

## THE SANCTUARIES AND SANCTUARY SEEKERS OF YORKSHIRE.<sup>1</sup>

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In putting together, in a volume published by Messrs. G. Allen and Sons, a considerable number of facts relative to the mediaeval sanctuaries of England, a subject hitherto curiously ignored for the most part by historians, and often strangely misrepresented, no small proportion of my gleanings had to be ignored for lack of space. I therefore thought it might be well if the statements under this head relative to the great county of Yorkshire were expanded, and that a variety of details, chiefly drawn from the Coroners' Rolls and Assize Rolls, should be here set forth for the first time.

One of the main reasons why there has hitherto been so much loose writing and so much confusion with regard to the question of sanctuary, has been the failure to distinguish between the sanctuary rights prevailing for a limited time in every consecrated church or chapel with their surrounding graveyards, and the chartered sanctuary rights of a lifetime, in connexion with certain favoured minsters or abbeys and their environments, of which latter Yorkshire affords some very notable examples.

With regard to chartered sanctuaries, the most memorable in all England, not excepting the great shrine of St. Cuthbert of Durham, was that pertaining to the ancient minster of Beverley. The peculiar privileges in honour of St. John of Beverley were formally accorded by Athelstan in the year 937. Remains of the saint had been here laid to rest some two centuries before that date. In this case, as elsewhere, security from pursuit or violence was afforded to all who came within a certain distance of the actual sanctuary, and penalties were imposed upon those who should violate the privileges, increasing in proportion as the distance lessened. The

<sup>1</sup> Read before the Institute, 7th December, 1910.

refuge in this instance extended from the minster for about a mile and a half in every direction. Within this considerable area, there were two boundaries, termed the outer and the second bounds, both marked by richly carved crosses. The third boundary began at the entrance of the churchyard or precincts, the fourth at the door into the nave, the fifth at the quire-screen, the sixth within the actual presbytery, which included the high altar and the Frith Stool or stone chair near the altar, to which was attached the greatest possible security. The money penalties attached for breaches of these respective degrees of sanctuary amounted to the then tremendous sums of £8 up to £144. But if any person broke sanctuary within the sixth enclosure, his offence was termed bootless, that is, it was a crime which no mere money payment could redeem. Three reasons were assigned for this extreme penalty: the contempt thereby shown to the reserved sacrament, the reverence due to the altar, and more especially the presence of the precious body of St. John of Beverley.

Master Alured, the sacrist of Beverley, writing about the middle of the twelfth century, gives many details with regard to the fugitives who could here seek for peace or immunity. From the earliest times all duly registered fugitives for grave offences were at liberty to remain for life within the Beverley limits on swearing obedience to the minster and the town officials. The register of those fugitives between the years 1478 and 1539, who sought perpetual immunity and took the oath of obedience to the canons and town authorities, is extant at the British Museum (MSS. Harl. 4292). A transcript of the greater part of this register, with a brief analysis of its contents, was given in one of the earliest issues of the Surtees Society, whilst a much fuller analysis is given in my printed volume. The number of those who took the oath as sanctuary-men during this period was 495. The largest number of fugitives, 208 in all, came here on account of debt; 186 took refuge on account of homicide or manslaughter, and the remainder for various kinds of felony. The condition or trade of the fugitive is usually entered: they varied in position from esquires, gentlemen, aldermen, and yeomen, down to

husbandmen and labourers, and included almost every variety of trade. They came during these sixty years from all parts of England, in fact, in the list that I have compiled of the counties to which they belonged, only a few of the English shires are missing, though naturally by far the larger proportion were Yorkshiremen. The records of the town of Beverley prove that these sanctuary-men or frith-men, who had taken up their life-residence within the immunity bounds, although they were not allowed to become free-men, were permitted to follow their own craft or trade, and even to be members and officials of the trades gilds. One of the few restrictions imposed upon them was that they were not allowed to carry a sword or a club, or even any knife or dagger unless it had a blunted point.

The act of 32 Henry VIII extinguished all special rights of sanctuary, and the Beverley special register came to an end in 1540. The two last folios, however, of this highly important manuscript, which were strangely enough ignored in the Surtees transcript, are crowded with closely written names and brief descriptions. From these it is clear that an effort was made soon after the accession of the boy-king, Edward VI, to re-establish the ancient privileges which had gone on uninterruptedly for six centuries. These entries record simply the name and the occupation of the would-be fugitive or frith-man, with the date of his arrival, and when Mary came to the throne in 1553, the Beverley custom was evidently fully re-established. The sworn fugitives of this reign amount to the large total of 210.

With regard to the sanctuary privileges of York minster, the evidence is by no means so complete or detailed. In the White Book or *Liber Albus* of Southwell minster is the copy of a letter from the chapter of York to the chapter of Southwell, stating the customs of York minster as found at an inquest in the year 1106. In that year, Asbert, the sheriff of Yorkshire, attempted to deprive the church of York and the whole archbishopric of all the good customs which they anciently held. But archbishop Girard complained to the crown, whereupon the bishop of Lincoln and four others were commissioned to inquire at York what were the customs of the church

of the blessed Peter. They convoked the shire moot, charging the wisest English of the city, by the faith they owed the king, to find a verdict concerning these customs. The verdict set forth that the customs and liberties, anciently given by king Athelstan, reverently kept by his successors, and confirmed by papal decrees, were practically the same with regard to the sanctuaries of York, Beverley, Ripon and Southwell. It was thereby laid down, *inter alia*, that :

“ Anyone coming to the church wishing to live in peace there, rather than to dwell among criminals, by the custom of the church, shall be in peace there for as long as he will. If anyone for urgent cause wishes to depart, he shall be able to go in peace, under conduct of the canons, with the sign of the church’s peace to a neighbouring church having like privileges, to wit the churches of Beverley, Ripon, Durham and Hexham.”

So far as I am aware, there are no special records extant of sanctuary cases either at York or Southwell.

With regard to the great collegiate church of St. Wilfrid of Ripon, it is stated that Athelstan conferred sanctuary rights on the minster and place at the time that he came there with his army, giving Ripon the same liberties as he had given to the church of Beverley. Athelstan came with his army into Northumbria at least twice, namely in 926 when he brought into subjection Ealdulf of Bamburgh, and again in 937 after the battle of Brunanburgh; the visit to Ripon was probably on the last of these occasions.

The only definite reference to sanctuary in the extant Chapter Act Book of Ripon,<sup>1</sup> which covers the period from 1452 to 1506, occurs under date of 12th May, 1458. Six girthmen or grithmen (*confugae sive gyrtbmanii*), Thomas Plumer of Bandgat, Robert Morton alias Herryson, slaughterer, of Westgate, Henry Jonson of Bloxumgate, Edmund Skaythlok, John Skaythlok, and William Topshaw of Ripon, were cited to appear before the chapter to show if there were any reasonable causes why they should not be canonically punished for perjury inasmuch as they had failed to observe their oath. The oath would

<sup>1</sup> Printed by the Surtees Society in 1875.

doubtless be on similar lines to that already given under Beverley, and involved absolute obedience to the ecclesiastical authorities. Three of the grithmen made excuses. Thomas said that he had been carrying a rod (*rodd*) all the Rogation days except Monday. Robert said that he had not dared to go out of his house to carry a rod before the procession on the said days, for fear of imprisonment at the hands of his creditors. This explanation was not held to avail, for on those days grithmen were immune from all vexation. William, to avoid punishment, stated that he was ready to join the procession if the choir had gone out of the church according to their usual way. William le Scrop, the president, and the residentiary canons were not able to accept the excuses for their disobedience, and the three who pleaded were condemned to receive four scourgings with their rods before the procession on the four feasts of Pentecost, Holy Trinity, Corpus Christi, and the nativity of St. Wilfrid, but were then of grace excused all save the scourging on the feast of St. Wilfrid. The other three did not appear, and were suspended. Afterwards Henry appeared, and in his case it was determined that he for his offence and contumacy should be scourged with his own rod once on the festival of Corpus Christi, and once on the festival of St. Wilfrid, the other two scourgings being pardoned. Edmund was summoned again for the vigil of Pentecost, and on his not appearing was excommunicated. Afterwards he appeared and was condemned to three scourgings for his offence and contumacy. John, the sixth grithman, was pardoned, because he was old and weak.

The celebrated abbey of Beaulieu, Hampshire, stood by itself among the Cistercian houses as a sanctuary of national repute, but the abbeys of this order in general claimed a complete right of permanent sanctuary, though not during later years exercised to any particular extent. Nor do any of these abbeys appear to have made in England, at any time, efforts to attract criminals or the persecuted, but rather contented themselves with sternly upholding their privileges when occasion arose. Probably if any strong or general attempt had been made in that direction it would have been resisted, for the Cistercian claims only rested on papal authority, whereas our English

judges more than once held that the putting of any permanent let or hindrance in the way of justice through sanctuary could only be based on royal charters.

The Cistercian privilege of not turning away any felon from their doors, or at all events of not giving up to justice any one who had once obtained admission to their precincts or even to their granges, is based on the following statute of their order, which received the confirmation of three twelfth-century popes, namely Eugenius III, Celestine III, and Innocent III.

Infra clausuras locorum seu grangiarum nostrarum, nullus violentiam vel rapinam seu furtum facere, ignem apponere, sanguinem fundere, hominem capere, spoliare, verberare, vel interficere, seu violentiam temere audeat exercere. Sed sint ipsa loca sicut atria ecclesiarum ab omni pravorum incurso ac violentia auctoritate apostolica libera semper et quieta.

Archbishop Pecham, in a letter to Robert Malet, of November, 1289, says: "To the crown belongs not only severity and rigor of justice, but still more mercy and pity. By which Holy Church, by the king's will, saves evildoers by sanctuary, by order, and by the religious habit, as appears in the north country, where murderers, after their crime, betake themselves as converts to the great abbeys of the Cistercians and are safe."<sup>1</sup> The converts or *conversi* were the lay brothers of the Cistercian order, and from this letter it would appear that a criminal flying to one of these abbeys and proving himself penitent was admitted as a convert, and was thereby pledged to lifelong labour for the good of the convent.

The Cistercian houses always aimed at being self-contained, and the lay brothers and servants within the precincts followed a variety of trades, such as weaving the cloth from the wool of their own sheep, and following the crafts of tailors and shoemakers, as well as engaging in every form of agriculture.

The great county of Yorkshire held within its limits six large Cistercian abbeys, each of considerable moment and influence, namely those of Byland, Fountains, Jervaulx, Kirkstall, Rivaulx and Roche. It is highly probable that certain of the lay brothers or servants of these convents, were originally fugitive criminals, but I do not remember

<sup>1</sup> *Registrum Johannis Pecham* (Rolls Series) iii, 995.

encountering any definite evidence as to this being the case. Archbishop Pecham was presumably thinking of these large Yorkshire houses of Cistercians when he wrote of the customs prevailing with that order in "the north country."

To trace back the story of ordinary sanctuary within christian churches, it is necessary to study the Theodosian codes of the fourth and fifth centuries, the laws of Justinian, the council of Orange (441), the synod of Orleans (511), the later canon law of Gratian and the papal decretals. So far as England is concerned, the very first of the laws of the earliest known Anglo-Saxon code, namely that of Ethelbert, king of Kent, drawn up soon after his conversion and baptism in 597, strongly enforces the sanctity of churches as a refuge for fugitives. In the code of Ine, king of Wessex, circa 680, distinct provision was made for sanctuary seekers, and all this was still further elaborated by Alfred the Great in 887, and by Ethelbert and Canute in the opening of the eleventh century.

The code of Anglo-Norman laws is yet more explicit. The fifth section of the laws which used to be attributed to the Confessor but are now accepted as of twelfth-century date, provides that those in sanctuary were not to be removed save by the priest or his ministers. Immunity was also extended to the priest's house and its courtyard or entrance. No fugitive was to retain stolen property; if he brought any with him, it was to be restored to the owner. In cases where a criminal resorts several times (*sepius*) to the church or priest's house, he is to forswear the province, and if he returned no one should presume to receive him, excepting by the consent of the king's justices.

In this last clause is the earliest known reference to the formal abjuration of the realm by the sanctuary fugitive, which came into precise operation in the beginning of the thirteenth century. But in this case it is the forswearing of the province rather than the kingdom, and no definite conditions are stated. Abjuration was of Anglo-Norman origin and peculiar to England; it was a development of outlawry which was well known in Anglo-Saxon days. Any man committing a grave offence, who fled from justice, was as a rule proclaimed an outlaw;

he was outside the pale of the law's protection and his goods were forfeited to the crown. The outlaw might be killed or hunted by any one whilst on English soil with impunity, and his only safety was to be found in some other kingdom. Abjuration, on the other hand, was always allied with sanctuary fugitives; the process before the coroner was far simpler and more speedy than in outlawry, and the person of the abjurer was sacred, under certain conditions, whilst seeking a port of embarkation. When, under Norman rule, sanctuary rights were so frequently used in the disturbed condition of the kingdom, it became necessary to resort to more precise methods of protecting the ordinary church fugitive from the secular arm when the days of refuge expired. Hence arose the abjuration of the realm made on oath by the fugitive who declined to submit to trial, or whose prosecutor could not be pacified.

Abjuration of the realm followed the same course as the pronouncement of ordinary outlawry in being inseparably connected with the office of coroner. Although this part of their duty is not distinctly defined in the act of 14 Edward I, *De Officio Coronatorii*, it is clearly laid down in the three legal treatises of that reign known respectively as Bracton, Britton, and Fleta.

From these sources it appears that when a criminal or fugitive fled to a church, the coroner had to be informed, and that official ordered the bailiff of the place to summons a jury drawn from the four nearest townships to meet him at the church.

Confession of the felony had to be made in their presence, and the offender was at liberty to claim sanctuary for forty days. At the end of that time, or sooner if he desired it, the fugitive had to abjure the realm, or surrender to the civil power. The coroner administered an oath of abnegation, whereby the offender was pledged to cross the seas to some other christian country within a given time, and to accept banishment for life. The refugee went forth from his asylum penniless, clothed in sackcloth, and carrying a cross of white wood in his hands. The coroner directed him what port he was to seek, which was originally the one of any kind nearest to the place of sanctuary; but as such a direction so often involved



arriving at a port whence vessels sailed but very fitfully, it became latterly the custom usually to direct the fugitive to such well-known ports as Dover. The fugitive was not to pass more than one night at any one place on his journey to the coast, and to keep to the highway. He was passed on from constable to constable, each place where he had to tarry being bound to furnish him with a minimum of food and shelter. When in actual sanctuary, the church authorities were bound to supply him with necessary food. If anyone interfered with the fugitive on his way to the coast, it was just as grave an offence as if he had been dragged out of the consecrated place.

But if the fugitive wandered from the highway, or went in a direction away from the port, anyone was not only at liberty to behead him, but those of the township where he was found were expected to carry out this rough and ready justice, and to dispatch the head to the civil authorities of the county.

The coroner, in sending him forth, had to assign to him the period within which he was to reach the port.

On reaching the coast, if there was no vessel ready to sail, the banished man was to go daily into the sea up to his waist, as though essaying to pass over it. If within forty days he could not get passage, he was then again to place himself in sanctuary in the nearest church. The port authorities seem to have had power to compel any vessel leaving their harbour to give passage to the fugitive.

Occasionally there was no crossing the seas, the delinquent being allowed to make his way to Scotland, and in earlier times into Wales. If the fugitive refused to abjure the realm at the end of the forty days and persistently clung to the sanctuary, he was not to be forcibly ejected by either civil or ecclesiastical powers, but he was to be compelled to leave by declining to supply him with victuals.

It must be remembered that the whole matter of sanctuary involved a perpetual conflict between state and church. The church was merciful and even desirous of saving at least the life or limbs of the criminal; but the state, in its punishment of wrongdoers, was also well within its rights in striving to prevent criminals from

gaining access to sanctuaries, and more especially in jealously watching and warding the church and churchyard wherein a fugitive had taken refuge, lest the delinquent should escape otherwise than by abjuration. The township which permitted an escape was invariably fined. Difficulties were constantly arising as to warding. In 1315-1316, in the first statute of 9 Edward II, under the head of *Articuli Cleri*, the tenth section runs as follows :

“ Also where some flying unto the church, abjure the realm, according to the custom of the realm, and laymen or their enemies do pursue them, and pluck them from the king’s highway, and they are hanged or beheaded ; and whilst they be in the church are kept by armed men within the churchyard and sometime in the church, so straitly that they cannot depart from the hallowed ground to empty their belly, and cannot be suffered to have necessities brought unto them for their living :

“ The answer. They that abjure the realm so long as they be in the common way, shall be in the king’s peace, nor ought to be disturbed of any man ; and when they be in the church, their keepers ought not to abide in the churchyard, except necessity or peril of escape do require so. And so long as they be in the church, they shall not be compelled to flee away, but they shall have necessities for their living, and may go forth to empty their belly.”

There are a few cases of breaches of sanctuary rights entered in the episcopal registers of York, and others in the close or patent rolls, but the rest of this paper must be assigned to the information which can be gleaned from the uncalendared assize and coroners’ rolls which survive in the Public Record Office.

The assize rolls extend from John to Edward IV. They number 1,550 rolls, and are arranged under counties, but they are by no means continuous for any one shire. These rolls include various headings, such as *Placita forinsica*, *Deliberationes gaolarum*, *Placita de quo warranto*, etc ; the records of abjurations are to be looked for under *Placita coronae*. It is quite clear, however, that in some cases the justices did not require the enrolment of abjurations. As a rule, both in the assize and coroners’ rolls,

the letters *abjur'* occur on the left hand side of the membranes pointing out cases of this description.

The coroners' rolls extend from Henry III to Henry VI ; they only number 256 rolls, and various counties are unrepresented ; they are most numerous for the reign of Edward III. These rolls are not records of inquests entered at the time they occurred, but appear to have been prepared after a mixed fashion, the dates being often strangely arranged, when demanded by itinerant justices. They are most perversely irregular in form ; indeed it is difficult to find any two or three arranged after the same plan. Usually the entries follow a legal method, beginning *Inquisitio capta*, but occasionally they take a narrative or brief descriptive form, beginning *Accidit apud*, *Accidit in villa*, or *Contigit apud*. The searcher in these rolls for abjurations must be prepared for many disappointments, for he will often draw blank. They not infrequently consist, mainly or in part, of "exigent" entries ; that is of writs exacting the appearance of certain persons within certain days under pain of outlawry.

Both assize and coroners' rolls have printed indexes, issued in 1894 ; they will be found at the end of "Lists and Indexes, no. iv."

The assize rolls for Yorkshire number 107, but several are repetitions of the same assize. Moreover only twenty, including these repetitions, are concerned with *Placita de coronae*, wherein such matters as sanctuary cases are to be found, and of these pleas of the crown eight are destitute of a single instance of sanctuary usage. There are also 37 assize rolls of mixed counties wherein Yorkshire is included, but none of these take any cognisance of criminal affairs. It therefore follows that only twelve of these Yorkshire assize rolls contain information relative to this particular inquiry.

The number of those which throw light upon sanctuary proceedings is still further reduced, when it is found that five of these twelve rolls refer to one and the same assize, namely the one which held its first session at York on the morrow of the festival of the Holy Trinity, 1279, before John de Vallibus, William de Saham, Roger Loveday, John de Metingham, and Thomas de Sodington, justices itinerant of the king. It appears that on some

circuits (as was the case at Launceston, Cornwall, in 1283-4) it was the custom at this period for a roll to be prepared for each justice of the cases that came before him, as well as one of a comprehensive character for the crown. It so happens that for this particular Yorkshire asizes, the crown roll, headed *Rex*, is extant at the Record Office, and also four others of the pleas of the crown, headed respectively Loveday, Metingham, Saham, and Sodington.

Collating these several rolls one with another, it appears that they record upwards of seventy cases wherein refuge was sought by felons. The following are the churches wherein refuge was sought ; in five or six instances I have failed to identify the place under the scribes' orthography : Aberford, Allerthorpe St. Botolph, Ainderby (2), Barforth, Birstall, Bowes, Bolton, Bramham, Bramhope, Buckthorpe, Burton (Knaresborough), Castleford, Cottingham, Creton, Danby, Drax, Dunnington, Ganton, Hackforth, Hampole, Hedon (2), Huggate, Kilham (2), Kirkby, Kirk Levington, Knapton, Knayton, Knaresborough, Langton, Leeming, Melsonby, Northallerton (7), Nunappleton, Nunmonkton, Ormesby, Osmotherley, Pickhill, Pontefract Friarswinde, Pontefract All Saints, Rufforth, Salton, Sherborne, Thornton, Tickhill, Wakefield, Walkington, Weighton, Westerdale, Westow, Whorlton, Wilton, and the following York churches, St. Mary Castlegate, St. Helen Steyngate, St. Maurice Monkgate, St. Michael Coney Street, and the church of the Dominican Friars.

In eighteen of these instances sanctuary was sought in consequence of homicide and once for coining false money, and in the remaining instances because of one form or another of robbery.

The various gaols of mediaeval England, notwithstanding the thickness of their walls and the usual habit of ironing the prisoners, appear to have been easily broken. A fair amount of sanctuary-seekers, up and down the country, were those who had escaped from confinement. Nor was it infrequent for those in custody to escape into a church whilst on their road to gaol, doubtless at times with the tacit consent of merciful custodians. This single Yorkshire roll contains four such instances. Three

of these were escapes from custody when *en route* to the great county gaol of York castle. In one of these cases a delinquent who was being brought to York from the south of the county escaped into the church of Tickhill, he was no mere tramp malefactor, for when he came to abjure the realm his chattels were found to be worth 56s. 6d. Another man escaped into the East Riding church of Weighton as the constables were conducting him to York. The third case was that of a man who had been safely brought to within a few hundred yards of the castle gaol, when he managed to bolt into the church of St. Michael's, Coney Street, and was in safety.

In a later roll than the one now under consideration, another instance of escape within the city of York when on the way to gaol is duly entered. On Ascension day, 1301, John le Fermona, of Malton, killed David Paty, of Ebberston, and was immediately arrested. He was committed to the custody of Simon de Kym, the sheriff, but managed to escape almost on the threshold of the county gaol, gaining sanctuary within the church of the Blessed Mary without Castlegate, York, probably at the very moment when the escort halted for the city gates to be opened.

A man who escaped from the archbishop's prison at Burton Pidsea fled to the church of Walkington, near Beverley; when abjuring it was found that his chattels were only worth 4d. In the same year a felon broke out of Sherborne gaol, which was another of the archiepiscopal prisons, and it was found he had taken refuge in the Gilbertine church of Old Malton.

An entry in a fourteenth-century assize roll shows that three prisoners who had broken out of York castle succeeded in gaining sanctuary within the church of Tadcaster, a distance of ten miles from the city. It naturally occurs to those who have not made a study of this subject to ask why should these men have made a ten-mile tramp to Tadcaster, when there were a score or two of equally safe sanctuary churches within less than a mile of the castle walls, including two or three only a few paces distant? Similar circumstances may be noted in all parts of England. Thus two prisoners escaping from Colchester gaol neglected the numerous churches of

that large town, and made their way for sanctuary to the priory church of Tiptree, some fifteen miles distant. A man and his wife escaping from Dorchester gaol took sanctuary in a church seven miles distant from the county town. Two prisoners breaking out from the gaol of Northampton castle were found by the coroner in sanctuary in Holdenby church six miles to the north. To give only one other example, a felon who succeeded, in 1347, in escaping from Nottingham castle took sanctuary in the distant Derbyshire church of Wirksworth.

The reason for all this can be readily set forth. The civil authorities were always eager to recapture an escaped prisoner, if only because of the penalties imposed on defaulting townships through which fugitives passed as well as on responsible officials. Signals were given, probably by horn-blowing, directly an escape was known. The ordinary civilians, as well as constables, would always be on the alert in the vicinity of a gaol to hinder sanctuary seekers gaining shelter. Hence an escaped prisoner would, as a rule, instinctively avoid churches close at hand to the gaol from which he had broken.

The following entry on the patent rolls of 1293 is sufficiently singular to be cited, though it did not occur in this county. Pardon was granted by the crown on 23rd February to William de Tynington, clerk, for the death of William de Lenton, porter of Tutbury castle. It appears by the record of John de Berewyk and his fellows, justices in eyre in the county of Stafford, that a thief imprisoned in the said castle having escaped in the night, the porter, as soon as he became aware of it, went immediately to the church to prevent the thief from entering, and believing the said clerk, who had also gone to the church for the said purpose, to be the thief, struck and wounded him; and the said clerk, likewise believing the porter to be the thief, struck him back upon the head and so killed him by misadventure.

Assize rolls entries, especially in cases of abjuration of the realm, are usually disappointingly brief, but in a curious case on a Yorkshire roll of 1293 several particulars are set forth. Henry, son of Robert Fox, was arrested with a certain stolen horse in his possession. He was brought before the court-baron of Pontefract, when he

confessed to the felony. The court adjudged him to be hung, and he was given up to the custody of the four townships nearest to where the offence occurred to be led to the gallows. But on the way, in passing through Pontefract, Henry managed to escape from the custody of the townships and fled into the conventual church of the priory of that town. There in due course he abjured the realm, and his chattels were found to be worth half a mark.

The beheading of abjurors who wandered from the high road on their way to the appointed port, which was the expected duty of the townships where they were thus found straying, receives illustration from these Yorkshire assize rolls. Thus on the 1279 roll a case is entered of a murderer who had been allowed to abjure the realm at Burton, within the liberty of Knaresborough, but on the way to his port he deserted the high road and was duly beheaded. Again, in the 1293 roll, it is entered that John, son of John Bucks, took sanctuary in the church of Hartshill and confessed to robberies to the value of 68*s.* 2*d.* On abjuring the realm, he was assigned the port of Dover, and set out on his journey. Whereupon John was followed up by Thomas Sauthonery, John de Gonsel, and by two other men who had previously quarrelled with the abjurer. They dragged him off the high road, and then beheaded him contrary to the king's peace. The jury testified that this gang of men were themselves felons and had committed robberies in the county of Nottingham.

Reverting to the full rolls of the assize of 1279, it appears to be obvious that one of the main reasons why certain of the justices insisted upon having the record of all cases of abjuration before them was to secure the due return to the crown of the value of the forfeited chattels of these fugitives from civil justice. The total of these forfeitures on this occasion amounted to the by no means mean total of £13 8*s.* 9*d.*, considering the then purchasing power of money. Several of these abjurors were quite destitute, and even their discarded clothing was valueless; many others had only chattels worth a few pence, beginning with a case at Danby where the jury returned the value of the fugitive's possession as

one penny. In a very few cases the value mounted up to pounds.

The exact nature of the offence when an offender confessed before the coroner to be a felon guilty of robbery is very seldom entered on an assize roll, unless it was a case of burglary or robbery from the person, when it was usually briefly stated. In the thirteenth and fourteenth centuries hanging was the almost invariable punishment for every kind of theft, even of such a matter as a tunic worth *2d.* The interference of the church through sanctuary simply substituted transportation for life in the place of capital punishment. In a few cases on this Yorkshire roll, the instrument with which homicide was effected is named, such as *cultello*, a knife, or *baculo*, a club. In the case of a murder at Knaresborough, which originated in a tavern brawl, William killed Thomas *cum quodam kimpulo*, a term which I have not met with elsewhere, and of whose meaning I am uncertain.

The roll of 1293, to which some reference has already been made, shows that the very chapel of York castle was on one occasion used by a felon for sanctuary rights; his claim was held good and he eventually abjured the realm.

An undated assize roll towards the close of Henry III's reign has as many as fifty-three abjuration entries. The entries for the city of York show that the churches used for sanctuary purposes included those of Holy Trinity Monkgate, St. John at the Bridge, St. Margaret Walmgate, St. Mary Walmgate, St. Michael Layerthorp, St. Martin Micklegate (2), St. Michael de Ousegate, St. Peter Magna, St. Crux, St. Leonard, St. Nicholas, and Holy Trinity Micklegate. The dedication of churches, which it is not always easy to identify, are occasionally given on these rolls. Thus the churches of St. Peter, Scarborough, and St. Thomas the Apostle and St. John Baptist, Pontefract, St. Swithin, Wakefield, and St. Gregory, Doncaster, occur among the Yorkshire churches visited by sanctuary seekers, but none of these are now extant.

The coroners' rolls of Yorkshire extant in the Public Record Office number forty-five. The earliest is a roll of 15-21 Edward I, and the latest one of the East Riding



of 9 Henry V; they are chiefly of the reigns of Edward III and Richard II. These rolls vary greatly in size; the largest, for 37-47 Edward III, consists of fifty-seven membranes, whilst others are of trifling length and consist of only a single membrane. About half of these rolls contain no reference of any kind to sanctuary seeking, but when such entries do occur, they are usually of a fuller and more interesting character than those on the assize rolls. Notably is this the case with regard to the port of embarkation assigned to the abjuror. In a considerable majority of cases, the port of Dover, though so far distant from Yorkshire, was the appointed port. The following is a table of the twenty-five instances wherein Yorkshiremen were ordered to embark at Dover, with the days allotted for the journey, and the mileage they had to traverse.

To Dover from	Days	Distance (in miles)	To Dover from	Days	Distance (in miles)
York (1).....	40	270	Anlaby (1).....	12	242
York (1).....	15	270	Burton Agnes (1).....	12	272
York (1).....	12	270	Driffield (1).....	12	267
York (2).....	11	270	Driffield(1).....	12	267
York (4).....	10	270	Pickering (1).....	11	297
York (2).....	8	270	Leeds (1).....	10	291
Sowerby (1).....	12	287	Northallerton (1).....	8	299
Thwing (2).....	12	277	Kilvington (1).....	8	296
Riccall (1).....	12	256	Wadsworth (1).....	8	274
Barnsley (1).....	12	243			

This table affords evidence of the great variety of time allowed by the coroner for making the long journey from York to Dover. This would scarcely be a matter of mere caprice, and elsewhere in England I have found instances of the selfsame coroner giving one delinquent in the same week four days to reach a given port, and to another delinquent six days; or again two days to one and five to another.

The age and condition of the offender must have been taken into account. Occasionally the rate of progress for these unhappy pedestrians was excessive, and would put a considerable strain on modern athletes over a good road. Thus the distance from York to Dover over London Bridge was nearly 270 miles, and there are several entries of eight days being the allotted time, thus maintaining a rate of over 33 miles a day. In the case of eight days

from Northallerton to Dover, which means a rate of 37 miles, it is scarcely possible to resist the idea that the coroner's scribe has made a blunder, and especially when the rough nature of a mediæval high road is borne in mind.

In five cases the Yorkshire abjurer was dispatched to Hull, in two instances to Newcastle-on-Tyne, whilst five of the abjurors were given the opportunity of entering Scotland by having the port of Berwick appointed to them.

The following table shows the days allotted for these journeys :

	Days.		Days.
Hull, from Stillingfleet.....	2	Newcastle from Kirby Moor-	
Hull, Snaith.....	8	side	(not mentioned.)
Hull, Howden.....	3	Berwick from Middleton.....	12
Hull, Boynton (not mentioned).		Berwick from Worlton.....	3
Hull, Walton (not mentioned).		Berwick from Langtoft.....	6
Newcastle from Whitby		Berwick from Salton.....	10
(not mentioned).		Berwick from Ostrington.....	10

With regard to the case in which forty days was the allotted time wherein the abjurer was to reach Dover, involving a stroll of less than seven miles a day, the whole proceedings were most exceptional. Henry, a clerk, probably in minor orders, took sanctuary in the great minster church of St. Peter. From thence he was forcibly taken, but his abductors were compelled to restore him. This is one of the very few instances in which the abjurer was definitely allowed to choose his own port. Being a clerk he could not be compelled to abjure, but might do so if he desired. The coroner or official in this case was acting within the liberty of St. Peter. This is unfortunately the only entry of this nature within that liberty. On an Edward I coroner's roll, there is, however, a remarkable entry in connexion with an inquest in a matter which had no connexion with sanctuary. It is recorded of the dead man that *decollavit secundum consuetudinem petri*, which seems to imply that beheading instead of hanging was the judicial form of capital punishment within this liberty.

Those who have made any study as to the past history of the office of coroner are well aware that in most counties there were a variety of special uses in the nomination of

these officials outside the general county coroners of the king appointed in county court. This was eminently the case in my own county of Derbyshire. But it is difficult to imagine that there could possibly be a more complicated instance of subdivided authority than in the city of York. The city had its own coroner within the walls, but in the overflowing parts without the walls county coroners acted. Then again, both within and without the walls, there were the separate jurisdictions of the liberty of St. Peter, of the liberty of the great Benedictine abbey of St. Mary, and of the liberty of the important hospital of St. Leonard. Again in the vast county there were at least three other special jurisdictions each with their own coroners, namely the liberties of Kingston-upon-Hull, of the Holderness, and of the abbey of Whitby.

An imperfect and fragmentary coroner's roll of the reign of Edward I contains two sanctuary-seeking entries. In 1280 one guilty of homicide found refuge in the church of Bradfield, and in 1292 a robber fled to the church of Harthill.

A roll of the earlier years of Edward III records the gaining sanctuary by two murderers within the city of York, but the particular church is not named. Another entry tells of the flight to the church of St. Cross, York, of John Rose and Emma his wife, who confessed jointly to killing a man and then abjured the realm.

It may here be mentioned parenthetically that about five per cent. of the cases of abjuration which I have noted were women.

A roll for the year 1345 contains several interesting sanctuary entries.

On the night of Wednesday after the feast of the Invention of the Cross (3rd May), 1344, John Fanton of South Ferriby and Robert his brother fled to the church of Catton, and there tarried in the custody of the vills of Catton Bridge, Handburton (?), Full Sutton, and Newton until Thursday after the feast of St. Dunstan (19th May) on which day, before Ralph de Lastel and the four vills, they acknowledged themselves robbers and murderers on Wednesday at Anlaby, and on Saturday next before the feast of St. William (23rd May) they abjured the realm of England and were given twelve days to reach Dover.

In the following year, on Sunday in the feast of St. Peter's Chains (1st August), William de Maltby, groom of the parson of Maltby, struck Henry Bycok with an iron-pointed stick on the head, so that he died on Wednesday after the Assumption (15th August). On the day of his death, William was arrested by the constable of Maltby, and delivered to the custody of Robert Dyson, of Barmby, and others, from whom he escaped to the church of St. Peter of Barmby, and there tarried until Sunday, the feast of the Decollation of St. John Baptist (29th August), on which day, before Roger de Peninche, he confessed, abjured the realm, and was assigned twelve days wherein to reach the port of Dover.

On Monday in the feast of St. Mark (25th April), 1345, John Derier, of South Burton, and William Shortbody, of the same, quarrelled, and John struck William with a certain long knife in the breast even to the heart, so that he instantly died. John immediately fled to the church of South Burton. He had no chattels; the worth of the knife was *2d.* On the following Thursday, before Ralph de Lastel and a jury he confessed, abjured the realm, and was allowed twelve days wherein to reach Dover.

The same port and the same number of days were assigned at later dates in this year to the felons in murder cases from the respective East Riding churches of Driffild and Ebberston.

A very singular case is recorded under the year 1347. Robert, the son of Ellen de Normanby, dwelling in Comondale, when *in furio statu et extra sensum*, on Thursday after the feast of St. Peter in Cathedra (22nd February), killed John his son aged two and Elizabeth his daughter aged three. Robert was caught and bound and led to Guisborough before the image of the Blessed Mary, and there tarried until Thursday next after the feast of the Nativity of St. John Baptist (24th June), on which day he recovered his senses and was sent as a prisoner to the gaol of York castle.

In this same year, on Monday after the feast of the Translation of St. Thomas the Martyr (7th July), William Richard fled to the church of Leeds and there tarried till the following Thursday, when, before Thomas Gayte

of Leeds, coroner, he confessed to a theft of hay fourteen years before at Egburgh, to the value of 6*s.* 8*d.*, and of two oxen of John, vicar of Kellington, worth 30*s.*, and also that he was a common robber. Ten days were given him wherein to reach the port of Dover.

In 1348, a case is entered of a murderer who fled for sanctuary to the church of Cherry Burton, near Beverley, but though committed to the custody of the vill of Cherry Burton, Bishop Burton, Walkington, and another township he escaped.

The coroners' rolls for the city of York also yield evidence as to the frequency with which town as well as country churches were visited by fugitives. Between 1349 and 1359 there were such cases, which occurred in the twelve parish churches of St. Michael-on-Bridge, All Saints Pavement, St. Cross (2), St. Laurence, St. Martin Coney Street, St. Martin Micklegate (2), St. Saviour, Holy Trinity, St. William-on-the-Bridge, and the conventual church of the Carmelite Friars. In seven instances the crime was homicide, and in the remainder one form or other of robbery. The gravest case was the killing of Aldane, vicar of the church of St. Laurence, Walmgate, by Stephen de Burton, chaplain; the criminal actually claimed sanctuary in the church of which his victim was incumbent. It is somewhat of a bathos to find that almost the next inquest on the roll was as to a fugitive seeking sanctuary after stealing six pigs. In all these eleven instances the normal course of abjuration was followed.

Within this same period felons also obtained shelter, and subsequent dismissal to ports, in the churches of Stillingfleet, Pickering, Sowerby, and Whitby.

On 13th April, 1364, William in the Hole, of Boynton, cartwright, placed himself in the church of Middleton, and confessed to having killed John Smyth of Boynton with a poleaxe (worth 8*d.*) on 2nd March. He abjured the realm and was adjudged to reach the port of Berwick within twelve days. John Kar, of Boynton, also took part in the affray, and broke a bow over the head of John Smyth, whereupon Smyth in fear drew his knife on Kar, and then William in the Hole struck down Smyth with a poleaxe to the brain, making a wound six thumbs in width

and two in length. Kar accompanied Smyth to the church of Middleton and tarried there twelve days, when, by the advice of various good folk of Boynton, he left the church. His chattels, worth 5s. were forfeited.

On Monday after the Annunciation, 1365, John Tunell took sanctuary in the church of Kirklington, and on the following Friday, before Thomas de Lokton, the coroner, he confessed to having killed on Friday after Easter, 1364, at Appleby, John de Smyth, gaoler of Appleby. He was given eight days wherein to reach Dover.

John Fox, of Scarborough, butcher, fled on 12th June, 1366, to the church of Thwing, and confessed to stealing two sheep of the value of 2s. On abjuring he was given twelve days wherein to reach the port of Dover.

In the following year a man who confessed in the church of Snaith to stealing two cowls of cloth, one of velvet, and one of blanket, value 9s, was assigned the port of Hull, and eight days wherein to reach it. He was probably an aged or infirm man, for the rate of progress to Hull from Snaith would only be about four miles a day.

On Wednesday in the second week of Lent, 1369, Stephen de Burghling gained sanctuary in the church of Whorlton. Before William de Lattenby, the coroner, he acknowledged he was a robber, and specially that on the previous Saturday at Thirsk he had stolen from John Wagly a tunic belt and blanket worth 8s. and  $2\frac{1}{2}$  ells of cloth worth 13d, which he sold at Osmotherley and was there arrested by the constable, and a subtunic (*colobium*) worth 21d, sold at Thoraby. He was given three days in which to reach the port of Berwick, a startling contrast to the last named abjuror, for this order involved a walk of about thirty miles a day.

In 1371, on the day after Trinity Sunday, John Pinder of Langtoft took refuge in that church on account of having slain, with malice aforethought, John de Brigham of Elton with a club. The coroner ordered him to reach the port of Berwick within six days. In the following year, Richard Couper, of Herongate, who had killed his wife Margaret with blows on the head from a club, was given ten days to reach the port of Berwick from Salton church, although that parish was several miles nearer the Scotch frontier than Langtoft.

William de Bagley, who claimed sanctuary in the church of Wadsworth, in the south-west of the county, in 1375, in consequence of having stolen a horse worth 20s, was ordered to reach the port of Dover within eight days.

The year 1376 affords an example of those singular cases of long deferred confession of murder. On Wednesday after the feast of St. Matthew (21st September), Adam son of Matthew de Fellyng, of the bishopric of Durham, *alias* Adam Chapman, *alias* Adam Blake, living at Middlesbrough in Cleveland, escaped out of the custody of the bailiff of the liberty of Howden into the church of Howden. Thereupon he confessed before John de Pot-howe, the coroner, that he was a felon, and especially charged himself with having slain at Northallerton, on the feast of St. Bartholomew, 1367, one John Dole. On Monday after the feast of St. Luke (18th October), he abjured the realm and was ordered to reach the port of Kingston-on-Hull within three days.

A coroner's roll which covers the first sixteen years of the reign of Richard II includes several references to sanctuary seekers.

Richard Barker, of Scarborough, who killed Richard Honyman at Scarborough on the Friday after the feast of the Assumption (15th August), 1378, waited for some five or six weeks before he sought sanctuary in the church of Walton. He abjured the realm on the Friday before the feast of Michaelmas. The port of Kingston-on-Hull was assigned him, but the number of days for the journey are not stated.

On the feast of the Translation of St. John of Beverley (25th October), 1385, John del Ile fled to the church of Ottrington and acknowledged himself a felon, as he had stolen a horse worth 2s. 6d. at Gristhorp. The coroner committed him to the custody of the villis of Ottrington and the three nearest parishes. On Wednesday after the feast of All Saints he abjured the realm; the port of Berwick was assigned him, and he set forth on his journey after the accustomed manner (*et tunc it' suu' arripuit modo consueto*).

On Monday after the feast of the Decollation of St. John Baptist (19th August), 1387, Adam Frost, of

Nunmonkton, fled to the church of Boynton, and tarried there until the Sunday next before the Nativity of the Blessed Virgin (8th September), when he confessed to having stolen a gold ring at Huggate nine years preceding; he was assigned the port of Kingston-on-Hull, *et it' suu' arripuit prout moris est.*

In the same year, according to another roll, that no Friday next before the feast of St. Katharine the Virgin (25th November), Richard de Cherchestane fled to the church of the Carmelite friars of York, and there before John de Burton, one of the coroners of the king for the county of York, confessed to the commission of felonies, and chiefly that on Monday next before the feast of St. Michael, 8 Richard II, he had, at Lancaster, feloniously slain Thomas de Middleton, for which felony he claimed the rights and privileges of the church in such cases granted. But immediately afterwards, of his own free will (*ex sua mera et propria voluntate*), he departed from the church, and was taken by Henry Weynon, John de Stylyngton, and William de Levesham, then bailiffs of the city, and placed in prison. And after that the said John de Burton, by virtue of his office, on the part of the king demanded of the said bailiffs a precept of the safe custody of Richard de Cherchestane, so that they may have his body before the justices of the king at the next gaol delivery.

In another case on this roll, concerning the surrender of two murderers, either the tarrying in the church was of an abnormal and quite irregular length, or else, as is more likely, the scribe made same error in entering the day of the confession before the coroner. The feast of St. Margaret was observed, according to the rite of Sarum, as in the present calendar of the Church of England, on 20th July, and that of St. Katharine on 25th November. The actual date, however, of the abjuring seems to show that the mention of St. Katharine's day is a blunder.

According to this roll, on Sunday next before the feast of St. Margaret, 1385, John del Thyknes, of Derby, and John de Barry, of Devonshire, fled to the church of St. Martin in Micklegate, York, and on Sunday next before the feast of St. Katharine, before John de Burton, coroner, confessed to felonies, especially to killing, on the



Sunday before St. Margaret's day, Edmund Gifford and John Gifford with two swords. On the Wednesday before the feast of the Assumption (15th August), the two felons abjured the realm, and were given fifteen days wherein to reach the port of Dover.

The masterful Henry VIII soon showed his determination to get rid of both special chartered sanctuaries and of general sanctuary immunity. He undermined the principle by the legislation of 1512 and 1529, whilst chapter xiv of the statute of 22 Henry VIII (1530-1) effected a great change. The preamble gave curious reasons for the abolition of abjuration of the realm. It is therein stated that many of these abjurors were expert mariners, others able men for the wars and defence of the realm, and others trained archers who have instructed foreigners in the exercise and practice of archery, whilst yet a fourth class of these exiles "disclosed their knowledge of the commodities and secrets of this realm, to no little damage and prejudice of the same." Henceforth the coroner was to direct any one desirous of abjuring to a sanctuary place within the realm, and he was to remain there, under pain of death, for the rest of his natural life. Sanctuary men committing new offences were to lose all sanctuary benefit, and to be committed to gaol.

A further statute of 1534 exempted every kind of traitor from benefit of sanctuary.

It was towards the close of 1536 that the considerable rising in the north of England against the ecclesiastical policy of Henry VIII, known as the Pilgrimage of Grace, took place. An assembly of clergy at Pontefract drew up a brief set of articles rejecting the recent innovations. Their protest included an objection to the changes made as to sanctuaries, which they regarded as contrary to the laws of the church. This, too, was one of the points insisted upon by the leaders of the insurgents at the second meeting at Doncaster, "Sanctuary, to save a man for all causes in extreme need, in the church for forty days, and further according to the laws as they were used in the beginning of this king's days."

In 1540 an act was passed, which, whilst it did not interfere with the very small degree of immunity still

left to all churches and churchyards, declares that no sanctuary should give any kind of protection to persons guilty of murder, rape, burglary, robbery, arson, sacrilege, and their accessories. All special or chartered sanctuaries were abolished, and in their stead the following eight towns, with certain defined limits, were declared to be sanctuaries: York, Wells, Westminster, Manchester, Stafford, Northampton, Norwich, Derby, and Launceston. Coroners were to direct abjuring fugitives to one or other of these privileged places. No such place was to receive more than twenty sanctuary men. Directions were given as to the conveyance of abjurors to another place, if the first one was full. Sanctuary men were to be mustered daily, and on not appearing for three days to lose their privilege.

The attempt at maintaining some degree of sanctuary apart from every kind of religious association or control proved a miserable failure. So soon as James I came to the throne, the town sanctuaries, which had proved a curse in all the selected places, came to an end. About twenty years later all forms of sanctuary in church or churchyard were swept away, for in 1623 it was "enacted by the authoritie of this present parliament, that no sanctuarie or privileged of sanctuarie shalbe hereafter admitted or allowed in any case."

It may be well before concluding this paper to deal briefly with a modern foolish legend that has of late years grown apace with regard to so-called "sanctuary knockers." Nowadays wherever there is a bronze head or even handsome iron work connected with the closing ring of an ancient church door, credulous folk, misled by the possible use of an exceptionally fine example on the north door of Durham cathedral, insist that these so-called "knockers," all of which are destitute of any kind of knocking plate and are merely ornamental rings, are closely connected with sanctuary rights. This is in reality mischievous nonsense, for it causes people to believe falsely that sanctuary privileges of a peculiar character were attached to certain churches which were entirely destitute of any such claim.

The church of All Saints Pavement, York, has a fine example of a circular bronze ring plate, though the ring itself has been renewed in iron. There is a similar one

on the south door of the interesting Norman church of Adel, Yorkshire. Both of these, of late years, have had the name of "sanctuary knocker" assigned to them, but it is easy enough to show from coroners' rolls and other records that the York church of All Saints Pavement had no particular sanctuary virtue attached to it above any other church of the city. Nor had the country church of Adel a jot of sanctuary privilege above any other parish church or chapel throughout the length and breadth of Yorkshire. Those who make such claims as these, imagining that the fugitive was not in safety till he clung on to the ring, are clearly in ignorance of the fact that the delinquent was in sanctuary the moment that he set foot within a consecrated churchyard.

It may be remarked in conclusion that these sanctuary rights were, in the opinion of many thoughtful men, a most merciful provision to afford some protection for human life amid the ferocity and rough administration of civil justice, and that the church was entirely in the right in adhering most sternly to her prerogative. In the days when these asylum privileges were first crippled, in the sixteenth century, the number of those executed in the name of the law was appallingly large. The executions in the reign of Henry VIII, in proportion to the population, were at least one hundred times as great as those in the reign of Victoria. Moreover, even sanctuary involved the most severe punishment, and only corresponded to the present-day commutation of the death penalty. The time in sanctuary was, after all, merely an imprisonment for five or six weeks, and that was followed by life-long banishment from England, and being landed penniless in a foreign land.