown together
Buffet stool	one of a set of stools for use at a long table (?)
Capen	bed stuffed with
Chaffe bed	chaff or straw
Chairne	churn
Chist	chest
Churchlay	church rate
Cobb irons	irons for resting burning logs on or for supporting spit
Common informer	someone who made a living by informing
Coucheon	inferior type of calfskin (?)
Cratch	rack to hold fodder for horses/cattle
Crookes	metal crockery
Culverin	15 lb cannon
Delph	quarry
Demi-cannon	27 lb cannon
Demi-culverin	9 lb cannon
Dragoon	infantryman mounted on

Drake	cheap horse
Dressing bord	5 1/4 lb cannon table for dressing meat and other food on prior to cooking
Dripping pan	pan put under spit to catch juices from meat
Feares	young cows/heifers
Filkes	parts of the rim of a wheel
Flaskett	oblong or oval tub for washing clothes/clothes basketFretts wicker baskets/or,the iron hoops round the hub of a wheel
Gallow-balks	iron bar fixed across a chimney from which pots were hung on reckon hooks
Gang	set of
Gavelock	iron crow bar/lever
Grindlestones	grindstones
Guile tub	vessel in which liquor was fermented
Hack	pickaxe or mattock
Hard corn	wheat and rye
Heck	rack for hay/cheese etc
Hilling	bed covering
Hogshead	barrel containing 54 gallons of ale
Huslements	household stuff
Horse geares	harness
Imprimis	firstly
Kinnell	a tub (especially for wet-salting meat)
Kitt	wooden vessel containing milk/foods
Knead trough	vessel for kneading



Lead	bread
Leaguer	cauldron
Line	siege
Lining	flax
Linings	linen
Livery cupboard	underwear worn on legs
	a small cupboard with
	perforated doors or bars
	containing food/drink
Loome	open vessel or tub
	used in brewing
Mattock	farm tool, like a pick
	with blade on one
	end & spike on other
Mawle	heavy wooden hammer
Mett	a measure of no specific
	size
Mould board	board for kneading
	bread/part of plough
Pike fork	pitchfork
Pillion seat	cushion for lady
	passenger on horse-back
Pinke	a small square-rigged
	ship with a narrow over-
	hanging stern
Poake	bag smaller than sack
Posnett	little pot with long
	handle and three feet
Pottinger	small bowl
Prass	large cupboard with
	doors
Priggs	small pans of brass/tin
Pullan	poultry
Quarte saw	saw used for
	quartering logs
Quissions	cushions
Ratch	see wain ratch
Reckon hooks	hook by the fire
	to hang pots on
Ringer	(?)

Rub'd Chamber	polished chamber (?)
Safe	food cupboard
Salt	salt cellar
Scrivener	copyist ; draftsman
Scumer	a shovel, or type of pan
Seeled bed	bed made with panels within solid frame
Seeled chair	chair with panels
Sett	seat
Settle	bench with high back and arms
Shilburns	detachable framework or additional boards fastened to sides of cart to increase capacity
Sills	horizontal pieces of timber
Siths	scythes
Sives	sieves
Skellit	saucepan with three feet and long handle
Slead	sledge used on steep ground
Specialities	bonds under seal, recording debts
Stirr	commotion or tumult
Tavern	cellar
Teames	harness chains
Tip't bowl	drinking-bowl (?)
Trindle bed	low bed with castors which could be put under a higher bed
Trissles	trestles
Vallians	vallances
Wain	waggon
Wain copp	cover for a wain
Wain ratches	shelving around wain, to increase capacity
Wanded chair	chair with rods in back

Wimble  
Window cloth  
Wort

auger/gimlet  
winnowing cloth  
infusion of malt

For the above, see especially:

1. YAS CXXXIV
  2. Surtees XXXIII
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- NOTE ON  
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