

## Scandal before the courts: a story of fornication and extortion

Did your ancestor appear before the courts in a dispute over pew rights, accused of fornication or involved in a churchyard brawl? These – and many others – are all cases which came before the ecclesiastical courts. The cases provide a fascinating insight into the lives of local people because of the wealth of detail each case provide. Not only do we learn about the case itself, we find out about witnesses, their ages and occupations, what they thought about their neighbours, their nicknames and facts about their lives we can't get from parish registers.

York Cause Papers are court cases which were heard at the Bishop's and Archbishop's courts in York. They survive from the 1300s and cover cases which occurred in the diocese of York and appeals from other dioceses within the Province of York. The Church courts declined after 1660, though a large number of cases still appeared before the York Court, but various legislation throughout the 19th century reduced the Anglican Church's authority still further and cases declined. The courts still exist but they now cover just ecclesiastical matters. Early cases are in Latin but the majority are in English and they are available to view free of charge on the Borthwick Institute's website.

I've picked an interesting local story from one of the cases concerning Henry Cockcroft and Susannah Kirshaw who came before the court in 1719-1720 accused of fornication.

Henry Cockcroft and Susan Kershaw were accused of 'not haveing the fear of God before your Eyes [and] did in the months of October November & December One Thousand Seven Hundred & Eighteen last past keep company together very familiarly and suspitiously as well upon the Day time as upon the night in places apt to Com[m]itt the Crime of For[nicati]on or Adultery within the Chappletry of Heptonstall & other places thereabouts... and that you the said Henry Cockcroft and Susannah Kirshaw....have laid together in one & the same Bed.'

The prosecution statement reports that credible witnesses have sworn that Henry and Susannah were guilty though much of the evidence was based on 'a common voice and well grounded fame'. The witnesses could all name some credible person they had heard this report from. Not perhaps the rigorous standard of evidence we expect today! Henry Cockcroft was described as a 'person of mean Character and suspected and reputed to have been Guilty of the Crime of Fornication or Adultery with diverse other women within the Parish of Hallifax.' He had previously attempted to debauch one Mercy Sutcliffe, the wife of Robert Sutcliffe of Stansfield who to avoid his attentions had been obliged to leap down some stairs sustaining an injury.

We get a detailed description of the two main accusers: Jonas Stansfield and Jonathan Stansfield were persons of good life, conversation, credit and repute and descended of the ancient family of the Stansfields of Stansfield Hall. They had been chapelwardens of Cross Stone and Heptonstall and overseers of the Poor and could not be prevailed upon to swear falsely. Jonas Stansfield, the statement tells us, had previously been entrusted by the court along with others to pull down Cross Stone Chapel and rebuild another chapel. They were the ones who claimed to be eyewitnesses, finding Henry and Susanna together in Henry's barn on 9 November 1718.

The defence statement tells a very different story. It tells us that Henry Cockcroft was a bachelor in good circumstances, aged about 67 and having an income of over £60 and one statement even tells us his baptism date and the name of his father. Susannah Kirshaw, or Little Su as she was known, was a poor infirm widow about 40. Both lived in good repute among their neighbours and neither had been thought to be guilty of fornication or adultery previously. He had a small farm and had asked Susannah to look after his cattle while he was away only returning once a quarter. On one occasion, when they were seen by Jonas and Jonathan Stansfield, Henry was in the barn with Susannah and a young boy of nine and he was trying to prevent the rain coming in through the roof while Susanna was feeding the cattle below. The defence also claimed that Jonas and Jonathan far from being characters of good repute had threatened to make reports against others for fornication in order to extract money from them and on this occasion Henry Cockcroft had refused to give in to their threats. Jonas and Jonathan were accused of being vexatious and litigious and of trying themselves to debauch women. Indeed, Jonathan himself was said to have tried to debauch Susannah Kirshaw in Henry Cockcroft's barn. Other witnesses were accused of having a grievance against Henry.

In all 24 witnesses gave statements and most of them could vouch for the good reputations of Henry and Susannah. However, few had anything good to say about Jonas and Jonathan Stansfield. Some spoke of being frightened of them, many spoke of women intimidated by them and others of extortion and false accusations by them. Only a handful spoke in favour of the Stansfields though they could provide no evidence against Henry and Susannah beyond what they had heard from Jonas and Jonathan.

Unfortunately what's missing from the case is the outcome so we'll never know whether Henry and Susannah were found guilty or not guilty though the case for the prosecution seems a little shaky to say the least.

With 38 statements and documents this case gives a detailed account of the dealings and disputes between local people in the early 18<sup>th</sup> century. The Cause Papers can be a treasure trove if your ancestor is named in one of the cases as they provide details of relationships, occupations and business dealings. To have a look for other local cases or to see if your ancestors appear, you can find the York Cause Papers online at <https://www.dhi.ac.uk/causepapers/>

#### **Source**

Borthwick Institute, York Cause Papers, Consistory Court, ref: CP.I.617



In Dei nomine Amen nos Johannes Audley Esq<sup>us</sup>  
D<sup>ni</sup> R<sup>ed</sup>mi in Christo p<sup>re</sup>s et D<sup>ni</sup> D<sup>ni</sup> Gulielmi providentia  
D<sup>ni</sup> Edwardi Archiep<sup>i</sup> Anglie Primat<sup>is</sup> et Metropol<sup>itan</sup>i  
Vicariu in sp<sup>eci</sup>ali<sup>ter</sup> h<sup>ab</sup>itu et officio p<sup>re</sup>sentis t<sup>em</sup>poris factus  
Hoc actus facta sive i<sup>n</sup>terdicta o<sup>mn</sup>ia et singula infra scripta  
Vobis Henrico Forkecroft et Susanna Kirshaw Cap<sup>it</sup>ana  
de Hoptonstall infra parochiam de Hallyfax Ebor<sup>ac</sup>ie Dioc<sup>esis</sup> ad  
promotum officij v<sup>ost</sup>ri D<sup>omi</sup>ni et ministrum  
Hic et *quod* parti serm<sup>o</sup> volumus et  
mandamus v<sup>ost</sup>rum p<sup>re</sup>sentium p<sup>re</sup>sentium et fidelis recte a  
lis dari et fieri et ob<sup>te</sup>nere for<sup>o</sup> D<sup>omi</sup>ni et de  
quod.

*Hen. Squire*

I<sup>n</sup> i<sup>n</sup>te<sup>nt</sup>io<sup>n</sup>e v<sup>ost</sup>ra p<sup>re</sup>sentium Henrico Forkecroft et Susanna Kirshaw  
obitus et annu<sup>er</sup>u<sup>m</sup> that you the said Henry Forkecroft and Susanna  
Kirshaw not having the fear of God before your eyes did in  
the month of October November & December One thousand  
seven hundred & eighty last past keep company together  
very familiarly & suspiciously as well upon the Day time as  
upon the night in places apt to commit the crimes of for<sup>o</sup>  
or Adultery within the Chappell of Hoptonstall aforesaid &  
other places thereabouts & you the said Henry Forkecroft have  
been observed to have been alone with the said Susanna  
Kirshaw in places meet for committing the crimes of for<sup>o</sup>  
or Adultery together and that you the said Henry Forkecroft  
& Susanna Kirshaw within the time & places aforesaid  
have laid together in one & the same bed solus cum sola  
nude cum nuda & have diverse & sundry times (or ones all  
the last) within the time & places aforesaid committed the  
detestable crimes of for<sup>o</sup> or Adultery together in an un  
v<sup>er</sup>id<sup>u</sup> h<sup>ab</sup>itu p<sup>re</sup>sentium alioquin. *Et* fidelis p<sup>re</sup>sentium exemplum  
et obitus de tali et tanto tempore loco modo et forma p<sup>re</sup>sentium  
quod et quant<sup>u</sup> in volum<sup>us</sup> hujus libri p<sup>re</sup>sentium at for<sup>o</sup> D<sup>omi</sup>ni et de  
quod.