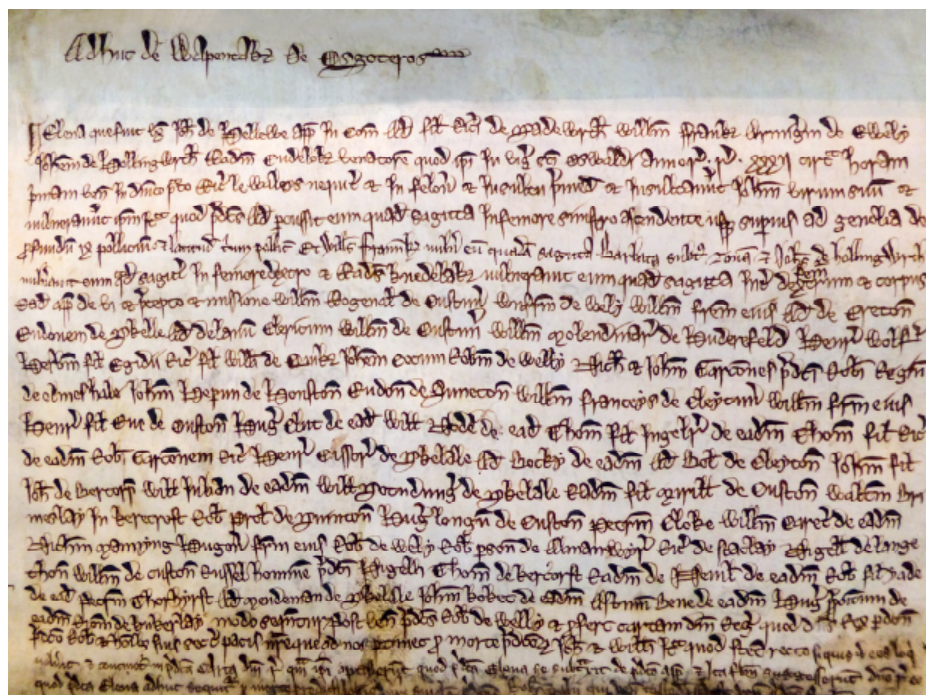


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Cover Illustration:

Extract from

Appeal of William of Dagenhal et al by Ellen, widow of John of Healaugh, for the death of her husband, and conviction of Henry le Waleys for being present at the affray, 1257

The National Archives: JUST 1/1109 m.

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TWO HOMICIDES IN A YORKSHIRE MEADOW, 1248¹

Victor Khadem

Just after dawn on 5th August 1248 up to sixty-six men headed by Sir Robert de Veilly, a West Riding landholder, assembled on the meadow of his neighbour, Sir Richard le Waleys, at either Burghwallis or Skellow, seven miles north of Doncaster. Probably all were armed. They faced Henry le Waleys, Richard's younger brother, and at least twenty-three of his men. In the ensuing conflict two of the Waleys faction, John son of Herbert of Healaugh and William of Dodworth,² were killed. William Frank shot Healaugh with a barbed arrow 'below the belt', Ralph Gudlak and John of Hollingworth shot him in the right thigh and Adam of Saddleworth shot him in the left thigh. Saddleworth's arrow made a wound three inches wide rising up nine inches as far as his genitals, according to the clerk of the court. How Dodworth died was not recorded, though no doubt he was met with a similar volley of arrows.

The rolls of the court offer no explanation for why the affray took place, but clearly at the heart of the matter was a dispute between two knightly neighbours, Robert de Veilly, lord of the manor of Owston where he resided, and the Waleys family who held and lived on the adjoining manor of Burghwallis. The names of those who fought for each side are recorded, making it possible to observe the sort of men each knight could call to his aid. Each faction comprised of a range of people, some from many miles distant, including Adam of Saddleworth, Richard of Staveley and Richard of Quick – all from Saddleworth. This article will seek to suggest why Veilly and the Waleyses were in dispute, to establish how their factions were composed and to suggest what bonds drew their men to them.

But the case is one of legal as well as social interest. The proceedings were procedurally irregular and tortuous, not concluding until 1257, nine years after the homicides took place: following five years of successfully concealing the deaths, two appeals were prosecuted by Healaugh's widow, two sets of indictments were made and a royal pardon was granted.

The main sources relevant to the case are printed below. First, a royal pardon for the deaths of Healaugh and Dodworth granted by Henry III to Robert de Veilly and his followers in 1254 and second, an appeal prosecuted in 1257 by Ellen, Healaugh's widow, against Veilly and his men before the justices in eyre sitting at York.³ When these documents are read alongside contemporary records, it is possible to establish the sequence of events between the homicides in 1248 and the conclusion of the case in 1257.

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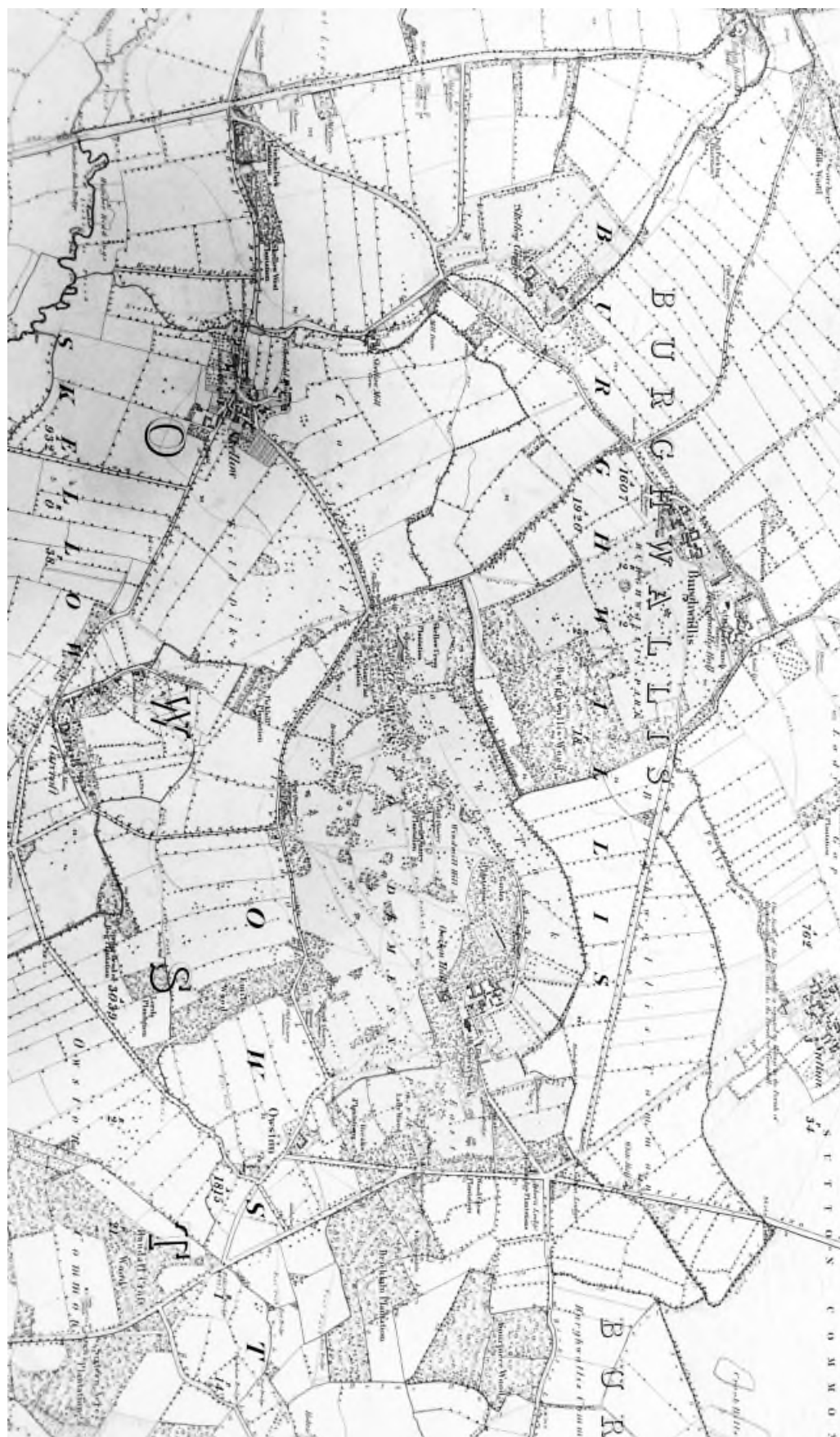
Following the deaths of Healaugh and Dodworth, the West Riding coroner would have held an inquest where the bodies were found.⁴ At the inquest, which at this time was

¹ I am grateful to Margaret Lynch for her help in transcribing and translating the documents and to Dr. Henry Summerson for his invaluable advice and assistance in interpreting the material.

² Problematically, William's toponymic name is given differently in the three documents referring to him: 'Dodworth' (in the pardon), 'Bingley' (in the grant of bail) and 'Wentworth' (in the appeal). He is referred to as Dodworth below simply because it is how he is described in the first of these documents. But for a discussion of his name see p. 17.

³ The king's justices periodically visited the counties on a circuit, or eyre, vested with a range of powers, the most important of which were hearing criminal and civil legal pleas.

⁴ For what follows see R.F. Hunnisett, *The Medieval Coroner*, (Cambridge, 1961), pp. 9-36.



OS 1849

Burghwallis, Skellow and Owston in the wapentake of Osgoldcross, liberty of Pontefract, West Riding of Yorkshire

M. J. D. W. P. de

[illegible]

The National Archives: JUST 1/1109 m.

Extract from Appeal of William of Dagenhal et al by Ellen, widow of John of Healaugh, for the death of her husband, and conviction of Henry le Waleys for being present at the affray, 1257

attended by every male over the age of twelve from four or more neighbouring townships, the coroner would identify the deceased, establish how and when the death occurred, and determine if the death was caused by felony. If it were the result of homicide the jurors had to name the accused who, if they could be found were arrested and sent to gaol or, if they remained at large, were to be arrested by the sheriff or hundred bailiff. Once detained, it was possible under some circumstances for the accused to be granted bail. Whether bailed or not, there were no further proceedings until the justices in eyre next sat in the county, which in the thirteenth century occurred roughly every seven years.

When the eyre reached Yorkshire, each wapentake (an administrative division) appointed a jury of twelve that was responsible, amongst many other things, for presenting every unexplained or suspicious death whether caused by accident, misadventure or felony. Each of these deaths should have been the subject of the coroner's inquest and so the justices checked the presentations made by the jurors against the coroner's rolls, which contained the record of every coroner's inquest held since the last eyre. If the justices found discrepancies when comparing the rolls with the presentations then either jury or coroner, depending on who had not reported a particular death, was liable to be fined.⁵

As well as being presented by coroner and jury, felonious deaths could also be brought to the attention of the justices in eyre by appeal.⁶ The appeal was essentially a private prosecution and the only action by which an individual could bring criminal litigation against another. Successful prosecution required time and technical exactitude. The person bringing the appeal (the 'appellor') needed to alert the authorities to the homicide as soon as possible, most commonly by raising the hue and cry. Following this, the appellor had to appear before the county court in order to name the accused (the 'appellee'), detail his, the appellor's, relationship with the deceased and describe in precise detail how and when the victim had died. If the appellee appeared before the court, he was to be arrested and imprisoned until the arrival of the justices at the next eyre. But if, as was more probable, he did not appear, the protracted process of exaction ensued. This required the appellor to appear in person at the next four sittings of the county court (which in Yorkshire sat once every six weeks)⁷ and formally name the appellee. If by the last of these sittings the appellee had still not appeared he was outlawed and as a fugitive walked with a wolf's head, liable to be killed. For those appeals that were brought before the justices in eyre, a myriad of rules and technicalities had to be followed, failure to do so resulting in the case being quashed immediately. For example, the justices would dismiss any case where there was even the slightest inconsistency between the time, date or manner of the slaying pleaded by the appellor in the county court as compared with the pleading made before the justices, despite the latter potentially being several years later. Up to half of appeals were abandoned by appellors at the eyre, whilst the rates of success for those who did pursue the case to a full hearing were limited. The failure of an appeal, however, did not prevent the king taking up the case and prosecuting the accused, because homicide was a breach of his peace.

The pardon and appeal relating to the deaths of Healaugh and Dodworth show that procedure, as outlined above, was not followed in a number of respects. Ellen's appeal states that the homicides had occurred in 1248, but the eyre at which she prosecuted her appeal, that of 1257, was not the first in Yorkshire since the homicides

⁵ *ibid.*, p. 103.

⁶ For appeals see *ibid.*, pp. 55-68; C.A.F. Meekings, *Crown Pleas of the Wiltshire Eyre, 1249*, Wiltshire Archaeological and Natural History Society Records Branch, vol. 16 (1961), pp. 69-78.

⁷ R. Palmer, *The County Court of Medieval England*, (Princeton, 1983), p. 4.

- the justices had sat at York in Michaelmas 1251.⁸ It was at this eyre that the jurors and coroner should have presented the deaths of Healaugh and Dodworth (whether they deemed them felonious or not) and that Ellen, if she wished to, should have prosecuted her appeal. Unfortunately, the crown pleas (criminal cases) of this eyre are not extant, but there is good evidence to show that at this point Veilly and others of his faction were in no way implicated in the homicides. Firstly, the pardon of 1254 states that Ellen had prosecuted an appeal but subsequently withdrawn it and that the men were ‘charged’ (*rectati sunt*) with the death of Dodworth. This charge of homicide against had not been determined by the justices and must therefore have been made following the eyre of 1251.⁹ Secondly, the extant roll of amercements issuing from this eyre shows that Veilly served on a jury to determine a civil case brought in Skyrack wapentake¹⁰ and two of those who later stood accused served on the wapentake juries responsible for presenting the crown pleas: Richard of Staveley on the Agbrigg jury and Eudo of Sutton on the Osgoldcross jury, the latter being the very jury that should have presented the homicides in question.¹¹ Further, Veilly was one of the four knights selected to choose a jury of twelve knights for a grand assize,¹² was in turn selected to be on the jury of a further five grand assizes determining land disputes across the county,¹³ defended a claim to land in Owston¹⁴ and claimed common pasture in Thorner.¹⁵

For the homicides to have been concealed successfully from the justices the connivance of several parties was necessary: all the participants (most importantly Veilly and the Waleyses) and the victims’ kin; the jury of the coroner’s inquest and the Osgoldcross jury of the 1251 eyre and the West Riding coroner. It was in the interests of both factions to suppress the case – Veilly and his men were behind the homicides, whilst the Waleys brothers and their men had breached the king’s peace by participating in the conflict and could expect the justices to amerce them for this. With consensus reached between the leaders, it is likely that the victims’ kin would follow, considering the deceased must have been tenants or retainers of the Waleyses. Further, the case against Veilly and his men was probably a weak one (see p. 5 below) and so an obvious solution would have been to reach a concord with the slayers. Such a concord would have been unlicensed (not authorised by the king) and result in the victim’s kin receiving compensation from their slayers in the form of cash or land, or both.¹⁶

⁸ The commission to the justices to hear all ‘common pleas’ on the morrow of Michaelmas was issued by the king’s letters patent on 16th August 1251, *Calendar of the Patent Rolls 1247-1258*, p. 106.

⁹ Veilly and his men could not have been indicted at the eyre of 1251 but not have appeared, because in doing so they would have been outlawed, contravening the terms of their pardon which specifically stated it was granted ‘unless they have been outlawed’. When they proffered the pardon when they were appealed in 1257 it was not challenged by the justices on account of any outlawry and, unlike other parts of the pardon, the clerk did not deem it worthwhile transcribing this condition onto the record. Further, Adam Bocky would not have been granted bail for the two homicides in 1254 (see p. 7), because the inquisition he would have required for the writ of bail did not extend to prisoners who had been appealed or indicted before the justices in eyre and subsequently captured. See S. Jenks, ‘The Writ and the Exception de odio et atia’, *The Journal of Legal History*, Vol. 23, Iss. 1, (2002), p. 4.

¹⁰ The National Archives (TNA), JUST 1/1047, m. 5.

¹¹ TNA, JUST 1/1047, ms. 5d & 6d.

¹² *Three Yorkshire Assize Rolls*, ed. C.T. Clay, Yorkshire Archaeological Society Record Series (YASRS), vol. 44 (1911), p. 60.

¹³ TNA, JUST 1/1046, ms. 3d, 5d, 9d & 10.

¹⁴ TNA, JUST 1/1046, m. 8d.

¹⁵ TNA, JUST 1/1046, m. 52d.

¹⁶ N.D. Hurnard, *The King’s Pardon for Homicide Before A.D. 1307*, (Oxford, 1969), p. 194-200.

The influence of the two knights upon the local community means it is hard to imagine that they would have offered up any names to the coroner in 1248 or to the hundred court.¹⁷ The Osgoldcross jury of the 1251 eyre, consisting of freemen from across the wapentake may have been less susceptible to such pressure, but thirteenth century juries are known to have been less than wholly honest with the justices and outright corruption was not unheard of.¹⁸ In this instance, however, if a concord had been reached the jurors might deem the matter settled and feel that it was not in their interest to undermine two of the leading families in the wapentake. Fortunately, the names of the jurors in 1251 are known and it is unsurprising that they should have been economical with the truth - three of its members were sufficiently close to Veilly to serve as pledges for the payment of his 200 mark fine in 1257,¹⁹ one served as a pledge for both Ellen (John of Healaugh's widow) and Henry le Waleys in 1257,²⁰ and another lived in Burghwallis, possibly holding land from the Waleyses.²¹ Most tellingly, Eudo of Sutton, one of those pardoned and subsequently appealed for incitement, was also on the jury and his presence must be taken to show that a collective decision had been taken prior to the eyre either to ascribe the homicides to *malefactores ignoti* ('unknown malefactors'), present the deaths as being unsuspecting, or to conceal them altogether.

It might be assumed that the coroner was the least biddable of the parties. But the West Riding coroner in 1248 was probably Robert of Stapleton, who as lord of Saddleworth was Adam of Saddleworth's chief lord and who was a neighbour and close associate of Robert de Veilly. The connection between these men is exemplified by the pledges that were found for John of Smetheton, who served as coroner's clerk, when he and Stapleton were amerced for taking six stags in the Peak Forest eyre of c.1250.²² Robert de Veilly is first named, followed by Richard of Saddleworth (Adam's father), Eudo of Sutton and Alan of Smetheton. The latter was in all probability John's father, and is identical with Alan son of Josiana, an Osgoldcross juror in 1251 and a pledge for Veilly when he was amerced at the eyre in 1257.²³ Stapleton was in all likelihood on reasonable terms with the Waleys brothers too, witnessing with them a Pontefract charter datable to the middle of the century.²⁴ Considering, then, his seigneurial bond with Saddleworth, his good terms with his Osgoldcross neighbours and the presence of his clerk's father on the jury, the likelihood is that Stapleton agreed to withhold the facts from the justices; if a concord

¹⁷ D.A. Carpenter, 'England in the Twelfth and Thirteenth Centuries', in *England and Germany in the High Middle Ages*, ed. A. Haverkamp and Hanna Vollrath, (Oxford., 1996), pp. 115-6.

¹⁸ *Crown Pleas of the Lancashire Eyre 1292*, ed. M. Lynch, The Record Society of Lancashire and Cheshire, vol. 148 (2014), p. 38.

¹⁹ Peter of Gipton, Reginald Collon and Alan son of Josiana, TNA, JUST 1/1047, m. 6d.

²⁰ The juror Ralph son of Hugh can probably be identified with her pledge for prosecuting, Ralph son of Hugh of Balne, TNA, JUST 1/1047, m. 6d.

²¹ The Waleys brothers witnessed a charter of Stephen de Lisures in which he is described as being 'de Burgh'. R. Holmes, 'Dodsworth's Yorkshire Notes, Wapentake of Osgoldcross' *Yorkshire Archaeological Journal* (YAJ), vol. 10, (1890), p. 350.

²² V. Khadem, 'Early Saddleworth Records 5 – The Peak Forest Eyre c.1250-1', *Saddleworth Historical Society Bulletin* (SHSB), vol 41, no 1, pp. 29-30 (note that the name of Adam's father has been mistranscribed and should read 'Richard son of Robert of Saddleworth', not 'Robert son of Robert of Saddleworth').

²³ For his identification with Alan son of Josiana, see R. Holmes (ed.), *The Chartulary of St. John of Pontefract*, ii, ed. R. Holmes, YASRS, vol. 30 (1902), p. 351. That he was the likely father of John de Smetheton's, see M. Buckley, 'Early Saddleworth Record – 3', *SHSB*, vol 39, no. 4 (2009), p. 96.

²⁴ R. Holmes, 'Dodsworth's Yorkshire Notes. The Wapentake of Osgoldcross', *YAJ*, vol. 11, (1891), p. 56n.-57n.

had been reached between the parties, this would only have made him more resolved to pursue this course of action.

The concealment of the truth was in the short-term successful but by October 1253 the affair must have come to the attention of the authorities. In that month all of the important players, Veilly, Waleys and Stapleton, were in prison. On or about the 18th October, Veilly and Eudo of Sutton were bailed from York prison, having been charged with 'a certain trespass lately made in the county of York'.²⁵ The writ *de ponendo per ballium* by which they were granted bail was normally reserved for the most serious crimes, homicide and offences against the forests laws, which only the king had the right to grant bail.²⁶ But the writ was occasionally used for lesser crimes, and the 'trespass' referred to in this instance probably indicates that Veilly and Sutton were charged with being commissioners of and accessories to the homicides, rather than themselves being the slayers.²⁷

Enrolled on the Close Rolls, immediately following the writ for Veilly and Sutton's bail, is an entry headed 'like letters' (i.e. another writ *de ponendo per ballium*) for Robert of Stapleton who had also made a 'certain trespass in the county of York' and who was then 'outside prison' but requiring bail.²⁸ He too must have been accused of a serious offence and considering his association with Veilly, and the role it has been suggested he played in concealing the homicides, it seems highly probable that these two grants of bail were related. Stapleton though was not later accused of the homicides and so it is probably in connection with their concealment that his grant of bail should be read. That the trespass was linked to, or fatally compromising of Stapleton's coronership is suggested by his removal from office just three days before, on 15th October.²⁹

Henry le Waleys, also in prison, was not in need of a royal writ for bail, which is consistent with him neither being accused of committing homicide nor being an accessory to one. But he, with his men, had shot arrows and was very much integral to the conflict. It must have been for this that Waleys found himself in custody. The Fine Rolls record his payment of 10 marks to the crown on the 17th October 1253 for bail, the same day that Stapleton and Veilly each paid the more substantial sum of 20 marks.³⁰

The grant of bail to Veilly and Sutton by the writ *de ponendo per ballium* implies that the case against them must have been at best questionable. It was only granted following a favourable finding at an inquisition, usually commissioned by the writ *de odio et atia* ('of spite and hate'), where sheriff and jury would establish whether a prisoner was guilty and whether the charge or appeal against him was brought maliciously.³¹ At this point Veilly and Sutton cannot have denied their participation in the conflict and so their indictment and imprisonment would have been justified.

²⁵ *Calendar of the Close Rolls of the Reign of Henry III, 1251-1253*, p. 511.

²⁶ R.B. Pugh, *Imprisonment in Medieval England*, (Cambridge, 1968), pp. 204-205, and S. Jenks, 'The Writ and the Exception de odio et atia', *The Journal of Legal History*, vol. 23, iss. 1, (2002), p. 6.

²⁷ In 1285, a tenant-in-chief who was held responsible for ordering of a man and who received the slayers into his house, was held to have been charged of 'several trespasses', Hurnard, *The King's Pardon*, p. 227n.

²⁸ *CCR, 1251-1253*, p. 511.

²⁹ The reason given for his removal was 'the frailty of his body', though this may not have reflected the reality of the situation. *ibid.*, p. 421. In 1257 it was more tersely noted by the justices in eyre that he was 'removed', TNA, JUST 1/1109, m. 2.

³⁰ The fines can be found online.

³¹ Hurnard, *The King's Pardon*, pp. 347-8 and Jenks, 'The Writ and the Exception de odio et atia', pp. 4-5.

But for men involved in a brawl, as the *conflictus* described in the eyre of 1257 might well be defined, those who had been present but who had not inflicted a mortal blow were, according to Hurnard, ‘always treated leniently’, meaning Veilly and Sutton would have expected bail.³²

There is no direct evidence to show why it was that the affair came to light in the autumn of 1253, five years after the homicides had been committed and over two years since the justices in eyre had heard the crown pleas in Yorkshire. Whilst it is possible that owing to a new chapter in their dispute (see p. .. below) the Waleys brothers sought Veilly’s downfall through organising the indictment, this seems unlikely for the same reason that they must have agreed to suppress the case after 1248: the Waleys faction too were guilty of taking part in the tumult and bringing it to light would inescapably mean prison, bail and then amercement before the justices. Responsibility more probably lay with Ellen, John of Healaugh’s widow, though at this point Ellen had not appealed Veilly or Sutton as she later would, for the writ of bail states the men were simply ‘accused’ (*rettati*) of the trespass.³³ It is possible that some element of the concord they had reached with Ellen had been rescinded by 1253 and if not going to the lengths of appealing the men herself, she drew sufficient attention to the case to secure the arrest of both Veilly and Sutton as ringleaders. At this point the true extent of the case must have become revealed, resulting in the indictments of Stapleton and Waleys too. With no reference to any of the others later stated as being present at the affray, it seems probable that at this stage the charges were only brought against the most prominent men involved.

Bail could only be a temporary solution for Veilly. The case would be brought before the next eyre at which a jury would determine the case once more and though the grant of bail may have meant he was reasonably confident of a favourable outcome, this still meant long-term uncertainty. More pressingly, the grant of bail did not prevent the victim’s kin prosecuting an appeal against him and his men and in the months after October 1253 Ellen appears to have done just this. She must have known that her chances of successfully seeing the appeal through were limited, most obviously because she was bringing it five years after the homicide had taken place; it probably represents an attempt to pressure Veilly into capitulating to whatever demands she may have had of him. Such a stratagem would have been effective. If she followed the process through the county court, all of those she appealed would have to be arrested, sent to prison and then either need to apply for bail and await the outcome of an inquisition, or languish in gaol until the justices next came to York. How far she proceeded with the appeal is unknown, but before the summer of 1254 it had been withdrawn. The reasons for this are unrecorded but factors might have included a satisfactory settlement being concluded with Veilly or, less happily for her, public pressure making it impossible to see the proceedings through to their conclusion.³⁴

With the appeal withdrawn and bail having been granted to him the year before, Veilly may have been free in the summer of 1254, but at least one of his faction, Adam Bocky, was detained in York prison, charged with the two homicides at the king’s suit.³⁵ It was probably because Ellen named him as an appellee along with the

³² Hurnard, *The King’s Pardon*, p. 365.

³³ Hurnard states the distinction between those charged and appealed ‘was generally scrupulously observed’, *ibid.*, p. 347.

³⁴ Pressure from the local population and influential men were factors in the withdrawal of some appeals: *ibid.*, p. 199 and J. B. Given, *Society and Homicide in Thirteenth-Century England*, (Stanford, 1977), p. 98.

³⁵ *CCR, 1253-1254*, p. 95.

others, that he had come to the attention of the authorities and had the charges brought against him. Bocky was later only accused of being an accessory to the homicides, so it seems likely that at least some of the others were also imprisoned, especially a man like Adam of Saddleworth who had actually shot Healaugh. It was therefore now a matter of some urgency for the Veilly faction to acquire a pardon: firstly to secure the release of those in prison, secondly (they could reasonably hope), to deter Ellen from appealing them again, and thirdly to ensure that the justices in eyre when they next came to the county would dismiss the case.

The king would not, on the whole, grant a pardon for felonious homicide. For Veilly and most of his men, the fact they were only present at the brawl and not accused of having dealt blows to the deceased should have meant the king would be ready to grant them his pardon.³⁶ The case might have been less clear for Adam of Saddleworth and the three others who shot Healaugh. Their argument presumably rested on the fact that none individually had fired a lethal shot and that they had no intention of killing him. On Ellen's own account, the four arrows were all lodged in Healaugh's legs, implying homicide was not intended and that the individual shots were not in themselves fatal, indeed, nowhere in her appeal does Ellen state that it was as a result of the arrow shots that her husband died.³⁷ They might have successfully claimed they had acted in self-defence, that the shots to the legs were a proportionate response to whatever Healaugh was coming at them with.³⁸ When the pardon was eventually granted, Hollingworth, Saddleworth, Frank and Gudlak headed the list of those named, followed by Veilly as leader of the band, suggesting that the part they played was distinguished from that of the others.

Veilly must have felt his case was a strong one. Since one of those accused and appealed of the homicides was Robert of Nottingham (see p. 20 below), a former Westminster justice who would have been well versed in what to plead and how to do so, it must have been with confidence that the pardon was sought. But going about acquiring one was costly and time consuming. The king was in Gascony and Veilly, or his representatives, would have to make the journey to Bordeaux. The king could not be approached directly and so an intermediary was found in Adam of Jesmond, a Northumbrian knight and courtier of Henry III who had travelled with him to Gascony in August 1253.³⁹ It is unlikely that John Mansell and Robert Walerand, the two royal administrators responsible for authorising the pardon, relied on Jesmond's representations alone and there was probably other evidence to show there were sound grounds for granting one, which they did on the 18th August 1254. But the wording of the pardon is unusual, firstly in explicitly stating that Ellen had withdrawn her appeal and secondly in it being granted 'unless they have been outlawed', at a time when pardons usually covered both the homicide and any outlawry. Hurnard, no doubt correctly, argues the wording reflects doubt as to whether Ellen had indeed withdrawn her appeal, something difficult to verify from Gascony.⁴⁰ This was of importance because a pardon remitted the king's suit alone - the right of the victim's kin to prosecute an appeal was always observed and even a royal pardon could not prevent an appeal being subsequently prosecuted, hence the ubiquitous condition that the individual pardoned must 'stand to right if any wish to speak against him.' As a result, the king would not grant a pardon to anyone being actively appealed.

³⁶ Hurnard, *The King's Pardon*, p. 99.

³⁷ *ibid.*, pp. 115-116 & 299.

³⁸ *ibid.*, p. 92-93.

³⁹ *CPR, 1247-1258*, p. 235.

⁴⁰ Hurnard, *The King's Pardon*, pp. 32- 33.

As it happens, Mansell and Walerand's suspicions were unfounded, because when Adam Bocky was bailed from prison on 19th August 1254 he is stated only to have been 'charged' with and not appealed of the homicides.⁴¹ The timing of Bocky's bail, the day after the grant of the pardon, was coincidental. As Veilly or his representatives set out to Gascony on what would have felt like an uncertain and lengthy attempt to be granted a pardon, Bocky must concurrently have set in motion his own attempt to be released from prison through bail.

By autumn 1254 the pardon would have reached Yorkshire and the prisoners would have been released. With the king's letters patent in hand and Ellen's appeal withdrawn, Veilly and his men must have felt confident the affair was over. But two or three years later, Ellen had, for whatever reason, changed her mind once more, prosecuting a fresh appeal through the county court. There were now a number of new appellees, including Richard son of William of Quick and they along with the others were hauled before the justices in eyre when they sat at York in the spring of 1257. It was rare, though not unheard of, for an appeal to be prosecuted against a pardoned slayer; the chances of conviction were 'a forlorn hope'⁴² and coupled with the deficiencies in her pleading, it cannot have been with an intention of success that she appealed them.⁴³ Instead it appears to have been brought vexatiously, to cause as much trouble to the appellees as possible: it would be useless to produce the pardon at the county court when the appeal was commenced because it was Ellen's prerogative to see the process through and in the words of the pardon, make the slayers 'stand to right' by appearing before the justice in eyre. It has to be assumed, then, that all of the appellees were arrested at the county court and that they were incarcerated until the coming of the justices; that they were all present at the eyre when the initially appealed (unlike the Waleys faction) is consistent with this.

When he came before the justices, rather than challenging the appeal's technical flaws, Veilly produced the king's pardon, despite the newly named appellees not being covered by it. Immediately, the justices found Veilly to have 'presented an untruth' to the king by suggesting that Ellen had withdrawn her appeal when he sought the pardon in 1254. Despite it being clear from Bocky's grant of bail that Ellen had in fact withdrawn the appeal, they presumably took note of Mansell and Walerand's unusual phrasing in the pardon, saw Ellen prosecuting her appeal before them and thereupon ordered Veilly and all those appealed to be taken into custody until a fine of 200 marks had been paid. But in reality this was probably the price paid to have the pardon proclaimed, and when what appears to be an enormous sum is divided between the fifty-eight appellees, it comes to about 3½ marks each.⁴⁴ With the good will of the justices bought, Ellen withdrew her appeal and for failing to prosecute, as was customary, she was gaoled until she paid an amercement of 5 marks. At this point the justices 'solemnly asked' if any others wished to prosecute the appellees for the homicides; when none answered, they were free to leave with the king's 'firm peace'.

⁴¹ See n. 27 above.

⁴² Hurnard, *The King's Pardon*, p. 212.

⁴³ Ellen did not specify the location of the homicide and did not explicitly state that her husband had actually died. If she were determined on a successful conviction, it would be expected she would state her husband had died in her arms, see S. Jenks, 'occidit ... in brachia sua, Change in a Woman's Appeal of Murder of her Husband', *The Journal of Legal History*, vol. 21, iss. 2, pp. 119-22. ³⁴ Pressure from the local population and influential men were factors in the withdrawal of some appeals: *ibid.*, p. 199 and J. B. Given, *Society and Homicide in Thirteenth-Century England*, (Stanford, 1977), p. 98.

⁴⁴ This compares with the 5 marks that one man paid for having a pardon proclaimed before the justices at the Norfolk eyre of 1268-9, Hurnard, *The King's Pardon*, p. 211n.

The Veilly faction dealt with, Henry le Waleys and his men now appeared accused of being present at the affray and responsible for shooting arrows, though not of having killed anyone. The justices ordered Waleys's men to be arrested and for Waleys himself to be taken into custody and fined 30 marks. His elder brother, Richard le Waleys, although not present at the conflict, was implicated because two of those involved had returned to his house afterwards for which he was fined 50 marks.

After nine years the case had finally come to an end. The proceedings show how wealthy landholders could wield considerable influence on the process of justice, but how ultimately this influence was limited. It has been demonstrated that an affray involving scores of men and resulting in two homicides could be suppressed from the justices in eyre, despite the fact it must have been widely known of throughout the wapentake. The influence of Veilly and the Waleys brothers on both coroner and jury was crucial. But concealment required consensus between the parties over the long-term and, in a society where judicial proceedings rumbled on from term to term and eyre to eyre, fresh dispute even many years later could bring the affair out into the open with judicial consequences. Ellen's right to appeal was vitally important. Unlike male appellors who were conscious they might risk life and limb by being forced to prove their appeal through trial by battle, Ellen knew that a jury would determine her appeal.⁴⁵ This might partly account for why she felt able to prosecute so many of incitement without any real hope of successfully convicting them. The two appeals, brought so many years after the homicides, were not made rashly; rather, they were made deliberately and tactically. No doubt Ellen partly used them to pressurise Veilly and his men to reach a new advantageous settlement but, as the second appeal shows, she also seems to have been motivated by the desire to cause as much inconvenience and uncertainty to them as possible. Whilst it cannot be known whether she felt her husband's death had been atoned for, her impact on those she thought responsible was considerable: Veilly was imprisoned up to three times and the others (including Saddleworth), twice; if she was behind securing the initial indictments in autumn 1253, then she had caused the West Riding coroner to be removed from office and all of the men she appealed, from knight to carter, were forced to expend money, time and influence in seeing the process through the county court, acquiring the pardon in Gascony and appearing before and being amerced by the justices sitting at York.

II

Ellen has not been identified in other records and neither has her husband. But it is possible for more to be said about them, helping to contextualise both John of Healaugh's presence at the conflict and the vigour with which Ellen felt able to litigate against a knight and his men. Healaugh took his surname from Healaugh in Barkston Ash wapentake, some thirty miles north of Burghwallis, which Richard le Waleys had inherited from his grandmother in 1247.⁴⁶ Identifying him simply as a Waleys' tenant, whilst true, might only be partially so. Healaugh is described by a toponymic at the eyre but in the two earlier references to him, the pardon and the grant of bail, he is instead given a patronymic, 'son of Herbert'. There is evidence to show that he was connected to the important fitzHerbert family whose members were descended of Herbert, chamberlain to Henry I, counted amongst their number the

⁴⁵ The chances that male appellors would be forced to face trial by battle by appellees was very rare indeed, though the risks were not doubt always considered before bringing an appeal, *The 1235 Surrey Eyre*, i, ed. C.A. Meekings, Surrey Record Society, vol. 31 (1979), p. 116.

⁴⁶ *Yorkshire Inquisitions of the Reigns of Henry III and Edward I*, i, ed. W. Brown, YASRS, (1892), pp. 8-9.

canonised archbishop of York, William fitzHerbert and, as tenants in chief, held land across England and Wales.⁴⁷ The family's considerable Yorkshire interests were centred on Weaverthorpe, Market Weighton and Londesbrough in the East Riding.⁴⁸

Whilst Ellen's pledges for prosecuting came from the vicinity of Burghwallis, two of the six who pledged she would pay her amercement were drawn from beyond the West Riding. Peter son of Adam of Salvayn⁴⁹ was from an East Riding family that held estates at Langtoft, held of the fitzHerberts and Croome, where the fitzHerberts were also landowners.⁵⁰ A fitzHerbert manor in Berkshire gave Elias of Thatcham his toponymic and it is possible a man of his name was living there in the mid-thirteenth century.⁵¹ If Ellen were an ordinary Wales' tenant it is inconceivable that such men would have supported her at the eyre.

An additional indication of Healaugh's connection with the fitzHerberts is the relationship between the Veillys and fitzHerberts. Roberts de Veilly's son, Humphrey, married Lucy, the daughter of Thomas fitzPeter, apparently lord of Cowlam, near Weaverthorpe. He had probably been granted these estates by his older brother, Reginald fitzPeter, the head of the fitzHerbert family in the mid-thirteenth century.⁵² Robert de Veilly himself appears to have acquired a significant interest in Cowlam, in all likelihood through his marriage to Joan, Thomas fitzPeter's widow.⁵³ Whilst Robert de Veilly cannot have been married to Joan at the time of the homicides in

⁴⁷ For an account of the family see C. Norton, *The Life of St. William*, (York, 2006), Chapter 2.

⁴⁸ The 1286 inquisition post mortem of Reginald fitzPeter, the then head of the fitzHerbert family, gives an account of the family's Yorkshire holdings, W. Brown, *Yorkshire Inquisitions*, ii, YASRS, (1898), p. 46-50.

⁴⁹ A Peter Salvayn and Peter son of William Salvayn both witnessed charters relating to Croome in the mid-thirteenth century and a Bartholomew, son of Peter granted land there to Bridlington Priory, *The Chartulary of Bridlington Priory*, ed. W.T. Lancaster, (Leeds, 1912), pp. 219-20. *Yorkshire Inquisitions*, ii, p. 49. *The History of Yorkshire, East Riding*, viii, ed. D. Neave and S. Neave, Victoria County History (2008), pp. 184-5.

⁵⁰ Reginald fitzPeter's confirmation of a number of grants made to Bridlington Priory in both Cowlam and Croome attests to his overlordship there, *Chartulary of Bridlington Priory*, p. 217.

⁵¹ In 1248 Jordan son of Elias claimed land in Thatcham in right of his wife. W. Money, *Transcripts from the Parish Registers of Thatcham*, (Newbury, 1881), p. 20, quoting TNA, JUST 1/38 m.17.

⁵² Two pleas brought by Humphrey in right of his wife, Lucy, in 1277 and 1278, show that some time before she, along with her sister, Joanna, had inherited estates at Cowlam from John of Cowlam, her brother and that they were daughters of Thomas fitzPeter, TNA, JUST 1/1235 m.4 and TNA, JUST 1/1239 m.39d. This Thomas is described by the additional epithet of 'fitzHerbert' in a confirmation to Bridlington Priory, proving he was a brother Reginald fitzPeter, *Chartulary of Bridlington Priory*, p. 218. The estate at Cowlam and Croome, including the advowson of the church, was sold by Humphrey and Lucy in 1285 to William Hamilton, *Feet of Fines for the County of York, 1272-1300*, ed. F.H. Slingsby, YASRS, vol. 21 (1956), pp. 75, 78-9. The two sisters also had inherited land at Crookham and Thatcham part of the fitzHerbert fee in Berkshire, TNA, CP 25/1/9/33.

⁵³ Certainly until 1243 Robert de Veilly was married to Amicia, the widow of Nigel de Stokes, *Curia Regis Rolls of Henry III, 27 to 30 Henry III (1243-1245)*, xii, ed. Paul Brand, (1999), no. 725. But in 1273 Humphrey, his son and heir, claimed land in both Owston and Cowlam against Joan, widow of Robert de Veilly. *The Forty-Second Annual Report of the Deputy Keeper of the Public Records*, app. ii, (1883), p. 283. The land at Cowlam must have been acquired through marriage, and Joan being the name of Thomas fitzPeter's wife, it is not improbable Robert de Veilly had married her. The importance of his holding, and the likelihood that he held the advowson of the church there (which his son held after his death), is suggested by him witnessing Reginald fitzPeter's grant of Weaverthorpe church to York Minster in 1269, alongside knights made up of the locality, *York Minster Fasti*, ii, ed. C.T. Clay, YASRS, vol. 124 (1959), p. 134.

1248, it is just possible that Humphrey was, or contracted to do so.⁵⁴

When taken together, the fitzHerbert patronymic, Ellen's pledges and the links to the Veillys, the case that Healaugh was related to the fitzHerberts seems clear, though precisely how cannot be established with certainty. His father, Herbert, might have been a younger brother of Peter fitzHerbert, Reginald's father, making John of Healaugh, a cousin of the senior branch of the family. If he himself was a younger son, this could explain why he had left the traditional fitzHerbert estates to settle in the West Riding.

The fitzHerbert relationship is significant in two respects. Firstly, if, as is quite possible, the Veillys were married or closely connected to Thomas fitzPeter, then by attending the affray Healaugh would have consciously chosen to oppose his kin, or at least, his cousin's allies. This might indicate he was motivated not only by tenurial loyalty to the Waleyses but also because of a breakdown in relations with his cousin. Secondly, it helps to contextualise Ellen's appeal, remarkable as it is in the number and status of those she prosecuted. Being the widow of a cadet branch of a leading landowning family, she may have felt less fearful of the recriminations that might otherwise follow from pursuing an important man like Veilly with such tenacity. Her pledges in 1257 show that she had support from her husband's connections in the form of Salvayn and Thatcham coupled with the backing of the Waleys brothers and others local to Burghwallis. It cannot be said with certainty whether Healaugh's presence and his wife's subsequent appeals were done with the sanction or in the face of the head of the family, Reginald fitzPeter, though it should be considered that Robert de Veilly witnessed fitzPeter's grant of Weaverthorpe church to York Minster in 1269.⁵⁵

III

Any personal motivations that Healaugh and his wife had for opposing the Veillys were ancillary to the dispute itself, which was between Robert de Veilly and Richard le Waleys. The dry record of the court was not concerned with explaining why the affray took place, but by examining the history of the two families and the manors they held, it is possible to identify the cause with some confidence.

Richard le Waleys and Robert de Veilly were both from long established families who held valuable estates on the Honour of Pontefract. By 1166 the Waleyses held of the Honour three knight's fees in Yorkshire and a further half fee in Nottinghamshire. They were close to the Lacys, their paramount lords: Robert, Richard le Waleys' grandfather, served as under-sheriff of Yorkshire to Roger de Lacy and was the family's Yorkshire steward, as was Henry, his son.⁵⁶ Advantageous marriages augmented their patrimony and although the brothers Richard and Henry are not recorded holding office in the Honour, it is clear from the numerous charters they witnessed and juries they served on, that both were men of standing in the mid-thirteenth century.⁵⁷

⁵⁴ Thomas fitzPeter can probably be identified as the Thomas of Cowlam who served on a grand assize jury in 1251, meaning he would still have been married to Joan. Whilst others bore that name, none were of the requisite status to be chosen as a juror, *Feet of Fines for the County of York from 1246 to 1272*, ed. J. Parker, YASRS, vol. 82 (1932), p. 73n. That Humphrey was already married to Lucy in 1248 is given some credence by the fact his son, Robert, was old enough to bring a plea against his grandfather's widow, Joan, in 1273.

⁵⁵ *York Minster Fasti*, ii, p. 134.

⁵⁶ *Early Yorkshire Charters*, iii, ed. W. Farrer, (1916), p. 232-4 and *The Chartulary of St. John of Pontefract*, i, appendix.

⁵⁷ That they were brothers, and that Richard was the elder, is evidenced by two charters: R. Holmes, 'Dodsworth's Yorkshire Notes, Wapentake of Olsgodcross' *YAJ*, vol. 10 (1890), p. 350 and the other R. Holmes, 'Dodsworth's Yorkshire Notes. The Wapentake of Osgoldcross', *YAJ*, vol. 11, (1891), p. 56n.-57n.

The Veillys had a more chequered history. It has been suggested they came from Villy-Bocage, in the region of the Lacys' Normandy holdings and at the time of Domesday, Humphrey de Veilly held Snydale, Newton and Ackworth.⁵⁸ The family are not recorded as tenants of the Honour in 1166 and ultimately lost control of all of these estates. At the end of the twelfth century, Humphrey de Veilly, who had fought in the Third Crusade at the siege of Acre,⁵⁹ unsuccessfully claimed the estates from Robert de Lacy and Robert le Waleys (Richard's grandfather, referred to above). Newton subsequently became incorporated into the Waleys' fee, taking, like Burgh, the epithet 'Waleys'. But some agreement must have been reached with their superior lords, for the Veillys appear to have been granted a new holding of three knight's fees centred on Owston and Thorner, thirty miles north in Skyrack wapentake. Robert de Veilly is regularly met with witnessing charters of the mid-thirteenth century and he improved his estate by acquiring the privilege of a weekly market and annual fair at Thorner.⁶⁰ However, there is an indication that Robert owed money to the Jews and certainly by the 1270s his son, Humphrey, was indebted to them.⁶¹ Undoubtedly Humphrey's position was not helped by his allegiance to John de Eyville and the baronial cause during the Second Baron's War and by the 1280s the entire Veilly patrimony had been lost to the moneylender and ecclesiastic, William of Hamilton.⁶²

The loss of Newton to Robert le Waleys at the end of the twelfth century must have been a source of acrimony and it is possible that an uneasy relationship persisted between the two houses into the next century. But if lingering resentment and living hard by one another meant conflict between the two knightly neighbours was likely, it cannot have been the direct cause of their dispute in 1248. For this, an understanding of their estates in Osgoldcross is necessary.

Domesday records separate lords holding Burghwallis and Owston.⁶³ At the beginning of the fourteenth century the Waleys's three Yorkshire fees were compactly centred on the contiguous townships of Burghwallis, Skellow and Sutton, and this holding was presumably unchanged from when they first came into their Yorkshire

⁵⁸ The discussion of the family's holdings is based on *Early Yorkshire Charters*, iii, p. 255-6 and *Early Yorkshire Families*, eds. C.T. Clay and D.E. Greenway, YASRS, vol. 105, (1973), pp. 95-7.

⁵⁹ *Chronica Magistri Rogeri de Houedene*, iii, ed. W. Stubbs, Rolls Series, (1870), p. 73.

⁶⁰ He paid 20 marks for the privilege of the market, fair and free warren. The fine is available online: http://www.finerollshenry3.org.uk/content/calendar/roll_042.html accessed 20/04/2016. The charter itself it is calendered in *Calendar of the Charter Rolls, 1226-1257*, p. 283, though Veilly's name is incorrectly transcribed 'William', see TNA, C 53/47, m.5 for the original.

⁶¹ In 1275 the heirs of Robert de Veilly were said to owe Aaron Crispin £80, though Humphrey contested this, and subsequently the debt was quitclaimed by Crispin, *Calendar of the Plea rolls of the Exchequer of the Jews 1275-1277*, ed. H. Jenkinson, Jewish Historical Society of England (1929), pp. 22 & 141, and *Medieval English Jews and Royal Officials Entries of Jewish Interest in the English Memoranda Rolls, 1266-1293*, ed. Z.E. Rokeah (Jerusalem, 2000), no. 699. Humphrey himself borrowed £10 from Moses of Clare which was to be paid in 1264, but still being demanded in 1275 and had borrowed £30 payable in 1264 from Elekin son-in-law of Manser of Bradeworthe, but likewise still being demanded in 1275 with an additional £90 interest, *Calendar of the Plea rolls of the Exchequer of the Jews 1275-1277*, ii, ed. J.M. Rigg, Jewish Historical Society of England (1910), pp. 298-300.

⁶² For his association with Eyville (and incidentally, with Thomas of Horbury formerly a retainer of the then deceased Robert of Stapleton) during the Second Baron's War, see *CPR, 1258-1266*, p. 536 and for his pardon by the king in 1267, see *CPR, 1266-1272*, p. 148. For his 'ensarement' in loans which led to the catastrophic loss of the patrimony, reducing the Veillys to tenants at Owston, see D.R. Carr, 'The Loans and Lands of William Hamilton, Dean of York and Edward I's Last Chancellor', *Northern History*, vol. 40, (2003), pp. 225-7.

⁶³ R. Holmes, 'Dodsworth's Yorkshire Notes. The Wapentake of Osgoldcross', *YAJ*, vol. 11, (1891), pp. 453-4.

possessions in the twelfth century.⁶⁴ However, the manor of Burghwallis was not coterminous with the parish because Skellow lay wholly within the parish of Owston. This was of importance to the secular lords of the two manors because both held the advowsons of their respective parish churches, that is to say, as patrons they had the right to appoint the rector to the church.⁶⁵ Advowsons were valuable assets because of the patronage it provided their holders with: the rectories they could bestow might provide a landless younger son with a valuable living or sustain a clerk vital to estate administration. Indeed, advowsons were treated as real property and could be bought and sold on the open market. Their value was dependent on the value of the church, which to a large extent was determined by the amount of glebe the rectory was endowed with and the value of the tithes that were owed to it by its parishioners.

The discrepancy between parochial and manorial boundaries meant that Skellow, where the Waleyses were overlord but where Veilly's church of Owston claimed the tithes, was a source of longstanding contention. A tithe dispute of the 1590s between the then farmers of the tithes of Owston and Burghwallis highlights the uncertain position Skellow found itself in. Of the annual 2d of oblations paid by the inhabitants of Skellow, 1½d went to Owston, whilst ½d went to Burghwallis and 'by a certain custom the inhabitants of the township of Skellowe are accompted to be of burghwalles parishe from christenmes even at noone till christenmes day at noone at which tyme they pay certain offerings to the parson of burghwalles ... after christenmas day at noone they are notoriouslie of owston parishe till christenmes even then next folowinge'.⁶⁶ Moreover, a portion of the rector of Burghwallis's glebe lay in the West Field of Skellow and the tithes issuing from this were withheld from Owston by the then rector of Burghwallis.⁶⁷ Although this tithe cause dates from hundreds of years later, it highlights that the tithes issuing from the Burghwallis glebe were in dispute and that there was historic uncertainty as to which parish Skellow lay in, as ritualised by the annual change to the parochial boundaries.

Evidence from the 1250s illustrates that the dispute of the 1590s was by no means a new one. Some time before March 1253 the then rector of Burghwallis, Stephen of Waltham, had brought a case relating to the tithes of Owston against Robert de Veilly before an ecclesiastical court at York. Veilly did not want this to be determined in court Christian and argued that it should instead be brought before the king's court in Westminster.⁶⁸ Waltham did not appear before the royal justices and it seems Veilly abandoned his attempt to compel him to do so, instead allowing the case to be brought before the archbishop of York. In November 1253 the archbishop granted to William de Veilly, Robert's son, who was to be presented to him as the new rector of Owston church, the administration of the tithes of Owston from the preceding autumn. Crucially he excluded 'that portion of the same [tithes] which we first granted to

⁶⁴ British Library, Towneley MSS, Additional MS 32108, f.338r. 8-9.

⁶⁵ For the advowson of Burghwallis, see *Fasti Parochiales*, i, eds. A.H. Thompson and C.T. Clay eds., i, YASRS vol. 85 (1933), p. 50, and for Owston see *Fasti Parochiales*, ii, eds. A.H. Thompson and C.T. Clay, YASRS, vol. 107 (1943), p. 13-5.

⁶⁶ Photographs of the whole cause are available online at: http://dlibcausepapers.york.ac.uk/yodl/app/image/search?query=%22CP_G_2604,%20page%22 see pp. 39 & 76, accessed 20/04/2016.

⁶⁷ *ibid.*, p. 40.

⁶⁸ TNA, KB 26/149. The plea is stated to concern the 'the third part of the advowson of Owston Church', but considering the case was brought against the rector of Burghwallis it is clear the heavily abbreviated reference entry refers to the advowson of the tithes. The portion of the advowson claimed might be significant: by the end of the century where tithes constituted a quarter or less of the benefice, then a case could be tried in court Christian, but if it were a third or more, as Veilly claimed, it could be tried in the secular courts, as he was seeking to do, N. Adams, 'The Judicial Conflict Over Tithes', *English Historical Review*, vol. 52 (1937) pp. 6-7.

Simon of Waltham'. The tithes apportioned to Waltham must have been in Skellow and this shows that the archbishop had attempted to find a compromise, going some way to recognising the claims of Burghwallis over Skellow whilst at the same time claiming to do so 'without prejudice in the property or possession of the church of Owston'.⁶⁹

The settlement of 1253 may have temporarily stayed the dispute, but it would not resolve it permanently: five years later, in 1258, a fresh incident brought Owston and Burghwallis into violent opposition. On 25th October the king ordered his justice, Peter de Percy, to enquire 'who, in contempt of the king's protection to Master Hugh de Cantilupe, came with force, arms and armoured horses to the vill of Burghwallis and gathered his crops falling to him by reason of his church in the same vill to the value of 20 marks and carried these away into the parish of Ouston'.⁷⁰ Cantilupe, who was precentor of York and also rector of Kirkby Ouseburn, appears not to have been present but his men were assaulted by the raiders from Owston.⁷¹ This was a violent attack by the parishioners of Owston aimed at retrieving the tithe corn in the possession of the rector of Burghwallis, which clearly they believed ought to belong to Owston. Percy was to report the names of the participants to the king at Hilary 1259, but unfortunately the *coram rege* roll for this term is incomplete and no relevant entry has been found.⁷² It is hard to imagine anyone other than Veilly commissioned this assault, and undoubtedly the names Percy delivered up to the king would have been very similar to those appealed at the eyre of 1257.

The court proceedings of 1253 and the assault of 1258 mean that the conflict in 1248 must be seen in the context of a tithe dispute. Its timing and location are consistent with this. Taking place on 5th August, the two sides met just four days after Lammas Day, traditionally the beginning of the harvest, when hay and wheat were gathered in, and in some places when ceremonial offerings were made to the parish church.⁷³ At this time more than any other would disagreements be felt most keenly. That the homicides occurred on Richard le Waleys' meadow might specifically suggest that it was the collection of the tithe from the hay harvest that was in dispute.

With a clear motivation for the conflict, it is now possible get a better perspective on what happened on 5th August itself. The homicides are stated to have taken place at about the first hour after sunrise (*hora prima*) and so the two sides must have first faced one another at dawn or shortly after. This was no chance meeting; the time and large numbers involved are consistent with planning having taken place, as would be expected if the disputed harvest had been underway for several days. When the names from both the pardon and appeal are taken into account, Veilly's faction could have numbered up to sixty-six, whilst the Waleys faction was smaller at twenty-three. This disparity may not reflect the reality, however. Ellen clearly appealed as many as possible, adding a number of new names to her second appeal, and apart from the four who had actually shot her husband, they were appealed of 'force, incitement and command', which could well mean she believed some were more distantly responsible, not necessarily being present on the day. Conversely, the Waleys faction may have been underreported. Henry le Waleys' involvement, and that of his men, was only fully detailed at the eyre of 1257 and though his role was undoubtedly known when he was bailed in 1253, a detailed list of those who followed him was not. Moreover, the

⁶⁹ *The Register or Rolls of Walter Gray*, ed. J. Raine, Surtees Society, vol. 56 (1872), p. 271.

⁷⁰ TNA, C 66/72 m. 1d. The reference in the calendar is garbled, *CPR, 1247-1258*, pp. 665-6.

⁷¹ *York Minster Fasti*, i, p. 15.

⁷² TNA, KB 26/162.

⁷³ I am grateful to Dr. Henry Summerson for drawing my attention to the significance of the timing.

jury of 1257, may have had limited appetite for naming any beyond that which was necessary.⁷⁴ The two sides are likely to have been more evenly matched therefore, and on the field that day there were probably somewhere between eighty and a hundred men.

It appears that most (if not all) of those assembled were armed. 'Certain' of the Waleys faction are stated to have shot arrows, as clearly did the four from the Veilly faction who Ellen accused of actually shooting her husband. On an optimistic reading it might be suggested that they had armed themselves defensively and all that was intended that morning was a meeting of the two sides, though one that soon escalated into all out combat. Even so, it can at least be said that violence was not unanticipated.

The appeal makes it clear that Robert de Veilly and Henry le Waleys were the leaders of their factions. Waleys is explicitly stated to have been present and was the one to be amerced on behalf of 'his men'. Although not explicitly stated to have been there, though it is inconceivable in the context he was not, Veilly too paid the fine on behalf of 'his men' and it was he who produced the king's pardon on their behalf. The one man who did stay away was Henry's older brother, Richard le Waleys, though the considerable sum of 50 marks the justices amerced him for afterwards receiving two of those present must have been recognition that this was his dispute, albeit one that he had deputed his brother to deal with.

Landholders and knights were cautious about engaging in violence themselves and attacks were often left to servants.⁷⁵ Where rows over disputed resources did flare into violence and the gentry were involved, it often took the form of surprise attacks, or occurred in the heat of the moment. Here however, the two knights and their followers faced one another in what the numbers and timing suggest was a more organised context, in something approaching a pitched battle.

During the mid-thirteenth century both Veilly and Waleys were prosecuting claims in the courts against others who had impinged on their land and rights, so why did this dispute spill over into violence? Two factors are worth considering. Firstly, living close by one another with a populous tenantry, who as parishioners were to some degree affected by the dispute, might have meant tensions were less easy to contain. Secondly, it was perhaps a result of the jurisdictional uncertainty that characterised tithe disputes. Lay patrons might find themselves in an uncertain position as court Christian and the secular courts vied for competence. Even when solely determined by ecclesiastical courts, tithe cases could prove unceasing, with appeals to papal delegates not necessarily finalising matters.⁷⁶ The considerable value attached to tithes, combined with the difficulty in conclusively asserting rights to them, meant violence might well flare up. In one of the many phases in the dispute over tithes in Derbyshire between the dean and chapter of Lichfield and Lenton Priory, even ecclesiastics resorted to violence. In 1250-1 the chapter of Lichfield had ordered their tithe lambs to be folded within Tideswell Church in order to prevent them being seized on behalf of the prior. Unconcerned, the prior's men, including members of the clergy, armed and horsed, threw open the doors of the church and carried off fourteen lambs to a

⁷⁴ The juror Ralph son of Hugh of Balne served as Henry le Waleys's pledge, indicating he had friends on the jury, TNA, JUST 1/1109, m. 2.

⁷⁵ J.B. Given, *Society and Homicide*, pp. 78-9.

⁷⁶ Adams, 'The Judicial Conflict Over Tithes', *Economic History Review*, vol. 52 (1937) p. 2-4. The case of Lenton Priory's claim to the tithes of the Peak Forest, detailed below, lasted for centuries. The dispute over the tithes of Friarmere in Saddleworth saw the houses of Whalley and Roche locked in dispute for nearly three centuries. See, M. Buckley, 'Early Saddleworth Records 1', *SHSB*, vol. 39 no. 2 (2009), pp. 55-6 and J. Radcliffe, *The Parish Registers of St. Chad, Saddleworth from 1751 to 1800*, (Uppermill, 1891), pp. 585-93.

nearby grange, whilst a further eighteen were butchered by the horses' hooves and by the combatants themselves.⁷⁷ Further, as in the case of Veilly and Waleys, patrons are met with intervening on behalf of the ecclesiastical institutions whose advowsons they held. The prioress of Goring (Berkshire) had acquainted her patron, Richard of Havering, with the news that the rector of Burghfield had violently taken the tithes she believed rightfully should fall to her. Havering arrived at Burghfield with his men to assert her claim, and when some of his party were injured in the ensuing fracas, he retaliated by burning down the rector's houses.⁷⁸ Disputed tithes, then, were a messy business, which could embroil both lay and ecclesiastical in dangerous and violent acts in order to assert control over them. But force, as Nigel Saul has remarked of gentry disputes more broadly, was 'invoked only secondarily, and in conjunction with proceedings in the courtroom'. At Skellow, as at Tideswell, serious violence was one part of a dispute in which legal proceedings played their role too. Whilst a particular violent act or legal suit would not necessarily resolve an issue, each event in a long-running dispute was seen as 'a way of gaining a temporary advantage over an opponent.'⁷⁹

IV

If the tithes of Skellow were going to be claimed by force, then it was important to assemble as strong a band of men as possible to do so. By identifying those named in the pardon and appeal, it is possible to observe the sort of people two West Riding knights could call upon for armed support. The appeal records that to each knight, those in his faction were 'his men' (*hominibus suis*), indicating they were present because they owed service to him. *Hominibus suis* can be interpreted in a number of ways and as will be shown, there was no uniform pattern as to how obligation between man and knight arose.⁸⁰ This is significant because of the continued development during the thirteenth century of the relationship between retainer and retained, lord and client. There were of course relationships defined in 'feudal' terms by tenurial bonds, but there were magnates who increasingly relied on the service of men who originated from beyond their landholdings. Such men might be rewarded with land, but increasingly they were retained for money, robes, and equipment.⁸¹ How 'feudal' or 'bastard feudal' the thirteenth century was has been the subject of much debate, largely concerned with the affairs of the great magnates, but it is useful to bear it in mind when examining the support Veilly and Waleys received.⁸² Whilst tenurial bonds account for the presence of most in 1248, a notable minority were not connected in this way and must have been retained for money or some other consideration. For these men it worth considering that they were serving each knight armed, at a time when it has been argued those who were retained for cash were administrators, not fighters.⁸³

⁷⁷ R.D. Andrew, 'Notes on Tideswell Church, Derbyshire', *Journal of the Derbyshire Archaeological and Natural History Society*, vol. 5 (1883) p. 130-31.

⁷⁸ G.O. Sayles, *The Functions of the Medieval Parliament of England*, (London, 1988) pp.123-4.

⁷⁹ N. Saul, 'Conflict and Consensus in English Society', in *Politics and Crisis in Fourteenth Century England*, eds. J. Taylor and W. Childs, (Gloucester, 1990), pp. 45 & 42.

⁸⁰ The meaning of *homo* ('man') in this context can range from tenant to retainer or servant. *Dictionary of Medieval Latin from British Sources*, fas. 4 (Oxford, 1989), pp. 1166-7.

⁸¹ S.L. Waugh, 'Tenure to Contract: Lordship and Clientage in Thirteenth-Century England' *Past and Present* (P&P), vol. 101 (1986).

⁸² See, for example, P. Coss, 'Bastard Feudalism Revised', *P&P*, no. 125 (1989); D. Crouch, 'Comment 1', *P&P*, no. 131 (1991); D. Carpenter, 'Comment 2', *P&P*, 131 (1991); D. Carpenter, 'The Second Century of English Feudalism', *P&P*, no. 168, (2000); P.R. Hyams, *Rancor and Reconciliation in Medieval England*, (Ithaca and London, 2003), pp. 255-64.

⁸³ Waugh, 'Tenure to Contract', p. 822.

Henry le Waleys' company is less extensive and more difficult to identify than Veilly's, yet a number had no tenurial connection to him. But starting with the core of his faction, five are specifically described as being 'of Burgh' and must represent his tenants, whilst others with occupational names, such as Gilbert the Ploughman, were no doubt also local tenants.⁸⁴ As has been discussed, although he came from some distance, John of Healaugh had a tenurial bond with the family, though he may have had personal motivations for attending too - this no doubt also holds true for William of Healaugh, presumably a close relation. Perhaps analogous is the other victim, William, whose surname is problematically rendered 'Dodworth' (in the pardon), 'Bingl' (in Bocky's grant of bail) and finally 'Wentworth' (in Ellen's second appeal). The Waleyses held substantial estates at Bingley and neighbouring Cottingley, so it is just possible that like Healaugh, he was a tenant from outside Burghwallis who was drafted in for support.⁸⁵

Of those in the Waleys faction with no clear tenurial bond, John Tilly might well have been related to the knightly family of that name whose estates had included Campsall to the north of Burghwallis and Thorpe in Balne to the west.⁸⁶ Hugh of *Joytorp* was possibly from the East Riding township of Youlthorp, and identifiable with the Hugh of Youlthorp holding land of the earl of Albermale in Pocklington in 1260.⁸⁷ He was exempted from serving on juries and assizes in 1268 on the recommendation of Queen Margaret of Scotland, implying that he was a relatively substantial landholder.⁸⁸ Nothing more has been discovered of the other men distinguished by toponymics, nonetheless, their names indicate they were from beyond the Waleys family's direct sphere of influence – Richard of Stanley, may have been from the township of that name in Wakefield and William of Bardeneye was perhaps from Bardney in Lincolnshire. Thus, the Waleys' faction included the local Burghwallis peasantry, tenants from estates a distance from Burghwallis and others, whose toponymics suggest they were not tenurially bound to the family and may themselves have been of importance.

Veilly's faction can be identified in greater detail and appears to be of a similar composition to Waleys'. Veilly's family, tenantry and neighbours formed the group's core. There were his three sons, Humphrey, William and John, all of whom must have been relatively young men. His reeve, Thomas, was there, as were numerous men described as being 'of Owston', representing the tenants of the manor. Whilst the majority were probably low status peasants, a man like William Dagenhal was from a family who is met with witnessing local charters with Humphrey de Veilly at the end of the twelfth century. William himself was close enough to Robert de Veilly to be named alongside him as a defendant in a plea relating to the commons of Skellow.⁸⁹ Similarly, Eudo of Sutton held from Veilly in Owston, but had an estate with his own tenants in the neighbouring township of Sutton. His status and influence locally can be observed in the charters he witnessed and juries he served on in the middle of the century.⁹⁰ Three men were from Clayton, near Bradford, a Veilly

⁸⁴ Two of his men, Jordan the Taylor and Michael Forester, are recorded under Osgoldcross wapentake in the issues of the Yorkshire crown pleas in 1251, TNA, JUST 1/1047, m. 6d.

⁸⁵ *West Yorkshire: an Archaeological Survey to A.D. 1500*, ii, (Wakefield, 1981), pp. 324-5.

⁸⁶ *Early Yorkshire Charters*, viii, ed. C.T. Clay, Yorkshire Archaeological Society Extra Series, vol. 6 (1949), pp. 144-5.

⁸⁷ *Yorkshire Inquisitions*, i, pp. 76-7.

⁸⁸ *CPR, 1266-1272*, p. 259.

⁸⁹ R. Holmes, 'Dodsworth's Yorkshire Notes. The Wapentake of Osgoldcross', *YAJ*, vol. 12, (1893), p. 72; *Curia Regis Rolls of the Reign of Henry III, 17 to 21 Henry III (1233-1237)*, xv, (1972), no. 1904.

⁹⁰ *Early Yorkshire Charters*, iii, p. 56 and V. Khadem, 'The Peak Forest Eyre c.1250-1', *SHSB*, Vol 41, No 1, pp. 27-8.

holding some thirty-five miles north of Owston, showing that like Waleys, Veilly could command the support of men from his holdings across the county.⁹¹

Members of Veilly's *familia*, his household, which would have been composed of perhaps a dozen or so mainly young men were no doubt present and the identity of some of them can be suggested.⁹² Veilly's cook, John, and his grooms (*garciones*), the brothers Nicholas and John of Owston, are explicitly identified by their role in the household. Four other men are distinguished by their fraternal relationships, perhaps implying they were not yet settled on their own estates and they might have had roles within the household analogous to the two grooms. The intriguingly named brothers William the French and William the English were from the estate at Clayton, suggesting Veilly had brought them into his service as the young sons of a tenant.

Two of those who shot Healaugh are given 'occupational' epithets, which taken with their very active presence on the field, strongly imply they were part integral to Veilly's household. Ralph Gudlak is described as a hunter, and like Mauket the Hunter named in the pardon, he may have been retained professionally for maintaining Veilly's hounds and assisting with the hunt itself. William Frank's description, 'esquire' (*armigerum*), was not at this date honorific: originally an esquire had particular responsibility for a knight's armour and horses, though they are also referred to as serving their lord at his table, adding a more prosaic, domestic dimension to their role.⁹³ His toponymic suggests he was originally from Ewerby, perhaps in Nottinghamshire or Lincolnshire, meaning his association with Veilly did not arise out of a tenurial bond. By 1251, however, he was settled at Eltofts, part of the Veilly manor of Thorner and therefore appears to have been rewarded with land for his services.⁹⁴ The longevity of his relationship with the family is evidenced by him appearing as a defendant alongside Humphrey de Veilly in a 1276 plea of *novel disseisin* relating to land in Cowlam.⁹⁵

The Saddleworth participants illustrate how Veilly could call on men with no tenurial connection to support him with arms but, unlike Frank, there is no evidence that they were ever rewarded with land. The most important of them was Richard of Staveley, Stapleton's leading vassal in Saddleworth. In the mid-thirteenth century he was subinfeudated land there by Stapleton, augmenting two earlier grants made to his father. Taken together they formed an estate itself described as a manor in the following century.⁹⁶ He witnessed Stapleton's grant of land to form the glebe of Saddleworth chapel in the early 1240s and was with him in 1247, probably at York, when a series of quitclaims were executed in favour of Roche Abbey relating to their Saddleworth estate at Hilbrighthope.⁹⁷ It is not improbable that he was Stapleton's representative in Saddleworth, but his support for Veilly in 1248 shows that whatever the bond he had with Stapleton, it was not an exclusive one.

Though possible, it seems unlikely that the Saddleworth participants were present in their own capacity, each being each individually retained Veilly: rather, Richard of

⁹¹ Humphrey de Veilly acquired Clayton in 1182, *Early Yorkshire Charters*, iii, p. 254.

⁹² K. Mertes, *The English Noble Household 1250-1600*, (Oxford, 1988), pp. 11 & 14-15.

⁹³ P. Coss, *The Origins of the English Gentry*, (Cambridge, 2003), pp. 219-20.

⁹⁴ TNA, JUST 1/1047, m.5.

⁹⁵ *The Forty-Fifth Annual Report of the Deputy Keeper of the Public Records*, app. ii, (1885), p. 145.

⁹⁶ For the charters and an analysis of them, see V. Khadem and M. Buckley, 'Early Saddleworth Records 6 - The Subinfeudation of Shawmere', *Saddleworth Historical Society Bulletin*, vol. 42 no. 3 (2012).

⁹⁷ M. Buckley, 'Early Saddleworth Records 1', *SHSB*, vol. 39 no. 2 (2009), and M. Buckley, 'Early Saddleworth Records 2', *SHSB* vol. 39 no. 4 (2009), pp. 95-98.

Quick, Adam of Saddleworth and perhaps John of Hollingworth too, were probably there in the company of Staveley whose connection in turn is likely to have arisen through his close relationship with Stapleton. That they should have been there as a group, is given some support by the presence of others who were in the service of another: Russel was there as 'man' of Nigel of Langton (*Russel', hominem Nigelli*), and Robert, was the groom (*garcionem*) of Thomas of Owston's father.⁹⁸ Compared to these examples, however, Quick, Saddleworth and Hollingworth are notable in that they were all from families who were independent landholders and locally influential.

If not in Veilly's service, it seems probable that Adam of Saddleworth was attached to Staveley because in 1248 he cannot have been much older than twenty and his father was still alive.⁹⁹ Although it is unknown what land his family held, later in life Saddleworth, he was of leading importance in the district. Regularly met with witnessing local charters, he had mercantile interests and appears to have made an advantageous second marriage to a member of the Quick family.¹⁰⁰ He was evidently close to Richard of Staveley's son, Robert, who would have been his contemporary: together they witnessed a charter of the Cheshire branch of the Staveley family; they were two of the four named parishioners of Saddleworth Chapel (along with a member of the Quick family) in an important agreement with the rector of c.1279 and he witnessed the settlement of Robert of Staveley's lands in 1293.¹⁰¹

More elusive is Richard, son of William of Quick, who must have originated from the semi-autonomous manor of Quick to the west of Saddleworth which gave its name to a number of people during the thirteenth century, each of whom probably held freehold estates there. It might have been his son who, as Robert son of Richard of Quick, brought a plea of *mort d'ancestor* against Robert of Quick in 1290. This would suggest that Richard himself was a freeholder, though unlike Staveley, not of a substantial estate.¹⁰²

There are reasons to associate with this group John of Hollingworth who, like Adam of Saddleworth, actually shot Healaugh. He was probably from the family who held Hollingworth, a sub-manor of the lordship of Longdendale, Cheshire, about eight miles south of Saddleworth. Richard of Staveley's father, Robert, had come to Saddleworth from the sub-manor of Staveley adjoining Hollingworth and the senior branch of the family remained there. It is not improbable that Richard of Staveley was well acquainted with the Hollingworths. In the previous generation, Thomas of Hollingworth, to whom John of Hollingworth apparently succeeded, witnessed a charter relating to Godley, Cheshire, along with Robert of Staveley and he witnessed the second of Stapleton's grants of land in Saddleworth made to Robert of Staveley.¹⁰³

⁹⁸ This is based on 'Thomas son of Richard of the same [Owston]' of the appeal being identified with 'Thomas reeve of Owston' named in the pardon.

⁹⁹ He was alive in 1307, TNA, C 241/13/4, but his son, Henry, witnessed a Saddleworth charter of 1311, implying Adam was either by then dead, or at least no longer publicly active. Chetham's Library, Raines MSS., vol. 14, p. 87.

¹⁰⁰ TNA C/24113/4. He married Margery, the widow of Adam of Quick who held the Grasscroft estate and probably others in Quick, *Feet of Fines for the County of York, 1300-1314*, ed. M. Roper, YASRS, vol. 127 (1966), p. 44-45.

¹⁰¹ M. Buckley, 'Early Saddleworth Records 1', *SHSB*, vol. 39 no. 2, pp. 54-55; V. Khadem, 'Early Saddleworth Records 4 – Miscellaneous Charters in the Raines MSS', *SHSB*, vol. 40 no. 3 (2010), pp. 76-77; West Yorkshire Archive Service, Kirklees, DD/WBD/X/63.

¹⁰² TNA, JUST 1/1288, m. 2d.

¹⁰³ Khadem and Buckley, 'The Subinfeudation of Shawmere', *SHSB*, vol. 42 no. 3, p. 91. In total he witnessed three of the early Godley charters, but is replaced by John of Hollingworth in the mid-thirteenth century. The Society of Antiquaries of London, Godley Charters, SAL/MS/551/1, 3, 6, 4.

John of Hollingworth and Richard of Staveley were therefore of a similar age and from neighbouring families. Unlike Saddleworth and Quick though, they were socially matched as holders of large estates. Whilst it is possible that Hollingworth fought in 1248 because he was retained by Veilly directly, the longstanding relationship between the Staveleys and Hollingworths, coupled with Staveley's more obvious connection to Veilly through Stapleton, makes it seem more likely he was there in the company of the Saddleworth men.

Ellen appealed two clerks, Robert, rector of Almondbury and Adam of Laneham. To have been appealed they must have been perceived to be closely associated with Veilly prior to the conflict and as 'his men', were in some capacity retained by him, perhaps specifically in relation to the dispute. Whilst clerics are found exacting violence in the countryside, it is probably not in this context that Robert of Almondbury should be seen. His connection with Veilly might have arisen out of the sort of relationship Madicott has demonstrated existed between landholders and justices and clerks of the royal household. They were retained with a pension in order to influence the multifarious legal proceedings they found themselves involved in.¹⁰⁴ He can be identified as Robert of Nottingham who had been presented to Almondbury in 1235, but whose primary career was as a personal clerk to the Westminster justice Robert of Lexington.¹⁰⁵ Following Lexington's retirement he was himself made a justice of the bench in Hilary 1244. For Easter and Trinity terms 1245 he was the senior justice at Westminster but retired at the end of Easter term 1246. Despite his judicial career being brief, he had considerable legal knowledge and, importantly, connections to men who were still in positions of influence. Veilly's dispute must have arisen over time and it is possible that he had approached Nottingham as someone locally who was well connected and who might exert influence in favour of his claim, something he would no doubt be willing to do.¹⁰⁶ It is perhaps possible to see Nottingham's continued influence as the case proceeded - Henry of Bath the chief justice, to whom Nottingham had been loyal even during his period of disgrace, was at court the day Veilly and Sutton were first granted bail in 1253.¹⁰⁷

Adam of Laneham, clerk, is a more obscure figure but he appears to have had a role in royal service later in life. Not as important as Nottingham, he is not recorded as being presented to any benefices, so it is possible he was retained by Veilly on a more long-term basis, perhaps serving an administrator within his household. His name was derived from Laneham in Nottinghamshire and the family of that name, who held a tenancy in chief, produced at least two men associated with York Minster: William of Laneham, prebendary of York and archdeacon of Durham, murdered in c.1243¹⁰⁸ and Geoffrey of Laneham, who in the early fourteenth century was chamberlain of the

¹⁰⁴ J.R. Maddicott, 'Law and Lordship: Royal Justices as retainers in Thirteenth- and Fourteenth-Century England', *Past and Present Supplement*, vol. 4 (1978), pp. 4-13.

¹⁰⁵ For his career see C.A.F. Meekings, 'Robert of Nottingham, Justice of the Bench 1244-6', *Bulletin of the Institute of Historical Research* (BIHR), vol. 41, 1968. Meekings, was uncertain how long he lived after 1247, but as 'Robert de Nottingham, parson of Almondbury' he witnessed a confirmation of Edmund de Lacy in favour of Roche Abbey dated 1258, meaning he must be identical with the 'Robert of Almondbury' and 'Robert, parson of Almondbury' in the pardon and appeal, J.W. Aveling, *The History of Roche Abbey*, (Worksop, 1870), p. 151.

¹⁰⁶ His influence on the justices for personal gain is observable in 1232 when he was presented to a Buckinghamshire benefice in 1232 shortly after it had been recovered by its patron before the justices in eyre, one of whom was Nottingham's then employer, Lexington. Meekings, 'Robert of Nottingham', *BIHR*, vol. 41, pp. 135-6.

¹⁰⁷ *ibid.*, pp. 133-136, 138.

¹⁰⁸ *York Minster Fasti*, ii, p. 9; *Fasti Ecclesiae Anglicanae 1066-1300: York*, vi, ed. D.E. Greenway, (London, 1999), p. 73. *Reconciliation in Medieval England*, (Ithaca and London, 2003), pp. 255-64.

Chapter of York Minster and rector of Burghwallis.¹⁰⁹ By 1258 Adam of Laneham had landed interests in Yorkshire, proffering half a mark for an assize of *novel disseisin* and by 1269 he had risen to royal service. In that year, as Master Adam of Laneham, his debts to a Lincoln Jew, Isaac son of Samuel, were cancelled by Henry III because of 'his good service spent in Lincoln Castle in the time when the kingdom was disturbed'.¹¹⁰ His role in 1248, whether violent or more strategic, cannot be determined, but taken alongside Nottingham, his connection is suggestive of the type of learned, able men Veilly was able to recruit to his cause.

The Veilly faction represents all the men of Owston: there was the resident knight, with his sons, household and tenants, alongside landholding neighbours such as Sutton. But Veilly was also able to command the support of men from further afield and, whilst some of these were bound to him tenurially, the Saddleworth contingent shows that he might retain others who were not. The two clerk illustrate that, like greater landholders, Veilly might retain men with experience in justice and administration in order to further his legal objectives.

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The events of 1248 were undoubtedly of major consequence to the men of Owston and Burghwallis. Not only did the conflict bring two knightly neighbours into open opposition, but it also meant local tenants were forced to face neighbours and quite possibly kin armed with weapons. This dispute over tithes had a wider impact too, drawing in the supporters of Veilly and the Waleyses from their estates beyond Osgoldcross, as well as retainers related to them more loosely. Their influence locally meant concealing the homicides was initially successful, but when the agreements holding this arrangement together broke down, the truth was ultimately brought out into the open. Ellen's litigious zeal, perhaps enabled by the backing of men she was connected to through the fitzHerbert estates, meant many of the participants faced imprisonment, hefty fines and the journey to Gascony to obtain a pardon. Yet this proved no deterrent to resorting to violence once more, as the raid on the rector of Burghwallis and the assault of his men in 1258 shows. For Veilly, protecting the privileges of his church, possibly combined with a sense of longstanding enmity towards his Waleys neighbours, meant that the consequences of using force to assert his claims outweighed the dangers of legal censure.

From a Saddleworth perspective this case provides a vivid snapshot of the lives of men from three of the district's leading families in the mid-thirteenth century. Together with those named as pledges for Stapleton's clerk at the Peak Forest Eyre, this case shows that Saddleworth landholders were involved not only in the affairs of their own lord, Stapleton, but in those of his allies in the Honour of Pontefract too. What the terms of their obligation to Veilly were cannot be known but they clearly attended him armed and in the case of Adam of Saddleworth, were willing to use lethal force. If, as seems probable, the Saddleworth men came as a contingent it then also sheds light on society in the district in the mid-thirteenth century – as neighbours and freeholders, families like the Saddleworths, Quicks and Staveleys not only witnessed charters together but, as retainers, they fought together too.

¹⁰⁹ *The Calverley Charters*, i, ed. W.P. Baildon and S. Margerison, Thoresby Society, vol. 6 (1904), p. 141; *Fasti Parochiales*, i, p. 51

¹¹⁰ The fine is available online at http://www.finerollshenry3.org.uk/content/calendar/roll_056.html accessed 20/04/2015; CCR, 1268-1272, p. 153.

Pardon granted by Henry III to John of Hollingworth *et al* for the deaths of John son of Herbert and William of Dodsworth, 18th August 1253

The National Archives, C 66/66 m. 9d

R[ex] Om[ni]b[us] Balli[u]is [et] c[etera] Sciatis nos ad instantiam Ade de Jesemuth p[er]donasse Joh[ann]i de Holingwurth Ade de Sadelwurth Will[elm]o ffraunko Rad[ulph]o Guedelok Rob[er]to de Villy Rob[er]to de Alemanebir' Eudoni de Sutton' Ade de Treton' Eudoni de Scelhal' Ric[ard]o de Stavel' Thom[e] Prepo[si]to de Ouston' Hug[oni] fil[i]o Eve Will[elm]o Node Rad[ulph]o fil[i]o Matild[e] de Ouston' Rad[ulph]o Dagenhal' Hug[oni] Clut Nich[ola]o Manning' et Hug[oni] fr[at]r[i] eius Nich[olau]o de Ouston et Joh[ann]i fr[at]r[i] eius Wille[el]mo le ffraunceys [et] Will[el]mo le Engleys f[rat]r[i] suo Ade Boky Ade Bole Will[elm]o Gilien Will[elm]o Dagenhal Thom[e] Spilletr' Thom[e] fil[i]o Ingeram[i] Humfr[ido] de Villy Weill[el]mo [et] Joh[ann]i f[rat]rib[us] eius Petro Crok Hug[oni] Bene Joh[ann]i Heyrun Hug[oni] Longto Will[el]mo le Carrett Joh[ann]i fil[i]o Joh[ann]is Bledes Manket' le Venur Petro de Thornhurst Rob[er]to Yoll' Walt[er]o de Brerl' Nisi utlagati sint sectam que ad nos p[er]tinet p[ro] morte Joh[anni]s fil[i]o Hereb[er]ti unde eos appellavit Elena que fuit ux[or] Joh[ann]is que se retraxit de appello suo et p[ro] morte Will[elm]i de Doddewurth unde rectati s[un]t et firmam pace[m] n[ost]ra[m] eis concessim[us] Ita q[uod] stent inde recto coram justic[iariis] n[ost]ris ad p[ri]mam assi[sam] cu[m] in p[ar]tes illas ven[er]int si quis versus eos inde loqui volu[er]it In cu[jus] [et] c[etera] T[este] R[ege] apud Burdeg[alam] xviii die Aug[usti] p[er] J Maunsell [et] R Walerand

[marginated] pro Joh[an]ne de Holingwurth et soc[iis] s[ui]s

The king to all bailiffs etc. Know you that we at the instance of Adam of Jesmond have pardoned John of Hollingworth Adam of Saddleworth William Frank Ralph Gudelok Robert de Veilly Robert of Almondbury Eudo de Sutton Adam of Treton Eudo of Skellow Richard of Staveley Thomas reeve of Owston Hugh son of Eve William Node Ralph son of Matilda of Owston Ralph Dagenhal Hugh Clut Nicholas Manning and Hugh his brother Nicholas of Owston and John his brother William the French and William the English his brother Adam Boky William Gilien William Dagenhal Thomas Spilletree Thomas son of Ingram Humphrey de Veilly William and John his brothers Peter Crok Hugh Bene John Heyrun Hugh Longto William the carter John son of John Bledes Mauket the hunter Peter of Thornhurst Robert Yoll' Walter of Brerley unless they have been outlawed the suit which pertains to us for the death of John son of Herbert in respect of which Ellen who was wife of John appealed them, and withdrew from her appeal; and for the death of William of Dodworth whereof they have been charged and we have granted our firm peace on condition therefore that they stand to right before our justices at the first assizes when they come to those parts if any wish to speak against them In witness etc. Witness the king at Bordeaux 18 August by John Maunsell and Robert Walerand

[marginated] For John of Hollingworth and his companions

Appeal of William of Dagenhal *et al* by Ellen, widow of John of Healaugh, for the death of her husband, and conviction of Henry le Waleys for being present at the affray, 1257

The National Archives, JUST 1/1109 m. 7

Adhuc de Wapentak[i]o de Osgotecross

Elena que fuit ux[or] Joh[annis] de Hellewe app[ellavit] In Com[itatu] Ad[am] fil[ium] Ric[ardi] de Sadewrth Will[elmu]m ffrank Armig[eru]m de Eweby Joh[ann]em de Hollingwrth Rad[ulphu]m Gudelok venatorem quod ip[s]i In vigilia s[anc]ti Oswaldi Anno r[egni] r[egis] xxxij circa horam primam ven[erunt] In d[omi]ni co p[ra]to Ric[ardi] le Waleys nequit[er] et In felon[iter] et Insultu p[re]med[itato] et Insultav[erunt] Joh[anne]m virum suu[m] et vulnerav[erunt] ip[su]m Ita quod p[re]d[ic]t[u]s Ad[am] p[er]cussit eum quad[am] sagitta In femore sinistro ascendente usq[ue] sup[er]ius ad genolia de p[ro]fund[or]u[m] ix pollic[ior]u[m] et latitud[inem] t[ri]um pollic[iorum] Et Will[elmu]s ffrannk vuln[eravit] eum quad[am] sagitta Barbata subter zonam et Joh[anne]s de Hollingwrth vuln[er]avit eum q[ua]d[am] sagitt[a] In femore dextro et Rad[ulphu]s Kuedelak vulneravit eum quad[am] Sagitta Int[er] {ferm[ur]} dextrum et corpus

Ead[em] app[ellavit] de vi et p[re]cepto et missione Will[elmu]m de Wogenal de Ouston Wu[m]fr[edu]m de Wely Will[elmu]m fr[at]em eius Ad[am] de Treton' Eudonem de Skelle Ad[am] de Lann' Clercium Willel[mum] de Oustonn Will[elmu]m Molendinar[ium] de Huderefeld Henr[icum] Wolf' Herb[ertu]m fil[ium] Egidii Ric[ardum] fil[ium] Will[elmu]m de Quik' Joh[ann]em cocum Rob[ertu]m de Welly Nich[olaum] [et] Joh[annem] Garc[i]ones p[re]d[ic]ti Rob[ert]i Regin[aldum] de elmeshale Joh[annem] Hep[er]un de Houston Eudon[em] de Suneton Will[elmu]m franceys de Cleytun Will[elmu]m fr[at]em eius Henr[icum] fil[ium] Eve de Ouston Hug[onem] Clut de ead[em] Will[elmu]m Node de ead[em] Thom[am] fil[ium] Ingelr' de ead[em] Thom[am] fil[ium] Ric[ardi] de ead[em] Rob[ertum] Garc[i]onem Ric[ardi] Henr[icum] Cissor[em] de Skelale Ad[am] Bocky de ead[em] Ad[am] Bol' de Cleyton Joh[anne]m fil[ium] Joh[annis] de Bertorp' Will[elmu]m Julian de ead[em] Will[elmu]m Sotudung[er?] de Skelale Rad[ulphu]m fil[ium] Mirill[is] de Ouston Walt[eru]m Brimeslay In Kerecroft Rob[ertum] Prol de Suinton Hug[onem] longu[m] de Ouston Petr[u]m Cloke Will[elmu]m Caret[erum] de ead[em] Nich[olau]m Mannyng Hugon[em] fr[at]em eius Rob[ertu]m de Wely Rob[ertu]m p[er]son[am] de Almanbuyr Ric[ardum] de Staclay Nigell[um] de langethon Will[elmu]m de Ouston Russel[um] homin[em] p[re]d[ic]ti Nigelli Thom[am] de Kercorft Rad[ulphu]m de Nevil de ead[em] Rob[ertum] fil[ium] Yade de ead[em] Petr[u]m Thorhyrst Ad[am] Mendeman de Skelale Joh[anne]m Koket de ead[em] Astinum Bene de ead[em] Hug[onem] p[re]po[s]itum de ead[em] Ric[ardu]m de Kukerlay modo sequ[un]tur

Post ven[it] p[re]d[ic]t[u]s Rob[ertus] de Welly et p[ro]fert cartam d[omi]ni Reg[is] quod d[omi]nus Rex p[er]don[avit] p[re]d[ic]to Rob[erto] et ho[m]i[ni]b[us] suis sect[am] pacis no[st]re que ad nos p[er]tinet p[ro] morte p[re]d[ic]tor[um] Joh[annis] et Will[elmi] Ita quod ste[n]t recto si quis v[er]sus eos loq[ui] volu[er]it et continet[ur] in p[re]d[ic]ta Carta d[omi]ni r[egis] q[ua]m ip[s]i optuler[un]t quod p[re]d[ic]ta Elena se subt[ra]xit de p[re]d[ic]to app[ello] et Ita f[ac]t[is]ate[m] suggesser[un]t d[omi]no r[egi] eo quod p[re]d[ic]ta Elena adhuc sequit[ur] p[ro] morte predicti Johanni[s] viri sui I[de]o p[re]d[ic]tus Rob[ertus] et alij qui ven[erunt] custod[iantur]

Post ven[it] p[re]d[ic]t[u]s Rob[ertus] et finem fecit p[er] cc m[arcas] p[ro] se et hominib[us] suis app[ell]atis p[er] pl[egium] Ric[ardi] de Strueton Ric[ardi] de Tankerley Joh[annis] de Oketon Ric[ardi] de Miton Rob[erti] de Stapelton Ric[ardi] de Thorn Alani de Kav[er]ton Rob[erti] de Wykerley Rog[eri] le Peytevin Hug[onis] de Swillington Ric[ardi] de Luchington Will[elmi] de Poulington Eudon[is] de Sutton' Hugon[is] de Curton' Petru[m] de Syp[er]ton' Alani fil Josiani Petru[m] de Gyp[er]ton Regin[aldi] Collon de Skelbroc Hugon[is] de Collom

¹¹¹ This should probably read 'Roberti' as Robert de Velly is mentioned in his own right further on.

Post ven[it] p[re]d[ic]ta Elena et non vult sequi v[ersus] eos i[de]o ip[s]a committat[ur] Gayle et pl[egi]i sui de p[ro]s[equendo] In mi[serecordi]a scil[icet] Henr[icus] Gos de Skllale Rob[ertus] fil Will[elmi] de Skyrley Rad[ulfus] fil[ius] Hugon[is] de Baline et Henr[icus] de Wychcu[m]be

Et q[ui]a d[omi]nus Rex concessit p[re]dic[to] Rob[er]to et homi[ni]b[us] suis f[ir]ma[m] pace[m] sua[m] p[er] carta[m] ip[s]ius d[omi]ni Reg[is] ita tam[en] q[uo]d starent recto si quis v[ersus] eos loq[ui] volu[er]it et q[ui]a solemn[er] Int[er]ogat[us] fuit si q[ui]s v[ersus] eos loqui voluerit et no[n] est aliquis qui v[ersus] eos loq[ui] volu[er]it I[de]o concedit[ur] p[re]d[ic]to Rob[er]to fir[m]a pax

P[os]t[ea] ven[it] p[re]d[ic]ta Elena et fine[m] fecit p[ro] se et plegiis suis p[er] v m[arcas] p[er] pl[egium] Elye de Thacham Galfr[idi] Ward Pet[ri] fil[ii] Ade Salvayn Will[elm]i fil[ii] Pet[ri] Petr[i] de Hellewe Petr[i] de ham[er]ton

Postea testat[um] e[st] q[uo]d quid[am] Henr[icus] le Waleys simul cu[m] Will[elm]o Hellag' Ric[ardo] de Stanley Rob[erto] venator Will[elmo] de Bardeneye Will[elmo] de Burgo Joh[anne] coco Ric[ardi] Waleys Thom[a] Mitte Mich[aele] le fforest[er] Will[elm]o Textore de Burgh Ric[ardo] ad ffonte[m] de ead[em] Thom[a] ad ffonte[m] Rad[ulpho] King Gilb[er]to Carucatore Jordano le Cysilur Joh[anne] T[er]nwas Will[elmo] fil[i]o Rad[ulphi] de Burgo Joh[ann]e f[rat]re eius Hugone de Joytorp Rob[er]to f[rat]re eius [et] Joh[anne] Tilli Int[er]fuit p[re]d[ic]to conflictui ubi p[re]d[ic]t[u]s Joh[annis] fuit occis[us] et simil[ite]r quid[am] Will[elmu]s {filius Henr[ici]} de Wendewurth ita q[uo]d quid[am] de hiis sagittav[er]unt ad eos s[ed] nemine[m] occid[er]unt I[de]o p[re]d[ic]t[u]s Henr[icus] custodiatur et om[n]es alij cap[iantur]

Post ven[it] p[re]d[ic]t[u]s Henr[icus] et fin[em] fec[it] p[ro] {se} et ho[m]i[ni]b[us] suis p[er] xxx m[arcas] p[er] pl[egium] Ric[ard]i le Walays Joh[ann]is de Bosevil Rad[ulphi] fil[ii] Hug[onis] de Baln Henr[ici] de Wynchecumbe Rob[ert]i de S[an]c[t]o Paulo Rad[ulph]i de Normanvill David Folifot Thom[e] de Dyghton

Et testatu[m] est {s[im]il[ite]r} quod Wille[lm]us de Karlington et Joh[anne]s cocus Ric[ard]i le Waleys et Int[er]fuerunt p[re]d[ic]te conflictui simul cu[m] p[re]d[ic]to (*blank*) de Hallawe et Alij ubi p[re]d[ic]ti Joh[annes] et Will[elmu]s occisi fuer[un]t et postea redieru[n]t ad domu[m] p[re]d[ic]ti Ric[ard]i le Waleys et nemine[m] occider[un]t Immo sagittaveru[n]t sim[u]l cu[m] aliis I[de]o p[re]d[ic]t[u]s Ric[ardu]s et alij custodian[ur]

Post venit p[re]d[ic]t[u]s Ric[ardu]s et fine[m] fecit p[ro] se et p[re]d[ic]tis Will[elm]o et Joh[ann]e p[ro] t[ra]nsg[re]ssione ip[s]or[um] p[er] L ma[rcas] p[er] pl[egium] Henr[ici] le Waleys Joh[ann]is de Bosevill

[marginated] misericordie custodian[ur] CC marce Gayola misericordie firma pax v marce

[The wapentake of Osgoldcross continued

Ellen who was the wife of John de Healaugh appealed in the county court Adam son of Richard of Saddleworth William Frank esquire of Eweby John of Hollingworth Ralph Gudelok hunter that they, on the eve St. Oswald in the 32nd year of the king's reign [4th August 1248] around the first hour, came in the demesne meadow of Richard le Waleys wickedly and feloniously and in premeditated assault attacked John her husband and wounded him. So that the aforesaid Adam struck him with a certain arrow in the left thigh rising higher as far as his genitals nine inches deep and three inches wide and William Frank wounded him with a certain barbed arrow below the

belt and John of Hollingworth wounded him with a certain arrow in the right thigh and Ralph Kudelak harmed him with a certain arrow between the right thigh and the body

The same [Ellen] appealed of force incitement and instigation William of Dagenal of Owston Humphrey de Veilly William his brother Adam of Treeton Eudo of Skellow Adam of Laneham clerk William of Owston William miller of Huddersfield Henry Wolf Herbert son of Giles Richard son of William of Quick John cook of Robert de Veilly Nicholas and John grooms of the aforesaid Robert Reginald of Elmsall John Heperun of Owston Eudo of Sutton William French of Clayton William his brother Henry son of Eve of Owston Hugh Clut of the same William Node of the same Thomas son of Ingram of the same Thomas son of Richard of the same Robert servant of Richard Henry taylor of Skellow Adam Bocky John of *Bertorp* William Julian of the same William Sotudung of Skellow Ralph son of Mirill of Owston Walter [of] *Brimeslay* in Carcroft Robert Prol of Sutton Hugh Long of Owston Peter Cloke William carter of the same Nicholas Manning Hugh his brother Robert de Veilly Robert parson of Almondbury Richard of Staveley Nigel of *Langethon* William of Owston Russel man of the aforesaid Nigel Thomas of Carcroft Ralph of Nevil of the same Robert son of Yade of the same Peter Thornhurst Adam Mendeman of Skellow John Koket of the same Astinum of the same Hugh reeve of the same Richard of *Kukerlay* they are now sued

After comes the aforesaid Robert de Veilly and produces a charter of the lord King which lord King pardoned to the aforesaid Robert and his men the suit of our peace which belongs to us for the death of the aforesaid John and William so that that they stand to right if anyone will wish to speak against them and it is contained in the aforesaid charter of the lord king which they presented that the aforesaid Ellen withdrew herself from her aforesaid appeal and so they presented an untruth to the lord king because the aforesaid Ellen still sues for the death of the aforesaid John her husband. So the aforesaid Robert and others who came are to be taken into custody.

After comes the aforesaid Robert and made fine for 200 marks for him and his men appellees by the pledge of Richard of Strueton Richard of Tankersley John of Oketon Richard of Mitton Robert of Stapelton Richard of Thorn Alan of Catherton Robert of Wickersley Roger the Peytevin Hugh of Swillington Richard of Luchington William of Poulington Eudo of Sutton Hugh of *Curton* Peter of Gipton Alan son of Josiana Peter of Arches Reginald Collon of Skelbrook Hugh of Cowlam

After comes Ellen and does not wish to sue against them so she is to be committed to gaol and her pledges for prosecuting are in mercy as appears Henry Gos of Skellow Robert son of William of *Skyrley* Ralph son of Hugh of Balne and Henry of *Wyhecumbe*

And because the lord king has granted to the aforesaid Robert and his men his firm peace by charter of him the lord king on condition that they stand to right if anyone wishes to prosecute them and because they were solemnly asked if anyone wishes to speak against them them and there is not anyone who wishes to speak against them, so the aforesaid Robert is granted firm peace

Afterwards comes the aforesaid Elena and makes fine for herself and her pledges by five marks by the pledge of Elias of Thatcham Geoffrey Ward Peter son of Adam Salvayn William son of Peter Peter of Healaugh Peter of Hammerton

Afterwards it was attested that a certain Henry le Waleys together with Willliam of Healaugh Richard of Stanley Robert hunter William of Bardney(?) William of Burgo John cook of Richard le Waleys Thomas Mitte Michael the Forester William Weaver of Burgh Richard at Well of the same Thomas at Well Ralph King Gilbert Ploughman Jordan the Taylor John *T'uw*as William son of Ralph of Burgh John his brother Hugh

of Youlthorpe(?) Robert his brother and John Tilli was present at the aforesaid confrontation where the aforesaid John was killed and similarly a certain William {son of Henry} of Wentworth so that some of them shot arrows at them but they killed no-one. So the aforesaid Henry is to be taken into custody all the others are to be arrested.

After the aforesaid Henry comes and makes fine for him and his men by 30 marks by the pledge of Richard the Waleys John de Bosevil Ralph son of Hugh of Balne Henry of *Wynhecumbe* Robert of St. Paul Ralph de Normanvill David Folifot Thomas of *Dyghton*

And it was attested likewise that William of *Karlington* and John cook of Richard the Waleys were present at the aforesaid conflict along with the aforesaid (*blank*) of Healaugh and others where the aforesaid John and William were killed and afterwards returned to the house of the aforesaid Richard le Waleys and they killed no-one but rather they shot arrows along with the others So let the aforesaid Richard and the others be taken into custody.

After comes the aforesaid Richard and made fine for himself and the aforesaid William and John for their trespass by fifty marks by the pledge of Henry le Waleys John de Bosevill

[marginated] in mercy they are to be taken into custody 200 marks gaol in mercy firm peace 5 marks



Owston Church

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Contributions for Vol. 46(2) must be submitted to the editors by 30th June 2016.

The Society's new website is currently under development and will have increased facility to access details of the Society's activities, publications, library, archives, contacts and include the capability for arranging and renewing membership. Also included will be an index to Saddleworth place names with a reference map. It is further planned that thousands of monumental inscriptions from Saddleworth gravestones and a comprehensive list of baptisms & marriages and a bibliography of Saddleworth publications will also feature.

