

THE JUSTICES OF THE PEACE
AND THE ADMINISTRATION OF LOCAL GOVERNMENT
IN THE EAST AND WEST RIDINGS OF YORKSHIRE
BETWEEN 1680 AND 1750.

Submitted in accordance with the requirements for the degree of Doctor of Philosophy.

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April 1986.

ABSTRACT.

The purpose of this thesis is to examine the criminal, civil and administrative work of the county magistrates of the East and West Ridings of Yorkshire between 1680 and 1750. There is a distinct lack of regional studies for this period, though much has been written about the county community during the era of the English Revolution of the mid seventeenth century and about the effect upon local society of the industrialisation of the late eighteenth century. This is a serious omission for late Stuart and early Georgian times comprise a vital period in the development of local government. It was a time when the country gentlemen who acted as Justices of the Peace were most autonomous. Yet it was also a period which witnessed some fundamental and permanent changes in the organisation and administration of local government.

The thesis is divided into two. The first section contains four chapters and deals with the structure of local government. The general organisation at county level is explained, and the backgrounds, interests and attitudes of the actual individuals who served as magistrates are closely examined. An analysis is also undertaken of the relationship between the Justices and central government, and special emphasis is placed on the attitudes of the Crown and Privy Council towards the membership of the commission of the peace and on the role of the Lords Lieutenant and the Assize Judges.

The second section, which contains five chapters, is devoted entirely to the work of the county magistracy. A thorough examination is made of the business of the Justices both in and out of sessions and the chapters concentrate on the preservation of law and order, the enforcement of regulations affecting manners, morals and religious beliefs, the supervision of the poor, the economic responsibilities of the magistrates, and the maintenance of an adequate system of transport and communications. A concluding chapter assesses the effectiveness of the Justices in both counties in coping with the demands placed upon them, indicates how these demands changed, examines how the procedures followed were adapted to meet new requirements, and emphasises the importance of this period as an era of innovation in local government.

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ABBREVIATIONS.

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| Add. Mss. | Additional Manuscripts |
| B.I.H.R.Y. | Borthwick Institute of Historical Research, York |
| B.J.L. | Brynmor Jones Library, University of Hull |
| B.L. | British Library |
| B.L.L. | Brotherton Library, University of Leeds |
| C.J. | Journals of the House of Commons |
| C.S.P.D. | Calendar of State Papers Domestic |
| C.T.P. | Calendar of Treasury Papers |
| D.N.B. | Dictionary of National Biography |
| E.Y.L.H.S. | East Yorkshire Local History Society |
| H.M.C. | Historical Manuscripts Commission |
| H.C.R.O. | Humberside County Record Office |
| L.J. | Journals of the House of Lords |
| M.L. | The Minster Library, York |
| P.C. | Privy Council |
| P.R.O. | Public Record Office |
| S.P. | State Papers |
| V.C.H. | Victoria County History |
| W.Y.C.R.O. | West Riding County Record Office |
| Y.A.S.R.S. | Yorkshire Archaeological Society Record Series |

PREFACE.

During my researches I have visited numerous libraries and archive offices and I should like to thank the staff of all these institutions for their assistance and forbearance. I am particularly grateful to Mrs. Berry, Mr. Holt and their respective assistants at the West Yorkshire and Humberside County Record Offices for the kind way in which they have endured my presence, answered my inquiries, and produced voluminous manuscripts for my perusal. I must also mention several people who have been generous enough to share with me at various times the benefit of their own researches, namely Dr. K.J. Allison, Mr. G.P. Brown and Dr. J.Childs.

I should also like to take this opportunity to record my debt to Mr. P.J. Hills, Head of the History Department of the College of Ripon and York, St. John, who encouraged me to take up the challenge of research in the first place. Without doubt, however, my deepest thanks are extended to Mr. G.C.F. Forster, my supervisor, who has made extensive comments and valuable criticisms of the earlier drafts of the various chapters, who has shared his knowledge with great willingness, and who has guided my work throughout with considerable patience.

NOTE ON REFERENCES AND DATES.

Unless otherwise stated dates are given in the New Style, according to the Gregorian Calendar, and the year is taken to begin on 1 January.

In quotations from contemporary sources the original spelling has been retained, but to help clarify the sense the punctuation has been modernised and the abbreviations expanded.

INTRODUCTION.

The principal concern of this thesis is the criminal, civil and administrative work of the county magistrates in the East and West Ridings of Yorkshire between 1680 and 1750. This was a period of relative stability and followed the political and religious upheavals of the Civil War and Interregnum and preceded the rapid social and economic changes of the late eighteenth and early nineteenth centuries. Yet this was not an insignificant age, for it was a time of transition during which there were several developments in the organisation and administration of local government. Perhaps most important of all were the moves towards a more professional approach and the adoption of new administrative procedures, in particular towards salaried officials, bridge maintenance and the passage of vagrants. It is to the credit of the West Riding Justices that they were amongst the first county magistrates to be involved in such changes.

The thesis is divided into two. The first section deals with the structure of local government and concentrates on general organisation, on the actual membership of the commissions of the peace in the East and West Ridings, and on the relationship between central and local government. The second section, on the other hand, is entirely devoted to the work of the county Justices. The business of town government, of the borough and liberty Justices, and of the church and manorial courts has only been considered in those circumstances when it has overlapped, or come into conflict, with that of the county magistrates. So as not to detract from the analysis of any general developments or from the explanation of important arguments, examples from the records consulted have been kept to a minimum, and much of the evidence for the points made has been incorporated into the extensive references for each chapter. This approach has enabled the highlighting of certain important aspects of the magistrates' work, as in the case of the regulation of the cloth trade throughout the early eighteenth century, the control of vagrancy, the maintenance of bridges, the alleviation of the cattle plague in the seventeen-forties and the developments in administration.

An important feature of this study has been an analysis of the Justices themselves and due emphasis has been placed upon their backgrounds, interests, and attitudes to their work. Those magistrates who were most dutiful have been identified, for they provided an essential element of continuity. Yet the Justices were not at all times a homogeneous group of individuals. Their quarrels and rivalries were tense and bitter affairs and the effect they had upon their public responsibilities has been duly considered.

The way in which the Justices approached their duties was also influenced by the directions of the Crown and the Privy Council. Thus the relationship between central and local government has been closely examined in an attempt to show the response of the Justices to the instructions they received and the extent of the authority that the Privy Council had over them. A detailed analysis has also been undertaken of the manipulation of the commission of the peace by central government, and its effect on the day-to-day operation of local government, especially in the period between 1680 and 1720.

The most comprehensive part of the thesis has been devoted to the actual work undertaken by the Justices both in and out of sessions. It is, in effect, a study of local government in action. Based on the official Quarter Sessions' records for the East and West Ridings, on collections of family papers, on contemporary newspapers and on the relevant minutes of the Privy Council and other agencies of central government, a thorough examination has been made of the enforcement of regulations affecting manners, morals, religious beliefs, the poor, the economy, and transport and communications, as well as of the all-important responsibility involving the maintenance of law and order.

The overall intention has been to show how effective the Justices were in coping with the demands placed upon them and to explain not only how those demands changed but also how the procedures they followed were adapted to meet new requirements. An important element of this thesis has

been to compare and contrast the approach of the magistrates in the East and West Ridings, and, through the work of J.S. Cockburn on the North Riding, to indicate how local government operated and evolved in rural Yorkshire over a seventy year period. In topographical, industrial, agricultural, social and economic terms, the East and West Ridings had little in common and are thus ideally suited for a comparative examination. As a result, this detailed study provides valuable evidence for an insight into local government generally in the late seventeenth and early eighteenth centuries.

SECTION 1:

THE STRUCTURE OF LOCAL GOVERNMENT.

CHAPTER 1.

THE JUSTICES AND THE ORGANISATION OF LOCAL GOVERNMENT.

By the second half of the seventeenth century, local government revolved undisputably around the Justice of the Peace, who, in his own neighbourhood, or together with his fellow magistrates in Quarter Sessions assembled, controlled the judicial and administrative direction of his particular county. Established by then for approximately four centuries, his primary aim was the preservation of the peace. During the Tudor period, however, the central government had shamelessly exploited the magistrates and their duties had been widened to include the administration of an immense amount of social and economic legislation. Throughout the seventeenth century new statutes further increased their responsibilities, and the Justices gradually began to overshadow all other officials at work in the country. Nevertheless, they must not be seen in isolation. Analysis of the structure of government in provincial England reveals the existence of 'a whole host of local functionaries and institutions',¹ many of which were medieval in origin. The Tudor reorganisation of local government, however, had not resulted in the total disappearance of all these institutions. In many ways, magisterial administration of the parish and the county was added on as another layer of government. This inevitably led to the existence of authorities and officials with overlapping jurisdictions and powers.

I. The place of the Justices in local government.

In late seventeenth century Yorkshire the medieval organs of government still functioned, but, as in Wiltshire and many other counties, their powers and duties were gradually being appropriated by the Justices of the Peace.² The manorial jurisdictions had long been in decline and from 1640 there had been a marked acceleration in this process. Nevertheless, some of the manor courts survived well into the nineteenth century, but this was nearly always the case only with those authorities which retained peculiar and extensive powers. The great court of the Manor of Wakefield, for example,

was an important legal tribunal throughout the eighteenth century, holding four courts leet in 1709 in Wakefield, Halifax, Brighouse, and Burton. Yet it had the right to inspect and exact sizeable fees for standardising weights and measures over an area of approximately 230 square miles in West Yorkshire.³

The manor court had several inherent weaknesses, for its powers of enquiry, determination and enforcement were extremely limited. As a result, it was inevitable that its concern with criminal offences, as with its responsibility to deal with common nuisances, such as unrepaired roads and unscoured ditches, would be appropriated by the magistrates. For the Justices could impose harsher penalties, including imprisonment, and exercised their influence over a much wider area. Nevertheless, between 1680 and 1750 many manor courts were active in the trial of cases of petty debt and trespass, in the management of common fields and pastures, and in the administration of the poor law. Although the increase in the number of enclosures in the eighteenth century reduced the acreage over which the courts had authority, the lord of the manor retained an important role in the system of poor relief. For it was only with his permission that cottages to house the destitute could be erected on the waste. Yet, even in this his authority was shared, for these poor houses also required the sanction of Quarter Sessions.⁴ Despite the fact that two Justices had been given the power to appoint a constable when the lord's court had neglected to do so, the paucity of evidence in both the East and West Ridings to this power being exercised in the late seventeenth century suggests that manorial courts were fulfilling this duty. Nevertheless, well before 1700 the petty constables had been brought firmly under the Justices' control, and magisterial appointments to this post gradually became more frequent in the eighteenth century.⁵ Whereas the constable was closely supervised by the court of Quarter Sessions, such minor posts as the pound keeper remained a manorial office. The limited powers of the manor court, however, meant that he was forced to look to the Justices for support and for redress from the frequent abuses and assaults to which he was subjected.⁶

There were as well throughout Yorkshire several courts of liberties and franchises. These jurisdictions comprised many smaller manors and owed some allegiance or obligation to the lord in question. The Manor of Wakefield, for example, was technically such a lordship. Although it had long been in crown hands, it had fallen into private ownership, being purchased by the Duke of Leeds in 1700.⁷ During the late seventeenth century, the Honour and Liberty of Pontefract, which had been one of the largest lordships in the West Riding, was still in the hands of the Duchy of Lancaster. It extended over much of the southern half of the Riding and had influence in some six wapentakes.⁸ The only other private franchise of any importance in this part of Yorkshire was the Liberty of Hallamshire, which in its most restricted sense was confined to the ancient manor of Sheffield. In the East Riding there were two private liberties still in existence, namely Holderness and Howdenshire, which belonged to the Constable family and to the Dean and Chapter of Durham, respectively. The fortunes of all these jurisdictions, however, provide further evidence of the gradual subordination of medieval institutions to the authority of Quarter Sessions. They all traditionally appointed their own bailiffs to act within their bounds, but by the early years of the eighteenth century these officers had been systematically brought under the supervision of the county Justices. Indiscretions and misdemeanours, particularly attempts to serve warrants and other writs outside their legal limits, were punished at Quarter Sessions. It was not unusual for the magistrates to oversee appointments to this post, and it became common in the East Riding for the bailiffs of Holderness and Howdenshire to attend all meetings of the court.⁹ At the same time, supervision was extended over the liberty gaols which still existed, the Justices regulating the fees to be charged, the rules to be observed and the prisoners to be incarcerated there.¹⁰

Local government through Justices gradually superceded all these franchises and institutions. As crown appointed and crown controlled officials, they eventually helped central government to gain a judicial supremacy over

all the various manorial courts by substituting common law and common law courts for local custom and courts in private hands, in effect, for the whole of private jurisdiction. Nevertheless, there were two extraordinary private franchises, both in the West Riding, which continued to be active well into the nineteenth century. These were the Liberties of Ripon and of Cawood, Wistow and Otley, both of which were in the possession of the Archbishop of York. What set them apart from the feudal lordships, however, was the Tudor decision to give the Archbishop the right to nominate his own Justices there. Technically the West Riding Bench had no authority in either of these areas, but the frequency and diversity of disputes between the Justices of the county and of the two liberties suggests that the position was far from clear. The difficulties which arose involved jury service at county Quarter Sessions and contributions to country estreats, particularly those for bridge repairs, for the maintenance of the house of correction and for the conveyance of vagrants. The county magistrates showed considerable flexibility in their response to these problems. The freeholders of the Liberty of Cawood, Wistow and Otley were to be excused jury service at the county Quarter Sessions, yet whereas the inhabitants of this liberty were to pay vagrant money, those who lived in the Liberty of Ripon were excused all such payments. Both liberties contributed to the repair of Riding bridges but the inhabitants of the Liberty of Ripon maintained their opposition to paying towards costs incurred at the house of correction.¹¹

Despite this pragmatic approach, the basic problem of the jurisdiction of the county Quarter Sessions within the liberties was never fully resolved. The Justices of the Liberty of Ripon, for example, complained in 1686 that the West Riding Bench had dealt with cases which should have been considered at the liberty Quarter Sessions.¹² This confusion had resulted no doubt from the overlapping membership of the commissions of the peace for the liberties and the county. The commission for Cawood, Wistow and Otley for 1715, for example, included the names of twenty nine men, seventeen of whom were also county Justices. In this way, the exclusion of the West Riding

magistracy from the liberties had been partly overcome.¹³ The extent of its authority, however, remained a difficulty which caused much friction. The Archbishop of York even went so far as to accuse the West Riding clerk of the peace of unlawfully invading his jurisdiction of Cawood, Wistow and Otley in 1754. In reply, the clerk significantly promised that he would be only too pleased to take notice of the Archbishop's jurisdiction, once it had been properly recognised by the West Riding Quarter Sessions. It was only after the Marquis of Rockingham, Lord Lieutenant and Custos Rotulorum of the West Riding, had become involved that an amicable solution was eventually arrived at.¹⁴

Difficulties also arose with the boroughs which existed in the East and West Ridings. The cities of York and Kingston-upon-Hull were wholly separate jurisdictions and there is little evidence of any disputes with these authorities.¹⁵ In the case of the six incorporated Boroughs of Doncaster, Leeds, Pontefract, Ripon, Beverley and Hedon, however, problems did occasionally occur. In some instances the borough Justices had limited criminal powers; the magistrates of Ripon, for example, could deal with petty offences only, all the more serious crimes having been transferred to the county Quarter Sessions. In theory, the civil authority of the Justices of the county and of the borough was equal. In practice, however, this was not always the case. On several occasions pauper settlement disputes and offences against the cloth acts were considered at the West Riding Quarter Sessions, even when they were entirely concerned with borough townships, individuals and magistrates.¹⁶ The relationship between the county authorities and the boroughs was not clear. The right to administer civil and criminal justice in the borough meant immunity from attendance at courts held for the county, and this legal distinction was respected by the East and West Riding magistracies. On the whole, the clashes of jurisdiction which did arise involved payments towards various county responsibilities and the use of county facilities. The inhabitants of the Borough of Doncaster, for example, were excused contributions towards the

relief of prisoners in York Castle, as they had their own *gaol*, but they were ordered to pay their proportions to certain bridge estreats which they had previously refused. In 1725 the Justices of the Boroughs of Doncaster, Leeds and Pontefract were prohibited from sending any offenders to the house of correction at Wakefield, but within three years this order had been overturned. At the same time, the inhabitants of Leeds, who clearly had their own *gaol*, were instructed to pay towards the repair of the Riding's house of correction and the master's salary. These boroughs were obviously dependent upon this place of confinement for the safe keeping of some of their miscreants. The Justices of the Borough of Beverley, however, were refused permission to use the East Riding's house of correction, and prisoners sent there by the borough magistrates were ordered to be discharged by the county's Quarter Sessions. In general, on those few occasions when the county and the borough came into conflict, the will of the former nearly always prevailed, as in the problem of the holding of markets during the cattle plague of the seventeen-forties.¹⁷

The most important medieval official in the county had been the High Sheriff. The Tudor expansion of the powers of the Justices, however, had been made at the expense of the Sheriff. Nevertheless, although his authority had been diminished, his work load had not. As a royal official he was responsible for the execution of numerous royal writs and for the collection of crown duties and revenues. He was also the key official at election time, for he controlled the time and place of polling, declared the result and sent the return to Chancery. Yet this was the only duty which gave the post anything approaching a real significance in the late seventeenth and early eighteenth centuries. Lack of practical authority and of effective power and control of little patronage resulted in the Sheriff losing much of his importance. Instructions were still sent from central government to the Justices through the Sheriff, but they were by no means as numerous as they had been before the Civil War. From the reign of Charles II this part of his work was entrusted to the Lord Lieutenant, who was to become the most

senior officer in the regions by maintaining a close supervision of his county, by keeping central government informed of all developments, and by recommending changes in the membership of the commission of the peace.¹⁸

Nevertheless, the Sheriff did not lose all his authority for he retained considerable responsibilities in connection with the functioning of local government. In essence, he empanelled juries at both Quarter Sessions and Assizes, produced prisoners from the county *gaol*, for which he was in theory responsible, and executed the writs, commands, and sentences of both of these courts. Such duties were onerous and involved the Sheriff in great expense, since the fees he could collect were only trifling compared to the costs incurred. That these expenses had become unnecessarily large is clear from a request made by a committee of Justices, drawn from all three Ridings, to the Sheriff in 1733 to be more moderate in his entertainments.¹⁹

The burden imposed upon those unfortunate enough to be pricked must have been particularly acute in Yorkshire, for in this county the Sheriff had responsibilities and obligations to the courts of Quarter Sessions in all three Ridings. Although he is noted as appearing at all the East Riding Quarter Sessions between 1647 and 1651, the evidence indicates that from the reign of Charles II the Sheriff rarely attended the meetings of the court. On those few occasions that he did appear at Quarter Sessions it was usually the West Riding court, this probably being the result of that Riding's prominent position in county affairs.²⁰ Since he was not a professional man and only served for a limited period, he relied ultimately on a number of deputies for the performance of most of his duties. Besides the undersheriff, who was usually a solicitor and who generally served more than once in the post, the Sheriff appears to have appointed deputy undersheriffs. These officials seem to have acted for each Riding, attending the respective Quarter Sessions and conducting the Sheriff's affairs there.²¹ To execute warrants and writs, the Sheriff appointed a bailiff for each wapentake, but by the late seventeenth century this local deputy had become an official of the magistrates, executing their decisions on behalf of the Sheriff. The frequency with which the bailiffs

were prosecuted for neglect, extortion of fees, and even for wrongful arrest, however, indicates the problems the Justices faced with these officials. Nevertheless, the troublesome nature of their work, particularly in collecting fines, making arrests and conveying prisoners, and their reliance upon fees for their remuneration, may well help to explain why many bailiffs were dishonest individuals. On occasions the magistrates held the Sheriff himself responsible for abuse or neglect committed by any of his officers. When necessary, they were even prepared to fine him, yet the frequency with which such penalties were remitted suggests that their imposition was intended as a warning. Nevertheless, the actual willingness to fine him indicates how much he had declined in status and authority. In terms of their position in local government, the Sheriff and his officers were from the late seventeenth century very much the executive officials of the magistrates.²²

The only other officials of any real importance in the hierarchy of local government were the deputy lieutenants and the militia officers, who had very limited responsibilities in relation to the organisation, training and deployment of the militia, and the commissioners of sewers, who were active in those counties, like the East Riding, which had large marshland areas. Like the Justices, the commissioners were appointed by the crown from among local landowners, held regular courts of sewers, and had their own clerks, local officers and juries to assist them. Nevertheless, their work was limited to matters of drainage, and, as a result, their authority was exercised only in certain parts of the Riding. In the event of neglect, the Justices of the Peace were authorised to execute the commissioners' duties for them. There is little evidence, however, that the East Riding Quarter Sessions ever interfered in their business. On the contrary, it appears that during the late seventeenth century the particular courts of sewers in this county were very active and actually increased their administrative efficiency.²³

In theory, the powers of the Justices were extremely wide, but, in practice, their activities were limited by the directions of the commission of

the peace, by the terms of statutes, and by the boundaries of the administrative area for which they were appointed. Thus, the magistrates of each of the three Ridings of Yorkshire had no authority in either of the other two, unless they were specifically commissioned to act there. The county Justices were also excluded from certain areas within their own county, from ancient franchises and liberties and from corporate towns, for which separate commissions of the peace were issued. Nevertheless, by the second half of the seventeenth century, the county magistrates were of paramount importance in local government. None of the other authorities in existence in either Riding could challenge their position. Both the corporate boroughs and the Archbishop's liberties exercised their powers within their own borders, but the confused jurisdiction of the county Bench within these liberties meant that the county Quarter Sessions was always encroaching upon their privileges. The magistracy in both Ridings, as in most other counties, had an insatiable desire to extend their influence into all aspects of county government, a development which affected not only the manorial courts but also the medieval officials of the county, like the Sheriff and the coroner. Although the Sheriff was closely supervised by the Bench, he retained some independence. The coroner, however, became a subordinate official of Quarter Sessions, having to attend all meetings of the court from the early eighteenth century.²⁴ By this time the magistrates had also asserted their authority over parish and wapentake officials and courts, and, since the late seventeenth century, had gradually taken over the responsibilities of the ecclesiastical courts in disciplining the morals and manners of the lower ranks of society. They also appropriated much of the work of the hundred and manor courts, and, although many manorial authorities survived into the eighteenth century and beyond, their practical powers had declined as those of the Justices had increased. This magisterial authority could be exercised singly or in small groups, but it was in Quarter Sessions that it was used to its fullest extent.

II. The Court of Quarter Sessions.

As a result of regional differences and the need to adapt to local conditions, the organisation of Quarter Sessions varied considerably from county to county. In some shires, such as Shropshire and Warwickshire, the meetings were generally held at the county town. In others, for example, Cheshire and Wiltshire, the court met at more than one town, so as to give the various parts of the county equal opportunities of attending.²⁵ The procedure of adjournment ensured an even greater movement for the court around the shire. In general, the larger the county, the more complicated, more diffused and more extensive was the organisation adopted. The smaller and much more compact East Riding held all its Quarter Sessions at Beverley. Between 1647 and 1651, the court had occasionally met at Pocklington.²⁶ In the eighteenth century, however, this town was never used for a general session but had become instead a place to which the court adjourned. In the West Riding, on the other hand, the situation was very different. The scattered population and the remote nature of much of the county necessitated the establishment of a complex organisation. From the early seventeenth century, it had been the practice to hold all Easter Sessions at Pontefract. Each of the three remaining Quarter Sessions, however, was held by successive adjournments at a different set of three towns. The places visited at each of these divided sessions was so selected that the court was always held first in a northern town, for the wapentakes of Claro, Ewecross, and Staincliffe, and adjourned to a central town for the wapentakes of Agbrigg and Morley, Barkston Ash, and Skyrack, and finally to a southern town for the wapentakes of Osgoldcross, Staincross, and Strafforth and Tickhill. During the reign of Charles II, the order of sessions towns was Wetherby, Wakefield and Doncaster at Epiphany, Skipton, Leeds and Rotherham at Midsummer, and Knaresborough, Wakefield and Barnsley at Michaelmas. In this way, the court held ten annual meetings at nine different towns, Wakefield being visited twice.

In the early years of the eighteenth century several alterations were made to this structure. The changes clearly reflect the gradual

transformation in the county's circumstances. The growing metallurgical industry at Sheffield and the expanding cloth industry around Halifax and Bradford, for example, forced the Justices to include these important centres amongst the sessions towns: Sheffield alternated with Barnsley as second adjournment town at Michaelmas, whilst Halifax and Bradford alternated for some years as first adjournment town at Midsummer, Leeds replacing Wakefield as first adjournment town at Michaelmas. The court now visited Wakefield only once a year at Epiphany, but during the late seventeenth century this town had established itself as the administrative capital of the Riding, with the house of correction and the office of the clerk of the peace being situated there. The continued use of Pontefract for the all-important undivided meeting at Easter, however, was in many ways anachronistic. Its once majestic castle had been destroyed in the Civil War, and, although it had its own mayor and corporation and returned two members to Parliament, the importance of this ancient borough had gradually declined. The Easter Quarter Sessions were held at Leeds in 1711 and 1713, but attempts to omit Pontefract permanently from amongst the sessions towns failed and it remained the venue for the undivided Easter meeting of the court.

These arrangements had overwhelming advantages. They enabled the Justices to work extensively in their locality which they knew well, and to meet together at least once a year to make and to review decisions which affected the whole county, as in the case of the appointment of a new master of the house of correction. Divided sessions meant that inefficiency and delay were prevented, that the court was seen to be active throughout its jurisdiction, that the travelling time and expenses of all but the Justices were reduced, and, on a purely financial level, that the considerable business which Quarter Sessions brought to a town was spread amongst many more of the Riding's traders. The undivided Easter meeting, on the other hand, helped to prevent variations in methods and standards and to counter parochial attitudes, all of which undoubtedly resulted from the practice of several magistrates attending only the Sessions held in their particular divisions. Over

75 per cent of the Quarter Sessions attended by Francis Whyte between 1660 and 1692, for example, were those held at Wakefield at Christmas and Michaelmas, and he only appeared at the Easter meeting on eight occasions in those thirty two years.²⁷ Nevertheless, this diffused system was a practical and flexible arrangement which worked and which ultimately brought a closer relationship between the governors and the governed.

Adjournments had been occasionally used in the East Riding, but, as in Cheshire, it was not until the late seventeen-twenties and seventeen-thirties that they became common.²⁸ Between 1730 and 1750 the court held between nine and fifteen adjourned meetings each year, the majority of them being convened between Midsummer and Michaelmas. It seems certain that the large number of adjourned sessions was an attempt to compensate for the fact that all the Quarter Sessions were undivided meetings held at Beverley. The comprehensive arrangements in the West Riding, on the other hand, meant that further adjournments were generally unnecessary. In extraordinary circumstances, however, the magistrates in both Ridings used the process of adjournment fully. In 1678, for example, a series of meetings dealt with recusant indictments, and on the accession of George II additional sessions were held to enable the necessary oaths to be taken. It was at the time of the cattle plague in the seventeen-forties, however, that adjournments were most common; in 1748, for example, the East Riding court met on fifty additional occasions.²⁹ Adjourned sessions were held throughout the county not only in the large centres of the population but also in lesser market towns and villages, in, for example, Market Weighton and Hornsea in the East Riding, and Ferrybridge and Gisburn in the West Riding. The houses of the more important Justices were also used, and on four occasions the court met at Wentworth House, the residence of the then Lord Lieutenant of the West Riding, Lord Malton.³⁰ One popular rendezvous for the magistrates of all three Ridings, however, was the Castle of York, where adjourned sessions were commonly held, either immediately prior to or immediately after the March and July Assizes. The decision to meet here was clearly one of

convenience, for all the Justices had to attend the Assizes. Nevertheless, there were other advantages. Specific legal knowledge, which would only be available when the Assizes were being conducted, could be sought and the Justices of all three Ridings could take the opportunity to discuss business which affected the whole county, such as the maintenance of the county gaol.³¹

The duration of each meeting naturally depended on the amount of business to be conducted there. In general, between 1680 and 1750 each Quarter Session in the East Riding usually lasted for at least one day, though two full days were often required during the seventeen-twenties. Two days was the normal length of each of the nine divided meetings in the West Riding, but towards the middle of the eighteenth century the Sessions which dealt with the affairs for the northern and southern parts of the county were able to complete most of their duties within one day. The undivided Easter meeting at Pontefract, however, always required at least three days and invariably lasted for up to five days. The length of the Sessions in the East and West Ridings did not differ very much from the position in most other counties. Quarter Sessions in Shropshire and Warwickshire, for example, normally lasted between two and three days, but the length of the Easter meeting in the West Riding appears to have been exceptional.³²

Although it was expressly laid down by statute when each Quarter Sessions was to be held,³³ there were occasions when changes had to be made. In 1742, for example, Epiphany Quarter Sessions clashed with the elections at York for the Knights of the Shire, and similar problems arose when the Midsummer meeting coincided with the Summer Assizes in 1741, 1744 and 1749. On all four occasions the Quarter Sessions in question was postponed for seven days. It was rare for a particular session not to be held at all, though instances of this occurring were not unknown. The events of the autumn and winter of 1688 and the uncertain constitutional position of the early months of 1689 resulted in the Justices throughout the country deciding not to hold Quarter Sessions. In the West Riding, for example, the court did

not meet after Michaelmas 1688 until Midsummer 1689.³⁴ During the eighteenth century, the West Riding Justices also failed to hold four divided meetings in the seventeen-forties.³⁵

Although the reasons for this are not clear, it seems that it was the result of an insufficient number of magistrates appearing at the opening of the court. For despite its importance, many Justices did not attend Quarter Sessions regularly. Their appearance naturally depended on a variety of factors, on, for example, the weather, the hazards of travel, the relative importance of other duties and interests, and the commitment of each Justice to his magisterial responsibilities. As in several other counties, including Shropshire,³⁶ it was common for some Yorkshire Justices to attend only part of a meeting to hand in recognizances recently taken, to follow up a criminal proceeding of particular interest, to seek the advice of colleagues, to present a stretch of highway, or to participate in an appeal against a settlement or maintenance order in which he had been involved. Such practices complicated the clerk of the peace's task in keeping accurate records, and it is clear that errors were made when compiling lists of those Justices who were present. Occasionally, no note at all was made of magisterial attendance and the absence of any East Riding records for the whole of the second half of the seventeenth century and for the opening years of the eighteenth century makes a statistical analysis of magisterial attendance at Quarter Sessions extremely difficult. Nevertheless, such an investigation reveals important trends and gives some indication of the attitude of individual Justices to their duties.³⁷

One possible solution to the gaps in the figures for attendance by Justices in the East Riding would be the Pipe Rolls, which the Sheriff returned each year and on which he claimed the statutory allowance of 4s. for each day on which each magistrate sat at Quarter Sessions, and 2s. a day for the clerk of the peace. There are, however, many discrepancies between the information in the rolls and in the official minutes. It appears that in Yorkshire, as in many other counties, the Sheriff made a total claim for

wages, and no differentiation was made in the case of magistrates who served in more than one Riding. At the same time the wages money was kept in a common fund in both the East and West Ridings and was used for the Justices entertainment, usually dinners, whilst they were at Quarter Sessions. The West Riding Bench, however, found this arrangement unsatisfactory and in 1724 the deputy sheriff was ordered to pay all Justices who attended Quarter Sessions and the clerk of the peace the wages due. This change in procedure may well have been the result of the fact that the total wages claimed no longer covered the ever-increasing cost of dinners to be provided. It may also have been a reflection of the standard of food served! It appears that the East Riding followed suit, for it is clear that in 1749 the Sheriff paid the Riding's Justices who attended Quarter Sessions their wages, which amounted in full to £12 18s. Od.³⁸

It is only to be expected that the number of magistrates in attendance varied from meeting to meeting and from year to year, and that there would be a dramatic but temporary increase at specific times, at, for example, the accession of a new monarch. In general, the greatest gathering of magistrates was usually at Easter, the only undivided Quarter Session in the West Riding, and a meeting to which certain important business was reserved in most counties, such as the audit of the bill of the clerk of the peace and of the accounts of the treasurer. On the other hand, the lowest attendances were usually at Epiphany, when the already dangerous problem of travelling was made even more hazardous by adverse weather conditions. The actual figures recorded indicate that during the late seventeenth century the average attendance at each Quarter Session gradually increased. This rise continued throughout the early years of the eighteenth century until it reached a peak in the seventeen-twenties, after which there was a marked decline in the number of Justices participating in the business of the court. The average attendance for Easter Quarter Sessions in the West Riding, for example, was between fifteen and twenty in the late seventeenth century. By the seventeen-twenties this figure had risen to over twenty, with thirty four

Justices, the highest number ever recorded between 1680 and 1750, appearing in 1728. At the divided sessions at Epiphany, Midsummer and Michaelmas the average attendance for each of the nine meetings rose from between five and ten during the last quarter of the seventeenth century to between seven and fourteen during the seventeen-twenties. The same trends are noticeable in the East Riding. During the mid seventeenth century the average attendance at any meeting was between six and eight. By the early years of the eighteenth century this number had risen to between ten and twelve, and by the seventeen-twenties it had reached fifteen.

Both Ridings, however, witnessed a decline in the number of magistrates present at Quarter Sessions after this time. During the seventeen-forties the average attendance had dropped to between five and eight at the East Riding Quarter Sessions, to between three and seven at the West Riding divided meetings, and to about fifteen at the West Riding Easter Sessions. At the same time both Ridings experienced an increasing number of occasions when less than five magistrates were present. It is clear that the conclusion of the Webbs, that throughout the eighteenth century it was unusual for the Bench to consist of more than three or four Justices, underestimates the position considerably. Few counties had to rely on such a small number of magistrates. Evidence for Cheshire, Shropshire, Warwickshire and Wiltshire indicates that on average between nine and fifteen Justices appeared at each Quarter Sessions in the late seventeenth century and that by 1750 it was usual for up to ten Justices to attend. In the case of the North Riding, however, it appears that the number of magistrates attending Quarter Sessions was much nearer the Webbs' calculation, since business was frequently conducted by less than five Justices.³⁹

Attendance records not only indicate how many Justices appeared at each Quarter Session but also suggest how active each magistrate was. The Webbs concluded that between 1650 and 1700 about one-third of all Justices actually undertook some duties. Although the evidence for Kesteven tends to bear out this assessment, an analysis of the number of Justices who attended

Quarter Sessions at least once in each year shows that just over half of the working commission in the East Riding and as high a proportion as two-thirds of the working commission in the West Riding was active. During the eighteenth century, however, the position changed. Whereas the size of the working commission had doubled by the seventeen-twenties and continued to increase after this time, the number of active Justices had remained fairly constant and in fact actually declined towards 1750. Thus, by the seventeen-twenties the proportion of the working commission which acted in some form was approximately a quarter in the East Riding and one-third in the West Riding. Such figures bear out the view that the problem of non-active Justices became much worse during the eighteenth century and suggest that, during the late seventeenth century in particular, the Justices of the East and West Ridings were amongst the most conscientious magistrates. Between 1680 and 1696, for example, only about one-fifth of the working commission in Warwickshire was active.⁴⁰

A more thorough investigation reveals a much more complex situation, however, and a distinction must be drawn between those magistrates who appeared only once a year and those who were present on what may be termed a regular basis. For the five years from 1680 to 1684, forty nine Justices attended at least one Quarter Sessions in the West Riding, but only seventeen appeared at nine or more Sessions. Between 1710 and 1714, twenty six out of sixty three Justices attended at nine or more Sessions, but from 1715 the numbers involved gradually declined, except for a temporary increase in the late seventeen-twenties. Although the total number of Justices was less, the situation in the East Riding was very similar. In the mid seventeenth century, it was approximately half-a-dozen magistrates who attended most regularly, out of a working commission of just under twenty. Between 1720 and 1724, on the other hand, twenty nine Justices were present at least once, but only twelve appeared at nine or more Sessions. Over the next twenty years, however, the numbers involved diminished, only eight magistrates out of nineteen attending nine or more Sessions between 1740 and 1744. Such an

analysis indicates that it was on a relatively small group of Justices that much of the work of Quarter Sessions devolved. This was the core of the magistracy which carried out the burden of the court's business, and which, in any one year between 1680 and 1750, amounted to between twelve and twenty six Justices in the West Riding and between eight and thirteen Justices in the East Riding. It is possible, however, to identify an even more important group of Justices, namely those who attended most Sessions most years and as a result came to dominate the court's work. Analysis of those who attended at least fifteen Sessions over a five year period reveals an inner circle of between five and ten Justices in the West Riding and between four and seven in the East Riding.

The core and inner circle of active Justices in both Ridings included some extremely dutiful magistrates, many of whom devoted themselves fully to their duties and recorded exceptional lengths of service. Eight members of the East Riding magistracy and twenty seven of the West Riding made between fifty and a hundred attendances at Quarter Sessions. Only two East Riding Justices, however, appeared at more than one hundred sessions; they were Hugh Bethell and James Gee. In the West Riding, on the other hand, seven justices made over one hundred appearances. They were Godfrey Boseville, Sir Walter Calverley, Sir John Kay, Sir William Lowther, Welbury Norton, William Wrightson and Thomas Yarburgh. Such service was exceptional by any standards and indicates a devotion to duty of the highest quality. They were supported by a group of Justices who were drawn from all social ranks represented in the commission. Devotion to duty was not exclusive to any particular social group. Titled justices were represented by Sir Edmund Anderson and Sir Francis Boynton in the East Riding, and by Sir George Cook, Sir John Lister Kaye, Sir William Lowther, and Sir Rowland Winn in the West Riding. There was only one peer, Henry, Lord Fairfax, who sat on the West Riding Bench. The core of magistrates in both Ridings, however, was composed predominantly of country gentry, who carried out much of the routine work and who provided much of the legal knowledge.

Richard Witton, for example, was one of the leading barristers in the West Riding and as a magistrate he made seventy nine attendances at Sessions between 1709 and 1743. It appears that the magisterial core was, to a certain extent, self-perpetuating and there are at least three instances of both father and son showing outstanding devotion to duty. In the West Riding there were Sir William Lowther and his son, Sir William, Welbury Norton and his son, William, and, finally, Sir Rowland Winn and his son, Sir Rowland. It was upon these Justices that the responsibility for the full work of Quarter Sessions fell. Their consistent attendance undoubtedly resulted in greater familiarity with and a greater understanding of the business in hand. It may even have led to less inefficiency in the way in which the machinery of local government operated for all the members of the core and the inner circle regularly attended the all-important Quarter Sessions at Easter. These were the experienced Justices who with their colleagues throughout the country controlled the affairs of their county. They were, in many ways, the 'magisterial élite'.⁴¹

III. The Justices out of sessions.

Although Quarter Sessions was the focal point of all their work, the Justices undertook a considerable amount of business out of sessions. Armed with certain summary powers, they acted either individually, or, when the need arose, in groups of two or more. During the seventeenth century these responsibilities became more and more important. They were, without doubt, an indispensable feature of local government, for out-of-sessions authority enabled each magistrate to make judicial and administrative decisions in his neighbourhood. He was on the spot. He was accessible and he could give immediate attention to all manner of affairs. Offenders were brought to him for examination and he was called upon to settle disputes which could be both financial and civil, public and private. He was expected to listen to grievances and to act to defend the interests of the people who lived near to him. On many occasions his authority was buttressed by the

direction of Quarter Sessions that his decision was to be final.⁴² Both in theory and in practice, it was the Justice of the Peace who determined the fate of everyone.

To assist them in this work, the Justices in Cheshire, Shropshire, Yorkshire and in many other counties, held irregular meetings between Quarter Sessions.⁴³ These were generally referred to in the second half of the seventeenth century as 'special' sessions and as 'private' or 'monthly' meetings. Although both were conducted in informal surroundings, usually a Justice's own home or in a local inn, they were originally intended to deal with different business. Special sessions were held by the magistrates to help them undertake specific administrative duties. In the late seventeenth century they were used particularly for highway and alehouse supervision, the meetings for the licencing of alehouse keepers also being known as 'petit' sessions.⁴⁴ Gradually, however, the sessions held for these two types of business were referred to as Highway and Brewster Sessions, the term 'special' being reserved for a particularly important and additional meeting held in extraordinary circumstances, such as that which discussed the complaint against the West Riding clerk of the peace in 1729.⁴⁵ Private sessions, on the other hand, appear to have had a more varied agenda and were held by the Justices in their divisions of the county. They were opportunities for the magistrates of each wapentake to act together in the execution of duties which required local knowledge and local discretion. They were usually held monthly but they could be convened as often as the need arose. Although they tended to concentrate on poor law problems, the magistrates who attended also viewed bridges in need of repair, appointed constables and regulated assessments. It seems quite clear that private sessions were the late seventeenth century equivalent of the divisional and monthly meetings of the sixteenth and early seventeenth centuries.⁴⁶

Many private sessions were not announced. There was no fixed time or place and any meeting depended on two or more Justices coming together. Nevertheless, some provisional notice must have been given to

ensure the attendance of constables and any other individuals whose presence was required. As a result, it was quite probable that once such a meeting was made known, other local residents would attend seeking redress or assistance, and constables would bring malefactors, vagrants, or suspicious people who had been recently apprehended. In this way, the Justices assembled would have to consider all cases brought before them, if they required immediate attention. It is not clear whether this unconscious and extra-legal development was a frequent occurrence in the East and West Ridings, but it is certain that during the early eighteenth century it became common to hold private, highway and alehouse sessions for a particular district on the same or on successive days so that the Justices could more easily execute their duties than hitherto. Sometimes Quarter Sessions gave specific instructions, as in the East Riding in 1715, when the petty constables were ordered to return the names of all those who took game but were unqualified to the forthcoming Brewster Sessions. These were sensible moves. The adoption of a more formal organisation for out-of-sessions work was a way of improving administrative efficiency and of ensuring certain standards were maintained. It would also help to stop abuses, such as the practice of some suitors visiting numerous Justices until they acquired the warrant or decision they desired.⁴⁷

The development of taking the business of special and private sessions together, the gradual increase in the number of out-of-sessions meetings, the range of business transacted there, and the need to give prior notice, indicate the beginning of the evolution of petty sessions. This transformation is clearest in the West Riding. The paucity of records for the East Riding, however, means that the position is not so certain, but it seems that even here such a process was in motion during the first half of the eighteenth century. Separate sessions for highways, for alehouses, and for the administration of the poor law were still held in both Ridings. Regular meetings of Justices by divisions, involving much of the formality of general Quarter Sessions, and attended by all the subordinate officers of the respective wapentakes and by an array of clerks, were not held until the late

eighteenth and early nineteenth centuries. Nevertheless, there is enough evidence to suggest that developments which would eventually result in the establishment of formal petty sessions were taking place in the West Riding, as in Gloucestershire and a few other counties, from as early as the late seventeenth century and in the East Riding, and the majority of counties, from the second and third decades of the eighteenth century.⁴⁸

IV. Developments in organisation and the growth of professionalism.

It is clear that the decision to allow them to act individually or in small groups was to ensure that the Justices' authority was felt throughout the county. Yet, it was also a deliberate attempt to prevent the increasingly overworked and infrequent meetings of Quarter Sessions from becoming completely overburdened. As the duties the magistrates were expected to perform became more demanding, the business of the court became more bewildering both in its range and in its quantity. One of the most striking features of local government between 1680 and 1750 was the increase in the amount of work in the early eighteenth century, rising to a peak during the late seventeen-twenties. The administrative responsibilities of the Justices were becoming more complex, and it was patently clear to a few magistrates as early as the last quarter of the seventeenth century that the machinery of local government was inadequate for the tasks it was required to perform. Developments were required in the way in which the Justices carried out their duties, and, in the absence of any lead from central government, it was up to individual county benches to act as they thought necessary. During the early eighteenth century the general structure of local administration remained essentially the same as it had been in the preceding century, but attempts were made at co-ordination and rationalisation in most counties. Some of the experiments were at first unsuccessful and had to be redevised. Many, however, were of a lasting nature and had a profound influence on local government.

Some of the most enduring developments affected county finances. Throughout the seventeenth century treasurers had been appointed in all counties for specific purposes. Whereas two usually doled out pensions to those soldiers and sailors injured in the service of the crown, only one supervised the funds for the maintenance of the prisoners in the King's Bench and Marshalsea goals. Quarter sessional records in the East and West Ridings reveal little evidence of the work of this last official. His was certainly the lesser of the two posts. In 1680 John Lund, who was described as 'gent', held this position in the West Riding and he appears to have still been in office in the early sixteen-nineties. The treasurer for lame soldiers, on the other hand, was an annual appointment and was generally filled by serving Justices. With the discharge of Sir Thomas Yarburgh in the West Riding in 1680, however, no successor was named, but it is clear that he retained a considerable sum of money until he finally presented his accounts fourteen years later. During this period he was ordered to make payments from the stock he held for a variety of purposes: to relieve several paupers, for example, and to reimburse individuals for apprehending suspicious characters and for prosecuting criminals for coining. Such a development meant that the principle of estreating money for one purpose only had been challenged and the precedent had been established of using one account's surplus to discharge a totally unconnected debt. At the same time, additional sums for bridge repairs were levied to create a stock for urgent repairs and this money was also used for discharging other expenses, notably the reimbursement of the master of the house of correction. As a result, the West Riding maimed soldiers fund was gradually being amalgamated with the money raised for bridges to create a general purpose fund, out of which the magistrates met their financial responsibilities. Though the number of lame soldiers was rapidly decreasing, the Riding was still required to maintain the fabric and inmates of the house of correction, to repair a large number of bridges, and to share with the other two Ridings in the maintenance of the county gaol at York.⁴⁹

Improvements in financial efficiency were also achieved by a reduction in the number of estreats and the number of times each year such estreats were made. The East Riding Justices continued to order sums to be levied after each Quarter Sessions throughout the first half of the eighteenth century, but by 1731, when surviving records begin, all sums were being kept in one fund. Their colleagues in the West Riding created a single fund as well, but they also decided to reduce the number of estreats by half. Twice a year, after the Epiphany and Midsummer Quarter Sessions, a single rate was levied for all county purposes, though each item was stipulated quite clearly.⁵⁰

Apart from the specially appointed treasurers, there were in the late seventeenth century various other people who were made responsible for money belonging to the county. All estreats were issued out by the clerk of the peace but the sums levied in the West Riding were paid to a variety of people; to individual Justices, chief constables, and even bailiffs, as well as to the clerk, his deputies and to the special treasurers.⁵¹ It was most unsatisfactory to have so many people holding county money. It was administratively untidy, necessitated the auditing of several accounts, and invited fraudulence. Nevertheless, Quarter Sessions maintained a firm control: full accounts had to be made before the court would discharge anyone of his responsibilities, and any hint of dishonesty was rigorously investigated.⁵² The advantages of rationalising this system gradually became evident to many magistrates, and it was in 1694 that the West Riding appointed its first treasurer, Sir William Lowther, to whom all money for the King's Bench and Marshalsea, for lame soldiers and for all other purposes was to be paid. Nevertheless, such a move had been indicated for several years. During the previous ten years there had developed a situation when one permanent official, Henry Wood, the deputy clerk of the peace, gradually became more and more concerned with the distribution of county funds. A treasurer was serving in the East Riding by 1707, but it is clear that separate treasurers for the lame soldiers and for the King's Bench and Marshalsea funds were

retained until 1729, from which time the county treasurer appropriated these responsibilities.

It took time for all these changes to become established and occasionally the court in both Ridings reverted to older practices. Quarterly rates, for example were temporarily reintroduced into the West Riding between 1713 and 1717. There was also a willingness to limit the powers of the county treasurer by appointing special officers when the need arose: Thomas Roebuck was referred to as the West Riding's treasurer for the vagrant money in 1700, a post he held for nigh on five years.⁵³ With the appointment of Sir George Cooke in 1707, however, the West Riding county treasurers were responsible for all money raised on the county, be it for bridges, the house of correction, the county gaol, the King's Bench and Marshalsea prisoners, lame soldiers or vagrants. The practice of rationalising finances was essential if any county was to cope with the demands laid upon it. Raising sufficient money to pay for administrative responsibilities had been one of the most besetting problems to face the Justices in the seventeenth century. By the second quarter of the eighteenth century, however, these difficulties were being overcome in the East and West Ridings, and similar attempts at financial consolidation and at the introduction of a single treasurer had been made in many counties. The Justices in Cheshire, Gloucestershire and Warwickshire, for example, had appointed a treasurer by 1700, and their colleagues in Derbyshire, Shropshire and Wilshire followed suit during the next twenty years. What is really important though is that these financial improvements occurred in most counties, including the East and West Ridings, well before the County Rate Act of 1739 expressly sanctioned the appointment of permanent county treasurers and the unification of county rates. The successful implementation of all these developments inevitably involved expenditure of a general nature and Quarter Sessions throughout the country began to collect money for a public stock to help defray running costs. The West Riding was levying estreats occasionally in the early seventeen-hundreds, but from the seventeen-twenties sums were regularly

collected twice a year. As early as 1702, £100 had been raised and paid to the treasurer, Theophilus Shelton, to be used as a fund to discharge the office of treasurer. In the East Riding, on the other hand, estreats for a public stock were only ordered when the need arose.⁵⁴

At most times the treasurers of both Ridings were in possession of what was for them relatively large sums of money. From the seventeenth to the eighteenth centuries the treasurer of the East Riding was disbursing between £200 and £500 each year. In the West Riding, however, the sums involved were much greater. In 1720 the total annual estreat amounted to £1,200 and it had risen to over £2,000 thirty years later. This was much higher than in most other counties, the Wiltshire Justices, for example, having to raise just over £1,000 in 1746. County funds could be much depreciated, however, as in 1742 when the West Riding treasurer, John Dodgson, was forced to use his own money and to borrow several hundred pounds to keep the accounts in balance. His exceptional behaviour did not go unnoticed and Quarter Sessions rewarded him to the tune of £20.⁵⁵

The importance of this post ensured that great care was taken with each appointment. At first the court in the West Riding, as that in Shropshire, relied on its most experienced serving Justices, most of whom held office for just twelve months. With the appointment of John Smith in 1715, however, it is clear that the county had decided to use professional officials and to continue them in office for an indefinite period. Two treasurers, John Dodgson and his successor John Kitchingman, actually died whilst still in office, and between them they had served the county for forty one years. It appears that indefinite service became the norm in most counties, including the East Riding, where Edward Wilbert, who was treasurer for at least twenty years, also died in office in 1728. No magistrate, however, became treasurer in this county; Edward Wilbert was a maltster by trade and his successor, Jonathan Midgley, was an attorney. Nevertheless, both had considerable standing in the county: both were aldermen of Beverley and both served as mayor there. On the whole, the individuals who were appointed as treasurers

in the first half of the eighteenth century had had little financial training, though some had had legal experience and others had been clerks of the court: Thomas Roebuck, for example, had been special treasurer for the vagrant fund and deputy clerk for collecting money before he was appointed treasurer of the West Riding in 1705.⁵⁶ It is clear though that most of the people and quite definitely all of the Justices who served in the West Riding relied on a deputy treasurer. In the case of the magistrates, their deputies were usually their own stewards or estate agents, men who were well versed in legal and financial affairs. At first the deputies had to rely on the generosity of their masters for any remuneration. The importance of the contribution of this assistant, however, received official recognition in the West Riding in 1708 when Quarter Sessions ordered that he was to be paid a salary of £10 per annum.⁵⁷

Although a salary was paid to the deputy treasurer from 1708, it was not until 1715 that the county treasurer received any sort of remuneration. In this year John Smith was awarded £10 per annum, the same as that paid to the treasurers in Derbyshire and Warwickshire. Thirteen years later the West Riding salary was raised to £20 and increased again in 1733 to £30. From this year he was also to receive an additional £10 each year for discharging his duties connected with the textile industry. Although the County Rate Act stated that the treasurer could be paid no more than £20 each year, it appears the West Riding continued to allow its treasurer £30 per annum until 1747. On the appointment of John Kitchingman in that year, however, his salary was settled at £20 per annum, but his additional allowance for his work with the textile industry was increased to £30 per annum. In the East Riding, on the other hand, the treasurer's salary was never increased. Throughout the first half of the eighteenth century, it remained at £8, a clear reflection of the much smaller amount of money and business with which he was involved.⁵⁸

The appointment of a county treasurer and the rationalisation of county finances was part of an important process in the late seventeenth and

early eighteenth centuries which was to result in the establishment of a much more professional approach to local government. It is true that several treasurers remained in office for many years, but lengthy service did have the advantage of ensuring stability and continuity. At the same time, the Justices maintained a close supervision, Quarter Sessions in both Ridings establishing virtual standing committees to conduct annual audits of accounts at the Easter meeting of the Court. What was particularly innovatory, however, was the decision to make annual allowances both to the treasurer and to his deputy.

At the same time Quarter Sessions began to evolve a procedure and organisation involving all the formality of an important judicial gathering. It was both a court of law and an administrative authority. Nevertheless, the same procedure was adopted for judicial and for administrative responsibilities, that of presentment, indictment and trial. Statutes involving social and economic duties were enforced by punishing breaches, a process which undoubtedly strengthened the authority of all magisterial orders. The execution of administrative responsibilities in a judicial way, however, was not efficient and as the work of the court became more complex, the Justices' judicial and administrative functions were gradually separated. Presentments were still used notably before highway repairs were undertaken, but in an increasing number of cases administrative decisions were taken before the legal formalities had been fulfilled, as, for example, in relation to the maintenance of the gaol at York and the repair of county bridges. This distinction between the criminal and administrative work also became clear in the proceedings of the court. Separate records were kept and the business involved was dealt with at different times during each sessions.

It was not until 1733, that English was used for indictments, Latin previously being the language for all formal documents in criminal cases. This particular development was the result of pressure brought to bear by several county benches which petitioned Parliament against the continuation of law proceedings in Latin.⁵⁹ Here was another way in which the Justices not only

strove to strengthen the authority of Quarter Sessions by improving the standards of legal debate, but also began to display a more professional attitude towards their duties. In the absence of any initiative on behalf of central government, several county benches, including those in the East and West Ridings, successfully sought statutory permission to make regional improvements and to counter what they saw to be particular abuses. At different times the East and West Riding Justices presented petitions for the protection of the Yorkshire woollen industry, for the easier recovery of small debts, for the improvement of stipends for vicars, for the relief of insolvent debtors, and for the establishment of registries of deeds, as well as for the use of English in all legal proceedings. There was, however, no petition from Yorkshire Justices to support the proposals of the Devon magistrates for an easier method of recovering wages in husbandry. These petitions concentrated on local issues and this seems to have been the explanation for the considerable interest shown throughout Yorkshire in legal reform. Concern in both the East and West Ridings had led to the passage of several procedural orders in an attempt to increase the use of learned counsel and to check the activities of unqualified attorneys, but clearly these had been unsuccessful. Petitions subsequently presented to Parliament, however, and legislation passed in 1729 tightened up the qualifications of attorneys and settled the ways in which they were to undertake their duties. It seems that the clerks of the peace stimulated much of the demand for legal reform, for they were determined not only to simplify and shorten the court's business but also to prevent encroachments upon their privileges by unqualified people.⁶⁰

The Justices ensured that the standing of Quarter Sessions in the eyes of the general population was fully maintained. Any jurors or petty officers who failed to attend or who departed early were severely reprimanded, as was anyone who used insulting behaviour and language in the precincts of the court. A cryer and beadle were employed in both Ridings, and whereas the former took a full part in all proceedings, the latter, who was provided with a uniform at the county's expense, appears to have been

used as an official messenger whilst the court was in session.⁶¹ To prevent the disorder that resulted from persons applying to several Justices at the same time, Quarter Sessions in most counties decided to elect a chairman to whom all requests should be made. He was also to give the charge to the jurors, to keep order during the proceedings, to ascertain the opinion of his fellow magistrates, and to give the decision of the court. These duties, and particularly that of delivering the charge, were undertaken in the late seventeenth century by the leading Justice in attendance, though he was not given any official title. The Shropshire magistrates appointed a chairman regularly from 1701, but it was not until 1723 that the East Riding court began to elect a chairman at virtually every Quarter Sessions. In the West Riding, on the other hand, attempts in 1709 and 1719 were unsuccessful, but, following a further order of 1726, a chairman was chosen at all subsequent Quarter Sessions at Easter and occasionally at some of the other nine meetings held each year. It is clear that all those magistrates who acted as chairman had had a legal education and that many were barristers by profession. What is also certain is that the post of chairman did not devolve in either Riding upon a single magistrate, as occurred in several counties towards the end of the eighteenth century. Instead, the responsibility was shared amongst a small group of Justices who were drawn almost exclusively from the magisterial élite.⁶²

The increasing amount of business and the more formalised administration which evolved required the appointment of a considerable number of subordinate officials. Of immediate use to each magistrate was his personal clerk, occasionally a lawyer, but more often than not an actual employee of the Justice, as a steward or an estate agent. It is clear though that these clerks abused their privileged position, for Quarter Sessions in both Ridings found it necessary to repeat on several occasions the exact fees they were to take.⁶³ The most important officer of the Justices, however, was the clerk of the peace who gave valuable legal advice and who, with an ever-increasing number of deputies, became responsible for the criminal and

administrative records. The magistrates came to place more and more reliance on him, and his life tenure of office after 1689 and his constant involvement with legal procedures made his position one of unique continuity. Nevertheless, he could be removed for serious misdemeanours. Complaints were levelled at both Richard Harland and William Wickham, at some time clerks for the East and West Ridings respectively, but none of them were proved. Richard Harland was subject to a series of attempts to remove him from office for a variety of reasons, notably neglecting the laws against Papists and Non Jurors and failing to keep adequate records. Although discharged from office in 1716, he appears to have fought a successful case at King's Bench. He was reinstated as clerk and served until he resigned in 1736. The accusations levelled at William Wickham in 1729 centred on the fact that he had failed to reside in the county and to appoint a deputy clerk of indictments and arraignments. A special sessions was held by adjournment to hear his defence, which he conducted so competently that he was cleared of all charges.⁶⁴

The cases brought against these two were exceptional. In general, the individuals who were appointed in both Ridings were extremely able and efficient servants, all of whom had previously had substantial legal experience. Three of the five clerks who served in the West Riding between 1680 and 1750 were also members of the Bench: John Peables was appointed a magistrate after he had served as clerk, but William Wickham and Thomas Pulleyn acted as Justices first. The personal standing of Theophilus Shelton must have been exceptional. As well as being clerk of the peace from 1689 to 1717, he served as county treasurer from 1702 to 1704 and as the first registrar of the Riding's Registry of Deeds from 1704 to 1717. There were four clerks of the peace between 1680 and 1750 in the East Riding, but in this county the post became associated with one particular family. Between them Robert Appleton and his son held the posts of clerk and deputy clerk for well over fifty years.⁶⁵

By the middle of the eighteenth century, the clerk of the peace had gathered around him a whole handful of specialised assistants who were responsible, amongst other things, for drawing up indictments and receiving fees. What is more, and this was particularly so in the West Riding, the deputy clerk gradually took on more and more of the duties of his superior. From the seventeen-twenties it was the deputy to whom the Justices directed many of their instructions. Nevertheless, they maintained a close watch over the clerk and all his assistants to ensure that they acted properly and collected only the correct fees due.⁶⁶

The supervision of subordinate officials was one of the most time-consuming duties the magistrates had for it involved several wapentake and parish officers, as well as the more important servants like the clerk, the treasurer, and the master of the house of correction. Seventeen chief constables served for the West Riding, two for each wapentake except Ewecross which had only one. In the East Riding there were eleven chief constables, one for each wapentake except Holderness which had three and Harthill which had four, an officer serving in each of the divisions of these two wapentakes. As in most other counties, the chief constables were always sworn to and discharged from office at Quarter Sessions, and their accounts were scrupulously vetted, usually by two Justices for the wapentake concerned. They received no remuneration, though occasional extraordinary charges and expenses incurred were reimbursed. Throughout the seventeenth century, the West Riding chief constables always served for a period of no more than three years but towards 1750 there is evidence of some being retained for much longer. Lengthy service was far more common in the East Riding, however, for the Justices had to face a severe problem of finding suitable replacements. It is true that for much of the seventeenth century each chief constable had served for up to three years, as in the rest of Yorkshire, but after 1700 time in office seems to have depended on the discrimination of the Bench. Of thirty two chief constables for whom details are known, only seven served for less than three years. On the other hand, at

least eleven served for twenty or more years. To a great extent the chief constables of both Ridings carried out their responsibilities efficiently. Removal for serious misdemeanours was rare, but some were reprimanded for failing to execute their duties as directed. The magistrates were determined that their chief constables should be effective and respected, and the East Riding Justices seem to have adopted a practice of overlapping service, whereby the outgoing constable explained his duties to his successor and both individuals served together until the following sessions. Such a procedure must have assisted continuity and administrative efficiency.⁶⁷

The chief constables were the executive officers of the Justices. They provided the link between the court of Quarter Sessions which made the decisions and the parochial officials who would have to implement them. They were the people who disbursed the orders of the court throughout the county and as such played a vital role in local government. Nevertheless, the relatively few occasions on which the chief constables were punished for serious neglect indicates a devotion to duty of a high order. In the case of the petty constables, the overseers of the poor and the surveyors of the highways, however, the situation was very different. Service for them was unavoidable and the individuals who found themselves obliged to undertake any of these posts longed to be relieved of their tiresome duties. A total lack of enthusiasm was exhibited and many preferred to neglect rather than to discharge their responsibilities. The Justices viewed such failings with great concern: reprimands were frequent, though prosecutions for neglect or misdemeanour were few. It is clear that there was little chance of these parochial officers fulfilling their responsibilities without the guidance and oversight of the court. They frequently had to be reminded of their duties but magisterial supervision did not always ensure that their responsibilities were promptly discharged. Nevertheless, the decreasing number of times individual officers were made to explain their actions, the number of procedural orders made to guide them in their work, and the oversight undertaken at an increasing number of adjourned and divided sessions, indicates that, during the

eighteenth century, the majority of people who served acted in a disciplined and effective manner.⁶⁸

Through their supervision the Justices sought to ensure that the administration of the county was not patchy and haphazard, but sustained and efficient, an aspiration they found very difficult to achieve completely. Nevertheless, they never stopped trying and by the middle of the eighteenth century they had begun to assemble a collection of subordinate officers, all with clearly defined functions, all within a definite hierarchy of authority, and all fully under the supervision of the Justices. These individuals were gradually brought together into an inter-related and cohesive organisation at the immediate disposal of the court and with the overwhelming advantage of knowing and understanding local needs and circumstances. Such developments were partly due to the dedication and ability of some of the more important servants of the court but they were also due to the calibre and drive of the inner core of Justices who served in both Ridings. For, despite the establishment of a professionally-run administration, much still depended on the character and influence of individual Justices, on their attitudes to their work, and on their dedication to the duties which they were authorised to undertake as members of the commission of the peace.

CHAPTER 2.

THE PERSONNEL OF THE BENCH OF MAGISTRATES.

I. The composition of the commission of the peace.

On behalf of the monarch, the Lord Chancellor formally appointed Justices of the Peace by issuing under the Great Seal commissions of the peace, which set out the names of those gentlemen who were to be permitted to act within a given geographical area, be it a county, liberty or borough. By 1680 membership of the commission included not only the principal officers of state and the Assize Judges for the circuit in which the jurisdiction concerned was situated, but also the entire Privy Council, other important courtiers, and the Attorney and Solicitor Generals. Certain commissions also contained the names of office holders and dignitaries of local importance, as in the case of the Archbishop of York, who was always named in the commissions for the three Ridings of Yorkshire. The inclusion of these individuals had little to do with the actual workings of local government. They were honorary or courtesy Justices who were not expected to participate in routine business. Their appointment was partly a government means to reward friends and loyal servants. It was a result of the thirst for and inflation of honours in the eighteenth century, and a manifestation of the affects of a system which enabled leading ministers of the day to control crown patronage. In the seventeenth century, however, the inclusion of such officers as the Assize Judges had been principally concerned with improving the supervisory control of central government over an increasingly independent magistracy.¹

The names of peers, who were native to the county, or who had important landed interests there, were included amongst the honorary Justices. Between 1680 and 1750, the commissions for both the East and West Ridings included several peers with important connections with one or both counties. The Earls of Holderness, Dukes of Buckingham, Lords Ealand and Fairfax, and Viscounts Castleton, Halifax, and Thanet were all appointed to the West Riding commission, as were the Earls of Mulgrave, Lords Langdale,

and Viscounts Dunbar to that for the East Riding. On the other hand, several peers were included in the commissions for both Ridings, as in the case of the Earls of Burlington, Lords Clifford and Howard, and Viscounts Downe, Fauconberg and Irwin. It was customary for more than one representative of each of these families to be appointed to the magistracy, yet it was unusual for sons of peers to serve at the same time as their fathers. What was more common was for sons to succeed fathers, as in the cases of Charles and Thomas, Lords Clifford, and John and Henry, Viscounts Downe.

Like the other honorary figures, these members of the commission were also courtesy Justices who were unlikely to act. Many peers were absent from the county for long periods, the majority of them spending much time in London. Nevertheless, some took a great deal of interest in county affairs. Sir John Dawnay, created Viscount Downe in February 1681, and Henry and Thomas, the fourth and fifth Lords Fairfax respectively, were all listed amongst the honoraries in the West Riding commission. All three, however, took the necessary oaths and were active participants in the magisterial work of the county, especially that undertaken at Quarter Sessions. Nevertheless, it was rare for peers to concern themselves with the day-to-day business.²

The truly working members of the magistracy were the county gentry, and, in numerical terms, they dominated the commission. The majority of these Justices were from well-established county families, though some were relative newcomers, men who were eager to gain a place on the Bench as a means of establishing themselves in society and of being accepted by the indigenous population. All who were appointed to act, however, had to be, at the very least, of the status of gentlemen. Inclusion in the commission of the peace was a mark of privilege and to ensure that this was the case only men with land worth an annual value of £20 or more were eligible for service. By the early eighteenth century inflation had resulted in many people who were not gentlemen owning land to a greater value, and complaints of the appointment of unsuitable Justices were frequently levelled against the Lord

Chancellor. An act of 1731 partially remedied the situation, however, by raising the property qualification to £100 per annum.³ The exclusiveness of the membership of the commission was a feature the government endeavoured to maintain and which those appointed greatly treasured. From the seventeenth century, however, representatives of families whose wealth was not primarily derived from land began to aspire to places on the county commissions. This was a gradual development, but it was to become more rapid and more significant in the late eighteenth century. Nevertheless, this trend is discernible well before 1750. Those appointed included retired army and navy officers and doctors, as in the case of Henry Johnson, Doctor of Physick, and Captain Richard Peirson, both of whom became Justices in the East Riding.⁴ On the whole, only a small number of such individuals became magistrates. Far more important, however, was the appointment of people who were primarily merchants and traders, and the re-emergence of clergymen as a distinctive group within the commission.

There is clear evidence that in the early eighteenth century there was a gradual increase in the number of people who had made their wealth in business, trade, or industry, and who now acquired land as a means of entering county society. Land ownership was the pre-requisite for any social improvement. To confirm their newly acquired social status they also desired membership of the commission of the peace. In the West Riding, such leading merchants as James Ibbotson and Thomas Lee joined the county Bench in 1723 and 1728 respectively, Ibbotson becoming an extremely active magistrate. Perhaps the most interesting business family to be represented on the West Riding commission, however, was the Milner family. William Milner was a Leeds cloth merchant and was appointed a Justice in 1710. His son received the same honour nine years later, and William junior became a baronet and served as Member of Parliament for York from 1722 to 1734. Yet the success of William Milner the younger was inextricably connected to the wealth his

father had acquired in the textile trade and the land he had afterwards purchased at Nun Appleton and Bolton Percy.⁵

The situation in the East Riding was similar, for the merchants of the city of Hull, like their counterparts in the West Riding towns, desired to acquire estates in the surrounding counties, in either the East Riding or Lincolnshire. Most of these businessmen were content with the establishment of a country seat, and it was only a small number who sought complete acceptance in county society by being involved in local government. The most notable Hull merchants to be honoured by elevation to the East Riding commission of the peace before 1750 were George Crowle, Henry Maister, Charles Pool, Richard Sykes, and William Wilberforce. Their preoccupation with the affairs of the city of Hull and with their trading interests, however, meant that it was uncommon for them to become particularly active magistrates within the county.⁶

Whereas the appointment of gentlemen whose wealth was not obtained principally from land ownership was an innovation in the early eighteenth century, the simultaneous decision to include clergymen in the county commissions of the peace was not. Clerics had served as Justices in the early seventeenth century. They were to remain important in the commissions for such jurisdictions as the Liberties of Ripon and of St. Peter, but, apart from the courtesy inclusion of the Archbishop of York, their membership of the county commissions was terminated after the Civil War. The eighteenth century, however, witnessed the re-introduction of clerical Justices and the gradual consolidation of their new status in county government. In the West Riding, the number of clerics in the commission rose from one in 1702, to nine in 1731 and it reached a total of twenty six in 1751. The East Riding commission witnessed a similar rise, though, as is to be expected, the numbers involved are much smaller; there was one cleric in the commission of 1723, two in that of 1731 and four in that of 1744. Analysis of the records of Quarter Sessions indicate that between 1700 and 1750,

seventeen clerics out of at least nineteen named in commission undertook some form of business in the West Riding and four out of at least six in the East Riding. Although none of the clerics penetrated the core of Justices which dominated magisterial affairs in both counties, some became particularly active and were regularly attenders at Quarter Sessions. The West Riding Bench, for example, benefited greatly from the work of the Rev. Cavendish Nevile, the Rev. Henry Wickham and the Rev. Charles Zouch, who together served the county for a total of forty eight years.⁷

The appointment of clerics to the magistracy was part of an attempt to ensure that a sufficient number of Justices undertook their responsibilities and that there was an adequate spread of Justices throughout the county. It was genuinely hoped that clerical Justices would be more attentive to their duties and would be more likely to undertake the day-to-day business. The evidence indicates that this confidence was not misplaced and that a surprisingly high proportion of the clerics appointed did take the necessary oaths of office and administer their responsibilities.

The commission of the peace also included a number of lawyers who provided valuable legal knowledge and experience. Despite the fact that several Justices had attended one or other of the Inns of Court, lawyer-magistrates played an extremely important role on the Bench as a result of their 'great knowledge in statute and civil laws'.⁸ The principal advantage of these barristers was that they offered considerable expertise and assistance both to the general public as well as to their fellow Justices.

There were at least five lawyer Justices actively involved in the work of the East Riding Bench in the first half of the eighteenth century. Besides William Lister who was to undertake the key position of first registrar of the East Riding Registry of Deeds, the most notable individuals were Sir Francis Boynton, James Moyser, and Richard Worsop, all of whom were members of the core of the working commission in that county. On the other hand, at least seven lawyer Justices are to be found amongst the core

of the working commission in the West Riding between 1680 and 1750. They were Jasper Blythman, Francis Lindley, William Radcliffe, John Smith, Thomas Vincent, Francis Whyte, and Richard Witton, who was possibly the leading barrister in the county in the early eighteenth century. There were approximately sixteen other lawyer magistrates who sat on the West Riding Bench. Both Thomas Yarbrough and Sir John Boynton became serjeants at law, though Sir John was unsuccessful in his attempt to become a judge. Many of these lawyer Justices in both Ridings served at the same time as recorders in the various boroughs, thus combining their magisterial responsibilities with their professional legal duties. Amongst the leading lawyer Justices of the West Riding, who was later to have an exceptionally successful career, was Fletcher Norton, who acted as a magistrate from 1748. He was knighted in 1762, sat in Parliament from 1756 to 1782, and eventually served as Solicitor General in 1762, as Attorney General from 1763 to 1765 and as Speaker of the House of Commons from 1770 to 1780.⁹

II. The eighteenth century expansion of the commission.

The late seventeenth and eighteenth centuries witnessed a change not just in the social character of the commission of the peace, but also in its numerical composition. The number of Justices appointed throughout the sixteenth and early seventeenth centuries had varied according to the needs of the time. There had been a marked increase in the size of the commission during the Interregnum, for example, as a result of the government's desire to buy political support by offering local offices as a reward for loyalty. At the Restoration, however, a substantial reorganisation of the commission led to the omission of many of the previous government's appointees and had the overall effect of reducing the total membership. From the end of the reign of Charles II, however, the size of the commission of the peace was dramatically increased, an expansion which was to be maintained throughout the eighteenth century and which affected the size of the working membership, namely those

gentlemen who were expected to act, as well as the number of honorary Justices.¹⁰

Such had been the increase in the variety of courtesy magistrates appointed in the seventeenth century that the commission of the peace for October 1685 included the names of about forty honorary Justices in the West Riding and thirty in the East Riding. By the seventeen-twenties, however, the number of honoraries had risen to about eighty in the West Riding and seventy in the East Riding. Over the next fifty years these totals were altered only slightly, but during the reign of George III they were increased once again, with the effect that there were 123 honorary Justices in the West Riding commission and 113 in that for the East Riding.

The expansion in the number of Justices in the working commission was just as dramatic, for in many counties the total number of these magistrates in the commission in the sixteen-seventies had been at least doubled by 1720. The late sixteen-eighties and the years 1714 and 1715 did witness decreases in the number of Justices in commission but such fluctuations were temporary; the overall trend in the size of the working commission was inexorably upward. Between the sixteen-eighties and the seventeen-twenties the West Riding commission was increased by approximately 160 per cent and that for the East Riding by 125 per cent. Such rises were spectacular though not exceptional; the size of the commission of the peace for Hampshire, for example, rose by 183 per cent during the same forty year period.¹¹ From the seventeen-twenties to the seventeen-fifties the process of expansion was continued, though the rate of increase was less than what it had been. Whereas the percentage rise for the West Riding was 150 per cent, that for the East Riding fell to as low as 25 per cent.

Between 1680 and 1750 the size of the working commissions in both Ridings, as in most counties, had been transformed.¹² At times, the increase in numbers had been gradual; on other occasions, it had been rapid. The overall effect was that the working commissions for the East and West

Ridings had risen by 183 per cent and 682 per cent respectively. In terms of the number of Justices, this meant an increase from fifty eight magistrates to 307 in the West Riding and from thirty to eighty four in the East Riding. Such an increase in the case of the West Riding would appear to be unique and is to be explained by this county's rapid development throughout the eighteenth century. This expansion was maintained throughout the late eighteenth century; by 1771 the number of Justices in the working commission in the East Riding was 119, and nine years later the number in the West Riding had reached 448. Yet by this time the whole character of the commission was being altered. Membership was not as exclusive as it had been and the commissions issued during the reign of George III reveal a marked increase in the number of Justices who were also named on commissions for other counties.

The explanations for the dramatic rise in the size of the membership of the commission are many and varied. Political and religious factors are of paramount importance in any analysis of the fluctuations of the late seventeenth and early eighteenth centuries. Whereas James II had deliberately appointed Catholics and Dissenters to the Bench, the aim of all governments after 1689 was to seek support for the Revolution Settlement and later for the Hanoverian Succession. This was achieved not by alienating opponents of the regime by disgrace but by rewarding local supporters with inclusion in the commission. Yet an expansion of the magistracy was required for purely administrative reasons. The ever increasing range and complexity of the business with which the Justices had to deal meant that they were becoming more and more overworked. In the interests of effective administration and equitable justice, the government had to ensure a spread of magistrates throughout the county. And yet in practice this was an extremely difficult objective to fulfil. It was bemoaned in 1695 that the wapentake of Holderness in the East Riding had only one Justice,⁴ and that there was an urgent need for more local appointments.¹³ The difficulty of

achieving a fairly even spread of Justices was particularly acute in certain places and at special times, namely in the more remote and inaccessible areas and during the reigns of William III and Anne, when the government desired to increase the number of local agents at a time of war and possible invasion.

The government was faced with the fact, however, that not all Justices included in the commission of the peace were willing to act. There were many gentlemen who were entirely satisfied just with membership of the commission. The expense of qualifying and acting, the essential and frequent journeying, the troublesome and never ending duties, and the dangers of open hostility from disgruntled social inferiors and dissatisfied neighbours were burdens which persuaded many not to take the necessary oaths of office. It is clear that the problem of non-active Justices became more serious in both Ridings in the eighteenth century and that the expansion of the commission of the peace was in many ways an attempt to recruit more dutiful magistrates. Hence the willingness to appoint clergymen, representatives of the business and trading communities, doctors and retired army and navy officers, many of whom were eager to serve as part of the process of improving their position in county society. What is more, however, the growing demand for places on the Bench from those outside the traditional ranks of the landed gentry could not be ignored, especially in such commercially and industrially important counties as the West Riding.

Despite the substantial burdens of office, there was a widespread demand for places on the Bench. Besides the general human desires of wishing to rule and to serve the community, appointment as a Justice of the Peace was an honour, something to be treasured, of which to be proud, and from which social inferiors were excluded. Membership of the commission brought extensive local power and social prestige, both of vital importance in relations with neighbours or in county politics. As an officer of the crown, the Justice could call himself 'esquire', even if he was not so superior in the heraldic sense. Once included, however, to remain a member was even more

important for no gentleman could afford to be put out of commission. To be dropped was social death, a disgrace which would seriously affect his power and position in county society and which could result in the appointment of a rival. In this way, membership of the Bench also provided an ideal opportunity for harrying local enemies and pursuing local quarrels. This may have been a significant attraction to certain gentlemen of the late seventeenth century, when factious disputes and personal aggrandisement were common features of county politics.

It is important to note, however, that the office of Justice of the Peace was neither hereditary nor held for life. Through the process of reissuing commissions, which immediately superseded the previous one, the government had ample opportunity to make additions to and omissions from the magistracy. Nevertheless, if good health, an adequate estate within the county, decent conduct, financial independence, and a desire to be a Justice were present, appointment was in the natural order of things for the gentleman of some social standing.

III. The magistracy: the families and their responsibilities.

Between 1680 and 1750 the most influential Justices in both Ridings were from those families which had traditionally exercised power. In many cases their fathers and grandfathers had been major figures on the Bench. To these people their domination of the commission of the peace was their inalienable right; they were the natural leaders of the county. In the East Riding members of such long-standing county families as the Bethells, Constables, Gees, Hildyards, Hothams, Moysers, Osbaldestons, St. Quintins, and Stricklands served. In the West Riding, it was the representatives of the Cooke, Dawnay, Fairfax, Goodrick, Hawksworth, Kay, Lister, Lowther, Stanhope and Wentworth families, for example, who were always prominent. These people formed a broad cross section of county society. The Dawnay and

Fairfax families were members of the peerage; the rest were spread amongst the baronets, knights, and esquires.¹⁴

Occasionally, brothers or sons and fathers served together. During the sixteen-seventies and sixteen-eighties, three members of the Warton family of Beverley were in the East Riding commission at the same time. Fifty years later, William Osbaldeston and his father, Sir Richard, both sat on the East Riding Bench. The brothers Sir Edmund and Sir Jonathan Jennings acted together between 1674 and 1681 in the West Riding, as did three members of the Heber family during the seventeen-thirties. In general, however, it was more usual for members of a family to follow each other and the number of families which could boast two or more blood relatives as magistrates at the same time gradually declined. What was more common was the presence on the Bench of Justices who were related by marriage. It was established practice for the country gentry to marry into their own ranks, usually to improve their social links or financial fortunes. Sir John Reresby, for example, was related not only to Thomas and Sir Thomas Yarburgh, who were important members of the West Riding Bench, but also to John Moyser of Beverley, who was a leading figure in the East Riding.¹⁵

During the period 1680 to 1750 many families became well established members of the commission. Some had only entered the ranks of the magistracy in the late sixteenth century or early seventeenth centuries, as in the case of the Ingrams of Temple Newsam. It was in the years immediately preceding the Civil War that Sir Arthur Ingram was keenly acquiring land and social prestige.¹⁶ By the late seventeenth century, however, the Ingrams had become firmly established in Yorkshire society; the family had been elevated to the peerage and the fifth, sixth and seventh Viscounts Irwin all served as Lord Lieutenant and Custos Rotulorum of the East Riding. Similar success was experienced by John Dawnay who had been appointed to the West Riding Bench in the sixteen-fifties. Knighted in 1660 and created Viscount Downe in 1681 he served as an active magistrate until four years

before his death in 1695. By this time the family were highly respected in county society. The second Viscount, Henry, inherited his father's diligence and enthusiasm and undertook a long and influential association with the West Riding magistracy from 1696 to 1728. Other families which became prominent members of the commission by 1750 were, for example, the Bests, Grimstons and Worsops in the East Riding, and the Calverleys, Milners and Wilkinsons in the West Riding.

Nevertheless, certain old established families became less important. With the death of Thomas in 1729, the active role of the Sowtheby family in the work of the East Riding magistracy came to an end. In the West Riding, the Savilles, Mauleverers, and Yarburghs had provided some particularly active Justices, but all three families had disappeared from the day-to-day work of the Bench by 1700. Magistrates had been appointed from the Neville family since the early sixteenth century but with the death of the last male, the Rev. Cavendish Neville in 1749, the connection of this family with the affairs of the West Riding ended.

Besides their magisterial duties, all members of the Bench were involved with other responsibilities and interests. Since a large proportion of the commission in both Ridings, as in most counties, consisted primarily of landowners, estate management was of paramount importance. In the East Riding, the Stricklands of Boynton vastly increased their wealth from careful land purchases during the seventeenth century, as did the Boyntons of Burton Agn and Barmston. In the West Riding, the Lowthers established a large estate at Swillington and Great Preston, as did the Armytages at Kirklees, the Blands at Kippax, the Lascelles at Harewood, and the Winns at Nostell. Nevertheless, existing landowners were not the only people to be extending their holdings. Many other individuals were investing their money in land, notably the prominent merchants of the West Riding and of the city of Hull who were avidly acquiring estates in the East and West Ridings and in Lincolnshire.¹⁷

Some of the gentry were only interested in estate management and agricultural improvement. Others, however, developed significant commercial interests. There is little evidence of the East Riding gentry becoming involved in any commercial enterprise other than farming and the leading citizens of the county and of the city of Hull were for much of the eighteenth century two distinct groups. On the other hand, many of the West Riding gentry of the seventeenth and early eighteenth centuries were concerned with some type of commercial activity besides land ownership. Most common was involvement in the woollen textile trade. Such leading magisterial families as the Ramsdens of Longley, the Kayes of Woodsome, the Armytages of Kirklees and the Calverleys of Calverley and Esholt, for example, all benefited greatly by their ownership of fulling mills, and as the eighteenth century progressed, so more Justices decided to invest in similar commercial activities.¹⁸

The other important industrial concern in which the members of the West Riding Bench became involved was the exploitation of the mineral resources to be found upon their estates. The Gascoignes of Barnbow, the Hawksworths of Hawksworth, and the Wentworths of Woolley, for example, all had developed important coal mining interests. Yet it was not just the more substantial county families who were so occupied. The lesser gentry were involved in the clothing and coal industries, but on a far smaller scale than their social superiors. Both Jasper Blythman and Welbury Norton, for example, were magistrates, and whereas the former was a Leeds clothier, the latter had opened coal mines on his lands at Charlston.¹⁹

It must not be overlooked that many important Justices of the late seventeenth and eighteenth centuries owed their position in society to the good business sense of their predecessors. Francis Lindley, for example, was the son of a merchant at Hull, and the Lowthers of Swillington had been merchants at Leeds in the early seventeenth century. Walter Spencer Stanhope, a leading Yorkshire squire and Member of Parliament in the late eighteenth century, derived most of his fortune from the textile activities of

the Stanhope family of Leeds and Horsforth, which had provided several notable Justices in the early seventeen-hundreds. Together the greater and lesser gentry were branching out: they developed their estates and rebuilt their mansions. Yet they also invested in concerns which brought considerable rewards, both financial and social.²⁰

It is clear that some of these interests must have interfered with magisterial duties. Yet there were other responsibilities which Justices undertook and which complimented and enhanced their work on the Bench. Those individuals who were lawyers by profession, for example, and who continued to offer their services as barristers or as borough recorders would have developed a much greater understanding of the law and been able to apply what they had learned when acting as a magistrate both in and out of sessions. In consolidating their estates, many of the gentry had acquired by marriage, purchase or succession the lordships of manors. It is clear that they were prepared to devote time and energy to ensuring that the manor courts were held and that all rights and privileges were upheld, albeit on some occasions for selfish reasons, namely to protect their own interests and particularly those affecting game.

Some members of the Bench combined a successful career in the armed services with their work as magistrates, as in the case of Thomas, fifth Lord Fairfax, and Sir Charles Hotham and his son, Charles, the fourth and fifth baronets. Fairfax Norcliffe, on the other hand, was much further involved in public service. He had a distinguished army career, becoming a lieutenant colonel of dragoons. He was also, for a time, an active Justice in the West Riding, served as Sheriff of Yorkshire in 1700 and again in 1714, and was appointed as a deputy lieutenant for the West Riding.²¹

Norcliffe's career serves to illustrate the important fact that many members of the gentry served in several local and national positions of authority, including that of Justice of the Peace. The occupants of the post of Sheriff of Yorkshire, for example, were always drawn from the most senior

magisterial county families in all three Ridings; from the Boynton, Constable, St. Quintin and Strickland families in the East Riding, and the Armytage, Cooke, Fairfax, Goodrick, Lowther, Ramsden, and Wentworth families in the West Riding. It was the same individuals who were also appointed as deputy lieutenants, a post which carried much prestige and social esteem, for although nearly all deputy lieutenants were Justices, by no means did all Justices become deputy lieutenants.

It was not uncommon for magistrates to be appointed to other commissions of the peace, either for another Riding, or for one of the liberties in Yorkshire, or even for another county altogether. It appears that a number of Justices from both the East and West Ridings served for at least one other Riding. In the late seventeenth and early eighteenth centuries, for example, the West Riding magistrates Sir Edmund Jennings and Henry, Vicsount Downe were appointed to the North Riding and East Riding commissions, respectively. On the other hand, James Moyser of Beverley was included in the West Riding commission. In 1688, Sir Walter Vavasour and Sir William Tancred became Justices for the city of York and Ainsty and for the Liberty of Ripon, respectively, as well as for the West Riding. Out of seventy-seven justices named in the North Riding working commission of 1702, at least sixteen were also in the commissions for either the East or West Ridings. There is precious little evidence, however, to show that many of these Justices acted fully in any other county besides that for which they were principally appointed. A few, especially those who lived close to county boundaries, did undertake some out-of-sessions duties in a second jurisdiction, in, for example, one of the small Yorkshire liberties, but it was generally rare for them to become closely involved in the affairs of more than one county magistracy. This would suggest that the additional appointment was part of the inflation of honours of the eighteenth century and was another mark of the prestige achieved by a particular person as a reward for service or as recognition of his increased importance in that shire.²²

It was not unusual for special commissions to be appointed to assess and collect subsidies, for example, or to inquire into particular circumstances or cases. Such bodies had been frequently established in the sixteenth century, but only occasionally were they constituted in the late seventeenth and eighteenth centuries. Most were of a temporary nature, but they all had one fact in common, namely that the membership of each commission included the same local men of some standing to act on behalf of their neighbourhood and to undertake the necessary duties. Of the thirty six people who took the oaths as commissioners of the land tax in the West Riding in 1698, for example, just over 50 per cent, nineteen in number, were also active Justices for that county. In a similar way, many East Riding Justices sat on the county's commission of sewers. Nevertheless, there were many other commissioners of sewers who were not magistrates, these men being appointed because of the specialised knowledge they could offer on drainage and land use.²³

Perhaps the most important additional occupation a magistrate might undertake outside his native county, however, was to become a Member of Parliament. Between 1680 and 1750 at least eighty one members of the West Riding commission of the peace and thirty members of the East Riding commission represented one or more of the ~~fifteen~~ Yorkshire constituencies. In effect as high a proportion as one-third of the working commission sat at some time in the House of Commons. Some only served once; others were returned repeatedly. Robert Byerley, for example, sat for a total of twenty one years, and Sir John Kay for twenty four years.²⁴

Most of these 111 Members of Parliament were also active Justices who undertook their magisterial duties whenever they had an opportunity. They included such important East Riding figures as Sir Francis Boynton, Ellerker Bradshaw, Sir Charles Hotham, and William Osbaldeston. The West Riding constituencies were represented by a similar group of dutiful magistrates; by Sir Henry Goodrick, John, Viscount Downe, Sir Thomas

Mauleverer, Sir John Reresby, and Sir Michael Wentworth, as well as Sir John Kay. It was not uncommon for several members of one family to enter Parliament, as in the cases of Henry and Thomas, the fourth and fifth Lords Fairfax, Sir Edmund and Sir Jonathan Jennings, and Sir Ralph and Sir Michael Warton. The devotion of the Lowthers of Swillington, however, appears to have been exceptional. As many as four successive generations of the family served as Members of Parliament for Pontefract, a borough in which they had significant influence, and all four individuals were extremely active Justices in the West Riding as well.

The overlapping membership of the commission of the peace and of the House of Commons served to improve the experience and knowledge of both the magistracy and of those who sat in Parliament. The Justices who attended the Commons were able to offer a wealth of background detail on which Parliament could draw, and at the same time to inform their fellow magistrates of national affairs. For Members of Parliament who were also magistrates, Quarter Sessions provided a regular meeting place where the opinions of the county could be gauged, and where their own influence and authority could be reasserted. Very few Members of Parliament wished to become detached from county affairs if they could help it, and it is clear that Sir John Reresby was not untypical in his eagerness to attend Quarter Sessions in the West Riding whenever he had an opportunity.²⁵

Active service in more than one position of authority at the same time was one of the most significant features of the whole organisation of local government in the seventeenth and eighteenth centuries. In this way the gentry, and frequently the same gentlemen, were being given valuable experience in governing their counties. What is more, if the opportunities offered for service, in positions of both local and national importance, were exploited to their fullest extent, the most dedicated Justices could shake off their amateur status and be regarded as 'semi-professional' officers. Such a situation had great advantages for the Justices of the Peace. The frequency

with which the ordinary person encountered the local gentry as representatives of the crown, with the full weight of the law behind him, engendered habits of obedience. For it was far from clear when they were acting in their official capacities as Sheriffs, as Members of Parliament, as deputy lieutenants and as officers of the militia, as special commissioners, as Justices, as landowners, or as lords of the manor. As their public and social positions became much closer, the local gentry became identified with a wide and deeply-rooted power and authority which necessitated due reverence at all times.²⁶ It was an attitude which considerably raised their standing in the eyes of their social inferiors and further consolidated the Justices' hold on their county's government.

IV. The competence of the Justices.

The extensive and diverse additional duties which many Justices undertook undoubtedly assisted them in any work in which they were involved. It helped them, for example, to understand with greater sympathy and tolerance many of the problems with which they were faced. Yet there were certain important factors which influenced the effectiveness of the magistracy and which seriously impaired any attempts to improve their competence. Much depended, therefore, on the circumstances and conditions to be found in each county and on the individuals who acted as Justices.

The fact that all magistrates were virtually unpaid, part time and amateur meant that, in general, the time spent on official labours would be small, their legal knowledge weak, and their dedication somewhat wanting. The burden of work, the haphazard spread of Justices throughout a county, the fact that some members appointed to the commission chose not to serve, the endemic rivalry amongst the magistrates throughout the seventeenth century, and the possibility of hostility from neighbours, all affected the way in which the Justices approached their duties. Added to these were the problems which resulted from the inadequacy of funds and the deep-rooted

reluctance of all to contribute to any assessments, from the deplorable communications and the dangers involved in travelling, from the inefficient, negligent and obstructive attitude of many subordinate officials to their duties, and from the tendency of some Justices to promote private interests at the expense of public responsibilities. It is not surprising that, in the face of such difficulties, several Justices chose not to act, and that the work of the magistracy in each county came to revolve around a small core of Justices. Yet the domination of the Bench by a group of individuals meant that a determined attempt was made to achieve greater efficiency in county government.

The effectiveness of the Justices, however, depended to a very great extent on their comprehension of and familiarity with the law, but it is clear that the legal education and legal knowledge of the magistracy as a whole left much to be desired. Only a very few magistrates were as studious as Sir John Reresby, who refused to take the necessary oaths when he was first appointed to the West Riding commission, on account of his wish to spend time first of all in studying the statute law.²⁷ Such action, however, was exceptional. Most gentlemen accepted appointment, took the necessary oaths, if they intended to act, and undertook some duties as a matter of course. This state of affairs was typical and serves to illustrate the fact that, on appointment to the commission, many Justices were totally unprepared for the tasks involved and for the problems with which they would have to deal.

The education of the gentry of the Tudor and Stuart periods was based on what would be of practical use and was centred on the premise that gentlemen had to have some learning and culture if they were to perform the essential administrative, judicial and social duties which were expected of them. To oversee their estates adequately, to undertake their responsibilities as magistrates competently, and to be able to mix and converse with their social equals and superiors, necessitated an education beyond that provided by private tutors or by grammar schools. To this end, the gentry had begun to

frequent in great numbers the universities of Oxford and Cambridge and the Inns of Court in London.

These institutions offered an education both academic and general, yet the standards demanded left much to be desired. The average age of entry for either university in the seventeenth century was only sixteen, and it is clear that many undergraduates failed to complete degree courses and only stayed for a short period of anything up to two years. As it was, qualifications could be purchased. Nevertheless, despite the fact that reforms were needed, the universities were held in high regard, their importance being for many gentry parents that they offered an opportunity for their sons to broaden their experience. The same was true for the Inns of Court, for young men were sent here not necessarily with the intention of becoming lawyers by profession but as part of a general education for a gentleman. They were finishing schools; for besides legal studies, they provided opportunities to indulge in the social and cultural activities available in London. The obsession with the common law and the importance laid on its study and comprehension, however, had been the major attraction of the Inns in the sixteenth and early seventeenth centuries, but from the time of the Civil War and Interregnum they had gradually ceased to be academies for young men, not least because the instruction in law was not considered relevant and practical enough for would be lawyers. The universities, on the other hand, retained their popularity and for much of the eighteenth century the sons of the gentry continued to be registered there, the general decline in standards not causing real concern until after 1760.²⁸

Despite all the limitations of the education provided at the universities and the Inns of Court, it is clear that between 1680 and 1750 as high a proportion as 90 per cent of all Justices who were extensively engaged in magisterial duties in both the East and West Ridings had attended either a university or an Inn of Court.²⁹ At least 188 Justices from both Ridings had attended Oxford or Cambridge, and over 219 had been registered

at one of the four Inns. Although Yorkshire children were registered at all of these institutions, Cambridge was often preferred to Oxford, and Gray's Inn was far more popular than Lincoln's Inn, or the Middle or Inner Temples. Over 66 per cent of all the active Justices in the two Ridings who had been to a university matriculated at Cambridge, and approximately 50 per cent of all those who had attended an Inn of Court had been to Gray's. Eight justices, including the leading magistrate Thomas, fifth Lord Fairfax, matriculated at both universities and as many as seventy eight went to one of the Inns after completing a period of study at university. These figures indicate that the gentry regarded attendance at one of these institutions as of the utmost necessity for their sons.

What is also clear is that it tended to be the most senior and dutiful Justices, those who comprised the core of the magistracy in both Ridings, who had attended one of the Inns as well as either of the universities. Of those who served in the East Riding, for example, Sir Francis Boynton and Thomas Sowtheby had been to Cambridge and to Gray's Inn, whilst Sir William St. Quintin and Richard Worsop had been to Cambridge and the Middle Temple. In the West Riding, on the other hand, John, Lord Viscount Downe, Sir William Lowther, Welbury Norton and Sir John Reresby had attended Cambridge University and Gray's Inn, Jasper Blythman and Edwin Lascelles, first Baron Harewood, had been to Cambridge and the Inner Temple, and Sir William Milner had been to Cambridge and the Middle Temple. Walter Calverley, Sir William Lowther and John Smith all went to Gray's but they were exceptional in that they had previously been to Oxford University.

Throughout the first half of the eighteenth century the registers of the Inns of Court indicate a gradual increase in the number of non-gentry students and a gradual decrease in the number of students from gentry families. Significantly, this trend occurred when the magistrates were beginning to place more reliance on their professional subordinate assistants. And yet the high number of Justices from the East and West Ridings who had

spent some time at one or other of the Inns and who were active in the first half of the eighteenth century suggests that the advantages of enrolment there outweighed the disadvantages. Nevertheless, there is little doubt that the educational training offered at any time provided a very insufficient legal background for any students who were later to become Justices. The only way for a new magistrate to overcome the lack of preparation was practical experience and all Justices obtained the knowledge and competence that were required entirely from undertaking magisterial responsibilities and from becoming totally involved in the work of the Bench.

It is certain that the Justices appreciated their failings and consequently placed great reliance on the lawyers who sat on the Bench, who served in the offices of the clerk of the peace or the treasurer and who were employed by individual magistrates as stewards, estate agents, or as personal clerks. For practical day-to-day problems the Justices could turn to the various legal manuals which had been especially printed for their use since the sixteenth century. The frequency with which the more popular reference works, like Dalton's 'Country Justice', was reprinted, and the numerous occasions on which the court of Quarter Sessions in both Ridings acquired the latest editions of these manuals indicate the importance which was placed upon them by the magistrates.³⁰

For its part, the government realised the difficulties posed by the inadequate knowledge of the law of most Justices and took appropriate action. The calibre and competence of the Bench was always of great concern and it was to safeguard the public against hasty and partial decisions and to assist the Justices that certain statutes specifically limited the actions of a single Justice. Various administrative duties required the attendance of two or more magistrates. There had to be two Justices, for example, to grant an alehouse licence, three to grant licences to drovers and glassmen, four to convene a meeting for the repair of county bridges, or to cancel an apprenticeship indenture, and even six to supervise the erection of the county

gaol.³¹ It was also to counter the disadvantages of the amateur status of the Justices that sound legal procedures were followed and that the quorum clause had been instituted in the commission of the peace. This ensured that at least one of a limited group of Justices, who had particular legal qualifications or expertise, was present at the formal exercise of certain powers. A member of the quorum was usually required to be in attendance when statutes directed the presence or signature of two or more Justices. In theory, this was a significant restriction on the Justice's freedom of action. In practice, however, it was not; for the size of the quorum was gradually increased throughout the sixteenth and seventeenth centuries, so that by the eighteenth century it included the names of all but a very few members of the commission.

A certain amount of discretionary authority was essential if the Justices were to govern their counties effectively and realistically. Nevertheless, they had to be careful in the use of their powers and the best discretion they could show was to keep within the limits of the law. No magistrate was immune from punishment, and this fact of life certainly helped all Justices to become acquainted quickly with the extent of their authority. The evidence of the records of Quarter Sessions seem to indicate, however, that on the whole the members of the Bench respected the importance of their legal and administrative authority, and did not exploit their immensely autonomous position. It is true that Justices were occasionally presented at sessions and at Assizes, but the cases tended to concern only minor offences, such as the non-payment of servants' wages, trespass, or the non-repair of a stretch of highway. Errors of judgement must have been made by Justices but Blackstone's assertion that 'great indulgence and liberty' was shown towards the mistakes made in their interpretation of the law seems to be a fair assessment of the position in eighteenth century Yorkshire.³²

The limited legal training, the inexperience and the infrequent attendance of many Justices had serious implications for the overall

effectiveness of the magistracy. Yet there was a dedicated group of magistrates in both the East and West Ridings, as in most other counties, who were particularly distinguished by their length of service and by their devotion to duty. Some of these active Justices condensed their service into relatively short periods, as in the case of Ramsden Barnard, who attended seventy one East Riding Quarter Sessions in only eighteen years and John Smith who crammed seventy eight appearances at West Riding sessions into the same period of time. On the other hand, several magistrates served their county for exceptionally long periods. In the East Riding at least five Justices were active for between thirty and forty years, but only one served for more than forty years, namely William Osbaldeston for forty three years. In the West Riding as many as fourteen Justices served for between thirty and forty years, and four for over forty years. They were William Norton and Sir John Kay, both for forty one years, Welbury Norton, for forty five years, and Sir Walter Calverley, for fifty two years. Such people brought stability, experience and stature to the proceedings of the Bench, and must have helped to enhance the effectiveness of all the Justices' work.³³

Nevertheless, the overall competence and success of the magistracy was significantly affected by the relationships between the individuals appointed to the commission and by their attitudes towards certain policies and decisions which had to be enforced. The attempt by the West Riding Justices to suppress Nonconformist conventicles in the early sixteen-eighties, for example, provide several instances of the differences of opinion which existed. Sir Jonathan Jennings and John Peables were the most vociferous magistrates against all things dissenting, and both of them earned a reputation for their severity. Their fury, however, tended to moderate the opinions of other Justices, notably Sir Ralph Knight who was a close acquaintance of the Nonconformist minister Oliver Heywood and who considered laying down his commission as a Justice if called upon to persecute Dissenters.³⁴ There were other Nonconformist sympathisers on the Bench; Sir

John Kay, for example, and Francis Jessop of Broomhall, who clashed with Sir John Reresby on more than one occasion because of his opinions and particularly because of his refusal in 1682 to bind over the constables of Sheffield for neglecting to seek out conventicles, as previously instructed.³⁵ The most important supporter of the Dissenters, however, was Henry, fourth Lord Fairfax, who came from a Presbyterian background and who was one of the most senior magistrates in the West Riding at this time. Such differing attitudes can only have hindered the Justices in their already difficult tasks, for the lethargy and lack of interest of some Justices could never be cancelled out by the overt enthusiasm of others.

Although the social composition of the commission of the peace ensured the inclusion of those who were linked by social background, by blood, by marriage and by friendship, disputes between magistrates and even within magisterial families were common. They were at times acute, particularly in a county the size of Yorkshire, where the gentry was not such a homogeneous unit as in more closely knit counties, like Essex or Lancashire. The great number and wide dispersal of gentlemen in the three Ridings of Yorkshire meant that attitudes and priorities were many and varied. There was no one magnate, however, who had enough power and influence to control them and to prevent their factious squabbles.³⁶

Nevertheless, rivalry between country gentlemen was bound to arise in a political structure where appointments and rewards depended to a large extent on a system of clientage. Sir John Reresby's various changes of allegiance in the sixteen-sixties and sixteen-seventies, for example, provide clear evidence of the effect of a system where advancement depended on links with aristocrats or influential noblemen. During these two decades he was prepared to serve, generally in the role of senior deputy lieutenant, four very different masters, namely the Duke of Buckingham, the Earl of Burlington, Sir Thomas Osborne, later Earl of Danby, and Viscount Halifax.

Uppermost in Sir John's mind was the need to seek support from those who could best help advance his career.³⁷

The most common cause of difficulty involved boundary disputes and conflicting claims to land titles. As the gentry concentrated on consolidating and improving their estates, it was not surprising that accusations of encroachment or trespass onto common land or onto neighbours' estates arose. Such problems often led to a great deal of bitter and acrimonious litigation, much of which kept many manor courts in business long after they would have disappeared through lack of work. The more serious contests and those which were vigorously disputed came before Quarter Sessions, as in the case of Arthur, Viscount Irwin, and Sir William Lowther who argued for over five years about a right of way. Such was the bitterness that Lord Irwin was indicted for allegedly assaulting his adversary. This was at a time when Sir William Lowther appears to have upset many people, including his son, with whom he was publicly at loggerheads. A difference of opinion with Sir Rowland Winn of Huntwick at the West Riding Quarter Sessions in 1699, for example, resulted in the two disputants drawing swords, an occurrence which the court considered to be an outrageous affront and contempt to its authority.³⁸

It is clear that Quarter Sessions provided an important arena for the gentry to conduct their factious squabbles and to seek support from other gentlemen there assembled. This was particularly so when parliamentary elections drew near. These were occasions which could split the whole county; as in September 1679 when the Lords Clifford and Fairfax did 'vigorously join' against Sir John Kay.³⁹ A further source of conflict in the late seventeenth century was the fashionable trend of drawing up addresses of loyalty or thanks to be sent to the monarch. The necessity for each magistrate to declare publicly his support for or opposition to each address naturally created deeper and more public divisions between the Justices, as in April 1688 when eight West Riding magistrates at the Easter Quarter Sessions

forwarded an address to James II thanking him for his second Declaration of Indulgence. Such was the disgust felt, however, that none of the other sixteen Justices present at the sessions, nor for that matter either of the Grand Juries would subscribe to the address in question. Nevertheless, its despatch on behalf of the sessions totally misrepresented the situation and deceived the King as to the opinion of his subjects, as well as creating even wider rifts amongst the magistrates.⁴⁰

It is difficult to assess precisely the extent and implications of the rivalries which existed amongst the gentry. There can be little doubt, however, that they were extremely harmful to relations between the individual members of the commission of the peace. They must have seriously weakened the effectiveness of the Justices in specific actions and had significant repercussions on the whole conduct of their work. Despite the jealousy and rivalry which existed, however, most counties did have recognised leaders, usually represented by the Lord Lieutenant or by the leading member of an aristocratic family, and did occasionally speak with one voice. Quarter Sessions was for the gentry a kind of local parliament which provided an opportunity to discuss issues regularly and to express their sense of class and regional solidarity. For it was not just for the conduct of magisterial business, but was a convenient general meeting for the review of parliamentary affairs, for the exchange of news and gossip, and for deliberations on all difficulties which were of mutual concern. Furthermore, it was common in the West Riding in the late seventeenth century to hold militia meetings and Quarter Sessions concurrently in the same town. Yet Quarter Sessions was also a social occasion when Justices from different parts of the county visited and stayed with their colleagues who resided near to the sessions town in question. Sir John Reresby, for example, regularly entertained and provided accommodation for those magistrates who attended the Midsummer meeting of the court of Rotherham, and in October 1683 after he had appeared at the meeting of deputy lieutenants and the Quarter

Sessions which followed it at Barnsley, both he and his wife took the opportunity to visit friends and relations who lived in that part of the county.⁴¹

V. Conclusion.

There can be little doubt that between 1680 and 1750 the commission of the peace underwent a transformation. Its whole image was altered by the dramatic changes in the number and the status of the Justices. The inclusion of those whose interests were primarily other than the development of their landed estates, however, did diminish the honour of membership of the commission, as did the general increase in the number of Justices appointed to serve. Nevertheless, both these developments were sensible administrative expedients for they enabled the local governors to approach their duties and the problems which arose with a much greater knowledge and a much wider experience of social, economic, political and religious circumstances. They were, in short, vital aspects in the evolution of local government.

The overall competence of those Justices who acted is not easy to assess, but they generally served with distinction. It is clear that, irrespective of the divisions which occurred, the magistrates had much in common. Together they had a vested interest in the maintenance of peace and tranquility in the divisions of the county in which they served. Individuals may have taken the opportunity to further family fortunes and ambitions and may have argued over the execution of certain specific policies, particularly those concerned with religious matters and personal conscience, but upon the major duties which involved them they were all agreed. Nothing was more important than the exercise of a firm but fair authority throughout the whole country. The presence of differing opinions and preoccupations undoubtedly affected the efficiency of the Justices, but they are signs of a healthy society, of a group of people whose attitudes were dynamic and not static, and of a type

of government which was lively and constantly updating its approach. This was the inherent success of the appointment of local men of standing as Justices, men who knew and understood the needs of their localities, and who, in most cases, had a genuine desire to serve. For such a system exploited both local knowledge and loyalty in the interests of the state.

In return, the government offered a privileged position and an opportunity to exercise considerable power. The Justices faced numerous difficulties in executing their responsibilities to the best of their abilities, such as the frequent abuse from social inferiors and equals, the limited number of magistrates who actually undertook their duties and the lack of legal knowledge. Nevertheless, despite these drawbacks, appointment to the commission of the peace had become a highly prized honour in county society. There were other means by which the assets of local power and prestige could be acquired, and it is clear that many gentlemen were prepared to serve in several positions of authority at the same time. They acted as deputy lieutenants, special commissioners and even as M.P.s., and in this way they were able not only to extend their personal standing but also to come to appreciate the intricacies and the interrelated nature of government. Yet it was the extent of the Justice's authority which led to the healthy competition amongst the gentry for selection as a magistrate. Intangible rewards of esteem, influence and leadership within his community clearly compensated for the serious problems which had to be tackled. The wide powers he could wield and the unrivalled authority in his country ensured a crucial place for him in local government and local society. There was little in the life of the individual in which he was not involved.

The reliance on local officers and the organisation of government on a county basis did create a community spirit. There was a cohesion which clearly helped to overcome practical difficulties and the length of service of many leading magistrates created an essential element of stability and confidence. Yet it also resulted in a parochial approach to responsibilities and

in the preservation of many local traditions and procedures. These factors helped the Justices to carry out their duties. They also had serious consequences not only for the attempt to ensure that policies were interpreted in the same way throughout the country but also for the overall relationship between central and local government. They had the effect of creating and reinforcing an increasingly independent attitude amongst the magistracy and this caused concern and difficulty throughout the seventeenth and eighteenth centuries.

CHAPTER 3.

THE JUSTICES OF THE PEACE AND CENTRAL GOVERNMENT, PART I -
THE POLITICAL RELATIONSHIP AND THE COMMISSION OF THE PEACE.

I. The autonomy of the Justices and the response of the government.

The necessity of keeping a close watch over the Justices of the Peace was clearly appreciated by the Crown and the Privy Council throughout the sixteenth and seventeenth centuries. For no system of local government was worth promoting unless it conformed to the wishes of central government. Yet the way in which the Justice had been created as an officer of local administration, the way he had been used to assist the crown's destruction of the power of the feudal lords, and the way his responsibilities had been increased, ultimately meant that the independent nature of the office was rapidly consolidated.

In this situation, there was a vital need for close and harmonious relations between, on the one hand, the Crown and the Privy Council, and, on the other hand, the local governors. Although this was clearly recognised by the Elizabethan government, under the early Stuarts there was a gradual but pronounced change in emphasis. Whereas the former used tact and discretion to achieve its aims and established a significant rapport with the Justices, the Caroline government regarded these officials as menial servants and treated them with an attitude of overwhelming arrogance. The determined attempts by the Privy Council to establish a greater degree of central control over the county Justices were met with fierce resistance and were, in many ways, at the heart of the mid seventeenth century constitutional conflict. The outcome was a bitter blow for the Crown, which was forced to accept that 'power was rooted in the counties'.¹ Government in the seventeenth century was very much government by consent, and the limits of royal authority were to be determined not by the Crown, but by the county oligarchy of Justices.

The Interregnum years of administration from London, of high taxation, of military rule, and of the dictates of a small revolutionary élite, combined with the bullying tactics of Charles I's Privy Council, ensured that

post-Restoration magistrates would tolerate little interference by central government. Furthermore, they would do all in their power to prevent their positions of authority being threatened ever again. The passage of the 1662 Act of Settlement and the 1671 Game Act indicated their power in Parliament and consolidated their position in the counties.² Like their predecessors, however, Restoration governments saw the necessity of exercising some effective control over the activities of the Justices. In the early seventeenth century the government had had several means at its disposal for this purpose. From 1660, however, the situation had dramatically altered. The failure to revive the prerogative courts, such as Star Chamber, and the various provincial councils, reduced the means by which central government could control the magistracy.

When county benches as a whole dragged their feet over the execution of an especially resented measure, there was little that the central government could do in response. A stern warning or exhortation might be applied, but the pressure generally went no further than threats. On the other hand, it was dangerous for individual Justices to oppose the Crown too often. For the government had ample opportunity to dismiss particularly recalcitrant magistrates. In theory, manipulation of the membership of the commission of the peace could be used to ensure compliance with commands, to deal with inefficient or negligent Justices, and to punish outspoken opponents.

Nevertheless, changes could not be made at will. There were significant factors which limited the wide use of the weapon of expulsion. A Justice out of office could be a nuisance. Disappointed and disgruntled gentlemen might change the delicate political balance of a neighbourhood with, perhaps, dangerous consequences for parliamentary representation. As a result, it was less awkward to let Justices keep their status of membership of the Bench, than to suffer the inconveniences which a sizeable group of jealous and powerful country gentry out of the commission could create. The government also had to take into consideration the need for an even spread of

active magistrates throughout each county and the problems caused by the number of gentlemen who were satisfied just by membership of the commission and who were not prepared to act. Furthermore, any new appointees had to be of an adequate social standing. The Lord Chancellor could well make additions to the commission but the extent of his changes was dependent on the likely reaction amongst those affected, as well as on the information he received. He naturally relied heavily upon local recommendations which were provided by a number of sources. In 1679 and 1680, for example, consultations were held with local bishops, Lords Lieutenant and the Assize Judges. There can be little doubt that some of the advice he received would be contradictory.³

II. The manipulation of the commission of the peace.

During the sixteenth and early seventeenth centuries various Justices were dismissed from membership of the commission. In most cases this was the result of persistent negligence or particularly outrageous misdemeanours. Some were removed for opposition to the government or for their religious beliefs, as, for example, during the reign of Elizabeth I, in the sixteen-fifties and at the Restoration in 1660. Yet it seems that in many of these instances exclusion was temporary and that the individuals involved were often soon restored.⁴ Far more common than actual dismissal from the commission was the threat of expulsion, which seems to have had the desired effect of bringing many recalcitrant gentlemen, however unwilling, back into line. On the whole, manipulation of the commission for political purposes was not used extensively before the Civil War.

From the late seventeenth century, however, and particularly during the period of acute political strife which followed the discovery of the Popish Plot, the commission of the peace was a major concern of all governments as they came to appreciate the advantages to be gained from careful remodelling of the magistracy. In these disturbed times the Council

attempted to exercise a much tighter control over the Justices and strove to ensure that all magistrates worked in the best interests of the government of the day. Thus, from the late sixteen-seventies until about 1720, the commission of the peace was thrust into the forefront of national politics.⁵ Membership of the commission constituted an important piece of government patronage and was used to reward loyal supporters of the court to the detriment of political opponents. As a result, changes of monarch or minister were frequently accompanied by alterations in the personnel of the Bench. From 1678 revisions of the commission in favour of the court were often undertaken, but it was not until the reign of James II and the years immediately following the Revolution of 1688 that sizeable changes were attempted. Drastic purges, however, were counter productive and even during this period of vigorous party rivalry they were generally avoided. A large number of additions, on the other hand, resulted in complaints of the appointment of newcomers of low estate and low social position, charges which were levelled at several Lord Chancellors at this time.

It gradually became the practice for each Lord Chancellor to undertake a review of all government servants, whether they worked in London or in the counties. As a result, some of the most comprehensive revisions of the magistracy tended to occur in those months which immediately followed a new appointment. The other major reviews which were undertaken in the forty years after 1680 were carried out at times which particularly favoured the narrow political objectives of the government, as, for example, in the early sixteen-eighties, when the Whigs suffered at the hands of the Tories, during the reign of James II, when the King was promoting his religious policy, on the accession of William and Mary, when the court was seeking as wide a basis of support as possible, and in the years following the Hanoverian Succession and the attempted Jacobite Rebellion of 1715. The establishment of the Hanoverian regime, however, was accompanied by the Whig domination of central and local government. Once this had been

achieved there was no need for extensive remodelling of the commission and from the seventeen-twenties there was a much greater degree of stability amongst the personnel of the Bench.⁶

For the first twenty years of the reign of Charles II there was no systematic manipulation of the magistracy. The dismissal of two Justices for the North Riding and two for Northamptonshire, for maintaining that the forges of the Hallamshire smiths were exempt from hearth money was exceptional.⁷ For although new commissions were occasionally sealed, by far the great majority involved the omission of the names of dead Justices and the inclusion of suitable replacements. It was not until the Popish Plot and the Exclusion Crisis that political factors led to a wholesale revision of the membership of the commissions of the peace. Between the spring of 1680 and the autumn of 1681 most counties, including the East and West Ridings, received at least two commissions. Nearly all the changes made were in favour of the Court but these alterations in no way constituted a purge.

Early in 1680 Sheffield Clapham and William Hammond were removed from the West Riding commission, together with George, Duke of Buckingham, who was also put out of the commissions for the East and North Ridings. They were replaced by Sir Thomas Mauleverer, Sir John Dawney, John Darcy, Thomas Heber, Francis Jessop, and Christopher Tancred. John Adams may well have been appointed at this time but the evidence in his case is not conclusive. Whereas only two Justices were put out of the West Riding commission, it appears that at least six were removed in the East Riding. Five of the six were M.P.s, and they were Sir John Hotham, Sir Watkinson Payler, Sir Michael Warton, Durand Hotham and William Gee. There seem to have been no appointments. The first Justice to be put into the East Riding commission after this time was Sir John Atkins, but he was not added until July 1682.⁸

Concern in Parliament about the credentials of many of the newly appointed magistrates, and complaints that favouritism had been shown towards Catholics, with a resultant easing of the execution of the laws against Recusants, led to the establishment of a committee in November 1680 to assess the changes which had occurred during the previous eleven months. Its task was not easy for it is clear that there was no consistent pattern running through all the alterations. On the contrary, the people involved were a mixed group of individuals, and the changes in the West Riding magistracy provide some particularly contradictory evidence. It is true that all but one put out in the East Riding had been M.P.s who had voted for the exclusion of the Duke of York. And yet, over the whole country under 50 per cent of the pro-exclusion M.P.s were subsequently removed from the commission of the peace. Clearly these five must have been especially objectionable to the government. Of those put out of the West Riding commission, William Hammond was to be reinstated by James II, as one of his Catholic sympathisers. Furthermore, of those put in, Francis Jessop was a well-known favourer of Nonconformists and John Adams was referred to by the committee as a man of 'no estate'. On the other hand, Sir John Dawney was rewarded for his loyalty and raised to the peerage as Viscount Downe in February 1681, John Darcy was a relation of Conyers Darcy, created Earl of Holderness in 1682 in recognition of his services, and Christopher Tancred came from a strong Protestant family. Sir Edmund Jennings was a firm supporter of the Court and a prominent West Riding Justice, and he was the only magistrate added to the North Riding commission, from which nine Justices, eight living and one dead, were removed. And yet, such individuals as Sir Henry Marwood were allowed to remain in the West Riding commission, even though the committee of November 1680 noted that he was a 'traducer of petitioning'. What is certain, however, is that influence at Court was all important. A large number of Whig peers were left in, as in the case in the West Riding of

the Presbyterian Henry, Lord Fairfax. The government clearly appreciated the dangers of disgracing a person of such undoubted prestige and authority.⁹

By the close of 1681 the Tory reaction had been completed in most counties. A vigorous manipulation of the commission of the peace had been undertaken with the intention of ensuring a strong Anglican and Tory magistracy. Despite the retention of and appointment to the Bench of several individuals who did not satisfy this criteria, the government was successful. The evidence of the West Riding commissions show that between January 1680 and July 1683 a total of thirty three new Justices had been appointed but only seven dismissed. The majority were added in the wholesale regulation of July and August 1681, when all but a few counties received new commissions. During the same four and a half year period, only five new Justices were added to the East Riding commission, but as many as eleven had been put out. Whereas in the West Riding the government favoured the inclusion of a large number of Justices, in the East Riding the emphasis was on dismissal. Amongst the trustworthy new appointees in the West Riding was John Peables who had been clerk of the peace in that county from 1667 until his elevation to the Bench in 1681, and who was to earn for himself a notorious reputation as a persecutor of Nonconformists.¹⁰

A new commission was sealed for every county on the accession of James II and during the first six months of his reign well over two-thirds of the counties underwent a second revision. The changes made at this time, however, were not of a political nature but involved the removal of dead Justices and the appointment of suitable replacements. James' preoccupation with the advancement of Catholics into public service, however, ultimately led him to order a complete remodelling of the commissions of the peace. Nevertheless, the prolonged illness of Lord Chancellor Jeffreys, meant that it was not until October 1686 that a committee of the Privy Council was established to review their composition. During the previous twelve months the county commissions had been renewed yet again but the changes involved

just the correction of the names of the Privy Councillors and the Assize Judges. To a large extent, local names had been left untouched. The committee of Council, however, created much suspicion, not least because most of the Lords Lieutenant were ignored. Advice was sought instead from the most prominent Catholic gentry and from Catholic sympathisers. Further resentment was created with the announcement in November 1686 that all field officers in the army, both Papist and Protestant, were to become Justices in those counties in which they were quartered. The deliberations of the committee lasted for between four and five months and this delay led to many rumours. Many of the stories were false, but some were surprisingly accurate. Sir John Reresby noted on the 6 January 1687 that he had received an account that nineteen Justices were to be put out of the West Riding commission and that ten Papists were to be put in. His information was correct, but he had to wait upwards of another month before official confirmation was received.¹¹

The principal objective for this revision was to add Roman Catholics of sound social status. All but one of the eleven Justices added to the West Riding commission were Papists. They were Lord Thomas Howard, who was to become Lord Lieutenant of the county in March 1688, Sir Walter Vavasour, Sir Miles Stapleton, Sir William Tancred, Sir William Gasgoigne, Sir Philip Hungate, Michael Anne, Ralph Hansby, John Middleton, and John Ryther. Two more Catholic gentlemen were appointed as magistrates in this county in the following twelve months, and they were William Hammond, who had been put out of commission in 1680 for his religious beliefs, and John Fanning. The commission of the peace for the East Riding was enlarged in a similar way, with at least eight of the ten newly-appointed Justices being Catholics. They were Robert, Viscount Dunbar, Lord Thomas Howard, Marmaduke, Lord Langdale, Sir Philip Constable, Henry Constable, Robert Dolman, Philip Langdale and George Metham.¹²

The appointment of Roman Catholics was also the predominant feature of the substantial changes which affected the liberty and borough commissions. Besides joining the west Riding Bench, Sir Walter Vavasour and Sir William Tancred, for example, became Justices as well for the city of York and the Ainsty and for the Liberty of Ripon, respectively. In effect, the Catholic nobility and gentry were being given a role in local government equivalent to their social position. Yet the changes made did not always reflect this aim. In the West Riding, for example, Thomas Tempest of Broughton of an old and well known Catholic family, was left out, whilst some of the lesser gentry, notably John Ryther, who was described as a 'gent.' in 1680, were put in.¹³

The revision which lasted from October 1686 to March 1687, when the commissions were actually sealed, amounted to a significant purge of the magistracy, involving the dismissal of 245 Justices over the whole country.¹⁴ Some of the gentlemen affected were leading magistrates in their particular counties. Sir Edmund Jennings and Sir Ralph Knight, for example, were amongst the nineteen Justices dismissed in the West Riding. The East Riding commission, on the other hand, had undergone a much less rigorous remodelling, but all three Justices who were dismissed were key figures. They were Sir Edward Barnard, Michael Warton, and William Bethell. Although the majority of magistrates were unaffected by these alterations, it was not long before James II decided that a further regulation of the commissions was required.

Administrative inefficiency had resulted in the omission of a clause of dispensation, so absolving the Catholic Justices from taking the necessary oaths and the Anglican Sacrament, according to the Test Act. This untenable situation necessitated the issue of another set of commissions between June and September 1687 for all those counties which had received a commission in the previous February and March. The operation was further mishandled by the slowness of Chancery in sending out a dedimus potestatem

for each of the new Justices. Since the relevant writs had not arrived, the Catholic Justices who attended the West Riding Easter Quarter Sessions in April 1687 could not be sworn into office. To save time, they eventually took the unprecedented step of sending up for their own dedimus'.¹⁵

James II naturally hoped that many of his new Catholic Justices would take an active part in local government, but it is clear that some were completely satisfied with appointment only. They were not prepared to become involved in the work of the magistracy. This problem together with James' desire to repeal the laws against Roman Catholics and Dissenters resulted in a further manipulation of the commissions in the spring and summer of 1688. This was to precede the summoning of a new Parliament which it was hoped would comply with his wishes. Yet whereas the changes of 1687 had been fairly orderly, those of the following year were confused, haphazard, and, in the end, destructive. Most were based upon the investigations of the specially appointed 'regulators', and took into consideration the replies of the magistracy to the 'Three Questions', which attempted to assess the level of support for the proposed religious changes.¹⁶

On 13 October 1687 Charles, sixth Duke of Somerset, was replaced as Lord Lieutenant of the East Riding by John, third Earl of Mulgrave. In the absence of this latter individual, however, the 'Three Questions' were put to the magistrates of this Riding by Marmaduke, second Lord Langdale, at a meeting specially convened for the purpose early in January 1688. On the basis of the answers given and of the advice of the new Lord Lieutenant, the King's agents drew up a list of persons thought suitable to be appointed as deputy lieutenants and as Justices of the Riding. The Board of Regulators approved the lists in March but no new commission of the peace was actually sealed, the East Riding being one of only five counties to be exempt from a revision at this time. If the changes recommended had been implemented, the magistracy of this county would have undergone a considerable purge. Sixteen

Justices were to be dismissed, and of the thirty-seven to be named in the new commission, twenty-three were to be new appointees.¹⁷

Whereas the majority of returns from the Lords Lieutenant reached London by February 1688, the West Riding Justices were not questioned until the following August. This was because the Earl of Burlington was not replaced as Lord Lieutenant of the West Riding until March 1688, when the 'zealous papist' Thomas, Lord Howard, was appointed. Within three months, however, this Catholic peer had departed to Rome as envoy extraordinary to the Pope, leaving only three deputy lieutenants, two of whom were also Catholics and one of these two actually lived outside the county.¹⁸

By July 1688 many counties had received new commissions which involved the appointment of Catholics and Dissenters and the omission of loyal Anglicans. An extensive manipulation had thus taken place, for over the whole country upwards of 75 per cent of the Justices who had been in commission at the start of the reign of James II had been put out by the summer of 1688. Yet this did not mark the end of the remodelling, for during the months of August and September the commissions for several counties were again revised in preparation for the forthcoming elections. It was at this point that the West Riding magistracy was remodelled for the first time since 1687. The county actually received two commissions and both left out Justices. It is not certain, however, why two commissions were required. Both must have been connected with the extremely late balloting of the magistracy on the 'Three Questions', as the King's agents did not report on election prospects in Yorkshire until September 1688.¹⁹

In all thirty four Justices of the West Riding gave answers to the 'Three Questions', twenty two of them appearing at a special meeting held at Pontefract on 20 August 1688.²⁰ The other twelve magistrates either attended meetings at Skipton or Leeds on 14 and 15 August respectively, or replied when the Justices of the East and North Ridings were questioned. The great majority of magistrates, however, preferred not to commit themselves,

many of them giving such feeble excuses as compelling business or illness for their absences from the relevant meetings. Nevertheless, many of those who did choose to reply were prominent Justices.

Only two West Riding magistrates, namely Sir Edmund Jennings and his brother Sir Jonathan, refused to answer, and they went so far as to disavow the King's commission in that purpose. On the other hand, only nine agreed to support the King's proposals, six of these being Catholics. The only three Protestants to reply in the affirmative were Sir John Boynton, Charles Bull and John Townley. It is clear that for their loyalty to James II both Sir John Boynton and Charles Bull lost their places on the commission in 1689. On the other hand, John Townley, who had been appointed a Justice in October 1685, was an active member of the magistracy for the next seventeen years. The explanation for his continued inclusion in commission is not clear, but his close connections with the dissenting community may well have been an important consideration.²¹

Fourteen Justices who attended the Pontefract meeting returned the same answers. Without exception they opposed the taking off of the penal laws and demanded some security for the Church of England. They included such important individuals as John, Viscount Downe, Sir Henry Goodrick, Sir John Kay, Sir Michael Wentworth and Sir Thomas Yarburgh. Their negative replies were exceptional for throughout the whole country the most common answers were of an ambiguous nature and asserted that the individuals involved would make their decisions according to the debate in Parliament, would vote for loyal M.P.s, and would live peaceably like all Christians should. Six West Riding Justices replied in this vein, as did twenty one East Riding magistrates. The remaining seven East Riding Justices to give answers to the 'Three Questions' were all Roman Catholics, and all gave their unqualified support to the King's policies.²² The similarity of phrases used amongst the ambiguous answers indicate that many Justices in both Ridings had previously

discussed how they were to respond. Such evidence affords an interesting insight into cross-county co-operation at this time.

It is not clear whether the King's regulators for the West Riding drew up a list of the names of the Justices to be put out and of new ones to be put in for no such lists have survived. Nevertheless, alterations were made, though it is not possible to analyse their full effect for the information available refers only to specific individuals. On 25 August, for example, a fiat was prepared and passed to remove Sir Jonathan Jennings from the West Riding commission. This was no doubt his punishment for his outspoken comments on the 'Three Questions'.²³

The overwhelming majority of answers of those East and West Riding Justices who chose to reply give a fairly clear picture of an Anglican opposition to James' policies. This conclusion is confirmed by the evidence from most other counties. A similar impression is to be gained from the reports of the agents on the election prospects of the Crown in the parliamentary boroughs of the East Riding. Although few comments were made on those likely to be elected at Hull and Hedon, it was noted that the 'two Wartons' would be chosen at Beverley, and that no other names had been returned. This must have been disconcerting for the agents, for the Wartons were known to be implacably opposed to James II. The reports on the parliamentary boroughs of the West Riding, however, give a different picture. It was hoped that Sir Henry Goodrick 'would be right', and that Lord Downe and Sir Thomas Yarburgh would comply, yet all three had signed the rejection at Pontefract. The agents must have been in total ignorance of the answers of the West Riding Justices to the 'Three Questions', and subsequently must have based their wildly optimistic assumptions upon unsound information. Yet the impression given to the agents may well have been designed specifically to dupe them, for although the Earl of Danby was not to return to the county until early October, the basic idea of a conspiracy against the King may well have been already hatched.²⁴

During the autumn of 1688, rumours and fears of impending invasion resulted in a virtual reversal of royal policy. The Catholic Lords Lieutenant were replaced in most counties, the Duke of Newcastle becoming Lord Lieutenant of all three Ridings of Yorkshire in early October. It is significant that, although some of the new Lords Lieutenant were asked to recommend people to be put into the commission, they were not asked about who should be put out.²⁵ Roman Catholics and Dissenters were, to a great extent, left alone and were not dismissed until the spring of 1689.

The state of confusion, now compounded by panic, the lack of sound information, and the disturbing nature of James' alterations are well illustrated by events in the West Riding. Sir Henry Goodrick and 'others who were in commission in 1687' were restored on 17 November. Yet this was only a matter of days after information had reached Yorkshire of a commission, sealed in September, from which he, Sir John Kay, Sir Michael Wentworth, Sir Thomas Yarburgh, and about seventeen more principal gentlemen of the Riding, had been omitted. The 'most eminent for quality and estates' had been replaced by, among others, John Eyre of Sheffield, who could neither read nor write, and Mr. Ratcliffe, the bailiff to the Dowager Duchess of Norfolk's rents, and neither of these had any freehold land at all. Such a commission is often quoted, but it was not typical, and was one of the last to be sealed before the policy of reversal was implemented. The delay of two months before the commission reached the county is important, for it is indicative of the considerable inefficiency in central government at this time. This difficulty would not have been helped by a gradually deteriorating system of communications between London and the provinces. The commission of the 17 November, however, replaced Sir Henry Goodrick and the other gentlemen who had been previously put out, but it also omitted three Justices, one of whom was the eminently loyal Sir John Reresby. Such was the unpredictable nature of the changes of the autumn of 1688.²⁶

The decision to put Roman Catholics into the commission of the peace created much distrust and suspicion. It is clear that some were not prepared to act, but the evidence of the West Riding suggests that Catholics appointed for this county were eager to participate in the work of the magistracy. Of the eleven Catholics put into the commission, only two, Sir Thomas Gasgoigne and Sir Philip Hungate, failed to take the necessary oaths. Unfortunately, no records have survived for the East Riding Bench at this time. From Midsummer 1687 to Michaelmas 1688 Catholic Justices appeared at all but three of the fifteen sessions held in the West Riding. On all these occasions they were clearly in the minority, and only once, at the Midsummer Quarter Sessions at Leeds in 1687, was a Roman Catholic the most prominent gentleman present on the Bench. This was Sir Walter Vavasour who was the most active of all the West Riding Catholic Justices, attending five sessions in all. The highest attendance by Catholics was at Easter 1688, when six appeared, but the average attendance at sessions was between two and four.²⁷

Besides the termination of all presentments against Recusants and Nonconformists, the Catholic Justices had little effect on the business or the procedures of Quarter Sessions. The machinery of local government continued to operate, with the clerk of the peace and his staff providing some much needed continuity. The amount of work in which the Catholics were involved was less than for most of their colleagues, but this was only to be expected. Nevertheless, they all undertook duties in their respective divisions: taking recognizances, informations, and examinations, inspecting highway repairs, and even being made responsible for the dispersal of bridge repair money. That they took to their duties so readily and so competently was to their credit. There was no instance of a Catholic magistrate acting illegally or partially. On the contrary, despite the fact that they were 'unversed in business', as incidentally were all newly appointed Justices, they acted with considerable discretion and tact.²⁸

In time the Catholic Justices may well have become a valuable addition to the commission of the peace. The memories and fear of the Popish Plot, however, were too close at hand and the advancement of Roman Catholics too emotional an issue for them to be accepted wholeheartedly. Yet the short life of the Catholic magistracy was not necessarily inevitable. It was James' insistence upon the repeal of the penal laws together with his extensive manipulation of officeholders in general which finally precipitated a crisis. The leading figures within each county had found their social and political positions undermined as Catholics and Dissenters had been promoted at their expense. Until 1686 Sir John Reresby had shown friendship towards Catholics, but when they were appointed to the commission of the peace he issued a tirade against them as misfits and undesirables.²⁹

The scale of James' operations against the magistracy had been immense. In his attempt to create an alliance of Dissenters and Catholics, which would give him the majority in Parliament he desired, he had packed the commission of the peace. Over the whole country, 455 new Justices had been appointed in 1687 and a further 793 in the following year.³⁰ This regulation had been undertaken in several stages, some counties receiving far more attention than others. Whereas the East Riding commission was not renewed at all in 1688, that for the West Riding was revised on four separate occasions in that one year. A purge of considerable proportions had taken place and it was this vigorous manipulation of the county commissions which constituted a revolution. The events of the winter of 1688-89 and the spring of 1689, on the other hand, amounted far more to a counter-revolution, and involved a return to the position which had pertained at the beginning of the reign of James II.

Although a reversal had been attempted in the autumn of 1688, it was too limited and was initiated too late to save the situation. Such was the disenchantment with James that the Duke of Newcastle reported that many of the restored Justices in Yorkshire refused to take up their commissions and

carry out their duties. He did believe, however, that the gentry were, on the whole, still loyal.³¹ By November and December 1688 only the Catholic Justices were active in the West Riding, but even they had realised that the end was close at hand. The chaos of the winter of 1688-89 was not helped by the unwillingness of many Protestant Justices to do anything which could possibly jeopardise their positions under a new master, and it was not until the following spring that all the difficulties involving office holders were finally resolved.

It seems clear that the relatively slow progress made in issuing new commissions and in appointing new deputy lieutenants created much frustration. The Earl of Danby, now Marquess of Carmarthen, noted in May 1689 that these delays were 'greater than could have been imagined'.³² Yet, within the context of the establishment of a new regime, the government, through three Commissioners of the Great Seal, had to work with great care. The process of revision, however, was to last for nearly eighteen months and involved the issue of more than one commission for some counties. The magistracy of the West Riding, for example, was regulated on three occasions in 1689 and 1690, whereas that for the East Riding was remodelled only once. The principal objective of this revision was the removal of James II's closest sympathisers, both Catholic and Protestant. At least thirty such magistrates were omitted from the commission for the West Riding, and at least twenty from that for the East Riding. Yet William and his ministers were more concerned with gaining support and they realised that this was best achieved by making new appointments. Thus, fifty five new Justices were added to the commission for the West Riding, and twenty two to that for the East Riding. Such large inclusions did mean that the experienced and long serving magistrates were outnumbered, for in the West Riding only thirty Justices who had been in commission in 1686 were still active in 1690. At the same time several gentlemen who had been dismissed by James II were now reinstated. This involved the restoration of six magistrates in the West Riding

and nine in the East Riding, the individuals involved being selected for their loyalty and for the expertise they could now offer to the large number of new magistrates. Restored to the East Riding commission, for example, were such key Justices as Sir Michael and Sir Ralph Warton, Sir Matthew Peirson, Sir Richard and William Osbaldeston, John Estoft and Thomas Hesletyne.³³

Though local requirements and recommendations were important considerations, most of the changes which occurred were designed to favour the Whigs. Nevertheless, a complete proscription of those Justices with Tory beliefs had not taken place. William III totally disliked party faction and he aimed at involving both Whigs and Tories in his first ministry. This search for a political balance was reflected, wherever possible, in the appointments to the two most important officials in each county, namely the Lord Lieutenant and the Custos Rotulorum. The West Riding, for example, was served for a time by the Marquis of Carmarthen as its Lord Lieutenant, whilst his rival George, Marquis of Halifax, acted as Custos.³⁴ This manoeuvre prevented the Tory squires from being removed 'en bloc', or even gradually, from the commission. Instead, the Whigs worked steadily to strengthen their position and preferred to make occasional additions. Henry Dawnay, for example, was appointed to the West Riding Bench in May 1692, Gilbert Rigby in June of the same year, and John Stanhope of Ecclesall in the following January.³⁵

Not satisfied with the fruits of their early labours, the Privy Council planned a comprehensive regulation of the commissions in 1693. The Assize Justices were ordered to report on non-juring and inactive Justices, and they were to distinguish between those who were disaffected and those who were idle.³⁶ Many of the early reports were incomplete, but the appointment of Sir John Somers as Lord Keeper in March 1693 gave new impetus to this proposed regulation. In the end, a complete overhaul of the county commissions was not attempted. Somers relied instead on making piecemeal changes, and the commissions for the East and West Ridings were only slightly modified. By November 1694 six Justices had been added to the

West Riding magistracy, and two of these were to prove to be extremely capable. They were Walter Calverley and Benjamin Wade. Whereas no Justices were dismissed in this county, one gentleman was put out of the East Riding commission. He was Richard Thomson, but within four months his place had been filled by a Richard Thomson of Kilham, probably his son.³⁷

The attempted assassination plot against William III gave the Whig Junto an opportunity it could not resist. An Association was proposed to which all office holders had to subscribe. By including an affirmation that William was 'rightful and lawful' king, it obviously aimed to identify those Tory Justices who had refused that idea in 1689. In April 1696 the Custos and Lord Lieutenant of each county were ordered to report the names of those magistrates and deputy lieutenants who refused to take this voluntary association. The King would not agree to a complete expulsion of Tories, but the magistracy and the militia still underwent a substantial revision involving non-subscribers. On the basis of the returns made the Privy Council ordered that 156 Justices were to be put out of thirty three counties. Three magistrates were dismissed from the West Riding commission. The Justices of the East Riding, however, were fortunate, as they served for one of the twenty four counties which escaped regulation. This particular revision was clumsily executed. The reliance on local recommendation caused delay. The West Riding, for that matter, had no incumbent Custos, so the Council's instructions were directed instead to the clerk of the peace. Despite such difficulties an important regulation was undertaken and several key Justices were affected, as in the case of Sir Michael Wentworth and Robert Byerley, both of whom lost their places on the West Riding commission.³⁸

The incomplete nature of this revision of disaffected Justices led Somers and the Junto Whigs to undertake a private regulation of twenty county commissions, without Privy Council permission. The actual alterations in the East Riding are not clear, for the Crown Office Docquet Books only record that 'some persons' were put out, and that 'some of the Privy Council

and others' were put in. It is certain, however, that these changes had been planned well in advance. In the West Riding, on the other hand, the information is complete and the commission underwent a crucial change, involving the dismissal of twenty five Justices and the addition of eight new magistrates. This had the immediate effect of reducing the size of the county's commission.³⁹

During the next three years the Junto Whigs were forced increasingly onto the defensive as they became more and more unpopular. Nevertheless, Somers continued to make revisions in the commissions of the peace. One Justice was added to the East Riding magistracy in November 1696, two in March 1697, and two more in March 1699. In the West Riding, two Justices were dismissed in January 1697 and two more in April 1699, but three were added in July 1698 and two more in the following April. Amongst those appointed at this time were Sir Rowland Winn who was to become a leading magistrate in the West Riding, and Sir Robert Hildyard and William Lister who were to be equally important in the East Riding. By the autumn of 1699 Somers was the only Junto Lord left in office and the Lord Chancellor now became the subject of numerous personal attacks, a major complaint being his manipulation of the commission of the peace. In the parliamentary session of 1699 to 1700 a committee of the House of Commons was appointed to examine the commissions as they stood, and it recommended that only gentlemen of quality and good estates be put in and that men of small estates be put out. Undeterred by this apparent criticism of his actions, Somers issued, between February 1700 and his own dismissal two months later, new commissions for several counties. Most of the alterations were minor, though as many as six new Justices were added to the West Riding Bench. They included the Hon. Thomas Wentworth, the father of the first Earl of Malton, later to be first Marquis of Rockingham and Lord Lieutenant of the county.⁴⁰

In the light of the criticisms and recommendations made by the committee of the House of Commons in 1700, the newly constituted ministry

dominated by Tories drew up plans to regulate the magistracy. During the five and a half years from May 1700 to October 1705, when the High Tory Sir Nathan Wright was Lord Keeper, seven separate revisions of the commissions of the peace were undertaken, the overall aim being to reverse the remodelling of the Junto Whigs and to further the interest of the Tories. All those put out in 1696 were to be restored, so long as they had now taken the oaths and the Association. As a preliminary to the revision new Lords Lieutenant and Custos Rotulorum were appointed, for, together with the Assize Judges, their advice was to be sought. The Duke of Newcastle and the Earl of Burlington became the new Lords Lieutenant of the East and West Ridings respectively, the Marquis of Carmarthen being replaced on a mistaken rumour that he was dead.⁴¹ Such was the reliability of the information upon which central government based its decisions.

The first set of revisions were completed by April 1702. Their combined effect was that fifteen Justices were dismissed from the commission for the West Riding and sixteen from that of the East Riding. On the other hand, thirty gentlemen were appointed to the West Riding magistracy and eighteen to the East Riding. Whereas many of those removed had been put in by Lord Somers, the majority of those added were new Justices. Only a few of those magistrates put out by Somers, however, were reinstated, Robert Byerley and Sir John Bland being two of these fortunate individuals in the West Riding. The appointments made, however, were motivated not just by political considerations. Sir Nathan Wright took the opportunity to reward several gentlemen, who, because of their social status, were entitled to membership of the commission. As a result, four baronets became magistrates in the East Riding and five baronets in the West Riding. They were Sir Griffith Boynton, Sir John Legard, Sir Thomas Rudston, and Sir Philip Sydenham for the former county and Sir John Armitage, Sir Walter Hawksworth, Sir John Ingilby, Sir Henry Liddall and Sir William Reresby for the latter county.⁴²

Following the accession of Queen Anne the commissions were again remodelled with the avowed intention of creating a magistracy dominated by the Tories. By the spring of 1704 this had been largely achieved. During the previous two years, a further fifteen Justices were put out of the West Riding commission, but only one was dismissed in the East Riding. At the same time, more young Tories were honoured by membership of the commission; nineteen new magistrates were added to the Bench in the East Riding and twenty three to that in the West Riding. Despite the dismissal of a large number of Justices in many counties Sir Nathan Wright had made numerous new appointments with the intention of swamping political opponents. This was achieved and his changes had the overall effect of substantially increasing the size of each commission.⁴³ From March 1704, however, he suffered increasingly from the usual parliamentary attacks which beset nearly all Lord Keepers and Lord Chancellors in these years. On this occasion it was the House of Lords which took the lead, criticising the appointment of unsuitable Justices to the detriment of men of quality, and reviewing all the changes that had taken place.⁴⁴ Between July and August 1704 a new commission was issued for all counties. The ostensible aim was to restore those Justices put out since the summer of 1700. It is clear, however, that only a small number of such gentlemen were actually reappointed, and that very few of those put in by Sir Nathan Wright were now dismissed. Although several commissions were renewed in the spring of the following year, Wright was reluctant to reverse his policies. Having wasted two clear opportunities to restore some Whigs and thus to silence his parliamentary critics, his position in the government steadily weakened. By October 1705 he could no longer hold onto office and he was dismissed, to be replaced by the Whig, William, Lord Cowper.

Although it was widely presumed that Cowper would carry out a purge of Tory Justices, no such drastic remodelling took place. On the contrary, throughout his first tenure as Lord Chancellor from 1705 to 1710, the

emphasis was heavily in favour of additions to balance the Tory ascendancy. The removal of living Justices was rare. He worked at all times to satisfy friends and supporters, but not to upset political opponents. Even when he was pressurised by influential colleagues to remove unsuitable magistrates, he was cautious in his approach.⁴⁵ Between February and June 1706, new commissions were sealed for most English counties. The changes made were unspectacular, but they marked the beginning of a planned shift towards a Whig domination of the counties. Similar revisions were made in each of the following three years.

Some counties received scant attention. During the whole of Cowper's first period in office, for example, only one fiat was sealed for the East Riding. This was in March 1707 and involved the appointment of three new Justices, namely Sir John Wentworth, William Strickland, and Hugh Cholmley. The West Riding commission, on the other hand, was renewed on no less than five occasions. No living Justices were dismissed, but numerous new appointments were made, including those of William Milner and William Rooke, senior, both of whom were prominent inhabitants of the city of Leeds. The revision of December 1709 added three members of the Lowther family, namely Richard Lowther of Great Preston, Christopher Lowther of Little Preston, and the Rev. Richard Lowther, Vicar of Swillington. All became dutiful magistrates, but they had the added attraction of being Whigs. Their appointments were also no doubt intended to placate William Lowther of Swillington, already a Justice, but whose petition to have a rival magistrate dismissed from the West Riding commission had not been successful. In all nineteen new Justices were appointed to the West Riding Bench, 1044 being added over the whole country. Thus without disgracing many Tories by dismissing them from the commission, Cowper had managed by the time he was forced to resign in September 1710 to build up a Whig majority amongst the county magistracies.⁴⁶

Soon after taking office, the new Lord Keeper, Sir Simon Harcourt, began a comprehensive revision of the county commissions, to the advantage of the Tories and to the detriment of the Whigs. Like his predecessor, he made many new appointments, but, unlike Cowper, Harcourt was prepared to make numerous dismissals. During his five years in office, Cowper had put out only 195 justices. Harcourt, on the other hand, put out 183 gentlemen between December 1710 and March 1711, during which period the commissions for forty two counties were renewed. The dismissals at this time were not evenly spread across all counties, because no living Justices were put out of the East Riding commission and only two were dismissed from the West Riding magistracy. They were William Lowther, who was one of six M.P.s who had failed to be re-elected in 1710, and his relation Richard Lowther, who had been appointed a Justice by Cowper in December 1709. On the other hand, numerous new magistrates were appointed; twenty one Justices were added to the commission for the West Riding and ten for that for the East Riding. One particularly interesting appointment in the East Riding was Richard Harland, who was to serve as clerk of the peace for that county from 1713 to 1736.⁴⁷

Further revisions were undertaken during 1711 and 1712, but these were generally of a routine nature and involved the omission of dead Justices and the appointment of suitable replacements. During the first six months of 1713, however, Harcourt turned his attention once again to a comprehensive remodelling of the county commissions. Since 1713 was an election year, it was not surprising that he concentrated on those counties which returned a substantial number of M.P.s. The West Riding, for example, was regulated by two commissions, which dismissed two living Justices and appointed fifteen gentlemen as magistrates. The majority of those added were Tory squires. Three were leading county figures, namely the Hon. John Dawney, Sir William Wentworth, and Peregrine, Marquis of Carmarthen, who was also put into the commissions for the East and North Ridings. Five other individuals were also

appointed in the East Riding, one of whom, Sir Edmund Anderson, was to become a leading Justice in that county.⁴⁸

By the latter part of 1713 the opinion of Bolingbroke and the other High Tories, that there should be a vigorous purging of all Whig officeholders, gradually gained more support in government circles. Yet only thirty commissions of the peace were subsequently regulated, those for the three Ridings of Yorkshire being amongst several which were neglected. This meant that the Tories were not in firm control in many counties when Queen Anne died in July 1714. Although Harcourt had considerably improved the Tory interest since October 1710, many Whig magistrates had been left alone. Nevertheless, his appointments were not inconsiderable: thirty seven gentlemen had been added to the magistracy for the West Riding and seventeen to that for the East Riding.⁴⁹

In the first months after the accession of George I, the Whig politicians who now took power used every opportunity to strengthen their hold over the machinery of government. Although many Tories were unenthusiastic towards their new King, it is unlikely that they were disloyal. The political ambitions of the new administration, however, made a regulation of the commission of the peace inevitable. On the basis of the recommendation of a newly constituted lord lieutenant, all the county commissions were revised. The argument that the months after Anne's death saw a purge of 'systematic ruthlessness' throughout the whole country, however, cannot be upheld without some qualification.⁵⁰ The magistracies in some counties were certainly vigorously regulated; sixty seven Justices were put out of the West Riding commission and twenty three new Justices appointed in their place. In the majority of counties, however, additions outnumbered dismissals, the Lord Chancellor, Lord Cowper, publicly asserting his belief that it would have been unwise to have turned the Tories out completely. Furthermore, whereas thirteen of Lord Chancellor Harcourt's appointees were dismissed from the West Riding's commission, a further

twenty three retained their magisterial status. A similar situation pertained in many other counties; in the East Riding, for example, only four of the twenty one Justices added by Harcourt were now dismissed. The evidence clearly shows that a majority of the Justices who had been appointed by Harcourt survived the regulations of 1715.⁵¹

The abortive rebellion in favour of the Stuart cause in 1715 and 1716 certainly gave the Whigs a further opportunity to proscribe most Tories as disloyal Jacobites. Although the uprising never seriously endangered the new dynasty, its repercussions profoundly confirmed existing political alignments. By convincing George I that only the Whigs could be trusted with office, the Tories were virtually condemned to the political wilderness. Thus the Whigs endeavoured to strengthen their position in the counties and during the summer of 1716 several commissions were revised and Justices put out. There was no attempt, however, at a general regulation. On the contrary, for the period during which the commission of the peace was drastically and regularly manipulated according to party whim, was rapidly coming to an end. During 1717 and 1718 several counties received new commissions but the alterations made rarely involved dismissals. The changes for the East and West Ridings at this time were not untypical. Eleven Justices were added to the commission for the West Riding, from which two magistrates were removed, and one Justice was appointed to the East Riding Bench.⁵² The ministerial reshuffling in these years and the appointment of Thomas Parker as Lord Chancellor in May 1718 did not result in a major remodelling of the commissions either. Following the fruitless Jacobite plotting in 1719, however, further revisions were undertaken but the emphasis yet again was on new appointments, with only a few magistrates being dismissed. Seven Justices were added to the East Riding magistracy, for example, and as many as twenty one to that for the West Riding. No living Justices were put out, however, in either county. Clearly the need for more active magistrates at a particularly troubled time was a major consideration.⁵³

From these years the importance of the commission of the peace in national politics gradually declined. The stability in government and the confidence of the Whigs who controlled it was reflected in the decreasing amount of time spent on its regulation. Purges of Justices no longer occurred. It even became rare for a systematic revision of a majority of counties to take place at the same time. Occasional remodelling did occur, but it was on an irregular basis depending on local needs and local recommendations. The handling of the commission of the peace thus underwent a significant change. The great majority of alterations involved the appointment of new Justices. Between 1720 and 1749, for example, eighty one magistrates were added to the commission for the East Riding and 306 to that for the West Riding. On the other hand, during the same period, no living Justices were dismissed from the East Riding and only six from the West Riding.⁵⁴

Clearly membership of the commission of the peace was no longer an instrument used by central government to reward loyal supporters and to disgrace political opponents. So long as a gentleman had the right social and financial qualifications he could expect appointment, even though his political beliefs might be frowned upon. This soon became the accepted practice, and the Lord Chancellor, Lord Hardwick, laid down in 1745 that upon the revision of a commission all proper regard was to be given to 'gentlemen of figure and fortune, well affected to his majesty's government, without distinction of parties'.⁵⁵ Furthermore, once included in commission it would be extremely rare for a Justice to be dismissed. Even when a charge of misdemeanour against a magistrate had been well substantiated, the culprit was not always turned out, as in the case of William Wrightson of Cusworth. He was accused of illegally bailing two rioters who had created a disturbance at the election at York in 1742. Despite the representations of seventeen Justices from all three Ridings, however, Wrightson remained in commission. By this time membership was virtually guaranteed for life, as the Earl of Malton, Lord Lieutenant of the West Riding, implied in a memorandum of 1737. Having

listed a number of gentlemen he wished to be appointed as Justices in the West Riding, he went to great lengths to stress his opposition to the addition of any other individuals, for he argued that the removal of unsuitable Justices was 'impracticable'.⁵⁶

On this particular occasion the Earl of Malton had successfully requested that a new commission be issued for the West Riding. This was not an uncommon occurrence for it was the Lord Lieutenant who now had the real power. The numerous changes made in the membership between 1680 and 1720 and the rapidly expanded size of the commission, resulted in it becoming impossible for the Lord Chancellors to check the credentials of all Justices. They came to rely instead on local recommendations and especially on the advice of the Lords Lieutenant. Such was the prestige and influence of these officials that during the first half of the eighteenth century the commission of the peace gradually became a piece of patronage exercised not by central government but by the Lord Lieutenant himself. The correspondence of the Earl of Malton indicates clearly that appointments to the magistracy in the West Riding had become his preserve. His suggestions and his objections were readily accepted.⁵⁷

III. Conclusion: The commission of the peace and local government.

At various times in the late seventeenth and early eighteenth centuries, the commission of the peace had undergone an extensive upheaval, involving the appointment and dismissal of Justices according to political and religious considerations. From about 1720, however, the position had become far more stable: additions continued to be made but the removal of living Justices became rare. The overall aim of every revision which took place was to increase the ability of central government to exert much greater influence over the activities of the magistrates. It is clear that remodelling could have desirable results. By appointing numerous supporters it was possible to ensure that a majority of magistrates shared the political beliefs of the government

in London. At the same time as ensuring a common outlook on the direction of affairs, this situation could well influence forthcoming elections to the ministry's advantage. On the other hand, the weapon of manipulation was not always as successful as the government hoped. The appointment of Sir Bryan Stapleton to the West Riding commission, at the same time as his election as M.P. for Boroughbridge, was an attempt to seek his future support. Sir Bryan, however, had little respect for the Lord Chancellor Somers' blatant bribery; he remained implacably antagonistic towards the Whigs.⁵⁸ In theory, particular individuals could be reprimanded for their neglect or unbecoming behaviour, but in practice dismissals on these grounds were few.

It was vital that the extent of the changes to be implemented at any time were carefully planned, and this was especially so during the period of acute party rivalry from the last years of the reign of Charles II to the early years of the reign of George I. Indiscriminate removals were not possible. In the interests of effective government in the counties, a number of leading Justices, irrespective of their beliefs, had to be retained in commission in each county. For there was no alternative to the magistracy. Severe purges created considerable opposition, as James II found to his cost. Faced with a deliberate undermining of its position, the magistracy was prepared to acquiesce in his dethronement. It was not surprising, therefore, that most Lord Chancellors after 1689 relied upon a considerable number of appointments, to outnumber political opponents, rather than on extensive dismissals.

The practical effect of manipulation of the commission on the work of the Justices is not easy to assess, but some conclusions are possible. The appointment of loyal Anglicans in the early sixteen-eighties definitely assisted the enforcement of the laws against Nonconformists. Furthermore, the inclusion of Roman Catholics and Dissenters by James II meant an end to all proceedings against these two religious communities. And yet, the alterations of the early sixteen-eighties, and particularly of the reign of James II, must

have created a psychologically tense time for all Justices. This quite probably had a detrimental, though only temporary, effect upon the way they approached their duties.

Between 1680 and 1750 the commission of the peace underwent the most fundamental changes of all during the four years from 1687 to 1690. Yet the events of this period indicate that, despite drastic alterations in personnel, the ground work of local administration continued virtually undisturbed. Several magistrates persevered in their out-of-sessions work, and through their influence and authority ensured that there was no breakdown in law and order.⁵⁹ Quarter Sessions were not held in many counties at either Epiphany or Easter 1689. Thus, the next meeting of the court was forced to attend to much routine administrative work, and that undertaken by the Midsummer Quarter Sessions in the West Riding was not untypical. Several overseers and churchwardens, for example, were reprimanded for neglecting their duties, orders were made for the payment of arrears of poor relief, and a larger than usual number of vagrants had to be removed out of the county.⁶⁰ Although the formal meetings of the Justices were interrupted, the backlog of work which had built up was soon dealt with. New administrative duties were easily assimilated as well, as in the case of the licensing of meeting houses for Protestant Nonconformists.⁶¹ At the times of national crisis, such as the accession of George I and the plottings of the Jacobites in 1715, 1719 and 1745, the Justices coped with little difficulty. Despite the increased attention paid to matters of security, the general day-to-day business of the magistrates continued. Except perhaps for the brief period in the last weeks of 1688 and the early months of 1689, at no time did local government come to a complete standstill. In many ways, the decision after 1689 to concentrate on appointments to the commission enabled a much closer watch to be kept on all undesirable and suspicious characters.

On the whole, the remodelling of the commission of the peace which occurred between 1680 and 1750 had only minimal influence on the work

of the Justices. Administrative and criminal responsibilities were carried out virtually without interruption, thanks to a large extent to the stability provided by the clerk of the peace and the other key officers who worked on behalf of the magistrates. In this way, manipulation of the membership of the commission was very much a notional exercise by the Lord Chancellor. It had much to do with rewarding followers and sympathisers by giving them office and prestige in the counties. On the other hand, it had little, if any, relevance to the real exercise of local power in provincial England and to the direction and operation of local government.

CHAPTER 4.

THE JUSTICES OF THE PEACE AND CENTRAL GOVERNMENT, PART 2 -

THE WORKING RELATIONSHIP WITH THE ASSIZE JUDGES

AND THE LORDS LIEUTENANT.

Much to the regret of central government, manipulation of the commission of the peace was the only means of control solely at its disposal, but it proved to be neither as formidable nor as effective a weapon as it had hoped. To compensate for this weakness and to help limit the autonomy of the Justices, the Assize Judges and the Lords Lieutenant were used in a supervisory capacity as direct agents of the King and Council. They were expected, for example, to gauge the political state of the counties, to assess the reaction to government policy, and to report on the conduct and attitude of whole county benches, as well as of individual Justices. It was hoped that in this way central government would be better equipped in its dealings with the county magistrates.

Yet both the Assize Judges and the Lords Lieutenant had important administrative duties to undertake in relation to local government, and this necessitated a close working relationship with the Justices. Together the Judges and the Lieutenants constituted the channels through which central government passed instructions to and received reports back from the magistrates. They formed an indispensable link in the chain of communication between London and the counties. This ultimately reduced their effectiveness as supervisory agents and further weakened the position of central government. It meant that from the late seventeenth century the Crown and Council had little real opportunity to force their will upon the Justices. This development had important repercussions for the execution of government orders and directives.

I. The work of the Assize Judges.

The Assize Judges reached the zenith of their supervisory duties in the sixteen-thirties.¹ Their identification with prerogative rule, however, and their advocacy of the right of the King to levy Ship Money, seriously

damaged their persuasive power and their prestige in the eyes of the local governors. The attempts by James II to use the Judges to enforce royal policy only served to confirm this disenchantment. The overall effect was to strengthen the case for an independent judiciary. From 1689, and especially after 1715, the political duties of the Judges were rapidly withdrawn, and their responsibilities were restricted to those administrative and criminal matters which had traditionally come before the Courts of Assize. This enabled them to repair much of the damage done to their authority and standing during the previous century. The Judges were still occasionally required to discover the names of any negligent or feuding Justices, to urge all 'well affected gentlemen in the commission to act', and even to suggest suitable new magistrates.² They were no longer, however, the principal eyes and ears of the Council.

Despite the gradual reduction of their political responsibilities, the Assize Judges still had a valuable contribution to make to the actual working of local government, and especially to the dispensation of justice. Although the Judges and the Justices were almost coequal in their administrative authority, in terms of legal knowledge and expertise the Judges were infinitely superior. Thus, particular difficult criminal and civil cases were reserved for their deliberation, the decisions of the Judges having the advantage of being binding on all future proceedings of Assizes and Quarter Sessions. It is not surprising, therefore, that the Justices regularly consulted the Judges and the expert officials who travelled with them. Nor is it unexpected to find that the clerk of the peace of the West Riding, as in other counties, recorded judgements made and advice given at the Assizes for the benefit of all the magistrates.³

The Judges investigated and settled factious squabbles which jeopardised the efficient operation of local government. In 1701, for example, they were called upon to resolve the refusal of the inhabitants of the Liberty of Ripon to make any contributions to estreats for the West Riding.⁴ One of

the great advantages of the Assize Judges was that their authority extended over a much wider area than that of the county Justices. Thus they were of vital importance in settling cross-county disputes concerning bridge repairs, and the Northern Circuit Judges spent much time and effort in resolving a particularly acrimonious dispute between the North and West Ridings concerning the responsibility for Ripon North Bridge. In a similar way, they helped to solve differences involving cases of removal and settlement. In 1721, for example, a settlement dispute which involved the removal of a family between Firbank, Westmorland, and Dent in the West Riding, and which was complicated by a contested apprenticeship indenture, was referred to the senior Assize Judge, the Lord Chief Justice.⁵

The evidence indicates that difficulties involving removal and settlement were by far the most frequent type of civil case to be referred to the Judges. And yet this was not the only administrative business dealt with. They were frequently called upon to decide on bastardy and apprenticeship disputes, to encourage the authorities responsible to see that highways and bridges were maintained, and even to ensure that the county gaol at the Castle of York was correctly managed.⁶

In many ways the Judges of Assize were just the partners of the Justices, but they had the added authority to reinforce and extend the powers of the Bench of magistrates. As a result, significant administrative orders were made at the Assizes. In 1682, for example, the Circuit Judges at York directed that a new book of freeholders be compiled for the West Riding and that it was to contain the names of all those with estates of a yearly value of £10. This was intended to help counter any abuses in the return of jurors and to prevent the swearing of partial juries. Occasionally, the magistrates even requested the Judges to order rates or to confirm those already set, in the hope of stifling or discouraging objections.⁷

The relative shortness of the proceedings at the Assizes meant that the Judges had to rely on several other people for the successful

execution of their duties. The most important officers were clearly the magistrates who referred the great majority of cases to the Assizes, who comprised the Grand Jury of the court, and who were ultimately responsible for carrying out the decisions made.⁸ The Judges always showed great concern at the limitations imposed by their dependence on others, and it was to ensure that the full range of business was always attended to that from the early seventeenth century all high constables had been charged at the opening of each Assizes with the presentment of infringements concerning public nuisances, public morals and economic regulations. Together these presentments were referred to as the 'assize articles of misdemeanour', and it is clear that the Northern Circuit Judges continued to charge the high constables at York until well into the eighteenth century.⁹

The high constables for their part took their duties seriously, even though this caused them much difficulty and financial loss. The West Riding Justices, on the other hand, seemed to have disliked the fact that the high constables served another master besides themselves. In an attempt to bring the practice to an end, the high constables were forbidden to continue with their usual procedure of calling the petty constables before them twice a year to compile their replies to the articles. Threats by the Assize Judges in 1706, however, that they would prosecute negligent high constables forced the Justices to think again. To give themselves more control over the system, the West Riding magistrates now ordered that the high constables were to make their returns to Quarter Sessions. The replies would be checked and only the 'misdemeanours of a high nature' would be transmitted by the clerk of the peace to the Assizes, the remainder being dealt with by the magistrates themselves. Though the practice had been carefully reorganised, the Justices had not succeeded in eradicating it. On the contrary, they were obliged to accept it for many more years, even having to sanction yet again two special meetings each year for the high and petty constable to consult with each other.¹⁰

Although the Judges' administrative responsibilities were very important, it was above all else their criminal authority which ensured for them a role of the greatest importance in the business of local government. The Justices had lost many of their legal powers in more serious cases to the Judges in the fifteenth and sixteenth centuries, but they had developed with them an interdependent system of criminal jurisdiction. Whereas the Assize Judges relied on the Justices to present serious crimes for their determination, so the Justices needed the Judges to complete the proceedings they were called upon to instigate. This was the real significance of the Assize Judges, for it was solely their responsibility to try and decide capital crimes and the gravest cases of felony. Furthermore, although the Assize Judges could inflict the same punishments as the Justices, the former were able to set the penalty of death which the latter could not. This of itself gave the criminal proceedings of Assizes an added mark of authority.

The largest group of offences to be dealt with by the Judges in the seventeenth and eighteenth centuries involved larceny, and in general the various forms of theft accounted for about 70 per cent of the total number of criminal cases at Assizes. Murder, manslaughter and infanticide, especially of bastard children, comprised a further 10 per cent and the remaining 20 per cent involved a whole variety of common felonies, such as assault and rape, counterfeiting and coining, slander and treason, bigamy and perjury, arson and riot, and religious offences and witchcraft.¹¹

Various types of larceny were very common, as in the cases of horse and sheep stealing, house breaking, burglary, receiving stolen goods, and pickpocketing. Murder, riot and serious assault were also regularly dealt with, and some cases naturally attracted more attention than others. The execution of the murderer of Leonard Scurr, his mother and his maidservant in 1682, for example, attracted nigh on 30,000 morbid spectators to Holbeck Moor in Leeds.¹² The frequency of some of the other crimes, however, varied considerably. The sixteen-nineties and early seventeen-hundreds witnessed a

vast number of cases of counterfeiting, coining and highway robbery. From the early eighteenth century the Judges had to consider a gradually increasing number of cases resulting from the cloth acts. The number of cases of witchcraft, however, declined rapidly in the late seventeenth century, during a period when much greater emphasis was placed on religious offences by Nonconformists, especially Quakers. Roman Catholics also suffered, especially those whose loyalties were suspect. At the time of the Popish Plot, for example, the Assizes at York were dominated by the depositions of two notorious informers, Robert Bolron and Lawrence Mowbray, against Sir Thomas Gascoigne, Lady Tempest, Sir Miles Stapleton and other leading county figures.¹³

During such periods of crisis the number of prosecutions for seditious and treasonable words against the monarch and the government naturally increased. It was only to be expected that the Judges would concern themselves with all suspicious characters, and with those who had boasted, for example, of their support for the Duke of Monmouth or the exiled James II. Those who spread seditious allegations or false rumours were severely reprimanded, and the Judges were prepared to act against anyone who disseminated misleading information. Leniency was sometimes shown, however, when excessive drinking had accompanied the outburst. On the other hand, those who actually openly rejected the King's authority received the full force of the law as a fitting penalty for their crime and as a warning to others, as, for example, in 1746 when many Jacobite rebels were tried at York Assizes and twenty two of them were publicly executed.¹⁴

And yet it is clear that some offences, especially those involving grand larceny, were not always dealt with at Assizes. Certainly the greater proportion of capital crimes against property in the eighteenth century automatically came before the Judges. This undoubtedly increased the amount of work to be covered and the Justices reacted by using the flexibility of Quarter Sessions to deal with the non-capital grand larcenies and to reduce

the burden on the Judges. There is ample evidence to show that goods were deliberately undervalued to keep them within the competence of the magistrates. In this way, only the very serious cases were referred to the Assizes. Nevertheless, although actual murder was never considered at Quarter Sessions, some of the graver crimes against the person such as attempted murder, sexual assault, perjury and malicious prosecution were. The same is true for some of the cases of animal theft, extortion, attending Nonconformist conventicles, counterfeiting and sacrilege. All of these were tried by the Justices and the Judges in the seventeenth and eighteenth centuries. At the same time some petty offences were dealt with at the Assizes, such as vagrancy. In 1675, for example, Thomas Wily of Barnsley, a tinker and an incorrigible rogue, who lay in the ditch at Howden and pretended to be drowned, in order to attract the attention of passers-by with the intention of stealing their goods, was prosecuted at the Assizes. In the following year, five wandering people were committed to appear before the Judges for practising physic without the proper licences.¹⁵

The criteria which determined whether a criminal was prosecuted at the Assizes or at Quarter Sessions are not easy to assess. The Justices obviously adopted at times a common sense approach by sending criminals for trial at whichever came first, Quarter Sessions or Assizes. They also endeavoured wherever possible to ensure that the Assize proceedings were not overloaded. No doubt some cases were carefully scrutinised before being referred to the following Assizes. Although the explanations for this approach are not totally clear, the effects it had are. For the Assizes dealt with a substantial number of petty felonies as well as the much graver cases and Quarter Sessions at times determined some serious offences which should have been transferred to the Assizes.

Through their twice yearly visits to the provinces, the Assize Judges were ideally placed to review the proceedings of the magistrates, to give advice, and, if necessary, to deliver rebukes. They were able to instruct

and educate the amateur Justices of the Peace; to interpret and explain, for example, difficult points of law in the hope that they would improve each magistrate's knowledge of the law and subsequent application of it. They acted in the public interest as overseers of the county Justices, in the same way that the magistrates watched over the county, wapentake and parish officials. For central government, however, the Assizes had a further advantage, in that the Judges could inform the Justices of what was expected of them, could convey the details of new legislation and could pass on the current attitudes and preoccupations of the Crown and Council. This was accomplished through the procedure of the charge, which was given at the beginning of each Assizes.

Although it was originally intended to be a means by which the Judges advised the jurors as to the execution of their responsibilities, it is clear that from the early seventeenth century the charge was used to pass on general orders to the Justices. Before going on their circuits, the Judges themselves had been instructed as to what they and the Justices were to pay particular attention. It was also expected that on their return to London the Judges would report as to how the information and directives had been received and on any general developments which had come to their notice. The charge was clearly a powerful instrument of propaganda, and, for a short time during the late seventeenth century, it was used extensively for political purposes, to rally support for controversial policies and to preach loyalty and obedience. At other times, the subjects of the charge varied considerably according to the worries and problems which faced the government. Towards the end of the reign of Charles II, for example, the emphasis was placed on the need to implement the acts which protected the wool trade. During the sixteen-nineties, stress was placed on the need to act against vice and immorality and to punish highwaymen, housebreakers, coiners and the authors of all seditious and libellous pamphlets and books. In 1721, it was the 'clandestine running of goods' which was of particular importance. Only one

topic, however, recurred again and again in the Assize charges and that was the question of security. Thus the Justices were regularly reminded of the need to watch all those who were disaffected and to take all necessary precautions to maintain the peace.¹⁶

Since all Justices were required to attend the Assizes, the dissemination of information and the explanation of difficulties was made much easier for the Judges. Nevertheless, it is clear that some magistrates failed to appear as they ought or only attended for part of the proceedings. Some had legitimate business or family reasons and took care to inform the Judges accordingly. For others, however, it was the considerable amount of time and money spent at an Assizes which persuaded them to stay away. Sir Walter Calverley's attendance at the Summer Assizes at York in 1696, for example, was typical. He took with him two servants, stabled his horses at the Talbot in Petergate, and lodged at a nearby private house, 'one Mrs. Brown's'. He stayed there for the full duration of the court which was five days, and spent at least £4, besides what he paid for his lodging rooms for himself and his servants.¹⁷

It was only to be expected that magisterial attendance would fluctuate each year according to circumstances. In July 1680, for example, more Justices than usual appeared to witness the trial of the Yorkshire plotters. Seven years later, on the other hand, the Yorkshire magistracy showed its displeasure at James II's decision to send a Roman Catholic Judge on the Northern Circuit by boycotting the Assizes.¹⁸ On the whole, however, it seems that a representative sample of magistrates from all three Ridings regularly attended the York Assizes. For, whilst in the city, these Justices could use the opportunity to discuss those affairs which involved them all, concerning, for example, the maintenance of the Castle of York, or the rates of servants' wages. For the West Riding magistrates, a meeting at the Assizes constituted an undivided sessions and was of immense assistance to them. Thus the Assizes amounted to an important gathering of the county gentry.

Prospective parliamentary candidates canvassed support, and lavish social occasions were held. Sir John Reresby, for example, spent at least £300 on dinners and dances at each of the Assizes held during his year as Sheriff of Yorkshire. Such expenditure was not uncommon, and in 1733 the magistracies of all three Ridings requested that all future Sheriffs be more moderate in their hospitality.¹⁹

With the decline of their political duties, much of the work of the Assize Judges after 1700 was routine. Nevertheless, it was not insignificant, for the role played by the Judges in local government was indispensable. Their superior legal knowledge and authority resulted in them settling contentious administrative disputes, in determining the more serious criminal cases, and in reinforcing the decisions of the Justices. They passed on important directions from central government and reported back on the conditions they found in each county. They were not expected, however, to pry into the day-to-day affairs of the Justices, for that form of intervention had been previously attempted and resolutely rejected by the magistrates. In any case, the need to work together with the Justices meant that this was a task to which they were totally unsuited.

II. The work of the Lords Lieutenant.

The Assize Judges were not the only channels of communication between central and local government. The Sheriff had once been the principal officer of the crown in each county, but he had lost much of his authority in the eyes of the Justices, not least as a result of the way he had been forced to interfere in their proceedings during the reign of Charles I. Thus from the late seventeenth century he was rarely used, even though the same official had the advantage in Yorkshire of having authority in all three Ridings. This would have greatly assisted the implementation of any policy. It is significant, however, that on the one important occasion he was to pass on

instructions to the Justices it was in the autumn of 1688 when James II ordered that the beacons were to be made ready in case of invasion.²⁰

Faced with such ineffective means of reducing the ever increasing independence of the county Justices, the government turned more and more to the Lords Lieutenant. From the reign of Charles II they became the principal link between the Court and the magistracy. Their influence was immense for they came to control the county militia and to distribute much crown patronage. During the eighteenth century they were responsible not only for the nomination of Justices, but also for the leasing of crown lands, and for the appointment of deputy lieutenants, militia officers and the governorships of some forts. It gradually became more common for Lords Lieutenant to be appointed as Custos Rotulorum for the county for which they served. Thus by combining the highest civil and military honours, the great noblemen who usually filled these posts were of vital importance to central government in its attempt to direct the work of the county Justices and even to influence the outcome of parliamentary elections. It was only to be expected that once given a responsibility for military affairs they would be used as direct agents with civilian duties as well. Such was their prestige within the county that they could not be ignored. Thus, unlike the Judges who had a formal relationship with the Justices, the authority of the Lords Lieutenant was based upon their standing in the county and at court. The decision to rely almost exclusively on the Lords Lieutenant was a wise development for it resulted in a greater sense of purpose and unity in local government. It also meant that from the late seventeenth century they concentrated in their hands many of the administrative and supervisory duties previously undertaken by the itinerant Assize Judges.²¹

The recognition of the power that the Lord Lieutenant could have in rallying support for ministers and for government policies ensured that great care was taken over their selection. In the early seventeen-thirties Thomas Wentworth, Earl of Malton, and later to be first Marquis of

Rockingham, aspired to be Lord Lieutenant of the West Riding. And yet, despite the influence wielded by the Wentworth family within the West Riding, the government hesitated over his appointment. Warned, however, that if he was not successful in his quest, the government would 'lose him for good and all', Malton was made Lord Lieutenant, much to his great satisfaction.²² As the key figure in the county, the position was eagerly sought after and the leading politicians strove to acquire for themselves, or for their friends and relatives, control over as many lieutenancies as possible. For all his tenure of office as Lord Treasurer, the Earl of Danby remained as Lord Lieutenant of the West Riding, and at the height of his power he had direct influence over at least twenty three lieutenancies, whereas, so he accounted, there were only eight Lord Lieutenants who were diametrically opposed to him.²³ Furthermore, when he returned to high office under William and Mary, Danby again became Lord Lieutenant of the West Riding and from 1692 to 1699 he served for the two other Ridings as well. The significance attached to this office ensured that only the men of the greatest standing were likely to be appointed. Between 1680 and 1750 the East Riding was served by the Earls of Mulgrave, the Dukes of Newcastle, and the Viscounts Irwin, and the West Riding by the Earls of Burlington, as well as by the Earl of Danby and the Earl of Malton. All these people were high ranking peers who enjoyed a distinguished social and political position within their counties.

So long as they followed the commands of central government and always acted in the King's best interests, Lords Lieutenant could expect to remain in office for considerable periods, as in the case of the Earl of Malton who served the West Riding from 1733 to 1750. On occasions, however, complaints were levelled against individual Lords Lieutenant, as in the case of the Marquis of Carmarthen who was accused of neglect of duty by eleven of the East Riding gentry in 1714.²⁴ Such an episode was a rare occurrence. Nevertheless, since the circle from which they were drawn was small, appointments and dismissals could not be made too frequently. Manipulation, if

attempted, had to be carefully executed, and this was generally the case. Lack of discretion and destructive changes could demolish influence and support in the counties, and it was precisely this which James II managed to achieve. The replacement of the Earl of Burlington as Lord Lieutenant of the West Riding by the Catholic Thomas, Lord Howard, in March 1688 created much resentment within the county and, combined with the appointment of Papist deputy lieutenants and Justices, did much to increase the feeling of antagonism towards the King. In the eighteenth century, however, a long term in office became more normal practice, and service of upwards of fifteen to twenty years, like that of the Earl of Malton, was not uncommon.

From the late seventeenth century the military responsibilities of the Lord Lieutenant became more and more subordinated to his civilian duties. As a result the day-to-day running of the militia passed to the deputy lieutenants and the militia officers. Although at first appointed by direct commission from the crown, the deputy lieutenants were from the reign of Charles II chosen by the Lord Lieutenant himself, royal approval having become a mere formality.²⁵ The Lord Lieutenant's task in supervising both the military and civilian direction of his county was made easier because the deputy lieutenants were nearly always members of the commission of the peace as well as serving in the militia. Of the eighty five deputy lieutenants appointed for the East and West Ridings in 1702, for example, only two were not leading Justices in their respective county.²⁶ All the evidence indicates that at least 50 per cent and possibly as high a proportion as 75 per cent of the working members of the commission of the peace were also deputy lieutenants. The overlapping membership was of the greatest importance for it certainly improved the way in which the counties were governed and specific policies were implemented. It also helped ensure that there was a certain amount of harmony in the relationships between the various local authorities.

The extensive nature of his duties necessitated the Lord Lieutenant being occasionally absent from the county, sometimes for long

periods. As a result, he had very little influence on the routine business of local government. He preferred to delegate his responsibilities. As Custos he appointed the clerk of the peace, and as Lord Lieutenant he worked through a senior deputy lieutenant. During the sixteen-seventies, for example, Sir John Reresby, as the senior deputy lieutenant and one of the leading magistrates, acted for the Earl of Danby and he was required to pass on orders to either the Justices or the deputy lieutenants and sometimes to both.²⁷ In many ways, however, the Lord Lieutenant had risen above the routine work of county affairs and he was well pleased to leave such duties to deputies. Nevertheless, he did not distance himself completely from the general business. Most Lords Lieutenant involved themselves in some aspect of county government. During his tenure of office, the Earl of Malton kept in regular contact with the clerk of the peace, on occasions held adjourned sessions at his residence, and took a personal interest in the moves to meet all crises, such as the cattle plague of the seventeen-forties.²⁸

For central government, however, the great advantage of the Lord Lieutenant was that as an important official at court, and perhaps even as a member of the Privy Council, he was able to provide a direct contact between London and the provinces. Through him the government could pass instructions to the local governors, to both the deputy lieutenants and the Justices, and, in return, could receive first hand reports of any military or civilian developments within his particular county. The business with which they were involved varied considerably. In 1710, the Lords Lieutenant were to forward directions to the Justices to determine the prices of corn and to certify their findings to the collectors of customs in order that the required duties could be assessed. Thirty five years later conciliar orders were dispersed by him in an attempt to prevent the spread of the distemper amongst horned cattle.²⁹ It was at times of national emergency, however, that this channel of communication was most widely used. On these occasions the Secretaries of State kept themselves in close communication with the

Justices and the deputy lieutenants, issuing orders for their conduct and receiving accounts of their subsequent actions. There were certain instructions which preoccupied the government and their agents in all crises. The local governors were to ensure the security of the crown, the government and the Church of England, to search for, disarm, apprehend, confine and prosecute all those who were disaffected and seemed dangerous, and to punish all those who refused the oaths of allegiance. During the Rye House Plot it was the Dissenters against whom these instructions were particularly aimed, but on all the other occasions the government's concern was with the Catholic Recusants.

At the time of a possible French invasion in the sixteen-nineties and the early seventeen-hundreds and at the time of the Jacobite uprisings of 1715 and 1745, the militia was called out and prepared for any eventuality. It was clear, however, that this force provided neither the most effective nor the most efficient defence of the realm. As a result, there were constant exhortations from central government to keep these amateur soldiers in a state of readiness. In 1715 the West Riding Quarter Sessions went so far as to set aside £800 to remedy the defects in the arms and ammunition of this county's militia. This was to little effect for it was noted in 1745 that as the militia would be of little service if called out, several Lords Lieutenant, including those of the East and West Ridings, would be permitted 'to form troops of such persons as should be willing to associate themselves for the defence of his majesty's government and to grant commissions to suitable persons to command them'. Despite such difficulties, however, the militia officers and the deputy lieutenants were conscientious in their work. Together with the Justices they regarded the militia as an important force and they frequently sought additional advice, clarification, or further instructions from their respective Lords Lieutenant.³⁰

Besides their constant duty of limiting the chances of disturbances, the local governors were required to raise recruits for the army

and navy, and to seize all 'stragglers'. This last responsibility was the particular task of the officers of the East Riding, who, residing in a maritime county which bordered the port of Hull, were often troubled by deserting mariners.³¹ In general, however, the special duties of the militia of the East Riding, as of all other coastal counties, were to watch for possible invasion, to hinder smuggling, and to prevent all unauthorised people from leaving the country. In the West Riding, on the other hand, the deputy lieutenants were more concerned with overseeing the main routes which passed through the county both from north to south and from east to west, and with apprehending any suspicious characters who travelled that way. The close cooperation between the lieutenancy and the magistracy was further strengthened by this last duty, for many of those arrested were often dealt with by the same gentlemen acting with a dual authority entrusted to them as deputy lieutenants and as Justices.³²

From the late seventeenth century the Lord Lieutenant was used by the Crown and Council in its attempt to exercise some influence over the autonomous county gentry. The government strove to create an interdependent system of military and civilian authority in each county, and it was to be centred on one individual who was to have the required prestige to supervise both effectively. It was the Lord Lieutenant who controlled the militia and appointed the other officers. It was the Lord Lieutenant who had such influence over alterations to the membership of the commission of the peace that he was courted both by existing and by aspiring Justices. The concentration of power in the hands of one man was a successful development. His extensive control of crown patronage meant that county gentry, as deputy lieutenants or as Justices, were responsive to the commands he gave and the instructions he passed on. Ultimately the authority of the Lord Lieutenant was the most effective pressure the government could bring to bear on the local governors. Although minute control of the activities of the Justices was not possible, supervision of them and guidance as to the key

policies which were to be implemented was feasible, and the Lord Lieutenant provided the best means by which this could be achieved.

III. Conclusion: The response of the Justices.

On the whole the period from 1680 to 1750 witnessed a markedly close relationship between central government and the county magistrates. Apart from the exceptional circumstances of the sixteen-eighties, and despite the fact that they were virtually free from government intervention, the Justices were rarely obstructive. On the contrary, for when directions met particular local needs or were issued in times of emergency the response was generally firm, and the Justices were prepared to undertake additional duties and to report back on their actions. It did not seem to be of importance whether the instructions in question were passed through the Assize Judges or the Lords Lieutenant. The West Riding magistrates, for example, acted promptly in 1678 to put into execution the act concerning burial in wool, and again sixteen years later to prosecute 'all Sabbath breakers, profane swearers, drunkards, and destroyers of game' as instructed by Circuit Judges.³³ Furthermore, the Justices of both the East and West Ridings worked tirelessly to counter the effects of the cattle plague in the seventeen-forties by implementing the orders passed on by the Lords Lieutenant. When national security was involved, the local governors acted promptly and eagerly to execute their responsibilities. The instructions to ensure that watch and ward was properly carried out and to disarm all disaffected people, for example, were executed with great enthusiasm.

The duration and effectiveness of the Justices' response to any instructions depended partly on the pressure of central government and the Lords Lieutenant and partly on the attractiveness of the policy to the magistrates. Generally a burst of activity met the initial needs of the crisis and as the emergency receded and as the orders of the Privy Council became less frequent in their number and less urgent in their tone, so did the

Justices' actions. This approach was a major characteristic of local government from the sixteenth to the eighteenth centuries. At times instructions had to be repeated, as in the case of the Assize Judges' orders against vice and immorality in the sixteen-nineties and the Lords Lieutenant's directions to recruit soldiers and sailors during the reign of Anne.³⁴ The necessity for the government to reiterate its wishes suggests not just that the issues involved were difficult tasks to undertake, but also that the response of the Justices was only intermittent and not direct and lasting. Such an approach highlights the ultimate weakness of local administration by local unpaid amateur officials. Without constant exhortations as to the general direction to be taken, the Justices were free to act with wide powers of individual interpretation and execution. Nevertheless, only once did the Justices deliberately seek to upset government plans and that was in the years 1687 and 1688.

Any attempt by the Privy Council to exert a rigid discipline over the magistrates was after 1660 a totally unreasonable prospect. Furthermore, once the party rivalry of the late seventeenth and early eighteenth centuries had come to an end, the government made no real attempt to interfere either in the composition or in the proceedings of the Bench, and the Justices responded by being generally quite willing to implement the orders they received. In any case, as the development of loyal addresses during the sixteen-eighties had shown, they took every opportunity to ingratiate themselves further with the Crown. So long as their own particular class interests were not threatened, they were prepared to comply. In fact, many of the new administrative duties which the Crown imposed were readily welcomed, for they tended to strengthen their positions of authority and to increase their hold on their social subordinates. A clear example of this development was the extensive powers given to them by the Game Act of 1671. Furthermore, as in the case of the Riot Act of 1715, the government frequently had no option but to turn to them for assistance.³⁵ Nevertheless,

the changing needs of society necessitated alterations in the ways in which that society was administered. It was significant, however, that it was left to the Justices to make the necessary changes by ad hoc developments. It was not until the nineteenth century that central government acted unilaterally. The inability of the government to enforce its will meant that such changes depended entirely on local initiative.

The relative freedom enjoyed by the Justices could undoubtedly have resulted in a lack of simultaneous action throughout the country, and in the case of Yorkshire, even within the county itself. Measures taken in one Riding alone would be futile; action and inaction could even be harmful. The Quarter Sessions' evidence indicates, however, that cross county co-operation compensated to a large extent for this weakness. Nevertheless, lack of central control aggravated rather than remedied the deficiencies of local government. Those Justices who attempted to improve the effectiveness of the administration found themselves facing serious difficulties inherent in the system they were trying to work and to reform.

From the second half of the seventeenth century the government was faced with few opportunities for systematic intervention in local administration. Through the Lords Lieutenant, and occasionally the Assize Judges, it was able to keep a general oversight. Nevertheless, even though the Lords Lieutenant in particular were eager to ensure that a consistent and effective policy was carried out, they only provided a limited supervisory capacity and did not give the government the effective control it would have liked and it had had before the Civil War. As a result, for much of their time the Justices worked under negative rather than positive supervision, and the only real restraint on their freedom of action was their subjection to common law.

In the last resort, the extremely limited control of the Crown and Privy Council over the day-to-day activities of the county magistrates resulted in the implementation of the policies of the central government

depending entirely on the willingness of the Justices to obey; on whether their aims and exhortations coincided with the general attitudes of the Bench. The powers of central government were hollow without the active co-operation of the magistracy. Nevertheless, as far as the great majority of the Justices' duties were concerned, and especially their principal responsibility, namely the preservation of law and order, there was complete accord between the central and local authorities. The apprehension and punishment of criminals, which took up much of the Justices' time, was a task to which they were totally committed, and not least because they had a vested interest in the maintenance of peace and stability.

SECTION 2.

THE WORK OF THE JUSTICES.

CHAPTER 5.

THE JUSTICES AND THE MAINTENANCE OF LAW AND ORDER.

To most people the main point of government was authority, and the principal obligation of the state was the preservation of the peace. Not least was this the case in the late Stuart and early Georgian periods. For in a world of political uncertainty, it was all the more important that there was stability and harmony within society. Thus the administration of provincial England by Justices of the Peace had one overriding objective and that was the supervision of the complete range of activities and interests of the whole population to ensure the maintenance of law and order.

The fulfilment of this responsibility was assisted by a complex system of gratuitous service, in which all citizens were required to participate. Collectively, for example, all members of a parish were to undertake such tasks as the repair of the highways. It was in the administration of the criminal law, however, that the active involvement of the whole community was so essential. It is true that great reliance was placed on a number of special officers, such as the chief and petty constables and the bailiffs. Nevertheless, their services were enforced, and everyone else, irrespective of their occupation or their social standing, was also expected to assist in the maintenance of law and order when called upon to do so. They were to participate as informers, as watchmen, as searchers, as jurors, as witnesses, or as members of a hue and cry. Local government unequivocally emphasised the duties of the people rather than their rights.

1. The decline of gratuitous service.

In their efforts to maintain the peace, the Justices strove to uphold the traditions of unpaid and compulsory service by all members of the community. This amateurish system, however, was not able to cope with the ever increasing need in the eighteenth century for a more professional approach towards local government and especially to the administration of the

criminal law. The necessity for greater efficiency forced the Justices to rely more and more on their subordinate officials, over whom they had direct control, and on various ad hoc approaches. The key parochial officer was the petty constable who included amongst his chief duties the apprehension of suspected criminals, the prevention of brawls and unlawful assemblies, and the enforcement of magisterial decisions and punishments.¹ Most petty constables, however, were reluctant and unreliable servants who faced danger, not least because they were generally the first people in authority with whom a suspected criminal came into contact. Despite the need to exhort these officials to undertake their duties fully, the Justices also had to give them their full support when their authority was challenged or their instructions ignored. For such people were not just the representatives of the Justices and of Quarter Sessions but also the representatives of the King, and it was his laws that were being implemented. Thus, those who obstructed and assaulted the constables in the course of their work, who attempted to rescue prisoners from their custody, or who blatantly refused to obey their orders were dealt with firmly at Quarter Sessions. Fines and imprisonment were the punishments for those who ignored the law and abused its officers.²

Besides placing greater reliance on the petty constable, and, for that matter, on the other parochial and wapentake officials, the Justices also strove to stimulate the general public to be of greater assistance. To encourage more people to act against law breakers and to give information, the expenses of those who had been particularly dutiful were often reimbursed. For the high costs of travelling to and attending Quarter Sessions undoubtedly resulted in many people being less than enthusiastic in coming forward as witnesses. Being bound to appear by a recognizance which included a large financial penalty for default did not always ensure attendance. Sometimes witnesses had to be forced to appear, a temporary spell in the house of correction prior to a case being tried not being uncommon.³ Thus, to ensure that criminals were prosecuted against, ex gratia payments were made.

The accounts of petty constables and of the county treasurers in both Ridings contain numerous references to payments to individuals for assisting in an arrest, for conveying a person to gaol, or for prosecuting someone for counterfeiting or for highway robbery.⁴ Often the expenses incurred by the constable, his assistants and the witnesses were levied on the goods of the arrested person. At other times the court recommended the inhabitants of a village to reimburse one of their number. Sometimes the sums of money and the number of people involved were quite large; in 1700, for example, a very poor man was to be allowed his expenses of ~~£~~5 for prosecuting a suspected felon, and twenty eight years later a constable had to pay ls. 6d. a day for each of seven witnesses who had attended the Assizes at York to give evidence in a case of felony.⁵

The repayment of expenses was not the only financial inducement to be used; rewards were also offered and paid. Such compensation had been regularly handed out in the late seventeenth century, especially in the drive against highway robbers in the last quarter of the century. The sum of ~~£~~10 was normally offered for a successful conviction, although in exceptional circumstances the amount was higher.⁶ During the early eighteenth century, however, similar rewards, again of ~~£~~10, were given for convictions of sheep stealers.⁷ Besides the offer of rewards to encourage people to come forward with evidence, Quarter Sessions did occasionally order the treasurer to make payments to individuals for particularly good service. Non-financial rewards were also introduced, as in 1699 when it was enacted that individuals could be excused from future service in all parish offices if they had successfully prosecuted a felon. According to the records however, only seven people benefited from this development during the next forty four years. All lived in the West Riding and all had undertaken their prosecutions at the Assizes.⁸

What particularly troubled the Justices was the need to seek as much co-operation as possible if crimes were to be solved. It was to this end that the eighteenth century witnessed the increasing use of advertisements in

the local and national papers for further information. In 1711, for example, the East Riding authorities published the descriptions of two suspected horsestealers in the Gazette, Post Man and Tatler in the hope that additional revelations would be made. The problem of the nomadic highway robber, however, forced the West Riding Justices in 1737 to place similar advertisements in the London and Whitehall Evening Post, as well as in the Leeds, Newcastle, Nottingham and York Courant.⁹

The success of such expedients are not easy to assess, but they must have been considered of use, for if the case had been otherwise they would not have been continued. Nevertheless, the vigilance of the general public left much to be desired and it was for this reason that the Justices were forced to rely for much of their work on common informers. Although they were not as important as they had been before the Civil War for the enforcement of economic legislation, the informers of the late seventeenth and early eighteenth centuries played a significant role in reporting all manner of misdemeanour. Accusations against people who spoke treasonable and seditious words and who disseminated false and malicious rumours provided informers with many opportunities. The situation was complicated in such troubled times as the sixteen-eighties when these political misdemeanours were compounded by the religious offences committed by Nonconformists and Roman Catholics. In the drive against Protestant Dissenters in the early sixteen-eighties, for example, the West Riding Justices relied heavily on informers for prosecutions. Particularly dutiful assistants were regarded highly by the Bench. In 1682 John Peables, a West Riding magistrate, went so far as to raise his hat to compliment one informer for his good service.¹⁰

To most people though, informers were parasites who watched for any ambiguous statement or action and who were prepared to run to the magistrates at the first opportunity in the hope of claiming half the fine on a successful conviction. Such financial benefits naturally attracted devious and corrupt individuals, but these informers received short shrift from the Bench.

In 1698, for example, a woman who had laid informations concerning clipping and coining, was discovered to have demanded bribes in return for not prosecuting the accused, a process which it was noted not only stifled justice but also enabled her to make a livelihood of informing.¹¹

And yet informers provided a valuable and irreplaceable service in bringing to the notice of the Justices those who exercised trades without serving the regulatory term of apprenticeship, those who broke the game laws, those who attempted to avoid the stiff requirements of the cloth laws, and those who attempted to sell salt above the set price. Without informers such offenders may never have been brought to court.¹²

The Justices appreciated the general public's lack of enthusiasm for gratuitous service, but during the late seventeenth century they persevered with two particular forms of collective participation, namely the hue and cry and watch and ward. Nevertheless, both were modified and by the mid eighteenth century both were undoubtedly of much less importance than they had been a century before. The hue and cry was usually employed in cases of suspected felony only, the aim being to give the constable overwhelming assistance in his endeavour to capture the culprit as quickly as possible. The evidence indicates, however, that by the late seventeenth century the hue and cry was usually carried out by the constable or his deputy with the assistance of only a small handful of men. Only rarely would most of the inhabitants of a village participate. As late as 1717, for example, several characters suspected of being involved in a number of robberies in the Holme on Spalding Moor area were pursued through the cornfields of Hotham by upwards of twenty men. On the whole, though, this was exceptional. By this time the disorganised nature of the hue and cry had been superseded by the issue of general warrants by local Justices and by Quarter Sessions. These warrants included explicit instructions for the constable to raise the hue and cry, as in 1679 when the West Riding magistrates instructed all constables and other officers to search for three prisoners who had escaped from custody.¹³

Although in general the hue and cry became less and less important, in one specific instance it remained of great significance throughout the early eighteenth century. This involved robbery from travellers on the highway. For if the hue and cry had not been speedily begun or satisfactorily carried out, following immediate notice being given by the injured party, both to the inhabitants of the nearest village and to a local Justice, the inhabitants of the wapentake in which the offence was committed would have been liable for the cost of reimbursing the amount stolen. The charges claimed by victims of robbery usually varied from 40s. to £40, depending on the standing of the individual. Clearly common carriers had most to lose, and they faced their greatest risks when their journeys took them through remote areas. The amounts involved could be considerable, however, as the wapentake of Claro discovered in March 1684 when the inhabitants had to find £332. Seven years later the same wapentake had to find £308, and in 1704 Staincliffe and Ewecross had to raise the sum of £784.¹⁴

The possibility of false claims and the large legal charges which could mount up led the West Riding Justices to make the procedure for seeking repayment more efficient. One specific attorney, for example, was to act for the Riding on all occasions the statute of hue and cry was invoked. Furthermore, wherever possible the magistrates would forestall litigation by ordering the amount claimed to be raised immediately, in the hope that a quick settlement would 'be the best way of saving the country charges' and would discourage any legal proceedings. The records do indicate, however, that from the early seventeen-hundreds the number of claims gradually declined, but the inhabitants of various wapentakes were still occasionally required to make repayments throughout the first half of the eighteenth century. The possibility of a large additional assessment being levied on a wapentake did have a significant effect on officials and on individuals. For it encouraged the former to undertake their duties more conscientiously and the

latter to have more than a cursory interest in the work of their law officers.¹⁵

The public's attitude towards watch and ward was very much like that towards the hue and cry. There was little enthusiasm, and not least because it exposed those involved to night duty, inclement weather and the dangers of verbal and physical attack. Thus, records contain many references to neglect of the watch and to refusal to participate.¹⁶ Such references do not mean, however, that the system of watch and ward was being systematically disregarded throughout the East and West Ridings. It is clear that in some counties, in, for example, Derbyshire, Middlesex and the North Riding, the watch had ceased to be an effective means of ensuring law and order. In the East and West Ridings, however, the watch was an essential part of the late seventeenth century machinery of keeping the peace. Though it was to be employed much more on an irregular basis after 1700 than before, it did not fall into total disuse. For watch and ward provided for the Justices another means of preventing disturbances and of apprehending undesirable characters. In 1675, for example, the Justices of the East Riding expressly instructed that the watch, or 'sentry' as they called it, was to be kept in every town by four or six people, depending on the number of inhabitants with the intention of arresting all strangers.¹⁷

It is only to be expected that the references to the watch in the records would concentrate on those occasions when the system failed to operate for the Justices spent most of their time and efforts in correcting faults. It was only really at times of danger and uncertainty, however, that the watch was expressly ordered to be kept, as at the time of the Rye House Plot when the Justices ordered much stricter search for all those disaffected. Watch and ward itself was to be kept every day and chief constables were to check that this was the case. Similar instructions were ordered in 1690 when watch and ward was to be kept to hinder all those who were 'obnoxious to the government' from moving freely. Twenty five years later it was expressly

laid down in the West Riding that in every constabulary four sufficient people were to keep watch by night and two ward by day. At the time of the Jacobite Rebellion of 1745 those on watch had to be properly armed and were to raise the hue and cry against anyone who refused to obey their orders. When fears of invasion were high, for example, as in the East Riding in 1722, a special watch had to be kept along the coast.¹⁸

On those few other occasions when the watch was specifically ordered to be kept, the authorities were concerned with vagrants, beggars and wandering people, and with stopping the spread of plague. The opportunity of checking all people entering a county was of the greatest importance when that particular county wished to isolate itself from the rest of the country. In the early part of the reign of Charles II, for example, the Justices of all northern counties were eager to stop infectious plague spreading from Kingston upon Hull and from London. In the middle of the eighteenth century their attention was directed against the distemper amongst horned cattle which raged across much of northern England. Thus the watchmen were placed at strategic points on all main roads, at bridges, and at ferry crossings. By this time, however, the effectiveness of the watch left much to be desired and this was fully appreciated by the Justices. Its declining importance is reflected perhaps best of all by the decision to appoint paid watchmen during the cattle plague of the late seventeen-forties.¹⁹

In the administration of the criminal law the late seventeenth and early eighteenth centuries witnessed the gradual reduction in importance of the idea of gratuitous services. Instead greater reliance was placed on the subordinate officials of the Justices and even on specially employed officers. At the same time ad hoc measures were introduced such as the payment of expenses, advertisements for information, and even the offer of rewards. Such expedients must have been successful for their continuation and modification ensured that by 1750 the Justices were using a variety of means to keep the peace. Much depended, however, on the devotion of the parochial and

wapentake officers and their supervision by the Justices became an integral part of the maintenance of law and order. For without an efficient body of men to implement the criminal code and magisterial decisions the rule of law was at an end.

II. The criminal process.

By the commission of the peace the Justices, either singly or in groups, were empowered to enquire, hear and determine within the area in which they served most crimes and felonies, with the notable exception of treason and murder. It was only in Quarter Sessions, however, that they could exercise all the authority designated to them. Quarter Sessions was a formal court of law, where the Justices, acting as judges, worked by presentment, indictment, trial and punishment. In the late seventeenth century this process was used for civil and administrative cases, as well as for criminal proceedings, and this undoubtedly helped strengthen the authority of all the decisions that were made. Thus, judicial procedures and conventions dictated to a great extent the ways in which the Justices approached their criminal duties and maintained law and order.

When a crime had been committed it was the responsibility of the local Justice to bind all those in any way involved to appear at the following Quarter Sessions. Here he would deposit with the clerk of the peace all the relevant documents and a bill of accusation would be made out on behalf of the prosecutor to be considered by the Grand Jury. Once it had been established that there was a case to be answered, the bill became an indictment, upon which all future proceedings were based. The vast majority of indictments were usually dealt with at the same Quarter Sessions at which they were drawn up. Some, however, especially those involving misdemeanours, were prosecuted and concluded at two successive meetings of the court.

In the process leading from accusation to conviction, the crucial stages were conducted by juries, for the majority of offences against the

criminal law were only punishable on an indictment before a jury. By the late seventeenth century only two separate juries, the Grand and the Traverse, were regularly empanelled by the Sheriff for the East and West Ridings. No lists of petty jurors have survived and this suggests that this jury, with its limited duty of hearing trials and determining guilt or innocence, was selected as and when required from amongst the freeholders who were present in court.²⁰ The Hundred Jury, on the other hand, had been responsible for the presentment of all nuisances committed within its jurisdiction, but it was no longer a principal component of the criminal process. Instead presentments were now made by a whole variety of people, by the clerk of the peace and his staff, by individual magistrates, and particularly by the chief constables, who previously had sat on the Hundred Jury. This increase in the number of people making presentments, the greater reliance placed upon chief constables and the greater flexibility which this system permitted ensured that misdemeanours and nuisances were brought directly to the attention of the Justices. These developments reduced the need for a special jury and after 1660 the Hundred Jury gradually fell into abeyance in Yorkshire, as in Gloucestershire. In Warwickshire and Wiltshire, on the other hand, this jury continued to make presentments until well into the eighteenth century.²¹

The right of presentment was valued highly by the Yorkshire Grand Juries of the late seventeenth century. Greatest concern was reserved for public nuisances involving county responsibilities, such as bridges and the gaol at York Castle. All bridge repairs were to be preceded by a formal presentment by the Grand Jury, a procedure which was expressly reiterated in the County Rate Act of 1739. Nevertheless, to prevent unnecessary deterioration surveyors could contract for emergency repairs. During the early eighteenth century, however, the number of presentments made by the Grand Jury 'on its own view' markedly declined. This was at a time when an increasing number of officials were being appointed to care for major administrative responsibilities, including bridge repairs.²²

Despite the declining importance of their role in the procedure of presentment, the members of the Grand Jury exercised a considerable influence on the proceedings of Quarter Sessions. Occasionally they were requested to make certain inquiries, as in 1681 when they were to assess the request of Thomas Thompson to succeed his father as treasurer for the relief of prisoners in the county gaol. At other times the jurors took the initiative to petition the Justices for immediate action to resolve a particular problem. In 1669, for example, their concern was with the sessions for hiring servants at Wakefield. Thirty six years later the Grand Jury at Midsummer Quarter Sessions at Skipton requested the appointment of a suitable person to care for all the bridges belonging to the wapentake of Staincliffe and Ewecross.²³ The crucial importance of the Grand Jury system, however, lay in its role in deciding initially whether there was a case to be answered. Without a Grand Jury Quarter Sessions could not operate effectively and the criminal law could not be enforced. Occasionally, however, the jurors could have a negative effect on the work of the Justices, to the extent of even obstructing the judicial process. In 1674, for example, when magistrates were being encouraged to act against Papists and Nonconformists, it was noted that in Yorkshire the Grand Juries refused to find an indictment on the presentment of neglectful churchwardens and constables.²⁴

At least one Grand Jury was summoned to appear at every Quarter Sessions for the East and West Ridings. Such were the number of offences to come before the West Riding court, however, that during the late seventeenth century two juries were sworn at the Easter meeting and both dealt with the full range of crimes. By the beginning of the eighteenth century, however, a reduction in the amount of business led to this procedure being discontinued, and from 1696 only one Grand Jury was impanelled at this session. Traverse Juries, on the other hand, were not always required, although a return was made to each session of those who were qualified to serve on them. Insufficient business meant that no trial juries sat at the East Riding Quarter

Sessions at Easter 1742 and Midsummer 1744, or at the West Riding Quarter Sessions at Epiphany 1680 at Doncaster and at Midsummer 1687 at Leeds.²⁵

The Traverse Juries regularly consisted of twelve members, the names of fifteen or sixteen possible individuals having been generally returned. The size of the Grand Jury, however, varied throughout the period. It was customary to swear an odd number greater than twelve. In the East Riding thirteen generally served, though fourteen jurors were not uncommon. In the West Riding, on the other hand, the Grand Jury usually consisted of thirteen, fifteen or seventeen freeholders, and only once was there more than twenty jurors.²⁶ It was the duty of the Sheriff to return the list of possible jurors and he always included two or three more names than were actually needed. In both the North and West Ridings as many as forty eight people were regularly summoned in the late seventeenth century for each session and most of them served at one of the meetings of the court. Occasionally over fifty jurors were actually sworn at a session, but this did not occur after 1696 for in that year the number to be summoned for Grand Jury service at Quarter Sessions in Yorkshire was limited by statute to no more than forty.²⁷

The actual qualifications for service on both the Grand and Traverse Juries are not clear. The evidence for the East and West Riding indicates that for most of the seventeenth century only the people who were the owners of freehold land worth 40s. per annum were liable to serve. From 1693, however, it was specified that those who were to try cases at Quarter Sessions were to own land to the value of £10 an acre, and three years later the property qualifications for Yorkshire grand jurors was raised to £80 free or copyhold. What is perhaps surprising, however, is that people of the same social status served on both the Grand and Traverse Juries and that those who were sworn were invariably referred to as gentlemen. Yet many of the freeholders who served would have had far more in common with the yeomanry than with the gentry. It is quite possible, as J.S.Morrill has

suggested in his work on Cheshire, that selection for jury service entitled the juror to take the title of gentleman.²⁸

Despite the frequent checks of the freeholders lists, people who were not qualified to serve were occasionally summoned to do so. On the whole such unfortunate individuals were eventually excused and their names erased from the book of freeholders. Many of them did not satisfy the land requirements, but some were released from their obligations for being too old, deaf, and even non compos mentis.²⁹ Of far greater concern to the Justices, however, were those jurors who failed to discharge their duties by failing to appear at sessions, though legally summoned, or by failing to remain in court until officially permitted to leave. In both Ridings the magistrates tended to impose immediate fines of 40s. and 20s. respectively on those grand and traverse jurors who had transgressed. Despite such relatively heavy penalties, however, there were always jurors who were prepared to neglect their responsibilities, and in the late seventeenth century and again in the mid eighteenth century it was not uncommon in the West Riding for at least one juror to be fined at each session each year. At times the numbers involved could be surprisingly high, as at the West Riding Easter Quarter Sessions in 1686 when as many as twenty one jurymen were reprimanded for their neglect. In the light of further evidence being presented, however, most fines were generally reduced and more often than not totally remitted.³⁰

The magistrates were keenly aware of the need to ensure that their Grand Juries worked as effectively as possible and it was with this aim in mind that a system of overlapping service was followed in most counties. Although most Yorkshire jurors were not resummoned to Quarter Sessions until two years had elapsed after their previous service, or in the case of the Assizes three years, it is clear that some experienced jurors were regularly sworn.³¹ The limited number of alternative freeholders meant that in counties like the East Riding it was not possible to allow some jurors the luxury of a break of up to two years. What is particularly interesting though is that in

the West Riding many future chief constables had had previous administrative experience through service on several occasions on the Grand Jury. In some cases they had even served annually. Richard Gilbertson, for example, who was appointed chief constable in Claro wapentake in 1688 was sworn on the the Grand Jury on eight separate occasions during the previous six years. Such is the evidence that jury service may have become an unwritten but essential requirement for all West Riding chief constables.³² Despite the clear evidence of regular service by some leading freeholders, attempts were always made to draw the jurors evenly from the wapentakes. When particular local knowledge was required, however, a greater number of jurors from the area in question would be sworn.³³

The importance of the Grand Jury was such that the Justices took the utmost interest not only in its composition but also in its deliberations. This was principally achieved through the charge which was delivered by the senior magistrate in attendance and which informed the jurors of their tasks and duties. The evidence from Yorkshire and Cheshire in particular indicates that in general the charge included both legal theory and special instructions. During the early sixteen-eighties, for example, the emphasis was upon action against Nonconformists, especially Quakers. Throughout the troubled times following the Revolution of 1688, great efforts were to be made to discover all those who disseminated rumour and false news, whilst in the early seventeen-hundreds attention was to be paid to the need to reform morals and to preserve Sunday observance. Only one complete Yorkshire charge has survived for this period and it was apparently delivered to the West Riding court in 1691. It is a lengthy document and not only sets out the duties of the jurors towards God, towards their monarchs and towards their fellow men, but also lists in great detail the offences which were to be examined. The whole speech has a strong moral tone. It was clearly aimed at all officials present, not just the jurors.³⁴

The existence of juries helped ensure that biased decisions were avoided and that justice was dispensed fairly. Clearly though some mistakes were made which were not rectified. Nevertheless, it was possible for individuals who were particularly aggrieved to appeal to the common law courts at Westminster, and especially to the Court of King's Bench, in the hope that their cases would be reviewed. In theory the Court of King's Bench could intervene directly in the activities of the Justices and could overturn their decisions. In practice, however, its power was limited for it could only act after an appeal had been first made to it. Such a procedure was clearly quite commonly used by those people who were very close to London. On the other hand, it was only a very few people who lived as far north as Yorkshire who could afford to travel to the capital and become involved in possibly lengthy and costly litigation. Nevertheless, a surprisingly high number of cases were removed from the West Riding Quarter Sessions to this court, particularly during the late seventeenth century. According to J.S. Cockburn, seldom were more than three or four writs a year issued to remove cases from the Assizes, and Warwickshire Quarter Sessions' records indicate that this county rarely considered more than one or two cases a year during the sixteen-nineties, the same as in Somerset in the sixteen-thirties and in the East Riding for most of the early eighteenth century. Between 1680 and 1699, on the other hand, an average of nine writs of certiorari were granted each year by the West Riding Quarter Sessions. In line with most counties, however, the number of cases fell in the first half of the eighteenth century, so that the average number of writs issued between 1730 and 1749 was between three and four. Not all applications for writs were granted for the Justices naturally resented such requests and they ensured that all legal niceties had been fulfilled before allowing a case to be removed from their jurisdiction. Those writs that were allowed involved trespass and assault, but a high proportion concerned individuals and townships who disputed poor law issues or highway repairs. Thus the evidence of the East and West Ridings

would tend to support the suggestion that most writs were acquired by people or parishes attempting to prolong proceedings unnecessarily, to avoid responsibilities or to escape punishment.³⁵

III. The pattern of crime.

Indictments are probably the most important legal records of Quarter Sessions. For they give much vital information for each crime, notably the names and addresses of the individuals involved, the nature and details of the offence committed and generally the outcome of the case as well. In crimes of larceny, for example, they state the types of goods stolen. Similarly, indictments for scandalous and seditious words generally give the actual words spoken. Such material provides the historian with much interesting evidence.

Yet indictments afford many problems of interpretation and must be treated with considerable care. As J.S. Cockburn has shown, they abound with examples of laxity and negligence, namely incorrect spellings, the omission of pieces of information and the use of aliases.³⁶ Furthermore, the extent to which indictments can be used as statistical evidence is limited. For the number of indictments laid each session depended on several key factors. Law enforcement was primarily a matter for the victim and depended very much on his energy, sense of outrage and relationship to the accused. As a result, the crucial consideration for all potential prosecutors was the time to be taken up in any litigation and the possible financial expense involved. The overall result must have been that only a proportion of all crimes were ever reported. Above all else, however, was that the number of indictments depended on the motives, attitudes and decisions of those who controlled the institutions of the criminal law. Concern with one particular aspect of their work could result in the magistrates dealing with an increased number of prosecutions at the following sessions. The combined effect of all these

factors was that indictment levels were subject to sudden and dramatic fluctuations.

Despite such limitations, a simple statistical analysis of indictments does provide a means by which the pattern of known criminal activity may be assessed. During the late seventeenth and early eighteenth centuries the total number of indictments which came before the Grand Jury of the East and West Ridings varied considerably from year to year. Nevertheless, an underlying trend is clearly discernible. Throughout the last quarter of the seventeenth century, the Grand Jury in the West Riding dealt with a steadily increasing number of indictments. From the late sixteennineties, however, the number began to fall and continued to decline throughout the first half of the eighteenth century. This is true for the East as well as for the West Riding.

Spectacular but temporary increases occasionally occurred, as, for example, between 1710 and 1713, in the early and late seventeen-twenties, and again between 1740 and 1744. Nevertheless, these fluctuations do not detract from the overall pattern of a declining number of indictments. The West Riding juries, for example, considered 330 cases in 1695, but only just over one-third of that number, 127 in all, fifty five years later. Contemporary writers, on the other hand, considered quite definitely that there was a rising crime rate in the first half of the eighteenth century. As a result of his work on Surrey and Sussex, however, J.M. Beattie has shown that this may well have been the case in and around the city of London, but that in rural areas the incidence of crime was actually falling.³⁷ The evidence presented here for the East and West Ridings quite definitely lends further weight to this argument, for the number of indictments coming before the Grand Jury in both these counties each year indicate that the level of reported crime was declining.

The fluctuations in the pattern of criminal activity are not easy to explain. A fall in indictments might reflect a relaxation of magisterial

concern and pressure with the result that constables and other officers became lax. At times this may well have occurred, but the evidence does indicate that from the seventeen-twenties the Justices throughout Yorkshire paid much greater attention to the ways in which they undertook their duties and set about the tasks with which they were faced. The appointment of salaried officers was a response to the problems associated with amateur and unpaid servants, but it is reasonable to assume that payment encouraged a higher standard of performance. The regular presentment of parish officers for negligence indicates the considerable difficulties the Justices faced, but generally the offences involved civil and not criminal matters. The problems faced by individual prosecutors in travelling to Quarter Sessions and presenting their cases were severe, but they must have been less in both the East and West Ridings. Whereas in the former county Beverley was centrally placed and easily accessible, in the latter county the system of adjournment towns reduced the distances to be travelled and the costs to be met. Apart from the detrimental effect any prosecution might have upon future relationships with friends and neighbours, the obstacles were few for those who wished to have the criminals who had committed offences against them brought to justice. It seems reasonable to conclude that the preservation of the peace was being accomplished in a satisfactory matter and that the worst criminals were brought to trial. The maintenance of law and order was the Justices raison d'être and it is improbable that they ever took this responsibility lightly.

A temporary increase in the number of crimes perpetrated and in the pressure exerted by the Justices upon petty constables, with a consequential rise in the number of criminals apprehended, were principal causes of the occasional increases in indictments. In some years exceptional circumstances led to more offences being committed, whilst in others greater vigilance led to more arrests and more prosecutions. The year 1725, for example, witnessed an exceptional rise in indictments before the East Riding

Quarter Sessions, but just under half of these, twenty one in all out of a total of fifty two, were concerned with gaming offences and followed specific magisterial instructions to present all who had so offended.³⁸ It is certain that throughout the sixteen eighties and early sixteen-nineties the Justices had been particularly troubled by matters of security. Much closer attention was paid to suspicious characters, wanderers, vagrants and gossipers, as well as to all who drank too much and spoke out of turn. Yet it is surprising that at times of similar crisis, notably in 1715 and 1745, there is no marked rise in the number of indictments to be considered by Quarter Sessions in either the East or the West Riding. Similar precautions were taken in these years as to those set in motion in the late sixteen-eighties and early sixteen-nineties; watch and ward, for example, was strictly kept. Nevertheless, despite the increased attention paid to possible troublemakers, the number of indictments did not rise as they had in the late seventeenth century, a trend which has also been noted in other counties, particularly the North Riding.³⁹

The largest number of indictments recorded by the West Riding Quarter Sessions in the whole period was in 1720 when the Grand Jury considered in all 343 cases. The increases which occurred in this year and in the years immediately preceding and following correspond with a period when the Justices were adopting a more professional approach to their civil and criminal responsibilities. It is also of importance that from 1718 the procedures involved in the transportation of convicted criminals were greatly simplified.⁴⁰ Transportation provided the Justices with their most powerful punishment and the evidence suggests that the West Riding magistrates adopted it immediately. Thirteen felons were transported in 1719, a further eight in the following year and fifteen more in 1721, making a total of thirty six in the first three years. It seems that this effective punishment may have encouraged a more determined approach to the prosecution of criminals. Its existence and extensive use may also have had a deterrent effect, as may have had the increase in the number of capital crimes during the first half of

the eighteenth century. There is no way of knowing, however, whether the severity of the penal code made potential criminals think twice before breaking the law.

What is certain and of great importance is that there is a clear relationship between the incidence of crime being dealt with at Quarter Sessions and social distress. When the supplies of food did not meet the demand, the result was hardship, marked social inequality, general instability and a rise in the crime rate. The increases in cases noted for the period 1710 to 1713, for the late seventeen-twenties and for the early seventeen-forties all occurred at times of acute suffering following poor or insufficient harvests and deplorable weather conditions. In 1727, for example, the price of wheat rose to over 46s. per quarter, and at the East Riding Quarter Sessions in that year the exceptionally high number of fifty one indictments were recorded. Thirteen years later grain prices reached similarly exorbitant levels. In this year, however, sixty two indictments came before the court. The correlation between crime and scarcity is not surprising and it is a phenomenon which has been observed in many counties throughout the Tudor, Stuart and Georgian periods.⁴¹

What was particularly fortunate for the Justices was that over the whole period 1680 to 1750 poor or totally disastrous harvests only materialised on a handful of occasions. For most years harvests were either average or extremely successful. The subsequent relatively stable price of wheat, together with the absence of serious plague and the mildness of the winters, must have helped the Justices considerably. For the general availability and cheapness of food must have had a beneficial effect on all those who lived close to the poverty line. It was these people who found it so difficult to survive when food was scarce that they were forced to turn to crime, and especially to larceny. Generally, however, the period from 1680 to 1750 was one of relative prosperity. On the whole, harvests were sufficient, prices were low and exports of corn were heavy. England was gradually

passing out of an era which had been marked by frequent crises of subsistence. Times of near famine with exceptionally heavy mortality and low conception rates were to be far less frequent. In this way it is quite probable that the general improvement in the nation's standard of living throughout the eighteenth century had a considerable bearing upon criminal activity and, perhaps more than anything else, helped bring about the steady decline in the incidence of crime in rural areas.

Apart from leading to a general but temporary increase in the level of crime, times of scarcity also exacerbated social tension and occasionally resulted in serious unrest. Throughout the seventeenth and eighteenth centuries the most recurring causes of popular disturbances were the state of the harvests and the cost of corn. The deficient harvests of 1693, 1709 to 1710, 1727 to 1729, and 1739 to 1740 led to outbreaks of rioting throughout the country. This was especially so in those areas, like the West Riding, which could not supply the local demand and which depended on the carriage of corn from neighbouring counties. Difficulties arising from dearth were never as serious, however, in those areas like the East Riding which generally produced a grain surplus, and there is no record of rioting attributable to inadequate food supplies in this county for the whole of the first half of the eighteenth century. Nevertheless, despite the occasionally rapid increase in the price of bread, the number of disturbances in the West Riding due to high food costs are surprisingly few. There was serious unrest in Sheffield in 1674 when a crowd entered the corn market and deliberately destroyed all the merchants' measures. Yet unlike several West Country and Midland counties, there were no outbreaks of violence in the West Riding in 1693. Nor were there any disturbances at the time of the serious dearth of 1727 to 1729. The inflation of prices in these years caused widespread discontent but the resultant social deprivation and frustration felt by the poor were reflected in an increased number of thefts and not in general unrest and violence. The evidence indicates that the problems caused by food scarcity

were relatively small throughout the North in the early eighteenth century. The communications network, particularly by water, seems to have helped grain supplies because many of the industrial towns were also inland ports. At the same time the residents of the Northern counties were not wholly dependent on wheat and were prepared to purchase other corn, principally oats, barley and rye. The weather was also an important factor, for the relatively heavy rainfall in the North did not so easily upset the secondary crops like oats.⁴²

At the time of the exceptional dearth of 1740 to 1741, however, rioting occurred in the West Riding and posed a grave threat to social order. The most serious disturbances to take place in Yorkshire in the late seventeenth and early eighteenth centuries broke out in the neighbourhood of Wakefield and Dewsbury and lasted for upwards of four days. What particularly incensed the local inhabitants was that meal and flour produced in Yorkshire should be sent to neighbouring counties, thus inflating bread prices in the West Riding and causing general hardship. By April 1740 corn was scarce and a mob decided to stop the movement of grain, particularly to Lancashire. The flour seized was distributed to those who needed it most, mills at Dewsbury and Thornhill were damaged and dealers were threatened. The authorities were deeply concerned at such instability. They hoped to restore order as quickly as possible. Yet they realised that the riots were not directed against themselves or the government, but against the dealers and millmen whose trading practices were suspected of causing the scarcity. As in the case of most eighteenth century food riots, the unrest was disciplined and selective for there was no mindless violence. Restraint had been in evidence in Sheffield in 1674 and it was again noticeable in 1740, for on both occasions it was only the merchants involved in the grain trade who suffered.⁴³

In response the West Riding magistrates tempered their justice with leniency. There is no evidence of severity or repression. Clearly they were reluctant to prosecute more than token numbers. The major concern was

to relieve tension as rapidly as possible, and to do this they would have to be firm and fair but not vindictive. The Quarter Sessions' records indicate that between 1740 and 1742 a far larger number than usual, sixteen in all, were transported for larceny. There is no evidence, however, of a purge of those who participated in the riots. A similar approach had been adopted during the rioting at Sheffield in 1674. The Justices had acted quickly to preserve the peace. Rioters were arrested and were made to enter into recognizances for their good behaviour. Only a minority, however, received the full force of the law. When an enquiry was held into the disturbances only fifteen people were found guilty of various offences, mainly for breach of the peace. Of these, ten were still free and the remaining five received only mild punishments in the form of fines. Fortunately for the authorities, however, at no time in the late seventeenth and early eighteenth centuries was the unrest in the West Riding as serious as that which marked the seventeen-nineties and early eighteen-hundreds. During these years the wars against France meant that domestic instability caused by poor harvests and exceptionally high prices created potentially far greater problems for both central and local government.⁴⁴

Although food riots were rare in Yorkshire, there were occasions when serious disturbances were caused by other factors. A number of enclosure riots had taken place in the East Riding in the early Stuart period and there was serious unrest connected with the reorganisation of the militia during the seventeen-fifties. In general, however, neither the East nor the West Ridings experienced major unrest at this time. Even the presence of Scotch soldiers in the East Riding in the sixteen-forties and sixteen-fifties did not give rise to disturbances. In the West Riding, on the other hand, the Justices were faced with a number of severe disorders. Riots occurred in and around Halifax in 1719 and information was laid that several unidentified armed individuals had travelled through the area in the previous months deliberately stirring up the local residents. In the late seventeen-twenties and

early seventeen-thirties a group of arsonists terrorised the North, threatening to burn the houses, barns and crops of the leading gentry families, including many Justices, if substantial money payments were not made. Particular local problems were responsible for certain disturbances. In 1748, for example, a group of over 200 men and women frustrated by their meagre standard of living and precarious livelihood, attacked the workhouse in Halifax, breaking windows and doors. Changes in established practices were usually resented but they did not always lead to violence. The introduction of turnpikes and tolls, however, not only caused irritation but also resulted in serious rioting around Leeds and Bradford in 1752 and 1753.⁴⁵

On several occasions, the West Riding magistrates had felt it necessary to seek the assistance of the military. Nevertheless, disorders were sometimes greatly exacerbated by the presence of troops. In 1740, for example, over one hundred soldiers were required to deal with the disturbances in the districts around Dewsbury and thirteen years later the troops called out to quell the turnpike riots killed ten civilians and wounded twenty four others. The availability of soldiers enabled the Justices to indicate their firm resolution by a show of strength. To the rioters, on the other hand, the tactics and heavy handed approach of the military generally made matters worse. As it was the relations between the military and the local community were rarely cordial. The custom of quartering soldiers on the general public was resented, as was the duty of constables in assisting in the conveyance of baggage. The geographical position of the West Riding may have meant that a greater number of soldiers passed through this county than through most and the Justices may have had to deal with a larger number of difficulties. Quarter Sessions' records indicate that troops caused many problems: quartered soldiers left without paying for their lodgings and quarrels with local inhabitants frequently led to violence and injury. A large number of deserters were arrested and returned to their regiments, and many disbanded soldiers were either convicted as vagrants or prosecuted for petty

theft. Not all soldiers, however, were so unruly. It was reported in December 1689, for example, that 200 Danish troops had marched from Hull across Yorkshire on route for Ireland and that they had left 'a good character' behind them.⁴⁶

Despite the occasional serious disorders, most prosecutions in the seventeenth and eighteenth centuries involved offences which had characterised Quarter Sessions' proceedings since the sixteenth century. Cases of theft and assault were dealt with by the court with monotonous regularity. Larceny was the most common offence and in most years it accounted for about one-third of all the business to be considered at a sessions. During the winter months and periods of dearth, however, the proportion of cases could be as high as a half. It was only to be expected that the articles taken involved everyday goods which would be most useful, namely food, livestock and clothing. In rural areas crops offered the greatest temptation and the smallest risk of detection and records contain a steady number of indictments for the theft of, for example, hay, wheat, peas and beans.

Assault and associated crimes against the person comprise the second largest category of offences to appear in the indictments. The prevalence of this type of felony in the seventeenth century reflects the harsh and precarious times in which they were committed, but the evidence indicates that they became less frequent and less violent throughout the period, a trend which reflects the more stable conditions of the eighteenth century. The majority of the incidents involved petty squabbles, though more serious cases involving sexual assault and attacks upon young children were dealt with by the Justices. Most undisputed cases of rape, however, were forwarded to the Assizes.⁴⁷ Many of the cases which implicated several offenders for unlawful assembly were attempts to settle old scores or to put right particular grievances. Hence the frequent assaults on parish officers and bailiffs. In general most crimes were of an opportunistic nature, though the perennial squabbles between individuals which led to verbal and physical

assaults as well as to the blocking of lanes, the destruction of fences or the deposition of manure on doorsteps indicate some element of premeditation.⁴⁸

Quarter Sessions' records for the East, West and North Ridings suggest that between 1680 and 1750 the annual number of indictments for offences other than larceny and assault were relatively small.⁴⁹ A whole host of crimes were regularly considered. They included such important offences as trespass, deception, extortion, tampering with witnesses, slander and malicious prosecution, but none of them were ever as common as larceny and assault. At the same time certain crimes gradually became more important whilst others became less significant. From the reign of William and Mary, for example, religious offences by both Protestant and Catholic Dissenters rapidly disappeared from the proceedings of Quarter Sessions. For much of the late seventeenth century, however, they had formed a major part of the business of the magistracy. On the other hand, there was a general increase in the early eighteenth century in the number of indictments involving common nuisances, especially highways. There was widespread concern at the need to improve road communications and this resulted in a greater number of prosecutions of individuals and townships who had failed to fulfil their obligations, by scouring ditches, cutting hedges or repairing road surfaces.⁵⁰

Cockburn has suggested that the North Riding Justices were unwilling to extend their jurisdiction beyond the scope of thefts and assaults, and as a result did not attempt to hear and determine cases of coining and counterfeiting. Instead, all such offenders were remanded to the Assizes. In this they seem to have been exceptional, for their colleagues in the West Riding, Middlesex and Warwickshire, for example, all dealt with these offences at Quarter Sessions. Only the most serious cases were reserved for the Judges.⁵¹ It was during the last thirty years of the seventeenth century and particularly the sixteen-nineties that clipping the coinage and 'uttering false coins' posed exceptional problems for the magistrates. The remote nature of much of the West Riding provided numerous safe havens for the

coiners of this part of the country, and the area around Halifax seems to have accommodated a vast number of such craftsmen, most of whom received active popular support. The number of indictments indicate that coining was a common occurrence and notorious clippers like Daniel Awty of Dewsbury and John Hey of Heckmondwike were frequently brought before the court. In 1681 an informer accused over 140 inhabitants of Lancashire and Yorkshire of being involved in this crime, and at the York Assizes in March 1691, for example, fourteen people were found guilty of coining offences. All were condemned, including a minister and his son who had had over £1500 coined. Such was the seriousness of the situation at the end of the seventeenth century. The introduction of milled edges for silver coins, however, helped reduce the problem. Nevertheless the number of payments of expenses to constables and others for apprehending or prosecuting coiners indicate that these criminals continued to operate in both the East and West Ridings throughout the first half of the eighteenth century. It is clear though that the problems caused by coiners between 1700 and 1750 were small in comparison to the difficulties which were faced by the West Riding authorities in the seventeen-sixties and seventeen-seventies when there was a renewed outburst of offences in the Halifax district.⁵²

The last years of the seventeenth century witnessed a gradual increase not only in offences against the coinage but also in those involving highway robbery. This occurred throughout Yorkshire as well as in most parts of the country.⁵³ The difficulties of communication and the desolate and remote nature of much of the countryside in the West Riding, for example, provided ample opportunities for those who wished to practice this crime. Common carriers were particularly at risk and it was claimed that in return for uninterrupted passage through the West Riding many of them paid money to the notorious highwayman John Nevison. The prevalence of this crime at this time and in certain circumstances the right of victims to claim reimbursement from the inhabitants of the wapentake in which they were

attacked resulted in the Justices being deeply involved in trying to bring to trial all offenders. Yet the problems they faced were immense, for it is clear that many highwaymen like Nevison received much local sympathy and support. Thus, the West Riding Justices spent much of their time prosecuting alehouse keepers who had associated with him and it was not until three years after a £20 reward had been offered that Nevison was finally arrested, tried and executed.⁵⁴

From their great frequency in the sixteen-nineties the number of cases of highway robbery gradually decreased. Nevertheless, highwaymen continued to be active and some were particularly violent and daring. In 1724, for example, a gentleman, who was attacked and robbed on the road from Bawtry to Doncaster, was unfortunate enough to have his tongue cut out, a ploy which drastically reduced the culprits' chances of detection. Robberies occurred not only in desolate areas but also close to major towns, as a traveller who was in sight of the town of Beverley discovered in 1738. He was assaulted, forced to hand over £167, bound and left to his own devices. To a great extent, however, highway robbery was not an offence which troubled the East Riding Justices. The arrest of John Palmer in 1738 for minor offences, however, must have been particularly rewarding to the magistracy of this county once his true identity was discovered to have been that of the infamous 'Dick Turpin'.⁵⁵

Whereas the crimes of highway robbery and coining gradually declined in importance in the eighteenth century, it is clear that offences against the game laws became much more significant. The 1671 Game Act had given the Justices comprehensive powers. They could punish all those who took game but who did not own property to the value of £100, could empower gamekeepers to make extensive searches for poachers, and could confiscate and destroy any instruments they found in the possession of those who were not qualified. This authority was extended and strengthened by further statutes, and as the game laws proliferated they became not only more

precise and more harsh but also far more difficult to enforce. At regular intervals Quarter Sessions in both Ridings ordered bailiffs and constables to search for and seize all dogs, guns, nets, and other engines for the destruction of game which were kept by unqualified people. The results of such inquiries are not clear though the following meeting of the court tended to deal with more of these offences than usual. An analysis of the number of presentments for illegally coursing hares, taking rabbits, shooting pigeons, keeping guns and hunting with greyhounds, for example, does show that poaching was an extensive and ever present problem. The right of a single Justice to act summarily in most gaming offences, however, meant that these felonies and misdemeanours were increasingly dealt with by magistrates acting out of sessions. The evidence suggests that in the East and West Ridings, as in Surrey and Wiltshire, a declining number of game cases were prosecuted at Quarter Sessions.⁵⁶

The execution of the game laws was a responsibility on which some Justices spent much care and attention, undoubtedly for selfish motives. The harsh nature of eighteenth century society, however, ensured that the number of crimes of trespass and illegal gaming would never be reduced, let alone eradicated. The repetition of general orders for searches for all who poached is clear evidence of the problems that were faced. Yet it was perhaps the discretionary powers of the magistrates which hampered their efforts most. It is quite probable that despite the efforts of a few magistrates the execution of the game laws was on the whole haphazard and ineffectual.

Two other important 'social' crimes were also only partially represented in the indictments of Quarter Sessions. These were smuggling and wrecking. This was essentially because they were principally the concern of authorities other than the Justices. The extent to which these offences were committed along the North Sea coast and in the estuary of the River Humber is difficult to assess. The records of the commissioners of customs make it clear, however, that the illegal import of goods on which duties should be

paid was a common occurrence in the north-east of England. Nevertheless the proceedings of the East Riding Quarter Sessions contain few references to either smuggling or wrecking. It appears that it was only when individuals were accused of selling brandy without licences, for example, or that customs officials were attacked that the Justices were ever involved.⁵⁷

IV. Punishments.

With two notable exceptions the punishments meted out by the Justices at Quarter Sessions were the same in 1750 as they had been seventy years before. The number of criminals burnt in the hand or on the cheek, however, gradually declined in the early seventeen-hundreds, whilst after 1718 the number transported increased markedly. Nevertheless, the various forms of branding did not totally disappear. Occasionally felons were to be burnt in the cheek, and in 1702 the West Riding court acquired an 'engine' for holding the heads of prisoners whilst they were so marked. The East Riding Justices on the other hand, maintained a post at the Sessions House in Beverley to which convicts could be securely tied whilst their hands or arms were branded. In general, however, branding was a punishment which was reserved increasingly for incorrigible rogues.⁵⁸

Analysis of the Quarter Sessions' records indicates that the magistrates of the East and West Ridings inflicted the same punishments as their colleagues throughout the country. For most petty larcenies they usually prescribed a whipping. This was nearly always carried out in public, in the town in which the offence had been committed. During the early eighteenth century, however, an increasing number of whippings involving women took place in private, but it was still common throughout Yorkshire in 1750 for most women and men to be whipped in the open. To gain full publicity, and to ensure the maximum effect, the actual punishment was inflicted on market days. Sometimes the criminal, naked from the waist upwards, was whipped

whilst he was made to walk through the town. On other occasions he or she was tied to a post especially erected for that purpose.⁵⁹

Public embarrassment was a popular form of sentence, for the Justices frequently ordered a period of up to two hours in the stocks or pillory for those who had been convicted of swearing oaths, forgery, cheating, barratry, or whoring. For assaults, breaches of the peace, and most other petty offences, however, a fine was usual and the culprits were often bound to keep the peace as well. The size of the sum depended not only on the offence but also on the offender's ability to pay. Generally fines varied from 6d. to £5, though it became rare after 1700 for sums greater than 10s. ever to be demanded. Fines were for the most part light and it is clear that the Justices occasionally mitigated the severity of the law by imposing sums which were less than those laid down by statute. This was particularly the case for those crimes which did not threaten public, social or economic disorder. In practice, for example, the magistrates rarely ordered the statutory penalty of 40s. for each month that a person had practised a trade without having served a seven year apprenticeship. Instead, a nominal fine of 6d. was usual. When a convicted felon could not pay a fine, however, he was whipped. When he refused to pay a fine, he was imprisoned for anything up to three months. Nevertheless, from the early seventeen-hundreds, and particularly during the War of Spanish Succession, convicted felons were given the option of enlisting as soldiers and sailors. Such a practice had two advantages: it removed from the county undesirable characters and provided a ready supply of recruits for the armed forces. As in the North Riding and Shropshire, however, this alternative punishment was not used extensively.⁶⁰

The decision as to which type of punishment was to be inflicted upon the criminals who came before Quarter Sessions seems to have been at times a very arbitrary one. It depended very much on the circumstances of each case. On occasions thieves were not whipped but fined; at other times those who committed assault were not fined but whipped. It is clear, though,

that those who indulged in offences against property received the harshest treatment. Nevertheless, the Justices could and did reduce the severity of the law by deliberately undervaluing stolen goods. In this way many cases of theft were regarded as petty larceny, whereas they should have fallen within the category of grand larceny and so come within the cognisance of the Assize Judges. Whereas the figure of 10d. was nearly always chosen, the East and West Riding Quarter Sessions generally set their valuations at between 6d. and 10d. It is certain that the tactic of undervaluing was also a means of ensuring that additional criminal business was not lost to the Assizes and that the punishments inflicted were suited to the offence and the offenders involved.⁶¹

The most serious penalty which the Justices could inflict was transportation. Although they had been able to inflict this punishment since the early seventeenth century, the complicated procedures to be followed and conditions to be fulfilled resulted in it being rarely used. An act of 1662 had specifically stated that rogues could be sent to America, but little use was made of this provision, only one person being transported from the West Riding Quarter Sessions between 1680 and 1718. In this last year, however, the procedures were greatly simplified and transportation to the colonies in North America became a regular punishment for persistent offenders. During the next thirty one years the West Riding Justices transported 184 convicts, an average of just under six a year. It was in the years immediately following the statute of 1718, however, that the magistrates used this penalty most frequently. Between 1719 and 1729, for example, ninety two criminals were transported. During the seventeen-thirties and seventeen-forties, however, the numbers to be sent abroad fell, only thirty eight criminals being transported between 1739 and 1749. In the East and North Ridings, on the other hand, the total number of convict felons to be transported between 1719 and 1750 was much less than in the West Riding. Whereas the North Riding Justices sent around thirty prisoners, their colleagues in the East Riding punished only

fifteen criminals in this way. Although Quarter Sessions in Warwickshire hardly ever ordered the transportation of felons, the evidence indicates that the magistrates of Yorkshire turned to this punishment on a fairly regular basis.⁶²

Those felons who were to be transported from the three Ridings of Yorkshire were first sent to the gaol at York Castle until suitable arrangements had been made. Once a contract of transportation had been drawn up, the prisoners were handed over and it was the responsibility of the contractors to see that they were safely conducted to the port of departure, usually Liverpool. Most contractors discharged their duties effectively, though some did not take all necessary precautions. It was noted at the West Riding Michaelmas Sessions in 1719, for example, that most of the eight felons ordered to be transported six months previously had escaped from the custody of the contractor, Edward Beckwith, and had committed several robberies in the county. For his neglect, Beckwith had to forfeit his security of £200. The financial penalties and the risk of escape meant that it was not surprising that the Justices found it difficult on occasions to find suitable contractors, and some felons were forced to spend upwards of two years in York Castle before beginning their journey to America.⁶³

Although it was technically possible to transport children, there is no case in either Riding before 1750 involving anyone but adults. The magistrates of the East and West Ridings transported both men and women, most of whom had been found guilty of theft. All, however, had previous convictions. Transportation provided the magistrates with in theory the ideal penalty, one by which they could rid themselves of troublesome individuals. In practice, however, such a system had important repercussions. The transportation of men meant the removal of wage earners and resulted in increased poverty for those who had relied on them and were now left to support themselves. Whereas the Justices were prepared by the procedure of undervaluing goods to prevent criminals suffering the punishment of death,

they were ready, on the other hand, to inflict a penalty which had exactly the same effect on his immediate relatives. The removal of married males, for either seven or fourteen years, undoubtedly led to more people seeking assistance from the parish. In this way the beneficial effects of transportation were severely limited. The magistrates may well have realised this, for it would help to explain the gradual fall in the number of people transported towards the middle of the eighteenth century after the early burst of the activity in the seventeen-twenties.

V. Prisons.

For those individuals whom they wished to detain in safe custody the Justices of each of the three Ridings had at their disposal two institutions. These were the county gaol, which served the whole of Yorkshire and was situated at York Castle, and the respective Riding's own house, or in the case of the North Riding two houses, of correction. In theory, the Sheriff was responsible for the state of the county gaol. In practice, however, successive Sheriffs had increasingly evaded their duties, so that from the late seventeenth century the general upkeep of the gaol and the maintenance of the prisoners confined there became more and more the undisputed concern of the magistrates of all three Ridings. During the sixteen-eighties the whole county made payments for minor repairs and such estreats gradually became more frequent. The Yorkshire Justices may even have anticipated the Gaol Act of 1700, for at the county's instigation a new gaol was erected between 1700 and 1705 at a total cost of over £8,000.⁶⁴ During the early seventeen-twenties Justices were appointed by each Riding's Quarter Sessions to inspect the gaol and its prisoners, and from 1728 this form of regulation was made an annual procedure. In that year the West Riding court passed an elaborate set of orders establishing a virtual standing committee of Riding magistrates and they were to confer with those Justices appointed by the other Ridings about the maintenance of the fabric and the inmates, the appointment of an

apothecary, surgeon and minister, the allowance of bread and straw for the poor prisoners, and the transportation of all convicts to be so punished. These regulations were repeated at each successive Easter Sessions and occasionally added to, as in 1731 when it was ordered that no further payments were to be made for the maintenance of convict felons awaiting transportation or execution. Instead, the Sheriff was requested to use all money he received from the Lord Chancellor for its intended purpose and particularly that set aside for the care of these prisoners. In all this work it was the Justices of the West Riding who took the greatest interest, a not unexpected development since they used the gaol most and contributed the largest proportion to its running costs. As a result, most of the administrative orders made between 1680 and 1750 were at the instigation of the West Riding Bench. The two other Ridings nominated Justices to confer on their behalf, but they generally gave their approval without question or qualification.⁶⁵

Even though the Justices developed a complex and effective authority over the county gaol, its custody remained in the hands of the Sheriff who appointed the gaoler. Nevertheless, this officer, like his master, was brought increasingly under the supervision of Quarter Sessions. He had to be represented at the courts in all three Ridings, produce prisoners when required, and carry out some sentences, particularly that of whipping. Failure to discharge his duties effectively could and did result in substantial fines, ranging from £5 to £20, being imposed upon him. Yet when extraordinary expenditure had been incurred he could petition the Justices for reimbursement. In response the Justices were generally prepared to make such payments but only after thorough investigations had been made.⁶⁶

To a great extent the gaoler relied for his income on the fees he could take from prisoners. This not only provided him with a source of gain but also presented considerable opportunities for extortion and oppression, and it seems that most gaolers charged at some time exorbitant and illegal fees. To counter this both Judges and Justices had a statutory power to regulate

the fees to be taken, but only in relation to imprisonment for debt. It is clear though that they both exercised this authority in the late seventeenth century. It appears, however, that the Yorkshire Justices acquired the power to regulate the fees for all prisoners, for after an extensive investigation, a comprehensive table of the amounts to be paid was drawn up in 1733. The fees listed covered the commitment and discharge of all prisoners, their 'commons at table', and their beds each night, and they varied according to the status of the individuals concerned.⁶⁷

In theory, the maintenance of the poor prisoners in the county gaol was the responsibility of the parish in which they were taken. In practice, however, this was a cumbersome procedure and was gradually replaced by an annual rate levied on all parishes throughout the county. The money was paid to one official, the treasurer for the release of prisoners in York Castle, and he acted on behalf of all three benches of magistrates. This system was administratively much more efficient. In most years in the early eighteenth century the West Riding Justices laid out between £60 and £70 to relieve the prisoners and together the three Ridings would have set aside about £150 per annum. On the whole, however, the sums levied were barely adequate and resulted in much hardship. The prisoners frequently petitioned for some alleviation of their plight and the Justices usually responded favourably. Ever watchful to prevent excessive expenditure, however, the magistrates invariably ordered additional money only after they had been prompted. Occasionally the court ordered the general rate to be increased, as in 1711 and again four years later when it was doubled. At other times the bread ration was improved as in 1728 when it was decided that the prisoners were in future to share three loaves a week instead of five loaves a fortnight. The size of each loaf was supposed to be 2 lbs. 2 oz. but the bakers occasionally delivered loaves of inferior weight and quality. As a result it was fortunate that the prisoners also gained from private charity, the most notable example being the legacy of William Edmonson of Hornby, Lancashire.

He set aside £50 in his will to be spent in land purchase, the rents and profits from which were to be used for the benefit of all prisoners in York Castle.⁶⁸

At times the provision of adequate relief was aggravated by the additional prisoners confined there. Clearly numbers fluctuated from year to year but rarely were there less than 100 inmates. In 1728, on the other hand, there were over 140, many of whom were insolvent debtors.⁶⁹ Such undoubted overcrowding and the absence of a nutritional diet had important repercussions on the health of the prisoners. It was not uncommon for some inmates to die of starvation, and the possibility of an outbreak of disease was ever present. It was to improve standards and prevent illness that a permanent apothecary and surgeon was appointed at an annual salary of £40. At the same time major structural changes were undertaken. In 1710 separate conveniences were constructed for men and women and twenty two years later special rooms were provided for those prisoners who were to be transported and those who were to be executed. It was not until 1758, however, that a sufficient number of ventilators were installed.⁷⁰ Despite such improvements the conditions inside the gaol left much to be desired. It is not surprising that the general moral tone was low, for a whole range of individuals and social undesirables were herded together there. Some were awaiting trial at either Quarter Sessions or at the Assizes. Others had refused to pay a fine or find sureties for good behaviour. Many dangerous and hardened criminals were imprisoned there as a punishment and were to be detained for anything from three months to three years. The gaol had become a detention centre for insolvent debtors, and from 1738 it was a collection point for those convicts awaiting transportation. Tension was often high and violence and disturbances were common. Furthermore, the Justices were frequently obliged to put out as apprentices bastard children who had been born there.⁷¹

In their attempts to ensure that the gaol operated effectively, the total expenses incurred by the county Justices each year could be high.

Although the West Riding authorities rarely had to pay out more than £50 in any one year for general running costs and repairs, an annual sum of several hundred pounds was not unknown. Such heavy expenditure did not guarantee security. It did not prevent a successful escape by twenty one prisoners in 1731. Nor did it prevent a riot ten years later during which troops had been required to quell the inmates and which led to the mysterious death of a prisoner.⁷²

The development by which the responsibility for the county gaol passed from the Sheriff to Quarter Sessions was one which the Justices did not regret. It was to their benefit to supervise this institution. What did cause dissatisfaction, however, was that throughout the late seventeenth and early eighteenth centuries each Sheriff had let the post of gaoler for up to £300. Whilst he had the benefit of this money, the county paid for all repairs. To the West Riding magistrates this was an untenable position but their petition to Parliament for the Sheriff to pay for all, or at least part, of the repairs was unsuccessful. The major problem which faced the Justices, however, was the autonomous position of the gaol. It was a joint responsibility of all three Ridings but it was only the West Riding Justices who undertook their responsibilities seriously. It is clear that their colleagues in the North Riding were only interested in ensuring that extraordinary charges did not fall upon them. This placed an additional strain upon the West Riding authorities and undoubtedly affected the efficient administration of the prison. Lack of adequate supervision may also help to account for the Sheriff's continued evasion of his duties. Despite such difficulties, however, the West Riding Justices responded admirably and from the late seventeen-twenties there was a considerable improvement in the overall management of the gaol.⁷³

Whereas the county gaol was supervised by all three Ridings, the houses of correction built at Beverley, Richmond, Thirsk and Wakefield were administered solely by the Justices of the Riding in which they stood. It is surprising that a county as large as the West Riding did not erect an

additional house, especially since the North Riding magistrates had felt the need for, and subsequently opened, two of these institutions. The West Riding Justices debated the proposal to establish a second house in its northern wapentakes on a number of occasions, for the problems resulting from one house of insufficient size gradually became more acute. In 1686, for example, the Justices of the Liberty of Ripon complained forcefully that Wakefield was too far away from the northern regions of the county. In consequence, certain townships preferred to connive with offenders rather than be put to the great expense of conveyance to Wakefield, a distance for the inhabitants of Ripon of approximately forty miles. Such persuasive arguments had little effect and no additional house was opened by the West Riding authorities. The mayor and the magistrates of the Liberty of Ripon, however, decided to act on their own and immediately ordered the erection of a house of correction in Ripon to cater for rogues, vagabonds and sturdy beggars.⁷⁴

When first established houses of correction were expected to fulfil two principal functions, namely the punishment and reformation of vagrants and other idle and disorderly characters, and the employment of the able bodied who had no work and who otherwise would have become a charge on the parish. By the late seventeenth century, however, they had been transformed in most counties into multi-purpose institutions and were required to cater for a whole variety of individuals. At times they held disorderly and suspicious characters whilst investigations were undertaken. Lewd women and mothers of illegitimate children were sent there and most were kept to hard labour for up to twelve months. Those with mental disorders or other unpredictable patterns of behaviour were confined there, as were vagrants who were generally to receive a whipping before being sent to their place of settlement.⁷⁵ The detention of offenders against public morality indicates that the Justices did not entirely forget the original function of the house as a reformatory institution. To all intents and purposes, however, it had come to fulfil a role similar to that of the county gaol, the East Riding Justices

frequently referring to their house of correction at Beverley as the 'gaol of the Riding'. An increasing number of individuals were committed to the houses at Beverley and Wakefield for periods of between three months and a year for what were considered to be 'small crimes'. These involved, for example, men and women who had been accused of offences and were to be kept in custody until the following Quarter Sessions, who had failed to find sureties to fulfil the conditions of a recognisance, who had refused to obey a maintenance order, or who had failed to pay a fine or the statutory fees. At the same time the houses were used as places where deserting soldiers and those who had been convicted of such offences as petty theft, assault and battery, trespass, and poaching could be detained and punished.⁷⁶

As the number of prisoners increased and the variety of reasons for their commitment multiplied, the whole idea of providing relief and beneficial work became more and more impractical. Instead a much greater emphasis was placed on punishment and discipline. This changing role was reflected in a number of ways. Those who were confined were invariably referred to as 'prisoners' and the master as 'gaoler'. The accounts of the masters presented to Quarter Sessions indicate a continuous purchase of instruments of restraint, such as bolts, locks, fetters, shackles, manacles, handcuffs, and whipping posts. These same accounts also show that there was a gradual decline in the acquisition of tools and equipment to set the able bodied prisoners to work.

Although a house of correction at Cambridge was devoted entirely to employing the inmates, organised work in the Yorkshire houses was lacking. Those confined at Beverley and Wakefield were occasionally set to work on various aspects of the spinning trade. The West Riding Justices allocated ~~£~~15 in 1702 for the maintenance of those prisoners who were unable to work. A workhouse was built in the yard of the East Riding house in 1710 and twenty years later the West Riding Justices were still paying wages for spinning work undertaken by inmates. As in the North Riding, however, such occupations

were of declining importance, and when John Howard visited Wakefield he found that no work at all was set for those confined there. Compulsory labour, on the other hand, had been an important part of the master's scheme of correction throughout the early years of the eighteenth century. For most of those for whom work was specified when they were committed, it was to be 'hard work', principally knocking hemp, and, as such, was intended as a punishment.⁷⁷

For the day to day management of the house the Justices appointed a master who was generally assisted by at least one deputy. Between 1680 and 1750 the West Riding was served by nine separate masters and the East Riding by at least seven. The calibre of these individuals was high for none of them was ever seriously criticised and most remained in office for a considerable time. Robert Reyner, for example, served the West Riding for twenty years, and whilst he was master of the house at Wakefield Richard Cowper also acted as deputy clerk of the peace. The North Riding Justices do not seem to have been as fortunate for serious complaints were levelled against the gaolers at the Richmond house in 1715 and again ten years later.⁷⁸

For their pains the masters in both Ridings received an annual salary. The different amounts paid in these two counties undoubtedly reflected the degree of responsibility undertaken. Whereas by the early eighteenth century the East Riding master received £30 per annum, his colleague in the West Riding received £80 per annum. With this money he was expected to supply all necessary items for maintaining, securing and employing the prisoners. Extraordinary charges were to be paid at first by the master but on petition Quarter Sessions reimbursed him. It is clear that this often placed a considerable burden upon him, as in 1699 when the West Riding master was obliged to lay out upwards of £30 for maintaining poor prisoners who were sick when disease raged in the house. Unlike the gaolers at York Castle, however, the masters of the houses of correction had very little

opportunity for supplementing their income through fees. Quarter Sessions in both the East and West Ridings laid down the sums which could be taken and they were extremely limited. The master at Beverley could only take fees from those who were sent for safe custody. For each week's lodging he was to receive 6d., but if two prisoners shared a bed he was to take 9d. from them both. Nevertheless, every prisoner had the right to maintain himself. At the house of correction at Wakefield the master was to take no fees at all on the commitment, during the imprisonment or on the discharge of prisoners, besides the 6d. which was to be paid by everyone on their entrance for coals. It appears though that this fee was soon discarded, the master being expected to pay for everything out of his salary. Under such circumstances it would not be unexpected to discover that cases of extortion or abuse of the inmates occurred. The evidence indicates, however, that such crimes were rarely committed, though the West Riding deputy master was severely reprimanded in 1738 for running a provision shop within the house and charging exorbitant prices. To prevent similar abuses in the future, Quarter Sessions laid down specific instructions for the purchase of all essential items for the prisoners.⁷⁹

As the house of correction became more important in the treatment of crime and poverty, so the Justices' interest in its administration gradually increased. Quarter Sessions in both Ridings regularly ordered committees of magistrates to make inspections and to assess what repairs were required, whether work had been satisfactorily carried out, or how secure were the buildings. In general, the East Riding Justices rarely spent more than $\frac{1}{2}$ 5 each year on general maintenance costs, though at times greater sums were required. The magistrates of the West Riding, on the other hand, were obliged to set aside between $\frac{1}{2}$ 10 and $\frac{1}{2}$ 30 each year, though sums of over $\frac{1}{2}$ 50 were not uncommon. Despite such expenditure escapes occurred, as in 1711 when eleven men broke out from the West Riding house.⁸⁰

The conditions within the houses in both Ridings, as in most counties, left much to be desired. Irrespective of the causes of their commitment, men, women and children were mixed together, though the decision of the West Riding court to separate the sexes in 1710 must have reduced some of the social problems. Medical care was totally insufficient, but from about 1720 the West Riding Justices were making regular payments to an apothecary for caring for sick prisoners. A 'house of easement' was built at the house at Wakefield, new buildings were erected to take the increasing number of inmates and adequate ventilation was ensured. This did not prevent outbreaks of disease, however, and far too often did the master at Wakefield have to purchase coffins. Moral standards were generally very low. Midwives were frequently employed to care for bastard children and their mothers, many of whom had been confined for vagrancy. Clearly such difficulties were worse when the number of prisoners increased due to a greater number of committals for desertion from the armed forces, for example. The calendars of prisoners indicate that in general the East Riding house rarely had more than thirty inmates at any one time. The West Riding house, however, regularly contained between fifty and a hundred prisoners, a level which was maintained for much of the second half of the eighteenth century.⁸¹

The close supervision exercised by the West Riding authorities culminated in 1737 when, on the appointment of William Downes as master, a detailed report was drawn up by a committee of three Justices. Besides describing the equipment at the house, the tools which ought to be acquired and the repairs which needed to be carried out, it outlined certain duties of the master. He was to punish by moderate whipping all those who refused to work and all who acted in a disorderly manner. A prisoner who conformed to all the regulations, however, was only to be whipped on his commitment and on his discharge. To improve the general atmosphere the master was to have the rooms cleaned and new straw provided every fortnight; and he was to keep fires all the year round. To ensure that these orders were obeyed they

were to be publicly displayed in the house. Although the Justices of all counties were obliged by statute in 1744 to visit and report on their houses of correction, there is no evidence that either the East or the West Riding magistrates undertook special investigations. It seems that they were entirely satisfied with the administration and supervision of their houses at this particular time.⁸²

Besides the county gaol at York Castle and the house of correction at Wakefield, the West Riding Justices also had authority over the administration of certain gaols in the Riding which were in private hands. Their involvement with these prisons was limited, but they did consider cases of complaint by the inmates against their respective gaolers, and did execute their statutory duty to set the fees to be taken from insolvent debtors imprisoned there. For the gaols at Halifax and Rothwell, however, the Justices went further and laid down the punishments to be inflicted upon prisoners for swearing, attempting to escape and attacking the gaoler.⁸³ Nevertheless, by far the most regular contact the magistrates had with these prisons concerned the discharge of insolvent debtors. The gaol at Rothwell, for example, catered entirely for debtors, and between 1702 and 1750 as many as 173 prisoners were released from this one institution. The various acts of parliament which aimed at emptying the gaols of these unfortunate individuals gave the power of discharge to the Justices, who generally held special sessions for this purpose. In 1702, for example, following the Act 7 and 8 William III, the West Riding Justices held three additional meetings and in the course of the year discharged ten debtors from York Castle, forty nine more from Rothwell Gaol and a further eleven from Halifax Gaol.⁸⁴

As with all prisons at this time, the conditions inside these private gaols were primitive. Such was the concern of the West Riding magistrates that they petitioned Parliament in 1720 for further relief for insolvent debtors who were imprisoned in these institutions. In their petition they pointed out that the private gaols were not large enough to contain half the

number of prisoners confined there and that to support themselves many of these poor inmates had to be permitted to go at large and beg, there being no allowance for poor prisoners in such institutions. Four years later the West Riding treasurer was ordered to distribute £10 amongst the prisoners in the gaol at Halifax, such was their plight. The evidence indicates, however, that the appalling conditions in the debtor prisons would have been much worse had it not been for the spasmodic supervision exercised by the magistrates.⁸⁵

VI. Conclusion.

There can be little doubt that the maintenance of law and order was the Justices most compelling and most important responsibility. It dominated their work both in and out of sessions, and involved them in hearing accusations against a whole variety of offenders and in inflicting punishments ranging from small fines to transportation. It is clear, however, that not all crimes were reported and that only a proportion of those that were brought to the attention of the authorities were ever considered at Quarter Sessions. Nevertheless, an analysis of indictments laid before the court is a worthwhile exercise and reveals several important developments.

It was only to be expected that at times of dearth the number of indictments recorded each year rose dramatically. What is particularly surprising, however, is that throughout the eighteenth century the crime rate in rural areas, as indicated by the cases dealt with at Quarter Sessions, quite definitely fell. Yet the number of felonies which came within the cognisance of the Justices increased. The explanation for this decline is not clear, but the extension of the summary powers of the Justices, the considerable number of good harvests experienced in these years, the improvement in employment opportunities as the economy expanded, and the general rise in the nation's standard of living seem to have been important.

During periods of social distress caused by poor harvest, it was crimes against property which became more common, offences which the law

makers of the eighteenth century considered to be the most unacceptable. Recent studies of crime have done much to show how the authorities went to great lengths to defend property by their creation of a vast number of capital crimes. Most of these examinations of criminal activity, however, have been far too limited for they have concentrated on the more outstanding offences, such as coining and counterfeiting, highway robbery, poaching and smuggling. Yet all of these crimes tended to create conflict between the officers of the law and local communities. Smuggling and poaching, for example, were regarded by most people as legitimate activities. On the other hand, the more common offences to have been committed have generally not been so extensively studied.⁸⁶

Quarter Sessions' records indicate that between 1680 and 1750 the Justices in both Ridings spent more time than before on offences against the game laws, yet the number of indictments for this offence depended very much on the pressure they exerted on petty constables and bailiffs. Apart from the sixteen-nineties, however, cases of highway robbery were rarely considered, and the East Riding magistrates dealt with relatively few cases of smuggling. The Justices in the West Riding, on the other hand, tackled the coiners of the Halifax district with great vigour, but only in the last years of the seventeenth century and again in the seventeen-sixties. Great emphasis has also been placed upon general social unrest, but the riots which occurred in the East and West Ridings in this period were few and seem to have been organised. They were well disciplined affairs for there was no mindless violence. The anger the rioters felt was directed against particular grievances, such as the corn dealers of the Dewsbury area in 1740 and the turnpikes erected around Leeds in 1752. Despite the great importance placed upon these offences and the severity with which the law regarded them, however, it is a paradox of the eighteenth century that most prosecutions for felony at Quarter Sessions involved thefts and assaults. These were the types of crime which were most frequently dealt with not just in the three Ridings

of Yorkshire but also in Shropshire, Surrey, Sussex, Warwickshire and no doubt most other rural counties.⁸⁷ The picture must not be distorted. It is vital that the place of the more exceptional crimes in eighteenth century legal proceedings is not over emphasised to the detriment of the other offences which were committed. Poaching, coining, smuggling, highway robbery and riot were important crimes but they must be studied in relation to the overall pattern of crime. The evidence clearly indicates that for the Justices of the East and West Ridings they were only of significance in particular years. For most of the time the business they dealt with was dominated by petty offences which had characterised the proceedings of Quarter Sessions since the sixteenth century. The notorious 'Dick Turpin', for example, was arrested not for highway robbery but for that frequently committed offence a breach of the peace.

Although a declining number of crimes were considered at Quarter Sessions, the way the Justices approached their criminal responsibilities seems to have become more complex. The general public's failure to actively assist in law enforcement, except when particularly directed, forced the Justices to place much greater reliance on their subordinate officers and on common informers. To make the administration of the criminal law more effective, various ad hoc expedients were introduced, namely rewards for exceptional assistance and advertisements for information. The expenses of those who assisted in arrests or prosecutions were also reimbursed. At times of anxiety watch and ward was enforced throughout the two Ridings. On the other hand, the hue and cry was gradually replaced by a more organised search led by the constable, but in cases of highway robbery the financial implications of inaction stirred the general public into action. All these developments increased the risks that potential criminals faced. As a result, they may have contributed to the falling crime rate. Unfortunately, there is no way of knowing.

In their efforts to maintain law and order and to punish offenders, the magistrates were obliged to undertake important administrative duties in relation to local prisons. As in most gaols in most counties, the conditions at York Castle and at the houses of correction at Beverley and Wakefield left much to be desired. During the late seventeenth century the Justices had no system of inspection. An increasing number of indiscriminate committals for varying periods of confinement made the situation worse. It prevented, for example, any attempt at keeping the houses of correction as institutions of reformation. Instead, they became common gaols and enforced a harsh and monotonous form of correction in which the *whip was considered of great importance*. Nevertheless, during the early eighteenth century, increasing concern at the poor administration of these prisons led to some improvements. Unlike their colleagues in the North Riding, the West Riding Justices showed considerable interest in prison management, and they spent much time in regulating the way in which the county gaol and their own house of correction operated. Committees of magistrates were established to supervise all aspects of administration, the worst offenders confined there were isolated from the rest, new buildings including lavatories were provided, men and women were separated, qualified doctors maintained, and gaolers' fees and duties listed. The overall effect was quite clearly to remove some of the worst aspects of prison life. On the whole, however, gaol facilities and administration were inadequate. Despite the great concern shown by the West Riding magistrates in particular, there was no real attempt at radical reform of the system until the late eighteenth century when the work of John Howard, the Rev. Henry Zouch, and Sir George Onesiphorous Paul had considerable repercussions not only in the West Riding and Gloucestershire but throughout the country.⁸⁸

Although the criminal law became more severe in the eighteenth century, it is clear that the *Justices and the Assize Judges did not always* inflict the harshest punishment prescribed. The number of capital crimes was

extended considerably but capital punishment was not used to the extent possible or intended by the law makers. Most capital prosecutions at Assizes, for example, were based on Tudor laws and not on those passed in the eighteenth century. Even when the death penalty was set by the Judge, it was not always carried out. An increasing number of offenders in the eighteenth century had their sentences commuted to imprisonment or transportation. Four of the nine convicts condemned at the March Assizes at York in 1730, for example, were reprieved and twenty six years later only two of the eight sentenced to death at the same Assizes at York were actually executed.⁸⁹

Examination of the records suggests that the Justices adopted a similar approach to punishments and that more opportunities were taken at Quarter Sessions to mitigate the severity of the law. The persistent undervaluation of stolen goods, the failure to inflict statutory penalties, the reduction and even remittal of fines, and the relatively short terms of imprisonment were all symptomatic of this approach. At the same time, Grand Juries did not always find accusations as true bills. Generally, between 10 per cent and 15 per cent were declared ignoramus, though there was a greater desire to acquit in times of want, for the percentage of accusations not to be found true in these years generally rose to between 20 per cent and 25 per cent.⁹⁰

The Justices realised that they had to be practical in their approach to crime. The law had to be upheld but local harmony had to be maintained as well. Furthermore, there were a whole range of preferences and pressures to be taken into account in deciding whether a prosecution was to be brought and, if it was, how the offence was to be treated. Local loyalties, political and religious opinions, personal friendships, the type of crime committed and the circumstances and criminal record of each offender were all important considerations. Certain victimless crimes, like swearing, gambling and tippling, were regarded by the authorities as minor infringements and were dealt with accordingly. It is quite clear, however, that offences against

property were pursued with greater vigour and received harsher treatment than offences against the public good, the peace or even the person. Such were the priorities of the time. All these factors required the Justices to adopt a flexible approach to law enforcement. There had to be a careful balance between, on the one hand, harshness and severity and, on the other hand, benevolence and leniency. In this way, the general public would have due respect not only for the fairness of the law and its officers but also for the serious repercussions of committing an offence. Thus newly appointed magistrates soon discovered that the dispensation of justice was a complex task requiring much skill and care.

The enlightened approach shown by the Justices of the West Riding in particular was a step in the right direction, but to all intents and purposes it was only a superficial and mediocre attempt to mitigate the worst excesses of the criminal law. The attitudes towards offenders and the penalties inflicted were generally harsh and reflected the brutality and barbarity of the age in which they were committed. The types of crimes which the Justices considered were vast and the frequency with which they appeared at Quarter Sessions naturally varied from year to year. Nevertheless, irrespective of the offence committed, all offenders were subjected to the same criminal procedures. For the Justices of the late seventeenth and early eighteenth centuries, those who committed crimes against the peace, person or property were to be treated no differently from those who indulged in social, moral or religious offences.

CHAPTER 6.

THE JUSTICES AND THE SUPERVISION OF BELIEFS AND BEHAVIOUR.

To the Justices of the seventeenth and eighteenth centuries the preservation of law and order was inextricably bound up with personal beliefs and behaviour. Thus they aimed not just to supervise public actions but also to regulate private conduct in an attempt to impose a conformity in moral standards and daily habits. The reforms in the administration of the houses of correction and county gaol, for example, reflect clearly their wish to establish higher standards of personal morality. They also acted against those who were regarded as profane swearers and cursers, those who neglected to observe the Lord's Day, those who encouraged vice and lived immorally, those who frequented or ran illegal alehouses, and those who were considered to be religious deviants. Their interest in this work naturally varied from year to year. Nevertheless, the magistrates gradually found themselves to be infringing more and more upon the responsibilities previously undertaken by other authorities, in particular the church courts.

I. The decline of ecclesiastical jurisdiction.

During the Tudor and early Stuart periods, the ecclesiastical authorities had played a vital role in the supervision of behaviour and thought. Through the process of visitation and the hierarchy of church courts, a firm and guiding influence had been exerted. The courts of the archdeacon of each diocese dealt with presentments by churchwardens for bad language, drunkenness, sacrilege and blasphemy, for example, as well as with general church discipline and administration.¹ By the late seventeenth century, however, the Justices had come to appropriate many of the duties of the ecclesiastical courts in regulating private conduct.

One important explanation for this transference of responsibility was that the penalties inflicted by the church courts were inconsequential. The fines they could levy were only small and during the Restoration period an act of penance did not carry the moral stigma it had a century before. The punishment of excommunication had also declined in importance. Its imposition for such minor offences as refusal to pay tithes or even failure to appear at the Consistory Court at York, for example, did much to bring the church courts into contempt. The application of pressure upon church officials to inflict a punishment other than excommunication, when political factors were thought to outweigh religious misconduct, also serves to reflect the rapid decline of the general authority of the ecclesiastical courts.²

Quarter Sessions, on the other hand, was a much more imposing institution. The penalties the Justices could inflict, for example, were far more effective. As a result from the reign of Charles II an increasing number of offences, which in the early seventeenth century would have been dealt with by the church courts, now came before the magistrates. Justices' manuals reflected this development, as did Grand Jury charges which stressed the importance of the ecclesiastical matters which were to be considered. Nevertheless, the church courts did not disappear. Instead they came to concentrate on minor offences committed on church property, on the work of the churchwardens, and on problems involving church fabric and furnishings. The Justices, on the other hand, dealt with most major questions of social, moral and religious conduct. Sacrilege and witchcraft were so serious, however, that they became the concern of the Assize Judges. Nevertheless, during the late seventeenth and early eighteenth centuries a declining number of people were prosecuted for these two offences, witchcraft being removed from the criminal code in 1736.³

The Justices also came to deal with many of the civil issues which had previously come before the church courts. Since the reign of Henry VIII

they had been empowered to assist the ecclesiastical authorities in problems involving small tithes, but their assistance was of the greatest value during the Restoration period when the number of people objecting to, or failing to, pay their contributions rose steeply. Most of the offenders were Quakers who refused to pay any church rates at all. In response the magistrates throughout Yorkshire, and especially in the West Riding, took firm action, ordering goods to be distrained and transgressors to be imprisoned. At the same time those who acted illegally as schoolmasters, midwives, physicians, and surgeons were punished at Quarter Sessions, despite the fact that the licensing of all these individuals was a major responsibility of the local bishop. The Justices even dealt with those who abused or impersonated ecclesiastical officials, punished those church officers who took extortionate fees, and ordered those individuals, who had previously refused, to appear before the church authorities in York.⁴

The rapid intrusion of the magistracy into those affairs which had been previously the concern of the ecclesiastical courts hastened the decline in the influence of church officials. The Justices were quite happy by this extension of their social and moral authority, but they were gravely troubled by the generally low standing of the clergy at this time. The West Riding Quarter Sessions, for example, dealt with physical and verbal disturbances which occurred in parish churches. The Vicar of Skipton was reprimanded for his excessive drinking and in 1707 the apprentice of the Vicar of Long Preston was discharged on account of the unreasonable beatings he had received from his master. Some ministers also became too involved in political controversy. The Rector of Slaidburne, for example, appeared before the Assize Judges in 1685 for publicly supporting the Duke of Monmouth.⁵

The low calibre of some of the clergy at this time is partly explained by their poverty. Several ministers were presented at Quarter Sessions for failing to pay their parish assessments. The Justices appreciated

these financial difficulties, especially when the collection of tithes did not run smoothly, and endeavoured to solicit parliamentary action. A petition for legislation to enable common ground to be enclosed to increase the income of small vicarages and chapels of ease was successful. The subsequent law of 1713, however, did not solve the problem, for twenty one years later the West Riding Bench presented another petition to stop those lay people who owned tithes and rectories from taking a proportion of the profits of the commons which had been enclosed.⁶

The decreasing importance of the church courts and the low standing of the clergy did not indicate a decline in the interest in religion. On the contrary, the Justices were deeply involved in religious affairs and particularly during the last quarter of the seventeenth century. The East and West Ridings were especially noted for their dissenting communities and the presence of many Roman Catholics and Protestant Nonconformists, particularly Quakers, had important repercussions upon the way in which the Justices approached and executed their responsibilities.

II. The problem of religion: Roman Catholicism.

The penal laws with which Roman Catholic Recusants were faced in the late seventeenth century were essentially those which had been in existence for a century or more. They were originally enacted during the reign of Elizabeth I at a time when national security was felt to be seriously endangered. They were intended to identify all Papists and to force them to conform to the Elizabethan Church Settlement, or, if they refused, to be duly punished. It is extremely doubtful that in the second half of the seventeenth century there was a serious Catholic problem involving possible rebellion and civil anarchy. What is far more important, however, is that many Protestants were convinced that the Papists presented such a threat. To loyal churchmen they were a potentially dangerous group upon whom severe disabilities and

restrictions had to be placed. Nevertheless, the enforcement of the penal laws varied considerably throughout the late seventeenth and early eighteenth centuries and depended very much on magisterial priorities and on prevailing circumstances.⁷

During the first twenty years of the reign of Charles II the legislation against Recusants was rarely executed with vigour. Lists of Catholics who had failed to attend church services were occasionally presented at Quarter Sessions in all three Ridings and at the Assizes at York. Nevertheless, the number of names on each list varied considerably and it is clear that the preparation of these rolls did not always lead to prosecutions. Privy Council instructions in November 1673 for the Justices to take action against Recusants received no immediate response in either the East or West Ridings, though in the North Riding a number of Catholics were presented for absence from church. The magistrates in the East Riding subsequently undertook some searches but only one arrest was made, that of John Acklam, a Catholic priest. Despite his evidence that most of the Catholic gentry of this Riding kept all the necessary vestments and articles required by Papist priests, however, no further arrests were made. Even threats by the Privy Council that measures would be taken against those Justices who were not diligent had little effect, for in the West Riding, as in Warwickshire, the mid sixteen-seventies saw few presentments for recusancy.⁸

Undoubtedly some leading Protestant gentry were seriously disturbed by Acklam's claims. It was not until the outbreak of anti-Catholic hysteria in the late sixteen-seventies, however, that the Justices enforced the penal laws with any sort of determination. The West Riding magistrates, for example, held five special sessions in February 1679 to deal with Recusants, and, as in Warwickshire, returns were made of all those over sixteen years of age who had not been to church for a month. Aveling asserts that it was at this time that the West Riding magistrates returned their first thorough

convictions of Recusants since 1642. Quarter Sessions' records, on the other hand, indicate that in this county, as in Kesteven, the execution of the penal laws was again patchy. The majority of West Riding petty constables reported that there were 'no popish recusants' and 'no absentees from church'. It is unlikely that all of these returns would have been correct, yet the Justices did nothing to check their precision. Furthermore, random searches for weapons were made, but, except in Skyrack wapentake, few arms were actually found. The oaths of allegiance and supremacy were tendered but, whereas thirty two North Riding Recusants were committed to York Castle for refusing to take them, less than ten were imprisoned from the East and West Ridings together. Many more Catholics must have appeared at Quarter Sessions and many more must have refused to take them, but of their fate there is no record. On the other hand, a considerable number of Recusants in Yorkshire were prepared to conform and take the oaths, and all but one of the East Riding gentlemen sent to York Castle evaded imprisonment by successfully seeking permission to travel overseas.⁹

The most vigorous measures were undertaken only in those counties, like Lancashire and the North Riding, where there were large Roman Catholic communities. In most other counties the evidence clearly shows a reluctance for sustained action, not least because if full prosecutions had been made the gaols would not have been able to cope. From the middle of 1681 the interest of the magistracy in persecuting Recusants rapidly evaporated. There was a decreasing number of prosecutions at Quarter Sessions and at Assizes, but the records of the receivers of recusancy fines do indicate that Catholics were being proceeded against in the West Riding as late as 1683. Nevertheless, even though the oppression of Catholics in Yorkshire as elsewhere had been far from systematic, the period from 1679 to 1681 had been a tense time for most Recusants. The random searches, the tendering of the oaths, and the series of treason trials at York Assizes had

created much anxiety. For the remainder of the reign of Charles II, however, the Justices showed little enthusiasm for prosecuting Catholics. The decisions of James II to issue a royal pardon for those Recusants who had suffered during the previous reign, to release all Catholic prisoners and to suspend the penal laws brought further relief. The presentments for non-attendance at church in Warwickshire between 1685 and 1687, however, seem to have been exceptional, for in most counties no prosecutions were instigated against Catholics during the whole of James' reign.¹⁰

Since 1660 the Justices of the Peace had never favoured the wholesale persecution of Catholics and were prepared to acquiesce in the relaxation of the execution of the penal laws. They were not prepared to accept, however, the complete removal of this legislation from the statute book and the wholesale admission of Catholics into positions of authority. Their principal fear was that the Protestant tradition in church and state was under threat. This misgiving was reinforced by the speed with which the Recusant community opened schools and mass houses and by the ease with which Bishop Leyburn conducted his journey of conversion and confirmation throughout the North of England in 1687 and 1688. It is not surprising, therefore, that when James II fled, when chapels and houses were attacked, and when Catholic gentlemen were molested, the whole Papist community prepared itself for the future with great apprehension.¹¹

The Privy Council and Assize Judges exhorted the magistrates to enforce the penal laws and new statutes empowered the Justices to seize Papists' horses worth over £ 5. These new regulations strengthened the magistrates' authority, but although encouraged to implement a campaign of vigorous persecution it is quite clear that the Justices in Yorkshire as in other counties did not follow such a course. The measures taken between 1689 and 1691 were very selective and did not last despite Privy Council reminders. Full proceedings were only instigated against those Catholics who

were thought to be especially suspect. In the West Riding, for example, careful watch was kept on Sir Walter Vavasour and John Ryther, both of whom had been appointed as county Justices by James II. On the other hand, the majority of Catholics did not suffer for they had acted with dignity and care during the previous monarch's reign. Protestant fears had not been fulfilled. Many Catholics had even opposed James, for his religion had been too abrasive for them and his policies had threatened their estates and their position in society. Lists of Recusants were drawn up, individuals were presented at Quarter Sessions, and the oaths were tendered, but only a very few were fined or committed to York Castle. Searches were made in all three Ridings, and although some horses and weapons were seized, few priests, if any, were arrested. Rumours circulated in May 1691 that the Catholics of the north western parts of the West Riding were well armed and boisterous, but there was no public show of force and petty constable investigations revealed few concrete details to support the allegations.¹²

By the close of 1691 the West Riding authorities had decided that the Catholic community no longer required special attention. From this time the enforcement of the penal laws was considerably relaxed, even though the problems of war and the fear of Jacobite intrigues persisted. The complex set of statutes against Roman Catholics remained in force, essentially to conciliate Anglican alarm. Additional restrictions were placed on the education of recusant children and on land ownership by Catholics, and the rewards which informers could claim upon the conviction of papist priests were raised to £100. In practice, however, there was no stringent execution of legislation like that which had marked the late sixteen-seventies. Catholics were watched and particularly at the time of the attempted Assassination Plot in 1696, during the rumours of invasion in 1708-9 and 1719-22 and during the Jacobite Rebellions of 1715 and 1745. The Justices, however, rarely did more than to order searches for horses and arms and to tender oaths.

Never again were Recusant rolls drawn up in Yorkshire. Such lists were compiled in Kesteven between 1690 and 1695 and in Buckinghamshire in 1696, but even here they did not lead to prosecutions. Apart from the seven Recusants who appeared before the West Riding court in 1697 and 1698, six more who were presented at the same county's Quarter Sessions between 1707 and 1710 and a further two in 1716, the Justices of the East and West Ridings did not undertake prosecutions of Catholics for being absent from church. Neither did they make any real attempt to apprehend Catholic priests and even when arrests were made the full penalties of the law were not inflicted. Seven priests were taken in the West Riding in 1745, for example, and although they were duly fined and committed to York Castle all were released after a few months. They were not kept to 'perpetual imprisonment' as had been laid down by statute in 1700.¹³

At the time of the two Jacobite Rebellions those Catholics who were outspoken and whose loyalties were suspect were made to enter into bonds for their good behaviour and their movements were restricted to a five mile radius of their home. Horses and weapons were taken and handed over to the Sheriff for safe keeping. Yet several Catholics, notably Sir Marmaduke Constable and the Hon. Marmaduke Langdale, were permitted to keep some arms for the defence of their life and property. The oaths of allegiance and supremacy were tendered to Papists, reputed Papists and Non Jurors, but few people were imprisoned for refusing them. In 1696, for example, only one Catholic gentleman was sent to York Castle by the West Riding Justices for not taking the oaths. No further committals were made until 1745 when three people were imprisoned for this offence. Furthermore, during the autumn of 1715 a series of special wapentake meetings had been organised in the West Riding for the tendering of oaths, and the petty constables were to produce lists of those who were summoned and had appeared. No action was taken, however, against those who had failed to attend.¹⁴

In theory, the penal laws amounted to a considerable persecution of the Catholic community. In practice, however, their execution followed a cyclical pattern ranging from vigorous enforcement to only token action, bordering on virtual neglect. At no time in the seventeenth century were all the penal laws invoked at once. It was only during periods of extreme crises and particularly between 1678 and 1679 and 1689 and 1691 that they were applied to their fullest extent. Even then their execution was haphazard, for it was entirely dependent on the enthusiasm of all law enforcement officers and upon the pressure applied from above, be it by the Privy Council upon the Justices, or by Quarter Sessions upon the constables.

What is more, concerted action tended to be short lived. As the threat of each emergency receded, so the enforcement of the regulations against Recusants was relaxed. To the magistrates most Yorkshire Catholic gentlemen were not vociferous traitors constantly fomenting sedition but were quiet and well behaved. At the trial of Sir Thomas Gasgoigne for high treason, in 1680, for example, none of the leading Protestant gentry spoke against him and the prosecution had to base its case almost entirely on the dubious evidence of two notorious informers.¹⁵ Furthermore, in the aftermath of the Revolution of 1688, the West Riding authorities took only limited action against Roman Catholics. That the bulk of this religious minority was unmolested at this time was the beneficial effect of their disassociation from the ill-conceived plans of James II. It was also a reflection of the Justices long held conviction that vigorous enforcement of all the penal laws was neither possible nor desirable.

Although the measures taken in the early eighteenth century were limited and selective, the Justices were prepared to be forceful when they thought it was necessary. The repeated Privy Council requests at the time of the Jacobite rebellions for enforcement of the restrictions against all suspected people, including Catholics, were met with an immediate if short

lived response in Yorkshire as in Middlesex and elsewhere. Particular Catholics were watched, horses and weapons seized and oaths tendered. To all intents and purposes, however, the persecution of Recusants did not occur. Most had come to accept the political conditions of eighteenth century England and Sir Edward Gascoigne was not untypical of his fellow Catholics when he dismissed the army of Charles Stuart as a 'rabble of naked disturbers of order'.¹⁶

In essence the early eighteenth century witnessed a transition in the approach towards the Catholic community. The Anglican establishment, as well as the magistracy, adopted an attitude of moderation and there developed an atmosphere of religious coexistence. Catholic priests could move freely and Catholic confirmation services were held openly. Some voices of disapproval were raised. The Archbishop of York, Lancelot Blackburn, for example, feared the growth of popery but he gravely overestimated the numbers of Catholics.¹⁷ A lingering and increasingly distasteful intolerance of Catholics persisted in some circles, but, on the whole, they were more readily accepted into society. They attended the Assizes and race meetings at York, took the waters at Harrogate and Scarborough and even contributed towards the cost of the building of the Assembly Rooms in York during the seventeen-thirties.¹⁸

Although the strict legal code was not generally enforced, Catholics still suffered from severe civil disabilities. Harshest of all were the financial restrictions. During the reigns of William and Mary and Anne, for example, they had to pay double land tax and this placed much greater hardships on the Catholic nobility and gentry than the now-defunct system of presentment and fining for recusancy which it apparently replaced. Additional measures were introduced affecting Catholic estates which had to be registered at Quarter Sessions. The purpose of this exercise was to assess the value of Papist land holdings and so provide the basis for a regular tax to be

raised on Catholics to pay for the forces maintained to suppress Jacobitism. On the pretext of Atterbury's Plot, Walpole decided to introduce such a tax in 1722. The sum to be collected was £100,000 and the Yorkshire proportion was fixed at just over £13,000, the largest of all the county contributions. The West Riding Justices held special meetings in October and November 1723 for Catholics to take the necessary oaths, and so escape payment, or to register their estates and so be liable for assessment. Although Aveling asserts that the tax was collected fairly and efficiently, it seems that after ten years a total of only £63,000 had been raised. This system of registration was still in force in 1791 but such a vindictive and discriminatory financial assessment was not repeated.¹⁹

An account of 'The state in which Catholics find themselves', published in 1710, expressed an optimistic view of their free and unmolested condition.²⁰ Except during times of national crisis, when they naturally came under suspicion, this more liberal attitude was confirmed and enabled Sir George Savile to introduce his Catholic Relief Act in 1778. On the whole, the eighteenth century was an indulgent period when the administration of the penal laws was extremely lax. Even when the Justices were motivated to put this legislation into force, they were considering all troublemakers. The magistrates were concerned with disloyalty and not religious beliefs. The majority of Catholics, on the other hand, opposed disturbances and disorder if it meant interruption of their settled ways. The last thing they wished to do was to draw unnecessary attention to themselves. In many ways the position of the Catholic community in the early eighteenth century was very similar to what it had been in the early days of the reign of Charles II, namely a quiet body which was discriminated against but not actively persecuted.

III. The problem of religion: Protestant Nonconformity.

During the second half of the seventeenth century the Justices were expected to supervise all religious Dissenters and this brought them into contact with Protestant Nonconformists as well as Roman Catholic Recusants. All Protestant Nonconformists, and particularly the Quakers, were regarded with much suspicion. Their loyalty was seriously doubted because of the important role they had played during the sixteen-forties and sixteen-fifties. Thus the early years of the reign of Charles II witnessed a determined attempt by the government to have Protestant nonconformity suppressed in the interests of the monarchy, the church and the established social order. It was clear that the Elizabethan and early Jacobean penal laws against Recusants could be used, but the early Restoration politicians made their feelings and intentions plain by the passage of further legislation.²¹ The no-compromise attitude of the 'Clarendon Code', however, did not have the desired effect. Rather than establishing a policy to achieve comprehension, this legislation only served to formalise dissent, to recognise its existence, and to strengthen most of its adherents. This undoubtedly created many difficulties for the Justices, as did the relatively large size of the Nonconformist community. Although Protestant Dissenters were to be found throughout Yorkshire, they were at their strongest in the central areas of the West Riding, where much to the concern of devout Anglicans there was considerable public sympathy for their plight.²² It is not surprising, therefore, that many magistrates did not relish the prospect of enforcing the restrictions against them.

Between 1665 and 1689 the Justices in Yorkshire instigated a sustained policy of persecution against Protestant Dissenters on only one occasion and that was in the immediate aftermath of the Exclusion Crisis and the Rye House Plot. Before this time the measures they took were neither thorough nor lasting. Conventiclers, especially Quakers, had been fined and imprisoned by Quarter Sessions in all three Ridings, but the numbers involved

were relatively small. Twenty two were prosecuted by the West Riding court in 1665 and only half that number in the following year. Even when Charles II was obliged to withdraw his Declaration of Indulgence in March 1673, no widespread campaign of persecution was set in motion. Although the North Riding Justices considered a large number of presentments at Epiphany and Easter Sessions 1674, their colleagues in the West Riding made only token moves. A special session was held at Wakefield to deal with forty conventiclors and the constables were instructed to search for and disrupt Nonconformist meetings. As many as 400 Dissenters were summoned to Easter Sessions in 1675 for absence from church, but they do not appear to have been punished. Grand Juries in Yorkshire were renowned for their reluctance to declare true bills against Dissenters who had failed to attend Sunday services.²³

Despite the repeated instructions from the Privy Council and the Assize Judges, the magistrates in the West Riding, as in Warwickshire, enforced the laws against Protestant Nonconformists with moderation and leniency. Particular problems did arise, as in 1677 when the West Riding authorities expressed deep concern about the emigration to America of upwards of 200 Dissenters from Sheffield and the surrounding area. On the whole, though, Nonconformists were not molested and some Dissenters were able to hold meetings openly and freely. Between 1681 and 1685, however, the general approach of the Justices towards the dissenting community became much harsher.²⁴

In accordance with royal proclamations, the West Riding Bench at Epiphany Sessions 1682 ordered all constables, churchwardens and overseers of the poor to search for all conventicles, to record the names of those who preached, those who attended and those who allowed such gatherings on their property and to report this information to the next Quarter Sessions, together with the dates and times of all meetings discovered. This marked the start of

a campaign of proscription which was to come to a head in the West Riding during the early months of 1683 and was to be further fuelled by the Rye House Plot. Throughout these years the whole tone of Quarter Sessions was directed towards the suppression of Nonconformist activity. Charges to the Grand Jury concentrated on the need to punish all Dissenters. Warrants were regularly issued to constables to make searches and the officers of the wapentakes of Agbrigg, Morley, Barkston Ash and Skyrack were directed to be particularly diligent. From the last six months of 1683, however, the interest of the magistracy as a whole declined, the Justices present at the Michaelmas Sessions at Wakefield in that year expressly informing constables that they no longer required details about conventicles. Nevertheless, the presentment of Nonconformists did not end immediately and proceedings against individuals were still being undertaken in 1685.²⁵

Despite the considerable amount of trouble to which the petty constables were put, the effects of the measures taken were extremely limited. At no time was there a systematic persecution of all Protestant Nonconformists and there is little evidence that the Dissenters in Yorkshire had to struggle seriously for their existence during this period. Well over 200 people were prosecuted at the West Riding Quarter Sessions between 1682 and 1684 for attending conventicles, for absence from church or for not taking the oath of allegiance. Nevertheless, the punishments they received were generally not harsh, reprimands being extremely common. Fines were imposed, but, as in Derbyshire, payments were slow. In December 1684 the Lords of the Treasury noted this laxity and instructed the West Riding Justices to be much more diligent in collecting all money due. Nevertheless, difficulties remained for collusion between neighbours made the process of distress virtually inoperative. On the other hand, the majority of Quakers were imprisoned. Their failure to co-operate with the proceedings of the court left the Justices with no alternative but to commit them to indefinite confinement. Most were

sent to York Castle, as many as 131 being committed from Epiphany Sessions 1683. Gaol conditions must have been very uncomfortable, particularly during the severe winters of 1683 and 1684, for at the accession of James II there were still as many as 279 Quakers confined there.²⁶

Although a general campaign was instituted by Quarter Sessions, it is clear that considerable reliance was placed on a small group of enthusiastic Justices. At the head of the West Riding drive was Sir Jonathan Jennings who with John Peables became renowned for their severity. Their uncompromising attitude not only greatly troubled the Nonconformist community but also moderated the opinions of some of their fellow Justices, notably Sir John Kay. On the other hand, there were some magistrates in all counties who favoured leniency. Francis Jessop, for example, refused to bind neglectful constables to appear at Quarter Sessions and Sir Ralph Knight considered laying down his commission if called upon to persecute Dissenters. Above all others, however, was Henry, fourth Lord Fairfax, who was the leading magistrate in the West Riding at this time and who was himself from a Presbyterian background.²⁷

Similar differences of opinion also affected the petty constables, bailiffs and churchwardens. Although many officers carried out their duties as requested, a sizable number in both the East and West Ridings refused to make returns, were slow in suppressing conventicles, or even neglected to make any searches at all. They disliked being the oppressors of friends and neighbours. Constables were frequently reprimanded for their failures and at the West Riding Easter Sessions in 1682 at least seven were imprisoned. Collusion between constables and conventiclors was widespread in strong nonconformist areas and advance warning of a search was common. The West Riding dissenting minister Oliver Heywood spoke kindly of his neighbouring officers as 'friends', and this may well explain why it was not until 1685 that he was indicted, convicted and committed to York Castle, where he stayed for eleven months.²⁸

The problems created by these unco-operative officers forced the Justices to rely increasingly upon informers who received one-third of the fine of those convicted of attending conventicles. Most informers, however, were unscrupulous individuals and malicious prosecutions were not unknown. Despite such difficulties the more enthusiastic Justices persisted and it was as a result of their commitment that a sizable number of Dissenters were prosecuted in the West Riding, even though the enforcement of the measures against Protestant Nonconformists was on the whole arbitrary and spasmodic.

The pattern of activity in the West Riding with its most stringent persecution in the period 1683 to 1684 was repeated throughout the country. The year 1683 saw a great increase in the number of Nonconformists presented in Buckinghamshire, Devon, Kesteven, Nottinghamshire and Somerset, where the Justices resorted to widespread imprisonment. In Wiltshire, on the other hand, persecution of Dissenters was not apparent until 1684 at the earliest. The Warwickshire magistrates undertook considerable activity against those who attended conventicles and, as in Cheshire and Wiltshire, several constables were presented at Quarter Sessions for their neglect. And yet the problems created by unco-operative officers do not seem to have been as serious in any of these counties as they were in the West Riding.²⁹

During the early months of the reign of James II the magistrates were recommended to initiate a further campaign of persecution against Nonconformists. There was little interest, however, in renewed proscription, and the presentment of sixteen Dissenters at Michaelmas Sessions 1686, six of whom were committed to gaol, was the only response in the West Riding.³⁰ Nevertheless, during the next two years the King underwent a complete change of heart and this led him to seek the active support and co-operation of Dissenters. The general liberty of conscience which was granted, however, was only heartily welcomed by the Independents and the Quakers. The majority of Protestant Nonconformists were very suspicious of his plans and

refused to be associated with them. They preferred to conduct their affairs as they had previously and did not flaunt their newly permitted religious freedom.

Their loyalty to the 'laws and liberties' which James II had attempted to overthrow and the need to establish as much support as possible for a new regime ultimately led the government to grant a limited toleration to all Dissenters in 1689.³¹ This measure not only marked an important stage in the development of the Nonconformist community but also had important repercussions for the Justices. Much to their relief they were no longer required to order searches for conventicles or to inflict fines or terms of imprisonment on those who attended these meetings. Nor did they have to spend time and effort in reprimanding neglectful constables. Nevertheless, their dealings with the Nonconformists did not end for they were now to undertake important administrative duties involving the licensing of all dissenting meeting houses. This placed yet another burden on the already overworked clerk of the peace and his staff, particularly during the twelve months following the passage of the Toleration Act. At Midsummer and Michaelmas Sessions 1689, for example, the West Riding Justices registered no fewer than 200 houses, compared with only thirty two in Warwickshire and twenty two in Devon. By 1750 the West Riding court had issued 625 licences, whilst 134 had been distributed in Warwickshire and less than a hundred in the East Riding. Such a proliferation of registrations, reflected the size, wealth and authority of the dissenting congregations, especially in the West Riding.³²

The execution of the laws against Dissenters in the late seventeenth century had been spasmodic and selective and had created more difficulties for the Justices than they had solved. Even during the early sixteen-eighties, when the magistrates had shown most interest in persecuting those who attended conventicles, the neglect of constables and the lack of enthusiasm exhibited by some Justices seriously limited the effects of the

policies followed. There can be little doubt that the Toleration Act was unwelcome to most magistrates. Despite the temporary restrictions introduced during the reign of Queen Anne, the eighteenth century witnessed an increasing acceptance of the Nonconformist community. The loyalty of Protestant Dissenters was rarely questioned and some of the civil disabilities which prevented their participation in public life were gradually removed. Although their numbers fluctuated in Yorkshire, the community as a whole prospered. Dissenters became valued and respected members of society and their beliefs in sobriety and industry came to be greatly admired. During the last quarter of the seventeenth century, for example, York Quakers had set aside a considerable sum of money to be used in the employment of the Dissenters in the county gaol and this must have had a beneficial effect on prison life. It seems clear that Nonconformists had a direct influence on standards of morality and they may well have done much to persuade the Justices of the need to raise general standards of behaviour.³³

IV. Manners and morals.

As well as being expected to enquire into individual religious beliefs, the Justices were authorised to supervise all other aspects of personal conduct. They were to execute the early seventeenth century legislation for the punishment of those caught swearing and cursing, for the observance of the Lord's Day, and for the suppression of unlawful games.³⁴ The period of the Commonwealth and the Interregnum brought this work to the forefront of the Justices' duties, but after the Restoration there was a complete relaxation of moral standards. During most of the second half of the seventeenth century the magistracy made no general attempts to counter the ever increasing vices of society, let alone to attack and eradicate the root causes of this behaviour. Nevertheless, proceedings were occasionally taken against individuals whose conduct particularly displeased them. Common

barrators and quarrellers, for example, were put in the pillory, lewd women were whipped and committed to the house of correction and profane swearers were fined.³⁵ Such measures, however, were totally uncoordinated. From the early sixteen-nineties, on the other hand, public opinion began to favour a return to more respectable standards of personal behaviour. This interest was stimulated by the formation of 'Societies for the Reformation of Manners' whose ideals received royal approval and recommendation.

On various occasions between 1692 and 1704 royal proclamations and Privy Council instructions directed the Justices to encourage piety and virtue and to punish all vice, profaneness and immorality by executing the laws against blasphemy, swearing, drunkenness, and sabbath breaking.³⁶ The response of the magistrates in the East and West Ridings, as in most counties, however, was mixed. The West Riding Justices, for example, reacted favourably at first. The proclamations were read aloud at Quarter Sessions and the main points were generally repeated in the charge to the Grand Jury. At Midsummer Sessions in 1694 detailed measures were outlined to put into execution the laws against the profanation of the Lord's Day and immoral living. All the possible illegal actions were listed together with the necessary punishments to be imposed. These instructions were to be circulated to all chief and petty constables, churchwardens and overseers of the poor, copies were to be attached to church doors and ministers were requested to read the Quarter Sessions' orders after divine service. Despite the issue of similar orders four years later, however, the records note very few formal prosecutions. Apart from laying down general guidelines for the enforcement of the regulations recommended in government directives, little was done to instigate a general campaign or to check whether the instructions were carried out. The Justices of the East and North Ridings reacted in a similar way. In response to Privy Council pressure they issued general statements of intent, but, unlike their colleagues in Buckinghamshire, they did not take

stringent measures against all those found guilty of immoral activities. The general lack of commitment exhibited by the magistrates of most counties was not surprising, for they disliked the minute detail of this moral correction and they appreciated that they were inadequately equipped to undertake such a close regulation of personal behaviour.³⁷

During the early seventeen-hundreds the pressure upon the Justices to concentrate upon the measures for eradicating all manner of vice rapidly disappeared. Apart from a general order in 1720 and a royal proclamation read to the court nine years later, the West Riding Quarter Sessions devoted little time to such matters.³⁸ Much of this work had been delegated by statutes to magistrates working alone or in small groups and thus great reliance for the enforcement of the legislation was placed upon particularly conscientious Justices. It is clear that the basic desire to improve standards of behaviour appealed to many magistrates throughout the late seventeenth and early eighteenth centuries. Encouraged by the exhortations of the royal family, Parliament, the Privy Council and the clergy and by the religious zeal, rekindled by the founders of such movements as S.P.C.K., some Justices in all counties took their duties very seriously.

Much time and energy was spent in trying to stamp out profane swearing and cursing, a particularly loathsome practice on account of the importance of oath swearing in public life. Offenders were fined 2s. for each oath sworn, and 4s. if they had been previously convicted. The certificates of convictions, which were returned to the following Quarter Sessions, indicate that in all three Ridings far fewer people were punished in the late seventeenth and early eighteenth centuries than in the sixteen-fifties. Analysis of these documents also reveals the reliance placed upon individual magistrates. Over half of the thirty convictions in the East Riding between 1710 and 1750, for example, were recorded by Sir Francis Boynton and Joseph Storr. Nevertheless, no Justice in either the East or the West Riding could

match the 164 separate convictions returned to the North Riding court by John Gibson and William Pennyman between 1701 and 1709.³⁹

One of the main themes of the royal proclamations and the Privy Council instructions of the sixteen-nineties had been the need to suppress all profanation of the Lord's Day. There were strict regulations as to what could or could not be done on Sundays, but there were only a few prosecutions at Quarter Sessions throughout the late seventeenth and early eighteenth centuries. In 1705, for example, a West Riding drover was fined for moving cattle on a Sunday, and sixteen years later an East Riding miller was presented for grinding corn on the same day. To all intents and purposes, however, the enforcement of Sunday observance was no longer a matter to be dealt with at Quarter Sessions. The same is true for unlawful gaming and during the early eighteenth century a decreasing number of offences are recorded. Between 1700 and 1750, for example the courts in the East and West Ridings considered a total of only five cases, but this did not prevent severe action being taken when necessary. In 1750, for example, a gaming table confiscated by the East Riding Justices was broken into pieces in open court. Nevertheless, the regulations against those who failed to observe the Lord's Day or who participated in unlawful games were the responsibility of individual magistrates and, as a result, it is not unreasonable to assume that their enforcement was extremely patchy.⁴⁰

Perhaps the greatest difficulty the Justices faced in improving manners and morals was the reliance on petty constables and informers to report offenders to them. Not surprisingly the constables showed little enthusiasm for inquiring into the private conduct of friends and neighbours. The Justices sympathised with them and there is little evidence that pressure was applied to neglectful officers. The often repeated orders of central government achieved little, for the Justices of the late seventeenth and early eighteenth centuries as a whole were not prepared to undertake a vigorous

campaign to supervise personal behaviour. Magisterial enthusiasm for such work was not what it had been in the mid seventeenth century. General instructions were issued by Quarter Sessions but no checks were made to see if they were obeyed. Thus any arrests and prosecutions that were to be undertaken depended almost entirely on the interest of each Justice, on informers who were motivated by personal greed and on petty constables who preferred to neglect these responsibilities. In the supervision of personal conduct, the administrative machinery showed little, if any, cohesion. Nevertheless, throughout the early eighteenth century individuals were punished for various moral offences, principally by summary conviction, and only occasionally at Quarter Sessions. All Justices realised that a relaxed moral code led to increased crime and social disorder. The reformation of manners, however, was not an isolated problem and it was directly linked to the problems created by heavy and excessive drinking. For it was not uncommon for individuals to be found in alehouses when they should have been in church listening to the proclamations to encourage virtue and piety and to the subsequent orders issued by the Justices.

V. Alcohol and alehouses.

Whereas the supervision of manners and morals depended largely upon the enthusiasm of individual Justices and received only cursory attention at Quarter Sessions, the enforcement of the restrictions upon drinking and alehouses was of permanent interest to all magistrates. The evil consequences of over indulgence in alcohol were well known and well publicised. The great fear, however, was that if they were not closely regulated alehouses would become 'nurseries of naughtiness' and that the licencees would permit excessive tipping, unlawful gaming and other practices which could lead to breaches of the peace. There was no intention of suppressing all common

tippling houses for they provided one of the few places of entertainment for the lower orders, and were much used by individual and groups of Justices for official business, as well as by travellers. Rather, the magistrates aimed to ensure that only licensed alehouse keepers opened their doors to the general public, that all unlicensed houses were closed and that all illegal activities which could be attributed to drinking, or to the presence of an alehouse, were suitably punished.

Much of this work was undertaken between Quarter Sessions. Single Justices, for example, spent much time punishing unlawful tipplers and drunkards.⁴¹ The laborious task of registering all alehouse keepers, however, led the Justices to establish a series of special sessions each year to deal with requests for new licences, the renewal of existing ones and the presentment of unlicensed keepers. Although late seventeenth century Justices' manuals asserted that it was a function of Quarter Sessions, in Yorkshire, as in Warwickshire and most other counties, the business of licensing was accomplished almost entirely at these special meetings held in most, if not all, wapentakes. Throughout the seventeenth century licensing sessions were convened on an irregular basis in the East and West Ridings, though they became more common during the reign of Charles II. The West Riding court formalised the practice in 1692 and the Justices of the East and North Ridings held them each year from the early eighteenth century, well before their establishment was required by law. In Yorkshire, as in Shropshire, Brewster Sessions, as they came to be called, were convened generally immediately following the close of the Easter Quarter Sessions. Only occasionally were they held between the Midsummer and Michaelmas meetings of the court, unlike the Gloucestershire Justices who held their licensing sessions every September.⁴²

The licensing of common alehouses placed a considerable burden on the magistrates. In 1726, for example, the East Riding Justices registered as

many as 650 houses in the space of six days. Clearly their West Riding colleagues issued far more licences. Exact figures are not available but in the year 1637-38 about 2,500 houses had been registered in this county.⁴³ The seriousness of these duties and the amount of work involved led Quarter Sessions in both Ridings to issue detailed instructions on the organisation of licensing sessions and on the rules and regulations to be followed by alehouse keepers. Only honest and religious people who had taken the Anglican sacrament and whose good character had been confirmed by upstanding members of the community, such as the vicar and the churchwardens, were to be given licences. Unlike the magistrates in Wiltshire and Buckinghamshire, however, there was no special attempt by the Yorkshire Justices after the Rye House Plot to ensure that only those well affected to the government were licensed. These regulations did reduce the chances of unsuitable individuals being granted permission to open alehouses, but they did not guarantee that all keepers were law abiding citizens. Friends and neighbours were generally willing to give the necessary recommendations and the magistrates generally accepted them without question. The repetition of Quarter Sessions' orders, however, showed the extent of the problems the Justices faced. The East Riding court, for example, forbade all chief constables and bailiffs from applying for permission to sell ale and beer. During the next seven years, however, they had to repeat this order twice, adding the proviso on the second occasion that any officer who contravened these instructions would be indicted.⁴⁴

Throughout the late seventeenth and early eighteenth centuries complaints against alehouse keepers were regularly considered at Quarter Sessions. The majority of cases were dealt with at the special licensing sessions or by individual Justices and it tended to be only the persistent offenders who appeared before the court. Permitting disorderly behaviour and unlawful gaming, harbouring criminals, opening on Sundays during divine

service, organising brothels and encouraging rumour and seditious toasts were frequent causes for presentment. Some keepers were petty criminals as well, for alehouses offered a perfect means for dispersing stolen goods. In most cases the punishments involved a three year ban and the forfeiture of the £10 bond originally deposited with the Justices, though those who were convicted of a combination of offences were also fined anything from a few shillings to a few pounds or made to stand in the pillory.⁴⁵

It was not so much with licensed alehouses that the magistrates had their problems but with unlicensed alehouses which mushroomed everywhere. Though the Justices regularly suppressed these institutions, it was their inability to enforce closure which caused most difficulties. To be able to brew and sell beer once again, the keepers had, in theory, to wait three years before reapplying for a licence. In practice, however, many did not wait that long but began business again within weeks, or even days, of their appearance in court. The number of unlicensed houses was unknown but an estimate in 1638 suggested that there were at least 500 in the West Riding. The size of the problem and the virtual impossibility of enforcing permanent closure may well explain the declining number of prosecutions at Quarter Sessions in the late seventeenth and early eighteenth centuries. During the sixteen-forties and sixteen-fifties the Justices in most counties had vigorously regulated alehouses, the East Riding magistrates dealing with no fewer than eighty eight unlicensed keepers at Easter Sessions 1647. By the early eighteenth century, however, the numbers presented had fallen considerably and between 1701 and 1750 the East Riding court prosecuted only sixty two unlicensed keepers. On occasions, special efforts were made, as in 1701 when the West Riding Quarter Sessions dealt with 136 unlicensed keepers. In general, however, between 1680 and 1750 this county's court rarely punished more than twenty people for this offence each year. Furthermore, few attempts were made to suppress unnecessary houses at times of poor harvests,

when it was desirable to limit the amount of barley used for brewing. This compares most unfavourably with magisterial efforts in the early seventeenth century. Nevertheless, at the time of the severe dearth between 1726 and 1729 the East Riding Justices showed more concern than usual with the issuing of licences.⁴⁶

The difficulties inherent in alehouse regulation were long standing and were particularly acute in remote areas where unlicensed premises proliferated. Great reliance was placed on informers and on outraged members of the public, for petty constables do not seem to have regularly exercised their statutory power to inspect alehouses. The large number of East Riding constables who failed to return lists of local alehouses, for example, and who were subsequently presented at Quarter Sessions, indicates the apathy and inertia which had to be overcome.⁴⁷ The establishment of special sessions undoubtedly assisted the Justices' attempts to supervise alehouse keepers, but the administrative business of issuing licences was a time consuming and burdensome responsibility and did not always ensure that those who received licences were suitable individuals. To a great extent the Justices of the late seventeenth and early eighteenth centuries were not as interested in the licensing laws as their predecessors had been in the early Stuart and Interregnum periods. The declining number of prosecutions at Quarter Sessions for offences against this legislation suggests that they were only making token efforts to deal with persistent offenders. Nevertheless, prosecutions were undertaken both in and out of sessions in an attempt to counter the worst effects of excessive drinking. Disorderly alehouse keepers lost their licences, unlicensed houses were closed and offences committed in these establishments were punished. Nevertheless, the Justices were faced with enormous problems, some of which stemmed from their own failings. Their efforts lacked coordination for suppressed keepers regularly sought out two Justices willing to grant a licence. General orders were drawn up that no

licences were to be issued except at special or at the general Quarter Sessions. Such restrictions on the authority of magistrates were attempted by the East Riding court in the mid seventeenth century. During the early eighteenth century a succession of similar regulations were issued in both the East and West Ridings and their repetition indicates the extent of the Justices' own inadequacies. Despite the dispiriting nature of the task, the magistrates were acutely aware of the need to supervise alehouses and to prevent excessive drinking. The success they had, however, was limited and the evidence shows that their overall achievements fell far short of their intentions.

VI. Conclusion.

During the first half of the seventeenth century the supervision of personal morality had been regarded as one of the most important magisterial duties. The period of the Commonwealth and Interregnum, in particular, had been characterised by considerable efforts to reform and guide personal behaviour and beliefs. From the reign of Charles II, however, this work was of declining significance and by 1750 it was no longer considered to be a major part of the Justices' responsibilities. The early eighteenth century, for example, witnessed the virtual disappearance of religious supervision. Protestant Nonconformists had been granted toleration and Roman Catholics were no longer presented for recusancy. There were to be occasional searches for Papists' horses and arms but they were only at specific times to meet special circumstances. Furthermore, they were always part of a whole series of crisis measures. Quakers, on the other hand, still suffered for their refusal to pay tithes, but the proceedings taken and penalties inflicted were not motivated by a feeling of religious intolerance.

Although Quarter Sessions had appropriated many of the disciplinary responsibilities of the church courts, it is clear that by the late

seventeenth century many Justices doubted the wisdom or practicality of trying to regulate the private conduct of the lower ranks of society. Interest in supervising manners and morals was temporarily intensified in the sixteen-nineties with the establishment under royal patronage of special organisations dedicated to their reform. The difficulties inherent in undertaking inquiries into personal behaviour, in enforcing petty constables to make investigations and to report all offenders, and in acquiring reliable, rather than circumstantial, evidence, however, resulted in many magistrates preferring to avoid these duties at all costs. Government pressure had some effect, for Quarter Sessions issued general statements of intent. The enforcement of the regulations against all aspects of vice and immorality was left to individual Justices who exercised their discriminatory authority by not executing the legislation. No checks were made to see if the instructions issued were obeyed and few prosecutions were undertaken at Quarter Sessions, thus quite deliberately reducing the importance of this work. To all intents and purposes, the Justices not only resented the insistent demands of the Privy Council but also disliked the requests to exercise a minute control of private life.

The declining role of Quarter Sessions was also an important aspect of the Justices dealings with alehouse keepers. The issue of licences and the closure of disorderly and unlicensed premises, for example, were principally conducted at special sessions held annually for that purpose. The problems caused by alehouses and by excessive drinking were perennial but relatively few offenders were brought before Quarter Sessions. As with the supervision of manners and morals, the execution of the licensing laws depended almost entirely on the commitment of individual Justices acting alone or in groups out of sessions. Some cases were dealt with by the full court throughout the seventeenth and early eighteenth centuries, but these generally involved persistent offenders or the most serious examples of lawbreaking. Nevertheless, the relatively few attempts at a rigorous

supervision of all common tippling houses and the general failure to make any special efforts to control brewing at times of dearth suggest that the Justices had lost much of the interest shown by their early seventeenth century predecessors in the enforcement of the licensing laws.

The evidence indicates that the magistrates of the late seventeenth and early eighteenth centuries preferred to concentrate their efforts. A sustained persecution of Catholic Recusants or Protestant Nonconformists, or a vigorous enforcement of the laws to improve morals and habits was not possible and was not attempted. Undoubtedly this was a reflection of the Justices' realism and of their acknowledgement that they were not capable of undertaking such lasting action. They preferred to punish the excesses in an attempt to limit the worst effects. Thus the measures taken at different times either against Dissenters or Papists or against unlicensed or disorderly alehouse keepers, were always of short duration and selective, and the overall effects were always extremely limited. The suppression of riotous tippling houses and the need to punish profanity and immorality, for example, were constant themes of Grand Jury charges. In reality, however, the lack of cohesion and co-ordination in the Justices' operations meant that the results of the measures they took never fulfilled their publicly stated objectives.

Although most aspects of the supervision of personal conduct were of declining importance, there were two duties which required and received constant attention. These were the issue of licences to alehouse keepers and, after 1689, the registration of Nonconformist meeting houses. Both these tasks greatly increased the work of the Justices and their assistants, and both were executed efficiently. The supervision of personal morality brought into the open, however, many difficulties faced by the magistrates, not least the lack of enthusiasm shown by petty constables and the weaknesses of relying on uncommitted individual Justices. The relatively straightforward assimilation of

the additional licensing responsibilities, however, indicates the growing confidence with which the Justices approached what they considered to be important duties and the significance they placed on purely administrative tasks. Furthermore, the emphasis of the supervision of personal morality was on behaviour and beliefs and on repressing licentiousness and disorderly conduct. The Justices of the early eighteenth century, on the other hand, preferred to concentrate on crimes against property. Nevertheless, when new moves to improve morals were attempted in the second half of the eighteenth century, attitudes had changed, and it was the county Justices, led by such figures as the West Riding magistrate the Rev. Henry Zouch, who stimulated and dominated this attempt at reform.

Despite the difficulties they faced and the genuine dislike many felt for supervising private behaviour and beliefs, all Justices appreciated that the regulation of morals and conduct was part of the maintenance of law and order. Alehouses for example, presented a direct challenge to a 'well ordered society'.⁴⁸ The magistrates had a natural concern with all activities which would disturb the peace. Hence, the presentment and prosecution of the persistent and the worst offenders. The suppression of disorderly and excessive drinking and the supervision of behaviour and beliefs were interconnected duties. They were also related to the level of employment and poverty and to the amount of poor relief which would have to be raised. Though the Justices did not exert themselves in the supervision of personal morality, they undoubtedly knew that total disinterest would have had serious repercussions upon their efforts to implement the poor law legislation.

CHAPTER 7.

THE SOCIAL RESPONSIBILITIES OF THE JUSTICES.

Many of the difficulties faced by the Justices in their attempts to ensure social stability and harmony were aggravated by the problems of poverty. Contemporary estimates and modern research indicate that in the late seventeenth century at least one third of all families were permanently on or below the poverty line and that in times of dearth the number of people who suffered in this way increased considerably.¹ To help alleviate these problems the magistrates were empowered to see that the aged and infirm poor were relieved, the able bodied unemployed were found work, the vagrant and the beggar were punished and the children of paupers were maintained and provided with training. These duties had been consolidated in the statutes of 1598 and 1601.² Additional legislation was enacted throughout the seventeenth and eighteenth centuries. Many of these laws made only minor alterations to the administrative procedures to be followed, but there were some important regulations introduced which affected the settlement of paupers, the treatment of vagrants and the erection and organisation of workhouses. The principal responsibilities of the Justices who served between 1680 and 1750, however, were essentially those which had been laid down by the Elizabethan government.

To a great extent the magistrates' work was supervisory for they were to keep a careful watch over the overseers of the poor and other parochial officials who were directed by statute to undertake the daily tasks of administering the poor law legislation. Yet the Justices could give considerable assistance to these officers by implementing additional measures when the need arose, by granting pensions and allowances from special county funds, and by helping to coordinate parochial efforts. Furthermore, in the eighteenth century they were obliged to take a more active role, principally in the treatment of vagrancy. Poverty and its alleviation were problems which demanded the Justices' attention and energy at all times.

I. The enforcement of parochial obligations.

By making the churchwardens and the overseers of the poor directly responsible for the distribution of relief, central government had determined that the Justices would conduct most of their poor law duties out of sessions. Particular statutes had expressly ordered this course of action, and it is clear that the magistrates in both Ridings held special sessions in their divisions to deal with this business as well as considering cases on their own when the need arose. Quarter Sessions, on the other hand, did not normally hear poor law matters, except when aggrieved individuals of parishes wished to challenge decisions previously made either by Justices or by parish officers. As a result, Quarter Sessions rapidly became a court of appeal, considering overseers accounts, poor rate assessments, maintenance, removal and affiliation orders, and even the appointment of overseers. Such appeals formed an increasingly complex branch of the business of the court. By the mid eighteenth century they had become in the West Riding, as in Shropshire and many other counties, far more numerous than criminal trials.³ Nevertheless, Quarter Sessions did occasionally consider cases at first hand: weekly allowances were *ordered to be paid*, for example, *habitations were to be provided*, cottages were to be erected and putative fathers were to maintain their bastard children. This work placed an enormous burden on the Justices and on Quarter Sessions, and it was not surprising that the court frequently referred cases to the determination of two or more magistrates who would have the time to study the relevant details. It was also to reduce this ever increasing administrative business that the West Riding court laid down in 1719 that in future no petitions for relief were to be considered at Quarter Sessions. Instead, the individuals involved were to apply to the next Justice.⁴

Although the administration of the poor law came to dominate Quarter Sessions, the court only dealt with a small proportion of the total

number of decisions made. On the whole, it reserved its authority for the most contentious issues. Most business, on the other hand, was conducted within the parish by local consent without reference to any higher authority, except when the law demanded the intervention of a magistrate. The overseers and the churchwardens were to relieve deserving paupers from a stock of money raised on the parish by means of a rate. This fund was also to pay for the maintenance, punishment and conveyance of vagrants, for the provision of materials to employ the able bodied, for the apprenticeship of pauper children and for any extraordinary charges such as the payment of legal costs. These duties were onerous and the overseers received no remuneration and few thanks. Service was for twelve months, though overseers did remain in office in some West Riding parishes for several years. Clearly the discharge of responsibilities by a deputy was an acceptable practice and enabled the unfortunate Sarah Clark to act as both overseer and constable in the West Riding parish of Treeton in 1716. It is not surprising, therefore, that negligence was a major problem for the Justices. Hardly a year passed by in the West Riding when an overseer was not indicted for failure to produce proper accounts, for not paying a weekly allowance 'as previously ordered', for collecting excessive poor rates, or for retaining money belonging to the inhabitants of the parish. The magistrates were also obliged to encourage all overseers to be more conscientious and to ensure that the poor law regulations were executed smoothly in the future. The East Riding court, on the other hand, rarely considered indictments against overseers, though it is clear that the parochial administration was scrutinised carefully. Poverty was not as serious in this county as in many others, and there were greater opportunities for employment, especially at harvest time.⁵

Pauper relief took various reforms. Workhouses were not common in either the East or the West Ridings before the late eighteenth century. As a result, the principal means of assistance throughout the period was the provision of a sum of money. A regular dole for all paupers, whether impotent

or able bodied, caused the overseer less trouble and complication and was much easier to provide than employment. The amount clearly varied according to the merits of each case, the overseers having to bear in mind such factors as the circumstances of the individual, the chances of obtaining work and the attitude of the parishioners to an increase in the number of people being assisted. The evidence suggests that the sums paid to paupers hardly changed between 1680 and 1750, though a slight increase is noticeable. In the late seventeenth century, the average dole in the East and West Ridings, as in neighbouring Derbyshire, varied between 6d. and 1s. per person per week. During the early eighteenth century, however, a monthly allowance became more common and this ranged from 2s. 6d. to 6s. per person per month. Generosity was rare and it is likely that the amounts given were barely adequate. The widespread use of the 'roundsman' system, by which relief was given to support a wage from work provided by parochial direction, however, indicates that for much of the second half of the eighteenth century the financial relief given in the East Riding was not sufficient. It was not until the widespread social and economic distress of the seventeen-nineties that the amounts paid had to be increased considerably in both Ridings.⁶

Monetary relief was not the only means of support. Relief in kind was administered in most parishes and involved the provision of various household necessities. Clothing and fuel were frequently supplied though it was rare for extra food to be distributed. Medical care was provided in cases of illness and accident. The use of doctors was rare before 1750. Far more common was the arrangement whereby another pauper agreed to maintain the unfortunate person for an additional allowance. Destitute children were dealt with in the same way, the foster parents caring for the child until he or she could be apprenticed. Paupers were generally keen to take on the role of guardian for it gave an opportunity to supplement their meagre income.⁷

Most relief in kind was fairly straightforward to administer, the notable exception being the provision of adequate shelter. The number of

orders made by magistrates for house repairs, for the payment of rent and for the supply of houseroom indicate that this was a major difficulty in Yorkshire in the late seventeenth century. The provision of houseroom had been common in the West Riding before the Civil War. It was popular amongst overseers for they did not actually have to buy a house, only find an owner with a vacant room or tenement, and if necessary supply the rent. Where no accommodation was available, however, the overseers made application to the lord of the manor and to Quarter Sessions to build property themselves. Quarter Sessions' records show that the erection of *cottages on the waste without the* statutory four acres of land was a common expedient in the seventeenth century. On the other hand, permission was sought on a declining number of occasions after 1700. Habitations were still built for the poor but the increasing concern with reducing costs meant that throughout Yorkshire the practice rapidly fell into disuse.⁸

The overseers and the magistrates did not lose interest in local building operations for they feared that a spate of uncontrolled erections could lead to even more people, many of them from outside the parish, seeking relief. Thus, those who built cottages without permission and without the required four acres were presented at Quarter Sessions. This offence was not common in the East Riding. The West Riding court, however, dealt with many cases in the last quarter of the seventeenth century, though the number fell considerably during the following century. In some parishes too strict a control led to a housing shortage and resulted in greater problems with inmates. The Justices were required to deal with numerous individuals who permitted subtenants to reside without permission, the owners of the properties being fined between 1s. and 2s. 6d. The double poor assessment raised by the West Riding authorities on those who kept inmates in Selby in 1614, however, may have been an effective penalty but it was not repeated.⁹

Although deserving individuals generally received relief, it is clear that many overseers placed economic stringency before human necessity.

Aggrieved paupers pestered the Justices for relief. Quarter Sessions instructed the parish officers to make an allowance or to pay arrears due. Overseers frequently contested maintenance orders and tried to transfer liability to other parishes. Such evidence suggests that the common complaint that overseers were too preoccupied with reducing the rates rather than relieving the poor was not unfounded. The assumption, however, that many parishes gave the indigent a weekly pension without enquiring whether the recipient was capable of maintaining himself or at least contributing to his own support does not pertain to the three Yorkshire Ridings in the early years of the eighteenth century. Before a parish provided relief, the officers generally assured themselves that there was no-one else available for this duty. To save themselves expense, adult children, in-laws, and even grandparents were ordered to supply all, or a proportion, of the necessary maintenance. This could involve not just money but also food, clothing and lodging. Wherever possible the overseers would appropriate the goods and land rents of deceased or absconded parents and use them to maintain dependants who were usually children and for whom the parish had become responsible. Failure to maintain one's dependants or relatives as ordered could lead to imprisonment in the house of correction, though the Justices were prepared to shorten prison sentences imposed for any crime if the offender was prepared to provide for himself and his family and thus relieve the parish.¹⁰

The apprenticeship of pauper children was another means by which the parochial officers tried to reduce their expenses. The use of those people who did not normally take apprentices, such as vicars and schoolmasters, however, and the large number of disputed pauper indentures indicate that this system was not at all popular. Stringent conditions were also laid down for the payment of allowances. Relief would be stopped, for example, if the individual was found begging, wandering, tippling or breaking hedges. The burden of the poor rates was also relieved by the contribution of specific fines. The money collected for convictions for profane swearing and for

tippling and drunkenness, for example, were to be used to support the paupers of the parish. Religious offences came under this category as well. In the late seventeenth century fines imposed for absence from church were devoted to the poor, and as late as 1714 the East Riding Justices ordered that the sums paid by those Catholics who refused the oaths were to be distributed amongst the poor of South Holderness.¹¹

The churchwardens and the overseers not only looked for ways of reducing financial expenditure but also sought means by which they could escape their obligations entirely. The mentally disturbed, for example, were regularly committed to the house of correction or to York Castle. The magistrates, however, appreciated the overseers' intentions and in 1709 the West Riding court laid down specific instructions for the treatment of lunatics, including the payment of 4s. a week maintenance by the parish if one of its inhabitants was sent to prison. Similar regulations were prescribed by the North Riding magistrates, but the absence of this type of order in the East Riding suggests that the Justices managed to contain the problem by forcing the overseers to care for their own disordered individuals.¹²

Badging of the poor provided the overseers with yet another means of avoiding their responsibilities. Paupers were to lose their relief if they refused to wear the badge, but the detailed orders of the West Riding Quarter Sessions in 1711, that the regulations concerning badging were to be enforced, suggest that this system was not being implemented satisfactorily. The need to repeat these instructions within five years tends to confirm this view, as would the total absence of any reference to badging in the East Riding records. The humiliation of being singled out from the rest of society and the inflexibility of the system resulted in badging being increasingly ignored in many parishes in the first half of the eighteenth century.¹³ The Justices may have asserted their desire to have badging enforced but they did little in practice to fulfil their ambitions. For the overseers, on the other hand, badging was not so useful an expedient as they might have hoped. Their

willingness to find any means to reduce their responsibilities, however, meant that the Justices had to constantly supervise the parochial administration. Yet the magistrates would readily support the overseers when the need arose. Relief was provided by the parish officer, but the evidence indicates that they were generally unwilling to supply an adequate amount. In these circumstances it would not be unreasonable to assume that without magisterial oversight many overseers would have neglected their duties entirely.

II. Assessments and rates.

The levying of the sums required to maintain the paupers of a parish provided the Justices with some of the most contentious disputes with which they had to deal. The churchwardens and overseers were constantly aware that all expenditure on poor relief had to be paid for by the inhabitants of the parish. In theory, there was no limit to the amount the overseers could raise by a rate. In practice, however, they were limited by public opinion and by the ability of the ratepayers to pay the desired sums. Parishes overburdened with poor could apply to the Justices for a rate in aid to be levied on neighbouring parishes, but, although this was common in the North Riding before 1700, it was a rare procedure in the other two Ridings at this time.¹⁴ As a result, the need for economy guided the overseers at all times. Nevertheless, it was common for inhabitants to challenge assessments to the poor and even to refuse to pay them.

It was possible for parishioners to have to contribute to as many as ten separate rates each year and it was only to be expected that they would question most of these assessments. Ratepayers always complained that they were unfairly assessed and many were prepared to pursue their grievances to Quarter Sessions. Appeals against contributions to assessments seem to have been particularly common in the late seventeenth century, though they were far less frequent after 1700. Ironically it was the larger parishes with the greater resources which experienced the most difficulties.

The East Riding Justices, for example, had to consider several objections to the assessments for Bridlington and Howden, and their colleagues in the West Riding were obliged to do likewise for the inhabitants of Bradford and Wakefield, where the officers were particularly inefficient. The general rise in the poor rates throughout the period had its greatest impact in the larger centres of population and this may well help to explain why the overseers in these places faced a greater number of difficulties than most of their colleagues.¹⁵

When a complaint had been proved, Quarter Sessions either made a specific alteration or instructed the parish officers and a group of between two and six substantial inhabitants to draw up a new rate. Quarter Sessions could not make a rate itself. It is clear that many appeals which came before the court were rejected but in the case of those made by peers, all were successful, a development which has been observed also in Wiltshire. On those occasions when a new rate had to be made the West Riding court generally ordered that two named magistrates were to regulate and confirm the revised assessment and that this was to be a standing rate for the future and was to be entered in the Book of Rates kept by the clerk of the peace. The West Riding Justices were eager to make the process of rating as open as possible and, well before the statute of 1744 enforced such a procedure, it was common in this county for Quarter Sessions to order the churchwardens and overseers to publish the assessment before it was confirmed so that all inhabitants knew in advance what they were expected to pay. It was hoped that this would prevent future disputes.¹⁶

The evidence suggests that, although mistakes were made, the majority of overseers did not deliberately assess individuals at illegally high rates. The existence of the Book of Rates helped to solve many problems in the West Riding. It had not been generally updated since 1642, however, and this did mean that during the eighteenth century many changes had occurred which made the assessments in numerous parishes 'irregular and unequal'. In

these cases a new regulation was invariably undertaken.¹⁷ Greater difficulties were posed, however, by boundary disputes for the officers in all the parishes concerned tended to assess the lands in dispute. Fortunately this particular problem was not common but the fact that parishes and townships were not always coextensive did lead at times to serious quarrels.¹⁸

The act of 1601 had stated that every township should contribute to the maintenance of the poor of the whole parish, but the statute of 1662 had overturned this by ordering that every township should maintain its poor individually. During the late seventeenth century the position was extremely confused, for overseers attempted to raise equal assessments on all townships within the parish even though those townships claimed that they should maintain only their own poor. In response the West Riding magistrates showed considerable indecision. Whereas the large parish of Bradford was to follow the Elizabethan provisions, the five townships of the parish of Ecclesfield were to support their poor separately, according to the Restoration statute. This piecemeal approach was undoubtedly responsible for the numerous disputes with which the magistrates had to deal in the late seventeenth century. Ultimately, however, the act of 1662 was ignored and the original idea of joint parish responsibility was enforced. Once the magistrates had made clear that this was to be the norm, the number of contested cases considered by Quarter Sessions began to fall. The lesson that administrative cohesion and firmness reduced the burden of the court's work was one the Justices did not forget.¹⁹

Apart from complaints by individuals and from boundary disputes, the magistrates in Yorkshire, as in Cheshire, Warwickshire and Wiltshire, were faced with several other legal problems involving the actual drawing up of assessments. Most poor rates were levied on land, the occupiers, and not the owners, having to pay the necessary sums. In the case of coal mines and mills, however, the position was not clear. The West Riding magistrates used their discretion and determined each issue according to its merits. Although most

mines and mills were ordered to be included in assessments, a colliery in Stanley was exempted in 1683 and twelve years later some wollen mills in Bradford were to be assessed at two-thirds their real value.²⁰ Economic factors and especially trading yields were increasingly taken into consideration, as in the early seventeen-forties when the West Riding court had to determine on a number of occasions the assessments to be paid to the poor by the 'warehouses, tools and profits of the Navigation of the River Calder'. The vexed question of whether tradesmen were liable to be assessed for their stocks in trade as well as for land, however, was not satisfactorily settled. Although the Wiltshire Justices decided that those with both land and stocks were to be assessed according to the most valuable and not both, on those few occasions when this problem arose in the West Riding the magistrates favoured the assessment of both stock and land.²¹

The criteria to be used when making an assessment caused much confusion, for the Justices permitted various methods to be employed. In the early seventeenth century three different types of assessment were in use in the West Riding, namely oxgangs of land occupied, acre tale and noble rent. By the time of the Civil War the system of acre tale, or the quantity and quality of acres occupied, had begun to supersede the others, but after the Restoration the Justices began to favour a fourth means. The poor tax was to be calculated on an equal pound rate based on rent and taking into account the quantity and quality of everyone's estate. The decision of the Restoration Justices in Warwickshire, however, to ignore pound rate because of its popularity with the Interregnum authorities was an exceptional, but temporary, step. Most Quarter Sessions aimed to enforce the fairest method, and from the late seventeenth century the system of pound rate became the regular guideline for assessments throughout Yorkshire. Nevertheless, several overseers doubted that this was the best way and local opposition may well explain why there were still several parishes in the seventeen-thirties still using acre tale in drawing up poor assessments.²²

The complex problems which were associated with the process of rating and assessment caused churchwardens, overseers and Justices, as well as ratepayers, trouble and expense. Perhaps the most serious problem for each overseer, however, was that the poor rates collected frequently fell short of expenditure. The refusal of individuals to pay their assessments could create enormous difficulties for the parochial officials. Once the town stock had been used up the overseers were forced to make payments out of their own pockets. Despite this personal commitment, inhabitants were not always willing to make the necessary repayments. Often the unlucky overseers had to petition Quarter Sessions for assistance to force the inhabitants or their successors to reimburse the amounts due, which could vary from a few shillings to upwards of £20. When necessary the Justices readily ordered an additional rate to be raised. On the other hand, income occasionally exceeded expenditure. In these circumstances the Justices were frequently obliged to ensure that the late overseers handed over all money belonging to the inhabitants so that the incoming officers could carry out their duties properly.²³ The necessity for the magistrates both in and out of sessions to intervene directly into the financial and administrative affairs of the parish officers was an important extension of their authority and meant that they became quasi-official public auditors.

III. The provision of relief by the Justices.

Besides supervising the relief administered by the parish, the Justices had a statutory yet discretionary authority to provide direct assistance to alleviate poverty and hardship. From rates raised upon the whole county, grants and gratuities were given when extreme misfortune struck, annual pensions were paid to lame soldiers and sailors or to their widows and children, and contributions made to the support of poor prisoners in the King's Bench and Marshalsea goals in London and in the county goal at York Castle. For much of the seventeenth century the money collected for these purposes

was held and disbursed by specially appointed treasurers, but with the consolidation of county finances the county treasurer became responsible for the distribution of all grants and allowances.

The payments for poor prisoners caused few administrative difficulties. A close check was kept on the amounts laid out, and it is likely that the payments made to the London prisons, as with those sent to the goal at York, were barely adequate, even though the statutory minimum allowances were generally exceeded. The distribution of pensions from the lame soldiers fund, on the other hand, was subject to much abuse. Stringent precautions were taken before new applicants were added to the pension rolls. Certificates had to be produced confirming the service, disability and poverty of the claimant and these had to be signed by the late commanding officer, two surgeons and two local Justices. Furthermore, pensions lists were frequently revised. Nevertheless, mistakes were made. Undeserving individuals were supported and particularly worthy men had their pleas rejected. In 1709, for example, the East Riding Justices discharged ten pensioners for not living within the county.²⁴

It was during the middle years of the seventeenth century that the treasurers for lame soldiers were busiest and those who served in the West Riding were responsible for one of the largest county funds. Although the Restoration Justices removed all ex-parliamentarian soldiers from the lists, over £600 was regularly paid out each year in this county in the sixteen-sixties. The magistrates in Devon, on the other hand, were distributing between £500 and £600 per annum, and their colleagues in Warwickshire only £230 per annum. By the late sixteen-seventies, however, natural causes had considerably reduced the number of pensioners and from the beginning of the following decade the collections for lame soldiers were no longer made on a regular basis in the West Riding or in Cheshire. All pensioners were discharged by the West Riding Quarter Sessions in 1680 and they had to reapply to the court as individuals if they required assistance. Only a few

petitions for relief were subsequently received and in most cases quarterly allowances were granted. The pension list as such was now heavily restricted, but there was a temporary rise in the number of pensions paid as a result of the wars against France between 1689 and 1713.²⁵

The amounts given to all pensions varied between counties and according to individual circumstances. During the late seventeenth century 20s. was commonly granted in the East Riding, but in Devon, Kesteven and the West Riding 40s. a year was considered a more realistic figure. The first half of the eighteenth century witnessed an increase in the sum paid, but whereas the East Riding magistrates rarely granted an annual pension of more than ~~£~~2, their colleagues in the West Riding rarely gave one of less than ~~£~~3 per annum. Nevertheless, by this time only a small number of disabled ex-servicemen actually received a regular payment from the county. The vast majority had turned to the parish authorities from whom they could receive much greater financial payments. The Devon Justices certainly wished to place the burden of maintenance on the parish for they ordered in 1683 that no maimed soldier was to receive a pension in future until he had been relieved by his respective parish. It is quite possible that by this time a pension was regarded by the Justices as a supplement to other sources of income, a kind of honorary payment for services rendered to the country.²⁶

Quarter Sessions in both Ridings were prepared to give financial assistance to civilians who had suffered severe misfortune as well as to ex-soldiers and sailors. No attempt was made to compensate fully for the material losses incurred. The intention was to give immediate relief only. These irregular charitable payments were not new but they became more common in the eighteenth century. The numerous petitions for relief were generally accompanied by certificates from local worthies, notably the minister and parish officers, testifying to the plight of the individuals concerned and requesting help for them. The magistrates, however, did not

always respond favourably, for fear of encouraging even more applicants. Some petitioners were successful and received a single payment of anything up to £10, though larger sums were not unknown. Others were given a small sum by the treasurer and were also to receive a weekly amount from their parish overseers. A surprisingly large number, however, received nothing at all.²⁷

Most of the cases dealt with involved individuals whose homes had been damaged or destroyed by fire, storm or flood. All of the inhabitants of Hornsea, whose properties suffered when a 'tempest' hit the town in 1734, for example, received £5 from the East Riding treasurer. Assistance was also given to those whose livelihoods were directly affected by natural disasters. The West Riding court helped weavers whose looms had been destroyed, carriers whose boats and cargoes had been sunk, and farmers whose livestock had died because of disease. In response to the most serious calamities, however, the Justices could either issue letters of request, which permitted individuals to make collections in a limited area, or petition the Lord Chancellor for a brief to enable the sufferer to seek charity throughout the county. In effect, individuals were being given a licence to beg and this procedure had considerable advantages for it generally saved the magistrates expense.²⁸

Letters of request were frequently granted by the county Justices in the seventeenth century. Most were aimed at assisting single families, though letters were issued by the West Riding court to enable the parishioners of Fewston and St Germain's Selby to collect funds to repair their churches. In virtually all cases the cause of the distress had been fire. A time limit of three or six months was usually set, but extensions were occasionally granted. It is clear that a decreasing number of licences were issued in the second half of the seventeenth century, though the Justices of the North and West Ridings continued to permit individuals to seek relief in this way until the end of the reign of Queen Anne. The most important reason for this system dying out was that it was open to abuse. Collections were

generally made by the individuals concerned either after church services or by going from house to house. As a result, deception was possible and obtaining money by forged letters was a relatively easy and successful operation.²⁹

In those cases which involved considerable financial loss and relatively large numbers of people, it was more usual to apply for a brief. The advantage of this type of licence was that the petitioner could 'beg' over a far wider area in the hope of greater returns. Briefs were not regularly requested in the West Riding, however, until after 1700. This was mainly due to the difficulties of obtaining them and the popularity of letters of request. Between 1680 and 1715, for example, only five cases are recorded by the West Riding Quarter Sessions, but thirty one were considered during the following thirty five years. In the East and North Ridings, on the other hand, briefs were never common. Most of the successful requests for these general licences followed extensive devastation, such as the 'earthquake, thunder and flood' which hit Kettlewell in 1686, the dreadful fire which caused over £7,500 worth of damage in Wetherby in 1723, and the severe flooding which affected Sunk Island three years later.³⁰

It is difficult to estimate the amounts raised by these charitable collections but their popularity indicate that the financial returns must have been worthwhile. The registers of the East Riding parish of Cherry Burton show that during the last twenty years of the seventeenth century collections were regularly made for causes in the immediate neighbourhood, in the county and in other parts of the country. At least one request every two months was usual. On the recommendation of the Privy council money was also gathered for deserving individuals abroad, for prisoners in Algeria and distressed Protestants in France and Ireland. The typical amount donated for each English cause was between 1s. and 3s., though collections on Yorkshire briefs generally produced larger sums. Those who suffered as a result of the fires at North Frodingham in 1688 and at Hornsea in 1702, for example, were assisted by contributions of 7s.5d. and 10s. 9 1/2d. respectively.³¹ These were not

spectacular sums, but over the whole county they must have added up to an appreciable amount. As with all the various types of financial assistance supervised by the Justices, however, generosity was rare. Nevertheless, through letters of requests, briefs, grants and pensions, some measure of relief was provided for lame soldiers, poor prisoners and those whose homes or livelihoods had been seriously affected through no fault of their own. Although it is likely that much of this help was inadequate, it is certain that without it a much greater burden would have been placed on the parochial authorities.

IV. Private charity.

Throughout the late seventeenth and early eighteenth centuries most parishes in the East and West Ridings were collecting rates to support the poor. Nevertheless, there can have been few towns, villages or hamlets where some inhabitants did not benefit from at least one private charity. The years from 1480 to 1660 had been characterised by what Professor Jordan has called 'a swift and disciplined outpouring of charitable funds'. Yorkshire benefited more than most counties. Many of the charities established at this time were for assisting the poor, or rather those who were described as being the 'most decayed', rather than for educational or religious purposes. Both the number of people to be relieved from these foundations and the payments to be made, however, were generally small. Furthermore, the number of new charitable endowments and gifts declined rapidly in the early eighteenth century. Nevertheless, there can be little doubt that private charity made a significant contribution to the relief of poverty.³²

Requests by prosperous citizens accumulated to provide large endowments in Hull, York and the larger towns of the East and West Ridings. Between the late seventeenth and early nineteenth centuries, for example, at least ten separate charities were founded in Beverley and Bridlington solely for the benefit of the poor. Benefactions were not restricted, however, just

to the larger centres of population. The landed gentry had a genuine philanthropic attitude and endeavoured to provide some gift and lasting memorial for their locality. The actual stipulations of each charity naturally varied. Many involved the bequest of land and the distribution of profits and rents either in money or goods. The poor prisoners in York Castle, for example, were assisted in this way. To supplement accommodation available for the sick and aged poor, almshouses and hospitals were founded, as at Woolley in the sixteen-eighties and at Rillington in the early eighteenth century. Between 1712 and 1729 money was bequeathed for the erection of three hospitals in Beverley, the largest endowment being that by Charles Warton who set aside in his will the enormous sum of £1,000. Occasionally, as at Hemingbrough and Thorganby, cottages were donated and these were to house pauper families. Some charities provided clothing or food. Burton's charity at Atwick, for example, specified that 3s. was to be spent each week on 6d. loaves for poor widows. There were similar gifts in Stillingfleet and Catton. Other charities involved the distribution of a small sum of money, as at Flamborough, where £1 was to be divided amongst the poor on every Christmas Eve.³³

Not unnaturally some charitable gifts involved the combination of objectives, especially the maintenance, education and employment of children. At Hooton Pagnell, for example, as in many other towns, money was left for children to be apprenticed. In 1712 £200 was given to begin a manufactory for the knitting of coarse stockings in Beverley. York corporation established in 1705 charity schools for boys and girls who were to be provided with, amongst other things, spinning wheels. Four years later a blue coat school was opened in Beverley. It was to clothe, lodge, maintain and educate children from all over the East Riding. What was remarkable about this foundation was that it resulted from a rare instance of co-operation between the county magistrates, the municipal authorities in Beverley and private subscribers. With a grant of £100 from the Corporation of Beverley, the school was established in rooms

allocated by the county Justices in the house of correction. Unlike the charity school in York, however, that in Beverley did not specify that the children were to be educated through work, but one of the two seventeenth century schools founded in Bridlington taught poor children how to card, spin and knit wool.³⁴

The administration of the endowments and the distribution of the proceeds were generally placed in the hands of the churchwardens and the overseers of the poor. Most officers were not unhappy at these additional responsibilities for the voluntary funds supplemented and bolstered their compulsory disbursements to the poor. It is clear, however, that some overseers were not as careful as they should have been. In 1743, for example, eighteen poor widows in almshouses in Halifax complained that the overseers were not giving them the benefit of several charities to which they were entitled and, as a result, they had been left to starve. To a great extent, however, the Justices had few dealings with private charity, unless they were personally involved as trustees or unless they made gifts whilst they were still alive. By the eighteenth century the wealthy gentry gave on average about 5 per cent of their gross income in charitable disbursements. Many of these gifts were localised and on a small scale. Thomas Yarburgh's decision to set aside 1s. 8d. each week 'for the poor' was exceptional. More typical were the provision of dinners and the occasional gift to particularly deserving individuals. It has been argued that in some counties, like Merionethshire, the landed gentry may well have contributed more in a private capacity to the relief of the poor, with personal bequests and gifts, than they did in their official capacity as supervisors of the administration of the poor law. This situation would indicate a gross dereliction of duty upon the part of the Justices and the overseers and was not common. In Yorkshire, as in most English counties, on the other hand, the officers were under the watchful eye of the magistrates, and relief by the parish outstripped all other types of assistance for the poor.³⁵

The major problem with private charity was that much of it rarely kept pace with inflation. The value of monetary gifts was soon eroded, though those bequests involving land must have been cushioned against the full effects of rising prices. Furthermore, most of the charitable trusts were unevenly distributed and involved only a small income. The Select Committee on Public Charities established that nearly one half of the endowments in existence in the early nineteenth century produced less than £5 per annum. Nevertheless, during the late seventeenth and early eighteenth centuries private charity represented a formidable means of support for the poor. The West Riding was one of the best endowed counties with charitable gains by the early nineteenth century of at least £40,000 a year.³⁶ The existence of private benefactions considerably assisted the overseers and the churchwardens in relieving the poor, for it meant that the rates could be used more effectively to assist the ever-swelling number of paupers.

V. Employment of the poor.

The Elizabethan poor laws had laid down that one of the basic duties of the overseers was to raise a stock of materials with which the able bodied unemployed could be put to work. It is clear, however, that after 1660 very few parishes in Yorkshire, as in most other parts of the country, made any attempt to employ the poor. In the absence of pressure from central government, which had produced effective results in the sixteen-thirties, the Justices did little to prompt the overseers to act more earnestly in this respect. On occasions, county Quarter Sessions instructed the parishes to fulfil their duties and provide stocks of materials. The North Riding Justices made such an order in 1693 and their West Riding colleagues issued similar instructions eighteen years later. In both cases, however, the courts were responding to general complaints that the poor laws were not being enforced properly and were laying down general directions by simply restating the legal requirements. Charges to Grand Juries rarely, if ever, made mention of the

employment of the poor. Parish accounts show few purchases of raw materials and proceedings at Quarter Sessions were rare. The order by the West Riding court in 1714 that the overseers of Tanshelf were to pay a male inhabitant 12d. per week until they employed him in work, by which he would be better able to maintain himself, was exceptional. The increasing number of private benefactions for the poor to be set to work, on the other hand, was an attempt to provide assistance where it was most needed. By the late seventeenth century employment of the poor on a parochial basis had virtually fallen into abeyance, and it is quite probable that from this time there may have been more work provided by private initiative than by churchwardens and overseers.³⁷

The task of setting the poor to work was undoubtedly one of the most difficult, time consuming and costly responsibilities of the parish officers. The rates collected in many rural parishes raised barely enough money to provide outdoor relief, let alone supply a surplus from which tools and materials could be purchased. The failure of the overseers, however, stemmed not so much from financial problems but rather from the impractical nature of the whole idea of employment. The parish was not at all suited to the task: it was too small a unit *and the amateur overseers could never supply valuable and lasting work without the co-operation of neighbouring parishes and without an enormous increase in the poor rates.* Since neither the Justices nor the ratepayers would have sanctioned this, it was far simpler to dole out financial relief to all applicants irrespective of their ability to work.

Despite the gradual disappearance of parochial attempts to employ the poor, contemporary opinion consistently argued that the able bodied paupers had to be set to work if the social evils of idleness and vagrancy were to be suppressed. One solution suggested was the erection of workhouses. They were not intended to be places of last resort but institutions with a genuinely constructive objective, namely to employ the poor in the hope of obtaining some return for the money expended on relief.

Their existence could have been justified under the Elizabethan regulations, for they were another means of providing work for the poor, the idea being to bring all the able bodied together in one building to use a stock of materials assembled for their benefit. A workhouse had been established in Halifax, for example, as early as the reign of Charles I. It was to relieve the poor and set them to work. By the second half of the seventeenth century, however, the number of poor in the parish necessitated much greater commitment on the part of the parish officers and in 1685 the West Riding court ordered the churchwardens and overseers to raise a special assessment of £40 to assist them in their work.³⁸

Towards the end of the seventeenth century there was a spate of workhouse building, but only one was established in Yorkshire. This was in Hull and it catered mainly for children, women and old men. The Hull authorities stressed the importance of work and attempted to occupy all the residents; the children were to spin jersey, the old men were to tease oakum and to undertake general repairs around the buildings, and the women were to make clothes and to clean the house. Little of practical or financial benefit, however, was actually achieved.³⁹ Workhouses were generally rare in the seventeenth century and it was not until 1722 that they were given a formal place in the poor law legislation.⁴⁰ From this year parishes were empowered to acquire houses and to contract out their duties of providing employment and care for the inmates. Since anyone refusing to be maintained in a house was not to receive an allowance, these institutions became an increasingly popular expedient. Nevertheless, most of the houses now opened were in towns for the financial costs involved meant that they were not a practical proposition in rural parishes.

Despite the eagerness of some overseers, and the high hopes they had, several of the early attempts to establish workhouses in Yorkshire were not successful. The authorities in Leeds, for example, decided to open a workhouse in 1726. Within two years, however, the experiment was

discontinued; the stock of materials was sold and the inmates were to be provided for by the overseers. It was resolved to try again in 1738 but it was another twenty years before a salaried master and mistress were appointed and a set of rules drawn up. The inhabitants of York witnessed a similarly unsteady beginning for their workhouse. Although the idea was discussed in 1729 and again ten years later, it was not until 1768 that several parishes finally co-operated and established a house in Marygate. The moderate success of a York woollen manufactory between 1739 and 1742, however, may well explain the parochial lack of interest. In 1740, for example, this private institution collected £76 for the clothing and weekly subsistence payments of the poor employed there.⁴¹

The establishment between 1726 and 1727 of the workhouse in Beverley, on the other hand, was much more successful. The three Beverley parishes of St. Mary, St. Nicholas and St. Martin combined together and erected a building in Minstermoorgate. Twelve governors were chosen from the three parishes and they were responsible for the conduct and management of the house. Like the establishment in Hull, however, there were few able bodied male paupers in the house. The majority of inmates were women and children who were to be employed in the work 'to which they were accustomed', the women, for example, being set to spin, knit, sew and work lace. The house could cater for 100 poor people but few took immediate advantage of the facilities offered. Of the 116 paupers receiving outdoor relief before the workhouse was constructed, only twenty six were resident in it during the harsh winter of 1727 to 1728. By the seventeen-fifties, however, more people were being relieved in the house than outside, and the authorities had managed to reduce the number receiving relief, for in 1756 there were twenty four residents and only ten individuals receiving a weekly allowance. In this respect Beverley must have been exceptional for 'the majority of paupers in most counties were still being maintained by outdoor relief.'⁴²

Throughout the middle years of the eighteenth century workhouses were opened in most of the larger centres of population in the East and West Ridings. Apart from those already mentioned, Sheffield had a workhouse by 1737, and Wakefield by 1755, in which year the inhabitants of Huddersfield began to erect a house to employ their poor. In the East Riding, houses were opened in Bridlington by 1742 and Pocklington by 1763. On the whole, though, workhouses were not popular in rural counties like the East Riding. The expense was too high and the number of paupers with which the overseers had to deal tended to be small and to fluctuate according to the season of the year. It was not until after Gilbert's Act in 1782, which permitted unions of parishes, that workhouses became more common in rural areas in Northern England. Several were opened within a few years of this statute, as at Sculcoates in 1783, Market Weighton in 1784 and Hunmanby in 1785. Magisterial orders make it clear that the inmates of these houses were to be usefully employed but many of the attempts to set them to work did not last.⁴³

The early workhouses were frequently begun in a converted house or row of cottages. Although some buildings were new, it was not until the late eighteenth century that purpose-built institutions became common. Few of these houses were imposing buildings, but the conditions within them were generally no worse than those in which the paupers lived in their own homes. As late as the seventeen-nineties the cottages on the East Riding coast were described as 'miserable hovels, built of mud and straw'. On the other hand, some of the workhouses were noted for their cleanliness and good administration. The overseers were empowered by the act of 1722 to contract out their responsibilities of maintaining and employing the inmates of the workhouse, but this was not common either in Yorkshire or in Cambridgeshire before the seventeen-sixties.⁴⁴

Despite the initial plans of the authorities to set the poor to work in the hope of gaining some financial returns, most workhouses soon

possibility of combining efforts, however, enabled the municipal authorities in York and Hull and in the more important boroughs to show much greater concern for this task. The county Justices appreciated the problems faced by the rural parishes and were prepared to let the parochial officers, like the master of the house of correction, increasingly neglect the responsibility of setting the poor to work. As a result useful employment of the poor became more and more catered for by private schemes, especially in the towns. Most country churchwardens and overseers, on the other hand, could have done little, even if they had been forced to act. They simply did not have the resources. They preferred to concentrate their efforts on reducing the poor rates and on tackling those aspects of their duties which caused additional expenditure and upon which they could have some effect, namely the problems of bastardy, settlement and vagrancy.

VI. Bastardy.

By statutes of 1576 and 1610 the Justices were authorised to make suitable provision for the maintenance of illegitimate children and to punish the parents responsible.⁴⁸ Much of the work was conducted out of sessions, but the right of appeal by putative fathers and overseers against affiliation orders and maintenance bonds ensured that Quarter Sessions regularly heard bastardy disputes. The number of cases dealt with by the courts in most counties in the late seventeenth century was not excessive, but it was large enough to cause overseers and churchwardens, in rural and urban parishes alike, as well as the magistrates constant concern. Parish records and Quarter Sessions' rolls indicate that for much of the eighteenth century there was a steady rise in the number of illegitimate births and in the number of bastardy suits considered by the court. This increase was not noticeable in the East Riding until after 1730. During the previous twenty years, however, the average number of cases each year had been the same as in the mid seventeenth century. In the West Riding, on the other hand, there had been a

gradual rise in the number of disputes dealt with by Quarter Sessions since the last quarter of the seventeenth century. Between six and twelve bastardy orders were usually made each year by 1700. Such was the pressure on the court, however, that three years later the Justices ordered that no proceedings concerning bastardy were to be heard at Quarter Sessions in future, unless they were on appeal against the order of two Justices. This administrative regulation halved the number of disputes before the court, but it did not reduce the overall work of the Justices, which was considerable.⁴⁹

What troubled the parish authorities most about illegitimate births was not so much the moral laxity but rather the economic repercussions. By law bastard children were to be maintained by the inhabitants of the birthplace. Nevertheless, the overseers could be relieved of this duty by applying to two local Justices to have the reputed father undertake the maintenance. The onus of responsibility though was on the overseers who made strenuous efforts to find the father. Although search costs were usually recouped from the father, they rarely exceeded $\text{£}2$ or $\text{£}3$, for the parents of most bastards tended to live in the immediate neighbourhood and could be easily apprehended. Nevertheless, it was quite common for mothers to claim that the father was 'a stranger whose name she did not know'. In these circumstances the evidence of the midwife present at the birth became crucial, for on occasions nursing assistance was withheld until the required information had been given. On the other hand some expectant mothers named the wrong man in the hope of financial gain or because of pressure from the relatives of the real father. After 1733 the oath of the mother was sufficient for a single Justice to order the arrest of the man named. Such meagre evidence meant that mistakes were made and that the system was open to abuse, but only a small number of fathers were discharged of their responsibilities by Quarter Sessions on the grounds of incorrect affiliation.⁵⁰

Once paternity had been established the father was subjected to various financial payments. Usually he had to reimburse the overseers all their

expenses incurred during and after the birth and to enter into a bond with sureties for the payment of a fixed weekly sum for the maintenance of the child. The maintenance orders remained in force for so long as the child was a charge to the parish or until he, or she, had reached the age of seven, or, more usually in the West Riding, eight. Occasionally, however, they were to continue until the child was ten, twelve, or even fourteen years old. At this age the child was compulsorily apprenticed to some unfortunate parishioner, the father paying all the costs. Some fathers, however, were prepared to take the bastard children from birth and provide all their requirements. On the few occasions that this occurred they were to pay nothing except the mother's lying-in charges, which were generally fixed at 10s.⁵¹

The weekly maintenance allowance tended to be less in the north of England than in the south. In the early eighteenth century the Justices in Cambridgeshire fixed the weekly amount to be paid by the father at 2s. but the sums laid down by the East and West Riding magistrates tended to vary according to the circumstances of each case. Throughout the seventeenth and early eighteenth centuries the amounts paid in the East Riding were usually less than 1s., but weekly allowances of as much as 2s. were not unknown. The sums to be paid in the West Riding, however, were slightly higher and ranged from 6d. to 2s.6d. per week. In neither the East or West Ridings, however, was there a noticeable rise in the maintenance allowances ordered in the eighteenth century. The majority of sums set in the seventeen-forties were still less than 2s. a week. In the case of mothers who did not nurse the child, however, there was more agreement. In both Ridings, as in Cambridgeshire, their contribution rarely exceeded 6d.⁵²

Apart from the financial obligations, which were onerous, the fathers of bastards rarely received any other punishment. Occasionally failure to find sufficient sureties or to pay the required amounts resulted in a short spell of upwards of a month in the house of correction. Mothers, on the other hand, received much harsher treatment. In theory, they were to be whipped in

public and committed to the house of correction for upwards of twelve months. In practice, however, the Justices in most counties rarely inflicted the statutory punishment. A public whipping was usual in the seventeenth century but this penalty gradually became less common in the early eighteenth century. Most women were sent to the house of correction but they were imprisoned for only one month. Throughout the early eighteenth century, however, fewer committals were made and only those who had given birth to bastards for a second or third time were regularly imprisoned. These persistent offenders were generally set to hard work and were to be confined for the full twelve months. Nevertheless, when no parish relief was required the mothers were not punished at all.⁵³

Despite the efforts to discover the paternity of illegitimate children, affiliate them and to have maintenance orders drawn up and confirmed by Quarter Sessions, it is clear that during the eighteenth century an increasing number of fathers defaulted on their payments. Many were unable to comply, and the court in the West Riding regularly reduced the payments originally ordered and instructed mothers to contribute what else was needed to maintain the child. Other fathers were unwilling to pay and absconded. In these circumstances the overseers either seized any goods or rents available or turned to relatives. Grandparents were frequently ordered to provide. Even the husband of a woman who had been delivered of a bastard before her marriage had to maintain the child. Attempts to force a widow, however, to maintain her deceased husband's illegitimate child were rejected by the West Riding court. Many overseers, on the other hand, were unprepared to begin legal action when the father evaded his responsibilities. The costs involved in finding the parent, in bringing him to court, and in forcing him to obey a maintenance order, were outweighed by the small weekly sum which was required to support the child. The expenses could amount to as much as £20 and the overseers could find themselves involved in lengthy disputes at the Assizes or even at King's Bench. In general, the

parishes made a financial loss in bastardy cases, and only rarely did they recoup full recompense for their expenditure.⁵⁴

The financial responsibilities and the increasing number of illegitimate births in the eighteenth century resulted in bastardy becoming in some parishes a serious drain on the poor rates. Although some officers responded to these problems by *treating illegitimate children and their mothers* in a harsh and inhuman way, the presentment of overseers for failing to maintain a bastard, though previously ordered to do so, or for cruelty, are rarely found in the East and West Riding Quarter Sessions' records.⁵⁵ On the contrary, most overseers carried out their responsibilities to the best of their ability. They were determined to avoid the maintenance costs and did all in their power to affix paternity upon the men responsible. They even tried to persuade the parents to marry, though this was not a common expedient until the late eighteenth century.⁵⁶ Invariably, however, they accepted the charge when the fathers absconded. For their part, the Justices supported the overseers and endeavoured to enforce the affiliation and maintenance orders. Nevertheless, though the punishment of mothers became less severe, they did little to ease the difficulties with which the parishes were faced, for the enforcement of the bastardy regulations was at no time a straightforward task. Neither can there be little doubt that the problems to be dealt with were considerably complicated both by vagrancy and by the settlement laws.

VII. Removal and settlement.

It had been the deliberate intention of the Elizabethan legislators that the parochial authorities should care for and maintain all the poor. The Act of Settlement of 1662, however, radically transformed this objective for the overseers were no longer concerned with how best they could provide for the poor.⁵⁷ Instead, their primary consideration became whether each pauper was actually legally entitled to relief from them. This statute enabled the overseers to identify those for whom they were responsible and laid down the

procedures by which they could remove from the parish those for whom they were not. These regulations had immediate and unfortunate repercussions not just upon the poor but also upon the approach of the overseers towards their duties.

The increasing costs of poor relief had ensured that many overseers would attempt to transfer their obligations elsewhere. Now they had a legal means by which they could accomplish this. In general, a parish could apply for the removal of all strangers within forty days of their arrival, if they occupied a tenement worth less than £10 per annum and if they were likely to become chargeable, provided that they could not give sufficient security to discharge the said parish. With the approval of two Justices they were to be sent to the place of their last legal settlement, or, if this was not known, to the place of their birth. The enforcement of the 1662 Act, together with the important amending acts of 1685 and 1691, became the most serious and most frequent cause of dispute between parishes, and involved the officers in much litigation and expense.⁵⁸ The local magistrates were inundated with requests to make removal orders and Quarter Sessions became increasingly overburdened and perplexed by having to consider appeals, most of which were instigated by parish officers and not by the paupers involved.

Anxious to avoid their responsibilities, overseers were prepared to use deception and unfair tactics. Removals and appeals were deliberately delayed so that the other parishes concerned did not have time either to lodge their appeals or to prepare adequately for the hearing of the case. Although the East Riding Justices rarely had to deal with such irregularities, their colleagues in the West Riding were obliged to act. In 1698 they ordered that four days clear notice had to be given if an appeal was to be made. Nine years later they repeated this instruction and added that the paupers to be removed had to be delivered to the churchwardens and overseers of their new parish at least eight days before the relevant Quarter Sessions. Nevertheless, these regulations were frequently ignored by some overseers for they had to

be repeated and explained in full in 1722 and again twenty six years later. The magistrates clearly faced immense problems and were undoubtedly hampered by the fact that thorough supervision was beyond their means.⁵⁹

The statutes of 1662 and 1691 laid down specific ways by which a settlement could be obtained. The lack of substantial evidence regarding the last legal settlement of many paupers, however, gave endless opportunities for inter-parochial disputes. Settlement examinations were made and investigations were undertaken, but they did not always provide the Justices with adequate information. In determining an appeal, Quarter Sessions had most difficulty in assessing the validity of apprenticeship, hiring and service. Many indentures no longer existed and it was not uncommon for apprentices to have spent their time with two separate masters in two different parishes. Although residence as a hired servant constituted a settlement, the court was not clear how to proceed in the cases of those people who had been employed for twelve months but whose period of service was ended before the year had been completed. The renting of land caused controversy, particularly if a tenancy had been shared or copyhold land was involved. The payment of rates and taxes was yet another source of dispute. Families were removed by the West Riding court to where the fathers had paid 'public taxes ' and 'poll taxes', though assessments for the upkeep of county bridges and for the window tax were not accepted as giving a settlement because everyone was liable.⁶⁰

A significantly high number of removals involved women and children, who together comprised the most difficult group of individuals to be dealt with. Married women and widows were regularly sent to the husband's or late husband's settlement. Where no proof of marriage could be produced, however, the couple involved were invariably sent to different places. Legitimate children took the settlement of their father until they gained a settlement 'on their own accord'. Bastards, on the other hand, were to remain at their birthplace, and this led to the, at times, paranoid concern of

overseers to 'persuade' pregnant singlewomen to move on. Clearly harsh decisions were made, but generally this was not the case. Bastards usually remained with their mothers till the age of seven when they were removed to their birthplace where they were to be lawfully apprenticed. During these early years the overseers of the poor where the child was born were to pay a regular maintenance allowance to the overseers of the poor where the child was being raised. Serious complications could arise, however, when illegitimate children were born whilst an appeal was pending or the court was in the process of considering a case. When this occurred in 1725, for example, the West Riding Quarter Sessions ordered that the child was to remain with its mother. Though some pregnant women were forcibly ejected from parishes when childbirth was imminent and mothers were separated from their children, the West Riding authorities in particular seem to have adopted a practical and humane approach wherever possible.⁶¹

Given the complexities of the settlement laws, it is not surprising that incompatible decisions were made. In 1692, for example, the West Riding court rejected an appeal and confirmed the removal of a woman to a Derbyshire village where she had lived over twenty years before. Thirteen years later, however, an unmarried labourer was not to be removed to a parish because he had not lived there for sixteen years.⁶² Carelessness and legal inexperience meant that mistakes were occasionally made. Appeals were upheld because only one Justice had made the order, or because the actual township to which the person was to be sent had not been named, or even because the actual adjudication had been omitted. Legal procedures were not always fulfilled. Instead of appealing against a removal order, overseers occasionally persuaded two local Justices to make out an order to return the paupers involved. When this occurred, the second order was invariably quashed, the right of appeal dismissed and the original order confirmed. Administrative errors were also common. Christian and surnames were frequently omitted, and the West Riding court had to specifically remind

overseers and Justices' clerks that these details had to be correctly included in the actual removal order. When administrative and legal errors were discovered, however, Quarter Sessions had no option but to quash the original order. In the West Riding, as in Cambridgeshire, this frequently happened before 1732; between 1720 and 1729, for example, as many as forty orders were dismissed in this county for 'want of form'. After 1732, however, technical errors could be corrected without repeating the whole elaborate procedure, and this helped to reduce drastically the number of orders that were quashed. The uncertain manner in which many cases of removal and settlement were considered suggests a somewhat amateur approach, a view which is confirmed by the surprising decision of the East Riding court in 1721 to consult the Attorney General as to how appeals against removal orders were to be conducted.⁶³

The intricacies of the settlement laws greatly perplexed both overseers and magistrates alike. To compensate for their weaknesses the West Riding Justices readily sought legal advice either from qualified lawyers in London or from the Assize Judges. In response to a problem put before them in 1721, for example, the Judges at York pronounced that when no apprenticeship indenture was available, because it had been lost or destroyed, verbal evidence from the master, the apprentice and reliable witnesses could be accepted instead. Nevertheless, although clarification was sought when required, rarely were removal cases involving East and West Riding parishes referred to the Judges for their determination. On the other hand, some disputes were removed to King's Bench, but prohibitive costs meant this procedure was adopted on only a very few occasions before 1750.⁶⁴

Perhaps the most surprising aspect of the whole question of settlement was the readiness of the parish authorities to contest removal orders. During the first half of the eighteenth century⁷ the East Riding Quarter Sessions considered at least 200 appeals, whilst in Cambridgeshire and the North Riding the number of cases dealt with were 471 and 581

respectively. The West Riding court, on the other hand, considered more appeals than any other county Quarter Sessions at this time. In all 1830 disputed cases came before the court between 1700 and 1749. Such evidence indicates that from the late seventeenth century an appeal against a removal order was a routine procedure. Over thirty disputed cases a year were common in the West Riding and it was only to be expected that there was more business in the years of political and economic disruption between 1688 and 1691, for example, in 1728 and 1729 and again in 1740 and 1741. On the whole, the number of cases increased throughout the late seventeenth and early eighteenth centuries, though there was a temporary reduction following the act of 1697. From the late seventeen-twenties, however, the number of appeals began to decline until the second half of the eighteenth century when an increase in disputes at Quarter Sessions was once again recorded.⁶⁵

The readiness to seek a legal solution meant that an increasing proportion of the parish poor rate was spent in transporting paupers across the country and in fighting drawn out legal cases to establish the parish of settlement. Thus, on the one hand, the overseers were determined to reduce the poor rates and exclude anyone who might become a burden. Yet, on the other hand, they were prepared to spend relatively exorbitant sums on settlement disputes which far outweighed any possible gains if the cases were actually won. The poor suffered either way, for much of the money spent did not go to help the paupers of the successful parish, but benefitted the lawyers instead. On many occasions the expenses could have covered maintenance allowances for the individuals for several years.⁶⁶

The large number of settlement cases put immense pressure on the court not least because most were respited at least once. This forced the Justices to be more rigorous in their execution of the law in the hope that frivolous appeals would not be made. To prevent such time wasting by parishes which insisted on challenging removal orders when there was no real cause for an appeal, the courts in both Ridings were prepared to penalise the

overseers involved by ordering the payment of costs. The sums involved ranged from 10s. to over £5 and varied according to the circumstances of each case. It was not the practice in Yorkshire, however, to award 30s. costs in virtually all cases. This direct approach made parish officers think carefully before committing themselves to the legal process, and helps to account for the decline in the number of appeals in most counties during the second quarter of the eighteenth century.⁶⁷

There can be little doubt that the power to eject immigrant paupers because they required relief or because they might in the future become chargeable led to discomfort misery and the disruption of family life. Although the Justices tried hard to preserve family unity, it was inevitable that parents and children were occasionally separated. Between 1710 and 1719, for example, the West Riding court made at least fifteen orders in which father and mother were sent to one village and the children to another. The harshness of the law was felt by all types of paupers. Destitute children were subject to monstrous treatment, as in the case of Elizabeth Garrett, who was forcibly removed on two occasions from the West Riding to her birthplace in Worcestershire. Some individuals were even sent to places which did not exist, and were thus returned to where they had been first taken up. Perhaps the most discomfort, however, was endured by those families whose removals were the subject of serious legal argument. For six years, for example, Thomas Farrer and his family were removed from Bingley to Elsack and back again, until their settlement was finally determined to be at the first of these two parishes. Similarly, John Watson and his wife were removed on no fewer than seven occasions in the space of fourteen months between Draughton and Addingham in the West Riding and Lupton in Westmorland. In general, however, the overseers sought to remove only those people who were least capable of maintaining themselves, namely married men with a family, unmarried women and children. Unmarried men, on the other hand, comprised

the smallest group of individuals to be removed. Clearly there was the maximum hardship for those least able to cope.⁶⁸

Nevertheless, neither the overseers nor the Justices wished to cause distress and there is considerable evidence that determined attempts were made to alleviate hardship. Pregnant women and those who were medically unfit were to be left alone until they were capable of travelling. In the meantime, relief was to be granted by the parish of settlement. Over half a century before the procedure was confirmed by statute, removal orders were discharged by Quarter Sessions on the grounds that those involved were not actually chargeable. After 1744 bastards were treated more kindly since the debts incurred by parishes were now paid by the county treasurer. The maintenance of paupers in alien parishes, and particularly of children who were to reside with at least one parent, became an increasingly popular expedient in Yorkshire in the early eighteenth century. With similar foresight the West Riding Justices allowed some families to choose their actual place of residence according to which of the two contending parishes would be more advantageous for the livelihood of the father. If any relief was required it was generally to be paid equally by the two parishes involved. At the same time, and perhaps most important of all, it became more common for parishes to accept the arbitration of Justices out of sessions rather than continue with an expensive legal case. Appeals were withdrawn or not even presented. Instead, compromise agreements were reached.⁶⁹

Although the number of settlement disputes increased throughout the late seventeenth and early eighteenth centuries, there was a temporary reduction in the total number of removal orders as a result of the introduction of certificates in 1697.⁷⁰ These documents were issued by the parish authorities who acknowledged their responsibility and undertook to receive the holder back if he became chargeable. In other words, they permitted paupers to move freely and conferred immunity from removal until they were actually in need of relief. Similar certificates had been available

after 1662 to permit persons to go for the harvest into another parish, but it is clear from the West Riding evidence that these certificates did not always remove the possibility of dispute. After 1697, however, settlement certificates could be issued on a general basis, and they became widely used in the East and West Ridings. By 1725, for example, the West Riding court had undertaken the printing of blank certificates for distribution throughout the country.⁷¹

This system of certificates had many advantages. For the Justices, it saved law suits and reduced the amount of business at sessions. For the overseers, it was cheaper to let individuals and their families seek work in those areas where it was available than to have them constantly receiving a weekly dole. There were abuses and certificates were issued to people for no good reason other than the hope that they might wander away and not come back. There is no evidence, however, that this was a widespread practice. Some parishes, on the other hand, disliked this system and the West Riding Justices were obliged on occasion to order overseers, who had previously refused, to issue certificates.⁷²

Although they were mainly used for people wishing to move to neighbouring parishes only, certificates undoubtedly assisted the mobility of labour. Their popularity in the West Riding was the result of the need in that county for a flexible work force which could take advantage of the opportunities offered in the early eighteenth century expansion of the textile industry. Although freely given in most counties in the mid eighteenth century, certificates were issued less frequently by some parishes towards 1800, and Eden was able to report in 1797 that they were never granted at Leeds and Skipton and only rarely given in Halifax and Sheffield.⁷³

The law of settlement was a complicated procedure and its enforcement resulted in serious and bitter legal disputes, occasional harsh decisions, and the waste of much time and money. Many parishes began the process of removal not understanding the legal niceties and difficulties which could follow. In some respects the Justices shared this ignorance, but from

about the mid seventeen-twenties, at the time when Quarter Sessions was undertaking many important administrative changes, a more realistic approach was adopted. Overseers were more cautious and there were fewer ill-considered removals. The social repercussions of the settlement legislation were important and far reaching, but they must not be exaggerated for the regulations were not enforced as rigidly as they might have been. Although there were a large number of appeals, the Quarter Sessions' evidence indicates that many people travelled freely and that they were only liable to removal in time of need. In the East and West Ridings the severity of the law was mitigated by the widespread use of certificates, which permitted a greater freedom of movement for those who sought employment. Furthermore, the large number of cases and the relatively large number of threats of and actual committals to the house of correction for disobeying removal orders indicate that the law of settlement did not greatly restrict social mobility.⁷⁴

VIII. Vagrancy.

It was neither usual nor necessary for most people in Northern England to travel far from their original settlements. The distances involved in removal cases, for example, were relatively short and rarely were the parishes in dispute more than ten miles apart. Furthermore, only a small proportion of appeals involved overseers in another county and more often than not these parishes were in adjoining shires.⁷⁵ Nevertheless, there was a sizable group of people who spent most of their lives wandering the length and breadth of the country. Loosely referred to as 'rogues, vagabonds and sturdy beggars', these individuals posed acute problems for the magistrates. Undoubtedly some vagrants were criminals, but there is no evidence in either Riding of the existence of 'gangs' of vagrants terrorising the countryside. The suspicious circumstances in which most of them lived, however, ensured that their presence would be resented. Vagrants were a destabilising influence within society, especially at times of political, economic and social distress.

They created disaffection by spreading sedition and rumour. Some carried diseases such as smallpox and fever, whilst others deliberately set fire to houses and outbuildings and threatened the lives of law-abiding citizens. Contemporary opinion was convinced that the numbers of wandering people were rising in the late seventeenth century. This was no doubt correct for the parochial desire to remove all who had a settlement elsewhere and might become chargeable had the effect of increasing both poverty and vagrancy.⁷⁶

Although great reliance was placed upon individual magistrates and parish constables for the execution of the vagrancy laws, Quarter Sessions in most counties were obliged to specify the procedures to be followed and to remind all officials of their responsibilities.⁷⁷ Charges at Quarter Sessions stressed the need to apprehend all rogues, vagabonds and sturdy beggars and general orders to the same effect were regularly issued by the courts in both Ridings. The efforts to enforce these regulations were redoubled during those years of crisis, and particularly during the last quarter of the seventeenth century. In 1675, for example, the East Riding magistrates clearly defined who was a vagrant, instructed the petty constables as to their exact duties, and ordered that two privy searches were to be made each year. The West Riding authorities laid down similar orders at this time and particularly instructed their officers to treat as vagrants those petty chapmen and pedlars who sold outside public markets. In this county the problem of vagrancy seems to have been especially serious in the three southern most wapentakes of Strafforth and Tickhill, Staincross and Osgoldcross. Here searches were to be made once a week. In the North Riding, on the other hand, Quarter Sessions ordered in 1676 that they were to be made monthly. These instructions were at first enforced vigorously, but it is clear from the repetition of all such orders that the enthusiasm for such time-consuming work soon waned. Watch and ward was not kept as systematically as it should have been and night searches became less of a regular feature of the constable's duties.⁷⁸

The law set down harsh treatment for those who were adjudged to be vagrants, as well as those who harboured and encouraged them, especially alehouse-keepers. A whipping and a spell of hard labour in the house of correction were to precede the removal of the vagrant to his birthplace or last place of settlement, if he had one. Between 1680 and 1750 it was the regular practice in the East and West Ridings for men and women to be whipped, frequently in public, where the spectacle would hopefully act as a deterrent. Severe floggings, on the other hand, were reserved for persistent offenders and three whippings, one on each of the following three market days, was *not unusual*. *The magistrates also had the power to punish incorrigible rogues by branding and by transportation but neither of these punishments were regularly inflicted. The same is true for the alternative penalty of military service, though during the reign of Queen Anne several undesirable characters were removed in this way from the West Riding wapentake of Staincliffe and Ewecross.*⁷⁹

Besides a whipping most vagrants spent some time in the house of correction. Confinement was usually for less than three months, although a term of six months was not unknown, and there were several occasions when individuals were spared a whipping on account of their long stay in prison. The house of correction and the hard labour to which most vagrants were put whilst incarcerated there was an essential part of the policy of repression. The Yorkshire Justices punished in this way men, women and children and such action would tend to discount the claim that the punishments against vagrants were only spasmodically inflicted and were generally reserved only for those who were particularly obnoxious or recalcitrant. Nevertheless, unlike their colleagues in the North Riding, the magistrates in the West Riding did try to mitigate the worst aspects of the vagrancy laws. Towards 1750 it became less common for women to be flogged in public and it was rare for children, pregnant females, and all those who were medically unfit to be whipped at all. Lunatics and other mentally ill people were increasingly

excused from punishment altogether, but such people were invariably committed to the house of correction for they had nowhere else to go. The West Riding Justices were prepared to use their discretion and to show leniency, but the public whipping of women, for example, was retained and used to punish those females who tried to avoid the legal penalties by pretending to be pregnant.⁸⁰

Once the prescribed punishments had been inflicted all vagrants were to be returned under strict supervision to their places of settlement. They were given a pass, the possession of which entitled the holder to an unmolested journey and to relief from the parishes through which he travelled. The passage of vagrants and the provision of maintenance on the way was yet another responsibility to be undertaken by the parish constables. It is clear, however, that they were totally unsuited to this task. As amateur and unpaid officials they resented having their time and efforts taken up by duties which caused them expense and which interfered with their trades and occupations. In theory, each constable was to receive all vagrants to be passed, conduct them on horseback, in a cart or on foot through his parish and deliver them to the constable of the neighbouring parish. In practice, however, this procedure was not always followed. Frequent attempts were made to avoid these responsibilities and particularly if cripples and other disabled passengers were involved. Between 1693 and 1700, for example, the West Riding court was obliged to specify the conveyance procedure for no less than nineteen separate townships which were in dispute. The instructions to the constable of Adwick-le-Street to deliver all cripples to the constable of Bentley and not to leave them 'at the oak tree as formerly' epitomises the slack state of affairs.⁸¹

It is not surprising that virtually every order made by the Justices for the apprehension and punishment of vagrants stressed the fines to be imposed on negligent constables. The detailed instructions issued by the West Riding court in 1699, for example, began with a forthright condemnation of

the constables whose laxity was blamed for the recent increase in vagrancy. Despite the strict order made for the arrest, punishment and conveyance of vagrants, however, the court was forced to repeat its instructions within nine months, such had been the poor response of the constables. All future cases of negligence were now to be punished with fines and the rewards laid down by statute in 1662 and 1699 for those who apprehended vagrants were to be made known and promptly paid. Special receivers to search for vagrants were temporarily appointed by the East Riding Justices in 1723 and seven years later each constable who arrested a vagrant was to be rewarded at 6d. a mile for the distance from the place of arrest to the residence of the local Justice. In 1738 this mileage system was replaced by a straightforward payment of 1s. for each vagrant taken, with a maximum single reward of 2s. Nevertheless, even though rewards and specially appointed officers were found to be of assistance, vagrancy was not as serious a problem in this county as it was in the West Riding.⁸²

The difficulties faced by the Justices in persuading the constables to undertake their responsibilities stemmed to a large extent from the discouragement felt by many constables at their failure to receive full repayment for all the costs incurred. Such charges could be high and especially in those parishes which were situated near main highways, bridges and ferries. It was to alleviate these problems and to reduce the burden on the inhabitants of such parishes as Howden, Kexby, Bawtry and Boroughbridge, for example, that from 1700 the charges for the conveyance and maintenance of vagrants were to be met by a county rate. The financial responsibilities for the passage of vagrants were thus transferred from the parochial authorities to the county magistrates. Like their colleagues throughout the country, the West Riding Justices took immediate action and by the end of 1700 had raised £360. At first this money was held by a specially appointed official but from 1705 it was paid to, and disbursed by, the county treasurer.⁸³

The new arrangements did little to alleviate the work of the constables for they were still to apprehend and convey vagrants. What was now certain, however, was that the costs incurred would be reimbursed by the county and would not fall upon the inhabitants of each parish. Nevertheless, the failure to establish an adequate system of checks meant that there was at first widespread abuse. Constables and Justices' clerks claimed greater allowances than they deserved and owners of horses and carts took every opportunity to charge exorbitant hiring rates. Some vagrants succeeded in using forged passes to obtain assistance to which they were not entitled. Such was the extent of fraudulent claims in the West Riding, as in many other counties, that the Justices issued precise orders covering the rates to be paid by the treasurer and the evidence to be produced before payments were made. The estimated number of miles to be covered by each constable, for example, had to be entered on the Justices' order and a thorough list of distances between all market towns and hamlets in the county was drawn up. The repetition of these instructions and the occasional reduction in the rates indicate that the Justices faced great difficulties in supervising the payment of vagrant money in a satisfactory way. Nevertheless, the amount of fraud was substantially reduced.⁸⁴

One of the major concerns of the West Riding magistrates was the large number of people involved in the supervision of vagrants, the majority of whom were to be passed along the Great North Road. Thus it was to improve administrative efficiency that the court decided in 1707 to appoint a contractor who would convey all vagrants along this route in return for a fixed amount. For the following two years temporary arrangements were made with Edmund Neeves and Thomas Turner who were to be allowed 12s. for maintaining and conveying each vagrant from Thorp Salvin and Bawtry on the northern borders of the Riding to Kirby Hill, the first town in the Great North Road in the North Riding. The experimental use of a contractor was regarded as a success and at Easter Sessions 1709 a formal arrangement was

made with Edmund Neeves who became the county's first undertaker for the conveyance of vagrants.⁸⁵

For the next twenty years the West Riding was served by seven separate vagrant undertakers and an annual contract was drawn up at each Easter Sessions. The undertakers were to attend each Quarter Sessions and were to maintain and to transport all vagrants who were sent to the West Riding both to be passed through the county to the north and to the south and to their settlements in the Riding as well. In return they were to receive an annual payment which ranged from £160 to £310 but which was usually £250. This was to cover all basic costs. Genuine extraordinary expenditure, however, was reimbursed by the county treasurer, as in 1712 when the undertakers were allowed an additional £20 for the loss of five horses in a flood. The annual sums given to the undertakers far outweigh those paid to contractors in other counties and indicates the seriousness of the problems faced by the West Riding authorities. The Buckinghamshire and North Riding undertakers, for example, were to receive £80 per annum, whilst their colleague in Devon was paid a mere £40 a year.⁸⁶

At first there was much confusion over the new arrangements, for the parish constables were still responsible for conveying vagrants throughout the rest of the county and it was not clear where their responsibilities ended and those of the undertakers began. To help solve the problem a number of collecting points were designated along the Great North Road to which vagrants could be sent by the Justices and where the undertakers would collect them. Those vagrants who were to be conveyed from the north and from the Liberty of Ripon were to be kept by the constable of Boroughbridge until the weekly arrival of the vagrant undertakers who throughout the first half of the eighteenth century were based at Bawtry.⁸⁷

It is clear that the use of contractors reduced financial costs. Edmund Neeves computed that by 1714 he had saved the West Riding at least £1,800.⁸⁸ During the seventeen-twenties, however, the number of vagrants to

be conveyed declined sufficiently to make the appointment of undertakers unnecessary. From 1729 the county reverted to the original arrangements whereby all constables were separately responsible for conveying vagrants and individually petitioned the treasurer for reimbursement. By the mid eighteenth century, however, the number of vagrants to be passed through the Riding had increased dramatically, partly as a result of the much stricter watch kept during the outbreak of the cattle plague in the seventeen-forties and the Justices responded in 1749 by appointing specialist contractors yet again. In the East Riding, on the other hand, vagrancy was never an acute problem. The magistrates placed total reliance on parish constables and it was not until the last years of the eighteenth century, when all counties experienced severe vagrant distress, that a contractor was employed.⁸⁹

Many of the vagrants passed through the West Riding were to be sent to destinations in Lancashire and Westmorland and this created an enormous burden for the constables of the wapentakes of Staincliffe and Ewecross. To help alleviate the difficulties separate undertakers were contracted between 1723 and 1737 to convey all vagrants to their place of settlement if it was in either of these wapentakes or to the first town in the next county. William Baldwin of Marton was the first undertaker and he served for thirteen years. The salary paid to him and to his successor, however, was gradually reduced from £30 to £10 and this reflected the fall in the number of vagrants to be apprehended and passed. Thus it was not surprising that from 1737 no separate undertaker was appointed and that all vagrants were once more conveyed through these wapentakes by parish constables.⁹⁰

Despite the increasingly effective supervision of the claims for repayment, vagrancy was a considerable drain on the financial resources of all counties. Between 1700 and 1709, for example, the West Riding Justices raised well over £4,000, the highest annual total being £700 in 1706. By the seventeen-twenties the county was spending about £300 per annum, and

although annual costs fell during the following decade, the savings were only temporary. For by the middle of the eighteenth century the yearly expenditure had risen to about £400, an amount which was rarely exceeded until the end of the century. These sums far outstripped amounts laid out in other counties. In the East Riding, for example, no special estreats were required and the treasurer's accounts indicate an average annual expenditure of less than £50.⁹¹

Analysis of the Quarter Sessions' records reveals not only the considerable costs involved but also the large number of vagrants to be conveyed, the types of people apprehended and the destinations to which they were to be sent. Whereas between forty and sixty individuals were annually passed out of the East Riding, over 500 vagrants were regularly conveyed through the West Riding each year in the early eighteenth century and as many as 1000 was not unusual. At times of distress, the difficulties increased. Between July and October 1700, for example, over 300 vagrants arrived at Bawtry to be passed from Nottinghamshire into the West Riding and to the counties further north. Following the end of the *War of Spanish Succession* disabled and demobilised soldiers and sailors aggravated the situation and Edmund Neeves was obliged to assist 785 ex-servicemen during the twelve months ending at Easter 1714.

It is clear from the numerous settlement examinations that the great majority of the vagrants taken up in the East and West Ridings were to be sent to northern rather than to southern counties and that a relatively large number had their settlements in Scotland. Furthermore, of those to be conveyed as vagrants, few comprised married couples or families. It was far more common to apprehend single people, though there were far fewer single men than women and children, many of whom were dependants of disabled or serving soldiers and sailors. The problems of vagrancy were worse in the urban areas of both Ridings, around Beverley and Hull in the East Riding, and in the towns of Bradford, Halifax, Huddersfield, Leeds and Wakefield in the

West Riding. Such were the difficulties in Huddersfield, for example, that in 1729 the inhabitants were given permission by the county Quarter Sessions to build a special house for the temporary detention of vagrants taken in the neighbourhood.⁹²

The maintenance and conveyance of vagrants caused problems for all counties in the eighteenth century, although the Justices of the West Riding may have had more difficulties than many of their colleagues in other counties. Certainly the magistrates in the East Riding were not so troubled by rogues, vagabonds and sturdy beggars. At times of relative prosperity the number of vagrants decreased, but this reduction had little to do with the policies implemented by parish and county authorities. The reliance on physical punishment and removal had little success, for there is ample evidence that vagrants who had been whipped and passed were quite prepared to return to where they had been previously apprehended.⁹³ Such difficulties stemmed in part, however, from a much more serious problem, namely the preoccupation of the parish officials with the question of settlement. The success of the vagrancy laws depended on the treatment each vagrant received when he reached his home parish, but the prevalent attitude amongst overseers and churchwardens of avoiding responsibilities only served to encourage many vagrants to continue their travels. Much also depended on the enforcement of the regulations in neighbouring counties and the Justices of the East and West Ridings were greatly assisted by the determination of their colleagues in the North Riding to suppress vagrancy.⁹⁴ The repressive measures adopted by all magistrates at this time, however, failed to produce the desired effects, and it was only gradually recognised that harsh treatment did little but exacerbate the difficulties.

IX. Conclusion.

Throughout the late seventeenth and early eighteenth centuries the Justices were expected to execute a vast array of responsibilities which

at times left them confused and frustrated. Between 1558 and 1680, for example, at least thirty seven separate statutes had been passed concerning the poor law, and during the next seventy years, no less than forty more were enacted. It is not surprising, therefore, that some inconsistencies appeared in the Justices' decisions and that they sometimes evaded issues or sought experienced legal assistance. On the whole, however, they tried hard to see that the statutory regulations were carried out. Both in and out of sessions they made provision for, amongst others, pauper families, for bastards, for those who had been made destitute through no fault of their own and for disabled ex-servicemen. Increasingly, however, Quarter Sessions became a court of appeal and the forum for the deliberation of the most contentious issues. Thus, greater reliance was placed upon the parish officers and on individual magistrates, neither of whom was given adequate guidance.

The responsibilities of the Justices were dominated by the settlement regulations, which with their emphasis on 'who was to provide' ensured that the alleviation of poverty would always be a major problem. Once the parish overseers and churchwardens had appreciated the means by which they could avoid their duties, the difficulties of the Justices were greatly increased. Parish officers were regularly reprimanded for their negligence, but it was not possible to detect and correct all their failings. Clearly there were cases of hardship and inhumanity but the sufferings of destitute children and bastards were not as severe as has sometimes been asserted.

The discretionary authority given to the Justices in their administration of the poor laws meant that the implementation of the regulations were seriously influenced by magisterial enthusiasm, parochial attitudes and local circumstances and needs. In theory, the aims of the Elizabethan legislators to relieve the poor, provide work for the unemployed and to punish the lazy had been laudable and ambitious. In practice, however, they were virtually impossible to fulfil for there was no uniform system of

poor law administration. The Justices exacerbated their difficulties by failing to realise the need for a constructive approach to the whole question of poverty. Cheap and short term approaches were always preferred to expensive long term solutions. Thus, for example, no outstanding contribution was made to the provision of employment for the able-bodied poor, and it is quite possible that private charity provided more opportunities for employment than the parish and county authorities.

Nevertheless, some efforts were made to establish a more coherent and comprehensive system and greater guidance was given by Quarter Sessions, particularly in the West Riding. The procedures and criteria for apportioning and collecting poor rate assessments, for example, became more uniform, and the principle of joint parish responsibility for all collections was enforced. At the same time the treatment of vagrancy was radically altered with the transference of financial responsibility from the parish to the county. The ease with which repayment could now be claimed from the treasurer did lead to some abuse but it also resulted in a more centralised approach towards the whole problem of vagrancy. The major weakness in the system of poor relief, however, was reliance on the parish, where local needs and selfish attitudes predominated. The Justices gradually became more aware of the need to supervise as closely as possible the actions of the overseers in particular. When it was necessary, Quarter Sessions supplemented the work of the parish, taking decisions and implementing policies which affected not just the immediate neighbourhood but also the rest of the county. In a particular emergency, for example, the magistrates gave permission for individuals to seek financial assistance in the event of an acute loss, provided gratuities for the deserving poor, and ordered an additional parish rate if the problems of poverty had seriously increased.

Although much of the poor law was implemented without interference from higher authorities, the complexity of the regulations and the need for greater co-ordination of parochial efforts ensured that the

magistrates were closely involved with the problems and issues which arose. Generally, however, the Justices adopted the policy which seemed most expedient at the time. Rarely were fundamental changes made or lasting solutions attempted. The appointment of vagrant undertakers was a reflection of a more professional approach, but it was not a permanent feature of the administration even in the West Riding and it only affected part of that county. The Justices ensured that most of the poor law regulations were carried out, albeit superficially on some occasions. Nevertheless, the absence of guidance from central government, the reliance on parish officials and the need to satisfy local needs and aspirations meant that the execution of the poor law regulations was never as rigorous nor as effective as had been originally intended.

CHAPTER 8

THE ECONOMIC RESPONSIBILITIES OF THE JUSTICES.

There can be little doubt that the problem of poverty was made much worse by the serious economic difficulties which could arise. Harvest failure and appalling weather conditions reduced food supplies. Industrial depression, war and the disruption of trade brought unemployment. Unfortunately for the Justices, however, many of these dilemmas lay far outside their control. Nevertheless, they were expected to counter the worst effects of economic fluctuations and to extend a firm and minute regulation over all aspects of the local economy. They were to supervise industrial relations and to exercise a large number of controls over agriculture, industry, marketing and trade. These economic responsibilities comprised a formidable part of the Justices' workload, both in and out of sessions.

As with the relief of the poor, the supervision of the local economy was an integral part of the Justices' basic task of preserving law and order. Economic distress was the principal threat to social stability. Consequently there was a considerable disciplinary element in all the economic statutes and proclamations with which the Justices were concerned. They were to act by fixed legal procedures, and, as in so much of their work, their duties were to be performed by punishing breaches of the regulations, all of which were designed to prevent disorder. For poor standards of quality and workmanship, unlawful weights and measures, and greedy 'middlemen', for example, were not uncommon and could have undesirable effects.

Yet again the magistrates of the late seventeenth century found themselves as the administrators of paternalistic policies laid down in the Tudor and early Stuart periods. The idea of a planned and closely supervised economy, however, was no longer a practical proposition and was rapidly set aside after 1660. Nevertheless the Justices in most counties, including Yorkshire, undertook extensive tasks connected with all aspects of production and distribution. For they were naturally concerned with the general

prosperity and future development of the areas in which they lived. In this respect, the magistrates of the East and West Ridings did not have entirely similar priorities. In general terms, the inhabitants of the East Riding were totally dependent on agriculture and associated activities. Their neighbours in the West Riding, however, witnessed a significant growth in industrial enterprises which transformed the employment prospects and fortunes of many who lived there. The primary importance of agriculture in the former, the relative extent of industrialisation in the latter and the distribution of population in both necessitated the adoption of policies which catered for the needs, on the one hand, of each locality, and, on the other, of the county as a whole.

I. Problems with agriculture.

Despite the extent of industrialisation in the West Riding, the inhabitants of this and of all other counties were concerned above all else with the fortunes of agriculture and with the basic food requirements for themselves and their dependants. It did not really matter whether an income was earned by mining, weaving, or labouring, or whether residence was in the town or in the countryside. In the final analysis, everyone depended ultimately for their existence on the land, and especially on the annual yield of harvest. For bread formed the most important part of the budget and diet of the ordinary people. A sudden and serious fall in the amount of food for general consumption and a subsequent rise in the price of bread, however, could lead to unrest. Such circumstances generally made the Justices unusually active and they attempted not only to maintain order but also to reduce the worst effects of scarcity. Thus, they sought to ensure that adequate supplies of foodstuffs were supplied to markets.

During the early seventeenth century a common course of action had been to limit the quantity of malt that might be used for brewing.¹ Barley was directed instead to be used for milling and bread making.

Nevertheless, at no time between 1680 and 1750 did the Justices of either the East or West Ridings adopt this course of action. Their failure to do so was partly the result of a lack of central control. For such policies had been particularly favoured by early Stuart governments who had pressurised the Justices to implement them. On the other hand, from the late seventeenth century the magistrates preferred to rely on market forces, hoping that, as demand outstripped supply and the price of barley rose, so more grain would be automatically sold for general consumption. It was also possible for a general embargo to be placed on all foreign sales. Yet in the seventy years before 1750 the export of corn was forbidden on only three occasions.² Instead, the local authorities preferred to adopt more specific remedies. Rarely were they in a position to reduce prices, but they took great care to ensure that exorbitant rates were not charged. During the dearths of 1727 to 1730 and 1740 to 1741, for example, the East Riding Justices received regular reports of the common prices charged for all types of corn as well as for beans and peas. The prices were publicised and recorded.³ In this way, it was hoped that buyers would know what they had to pay and that excessive profiteering by traders would be avoided. At the same time dealers were closely supervised to prevent the use of any other sharp practices. In particularly serious emergencies the Justices were even prepared to take a direct role themselves. On occasions parish overseers were ordered to increase the poor rates and, on the instructions of Quarter Sessions, gratuities were distributed to individuals.⁴ Such expedients had only limited effects, however, for the Justices could do little to counter some of the more extreme repercussions of famine such as disease, death and a subsequent interruption of trade, commerce and employment.

Problems of supply and demand created distress for the producers as well as for the consumers. A fall in grain production could seriously affect the fortunes of the farming community, as could an outbreak of disease amongst sheep, pigs and especially cattle. There had been an outbreak of

distemper amongst horned cattle in 1714, but this had been confined principally to the south eastern corner of the country. Just over forty years later, however, there was a similar outbreak, but on this occasion most counties were affected and the consequences were far more serious. First appearing in Yorkshire in 1746, the cattle fever raged in the county for over ten years, decimating many herds and destroying the livelihoods of those farmers whose interests were purely local. Prompted by the Privy Council, the Justices were exhorted to act to counter this outbreak. The magistrates, however, had had no previous experience of such work and though they showed considerable concern and energy, their response to the difficulties that arose serves to illustrate many of the weaknesses of the system of government which they were endeavouring to operate. It also provides a valuable insight into the different approaches adopted by the Justices of each county to local government in general.

Once it was appreciated that the mid eighteenth century outbreak was of serious proportions, the Privy Council busied itself, and, from October 1745, numerous directives were issued to prevent the spread of the distemper from south east England. It is clear, however, that their orders were not immediately effective. Six months later elaborate rules and regulations were drawn up and circulated to all clerks of the peace.⁵ The instruction in the preamble, that anyone who disobeyed the orders was to be fined £10 and in default committed to the house of correction for three months, indicates the seriousness with which the Privy Council viewed the situation. The regulations involved the isolation of suspected animals, the slaughter and burial of infected animals, the burning of all contaminated hay, the disinfecting of all buildings, the prohibition of the driving of cattle in the infected area for up to a month after the last death, the payment of compensation to all farmers who lost animals and the immediate reporting of all outbreaks to the parochial authorities and to the Justices, who were to keep the Privy Council informed of all developments. It was in line with these extensive requirements that the

Justices in all counties drew up their own specific orders. It is clear, however, that the instructions of central government were generally well received for the magistrates, as farmers and landowners, had a personal interest in the containment and elimination of this disease.

During the eighteenth century many cattle were imported into both Ridings for fattening, and the pastures of Holderness were regularly grazed by the beasts of Scottish and Northumbrian dealers. Such traffic always carried the risk of disease, but fortunately serious outbreaks were few. During the seventeen-forties, however, cattle dealers, drovers, butchers and Justices watched anxiously as cattle plague spread north, apparently out of control. Its appearance in Lincolnshire early in 1746 greatly increased their concern. Unlike their colleagues in several southern counties, though, the magistrates in Yorkshire, and in Northumberland, appreciated the gravity of the situation. They responded quickly and instigated policies in the hope of preventing the fever spreading even further.⁶

At Easter Sessions 1746 the West Riding court ordered that the movement of all horned cattle was to halt, and it was expressly laid down that none of the butchers and cattle dealers now in Lincolnshire with the intention of purchasing cattle were to be allowed to bring beasts into the county. Any cattle which had already entered the Riding were only to be continued in their passage with the written permission of two Justices. During the next twelve months inspectors were appointed at such key towns in the south of the county as Barnsley, Doncaster, Penistone, Rotherham, Sheffield and Thorne. Their duty was to restrict the movement of all infected cattle. Such action was not as successful as had been hoped, for the appointment of inspectors in Claro wapentake towards the end of 1747 indicates that the distemper had not been confined to the southern parts of the Riding.⁷

Although constables and turnpike-bar keepers were instructed to see that all orders were followed, it was found to be very difficult to secure the total co-operation of the inhabitants of an infected area. The policy of

compulsory slaughter was not universally accepted for the subsequent financial loss to farmers was a heavy burden to bear. Furthermore, many of the constables and other parochial officials were themselves directly involved with agriculture and therefore realised that their own futures were at stake. Unfortunately, however, it was not until 1748, two years after the first case had been reported in the county that the magistrates took the required and long delayed decision of closing until further notice all cattle markets and fairs in the West Riding. At the same time, a number of paid officials were appointed in South Yorkshire to inspect all cattle and to see that all regulations concerning the impounding, slaughter, and burial of infected beasts were fully carried out. They were to report regularly to the Justices whose assistance they were not to hesitate in requesting if the need arose. For the next five years these officers, together with others appointed to carry out similar responsibilities in other parts of the county, received various payments for their services and particularly for the instigation of proceedings against butchers and dealers who attempted to break the restrictions.⁸

Although the number of infringements of the regulations which came before Quarter Sessions was small, there is little doubt that many people disobeyed the orders so that they could continue their trade. The restrictions on the movement of all cattle hit drovers and the compulsory burial of infected animals particularly affected butchers and tanners. In an attempt to ensure that the regulations were obeyed, dealers were made to enter into recognizances to observe all the rules and orders. Several offenders were undoubtedly dealt with by the magistrates in their private sessions. Many others, however, must have avoided detection. It is certain that the obvious disruption of business which occurred created much discontent, especially in the tanning industry. At the Epiphany meeting of the Justices in 1748 the tanners of the West Riding complained of the prohibition on importing hides into the county. As they pointed out in their petition, this regulation had resulted in the trade being in danger of collapse. To alleviate

their plight, they requested that a special officer be appointed in London to check all hides and, so long as he was convinced that they were from uninfected beasts, to supervise their packing on a ship which would transport them by sea along the coast and up the Rivers Humber and Trent. The magistrates were sympathetic towards their difficulties for the court agreed to make a formal proposal to the Privy Council and to request the two county M.P.s to take up the matter.⁹

It is clear that, despite the precautions, conditions did not improve. In 1749 the West Riding Justices were forced to tighten up their regulations. The driving of cattle during the hours of darkness was prohibited, as was the sale of cattle when the owner had not had custody for at least forty days. To improve the enforcement of the orders, watchers were appointed at key points on the major highways. They were to prevent the entry of any cattle into the Riding from any other county, or any other part of Yorkshire, unless a certificate could be produced to prove that there had been no outbreak of distemper within a four mile radius of the place of origin.¹⁰

As the cattle plague continued to rage the problems for farmers, dealers and butchers became even more acute. It was partly to alleviate their hardships that payments were made by Quarter Sessions on behalf of central government to those individuals who had lost cattle as a result of the distemper. Before payments were made, however, written evidence from the inspectors and Justices, that all the legal requirements had been fulfilled, had to be produced. Such financial arrangements were also aimed at encouraging farmers to have their infected animals immediately slaughtered and thus prevent the spread of infection. Between 1746 and 1750 the Treasury paid out just under £163,000 in 'issues for infected cattle', of which £70,000 was distributed in 1747 alone. Farmers received half the value of each beast killed so long as the amount claimed did not exceed 40s. for each cow and 10s. for each calf. These payments were gratefully received but there were individuals

in all counties who made excessive claims. Those offenders who were caught received little sympathy from the West Riding magistrates and a similar attitude was taken by their colleagues in the rest of Yorkshire.¹¹

The importance of livestock to the East Riding economy meant that the cattle plague threatened quite devastating effects here. The geographical isolation of the county, however, enabled the Justices in theory to place a tight control on all animals entering the Riding. Such advantageous circumstances, however, did not prevent the distemper spreading from Lincolnshire. Like their colleagues in the West Riding, the Justices in East Yorkshire were active as early as Easter 1746. A strict watch was to be kept by all chief and petty constables on all ferries across the Rivers Humber and Ouse with the intention of stopping all cattle and hides entering the Riding from Lincolnshire. This attempt to isolate the county was reinforced by a request to the authorities in Hull to stop similar trading with Lincolnshire. That the constables did not carry out their duties effectively is clear for the distemper was soon raging through the county and in January 1748 the treasurer was permitted to employ 'guards' to watch along the Humber. The number of salaried officers appointed, however, was insufficient for they were constantly under enormous pressure. They were expected to travel many miles each day and the burden was such that within three months they were discharged and their duties were specifically assigned to the overseers of the poor of each parish. It was hoped that the overseers would provide a more comprehensive supervision. As in the West Riding, however, the East Riding Quarter Sessions did not instigate full measures immediately. It was not until Easter 1748 that all fairs were stopped. Before that time only individual fairs and markets were prohibited, as at Hedon, Beverley and Howden in February 1748 and at Driffield two months later. Such action had been prompted by the graziers and farmers of the Riding who had outlined in a petition at Christmas 1748 the necessary action to prevent a disaster. They were adamant that the best precaution was the prohibition of all cattle from

entering the Riding, together with the burial of all dead beasts, the appointment of guards along the Rivers Humber, Ouse and Aire and the prevention of dogs wandering into the county for many might have fed on the dead carcasses of cattle and so could spread the disease. The Justices responded and at the following Quarter Sessions they made the fullest instructions to isolate the county and ordered the publication of the Orders in Council. They also kept themselves well informed as to the general conditions and policies employed elsewhere, for prolonged correspondence was entered into with their colleagues in the West Riding, Lincolnshire and Nottinghamshire.¹²

The primary importance of cattle in the pasture lands of the Riding deeply troubled the magistrates. They had particular problems with the extensive sharing of common land, as at Walling Fen, and in such areas they found it very difficult to isolate infected beasts. As part of their attempt to gain the cooperation of all farmers, the East Riding Justices went so far as to offer 10s. rewards to anyone who killed the first beast to become sick in each village. Nevertheless, the plague spread and by Christmas 1749 forty four East Riding towns were affected. The problems multiplied as well: farmers directly assisted the spread of the disease by not burying infected carcasses at the required depth of nine inches, overseers failed to keep due watch, tanners took hides from infected beasts and dealers drove cattle at night in an attempt to avoid detection. Yet only a small number of offenders were caught, indicted and fined.¹³

The distemper amongst horned cattle raged in most parts of Yorkshire for between five and eight years. During the early seventeen-fifties the outbreak was apparently at its height but from 1754 the number of new cases gradually declined. In that year fairs were permitted to reopen in Craven, though the East and West Ridings were not clear enough for the resumption of all fairs and markets until the last years of the decade. Nevertheless, it took many more years for dairy farming and stock raising to

recover. There had been plenty of warning that an outbreak of cattle plague would occur in the northern counties in the seventeen-forties but the evidence indicates that the Justices were slow to respond effectively. They should have placed a general prohibition on all the activities of drovers, tanners and farmers at the very outset. Unfortunately they were not prepared to take such drastic action, partly because they did not appreciate at that time that severe action was required and partly because they feared for the social and economic disruption which would inevitably follow. Nevertheless, once the gravity of the situation was realised, they set to work to prevent the distemper having calamitous effects. As early as 1747 the West Riding Justices were distributing advertisements and orders throughout the county to stop the import of horned cattle and most subsequent regulations were similarly printed and publicised. The magistrates met together more frequently to issue new instructions and in 1748 the West Riding Bench called at least fifteen additional sessions. The most important development of all, however, had resulted from the undoubted weakness in the administrative system of relying on parish officers to enforce policies. To counter this difficulty paid inspectors were appointed on a temporary basis. This was the only answer to the inefficiency inherent in the use of unpaid constables and overseers and in the West Riding these semi-professional officers had shown commendable enthusiasm and diligence. The East Riding Justices, however, placed much greater reliance on parochial officials and the special guards appointed at Easter Sessions 1748 were discharged at the following meeting of the court. In this way, the response to the cattle plague provides valuable evidence of the different approaches of the magistrates in these two counties to their responsibilities. The West Riding Justices were generally more responsive to any developing situation and were prepared to introduce new policies to deal with any situation which arose. Their colleagues in the East Riding, however, tended to adopt more conservative attitudes. They preferred the more traditional approach to local government and were generally slow to make

administrative innovations, any changes being introduced usually resulting from successful pressure by interested groups of individuals.

Apart from the emergencies which required immediate attention there were several general agricultural problems and developments with which the magistrates were concerned. They involved such difficulties as encroachments on the common land, the preservation of grazing rights and the whole question of enclosure. These common nuisances, grievances, and misdemeanours had to be investigated, for they created disagreements and tensions which could not be ignored. The system of open-field farming and joint grazing rights led to much friction, particularly in the West Riding. The East Riding Quarter Sessions dealt with surprisingly few indictments of this nature, principally because the manorial courts were still active here and because the communal system of farming worked well. In the West Riding, on the other hand, there were a large number of cases at Quarter Sessions each year, and the Justices were frequently called upon to preserve rights of way, to punish those who committed trespass and to enforce the proper maintenance of fences, walls, and hedges.¹⁴

The pinder worked on behalf of the manor court, but throughout the early eighteenth century he had to be increasingly assisted by the magistrates. His unenviable tasks involved the rounding up of all stray animals and the exaction of a fine from the owners. Such was the importance and difficulty of his job that Quarter Sessions dealt with those who assaulted him and who entered the pinfold and illegally took possession of animals impounded there. At the same time, the Justices ensured that the manorial authorities fulfilled their obligations. Those parishes which did not maintain a secure pinfold were presented, as were those which permitted the common to lie open and unfenced. Straying animals were a menace to all crops and had to be kept secure within precise confines.¹⁵

Those people who grazed their animals unlawfully on the common, who overstocked it, or who permitted infected animals to wander there were

all punished. Diseased stock affected everyone and grazing at the wrong time of the year or in exceptional numbers only served to reduce the ability of the common land to satisfy the demands placed upon it. The commons were also misused in other ways. Amongst the most regular offences which came before the court were graving turves, removing soil, cutting bracken, digging for coal and quarrying for stone. Individuals were also frequently indicted for dumping rubbish on the common, obstructing water courses which flowed across it, and especially for ploughing up and enclosing part of it. Occasionally such unlawful enclosure involved the erection of a wall and even the building of barns, stables, blacksmith's shops and cottages.¹⁶

The decreasing influence of the manorial courts and their officials, the widespread number of offences committed and the fear of disorder resulted in the increasing involvement of the Justices in the administration of village farming. The early eighteenth century, however, was a period of change, especially after 1730 when parliamentary enclosure became more widespread. This process led to suspicion and the loss of traditional rights to gather fuel from the waste and to graze stock on the common. During the early seventeenth century there had been violent disagreements over enclosure throughout Yorkshire and several cases of hedgebreaking had occurred. A hundred years later, however, there were few angry scenes in either Riding. The enclosure and drainage of the large areas of marshland in the Hatfield and Thorne areas of the West Riding, on the other hand, had led to much opposition. The work of the Dutch engineers, inspired by the achievements of Cornelius Vermuyden, was resented by the local inhabitants and violent clashes had occurred. The simultaneous process of enclosure and drainage upset the whole agricultural balance of the area and deeply concerned the West Riding Justices. In 1687 they considered the problems raised by this work and decided that the operations could continue. On their completion, however, independent witnesses were to assess the affect of the drainage so that due recompense could be made. At the same time the

magistrates would issue any necessary regulations to preserve the highways, banks, sewers and bridges of the area, and to control the fishing and fowling in the channels.¹⁷

The process of enclosure undoubtedly transformed the landscape and gradually destroyed farming as a communal village activity. The repercussions upon the agricultural labour force, however, were not as drastic as has sometimes been claimed. There is no evidence that before 1750 vast numbers of landless and rootless labourers travelled along the highways of the northern counties in search of employment. Undoubtedly some dispossessed labourers sought new opportunities in such growing towns as Hull, Leeds and Sheffield. Yet it is clear that more intensive farming in East Yorkshire did not result in widespread unemployment and that in the West Riding many workers diversified their interests. Few people moved out of Nidderdale, for example, when that part of the West Riding was enclosed. Instead, those affected divided their time and energy and busied themselves with quarrying or textiles as well as with farming.¹⁸

Their actual responsibilities in connection with agriculture were relatively few but local circumstances and the desire to avoid disorder forced the Justices to become at times particularly active. Most of the difficulties were of a petty nature, but the infringements of the regulations concerning grazing, and encroachments upon the common, together with fever amongst livestock and insufficient grain supplies could have serious repercussions. To a large extent the magistrates were endeavouring to ensure that there was peace and tranquility. Even in emergencies which required direct administrative action, as, for example, during poor harvests or the cattle plague of the seventeen-forties, efforts were placed almost entirely on punishing infringements of the regulations and on relieving the worst effects. Little was done to tackle the root causes. In general, the approach of the magistrates was slow and limited, reliance being invariably placed on short term palliatives. The problems the Justices faced, however, were complex and

involved factors far beyond their control. Nevertheless, the Justices of the West Riding showed considerable resilience, despite the fact that such work had the overall effect of further increasing their already vast number of difficulties.

II. Developments in industry.

It was only to be expected that the Justices would come into contact with the rapidly growing number of industrial enterprises as well as with agricultural concerns. For serious problems arose in this sector of the local economy and necessitated the investigation and deliberation of the magistrates. Some of the well-established industries were directly related to agricultural production. Malt, for example, was a highly important commodity and its manufacture depended entirely on high yields of barley. Its production was to be found throughout Yorkshire, but was especially concentrated near the coastal ports of the East Riding, from which districts the malt could be easily transported to the customers. The manufacture of malt was a relatively straightforward enterprise and was a common source of additional income. For these reasons, malting was undertaken by numerous individuals on a small scale.

The Justices were involved in the financial aspects of this manufacture. They supported the excise officers in their attempts to collect all necessary duties and punished by fines those individuals who made malt but refused to pay the required taxes. When a quantity of malt had been accidentally destroyed by fire or lost at sea, Quarter Sessions ordered the repayment of the duties already collected to those who had incurred the loss. The relatively large number of cases of repayment indicates the widespread importance of this industry and also reflects the fact that accidents were frequent. Losses by fire or at sea could mean disaster for some of the manufacturers and merchants, and, although repayment of duties was the principal means of assistance, it was not unknown for Quarter Sessions to

grant local briefs to some individuals whose livelihoods had been particularly affected.¹⁹

In relation to the other industrial enterprises with which the Justices became involved, the production of malt was only of minor importance. Of far greater significance, especially for the West Riding magistrates, was the manufacture and marketing of woollen cloth. During the eighteenth century the West Riding established itself as the principal wool textile area of the country and throughout this period the Justices of this county became more and more concerned with the changes which took place. Many were personally involved in the production of woollen cloth, as the owners of sheep flocks or fulling mills, or even as merchants.²⁰ In this way the magistrates had a valuable knowledge and understanding of the problems which faced the expanding cloth industry. They appreciated that the disruption of manufacture or trade, through depression or war, created instability and frustration, which in turn constituted a serious threat to peace. Yet for much of the early eighteenth century the West Riding clothing industry was flourishing and their diversification of interests meant that in times of trouble many of the cloth workers faced underemployment rather than unemployment. Nevertheless, the Justices undertook considerable supervision of the industry in the hope that the maintenance of high standards of manufacture and of quality would help to ensure social stability and to create a trade based on firm foundations. During the early seventeenth century, the magistrates of the West Riding and of Wiltshire had shown little enthusiasm for this aspect of their work. A century later, however, their successors exhibited much interest and the Justices of the West Riding in particular were prepared to take a leading role in the regulation and development of the textile industry. Their colleagues in the East Riding, on the other hand, were not involved with the manufacture and marketing of cloth. Nevertheless, they were not totally uninterested in the fortunes of the textile trade and were prepared, on occasions, to petition

Parliament in support of demands made by the authorities in the West Riding.²¹

Despite the importance of the woollen trade to the national economy, the government did little to assist its development. A Corporation of Clothiers was formed in 1662 to supervise the manufacture of broad cloth in the West Riding but, with the failure to renew the necessary legislation in 1685, this regulatory body disappeared. Occasionally royal proclamations demanded the execution of all relevant laws, as in July 1687, when there was considerable concern over the unlawful transportation of wool. The acts of 1666 and 1678 which required the burial of the dead in woollen shrouds, however, were perhaps the most determined attempts by the government to protect and encourage the native woollen industry. The Justices of all counties, and particularly of those where the manufacture of wool was located, were at first eager to enforce these regulations, but it is clear that evasion was widespread. The reliance on informers seriously reduced the effectiveness of the Justices to enforce the regulations. Nevertheless, the magistrates heard declarations that the laws had been obeyed and punished those who broke the regulations, but it is clear that up to a century before they were repealed in 1814 the statutes were being increasingly regarded by the Justices of the West Riding as inappropriate.²²

In the absence of an adequate response from central government to meet the needs of the expanding cloth industry, the West Riding magistrates decided to take the initiative and most of the administrative action undertaken in this county in the eighteenth century was at their instigation. On behalf of the clothiers and merchants various petitions had been presented to Parliament in the late seventeenth and early eighteenth centuries, but they had failed to produce the necessary legislation. In the early seventeen-twenties, however, the West Riding Justices in Quarter Sessions assembled, being the principal administrative authority for the county, decided to act. Concern had been growing for many years at the way

some dishonest clothiers had been able to commit numerous frauds and irregularities, in particular the stamping of cloth of unlawful dimensions. An act of 1708 had imposed standards of measurements on the manufacture of broad cloth in Yorkshire, but it had left the duties of measuring and sealing to the fullers. This was found to be very unsatisfactory for, without adequate supervision, the undue stretching and straining of cloth had become widespread, with calamitous results. It was to counter these abuses and to assist the development of a flourishing and reputable industry that the West Riding Justices petitioned Parliament in 1724 for a bill to enable them to regulate the cloth manufacture within the county. The petitions were successful and the Cloth Act of 1725 together with further legislation passed in 1734, 1741 and 1749 gave the West Riding magistrates considerable administrative and criminal authority to supervise the county's wool textile industry.²³

The Justices concentrated their efforts on punishing infringements of the regulations as laid down in the various statutes and on issuing precise administrative instructions aimed at the stimulus and protection of the cloth manufacture and trade. To assist them in this work cloth searchers were employed and, although the appointment of such officers was not new, the element of financial remuneration for their work was innovatory. Their advantages over the unreliable inefficient and unpaid searches and amateur informers who had been previously used was soon realised and close inspection by salaried officers gradually became the principal means of supervision both of broad and narrow cloth manufacture. From a nucleus of nine searchers first appointed in 1725, the number of officers was gradually increased so that by 1750 seventy one inspectors were in the service of the West Riding Justices. Their duties were clearly laid down and were often repeated in full at the Easter Quarter Sessions when all searchers were appointed, or reappointed, for the following twelve months. Regular visits were to be made to all mills, tenter grounds and other places of manufacture under their respective charge.

Each searcher was to keep a diary of all his actions, a register of all cloths measured, stamped and inspected, and an entry book for recording each visit at every fulling mill. When an offence had been uncovered all the necessary information was to be given to the next Justice of the Peace who had the authority to instigate immediate proceedings. Such responsibilities were of great importance and each searcher had to enter into a bond of twice his salary for the diligent discharge of them.²⁴

It was usual to appoint only those individuals who had been previously involved in some aspect of the industry. To remove a possible means by which clothiers could induce searchers to favour them, it was decided in 1748 that no inspector could keep a common alehouse. There was apparently no shortage of volunteers and the prospect of regular paid employment must have encouraged some individuals to apply to become searchers. The salary paid, however, varied according to the amount of work undertaken. Whereas those involved with broad cloth received £14 a year for most of the seventeen-thirties, those concerned with narrow cloth received between £3 and £10 each. The general level of salaries was gradually raised, however, so that in 1748 £650 was distributed amongst the searchers. Additional payments were also made when extraordinary duties had been undertaken, as in 1744 when five searchers from Leeds and Wakefield were each given an extra £5 for drawing up a list of all offenders whom they had detected and for giving information about all unstamped cloth which they had discovered.²⁵

The considerable costs which accompanied this system of salaried inspectors was met by placing a tax on each broad and narrow cloth fulling. Most clothiers were prepared to pay the required amounts though some resented such levies and had to appear at Quarter Sessions to explain their conduct. The requisite sums were collected by the county treasurer who used them to pay the searchers' salaries and all other administrative costs. Although the appointment of a surveyor of cloth searchers from 1743 reduced

the amount of work placed upon him, the treasurer had to bear the burden of the financial and administrative responsibilities involved in the supervision of the cloth industry. He was responsible for the two separate funds for narrow and broad cloth payments respectively and he had to produce full accounts each year. He was also requested to make occasional special enquiries, as in 1734 when he was to draw up a list of all millmen refusing to pay the necessary sums to him and three years later when he was to report on the amount of cloth milled in the previous twelve months. All this involved him in much extra work but he received some remuneration for his services. From 1738, for example, he was granted £15 a year for his expenses and trouble involving narrow cloth.²⁶

The West Riding Quarter Sessions dealt firmly with all clothiers and dealers who ignored the legal requirements, who attempted to cut corners in the manufacturing process, or who deceived the general public. Offences committed in the late seventeenth and eighteenth centuries were to a great extent the same as those of the early Stuart and Interregnum periods, though the number of cases of cutting cloth from tenters had fallen. On the other hand, prosecutions were common between 1680 and 1750 for the use of inferior wool, the illegal use of tenters, the sale of cloth for inflated prices, the use of false seals, the obliteration of seals, incorrect measuring, overstretching and the sale of wool according to its wet, and therefore heavier, weight. It is clear though that many of these cases were dealt with by individual Justices acting out of sessions. Convicted offenders, however, had the right of appeal to Quarter Sessions, and this process was regularly used in the years after the act of 1725 when the number of prosecutions increased considerably. Such was the number of cases dealt with, however, that from 1734 all convictions and judgements made out of sessions had to be recorded at the following quarterly meeting of the court. This helped to tighten up the administration and to give the authorities a clearer picture of the offences being committed. Together with the occasional lists of offences drawn up by various searchers and by the

treasurer, the Justices were able to assess how best they could exert their influence, for they realised at all times that any illegal actions tended to give a bad name to all cloth makers of the district. It was essential, therefore, that such abuses be stopped to assist the Yorkshire industry at a time of increasing fortunes. This desire to protect was nothing new and helps to explain the prosecutions in 1680 and 1681 of over forty workers for using imported hand carders.²⁷

Fining was the most common form of punishment meted out by Quarter Sessions, the amounts in general varying from between 20s. and ~~1~~10. In the event of inability to pay, offenders were committed to the house of correction and forced to undergo up to fourteen days hard labour. Legislation in 1748, however, made the punishments much more severe. The fines for the first and second offences were increased to ~~1~~20 and ~~1~~40 respectively and the hard labour was to be for four months. A public whipping could also now be administered. The presentment of the same types of offences indicates, however, that, despite the increased severity of the punishments and the existence of paid searchers, dishonest dealers and clothiers were not deterred. Overstretching and false sealing, for example, were not diminished. The decision not to set standard measurements for narrow cloth in 1738, however, did remove the main reason for overstretching and the increased supervision made it much more difficult for offenders to escape detection.²⁸

The direct supervisory control administered by the Riding's magistrates undoubtedly assisted the development of the Yorkshire cloth industry. The regulations implemented within the county helped to provide a stable climate in which the manufacture could expand and earn a highly respected reputation for standards and quality. Within five years of the passage of the act of 1725, for example, the demand for Yorkshire cloth had increased by as much as one-third. The Justices had regulated the cloth industry by a mixture of judicial presentment and indictment and by administrative action. Through the system of salaried searchers offenders

were discovered and brought to justice. The West Riding magistrates had considered problems involved in the measurement of cloth in 1709 and had issued a general order for the strict obedience of all acts for measuring and stamping cloth fourteen years later. From the mid seventeen-twenties, however, they exercised a considerably strengthened supervisory authority. They were determined to exert this power to the best advantages of the industry and in 1732 Quarter Sessions met by adjournment on nine separate occasions between Christmas and Easter to consider amendments to the 1725 act. Policies were constantly reassessed. The review of narrow cloth searchers in 1739 led to the establishment of a small sub-committee of Justices which subsequently considered various associated difficulties, such as what precisely had to be measured for the purpose of sealing and how best that measurement was to be carried out.²⁹

The desire to remedy abuses and to ensure an effective system of regulation was genuine. The Justices realised that the proceedings laid down by the act of 1725 were of great use. It had been argued by several clothiers at the time that close supervision would retard the growth of the industry. The spectacular increase in the number of cloths milled and checked after 1725, however, shows that this fear was unjustified. On the contrary, inspection helped the industry by establishing a firm and reputable foundation on which it could develop. By 1750 the West Riding Quarter Sessions was employing over seventy searchers and one surveyor. Their appointment provides yet more evidence of a county taking ad hoc measures to meet local needs and of the introduction of a more professional approach to local government. The absence of centralised regulation had forced the West Riding Justices to take the initiative and they had responded effectively. The administration that was established operated to the benefit of the industry. The system naturally had its weaknesses, as reflected in the occasional though rare dismissal of some searchers, in the appointment of a surveyor in 1743 and in the review legislation of 1765. Yet, there can be little doubt that Heaton

was right in his assessment that the cloth acts had been applied by the Justices with earnestness and success.³⁰

One of the greatest problems facing all new businessmen, and especially those in the clothing industry, was the raising of sufficient capital to enable them to establish their trade. Loans were available. The difficulty was that of providing sufficient security, however, and in many cases clothiers who required financial assistance were greatly inconvenienced. Some soon found themselves in debt, whilst a few were even ruined. It was essentially to alleviate this difficulty that the Justices in the West Riding, closely supported and emulated by their colleagues in the East Riding, Middlesex and several other counties, pressed for and succeeded in establishing land registries for the public recording of all documents relating to the sale and ownership of freehold land. It was hoped that such registrations would make it easier for security to be produced in respect of loans.³¹

The idea of the registration of land sales was not new. An act of 1535 had established the principle of enrollment of contracts and sales of freehold but this measure was essentially intended to prevent the secret conveyance of land. The county clerks of the peace had been made responsible for all registrations, however, and this work had further increased their duties. It was thus partly to relieve the pressure on the clerks and partly to establish a more systematic arrangement for landownership that the West Riding magistrates petitioned for and obtained parliamentary authority to set up a Registry of Deeds. Despite some early opposition to this important extension of the administrative and supervisory authority of the Justices, the registries established at Wakefield for the West Riding in 1703 and at Beverley for the East Riding five years later were extensively used. It was not long before additional storage space was required in both counties and in 1750 an entirely new building was erected in the East Riding.³²

A registrar was responsible for the general administration and his appointment undoubtedly brought a welcome reduction in the work of the clerks of the peace. Nevertheless, the operation of the registries was closely monitored by the county Justices. Each completed entry book, for example, had to be examined and signed by at least two magistrates. The maintenance and upkeep of the registry buildings were paid for by a county rate levied by Quarter Sessions, and a special committee of magistrates was appointed in the West Riding to review all the registrar's claims for extraordinary expenses. The registrar was elected by all male freeholders who owned land worth at least £100 and the process of voting was significantly to be by secret ballot, the county magistrates acting as returning officers. Such an enlightened approach was to the credit of the Justices for this was one of the earliest occasions of the incorporation of the secret ballot into the English legal system. The importance of the post of registrar meant that the occupants were generally of high social standing and invariably of the rank of esquire. It was not uncommon for some to have had magisterial experience but it is certain that reliance was increasingly placed on a deputy for the day-to-day administration and routine business.³³

The establishment and successful operation of a Registry of Deeds in the East Riding, and especially in the West Riding, gave great assistance to any businessmen wishing to raise loans. The wide use of this facility in both counties indicated that a need had been satisfied. As such it was a useful addition to the legal administration and represents one of the most important ways in which the magistracy attempted to stimulate economic growth in their jurisdictions.³⁴

Although the establishment of land registries and the supervision of cloth manufacture were of great concern, the West Riding magistrates also had considerable interests in the extensive metallurgical and extractive industries of South Yorkshire. They had few direct responsibilities with these enterprises, but there was one particular difficulty in the late seventeenth

century which required much magisterial attention. This involved the smiths and cutlers of Hallamshire and whether they were liable to pay hearth tax for their forges as well as for their purely domestic hearths. The smiths had refused to pay for their forges from the moment the tax was introduced in 1662 and, although they were obliged to make their due contributions after 1685, there was no satisfactory outcome to the whole question of liability until this levy was finally abolished four years later. During this twenty seven year period, however, a long and acrimonious dispute had taken place.³⁵

The West Riding Justices were eager to ensure that economic expansion was uninterrupted and they regarded the hearth tax as a restriction which would cripple several smiths and seriously retard the prosperity and growth of the iron and steel industries. They also disliked the administration of this assessment for the actual collectors were royal officials and not local constables. Thus, on those occasions when the hearth tax officers attempted to collect the respective contributions of the smiths, several influential magistrates, and particularly Sir John Reresby, acted on behalf of those who refused to pay. Between 1677 and 1682, for example, Sir John presented their case to the Treasury and successive Lord Treasurers accepted his representations and ordered the collections to halt. The standing of Sir John meant that he was able to oppose the government without fearing retribution. Others who were just as outspoken in the support of the smiths, however, were not so fortunate; two Nottinghamshire and two North Riding Justices, for example, were eventually put out of the commission of the peace for their counties.³⁶

Although individual Justices became closely involved in the arguments, the West Riding Bench on the whole adopted a passive role. Their failure to take any measures against the smiths upset central government which reprimanded them, and their colleagues in Staffordshire, Worcestershire and Lancashire, in 1682 for their inactivity. Such direct pressure, however, had little effect. Magisterial sympathy was clearly on the side of those who

opposed this duty. The readiness of collectors to levy by distraint in cases of non-payment had created much resentment, as did their demands for payment from several inhabitants of the Halifax district for their charcoal fires essential for the pressing of cloth. The magistrates also disliked the increase in sessional work which resulted from the demolition of chimneys and the application to Quarter Sessions for a reduction in the hearth assessment. Great concern was also shown when the collectors appeared to have overstepped their authority. Several apparently illegal distresses were halted in 1685 and representations were made by Quarter Sessions to the Lord Treasurer.³⁷ The abolition of the tax in 1689, however, was openly welcomed, but its existence had done little to smooth relations between central and local government. Rather it had created antagonism and resentment and had seriously, though only temporarily, affected the West Riding iron and steel industry. To the county Justices the tax had been a particular encumbrance for it had led to additional difficulties which they could have well done without.

III. Labour Relations.

Apart from a general concern with agriculture and with the major industrial enterprises, the magistrates had two particular responsibilities which were of considerable importance in the management of the local economy. These were the supervision of labour relations and the regulation of marketing and trade. The differences between employers and employees and the supervision of apprenticeship provided the Justices with an enormous amount of work both in and out of sessions, and were, to a great extent, related to the administration of the poor law and to the provision of rudimentary social services. The system of apprenticeship, for example, was a problem of marketing, a question of labour relations and an integral part of social policy. Behind it lay the desire to train workmen and to ensure certain standards of quality in manufacture, whilst the compulsory apprenticeship of

pauper children became a means of reducing poverty and of preventing unemployment and vagrancy in later life.

The 1563 Statute of Artificers had insisted upon a seven year apprenticeship for all engaged in industry.³⁸ The recognition that many individuals were not prepared to wait the prescribed period, however, resulted in the Justices being required to prosecute those who followed a particular trade without having undertaken the necessary training. The most common economic offence to come before the West Riding court before the Civil War had been that of unqualified craftsman, and the Justices of the early Restoration period in this county, as well as in Warwickshire and elsewhere, were as enthusiastic as their early seventeenth century colleagues had been to enforce these regulations. Special emphasis was placed in sessional charges upon the need to uphold the apprenticeship laws and the services of informers were greatly appreciated. Most informers were motivated principally by the prospect of financial gain, though there were some who were involved only with one particular trade and were thus eager to protect entry into the craft in question. The overall result was that the magistrates were faced with a considerable amount of work, and most of it involved the retailing and food trades. At times of economic difficulty the number of cases increased and this helps to explain the surge of prosecutions in the West Riding in the early sixteen-nineties.³⁹

By the end of the seventeenth century, however, the system of seven year apprenticeship was not operating to the benefit of the whole community. The large number of prosecutions occupied invaluable time at Quarter Sessions and indicated the determination of individuals to evade the regulations. At the same time the economic problems of the sixteen-nineties confirmed the growing belief that it might be better to have employment created by those who had not served a proper apprenticeship than no employment at all.⁴⁰ The practical effect of this attitude was that the Justices became less eager to seek out offenders. When information was

received that regulations had been infringed, due proceedings were instigated. The magistrates no longer emphasised, however, this aspect of their work. The full statutory penalty of 40s. for each month that the unqualified person practised the trade was increasingly ignored. Instead, it was far more common for a fine to be imposed of a few shillings or even of only a few pence. This was a nominal amount which did not bring ruin to the offender so punished but did help to discourage informers, who gradually disappeared as an identifiable group as the offence itself rapidly declined in importance. Thus, by the late eighteenth century the seven year apprenticeship had practically disappeared in rural areas, and Eden noted that in the countryside a person could exercise as many trades as he wanted.⁴¹

The recognition that it would be beneficial to relax this aspect of the apprenticeship controls was reinforced by the knowledge that there were other marketing regulations by which standards could be maintained. The result was that the steady pressure on unqualified traders ended almost immediately. In all three Yorkshire Ridings, as well as in most other counties, the number of prosecutions at Quarter Sessions fell drastically. The West Riding court, for example, dealt with 167 individuals in the twenty years before 1700, and with only fifty one in the half century which followed. The prosecution of unqualified traders and craftsmen did not entirely disappear, however, for there were certain guild industries which wished to uphold the statutory apprenticeship regulations. Although they were of little importance in the West Country textile industry, these laws survived in the Yorkshire cloth making areas for most of the eighteenth century. The West Riding woollen manufacturers continued to emphasise the importance of thorough training through apprenticeship, but the prosecution of unqualified clothiers at Quarter Sessions was very rare.⁴²

One of the most important features of Tudor and Stuart local government was the extent to which policies were extended or adapted to meet several needs. Thus, it was only to be expected that the system of

apprenticeship would be amended to satisfy social as well as economic requirements. Apprenticeship became part of the general approach to help alleviate the problem of poverty and to reduce the charges of poor relief on the parish community. From Elizabethan times, overseers of the poor were authorised to apprentice all pauper children to local tradesmen who had no option but to accept them and to maintain and educate them according to their craft or business. In this way responsibility for their upkeep was placed on the master and not on the township concerned. The advantages for the parish authorities were considerable and by the second half of the seventeenth century the system was well established throughout the country. The decision to permit apprenticeship to gain a settlement, however, had some unfortunate consequences. Some overseers sought to apprentice children outside their jurisdiction, a move that was usually vigorously contested at Quarter Sessions and occasionally at the Assizes. The officers had powers of compulsion only in their own parishes, however, and throughout the first half of the eighteenth century it was uncommon for children to be apprenticed outside their home parishes.⁴³

The Justices were obliged to supervise the articles of indenture between overseers and masters and to ensure that due training was given. Much of this work was undertaken out of sessions but a large number of complaints and petitions were laid before the court, particularly in the West Riding. Quarter Sessions' records indicate that the apprenticeship system was less important and less contentious an issue in rural areas, such as the East and North Ridings, but that in those districts where the population was greater and industry was appearing, as in the West Riding, the problems of apprenticeship were considerable. Between 1680 and 1749, for example, the West Riding Quarter Sessions dealt with an average of between eight and ten cases each year. In all over 700 disputes were considered, thus making apprenticeship one of the most important administrative responsibilities of the magistrates of this county.⁴⁴

It was unfortunate, but not surprising, that most overseers placed far more emphasis on reducing parish charges than on the actual training to be given. Rarely was the suitability of masters considered, and it is not difficult to appreciate the problems faced by clergymen and schoolmasters, for example, in adequately passing on their knowledge to children who had been compulsorily apprenticed. The absence of alternative occupations in rural areas meant that many children ended up in menial work as household servants or as general agricultural labourers. The organisation of a system by which all householders were liable to be called upon to assist meant that some children would be offered little more than a superficial training and it is extremely doubtful if compulsory apprenticeship did anything much to improve the overall standards of workmanship.⁴⁵

The Justices were required to investigate and determine all manner of difficulties. In their haste to ease the parish finances, overseers attempted to apprentice physically disabled children and to foist paupers on to individuals who were not legally due to receive them. By far the most serious problems, however, involved the masters and the apprentices. The element of compulsion ensured that most apprenticeship arrangements would be unpopular and that attempts would be made to avoid the responsibilities laid down. Some masters refused to take children who were legally put to them, failed to teach them a proper trade, neglected to maintain them adequately and even turned them out before the end of their time. All of these abuses regularly occurred, but the most common was the failure of masters to provide adequate training and maintenance. In response the Justices were prepared to cancel indentures but they usually ordered the parish overseers to undertake the maintenance of the children involved or to apprentice them to another master more suitable. It was only on those few occasions when exceptional mismanagement had been proved that the master faced criminal proceedings.⁴⁶

Some children were seriously abused, but it was only those who had parents or guardians alive to act for them who stood much chance of improving their plight. The relatively small number of cases of physical cruelty to be considered at Quarter Sessions indicates the difficulties faced by apprentices in seeking redress. Their only option was to abscond, a course of action which was also resorted to by those apprentices who had committed felony, had assaulted their masters or who disliked the lengthy period for which they had to serve.⁴⁷ It is clear that children were apprenticed from the age of seven or eight, and, although it was occasionally stated that the indenture was to last for up to eight years, it was also stipulated in some cases that service was to continue until a girl was twenty one years old or was married and until a boy was twenty four. On recapture some apprentices were punished with a whipping before being returned to their masters, unless allegations of real negligence or abuse had been substantiated. Towards the mid eighteenth century, however, some improvement was made in the treatment of apprentices. From 1747 the administrative process by which an indenture could be cancelled was simplified, for an apprentice could now be discharged by a single magistrate, unlike previously when the permission of four Justices had been required.⁴⁸

It is clear that the magistrates were expected to supervise what had become an unpopular and ineffective system. In the early eighteenth century their actions were limited to considering petitions which came before them. The suitability of masters was rarely questioned until a complaint had been made and the attempts by overseers to stress the economic aspects of the apprenticeship system not surprisingly caused friction. Those who refused to take apprentices were threatened with legal proceedings, but it is clear that several masters had reasonable grounds to complain in that they were not eligible to take such children or that the boys and girls involved were too young to become apprentices. The large number of disputes dealt with by the West Riding Quarter Sessions, in particular,

reflects the serious difficulties this aspect of economic regulation caused the Justices. In general terms, however, the magistrates made little attempt to enforce either the voluntary or compulsory forms of apprenticeship. They merely dealt with those specific problems which were brought to their attention and showed little concern for maintaining the arrangements or for remedying the inherent abuses.

The volatile relations between masters and apprentices were also encountered between employers and their adult employees. Here again the Justices had powers of regulation and their duties involved the assessment of wages, the supervision of contracts and the adjudication of labour disputes. These responsibilities had been established by the highly important Statute of Artificers of 1563 and additional legislation passed in the seventeenth and eighteenth centuries, together with several important legal precedents, served not only to enhance the magistrates' authority but also to increase their general workload.⁴⁹ In the light of the prevailing economic conditions the Justices were instructed by the statute of 1563 to assess the wages of labourers, craftsmen and husbandmen annually, and to have them proclaimed on market days and at the statute sessions for the hiring of servants. During the late seventeenth and early eighteenth centuries, however, there was widespread criticism of the process of wage regulation. The unpopularity of such rigorous economic management and the changing economic and social conditions in general led the Justices to reassess this aspect of their work. A prime consideration for much of the seventeenth century had been the need to prevent demands for excessive wages. The assessments of 1647 in the East and West Ridings, for example, were issued in the aftermath of the Civil War and reflect a desire to stop any exploitation of the unstable labour market. Thirty two years later the scarcity of labourers, following a particularly serious spate of agues and fevers, prompted the East and North Riding magistrates to draw up new assessments and to issue additional instructions in the hope of ensuring that the rates were enforced and that infringements

were reported. Wage regulation was also intended to prevent general disturbances and the West Riding assessment of 1684 was issued at a time when the Justices were paying special attention to vagrants, beggars and petty chapmen.⁵⁰

The early eighteenth century, on the other hand, witnessed an expanding economy, a growing labour market and much greater social stability. Together they gave employers more freedom and weakened the bargaining power of wage earners. In these circumstances the interest of the Justices in wage regulation gradually decreased. The competition for skilled labour between the textile and mining industries, on the one hand, and agriculture, on the other hand, had ensured that any attempt by the West Riding Justices, for example, to enforce wage levels would be extremely difficult. Information was not easy to gather for those who gave and received excessive wages rarely publicised such details. Thus, for most of the eighteenth century the rating of wages was a mere formality and the assessment of 1732 remained unaltered in the West Riding for the next eighty years. In some areas, especially those where agriculture predominated, however, the Justices maintained their interest for much longer. The East Riding magistrates, for example, considered the rates laid down in 1757, whilst their colleagues in Warwickshire continued to reassess wages until 1779. In general terms, the Justices had taken this aspect of their work seriously for so long as the wage earner was in a strong position. Once the balance had tipped in favour of the employer, however, the paternal duty to regulate wage levels gradually became less important and by the time of the Industrial Revolution the system had in most areas broken down.⁵¹

Although the Justices were required to issue wage rates each year, they were not obliged to revise the actual amounts laid down. Thus, they tended to allow previous rates to stand and new assessments were only occasionally drawn up. Between 1660 and 1750, for example, the West Riding Justices issued new wage rates on nine separate occasions, whilst their East

Riding colleagues made only three separate revisions. The reissue of a previous wage assessment was a relatively simple procedure, but it was a costly and time-consuming exercise, the West Riding court, for example, requiring 630 copies to be printed each year. When a complete revision of wage levels was undertaken, however, a considerable amount of effort was devoted to the task. Inter-county discussions were held and it was common for neighbouring counties to revise assessments at the same time, as in the East and West Ridings in 1647, in Lindsey, Kingston-upon-Hull and the East Riding in 1669 and in the East and North Ridings ten years later. In 1721 the East Riding Justices even proposed that at the next York Assizes consultations should be made with the magistrates present from the other two Ridings. This resulted in a complex information gathering operation which involved the Grand Jury and even some wage earners. For the committee considering this issue was to meet at 6 pm., at a time which was considered to be most convenient and which was outside the normal working hours of the other magisterial committees and of the wage earners involved.⁵²

The assessments to be drawn up by the Justices were to differentiate between each occupation but it is quite clear that not all types of workers were covered. Those employed in the iron and steel trades of South Yorkshire, for example, were not considered, whilst the assessment of wages for textile workers was abandoned by the Justices during the reign of Charles II. On the other hand, the coal mining industry was not ignored and the wages of coal face and surface workers were laid down in all assessments issued in the West Riding. In theory each assessment was to be drawn up according to the general economic situation but there now seems little doubt that by the late seventeenth century the cost of living had little importance in deciding the wage levels set. The rates for some occupations were occasionally increased but in general terms the level of assessed wages by the magistrates showed only minor changes between the mid seventeenth and mid eighteenth centuries. The West Riding assessment of 1732, for example, was

to a large extent the same as that issued in 1671. Real wages, on the other hand, had increased markedly during the same period. Even in rural areas wages rose almost continuously in value in the first half of the eighteenth century. The evidence clearly indicates that general economic conditions, particularly supply and demand, had considerable influence on determining wage levels, and that some employers were prepared to pay what was necessary to obtain the labour required, irrespective of what the magisterial assessment laid down. The wages of skilled workers rose far faster than those for agricultural labourers but it is clear that the working classes in general experienced a rise in their overall standard of living during the eighteenth century. Yet there is little doubt that by 1750 there was a marked divergence between assessed rates and the actual amounts paid.⁵³

The general decay in the system of wage regulation not unexpectedly resulted in a marked decline in magisterial enthusiasm for the enforcement of the assessments laid down. Unlike their colleagues in the early Stuart period who had prosecuted those who gave and received higher wages and those who refused to work for the legal rates, the Justices of the late seventeenth and early eighteenth centuries rarely considered such offences at Quarter Sessions. Invariably, those cases which did arise were dealt with at private sessions. On the whole, the Justices ignored the payment of excessive wages, but they did not overlook the frequent complaints of servants who had not received the wages to which they were entitled. In most counties the court regularly dealt with the non-payment of wages and ordered the masters involved to honour the agreements previously made.⁵⁴

Despite the declining importance of wage regulation, the Justices maintained their general interest in labour relations by insisting that statute sessions were regularly held, by ensuring that contracts were recorded and duly fulfilled and by issuing additional administrative procedures to be followed. From the late seventeenth century, for example, the West Riding magistrates exerted much greater control over the statute sessions. Full

records were to be kept of the details of each hiring, the tasks to be undertaken, the hours to be worked and the payments to be made. These meetings were only to be held in October and only when Justices were in attendance, the hope being that the presence of magistrates would moderate the demands for high wages and encourage those servants who had been remiss in their duties. Although these hirings were under the auspices of the chief constables, it is clear that in most counties statute sessions were transformed into special sessions held by a small group of Justices with the chief constables in attendance. Despite the existence of these official meetings, private hiring continued to be a problem in the East Riding. Those masters and servants who did not make their contracts publicly and who refused to record the details of the hiring with the chief constable were presented at Quarter Sessions. Nevertheless, such prosecutions were few and indicate that the magistrates were faced with difficulties which were not easy to overcome.⁵⁵

In their attempts to maintain an overall supervision of the labour market, the magistrates took the opportunity offered by the revision and reissue of wage levels to set out and to emphasise precise administrative instructions for the attention of the petty constables, masters and labourers. The West Riding assessment of 1671, for example, stated that no servant was to be turned out or was to depart from his master before the end of his contract, and that at the end of his service the employer was to provide the employee with a testimonial asserting his freedom to seek a new master. Thirteen years later the magistrates expressly stated that twice a year the petty constables were to attend the monthly meetings of the Justices and to give detailed reports of all servants employed in their constabularies. The emphasis placed upon such regulations by the magistrates of this and other counties provides clear evidence that they regarded those aspects of labour relations other than wages as being of increasing importance.⁵⁶

The determination of general disputes took up much time both in and out of sessions and tended to become numerous at times of economic distress, such as during the sixteen-fifties and early sixteen-nineties. A whole variety of problems were considered and masters were prosecuted for turning servants out before their period of service had expired, physically assaulting their employees, hiring servants who were already in service, and refusing to give testimonials to those who had completed their terms. The Justices ensured that contracts were fulfilled and, although the North Riding magistrates made no attempt to enforce annual terms of service, their colleagues in the East and West Ridings regularly ordered servants to complete the full twelve months in an attempt to counter irregular employment and vagrancy. Nevertheless, service was terminated prematurely when the circumstances warranted such action, as, for example, when the employee had been prosecuted for felony or when a female servant had become pregnant. Although the majority of these disputes involved household servants and agricultural labourers, the West Riding Justices had to deal with a gradually increasing number of cases involving the coal industry, the most serious problems being the refusal of nine colliers to work for Sir Rowland Winn in 1700 and the deliberate destruction of a coal mine by fire two years later. On the other hand, the West Riding records contain no references at all to labour disputes of any kind in the textile industry.⁵⁷

The supervision of industrial relations involved the Justices in a considerable amount of work. The assessment of wages had been of great importance in the seventeenth century but only during those periods when there were specific labour problems. By the early eighteenth century, however, the schedules of wage rates did not represent the real state of affairs involving local wage levels. As economic prosperity resulted in a marked divergence between assessed and actual wages, the rates drawn up by the Justices were generally disregarded; they became, in Heaton's phrase, 'a decadent institution'.⁵⁸ By the eighteenth century the annual reissue of

assessments without any alteration in the rates would indicate that magisterial supervision of wage rates as laid down by the act of 1563 had become an administrative exercise undertaken purely to satisfy legal requirements. Instead the magistrates directed much more attention to the problems caused by the non-payment of wages and the failure to fulfil general contracts. It is clear that much of this work came before Quarter Sessions because of individual complaint and not as a result of regular magisterial action. Nevertheless, the Justices of the East and West Ridings made considerable efforts to ensure that public hirings were held and that contract details were fully recorded, unlike their North Riding colleagues who maintained inadequate supervision over employment. Wage regulation may well have been abandoned. The supervision of labour relations between masters, adult employees and apprentices, however, remained an important and time consuming responsibility.

IV. The supervision of marketing, trading and consumer interests.

In their attempts to ensure social and economic stability, the Justices were expected not only to maintain a close watch over the labour market but also to regulate all aspects of marketing and trade. During the early seventeenth century these duties had been placed at the forefront of their work and central government had distributed precise instructions as part of the general scarcity orders. The absence of guidance in the early Restoration period, however, did not result in the abandonment of these responsibilities for the Justices were keenly aware of the role they could play in assisting trade and in reducing marketing difficulties. They were empowered to control the public sale of goods and to ensure consumers were protected by maintaining standards of quality and fairness. Those individuals who were involved in forestalling, regrating and engrossing or who sold food unfit for human consumption were to be punished. At the same time all drovers, glassmen, petty chapmen, kidders and badgers were to be licensed.

The Justices were to check that correctly marked weights and measures were always used, to supervise the activities and demands of customs and excise officers, to consider grievances against the window tax and to resolve currency difficulties. From the sixteen-nineties they were given additional authority to fix the prices for the sale of salt and to issue rates for the carriage of goods. In general terms, they were to become involved with any activity which would assist the smooth running of the local economy.

The system of licensing was aimed at controlling the activities of middlemen, of whom the general public had an overwhelming suspicion. The popular image was of mean traders who tried to make excessive profits at all times and especially during periods of general distress. Certainly there were a large number of dishonest dealers but the vast majority provided a fair and essential service in ensuring that goods were distributed to the various centres of population. The response of the Justices to the problems created by those individuals who failed to obtain a magisterial licence or who insisted upon committing the offences of forestalling, regrating and engrossing, however, was not uniform. In the West Riding, for example, the magistrates monitored their activities closely. During the late seventeenth century those pedlars and petty chapmen who were unlicensed were prosecuted at Quarter Sessions, whilst in the years before 1750 numerous kidders were presented for the same offence.⁵⁹ By far the greatest problems, however, were experienced with badgers, whose concern with corn supplies made them a particular focus for public discontent. During the last quarter of the seventeenth century, prosecutions for forestalling, regrating and ingrossing were rare. Instead the magistrates concentrated on giving formal permission for badgers to act through the issue of licences at the same sessions as those for alehouse keepers. The situation was complicated, however, by numerous unlicensed badgers. Such were the problems posed by these individuals during the dearth of 1739 to 1741 that new regulations were laid down in the West Riding. In future, all prospective badgers had to be at least thirty years old, married or

widowed, householders, and been resident in the county for the previous three years. At the same time, the Justices made greater efforts to reprimand all who broke the regulations. In this they were successful for between 1740 and 1748 the number of prosecutions of unlicensed, or illegally licensed, badgers rose dramatically.⁶⁰

The West Riding Justices had made their most concerted efforts in times of dearth but they had endeavoured throughout the late seventeenth and early eighteenth centuries to supervise the county's badgers. Such enthusiasm and determination, however, was not to be found amongst their colleagues in the rest of Yorkshire. The magistrates of the East and North Ridings rarely concerned themselves with middlemen and even during the dearth of 1740 to 1741 there is little evidence of efforts to regulate the activities of local dealers, despite the Privy Council orders for the prosecution of all forestallers, regrators and engrossers.⁶¹ The close supervision undertaken by the West Riding magistrates, however, did not always ensure that the county's markets were well supplied at reasonable prices. Both licensed and unlicensed dealers used false measures and sold their goods outside the market place at excessive rates. Although unlawful weights and measures were not common in Warwickshire and the East Riding, individuals were regularly presented at the West Riding Quarter Sessions for this offence. In their work the Justices undertook the role of environmental health inspectors and traders were prosecuted for selling all manner of goods underweight or in an unsuitable condition.⁶²

Market offences offered numerous opportunities for informers and the Justices placed great reliance upon them in the late seventeenth century. The abuse of extortion, however, resulted in the decline in their influence after 1700, but the Justices were prepared to give gratuitous payments to individuals for outstanding service, as in the case of William Walker who was granted £2. 15s. 0d. from county funds in 1710 to cover his charges in searching for and seizing false measures in and around Halifax. The market

here posed many difficulties for the West Riding magistrates and considerable efforts were made to regulate its affairs. Eighteen dealers were prosecuted in 1709 for using short measures which were confiscated and publicly burnt. A general search was made for any other illegal weights, and a new corn measure was examined and allowed by Quarter Sessions. The problems continued, however, for five years later the constables of Halifax were instructed to search several houses on market days and to discover all those who sold corn there. Those apprehended were to offer their corn in open market and, if exceptional profits had been made, to sell what they had left at well below the market price. In 1728 the activities of the dealers were again regulated. This time they had attempted to hold back great quantities of corn in the hope of forcing prices up.⁶³

The response of the Justices was motivated primarily by the desire to ensure that all practices were legal and fair. At times the magistrates were even prepared to prosecute the clerk of the market as in the case of those who served in Ripon who were prosecuted on three occasions between 1731 and 1733 for permitting the use of false measures. The Justices appreciated the consequences if such malpractices were allowed to continue. The fear of general disorder led the East Riding Justices to punish an individual who knocked down several stalls at Howden fair and a woman who ruined loaves of bread by throwing putrid water over them. The West Riding magistrates acted in a similar way by prosecuting those who disturbed Sheffield market by destroying the measures used there, the obnoxious character who erected a 'boghous' in Rotherham market and dumped twenty cart loads of dung there, and the travelling doctor who had created 'mischief' in Bradford market. Quarter Sessions also took important administrative decisions, as in 1697, when the West Riding court determined the siting of the leather market in Wakefield.⁶⁴

The proceedings of the West Riding magistrates indicate that offenders against the marketing and trading laws were regularly, and on

occasions uncompromisingly, dealt with. Their colleagues in the East Riding, and especially in the North Riding, however, took only a fleeting interest in such work. The difficulties faced by the Justices in the East and North Ridings were certainly less acute than those which so troubled the West Riding magistrates, and it is quite understandable for the authorities in areas which could not supply the dietary needs of its people to show a greater enthusiasm for these responsibilities. Thus, the Justices of the West Riding, and of the corporations of Hull and York, were ever active in combating marketing offences. On the other hand, the magistrates in regions which were virtually self sufficient were simply not faced with numerous marketing problems. The petition to the North Riding Quarter Sessions in 1741, however, indicates that the Justices of this county were not as active as they could have been for it complained of the hardships caused by badgers and requested the introduction of the strict licensing system recently established in the West Riding. There can be little doubt that in this aspect of their work the magistrates of the West Riding showed considerable initiative.⁶⁵

The desire to prevent profiteering and to ensure fair and reasonable prices were charged involved the Justices in the problems which arose from the transportation of goods. Land carriage was a vital element in the internal trade, and some of the common carriers clearly took advantage of their important position. The expansion of internal trade in the late seventeenth century, however, resulted in the growth of the number of common carriers. This increased competition undoubtedly reduced the opportunities for excessive profiteering. Nevertheless, complaints were still voiced that several carriers combined to raise the prices of carriage so that the rates were excessive and a detriment to trade. In response, Parliament empowered the Justices to set rates for the carriage of goods by land.⁶⁶

Such was the concern at the abuses committed and such was the importance of carriers to the county's economy that the West Riding magistrates acted immediately. They were not alone for prompt action was

also taken by the authorities in Buckinghamshire, Cheshire, Hertfordshire, the North Riding and Shropshire.⁶⁷ At Easter Sessions 1692 the West Riding court issued an elaborate order detailing the prices of all land carriage of goods to be brought into the Riding by any common carrier or waggoner. This covered journeys from London to the major centres of population within the county, journeys of about twenty miles in length, such as from York to Wakefield, and journeys to and from the river ports of Selby and Turnbridge. In this way the Justices determined the amounts to be paid on the major routes to and through the West Riding, as well as for goods imported by sea. During the next sixty years these rates were annually reissued and amended according to the changes in economic circumstances. Most of the alterations were made in the period between 1692 and 1706. The journeys from London to Boroughbridge and Settle, for example, were specifically added, and the rates on most routes were either increased or more often than not reduced. The assessment of 1706, however, remained unchanged until mid-century when further revisions were undertaken.⁶⁸ It is not clear when the East Riding magistrates first laid down general charges for the carriage of goods, but in 1710 the Quarter Sessions' records note that the present rates were to be reissued unaltered. The annual confirmation of existing prices was a regular feature of the Easter Quarter Sessions throughout the first half of the eighteenth century. There were certainly fewer carriers at work than in the West Riding but alterations were occasionally made, as on the routes from York to Beverley in 1721, from Beverley to Malton and Scarborough in 1730 and from Beverley to Hull in 1738.⁶⁹

The increase in services for which rates were set and the general reduction in charges made in the West Riding reflect the growth of provincial carrying in the eighteenth century and the effects of the gradual improvements in road transport. The fact that the Derbyshire Justices did not issue any rates until 1717, however, made no changes for the next twenty seven years, and confirmed the slightly higher rates of 1754 in 1773, suggests

that the magistrates here were not particularly interested in this aspect of their work. Their colleagues in the neighbouring county of the West Riding, on the other hand, intended their assessments to be as realistic as possible. It is true that the charges to be made for journeys from London to the West Riding towns of Barnsley, Doncaster, Halifax, Leeds, Pontefract, Rotherham, Sheffield and Wakefield applied whether the goods had to be delivered to a customer in Sheffield or one in Leeds about twenty miles away. Nevertheless, special provision was made for places in the north of the county, particularly Boroughbridge and Settle, and all the rates were frequently reconsidered. Despite the varying degrees of enthusiasm exhibited by the Justices of Derbyshire and the West Riding, all magistrates were concerned with preventing excessive charges. As a result, it is reasonable to assume that the rates laid down were maximum levels which were not to be exceeded. Nevertheless, prosecutions for charging exorbitant amounts were rare and the West Riding Justices, for example, spent much more time in ensuring that carriers paid the tolls at Ferrybridge than in instigating proceedings against those who demanded excessive amounts from their customers. During the early sixteen-nineties the rates set were intended to be observed, but by the mid eighteenth century they had become mere general guidelines.⁷⁰

The Justices were also empowered to regulate salt prices and the West Riding magistrates made use of the authority granted to them to set down the prices to be paid within the county. The difficulties in providing adequate and regular supplies inevitably affected the Justices' decisions for the rates determined by the court in Buckinghamshire far exceeded those laid down in the West Riding and in Devon. Whereas the former county relied entirely on land transport, the latter counties were fortunate in that much salt was transported to their inhabitants by water, be it by sea or inland waterway. Within two years of the initial regulation, however, the amounts were increased in the West Riding, as in Buckinghamshire, and the new rates reflected a more realistic assessment of local circumstances. Quarter Sessions'

records, on the other hand, indicate that prosecutions for charging excessive amounts were rarely undertaken and that the rates were not formally issued after 1704. Such evidence suggests that after an initial burst of enthusiasm, this aspect of economic regulation soon fell into disuse.⁷¹

Despite the declining importance of the rating of salt prices, consumer protection in general remained a major concern of the Justices and to this end they supervised excise officers, tackled currency problems and examined window tax assessments. The general unpopularity of the excise men meant that they frequently required magisterial assistance and those who ignored their orders were regularly prosecuted at Quarter Sessions. Not surprisingly the Justices in the East and West Ridings faced different problems. In the former county smuggling was of constant concern and the Justices sought out those who were involved and conducted their examinations. In the latter county, on the other hand, the magistrates dealt with difficulties involving the leather industry and prosecuted those individuals who did not pay the requisite duties, who marked skins with false stamps and who failed to keep true scales for the weighing of hides. Nevertheless, it was also necessary for the Justices to investigate those officers who abused their power and the magistrates in both Ridings readily sought the dismissal of those who had been particularly oppressive or unlawful in their demands.⁷²

Such responsibilities created a considerable increase in the business of the magistrates and the duties involving the window tax had precisely the same effect. The consideration of appeals against assessments and the certification of any changes in individual circumstances took up much time both in and out of sessions. The Justices kept a close watch on the surveyors and collectors and during the first half of the eighteenth century the two supervisors of this tax in the East Riding regularly attended Quarter Sessions. Close regulation was desirable and necessary for in the early seventeen-hundreds the West Riding Justices were required to counter

attempts by collectors to lay charges on uninhabited properties. Towards the middle of the eighteenth century, however, the number of disputes at Quarter Sessions fell drastically but individual magistrates were still expected to allow assessments, as in 1759, when the East Riding Justice, Francis Best, confirmed the payments to be made in Holme on Spalding Moor.⁷³

When first introduced in 1696 the window tax had been devised to make good the financial deficiencies which had resulted from the clipping of coins. Counterfeiting and clipping, however, were not just serious criminal offences, for they also had important social repercussions by creating a general suspicion of the coinage in circulation. This attitude was confirmed by the refusal of the tax collectors in Warwickshire to accept farthings and by the cracking of coins as a result of general wear and tear. Fears were expressed that cracked coins might have been clipped and would, therefore, be worthless. The implications for the business community were considerable and the West Riding Justices, appreciating the difficulties, responded to the various complaints made to them by stipulating in 1688, and again twelve months later, that all coins cracked as a result of reasonable use were to be accepted as legal tender. Despite this attempt to restore financial confidence, general complaints about the coinage in circulation continued to be voiced. The thorough reform of the coinage in 1696, the introduction of milled edges and the establishment of a mint at York helped to relieve the situation. Many years were to pass, however, before the problems were fully resolved, but the Justices had shown their concern by endeavouring to prevent a serious disruption of local business and trade.⁷⁴

V. Conclusion.

During the late seventeenth and early eighteenth centuries, the Justices were required to supervise all aspects of the local economy, principally by overseeing labour relations and by undertaking administrative duties which governed production and distribution. There can be little doubt

that these responsibilities involved them in a considerable amount of tedious and, at times, difficult work. For during this period there were radical changes in both agriculture and industry which had dramatic effects not only upon the national scene but also on the local social and economic structure. The economic developments of eighteenth century England created many problems, especially in a dynamic area like the West Riding. It was fortunate, however, that the major industrial enterprises of this county showed considerable vitality for their prosperity had enormous repercussions. The local iron industry, for example, provided tools used in textiles, coal provided fuel for both and all three offered opportunities for employment. Such interrelation the Justices could not afford to ignore and they attempted to deal with the difficulties which arose. Although the remnants of Tudor and early Stuart paternalistic regulation were gradually discarded, the magistrates maintained great concern for the changes which took place in economic life. The West Riding Justices exhibited particularly exemplary flexibility and adaptability. They were faced with greater difficulties than most county authorities and they appreciated that local action and extraordinary measures had on occasions to be taken. In the case of the cloth trade, for example, they instituted a local and thorough scheme of supervision which did ensure that standards were maintained but did not establish unnecessary restrictions.

The response to economic problems helps to highlight the different approaches of the East and West Riding Justices to their work. The magistrates of the former county were primarily concerned with agriculture and with its related industries, such as malting. The difficulties they faced were generally not serious and they only took additional administrative action when the circumstances necessitated great diligence. Their colleagues in the West Riding, however, had far greater problems to oversee and were obliged to tackle complex marketing and trading disputes. Thus, they were constantly involved with all aspects of their economic responsibilities, though they tended to concentrate their efforts on those actions which would have most

chance of ensuring economic stability. The outdated policy of searching for and prosecuting forestallers, regrators and engrossers, for example, was gradually abandoned. Instead the Justices prevented serious difficulties by instituting a strict system of licensing for badgers and by keeping a close watch on marketing practices. In general however, the response of the magistrates was limited. The alleviation of difficulties caused by harvest failure, industrial depression or the disruption of trade, for example, was well beyond their capabilities for they had neither the financial resources nor the expertise which was required to implement effective remedial policies.

It was only to be expected that some magisterial duties declined in importance, notably the enforcement of the seven year apprenticeship and the assessment of wage rates. On the other hand, various responsibilities became more significant. These principally affected the West Riding Justices and involved the employment of ad hoc officials to act as searchers in the woollen cloth trade and as inspectors during the seventeen-forties' cattle plague. Several tasks were only of interest during particular periods of economic disruption. The corn supply, for example, was the focus of attention only during times of dearth, and the examination of currency problems, the consideration of grievances against the window tax and the setting of salt rates, for example, only concerned the West Riding magistrates during the last quarter of the seventeenth century. Much of their work, however, was not of temporary importance but was tackled on a regular basis. The supervision of the market place, the assessment of rates to be charged by common carriers, the adjudication of disputes between masters and their apprentices and adult employees, and the enforcement of contracts were consistently dealt with both in and out of sessions.

It is clear that a great deal of this supervisory work was of an indirect nature. Minute regulation, as had been exercised in Tudor and early Stuart times, was not attempted in the late seventeenth and eighteenth centuries and, as a result, the number of prosecutions at Quarter Sessions for

economic offences fell markedly. Yet the absence of such close control had few, if any, detrimental effects on the standards of manufacture and trade. On the contrary, the much more flexible approach adopted by eighteenth century magistrates may well have given the local economy an additional stimulus, which was essential for its future expansion. Nevertheless, it was clear that a healthy economy necessitated an efficient system of transport and communications. The safe and speedy movement of goods and materials was essential both for the manufacturers and traders and also for the general public. The Justices, for their part, certainly appreciated this and realised that if economic growth was to be maintained, it would have to be accompanied by considerable improvements in the present arrangements for the maintenance of the public highways.

CHAPTER 9.

THE JUSTICES AND THE SUPERVISION OF TRANSPORT AND
COMMUNICATIONS.

The necessity of ensuring that an effective system of transport and communications existed became one of the Justices' major preoccupations. During the sixteenth century they had been given statutory powers to ensure that all roads and bridges were properly maintained. These duties posed considerable problems for the condition of the highways had a marked effect on social life, economic activity and administrative efficiency. The preservation of law and order, for example, necessitated a system of highways which enabled the Justices to act quickly. The passage of information and instructions, the direction of writs and warrants, and the attendance of subordinate officials and witnesses, as well as magistrates, at Quarter Sessions all required a certain standard of land communications. In effect, the successful operation of county government was ultimately dependent upon the condition of the roads. It was principally for this reason that the Justices had to pay such great attention to keeping open the internal communications of the county.

This responsibility was complicated by many factors, not least of which was the topography of each region. It was fortunate for the Justices of the East Riding that this county was fairly flat and that there was only one important river to be crossed, namely the River Derwent. The mountainous nature of the West Riding, on the other hand, the tracks of wild and desolate moorland, and the numerous rivers which cut across the county created formidable problems. The situation was complicated by the geographical position of this part of Yorkshire. Through the West Riding ran post routes and highways of national importance, in particular the road from Scotland to London and the south of England. The distances to be travelled within the county posed even more difficulties and had serious repercussions for magisterial expenditure. The passage of a vagrant through the Riding from Bawtry to Boroughbridge, for example, involved a journey of about fifty three

miles, during which the county was responsible for his maintenance and his safe passage.

The decision in both Ridings to visit several towns for magisterial meetings, and the number of markets and fairs which were held, for example, required, and, as a result, provide evidence for, the existence of a network of highways which were used extensively in the seventeenth and eighteenth centuries. What is more, the amount of traffic increased considerably during this period. This is the inherent contradiction of the late seventeenth and early eighteenth centuries, that, despite all the difficulties and dangers which faced travellers, roads were used extensively. The expansion of the West Riding cloth trade, the development of the South Yorkshire iron industry, the demand for more coal from the Yorkshire coalfields, the increase in the number of provincial carriers, and the movement of agricultural produce throughout the East and West Ridings, however, all helped to place a great burden on the road system.¹ Moreover, the inability of packhorses to transport heavy loads in quantity, the cumbersome nature of wheeled traffic, and the steady development of the coastal trade through Hull resulted in merchants and businessmen throughout the East and West Ridings studying carefully the possibilities of developing existing waterways. Their decision to make much greater use of river transport undoubtedly reduced the amount of land traffic, as well as making a vital contribution to the development of the region's economy.

Although the members of the commission of the peace had no direct responsibility for the upkeep of rivers, the magistrates of both counties showed considerable appreciation of the attempts to develop local waterways. The East Riding Justices warmly welcomed the improvements to the Rivers Derwent and Ouse and to Beverley Beck. Their colleagues in the West Riding reacted in a similar vein to the work of Cornelius Vermuyden and his Dutch engineers, who had undertaken the drainage of Hatfield marshes, and to the extensive modifications to the Rivers Don and Idle. The most important plans,

however, involved the Rivers Aire and Calder, and it is clear that the company established to control the use of this waterway included several county Justices. All these developments brought considerable benefits to the industrialists and traders who used them, as well as to the economic fortunes of the local community.² Yet despite the widespread exploitation of waterways in the early eighteenth century, virtually all raw materials and manufactured goods were moved at some stage by road, if only to the nearest inland port. The condition of the highways, however, left much to be desired. There was a constant need to repair the undefined tracks which served as roads. Many were narrow and deeply rutted. In the summer they were virtual dust tracks, whilst during the winter months and in prolonged wet weather they deteriorated drastically. Where bridges did not exist flooding rivers made crossings adventures of extreme danger. Consequently, with the increase in road transport in the early eighteenth century, with the greater use of wheeled traffic, and with the interrelated need and desire to exploit the agricultural and industrial resources of the region, it was only to be expected that the condition of the highways became a matter of great importance for travellers and businessmen, as well as for local administrators.

I. Highway maintenance.

The system of highway maintenance and administration to be followed was laid down in the statutes of 1555 and 1563.³ By them the basic liability for repairs and upkeep lay with the parish, which was to maintain all roads which passed through it. The organisation of the repairs was to be made by a surveyor of the highways, the actual work being carried out by all parishioners who either provided carts, tools and workmen, or laboured for up to six days each year, depending on whether they were occupiers of land or not. Failure to keep the roads in good condition, however, rendered inhabitants liable to be presented at Quarter Sessions. Nevertheless, parishes were always prepared to neglect their duties and it was the task of the Justices to ensure

that obligations were fulfilled. They needed to be ever vigilant and, although they had authority to act both in and out of sessions, supervision of the highways was not a responsibility for which many Justices showed great enthusiasm and initiative. Though individual magistrates could and did present highways at Quarter Sessions, it tended to be only the most dutiful Justices who fully involved themselves in such laborious and time-consuming work. The presentments they made, however, gradually became more and more important, for by the late seventeenth century they were regarded as being equivalent to true bills returned by a Grand Jury.

In general, individual Justices and Quarter Sessions took action only when a problem had arisen and a complaint had been made. As a result, highway supervision was executed in a very patchy way, the intensity of the activity varying from place to place depending on the pressure to be exerted by the local magistrates. There was no framework of regular inspection and repair, though once improvements had been made, Quarter Sessions always demanded a full inspection and report of the work undertaken. Magisterial intervention depended entirely on information received. This amounted to a major and inherent weakness of the system and ultimately resulted in a generally inadequate administration by the Justices.

Despite the spasmodic bursts of activity shown by many magistrates out of sessions, highway problems comprised some of their greatest difficulties and were a major preoccupation at the court of Quarter Sessions. For the Justices were not only expected to ensure that repairs were made, infringements of legislation punished and nuisances removed. They were, at the same time, involved with the settlement of disputed responsibilities, with the enforcement of unpaid labour services and with the oversight of large sums of money. They had to deal with considerable dissatisfaction at paying for the upkeep of main roads which might be seldom used by local people. The evidence clearly suggests that inhabitants tended to keep to a network of roads in the parish and to ignore those which skirted them. Local people were

particularly aggrieved when they had to raise money to pay for repairs to damage which they had not caused. The magistrates in both Ridings, as in all other counties, constantly faced such difficulties, and complaints and proceedings concerning the condition of the highways provided some of the most routine problems to come before virtually every meeting of the court. Indeed, it was rare for a Quarter Sessions not to have to consider some aspect of highway maintenance.

The magisterial response was exercised in two ways, one administrative and the other judicial. When a presentment was made, Quarter Sessions frequently appointed a neighbouring Justice to enquire into the condition of the highway for which a complaint had been received, to seek additional information, if required, to inspect the work of the surveyor in repairing the stretch and to certify that the improvements were duly and satisfactorily completed. In the absence of a magistrate residing nearby the court turned to the chief constable to undertake the inspection. This procedure was more usual in isolated districts in both Ridings and became more common in the eighteenth century.⁴ This administrative routine, from complaint to certificate, was strengthened by a judicial process, for highway problems were treated as part of the Justices' criminal jurisdiction. If the repairs were not made or the orders of the magistrates were ignored or disobeyed, the court moved from presentment to indictment, trial and punishment. This was an elaborate and increasingly outmoded process but one which survived for much of the eighteenth century. Although the practice of taking administrative decisions without formal legal procedures was eventually adopted for bridges, as far as highways were concerned, statutory responsibilities and obligations were regularly enforced by punishing, or threatening to punish, all breaches. Thus, Quarter Sessions in both Ridings, as in most other parts of the country, fined surveyors who neglected their duties, individuals who failed to assist on common road days, anyone who committed nuisances which interrupted travel,

and ultimately whole parishes for the non-repair of roads for which they were responsible.

Although the magistracy supervised the system of highway maintenance, the actual day-to-day arrangement of the tasks to be undertaken was the responsibility of the surveyors of the highways, two of whom served in most parishes.⁵ The post was generally disliked for the organisation of statute labour, the collection of money for essential repairs and the notification of all defaulters tended to strain relationships with fellow parishioners. The unpopularity of the office, the prevailing attitudes of parochialism and the difficulties of communication resulted in a tendency to neglect duties. Except when stimulated by magisterial inquiry, it is certain that most surveyors did little beyond the basic requirements. Perhaps the clearest indication of the general laxity is the frequency with which surveyors were able to retain parochial money well beyond their time in office. There were occasional prosecutions for failure to appoint sufficient common road days, to keep proper accounts and even to carry out essential repairs, but in general indictments against surveyors were surprisingly few. On the other hand, some surveyors were diligent individuals and where highway rates were raised it suggests that these officers were functioning as they ought. From 1691 the Justices were empowered to appoint surveyors themselves from a list drawn up by the parishioners and the parish officers, but this authority was not extensively exercised at Quarter Sessions. Supervision of the surveyors was sometimes undertaken by the chief constables and their use was not an unexpected devolution of responsibility, for, on the whole, the magistrates showed only a superficial interest in the work of these subordinate officials.⁶

Whereas it was the duty of the surveyors to decide on the repairs to be made and to make the necessary arrangements, it was the responsibility of all parishioners to carry out the actual work. This was accomplished on the six common road days to be appointed each year, and involved the more affluent inhabitants providing carts and horses, and all other householders

spending time and effort as directed by the surveyors. This system of statute labour was particularly resented because it was compulsory and unpaid, and tended to be exacted at the busiest time of the year. This meant the loss of usual wages and must have hit the poorest sections of society the hardest. It is not surprising, therefore, that attempts to evade this responsibility were common. It is clear that in both Ridings people refused to send draughts or to assist but prosecutions for such offences became less frequent in the last quarter of the seventeenth century. It is clear that statute labour was not consistently enforced by either surveyors or by Justices in any of the three Ridings. By the early eighteenth century general resentment and the poor standard of work accomplished gradually led to the abandonment of statute labour as a major component of highway maintenance. As far as the Justices were concerned, rigorous application of it would have created more problems than it would have solved. Although it did not die out completely, it was replaced in some areas, and especially those where the concentration of traffic was heaviest, by an arrangement by which fines for refusal to assist were accepted as payments in place of actual service. This money was subsequently used to hire labour, as in Wakefield in 1728 when fourteen poor inhabitants of Gt. Horbury were each employed at 10d. a day to undertake highway repairs, the total cost of the hiring on this occasion being ~~£~~9.16s. 8d.⁷

The duties of the population with regard to highways did not end with their appointment as surveyors or with their annual contribution to the common day repairs. It also extended to a general responsibility not to commit nuisances. Yet apart from the ravages of the weather and the constant battering of packhorses, carts and waggons, the highways suffered from an ever-recurring number of common nuisances. They included such problems as obstructions caused by the tipping of stones, gravel and earth, and by the felling of trees into the highway, all of which disrupted the traffic. Coal and lime pits were dug too close to, and occasionally even in, the highway itself. This frequently caused subsidence and posed considerable dangers to passers

by, especially when the holes lay open and unfenced. Stoops, gates and other obstructions were deliberately put across roads and illegal tolls charged. Ditches and streams were left unscoured or were deliberately dammed, with the result that the surrounding area became a flooded quagmire during wet weather. This was more of a problem in low-lying areas, such as near the Rivers Aire and Calder in the West Riding and in the valleys of the Rivers Derwent and Hull in East Yorkshire. There were at the same time several nuisances which directly affected the health of road users. Thus, there were prosecutions for dumping human excrement, animal dung, and the blood and entrails of dead livestock in considerable quantities across the road. Some of the worst offences were committed by landowners, whose acres adjoined the highways, and who regarded the roads as part of their property. These involved the failure to repair fences and maintain secure gates, thus enabling animals to wander onto the road. Attempts were even made to encroach onto the course of the highway by placing fences across it, by positioning sheep folds and other buildings in it and by even ploughing it up.⁸

The Justices in both the East and West Ridings tackled these difficulties with determination, but the frequency with which the same or similar nuisances recurred indicates that they would never eradicate such problems. All they could hope to do was to fine the malefactors and ensure the obstruction involved was removed as quickly as possible. Although the magistracy spent much time in and out of sessions in attempting to combat these misdemeanours, there is no evidence that Quarter Sessions in any of the three Ridings tried to enforce the regulations concerning the methods of drawing vehicles, the number of draught animals to be used, and the size of the wheels on the vehicle itself. It seems that the problems of overweighted carts and waggons was not one which particularly troubled the magistrates of Northern England before 1750. On the whole, they preferred to direct their attention to the more blatant nuisances which interrupted traffic and which created dangers and hazards for the travelling public.⁹

The most regular and effective way of dealing with highways in need of repair was the presentment of those liable for their maintenance. Although parishes and townships were responsible for the upkeep of the vast majority of highways, some lanes were to be maintained specifically by the owners of property adjoining them. Furthermore, liability could also fall upon particular wards of a town, as in the case of Wakefield where there were separate surveyors for Kirkgate, Northgate and Westgate. A particularly awkward jurisdiction was the West Riding parish of Sherburn-in-Elmet which comprised eight separate townships and in 1748, for example, the problem of responsibility also involved two named landowners, Sir Edward Gascoigne of Parlington and Charles Hungate of Saxton.¹⁰ Such difficulties served only to complicate the Justices' task which was dominated by the general unwillingness to acknowledge responsibilities. The dislike of having to enforce the collection of money for repairs made matters worse as did the difficulty that many highways passed for much of their length through rough and sparsely populated areas, where there was little enthusiasm to spend much time and effort on proper construction and maintenance. The Justices were left with no alternative but to use the cumbersome procedure of presentment and indictment. Yet such action was necessary for only when threatened with a considerable fine did some parishes begin to take their responsibilities seriously.

Even when a parish was persuaded to repair a stretch further delay could result from protracted arguments between two or more neighbouring townships as to who was really responsible. The inhabitants of the West Riding townships of Nether, Middle and Over Shitlington, for example questioned the arrangements for highway maintenance on practically every occasion they were called upon to repair a road. Other inhabitants, for example those who lived in Alverthorpe and Flanshaw, disliked their respective financial proportions for highway repairs, and required magisterial assistance to settle their differences. Some disputes were bitterly contested and it was

not uncommon for particularly awkward cases to be referred to the Court of King's Bench. On most occasions in the East and West Ridings, as in Shropshire and many other counties, however, highway disputes were referred to a small committee of Justices who, in their private sessions, made an investigation and final determination. What is more, as an increasing amount of highway business was conducted at special meetings, and after 1691 at the statutory highway sessions, so a decreasing number of disputes ever reached Quarter Sessions.¹¹

At the best of times repairs took far too long to complete and during the winter months the weather forced many parishes to petition for additional time to fulfil the necessary work. To meet the problem conditional fines were set and they would only be levied if the repairs were not carried out during a fixed time. The period of grace was usually until the next meeting of the court in three months time. Pressure was brought to bear on neglectful and recalcitrant parishes by setting the fines at a sufficiently high level, usually between £20 and £50, although sums of as much as £100 were not unknown. Thus, the parish or individual in question was left in no doubt that failure to carry out the repairs would lead to a fine being levied by distress and applied for that purpose.¹²

It is quite clear that the system of conditional fines had considerable success, for it was used extensively in all counties and on many occasions it resulted in the necessary work being accomplished on time. Presentment and fine was a spur to effort and, after a subsequent inspection by a Justice or chief constable, and the production of a certificate of good repair at Quarter Sessions, the indictment was discharged and the threat of fining removed. When parishes had difficulty in fulfilling their responsibilities on time, however, the Justices were prepared to grant an extension period in which to complete the work. On the successful petitioning of Quarter Sessions fines were frequently respited, and, if already estreated, were temporarily frozen. Yet despite the high level of fines usually set, the willingness of the authorities to grant a respite enabled a few parishes to avoid their

responsibilities for as long as possible. In some cases several respites were granted so that it might be as much as two years after the original complaint and presentment was made, that the certificate of repair was produced, the indictment was taken off and the fine, if estreated, restored. A presentment against the inhabitants of Brayton, for example, was not discharged until four years after it was first made, and the proceedings against Haworth residents in 1742 were not fully completed until 1750 when they submitted to the original indictment and were fined the usual nominal sum of 6d.¹³

The readiness to grant extensions did mean that the effect of the conditional fine was considerably muted. The delay in enforcing repairs inevitably led to a further deterioration of the highways and eventually to a greater sum being required to cover the cost of the work. Despite its occasionally lax execution, however, the system of suspended and conditional fines brought results. Parishes were obliged to undertake their responsibilities, roads were repaired and the majority of fines were subsequently discharged. Thus, Quarter Sessions was justified in devoting a vast amount of its valuable time in fining parishes for failing to keep up their highway maintenance and in supervising the spending of money collected as effectively as possible. The large number of parishes presented and the poor standard of repairs which resulted from the system of statute labour, however, led to a widespread desire to replace the unpaid, unwilling and unskilled labourers who performed the actual work. This was eventually achieved by the employment of workmen who were to be paid out of a fund raised by a levy on all parishioners.

Though first suggested in 1654 and re-enacted as a temporary measure in 1662, it was not until 1691 that highway rates were set on a permanent basis.¹⁴ The Justices in Quarter Sessions were now empowered to order the levy of a rate of not more than 6d. in the pound so long as they were convinced that the roads would not otherwise be satisfactorily repaired, the money to be spent as they directed. This legislation provided clear evidence of the inadequacy of the existing powers of magistrates to enforce

repairs and gave those parishes which had previously experienced problems in repairing their highways a more direct way of attempting to complete the required maintenance work. Despite the advantages to be gained from this procedure, however, it was not immediately taken up by the authorities in either the East or West Ridings. Whereas highway rates were important in the North Riding before 1700, the evidence for the rest of Yorkshire suggests that they were only gradually adopted and that it was not until the second and third decades of the eighteenth century that they became a common feature of highway administration in the East and West Ridings. Although they did become a principal source of income to cover the maintenance costs, highway rates never became the sole means of repairing roads for they could only be raised after the six common days work had been used up.

Requests for rates depended totally on local requirements and they were not resorted to by all parishes. It tended to be only those places which had considerable difficulties in maintaining their roads which sought the levy of a rate. Thus, when the East Riding Quarter Sessions granted eight highway rates in 1732, they were all for parishes through which passed important roads. Southcoates and Drypool, Sculcoates, Bridlington and Molescroft each had one rate, whilst Cottingham had four to cover particularly serious repairs. Although highways rates were generally preferred to statute labour, the raising of any money always brought some opposition, as at Bridlington in 1736 when thirteen inhabitants refused to pay their contributions to a highway assessment. Nevertheless, it is clear that during the early eighteenth century the authorisation of highway rates gradually replaced attempts to uphold statute labour as the basic means of highway repair. In general such rates were greatly favoured and on all occasions that they were requested in the East and West Ridings they were granted, as was the case in many other counties, notably the North Riding, Shropshire and Wiltshire. For the Justices they ensured a certain source of income for some repairs, whilst for parishes with a small population and excessive commitments highway rates permitted

more flexibility in the organisation of those repairs and were welcomed as a much easier substitute for the onerous obligations of statute labour.¹⁵

Although highway rates could only be ordered by a full Quarter Sessions, much highway business was conducted out of sessions by individual Justices acting on their own or together in small groups. It was common in the late seventeenth century in many parts of the country, including the West Riding, for small committees of magistrates in private and special sessions to consider highway problems when undertaking other out of sessions duties. The considerable amount of business involved, however, resulted in them holding special sessions devoted entirely to highway repair. These administrative developments received a statutory basis in 1691 when the Justices were directed to hold special sessions in each division every four months for the consideration of highway affairs. Thus, the intermittent special sessions held before 1691 were now put on a regular footing. From this time Highway Sessions appear to have been held in the West Riding between all Quarter Sessions as laid down by the act, though the meetings between Easter and Midsummer appear to have been the most important. Nevertheless, it appears that they were held as frequently as necessity demanded so that occasionally there was more than one meeting per division between each Quarter Sessions. As a result, all the 1691 act accomplished, as far as the West Riding Justices were concerned, was to regularise a system which had been gradually evolving over the previous ten years. It is not possible to state precisely when Highway Sessions began in the East Riding, but by the early eighteenth century the authorities here, like their fellow magistrates in the North and West Ridings, had limited highway business at Quarter Sessions to dealing with conditional and suspended fining of parishes and with particularly difficult highway disputes. All the minor routine work was conducted at the regular divisional Highway Sessions which followed each Quarter Sessions and especially the Midsummer meeting of the court.¹⁶

The last years of the seventeenth century comprised a time when a determined and systematic attempt was made to improve not only highway administration but also road communications generally. A partial alleviation of the problems created by lonely and unmarked highways was offered by legislation in 1697 which authorised Justices to erect guide posts or stoops where crossroads were remote from towns and villages. Attempts by the West Riding Justices in 1700 and again in 1722 to have posts with *direction signs* set up at all crossroads were not successful. Although a 10s. fine was to be levied against any surveyor who did not comply, the Justices do not seem to have enforced these orders. In 1733 the West Riding authorities tried again and on this occasion the regulations were obeyed for many stones set up still survive to this day. Five years later the number of miles to be covered was to be added to each post, and this also appears to have been carried out. The Justices themselves were more determined for chief constables were reimbursed from county funds for reporting on the posts which had been erected in their wapentakes. In later years, again at the instigation of Quarter Sessions, more stoops were erected and old ones replaced, especially in remote areas.¹⁷

It is not clear how the East Riding magistrates responded to the legislation of 1697, for surviving records include only one reference to the need for guide posts. In 1726 the overseers of the highways of Huggate, were ordered to set up a stoop at the crossroads in the village directing the way to Beverley, Bridlington and Pocklington. It is quite certain that the amount of traffic and the pressure from travellers would determine the response of the magistracy to the need of guide stoops. In the West Riding and Derbyshire, for example, through which passed major routes and which contained many tracts of desolate moorland, guide stoops were essential. In counties like Leicestershire, Nottinghamshire and the East Riding, on the other hand, the close proximity of villages meant that stoops were not generally needed as strangers could always seek assistance.¹⁸

The emphasis placed on erecting guide posts in remote areas must have been of great assistance to all travellers, as was the establishment of regular Highway Sessions for the Justices and highway rates for the general population. The inefficient nature of parochial highway administration in general, however, and the superficial nature of magisterial oversight resulted in much discontent. So long as some parishes were prepared to neglect rather than to maintain their roads, travel and economic development would be handicapped. As the amount of traffic increased, however, it became more obvious that the existing system of highway maintenance was incapable of sustaining the demands placed upon it. Coupled with this realisation was a growing desire to create a system of communications which could assist expanding trade and industry and satisfy all local, regional and national needs. A partial solution to the problem was the adoption of the principle of making road users pay for road repairs through tolls. The subsequent creation of turnpike trusts, based on this maxim, was essentially an ad hoc approach to supplement the increasingly outdated and impractical system of parochial responsibility. The importance of this development for highway administration, however, was two fold. For not only were road users to be directly involved by contributing to repairs. At the same time, virtually all turnpikes formed after 1706 were controlled by groups of local people who by their own initiative petitioned Parliament for permission to establish a trust and to levy tolls for the upkeep and improvement of particular stretches of road. The magistrates of Hertfordshire, Cambridgeshire and Huntingdonshire had established the first turnpike in 1663, and further Justices' trusts were set up until 1723. Nevertheless, from that time turnpike administration by non-magisterial trustees totally replaced the older Justices' trusts.¹⁹

By the various turnpike acts and by general legislation in 1722,²⁰ the Justices were given specific supervisory powers to investigate the state of the turnpiked roads and the amount of tolls charged. They were also the authority which settled any disputes between the trustees and the general

public. They were to decide the amount of statute labour which the trusts could demand and to check that trust funds and powers were not misused. It was the practice throughout the eighteenth century, however, to increase trust powers and from the seventeen-forties and seventeen-fifties magisterial supervision was omitted from most acts thus freeing trustees from direct outside control. Whereas the Justices of the North Riding occasionally exercised their general powers of oversight and investigation in the first half of the eighteenth century, it appears that their colleagues in the East and West Ridings rarely used this authority. In Hertfordshire and Gloucestershire the magistrates did little more than appoint surveyors and examine accounts. Such a summary execution of duties seems to have been common, the Justices of the East and West Ridings being only superficially concerned that legal niceties were obeyed, that the authority of the trusts was upheld, and that the trustees did not exceed their powers by ignoring local rights or conventions. Thus, when repairs to the highway between Hull and Beverley resulted in damage to the property of several inhabitants of Burn Park and Cottingham, the East Riding Quarter Sessions acted and ordered the trustees of the turnpike involved to pay compensation for all the inconvenience caused. The evidence indicates, however, that in general the Justices did not exercise their supervisory powers regularly or systematically.²¹

In theory the trusts were intended to supply additional revenue for road repairs, the system of statute labour being continued as previously. The gradual abandonment of attempts to enforce statute labour, however, and the increasing popularity of some parishes for the payment of lump sums in lieu of statute labour, resulted in the trusts that were established taking responsibility for maintenance away from the parishes involved and ultimately away from the magistrates as well. Thus, as their number increased in the eighteenth century, and particularly after 1740 when they became a popular expedient, turnpike trusts emerged as separate improvement bodies administering and repairing whole stretches of road by raising their own funds and by employing workmen.

Although parish authorities were still responsible for the majority of roads, the trusts were appropriating administrative duties previously undertaken by the surveyors under the general supervision of the Justices. In this way, their appearance was a radically new development in eighteenth century local administration. It is not easy to explain why this change occurred, but it may have been the result of the increasing difficulty of the Justices to administer the large number of turnpikes effectively. Combined with this, as far as the magistrates were concerned, was the knowledge that the trustees were not taking over all the county's roads but only single stretches or small groups of highways.²²

In general, the Justices of the Peace appreciated the improvements made in their counties, for trustee administration of some of the more important highways must have reduced, if only slightly, some of their burden of highway responsibilities. The magistrates of the West Riding, for example, had always been concerned by the condition of the Great North Road and several improvements along this route during the seventeen-forties must have been particularly welcome. It is quite clear that individual Justices backed appropriate turnpikes and an analysis of trustees indicates that practically every active Justice served on at least one trust. Moreover, when they took the trouble to express themselves, the views of individual county Benches could not be ignored. It appears that the North Riding Justices comprised part of the opposition which successfully defeated a proposed turnpike between Stockton and Darlington in 1726. The East Riding magistrates, on the other hand, enthusiastically and successfully supported the petitions for the turnpike between Hull and Beverley in the early seventeen-forties.²³

Despite general magisterial approval, turnpikes were disliked by the lower classes who resented dramatic change and the payment of tolls. To them toll bars and toll houses prevented free passage which they considered to be their inalienable right. They expressed their anger by attempting to evade

tolls and by assaulting turnpike gatekeepers, as Francis Scholey, keeper of the bar at Towton, discovered in 1741 when he was viciously assaulted when endeavouring to collect tolls from one traveller. Such incidents tended to be isolated but the innovatory nature of turnpikes made them unpopular in many areas in the early eighteenth century. There was only one example of large scale resistance in Yorkshire, however. The erection of new gates and the increase in tolls around Bradford and Leeds between 1751 and 1753 resulted in a number of acts of violence, involving the destruction of gates and toll houses at several places around these two towns. The arrest of rioters at Harewood Bridge inflamed the situation and the attack on a gate at Beeston and the attempt to rescue three prisoners led to the intervention of the military and to the death of several rioters. The disturbances, which began in May 1752 and which were particularly acute in the summer of 1753, had created much concern amongst the authorities both locally and in London. The magistrate Edwin Lascelles had taken a leading role in dealing with the difficulties at Harewood Bridge and the West Riding Quarter Sessions later appointed two attorneys to prosecute the rioters.²⁴

The emergence of the turnpike system was a development of great significance for highway administration and for the Justices in particular. It is quite certain that trust responsibility for stretches of main roads reduced some of the problems with which the magistrates were faced. Since the trustees in no way challenged their basic authority, the Justices were prepared to acquiesce in their creation, the more so because as individual gentlemen they were involved as trustees and because the turnpikes brought considerable social and economic benefits to the districts they served. Although they were only a partial remedy to the problems posed by parochial responsibility for highway repair, turnpikes proved to be of great use. The East Riding trusts made an effective contribution to the growth of Hull as a port, as did those in the West Riding by connecting a highly efficient system of inter and intra-regional turnpikes to the inland ports on the Rivers Aire, Don and Ouse.

Economic development was assisted, industry and trade was stimulated and transport and communications were made much easier. The seventeen-fifties even saw the inauguration of a large number of new fairs and markets for beasts and cereals.²⁵

Yet turnpike trusts only covered a small proportion of the total mileage of roads in any county. On all other highways, parish responsibilities continued and the Justices constantly attempted to ensure that those duties were accepted and the roads properly maintained. Supervision of the highways remained a major problem. Fortunately much of the business was routine so it could be conducted in regular Highway Sessions and not left to be dealt with at the already cluttered Quarter Sessions. Despite the time and effort spent by the Justices in attempting to bring about improvements, however, the general standard of road construction and maintenance in most areas was still poor. Part of the problem was that highway administration only amounted to a proportion of the Justices' responsibilities. There were other just as pressing duties to perform, and it is significant that when radical changes were eventually made, they were accomplished through the establishment of authorities devoted entirely to the task in hand.

II. Bridge maintenance.

Whereas the Justices exhibited little initiative towards highway administration, they showed exceptional interest and innovation concerning the upkeep of bridges. For they had been given extensive powers and precise duties, and they were prepared to execute them regularly and systematically. By an act of 1531 it had been expressly laid down that where no other liability could be definitely proved, the burden of maintenance for bridges in a county should always fall upon the county Justices.²⁶ All bridges requiring repair were to be presented at Quarter Sessions and once liability had been shown, the authority responsible, be it county, wapentake, parish, corporate town or individual, was to undertake all necessary work. In the case of the county

being responsible, Quarter Sessions was authorised to levy rates on all inhabitants and to appoint surveyors to organise the work, general oversight of these operations being maintained by a group of neighbouring Justices. This direct county responsibility and the financial sums which had to be raised ensured that bridge administration received the close interest and tight supervision of the magistrates. Yet such duties also imposed additional burdens upon them. They involved much time and energy in viewing the condition of bridges, in arranging for repairs to be carried out and in ensuring that the work was satisfactorily completed. It is not surprising, therefore, that this aspect of the Justices' responsibilities was to be affected by a number of striking administrative developments.

The amount of business naturally varied from county to county. The topographical nature of the West Riding, for example, and the large number of rivers which had their source in the Pennines and flowed in an easterly direction towards the Humber estuary meant the number of bridges in this part of the country was surprisingly high. During the sixteen-eighties well over 120 separate bridges were presented at various times, and although approximately 20 per cent were the responsibility of the wapentake of Staincliffe and Ewecross, well over 75 per cent were the direct responsibility of the county, various other wapentakes, parishes and individuals looking after the remaining 5 per cent. The number for which the West Riding Justices had direct liability, about 100, had increased considerably since the beginning of the seventeenth century when the court had been responsible for only forty eight. Nevertheless, as the county's economy expanded, as the amount of traffic in general increased and as routes were developed, so the county took over the responsibility for more bridges as their importance to the region as a whole was gradually acknowledged. A complete survey compiled in 1752 revealed that there were 424 bridges in the West Riding and that the Justices were responsible for 116, only eleven less than the number for which their

colleagues in Cheshire were liable to repair, but many more than in the majority of counties.²⁷

In the East Riding, on the other hand, the situation was completely different. Here there was only one major river to be crossed, the River Derwent, which for much of its length acted as the county boundary. The result was that the East Riding magistrates were responsible for only eight bridges, the same number as their Shropshire colleagues of the mid eighteenth century. Yet, whereas the Justies in Cheshire, Shropshire and the West Riding took over responsibility for more bridges, the magistrates of the East Riding continued to repair the same number throughout the seventeenth and eighteenth centuries. Nevertheless, although the East Riding authorities had a far smaller number of bridges to maintain, supervision of them was one of the most important administrative duties to be undertaken, as it was in most counties.²⁸

It is quite clear that bridge responsibilities were not straightforward, an ever present problem being the difficulty of determining liability and of persuading those so adjudged to accept and to undertake their obligations. Unlike their colleagues in the East and North Riding who rarely brought proceedings against individuals, parishes and wapentakes during the late seventeenth and early eighteenth centuries, however, the magistrates of the West Riding were keen to enforce liability for bridge repair on these authorities, once it was clear they had a responsibility to fulfil.²⁹ Thus, once a presentment had been returned as a true bill and an indictment been laid, Quarter Sesions would give orders for the individuals involved to undertake the necessary work.

The Justices of all counties were naturally careful to avoid having responsibility thrust upon them, and whenever doubts were raised, they readily ordered a full investigation to be made. This usually involved an inquiry of old 'substantial' people who lived near the bridge in question, and a search in the records, as to who last repaired it.³⁰ Such a careful procedure did not mean,

however, that the whole question of responsibility would not be reopened at a later date. This frequently occurred and led to some drawn out and complex arguments, as in the case of Aberford Bridge on the Great North Road. Between 1686 and 1702 responsibility for this important bridge was questioned on no less than ten occasions and in the course of the dispute, the county, the wapentakes of Skyrack and Barkston Ash, the inhabitants of Aberford, the parish of Sherburn and the Gascoigne family of Parlington were all separately presented as being liable for repairs to the bridge. The problem was not satisfactorily solved until 1743 when an investigation revealed this confused situation, and the court, appreciating the importance of this bridge, eventually accepted it as a Riding responsibility.³¹

Although keen to force those liable to undertake their duties, Quarter Sessions did appreciate that on occasions parishes and townships were not able to raise the required sums to pay for essential repairs. The Justices generally regarded petitions for some assistance with great sympathy, and, although there is no record of the East Riding court giving such financial assistance, the West Riding magistrates ordered gratuitous payments of £10 towards repairs on several occasions each year. Nevertheless, they always stressed that such a contribution did not constitute a precedent for future payment or liability.³² Irregularities in the granting and accounting of such money and the relatively large number of payments made, however, led the West Riding Justices to establish much stricter procedures. It is clear though that, despite the express order that no further gratuities would be given after Easter 1686 and its repetition on three occasions during the next thirty two years, payments continued to be made.³³ This was no doubt a consequence of the realisation that without them some repairs would not be undertaken and that serious repercussions for smooth communications would undoubtedly ensue. In the early eighteenth century it even became the practice of granting such financial assistance before a presentment had been made, an administrative development which was expressly forbidden by the County Rate Act of 1739.

From this time the number of payments of gratuities for repairs to bridges which were not county liabilities gradually fell, though they did not cease as in the North Riding. They were still made, but they could only be ordered at the Easter Sessions and only after a formal indictment had been entered. The frequent repetition of instructions limiting the payment of gratuities, however, indicates that this administrative expedient remained a particular favourite of the Justices and that they were prepared to give much assistance when it was required.³⁴

Further difficulties arose when responsibility was shared between two authorities, be it neighbouring parishes or wapentakes. Generally the disputes arising were settled by Quarter Sessions or by a group of Justices directed to investigate and determine the problem. More complex issues resulted, however, when bridges spanned rivers which acted as county boundaries. The West Riding shared liability for the upkeep and maintenance of several bridges with all its neighbouring counties, as in the case of Yorkshire Bridge with Derbyshire, Rawthey Bridge with Westmorland and Tadcaster Bridge with the Ainsty. Of the eight bridges for which the East Riding held responsibility, however, over half were shared jointly with other counties, principally the North Riding, as in the case of Kirkham, Howsham and Buttercrambe Bridges. On most occasions joint responsibility caused few problems, the cost of the necessary repairs being halved between the two authorities involved. Yet, in a small number of cases, prolonged disputes did arise, perhaps the most acrimonious being that involving North Bridge at Ripon. For nearly 150 years the magistrates of the North and West Riding argued as to who was liable for its upkeep and it was only after the Assize Judges had instigated a full investigation that the West Riding Justices accepted full responsibility.³⁵

In general, the implementation of joint maintenance operated smoothly. The erection of a new bridge at Bawtry in 1738, for example, was accomplished with little trouble, Quarter Sessions in the West Riding and in

Nottinghamshire making equal contributions to the cost. Cross county discussions were essential before repairs could be started and their frequency indicates a high degree of co-operation and administrative innovation. Analysis of the Quarter Sessions' records in both the East and North Ridings shows that the rebuilding of Yeddingham Bridge in 1731 followed a considerable amount of discussion and planning by a committee of Justices comprising representatives from the two Ridings. With little fuss, they made all the necessary arrangements, appointed the masons and carpenters required and saw that the money set aside was correctly distributed, so that the work was completed with the minimum interruption to communications.³⁶ This devolution of authority to groups of Justices characterised late seventeenth and eighteenth century bridge administration and by it select committees of divisional magistrates were given extensive powers to assess damage and contract for its repair. In many ways, this was an essential first stage to the appointment of professionals to undertake such work.

Bridge administration became one of the magistrates most important duties simply because by the end of the seventeenth century expenditure on their maintenance had outstripped all other financial responsibilities. Often considerable sums of money had to be levied for their repair. The very few bridges which the East Riding Justices had to maintain, however, meant that the county's bridge expenditure was low in relation to other counties but considerable when compared with other expenditure made by the Riding authorities. Throughout the first half of the eighteenth century the total amount spent each year on county bridges was usually between £50 and £100. It was fairly straightforward to pay close attention to a limited number of bridges and it was not surprising that numerous small repairs were ordered costing less than £20. Such sums contrast remarkably with those raised between 1648 and 1651, when at least £1,400 was levied, but this amount was required for extraordinary repairs following several years of neglect and military damage.³⁷

In the West Riding, on the other hand, the situation was very different. The period from the early sixteen-seventies to the mid sixteen-eighties was a vital one for bridge maintenance and resulted in a series of extensive and costly repairs. A considerable programme of rebuilding was undertaken, necessitated by the need to improve communications in general and to repair the damage caused by several hard winters. During the early years of the sixteen-eighties, well over £1,500 was estreated annually to keep the county's bridges in a reasonable condition. Although after 1685 expenditure each year was never as high, for much of the next sixty five years bridge money amounted to between £500 and £1,000 per annum. Large amounts were also raised for particular bridges. The East Riding court had to collect well over £800 for the rebuilding of Stamford Bridge Bridge in 1725 and to share costs of £630 with the North Riding for Yedingham Bridge six years later. Similar sums were required in the West Riding, as in the case of Hewick and Rotherham Bridges, for which £1,550 was levied between 1680 and 1682.³⁸

The large amounts estreated for particular county bridges are striking. The majority of repairs, however, amounted to individual estreats of between £5 and £80, but the combined annual sums do give a clear picture of the amounts of money required to repair bridges for which the county Justices were responsible. So great was this expenditure that the court in both Ridings kept strict supervision over its disbursement and over the condition of its bridges in general. Unwilling to levy, let alone spend, any large sums, the Justices sought the mean point when they would not be distributing too much but, at the same time, spending enough to ensure that the repairs were adequately carried out. Nevertheless, it is clear that the requirements of bridge maintenance were a constant burden on county finances. From the late seventeenth century all three Yorkshire Ridings spent well over 50 per cent of their annual expenditure on bridge repairs. Though it is not possible to compare this figure accurately across the whole country, the evidence available suggests that this high proportion to be devoted to bridges was not

exceptional and that the figure of only 6 per cent of expenditure spent on bridges in Shropshire in the mid eighteenth century was extremely low.³⁹

By the late seventeenth century the presentment of bridges in need of repair and the levying of the major amounts had been reserved by the West Riding court to the undivided Easter Sessions, which was the first meeting of the Bench after the ravages of winter. Whereas bridge affairs could be discussed and decided at any East Riding Quarter Sessions, it was only the Easter meeting in the West Riding at which accounts could be allowed and discharged. A similar arrangement had evolved in the North Riding with the Easter and Michaelmas meeting at Thirsk becoming the main Sessions for bridge and highway maintenance. The Easter Sessions at Pontefract became even more important after the decision that each divided Quarter Sessions could order no more than £10 for each bridge. Although first suggested in 1668 and repeated in 1681, this development was not effectively in operation until Midsummer 1684. From this time, however, the limitation of the amounts which could be ordered by the sessions other than Easter was rigidly enforced. Thus the £50 estreated for Kirkstall Bridge in 1701 was spread over five meetings of the court, the Justices ordered to care for it receiving it in £10 instalments.⁴⁰

The importance of bridge administration not only led to changes involving the business to be conducted at particular sessions, but also brought about financial developments which had significant repercussions for the ways in which the Justices performed their duties. The practice gradually evolved of levying a general bridge rate rather than separate rates for individual bridges. At the same time the amounts involved were intended not only to cover immediate work but also to create a stock of money for urgent repairs. It appears this procedure was common in most parts of the country in the late seventeenth century. This move towards greater financial efficiency also involved the problems faced by numerous people holding and distributing sums, the eventual outcome being a situation where one official became more and more responsible for all financial affairs. By the early eighteenth century a

clear system had been organised in the East and West Ridings, as in Shropshire and many other counties,⁴¹ whereby a single county treasurer was responsible for all money raised on the county including that for the bridge repairs. These were vital developments, and yet the changes made at this time were not limited to financial administration. During the first half of the eighteenth century they came to affect the whole process of bridge maintenance, for the Justices began to ignore some of the traditional legal procedures and to adopt more practical approaches.

Though the cumbersome system of presentment and indictment continued, repairs were ordered to be undertaken from the sixteen-eighties in the West Riding as soon as it was known that maintenance work was required. Thus, whilst a group of Justices who served for the division in which the particular bridge was situated and who numbered between two and four viewed the damage, Quarter Sessions often ordered an immediate estreat of up to ~~£~~10 'for the present'. On occasions, actual contracts for repairs were also made without waiting for presentment by the Grand Jury. Once a report had been received, however, the bridge would be formally presented, if this had not already occurred, and further sums would be allowed for the remaining work to be completed. Moreover, so that valuable time was not wasted, the court frequently instructed the clerk of the peace to estreat the sum, as certified by the Justices who viewed, as an act of that particular sessions and to use the excess money previously collected for urgent bridge repairs. Similar developments occurred in the North Riding, though the small number of bridges to be dealt with in the East Riding meant that the general organisation of bridge administration in this county was much easier to undertake.⁴²

The use of committees of Justices was an important development for they were authorised to make a full assessment of the bridge in question, to contract for repairs, to supervise the work and to make all necessary payments once the job had been completed. Before the magistrates were discharged of their responsibilities, however, full reports and accounts had to

be presented to Quarter Sessions. This delegation of authority was intended to prevent the county having to endure unnecessary expense, as well as to ensure that local knowledge and expertise was used to its best advantage. Such committees were convened in the West Riding, despite the Webb's assertion to the contrary. Individual Justices were still ordered to act, but from the late seventeenth century the use of small committees of magistrates to deal with several bridges became more popular than hitherto.⁴³

Such procedural improvements undoubtedly speeded up the whole system of maintenance, but difficulties still remained. The levy of large sums of money for bridge repairs naturally created problems with which the Justices were very familiar. Delay and evasion in the payment of contributions, for example, were not uncommon. On occasions both liberties in the West Riding claimed exemption from bridge levies, but the evidence indicates that in the first half of the eighteenth century they paid towards the repair of all Riding bridges. The amounts of money involved always gave cause for concern that proper accounting took place. There was generally no problem when a group of magistrates was given the responsibility of holding and distributing sums for particular bridge repairs. There were occasions, however, when the court had *no option but to entrust money to subordinate officials and to the actual workmen themselves*. Masons and surveyors were carefully selected but such irregularities as embezzlement did occur. Further difficulties arose from the misappropriation of materials intended for repairs, an offence which was severely treated, especially when it led to the actual removal of sand and earth used to support the arches.⁴⁴

The difficulties of effective accounting were overcome by greater vigilance, as was the fear that accidental payments for repairs could result in a bridge being upgraded to county status. The 'Book of Bridges' was kept up to date, there being at least six major revisions in the West Riding between 1680 and 1750. The deputy clerks of the peace, notably Richard Cowper and Alan Johnson, who served the West Riding successively from the seventeen-twenties

were required to undertake numerous searches in all the records to establish liability for repair. A major survey was carried out by William Ety of York in 1710 but the most complete account of all the bridges in the West Riding was undertaken in 1752 by the county undertakers, John Westerman and John Gott, and the county surveyors, Robert Carr and John Watson. The record that they drew up contained plans and descriptions of all the bridges together with their location, their condition and by whom they were to be maintained. The various books of bridges, and particularly the 1752 version, must have been invaluable to the Justices when problems arose.⁴⁵

At the same time as ensuring that correct information was always available, the magistrates tried to improve the general standards of bridge maintenance by using the same proven masons and surveyors. The occasional renewal of orders for repairs and the repetition of major repairs soon after work had been completed provide clear evidence of the poor standards of workmanship. Within five years of the complete reconstruction of Tadcaster Bridge, for example, the West Riding had to levy further sums to pay for urgent repairs.⁴⁶ During the late seventeenth century the Justices in Derbyshire had tackled this problem by appointing a county mason, whilst in Devon three bridgemasters served for the three divisions of the county. Although no similar appointments were made in the West Riding at this time, the magistrates in this county were moving towards such expedients by directly limiting the number of people to whom such work was given. The East Riding Justices were thinking along the same lines, for, from the early eighteenth century, they were employing the same workmen to be in charge of bridge repairs.⁴⁷

The major concern of the magistrates, however, was the amount of money which had to be spent and they sought the best means of reducing all expenditure. Although a fundamental principle of local government was that of unpaid service, from the late seventeenth century the Justices in the West Riding, as in other counties, were prepared to farm the upkeep of bridges to

local skilled craftsmen who for a fixed sum agreed to maintain one or a group of bridges for a period of up to seven years. This system generally worked well and it was the combined effects of the advantages of devolving authority to professional workmen, of the difficulties of effective magisterial oversight of all bridge work, of the necessity of adopting a less complex machinery, and of the concern at the amount of money spent, which led the West Riding Justices to introduce a series of radical changes in the administration of county bridges.

In response to a petition of the freeholders and substantial inhabitants of the wapentake of Staincliffe and Ewecross, the West Riding magistrates decided in 1705 to appoint a surveyor to care for all public bridges in that division of the county. The first and only incumbent of this post was James King who received £20 per annum and served for three and a half years. On his discharge no successor was appointed.⁴⁸ It is certain, however, that during his short tenure in office, James King did bring some improvements to bridge administration and that the advantages of such an appointment were not lost on the West Riding Justices. For they now began to think in terms of salaried officials for the whole county. Following the survey of the Riding's bridges by William Ety and public notice of the intention to employ undertakers, Joseph Pape, William Horn, John Hawkrige and William Elsworth, all of whom had been previously employed by the Justices as masons on individual bridge work, were contracted to repair all the bridges for which the Riding was responsible for the next eleven years. In return they were to receive £350 per annum, which was to be paid to them quarterly by the county treasurer. The undertakers were to attend each Quarter Sessions and report once a year at Michaelmas Sessions as to the condition of each bridge for which they were responsible, depositing with the court a certificate, which was to be signed by the next Justice and which was to record the state of each bridge. The West Riding Justices were thorough in their preparations for they ensured that the work of the undertakers would not be hindered. All Justices who were still holding

bridge money were to account immediately and any existing bonds for repairs were to be delivered up to the court.⁴⁹

The general arrangements and the results achieved must have exceeded the magistrates' expectations, for, from this time, the undertakers became an integral part of the Riding's machinery for bridge administration. On the completion of the first contract in 1723, Jonathan Jennings and John Heelis, both masons, were employed for seven and a half years but at only £200 per annum, this figure no doubt representing a more realistic assessment of the costs at this time and being the lowest proposal made! Their contract was renewed for a further seven years in 1730, but two years later, after a series of complaints that repairs had not been carried out, they were discharged. In their place the Riding employed George Crosfield, a carpenter. His contract was to last for ten and a half years at £300 per annum. No appointments were made to the position of county surveyor on a regular basis and Crosfield may well have undertaken the responsibilities of this office as well. At the end of his term in 1743, however, the posts were clearly split. One agreement was made with John Westerman, John Gott the elder, John Gott the younger and William Gott to repair the Riding bridges for the next eleven and a half years at £270 per annum. A second contract was made with the architects John Watson and Robert Carr to survey all Riding bridges once a year at an annual salary of £15 each. Three years later they agreed to survey them twice a year for which their salaries were doubled.⁵⁰

As a result, by the middle of the eighteenth century the West Riding was employing, on a contractual basis, separate officials to survey and to carry out repairs to all Riding bridges. This professional approach also included the decision to contract publicly for wapentake bridge repairs, as well as for the appointment of the undertakers, and to always consider the most realistic tender offered. Such was the overall success of the appointment of undertakers, however, that the system was extended within the county. From the second decade of the eighteenth century separate undertakers were

appointed to repair all the bridges for which the inhabitants of the wapentakes of Staincliffe and Ewecross were responsible. Thus, in 1720 Samuel Swier and Henry Currer contracted for this work for the next seven years at ~~£~~40 per annum. They were succeeded by Robert Tatham, but his seven year contract was dissolved by Quarter Sessions in 1733. In that year Jonathan Jennings recently discharged as joint undertaker for the Riding's bridges, became undertaker for the wapentake's bridges. His contract was renewed on at least one occasion, for he was still serving in 1750.⁵¹

The administrative arrangements which evolved in the East Riding were in some ways more important than those which had been established in the West Riding. Since the county was only responsible for a handful of bridges, general organisation was much simpler. Yet, in the early years of the eighteenth century, the East Riding Justices adopted a system which predated similar changes in the West Riding and in most other counties. By 1708, when surviving records begin, the magistrates were employing a surveyor of bridges who was to inspect all Riding bridges regularly and to report to each Quarter Sessions. For this he was to be paid ~~£~~10 per annum. When repairs were required he was to set men to work and to provide all necessary materials. On its successful completion he applied to Quarter Sessions for payment. It was hoped that the appointment of a surveyor would ensure that regular maintenance was carried out and the records indicate that in this the Justices were not disappointed. His attendance at each Quarter Sessions enabled the Justices to check his accounts, as did the decisions that he was to note all bridge accounts in a book to be provided by the county, and that from 1733 he was to leave a duplicate report at every Quarter Sessions.⁵²

During the first half of the eighteenth century, the county was served by at least four surveyors. On the discharge of William Catlyn in 1710, Edward Robinson, a carpenter, was appointed and he served until his death eight years later. He was replaced by William Hunter who was surveyor until 1724 when he was succeeded by Joshua Mitchell, who remained in office until

his death thirty four years later.⁵³ What makes the East Riding appointments so significant, however, is that the incumbents held office on a permanent basis and were clearly regarded as general employees whose responsibilities lay not just with bridges. In 1714, for example, Edward Robinson was ordered to inspect the house of correction and undertake any necessary repairs.⁵⁴

Despite the fact that magistrates in some parts of the country believed that they had no right to contract for bridge repairs, the administrative developments which occurred in the East and West Ridings were mirrored at different times in many other counties. By 1750 the authorities in Devon, Derbyshire, Essex, Lancashire and the North Riding had all at some time appointed temporary surveyors or contracted out bridge repairs for all or part of a county, for a fixed term for an annual lump sum paid to the contractors. For seven years the Essex Justices could not make up their minds as to what was best, eventually deciding in 1718 to appoint a public surveyor at £60 per annum. Nine years later the Justices in Devon proposed the employment of bridge surveyors, and in 1728 two surveyors were appointed in the North Riding at an annual salary of £15 each. Within twelve months, however, they had been discharged, Quarter Sessions preferring instead to rely on chief constables to report the condition of all county bridges at every meeting of the court. In 1743, at the same time as the appointment of Watson and Carr in the West Riding, it was again suggested that a surveyor be employed in the North Riding, but no one was appointed to such a post before 1750. The Lancashire Justices, however, were more definite. They favoured contracting for bridge repairs and in 1756 they appointed bridgemasters to look after all bridges in each hundred. A 'master' was also employed in Derbyshire, he being specifically instructed by Quarter Sessions in 1714 to check all the county bridges. The second half of the eighteenth century brought similar developments in most other counties, a bridge master, for example, being appointed for the first time in Warwickshire. The old practice of entrusting control of repairs to groups of Justices, however, continued throughout the

eighteenth century in Cheshire, Gloucestershire, and Wiltshire, amongst other counties, there being no bridge master or professional surveyor in those parts of the country until the early nineteenth century.⁵⁵

In those jurisdictions for which evidence is readily available developments in bridge administration were generally slow and unsure. In a few counties, however, the records indicate that there was a definite progression from a haphazard administration to a precise organisation involving paid officials and over which the Justices exercised general supervision. This was certainly the case in the East and West Ridings which were in the forefront of these developments. Nevertheless, most early eighteenth century appointments were on a temporary basis, the East Riding surveyors being perhaps the outstanding exception to this. Despite the high calibre and good qualifications of those who served, these officials were generally employed on short term contracts as professional consultants, their salaries covering charges and expenses only. The West Riding surveyors appointed in 1743, for example, had their agreements renewed each year. It was not until the late eighteenth and early nineteenth centuries that permanent professionals were appointed as surveyors on a long term basis and that they received a remuneration which enabled them to consider their posts as their principal employment. The first West Riding surveyor to be appointed on these terms was employed in 1777 at ~~£~~250 per annum, ten years before the Shropshire magistrates made their enlightened choice of Thomas Telford as their first professional surveyor.⁵⁶ The early appointment by the West Riding authorities reflects great credit upon their determination and administrative expertise.

III. Conclusion.

The decision to introduce salaried professional officials into bridge administration in the East and West Ridings brought with it several vital developments. Experiments were made in bridge design and as a result of the increased volume of traffic and of a lack of suitable timber, more and more

bridges were built in stone. At the same time there was much emphasis on keeping surfaces in good repair, on maintaining the causeways at either end of each bridge, on raising battlements and on widening bridges. Narrow structures had to be replaced if they were to be capable of taking wheeled traffic. And as many routes were upgraded through the effects of turnpike trusts, so the Justices made their contribution by improving those bridges which lay in those highways and for which they were responsible. It is quite clear that trusts stimulated much bridge activity in the North and West Ridings. In 1742, for example, the West Riding court ordered that Maudland Bridge be widened so that it would be capable of carrying the traffic expected to use the turnpike which had been recently established on the highway passing over it.⁵⁷

Overall the evidence reveals that during the late seventeenth and early eighteenth centuries the Justices in most counties made determined attempts to improve all major bridges. Where necessary complete rebuilding took place and magistrates throughout Yorkshire, as in Derbyshire and elsewhere, were quite prepared to raise immense sums of money to cover the costs incurred. They appreciated the necessity of such work which reflected the demands of a growing regional economy. The effects of the devolution of bridge administration to surveyors and undertakers, however, was to reduce the time spent on bridge repairs at Quarter Sessions. During the whole of the first half of the eighteenth century, there were only two presentments for county bridges in the East Riding.⁵⁸ Instead, most of the bridge business which came before the court involved orders on the treasurer for reimbursement of the surveyor for money expended in repairs. The West Riding Quarter Sessions' records indicate a similar trend and after 1719, when contracting for repairs began in earnest, the presentment of county bridges rapidly disappeared from the business of the court. Nevertheless, it remained the practice to present four bridges at each Epiphany and Midsummer Sessions as a formal procedure to satisfy all legal requirements before an order could be made to raise and pay the undertakers' and surveyors' salaries.⁵⁹ In effect, the execution of

bridge responsibilities became more and more an administrative exercise, the day-to-day routine of which was the task of specially appointed officers. Nevertheless, the Justices did not ignore their duties. On the contrary, the evidence indicates that in both Ridings the magistrates exercised a close supervision at all times. This was not least because of the vast sums of money involved, which made bridge maintenance an insistent burden on county finances.

The interest and initiative shown by the Justices in bridge administration contrasts dramatically with their approach towards highway maintenance. This was partly the result of the direct responsibility they had for certain bridges but which they did not have for highways. Nevertheless, they were very concerned with general developments to assist transport and communications. They endeavoured to force parishes to maintain their particular stretches of highway, but in this they were severely hampered by the tendency of parochial surveyors and fellow parishioners to neglect their obligations. To counter this they presented the authorities responsible for gross and persistent refusal to repair their roads, and, by the system of conditional and suspended fines, they applied direct pressure to ensure that responsibilities were executed. Nevertheless, the procedure of presentment and indictment was cumbersome, delays in completing repairs were frequent and the general burden of highway problems was immense. Much of this work was conducted out of sessions at meetings especially convened for highway business. Here the Justices tried to solve the complex liability disputes and the claims for exemption from highway rates. At the same time, they were expected to undertake new duties, the West Riding Justices, for example, being required from the early eighteenth century to supervise the letting and collection of tolls at Ferrybridge and Castleford Bridges. This was an additional burden *which caused numerous difficulties*, for these two bridges carried much traffic, and many travellers, especially drovers, resented having to pay such tolls.⁶⁰

It is to the credit of the magistracy in both Ridings, however, that they maintained their efforts and that they were prepared to accept the introduction of several improvement bodies, notably turnpike trusts, to help achieve a general improvement in transport facilities. For the overall aim of the Justices was to establish a highly organised system of communications which would assist and stimulate industrial and commercial expansion and enable them to carry out their fundamental duty of preserving law and order. In this they were very successful, as is indicated by the increase in traffic and travel in general, and by their ability to govern the whole county by making the authority of Quarter Sessions felt in all parts of their jurisdiction when necessary. Guide stoops and way markers were set up, and causeways improved. New bridges were erected and existing ones widened and strengthened. The direct administrative and financial authority given to the Justices meant that it was only to be expected that they would exhibit greater interest in the maintenance of bridges than of highways. The use of salaried officials to undertake repairs and to survey bridges transformed what was becoming an inadequate machinery into a more flexible and practical process. What is more, the initiative shown and the expedients introduced into the administration of bridges by the Justices of the East and West Ridings contrasts more favourably than anything else with which they were involved and indicates perhaps how innovatory they could be.

CONCLUSION.

In many ways local government underwent few changes between 1680 and 1750. The Justices of the Peace retained their position as the principal officers, for their overwhelming advantage was the natural foundation of influence they commanded as local gentry. The principal aim remained that of attempting to ensure that the King's peace was preserved and for this the Justices were ideally suited, their social status being a guarantee of their effectiveness in keeping order. To achieve this they were expected to supervise, administer and judge every aspect of life in the neighbourhood, and it is clear that to this end the general business of the Justices of the late seventeenth and early eighteenth centuries was very similar to that of their early Stuart predecessors. Hence they exhibited constant concern for such tasks as the punishment of criminal offences, the maintenance of highways and bridges, the oversight of marketing and trade, the administration of the poor law and the supervision of parochial officers. It is true that the level of *reported crime fell in rural areas, but in their* criminal work most time was still devoted to cases of petty larceny and assault and fines and whippings remained the most regular punishments to be inflicted. The ways in which they operated showed little change as well, for the magistrates used methods and machinery within a framework which had been established during Tudor times. Quarter Sessions, for example, was still the most important forum for the Justices to undertake their duties and the clerk of the peace retained his position as the principal servant of the Bench.

Although there was much continuity, there were some very important changes in emphasis. The general authority of the Justices was constantly on the increase for most new functions of government had been placed upon their shoulders. Thus, by the early eighteenth century they exercised an ever-increasing and bewildering variety of functions. The

Justices also found themselves by this time in a position of autonomy. In practice this meant that they had a virtually unimpeded opportunity to impose and maintain the type of social discipline that seemed best to them. Although there was close co-operation between central and local government in times of crisis, the Justices tended to enforce, for example, only those statutes and instructions from the Privy Council with which they were in sympathy or which to them seemed to be most relevant. It was only to be expected that in these circumstances the magistracy concentrated on some duties rather than others in their efforts to ensure that they satisfied the changing needs of society.

Between 1680 and 1750 there was a gradual decline in importance in a number of aspects of the Justices' work. Little attempt was made to enforce the more minute controls and there was an increasing disregard for the paternalistic approach of the Tudor and early Stuart periods. Economic regulations concerning, for example, the searching for and prosecution of forestallers, regrators and engrossers, the enforcement of the seven year apprenticeship and the assessment of wage rates rarely occupied the active interest of the Justices. In some cases the magistrates had concluded that such close supervision was no longer desirable for as landowners and businessmen themselves they had come to appreciate the advantages of economic freedom as a stimulus to expansion and improvement. They did not ignore, however, the less fortunate in times of difficulty. When corn emergencies occurred they acted to protect the general population by supervising all dealers, for example, and by checking all weights and measures used by traders. Significant changes also came about as a result of political developments. From 1689 the persecution of Protestant Nonconformists came to an end and during the subsequent decade the presentment of Roman Catholics for recusancy rapidly disappeared, though a close watch was kept over all those who were politically or religiously disaffected when the need arose, as, for example, in 1715 and 1745. The supervision of morals, other than

religious matters, was an aspect of the magistrates' responsibilities for which there was little general fervour. Prosecutions for profane swearing, for example, depended entirely on the determination of individual Justices and Privy Council attempts in the sixteen-nineties to persuade the Justices to undertake direct action concerning the reformation of manners received a far from enthusiastic response.

On the other hand, some responsibilities became far more significant. There was an ever-increasing concern with matters of poverty and poor relief. The Justices were forced to devote more time in particular to the problems of settlement and vagrancy, and Quarter Sessions rapidly became a court of appeal dealing with overseers' accounts, poor rate assessments and maintenance, removal and affiliation orders. The criminal responsibilities of the Justices also underwent important changes of emphasis. Offences against property, became more important and attempts to deal with those who committed the crimes of coining, counterfeiting and highway robbery, for example, required much more attention during the last decades of the seventeenth century than at any time previously. Of perhaps greatest importance, however, was the development in purely administrative duties, notably those concerning the maintenance of bridges for which the county was responsible.

At the same time the Justices were faced with some entirely new tasks which served to widen the range of activities with which they were involved. From the sixteen-nineties, for example, they were required to license meeting houses for worship by Protestant Nonconformists, to determine the rates to be charged for the carriage of goods, and to levy money for the maintenance and conveyance of vagrants. During the first decade of the eighteenth century the Justices in both Ridings actively advocated and assisted the establishment of a Registry of Deeds for each of their jurisdictions, and maintained a close supervision of the ways in which they were organised and operated. There were also important developments in the

treatment of offenders, the magistrates having, and using extensively from 1718, the option of ordering the transportation of particular criminals.

In undertaking their multifarious duties, the Justices faced many difficulties, which ultimately complicated the tasks they were expected to perform. Many subordinate officials adopted an inefficient, negligent and, at times, obstructive attitude, and, to a great extent, this was due to the reliance placed upon unpaid compulsory service. The appalling communications did nothing to help the situation, neither did the increasing intricacies of the regulations which the Justices and their officers had to enforce, especially those concerning the poor laws. Matters were not improved either by the tendency of some Justices to promote private interests at the expense of public responsibilities, but most magistrates were friends and colleagues and not antagonists and rivals. The dominance of parochialism, the preference for short-term measures, the inadequacy of funds and the deep-rooted reluctance to contribute to assessments compounded the Justices' difficulties, as did the general lack of direction given by central government.

Many of these problems had hampered the magistrates of the sixteenth and early seventeenth centuries and several of them were to be faced by those who served on the commission of the peace during the second half of the eighteenth century. Some, however, were new, the most prominent being those connected with the appointment of the new officials responsible for financial auditing, vagrancy and bridges, and, for the West Riding Justices, for the regulation of the cloth trade. Nevertheless, it is to the credit of those gentlemen who acted in the West Riding in particular that between 1680 and 1750 a determined effort was made to tackle the difficulties which confronted them. The absence of central control and guidance, however, was at times a severe handicap. In matters affecting the poor law, for example, few constructive measures were introduced. It was not *surprising that there was a preference for short-term expedients and for a policy of routine repression, and that official magisterial contributions to the*

employment of the able-bodied poor were rarely attempted. The Justices did little to alleviate the conditions of the poor in general or to prevent them becoming an increasingly serious social and economic burden. It is clear, though, that positive measures within one authority would not have been successful for they could have been nullified by the action, or lack of action, of the magistrates in neighbouring jurisdictions. A national approach was required, for a solution to the problem of poverty lay outside the scope of the Justices.

The failure of central government to give general guidance undoubtedly served to increase rather than to alleviate the deficiencies of the machinery of local government. The situation was not helped by the spasmodic supervision exercised over the Justices. Much, therefore, depended on the application and sense of duty of the gentlemen who comprised the magistracy. Nevertheless, it is clear that freedom from government restraint did not affect the work of the Justices in too detrimental a manner. On the contrary, for left to their own initiative the Justices were ready to develop new methods and procedures to meet changing circumstances and to satisfy particular local needs. Many of the ad hoc expedients introduced gradually became officially recognised through the passage of legislation, as in the case of the County Rate Act of 1739 which sanctioned the simplification of rating and financial administration based upon a county treasurer and centralised funding, procedures which had been well established in the West Riding, for example, for over a quarter of a century. Such was the importance of the work of many county authorities that, during the early eighteenth century, it became the passive role of central government to prepare statutes to confirm existing practice. Nevertheless, the Justices themselves abandoned any attempt to initiate changes in some aspects of their work which most needed attention. These involved, for example, the problems of the highways, as well as those connected with the poor. The maintenance of parochial and individual responsibility for stretches of highways, for example, was a particularly

difficult task and the inherent weakness of such an approach ultimately resulted in the creation of turnpike trusts along the more important routes, and significantly these were outside the Justices' control.

There can be little doubt that the period between 1680 and 1750 was marked by several important administrative innovations. New approaches were evolved, many of which were of a lasting nature. A new executive official was appointed, namely the county treasurer, and his sole responsibility for the collection and disbursal of all money raised upon the county ensured much greater financial efficiency. Local government had been very much a 'unit of obligation': it had stressed the duties of citizens who were expected to participate when required. By the late seventeenth century, however, these attitudes were beginning to change. The difficulties associated with unpaid and compulsory service were many and to counter them various improvements were made from the sixteen-nineties which led to much greater reliance being placed on salaried assistants. By the middle of the eighteenth century, it had become well established in many counties that officials were to execute certain duties and that the inhabitants were to pay. Surveyors of the highways, for example, could raise a highway rate to pay for necessary repairs, instead of relying on unwilling forced labour.¹ As county responsibilities became more complex, ad hoc officials were employed to undertake specific duties. In both the East and West Ridings, as in many other counties, individuals were engaged to survey and to repair all bridges for which the county was responsible and to transport convicted felons. The West Riding magistrates also employed officers to convey all vagrants throughout the Riding, to act as searchers in the expanding woollen cloth trade and to undertake the duties of inspectors during the seventeen-forties cattle plague. Nevertheless, the unpaid service of amateurs was still retained for many parochial duties, for juries and for the watch. It was being replaced only in those aspects of local administration for which the Justices had direct responsibility to ensure greater speed and efficiency.

The development of a collective responsibility through an integrated administration based upon officials appointed for the whole county was of the utmost importance. For it heralded a much more professional and realistic approach in general on behalf of the Justices. In the absence of direction from central government, the county magistrates in the West Riding in particular attempted to introduce much greater cohesion and purpose into their proceedings, and their colleagues in the East Riding tended to follow the example they set. The regulations for drawing up poor rate assessments, for example, were laid down, and the court of Quarter Sessions developed administrative procedures to be followed for the maintenance of bridges which were to be set in motion before the process of presentment had been duly completed. Committees of Justices were not just to view the bridge concerned but were also empowered on occasions to contract for the assessment and conduct of repairs. The general improvement in communications in the eighteenth century, however, was undoubtedly partly due to the establishment of turnpike trusts and although the Justices had no general involvement with these organisations practically every magistrate sat on at least one. There was a greater willingness to seek advice and explanation from the Assize Judges, barristers and other legal advisers, and this helped to unravel the intricacies of many of the complex regulations the Justices had to enforce. The increasing formality of the court of Quarter Sessions, the establishment of a definite timetable for each meeting, the gradual separation of the judicial and administrative business, the use of printed forms for recognizances, indictments and removals, the more formal recording of the proceedings both in and out of court, and the appointment of a chairman for each Quarter Sessions all helped to improve the efficiency of the Justices, as did the decision to reimburse the expenses of witnesses and to offer rewards in certain criminal cases. The attempts to deal with the abuses in the administration of prisons and the maintenance of inmates, moreover, reflected an increasing concern with the conditions of custody and punishment and

indicated a far more enlightened and humanitarian approach towards this group of individuals. Perhaps most important of all, however, was the gradual acceptance of the need to raise sufficient amounts of money to pay for all essential services and for the salaries of the important officers of the court. The desire for a more professional approach in local government necessitated the expenditure of considerable financial sums.

A book of standing orders for the West Riding court was produced in 1728, during a period which saw some extremely significant developments. It was about this time that Quarter Sessions began to conduct more business in private and from the seventeen-twenties there was an increasing use of closed meetings of Justices to make enquiries into certain issues, such as the condition of the house of correction, the wording of a petition to Parliament, and the regulation of servants' wages, as well as the repairs to certain county bridges. Such committees were most common at Easter Quarter Sessions, where they undertook a close scrutiny of the accounts of the clerk of the peace and of the treasurer.² The group of Justices who were appointed annually from the late seventeen-twenties to supervise the administration of the gaol at York Castle became a virtual standing committee and included all those magistrates who lived in or near the city. Apart from the public notice given before the appointment of the special undertakers, Quarter Sessions also began to advertise for information about suspicious individuals and for tenders for major bridge repairs, for which official contracts were drawn up.³ The West Riding Justices even went so far as to seek parliamentary approval for its plans to regulate the county's cloth industry. This move was successful and the efficient implementation of these proposals undoubtedly assisted the development of the trade and the overall authority of the magistracy within this county. Important developments were made in the ways in which the Justices undertook their out of sessions duties as well, with the gradual combination of the work of private and special sessions, the beginnings of moves towards fixed petty sessions, and the establishment of regular meetings

to deal with highway maintenance and the licensing of alehouses. In all these ways, county administration was becoming more complex, more centralised, more disciplined, more specialised and more bureaucratic.

The increasingly close supervision of the Justices' clerks, the wapentake and parochial officers, and the various other county officials and their assistants, was another means by which the magistrates attempted to improve the ways in which they executed their duties. The Justices had managed to exert considerable influence over medieval officers like the coroners, the High Sheriff and the various bailiffs, but in the late seventeenth century the general administration of most counties had been disjointed and unrefined. Between 1680 and 1750, however, local government in the East and West Ridings, as in several other counties, was gradually transformed into a complex yet clearly defined system of criminal justice and civil administration. At the same time it came to rely on a number of trained professional assistants. These improvements did not take place everywhere, but there is sufficient evidence to indicate that during the early eighteenth century similar developments occurred, to a greater or lesser degree, throughout the country.

The Gloucestershire Justices, for example, adopted a more formal and precise court procedure. Committees became more common and the recording of minutes was undertaken in a much more careful manner. There was a similar impetus for change and improvement in Shropshire with greater reliance on professional officers, such as clerks and surveyors, and with the responsibility for all receipts and payments being undertaken by a treasurer and his assistants. The Wiltshire Justices still employed the traditional officers, but, like their colleagues in Shropshire and elsewhere, they also came to depend much more on 'a new bureaucracy', and they undertook a positive policy of improvement with much business undertaken in committee. In his study of the work of the North Riding Quarter Sessions during the first half of the eighteenth century, J.S. Cockburn emphasised the inadequacies of

local government and the rather ineffective and, at times, casual approach of the magistrates. Nevertheless, there is clear evidence for administrative progress even in this county. By 1750, for example, Easter Sessions at Thirsk was established as the bridge and highway session for the Riding, and contracting for vagrants and for the transportation of felons had been adopted, as had the sitting of committees to *consider such responsibilities as* the maintenance of convicted felons. In 1743 the Justices discussed the advantages of a 'General Surveyor of County Bridges', but though no appointment was made at that time it is important that they were prepared to consider the employment of expert officials.⁴ It is clear that there was less interest in introducing different approaches to the conduct of business in the East Riding than there was in the West Riding. In the former county, traditional procedures were maintained for much longer principally because they were successful. In the latter county, however, improvements were essential to meet the needs of the local community. Although the East Riding Justices were not slow to make changes when they were clearly necessary, it is true that they tended to adopt procedures already tested and approved by their West Riding colleagues.

The use of salaried officials resulted in the growth of a highly efficient centralised element which had been previously lacking in county government. The appointment of ad hoc officials was a recognition of the need to make innovations to meet local requirements, and was a particularly successful move in the East and West Ridings. At the base of county government developed a professional element which served with ability and integrity. The construction of a county bureaucracy had been due to an increasing need for an integrated administration and for a more professional approach to government, and had the overall effect of elevating the Justices within the hierarchy of local government. Opting out of the more mundane duties, the magistrates were prepared to leave the daily routine and drudgery to such county executives as the clerk of the peace and the treasurer and

their deputies, who acted in the name of the Justices and who became well before 1750 permanent paid functionaries. The role of the Justices had thus become much more one of co-ordination and supervision than it had been even in the seventeenth century.

The late Stuart and early Georgian period was undoubtedly a time of transition, marked by important changes in the ways in which the Justices executed their duties, in the responsibilities to which they devoted efforts, and in the relationship between central and local government. Despite the desire for much greater control over the magistrates, the Crown and Privy Council had little opportunity to command and were forced to rely on the general oversight provided by the Assize Judges and the Lords Lieutenant, and on the cooperation of the Justices themselves. Generally, however, the working relationship between London and the counties was harmonious, and, although the membership of the commission of the peace underwent severe alterations at times, the inner core of magistrates which dominated local affairs was rarely affected and the groundwork of local government continued virtually undisturbed.

The replacement of the medieval and increasingly obsolescent characteristics of local government by much more modern and relevant administrative techniques was particularly significant. This development was essentially the result of a process of magisterial self-help. For it is clear that the Justices used their extensive autonomy in a positive manner to develop a much more coherent approach to local government. There is no evidence of corruption, like that to be found in the boroughs before 1835, and the number of individual magistrates who abused their positions to the detriment of the public good was remarkably small. Moreover, the impression of an ignorant and poorly educated group of wealthy men dominating county government and operating it solely in their own interests must be refuted.⁵ The majority of the individuals who served on the commission of the peace in the East and West Ridings had been well educated at either a grammar or public school. A

considerable number had been to either Oxford or Cambridge or to an Inn of Court, and several of the magisterial élite had been to both. When their formal education had ended, learning was not forgotten. The accounts, correspondence and inventories of the gentry of the early-eighteenth century reveal a general desire to further their knowledge as reflected in their comprehensive libraries, subscriptions to magazines and purchase of legal manuals. It is true that on their appointment to the Bench many Justices were unversed in public business and that not all wished to act, but the sound education of many and the general willingness and determination of virtually all of those who served more than compensated for these handicaps. Furthermore, the increasing number of magistrates in the West Riding in particular who had business or professional interests undoubtedly assisted the Bench as a whole to appreciate the needs of the county and to execute its duties more efficiently. The overall impression must be that within each county there was a group of individuals who exhibited much integrity and sophistication and who were far more knowledgeable and concerned than their predecessors had been.⁶

Despite the problems they faced and the mistakes they made, the Justices accomplished much daily: funds were raised, officers supervised, dealers and alehouse keepers licensed, wrong doers punished, the poor relieved, and vagrants passed. The overall effectiveness of the Justices, however, is not easy to access. The minutes of Quarter Sessions are essentially the records of misdoings which had to be corrected, and the immediate impression is of a never ending series of problems of at times overwhelming proportions. Nevertheless, the increasing efforts devoted to purely administrative responsibilities, and the initiatives made to improve the ways in which they executed their duties indicate a genuine desire to develop a smooth and efficient system of local government. Furthermore, the decreasing level of reported crime was due in part to the growing use of summary powers and to the establishment of regular meetings for the conduct

of business between Quarter Sessions. Close analysis of the records reveals deliberate and constant attention to the duties considered to be the most important and the discriminating authority of the Justices does not seem to have been misused. It is clear that on the whole local government operated in an increasingly effective manner, if only for the reason that the King's peace was preserved. The late seventeenth and early eighteenth century was a violent but not lawless time. Small affrays were frequent and were dealt with firmly. Major riots, however, were conspicuous by their absence. At no time was there a serious breakdown in law and order.

During the years from 1680 to 1750 the administration of the East and West Ridings, in common with many other counties, underwent considerable changes and a detailed study of the Justices, of their relationship with central government and of the business with which they were involved leaves little doubt of the importance of these developments. The differences between local government during the last years of the reign of Charles II and during the middle years of the eighteenth century are many and striking, the establishment of yearly rates levied to run county administration and the use of salaried officials being two of the most significant. Indeed, the overall administrative upheaval which led to the replacement of the magistrates as the principal agents in the day-to-day business by a qualified professional staff had important repercussions in later years. For it was the first step towards the eventual decision to limit the authority of the Justices to the criminal law only, their civil duties becoming the responsibility of professional officers who received due payment. Such a development, however, was not to be considered until the late nineteenth century. Until that time the Justices were in firm control of the judicial and administrative direction of the jurisdiction for which they served.

An analysis of the organisation and operation of local government in the late seventeenth and early eighteenth centuries indicates the power and the conscientious approach of the magistrates to their work. It is clear that

during this period there were a considerable number of country gentlemen who were prepared to devote an increasing amount of time, energy and expense to undertaking a whole variety of complex duties both in and out of sessions. Moreover, those Justices who served did so in a commonsense, workmanlike and flexible manner, and, despite the difficulties, they executed their responsibilities in an increasingly professional and organised way, being prepared to introduce new methods and procedures to help cope with the developing needs of pre-industrial Britain. The office of Justice of the Peace was undoubtedly one of the most unique, influential and successful institutions of the late seventeenth and early eighteenth centuries.

APPENDIX I.

A Survey of the leading Justices to attend Quarter Sessions for the East and West Ridings, with brief biographical details.

Note: Incomplete sessional records in the East Riding has meant that accurate information about the leading Justices of the late seventeenth century cannot be included. Standard genealogical abbreviations have been used.

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A. The East Riding.

Eight Justices attended between fifty and one hundred quarter sessional meetings and two appeared on more than one hundred occasions. These leading magistrates were:

Sir Edmund Anderson Bart. (1687-1765).

Attended sixty eight Sessions between 1722 and 1754. Of Broughton, Lincs. Educated at St. Catherine's College, Cambridge. Succeeded as Bart., 1702. Resided at Kilnwick, Yorks.

Ramsden Barnard (? -1799).

Attended seventy one Sessions between 1731 and 1749. Son of Edward Barnard of South Cave and Anne, dau. of William Ramsden M.P. for Hull. His father had been Recorder of Beverley. Educated at Gray's Inn. Md. Anne, dau. of John Worsop of Garthorpe, Lincs., 1715. Alderman of Beverley, 1730. Mayor of Beverley, 1742.

Francis Best (1699-1779).

Attended sixty one Sessions between 1731 and 1770. Of Elmswell, Yorks. Only surviving son of Charles Best of Elmswell and Charlotte dau. of Rev. Charles Hotham. Bap. at Scarborough, 1699. Collector of Customs at port of Hull, 1727. Buried in a private vault built on his estate at Elmswell Spellour.

Hugh Bethell (1691-1752).

Attended 110 Sessions between 1716 and 1751. Of Rise, York. Bap. at St. Helen's, York, 1691. Md. Anne only dau. of Sir John Cope of Bramhill Bart. Sheriff of Yorkshire, 1734.

Sir Francis Boynton Bart. (1677-1739).

Attended fifty seven Sessions between 1709 and 1738. Of Burton Agnes, Yorks. Son of Rev. Henry Boynton, Rector of Barmston, Yorks., and Dorothy, dau. of Alexander Amcotts of Pershire in Houghton-le-Spring, Durham. Educated at a school in Beverley, at St. John's College, Cambridge and at Gray's Inn. Barrister at law. Md. Frances, dau. and heir of James Hebblethwayt of Norton, Yorks., 1703. Succeeded as 4th Bart., 1701. Recorder of Beverley, 1733. M.P. for Hedon, 1734-9. Was returned to Parliament on the interest of William Pulteney, the leader of the Whig opposition. Only two recorded votes in Parliament and both were for the Government - on the 1735 navy estimates and on the 1739 Spanish convention.

James Gee (1686-1751).

Attended 116 Sessions between 1721 and 1751. Of Bishop Burton, Yorks. Son of William Gee and his second wife Elizabeth, dau. of Charles Cracroft of Louth, Lincs. Educated at Queen's College, Cambridge and at the Inner Temple. Md. Constance, dau. and coheir of John Moyser of Beverley, 1727. Probably Receiver General for Yorkshire.

James Moyser (? - ?).

Attended sixty four Sessions between 1720 and 1749. Of Beverley. Son of John Moyser of Beverley, and his first wife, Mary (see below). Much involved in the administration of charitable foundations in Beverley. Died between December 1751 and July 1753.

John Moyser (1661-1739).

Attended fifty two Sessions between 1708 and 1737. Of Beverley, Yorks. Born at York. Son of James Moyser of Beverley and Frances, dau. of Edmund Yarburgh of Snaithe, and relict of Sir John Reresby of Thribergh (father of the diarist - see below). Educated at a private school in Beverley (Mr. Banks) and

at St. John's College, Cambridge. Md. (1) Mary, and (2) Catherine, dau. of John Heron and widow of Sir John Hotham Bart., 1728. M.P. for Beverley 1705-8. Intimately connected with the restoration schemes for Beverley Minster, first quarter of eighteenth century.

William Osbaldeston (1688-1766).

Attended sixty one Sessions between 1722 and 1765. Of Hunmanby, Yorks. Son of Sir Richard Osbaldeston of Hunmanby and Elizabeth, dau. and coheir of John Fountayne of Melton, Yorks. Educated at a school in Beverley and at St. John's College, Cambridge. Unmarried. M.P. for Scarborough 1736-47 and 1754-66. Elected after a petition, 1737. Voted with the Government. Brother of Richard Osbaldeston, Dean of York, 1728-47, Bishop of Carlisle, 1747-62 and Bishop of London, 1762-64, and of Fountain Wentworth Osbaldeston, M.P. for Scarborough, 1766-70.

Richard Worsop (1691-1758).

Attended fifty seven Sessions between 1725 and 1757. Born at Garthorpe, Lincs. Son of Richard Worsop, gent. Educated at a school in Beverley (Mr. Lambert), at St. John's College, Cambridge, and at the Middle Temple. Called to the Bar, 1716. Died of Howden.

B. The West Riding

Twenty-seven Justices attended between fifty and one hundred quarter sessional meetings and seven appeared on more than one hundred occasions.

These leading magistrates were:

Cyril Arthington (1666-1720).

Attended seventy three Sessions between 1691 and 1715. Born at Milnthorpe, Yorks. 1st son of Cyril Arthington, gent. Educated at a school in Wakefield and at Sidney Sussex College, Cambridge. F.R.S., 1701. M.P. for Aldborough, 1701-2. Built Arthington Hall, Leeds.

Jasper Blythman (1642-1707).

Attended eighty nine Sessions between 1673 and 1706. Of Royston, Yorks. Md. Catharine, dau. of Richard Mountney of Rotherham, 1663. Educated at Sedbergh School, at St. John's College, Cambridge, and at the Inner Temple. Recorder of Leeds, 1692-1707, and of Doncaster. Became of Newlathes, Yorks.

Godfrey Boseville (or Bosvile, or Bosseville) (1655-1714).

Attended 132 Sessions between 1689 and 1714. Of Gunthwaite, Yorks. Educated at St. Edmund Hall, Oxford. Sheriff of Yorkshire, 1705. Treasurer of West Riding, 1710-12. Buried at Peniston.

John Bradshaw (1656-1722).

Attended eighty five Sessions between 1690 and 1722. Of Brampton, Yorks. Educated at Pembroke College, Cambridge, and at the Middle Temple. Sometime of Eyam, Derbyshire. Sheriff of Derbyshire, 1717. Died at Brampton.

John Burton (1697-1771).

Attended eighty three Sessions between 1725 and 1750. Son of John Burton, merchant. Born at Colchester, Essex. Educated at a school in Colchester, at

Merchant Taylor's School, at St. John's College, Cambridge, and at Leyden. M.D. of Rheims. Settled at Kirkthorpe, Wakefield, Yorks. F.R.S. and F.S.A. Known as a Yorkshire antiquary. Author of 'Monasticon Eboracense'.

Walter Calverley (1629-91).

Attended sixty eight Sessions between 1662 and 1691. Of Calverley, Yorks. Educated at Queen's College, Oxford, and at Gray's Inn. Md. Frances, dau. and heir to Henry Thompson of Esholt, Yorks., 1662. Nominated a Knight of the Royal Oak by Charles II. Treasurer for Lame Soldiers in W.R., 1666.

Sir Walter Calverley Bart. (1670-1749).

Attended 116 Sessions between 1697 and 1749. Of Calverley and Esholt, Yorks. Son of Walter Calverley (see above). Educated at Queen's College, Oxford. Md. Julia, dau. of Sir William Blackett Bart. of Wallington, 1707. Treasurer of West Riding, 1708-9. Created Bart., Dec. 1711. Author of 'The Memorandum Book of Sir Walter Calverley Bart.' in Yorkshire Diaries and Autobiographies in the Seventeenth and Eighteenth Centuries, ed. S. Margerison, Surtees Society, LXXVII (1883).

Sir George Cooke Bart. (1662-1731).

Attended eighty three Sessions between 1694 and 1726. Of Wheatley Hall, Doncaster, Yorks. Son and heir of Sir Henry Cooke of Carlinghow, Yorks. Bapt. at Doncaster. Educated at Clare College, Cambridge. Md. Catherine, dau. of Sir Godfrey Copley Bart. of Spotborough, Yorks. Succeeded as 3rd. Bart., 1689. M.P. for Aldborough, 1698-1700. Treasurer of West Riding, 1707-8.

Henry Baron Fairfax of Cameron (1631-88).

Attended seventy five Sessions between 1661 and 1687. Son of Rev. Henry Fairfax, Rector of Ashton-under-Lyne, Lancs., Bolton Percý, Yorks., and Newton Kyme, Yorks. Born at Ashton-under-Lyne. Educated at Gray's Inn. Md.

Frances, only dau. of Sir Robert Barwick of Toulston, near Thorp Arch, Yorks. Succeeded as 4th. Bart. Appointed to W.R. Assessment Committee, June 1657 and again Jan. 1660. Appointed as a militia commissioner for City of York, July 1659, and for City of York and County of York, March 1660. From a Presbyterian background and very sympathetic to the plight of Protestant Nonconformists. During Popish Plot was active in encouraging searches for Papists. M.P. for York, 1679-81 and 1681-85. Supported the Exclusion Bill. Appointed to Privy Council by James II. Lord Lieutenant for N.R., 1687-8. Buried at Denton, Yorks.

Thomas Baron Fairfax of Cameron (1657-1710).

Attended fifty Sessions between 1675 and 1706. Son of Henry 4th. Baron Fairfax of Cameron and Denton (see above). Born at Bolton Percy, Yorks. Educated at St. John's College, Cambridge, and at Magdalen College, Oxford. Md. Catherine, dau. of Thomas Lord Culpepper of Thoresway, who inherited large estates in Virginia as well as Leeds Castle, Kent. Succeeded as 5th. Bart. Appointed to Privy Council by James II but an outspoken opponent of that King. Took part in seizure of York, 1688, and collected voluntary contributions for William of Orange. Colonel 3rd. Regiment of Horse Guards, 1688. Colonel 5th. Regiment of Foot, 1690. Colonel 3rd. Regiment of Dragoons, 1694. Brigadier General, 1702. M.P. for Malton, 1685-87, and for Yorkshire, 1689-1702 and Jan.-Dec. 1707. Benefactor to St. John's College, Cambridge. Buried in St. Martin-in-the-Fields, London.

Sir John Kay Bart. (1641-1706).

Attended 126 Sessions between 1664 and 1705. Of Woodsome, Yorks. Son and heir of John Kay, created Knight, May 1641, and Bart., Feb. 1642. Succeeded

as 2nd. Bart., 1662. Md. Anne, dau. of William Lister of Thornton Craven, Yorks. M.P. for Yorkshire, 1685-98 and 1701 until his death. Exercised a moderating influence in the early sixteen-eighties during the persecution of Protestant Nonconformists. Appointed to the Privy Council, 1686 or 1687. Commanded 7,000 horse and foot of W.R. militia in Leeds, Dec. 1688. As an M.P. worked in interest of mayor and corporation of Leeds. Active supporter of Bill to help jurors in which there were special clauses relating to Yorkshire (7 and 8 William III, c. 32). Buried at Almondbury, Yorks.

Sir John Lister Kaye Bart. (1697-1752).

Attended fifty six Sessions between 1725 and 1752. Of Denby Grange, Kirkheaton, Wakefield, Yorks. Son of George Kaye of Denby Grange, Kirkheaton, Yorks. Educated at Christ Church College, Oxford. Md. (1) Ellen, dau. of John Wilkinson of Greenhead, near Huddersfield, and (2) Dorothy, dau. of Richard Richardson, M.D. of North Bierley, Yorks., 1730. Succeeded as 4th. Bart., 1726. M.P. for York, 1734-41. Voted against the Government. His name appears on a list of leading Jacobite sympathisers prepared for the French Foreign Office in 1743. Alderman of City of York, 1735. Lord Mayor of York, 1737. Succeeded to Lister estates in 1745 on death of paternal uncle Thomas Lister, formerly Kaye (2nd. surviving son of 2nd. Bart.). Buried at Flockton.

Thomas Kirke (1650-1706).

Attended fifty one Sessions between 1690 and 1705. Of Cookridge, Leeds. Son of Gilbert Kirke of Cookridge. Educated at Trinity College, Cambridge.

Francis Lindley (? -1734).

Attended ninety two Sessions between 1701 and 1733. Of Bowling Hall, Bradford. Educated at Gray's Inn. Md. Caroline, dau. of Joseph Finch of Westenhanger, Kent, 1695. Sheriff of Lancs., 1691-2. Registrar for W.R., 1718-34. Buried at Bradford.

Sir William Lowther Knt. (1639-1705).

Attended 145 Sessions between 1666 and 1704. Of Swillington, Leeds, Yorks. Educated at Balliol College, Oxford, and at Gray's Inn. Md. Catherine, dau. of Thomas Harrison of Dancer's Hill, Herts., and Cave, Yorks. Created Knt., Dec. 1661. Sheriff of Yorks., 1681. 1st. Treasurer of W.R., 1694-1702. M.P. for Pontefract, 1695-98.

Sir William Lowther Bart. (1663-1729).

Attended sixty two Sessions between 1705 and 1728. Of Swillington, Leeds, Yorks. Son of Sir William Lowther Knt. (see above). Educated at schools in Barwick in Elmet and in Leeds (Mr. Atkinson), at Christ's College, Cambridge, and at Gray's Inn. Md. Annabella, dau. of Banister, Lord Maynard. Sheriff of Yorks., 1697-8. M.P. for Pontefract, 1701-10 and 1716-29. Was the largest single burgage holder at Pontefract, where he owned 60 burgages. From 1718 to 1729 he was able to nominate both M.P.s for Pontefract without opposition. Voted with the Government for the repeal of the Occasional Conformity and Schism Acts. Created Bart., Jan. 1715. Father of William Lowther, 2nd. Bart., a Justice of the Peace in the W.R. and M.P. for Pontefract, 1729-41.

William Milner (1662-1740).

Attended fifty four Sessions between 1710 and 1735. Of Nun Appleton, Yorks. Son of William Milner of Leeds, a merchant. Md. Mary, dau. of Joshua Ibbetson of Leeds. Alderman of Leeds. Mayor of Leeds, 1697. Became largest merchant in Leeds and principal promoter of the Aire and Calder Navigation Scheme. Benefactor of Leeds Charity School. Purchased the Nun Appleton estate and arranged this and the Bolton Percy estates so well that they were bought for £8,000 less than they were worth. Took possession of Nun Appleton, 1711.

Undertook extensive alterations to the house involving the two wings, adding a lower south front but leaving the old north front standing, 1712. Father of Sir William Milner Bart., created as such 1717, and M.P. for York 1722-34. His dau., Jane, md. Richard Witton of Lupset, Yorks. (see below).

Cavendish Nevile clerk (1681-1750).

Attended fifty eight Sessions between 1730 and 1747. Of Chevet, Yorks. Son of Jarvis Nevile of Holbeck, Yorks., gent. Educated at University College, Oxford. Md. Katherine, dau. of Sir Lyon Pilkington Bart. and relict of William Wentworth of Horbury. Vicar of Norton, Derbyshire. Elected a Governor of Wakefield Grammar School, 27 May 1734. Last male of his family.

Welbury (or Welbery) Norton (1632-1706).

Attended 130 Sessions between 1660 and 1705. Of Sawley, Yorks. Born at Wilton, Yorks. Son of William Norton of Sawley, Yorks. Educated at a school at Ripon (Mr. Palmes), at Christ's College, Cambridge, and at Gray's Inn. Md. Catherine, dau. of Thomas Norton of Langthorne, Yorks. Buried at Bishop Wilton, Yorks.

William Norton (1657-1735).

Attended seventy four Sessions between 1693 and 1734. Of Sawley, Yorks. Son of Welbury Norton (see above). Md. (1) Margaret, dau. of Thomas Gabetis of Westmorland, 1674. She died 1712. Md. (2) Isabella, dau. of Sir Edward Blackett Bart. of Newby.

William Radcliffe (1711-95).

Attended fifty three Sessions between 1737 and 1760. Of Milnsbridge, Yorks. Son of William Radcliffe of Huddersfield, gent. Educated at University College, Oxford. Barrister at Law, Middle Temple, 1735.

Sir John Reresby Bart. (1634-89).

Attended fifty Sessions between 1670 and 1688. Son and heir of Sir John Reresby Bart. of Thrybergh Hall, Yorks. Educated at Trinity College, Cambridge, and at Gray's Inn. Succeeded as 2nd. Bart., 1646. Md. Frances, dau. of William Browne, barrister of York, 1665. Sheriff of Yorks., 1666. M.P. for Aldborough, 1673-9 and 1681, and for York, 1685-7. Governor of Bridlington, 1678, and of York, 1682-89. Author of 'The Memoirs of Sir John Reresby Bart.', ed. A. Browning (Glasgow, 1936). Much of his correspondence is to be found in the Mexbrough Records in Leeds City Archives. Buried at Thrybergh.

John Smith (1686-1731).

Attended seventy eight Sessions between 1711 and 1729. Of Heath, Yorks. Son of John Smith of Wakefield, gent. Educated at Lincoln College, Oxford. Barrister at Law, Gray's Inn, 1709. Nominated a Bencher. Treasurer for W.R., 1715-28. Elected a Governor of Wakefield Grammar School, 1730.

John Stanhope (1670-1736).

Attended eighty six Sessions between 1693 and 1729. Of Horsforth. Eldest son of John Stanhope of Horsforth. Md. Mary, dau. of Sir William Lowther of Swillington Bart. Built Horsforth Hall, c. 1699. According to Sir Walter Calverley he was "a worthy man and a good magistrate", Memorandum Book of Sir Walter Calverley, p. 81. Buried at Horsforth.

Thomas Vincent (1651-1726).

Attended fifty nine Sessions between 1685 and 1714. Of Barnborough, Yorks. Son of John Vincent of Barnborough Grange, Yorks. Educated at St. Edmund Hall, Oxford. Barrister at Law, Inner Temple, 1676.

Thomas Westby (? -1747).

Attended fifty one Sessions between 1701 and 1726. Of Ravenfield Park, Yorks. Son and heir of George Westby of Ravenfield, Yorks., and Benedicta, dau. of Joseph Drake, a merchant in Hull. Educated at Gray's Inn. Md. (1) Margaret, dau. of George (? Matthew) Wardell of Holderness, (2) Ann, dau. of John White of Tuxford and Cotgrave, Notts., and (3) Mary, dau. of William Sherwin of Barking, Essex. M.P. for East Retford, 1710. Gave up Ravenfield on m. of his son, Wardell George Westby, to Charlotte, dau. of Hon. John Darcy, 1723. This son was M.P. for Malton, 1727-31. Settled at Linton, Cambs. Became a J.P. for that county. Died "very antient" and buried beneath the vestry floor of a dissenting chapel in Linton.

Francis Whyte (? -1692).

Attended eighty seven Sessions between 1660 and 1692. Probably son and heir of Francis Whyte of Broughton, Leics. Educated at Jesus College, Cambridge, and at Gray's Inn. Recorder of Leeds, 1660-92, and of Pontefract. Elected a Governor of Wakefield Grammar School before 1684. Chief Steward of Manor of Wakefield.

Henry Wickham clerk (1699-1772).

Attended sixty Sessions between 1726 and 1753. Son of Henry Wickham of York and grandson of Tobias Wickham, Dean of York. Educated at Queen's, Trinity and Trinity Hall Colleges, Cambridge. Md. (1) Anne, dau. of William Calverley of Leeds, and (2) Ann Gibson of Lancaster. Ordained Deacon (Ely), 1724, and Priest (Lincoln), 1724. Rector of Guiseley, Yorks., 1724-72. Chaplain to the Princess of Wales. Buried at Bath Abbey.

Andrew Wilkinson (? -1711).

Attended seventy three Sessions between 1689 and 1711. Of Boroughbridge Hall, Yorks. Educated at Gray's Inn, admitted there as 'gent.'. Md. Mary, dau.

of Richard Cholmley of Bramham, Yorks. Father of Thomas Wilkinson of Boroughbridge Hall and M.P. for Boroughbridge, 1715-18.

Sir Rowland Winn Bart. (1675-1722).

Attended fifty seven Sessions between 1698 and 1721. Of Nostell Priory, Yorks., and of Thornton Curtis, Lines. Born at Huntwick, Yorks. Bapt. at Wragby, Yorks. Son and heir of Sir Edmund Winn Bart. Educated at Magdalene College, Cambridge. Succeeded as 3rd. Bart., 1694. Md. Loetitia, dau. of William Harbord, of Grafton Park, Northants. Treasurer for W.R., 1709-10. Buried at Wragby.

Sir Rowland Winn Bart. (1706/7-1765).

Attended sixty seven Sessions between 1728 and 1754. Of Nostell Priory, Yorks. Son of Sir Rowland Winn Bart. (see above). Succeeded as 4th. Bart., 1722. Md. Susanna, dau. of Edward Henshaw of Eltham, Kent, 1729. Sheriff of Yorkshire, 1732. Buried at Wragby, Yorks.

Richard Witton (1682-1743).

Attended seventy nine Sessions between 1709 and 1743. Of Lupset, Yorks. Bapt. at Wakefield, 1682. Son of Richard Witton of Lupset, barrister at law and steward to Lord Fairfax. Educated at Gray's Inn. Md. Jane, dau. of William Milner of Leeds (see above). Elected a Governor of Wakefield Grammar School, 1711. A lawyer of Wakefield. High Steward of Manor of Wakefield.

William Wrightson (1676-1760).

Attended 107 Sessions between 1726 and 1754. Of Newcastle upon Tyne, and Cusworth, Yorks. Son of Robert Wrightson of Cusworth and Sarah, dau. of Sir Thomas Beaumont of Whitley Beaumont, Yorks. Md. (1) Isabel, dau. and heir of Francis Beaumont of Newcastle, merchant, and (2) Isabella, dau. and coheir of

William Fenwick of Bywell, Northumberland. M.P. for Newcastle upon Tyne, 1710-22, and for Northumberland, 1723-4. Returned as a Tory, 1710. Succeeded brother at Cusworth, 1724.

Thomas Yarburgh (1623-97).

Attended 108 Sessions between 1660 and 1696. Of Campsall, Yorks. Son of Edmund Yarburgh of Balne Hall, Yorks., and Sarah, dau. and coheir of Thomas Wormeley. Educated at Emmanuel College, Cambridge. Md. (1) Anne, dau. of Thomas Ellis of Nothill, Beds. and (2) Mary, dau. of Edmund Watson of Haigh Hall, Yorks. Serjeant at law.

APPENDIX II.

The Commission of the Peace for the East and West Ridings: A statistical analysis of its composition for the late seventeenth and eighteenth centuries.

NOTES.

1. The totals given for the working commission include all those who were known to have, or were expected to have, undertaken some duties.
2. The absence of full and efficiently recorded data has prevented the presentation of precise figures throughout the table.

SYMBOLS

- ? denotes number not known.
- + denotes that only a minimum number can be given with any certainty and that more Justices were more than likely in attendance.

SOURCES

- Commissions of the Peace : H.C.R.O. and W.Y.C.R.O.
- Libri Pacis : P.R.O. C.193/12/4 and /5.
- Fiats for Justices : P.R.O. C.234/42 and /44.
- Dedimus Potestatem Book, 1701-13 : P.R.O. C.193/43.
- Crown Office Docquet Books : P.R.O. C.231/8.
- Lists of Justices compiled by William Paver : B.L. Add. Mss. 29674.
- Libri Pacis, 1702 : B.L. Harleian Mss. 7512.
- H.M.C. House of Lords Mss., I, pp. 192-3.
- H.M.C. Various Collections, II, pp. 401-2.

| | Jan. 1680 | Nov. 1680 | 1683 | Oct. 1685 | 1688 | 1691 | | 1702 | Mar. 1704 | June 1713 | Dec. 1714 | | Feb. 1723 | Mar. 1725 | Nov. 1727 | July 1731 | June 1744 | Mar. 1751 | Jan. 1771 |
|----------------------|-----------|-----------|------|-----------|------|------|--|------|-----------|-----------|-----------|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Honoraries | ? | 56 | 35 | 32 | ? | ? | | 55 | ? | 56 | 58 | | 58 | 67 | 72 | 73 | 71 | 69 | 114 |
| Peers | ? | ? | ? | ? | 5 | ? | | 0 | ? | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Baronets | 5 | 4 | 2 | 1 | 3 | 4 | | 9 | 10 | 13 | 12 | | 12 | 9 | 9 | 9 | 6 | 7 | 12 |
| Knights | 8 | 7 | 5 | 6 | 1 | 6 | | 4 | 5 | 5 | 4 | | 4 | 2 | 2 | 1 | 0 | 0 | 1 |
| Esquires | 17 | 14 | 17 | 15 | 30 | 31 | | 31 | 47 | 61 | 66 | | 76 | 67 | 67 | 72 | 67 | 71 | 96 |
| Clerks | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 1 | 1 | | 1 | 0 | 0 | 2 | 4 | 4 | 8 |
| Dr. Physic / Law | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 1 | | 1 | 1 | 1 | 2 | 3 | 1 | 1 |
| TOTAL IN CM. | 30+ | 81+ | 59+ | 54+ | 39+ | 41+ | | 99 | 62+ | 137 | 143 | | 153 | 147 | 152 | 170 | 152 | 153 | 233 |
| TOTAL IN WORKING CM. | 30+ | 23+ | 24+ | 22+ | 39+ | 41+ | | 44 | 62+ | 81 | 85 | | 95 | 80 | 87 | 81 | | 84 | 119 |

WEST RIDING

| | Jan. 1680 | Nov. 1680 | Apr. 1684 | Oct. 1685 | 1688 | 1691 | 1694 | Oct. 1696 | 1702 | Feb. 1704 | July 1713 | Dec. 1714 | July 1715 | Feb. 1719 | Mar. 1723 | Mar. 1725 | Nov. 1727 | July 1731 | June 1746 | Aug. 1751 | Feb. 1780 |
|----------------------|-----------|-----------|-----------|-----------|------|------|------|-----------|------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Honoraries | 4+ | 3+ | 38 | 37 | 9+ | 10+ | 54 | 14+ | 58 | ? | 60 | 57 | 59 | 76 | 70 | 72 | 78 | 72 | 87 | 88 | 123 |
| Peers | 1 | 1 | 2 | 2 | 1 | 2+ | 5 | 4 | 5 | 3+ | 6 | 5 | 5 | 5 | 7 | 8 | 8 | 6 | 7 | 7 | 1 |
| Baronets | 6 | 7 | 10 | 10 | 15 | 8 | 11 | 10 | 17 | 20 | 23 | 23 | 19 | 20 | 17 | 18 | 18 | 18 | 21 | 21 | 31 |
| Knights | 10 | 11 | 12 | 12 | 9 | 6 | 7 | 2 | 4 | 5 | 5 | 2 | 2 | 2 | 4 | 4 | 4 | 3 | 1 | 2 | 0 |
| Esquires | 37 | 39 | 56 | 50 | 42 | 70 | 82 | 69 | 80 | 81 | 124 | 98 | 89 | 117 | 109 | 134 | 140 | 163 | 167 | 159 | 385 |
| Clerks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 3 | 3 | 2 | 2 | 3 | 6 | 6 | 9 | 23 | 26 | 25 |
| Dr Physic / Law | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 4 | 6 |
| TOTAL IN CM. | 58+ | 61+ | 118 | 111 | 76+ | 96+ | 159 | 99+ | 165 | 109+ | 221 | 188 | 176 | 222 | 210 | 242 | 254 | 272 | 307 | 307 | 571 |
| TOTAL IN WORKING CM. | 54+ | 58+ | 80 | 74 | 67+ | 86+ | 105 | 85+ | 107 | 109+ | 161 | 131 | 117 | 146 | 140 | 170 | 176 | 200 | 220 | 219 | 448 |

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3. The Wakefield Manor Book 1709, Yorkshire Archaeological Society Record Series (Y.A.S.R.S.), CI (1939).
4. For example: Humberside County Record Office (H.C.R.O.), East Riding Quarter Sessions Order Books, QSV/3, ff. 280-3. See Chapter 7, The Social Responsibilities of the Justices.
5. For example: H.C.R.O., QSV/3, f. 89; West Yorkshire County Record Office (W.Y.C.R.O.), West Riding Quarter Sessions Order Books, QS.10/16, ff. 84-5, 261-4.
6. For example: H.C.R.O., East Riding Quarter Sessions Files (QSF), Michaelmas 1737; W.Y.C.R.O., QS. 10/9, ff. 165-6.
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10. See Chapter 5, The Justices and the Maintenance of Law and Order.
11. W.Y.C.R.O., QS.10/15, ff. 147-8; 10/13, f. 57; 10/16, ff. 13-14; 10/8, f. 190; 10/9, ff. 77-8; 10/10, f. 144; 10/11, f. 197.
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16. For example: W.Y.C.R.O., QS.10/10, ff. 173-6, 188-9; 10/11, ff. 15-21, 36-8, 76-8, 147-8, 169-71; 10/12, ff. 52-3, 57-9, 87-8, 102-4, 136-7, 179-85, 198-9.
17. W.Y.C.R.O., QS. 10/15, ff. 43-9, 171-5, 176, 194-203; 10/16, ff. 20-3; H.C.R.O., QSV/4, f. 59; QSF, Midsummer 1729. See Chapter 8, The Economic Responsibilities of the Justices.

18. For example: W.Y.C.R.O., QS.10/9, f. 69. For the Lord Lieutenant, see Chapter 4, *The Justices of the Peace and Central Government, Part 2 - The Working Relationship with the Assize Judges and the Lords Lieutenant*.
19. For the expenses incurred by Sir John Reresby when Sheriff of Yorkshire, The Memoirs of Sir John Reresby, ed. A.Browning (Glasgow, 1936), pp. 62-73; W.Y.C.R.O., QS.10/16, ff. 179-80; H.C.R.O., QSV/3, ff. 21-4; QSF, Epiphany 1733.
20. H.C.R.O., QSV/1, passim.
21. For example: W.Y.C.R.O., QS.10/14, ff. 19-23, 125-6; H.C.R.O., QSV/3, ff. 41-4; Chichester Constable Manuscripts, DDCC/150/11: Memorandum of Sheriffs and Undersheriffs for Yorkshire, 1685-1764.
22. For example: W.Y.C.R.O., QS.10/8, ff. 56-8; 10/10, ff. 70-9; 10/14, ff. 160-3; 10/8, ff.17-20; H.C.R.O., QSV/2, ff. 27-8, 41-2, 165-6.
23. Act 13 Elizabeth I, c. 9; J.A.Sheppard, The Draining of the Hull Valley, East Yorkshire Local History Society (E.Y.L.H.S.), No.8(1958), pp. 4-12, and The Draining of the Marshlands of South Holderness and the Vale of York, E.Y.L.H.S., No. 20 (1966), pp. 6-7, 17-21.
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25. G.C.Baugh, 'County Government 1714-1834', The Victoria History of the County of Shropshire, ed. G.C.Baugh, III (1979), p. 119; Warwickshire Quarter Sessions Records, Easter 1674-Easter 1682, eds. S.C.Ratcliffe and H.C.Johnson, VII (Warwick, 1946), p. liii; B.E.Harris, 'County Government 1660-1888', The Victoria History of the County of Chester, ed. B.E.Harris, II (1979), p. 63; Ward, V.C.H.Wilts, V, pp. 177-8; J.D.Chambers, Nottinghamshire in the Eighteenth Century (1934), p. 51.
26. For example, H.C.R.O., QSV/1, f. 160.
27. This analysis is based on the attendances recorded in the Quarter Sessions' records.
28. Harris, V.C.H.Ches. II, p. 63.
29. Extraordinary adjourned sessions were also held in Cheshire and the North Riding: Harris, V.C.H.Ches., II, p. 63; J.S.Cockburn, 'The Work of the North Riding Quarter Sessions in the early eighteenth century' (LLM. Unpublished Thesis, University of Leeds, 1961), p. 19.
30. The four adjourned sessions were held in November 1733, October 1738, October 1745 and May 1750.
31. For example: W.Y.C.R.O., QS.10/15, f. 154.
32. For magisterial concern at the length of sessions: W.Y.C.R.O., QS.10/15, ff. 186-7; 10/16, ff. 169-70; Warwickshire Quarter Sessions Records, Trinity 1682 - Epiphany 1690, ed. H.C.Johnson, VIII (Warwick, 1953), pp. xlix-lvii; Baugh, V.C.H.Shrops., III, p. 119.
33. Act 2 Henry V, c. 4.
34. Similar interruptions occurred throughout the country: for example, Warwicks. Q.S.R., VIII, p. lxiii.

35. Michaelmas Sessions 1744 at Sheffield, Epiphany Sessions 1747 at Wetherby, Epiphany Sessions 1749 at Wakefield, and Midsummer Sessions 1749 at Bradford.
36. Baugh, V.C.H.Shrops. III, pp. 116-9.
37. No records have survived for the East Riding court for the years between 1651 and 1706.
38. W.Y.C.R.O., QS.10/14, ff. 125-6; 10/16, f. 34; H.C.R.O., QSV/2, f. 83; QSV/4, ff. 259, 324; G.C.F.Forster, The East Riding Justices of the Peace in the Seventeenth Century, E.Y.L.H.S., No. 30 (1973), pp. 31-2; S and B.Webb, The Parish and the County (1906), p. 423, note 1.
39. Webb, Parish and County, p. 422; Harris, V.C.H. Ches., II, p. 62; Baugh, V.C.H. Shrops, III, pp. 116-7; Warwicks Q.S.R., VII, pp. xxxv-xlix and VIII, xlix-lvii; Warwickshire Quarter Sessions Records, Easter 1690-Michaelmas 1694, ed. H.C.Johnson, IX (Warwick, 1964), pp. xx-xxi; Ward, V.C.H.Wilts., V, pp. 177-8; Cockburn, 'North Riding Quarter Sessions', pp. 20-2; Chambers, Notts. in Eighteenth Century, p.51. By the 1780s the average attendance at the West Riding Quarter Sessions was fourteen Justices: M.F.Gracie, 'A Study of County Government in the West Riding of Yorkshire during the period of the Industrial Revolution, with particular reference to social problems, public order and poor relief' (M.Phil. Unpublished thesis, University of Leeds, 1980), pp. 25-9.
40. Minutes of Proceedings in Quarter Sessions held for the parts of Kesteven in the County of Lincoln, 1674-95, ed. S.A.Peyton, Lincoln Record Society, XXV (1931), p. xxx, note 7; Webb, Parish and County, p.321; Warwicks Q.S.R. VII, pp. xxxv-xli; C.N.Howard, The Justices of the Peace and County Government: Northamptonshire, Cambridgeshire and the West Riding, 1730-95 (Ph.D. Published Thesis, The John Hopkins University, 1976), pp. 180-3.
41. See Appendix I: A Survey of the leading Justices to attend Quarter Sessions for the East and West Ridings, with brief biographical details.
42. For example: W.Y.C.R.O., QS.10/8, f. 138.
43. For example: Harris, V.C.H.Ches., II, pp. 63-5; Baugh, V.C.H.Shrops, III, pp. 129-31; Cockburn, 'North Riding Quarter Sessions', pp. 32-33, Kesteven Q.S.R., XXV, pp. lxxviii-lxxx; Webb, Parish and County, pp. 396-412.
44. Memoirs of Sir John Resesby, p. 490.
45. Acts 3 William and Mary, c.12 and 2 George II, c.28; see Chapter 6, The Justices and the Supervision of Beliefs and Behaviour, and Chapter 9, The Justices and the Supervision of Transport and Communications; W.Y.C.R.O. QS.10/16, ff. 43-5.
46. For example: H.C.R.O., QSF, Easter 1723, Michaelmas 1729 and Epiphany 1747; W.Y.C.R.O., QS 4/15, ff. 105-10; Memoirs of Sir John Resesby, pp. 197, 471.
47. H.C.R.O., QSV/2, f. 45; W.Y.C.R.O., QS.10/8, ff. 204-6.
48. E.A.L.Moir, Local Government in Gloucestershire 1775-1800: A Study of the Justices of the Peace, Bristol and Gloucestershire Archaeological Society Record Section, VIII (1969), pp. 116-9.

49. For example: W.Y.C.R.O., QS.10/7, ff. 170-6; 10/8, ff. 52-4; 115-20; 10/9, ff. 1-6; 10/10, ff. 36-8.
50. H.C.R.O., County Treasurer's Account Book, 1731-80 passim; W.Y.C.R.O., QS.10/13, ff. 21-3, 86-90; 10/17, ff. 237-9.
51. For example: W.Y.C.R.O., QS.10/8, ff. 93-5, 101-3, 158-65; 10/9, f. 65.
52. For example: W.Y.C.R.O., QS.10/8, ff. 1-7; 10/9, ff. 151-5.
53. W.Y.C.R.O., QS.10/11, ff. 82-3.
54. Harris, V.C.H. Ches., II, p. 69; Moir, Local Government in Glos., pp. 97-8; Warwickshire Quarter Sessions Records: Orders made at Quarter Sessions, Easter 1665-Epiphany 1674, eds. S.C. Ratcliff and H.C. Johnson, V (Warwick, 1939), pp. xxxi-xli; Warwicks. Q.S.R., VII, pp. liii-lviii; Webb, Parish and County, p. 508; Baugh, V.C.H. Shrops., III, pp. 120-1; Ward, V.C.H. Wilts., V, p. 193; Act 12 George II, c.29; W.Y.C.R.O., QS.10/11, f. 127; 10/16, f. 66; H.C.R.O., QSV/4, ff. 64-71; Chambers, Notts. in Eighteenth Century, p. 57.
55. H.C.R.O., County Treasurer's Account Book, 1731-80, passim; W.Y.C.R.O., QS.10/7-21, passim; QS.10/18, f. 296; Ward, V.C.H. Wilts., V, p. 192.
56. Baugh, V.C.H. Shrops., III, pp. 120-1; G. Poulson, Beverlac (1829), passim; W.Y.C.R.O., QS.10/11, ff. 82-3. Edward Wilbert also served for a time as estate agent for Lord Langdale of Holme upon Spalding Moor: Brynmor Jones Library, University of Hull (B.J.L.): Harford (Holme) Manuscripts: DDHA/14/21 and 22.
57. 'The Memorandum Book of Sir Walter Calverley Bart.', Yorkshire Diaries and Autobiographies in the Seventeenth and Eighteenth Centuries, II, ed. S. Margerison, Surtees Society, LXXVII (1883), p. 120; W.Y.C.R.O., QS.10/12, f. 97; H.C.R.O., QSF, Michaelmas 1722.
58. W.Y.C.R.O., QS.10/13, f. 89; 10/15, f. 197; 10/16, f. 248; 10/20, f. 43; H.C.R.O., QSV/3, f. 341; QSF, Michaelmas 1732; Webb, Parish and County, p. 510; Warwicks. Q.S.R., VII, pp. liii-lviii.
59. W.Y.C.R.O., QS.10/16, f. 181; Act 4 George II, c.26.
60. H.C.R.O., QSV/2, f. 170; W.Y.C.R.O., QS.10/11, ff. 98, 111, 178; 10/12, ff. 110, 112; 10/13, ff. 16-17; 10/14, f. 2; 10/16, ff. 36-7; Journals of the House of Commons (C.J.), XXI, p. 313 and xxx, pp. 236-7; R. Robson, The Attorney in Eighteenth Century England (Cambridge, 1959), pp. 8-13; E. Hughes, 'The Professions in the Eighteenth Century', Durham University Journal, New Series, XIII (1951-2), pp. 49-50; Act 2 George II, c.23 amended by Act 23 George II, c.26.
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62. Memoirs of Sir John Reresby, pp. 271-2, 277; J.S. Morrill, The Cheshire Grand Jury, 1625-59, University of Leicester, Department of English and Local History Occasional Papers, 3rd. Series, No. 1 (1976), pp. 21-4; Baugh, V.C.H. Shrops., III, p. 198; H.C.R.O., QSV/2, f.86; W.Y.C.R.O., QS.10/12, f.125; 10/13, f.232; 10/15, f.72; Webb, Parish and County, pp. 433-7.
63. H.C.R.O., QSV/2, f.108; QSV/3, f.347; W.Y.C.R.O., QS.10/13, f.59; 10/15, ff.76-7; 10/18, f.293; 10/19, f.195.

64. H.C.R.O., QSV/2, f.51; W.Y.C.R.O., QS.10/16, ff.43-4.

65. Robert Appleton the elder was clerk from 1736-46 and deputy clerk from 1726-36, whilst his son, Robert the younger, served as deputy clerk from 1736-46 and as clerk from 1746 until his death in 1787. For a list of the clerks of the peace for each county, see E. Stephens, The Clerks of the Counties (1961).

66. W.Y.C.R.O., QS.10/12, ff.95-8; 10/15, f.153; 10/19, ff. 195, 196; 10/20, ff.54, 96, 178; H.C.R.O., QSV/2, f.163; Howard, Justices and County Government, p. 195.

67. Harris, V.C.H. Ches., II, pp. 63-5; Forster, East Riding Justices, p. 39; H.C.R.O., QSV/2, ff.5,50-1, 67, 74; QSV/3, f.125; QSF, Michaelmas 1719; W.Y.C.R.O., QS.10/8, f.145; 10/9, ff.59-60; 10/13, f.160; 10/14, f.35; 10/16, f.57; Chambers, Notts. in Eighteenth Century, p. 55.

68. Howard, Justices and County Government, p. 227. For the role of the petty constables, overseers of the poor and surveyors of the highways, see Chapter 5, The Justices and the Maintenance of Law and Order, Chapter 7, The Social Responsibilities of the Justices, and Chapter 9, The Justices and the Supervision of Transport and Communications, respectively.

1. See Chapter 4, The Justices of the Peace and Central Government, Part 2 - The Working Relationship with the Assize Judges and the Lords Lieutenant.
2. W.Y.C.R.O., QS.10/6-9, passim.
3. Acts 18 Henry VI, c. 11 and 5 George II, c. 18; Historical Manuscripts Commission (H.M.C.), House of Lords Manuscripts, I, pp. 192-3.
4. Henry Johnson and Richard Peirson were added to the East Riding commission of the peace in 1722 and 1740 respectively.
5. Public Record Office (P.R.O.), C.234/44: 20 March 1723 and 15 March 1728; R. Sedgwick, The House of Commons 1715-54, II (1970), p. 260; Memorandum Book of Sir Walter Calverley, pp. 76, 139.
6. G. Jackson, Hull in the Eighteenth Century: A Study in Economic and Social History, University of Hull Publications (Oxford, 1972), pp. 111-15, 262-3; K.J. Allison, Hull Gent. Seeks Country Residence 1750-1850, E.Y.L.H.S., No. 36 (1981), passim.
7. See Appendix II: The Commission of the Peace for the East and West Ridings: A statistical analysis of its composition for the late seventeenth and eighteenth centuries. G.E. Mingay, The Gentry: The Rise and Fall of a Ruling Class (1976), p. 127-8. The Rev. Charles Zouch was the father of the prominent late-eighteenth century West Riding magistrate, the Rev. Henry Zouch.
8. Memoirs of Sir John Reresby, p. xlv.
9. Alumni Cantabrigiensis, ed. J. and J.A. Venn (10 Vols., Cambridge, 1922-54), Part I, Vol. I, p. 197, and Part II, Vol. IV, p. 486; Memoirs of Sir John Reresby, pp. 494-5; Sir L. Namier and J. Brooke, The House of Commons 1754-90, III (1964), pp. 214-7. Several other Justices also served as Recorders, namely George Bradshaw (Doncaster), Brian Cooke (Doncaster), Richard Franke (Pontefract and Doncaster), Thomas Place (York), and Richard Wilson (Leeds).
10. See Appendix II. See also N. Landau, The Justices of the Peace 1679-1760 (Berkeley, California, 1984), pp. 367-72.
11. L.K.J. Glassey, Politics and the Appointment of Justices of the Peace 1675-1720 (Oxford, 1979), p. 15.
12. Ibid. pp. 15-16.
13. H.M.C., Downshire Manuscripts, II, pp. 620-1. See Landau, Justices of the Peace, p. 140.
14. Dugdale's Visitation of Yorkshire with Additions, ed. J.W. Clay (3 vols., Exeter, 1899-1917), passim.
15. Memoirs of Sir John Reresby, pp. xviii-xlv.
16. J.T. Cliffe, The Yorkshire Gentry: From the Reformation to the Civil War (1969), p. 66.

17. For example: Forster, East Riding Justices, p. 23; A. Harris, The Rural Landscape of the East Riding of Yorkshire 1700-1850, University of Hull Publications (Oxford, 1961), p. 77; K.J. Allison, The East Riding of Yorkshire (1976), pp. 140-1; A. Rastrick, The West Riding of Yorkshire (1970), p. 103; Jackson, Hull in the Eighteenth Century, pp. 111-5.
18. Cliffe, The Yorkshire Gentry, pp. 53, 65; Memorandum Book of Sir Walter Calverley, *passim*; N. Pevsner, The Buildings of England: Yorkshire, The West Riding (1959), p. 121.
19. Mingay, The Gentry, pp. 97-104; Cliffe, The Yorkshire Gentry, pp. 57-60; The Brotherton Library, University of Leeds (B.L.L.), MSS. 202: Leeds Cloth Petition, 12 December 1692; C.J., X, p. 741; W.Y.C.R.O., QS.10/9, f. 5.
20. Memorandum Book of Sir Walter Calverley, p. 73; C.M. Lowther Bouch, 'The Lowthers of Swillington', Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society, New Series, XLII (1942), pp. 67-102; Mingay, The Gentry, p. 103.
21. The Parliamentary Representation of the County of York 1258-1832, ed. A. Gooder, Y.A.S.R.S., XCVI (1938), pp. 95-7; Sedgwick, House of Commons, II, pp. 151-2, 152; Alumni Oxoniensis, ed. J. Foster (8 vols., 1891), III, p. 1074.
22. H.M.C. Ho. of Lords Mss., I, pp. 192-3; P.R.O., C.234/42: 2 Feb. 1710 and C.234/44:20 March 1722; Sir G. Duckett Bart., 'King James II's Proposed Repeal of the Penal Laws and Test Act in 1688', Yorkshire Archaeological Journal, V (1879), pp. 449, 455-6; British Library (B.L.), Harleian Manuscripts 7512: Libri Pacis, 1702: of these sixteen Justices, nine were in the commission of the peace for the West Riding and seven in the commission for the East Riding; B.I.H.R.Y., B.P., C. and P., XX, / 21, 25, 26, 30 and 32; H.C.R.O., QSF, Midsummer 1716.
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27. Ibid., pp. 79, 88.
28. Mingay, The Gentry, pp. 158-63; J. Lawson and H. Silver, A Social History of Education in England (1973), pp. 75-8, 125-32, 134, 177, 209-18; W.R. Prest, The Inns of Court under Elizabeth I and the Early Stuarts 1590-1640 (1972), pp. 21-46, 137-68.
29. This analysis of the attendance of the magistracy at the Inns of Court and the Universities of Oxford and Cambridge is based on Alumni. Cantab.;

Alumni. Oxon.; Dictionary of National Biography (D.N.B.); The Register of Admissions to Gray's Inn 1521-1889, ed. J. Foster (1889); The Records of the Honourable Society of Lincoln's Inn, Admissions (1896); The Register of Admissions to the Honourable Society of the Middle Temple, ed. H.A.C. Sturgess (1949); Students Admitted to the Inner Temple 1547-1660 (1877).

30. M. Dalton, The Country Justice: containing the practice of the Justices of the Peace out of their sessions (1619, and reprinted editions of 1697 and 1742); W.Y.C.R.O., QS.10/17, f. 34; H.C.R.O., QSV/2, f. 117; QSV/3, f. 26. See Landau, Justices of the Peace, pp. 334-43.

31. Acts 5-6 Edward VI, c. 25; 5-6 Edward VI, c. 14 and 39 Elizabeth, c. 4; 22 Henry VIII, c. 5; 5 Elizabeth, c. 4; 23 Henry VIII, c. 2.

32. Quarter Sessions Records of the County of Northampton, ed. J. Wake, Northampton Record Society, I (Hereford, 1924 for 1922), pp. xl-xli.

33. See Appendix I.

34. The Autobiography, Diaries and Anecdote and Event Books of the Rev. Oliver Heywood B.A., ed. J. Horsfall Turner, IV (Bingley, 1885), p. 85.

35. Memoirs of Sir John Reresby, pp. 271-2.

36. E.A.L. Moir, The Justice of the Peace (1969), p. 56; A.M. Everitt, 'Social Mobility in Early Modern England', Past and Present, No. 33 (1966), p. 59; A.M. Everitt, The Local Community and the Great Rebellion (1969), *passim*.

37. Memoirs of Sir John Reresby, pp. 72, 94, 110-11, 177.

38. W.Y.C.R.O., QS.4/17, f. 41; 4/19, f. 70; Gooder, Parliamentary Representation of the County of York, p. 98; Calendar of State Papers Domestic (C.S.P.D.), 1694-5, pp. 435, 494, 506; Memorandum Book of Sir Walter Calverley Bart., p. 95; W.Y.C.R.O., QS.10/11, ff. 22, 105; 10/12, f. 10.

39. Memoirs of Sir John Reresby, p. 188.

40. Ibid, pp. 494-5; see also pp. 197-9.

41. Ibid, pp. 185, 228, 315.

1. D. M. Loades, Politics and the Nation 1450-1660 (1974), p. 248. The relationship between central and local government is discussed at length in W.S. Holdsworth, A History of English Law, VI (1924), pp. 55-66.
2. Acts 14 Charles II, c. 12, and 22 and 23 Charles II, c. 25.
3. Glassey, Justices of the Peace, pp. 13-15; P.R.O., Privy Council Registers (P.C.). 2/68, pp. 47-8; C.234/42: 21 December 1714.
4. J.H. Gleason, The Justices of the Peace in England 1558 to 1640: A later Eirenarcha (Oxford, 1969), pp. 60-6.
5. The most comprehensive analysis of the importance of the commission in national politics is given by L.K.J. Glassey, 'The Commission of the Peace 1675-1720' (D. Phil. Unpublished Thesis, University of Oxford, 1972).
6. See Appendix II.
7. Memoirs of Sir John Reresby, p. 125; H.M.C. Finch Manuscripts, II, p. 45.
8. H.M.C. Ho. of Lords Mss., I, pp. 192-3; P.R.O., C.193/12/4: Libri Pacis for the East and West Ridings; P.R.O., C.231/8, pp. 1, 31, 52; B.L., Additional Manuscripts (Add. Mss.) 29674: Lists of Yorkshire Justices collected by William Paver, antiquary, ff. 146-66: 1679.
9. H.M.C. Ho. of Lords Mss., I, pp. 192-3; Glassey, 'Commission of the Peace', pp. 67-72; Memoirs of Sir John Reresby, pp. 271-2; H. Aveling, 'The Catholic Recusants of the West Riding of Yorkshire, 1558-1790', Proceedings of the Leeds Philosophical and Literary Society, X (1962-3), p. 236; H.M.C. Finch Mss., II, p. 99.
10. P.R.O., C.193/12/4; C.231/8, pp. 50, 58; Dugdale's Visitation with Additions, I, p. 16.
11. Glassey, 'Commission of the Peace', pp. 94-5, 100; J.P. Kenyon, The Nobility in the Revolution of 1688, University of Hull Publications (Oxford, 1963), p. 8; N. Luttrell, A Brief Historical Relation of State Affairs from 1678-1714, I (Oxford, 1857), pp. 371, 388; Memoirs of Sir John Reresby, pp. 440-1.
12. P.R.O., C.231/8, pp. 121, 146, 154, 159; H.M.C. Various Collections, II, pp. 401-2; P.R.O., C.193/12/5; P.C.2/71, pp. 363-79; Aveling, P.L.P.L.S., X, p. 236; H. Aveling, Post Reformation Catholicism in East Yorkshire, 1558-1790, E.Y.L.H.S., No. 11 (1960), p. 49; J. Miller, Popery and Politics in England, 1660-88 (Cambridge, 1973), Appendix 3, pp. 269-72.
13. Aveling, P.L.P.L.S., X, p. 236; H.M.C. Ho. of Lords Mss., I, p. 234.
14. Glassey, Justices of the Peace, p. 74.
15. Glassey, Justices of the Peace, pp. 75-6; Memoirs of Sir John Reresby, pp. 450, 451.
16. Sir G.F. Duckett, Penal Laws and Test Act (2 vols., 1882-3), *passim*, and Y.A.J., V, pp. 433-73; Glassey, Justices of the Peace, pp. 78-9; J.

Carswell, The Descent on England: A Study of the English Revolution of 1688 and its European Background (1969), pp. 238-43; J.R. Jones, The Revolution of 1688 in England (1972), pp. 131-3; J.R. Western, Monarchy and Revolution: The English State in the 1680s (1972), pp. 211-22; J. Childs, The Army, James II and the Glorious Revolution (Manchester, 1980), p. 151.

17. P.R.O., C.231/8, p. 181; Duckett, Penal Laws and Test Act, II, pp. 256-7, and Y.A.J., V, pp. 437-46; Memoirs of Sir John Reresby, pp. 478-9; Glassey, 'Commission of the Peace', p. 138 note; Miller, Popery and Politics, pp. 269-72; J.P. Kenyon, Robert Spencer, Earl of Sunderland, 1641-1702 (1958), pp. 171-4.

18. Duckett, Y.A.J., V, p. 457; P.R.O., C.231/8, p. 191; Memoirs of Sir John Reresby, pp. 491, 511-2; C.S.P.D., 1687-9, p. 402.

19. Glassey, 'Commission of the Peace', pp. 123-4; H.M.C. Various Coll., II, pp. 401-2; P.R.O., C.231/8, p. 198, 203; Duckett, Y.A.J., V, pp. 470-2; Memoirs of Sir John Reresby, p. 483. The North Riding received two commissions as well during the summer of 1688: Glassey, Justices of the Peace, pp. 89-90.

20. The analysis of the replies of the Yorkshire Justices is based upon Duckett, Y.A.J., V, pp. 433-73, and Penal Laws and Test Act, *passim*. R.M. Faithorn, 'Nonconformity in late-seventeenth century Yorkshire' (M.Phil. Unpublished Thesis, University of Leeds, 1982), I, pp. 313, 316, and II, p. 859.

21. According to Reresby, Sir John Boynton had done much to ingratiate himself with the King: Memoirs of Sir John Reresby, pp. 474-5. Diaries of Rev. Oliver Heywood, II, p. 132.

22. Memoirs of Sir John Reresby, pp. 478-91.

23. P.R.O., C.231/8, p. 198.

24. Duckett, Y.A.J., V, pp. 470-2; H.M.C. Dartmouth Manuscripts, p. 138. The Invitation to William of Orange had been issued on 30 June 1688: E.N. Williams, The Eighteenth Century Constitution (Cambridge, 1960), p. 8. Kenyon, Sunderland, pp. 192-3, 194, 202.

25. C.S.P.D., 1687-9, pp. 280, 293-4, 302; H.M.C. Hastings Manuscripts, IV, p. 220.

26. Memoirs of Sir John Reresby, pp. 516, 526, 533, 584; P.R.O., C.231/8, p. 203; Kenyon, Sunderland, pp. 218, 246.

27. W.Y.C.R.O., QS. 10/9, ff. 28-73; Memoirs of Sir John Reresby, p. 451.

28. For example: W.Y.C.R.O., QS. 10/9, f. 53; Quarter Sessions Roll, QS. 1/39, Wetherby January 1688. Memoirs of Sir John Reresby, pp. 463-4; C.S.P.D., 1686-7, pp. 345, 389.

29. For example: Memoirs of Sir John Reresby, pp. 494-5, 496-7.

30. Miller, Popery and Politics, pp. 269-72; J.R. Jones, The Restored Monarchy, 1660-88 (1979), pp. 90-1.

31. P.R.O., State Papers (S.P.) 31/4. f. 135. There were many contemporary comments on the state of the nation at this time: for example: H.M.C. Dartmouth Mss., p. 139.
32. A. Browning, Thomas Osborne, Earl of Danby and Duke of Leeds, 1632-1712, II (3 vols., Glasgow, 1949-51), pp. 219-20.
33. P.R.O., C.231/8, pp. 233, 236, 237, 252; W.Y.C.R.O., Commissions of the Peace, Q. 1-20; B.L. Add. MSS. 29674: 1688; Glassey, 'Commission of the Peace', pp. 144, 147-53.
34. P.R.O., C.231/8, pp. 211, 221.
35. P.R.O., C.231/8, pp. 280, 288, 299.
36. P.R.O., P.C. 1/1.24: Charge to the Assize Judges, 23 February 1692.
37. P.R.O., C.231/8, pp. 303, 304, 308, 313, 316, 330; C.234/44: 6 Feb. and 13 Feb. 1693, 30 Nov. 1694.
38. Act 7 and 8 William III, c. 27; Glassey, 'Commission of the Peace', pp. 176-184; P.R.O., C.231/8, p. 359.
39. P.R.O., C.231/8, p. 359; C.234/44: 1 Oct. 1696; H.M.C. Downshire Mss., I, pp. 620-1.
40. P.R.O., C.231/8, pp. 361, 362, 364, 393, 405, 406, 413, 414, 416; C.234/44: 10 Nov. 1696, 15 July 1697, 3 April 1698, 1 Nov. 1699, 12 Feb. 1700; C.J., XIII, pp. 8, 39, 264, 301-2.
41. P.R.O., C.231/8, pp. 411, 413; P.C. 1/1.35: Charge to the Assize Judges, 13 July 1699; Browning, Danby, I, p. 548; Glassey, 'Commission of the Peace', p. 206; G. Burnet, History of His Own Time, V (6 vols., Oxford, 1833), pp. 137, 223-5.
42. B.L., Harleian Manuscripts, 7512: Libri Pacis, 1702.
43. P.R.O., C.193/43: Dedimus Potestatem Book, 1701-13: 26 Feb. and 1 March 1704.
44. Journals of the House of Lords (L.J.), XVII, pp. 482, 483, 484, 489.
45. Glassey, Justices of the Peace, pp. 190, 198.
46. P.R.O., C.234/42: 4 March 1707; C.234/44: 23 March and 17 July 1707, 7 Nov. and 24 Dec. 1709; Glassey, Justices of the Peace, pp. 173 note 1, 198; P.R.O., S.P. 44/107, pp. 183-6: Henry Boyle to Cowper, 1 March 1709, enclosing a petition of William Lowther, M.P. for Pontefract and a 'loyal Junto supporter'.
47. Glassey, Justices of the Peace, pp. 198, 209; P.R.O., C.234/42: 2 Feb. and 18 Dec. 1710; C.234/44: 2 Feb. 1710.
48. P.R.O., C.234/42: 5 June 1713; C.234/44: 5 June and 23 July 1713.
49. Throughout the whole country Harcourt had put in 1725 Justices and dismissed 405 living Justices, alterations which were undoubtedly of an extensive nature: Glassey, Justices of the Peace, p. 228.

50. W.A. Speck, Tory and Whig: The Struggle in the Constituencies, 1701-15 (1970), pp. 81-2.
51. P.R.O., C.234/42: 21 Dec. 1714; C.234/44: 15 Dec. 1714 and 30 July 1715; Hertfordshire Record Office, Cowper (Panshanger) Manuscripts, D/EP. F. 152: 'About the disposal of the Commissions for Justices of the Peace', in Lord Campbell, The Lives of the Chancellors and Keepers of the Great Seal of England, IV (1846), pp. 373-6; Glassey, Justices of the Peace, pp. 239, 241, 244, 246-7, 250, 251-2.
52. P.R.O., C.234/42: 10 Feb. 1717; C.234/44: 9 Dec. 1717 and 19 Feb. 1718.
53. P.R.O., C.234/42: 27 Feb. 1719; C.234/44: 27 Feb. 1719.
54. P.R.O., C.234/42: 18 Feb. 1723, 28 April 1725, 8 Nov. 1727, 29 March 1728, 23 July 1731 and 4 June 1744; C.234/44: 22 July 1720, 22 June 1721, 20 March 1723, 17 March 1725, 6 Nov. 1727, 15 March 1728, 10 July 1729, 3 March and 29 June 1730, 23 July 1731, 5 March 1733, 22 Oct. 1736, 15 Nov. 1737, 18 June 1746, 13 Feb. 1747, 3 June 1748 and 5 June 1749; B.L. Add. Mss. 29674: 1730; Glassey, 'Commission of the Peace', pp. 384-5; B. Williams, The Whig Supremacy (Oxford, 1939), p. 55.
55. B.L., Lord Chancellor Hardwicke's Papers Relating to the Commission of the Peace, mid eighteenth century: Add. Mss. 35602, f. 50.
56. B.L., Hardwicke Papers, Add. Mss. 35601, ff. 3, 5, 25; Add. Mss. 35600, ff. 89, 92. See Landau, Justices of the Peace, pp. 281-3.
57. B.L., Hardwicke Papers, Add. Mss. 35602, ff. 65, 192, 198, 245; Add. Mss. 35603, ff. 149, 151, 153; Webb, Parish and County, pp. 381-2.
58. P.R.O., C.234/44: 15 July 1698; C.231/8, p. 393. Sir Bryan was also of little use to the local magistracy for he only attended Quarter Sessions once, at Leeds in July 1701: W.Y.C.R.O., QS. 4/19, f. 109.
59. Reresby asserts that in the West Riding very few robberies and felonies had been committed, not one murder and hardly any batteries: Memoirs of Sir John Reresby, pp. 542-3.
60. W.Y.C.R.O., QS. 10/9, ff. 75-100 and QS. 4/16, ff. 111-60.
61. Act 1 William and Mary, c. 18.

1. J.S. Cockburn, A History of English Assizes, 1558-1714 (Cambridge, 1972), pp. 186-7; T. G. Barnes, Somerset, 1625-40: A County's Government During the Personal Rule (1961), pp. 91-6.
2. P.R.O., P.C. 1/3.85: Charge to the Assize Judges, 26 Feb. 1721.
3. For example: W.Y.C.R.O., QS.10/9. ff. 63, 139; Cockburn, English Assizes, pp. 170-72.
4. W.Y.C.R.O., QS. 10/11, f. 97.
5. The West Riding Sessions Records, 1611-42, ed. J. Lister, Y.A.S.R.S., LIV (1915), p. 379; W.Y.C.R.O., QS. 10/2, f. 247; 10/3, f. 366; 10/5, ff. 12, 67; 10/8, ff. 82, 116; 10/10, f. 17; 10/19, f. 253; 10/20, f. 40; 10/14, ff. 20, 25.
6. For example: W.Y.C.R.O., QS.10/8, f. 160; 10/13, f. 157; 10/20, f. 40; QS 1.36: Rotherham August 1686; Cockburn, English Assizes, p. 174; V.C.H. York, City of York, p. 525.
7. W.Y.C.R.O., QS. 10/8, f. 60; 10/9, f. 11.
8. The evidence for the York Assizes in March 1756 illustrates the importance of the magistracy and is not untypical. Whilst seven of the forty five felons to be dealt with had been referred by Quarter Sessions, twenty eight had been committed to the Assizes by individual Justices: H.C.R.O., Grimston Manuscripts, DDGR 34/33 and 34/41.
9. Cockburn, English Assizes, pp. 116-7.
10. W.Y.C.R.O., QS.10/10, f. 182; 10/12. f. 58; 10/14, ff. 89, 122, 133, 175.
11. Cockburn, English Assizes, pp. 97-8.
12. Depositions from the Castle of York, relating to offences committed in the Northern Counties in the Seventeenth Century, 1640-90, ed. J. Raine, Surtees Society, XL (1861), pp. 253-5.
13. Luttrell, Brief Relation, I, pp. 17, 22, 23, 31, 35, 37, 38, 45, 48, 51, 58, 102, 111, 121, 173-4; Memoirs of Sir John Reresby, pp. 197-9; Depositions from York Castle, pp. 232-7, 240-1, 242-4, 244-5.
14. Depositions from York Castle, pp. 252-3, 258-9, 276, 283, 290, 291; The Victoria History of the County of York, ed. W. Page, III (1912), p. 431; H.M.C. Rutland Manuscripts II, p. 197. In 1685 William Drake of Barnoldswick, a magistrate in the West Riding, was accused of spreading false and dangerous news. Yet the case was dismissed for his indiscretions were excused on the grounds that poor health had unbalanced his mind: Depositions from York Castle, p. 296.
15. Depositions from York Castle, pp. 219, 224-5.
16. Diaries of Rev. Oliver Heywood, II, p. 194; W.Y.C.R.O., QS.10/11. ff. 41-2; Serjeant Thorpe's Charge to the Grand Jury at York Assizes, March 1648, (York, 1649); P.R.O., Charges to the Assize Judges, P.C. 1/1.24: 23 Feb. 1693; 1/1.35: 13 July 1699; 1/1.43: 22 Feb. 1700; 1/3.85: 26 Feb. 1721.
17. T.G. Barnes and A.H. Smith, 'Justices of the Peace from 1558-1688 - a revised list of sources', Bulletin of the Institute of Historical Research, XXXII

- (1959), p. 227; Memorandum Book of Sir Walter Calverley, pp. 61, 65, 69-70, 87; Memoirs of Sir John Reresby, p. 273.
18. Memoirs of Sir John Reresby, pp. 197-9, 461-2.
 19. For example: H.C.R.O., QSV/2, ff. 86, 108; QSV/3, f. 31; Memoirs of Sir John Reresby, pp.65-6, 185.
 20. W.Y.C.R.O., QS.10/9, f. 69.
 21. J.P.Kenyon, The Stuart Constitution 1603-88 (Cambridge, 1966); A. Browning, 'Parties and Party Organisation in the Reign of Charles II', Transactions of the Royal Historical Society, 4th Series, XXX (1948), p. 21; Webb, Parish and County, pp. 285-7; Moir, Justice of the Peace, pp. 78-9.
 22. P.R.O. S.P. 36: 21 June, 30 June and 9 July 1733.
 23. Browning, T.R.H.S., XXX, p. 33.
 24. P.R.O., S.P.35: 22 October 1714.
 25. C.S.P.D., 1702-3, p. 14.
 26. C.S.P.D., 1702-3, p. 395.
 27. For example: Memoirs of Sir John Reresby, pp. 104-5.
 28. For example: P.R.O., S.P. 36: Dec. 1742; W.Y.C.R.O, QS. 10/19, f. 232; 10/20, f. 232.
 29. B.L., Stowe Manuscripts, 748/18; P.R.O., P.C. 2/99, p. 182.
 30. W.Y.C.R.O. QS. 10/13, f. 103; H.M.C. Ancaster Manuscripts, p. 444; M.L., Ms. Add. 319, ff. 74-93: Lieutenancy Papers mid 1690s.
 31. P.R.O., P.C. 2/80, p.241; 2/81, p. 135; 2/86, pp. 240, 470; H.M.C. Finch Mss., III, p. 10.
 32. Memoirs of Sir John Reresby, p. 440.
 33. Diaries of Rev. Oliver Heywood, II, p. 194; W.Y.C.R.O., QS.10/10, ff. 41-2.
 34. W.Y.C.R.O., QS.10/10, ff. 41-2, 179; P.R.O., P.C. 2/80, p. 241; 2/81, p. 135; 2/86, p.516; B.L., Stowe Mss., 748/18 and 22.
 35. Acts 22 and 23 Charles II, c. 25, and 1 George I, stat. 2, c. 5.

1. A comprehensive picture of this officer's duties is given in Kesteven Q.S.R., XXV, pp. xlvi-liii.
2. For example: H.C.R.O., QSF, Easter 1749; W.Y.C.R.O., QS. 4/15, ff. 66-7, 86; 4/31, f. 59.
3. For example: W.Y.C.R.O., QS. 10/15, f. 26.
4. For example: H.C.R.O., QSV/2, ff. 7, 31, 32; W.Y.C.R.O., QS. 10/8, f. 120; 10/10, f. 26; 10/11, f. 191.
5. For example: W.Y.C.R.O., QS. 10/11, ff. 103, 129; 10/12, ff. 52-3, 87; 10/15, f. 193.
6. Luttrell, Brief Relation, I, pp. 37, 86, 248, 324, 336. The reward for the notorious John Nevison was £20: Memoirs of Sir John Reresby, p. 235.
7. For example: W.Y.C.R.O., QS. 10/19, f. 57.
8. Act 10 and 11 William III, c. 23; for example W.Y.C.R.O., QS. 10/11, f. 97; 10/16, ff. 73, 239-40; 10/18, ff. 61, 134.
9. For example: H.C.R.O., QSV/2, f. 24; W.Y.C.R.O., QS. 10/17, f. 201.
10. M. Beresford, 'The Common Informer', Economic History Review, Series II, 10 (1957-8), pp. 221-38; P.R.O., S.P. 35: 4 July 1723; W.Y.C.R.O., Q.S. 10/7, f. 154; Diaries of Rev. Oliver Heywood, II, pp. 287-8.
11. W.Y.C.R.O., QS. 10/10, f. 170.
12. W.Y.C.R.O., QS. 10/8, ff. 18, 22, 31; 10/10, f. 191; 10/16, f. 273; Holdsworth, English Law, X, p. 233; P.C. Heap, The Politics of Stuart Warwickshire: An Elite Study (Ph.D. Published Thesis, University of Yale, 1975), p. 71; M.L., Ms. Add. 319, ff. 5, 6.
13. H.M.C. Various Coll., II, pp. 302-3; H.C.R.O., QSF, Midsummer 1717; W.Y.C.R.O., QS. 10/7, f. 159.
14. Acts 28 Edward III, c.11, and 27 Elizabeth I, c. 13; W.Y.C.R.O., QS.10/8, f. 113; 10/11, ff. 154, 192.
15. W.Y.C.R.O., QS.10/5, f.105; 10/8, f. 106; 10/9, f. 122; 10/13, f. 72; 10/18, f. 274.
16. W.Y.C.R.O., QS.4/13, f. 72; 10/8, f.67; H.C.R.O, QSF, Midsummer 1714.
17. E.G.Dowdell, A Hundred Years of Quarter Sessions: The Government of Middlesex from 1660-1760 (Cambridge, 1932), pp. 22-6; Cockburn, 'North Riding Quarter Sessions', p. 47; Holdsworth, English Law, I, p. 144; J.C.Cox, Three Centuries of Derbyshire Annals, as illustrated by The Records of the Quarter Sessions, I (1890), p. 110; Register of the Parish of Cherry Burton, 1561-1740, ed. A.T.Winn, Yorkshire Parish Register Society, XV (1903), pp. 36-8.
18. W.Y.C.R.O., QS.10/8, f.96; Memoirs of Sir John Reresby, pp. 305-10; W.Y.C.R.O., QS.10/9, f. 128; 10/13, f. 102; 10/19, f. 170; H.C.R.O., QSF, Christmas 1722.

19. W.Y.C.R.O., QS.10/5, f. 35; 10/6, f.7; 10/14.f.83; Registers of the Parish of Chery Burton pp.36-8; H.C.R.O., QSV/2, f. 167; W.Y.C.R.O. QS.10/4, f. 159; 10/5, ff.18, 23, 33; 10/20, f. 250.
20. Kesteven Q.S.R., XXV, p. lxxii.
21. Moir, Local Government in Glos., pp.91-2; Warwickshire Quarter Sessions Indictment Book, Easter 1631-Epiphany 1674, ed. S.C.Ratcliff and H.C.Johnson, VI (Warwick, 1941), pp. xxi-xxiv; Ward, V.C.H.Wilts., V, p. 179.
22. Acts 22 Henry VIII, c.5, and 12 George II, c. 29; R.Burn, The Justice of the Peace (1756 edition), p. 451; Webb, Parish and County, pp. 449-53.
23. W.Y.C.R.O., QS.10/8, f. 2; 10/5, f. 122; 10/12, f. 25; 4/17, f. 79.
24. H.M.C. Le Fleming Manuscripts, p. 109.
25. H.C.R.O., QSF Easter 1742 and Midsummer 1744; W.Y.C.R.O., QS.10/7, f. 168; 10/9, ff. 43-5.
26. Twenty one jurors were listed at Midsummer Sessions 1683 at Skipton: W.Y.C.R.O., QS. 10/8, f. 89-91. Webb Parish and County, p. 428.
27. Cockburn, 'North Riding Quarter Sessions', pp.67-8; Act 7 and 8 William III, c. 32; Kesteven Q.S.R., xxv, pp. lxx-lxxiii; Morrill, Cheshire Grand Jury, pp. 9-15.
28. Acts 4 and 5 William and Mary, c.24, and 7 and 8 William III, c.8; Morrill, Cheshire Grand Jury, pp.18-19.
29. For example: W.Y.C.R.O., QS.10/8, f.60; 10/9, f. 189; 10/10, ff.55-6, 67; 10/11, ff.31, 167.
30. W.Y.C.R.O., QS.1/35: Pontefract April 1686.
31. W.Y.C.R.O., QS.10/11, f. 138; Moir, Local Government in Glos., p.92.
32. W.Y.C.R.O., QS.10/8 and 9 passim. In early seventeenth century Cheshire the head constables had previously been regular members of the Grand Jury: Morrill, Cheshire Grand Jury, p. 19.
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65. W.Y.C.R.O. QS. 10/15, ff. 199-200; 10/16, ff. 145-7.

66. For example: W.Y.C.R.O., QS. 10/12, ff. 197, 208; 10/15, f. 130; 10/16, ff. 166, 215; 10/17, f. 36; Cockburn, 'North Riding Quarter Sessions', pp. 44-5.
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69. W.Y.C.R.O., QS. 10/15, f. 200.
70. W.Y.C.R.O. QS.10/12, f. 156; 10/15, f. 200, 10/22, f. 193.
71. For example: W.Y.C.R.O., QS.10/12, f. 200; 10/15, f. 114.
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73. W.Y.C.R.O. QS. 10/13, f. 146; Cockburn, 'North Riding Quarter Sessions', p. 98.
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75. Acts 18 Elizabeth I, c. 3, 39 Elizabeth I, c. 4, and 7 James I, c. 4; Forster, East Riding Justices, pp. 40-1; H.C.R.O., QSF, Michaelmas 1715; W.Y.C.R.O., QS. 10/9, f. 154; 10/12, ff. 63, 64, 119, 139, 172.
76. It is clear that individuals were occasionally confined in the house of correction when they should have been sent to the gaol at York Castle: W.Y.C.R.O., QS. 10/8, f. 162.
77. E. Hampson, The Treatment of Poverty in Cambridgeshire, 1597-1834 (1934), pp. 50, 71, 262; W.Y.C.R.O., QS. 10/7, f. 171; 10/8, f. 2; 10/11, f. 128; 10/16, f. 241; 10/17, f. 72; H.C.R.O., QSV/2, f. 14; Cockburn, 'North Riding Quarter Sessions', pp. 100-2; S. and B. Webb, English Prisons under Local Government (1927), pp. 12-18; Gracie, 'West Riding County Government', pp. 195, 196, 199; W.Y.C.R.O., QS. 10/10, f. 182.
78. Robert Reyner served from 1675 to 1697, whilst Richard Cowper was deputy clerk of the peace from 1729 to 1734 and master of the house of correction from 1728 to 1737. Cockburn, 'North Riding Quarter Sessions', pp. 104-9.
79. W.Y.C.R.O., QS. 10/11, f. 22; 10/17, f. 207; 10/18, ff. 75, 78, 79; H.C.R.O., QSV/2, ff. 163, 165, 169.
80. W.Y.C.R.O. QS. 10/12, f. 183.
81. W.Y.C.R.O. QS. 10/9, f. 95; 10/12, ff. 147, 157; 10/13, f. 251; 10/14, ff. 80, 95; 10/16, f. 241; 10/18, f. 244; 10/22, f. 44.
82. W.Y.C.R.O., QS.10/17, ff. 217-21; Act 17 George II, c. 5.
83. W.Y.C.R.O., QS. 10/12, f. 58; 10/13, ff. 40-1; 10/16, 81, 232-4, 234, 235. The fees were also laid down for the liberty gaol at Pontefract: W.Y.C.R.O., QS.10/6, f. 48.
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2. For example: C.S.P.D., 1690-91, p. 342.
3. W.Shephard, A Sure Guide for his Majesties Justices of the Peace (1663), in Warwicks. Q.S.R., VI, p. xxviii; M.L., Ms. Add. 319, ff. 10-11; Depositions from York Castle, p. cclv; Cockburn, Crime in England, pp. 73-8; W.Y.C.R.O., QS. 4/21, f. 134; 10/12, f. 208.
4. Act 32 Henry VIII, c. 7; Cockburn 'North Riding Quarter Sessions', pp. 38-9; W.Y.C.R.O., QS. 10/8, f. 54; 4/21, f. 102; 4/22, f. 216.
5. Addy, Archdeacon and Ecclesiastical Discipline, p. 16; W.Y.C.R.O., QS.10/12, f. 78; Depositions from York Castle, p. 283. The low calibre of the clergy has also been noted in the North Riding: Cockburn, 'North Riding Quarter Sessions', pp. 38-9; W.Y.C.R.O., QS. 4/21, f.122.
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9. Warwicks. Q.S.R., VII, pp. lxi-xlii; W.Y.C.R.O., QS.10/7, f. 189; Aveling, P.L.P.L.S., X, p. 235; Kesteven Q.S.R., XXV, pp. cxvi-cxx; W.Y.C.R.O., QS. 10/7, f. 199; H.M.C. Manuscripts of the Duke of Leeds, p. 20; W.Y.C.R.O., QS. 10/7, f. 125; 10/8, ff. 63-4; J.C.H.Aveling, Catholic Recusancy in the City of York, 1558-1791, Catholic Record Society, Monograph No. 2(1970), p. 101; Aveling, Catholicism in East Yorkshire, p. 49; C.S.P.D., 1678, pp. 117-8, 189, 451; 1679-80, p. 341; Aveling, Northern Catholics, pp. 330-1.
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35. For example: W.Y.C.R.O., QS. 4/14, f. 195; 10/12, f. 172; 10/15, f. 183; H.C.R.O., QSF, Easter 1717.
36. Luttrell, Brief Relation, II, pp. 263, 334, 335; C.S.P.D., 1691-2, p. 106; 1698, p. 107, 1699-1700, p. 313, P.R.O., P.C.2/79; ff. 57, 327; P.C.1/1.35 and 1/1.43: Charges to the Assize Judges, 13 July 1699 and 22 Feb. 1700; G.N. Clark, The Later Stuarts, 1660-1714 (Oxford, 1934), p. 153; Holdsworth, English Law, X, p. 240; Webb, Parish and County, pp. 335, 356-7, 391; S. and B. Webb, The History of Liquor Licensing principally from 1700-1830 (1903, 1963 ed.), pp. 149-63.
37. W.Y.C.R.O., QS. 10/10, ff. 41-2, 179; Cockburn, 'North Riding Quarter Sessions', pp. 36-7; Hamilton, Q.S. from Elizabeth to Anne, pp. 264-5; Diary of Ralph Thoresby, I, p. 213; Faithorn, 'Yorkshire Nonconformity', pp. 585-6.

38. W.Y.C.R.O., QS. 10/13, f. 245; 10/16, f. 34.
39. Forster, East Riding Justices, p. 43; Forster, 'County Government in Yorkshire during the Interregnum', Northern History, XII (1976), pp. 97-8, 99; Cockburn, 'North Riding Quarter Sessions', pp. 55-6.
40. W.Y.C.R.O., QS. 4/20, f. 56; H.C.R.O., QSF, Easter 1721; QSV/4, f. 133; P.R.O., S.P.35: 1 Jan. 1722.
41. In accordance with Acts 1 James I, c. 9, 4 James I, c. 5, and 21 James I, c. 7.
42. Warwicks. Q.S.R., VII, pp. lxvi-lxviii; Forster, East Riding Justices, pp. 59-60; Memoirs of Sir John Reresby, p. 496; H.C.R.O., QSV/2, f. 37; W.Y.C.R.O., QS. 10/10, f.184; 10/15, f. 71; Cockburn, 'North Riding Quarter Sessions', pp. 52-5; Act 2 George II, c. 28; Cox, V.C.H.Shrops., III, pp. 106-7; Moir, Local Government in Glos., p. 120.
43. H.C.R.O., QSV/2, f. 109; C.S.P.D., 1637-8, p. 433.
44. W.Y.C.R.O., QS. 10/7, f. 131; 10/8, f. 87; 10/9, f. 55; Ward, V.C.H.Wilts., V, p. 183; Hamilton, Q.S. from Elizabeth to Anne, p. 223; H.C.R.O., QSV/2, ff. 5, 33, 45.
45. For example: W.Y.C.R.O., QS. 10/8, ff. 28, 45, 96, 175; 10/9, f. 146; 10/11, f. 93; 10/12, f. 120; 10/15, f. 138; 4/29, ff. 102, 113.
46. C.S.P.D., 1637-8, p. 433; Warwicks. Q.S.R., VII, pp. lxvi-lxviii; Cockburn, 'North Riding Quarter Sessions', p. 54; Forster, East Riding Justices, pp. 59-60; Forster, Northern History, X, p. 98; W.Y.C.R.O., QS.4/19, ff. 106-7, 116.
47. For example:, H.C.R.O. QSV/3, ff. 185, 186, 195, 301, 302.
48. Cockburn, Crime in England, pp. 102-3.

1. D. George, England in Transition (1931, 1967 edn.), pp. 9-16; Speck, Stability and Strife, pp. 32-5; G. Holmes, 'Gregory King and the Social Structure of Pre-industrial England', T.R.H.S., 5th Series, XXVII (1976), pp. 41-56.
2. Acts 39 Elizabeth I, c. 3, and 43 Elizabeth I, c. 2.
3. Baugh, V.C.H. Shrops., III, p. 120.
4. W.Y.C.R.O., QS. 10/13, f. 232.
5. For example: W.Y.C.R.O., QS, 10/8, f. 181; 10/9, ff. 3, 4, 38, 145, 153; 10/10, f. 174.
6. Cox, Derbyshire Annals, II, pp. 162, 165, 167; N. Mitchelson, The Old Poor Law in East Yorkshire, E.Y.L.H.S., No. 2 (1953), p. 13; N.D. Hopkin, 'The Old and the New Poor Law in East Yorkshire, c. 1760-1850' (M.Phil. Unpublished Thesis, University of Leeds, 1968), pp. 42-54; W.E. Tate, The Parish Chest (1939), pp. 233-4; S. and B. Webb, English Poor Law, I: The Old Poor Law (1927), p. 168; D. Marshall, The English Poor in the Eighteenth Century (1926), pp. 94-6.
7. Chambers, Notts. in Eighteenth Century, pp. 219, 223; Hopkin, 'Old and New, Poor Law', pp. 10, 284-7; H.C.R.O., QSV/2, f. 22; W.Y.C.R.O., QS.10/8, f. 23; 10/9, ff. 2, 3; 10/12, f. 29; 10/13, f. 13; Marshall, English Poor, pp. 120-2.
8. The West Riding Sessions Records, 1611-42, ed. J. Lister, Y.A.S.R.S., LIV (1915), pp. xxxi-xxxiii; Act 31 Elizabeth I, c. 7; H.C.R.O., QSV/2, f. 46; W.Y.C.R.O., QS. 10/8, f. 33; Chambers, Notts. in Eighteenth Century, p. 266.
9. For example: W.Y.C.R.O., QS.4/13, f. 125; 4/17, f. 146; 4/15, f. 115; W.R.S.R., 1611-42, pp. xxxii-xxxiii.
10. W.Y.C.R.O., QS.10/7, f. 196; 10/8, f. 200; 10/9, ff. 143, 158; 10/16, f. 151; B.J.L., DDHA/18/21; Marshall, English Poor, pp. 20-36; F.M. Eden, The State of the Poor, abridged and edited A.G.L. Rogers (1948), p. xxvii.
11. For example, W.Y.C.R.O., QS.10/9, f. 29; 10/12, f. 102; Acts 21 James I, c. 20 (swearing), 1 James I, c. 9 (tippling), 4 James I, c. 5 (drunkenness), and 35 Elizabeth I, c. 1 (religious offences). H.C.R.O., QSV/2, f. 14; Chambers, Notts. in Eighteenth Century, p. 226.
12. W.Y.C.R.O., QS.10/12, ff. 124, 139; Cockburn, 'North Riding Quarter Sessions', pp. 160-1; Hopkin, 'Old and New Poor Law', p. 325.
13. Act 8 and 9 William III, c. 11; W.Y.C.R.O., QS.10/12, f. 184; 10/13, ff. 122, 140; Marshall, English Poor, pp. 103-4.
14. Cockburn, 'North Riding Quarter Sessions', p. 171.
15. H.M.C. Various Coll., II, p. 384; H.C.R.O., QSV/2, ff. 33, 63, 70; QSV/3, f. 218; QSF, Michaelmas 1715; W.Y.C.R.O., QS.10/7, f. 164; 10/8, ff. 20, 53, 76, 179; 10/10, ff. 43, 44, 71.
16. For example: W.Y.C.R.O., QS.10/7, f. 187; 10/12, f. 143; Memorandum Book of Sir Walter Calverley, pp. 55-6; Ward, V.C.H. Wilts., V, pp. 190-1; W.Y.C.R.O., QS.10/10, ff. 108-9; 10/11, f. 20; Act 17 George II, c. 3; W.Y.C.R.O., QS.10/11, ff. 129, 130; 10/12, ff. 68, 167.

17. For example: W.Y.C.R.O., QS.10/20, f. 210. See F. Barber, 'On the Book of Rates for the West Riding', Y.A.J., I (1870), pp. 153-67.
18. For example: W.Y.C.R.O., QS.10/8, ff. 151, 153. Perhaps the most unusual case was that of the townships of Austerfield and Bawtry which were in the county of the West Riding but also in the Nottinghamshire parishes of Haworth and Blyth: Tate, Parish Chest, pp. 8-10.
19. Acts 43 Elizabeth I, c. 1, and 13 and 14 Charles II, c. 12; Marshall, English Poor, p. 84; W.Y.C.R.O., QS.10/5, f. 46; 10/7, f. 164; 10/8, f. 20; 10/9, ff. 20, 29, 39; 10/13, f. 176.
20. Harris, V.C.H. Ches., II, pp. 66-7; Warwickshire Quarter Sessions Order Book, Easter 1657-Epiphany 1665, ed. S.C. Ratcliff and H.C. Johnson, IV (Warwick, 1938), pp. xxvii-xxx; Ward, V.C.H. Wilts., V, pp. 190-1; W.Y.C.R.O., QS. 10/8, f. 86; 10/10, ff. 91, 92.
21. W.Y.C.R.O., QS.10/18, ff. 178, 187, 280; 10/19, ff. 10, 30, 111; Ward, V.C.H. Wilts., V, pp. 190-1; W.Y.C.R.O., QS.10/8, f. 53; 10/9, ff. 35, 38.
22. W.R.S.R., 1611-42, pp. xlili-xlvi; Warwicks. Q.S.R., IV, pp. xxvii-xxx; W.Y.C.R.O., QS.10/17, f. 261; 10/19, f. 51.
23. For example: W.Y.C.R.O., QS.10/8, f. 130; 10/11, f. 119.
24. H.C.R.O., QSV/2, f. 11, 43; QSV/3, f. 71; QSF, 1708; W.Y.C.R.O., QS.10/4, f. 122; 10/7, f. 10, 175; 10/12, f. 217.
25. Forster, East Riding Justices, pp. 50-1; Forster, Northern History, XII, p. 95; W.Y.C.R.O., QS.10/4, f. 168; Hamilton, Q.S. from Elizabeth to Anne, pp. 173-6, 253, 269; Warwicks. Q.S.R., IV, pp. xxix-xxx; Harris, V.C.H. Ches., II, p. 66; W.Y.C.R.O., QS.10/7, f. 175; Cox, V.C.H. Shrops., III, pp. 100-1.
26. Hamilton, Q.S. from Elizabeth to Anne, pp. 173-6, 253; Kesteven Q.S.R., XXV, pp. lxxxi-lxxxiii; Forster, East Riding Justices, pp. 50-1; H.C.R.O., QSF, 1710 and Michaelmas 1712; W.Y.C.R.O., QS. 10/12, f. 143.
27. For example: H.C.R.O., QSF, Midsummer 1707, Easter 1714, and Midsummer 1719; W.Y.C.R.O., QS. 10/14, f. 62, 10/16, f. 38, 10/20, f. 31.
28. H.C.R.O., QSV/2, f. 48; QSV/3, f. 52; W.Y.C.R.O., QS. 10/16, ff. 146, 194, 195, 196; 10/18, f. 285; Styles, County Administration, pp. 97-8; Chambers, Notts. in Eighteenth Century, p. 252.
29. Cox, V.C.H. Shrops., III, pp. 104-5; Warwickshire Quarter Sessions Order Book, Easter 1650 to Epiphany 1657, ed. S.C. Ratcliff and H.C. Johnson, III (Warwick, 1937), pp. xxix-xxx; Forster, Northern History, XII, p. 92; J. Hurstfield, 'County Government, c. 1530-1660', V.C.H. Wilts., V, pp. 97-8; Forster, East Riding Justices, pp. 51-2; W.Y.C.R.O., QS.10/10, f. 107; 10/11, ff. 37, 114; Cockburn, 'North Riding Quarter Sessions', pp. 172-4; Tate, Parish Chest, pp. 120-5.
30. Cockburn, 'North Riding Quarter Sessions', pp. 172-4; W.Y.C.R.O., QS.10/9, f. 6; 10/14, f. 92; H.C.R.O., QSV/2, f. 108.
31. Registers of the Parish of Cherry Burton, pp. 32-3, 34-5.
32. W.K. Jordan, Philanthropy in England, 1480-1660: A Study of the Changing Pattern of English Social Aspirations (1959), pp. 126-7, 130-2, 244-5, and The Charities of Rural England, 1480-1660: The Aspirations and

- Achievements of the Rural Society (1961), pp. 9, 214-7; Forster, East Riding Justices, pp. 49-50; G.C.F. Forster, 'The North Riding Justices and their Sessions, 1603-25', Northern History, X (1975), p. 116, and Northern History, XII, p. 92; Hampson, Poverty in Cambs., p. 28.
33. Forster, V.C.H. York, City of York, p. 173; Tillott, V.C.H. York, City of York, pp. 423-4; Forster, V.C.H. York, E.R., I, p. 164; Williams, V.C.H. York, E.R., I, pp. 335-47; G. Poulson, Beverlac, The Antiquities and History of Beverley, II (1829), pp. 796-800; C.S.P.D., 1690-1, p. 545; W.Y.C.R.O., QS.10/19, f. 51; Diary of Ralph Thoresby, ff. 87-8, 137, 148-9; Hopkin, 'Old and New Poor Law', p. 12; G. Poulson, A History of Holderness, II (Hull, 1840), pp. 172-3, 363; V.C.H. York, East Riding, II, ed. K.J. Allison (1974), pp. 80-2, 164; V.C.H. York, East Riding, III, ed. K.J. Allison (1976), pp. 46-7, 112, 120, 158.
34. Tate, Parish Chest, p. 117; Poulson, Beverlac, II, pp. 796-800; Forster, V.C.H. York, City of York, p. 219; H.C.R.O., QSV/2, f. 14; Diary of Ralph Thoresby, pp. 148-9.
35. W.Y.C.R.O., QS.10/19, f. 50; Mingay, The Gentry, pp. 140-2; B.I.H.R.Y., Yarburgh Muniments (Y.M.), Accounts Books, AB/4:1717-8, 1727; Memoirs of Sir John Reresby, pp. 103, 440; Memorandum Book of Sir Walter Calverley, p. 84; Diary of Ralph Thoresby, pp. 215-32, 344; A Calendar of the Merioneth Quarter Sessions Rolls, I, 1733-65, ed. K. Williams-Jones (Merioneth, 1965), p. lxxx; Cox, V.C.H. Shrops., III, p. 104.
36. Mingay, The Gentry, pp. 140-2.
37. Acts 18 Elizabeth I, c. 3, 39 Elizabeth I, c. 3 and c. 5, and 43 Elizabeth I, c. 2; Kesteven Q.S.R., XXV, pp. xcvi-c; Merioneth Q.S.R., I, p. lxxix; Forster, East Riding Justices, pp. 48-9; Cockburn, 'North Riding Quarter Sessions', pp. 154-6; W.Y.C.R.O., QS.10/12, f. 184; 10/13, f. 71; Marshall, English Poor, pp. 125-6; Chambers, Notts. in Eighteenth Century, p. 234.
38. Marshall, English Poor, pp. 126-8; Tate, Parish Chest, pp. 226-31; W.Y.C.R.O., QS.10/8, f. 181.
39. Williams, V.C.H. York, E.R., I, pp. 439-40; Hopkin, 'Old and New Poor Law', pp. 201-15; Jackson, Hull in the Eighteenth Century, pp. 321-4; F.M. Eden, The State of the Poor, III (1797), pp. 827-46.
40. Act 9 George I, c. 27.
41. Webb, Old Poor Law, p. 217; Forster, V.C.H. York, City of York, p. 227.
42. Poulson, Beverlac, II, pp. 795-6; Hopkin, 'Old and New Poor Law', pp. 216-23.
43. W.Y.C.R.O., QS.10/17, f. 238; 10/21, f. 244; H.M.C. Leeds Mss., p. 52; V.C.H. York, E.R., II, p. 69; Hopkin, 'Old and New Poor Law', pp. 186-275; Mitchelson, Poor Law in East Yorkshire, pp. 13-15; Act 22 George II, c. 83; Eden, Sate of the Poor, III, pp. 863-5, 868-75, 880-2; Cockburn, 'North Riding Quarter Sessions', pp. 155-6.
44. H.C.R.O., QSV/4, f. 205; Eden, State of the Poor, I, p. 574, and III, pp. 810-11, 827-46; Hampson, Poverty in Cambs., p. 95.

45. For example: an attack on the workhouse in Halifax: W.Y.C.R.O., QS.4/31, f. 30. A workhouse in Wakefield used as a detention centre for suspicious vagrants: H.M.C. Leeds Mss., p. 52. Chambers, Notts. in Eighteenth Century, p. 235.
46. Marshall, English Poor, pp. 145, 148, 153, 154; Eden, State of the Poor, III, pp. 817-9, 865-7.
47. W.Y.C.R.O., QS.10/21, f. 244; H.C.R.O., QSV/4, f. 205; W.Y.C.R.O., QS.10/8, f. 181; 10/17, f. 238; 10/20, f. 81.
48. Acts 18 Elizabeth I, c. 3, and 7 James I, c. 4.
49. P. Laslett, The World we have lost (1965, 1973 edn.), p. 142; Forster, East Riding Justices, p. 47; Mitchelson, Poor Law in East Yorkshire, p. 12; Hopkin, 'Old and New Poor Law', Appendix P, pp. 577-87; W.Y.C.R.O., QS.10/11, f. 179; Hampson, Poverty in Cambs., pp. 165-76; Cockburn, 'North Riding Quarter Sessions', pp. 161-4.
50. B.J.L., DDHA/18/17; H.C.R.O., QSV/2, ff. 19, 20, 22, 23; W.Y.C.R.O., QS.10/8, f. 17, 25; 10/10, f. 5; 10/11, ff. 41, 127, 185, 186; 10/12, f. 134; 4/16, f. 102; Act 6 George II, c. 31.
51. W.Y.C.R.O., QS.10/11, f. 52, 133; 10/16, f. 80; QS.1/40: Wakefield October 1688; Hopkin, 'Old and New Poor Law', p. 435; Hurstfield, V.C.H. Wilts., V, pp. 94-5.
52. Forster, East Riding Justices, p. 47; Hopkin, 'Old and New Poor Law', p. 419; Hampson, Poverty in Cambs., pp. 165-76.
53. W.Y.C.R.O., QS.10/11, ff. 80, 95, 97; 10/12, f. 119; 10/13, f. 87; 10/15, ff. 33, 183; Cockburn, 'North Riding Quarter Sessions', p. 163.
54. H.C.R.O., QSV/3, ff. 56, 59; W.Y.C.R.O., QS.10/8, ff. 173, 200; 10/9, ff. 170, 171; 10/10, f. 1; 10/12, ff. 130, 139; 10/13, ff. 51, 83.
55. For example: W.Y.C.R.O., QS.4/22, f. 31; 4/28, f. 21; H.C.R.O., QSF, Easter 1733; Hopkin, 'Old and New Poor Law', pp. 411-6.
56. For example: W.Y.C.R.O., QS.10/11, f. 191.
57. Act 13 and 14 Charles II, c. 12.
58. Acts I James II, c. 17, and 3 William and Mary, c. 11.
59. W.Y.C.R.O., QS.10/10, f. 180; 10/12, f. 79; 10/14, f. 50; 10/20, f. 102.
60. E.M. Hampson, 'Settlement and Removal in Cambridgeshire, 1662-1834', Cambridge Historical Journal, II, No. 1 (1926), p. 279; W.Y.C.R.O., QS.10/9, ff. 58, 102, 166; 10/10, ff. 43, 88; 10/11, f. 55; 10/14, f. 27; 10/15, f. 171; 10/18, f. 152; Styles, County Administration, p. 52; Cox, V.C.H. Shrops., III, p. 104.
61. W.Y.C.R.O., QS.10/9, ff. 3, 52, 66; 10/10, f. 5; 10/12, f. 130; 10/15, ff. 31, 89; Act 18 Elizabeth I, c. 2.
62. W.Y.C.R.O., QS.10/10, f. 1; 10/12, f. 16.
63. W.Y.C.R.O., QS.10/8, f. 204; 10/10, ff. 135-6; 10/11, f. 165; 10/13, f. 124; 10/14, f. 53; 10/17, f. 134; 10/18, f. 119; 10/19, f. 174; H.C.R.O., QSV/2,

- ff. 74, 95; QSV/3, f. 84; QSF, Midsummer 1721; Hampson, Poverty in Cambs., p. 132.
64. Webb, Old Poor Law, p. 334; W.Y.C.R.O., QS.10/14, ff. 27, 29; 10/16, ff. 112, 133; 10/18, f. 261. Between 1680 and 1750 the Justices of the West Riding sought advice from the Assize Judges on no less than twenty occasions. Cockburn, English Assizes, pp. 174, 177; Cox, V.C.H. Shrops., V, p. 104. The removal of cases to King's Bench became more popular in the late eighteenth century: Gracie, 'West Riding County Government', p. 172.
65. Hampson, Poverty in Cambs., pp. 139-40, and Camb. Hist. Jnl., II, No. 1, pp. 275-6, 277; Cockburn, 'North Riding Quarter Sessions', p. 176.
66. Hampson, Camb. Hist. Jnl., II, No. 1, pp. 288-9; Cockburn, 'North Riding Quarter Sessions', pp. 179-80; Chambers, Notts. in Eighteenth Century, pp. 268-9.
67. Marshall, English Poor, pp. 170, 171; W.Y.C.R.O., QS.10/11, f. 56; 10/18, f. 164; Hampson, Camb. Hist. Jnl., II, No. 1, p. 276.
68. For example: W.Y.C.R.O., QS.10/8, ff. 58, 138, 148, 176, 187; 10/10, ff. 58-60; 10/11, f. 91; 10/13, ff. 33, 64; Hampson, Camb. Hist. Jnl., II, No. 1, pp. 280-1; Cockburn, 'North Riding Quarter Sessions', pp. 181-2; Hopkin, 'Old and New Poor Law', pp. 343-4; Marshall, English Poor, p. 164; Chambers, Notts. in Eighteenth Century, p. 264.
69. W.Y.C.R.O., QS.10/9, f. 112; 10/12, f. 130; 10/13, ff. 131, 139; 10/18, f. 220; 10/20, ff. 154, 240; Acts 17 George II, c. 5, and 35 George III, c. 101; Hampson, Camb. Hist. Jnl., II, No. 1, p. 287; Hopkin, 'Old and New Poor Law', pp. 363-6.
70. Act 8 and 9 William III, c. 30.
71. W.Y.C.R.O., QS.10/7, f. 185; 10/15, f.21; Styles, County Administration, p. 55; Kesteven Q.S.R., XXV, pp. civ-cv; Chambers, Notts. in Eighteenth Century, pp. 270, 272.
72. W.Y.C.R.O., QS.10/11, ff. 177, 183.
73. Hampson, Camb. Hist. Jnl., II, No. 1, pp. 284-7; Hopkin, 'Old and New Poor Law', p. 361; Webb, Old Poor Law, pp. 314-49; Eden, State of the Poor, III, p. 820-6, 847-62, 868-75, 875-8; Marshall, English Poor, pp. 174-80.
74. Hampson, Camb. Hist. Jnl., II, No. 1, pp. 286-7; W.Y.C.R.O., QS.10/9, f. 47.
75. Cockburn, 'North Riding Quarter Sessions', pp. 178-9; Hampson, Poverty in Cambs., pp.147-8.
76. Gregory King estimated the number of vagrants in 1688 at 30,000: George, England in Transition, pp. 150-1.
77. 39 Elizabeth I, c. 4, and 7 James I, c. 4.
78. Registers of the Parish of Cherry Burton, pp. 36-8; Forster, East Riding Justices, pp. 47-8; W.Y.C.R.O., QS.10/6, ff. 7, 64, 177; 10/8, ff. 87, 95, 109; 10/11, ff. 58-61, 68, 96, 127; H.C.R.O., QSV/2, ff. 45, 167; Memoirs of Sir John Reresby, pp. 305 and note 1, 306 note 2, 307-10, 308 note 1, 309 note 1; Kesteven Q.S.R., XXV, pp. cvi-cviii; N.R.Q.S.R., VI, pp. 263-5.

79. W.Y.C.R.O., QS.10/8, ff. 132, 140; 10/12, ff. 56, 145; 10/13, f. 245; H.C.R.O., QSV/2, f. 45; Forster, East Riding Justices, pp. 47-8.
80. Webb, Old Poor Law, p. 374; Cockburn, 'North Riding Quarter Sessions', pp. 184-6; Gracie, 'West Riding County Government', pp. 108-11; Marshall, English Poor, 118-20; H.C.R.O., QSV/2, f. 66; W.Y.C.R.O., QS.10/16, ff. 262, 263.
81. W.Y.C.R.O., QS.10/10, ff. 16, 36, 68, 165; 10/11, f. 48.
82. W.Y.C.R.O., QS.10/11, ff. 26-7, 58-61; Acts 13 and 14 Charles II, c. 12, and 11 William III, c. 8; H.C.R.O., QSV/2, ff. 87, 141, 165; QSV/3, f. 144; Hopkin, 'Old and New Poor Law', p. 397.
83. Act 11 William III, c. 18; W.Y.C.R.O., QS.10/11, ff. 80, 82; 10/12, ff. 190, 192; Cox, V.C.H. Shrops., V, pp. 100-1; Cockburn, 'North Riding Quarter Sessions', pp. 189-90; Chambers, Notts. in Eighteenth Century, pp. 246-50.
84. H.C.R.O., QSV/2, ff. 97, 137; QSV/3, ff. 144, 237, 275; QSV/4, f. 135; W.Y.C.R.O., QS.4/28, f. 4; 10/11, f. 104; 10/12, ff. 98, 218; 10/13, ff. 59, 89; 10/14 f. 142; 10/16, ff. 29, 34; 10/17, f. 16; 10/18, ff. 196, 232, 293; 10/19, f. 162; 10/20, f. 225; Cockburn, 'North Riding Quarter Sessions', p. 190; Marshall, English Poor, p. 241; Webb, Old Poor Law, p. 383 note 2.
85. W.Y.C.R.O., QS.10/12, ff. 71, 83, 98, 105, 126. Edmund Neeves served as a vagrant undertaker from 1712 to 1722.
86. W.Y.C.R.O., QS.10/12, f. 206; Cockburn, 'North Riding Quarter Sessions', p. 191; Hamilton, Q.S. from Elizabeth to Anne, pp. 267-8; Marshall, English Poor, pp. 262-4; Chambers, Notts. in Eighteenth Century, p. 255.
87. For example: W.Y.C.R.O., QS.10/13, ff. 59, 175, 176, 191. Besides Bawtry and Boroughbridge, the principal points were Doncaster, Wentbridge, Micklefield, Aberford, Wetherby and Tadcaster.
88. W.Y.C.R.O., QS.10/13, f. 52.
89. W.Y.C.R.O., QS.10/16, f. 51; 10/20, ff. 171-2; Hopkin, 'Old and New Poor Law', pp. 396-410.
90. W.Y.C.R.O., QS. 10/14, f. 95; 10/17, f. 138; 10/18, ff. 5-6.
91. For example: Cockburn, 'North Riding Quarter Sessions', p. 194; Baugh, V.C.H. Shrops., III, pp. 122-3.
92. H.C.R.O., QSF, 1715; Cockburn, 'North Riding Quarter Sessions', pp. 182-3, 187, 195-7; Gracie, 'West Riding County Government', pp. 108-11; E. Hughes, North Country Life in the Eighteenth Century, ii, Cumberland and Westmorland, 1700-1830 (1965), p. 21; W.Y.C.R.O., QS.10/16, f. 29.
93. For example: H.C.R.O., QSV/2, f. 137.
94. Cockburn, 'North Riding Quarter Sessions', pp. 182-97.

1. For example: Forster, Northern History, X, pp. 122-3; Hurstfield, V.C.H. Wilts., V, pp. 100-1; Chambers, Notts. in Eighteenth Century, p. 27.
2. Hoskins, Agric. Hist. Review, XVI. p. 21.
3. Act 1 James II, c. 19; Cockburn, 'North Riding Quarter Sessions', p. 221; H.C.R.O., QSV/2. ff. 132, 147, 155, 165; QSF, Michaelmas 1741.
4. For example: W.Y.C.R.O., QS.10/12., f. 131; 10/16, f. 54.
5. P.R.O., P.C.2/99, pp. 221, 254, 261, 373, 374, 388-93.
6. E. Hughes, North Country Life in the Eighteenth Century, i, The North East, 1700-50 (1952), pp. 144-50.
7. W.Y.C.R.O., QS.10/19, f. 257; 10/20, ff. 60, 66.
8. For example: W.Y.C.R.O., QS.10/20, ff. 87, 102, 106, 107, 108, 121, 123, 125, 126, 131, 135.
9. For example: W.Y.C.R.O., QS.10/20, ff. 83, 246, 251.
10. For example: W.Y.C.R.O., QS.10/20, ff. 155, 164, 189.
11. Hughes, North Country Life, i, pp. 144-50; W.Y.C.R.O., QS.4/20, ff. 82, 83.
12. H.C.R.O., QSF, Midsummer 1746, Epiphany, Easter and Midsummer 1747, Epiphany and Midsummer 1748; QSV/4, ff. 19, 26-9, 30, 31, 37, 47, 48; Chambers, Notts. in Eighteenth Century, pp. 52, 67.
13. H.C.R.O., QSV/4, f. 27; QSF, Midsummer and Michaelmas 1748.
14. For example: W.Y.C.R.O., QS.4/13. f. 139; 4/16, f. 112; 4/19, f. 25.
15. For example: H.C.R.O., QSF, Easter 1744; W.Y.C.R.O., QS.4/26, f. 30; 4/27, f. 63.
16. For example: W.Y.C.R.O., QS.4/13, f. 187; 4/15, ff. 32, 94; 4/16, f. 251; 4/17, f. 185; 4/19, f. 163; 4/22, f. 103; 4/23, ff. 44, 59; 4/25, f. 42; 4/26, f. 129; 4/28, f. 102; Chambers, Notts. in Eighteenth Century, p. 183.
17. Forster, Northern History, X, pp. 118-9, and East Riding Justices, p. 53; W.Y.C.R.O., QS.1/37: Wakefield January 1687; Chambers, Notts. in Eighteenth Century, pp. 173, 289.
18. B. Jennings, A History of Nidderdale (Huddersfield, 1967), pp. 130-2, 171, 172, 174, 364; R.T. Fieldhouse, 'Agriculture in Wensleydale since 1600', Northern History, XVI, pp. 169-75.
19. For example: H.C.R.O., QSV/3, f. 74; QSV/4. f. 6; W.Y.C.R.O., QS.10/11, f. 185; 10/12, f. 49; 10/13, f. 214.
20. Cliffe, The Yorkshire Gentry, pp. 52-3. Magisterial involvement in the woollen cloth industry is also examined in Chapter 2, The Personnel of the Bench of Magistrates.
21. The most comprehensive analysis of the West Riding clothing industry is to be found in H. Heaton, The Yorkshire Woollen and Worsted Industries (1965). G.C.F. Forster, 'The English Local Community and Local Government, 1603-25', in The Reign of James VI and I, ed. A.G.R. Smith (1973), p. 204;

- Hurstfield, V.C.H. Wilts., V, p. 101; Forster, East Riding Justices, p. 53; H.C.R.O., QSV/2. f. 170.
22. Acts 14 Charles II, c. 32, 18 and 19 Charles II, c. 4, and 30 Charles II, c. 3; Heaton, Yorkshire Woollen Industries, pp. 216-47; Luttrell, Brief Relation, I, p. 409; Tate, Parish Chest, pp. 67-9; Registers of the Parish of Cherry Burton, pp. 37-49; W.Y.C.R.O., QS.10/11, f. 132.
23. B.L.L., Mss. 202, Leeds Cloth Petition, 12 Dec. 1692; C.J., X, p. 741, XXI, pp. 246-7, 247; P.R.O., P.C.2/79, p. 286; S.P.34, p. 570; W.Y.C.R.O., QS.10/13, f. 192; 10/14, f. 90; 10/16, f. 32; Heaton, Yorkshire Woollen Industries, pp. 405-37; Acts 7 Anne, c. 13, 11 George I, c. 24, 7 George II, c. 25, 14 George II, c. 35, and 22 George II, c. 27. For the occasionally disastrous effects of fraudulent practices and irregularities, see B.L., Add. Mss. 33344.
24. W.Y.C.R.O., QS.10/15, ff. 45-6, 71, 72. This system of inspection and regulation was applied to the production of narrow cloth by the Act 11 George II, c. 28. Heaton, Yorkshire Woollen Industries, p. 411.
25. W.Y.C.R.O., QS.10/16, f. 149; 10/18, f. 300; 10/19, f. 147; 10/20, f. 109.
26. W.Y.C.R.O., QS.10/15, ff. 71, 166; 10/17, f. 6; 10/18, ff. 97-9; 10/19, ff. 71-2; Heaton, Yorkshire Woollen Industries, p. 410.
27. The West Riding Sessions Rolls, 1598-1602, ed. J. Lister, Y.A.S.R.S., III (1888), *passim*; W.R.S.R., 1611-42, *passim*; Forster, Northern History, XII, p. 93; W.Y.C.R.O., QS.4/7, ff. 159, 208, 213, 235-6, 247-8; 4/14, f. 111; 4/20, ff. 108-9; 4/21, ff. 15, 175; 4/27, ff. 48, 141; 10/17, ff. 24, 208; Catalogue of the Manuscripts in the Library of the Honourable Society of the Inner Temple, ed. J. Conway Davies, I (Oxford, 1972), p. 189.
28. Heaton, Yorkshire Woollen Industries, pp. 405-11; J.James, History of the Worsted Manufacture in England (1857), pp. 251-2.
29. J.Massie, Observations on the New Cyder Tax (1764) in English Historical Documents, 1714-83, ed. H.B.Horn and M.Ransome (1957), pp. 453-4; P.R.O., S.P.36; Jan. 1731; E.Lipson, The History of the Woollen and Worsted Industries (1921), pp. 237-45; W.Y.C.R.O., QS.10/12, f. 141; 10/14, f. 90; 10/16, ff. 187-93; 10/18, f. 125.
30. Heaton, Yorkshire Woollen Industries, pp. 412, 412-37; Act 5 George III, c. 51.
31. For example: W.Y.C.R.O., QS.10/10, f. 181; W.E.Tate, 'The Five English Statutory Registries of Deeds', B.I.H.R., XX (1944), pp. 97-105.
32. Act 27 Henry VIII, c. 16; W.Y.C.R.O., QS.10/11, ff. 98, 111, 149, 156, 178, 191; 10/12, f. 109; 10/16, f. 80; H.C.R.O. QSV/4, ff. 6, 97; DDGR/34/16 and 17; Acts 2 and 3 Anne, c. 4, and 6 Anne, c. 20 (West Riding), and 6 Anne, c. 62 (East Riding).
33. For example: H.C.R.O., QSV/2, f. 10; Memorandum Book of Sir Walter Calverley, pp. 126-8, W.Y.C.R.O., QS. 10/13, ff. 166, 176. Both William Lister and Daniel Draper, who served as registrars in the East Riding from 1708 to 1728 and 1729 to 1757 respectively, were Justices.
34. The registries in the East and West Ridings were the first to be established. Their success encouraged the Justices in Middlesex (Act 7 Anne,

- c. 20) and the North Riding (Act 8 George II, c. 6) to establish similar institutions: Tate, B.I.H.R., XX, pp. 103-5.
35. Acts 14 Charles II, c. 10, and 1 William and Mary, c. 10. The most comprehensive analysis of this tax in this part of the country is to be found in J.D. Purdy, 'The Hearth Tax Returns for Yorkshire, 1662-74' (M.Phil. Unpublished Thesis, University of Leeds, 1975).
36. Memoirs of Sir John Reresby, pp. 119, 125, 127, 186, 270, 271-2, 276, 348; H.M.C. Manuscripts of the Corporation of Pontefract, p. 275.
37. C.S.P.D., 1672-3, p. 96; Heap, Stuart Warwickshire, pp. 68-70; Hamilton, Q.S. from Elizabeth to Anne, pp. 201-5, 234; W.Y.C.R.O., QS. 1/39: Wakefield Jan. 1688; 10/8, ff. 109, 122, 180.
38. Act 5 Elizabeth I, c. 1.
39. W.Y.C.R.O., QS. 4/7, ff. 118-20, 223-4. Between 1690 and 1699 the West Riding court dealt with 90 prosecutions. Forster, Northern History, X. p.119, XII, pp. 94-5, and East Riding Justices, pp. 53-4; W.R.S.R., 1611-42, p. xxx; Warwicks. Q.S.R. VII, pp. lxxv-lxxvi; M.L., MS. Add. 319, ff.10-11; Cockburn 'North Riding Quarter Sessions', pp. 218-20; Marshall, English Poor, pp. 183-4.
40. By the Act 10 William III, c. 17 disbanded servicemen could exercise their trades in those places where they had served an incomplete apprenticeship. W.Y.C.R.O., QS.10/11, f. 114.
41. For example: W.Y.C.R.O., QS.4/23, p. 92; Cockburn, 'North Riding Quarter Sessions', p. 219; Eden, State of the Poor, 1, p. 434.
42. Marshall, English Poor, pp. 183-4; Cockburn, 'North Riding Quarter Sessions', pp. 219-20; Lipson, Woollen and Worsted Industries, p. 60; Leeds Mercury, No. 633, 28 March 1738.
43. Acts 43 Elizabeth, c. 2, 13 and 14 Charles II, c. 12, and 3 William and Mary, c. 2; Hurstfield, V.C.H. Wilts., V, p. 95; Hopkin, 'Old and New Poor Law', pp. 446, 464, 478; Hampson, Poverty in Cambs., pp. 152-3; W.Y.C.R.O., QS.10/8, f. 204; 10/13, f. 157.
44. Cockburn, 'North Riding Quarter Sessions', pp. 200-4; Hopkin, 'Old and New Poor Law', p. 460; Forster, East Riding Justices, pp. 54-5.
45. W.Y.C.R.O., QS.10/8, f. 49; 10/12, f. 78; 10/13, f. 202; Cockburn, 'North Riding Quarter Sessions', p. 204; Hopkin, 'Old and New Poor Law', pp. 461, 470, 473, 477, 478; Marshall, English Poor, pp. 194-7; Webb, Old Poor Law, pp. 196-211; Hampson, Poverty in Cambs., pp. 154-5, 156-8; Chambers, Notts. in Eighteenth Century, pp. 227-9.
46. H.C.R.O., QSV/3, f. 176; QSV/4, f. 81; W.Y.C.R.O., QS.10/7, f. 168; 10/8, ff. 118, 155; 10/9, ff. 8, 116; 10/10, ff. 15, 46, 82; 10/13, f. 212; Hampson, Poverty in Cambs., pp. 159-60; Hopkins, 'Old and New Poor Law', p. 485; Cockburn, 'North Riding Quarter Sessions', pp. 201-3; Ward, V.C.H. Wilts., V, p. 182.
47. W.Y.C.R.O., QS.10/9, f. 95; 10/10, f. 174; 10/11, f. 109; 10/13, f. 212; 10/15, f. 147; H.C.R.O., QSV/3, f. 207; Hopkin, 'Old and New Poor Law', p. 478; Chambers, Notts. in Eighteenth Century, pp. 230-1.
48. H.C.R.O., QSF, Midsummer 1712; W.Y.C.R.O., QS.10/8, f. 201; 10/14, f. 126; 10/18, f. 177; Acts 5 Elizabeth I, c. 4, and 20 George II, c. 19; Hampson,

Poverty in Cambs., pp. 162-4; Hurstfield, V.C.H. Wilts., V, p. 95; Webb, Old Poor Law, p. 196; Marshall, English Poor, p. 198-201; Hopkin, 'Old and New Poor Law', p. 484.

49. Acts 5 Elizabeth I, c. 4, 7 James I, c. 6, and 20 George II, c. 19.

50. W.Y.C.R.O., QS.10/8, f. 123; Forster, East Riding Justices, pp. 55-6, 57, and Northern History, XII, pp. 93-5; Cockburn, 'North Riding Quarter Sessions', pp. 206-9; W.R.S.R., 1611-42, pp. xxxvii-xxxix; Hamilton, Q.S. from Elizabeth to Anne, pp. 12-14, 162-4, 221, 249-50. The most comprehensive analysis of wage regulation has been undertaken by R.K. Kelsall, Wage Regulation under the Statute of Artificers (1938), reprinted in Wage Regulation in Pre-Industrial England, ed. W.E. Minchinton (Newton Abbot, 1972). See also R.K. Kelsall, 'The General Trend of Real Wages in the North of England during the Eighteenth Century', Y.A.J., XXXIII (1936-8), pp. 49-56, 'Two East Yorkshire Wage Assessments, 1669 and 1679', E.H.R., LII (1937), pp. 283-9 and 'Statute Wages During a Yorkshire Epidemic, 1679-81', Y.A.J., XXXIV (1938-9), pp. 310-16, and H. Heaton, 'The Assessment of Wages in the West Riding of Yorkshire in the Seventeenth and Eighteenth Centuries', Economic Journal, XXIV (June 1914), pp. 218-35.

51. W.Y.C.R.O., QS.10/16, ff. 201-3; Kelsall in Minchinton, Wage Regulation, p. 190; H.C.R.O., QSV/4, f. 309; Heaton, E.J., XXIV, pp. 231-3; Forster, East Riding Justices, p. 58; Styles, County Administration, p. 7; Chambers, Notts. in Eighteenth Century, p. 69.

52. W.Y.C.R.O., QS.10/17, ff. 69-71; H.C.R.O., QSV/2, f. 81; Heaton, E.J., XXIV, p. 232; Forster, East Riding Justices, p. 58, and Northern History, XII, pp. 94-5; Cockburn, 'North Riding Quarter Sessions', pp. 206-7; Kelsall, Y.A.J., XXIV, pp. 313-4, and E.H.R., LII, p. 288; Chambers, Notts. in Eighteenth Century, pp. 280-1. The reissue of wage rates was common in most counties: Kelsall in Minchinton, Wage Regulation, p. 190.

53. W.Y.C.R.O., QS.10/2, ff. 21-5; 10/4, ff. 74-6; 10/6, ff. 25-6; 10/8, ff. 123-4; 10/10, ff. 75-7, 110-2; 10/11, ff. 61-4, 160-3; 10/12, ff. 42-5; 10/16, ff. 201-3; Heaton, E.J., XXIV, pp. 229, 232, 233-5; Kelsall, Y.A.J., XXXIII, pp. 49-56; Minchinton, Wage Regulation, p. 26; Williams, Whig Supremacy, pp. 124-8, 142.

54. W.R.S.R., 1611-42, pp. xxxvii-xxxix; W.Y.C.R.O., QS.10/10, f. 39; 10/12, f. 111; 10/15, f. 197; Forster, Northern History, X, p. 120, and XII, pp. 94-5; Chambers, Notts. in Eighteenth Century, pp. 276, 278; Cockburn, 'North Riding Quarter Sessions', pp. 208-10; Kesteven Q.S.R., XXV, pp. cx-cxii; Minchinton, Wage Regulation, p. 26; Barnes, Somerset 1625-40, p. 66; H.C.R.O., QSF, Midsummer 1719.

55. H.C.R.O., QSF, Easter 1746, Michaelmas 1749, Easter 1750; QSV/2, f. 84; W.Y.C.R.O., QS.10/8, ff. 123-4; 10/12, ff. 42-5, 216; 10/16, ff. 176-7, 201-3; QS.4/29, f. 117; Webb, Parish and County, pp. 493, 535; Forster, East Riding Justices, p. 56.

56. W.Y.C.R.O., QS.10/6, ff. 25-6; 10/8, ff. 123-4; Kesteven Q.S.R., XXV, pp. cx-cxii; Kelsall in Minchinton, Wage Regulation, pp. 148-54.

57. W.Y.C.R.O., QS.4/16, f. 317; 4/19, ff. 60, 157; H.C.R.O., QSF, Michaelmas 1710, Christmas 1711, Easter 1717, Christmas 1722; Cockburn, 'North Riding Quarter Sessions', pp. 204-5.

58. Heaton, E.J., XXIV, pp. 291-2.

59. W.Y.C.R.O., QS.10/8, ff. 88, 95; 4/16, f. 242; 4/30, ff. 86, 87; Luttrell, Brief Relation, I, p. 377; Forster, Northern History, X, pp. 121-3.
60. W.Y.C.R.O., QS.10/13, f. 55; 10/18, ff. 233-5, 300-2; Cox, V.C.H. Shrops., III, pp. 99-100; Hamilton, Q.S. from Elizabeth to Anne, pp. 103, 269-70.
61. Forster, Northern History, X, p. 123, and XII, pp. 94-5, and East Riding Justices, p. 58; Cockburn, 'North Riding Quarter Sessions', p. 215.
62. W.Y.C.R.O., QS. 4/17, ff. 97-8, 157; 4/20, f. 168; 4/21, f. 48; 4/30, f. 229; Leeds Mercury, No. 613, 8 Nov. 1737; Warwicks. Q.S.R., VII, pp. lxxv-lxxvi; Cockburn, 'North Riding Quarter Sessions', pp. 212-4.
63. Beresford, Econ. Hist. Review, Series II, X, pp. 221, 226. for example: W.Y.C.R.O., QS.4/15, ff. 178-9; 10/12, ff. 134, 162; 10/13, f. 68; 10/15, f. 201.
64. W.Y.C.R.O., QS.4/27, ff. 74, 115, 141; Memoirs of Sir John Resesby, p. 108; H.C.R.O., QSF, Epiphany 1712 and Easter 1744; W.Y.C.R.O., QS.4/19, f. 13; 4/26, f. 38; 4/28, f. 151; 10/10, f. 160.
65. Forster, East Riding Justices, p. 58; Cockburn, 'North Riding Quarter Sessions', pp. 216-7.
66. Act 3 and 4 William and Mary, c. 12. Additional powers were given to the Justices by Act 21 George II, c. 28.
67. T.S. Willan, 'The Justices of the Peace and the rates of land carriage, 1692-1827', Jnl. Transp. Hist., Old Series, V, No. 4 (1962), pp. 197-204; Hamilton, Q.S. from Elizabeth to Anne, pp. 259-60.
68. W.Y.C.R.O., QS.10/9, ff. 182-3, 10/10, ff. 73-4; 10/12, f. 42; 10/19, ff. 151-2.
69. H.C.R.O., QSV/2, ff. 17, 83, 161; QSV/3, f. 137.
70. For example: W.Y.C.R.O., QS.4/20, f. 215; 4/21, f. 3; 4/26, ff. 3-4. G.L. Turnbull, 'Provincial Road Carrying in England in the Eighteenth Century', Transport History, New Series, IV (1977-8), pp. 17-39; D. Hey, Packmen, Carriers and Packhorse Roads (1980), pp. 218-9; Willan, Jnl. Transp. Hist., Old Series, V, No. 4, pp. 202-3.
71. Act 7 and 8 William III, c. 31; Hamilton, Q.S. from Elizabeth to Anne, p. 265; W.Y.C.R.O., QS.10/10, ff. 130, 191; 10/11, ff. 160, 180.
72. For example: W.Y.C.R.O., QS.4/19, f. 40; 10/11, f. 102; 10/12, ff. 210-11; 10/13, ff. 60, 177; 10/18, f. 126; H.C.R.O., QSF, Epiphany 1716, Epiphany 1718 and Midsummer 1721; QSV/2. ff. 79, 80; Cockburn, 'North Riding Quarter Sessions', p. 221.
73. Act 7 and 8 William III, c.18; C. Creighton, A History of Epidemics in Britain, II, 1666-1893 (1894), pp. 88-90; Hamilton, Q.S. from Elizabeth to Anne, p. 265; W.Y.C.R.O., QS.10/11, ff. 195-6; 10/12, ff. 24, 49, 145; B.J.L., DDHA/4/2.
74. Warwicks. Q.S.R., IX, pp. xxvi-xxviii; H.M.C. Bagot Manuscripts, p. 333; W.Y.C.R.O., QS.10/9, ff. 72, 100; Calendar of Treasury Papers, 1557-1696 (C.T.P.), pp. 508-48; V.C.H. York, III, p. 431.

1. For example: R. Unwin, 'The Transport Systems of the Vale of York, 1660-1775', Jnl. Transp. Hist., 3rd Series, II, No. 2 (Sept. 1981), pp. 17-36, and 'Tradition and Transition: Market Towns of the Vale of York, 1660-1830', Northern History, XVIII (1981), pp. 72-116.
2. The improvements were carried out to the R. Derwent in 1702 and to the R. Ouse and to Beverley Beck in 1727. W.Y.C.R.O., QS.1/37: Wakefield Jan. 1687; Diary of Ralph Thoresby, I, p. 320, Raistrick, West Riding, p. 136. See also R. W. Unwin, 'The Aire and Calder Navigation, Part 1, The Beginnings of the Navigation', Bradford Antiquary, New Series, Part XLII (1964), pp. 53-85, and 'The Aire and Calder Navigation, Part 2, The Navigation in the Pre Canal Age', Bradford Antiquary, New Series, Part XLIII (1967), pp. 151-86; Rural Economy in Yorkshire 1641; being the farming and account books of Henry Best of Elmswell, ed. C.B. Robinson, Surtees Society, XXXIII (1857), passim.
3. Acts 2 and 3 Philip and Mary, c. 8, and 5 Elizabeth I, c. 13.
4. For example: W.Y.C.R.O., QS. 10/8, ff. 197, 202.
5. Some of the larger communities had more than two surveyors. Four served, for example, in Selby and Barnsley.
6. For example: H.C.R.O., QSF, Midsummer 1737 and Easter 1750; QSV/2, f. 82; W.Y.C.R.O., QS.4/15, f. 193; 4/20, f. 2. Act 3 William and Mary, c. 12. Forster, East Riding Justices, p. 61.
7. W.Y.C.R.O., QS.10/7, f. 190; 4/16, f. 121; 10/15, f. 198; Cockburn, 'North Riding Quarter Sessions', pp. 118-21; Forster, East Riding Justices, p. 61.
8. For example: H.C.R.O., QSF, Epiphany 1725, Epiphany 1728, Epiphany 1740 and Midsummer 1746; W.Y.C.R.O., QS.4/13, ff. 199, 200; 4/16, ff. 61, 83; 4/18, f. 43; 4/19, f. 111; 4/26, f. 124; 4/29, f. 204; 4/31, ff. 111, 142.
9. There were several laws passed affecting wheeled traffic in the late seventeenth and eighteenth centuries: for example, Acts 5 George I, c.29, and 5 George III, c. 38. Hey, Packmen, Carriers and Packhorse Roads, pp. 96-7. The first reference to regulations on wheeled traffic in the West Riding is not until 1754: W.Y.C.R.O., QS 10/21, f. 193. See Cockburn, 'North Riding Quarter Sessions', pp. 122-4.
10. W.Y.C.R.O., QS. 10/10, f. 26; 4/31, f. 22.
11. W.Y.C.R.O., QS. 10/7, ff. 166, 173; 10/9, ff. 63, 166; H.C.R.O., QSV/2, f. 113; Cox, V.C.H.Shrops. III, p. 103; Act 3 William and Mary, c. 12.
12. For example: H.C.R.O., QSV/2, f. 82; QSF, Easter 1731. The cumulative sums, however, could be immense. Between 1640 and 1700, for example, more than £500 was levied at Quarter Sessions for the repair of various stretches of the Leeds to Selby road: Unwin, Jnl. Transp. Hist., 3rd series, II, No. 2, p.21. Forster, East Riding Justices, pp. 61-2.
13. W.Y.C.R.O., QS. 10/8, f. 62; 10/9, f. 24; 4/29, f. 243.
14. Commonwealth Ordinance 31 March 1654 and Acts 14 Charles II, c. 6, and 3 William and Mary, c. 12.
15. H.C.R.O., QSV/3, ff. 20, 25, 28, 106; Cockburn 'North Riding Quarter Sessions', pp. 131-4; Cox, V.C.H.Shrops. III, p. 103; Ward, V.C.H. Wilts, V, pp. 171-2, Forster, East Riding Justices, p. 62.

16. Act 3 William and Mary, c. 12; Cockburn, 'North Riding Quarter Sessions', pp. 124-6.
17. Act 8 and 9 William III, c. 16; W.Y.C.R.O., QS. 10/11, ff. 79-80; 10/14, f. 22; 10/17, f. 243; 10/18, ff. 92, 95, 115, 116, 144; 10/20, ff. 214, 258; Hey, Packmen, Carriers and Packhorse Roads, pp. 31-58.
18. H.C.R.O., QSV/2, f. 109; QSV/4, f. 238; Hey, Packmen, Carriers and Packhorse Roads, p. 36.
19. S. and B. Webb, The Story of the King's Highway (1913, 1963 edn.), pp. 114-64. The most recent research on turnpike trusts has been undertaken by W. Albert, The Turnpike Road System in England, 1663-1840 (Cambridge, 1972), and E. Pawson, Transport and Economy: The Turnpike Roads of Eighteenth Century Britain (1977).
20. Act 9 George I, c. 11.
21. H.C.R.O., QSV/3, f. 318; Cockburn, 'North Riding Quarter Sessions', pp. 134-8; Albert, Turnpike Road System, p. 23.
22. Albert, Turnpike Road System, pp. 22-3, 58-9.
23. In 1741, for example, no less than six acts were passed enabling turnpikes to be established in the West Riding. They connected Doncaster to Wakefield, Pontefract to Wakefield, Elland to Leeds, Doncaster to Boroughbridge, Doncaster to Saltenbrook, and Selby to Leeds and on to Halifax. H.C.R.O., QSV/3, p. 242; Moir, Justice of the Peace, p. 92; Cockburn, 'North Riding Quarter Sessions', p. 136; G. Jackson, The Trade and Shipping of Eighteenth Century Hull, E.Y.L.H.S, No. 31 (1975), p. 50.
24. W.Y.C.R.O., QS. 10/18, f. 263; 10/21, f. 163; Albert, Jnl Transp. Hist., New Series, V. No. 1 (Feb. 1979), pp. 10-11
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26. Act 22 Henry VIII, c. 5.
27. W.Y.C.R.O., QD1. 461 'The Book of Bridges belonging in whole or part to the West Riding of the County of York, drawn by order of Pontefract Sessions 1752 by Robert Carr and John Watson', QD3.5 'A plan of all the rivers with the bridges over each of them in the respective wapentakes within the West Riding of the County of York and by whom repaired, taken by actual survey in 1752 by J. Westerman and J. Gott', and QD3.6 'A book of reference, endorsed 'Bridge Book' and 'An account of all the Bridges in the West Riding of York in 1752'. W.R.S.R., 1611-42, pp. 399-401; Harris, V.C.H.Ches., II. p. 71. The Justices of the North Riding were responsible for seventy bridges: N.R.Q.S.R., VI, pp. 262-3.
28. Forster, East Riding Justices, pp. 62-4; Harris, V.C.H.Ches., II, p. 71; Baugh, V.C.H.Shrops., III, pp. 126-7.
29. Cockburn, 'North Riding Quarter Sessions', pp. 140-1.
30. Precedents were taken from as early as the reign of Elizabeth I: W.Y.C.R.O., QS. 10/17, f. 254.
31. W.Y.C.R.O., QS 10/9, ff. 24, 37, 56, 113, 146; 10/10, ff. 40, 115, 145; 10/11, ff. 96, 128; 10/19, f. 66.

32. For example: W.Y.C.R.O., QS 10/10, f. 179; 10/11, f. 17. Sometimes more than 10 would be granted: QS 10/11, f. 16; 50 for 'Knouch Bridge'.
33. W.Y.C.R.O., QS 10/9, f. 6; 10/12, ff. 128, 218; 10/13, f. 175. Earlier attempts to limit the number of gratuities made were also unsuccessful, for example: QS 10/5, f. 64.
34. W.Y.C.R.O., QS.10/19, f. 97; 10/20, f. 191; 10/21, ff. 259-60; Cockburn, 'North Riding Quarter Sessions', pp. 141-2.
35. For example: H.C.R.O., QSV/2, f. 167; W.Y.C.R.O., QS. 10/2, f. 247; 10/3, f. 366; 10/5, ff. 12, 67; 10/8, ff. 82, 116; 10/10, f. 17; 10/16, f. 242; 10/19 f. 253, 10/20, f. 40; Cockburn, 'North Riding Quarter Sessions', pp. 146-8; Forster, Northern History, X, p. 124; W.R.S.R., 1611-42, p. 379. See E. Jervoise, The Ancient Bridges of the North of England, (1931), *passim*.
36. W.Y.C.R.O. QS. 10/18, ff. 82, 97, 103; H.C.R.O., QSV/2, ff. 136, 139, 168; QSV/3, ff. 5, 15; Cockburn, 'North Riding Quarter Sessions', pp. 146-7.
37. H.C.R.O., QSV/1-4, *passim*; Forster, East Riding Justices, p. 63.
38. W.Y.C.R.O., QS.10/7-21, *passim*; 10/7, ff. 162, 171; 10/8, ff. 1, 12, 40, 42; H.C.R.O., QSV/2, 97, 98, 100, 101, 103, 104, 111, 118, 123, 136, 139, 168; QSV/3, ff. 5, 15.
39. Cockburn, 'North Riding Quarter Sessions', pp. 148-9; Baugh, V.C.H.Shrops. III, p. 126.
40. W.Y.C.R.O., QS. 10/5, f. 94; 10/8, ff. 6, 130; 10/11, ff. 105, 107, 111, 116, 120, 122; 10/19, f. 251; Cockburn, 'North Riding Quarter Sessions', p.16, Memorandum Book of Sir Walter Calverley, pp. 98-9.
41. Cox, V.C.H.Shrops., III, pp. 100-1; Forster, East Riding Justices, p. 64.
42. For example: W.Y.C.R.O., QS.10/6; f. 126; Cockburn, 'North Riding Quarter Sessions', pp. 142-3.
43. For example: H.C.R.O., QSV/2, f. 140; Webb, Parish and County, pp. 526-33.
44. H.C.R.O., QSV/2, f. 75; W.Y.C.R.O., QS.10/5, f. 71; 10/7, ff. 52, 55, 68, 131, 172; 10/8, ff. 6, 11, 12, 14.
45. See note 27 above. A. Booth, 'Carr of York and the Book of Bridges', Y.A.J., XXVIII (1952-5), pp. 367-72, and R.B.Wragg, 'The Bridges of John Carr', T.H.A.S., 10 (1971-9), pp. 315-34.
46. W.Y.C.R.O., QSF. 10/10, f. 176; 10/11, f. 177; 10/12, ff. 3, 10.
47. H.C.R.O., QSF, Easter 1707 and Epiphany 1708; Hey, Packmen, Carriers and Packhorse Roads, p. 77; Webb, Parish and County, pp. 515-8.
48. W.Y.C.R.O., QS. 10/2, ff. 28, 100.
49. W.Y.C.R.O., QS.10/12, ff. 154, 183, 217-8; 10/13, ff. 5-7; 10/14; f. 92; Memorandum Book of Sir Walter Calverley, p. 100.

50. W.Y.C.R.O., QS.10/14, f. 92; 10/16, ff. 103, 206; 10/19, ff. 50, 69, 71, 251, 253. The undertakers could claim for extraordinary expenditure: QS.10/16, ff. 250, 258; 10/17, f. 18.
51. W.Y.C.R.O., QS.10/13, f. 257; 10/15, f. 155; 10/16, f. 243; 10/18, f. 232.
52. H.C.R.O. QSV/2, ff. 8, 20, 70, 88; QSV/3, f. 32.
53. H.C.R.O., QSV/2, ff. 17, 20, 69, 93; QSV/4, f. 348.
54. H.C.R.O., QSV/2, ff. 39, 40.
55. Webb, Parish and County, pp. 512-21; Cockburn 'North Riding Quarter Sessions', pp. 143-5; Hey, Packmen, Carriers and Packhorse Roads, p. 77; Harris, V.C.H.Ches., II, p. 71; Moir Local Government in Glos. pp. 112-3; Styles, County Administration, pp. 13-5; Ward, V.C.H. Wilts, V, 179.
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57. For example: W.Y.C.R.O., QS. 10/9, f. 65; 10/10, ff. 165, 176, 182; 10/11, ff. 20, 74, 95, 97; 10/18, ff. 36, 296.
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5. Webb, Parish and County, pp. 322-47, 557; S. and B. Webb, The Manor and Borough (1908, 1963 edn.), pp. 384-404; Gracie, 'West Riding County Government', pp. 245-56.
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QJC/1 Commissions of the Peace, from 1722.
QSD Papers relating to insolvent debtors, from c. 1720.
QSP Petitions to Quarter Sessions, some early eighteenth century.

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