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MEDIEVAL LEGAL RECORDS AS SOURCES FOR MODERN HISTORIANS: CORONERS AND THEIR RECORDS IN HAMPSHIRE AND WILTSHIRE, 1327-1399

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ABSTRACT

FACULTY OF ARTS
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MEDIEVAL LEGAL RECORDS AS SOURCES FOR MODERN HISTORIANS: CORONERS AND THEIR RECORDS IN HAMPSHIRE AND WILTSHIRE, 1327-1399

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This thesis aims to establish, by scrutiny and discussion of the records of the coroners themselves, and of other records in which their activities appear, how advisable it is to use legal records to attempt sociological or criminal analyses of late-medieval society. It discusses the reliability and accuracy of coroners' records, how representative they are both of the activities of coroners and of the incidence of the types of death in which inquests should have been held. It sets coroners' records within the context of the medieval legal system, and explains why coroners juries brought in verdicts which did not truthfully represent the reality of events. It examines the careers and characters of coroners, and to what extent they were prone to corruption.

Coroners' rolls formed the most immediate source for this study, but a wide range of other legal records was surveyed in order to build up as full a picture of the numbers and activities of coroners as was possible. These included all gaol delivery rolls for both counties 1327-1399; all King's Bench rolls 1327-1377, and those King's Bench rolls 1377-1399 containing records of the justices' visits to both counties. A wide range of published sources was also examined.

It is concluded that while county coroners' records are not suitable for statistical or criminological analysis, the records of urban coroners can, with caution, be so used. The real value of these records, however, lies in the evidence they offer of community reactions to, and stratagems for dealing with, unnatural deaths in general, and homicides in particular.

The research undertaken established that we are not yet fully aware of the range of courts functioning in medieval England; that large areas of each county did not receive adequate coverage by law-enforcement officials; that the coroner's function in legal process following homicides was not as important as has been believed; that those accused of homicide were often tried on indictments which did not follow known legal procedure; and that the New Forest in particular was an area in which no legal process concerning common law offences can be traced at all. It also suggested that gentry families provided their sons with a thorough, albeit informal, grounding in the law, and demonstrated that even among rural communities awareness of the law and of the methods by which to manipulate it was widespread. This implies that informal education and literacy permeated more deeply into medieval society than is usually conceded. It demonstrates some of the areas in which fruitful further research could be undertaken.

CONTENTS

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Finally, I would like to dedicate this thesis to my father, John Nixon.

ABBREVIATIONS

Bulletin of the Institute of Historical Research	*BIHR*
Calendar of Close Rolls	*CCR*
Calendar of Fine Rolls	*CFR*
Calendar of Inquisitions	*Cal Inq*
Calendar of Inquisitions Miscellaneous	*Cal Inq Misc*
Calendar of Inquisitions Post Mortem	*IPM*
Transactions of the Royal Historical Society	*TRHS*
Victoria Histories of the Counties of England	*VCH*
Winchester College Muniments	*WCM*

CHAPTER ONE: THE DOCUMENTARY EVIDENCE

Among the JUST 2 class of coroners' rolls in the Public Record Office there survive the records of six Hampshire coroners dating from the years 1350 to 1394, and of twelve Wiltshire coroners from the years 1338 to 1384. One of the Wiltshire documents appears to have been misclassified: although the records derive from John Everard, who was one of the Wiltshire county coroners, it is rather to be associated with Everard's period as sheriff of the county than with his service as coroner, containing as it does returned writs of exigent and copies of exigent procedure at county court sessions, frequently endorsed with notations that he had complied with the instructions contained in the writs[1]. (The implication of the wording is that Everard himself annotated them: in fact, more than one hand is in evidence, which suggests that he did not.) In addition, one Hampshire roll is in the JUST 1 class. This is a record of an approver's appeals enrolled separately from his main record by Thomas Canteshangre[2]. While cognate contemporary legal records, in particular those of King's Bench and gaol delivery - have been extensively used as crucial supplementary sources for the research upon which this thesis has been based, it is these coroners' records which provided the starting point for the research and the matter for most of the analysis subsequent upon it. The debate over the legitimacy of using medieval legal records in general, and coroners' rolls in particular, as sources for sociological and criminological analysis has generated the need for a closely focussed study of such sources, in order to establish if possible the criteria which governed what information was incorporated into or excluded from them, and the reasoning which governed what we may describe as the selectivity of the evidence presented in them. Analysis and explanation of these factors was intended to lead to the setting-out of some basic ground-rules with which to arm future historians entering

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[1]JUST 2/198.

[2]JUST 1/197. This document has been amply analysed by Dr John Post in 'The Evidential Value of Approvers' Appeals: The Case of William Rose', *Law and History Review* 3, 1985, no.1, pp 91-100.

this particular mine-field, so that the fruits of their labours might be better able to withstand the criticisms of sceptics than those of their predecessors.

It is therefore appropriate to commence with a brief overview of the surviving fourteenth-century coroners' records from the two counties selected, embracing considerations of survival, condition and the physical difficulties of their use, since all these factors affect both their evidential value as sources and the amount of information it is possible to extract from them, and will consequently affect the results of any analysis to which that information may be subjected. It is perhaps hardly necessary to make the point, for example, that any statistical analysis of inquest verdicts or seasonal fluctuations in death patterns will be skewed, and therefore unsatisfactory, if some of the relevant information is either missing or irretrievable. Although when Barbara Hanawalt carried out her research for *The Ties that Bound*[3] she cast her net widely in an attempt to gain the broadest picture possible, she nowhere indicates whether there were any inquests which could not be used because of their poor physical condition. This is only too likely to have been the case.

The first - and perhaps the most obvious - point to be made is that while it is extraordinary that these rolls have survived the hazards of the intervening six hundred years since their creation, these survivals form only a very small proportion of the numbers of such records which must originally have been generated by those men who, during the reigns of Edward III and Richard II, carried out the numerous duties required of coroners in the towns and villages of these two counties. Supplementary sources, both published and unpublished, demonstrate the very large numbers of coroners who served during the years in question and whose records (if of course they complied with the requirement to create written records of their activities) have been lost. Close Roll writs ordering the replacement of named coroners provide the names of many. This number is further enlarged by mention in sources such as King's Bench records, Chancery Miscellanea and gaol delivery rolls of the

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[3]*The Ties that Bound - Peasant Families in Medieval England*, Oxford, 1986. She used rolls from six counties and presented (pp 271-274) a variety of statistical analyses of some of her results.

names of men evidently serving as coroners but concerning whom no writ was enrolled in the Close Rolls[4].

So far, the total number of men found referred to as coroners during the period studied (including those whose records survive) stands at over fifty for Hampshire and more than seventy for Wiltshire[5]. Further investigation might well increase these numbers. It has not been possible in the time available for this project to survey every single King's Bench roll from the reign of Richard II, for example, nor to survey more than a representative sample of Assize Rolls for the whole period, although every King's Bench roll from 1327 to 1377, and every gaol delivery record mentioning either county for the entire period has been examined.

It is therefore immediately apparent that the few coroners' records which have survived are hugely outnumbered by those which have not. Any attempt to estimate the amount of lost evidence, however, is futile. We do not know for how long most of these men held office, or how actively they carried out their duties during their tenure of the office, or how efficiently they complied with the requirement to make written records of their activities. From the estreats compiled upon King's Bench rolls during local visitations it seems likely that in many cases such records as they may have generated never reached the justices at all.

There are frequently glaring lacunae even in those records which do survive and which, in the case of large and outwardly impressive rolls, only emerge when a detailed analysis of inquest dates is undertaken. A few examples will suffice to make the point. The carefully engrossed inquests and abjurations on John Everard's roll, covering the period of thirteen years during

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[4]*CCR*, (HMSO, London, 1896-1907). Dr. Roy Hunnisett points out that 'their enrolment was erratic and very few returned writs now survive upon the Chancery files'. *The Medieval Coroner*, (Cambridge, 1961, p 153). Examination of the Chancery files revealed no names of Hampshire or Wiltshire coroners not mentioned in the Close Rolls.

[5]The larger number of Wiltshire coroners is doubtless explained by the fact that while Hampshire usually had only two coroners for the county, plus one for the Isle of Wight from time to time, Wiltshire had four.

which he served as county coroner, conceal several periods of months at a time when to all appearances there were few or no unnatural deaths within his franchise[6]. The surviving roll for Wilton borough covers the years 20, 21, 33 and 35 Edward III[7]. Quite apart from the question of what has happened to the records of the missing years, this roll (actually only four small, individual scraps of parchment) has only one entry for each of those four years, and one of these is an abjuration. John Post's analysis of the Winchester city roll for 9-11 Richard III revealed that there were 'five regnal years unaccounted for, including a sequence of three years'[8]. Given the high mortality rates of medieval society, when minor injuries inflicted both accidentally and deliberately became infected and led to deaths requiring inquests, such gaps in the surviving records must usually be attributed to the loss of documentation between the date of the inquest and the engrossment of the final record.

The reasons for the survival of some coroners' records arise out of the judicial machinery of the fourteenth century and its use by the crown primarily as a means of raising much-needed revenue[9]. Once the regular sessions of the general eyre had fallen into disuse from about 1300 onwards, no means had existed by which the crown could secure payment of certain financial assets accruing to it. Gaol delivery commissions and special commissions such as oyer and terminer could only collect forfeit chattels in the cases of individual felons who were already either in prison or against whom procedures were taken through special commissions. They had no authority to pursue the value

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[6]JUST 2/195.

[7]JUST 2/196.

[8]'Criminals and the Law in the Reign of Richard II, with special reference to Hampshire', (unpublished D.Phil thesis, Oxford, 1976), p 164; pp 163-172 provide a full discussion of document survival for the county coroners of Hampshire between 1377 and 1399.

[9]See R F Hunnisett, *The Medieval Coroner*, in particular pp 96-117, and (by the same author) 'The Medieval Coroners' Rolls', *American Journal of Legal History* 3 (1959), pp 94-124, 205-221, 324-359. The summary which follows is chiefly based on these two works.

of chattels when individuals suspected of, or indicted for, homicide fled - as was most usually the case - and in fleeing forfeited their possessions. Equally, no provision existed for the crown to collect moneys owing to it from the forfeiture of deodands - those objects, either animate or inanimate, which were held to have caused an accidental death. That the accumulation of these amounts could be considerable was recognised at the time and is evidenced by the fact that Edward III in 1357 ordered their collection and distribution at a local level to assist the less wealthy townships in payment of taxation. Some of the inquisitions held at a local level to determine their value, in which the names of fleeing suspects and often details of the offences of which they were suspected are given, survive in the E 179 class at the Public Record Office, but none is known to survive for either of the counties studied here.

Apart from this one occasion, the accumulation of the backlog went undisturbed until the increasing cost of military campaigns during the Hundred Years' War prompted the crown to seek strategies to supplement its revenue. From the late 1330s onwards King's Bench became increasingly peripatetic and has become known as the superior eyre since, like the general eyre of earlier years, it was empowered to deal with all outstanding cases and thus obtain for the crown the values of the accumulated deodands and chattels. (Naturally, the superior eyre emulated its predecessor by fining local communities, individuals and officials for deficiencies in their behaviour or inconsistencies and insufficiencies in their records, thus increasing the amount collected).

It was at these local visitations that the coroners' rolls were called in. This explains why some of them have survived. Because coroners' rolls had always been considered to be 'of record', the requirement had always existed that records should be kept by each coroner of all matters pertaining to his duties. These duties were wide-ranging. Although the majority of their surviving records are concerned with death inquests, coroners were also required to record appeals and approvers' appeals and abjurations, to attend county court sessions where processes of exigent and outlawry required careful documentation, and to be present at gaol delivery sessions with the relevant

record(s) of original inquests or abjurations when the homicide suspects or returning abjurors were being tried. When a visitation was announced to the sheriff, he was instructed to ensure that presentation of the records of all coroners active since the last eyre took place on the first day of the sessions, whether those records were brought by the coroners themselves (if still alive) or their heirs. If a coroner had not kept an up-to-date enrolled record (as opposed to details jotted down on odd pieces of parchment) - and many probably had not - it was then necessary for him (or his heirs) to arrange for hasty engrossment of these 'files' into a formal roll, at which point the 'files' became redundant and, since there was no necessity to retain them, few now survive[10].

Once the rolls were presented to the justices, they were placed in bags which were then sealed until the hundred jurors were called upon to present, at which point the relevant roll was unsealed and the records within it compared with jury presentments, any discrepancies being subject to fines. Retention by the justices' clerks arose because some cases had not been determined, and also because estreating them was a task often undertaken at some later and more leisurely moment than during the few days of the sessions, when a huge amount of business had to be got through. Those rolls not requiring further attention were probably simply disposed of. So it is simply through the accident of pressure of work that some coroners' rolls arrived back in London, where they have remained to this day.

The Hampshire and Wiltshire coroners' rolls studied here owe their survival to four such sessions of the superior eyre. King's Bench justices held sessions in Hampshire in Trinity term 45 Edward III, again in Trinity term 51 Edward III, and finally in Hilary term 16 Richard II. Although two coroners'

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[10]Some survive among Chancery Miscellanea and the King's Bench recorda files (KB 145). When a case was called into King's Bench all documentation concerning it created by other courts, including coroners' courts, was sent for. The state of preservation of the recorda files, and the time which would be required to examine them (since they are not indexed) has precluded their inclusion as supplementary sources of evidence for this research project. Instead, the rolls compiled by King's Bench (KB 27, rex section) have had to suffice.

rolls were estreated in the middle session of the three, in 1377 - one sizeable one belonging to Thomas Canteshangre, and another apparently small one from Winchester - neither now exists. The surviving Hampshire rolls were all collected at the first and last of these sessions. During the whole period the superior eyre only visited Wiltshire once, in Easter term 7 Richard II[11]. It is to this visitation that the Wiltshire coroners' rolls owe their survival. With the exception of two Hampshire rolls dating from the eyres of Edward I's reign, no other medieval coroners' rolls are known to survive for either county.

The length of time which passed between the dates when a coroner was hearing inquests and the arrival of the justices to collect the record is often so great that it is a matter of some surprise that any records survive at all. This is the case whether a roll was contemporaneously compiled or, as Hunnisett believed to be true of most, engrossed just in time for the beginning of the judicial session. William Whyteclyve, for example, had been dead for some thirty-five years before his records were required. Hampshire coroner John le Fauconyr held inquests in 20 and 25 Edward III, twenty years before the next eyre, while an interval of forty years occurred between Peter Testewode's period of office in Wiltshire and the arrival of the justices[12].

There are two points to be made here. The first is that as long as a coroner did not begin his official roll of record at the commencement of his period of office and keep it up to date as each inquest, abjuration or appeal was heard, there was a strong probability that some records would be lost before they could be entered on the roll. The evidence of engrossment - long sequences of entries in the same hand, ink and nib, often covering periods of several years and frequently containing records in haphazard chronological order - makes it clear that almost none of the rolls was compiled in the way originally envisaged. The clear exception appears to be the roll of Stephen

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[11]See Hunnisett's listing in 'The Medieval Coroners' Rolls', pp 331-332 and 346. The estreats are at KB 27/442, fines and forfeitures, rots 1 dorse, 2; 466, fines and forfeitures, rots 1 dorse, 2; 527, fines and forfeitures, rots 8-10; 492, fines and forfeitures, rots 2-6 dorse.

[12]JUST 2/194, 152 and 193.

Welewyk[13]. Here, the numbers of different hands, colours of ink and widths of nib, and the chronological arrangement of entries, do suggest that Welewyk arranged for the informal record of each inquest to be formally written up soon after it had taken place.

The second point, which follows from the first, is an obvious one but one which nevertheless needs to be specifically stated. It is that the longer the interval between the making of the original, rough record and its engrossment, the greater the chances of the loss of original material. If a coroner had died some ten or twenty years before his roll was required, and if his roll had not been compiled during his lifetime, his successors found themselves in possession of potentially large numbers of scraps of parchment of varying sizes. More than one generation might pass before a call for the rolls was issued by the sheriff, and in some cases a coroners' heirs might not even be his direct descendants. Sometimes the documentation was considered to pass to tenants of dead coroners. During the Wiltshire visitation, when the sheriff was ordered to summon in all the coroners, their heirs or tenants since the last reign and their records relating to the office, he reported that John Bettesthorne was now the tenant of the lands which had belonged to John de Mere, who had served as a county coroner some forty years previously. Bettesthorne was unable to produce Mere's records and claimed that he had never possessed any[14]. What is more, he asserted that the late king (Edward III) had pardoned those in a similar position to himself.

These losses probably explain the apparent lack of activity over periods of several months found in some coroners' records. John Everard's roll has already been mentioned in this context. Everard went on to serve as escheator and sheriff, and was from time to time engaged in serving the crown on other business within the county. He was the type of man therefore who understood the necessity of keeping proper records. It has not been possible to account for these gaps in his activity by periods when he is known to have been engaged

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[13]JUST 2/153.

[14]KB 27/492, rex section, rot 14 dorse.

on other business either on the king's behalf or on that of local landowners. Neither is there a corresponding rise in Whyteclyve's records during these periods in the years when both men were holding coronal office at the same time, as might be expected had Whyteclyve been acting on his colleague's behalf. Analysis by date of inquests on Whyteclyve's roll also shows, if not similarly long periods of apparent inactivity, a curious erratic quality in terms of the numbers of inquests engrossed for each year. While one would expect some variation, the rise from eleven inquests recorded in 1344 to twenty-seven in 1345 before dropping back to the low twenties in 1346 and 1347 seems beyond the bounds of such expected variants. Only four inquests are recorded for 1349, although one must make some allowance for a possible reluctance to venture abroad while the Black Death raged through the countryside, or possibly for ill-health on Whyteclyve's part, since he died the following year. But in the absence of firm evidence to the contrary, one must conclude that in most cases aberrations such as these are related to losses of numbers of the original files recording a coroner's activities before engrossment of the roll.

It has been suggested that engrossment on a mass scale took place once a visitation was announced, and that the task was probably entrusted to teams of clerks acting as the medieval equivalent of word-processing agencies[15]. One idea which seemed worth exploring was whether there was any evidence that a common team of clerks was used to engross all the rolls from a particular county, or even just some of them. Since it was the sheriff whose responsibility it was to ensure presentation of the rolls before the justices, it seemed feasible that he might have taken charge of any unenrolled records to ensure that they were correctly presented in their engrossed form, or recommended to the coroners and their heirs clerks or scribal agencies whom he knew to be capable of undertaking such a rushed assignment. One might therefore have expected evidence of the use of just one or two teams of clerks, perhaps based in the county town for each county. Close examination of the

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[15]Hunnisett, *The Medieval Coroner*, p 117: I am also grateful to Dr John Post for helpful discussions on this topic.

documents has demonstrated that - in these two counties at any rate - this was quite definitely not the case. The uniformity of some types of fourteenth-century hand, and the fact that the same hand can appear quite differently according to the particular shade of ink, the quality of the nib and the relative smoothness of the parchment, makes such palaeographical analysis problematic, but after extensive and painstaking examination of the Hampshire and Wiltshire rolls one is forced to conclude that rarely, if ever, is the hand of the same clerk distinguishable in more than one document. The teams of men who engrossed each roll appear to have shared few, if any, of the same personnel. In all likelihood therefore they were men who worked at a much more parochial level, based near to the home of each coroner (or his heirs). If this was indeed the case, then it suggests that literacy, education and some degree of formal or informal training in the requirements of documentary presentation for legal purposes permeated far more deeply into rural communities than usually allowed for by the prevalent concept of rural society (and by implication, the whole varied strata of individuals of different levels of prosperity conveniently lumped together under the term of the 'peasantry').

Extracting information from coroners' rolls is fairly straightforward. Their physical condition, orthography, abbreviations and lack of punctuation present some difficulties which will be briefly discussed in appendix one, but most of these problems can be overcome. Certain information was required to be included in each record, and although the formulaic manner in which it was presented can be tedious, it is of assistance in identifying key phrases introducing or containing a certain category of information. The normal presentation of death inquests, which form the majority of entries on the rolls, falls within readily identifiable patterns, and usually takes one of two forms (although each is subject to some minor variations). The first, and perhaps most commonly encountered, is as follows:

> Inquest held at Sherston before Peter Testewode king's coroner in Wiltshire on the Sunday next after the feast of St.Leonard in the fourteenth regnal year of Edward the third after the conquest

[11 November 1340][16], on view of the body of Roger London, feloniously killed, by oath of [names of twelve jurors] and by the four neighbouring townships [names of the townships]. Who say upon their oath that it happened on the Sunday next after the feast of All Saints in that year [5 November 1340] that Peter Richard and John Swetesoule came on the high road of Sherston and there they met with the said Roger London and there they assaulted him and feloniously killed him. And they fled at once and they had goods and chattels to the value of 6s.8d., for which Sherston township will answer[17].

The other favoured method of enrollment is slightly different but contains much the same basic information:

Inquest held at West Ashton before William de Whyteclyve king's coroner on the Tuesday next before the Lord's Ascension in the fifteenth regnal year of Edward the third [15 May 1341] concerning the death of Nicholas Malyne of West Ashton by oath of [names of twelve jurors] and by the four neighbouring townships [names of the townships], who say that it happened at West Ashton on the Tuesday next before the Lord's Ascension in the above year that Nicholas Malyne went to a certain well looking for water with a dish, and he fell into the said well and was drowned and soon died. And John Malyne, first finder, raised the hue and found pledges[18].

The drawback with this second form is that here, more often than with the

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[16]Dates are normally given thus. Conversion to modern dating is made using *Handbook of Dates for Students of English History*, ed. C R Cheney (London, 1945). Where an anno domini date is given, which is very unusual, it should be remembered that the New Year was considered to begin on 25 March rather than 1 January. Dates between 1 January and 24 March should therefore have a calendar year added to that given in the document.

[17]JUST 2/193, rot 1 no 1.

[18]JUST 2 194, rot 1, no 2.

first example, clerks often omitted to include the date on which the fatal incident occurred in the narrative of events so that only the date on which the body was found is given. These two dates may or may not be the same. The lack of dating information in such cases has implications for anyone attempting to analyse coronal efficiency and death patterns, for example, and will be discussed more fully in chapter two.

Naturally, the amount of evidence given varies between coroners. Usually more than the bare minimum of the deceased's identity, the date of the inquest, the names of twelve jurors, and the manner of death, is recorded. The more conscientious recorded the pledges not only of the neighbours but also of the finder of the body[19]. If the deceased was a child under ten, his/her age is usually recorded, but the ages of those older than ten were not generally recorded. A dead woman's identity is normally defined by linking her with a male - either father or husband (even if that husband is now dead). Only very occasionally are the occupations of any individuals given. In homicide inquests, the identities - if known - of any suspects are recorded and usually some indication of whether they had fled or been arrested. In the latter case the outcome of any subsequent trial is usually indicated by a marginal annotation; '*q*' for acquitted or '*s*' for hanged, for example. (These annotations were made by the justices' clerks.) If any of those involved in an inquest, either as finder of the body or suspected of involvement of the death, were related to the deceased, that relationship is frequently indicated. The physical locations of wounds are normally stated and some coroners even included measurements of their length and depth, as well as a description not

[19]See, for instance, the rolls of Everard and Whyteclyve. Both usually list these separately beneath each inquest, where the four townships or tithings are also listed. Everard's roll in many cases gives the name of each tithingman alongside that of his tithing. Canteshangre included the names of the neighbours' pledges within the main text of each entry. In the Salisbury records, the names of the aldermen of each of the city's four wards are given. (Their attendance in boroughs replaced that of the tithingmen in rural areas.)

only of the implement which had inflicted them but its size[20]. Familiarity with what information is likely to be included, and in roughly what order it is likely to appear, can be of the greatest assistance in pinpointing its probable location within the text of an entry whose legibility is poor.

Abjurations, of which there are far fewer in the coroners' rolls than death inquests, vary considerably in content and presentation. The following example, taken from Upton and Brutford's Salisbury roll, demonstrates the brevity with which they were often enrolled. After the opening preamble of dating information and so on, the narrative runs as follows:

> 'John Greville of Stoke in Suffolk who fled to St.Nicholas' church in Salisbury confessed before John de Upton that [on 6 January 1369] he stole two horses worth 53s.6d. in a field at Shaftesbury. And on the same day [18 January 1369] he abjured and was given Southampton'[21].

The essential items are the abjuror's identity, the church in which he had sought sanctuary, details of the offence he had committed, the date of the abjuration and the port via which he swore to leave the country. This information was vital because the coroner's record would be used for reference following the apprehension of an individual suspected of being an abjuror who had either returned without licence, or who had failed to depart the realm in the first place[22].

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[20]For example see JUST 2/199 m 2 dorse, no 1; 'John Panchener assaulted Walter in Endless Street [Salisbury] with a knife four inches long worth 1d., and struck him in the left side of the chest as far as his heart', and JUST 2/153, rot 11, no 6 - 'William drew his knife called *broche* and struck Roger in the side'. Part of the charm of the rolls is the obviously frequent difficulty experienced by clerks in finding appropriate Latin terms for English words. This is particularly the case for agricultural implements and types of knife. Stumped for a translation, they resorted to the simple expedient of giving in Latin the generic term, followed by 'called' and then the English word for the item.

[21]JUST 2/199, m 1 dorse, no 3.

[22]See Hunnisett, *The Medieval Coroner*, p 11. John son of John de London, for example, who had abjured before John Everard in 1345, was tried at gaol delivery a few months later on the charge that he had failed to make his way to

If an abjuror had possessions within the locality their value had also to be recorded because they were forfeit to the crown. In some cases abjurations are amplified because coroners had therefore to conduct inquisitions into any such property in much the same way and with the same quorum of jurors and townships as was necessary for death inquests. If the abjuror was suspected of homicide, the coroner often held the inquests into both the death and the abjuror's possessions on the same day and with the same panel of jurors, a logical time-saving strategy. Everard's abjurations are much fuller than the bare minimum and normally take this form.

More unusual is the abjuration found in the Wilton 'roll' -which is actually not a roll at all but a file of several individual scraps of parchment[23]. This is a lengthy and detailed account of the events leading up to the abjuration in June 1359 of Roger de Ludynton of Warwickshire. Roger and his accomplice William the chaplain were appealed of larceny - the theft of a psalter - by Ralph, chaplain of St.Thomas' church. William fled to a church from which he later escaped, but Roger was captured and held for trial before the steward of the liberty of Wilton abbey (coincidentally the same John Everard who had previously acted as coroner).

Roger claimed that as the abbey bailiff, John Bonedon, was bringing him to appear at the court in Bulbridge, the bailiff took him to St.Peter's church there and made him sit down inside the church limits, whereupon the vicar's door-keeper opened the door and pulled him inside the chapel of St.Thomas Martyr in the church so that 'he found himself sitting inside the church and seeking sanctuary'. He confessed to the theft and abjured. The wording implies that Roger's part in these proceedings was purely passive - indeed, that he was rather taken aback by the sudden turn of events, or at least that this was how he described it to the coroner. How believable are the narratives which are given in coroners' records will be discussed later, but for

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Weymouth, his port of abjuration. He was acquitted of deliberately leaving his prescribed route: had he been found guilty, he would have been hanged. JUST 3/130, rot 52.

[23]JUST 2/196, m 1.

the moment it is at least interesting to note that Roger had been imprisoned in the bailiff's house for a week before his scheduled court appearance, plenty of time for the two men to hatch a plot together. The value of the stolen psalter, given as 10s., would have ensured Roger's trial on a charge of grand larceny, carrying with it the death penalty, providing him with the best possible motive to attempt such a scheme. It would be interesting to know what happened to the bailiff. While this account is much fuller than the conventional enrolments of abjurations, the same basic information is there, albeit amplified by a great mass of circumstantial detail.

It follows that the key to overcoming most of the problems inherent in the coroners' rolls is familiarity with knowing what to expect by way of information, and how, and in what order, this information is likely to be presented. The standard formulaic phrases can be used as markers, between and within which are stored the essential items of information sought by the researcher. In this way, even when large parts of any particular entry are damaged or unreadable, it can still be possible to identify which pieces of information are missing or irrecoverable. A stain or tear may only obscure one or more of these formulaic phrases, which even in abbreviated form can be quite lengthy, as for example the standard dating clause of 'in the *n*th year of the reign of King *X* the *n*th after the conquest'. It is surprising how often even an entry in a poor state of preservation and legibility can, after all, yield up most if not all of its information. Damage is rarely so bad as to prevent identification of sufficient scattered letters to establish which formula is being used. Familiarity with the forms and length of these standard phrases and the preferred order used by each clerk assists in identifying which details, if any, are now lost. And knowing what information is likely to be found in a given place in its turn assists in deciphering it from traces which at a first perusal appear to be too faint for identification. For the medieval coroners' rolls, as for other medieval documents, the stereotyped presentation (despite its irritating repetition) serves as an aid to interpretation. Location of data, identification of what type of data is missing and - an important consideration - easier identification of damaged words and phrases given the context within

which they occur - is much easier than it may at first appear, even allowing for scribal idiosyncracies and the damage which has inevitably occurred during the course of the six hundred years since these documents were compiled. Having extracted the maximum possible information from each entry, one must then consider how reliable that information is likely to be, and to what use it may be put by researchers interested in deepening our understanding of the lives of ordinary people in the fourteenth century.

CHAPTER TWO: THE CORONERS' ROLLS AS SOURCES

The Historiographical Debate

Is the information contained in coroners' rolls reliable? And if so, is it usable by the medieval historian? These are questions which it is important to consider before proceeding further. There are profound disagreements on this matter, and the first part of this chapter will explore the origins of the debate and the reasons why some historians argue against the use of medieval legal records for sociological and criminological studies.

The Public Record Office contains mountains of parchment generated by the activities of the English judicial machinery which have accumulated over the centuries. Until the 1970s most of those who studied the legal documents originating in the medieval period were legal historians who used them to supplement extant knowledge of the machinery of the medieval legal system and to trace its development. Elizabeth Kimball, for example, continued to supplement and refine the work of Bertha Puttnam and Rosamund Sillem on the office of justice of the peace[1]. Since the late nineteenth-century the Selden Society has published many volumes of edited legal records which have added immeasurably to our knowledge of the personnel, procedures, activities and spheres of jurisdiction of the royal courts. In 1969 Naomi Hurnard produced a definitive study of the origins and development of the system of pardoning which served to mitigate the harshness and inflexibility of the medieval penal code[2]. Dr Hunnisett produced a comprehensive and authoritative study of the office of coroner from its inception in 1194 until the status of the office declined in the fifteenth century[3]. These few names will have to suffice: there are many more.

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[1]Puttnam, 'The Transformation of the Keepers of the Peace into the Justices of the Peace 1327-1380', *TRHS* 4th series XII, (1929): R Sillem, 'Commissions of the Peace, 1380-1485', *BIHR* 10 (1932-1933), 81-104: E G Kimball (ed.), *Sessions of the Peace for Bedfordshire, 1355-1359, 1363-1364*, (London, 1969).

[2]*The King's Pardon for Homicide*, (Oxford, 1969).

[3]*The Medieval Coroner*.

In the 1970s, however, historians not so familiar either with legal documents or the methods by and purposes for which they had been generated began to cast a speculative eye over them. The focus of historical interest was shifting. To interest in high politics and the lives of the monarchs and of the aristocracy, both secular and clerical, was added much greater curiosity than before about the lives and lifestyles of ordinary people below the level of the ruling classes. But historians wishing to explore this area found themselves at a disadvantage because of the lack of sources in which information about these topics might be found.

Medieval chroniclers, for example, were more interested in national events and in the doings of the church and lay patrons for whom they wrote. Their interests were closely identified with those of the established ruling classes of church and state. When they did mention the peasantry, they frequently did so in very general terms and with contempt, mistrust and dislike, especially after 1381. Froissart, for example, attributed the cause of the revolt to the 'ease and riches' of the ordinary people, while Henry Knighton, describing the attempts of the government to impose and enforce wage regulations in the aftermath of the Black death, called them 'arrogant and obstinate' and 'arrogant and greedy'[4].

As far as is known, even those peasants who were able to read and write were not in the habit of keeping diaries and writing letters. Writing materials were expensive. The daily round of labour required to keep themselves and their families in food and clothing usually left little leisure time for unrelated activities, and when it did games, socialising and attendance at church seem to have been the preferred alternatives. There must have seemed little point in recording or describing the tasks and occupations with which they and their contemporaries were all so familiar.

But the lives of these people were regulated and controlled by a

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[4]*The Chronicles of Froissart, transl. by John Bourchier*, Lord Berners, ed. N G C Macaulay, (London, 1904), p 240; the passage from Knighton can be found in *English Historical Documents*, vol. IV, 1327-1485, ed. A R Myers, (London, 1969), p 91.

complex system of laws, and every court which administered these laws, both manorial and royal, required the making of written records. Whenever individuals had dealings with any of these courts their names, in what capacity they were present, and the outcome of the court hearing were recorded. Those records which survived offered a huge and previously largely untapped source of research for those interested in the social history and criminology of the medieval English peasantry.

In the 1970s, new publications began to appear whose authors had based their conclusions on analyses derived from medieval legal records. In 1973, for example, J G Bellamy published *Crime and Public Order in the Later Middle Ages*[5]. J R Given's *Society and Homicide in Thirteenth-Century England* appeared four years later[6]. A spate of articles began to appear in historical journals.[7] It was at this time that Barbara Hanawalt, who was to become the most productive and controversial of them all, began to contribute to the field. In 'The Female Felon in Fourteenth-Century England' she explored the participation of women in criminal activities[8]. Numerous articles followed, surveying among other topics homicide, crime among the nobility, crime at village level, and the relationship between food prices and crime levels[9]. Then, in 1986, she published a full-length book, *The Ties that Bound* -

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[5]London, 1973.

[6]Stanford, 1977.

[7]For example, M P Hogan, 'Medieval Villainy; a Study in the Meaning and Control of Crime in an English Village', *Studies in Medieval and Renaissance History* 2, (1978), 121-215; R W Kaeuper, 'Law and Order in Fourteenth-Century England: the Evidence of Special Commissions of Oyer and Terminer', *Speculum* 54 (1979), 738-784; Martin Pimsler, 'Solidarity in the Medieval Village? The Evidence of Personal Pledging at Eldon, Huntingdonshire', *Journal of British Studies* 17, (1977), 1-11.

[8]*Viator* 5, (1976 for 1974), 253-268.

[9]For example, 'Violent Death in Fourteenth and Early Fifteenth-Century England', *Comparative Studies in Society and History* 18 (1976), 297-320; 'Fur-Collar Crime - the Pattern of Crime among the Fourteenth-Century English Nobility', *Journal of Social History* 8/2, (1975), 1-17; 'Community, Conflict and

Peasant Families in Medieval England[10]. The major source on which this book was based was the JUST 2 class of coroners' rolls. Misadventure verdicts from the rolls of six counties were used in a startlingly new way. By analysing the activities engaged in by individuals at the time of death, Hanawalt drew a picture of daily life and living conditions the year round for the men, women and children who made up the rural peasant population of late-medieval England.

It was unfortunate for Professor Hanawalt that with the understandable enthusiasm of a pioneer in a new field, she had from the outset failed to familiarise herself adequately either with the reasons for and methods by which the sources on which she based her analyses were generated, or to make any allowance for the consequences if those reasons and methods were likely to produce documents in which any or all of the information was mistaken, untrue or inaccurate. In 1971 Dr Hunnisett had published a trenchant condemnation of coroners' rolls as sources, based on a detailed study of two Warwickshire coroners' rolls for which the original files on which their engrossment was based were still extant[11]. No reference to this article, or to Dr Post's thesis, or indeed to any work by any historian which applies adverse critical scrutiny to legal records, for example, appears in Hanawalt's bibliography[12].

Dr Hunnisett had argued that the use of formularies and precedent books by engrossing clerks compressed and distorted the original data into 'stereotyped patterns'. He alleged that the dating given in inquests was unreliable because of accidental miscopying from rough drafts, and deliberate

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Social Control: Crime and Justice in the Ramsey Abbey Villages', *Medieval Studies* 39 (1977), 402-423; 'Economic Influences on the Pattern of Crime in England 1300-1348', *American Journal of Legal History* 18 (1974), 281-297.

[10]Oxford.

[11]'The Reliability of Inquisitions as Historical Evidence', *The Study of Medieval Records - Essays in Honour of Kathleen Major*, eds. D A Bullough and R L Storey, (Oxford, 1971), 206-235.

[12]*The Ties that Bound*, 320-333.

falsification to give the impression that coroners were more efficient than was actually the case, and concluded that there was 'a slightly less than even chance in each variation that the roll is right'. This 'haphazard mixture of fact, fiction and error', he argued, made coroners' rolls so unreliable as to make them useless as sources for serious social, criminal or economic historians[13].

Another legal historian who expressed profound misgivings over the new trend was Dr John Post. His thesis was critical of Hanawalt's earliest publications. He disliked the approach used - 'the crude handling of copious data' - , felt that her understanding of the 'sources and their problems' was deficient, that her analysis was inadequate, and believed that her work would need 'revision by more careful scholars'[14]. In subsequent publications he continued to argue for the use of extreme caution when using legal documents as sources. He alleged that on gaol delivery jury lists, for example, the names of many of the individuals listed, especially those of pledges, were complete fabrications, and that 'interchangeable surnames, indistinguishable namesakes, creative spellings' made it impossible to use those which were not for identification purposes[15]. His stand on coroners' rolls was, however, more moderate than that of Dr Hunnisett. He conceded that coroners' rolls were more likely than other types of legal record to contain some types of information which were generally reliable, and opined that intensive, small-scale studies of particular areas were more likely than Hanawalt's approach to yield results able to withstand critical scrutiny[16].

So far, however, no work has appeared which has sought further to

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[13]'The Reliability of Inquisitions', 206.

[14]''Criminals and the Law', 320.

[15]'Jury lists and Juries in the Late Fourteenth Century', *Twelve Good Men and True*, eds J S Cockburn and Thomas A Green, (Princeton, 1988), 65-77; 'Crime in Later-Medieval England; Some Historiographical Limitations', *Continuity and Change* 2 (2), (1987), 215.

[16]'Criminals and the Law', 189-192. During the course of this research project, discussions with Dr Post have confirmed that he is still inclined to this view.

explore, and either to confirm or to refute, both men's criticisms of the veracity of information contained in medieval legal records in general, and coroners' rolls in particular. Is it possible to find a middle ground between Dr Hunnisett's outright condemnation and Professor Hanawalt's total acceptance of these documents as valid and truthful sources of information? The next section of this chapter will therefore explore the criticisms delineated above in order to assess whether it was justifiable for Dr.Hunnisett to extrapolate the criticisms he made after studying only two Warwickshire coroners' rolls to the entire class, and to debate whether Dr Post's more general criticisms of legal records can be applied to the JUST 2 class in particular.

The Wiltshire rolls have been selected as being the most suitable as sources on which to base the discussion which follows. The reasons are four-fold. Firstly, there are simply more of them, and they therefore provide a wider basis for analysis and comparison. Secondly, Wiltshire in general has better published sources for supplementary information, particularly with reference to the identification of individuals named in the rolls. Thirdly, the Hampshire rolls all date from the first sixteen years of the reign of Richard II, and a broader date range was considered to be preferable. And finally, Dr Post's thesis incorporated some discussion and analysis of the Hampshire rolls. Reference to his findings will be made where appropriate, but it seemed unnecessary to duplicate research already undertaken and available to those interested in pursuing the topic further.

Criticisms of the Accuracy of Coroners' Rolls

1: The Use of Formularies and Precedent Books

Chapter one set out the two most frequently encountered forms in which death inquests were engrossed on coroners' rolls[17]. It will be apparent from these, and the discussion which accompanied them, that the information found on the rolls is almost invariably presented according to a predictable pattern and sequence. Dr Hunnisett believed that this was because clerks used

[17]See above, pp 10-11.

formularies and precedent books to guide them when transferring the information from the coroners' files - the rough notes or jottings written down either at the inquest or immediately afterwards by the coroner or his clerk (if he had one)[18]. Engrossing clerks had to ensure that the justices had access to certain types of information: the implication is that anything extraneous to those requirements was be excluded, and that what remained of the original information was distorted during engrossment to make it conform with standard requirements.

The particular work cited by Hunnisett was a precedent book compiled by the Oxford-based Thomas Sampson and believed to have been in fairly wide use at the end of the fourteenth century[19]. Sampson is known to have worked as a teacher in Oxford and as a clerk both for Oxford University and for John of Gaunt. His pupils were young men intending to seek employment as the administrators of large agricultural estates and to tend to the family and business affairs of their owners.

Sampson dated the original manuscript 14 Richard II, but said that he had compiled it to correct the mistakes made by transcribers of his earlier teaching aids. (Unfortunately the transcriber of this MS has also made mistakes.) The name of the king was later altered to Henry. The book contains a fascinatingly diverse selection of material. It includes a Latin-English glossary, examples of how to draw up agreements such as deeds of gift, annuities, indentures and testimonial letters, and suggested forms in which students who have spent all their money should write asking their fathers for more. Also included are a method of taking deer and conies, a Latin charm to stop the bleeding of a wound, one recipe for a medicine for the stomach, and

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[18]Ten years earlier he had said that such books were 'virtually unknown' and even though he had apparently changed his mind, he could cite the existence of only one such document in support of his statement. (*The Medieval Coroner*, p 117).

[19]BL Lansdowne 560. Ff 34-35 form the portion presenting coroners' inquests. See also H G Richardson, 'Business Training in Medieval Oxford', *American History Review* 46 (1941), 259-181, for a discussion of Sampson's life and work.

another to cure sciatica.

The section relevant to coroners consists only of two folios. It opens with a brief description of the duties and election oath of the coroner. Then Sampson describes the procedure to be followed when an individual seeks sanctuary and wishes to abjure. This is followed by an example of just such a case, and an unusual one at that: Sampson's abjuror is a convicted felon who had been hanged, but revived inside the church, where his body had been taken before burial. After this is an example of a death inquest in which the suspected killer flees to a church. The final two examples are of accidental death inquests.

It is known that Sampson's work was quite widely distributed during his lifetime, and he is known to have been present in Oxford from the 1380's onwards. It is quite obvious, however, that the engrossing clerks in neither Wiltshire nor Hampshire were familiar with his work. His examples differ quite radically from those found on the Wiltshire rolls, which display some variation both in form and in the minutiae of detail they include, although much of the basic content is the same. But Sampson omits all mention of the four nearest townships or their representatives, whose presence was obligatory and should have been recorded. His examples do not record the names of the four neighbours nearest to the place of death (and therefore not of their pledges either). The only pledges mentioned are those of the first finders. How the clerks who engrossed the rolls studied here came by their knowledge of what information was required to be included in each entry, and the accepted forms in which it needed to be presented, remains obscure.

Correspondence with Dr Hunnisett, in the hope that his researches had, in the years since the publication of his article, come across more definite information as to the means by which such knowledge was transmitted, elicited two suggestions which he thought were worth consideration, but neither has proved satisfactory.

The first was a reference he had been given to the copy of the

Hungerford cartulary held in the Somerset Record Office[20]. This was a case of novel disseisin concerning property at Durnford in Wiltshire, in which Alice, widow of John Bisshop, a county coroner in the reign of Edward II, was involved. She claimed entitlement to (among other things) *toux autres muniments et reules tochauntz loffice del coroner* of which her husband had died possessed. Dr Hunnisett suggested that the *reules* might refer to some written document setting out a coroner's duties and/or the method by which his rolls should be engrossed. Examination of the relevant entry, however, has led to a negative verdict. It is more likely that *reules* was simply the phonetic spelling of 'rolls', for which the clerk knew of no alternative French word, and that it referred to Bisshop's records of his term of office[21]. As Bisshop's heir, Alice would be held responsible for production of them should a judicial visitation occur.

The other suggestion was that rolls which had already been engrossed were locally kept and used as exemplars. While this idea is worth considering as a possible solution to the problem, it is not without its difficulties. All the evidence, including that of Dr Hunnisett's own researches, supports the contention that the formal record was hardly ever engrossed until a judicial visitation was announced. At the opening of the sesssion those rolls presented by coroners or their heirs were handed over to the justices and placed into bags which were then sealed, remaining there until jury presentations began. At the end of each session the justices' clerks were required to estreat onto their roll the fines and forfeitures accruing from the session[22]. The instances when a presented coroner's roll did not include at least one such forfeiture of chattels or deodands must have been exceptional. But the clerks were pressed

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[20]F 152, entry xiiij (in French).

[21]Thanks are due to Tom Mayberry, archivist at the SRO, who kindly provided a photocopy of the relevant material by return of post once the correct reference had been established (Dr Hunnisett had been given the wrong folio no), and to Dr Chris Woolgar, archivist of the Hartley Library at the University of Southampton, for his assistance with the intricacies of medieval French.

[22]These now form the fines and forfeitures section of the KB/27 class.

for time, and usually took the rolls away with them to be estreated at a later date. Although King's Bench visited Hampshire in Hilary term of 16 Richard II, for example, the estreats were not made until two terms later[23].

It is difficult then to envisage under what circumstances any engrossed rolls were locally kept. And even if rolls not retained for estreating were not simply disposed of, where would they be kept? If the surviving rolls displayed more common hands and less variation within the formulaic constraints already described, one might conjecture that some were indeed retained, (but by whom? the sheriff?) and engrossed by a central scribal office (but again, whose?). But palaeographical analysis of the rolls here studied has demonstrated that most were engrossed by different teams of clerks, and therefore probably in different localities, in or near each coroner's area of residence, immediately before the judicial session. One has to conclude that even if such 'exemplars' were available, the engrossing clerks were either unaware of their existence or had no time to obtain one.

It is just as likely that the senior clerks in charge of the scribes to whom coroners handed their records for engrossment had received some kind of training similar to that in Sampson's school and passed on their knowledge of what was necessary by word of mouth, by example and by correction. (The insertion of corrections by hands other than those of the justices' clerks is a common feature of many rolls.)

In any case, the information contained in the entries is not necessarily less valuable simply because it is presented in formulaic form. The provision of a structure was necessary to ensure that the justices were presented with the information they required in an orderly manner. It is of course true that potentially valuable information - or at least information considered by modern researchers to be of particular interest - is thereby excluded. Since there was no distinction between murder and manslaughter in terms of the prescribed penalty, for example, motivation for an act was not a consideration, and is therefore scarcely ever given: factors which might enable an individual to

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[23]KB 27/527; 529, fines and forfeitures, rots 8-10.

escape the death penalty - benefit of clergy, accident, self-defence, madness, or the youth of the killer - are, on the other hand, always recorded.

Formulaic presentation, in fact, proved amply flexible when engrossing clerks desired to incorporate extra detail. Although the Wilton abjuration referred to in chapter one is not formally engrossed onto a roll, for example, it is nonetheless drawn up with the formality required for presentation[24]. The whole sequence of events was such an unusual combination of an appeal, the escape of a suspect from sanctuary, the escape of a prisoner to sanctuary and the subsequent abjuration of that escaped prisoner, that the clerk presented the entire narrative of the events as they unfolded in a continuous flow. But all the formulaic structure is still there - the preamble which gives the names of the coroner who took the abjuration, the names of the jurors, the dates on which the prisoner sought sanctuary and abjured, and the valuation of the abjuror's property followed by identification of who was answerable for its value. The formulaic form was merely expanded to include a narrative which was lengthier than normal.

The same is true for many death inquests, particularly homicides. Consider this Salisbury case:

> Inquest held at Salisbury before John de Upton and Thomas de Brutford on Sunday the feast of the Apostles Philip and James in the 47th regnal year of Edward III [1 May 1373] upon view of the body of Richard Clere by oath of [names of twelve jurors and the aldermen of the four wards]. Who say that on Wednesday in Easter week [20 April 1373] at about fire-lighting time, a dispute arose in John le Cooke's house between Richard Clere and Margaret his wife on one side, and William Polemond on the other. In arguing, Richard threatened William that he would meet with him and assault him the next day. And because Richard had a terrible name for homicide and was reputed to be dangerous, William was in great fear of him and

[24]JUST 2/196, m 1; see above, pp 14-15.

> his threat. Richard left the house with his wife and lay in wait for William. When at last William came out of the house he did not notice that Richard was so close. One of William's neighbours shouted in a loud voice for William to guard himself from Richard, so Richard threw his cloak over William's arm to stop him getting away. Frightened by Richard's assault, William out of terror struck Richard on the left arm with a sword, price 6d. Richard languished until the day of this inquest on which he died, having had the last rites. No one is guilty[25].

This vivid description abounds with all sorts of incidental detail. William apparently hung around inside le Cooke's house for some considerable time in the hope that by the time he emerged the coast would be clear, while at least one of the neighbours was an interested onlooker, discreetly keeping an eye out for possible trouble. The only thing missing is the cause of the original argument.

It is noticeable that surviving borough inquests frequently present much fuller narratives than those on the rolls of county coroners, which often restrict themselves to 'X killed Y with a knife and fled'[26]. This should not surprise us. Town life was intimate. The numbers of social contacts and potential witnesses were much larger than in the countryside, and town coroners lived and worked as part of this closely focussed community. The county coroner operated over a wide area often many miles away from his home, where the individuals he encountered were strangers to him. The rolls of county coroners tend to reflect this lack of personal interest in the relative terseness of the information recorded.

The conclusion must be that it is too simplistic to believe that engrossing clerks condensed and excluded information according to the

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[25]JUST 2/199, m 5 dorse, no 4. A marginal note indicates that by the time the case came to trial William had obtained a pardon, presumably on the grounds of self-defence.

[26]On the same Salisbury roll, for example, see m 3, nos 4, 5; m 3 dorse, no 2; m 4, no 1; m 5 dorse, no 2; m 6, no 2; m 7, no 1; m 8, nos 1, 3.

examples in precedent books and formularies. The relationship between coroners and those whose activities they recorded was a factor influencing the amount of information noted at the original inquest and subsequently engrossed. And while it is true that the formulaic structure of entries required information of certain types only to be presented within certain phrases, there was no limit to the the amount of information which could be inserted between these phrases, should the coroner and/or the engrossing clerks so desire.

2. Falsification of Dates

Miscopying of dates on occasion is probable. Medieval clerks had as much difficulty as anyone else in reading their fellows' writing, and were often working in poor light and under pressure. Doubtless some were less careful than others. But Dr Hunnisett's allegation that deliberate tampering occurred in order to hoodwink the justices into believing that coroners were more efficient than was the case, by reducing the real time interval between death and inquest, is a serious charge. If it is true, then any attempt to estimate the efficiency either of an individual coroner or of the office in general is doomed to failure. If clerks were using precedent books, and if the sample inquests in them implied, as do those in Sampson's book, that inquests take place on the day of the finding of the body or at most a couple of days later, might this be an additional factor causing clerks to falsify dates?

There are strong grounds on which to argue against falsification in the rolls studied here. Firstly, all the Wiltshire rolls were engrossed by teams of several clerks working together and often after the death of the coroner concerned. Many Wiltshire coroners were dead long before King's Bench visited the county in 1384. Whyteclyve had been dead since 1350, Robert Sireman since 1372, Robert Blake since 1377, Robert de Echelhampton since 1358, William Fox since 1375, Thomas atte Halle since 1352 and John de Harnham since 1367. Others who in all probability were no longer alive include John Everard (his last inquest was held in 1354), Peter Deyvel (amoved in 1333), Roger de Kaynes (amoved in 1343), Ralph le Lang

(exempted in 1332) and John de Polton (amoved in 1354)[27]. For the most part, engrossing clerks cannot therefore have felt any loyalty to a particular coroner, and so the claim that partiality and personal interest encouraged falsification of dates cannot be sustained.

In any case, a brief survey of some 475 Wiltshire death inquests for which both the death date and the inquest date are given reveals that fifty-two of these - over 10% - are recorded to have taken place over a week after the death. This would certainly suggest that the engrossing clerks there were not under any pressure to falsify dates.

Indeed, there were risks attached to any such attempt. The engrossed rolls were checked at the sessions by comparing them with jury presentments. Any discrepancies were seized upon as opportunities to fine either or both parties. Both living coroners and the heirs of dead ones would hardly wish to leave themselves open to such fines; in order to avoid it, collusion would have been necessary. This would either have had to occur at the time of the inquest, so that both the coroner's file and the jury presentment needed no later adjustment, or at engrossment. The latter alternative would present the engrossing clerks with the huge problems of contacting the presenting juries of all the hundreds in which the coroner whose roll they were engrossing had held inquests, and engaging in massive restrospective falsification which, given the dating system of saints' days and regnal years, was not a simple task - and all this in the limited time available between the announcement of a visitation and its arrival.

If falsification of dates was practised, the difficulties of doing so retrospectively suggest that the easiest time to undertake it was at the time of the inquest, and to persuade or pressurise the jurors to co-operate. But it is difficult to see how coroners could have done so. Local communities were more than willing to complain to the visiting justices about the corrupt practices indulged in by coroners. John Cole, Nicholas Bonham, Roger

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[27]*CCR 1333-1337*, p 4; *1343-1346*, p 526; *1349-1354*, pp 261, 411; *1354-1360*, pp 34, 435; *1374-1377*, pp 119, 168; *1364-1368*, p 14; *CPR 1331-1334*, p 335.

Storton, Richard Urdele, Thomas Gore and John Gybone, Wiltshire coroners either serving or recently serving in 1384, were all accused of extortion at the visitation of the eyre[28]. In each case the charge was that they had demanded money to hold inquests. In no record of any visitation to either of the two counties during the period studied has any accusation been found that any coroner exerted pressure to alter the date on which a death or an inquest had actually occurred. A decaying body which had to remain in situ in a house, public highway or well for an unnecessarily long period because of a coroner's dilatoriness was hardly likely to endear him to the villagers. It is difficult to envisage how, especially if he was simultaneously demanding illegal payments for his services, he could have persuaded them to submit to pressure to assist him in presenting himself as an efficient local official. In any case, no record has been found in which any of the coroners investigated for this study were accused of, or amerced for, failure to hold inquests promptly. The justices seem to have been little interested in the speed with which coroners responded when called upon.

In general, borough coroners rarely allowed more than a day or two to pass between death and inquest. In towns, bodies were less likely to lie undiscovered and sufficient numbers of men were always available to assemble an adequate panel of jurors and aldermen. The summoning of a county coroner, on the other hand, might take several days. A county coroner had a heavy workload quite apart from the necessity to hold inquests. He might be taking an appeal or abjuration or conducting a death inquest elsewhere, or attending a session at county court or a local gaol delivery. He had also to administer his own estates, which might be in different areas of the same county, and some might not lie in the county of which he was coroner at all. The frequency with which these men witnessed land agreements, and their appearance on witness lists and other documents with more powerful local figures suggests that they were also often attached to such individuals as local retainers, and might sometimes encounter a conflict of priorities when

[28]KB 9/132, mm 15, 18, 23, 29, 42.

summoned to hold an inquest[29]. The messenger would first have to discover where the county coroner within whose franchise the death had occurred might be (and perhaps even who he was). Even if he was free to come at once, travelling time both for the message and for the coroner must be allowed for. And once he arrived, the reluctance of jurors and tithingmen to assemble often seems to have caused delay[30].

The reasons for the delays in some of the inquests which took place more than a week after the death occurred can be logically accounted for. If somebody drowned in running water, for example, the body was sometimes swept away and not found for some time. When it was, enquiries needed to establish, if possible, whose it was and where it had come from, before the inquest could be held. On Kyvele's roll, for example, we find the inquest into the death of Robert Gregory. He was sailing in a little boat on his master's business from Beanacre towards Woodrow when the wind overturned it and he drowned; the inquest was held at Melksham, where his body was stated to be, forty-nine days later[31]. Similarly, in a rare example of a delayed Salisbury inquest, Walter son of John Spyrynge, aged eight, was riding a horse beside 'le Blakewell' water outside the city. The horse bolted into the river and Walter fell off and drowned. The clerk noted that although the horse made its way back to its master's house at Stratford, Walter's body was carried as far as the lower bridge at Fisherton Anger[32]. This, (perhaps combined with some uncertainty as to whether the inquest should be held by the Salisbury borough coroners or one of the county coroners) probably explains the eight-day delay. The same reason may account for the thirty-four day interval between William Wodewyke's fall into the river Avon at Avoncliffe and his inquest, which was held at Winsley, and the seventeen days between the date John Haneke was

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[29]Chapter five discusses these topics more fully.

[30]*The Medieval Coroner*, pp 17-18.

[31]JUST 2/200, rot 10, no 3.

[32]JUST 2/199, m 4, no 1.

said to have fallen into a ditch and drowned between Blunsden St.Andrew and Lechlade, and the date on which his inquest was held[33].

However, the delayed inquests found in some other drownings are not so easily explained. One child drowned in a ditch and was found by her mother, who would presumably have begun to search for her quite quickly, but her inquest was not held for ten days[34]. There are several other cases of drownings where the bodies could not have been washed away but delays still occurred. One three-year old boy, for example, drowned in a pit in his father's courtyard but was not the subject of an inquest for ten days, while there was a twelve-day hiatus in the case of a woman who drowned in a well when the winch broke[35].

Failure to find the body may account for some delays. There was no police force to search for missing persons. Finding someone who had disappeared depended on the time friends, family and neighbours could spare to look for them. If someone lived alone or was a stranger to the community some days might pass before anyone noticed that he or she had not been seen for a while. This may explain why the inquest on Matilda Sone, for example, said to have died from weakness and cold between Fosbury and Marten, was delayed for eight days, while that on Alice Dauntesey, who was said to have died from illness in Tytherton wood, did not take place until eighty-eight days after her death was said to have occurred[36].

Deliberate concealment of homicide victims explains some late inquests. John le Taillour was accused of killing his houseguest with an axe, robbing him, and burying the body in his courtyard. The inquest did not take

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[33]JUST 2/194, rot 3 dorse, no 4; 193, rot 1, no 3.

[34]JUST 2/193, rot 2, no 3.

[35]JUST 2/194, rot 6, no 1; 10 dorse, no 6.

[36]JUST 2/193, rot 1, no 5; 194, rot 8, no 2.

place until sixty-eight days after the killing.[37]

Many delayed misadventure inquests cannot, however, be so easily explained. It is true that despite the unpleasantness to the local community of the presence of an unburied corpse, one would expect less of a sense of urgency than in homicide cases. Although the values of deodands had to be recorded, there was no necessity to collect them immediately, and no legal process to initiate. Even so, one would expect the families of accidental death victims to exert some pressure so that they could bury their relatives. Why, for instance, was the inquest on Christine wife of Michael le Ropere not held for three weeks after her death? Not only was she married (and so presumably not living alone), she lived in the town of Malmesbury and was therefore probably found quite quickly after she allegedly fell on to her unsheathed weaving knife while drunk[38]. An even more puzzling instance is the death of Edward Wastel. The jurors said that he had died from illness and weakness, yet for some reason it was thought necessary to hold an inquest. This in itself was strange, since he had received the last rites and there were therefore witnesses to the time and manner of his death. But if there was rumour or suspicion as to the cause of the illness - poisoning perhaps - why was the inquest delayed for forty-six days?[39] Similarly, Ralph Godale (an ironic name in view of his fate) was said to have come drunk from Salisbury but was taken ill at Milford and died ten days later. The inquest did not occur for another eleven days, when the jurors brought in a verdict of natural death[40].

If coroners were going to attempt to pressurise local communities to co-operate in the falsification of dates, one would expect this to be more likely

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[37]Attempts at concealment were not always successful. Stephen le Deighere of Warminster was said to have killed his houseguest in the same way as Taillour but was caught trying to conceal his victim in a heap of straw. JUST 2/194, rot 9, nos 3, 4.

[38]JUST 2/193, rot 1, no 6.

[39]JUST 2/194, rot 12 dorse, no 1.

[40]JUST 2/195, rot 2 dorse, no 1.

in homicide cases. One of the coroner's most important functions at homicide inquests was indicting the suspected killers. For reasons which will be discussed later, suspected killers were often allowed to escape, and one of the reasons for delayed inquests in some homicides may be that the coroner was simply not summoned until it was certain that a suspect had put a safe distance between himself and any possible pursuit. But whatever the reasons were for delays in holding homicide inquests, there were plenty of them.

In Testewode's roll, for example, there is the case of John Hickes. He is said to have killed William son of John Hayward by hitting him on the head with a stone. There is no death date in this inquest, only the date of the fatal incident, but as William is not said to have had the last rites it seems probable that he did not survive for very long. Seventy-eight days after the incident were to pass before the inquest. In the same roll, John de Coubrigge is said to have died at once when Robert de Assheby struck him on the head with a staff, but his inquest was not held for forty-four days. On Everard's roll there is the case of Isabella Walrond, who died four days after a beating from her husband Adam Berewel, and whose inquest was delayed for fifteen days. Elsewhere we find, for instance, a thirty-four day delay between the death of and the inquest on John le Stondigger, said to have been clubbed to death with staves[41]. Only the most extreme examples have been selected here: there are plenty of death/inquest intervals which are shorter, but nonetheless much longer than the week which has been proposed as a reasonable interval to allow.

Everard's roll may provide a clue for the reasons for some delayed homicide inquests. Medieval jurors, unlike their modern equivalents, were not supposed to be impartial. Their function was to ascertain what had happened and discover the identities of any individuals suspected of an offence. This information was presented to the coroner at the inquest. Some delays doubtless occurred because it took some time to establish what had happened and who

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[41]JUST 2/193, rot 2 dorse, no 3; rot 3, no 1; 195, rot 14 dorse, no 4; 200, rot 3, no 1.

was responsible. In Everard's roll there are two inquests into the same death, at intervals of twelve and seventy days after the incident. The death was that of Michael de Ponynges, knight, killed during a night-time attack on Beamish manor by a gang of armed men led by John Dalton, knight, of Lancashire. During the attack the gang had not only killed Ponynges: they had raped Margery, widow of Nicholas de la Beche and carried off several silver items belonging to her, and valued at £10, after despoiling Ponynges of his belt and pouch. At the second inquest two more suspects were named - Roger de Saltyng of Middlesex and Robert de Langford. It is clear that the second inquest served as a means not only of indicting the two additional suspects but of including enquiries into the death of Thomas le Clerk, wounded in the attack, who had since died[42].

There is then plenty of convincing evidence from the Wiltshire rolls that neither coroners nor engrossing clerks apparently made deliberate attempts to falsify dates. One cannot allow for genuine mistakes, although these are sometimes apparent, but in general one must accept that the dates given are reasonably accurate. When a death occurred some time after the fatal incident, some clerks were careful to state for how long the victim survived, but others merely noted that the victim had had the last rites. In these cases the researcher must be careful not to assume that death necessarily occurred on the same day. Inclusion of such cases in any analysis of coronal efficiency could present coroners as less, and not more, efficient than was actually the case. But when both death date and inquest date are clearly stated, it is probably

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[42]JUST 2/195, rot 8 no 3; dorse, no 4; *The Medieval Coroner*, pp 9, 55, 130 for the coroner's role in indictments. This was a particularly serious case. The attack had taken place within the verge (a notional twelve-mile area) of the household of Prince Lionel, regent during his father's absence abroad. As was usual when a homicide occurred within the verge, the king's own coroner - in this case, Richard Spicer - held the inquest jointly with the local man. The hundred jurors presented at county court the names of many more suspects and claimed that the attack had been part of an attempt to 'usurp the power of the king'. They described the attack in more detail, saying that Margery's servants had been beaten, that one had been kidnapped, and that Thomas le Clerk had died as a result of a sword wound on the head (C 260/108).

safe in most cases to accept that they are not deliberate falsifications.

3. Falsification of Names

Even without the possibility that fictitious names were incorporated into coroners' records, the difficulties of identifying individuals named in them can be considerable[43]. This is true of almost all medieval records. The limited range of both male and female Christian names is compounded by the sharing of those names by fathers and sons, mothers and daughters, and occasionally even brothers within the same family. The fourteenth century is still a period when occupational surnames may reflect a genuine occupation rather than a family name, and when an individual named as, for example, John de Salisbury, may either have inherited the name from his father or actually originate from that town, where he is known by another surname. Taxation documents of the period reveal how often individuals with identical names are found in the same, as well as in different, villages[44].

Although Dr Post's allegation of falsification of names was levelled primarily at jury lists, compiled for gaol delivery sessions, one must consider whether it might also be applicable to coroners' records. It is known that coroners often encountered difficulty in assembling sufficient jurors and township representatives for the required quorum: might they also have invented names in order to allow the inquest to proceed?

The circumstances of coroners' inquests and gaol delivery were of course very different. Gaol delivery sessions dealt with large numbers of cases each day. In one day alone at Old Sarum in 1332, seven cases were heard. As no two cases originated in the same locality, seven juries each of twelve men, and two pledges for each of those jurors, should have been present. As well as these 168 individuals, space would have had to be found for all the local

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[43]J M Bennett, 'Spouses, Siblings and Surnames: Reconstructing Families from Medieval Village Court Rolls', *Journal of British Studies* 22 (1983), 26-46, is helpful, and explains the difficulties more fully.

[44]A cursory glance through the index of *The Wiltshire Tax List of 1332*, ed. D A Crowley (Wiltshire Record Society 45, 1989) will suffice.

officials and stewards who were presenting indictments, the sheriff and his staff, the justices and their clerks, the defendants, and any witnesses. It was probably just as well that local jurors usually did not turn up in anything like the numbers required and that even fewer of their pledges did. The necessity to fabricate names in order to conform to legal requirements was probably welcomed.

Coroners' inquests were rather different. They were held on the spot, as a court of first instance. Those required to be present lived and, because of the co-operative nature of medieval agriculture, often worked closely together. Local law and order regulations enforced the need for cooperation and communal responsibility through the tithing, membership of which was compulsory for every unfree male (unless a cleric) over the age of twelve. Tithing responsibilities included raising the hue and cry and producing before the appropriate court those tithing members accused of offences, and twice each year at views of frankpledge the two head tithingmen registered with the sheriff any entries to or departures from the tithing. It is not unreasonable to expect, therefore, that tithing members offered themselves as pledges for their fellows when a death inquest took place in their community.

The jurors at coroners' inquests did not all live in the community where the death had occurred. Few places apart from towns can have been able to produce twelve men not only of free status but of sufficient wealth and/or authority to fill such a role. In fact, it was the twelve freemen of the hundred who during the fourteenth century came to form the standard coroner's jury[45]. And although Dr Hunnisett found evidence of coroners finding it difficult to assemble jury panels, no evidence from the disparate documents studied during the course of this survey has unearthed any evidence that the coroners operating in fourteenth-century Wiltshire encountered such problems. When the jurors were local men, it is also to be expected that they too acted as pledges on occasion.

Comparisons have been made between the Wiltshire taxation documents

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[45]*The Medieval Coroner*, pp 13-14.

and individuals found named in coroners' records. The names of Wiltshire taxpayers recorded in 1332 were compared with those found in 224 Wiltshire inquests before 1350; for the later fourteenth century, taxpayers listed in E 179/239/193, bundle 18 (poll tax records) were compared with names found in the rolls of John de Kyvele and Thomas Gore. Taxation lists of course, are by no means infallible. Evasion, under-assessment and corruption by tax officials require that they be approached with the expectation that unknown numbers of individuals who should appear in fact do not. In addition, the 1332 tax was a fifteenth and tenth and the names listed are only those of individuals assessed as being above a minimum threshold of affluence. Nevertheless, they provide a useful starting point for investigation.

Only those inquests were used which clearly stated both the location of the inquest and gave the names of the four neighbouring townships in a form which allowed their identification as modern place-names. Then the taxpayers listed for each township cited in the inquest were checked against the names of all individuals named as attending the inquest. All known forms of the variant spellings for each surname were allowed for.

When individuals of the same surname but different Christian names were found, identification has been tentative on the basis that the individual named in the inquest might, or might not, be related to the taxpayer. Sometimes this identification can be made more certain when the place of residence of an individual is mentioned in the inquest is known, as in the case of tithingmen or neighbours, or when it is stated. When an individual of the same name resident in the same townships was found in both documents, the identification has been deemed certain. Particularly useful are those with unusual surnames.

It is the jurors whom it is possible to identify with the greatest confidence. They often served regularly over a period of years, and since they were drawn from the hundred rather than from the immediate vicinity, it has seemed safe to treat identification as reasonably certain when a juror is found listed as a taxpayer outside his immediate neighbourhood but within the same area.

Beginning with the pre-1350 inquests, Branch hundred was randomly selected as an example for analysis. The pattern of multiple jury service emerged immediately. John de Wermynstre, for example, who was assessed for 2s. in Wishford, was a juror on at least thirteen occasions between 1341 and 1349. John de Rous paid 4s. in the same township, and sat on fourteen juries in the same period. Simon le Taillour, assessed at 5s. in Hanging Langford, served ten times, and John de Wodeford from the same township (assessed at 15d.) on eight occasions. Edmund Kydenot (3s.4d. in Burcombe) is named as a juror five times, as is William Quyntyn (3s. in Great Wishford); Adam Russel (4s. in Wylye) is named as a juror at four inquests, and so is William Palmere, who may be associated with the Alice Palmere who paid 5s. in Quidhampton. John Bakham (12d. in Orcheston) served three times. Simon Burel (2s. in Orcheston) served twice as a juror and on one of those occasions is also named as a neighbour[46]. Nicholas Houknose (3s.6d. in Quidhampton) served as a juror on two occasions, as a neighbour twice, and a man of the same name appears once as the tithingman for Bemerton.

The name Houknose is so unusual that it seems probable that others sharing it within the same area are related. John Houknose (14d. in Quidhampton) served as a pledge in 1341, as did Roger Houknose, who also appears twice as a neighbour in 1346. His 1332 assessment was for 3s.4d. Most hundreds in fact show evidence of one or more family groups serving in multiple capacities at frequent inquests - the Colyeres in Alderbury hundred, for example, the Beneyts of Knook and the Justs of Horningham in Heytesbury hundred.

It has also been possible to identify some of the pledges. Apart from John and Roger Houknose, Adam Nichole (2s.6d. in Wylye) was a pledge in June 1347, and a neighbour in August 1349. (The fact that he and other individuals appear in the records of different coroners also supports the supposition that many of these men really existed.) John le Scrivayn (12d. in Wishford) is found as a pledge in August 1331, as tithingman of Little

[46]JUST 2/195, rot 15, no 4.

Wishford in July 1345, and as a neighbour twice in 1347. Thomas Seuer (2s. in Bemerton) was a pledge twice in 1346, Robert le Smyth (3s. in Wylye) once, and William de Stockton (2s. in Ditchampton) was both pledge and neighbour in 1349. John Stouforde (2s. in Quidhampton) was a pledge and neighbour in one inquest in 1345: he was himself the subject of an inquest there two years later, when the marlpit in which he was digging collapsed on top of him[47].

Tentative identification has been made of several more individuals. John Antany may be associated with Robert and Thomas Antany, both taxed in Wishford: John was both a juror and a pledge in 1341. William Bakham, also both juror and pledge in the same year, may be connected with the John Bakham mentioned above: both men served on the same jury. Edmund atte Cherche was a pledge in 1347 and Adam atte Cherche both pledge and neighbour in 1349; both inquests were at Wylye, where in 1332 Gilbert atte Cherche had been assessed for 2s. John Huberde paid 3s. in Ditchampton; in 1349 Nicholas Huberde was both pledge and neighbour there. In Wylye, John Maydeneman paid 3s.6d.; Roger Maydeneman appears twice in inquests there, once as neighbour and once as pledge, in 1347. Many other such tentative links have been made: and given life-expectancy and mortality rates in the fourteenth century, it is highly probable that many of the taxpayers listed in 1332 had been replaced by their sons or other male relatives by the late 1340's, when most of the Branch inquests took place.

Turning now to the later fourteenth century and the rolls of Gore and Kyvele, it is at once apparent that identification of many individuals is possible here also. Adding to the interest here is that poll tax records gave the occupations of those they named. In Bradford, for example, we find John Sprake 'bochere' appearing as a juror seven times between 1368 and 1383, and John Russel 'brewere' twice as a juror and twice as a neighbour between 1368 and 1375. John Spyrewhit, a mason, was a juror in 1379 and was

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[47]All these men appear in the rolls of Everard or Whyteclyve or both. John de Stouforde's death inquest is at JUST 2/195, rot 7, no 3.

himself the subject of an inquest in 1383[48]. John Lovel, 'hostilare' was a juror four times, and Philip Pylke of the same occupation was a juror once and in 1375 was named as a first finder. Nicholas Wacche was a juror three times, and on one occasion was also named as a neighbour.

Of those named as neighbours, as taxpayers in Rowde we find Thomas Braybef 'cultor', John Troye, Roger Bernarde, and John Botteley 'labor'', all paying 4d. each, and in Bromham John Buschop, Robert atte Slade, a free tenant paying 12d., and Richard Felde. In Devizes, John Coleman, John Caponer 'suter', John Betteleighe 'glovere', John Botenham and Richard Prentus all appear as taxpayers, as do Thomas Seuyere, Peter Cratyn, John Elot, William Coppe, William Vote and Thomas Seman (who also served as a juror twice). These are only a few examples.

Unfortunately, neither Gore nor Kyvele name any pledges other than those of the first finder, and it must be owned that these have proved rather elusive. However, in Winsley the name of John Coke does appear (paying 4d.), William Monoke paid 4d. in Atworth (he appears as a neighbour in another inquest) and in Holt, Laurence Bromkere acted as pledge, neighbour and juror, and William Fox and John Shepurde both acted as pledges once. In Broughton we find John Couke and Robert Gore, who were also jurors on different occasions.

Why fewer pledges should have been found than jurors is puzzling. Pimsler concluded that it was the more affluent taxpaying peasants who often acted as almost professional pledges, often taking a fee for the service, and that village officials had to pledge the poorer inhabitants who could not afford to pay[49]. Some of those named in the inquests certainly did exist, but in general seem to have been poorer than those serving as jurors, which runs counter to Pimsler's findings. And the names of the pledges given in inquests in general do not reflect the pattern described by Dr Post, of short, repetitive

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[48]JUST 2/203, rot 1 no 5. He was quarrying in Grip Wood when he was killed by a falling stone.

[49]'Solidarity in the Medieval Village? The Evidence of Personal Pledging at Elton, Huntingdonshire', *Journal of British Studies* 17, (1977), 1-11.

names often given in rhyming couplets. Naturally each tax list and each inquest is only a snapshot in time. Mortality and mobility - the latter particularly after mid-century if complaints about the refusal of waged labourers to remain with employers are to be believed - produced communities whose membership was constantly changing. Thus one should not expect to find all individuals listed in an inquest of, say, 1346, in the tax list of 1332, or those named in an inquest dated 1364 in the poll tax lists of the late 1370's. But what does seem odd is that the number of pledges found should be so much lower than the number of jurors identified, particularly in the later taxation records.

This is an area which could benefit from much more extensive investigation than has been possible in the time available for this research project. Hampshire in particular is well-provided with surviving manorial records which could be used for such a study. Comparing manorial court records, rentals and so on with the names trawled from Hampshire inquests would establish with greater certainty to what extent the names on those inquests were those of real people. But even with database facilities which allow to some extent for variant spellings, such a task is so time-consuming that it could not be justified within the parameters of this particular study.

From the preliminary investigations described here, however, it is clear that outright fabrication of names was not the general practice of most coroners or engrossing clerks, although some may have supplemented the names of real individuals to make up the numbers required.

Using the Sources

Having established that coroners' rolls are more reliable as sources of evidence than their critics have been prepared to concede, one must then address the question whether the uses made of them, primarily by Professor Hanawalt, have been appropriate. Is it wise to use medieval legal records to produce, in accordance with the modern penchant for computer-generated analysis, impressive tables and graphs of apparent trends in death-patterns,

homicides, daily activities by age and gender, and so on?[50]

Surviving medieval legal records do not present a full picture either of contemporary criminal activity or of the response of aggrieved parties to crimes perpetrated against them. Under-reporting, coupled with the use of procedures outside royal or civil courts - local arbitration, negotiation and individual and unrecorded initiative - not to mention the loss of unknown numbers of inquests, for example, makes the uncritical use of such records and the presentation of statistics derived from them foolish as well as unscholarly. This section of chapter two will therefore examine some of the conclusions reached by Hanawalt and why it is felt that they will not stand up to critical scrutiny.

1. Infanticide

Hanawalt concluded that levels of intra-familial violence were low, and that infanticide in particular was extremely rare in medieval England[51]. This was because she found only three cases among her four thousand inquests where infanticide was alleged, because the first finders of childrens' bodies tended to be members of their families, and because accidental death verdicts on babies among those inquests did not include drowning or exposure. From this she extrapolated that the peasant family was a more caring, supportive (and law-abiding) social structure than previous historians had claimed.

To base such a conclusion on evidence from coroners' rolls is treading on shaky ground indeed. It is true that few infanticides are apparent among inquest verdicts. This does not mean that they did not occur. It is all too easy even in the twentieth century for parents to abuse and even kill their children: how much easier in the fourteenth century, free from the interference of social workers and police officers, and without the expertise and vigilance of doctors

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[50]See, for example, *The Ties that Bound*, pp 271-3. Given's *Society and Homicide* is interspersed with such tables throughout. Dr Post's comment on the latter was that that it was 'notably rich in sensible caveats which the author himself disregards' ('Crime in Later-Medieval England', p 222).

[51]*The Ties that Bound*, pp 102-3.

and nurses, to disguise such a death as, for example, one of the ubiquitous accidental deaths by burning or scalding?

Hanawalt's claim that 'the law did not clearly state (until the sixteenth century) that a mother was culpable of murder when she killed her infant' is simply not true[52]. Bracton stated quite clearly that procuring an abortion counted as homicide, especially if the foetus was 'already formed or quickened'[53]. How then could infanticide be anything but illegal? In the one Wiltshire inquest where a mother was said to have committed infanticide, the marginal annotation clearly reads 'felony'[54]. The alleged perpetrator fled. Why run away if the act was not culpable? Of course any adult responsible for the death of a child, even if he or she had not intended the result of mistreatment to be fatal, would seek to disguise the cause of death. Some of the most common injuries inflicted on children today are caused by deliberate burning or scalding, and there are plenty of inquest verdicts on infants said to have died after just such an injury, accidentally inflicted[55]. One cannot know how many of these may conceal the fatal consequences of non-accidental injury. Inquest narratives and verdicts should always be approached with caution, and the vexed question of how far they may be relied on will be more fully discussed below.

2. Using statistics derived from the records

a. Drunkenness

'Women were somewhat more prone to have accidents in connection with drink than men', because alcohol was specifically mentioned in

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[52]Ibid., p 102.

[53]*On the Laws and Customs of England*, transl. and ed. in four volumes by S E Thorne (Selden Society, 1968), 1, 341.

[54]JUST 2/194, rot 5 dorse, no 4. Edith, daughter of Agnes le White of Bratton, gave birth to a female child. She was said to have taken it to a body of water at Wood Bridge in Edington tithing, stabbed it through the body with a knife, and thrown it into the water.

[55]See, for example, JUST 2/203, rot 1, no 1; 194, rot 2, no 5.

connection with 2% of female fatalities but only 1% of male deaths, according to Professor Hanawalt[56]. In the first place, this statistical margin seems negligible to say the least, although to be fair she did then go on to say that perhaps it was simply mentioned more frequently because drunkenness was considered more reprehensible in women. This, however, does little to mitigate the impact of her original statement.

But when wine, ale and water were the only available means of quenching thirst, and wine was beyond the reach of most peasants, while water was often contaminated or foul-tasting, ale offered a pleasant alternative which also enlivened the spirits, and was probably consumed at any time during the day by men and women alike. Even when it is not specifically mentioned, one cannot know how often inebriation of varying degrees was a factor in deaths.

And what criteria, if any, governed the recording of drunkenness at inquests? Some coroners rarely mention it, others regularly do so. Did some therefore specifically ask whether the dead person was drunk? When a homicide is said to have taken place in an ale-house or tavern it is reasonable to assume that those involved had been drinking, but rarely does the inquest record it. Two Salisbury inquests may serve as examples. The first involved two men who were both carters. John Clerk was in Robert Kendale's inn. Gilbert Mauduyt was said to have come there and assaulted him, stabbing him in the chest. John died at once. In the second, Walter Hanle and Richard Perot fought in the inn called 'Nyweyn' and during the course of the fight (graphically described) Richard received a knife wound from which he died over a fortnight later. Both narratives imply that the victim was the assailant, the usual preliminary to a plea of self-defence, and at gaol delivery Mauduyt was remanded for pardon. Was the consumption of alcohol by one or both parties then tacitly considered a mitigating factor even if unrecorded[57]? There was certainly no legal requirement to record it.

b. Teenage rowdiness

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[56]*The Ties that Bound*, p 190.

[57]JUST 2/199, mm 6 dorse, no 2; 7, no 1; JUST 3/161, m 18.

Here again one must question the 'distinct rowdiness of teenage males' Professor Hanawalt claims to have discovered[58]. In the first place her reasoning seems odd. The suggestion seems to have been based on thirty-nine inquests of which one concerned the death of an adolescent during activities described as 'play'. This gives a percentage of 2.6%. None of the forty-two adult males aged between twenty and thirty years old died in this way and presumably, since this gives a zero percentage, it is on this premise that her conclusion was based. But in the thirty-one to forty-year old adult male group, three of the thirty-two died during 'play'. This works out at 9.4%, much higher than that of the adolescent group. Surely this should also be counted as rowdy behaviour, in which case what happens to the conclusions about teenagers? It serves only to demonstrate the difficulties of dealing with small statistical samples, when a single case can make an enormous percentage difference[59].

And on what evidence did Hanawalt base her age analyses? In general, coroners' rolls do not state the age of the dead person unless he or she is under about twelve. The only indication that someone might be adolescent is if they are identified as someone's son or daughter. Since women and children's names are normally linked to the name of their head of household it is tempting to hazard a guess that in such cases a teenager may be involved. But there may be other, equally cogent reasons why they were so identified. In 1367, for example, John son of Edmund le Dighere was said to have stabbed John Broun in New Street at vespers with a knife 5" long, causing Broun's death some weeks later. Was John a teenager still living at home? Or was there another John le Dighere living in Salisbury? Or was the clerk making sure that confusion between John the victim and John the alleged assailant did not occur[60]?

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[58]*The Ties that Bound*, p 190.

[59]Post, 'Crime in Later-Medieval England', p 220 points out the difficulties, with specific reference to a study of suicide figures.

[60]JUST 2/199, m 5, no 3.

c. Homicide statistics

Any attempt to use medieval legal records to establish homicide levels and compare them with modern ones is based on faulty premises[61]. Firstly, the population of medieval England at any one time is not, and never can be, known. Secondly, under-reporting, survival rates of records, and the inefficiencies of the medieval judicial system must account for an unknown 'dark figure' of homicides. Thirdly, and most importantly in the context of this study, there is a crucial difference between the medical assistance available to victims of assaults then and now which significantly affects the numbers of homicides.

Society in the late-twentieth century has available to it antibiotics and skilled medical and surgical techniques with which the health of the majority of those wounded can be restored. This was not the case in the fourteenth century. In 1991 a leading forensic pathologist wrote that 'infection used to be so common after open wounds that it was the norm rather than the exception...wounds, which in themselves were not a danger to life, became infected.....a trivial injury was often fatal'[62].

One has only to review some homicide cases to realise that many victims did not die immediately after receiving their injuries but after intervals of days or even weeks. Modern medicine would probably have saved their lives and any criminal charges resulting thus been classified as (in medieval terms) mayhem or wounding, rather than homicide. John Clifford, for example, was stabbed in the arm on 8 December but did not die until twenty days later; Thomas Wither did not die until nineteen days after being stabbed in the left arm. William Cuppynge, after being struck on the head and back with a staff, was able to walk to the 'heywardeschamber', whence his neighbours fetched him home, and survived for ten days. And in a case of wife-beating, Roger le Vole, a draper, was said to have injured his wife Joan,

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[61]See Hanawalt, 'Violent Death'.

[62]Bernard Knight, *Forensic Pathology* (London, 1991), p 308.

wounding her on her head and an arm and a leg. Joan lived for four weeks.[63]

So it is simply impossible to compare modern and medieval homicide rates. We cannot know how many medieval assault victims would have survived with the benefit of modern medicine or how many modern assault victims would have died without it. Such comparisons are grossly misleading and have perpetrated the perception that medieval society abounded with violent and homicidal individuals who callously killed their fellows on the slightest provocation, or none at all (since inquests give no motivations and give the impression that almost all fatal assaults were the result of sudden and unanticipated violence), and that modern society by contrast is peaceful and law-abiding.

d. Seasonality of homicides

In the same study, Hanawalt related rural peaks and troughs in numbers of homicides to the rhythms of the agricultural year. She found that most fatal incidents occurred in fields, and that the peak months for homicide inquests were between March and August. This period was the season of active cultivation but when foodstuffs themselves were likely to be in short supply. Her conclusion was that most homicides therefore arose because of tensions over food production.

Unfortunately, she did not pay sufficient attention to other factors which contributed to this apparent pattern. The levels of under-reporting of all types of death which required an inquest can never be known. It must be appreciated that there were many incentives for communities to avoid summoning a coroner.

Many coroners extorted fees, which were often considerable. The

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[63]JUST 2/199, mm 5, no 5; 1 dorse, no 1; 195, rot 13, no 5. The jurors said that Roger believed she would recover, but he obviously believed in hedging his bets. In the interval he sold most of his possessions in Salisbury and Fisherton and emptied his house in Fisherton of cloth and other goods, which he took to Salisbury and stored in a rented room while he sold them. When Joan died, Roger - and his liquid assets - disappeared. The unfortunate buyers had to repay the value of the goods they had purchased to the crown, since all Roger's property on the date of the assault became forfeit.

Wiltshire coroners seem to have charged between 3s.4d. and 6s.8d., and John Cole charged an extra 2s. for providing a clerk[64]. In addition, the coroner and any servants or clerks who accompanied him needed accommodation and food for themselves and their horses, and jurors and tithingmen from neighbouring communities required to be shown hospitality. These men might have to stay in the village for several days while information about the death and any forfeitures or homicide suspects was assembled.

The subject of an inquest could not be buried before the coroner had viewed the body. The inconvenience and unpleasantness this caused have already been referred to, and added to these was the need to guard the body from scavenging animals and robbers so that the coroner could examine any marks or wounds. This meant freeing one or more individuals from their normal daily tasks, which might be difficult at times. And under some circumstances, which will be discussed below with reference to the reliability of verdicts, the families even of homicide victims might be reluctant to press for an inquest.

The decision to send for the coroner therefore probably depended upon a number of considerations which included cost, inconvenience and whether the possible consequences for a member of the community accused of homicide were acceptable to that community. They may have included the necessity to assess whether, if the death were not reported, word might reach the coroner by rumour or accident, in which case the body would have to be exhumed and the community might be more vulnerable to extortion or fines.

To these factors were added the greater difficulties of travelling in the winter, which must have worked in favour of those who desired to avoid a coroner's inquest. Poor light, bad weather and muddy roads doubtless deterred any travellers whose journeys were unnecessary and reduced the possibility of a chance word reaching the coroner that a suspicious death had occurred. Weather conditions may have acted as the final and decisive disincentive to summon a coroner for any who were half-hearted about it in the first place.

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[64]KB 9/132.

And surely coroners themselves sometimes felt understandable reluctance to face the hazards of often lengthy journeys over treacherous roads during the months when snow, hail, rain and frost were most likely.

And of course most disputes in rural communites took place in the fields. It was where people worked together every day. The higher the number of social contacts in a particular place, the higher the numbers of potential conflicts. But this does not necessarily mean that those conflicts are directly related to the activity in which those involved are participating. If two men fight in a pub, is it evidence that the argument was about drinking? It is just as likely to have been football, work, politics, the marital fidelity of the wife of one of them, or any number of other subjects. Who knows in how many cases the participants in fights with fatal outcomes simply disliked each other or had previous grounds for bad blood, or were just irritable and bad-tempered because of the hotter weather in the summer?

While the apparent trends which emerge from analysis by month and location of homicide inquests may be explained by Hanawalt's suggestions, unless other corroborative evidence is offered to support them one cannot simply accept them. It is just as possible to ascribe them to factors which were not taken into account during her study, and which offer just as likely an explanation.

3. Coroners' inquests as evidence of lifestyles

Professor Hanawalt also believed that coroners' records, and in particular the incidental information often included in them, were valuable in supplementing existing knowledge of peasant lifestyles.

One such area is peasant housing and the materials, often flimsy, of which it was constructed. Archaeological evidence alone, for example, is largely unable to determine the height of most such dwellings and the existence or absence of upper storeys. The fact that suicides who hanged themselves often did so in barns might suggest, for example, that most peasant

houses did not provide enough height for that purpose[65].

Counter to that, one must point out that suicide requires privacy and solitude to be successful. Neither was easily available in a peasant household where cramped living quarters and the fairly constant presence of women and small children predominated. Hanawalt found evidence that many houses did in fact offer accommodation on an upper level even if it was only a windowless loft used as sleeping quarters[66]. Such evidence is found in the accidental death inquests of individuals said to have died as a result of falls within their homes, and the rolls studied for this project have proved equally informative. In Bemerton, for example, John Cok was climbing up to a solar holding a torch when a beam broke and he fell to his death, while in Hampshire, John Hegge of Dibden, who was very drunk, slipped and fell onto his head as he climbed the ladder to go to his bed, and Isabel wife of Thomas Ymme was climbing a ladder at night in her house at Bishops Waltham when she stumbled and fell, breaking her neck[67]. Such narratives are given with enough frequency to support the contention that whenever possible families tried to provide separate sleeping quarters in an upstairs chamber.

Numerous inquests reveal in their incidental detail the materials used to construct peasant dwellings, and their fragility. The walls of houses were thin and easily destroyed. The term 'housebreaking' during robberies is to be taken literally. People often died as a consequence. In Maiden Bradley, for example, Agnes Bogwulle was killed when the wattle wall collapsed on her as she lay in

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[65]See, for example, JUST 2/194, rot 11, no 2; 155, rot 7, no 3. All legible suicide inquests found in the Hampshire and Wiltshire coroners' rolls are calendared in 'Suicide in Hampshire and Wiltshire 1327-1399', *History of Psychiatry* 6, (1995), pp 105-117, eds. Carrie Smith and Brian Barraclough.

[66]However, even here she was careless. She cited a Salisbury inquest as one of her pieces of evidence. This was not the best choice. Town dwellings, constricted by the limited size of burgage plots, had always been built upwards rather than outwards. (*The Ties that Bound*, Chapter Two; Toft and Croft; the full inquest reference, which she does not give, is JUST 2/199, m 6, no 2.) For a discussion on peasant housing, see Christopher Dyer, *Standards of living in the later Middle Ages* (Cambridge, 1989), pp 160-9 (rural), 200-5 (urban).

[67]JUST 2/195, rot 14 dorse, no 5; 155, rots 14 dorse, no 1; 17, no 4.

bed, and Robert Haste, his wife and daughter and another man suffered the same fate at Tisbury when the house wall fell in. Even ecclesiastical buildings were not immune from such catastrophes - in Salisbury, as William Pap went through the bell-tower of St.Martin's church, he was crushed by a falling beam. Building accidents can also illustrate these topics, as in the case of Walter Pere. He was standing on scaffolding building a wall from withies. As he bent a withy between his hands it snapped, and the force of the break caused him to tumble off the scaffolding to the bottom of the house. He died from his injuries twelve days later[68].

Despite the criticisms of other areas of her work, here then the evidence shows Professor Hanawalt to have been correct, and is proof that legal records can be made to yield up useful information of perhaps a rather unexpected type. Such details were recorded to explain how accidents had occurred. Although all inquest verdicts must be treated carefully, there seems little reason to doubt that often there were witnesses to the manner of death. While undervaluation of deodands may affect the values ascribed to scaffolding, withies, house-walls and so on, it is difficult to see any motivation for describing a house still observable as having an upper storey or a solar when it did not, or for a wall as being made from withies or wattle if the coroner could plainly see that it was made of something else. In this area at least, Hanawalt's use of coroners' rolls can be accepted as safe.

Conclusion

Naturally coroners' rolls contain mistakes - clerks were only human - and there may have been some fabrication of names, although not as much as in some other types of legal record. However, dating information and the incidental details given in inquests, if nothing else, make them a valuable source for the researcher, and one which should not be neglected, although their purpose was to offer only the limited types of information required by the judicial machinery.

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[68]JUST 2/194, rots 3 dorse, no 2; 9, no 5; 199, mm 1, no 2; 5, no 2.

However, provided that the data extracted from them is used with great care and that corroboration and confirmation is sought from other sources, they can be used to illuminate our understanding of some aspects of the lifestyles of the late-medieval peasantry.

The uncritical enthusiasm and credulity of Professor Hanawalt, and the unscholarly use made by her of the material she found in coroners' rolls has undermined their status, which should be that of a major historical source. Her understandable enthusiasm for this new treasure-trove of material led her to make speculations which, although interesting and possibly justified, often cannot be substantiated. Yet there is no doubt that her researches have done much to illuminate the lifestyles and activities of peasant families, which mostly went unrecorded and unnoticed. The very criticisms aroused by her work have generated a debate which, it is to be hoped, will result in a much clearer understanding of the criteria by which assessment of the reliability of the contents of coroners' rolls may be made, and from which more scholarly and reliable research will result.

Coroners' rolls should be approached with caution and an appreciation of what data they can legitimately be expected to provide, and when and where such data must be subjected to careful scrutiny. Then Hanawalt's sweeping conclusions can be checked against the findings of 'careful, piecemeal analysis', and as a result it should be possible to add considerably to existing knowledge of the lives and activities of peasant families in the fourteenth century[69].

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[69]Post, 'Criminals and the Law', p 324.

CHAPTER THREE; PROBLEMATIC EVIDENCE - THE USE OF VERDICTS

The preceding chapter has established that by and large, the information recorded on coroners' rolls - or at least those which have been the subjects of analysis for this research project - is probably a fair summary of what was recorded at the time of the inquest. It does not, however, follow from this that what was recorded was historically true. This point cannot be emphasised strongly enough. Yet, as Dr.Post pointed out, 'quantification is a keystone in the methods of criminology...it is fun..and..fashionable', and thus it militates against a cautious, critical evaluation of the sources used[1]. But is it satisfactory simply to amass information from large numbers of inquests, process it statistically, and produce neat percentage tables which appear to demonstrate certain social or criminological patterns[2]? It is a sad fact that the over-credulous attitudes of historians like Hanawalt and Given has invited scathing criticisms and concomitantly discredited not only their works but the records on which they are based. The patterns they claim to have discovered may well have some real substance. However, it is not clear whether, in producing their analyses, they have understood the considerations which affected jurors in reaching particular verdicts, or in giving or withholding certain types of information. These factors must be kept in the forefront of the researcher's mind when using not only coroners' rolls but other types of legal record, and it is these which are the subject of this chapter[3].

Medieval coroners' inquests never provide the source(s) of information whence the narrative of events leading to a death was derived. The formula of

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[1]'Crime in Later-Medieval England', p 220.

[2]For example, *The Ties that Bound*, pp 271-4.

[3]Homicide trials at gaol delivery sessions (JUST 3) and King's Bench rolls (KB 27) have been used to supplement the evidence from the coroners' rolls. All surviving gaol delivery records from both counties for the entire period and all King's Bench rolls from the reign of Edward III were scrutinised for relevant material.

presentation was standard. The inquest is held 'by oath of' the jurors and tithingmen/townships 'who say that' or 'who say on their oath that' certain events had occurred. Here we confront the essential difference between medieval and modern juries[4]. The function of local men of standing presenting information to governmental or legal agencies is found at least as early as Domesday. In the absence of a full-time investigative force, once trial by ordeal was abandoned and trial by battle had become almost obsolete (except in the case of approvers), the jury became crucial to the law courts both in providing information and in reaching judgement. Medieval juries were not supposed to be impartial. On the contrary, their function was to discover information and present it to officials in courts at all levels, including coroners' courts.

By the fourteenth century, the difficulties of assembling the large numbers of jurors required at, say, gaol delivery sessions, if each case were to be heard by a local jury as the law intended, had become insuperable. Although most juries contained some individuals from the locality, the balance was made up of others who happened to be present, often court officials and coroners. For example, Thomas Gore, Nicholas Bonham and John Auncell all served as jurors at gaol delivery sessions in Old Sarum in 1362, as did Thomas Canteshangre and John Fauconyr in Hampshire in 1362 and 1364[5]. Therefore witness evidence in some form must have been given in court for the information of those men co-opted onto jury panels at short notice; indeed, it is probable that witness evidence had always in fact played some part in court proceedings. This was less true of coroners' courts because they were

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[4]For what follows, I have found the following works most helpful: A Harding, *The Law Courts of Medieval England*, passim; *Twelve Good Men and True*, eds. J S Cockburn & Thomas A Green, particularly Powell, 'Jury Trial at Gaol Delivery in the Late Middle Ages', pp 78-116, and Post, 'Jury Lists'; J Mitnick, 'From Neighbour-Witness to Judge of Proofs: the Transformation of the English Civil Juror', *American Journal of Legal History* 31 (1988), 201-35: T A Green, 'The Jury and the English Law of Homicide', *Michigan Law Review* 74 (1976), 413-19.

[5]JUST 3/72/4 mm 4, 5, 6; 61/4, m 3; 61/5 m 2.

held in the immediate locality where the death had taken place, but at some point witnesses to the events (if there were any) must have been questioned by the jurors, whether before the inquest or during it, in order for the explanation of the death to be given and a verdict to be reached. One cannot safely assume that a coroner's jury included any member(s) who had actually been present when the death occurred.

Neither can one assume that the first finder of the body or the four neighbours nearest to the place where death occurred had seen what happened, although sometimes one or more of them may have done[6]. If a death occurred in broad daylight in a village or town street, or in a house where other family members are said to have been present, the likelihood of observation is strong. Since, however, many deaths were said to have occurred in fields or woods, at night, or in isolated places, it is likely that large numbers were unwitnessed. One must conclude that the information presented in unknown numbers of inquest narratives is the result of retrospective guesswork or speculation resulting from the circumstances of time, place and the location of the body.

If, as required, the jurors at inquests arrived already armed with the information they were going to present to the coroner, discussions between them and those with information about the death had obviously already taken place. Even if a coroner required witnesses to present their information at the formal hearing (and it is not known whether this was the case), there is no way of knowing to what extent, if any, such evidence was influenced by collusion, coercion, negotiation or bribery between members of the local community. Similarly, if the jurors alone presented the evidence, then what was presented was hearsay evidence only (which is, of course, inadmissible in a modern court of law), probably selective, and also depended on the attitudes and sympathies of the jury members. So the first difficulty with any verdict returned at a coroner's inquest is the impossibility of assessing with any certainty the veracity of the evidence on which it is said to be based, or the

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[6]The requirement to record these names at inquests may have misled Hanawalt, for example, into thinking that they were witnesses, and contributed to her tendency to refer to suspects as culprits.

factors which may have tainted that evidence to a greater or lesser degree. Gossip, intimidation, spite, exaggeration, elaboration or outright fabrication may all have played a part.

It should also be remembered that although the fact of death in all its forms was encountered far more frequently by all members of late-medieval society than is the case today, medical knowledge was primitive, and forensic science unknown. Causes of death, particularly when more than a few days intervened between death, or the discovery of the body, and the inquest, became harder to detect as decomposition progressed. The rate of decomposition varies according to ambient temperature and humidity, and even when the corpse is guarded from larger predators like foxes and rats, smaller ones such as ants, beetles and fly larvae are not so easily deterred. Their activities may not only hinder the ascertainment of cause of death, they can actively mislead. One recent authority has 'documented cases where linear ant lesions have resembled ligature abrasions around the neck'[7]. Discolouration of body tissues associated with hypostasis and putrefaction may resemble or conceal bruises or abrasions within a very few days, and the sheer unpleasantness of examining - as the coroner was supposed to - a body in which putrefaction had advanced beyond its earliest stages may have deterred any very close scrutiny. If, in the 1990s, a leading forensic pathologist with all his expertise admitted the difficulties of ascertaining time and cause of death, how insuperable must the difficulties have been in the fourteenth century if someone died unobserved, and the body was not found for more than a day or two? Genuine error may thus lie behind unknown numbers of verdicts.

Quite apart from these considerations, each type of verdict carried with it a particular set of judicial and/or fiscal consequences. The interests of numbers of individuals were at stake in almost every case, and these interests could often be best served either by the knowing concealment or deliberate slanting of evidence in order to obtain the verdict most favourable to the

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[7]Knight, *Forensic Pathology*, p 69. Much of the following paragraph is based on this book, especially pp 51-69, 125-36, 213-16, 326-68. Hypostastis is the pooling of blood in the lowest parts of the body after death.

interested party or parties. The most appropriate way in which to attempt an assessment of the evidential value of coroners' inquests is therefore to consider separately each type of verdict, its consequences, who stood to lose or gain by it, and what other considerations might influence coroners' juries in bringing in any particular verdict.

Misadventure Verdicts

On the face of it these seem to offer the least incentive for the manipulation of evidence. (Unfortunately, as Dr.Post pointed out, they also provided the least incentive for accurate recording of names, dates and places, since apart from the comparison between juries' veredicta and coroners' rolls at eyre, which might never be required, no further legal process ensued[8].) It was however necessary to record the value of anything which 'moved to the death' - for example, an animal, or any inanimate object such as a cart or a cooking pot. Either the township or a local official then had to keep either the object or its value in money safely until King's Bench justices arrived to deal with the backlog which had accrued since their last visit. Some coroners recorded the value of items used to kill as deodands if they had been left behind or recovered, while others recorded them as chattels. It came to much the same thing in the end. Hence the curious phraseology of many inquests that so-and-so had been stabbed 'with a sword, price 6d.', or similar.

The owner of any equipment or livestock which had somehow caused or contributed to a fatality consequently faced the loss sometimes of quite valuable property, or paying a fine equivalent to its value to whomever was locally responsible for the preservation of deodands. It was natural for the owner to wish to minimise this loss, and local influence and/or the sympathy of friends and neighbours conspired to ensure that attempts were made to value deodands at their lowest possible level. Suspiciously low valuations are often found. In the inquest into the death of the bishop of Salisbury's miller, Peter atte Watere, the jurors were at pains to make clear their opinion that the cart

[8]'Criminals and the Law', 188.

alone, and not the horses coupled to it, were implicated in the death. Only the cart was valued, despite the fact that the horses had pulled the cart round the corner into the doorway where Peter was crushed[9]. Although the owner of the cart, John Hulon, lost its value, the bishop's probable displeasure had he lost the value of his horses as well as the services of his miller was thus avoided. In another inquest held in 1383, John Fysshere was said to have been driving a cart with a mare harnessed to it while he was drunk. He stumbled over the rope of the cart and was run over. Only the wheel which had passed over his body was appraised for its value[10]. Similarly, the inquest into the death of Margaret Smyth of Popham recorded that she slipped and fell in front of a cart as she carried a cask of beer, but only the wheel which broke her neck as the cart moved forwards was valued[11].

Misadventure verdicts may also conceal deaths whose causes were far from accidental. Firstly, and for reasons which will be discussed later, some probably conceal suicides. Secondly, some homicides may have been either deliberately or mistakenly attributed to accidental causes. Deliberate concealment will be discussed later, but mistaken attribution is only too feasible in unknown numbers of cases. The difficulties of post-mortem detection have already been pointed out. The deliberate drowning of a victim, or stunning followed by drowning, might be extremely difficult to ascertain. If a person were stabbed, the body might be arranged to make it appear like a suicide, or the result of accidental falling onto a knife or other sharp instrument, provided of course that the killing had been unobserved (or

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[9]They also made it quite clear, by calling Watere 'foolish' and 'stupid', what their opinion was of his attempt to move the cart without first ensuring the horses were properly coupled to the shaft. JUST 2/199 m 3, no 3.

[10]JUST 2/203, rot 2, no 7.

[11]JUST 2/155, rot 11 dorse, no 7. Naomi Hurnard found that the drivers of any carts which caused fatalities were rarely, if ever, blamed for the deaths (unless, as in this case, they themselves had died). See *The King's Pardon for Homicide before AD 1307* (Oxford, 1969), pp 101-4, 329. None has been found accused in the two counties studied here either. Dangerous driving, then as now, does not appear to have been an offence taken very seriously.

perhaps, in some cases, even if it was). Christina le Ropere, also referred to in the previous chapter because of the delay between her death and the inquest into it, might have been the victim of just such a scenario. It was alleged that her drunkenness caused her to fall onto her weaving knife[12]. But one may speculate that the lengthy delay before her inquest resulted from local suspicions about her death and that the jurors therefore had difficulty in reaching a verdict on which they all agreed.

Another category of accidental deaths which should be approached with caution are those in which children were the victims[13]. In the middle ages as now, infanticide was a crime. It was, however, much easier to conceal. Verdicts of homicide or infanticide were rare when children were the subjects of inquests. Of over 150 inquests in the two counties studied into the deaths of those either specifically stated to be under twelve, or strongly suspected from other evidence to have been either children or adolescents, only thirteen were stated to be homicide, and two were attributed to illness. Accidental verdicts were brought in on the rest.

Three of the 13 homicide verdicts were associated with simultaneous killings of adults. In 1341, for example, a gaol delivery session at Old Sarum heard the case of a man accused of killing Roger le Bay, his wife Alice and their daughter Maud at Wroughton some six years previously. He was acquitted[14]. In one coroner's inquest from Hampshire, Amicia Taillour of Newtimber was said to have gone to Warblington at night and burnt down the house of William and Katherine atte Hulle, causing the deaths of Katherine and her children Nicholas and Alice[15]. In the third instance, Joan widow of John de Stoukbrigge was tried at gaol delivery for killing Edith wife of Henry

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[12]JUST 2/193, rot 1, no 6. See above, p 34.

[13]See above, pp 44-5.

[14]JUST 3/130, rot 93 dorse.

[15]JUST 2/155, rot 10 dorse, no.7. The local rector buried their bodies before the coroner arrived, and they had to be exhumed before the inquests could be held.

le Rous and her daughters Alice and Christine at Stoneham (Hants) in February 1342. She too was acquitted[16].

Of the remaining ten, several resulted from fights between individuals whose age is not given but were probably adolescents[17]. Only four cases remain in which it is reasonably certain that the homicide victim was a child. One woman was said to have killed Agnes, the daughter of William Hogherde, by disembowelling her: I have presumed that Agnes was a child since no weapon was used and it seems unlikely that a woman would have the strength to inflict such violence on another adult[18]. In the second case, at an inquest held by Canteshangre, it was said that Maud wife of William Chaunter was mad, and had killed three-year old John Rugeman with a deer's antler, and in the third, Edith daughter of Agnes le White of Bratton (Wilts) gave birth to a female child, which (it was said) she stabbed and threw into a stream before running away[19]. Since no husband is mentioned, Edith may have given birth to an illegitimate child and felt unable to face the consequences. Finally, a gaol delivery session heard that Maud Gibbe had been indicted before Roger de Kaynes in 1335 for killing a boy and throwing his body into a pit of water. She was acquitted[20].

How tempting, then, to conclude - as Hanawalt did - that 'intrafamilial homicide was rare in the medieval family....and within that category homicide involving parents and children was very rare indeed'[21], while the hazards of the environment made children particularly vulnerable to accidents. The large numbers of children said to have drowned while out playing or to have suffered accidents in the home have been cited by the same author as

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[16]JUST 3/130, rot 58.

[17]For example, JUST 2/193, rot 2 dorse, no 3; 194, rot 2 dorse, no 5.

[18]JUST 2/200, rot 7, no 3.

[19]JUST 2/155, rot 6, no 2; 194, rot 5 dorse, no 4.

[20]JUST 3/130, rot 93 dorse.

[21]*The Ties that Bound*, p 184.

supporting evidence for this claim. In fact, all that the records actually indicate is that it was rare for verdicts of infanticide or homicide to be brought in by coroners' juries. Accounts of the accidental deaths of children must be subjected to some critical appraisal (even if in the end no firm conclusions can be reached) if only because of the similarity between the highly plausible accounts given at inquest and the equally plausible stories used today to explain away childrens' injuries by adults who are later found to have inflicted those same injuries themselves.

Naturally allowances must be made for the dangers present to small children in most peasant homes. Unguarded fires over which trivets for much of the time suspended cooking pots containing hot liquid were ever-present hazards, and so was the nature of medieval industrial production, much of it (brewing, for example) carried out in the home. The warmth of fires or ovens attracted small children and provided comfort in which to nurse a baby or leave a child asleep in a cradle. Both parents had much outside work to attend to and could not always ensure that their children were adequately minded. Even today, most accidents involving small children occur in the home, especially in the kitchen.

Forty inquests have been found which blamed accidental burns or scalds for the death of a child. Most present a straightforward story. Alice Husyet aged two, for example, was said to have fallen into a pan of hot water in her father's house and died at once; another two-year old, John Deverel, apparently upset a pot of hot water which was standing on a trivet and was fatally scalded; Robert and Margaret Trompour's daughter Agnes was burnt to death when the house caught fire while her parents were at church; and Richard Douse, also two, died when his parent's house burnt down[22]. One five-year old boy was blamed for the death of his infant brother. William Cok was lying in a cradle beside the fire: his elder brother John was supposed to be minding him, but paid insufficient attention to his task, so that the cradle

[22]JUST 2/194, rots 10 dorse, no 2; 11, no 5; 155, rots 19 dorse, no 1; 21 dorse, no 4.

caught fire and William suffered fatal burns[23].

Many of these tragic tales are probably true. However, an unknown proportion may be stories fabricated by guilty adults to conceal deliberately inflicted injuries. It is simply impossible to determine which are which.

Misadventure verdicts must therefore be approached with these reservations borne firmly in mind. The majority of them - apart from some, predominantly female, drownings and some accidental death verdicts returned on children - are probably accurate records of what the jurors told the coroner they believed was true, in the light of what witness evidence (if any) was available, and their own experience of commonplace accidents in everyday life. This does not mean to say that they are true accounts of what actually occurred.

Suicide Verdicts

Suicide verdicts are much more problematic. All medieval law books agreed that suicide was a felony and thus incurred legal penalties. Bracton's discussion on suicide, written in the middle of the thirteenth century, neatly summarised the ways in which suicides should be classified. He divided them into four categories, as follows:

(a): if someone commits suicide because he is accused of or arrested for a crime, his suicide is held to be an admission of guilt. Therefore he is to be disinherited, just as a convicted felon is.

(b): if 'weariness of life' or an unwillingness to endure further bodily pain prompt a suicide, his heirs may inherit, and his wife may have her dower, but his movable goods are forfeit.

(c): if anyone commits suicide 'through anger and ill-will, as where wishing to injure another but unable to accomplish his intention he kills himself', his heirs cannot inherit.

(d): if someone who is insane or 'bereft of reason ...deranged ...delirious ...mentally retarded' or suffering from a high fever commits

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[23]JUST 2/200, rot 2, no 8.

suicide, he is 'without sense or reason' and therefore unaware that he is committing a felony. None of his property, either land or goods, is to be confiscated. 'A madman is not liable'[24].

The families and dependants of suicides consequently had much to lose unless insanity or some other form of dementia could be associated with the act. A quite understandable community reaction might be to conceal suicides, or to mention insanity when this was not the case, or to disguise the death as misadventure or even homicide, and to undervalue chattels both out of sympathy for the plight of the suicide's family and reluctance by the community to undertake the burden of supporting a destitute family.

Financial punishments were not the only incentives to prompt concealment, particularly by the suicide's kin[25]. Suicide attracted 'theological condemnation and folkloric abhorrence'[26] - it was both a crime and a sin. Burial rituals punished the body of the suicide, excluded his or her soul from spiritual salvation, and brought shame and humiliation on the family. From as early as the seventh century in England suicides were denied normal Christian burial. The usual procedure by the fourteenth century seems to have been that after the inquest, the unclothed and unshrouded body, unaccompanied by priest, prayers or ecclesiastical ritual, was carried by night to a pit (often at a crossroads) and thrown in. A wooden stake was hammered through it and the hole was filled, sometimes leaving the stake protruding to mark the spot. By the later middle ages lawyers were arguing for the adoption of the French custom of dragging the body on a hurdle to a place of execution and hanging it in chains to rot, after which it could not be buried in consecrated ground, although it is not certain to what extent they were successful before the seventeenth century. What family would not wish, if possible, to spare

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[24]Bracton, I, 423-4. Bracton does not mention women in this context, since they had no independent legal status.

[25]Michael MacDonald and Terence R Murphy, *Sleepless Souls - Suicide in Early Modern England* (Oxford, 1990), particularly pp 22-3, 223-7.

[26]Ibid, p 2.

themselves from such an ordeal?

However infrequent the visitations of King's Bench might be, it is therefore obvious that when a suicide occurred many parties had an interest either in concealing it completely or in manipulating the verdict to minimise the consequent penalties. The method adopted by the suicide made this much harder in some cases than in others. Hanging was one such. Richard le Whyte, for example, hanged himself from a beam in his barn at Imber (Wilts) in 1347, John Stephenes hanged himself from a beam in his house, John Oxehurde hanged himself from a beam in Richard Hekot's cowhouse, John Pershute used a halter to hang himself from a crab-apple tree in his field, Christine atte Strete hanged herself with a cord in 1369, and Maud wife of William Chantour hanged herself from a beam in her husband's barn[27].

Hanging from a height is one of the hardest forms of suicide to conceal[28]. The physical difficulties of retrieving the body without help from one or more potential witnesses are considerable, even leaving out the physical signs often present in deaths by hanging and the ligature marks associated with it. (On the other hand, suicides by hanging sometimes suffer cardiac arrest rather than asphyxiation and their faces do not present a congested appearance, while a broad ligature may leave few signs or bruises[29]. If the family could cut down the body without help they might still therefore be able to disguise the manner of death.) In none of the hangings has any mention of insanity or illness been found. Presumably the deliberation and planning necessary to select a suitable time, place and ligature presupposed a level of rationality, and family and/or jurors might find it hard to argue in such a case that the deceased was incapable of rational action.

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[27]JUST 2/194, rot 11, no 2; 203, rot 2, no 4; 155, rots 19, no 2; 7 no 3; 202, rot 2, no 2; 154, rot 3 dorse, no 3.

[28]Although height is not necessary. As long as the weight of the torso is sufficient, almost anything can be used, and bedposts and doorknobs have proved adequate. (Knight, *Forensic Pathology*, p 352). In these cases concealment might be more possible.

[29]Ibid, p 346.

Insanity or illness was mentioned as a factor in three cases (two women and one man). Alice Fikays of Odstock was said to have been out of her mind when she wounded herself in the throat with a knife. She lived until the next day and had received the last rites. Her insanity, and the repentance and absolution which followed the act, imply that although technically a suicide, she was treated with compassion, and that any chattels she owned should not have been forfeit. In fact, the jurors said she had none, with may have been true, or a way of avoiding further enquiries[30]. One woman was said to have caught the frenzy (*morbo frenesie*) when she drowned herself in Fittleton river (Wilts). The jurors here seem to have been surer of their ground: no chattels valuation was mentioned[31]. John Pavy of Woodcott near Bishops Waltham (Hants) was said to have been mad for one month when he killed himself with his knife[32]. Pavy's chattels were valued at £4. Perhaps the jurors were uncertain as to whether or not they were forfeit.

Of the total of 19 suicide verdicts, only three then mentioned insanity or irrationality as a factor. One must not assume, however, that it was not a factor in others. While the more obvious forms of mania or delirium were doubtless recognised, subtler conditions or personality disorders such as clinical depression, which do not produce manifestly irrational behaviour, may have gone unnoticed or not been considered to count. Even today these conditions often go unremarked and treatment is frequently haphazard and unsuccessful, although if a sufferer today commits suicide most coroners' courts would consider them to have affected the suicide's decision-making capabilities. Unless a suicide victim in the fourteenth century displayed the sorts of symptoms unmistakeable even to untrained laymen to whom the concept of psychiatric illness was largely foreign, jurors may have been unaware of any condition affecting the suicide's rationality. Setting aside the

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[30]JUST 2/195, rot 13 dorse, no 5.

[31]JUST 2/195, rot 6, no 6. The exact meaning of this term is obscure.

[32]JUST 2/155, rot 21, no 1. Where insanity was pleaded in felonies, the perpetrator's condition had to predate the felony by at least one month.

six hangings and three insanity verdicts, ten suicides remain, all carried out either by stabbing or drowning. It is generally accepted today that those who choose particularly painful or self-mutilating methods of suicide, like cutting their throats, are in fact often mentally ill[33]. Medieval definitions of insanity or mental illness seem to have been much narrower than those of today: those who chose painful suicide methods would doubtless today be recognised as sufferers of some type of psychiatric disorder.

There is also a strong possibility that some deaths which were classified as suicides may not have been so at all. Unless there were witnesses - and we cannot know in which instances this might be the case - or the suicide received the last rites, or lived long enough to admit the self-inflicted nature of the injury, some deaths where a suicide verdict was returned may have concealed either accidental or homicidal deaths.

Mention has been made in the previous chapter of a homicide inquest in which a man was said to have killed his houseguest, robbed him, and concealed the body[34]. This is not an isolated occurrence. John Bruselaunte and his wife Joan were indicted before John Everard for exactly the same offence, but were acquitted at their trial, and Stephen le Deighere was accused of an identical felony[35]. One must approach some apparent suicide verdicts with scepticism. In 1381, for example, Roger Stourton held an inquest into the death of Nicholas Workeman. Nicholas, a guest in Thomas Houpere's house in Brixton Deverill (Wilts) is said to have got out of bed in the middle of the night, gone to the mill pond and drowned himself. No chattels valuation was made, implying that he had no possessions[36]. The similarity of circumstances between the status of this dead man and the victims in the homicide cases referred to above give rise to some suspicion. The likelihood of any witnesses

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[33]Dr.Brian Barraclough, consultant psychiatrist at the Royal South Hants hospital, with a special interest in suicide, provided advice on this subject.

[34]JUST 2/194, rot 9, no 4. See above, pp 33-34.

[35]JUST 2/195, rot 9 dorse, no 1; 194, rot 9, no 3.

[36]JUST 2/202, rot 2, no 2.

to midnight drowning is small: drowning would naturally be believed to be the cause of death of a body found in water if no open wound was apparent: and even if suspicions were raised, it is unlikely that bruising under the hair from a stunning or fatal blow would be noticed even if it were still detectable eight days after the victim's death, when the inquest was held. Any suicide verdict brought in on an outsider to the local community and said to have drowned themselves in the middle of the night must be open to question.

What about the possibility that some deaths ascribed to suicide were really accidents? Adam Goyer, for instance, is said to have voluntarily drowned himself in a pit in Stratford-sub-Castle (Wilts)[37]. The inquest on Robert Meryot in 1382 recorded that Robert had got up at dawn and suddenly gone to 'Whitesclyve' water and drowned himself[38]. One woman, variously called Alice and Lucy, apparently went from her house in Petersfield (Hants) to a place called 'Merehet' and drowned herself, while another left her house at prime and drowned herself in the river Test at Nursling (Hants)[39]. Why were the jurors so certain that these were suicides? Did the individuals concerned announce their intentions? It is hardly likely that any, especially the women, left a note. Was there a history of suicide attempts (in which case one might expect some mention of a mental condition)? Knight noted that modern suicides by drowning usually leave their outer clothes folded on the ground.[40] Inquest records, however, never mention whether this was the case, and those desiring to wash or bathe in a river stream would doubtless undress anyway.

Given the impossibility of answering questions such as these, one can only approach suicide verdicts in general with the attitude that while jurors had, or thought they had, good reason to bring in such verdicts, some of those reasons may have resulted in a deliberate distortion of the truth, and others in

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[37]JUST 2/195, rot 15, no 3.

[38]JUST2/202,rot 2 dorse, no.3.

[39]JUST 2/155, rots 13 dorse, no 3; 20, no 1.

[40]*Forensic Pathology*, p 216.

a mistaken narrative of events. It is probably inadvisable to use them for any kind of social, psychological or statistical analysis.

Statistical analysis of suicide verdicts as a proportion of coroners' inquests to try to reveal patterns of death is particularly inappropriate. Both homicide and misadventure verdicts probably contain a number of what were in reality suicides. The reasons why local communities might seek to ascribe such deaths to other causes have already been given. One sixteenth-century case is well documented. Here, the coroner's jury into the death of Edward Langford was accused of concealing his death as a homicide in order to protect his family from destitution. Despite strong evidence to the contrary, the jury stoutly maintained that Langford had been killed by another and even provided the name of a suspect. This was necessary because by the sixteenth century juries could no longer blame 'unknown strangers', as was frequently the case in the fourteenth[41], when numbers of these mysterious individuals apparently appeared from nowhere, suddenly committed homicides, and then vanished without trace. And suspects who were named often claimed they were falsely accused.

There is a strong probability therefore that some homicide verdicts were in fact deliberately (or mistakenly) concealed suicides. Alice Muleward, for example, was said to have been stabbed by an unknown stranger who quickly fled. The knife was obviously found with the body, since it was valued at 1d. This is the sum total of information we are given about her death[42]. Neither the number nor location of her wound(s) is given, which might have allowed some estimate of whether her injuries could have been self-inflicted. In itself this is suspicious since coroners were required to inspect and record such details. Was the local community conspiring to pass off Alice's suicide as the action of a third party? Another inquest on the same roll follows the same pattern. It was said that Henry atte Forde was killed by a

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[41]J Miller & K H Rogers, 'The Strange Death of Edward Langford', *Wiltshire Archaeological & Natural History Magazine* 62 (1967), 103-10.

[42]JUST 2/154, rot 3 dorse, no 1.

stranger at Millbrook (Hants) in 1371: again, the knife (price 6d.) was found with the body: again, the stranger fled at once[43].

The lack of circumstantial detail may simply be due to the laziness or haste of the individual who originally recorded the inquest, or he who engrossed it, and both deaths may indeed have occurred in exactly the way the jurors described. And if the killing really had been carried out by a stranger who had since fled and was therefore unlikely to be subject to a subsequent court appearance to answer to the charge, those responsible for recording the matter may have felt that there was little point in elaborating beyond the barest essential information. Indeed, if all this particular coroner's inquests were so brief, it might simply be that he was not generally very diligent in ensuring that he recorded these matters. But they are not. Several of the other inquests on his short roll do record exactly the information missing from these two. In two inquests in 1368, the roll records firstly that Henry Samite killed another man by striking him on the head with an axe as far as his brain, and secondly that an unknown woman had been killed at Rockbourne (Hants) by a stranger who had stabbed her in the heart[44]. Departure from the normal pattern, if made at the time of the inquest and not at subsequent engrossment, may indicate that John Waryn was on occasion either being duped by, or colluding with, members of the dead person's community to conceal the true nature of the death.

Accidental death verdicts on victims of drowning, particularly women, must also be treated with suspicion. In 1970 Paul Hair suggested that women in early modern England used suicide by drowning in the same way that sleeping tablets and car exhaust fumes are used in the twentieth century[45]. Coroners' inquests might frequently, either through genuine error or through

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[43]JUST 2/154, rot 3 dorse, no 5.

[44]JUST 2/154, rot 3 nos 2, 3.

[45]'A Note on the Incidence of Tudor Suicide', *Local Population Studies*, 5 (1970), 36-43, and 'Deaths from Violence in Britain: a Tentative Secular Survey', *Population Studies*, 25 (1971), 5-24.

deliberate concealment, bring in accidental death verdicts in such cases. It is certainly true that proportionately much larger numbers of women were found to have died by accidental drowning than men. This is the case in both counties studied. Of the thirty-five accidental death verdicts on women in Wiltshire, over twenty (57%) were drownings, compared with only forty (26%) of the 153 male misadventure verdicts. In Hampshire, thirteen (40%) of the women's accidental deaths were attributed to drowning, although only nineteen (20%) of the ninety-seven male accidental deaths were.

Even allowing for the unknown losses of source material, the consistency of this discrepancy is remarkable and bears further examination. No doubt the way in which gender determined the duties (and concomitant hazards) connected with family life, quite apart from the dangers of moving about the countryside, is to some extent responsible. Fetching water for household consumption was a task mostly undertaken by women, who were therefore most at risk. Ditch, stream and river banks were slippery and muddy. Bridges over them were simple planks from which it was easy to overbalance and fall. Wells were often unprotected by a housing. During the winter months, darkness, bad weather and ground conditions added to the dangers, and a woman who was old, unwell, or heavily pregnant was especially vulnerable. In many of the accounts given by coroners' juries the details are probably substantially true, especially if alcohol is cited as a contributory factor. Agnes Router of Heytesbury (Wilts), for example, was said to be drunk when she fell into a mill pond in 1341[46]. The inquest on Agnes wife of Walter Loedrych implies the same; it was said that she was coming from a tavern and tried to cross a ford, but the current was too strong and she drowned[47]. Similarly, Lucy Robynes was said to be drunk when she fell into a ditch of water on her way home from Thomas Martyn's tavern in Bishops Cannings (Wilts) in March 1345[48].

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[46]JUST 2/194, rot 1, no 4.

[47]JUST 2/194, rot 3 dorse, no 1.

[48]JUST 2/194, rot 7 dorse, no 1.

Sometimes women were said to have drowned because they overbalanced, like Edith Geffrey, who fell into Edith Keynes' well as she pulled up her full bucket with a cord and wheel[49]. On occasion illness or frailty was associated with such deaths. The jurors at the inquest into the deaths of Edith Smalstret, Elena Lacy and Agnes atte Hoke all said that the women had been overcome by the falling sickness as they fetched water[50]. Alice Holvestes was said to have been looking into the bright sunshine when she fell into a ditch at Devizes, and a Salisbury jury in 1384 said that Joan Conynge was wandering in the dark because of her exceeding old age when she strayed off the road and fell into a ditch full of water to a depth of 5ft.[51]. The clerk in the latter case seems to have been trying to describe a degree of confusion or senility. On one occasion November gales were blamed for blowing a woman into a ditch, and the jury stressed that the strength of the wind was the only cause of her death[52].

The circumstantial detail given in such accounts implies that sometimes people did witness the death, or were prepared to say that they had. But the numbers of such deaths suggest that women fetching water did not usually do so in company with others, so that there was no one to help them if they got into difficulties. Therefore many were not observed. The very frequency with which the jurors in Canteshangre's inquests, for example, blamed a combination of unfortunate accident and physical weakness for a female drownings in stereotyped narratives suggests that if a woman was found drowned there was a tendency by both coroners and jurors to accept that in the absence of any strong objections to the contrary this would be the explanation

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[49]JUST 2/194, rot 11 dorse, no 5.

[50]JUST 2/200, rot 10, no 5; 195, rot 12 dorse, no 6; 203, rot 5 no 1. These are not the only examples.

[51]JUST 2/203, rot 6, no 4; 204, rot 2, no 4.

[52]JUST 2/195, rot 13, no 2.

given and accepted, whether or not it was actually true[53].

All that was necessary then if a woman decided to take her own life without her family being subjected to the unpleasantness associated with known suicides was to leave her house, ostensibly perhaps to fetch water, find a suitable body of water, ensure that she was unobserved, and drown herself. The easiest and most natural assumption for those enquiring into her death to make was that her death had been an unfortunate accident. And even if those attending the inquest did know or suspect that this was not the case, they may well - for the reasons given above - have conspired to conceal that knowledge.

Numbers of suicide verdicts preserved on coroners' rolls, then, must not be accepted at their face value. Some may not be suicides at all. Those said to have been irrational may not have been so, whereas some not said to be insane probably were suffering from unrecognised psychiatric conditions. Some suicide verdicts may conceal homicides. On the other hand, some homicide verdicts and unknown numbers of accidental death verdicts, especially female drownings, may in reality represent suicides. In the absence of supplementary evidence, and given the small numbers of suicide verdicts overall, they do not provide satisfactory material to attempt to explore suicide patterns in medieval society.

Homicide Verdicts

Medieval coroners' rolls abound with large numbers of homicide inquests, in which death is usually said to have occurred as the result of a straightforward and apparently unprovoked assault by one individual on another. Usually both are men. Two typical examples may be given here. In 1366, at Beaurepaire (Hants), William Crotoun 'at night feloniously struck and killed John Toller with an iron shovel'[54]. Another Hampshire inquest baldly records that Walter Upcote of Odiham 'on that night (26 September 1389) on

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[53]For examples, see JUST 2/155, rots 10, no 7; 11, no 3; 13, no 4; 17, no 2.

[54]JUST 2/153, rot 4, no 1.

the high road of Odiham killed William Tyghlere with a knife'[55]. Small wonder that the cumulative impression given by such narratives is one of a society where sudden violence between individuals - mostly men, and particularly at night - was an ever-present phenomenon.

However, a comparison between such accounts and those given when the individual(s) blamed for the death at coroners' inquests were brought to trial, often reveals startling discrepancies between the accounts of events. When William Crotoun was tried five months after the death for which he had been indicted, the jurors said that Tollere had assaulted Crotoun as the latter lay in bed, that Crotoun had fled with Tollere in pursuit, and that Crotoun had only struck his assailant with the shovel in self-defence[56]. These details are further supplemented by an even fuller account, sent in to Chancery because gaol delivery justices recommended William to apply for a pardon, which - perhaps to emphasise the defenceless state in which William found himself after this somewhat rude awakening - declares that he was stark naked as he fled through the streets[57]. In the other case, the jurors at Upcote's trial said that Tyghlere and Upcote had argued, that Tyghlere had attacked Upcote and thrown him to the ground, ferociously trying to kill him, but that he had stumbled and fallen onto his own knife, and that he had therefore killed himself. Upcote was acquitted[58].

The researcher is thus presented with two very different accounts of the same event, both apparently attested and sworn to be the truth by juries who were often comprised of at least some of the same individuals. Why is this so? And is there any way of establishing which, if any, is the true (or truer) version of events? Theoretically the later narrative might be an attempt to correct the earlier one, but it might equally be an attempt to modify the

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[55]JUST 2/155, rot 16, no 4.

[56]JUST 3/156, rot 1 dorse.

[57]C 260/79, no 20.

[58]JUST 3/179, rot 4 dorse.

consequences of the killing for the suspected culprit.

Crucial to any attempt to answer these questions is an understanding of the way in which the law relating to homicide operated in the middle ages. There was no distinction in law between different types of killing. Only insanity or claiming benefit of clergy exempted a convicted killer from the consequences of his or her act. For all other types of homicide the death penalty was statutory, although in cases of self-defence and accidental homicide a pardon might be sought.

As Plucknett pointed out, 'the prerogative of mercy was the only point at which our medieval criminal law was at all flexible: hence pardons were issued with liberality...it is in the history of pardons, therefore, that the gradual growth of a classification of homicide is to be sought'[59]. A pardon might be obtained in return for a payment or, increasingly from the end of the thirteenth century, in return for military service, but the conditions were ostensibly quite strict. The killer had to demonstrate that there had been no felonious intent and, when pleading self-defence, that his/her own life had been at stake, and that he/she had not used unreasonable force[60]. And it should be remembered that a pardon in any case only brought to the grantee remission from prosecution at the king's suit. It did not exempt him/her from a private appeal of felony by the victim's kin, although it might deter such an appeal.

The crown had little reason to instigate changes in this system. Pardons provided valuable revenue; and perhaps of even more value to the crown in the fourteenth century were the men they brought to serve in the royal armies which for much of that century were engaged in spasmodic campaigns in Scotland and France, and to provide the garrisons necessary to defend towns like Calais. This state of affairs had predictable results. Jurors and suspects quickly learnt to manipulate the evidence they presented in order to provide a

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[59]*A Concise History of the Common Law*, (London, 1929; 4th edition, 1948), p.400. I have relied heavily on Naomi Hurnard, *The King's Pardon for Homicide before 1307*, in the discussion which follows. Much of what she says is applicable to the later fourteenth century also.

[60]Ibid, p 71.

more flexible penal system[61]. Justices, perhaps concurring with Fleta's indignant assertions that it was the intention of the act and not its consequences which defined it - in other words, that killing without deliberate intent was not homicide at all[62] - colluded with juries' attempts to bridge the gap between 'community sentiments and the formal rule of the law'[63], although Green's study found evidence that sometimes even they expressed suspicions when presented with the stereotyped accounts of killing in self-defence given during trials, in which the killer's self-restraint in the face of mortal danger had to be emphasised[64].

By the later fourteenth century a further complication had been added. If an individual impaled himself during an assault on another, a verdict of accidental death could be returned. Thus the other party incurred no cost either in forfeiture of chattels or in obtaining a pardon[65]. At the same time, and in both these cases and those where self-defence was pleaded, it had to be asserted that the suspect had fled from his attacker as far as was physically possible[66]. This later requirement may have been the result of increasing public and judicial concern over the rising numbers of pardons granted for felonious homicides because of the crown's need for military forces. Another element thus came to be rapidly incorporated in accounts of such killings, which often also attributed to the victim assaults of scarcely believable ferocity, and to the killer a level of self-restraint under provocation which stretches the bounds of credibility. When William de Salpertone, parson of Ashleigh church (Hants),

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[61]T.A.Green, 'The Jury and the English Law of Homicide' discusses this subject further.

[62]*Fleta*, (Selden Society, 72, 89, 99, (1955-1984)), transl. and ed by H G Richardson and G O Sayles, 72, 80.

[63]Green, 'The Jury and the English Law of Homicide', p 427.

[64]Hurnard, *The King's Pardon for Homicide*, p 300.

[65]Green, 'The Jury and the English Law of Homicide, 444-450; Post, 'Criminals and the Law', 236.

[66]Post, ibid., 235.

was tried for killing William Glasiere of Lincolnshire, the jurors at his trial claimed that Glaisiere had attacked the parson with a drawn sword and buckler and beaten him to the ground 'like a man out of his senses'; that Salpertone had got up and fled, chased by Glasiere, who continued hitting him with the sword and threatening to kill him; that Salpertone had found his escape route blocked by a wall, and seeing that self-defence was necessary if he were to avoid being killed, had drawn a knife and stabbed Glasiere in the stomach. He got his pardon[67]. In another case, originating from the Isle of Wight in 1390, another chaplain, Maurice Hastelle of Freshwater, was originally said to have stabbed Richard Tylye in the stomach with a knife. The following February at gaol delivery, Winchester justices were told that Richard had been the assailant and had attacked Maurice, but had fallen onto Maurice's knife and impaled himself. Maurice was acquitted[68].

When considering such conflicting accounts of events, the date of engrossment of the coroner's roll concerned must also be taken into account. Few, if any, of those studied were formally written up as inquests occurred. By the time they were, almost all those cases where a suspect had been caught had already come to trial, and certainly all those which have been cited here had already been dealt with. Coroners had to attend gaol delivery sessions with copies of the relevant documentation when homicide cases in which they had taken the indictment were heard. It is not unreasonable to assume that they noted on their files the outcome of the case. When those files came eventually to be engrossed, the suspect had long since been hanged, acquitted or pardoned. As long as the roll presented to visiting justices included the information necessary in terms of names, places and dates, and incorporated valuations of chattels and deodands, those transferring the information from file to roll might feel there was little point in wasting time or parchment including details contained in the original narrative, merely recording that a certain individual had been accused of killing another at a particular place and

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[67]JUST 3/156, rot 7, C 260/78, no 27.

[68]JUST 2/156, rot 2 dorse, no 8; JUST 3/179, rot 6 dorse.

with a particular weapon. In these cases there must therefore be some doubt whether the narrative given in the engrossed roll reflects with any accuracy what was recorded in the original file. The likelihood is that in cases where acquittal or pardon had resulted, the reality was somewhere between the two versions of events.

It has been pointed out that in many cases where homicide is alleged, one cannot even be sure that any crime was committed[69]. Even when an inquest indicates that a body was found the circumstances of whose death were suspicious, it is not certain whether the person really died in the way jurors claimed, or that those accused were in fact connected with it at all. As most of those accused fled, large numbers of cases never came before a court of law, and even when they did, court verdicts are not necessarily reliable. Sometimes inquest jurors stated bluntly that they had no idea what had taken place (although they may have been lying). This was often the case when the body was said to be unidentified, and unknown strangers were frequently blamed for deaths.

In 1382, for example, the jurors at an inquest in Froyle (Hants) said they had no knowledge of how a stranger had come to be found 'dead and killed' beside the road, and no indication is given of why the death was believed to be a homicide, although presumably there must have been a reason[70]. A similar verdict was recorded by William Whyteclyve in 1341 by no less than 24 jurors from two hundreds and twelve townships, who all claimed not to know how or by whom a stranger had been killed although they were sure that he had[71]. On one occasion John Everard recorded that as strangers drove a cart across Salisbury plain they threw from it the body of another stranger who had been killed, but that the jurors claimed ignorance of the identities of any of the people concerned, and on another that a man found dead in Wick (Wilts) had been killed by a blow on the head with a staff, but

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[69]Post, 'Crime in Later-Medieval England' discusses this point in some detail.

[70]JUST 2/155, rot 7 dorse, no 5.

[71]JUST 2/194, rot 1 dorse, no 1.

that the jurors did not know his name, and no suspect was suggested[72]. Sometimes the victims were women, as on the occasion when an unidentified woman was found in Fifield Bavant (Wilts) with three knife wounds in the head and four in the stomach[73]. (These cases also suggest that unless the victim were locally known, little interest was taken in the matter, reflecting community suspicion of and hostility to outsiders.)

When robbery was associated with such killings, the jurors are more likely to have been speaking the truth as far as they knew it. Homicide associated with robbery was viewed with particular abhorrence and those accused of it were much more likely to be convicted and hanged than those accused of simple homicide[74].

But when a suspect was named, he/she usually either ran away or, if caught, was acquitted at trial. Hanawalt and Given are among those taken to task by Dr Post for confusing accusation with actual guilt, and rightly so[75]. The prospects for those accused of homicide who did not flee were uncertain to say the very least. Even those who had genuinely killed accidentally or in self-defence could not be sure that their claims would be supported by a jury. Prison conditions were appalling, and a spell in a medieval gaol awaiting trial might well prove fatal. It has been estimated that 25% of prisoners died in prison before their cases came to trial[76]. In the early thirteenth century one offender against forest law 'lay for a long time in prison, so that he is nearly dead'[77]. Epidemics were rife. John Everard held numerous inquests into deaths

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[72]JUST 2/195, rots 15 dorse, no 1; 16, no 3.

[73]JUST 2/195, rot 3, no 2.

[74] See JUST 2/153, rot 6, no 1, for example. This matter will be discussed in a later chapter.

[75] 'Crime in Later-Medieval England'.

[76]Richard W. Ireland, 'Theory and Practice within the Medieval English Prison', *American Journal of Legal History* 31, (1987), 56-67.

[77]C R Young, *The Royal Forests of Medieval England*, (Leicester, 1979), p 102.

in Old Sarum gaol for which unspecified illnesses were blamed: six such were held in a three-month period alone in the winter of 1344-5. The corruption of prison officials and the necessity for the prisoner to provide for his/her own sustenance exacerbated matters. The chattels of many of those incarcerated either shrink in value or disappear altogether between indictment and trial, presumably as a result of the costs of imprisonment. Innocent suspects might find themselves destitute if and when they were finally acquitted. John Frensshe of Brittany, for example, was said to have goods worth 4s.11d. when indicted for a homicide in December 1385: when he was tried (and convicted) three months later, he was said to have none. John atte Cheshull's goods, valued at 26s. in November 1384, had similarly disappeared by the time he was executed following his trial in 1391[78].

Those with few resources thus risked a lingering death from starvation. One returning abjuror in Wiltshire was so weak that he died on his way back to gaol after gaol delivery justices had failed to get around to hearing his case[79]. It might be years before justices who were competent to try a case arrived, since gaol delivery sessions do not seem to have been held in all towns which had gaols. In the surviving gaol delivery rolls, which span most of the fourteenth century, there is no indication that in the two counties studied sessions were ever held anywhere other than Salisbury and Old Sarum in Wiltshire, and Winchester, and very occasionally Southampton in Hampshire. It is of course possible that prisoners from elsewhere were transferred to these gaols prior to sessions: on the other hand, although it is known that there were gaols both at Marlborough and Portsmouth, not one case has been found in either gaol delivery or King's Bench records of a homicide suspect taken in or around those towns and later brought to trial[80]. This would suggest that either they all died in gaol, or all escaped, or that prisoners in towns not visited by gaol delivery might never be brought before a competent court. Sometimes the

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[78]JUST 2/155, rots 11, no 1; 12, no 4; JUST 3/179, rot 7; 176, rot 1.

[79]JUST 2/195, rot 10 dorse, no 5.

[80]This subject, and its implications, will be discussed further in chapter five.

lax attitude of officials contributed to the time spent in prison. Hunnisett found one case of a woman accused of homicide who was kept in prison for at least twenty years because the coroner who had taken the indictment failed to respond to repeated requests to bring the documentation to the sessions, and finally died[81]. It is hardly surprising therefore that most of those accused of homicide felt that the disadvantages of flight and outlawry were preferable by far to the uncertainties inherent in awaiting trial.

Even if a homicide suspect survived incarceration, trial process and outcome inspired equal, if not greater, terror. One sad story which has the ring of authenticity illustrates the fear inspired by the legal system in those accused of breaking the law. Isabella de Abyndon was said to have been caught by John Antany, the shepherd of Wilton nunnery, in the act of stripping fleeces from some of the abbess' sheep in the fold where they were being kept at night. Antany pursued her, raising the hue, and finally managed to overpower her, after which she was taken into custody by Little Wishford tithing, who then handed her over to the sheriff to await trial. The fleeces were valued at 10d., so that the charge Isabella would have faced was not grand larceny, which carried the death penalty. Nonetheless, she was said to have been so grief-stricken and terrified at the prospect of a court hearing that she refused all food and drink and died a few days later[82].

Prisoners on felony charges were allowed no legal counsel to defend them, unless to raise points of law, and only allowed to speak in response to direct questions from the justices. Trials, even on capital charges, were conducted too rapidly to allow time for debate and argument. Powell has estimated that most cases were concluded in less than thirty minutes[83], during which time the jury had to be sworn in and the coroner to present his

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[81]*The Medieval Coroner*, pp 130-131.

[82]JUST 2/195, rot 12, no 3.

[83]'Jury Trial at Gaol Delivery', 97. See also Post, 'The Inadmissibility of Defense Counsel in English Criminal Procedure', *Journal of Legal History* 5, no 3, (1984), 24-32.

indictment. Little time remained for the presentation of evidence. On 7 March 1332 at Old Sarum, for example, no less than six homicide trials were conducted[84]. And even though jurors might be favourably impressed by the willingness of a suspect to endure both imprisonment and trial, even innocent suspects could not take for granted that a favourable verdict would result. Execution of those found guilty followed speedily after conviction, and there was no opportunity to appeal.

The undoubted susceptibility of jurors to corruption, and the impanelling of interested parties, could work to the detriment of the suspect as well as in his/her favour, depending on the circumstances. Charges of perjury and corruption against juries were often made but rarely proved in law because the fines were felt to be too high[85]. Defendants could and sometimes did challenge jurors. In the spring of 1335, Richard de Beynton and Robert Trobbe were tried at Salisbury for killing Henry Sherecorne of Devon. Robert was acquitted. Richard challenged all thirty-six jurors, effectively refusing to stand trial[86]. Desire for a fair trial was probably not the prime motive here. Remand to prison for 'pressing' was the consequence of refusing trial, and was intended to coerce prisoners to cooperate with the legal process, but usually resulted in death[87]. Richard may have been hoping to bribe or break his way out of gaol or, failing that, to ensure that by dying before trial his family would not forfeit his property as would be the case following a guilty verdict. But such challenges were one of the few ways open to defendants to postpone or question the legal process.

Refusal to enter a plea when asked, which occurs from time to time,

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[84]JUST 3/120, rot 4 dorse.

[85]See Mitnick, 'From Neighbour-Witness to Judge of Proofs' and Post, 'Crime and Public Order' for further discussion.

[86]JUST 3/120, rot 6 dorse.

[87]See Bracton, I, 345-50. John Everard conducted inquests into prisoners who had died in this way in Old Sarum gaol (JUST 2/195, rots 12 dorse, no 7; 13 dorse, no 3, for example).

may be due to a combination of such motives, or terror, or both, particularly if the homicide of which the individual was accused was of a type usually treated with severity. John le Taillur opted for this course of action. He was alleged to have killed his houseguest John le Tynkeres with an axe at dawn, robbed him and buried the body in his courtyard[88]. Robbery, stealth, premeditation and betrayal of the host/guest relationship made this accusation a particularly serious one. Another man, Nicholas Reyrone of Chitterne (Wilts), remained completely silent when asked by the justices whether he was guilty of the killing of his wife less than three weeks earlier. Uncertain whether his silence was deliberate or the result of illness or disability, the justices ordered enquiries to be made of the prisoner's neighbours and prison officials. They reported that he was perfectly capable of speech if he desired, so he too was returned to prison for pressing[89]. Both the flight of so many individuals suspected of involvement in a homicide, and the desperate measures resorted to by some prisoners, are evidence of the terror experienced by those afraid of being implicated, rightly or wrongly, in the death of another.

Although medieval gaols were originally conceived primarily as places in which suspected criminals would be held in safe detention until trial, the very severity of conditions there encouraged local communities to make use of them as informal additions to the penal system. Richard Ireland argued convincingly that incarceration was, to juries, a much more acceptable punishment for most types of felony, including homicide, than the death penalty demanded by the law[90]. He concluded that juries manipulated the legal system in accordance with the severity of the offence committed. Repeated

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[88]JUST 2/194, rot 9, no.4; JUST 3/130, rot 52.

[89]JUST 3/179, rot 19 dorse. For other refusals, see JUST 3/130, rots 17 dorse (six men accused of a double killing); 59.

[90]'Theory and Practice', 64-67. B W McLane, 'Juror Attitudes towards Local Disorder: the Evidence of the 1328 Lincoln Trailbaston Proceedings', *Twelve Good Men and True*, pp 36-64, concurred. Post argued that penalties on jurors for failure to attend were insignificant even if enforced, which was rarely ('Jury Lists and Juries', p 71).

postponements of trials because of the failure of adequate numbers of local jurors to assemble for the trial of an individual reflected community feeling that the culprit had not yet been punished enough, and he found no case in which the case, when finally concluded, resulted in a guilty verdict. He argued that not guilty verdicts at gaol delivery therefore represent not the genuine guilt or innocence of the defendant but the belief that he/she, although guilty, had been sufficiently punished and chastened for their offence; just as in cases where self-defence verdicts or accident were returned, acquittals on felony charges must not therefore be accepted as reflecting historical truth.

The evidence from Hampshire and Wiltshire tends to support his contention. Concentrating initially on those cases where the original coroner's inquest survives and can be compared with the gaol delivery verdict, it appears that when trial followed quickly after the offence, usually at the next gaol delivery session, the suspect was more often found guilty. In June 1345 William de Prestone and Richard le Bonde, assisted by Nicholas de Wynchecombe, were accused of robbing William de Niwebury and killing him with an axe. At the next session, in August, although Wynchecombe was acquitted, Prestone and Bonde were convicted and hanged[91]. At the same session John Castelayn or Casteltone was executed for killing John Henle in April[92]. On 13 February 1364 in Salisbury, Richard de Essexe was indicted for the death of Roger Sporyere whom he was said to have stabbed in the arm eleven days previously, and Roger's widow Isabella appealed him for the death. Salisbury gaol was delivered only eight days later, and Essex was convicted[93]. Of the homicide cases for which no coroner's inquest survives, John de Newebury and Robert Hulom, who had been indicted before Nicholas de la Bere for the death of John atte Lane of Petersfield (Hants) in December

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[91]JUST 2/195, rot 10, no 3; JUST 3/130, rot 53.

[92]JUST 2/195, rot 12 dorse, no 5; JUST 3/130, rot 53.

[93]JUST 2/199, m 2, no 3; JUST 3/151, rot 1; JUST 3/72/5.

1335 were hanged at the following gaol delivery session[94]. William atte Lee was accused of killing Thomas Colnedone in October 1328 and was hanged at the next session, Ralph le Oxenhurde and John Phelpes were hanged for the killing of Richard le Kynge at the following session, and William Busshopestone's hanging for the killing of Richard Bardone also followed at the next gaol delivery session[95]. Instances such as these, chosen at random, can be found on every gaol delivery roll of the period.

Conversely, the more time that elapsed between the offence and subsequent trial, the more likely it was that an acquittal or recommendation for pardon would result. This is not universally true in the Wiltshire and Hampshire records: some convictions did occur, but it may be that in these cases the suspect had fled and only been caught shortly before trial. One such case was that of John atte Cheshull called Gilbert, who in November 1384 was said to have killed John Kymbere and fled: he was not tried until almost six years later, when he was found guilty[96]. But acquittals and pardons dominate. Yeuan ap Howel Grathe, together with a group of Welshman awaiting passage to join the army in Normandy, was said to have attacked John Bullok and wounded him on the head with a sword. Bullok died three days later, on 29 May 1346, and the townships arrested Grathe and took him to gaol. He remained there for almost a year until the spring of 1347, when he was found not guilty[97]. A year elapsed between the indictment of William son of William de Lygh for stabbing John le Priour on the chest when the latter intervened in an argument, and William's acquittal[98]. William Whythorn was caught immediately when he injured John Clifford in Salisbury: Clifford died of his wounds twenty days later, and Whythorn spent 15 months in gaol before the

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[94]JUST 3/120, rot 9 dorse.

[95]JUST 3/121, rot 10 dorse; 130, rot 32; 170, rot 3 dorse.

[96]JUST 2/155, rot 11, no 1; JUST 3/197, rot 7.

[97]JUST 2/195, rot 9, no 3; JUST 3/130, rot 33.

[98]JUST 2/194, rot 4 dorse, no.3; JUST 3/130, rot 9 dorse.

jury declared him to have acted in self-defence[99]. Gilbert Mauduyt had to wait for over a year before a jury found that he had acted in self-defence when he killed John Clerke in a Salisbury inn[100], and Robert Weye for almost two years before receiving a self-defence verdict[101]. John Ferour was one of three individuals, including the dead man's wife, indicted for killing Nicholas Russelle in 1385 and concealing his body. The wife, Agatha, was freed from prison by her friends. Ferour's case was finally heard over six years later, when he was acquitted[102].

A similar pattern is found in gaol delivery verdicts where the original inquest no longer exists. (The trial record usually gives the date of the fatal incident, or the date on which the indictment was taken, or both.) William le Coupere was indicted for killing Adam le White at Andover in July 1337: his trial did not take place until February 1340, when he was found not guilty[103]. Over two years elapsed between the indictment and trial in 1336 of Agatha le Mulewarde and her daughter Alice for killing William Doggeskyn at Salisbury, and they were acquitted[104]. On the same day Thomas atte Temple was acquitted of the death of Richard Michel some five years previously, and Edith Selyman found not guilty of killing William atte Mulle in 1332[105]. Henry Lawe, accused of killing his wife Emma in November 1337, was acquitted in July 1339[106]. Many more examples could be given.

Unfortunately, in cases where the original coroner's inquest is not

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[99]JUST 2/199, m 5, no.5; JUST 3/156, rot 9 dorse.

[100]JUST 2/199, m 6 dorse, no 2; JUST 3/161, rot 18.

[101]JUST 2/199, m 2 dorse, no 6; JUST 3/156, rot 14 dorse.

[102]JUST 2/155, rot 12, no 2; JUST 3/179, rot 7 dorse.

[103]JUST 3/130, rot 1.

[104]JUST 3//130, rot 12.

[105]Ibid. and also rot 12 dorse.

[106]JUST3/130, rot 105.

available, little is known about the accounts offered by juries which resulted in acquittals. They were not recorded in detail on gaol delivery rolls. The recording clerk merely noted the name of the defendant, the date on which he/she had been indicted or was said to have committed the killing, and the coroner or other official who had taken the indictment, before simply stating that the jury said he/she was not guilty. Only when accident or self-defence was returned was a summary of the jury's evidence recorded, and it has already been demonstrated that these are not to be relied on. It is more difficult, therefore, to formulate any estimate of whether the criteria which might have influenced juries to bring in acquittals were different from those which led to verdicts of self-defence or accident in homicide cases where the suspect had already spent some time in gaol.

Some suggestions can be offered to explain why so many of those indicted for homicide escaped a guilty verdict. The frequency with which open wounds led to death from infection or complications, often after a lengthy interval, has been noted. If open wounds were difficult to treat, internal injury or trauma was even less amenable to cure. Disastrous results might follow if surgical intervention were attempted. (One inquest from Nicholas Spencer's roll appears to provide a graphic illustration of this. In November 1392 Geoffrey, son of Walter Waryn, was said to have been in John Clere's house at Newport suffering from pain in his testicles (possibly a torsion, a fairly common complaint especially amongst adolescent boys). Gerald Gos was there, having - so the jurors said - pledged his life that he would heal the boy. Gos took a knife and made an incision in Geoffrey's groin. Geoffrey promptly died[107].)

If an individual had been involved in a fight, therefore, and had not died until some days or even weeks later from an originally minor injury, local feeling might well be that the death penalty was far too severe, but that the person who had inflicted the injury should nevertheless experience some kind of punishment. In one of the Salisbury cases cited above, twenty days

[107]JUST 2/156, rot 3 dorse, no 2.

had elapsed before the victim died. It takes two to make a fight. Was the length of time a person was allowed to languish in prison before receiving a favourable verdict directly related to community opinion about the degree of blame attached to both culprit and victim, the severity of the original injury, the extent of any provocation, and other factors such as the characters, dispositions, popularity and status of both parties?

There is clear evidence that those with some status locally, as for example minor officials, received favourable treatment. Walter Hanle, king's serjeant at arms, obtained a pardon for killing Richard Peror in 1373. How true the account given at the inquest was is - as always - debatable, but it reads like a scene from an Errol Flynn film. The jurors said that Peror assaulted Hanle in an inn with a knife and then with a sword and wounded him. Hanle used his cloak to entangle the sword and then trap it against his breast, and used the little knife hanging on his right side to stab Peror in the arm. In this case also the wound was not immediately fatal, and Peror did not die until seventeen days afterwards[108]. At the inquest into the death of John Flour, it was asserted that it was he who had been the assailant when William Walkyn, the tithingman of Winterslow and his deputy Richard Godchild had attempted to collect tax arrears, so that in self-defence Godchild hit Flour over the head with a staff, inflicting an injury which caused his death five days later[109].

Reputation also counted. When William Polemond was indicted for killing Richard Clere in 1373, it was claimed that Clere had had a reputation for being dangerous and homicidal, had threatened to assault Polemond the following day, had lain in ambush for him at night and tried to prevent him from escaping when a neighbour shouted out a warning by throwing his cloak over Polemond's arm. Polemond's reaction - stabbing Clere in the arm with a sword - was blamed on panic. Clere did not die for ten days, and a marginal annotation indicates that William had obtained a pardon by the time the

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[108]JUST 2/199, m 7, no 1; KB 27/492 rex, rot 15 dorse.

[109]JUST 2/195, rot 10 dorse, no 5.

justices received the coroner's roll[110].

In another Salisbury case, the inquest jury stoutly maintained that no crime at all had been committed. The uncles of John Devenysh were alleged to have set on their own brother, John's father, with drawn swords, wanting to kill him. John came to his father's assistance and begged his uncles to stop but they turned on him and 'gravely wounded' him. To save his own life and that of his father John stabbed his uncle William in the stomach. The record then states that no one was guilty of William's death[111].

Of course, this statement is a legal nonsense, but it does demonstrate that local communities drew quite clear distinctions between different types of homicide even though the law did not. In the last case, religious values added an extra aspect to the incident. Children owed a duty of respect and honour to their parents, while violence between brothers - the crime of Cain - was viewed with particular gravity. Whether all the graphic details described in such accounts were actually true is relatively unimportant. What matters is that they are clear expressions of public sentiment that in certain types of homicide the culprit, although responsible in law, by no means deserved to suffer the penalty consequent on that responsibility. Thus both homicide inquest narratives and favourable verdicts at trial, whether they be acquittals, recommendations for pardon, or findings that the death was accidental, must be treated with the greatest of caution. Frequently they must represent not genuine innocence but public opinion that the offender had been punished enough.

T A Green argued that justices became suspicious at the repetitive and stereotyped self-defence stories related by juries[112]. There is little evidence of this in the documents examined here. It is true that when King's Bench visited Wiltshire in 1384, they questioned one jury. As figures remote from local considerations and drawn from the highest ranks of the judiciary, they may

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[110]JUST 2/199, m 5 dorse, no 4.

[111]JUST 2/199, m 5 dorse, no 2.

[112]'The Jury and the English Law of Homicide, 427-432.

have been more inclined to exert their authority than locally operating minor justices, and were certainly less influenced by local sentiment. They were also concerned to maximise judicial revenue. If they could catch a jury out, they could fine them. This case concerned John son of Robert Hulle who had been said at a coroner's inquest to have killed John Kaynes in self-defence a year earlier. Hulle was tried before King's Bench justices acting in their capacity as temporary local justices, along with his father and two other men said to have been involved in the killing, and several others including two more family members accused of counselling and maintaining them. (The others had been indicted by the sheriff and justices of the peace). When the jury brought in a verdict of not guilty, the justices pointed out that the coroner's roll stated that Kaynes had been killed and asked who or what had killed him. The jury then provided a lengthy narrative of self-defence and finally concluded that Kaynes had killed himself by running onto his intended victim's knife. The justices accepted their story and all the defendants were acquitted, although John forfeited his chattels because of his flight[113].

Only one other instance has been found where justices questioned a jury's verdict, and that too was a case heard in King's Bench, although not locally. Here, Stephen Bulbagge of Havant was tried in 1333 for killing Stephen Beneyt some months earlier. Roger de Fifhyde's inquest, copied onto the King's Bench roll, recorded that Bulbagge had stabbed Beneyt in the heart and fled. When a local jury was finally assembled to hear the case, some two and a half years after the killing, they acquitted Bulbagge. In that case, asked the justices, who had killed Beneyt? The jurors' response was to claim that a different man entirely was responsible, and that he lived in Sussex[114]. Whether this man actually existed, or had anything to do with the killing at all, was never established. It is quite possible that he was an invention of the jury. By this time Bulbagge had been in the Marshalsea prison for fifteen months, and previously in the custody of the sheriff of Hampshire, and - if guilty - must in

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[113]JUST 2/203, rot 3, no 3; KB 27/492 rex, rot 4 dorse.

[114]KB 27/291, rex, rot 1.

the jury's opinion have been sufficiently punished. Naming another individual was a neat way to free a defendant whilst avoiding having to enter into a lengthy self-defence argument which might elicit further questioning, and would result in forfeiture of chattels, which was effectively imposing a fine on top of the time already spent in custody.

Apart from these two instances, no indication has been found in the Hampshire and Wiltshire records that justices ever questioned juries concerning their verdicts. This is not to say that they did not do so: recording clerks may simply have failed to note the matter. But it does suggest that if they did, the questions were rarely searching enough to cause consternation. Indeed the speed with which trials were conducted scarcely allowed time for any close questioning either of juries or witnesses. In the overwhelming majority of homicide trials, justices colluded with juries, allowing them to be the arbiters of the length and severity of punishments which were in fact outside the strict letter of the law.

Homicide accounts and trial verdicts are therefore probably the most unreliable of all types of legal record with which to study medieval crime. Neither the narrative given at inquest nor that presented when a suspect was tried can be relied on. Large numbers of them reflect not historical truth, but community reluctance to convict on a capital charge unless it was believed that the suspect was guilty of a particularly reprehensible type of killing. Given this reluctance, it may be that guilty verdicts are more often likely to be true than favourable ones, but they should still be regarded with suspicion. We do not know when corruption might be in operation, or what evidence in each case decided the jury to bring in a guilty verdict, and there are instances in which claims by defendants of spiteful accusation were found by local juries to be true (although here again it is possible that jurors on these inquisitions were corrupted in the defendants' favour). In a case brought before King's Bench in 1341, for example, Isabella widow of John atte Grene appealed John de Totteford and James Jonesprest of the death of her husband at Brown Candover (Hants). A local jury acquitted both men, supported their protests that the appeal had been malicious, and awarded them damages of 10 marks

and 60s. respectively. Another woman was also fined for bringing a malicious accusation against the same two men for the death of her husband, John de Marleburghe[115]. Indictments which were motivated by malice, or simply genuinely mistaken, may have resulted in guilty verdicts. If miscarriages of justice occur today despite the battery of experts available to ensure justice is done, it is more than likely that they happened in the fourteenth century. Most of those accused of homicide fled, and were outlawed: but it must be remembered that outlawry was never a punishment imposed for an infraction of the law. It resulted from an individual's continued refusal to submit to legal process, and was actually a form of legal coercion. Although flight and outlawry has predisposed historians towards assumptions of guilt, sheer terror doubtless caused many perfectly innocent individuals to flee the locality as quickly as they could.

That this fear of the severity and unpredictability of the criminal legal system pervaded the lives of most individuals below the ranks of the gentry, and was viewed with sympathy, is obvious from the sheer numbers of those indicted before coroner's courts for homicide who were allowed to escape. The tithing system was intended to ensure that suspected offenders of all types were produced before the appropriate court[116]. Tithings which did not produce the suspected tithing member, or which failed to raise the hue and cry on detection of a crime with adequate enthusiasm, or demonstrated a less than convincing attempt to pursue and capture suspected offenders, were subject to fines. It is of course true that the intervals with which justices competent to levy such fines visited the localities had by the fourteenth century become exceedingly long. The financial risk to individual tithing members of allowing such escapes was therefore quite small. However, when a judicial visitation did occur, such failures by tithings dating back perhaps forty or fifty years

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[115]KB 27/326, rex, rot 6; 327, rex, rot 14.

[116]For further discussion of the functions and obligations of tithings, see Hunnisett, *The Medieval Coroner*, pp 23, 32, 39-40, 48, 64; and D A Crowley, 'The Later History of Frankpledge', *Bulletin of the Institute of Historical Research* 48, (1975), 1-15 .

would still be penalised. Children or grandchildren might be fined for the offences committed by their ancestors, since the tithing was an undying institution. That so many individuals were permitted to make themselves scarce must reflect a willingness by most communities to face a future fine of unknown severity rather than submit one of their own to the uncertainties of judicial process. Even allowing for the losses and illegible condition of original documents, the numbers of individuals who managed - or were allowed - to escape by far outweighed those in which suspects were actually brought to trial.

Of the thirty-four homicide inquests recorded on Whyteclyve's roll, for example, only ten - less than a third - have been traced to trials either at gaol delivery or before King's Bench. Everard's roll contains over sixty homicide inquests, but only eight (just over 13%) have been found resulting in further legal process. We can exclude two cases from consideration. The assault by an armed gang of Lancastrian knights on Beamish manor falls outside the type of offence we are considering. A large number of individuals were indicted for the killings which resulted from the attack, legal process dragged on for years, and all of those who eventually appeared before King's Bench produced pardons. The rest were outlawed[117]. The other concerned two men who killed each other during a fight[118]. Of the thirty individuals tried for the remaining total of sixteen homicide cases from both rolls, one refused to stand trial, nine were found guilty, two were pardoned and thirteen were acquitted altogether. This must indicate that unless an individual was clearly believed to be responsible for a homicide, and therefore deserving of punishment in some form, rural communities were closing ranks to protect those with only minor involvements, or where other and less quantifiable considerations applied. Very often communities claimed not to know who was responsible for a death, blaming it on strangers and often associating it with robbery or housebreaking.

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[117]JUST 2/195, rot 8, nos 3, dorse no 4; C 260/108; KB 27/350 rex, rots 50-51, 357, rex, rots 17, 21; 361, rex, rot 32; 402, rex, rot 24 dorse. See above, p 36.

[118]JUST 2/195, rot 8 dorse, no 3.

Six of Whyteclyve's homicide inquests (almost 18%) and twenty-three of Everard's (37%) blame strangers for killings. The high proportion of such cases on Everard's roll is rather striking. Some of these inquests may be the result of collusion with local communities: at the very least they suggest that he was unwilling to ask too many awkward or searching questions. He was, after all, a busy man.

The cumulative impression of such verdicts is that rural life in the fourteenth century was liable to be brought to a violent end at any moment by gangs of violent felons ambushing unsuspecting villagers or breaking into their houses and murdering them in their beds. In November 1343, for example, the inquest on John de Bereford recorded that as John was walking from Plaitford to Longford two unknown men ambushed him, beat him with a club and a battle axe, wounding him three times on each arm, killed him and cut off his tongue[119]. On first reading this horrible account seems plausible enough. But on what grounds did the jurors enumerate the numbers of assailants, and how did they know they were strangers since John was either dead when his body was found (he is not said to have had the last rites) or unable to speak? In fact, the amputation of the victim's tongue suggests that he could have identified his attackers, and that their names would have been known to others in the neighbourhood, that his assailants therefore took measures to ensure that he could not accuse them, and that there were no witnesses to the crime.

Such accounts have been adduced as support for contemporary claims that levels of homicidal (not to say sadistic) violence in the later middle ages were at such a high level that the ponderous and somewhat haphazard mechanisms of law enforcement were unable to cope[120]. It is not here argued that contemporaries were totally unjustified in their belief that law and order had broken down. However, succeeding generations in all societies have made the same complaint. If there was a feeling that society was out of control, how

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[119]JUST 2/195, rot 13, no 1.

[120]See, for example, E L G Stones, 'The Folvilles of Ashby-Folville, Leicestershire, and their Associates in Crime', *TRHS* fifth series 7 (1977), 117-36, especially pp 131-4.

easy, in the absence of full-time investigative and judicial officials who even today are said to be powerless to prevent rising crime levels, to blame 'unknown' strangers or robbers for violent crimes, the perpetrators of which were in fact known but whom local communities wished, for reasons ranging from fear to sympathy, to shield. Simply counting the numbers of homicides attributed to such outsiders can never be a satisfactory method of criminological analysis. On the contrary, each inquest narrative must be studied with great care, and searching questions asked of it.

In urban communities it was of course more difficult for an individual to escape, unless that escape was condoned by the community. Most towns were small, compact and densely populated. Few killings can have occurred unobserved or without adequate numbers available to chase a fleeing suspect, and few within such communities were unknown, while there were always urban officials close at hand to enforce law and order. Indeed, not one of the thirty Salisbury inquests blames an unidentified individual. In eighteen of these cases those accused were arrested immediately or very shortly afterwards. One escaped from gaol, one was acquitted, two were hanged and seven pardoned. What happened to the others stated to be in custody at the time of the inquest is unknown. Either they died or escaped before trial, or the gaol delivery records have not survived, or their cases are on parts of the gaol delivery rolls which are too damaged to be readable. Nevertheless, twelve apparently did manage to abscond, or at least to avoid arrest. Two sought sanctuary and were allowed to abjure. Five (one of whom was said to have killed in self-defence) fled, in one case (cited above) the jurors said no one was guilty and no mention is made of any arrest, and the fate of the other four is unrecorded. Of the four who fled, at least one was indicted for a death which did not occur until some time after the original wounding. In one case where the suspect's fate was not recorded the assault had taken place outside the town, but the victim had made his way back home to Salisbury, which gave the suspect plenty of time to disappear. In two of the other cases the death of the victim was delayed: John Durneford lived for seven days, and the other man had apparently intervened in a fight between Thomas Lullow and another man and

tried to grab Lullow's knife. Despite having wrapped his cloak around his hand for protection, he was badly cut, and died twelve days later[121].

This indicates that even in towns, individuals implicated in homicides where deaths had occurred as a result of infection of an originally minor injury, or where the injury was not deliberately inflicted, were being allowed either to escape altogether or to remain at large within the community. And if this was the case in towns, how much more likely it was to have been widespread in rural communities, often small and isolated, and without the watchful and ever-present eyes of urban officials and - in towns like Salisbury - the bishop's bailiff? Unknown numbers of homicides may have been wrongly blamed on unidentified or even fictional individuals. Confronted by a solid wall of tithingmen and jurors who had frequently had days or even weeks to agree on their story, and without forensic expertise or detectives at his disposal, there was little a county coroner could do but record the facts as they were presented to him, however suspicious he might be.

All the factors which have been discussed must lead to the inevitable conclusion that using either impressionistic or statistical evidence drawn from homicide inquests and trials to reach conclusions about medieval crime is an excercise best left unattempted. The caveats in each case are simply too numerous. Our ignorance of what evidence was presented and how, combined with the tendencies of juries to manipulate verdicts, simple mistakes, corruption, false accusations, community sentiment and the popularity or influence of both suspect and victim, create insuperable difficulties for such analyses. Trial verdicts and coroners' homicide inquests may in fact only reflect the responses of local communities to the legal system and what representatives of those communities said when questioned by officialdom. What they said was true, what they believed to be true, and what was historically true, must on many occasions have been radically different.

Natural Deaths

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[121]JUST 2/199, mm 5 dorse, no.3; 8, no 1.

Deaths from natural causes did not, strictly speaking, fall within the coroner's sphere. Verdicts of death from natural causes were, however, sometimes brought in at inquests, and despite their smaller numbers it is just as important to subject them to critical scrutiny.

Autopsies were not carried out in the fourteenth century. Even had they been, the state of medical knowledge was such that it is doubtful whether any confident diagnoses could have been made. In the first place then, if a death really was due to natural causes, there is little chance of establishing with any exactitude what that cause was. The large numbers of individuals said to have succumbed to the falling sickness, for example, simply cannot all have been epileptics. Twenty out of the fifty-eight natural death verdicts found during this survey blamed this cause alone, and it was often cited as a partial factor in accidental deaths. If the jurors stated that the dead person had a history of the disease, whose symptoms are unmistakable, it is more probable that epilepsy was in fact the cause of the death than when they did not. Robert Sludone, found dead on the road at Drayton (Hants) in 1390, was said to have been a frequent sufferer, as was Edith the daughter of Henry Stapilforde who died because she had a seizure which caused her to fall into a vessel of liquid in her father's house, and another Edith, who was overcome as she fetched water from Robert Gore's fishpond at Whitley (Wilts)[122].

On the other hand, there are numerous cases where no mention is made of a history of the disease. Richard Smale, for example, was out hunting in Norrington wood (Wilts) when he was said to have been overcome, and Nicholas le Busye's death was attributed to the falling sickness which had overtaken him as he tried to jump over a ditch in West Ashton (Wilts): he fell in and drowned[123]. One cannot assume epilepsy to be the cause. Sudden collapse and death might be caused by other conditions, such as heart attacks, strokes, brain haemorrhages and so on, or in some instances any condition which might cause an individual to fall from a height or into a body of water.

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[122]JUST 2/155, rot 18, no 5; 199, m 3, no 1; 200, rot 10, no 5.

[123]JUST 2/202, rot 2, no 4; 194, rot 8 dorse, no 6.

A faint caused by low blood pressure might be equally culpable, for example. In Nicholas' case, his wife is given as first finder of the body. If this indicates that she witnessed his death, and was familiar with the physical manifestations of an epileptic fit, then the story is true. If, however, she merely went out looking for her husband when he did not return home, the narrative is the result of retrospective speculation. Certainly there is no indication that she mentioned any history of epilepsy. Unless such deaths were witnessed by individuals familiar with the symptoms of the disease, in which case they would presumably know how to prevent the victim from choking to death and the fatality could be prevented, the sudden death of any previously healthy individual may have been blamed on epilepsy for want of any better explanation. One should view the term 'falling sickness' rather as a generic one extended to cover a multitude of conditions, any one of which might cause sudden collapse.

Some individuals are said to have died from unspecified illnesses, none of whose symptoms are enumerated. In Roger Sheuere's case, he was travelling from Amesbury to Salisbury when he became ill; he stopped to rest in Winterbourne Dauntsey (Wilts) and died suddenly. Alice Blythe, who was carrying a cask of ale towards Atworth (Wilts), was suddenly taken ill. Another women helped her to put down the cask, but she died[124]. Sudden deaths like these may have been due to illness, or like those ascribed to 'falling sickness', to other causes. It was the unexpected and sudden nature of such deaths that prompted an inquest, and there are few illnesses or diseases which kill with such rapidity except plague, the symptoms of which were of course familiar to all after 1349.

Prisoners who died in gaol should always have been the subjects of inquests. Several of those in Salisbury gaol, as stated above, were said to have died from illness or a combination of illness and weakness. One cannot determine whether there was an epidemic or whether their health was simply

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[124]JUST 2/195, rot 9, no 4; 200, rot 7, no 1.

undermined by the bad conditions in which they were kept[125].

Even more mysterious than these unknown illnessess are the deaths blamed on abscesses which burst. This diagnosis has not been found in any Hampshire inquests, but four different Wiltshire coroners recorded it on seven separate occasions, so it is obviously not an aberration caused by the preferred diagnosis of one particular coroner when a natural death verdict was brought in. William Boriate's death in 1340 was blamed on an abscess, as was that of John le Soutere, who, it was said, had an abscess above his heart which burst, so that he fell to the ground and died suddenly[126]. Three of Whyteclyve's inquests blamed abscesses, for the deaths of Alice wife of Thomas Eme in 1345, and Robert Gladwyn and Nicholas Bristowe in January and March 1348[127]. Abscesses are blamed in one of Everard's inquests dated 1342, and one of Kyvele's dated 1370[128]. Unless plague arrived in England several years before previously estimated, which is highly unlikely, only the last might be caused by it: and as mentioned above, the symptoms were so well-known within a short time of its arrival that no coroner need have been called (and even if he had been, the instinct of self-preservation might have kept him determinedly at a distance). If these mysterious abscesses were externally visible, then surely they would have been recognised as a natural cause of death and therefore not necessitating an inquest? Perhaps these cases again indicate either heart attacks or some other condition which caused the deceased to complain of internal pains shortly prior to death, and were assumed to be caused by some internal swelling.

Speculation may be interesting, but it is doubtful whether it can offer any but the most tentative suggestions to explain these mysterious diagnoses. In any case, some natural death verdicts may conceal deaths which were not

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[125]JUST 2/195, rot 12, nos 4, 5, 6, 7; dorse, nos 2, 3.

[126]JUST 2/193, rots 1 dorse, no 7; 2, no 6.

[127]JUST 2/194, rots 7 dorse, no 2; 13, nos 2, 6.

[128]JUST 2/195, rot 15, no 4; 200, rot 4, no 3.

partially or wholly caused by physical illness. Some of those said to have fallen into bodies of water because of some disease may have jumped or even been pushed. Verdicts of natural death must be treated with exactly the same caution as any other type of verdict, with the possible exception of those deaths where epilepsy is stated to have been a long-standing condition.

Conclusion

The discussion in this chapter has demonstrated that coroners' inquest verdicts and, in homicide cases, gaol delivery verdicts also, must be approached with the greatest caution. Many different factors influenced jurors when bringing in each type of verdict. Inquest narratives were the product of negotiations and enquiries of unknown length, depth and complexity. All that can be said of the written record in each case is that it represents what the coroner and the local community agreed should go into that record. (When agreement could not be reached, more than one inquest into the same death might have to be recorded[129].) Omissions, partial truths, speculation, gossip and financial considerations are only some of the factors which played their part. Homicide cases are the most suspect of all.

Presenting tables of the numbers and types of verdicts contained in the documents may have some value: attempting sociological or criminological analyses drawn from the figures is an exercise whose value is dubious to say the least unless very strong critical criteria are embodied in any such analysis. Any verdict only reveals what the jurors claimed to be true (whether they believed it or not) and even then it is a highly abbreviated version of a much fuller process. What details were omitted both by the clerks who initially recorded these processes, and possibly later by those who engrossed the formal rolls, are not known, and neither are the criteria used in deciding what omissions were made.

The evidential value of verdicts lies not in the numbers of each type of

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[129]This happened to Nicholas Spencer, the Isle of Wight coroner. See Post, 'Criminals and the Law', 184-6, for discussion and explanation.

verdict, or in the accuracy of the account of events, but in another direction altogether. Their importance lies in the clues they provide about community solidarity, community attitudes to the law courts, the penal system and other members of those communities, and the ways in which communities used and manipulated the mechanisms of law enforcement and justice to obtain the result they felt was appropriate.

If nothing else, they demonstrate that while individual peasants might (with good reason) fear for their lives when confronting the law, as members of juries or tithings they had few qualms about doing so. They were remarkably familiar with the loopholes in the law and astute in the ways in which they could exploit both its weaknesses and its rigours to their own ends. Community solidarity expressed through stubborn non-cooperation with, and sometimes even outright resistance to, both local and royal officials has been noted elsewhere, and the evidence from the records studied here merely confirms its presence and the ways in which it manifested itself in response to the legal system[130].

The findings of this study indicate what may be more significant - that however scarce the written evidence for schooling and literacy in rural communities in the fourteenth century may be, (urban settlements were better provided for, or at least can be shown to have had schools available), and the early history of vernacular education has not yet been clearly defined, knowledge of the criminal legal system was widely disseminated throughout

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[130]For example, D G Watts, 'Peasant Discontent in the Manors of Titchfield Abbey 1245-1405', *Proceedings of the Hampshire Field Club* 39, (1983), 121-35. Juror resistance is explored in E Powell, *Kingship, Law and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989), pp 201-4. Cooperation between villages in different counties in opposition to the government and the adoption of a common ideology of opposition were strongly in evidence in the 1381 rebellion. The published accounts of the revolt are too numerous to enumerate, but A Prescott's unpublished D. Phil. thesis 'Judicial Records of the Rising of 1381' (London, 1984) is useful for a highly detailed narrative of the events and of the collaboration which occurred. For early evidence of peasant sophistication, see David Carpenter, 'English Peasants in Politics 1258-1267', *Past and Present* 136 (1992), 3-42.

peasant society[131]. What is more, members of peasant communities both understood and applied that knowledge on behalf of what they felt were the best interests of their communities. Since the courts were conducted in French, local jurors had to understand that language as well as their own, and had to have available to them individuals who could translate both languages into Latin and record them for future presentation to the relevant court. All courts, not only coroners' courts and common law courts, but shire, leet, hundred and manorial courts required this. Each community must have contained one or more individuals able to cope with these demands both linguistically and literally.

In addition, one or more members of each community must have had some kind of grounding in and familiarity with the criminal law. The mechanisms by which this knowledge, and the linguistic and scribal skills associated with it were transmitted, remain obscure. They were probably largely informal, although those who became manorial reeves, stewards or other officials doubtless received some kind of training. Any study of coroners' rolls and cognate legal records elicits some admiration for the astuteness with which those who had few known educational resources at their disposal acquired and used an understanding of the criminal law and legal machinery, mastered the barriers of language, and, seizing the blunt instrument of the law, made it one with a considerable degree of subtlety. It is all too easy to underestimate the intelligence, resourcefulness and astuteness of the medieval peasantry.

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[131]Nicholas Orme has sought to trace the development of schools in the middle ages (*Education in the West of England, 1066-1548* (Exeter, 1989). The introduction, particularly pp 4-18, is useful here.) See also (by the same author) *English Schools in the Late Middle Ages* (London, 1973).

CHAPTER FOUR: CORONERS AND THEIR CAREERS

There are sound reasons why prosopographical research into groups of individuals is a valuable exercise. A man's integrity, efficiency and his attitude towards his duties may all to some extent be influenced by his wealth, status and relationships with or dependency on those above or below him in the social and administrative hierarchy. They may also be reflected by the duties and activities in which he engages. Assembling biographical material about an individual coroner thus assists in evaluating the likely reliability or otherwise of his records. The collection of such data about numbers of men who held that office helps to establish whether it is possible to draw any general conclusions about that group, whether the assessment of a group of records as a whole can be assisted by those conclusions, and whether there were marked differences within a particular group of office-holders. Ralph Turner's work on justices in the reign of Henry III, for example, disproved the previous assumption that clerics dominated the thirteenth-century judiciary when he found that roughly half of them were laymen[1].

Discovering factual information about the men who served as coroners in the two counties between 1327 and 1399 is a painstaking and sometimes frustrating business. Few, for example, held land directly from the crown. Establishing the extent of their landholdings alone therefore depends upon searches of a wide range of published sources like cartularies, feet of fines, episcopal registers and so on. Since this research embraced only a portion of the whole project, it was not possible to investigate unpublished sources which might be available in local record offices.

Coroners are no exception either to the difficulties of multiple surname spellings and a restricted range of Christian names referred to in chapter two, although being of more local prominence than jurors and pledges in inquests they tend to figure more frequently in other sources and so to be rather easier

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[1]'Twelfth and Thirteenth-Century Law and Government; Suggestions for Prosopographical Approaches', *Medieval Prosopography* 3, part 2, (1982), 21-34.

to identify. Even so, there are occasions when it is not possible to be certain whether the individual found mentioned in one source is the same as the one mentioned in another.

While every attempt has been made to use as wide a range of published sources as possible, it may well be that as yet undiscovered material could throw further light on these men and might alter the conclusions which will be discussed at the end of the chapter. Some individuals remain as little more than names despite the extensive trawling of records which has been undertaken. The names of others have cropped up frequently in different contexts, and for some it has been possible to assemble a surprisingly rich collection of material with which to flesh out the picture of their lives, backgrounds and characters[2].

Urban and county coroners operated in different environments and came from different backgrounds. Discussion of these two groups of men will therefore be made separately, but in both cases focussing on the same areas of interest - family background and wealth, official posts and commissions, local activities, contacts and relationships, and finally character and integrity. These will be followed by a discussion on the education and training, if any, received by these men, and the chapter will conclude with a brief discussion of any common themes or significant differences which have emerged.

County coroners

1. Family background and wealth[3]

Like almost all other medieval office holders, coroners were unpaid. They were therefore expected to have sufficient private means to enable them both to bear the expenses of an office which required a great deal of travelling

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[2]It has been possible to assemble sufficient material on some individuals to assemble brief biographies. These will be found in appendix two.

[3]Dr Post incorporated some discussion of the holdings and status of some of the Hampshire coroners during the reign of Richard II in 'Criminals and the Law', pp 102-106, upon which I have been able to draw, and which has been supplemented by other materials. I am grateful to Dr Post for his generosity in allowing me to make use of his research.

and consequent expense, and to pay any fines or amercements arising from tenure of the office. Initially knighthood was a requirement. This was rapidly allowed to lapse, but the amount of property a county coroner was required to hold in order to qualify him for office seems never to have been clearly defined. There is some evidence that lands in fee worth 100s. annually were, during the fourteenth century, accepted as a minimum qualification, but in general sheriffs - who had to oversee the elections of coroners - probably adopted a pragmatic approach depending on the relative prosperity of the numbers of men available locally who were willing to hold coronal office[4].

One would therefore expect that most county coroners, while not as wealthy as escheators or sheriffs, and not of knightly status, would be found among the levels of the middle to upper gentry families. Proving it, however, is not so easy. Since few were tenants-in-chief, they were not usually subject to post-mortem inquisitions, although they may sometimes be named as tenants of the tenants-in-chief who were.

Some individuals were obviously quite wealthy and pursued an aggressive policy of building up their family holdings. In Wiltshire, Bonham held land in Chilmark, Imber, Lavington, Fovant and other areas, from which he not only provided for his children but made endowments and alienations to religious foundations and services[5]. The Daunteseyes were particularly well-connected. The John Daunteseye who was coroner died in 1405, by which time the Wiltshire lands held in chief of the king alone included the manors of Marsden (granted to his father for a rose rent in 1373), Dauntsey, Bremilham, Southcott and two thirds of Winterbourne Dauntsey[6]. The family acquired

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[4]Hunnisett, *The Medieval Coroner*, pp 1, 174-6.

[5]*The Edington Cartulary*, ed. Janet H Stevenson (Wiltshire Record Society 42, 1987), passim; *CPR 1371-1374*, p 33; *IPM* vol XVIII, no 311; *Abstracts of Feet of Fines relating to Wiltshire for the Reign of Edward III*, ed. C R Elrington, (Wiltshire Record Society 29, 1974), no 50; *Abstracts of Feet of Fines relating to Wiltshire 1377-1509*, ed. J L Kirby, (Wiltshire Record Society 41, 1986), no 553; *CCR 1385-1389*, pp 293, 314.

[6]*CPR 1370-1374*, p 360; *Cal.Inq.* vols IX, no 22; X, no 230.

interests in other manors in the county and as far outside it as Whittington in Gloucestershire[7]. Much of their property had come through loyal service to the crown. Walter de Hungerford's elder brother Robert was one of the largest taxpayers in Wiltshire in 1332; after he died, Walter (the coroner) continued to build on the foundations of the family's prosperity. His grandson became the first Lord Hungerford, by which time the family's holdings in the county were substantial indeed[8]. John Lillebon inherited his grandparents' Wiltshire holdings, which included five manors, and also had some interests in Sussex and Surrey. He was able to enter into debt bonds of as much as £1,000, using his lands as security[9]. John de Mere, knight, held from the crown the castle and manor of Mere, Forthington manor in Dorset, and the farm of Wallingford manor[10]. He and his wife Eleanor also held Chaddenwick and Mildenhall manors in Wiltshire, had some income from rents in Shaftesbury, and interests in Hampshire and perhaps also in Somerset, while in 1330 he added Gillingham manor and barton to his holdings[11]. John Everard's holdings have been more difficult to establish, but he certainly held land in Great Woodford and Stratford-sub-castle, and was wealthy enough to qualify for service as sheriff and escheator[12].

The most prosperous Hampshire families were not of parallel status. The family of Richard Aungre (or Hanger), had quite large amounts of land in and around the New Forest, over some of which they became embroiled in

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[7]*IPM* vols XVI, nos 495, 496; XVIII, no 837.

[8]A useful summary of the family's rise can be found in *The Hungerford Cartulary* (Wiltshire Record Society 49), ed by J L Kirby, xv-xviii; *Wiltshire Tax List of 1332*, passim.

[9]*IPM* vols XVI-XVIII, passim; *CCR 1360-1364*, p 218; *CCR 1381-1385*, pp 383, 389; *1385-1389*, p 639; *1389-1392*, pp 480, 505; *CPR 1367-1370*, p 106.

[10]*CPR 1334-1339*, p 441; *1358-1361*, p 82.

[11]*Feet of Fines, Edward III*, nos 55, 366, 396; *CPR 1334-1339*, p 5; *CCR 1337-1339*, p 520; *CFR 1327-1337*, p 214; *Winchester College Muniments*, compiler Sheila Himsworth, (3 volumes, Chichester, 1976), 2, no 9042.

[12]*VCH* Wiltshire, vol 5, p 27; *Feet of Fines, Edward III*, no 300.

lengthy litigation, to which they added by marriage and inheritance throughout the fourteenth century[13]. Adam de Bukkesgate, one of the few who was a tenant-in-chief, held land in the west of Hampshire and in Dorset[14]. Fauconyr's family was established in the area round Kingsclere, Hurstbourne Priors, Warblington and Portsdown[15]. On the Isle of Wight, John Kyngston held various halves, quarters and eighths of knights fees[16].

In general the affluence of these men equates more closely with that of the middle stratum of Wiltshire coroners' families, rather than with its higher echelons. In Wiltshire were men like William Gerard, who had some land in Burcombe and Ugford St.James, and a quarter fee in Barford St.Martin[17]. Thomas Gore held Whaddon manor and may have had interests in Chippenham and Bradford hundreds[18]. William Haycroft held lands and tenements in and around Draycot Foliat, Walcot and Wanborough[19].

Soon after Haycroft's election as coroner, an amoval writ alleged that he was disqualified because he resided in Berkshire[20]. He may have held more land there than in Wiltshire, and it was certainly not uncommon for families to have property in more than one county. Walter de Coumbe's family lived for

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[13]Post, 'Criminals and the Law', pp 102-106; *IPM* vol XIV, no 321; *CCR 1377-1381*, p 493; *1402-1405*, p 485; *Feudal Aids* vol II, pp 317, 318; *The Register of William Edington, Bishop of Winchester 1346-1366*, ed. Dom S F Hockey, 2 volumes (Hampshire Record Series 7 and 8, 1986), passim; *WCM* vol 2, passim.

[14]*CFR 1307-1319*, p 196.

[15]*CPR 1334-1338*, p 365; *VCH* Hampshire, vol 3, pp 195, 286; vol 4, pp 261, 279, 288-289.

[16]*Feudal Aids*, vol II, pp 337-339; *Edington's Register*, vol 1, various.

[17]*Feet of Fines, Edward III*, no 43; *Registers of Roger Martival, Bishop of Salisbury 1315-1330*, 5 vols, eds Kathleen Edwards, C R Elrington, Susan Reynolds, (Oxford, 1959), vol 1, p 401.

[18]*CPR 1381-1385*, pp 114, 438.

[19]*CCR 1374-1377*, p 302.

[20]*CCR 1364-1368*, p 14.

part of the time in Gloucestershire, where his father was sub-escheator and later coroner, but was himself amoved from the latter post on the grounds of non-residence, implying that the family had for the time being settled on their Wiltshire holdings[21]. Peter de la Huse, whose Wiltshire property included Rowden manor and land in Chippenham, Langley and Cocklebury, also held Finchampstead manor in Berkshire, and he served as MP for that county in 1328-1329[22]. Others whose land stradddled county boundaries included Urdele and Wroxale. The phenomenon is not so common in Hampshire, although John de Brommere rented land in Wiltshire[23]. Split holdings may explain some of the apparently mistaken amoval writs for insufficiency issued to such men.

About the holdings of many other coroners little, if anything, can be discovered. The only traceable property of William de Whyteclyve, for example, is two holdings in West Ashton, where he was assessed to pay 4s. tax in 1332[24]. Robert de Echelhampton can only be connected to some land in Eastcott and a toft in Salisbury[25]. In Hampshire, Nicholas de la Biere seems to have lived at Bishops Waltham and to have held one twentieth of a knight's fee in Binstead and Haliwell, John Fraunk's holdings are unknown, and Stephen le Welewyk's holdings in Overton were probably fairly small - he lived at East Tisted and was said to be a merchant[26].

It seems likely therefore that significant numbers of county coroners had little landed property and the influence associated with it. It must also be said that even when an individual's name is found as a grantor or grantee of

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[21]*CCR 1330-1333*, pp 181, 403; *1333-1337*, p 598.

[22]*Feet of Fines, Edward III*, passim; *VCH* Wiltshire, 5, 28, n; *Roger Martival's Register*, I, 89; *Cal Inq* vol XII, no 357.

[23]*Cal.Inq.Misc.* vol VII, no 233.

[24]*VCH* Wiltshire, 8, 205; *Wiltshire Tax List, 1332*, 50.

[25]*CPR 1348-1350*, p 335; *1354-1358*, p 588.

[26]*Feudal Aids*, vol II, p 335; *Wiltshire Extents for Debts, Edward I - Elizabeth I*, ed. Angela Conyers, (Wiltshire Record Society, 28, 1973), pp 29-30; *IPM*, vol XI, nos 153, 541; *WCM*, 2, no 11604b.

land, one cannot assume that he had a direct interest in the property. When a man's name in either capacity is associated with those of several others, especially if one is a cleric, it is probable that he was merely acting as a feoffee to use, and derived no income from the land at all. The granting of land to feoffees to use enabled landholders to make provision for children other than the eldest son, and also to avoid the payment of feudal dues on inheritance, particularly when the inheriting child was a minor[27].

In terms of landed property, then, county coroners displayed considerable variation, not only within each county but between them. It is noticeable that the holdings of Wiltshire coroners are often much larger and easier to trace than those of their colleagues in Hampshire, and that Hampshire coroners hardly, if ever, came from the wealthiest gentry families. In this county the preponderance of large undying corporations, particularly the diocese of Winchester, as landholders, repressed the market, preventing the kind of aggressive land transactions and marriages which enabled Wiltshire families like the Bonhams and the Daunteseyes to increase and consolidate their holdings. Combined with this was the economy of Hampshire, where much land was royal forest which could contribute little to the county's wealth, and where the coastal regions were vulnerable to piracy and French raids, destroying both prosperity and the confidence necessary for investment. Wiltshire's prosperity, by contrast, was increasing during the fourteenth century as the wool and cloth industry developed, and even large landholders like the bishops of Salisbury were insignificant compared with the Winchester diocese. The political importance and ambitions of successive bishops of Winchester diverted their attentions from their local interests which, though controlled by episcopal officials, and dominating the county as a whole, nevertheless formed only a small part of the wealth of the diocese. The bishops of Salisbury, by contrast, who had to derive their income from a much smaller endowment, had displayed a tradition of aggressive economic policy

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[27]I am grateful to Dr Simon Payling for providing me with lucid and straightforward explanations of the complexities of medieval land law and inheritance, and the use of this stratagem.

beginning with the foundation of the town in the thirteenth century, and which no doubt helped to contribute to the county's rising fortunes.

At the same time, the numbers of men in both counties whose holdings cannot be traced may reflect the difficulties of the crown in finding sufficiently qualified local men who were willing to undertake the duties demanded of them, as well as a gradual decline in the status and importance of the coroner during the fourteenth century due to the increasing powers and importance of the justices of the peace[28].

2. Official posts and commissions

The crown's reliance on limited numbers of local men to perform official duties is amply demonstrated by a survey of county coroners to whom varying types of commissions were issued, and who held a range of official posts during their lifetimes. This is particularly true of those wealthier individuals who presumably had more time to spare, a greater willingness to undertake such tasks and, perhaps, displayed greater efficiency when doing so, than their less affluent colleagues.

Here again, it is the men from Wiltshire who are most prominent. Six of them are known to have represented their county as members of parliament, sometimes repeatedly - Bonham between 1366 and 1386, Dauntesey between 1378 and the late 1380's, Cole on seven occasions between 1372 and 1394, Lillebon in 1395, Mere in 1339-1340, and Wrothe in 1392[29]. Similar numbers (although not always the same individuals) are found named in oyer and terminer commissions and serving as justices of the peace. Bonham, Daunteseye and Mere all served in both capacities, and Mere was nominated especially frequently for oyer and terminer commissions, receiving no less

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[28]Hunnisett, *The Medieval Coroner*, pp 197-199. Dr Post, however, disputes the extent to which the status of the coroner declined during this period (verbal discussion).

[29]For example, *CCR 1364-1368*, pp 273, 476, 611 (Bonham); *1377-1381*, pp 222, 253 (Daunteseye); *1392-1396*, p 419 (Lillebon); *1389-1392*, p 306 (Wrothe); *VCH* Wiltshire, vol 5, p 28 (Mere), J S Roskell, Linda Clark and Carole Rawcliffe, *The History of Parliament: The House of Commons 1386-1421*, 4 vols (Stroud, 1992), 2, 626 (Cole).

than twenty-four (although the naming of an individual in such a commission did not necessarily mean that he actually sat on it). Auncell, Huse and Russel were also named on oyer and terminer commissions. John Everard, Hungerford and Lillebon all acted as justices of the peace, Lillebon with particular frequency[30]. Lillebon and Daunteseye also at some time sat on gaol delivery commissions[31].

The proportion of Hampshire coroners found acting in those capacities is smaller. Even when allowance is made for the fact that Hampshire usually had only two coroners, and occasionally another on the Isle of Wight, while Wiltshire always had four, discrepancies emerge. Of the twenty-nine Hampshire men of whom full biographical studies were made, only two (6.9%), Canteshangre and Kyngston, were named in oyer and terminer commissions[32]. Of the forty-three Wiltshire coroners so studied, the percentage was over double, at 13.9%. The same is true of commissions as justice of the peace. The Wiltshire percentage is the same as for oyer and terminer, but in Hampshire only Canteshangre and Tauke were named in that capacity (6.9%)[33].

At a lower level, tax collection commissions issued to a higher percentage of the Hampshire men than they did to Wiltshire coroners. Some of the Hampshire men served with astonishing frequency, ranging from Brommere and Westcote (four times each), through Welewyk (six) and Spencer (eight), to Canteshangre, who was nominated on no less than nine

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[30]For example, *CPR 1381-1385*, pp 85, 141, 248, 251 (Daunteseye); Ibid, p 86; *1388-1392*, pp 137, 138, 342 (Lillebon); *1385-1389*, p 315 (Auncell); *1334-1339*, p 509 (Huse); *1354-1358*, pp 396, 548 (Russel); *1354-1358*, p 516 (Everard); 1350-1354, p 92 (Hungerford).

[31]*CPR 1391-1396*, p 92; *Calendar of General and Special Assizes in the Reign of Richard II*, (HMSO), no 438.

[32]*CPR 1340-1343*, p 447; *1377-1381*, p 568.

[33]JUST 3/156, rot 4; *Select Cases in the Court of King's Bench under Richard II, Henry IV and Henry V*, (Selden Society 88, 1971), pp 117-119.

occasions[34]. Although most of the Wiltshire men ordered to collect taxes did so twice, only Robert Blake acted more often and even he only did so three times[35]. Perhaps there were fewer men of proven reliability in Hampshire who were suitably qualified, so that the crown was forced to issue repeated commissions to a smaller pool of individuals. And perhaps tax commissions were felt to be less appropriate tasks for the more affluent gentry to undertake.

Carrying out or supervising repairs to royal property or sales of produce on behalf of the crown is also encountered frequently. John Auncell was twice instructed to undertake or oversee work at Devizes castle[36]. Everard was on three occasions ordered to act in a similar capacity at Old Sarum, and John Gylberde did the same at Clarendon several times[37]. Occasionally such orders included the instruction to supervise the sheriff in such undertakings, as was the case in 1334, when Roger Fyfyde was ordered to do so in connection with repairs to Winchester castle[38].

Other types of commission issued to men who at some time were coroners are too diverse to be discussed individually or at any length, although a few examples may be cited. Aungre and Spencer in Hampshire, and Bonham and Lillebon in Wiltshire, were all nominated as commissioners of array, Spencer twice and Lillebon three times (one of these was for Berkshire)[39]. Some examples of the range of tasks embraced by special commissions include investigations into counterfeiting (Auncell), surveying weirs (Daunteseye),

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[34]For example, *CFR 1347-1356*, pp 91, 191, 193, 196 (Brommere); *1369-1377*, pp 230, 269, 388 (Canteshangre); *1383-1391*, pp 18, 48, 119 (Spencer); *1369-1377*, pp 198, 230, 269 (Welewyk); *1347-1356*, pp 269, 271 (Westcote).

[35]For example, *CFR 1347-1356*, p 334; *1356-1368*, p 44.

[36]*CPR 1377-1381*, p 585; *1388-1392*, p 256.

[37]For example, *CCR 1349-1354*, p 310; *1354-1360*, pp 152, 272 (Everard); *1367-1370*, pp 148, 175 (Gylberde).

[38]*CCR 1333-1337*, p 215.

[39]For example, *CPR 1367-1370*, p 277 (Aungre); *1381-1385*, p 292 (Spencer); *1377-1381*, p 473 (Bonham); *1399-1401*, pp 210, 211 (Lillebon).

supervising the selection of horses for sale from the royal stud at Odiham (Burgh) and investigations into piracy on the Isle of Wight (Kyngeston)[40].

The proportion of Hampshire coroners who at some time held office as verderers was noticeably higher than in Wiltshire, at 13.8% as opposed to 9.3%. This is not surprising, since so much of Hampshire was taken up by royal forest, and requires no further comment.

What is apparent is that although what one might term the men from the middle-ranking gentry families of both counties received commissions of varying types on a regular basis, Hampshire offers significantly less evidence of the availability of men of greater wealth, influence, and perhaps education, to undertake the judicial commissions with which the men who acted as Wiltshire coroners were frequently entrusted. Men like Bonham, Daunteseye, Lillebon and Mere are largely absent from the scene. Even the most willing of the Hampshire men could rarely aspire to, or be deemed suitable for, service either on these commissions, or as sheriffs, escheators and members of parliament. This must be connected with the economic factors discussed earlier and related to the relative affluence and influence of their families.

3. Local activities

Very many of the men of both counties are found with varying degrees of frequency witnessing land transactions. As members of gentry families and landholders themselves they had an interest in the land and land law, and were asked to assemble in a display of class solidarity when charters, leases, quitclaims and the like were being drawn up. Such witness lists, particularly for the Wiltshire men, often reveal the presence of more than one of our coroners at the same time, sometimes witnessing on each other's behalf. Auncell, for example, frequently witnessed land transactions at the same time as Bonham, and on four occasions was a witness when Bonham himself was one of the interested parties[41]. Bonham also witnessed agreements together with

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[40] *CPR 1327-1337*, p 270; *1340-1343*, pp 444, 451; *1388-1392*, p 272; *1396-1399*, p 372;

[41] *Edington Cartulary*, passim.

Gylberde and Haversham[42]. Daunteseye was a witness on Auncell's behalf, as was Lillebon on another occasion, and once witnessed with Testewode[43]. Harnham witnessed for Everard in a land lease in 1355[44]. It would be tedious to cite more examples, but many exist.

The repeated appearance of an individual's name on witness lists when the same principal is involved suggests more than mere friendship or shared interests. Between 1350 and 1359 Testewode's numerous appearances as a witness to land transactions involving ecclesiastical corporations like Romsey nunnery, or eminent clerics like the bishop of Winchester, may suggest a more professional relationship: indeed, the bishop was not the only member of the Edington family to call on his services[45]. Such contacts are also easy to establish for the Hampshire coroners. Aungre witnessed land deals on several occasions, twice with John Fraunk[46]. Fauconer and Canteshangre were both frequent witnesses to charters, and are found together once[47].

Reciprocal and/or joint witnessing naturally sprang not only from the common backgrounds of these men but was probably also encouraged by the close contacts established by any small group of men interested in office-holding and administration. The necessity for county coroners to attend together at sessions of gaol delivery and county court, and at prisons to record approvers' appeals, necessitated the rapid establishment of a relationship of cooperation even if the men had not previously known each other, and on

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[42]*CCR 1374-1377*, pp 432, 518.

[43]*CCR 1389-1392*, p 82; *1392-1396*, pp 368-369; *Edington Cartulary*, no 12.

[44]*CPR 1354-1358*, p 649.

[45]*CPR 1354-1360*, p 330; *Edington Cartulary*, passim; *Lacock Abbey Charters*, ed. Kenneth H Rogers, (Wiltshire Record Society 34, 1979), no 204.

[46]*WCM*, passim; *CCR 1364-1368*, pp 40, 50-51.

[47]*Calendar of Charters and Documents relating to Selborne and its Priory*, ed W Dunn Macray, (Hampshire Record Series, 1891), p 94; *CCR 1364-1368*, pp 484-485; *1374-1377*, p 85; *WCM* vol 3, passim; *Edington Cartulary*, nos 493, 495; *Edington's Register*, 2, nos 307, 701.

occasions their appearances together in other sources may reflect the development of genuine friendship.

Men in both counties, but again more frequently in Wiltshire, sometimes acted as stewards or bailiffs for others. (There were more opportunities there because the pattern of landholding was not so dominated by the church.). Auncell was steward for the lords Lovell and Holland[48]. Thomas Gore was on various occasions recorded as steward for Farleigh priory, Romsey abbey, the Audele family and Gilbert de Roches, brother of John de Roches, sheriff in 1390[49]. Mere was steward of Mere and Warminster hundreds, and for the earls of Salisbury; he and Russel were joint keepers of Winterslow manor and Russel was steward for Queen Philippa and, like Gore, for the Audele family[50]. In Hampshire, the bishop of Winchester employed Canterton and Fyfyde, and Bukkesgate was steward for Hyde abbey[51]. In this county employment by a secular lord was naturally rarer, although Westcote did act in such a capacity for Robert de Hungerford in 1341[52].

Sometimes men who held coronal office were nominated as attorneys, and occasionally as executors also, although none of the Hampshire men has been found specifically named in the latter capacity, and only two as attorneys, both in suits of novel disseisin - Aungre in association with his family's lands, and Tauke[53]. In Wiltshire, such activities have been found a little more often. Blake and Kyvele both acted as attorneys in novel disseisin suits, and Blake

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[48]JUST 3/186, rot 4.

[49]*VCH* Wiltshire, 5, p 28; JUST 3/156, rot 8; *CPR 1361-1364*, p 166.

[50]JUST 3/120, rot 5; 130, rots 81 dorse, 90, 92 dorse, 93, 97, 98; *CPR 1345-1348*, pp 139-140; *CFR 1319-1327*, p 207.

[51]JUST 3/120, rot 5 dorse; *The Registers of John de Sandale and Rigaud de Asserio, Bishops of Winchester, A.D. 1316-1323*, (Hampshire Record Series, 1897), pp 207, 259, 479.

[52]JUST 3/130, rot 98.

[53]JUST 1/1445, rot 5 dorse; 1430, rot 134 dorse.

was an executor on one occasion[54]. In 1363 the parson of Donhead church, who was going abroad, nominated Bonham as his attorney[55]. Those men who were stewards for others were attorneys and executors more frequently. Auncell was an attorney in an inheritance dispute and also an executor for a man named Peter Escudamore[56] . Mere's relationship with the family of the earls of Salisbury extended to acting as attorney on several occasions and as executor for William de Monte Acuto, which took up part of his time for at least five years. (On one occasion he and William lent Edward de Monte Acuto 1,000 marks[57]). Gore was twice attorney in land actions on behalf of ecclesiastical corporations and acted for John de Roches in a novel disseisin suit[58]. Everard was executor for two Salisbury citizens[59]. Not all the assize rolls for the period studied have been examined, and it is quite probable therefore that the names of other known coroners would be found as attorneys.

Sometimes one may infer from their other activities that they did so. Biere in Hampshire, for example, is found appearing so frequently on witness lists on behalf of Southwick priory, Selborne priory, Hamble priory and the bishop of Winchester that it is likely that he acted as some kind of agent with a special interest in land transactions in which undying corporations were concerned, and on one occasion he claimed seisin by letter of attorney[60]. The

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[54]JUST 1445, rot 13 dorse; 1434, rot 85 dorse; *CCR 1354-1358*, p 630.

[55]*CPR 1361-1364*, p 324.

[56]*CCR 1364-1368*, p 457; *1385-1389*, p 80.

[57]For example, *CCR 1343-1346*, p 347; *CPR 1338-1340*, p 192; *1348-1350*, pp 184, 412.

[58]*Edington Cartulary*, passim; *CCR 1354-1359*, p 329; JUST 1/1434, rot 60 dorse.

[59]*CPR 1350-1354*, pp 45, 306; *1358-1361*, p 431.

[60]For example, *The Cartularies of Southwick Priory*, ed. Katharine A Hanna, 2 volumes, (Hampshire Record Series, 1988), 2, nos III 894, 897, 909; *WCM* 2, nos 13258, 13264, 11840; *Selborne Charters*, pp 90-91; *CCR 1343-1345*, p 97; *1346-1349*, p 403.

same was probably true of Testewode in Wiltshire.

A small number of the men studied appear to have seen themselves as office-holders on almost a professional level. While some busied themselves with the administration of local estates on behalf of higher-ranking secular and clerical landholders, others - like Canterton, Waryn and Gore - combined private stewardships with more than one period as some kind of local crown official. Both men were active as forest officials at various levels during some periods of their working lives[61]. Whether, like Mere and Lillebon, members of the knightly or near-knightly classes, for whom service to the crown and the nobility took first place, or from more humble backgrounds with interests more confined to estate administration and service to more local landholders, it is apparent that for some men the attraction of administrative positions was sufficiently great to motivate them to spend the greater parts of their adult lives so occupied.

4. Contacts and relationships

The often close contacts which county coroners can be proved to have had with each other, arising from their official duties, has been noted. Relationships were doubtless reinforced by the numbers of commissions of other types issued by the crown in which the names of more than one appear together. Bonham, for example, served on oyer and terminer commissions with Upton and Daunteseye, and with Daunteseye again as commissioner of array once and as justice of the peace three times[62]. Harnham, Everard and Russel worked together on repairs to Clarendon[63]. Tax commissions frequently nominated more than one of these men together.

Occasional evidence, usually indirect, has been found of relationships not associated with official duties and which predate periods of office-holding. Harnham and Everard, for example, issued debt recognisances together,

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[61]E 32/318; 310; JUST 3/121, rot 11; 130, rots 10 dorse, 77, 78, 98.

[62]For example, *CPR 1377-1381*, pp 473, 631; *1381-1384*, pp 241, 248.

[63]*CPR 1358-1361*, p 305.

suggesting some kind of joint investment or business undertaking[64]. Bonham and Fox, a Wilton coroner, were among those accused in 1348, while both were young men, of damage to and theft from the Wiltshire holdings of the archbishop of Canterbury and Edward de Monte Acuto: the following year Russel and Bonham were named among those said to have abducted the ward of Humphrey de Bohun[65]. At the time Russel was escheator, and the alleged abduction may well have been connected with his duties in that office. Bonham's daughter Christina married John de Burgh, son of the Hampshire coroner. (She presented her father with a grandson in 1375, to celebrate which he gave a large dinner.)[66]

Perhaps more significant are the relations in which some coroners stood towards members of the nobility. These are difficult to quantify. Hard evidence of retaining in the fourteenth century is difficult to find, although John of Gaunt and the Berkeleys are well documented, and certainly none has been found during the course of this study. Nevertheless, some sustained contacts are suggestive. Mere's association with the earls of Salisbury, and the capacities in which he acted on their behalf imply a long-standing relationship the nature of which is uncertain, but in which Mere must have expected some kind of return for his services as attorney, steward, executor, lender and, on one occasion, member of an oyer and terminer commission investigating the earl's complaints of poaching on his Isle of Wight estates[67]. Auncell's relationship with the Lovells may indicate more than mere stewardship on their behalf. In the early 1390's a man of the same name was accused of imprisoning the tenants of Manston manor in Dorset until they attorned to Lovell, and of intimidating jurors impanelled between the parties at Dorchester

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[64]*CCR 1343-1346*, p 105.

[65]*CPR 1348-1350*, pp 66, 322.

[66]*IPM* vol XVIII, no 311.

[67]*CPR 1334-1339*, pp 255-256.

so that they dared not appear[68].

A third example is the connection between Gore and the de Roches family. In 1384 Gore and Gilbert de Roches accused Lovell, then constable of Devizes castle, of imprisoning Gilbert and demanding payment from Gore for his release. Lovell claimed that he had imprisoned Gilbert on royal instructions because of forestry offences including the taking of venison, and that the money was a bribe offered by Gore to release Gilbert, to persuade Lovell not to proceed further with the case, and as a guarantee of Gilbert's future good behaviour[69]. Of course Gilbert, as Gore's patron and landlord had a right to expect support and loyalty. But evidence which emerged after Gilbert's death, when the descent of Whaddon manor was disputed, reveals the relationship between the two men in a more ambiguous light. Since the 1360's Gore had been living with Gilbert's wife Margaret at Whaddon manor, where he was steward. Margaret had been only seven years old when Gilbert married her. Shortly afterwards he left her in Gore's care and departed for France, whence he did not return for fourteen years. In the meantime Margaret had grown up and she and Gore had produced three children, all of whom Gore acknowledged as his own. Gilbert refused to cohabit with her, and she and Gore continued to live as man and wife[70]. Gilbert seems (rather generously, perhaps) to have made no attempt either to remove Gore from his stewardship or to exclude his wife from her dower or remove her from the neighbourhood despite the fact that everybody knew that she was living with his steward and bearing his bastards. Perhaps, in the circumstances, Gore felt it necessary to demonstrate his loyalty by more than lip-service when his patron found himself in trouble.

This kind of evidence is of course tenuous and anecdotal. But it does

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[68]*CPR 1391-1396*, pp 79, 238.

[69]KB 27/492, rex, rot 14.

[70]*The Register of Robert Hallum, Bishop of Salisbury 1407-1417*, ed. Joyce M Horn, (Canterbury and York Society, 1982), no 1068. The matter came to light because Gore's daughter Joan tried (unsuccessfully) to claim the inheritance of Whaddon on the grounds that she was Gilbert's daughter.

seem to have been the practice to recruit and retain local men who held administrative posts on their lord's behalf in return for which they could expect payment, support and patronage to assist them in obtaining other posts, and help if they were involved in law suits. It would be surprising if the earls of Salisbury, the Lovells and the Roches did not conform to this long-standing tradition[71]. Auncell's appointment as coroner came after the years when his contacts with the Lovells were first established. Gore's followed many years of service to the Roches brothers, and although Mere was coroner before the earls of Salisbury rose to prominence, his service as justice of the peace and member of parliament came afterwards. In Hampshire, it would be equally surprising if the bishop of Winchester did not have such a network available to him. Perhaps Canterton and Fyfyde fell into this category. Both these men held the coronership after their diocesan employment as stewards. But the differences in landholding patterns there prevented the emergence of prominent aristocratic or higher-gentry families as landholders, and in the published sources available - which are mostly episcopal registers and the cartularies of religious establishments - even less evidence suggestive of retaining has been found than is the case for Wiltshire.

5. Character and honesty

No letters, journals or other personal material on which to base some assessments of character of the men who form the subjects of this study has been found. It is unlikely that any ever existed. These men were not of sufficient status to be of interest to chroniclers, neither did they play any part in affairs of state. The only family known to have left a record of importance were the Hungerfords, but even a cartulary may reveal little on this subject apart from the acquisitiveness with which a family built up its holdings and the tenacity with which it retained them. The survival of a will offers more hope. But of all the county coroners studied only the will of Welewyk has been found, and that reveals little. He had no children, so all his property was left

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[71]Nigel Saul, *Knights and Squires; Gloucestershire Gentry in the Fourteenth Century*, (Oxford, 1981), especially pp 76-81, 89-90, 163; see also P R Coss, 'Bastard Feudalism Revised', *Past and Present* 125, (1989), pp 27-64.

to his wife and was therefore unspecified and unvalued, apart from his religious bequests, and even these are vague and probably portray only a conventional piety[72].

One must therefore fall back on data about these men's backgrounds, activities and connections in an attempt to explore this area. It is important, however difficult the task, to try to formulate some idea of the characters of individual coroners and of the group as a whole (if possible), because personality, honesty and efficiency may have a direct bearing on the reliability of records created by such individuals.

Corruption was always a problem for the crown in the middle ages because administrative posts were unpaid and the monitoring of officials only sporadic. The very creation of the office of coroner in 1194 arose at least partly from concern over shrieval corruption and the desire to establish another local official who could keep a check on it. But the holders of the new office rapidly displayed the same propensity to peculate as those over whom they were supposed to be watching[73].

Hampshire and Wiltshire coroners in the fourteenth century were not exempt from this tendency. The illegal fees which they demanded for duties which they should have carried out without charge were not small. John Tauke was fined 3s.4d. for extortion in a homicide inquest, and Welewyk had to pay the hefty sum of 100s. after being found guilty of unspecified extortions and trespasses[74]. In 1384, when King's Bench visited Wiltshire, all four serving coroners and two who had recently held office were accused by the presenting jurors of seven hundreds of demanding money to hold inquests. The lowest fee demanded was 3s.4d. by Cole in two misadventure inquests, but in other cases of both misadventure and homicide he charged 6s.8d., and on occasion an

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[72]*Wykeham's Register*, ed. T F Kirby, 2 volumes, (Hampshire Record Series, 1899), 2, p 294.

[73]Hunnisett, *The Medieval Coroner*, pp 2-3, 118-134.

[74]KB 9/108; 27/529, fines and forfeitures rot 1, 442 fines and forfeitures, rot 1 dorse.

extra 2s. for the services of his clerk. Bonham, Stourton, Gore, and Urdele all asked for 6s.8d. in both misadventures and homicides, and Urdele too charged 2s. for his clerk. Sometimes the township had to pay, but the widow of one homicide victim had to pay Urdele 6s.8d., and the highest fee charged was the 14s. demanded by Gybone to hold a homicide inquest at Collingbourne on the body of a stranger who had been killed[75]. The fines imposed for these offences ranged from 10s. on Bonham to 40s. on Cole. If sums of this sort were being demanded generally, the fines were hardly punitive compared to the sums received by coroners during a period of office. The infrequency of visits by competent justices encouraged them to believe that they could escape punishment: it also makes it impossible to determine to what extent coroners long since dead had engaged in the same practices.

Sometimes one finds evidence of these men being accused of corruption while acting in other capacities. Auncell's activities as bailiff of Rowborough, Swanborough and Studfold hundreds were complained about by some of the townships there. They alleged, among other things, that he had taken a bribe to allow a homicide suspect to escape, that he had forced one man to prosecute another for mayhem falsely, so that he could then extort money from the accused, that he had amerced tithingmen in the absence of jurors, that he had forced the townships to pay for axes and shields which he had not produced, and that he had fraudulently misrepresented to the crown the value of his bedelry. He was acquitted[76]. Acquittal is not necessarily proof of Auncell's innocence, since the jurors were local and may have been intimidated (a man of the same name was accused on at least one other occasion of intimidating jurors[77]). But the charges may to some extent reflect resentment against a man carrying out his duties rather too vigorously for comfort, and one cannot know what evidence was presented to the justices. However, the picture which

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[75]KB 9/132. One of the inquests for which Gore charged was the suicide of John Pershut, engrossed on his roll at JUST 2/203, rot 12, no 1.

[76]KB 27/492, rex, rots 14-15 dorse.

[77]See above, pp 119-120.

emerges is one of a man whose method of carrying out his duties was disliked, and who was believed by those over whom he was set in authority to be less than honest.

Auncell's is not the only case. Everard's commissions in Clarendon in 1354 resulted in presentation before a forest court for conspiracy to defraud the crown of revenue from the sale of timber there, and a fine of £20[78]. Some years after Russel's period as coroner, but perhaps connected with his service as sheriff, he was accused of unspecified trespasses and extortions; he was fined £20 and had to pay a further £100 for his pardon[79]. There are other indications that Russel's attitude towards authority was one of intransigence and even some contempt. In 1338 he was among those summoned to Westminster for failing to obey royal orders, and in 1342 was one of the wool collectors said to have failed to complete their returns and of 'making frivolous excuses'[80].

In Hampshire, William Passelewe, one of the Isle of Wight coroners, was tax collector in 1339. Whether as a result of this or some other official employment, he was one of the officials found guilty of corruption, inefficiency and extortion[81]. Tauke misappropriated revenue from the sale of Lord Cobham's possessions, ordered in 1398. When Cobham was restored to favour with unexpected rapidity, Tauke could not repay what had now become a private debt and found himself in prison. This prompted his amoval as coroner, not for his dishonesty, but because being in prison he was unable to carry out his duties[82].

Accusations of other types of criminal offence have been discovered in

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[78]E 32/267.

[79]*CCR 1343-1345*, pp 180, 234, 314; *CPR 1343-1345*, pp 119, 215.

[80]*CCR 1337-1339*, p 615; *1341-1343*, p 506.

[81]*CFR 1337-1347*, p 141; *CPR 1343-1345*, p 44.

[82]Dr John Post, 'The Tauke Family in the Fourteenth and Fifteenth Centuries', *Sussex Archaeological Collections* 111, (1973), 93-107; *CCR* 1399-1402, p 451.

connection with some of the men studied. Bonham, Fox and Russel have already been mentioned. Fraunk, in Hampshire, was accused with others of abducting Joan Daundeleye, one of the wards of the bishop of Winchester. The outcome of the enquiry has not been found, but only a fortnight after the issue of the commission Fraunk entered into two separate debt recognisances in each of which he agreed that he owed the bishop 500 marks. The timing of this does not seem coincidental. Perhaps the threat of the forthcoming commission was used by the bishop to force Fraunk into a position of disadvantage, or perhaps the bonds were a guarantee of future good behaviour[83]. Edington was not a man to be offended lightly.

The Isle of Wight coroner John Kyngston and his Wiltshire uncle of the same name were said to have been among those who despoiled the property of John of Longeford, burning his house at Chale and assaulting his servants in 1333; four years later Kyngston was accused of kidnapping the son of John de Cumpton, marrying him against his will, and carrying away goods, charters and muniments[84]. Passelewe was said to have stolen game and swans from Giles de Beauchamp's property at Freshwater in 1341, and in 1345 (with the same man who had accused Kyngston of kidnapping his son) charged with fraudulent land transactions[85]. Coumbe was among those accused of stealing oxen and other property belonging to William de Cantilupo[86]. Mere was one of those said to have assisted Margaret, abbess of Shaftesbury, to steal livestock in 1327[87].

Accusations like these were common during the fourteenth century. Large numbers of them can be found in any of the volumes of calendared Patent rolls. Often they are connected with contested inheritances, wardships,

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[83]*CPR 1361-1364*, p 538; *1364-1368*, p 56.

[84]*CPR 1330-1334*, pp 439-450; *1334-1338*, p 576.

[85]*CPR 1340-1343*, pp 328-329; *1343-1345*, pp 508-509.

[86]*CPR 1348-1350*, p 585.

[87]*CPR 1327-1330*, p 77.

dowers and seisin of land. Beauchamp's accusations against Passelewe, for example, are probably connected with a suit of novel disseisin Passelewe brought against his accuser soon afterwards, and suggest that Passelewe was merely helping himself to property he believed to be rightfully his[88]. The abbess of Shaftesbury was the prime mover when Mere was named, and he and the others were probably acting as agents on her behalf, carrying out her instructions in a dispute of some kind. Land was the primary source of income throughout the middle ages. Possession of it was crucial for status as well as income, and often bitterly contested over many years because of the complexities of subinfeudation, inheritance, wardships and so on. Pursuing such matters through the courts was a lengthy business, the outcome of which was uncertain, and self-help and forcible seisin of disputed property often the speediest remedy. One must be careful therefore not to apply anachronistic standards of legality to such behaviour.

Occasionally the records of an individual's life reveal him to have been incompetent, unlucky, and guilty of misjudgement rather than overtly corrupt or involved in extra-legal activities. John de Wroxale provides an instructive example. In the early fourteenth century his family was comfortably off, holding lands in Somerset, Dorset, Devon and Cambridgeshire as well as Wiltshire, to which his marriage added a substantial settlement of land in Braden Forest and Chelworth, and part of Staple hundred[89]. His support of Lancaster's rebellion in 1322 laid the foundations of his future problems. All his property was confiscated, and Hugh Despenser took his wife's inheritance and forced him to sign a debt recognisance of £100. Over the next five years Wroxale borrowed repeatedly against these properties, presumably in the expectation that they would be returned to him. He had lost his income with

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[88]*CCR 1343-1345*, p 586.

[89]*Feudal Aids* V, 208; *CCR*, for example *1323-1327*, pp 354, 380, 659; *IPM* vol XIII, no 131.

the lands and may also have been trying to buy his way back into favour[90].

Two months after the accession of Edward III, return of Wroxale's properties was authorised, although the lands taken by Despenser remained with the crown[91]. The £100 debt was not anulled until 1331, but even then the cumbrous machinery of the legal system continued to roll on undisturbed and in March 1333 Wroxale was facing the possibility of outlawry for non-payment. Fortunately, exaction was suspended while enquiries were made, and an official pardon was issued five months later. But even this was not straightforward. The pardon was not fully ratified until 1335, some thirteen years after the bond was first signed, because the original recognisance had been mistakenly made in Chancery instead of the Exchequer[92].

Wroxale's return to favour brought some compensation. Perhaps to mollify him for the loss of his wife's lands, the crown granted him the tenancy of Poorstock manor in Dorset for a modest rent in 1333. It brought with it the right to a weekly market and an annual five-day fair, potentially good sources of income for an enterprising landlord[93]. But recovery of his own lands had not been without its problems, and he claimed that thefts and trespasses had been committed against them, which suggests that he encountered difficulty persuading their current keepers to give him seisin.[94] His appointment in 1332 as keeper of Sherborne castle and sheriff of Somerset and Dorset did nothing to alleviate his financial difficulties[95]. Whereas other men might have used the opportunity to redeem their fortunes, Wroxale's year as sheriff was an unmitigated disaster. Two years later, he was still unable to pay the dues of

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[90]*CFR 1319-1327*, pp 87, 97, 295; *CCR 1323-1327*, pp 354, 380; *1330-1333*, p 97; *CPR 1327-1330*, pp 97, 565.

[91]Ibid., p 123.

[92]*CPR 1331-1334*, pp 204, 459; *1334-1339*, p 126; *CCR 1330-1333*, p 97.

[93]*CFR 1327-1337*, pp 358, 368; *CPR 1334-1339*, p 228.

[94]*CPR 1327-1330*, pp 77-78. One of those he accused was Everard.

[95]*CFR 1327-1337*, p 296.

almost £190 and was over £400 in arrears of his account[96]. His borrowings increased during the 1330s and 1340s (sometimes over £100 at a time), perhaps partly to pay off this debt, for which he was granted six years grace[97]. He had already financed one such debt by selling land; if he continued to do so it is hardly surprising that the family never recovered its erstwhile affluence[98]. Certainly his first amoval from the coronership was ordered for insufficiency, which is suggestive, although less than a month later another amoval cited age and ill-health[99]. After 1336 he received no more crown commissions and never again served as justice of the peace. In 1369 a John Wroxale of Frome who in 1369 was said to be 'a common robber and leader of robbers'. If this was the coroner's son, who is known to have borne that Christian name - and given the family's Somerset connections this is quite possible - then obviously the family's decline had proved irreversible[100].

Other details suggestive of coroners' character or personality are few. Like other men, they were prone to commit vert and venison offences. Russel was fined 100s. in 1349 for taking four does, Wrothe and an associate 40s. for one doe, Bonham 6s.8d. for accepting a doe as a present from a man called Robert Cole (who seems to have been chief supplier of illegal venison from Clarendon and Grovely forests in Wiltshire), while Harnham was said to have accepted most of the venison supplied by Cole and fined £20.[101]

A bare few were either overtly pious or sufficiently wealthy to afford a display of piety. Harnham's father had given land at Compton Chamberlayne to the church, and his son provided for a chantry chapel in St.Nicholas'

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[96]Ibid., p 388.

[97]For example, *CCR 1330-1333*, p 493; *1343-1345*, pp 460, 562, 655.

[98]*CPR 1327-1330*, p 254.

[99]*CCR 1347-1349*, pp 465, 467.

[100]*CPR 1367-1370*, p 257.

[101]E 32/267. Harnham was also fined for vert offences, and said to have fined and amerced those not indicted for forest offences, and to have procured a man called Peter Prince to pressurise indicted offenders into paying him for help.

hospital in Salisbury in 1349[102]. Mere actually undertook a two-year pilgrimage to Santiago between 1332 and 1334[103]. Welewyk's will left sums to poor nuns and monks. Bonham gave land in Chilmark to Wilton nunnery to pay for two torches to burn daily before the altar at high mass. He later granted Fovant manor to the same house and gave land in Imber and elsewhere to Edington priory[104]. And Robert de Echelhampton alienated land in Eastcott to provide for a chantry chapel in 1349. Among those whose souls were to be prayed for was Frende, another coroner[105].

These snippets of information reveal little beyond the fact that the men who held coronal office in the two counties were ordinary men of their time. Of more significance for the purposes of this study are the charges of extortion levelled against some of them. Are these merely the tip of the iceberg, and what implications might they have for the reliability of inquest records?

Although justices of the peace began to exercise authority over coroners unofficially around 1360, they were not authorised to do so until 1380. Before that, only the justices itinerant could do so[106]. In the case of Hampshire and Wiltshire, this was not very often. Between 1327-1399, they did not go to Hampshire until 1371. This was followed by another visit in 1377, and another in 1394. Wiltshire was only visited once in this period of over seventy years, in 1384. Apart from this, occasional general oyer and terminer commissions were issued. On the records of these latter sessions no record has been found in either county of coroners being accused of extortion, despite the presentations of large numbers of homicides[107].

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[102]*Feet of Fines, Edward III*, pp 68-69; *CPR 1331-1334*, p 21; *1348-1350*, p 406.

[103]*CCR 1330-1333*, pp 527-528; *CPR 1334-1339*, p 64.

[104]*CPR 1371-1374*, p 33; *Edington Cartulary*, for example nos 172, 173, 383, 384, 385.

[105]*CPR 1348-1350*, p 335.

[106]Hunnisett, *The Medieval Coroner*, p 120.

[107]See, for example, JUST 1/1421, 1436.

Neither do surviving records of justices of the peace indicate any such allegations. This does not mean that coroners were not practising extortion. Few records of the justices of the peace survive, and since many men acted in that capacity and at other times as coroners, there was doubtless reluctance to fine a colleague who was only doing what the justice of the peace himself had done or was intending to do. The absence of any accusations of extortion in these records may signify either that such offences were few, or that it was generally not felt to be worthwhile making them since they were liable to go unpunished.

Large numbers of coroners held office without ever being called to account before competent justices, and there is no knowing how widespread the practice of extortion may have been. In fairness to coroners, it should be noted that of the serving or recently serving Hampshire coroners during the King's Bench visitation in 1371, only Welewyk was found guilty of it. In 1377 none were fined for extortion, and in 1394 only Tauke was fined. Thomas Canteshangre, who presented a roll (since lost) in 1377, the estreats of which suggest that he had been serving for some years, and was still serving sixteen years later, has an unblemished record, and so does Nicholas Spencer, who was Isle of Wight coroner from 1377 onwards.

One should not take this to mean that Canteshangre and Spencer did not ask for a fee to hold an inquest. They must have had some motivation for carrying out their duties so tenaciously and for so long. The inconveniences of being liable to frequent summonses at unforeseen moments to travel often long distances in adverse weather conditions, and the costs of travelling with servants, horses and perhaps a clerk, should not be minimised. Neither should the unpleasantnesses associated with the examination (and sometimes exhumation) of corpses in varying stages of putrefaction, even if one accepts that the omnipresence of death in the late middle ages may have induced or cultivated higher levels of tolerance to offensive smells and distressing sights. Local communities may well have accepted that some kind of remuneration was only fair, even if it was technically illegal. Provided a coroner did not ask for a sum considered to be excessive compensation for his time and trouble, he

was probably safe.

Demanding payment for holding inquests, which is recorded in all the accusations of extortion, is not the same as demanding a bribe or accepting payment for recording false information. True corruption of that sort is never cited at all. Neither has any case been found in which jurors or townships or individuals are accused of bribing a coroner to make a false record. To have done so would have left them open to counter-accusations by any coroner against whom they later alleged corruption. When jurors made such allegations, they must have been confident that no such consequence would ensue. This suggests that it was in fact the size of the illegal fee demanded by coroners which was unpopular, and not corruption in the sense of deliberate falsification of records in return for payment. Of course one cannot assume that coroners did not, on occasion, allow a record to be made the truth of which they knew or suspected to be questionable. But it does seem probable that peculation resulting from deliberate falsification was not widespread, if it occurred at all.

Borough coroners

1. Family background and wealth

Borough coroners were a much more homogenous group than their county colleagues. A few had interests in land. Haversham of Wilton held Hurdcott manor for several years, for example, and also had land in Grovely forest (he was fined for building a pigsty and keeping pigs there)[108]. Of the Salisbury men, Warmwell had some land in Stratford Tony and Wermynstre had interests in Langford and Britford[109]. John le Barbour of Southampton at one time h2ld land in Portsmouth[110].

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[108]*WCM* ,3, no 19436; *CPR 1370-1374*, p 46; *1385-1389*, p 361; E 32/267.

[109]*The Register of John Chandler, Dean of Salisbury 1404-1417*, ed. T C B Timmins, (Wiltshire Record Society 39), no 404; *Feet of Fines 1377-1509*, no 125; *Feet of Fines Edward III*, no 66.

[110]*The Cartulary of God's House, Southampton*, 2 volumes, ed. J M Kaye (Southampton Record Series 19,20, 1976), 19, no 42.

In general, though, their income came from trade. The largest group about whom much is known is the Salisbury group. Of these, Lavynton traded in wine, Benet was a woolmonger, and Bowiere and Warmwell also traded in wool and cloth and together leased the subsidy on the sale of cloth for ten years from 1380, making an unsuccessful second bid in 1389[111]. Godemanston was a merchant of some kind, as was Jewelle, who is known to have traded in wine, and Wollop was a draper and merchant[112]. Fox, of Wilton, was a dyer[113]. Debt extents reveal that their trading networks extended far afield. Benet, for example, was involved with men from Herefordshire and London (and was outlawed at least once for failure to meet his obligations), while Haversham lent quite large sums of money to men from Sussex and London[114].

Less information has been discovered about the borough coroners of the Hampshire towns. This is probably related to the declining prosperity of the towns in which they lived. Winchester had lost much importance as royal government and administration became ever more firmly centred at Westminster. Southampton and Portsmouth both suffered from coastal raids throughout the fourteenth century. Both native and foreign merchants sought alternative ports through which to ship their wares. The county's failure to compete successfully in terms of wool and cloth production inhibited the ability of local merchants to prosper by building up trading networks. Their activities were more confined to the purely local sphere.

Occasionally it is possible to discover some, at least, of the properties they held within their towns. Barbour's Southampton properties are known to have included tenements in East Street, Simnel Street and English Street, and

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[111]*CCR 1327-1330*, pp 119, 255; *1377-1381*, p 340; *CPR 1389-1390*, p 24. The printed calendar gives Worcestershire as the county, which must be an error.

[112]*CPR 1385-1389*, pp 182, 398; *Chandler's Register*, nos 403, 404; *Feet of Fines, Edward III*, nos 403, 404.

[113]KB 27/492, fines and forfeitures, rot 3; *CPR 1374-1377*, p 102.

[114]*CCR 1354-1360*, pp 509, 645; *1381-1385*, p 617; *CPR 1381-1385*, p 551; *1385-1389*, p 29.

three shops below the East gate[115]. The will of Horder's widow Agnes, dated January 1349, mentions several tenements as well as a house in Pilgrim Street. Each of the four children was to have a bed and a chest (two of which were Flemish, and one Spanish), and two of the sons were each to have a gold bowl[116]. In Salisbury, Bowiere had some shops beside the fish stalls, and Jewelle at least two messuages[117]. Warmwell controlled eleven messuages[118]. In Wilton, Haversham had a tenement and curtilage in South Street[119]. For the most part, the property of urban coroners lay within the towns in which they resided and not outside it.

2. Official posts and commissions

Urban coroners generally received fewer and less varied commissions than did county coroners, mostly being nominated as tax collectors. At least four of the Salisbury men were so nominated, often for the whole county rather than the town itself[120]. Haversham was tax collector twice, in 1372 and 1377[121]. A few represented their boroughs in Parliament; Bont and Warmwell did so for Salisbury (Warmwell five times), and Tannere and Peverell represented Winchester (Peverell twice). Occasionally, like Bont of Salisbury, they were verderers, and undertook repairs within the royal forests, while in 1372 Godemanston was commissioned to coopt labour for a barge the king

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[115]*The Cartulary of the Priory of St.Denys near Southampton*, 2 volumes, ed. E O Blake (Southampton Record Series, 24, 1981), 1, p xxxix, nos 135-139; *God's House Cartulary*, 19, no 42. Barbour's other properties are valued in Colin Platt, *Medieval Southampton*, (London, 1973), pp 230-231.

[116]*St.Denys Cartulary*, vol 1, no 122.

[117]*Chandler's Register*, no 501; *Hallum's Register*, no 866.

[118]*Feet of Fines, 1377-1509*, no 125; *Chandler's Register*, no 404.

[119]*WCM* vol 3, no 19436.

[120]For example, Benet (*CFR 1368-1377*, p 228) and Godemanston (*CFR 1377-1383*, p 234.

[121]*CFR 1368-1377*, pp 191, 387.

wished to have built[122]. In Hampshire, only two traces of such activities have been found. Barbour was joint custodian of some confiscated lands with the sheriff, and held one of the pieces of the seal used for Southampton debt recognisances, while Malmeshull was one of the jurors summoned before the king to determine the truth of a piracy allegation[123].

The relative scarcity with which commissions issued even to the more prosperous urban coroners of Wiltshire is probably explained by two factors. First was their lower status compared to their county colleagues because they did not usually hold land, which in turn disqualified them in theory from official posts. Secondly, their business activities often involved travelling and allowed them less time, and that which they did have was more likely to be occupied in urban politics and administration. When Richard Spencer was amoved as coroner in 1398, one of the reasons given was that he had no time for the job because he was mayor, while Jewelle's writ cited not only insufficiency but that he too had insufficient leisure[124]. Bowiere obtained a life exemption from all official posts in May 1384, which may indicate that his business interests now that he and his partners had the wool subsidy left him too little time. (On the other hand, while keeper of the gaol he had allowed four indicted felons to escape, and in 1374 had to obtain a pardon for his negligence. Perhaps the experience prompted him to take steps to avoid the risk of similar costs and inconveniences in the future)[125].

3. Local Activities

Borough coroners were universally elected from that oligarchy of families which controlled all administrative and official positions within the towns. The Winchester coroners were found to have circulated the coronership

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[122]*CCR 1369-1374*, pp 297, 317; *1370-1374*, pp 147, 219. J S Roskell, *History of Parliament 1386-1421*, 4, 773-4 (Warmwell), 65 (Peverell), 568 (Tannere).

[123]*CCR 1318-1323*, p 312; *1313-1317*, p 647; *CPR 1381-1385*, p 586.

[124]*CCR* 1396-1399, pp 35, 243.

[125]KB 27/492, rex, rot 12 dorse; *CPR 1374-1377*, p 32.

on a biennial basis: much the same practice of confining offices to limited group of men, within which they were rotated, probably applied elsewhere[126]. In Southampton Barbour was bailiff at least twice, a post also held by Robert Waryn and Richeby in Portsmouth[127]. Laurence was mayor of Wilton in 1334, and Wermynstre mayor of Salisbury in 1343[128]. The Salisbury coroners' rolls, which name the aldermen of the four wards who attended at each inquest, support this contention. Jewelle and Wermynstre both served for New Street ward; Godemanstone, Benet and Bowyere for Meadow ward, and Wollop for Market ward[129]. Oddly, the names of no known coroners have been found among the aldermen of St.Martin's ward; perhaps it was not an area of the town inhabited by the more prosperous traders.

The names of borough coroners also appear less frequently as witnesses to land agreements than do those of county coroners, although a few were apparently in demand. Haversham was often a witness, while Horder in Southampton was a witness to many agreements in association with St.Denys priory, from whom he held his own properties[130].

Occasional references reveal that a man had some kind of education or training above the level of literacy and numeracy. Wermynstre was in the service of the bishop of Salisbury for some ten years, first as his bailiff at Sunning and then as his attorney: in the latter capacity his presence is recorded in London on several occasions[131]. This may account for the lack of

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[126]Post, 'Criminals and the Law', p 19 and n.

[127]*CPR 1321-1324*, pp 250-251; *1323-1327*, p 281; *Southwick Cartulary*, 2, pp 369-370; *CCR 1327-1330*, p 301.

[128]*WCM* vol 3, nos 19425, 19428, *CCR 1343-1345*, p 98.

[129]JUST 2/199, 204.

[130]For example, *CCR 1374-1377*, pp 241, 432, 518; *WCM*, vol 3, nos 19433-19435 (Haversham); *St.Denys Cartulary*, 1, nos 122, 181, 210, 262; *God's House Cartulary*, no 55; *WCM*, 3, nos 17828, 17867, 17877 (Horder).

[131]For example, *Roger Martival's Register*, vol 3, nos 262, 283, 295, 335, 337.

commissions he received from central government - his time and loyalty were committed elsewhere. Upton was another who acted as attorney for the see in 1349, defending the bishop's liberties against various individuals[132]. Warmwell and Jewelle were attorneys for the town itself in 1395, when the bishop accused the citizens of inflicting various damages and grievances on himself, his predecessors, and the cathedral[133]. None of the urban coroners in Hampshire has been found in this capacity, although the association of Horder with St.Deny's priory may be suggestive.

4. Contacts and relationships

Little need be said on this topic. Small groups of men sharing out all the administrative functions of urban government cannot fail to get to know each other well when they meet on a daily basis, and at least two men (Bowiere and Warmwell) are known to have been business partners.

Sometimes they have been found associating with other men known to have been county coroners or coroners in other towns. Haversham, for example, as well as acting with Bont in Clarendon, witnessed together with Bonham and Gylberde[134]. Thurstayn witnessed a land agreement with Mere and Polton and was also associated with Mere in the allegation of livestock theft with the abbess of Shaftesbury[135]. Sireman is found as a charter witness with Everard and Fox, and on two occasions witnessed agreements in which Fox himself was concerned[136]. On the whole, though, such recorded associations are few.

5. Character and honesty

The urban coroners stand apart from their county colleagues if for no other reason than the lack of allegations of extortion against them. The only

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[132]JUST 1/1445, rot 19 dorse.

[133]*CCR 1392-1396*, p 355.

[134]*CCR 1374-1377*, pp 241, 432, 518; *CPR 1370-1374*, p 147.

[135]*CPR 1327-1330*, pp 77, 79.

[136]*WCM* vol 3, nos 19427, 19439-19441.

possible exception may be Goseberi of Southampton. In 1371 a man of a very similar name (Goseberde) was fined a mark for trespass and extortion[137]. However, the record does not specify what office this man was holding at the time of the offence. In most other cases when a man was fined for extortions practised while holding office, the estreat clearly refers to him as sheriff or coroner, for example, or having lately held that office[138].

One should not give them undue credit for this. In the first place, they did not incur the same travelling costs as coroners in rural areas and, being on the scene, rarely suffered the unpleasantness of having to examine a body which had been dead for more than a day. Secondly, there were always two coroners holding office jointly, so that collusion would have been necessary. Thirdly, all were men known to the entire community, who valued their status and respectability because it gave them access to power through urban administration. If they alienated the other citizens they placed this access at risk. It was simply not in their interests to line their pockets, while for county coroners higher expenses and the low risk of exposure were an open invitation to do so.

Education and training

The only qualification demanded of a coroner was that of income, and even that was vague. Nowhere was it set out that a coroner should have any professional qualification or even the ability to read and write. Given the duties they were required to perform, however, and their importance as part of the judicial machinery of late-medieval England, is there any evidence that any of these men had an educational background which incorporated the acquisition of some knowledge of the law?

There is certainly no direct evidence that any of them had a formal higher education. Their names are not among recorded graduates from Oxford

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[137]KB 27/442, fines and forfeitures, rot 1.

[138]Ibid., the escheats of fines incurred by the sheriff, William Sturmy, for example.

or Cambridge, nor can any be found to have taken a degree in the law. But this is not incontroversible evidence that they did not spend some time at one of the universities, or around the law courts in Westminster, or both.

It has been shown that Emden's data on Oxford graduates, for example, probably only relates to at most a quarter of the scholars who attended the university[139]. The author of a recent study pointed out the increasing popularity of legal training in the fourteenth century both at Oxford and elsewhere, which brought improved employment prospects. Legal practice was a highly profitable profession for which a baccalaureate was unnecessary; the costs of formal graduation were high. Many therefore did not graduate. 'Resident scholars at any time who had taken or would ultimately proceed to a degree...formed only a part, and very possibly a minority'[140]. Many who studied on this basis came from what has been called 'intermediate' social rank - sons of knights and yeomen, tradesmen, merchants, thrifty artisans, among which the gentry and the urban bourgeoisie were prominent[141].

In any case, both in Oxford and Westminster semi-formal education of a more practical nature was readily available. Thomas Sampson, whose formulary was discussed in chapter one, was only one of many who provided tuition in the 'dictamen' - a course which provided a grounding in a wide range of administrative skills for those insufficiently talented or solvent to aspire to a degree[142].

An arts degree was not necessary to take a law degree, although it did shorten the time necessary to do so. Dr Paul Brand traced a tradition in legal tuition at Westminster as far back as 1260, and found groups of legal apprentices leasing property in London well before the formal establishment of

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[139]T A R Evans, 'The Number, Origins and Careers of Scholars', *The History of the University of Oxford*, 2, eds. J I Catto and T A R Evans, (Oxford, 1993), 485-538, especially p 519.

[140]Ibid., p 497.

[141]Ibid., pp 511-512.

[142]Richardson, 'Business Training'; Evans, 'Number and Origins', p 524.

the Inns of Court[143].

An article published in 1984 has significant implications for the education of the men whose activities have been studied here. This discussed a marriage settlement drawn up by two Lancashire families in 1323, who despite their small landholdings described themselves as 'gentle'. The groom, Richard de Bruche, was to be maintained for five years out of his bride's property while he acquired an education. One year was to be spent at Oxford, and the next four among the apprentices at the court of common pleas. There is no evidence of any intention that he was to become a fully qualified lawyer. Some twenty years later Bruche was coroner for the county. Lancashire was a backward and 'turbulent' part of the country, and the family was of 'modest patrimony': it was argued that it was therefore unlikely that they were practising an innovation. Families closer to both Oxford and London had probably been sending off their sons for similar training for some time, and the case should serve as 'a warning not to underestimate the numbers of young men who found their way to the schools at Oxford and the courts at Westminster'[144].

It has been clearly demonstrated from the evidence presented in this chapter that the men who have been discussed came from backgrounds identical to Bruche's (many, like him, were named as insufficient in amoval writs) and to those described as attending Oxford. This factor, combined with the accessibility of centres of higher education to both counties, surely implies that while they did not formally graduate at either Oxford or Westminster, many of them did receive an education which better fitted them to carry out the administrative positions in which they later served.

The material assembled here provides only indirect evidence, but is cumulative enough to support this contention. Dr Brand has said that nomination as attorney in land disputes or executor did not necessarily imply

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[143]'Courtroom and Schoolroom: The Education of Lawyers in England prior to 1400', *Historical Research* 60, (1987), 147-165.

[144]M J Bennett, 'Provincial Gentlefolk and Legal Education in the Reign of Edward II', *BIHR* 47, (1984), 203-207.

any kind of legal training, formal or otherwise, since land suits, for example, were so common that no member of any gentry family grew up without acquiring knowledge of land law from personal experience[145]. This is doubtless true. But on the other hand, it does not mean that these men did not have some kind of educational background which included knowledge of the law. Practising as an attorney is, of course, direct evidence, and we know that Wermynstre did just that. His employment by the bishop of Salisbury may have resulted from the bishop's own patronage in educating him, since churchmen often took an interest in the education of others[146].

There is other evidence, which is admittedly suggestive rather than conclusive. Coroners may often have acted as feoffees to use, and feoffees to use usually included at least one lawyer. Commissions as oyer and terminer justice or justice of the peace imply some experience of the law. Testators, then as now, may well have named as one of their executors someone with legal knowledge. The frequent witnessing of land transactions by one individual may imply that his presence there was attributable to more than his gentry status alone.

Dr Brand believes that men of the sort studied here acted, or were asked to act, in all these capacities because of their gentry status and common experience (displays of class solidarity, perhaps), and that judicial commissions usually included one or more members of the local gentry as a conciliatory gesture from central government, while nomination as a justice of the peace was accepted as a function associated with gentry status[147]. The suggestion put forward here is that one of the common aims pursued by the gentry was the advancement of their families, and that one of the ways in which they believed they could achieve this was by providing their sons with an education which not only brought them useful contacts but also enhanced their employment

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[145]Verbal discussions with Dr Brand, who has been consistently willing to debate the matter.

[146]Evans, 'Number and Origins'.

[147]Verbal discussions.

prospects and with them the possibility of attracting patronage, and the opportunity for further advancement. Thus, when found acting in the capacities described above, they are doing so at least partially because men of their status were known to have had such an education, and not simply because of their status alone. It would be rash to suggest that every man who acted as coroner had received a training which included the acquisition of knowledge of the law at some level. It is, however, very likely that a substantial proportion of them did.

Conclusion

It is easier to draw firm conclusions about borough coroners than about county coroners because their backgrounds and activities were so similar. They were prosperous merchants or traders, generally active in urban administration. Apart from their trading interests, the other posts and commissions they held were usually restricted to the towns in which they lived, although a few occasionally held posts of some kind outside them. They were rarely accused of extortion.

The backgrounds of county coroners were much more diverse, ranging from knightly or near-knightly status down to men whose known holdings were small. A note of caution should be sounded against accepting amoval writs issued on insufficiency grounds at face value, however. The financial qualification was, as has been noted, never clearly defined. Often the crown tried to amove relatively prosperous men. Sometimes this can be explained by the fact that a man had holdings in more than one county, but that only his property in the county where he held office was considered for qualification. Huse and Coumbe fell into this category, while Haycroft's amoval writ alleged residence elsewhere[148]. Amovals for insufficiency may have been used as a pretext to remove coroners whose qualifications had previously been accepted. Welewyk, for example, was a merchant, and quite prosperous despite the

[148]*CCR 1333-1337*, p 627; 1354-1360, p 260; *1374-1377*, p 302.

insignificance of his known holdings[149]. The amoval writ issued almost instantaneously after his fine of 100s. for extortion claimed insufficiency, although he had been allowed to operate as coroner undisturbed for seven years[150]. Insufficiency may thus have been a catch-all dismissal pretext, and amovals on that ground may sometimes have genuinely been in error.

If a man was considered acceptable by the sheriff and the electors at county court, there is evidence that these writs were ignored. Biere is known to have been active almost a year after an insufficiency writ was issued, and Kaynes for two years afterwards. Canterton was amoved in 1337, but continued to hold inquests until 1346[151]. Amoval on the grounds of insufficiency without other evidence to support it should never be accepted as evidence of poverty.

Both at borough and county level there are noticeable differences between the two counties. In Wiltshire the most prosperous coroners of each type were much more affluent than those in Hampshire, received more royal commissions, had more contacts with the nobility, and more frequently acted as members of parliament, justices of the peace, and members of oyer and terminer commissions. This reflected the relative wealth of both counties. Hampshire's prosperity was adversely affected by large areas of unproductive royal forest, the dominance of ecclesiastical landlords, and the uncertainties and destruction resulting from piracy and enemy raids because of the war. Wiltshire's economy was more buoyant, its land market provided opportunities for aggressive property strategies by gentry families, and its towns benefitted from the industrial production of the countryside.

Many county coroners gave apparently tireless service to the crown in one capacity or another. Repeated nominations, whether on judicial

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[149]*Debt Extents*, pp 29-30; *Cal Inq* vol XI, nos 128, 153; *WCM* vol 2, no 11604b.

[150]JUST 2/153; *CCR 1369-1374*, p 236.

[151]*CCR 1339-1341*, p 5; *1337-1339*, p 172; *1343-1346*, p 526; JUST 3/121, rot 10 dorse; 130, rots 53, 77, 78, 81 dorse, 98; C 260/51, no 9.

commissions, or more frequently, as tax collectors or overseers of repairs to royal property, must be presumed to be evidence that those who received them had demonstrated to the crown's satisfaction acceptable levels of reliability, efficiency and financial integrity. Bonham, Daunteseye and Lillebon must all be seen in this light.

Such repeated commissions may also indicate access to influential patronage from sources close to royal government. Although it has not been possible to prove retaining as a factor in the election of coroners, or in the issue of other commissions, the tradition was so widespread and longstanding that it cannot be left out of account. Certainly a few of the coroners appear frequently enough in association with, or holding administrative posts in the employment of, more influential families like the Montacutes and the Lovells, to support this contention.

Almost all the county coroners can be shown to have had regular contacts with the others, whether through official orders jointly carried out, or joint presence as witnesses, or even occasionally through marriage. Such formally recorded contacts probably represent much more frequent associations and informal ties of friendship which either already existed, or were brought about by the reliance of both the crown and the higher nobility on local gentry families to serve them in a variety of ways.

It is suggested that the usefulness of these men to those above them in the social hierarchy was enhanced by some training in business and the law, probably commencing with a period at Oxford (the nearest university) followed by one or more years at the law courts in Westminster. They did not formally graduate, but acquired sufficient knowledge of the law and of estate administration to improve their prospects not only of holding crown offices like the coronership, but also of employment or retention by families of local influence, or ecclesiastical corporations.

Some of the borough coroners, whose position in the urban oligarchies brings them within the classifications of those classes known to have sent their sons to Oxford during the fourteenth century, probably also received the same kind of training. Certainly, the fact that a few of the Salisbury men also acted

as verderers, were commissioned to undertake repairs to royal property, and acted as tax collectors on a county basis is suggestive. Knowledge of business administration and the law must have been just as attractive to merchants involved in complicated financial transactions as to county coroners who had estates to administer.

The levels of corruption in which county coroners engaged are impossible to quantify. One cannot exclude the possibility that retaining may have influenced verdicts brought in at inquest, particularly if a homicide occurred in which one of the participants was well-connected. However, most surviving rural inquests were held in small communities and involved individuals whose status and income were low, so it was probably not a major factor.

There is no doubt that many county coroners practised extortion. But this seems, from the surviving records, to have been limited to the demand of fees to hold inquests, and not to have extended to the acceptance of money in return for deliberate falsification of the record. In one such case it was the widow of the homicide victim who was so charged, and in another case the verdict was suicide. It is nowhere recorded that fees were accepted to exculpate a homicide suspect or to falsify a suicide verdict. Coroners were probably often presented with information which was not factually accurate, and just as probably had their own suspicions about the information they were given on occasion. But it seems that by and large they did not deliberately falsify inquest narratives and verdicts in return for payment. The overall conclusion must be that most inquests do record fairly truthfully the information given to the coroner at the inquest, even if the substance of that information did not represent what had actually taken place.

CHAPTER FIVE; THE EFFECTIVENESS OF THE CORONER[1]

If one is to approach medieval legal records with the idea of using them to assess criminological or sociological patterns, one must first try to establish how representative those records are of the actual numbers of deaths or levels of violence, for example[2]. Coroners fulfilled certain basic but crucial functions within the judicial machinery at a time when contemporary complaints about the failure of that machinery were rife. Obviously a coroner could do little to remedy matters if deaths which should have been the subjects of inquiry were being successfully concealed from him. But how efficiently were county coroners dealing with those which were, or became, a matter of official knowledge, and were they physically able to penetrate to all parts of the counties in which they lived? Were there, for example, other officials dealing with homicides? And were homicide suspects being tried in courts whose records no longer remain? Amoval writs recorded on the Close rolls reveal that there were many coroners whose records have simply vanished. Investigations of penetration and efficiency, to establish whether the remaining records are at all representative of the full range of their activities, must therefore incorporate the investigation of as many other legal records as possible in which traces of their activities might appear. Although each of these types of records has its drawbacks, which will be discussed where appropriate, their examination has made it possible to reach some conclusions about how effectively coroners fulfilled their intended role, and whether they were in fact as important in homicide prosecutions as has, until now, been believed.

The most frequent allusions to activity by coroners are found in the records of gaol delivery sessions (JUST 3). All extant gaol delivery rolls and files of sessions held in Hampshire or Wiltshire for the period 1327-1399 have

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[1]Thanks are due to Dr Post for his expert advice on this chapter, and his many helpful suggestions and counter-arguments to my own ideas.

[2]Given the impossibility of determining population levels in medieval England, such attempts may be inadvisable anyway.

been examined. The value of this exercise was immediately apparent. The names of several men previously unknown as coroners and not referred to in any other source were revealed. Ingelram atte Broke (Salisbury), Roger Godefray (Warminster), Robert de Burtone (Wiltshire) and Henry le Muleward (Southampton) are a few of those found acting as coroners in this source whose existence was previously unknown[3]. Similarly, the approximate dates of activity of coroners known by name but whose only appearance in any other source was a writ ordering their amoval became clear. One such is Canterton. Amoval writs issued in his name in both 1337 and on his death in 1348: gaol delivery records show that the first writ was not acted on, since he continued to hold inquests up until 1346[4]. These records also reveal other local duties undertaken by men who at other times acted as coroners. The same man in 1348 was acting as deputy keeper of the New Forest, while Mere is named as steward for Farley Priory in 1367, for instance[5]. Appeals heard by coroners, which usually do not survive and were not kept with a coroner's inquest files, are also documented here.

The merit of gaol delivery records lies largely in the regularity with which sessions were held, and the good survival of their records. However, there are some difficulties. The condition of a few membranes is so bad that a few cases cannot be recovered. Some have disappeared altogether. No records of gaol delivery sessions for either county exists for the years 1349-1359 or 1375-1380, none for Wiltshire 1381-1389 or for Hampshire 1329-1334 and 1383-1386, and there are occasional missing years for both counties. The reasons for these gaps are not known: the chaos following the pestilences in the middle of the century did not prevent sessions from being held in other counties, and it seems likely therefore that the period 1349-1359 saw sessions being held as usual, but that the records have simply disappeared.

It should be stated at the outset that the numbers of homicide

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[3]JUST 3/130, rots 33, 11 dorse, 99; 147, rots 2, 18.

[4]JUST 3/121, rot 10 dorse: 130, rots 77-79.

[5]JUST 3/130, rot 37: 156, rot 8.

indictments attributed to coroners in these records can only represent a small proportion of the inquests they held. Only those concerning suspects apprehended and brought for trial are recorded. The majority of homicide suspects were never arrested or tried, and naturally the scope of gaol delivery justices did not include enquiries into deaths by accident or suicide, so that records of such deaths never appear in these records.

Another class of record surveyed comprised the records compiled by King's Bench (KB 27). Four of these rolls were compiled each year, and in view of the sheer numbers involved scrutiny was restricted to all the rolls dating from the years of Edward III's reign, which covers all but twenty-two of the years in question, and of those rolls compiled for the terms in which King's Bench justices visited the counties in question[6], over two hundred in all. Homicide cases were from time to time removed into King's Bench, particularly where the case had originated in an appeal, or where the suspect either wished to plead self-defence or had procured a pardon. Pardons were often granted if the suspect had given military service abroad[7]. Sometimes those outlawed for failure to appear to answer charges of homicide also presented themselves to King's Bench to get their outlawry annulled on the grounds that they had either been abroad or detained elsewhere[8].

Usually in these cases the sheriff and coroners were instructed to forward to King's Bench their records concerning these individuals. Naturally coroners' inquests were amongst these records. Frequently the writs were not responded to, or the officials returned that they could not find any records concerning the case, but when they did provide them the coroner's inquest was usually copied by the clerks onto the King's Bench roll[9]. Submission of the original documentation, or a word-by-word copy of it, was considered most

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[6]KB2 7/492; 527; 529, fines and forfeitures sections.

[7]For example, KB27/303, rex, rot 17, 17 dorse.

[8]Ibid. and KB 27/310, rex, rot 24, for example.

[9]For example, KB 27/291, rex, rot 1.

important. Stephen Welewyk was fined 6s.8d. in 1369 because he only sent a summary of the indictment[10]. A few inquests not recorded elsewhere have thus been retrieved, although not a large number: for the whole of the fifty years surveyed, only five inquests and three copies of homicide indictments heard by the sheriffs with coroners have been recovered. Although more informative than gaol delivery homicide indictments, which usually only state the name of the coroner who held the inquest, the names of victim and suspect, the date of the killing or the indictment and occasionally the implement used, like gaol delivery records they only represent homicide inquests or appeals: misadventures and suicides do not appear.

The fines and forfeitures sections of these rolls include estreats made from rolls presented to King's Bench on its visits to the localities. Some coroners' rolls which were handed in during these visitations have since disappeared, but the estreats provide a rough guide to the activities of these coroners. Estreats are frustratingly brief, since their only purpose is to record money owing to the crown and who owed it. A typical example is worded as follows:

> Aldbourne, goods and chattels of Richard Walsche, indicted for felony and fled - 20 marks[11].

Only cautious estimates of the numbers of inquests held and their locations can be attempted using estreats. This is because an inquest might give rise to no estreat at all - in the case of an accidental death, or where a suspected killer had no property and left behind no weapon - or to more than one, since some inquests produced two estreats, one for chattels and one for a deodand. As the dates of inquests were not included in estreats, the connection may not always be obvious, but the following example is a likely one:

> Bishops Milford, value of 1 staff with which John le Tannere of Milford was feloniously killed - 1 mark
>
> The same, goods of John Bere of Milford, indicted for felony and fled

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[10]KB 27/427, fines and forfeitures, rot 1.

[11]KB 27/492, fines and forfeitures, rot 2: estreat from Richard Urdele's roll.

- 29s.10d.

Taken together, the two estreats suggest that they arose from one inquest in which Bere was indicted for the death of Tannere. Although escheats are therefore a better guide to the overall numbers and locations of coroners' inquests than gaol delivery records, they must be treated with caution.

The class of documents generally classified as Chancery Miscellanea contains returns by local officials of documentation in response to requests from King's Bench. Some can be connected with cases where process was finally terminated. C 260/76, no 4 for example, concerns the killing of Lucia daughter of John de Bekhulle on the Isle of Wight, and is recorded at KB 27/379, rex, rot 22. They include records of outlawry procedures, coroners' inquests, approvers' appeals, and copies of proceedings before gaol delivery and oyer and terminer justices. Here too the names of some previously unknown coroners have been discovered - John de Sengedone for example, who held a homicide inquest on the Isle of Wight in 1354[12]. All the documents in this class relating to Hampshire and Wiltshire have been scrutinised.

A similar class is that of Ancient Indictments (KB 9). All those indexed as containing material relevant to the two counties for the reign of Edward III have been examined, as have those relating to the local visitations of King's Bench. They have revealed no previously unknown coronal activity, but have provided greater information on the levels and frequency of extortion by coroners than that provided in the fines sections of the relevant King's Bench rolls. It is possible that some further material might be provided by examining the Recorda files (KB 145), although how much is doubtful. There is one of these for each King's Bench roll, containing (like Chancery Miscellanea) returns by local officials who had been asked to submit original documentation. They are not indexed and unfortunately the condition of many of them is very poor, in some cases so bad as to prevent their use. Even the better preserved amongst them are so crumpled and twisted that it was not possible to justify the time which would have had to be spent examining them

[12]C 260/76, no 54.

in a research project of this length. Crown side or Brevia Regis files may also contain relevant information (KB 37), but there was insufficient time to examine them.

Overall, however, it is estimated that collation of all the material derived from these discrete sources provides a reasonably comprehensive picture of activity by coroners during the period studied. It has revealed some curious anomalies, which fall into two types: homicide indictments which appear to have originated without any activity by a coroner, and areas in both counties where coroners appear to have acted either infrequently or not at all.

INDICTMENTS

Homicide indictments were mainly the business of the coroner, and were made at the inquest on the victim. This was the case even if the body was so decayed as to be unidentifiable[13]. The township then had to present the homicide at the next county court session, which the county coroners also had to attend. If there was no body - presumably if several years had elapsed, or if the body had not been found but homicide was suspected - the township had to present the matter at tourn or (later) before justices of the peace. Hunnisett concluded that even where a coroner had not held an inquest, sheriffs and bailiffs of hundreds could not arrest without a warrant from the coroner[14].

However, there is some uncertainty about this. Surely the sheriff, who was after all the chief legal officer of the county, must have had some authority to arrest a fleeing homicide suspect? And tithings were fined if they failed to raise the hue and cry adequately for any offence, which indicates that they were expected to catch and arrest such an individual regardless of whether a coroner had indicted him or her. Perhaps the truth of the matter was that if a suspect had been indicted at a coroner's inquest, legal process against that individual could not be followed without a warrant from that same coroner.

Gaol delivery records in fact demonstrate that homicide indictments

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[13]Hunnisett, *The Medieval Coroner,* p 9.

[14]Ibid., p 22.

were originating from individuals whose authority to do so is not certain. One must not assume a known standard of procedures against which contemporaries were working, or even whether a standard set of rules existed. Research into the medieval legal system has not been able to establish a comprehensive set of guidelines on legal procedure in the late middle ages. If a coroner did not hold an inquest into a homicide, the taking of the indictment by some other official may not necessarily have been irregular or unlawful, although sometimes there were objections to the legality of such procedures. What they do demonstrate is that one cannot assume that the homicide inquests contained in a coroner's roll represent all the homicides occurring within his franchise during his period of office. In the light of the uncertainties surrounding such indictments, it has been decided to discuss individually each of these extra-coronal indictments in order to try to determine the circumstances behind them and whether those who took them were in fact authorised to do so, beginning with the cases from Hampshire, which are fewer in number.

1. JUST 3/130, rot 11. In April 1338 Geoffrey Mountagu, bailiff of Thorngate hundred, indicted John son of Alicia la Tappestre at view of frankpledge for two crimes. He was accused of killing Walter Rabayn earlier that month, and of the theft of a mare three months previously. He was found guilty and hanged.

Thorngate was a royal hundred[15]. There was thus no possible reason why a coroner should not have held an inquest on Rabayn, although as the homicide occurred only days before the tourn the township may have found it more convenient to present the case directly at tourn rather than wait for a coroner to arrive. Thorngate was accessible to coroners known to have been active at the time. Both Biere and Canterton could comfortably have made the journey, given the distances some coroners are known to have travelled (notably Thomas Canteshangre). Neither appears to have held an inquest: had either done so, the indictment should have been produced at the session when

[15] *VCH Hampshire*, vol 4, p 490.

John was brought before the court, as it was for other homicide suspects, and attributed to the correct individual. Coroners were always required to attend gaol delivery sessions with their inquest records (although they sometimes failed to do so, and were fined, but there is only one recorded instance of this in the records examined here[16]). Both these coroners were certainly present at these sessions with other homicide indictments. Hundred bailiffs could be punished for assuming the duties of coroners since 1225, and although they had certain duties connected with the holding of the inquest they could certainly not arrest without a coroner's warrant[17].

Perhaps if a homicide indictment was duplicated - at a coroner's inquest and by presentation at tourn - it was the presentment which was proceeded with rather than the coroner's indictment. In such a case either the coroner himself or the justices' clerk might discard the inquest record before engrossment either of the coroner's roll or of the enrolment of the gaol delivery files. Or perhaps coroners and courtholders, either sheriffs at tourn, or franchisal stewards, had pragmatic working arrangements to avoid such duplication as long as justice was proceeded with. The Assize of Clarendon in 1164 had empowered sheriffs with powers of inquiry and arrest in homicides; it is surely unlikely that they ceased to be concerned in such matters once the office of coroner was instituted thirty years later. And if local accusation, whether by the hue and cry, or the simple emergence of suspicion, was strongly made, would any local law official have resisted the demand for action simply because he did not have a warrant from the coroner? It seems improbable.

The justices did not query the legality of the indictment. But since the theft of anything valued at more than 12d. counted as grand larceny and carried the death penalty, and hundred bailiffs were able to take indictments for felonies other than homicide, it is possible on the other hand that trial was proceeded with on the count of theft rather than homicide. Gaol delivery

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[16]Hunnisett, *The Medieval Coroner,* p 98.

[17]Ibid., pp 3, 10, 13, 22.

records are terse. In cases where a suspect was accused of more than one felony and death sentence was carried out, there is no indication for which offence the punishment was inflicted. But most of those accused of homicide were acquitted at trial, while a much higher proportion of those indicted for property offences were found guilty. If the theft was tried first and proved, there was no need to proceed further with the homicide charge, and no occasion for the justices to question the indictment, since that for theft had been made according to legal procedure.

2.JUST 3/130, rots 106, 37. Chutely hundred is given as the location for two shrieval homicide indictments. In 1339, Robert Daundely at tourn indicted Richard Botare for the robbery and killing of two men three months earlier: the second arose at a gaol delivery session in 1348, when Henry Sturmy was said to have indicted John Pachet for the robbery and killing of Adam Whyte in 1347. In the latter instance the date and occasion of the indictment are not given. In both these cases the accused were also found guilty and hanged.

Like Thorngate, Chutely was a royal hundred[18]. In fact, both these indictments probably originated at tourn: when indictments were made at county court where coroners were in attendance, the names of the attending coroners are usually given after that of the sheriff. Why did no coroner apparently hold an inquest on either case? Lack of opportunity between crime and tourn are in the first case not plausible reasons. Biere could have attended this incident - he had held an inquest only nine days earlier in nearby Micheldever hundred, and was therefore well within reach[19]. As regards the second incident, Burgh was active at around this time and held inquests not far away: he is found in Alton, Chawton and Liss Sturmy, for example[20]. Although Thomas de Westcote's first recorded activity is not until 1359, he is known to have served in the late 1340's and the locations of his later inquests

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[18]*VCH Hampshire*, vol 4, p 223.

[19]JUST 3/130, rot 11.

[20]JUST 3/130, rots 57, 77, 95.

are quite close[21]. As coroners did not attend tourns, sheriffs may have been placed in some difficulty if townships unexpectedly presented them with homicide suspects on these occasions. As with the first case, however, there may have been working arrangements to avoid duplication, or the cases may have been proceeded with on the robbery charges. It should be noted, however, that cases like these are very similar to the cases from private hundreds, discussed below, where it is possible that infangthief was presented[22]. It is also possible that in this instance, and in other similar cases, the indictment was heard on the robbery charge alone, and that the victim did not die until afterwards.

3. JUST 3/130, rot 97. Another shrieval homicide indictment originated in Pastrow hundred, where at tourn in 1342 John Luke and Richard Coppemour were indicted for killing Elias Goscelyn and robbing his house almost a year earlier. In February 1343 both were acquitted.

The parallels between this case and the first two are immediately obvious: once again, the indictment embraces two felonies, only one of which may have required coronal involvement. Once again, however, it appears that no coroner held an inquest on the victim at the time. Pastrow too was royal[23]. However, there is little evidence of coroners acting in the north of the county around this time (Pastrow is in the extreme north-west of Hampshire), what activity there was being mainly concentrated in the south.

4. JUST 3/130, rot 97. The location of another shrieval indictment in 1342 cannot be definitely established, but it may have been in Micheldever hundred. Thomas Artur was accused of two homicides carried out only two days before the tourn at which he was indicted, which probably explains why no coroner apparently attended the victims. He was found guilty and hanged. Unless the

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[21]Alton and Brockhampton, for example (JUST 3/147, rots 1 dorse, 12).

[22]Dr Post drew my attention to this similarity.

[23]*VCH Hampshire*, vol 4, p 309.

townships continued in custody of Artur until the sheriff had obtained an arrest warrant, or the sheriff arrested Artur and then legitimised his action by obtaining a warrant afterwards, it is difficult to see how this indictment could have been legal, if Hunnisett is correct in his conclusion that such a warrant was necessary. Again, the justices raised no objection to the indictment. Perhaps the commission of two homicides together prompted the authorities to feel that in view of the seriousness of the offence quibbles need not be raised as to the form in which it had been made.

5.JUST 3/150, rot 3. In the same year John de Estbury, steward for Princess Isabella on the Isle of Wight, indicted John le Proute for killing John, son of Richard atte Park. The indictment was taken at tourn: Proute was acquitted.

On the face of it, there does not seem anything wrong with this indictment. According to the Victoria County History for Hampshire, the steward of the island acted as the constable of Carisbrooke castle, in which capacity he assumed the duties of coroner for the island[24]. However, the real situation is more confused, since during the fourteenth century the island sometimes had its own coroners who did not simultaneously act as stewards or constables of Carisbrooke. Kyngston acted as coroner for the island before 1342, but did not serve as steward until 1351-circa 1355[25]. William Passelewe, also named as coroner there before 1343, is nowhere recorded as acting in any other capacity, either simultaneously or at any other time[26]. Nicholas Spencer, John de Sengedone and John de Veer had no connection with the stewardship either. The Isle of Wight was, in some respects at least, regarded as royal forest[27], and it is tempting to date the institution of coroners on the island to

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[24]Vol 5, pp 222-223.

[25]*CCR 1341-3*, p 430: JUST 3/130, rot 95 dorse: *CFR 1347-60*, p 303: *CCR 1354-60*, p 165.

[26]*CCR 1341-43*, p 625.

[27]*The English Government at Work*, eds J F Willard and William A Morris, 3 vols, (Cambridge, Mass., 1940), p 425. Revenues from the Isle of Wight are

1334, when Edward III instructed all forest keepers that henceforward they were to ensure that coroners performed their duties within forest bounds. However, no trace of coroners active on the island has been found between 1340 and 1377, and only these five men can be traced to the island with any certainty. If these are all who held office there, it can only mean that the election of coroners was spasmodic at best, and this may be due to the smallness of the population there and a possible lack of men of sufficient status who were willing or able to be coroners. If there was no serving coroner on the island when needed, it was natural for the constable of Carisbrooke to reassume coronal duties, and under these circumstances gaol delivery justices would probably not question the indictments. The only really surprising factor is that there are not more of them. The frequency with which infection from minor wounds caused death has been noted earlier, and surely there must have been more than one such case during a period of over thirty-five years, even allowing for the disappearance of some gaol delivery rolls for the period. Yet this man is the only Isle of Wight resident ever found in the remaining records to have been produced for trial. Was escape for a fugitive made easier or more difficult by residence on an Island? The crossing between Portsmouth and Ryde, for example, is short and easy to make if the weather is good. Once off the island, fleeing suspects were probably fairly safe. On the other hand, bad weather even now frequently results in the suspension of ferry services to the mainland. Or perhaps there were at times courts dispensing justice on the island of which the records no longer remain[28].

6. JUST 3/156, rot 2 dorse. The next extra-coronal indictment falls in the late 1360's, when John de Westone, bailiff of Bermondspitt hundred, indicted John Afrade at tourn for homicide with associated arson at Dummer six months previously. Afrade was found guilty and hanged.

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included among Queen Philippa's revenues deriving from royal forests.

[28]This will be discussed more fully below, with special reference to the New Forest. See pp 189-190.

Although Dummer itself was part of the honour of Wallingford, Bermondspitt was a royal hundred[29], and Welewyk could certainly have attended an inquest here. He was active between 1363 and 1370, and the hundred was well within his normal area of operations. The same is true of John Waryn, who held at least two inquests in the adjacent hundred of Andover[30]. Leaving aside the question of why no coroner made the indictment, the nature of the crime, which implied stealth, premeditation and concealment - Afrade is said to have killed William Monek and his wife in their house at night and then set fire to the house (doubtless to conceal his crime) - and its association with arson has obvious parallels to the other cases discussed so far, with the exception of that on the Isle of Wight. In this case it does not seem so likely that the victims survived until after the indictment for house-breaking and arson had gone ahead.

7. JUST 3/186, rot 1. The last anomalous indictment in Hampshire occurred in 1399, when Matilda West was indicted at tourn by the steward and bailiffs of Basingstoke for killing her husband the previous week. In this case the justices ruled that the indictment was insufficient and acquitted her.

Basingstoke was a royal hundred, farmed by the residents directly from the king[31]. It is difficult to be sure which coroners were active at this time apart from Raymond Ivot, who was active in Over Wallop in 1396, and was not amoved until 1399[32]. John Tauke may have been in prison and unable to act, although his amoval did not take place until 1400[33]. Richard Esteny and Robert Heryerde may also have been active at about the right time. In any case, none appears to have held an inquest.

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[29]*VCH Hampshire*, vol 3, pp 356-7.

[30]JUST 2/154, rot 3, nos 4, 7.

[31]*VCH Hampshire*, vol 4, pp 113, 130.

[32]JUST 3/179, rot 11 dorse: *CCR 1396-99*, p 506.

[33]*CCR 1399-1402*, p 451.

The grounds on which the justices objected were not recorded. Was it because no coroner had been involved, and did the residents' farm not include the powers which may elsewhere have been exercised by the sheriff, of hearing homicide indictments at tourn if an inquest had not taken place? This may confirm the contention that in some of the other indictments so far considered, and when a homicide was associated with another felony, royal and private officials used their undoubted power to indict for the other felony or felonies to bring the suspect to trial, and that trial was proceeded with in the first instance not on the homicide charge.

There are rather more Wiltshire cases where no coroner appears to have been involved in homicide indictments.

1. JUST 3/130, rots 13, 93 dorse. The first two cases originated in Amesbury hundred in 1335. Henry atte Welde, steward of the Earl of Warenne, who was the holder of the hundred, indicted Hugh le Sopere and Sarah de Hulpryntone for the homicide and robbery of a merchant, and John Benter both for homicide and robbery, and for a separate theft. Both indictments were heard at tourn. The first two were acquitted: Benter was found guilty but pleaded clergy and was released into the custody of his ordinary.

Over a century earlier, the Wiltshire hundreds in private hands were said to have had no greater powers than the sheriff at tourn[34]. Although the lordship of Amesbury hundred carried return of writs, the holder did not make a habit of excluding coroners. (It is difficult to see how he could have done so legally, since the coroner was an officer of the king and not of the sheriff, whose officials he could exclude if he chose.) Rolveston acted there in 1339, and John Everard held many inquests there in later years[35]. William Gerard and de la Huse were available to hold inquests at the time of the indictments,

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[34]This was made clear at Quo Warranto hearings (*Placita de Quo Warranto temporibus Edw. I, II, III*, (HMSO, 1818), pp 795-816.

[35]KB 27/328, rex, rot 7; JUST 2/195, for example rot 16 dorse no 3, 15 dorse no 1, 14 dorse no 1, 13 no 3.

and could have attended. As noted before, though, both indictments cited felonies other than homicides: the pattern established in royal hundreds is here repeated, this time by the official of a private franchisee who at frankpledge was empowered to indict for such felonies.

2. JUST 3/130, rot 93. In the same year, in Staple hundred, Robert Russel 'now steward' for Queen Philippa, indicted Nicholas de Whelford for the killing of Thomas Boynville in March 1335. The case did not come before the justices for some eight years, and when it did Boynville was acquitted. It is more than likely that in fact Russel had made the indictment during his service as coroner, which covered the year in question. At the same session another indictment cites him as 'lately coroner'. Since by the time of the hearing Russel was acting as steward of the hundred in which the crime had occurred, the justices' clerk failed to differentiate between the two offices clearly, perhaps unsure himself in which capacity Russel had been acting at the time of the indictment.

3. JUST 3/130, ROTS 17, 18. Three extra-coronal indictments are recorded during 1338. Two originated at tourn in hundreds held by the bishop of Salisbury. In Rowborough hundred, his steward Gilbert de Berewyke indicted Juliana widow of Thomas le Crockere for killing another woman in November, while the following month Robert Selyman, steward of Ramsbury, indicted Nicholas Rossel for robbery and associated homicide. Juliana was found guilty and hanged: Nicholas refused to plead and was sent to prison for pressing, after which nothing more is heard of him[36].

The bishop certainly did not exclude coroners from holding inquests on his land. Rowborough is the scene of frequent coronal activity throughout the period studied, and although Ramsbury is not recorded as being visited so

[36]Nicholas' disappearance from the records is not surprising. The prescribed procedure in such cases was pressing with heavy weights while being deprived of nourishment and water on alternate days. This was intended to coerce suspects into entering a plea. Those subjected to it often died.

often, both Russel and Walter de Hungerford are known to have acted there[37]. It is difficult to know why no coroner attended and even more puzzling that the bishop's own officials took the indictments: the bishop had to allow royal officials to enter his lands if attachments concerned crown pleas[38]. Since the sheriff did not come to make the arrests, it can only mean that he had no coroner's warrant, which in turn indicates that no inquest was held in either case (or that if one was, the locals denied any knowledge of who had committed the crimes. But if this is what happened, why did they then produce them at tourn?) In Nicholas' case, it is possible that there was no body, which would account for the indictment being made at tourn: his victim's name was unknown, and perhaps the only evidence against him was a sudden and suspicious acquisition of property he could not explain. Juliana's case is more perplexing. No other felony was mentioned in connection with her crime, yet the trial was proceeded with on an indictment which appears to have fallen outside the known jurisdiction of franchisal officials.

4. JUST 3/130, rot 92. The third indictment for a crime committed in 1338 originated in Swanborough hundred, but not until 1343, when the sheriff at tourn indicted Robert Kykeman for homicide. Again, there is no trace of any inquest being held on the victim, despite the fact that as a royal hundred there was no likelihood of their being excluded[39]. However, by the time the indictment was made, there was probably no longer a body, and since under these circumstances a sheriff could take homicide presentments at tourn, there was no question of the legality of the indictment.

5. JUST 3/130, rot 17. The sheriff had made another indictment in 1340. At county court Robert le Blake was accused of killing William de Hyeweye in Kingsbridge hundred on the 30th April. In July he was acquitted. No coroner

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[37]JUST 3/120, rot 6 dorse; 130, rot 53.

[38]*VCH Wiltshire*, vols 5, p 57; 7, pp 175-177; 12, p 1.

[39]*VCH Wiltshire*, vol 10, p 5.

seems to have held an inquest on Hyeweye. Although there are not many recorded occasions of coroners acting within this royal hundred, there are enough to demonstrate that it was visited on occasion. Roger de Kaynes was there in 1343 and Walter de Hungerford in 1342[40]. While Hungerford may already have been ill in 1340 - illness was given as the reason for his first amoval in 1341[41] - Testewode was active until December 1340, and his recorded inquest locations show Kingsbridge to have been within his geographical range. The chronological proximity of the alleged offence and the gaol delivery session, together with the naming of the victim, make it unlikely that there was no body. A stronger possibility is that the crime occurred within a few days of the county court session, and that it was decided to present the offence then, when the coroners should in any case have been present. Whether they were is not known: certainly the clerk compiling the roll did not, as was usual, give the names of the coroners who had been present when an indictment was made in this fashion. If coroners had not in fact attended, it is difficult to know whether the indictment conformed with what is known of contemporary legal procedure.

6. KB 27/319, rex, rot 10 dorse; 321, rex, rot 19; 322, rex, rot 8 dorse; 323, rex, rot 2 dorse. In fact, two cases where sheriff and one or more coroners had taken homicide indictments together had arisen in the previous two years. In the first of these Mauduyt (the sheriff) and Gerard had in 1338 indicted William Smyth for killing John Jelous a few days earlier: in the other, Rolvestone and Testewode were associated with Mauduyt in a case in which William Lyteman was said to have been killed in a night raid to steal crops from the fields of the parson of Edington church. Both are specifically said to have been at inquest or inquisition, one at Tinhead and the other at Compton Chamberlayne.

Similarities in the two cases demonstrate that in certain circumstances

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[40]JUST 3/130, rots 55 dorse, 90.

[41]*CCR 1341-1343*, p.28.

sheriffs acted jointly with coroners to investigate a death. In the second of these cases, joint action probably arose out of the purchase of a writ by one of the aggrieved parties. Certainly it resulted in an oyer and terminer commission, before whose justices local jurors named over forty individuals led by John le Rous, knight, and including his servants and the local parson.

The first case, against Smyth, is rather confused. Two separate indictments were returned into King's Bench. The first was the one heard by Mauduyt and Gerard: the second was heard at county court before a jury which was composed of six of the original jurors and six others, and named another man, Walter Hobbes, as the victim. They said he had died at once, whereas Jelous was said to have survived for four days. Both indictments emphasized that the townships agreed with the jurors, and Smyth now found himself facing two homicide charges. The incident was said to have occurred while Smyth was making a distraint on behalf of the rector of Barford St.Martin, and the case in which Lyteman died also bears the hallmarks of some kind of dispute over property or produce.

Why Mauduyt should have accompanied Gerard at the inquest into Jelous is odd. Although the sheriff was sometimes ordered to investigate with the coroner when self-defence was being pleaded, this was not the case here[42]. Smyth never claimed to have been acting in self-defence and was said to have exchanged insults with his victims before shooting them in the stomach. The pardon he later produced was for good service abroad. Perhaps local feeling was running high and the sheriff's presence at the inquest was to prevent further trouble and as a reassurance that action was being taken to deal with the matter. It is just as possible, however, that he was representing the interests of some influential patron, and that his presence was intimidatory.

None of those indicted with Rous was ever brought to justice either. Repeated attempts to force them to appear before King's Bench met with little success. Eventually the sheriff claimed that several were dead and that he could not find some of the others. The rest were distrained for fairly small

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[42]Hunnisett, *The Medieval Coroner*, p 194.

sums. Whether the sheriff was telling the truth is another matter altogether, but the case does serve as a graphic illustration of the difficulties in enforcing law and order, particularly when members of the gentry were involved.

7. JUSTS 3/130, rot 53. Some eight years later, gaol delivery justices heard a homicide case for which the indictment had been made by Walter de Shreueton, steward of Westbury hundred for Reginald de Pavely. The suspect was acquitted. Pavely did not have return of writs[43], and indeed Whyteclyve held inquests in the hundred on several occasions during the 1340's, one of them only three months after this offence[44]. Unlike many other coroners, he was never commissioned for duties which might have made him unavailable to hold an inquest. Everard, Walter Hungerford and Roger de Kaynes could also have been summoned. The case cannot have resulted from presentment at tourn in the absence of a body: not only was the victim named, the killing occurred in a street in Bratton, where it cannot have remained undiscovered for long. No other felony was associated with the homicide: but there is no indication that the acquittal arose from any alleged insufficiency in the indictment, which appears to have been quite outside known legal procedure.

8. JUST 3/130, rot 89. An equally puzzling case was before the justices at a different session in the same year. Robert Selyman, the bishop of Salisbury's steward, had indicted Nicholas le Blake of Potterne for a homicide at Foxley Corner in Studfold hundred. Since Studfold was a royal hundred[45], the indictment must have originated in Blake's home township of Potterne, which belonged to the bishop, and was probably made at tourn. The body was elsewhere, so the tithing produced Nicholas as required. But yet again, why was no coroner apparently summoned to hold an inquest at Foxley Corner, where the killing had taken place? Although Salisbury plain, always sparsely

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[43]*VCH Wiltshire*, vol 5, p 57.

[44]JUST 2/154, rot 5 no 4.

[45]*VCH Wiltshire*, vol 5, p 51.

populated, forms much of this hundred, Foxley Corner was the traditional meeting place of the hundred[46] and is close to Urchfont and several other settlements clustered together. Whyteclyve often held inquests nearby, which Urchfont attended. While Selyman's indictment has a logical explanation, no explanation can be offered for the apparent failure of any coroner to hold an inquest in the first instance.

9. JUST 3/130, rot 52. Similar questions arise over an indictment made in the same year (1345) in Startley. John de Roches, the sheriff, indicted Adam Canoun for the death in July of John Bacun. Canoun was acquitted. Although the hundred was held by Malmesbury abbey, which claimed return of writs, the sheriff may have been allowed to execute them, and certainly held his tourn there, which is probably where the indictment was made[47]. Startley hundred was well within the range of William Whyteclyve, who held inquests in adjacent hundreds, and coroners were apparently not generally excluded. Several coroners acted there including John de Wroxhale and Kaynes, who held an inquest there in April of the same year[48]. There is therefore no explanation for the failure of a coroner to hold an inquest.

10. JUST 3/130, rot 78 dorse. Chedglow was another hundred belonging to Malmesbury abbey[49]. Here, in 1346, the abbot's steward and the two constables of Garsdon indicted John le Glovere, clerk, of Calne for a homicide in Garsdon. He was acquitted. As with Startley, coroners were not excluded from the hundred. Both John de Polton and Robert Blake were to hold inquests

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[46]*Place Names of Wiltshire*, eds. J E B Gover, Allen Mawer and F M Stenton, (English Place-Name Society, vol 16, 1992), p.311.

[47]*VCH Wiltshire*, vol 5, pp 3, 57.

[48]JUST 3/130, rot 53.

[49]*VCH Wiltshire*, vol 5, pp 3, 57.

there in later years[50], and Testewode, Whyteclyve, Polton, Aygnel and Gore all visited the neighbouring hundred of Malmesbury - also held by the abbey - during their periods of office. Although in the extreme north-west of the county, it was obviously not inaccessible. The mention of the constables is curious. No mention has been found of constables in any other record. Quite apart from the failure of a coroner to hold an inquest, this indictment too seems to fall outside any known or recognised procedure.

11. JUST 3/153, rot 2 dorse. Another indictment originating in a private hundred was made in 1364 by Thomas Dru, steward of Amesbury nunnery in Melksham hundred. Simon de Warewyk and Agnes widow of Henry Blake were accused of breaking into Henry's house at Seend by night and killing Agnes' husband, whose servant Henry had at one time been. At trial both were found guilty. Simon was hanged. Agnes, being guilty of petty treason, was burnt.

Although original coroners' rolls from this year do not survive, it is obvious from other records that coroners had access to this hundred. Blake held a homicide inquest in Seend itself the following year[51]. Nevertheless, there are analogies between this and some of the other cases previously discussed which may explain why both indictment and trial were proceeded with without recourse to a coroner. Simon and Agnes' alleged crimes included house-breaking, a separate offence for which local officials could indict. Although the jury at trial later disagreed, the original charge stated that at the time of the offence Simon was Henry's servant. Thus both were alleged to have committed petty treason. This type of homicide incurred especially severe forms of the death penalty. In addition, the killing had been premeditated and carried out under cover of darkness (implying an attempt at concealment). Under these circumstances, the inclusion of house-breaking in the homicide indictment may have been considered sufficient grounds for trial to be

[50]JUST 2/197, no 10: JUST 3/156, rot 5.

[51]JUST 3/156, rot 6 dorse.

proceeded with: or, again, the victim may not have died until after the house-breaking indictment had been heard. The justices certainly did not question it.

12. JUST 3/153, rot 2 dorse. In another trial at the same session, the justices also heard a case inwhich Thomas Hungerford (son of Walter, the coroner) as steward of the Earl of Salisbury in Alderbury hundred had heard the indictment. Two men and two women were accused of killing William Duraunt in his house at Winterbourne Gunner. The women were acquitted, but both men were convicted and hanged. No date is given for the crime or the indictment.

Although the lordship of the hundred carried return of writs, coroners are known to have held inquests here, especially John Everard, who had visited the hundred on at least nineteen occasions, several times coming to the immediate vicinity of Winterbourne[52]. No activity by any coroner, however, has been found there between 1354 and the 1380's, and it may be that during those years the holder of the hundred was more insistent on his privileges than others, even to the point of carrying them beyond those strictly allowable in law. Certainly the Earls of Salisbury were powerful men. Both the first and second Earls were valued and loyal supporters of Edward III, fighting for him both in Scotland and abroad and undertaking with discretion diplomatic missions overseas. The second Earl William (1328-1397) was one of the first knights of the Garter and served on the councils of both Edward III and Richard II. Edward III is said to have been in love with the first Countess of Salisbury. The family was amply rewarded by Edward III with lands, titles and offices, and remained loyal to the Plantagenet kings to the end[53]. If such a man instructed his officials to enforce his rights, even to the point of stepping outside the strict rule of the law, local royal officials and gaol delivery justices were hardly likely to contest the issue. What is more, they may have been in

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[52]JUST 2/195, for example rots 13 dorse, no 8; 3 dorse, no 1; 7 dorse, no 4; 8 dorse, no 2; 9, no 4.

[53]*Dictionary of National Biography*, entries for Montacute, William, first and second earls of Salisbury.

receipt of fees from him. Retaining and maintenance were the norm at all levels of society; it was common practice to retain local officials (sometimes including coroners)[54]. And since coroners and sheriffs had quite enough to keep them busy, they may on occasion have been grateful if private officials stepped in to take action.

13. JUST 3/156, rot 6 dorse. The following year Henry Sturmy, the sheriff, took an indictment for a homicide committed five years earlier. John le Honte was accused of killing Joan, daughter of John de Edyngton in October 1361. At the first hearing the justices said that the indictment was erroneous since the sheriff had no power to enquire into deaths, which to some extent undermines the suggestions made above that in some circumstances they may have done. Or perhaps their powers were tacitly accepted even if not strictly legal. Honte may have had an influential patron who intervened on his behalf. Nicholas Bonham, himself a man with contacts, was one of his mainpernors until justices of the peace had investigated the matter. By the next session they had not done so, and Honte was mainperned again, after which no more is heard of him. This does seem to underline the importance of the coroner in homicide indictments. Obviously none had held an inquest on Joan: had they done so, presumably the justices of the peace would have been able to trace it. Coroners were frequently active in the hundred - Testewode, Whyteclyve and Kyvele all acted there. The indictment cannot have been made at county court, where the presence of the coroners would have given it proper legal form. If it was made at tourn, in the absence of a body, Sturmy would have been within his rights to hear it. The lengthy interval between crime and indictment may also have given rise to doubts in the justices' minds about the evidence against Honte and be partially responsible for their seizing on the illegal indictment procedure as a reason not to proceed.

14. JUST 3/156, rot 8 dorse. More complaints were made at two indictments

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[54]See Saul, *Knights and Squires*, passim, but especially pp 150-156.

heard in April 1368 by Thomas Hungerford in Kinwardstone hundred. Although his post is not stated, he cannot here have been acting as sheriff - he had held that post in 1355 - but as steward for the privately-held hundred. John Hardene and Robert le Blake were accused of two homicides which had taken place some years previously: the killings were said to have occurred in 1351 and 1362 respectively.

Coroners normally had access to this hundred. Everard, Polton, Kyvele, Russel and Walter Hungerford had all held inquests here. Apparently none had held an inquest on either victim, although given the time interval in both cases, and certainly in Hardene's alleged offence, an original indictment made at inquest might have been lost, or the coroner who had taken it not realised that the relevant case was to be heard at last. In any case, the prisoners claimed that as they had been arrested without a warrant the indictment was erroneous. The justices agreed with them and adjourned the case sine die.

It was suggested above that a franchisal indictment might be proceeded with unquestioned if the franchisee whose steward had made it was influential enough. Although this case might seem to undermine that suggestion, it does not in fact do so. It was after all the accused themselves who pointed out the irregularity: once they had done so, the justices had little option but to concede the point. It is interesting to note that the name of one of the suspects is the same as one of the men who held coronal office. While Blake is not an uncommon name, if it was indeed the same man he would of course be well aware that a coroner's warrant was necessary for an arrest to be made on a homicide charge (if this was indeed the case), a fact which might not be known to suspects of lower status. Those accused of homicide were not allowed any legal representation in court unless to put points of law[55]. As a result, the system favoured those wealthy enough to afford legal advice and/or educated enough to be aware of legal niceties, or those with influential

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[55]J B Post, 'The Admissability of Defence Counsel in English Criminal Procedure', *Journal of Legal History* 5, no 3, pp 24-32, p 23.

patrons, and those of sufficient status not to be overawed by the speed of gaol delivery proceedings and the gravity of the charge they faced. And certainly the concurrence of the justices strengthens Hunnisett's claim that a coroner's warrant was necessary for the arrest of suspected homicides.

It might also be objected that some of the indictments previously discussed had in fact been authorised by a coroner's warrant, or that a coroner had held an inquest and failed to bring the indictment to the gaol delivery session, but that the fact was not recorded by the clerks to the justices. This is extremely unlikely. There is no indication on any of the rolls that a coroner had failed to produce a relevant indictment when required. And why should experienced clerks record the name of the coroner in some cases, and not in others? Clerks were normally scrupulous in recording the name of the coroner who took the indictment or those who were present in county court with the sheriff when a homicide presentment was made, and whether they were still serving or not. It was most important that they were. If an individual's case was removed into King's Bench for any reason gaol delivery records, including a copy of the original indictment, were sent for. Any technical discrepancies might result in a dismissal of the case on the grounds that correct records had not been kept.

15. JUST 3/72/8. The next indictment to be considered originated in Chippenham hundred. Although this was privately held[56], the sheriff held tourn there, and it was at his tourn in October 1379 that Edward Taillour was indicted for killing Thomas Shephurde some five years earlier. The outcome of this case is unknown. This document is a calendar of prisoners awaiting trial and the offences with which they were charged, but the enrolment of the sessions themselves has disappeared. Kyvele was active at the time of the killing and is known to have visited the hundred on several occasions, and Gore was active there in 1378 and 1379. Kyvele should therefore have been able to hold an inquest there even if no other coroner was available. And had

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[56]*VCH Wiltshire*, vol 5, p 57.

the arrest been authorised by a coroner's indictment, one might expect the calendar to include mention of it so that the official concerned could be called on to produce his record before the justices. On the other hand, the length of time between the alleged homicide and the date of the indictment may indicate that this was another case in which there was no body.

16. JUST 3/178, rot 16 dorse. The last indictment in which no coroner was said to have been involved was made in the early 1390's by Nicholas Stambourne, Malmesbury abbey's steward at Bremilham in Malmesbury hundred, at tourn. Although the sheriff usually held tourn on the abbey's lands[57], on this occasion at least the abbot's own official was in charge of the proceedings. Hugh Scovyle was accused of theft, and also of breaking into a house belonging to the abbey at night, killing the abbot's servant who was asleep there by clubbing him on the head, and robbing him. He was acquitted. The similarity between this case and some of the others presented are at once apparent. Scovyle was accused of other felonies in addition to homicide, and the death of the victim may have come after the indictment for robbery and housebreaking.

The objection might be raised that the reason why none of these indictments is referred to on any of the surviving coroners' rolls of the period is that since the cases had already been determined, there was no need to engross them on the coroner's rolls to be presented before King's Bench, which was only interested in dealing with outstanding cases.

However, there are strong grounds for arguing that the cumulative evidence of the above indictments supports the contention that in fact no coroner had attended unless specifically stated to have done so. Firstly, it is not true that engrossed coroners records did not include cases already determined. A file of documents associated with gaol delivery sessions from the mid-1360's contains two neat copies of homicide inquests held in

[57] *VCH Wiltshire*, vol 5, p 57.

Salisbury in October 1363 and February 1364. These inquests can also be found on the roll of John de Upton and Thomas Brutford, which was probably not engrossed until just before the Kings Bench visitation of some twenty years later, as can numerous other examples found on the gaol delivery rolls themselves[58]. Thomas Canteshangre's roll similarly contains several (but not all) of his homicide inquests the suspects of which had already been tried at gaol delivery[59]. So does that of Nicholas Spencer[60]. The same is true of the rolls of Stephen Welewyk[61], William Whyteclyve[62], John Everard[63] and John de Kyvele[64].

It was of course in the best interests of all coroners to keep all their files, even if they themselves did not arrange for their engrossment. No one could predict when King's Bench might descend upon them at short notice: and although these superior justices had for the most part no interest in already determined cases, they were certainly interested in the forfeiture of deodands and chattels which usually resulted from them. They were also concerned to make the most of the opportunity to replenish the treasury coffers from imposing fines and amercements wherever possible. The only sensible course of action for any coroner was to ensure, if possible, the indefinite preservation of all his records against such a visitation.

Secondly, and following from this, if the omission of mention of a

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[58]JUST 3/72/5, m 3; JUST 2/199, m 2, nos 2 3: for some other examples see JUST 3/156, rots 9 dorse, 14, 14 dorse and JUST 2/199, m 5 no 5, m 2 dorse no 2, m 4 dorse no 1, m 2 dorse no 6.

[59]For example, JUST 3/179, rots 3 dorse, 5, 7; and JUST 2/155, rots 13 no 3, 16 dorse no 2, 11 no 1. These are only a few examples.

[60]For example, JUST 3/179, rot 4 dorse relates to JUST 2/156 rot 2 dorse no 6. There are others as well.

[61]JUST 3/156, rot 3 dorse; JUST 2/153, rot 12 no 5.

[62]JUST 3/130, rot 92; JUST 2/194 rot 4, no 2.

[63]JUST 3/130, rot 56; JUST 2/195, rot 15 dorse no 3.

[64]JUST 3/161, rot 16; JUST 2/200, rot 5 no 4.

coroner was due simply to the hurry or error of the clerks to the justices, one might therefore expect to find that during years for which good coronal records, or the records of coroners known to be efficient in the discharge of their duties, remain, some at least of the homicide cases discussed above could be traced in the records of those coroners. In fact, the opposite is true. What is more, none of the very many indictments in which no official is named at all in connection with the indictment can be traced either. The balance of probabilities must therefore support the contention that no coroner had been involved at any stage of the proceedings. The conclusions following from this are serious indeed.

Firstly, it is obvious that coroners frequently either were not summoned to hold homicide inquests, or did not go even if they were. Both are equally likely. Their arrival brought with it inconvenience and expense to the local community in terms of food and accommodation and the necessity to suspend normal daily activities while investigations and then the inquest took place. These factors, as well as extortion by coroners, were only some of the considerations which probably often made them unwelcome visitors. Since homicide indictments could be presented either at the next county court, or at tourn (provided that a suspect was known), sheriffs and stewards often took such indictments and arrested the suspects. On occasion known legal procedure, which, it was once thought, required a coroner's warrant to make such arrests, was not followed.

Whether such procedures were in fact illegal is not clear. Many coroners may have been willing tacitly to allow themselves to be bypassed. Their job involved a great deal of travelling, frequent attendance at different courts and many other duties besides, as well as the need to administer their own estates. They were often commissioned in other capacities as well. In the circumstances there were no doubt occasions when they were too busy to attend. Since so few of the occasions when extra-coronal indictments had been taken were objected to, either by the justices or the suspects themselves, one must conclude that there were in fact accepted procedures in operation whereby homicide suspects could be brought for trial other than those

previously known - that is, indictment at a homicide inquest held by a coroner, or indictment at country court or at tourn if there was no body.

Local communities on the whole probably disliked coroners. As memories of the last eyre receded into the distance and the likelihood of another appeared ever more remote, they felt little compulsion to summon him, especially if alternative and less inconvenient and expensive methods of indictment were available. It seemed improbable that royal justices would ever appear, or that if they did they would discover that townships had omitted to summon the coroner whenever they should have done. An inquest was desirable if a killing had occurred in which self-defence might be a plea, because the inquest record was asked for when a pardon was sought: but since in these cases the sheriff and coroners were often instructed to hold another[65], the temptation was to postpone it until such an order was issued. In most other cases, there was little to be gained from sending for him. A dead body had to be guarded and left where it was found, often no doubt in an inconvenient and public place, and becoming increasingly noisome. This distressed the family of the deceased. An inquest might result in the confiscation of a family's possessions, leaving them destitute and a burden on the community, while the township did not wish to have to account for those possessions at some unknowable future date[66]. Only the family of a homicide victim can have had any real interest in asking for an inquest to be held, and even then might not wish for one if another family member had been involved in the killing, or if it had resulted from a sudden argument in which both victim and killer had been equally culpable. Their voice was only one among many, and often probably not the most influential. If the suspect was known and presentment was guaranteed before sheriff or steward at the next opportunity, even they might be content to let the matter rest.

Sheriffs and stewards also had little reason to like coroners. The

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[65]Hunnisett, *The Medieval Coroner*, p 194.

[66]An interesting avenue for further research would be to follow up the families of convicted felons, to see to what extent forfeiture affected them in real terms.

records kept by coroners of county court proceedings were used to check shrieval efficiency and corruption, and coroners were sometimes asked to act in the sheriff's place if he failed to carry out his duties. Such intrusion into shrieval business cannot have been welcomed, not least since it might inhibit sheriffs from making the fullest use of their power to line their pockets. Similarly, private stewards whose primary interest was protecting their employer's financial interests (and also, of course, their own) probably resented the arrival of a coroner, whose inquest might result in lost income from the year, day and waste forfeited to the crown instead of remaining within the franchisee's control.

J B Post suggested that criticisms made of sixteenth and seventeenth century assize indictments might equally apply to the fourteenth century: were they 'seriously deficient in law and fact'[67]? The evidence presented here demonstrates that occasionally they were proven to be unsound, and on other, more frequent occasions, may have been of a kind of sideways legality, as far as known procedure in such cases can be established. When a homicide occurred, and if the local community had a suspect whom they wished to be punished - even if a spell in prison was deemed sufficient, and the individual concerned later acquitted by members of the same community - the presence of a coroner at any stage of the proceedings was on occasion deemed both unnecessary and undesirable. These cases often fit within criteria which were very similar.

Frequently they involved types of homicide felt to be particularly reprehensible. Examples include killings which were associated with theft or robbery, or those which threatened the established social and moral hierarchy, such as wives killing their husbands or servants their masters. Killings by night, attempts to conceal the bodies (such as in the arson case), or in which obvious planning, conspiracy or premeditation were involved, also fall into this category. Gaol delivery justices for the most part did not challenge these indictments. There was no need to do so when the homicide charge included

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[67]'The Justice of Criminal Justice', p 33.

another offence which also carried the death penalty but for which no coronal involvement in indictment procedure was necessary, especially if the victim had lingered on until after the suspect's indictment for that other offence.

The scarcity of objections to these procedures, if they did fall outside permissible legal procedure, must arise at least partly from the fact that no one accused of homicide (or any other felony) was permitted legal representation in court. Therefore, unless suspects were aware of the legal form which should have been followed, they faced a very real risk of imminent execution at trials which may have been quasi-legal. Only those with influential mainpernors, or who were themselves familiar with the law, had any real chance of challenging the proceedings. The uneducated, illiterate, poor or simply intimidated suspects who probably formed the majority of those awaiting trial were at a significant disadvantage. Malicious accusations of homicide - frequently alleged in the middle ages - could therefore result in serious miscarriages of justice.

It has been argued that there were probably procedures, accepted as legal, to ensure action was taken if a homicide occurred, in which a coroner's involvement was not necessary, and that the rules governing these procedures, if any were ever laid down, have faded into obscurity. Of crucial importance to the main thrust of this thesis for the use of coroners' records as representative of the proportions of each type of death in which they were concerned is the implication of non-involvement by coroners in homicides. And the nature of surviving gaol delivery records makes it impossible even to guess at the numbers of such cases. Very often the clerk simply noted that a suspect had been 'taken' or indicted for homicide (and for other felonies as well) with no mention of which official, if any, had been responsible. Oddly, of the records studied here, it is the gaol delivery records from the earlier part of the period which are noticeably more deficient in this respect.

Sometimes this may simply be the result of haste by the enrolling clerk, no doubt accurately reflecting the speed with which trials were conducted by telescoping a whole series of trials into one sentence. At Old Sarum in March 1329, for example, it was said that Robert de Ayston had

been taken because indicted for killing John le Ridelare, William Horicoke junior taken because indicted for killing John de London, merchant, and Robert de Bristolle taken because indicted for killing John de Kent. At the same session, Henry Dalnage and Nicholas Crouk were also tried for homicide on undefined indictments[68]. Perhaps the indictments had been made in proper form but the clerk was too hurried to enrol them fully.

But a similar string of indictments in 1345 carefully names the coroner responsible for each indictment[69]. Gaol delivery sessions were not a new phenomenon in 1329: while clerical error cannot be entirely ruled out, the experienced clerks who regularly compiled the records of the sessions must have been aware that the origin of the indictment was normally noted, and attention has already been drawn to the fact that in no case has any trace of a coroner's inquest been found for any of the homicides in which no coroner is named throughout the period studied. There is therefore considerable cumulative evidence suggesting that these indictments too did not originate at death inquests.

No mention has so far been made of the increasing numbers of indictments attributed to justices of the peace during the fourteenth century. This is because even in the early years of their office, before they had the power to determine cases, they could receive homicide indictments although a coroner should have made one first[70]. As the office of justice of the peace gradually assumed higher status and greater powers in local law enforcement procedures, it is not surprising that they are more frequently mentioned as indictors. It might even be the case that gradually their indictments obviated the need to include reference to a coroner since they were considered sufficient even if the coroner who had taken the original indictment failed to produce his record at the sessions. But in these cases also it has been quite impossible to find any trace of a coroner's inquest into any of the victims. Coroners should

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[68]JUST 3/121, rot 11 dorse.

[69]JUST 3/130, rot 53.

[70]Hunnisett, *The Medieval Coroner*, pp 198-9.

always have attended the sessions of justices of the peace (and are frequently found acting as jurors there); their presence may have been felt to legitimise such indictments just at their presence at county court did[71]. Nevertheless, even leaving aside considerations of legality in indictment procedure, this only serves to emphasise further the apparent failure on many occasions of both coroners and local communities to comply with the obligations known to have been required of them by the law. (On the other hand, it does indicate that efforts were being made to bring those accused of homicide to trial, by whatever means. These efforts, and the probable existence of alternative procedures in homicides to those currently known to have existed, may go some way towards deflecting some of the criticisms often levelled at the medieval legal system.)

But the fact remains that coroners were powerless to act if local officials and communities did not summon them or if, when summoned, they were prevented from acting by the steward of a powerful franchisee. Therefore their records - even those of evidently hard-working and dutiful men like Canteshangre and Whyteclyve, for example - do not reflect the numbers of homicides occurring within their franchises during the years covered by their records. And one cannot know how many deaths by misadventure and suicide may have been successfully concealed. The only reason we know that homicides occurred in which coroners had not held inquests is because of their appearance in other records. Since misadventures and suicides required no further legal process, they cannot be detected anywhere.

GEOGRAPHICAL PENETRATION

Collation of all the records mentioned above can be used to attempt to discover whether, as the law intended, all parts of each county received coverage by one of the county coroners. Although counties were never divided into official coroners' districts, the crown did attempt to ensure that at any one time the residences of county coroners were so dispersed as to make this

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[71]Ibid., p 97.

possible. John Daunteseye, William Haycroft and John de Brommere, for example, were all amoved on the grounds that they either lived too near county borders to undertake the job satisfactorily, or outside them altogether[72]. The frequent issuing of amoval writs on the grounds that coroners were too old or ill to undertake the travelling demanded by the job also reflects this concern. The motive was primarily fiscal. Valuable revenues were lost if not all areas could be reached, although government was also concerned that felonies were not seen to go unpunished. Were the crown's attempts to ensure geographical even-handedness successful?

When all the available data is plotted on to maps, and even allowing for the difficulties of reconstructing the activities of coroners whose rolls are lost, it is at once apparent that they were not. There are areas of each county where regular activity by coroners can be traced throughout the years in question, and others where there is little or no documented evidence that any coroner was present at any time in over seventy years.

Relative population density and the nature of communication links naturally account for some of these anomalies. It is not surprising, for example, that the bleak and largely unpopulated area of Salisbury Plain figures scarcely at all in the records. If a death occurred there, the chances against the body being discovered were quite high: and if it was found, isolation and the lack of good roads acted as inhibitors to word reaching the coroner either intentionally or by chance that an inquest was required. Indeed, good road links are often a key factor in determining how frequently inquests were held in any particular location. Deaths occurring in settlements on or close to well-travelled roads were both harder to conceal and easier for a coroner to reach. In Wiltshire, for example, the main roads which linked Salisbury, Warminster and Wilton form a triangle along the edges of which coronal activity forms a distinct pattern. It is not so easy to discern a pattern for Hampshire because fewer substantial coroners' rolls and escheats remain: nevertheless, scatterings of inquests can be discerned at points along several of the main roads,

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[72] *CCR 1392-6*, p 56; *CCR 1374-7*, p 302; *CCR 1349-54*, p 303.

especially where there were settlements of any size.

Naturally, density of population gave rise to more frequent inquests. The greater the numbers of individuals living in close proximity, the more frequent the opportunities for conflicts which might give rise to homicide, and the greater the dangers to children from traffic in the streets. Deaths of any kind were less easy to conceal both from other residents and from local officials. Coroners were more likely to pass through such settlements as they travelled about the county in the course of their duties, and gossip has wings. It is not therefore surprising to find that settlements like Melksham and Chippenham in Wiltshire, sizeable settlements but which did not have their own coroners, were the scenes of frequent inquests. Proximity to a coroner's place of residence also influenced the pattern. Canteshangre and Estney both lived near Alton in Hampshire; Alton and nearby Odiham were both the scenes of frequent inquests.

What does cause surprise is the numbers of such settlements in which no coronal activity can be traced. We know, for example, that Portsmouth had its own coroners, yet at no time is there any trace of any kind of inquest there during the period investigated, and no rolls compiled for Portsmouth coroners were ever handed in to the justices. No gaol delivery record or Kings Bench case originates in the town either. Exactly the same is true of Marlborough. The borough had claimed the right to its own coroners from 1204 onwards[73], yet no coroners' rolls, escheats or court hearings can be attributed to the town at all between 1327-99. It was the site of a royal castle, the constable of which administered Selkley hundred in which the town lay, although the town itself was extra-hundredal[74].

How may one explain such anomalies? Portsmouth's administration may have been disrupted by the French raids, by the fear of such raids, and by the necessity to maintain an almost constant war-footing: no such excuse can be made for Marlborough. On the other hand, it is quite possible that towns

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[73]*VCH Wiltshire*, vol 12, p 63.

[74]*Place-Names of Wiltshire*, p 297 n.

like these were dealing with offenders in their own courts (although that does not explain why their borough coroners did not hand over their records at judicial visitations). Boroughs had always been proud of their privileges, and of their rights to their own courts and judgements, and there is good evidence that some at least continued to exercise these privileges until well into the fifteenth century. The methods of execution carried out on those condemned to death in borough courts are well-recorded for some places. Convicted killers were buried alive at Sandown, tied up and thrown into the river Stour to drown at Fordwich, and at Hastings (until Edward IV graciously granted the town its own gallows) thrown off the cliffs. Winchelsea and Rye hanged their felons on the saltmarshes, and at Pevensey they were thrown from the town bridge into the harbour at high tide. These are all examples from the fifteenth century. And in about 1272, Portsmouth was certainly claiming the right to execute felons: a woman who had killed a man was tied to a stake at Catt Clyff (now part of the dockyard) at low tide and left to drown, and a man who had killed another man was to be burnt at the same place. Even minor offences had their own distinctive punishments here. Male thieves were to be blinded, and 'if ther be any woman her tetys shall be kyt of at Chalcrosse'[75]. Perhaps Marlborough too had its own courts wherein it executed those who had offended within the borough.

Swindon, in Blackgrove hundred, is another area of puzzling inactivity. In the hundred as a whole, only two instances have been found of any coroner acting there during the entire period - Russel in Wroughton in 1335 and Blake, some 30 years later, held an inquest in Westcott[76]. In the town itself, only Russel is ever known to have acted, on one occasion in 1339[77]. Yet the hundred was a royal one, thus precluding the possibility of the exclusion of coroners by private franchisees, and however small the town may have been,

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[75]*Borough Customs*, ed. Mary Bateson, 2 volumes, (Selden Society vols 18 and 21, 1904 and 1906), vol 18, pp 74-77.

[76]JUST 3/130, rot 93; C 260/76, no 50.

[77]JUST 3/130, rot 105.

one would expect more signs of coronal activity there during the period.

However, placed in the overall context of traceable coronal activity in the county, Blackgrove's apparent isolation emerges as part of a geographical pattern. The hundred lies towards the north-eastern boundary of the county. In fact, most of the eastern part of Wiltshire north from a line drawn east from Devizes, and as far west as Chippenham, evinces little trace of coronal activity at any time during the period. In the hundreds of Selkley, Ramsbury, Highworth, Kingsbridge, the north of Malmesbury hundred and Calne (except for the hundredal town of the same name), signs of coroners at work are sparse indeed. The same is true of the southern tip of the county, Damerham hundred, which juts southward into Hampshire - to which it has now been transferred - and much of Chalke hundred immediately to the north of it.

It might be the case that the administration of the shire itself is partly the cause of the problem. Old Sarum, the administrative headquarters, lies only a few miles inside the south-eastern border of the county. It was here that the county gaol was situated, here that the occasional visits of King's Bench took place. Apart from sessions in Salisbury, only two miles away, it was here that the surviving gaol delivery rolls show that sessions were held. Old Sarum is remote from the north of the county, and although well-travelled roads skirted Salisbury Plain towards the west and north-west, only one major route ran directly north across the Plain to the more densely settled area east of Devizes. The administrative focus of the county was thus isolated from much of the area for which it was responsible.

When King's Bench visited Wiltshire in 1384, it is notable that almost all the coroners' rolls delivered into it were those of men whose landholdings were or had been within easy reach of Old Sarum. John Cole lived in Fugglestone, only a few miles away. Nicholas de Bonham came from Bonham in Mere hundred, along the good road leading westwards from the town. Although Urdele's holdings were mostly in the north of the county, they lay towards the west, from which main thoroughfares travelled down through Chippenham and Warminster: and as he was in office during the visitation he was in any case under compulsion to attend. Only John de Polton had been

active in the north-east of the county. The justices made little real attempt to call in the rolls of ex-coroners: mention is made only of the roll of John de Mere, who had held office at the beginning of Edward III's reign, and the attempt met with no success[78]. Is it possible that they were unaware of the extent of the outlying regions of the county? Or was the notice of the visitation so short that the sheriff simply had not had enough time to notify coroners and their heirs from that area?

But this does not satisfactorily explain why so few gaol delivery indictments originate from homicides, or from appeals heard by coroners, in that area. If coroners were indeed active there, were they simply less effective than their colleagues in issuing warrants for the arrest of suspects? Or were there other circuits of gaol delivery sessions going on in other towns in the north of the county whose records have simply disappeared? Or, if suspects were being arrested, were the prisoners simply never transferred to Old Sarum to face trial? Either of the last two suggestions is quite likely: but perhaps we should consider whether this apparent imbalance actually reflects a lack of locally resident coroners.

A survey of the known landholdings of Wiltshire coroners or, where these are not known, the areas of the county in which they operated, does indeed suggest that this is at the heart of the problem. Only three - John Daunteseye, William Haycroft and Robert Russel - had any connections with the area. The great irony of this is that of those three, the crown amoved both Daunteseye and Haycroft because of their places of residence. Thus, apart from the 1330's when Russel was active, and the period of Polton's service in the early 1350's, almost a third of the county was for most of the seventy years covered by this study a long way away from the residence of any county coroner at all.

The implications of this lack of geographical coverage are obvious. Sheriffs had a duty to ensure that coroners were elected who could reach all parts of the county, however remote or isolated. Failure to do so meant that

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[78]KB 27/492, rex, rot 14 dorse.

the crown lost valuable revenue: more importantly, the administration of criminal justice was severely inhibited. While coroners were probably never popular, their availability locally at least demonstrated the crown's intention to enforce the law and bring killers to justice. But if there were sizeable areas within counties within which the services of a coroner could not easily be called upon, unknown numbers of deaths by suicide and misadventure and - most importantly in terms of the enforcement of law and order - homicide, were never investigated by the official specifically designated to do so. In Wiltshire, the only areas which were consistently well-served were those either geographically close to Old Sarum or from which access to Old Sarum by road was relatively easy.

It seems clear from this investigation that there were other officials - stewards, bailiffs and so on - who under some circumstances could and did begin legal process against those suspected of homicide, and that the unavailability of a coroner locally may not have had quite such serious implications for the administration of criminal justice as was once thought. But if this lack of geographical penetration by coroners applies to other counties as well, it must serve as a caution against attempting to extrapolate from the surviving coroners' rolls death patterns across the countryside as a whole. Even if a coroner's records accurately reflected the numbers of different kinds of death within his franchise -and it has been shown that they do not - those same patterns may well not apply in other areas of the same county where economic conditions and population levels were different.

THE NEW FOREST

Although as has been said, geographical penetration is not so easily ascertainable in Hampshire, there is one distinct and separate area which stands apart from the rest of the county. It is the New Forest. Not one coroner has been found to have held one inquest, or heard one abjuration or appeal within the bounds of the New Forest from the beginning of the reign of Edward III to the end of that of Richard II, a period of seventy-two years. One must therefore become embroiled with consideration of the thorny,

intricate, obscure and confused question of forest administration.

Royal forests had long been treated both administratively and judicially as areas distinct and different from the land within which they lay. Keepers, appointed by the crown, and with their own staffs of riding and walking foresters, agisters and verderers, watched over the king's interests and administered forest laws. Rangers guarded their boundaries from intrusion by local poachers, and escapes by the king's beasts. Within areas of forest, a whole structure of separate courts existed to enforce forest law and deal with offenders against it. Periodically, special forest eyres arrived to deal with the backlog of accumulated fines and infringements, heard complaints about the conduct of officials, and enquired into wastes and destructions damaging to the king's interest. In the fourteenth century, these special eyres became less frequent but were replaced by much more regular local inquisitions into the state of the forests, which served the same purposes as the eyres.

This separateness gave rise at the time, and has done ever since, to much confusion concerning the extent of jurisdiction enjoyed both by forest officials and the justices over common law offences such as homicide committed within forest bounds. In considering the absence of any evidence that coroners acted within the New Forest, the following issues need to be addressed. Was the New Forest an area in which no local coroners were appointed? If coroners were not empowered to act within the forest, who was responsible for taking homicide indictments? Were homicides committed there dealt with by forest courts, by conventional common law courts, or by anybody at all?

Firstly, there is ample evidence that men living in and around the New Forest were appointed, and active, as coroners. Richard Aungre, John de Romeseye, Andrew de Canterton, John de Brommere, John Waryn and John Fraunk were all native to the locality. Yet apart from one isolated inquest at Beaulieu Abbey[79], the abbot of which enjoyed a separate franchise within the forest, there is no record of any of them acting within forest boundaries,

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[79]KB 27/529, fines and forfeitures, rot 8 dorse.

although they are found east, west and north of them. Canterton travelled as far as Andover and Hamble, also acting nearer to home at Christchurch, between 1337 and 1346[80]. Richard Aungre - the man who had held the Beaulieu inquest - is found in Christchurch and Romsey[81]. John de Brommore was in Stoneham in 1342. Both Waryn's and Fraunk's activities follow the same pattern, as do those of John Tauke. The possibility that there were no local coroners available can thus be dismissed.

It has been suggested that within forest bounds, it was the verderers who took homicide indictments. In 1979 D J Stagg claimed that verderers acted as coroners with regard to crown pleas: that the New Forest had its own four coroners: and that 'coroners and verderers were the same persons'[82]. These rather muddled and confusing conclusions were based on two premises. First of all, Stagg cited as his authority Holdsworth's work on the history of English law[83]. The basis for Stagg's statement that the forest had its own four coroners seems to be that originally four were ordered to be elected for each county: he is thus assuming that the New Forest was in some respects considered to be a county apart, which is debatable. Certainly during the period studied here the writs for all Hampshire coroners including those native to the New Forest were addressed to the sheriff of the county and referred to the coroners as Hampshire coroners without differentiation[84]. The number of county coroners as a whole was considered sufficient at two, with one sometimes on the Isle of Wight. It is hardly likely that four coroners would be deemed necessary for an area smaller than the county itself.

Stagg's statement that coroners and verderers were the same persons is

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[80]JUST 3/121 rot 11; 130, rots 78, 98.

[81]KB 27/529, fines and forfeitures, rot 8 dorse.

[82]*New Forest Documents 1244-1344*, (Southampton, 1979), pp 4, 22, 23.

[83]W S Holdsworth, *A History of English Law*, third edition,(London, 1922).

[84]For example, *CCR 1333-37*, p 546: *CCR 1364-68*, pp 228, 227; *CCR 1337-39*, p 172.

also incorrect. Even if it had been true of the thirteenth century, it was no longer the case in the fourteenth. Hunnisett had already shown that election of a coroner to the post of verderer prompted his amoval from coronal office[85]: the duties of each job were too time-consuming for one individual satisfactorily to undertake both simultaneously. Besides, there was an inherent conflict. While a verderer had to concentrate his time and attention on a small geographical area and to be present at the numerous sessions of local forest courts, a coroner had to travel extensively, frequently and at short notice to other areas of the county and often remain away for several days at a time. It was simply not possible to have this freedom of action while serving as a verderer.

The truth of this is easily confirmed by looking at the office-holding patterns of individuals who acted as coroners around forest areas. John Waryn was a verderer in 1365. In 1366 he was elected as coroner, and the last inquest on his roll is dated 1371. In the following year he resumed his duties as verderer[86]. Richard Aungre was serving as coroner in the early 1390's; the man of that name who held various forest posts did so during the 1360's, and was probably his father. John de Brommere has not been found acting as any kind of forest official. Canterton was named as deputy keeper (not verderer) in 1330 and again in 1347: no trace has been found of his activities as a coroner before 1337 or after 1346[87]. In no case has any instance of a coroner in either county been found where that coroner simultaneously held any kind of post as a forest official.

The only other sources on which Stagg can have based his claims are the forest documents which he calendared. However, his calendars of the New Forest Eyre documents of the 1250s and 1270s, when the forest justices heard crown pleas, omit any mention of who conducted the original inquest apart from the townships. If the names and/or official capacities of those taking

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[85]*The Medieval Coroner,* p 168.

[86]JUST 2/154, rot 3; E 32/10.

[87]JUST 3/121, rot 11; 130, rots 10 dorse, 77, 78, 98.

indictments are given in the original documents, this is an extraordinary omission of evidence which might support the statements in his introduction[88].

Unfortunately more recent work has based its assumptions on those of Stagg.: in 1991, Raymond Grant cited Stagg as his authority that foresters and verderers together investigated crown pleas, including homicide[89]. In fact, rather more careful historical research indicates that by the middle to late thirteenth century, the growth of royal control over the administration of the common law, and the establishment of regularly held courts like gaol delivery to deal with common law offences, was inclining justices in forest eyres to view such offences as being outside both their own jurisdiction and that of forest courts and forest officials. Even Grant recognised that the articles of the eyre embraced offences against forest law alone[90]. Young cited one occasion in the thirteenth century when the eyre justices ruled that forest officials had not had the power to try a man for homicide even though the victim had been a forester, and 'nullified their verdict' because they had 'overstepped their authority'. He too pointed out that after the late thirteenth century no crown pleas were included in New Forest eyre documents[91]. The section on royal forests in *The English Government at Work*, that exhaustive study of royal administration in the early years of Edward III's reign, supports this view. Here, all forest documents for all royal forests were studied for the relevant years, but 'no case...not connected with forest offences' was found on forest plea rolls, and the author pointed out that it had long been possible to remove them into the courts of common law. Already, by 1327, the custom of the Forest of Dean, where verderers had previously carried out coroners' duties,

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[88]Stagg, *New Forest Documents*, pp 58-9.

[89]*The Royal Forests of England* (Stroud), p 79.

[90]Ibid., pp 56-57.

[91]C R Young, *The Royal Forests of Medieval England* (Leicester, 1979), pp 90, 93.

was regarded as 'exceptional'[92]. In theory then, coroners had the right, and indeed the duty, to enter forest bounds in pursuance of their official duties.

In practice, however, it appears that forest officials were actively preventing them from doing so. In the early 1330s complaints to that effect were voiced in parliament. In response, Edward III in 1334 issued a clear ruling addressed to the keepers of all royal forests. This would no longer be tolerated. Felons were escaping justice. Henceforward coroners were to be given active assistance in carrying out their duties which, he reminded them, included not only inquests and indictments in homicide cases, but the holding of inquests into deaths by misadventure and suicide[93]. Whatever confusions might have existed earlier, henceforth the attitude of the crown was plain enough. Even within forest bounds, indictment for homicide was the province of the coroner, and he alone could conduct inquests and, if Hunnisett was right, issue warrants for the arrest of suspects.

It is beyond the scope of this enquiry to establish whether the 1334 ruling was effective nationally. The evidence for the counties studied here suggests that despite some initial resistance, coroners did indeed have access to most areas of royal forest, apart from the New Forest, from the late 1330s onwards. Although in 1338 it was claimed that within Clarendon (Wiltshire) homicides and other felonies belonged to the keepers and verderers, Clarendon as well as Chute, Braydon, Savernake and Grovely were all the locations of coroners' inquests at one time or another[94]. Numerically, the examples are few, but given the loss of so many coroners' rolls, it is probable that this

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[92]Nellie Neilson, 'The Forests', *The English Government at Work 1327-1336*, eds J F Willard and William A Morris, 3 vols, (Cambridge, Mass., 1940), vol 1, pp 394-467, 421, 423.

[93]Ibid., p 406, 421. The situation was not without its ironies. The coroner was the king's own official. Forests were the king's own lands. If coroners could not penetrate large areas of the king's property, considerable sums of potential revenue were being lost. Once the situation was brought to his attention, it is not surprising that he tried to remedy it promptly.

[94]E 32/161; JUST 3/130, rot 12; JUST 2/195, rots 6 no 4, 14 no 4; 197 dorse, no 7.

sparse scattering of inquests in royal forests represents a minimum number only, and that more in fact took place.

Some confusion apparently remained, however. The position of the Isle of Wight is interesting. It was regarded as royal forest and held, during Edward III's reign, by the women of his family- first his mother, then Queen Philippa and later Princess Isabella. Historically the constable of Carisbrooke castle had acted as coroner there[95]. But quite soon after the 1334 ruling, men from the Island were being elected as coroners there and being referred to, like their New Forest colleagues, as county coroners. The office appears, however, only to have been filled spasmodically. Nicholas Spencer's roll, showing that he served between 1377 and 1394, remains. Other Island coroners have been identified either from their landholdings or from gaol delivery or King's Bench records naming the places where they held inquests. John de Kyngston was coroner there in the early 1340's, and in fact continued to serve for several months after an amoval writ was issued in May 1342: a year later another, William Passelewe was amoved on grounds of age and ill-health[96]. A man called John de Heyne or Heyno was active in 1340 and another, John de Sengedone, in 1355[97]. But between 1345 and 1354, and again between 1356 and 1377, no trace can be found of any man holding coronal office there. Certainly no amoval writs were issued in the names of any men who can be found to have Island connections during those years. While this is not conclusive evidence, no trace of Island coroners has been found in surviving legal records either, despite the fact that for most of the years in question at least one gaol delivery roll for Hampshire survives, and that King's Bench records are of course continuous. Does the homicide indictment discussed above, originating from the Island's steward, suggest that in these years the steward or the constable of Carisbrooke castle stepped in to fill the breach, and that there were at times courts operating on the Island which were

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[95]Neilson, 'The Forests', p 425; Hunnisett, *The Medieval Coroner*, p 162.

[96]*CCR 1341-1343*, pp 430, 625; JUST 3/130, rot 95 dorse.

[97]JUST 3/130, rots 58 dorse, 59; C 260/76, no 54.

dealing with crown offences outside regular gaol delivery sessions? Isolation from the mainland, and the difficulties of transporting prisoners securely to Southampton or Winchester would certainly seem to suggest this as a logical alternative, and it seems odd that in two periods of approximately twelve years each no other homicide can be traced to the Island. Certainly no Island coroners' rolls, apart from Spencer's, were ever handed into King's Bench. Perhaps there was simply a lack of Island men both willing and qualified to serve.

How can one then explain the apparent absence of any activity by coroners within the New Forest for almost three quarters of a century after the ruling of 1334, when it has been established that men from the area were certainly elected as coroners during this period, and that they were active in the areas adjacent to the bounds of the forest? What is more, no homicide indictment originating from any official, forest or otherwise, and concerning a homicide within the New Forest, has been found in any of the surviving legal records of royal courts either.And given the high mortality rates from minor injuries inflicted during fights, it is quite impossible that no circumstances arose in over sixty years when a homicide inquest or indictment originating within the New Forest was appropriate.

It is true that by comparison with other forest areas, for example Clarendon, or Alice Holt, the New Forest always seems to have been regarded as in some way more distinct and separate. If all forests were equal, then the New Forest was more equal than others. Officials there may have been more anxious to maintain this distance, more obstinate in resisting royal attempts to interfere with their previously high levels of autonomy. Those elected as coroners in the area all held land within forest boundaries. Forest posts, unlike other offices, were paid. Most of the men who acted as coroners are known to have held these desirable posts, valuable for the perquisites which went with them, at other times[98]. Forest keepers were powerful officials who could not only stand in the way if election to such a post was sought, but could and did

[98]For perquisites and income, see Neilson, 'The Forests', p 406-409.

often make life difficult and unpleasant for those living or holding land inside forest boundaries. No acting coroner would wish to alienate such a man by insisting on his duty to hold inquests within the forest, whatever the king might say. The king, after all, was far away. Indeed, he was often not in the country at all. Cooperation with the man on the spot was only sensible. And doubtless class solidarity and ties of maintenance also came into play.

When a homicide occurred in the New Forest, who - if anyone - was dealing with the matter, since no record of any common law court shows any evidence that such homicides were being dealt with there? The claim made at the inquest into the state of the forest at Clarendon in 1338, that homicides and crown pleas fell within the jurisdiction of forest officials, and referred to above, is interesting. It does indicate that some kind of legal process had been taking place and had hitherto gone unchallenged. What type of process or court may have existed is unknown. The statement was prompted by the discovery within the forest of the body of a man said to have been a stranger who was apparently robbed and stripped naked by unknown thieves, who threw his body into a ditch and fled. There was thus no arrested suspect whose subsquent fate might be traced. So were any of the known types of forest court competent to deal with felonies?

The contention is that they were not. Extensive sampling of all types of forest plea rolls emanating not just from the New Forest, but from other areas of royal forests within the two counties, has found no evidence that any level of forest court ever dealt with such offences during the period[99]. Their scope was restricted to vert and venison offences, purprestures, wastes and destructions, illegal pasturing or pannage and so on. The only section on any forest plea roll containing crown pleas is that of the last Hampshire forest eyre in 1354, when a few cases of breach of the peace were presented: but these all

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[99]For example, E 32/170-172; 267; 214; 226; 278; 318. It was not possible to examine every single relevant forest document due to the constraints of time, and the fact that while research for this chapter was being undertaken, some of the documents were unavailable because the Public Record Office was re-cataloguing them. But enough sampling was undertaken to convince me that the opinions expressed here are justified.

concerned assaults on forest officials, and none included homicide[100]. If even the superior court of the eyre was not competent to hear homicides, it is not likely that the lesser courts like the swanimotes and the attachment courts were. There is no indication in any of the records examined that forest officials were even attempting to use them for this purpose.

One can only conclude therefore that if any legal process connected with homicides was taking place within the New Forest, it was in courts whose existence is unknown and unrecorded, whose records have disappeared, conducted by officials whose competence to do so was also not previously known. Our current knowledge of the medieval legal system does not allow us to judge whether these courts (if they existed) were in fact legal. The thirteenth-century ruling which overturned the verdict of a homicide trial conducted in a forest court only reveals the opinion of those particular justices on that particular occasion, which was that forest courts did not have jurisdiction over homicides. While it does suggest that it was the intention of the judiciary that the king's courts should deal with crown offences, it is not evidence of the discontinuance of such courts. And although the 1334 ruling is evidence that it was the king's intention also that his own officials should deal with crown offences within the royal forest, the evidence presented here clearly demonstrates that if coroners were acting within the New Forest after that date, the homicides they dealt with there were certainly not being removed into any known royal court whose records remain. The continued existence of such hypothetical courts does, however, offer a neat explanation for the complete absence in remaining court records of New Forest indictments and trials, especially as the records of any such courts would probably not survive unless some mechanism existed to call them in to central government, and no such mechanism appears to have existed.

This, however, does not solve another mystery. From the one surviving roll compiled by a New Forest coroner, and the brief estreats made from another's, there are no indications that coroners ever, within the franchise of

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[100]E 32/267, rot 13 dorse.

the New Forest keepers, held any inquests into deaths by misadventure and suicide either[101]. Did the keeper have the entitlement to the revenue from chattels and deodands from those inquests, and were the records of those inquests too therefore handed over to these alternative courts?

But the wording of the 1334 ruling does not imply that this was the case. It actually suggests that forest areas had become places in which the common law of the land failed to penetrate. One must be cautious here: parliament always had a tendency to overstate its case in order to obtain a response. Nevertheless, the most simple explanation for the silence of all records on the matter may be that there was simply an absence of action when an unexpected death occurred, be it accidental, suicidal or homicidal. Perhaps the New Forest was in practice, although not in theory, a jurisdictional vacuum. One cannot leave out of account the durability and popularity of the Robin Hood stories, which surely reflect a popular perception of how free life in the royal forests was from effective interference by royal officials. They were perceived as areas where the sheriff was powerless to exert his authority and where individuals fleeing from justice, whether innocent or guilty, could form themselves into bands and do pretty much as they pleased. Legends are not historical truths, but they are often based upon them.

It has not been possible to establish the exact method, if any, of dealing with common law offences including homicide in the New Forest during this period. What is not in question, however, is that it was an area in which the common law did not operate as modern legal historians believe that it should have done. Coroners either did not act, or were prevented from acting, or co-operated with courts and procedures whose existence is not certain and whose legality cannot be established or defined.

Conclusion

The evidence presented here demonstrates that a coroner's involvement in judicial procedures relating to homicide was not as essential as has

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[101]JUST 2/154, rot 3; KB 27/529, fines and forfeitures, rot 8 dorse.

previously been thought. There seem to have been alternative methods, usually accepted by the judiciary, by which other types of officials heard homicide indictments. It follows from this that unknown numbers of homicide victims were never the subjects of coroners' inquests. Only those cases which resulted in the apprehension and trial of a suspect are at all documented, and these were by far the minority. For this reason alone - and without even considering the equally unknown numbers of successfully concealed deaths by misadventure and suicide which may have occurred within any county coroner's franchise - no coroner's records, however full they may at first sight appear, should be used to analyse death patterns within his franchise.

It is also apparent that geographical penetration of all areas of the counties within which county coroners worked was not universal. In general, areas lying close to the centres of county administration, or with good communication links with those centres, were well-served, while areas remote from them appear sometimes to have been unvisited by any coroner for periods of many years. The frequency with which coroners are recorded holding inquests in the areas they did cover demonstrates that lack of activity in unvisited areas cannot be due to the fact that no deaths requiring a coroner's inquest occurred. Sheriffs apparently failed to ensure that the residences of county coroners at any one time ensured adequate geographical coverage, and the crown sometimes amoved those coroners who could have acted in these areas.

In addition, there were probably franchisal and borough courts which were dealing with crown offences, and whose records have been lost. What procedures, if any, took place within the New Forest to deal with suspected homicides, remain completely obscure, and could only be established, if ever, by extensive further research.

Thus, although the records of gaol delivery, King's Bench and other central legal records are valuable supplements to those directly generated by coroners themselves, they cannot, even when taken together, offer conclusive evidence on which to base studies of the incidence of homicide, or of the activities of coroners whose rolls no longer survive. The combination of

unknown and possibly pragmatic procedures, the probable existence of other competent officials, unknown courts, lost records and failure to appoint coroners so as to ensure adequate geographical coverage, makes any results derived from the statistical analysis of county coroners' records to establish patterns of, for example, the seasonality or geographical incidence of deaths, or the administration of criminal justice, both defective and misleading.

CHAPTER SIX: THE VALIDITY OF ANALYSIS

Much space in this thesis has been devoted to discussions of the critical criteria which must be constantly and stringently applied if any attempt is to be made to use coroners' records for criminological or sociological analysis. It now remains to demonstrate from the close study of one roll, how - if at all - such analyses may be carried out without leaving themselves open to the criticisms made of previous such attempts.

The roll which has been selected for the purpose of this analysis is JUST2/199. This contains the surviving records of inquests, abjurations and appeals heard by John de Upton and Thomas de Brutford in Salisbury betweeen November 1361 and June 1377.

There are good reasons for the selection of this particular roll. One is that it does include numbers of abjurations and appeals. It therefore provides the researcher with a judicious reminder of some of the other important duties carried out by coroners quite apart from the holding of death inquests. No other coroner's roll from either county incorporates in its engrossment any appeal. Records of appeals heard by other coroners have had to be retrieved from gaol delivery and King's Bench records. Those retrievals probably form only a small proportion of the numbers actually heard by coroners, for the same reason that only a minority of homicide inquests can be found resulting in further judicial process - namely, that relatively few suspects were ever arrested and brought before a court, quite apart from the question of survival of those judicial records. Unless trial ensued, appeals resulted in no forfeiture to the crown either by a convicted suspect or from an appellant who failed to prosecute the appeal. It appears that the majority of the coroners here studied kept appeal documentation separately from their inquest records, and that their appeal records - if they survived -were not usually incorporated into the roll at engrossment. It is therefore easy to minimise the importance of the role of the appeal as a method by which private individuals could seek redress of a grievance through the common law courts, if the work of coroners is assessed from study of their rolls alone.

Approvers' appeals are found on none of the coroners' rolls. Canteshangre's record of William Rose's appeal was kept separately, and has been studied elsewhere[1]. All other approvers' appeals known to have been heard by the coroners studied here have been retrieved from gaol delivery rolls. It is abundantly clear from these that coroners were frequently employed in hearing them[2].

Abjurations are included in some coroners' rolls, but in the majority of those studied they are not. Apart from the Salisbury roll, only John Everard's records include any number (thirteen). Canteshangre's roll only contains four over a period of circa seventeen years and Nicholas Spencer's Isle of Wight roll, covering the same period, contains only one. Apart from one abjuration each in Winchester and Wilton, the other coroners' records contain none at all.

This is perhaps most surprising in Whyteclyve's records, since the chronological consistency of his roll is much greater than Everard's although it only spans about half the number of years, and it seems improbable that any county coroner who was as apparently diligent as this man took no abjurations at all over a period of seven years. As with appeals therefore, it may be that many coroners kept abjuration records separately from their death inquests. Why they should have done so is unclear. The majority of abjurations did result in some kind of forfeiture, the records of which should have been kept and delivered in at the visitations of central justices. Even if the abjuror was not local and therefore had no lands or local property to be assessed, many abjurors - as can be seen from the abjurations which have survived - were confessed thieves, and the value of the stolen property had to be recorded and should have been handed over to the crown.

It was important for coroners to retain abjuration records. If an abjuror was caught after he should have left the country he was liable to arrest and execution unless he could prove that he had been forcibly either prevented

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[1]See chapter one.

[2]For example, JUST 3/120, rots 6, 7; 121, rot 1 dorse; 130, rots 11 dorse, 15, 18 dorse, 37. There are many more.

from leaving it in the first place or brought back while attempting to depart. In 1328, for example, at a gaol delivery session in Winchester, John le Chaloner was brought before the justices on the grounds that he had abjured at Chippenham for killing Thomas de Asshehulle in Somerset. He was ordered to be held in gaol until the coroner who had taken the abjuration brought the record[3]. In June 1337 Edward Cole, who had abjured before William Gerard for various felonies but had subsequently been recaptured, could offer no satisfactory explanation for his presence and was hanged[4]. John son of John de London, however, who abjured before John Everard for thefts, claimed that as he was travelling towards Weymouth (the port allocated to him) he was captured and forcibly brought back to the gaol at Old Sarum. An enquiry found that he had mistaken his route and taken a road leading towards Shaftesbury, whereupon he had been recognised and arrested by some men from his locality. He was given the benefit of the doubt and taken to be set safely on the right road[5]. Another returning abjuror who avoided death was Thomas Rowkesby, also known as Belyngham. He abjured from Netheravon church in May 1392 for theft, and should have made his way to Bristol. In July, however, he was up before gaol delivery justices at Old Sarum, when he claimed that he too had been forcibly dragged off the road. His story was not believed. Rowkesby should therefore have been hanged, but promptly claimed benefit of clergy, proved it by being able to read, and was claimed by the church[6]. Why abjuration records, or at least records of those abjurations from which forfeitures had accrued, were not engrossed along with death inquests (provided they survived until engrossment) cannot now be explained.

Leaving aside the methodology of record-keeping and engrossment, and the survival of records, there are good reasons why the Salisbury coroners

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[3]JUST 3/121, rot 1.

[4]JUST 3/130, rot 37.

[5]Ibid., rot 52.

[6]JUST 3/179, rot 18.

may have heard more abjurations and appeals than some of their rural counterparts perhaps did. Firstly, borough coroners were always nearby and quickly available. If a suspect sought sanctuary in a church, guard could be more easily kept in a town to prevent his escape. This is an important factor. Sanctuary seekers were allowed forty days within which to make up their mind to a future course of action, during the whole of which time the local community was responsible for keeping watch over the church[7]. In a town, where population density was high, the amount of time any individual might have to spend on such duties and away from the business of earning a living was therefore quite small. In any case, there were greater numbers of apprentices, and servants - adolescents whose skills were more dispensable than adults and who might enjoy the excitement of guard duties. In the countryside, maintaining continuous guard for forty days and nights was more problematic. In a small or isolated community it might prove impossible to find enough individuals who could spare the time to maintain an extended watch and abandon agricultural cultivation. The moment watch was relaxed, it was all too easy for the alert sanctuary seeker in a rural church to make good his or her escape: in a town, however, there were always more people about, day or night.

As far as appeals were concerned, anyone wishing to bring such an action had, in Salisbury, immediate access to the official responsible for recording it, rather than having to establish his whereabouts and perhaps travel quite a distance to find him. Within the town lay a gaol which was regularly delivered. It was less easy to commit any type of offence unobserved, and escape was probably more difficult. Appeals may therefore have had a greater chance of success, and guilty suspects of conviction, than in the countryside. These factors doubtless acted as incentives for appellors and for potential abjurors and meant that the Salisbury coroners probably spent a larger proportion of their time dealing with these matters than did their rural colleagues. Setting aside approvers' appeals, then, the Salisbury roll provides a

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[7]Hunnisett, *The Medieval Coroner*, passim, but especially p 40.

fuller overall picture of the coroner's working life and his role in the criminal justice system than do any of the other coroners' rolls studied during this project.

As well as representing a more balanced picture of coroners' activities, there are good reasons for believing that the Salisbury roll is more reliable in many respects than those of coroners who worked in the countryside. The very nature of urban life lies behind this. Because of the higher population density, it was much less likely that a crime could be perpetrated, or an accidental death occur, without witnesses who could speak for the manner, time, location, and cause of death, and identify a suspect in a case of homicide. If one adds to this scenario the permanent residence within the town of two coroners, both deliberate concealment of deaths and failure to discover dead bodies become much less likely than in the rural areas. The disappearance even of those who lived alone was less likely to go unremarked. The close-knit, compact nature of the urban community, and lack of private space within the urban environment, created a kind of monitoring system whereby the activities and daily routines of each resident were subjected to constant scrutiny, and any departures from the norm likely to be immediately remarked and acted upon[8].

Dr Dyer has commented on the 'strong sense of identity'[9] found in medieval towns, which perhaps also acted as an incentive for social control of violence and criminal activity. Towns jealously guarded their rights to have their own officials, including coroners, rather than outsiders imposed on them by the crown or their seigneurial overlord. Urban governments and officials needed to demonstrate their efficiency and their ability to control their own affairs responsibly in order to maintain the privileges and financial advantages of self-government. Salisbury probably had particularly strong reasons to do so. Relationships between the bishop of Salisbury and his officials (the bishop

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[8]See C.Dyer, *Standards of Living in the Later Middle Ages*, pp. 188-210, for a survey of urban environments, activities and living conditions.

[9]Ibid., p 188.

owned the town) on the one side, and the urban community on the other, were always delicate and sometimes openly hostile. In 1344, for example, the citizens were accused of assaulting the bishop's officials as the latter held court in the town, and in 1395 the bishop prosecuted the borough for damage and grievances to himself, his predecessors and the cathedral[10]. This atmosphere of guarded mutual antagonism may have acted as a further inducement to the officials of the town to be seen to be active and efficient, mindful always of the watchful eyes of the bishop's bailiff in the borough.

Urban coroners had a very different kind of relationship with those whom they dealt with at death inquests than did county coroners. They were intimately connected with, and part of, the community within which they operated. Urban coroners were familiar figures whose presence was unlikely to inspire the same fear and resentment as county coroners, and their status was not so far above those with whom they conducted their business. At the same time, they were answerable to the bishop's bailiff, who took charge of chattels and deodands on the bishop's behalf. This may be one reason why no record has been found of any Salisbury coroner demanding a fee to hold an inquest. The watchful presence of this individual probably tempered any tendencies towards undervaluation of forfeit property by inquest juries, and inspired a greater sense of community solidarity which included the coroners themselves.

This combination of factors may encourage us to regard urban coroners' rolls with rather less scepticism in some respects than those of their colleagues acting in the countryside. This is not to say, however, that they can be relied on totally. Great caution must still be employed, for example, in approaching homicide verdicts. Previous chapters have demonstrated the propensity of juries to concoct stereotyped self-defence or accidental death verdicts in homicide cases. There is no reason to suppose that urban juries, with or without the collusion of their coroners, were any less prone to do so than village juries in rural settlements. On the contrary, it is more rather than less likely that urban coroners did so collude. Since they were always present

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[10]*CPR 1343-1345*, p 420; *1392-1396*, p 355.

within the town, friends, neighbours and relatives of an accused killer had little opportunity to conceal evidence or agree beforehand on the story which would be presented at the inquest, while the larger numbers of probable witnesses to such incidents would make it very difficult to present such narratives without the consensus of the whole urban community, including its officials. In theory, urban inquests had to be attended not only by the twelve jurors but by the alderman and four representatives of each of the four wards. If this was actually the practice, and not merely a fiction maintained for the purposes of record-keeping, there were a minimum of thirty-two people at each inquest, plus the four neighbours and the first finder of the body, each of whom should have been accompanied by two pledges, not to mention the dead person's family and friends, potential witnesses, and any number of curious onlookers. This implies that while the verdicts recorded may have deceived the justices, the coroners were likely to be parties to, rather than victims of, that deceit. The wording of the Salisbury roll indicates that inquests were normally held before both coroners. (If such large numbers of people were indeed present, it is not hard to see that the presence of both might be required to prevent the whole process from degenerating into chaos.) On only four occasions was an inquest said to have been held before only one coroner[11]. In general, then, the narratives and verdicts recorded must reflect the desired verdict of the whole urban community.

On the other hand, the often vivid and circumstantial details recorded in homicide narratives in the Salisbury roll do suggest that on some occasions more of the truth was recorded there than in the countryside. The family argument which resulted in John Devenays killing his uncle William has been referred to previously and serves as an example, as does the incident in which Richard Clere and his wife attempted to ambush William Polemond. In the latter case the neighbour who cried out a warning to William was an obvious witness to the incident, and the man in whose house the original argument had occurred was probably a witness to the dispute. Community opinion that

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[11]JUST 2/199, mm 3 dorse no.4; 4 dorse nos 1, 3, 4.

Richard was a dangerous and violent man was bluntly stated at the inquest[12]. Similarly, the account of the fight between Walter Hanle and Richard Perot at an inn suggests that there were present during the fight onlookers only too eager to give a graphic, blow-by-blow account of each move, and to admire the sleight of hand by which Hanle disabled his assailant by tangling Perot's sword in his own cloak and then gripping it against his side[13].

Similarly, many of the accidental death narratives suggest the likelihood of eye witnesses, and on occasion, reflect community opinion. The circumstantial details given at the inquest into the death of Peter atte Watere, the bishop of Salisbury's miller, account not only for the manner of his death but reveal what those present at the inquest thought about his lack of common sense. Peter found John Hulon's cart standing in the street, with no horses coupled to it. He took the bishop's horses from the mill, 'foolishly' coupled them to the cart without supporting the shaft, and 'stupidly' drove the cart, supporting the shaft himself. When the horses turned into a tenement Peter was crushed between the doorpost and the cart[14]. John Godewyne's death was equally fully reported. As John, the apprentice of Richard atte Hurne, a dyer, and Richard's servant Henry were boiling woad to make dye, John was standing on an unstable vessel. This wobbled, John fell into the hot water, and despite being pulled out immediately, died two days later[15]. Another man met a similar death. He was standing on a ladder removing dyed wool from a boiling vat, when he fell into it. He died from his burns four days later. The killing of a seven-year old girl, Emma, by a bear belonging to Robert Cotiller, is given a similarly full treatment[16]. The inquest jury made no bones about

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[12]JUST 2/199, m 5 dorse nos 2, 4.

[13]JUST 2/199, m.7 no.1

[14]Ibid., m 3 dorse, no 2.

[15]JUST 2/199, m 3 no 5.

[16]JUST 2/199, m 6 dorse no 2; *The Ties that Bound*, p 39 and n. Hanawalt quotes this inquest but does not give the full reference.

admitting that no one had been willing to pursue the bear because of its bad temperament and strength. Apparently the bishop's bailiff was not so easily intimidated, since he was stated to have arrested the animal, which was valued at 2s.

There is little reason to disbelieve such accounts, and the incidental light which they cast upon urban commercial activities and lifestyles is both interesting and valuable. The occupational hazards incurred by those who earnt their living as dyers, for example, become apparent - large vats of boiling liquid from which heavy hanks of dyed wool or cloth could only be removed by raising oneself precariously either on a tub or a ladder. The presence of the bear, which had been chained up in an inn, is doubtless explained by its entertainment value for baiting or as a dancing bear. It is easy to regard such practices as quaint or amusing and forget the very real dangers of attempting to confine large and powerful wild animals within buildings whose internal partitions were flimsily constructed.

If one accepts, with caution, the suggestion that urban coroners' records are therefore to some extent more reliable (and revealing) than those of county coroners, one can then begin to examine these records more carefully to ascertain whether they can be used for any criminological or sociological analysis. One may subsequently ask whether any patterns they reveal demonstrate any differences between urban and rural society, if it is possible (with even greater caution) to derive any patterns from any of the county coroners' rolls studied[17].

The Salisbury roll contains a total of forty-five death inquests. Also included are nine abjurations and a handful of appeals. One appeal is for

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[17]It has already been demonstrated that it is inadvisable to carry out statistical analyses based on county coroners' rolls. In what follows, where percentages derived from such rolls are given, it is not because they are claimed to be valid, but simply to demonstrate that there are perceptible differences in the numbers of different types of death inquests recorded on urban and county coroners' rolls. Any county coroners' roll will contain larger proportions of misadventure inquests, for example, than that of an urban coroner. The universality of this phenomenon does indicate that accidental death was more prevalent in the countryside than in the towns.

homicide, and refers to the inquest engrossed immediately before it[18]. Another is for housebreaking, which is preceded by a confession by the accused, both taken by John de Upton on the same day[19], accompanied by a marginal annotation that the thief, John atte Crouche, had been hanged. Of the rest, one is for theft and the other two for rape. One of the rape appeals was brought by the alleged victim, Alice Janynes; the other by James Cotiller, husband of Edith, whom he claimed to have been abducted and taken as concubine by one Vincent Tudelsyde, along with goods worth 100s.[20] Appeals of rape by the kin of alleged victims frequently followed elopement or desertion by a marriage partner, and the second must be seen in this light and not as an accusation of rape in the modern sense of the word. The lack of details in the first appeal mean that it is impossible to establish whether the female in this case was bringing an appeal of rape which would fit in with the modern definition. Her grievance may have been connected with desertion by a male associate and an attempt to force a marriage[21].

The chronological distribution of recorded inquests on the roll is fairly consistent. Although no coronal activity at all is recorded in 1372, in every other year between 1361 and 1377 between one and five death inquests are recorded. In most years the number varies between two and four. Of the abjurations, in 1362, 1365, 1369, 1371 and 1377 there is one each year: in 1368 and 1369 there are two each year. The appeals recorded are clustered more closely together; apart from one isolated appeal dated 1365, the others all fall between 1369 and 1371.

Naturally there is no certainty that these records represent (apart from approvers' appeals) the sum of the activities of these two Salisbūry coroners

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[18]JUST 2/199, m 2 dorse nos 1, 2.

[19]Ibid., m. 4 dorse no 2.

[20]Ibid., mm 3 no 2, 2 dorse no 4.

[21]Sue Sheridan Walker, 'Punishing Convicted Ravishers: Statutory Strictures and Actual Practice in Thirteenth and early Fourteenth-Century England', *Journal of Medieval History* 13 (1987), 237-251, offers fuller treatment of this topic.

during the years covered by the roll. Some may have been lost before engrossment. On the other hand, the arrangement of the engrossed records, the chronological distribution of death inquests, and the marginal annotations on the roll referring to further legal process in homicide cases, or to the production of pardons by those accused of homicide, all suggest that Upton and Brutford were in general fairly careful record-keepers and that as regards death inquests at least, their records are substantially complete. This contention is supported by the fact that in no extant gaol delivery record for the years covered by their roll have any records been found of homicide trials originating in the town for which the corresponding death inquest was not found on the roll.

The most noticeable differences between this urban record and those of county coroners lie in the proportions of different verdicts brought in at death inquest. Even allowing for the reservations previously expressed about the reliability of different types of verdict, it is abundantly clear that county coroners conducted large numbers of inquests at which accidental death verdicts were returned. On Whyteclyve's roll for example, 28.6% of adult male deaths, 10% of adult female deaths, 15% of the deaths of male children or adolescents, and 9.3% of the deaths of female children or adolescents were said to have been due to accidents. The comparable figures on Everard's roll are 25%, 2.4%, 9.5% and 7.1%. The figures for Salisbury are very different. Here the figures are 15.6%, 0%, 13.3% and 6.7%. Despite the smaller statistical sample, the implications of these figures bear some examination.

They suggest that adult males and female children, but in particular adult females, were less vulnerable to fatal mishaps in the urban environment than in the countryside. Partially this reflects the greater number of individuals on hand to assist in all types of activities, to help prevent accidents, and to offer speedy rescue or aid when an individual did sustain an injury. It may also demonstrate that the urban environment was in general a safer place, especially for women. No Salisbury woman is said to have drowned while fetching water. Indeed, no drowning in the town at all was associated with this household task. Of the seven drowning victims, one was a man said to be

weak and old, who fell into a ditch while closing his gate, one boy was thrown into the river by a horse, and the other four boys and one girl were all aged under four and had wandered off, often to play, when they fell into bodies of water[22]. Even adult males were apparently better protected against mishap. Aside from the dangers of industrial occupations such as dyeing, or building accidents, they had no need to undertake rural activities such as tree-felling, haymaking, cutting corn or other crops and so on, which were often hazardous in themselves and frequently required the use of sharp instruments like saws, scythes, pitchforks and ploughshares. Neither did they need to make use of carts so frequently: and when they did, the distances they had to travel were shorter and the roads less hazardous. In the countryside, carting accidents were frequent. In Salisbury only two were recorded. One caused the death of the bishop's miller, and the other victim was in fact a child aged 18 months who was run over.

No suicide verdicts at all are recorded on the Salisbury roll. On Whyteclyve's roll, however, 2.9% of male verdicts and 0.7% of female verdicts were suicide, while Everard's percentages are 0.6% and 1.2% respectively, and the point has already been made that the actual numbers of suicides were probably higher than these figures suggest. It is far less likely that suicide was easy to conceal in a town, for the reasons already mentioned. And while the whole urban community including the coroners might attempt to disguise it behind a different verdict, this seems unlikely, for a number of reasons. Firstly, it is much less likely to have been disguised as homicide, particularly of the 'unknown strangers' sort. In all of the twenty-eight homicide inquests in the town the name of a suspect was given. Only five of these were said to have fled. In two cases the fates of the suspects are unknown: but fourteen were arrested, three abjured, one claimed accidental wounding, and two produced pardons. The other man accused was the king's serjeant-at-arms.

Secondly, it is even less likely that suicides were concealed behind

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[22]Ibid., mm 1 no 3, 3 dorse no 5, 4 nos 1-3, 5 no.4.

accidental death verdicts. The most obvious, drowning, only figured in one death inquest into an adult of either sex, the old man described as old and feeble. The other accidental death verdicts on adults were hardly appropriate to conceal self-killing. There was one carting accident, one man who was allegedly crushed by a falling beam as he walked through the bell-tower of St.Martin's church, the two dyers have already been discussed, another man was said to have been kicked in the chest by a horse, and the last died as a result of a building accident[23]. Unless the urban community conspired to deceive the priests in the town that the death was natural - which is barely feasible since apart from drowning most recorded medieval suicides involved hanging or stabbing - the absence of suicide inquests on the Salisbury roll must represent the reality.

Can one suggest any reasons why suicide in the urban environment occurred significantly less frequently than in rural areas? A number of contributory factors probably influenced these lower levels. Apart from the most obvious, namely the difficulty of finding a physical location which would remain unobserved for enough time for the suicide to be beyond rescue, it is possible that both formal and informal support structures within the urban community provided more effective social and economic support and comfort. Gilds and fraternities offered practical help and some level of companionship. Extreme poverty was more likely to be relieved by almsgiving. A higher proportion of clergy amongst the urban population - especially in an ecclesiastical town - meant that spiritual comfort, advice and guidance were plentifully available. Individuals had larger networks of friends with whom to share worries and anxieties, and those who were obviously depressed or mentally disturbed could be more easily and effectively watched over or restrained. It is therefore not surprising to find that levels of urban suicide were apparently significantly lower than those in the countryside.

Since the proportions of deaths by accident and suicide were much lower in Salisbury than in the countryside, it follows that homicide rates in the

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[23]See above and ibid., mm 1 no 2, 4 no 4, 5 no 2.

town, and in particular male homicides, were much higher. Whyteclyve's roll gives homicides percentages of all verdicts as 22.9% for adult males, 2.9% for adult females, 0% for male children and 0.7% for female children. Everard's figures are 33.3%, 5.4%, 0.6% and 0% respectively. In Salisbury, however, 62.2% of adult males who were the subjects of inquests were said to have been killed, although no women or children at all met their death from violence inflicted by another. This apparent absence of violence inflicted on the weaker members of society has its roots at least partially in the types of homicide prevalent in medieval society. In the countryside, homicide was frequently a concomitant of robbery, housebreaking or occasionally arson, especially at night. The average peasant house was not solidly constructed: housebreaking meant exactly what it said, while escape into the darkness was relatively easy. Robbery on isolated stretches of road was common. The only real danger for the perpetrator(s) was the risk of subsequent identification, and since the theft of goods worth more than 12d. counted as grand larceny and incurred the death penalty just as homicide did, it was in the interests of the culprits to silence any potential witnesses. If these happened to be women or children they were just as vulnerable (if not more so) than men to deliberate killing.

In Salisbury, however, the homicides were universally of a different type. Not one homicide inquest mentions theft or robbery. All except two were caused by stabbing with knives during arguments or fights: of the remainder, one was caused by a swordcut during an ambush after an argument, and the other occurred when two men fought with staves. Although these incidents frequently happened at night, they seem rarely to have been the result of premeditation or planning. Whether inquest jurors or subsequent trial juries presented fictionalised stories of self-defence or accident, it does seem clear that homicides in the town usually arose out of sudden outbursts of temper (although one cannot eliminate the possibility of previous animosity between the two individuals). The occasional mention of alehouses or inns in connection with such incidents comes as no surprise. The consumption of alcohol has always tended to trigger such events. But in medieval society,

where each man carried a knife and medical knowledge was scanty, the consequent injuries carried a high mortality rate. In 1374, for example, Gilbert Mauduyt was said to have stabbed John Clerk, carter, in Robert Kendale's inn[24]. Later that same year John Bolyngbroke was stabbed in the inn called 'Nyweyn'[25]. The same inn was the scene of the fight which led to the death of Richard Perot[26]. (Perhaps it was a local troublespot.) In fact, alcohol was probably a factor in many more violent incidents, especially when they took place at night: either or both participants may have spent at least part of the evening in an inn. Any modern city street during the hour or so after closing time may witness fights between belligerent drunks over slights, imaginary or real. There is no reason to suppose that towns in the fourteenth century were immune from the phenomenon. As added evidence to support this supposition, one may adduce the fact that all bar one of the Salisbury homicides where the time of day was mentioned took place during the evening or at night.

If the time of day at which violent incidents occurred can suggest underlying sociological patterns, are studies of seasonality or days of the week on which fatal incidents occurred in towns at all valuable? (It is important to consider the day or month of the incident, and not the day or month in which death occurred. Many individuals 'languished' for days or even weeks before succumbing. Using the death date may skew any findings and lead to mistaken assumptions rising out of flawed statistics. It is not altogether clear from Hanawalt's analyses whether she drew this distinction). And did any such patterns in Salisbury, a small country town, have more in common with those in its rural hinterland, or with other, larger and more populous, towns?

Hanawalt's presentation and analysis of data led her to conclude that in the countryside more killings occurred betwen March and August, and she derived from that the idea that tensions over food production and food shortages, combined with the higher numbers of social contacts during the

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[24]Ibid., m 6 dorse no 2.

[25]Ibid., m 6 dorse no 4.

[26]Ibid., m 7 no 1.

cultivation season, were to blame[27]. If one accepts that within Salisbury there was little likelihood of unreported or concealed homicides to distort the figures, analysis of the twenty-eight homicides which occurred there over the years covered by the roll does reveal some seasonal variation.

Four (14.3%) of the fatal incidents occurred in January. Numbers dropped to two (7.1%) per month in February, March and April. In May they rose again to the January level, but fell slightly to three ((10.7%) in both June and July. August and September were quiet, with only one (3.6%) in each month. In October there was a rise to two (7.1%) and another to three (10.7%) in November. December saw the numbers fall back again to one (3.6%).

It cannot of course be the case that tensions over the actual production of food were responsible for the rise in fatal conflicts in the summer months. Town dwellers were not primarily cultivators, although many had garden plots and kept a pig or two. Such activities, however, were individually, not communally, undertaken. But if food prices rose during the summer, less tangible factors such as economic stress and a sense of deprivation, or the danger of deprivation, of desirable foodstuffs might lead to increased irritability. In fact, Dyer's figures demonstrate runs of bad harvests and accompanying sharp price rises between 1363 and 1364, and again between 1367 and 1371[28]. On the other hand, Salisbury was a prosperous town, whose economy was closely linked with the wool and cloth production, and which had good road access to ports and other important towns. Its citizens were more likely to be able to import, and to afford, foodstuffs from outside the immediate area (if available), and most urban governments in any case sought to maintain low food prices. For those whose incomes were low, ecclesiastical charity within the town and support from lay social structures were more easily available than for those in isolated rural settlements.

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[27]'Violent Death', op.cit. See above, pp 49-51.

[28]*Standards of Living*, pp 262-263; see also Bolton, *The Medieval English Economy 1150-1500*, (London, 1980, reprinted with supplement, 1985), p 69, figs 2, 3.

None of the Salisbury inquests associates any killing with theft, which suggests that hunger or poverty were not primary motives, although economic anxiety may have functioned as an irritant. In any case, if a run of bad harvests resulted in constant food shortages and prices which remained high over a long period, one would expect any seasonal variation to even itself out over a number of years. While the Salisbury sample is small, this does not seem to be the case here. It may simply be that the summer rise was because tempers became more easily frayed as the weather grew warmer, or that this was another added irritant to existing tensions.

The gradual although perceptible rise through the late autumn and winter may have its roots in one obvious factor. Colder, wetter weather and shorter hours of daylight restricted outside hours of both work and play. More leisure time was available, but there was little to fill it with. Warmth, companionship and socialising became priorities. Where better than the local alehouse or tavern? Alcohol-related increases in violence could therefore be a significant factor. The sudden drop in December may simply be due to Advent and the approach of Christmas. The atmosphere generated within an ecclesiastical town by the presence of large numbers of the clergy, and the preoccupation of those clerics with religious activities and duties during the weeks before Christmas, could well account for a lessening of potentially violent social contacts.

In fact, the homicide patterns discernible in Salisbury bear a marked resemblance to those Hanawalt found in London. If her findings are reliable, this would support the contention that even a fairly small country town had more in common, both socially and economically, with its larger and more prosperous urban sisters than with conditions in its own rural hinterland. Although Hanawalt claimed that London homicide figures showed 'very little seasonal variation', the table she gives actually contradicts her assertion[29]. There are less dramatic seasonal variations in her percentages, doubtless because her sample was larger, but the underlying pattern is very similar. In

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[29]'Violent Death', pp 304, 318.

London too, there was apparently a sharp jump in fatal incidents in the late spring (from 6.5% in April to 11% in both May and June, although they drop back to 8% in July). Although there is a rise in August not paralleled in Salisbury, September and October are slightly quieter, but in November another rise to 11%. before a drop in December. The January number increases, followed by another (to 19%) in February. Then, just as in Salisbury, March and April are relatively quiet. The similarity in these seasonal patterns between this small but bustling country town and the capital city must support the assertion that even small medieval urban communities were distinguishable from the countryside around them by more than just legal and physical differences.

Whether Hanawalt's analysis of days of the week on which fatal incidents were most frequent is trustworthy is questionable. The records of coroners operating in country areas are all too likely to be less than complete, and it is fairly certain that many deaths went unreported. To rely on statistical analysis of such records from which to form generalisation of weekly as well as seasonal patterns is unwise. As an experiment, however, a similar analysis of both Everard's and Whyteclyve's rolls, which are both precise in pinpointing the day on which the fatal incident was said to have occurred, has been made. Hanawalt's data led her to believe that weekends were the most likely days for such occurrences[30]. Indeed, Whyteclyve's roll also gives Sunday as the day on which fatal violence was said to have happened most often (25%%). Thursday came next with 19.4%, followed by Friday and Saturday (both with 16.7%). Monday, Tuesday and Wednesday, followed, in that order (11.1%, 8.3%, 2.8%). Broadly speaking, this is in line with Hanawalt's findings. Everard's roll, however, gives a very different reading. Wednesday topped the list (22.6%), followed by Sunday (19.4%) and then by Monday and Tuesday (16.1%, 14.5%). Thursday and Saturday saw only 9.7% of fatal incidents, and Friday was lowest of all with 8%.

The Salisbury roll also gives a reading which does not equate with

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[30]'Violent Death', p 304.

Hanawalt. Tuesdays were high points of violence (21.4%), followed by Saturday and Monday (17.9% each). Sunday was next (14.3%), followed by Friday and Wednesday (10.7% each). Thursday came last, with (7.13%). The findings of this study therefore reveal both similarities to, and differences from, Hanawalt's findings. The rural pattern of high incidence of violence at weekends is maintained, although in Salisbury Saturday rather than Sunday was the high point: the mid-week pattern, however, shows marked variation.

Neither do the Salisbury figures show any great resemblance to the weekday analysis Hanawalt carried out for London and Oxford. In these two towns the very high incidence of violence on Sundays stands out by comparison with the other weekdays, within which the variation is much less noticeable (doubtless this is at least partially due to a higher statistical sample). Although Tuesday was a low point in both towns, the Oxford figures rise sharply on Wednesday and then fall back through Thursday to Friday, while in London there is a more gradual increase through Wednesday to Thursday before a fall on Friday.

The Salisbury pattern appears to be much more erratic. After a peak on Tuesdays the numbers drop back sharply through Wednesday to Thursday, after which they climb through Friday to another peak on Saturday, but drop back to a lower level on Sunday, before rising again on Monday.

The explanation for the weekday pattern in both Salisbury and Oxford is in fact very simple. The high points in both towns were days on which markets were held. In Salisbury, markets were held on Tuesdays from 1227 onwards and on Saturdays from at least 1315 onwards; up until 1361 there were probably markets held on other days as well, if the complaints from the neighbouring town of Wilton are to be believed, but these two days were those on which the most important and busy markets took place[31]. In Oxford, markets were held on Wednesdays and probably Saturdays, while in harvest time Sunday was also a market day[32]. Naturally those days were more likely to

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[31] *VCH Wiltshire*, vol 6, pp 17, 138.

[32] *VCH Oxfordshire*, vol 6, p 305.

see higher numbers of potentially fatal outbursts of violence as a direct result of the higher numbers of people thronging small areas of each town and competing openly for trade. At the end of the day business rivalries, or arguments about the quality of goods, or pricing strategies, might well be continued in inns where traders retired to discuss the day's profits or losses and spend some of their takings.

While these conclusions may seem self-evident, they should not be accepted without corroborative evidence from other studies. Rural weekday patterns can probably never be satisfactorily arrived at or explained: county coroners covered large rural areas within which lay numerous small settlements of varying population densities and economic status, and even some towns which did not have the right to their own coroners. Thus many different underlying patterns become merged into one record, so that even if one could be confident of the completeness of the records, analysis of the whole becomes largely meaningless. In towns, the situation is different. Since urban coroners' records are likely to be both more complete and more reliable, any patterns which emerge from analysis are more trustworthy. If multiple studies could be carried out of surviving urban coroners' records from many different towns, and if the results of those studies were in line with those found here, taking into account the nature of each urban population and factors such as its economic base and trading patterns, however, it would be possible to offer confident explanations of urban homicide patterns.

Comparison between rural and urban death patterns, however, will always be problematic. Sufficient attention has already been given to the difficulties of using county coroners' rolls for no further elaboration to be required here. Some of the flaws in Hanawalt's studies, which are so largely based on these records, have already been discussed. One glaring inadequacy, however, has not so far been pointed out, and this work would be incomplete if attention were not drawn to it.

When *The Ties that Bound* was published in 1986 the subtitle given to the book was "Peasant Families in Medieval England". The book was presented quite specifically as a work focussing on peasant families in rural

communities. Towns were only referred to three times. On page 21, Hanawalt stated that the peasantry 'had contact with neighbouring villages and market towns'. Later, she reiterated that they 'had ready access to a market town', and finally, she discussed (very briefly) the economic opportunities available to women if they left the rural environment for the attractions of the 'rapidly expanding towns'[33]. Any reader is led to the assumption that the evidence on which the book was based was drawn solely from records originating in rural areas, and in particular the records of coroners operating in the countryside. As she explained in her appendix, accidental death verdicts provided an 'accurate and detailed picture of people's daily life'[34]. The accuracy of misadventure verdicts has already been questioned. It is here sufficient to state that the confidence with which she made the statement is probably misplaced.

What is more to the point as far as this particular discussion is concerned is that many of the coroners' records used by Hanawalt to give her picture of rural peasant life in fact originated in towns and not in the countryside. Of the six counties she studied, three included significant proportions of urban inquest records. Wiltshire, of course, provides the main Salisbury roll but also a smaller one from the same town and a few inquests from Devizes and Wilton[35]. The Norfolk coroners' rolls included those from King's Lynn, Great Yarmouth, Thetford and Norwich[36]. In Lincolnshire, which provided her with the greatest number of cases (1,115), the number of urban records used was even larger. Coroners' rolls from Stamford, Lincoln, Grimsby, Navenby and Welton were all amongst her data[37]. She considered

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[33]*The Ties that Bound*, pp 116, 142.

[34]Ibid., p 270.

[35]JUST 2/199: 196; 204, rots 1, 2; 205.

[36]JUST 2/102; 103; 263; 264. All these rolls, and those cited below, contain a proportion of urban coroners' records, even if they are not solely those of urban coroners. Without examining each one, it is impossible to estimate how much of Hanawalt's data in fact derived from such records.

[37]JUST 2/64, 76; 68; 79; 80; 85; 87; 90; 91; 93.

these urban records as inherent parts of her evidence and made no attempt to differentiate between these and county coroners' rolls. Neither did she survey those county coroners' rolls and separate out any inquests originating in towns which had no coroners of their own.

This must cast even further doubt on the validity of the statistical tables relating to deaths which are presented in the book[38]. If indeed there were significant differences betwen rural and urban death patterns - and the evidence from this study, as well as the inherent differences between rural and urban environments, occupations, leisure activities and population densities does indicate that there were - then all those tables are flawed by the inclusion of numbers of inquests derived from non-rural sources. If the evidence from Salisbury is applied to those tables, then Hanawalt's percentages of rural deaths occurring by drowning, during transportation and during agricultural production are too low, while those connected with craft production, for example are too high. Only by mounting a full re-investigation of all the records used, and removing from the data those deaths occuring in towns, might one arrive at tables which accurately reflected patterns derived from records concerning rural peasant life; and it has already been demonstrated that the completeness of county coroners' records is questionable at the very least, and that what was recorded on the roll concerning each accidental death may often bear little resemblance to the actual manner in which death occurred. The dangers of reaching facile conclusions deriving from an insufficiently critical approach to the data, and compounded by a failure to distinguish between different physical and geographical environments are all too apparent. If any coroners' records are to be used for statistical analysis, it can only be those originating in the urban environment, where one can be fairly certain that coverage by coroners was effective and complete, and that apart from the self-defence homicide narratives, the information given in most inquests about how individuals met their deaths is likely to be substantially true.

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[38]*The Ties that Bound*, pp 271-4.

CONCLUSION

It is doubly unfortunate that the deficiencies in studies like Professor Hanawalt's have discredited not merely the studies themselves, but the records on which they were based. Medieval coroners' rolls were products of the legal requirement of the medieval judicial system, requiring certain types of information to be given, and of the society within which that system operated, which often desired an outcome quite different from that laid down in law. Their deficiencies as sources for criminological or sociological studies derive from these factors, compounded by the impossibility of knowing how often, and to what extent, those present at the inquest were themselves ignorant of the events they were seeking to explain. It is necessary to approach them with an understanding of the reasons for the generation of these records, the methods by which they were compiled, the constraints affecting both coroners and local communities when inquests or homicide trials were held, and why verdicts and inquest narratives may present information which is not historically true.

One should not blame the records for the deficiencies of the researcher. It is the gullibility with which the records have been approached which has created the problem. The primary aim of this study has been to try to establish a framework of critical criteria which can be of assistance to the researcher wishing to use these records, and thus to rehabilitate them as research aids for the modern historian. It is appropriate here to summarize briefly the conclusions of this study.

There is little evidence of deliberate falsification of the records by coroners or clerks who engrossed them, although sometimes doubtless mistakes and miscopying occurred. Apart from demanding an illegal fee to hold inquests, there is no evidence that coroners took bribes to exculpate the guilty or to bring in untrue verdicts. Inquest narratives in general are probably fairly accurate, albeit brief, summaries of the information which was presented at inquests.

This is not to say that that information was necessarily true. Any

verdict was the result of consultation and sometimes no doubt negotiation before agreement was reached. (Occasionally the jurors and tithingmen were unable to agree on a verdict. On one occasion Spencer had to record two different narratives of a homicide because the jurors and tithingmen could not agree[1]). In the countryside, local communities often had plenty of time to come up with such a compromise before the inquest was held. There is no way of establishing to what extent any verdict or narrative is truthful.

All verdicts were open to deliberate manipulation. One cannot now know in which specific cases this occurred. Some of the considerations which might influence a jury to bring in certain types of verdict or give certain types of narrative, have been discussed. Of all verdicts, homicides are those which need to be approached with the greatest caution, because there the motives for manipulation were strongest, and misadventure the least. But all verdicts were also open to genuine mistakes because the law required people to give retrospective explanations for deaths which sometimes had not been observed.

County coroners came from a fairly broad spectrum of the gentry. They were men who were often experienced administrators, and indirect evidence suggests that a proportion of them had probably received some kind of training in administration and the law, but without taking a formal degree. Although sometimes evidently hard-working and conscientious, county coroners were probably unpopular, especially if they charged fees for their services which were felt to be unfair and too high.

Consequently, they were often not summoned when they should have been, and it has been shown that other officials often heard homicide indictments. This has several implications. Firstly, even if a county coroner's surviving record was complete, it would not represent the absolute numbers of deaths, requiring inquests occurring within his franchise during his period of office. Secondly, the coroner's function within the judicial machinery was

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[1]See JUST 2/156, rot 3, and Post's comments in 'Criminals and the Law', pp 184-186. It is not certain when the practice of holding two separate inquests by the jurors and tithingmen and conflating them into one, changed to that of holding one inquest only. Different coroners probably had their own preferences.

apparently not as crucial as was once believed, since those other indictments were usually accepted by the judiciary. Thirdly, and following from the first two, coroners' rolls cannot therefore be used to arrive at conclusions about levels of homicides in proportion to other types of death, since unknown numbers of homicides occurred in which no coroner held an inquest. The numbers of successfully concealed deaths of other types in which a coroner should have been summoned can never be known, but will also have a bearing on any such attempted analysis.

Geographical penetration of each county was inadequate. Sheriffs did not always fulfil their duty to ensure even dispersal of coroners' residences, and sometimes the crown mistakenly amoved those who lived in outlying or remote areas, thus depriving those who dwelt there of ready access to an important government official. It is also more than probable that unknown numbers of homicide suspects were dealt with in courts whose records no longer survive, and in the New Forest there may have been courts whose existence is entirely undocumented in the surviving sources. Surviving county coroners' records should therefore not be used to extrapolate death patterns across counties or the country as a whole.

If any statistical sampling or analysis of coroners' records is to produce results which are at all reliable, it must focus on the records of urban coroners, although even with these reservations about the veracity of homicide narratives must be firmly borne in mind.

These criticisms may appear to be convincing arguments against using coroners' records in general, and county coroners' records in particular, for the study of peasant society in the late middle ages. It is true that the uses made of them by Professor Hanawalt were often ill-advised. But it would be unwise to dismiss too lightly the few remaining sources in which ordinary people from the fourteenth century make their appearance. Coroners' records can tell us a great deal about other aspects of society.

Homicide narratives are strong evidence of community strategies to mitigate the severity of the penal system, and to allow for varying degrees of punishment by the use of imprisonment, supplemented by fiscal loss, as an

alternative to execution. Community solidarity was expressed by the stubborn repetition of stereotyped narratives which occasionally even the royal justices, familiar as they must have been with such stories, found it difficult to accept. However daunting confrontation with the law may have seemed to any individual, when those indivduals acted together as units, they displayed resourcefulness and intelligence in the ways they manipulated it to their own ends.

Knowledge of the common law, and of strategies to circumvent it, permeated deeply into local communities. Somehow that knowledge was disseminated and taken advantage of when the necessity arose. By whatever means this information was transmitted, the acuity and astuteness with which it was applied is undeniable. Perhaps one should re-evaluate the traditional image of the rural peasant - illiterate, pre-occupied solely with the daily round of labour, and usually not very intelligent. While formal education was out of the reach of most, one must remember that townships and jurors had to keep their own records of coroners' inquests, and that many members of peasant communities acted as bailiffs, reeves, constables and so on. Attendance at the numerous courts in operation during the fourteenth century - manor, hundred and county courts, not to mention service as juror at gaol delivery sessions - cannot have failed to familiarise them with many aspects of the law and legal process. We cannot know to what extent informal education provided them with basic literacy skills, but every village had a (theoretically) literate priest who could provide such training, and individuals who had already acquired such skills may well have passed them on to others.

It is hoped that application of the critical guidelines established by this project will be supplemented by further research, and some potentially fruitful areas of investigation have been indicated where appropriate. One may then hope that future researchers will be able to provide scholarly studies able to withstand critical evaluation and enable those who are interested to gain a deeper and more accurate understanding of the ways in which officials, communities and individuals responded, when confronted with the requirements of medieval judicial administration, and to supplement our

knowledge of the functioning of that administration, which is obviously still inadequate.

APPENDIX ONE: THE CORONERS' ROLLS

This appendix is primarily intended for those wishing to use coroners' rolls for their own research (or just to have a look at them out of curiosity). Before moving onto a detailed description of each individual coroner's roll used in this survey, it seemed appropriate to discuss generally, albeit briefly, some of the physical characteristics they display, so that any one using them for the first time can approach them with some knowledge of the difficulties they are liable to encounter. My own experience leads me to suggest that a useful preparation is to look at *Select Coroners' Rolls (AD 1265-1413)*[1]. Although Gross' introduction has been largely superseded by Hunnisett's work on the coroner, the book provides a parallel English translation for each inquest. This enables one to become familiar with the phraseology and terminology employed by engrossing clerks and the order in which information is presented.

The rolls themselves display considerable variety in their condition. In some ways the application of such a generic term as 'rolls' to this class of document is misleading. Anyone familiar with the rolls of King's Bench or even gaol delivery is liable to be startled and somewhat discouraged when presented with some of the motley assortment of parchment documents even within such a small range as those surveyed here. The largest rolls, those of Welewyk, Canteshangre, Whyteclyve and Everard, are often astonishingly well-preserved, clean and legible[2]. But in general, the size of individual membranes, the method by which they have been joined together and the variety of hands in which they are engrossed do not display the uniformity in size, hand and appearance of centrally-compiled legal records. This is of course unsurprising, given that they were generated at a local level and written up by men who were not trained to full-time employment as justices' clerks. It is mentioned because a factor which must be considered by any researcher

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[1]Ed. Charles Gross, (Selden Society, 9), 1895.

[2]JUST 2/152, 155, 195 and 195.

wishing to use them is that a certain adaptability of eye needs to be developed in order to extract information from them: the variety of handwriting styles is considerable, and time and practice are required to develop the familiarity with this range of styles which allows satisfactory analysis.

In worse condition than those, although still relatively legible with the naked eye, are the rolls of Nicholas Spencer, John de Kyvele, Roger Storton, Thomas Gore and the Salisbury roll of Upton and Brutford[3]. Then there are several whose condition is so bad as to make them almost illegible without the use of ultra-violet light, either because of badly faded ink or discolouration and staining of the parchment or both, and those which are physically so damaged by tears, holes, creases and scuffing that extracting information from them even with the help of an ultra-violet lamp is sometimes well-nigh impossible[4]. (Even within a single roll the condition of individual membranes or rotulets can vary widely.) Included in this category are the Winchester city roll, and the rolls of John Waryn, John le Fauconyr, and John de Polton[5].

It follows from this that there are a number of difficulties in using the coroners' rolls, of which their state of preservation is only one, although it is by no means the least important. Attempting to extract information from a document in which damage, surface dirt and staining combine with faded ink and with handwriting in which the haste of the writer is sometimes only too apparent in its near-illegibility, can be a time-consuming and frustrating exercise.

Indeed, the variety of handwriting styles encountered merits a brief discussion on its own account. The lack of uniformity or neatness of hand in comparison with central government records of higher status has already been mentioned. The clerks who engrossed Whyteclyve's roll, for example, wrote

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[3]JUST 2/ 156, 199, 200, 202 and 203.

[4]It should be noted that the availability of ultra-violet lamps in the Public Record Office (Chancery Lane) has now been restricted, because of the health hazards, to hand-held lamps instead of the old-style booths. Because daylight cannot be excluded, the new lamps do not give such good results.

[5]JUST 2/152, 154, 157 and 197.

in tiny, spidery hands sometimes requiring the use of a magnifying glass, while the greatest disparity of hands within one document is to be found on the roll of Thomas Gore; these range from a small, upright, rounded, almost child-like script to a scrawling, generous, cursive and uncharacteristically (for the fourteenth century) untidy hand.

The first is that the variety of hands employed in these records makes it extremely difficult to attempt to arrive at approximate compilation dates for most of these documents, which might have helped to determine, in the cases of coroners whose periods of office ended many years before, whether their rolls had been engrossed soon afterwards or left until a judicial visitation was announced. The paleographical evidence of each roll is discussed individually in Appendix One, but attention must be drawn to the fact that even when a hand more characteristically found in documents of a date around the mid- than the late-fourteenth-century is encountered, it often appears in conjunction with other hands in the same document for which the reverse is true. It is therefore probably to be attributed to the age of the clerk, and the style in which he had learned to write, rather than to an earlier document date.

Quite apart from the time and practice needed for the eye to make the adjustments to the different hands used within each roll, difficulties arising from the various differences in style and letter-forms employed by the individual clerks require mention. Fourteenth-century letter forms, particularly those of capital letters, can often be difficult to differentiate. Capital *O*'s, *A*'s and one form of *D* are very similar. Another *D* form is easily confused both with one form of *B* and with *G*. *C* and *T* are notoriously similar in both upper- and lower-case forms. Other lower-case letters which can give rise to confusion are *f* and one form of *s* and of course *m*, *n*, *u*, *v* and *i*, all of which are written as series of minims[6].

Potential misinterpretations arising out of these confusing letter-forms are compounded by the inconsistency and vagaries of medieval spelling. Clerks

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[6]See the tables provided by Eileen Gooder on pp 113 and 114 of *Latin for Local History: an Introduction* (2nd edition, London, 1961). These are helpful but by no means foolproof.

often seem undecided whether to use capital or lower-case letters even in personal and place-names, which (Christian names apart) are in any case subject to wide variation in their orthography. The name of the same individual may be spelt differently each time it occurs, even within the same entry. Thus 'Dyer' may be rendered as Dyere, Diere, Dyere, Deighere, Dighere or Deiere. Even fairly standard Latin words are frequently spelt in widely varying forms. *C*'s and *t*'s are often used interchangeably, as are *c* and *s*. The flexibility with which vowels are used can further obscure the matter and the frustrated researcher can spend much time hunting through dictionaries in attempts to clarify firstly the identity of a particular word and secondly its meaning. Sometimes the latter is impossible to translate definitively, since the context makes it clear that on this particular occasion it does not exactly fit with other recorded medieval usages, although usually on these occasions the context and flow of the narrative are of some assistance in establishing more specific meanings. In one suicide inquest in Wiltshire in 1349, Christina Goggules drowned herself in the river at Fittleton. The jurors said she had caught, or been taken by, the '*morbus frenesie*' and brought in a verdict of misadventure. Clearly, then, she was considered to be insane and therefore not responsible for her actions, but what the name might be of the condition the jurors were trying to describe in using this phrase - or rather, what English or French phrase used by them was so translated by whoever originally recorded the details in Latin - is impossible to determine. One can only deduce that whatever the condition was, it was considered to have affected her mentally[7].

These difficulties are further exacerbated by the highly abbreviated Latin employed by the clerks, and by the tendency of each to have his own

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[7]JUST 2/195, rot 6 no 6. In this context, it is with sadness that the decision of the British Academy to cease funding a full-time staff member of the Medieval Latin Dictionary within the Public Record Office is noted. The type of 'vernacular' Latin used in coroners' records is frequently problematic and sometimes offers new usages of existing words or, as in the example cited, entirely new phrases. It now appears doubtful whether the remaining staff, based in Oxford, will have the time to research these and incorporate them into the Dictionary. Their inclusion would greatly assist those using these records in future.

preferred abbreviations, which may or may not be standard usage. The absence of case-endings in nouns and proper-names caused by such abbreviations can, when prepositions are also absent, throw up difficulties in establishing exactly who was doing what to whom, as can the abbreviations of verbs so that indications of person and tense are lost. (Since the choice of Christian names was very limited, one is sometimes confronted by a description of the activities of two different individuals of the same forename within the same narrative - just to add to the confusion.) However, the constant referral back by the use of '*prefatus*', '*dictus*', and '*supradictus*' is of assistance here, and careful translation can usually overcome these difficulties.

Grammatically, the Latin of the rolls often leaves something to be desired. There is a tendency to say, for example, 'Alice sitting in her house', with no indication of tense. The entire absence of punctuation is another prevailing characteristic. This is usually more of an irritation than a difficulty, since for the most part clauses are linked by 'and' and narratives of events run in a logical order. Thus an entire entry of some one to two hundred words, presenting a long string of information, can be broken up into manageable sentences on translation. Where no 'and' or equivalent abbreviation occurs however, the lack of pause marks of any sort requires that the entry be carefully scrutinised in order to separate the beginnings and endings of clauses.

Most of the coroners' rolls are stitched or joined together Exchequer fashion: that is, fastened together at the top. In these cases the individual pieces of parchment are termed rotulets. Where (more unusually) a roll has been stitched Chancery fashion, that is with the head of one membrane stitched to the foot of the previous one, the individual pieces of parchment are termed membranes. Sometimes, although rarely, a rotulet will consist of more than one membrane. An entry appearing on a rotulet comprising more than one membrane will thus be referenced, 'rot 4 m 2, no 3', for example.

The Hampshire Rolls

The rolls dating from the reign of Richard II were closely studied by

Dr John Post, although from a somewhat different approach[8]. He examined Canteshangre's roll particularly carefully with regard to engrossment and the disordering of the rotulets, and his findings will not be repeated here. He did not examine the rolls originating in the previous reign.

JUST 2/152: John le Fauconyr: 24, 25 Edward III

This roll consists of three membranes. It is rather crumpled. Rotulets 1 and 2 are both dirty and discoloured, and m 1 has three holes and a tear. While ultra-violet light helps somewhat, one entry on this membrane is unreadable because of discolouration and damage. At least two hands are in evidence on m 1. One hand has engrossed all the entries on m 2 and yet another those on m 3, although the entries were obviously not written in a batch (the ink is of different shades). M 2 is very thin and creased in places, although it is the cleanest of the three, and the ink has faded badly. There are fourteen entries in all.

JUST 2/153: Stephen Welewyk: 37-44 Edward III

This is a large roll made up of thirteen rotulets of varying sizes. It has been repaired. The rotulets are in varying states of cleanliness and preservation. Most of the rotulets are stained or damaged in some part, and the ink of a number of entries has become very faint. Rots 9, 11, 12 and 13 are in a particularly dirty and tattered condition. A number of different hands are in evidence. Most entries are in slightly different shades of ink. Even where the same hand has engrossed consecutive entries, there is only one instance of the same batch of ink being used. This is strongly suggestive of ad hoc engrossment, and supported by the fact that within each rotulet the dates of entries follow an almost exact chronological sequence[9]. At some point the rotulets have been stitched together in the wrong order. While the poor legibility of some entries makes exact dating problematic, the approximate order in which the rotulets should have been sewn together is as follows: rot 3

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[8]'Criminals and the Law', pp 163-170.

[9]Any overlapping of chronological sequence between rotulets is probably insignificant. There is no reason why a coroner or his clerk should not have kept more than one running record at any time.

(1363), rot 11 (1364), rot 10 (1364-1365), rot 13 (1365), rot 9 (1365), rot 7 (1365-1366), rot 4 (1366), rot 8 (1366), rot 12 (1367-1369), rot 5 (1369), rot 1 (1369), rot 6 (1370), rot 2 (1370).

JUST 2/154

Rot 1: John Malmeshull and Henry Goseberi: 40-44 Edward III

This is the only borough roll for Southampton to survive for the entire period. It is very dirty, the left-hand side is damaged, and there are two holes and several creases. There are four entries on the front and two on the dorse. Ultra-violet light is required. The same hand is used throughout.

Rot 2: John Lacy and Richard Cory: 40-44 Edward III

This Winchester city record is the only one to survive from the reign of Edward III. There are eight entries, all in the same hand. A margin has been scored in aproximately 1.5" from the left-hand edge. It is reasonably clean apart from the left-hand edge and the top few inches.

Rot 3: John Waryn: 40-45 Edward III

This county coroner's record contains thirteen entries, six of them on the dorse. It is very damaged. The top third is in a particularly bad condition, with a blackened and friable edge. There are two holes and staining is generally bad. The condition makes paleographical analysis difficult, but it appears that the hands of at most two individuals engrossed the entries. The heading states that Waryn held office from 2 February 1366 to 15 June 1371. Ultra-violet light is helpful.

JUST 2/155: Thomas Canteshangre: 1-16 Richard II

This is by far the most impressive of the Hampshire rolls. It is very large, consisting of twenty-one rotulets. In general its condition is good, although the lower portions of some rotulets are badly damaged and discoloured. At the head of each rotulet is a heading indicating in which regnal year the activities recorded upon it took place, and a fresh rotulet was begun at the start of each regnal year[10]. The whole roll has been engrossed in one clear

[10]Post noted that at some point the rotulets in this roll have, like those on Fauconyr's roll, been bound in the wrong order. See 'Criminals and the Law', p 166.

and legible hand, and the entries were - as is apparent from the infrequent changes of shades of ink - written up in several large batches.

JUST 2/154: Nicholas Spencer: 1-16 Richard II

Spencer's franchise was the Isle of Wight. His roll is made up of three rotulets, of which rots 1 and 2 are standard size (like the rolls of Canteshangre, Everard and Whyteclyve, for example) and rot 3 about half that size. The heading gives Spencer's name but no date. The parchment is thick and stiff, and although most entries are fairly legible, the roll is dirty in general and in some places very discoloured. The lower edges of all three rotulets are crumpled and torn, in particular that of rot 3. The entries are arranged by regnal year and are almost all in the same distinctive hand. This is less cursive than the common hand of the period and is of a rather stylish appearance. The entries were engrossed in batches.

JUST 2/157: Winchester City: 2-16 Richard II

Rot 1: John Hanywelle and John Peverell

This small and very dirty rotulet contains only one entry, for 6 Richard II.

Rot 2: Henry Jurdan and John Mundene

The edges of this rotulet are stained and the ink is faded. It contains four entries for the regnal years of 7 and 8 Richard II.

Rot 3: Henry Jurdan and John Bailly

Although the ink has faded less badly here than on rot 2, this rotulet is discoloured and stained. There are four entries, all for 12 Richard II.

Rot 4: Richard Boshampton and John Bailly

The first entry on this rotulet is for 13 Richard II; the other two are both for 15 Richard II.

Rot 5: John Hanywelle and Richard Cory

This rotulet displays large stains, but there is less discolouration than on some of the others. There are three entries covering 4 and 5 Richard II.

Rot 6: William Estele and John Bedworth

The right-hand side of this rotulet is heavily discoloured. There are three entries, one each for 2, 3 and 4 Richard II.

This roll is, as a whole, very tattered and dirty. None of the rotulets is very large. Rots 1-3 appear to be in the same hand, which also appears in rot 4, no 3. Another common hand appears to have engrossed both rot 5, nos 1 and 2, and all entries on rot 6.

The Wiltshire Rolls.

JUST 2/193: Peter Testewode: 12-14 Edward III

Testewode's roll consists of three rotulets. It is in reasonably good condition, although there are portions which are so dirty as to be almost unreadable. The same neat and legible hand, which appears to be characteristic of the later fourteenth century rather than of the style prevalent at the period of Testewode's tenure of the office, has engrossed all the entries. The colour of ink is constant, although the writer needed to change his pen (or resharpen it) two or thre times. It is remarkably similar to the engrossing hand of JUST 2/202, although the obvious haste of the engrossing hand on that roll makes it difficult to determine whether the two are in fact the same. The clerk has marginated items helpful to the justices' clerk - beside each entry is given the location, plus either the verdict or - in homicide inquests - names of suspects, as well as the values of deodands and/or chattels. The entire roll appears to have been engrossed at one session. The entries are not in chronological order. On rot 1, nos 1-3 are for 1340 as are nos 6 and 7 on the dorse. The rest are for 1338. Nos 1-3 on rot 2 are for 1340, and so are nos 2 and 7 on the dorse. The remainder are for 1339. All the entries on rot 3 are for 1339. Within each year, the chronological order of the entries is haphazard. All these factors are ample evidence that Testewode's record was compiled after his period as coroner, and probably at a much later date indeed.

JUST 2/194: William de Whyteclyve: 15-22 Edward III

This roll of thirteen rotulets is still in fine condition. At the foot of each rotulet is a contemporary roman numeral, and the original order in which they were joined has been preserved. At the head of rot 1 is a formal heading stating that Whyteclyve took his oath of office on 28 March 1341.

At most two almost identical hands are in evidence, the only readily

identifiable difference being in the style of the capital *W*. The entries were written up in batches, but there are few signs here of the haste apparent in many of the other coroners' rolls. The hand(s) of the clerk(s) who engrossed the roll are clear and legible and the text needed no later correction or amendments before presentation, as was the case in some of the other rolls. Presentation is extremely neat and consistent, 6 or 7 entries having been entered on each side of each rotulet. Beneath each inquest are presented in tabular form the names of the neighbours and their pledges, and the clerk has marginated the name of the hundred and the identity of the subject of the inquest throughout and - from rot 3 onwards - the verdict reached. The values of deodands and chattels are also marginated. With few exceptions, the dates of all entries on the roll follow strict chronological order.

Whyteclyve's roll is the only one of those studied which demonstrates one of the coroner's obligations in cases of drowning. If the victim had drowned in a well or pond, coroners were supposed to order the local community, on pain of a fine, to fill in the relevant body of water[11]. On these occasions the requirement is not only noted in the text of each entry but is marginated as well, together with a note of the amount of the fine to be paid for failure to comply. The fine imposed by Wyteclyve was always the same amount, and a fairly stiff one at that - 100s.[12]

The palaeography of the roll is clearly not that of the hands commonly used in the later fourteenth-century. The hand is much more like those found in documents of the first quarter of the century both in size (it is very small) and in style. While the roll was clearly not compiled as a running record throughout Whyteclyve's tenure, and the handwriting may simply be attributable to the roll's engrossment by elderly clerks trained in an earlier

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[11]See Hunnisett, *The Medieval Coroner*, p 34-35 and 34, nn. Although most of the cases cited by Hunnisett suggested that it was usually the owner of the well who had to comply with this requirement, Whyteclyve appears to have followed the practice laid down in the *Officium Coronatoris* (for example, in BM Harleian MS 5145) of imposing this duty on the tithing.

[12]For example, rot 4, nos 1, 3, 5.

style, the neatness and clarity of the engrossment imply that those who undertook it were not working under pressure. In any case, such clerks would have been very old indeed by the time the roll was required for presentation. It seems quite possible therefore that the roll was compiled on Whyteclyve's death, or soon afterwards, rather than immediately before the eyre some forty years later. This may also explain its good state of preservation, since a document of such obvious official importance was more likely to be preserved by his heirs than loose scraps of parchment.

JUST 2/195: John Everard: 15-28 Edward III

Everard's roll is also a substantial one, slightly larger than Whyteclyve's. It too is in a good state of preservation, being clean and legible. After engrossment, the rotulets were stitched together in the correct order but with each back to front and numbered, mistakenly, in reverse, from the back to the front of the roll. This reverse numbering was followed when the roll was given modern numbers, so that the rotulet now at the end of the roll, whose heading declares that Everard took his oath of office on 27 February 1341, should in fact be the first rotulet of the roll. To avoid confusion, this numeration has been adhered to for reference purposes, but date analysis makes it clear that the original engrossment of the entries on the roll was in chronological order. Anyone wishing to study this document will find it more convenient to commence at the last rotulet and work forwards. Further confusion is caused by the fact that there is no rot 11. Either the rots were originally wrongly sequenced, or the rotulet has gone missing. The latter appears to be more likely, since at present the inquest dates jump from April 1345 at the end of rot 12 dorse to November of the same year at the commencement of rot 10, leaving a gap of some seven months to be accounted for during which it is most unlikely that Everard undertook no official duties.

The arrangement of the entries and marginal notations is similar to that found on Whyteclyve's roll, and appears to have been the work of two clerks at most. Underneath most entries are listed the tithings and their pledges, and in many cases the name of the tithingman who attended is specified. Similarly helpful marginal annotations accompany each entry. The entries were written

up in batches. While the neatness of the arrangement at first indicates leisurely engrossment, it is obvious that the clerks found themselves working under increasing pressure. As one works one's way through the roll, unmistakeable signs of urgency become increasingly apparent. The neatness of the handwriting deteriorates, nibs become splayed with the pressure exerted on them and are changed less frequently, less care is taken and the changes in shades of ink become more dramatic - perhaps the clerks were trying to postpone as long as possible the inevitable moment when another batch of ink would require preparation. The haste with which the roll was completed may also explain the incorrect binding and numbering of the rotulets in reverse order, surely a result of carelessness brought about by last-minute panic. The most likely reason for all these signs of urgency is that engrossment of the roll was not undertaken until the visitation by King's Bench was announced, and that when the clerks began their task they failed to realise how much time would be required for its completion. However, Everard's case may well be exceptional, and will be further discussed in conjunction with the abjuration found in the Wilton file below.

JUST 2/196: Robert Sireman: 20, 31, 33, 35 Edward III.

Sireman served as coroner for Wilton borough. His is the only record for that town to survive, and consists only of five scraps of parchment of varying sizes bound together at the side rather than the top, and for this reason (in accordance with established Public Record Office convention) should rather be termed a file. The membranes are tattered and the largest, which is the abjuration discussed in chapter one, is rather crumpled[13]: however, the legibility of each membrane is good. The hand which has written the abjuration provides (unusually) links with some of the other documents in this group. It appears to be the same as that which engrossed much of Everard's roll and which is also found in Everard's shrieval file at JUST 2/198. Since Everard was due to hear the case in which the abjuror was to be tried and would be required by his activities as steward of Wilton abbey's liberty to be

[13]M 1. See above, pp 14-15.

present in the area on frequent occasions, it would not be surprising if he offered the services of his clerk (he probably kept one in his personal employment, given his landholdings and frequent employment by the crown on official activities which required the making of written records) to write up the lengthy explanation of the case. This hand is characteristic of the mid-fourteenth century.

This presents us with a problem concerning the date at which Everard's roll was engrossed. There is little doubt from the detail and length of the abjuration that it was a record prepared immediately afterwards. Had Sireman's records been engrossed onto a formal roll, the presentation would have been much more abbreviated and formal. Everard's shrieval records can, of course, be dated to his tenure as sheriff, which ran for a year from November 1354. While it is not beyond the bounds of possibility that the clerk was still alive at the eyre visit in 1384, and employed by someone who coincidentally required him to assist in engrossing Everard's coronal records, it does seem unlikely. This would mean that Everard's roll was compiled at an earlier date, but if this was the case one wonders why it was compiled under such pressure. Perhaps an earlier visitation was rumoured which never in fact materialised: or perhaps Everard simply wished to clear up all the records of his coronal activities at some point after his tenure of that office ceased, and insisted on completion by a certain date. The most likely time for this would be between the end of his term of office as coroner - his last inquest is dated September 1354 - and the commencement of his activities as sheriff.

JUST 2/197: John de Polton: 25-26 Edward III

This single, very dirty and discoloured membrane cannot be deciphered without an ultra-violet lamp, and even then some material cannot be recovered. In its original state it was neat and well-presented, with a scored margin on the left within which annotations were added later (but not by the hand of the justices' clerk). Entries are engrossed on both sides of the membrane. As far as can be determined - and the very poor legibility of the roll makes this difficult to say with any certainty - at most two hands are in evidence, and the entries were enrolled in batches.

JUST 2/199: John de Upton and Thomas de Brutford: 35-51 Edward III

Unusually, this roll was stitched together Chancery fashion. It contains records of the borough coroners of Salisbury and consists of eight membranes. It would seem from the sequence of entries that mm 1-6 were sewn together first and entries engrossed on both sides, and that mm 7 and 8 were added subsequently. The entries on both sides of mm 1-6 cover 35-48 Edward III, and those on mm 7 and 8, 47-51 Edward III. The heading of the roll actually states that it is the roll of record of John de Upton, sworn in at county court in Wilton on 9 November 1361. Brutford's name has been added later. The explanations for this, and for the disjointed way in which the roll was constructed, probably arise from the keeping by both men of their own, separate records, but the necessity to present only one joint roll to the justices. It appears that Upton had his roll engrossed, possibly unaware - it had been so long since a visitation had taken place - of this requirement. It was then found necessary for Brutford's name to be added to the heading, and for any inquest records of which he was in possession but Upton was not, to be added to the already completed roll.

The entries seem to have been written up in batches. At least three hands are in evidence, but the clerk who engrossed most of the entries has interlineated throughout the roll the formulae concerning the fact that inquest was held 'on vew of the body of' the deceased and that concerning answerability for chattels and deodands. Although it is rather crumpled, and the ink faded, the roll generally is in quite good condition.

JUST 2/200: John de Kyvele: 42 Edward III - 1 Richard II

The lower portions of this roll of eleven fairly uniform rotulets are much damaged. Apart from this area of damage, and the rather faded ink, the general legibility of the roll is good. None of the rotulets has entries on the dorse. One engrossing hand predominates. The entries are not in chronological order, although within each rotulet they do not normally jump between more than two regnal years. Obviously the roll was not compiled until after Kyvele's term of office had ended.

JUST 2/201: John Auncell: 1-2 Richard II

Like the Salisbury roll, the four membranes of this county roll are sewn together Chancery fashion. There are seven entries in all, of which the first three are in the same hand. The heading states that Auncell was sworn in on 24 November 1377. This roll too was engrossed after the coroner's term of office had ended and without sorting of the entries into chronological order: nos 1, 2, 3, 6 and 7 are for I Richard II, while the fourth and fifth date from Richard's second regnal year. The roll is in quite good condition, although the lower 8" are rather crumpled. The name of the first finder of the body is entered separately from the main body of the text in most of the misadventure inquests.

JUST 2/202: Roger Storton: 2-6 Richard II

The heading at the top of the first of the two rotulets comprising this roll records that Storton took his oath of office on 22 March 1379. The bottom of rot 2 has become very discoloured, especially on the dorse. Most entries are in the same distinctive, cursive and generous hand, although the ink has faded badly. The clerk has provided marginal annotations concerning location, verdict and the value of deodands/chattels, and used the margin to indicate on which lines of the inquest text the names of the first finder of the body and of the four neighbours are located. The inquests were not sorted into date order before engrossment.

JUST 2/203: Thomas Gore (rots 1-12): Hugh Eyr (rot 13): 2-7 Richard II

The rotulets of this roll are of varying sizes and are mostly in good condition. Hugh Eyr's record consists of only one inquest. The inquests in the other rotulets do not normally cover more than one regnal year per rotulet, but within each rotulet they are not usually in chronological order. At some point the roll was bound together with the rotulets in an incorrect sequence of regnal years. The correct order should be as follows: Rot 11 (2 and 3 Richard II); rots 8 and 9 (3 Richard II); rots 5, 6 and 7 (4 Richard II); rot 4 (5 Richard II); rots 2 and 3 (6 Richard II); rot 1 (6 and 7 Richard II); rots 11 and 13 (7 Richard II). The schedule attached to rot 11 is dated 7 Richard II.

There are several hands in evidence, but one hand predominates and has interlineated formulaic phrases just as in JUST 2/199. The entries were

written up in batches and although on most rotulets only one hand is in evidence, this is not always the case. The arrangement of the entries is neat and formal, with neighbours for the most part listed separately below each entry. The range of hands on this roll is quite extraordinary, from small and spidery to sprawling, scrawling styles. The condition of the roll and its legibility are both good.

JUST 2/204: Salisbury borough: 5-7 Richard II

Rot 1: Thomas Bowiere and Robert Bout: 5-6 Richard II

The heading states that these two men took office on 13 August 1381. There are four entries, all in the same neat hand, the name of the deceased being given in the margin.

Rot 1: Thomas Bowiere and William Godemanston: 6-7 Richard II

Laid out as rot 1, but with five entries, one of which is on the dorse.

These two rotulets are in general legible and in good condition. They are both in the same hand, but not one found on the other Salisbury roll. Within each rotulet, the entries are in chronological order.

JUST 2/205: Walter Porter: 6-7 Richard II

This 'roll' is actually only one small membrane on which are enrolled three entries from the tenure of this man, who was coroner of Devizes. The entries are formally arranged and written in a clear, neat and distinctive hand. Despite its crumpled condition it is reasonably legible. The first two inquests took place in June 1383: the third in July of that year.

As a supplementary note to this appendix, it should be noted that parts of JUST 2/201, 204 and 205 are printed in *Select Coroners' Rolls*, ed. Charles Gross, (Selden Society 9, 1895).

It should further be noted that the most recent listing of the JUST 2 class produced by the Public Record Office lists JUST 2/206 and 207 as having been originated by Wiltshire coroners. This is an error. These two documents belong to Worcestershire. Personal examination has ascertained this to be the case, and that Hunnisett's listing of them as such in *The Medieval*

Coroners' Rolls was correct[14]. Although the Public Record Office has been informed of the mistake, at the time of writing a corrected list has not yet been made available.

[14]p 347.

APPENDIX TWO: KNOWN CORONERS 1327-1399[1]

HAMPSHIRE CORONERS:

AIGNEL, John:

Known to have held an inquest in January 1335. Said to be dead in 1336[2].

AUNGRE, Richard:

Served before February 1394[3].

BAILLY, John (Winchester):

Records of his activities 1388-1390 and 1391-1392 survive[4].

BARBOUR, John le (Southampton):

Amoved firstly for insufficiency in February 1327, and again for age and ill-health in March 1328[5].

BEDWORTH, John (Winchester):

Bedworth's records from 1378-1381 have survived[6].

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[1]It is not claimed that the names of all coroners who were active in both counties between 1327 and 1399 are listed here. These men are, however, all who have been found named as coroners in the records examined for this study. It is very probable that there were others whose activities have not so far come to light.
The names of urban coroners are given in italics, followed by the name of the town in which they served.

[2]JUST 3/120, rot 8 dorse; *CCR 1333-1337*, p 546.

[3]*CCR 1392-1396*, p 197.

[4]JUST 2/157, rots 3, 4.

[5]*CCR 1327-1330*, pp 11, 268.

[6]JUST 2/157, rot 6.

BIERE, Nicholas de la:

Amoved in February 1339 because serving as under-sheriff: nevertheless, said to have heard a homicide indictment as coroner in November of that year[7].

BOSHAMPTON, Richard (Winchester):

Gaol delivery records show him to have been active 1390-1393[8].

BOUCH, William:

Said to be dead in August 1347[9]

BROMMERE, John de:

Amoved in 1343 because of illness, and again in 1351, this time for non-residence. No trace of any activities between those dates has been found[10].

BUKKESGATE, Adam de:

An amoval writ issued in April 1333 stating that he was dead was mistaken; a gaol delivery roll shows that he held an inquest in January 1334[11].

BURGH, John de la:

Amoved in November 1348 on the grounds that he was too weak to perform his duties. Was certainly active between 1344 and 1346[12] .

CAMERE, Robert (Southampton):

Active in 1341[13].

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[7]*CCR 1339-1341*, p 5; C 260/51, no 9.

[8]JUST 3/179, rot 12 dorse.

[9]*CCR 1346-1349*, p 311.

[10]*CCR 1343-1346*, p 37; *1349-1354*, p 303.

[11]*CCR 1333-1337*, p 38; JUST 3/120, rot 8 dorse.

[12]*CCR 1346-1349*, p 572; JUST 3/130, rot 57.

[13]JUST 3/130, rot 99.

CANTERTON, Andrew de:

Amoved in 1337 for insufficiency, but continued to act until 1347. In 1348 a second amoval writ said that he was said dead[14].

CANTESHANGRE, Thomas:

Began acting in the later years of Edward III, and continued to serve as coroner until his death in 1393[15].

CASTELLE, Richard (Southampton):

Known to be acting as coroner in 1398[16].

CORY, Richard (Winchester):

Known to have served twice, once between 1367 and 1370, and for a second term between then and 1384[17].

DENYTON, John (Winchester):

Active in 1397[18].

EDWARD, William (Winchester):

Active in 1343[19].

ELWYK, William de:

No trace of his activities has been found, but an amoval writ was issued for insufficiency in 1342[20].

ESTELE, William (Winchester):

He served at some time before 1377, and again between 1379 and 1381[21].

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[14]*CCR 1337-1339*, p 173; *1346-1349*, p 572; JUST 3/121, rot 10 dorse; 130, rots 77, 78, 98.

[15]KB 27, fines and forfeitures, rots 8-10; JUST 2/155.

[16]JUST 3/179, rot 13 dorse; 186, rot 1.

[17]JUST 2/154, rot 2; KB 27/466, fines and forfeitures, rot 1.

[18]JUST 3/179, rot 12 dorse.

[19]JUST 3/130, rot 96 dorse.

[20]*CCR 1341-1343*, p 421.

[21]KB 27/466, fines and forfeitures, rot 1; JUST 2/157, rot 6.

ESTENY, Richard:

Amoved twice, once for insufficiency in 1393, and again in 1402 for age and ill-health[22].

FAUCONYR, John le:

His roll contains inquests dated 1350 and 1351; in April 1351 he was amoved without a reason being given[23].

FRAUNK, John:

Known to be active in 1363 and 1364. In May 1366, and again six months later, amoval writs stated that he was dead[24].

FYFYDE, Roger de:

Gaol delivery records demonstrate that he was active from 1333 until early 1335. In July 1335 an amoval writ stated that he was dead[25].

GODYTON, Walter de:

Period of activity unknown, but stated to be dead by September 1327[26].

GOSEBERI, Henry (Southampton):

Goseberi's records from 1367-1370 have survived. A gaol delivery roll shows that he was active again in 1382[27].

HANYWELLE, John (Winchester):

Acted twice as coroner between 1380 and 1383[28].

HAYNE or **HAYNO**, John de (Isle of Wight):

Held an inquest as coroner in 1360[29].

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[22]*CCR 1392-1396*, p 26; *1399-1402*, p 453.

[23]JUST 2/152; *CCR 1349-1354*, p 293.

[24]JUST 3/151, rot 3; 3/61/5, rot 5; *CCR 1364-1368*, pp 228, 247.

[25]JUST 3/120, rot 8 dorse; *CCR 1333-1337*, p 431.

[26]*CCR 1327-1330*, p 167.

[27]JUST 2/151, rot 1; JUST 3/174, rot 5 dorse.

[28]JUST 3/157, rots 1, 5.

[29]JUST 3/130, rot 59.

HERYERDE, Robert:

Active some time before December 1401, when he was said to be too occupied with other business to act as coroner[30].

HORDER, William le (Southampton):

Although amoved for insufficiency in February 1327, was active again in 1338[31].

IVE or **IVOT**, Raymond:

Is known to have been active in 1396. In 1399 he was amoved for insufficiency[32].

JURDAN, Henry (Winchester):

Served twice, once in 1381-1385, and again in 1388-1399[33].

KYNGSTON, John de (Isle of Wight):

When he commenced his duties is unknown, but was amoved for insufficiency in May 1342[34].

LACY, John (Winchester):

Active between 1367 and 1370[35].

MALMESHULL, John (Southampton):

Active between 1367 and 1370[36].

MULEWARD, Henry le (Southampton):

Gaol delivery rolls show that he was active in 1341[37].

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[30]*CCR 1399-1402*, p 441.

[31]*CCR 1327-1330*, p 7; JUST 3/130, rot 59.

[32]JUST 3/179, rot 11 dorse; *CCR 1396-1399*, p 506.

[33]JUST 2/157, rots 2, 3.

[34]*CCR 1341-1343*, p 430.

[35]JUST 2/154, rot 2.

[36]Ibid., rot 1.

[37]JUST 3/130, rot 99.

MUNDENE, John (Winchester):

Mundene's records from 1383-1385 survive[38].

OKE, Richard atte:

Known to have held an inquest in November 1328. In September 1331 he was amoved for insufficiency[39].

PASSELEWE, William (Isle of Wight):

Held office before January 1343, when he was amoved for age and ill-health[40].

PEVERELL, John (Winchester):

One inquest of Peverell's survives, dated 1382[41].

RICHEBY, John (Portsmouth):

Served before August 1347, when he was said to be dead[42].

ROMESEY, John de:

Known to have been active in 1360[43].

RUSSEL, Bernard (Winchester):

Active in 1343 and 1346[44].

SENGEDONE, John de (Isle of Wight):

Sengedone is known to have held an inquest in 1355[45].

SPENCER, Nicholas (Isle of Wight):

Spencer's roll from 1-16 Richard II has survived[46].

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[38]JUST 2/157, rot 2.

[39]KB 27/283, rex, rot 12 dorse; *CCR 1330-1333*, p 262.

[40]*CCR 1341-1343*, p 625.

[41]JUST 2/157, rot 1.

[42]*CCR 1346-1349*, p 311.

[43]JUST 3/147, rot 1.

[44]JUST 3/130, rots 37, 77, 96 dorse.

[45]C 260/76, no 54.

[46]JUST 2/156.

TALEWYTHINE, Thomas (Portsmouth):

The only trace of this man is an amoval writ dated September 1334, stating that he was dead[47].

TANNERE, Nicholas (Winchester):

Active in 1397[48].

TAUKE, John:

Active for about ten years until October 1400. He was amoved because he was in prison for debt and thus unable to act[49].

VEER, John (Isle of Wight):

Period of office unknown, but amoved in January 1402 because of old age[50].

WARYN, John:

Waryn's roll contains inquests between 40 and 45 Edward III. In 1372 he was amoved for insufficiency, but two more amoval writs were issued in 1379, and finally in 1389 another said that he was dead. There is no record, however, of his continuing to act after the first amoval writ was issued[51].

WARYN, Robert (Portsmouth):

In both 1329 and 1330 amoval writs stated that Waryn was blind[52].

WATFORD, Peter de:

Known to have been active in 1341. In June 1343 he was amoved for insufficiency[53].

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[47]*CCR 1333-1337*, p 251.

[48]JUST 3/179, rot 12 dorse.

[49]Post, 'The Tauke Family'.

[50]*CCR 1399-1402*, p 451.

[51]JUST 2/154; *CCR 1369-1374*, p 395; *1377-1381*, pp 174, 194; *1385-1389*, p 562.

[52]*CCR 1327-1330*, p 450; *1330-1333*, p 1.

[53]JUST 3/130, rot 98 dorse; *CCR 1343-1346*, p 72.

WELEWYK, Stephen le:

Welewyk's roll shows that he held office between 1363 and 1370. He was amoved for insufficiency in June 1371[54].

WESTCOTE, Thomas de:

Appears to have held office twice. Amoved for insufficiency in 1349, he is found holding inquests up until December 1360. In September 1361 another amoval writ stated that he was dead[55].

YMBERD, Henry (Southampton):

Known to have been active in 1338[56].

WILTSHIRE CORONERS

ALYNTON, John (Marlborough):

Served before 1384[57].

AUNCELL, John:

His surviving records cover the years 1 and 2 Richard II. He was not amoved until 1397, when ill-health was cited as the reason, but no trace has been found of any activity by him between 1379 and his amoval[58].

BAKER, John (also known as John of Salisbury) (Salisbury):

Amoved in February 1399 on the grounds of age and ill-health. No trace of his activities has been found[59].

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[54]JUST 2/153; *CCR 1369-1374*, p 236.

[55]JUST 3/147, rots 1 dorse, 12;61, no 7; *CCR 1349-1354*, p 170; *1360-1364*, p 212.

[56]JUST 3/130, rot 59.

[57]KB 27/492, fines and forfeitures, rot 1.

[58]JUST 2/201, rot 1; *CCR 1396-1399*, p 137.

[59]Ibid., p 377.

BECHEFONT, John:

Said to be dead in May 1389[60].

BENET, John (Salisbury):

Amoved twice; no reason was given in November 1385, but in May 1389 insufficiency was cited[61].

BLAKE, Robert:

Recorded as active 1361-1369. Said to be dead in October 1377[62].

BONHAM, Nicholas de:

Known to have been active in 1364, 1365, 1369 and 1372. Amoved in 1377 because too busy on other business on the king's behalf. His roll has not survived, although estreats were made from it in 1384[63].

BONT, Robert (Salisbury):

Known to have served twice before his death in January 1383[64].

BROKE, Ingelram atte (Salisbury):

Found acting in Salisbury in 1345 and 1346[65].

BRUTFORD, Thomas de (Salisbury):

The roll kept jointly by Brutford and Upton between 1361 and 1377 has survived[66].

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[60]*CCR 1385-1389*, p 590.

[61]Ibid., pp 26, 590.

[62]JUST 3/150, rots 3, 4; 153, rots 2, 3; 156, rots 7, 9; *CCR 1374-1377*, p 168.

[63]JUST 3/153, rot 3; 156, rots 5, 8, 15 dorse; *CCR 1377-1381*, p 28; KB 27/492, fines and forfeitures, rot 4.

[64]Ibid., rot 6 dorse; JUST 2/204, rot 1; *CCR 1381-1385*, p 199.

[65]JUST 3/130, rots 33 dorse, 89.

[66]JUST 2/199.

BUNT, Henry (Wilton):

Served at some time before 1384, when estreats of his roll were made[67].

BOWIERE, Thomas (Salisbury):

Served before May 1384, when he was granted a life exemption and duly amoved[68].

BURTONE, Robert de:

Found acting in 1359 and 1360[69]

COLE, John:

Active in 1379-1380. Amoved in February 1382, without a reason being cited, but found acting again between 1386 and 1397[70].

COULESTONE, Robert de:

Found acting as county coroner in 1328[71].

COUMBE, Walter de:

Served before May 1356, when he was amoved for insufficiency[72].

DAUNTESEYE, John, knight:

Daunteseye's amoval was ordered in 1393 because he was said to live too close to the county boundary[73].

DEYNEL or **AYGNEL**, Peter, knight:

Gaol delivery records show he was active between 1330 and 1332. In January 1333 he was amoved for insufficiency[74].

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[67]KB 27/492, fines and forfeitures, rot 2.

[68]KB 27/492, rex, rot 12 dorse; *CCR 1381-1385*, pp 398, 372.

[69]JUST 3/147, rots 2, 18.

[70]Ibid, p 36; JUST 3/170, rot 3; 179, rots 14, 18, 19; 186, rot 3 dorse.

[71]C 258/4, no 24 b.

[72]*CCR 1354-1360*, p 260.

[73]*CCR 1392-1396*, p 56.

[74]JUST 3/120, rots 4 dorse, 6; *CCR 1333-1337*, p 4.

ECHELHAMPTON, Robert de:

His period(s) of office cannot be established. Amoved twice for insufficiency (in 1350 and 1351). A third amoval writ in 1358 said that he was dead[75].

ELY, John (Salisbury):

Served before 1384, when one escheat from his records was made[76].

EVERARD, John:

Everard's roll survives and contains inquests held between 1341 and September 1354[77].

EYR, Hugh (Bromham liberty):

Eyr acted as coroner within the liberty, which belonged to Battle abbey, in 1383-1384[78].

FOX, William (Wilton):

An amoval writ issued in February 1375 said that he was dead. Estreats were made of his records in 1384[79].

FRENDE, John (Salisbury?):

Frende was said to live in Salisbury, so he was probably coroner in the town. He was said to be dead by October 1375[80].

GERARD, William:

Known to have been active in 1336. Amoved for insufficiency in March 1338[81].

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[75]*CCR 1349-1354*, pp 261, 302; *1354-1360*, p 435.

[76]KB 27/492, fines and forfeitures, rot 3.

[77]JUST 2/195.

[78]JUST 2/203.

[79]*CCR 1374-1377*, p 119; KB 27/492, fines and forfeitures, rot 3.

[80]*CCR 1375-1377*, p 156; *CFR 1347-1356*, p 192.

[81]JUST 3/130, rots 12, 13 dorse; *CCR 1337-1339*, p 323.

GODEFRAY, Roger:

A gaol delivery roll shows that he was active in 1359[82].

GODEMANSTON, William (Salisbury):

Godemanston had more than one spell as coroner. His records from 1382-1383 have survived; two amoval writs were issued in 1385 (no reason given) and 1386 (busy about the king's business elsewhere)[83].

GODYTON, Walter:

Said to be dead in September 1327[84].

GORE, Thomas:

Gore's surviving records are dated between 1380 and 1383. He served after that: an amoval writ was issued in 1390 saying that he was too old and unwell, but he was said to have held a homicide inquest in November 1394[85].

GYBONE, John:

Was acting as coroner in 1384, when he was fined for extortion, but no records or estreats survive[86].

GYLBERDE, Henry:

Served before May 1394, when an amoval writ said that he was too busy elsewhere to serve as coroner[87].

HALLE, Thomas atte (County?):

It is not known whether this man was a county or a borough coroner. No trace has been found of his activities, but in 1352 an amoval writ stated that he was dead[88].

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[82]JUST 3/147, rot 2.

[83]JUST 2/ 204, rot 2; *CCR 1385-1389*, pp 27, 174.

[84]*CCR 1327-1330*, p 167.

[85]JUST 2/203, rots 1-12; JUST 3/179, rot 21 dorse; *CCR 1389-1392*, p 216.

[86]KB 27/492, fines and forfeitures, rot 1.

[87]*CCR 1391-1396*, p 213.

[88]*CCR 1349-1354*, p 411.

HARNHAM, John de:

Was certainly active in 1365. In 1367 he was said to be dead[89].

HAVERESHAM, Heny (Wilton):

Served twice as coroner for the borough before being amoved on grounds of age and ill-health in 1383[90].

HEVED, Nicholas (Marlborough):

An amoval writ stated in 1332 that he was dead[91].

HOLE, John (County?):

The only trace of this man is the amoval writ stating that he was dead in January 1352[92].

HUNGERFORD, Walter de:

Amoved in 1341 because he was too 'feeble', Hungerford was nonetheless active 1342-1346. In 1346 he was amoved again, this time for insufficiency[93].

HUSE, Peter de la:

Active in 1335 and until September 1336. In November 1336 he was amoved on the grounds that he held no lands in Wiltshire[94].

JEWELLE, Richard (Salisbury):

Was amoved in February 1398, both for insufficiency and lack of time[95].

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[89]JUST 3/153, rot 3; *CCR 1364-1368*, p 14.

[90]KB 27/492, fines and forfeitures, rots 2, 3; *CCR 1381-1385*, p 281.

[91]*CCR 1330-1333*, p 475.

[92]*CCR 1349-1354*, p 411.

[93]JUST 3/130, rots 52, 53, 55 dorse, 56, 90; *CCR 1341-1343*, p 28; *1346-1349*, p 102.

[94]JUST 3/120, rot 6; 130, rots 12, 13, 13 dorse; *CCR 1333-1337*, p 627.

[95]*CCR 1396-1399*, p 627.

KAYNES, Roger de:

Although Kaynes was amoved for insufficiency in June 1343, gaol delivery rolls show him to have been active as late as 1345[96].

KYVELE, John de:

Kyvele's roll shows that he was active between 1368 and 1377[97].

LAURANCE, Nicholas (Wilton):

Laurance was amoved in October 1339 because he was blind[98].

LAVYNTON, Robert de (Salisbury):

Lavynton was amoved twice. In 1339 insufficiency was claimed; in 1341, he was said to be dead. He was certainly active in 1332 and 1334[99].

LILLEBON, John, knight:

Was amoved in February 1393, when he was said to be too busy on the king's business. Certainly no trace can be found of any activity as coroner[100].

LONG, Ralph le:

No trace of any activity by this man can be found. He was amoved for insufficiency in May 1329, reinstated a month later, amoved for the same reason in July, and in September the amoval was rescinded until November. There is no further mention of him until 1332, when he obtained an exemption[101].

LUDEGARSHALE, John de:

There is no trace of this man apart from the amoval writ issued in February 1351, which gave no reason[102].

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[96]JUST 3/130, rots 53, 81 dorse; *CCR 1343-1346*, p 526.

[97]JUST 2/200.

[98]*CCR 1339-1341*, p 194.

[99]Ibid., p 2; *CCR 1341-1343*, p 608; JUST 3/120, rots 5, 6 dorse.

[100]*CCR 1392-1396*, p 26.

[101]*CCR 1327-1330*, pp 456, 473, 480, 487; *1331-1334*, p 335.

[102]*CCR 1349-1354*, p 284.

MERE, John de:

In May 1328 the sheriff was instructed to renew Mere's oath if he was still qualified, or to arrange for a replacement to be elected. No trace has been found of Mere acting as coroner, and his records had disappeared by 1384[103].

MORTIMER, John:

The only mention of this coroner is his amoval for insufficiency in February 1358[104].

PIPARDE, William:

Found acting as coroner in 1340 in a gaol delivery record[105].

POLTON, John de:

Polton was amoved for insufficiency in 1354. His records survived until 1384, when they were estreated, but have since disappeared[106].

POLTON, Richard (Marlborough):

Estreats from his roll were made in 1384. His period of office is unknown, but he was certainly active in the town between 1371 and 1380[107].

POUL, John (Salisbury):

One estreat was made from his records in 1384. He probably acted as coroner some years earlier, since he was tax collector for the county in 1358[108].

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[103]*CCR 1327-1330*, P 293; KB 27/492, rex, rot 14 dorse.

[104]*CCR 1354-1360*, p 435.

[105]JUST 3/130, rot 18 dorse.

[106]KB 27/492, fines and forfeitures, rot 6 dorse; *CCR 1354-1360*, p 34.

[107]KB 27/492, fines and forfeitures, rot 1; *The Cartulary of Bradenstoke Priory*, ed. Vera C M London, (Wiltshire Record Society, 35, 1979), nos 251-253.

[108]KB 27/492, fines and forfeitures, rot 3; *CPR 1358-1361*, p 139.

PORTER, Walter (Devizes liberty):

Porter's roll dates from 6 and 7 Richard II, but he is known to have been active in 1390. In October 1400 and again in 1403 he was said to be dead[109].

REDENHAM, John de (County?):

The only mention of this man dates from 1351, when he was said to be dead[110].

ROLVESTONE, Nicholas de:

Rolvestone is known to have been active between 1328 and 1339[111].

RUSSEL, Robert:

Although Russel was amoved for insufficiency in March 1338, he continued to act until 1339[112].

SIREMAN, Robert (Wilton):

Sireman's records from 21, 31, 33 and 35 Edward III have survived. Although there is no record of any activity after those dates, he was not replaced until 1372, when he was said to be dead[113].

SPENCER, Richard (Salisbury):

Spencer was amoved in February 1397 because he was now mayor[114].

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[109]JUST 2/205; JUST 3/179, rot 15 dorse; *CCR 1399-1402*, p 214; *1402-1405*, p 81.

[110]*CCR 1349-1354*, p 284.

[111]C 258/4, no 24 b; JUST 3/120, rots 4 dorse, 6 dorse; 130, rots 12, 15, 17 dorse.

[112]Ibid., rot 17 dorse; *CCR 1337-1339*, p 323.

[113]JUST 2/196; *CCR 1369-1374*, p 413.

[114]*CCR 1396-1399*, p 35.

STORTON, Roger:

His inquests records from 1379-1385 have survived. Although amoved (without a reason) in 1387, he is found acting again in 1391 and 1392. Another amoval writ was issued in 1396, this time on the grounds of age and ill-health[115].

STOURTON, William:

Was certainly active in 1334. He was amoved for insufficiency in 1335[116].

TAILLOUR, John le (County?):

The only trace of this man dates from October 1328, when he was said to be dead[117].

TESTEWODE, Peter:

Elected in 1338, the sheriff was immediatedly ordered to replace him on the grounds of insufficiency. However, his records show that he continued to act until December 1340[118].

THURSTAYN, Thomas (Salisbury):

A writ issued in 1349 stated that Thurstayn was dead. He may in fact have died some years earlier, before 1337. No record of his activities has been found[119].

UPTON, John de (Salisbury):

Upton's records, dating from between 1361 and 1377, survive[120].

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[115]JUST 2/202; JUST 3/179, rots 17 dorse, 19; *CCR 1385-1389*, P 325; *1392-1396*, p 471.

[116]JUST 3/120, rot 6; *CCR 1333-1337*, p 458.

[117]*CCR 1327-1330*, p 332.

[118]JUST 2/193; *CCR 1337-1339*, p 303.

[119]*CCR 1349-1354*, p 33; *Cal Inq Misc* vol X, no 645.

[120]JUST 2/199.

URDELE, Richard:

Urdele is known to have been active in 1380. The estreats made from his roll in 1384 are unfinished (one breaks off in mid-sentence). His amoval was ordered in 1385 because of age and ill-health[121].

WARMWELL, William (Salisbury):

The dates of this man's service as coroner are unknown. Estreats were made from his roll in 1384[122].

WAR, Roger le:

He was amoved for insufficiency in July 1351. No trace of any activity by him has been found[123].

WERMYNSTRE, Geoffrey de (Salisbury):

Gaol delivery records show Wermynstre to have been active in 1328, 1332, 1334 and 1335. In November 1346 he was said to be dead[124].

WHYTE, John le (Bromham liberty):

His period of service is unknown, but was before 1384, when estreats were made from his records[125].

WHYTECLYVE, William de:

Whyteclyve's very substantial roll contains records dated between April 1341 and March 1348. He was dead before November 1350[126].

WOLLOP, John (Salisbury):

Was amoved in February 1395 on the (probably mistaken) grounds that he neither lived nor held property in the town[127].

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[121]JUST 3/170, rot 3 dorse; *CCR 1381-1385*, p 532; KB 27/492, fines and forfeitures, rot 2.

[122]KB 27/492, fines and forfeitures, rot 6 dorse.

[123]*CCR 1349-1354*, p 306.

[124]JUST 3/120, rots 5, 6, 6 dorse; 121, rot 1 dorse; *CCR 1346-1349*, p 126.

[125]KB 27/492, fines and forfeitures, rot 2.

[126]JUST 2/194; *CCR 1349-1354*, p 261.

[127]*CCR 1392-1396*, p 333.

WOLRONDE, John, of Wodyhulle:

Found acting in 1388. He was amoved (no reason cited) in 1391[128].

WROTHE, John, knight:

No trace of his activities has been found. He was amoved in 1392 on the grounds that he held no land in the county[129].

WROXALE, John de:

Only found acting once, in 1345. In June 1348 an amoval writ claimed he held no lands in the county; less than a month later, another claimed that he was too ill and old to act[130].

BIOGRAPHICAL DETAILS OF INDIVIDUAL CORONERS[131]

Hampshire Coroners[132]

AUNGRE, Richard

The family had landholdings in and around Lymington, Fawley, Hordle, Christchurch, Fernhill and Dibden. Intermarriage with and inheritance from the Farnhull family into which Richard's father (another Richard) had married had brought many of these. Aungre engaged in extensive litigation

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[128]JUST 3/179, rot 15 dorse; *CCR 1389-1392*, p 224.

[129]Ibid., p 462.

[130]JUST 3/130, rot 78 dorse; *CCR 1347-1349*, pp 465, 467.

[131]For many of the men named as coroners during this period, it has not been possible to find sufficient data to compile an individual listing in this section.

[132]Post's thesis discusses briefly the holdings and backgrounds of some of the Hampshire coroners 1377-1399. See 'Criminals and the Law', Chapter 3, 'The personnel of justice', especially pp 102-106.

with other members of the family over these, and also with Sir Thomas West's family[133].

Richard senior was said to be old and unwell by 1397; Richard junior was probably therefore the coroner. Aungre senior held forest posts for much of his life and also served as commissioner of array, tax collector and tax assessor on numerous occasions 1371-1387[134].

The family's relationship with Thomas Holland, Earl of Kent and keeper of New Forest, from whom farmed their lands, was evidently good; one of them accompanied him to Brittany, and Aungre senior was able to arrange for Richard junior to take over the farm of lands[135].

BARBOUR, John le

A man of substantial property in Southampton. His known holdings included tenements in East Street, English Street and Simnel Stree, and three shops below the east gate. In 1317 he had granted five acres of land in Portsmouth to his kinsman Richard[136].

Barbour was custodian, with the sheriff, of some confiscated lands, custodian of a piece of the seal used for Southampton debt recognisances, bailiff at least twice, and in 1325 said to be 'specially intending certain of the king's affairs', although it is not known what these were[137].

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[133]Sources include: *IPM* XIV, no 321; *CCR 1377-1381*, p 493; *1402-1405*, p 485; *Feudal Aids* II, pp 318, 327; *Edington's Register* I, no 491; *WCM*, vol 2, various.

[134]Sources include: *CCR 1381-1385*, p 534; *1392-1396*, p 197; *1396-1399*, p 357; *1402-1405*, p 485; *CPR*, various vols 1361-1374; *CFR 1377-1383*, pp 54, 144, 229, 339; *1383-1391*, pp 18, 70, 157, 267.

[135]*CCR 1377-1381*, p 493; *WCM* 2, nos 4694-4696.

[136]*St.Denys Cartulary*, 1, p xxxix, nos 135-139; *God's House Cartulary*, nos 42, 174.

[137]*CCR 1318-1323*, p 312; *1323-1327*, p 281; *CPR 1313-1317*, p 281; *1321-1324*, pp 250-251.

While bailiff in 1322, it was alleged by Genoese merchants that Barbour, the mayor and others had taken armour belonging to them from Henry de Lyme's in and used it to arm sixteen men. An oyer and terminer commission was issued but the result is not known[138].

BIERE, Nicholas de la

Biere may have lived at or near Bishops Waltham. He seems to have had some interest in Haliwell manor[139].

He was named as tax collector in 1338 but excused because busy on royal business elsewhere, probably because of his appointment as under-sheriff. In 1350 he was one of those appointed to arrest anyone contesting the king's right to present to the church at South Waltham[140].

Biere was a frequent witness to land agreements between 1339 and the late 1350's, especially when ecclesiastical corporations were involved, and on one occasion claimed seisin by letter of attorney[141].

BROMMERE, John de

Brommere held land in Godshill and rented land in Compton by Enford (Wiltshire). When in Hampshire, he lived at Fordingbridge, where in 1348 he received a licence to hear mass in his house for a year - perhaps connected with the ill-health which had caused his amoval? He was dead by 1351. One daughter married John de Romesey, who also served as coroner, and whose inquisition post mortem was held at Fordingbridge[142].

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[138]Ibid., p 453; *CPR 1324-1327*, p 225.

[139]*CCR 1354-1360*, p 400; *Feudal Aids* II, p 335; *IPM* XVII, no 372.

[140]*CCR 1339-1341*, pp 5, 66; *CFR 1337-1347*, pp 90, 97.

[141]*Southwick Cartularies* I, no II 179, vol 2, various; *Selborne Charters*, pp 90-1; *WCM* vol 2, nos 11840, 13258, 13264.

[142]*Cal Inq Misc* VII, no 233; *IPM* XIV, no 315; *CPR 1348-1350*, p 25; *Edington's Register* 2, no 141.

He obtained a life exemption in 1338, but despite this was obviously willing to serve when it was convenient to him. He was commissioned as tax collector in 1348, 1349 (twice) and 1350[143].

He was witness to an undated land transaction once, and in 1342 mainpernor for the prior of Ellingham, who preferred to pay 6 marks for the farm of the priory to a tax payment[144].

BUKKESGATE, Adam de

A tenant-in-chief, inheriting in 1314. His lands extended from west Hampshire into Dorset. He held half West Tytherley manor by grand serjeanty, and Ashley manor near Ringwood from Walter de Escote (into whose family he married his youngest daughter), as well as land in Tytherley from Matthew de Columbaris. He also held land in Plymouth from God's House (Southampton) and property owned by St.Denys priory[145].

He is found once as witness to a land transaction. Bukkesgate was steward for Hyde abbey[146].

BURGH, John de la

The coroner seems to have been the son of Margery atte Burgh and her husband Robert. Margery held Odiham manor and the family held Stapely manor. He would have been about 61 years old in 1348, which explains why he was too feeble to act as coroner. He was dead by 1351, when his son (also John) was a minor. When John junior's widow (the daughter of Nicholas

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[143]*CCR 1338-1340*, p 112; *CFR 1347-1356*, pp 91, 191, 193, 196.

[144]*CFR 1337-1347*, p 274; *WCM* 2, no 9729.

[145]*CFR 1307-1319*, p 196; *Cal Inq Misc* VII, no 535; *St.Denys Cartulary*, nos 334, 368; *Sandale & Asserio's Registers*, p 509; *CCR 1330-1334*, p 175.

[146]*WCM*, 2, no 16007; *Sandale & Asserio's Registers*, p 509, n.

Bonham) died in 1397, the family held land in Charford and Searchfield, as well as in Wiltshire[147].

In 1331 Burgh was instructed to oversee the keeper of the king's horses in selecting horses for sale from the royal stud at Odiham. It must have been his son John who held various forest posts in the 1360's and 1370's[148].

CANTERTON, Andrew de

Presumably (since he also held forest posts), Canterton had holdings in the New Forest, but their extent is unknown.

On more than one occasion between 1328 and 1347 Canterton was the bishop of Winchester's bailiff in Downton liberty (Wiltshire). He was customs collector and keeper of the cocket seal for the area between Southampton and Weymouth in 1343, and a forest official before and after his service as coroner[149].

He was appointed as proctor by chapter of Salisbury cathedral to collect their tithes in the New Forest in 1344, for a farm of 20s., and witnessed grants of land on several occasions[150].

CANTESHANGRE, Thomas

Canteshangre lived in the Alton area. His wife Maud had a life interest in Dilton manor. He may also have had some land in Windlesham and Seend (Wiltshire)[151].

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[147]*Cal Inq Misc* VI, no 452; *CPR 1313-1317*, p 159; *1350-1354*, p 159; *IPM 1327-1337*, p 270.

[148]*CFR 1327-1337*, p 270; E 32/310; 311.

[149]JUST 3/120, rot 5 dorse; 130, rot 37; *CCR 1343-1345*, pp 32, 62, 229; *CFR 1337-1347*, pp 321, 336; E 32/163; *WCM* 2, various.

[150]*Hemingby's Register*, no 241; *WCM*, 2, various.

[151]Post, 'Criminals and the Law', p 105; *CPR 1377-1382*, pp 486, 491, 568; *Edington Cartulary*, no 365.

He was tax collector nine times between 1373 and 1388, justice of the peace in 1371, and regarder in New Forest in 1376. Commissioned in an oyer and terminer homicide investigation, he was also commissioned in 1387 to enquire into wastes and defects at Andwell priory[152].

He is found as an occasional witness to land agreements in 1360's and 1370's[153].

Canteshangre was one of the very few coroners whose service continued uninterrupted by the new reign, and he was allowed to continue to serve despite the amoval writ issued in 1392 on grounds of age and infirmity[154]. He was evidently regarded by crown as loyal and conscientious servant, and no complaints of extortion were ever made about him.

FAUCONYR, John le

Fauconyr came from a well-established family in north-east Hampshire, especially round Kingsclere, Hurstbourne Priors, Warblington and Portsdown. He inherited from his parents William and Emma in 1327. His son John also had rights in Earlstone manor, which he released to bishop of Winchester in 1373[155].

Fauconyr was commissioned for repairs to Winchester castle in 1350 and 1360. He was tax collector once, and verderer in Chute forest at the time of his death[156].

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[152]Sources include; *CFR 1369-1377*, pp 230, 269; *1377-1383*, pp 188, 244; *1383-1391*, pp 117, 157; JUST 3/156, rot 4; E 32/311; *CPR 1377-1381*, p 568; *1385-1389*, p 396.

[153]*Selborne Charters*, p 94; *WCM* 3, nos 16636, 19479; *CCR 1364-1368*, p 485.

[154]*CCR 1389-1392*, p 425.

[155]*CPR 1334-1338*, p 565; *CCR 1369-1374*, p 551.

[156]*CCR 1354-1360*, pp 572, 573; *1360-1364*, p 15; *1374-1377*, p 85; *CFR 1369-1377*, p 198; E 32/310.

He is found as a regular though not frequent witness to land transactions. On three of those occasions the bishop of Winchester was a concerned party[157].

FRAUNK, John

His landholdings are unknown, but they were sufficiently large to serve as security for £80 to Earl of Salisbury in 1363[158].

Fraunk's main sphere of activity was in New Forest, where he held various posts between late 1350's and his death in 1366. He was also commissioned there to assist in building and repair work to king's property including Brockenhurst manor and Lyndhurst park[159]. In January and April 1364 he witnessed four land transactions. On all four occasions Aungre was there, and twice Aignel also[160].

In April 1364 an oyer and terminer commission issued to the bishop of Winchester alleged Fraunk and others had abducted his ward. Two weeks later Fraunk signed two separate debt recognisances to the bishop of 500 marks each. This does not seem to be pure coincidence. The outcome of the commission, if any, is not known.

HORDER, William le

His widow's will, dated 1349, gives some indication of the family's prosperity. There was a house in Pilgrim Street and tenements in Fishmarket Street, 'Loberiestret' and (probably) English Street. Each of the four children (three sons and a daughter) was to receive a bed and a chest (two chests were

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[157]*Edington's Register*, 2, nos 307, 701; *Edington Cartulary*, nos 493, 495; *CCR 1364-1368*, pp 484-485; *1374-1377*, p 85.

[158]*CCR 1364-1368*, p 247.

[159]*CCR 1360-1364*, p 542; *1364-1368*, p 228; E 32/310.

[160]Ibid., pp 44, 50, 51.

Flemish, and one Spanish), and two of the sons were each to have a gold bowl[161].

Horder was bailiff in 1294-1295, and still alive in 1344 when he witnessed property agreements for St. Denys priory, from whom he also leased his own tenements. He also witnessed the settlement of a right of way dispute for God's House[162].

KYNGSTON, John de

The coroner was from the Isle of Wight branch of the family, born in 1306 and inheriting from his father Jordan in 1328. The holdings were various half-, quarter- and eighth-fees in the Island. His uncle John de Kyngston of Wiltshire was from the more prosperous branch of the family, which held extensive lands there, and became involved in the troubles of the early 1320's, at one point having some of his holdings confiscated for a time[163].

Kyngston served the crown steadily from early 1340's, overseeing the accounts of the king's officials, surveying the royal stud for horses, investigating corrupt officials, acting as oyer and terminer justice, enquiring about piracy, checking on the garrisons and so on. He was steward of the royal court at Newport and keeper of the crown possessions there 1351-1355, and escheator at about the same time. In 1364 he was granted a life annuity of five marks for his services as sergeant[164].

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[161]*St.Denys Cartulary*, 1, no 122.

[162]Ibid, for example nos 122, 181, 210; *WCM* 3, nos 17828, 17867, 17877; *God's House Cartulary*, no 55.

[163]*CPR 1330-1334*, p 450; *Cal Inq* VI, no 426; VII, pp 141-142; *CCR 1319-1323*, pp 586, 611; *1323-1327*, p 408; *1327-1330*, p 279; *1341-1343*, p 430; *Feudal Aids* II, pp 337-339; *Edington's Register* 1, nos 442, 1642, 840;

[164]*CPR 1340-1343*, pp 298, 444, 447,451; *1345-1348*, pp 109, 459-460; *1364-1367*, p 62; *CCR 1341-1343*, p 518; *1354-1360*, p 165 *CFR 1347-1356*, various.

With Passelewe and others, Kyngston recorded an 800 mark debt to archbishop of Canterbury in 1337[165].

He is twice referred to as a 'clerk'. In the 1330's two charges which were probably connected with property or inheritance disputes, alleged offences including arson, assault, kidnapping, forceful marriage of a minor, and the theft of documents. After 1337, he seems to have led an exemplary life and was obviously highly esteemed by the crown.

PASSELEWE, William

Passelewe is known to have held a quarter- and a half-fee in Brook and Hulverstone. He brought a suit of nouvel disseisin against Giles de Bello Campo in the 1340's[166].

He was commissioned as tax collector in 1339; later he was accused of extortion and fined over £17[167].

Giles de Bello Campo accused Passelewe and his brothers in 1341 of property and poaching offences; he was given extensions of time to pay the ensuing fines in 1343 and 1344. When Passelewe accused Bello Campo of novel disseisin (perhaps because he had still not paid the fines), the case remained unresolved because Bello Campo was going abroad with the king. In 1345 Passelewe and another were accused of fraudulent land dealings[168].

No trace has been found of Passelewe witnessing land agreements or receiving any commissions after that for tax collection. Why he and Kyngston recorded the 800 mark debt to the archbishop of Canterbury is unknown.

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[165]*CCR 1337-1339*, p 276.

[166]*CCR 1343-1345*, p 586; *Feudal Aids* II, p 339; *Sandale & Asserio's Register*, p 432.

[167]*CFR 1337-1347*, p 141; *CPR 1343-1345*, p 44.

[168]*CPR 1340-1343*, pp 328-329; *1343-1345*, pp 508-509; *CCR 1342-1345*, pp 235, 239-240, 454, 586.

SPENCER, Nicholas

Spencer held part of Northale, and in 1382 was said to hold two other manors on the Isle of Wight. He held land in Arreton parish from Appledurcombe priory, and rented extensive rectories and tithes on the island from the prior of Carisbrooke[169].

He acted as tax collector for the island eight times, and twice for Hampshire, between 1379 and 1392. He was commissioner of array twice, once with the earl of Salisbury, and in 1387 investigated wastes in the earl's recently acquired properties on the island[170].

Spencer was in heavy demand between 1377 and 1384 as a mainpernor for individuals and local officials including the keepers of local priories and manors, and the burgesses of Newport, but he has only been found as a witness once[171].

He was pardoned in 1384 for alienating land in Northale to himself and another, and fined 6s.8d. He once sold two sacks of wool to one Richard Prince, who illegally passed them over to a Frenchman for his use[172].

Like Canteshangre, Spenser seems to have been regarded by the crown as efficient and reliable. He was evidently also respected by the island community. His close connections with priories suggest that he acted as some kind of agent for them.

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[169]*VCH Hampshire*, 6, 143; *CCR 1381-1384*, p 36; *CPR 1388-1392*, p 507; *1396-1399*, p 420.

[170]For example, *CFR 1377-1383*, p 148; *1383-1391*, pp 18, 48, 119; *1383-1391*, p 26; *CPR 1381-1385*, p 292; *1385-1389*, pp 387, 390.

[171]For example, *CFR 1369-1377*, p 393; *1377-1383*, pp 75, 89, 210; *1383-1391*, p 30; *WCM* 2, no 3647.

[172]*CPR 1381-1385*, p 442; *1396-1399*, p 73.

TAUKE, John

Tauke came from a 'prominent' gentry family of Sussex and Hampshire[173].

He received various commissions from the crown from the late 1370's onwards, including tax collection, enquiries into customs evasions, and service as justice of the peace. Between 1395 and 1399 he acted as escheator[174].

His local activities in Sussex are more traceable (if this is the same John Tauke - there was more than one man of the same name in the family). He was occasionally a mainpernor, once for the keeper of Hayling priory, and is twice found witnessing land agreements. He may have been commissioned to investigate the robbery of Geoffrey Chaucer in 1390. With two associates, he brought a trespass action against four men whom they accused of beating their servants and arresting and detaining eight oxen; those accused said that the oxen were stolen and that they were merely responding to the hue and cry. Tauke acted as attorney on several occasions[175].

He was removed as coroner because he was in prison for debt and therefore unable to act. He had misappropriated revenues from sale of Lord Cobham's possessions, ordered in 1398, and when Cobham's return to favour was unexpectedly rapid, Tauke could not pay what was now a private debt of about £40. He was also accused of extortion at a homicide inquest[176]. He was not particularly corrupt by the standards of the day, but he was unlucky to be caught out on both occasions.

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[173]For more information, see Post, 'The Tauke Family', which explores Tauke's origins and activities fully. There is some discussion also in Post's 'Criminals and the Law', pp 103-104.

[174]Sources included Post, 'The Tauke Family, 100-101, 103; *CFR 1377-1383*, p 147; *CCR 1385-1389*, p 357.

[175]Post, 'The Tauke Family', 99-101; *CFR 1377-1383*, p 161; *WCM* 2, no 4254; 3, no 20201; *CCR 1392-1396*, pp 284-285.

[176]Post, 'The Tauke Family', loc cit; KB9/108.

VEER, John

Veer's landholdings have been impossible to establish, but his presence at land transactions and as juror in a homicide case on the Isle of Wight indicate his residence there. In 1391 he was referred to as 'esquire', suggesting that his holdings were not particularly large[177].

His traceable activities are limited to a few years from the 1390's to the early 1400's. He enquired into concealments in Hampshire of the property of the earl of Arundel, and was instructed to arrest a canon from Christchurch priory. In 1401 he was tax collector[178].

He acted as a mainpernor once, in 1391. Apart from his appearances on witness lists, the only other mention of him dates from 1403-1404, when two men were pardoned their outlawry for failing to pay Veer their debt of £20[179].

If Veer was truly old and ill, as the amoval writ alleged in 1402, it seems puzzling that he only emerged from obscurity in the early 1390's, when he was (presumably) already past his prime. Perhaps he did not acquire or inherit any (or sufficient) property until a late age.

WARYN, John

In 1378 he and his wife Maud were said to have land in Overburgate in Fordingbridge hundred. In 1366 he was said to be a free tenant in New Forest and was several times named as verderer, but the extent of his holdings is not known[180].

He was regularly commissioned as a tax collector from 1372 onwards, but particularly frequently between March 1380 and November 1382 (four times). He usually acted in this capacity with other known coroners - Aungre,

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[177]*CPR 1396-1399*, p 420; *WCM*, 2, various; *CCR 1389-1392*, p 351.

[178]*CPR 1396-1399*, p 363; *1399-1401*, p 82; *CFR 1399-1405*, p 114.

[179]*CCR 1389-1392*, p 352; *CPR 1401-1405*, pp 337, 340.

[180]*VCH Hampshire*, 6, p 570; E 32/310.

Canteshangre and Tauke[181]. As well as acting as verderer in New Forest, Waryn was regarder of Savernake in 1361[182]. He represented the sheriffs of Hampshire and Wiltshire at Exchequer in 1369[183].

The crown seems to have been satisfied with him since he was so frequently commissioned as tax collector.

WELEWYK, Stephen le

Welewyk lived at East Tisted and was said to be a merchant, so he may not have had large landholdings. Born circa 1313, he was already about fifty when began acting as coroner. For some years Welewyk had an income of £16 rent, bequeathed him by William de Overton; he also had woodland called 'le Vynous'. The nature of his mercantile trade is unknown, but it was apparently profitable; he and another merchant lent Sir Thomas West (with whom Welewyk engaged in at least one land transaction) £400, a debt still being pursued three years after Welewyk's death[184]. The loan seems to have been connected with collection of the wool staple.

In 1343 he was commissioned to arrest indicted felons sought for trial by oyer and terminer comission; in 1346 he served as an inquest juror for eight Hampshire hundreds being assessed for feudal dues. He obtained life exemption in 1353 (perhaps put off by this experience) but was apparently not unwilling to serve when it suited him, not just as coroner - he was tax collector several times between 1357 and 1374[185].

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[181]For example, *CFR 1369-1377*, p 191; *1377-1383*, p 147; *1383-1391*, p 70; *CCR 1377-1381*, p 425; *1381-1385*, p 534.

[182]E 31/318.

[183]*CCR 1369-1374*, p 79.

[184]*Extents for Debts*, pp 29-30; *Cal Inq*, XI, nos 153, 541; *WCM* 2, no 11604b.

[185]*CPR 1343-1345*, pp 160, 164; *1350-1352*, p 487; *1356-1361*, p 345; *Feudal Aids*, II, 331; *CFR*, for example *1356-1368*, pp 44, 63; *CCR 1360-1364*, p 53.

Welewyk was a frequent witness to charters, especially with Westcote, another coroner[186]. But he is not found witnessing 1349-1356, or in receipt of governmental commissions during those years; perhaps business interests kept him busy and away from home, which may also explain why he sought an exemption. The years when he was busy as coroner also see less witnessing activity. He is known to have been regarder and verderer in Woolmer and Alice Holt from time to time[187].

Welewyk was fined 100s. for extortion when King's Bench visited Hampshire in 1371[188], and an amoval writ for insufficiency was issued within days[189]. The crown continued to employ him as tax collector, though - perhaps because collectors always worked in groups and could monitor each other's activities.

Welewyk died in 1378, and his will survives. He asked to be buried in East Tisted church, and provided 30 marks for the funeral. Two cows, each worth 10s., were donated to pay for candles and lights in the church for a year. Four religious orders were to receive 40s. each, and two Winchester churches 6s.8d. each, a sum also donated to the lamp of St.Katherine at Newton Valence. Each nun at Wherwell was to be given 12d., as was each poor man at St.Mary Magdalene's hospital in Alton. The value of his possessions cannot be estimated since his only heir was his widow Maud. One of his executors was John de Romeseye[190].

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[186]*CCR 1374-1377*, p 83; *Selborne Charters*, pp 90, 93; *WCM* 2 and 3, various.

[187]E 32/310, 311.

[188]KB 29/442, fines and forfeitures, rot 1.

[189]*CCR 1369-1374*, p 236.

[190]*Wykeham's Register*, 2, 294. The will was proved on 22 November 1378.

WESTCOTE, Thomas de

Westcote is known to have held 45 acres in Alton and Holybourne, 21 acres in Woolmer and Alice Holt forests, 180 acres in Westcot and 200 acres at Colmere, as well as parcels elsewhere in the county and rent from tenements in Winchester[191]. It is difficult to see how such extensive holdings could justify an insufficiency writ.

He was tax collector for the county four times between 1346 and 1351, bailiff for Robert de Hungerford in 1341, and verderer for Woolmer and Alice Holt at the time of his death[192].

He frequently witnessed land transactions between 1336 and 1360, although his appearances tail off in 1350's probably because of his age - he had been old enough to control his own property in 1312 - or else because he was busy as coroner. Often Welewyk appears on same witness lists[193]. Westcote was certainly fit enough to be active as coroner up to December 1360[194]. His records were not handed in when King's Bench visted Hampshire ten years after his death.

Wiltshire Coroners

AUNCELL, John

He is sometimes referred to as 'of Lavington'. Father and son were both of the same name, and confusion between them may have extended to the crown, which tried to replace Auncell as bailiff of Swanborough hundred

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[191]*Cal Inq* VIII, no 42; XI, no 472; *CFR 1356-1368*, p 264; *WCM* 3, no 1312.

[192]*CFR 1337-1347*, p 484; *1347-1356*, pp 25, 269, 271; *CCR 1364-1368*, p 360; JUST 3/130, rot 98.

[193]*CCR*, various, for example *1337-1339*, p 627; *1339-1341*, p 327; *1349-1354*, pp 214, 215; *Edington Cartulary*, no 457; *WCM* 2, various; 3, no 1312.

[194]JUST 3/147, rot 12.

because it believed him dead[195]. It was probably the son rather than the father who was coroner. The family held the manors of Imber, Wardour and Knighton parcels of land in and around Bishops Lavington, Urchfont, Eastcott, Great Cheverell and many other areas in the county. They were obviously quite affluent[196].

A John Auncell was tax collector for the county in 1380. In January 1381 he was granted the bedelry of Rowborough, Swanborough and Studfold hundreds for life. He undertook repairs to Devizes castle twice, and received two oyer and terminer commissions. He is found named as regarder in Savernake several times between 1365 and 1374[197].

Auncell was the steward of lords Lovell and Holland in 1400, and is found acting as executor and attorney. He was a mainpernor for John Roche, keeper of Woodrow manor, in 1381, and a regular witness to land transactions[198]. Sometimes he witnessed with Bonham, and on Bonham's behalf.

His activities suggest some kind of legal knowledge or training. Repeated crown commissions suggest that he was regarded as efficient and reliable. Local complaints about his behaviour while bailiff included taking bribes to allow homicide suspects to escape, inciting false prosecution of mayhem, unjustified amercements, and fraud, but he was acquitted[199]. In the 1390's a man of the same name, acting on Lovell's behalf, was accused of

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[195]*CCR 1385-1389*, p 678; *1392-1396*, p 368; *CPR 1385-1389*, p 248.

[196]*Feet of Fines Edward III*, nos 547, 556, 624; *CCR 1389-1392*, p 82; *1392-1396*, pp 368-369; *CPR 1370-1374*, pp 444-445; *IPM* XIV, no 83.

[197]*CFR 1377-1383*, p 187; *CPR 1377-1381*, p 585; *1385-1389*, p 248; *CCR 1385-1389*, p 678; E 32/318.

[198]JUST 3/186, rot 4; *CCR 1364-1368*, p 457; *1385-1389*, p 80; *Edington Cartulary*, for example nos 31, 332, 337, 379.

[199]KB 27/492, rex, rots 14, 15, 15 dorse.

false imprisonment and intimidation of jurors[200]. There is no evidence of any accusations of corruption or extortion while he was coroner.

BONHAM, Nicholas, knight

A man of substance. He had extensive landholdings in the county, from which he alienated land to Edington monastery and Wilton abbey, and he granted the manors of Great Wishford and Bonham to Thomas Hungerford. His holdings included the manors of Imber and Fovant and numerous parcels elsewhere, which he distributed among his own family. He married his daughter Christina to the son of Hampshire coroner John de la Burgh[201].

Bonham served as knight of the shire for Wiltshire frequently between 1366 and 1383. He was justice of the peace several times between 1377 and 1386, and in 1378 was a gaol delivery justice at Old Sarum. He was twice named on oyer and terminer commissions, in 1381 and 1382. Various other commissions included enquiries into selling of unulnaged cloth, illegal alienation of land, overseeing of repairs to Old Sarum, collection of the parochial subsidy and as commissioner of array[202]. He was a frequent witness to land agreements, often with Auncell and other known coroners. Bonham was guardian of a minor from 1354 until 1373. He acted as verderer in Clarendon, Grovely and Melchet 1369-1372, on one occasion being fined for non-production of his rolls[203]. When amoved because too busy to act in 1377,

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[200]*CPR 1391-1396*, pp 79, 238.

[201]*Edington Cartulary*, for example nos 172, 173, 383-385; *Feet of Fines*, nos 50, 98; *Feet of Fines Edward III*, nos 544, 553; *CCR 1385-1389*, pp 250-251, 293; *IPM* XVIII, no 311.

[202]*CCR*, for example *1364-1368*, pp 273, 476, 611; *1374-1377*, p 429; *CPR*, for example *1374-1377*, p 153; *1377-1381*, pp 52, 473, 512; *1385-1389*, pp 177, 340; *1381-1384*, p 241; *CFR 1369-1377*, pp 111 126.

[203]*Edington Cartulary*, for example nos 159, 160, 167, 176; *WCM* 2, no 9046; 3, no 20225; *CCR 1374-1377*, for example pp 432, 518; *CFR 1347-1356*, p 339; *IPM* XIII, no 289; E 32/267; 318.

he was in that year both attending parliament and acting as justice of the peace[204]. He was fined 10s. for demanding money to hold inquests in 1384[205].

In 1348 Bonham and Fox were among those alleged to have damaged and stolen from the properties of archbishop of Canterbury and Edward and Elizabeth de Monte Acuto, and in 1349, this time with Russel, Bonham was said to have taken part in the abduction of Alice Greville, a ward of earl of Essex[206]. Russel was escheator at the time. Several times Bonham was commissioned with Daunteseye and Upton.

He was obviously eminent among the gentry in the county and regarded by the crown as a valuable servant. There are indications that he had legal training of some kind. He seems to have been a man who took an interest in national events and was willing and able to spare the time to carry out numerous duties for the crown.

COLE, John

In 1384 Cole was said to live in Fugglestone in Branch hundred, and estreats from his roll confirm the southern part of county to have been the sphere of his activity. The extents of his holdings have been impossible to determine because of the commonness of the name, but he may have held land in Chalke hundred and in Gloucestershire[207].

Cole was commissioned as tax collector twice in 1393. He investigated complaints that the keeper of Grovely was being prevented from taking over his bailliwick, and is twice found witnessing land agreements, one in which

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[204]*CCR 1377-1381*, p 512.

[205]KB 9/132.

[206]*CPR 1348-1350*, pp 66, 322.

[207]KB 27/492, fines and forfeitures, rots 1, 2 dorse; *Feet of Fines 1377-1509*, nos 4, 25; *CPR 1392-1396*, p 135.

Bonham was a concerned party[208]. Between 1372 and 1394 he served as MP for the county on seven occasions[209].

He was fined 40s. for extortion as coroner in 1384, the highest fine of any coroner accused at that session of the eyre. Several townships complained about him[210].

COUMBE, Walter de

The family held land in both Gloucestershire and Wiltshire, and seem to have moved residences between their holdings from time to time. Wiltshire holdings included land in Codford, Orcheston, Milston, Compton by Enford and Milder. Father and son were both named Walter; the father was sub-escheator for Gloucestershire and the Welsh marches in 1330's and also coroner, but was amoved for non-residence in 1336. It is uncertain whether the father or the son was coroner. If it was the son, and he had not inherited by 1356, this would explain the insufficiency amoval; on the other hand, if the father, the family's holdings in Wiltshire may have been deemed too small. It was probably the son who was coroner, since Walter senior was already in possession of his lands some 30 years earlier, and it was a strenuous job for an older man. A man of the same name was verderer in Chute in 1375. The Wiltshire lands seem to have been held in chief, but no details of them have been found[211].

Split holdings seem to have stopped the Coumbes from being able to get a foothold on the ladder of royal service, although they obviously tried to do so. The Wiltshire lands were apparently all in the south of the county, too

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[208]*CPR 1377-1381*, p 568; *CFR 1391-1399*, pp 72, 96; *CCR 1385-1389*, pp 262-263, 314.

[209]J S Roskell, *History of Parliament 1386-1421*, 2, 626.

[210]KB 9/132.

[211]*Feet of Fines Edward III*, no 6; *CCR 1330-1333*, p 181, 403; *1333-1337*, p 598; *CFR 1391-1399*, p 154; E 32/318.

far from the Gloucestershire holdings to enable them to build up a local power base and necessitating much travelling to administer them.

DAUNTESEYE, John, knight

Another important and substantial family in the county. Daunteseye's family was rewarded for loyal military service to the crown, during which one John Daunteseye (either the father or the uncle of the coroner) had been taken prisoner. The king lent him £40 to help him pay his ransom against the farm, by petty serjeanty, of Dilton and Bratton manors. The same man went abroad again for three years in 1361, and in 1373 the king also granted him Marsden manor for a rose rent. By 1381 the family had interests in many other Wiltshire manors and by 1404 had expanded into Gloucestershire, London and Hertfordshire. They remained resident at Winterbourne Dauntsey, where in 1405 they were said to be carrying out building work[212].

Men of this name served the crown regularly and frequently, although it is often difficult until 1390, when the elder John died, to be certain which individual is involved; but it is evidence of a family tradition of royal service. John Daunteseyes are found acting as sheriff, keeper of Old Sarum castle, tax collector, knight of the shire, local defence organiser, commissioner of array, justice of the peace, knight of the shire, and gaol delivery justice, right up until 1405, when the younger John also died. In 1379 a John Dauntesey was even put in charge of inspecting and correcting the tax assessments for the county because the original assessors were found to be negligent and corrupt[213]. Such repeated appointments of the Daunteseyes show them to have been greatly valued by the crown.

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[212]*CPR 1350-1354*, pp 243, 260; *1361-1364*, p 12; *1370-1374*, p 360; *Cal Inq* IX, no 22; X, no 230; *IPM* XVI, nos 495, 496; XVIII, no 837; *John Chandler's Register*, no 52.

[213] Sources include *CPR*, for example *1370-1374*, p 120; *1377-1381*, p 222; *1385-1389*, p 405; *1388-1392*, p 437; *CFR 1368-1377*, p 221; *1377-1383*, p 162; *1399-1405*, pp 126, 520; *IPM* XVIII, nos 1056-1059.

EVERARD, John

Born circa 1319, his landholdings are difficult to establish because the name is so common. It seems likely that the man who acted as coroner was the man who, with his wife Beatrice, held land in Great Woodford and Stratford-sub-Castle[214]. His holdings must have been fairly substantial to allow him to fill the posts of escheator and sheriff.

After service as coroner, Everard was sheriff until November 1355. Commissioned twice as tax collector, in 1349 and 1352, he also served as justice of the peace twice, and justice enforcing the Ordinance and Statute of Labourers in 1355 and 1356. He was controller of works in Clarendon and on three occasions was in charge of repairs to Old Sarum castle, as well as undertaking tasks in Grovely forest[215]. He twice acted as executor for Salisbury citizens, and is referred to as steward for Wilton abbey in a Wilton abjuration record[216]. He witnessed a charter for the bishop of Salisbury in 1352, and in 1355 he was fined for conspiring to defraud the king of revenue from the sale of wood in Clarendon forest (and also for failing to produce the rolls of his father, who had been verderer and regarder)[217].

GERARD, William

Gerard is known to have had land in Burcombe and Ugford St.James, and a quarter fee in Barford St.Martin[218].

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[214]*Cal Inq* XI, no 385; *VCH Wiltshire*, 5, 27; *Feet of Fines Edward III*, no 300.

[215]JUST 2/195; *CFR 1347-1356*, pp 192, 409; 1356-1368, p 30; *CPR* ,for example *1348-1350*, p 516; *1352-1354*, p 92; *1354-1358*, pp 295, 550; *CCR*, for example *1349-1354*, p 310; *1354-1360*, p 152, 272.

[216]*CPR 1350-1354*, pp 45, 216; *1354-1358*, p 529; *CCR 1354-60*, p 342; JUST 2/196.

[217]E 32/267.

[218]*Feet of Fines, Edward III*, no 43; *Roger Martival's Register* 1, 401; *Cal Inq* VIII, no 529.

In 1332 he had obtained a life exemption, although he was apparently willing to serve both as coroner and as verderer in Clarendon[219].

Little else is known about Gerard, although he shares a name with one of the men accused of participating in a violent assault on Beamish manor in 1347. This man was said to have fled to Lancashire. Whether it was the same man is unknown; initially outlawed, in 1359 he and several others were said to have proved their innocence, and received pardons[220].

GORE, Thomas

Gore held Whaddon manor from Gilbert de Roches and was his steward there. What other holdings he may have had are unknown, although he was one of three men who alienated land in Chippenham and Bradford hundreds to pay for daily masses for Walter Haywode, who had been sheriff of the county. Another document linking him with Atworth manor may indicate that he was a feoffee to use rather than having any direct interest there[221].

Gore was several times named as attorney on behalf of the church in land transactions, and at least once for a private individual, John de Roches. He often witnessed land agreements, and acted as steward for Farleigh priory, Romsey abbey and Dame Elizabeth Audley as well as Gilbert de Roches[222].

His connection with the Roches family continued for many years and extended to accusations that he had tried to bribe the constable of Devizes castle to release Gilbert when the latter was imprisoned for forest offences. He also apparently lived with Gilbert's wife while her husband was away in

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[219]*CPR 1331-1334*, p 384, E 32/261.

[220]JUST 2/195, rot 8 no 3 and dorse, no 4; C 260/108; *CCR 1346-1349*, p 495; *CPR 1348-1350*, p 379.

[221]*CPR 1381-1385*, pp 114, 438; *Feet of Fines 1377-1509*, no 115.

[222]*Edington Cartulary*, for example nos 141, 385, 416; *CCR 1354-1369*, p 329; *CFR 1347-1356*, p 245; *VCH Wiltshire*, 5, 28; JUST 3/156, rot 8; *CPR 1361-1364*, p 166.

France and the couple had three children, one of whom later tried to claim Whaddon manor as her inheritance. This does not appear to have affected their dealings with each other adversely[223]. Like the other serving coroners, Gore was fined for extortion in 1384[224]. His services were apparently highly valued by local figures of importance and by the church, and he may have had some legal training, but apart from his service as coroner, and as verderer in Pewsham and Melksham forest, he is not known to have held any other royal posts or commissions[225].

HARNHAM, John de

The family had an estate at Harnham and were sufficiently wealthy to allow both John senior and his son John (the coroner) to alienate land to the church[226].

John senior played the more prominent part in local affairs. Born circa 1285, he served as under-sheriff, keeper of Wilton, verderer of Clarendon, tax collector and custodian of the lands of the king's aunt Mary[227]. John junior's activities were much less diverse, but he was nonetheless involved in commissions in Clarendon apart from his duties as coroner[228].

John the coroner witnessed land agreements on several occasions, on some of which the bishop of Winchester and the bishop of Salisbury (as well as John Everard) were interested parties[229]. Indeed, Harnham and Everard were

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[223]KB 27/492, rex, rot 14; *Robert Hallum's Register*, no 1068.

[224]KB 27/492, fines and forfeitures, rot 1.

[225]E 32/318.

[226]*Feet of Fines, Edward III*, pp 68-69; *CPR 1331-1334*, p 21; *1348-1350*, p 406.

[227]Sources include *Cal Inq* VII, no 395; *CCR 1330-1333*, for example pp 268-269, 425-526; *1333-1337*, p 36; *CFR 1327-1337*, pp 354, 370, 358.

[228]*CFR 1347-1356*, p 417; *1356-1368*, p 30; *CPR 1358-1361*, p 305.

[229]*CPR 1354-1358*, p 649; *CCR 1360-1364*, p 148; *1364-1368*, p 44.

always associated in the Clarendan commissions and in 1343 engaged in some kind of transaction resulting in two debt recognisances[230]. He is also known to have been at the christening of Alice, daughter of Thomas de Sancto Omero[231]. Harnham seems to have been respected and valued locally, although not used by the crown to the same extent as his father.

HAVERESHAM, Henry

Haveresham not only held property in Wilton, consisting of a tenement and curtilage in South Street, he also held nearby Hurdcott manor between 1371 and 1387[232]. His business is unknown, but he lent large sums to men from Sussex and London in the 1350's[233].

Rather unusually for a town-dweller, Haveresham is found as verderer in Clarendon, Grovely and Melchet in 1369 and 1372, perhaps because he held land there (He was also fined for keeping pigs on his forest land)[234]. He was commissioned to sell underwood from Grovely in 1368, and was tax collector in 1372 and 1377[235]. He was frequently in demand as a witness to charters and quitclaims in the 1370's[236].

In 1367 the prioress of Studley alleged that Haveresham had ben among those who had abducted her bondswoman, stolen livestock worth £100, and assaulted and imprisoned her men and servants at Wilton. The outcome of the oyer and terminer commission is unknown[237].

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[230]*CCR 1343-1346*, p 105.

[231]*Cal Inq* X, no 336.

[232]*WCM* 3, no 19436; *CPR 1370-1374*, p 46; *CPR 1385-1389*, p 361.

[233]*CCR 1354-1360*, pp 509, 645.

[234]E 32/267; 318.

[235]*CFR* VII, 372; VIII, 191, 387.

[236]For example, *CCR 1374-1377*, pp 241, 432, 518; *WCM* 3, nos 19433-19435.

[237]*CPR 1363-1367*, p 429.

HUNGERFORD, Walter de

Walter was born circa 1286[238]. The family's influence in the county was growing. His brother Robert was one of the largest taxpayers in 1332, and acted as steward for the Duchy of Lancaster as well as acting as oyer and terminer justice and carrying out various enquiries on the king's behalf[239]. Walter's son Thomas continued to build up the family's importance. He was member of parliament and sheriff and held the bedelries of Potterne, Ramsbury, Milford and Woodford. Walter's grandson and namesake went on to become first Lord Hungerford[240].

Walter was surveyor of weights and measures in Oxfordshire and Berkshire in 1343, helped the escheator with an inquisition in 1345 and was justice of the peace in 1351. He may earlier, in the late 1330's and early 1340's, have been escheator for Kent, Surrey, Sussex and Middlesex[241].

He had close contacts with the bishop of Salisbury, attending a christening with him 1317 and in later life acting as his steward[242]. He was active in acquiring and conveying land in the county, especially where members of his family were concerned, and often witnessed such agreements on his son's behalf, especially from the late 1340's onwards[243].

Some activities indicate a level of legal training, such as acting as justice of the peace and his brother's attorney; he seems to have provided the

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[238]*Cal Inq* VII, no 395. In 1331 he said that he was 45 years old.

[239]Sources include *Wiltshire Tax List*, pp 27, 40, 42, 117; *CCR 1327-1330*, pp 67, 329, 353. For a brief resume of his career, see *VCH Wiltshire* 5, 29, 32 n, 76.

[240]Ibid, pp 34, 53, 76; *CCR 1360-1364*, pp 16, 440; *1370-1375*, p 30.

[241]*CCR 1337-1339*, pp 183, 195; *1339-1341*, pp 171, 389, 426; *CPR*, for example *1343-1345*, p 500; *1340-1343*, p 587; *1350-1354*, p 92; *Cal Inq*, VIII, no 529.

[242]*Cal Inq* VII, no 395; JUST 3/120, rot 4.

[243]*Edington Cartulary*, nos 429, 438, 442, 444, 447.

same for his son, who acted as the bishop of Salisbury's attorney at least twice[244]. He and his brother evidently saw office-holding as one of the keys to success and prosperity.

HUSE, Peter de la

Huse held considerable land in Wiltshire, including Rowden manor, over thirty acres in Box, and land in Chippenham which included the right to hold a court. His main interests may have lain in Berkshire, which he represented as knight of the shire in 1328-1329, and included Finchampstead manor[245].

Only two royal commissions are recorded, both in 1337, in an oyer and terminer commission and as collector of the scutage in Wiltshire[246]. His participation in local affairs was very limited. He has only been found as a witness to land transactions, and then on only four occasions in about 1303[247]. Probably this is due to the division of his holdings and influence between two counties.

LILLEBON, John, knight

Lillebon was born in the early 1340's. For some years from 1355 he was the ward first of John de Malewyn and later of Queen Philippa. His brother William inherited the Northumbrian lands of the family, and John got the extensive Wiltshire lands of his grandparents, which included several

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[244]*CCR 1327-1330*, p 572; *1360-1364*, pp 5, 6.

[245]*VCH Wiltshire*, 5, p 28 n; *Feet of Fines, Edward III*, nos 52, 154, 245; *Cal Inq* VIII, no 120; XII, no 357; *Roger Martival's Register* 1, 89.

[246]*CPR 1334-1339*, p 509; *CFR 1337-1347*, p 53.

[247]*Lacock Abbey Charters*, nos 113-116.

manors[248]. Lillebon exchanged land with Thomas Hungerford and others, and entered into extensive financial dealings, signing debt bonds of up to £1,000[249].

For over twenty years from 1381 onwards, Lillebon was tireless in serving in numerous capacities. He was justice of the peace several times between then and 1403, was commissioner of array twice each for Berkshire and Wiltshire, and sat on gaol delivery sessions. He was knight of the shire for Wiltshire in 1395 and received several special enquiry commissions in the reign of Henry IV[250]. On several occasions he worked with William Stourton and John Daunteseye.

Hardly surprisingly, there is little evidence of his settled presence locally.

MERE, John de, knight

Mere was also among the more prominent landholders in the county. He held the castle and manor of Mere, and other manors which included Forthington manor in Dorset, Gillingham, Wallingford, Chaddenwick and Mildenhall, as well as some property in Shaftesbury. He is found conveying land in other areas of the county, at one time had a share of Fernham manor in Hampshire, and may have held lands in Somerset also[251].

He was also keeper of the manor of Christchurch Twynham and Ringwood, as well as Westover borough and hundred, and in 1326 was joint

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[248]*Cal Inq* XI, no 22; X, no 248; *IPM* XVI, no 437; XVII, nos 232, 1271; XVIII, no 837; *CCR 1360-1364*, p 218;.

[249]*CPR 1367-1370*, p 106; *CCR 1381-1385*, pp 383, 389; *1385-1389*, p 639; *1389-1392*, pp 480, 505.

[250]Sources include *CPR*, for example *1381-1385*, pp 86, 141, 247; *1385-1389*, p 667; *1395-1401*, pp 210, 211, 312; *CCR*, for example *1389-1392*, pp 137, 138, 342; *1392-1396*, p 419; *1396-1399*, pp 230, 372, J S Roskell, *History of Parliament 1386-1421*, 3, 602-3.

[251]Sources include *CPR 1334-1339*, pp 5, 441; *1358-1361*, p 82; *Feet of Fines, Edward III*, nos 55, 59, 214, 322, 366, 396; *Roger Martival's Register*, pp 479-484; *WCM* 2, no 9042; *CCR 1337-1339*, p 520; *CFR 1327-1337*, p 214 ; *1337-1347*, p 91.

keeper of Winterslow manor. Between 1326 and 1330 he was guardian of the lands and heir of John de Bidyk, and clung tenaciously to them for three years after the heir was declared of age[252]. He was also keeper of Netley abbey and advised the abbot how to extricate himself from financial difficulties[253]. He was steward of Warminster hundred in 1334, and of Mere hundred in 1345[254].

Like Lillebon, Mere served repeatedly in various capacities. He was named on oyer and terminer commissions no less than 24 times, often several times in the course of one year, served on seven special commissions of enquiry between 1331 and 1344, and was commissioner of walls and ditches in 1343[255]. He took three years off to go on pilgrimage to Santiago; as soon as he returned in 1334, the flow of commissions began again[256]. From 1345 onwards he served as justice of the peace several times in Somerset and Dorset, and was knight of the shire for Wiltshire in 1339-1340[257].

A close and long relationship with the earls of Salisbury is evident. Mere was attorney, steward, lender and executor to members of the family, suggesting not only a man with some education but also one retained to act in the family's interests at a local level[258].

There was one accusation against him in 1327, when he and others were accused of assisting the abbess of Shaftesbury to steal livestock[259].

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[252]*CCR 1323-1327*, p 397; *1333-1337*, p 148; *Cal Inq Misc* VII, no 308; *CFR 1327-1337*, p 214; *1337-1347*, p 91.

[253]*CPR 1327-1330*, p 302.

[254]JUST 3/120, rot 5; 130, rot 81 dorse.

[255]*CPR*, for example *1338-1340*, p 560; *1343-1345*, p 415; *1331-1334*, pp 200, 201; *1334-1339*, p 206; *1340-1343*, p 455.

[256]*CCR 1330-1333*, pp 527-528; *CPR 1334-1339*, p 64.

[257]*CPR 1344-1348*, for example pp 30, 106, 232; *1348-1350*, p 75; *VCH Wiltshire*, 5, 28.

[258]JUST 3/130, rots 97, 98; *CPR*, for example *1334-1338*, p 421, 139-140; *1338-1340*, p 192; *1340-1343*, p 229; *CCR 1343-1346*, pp 347, 461.

[259]*CPR 1327-1330*, p 77.

In the 1320's Mere and his wife Eleanor founded a chantry chapel in Mere church to pray for the souls of themselves and their heirs, and also of the queen of Edward I[260]. The terms of the endowment were generous, and taken with the evidence of Mere's pilgrimage, suggest that he was a man whose piety was sincerely felt.

RUSSEL, Robert

Little is known of Russel's holdings: the name is quite common. In 1332 a man of that name was the second largest taxpayer in Codford, a man of that name may have held Rockley manor, and a Robert Russel held half a knight's fee in Quidhampton from the earl of Essex between 1339 and 1363[261].

Russel received frequent commissions, especially from the early 1340's onwards. He surveyed wastes in Old Sarum and the forests, collected the wool tax in 1342 and although replaced, was initially ordered to collect the aid to marry the Black Prince. He received regular oyer and terminer commissions between 1344 and 1357, and was justice of the peace in 1345 and 1350. He was escheator from 1348, and sheriff in the early 1350's. After that he was one of the keeper of Old Sarum castle and a deputy keeper of Clarendon[262]. After he began to receive these commissions he rarely witnessed land transactions. Russel was also steward for Hugh de Audele and for Queen Philippa in the 1340's[263].

Not all these commissions were completed to the crown's satisfaction. He was accused of failing to obey royal orders in 1338, and as collector of the wool tax was said to have failed to complete the returns and made 'frivolous'

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[260]*Roger Martival's Register*, 2 (part 2), 479-484.

[261]*Cal Inq* VIII, no 185; XI, no 528; *CCR 1341-1343*, p 150; *Feet of Fines, Edward III*, no 386; *Wiltshire Tax List*, p 70.

[262]*CPR*, for example *1331-1334*, p 403; *1340-1343*, pp 215-218; *1348-1350*, p 516; *1354-1358*, pp 445-446; *CCR 1341-1343*, p 506; *CFR 1337-1347*; *List of Sheriffs*, p 152.

[263]JUST 3/130, rots 90, 92 dorse, 93.

excuses. In 1343 and 1344 he and others were accused of trespasses and extortions, which cost him £120 in fines and a pardon[264]. He was also fined 100s. for venison offences[265] In 1349, when he was escheator, he (and Bonham, among others) was said to have abducted the ward of Humphrey de Bohun[266]. Leaving aside the last two matters, the other offences indicate that his attitude to authority betrayed a certain intransigence and contempt.The fact that he appears so rarely as a witness may indicate that locally he was not held in a great deal of esteem, although it may be that he was simply too busy.

TESTEWODE, Peter

Little is known of Testewode's holdings, although his roll indicates that he lived and worked in a compact area in the north-west of the county[267].

Testewode only received two crown commissions, and these were of minor importance[268]. But they were both connected with church matters, and indeed his numerous appearances on witness lists in which the church was an interested party suggests that he had some kind of special interest in ecclesiastical corporations. Between 1350 and 1359 his name appears as a witness eighteen times[269]. Perhaps he had some kind of legal background and a special interest in land transactions where undying corporations were concerned, or was retained by the bishop of Winchester. The amoval writ for insufficiency was not acted on, which suggests that locally he was acceptable as an office-holder, and may be some indication of his character.

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[264]*CCR 1337-1339*, p 615; *1341-1343*, p 506; *1343-1345*, pp 180, 234, 314; *CPR 1343-1345*, pp 119, 215.

[265]E 32/267.

[266]*CPR 1348-1350*, p 322.

[267]JUST 2/193.

[268]*CPR 1345-1348*, p 523; *1354-1358*, p 385.

[269]*CCR 1354-1360*, p 330; *Lacock Abbey Charters*, no 204; *Edington Cartulary*, for example nos 12, 89, 92, 110, 134, 174-175.

UPTON, John de

Upton must have lived in Salisbury, where he was coroner, but what his properties were, or how he earned his living, are unknown.

From time to time he received royal orders, including instructions to repair wind damage in Clarendon and to sell produce from various royal properties in both Wiltshire and Hampshire[270]. He also acted as attorney for the bishop of Salisbury, defending his liberties against various persons, which suggests he had some legal training[271]. Nothing else is known about him except that at one time he planned a trip to Calais on the king's behalf but did not go[272].

URDELE, Richard

The family's properties lay in Gloucestershire as well as Wiltshire. The Wiltshire holdings were all in the north of the county, and the estreats of his roll confirm that this was the area of his activity. His Gloucestershire holdings are known to have included property in Badminton, Hawkesbury, and Over and Lower Siddington[273].

Urdele was guardian of a minor between 1363 and 1373, for which he paid 5s. annually, and had his marriage, for which he paid a further 6 marks. He was tax collector in 1358 and later a verderer in Braden forest[274]. Between 1363 and 1387, Urdele's name appears regularly, but not frequently, on witness lists; while in May 1384 he was mainpernor for one group of men accused of threatening others. He was fined for extortion by King's Bench in

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[270]*CPR, 1354-1358*, p 401; *1361-1364*, p 183; *1377-1381*, p 568; *CFR* VII, p 372; *CCR 1367-1370*, p 466.

[271]JUST 1/1445, rot 19 dorse.

[272]*CPR 1354-1358*, p 600.

[273]*Feet of Fines, 1377-1509*, nos 116, 175, 176.

[274]*CFR* VII, pp 64, 250; *CCR 1360-1364*, p 453; *1377-1381*, p 451; *IPM* XIII, no 288.

1384, paying 20s.[275] Nothing further is known of him; presumably his split holdings impeded more frequent commissions and local influence.

WARMWELL, William

The name is not found among Salisbury taxpayers in 1332, but over the next fifty years the family had achieved some prosperity there. In 1380, Warmwell was one of the Salisbury syndicate leasing the cloth subsidy for ten years, and which made an unsuccessful second bid in 1389[276]. In 1389 he was said to control eleven messuages, nine virgates of land and an acre of meadow in Salisbury and Stratford Tony[277].

Warmwell is known to have acted as attorney for the town, with both Richard Spencer and Richard Juwel, when the bishop accused the citizens of damaging his interests, and was an executor for a man called William Teynturer, the settlement of whose estate dragged on for over three years[278]. He also served as MP for the borough on five occasions between 1383 and 1395[279].

How he earned a living is unknown; he may have been a wool merchant, but he may also have had some legal training from which he could derive an income.

WERMYNSTRE. Geoffrey de

Wermynstre lived in Salisbury but also held land outside the town in Langford and Britford. In 1332 he was living in New Street ward, and was assessed to pay 5s. tax[280].

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[275]KB 27/492, fines and forfeitures, rot 1.

[276]*CCR 1377-1381*, p 340; *1385-1389*, pp 454, 462, 483.

[277]*Feet of Fines 1377-1509*, no 125; *John Chandler's Register*, no 404.

[278]*CPR 1377-1381*, pp 468-469; *CCR 1392-1396*, p 355.

[279]J S Roskell, *History of Parliament 1386-1421*, 4, 773-4.

[280]*Feet of Fines, Edward III*, no 66; *Wiltshire Tax List*, p 3.

For about ten years Wermynstre worked for the bishop of Salisbury, first as his bailiff at Sunning and then as his attorney. The latter post kept him busy travelling about and on several occasions his presence in London is recorded in connection with his duties. After 1324 he seems to have lived quietly in Salisbury, where in 1343 he was said to be the mayor[281].

WROXALE, John de

Originally, Wroxale's family was well-endowed with land. They held Wraxall in Chippenham hundred, and property in Somerset, Dorset, Devon and Cambridgeshire. Wroxale married Joan Peverel, who brought him land in Braden forest, Chelworth, and part of Staple hundred[282]. All this was lost when he supported Lancaster's rebellion in 1322, and although his own lands were eventually returned, those of his wife had been taken by the Despensers and reverted irrevocably to the crown.[283] Wroxale borrowed heavily while out of favour and was never able to recover his position despite receiving a manor in Dorset, perhaps in compensation for the loss of his wife's lands. He continued to borrow.

He was initially commissioned by the crown, in an oyer and terminer commission in 1327, as keeper of Sherborne castle in 1332, and as sheriff of Somerset and Dorset, but fell into even more debt as a result of his period as sheriff[284]. For some years he continued to receive oyer and terminer commissions and was justice of the peace in Dorset and Somerset, but after 1336 no further royal commissions were issued to him[285]. He appears to have returned to Wiltshire, where he served as coroner in the 1340's before

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[281]*Roger Martival's Register*, for example vol 3 nos 262, 283, 295, 335, 337; *CCR 1343-1345*, p 98.

[282]Sources include *Feudal Aids* V, 208; *CCR 1323-1327*, pp 354, 380, 659; *1330-1333*, p 493; *1343-1345*, p 561; *IPM* XIII, no 131.

[283]For a fuller account, and references, see chapter four.

[284]*CPR 1327-1330*, p 212; *CFR 1327-1337*, pp 296, 388.

[285]*CPR 1334-1339*, pp 210, 284, 292.

apparently becoming too ill and old to continue to serve.

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