

**MANCHESTER SESSIONS: NOTES OF
PROCEEDINGS BEFORE OSWALD
MOSLEY (1616-1630), NICHOLAS
MOSLEY (1661-1672), AND SIR OSWALD
MOSLEY (1734-1739), AND OTHER
MAGISTRATES. VOL. I. 1616 - 1622-23**

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Manchester Sessions: Notes of Proceedings before Oswald Mosley (1616-1630), Nicholas Mosley (1661-1672), and Sir Oswald Mosley (1734-1739), and Other Magistrates. Vol. I. 1616 - 1622-23
by Ernest Axon

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Manchester Sessions.

NOTES OF PROCEEDINGS

BEFORE

Oswald Mosley (1616-1630), Nicholas Mosley
(1661-1672), and Sir Oswald Mosley (1734-1739),

AND

OTHER MAGISTRATES.

Edited from the MS. in the Reference Library, Manchester,

BY

ERNEST AXON.

VOL. I. 1616—1622-23.

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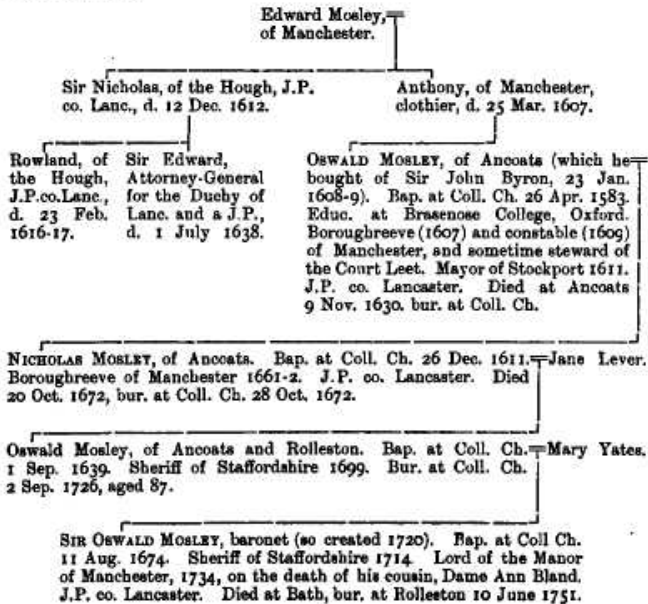
INTRODUCTION.

The manuscript volume of which this is a copy, was formerly for many generations in the possession of the family of Mosley of Ancoats. From them it passed into the library of Sir Thomas Phillipps, baronet, and at the sale in 1898 of a portion of his library it was purchased by the Free Libraries Committee and is now in the Reference Library, Manchester. It is a foolscap folio of paper, and is in the original leather binding. It contains notes of the cases which came before three magistrates of the family of Mosley, namely:—Oswald Mosley, 1616 to his death 1630; Nicholas Mosley, his son, from 1661 to 1672; and Sir Oswald Mosley, baronet, grandson of Nicholas, from 1734 to 1739. In addition to the proceedings at Privy Sessions, there are notes of various other branches of magisterial work, including some administrative business at Quarter Sessions and Assizes, all of which will be published in this work. There are also a number of forms and lists of magistrates which are incorporated in this introduction. Besides this the volume contains some miscellaneous notes, relating principally to the property of the Mosley family. These will, it is expected, form part of a volume of "Miscellanies" to be issued by the Chetham Society.

In printing I have endeavoured to make a faithful copy of the original manuscript, to the pages of which references are given by means of numbers in square brackets. A few obvious errors have been corrected, and the dates have been reduced to uniformity. With regard to the contractions I have found considerable difficulty, as the original is very carelessly and by no means uniformly

marked. I have placed the contraction marks whenever the scribe has used them, but have not inserted them in the very numerous instances where they have been omitted by him. Personal names and place names have throughout been printed with capitals, although in the original the usage varied. The transcript was made for the Free Libraries Committee under the direction of Mr. Charles W. Sutton, the Chief Librarian. It was intended that Mr. Sutton should also edit the volume, but pressure of other engagements prevented him. He has, however, read the proofs and given many valuable suggestions, for which grateful acknowledgments are due.

The Mosleys.—The following pedigree will show the relationship of the three Mosleys who formerly owned the MS and who recorded in it the cases which came before them.



Magistrates.—As the present volume of the Record Society only records the cases which came under the notice of Oswald Mosley, of Ancoats, from 1616 to 1622-3, that gentleman is the magistrate most frequently named, but other magistrates occur, John Greenhalgh, Leonard Asshawe, Sir Edmund Trafford, Sir Cecil Trafford, Edmund Prestwich and Edward Holland being apparently, with Mr. Mosley, the most active justices in Salford hundred.

On pp. 7-10 of the MS. are two lists of magistrates in 1615-16, one list being apparently of the quorum. From these two lists the following list is compiled, the quorum being marked with an asterisk.

JUSTICES OF THE PEACE FOR THE COUNTY PALATINE OF
LANCASTER, 1615-16.

- | | |
|---|---|
| *Thomas [Egerton] Lord Ellesmere, Lord Chancellor of England. | *Sir Edward Mosley, knight, Attorney general of the Duchy of Lancaster. |
| *Thomas [Howard] Earl of Suffolk, K.G., Lord Treasurer. | *Sir Richard Molyneux, knight and baronet, Receiver general of the Duchy. |
| *William [Stanley] Earl of Derby, K.G., Lord Lieutenant of the counties of Lancaster and Chester and of the county of the City of Chester, Chamberlain of the county palatine of Chester. | *Sir Richard Hoghton, knight and baronet. |
| *William [Parker, 5th] Lord Monteaigle. | *Sir Thomas Gerard, knight and baronet. |
| *Thomas, Lord Gerard. | *Sir William Norres, knight of the Bath. |
| *Sir Thomas Parry, knight, Chancellor of the Duchy and one of the Privy Council. | Sir George Booth, knight and baronet. |
| Sir Edward Bromley, knight, one of the Barons of the Exchequer. | *Sir Peter Legh, knight. |
| *Sir Augustine Nicholls, knight, one of the Justices, of the King's Bench. | Sir Cuthbert Halsall, knight. |
| | *Sir Edmund Trafford, knight. |
| | Sir John Byron, senior, knight. |
| | Sir Thomas Holcroft, knight. |
| | Sir William Davenport, knight. |
| | Sir Richard Assheton, knight [of Middleton, d. 1617]. |
| | *Sir Thomas Tyldesley, knight, Attorney of the County |

- Palatine of Lancaster and one of the Council of the North.
- *Edward Stanley, esq.
 - William Fanshawe, esquire, Auditor of the revenue of the Duchy of Lancaster in the northern parts.
 - Robert Hesketh, esq.
 - *Richard Holland, esq.
 - *Ralph Assheton, esq. [In a later hand is written "mortuus et ejus loco Radus Asheton filius dic̄i Raðe."]
 - *James Anderton, esq.
 - *Edward Ridgley, esq.
 - Richard Sherburne, esq.
 - Richard Bold, esq.
 - Rowland Mosley, esq. [In a later hand "mortuus est." He was of The Hough, d. 1616-7].
 - Richard Murray, clerk, Dean of the Church of St. Burian in Cornwall, and Warden of the College of Christ in Manchester.
 - Richard Fleetwood, esq.
 - Richard Shuttleworth, esq.
 - Gilbert Ireland, esq.
 - Geoffrey Osbaldeston, esq.
 - Thomas Ireland, esq. ["a.," altered to "miles."]
 - Humphrey Davenport, esq.
 - William Holt, esq.
 - Roger Downes, esq.
 - Thomas Coke, esq.
 - William Leigh, clerk, S.T.B.
 - Hugh Watnough, S.T.B.
 - George [sic for Gregory] Turner, rector of Sefton
 - James Anderton, senior, esq. [The subsequent names appear to be additions of a slightly later date].
 - Robert Bindlosse, esq. ["Miles" added later].
 - Radcliffe Assheton, esq.
 - Thomas Leigh, esq.
 - Bradell, esq.
 - Edward Rigby, esq.
 - Roger Nowell, esq.
 - John Wrightington, esq.
 - Edmund Fleetwood, esq.
 - Hugh Hesketh, esq.
 - Francis Holt, esq.
 - Edward More, esq.
 - George Preston, esq.
 - John Bradshaw, esq.
 - John Calvert, esq.
 - Thomas Barton, esq.
 - John Holt, esq.
 - John Fleming, esq.
 - Robert Blundell, esq. ["mortuus" added].
 - Edmund Prestwich, esq.
 - John Greenhalgh, esq.
 - Miles Dodding, esq.
 - Robert Holden, esq.
 - Roger Kirkbie, esq.
 - John Massie, esq.
 - James Bancks, esq.
 - John Ashton, esq., one of the Barons of the Exchequer at Lancaster.
 - Leonard Ashall, esq.
 - Edward Chesnall, esq.
 - Savill Radcliffe, esq.
 - William Ashurst, esq.
 - Oswald Mosley, esq.

Oswald Mosley's record begins in April 1616, and as his name is the last on the list we may presume that this list of magistrates represents the commission practically as it existed in April 1616. There are several magistrates named in this volume whose names do not occur in this list, and who presumably were added to the commission of the peace after 1616. Amongst these is Sir Cecil Trafford.

Coroners.—On p. 11 of the MS. is a list of coroners in the county of Lancaster, which does not, however, give the hundreds for which they served. The date is apparently 1616, and the names are Thomas Covell, John Bymson, John Cunliffe, Richard Medowcrofte and Richard Lancaster, gentlemen.

Constables.—Two classes of constables are named. The High Constables, were appointed by the magistrates at their annual meetings, the retiring High Constables submitting a list of six persons from whom the justices selected two or more. The High Constables had charge of a whole hundred, they collected many of the rates, and the Petty Constables were to some extent under their control. The High Constables were all men of good position, and were of the same class as the magistrates. In 1620 James Chetham of Crumpsall, elder brother of Humphry Chetham the Founder, was one of the High Constables for Salford Hundred.

Petty Constables, who were appointed for each township, were men of a considerably lower social position. Service was compulsory (p. 128) and the duties were onerous. The constable had to take an active and personal share in the pursuit and arrest of criminals, and he appears to have been the actual collector of the rates. The "Manchester Constables Accounts" and the orders (p. 16, 17, 53, etc.), show the diversity of functions which the constables had to perform and the penalties for neglect of duty. Mr. Mosley gives the form of a "precept for constables not executing their office aright."

Osw : Mosley, esq^r, &c., to the constables of the township of M : greeting whereas complaint is made unto me by the constables of D : in the County aforesaid : that divers faults have been committed by you in the execution of your office these are therefore to command, &c., that you be and personally appear at the next general Sessions of the peace holden within the hundred of Salford, then and there to answer unto such things as shall be objected against you concerning the execution of your said office. Hereof fail you not as you will answer the contrary at your perils. Given, &c.

Duties of the Magistrates.—"The Use of the Law," attributed to Francis Bacon, although probably not written by him,* contains a contemporary account of the duties of the magistrates in the reign of James I:—

"They are appointed to keep four sessions every year ; that is to say, every quarter one. This session is a sitting time to assemble and dispatch the affairs of their commission. They have power to hear and determine in their sessions all felonies, breaches of the peace, contempts and trespasses, so far as to fine the offender to the crown, but not to award recompence to the party grieved. They are to suppress riots and tumults ; to restore possessions forcibly taken away, to examine all felons apprehended and brought before them ; to see impotent poor people or maimed soldiers provided for according to the laws ; and rogues, vagabonds, and beggars punished. They are to license and suppress alehouses, badgers of corn and victuals, and to punish forestallers, regrators, and engrossers.

Through these, in effect, run all the county services to the crown ; as taxation of subsidies, mustering men, arming them, and levying forces by commission or precept from the King. Any of these justices, upon oath taken by a man that he standeth in fear that another will beat him, or kill him, or burn his house, are to send for the party by warrant of attachment directed to the sheriff or constable, and they are to bind the party with sureties by recognizance to the King to keep the peace, and also to appear at the next sessions of the peace. At which next sessions, when every justice of peace hath there delivered in all

* Bacon's Works. Edited by Spedding, vol. 7, pp. 469-471.