

Bygone Punishments

Perhaps your readers would like some further information regarding ancient penalties or forms of punishment of offenders, and the rise of the powers of the Admiral of the Mumber referred to by Bro S. L. Carson in the Quarterly Bulletin of April 1918.

I have recently taken the opportunity of inspecting the Charters of the County of Kingston upon Hull and the Bunch books made thereunder -

The Charters and letters Patent range over a period of 598 years commencing A.D. 1299 to A.D. 1897.

The first Charter of 27 Edward I is dated the 1st April 1299. It created the Town of "Kyngeston upon Hull" a free borough and granted that the men of the same town ^{should} be free burgesses, with power to appoint some faithful man to the office of Warden, & that they ^{should} have relief of all the King's writs, so that no Sheriff or other Bailiff ^{should} shall enter the Borough to execute any office or for any purpose pertaining to the Borough except in aid of the Warden. Further authorized the Burgesses to elect

1897
1299
598

a Coroner from amongst themselves who ^{should} ~~shall~~ be presented
to the Warden before whom he ^{should} ~~shall~~ take oath that he ^{would} ~~will~~
faithfully do & observe those things which pertain to
his office.

The Charter further granted powers ^{to} ~~to~~ ^{build} ~~to~~ a prison in
the same Borough, for the punishment of of malefactors
apprehended therein, & likewise that gallies ^{should} ~~shall~~ be
erected outside the Borough, so that the Warden ^{might} ~~may~~
execute judgment of "^{the} ~~the~~ ^{Infangenethef} ~~Infangenethef~~ and ^{the} ~~the~~ ^{Ufangebethef} ~~Ufangebethef~~"
"Infangenethef and Ufangebethef" literally means
"thief seized within" and "thief seized without". Judgment
of Ufangebethef and Infangenethef was the power to punish ~~the~~ a
thief who was an inhabitant of the franchise to which the
grand related, whether he was caught within or beyond the
limits of the Franchise. (See Pollock's & Maitland's History
of English Law 1. pp. 563, 564, and Cross' Gift Merchant 11.
p. 421.)

Various other Charters & letters Patent were granted
by the Crown amplifying & ^{& enforcing} increasing, from time to time
the powers of the Burghs, which need not be further
quoted here, until we come to ^{the} letters Patent of the 25 Henry
VI dated the 10 March 1446-7 under which the Admiral
of the Humber was appointed. I propose to quote these letters
Patent rather fully so far as they relate to the appointment
of the Admiral of the Humber

2

The original of this Charter is preserved amongst the Corporation records. A small fragment of the Seal attached by a plaited cord of white & green silk still remains. On the fold is the following endorsement in Latin.

"Enrolled in the [Court of King's] Bench, in Trinity
"Term, in the twenty fifth year of the reign of King Henry the
"Sixth after the August. Roll 127."

On the back is a second endorsement (also in Latin) as follows: -

"Enrolled in the Memoranda of the Exchequer,
"namely, amongst the records of Hilary Term,
"in the thirtieth year of King Henry the Sixth,
"Roll . . . on behalf of the King's Memoranda"

The Charter is ^{appointed} annexed to the Admiralty of the Chamber
is as follows.

"Henry, by the Grace of God King of England France
"and Lord of Ireland, To the Archbishops, Bishops
"Abbots, Priors, Dukes, Marquises, Earls, Justices
"Sheriffs, Justices, Ministers & all his Bailiffs and
"faithful subjects Greeting. Know ye that
"whereas the town or borough of Thyngheton upon Hull,
"lately in the County of York, by virtue of our grant
"made in this behalf, is separated from the same County

Note, wherever underlined there must be capital letters
G.H.S.

" and is likewise incorporated of thirteu Aldermen,
" justices of our peace in the town or borough aforesaid,
" and the liberty, suburbs and precinct thereof, of whom one
" is Mayor and Escheator of the same town and the
" precinct thereof, and of one Sheriff and one Coroner
" in the town or borough aforesaid, and the liberty, suburbs
" and precinct aforesaid, as in our certain charters
" thereof granted is more fully contained. We

+ + + + +
(here comes an enlargement of the County, by incorporating parts
of certain outside parishes or Villages, and granting the power
to appoint two Coronors in the place of one: - the charter, ^{then} proceeds

" We have granted also of our more abundant grace,
" to the same Mayor and Burgesses and their Successors
" that immediately after the decease of our most dear
" Cousin, John, Duke of Exeter, and of Henry his
" son, the Mayor of the town aforesaid, and the other
" Aldermen of the same town, may elect from time
" to time, from amongst themselves, one sensible
" and discreet man, according to their wise discretions,
" to be our Admiral within the said County of Northampton
" upon Hull, and within the whole town of Drypool,

" and throughout precinct thereof, and throughout
" the whole water of the Humber; And that the
" same Admiral, so elected and to be elected, shall
" be, from time to time, after the death of the said
" Duke and of Henry his Son, the Admiral of
" us and our heirs and successors within
" the whole county of the town or borough of Kingston
" upon Hull aforesaid and within the said
" town of ~~Deepole~~ ^{Deepole}, and the whole precinct thereof,
" and throughout the said water of Humber,
" to exercise and execute, in all things and for
" all things, the office of Admiral, of all
" manner of matters and things whatsoever
" and howsoever done or perpetrated,
" affecting or concerning that office; So
" that no Admiral of England of us, our
" heirs or successors, or any lieutenant
" or his deputy, or any officer or minister of that
" office, other than the said Admiral, to be
" elected as is aforesaid within the said town of
" Kingston upon Hull, shall in any manner
" enter that town or any liberty or precinct
" precinct thereof, or the said town of Deepole

" or the said county of the said town of Thurgeston upon Hull
" or any part of the same county, or the said wato of
" Humbre, from the time of the death of the aforesaid
" Duke and of the said Henry his son, to exercise his
" office there, or to do or execute anything therein which
" belongs to that office, or in any manner to trouble
" himself with that office there. And the Mayor and
" Burgesses of the said town of Thurgeston upon Hull
" and their successors, shall for ever have and receive,
" from the time of the death of the said Duke, and
" of the aforesaid Henry his son, for the maintenance
" of the poor of the said town, all and singular the
" profits, commodities, and endowments of the
" office of Almsward, accruing within that town,
" and the said town of Dyrpoe, and the said wato
" of Humbre; and also within the said county of
" the said town of Thurgeston upon Hull, and every
" parcel of the same county, without rendering,
" paying, or making any account or other thing
" thereof to us

+ + + + +
" Given by our hand at Westminster, on the tenth
" day of March, in the twenty fifth year of our
" 6

"reign

Thirde

"By the King himself and of the date
"aforsaid, by the authority of Parliament"

It will be seen that by this Charter letters Patent is the
origin of the office of Admiral of the Humber.
From the date of this Charter to the present time the Mayor for
the time being has always been elected a Admiral of the
Humber. In the Liber Albus (Bench Book III. ff. 152. to 156)
is a long and extremely curious code of the regulations of
the local Admiralty Court, apparently drawn up shortly
after the issue of this Charter. The Corporation also possess
portions of several books recording the proceedings of the
Court in the 17th century. In the Town Clerk's office the
seal of the local Admiralty Court is preserved. It is
 $\approx 1\frac{1}{2}$ inches in diameter. The Centre represents a one masted
ship on the waves with the three Crowns of Hull displayed on
the main sail. The legend ~~is~~ in German last letters is
'offic' admirallitat' ville regie de hul -

The Liber Albus or Bench Book above referred to
is ~~headed~~ ^{made} of parchment, large quarto size & the particular
part relating to the rules of the local Admiralty Court is
headed as follows: -

Forma Civiae Admiralitatis Anglie

+ + + + + + + + +

" To you Masters that be of the quest if it shall fortune you
" or any of you to discover or disclose any thing of the
" King's secret-council or of the council of your fellows
" you must suffer death in this manner for you you be
" admitted for the time as King's secret-counsellors

" Pena

" They shall be hanged down to the low water mark
" whoseat must be made three eyes for the King and the
" admiral and that their offences be published their hands
" and their feet bounden their throats shall be cut and
" their tongues pulled out of their heads and their bodies
" cast into the sea. (In another handwriting with difference
" in) *Diis maris sceli quia enim nisi vota supersunt.*

" Item

" You shall enquire of any man in port or
" or who have stolen sleepes ruts cords or any other things
" feloniously if the said goods amount to the value of twenty
" one pence

" Pena

" He must be hanged at the low water mark

" Item

" If any man remove any anchor of any ship
" without license from the master or Mariner or both

" Pena

" He must be hanged at the low water mark

" Item

" If any man remove or cut the buoy bower
" to the buoy rope without knowledge of the master or
" Mariner or cut any cable in likewise

" Pena

" He must be hanged at the low water mark

+ + + + +

The township of Drypool mentioned in the Charter was a 'vill'
on the east side of the River Hull from which the City takes
its name. It is now called Drypool & forms part of the City
& Councils of Kingston upon Hull.

A few words ^{asto} of the origin of the Town of Kingston
upon Hull may be interesting.

The site of Hull was formerly called Hyton. Hyton ^{It}
some low lying land
was a poor hamlet consisting of only a few scattered cottages on
near the confluence of the River Hull & the Hamble. About

1237
1216
217

Year 1150 William le Gros, Earl of Albemarle, to discharge
himself from a vow he had made to visit Jerusalem founded
a Monastery at Melba or Meause a place about 7 miles north
of Hull. One Maude Caubin a gentlewoman of property
sold to the Abbot & Monks of that Monastery two parts of land
she had in the village of Hylton for 91 marks of silver.
In 1296 the Scots having made an invasion into England & Edward
the First marched against them with a well appointed army,
and joining battle, slew 28,000 of the enemy in the field
put the rest to flight. He returned through Holderness
(a part of the East Riding of Yorkshire) & was pleased to
honour the Lord Wakes of Bayona Castle of ^(about 12 miles west of Hull) Collingham,
with a visit of several days. During his stay he one day
went hunting, and having started a hare, which led them
along the banks of the river Hull. The King who was a
Prince of excellent understanding & judgment, had no
sooner come up, seen the place, than his ardour for the chase
entirely forsook him. He was charmed with the scene
before him and viewed with delight the advantageous
situation of this hillward neglected corner. He quietly
conceiv'd the thought of erecting a fortified town & making
a safe & commodious harbour. He called the Shepherds
& enquir'd of them how deep the river Hull was, both at
high & low tide, & who was the owner of the soil,
all of which having fully inform'd himself, he return'd

well pleased to Cottingham; from whence he sent to the
Abbot of Ince and in exchange for some lands of
considerable more value in Lincolnshire, he obtained
possession of the ground he desired. Having thus far
succeeded in his design he bestowed in issuing a
proclamation offering great freedoms, privileges, and
immunities to whosoever pleased to build & inhabit there.
In order that this proclamation might have the special
and great effect, he caused a manor-hall to be
erected for himself at the same time knowing the
town with the Royal appellation of Kingston - that is
King's Town. In the 27th year of his reign, the harbor
was finished; the town was made free; and all the
a Charter was granted, and all the inhabitants,
from that time became Free Burgesses.

A few years ago King George the 5th pronounced
the town by making it a City and is proper legal
appellation now is The City & County of Kingston upon
Hull.

Geo. L. Shackles

P.M. Quaker Coronet 2076
P.P.S. G.P. Warden N. & E. Yorks

BYGONE PUNISHMENTS.

Perhaps your readers would like some further information regarding ancient penalties or forms of punishment of offenders, and the origin of the powers of The Admiral of the Humber referred to by Wor. Bro. J. L. Carson in the Quarterly Bulletin of April 1918.

I have recently taken the opportunity of inspecting the Charters of the County of Kingston upon Hull and the Bench books made thereunder.

*the actual Town of
of Kingston upon Hull*

The Charters and Royal Letters Patent are 36 in number and range over a period of 598 years commencing A.D. 1299 to A.D. 1897.

The first Charter of 27 Edward I is dated the 1st April 1299. It created the Town of "Kyngeston upon Hull" a free borough and granted that the men of the same town should be free burgesses with power from time to time to appoint some faithful man to the office of Warden, and that they should have return of all the Kings Writs, so that no Sheriff or

other Bailiff should enter the Borough to execute any office there for any purpose pertaining to the Borough except in default of the Warden. It further authorised the Burgesses to elect a Coroner from amongst themselves who should be presented to the Warden before whom ^{he} should take oath that he would faithfully do and observe those things which pertained to his office.

The Charter further granted powers to build a prison in the same Borough for the punishment of malefactors apprehended therein, and likewise that gallows should be erected outside the Borough so that the Warden might execute judgment of "Infa^Ngenethef and U^Ntfa^Ngenethef".

Infa^Ngenethef and U^Ntfa^Ngenethef" literally means "thief seized within" and "Thief seized without" . Judgment of

"Infa^Ngenethef and U^Ntfa^Ngenethef was the power to punish a thief who was an inhabitant of the franchise to which the grant related, whether he was caught within or beyond the limits of the Franchise. (SEE Pollock and Maitlands History of English

Law 1, p.p.563, 564, and Gross Gild Merchant **II** p.421.)

Various other Charters and Letters Patent were granted by the Crown amplifying increasing and confirming from time to time the powers of the Burgesses, which need not be further quoted here, until we come to the Letters Patent of the 25 Henry **VI** dated the 10th March 1446-7 under which the Admiral of the Humber was appointed. I propose to quote these letters Patent rather fully so far as they relate to the appointment of the Admiral of the Humber.

The original of this Charter is preserved amongst the Corporation records. A small fragment of the seal attached by a twisted cord of white and green silk still remains on the ^{Three} following the following endorsement in Latin:-

"Enrolled in the (Court of Kings) Bench in Trinity

"Term, in the twenty fifth year of the reign of King Henry the

"Sixth after the Conquest. Roll 127.

On the back is a second endorsement (also in Latin) as follows

"Enrolled in the Memoranda of the Exchequer, namely,

"Amongst the records of Hillary Term, in the

"thirtieth year of King Henry the Sixth,

"Roll . On behalf of the Kings Remembrance

The Charter so far as relates to the appointment of the Ad-

miralty of the Humber is as follows:-

"HENRY BY THE GRACE OF GOD KING OF ENGLAND FRANCE

"AND LORD OF IRELAND To the Archbishops, Bishops,

"Abbotts, Priors, Dukes, Marquises, Earls, Justices.

"Sheriffs, Provosts, Ministers and all his Bailiffs

"and Faithfull Subjects. Greeting. KNOW YE that

"whereas the Town or Borough of Kyngeston upon Hull

"sitely in the County of York by virtue of our

"grant made in this behalf, is separated from the

"same County and is likewise incorporated of

"thirteen Aldermen justices of our peace in the

"town or borough aforesaid and the liberty suburb

"and precinct thereof of whom one is Mayor and

"Escheator of the same town and the precincts

From margin
9.18.

thereof, and of one Sheriff and one Coroner in the town or
borough aforesaid, the the liberty, suburb, and precinct afore-
said, as in our certain charter thereof granted is more fully
contained WE x x x x x x x x x x x x x x x x

the provisions for the (of the boundaries of)
(here comes an enlargement of) the County of Kingston upon

Hull by incorporating parts of certain outside Parishes or
Villes and granting the power to appoint two Coroners in the

place of one:- *T*he charter then proceeds:-

"WE HAVE GRANTED ALSO of our more abundant grace

"to the same Mayor and Burgesses and their success

"ors that immediately after the decease of our

"most dear Kinsman, John, Duke of Exeter, and of

"Henry, his son, the Mayor of the town aforesaid,

"and the other Aldermen of the same town, may

"elect from time to time, from amongst themselves,

"one suitable and discreet man, according to their

"wise discretions, to be our Admiral within the

"said County of Kyngeston upon Hull, and within the
"whole town of Drypo^{le} and the whole precinct
"thereof, and throughout the whole water of the
"Humbre; AND that the same Admiral, so elected and
"to be elected, shall be, from time to time, after
the death of the said Duke and of Henry his Son,
"the Admiral of us and our heirs and successors
"within the whole county of the town or borough
"of Kyngeston upon Hull aforesaid and within the
"said town of Drypole, and the whole precinct
"thereof., and throughout the said water of
"Humbre, to exercise and execute, in all things
"and for all things, the office of Admiral, of all
"manner of matters and things wheresoever and how-
"soever done or perpetrated, affecting or concern-
"ing that office; SO that no Admiral of England of
"us, our heirs or successors, or any locumtenens or
"his deputy, or any officer or minister in that

"office, other than the said Admiral, to be elected
"as is aforesaid within the said town of Kyngeston
"upon Hull, shall in any manner enter that town or
"any liberty or precinct thereof, or the said town
"of Drypole or the said county of the said town of
"Kyngeston upon Hull or any part of the same county
"or the said water of Humber, from the time of the
"death of the aforesaid Duke and of the said Henry
"his Son, to exercise his office there, or to do or
"execute anything there which belongs to that office
"or in any manner intermeddle himself with that
"office there: AND the Mayor and Burgesses of the
"said town of Kyngeston upon Hull and their success-
"ors, shall for ever have and receive, from the
"time of the death of the said Duke, and of the
"aforesaid Henry his Son, for the maintenance of
"the port of the same town, all and singular the

"profits, commodities, and emoluments of the office
"of Admiral, accruing within that town, and the
"said town of Drypole, and the said water of
"Humbre, and also within the said county of the
"said town of Kyneston upon Hull, and every parcel
"of the same county, without rendering, paying or
"making any account or other thing thereof to us

x x x x x x x x x x x x x x x x

"Given by our hand at Westminster, on the tenth
"day of March, in the twenty fifth year of our
"reign

"Kirkeby"

"By the King himself and of the date afore-

"said by the Authority of Parliament"

It will be seen that this Charter^{or} Letters Patent is the
origin of the office of Admiral of the Humber.

From the date of this Charter to the present ~~of the~~ time

"To you Masters that be of the quest if it shall fortune you
"or any of you to discover or disclose any things of the King's
"secret council or of the council of your fellows you must
"suffer death in this manner for now you be admitted for the
"time as Kings' secret counsellors

"Pena

"They shall be had down to the low water mark whereat
"must be made three oyes for the King and the Admiral and shall
"their offences be published, their hands and their feet bounden,
"their throats shall be cut, and their tongues pulled out of their
"heads and their bodies cast into the sea. (In another hand-
"writing and with different ink) Dii maris sceti quid enim nisi
"vota supersuut.

"Item

"You shall enquire if any man in port or creek have
"stolen ~~steppys~~ nets cords or any other things feloniously if
"the said goods amount to the value of twenty one pence

"Pena

"He must be hanged at the low water mark

"Item

"If any man remove any anchor of any ship without license from the Master or Mariner or both

"Pena

"He must be hanged at the low water mark

"Item

"If any man remove or cut the buoy bounden to the buoy rope without knowledge of the Master or Mariner or cut any cable in likewise

"Pena

"He must be hanged at the low water mark

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The township of Drypole mentioned in the Charter was a "ville"

on the East side of the River Hull from which the City takes its

name. It is now called Drypool and forms ^{one of the Parishes and} part of the City
and County of Kingston upon Hull

A few words as to the origin of the town of Kingston upon
Hull may be interesting.

The site of Hull was formerly called Myton. It was a
poor hamlet consisting of only a few scattered cottages on some
low lying land near the confluence of the Rivers Hull and the
Humber. About the year 1150 William de Gross, Earl of Albe-
marle, to disengage himself from a vow he had made to visit
Jerusalem founded a Monastery at Melsa or Meaux a place about
seven miles north of Hull. One Maud Camin a gentlewoman of
property sold to the Abbot ^{or} ~~of~~ Monks of that Monastery two parts
of land she had in the village of Myton for 91 marks of silver.
In 1296 the Scots having made an inroad into England, Edward the
First marched against them with a well appointed Army, and join-
ing battle, slew 28.000 of the enemy in the field and put the
^{On his way to London he}
rest to flight. ~~He~~ returned through Holderness (a part of the

East Riding of Yorkshire) and was pleased to ~~know~~^{honour} the Lord

Wakes of Baynard Castle of Cottingham ^{small Village a} a few miles West of

Hull) with a visit of several days. During his stay he

one day went hunting, and having started a hare, which led them

along the banks of the River Hull,- the King who was a Prince

of excellent understanding and judgment, had no sooner come up

and seeing the place, than his ardour for the chase entirely

forsook him. He was charmed with the scene before him and

viewed with delight the advantageous situation of this hitherto

neglected corner ^{of his kingdom.} He quickly conceived the thought of erecting

a fortified town ^{here} and making a safe and commodious harbour.

He called the ^{who were tending their sheep} shepherds and enquired of them how deep the River

Hull was, to what height the tides flowed, and who was the owner

of the soil. All of which having fully informed himself, he

returned well pleased to Cottingham, from whence he sent ^{for} the

Abbot of Meaux and in exchange for some lands of considerable ~~value~~

^{more} value in Lincolnshire, he obtained possession of the ground he

desired. Having thus succeeded in his design he lost no

time in issuing a proclamation offering great freedoms,

privileges, and immunities to whosoever ^{might be} pleased to build and

and inhabit them. In order that this proclamation might

have the speedier and greater effect, he caused a Manor-Hall to

be erected for himself at the same time ^{honouring} ~~erecting~~ the town with

the Royal ^{Appellation} ~~appellation~~ of Kingston - that is King's Town.

In the 27th year of his reign, the harbour was finished, the

town was made free; a Charter was granted, and all the inhab-

itants, from that time became ^{free} ~~the~~ Burgesses.

A few years ago ^{the late} King ^{Edward} ~~George~~ the ^{Seventh} ~~Fifth~~ honoured the

^{Borough raising it to the dignity of} ~~town~~ making it a City and its proper and legal ^{appellation} ~~appellation~~

now is the City and County of Kingston upon Hull.

Geo. L. Shackles.

P.M. Quatuor Coronata 2076.

P.P.S.Gd. Warden N. & E. Yorks.