

No. XIII.—*Extracts from the Minute Book, in the Clerk of Assize's Office, for the Northern Circuit, 1665 to 1675. Communicated by JOHN TROTTER BROCKETT, Esq.*

IN the office of the Clerk of Assize, at York, the Minute Books of the proceedings at the Assizes for the Counties of Northumberland, Cumberland, Westmorland, and Newcastle upon Tyne, are not preserved, in a regular series, from an earlier period than 1735. There exists, however, a Book containing Minutes of Gaol Deliveries held under Commissions directed to Justices of the Peace for the Counties of Northumberland and Cumberland, respectively, from 1665 to 1675 inclusive. These Gaol Deliveries took place at irregular intervals, sometimes once, sometimes twice in the year, and were omitted altogether, so far as regards Northumberland, from 1668 to 1674, although they twice occur for Cumberland in the interval.

In the History of the Borders, prefixed to Nicholson and Burn's Westmorland and Cumberland, no mention is made of any Special Commissions, in the Border Counties, later than the reign of James the First. They appear to have been discontinued during the time of Charles the First and the Commonwealth, and to have been revived after the passing of the Act for the Prevention of Theft and Rapine on the Northern Borders, in the 13th and 14th of Charles the Second.

For the following list of Commissioners, for the County of Northumberland, I am indebted to the kindness of Christopher Newstead, Esq., Deputy Clerk of Assize for the Northern Circuit, who has also furnished me with the accompanying "Articles of Agreement for the suppression of Theft on the Borders," which are entered in the same book.

COMMISSIONERS OF GAOL DELIVERY FOR NORTHUMBERLAND.

3d October 1665. 17th Chas. II. At Morpeth.

Most Noble Charles Earl of Carlisle.

William Lord Widdrington.

W^m Fenwick Bart.

Richard Stote Esq.

And others their Fellows, Justices & Commissioners of our
Lord the King assigned to deliver his Gaol of the said
County of the prisoners therein being.

7th March, 1665. 18th Chas. II. Hexham Gaol Delivery.

Charles Earl of Carlisle.

William Lord Widdrington.

Edward Widdrington Esq^{re}.

Ralph Delaval }
Edward Charleton } Barts.

Richard Stote Esq.

And others &c. &c.

9th October 1666. 18th Chas. II. At Morpeth.

William Lord Widdrington.

Cuthbert Heron Bart.

Richard Stote Esq^{re}.

17th January 1666. 18th Chas. II. At Morpeth.

William Lord Widdrington.

Ralph Delaval }
Cuthbert Heron } Barts.

Richard Stote }
Thomas Denton } Esq^{res}.

15th April 1667. 19th Chas. II. At Morpeth.

Edward Widdrington Esq.

Thomas Horsley Knt.

Humphrey Mitford }
Thomas Denton } Esq^{res}.

16th January 1667. 19th Charles II. At Morpeth.

Edward Widdrington Esq.

Thomas Horsley Kn^t.

Richard Stote

Humphrey Mitford } Esq^{res}.

Thomas Denton }

22d March 1668. 20th Chas. II. At the Town of Morpeth.

William Lord Widdrington.

Edward Widdrington Esq^{re}.

Ralph Delaval } Barts.

W^m Fenwick }

Thos. Horsley Knt.

Richard Stote

Thomas Denton } Esq^{res}.

Humphrey Mitford }

1st December 1674. 26th Chas II. At Morpeth.

William Lord Widdrington.

Ralph Delaval Bart.

Thos. Horsley } Knts.

Richard Stote }

Edward Widdrington } Esq^{res}.

Ralph Jeneson }

22d Feb^y 1675. 28th Chas. II.

Richard Stote Serjeant at Law.

Ralph Delaval

Jacob Clavering } Barts.

Thos. Loraine }

Thos. Horsley Kn^t.

Ralph Hebburn

Ralph Jeneson } Esq^{res}.

W^m Christian }

Thos. Denton }

Morpeth
8^{br} y^e 5th 1665.

Articles of Agreement made and concluded between the right honourable Charles Earle of Carlisle William Lord Widdrington, and the rest of the Cõmissioners for this generall Gaole delivery and Justices on the part and behalfe of the Borders of England; with Henry Mackdowgall of Mackerston; John Rotherfoord of Egerston, and Robert Pringle of Stitchill, for and on the behalfe of the Borders of the Kingdom of Scotland Cõmissioners for the said Borders for the suppressing of Theft of both the Borders.

1^t. First that the Acts of Parliam^t. shalbe put in Execution made for that purpose; and that the Act of the Seventh of King James, for redemandinge shalbe duely observed, and that the mañer for the demanding and delivering of Felons shalbe soe often as conveniently it can, according to the direction of that Statute; that is to say; at the generall Quarter Sessions of the Cõmissioners for the Gaole delivery, and in the intervalls upon Information given to the neighbouring Justices, or Cõmissioners of either Kingdome of any person or persons that have cõmitted any Theft or other offence punishable by them they shall upon fourteen days notice, doe their endeavour to apprehend the said persons and bring them to some convenient place upon the borders where four Cõmissioners or Justices of each kingdome shalbe p̄sent to informe themselves touching the truth of such accusations, and being satisfied of the truth thereof, shall deliver y^e said persons soe demanded, to be prosecuted according to the law for their offences.

2. It is further agreed in case any English man, shall cõmitt any of the aforešd offences in the Kingdome of Scotland, and fly into England, that if any Scottish man shall have Information whereto the said person is fled, if he doe pursue him and apprehend him and bring him before the next Magistrate, he shalbe cõmitted to the next im̄mediate Assizes, generall Gaole delivery, Quarter Sessions or other meeting of Cõmissioners which shall first happen or come there to be tryed or redemanded as y^e case shall require.

3. It is also agreed that at any Assize or Gaoledelivery where any person or persons are brought to his or their tryalls for any of the offences aforesaid that then noe person nor persons that shalbe pduced as Witnesses against such offend^r. or offend^{rs}. or shalbe otherwise concerned in the managem^t., or psecution of any Evidence touchinge to the conviction of him or them shall not at that time be questioned for any offence, or offences of his, or their owne, during that time of Assizes or Generall Gaole delivery, but that he or they may safely returne againe to his or their respective kingdome, and place of aboade.

4. It is also agreed that in all the particulars herein expressed, that the same method, and care shalbe used by the Ministers of Justice within the Kingdome of Scotland for the attainment of the ends aforesaid.

5. It is also agreed that the Coñmissioners of the Kingdome of Scotland authorized for the suppression of Theft, shalbe carefull to apprehend all such persons as shall endeavour to escape from us through y^t. Kingdome into Ireland.

6. It is further agreed that the Coñmissioners of either Kingdome upon application to them made, and satisfaction given that such person or persons as they shall then nominate to be suspected guilty of Theft, or any other offences punishable by them and thereupon declared demandable, that then it shall and may be lawfull for the Coñmissioners of that Kingdome to whom the persons suspected doe belong, to apprehend, or cause to be apprehended the said persons giving Notice to some Magistrate of that Kingdome after they are apprehended of such their apprehension.

HEN: MACKDOWGALL

JRUTHERFOORD

ROB: PRINGLE.

The Names of those who were remanded by the Coñmissioners of the
Borders of Scotland.

Roger Hangingshaw of Harehaugh

Gyles Hall of Woodhall

Alexander Rotherfoord of Peeles

John Charters of Woodhouses

William Hall in Wilkswood

William Hall of Eardhope
Anthony Pott of Eashop
Isack Hall of Woodhall
Adam Brown of Leeme
Roger Hall Soldier in Berwicke
Alexander Hall of Woodhall
Parcivell Pots of Arndhouse
Andrew Bell called the Cheife Bell
Thomas Hedley Elsdon

HEN: MACKDOWGALL
JRURHERFOORD
RO: PRINGLE.

Carlisle 29 Aus^t.
Año Doñi: 1674.

Additional Articles of Agreem^t. (to those concluded at Morpeth the fifth day of October Anno Domini 1665) made and concluded by & between the right Honb^{le}. the Coñmissioners of Gaol delivery and Justices on y^e. part & behalfe of the Borders of the Kingdoms of England & Scotland, for the suppressing of Theft, and rapine upon the borders of both y^e said Kingdoms

First. That every Constable and pper officer in every Constablewick Parish or Barony within the Counties of Northumberland Cumberland Westmorland or any Parts or members of the same and within y^e pts and Places lying on the Northside of the River Tyne, coñonly called & known by y^e names of Bedlingtonshire, Norhamshire & Islandshire, the Town and County of Newcastle upon Tyne, and the Town of Berwick upon Tweed with the bounds & liberties thereof in y^e Kingdome of England. And within the shires and villages of Roxborough Selkridge, and Dumfrieze and Stewarty of Annandale within y^e Kingdom of Scotland shalbe authorized by y^e Persons having Power for that end to make diligent search in all suspected Places or wheresoever they shall be desired within their respective Jurisdictions, by any pson or persons having a Warrant under the hand of any one Coñmissioner or Justice of y^e Peace dwelling within either

of y^e said Kingdoms for any goods stolen or for any suspected person and to convey the same before a Co^mmissioner or a Justice of the Peace of that Kingdome where such person or goods shall be apprehended or found to be proceeded against as the case shall require.

2^{ly}. That every Person dwelling within any of y^e Places above s^d that shall receive againe any of his owne goods after they have been stolen, shall give account to any Co^mmissioner, or Justice of the Peace how they came by y^e same

3^{ly}. That the Co^mmissioners or Justices of y^e Peace or any one of y^m within y^e places aforesaid shall with all expedition binde over by Recognizance or bond all such persons as shalbe suspected to be guilty of Felony; or shalbe of known evill fame within their respective Jurisdictions.

WILLIAM SCOTT TARRAS

WALTER SCOTT

ELIOTT

JO^N. SCOTT

JA: JOHNSTONN

RUTHERFURD.