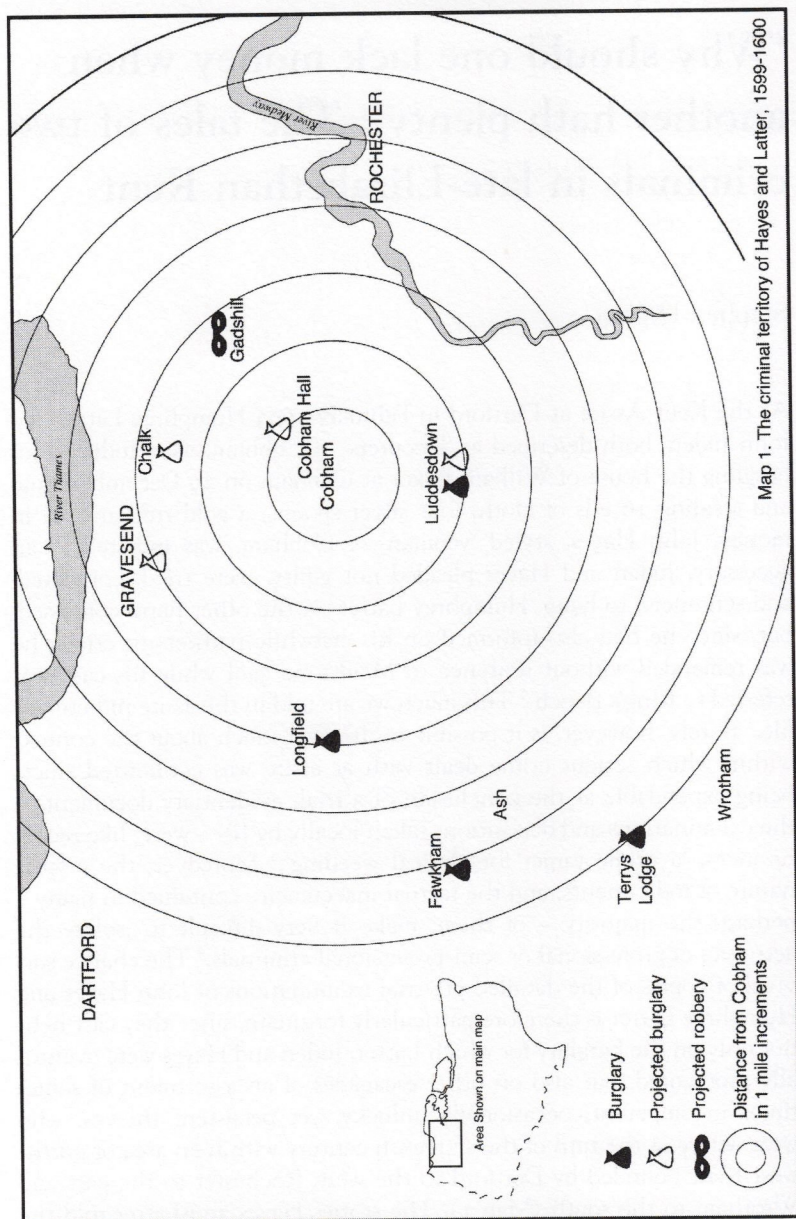


‘Why should one lack money when another hath plenty’: The tales of two criminals in late-Elizabethan Kent

Stephen Hipkin

At the Kent Assize at Dartford in February 1603 Humphrey Latter and John Juden, both described as ‘labourers’ of Cobham, were indicted for burgling the house of William Baker at Cobham on 29 December 1599 and stealing 16 ells of cloth, four silver spoons, a gold ring and £2 in money. John Hayes, styled ‘yeoman’ of Cobham, was indicted as an accessory. Juden and Hayes pleaded not guilty, were tried, convicted, and sentenced to hang. Humphrey Latter on the other hand confessed, but, since he had also informed on his erstwhile partners in crime, he was remanded without sentence to Maidstone gaol while his case was referred to King’s Bench.¹ This much we are told in the assize indictment file.² Rarely, however, is it possible to discover much about the context within which serious crime dealt with at assize was committed since, being expendable at the conclusion of a trial, evidentiary documents – the examinations and depositions taken locally by JPs – were, like recognizances, ‘a prime target for clerical weeding’.³ Moreover, the cryptic nature of indictments, and the factual inaccuracies contained in many – perhaps the majority – of them, make it very difficult to isolate the activities of professional or semi-professional criminals.⁴ The chance survival of copies of the detailed pre-trial examinations of John Hayes and Humphrey Latter is therefore particularly fortunate, since they cast light not only on the burglary for which Latter, Juden and Hayes were eventually prosecuted, but also on other escapades of an assortment of sometimes incompetent, occasionally unlucky, yet persistent thieves, who were active at the turn of the sixteenth century within an area of north-west Kent bounded by Dartford to the west, Rochester to the east and Wrotham to the south (Map 1). The stories Hayes and Latter told the local examining magistrates are now preserved among the Sutherland manuscripts held in Staffordshire County Record Office.⁵



The territory within which Hayes, Latter and their various criminal associates operated fell, for the most part, under the immediate jurisdiction of two of the most powerful members of the county bench: Sir Henry Brooke, Lord Cobham and Warden of the Cinque Ports, and Sir John Leveson. It was to Leveson and Brooke that, on 22 December 1602, a tailor named Francis Keneston supplied an information about one incident that had taken place more than two years earlier. Why he did so remains a mystery, but it appears to have been his testimony that brought John Hayes to the attention of the authorities. At 'about the end of harvest' in 1600, Keneston swore, he had assisted John Hayes and Bartholomew Harding, a Cobham butcher, in driving a steer to slaughter. For this he was given four shillings, a lot to be paid for helping to drive a single steer from one part of Cobham to another. Nonetheless, Keneston maintained that only subsequently had Harding told him that the steer belonged to Robert Young and had 'strayed' onto Hayes' land. Some time later, Keneston added, he had mentioned this to Humphrey Latter, and this in turn had occasioned a warning visit from an irate John Hayes, who wanted to know 'what reason he had to tell Humphrey Latter . . . and willed this examinat that he should use no more words of that matter'.⁶

When John Hayes was brought before Sir John Leveson on 20 January 1603 he was a man with a lot to hide. It was probably not so much the uncovering of the cattle theft as the mention of his former servant, Humphrey Latter, that caused Hayes to panic; Hayes and Latter had fallen out, and both knew more than enough to seal each other's fate. Fearing the worst should the JPs opt to interrogate Latter, Hayes seems to have reasoned that his best hope of escaping lightly lay in being the first to inform. He chose, however, to offer Leveson a version of events that informed on others in the least self-incriminating fashion he could devise.⁷ This, arguably, was to prove his undoing. In any event, Leveson probably heard a lot more than he had bargained for that day.

During the winter of 1599–1600, when Humphrey Latter had been living in his house, Hayes had, he told Leveson, often been treated to Latter's reports of his criminal activities. He could recall 'sitting with him one night by the fire' while Latter related how he, 'together with Bartholomew Harding, butcher, Thomas Woddger, one called new Thom, lately a groom in the stable of the Lord Cobham, and one other called John Juden', had just burgled the house of the vicar of Fawkham and how, on entering the house, Latter 'did with a blow strike a maid servant . . . upon the head in such sort as he felled her', and had given the vicar 'a sound blow and made him to hold his tongue and be silent'. Two silver spoons – part of the booty – were, Hayes admitted, shown to

him 'at that time', and about one month later he had bought four of the spoons for 25 shillings and sold them on for 28 shillings. This was all that Hayes was prepared to admit of his own involvement in the disposal of goods stolen in the crimes he described. It was, Hayes continued, as the result of another of Latter's private confessions that he had learned of the violent burglary that had taken place a fortnight before the robbery of the vicar of Fawkham at a house near Terrys Lodge, not far from Wrotham. Latter and Harding had broken in 'at about eleven of the clock at night' and made their way upstairs, disturbing the husband and wife in residence and causing the man 'to leap out of his bed' and to strike at Bartholomew 'with a bill'. Having successfully parried the blow with his dagger, Harding had 'closed with' the husband, who was eventually overpowered and tied up. Latter and Harding then made away with £9 or £10 in money.

Not all of the burglary expeditions Latter disclosed in his tête-à-têtes with Hayes had been so profitable. Indeed there had been a rash of disappointments. Two weeks after the vicar of Fawkham had been robbed, acting on intelligence that there was likely to be at least £20 on the premises, Latter, together with 'Bartholomew and his companions', had burgled the house of John Miller at Longfield, disturbing him at supper, only to discover that, having 'lately lent the money', Miller was in possession of just '40 shillings' and a bond for repayment of the loan. On another occasion Latter told of how he and Harding had agreed to 'rob the house of Mr Dutchfield, parson of Luddesdown'. Since Luddesdown was not far from Cobham they had agreed to take precautions. Accordingly, they had

met together on a Sunday in the time of divine service in a wood called Cutteridge grove near to the said house, where they shifted their apparel because they would not be known. And because a maid servant of the said parson who was then in the said house of her said master knew them, whom Latter would have killed, the said Harding refusing consent thereto, they broke of their purpose and did not attempt it. And this examinat charging Latter therewith, the said Latter answered, saying hang him rogue that would consent and bewray.

The misgivings of different but unnamed companions, 'being cowardly fellows', had likewise frustrated Latter's 'purpose to have robbed certain Frenchmen at Gadshill'. Clerics, however, were the most favoured target, and Latter had also told Hayes 'that at another time he with others were purposed to rob Deaken, vicar of Chalk'. This expedition had failed because, unfortunately for the robbers, the vicar was given to

less than godly pastimes, and 'when they came thither they heard that there was good store of company at cards there, and thereupon they did forbear'. Yet another burglary project, this time to 'rob the house of Bogherst of Luddesdown', had come to fruition in so far as Latter, Harding 'and others unknown to this examinat did enter the said house', but 'finding no money there, they came away without taking away anything'.

In addition to the crimes and aborted crimes that he claimed to have learned of via unsolicited reports from Latter, Hayes also knew, he told Leveson, that Latter and Bartholomew Harding had stolen two horses at Derten. Furthermore, he suspected Latter of having stolen the mare that he had sold on with advice to the purchaser 'that he should clip the mane and tail and make a white mark upon her by which she might not be known'. Finally, thanks once again to Latter's indiscretions, Hayes was, he said, privy to plans that never got beyond the drawing board. These, in particular, might have been calculated to make Sir John Leveson sit up and take notice:

Latter told this examinat that it was an easy matter to rob the Lord Cobham's house, for, said he, when Mr Smith and others that lie out of the house are gone to bed, then may a man come to the porter and knock at the gate and counterfeit the voice of one of the servants of the house. He will open the gate, and so may a man rush in upon the sudden and knock him on the pate and tumble him into his lodge and then enter the house, and there plate to the value of £300 or £400 was easily to be had. He further sayeth that the said Latter told him at another time that he had a purpose to take Mr Iden's chain, for, said he, he coming out of the hall at Cobham late in the night and most commonly drunk, a man may stand in the worst house and give him a knock on the pate and may take his chain and be gone with it.

By what he had told Leveson, Hayes had exposed himself to prosecution as an accessory. Nonetheless, as he was bundled off to Maidstone gaol Hayes may have thought that he had provided enough information to save his own skin. Quite possibly Leveson had encouraged him to believe that cooperation would bring its reward. It is, however, unlikely that the magistrate was disposed to believe Hayes' portrayal of himself as the passive recipient of information, and this may have been made clear to Humphrey Latter when he was brought before Leveson and Lord Cobham on 26 January. But whether or not in response to inducements offered or implied that day, Latter provided a full confession of his own part in the burglaries at Fawkham, Longfield and Terrys Lodge, and a radically different account of the part played by John Hayes.⁸

The idea of burgling William Baker, vicar of Fawkham, was, Latter said, first proposed by John Hayes three years earlier when Latter was his servant. Hayes had then told him that Baker had

in his house £300 which was easily to be had, and that he the said Hayes would make one (if Latter) would make another. And because two were too weak to undertake such an act, he said that he would procure Bartholomew Harding to make a third.

These three then 'went thither with purpose to rob the house at two several times', intending 'to come in the evening before the shutting of the doors'. On both occasions, however, they 'came too late' and so 'returned without attempting anything'. They tried again. This time 'in their going thither, they were met by one Hadsall, the constable of Ash, right against the vicar's house', who

offering to examine and stay them, the said Hayes, asking Hadsall what he was, he answered that he was the Queen's constable, to which Hayes replied saying we are also the Queen's friends. And thereupon, because they doubted that the constable would raise the country upon them, they made away and returned home.

Hayes did not take part in the fourth expedition to Fawkham, and Latter and Harding were instead joined by 'John Juden, new Thom, and Thomas Woddger'. This time,

when they should have entered, new Thom, who should have gone in first, being afraid, said that there was one with a piece, and staying in some doubt to do it, in the mean time the door being shut they missed of their purpose.

By the time the same group made the fifth and final trek to Fawkham, impatience had got the better of them.

Coming to the said vicar's house . . . about eight of the clock in the night in the winter, and knocking at the gate, a maid came and opened the door, and so they rushed in and came into the house, where, finding the vicar, they told him they had come for money and money they would have, and in the end they had about £6 or £7 in money there, four silver spoons, a silver thimble, and a piece of flaxen cloth of 16 ells, and a pitchfork. And so returned to the house of John Juden, where they shifted their money.

When Latter finally got home Hayes lit a candle, let him in, 'and asked him presently how he had speed'. Explaining that they had found little money, Latter showed Hayes his limited and rather curious assortment

of prizes – four silver spoons, a thimble, and a pitchfork – and asked his opinion of what he should do with the spoons:

Hayes answered that if he left them with him he would have them to a friend's house, where they should be surer. And about a year after, the said Hayes gave to this examinat 20 shillings or thereabouts for the said four spoons, the thimble, and the pitchfork, whereas this examinat thinketh that three of the said spoons were worth ten shillings a piece. And for the said 16 ells of canvas he thinketh that John Juden had the same for his share.

Latter confirmed that the 'robbing of Miller of Longfield' and of the house 'near Terrys Lodge' had taken place 'as is said in the examination of John Hayes', though he had plenty to add on both counts. With regard to the Longfield burglary he emphasised that John Juden had been its 'procurer and first setter'. Furthermore, he disclosed,

at their departing from the said Miller's house, one Gabriel Masters came riding into the yard and called to (Miller), telling him that he had £7 in money for him. . . . Whereupon this examinat and his companions laid hands upon the said Gabriel in thinking to have had the said money.

It was only after they had bound him that Bartholomew Harding recognized Gabriel, upon which 'they gave him his money again and left him there'. On returning home the next morning Latter had explained how they had left Gabriel Masters, 'whom they doubted to know them'. 'Fear not that', Hayes had reassured him, 'if Gabriel Masters do know you it shall not hurt, for I will go to him tomorrow morning'. Which Hayes did. As for the robbery of the house at Terrys Lodge, which, he recalled, belonged to a man named Cox, Latter added that John Juden had again taken part and that Hayes had offered to provide his alibi, saying 'that as he were at home in the morning he might be all night'. Hayes had also 'exchanged' the 'Edward shillings' that Latter had stolen from Cox.

In addition to confessing his part in these burglaries, and exposing Hayes' role in their commission and as a receiver of the stolen goods, Latter rather cryptically suggested that Hayes may have orchestrated, or was at least well informed about, other burglaries in the locality.

There was a shop robbed in Cobham street in the night, on which night there was a horse stolen from John Hayes, which horse was afterward restored to the said Hayes. Whereupon Alice Austen, whose shop had been robbed, suspecting that the said horse had carried away the goods, the said Hayes said to this examinat she, meaning Alice

Austen, had used him with bad words, which, if she had not done, he could have helped her to her stolen goods, but now she should never have them.

Latter also volunteered information about a number of cattle and sheep thefts for which, in his days as the yeoman's servant, he, Hayes, and the butcher Bartholomew Harding had been responsible. As in the case reported by Keneston, the cattle and sheep taken in the thefts described by Latter were all said to have 'strayed' onto Hayes' land in the first place, and to have been slaughtered and marketed by Harding. But if these were essentially opportunist crimes, capable of being rationalized as fortune's windfalls, another incident Latter recalled suggests that Hayes was a man equally at ease with the more elaborately premeditated components of his criminal career.

Upon a time when Bartholomew the butcher had made moan to Hayes that he wanted money . . . Hayes answered [that] he is a man [that] will not lack money, and money was unequally divided. Why should one lack money when another hath plenty?

In the end it had been Hayes' idea for another burglary that had brought about the rift with Latter. Hayes had wanted to rob John Childs, whom he evidently knew, and in whose house, he maintained, there was '£500 in money' to be had. Hayes planned 'to keep Childs company at Gravesend till it were late in the evening' while Latter, Harding, and another man from Rochester 'whom he named not', waited outside Child's house 'till the doors were opened for them, and so might upon the sudden take them both and bind them and rob the house'. Latter's refusal to take part 'because Child was his friend' had led Hayes to decide 'that he would never meddle nor make with him any more'.

Latter's fuller confession put paid to any hopes Hayes may have been entertaining of being admitted as a crown witness. It also sealed the fate of John Juden, the extant summary of whose examination states simply that he

confesseth the robbing of the vicar's house at Fawkham and the robbing of the house of Miller of Longfield and the robbing of the house of Cox hard by Terrys Lodge, in such manner as is before said in the examination of Latter.

What of Bartholomew Harding, Thomas Woddger and 'new Thom'? Harding was certainly known to the authorities; as recently as the Rochester Assize of February 1602 he had been indicted for the theft of two cows at Charlton only to be acquitted by the trial jury. Thomas Woddger

was possibly the Thomas Wooddyer listed among gaol prisoners delivered to Rochester Assize in February 1600 and subsequently released on bail. 'New Thom', identified by Hayes as 'lately a groom in the stable of Lord Cobham', ought perhaps to have been possible to trace. Why none of them were indicted for the Fawkham burglary alongside Latter, Juden and Hayes seems likely to remain a mystery.⁹

As juries were sometimes uneasily aware, there are obvious question marks over the reliability of statements made by suspects whose overriding priority was to save themselves, if necessary at the expense of others and, doubtless in many instances, at the expense of the truth.¹⁰ It may have been because the only offence to which Hayes had confessed was accessory to the Fawkham burglary that it was the sole count put before the trial jury, despite what Latter had told Sir John Leveson and Lord Cobham of Hayes' involvement in other crimes.¹¹ But if we grant the benefit of a number of doubts, the evidence discussed above suggests some tentative conclusions about the *modi operandi* of Hayes, Latter and their associates during what was in all probability only a small part of their criminal careers.

Although Hayes, Harding and Latter cooperated in a number of offences, they did not always participate together in crime and cannot properly be regarded as members of a stable organized gang. For some burglaries – as at Fawkham – they recruited additional hands: for others, for instance Longfield, they themselves were recruited. Their criminal associations were loose, shifting and essentially *ad hoc*.¹² Moreover, although yeoman Hayes in particular seems to have enjoyed a wide range of contacts with others operating outside the law, it is clear that for him, as for Latter and Harding, crime was a by-employment that supplemented income derived from licit activities.¹³ That said, an occupation on the right side of the law was perhaps necessary cover, and in Harding's case the profession of butchery directly facilitated the disposal of stolen livestock. Equally, although it is impossible to know what contribution criminal by-employment made to incomes over time, it may have been significant. The confessions of Hayes and his erstwhile servant Latter relate to crimes contemplated and committed over a relatively short period. The burglaries at Terrys Lodge, Fawkham and Longfield all happened within the space of approximately one month, and reference is made to a total of ten burglary expeditions in the winter of 1599–1600. As we have seen, other burglaries and robberies were apparently contemplated, and there were also thefts of horses, sheep and cattle. During this period at least, it would not seem inappropriate to describe Hayes, Latter and Harding as semi-professional criminals.

If their engagement with crime was semi-professional, their activities,

like those of the Smorthwait gang in Westmoreland and neighbouring counties during the 1680s, are suggestive of a criminality that was 'semi-organized'.¹⁴ Thefts of animals may have been carried out on an essentially opportunistic basis, but the series of burglaries and attempted burglaries in the winter of 1599–1600 were underpinned by a degree of planning and risk assessment. For the most part, Hayes and his associates chose what were probably perceived to be soft targets – notably the homes of vicars – and/or houses where they apparently had reason to believe they would find money and valuables. To reduce the chances of being recognized they also chose targets some distance from Cobham (Fawkham and Terrys Lodge were both more than five miles away and Longfield over three miles distant), or else, in the case of the projected burglary of the parson at nearby Luddesdown, they 'shifted their apparel because they would not be known'. Caution prevailed on a number of occasions; the third and fourth missions to rob the vicar of Fawkham and that to rob the vicar of Chalk were all aborted because the circumstances encountered were judged too risky. However, that it took five attempts to get into Baker's house at Fawkham, the first two of which failed apparently because the burglars turned up too late to get in 'before the shutting of the doors', is hardly suggestive of slick organization. And if they were not reckless, their technique was certainly crude. There was none of the dextrous entering of targeted premises that was to characterize, for example, many of the stealthy burglaries in Surrey and rural Sussex carried out by the 'Guildford men' in the mid-nineteenth century.¹⁵ Stealth, it seems, was not a consideration. Latter's plan for gaining entry to Lord Cobham's house consisted simply of knocking at the door, striking whoever opened it 'on the pate' and rushing in. This indeed was how entry was finally gained at Fawkham. At Longfield John Miller was disturbed at supper, and the break-in at Terrys Lodge was sufficiently noisy to disturb the occupants. Hayes' plans to rob John Childs were hardly any more refined. Direct confrontation was, then, the approved method, and the only calculation the burglars needed to make, apart from would they be recognized, was whether or not they had enough force to prevail.

The ease with which violence was accepted as a principal means of effecting burglaries, rather than as a final resort, raises the intractable issue of the limit, if any, beyond which these thieves were not prepared to go.¹⁶ If Hayes is to be believed (admittedly a big 'if'), Latter was quite prepared to murder the maidservant of the parson of Luddesdown in order to avoid detection, but was restrained by Bartholomew Harding's 'refusing consent thereto'. Yet he also reported that Harding was equipped with a dagger for the burglary at Terrys Lodge, and was ready

to use it as he ventured upstairs. That the victim, Cox, had a bill to hand as he 'leapt out of bed' is in turn highly suggestive of popular contemporary perceptions of the extent of the threat of violent crime.¹⁷ Hayes clearly sought to indicate to the JPs that he was taken aback by Latter's lack of moral restraint, but one wonders what kinds of unwelcome promises Hayes may have made during his visits to Francis Kenes-ton and Gabriel Masters in order to persuade them to keep quiet. Whatever he said to Masters it worked. The burglary to which he was a potential witness was three years past by the time it came to Sir John Leveson's attention, and it only did so because the can of worms eventually opened from the inside. But if fear of reprisals may have played some part in preserving the long public silence, it is doubtful whether there was much popular approval of their activities to shield Hayes and Latter from the attention of the authorities.¹⁸ The rationale for criminality attributed to Hayes by Latter – 'why should one lack money when another hath plenty?' – may have asked the question repeatedly posed by a long succession of radical egalitarians from Wat Tyler to the True Levellers and beyond, but there is no reason to suppose that Hayes' interest in redistributing wealth was not strictly limited to diverting it into his own pocket. Nor are there any indications that 'fair game' sentiment guided the choice of targets. If Lord Cobham's residence was in their sights it was because Hayes and Latter were acquisitive criminals and that was where 'plate to the value of £300 or £400 was easily to be had'.¹⁹

There is evidence suggesting that Lord Cobham did in fact become one of Hayes' victims, for the story does not quite end in February 1603 with the belated conviction of Juden and Hayes for their parts in the burglary of William Baker's house at Fawkham. It seems likely that at some stage between his apprehension and his appearance at the Dartford Assize Latter was given assurances that as a reward for informing he would not hang. However, as is clear from correspondence from Robert Heath, the keeper of Maidstone gaol, after the assize Latter was kept in the dark as to the fate intended for him in order to extract further information. The leverage to do this was provided by a commission that had been drawn up in June 1602 for putting convicts reprieved from execution to service in galleys patrolling the Thames, one of the last in a series of piecemeal experiments designed to provide an alternative punishment for those 'neither meet to be put to death nor yet to full liberty'.²⁰ 'I have', wrote Heath to Cobham,

received a warrant from the sheriff to deliver seven condemned men to be employed to the galleys, whereof Latter, supposing himself to be

one of them, which he is not, it is more than he doth yet know . . . sayeth that if he go to the galleys he cannot do the Queen and the country that good that he would do . . . I, wishing him to reveal such things as may be for a commonwealth . . . do make him believe that I do respite him from the galleys till I hear from your honour, for I do think that the name of the galleys doth terrify him more than the name of the gallows.²¹

As Latter explained in his own letter, he was prepared to offer further revelations, but only if he could talk directly to Lord Cobham. He did, however, provide a morsel designed to tempt the magistrate:

I thank your honour for saving me from this peril of death. I do hear that I should go to the galleys. I do beseech your honour to save me from this, and if I could come to speak with your honour I could say that that I cannot write. One thing is that John Hayes had money in other men's hands in divers places which he hath neither bill nor bond to show for it, which I do think belongeth to your honour, and there is no way to come by it but by me, for there is none that doth know of it but I. And I do know the money is not paid, for he sent for it whilst we were in prison together, and he told me that he could get none of it till they did see how he did speed. I beseech your honour to send some quick return to have me from going to the galleys or else I am gone. Your poor distressed servant, Humphrey Latter.

To this, he added a post-script:

The names of those men which doth owe the money are these: Mr Robinson the baker of Rochester £15: John Doffell, boatswain dwelling at Strood 28 shillings: Mr James Dorell of Cobham 40 shillings: George Wreth of Cobham 41 shillings.²²

There is a striking contrast between the attitude displayed here by Hayes' associates and that of fellows of the imprisoned early seventeenth-century Staffordshire horse stealer, who would 'not see him want' in gaol for fear he might otherwise disclose 'the brotherhood or fraternity that is amongst them'.²³ Possibly the custodians of Hayes' money had no reason to be concerned by what he might say, but they may well have been part of a network of receivers in north-west Kent who, perhaps because they feared discovery if they aided him in prison, or because they were prepared to gamble on keeping the money if he did not fare well, were not inclined to make fraternal gestures.²⁴ Sadly there is no record of what else Latter may have revealed in his face-to-face meeting

with Lord Cobham, if it ever took place, but after remaining in Maidstone gaol until 1605 Latter did finally receive his pardon and was released.²⁵

Notes

1. J S Cockburn (ed.), *Calendar of Assize Records: Kent Indictments, Elizabeth I* (London, 1979), p.496. P[ublic] R[ecord] O[ffice], ASSI[ZES] 35/45/4, mm.1, 22.
2. Thanks to the tireless labours of Professor Cockburn, historians can resort to a multi-volume calendar summarizing the information contained in nearly 17,000 indictments in the extant Home Circuit and related King's Bench files for the Elizabethan and Jacobean period. J S Cockburn, *Calendar of Assize Records. Home Circuit Indictments Elizabeth I and James I. Introduction*. (1985), pp.12–3; L. A. Knafla, *Kent at Law 1602. The County Jurisdiction: Assizes and Sessions of the Peace* (1994), pp.19–28, offers a more detailed calendar of the content of PRO. ASSI.353/45/4. However, notwithstanding its claim to be 'a full calendar of all documents relating to proceedings before the Justices of Assize and Justices of the Peace in the county of Kent in which any person made an appearance or had process pending in the year 1602', Knafla's volume contains no reference to the extant pre- and post-trial evidence on which this paper is based.
3. As Cockburn notes, 'only one, broken, series' of depositions from the Northern Circuit survives. It begins in 1613, but contains only about thirty documents from the period before 1640: PRO. ASSI.45/series. Cockburn, *Home Circuit Indictments* . . . , p.11, and note. For an extended case study based on late seventeenth-century Northern Circuit material see A Macfarlane, *The Justice and the Mare's Ale: Law and Disorder in Seventeenth-century England* (Oxford, 1981), esp. pp.30–2, 36–38, and pp.49–60 for reproduction of detailed deposition evidence concerning the burglary of Robert Robinson's house at Old Hutton, Westmorland, in November 1680.
4. J S Cockburn, 'The nature and incidence of crime in England 1559–1625: A preliminary survey', in J. S. Cockburn (ed.), *Crime in England 1500–1800* (London, 1977), pp.64–5. For discussion of the frequent inaccuracy of indictments see *idem*, 'Early-modern assize records as historical evidence', *Journal of the Society of Archivists*, 5 (1975), pp. 215–31, and *idem*, 'Trial by the book? Fact and theory in the criminal process, 1558–1625', in J H Baker (ed.), *Legal Records and the Historian* (1978), pp.60–79.
5. S[taffordshire] R[ecord] O[ffice], D593 S/4/56/1. Students of Cockburn will not be surprised to learn that the examinations of Hayes and Latter expose inaccuracies in the indictment upon which Hayes and Juden were tried. Of these, the most serious is the misdescription of the location of the burglary, which in fact took place at Fawkham, not at Cobham.
6. SRO. D593/S/4/56/1, information of Francis Keneston.
7. SRO. D593/S/4/56/1, examination of John Hayes.
8. SRO. D593/S/4/56/1, examination of Humphrey Latter.

9. In what appears to constitute further evidence of a lack of honour among thieves, a 'Thomas Woodier of Hoo' had himself been the victim of sheep theft in 1594. Cockburn, *Kent Indictments, Elizabeth I...*, pp.367, 449, 454, 479, 481, 496. SRO. D593/S/4/36/16.
10. For discussion of these issues as they arose during the late-seventeenth and eighteenth centuries see J M Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986), pp.362-76.
11. That so many offences known to the authorities resulted in just one indictment for burglary serves to emphasize, if it is any longer necessary to do so, the inadvisability of placing much reliance on assize data as an indicator of trends in the volume of detected serious crime.
12. For some discussion of criminal gangs see J A Sharpe, *Crime in Early modern England, 1550-1750* (Harlow, 1984), pp.108, 119; *idem*, 'Crime in England: long-term trends and the problem of modernization', in E A Johnson and E H Monkkonen (eds), *The Civilization of Crime: Violence in Town and Country since the Middle Ages* (Urbana, 1996), pp.26-9; Macfarlane, *op.cit.*, pp.152. Beattie, *op.cit.*, pp.252-63. R Wells, 'Popular protest and social crime: the evidence of criminal gangs in rural southern England, 1790-1860', in B Stapleton (ed.), *Conflict and Community in Southern England* (Stroud, 1992) pp.170-1.
13. According to a letter Latter subsequently sent to Leveson from Maidstone gaol, Hayes, his former employer still owed him 33s. 4d in wages and a number of his belongings remained at Hayes' house. These consisted mainly of items of agricultural equipment but also included a cupboard, a chest, and 'certain pieces of brass and pewter'. SRO. D593/S/4/56/2.
14. Sharpe, *op.cit.*, p.108; Macfarlane, *op.cit.*, *passim*.
15. Wells, *op.cit.*, pp.163-4.
16. Beattie, *op.cit.*, p.163, suggests that 'most break-and-enter offences were probably conducted without the owner's knowing he was being burglarized, and that was clearly the ideal most of the time. But some turned out to be more like robberies in that the victim was confronted and threatened, sometimes inadvertently when he awoke during the course of a burglary, sometimes deliberately, especially when large enough numbers of men took part to overawe the inhabitants'.
17. Cf. Macfarlane, *op.cit.*, pp.190-1. The fears of the wealthier twenty-first century Englishman are, perhaps, more typically indicated by the golf club under the bed.
18. For a parallel example, see *ibid.*, pp.79 ff.
19. Cf. G Rudé, *Criminal and Victim: Crime and Society in Early Nineteenth-Century England* (Oxford, 1985), p.78.
20. Cockburn, *Home Circuit Indictments...*, pp.126-7.
21. SRO. D593/S/4/56/2, letter from Robert Heath to Lord Cobham, undated.
22. SRO. D593/S/4/56/2, letter from Humphrey Latter to Lord Cobham (in the hand of Robert Heath), undated.
23. Sharpe, *op.cit.*, p.107.
24. Their names do not appear anywhere in the extant Kent assize files for the late Elizabethan and Jacobean period.
25. Knafla, *op.cit.*, p.25; J S Cockburn (ed.), *Calendar of Assize Records: Kent Indictments, James I* (1980), pp.10, 14.