

## FEWSTON

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### Introduction

A village in the Forest of Knaresborough, Fewston is located about 3 1/4 km southeast of Blubberhouses, which is about half way between Skipton and Knaresborough on the Skipton Road (the A59). In early modern England the Church of St. Michael and St. Lawrence, founded by the Trinitarians in the 13th century, was the centre of village life and the site of Fewston's controversial performance activity. The church in Fewston today was almost entirely rebuilt in 1697 on the foundations of the original structure.

Nicholas Smithson (*ca* 1565-1632) succeeded Henry Pulleyn as the vicar of Fewston in 1591, a position he took up after serving as a curate in Thornton. About the same time that Smithson became entangled in a conflict over the performance of traditional customs, a conflict occasioned by the publication of *The King's Book of Sports*, he testified in the Timble witchcraft trial and contributed to the acquittal of the women charged.

### Records

**1596**

***Archdiocesan Court Book***

**York, Borthwick, V.1595-6/CB.1**

f 43 (24 July)

...

\*ffuiston<sup>1</sup>

...

*Contra hugonem gryme he did contende offensyvelie at the chappell doore about carying in of Rishes into the chapell*

*quo die 24 Iulij 1596. Comparuit gryme Coram venerabili viro Magistro Iohanni Benet legum doctore &c et fatetur Vnde dominus iniunxit ei declarare aliquo die dominico Citra primum Septembris et ad certificandum primo die veneris in mense Septembris predictis.*

<sup>1</sup>ffuiston: {Fewston}

***Complaint of Thomas Herryson v. Nicholas Smithson et al***

mb 2

To the kings most Excellent Maiestie

In all humble manner complayning sheweth vnto your Most excellent Maiestie your highnes faithfull loyall and obedient Subiect Thomas Herryson of Fuston in the Countie of Yorke husbandman, That wheras it pleased your highnes some differences havinge risen in former tymes about bearinge Rushes to the Church to tollerate and giue allowance to the civill decent and indifferent bearinge of the same and other honest comly recreacion at such tymes vsed and accustomed by your Highnes pleasure signified in printe in a litle booke<sup>1</sup> observinge the Orders and circumstances by the same prescribed And wheras one Nicholas Smithson beinge vicar of Fuston aforesaide in manifest contempt and disobedience of your highnes pleasure and will so signified doth not only most seditiously and contemptuously inveigh in his exercises and lectures against your Maiestie and your highnes said pleasure and will and by the saide booke signified, but also vnlawfully, riotously and forcibly doth stop and hinder the said parishoners from bringinge their rushes into the said Church of Fuston in such decent manner as they the saide parishoners had vsed and accustomed to haue done or to vse such honest and civill recreacion and disportes so allowed and tollerated as aforesaide by your Maiestie and the more particularly to manifest the same so it is that vpon the Sixtenth of Iuly or therabouts which was in the Seavententh yeare<sup>2</sup> of your highnes Raine, there was then at Fuston aforesaide by former appointment by the parishoners of the saide parish of Fuston a decent and lawfull assembly of the younger sorte of people of the said parish with vsuall decent showes with bearinge of Rushes to the saide Church of Fuston for the furnishinge and deckinge of the saide Church comonly called a Rushbearinge which was performed by diuers of the parishioners and younge people so assembled then and there observinge in all things the circumstances and prescript orders signified by your princely direcion in the saide booke, and that it should not be in tyme of devine service and sermon and such like. But the saide Nicholas Smithson beinge a very turbulent & sedicious man & contemninge your Maiestes allowance & pleasure by the said booke soe signified as foresaid in opposicion therof combining & confederating with Robert Smythson Nathaniell Smithson Ruben Smithson & Iosua Smithson h<i>s s<ons></i> & diuerse others to your Subiecte yet vnknowne whose names he humblie prayes may be incerted herein when they shalbe discovered contemptuously & vnlawfully to withstand the said rushbearinge so lawfully & orderly & according to your highnes said orders soe donne & acted they the said Confederates according to the combinacion aforesaid in opposicion of your said highnes tolleracion & princely pleasure soe signified as aforesaid did riotously forcibly & vnlawfully in the Church of Fuston aforesaid sett

vpon stopp & hinder the said young people from bearing their rushes into the said church of Fuston & did pull the said rushes from them & beate & assault dyvers of the said young people in furious manner & hindred them from bearing their said rushes although the same was donne before the time of devine service & according to your Maiestes orders so prescribed as aforesaid and not so contented he the said Nicholas Smithson did theropon in a greate rage & fury goe vp to the place where he vsually reade prayers and lectures & then & there did inveigh most contemptuously & irreverently against your highnes said booke of allowance as aforesaid saying in the open assembly & congregacion there assembled to heare devyne service in his the said Smithsons lecture or sermon, That your highnes said booke was against the lawe of god & was not to bee allowed or holden for good & that the said booke was such a one as would not be tollerated long tyme but would in againe and hee the said Nicholas Smythson vttered diuers other most vnlawfull & vnbeseeing wordes against your highnes said booke & in manifest oposicion therof And hee the said Ruben Smithson his said sone did allsoe by the combinacion aforesaid in most contemptuous & irreverent manner vtter & publish the said d<....> in the Church yarde of Fuston aforesaid in the presence of your said Subiect & dyvers of the said congregacion in very publique manner & manifest contempte of your highnes & your princely pleasure & your highnes said booke that the king & prince meaning your highnes & illustrious Sonne prince Charles weare both of them against the Common wealth & sett out bookes contrary to the lawes of god The which said contemptuous vnlawfull & wicked speches soe vttered by them the said Nicholas Smithson & Ruben Smithson against your Maiestie & in contempte of your Maiestes said gracious booke of allowance aforesaid being knowne to your said Subiect & being vttered & spoken as aforesaid in his your said Subiectes hearinge hee your said Subiect as in loyaltie to your Maiestie and by your highnes Lawes & statutes of this realme he was bounde did shortly after informe Sir Guy Holmes Knight then & yett one of highnes Iustices of peace for the said Countie of York of the said irreverent & contemptuous wordes soe vttered & spoken in contempte of your Maiestie as aforesaid by them the said Nicholas and Ruben Smithson whereat they the said Nicholas Smithson & Ruben Smithson conceaving great malice against your Subiect haue by all means haue unlawfully soever without iust or other cause sought to hurt oppresse & wronge your said Subiect in his peceable and quiet course of liffe to thend to dryve him your Subiect out of the Cuntry and parish wheare hee dwelleth And for that purpose they the said Nicholas Smithson Ruben Smithsonne haueing vnlawfully wickedly & maliciously combyned & confederated themselves together with Robert Ball John Wilkinson William Hardisty & the said Iosua Smithson & dyvers others to your subiect vnknowne whose names he humbly prayeth may be incerted herein when they shalbe discovered they the said Confederates conspired in the night time to besett your Subiects house and by colloure of some vnlawfull warrant of their owne framing & devisinge to enter your subiects howse and hurte or worke some notorious hurte vpon your said Subiect and to disquiett his family therby they the said malicious Confederates for that purpose and in execucion of their wicked plottes according to the confederacy aforesaid did in Christinmas nowe last past assemble themselues together at your Subiectes owne dwellinge house at Fuston aforesaid being armed & weaponed with

swoordes daggers long staues and other weapons in the night tyme in very ryotous wicked & vnlawfull manner and did ryotously wickedly & vnlawfully breake & enter into *your Subiectes* house and in furious sorte asked for *your Subiect* and did greatly affright and put in geate feare *your* said *Subiectes* wiffe Children & Family hee *your* said *Subiect* being then not at home and they the said Confederates did then riotously forcibly & vnlawfully break and enter into *your Subiectes* Chamber in his house and did breake open dyuers *your Subiectes* chestes Cupberdes and did seeke therin and in most of the places of *your Subiectes* house for *your Subiect* that if they had found him *your* subiect they might haue executed their said plotted wicked proiectes and signes vpon him *which* they the said confederates did only of meere malice & hatred and according to the combynacion and confederacie aforesaid of purpose to haue evill intreated or donne some hurte and disgrace to *your Subiect* and his Family And they the said Confederates haue dyvers times since the said tyme in the night tyme lyed in ambush being armed and weapened with swordes daggers long staues and other weapons in very ryotous manner neare vnto *your* vnto *your* said *Subiectes* house in wayte for *your* said *Subiect* So as hee *your Subiect* cannot safely come to his house nor lyve with his ffamyly in peace by reason thereof And wheras alsoe the said other Confederate Ioshua Smithson is Tennent vnto *your* highnes most illustrious Sonne Prince Charles of a certain Farme & parcell of the Prince his honor Knasbrough<sup>3</sup> hee the said Iosua hath within their two yeares last past inclosed foure seaverall parcells of the prince his highnes Comons belonging to the said honour without any tittle or right therto and *your* said *Subiect* & others fynding faulte with him about the same hee the said Iosua most vnlawfully and contemptuously gaue out in speeches that hee will haue the said Comon in dispight of the Prince or any other *person* whatsoever that shall withstand him the said Iosua therein All and singular with said combynacions confederacies irreverent & contemptuous worde and contentes conspiracies plottes practises ryottes vnlawfull assemblies and all other the misdemeanors and offences herein complayned of are and were donne in contempt of *your* highnes and illustrious Sonne Prince Charles and to the greate preiudice of *your* said *Subiect* and are of euill consequence and example if the same bee not by due course of Lawe punished and were donne since *your* highnes last generall pardonne and remaine vn Timer Consideracion whereof may it please *your* highnes to award *your* highnes gracious graces of Sub poena directed to the said Nicholas Smithson Ruben Smithson Nathaniell Smithson Iosua Smithson Robert Smithson William Hardisty Iohn Wilkinson and the said other *persons* when their names shalbe discovered comanding them and every of them therby at a certain day and vnder a certaine paine therein to be lymitted *personally* to appeare before *your* highnes and the Lordes of *your* Maiestes most honorable privie Councell in the high Courte of Starr Chamber then and there directly and *precisely* vpon their oathes to answer the *premisses* And further to stand to and abyde such further order and direccion therein to *your* highnes and honorable privy Councell shalbe thought fyttinge and agreeable to Lawe and iustice And *your* *Subiect* honor

Thomas Hughes

<sup>1</sup>a litle booke] *James I, The King's Majesties Declaration to his Subjects, Concerning Lawful Sports to Be Used (London, 1618).*

<sup>2</sup>Sixteenth of Iuly ... Seavententh yeare] *16 July 1619*

<sup>3</sup>Knasbroughe] *Knaresborough*

**1622**

TNA: STAC8/180/11

***Demurrer of Nicholas Smithson and Joshua Smithson***

*mb 1 (14 April 1622)*

Item Martis decimo quarto die Aprilis Anno decimo nono Iacobis Regis

The Plea & demurrer of Nicholas Smithson Clerke & Josua Smithson two of the  
*defendants*

Harker

The said *defendants* by *protestacion* vtterlie denying, That the said Nicholas Smithson one of these *defendants* vicar of Fewston in the County of Yorke did vse anie Contempt or disobedience of the kings *Maiesties* pleasure & will signified in, & by a booke in print concerning the bearing of rushes to the Church in the said bill mencioned, Or did or doth seditiously or contemptuously inueighe in anyie his exercises, or lectures against his *Maiestie* or his most gracious sonne, & prince in the bill named or his highnes said pleasure and will, or emendid, or doth vnlawfullie riotously or forcible stopp, or hinder the *parishioners* in the said bill mencioned or anie of them from bringing their rushes into the said Church of Fewston at any seasonable & convenient time, & in decent manner, as the said *parrishioners* had vsed to do, or did hinder them to vse any such honest & civill recreacion or disports as are by the said booke allowed, & tollerated by his *Maiestie* as aforesaid, Or that, vppon or about the sixteenth day of Iuly in the xvijth yeare<sup>1</sup> of the said kings *Maiesties* raigne of England there was a decent, or lawfull assemblie of the younger sort of people of the said *parishe* about rushbearing, Or that they did obserue the circumstances of prescript orders signified by his *maiesties* princely direcion in the said booke. Or that the said Nicholas Smithson is a turbulent or seditious man, or doth contemne his his<sup>2</sup> *maiesties* said allowance or pleasure or did in opposicion thereof Combine or confederate with any of his sonnes in the said bill named, Or with any other person or persons whatsoever contemptuously or vnlawfullie to withstand the said rushbearing when it was lawfully, orderly & according to his highnes said orders donn & acted or that either of these *defendants* or any other of the *defendants* in the said bill mencioned (to his or their knowledge) did in any opposition of his *Maiesties* pleasure or otherwise vnlawfullie sett vppon, stopp, or hinder the said young people or any of them from bringing their rushes into the said Church of Fewston, or did pull their rushes from them or beate, or assault any of the said young people or hindered them from bearing rushes, the same being donn after divine service & according to his *Maiesties* <sup>said</sup> orders prescribed as aforesaid as the said bill most falselie suggesteth Or that the said Nicholas Smithson

did contemptuously or irreverentlie say in his lecture, or sermon that his highenes *said* booke was against the law of god y<sup>t</sup> it was not to be allowed or holden for good or did say that the *said* booke was such a one as would not bee tollerated long time; but would in againe, or y<sup>t</sup> the *said* Nicholas Smithson did vtter any vnlawful or vnbeseeing words *against* his highnes *said* booke, or that Ruben Smithson one other of the *defendants* in the *said* bill named did vtter, or publishe in the Church yard of Fewston aforesaid that the king & prince were both of them *against* the Common wealth & did sett out books contrarie to the law of god. In such sort manner & forme as in the *said* bill of Complaint is most falsely & scandalously sett forth & suggested But these *defendants* & either of them for plea & demurrer vnto that part of the *said* bill touching the *said* matter of rushbearing The offence supposed by the *said* bill to haue benn comitted by these *defendants* & others therevppon doe ioyntlie & seuerallie say there vnto that vppon or about the *said* xvijth day of Iuly being sunday morning in the *said* xvijth yeare of his Maiesties *said* raigne before morning praiers of the same daie the *said* Nicholas Smithson together with his sonnes in the *said* bill named & some other haueing in reverent manner prepared & furnished the Communion table in the Chancel of the *said* Church with a faire table Cloth bred wine, Cupps, communion Challis & other vessells fitt & Convenient for a generall Communion of & for the *parishioners* of the *said* *parishe* to be celebrated & receiued in the time of divine *service* then & there intended & provided to be presentlie said & performed by the *said* Nicholas Smithson Clerk according to his eccllicall<sup>3</sup> function in the *said* Church on y<sup>t</sup> behalfe, True it is that diuers & sundry young maids of the *said* *parishe* to the number of fortie or thereabouts being accompanied with many men both young & old Inhabitants of the *said* *parish* did then & there before such time as divine *service* or morning praier was then & there begunn to be said & expresly contrary to the words, & meaning of his maiesties *said* booke in verie rude, & vncivill manner march on together & bring into the *said* church seuerall burdens of rushes vppon their heads But as the *said* maids were soe entering into the *said* church, one William Bilton yoman beeing an Inhabitant of the *said* *parishe* then & there say to one Iohn Iefferie & Hughe his sonne that this the *said* Biltons maydservant (*which* was one of them that then Carried a burthen of rushes as aforesaid) should haue *precedencie* & goe into the *said* Church before the daughter or maidservant of the *said* Iohn Iefferie Vppon *which* speeches the *said* maidservant of the *said* William Bilton then & there offering to goe into the *said* Church with her burthen of rushes vppon her head the *said* Iohn Ieffery & Hugh Iefferie his sonne then & there in the porch or entrie of the *said* Church in verie forcible & violent manner throw downe the *said* maydservant of the *said* William Bilton with all her rushes vnto & vppon the ground And therevppon the *said* Hughe Iefferie in furious manner then & there offering to drawe his sword att the *said* William Bilton could not gett it forth of the sheath thereof by reason of the great presse & multitude of people then & there gathered to gether about the *said* act of rushebearing, Vppon *which* occasion a great quarell & vprore was then & there raised betweene the fauerers, friends, & partakers of either side soe as it was verie likelie that much effusion of blood should haue thereby ensued. for *which* *said* violent assaults & tumult soe committed by the *said* Iohn Iefferie with others as aforesaid the *said* William Bilton did soone after exhibite, as these

defendants are informed his bill of complaint into this most honorable Court against thesaid Iohn Iefferie Hughe Iefferie & others partakers in thesaid sedicion & offences by them committed as aforesaid in the natue of one or more riotts, And haueinge therevpon sued thesaid Iohn & Hughe Iefferie with proces out of this most honorable Court to answeare the same bill the matter was soe compounded & agreed betweene the same parties that thesaid Iohn Iefferie Hughe Iefferie & others did paie & satisfie the some of fiue pounds or thereabouts vnto thesaid William Bilton Who alsoe by order & iudgment of diuers frends & welwillers <sup>^</sup>did make their submission vnto the said William Bilton in thesaid parishe Church for their said riotts & assaults soe by them committed vpon thesaid Bilton & his maidservant as aforesaid After which said riotous assaults & vprere soe committed as aforesaid betweene thesaid parties thesaid maydens or yongwomen did presentlie before the beginning of divine service on thesaid sunday morning <sup>^</sup>soe impedit & hindered by thesaid riotous assaults strow thesaid Church with their said rushes And diuers & sundrie of the said young men in their Companie did then & there in thesaid Church in verie prophane & irreligious manner climbe vpon thesaid Communion table (being furnished with bread wine & other sacramentall rights & preparacion as aforesaid) & did wilfullie ouerthrowe the communion cupp & other things that were laid vpon the same table and standing with their feete, & shoes vpon thesaid table, & Cloth did then & there sticke & sett vpon some places ouer, vpon, & about the said table certaine things commonly called toppmells which are peeces of Wood adorned & decked with gold rings siluering Iewells scarffes, & other such things. All which was then & there vnlawfullie donn by thesaid delinquents before the beginning of divine service as aforesaid which is contrarie to the words & meaning of his maiesties said booke, & pleasure therebie signified, which booke is intituled thus (The kings Maiesties declaracion to his subiects concerning lawfull sports to be vsed) And was giuen att his highenes Mannor of Greenwich the 21th day of May in the 16th yeare<sup>4</sup> of his Maiesties raigne of England &c & of Scotland the 51th Whereby his Maiestie declared (amongst other things) that as for his good peoples lawfull recreation, his highenes pleasure was That after thend of divine service his good people should not be disturbed letted or discouraged from any lawfull recreation such as dauncing & other sports in thesaid booke specified soe as the same be had in due & Convenient time without impediment or neglect of divine service, And that women should haue leaue to carrie rushes to the Church for the decoring of it according to their old custome And that they to whom it belonged in office should present & sharplie punishe all such as in abuse of his highnes libertie would vse these exercises before thends of all divine services for that day And that each parishe by it selfe should vse the said recreation after divine service, And his maiestie did likewise prohibite by his said booke that any offensiue weapons should bee carried, or vsed in thesaid times of recreations, as by his Maiesties booke, or declaracion more plainly may appeare By which booke it doth plainly appeare y<sup>t</sup> thaforesaid carrying of the said rushes by thesaid young women into thesaid church & thesaid riotts there vpon committed in soe outrageous <sup>prophane</sup> manner as aforesaid being all donn before & not after thend of divine service as aforesaid the same was not attempted or endeavored to be donn in due & convenient time or manner as it ought to haue benn by his

maiesties said booke For which Cause, as alsoe in respect of the said prophane irreligious & violent misdemeanours soe committed by the said rushbearers & the rest of their Companie aforesaid thesaid Nicholas Smithson the vicar aforesaid to thend he might prepare & reforme the minds of thesaid parishioners to a more divine & sacred consideracion of the holie Communion of Christs bodie & blood & sacrament then & there to be ministred vnto them, & to make them vnderstand how irreligiouslie & impiouslie they had erred & offended in their said former barbarisme, & rudenes did vpon thesaid sunday morning in time of diuine service then & there celebrated in thesaid churche openlie read & publishe his Maiesties book or declaracion verbatim in the hearing of the whole congregacion then & there present exhorting them not to offend anie more against his maiesties said declaracion And for further plea & demurrer vnto thesaid new bill thesaid defendants doe say that since the same bill was exhibited that is to saie vpon or about the 10th day of Ianuarie in the xvijth year<sup>5</sup> of his Maiesties raigne of England and of Scotland the 52th thesaid complainant did without any licence obtayned of this honorable Court (for ought that this defendant knoweth) compound & agree with thesaid defendants & with thesaid Ruben Smithson for and in consideracion of 20s that is to say 6s 8d a peece giuen & paid vnto thesaid complainant did by his deed of release vnder his hand & seale bearing the date thesaid 10th day of Ianuary in thesaid xvijth yeare remise, release & for euer quite claime vnto thesaid defendants & to thesaid Ruben Smithson sonnes of thesaid Nicholas Smithson all & all manner of suits trespasses debts demands accions reall & personall & informacions whatsoever had <sup>made</sup> moved, depending, or being betwext thesaid complainant & thesaid defendants & the said Ruben Smithson or annie other sonne or daughter of thesaid defendant Nicholas Smithson, or any of them att any time from the beginning of the world till that present day of the making of thesaid release and part & parcell therof did acquite, exonerate & discharge thesaid defendants & thesaid Ruben Smithson & all other the sonnes & daughters of thesaid Nicholas Smithson for euer by thesaid releases in & by the same release vnder the hand & seale of thesaid complainant & readie to bee shewed vnto this honorable Court more plainlie it doth & may appeare. Which matters aforesaid being all that these defendants or either of them did, or caused to be donn touching thesaid matter of rushebearing or annie offence concerning the same in thesaid bill mencioned to their now remembrance they do humblie demaund iudgment of this most honorable court whether they shalbee compelled to make anie further, or other answeare therevnto, they hauing donn nothing but what was lawfull for them to doe aforesaid. And as to one other part of thesaid bill these defendants likewise by protestacion vtterly denying that they or either of them did by anie Combinacion betweene them in Christmas now last past assemble themselues to gether att thesaid Complainants howse att Fewston aforesaid, or were armed with anne weapons in the night time, Or did riotouslie breake, & enter into the Complainants howse & aske for the complainant or did greatlie affright or putt in feare the complainants wife, children, & family thesaid complainant being then not att home, or did then riotouslie breake, & enter into the complainants chamber in his said howse, or did breake open anie of his chests, or cubberds, or sought therein for the complainant that yf they had found him they might execute any wicked proiectcs vpon him, or that, they or either of



them att anie time since in the night time lay in ambushe or in waite for thesaid Complainant in such manner & forme as in that part of thesaid bill is vntruly supposed. But for plea & demurrer therevnto these defendants doe say That for as much as there had benn att diuers times heretofore sundrie felonies, stealthes, & pettie larcenies committed in & about thesaid parishe of Fewston by diuers suspicious persons there inhabiting, Therefore vppon Complaint thereof made vnto Sir Thomas Fairfax<sup>6</sup> knight one of his maiesties Iustices of peace in & for the Westriding of the Countie of Yorke he the said Sir Thomas did in the 10th year of his maiesties said raigne of England make and direct his warrant vnder his hand & seale vnto the constable of Fewston aforesaid for the time being purporting therebie That whereas there had been diuers & sundrie felonies & pettie larcenies committed within & about the said parishe of Fewston, therefore thesaid Iustice did by the said warrant in his maiesties name require & commaund the said constable for the time being with fower of his honest neighbors vppon euerie such felonie or pettie larcinie committed to make diligent search throge out all places within & about the said constables libertie for anie goods that should be stolen thereabouts & y<sup>t</sup> yf they should finde anie such stolen goods, they should bring the partie with whom it should be found before thesaid Sir Thomas Fairefax or before some other of his maiesties Iustices of peace of & for thesaid Westriding of thesaid Countie to bee examined & punished by due order of law, & that the same his warrant should Continue & remaine in force vntill thesaid Sir Thomas Fairefax should revoke the same with other words in thesaid warrant contayned to the same & the like effect which said warrant hath euer since & still doth remaine in full force without anie reuocation in the hands & custodie of thesaid defendant Nicholas Smithson as by the same warrant readie to be shewed to this honorable Court more plainlie may appeare, And because in or about Christmas last past one William Rodes dwelling in the house neere adioyning vnto the house of the said complainant had his dwelling howse feloniouslie broken vpp in the night time & had two bushells of oates with other goods of thesaid Rodes stolen out of the same howse Therefore one William Harrison then constable of the Hamlett of clifton within thesaid parishe being brother to the said complainant Thomas Harrison did together with thesaid defendant Iohn Smithson & diuers other of the honest neighbors there as assistants of thesaid Constable by vertue of thesaid Warrant (being then & yett in full force) in all due & lawfull manner search not only thesaid complainants house being much suspected & commonly taken for a house of great lewdenes, but alsoe manie other howss in & about thesaid Hamlett to the number of 16 or thereabouts to see yf they could find any such oats or other goods that were soe stolen as aforesaid, which being likewise all that these defendants doe hope vnder the good fauor of this honorable Court y<sup>t</sup> they haue donn nothing therein but what was lawfull for them to doe, And doe therefore humblie demaund the iudgment of this most honorable court whether they shalbe compelled to make anie other, or further answeare vnto that part of thesaid bill last mencioned charging them as aforesaid. And as touching one other part of thesaid bill thesaid defendant Iosua Smithson by protestacion vtterlie denying, That he did att anie time vnlawfullie, Contemptuouslie, or otherwise give out in speeches that he will haue the common (in thesaid bill mencioned) in despite of the Prince or anie other person whatsoever that should withstand this

*defendant* therein But for plea & demurrer there vnto this *defendant* saith that it hath benn heretofore & still is commonlie vsed amongst the tenants of thesaid illustrious prince his highenes, of & within his honor of Knasboroghe in the said bill mencioned that any one tenante may build a barne, workhowse, or Kilme vppon thesaid princes Common there, and alsoe (yf need require) to inclose the same barne, workehowse, or Kilme, Soe that the ground inclosed be not aboue one Roode And because this *defendant* had a Tannhowse & lime pitts vppon some part of thesaid Common neere adioyning vnto his dwelling howse there, This *defendant* Iosua hathe therefore, & for the necessarie defence of thesaid lyme pitts about two yeares since inclosed fower little *parcells* of the same Common to the quantitie of noe more than half a Roode att the most as he verily thinketh. Which being all that this *defendant* Iosua Smithson did or caused to be donn touching the inclosing of thesaid Common in thesaid bill laid to his charge he doth likewise humblie demaund iudgment, whether he shalbe compelled to make anie other, or further answeare therevnto. And for further plea & demurrer vnto thesaid bill these *defendants* doe say that att the general Sessions of the peace holden at Skipton in the Westriding of thesaid County or York on the xvijth day of Iuly in the xvijth yeare<sup>7</sup> of his maiesties raigne of England & c & of Scotland the liijth before Sir Edward Yorke<sup>8</sup> Sir Guy Palmes<sup>9</sup> Sir Fardinando Fairfax<sup>10</sup> Sir William Lister<sup>11</sup> knights & diuers others then Iustices of peace of thesaid West Riding & c thesaid *Complainant* was Indicted for that he beeing a common Informer vppon penall statuts, pretending that thesaid *defendant* Iosua Smithson had offended against the statute made in the fifth yeare of the raigne of the late Queene Elizabeth<sup>12</sup> for exercising the trade of a Tanner being not brought vpp therevnto by the space of 7 yeares as an apprentice did make a *composicion* & agreement with thesaid Iosua & without the order or consent of any of his Maiesties Courts holden att Westminster did take of the said Iosua Smithson vj s viij d in readie monie as by thesaid indictment remayning of record before thesaid Iustices may appeare. Vppon which indictment thesaid *complainant* fledd & rann away from County to Countie lurking there vntill thesaid Sessions were past & could not be found to redeme his due punishment for his <sup>said</sup> offence because he being guiltie of diuers intollerable wrongs donn to his maiesties *subiects* by waie of vniust & vntrue informacions did absent & hide himselfe in obscure & remote places soe y<sup>t</sup> he could not be found to answeare any indictment for any offence committed by him, Howbeit diuers warrants haue benn awarded against him by the right *worshipfull* Sir Richard Hutton<sup>13</sup> knight one of his Maiesties Iustice of the Court of Common pleas att Westminster & one of his highenes Iustices of peace with in the <sup>said</sup> West Riding of thesaid Countie of Yorke to attache thesaid *Complainant* & bring him before the Iustices of peace att the then next Sessions to be holden for the Wapentake of Oleton<sup>14</sup> But thesaid *Complainant* could neuer since be found, or taken vppon the said warrants or any or either of them as by one of thesaid warrants bearing date the fffifth day of Ianuary 1620 more plainlie doth & may appeare. And these *defendants* doe further say, that since the time of the release before mencioned that is to say on or about the xxiiijth day of Februarie last past thesaid *Complainant* hath a second time most *presumptuously* & in great abuse of this honorable Court *procured*, or made meanes vnto one William Hardisly for to

move <sup>^</sup>& proffer this defendant Iosua Smithson, that yf he would giue vnto thesaid Complainant the some of 40s he would absolutelie, & freelie, & without the license of This honorable Court exonerate & discharge this defendant Iosua, & the rest of the defendants in the bill named of & from any futher molestacion, & troble of suite in this honorable Court. For all which Causes, & for that yf the supposed offences in the said bill contayned were committed by thesaid defendants (as in truth they were not) yet were the same pretended misdemeanours (being publique greivances) more proper & fitt to be informed off in the name of his maiesties Attornie generall then in the name of the said Complainant being a lower person & a common informer, wherebie he wholie liveth And for that these defendants haue donn nothing in the premisses but what was lawfull for them to doe as (vnder fauer of this holle Court) they humblie take it. And for that alsoe it appeareth by the antient orders, & the Courses of this court that no Common Informer is to be receiued to exhibite his Informacion against annie person, or persons in matters of Common grevances, but doe belong vnto the office of your Maiesties Attorney generall to complaine of Yf they be matters worthy of the dignitie of this highe Court. And for that the complainant is a very needie & beggerly fellowe, & not worth halfe the Costs that he maliciouslie may putt these defendants vnto. And Cheiflie for that by the rules & orders of this Court alsoe noe person ought, or may be admitted to putt in, or exhibit anie informacion into this honorable Court against any person or persons whatsoever but onlie for such matters, & offences, as the greivances thereof doth touch, & Concerne the informer onlie, & noe other. Therefore these defendants & either of them doe demurr in law vppon the said bill & doe humblie demaund the iudgment of this most Honorable Court whether they shalbee Comp<sup>el</sup>led to make anie other, or further answeare therevnto, And allsoe to be dismissed <sup>^</sup>out of the same with their reasonable costs, & charges in the law, on this behalfe wrongfullie sustained.

Thomas Hughes

<sup>1</sup>sixteenth day of Iuly in the xvijth yeare] 16 July 1619

<sup>2</sup>his his] *dittography*

<sup>3</sup>ecclicall] *for ecclesiasticall; abbreviation mark missing*

<sup>4</sup>21th day of May in the 16th yeare] 21 May 1618

<sup>5</sup>10th day of Ianuarie in the xvijth year] 10 January 1620

<sup>6</sup>Sir Thomas Fairfax] *Sir Thomas Fairfax (1560-1640), of Denton and Nun Appleton, was a prominent northern nobleman. Born at Bilbrough, near York, he was the MP for Lincoln in 1586 and for Aldborough in 1588. Both in 1601 and in 1625, he was elected knight of the shire of Yorkshire, where he served as a justice of the peace from some time before 1598 until his death.*

<sup>7</sup>xvijth day of Iuly in the xvijth yeare] 17 July 1620

<sup>8</sup>Sir Edward Yorke] *Sir Edward Yorke (1554-ca 1621), of Ripon; JP for the Ripon district; Sir Thomas Fairfax (above) was one of the recipients of the bequests in Yorke's will.*

<sup>9</sup>Sir Guy Palmes] *Sir Guy Palmes (1580-1653), of Ashwell, Rutland; JP for Yorkshire 1617-1626; High Sheriff of Yorkshire in 1622; several times MP for Rutland.*

<sup>10</sup>Sir Ferdinando Fairfax] *Sir Ferdinando Fairfax (1584-1648), of Denton and Nun Appleton, eldest son of Sir Thomas Fairfax and later 2nd Lord Fairfax of Cameron; several times MP for Boroughbridge from 1614-1640; JP for the Yorkshire West Riding from at least 1611 until his death. Two of his daughters were baptized in the the Church of St. Michael and St. Lawrence, Fewston.*

<sup>11</sup>Sir William Lister] *Sir William Lister (1591-1650), of Thornton, Yorkshire West Riding*

<sup>12</sup>fifth yeare ... Elizabeth] *17 November 1562 - 16 November 1563*

<sup>13</sup>Sir Richard Hutton] *Sir Richard Hutton (1560-1639), of Gray's Inn and Goldsborough, near Knaresborough; recorder of York, Doncaster, and Ripon in 1608, 1609, and 1610 respectively; knighted by King James I when at York during his progress to Edinburgh and made a Judge of the Court of Common Pleas.*

<sup>14</sup>Oleton] *Allerton, Yorkshire North Riding*

## Document Descriptions

### Archdiocesan Court

York, Borthwick Institute, V. 1595-6/ CB.1.; 1595-6; Latin and English; paper; i + 206 fols; 300 mm x 190 mm; repaired and rebound in modern board and leather; fair condition: legibility hampered at points by faded ink. Visitation records of Archbishop Matthew Hutton, archbishop of York from 1595 to 1606.

### Star Chamber Case: Herryson v. Smithson

The National Archives, Kew, STAC 8/180/11; 1622; English and Latin; parchment; 2 membranes; modern numbering in pencil, roughly centred at the bottom: mb 1 (Defendants' Plea and Demurrer): 682 mm. x 520mm; thin parchment, but fair condition; mb 2 (Bill of Complaint): 547 mm. x 315 mm; heavy parchment, but badly faded, with some sections no longer legible.