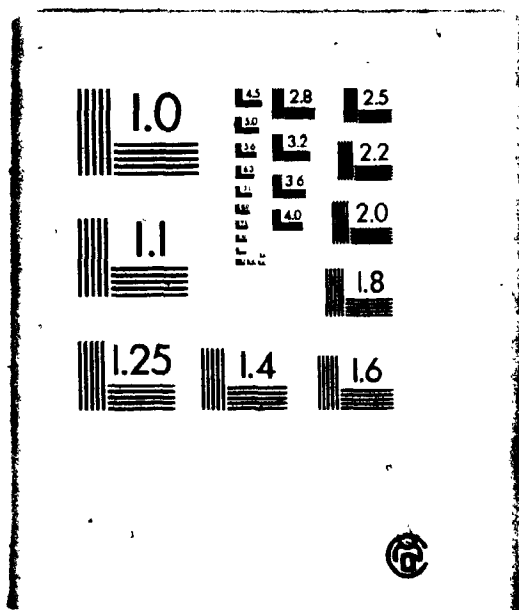


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GAOL DELIVERY IN THE SOUTHWESTERN COUNTIES

1416 - 1430

by

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A thesis submitted to the Faculty of  
Graduate Studies and Research in partial fulfilment  
of the requirements for the degree of  
Master of Arts

Department of History  
Carleton University  
Ottawa, Ontario  
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### Abstract

At medieval gaol delivery sessions the king's justices terminated the cases of felony suspects in each county. Particulars of the cases were copied onto gaol delivery rolls from which we can analyse the gaol delivery system, felony, and felony suspects. Chapter I sets the gaol delivery system in its context in the early fifteenth century in the southwestern counties. Arraignment procedures are analysed in Chapter II while Chapter III discusses the meaning and the incidence of the felonies in the southwest. Chapter IV deals with the results of the cases. Chapter V attempts to determine when felonies were perpetrated and how quickly suspects were brought to justice. Economic evidence in the rolls is analysed in Chapter VI. Chapter VII looks at evidence of inter-class conflict in the gaol delivery rolls. Chapter VIII deals with the location of felony to determine if any particular conditions in the southwest influenced where crime was committed. A profile of suspects was compiled in Chapter IX in order to examine the involvement in felony of particular classes and occupational groups. Finally, Chapter X, the conclusion, attempts to show that felony and the administration of it in the southwestern counties was unique in England in some respects.

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List of Terms

Benefit of clergy Felony suspects in holy orders were exempted from the jurisdiction of the temporal courts. A suspect who could prove clerical status by a literacy test in a temporal court was released for trial in an ecclesiastical court.

Deodand A deodand was an object which caused a death and was forfeited to the king.

Eyre The system whereby royal justices were sent to hear and determine criminal and civil pleas.

Frankpledge When the sheriff made a tourn of the hundred courts in his county he also made a view of frankpledge to ensure that all men over the age of twelve were in frankpledge tithings whose members were required to pursue and bring to court any malefactors within their respective tithings.

Gaol delivery The commission under which justices from the central courts heard and terminated the felony cases of suspects residing in or bailed from county gaols.

Mainour The stolen goods found on a thief caught red-handed.

Mainpernor A surety who pledged to produce a suspect in court upon pain of fine.

Oyer and terminer A commission of justices ordered by the king to hear and determine certain pleas in specified areas.

Peine forte et dure A felony or treason suspect who refused to plead was fed bread and water on alternate days and was weighted with irons until he died or decided to make a plea.

Tithing A group of approximately ten men who were mutually responsible for each others good behaviour and who were to report any misdeeds done by members of the tithing to which they belonged.

Tourn Twice a year the sheriff made a tourn of the hundreds in his county where he made a view of frankpledge and took presentments of the offences committed within the hundred.



Trailbaston Commissions required to hear and determine cases involving breaches of the peace sometimes were called trailbaston commissions in the fourteenth century.

Vill A vill, or township, had no court but it was an administrative unit of law.

Writ of capias Such a writ ordered a suspect to be arrested and brought to court.

Writ de cursu This writ could be purchased as a matter of course rather than by the king's grace.

## CHAPTER I

### INTRODUCTION

#### GAOL DELIVERY IN THE WESTERN CIRCUIT

The medieval English king was obliged by his coronation oath to ensure the peace of the realm and to guarantee impartial justice to his subjects. Although he sometimes meted out justice himself, more often the king directed commissions to do so in his name. One of the king's judicial commissions was that of gaol delivery. Justices of gaol delivery were commissioned, usually twice a year, to terminate the felony cases of suspects residing in, or bailed from, county gaols. After the cases were heard by the justices they were enrolled onto pieces of parchment which were then deposited in the exchequer in Westminster. Three of these gaol delivery rolls, describing deliveries which took place between 1416 and 1430, are the primary source materials for the following examination of felony.<sup>1</sup> The rolls concern deliveries made in the southwestern counties of England, namely, Hampshire, Wiltshire, Dorset, Somerset, Devon, and Cornwall, during

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<sup>1</sup>Public Record Office, JUST 3/198, JUST 3/202, JUST 3/205.

the reign of Henry V and the first eight years of Henry VI's minority.

The formal history of gaol delivery begins in the twelfth century when the general eyre, which tried civil and crown pleas, began to decline.<sup>2</sup> In between increasingly infrequent eyres special commissions of justices from the royal courts began to deliver gaols.<sup>3</sup> Gradually it became more common for a group of knights to try the suspected felons in their localities.<sup>4</sup> Usually at least one of the justices was trained in the law. Assize commissions which heard civil cases developed along similar lines. They were often staffed with the same justices as the commissions which heard the criminal cases. The statute of fines, 1299, finally joined the assize and gaol delivery commissions together requiring assize justices to deliver suspected felons from the gaols within the counties of their circuits.<sup>5</sup> The southwestern counties were part of the western circuit.

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<sup>2</sup>R.B. Pugh, Itinerant Justices in English History (Exeter, 1967), p.7.

<sup>3</sup>R.B. Pugh, Imprisonment in Medieval England (Cambridge, 1970), pp. 255-56.

<sup>4</sup>Ibid., p. 257.

<sup>5</sup>27 Edward I, c. 3, Statutes of the Realm, ed. A. Luders, T.E. Tomlins, J.F. France, W.E. Taunton and J. Raithby (Record Commission, 1810-1822) i, 29. See Pugh, Itinerant Justices, p. 10.

Under the terms of their gaol delivery commissions, justices determined only felonies: namely, homicide, grand larceny, burglary, robbery, rape, abduction, breaking the gaol, receiving and arson. They also heard such cases of treason as counterfeiting the king's seal or coin and some treasonous homicides.

It has been demonstrated that the mid-fifteenth century saw a weakening of respect for the law and rapidly increasing disorder.<sup>6</sup> However, the tenor of Henry V's reign and Henry VI's minority have been meagrely commented on. According to John Hardyng, who wrote c. 1457, Henry V:

Above al thyng, he kepted the lawe and peace  
Through al England, that none insurrection . . . .<sup>7</sup>

Contemporary English chroniclers attested to Henry's personal concern for justice though sometimes they were referring to Henry's just war in France.<sup>8</sup> Even when Henry V was not in England to oversee the maintenance of peace and justice, lawlessness apparently did not increase.<sup>9</sup>

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<sup>6</sup>See, in particular, R.L. Storey, The End of the House of Lancaster (London, 1966) and R.A. Griffiths, The Reign of King Henry VI: The Exercise of Royal Authority, 1422-1461 (London, 1981).

<sup>7</sup>John Hardyng, The Chronicle From the Firste Begynnyng of Englande (London, 1543; reprint ed., Amsterdam, 1976), no pagination.

<sup>8</sup>See M.W. Labarge, Henry V The Cautious Conqueror (London, 1975), pp. 54-55, 66-67, 186-87.

<sup>9</sup>J.G. Bellamy, Crime and Public Order in England in the Later Middle Ages (London 1973), p. 10, ft. 22. V.H.H. Green, on the other hand, maintained that Henry V was not

Sternly directed by Henry from abroad, the governing council competently administered justice.<sup>10</sup>

Although Henry V was relatively successful in restraining the level of lawlessness during his reign, so the opinion is, his son, once crowned, was not. The council that governed during Henry VI's minority, however, was an experienced and capable group.<sup>11</sup> When it first met, soon after Henry V's death, it stressed the importance of guaranteeing, 'peace and justice to all the king's subjects.'<sup>12</sup> One of its immediate concerns was to reaffirm the authority of the crown's justices so that they could continue to administer the law.<sup>13</sup> Indeed, gaol deliveries in the southwest were not interrupted by Henry's demise.<sup>14</sup>

For the first two years of Henry's minority peace was maintained within England. However, perhaps because the influence of a strong king was missing and because there were personal antagonisms within the council, crime soon

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altogether successful in keeping order in England. See V.H.H. Green, The Later Plantagenets (London, 1955), p. 294.

<sup>10</sup>E.F. Jacob, The Fifteenth Century 1399-1485 (Oxford, 1961), p. 432, and Storey, Lancaster, p. 30.

<sup>11</sup>B. Wolffe, Henry VI (London, 1981), pp. 25 and 33.; Griffiths, Henry VI, p. 23.

<sup>12</sup>Griffiths, Henry VI, p. 128.

<sup>13</sup>Ibid., p. 13.

<sup>14</sup>See appendix 4.

began to increase.<sup>15</sup> Violence and disorder were particularly prominent in Yorkshire, Herefordshire, Staffordshire and in the counties bordering the Marcher lordships.<sup>16</sup> In addition, inquiries into the mounting disturbances occurring in the southwestern counties grew.<sup>17</sup> An oyer and terminer commission, for example, was issued on May 29, 1426, at the request of Robert Hull, formerly a justice of the common bench. He complained that a large gang including yeomen, gentlemen, a knight and his wife, tanners, a shipman, and others had broken into his close and houses at Bodrugan, Cornwall. They attacked him and stole horses, oxen, cows, and sheep valued at 200 marks, goods and chattels worth £100, and money to the amount of 20 marks.<sup>18</sup> Numerous other commissions relating to assaults, forcible entries, felonies and even necromancy in the southwestern counties are recorded in the patent rolls for this period.<sup>19</sup>

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<sup>15</sup>Griffiths, Henry VI, p. 138. R.L. Storey maintains that serious disorder did not trouble England throughout the minority period. Storey, Lancaster, p. 31.

<sup>16</sup>Griffiths, Henry VI, pp. 128-38.

<sup>17</sup>Ibid., p. 138.

<sup>18</sup>Calendar of Patent Rolls, 1422-1429, p. 360.

<sup>19</sup>See, for example, Cal. Pat. Rolls, 1422-1429, pp. 121, 123, 137, 229, 230, 363, 401, 402, 403, 422, 468, 469, 548, 549, 550.

Much of the violence recorded in the patent rolls, parliamentary rolls, records of the king's bench, and oyer and terminer commissions involved the magnates and the gentry. Through the influence of their status these classes were able to avoid prosecution in the courts at the county level.<sup>20</sup> When members of the upper classes wished redress against each other they brought their grievances before the royal courts at Westminster. If a particular magnate or group of magnates, gentlemen, or knights were especially disorderly, the king might send out a special commission such as that of oyer and terminer or trailbaston to deal with the problem.

Gaol delivery commissions were regularly sent to each county to hear and determine the felony charges brought forth by the inhabitants. Since lesser men were not likely to charge their superiors, the cases heard by the gaol delivery justices almost uniformly involved members of the lower classes including husbandmen, laborers, artisans, tradesmen, and clergymen in the minor orders. Indeed, the gaol delivery rolls offer a unique opportunity to examine the felonious activities of the lower classes in medieval England.

Gaol delivery courts were not the sole tribunals to deal with suspected felons. Oyer and terminer commissions it has been mentioned, also dealt with felonies as well as

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<sup>20</sup> B.A. Hanawalt, "Fur-Collar Crime: The Pattern of Crime Among the Fourteenth-Century English Nobility", The Journal of Social History, viii (1975), 3.

trespasses. Unlike gaol delivery commissions, the oyer and terminer commissions operated on an irregular basis, acting when the king ordered them to. Whenever and wherever the king's bench travelled, it too tried persons accused of felony. However, since it left Westminster very infrequently after 1400 and stopped perambulating altogether in 1421, it did not offer much competition to the gaol delivery courts.<sup>21</sup> Indeed, gaol delivery courts were the only commissions staffed with justices from the royal courts which were regularly ordered to deliver suspected felons from county gaols.

At the county level, however, the gaol delivery courts met with some competition from the justices of the peace. In the fourteenth century sometimes the justices of the peace, men of local importance, were entrusted with the power to determine felonies.<sup>22</sup> It was not until 1394, however, that they were definitely requested to deliver the gaols of felons.<sup>23</sup> Bertha H. Putnam noted that in the

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<sup>21</sup>A Harding, A Social History of English Law (Gloucester, 1973), p. 74; Pugh, Imprisonment, p. 294. The king's bench was the court of appeal for felony cases. By the end of the fourteenth century few such appeals were heard by it. See K.E. Garay, "'No Peace Nor Love in England?' An Examination of Crime and Punishment in the English Counties, 1388-1409" (Ph.D. dissertation, University of Toronto, 1977), p. 30.

<sup>22</sup>B.H. Putnam, Proceedings Before the Justices of the Peace Edward III to Richard III (London, 1938), p. xxvii.

<sup>23</sup>Pugh, Imprisonment, p. 305.



fifteenth century the involvement of the justices of the peace in matters of criminal law began to wane.<sup>24</sup> Indeed many suspects charged before the justices of the peace in the southwestern counties were tried at the gaol delivery sessions. Many other suspects, however, must have been tried at the peace commission quarter sessions.

By Edward I's reign franchise owners had given up the right to deliver gaols to the royal justices.<sup>25</sup> R.B. Pugh commented, however, that the Abbot of Glastonbury retained this right in the 'Twelve Hides' until the Dissolution.<sup>26</sup> Other franchise owners maintained the right to appoint some of their own justices to act with the royally appointed ones. Sometimes the crown agreed to let franchise justices try less serious felonies. In some instances royal and franchise justices performed their duties on alternate occasions. Much of Cornwall was part of the duchy of Lancaster which had the right to try its own suspected felons.<sup>27</sup> Not until 1536 were franchise owners forbidden to appoint their own gaol delivery justices.<sup>28</sup>

Since the mid-fourteenth century the admiralty court, presided over by the lord high admiral, had cognizance over

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<sup>24</sup>Putnam, Proceedings, p. cxxx.

<sup>25</sup>J.S. Cockburn, A History of English Assizes, 1588-1714 (Cambridge, 1972), p. 27.

<sup>26</sup>Pugh, Imprisonment, p. 299.

<sup>27</sup>W.S. Holdsworth, A History of English Law (London, 1923), i, 114.

<sup>28</sup>Pugh, Imprisonment, pp. 301-03.

all felonies which occurred on the high seas and in the mouths of rivers.<sup>29</sup> Suspects were tried not by juries as in the gaol delivery courts, but by witnesses according to the practices of civil law.<sup>30</sup> Although Sir John Fortescue, a fifteenth century jurist and chief justice for Henry VI, voiced his dissatisfaction with this trial method, not until 1536 was the admiralty's criminal jurisdiction transferred to the common law courts.<sup>31</sup> Thus, in the late middle ages, sailors who committed felonies were not likely to come before the gaol delivery courts unless they committed felonies in lakes, rivers, or on land.<sup>32</sup>

The tanners of Devon and Cornwall found justice in the stannary courts. These men were given the right to be prosecuted in their own courts because the king did not want the miners to be interrupted in their work by actions in the common law courts. Moreover, stannary courts would be able to cope with the technical issues arising out of cases concerning tin mining.<sup>33</sup> A parliament in 1376 defined tanners as laborers who worked the tin mines, but many others connected to the tin trade also took advantage of

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<sup>29</sup> Holdsworth, English Law, i, 546.

<sup>30</sup> Ibid., p. 550.

<sup>31</sup> Ibid., pp. 550-51.

<sup>32</sup> Only fifteen sailors appear in the gaol delivery rolls under examination.

<sup>33</sup> G.R. Lewis, The Stannaries: A Study of the English Tin Miner (Boston, 1908), p. 88.

of the stannary courts.<sup>34</sup> A charter of 1201 gave criminal and civil jurisdiction over tanners to the warden of the stannary who was appointed by the earl of Cornwall.<sup>35</sup> The warden had the power to imprison suspected felons at the gaols in Lostwithiel, Cornwall, or Lidford, Devon.<sup>36</sup> Stannary courts were presided over by a steward, but juries of tanners tried their colleagues. In only the most serious criminal cases were tanners tried in the common law courts.<sup>37</sup>

In the gaol delivery rolls under examination, only one tanner charged with felony was brought before the justices. Many more tanners must have been tried in the stannary courts, especially in Cornwall. There, it has been estimated, one in six persons was involved in tin mining in the late fourteenth century.<sup>38</sup> According to John Hatcher, in the late middle ages, 'lawlessness was a feature of stannary life.'<sup>39</sup> Indeed, Hatcher commented that:

At times gang warfare raged, whilst armed assaults, affrays, and riots were a common feature of life, and cases of extortion, forcible eviction, abduction, and armed robbery are encountered frequently in the stannary court rolls.<sup>40</sup>

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<sup>34</sup>Ibid., p. 98.

<sup>35</sup>Ibid., p. 89.

<sup>36</sup>Ibid., p. 86.

<sup>37</sup>Ibid., p. 91.

<sup>38</sup>J. Hatcher, English Tin Production and Trade Before 1550 (Oxford, 1973), p. 45.

Clearly a complete analysis of all serious crime in Cornwall would require a thorough examination of the stannary court records, but that is beyond the scope of the present study.

On the whole, the fate of suspected felons who were members of the lower classes, with the exception of sailors, tinnerns, and franchise residents, was decided at gaol delivery sessions or the quarter sessions of the justices of the peace. Although the gaol delivery rolls are not comprehensive of every felony in the southwest, they do provide enough documentation of felony to make worthwhile, though sometimes tentative, conclusions about felony in the southwestern counties in the early fifteenth century.

By the fourteenth century, circuit justices were required to have certain qualifications. The statute of fines, 1299, barred those in holy orders from acting as justices.<sup>41</sup> Justices could not be magnates in the areas where they delivered gaols and heard assizes for fear of an alliance between them and the local powers.<sup>42</sup> The statute of 1328 required justices to be, "lawful" men having "knowledge of the law."<sup>43</sup> Until 1411 the chief justice of the king's bench could not be a circuit justice. If the chief

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<sup>39</sup>Ibid., p. 86.

<sup>40</sup>Ibid., p. 86.

<sup>41</sup>Pugh, Imprisonment, p. 283.

<sup>42</sup>Ibid., p. 283.

<sup>43</sup>Ibid., p. 282.

justice were a circuit justice, he might, as the justice who tried felony cases in error, be asked to settle a case he had tried in the first instance while on circuit.<sup>44</sup> The restriction against the chief justice was lifted in 1411 because very few felons appealed their cases to the king's bench.<sup>45</sup> Sheriffs and coroners were not permitted to hold any judicial office from the early fourteenth century.<sup>46</sup>

In Henry V's reign the western circuit justices were William Cheyne, John Martyn, William Wakefeld, Richard Wallop, and Thomas Broun. From 1423 to 1430, the justices were William Cheyne, Thomas Broun, John Martyn, William Paston, and John Cottesmore.<sup>47</sup> William Cheyne attended all twenty-five gaol deliveries between 1416 and 1422. Cheyne was a justice of the king's bench from June 16, 1415<sup>48</sup> until January 21, 1424 when he was knighted and promoted to chief justice of that same bench.<sup>49</sup> Thomas Broun participated in sixty-seven western circuit deliveries. His colleague, John Martyn, acted in fifty-one.

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<sup>44</sup>Ibid., p. 284.

<sup>45</sup>Garay, "'No Peace Nor Love in England?'"', p. 30.

<sup>46</sup>Pugh, Imprisonment, p.284.

<sup>47</sup>See appendix 4.

<sup>48</sup>Select Cases In the Court of the King's Bench under Richard II, Henry IV and Henry V, ed. G.O. Sayles (Selden Society, No. 88, 1971), p. lxii..

<sup>49</sup>Proceedings and Ordinances of the Privy Council of England, ed. H. Nicholas (Record Commission, 1835), iii, 132.

Martyn took the degree of sergeant-at-law in 1418. He was made a justice of the bench of common pleas soon after.<sup>50</sup> William Wakefeld and Richard Wallop were gaol delivery justices in five and one sessions respectively in Henry V's reign. William Paston and John Cottesmore acted in the western circuit only in Henry VI's reign. Cottesmore participated forty times and Paston five times as circuit judges. Paston, a member of that famous Norfolk family, acquired the name of 'Good Judge'.<sup>51</sup> In 1421 he was made a king's sergeant and in 1429 he became a justice of the common bench. The justices acted in groups of two or three. In Henry V's reign two justices presided over one half of the gaol deliveries and three judges presided over the remaining western circuit deliveries. Seventy-five per cent of the deliveries in Henry VI's reign were made by three justices. The remaining twenty-five per cent were made by two.

The statute of Northampton in 1328 divided England into six assize and gaol delivery circuits.<sup>52</sup> The western circuit comprised Hampshire, Wiltshire, Dorset, Somerset, Devon, Cornwall, Berkshire, and Oxfordshire. The latter two counties were later added to the Oxford circuit.<sup>53</sup>

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<sup>50</sup>E. Foss, Biographia Juridica. A Biographical Dictionary of the Judges of England (London, 1870), p. 437.

<sup>51</sup>Ibid., p. 502.

<sup>52</sup>2 Edward III, c. 2. These six circuits replaced the four circuits established in 1293. See Pugh, Imprisonment, p. 281.

<sup>53</sup>Ibid., p. 283.

According to J.S. Cockburn, the change in the composition of the western circuit occurred in the Tudor period.<sup>54</sup> The change must have been accomplished earlier because the gaol delivery rolls examined do not include these counties.

Since assize and gaol delivery sessions brought many people and thus trade into the towns where the sessions were held, towns competed for the privilege of holding the sessions.<sup>55</sup> An early statute of Richard II ordered that assizes and gaol deliveries were to be held in the major towns in which county courts were held.<sup>56</sup> Unfortunately this only promoted confusion because chief towns and towns which held county courts were not always the same. In 1387 a statute enacted that the chancellor and circuit justices were to decide which town would hold the sessions, but this town had to be convenient to the local population.<sup>57</sup>

In the period under discussion gaol deliveries were held in the same towns in each county. Winchester castle gaol was delivered of felons arrested in Hampshire. According to R.B. Pugh, the felons were actually delivered

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<sup>54</sup>Cockburn, English Assizes, p. 23.

<sup>55</sup>Pugh, Itinerant Justices, p. 14.

<sup>56</sup>6 Richard II, c. 5.

<sup>57</sup>11 Richard II, c. 11.

from a gaol in the town of Winchester. The term castle was just a conventional title.<sup>58</sup> The justices delivered suspected felons in Wiltshire from Old Salisbury castle, which had been used as a gaol since 1166, for New Salisbury.<sup>59</sup> In the thirteenth century Wilton and Marlborough had sometimes been the sites of gaol deliveries. Unless gaol delivery rolls recording the fact do not survive, these towns were not delivered of suspects by the justices in the fifteen years under examination. Devonshire suspects were delivered at Exeter castle. From Dorchester gaol Dorsetshire suspects were delivered. In other periods Dorsetshire suspects were delivered at Shaftesbury.<sup>60</sup> Ilchester was the site for Somersetshire gaol deliveries even though Somerton had been used for the sessions for much of the of the thirteenth century.<sup>61</sup> Suspected felons arrested in Cornwall were tried at gaol delivery sessions held at Launceston.

Generally the king's justices travelled to their circuits twice a year.<sup>62</sup> Special writs, issued under

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<sup>58</sup>Pugh, Imprisonment, p. 81.

<sup>59</sup>Wiltshire Gaol Delivery and Trailbaston Trials, 1275-1306, ed. R.B. Pugh (Wiltshire Record Society, xxiii, 1978), p. 7.

<sup>60</sup>Pugh, Itinerant Justices, p. 14.

<sup>61</sup>Ibid., p. 14, ft. 2.

<sup>62</sup>Cockburn, English Assizes, p. 19.



letters patent empowered them to try the felons of specific gaols within their circuit. Theoretically such a commission was needed for each gaol delivery. In the western circuit rolls under examination there were thirty-two such writs yet the justices delivered the gaols eighty times.<sup>63</sup> Possibly the justices acted without renewed commissions or perhaps the writs were lost before final enrolment.

The western circuit gaols were usually delivered at least once and sometimes twice a year according to the surviving gaol delivery rolls. The justices took between twenty-one and twenty-four days to deliver all six county gaols.<sup>64</sup> Winchester gaol was delivered first, and then Salisbury gaol was visited. Sometimes this order was reversed. Dorset was always visited third, then Somerset, then Devon, and Cornwall was visited last. The rolls record that the justices delivered Winchester castle gaol twenty times and Old Salisbury castle and Exeter castle gaols were delivered eighteen times each. Dorchester and Ilchester gaols were only visited ten and six times respectively. Launceston gaol was delivered eight times. Possibly the former three gaols were visited by the circuit justices more regularly than the latter gaols. However,

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<sup>63</sup>Nineteen writs survive in Henry V's reign for twenty-five deliveries in the western circuit. Thirteen writs date from Henry VI's minority though the judges delivered the gaols in the southwest fifty-five times.

<sup>64</sup>The justices took twenty-six days to complete their business in the western circuit in the 1580's. See Cockburn, English Assizes, p. 25.

the apparent discrepancy in the number of times Hampshire, Wiltshire, and Devon gaols were delivered with the number of times Dorset, Somerset, and Cornwall gaols were delivered can probably best be explained by the possibility that some of the gaol delivery records describing the deliveries have been lost.

The surviving gaol delivery rolls suggest that gaol deliveries occurred with the greatest regularity during the years 1422 to 1426. After this period only Hampshire, Wiltshire, and Dorset were visited every six months. In Henry V's reign each county gaol was delivered once in 1416. Winchester, Exeter and Salisbury gaols were delivered in 1417 and no gaols were delivered in 1418 and 1419. All except Launceston were visited in 1420; Launceston alone was delivered in 1421.<sup>65</sup> The paucity of gaol deliveries in Henry V's reign may be attributed to Henry's absence from England during the wars with France. In fact Henry cancelled the assizes while he was in Normandy in 1415 because, 'many would be in for service.'<sup>66</sup> Perhaps gaol deliveries as well as the assizes were cancelled. The relative frequency of gaol deliveries in the early years of Henry VI's minority might point to the efficiency of the ruling council in the administration of law.

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<sup>65</sup>See appendix 4.

<sup>66</sup>Proceedings and Ordinances, ed. Nicholas, ii, 166.

In all likelihood gaol deliveries were held regularly in both reigns but the gaol delivery rolls covering some sessions were lost. A statute of 1335 required the justices to send their rolls annually, at Michaelmas, to the exchequer where they had been stored since 1289.<sup>67</sup> In the fifteenth century the statute was often ignored; rolls were passed along from the justices to their successors instead of being sent to the exchequer. According to R.B. Pugh, the exchequer does not hold a complete set of gaol delivery rolls before 1476.<sup>68</sup> Some rolls were never sent to the exchequer, others were lost on the way to the exchequer, and many rolls were damaged in storage.

Although all the gaol delivery rolls for the period and counties under study have not survived, this does not preclude an examination of felony in the southwest. The manner in which each suspect was prosecuted was recorded on the rolls thus affording us the opportunity to examine procedures used against suspected felons. Moreover, since the gaol delivery rolls provide the dates on which the felonies were committed and the trials occurred, we can study the efficiency of the judicial system.

Each entry on the gaol delivery rolls described in

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<sup>67</sup> Edward III, st. 1, c. 5. See Pugh, Imprisonment, p. 313.

<sup>68</sup> Ibid., p. 312. The last surviving rolls in the exchequer are dated 1476. See Pugh, Imprisonment, p. 312.

some detail the felony with which the suspect was charged. Rather than explaining the motives and circumstances surrounding the perpetration of the crime, the entry recorded only the facts of the case. For example:

Henricus Snowe alias dictus Henricus  
Wontecacher de Griffyth Sancti Michaelis  
in comitatu predicto laborer alias cap-  
tus per indictamentum . . . de eo quod  
ipse nocte die jovis proximo post festum  
sancti Jacobis Apostoli anno regni domini  
Regis nunc quarto viginti multones precii  
xx solidorum apud Tarent Hynton in comitatu  
predicto de bonis et cattalis Cecilie  
Abbissee de Shaftesbury felonice cepit.<sup>69</sup>

A tabulation of all the felonies, however modestly they were described, reveals the basic characteristics of crime in the southwestern counties. The phraseology used to describe the felonies shows how they were legally defined in early fifteenth century England. In addition, the words used in the charges seemed to signify to the trial jury the character of the suspect and the seriousness of the felony. This appears to be particularly true in homicide cases. In short, the phraseology reveals societal attitudes towards the specific felony committed and towards the type of character accused.

Verdicts, either quietus (acquitted), or suspendatur (to be hanged), also seemed to indicate society's attitudes towards the suspect, towards the felony committed, and even towards the criminal law itself. Some types of suspects,

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<sup>69</sup>JUST 3/198, m. 11.

laborers, for example, were convicted more often than other sorts of suspects. More homicide suspects were sentenced to death than were suspects who committed other felonies. Extremely high acquittal rates suggest that juries were loath to convict suspects since hanging was the punishment meted out to all convicted felons. Sometimes cases could not be terminated because the trial juries or suspects failed to attend the gaol delivery sessions, or because pardons were not acceptable to the justices, or perhaps because the indictments were insufficient in law. An examination of reasons such as these that were given for trial postponements sheds light on the workings and the efficiency of the gaol delivery system.

The mobility of the lower classes in England after the Black Death is reflected in the gaol delivery rolls as well. Because each entry gives information concerning the suspect's place of origin and the place where he or she purportedly committed a felony, we are able to consider not only the geographical location of crime but also the involvement of outsiders or strangers in crime.

When theft occurred the type and the value of the stolen goods were recorded in the charges. When they are compared with the type and the value of the goods stolen by thieves before the Black Death, we will discover that fifteenth-century thieves stole more valuable objects and made higher profits than their counterparts in the

first half of the fourteenth century. This perhaps reflects the improved economic condition of the lower classes after the Black Death. An examination of the stolen goods will also demonstrate the essential differences between burglars, robbers, and those who committed grand larceny.

Finally, because the occupation of almost every suspect was noted on the gaol delivery rolls, the involvement of occupational groups in felonious activities will be analysed. Artisans, laborers, husbandmen, yeomen, the clergy, women, and others participated to a greater or lesser extent in perpetrating felonies. A comparison of their activities and the likelihood of their conviction will be examined. In addition, an example of conflict between the classes in medieval society, expressed through the perpetration of felonies, will be briefly discussed.

It must be stressed that the conclusions reached about felony, felony suspects, and gaol delivery in the southwestern counties in the above studies are tentative because the records studied are not complete. Nevertheless, the studies provide some revelations about felony in the southwest, an area not yet thoroughly examined by legal and criminal historians. The methodology used to analyse the information contained in the western circuit gaol delivery rolls is explained in appendix 1.

## CHAPTER II

### ARRAIGNMENT

The gaol delivery rolls under examination contain 412 entries describing the felony charges laid against 672 suspects. Thirty-nine per cent of the suspects were delivered from Winchester gaol. Significantly fewer suspects were heard by the justices in Wiltshire and Devon. Nineteen per cent and 25 per cent of all the suspects were arrested in those counties. Only 6 per cent of all the suspects were cleared from Ilchester gaol. Nine per cent of the suspects were heard in Dorsetshire. Cornwall accounted for 2 per cent of the suspects.<sup>1</sup> These figures seem to suggest that Hampshire had a tremendous problem with crime and that Cornwall was a relatively peaceful county. Possibly Hampshire officials were more successful in apprehending suspected felons than the sheriffs, bailiffs and constables in the other counties. However, the discrepancy in the number of suspects delivered from the gaols in each county is probably due to the fact that more records survive detailing Hampshire deliveries than they do for the other counties. The records describe,

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<sup>1</sup>See table 1.

TABLE 1 Suspects delivered from gaols in the south-western counties, 1416 to 1430.

<u>County</u>	<u>Number of deliveries</u>	<u>Number of suspects</u>	<u>Percentage of suspects</u>
Hampshire	20	264	39
Wiltshire	18	125	19
Dorset	10	64	9
Somerset	6	38	6
Devon	18	168	25
Cornwall	<u>8</u>	<u>13</u>	<u>2</u>
Total	80	672	100%

for instance, 20 deliveries of Winchester gaol, but only eight deliveries of Launceston gaol. Moreover, it will be remembered that Cornwall was subject to many other courts dealing with felony. This probably accounts for the paucity of suspects that came before the gaol delivery courts in Cornwall. The number of suspects from Dorset and Somerset reflects the fact that, according to extant records, only ten and six deliveries were held there respectively. Devonshire and Wiltshire gaols were delivered eighteen times each, but many more suspects were delivered in Devon than in Wiltshire. Perhaps Devon did experience more felonious activity than did Wiltshire. Certainly Devon witnessed more commissions concerning felony than Wiltshire did in the period under examination.<sup>2</sup>

<sup>2</sup>Commissions in Devon can be found in Cal. Pat. Rolls, 1413-1416, pp. 148, 263, 264; Cal. Pat. Rolls, 1416-1422.



Again, Devonshire officials might have been more successful in apprehending suspects than the Wiltshire officials. Of course, the size of the population in each county must have had a direct bearing on the number of suspects taken for felonious acts. Moreover, other courts which dealt with felonies might have been more active in one county than in another. Thus the gaol delivery rolls probably do not give a reliable picture of the incidence of felony in each county.

The gaol delivery rolls do provide information about how the suspects were accused, whether per indictmentum (by indictment), or per appellum (by appeal). Sometimes the suspect was neither indicted nor appealed but was simply captus pro suspicionem felonii (taken on suspicion of felony). Three hundred and eighty-four (57 per cent) of the suspects were indicted, 47 (7 per cent) were appealed, and 241 (36 per cent) were taken on suspicion of felony.<sup>3</sup>

Indictments could be made in a number of ways. In the early middle ages sworn juries made up of approximately twelve men, who were freeholders, and representatives from the townships presented the crimes that had happened within the hundred where they resided. Each county was divided

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pp. 86, 208, 271, 329, 421, 423, 445, 446, 447; Cal. Pat. Rolls, 1422-1429, pp. 123, 229, 230, 361, 403, 468, 469. Commissions in Wiltshire can be found in Cal. Pat. Rolls, 1413-1416, p. 293; Cal. Pat. Rolls, 1416-1422, pp. 327, 421, 423, 445, 447; Cal. Pat. Rolls, 1422-1429, p. 361.

<sup>3</sup>See table 2.

TABLE 2: Methods of arraignment

County	Suspects indicted		Suspects appealed		Suspects taken on suspicion of felony	
	No.	%	No.	%	No.	%
Hants.	111	42	35	13	118	45
Wilts.	82	66	5	4	38	30
Dorset	41	64	4	6	19	30
Somerset	29	76	1	3	8	21
Devon	114	67	1	1	53	32
Cornwall	<u>7</u>	54	<u>1</u>	8	<u>5</u>	38
Total	384		47		241	

into a number of administrative units called hundreds. The sheriff or bailiff, or, if the hundred was a liberty, a steward, presided over the hundred court. Twice a year the county sheriff made a tourn of the hundred courts where he took presentments of the offences committed within the hundred and made a view of frankpledge.<sup>4</sup>

Every male over the age of twelve was required to belong to a frankpledge tithing group. Tithings were required to pursue and arrest malefactors and to produce them at the tourns. The sheriff made a view of frankpledge to ensure that all men were in tithings and that they were performing their duties. Tourns were usually held when

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<sup>4</sup>Bellamy, Crime and Public Order, p. 90.

the county expected the eyre to visit. As the eyre declined so did the tourns, and the presentment of suspects by the tithings.<sup>5</sup> Thus in the fifteenth century, since there were no longer any eyres, indictments were not very often the product of tourns.

Instead, it was becoming more common for an individual to send to the justices of the peace an indictment bill accusing a suspect of a particular felony. The justice, upon receipt of such a bill, would convene a jury which would decide if the bill had any veracity. If it did, the bill was considered 'true'.<sup>6</sup> The suspect, now formally indicted, was ordered to be arrested. If the bill was false, the word ignoramus was written on it. The bill was then torn up and thrown away.

When a homicide occurred, the coroner called together an inquest jury made up of about twelve freemen. With the coroner, the jury viewed the body and tried to discover the circumstances surrounding the crime.<sup>7</sup> If a suspect was already in custody he was sent to gaol. Otherwise the constable, a local official who typically made arrests,<sup>8</sup>

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<sup>5</sup>Ibid., p. 90. See D.A. Crowley, "The Later History of Frankpledge", Bulletin of the Institute of Historical Research, xlviii (May, 1975) for a history of frankpledge in the later middle ages. Unfortunately, Crowley deals mainly with the institution in the eastern counties. He asserts that frankpledge was different in the southwest.

<sup>6</sup>Bellamy, Crime and Public Order, p. 122.

<sup>7</sup>R.F. Hunnisett, The Medieval Coroner (Cambridge, 1961), p. 20.

<sup>8</sup>H. Cam, "Shire Officials: Coroners, Constables,

was ordered to arrest the indicted suspect.<sup>9</sup>

In the southwestern counties the majority of indictments in the early fifteenth century were made before the justices of the peace at their quarter sessions. Two hundred and eighty-eight (75 per cent) suspects were indicted before them. The remaining 96 suspects were indicted before other officials. Of this latter group, 31 were indicted at sheriffs' tourns, 43 were indicted before stewards of liberties at tourns and views of frankpledge or at hundred courts. Two suspects were charged by a mayor and one suspect was indicted before a mayor and aldermen. The coroner was responsible for indicting nineteen other suspects. Although the indictments before these various officials represent a minority of the total number of indictments, they do demonstrate that the institution of frankpledge and the tourn were still thriving in the counties under study in the early fifteenth century.

For every eight indictments brought before the justices in the western circuit between 1416 and 1430, one appeal was heard. Only 47 (7 per cent) of the suspects were appealed. In an appeal the victim, or in the event of a homicide the victim's spouse or closest blood


and Bailiffs", in The English Government at Work, 1327-1336, ed. J.F. Willard, W.A. Morris and W.H. Dunham Jr. (Cambridge, Mass., 1950), iii, 170.

<sup>9</sup>Hunnisett, The Medieval Coroner, p. 22.

relative, accused the suspect in the county court. The appeal reached this stage only after a number of steps. After the crime was committed the victim had to raise the hue and cry to inform the neighbours that a crime had occurred. The plaintiff and his neighbours were then required to chase the malefactor through the next four villis until he was caught. A coroner was sent to make a record of the appeal though sometimes he did not do so until the county court met. The plaintiff, or appellor, had to produce two sureties to ensure that the appeal would be prosecuted. Should he drop the appeal at any time a fine would be levied. At the county court the appellor explained, in a prescribed form, the circumstances of the crime and the attempts made to arrest the suspect. If the charge omitted any detail or was not repeated according to the standard form, it would be quashed. The appellor had to be prepared to prove the truth of his accusation by armed combat with the appellee. At the gaol delivery sessions, the charge was repeated again. The appellee could admit his guilt or deny the felony, 'word for word and as it is alleged against him.'<sup>10</sup> Trial by battle could be eschewed if both parties agreed to a trial by

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<sup>10</sup>Bracton on the Laws and Customs of England, ed. G.E. Woodbine, trans. and revised S.E. Thorne (Cambridge, Mass., 1968), ii, 431.



jury.<sup>11</sup> All the appeals in the western circuit were decided by juries.

In the thirteenth century the number of appeals declined.<sup>12</sup> It was easier for the victim to have the accused indicted at the king's suit than to follow the case through himself. Anyone who made an appeal might be fined for failing to prosecute it or for not making the accusation in the correct form. More importantly, if the appellor lost the appeal he would be fined. However, appeals were still made throughout the middle ages. There are three possible reasons for this. If an appellor won his appeal for theft, his goods and chattels would be returned to him whereas the goods reverted to the king when an indicted suspect was convicted. According to C.A.F. Meekings appeals were made to put pressure on the suspect to make an out of court settlement.<sup>13</sup> Perhaps plaintiffs felt that they had a greater chance for revenge if the suspects were appealed because appellees were convicted more often than indicted suspects.<sup>14</sup>

Sometimes appellees were not accused by their victims, but by their accomplices. An indicted suspect who admitted his guilt, or a man caught in the act of committing

<sup>11</sup>The appeal process as described above is related in, Crown Pleas of the Wiltshire Eyre, 1249, ed. C.A.F. Meekings (Wiltshire Archaeological and Natural History Society, Records Branch, vol. xvi, 1961), pp. 69-76.

<sup>12</sup>Hunnisett, The Medieval Coroner, p. 55.

<sup>13</sup>Crown Pleas, ed. Meekings, p. 70.

<sup>14</sup>See infra, p. 283.

a felony, could turn king's evidence and appeal his associates. These appellors were called approvers. Appeals by approvers were made to the coroners in gaol or to the justices in court. Since approvers might have to prove their accusations by battle with the appellee, women, children, disabled men, and men over the age of seventy could not become approvers.<sup>15</sup> Men decided to become approvers for various reasons. Approvers were supported by the king since they gave information to him about other criminals. According to R.B. Pugh, free food in gaol was one of the reasons destitute men became approvers.<sup>16</sup> If the approver was successful in his appeals, that is, the appellees were convicted, he might be given a life sentence or be permitted to quit the realm. Sometimes he received a pardon.<sup>17</sup> Thus if a suspect was sure that a jury would convict him, turning approver might be the only way to avoid the death penalty. Of course, if even one of the appellees was found innocent, the approver was immediately hanged. Approvers might make their confessions and accusations in order to gain time to plan an escape before trial.<sup>18</sup> Others were coerced into

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<sup>15</sup>Bellamy, Crime and Public Order, p. 128.

<sup>16</sup>Wiltshire Gaol Delivery, ed. Pugh, p. 16.

<sup>17</sup>Bellamy, Crime and Public Order, p. 131.

<sup>18</sup>Hunnisett, The Medieval Coroner, p. 71.

turning the king's evidence by unscrupulous coroners, sheriffs, or gaolers who would proceed to extort money from the appellees.<sup>19</sup> Only one suspect, Roger Bernard, turned approver in the western circuit in the fifteen years under examination. He appealed a number of men on charges of burglary, larceny, robbery, and counterfeiting. The entry does not suggest the reason why he became an approver. Like most approvers, Bernard lost two of his appeals and was thus sentenced to be hanged.<sup>20</sup>

It is not clear upon what legal grounds the 241 suspects who were taken on suspicion of felony were arraigned. Certainly when a thief was taken with the mainour, or caught red-handed, it was not necessary for a formal indictment to be made, though the culprit had to be tried by a jury.<sup>21</sup> The statute of Winchester, 1285, required night watchmen to be appointed in every township to arrest suspicious strangers who wandered about at night.<sup>22</sup> Suspicious characters who were armed were to be arrested even during the day according to the statute of Northampton, 1332.<sup>23</sup> Another statute in Edward III's reign

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<sup>19</sup>Ibid., p. 72.

<sup>20</sup>JUST 3/198, m. 3. According to Hunnisett there was so much corruption on the part of coroners, sheriffs, and gaolers with regards to forcing suspects to become approvers, that juries were not wont to find approvers' appellees guilty. Most approvers, therefore, were executed.

<sup>21</sup>Wiltshire Gaol Delivery, ed. Pugh, p. 13; F. Pollock and F.W. Maitland, The History of English Law Before the Time of Edward I (Cambridge, 1911), ii, 579.

<sup>22</sup><sup>13</sup> Edward I, c. 4. See Bellamy, Crime and Public Order, p. 102.



required the constables of the town to perform this duty. They were to deliver the suspects to the sheriff the next day to await delivery by the justices.<sup>24</sup> Edward III's reign saw many other attempts to deal with the suspicious character without recourse to indictment. In 1361 the justices of the peace were requested to take sureties for good behaviour from notorious persons.<sup>25</sup> Sometimes a malefactor of ill fame was imprisoned or a common thief hanged without previously being indicted.<sup>26</sup> Sheriffs in the later middle ages were occasionally permitted by special commissions or statutes to arrest without indictment.<sup>27</sup>

In the western circuit rolls under examination, ten officials, including two bailiffs, one sheriff, one constable, three stewards, one knight, one mayor, and one justice of the peace are positively mentioned as having taken persons on suspicion of felony. The gaol delivery rolls give no evidence about who arrested the other 231 suspects. Possibly private citizens or representatives

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<sup>23</sup>Edward III, c. 14. See Bellamy, Crime and Public Order, p. 102.

<sup>24</sup>H.B. Simpson, "The Office of the Constable", English Historical Review, xl (1895), 633-34.

<sup>25</sup>T.F.T. Plucknett, "The Origin of Impeachment", Transactions of the Royal Historical Society, Fourth Series, xxiv (1942), 61.

<sup>26</sup>Ibid., pp. 60-61.

<sup>27</sup>Pugh, Imprisonment, p. 199. Sheriffs were permitted to do so in 1394 and in 1411 against rioters and in 1383 against vagabonds.

of the townships did. The private citizen's power of arrest was not defined clearly in the middle ages.<sup>28</sup> The power probably sprang from the duty of raising the hue and cry in pursuit of a felon.<sup>29</sup> According to the thirteenth century justice, Bracton, the felon should be arrested, 'without waiting for an order from the justice or sheriff.'<sup>30</sup> Indeed, Bracton's thought was wise for when arrest and imprisonment occurred after indictment, the suspect was left with plenty of time to flee the authorities. Thus taking a suspect to gaol before indictment limited the amount of time the suspect had to escape. Although such an imprisonment could leave the person who made the arrest open to a charge of false arrest, it might also lead to the formal indictment of the suspect. For example, at a gaol delivery held on September 13, 1423, Alice Donan of Cornwall, who had been taken on suspicion of felony, was released on surety until the next gaol delivery.<sup>31</sup> Six months later, on March 13, 1424, she was again released on surety by the gaol delivery justices. This time, however, she had been indicted for an unspecified felony.<sup>32</sup> At a delivery

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<sup>28</sup> Bellamy, Crime and Public Order, p. 102.

<sup>29</sup> Pollock and Maitland, English Law, ii, 582-84.

<sup>30</sup> Bracton, ed. Woodbine, ii, 328.

<sup>31</sup> JUST 3/205, m. 20.

<sup>32</sup> JUST 3/202, m. 8d.

held on March 19, 1425, Donan was acquitted of a homicide perpetrated on March 13, 1424.<sup>33</sup> The community obviously felt that Alice was a suspicious character. However, it did not indict her on a specific charge for a number of years.

Richard Groby of Brentor, Devon, taken on suspicion of felony, once at Colyton, Devon and another time at Exeter, was proclaimed acquitted at gaol deliveries held on March 28, 1428 and March 11, 1429.<sup>34</sup> At a third gaol delivery on March 10, 1430, Groby, described as a communis et notorium latro, was tried and convicted on two charges of burglary.<sup>35</sup> One act had been committed on January 27, 1429 at Cullompton and another was done on December 5, 1429 at 'Supeford'. Clearly Groby was regarded as a man of ill-fame for in two separate towns he was taken on suspicion of felony and he perpetrated two felonies in two other towns. Since this notorious thief was finally indicted and convicted, the communities' fears about Groby and their initial summary actions towards him seem justified.

The large number of people taken to gaol without having been indicted, testifies to the southwestern populace's concern for and fear of lawlessness. This

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<sup>33</sup>JUST 3/205, m. 20d.

<sup>34</sup>JUST 3/205, mm. 18d., 19.

<sup>35</sup>JUST 3/205, m. 19d.

concern seems to have been particularly strong in Hampshire where 45 per cent of all those brought into court had been taken on suspicion of felony. Only in Hampshire did these suspects outnumber indicted persons.<sup>36</sup> Suspects may have been arrested as a preventative measure. If formal indictment was impossible due to lack of evidence, taking on suspicion of felony may have been the only method available to control or to remove the disorderly elements in the community.

The methods of arraignment in the southwestern counties were, of course, the same ones employed elsewhere in England. However, the widespread prevalence of 'taking on suspicion of felony' in the southwest was not always paralleled elsewhere in England. In the northern counties of Westmorland, Cumberland, and Northumberland only 37 (4.47 per cent) of the suspects were taken on suspicion of felony between 1439 and 1459.<sup>37</sup> In Cambridgeshire, 1332 to 1334, only eleven persons (16 per cent) were taken on suspicion of felony.<sup>38</sup> On the other hand, Pugh's analysis of the Newgate gaol delivery rolls for 28 years of Edward I's reign, revealed that arrest without indictment was the

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<sup>36</sup>See table 2.

<sup>37</sup>C.J. Neville, "Gaol Delivery in the Lancastrian North", (M.A. research paper, Carleton University, 1980), pp. 187 and 213.

<sup>38</sup>A Cambridgeshire Gaol Delivery Roll 1332-1334, ed. E.G. Kimball (Cambridgeshire Antiquarian Records Society, iv, 1974), p. 20.

the most common form of pre-arraignment process.<sup>39</sup>  
Possibly this procedure was popular in certain regions  
such as the southwestern counties.

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<sup>39</sup>R.B. Pugh, "Some Reflections of a Medieval  
Criminologist", Proceedings of the British Academy, lix  
(1973), p. 85.

### CHAPTER III

#### THE FELONIES: PHRASEOLOGY AND INCIDENCE

Juries presented indictments in English orally or on scraps of parchment or paper. Afterwards they were written down more formally in Latin. The indictments were worded according to a set technical formula to denote to the court the charge the suspect was accused of. All indictments, for instance, had to include the adverb felonice when describing a felony.<sup>1</sup> Although they adhered to the legal terminology of the period, indictments were not bereft of the input of local juries.

Grand larceny, the intentional theft of goods totalling 12d. or more, was described in the gaol delivery rolls in a number of ways.<sup>2</sup> Sometimes the only phrase employed was felonice furatus fuit, meaning feloniously carried away or feloniously stole. John Mortymer, for example, was indicted because he allegedly 'unam vaccam et unam vitulum de bonis et catallis Johannes Gerard de Adebury in comitatu predicto precii decem solidorum

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<sup>1</sup>Bellamy, Crime and Public Order, p. 124.

<sup>2</sup>Pollock and Maitland, English Law, ii, 495. See also Bracton, ed. Woodbine, ii, 425.

felonice furatus fuit.'<sup>3</sup> For an act to be a larceny it was essential that the stolen goods were carried away. Thus often the verb, furari, was accompanied by the phrase, felonice cepit et abduxit or felonice cepit et asportavit. Both phrases meant took and carried away. In many cases capere, asportare and abducere were used without the verb, furari. For example, William Veel, on December 12, 1418, 'quendam bovem precii sexdecem solidorum . . . felonice cepit et abduxit.'<sup>4</sup>

The evidence of the western circuit rolls demonstrates that the phrase felonice furatus fuit was used less frequently than combinations of capere with abducere or asportare. Moreover, the latter two verbs were employed to distinguish between the types of goods stolen by the thief. Cepit et asportavit was used in 83 per cent of the larcenies using these verbs to describe the theft of objects such as cloth, clothes and household goods. For example, William Jonesome 'duo linthiamen . . . felonice cepit et asportavit.'<sup>5</sup> The verb, abducere, which meant to lead away as well as to carry away, described the theft of livestock in 86 per cent of the larcenies using abducere. For instance, Walter Shephurde 'unam vaccam . . . felonice furatus fuit, cepit et abduxit.'<sup>6</sup> The rule for employing

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<sup>3</sup>JUST 3/202, m. 1d.

<sup>4</sup>JUST 3/198, m. 14.

<sup>5</sup>JUST 3/198, m. 4.

<sup>6</sup>JUST 3/198, m. 8.

one verb or the other was not steadfast however. Occasionally abducere described the theft of objects and asportare, the theft of animals.<sup>7</sup> Nevertheless, the wording in the gaol delivery rolls suggests that juries in the southwestern counties were distinguishing between different types of larceny.

TABLE 3: Felony cases heard by the justices of gaol delivery in the western circuit between 1416 and 1430.

<u>Felony</u>	<u>Number</u>	<u>Percentage</u>
Larceny	136	36
Burglary	114	30
Robbery	33	9
Homicide	49	13
Rape	11	3
Abduction	9	2
Arson	4	1
Counterfeiting	7	2
Breaking Prison	10	3
Receiving	<u>4</u>	<u>1</u>
Total	377	100%

The gaol delivery rolls record that 136 larcenies were committed between 1413 and 1430 in the southwestern counties.<sup>8</sup> Thirty-six per cent of all the felonies in

<sup>7</sup>See, for example, JUST 3/205, mm. 14, 11.

<sup>8</sup>Although the gaol delivery sessions date from 1416, they cover felonies that were committed between 1413 and



this period were larcenies.<sup>9</sup> Larceny accounted for 48 per cent of all the thefts including burglary and robbery. In Devon larceny was perpetrated quite frequently accounting for 46 per cent of all the felonies and 62 per cent of all the thefts committed there. Larceny was committed less frequently in Dorset where it accounted for only 26 per cent of all the thefts and 22 per cent of all the felonies. Larceny was committed less often in the other counties than it was in Devon and more frequently than it was in Dorset. In Cornwall, which produced only eight felonies for the gaol delivery courts, no acts of larceny were recorded.<sup>10</sup>

TABLE 4: The incidence of larceny in the southwestern counties, 1413-1430.

<u>County</u>	<u>Number</u>	<u>Percentage of all thefts</u>	<u>Percentage of all felonies</u>
Hampshire	37	44	32
Wiltshire	28	54	36
Dorset	9	26	22
Somerset	14	50	42
Devon	48	62	46
Cornwall	<u>0</u>	0	0
Total	136		

1416 as well. Some suspects were also accused of committing felonies in Henry IV's reign.

<sup>9</sup>See table 3.

<sup>10</sup>See table 4.

The percentage of larcenies in the southwestern counties resembles B.A. Hanawalt's figures for larceny in the counties of Norfolk, Northumberland, Yorkshire, Huntingdonshire, Essex, Somerset, Herefordshire, and Surrey between 1300 and 1348.<sup>11</sup> Larceny, of course, was a simple felony to commit. It usually required no planning and it never involved physical violence to persons. Occasionally it might involve breaking into a close or perhaps ripping open a victim's purse.<sup>12</sup> Usually the thief merely had to grab goods and run, or ride a horse away, or perhaps drive some animals from a pasture. The relative ease with which larceny could be accomplished perhaps explains its high incidence in all counties and periods in the middle ages.<sup>13</sup>

Burglary differed from larceny in two respects. It

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<sup>11</sup>B.A. Hanawalt, Crime and Conflict in English Communities 1300-1348 (Cambridge, Mass, 1979), p. 65. Larceny accounted for 38.7 per cent of all the felonies in the above mentioned counties.

<sup>12</sup>According to T.F.T. Plucknett, larceny could involve breaking into a close. See, T.F.T. Plucknett, "A Commentary on the Indictments", in B.H. Putnam, Proceedings Before the Justices of the Peace Edward III to Richard III (London, 1938), p. cxliv-cxlv.

<sup>13</sup>A.R. DeWindt and E.B. DeWindt found that larceny accounted for 52.8 per cent of the felony presentments in Huntingdonshire from 1286 to 1287. See Royal Justice and the Medieval English Countryside, ed. A.R. DeWindt and E.B. DeWindt (Toronto, 1981), i, 60. R.B. Pugh in his study of the Newgate gaol delivery rolls for 28 years of Edward I's reign found that theft was 'the commonest charge of all.' See Pugh, Proceedings of the British Academy, lix (1973), 87. See also Putnam, Proceedings, pp. 82, 176, 195, 209, 269, and 231 for the incidence of larceny in some southwestern counties in the fourteenth century.

involved the felonious breaking and entering of a building with the intent to commit a felony, usually theft. If the felon simply entered the building this was not considered burglary but mere larceny as no breaking into was done.<sup>14</sup> Moreover, unlike grand larceny, no goods had to be stolen after the breach for the felony to be called a burglary. One suspected burglar, for example, stole nothing, 'pro timore'.<sup>15</sup> Sometimes the burglar, after feloniously breaking into a house, did not steal anything but abducted a woman. In such instances the suspect was not charged with abduction, which was probably treated as a trespass, but with burglary.<sup>16</sup> A typical burglary involved the breach of a house and the theft of goods. On Friday night, May 31, 1423,

Alex Duke . . . unam scalam ad domum  
 Nicholas atte Beare ibidem apposuit per  
 quam scalam ibidem Alex super domum  
 ipsius Nicholas ad tunc ascendit et tec-  
 tum eiusdem domus fregit dilaceravit  
 et felonice intravit et viginti marcas  
 . . . felonice cepit et asportavit.<sup>17</sup>

The words, felonice fregit, generally described the breach of a building. The verbs, burgare or deburgare, described the burglary itself in Cambridgeshire in the

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<sup>14</sup>See, for example, JUST 3/205, m. 3.

<sup>15</sup>JUST 3/205, m. 3.

<sup>16</sup>See, for example, JUST 3/198, m. 9.

<sup>17</sup>JUST 3/198, m. 17.

early fourteenth century.<sup>18</sup> Since these verbs were never used in the southwestern counties in the period under discussion, Plucknett's comment that they were localisms seems correct.<sup>19</sup> The words, however, were not completely unknown in the southwestern counties. Thomas Taillour, who burgled poultry from a house in Dorset, was described as a 'communis Burgulator et latro.'<sup>20</sup> This is, however, the only use of the word burglar found in the western circuit rolls under examination.

As in larceny, the verbs furari, capere, abducere, and asportare described the actual theft in an act of burglary. Felonice cepit et abduxit was used only thirteen times in the 114 burglaries described in the rolls. Eighty-five per cent of the time abducere was used in burglary charges; it described the theft of livestock. Asportare was used most of the time to depict the theft in burglaries probably because objects, rather than livestock were found in houses. Ninety-five per cent of the time when this verb was employed, objects were stolen. The distinction made between abducere and asportare is made abundantly clear in a burglary that occurred in Devon in Henry VI's reign:

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<sup>18</sup>A Cambridgeshire Gaol Delivery, ed. Kimball, p. 9.

<sup>19</sup>Plucknett, "A Commentary on the Indictments", p. cxliii.

<sup>20</sup>JUST 3/205, m. 14.

Walterus Roche . . . clausam et domum  
 Willelmi Adam ibidem felonice fregit  
 . . . et quidam equum . . . felonice  
 cepit et abduxit et unam sellam cum  
 freno . . . felonice cepit et asportavit.<sup>21</sup>

Obviously a distinction was being made between the theft of an object and the theft of a horse. This distinction was not always steadfast. Sometimes abducere described the theft of objects and asportare, the theft of animals.<sup>22</sup> Twenty-five times furari was employed in burglary indictments.<sup>23</sup> Other theft verbs accompanied furari in sixteen of these burglaries.<sup>24</sup> Possibly asportare and abducere were thought to be more descriptive of the thefts than furari was.

Historians are not clear whether burglaries had to occur at night in order for them to be truly classified as burglaries.<sup>25</sup> In the period under discussion, only 38 (33 per cent) of the burglaries happened at night. This concurs with E.G. Kimball's remark that burglaries did not necessarily have to be nocturnal.<sup>26</sup>

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<sup>21</sup>JUST 3/205, m. 17d. See also, JUST 3/205, m. 18d.

<sup>22</sup>The theft of objects was described by both asportare and abducere in JUST 3/205, mm. 9, 16. In JUST 3/198, m. 2, the theft of sheep was described by asportare.

<sup>23</sup>See, for example, JUST 3/198, m. 9.

<sup>24</sup>See, for example, JUST 3/205, m. 13d.

<sup>25</sup>Pollock and Maitland, English Law, ii, 493.

<sup>26</sup>A Cambridgeshire Gaol Delivery, ed. Kimball, p. 9.

When a structure other than a house was broken into the felony may not have been called a burglary, but a larceny.<sup>27</sup> Breaking into a close or a fold, for example, was an act of larceny. Fifteen examples of close or fold breaches have been found in the rolls under study.<sup>28</sup> Structures other than houses, folds, and closes such as mills, shops, churches, halls, tents, and even a manor were broken into. In each of these cases the felony was described as if a burglary had occurred. However, of the four mills that were burgled, only once did felonice accompany fregit. At no time was a tent felonice broken into. Perhaps tents and mills could only be the objects of larceny. Seventy-five per cent of the churches, on the other hand, were felonice broken into. Since structures other than houses were occasionally feloniously broken into we cannot conclude that only houses could be burgled. Moreover, sixteen times felonice was not used to describe the breach of a house and six times the adverb was not included when a house and close were broken into.<sup>29</sup> Perhaps the clerk simply forgot to write felonice before every fregit.<sup>30</sup> It is also possible that there was some

<sup>27</sup>Plucknett, "A Commentary on the Indictments", p. cxlv.

<sup>28</sup>See, for example, JUST 3/198, m. 1.

<sup>29</sup>See, for example, JUST 3/202, m. 3 and JUST 3/205, m. 10d.

<sup>30</sup>T.F.T. Plucknett noted that the clerks who wrote

confusion about the exact nature of burglary in the south-western counties.<sup>31</sup>

The western circuit gaol delivery rolls describe 114 burglaries. Burglary accounted for 30 per cent of all the felonies and 40 per cent of all the thefts committed between 1413 and 1430.<sup>32</sup> Usually larcenies outnumbered the burglaries in each county. In Wiltshire, for example, 28 larcenies were perpetrated while only nineteen burglaries were committed. In Devon there were twice as many larcenies as there were burglaries. Larcenies and burglaries were committed with almost equal frequency in Hampshire and Somerset. However, in Dorset, more burglaries were committed than larcenies. There, 62 per cent of all the thefts were burglaries. One burglary case came before the justices of gaol delivery in Cornwall.<sup>33</sup>

A.R. DeWindt and E.B. DeWindt discovered that burglary constituted only 5.6 per cent of all the thefts in Huntingdon shire between 1286 and 1287.<sup>34</sup> Meeking's examination of the records of the Wiltshire eyre in 1249 revealed that

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up the indictments were not sure where to put the word felonice. Indictments were not always clear about what was considered to be the felony, the breach or the theft. See, Plucknett, "A Commentary on the Indictments", p cxliii.

<sup>31</sup>In this study whenever any building was broken into, the act was considered to have been a burglary.

<sup>32</sup>See table 3.

<sup>33</sup>See table 5.

<sup>34</sup>Royal Justice, ed. A.R. DeWindt and E.B. DeWindt, i, 60.

very few burglaries were committed.<sup>35</sup> Only 11 per cent of the thefts were burglaries in the Newgate gaol delivery rolls in Edward I's reign.<sup>36</sup> Hanawalt found that in the first half of the fourteenth century 24.3 per cent of all the felonies and 33 per cent of all the thefts were burglaries.<sup>37</sup> Hanawalt seems to have considered that the breach of a close was a burglary. She also considered that when violence was done to a person during a break in the act was called a burglary.<sup>38</sup> Thus her figures for burglaries would be lower still if the above acts were not included in her statistics. Putnam's analysis of felonies in the southwestern counties in the mid-fourteenth century also revealed that larcenies exceed burglaries.<sup>39</sup> Indeed in the centuries preceding the fourteenth and in the first decades of the fourteenth century larcenies far outnumbered burglaries.

In the later fourteenth century, however, the number of burglaries increased. For instance, in Wiltshire between 1383 and 1384, the gaol delivery roll records a large num-

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<sup>35</sup>Crown Pleas, ed. C.A.F. Meekings, pp. 98-99.

<sup>36</sup>Pugh, Proceedings of the British Academy, lix (1973), 85.

<sup>37</sup>Hanawalt, Crime and Conflict, p. 66.

<sup>38</sup>Ibid., p. 81. Whenever violence accompanied theft during a break in, the act was considered a robbery in this study. See infra, pp. 52-53.

<sup>39</sup>Putnam, Proceedings, pp. 82, 104, 176, 209.



of burglaries and only a few larcenies.<sup>40</sup> In Hampshire two assize rolls from 1385 to 1386 and 1390 to 1392 record almost as many burglaries as larcenies.<sup>41</sup> A gaol delivery roll for late fourteenth century Essex lists 21 larcenies and 20 burglaries.<sup>42</sup> In the southwestern counties in the early fifteenth century the gaol delivery rolls record only 22 more larcenies than burglaries. These few observations seem to indicate that burglaries were increasing in the late fourteenth and early fifteenth centuries.<sup>43</sup> By this period the standard of living of the peasantry had improved somewhat. Possibly the lower classes in the period after the Black Death owned more possessions, many of which were valuables such as jewellery. These goods obviously would be kept inside houses. Thieves, therefore, would find that they could profit more by stealing the valuable goods stored in houses than by stealing livestock from the pastures and closes and the goods, probably of little value, left outside the houses.<sup>44</sup>

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<sup>40</sup>Ibid., p. 397.

<sup>41</sup>Ibid., p. 231.

<sup>42</sup>Essex Sessions of the Peace 1351, 1377-1379, ed. E.C. Furber (Colchester, 1953), p. 38.

<sup>43</sup>The rolls of the Warwickshire and Coventry sessions of the peace for the years 1377 to 1397, however, record only twelve burglaries to 80 larcenies. See Rolls of the Warwickshire and Coventry Sessions of the Peace, ed. E.G. Kimball (Dugdale Society, xvi, 1939), p. lvi-lviii.

<sup>44</sup>For a more detailed examination of the economic

TABLE 5: The incidence of burglary in the southwestern counties, 1413-1430.

<u>County</u>	<u>Number</u>	<u>Percentage of all thefts</u>	<u>Percentage of all felonies</u>
Hants.	36	42	32
Wilts.	19	37	25
Dorset	22	62	54
Somerset	13	46	39
Devon	23	29	22
Cornwall	<u>1</u>	20	13
Total	114		

When theft was accompanied by an act of violence perpetrated on the victim, the felony was called robbery.<sup>45</sup> In 1348 it was decided that the value of the stolen goods could be under 12d. but by 1355 nothing had to be stolen for this act to be called a robbery.<sup>46</sup> T.F.T. Plucknett considered that the words depredare and spoliare indicated that robbery was reckoned to have been committed.<sup>47</sup> In the 33 counts of robbery found in the western circuit gaol delivery rolls these verbs appear only twelve times. Six times that depredare and spoliare were used, the violence evidence in the gaol delivery rolls see infra, Chapter VI.

<sup>45</sup>Bracton, ed. Woodbine, ii, 413, 425; A Cambridgeshire Gaol Delivery, ed. Kimball, p. 9.

<sup>46</sup>Pollock and Maitland, English Law, ii, 494. Two robberies in the western circuit did not involve theft. See JUST 3/205, mm. 15, 17d.

<sup>47</sup>Plucknett, "A Commentary on the Indictments", p. cxlii.

done to the victim was described by other verbs as well.<sup>48</sup> The indicting jurors may have wanted to emphasize the heinousness of the robbery by actually describing the assault in these cases. Seven times other theft verbs such as furari were employed along with depredare and spoliare.<sup>49</sup> In these cases the taking away of the goods was emphasized in particular.

The word roberia was used only in appeals for robbery. Suspects were appealed pro feloniam et roberiam.<sup>50</sup> When this noun was used the violent attack on the victim was never described, nor were the verbs depredare and spoliare used.<sup>51</sup> Roberia, like depredare and spoliare, apparently implied that the victim had been physically attacked by the suspect. Nevertheless it is unusual that the violence was not described since appeals were supposed to explain all the events of the crime and the appellant generally wanted to stress the harm done to himself. Apparently roberia so emphasized the seriousness of the charge that further explanation of the violence was unnecessary.

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<sup>48</sup>See, for example, JUST 3/205, m. 20d.

<sup>49</sup>See, for example, JUST 3/198, m. 17.

<sup>50</sup>See, for example, JUST 3/198, m. 4.

<sup>51</sup>Depredare was used in two appeals for robbery which did not include the word roberia. See JUST 3/205, m. 3, and JUST 3/202, m. 7d. Once depredare was employed with roberia. See JUST 3/205, m. 14.

Normally robbery was described by the verbs capere, asportare, abducere and furari along with the words used to describe the assault such as insultare, vulnerare, and maletractari. Twice in the cases examined the victim's hands were bound.<sup>52</sup> Once a victim was dragged.<sup>53</sup> Another victim was shot with an arrow.<sup>54</sup> One unfortunate robbery victim, Robert Bagelhole, was assaulted, injured, wounded, and thrown into a fire.<sup>55</sup> Jurors were simply not content to let the technical words alone describe the robbery. The profusion of verbs in robbery indictments indicates the jurors' intense dislike for this felony.

Sometimes a person whose house was broken into was attacked by the thief. In fact, of the 33 robberies recorded in the rolls, 20 occurred in houses which had just been broken into. John Langkylly, a yeoman from Melksham, on the night of November 23, 1419,

domum Nicholas Rolf felonice fregit et in  
ipsum Nicholas insultu fecit et ipsum  
vulneravit et bona et catalla ipsius  
Nicholas . . . felonice cepit et aspor-  
tavit.<sup>56</sup>

It seems probable, therefore, that many burglars uninten-

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<sup>52</sup>JUST 3/205, mm 5d., 20d.

<sup>53</sup>JUST 3/205, m. 2.

<sup>54</sup>JUST 3/202, m. 7.

<sup>55</sup>JUST 3/198, m. 17.

<sup>56</sup>JUST 3/205, m. 8d.

tionally committed robberies. Surprised to find the inhabitant at home, the burglar was forced to attack him or her before the theft could be accomplished. Three robberies involved the abduction of women from houses. In these instances abduction rather than theft may have been the intent of the suspect. This seems to have been particularly true in the sole case where the robber abducted a woman but did not steal anything.<sup>57</sup>

The gaol delivery rolls demonstrate that presenting juries in the southwestern counties described robbery in a variety of ways. The juries did not adhere to a strict legalistic formula when preparing the indictments. Instead they used a rich vocabulary of words to describe the felony showing their particular concern about this crime.

The 33 robberies described in the gaol delivery rolls accounted for only 9 per cent of all the felonies and 12 per cent of all the thefts committed in the southwestern counties between 1413 and 1430.<sup>58</sup> In Hampshire 11 per cent of the felonies were robberies. Ten per cent of the felonies were robberies in Dorset. Fewer robberies were perpetrated in Wiltshire, Somerset, and Devon where 7 per cent, 3 per cent, and 7 per cent of the felonies were robberies respectively. In Cornwall, of the eight felonies recorded in the gaol delivery rolls, four were robberies.<sup>59</sup>

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<sup>57</sup>JUST 3/205, m. 15.

<sup>58</sup>See table 3.

<sup>59</sup>See table 6.

TABLE 6: The incidence of robbery in the southwestern counties, 1413-1430.

<u>County</u>	<u>Number</u>	<u>Percentage of all thefts</u>	<u>Percentage of all felonies</u>
Hants.	12	14	11
Wilts.	5	10	7
Dorset	4	11	10
Somerset	1	4	3
Devon	7	9	7
Cornwall	<u>4</u>	80	50
Total	33		

Robbery statistics found by other historians for other periods and places accord with the statistics found for the southwestern counties in the early fifteenth century.<sup>60</sup> Robbery was a much more difficult crime to commit than either larceny or burglary. It involved the expert use of weapons and or physical skill. In addition, it often involved planning ambushes.<sup>61</sup> Probably for these reasons it was committed less often than the other types of theft.

Unlike many of the other felonies, homicide quite often was colourfully described in the gaol delivery

<sup>60</sup>For example, see, Hanawalt, Crime and Conflict, p. 83; Crown Pleas, ed. Meekings, pp. 98-99; Putnam, Proceedings, pp. 82, 176, 209, 269, 231; Royal Justice, ed. DeWindt and DeWindt, i, 60.

<sup>61</sup>See, for example, JUST 3/202. m. 7.

rolls of the western circuit. The descriptive wealth found in the homicide entries is perhaps best explained by reference to the coroners' inquests. These were held whenever a body was found and the cause of death was unknown, sudden, or suspicious in nature. Inquests were also convened if a suspect died in gaol or when the hue and cry alerted the four nearest villis that a homicide had taken place. An inquest jury, gathered from the four neighbouring townships where the body was found, was sworn in to discover the details surrounding the death. The coroner and the jury viewed the body and notes were taken regarding any wounds found on it. The time, the place, the weapons used, the manner, and the circumstances of the death were all recorded. These details were eventually transcribed onto the gaol delivery roll. If the suspect was apprehended during the hue and cry or if he had already given himself up to the coroner, he was indicted. Otherwise the coroner ordered the sheriff, the bailiff, or the constable to arrest him.<sup>62</sup>

In eighteen of the 49 homicides committed in the southwestern counties between 1413 and 1430, the coroner indicted the suspects. Presumably the coroner also recorded the seven appeals for homicide. Each of the coroner's entries describing the circumstances of the

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<sup>62</sup>The above account of the coroner's inquest can be found in Hunnisett, The Medieval Coroner, p. 21-36.

incident are quite detailed. For example, Alice Hencock,

cum quadam secure quam eadem Alicia tenuit  
 . . . viri suus in capite percussit et dedit  
 ei plagam mortalem pro quam cerebrum suum  
 exuit et inde etiam moriebat et sic . . .  
 ibidem felonice interfecit.<sup>63</sup>

Twenty-two indictments for homicide were prepared by justices of the peace at their quarter sessions.<sup>64</sup> It is possible that coroners attending these sessions brought their inquest records in order for indictments to be framed. The detailed indictments made by the justices of the peace for six homicides suggests that this may have been the case. Yet justice of the peace indictments were rarely graced with the embellishments included in coroners' indictments. For example, on March 1, 1423, Richard Shirboone of 'Suthbyrfeldene', Hampshire, 'Henricus Doye . . . cum quodam cultello precii quatuor denarii felonice interfecit.'<sup>65</sup> Certainly our understanding of the circumstances and the methods of homicide is not increased by the justice of the peace indictments. It is certainly unfortunate for the historian that the justices of the peace rivalled the coroners in taking indictments for homicide from the late fourteenth century.<sup>66</sup>

All homicides, except those the Crown considered justifiable or excusable, were, from the early twelfth

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<sup>63</sup>JUST 3/205, m. 21.

<sup>64</sup>A steward prepared the indictment in JUST 3/198, m. 2 and a mayor and his aldermen prepared the indictment in JUST 3/198, m. 3.

<sup>65</sup>JUST 3/202, m. 2.



century, culpable and thus they merited the capital sentence of death by hanging. From the mid-fourteenth century if a servant slew his master, a villein his lord, or a wife her husband, the homicide was treated as petty treason.<sup>67</sup> If convicted, the offender was sentenced to be drawn and hanged. Drawing meant that the traitor was either tied to a horse or put on a hurdle and dragged to the gallows. If the guilty party was a woman she suffered death by burning.<sup>68</sup>

Justifiable homicides included legal executions, killing thieves caught red-handed and outlaws who resisted capture.<sup>69</sup> In the fourteenth century slaying robbers, burglars, or arsonists caught in the act was justifiable.<sup>70</sup> However, it eventually became more common for these killers to be tried before release. Anyone who committed a justifiable homicide was acquitted. The western circuit rolls under examination do not contain any cases of justifiable homicide.

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<sup>66</sup>See Hunnisett, The Medieval Coroner, pp. 190-198 regarding the decline of the county coroner.

<sup>67</sup>25 Edward III, st. 5, c. 2.

<sup>68</sup>See, for example, JUST 3/202, m. 4 and JUST 3/205, m. 21. The last woman to burn for killing her husband was executed in 1726. See, D.M. Stenton, The English Woman in History (London, 1957), p. 65.

<sup>69</sup>See T.A. Green, "The Jury and the English Law of Homicide, 1200-1600", Michigan Law Review, lxxiv (1975), 436-444, for the legal development of justifiable homicide.

<sup>70</sup>Ibid., p. 439.

There were a number of excusable homicides entered into the rolls for the period under study. Excusable homicides included slayings committed by the insane, by minors, by accident or misadventure, or slaying in self-defence.<sup>71</sup> These, by the statute of Gloucester, 1278, were pardonable offences.<sup>72</sup>

Only one homicide was committed by an insane person in the southwestern counties between the years 1413 and 1430.<sup>73</sup> John Crochewan the elder, on the day the homicide was committed, purportedly 'fuit demens et extra sanam memoriam' when he slew 'ferocitate et nesciens' John Roleg.<sup>74</sup> That he truly was insane at the time of the homicide must be questioned because his insanity was mentioned not on the first but on the third occasion his case came before the gaol delivery court.

When Crochewan first came before the court he was appealed by Roleg's wife.<sup>75</sup> He claimed her appeal was invalid because she had not been legitimately married to Roleg. Possibly Roleg and his wife had only gone through

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<sup>71</sup>T.A. Green, "Societal Concepts of Criminal Liability for Homicide in Medieval England", Speculum, xlvii (1972), 669.

<sup>72</sup>6 Edward I, c. 9. See T.F.T. Plucknett, A Concise History of the Common Law (London, 1956), p. 445.

<sup>73</sup>B.A. Hanawalt noted that insanity was infrequently pleaded as an explanation for a homicidal act. See B.A. Hanawalt, "Violent Death in Fourteenth-and Early Fifteenth-Century England", The Journal of Comparative Studies in Society and History, xviii (1976), 314.

<sup>74</sup>JUST 3/205, m. 9.

the trothplight ceremony and had not yet been legally wedded in the church. For a woman to appeal a man of homicide she had to be the victim's legal wife.

The second time his case went to court, Crocheman again maintained that Joanna could not appeal him because she was not truly Roleg's wife.<sup>76</sup> The final time this case was heard by the justices Crocheman was no longer appealed but was indicted for the homicide.<sup>77</sup> Presumably Joanna dropped the appeal or the appeal was quashed because it was discovered that Joanna was not Roleg's legitimate wife. When an exception to an appeal was allowed, the case was carried on at the king's suit.<sup>78</sup> Thus Crocheman had to answer to the indictment. It was at this point that Roleg claimed that he was insane at the time of the homicide. Perhaps he felt that claiming insanity was the only way left for him to escape the gallows. Normally an inquest was held to determine whether or not the suspect was insane. Perhaps this inquest had been held before the trial. Sometimes the justices of gaol delivery alone determined if the suspect was insane. In any event, the jury found Crocheman not guilty by reason of insanity.

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<sup>75</sup>JUST 3/202, m. 4. According to Bracton, women could appeal 'only for a forcible harm done to her body, as for rape, . . . and for the death of her husband.' See Bracton, ed. Woodbine, ii, 419.

<sup>76</sup>JUST 3/205, m. 8.

<sup>77</sup>JUST 3/205, m. 9.

<sup>78</sup>Crown Pleas, ed. Meekings, p. 72.

Crocheman was thus eligible for a pardon.<sup>79</sup> Although it was very rare for the justices to acquit the criminally insane without consulting the king,<sup>80</sup> Crocheman was acquitted outright. He did not need to purchase a pardon. Crocheman's claim to insanity at the third delivery is very suspicious. Perhaps he was an influential man or had friends in important positions who not only supported his claim to insanity but who also saved him from the necessity of buying a pardon from the king.

Five homicides were committed by misadventure or accident.<sup>81</sup> In such cases the victim himself or an inanimate object was perceived to have caused the victim's death.<sup>82</sup> According to Bracton:

Accidental homicide . . . may be committed in many ways, . . . as where playing with a companion he has struck him in thoughtless jest, . . . or where playing with a ball it has struck the hand of a barber he did not see so that he has cut another's throat, and thus has killed a man, not however with the intention of killing him.<sup>83</sup>

One Hampshire man, Thomas Daltre, was indicted for the

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<sup>79</sup>Normally the criminally insane were not acquitted but were pardoned instead. See N.D. Hurnard, The King's Pardon for Homicide before A.D. 1307 (Oxford, 1969), p. 163.

<sup>80</sup>Ibid., pp. 166-67.

<sup>81</sup>See JUST 3/198, m. 2d., JUST 3/205, mm. 6d., 7, 10, 11d., 19d.

<sup>82</sup>The object which caused the death was called the 'deodand'. It was forfeited to the Crown. No deodands are recorded in the rolls under examination.

<sup>83</sup>Bracton, ed. Woodbine, ii, 384.

accidental death of a Romsey abbey nun. The coroner's indictment stated that he entered the abbey and abducted Isabel, a nun living there. While speaking to Thomas, Isabel began to climb out of a window and descend a ladder in order to flee the abbey. However, in doing so she accidentally tumbled out of the window and fell to her death in the abbey's garden.<sup>84</sup>

In four accidents the victim got himself killed in a murderous assault upon the accused. In effect, in pursuing the accused, the victim ran into the accused's weapon and killed himself. The accused did not strike a blow. For example:

Johannes Tilleford percussit predictam Johannem Hardepye cum quodam baculo. Ita quod idem Johannes Hardepye cecidit quendam murum . . . cum quodam cultello in manu sua . . . et predictus Johannes Tilleford ipsum ferociter insecutus fuit et cecidit super cultellum predictum et sic inde obiit.<sup>85</sup>

Hardepye was acquitted because John Tilleford killed himself on Hardepye's knife. Although a pardon was technically required in acts of misadventure, the courts regularly acquitted these slayers by the fourteenth century.<sup>86</sup> All the suspects involved in accidental homicides in the southwestern counties were acquitted.

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<sup>84</sup>JUST 3/205, m. 6d.

<sup>85</sup>JUST 3/205, m. 11d.

<sup>86</sup>Green, Michigan Law Review, lxxiv (1975), 444.

Self-defenders could not be acquitted at gaol deliveries but they were able to get pardons from the king as a matter of course.<sup>87</sup> The requirements for pleading self-defence were quite rigorous. It was necessary for the accused to show that in evading his attacker he had run into an inescapable place where, in order to save his life, he had killed his attacker in self-defence.<sup>88</sup> For example, Stephen Coulyng, during the course of an argument with Robert Plodde, was assaulted by Plodde with a stick. After being knocked to the ground he rose, dazed, and fled from Plodde. Plodde violently pursued him into an ally between two houses and attacked him, striking him with a staff. Coulyng, thus attacked, realized that he could not escape unless he defended himself. With a staff he hit Plodde on the head from which wounds Plodde died. The jury noted that Coulyng killed Plodde 'solo modo se defendendo'.<sup>89</sup> Stephen was remanded to prison to await the grace of the king.<sup>90</sup>

T.A. Green commented that self-defence verdicts were so common in the fourteenth century

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<sup>87</sup>Ibid., p. 425.

<sup>88</sup>Green, Speculum, xlvii (1972), 669.

<sup>89</sup>JUST 3/202, m. 8.

<sup>90</sup>Three months after being tried Coulyng received his pardon. See Cal. Pat. Rolls, 1422-1429, p. 160.

that many must have been 'fabricated' by juries in order to save the defendants' lives.<sup>91</sup> Studying selected fourteenth century gaol delivery rolls, Green found that 12 to 59 per cent of the homicide suspects were said to have slain in self-defence.<sup>92</sup> In the western circuit rolls for 1416 to 1430, only three (4 per cent) of the homicide suspects killed in self defence.<sup>93</sup> The paucity of this type of verdict suggests that these were true cases of self-defence. Perhaps the juries in the southwestern counties were circumspect in their dealings with the law. Maybe they believed that the justices would not tolerate false evidence.

The remaining homicides in the gaol delivery rolls under study were culpable. They account for 82 per cent of all the homicides entered in the rolls. While the homicides were invariably described by the phrase, felonice interfecit, some eleven homicides were also described by the verb, murdrare.<sup>94</sup> This verb was not found in trial enrolments before 1380 but after this date it was suddenly used all over England.<sup>95</sup> There has been much

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<sup>91</sup>Green, Michigan Law Review, lxxiv (1975), 430.

<sup>92</sup>Ibid., p. 430.

<sup>93</sup>See JUST 3/198, mm. 17d, 18d., JUST 3/202, m. 8.

<sup>94</sup>See JUST 3/198, mm. 5, 16, 17, 17d., JUST 3/205, mm. 2d, 4, 8d, 10d, 13, 17, 17d. Five homicide charges do not use interfecere. See JUST 3/198, m. 3, and JUST 3/205, mm. 2d, 4, 6d, 11.

<sup>95</sup>J.M. Kaye, "The Early History of Murder and Manslaughter", Law Quarterly Review, lxxxii (1967), 384.

debate in this century regarding the meaning of murdrare and the significance of its emergence in the judicial rolls after 1380.<sup>96</sup>

Before the Norman conquest, the Germanic Morth, a particularly heinous homicide, meant 'secret or stealthy killing.'<sup>97</sup> In the late eleventh century murdrum acquired a more technical meaning. It stood for the fine a hundred was required to pay the king if a dead body was found that could not be proven to be English.<sup>98</sup> Maitland believed that despite its new technical meaning, murder, 'in the popular mind . . . still stood vaguely for homicide of the very worst kind.'<sup>99</sup> The murder fine disappeared soon after the statutory abolishment of presentment of Englishry in 1340.<sup>100</sup> In the 1380's murdrare found its way back into trial enrolments. Then, commissions of the peace were required to take indictments for, among other felonies and trespasses, murder.<sup>101</sup>

In the decades preceding 1380 the commons had been complaining that pardons were too readily granted for

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<sup>96</sup>See Kaye, Law Quarterly Review, lxxxii (1967), 384. See also, Green, Michigan Law Review, lxxiv (1975), 461.

<sup>97</sup>Kaye, Law Quarterly Review, lxxxii (1967), 384.

<sup>98</sup>Pollock and Maitland, English Law, ii, 487. If the hundred proved that the body was English, then it did not have to pay the fine. This was called presentment of Englishry.

<sup>99</sup>Ibid., pp. 487-88.

<sup>100</sup>14 Edward III, st. 1, c. 4.



culpable homicides. Sometimes the word murder was included in these tirades against pardoning.<sup>102</sup> Finally a statute was enacted in 1390 which stated that no pardon was to be issued to those who had committed: 'Murdre, Mort d'ome occis par agait, assaut ou malice purpense.'<sup>103</sup> This statute has been interpreted in many ways. Stephen and Maitland believed that the words after 'Murdre' were in apposition to it, thereby defining it. Murder was killing in await, or ambush, killing by assault, or killing by malice aforethought. Plucknett saw in the statute a distinction between murder and simple homicide, what is now called manslaughter. The Crown could still pardon homicides committed in self-defence or by misadventure, of course. It could also pardon deliberate homicides as long as these were not planned, as long as the slayer had not acted with malice aforethought.<sup>104</sup>

J.M. Kaye thought that the parliament in 1390 did not intend to define murder and distinguish it from simple homicide. Parliament described four types of homicide which comprised the whole of culpable homicide. No category was left that could be considered simple homicide.

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<sup>101</sup>Kaye, Law Quarterly Review, lxxxii (1967), 384.  
Green, Michigan Law Review, lxxiv (1975), 461.

<sup>102</sup>Kaye, Law Quarterly Review, lxxxii (1967), 378.

<sup>103</sup>13 Richard II, st. 2, c. 1.

<sup>104</sup>See Kaye, Law Quarterly Review, lxxxii (1967), 366-369 for a discussion of the views of Stephen, Maitland, and Plucknett.

Murder meant killing stealthily or secretly. The other three types of culpable homicide were killing by ambush, killing by assault, and killing by malice prepense. The latter term did not mean malice aforethought but simply, "wickedly," "wilfully" or "without lawful excuse."<sup>105</sup> This latter category included all homicides which were not excusable or justifiable and which would now be considered manslaughters.

The entries for homicide in the western circuit rolls under discussion accord with Kaye's division of homicide into four categories. Felonice interfecit was coupled sometimes with murdravit,<sup>106</sup> six times with words denoting ambushing such as iacebat in insidiis,<sup>107</sup> and on 23 occasions with phrases describing assaults such as insultum fecit.<sup>108</sup> Ten cases included variations of malice prepense, such as ex malitiam praemeditatum or ex malitiam praecogitatu.<sup>109</sup> Sometimes all of the above phrases described a homicide.<sup>110</sup> Kaye's assertion that in the early fifteenth century descriptions of killing in ambush and in assault

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<sup>105</sup>Ibid., p. 369.

<sup>106</sup>See, for example, JUST 3/205, m. 13.

<sup>107</sup>See, for example, JUST 3/198, m. 16d.

<sup>108</sup>See, for example, JUST 3/202, m. 8.

<sup>109</sup>See, for example, JUST 3/205, m. 1d.

<sup>110</sup>See, for example, JUST 3/205, m. 4d.

were being 'swallowed up in murder' does not hold true in the western circuit.<sup>111</sup> The use of words to denote ambush and assault are too frequent to support his theory. It appears that the juries in the southwest still felt it necessary to describe homicides according to the 1390 statute. Again the jury's circumspection in adhering to the law is apparent.

The evidence of the western circuit gaol delivery rolls does support Kaye's observation that the 1390 statute of pardons did not reduce the number of pardons granted for homicide in the late fourteenth and early fifteenth centuries.<sup>112</sup> Pardons were issued to four men indicted for murder and to one woman indicted on a charge of ambushing and killing by malice prepense.<sup>113</sup> The juries still formulated indictments according to the old statute. The king granted pardons to murderers nevertheless.

T.A. Green suggested that medieval juries were making distinctions between murder and simple homicide, or manslaughter, because after the statute of 1390 juries acquitted the majority of the suspects accused of simple homicide and they convicted 50 per cent of the suspects

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<sup>111</sup>Kaye, Law Quarterly Review, lxxxii (1967), 395.

<sup>112</sup>Ibid., p. 393.

<sup>113</sup>See JUST 3/198 mm. 16, 16d, 17.

accused of murder.<sup>114</sup> The evidence of the western circuit rolls in the second and third decades of the fifteenth century does not strongly support Green's thesis. Six out of 48 suspects (13 per cent) whose charges did not include murdrare were sentenced to death.<sup>115</sup> On the other hand, eleven out of 29 suspects (38 per cent) indicted for murder were convicted.<sup>116</sup> Of the eleven murder suspects sentenced to death, eight were convicted of petty treason. Thus only three murder suspects (27 per cent) were convicted for murder alone. We can speculate that it was not necessarily the verb, murdrare, that sent suspects to the gallows. Rather, if one committed petty treason one's chances of conviction were high. Juries may not have been guided solely by the verb, murdrare, to convict the suspect. The juries acquitted seven suspects whose indictments contained this verb and they named other persons as the true murderers.<sup>117</sup> The presenting jurors used murdrare because they considered the offence heinous. They did not use it to make certain the conviction of a particular suspect. The work murdrare nevertheless seemed to designate the seriousness of the crime.

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<sup>114</sup>Green, Speculum, xlvii (1972), 670-2. Green, unlike Kaye, believed that the statute of 1390 distinguished between murder and manslaughter.

<sup>115</sup>One of these suspects successfully claimed benefit of clergy.

<sup>116</sup>One of these suspects claimed benefit of clergy and the other felon's case was not completed on the roll. We do not know if he was sentenced to be hanged or if he presented a pardon to the court.

Suspects were more likely to be convicted when this word, rather than interficere, was included in the charge. Possibly then distinctions were being made in the indictments between murder and simple homicide.

The use of the verb murdrare was perhaps specific to indictments made before the justices of the peace. Nine out of eleven murders involved indictments made before these justices while two murder charges were made before the coroners. Perhaps justices of the peace, local men appointed by the crown, were more familiar with the phraseology used in the commissions, laws, and statutes. Coroners, elected at shire courts, did not seem to insist that the word be used when indictments were framed.

Forty-nine counts of homicide, representing 13 per cent of all the felonies committed in the southwestern counties between 1413 and 1430 were recorded in the gaol delivery rolls under study. Homicide was the third most frequent felony committed.<sup>118</sup> We should not lose sight of the fact that larcenies accounted for 36 per cent and burglaries for 30 per cent of all felonious activity. Clearly thefts far outnumbered homicides in the southwestern counties. Homicide was committed slightly more often in Hampshire than in the other counties. In Dorset and Somerset a smaller percentage of homicides were committed

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<sup>117</sup>See, for example, JUST 3/202, m. 1.

<sup>118</sup>See table 3.

than in the other counties. Thirteen per cent of all the felonies committed in both Devon and Wiltshire were homicides. In Cornwall three of the eight recorded felonies were homicides.<sup>119</sup>

TABLE 7: The incidence of homicide in the southwestern counties, 1413-1430.\*

<u>County</u>	<u>Number</u>	<u>Percentage of felonies</u>
Hampshire	18	16
Wiltshire	10	13
Dorset	3	7
Somerset	2	6
Devon	13	13
Cornwall	3	37
Total	49	

\*The figure for Hampshire includes three attempted homicides. See JUST 3/198, m. 1d and JUST 3/205, m. 5.

Homicide was perpetrated rather less frequently in the period and place under discussion than in other counties and during other times. Although B.A. Hanawalt also found homicide to be the third most common felony in the first half of the fourteenth century, homicide then accounted for 18.5 per cent of all the felonies.<sup>120</sup> In

<sup>119</sup>See table 7.

<sup>120</sup>Hanawalt, Crime and Conflict, pp. 66, 97.

the thirteenth century homicide rates were even higher. In Huntingdonshire homicide represented 47.4 per cent of all the felonies.<sup>121</sup> Homicide accounted for approximately 38 per cent of the charges in the Wiltshire eyre records for 1249.<sup>122</sup> In the Newgate gaol delivery records for Edward I's reign, homicide represented 22 per cent of all the felonies.<sup>123</sup> Putnam's statistics for homicide in the southwestern counties in the fourteenth century vary. Sometimes there were many homicides, sometimes very few.<sup>124</sup> Interestingly enough, Garay's examination of felony in Henry IV's reign revealed that homicide represented only 11.8 per cent of all the charges.<sup>125</sup> The gaol delivery and king's bench records for Essex in the late fourteenth century reveal a similarly low number of homicides.<sup>126</sup> Although the limitations of the gaol delivery rolls do not permit us to make any firm conclusions, we can speculate that the number of homicides in the late fourteenth and early fifteenth centuries was decreasing. It is also possible, of course, that homicides were being

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<sup>121</sup>Royal Justice, ed. DeWindt and DeWindt, i, 51.

<sup>122</sup>Crown Pleas, ed. Meekings, pp. 98-99.

<sup>123</sup>Pugh, Proceedings of the British Academy, lix (1973), 86.

<sup>124</sup>Putnam, Proceedings, pp. 82, 195, 176, 231, 209, 269, 397.

<sup>125</sup>Garay, "'No Peace Nor Love in England?'" , p. 206.

<sup>126</sup>Essex Sessions, ed. Furber, p. 38.

covered up more successfully than in the previous centuries.

While the incidence of homicide was perhaps decreasing in the southwestern counties in the early fifteenth century, the incidence of rape and abduction may have been increasing. If a woman appealed a man for rape she not only had to follow the normal procedures involved in an appeal, but she also had to show ripped clothing and blood, evidence of the rape, to local officials.<sup>127</sup> In the late twelfth century the appealed ravisher, if convicted, was punished with:

. . . the loss of members, that there be member for member, for when a virgin is defiled she loses her member and therefore let her defiler be punished in the parts in which he offended. Let him thus lose his eyes which gave him sight of the maiden's beauty . . . And let him lose as well the testicles which excited his hot lust.<sup>128</sup>

Slightly less severe punishments were to be meted out to ravishers of widows, matrons, nuns, and prostitutes.<sup>129</sup> However, except for one rapist mentioned by Bracton, no one seems to have suffered this punishment.<sup>130</sup> Sometimes a financial settlement was made out of court by the woman's

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<sup>127</sup>Glanville: The Treatise on the Laws and Customs of the Realm of England Commonly called Glanvill, ed. G.D.G. Hall (London, 1965), p. 175.

<sup>128</sup>Bracton, ed. Woodbine, ii, 414-15.

<sup>129</sup>Ibid., ii, 415.

<sup>130</sup>J.B. Post, "Ravishment of Women and the Statutes of Westminster", Legal Records and the Historian, ed. J.H. Baker (London, 1978), p. 152.



family, but usually a marriage between the daughter and her ravisher was arranged.<sup>131</sup> The high proportion of unprosecuted appeals suggests that marriage was often the intention of the ravisher if it was not the desire of the ravished as well.<sup>132</sup>

Appeals by women for rape declined dramatically in the thirteenth and fourteenth centuries when three statutes made rape and abduction felonies which could be prosecuted either at the king's suit or by the ravished woman's male relatives.<sup>133</sup> Whether or not the woman consented before, or afterwards to the abduction, the ravisher could be prosecuted. Thus the father could have satisfaction at law if he were forced to forfeit a profitable marriage settlement because his daughter had been ravished. The ravished and the ravisher, moreover, if they married after the abduction could not inherit any property. A wife who stayed with her abductor after her legal husband's death was not permitted to claim her dower. More importantly perhaps, the abduction came to be pursued as a trespass, rather than as a felony because in the former type of prosecution the goods stolen during the abduction were returned to the family, while in the latter type of prosecution the king had the suit for the goods. Thus over

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<sup>131</sup>Ibid., p. 152.

<sup>132</sup>Ibid., p. 152.

<sup>133</sup>The three statutes dealing with rape and abduction are the statute of Westminster I, 3 Edward I, c. 13; the

the centuries the emphasis on the sexual assault of the woman became less important than the affront done to the integrity of her father's or her husband's estate.<sup>134</sup>

Before the statute of Westminster II, rape appeals recorded the physical details of the sexual assault. The verb, rapere, alone indicated that abduction had taken place.<sup>135</sup> Although the above statute 'lumped' rape and abduction together by making them both felonies,<sup>136</sup> the terminology used to distinguish the two acts was still maintained in the southwestern counties in the period under discussion.

Abduction was described in every case but one by the verb rapere, meaning to seize and carry off. For example, William Mottroner, on March 12, 1426, 'Aliciam Newys apud Newnton . . . felonice rapuit.'<sup>137</sup> Although felonice usually described the abduction, five times it did not.<sup>138</sup> In three of these cases the abductor feloniously committed burglary. In two cases the abductor raped his victims. It appears that the abduction in each of these cases was treated as incidental to the other

statute of Westminster II, 13 Edward I, c. 34; and 6 Richard II, st. 1, c. 6.

<sup>134</sup>The above history of the law of ravishment has been dealt with by J.B. Post in "Ravishment", pp. 150-164 and J.B. Post, "Sir Thomas West and the Statute of Rapes, 1382", Bulletin of the Institute of Historical Research, 1 (1980), 25.

<sup>135</sup>Post, "Ravishment", p. 158.

<sup>136</sup>Ibid., p. 158.

<sup>137</sup>JUST 3/205, m. 10.

<sup>138</sup>See JUST 3/205, mm. 2, 26, 26d, 15.

felony. Since the phrase vi et armis described the abduction in three of these cases it would appear that the abductions were treated as trespasses. Vi et armis was typically used in trespass cases.<sup>139</sup>

Sometimes the verb, abducere, was used with rapere to describe the abduction.<sup>140</sup> Once, abducere alone described the act.<sup>141</sup> When used in theft cases, this verb usually described the leading away or carrying off of animals.<sup>142</sup> In general one might suppose that rapere was the equivalent of abducere, the former applying to women and the latter to animals. However, one abduction case poses particular problems to this proposal. Four men were indicted and three others were named for having 'felonice ceperunt et abduxerunt' one Elizabeth Juteborgh. Nicholas Slewort, a gentleman and attorney, was accused in this indictment of having 'felonice rapuit' the woman.<sup>143</sup> Is it possible the indictment meant to distinguish Nicholas's act from the other mens' actions? The next gaol delivery entry does not support this idea. The same men plus two more were named for having 'felonice rapuerunt

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<sup>139</sup>A Cambridgeshire Gaol Delivery, ed. Kimball, p.8.

<sup>140</sup>See, for example, JUST 3/198, m. 20; JUST 3/202, m. 4; JUST 3/205, mm. 8d, 9, 11.

<sup>141</sup>JUST 3/205, m. 17d.

<sup>142</sup>See supra, p. 38.

<sup>143</sup>JUST 3/205, m. 4.

et abduxerunt' Elizabeth Juteborgh.<sup>144</sup> Rapere and abducere were used in the same way as capere and abducere were employed in theft cases. Capere meant to take as rapere meant to seize. Abducere in both actions suggested carrying away. Just as in thefts when two or three verbs described the felony, occasionally a number of verbs described abduction.

That rapere must have meant abduction and not rape is evident when the terminology of felonies classified as rapes in this study are examined.<sup>145</sup> Rape, as previously mentioned, necessitated that the victim prove that coitus had occurred by showing ripped clothing and blood to the authorities. In the indictments studied, rape was represented by such phrases as, carnaliter concubuit et communicavit, concubuit et carnaliter copulavit and carnaliter concupisisset.<sup>146</sup> One John Corbet, described as a 'communis raptor mulierum et virginis,' allegedly raped three women between 1411 and 1415. On the third day of May, 1411, he went to Ropley, Hampshire, and 'super Agnes Sourbond . . . insultum fecit et eam ibidem vi et armis contra voluntate suam rapuit et defloravit.' Two years later he allegedly 'iacuit insidiis in quodam

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<sup>144</sup>JUST 3/205, m. 11.

<sup>145</sup>K.E. Garay considered that rapere meant rape. See Garay, "'No Peace Nor Love in England?'" p. 215.

<sup>146</sup>See, JUST 3/198, m. 15; JUST 3/205, mm. 6, 10d.

<sup>147</sup>JUST 3/205, m. 2.

clausam . . . et super Aliciam . . . felonice insultum  
fecit et vi et armis et contra voluntatem suam ipsam  
rapuit et de virginitate sua ipsam Aliciam depredavit.<sup>148</sup>

A number of years later he supposedly assaulted Walter  
Bateman's wife, Agnes and, 'contra voluntatem suam cum  
ipsa Agna adulterum commissuit.'<sup>149</sup> Compare the phrases  
of these rapes with the following: 'Alexander Champion de  
Borebach . . . Johannam, servientem Johannis Chayn  
felonice rapuit.'<sup>150</sup> There is no suggestion whatsoever  
that Alexander Champion committed rape. Rapere alone  
must have meant to abduct.

Abduction, when not accompanied by theft, represented  
2 per cent of all the felonies recorded in the western  
circuit gaol delivery rolls between 1413 and 1430. Three  
per cent of the felonies were rapes.<sup>151</sup> In each county  
except Wiltshire these two crimes accounted for 5 per cent  
or less of all the felonies. Rape and abduction rep-  
resented 14 per cent of the felonies in Wiltshire.<sup>152</sup>

Quite often rape and abduction were accomplished  
during acts of larceny, burglary, or robbery. In the  
southwestern counties four larcenies, ten burglaries, and

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<sup>148</sup>JUST 3/205, m. 2.

<sup>149</sup>JUST 3/205, m. 2.

<sup>150</sup>JUST 3/198, m. 7.

<sup>151</sup>See table 3.

<sup>152</sup>See table 8.

two robberies involved abduction. Once a homicide happened during the course of an abduction.<sup>153</sup> Four men were said to have burgled the homes of the women they raped. Another man committed two larcenies against the husband of the woman he violated. Altogether there were 36 rapes and abductions in the rolls. Rape and abduction, whether or not they were accompanied by theft, represented 10 per cent of all the felonies in the rolls under examination.<sup>154</sup>

TABLE 8: The incidence of rape and abduction in the southwestern counties, 1413-1430.

<u>County</u>	<u>Rape</u>	<u>Abduction</u>	<u>Percentage of all Felonies</u>
Hampshire	4	0	4
Wiltshire	5	6	14
Dorset	0	2	5
Somerset	1	0	3
Devon	1	1	2
Cornwall	<u>0</u>	<u>0</u>	0
Total	11	9	

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<sup>153</sup>

JUST 3/205, m. 6d. See supra, pp. 59-60.

<sup>154</sup> Suspects who committed abduction and felonious theft were probably charged with theft since the king had suit for the stolen goods and abduction may have been considered a trespass. See supra, p. 72. Thus, only abductions which were committed without theft were included in the number of abductions in table 8. Rape, on the other hand was a violent crime and was probably considered the charge on which rapist thieves were prosecuted.

In earlier periods in English history the incidence of rape and abduction was not so high. In the Wiltshire eyre records for 1249, for example, only five (2 per cent) of the charges were rapes.<sup>155</sup> The Huntingdonshire crown pleas for 1286-7 revealed only three rapes.<sup>156</sup> Hanawalt found that in the first half of the fourteenth century only 0.5 per cent of all the felonies were rapes.<sup>157</sup> The percentage of rapes committed in later fourteenth century England rose to 4.5 per cent.<sup>158</sup> The early fifteenth century saw a further increase in the number of rapes committed.<sup>159</sup> During the first decade of Henry IV's reign 7 per cent of the felonies were rapes.<sup>160</sup> The small increase in the number of rapes and abductions in the fifteenth century may reflect the concern of fathers to safeguard their daughters' inheritances and their wives' dowers from unscrupulous abductors. Of course, revenge on the abductor and rapist may have been foremost in the insulted woman's and family's minds.

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<sup>155</sup>Crown Pleas, ed. Meekings, pp. 98-99.

<sup>156</sup>Royal Justice, ed. DeWindt and DeWindt, i, 93.

<sup>157</sup>Hanawalt, Crime and Conflict, p. 105.

<sup>158</sup>Garay, "'No Peace Nor Love in England?'" p. 215.

<sup>159</sup>Bellamy, Crime and Public Order, p. 58. According to Bellamy the charge of rape and abduction was common among the wealthier classes in the fifteenth century.

<sup>160</sup>Garay, "'No Peace Nor Love in England?'" p. 215.

Although arson was recorded infrequently in the gaol delivery rolls under examination, it was a felony much feared throughout the middle ages. In 1429 the commons in parliament complained that certain persons in the town of Cambridge, in the counties of Cambridge and Essex, and elsewhere in England were burning down houses because the inhabitants refused to pay them money. In response to this complaint it was ordained that henceforth such extortion and arson 'soient ajuggez haut treson'.<sup>162</sup> The four arsons in the rolls under study did not involve extortion and they were committed before the 1429 statute was enacted. Therefore, they were treated not as treasons, but as felonies.

Arson was described by phrases such as felonice combussit and in ignem posuerunt et arserunt.<sup>163</sup> One arsonist 'felonice combussit' a mill.<sup>164</sup> Three arsonists broke into Richard Redeclyf's house, robbed the owner of unspecified goods and set fire to the house.<sup>165</sup> Willelma

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<sup>162</sup>Rotuli Parliamentorum; ut et Petitiones, et Placita in Parlamento, ed. J.S. Strachey and J. Pridden. (London, 1766-1777) iv, 350. The statute arising out of this parliament, 8 Henry VI, c. 6, made just the burning of houses by extortionists treason. According to Pollock and Maitland, the word house was freely interpreted. See Pollock and Maitland, English Law, ii, 492.

<sup>163</sup>See, JUST 3/198, m. 20; JUST 3/202, m. 1.

<sup>164</sup>JUST 3/198, m. 19d.

<sup>165</sup>JUST 3/198, m. 20.



Balgey, 'felonice posuit ignem' in John atte Mulle's hall.<sup>166</sup> Another suspect allegedly burned William Bagme's house and other buildings.<sup>167</sup>

In three other cases arson is mentioned. Nicholas Skynner was pardoned for murder and burglary but he was remitted to prison for burning houses.<sup>168</sup> One unfortunate victim was attacked and thrown into the fire by robbers.<sup>169</sup> Six men who threatened to kill John Punchardon, lord of Faccombe manor, also threatened to burn his manor.<sup>170</sup>

Arson accounted for only 1 per cent of all the felonies committed in the southwestern counties between 1413 and 1430.<sup>171</sup> Across the historical spectrum, arson was never committed as frequently as the other felonies.<sup>172</sup> Although arson occurred infrequently, it caused considerable damage when it was perpetrated. Moreover, the fear of arson in medieval society was strong enough that gangs such as the Coterels in the 1330s were able to extort

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<sup>166</sup>JUST 3/198, m. 12d.

<sup>167</sup>JUST 3/202, m. 11.

<sup>168</sup>JUST 3/198, m. 17d.

<sup>169</sup>JUST 3/198, m. 17

<sup>170</sup>JUST 3/205, m. 5.

<sup>171</sup>See tables 3 and 9.

<sup>172</sup>See Hanawalt, Crime and Conflict, p. 90; Wiltshire Gaol Delivery, ed. Pugh, p. 8; Garay, "'No Peace Nor Love in England?'" p. 221; Warwickshire and Coventry Sessions, ed. Kimball, p. lviii.

money from their victims in return for not burning the victims' property.<sup>173</sup> The problem of extortion and arson was grim enough for Parliament to have declared the offence to be a treason in 1429. However, in comparison with the other felonies, arson did not pose a serious threat to the peace in the southwestern counties in the early fifteenth century.

TABLE 9: The incidence of arson in the southwestern counties, 1413-1430.

<u>County</u>	<u>Number</u>	<u>Percentage of all felonies</u>
Hampshire	1	1
Wiltshire	0	0
Dorset	1	2
Somerset	0	0
Devon	2	2
Cornwall	<u>0</u>	0
Total	4	

Counterfeiting was an act of treason in the middle ages because it infringed on the king's royal prerogative.<sup>174</sup> There was some question in the later middle ages about whether or not clipping coins as opposed to forging coins

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<sup>173</sup>J.G. Bellamy, "The Coterel Gang: an Anatomy of a Band of Fourteenth-century Criminals", English Historical Review, lxxix (1964), 706.

<sup>174</sup>Pollock and Maitland, English Law, ii, 505.

was treasonous. The matter was cleared up in Henry V's reign by a statute which stated that indeed clipping coins was treasonous.<sup>175</sup> Because counterfeiting and clipping were becoming great problems, Henry V, early in his reign, ordered the justices of assize to terminate the cases of persons suspected of counterfeiting and bringing false money into the realm.<sup>176</sup> In July, 1416, a special commission was assigned to 'enquire about all counterfeiters, falsifiers, sweaters, clippers, and multipliers of the king's money' in Hampshire.<sup>177</sup> Two other men were given the same sort of commission in Hampshire almost one year later.<sup>178</sup> Henry V's deep concern about counterfeiting and clipping is not particularly reflected in the gaol delivery rolls for the southwestern counties. Only seven persons charged with seven acts of counterfeiting or clipping came before the justices of gaol delivery.

Clipping coins was described in the gaol delivery rolls by phrases such as unum nobile felonice et proditore tonsuit.<sup>179</sup> One suspect, Richard Nicoll, was taken on suspicion for this treason.<sup>180</sup> William Hosyere and John

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<sup>175</sup><sub>4</sub> Henry V, st. 2, c. 6.

<sup>176</sup><sub>4</sub> Henry V, st. 2, c. 7.

<sup>177</sup> Cal. Pat. Rolls, 1416-1422, p. 81.

<sup>178</sup> Cal. Pat. Rolls, 1416-1422, p. 86.

<sup>179</sup> See, for example, JUST 3/198, m. 15d.

<sup>180</sup> JUST 3/205, m. 1d.

Knight were appealed by an approver for clipping gold from the reserves of a church and replacing it with false gold.<sup>181</sup> Only William atte Wode was indicted for clipping coins. He allegedly cut one 'nobile' in his own house.<sup>182</sup>

When a metal-making dish in which wedges for making pennies lay, was found in a Basingstoke house, John Pokele was taken on suspicion of counterfeiting.<sup>183</sup> Two suspects were indicted for counterfeiting. John Brigges, a chaplain, 'falso et proditore contrafecit cuneos predictum dominum Regis ad denarii et obolos faciendum . . . eis falso et proditore contrafecit denarii et obolos ad numerum mille.'<sup>184</sup> Brigges was also accused of counterfeiting coins for the next two months. He was described as a 'communis contrafactor cunei dominum Regis Angliae et communis contrafactor et factor denarii et obolos dominum Regis Angliae.'<sup>185</sup> Florence Swolwe was indicted for making two counterfeit coins out of copper and other metals, 'ad similitudine bone monete dominum Regis.'<sup>186</sup> She allegedly

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<sup>181</sup>JUST 3/205, m. 3.

<sup>182</sup>JUST 3/198, m. 15d.

<sup>183</sup>JUST 3/198, m. 2d.

<sup>184</sup>JUST 3/198, m. 19d.

<sup>185</sup>JUST 3/198, m. 19d.

<sup>186</sup>JUST 3/202, m. 7.

passed these coins to a stoker in Great Torrington.

Counterfeiting represented only 2 per cent of the felonies committed in the southwestern counties in the period under examination.<sup>187</sup> Possibly people were frightened by the penalty of drawing and hanging awarded to those convicted of this treason. More likely few had the skill necessary to make the coins. In addition, few probably had the capital required at the outset to buy the metals, coins, and the instruments used to manufacture the false money.<sup>188</sup>

TABLE 10: The incidence of counterfeiting and clipping in the southwestern counties, 1413-1430.

<u>County</u>	<u>Number</u>	<u>Percentage of all felonies</u>
Hampshire	3	3
Wiltshire	0	0
Dorset	0	0
Somerset	1	3
Devon	3	3
Cornwall	0	0
Total	7	

<sup>187</sup>See tables 3 and 10. A similar number of counterfeiting cases were found by other historians for other periods and counties. See, Hanawalt, Crime and Conflict, p. 110; Wiltshire Gaol Delivery, ed. Pugh, p. 7; Pugh, Proceedings of the British Academy, lix (1973), 86; Crown Pleas, ed. Meekings, pp. 98-99.

<sup>188</sup>Hanawalt, Crime and Conflict, p. 110.

At the end of the thirteenth century a statute gave force to the doctrine that a suspected felon who escaped from gaol condemned himself of the felony imputed to him.<sup>189</sup> It was not until 1423, however, that a suspect who had been imprisoned on suspicion of treason was considered to have convicted himself of treason if he escaped from prison.<sup>190</sup> A gaoler who connived at the escape of a suspect by opening the door of the prison was liable to be indicted for felony, but the escaped prisoner in such a case was released from any blame.<sup>191</sup> A person who rescued a prisoner from gaol was considered to have committed a felony.<sup>192</sup>

The western circuit rolls contain three entries in which four suspected felons were accused of breaking out of prison. The indictments used phrases such as gaolam felonice fregit and felonice gaolom fregerunt et ab inde evaderunt.<sup>193</sup> All the indictments used the verb, fregere, to break. One interesting case which came before the justices in Somerset involved a carpenter, John Grene, who escaped from Ilchester gaol on April 10, 1420.

<sup>189</sup>Pugh, Imprisonment, p. 228.

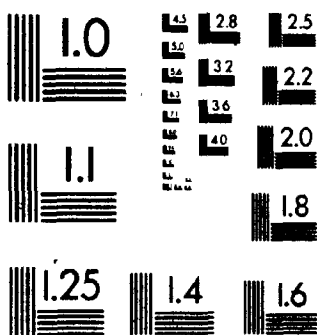
<sup>190</sup>2 Henry VI, c. 20. See also, Rot. Parl., iv, 260. See also J.G. Bellamy, The Law of Treason in England in the Later Middle Ages, (Cambridge, 1970), pp. 130-31.

<sup>191</sup>Pugh, Imprisonment, p. 233.

<sup>192</sup>Ibid., p. 230.

<sup>193</sup>See, for example, JUST 3/198, mm. 9, 19d.

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On August 1, 1419, Grene, having taken sanctuary at the parish church of Yenell, Somerset, confessed to a coroner that he had feloniously killed John Balegh, a gentleman, on March 11, 1419.<sup>194</sup> On the fifth of August, 1419, Grene was assigned the port of Southampton from which to abjure the realm. At Burstock, Dorset, Grene was found off the assigned road and he was taken to Ilchester gaol. Just over one month later, in September, 1419, he informed the justices of gaol delivery that he had been dragged off the road by certain enemies. He wished to be allowed to quit the realm again.<sup>195</sup> Presumably he was remitted to prison because he reappeared in the rolls in 1422 indicted for having broken out of prison on April 10, 1420.<sup>196</sup> An abjurer who left the assigned road could be executed immediately. Perhaps Grene knew that his case was hopeless. The only chance he had to save his life was to break out of prison. Unfortunately he was caught and returned to gaol. Grene was convicted and sentenced to be hanged but it is not known if he was convicted for the prison breach or for his failure to abjure the realm. Perhaps he was found guilty on both counts.

One suspected felon, John Dunt, accused of breaking

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<sup>194</sup>See infra, pp. 137-44 for a discussion of sanctuary and abjuration.

<sup>195</sup>JUST 3/198, m. 14d.

<sup>196</sup>JUST 3/198, m. 15.



out of the gaol at Fisherton de la Mere, told the justices that he was forced to leave the prison. When William Benet and other malefactors broke out of the gaol, they put a knife to Dunt's heart. Dunt, fearing death if he refused to accompany the escapers, left the gaol. The jury concurred with Dunt's statement and acquitted him. However, a coroner then came forward with the information that Dunt had confessed to him on a previous occasion that he had feloniously broken out of the prison. Since the coroner did not have the recorded confession with him, Dunt was remitted to prison.<sup>197</sup>

On two occasions when prisoners were abducted from gaol, their rescuers were indicted of felony. John Walsingham, his wife Alice, and John Fontell allegedly, 'gaolam' . . . felonice fregerunt et Egidius Goldsmyth . . . ceperunt et abduxerunt.<sup>198</sup> The abductors may have been friends of the prisoner, or perhaps they were his enemies desiring personal revenge. In another case five Exeter men, including the former mayor of Exeter, Roger Colecote, purportedly broke into Exeter gaol, abducted William Taylor, 'et eum usquam ad ecclesiam . . . manuforti duxerunt et ipsum ibidem dimiserunt.'<sup>199</sup> Two more men were indicted for the same felony in the next gaol delivery entry.<sup>200</sup>

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<sup>197</sup>JUST 3/198, m. 9d. A prisoner forced to leave the gaol was not considered to be guilty of felony. See Pugh, Imprisonment, p. 230.

<sup>198</sup>JUST 3/198, m. 9d.

<sup>199</sup>JUST 3/198, m. 19.

These seven abductors must have been friends of the prisoner for they took him to a church where he could claim sanctuary and eventually abjure the realm. Moreover, Taylor could not be prosecuted because he supposedly had been forcefully ('manuforti') taken from the gaol. Had he willingly left the gaol not only could he have been accused of prison breach but he could not have claimed sanctuary since a prison breaker was a self-convicted felon and such persons were denied sanctuary.

Four men were indicted on charges of helping prisoners escape from gaol. 'Johannes Frampton predictam Elenam ab gaolam predictam voluntarie eam evadere permisit.'<sup>201</sup>

In another case a capital pledge and a constable were indicted for allowing John Ryden, arrested by them on suspicion of felony, to escape.<sup>202</sup> A more serious case involved John Prat, a bailiff. He allegedly promised a priest incarcerated for treason that he would break the stocks that bound the priest if the priest would give him some money.<sup>203</sup>

In the above cases corruption of some sort was involved in the escapes and thus those responsible for guarding the suspects were charged with felony. However, if the prisoner escaped through the keeper's negligence alone, the keeper was not indicted but was fined.<sup>204</sup> Some-

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<sup>200</sup>JUST 3/198, m. 19.

<sup>201</sup>JUST 3/202, m. 2.

<sup>202</sup>JUST 3/205, m. 5d.

<sup>203</sup>JUST 3/198, m. 20.

<sup>204</sup>Pugh, Imprisonment, p. 232.

times private persons or whole communities were given the responsibility of guarding suspects. They would be fined as a group if, through their negligence, the prisoner escaped.<sup>205</sup> On March 4, 1417, William Knight, keeper of Exeter castle gaol, was fined L5 when he was adjudged for the escape of William Dyche and Stephen Redeburgh.<sup>206</sup> The king pardoned Knight for these escapes three years later.<sup>207</sup> Often negligent keepers were so pardoned.<sup>208</sup>

Mainpernors could be gaoled if they did not bring suspects to trial. When Eleanor Sprete did not turn up at the gaol delivery sessions held at Exeter on March 5, 1417, her mainpernors were ordered to be remitted to prison. They asked if they could pay a fine instead. The court agreed and fined them 40d.<sup>209</sup> Sureties for Elma Baret told the court that Elma could not attend the gaol delivery session because she was not yet purified according to the custom of the church.<sup>210</sup> According to T.R. Forbes a woman who had just given birth was no longer a true Christian until she was 'churched'.<sup>211</sup> Although the gaol delivery records do not say so, it is possible that Elma,

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<sup>205</sup>Ibid., p. 232.

<sup>206</sup>JUST 3/198 m. 8d. The usual fine meted out to negligent gaolers was L5. See Pugh, Imprisonment, p. 236.

<sup>207</sup>Cal. Pat. Rolls, 1416-1422, p. 333.

<sup>208</sup>Pugh, Imprisonment, p. 246.

<sup>209</sup>JUST 3/198, m. 18d.

<sup>210</sup>JUST 3/202, m. 1.

<sup>211</sup>T.R. Forbes, The Midwife and the Witch (New Haven,

having just given birth, had not yet been admitted back into the fold of the church. Because she could not swear to the truth in court, Elma perhaps did not attend the gaol delivery sessions. Baret was, however, required to pay the court a 12d. fine. The fear of fines must have induced most sureties to bring the prisoners pledged to their care to court.

Somewhat uncharacteristically, two Dorsetshire men turned themselves into prison for indictment.<sup>212</sup> Perhaps they knew that an indictment was being prepared against them. Their action must have reflected well on their characters and perhaps helped to clear their names from suspicion.

Suspects desired to escape from gaol for many reasons. Perhaps they felt that their cases were hopeless and preferred to live their lives on the run rather than face inevitable conviction. This must have been particularly true when a suspect was maliciously indicted. Other suspects may have decided to escape because they could not support themselves in gaol. According to R.B. Pugh, many prisoners probably starved to death in gaol while awaiting trial.<sup>213</sup> Inmates often died from disease

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1966), p. 129, cited by B.A. Kellum "Infanticide in England in the Later Middle Ages", History of Childhood Quarterly, i (1973-1974), 379.

<sup>212</sup>JUST 3/205, m. 3d.

<sup>213</sup>Pugh, Imprisonment, p. 319.

as well as from starvation in gaol.<sup>214</sup> Some prisoners must have found the conditions in gaol too horrible to withstand and therefore they escaped.

Although prisons were generally not pleasant places to live in, only ten prison breaks were recorded in the gaol delivery rolls under study.<sup>215</sup> Prison breach accounted for only 3 per cent of all the felonies in the southwestern counties.<sup>216</sup> Of course, many more gaols must have been broken out of but the escapers avoided capture. Although historians do not always mention prison breaches in their discussions of felony, those that do believe it occurred commonly enough.<sup>217</sup> Certainly the patent rolls for the period under discussion testify that this felony was committed frequently. Commissions were often ordered to inquire into escapes of felons and traitors.<sup>218</sup>

Accessories to felonies could be prosecuted only after the principals had been convicted or outlawed.<sup>219</sup> Accessories have been divided into the three following categories: those who employed others to commit felonies, those who aided and abetted the principals who

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<sup>214</sup>Ibid., p. 331.

<sup>215</sup>Many suspects did not stay in gaol until their trials but were bailed. See infra, p. 149.

<sup>216</sup>See tables 3 and 11.

<sup>217</sup>See Pugh, Proceedings of the British Academy, lix (1973), 86-7; Garay, "No Peace Nor Love in England?" p. 378.

<sup>218</sup>Cal. Pat. Rolls, 1416-1422, pp. 205, 206, 271, 327,

committed the felonies, and finally, those who received and comforted criminals knowing them to be felons.<sup>220</sup>

All these types of accessories are found in the gaol delivery rolls under examination.

TABLE 11: The incidence of prison breach in the south-western counties, 1413-1430.

<u>County</u>	<u>Number</u>	<u>Percentage of all felonies</u>
Hampshire	2	2
Wiltshire	3	4
Dorset	0	0
Somerset	1	3
Devon	4	4
Cornwall	<u>0</u>	0
Total	10	

Only Matilda Blissot, a Hampshire housewife, was indicted on a charge of procuring a man to commit robbery and homicide. On December 21, 1414, 'ipsa conduxit Johannum Glys, swerdman . . . ad felonice spoliandum Stephanum Clerk de bonis et cattalis suis ac ad eundem Stephanum interfeciendum.'<sup>221</sup> The next day Glys carried out the robbery but not the homicide. The entry noted that Glys was found guilty and was hanged clearing the way

<sup>421</sup>; Cal. Pat. Rolls, 1422-1429, pp. 361, 449, 450.

<sup>219</sup>Bracton, ed. Woodbine, ii, 361, 389.

<sup>220</sup>Holdsworth, History of English Law, iii, 307-09.

<sup>221</sup>JUST 3/198, m. 1d.

for Matilda to be prosecuted.

Five men were appealed for aiding the principals in a homicide. Thomas Cosyn, John Rawelot, Peter Skynne, Thomas White and Robert Fryth, 'felonice participantantes, auxiliantes, abettantes, et procurantes praefatus Hugonem, Egidiem, . . . ad feloniam et murdrum predicta.'<sup>222</sup> Four of the seven principals charged with this murder were convicted. Two of the above accessories were also sentenced to death. Possibly accessories who aided principals could be tried whether or not all the principals were convicted. Holdsworth suggested that these types of accessories may have been considered principals in the second degree. As such they could be tried even if the principals were not convicted.<sup>223</sup>

Four men were charged with receiving felons. Nicholas Skynner of Faccombe was indicted and acquitted for having sustained and comforted Hugh Cosyn and Giles Cosyn knowing them to be the murderers of John Punchardon.<sup>224</sup> The entry noted that Hugh and Giles were convicted of the murder thus making Nicholas liable to prosecution. Twice a principal and a receiver were tried together.<sup>225</sup> Presumably when the principals were acquitted the jury had

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<sup>222</sup>JUST 3/205, m. 4d. Another homicide was committed with the aid of two men. See JUST 3/205, m. 11.

<sup>223</sup>Holdsworth, History of English Law, iii, 309.

<sup>224</sup>JUST 3/205, m. 5d. In JUST 3/198, m. 19d. John Molton was tried for receiving felons. One felon had been convicted and the other outlawed.

no choice but to acquit the receivers. Principals and accessories must have been tried together on occasion as a matter of convenience.

Only four (1 per cent) of the felonies in the gaol delivery rolls for the southwestern counties between the years 1413 and 1430 were cases of receiving.<sup>226</sup> Other historians report similarly low percentages of receiving charges in judicial records.<sup>227</sup> Perhaps jurors did not feel receiving warranted prosecution particularly if a relative, who may have had no choice in the matter, did the receiving. Moreover, the receiver may have been forced to harbour the felon. The nobility and the higher clergy who purportedly often received and employed felons were unlikely to be prosecuted.<sup>228</sup> Thus receiving was probably more commonly committed than the gaol delivery rolls imply.

Sixteen men and women were brought before the justices of gaol delivery indicted for unspecified felonies. The

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<sup>225</sup>JUST 3/202, m. 3; JUST 3/198, m. 16.

<sup>226</sup>See tables 3 and 12. When, for instance, a suspect procured another person to commit homicide, this felony was counted into the homicide category. When an accessory aided in perpetrating a homicide, for example, the felony was counted as a homicide.

<sup>227</sup>See, Crown Pleas, Meekings, pp. 98-99; Wiltshire Gaol Delivery, ed. Pugh, p. 9; Pugh, Proceedings of the British Academy, lix (1973), 88; Hanawalt, Crime and Conflict, p. 93.

<sup>228</sup>Hanawalt, Crime and Conflict, p. 96.



usual phrase which described these felonies was de feloniis indicatis. Joanna, wife of John Taneruere, for example, was 'de feloniis indicata.' before Richard Wyot, steward of Henry Beaufort, at his tourn.<sup>229</sup> Joanna, like eleven others, was released on surety of several manucaptors who were to ensure her attendance at the next delivery. Four suspects were remitted to prison.

TABLE 12: The incidence of receiving in the southwestern counties, 1413-1430.

<u>County</u>	<u>Number</u>	<u>Percentage of all felonies</u>
Hampshire	1	1
Wiltshire	1	1
Dorset	0	0
Somerset	0	0
Devon	2	2
Cornwall	<u>0</u>	0
Total	4	

Sometimes a reason was given to explain the brevity of the entry. Christina Baldok's indictment was considered insufficient in law.<sup>230</sup> John Brente testified that his indictment had been sent to the king's bench.<sup>231</sup>

<sup>229</sup>JUST 3/202, m. 2.

<sup>230</sup>JUST 3/205, m. 8d.

<sup>231</sup>JUST 3/198, m. 16.

John Laurence's and John Sare's indictments were still in the hands of John Copleston, steward of John Neville.<sup>232</sup> Often, however, no explanation was given. Robert Matteston, a priest who came before the justices on August 30, 1425, had been indicted by the justices of the peace for certain unspecified felonies.<sup>233</sup> He was dismissed until the next gaol delivery. Matteston does not show up again in the records. The next sessions for which we have records was held on September 5, 1426. There was probably a sessions held before this one at which Matteston's case was terminated. In fact, all apparently unterminated cases in the gaol delivery rolls were probably completed at sessions for which we have no records.

On the other hand, perhaps cases were dropped if problems concerning the indictments were insurmountable. For example, William and Robert Pole of Winchester, indicted for divers felonies, were released on surety at a gaol delivery sessions held on March 1, 1423.<sup>234</sup> At the next sessions the exact nature of their crimes was left unsaid again.<sup>235</sup> Dismissed until the next gaol delivery the Poles never reappeared in the gaol delivery rolls. Records do survive for a sessions held six months after

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<sup>232</sup>JUST 3/198, m. 18.

<sup>233</sup>JUST 3/205, m. 14.

<sup>234</sup>JUST 3/202, m. 1.

<sup>235</sup>JUST 3/202, m. 1d.

the dismissal of the Poles. Either the Poles decided not to attend the trial, or the king dropped his case against them. Possibly they were tried at a much later date or they were tried in another court, such as the king's bench.

Four men and three women, initially indicted for unspecified felonies, returned to the next gaol delivery indicted on specific charges. Joanna Taneruere was indicted for two burglaries.<sup>236</sup> Christina Baldok was charged with burglary.<sup>237</sup> Walter Rayneld stood trial for a larceny, John Suttur for a homicide, Thomas Gyrdeler for a larceny, and finally Alice Donan was tried for a homicide.<sup>238</sup> Perhaps evidence was collected on the felonies in between sessions. That half the suspects charged with unspecified felonies had been indicted before stewards of liberties suggests, however, that there was a lack of communication between the crown's officials and the officials of the liberties. Indictments were not properly made by the stewards or they were not forwarded to the king's officials in time for the gaol delivery sessions. That most of the cases, if not all of them, were followed up and terminated reveals the pertinacity

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<sup>236</sup>JUST 3/205, m. 1.

<sup>237</sup>JUST 3/205, m. 9.

<sup>238</sup>JUST 3/198, m. 18d; JUST 3/205, mm. 9, 17, 18, 20d.

of the justices of gaol delivery to thoroughly complete their business.

The terminology of the felony charges in the southwestern counties in the early fifteenth century reveals that the indicting juries used a rich vocabulary of legal phrases to denote the felony a suspect was being charged with. Theft of objects and of animals was distinguished by different verbs. Robbery was sometimes described by a single technical verb and other times by a multitude of words denoting the seriousness of the crime. Homicides were classified according to the 1390 statute of pardons. However, the words in the homicide indictments were many or few depending upon who took the indictments. Coroners' indictments were detailed, while justice of the peace indictments were simple. Juries made clear distinctions between rape and abduction although these felonies were by no means clearly distinct in the statutes. The gaol delivery rolls give the impression that the juries had clear conceptions about how to frame indictments for felony according to the law. Of course, they probably had help from clerks in forming the charges. Nevertheless, the rich assortment of phrases and verbs describing the felonies shows that the jurors' own input into the indictments was by no means limited.

Throughout the middle ages theft was the most common felony perpetrated. This was also true for the southwestern counties in the early fifteenth century. However,

although the incidence of larceny and robbery did not change significantly in this period, burglaries perhaps increased. Perhaps thieves felt that they could profit more by burgling the homes of the working classes whose standard of living had improved since the Black Death. The percentage of homicides in the southwest, on the other hand, appears to have decreased from earlier centuries. Either the southwest was less violent in nature, or homicides were reported less frequently than before. Rape and abduction increased over the centuries perhaps reflecting the concern of parents and husbands to protect the inheritance and property of the family. The felonies of arson and breach of prison, and the treason of counterfeiting appear infrequently in the gaol delivery rolls despite the statutes and commissions ordered to inquire into these matters. Few receivers were indicted in this period perhaps because juries were loath to indict relatives of the principals, the nobility, and the upper clergy who were wont to act as receivers.

A comparison of the incidence of felony in Henry V's reign with the number of felonies perpetrated in Henry VI's minority supports the conclusion made by many historians that violence increased in Henry VI's reign.<sup>239</sup> Since

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<sup>239</sup>See table 13.

TABLE 13: The incidence of felony in Henry V's reign and Henry VI's minority in the southwestern counties, 1413-1430.\*

Felony	Henry V		Henry VI	
	No.	Percentage of all felonies	No.	Percentage of all felonies
Larceny	71	38	65	34
Burglary	50	27	64	33
Robbery	14	8	19	10
Homicide	20	11	28	15
Rape	5	3	6	3
Abduction	6	3	3	2
Arson	4	2	0	0
Counterf.	5	3	0	0
Breaking Prison	7	4	3	2
Receiving	<u>1</u>	<u>1</u>	<u>2</u>	<u>1</u>
Total	183	100%	190	100%

\* No dates were given for one homicide, one act of receiving and two acts of counterfeiting. See JUST 3/205, mm. 16, 1d; JUST 3/198, mm. 2d, 19d.

the number of rapes, arsons, and cases of receiving, counterfeiting, and breach of prison were very few, a comparison of their incidence in both reigns would not be particularly informative. However, a comparison of the incidence of the other felonies is worthwhile. Thirty-eight per cent of all the felonies in Henry V's reign

were larcenies. Larcenies made up 34 per cent of the felonies in Henry VI's reign. While the percentage of larcenies thus decreased in Henry VI's reign, the percentage of violent felonies increased. In Henry V's reign burglary accounted for 27 per cent, robbery for 8 per cent and homicide for 11 per cent of the felonies. In Henry VI's minority, the percentage of these felonies increased. Thirty-three per cent of the felonies were burglaries. Robberies made up 10 per cent of the crimes and homicide accounted for 15 per cent of the felonies. Clearly the surviving records indicate that violent crime was growing during the years after Henry V's death.

One last, but important note to make on the nature of felony in the southwestern counties concerns the total number of felonies perpetrated and recorded in the gaol delivery rolls for each reign. From Henry V's reign records for 25 gaol delivery sessions have survived. Records from 55 gaol deliveries in Henry VI's minority were saved. Although 31 per cent of the gaol delivery sessions date from Henry V's reign, 183 (49 per cent) of all the felonies were committed in his reign. On the other hand, 69 per cent of the gaol delivery sessions occurred in the first years of Henry VI's minority, but only 190 (51 per cent) of the felonies happened in that king's reign. To speculate that the southwestern counties were far less criminous in Henry VI's minority than during

Henry V's reign, however, would be somewhat erroneous. The apprehension of suspects was probably weakening in the first years of Henry VI's reign. Moreover, as the household and retinues of the gentry and the nobility grew, the communities' fears of indicting suspects probably increased as well. It was in the southwest after all that many of the feuds of the gentry and nobility took place later in Henry VI's reign.<sup>240</sup>

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<sup>240</sup>See, in particular, Storey, Lancaster, chapters five and eight.



## CHAPTER IV

### THE TERMINATION OF CASES AT THE GAOL DELIVERY SESSIONS

Before the justices began their circuits, the county sheriffs, who had been advised of the forthcoming deliveries by writs, sent to the justices the details of the felony cases they would soon hear. The justices were also informed about the officials and the jurors who would be present at the delivery. During the trial the sheriff's calendar of cases was used to direct the proceedings.

On the day of the gaol delivery, the accused was brought by either the keeper of the gaol or the sheriff into court. The suspect's name, occupation, and domicile as required by the statute of additions, were read to the court.<sup>1</sup> After the method of arraignment and the accusation were quickly recited, the suspect was allowed to plead guilty or not guilty. Almost invariably the plea was not guilty and the accused asked to be put on the country, in other words, to be tried by jury. The following excerpt is typical of the gaol delivery trial entry:

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<sup>1</sup> Henry V, c. 5.

X . . . venit per custodem gaole predictam ductus et allocutus qualiter de feloniam predicta se velit acquietare dicit quod ipse in nullo est inde culpabilis. Et inde de bono et malo ponit se super patriam. Ideo fiat inde jurata etc. Iuratores exacti veniunt qui ad hoc electi, triati, et iurati, dicunt super sacramentum suum quod predictus X in nullo est culpabilis de feloniam predicta nec ea occasione se retrahit. Ideo ipse inde quietus etc.<sup>2</sup>

Approvers and appellees might be required to defend their innocence by battle. However, appellees usually bargained with their appellors to be tried by jury. Approvers continued to be tried by battle in the fifteenth century but usually they were tried by jury.<sup>3</sup> All the appellees in the gaol delivery rolls under examination were tried by juries.

If the accused refused to plead he was returned to gaol to be submitted to the process called 'peine forte et dure'. He would be given water and bread on alternate days and have iron weights placed on his body until death occurred or he decided to make a plea. If death ensued, the suspect's family was allowed to keep his goods and chattels.<sup>4</sup> This was important for the suspect's family because normally a convicted felon's chattels were forfeited to the king and his lands were escheated to his lord

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<sup>2</sup>See, for example, JUST 3/205, m. 11d.

<sup>3</sup>Bellamy, Crime and Public Order, p. 131.

<sup>4</sup>Ibid., pp. 141-42.

after the king had profited by them for a year and a day.<sup>5</sup> Thus, if a suspect was sure he would be convicted he might rather suffer 'peine forte et dure' in order to save his lands and belongings for his family. In the western circuit rolls under study, no suspect refused to plead. Only four convicted felons had any chattels to forfeit.<sup>6</sup> This might indicate that the felons were particularly poor or that they had spent all their wealth maintaining themselves in prison.

The trial jury, empanelled by the sheriff, was composed of twelve to twenty-four men who usually came from the neighbourhood in which the felony was committed. Sometimes the juries included men from neighbouring areas, men from the suspect's home community, or men from the area where the suspect was arrested.<sup>7</sup> The jurors were not generally the same men who sat on the presenting jury which indicted the suspect.<sup>8</sup> By a 1414 statute, the jurors were required to be 'free and lawful' men having 'lands or tenements of the yearly value of forty shillings above all charges of the same.'<sup>9</sup> This statute was enacted because complaints were being made that poor jurors were being bribed to give false oaths. Years later, c. 1470,

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<sup>5</sup>Wiltshire Gaol Delivery, ed. Pugh, p. 27.

<sup>6</sup>See JUST 3/198, mm. 8, 19d; JUST 3/202, mm. 2, 4.

<sup>7</sup>Wiltshire Gaol Delivery, ed. Pugh, pp. 17-20.

<sup>8</sup>Bellamy, Crime and Public Order, p. 145.

<sup>9</sup>2 Henry V, st. 2, c. 3.

Sir John Fortescue remarked that this monetary requirement for jurors was necessary, 'lest by reason of their meanness and poverty they may be liable to be easily bribed, or suborned.'<sup>10</sup> Fortescue also found it praiseworthy that both suspects and victims could challenge up to thirty-five jurors if the jurors were related by blood or friendship to their opponent.<sup>11</sup> Moreover, a suspect could challenge the jury if he believed the sheriff who had empanelled it was partial to the victim or his party.<sup>12</sup> Although Fortescue was thinking of private actions when he praised the possibility of replacing partial jurors, once in the western circuit rolls an appellee challenged a panel of jurors because the sheriff who had convened it was partial to the appellor.<sup>13</sup> The trial jury system led Fortescue to comment:

Who then in England can be put to death unjustly for any crime? since he is allowed so many pleas and privileges in favour of life: none but his neighbours, men of honest and good repute, against whom he can have no probable cause of exception, can find the person accused, guilty. . . . in a prosecution carried on in this manner, there is nothing cruel, nothing inhuman; an innocent person cannot suffer in life or limb.<sup>14</sup>

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<sup>10</sup>J. Fortescue, De Laudibus Legum Angliae, trans. F. Grigor, (London, 1917), p. 40.

<sup>11</sup>Ibid., p. 40.

<sup>12</sup>Ibid., p. 39.

<sup>13</sup>JUST 3/198, m. 13. See infra, p. 141.

<sup>14</sup>Fortescue, De Laudibus, pp. 44-45.

In contrast to Fortescue's glowing comments, the many complaints concerning influencing juries suggests that juries' decisions could very well be prejudiced.<sup>15</sup> Certainly jurors were expected to have knowledge of the cases presented to them. If they had not actually witnessed the crime, they were expected to inform themselves of it.<sup>16</sup> Hearsay may have played a major role in the acquittal or conviction of a suspect.

After the accusation was heard by the court, the jurors, chosen and sworn in, gave their informed verdicts, either culpabilis (guilty), or non est culpabilis (not guilty). The justices then sentenced the guilty party to be hanged, burned, or drawn and hanged. The sheriff supervised the execution.<sup>17</sup> If the suspect was found not guilty, the justices acquitted him. Sometimes the justices ordered suspects to be released on surety or to be remitted to prison. Other suspects were released to the ordinary having successfully pleaded benefit of clergy. Some suspects presented pardons to the court. All these methods of terminating and postponing cases were used in the southwestern counties in the period under discussion.

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<sup>15</sup>Bellamy, Crime and Public Order, pp. 148-49.

<sup>16</sup>Ibid., p. 146.

<sup>17</sup>W.A. Morris, "The Sheriff", in The English Government at Work, 1327-1336, ed. W.A. Morris and J.R. Strayer (Cambridge, Mass., 1947), ii, 66.

The vast majority of western circuit suspects who were either appealed or indicted were acquitted.<sup>18</sup> Indeed, 294 (68 per cent) of the suspects were acquitted.<sup>19</sup> Acquittal rates in each county varied from 50 per cent of the suspects in Cornwall to 87 per cent of the accused persons in Somerset. The rates varied among the counties to such a degree because some counties experienced more postponements of trials than others. If only acquittals and convictions are counted, then all the counties, except Cornwall, experienced between 84 and 93 per cent acquittal rates.<sup>20</sup>

Normally the jurors' deliberations were not entered on the gaol delivery rolls. Only the verdict was recorded. In homicide cases, however, the reason for the acquittal was often supplied. This was particularly true when a suspect had killed by accident.<sup>21</sup> Once, insanity was the reason given for an acquittal for homicide.<sup>22</sup> Seven times when juries acquitted homicide suspects, the juries were asked by the justices who killed the victims.<sup>23</sup>

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<sup>18</sup>For the handling of people taken on suspicion of felony see infra, pp. 156-60.

<sup>19</sup>See table 14.

<sup>20</sup>See table 15.

<sup>21</sup>See supra pp. 59-60.

<sup>22</sup>JUST 3/205, m. 8. See supra, pp. 57-59.

<sup>23</sup>See for example, JUST 3/205, m. 2.

Answers were given in each case. Robert Colyns of Potterne, for example, was acquitted of the murder of John, son of William Lynedene. When the justices asked who killed John, the jury responded, 'quidam Johannes Craddok de Kerdyf in Wallia, grome, predictum Johannum . . . die, anno, et loco supredictis felonice interfecit.'<sup>24</sup>

Three times homicide suspects were acquitted because their victims were said to have died from the plague. These cases have disturbing similarities. John Whissyng the elder was accused of killing William Gille by kicking him to death with his feet. The jury acquitted John and said that Gille died the day he was assaulted from 'morbe pestilentia.'<sup>25</sup> A Devonshire jury said that Walter Frere struck William Yondecote with a staff on the right arm. Though Yondecote was weakened and incapacitated from the blow for a long time, he did recover from his injuries. Later he died from the plague.<sup>26</sup> A Hampshire man, Richard Mannyng, was accused of feloniously assaulting his wife, Margaret, with a staff. He struck her in the stomach and chest, and with his feet he kicked her. By these actions her insides were broken up. Later on she died. Richard was acquitted and the jury reported that

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<sup>24</sup>JUST 3/205, m. 10d.

<sup>25</sup>JUST 3/205, m. 14.

<sup>26</sup>JUST 3/202, m. 7d.

Margaret had died from the plague.<sup>27</sup>

In each of the above cases, the victim either was struck with a staff or was kicked. Such assaults would invariably produce bruises or blackened swellings similar to those found on plague victims. Either the juries believed that the victims died from the plague, or they found it a convenient excuse upon which to absolve the suspects. In the case of Walter Frere it is possible that his victim did die of the plague since he reportedly recovered from Frere's assault. The jury may have been loath to convict Mannyng for beating his wife. Corporal punishment of wives was accepted in medieval society.<sup>28</sup> The Dominican, Nicholas Byard, wrote c. 1300: 'A man may chastise his wife and beat her . . . for her correction; for she is of his household, and therefore the lord may chastise his own, as it is written in Gratian's Decretum.'<sup>29</sup> In medieval popular literature the battered wife is a common phenomenon. In The Book of Knight of La Tour Landry, written c. 1370, a husband knocked down his wife and broke her nose for contradicting him in public.<sup>30</sup> The medieval jury might have felt that Mannyng was not to

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<sup>27</sup>JUST 3/205, m. 4.

<sup>28</sup>L.F. Salzman, The English Life in the Middle Ages (London, 1926), p. 406.

<sup>29</sup>G.G. Coulton, Social Life in Britain: From the Conquest to the Reformation (Cambridge, 1918), p. 615. According to Coulton, Byard misinterpreted Gratian on this point.

<sup>30</sup>Salzman, English Life, p. 250.



blame for the death of his wife because beating one's wife was an acceptable practice. Blaming the plague for her death may have been a convenient excuse for acquittal.<sup>31</sup>

TABLE 14: The results of the cases of indicted and appealed suspects in the southwestern counties, 1416-1430.\*

<u>Result</u>	<u>Number of suspects</u>	<u>Percentage of all results</u>
Acquitted	294	68
To be hanged	44	10
Remitted to gaol	36	9
Released on surety	17	4
Proclamation Acq.	0	0
Benefit of Clergy	6	1
Pardon	4	1
Incomplete	<u>30</u>	<u>7</u>
Total	431	100%

\* For the sake of convenience, results of the trials have been adjusted so that the results equal the number of indicted and appealed suspects. Thus a suspect who was indicted twice will have two results even though a jury might have passed a single verdict for him.

Acquittals were not explained for suspects accused of other felonies perhaps because the coroners did not inquire into the cases, or because the justices were not as concerned to find the culprits who committed less offensive felonies such as larceny. Once a jury might have

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<sup>31</sup> John Hatcher does not report any outbreaks of the plague in the years these three victims died. See

tried to secure an acquittal for a suspected counterfeiter. In Devon, John Brigges was accused of forging 1000d. The jury found him guilty of forging dyes and making 5½d., but decided that Brigges was innocent of forging the remaining coins. Since 5½d. was less than the 12d. required to make larceny a felony, perhaps the jurors felt that Brigges would not be sentenced to death. However, the justices knew that forging even ½d. was treasonous and thus Brigges was sentenced to be drawn and hanged.<sup>32</sup>

TABLE 15: The percentage of acquittals in the southwestern counties, 1416-1430.\*

<u>County</u>	<u>Number of suspects</u>	<u>Number of acquitted suspects</u>	<u>Percentage of all results</u>	<u>Percentage of Acquittals and Convictions</u>
Hampshire	146	90	62	87
Wiltshire	87	70	80	86
Dorset	45	29	64	93
Somerset	30	26	87	93
Devon	115	75	65	84
Cornwall	<u>8</u>	<u>4</u>	50	87
Total	431	294		

\*There were thirteen convicted suspects in Hampshire, eleven in Wiltshire, two in Dorset, two in Somerset, fourteen in Devon and two in Cornwall. See table 16.

J. Hatcher, Plague, Population and the English Economy 1348-1530 (London, 1977), p. 57. If these victims did die of the plague, then the gaol delivery rolls offer information regarding the times and places where there were outbreaks of the plague in medieval England.

<sup>32</sup>JUST 3/198, m. 19d.

The large number of acquittals meted out in the southwestern counties was not a unique phenomenon in medieval England. Other studies of commissions of the peace, eyres, and gaol deliveries have revealed similarly high acquittal rates for felony suspects.<sup>33</sup> Some of the acquitted suspects must have been innocent. Acquittals for homicide, it will be remembered, were often supported by the naming of the true murderers. Members of the juries must have had qualms about convicting their friends and neighbours unless the latter happened to be their enemies. The jurors might even have found it difficult to hang their enemies for fear of retaliation by the enemies' supporters and associates. Jurors probably felt that the theft of goods, particularly those of low value, did not warrant the death sentence.<sup>34</sup> Moreover, although the records do not tell us the circumstances of each crime, the juries knew them. It is not likely that they would have convicted a thief who had stolen out of desperation in order to live, or a suspect who had killed in the heat of an argument. Felony was not being punished because the sentence of death passed on every convicted felon was too severe.<sup>35</sup> The high number of acquittals

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<sup>33</sup>See Hanawalt, Crime and Conflict, p. 56. A summary of the findings of other historians can be found in Wiltshire Gaol Delivery, ed. Pugh, p. 102.

<sup>34</sup>Bellamy, Crime and Public Order, pp. 158-59.

<sup>35</sup>Hanawalt, Crime and Conflict, p. 57.

probably prompted the criminally inclined to commit felonies they may not have perpetrated had conviction been likely. In fact, the harsh punishment awarded to convicted felons and the juries response to the punishment probably encouraged lawlessness.

Some 44 (10 per cent) of the indicted and appealed suspects were sentenced to death in the southwestern counties between 1416 and 1430.<sup>36</sup> Two women were ordered to be burned for killing their husbands. Drawing and hanging was the punishment meted out to one convicted counterfeiter and to six men found guilty of killing the lord of Facombe manor. Thirty-five other convicted felons were sentenced to be hanged.<sup>37</sup> The individual counties had conviction rates ranging from 4 per cent for Dorset to 13 per cent for Wiltshire.<sup>38</sup> In Cornwall two out of eight suspects (25 per cent) were convicted. Cornwall's high conviction rate may reflect the possibility that only the most serious cases were brought before the justices of gaol delivery in that county.

The above noted conviction rates are comparable with the rates in other periods and places in medieval England. Garay found the rate in counties throughout

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<sup>36</sup>See table 14.

<sup>37</sup>If only acquittals and convictions are counted, the conviction rate for 337 suspects is 13 per cent.

<sup>38</sup>See table 16.

England to be 13.08 per cent in Richard II's reign and 14 per cent in Henry IV's reign.<sup>39</sup> Wiltshire's conviction rate in 1249 was 11.55 per cent.<sup>40</sup> Between 1332 and 1334, Cambridgeshire experienced a 19 per cent conviction rate.<sup>41</sup> The conviction rate for the first half of the fourteenth century in a number of non-contiguous counties was 22.9 per cent.<sup>42</sup> Peace commissions in the fourteenth and fifteenth centuries in the southwestern counties produced similarly low conviction rates.<sup>43</sup> Kimball concluded from a study of the Shropshire peace rolls that 'crime was not being punished in Shropshire at the beginning of the fifteenth century.'<sup>44</sup> Certainly the same could be said for the southwestern counties in the second and third decades of the fifteenth century.

Some felonies were regarded more seriously than others by the trial juries. Those who perpetrated these crimes were more likely to be convicted.<sup>45</sup> Jurors must not have felt that any of the suspected receivers, rapists,

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<sup>39</sup>Garay, "'No Peace Nor Love in England?'" pp. 337-39.

<sup>40</sup>Crown Pleas, ed. Meekings, pp. 98-99.

<sup>41</sup>A Cambridgeshire Gaol Delivery, ed. Kimball, p. 26.

<sup>42</sup>Hanawalt, Crime and Conflict, p. 56.

<sup>43</sup>Putnam, Proceedings, pp. 84, 178, 271, 333, 399.

<sup>44</sup>The Shropshire Peace Roll 1400-1414, ed. E.G. Kimball (Shrewsbury, 1959), p. 42.

<sup>45</sup>See table 17.

and abductors deserved the death penalty since none of these suspects were convicted. Although arson was deemed heinous enough for it to be classified as a treasonable offence in 1429, no arsonists were convicted between 1416 and 1430 in the southwest. Only one (5 per cent) of the prison breakers was hanged. This single felon may even have been convicted for failing to abjure the realm rather than for breaking out of prison. The low conviction rate for prison breach is unusual considering how frequently commissions were issued to inquire into this crime. One out of seven (14 per cent) of the counterfeiters were convicted. Considering Henry V's concern with this treason, the low conviction rate is puzzling. Juries must not have felt that the crime was quite so terrible as the king believed it was. Indeed once a jury attempted to acquit a counterfeiter.<sup>46</sup>

Unfortunately the gaol delivery rolls do not record the trials for four of the suspected counterfeiters. Of the three remaining suspects, only one (33 per cent) was convicted. The sample, however, is too small to form any conclusions about trial jurors' responses to counterfeiting. Only 28 out of 286 (10 per cent) of the suspected thieves, robbers, and burglars were convicted. Five (10 per cent) of the robbers, fourteen (12 per cent) of the burglars, and nine (8 per cent) of the suspects accused of grand

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<sup>46</sup> See supra, p. 112.

larceny were sentenced to be hanged. Homicide suspects were the most likely group to be convicted. Fourteen (18 per cent) of these suspects, eight of whom had committed petty treason, were convicted. The juries did not look kindly upon women who killed their husbands, or men who killed their masters. All who perpetrated such treasons were found guilty.<sup>47</sup>

TABLE 16: The percentage of convictions in the southwestern counties, 1416-1430.

<u>County</u>	<u>Number of suspects</u>	<u>Number of convicted suspects</u>	<u>Percentage of all results</u>
Hampshire	146	13	9
Wiltshire	87	11	13
Dorset	45	2	4
Somerset	30	2	7
Devon	115	14	12
Cornwall	<u>8</u>	<u>2</u>	25
Total	431	44	

Since the conviction rate for homicides was higher than the conviction rate for theft, perhaps the juries in the southwest disliked homicide more than property crimes. According to Hanawalt, in the first half of the fourteenth century, jurors were more likely to convict suspects who

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<sup>47</sup> Juries were somewhat more likely to convict suspects accused of murder than suspects charged with homicide. See supra, pp. 66-68.

committed property crimes than those suspected of homicide and rape.<sup>48</sup> This led Hanawalt to conclude that possibly, 'medieval jurors put a low value on life and a high value on property.'<sup>49</sup> During the period she examined, England experienced famine and the working classes' standard of living was low. Property then would be valued particularly highly. In the fifteenth century the standard of living of the lower classes in the southwestern counties was higher than in the previous centuries and there were no famines recorded for this period.<sup>50</sup> Perhaps the values placed on property and on life changed as the well being of the people improved. Thus juries tended to convict homicide suspects more often than thieves. This conclusion must be treated with caution because the homicide conviction rate was the same as the rate for thefts (10 per cent) if homicide suspects who committed petty treason are not included in the homicide conviction rate.

Perhaps it was not simply homicide but the violent use of weapons that the jurors disliked. In violent crimes such as robbery and homicide, a felon often attacked the victim with a weapon. Although medieval men frequently

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<sup>48</sup>Hanawalt, Crime and Conflict, p. 61.

<sup>49</sup>Ibid., p. 61.

<sup>50</sup>See infra, Chapter VI.



TABLE 17: The conviction rates for suspects accused of the various felonies in the southwestern counties, 1416-1430.\*

<u>Felony</u>	<u>Number of suspects</u>	<u>Number convicted</u>	<u>Percentage convicted</u>
Larceny	119	9	8
Burglary	118	14**	12
Robbery	49	5***	10
Homicide	77	14	18
Rape	9	0	0
Abduction	14	0	0
Arson	7	0	0
Counterfeiting	7	1	14
Breaking prison	19	1!	5
Receiving	<u>4</u>	<u>0</u>	0
Total	423	44	

\* The total number of suspects differs from the number of indicted and appealed suspects because some of the suspects were indicted for unspecified felonies. In addition, if a suspect was accused of two different felonies, he or she was counted twice.

\*\* One suspect committed two burglaries and one larceny.

\*\*\* One convicted robber also committed three larcenies.

! This convicted felon may have been convicted for failing to abjure the realm.

carried knives and daggers about their persons,<sup>51</sup> only 26 per cent of the weapons used in robberies and homicides were knives or daggers. Staffs were just as popular,

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<sup>51</sup> Hanawalt, Crime and Conflict, p. 100.

accounting for 26 per cent of the weapons used in these violent felonies. Seventeen per cent of the weapons employed by the suspects were swords, 8 per cent were bows and arrows, and 23 per cent were miscellaneous weapons such as axes, prongs, bills, cudgels, and gisarnes.<sup>52</sup>

Generally only one weapon was used against a victim. However, occasionally a victim was attacked by men using a number of weapons. John Punchardon, for example, was attacked by seven men who struck him with a bill, a gisarme, a sword, daggers and staffs.<sup>53</sup>

Weapons were infrequently carried when felons perpetrated rapes, arsons, and gaol breaches. They were never used, of course, in acts of counterfeiting and receiving. That weapons were never carried or used by abductors when theft was not involved in the abduction, perhaps points to the willingness of the victim to be carried away. When suspects committed larcenies and burglaries they sometimes carried weapons. Apparently these were not used on the victims. Burglars such as Roger Bernard came, 'vi et armis scilicet gladiis, arcibus et sagittis,' to burgle a house.<sup>54</sup> John Hobynton and

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<sup>52</sup>See table 18.

<sup>53</sup>JUST 3/205, m. 4d.

<sup>54</sup>JUST 3/205, m. 1d.

Hugh Gryffyn came to Shamblehurst, 'vi et armis videliter gladiis, baculis, et cultellis' to commit larceny.<sup>55</sup> The phrase vi et armis, meaning forcibly, was continually used to describe larcenies and burglaries. If these cases were not included in the gaol delivery rolls and did not include the adverb felonice to describe the theft or the break in, then one might consider them to be trespasses since vi et armis traditionally described trespasses. This trespass phrase was constantly employed in Hampshire indictments for larceny and burglary. The phrase was occasionally used in Devon and Dorset. In Wiltshire and Somerset vi et armis was rarely employed. In those counties not one thief reportedly carried a weapon. It is inconceivable that only Hampshire thieves carried arms while Wiltshire and Somersetshire thieves never carried them. The vi et armis phrase was probably a regional formula used mostly in Hampshire. In all likelihood all southwestern suspects carried weapons, but few used them.

The use of weapons by robbers and homicide suspects had some bearing on whether or not these suspected felons would be convicted.<sup>56</sup> Seventy-five (60 per cent) of the suspected robbers and killers reportedly used weapons. Of this group, sixteen (21 per cent) were convicted. On the

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<sup>55</sup>JUST 3/205, m. 5.

<sup>56</sup>In consideration of the above analysis concerning the use of weapons in larcenies and burglaries, the conviction rate for thieves and burglars who carried weapons will not be discussed.

other hand, of the 51 (40 per cent) suspects who did not use arms, only 6 (3 per cent) suspects were found guilty. Jurors must have found the violent use of weapons offensive. They tended to convict those using them more often than the suspects who did not.

Table 18: The weapons used in robberies and homicides in the southwestern counties, 1413-1430.

<u>Weapon</u>	<u>Robbery</u>	<u>Homicide</u>	<u>Percentage of weapons</u>
sword	9	6	17
staff	6	17	26
bow and arrow	4	3	8
knife	3	7	12
dagger	2	10	14
gisarme	0	5	6
axe	0	1	1
prong	1	0	1
poleaxe	1	4	6
bill	0	2	2
cudgel	1	1	2
other*	<u>1</u>	<u>3</u>	<u>5</u>
Total	28	59	100%

\*Some weapons were not given names.

Other factors, such as the occupation of the suspect, the suspect's gender, the suspect's domicile, and the time the crime was committed all influenced to a greater or a

lesser extent the likelihood of conviction. These factors will be examined in the next chapters.

Finally, twenty out of 159 (13 per cent) suspects were sentenced to death in Henry V's reign while 24 out of 272 (9 per cent) suspects were condemned in Henry VI's reign. If the unusual case of the murder of John Punchardon by twelve men, six of whom were convicted, is not included, then only 7 per cent of the suspects in Henry VI's minority were convicted. Not only were fewer suspects probably being apprehended in Henry VI's reign, but also fewer suspects were being convicted.<sup>57</sup> Perhaps in Henry VI's reign the fear to convict suspects, especially if the suspects were allied to households of the gentry or the nobility, or if they were members of unruly gangs, was greater in Henry VI's minority when a strong king who could check the ambitions of the gentry and the nobility was lacking. Probably the lower conviction rate in Henry VI's reign encouraged lawlessness adding to the unrest building up in England after Henry V's death.

A suspect could avoid the gallows even if he were guilty of the felony imputed to him. A pardon could be purchased from the king to clear his name. If the suspect were a clerk, often a mere layman who could read, he could claim benefit of clergy and be released for

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<sup>57</sup>See supra, p. 102.

trial in a bishop's court. If an illiterate, the suspect could avoid secular trial completely by seeking sanctuary and abjuring the realm. The suspect might refuse to come to court and decide to become an outlaw. Suspects could claim that their indictments were insufficient in law and be released sine die. Each of these methods used to avoid conviction will be discussed in the following pages.

Only one suspect left the gaol delivery sessions sine die. John Frampton, a Hampshire husbandman, was indicted because he helped a woman to escape from gaol. Frampton was let go sine die, neither acquitted nor convicted, because his indictment was 'minus sufficiens in lege', insufficient in law.<sup>58</sup> Perhaps it was not sufficient because the adverb felonice was missing. This word had to be included for a felony indictment to be sufficient.<sup>59</sup> According to the statute of additions, 1413, other necessary details included:

The names of the defendants . . . their estate or degree, or mystery, and of the towns or hamlets, or places and counties, of which they were, or be, or in which they be or were conversant.<sup>60</sup>

An examination of the western circuit rolls shows that

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<sup>58</sup>JUST 3/202, m. 2.

<sup>59</sup>Bellamy, Crime and Public Order, p. 124.

<sup>60</sup>1 Henry V, c. 5.

many suspected felons who could have insisted that their indictments were insufficient in law did not do so. Three suspects' indictments did not include the adverb felonice, yet the suspects stood trial.<sup>61</sup> Eighteen indicted suspects' occupations were not noted.<sup>62</sup> Six stood trial and were acquitted. Eight of these suspects' cases were postponed. One of the accused, David Cosyn, stood trial and was sentenced to be hanged.<sup>63</sup> The indictment did note that Cosyn was a Welshman where it usually noted the suspect's occupation. Perhaps this designation fulfilled the requirements of the statute of additions. Numerous other indictments did not note the suspect's place of origin or the place where the crime was committed.<sup>64</sup> It seems incredible that these suspects did not maintain that their indictments were insufficient and demand to be released sine die. Possibly the suspects were unaware that their indictments were insufficient because they never saw them. Indictments were read quickly to the suspects in court. However, even when an indictment was found to be insufficient, usually the suspect was not let go, sine die, but was released on surety until the next gaol delivery. Thus Christina Baldok was released on

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<sup>61</sup>JUST 3/205, mm. 1d, 12d.

<sup>62</sup>See, for example, JUST 3/198 m. 2, and appendix 2.

<sup>63</sup>JUST 3/205, m. 18d.

<sup>64</sup>See, for example, JUST 3/205, m. 11d., and appendix 3.

on surety at a gaol delivery sessions on March 1, 1425<sup>65</sup> because her indictment was insufficient.<sup>65</sup> At the next gaol delivery she was properly indicted for burglary and was tried.<sup>66</sup> It may have been the policy of the cautious justices to wait until a proper indictment was formulated so that instead of letting the suspect go sine die, the suspect was ordered to attend the next gaol delivery sessions. Then his or her indictment would be properly worded and he or she could be tried.

Four (1 per cent) of the suspects in the western circuit rolls under examination were freed from prison by pardons.<sup>67</sup> Eleven others were remitted to prison or were released on surety to wait for their pardons to come into effect. The notorious granting of pardons in Henry VI's reign has been well described by R.L. Storey in The End of the House of Lancaster.<sup>68</sup> Storey pointed out, however, that during Henry VI's minority the granting of pardons was circumspect. Of course, since the king was a minor and the government was being run by a council, pardons, which were the king's prerogative, were not forthcoming. Indeed, during Henry VI's minority

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<sup>65</sup>JUST 3/205, m. 8d.

<sup>66</sup>JUST 3/205, m. 9.

<sup>67</sup>See table 14.

<sup>68</sup>Storey, Lancaster, p. 216.



only fifteen pardons issued from chancery and these concerned homicides committed in self-defence or by misadventure. In other words, these were pardons normally issued 'de cursu'.<sup>69</sup> One of these pardons was issued to Stephen Coulyng, a Launceston mercer who, in self-defence killed Robert Plodde.<sup>70</sup> In Henry V's reign, however, fourteen suspects who either had pardons or were waiting to receive them, were recorded in the gaol delivery rolls. Pardons for 28 more felons in the southwestern counties were recorded in the patent rolls.<sup>71</sup> Thus at least 42 suspects were pardoned for felony in the southwestern counties alone from 1413 to 1422. According to Kimball, when Henry V acceded to the throne he 'urged his subjects to sue for pardons'.<sup>72</sup> Pardons, of course, were a source of income for the medieval king and Henry V needed money to finance the war in France.<sup>73</sup>

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<sup>69</sup>Ibid., p. 210.

<sup>70</sup>JUST 3/202, m. 8. See Cal. Pat. Rolls, 1422-1429, p. 160.

<sup>71</sup>Cal. Pat. Rolls, 1413-1416, pp. 99, 137, 151, 173, 198, 237, 238, 283; Cal. Pat. Rolls, 1416-1422, pp. 31, 34, 37, 42, 52, 67, 109, 111, 123, 260, 333, 400, 401, 406.

<sup>72</sup>Shropshire Peace Roll, ed. Kimball, p. 44.

<sup>73</sup>The fee for a pardon was usually a few shillings. However, the fee for a suspect who wanted a pardon for treason, rape, or murder could be as high as £1000 for a nobleman or 200 marks for a person of a lesser degree. Probably such fees were not charged in practice. See Bellamy, Crime and Public Order, pp. 193-94.

Three types of pardons were found in the gaol delivery rolls for Henry V's reign. One type of pardon was that given to suspects who had killed in self-defence.<sup>74</sup> Another type of pardon personally absolved the felons of the crimes they had perpetrated. Nine persons, including those who had killed in self-defence, received these pardons.<sup>75</sup> Six more felons were released by general pardons issued to the king's lieges at large.<sup>76</sup> The latter pardons seem to have been offered by Henry V to anyone who could fulfil the terms of the charter. Approvers, murderers, counterfeiters, coin clippers, those who had abjured the realm, and common and notorious thieves were usually excluded from these pardons.<sup>77</sup> Nicholas Skynner, described in an indictment as a common and notorious thief, brought a pardon to court absolving him of all the felonies and murders he had committed. The court would not allow him to be pardoned 'quod Nicholas est communis et notorius latro.'<sup>78</sup> His pardon specifically stated that such thieves were not to be pardoned. Skynner was remitted to prison

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<sup>74</sup>See JUST 3/198, mm. 17d, 18d. One of the pardons is mentioned in the patent rolls, See Cal. Pat. Rolls, 1416-1422, p. 123.

<sup>75</sup>See, for example, JUST 3/198, m. 1.

<sup>76</sup>See, for example, JUST 3/198, m. 3.

<sup>77</sup>See supra, p. 66.

<sup>78</sup>JUST 3/198, m. 16.

and a year later he brought the pardon to court again. Although he was still described as a common malefactor and his charter denied pardons to such people, Skynner was let go, quit. However, the court found a way to keep Skynner in gaol. He was remitted for burning houses. This felony was not included in the acts pardoned in his charter.<sup>79</sup> Another felon, John Salman, brought a pardon to court but he was released on surety because someone testified that he was indicted for other felonies and was outlawed.<sup>80</sup>

The general pardons also stated that suspects could only be pardoned for crimes committed within a certain period. This limitation was not strictly followed. John Welyfed, for example, was indicted for having committed a larceny on November 10, 1414. Although his pardon was granted for crimes committed by him between November 19 and December 8, 1414, the court allowed Welyfed to be pardoned.<sup>81</sup> Thomasia Goore's pardon contained the same time limitations but she was still pardoned for a crime committed on October 12, 1414.<sup>82</sup> Some suspects were pardoned for all the offences they committed before

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<sup>79</sup>JUST 3/198, m. 17d.

<sup>80</sup>JUST 3/198, m. 18.

<sup>81</sup>JUST 3/198, m. 1.

<sup>82</sup>JUST 3/198, m. 6d. Interestingly enough, Goore was pardoned for treason although she had only killed a dyer on the royal road. Occasionally robbery committed

December 8, 1414. Henry Bagryg, Roger Brollond, and John Throcombe, for example, presented a general pardon for a murder committed on October 2, 1414.<sup>83</sup> Richard Junell presented the same general pardon for a larceny committed on October 15, 1414.<sup>84</sup> Two suspected thieves were released on surety because the pardons they brought to court did not cover the time period during which they committed felonies.<sup>85</sup> The court accepted some pardons and rejected others when felonies were committed in time periods not covered by the pardons. The justices seemed to have acted with discretion in admitting some suspects to pardons and making others wait longer to be pardoned.

When no excuses were made regarding the pardons, the suspects were ordered to stand to right for a certain length of time in the event that someone wanted to appeal them. No one ever appealed these suspects in the western circuit rolls under examination. Indeed, one historian noted that since the thirteenth century no one appealed those holding pardons 'for fear of the king's wrath.'<sup>86</sup>

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on the royal road was deemed treasonous. Perhaps homicide perpetrated on the king's highway was also treasonous. Possibly the dyer was Goore's master. See Bellamy, The Law of Treason, p. 134 regarding the construing of robbery as treason.

<sup>83</sup>JUST 3/198, m. 17.

<sup>84</sup>JUST 3/198, m. 3.

<sup>85</sup>JUST 3/198, mm. 17d, 18d.

<sup>86</sup>Bellamy, Crime and Public Order, p. 195.

When the period during which a suspect could be appealed was over, the suspect went before the justices for his pardon to be proclaimed. The pardoned suspect, whose character had been the subject of an inquisition, had to produce four to six sureties to ensure his good behaviour before he was let go quit.

The evidence of the gaol delivery rolls under study suggests that pardons were readily available to felons, particularly in Henry V's reign. However, attempts were made to deny pardons to unacceptable suspects such as Nicholas Skynnér and John Salman. Discretion, or perhaps arbitrariness, determined the granting of other pardons by the justices of gaol delivery.

Rather than purchasing pardons, clerks in minor and major orders and literate laymen could avoid the death sentence by claiming benefit of clergy. After the death of Becket, the clergy were securely immune from secular jurisdiction in criminal cases. However, it was the normal procedure for the suspect to claim benefit of clergy in the secular courts. At the gaol delivery sessions when the suspect was asked how he wished to acquit himself, he replied, 'quod ipse clericus est' and would not respond without the ordinary.<sup>87</sup> After the suspect proved his clerical status by the reading examination, the

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<sup>87</sup>JUST 3/198, m. 2..

ordinary came forward to claim him. Letters from the bishop entitling him to do so were read to the court. Then a sworn jury gave its verdict and the clerk was released to the ordinary. He would then be imprisoned in the bishop's gaol to await the canonical trial of purgation. According to L. Gabel, the above judicial procedure was very common up to the middle of the fourteenth century.<sup>88</sup> However, by the fifteenth century, the 'established procedure' was different. Benefit of clergy was claimed after the jury's verdict, not before.<sup>89</sup> This gradual change in procedure occurred, Gabel noted, because once the ordinary claimed the clerk after he was convicted, it became natural to claim benefit of clergy after conviction.<sup>90</sup> Moreover, trial by jury in the king's court often resulted in acquittal. Waiting for trial in the bishop's court could entail living in the bishop's prison for a number of months or years. In addition, a suspect claiming benefit of clergy before the trial was guaranteed conviction by the middle of Edward III's reign.<sup>91</sup> It was clearly a matter of common sense to hope for acquittal in the king's court and then to claim the privilege if conviction occurred.

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<sup>88</sup>L.C. Gabel, Benefit of Clergy in England in the Later Middle Ages (New York, 1969), p. 41.

<sup>89</sup>Ibid., p. 41.

<sup>90</sup>Ibid., p. 45.

<sup>91</sup>Ibid., p. 46.

Although claiming benefit of clergy after the secular trial was the most logical step for a suspect to take, in the western circuit gaol delivery rolls not one of the six suspects who claimed the privilege did so after the trial.<sup>92</sup> Instead, benefit of clergy was claimed before the trial. However, forty more clerks, found indicted, appealed, or taken on suspicion of felony did not claim the privilege. Save one chaplain, these clerks were either acquitted, proclaimed acquitted, or were released on surety. If they had been convicted then they would doubtless have claimed benefit of clergy.

Purgation in the bishop's court was a simple process. If the clerk's victim or others knowing of the felony did not object, a jury of twelve or more men, both clerics and laymen, swore that they believed the prisoner's oath of innocence. The clerk, once purged, was freed. Clerks who failed purgation were degraded and imprisoned in the bishop's gaol for many years or perhaps for life.<sup>93</sup> Successfully purged clerks, of course, had the opportunity to commit more crimes. A Saint Albans fishmonger, for example, claimed benefit of clergy after being convicted of killing a pregnant woman. In another gaol delivery sessions he reappeared indicted on a number of other felony charges.<sup>94</sup>

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<sup>92</sup>One per cent of the suspects in the gaol delivery roll under examination claimed benefit of clergy. See table 14.

<sup>93</sup>Bellamy, Crime and Public Order, p. 154.

<sup>94</sup>See, JUST 3/198, mm. 2, 3d.

If purged clerks were convicted a second time they were probably denied the opportunity of a second purgation and were thus forced to spend the rest of their lives in the bishop's prison.<sup>95</sup>

The chaplain who was found guilty but did not claim the clerical privilege deserves mention. Briggs, indicted on a charge of counterfeiting 1000d. was found guilty of treasonously forging 5½d., and thus he was sentenced to be drawn and hanged.<sup>96</sup> Treason which touched the person of the king himself, or his royalty, was considered non-clergyable but some judges allowed counterfeiters their clergy.<sup>97</sup> By Henry IV's reign suspects who were described as 'ambushers of roads and depopulators of fields' or who had burned houses could not claim benefit of clergy.<sup>98</sup> However, Briggs was described only as a common forger. This designation should not have denied him the privilege. Common malefactors could not be denied benefit of clergy although they could be refused purgation.<sup>99</sup> Possibly in Henry V's reign there was some question about claiming benefit of

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<sup>95</sup>Bellamy, Crime and Public Order, p. 153.

<sup>96</sup>JUST 3/198, m. 19d.

<sup>97</sup>Gabel, Benefit of Clergy, pp. 58-9.

<sup>98</sup>Ibid., p. 59.

<sup>99</sup>Bellamy, Crime and Public Order, p. 153. The Saint Albans fishmonger was described as a common thief but he was not denied purgation by the justices. See JUST 3/198, m. 2.



clergy when the suspect was accused of the treason of counterfeiting or was described as a common forger. Gabel believed that Briggs was not denied the clerical privilege but that he chose to claim it on the way to the gallows.<sup>100</sup>

Another interesting case of benefit of clergy was heard by the justices in Dorset in 1419. Thomas Podymour, a Somersetshire holywater clerk, was asked by the justices if there were any reasons why he should not be adjudged to death as a convicted felon and as an outlaw. Podymour replied in the affirmative. He was a clerk and demanded the privilege of benefit of clergy. Having proven his status by the literacy test, Podymour was released to the ordinary as a convicted clerk.<sup>101</sup> According to Gabel, outlaws could claim benefit of clergy only after they had been pardoned for their outlawry by the king. Such clerks, while they could then claim benefit of clergy would not be admitted to purgation in the bishop's court.<sup>102</sup> The western circuit justices were willing to accept a plea of clergy even though Podymour apparently did not have a pardon. One wonders how many outlaws learned to read in preparation for the day when

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<sup>100</sup>Gabel, Benefit of Clergy, p. 42, f. 43.

<sup>101</sup>JUST 3/198, m. 11d.

<sup>102</sup>Gabel, Benefit of Clergy, pp. 106-7.

they might be apprehended.

In retrospect, the injustice of the system of benefit of clergy is fully apparent in the trial of Richard Eton and Katerina Farnborgh. On August 3, 1422 Richard Eton, a brother of the Order of St. Augustine, abducted Katerina Farnborgh. Richard raped Katerina a number of times over the space of several days and nights. On October 9, 1422 Richard and Katerina murdered Katerina's husband with a knife and hid his body in the woods. Katerina was found guilty of the homicide and was thus sentenced to be burned. Eton was also found guilty but he successfully claimed benefit of clergy and thus he avoided execution.<sup>103</sup> The community where the felony took place perhaps found it unjust that while Katerina would burn for her crime, Richard, just as guilty as Katerina, would escape the gallows. However, since we do not know all the circumstances of the case we can only speculate that contemporaries found the results of this trial unfair.

The justices on the western circuit did not refuse the clerical privilege to any suspects who claimed it. Purgation was not denied to a common malefactor, and an outlaw who did not have a pardon was allowed his clergy. Every suspect who claimed the privilege and who passed

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<sup>103</sup>JUST 3/202, m. 4.

the reading test was freed to the ordinary. The literacy test may have proven a suspect to be a clerk in the thirteenth and fourteenth centuries, but by the fifteenth century, with increasing literacy among the laity, it did not. The chance to escape the gallows by being able to read may have encouraged men, such as the outlaw Podymour and the fishmonger, Bannebury, to lead a life of crime.

A suspected felon could avoid the uncertainties of a trial before the justices of gaol delivery by fleeing to sanctuary. Once in sanctuary he could decide to stand trial or to confess his crimes to the coroner and abjure the realm. There were two types of sanctuary in the middle ages, lay and ecclesiastical. The former included liberties which were independent of royal jurisdiction such as the palatine earldoms of Durham, Chester, and Lancaster.<sup>104</sup> In the southwestern counties, two independent jurisdictions were the abbeys of Glastonbury and Beaulieu.<sup>105</sup> All consecrated lands and buildings, from the local parish church to the cathedral, offered sanctuary as well.<sup>106</sup> The privilege of sanctuary was available to all laymen but was denied to clerics, heretics, suspected traitors, common and notorious offenders,

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<sup>104</sup>I.D. Thornley, "The Destruction of Sanctuary", in Tudor Studies, ed. R.W. Seton-Watson (New York, 1924), pp. 183-84.

<sup>105</sup>J.C. Cox, The Sanctuaries and Sanctuary Seekers of Medieval England (London, 1911), pp. 182, 202.

<sup>106</sup>Bellamy, Crime and Public Order, p. 104.

those caught committing criminal acts, those who perpetrated felonies within the church, convicted felons, and outlaws.<sup>107</sup> In May, 1427, the sheriff of Hampshire was ordered to arrest:

William Wawe, a notorious public robber, besetter of highways and spoiler of churches, who has been indicted of high treason and many felonies in divers counties and is a companion of heretics, . . . He is said to be hidden in a house belonging to the abbot of Beaulieu.<sup>108</sup>

Clearly Wawe had no right to be in sanctuary in Beaulieu. On May 14, 1427 Wawe was removed from sanctuary and, after a trial, he was hanged.<sup>109</sup> Normally, however, the rights of sanctuary were fiercely guarded by the clergy.

A suspected felon ensconced in sanctuary had forty days in which to confess his crime and abjure the realm, or to surrender to lay authorities and submit to a trial. Few chose the latter route as sanctuary was generally taken to avoid a trial. If forty days passed and still the suspect made no move to confess or submit, he was forced or starved out of sanctuary in order to be put on trial.

During the period in which the suspect was in

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<sup>107</sup>Ibid., p. 107.

<sup>108</sup>Cal. Pat. Rolls, 1422-1429, p. 222. .

<sup>109</sup>R.A. Griffiths, "William Wawe and his Gang, 1427", Proceedings of the Hampshire Field Club Archaeological Society, xxxiii (1977), 92.

sanctuary he was guarded by men of the four nearest townships to where the crime had been committed. These men were responsible, upon pain of a fine, to ensure that the suspect did not escape. When the suspect confessed his crime to the coroner, he pronounced his confession in front of these men. In the oath of abjuration made by the suspect after the confession, the abjurator swore to leave the realm of England never to return without licence from the king. After the abjurator made the oath, the coroner assigned him a port from which to leave the realm. Dressed in a shirt and breeches, or sometimes in a long white gown, with a wooden cross in his hand, the abjurator was escorted to the port by the men from the townships. An abjurator who departed from the assigned road, if taken, could be beheaded immediately.<sup>110</sup> Once the port was reached, the abjurator was to take the first ship sailing overseas. If an abjurator returned to England without a pardon he was hanged after the coroner produced records confirming the abjuration.<sup>111</sup>

Because sanctuary seekers could only come before the justices of gaol delivery if they decided to stand trial, or if they left the assigned road while abjuring the realm, they appear infrequently in the gaol delivery

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<sup>110</sup>Bellamy, Crime and Public Order, pp. 112-13.

<sup>111</sup>Hunnisett, The Medieval Coroner, p. 50.

rolls. Indeed, only two men who sought sanctuary are recorded in the rolls under examination. One defendant, John Grene, was taken to the gaol delivery sessions held on September 22, 1419 because he had been found away from the road the coroner had told him to follow.<sup>112</sup> Grene insisted that he had not left the road but that he had been forced off it by his enemies. He asked to be allowed to abjure the realm again.<sup>113</sup> Unfortunately the gaol delivery entry for the case ends at this point.

Presumably Grene was remitted to prison and was not immediately hanged for he reappears in the rolls at a gaol delivery session two and a half years later.<sup>114</sup> Possibly an inquest was held in the meantime to determine if Grene had indeed been forced off the road.<sup>115</sup> In the second entry, Grene was indicted because he had left the road without permission and because he had broken out of gaol on April 20, 1420. Grene was convicted and sentenced to be hanged but it is not clear if he was convicted for his failure to abjure or for breaking out of prison. Perhaps he was sent to the gallows for both

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<sup>112</sup>JUST 3/198, m. 14d.

<sup>113</sup>Hunnisett noted that this type of excuse was a standard defence of abjurors found off the highway. See Hunnisett, The Medieval Coroner, p. 50.

<sup>114</sup>JUST 3/198, m. 15.

<sup>115</sup>Inquests were often held to determine the veracity of abjurors' claims. See Hunnisett, The Medieval Coroner, p. 50.

felonies.

A perplexing case involving abjuration came before the justices on March 5, 1416. John Archer was appealed by William atte Oke for a robbery done to him on November 3, 1415. After the robbery, William pursued John from village to village until John was taken at his suit. A cape which John stole was produced in court as mainour. After John denied the felony a jury was chosen but John objected to the jury because it had been empanelled by a minister of the sheriff who favoured the appellor. The panel was annulled and the sheriff was ordered to make up a new one. At this point, John Gregory, a coroner, stepped forward to testify that John Archer had abjured the realm from Wincanton church where he had taken sanctuary. Archer had confessed to the robbery on January 16, 1416. Archer was remitted to prison because the justices did not know if the records of abjuration were sufficient.<sup>116</sup> The problem in this case arises when we consider that in order for Archer to have been taken with the mainour he must have been arrested soon after robbing William atte Oke. Archer must have been immediately imprisoned after the robbery. Appellees and those taken with stolen goods could not be bailed from prison. Thus Archer could not possibly have taken sanctuary. Perhaps

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<sup>116</sup>JUST 3/198, m. 13.

Archer escaped from gaol and then sought sanctuary. If this was the case, it is unusual that the prison breach was not mentioned in the rolls. Maybe immediately after the robbery, Archer fled with the cape into sanctuary. If this was so, then when was Archer appealed? Moreover, if Archer had taken sanctuary the day he committed the crime he would have been required to have confessed within forty days. However, Archer confessed January 16, 1416, well over forty days after perpetrating the felony. Clearly the justices had cause for consternation over the sufficiency of the abjuration records. If the jurors had favoured the appellor, perhaps the coroner was partial to the plaintiff too. False records of abjuration, if they had been accepted, would have hanged Archer. On the other hand, an inquest into the abjuration records might have been a stalling tactic on the part of Archer who would then have had time to plan an escape from gaol. Unfortunately records do not survive to indicate how this case was eventually terminated. It seems likely that some sort of corruption was involved.

One last case in the gaol delivery rolls concerns a possible case of abjuration. Seven Exeter men were accused of breaking into Exeter gaol and abducting William Taylor who had been imprisoned there by order of the king ten days earlier. Taylor was carried off to Exeter



cathedral where he was left.<sup>117</sup> The seven accused men included three tailors, one of whom was the former mayor of Exeter, and three skinners. The prisoner was a tailor. We might speculate that the suspects, all men intimately involved in business, were rescuing a fellow craftsman from imminent conviction. From the church Taylor could abjure the realm. The suspects were acquitted of the charge but one suspects that few jurors would have convicted the former mayor and his friends. Urban politics possibly played a part in this felony.

Trenholme estimated, probably with some exaggeration, that one thousand persons per year abjured the realm in the second half of the fifteenth century.<sup>118</sup> According to R.F. Hunnissett, the number of abjurors did not decline in the fifteenth century, but that most of these abjurors probably never left the realm.<sup>119</sup> However, thirteenth century assize rolls for the southwestern counties include many more cases of abjuration than do the gaol delivery rolls under examination. In Wiltshire, for example, the assize roll for the years 1267 and 1268 listed 68 abjuration cases.<sup>120</sup> A Cornwall assize roll described 78 cases of

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<sup>117</sup>JUST 3/198, m. 19. See supra, pp. 87-8.

<sup>118</sup>N.M. Trenholme, The Right of Sanctuary in England (University of Missouri Studies, 1903), p. 70 as cited by Cox, Sanctuaries, p. 33. Trenholme's figures were based on the two popular sanctuaries of Beverly and Durham.

<sup>119</sup>Hunnissett, The Medieval Coroner, pp. 49, 54.

<sup>120</sup>Cox, Sanctuaries, pp. 286-87.

abjuration in the years 1283 and 1284.<sup>121</sup> Dorsetshire experienced five cases of failed abjurations in 1280.<sup>122</sup> The Somersetshire assize roll for 1280 contained 28 entries of sanctuary and abjuration.<sup>123</sup> Eleven abjurations were entered in the Devon assize roll for the years 1237 and 1238.<sup>124</sup> In comparison, the gaol delivery rolls for the years 1416 to 1430 record only two abjuration cases.<sup>125</sup> Perhaps fifteenth century medieval English communities as opposed to thirteenth century communities, were more likely to ignore failed abjurors rather than to behead them or to bring them to court. On the other hand, we might conclude that in the fifteenth century in the southwest, either a large number of abjurors left the realm, or that the number of abjurations declined remarkably.

Some men decided to resist arrest and avoid trial altogether by becoming outlaws.<sup>126</sup> A writ of capias was issued ordering the sheriff to arrest such a suspect and to bring him to trial. If the sheriff failed to do so the suspect was put in exigent and his goods and

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<sup>121</sup>Ibid., pp. 298-99.

<sup>122</sup>Ibid., p. 289.

<sup>123</sup>Ibid., p. 297.

<sup>124</sup>Ibid., p. 298.

<sup>125</sup>Only two pardons concerning abjurations in the southwestern counties between 1413 and 1430 appear in the patent rolls. See Cal. Pat. Rolls, 1413-1416, pp. 173, 99.

<sup>126</sup>Women and children under the age of twelve could

chattels were forfeited to the king.<sup>127</sup> In four successive county courts, exactions were read out requesting the attendance of the suspect in court. If the suspect did not attend the fifth county court, he,

... will be regarded as an outlaw,  
since he obeys neither the prince nor  
the law, and will thenceforth be out-  
lawed, that is, one who is outside the  
law, that is a 'lawless man'.<sup>128</sup>

An outlaw's lands were forfeited to his lord. In the twelfth and thirteenth centuries an outlaw who resisted capture could be executed on the spot if caught. By the fourteenth century when an outlaw was taken he was immediately brought to court. As soon as it was proven that he indeed was an outlaw, he was promptly executed.<sup>129</sup> In the fifteenth century in particular, outlaws avoided execution by purchasing pardons or by claiming that they could not answer the exactions because they were already in gaol. Some outlaws were unburdened of their status by entering the king's service.<sup>130</sup> The gaol delivery rolls under discussion demonstrate that at least one outlaw avoided the gallows by claiming benefit of clergy.<sup>131</sup> Thus outlawry did not always mean that one

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not be outlawed because they were not sworn to the law; they were not in frankpledge tithings. See Hunnisett, The Medieval Coroner, p. 62.

<sup>127</sup> Ibid., pp. 61-64.

<sup>128</sup> Bracton, ed. Woodbine, ii, 352.

<sup>129</sup> Bellamy, Crime and Public Order, p. 105.

<sup>130</sup> Ibid., p. 105.

had to live outside the law forever.

A suspect chose not to appear in court to answer to the charges laid against him for various reasons. Perhaps conviction was inevitable. Maybe the charges had been maliciously framed by enemies. Indeed people were known to have accused their enemies of committing felonies in counties where the enemies had never been. When the suspects failed to go to court, not knowing that they were indicted, they were outlawed. A statute in 1429 sought to remedy the problem by requiring the second exaction to be read in the county where the suspect lived.<sup>132</sup> Outlaws sometimes turned to crime if they were not already criminals because, once outlawed, they lost their goods, chattels, and lands. They turned to crime to support themselves. Many outlaws came to be employed in the households of the gentry and the nobility.<sup>133</sup> Others manned the pirate ships, especially those working off the coasts of Devon and Cornwall.<sup>134</sup> Organized together, the lawless men posed a threat to order throughout medieval England.

Outlawry is mentioned only four times in the western circuit gaol delivery rolls under examination probably

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<sup>131</sup>See supra p. 135.

<sup>132</sup>8 Henry VI, c. 10.

<sup>133</sup>Bellamy, Crime and Public Order, p. 70.

<sup>134</sup>C.L. Kingsford, Prejudice and Promise in XVth Century England (Oxford, 1925), p. 82.

because the exigent process which led to outlawry took place in the county courts.<sup>135</sup> John Salman was pardoned for two larcenies on March 5, 1417 at Exeter. However, instead of being freed, he was released on surety because it was testified in court that he was indicted for other felonies and that he was an outlaw.<sup>136</sup> Unfortunately Salman does not reappear in the rolls. Presumably once the records of outlawry were found, Salman would be hanged, unless in the meantime he obtained another pardon absolving him of outlawry.

Walter Raymond, Richard Gifford and John Molton, indicted on a number of charges, were remitted to prison at an Exeter gaol delivery on March 5, 1417.<sup>137</sup> At a gaol delivery held on March 5, 1420, Molton stood trial for receiving Gifford and Raymond knowing them to be felons. The entry noted that Raymond and other suspects had been outlawed.<sup>138</sup> No further mention is made of the outlaws.

An unusual outlawry case surfaced in a Launceston gaol delivery in 1423. William Cheyne and his fellow justices were requested to deliver from gaol one Giles

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<sup>135</sup>See supra, p. 135 regarding the outlaw who claimed benefit of clergy.

<sup>136</sup>JUST 3/198, m. 18.

<sup>137</sup>JUST 3/198, m. 17.

<sup>138</sup>JUST 3/198, m. 19d.

Vagge, an outlawed yeoman from Bodmin. The entry records that before an oyer and terminer commission held on October 3, 1420, fifteen jurors had accused Vagge, a common and notorious thief, of burglary.<sup>139</sup> The sheriff was ordered to arrest Vagge, but Vagee eluded him. Vagge was exacted at five county courts. Since he did not attend any of them, Vagge, 'utlagatus est.'<sup>140</sup> Unfortunately we do not know how the justices of gaol delivery handled this case because the entry was left incomplete. Since the justices had the records of outlawry before them, we could assume that Vagge was escorted to the gallows and hanged. However, on March 25, 1425, he again appeared before the justices, this time indicted on a charge of robbery.<sup>141</sup> Vagge was acquitted but at the same sessions he stood trial for a burglary. Again he was acquitted.<sup>142</sup> Vagge must have been pardoned of his outlawry. His experience as an outlaw certainly had not deterred him from the criminal life. Possibly Vagge was innocent from the first but had enemies who managed to get him indicted for various felonies.

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<sup>139</sup>These jurors are the only named jurors in the gaol delivery rolls under examination.

<sup>140</sup>JUST 3/205, m. 20.

<sup>141</sup>JUST 3/205, m. 20d.

<sup>142</sup>JUST 3/205, m. 20d.

The bare mention of outlawry in the gaol delivery records reveals that the apprehension of suspected felons was still a problem for the medieval sheriff or bailiff. That two men, Podymour, the outlawed clerk, and Vagge, avoided the miserable consequences of outlawry suggests that outlawry was not a terrible burden to bear. One's chances of coming back into the fold of the law were not minimal. Perhaps the knowledge of this led more men to consider seriously leading the life of an outlaw for a limited period of time.

Some cases were not terminated at the gaol delivery sessions but they were postponed by the justices for various reasons. When the justices ordered suspects to be remitted to gaol and others to be released on surety until the next gaol delivery, they were guided by the statute of Westminster, 1275, concerning repleviabie and non-repleviabie offences. Those suspected of having committed homicide, arson, treason, and breach of prison were not allowed to be released. Appellees, suspects taken with mainour, or suspects taken by order of the king or the chief justice, were also not permitted to be released on surety.<sup>143</sup> Those who were suspected of other felonies were generally released as long as they had sureties who promised to bring them to the next gaol delivery sessions.

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<sup>143</sup>Pollock and Maitland, English Law, ii, 584; Pugh, Imprisonment, pp. 204-6.

The justices followed these rules except in the case of two homicide suspects who were released, but other factors may have governed their decisions in these cases.<sup>144</sup> One of the homicide suspects was accused of killing his wife. He was released on surety probably because his indictment was insufficient in law.<sup>145</sup> Thomas Lok was remitted to prison because he allegedly committed homicide on the high seas.<sup>146</sup> Lok's case may have been the subject of a jurisdictional dispute between the common law courts and the admiralty court. A statute in the fifteenth year of Richard II's reign gave the admiral cognizance over,

. . .the death of a man, and of a mayhem done in great ships, being and hovering in the main stream of great rivers, only beneath the bridges of the same rivers high to the sea, and in none other places of the same rivers.<sup>147</sup>

After 1363 the admiral's criminal jurisdiction was complete over felonies committed in the high seas and in the mouths of rivers.<sup>148</sup> Thus, by all rights Lok's case should have been tried by the admiral and not by the gaol delivery justices. However, Lok's case came before

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<sup>144</sup> Possibly the suspects bought writs de ponendo from chancery which would allow them to be released for homicide. See Pugh, Imprisonment, p. 205.

<sup>145</sup> JUST 3/205, m. 16.

<sup>146</sup> JUST 3/198, m. 17d.

<sup>147</sup> 15 Richard II, c. 3. See Holdsworth, A History of English Law, i, 548.

<sup>148</sup> Ibid., p. 550.



the common law courts once again. This time he was released on surety from the sessions.<sup>149</sup> Since Lok does not reappear in the rolls, perhaps he was finally tried by the admiralty court.

Usually suspects were released on surety to wait for their pardons to come into effect, or because their indictments were unavailable or they were insufficient.<sup>150</sup> Generally the justices had more specific reasons for remitting suspects to gaol. Suspects who committed homicide in self-defence were often remanded to wait for their pardons.<sup>151</sup> Other suspects were returned to prison because the juries which came to try them were not of the hundred where the crime was committed or the juries simply had not come to the delivery.<sup>152</sup> One suspect was remanded because the coroner's records concerning his case were not available.<sup>153</sup> Three suspects were remitted because they claimed that their indictments had been sent to chancery.<sup>154</sup> Another suspect's indictment had been

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<sup>149</sup>JUST 3/198, m. 19d.

<sup>150</sup>See, for example, JUST 3/198, m. 17d; JUST 3/205, m. 16.

<sup>151</sup>See, for example, JUST 3/198, m. 3.

<sup>152</sup>See, for example, JUST 3/198, m. 4; JUST 3/205, m. 17d.

<sup>153</sup>JUST 3/198, m. 9d.

<sup>154</sup>JUST 3/198, m. 10.

sent to the king's bench.<sup>155</sup> One suspect was acquitted of burglary but he was remitted to gaol because he was suspected of perpetrating other larcenies.<sup>156</sup> Pardoned for a homicide and a burglary, one suspect was remanded for burning houses.<sup>157</sup> Two suspects were remitted because a year had not elapsed from the time the homicides were committed to the time of the trials.<sup>158</sup> Such were the reasons the justices had for remitting suspects to gaol. Many had committed repleviable offences. Perhaps the sheriff refused to bail them, or no one would stand surety for them. In any event, the remanding of repleviable suspects may represent the caution with which the justices dealt with suspected felons.

The released and remanded suspects discussed above were not mentioned again in the gaol delivery rolls. They represent 4 and 9 per cent of all the indicted and appealed suspects respectively.<sup>159</sup> Other suspects, whose cases were postponed for much the same reasons, were finally acquitted or were sentenced to be hanged at succeeding gaol deliveries. Possibly the unterminated

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<sup>155</sup>JUST 3/198, m. 2d.

<sup>156</sup>JUST 3/198, m. 16.

<sup>157</sup>JUST 3/198, m. 17d.

<sup>158</sup>JUST 3/198, mm. 3, 19d.

<sup>159</sup>See table 14. Thirty-seven suspects were remitted to gaol. Seventeen suspects were released on surety.

cases were completed at gaol deliveries for which we have no records.<sup>160</sup> Other courts, such as the king's bench may have concluded postponed cases.

The gaol delivery rolls do not record the results of the cases for 30 (7 per cent) of the suspects.<sup>161</sup> Four cases where the suspect was indicted were not finished. One woman did not come to the gaol delivery sessions. Her sureties were fined and the sheriff was ordered to arrest her.<sup>162</sup> Two homicide suspects were declared guilty but the justices' sentences were not recorded.<sup>163</sup> The entry describing a fishmonger's theft was left incomplete after the stolen goods were listed.<sup>164</sup> More significantly, 26 (86 per cent) of the suspects whose cases were left incomplete on the rolls, were appealed. These suspects represent 55 per cent of all the appellees. In some instances there were reasons for leaving the cases untermiated. Six of the suspects who allegedly killed John Punchardon were still at large.<sup>165</sup> Many of the suspects appealed by the approver did not

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<sup>160</sup>See supra, p. 96.

<sup>161</sup>See table 14.

<sup>162</sup>JUST 3/198, m. 18d.

<sup>163</sup>JUST 3/198, m. 5; JUST 3/205, m. 19d.

<sup>164</sup>JUST 3/198, m. 3d.

<sup>165</sup>JUST 3/205, m. 4d.

come to the gaol delivery sessions.<sup>166</sup> A statute of 1300 decreed that justices of gaol delivery were to order sheriffs to arrest suspects appealed by approvers who resided in other counties.<sup>167</sup> The appellees were to be brought to the gaol where the approver was imprisoned to be tried.<sup>168</sup> Perhaps the sheriff in this case failed to find the appellees. Even though the approver was hanged the appellees who did not stand trial might yet be tried at the king's suit because of the suspicion still attached to them.<sup>169</sup> Since these appellees do not show up in any further deliveries we do not know if they were eventually indicted and tried. Three incomplete cases involved wives' appeals for the homicides of their husbands.<sup>170</sup> Five other appeals were for robberies.<sup>171</sup> One of the robbers was found guilty but the entry abruptly ends before the sentence was recorded.<sup>172</sup> The other cases end after noting that the appellors had found pledges to prosecute

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<sup>166</sup>JUST 3/205, m. 3.

<sup>167</sup>28 Edward I, c. 20.

<sup>168</sup>F.C. Hamil, "The King's Approvers: A Chapter in the History of English Criminal Law", Speculum, x (1936), 242.

<sup>169</sup>Ibid., p. 243.

<sup>170</sup>JUST 3/205, mm. 1d, 13.

<sup>171</sup>See, for example, JUST 3/205, mm. 8d, 13d.

<sup>172</sup>JUST 3/205, m. 7.

their cases. Perhaps the cases were not completed because the appellors dropped their appeals. Indeed, one historian noted that women often failed to follow through with their appeals.<sup>173</sup> Surely the clerk would have noted unprosecuted appeals on the rolls since the appellors would then be subject to amercement or imprisonment.<sup>174</sup> Possibly the appellees had raised exceptions to the appeals and when these were found to be valid the appeals were quashed. Since the appeals would then be continued at the king's suit, one would expect the cases to be completed.<sup>175</sup>

Regrattably, the entries themselves do not furnish any reasons for their incompleteness. However, since enough room was left on the rolls for the cases to be completed, the unfinished nature of the entries may very well be explained by the laziness of the clerk who enrolled them. Possibly legal problems concerning the cases had to be sorted out before the cases could be properly written up. The justices were simply not efficient enough to ensure that their records were properly kept.

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<sup>173</sup>Bellamy, Crime and Public Order, p. 127.

<sup>174</sup>Wiltshire Gaol Delivery, ed. Pugh, p. 26.

<sup>175</sup>In the Huntingdonshire eyre rolls for the years 1286 to 1287, only 9 per cent of the appeals proceeded as far as punishment, but reasons were usually given for those not completed. Some appeals were withdrawn. Sometimes the appellee died in gaol before the trial. See Royal Justice, eds. DeWindt and DeWindt, i, 48.

People taken on suspicion of felony were handled differently than indicted and appealed suspects by the justices of gaol delivery. When this type of suspect was led into court his name, occupation and sometimes his hometown were read out. The town or village he was taken in was revealed as well. Then a proclamation was read whereby anyone who wished to prosecute the suspect was asked to do so. If no one came forward it was testified that the suspect was of good fame. Then, after swearing an oath promising to bear himself well and faithfully towards the king and his people, the suspect was proclaimed acquitted. Nine times when suspects were taken into court the suspects were appealed. The entries do not mention if, in these cases, proclamations had been read asking for people to prosecute. Thus, in this study, these cases were treated as appeals.<sup>176</sup> Excluding these nine cases, 206 (85 per cent) of the suspects taken on suspicion of felony were proclaimed acquitted.<sup>177</sup> That so many suspects were taken on suspicion of felony and then proclaimed acquitted leads us to speculate that taking on suspicion of felony was the community's way of warning suspicious characters to be on good behaviour. Eleven per cent of the suspects were either dismissed on the surety of four manucaptors who were to bring the suspects to the next

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<sup>176</sup>See, for example, JUST 3/205, m. 7.

<sup>177</sup>See table 19.

gaol delivery or they were remitted to prison. One per cent of the suspects were acquitted outright. A further three per cent of the suspects' cases were left incomplete on the rolls.

While it is difficult to explain on what legal grounds these suspects were taken to prison, it is even more perplexing trying to determine how these suspects were proceeded against at the gaol delivery sessions.<sup>178</sup> Occasionally gaol delivery entries reveal reasons for the remittal or the release of suspects. From these cases it is possible to speculate on the nature of the judicial procedure used to handle people taken on suspicion of felony.

TABLE 19: The results of taken on suspicion of felony cases in the southwestern counties, 1416-1430.

<u>Result</u>	<u>Number of suspects</u>	<u>Percentage of all results</u>
Acquitted	2	1
Remitted to Prison	8	3
Released on Surety	18	8
Proclamation Acquittal	206	85
Incomplete	<u>7</u>	<u>3</u>
Total	241	100%

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<sup>178</sup>See supra, pp. 31-35.

Five times townships were fined because they failed to testify against the people taken on suspicion of felony in their townships.<sup>179</sup> Margaret Fysher, for example, was taken at Exilond on suspicion of felony. At the gaol delivery sessions four men and a reeve from Exilond township were exacted but they did not show up 'ad testifian- dum et informandum curiam pro qua suspicione felonia eadem Margeriam fuit.'<sup>180</sup> Margaret was released on surety until the next gaol delivery and the township was fined 40d. Presumably at the gaol delivery the township would testify either for or against her. Townships then, may have been responsible for telling the court why and on what grounds the suspect was taken.

Two men were remitted to prison because their cases had not been sufficiently inquired into. Robert Lacy of Sussex was taken on suspicion of theft at Southampton, 'et qua de eo nondum sufficiens inquirat . . . ipse remittitur ad prisone.'<sup>181</sup> Perhaps when suspects were imprisoned inquiries regarding their characters and the evil deeds imputed to them were being carried out.

It is unclear why some of the suspects were released and others were remanded. Perhaps if enough damning testimonies had been collected, the suspect was

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<sup>179</sup> See, for example, JUST 3/198, m. 1d.

<sup>180</sup> JUST 3/198, m. 18.

<sup>181</sup> JUST 3/198, m. 4d.



remanded. If the testimony was not quite so negative, the suspect was released. If the testimony was good and no one came forward to prosecute the suspect, the suspect was proclaimed acquitted.

Many of the remitted or released suspects never reappear in the gaol delivery rolls. Some, however, returned to the next sessions to be proclaimed acquitted. Adam Hostler, for example, was released on surety on March 4, 1423.<sup>182</sup> On July 7, 1423, he was proclaimed acquitted.<sup>183</sup> In between the deliveries probably no evidence was found upon which he could be prosecuted. On the other hand, sometimes suspects returned to the next gaol delivery as indicted suspects. Alice Donan, for example, was eventually indicted for unspecified felonies and later on for homicide.<sup>184</sup> Thus sometimes enough damaging testimonies were collected in between sessions that indictments could be prepared.

Most suspects who were imprisoned on suspicion of felony could expect to be released from prison when the next gaol delivery took place. Some suspects might have to wait until further inquiries cleared their names. A few suspects found themselves formally indicted or

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<sup>182</sup>JUST 3/202, m. 3.

<sup>183</sup>JUST 3/202, m. 3d.

<sup>184</sup>JUST 3/202, m. 8d; JUST 3/205, mm. 20, 20d.

appealed. Taking on suspicion of felony mainly removed suspicious elements from society for a limited period. The gaol delivery rolls do not suggest that there were any firm legal grounds upon which the suspects were taken. Medieval communities perhaps acted upon their own initiative in dealing with lawlessness in their localities.

The results of the cases in the gaol delivery rolls for the southwestern counties in the early fifteenth century demonstrate two somewhat contradictory trends. Probably because death was the only sentence available to convicted felons, and the suspected felons may have belonged to the households of the local gentry or nobility, trial juries acquitted the majority of suspects. Only in cases of homicide, particularly when the victim happened to be a husband or a master, were the jurors likely to convict the suspects. The low conviction rate likely encouraged lawlessness particularly in Henry VI's reign when the conviction rate decreased even more.

The reaction of the justices in the western circuit to suspects whose cases were not clear was, on the whole, cautious. Since the justices could not override the juries' verdicts, the only way they could have any influence on the case was by asking for more information on the suspect. Thus suspects were released or remitted to gaol and were not fully freed until their indictments were made sufficient or were made available to the court and they could be tried. Men and women taken on suspicion of

of felony were occasionally remitted or remanded while inquiries were taken regarding their activities. If suspects' pardons were not sufficient the suspects were not always allowed to go free. Only when benefit of clergy was claimed did the justices accept without challenge the suspect's privilege. Clearly an effort was being made by the justices to exercise their authority to perhaps restrain the criminal proclivities of certain suspects. Unfortunately other factors, such as the low conviction rate, the availability of pardons, benefit of clergy, and sanctuary, conspired to work against the justices' efforts to restrain lawlessness.

## CHAPTER V

### TIME FACTORS

A multitude of profitable studies can be generated by examining the dates on the gaol delivery rolls. A date was recorded in the rolls for almost every felony. These dates were entered in two fashions. Sometimes the date given was the festival of a certain saint. For example, the entry would record that the felony was done, 'die Lune proxima ante festum nativitatus beate virginis Marie anno regis nunc quatuor.'<sup>1</sup> Less often the entry stated that the felony had occurred, for example, on July 2, in the third year of the king's reign. An analysis of the dates reveals the weekly and monthly occurrence of the different felonies. Unfortunately, the yearly incidence of felonies cannot be properly analysed because too many gaol delivery records have been lost. Only six crimes reportedly happened in 1417, while 38 occurred in 1421. The discrepancy in the figures is likely due to the fact that no rolls survive for 1418, while there are extant rolls for ten deliveries in 1422. Thus it is impossible to determine, for example, the effect Henry V's

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<sup>1</sup>C.R. Cheney, Handbook of Dates for Students of English History (London, 1945). This book was used to determine the dates of the felonies according to the modern calendar.

absence in France had on the level of crime in England. However, through an examination of the dates the crimes were committed and the trial dates we can study how efficient the judicial system was in trying suspects. In addition, trial jurors responses to the suspects apprehended and tried soon after they allegedly committed felonies can be examined.

Southwestern thieves, for some inexplicable reason, tended to commit more larcenies on Mondays and Thursdays than on any other day of the week. Burglars, on the other hand, preferred to work on Sundays. Burglars would have greater chances of breaking into empty houses on Sundays when the inhabitants were at church or other holiday activities. Robberies were committed more often towards mid-week on Wednesdays and Thursdays possibly when men and women journeyed to markets.<sup>2</sup> Homicides frequently occurred on Sundays when people gathered together for sports, praying, drinking, and other activities which might give rise to arguments, brawls, and perhaps homicides.<sup>3</sup> Other felonies occurred too infrequently to warrant an examination of their daily incidence. However, it is clear that for the most part,

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<sup>2</sup>See table 20. B.A. Hanawalt found that in the first half of the fourteenth century most larcenies, burglaries and robberies were committed between Monday and Thursday. See Hanawalt, Crime and Conflict, pp. 78-9, 85.

<sup>3</sup>See table 20. Hanawalt, Crime and Conflict, pp. 99-100 also found that homicides occurred frequently on Sundays.

Sunday and Monday were the preferred days for felonies to happen on.<sup>4</sup> Perhaps antagonisms surfaced on Sundays when interaction between people was high. Felonies were then committed that day or were planned to take place Monday. On Wednesdays very few felonies were perpetrated. Perhaps in the middle of the week medieval society was too busy to become involved in crime.

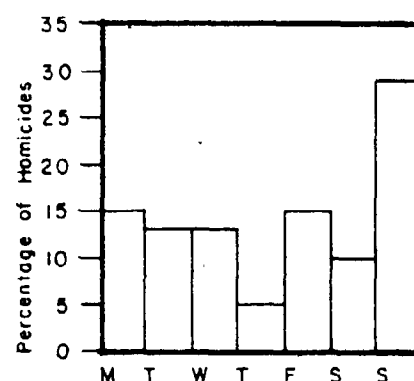
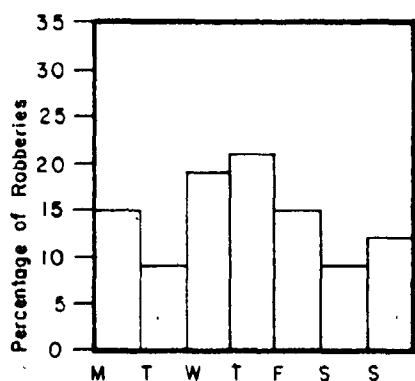
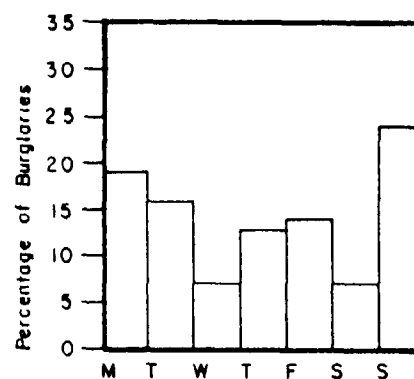
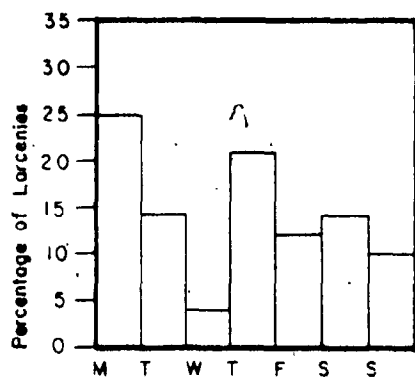
TABLE 20: The daily incidence of larceny, burglary, robbery, and homicide in the southwestern counties, 1413-1430.\*

Day	Larceny		Burglary		Robbery		Homicide	
	No.	%	No.	%	No.	%	No.	%
Mon.	34	25	21	19	5	15	7	15
Tues.	19	14	18	16	3	9	6	13
Wed.	5	4	8	7	6	19	6	13
Thurs.	28	21	15	13	7	21	3	5
Fri.	16	12	16	14	5	15	7	15
Sat.	19	14	8	7	3	9	5	10
Sun.	<u>14</u>	<u>10</u>	<u>27</u>	<u>24</u>	<u>4</u>	<u>12</u>	<u>14</u>	<u>29</u>
Total	135	100%	113	100%	33	100%	48	100%

\*The dates for one larceny, one burglary, and one homicide could not be determined.

<sup>4</sup>See table 21.

FIGURE I: The daily incidence of larceny, burglary, robbery, and homicide in the southwestern counties, 1413-1430.\*



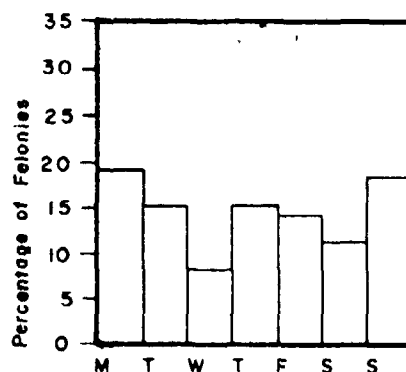
\* See table 20.

TABLE 21: The daily incidence of felony in the southwestern counties, 1413-1430.\*

<u>Day of the week</u>	<u>Number of felonies</u>	<u>Percentage of felonies</u>
Monday	72	19
Tuesday	54	15
Wednesday	31	8
Thursday	54	15
Friday	51	14
Saturday	40	11
Sunday	<u>68</u>	<u>18</u>
Total	370	100%

\*Days of the week could not be determined for one larceny, one burglary, one homicide, two acts of counterfeiting, and two acts of receiving.

FIGURE 2: The daily incidence of felony in the southwestern counties, 1413-1430.





Although it would seem likely that many felonies would happen on market and fair days when men and women from the surrounding neighbourhoods congregated for a short period of time in a small area, statistics do not bear this out. The market and fair days for only 21 per cent of the towns and villages where crimes occurred were discovered.<sup>5</sup> A mere fourteen (17 per cent) of the felonies which were perpetrated in these towns and villages happened on market days. Perhaps robberies and larcenies happened on the way to the markets or fairs in woods and defiles. Possibly market and fair days were so well supervised and people were so wary of theft that thieves had no chance to steal. There may have been no opportunity for people who were selling their goods to get into arguments which might lead to homicides.

Seven larcenies accounted for 50 per cent of the crimes that did happen on market days. Goods were available for the taking at markets by any light handed and swift footed thief. Since many houses would be empty on market days, burglars would have excellent opportunities to break into houses without any fear of meeting the owners. However, only three (21 per cent) of the felonies that occurred on market days were burglaries. One arson happened on a market day but it is impossible to discover if there was

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<sup>5</sup>Market and fair days were found in the Calendar of Charter Rolls.

any correlation between the felony and the time of its occurrence. Violent felonies such as robbery and homicide accounted for another 21 per cent of the felonies which were perpetrated on market days. One would certainly expect this figure to be higher for tempers could be inflamed in the bustling market atmosphere.

The gaol delivery rolls also record whether or not a felony was committed at night. One hundred and forty (33 per cent) of all the suspects in the southwestern counties committed felonies noctanter, by night, between the years 1413 and 1430. Night time felons, like those who robbed or killed secretly or stealthily, were dimly viewed in the middle ages. However, of the 45 (38 per cent) burglars who broke into buildings at night, only nine (20 per cent) were convicted. Thirty-six (30 per cent) of the thieves committed larceny at night. Only four (11 per cent) of this group were sentenced to death. Of the 20 (41 per cent) of the robbers who stole at night, three (15 per cent) were found guilty. Thirty (39 per cent) of the homicide suspects perpetrated their deeds at night and eight (27 per cent) of these murderers were convicted.<sup>6</sup> Other groups of felons who committed crimes by night are not large enough to warrant analysis.

In all, 24 (17 per cent) of the suspects who committed felonies at night were convicted. In contrast only 20 (7 per cent) of the 283 suspects who did their deeds

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<sup>6</sup> See table 22.

by daylight were convicted. Thus we can postulate that felons who committed crimes noctanter were more likely to be convicted than were those suspects who acted during the day. Other elements obviously entered into the determination of innocence or guilt, but the time factor may have played a part as well.

TABLE 22: The conviction rate for larceny, burglary, robbery, and homicide suspects who committed felonies at night..

<u>Felony</u>	<u>Number of Suspects</u>	<u>Suspects who acted at night</u>		<u>Convicted</u>	
		<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Larceny	119	36	30	4	11
Burglary	118	45	38	9	20
Robbery	49	20	41	3	15
Homicide	77	30	39	8	27

Certain felonies were more likely to occur during specific seasons than during others. The agricultural year is divided into four seasons. The harvest season runs from the beginning of August to the end of September. The sowing of winter grains begins in October and ends during the Christmas season. Other seeds are sown after Christmas until Easter. From Easter until the beginning of August is summer.<sup>7</sup> A division

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<sup>7</sup>G.C. Homans, English Villagers of the Thirteenth Century (New York, 1941), p. 354.

of the twelve months into four parts roughly corresponding with the agricultural seasons reveals that larcenies, burglaries, robberies, and homicides were seasonal felonies.<sup>8</sup>

Larcenies occurred most often from October to November, after the harvest and during the sowing of the winter seed.<sup>9</sup> Indeed, in October larcenies increased dramatically. In that month, grain, just harvested, would be readily available to the thief. Livestock, the most popular item stolen in larcenies, would be fattened and ready for the slaughter in November. Thus in October and November it would have been very tempting to steal livestock. Burglaries and robberies, on the other hand, occurred more frequently in the second sowing season after the Christmas holidays.<sup>10</sup> During these months goods were probably stored in houses because of the poor weather. Perhaps burglars and robbers were made desperate enough by the lean winter months, when food was perhaps scarce, to break into homes and attack victims in order to steal goods to fulfil their needs. Sixty per cent of the homicides occurred between July and December.<sup>11</sup> Intimately involved in the cultivation

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<sup>8</sup>See table 23.

<sup>9</sup>Similar results were found for larcenies by B.A. Hanawalt, Crime and Conflict, pp. 68-9.

<sup>10</sup>Burglaries occurred during this season in the first half of the fourteenth century. Robberies were not seasonal in that period. See Hanawalt, Crime and Conflict, pp. 78, 84.

<sup>11</sup>Most of the homicides in the first half of the fourteenth century occurred from March to August. See Hanawalt, Crime and Conflict, p. 99.

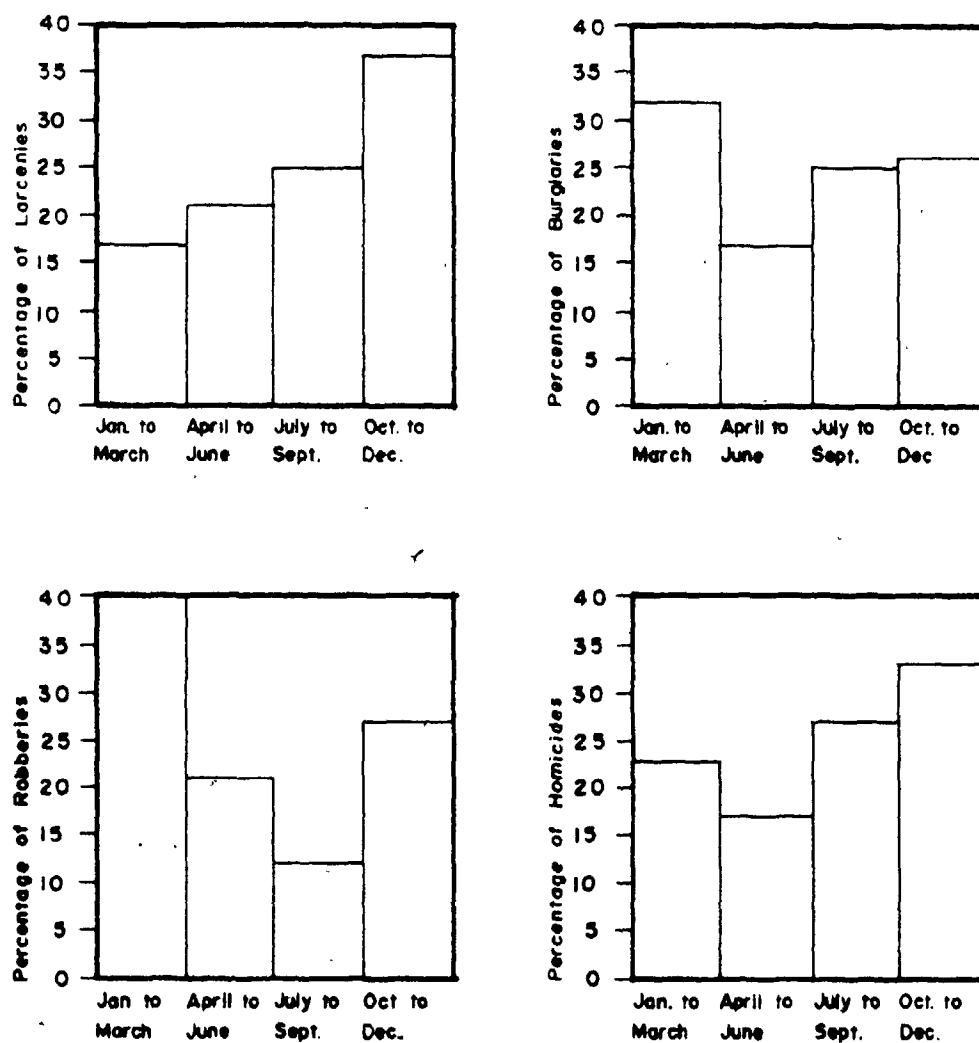
of the land, the harvest, and the slaughter of animals during these months, the peasants must have had many opportunities for arguing amongst themselves. Some arguments may have led to homicides. Fifty-five per cent of all felonies occurred during the winter and Lent sowing seasons which stretched from October to approximately the end of March.<sup>12</sup> These perhaps were the most difficult months of the year for the lower classes.

TABLE 23: The seasonal incidence of larceny, burglary, robbery, and homicide in the southwestern counties, 1413-1430.

<u>Months</u>	<u>Larceny</u>		<u>Burglary</u>		<u>Robbery</u>		<u>Homicide</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Jan. to March	23	17	37	32	13	40	11	23
April to June	28	21	19	17	7	21	8	17
July to Sept.	34	25	28	25	4	12	13	27
Oct. to Dec.	<u>51</u>	<u>37</u>	<u>30</u>	<u>26</u>	<u>9</u>	<u>27</u>	<u>16</u>	<u>33</u>
Total	136	100%	114	100%	33	100%	48	100%

<sup>12</sup>See table 24.

FIGURE 3 The seasonal incidence of larceny, burglary robbery, and homicide in the southwestern counties, 1413-1430.\*



\*See table 23.

TABLE 24: The monthly incidence of felony in the southwestern counties, 1413-1430.\*

<u>Month</u>	<u>Number of felonies</u>	<u>Percentage of felonies</u>
January	42	11
February	24	6
March	28	8
April	21	6
May	31	8
June	28	8
July	39	10
August	22	6
September	26	7
October	48	13
November	31	8
December	<u>33</u>	<u>9</u>
Total	373	100%

\*The months were not given in the rolls for four felonies.

Good administration of justice at the local level entailed that suspects who were indicted or appealed were immediately arrested. In the middle ages this was always a problem because the accused, unless he was caught red-handed, had time to escape after being charged. A comparison of the dates on which crimes were committed with the dates of the trials serves to inform us about the time lapse that occurred between the committing of the

felony and the trial of the suspect. It does not give any information about the time it took for a suspect to be indicted and then to be arrested and imprisoned or bailed. Possibly arrest occurred just before the gaol delivery sessions, or the suspect may have been taken soon after the crime was perpetrated. Given these limitations, table 25 demonstrates just how long it took local officials to have suspects tried after a felony was committed.<sup>13</sup>

Forty-three per cent of the suspects were tried within one year of allegedly committing felonies. Thirty-three per cent were tried one or two years later, while 10 per cent were tried within two and three years. Fourteen per cent of the suspects' cases were terminated over three years later. Thus almost one half of the suspects were taken less than a year after supposedly committing felonies. That others were tried years later shows that many felons probably roamed around freely and were indicted long after perpetrating felonies.<sup>14</sup> Had these suspected felons been indicted soon after the felonies were committed they would have been outlawed if they had not been arrested. That suspects were indicted and tried at all for crimes committed many years earlier attests to

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<sup>13</sup>See table 25.

<sup>14</sup>Not until August, 1425, was Richard Hassok acquitted of a larceny perpetrated in August, 1412. See JUST 3/105, m. 9.



the determined effort of the local authorities to bring all felons to justice. Perhaps it points to the maliciousness of persons who wanted to cause legal problems for their enemies by having them indicted for felonies that may never have been committed or that no one really remembered had been perpetrated.

TABLE 25: Judicial lag in Henry V's reign and Henry VI's minority in the southwestern counties, 1413-1430.\*

Judicial lag	Suspects in Henry V reign		Suspects in Henry VI's reign		All suspects	
	No.	%	No.	%	No.	%
0 mos. to 1 year	58	39	103	46	161	43
1 yr. 1 mo. to 2 yrs.	55	37	69	31	124	33
2 yrs. 1 mo. to 3 yrs.	17	11	17	8	34	10
over 3 years	<u>20</u>	<u>13</u>	<u>33</u>	<u>15</u>	<u>53</u>	<u>14</u>
Total	150	100%	222	100%	372	100%

\* When both the dates of the felony and the dates of the trial are available, judicial lag can be calculated. If a suspect committed more than one felony the lag has been calculated from the date the first crime was committed. Thus, if a suspect committed a burglary on May 1, 1415 and a larceny on April 6, 1414, the lag is calculated from April 6, 1414 to the trial date.

It is interesting to note that fully 7 per cent more suspects appeared before the justices of gaol delivery within one year in Henry VI's reign than in Henry V's reign. Local officials were bringing suspects to court

in Henry VI's minority more efficiently than in the previous reign.<sup>15</sup> We must qualify this favorable conclusion about Henry VI's local officials by admitting the possibility that in Henry VI's reign many more criminals were never indicted or apprehended.

It was advantageous for a criminal to be tried for an offence years after a felony had been committed. Only three (6 per cent) of the suspects who were tried for felonies perpetrated three years earlier were convicted. Three (9 per cent) of the suspects who committed crimes two to three years previously and twelve (10 per cent) of the suspects who committed felonies one to two years earlier were convicted. Seven (8 per cent) of the accused were convicted for crimes committed seven months to one year before the gaol delivery sessions. Significantly, full nineteen (25 per cent) of the suspects brought before the justices one to six months after supposedly committing felonies were convicted.<sup>16</sup> Moreover, nineteen (43 per cent) of the convicted felons were tried within six months of committing felonies.<sup>17</sup> Fifty-nine per cent were convicted within one year of perpetrating crimes. Perhaps because the details concerning these felonies were still fresh in the jurors' minds convictions were more plentiful. Certainly information about events that

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<sup>15</sup>See table 25.

<sup>16</sup>See table 26.

<sup>17</sup>See table 27.

happened one month earlier would be more available than for felonies that happened six years earlier. The longer it took for a suspect to be tried, the greater the chance he had of acquittal. Thus it was important from the king's point of view that a suspect be arrested immediately after a felony was committed if convictions were to be secured.

TABLE 26: Judicial lag and conviction rates in the southwestern counties, 1413-1430.

<u>Judicial lag</u>	<u>Number of suspects</u>	<u>Number convicted</u>	<u>Percentage convicted</u>
0 to 6 mos.	76	19	25
7 mos. to 1 yr.	85	7	8
1 yr. 1 mo. to 2 yrs.	124	12	10
2 yrs. 1 mo. to 3 yrs.	34	3	9
over 3 yrs.	<u>53</u>	<u>3</u>	6
Total	372	44	

TABLE 27: Convicted felons and judicial lag in the southwestern counties, 1413-1430

<u>Judicial lag</u>	<u>Number of convicted felons</u>	<u>Percentage of convicted felons</u>
0 to 6 mos.	19	43
7 mos. to 1 yr.	7	16
1 yr. 1 mo. to 2 yrs.	12	27
2 yrs. 1 mo. to 3 yrs.	3	7
over 3 yrs.	<u>3</u>	<u>7</u>
Total	44	100%

## CHAPTER VI

### ECONOMIC EVIDENCE IN THE GAOL DELIVERY ROLLS

The gaol delivery rolls contain two sorts of economic evidence. They relate the types of goods stolen in larcenies, robberies, and burglaries. The values of the stolen goods are also noted. An analysis of the goods and their values can indicate, although it cannot conclusively determine, the standard of living of the lower classes.

The types of goods stolen in larcenies, burglaries, and robberies are for the most part predictable. Seventy-nine per cent of all the livestock taken was stolen in the course of larcenies.<sup>1</sup> Livestock was usually kept outside and thus a thief merely had to drive the animals or ride a horse away. Interestingly enough, sheep accounted for only 23 per cent of all the livestock stolen in larcenies, burglaries, and robberies. We would expect this figure to be higher in the pastoral and cloth producing southwestern region. However, horses and cows which accounted for 36 and 34 per cent of the stolen livestock respectively, were more valuable items. In addition, it would be easier

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<sup>1</sup>See table 28.

to ride a horse away than it would be to drive a number of sheep from a pasture. Pigs, poultry, and rabbits, all inexpensive livestock, were stolen very infrequently, comprising only 7 per cent of all livestock thefts.

Valuables and money were normally kept in houses or on the person and thus it is not surprising that these goods were usually taken during the course of burglaries or robberies. Less frequently they were stolen during larcenies.<sup>2</sup> Valuables and money comprised 12 per cent of the goods stolen by thieves and 34 per cent of the goods taken by burglars. Not surprisingly these goods accounted for 44 per cent of the goods stolen by robbers.<sup>3</sup> Robbers in particular were interested in taking money and valuables. In order to do so they frequently had to attack their victims who would surely be guarding their goods. We can imagine quite a fracas taking place, for instance, after John Clerk, a fisherman, and Richard Locke, a laborer, broke into the parish church at Bridport, Dorset. In order to steal mass books, chalices, surplices, services books, and other goods worth £17 they had to attack the two keepers of the church who doubtless made tremendous efforts to stop the pillaging of the lord's house. After being attacked, the keepers still managed to chase the felons and appeal them at the county court.<sup>4</sup>

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<sup>2</sup>See table 28.

<sup>3</sup>See figure 4.

<sup>4</sup>JUST 3/205, m. 14.

Cloth and wool, rather unexpectedly, were infrequently stolen, accounting for only 12 per cent of all the stolen goods.<sup>5</sup> These goods were taken most often during the course of burglaries probably because they were stored in shops or houses.<sup>6</sup> Thieves stole cloth and wool in only 9 per cent of the larcenies. These goods accounted for 10 per cent of the goods stolen by robbers and 16 per cent of the goods taken by burglars.<sup>7</sup>

Household goods and clothes were stolen almost as infrequently as wool and cloth. These articles made up only 16 per cent of all the goods stolen by southwestern thieves, burglars, and robbers.<sup>8</sup> Because household goods and clothes were normally kept in houses, they were most often taken by burglars.<sup>9</sup> These goods made up only 15 per cent of the goods illicitly taken in larcenies.

Burglars were accused of stealing them 19 per cent of the time. Clothes and household goods accounted for just 13 per cent of the goods taken by robbers.<sup>10</sup>

Occasionally southwestern thieves, robbers, and burglars stole other miscellaneous objects such as books, indentures and agricultural implements.<sup>11</sup> Weapons, highly

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<sup>5</sup>See table 29.

<sup>6</sup>See table 28.

<sup>7</sup>See figure 4.

<sup>8</sup>See table 29.

<sup>9</sup>See table 28

<sup>10</sup>See figure 4.

useful objects in everyday life and crime, accounted for only 3 per cent of the stolen goods.<sup>12</sup> Perhaps since most men carried weapons there was no need to steal them.

TABLE 28: The percentage of goods stolen in larcenies, burglaries, and robberies in the southwestern counties, 1413-1430.\*

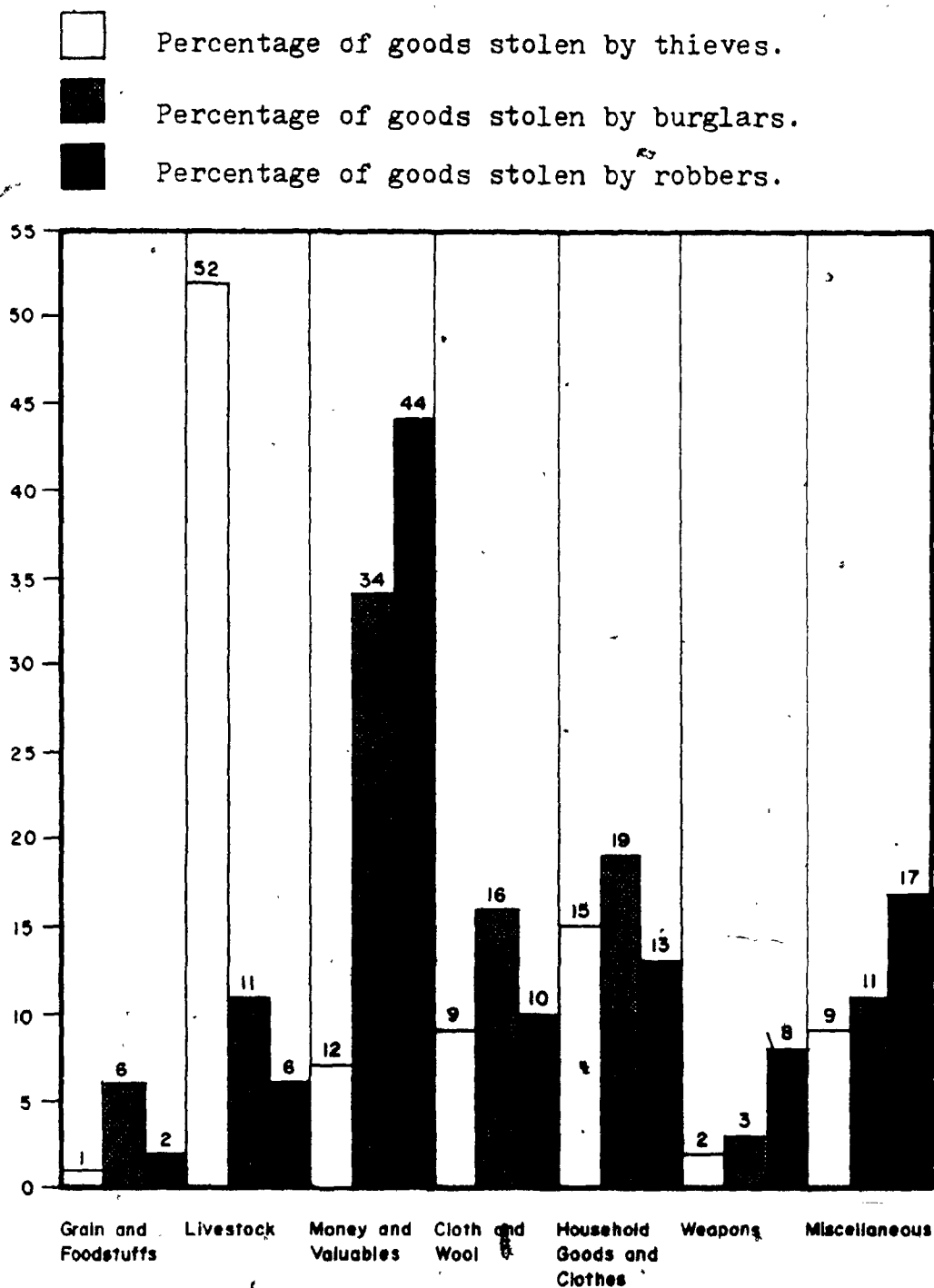
<u>Stolen Goods</u>	<u>Percentage stolen in larcenies</u>	<u>Percentage stolen in burglaries</u>	<u>Percentage stolen in robberies</u>
Foodstuffs and grain	15	77	8
Livestock	79	17	4
Money and valuables	19	55	26
Cloth and wool	31	57	12
Household goods	36	52	12
Clothes	43	43	14
Weapons	24	38	38
Miscellaneous	34	45	21

\*The above figures were derived in the following way. If a burglar stole two cows and six amulets, for instance, a mark was placed in each of the livestock and valuables category. The actual number of stolen cows and amulets was not taken into consideration. The charts in appendix 1 do not distinguish between the goods stolen in a number of thefts by a single felon. In calculating the above figures the goods stolen in each theft were distinguished. The percentages in the following tables and figures have been calculated in the same manner.

<sup>11</sup>See table 29. When stolen goods were simply called bonis et cattalis, they were counted as miscellaneous goods.

<sup>12</sup>See table 29.

FIGURE 4: The percentage of goods stolen by thieves, burglars, and robbers in the southwestern counties, 1413-1430.





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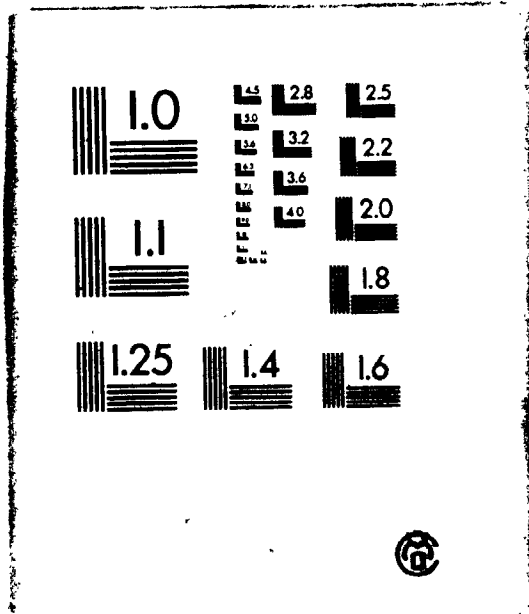
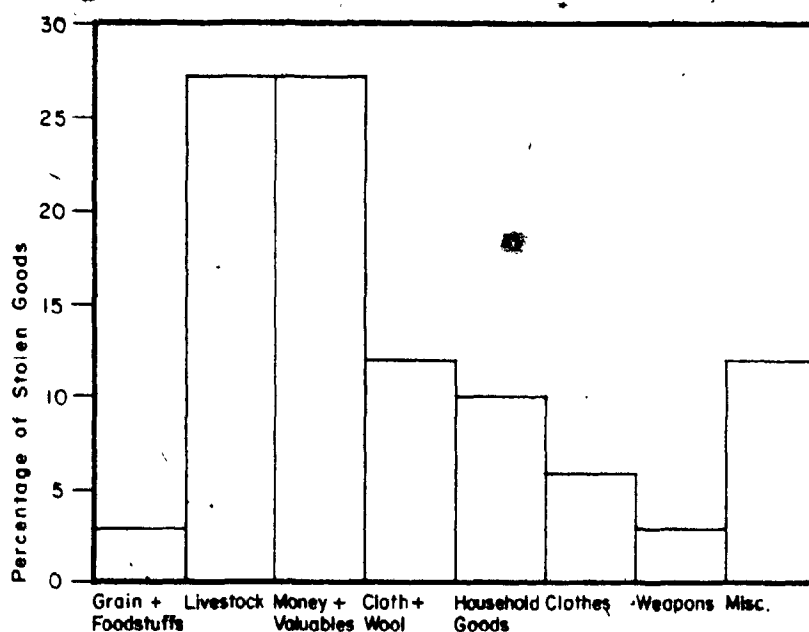


TABLE 29: The percentage of goods stolen in the southwestern counties, 1413-1430.

<u>Stolen Goods</u>	<u>Percentage</u>
Grain and Foodstuffs	3
Livestock	27
Money and Valuables	27
Cloth and Wool	12
Household Goods	10
Clothes	6
Weapons	3
Miscellaneous	12
	<u>100%</u>

FIGURE 5: The percentage of goods stolen in the southwestern counties, 1413-1430.\*



\* See table 29.

Both A.R. Bridbury and J. Hatcher agreed that if some areas of England experienced economic decay, the depression did not affect the laborer, the peasant, and the artisan adversely.<sup>13</sup> When the population of England declined by one half to one third after the Black Death, labour was so scarce that workers could demand higher wages than they were accustomed to receive. Indeed wages steadily grew in the early fifteenth century to reach a peak between 1430 and 1460.<sup>14</sup> A Dorsetshire plough-driver in 1374, for example, earned approximately 4s. a year. By the mid-fifteenth century he earned about 12s. a year.<sup>15</sup> At the same time rents were falling. For example, at Aldbourne, Wiltshire, the rent for a half virgate tenement had fallen from 8s.-7d. to 3s. by 1425.<sup>16</sup> Grain prices too were falling or remaining stationary.<sup>17</sup> For example, in Dorsetshire in 1374, a bushel of barley was worth 6d. In 1446 it was still worth the same amount.<sup>18</sup> Thus the standard of living for many members of the working classes

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<sup>13</sup>Hatcher, Plague, pp. 47ff; A.R. Bridbury, Economic Growth: England in the Later Middle Ages (London, 1962), chapter five.

<sup>14</sup>Hatcher, Plague, p. 48.

<sup>15</sup>The Victoria History of the Counties of England: The Victoria History of the County of Dorset, ed. W. Page, (London, 1908), ii, 240.

<sup>16</sup>The Victoria History of the Counties of England: A History of Wiltshire, ed. E. Crittall (London, 1959), iv, 40.

<sup>17</sup>Hatcher, Plague, p. 50.

<sup>18</sup>Victoria History of Dorset, ed. W. Page, ii, 240.

rose.<sup>19</sup>

Evidence from the gaol delivery rolls for the western circuit, 1413 to 1430, supports the general consensus that the economic well-being of the working classes had improved after the Black Death. The types of goods stolen reflects a society that was not living at subsistence level. B.A. Hanawalt noted that during the famine of 1315-1317 thefts of foodstuffs and grain were frequent.<sup>20</sup> Later, when the famine abated and the price of grain began to fall, food was not stolen quite so often. Then, thefts of valuables such as money and jewels increased.<sup>21</sup> In the southwestern counties, 1413 to 1430, foodstuffs and grain accounted for only 3 per cent of the stolen goods.<sup>22</sup> The population, reduced in size by the plague years, and enjoying high wages, low rents, and low prices, probably did not find it difficult to find or to produce food to live on. Livestock thefts before the Black Death were quite high.<sup>23</sup> This of course reflected the essentially agricultural nature of medieval society. Livestock was never far from sight and

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<sup>19</sup>See Hatcher, Plague, p. 50.

<sup>20</sup>Hanawalt, Crime and Conflict, p. 255.

<sup>21</sup>Ibid., p. 257.

<sup>22</sup>See table 29 and figure 5.

<sup>23</sup>Hanawalt, Crime and Conflict, p. 70.

it was easy to lead away. Perhaps it was stolen because it could be converted into food or money very easily. In the southwestern counties, 1413 to 1430, livestock accounted for only 27 per cent of the stolen goods.<sup>24</sup> Valuables such as jewellery, money, silver spoons, and furs were stolen just as often as livestock was. This indicates two things. The population in the southwest was fortunate enough to own jewels, silver objects, and other valuables and to have on hand large sums of money. A husbandman, Walter London, for example, was the subject of three thefts. He lost £22 to John Mulleward, another husbandman.<sup>25</sup> On the same day, Thomas Podymour, a holywater-clerk stole £25 in gold and silver from him.<sup>26</sup> Two days later a laborer, John Ansty, broke into London's house and took another £25 in gold and silver.<sup>27</sup> London was obviously a fairly wealthy husbandman and his wealth was certainly well known. These thieves, moreover, were probably concerned not so much with stealing for survival, but with stealing to increase their wealth substantially. The gaol delivery roll evidence points, in this respect,

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<sup>24</sup>See table 29 and figure 5.

<sup>25</sup>JUST 3/198, m. 11.

<sup>26</sup>JUST 3/198, m. 11d.

<sup>27</sup>JUST 3/198, m. 11d.

to a relatively good standard of living among the lower classes of the southwestern counties in the early fifteenth century.

Just as the types of goods stolen demonstrate that the lower classes enjoyed a relatively decent standard of living in the southwestern counties, the value of the stolen goods points to similar conclusions. That robbers stole goods of higher value than burglars and burglars made higher profits than thieves has been documented for the first half of the fourteenth century.<sup>28</sup> This was also the case for the southwestern counties in the second and third decades of the fifteenth century. Thieves stole goods totaling up to 10s. in 46 per cent of the thefts. Burglars took goods that amount in 24 per cent of the burglaries and robbers stole goods totaling up to 10s. in 15 per cent of the robberies. On the other hand, 72 per cent of the robbers' hauls were worth over L1. In 61 per cent of the burglaries the goods were worth over L1. Thieves stole over L1 worth of goods in 31 per cent of the larcenies.<sup>29</sup>

The low value of the goods taken in larcenies perhaps can be accounted for. When livestock was stolen often only one or two animals were taken. One thief stole a single sheep valued at only 20d.<sup>30</sup> A horse was valued

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<sup>28</sup>Hanawalt, Crime and Conflict, p. 75, figure 3.

<sup>29</sup>See table 30 and figure 6.

<sup>30</sup>JUST 3/198, m. 2.

from 20s. to 40s.<sup>31</sup> Once two cows were valued at 8s. and in another theft two cows cost 20s.<sup>32</sup> When valuables or cloth were stolen in larcenies, they were taken in small quantities. One thief stole thread valued at only 4s.<sup>33</sup> Once a single silver spoon worth 2s.-6d. was carried away.<sup>34</sup> Occasionally, however, thieves stole a great deal. Thomas Kempe and William Bumbold drove off 175 sheep worth over £13.<sup>35</sup> Two more thieves stole two horses valued at £5, two bridles worth 10s., five silver spoons worth 10s., and other goods and chattels worth £5.<sup>36</sup> It seems, however, that probably most thieves did not plan their acts in order to gain the most lucrative haul possible. Instead they grabbed the closest articles and ran.

Usually it was the burglar who carried away a lot of loot. The burglar had to plan his act a little more carefully than the common thief. First he would have to make sure the house he intended to break into was empty. Then he would have to plan how and when to enter it. No doubt the burglar was prepared to steal a wide variety of goods. John Kettere, who committed three burglaries, took cloth, silver spoons and coins totaling approximately

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<sup>31</sup>JUST 3/205, m. 3.

<sup>32</sup>JUST 3/205, m. 6d.; JUST 3/202, m. 1d.

<sup>33</sup>JUST 3/198, m. 3.

<sup>34</sup>JUST 3/205, m. 2.

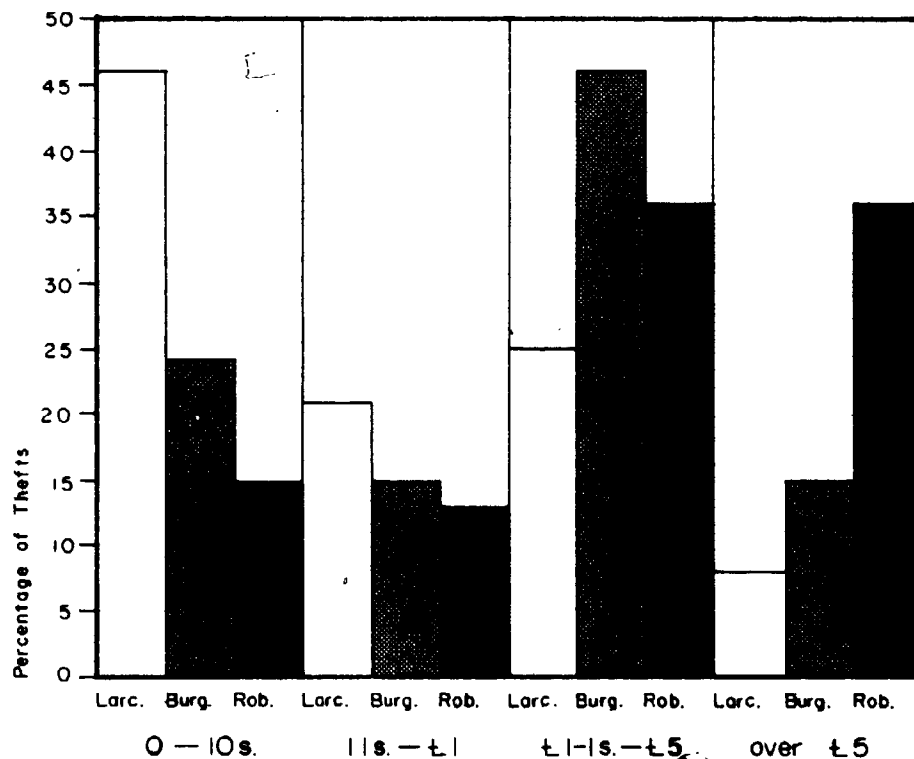
<sup>35</sup>JUST 3/198, m. 5.

<sup>36</sup>JUST 3/205, m. 5.

TABLE 30 : The value of the stolen goods taken in larcenies, burglaries, and robberies in the southwestern counties, 1413-1430.

Value	Larceny		Burglary		Robbery	
	No.	%	No.	%	No.	%
0 - 10s.	62	46	26	24	5	15
11s. - 1 L1	29	21	17	15	4	13
11-1s. - L5	34	25	51	46	12	36
over L5	<u>11</u>	<u>8</u>	<u>16</u>	<u>15</u>	<u>12</u>	<u>36</u>
Total	136	100%	110	100%	33	100%

FIGURE 6: The value of the stolen goods taken in larcenies, burglaries, and robberies in the southwestern counties, 1413-1430.





£8-4s. from one house. Later he stole grain and clothes worth 10s. from another house. He also supposedly stole cloth, sheets, and other goods and chattels from Robert Whyte's home.<sup>37</sup> Burglars took more than thieves and consequently the total value of the stolen goods in each of their raids was higher. Moreover, burglars often stole expensive valuables and money. Thomas Goldsmyth broke into William Goldsmyth's house and stole money, belts with silver buckles, coral beads, a gold brooch, an ewe, a pair of beads of 'Gete', cloth and thirteen gold amulets totaling just over £41.<sup>38</sup>

It was the robbers who took the most chances in perpetrating their crimes. They risked physical injury and perhaps death when they attacked their victims in order to steal. However, robbers profited the most from their deeds perhaps because they stole money and valuable very frequently. Thomas Bailly, for example, was appealed for robbing William Cauntelbury of one bay horse, sixteen silver spoons, three amulets, jewellery, five silver goblets, two silver belts, money, and other goods and chattels valued at about £40.<sup>39</sup> Robbers sometimes did not make such profitable thefts. Henry Wodeword was accused of assaulting Robert Smyth on the king's highway between East Harnham and Homington, Wiltshire. He stole one

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<sup>37</sup>JUST 3/205, m. 7.

<sup>38</sup>JUST 3/198, m. 12.

<sup>39</sup>JUST 3/198, m. 13d.

horse and a bridle worth 13s.-4d., hardly a valuable haul.<sup>40</sup> Highway robbers could only steal whatever goods their victims had with them. These goods were not always very considerable. However, for the most part robbers made the most lucrative thefts.

TABLE 31: The value of the stolen goods taken in each theft in the southwestern counties, 1413-1430.\*

<u>Total value of goods</u>	<u>Number of thefts</u>	<u>Percentage of of thefts</u>
0 - 10s.	93	33
11s. - £1	50	18
£1-1s. - £5	97	35
over £5	<u>39</u>	<u>14</u>
Total	279	100%

\*The charts in appendix 1 do not distinguish between the value of the goods stolen in one theft from the value of the goods stolen in another theft if both thefts were recorded in the same entry. The value of the stolen goods have been examined for each theft to determine the percentages in tables 29, 30 and 31 and figure 6.

Suspected felons stole goods worth up to 10s. in 33 per cent of the thefts.<sup>41</sup> In 46 per cent of the larcenies, 24 per cent of the burglaries, and 15 per cent of the robberies goods of that value were stolen.<sup>42</sup> A comparison

<sup>40</sup>JUST 3/205, m. 11.

<sup>41</sup>See table 31.

<sup>42</sup>See table 30.

of these statistics with B.A. Hanawalt's for the years 1300 to 1348 is informative. In the early fourteenth century 70.2 per cent of the thieves, 56.3 per cent of the burglars, and 42.8 per cent of the robbers stole goods worth less than 11s.<sup>43</sup> Moreover, only 14.5 per cent of the thieves, 27.6 per cent of the burglars, and 43.1 per cent of the robbers in Hanawalt's period stole goods worth over £1.<sup>44</sup> In the southwestern counties, 1413 to 1430, in 33 per cent of the thefts, 61 per cent of the burglaries, and 72 per cent of the robberies the value of the stolen goods totaled over £1.<sup>45</sup> Clearly thieves' robbers' and burglars' hauls were worth far more in the early fifteenth century than they were in the first five decades of the fourteenth century. Theft was a much more lucrative affair in the fifteenth century. We can speculate from the comparison that the southwestern county victims in the fifteenth century had more goods or more valuable goods than did the people of the early fourteenth century. The higher value of the stolen goods taken in each theft suggests that the standard of living was better in the post Black Death age.

An analysis of the value of the stolen goods suggests why some thieves were convicted and others were acquitted.

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<sup>43</sup>Hanawalt, Crime and Conflict, pp. 72, 82, 85.

<sup>44</sup>Ibid., pp. 75, 82, 85.

<sup>45</sup>See table 30.

Only two (1 per cent) of the thieves who stole goods which valued £1 and under were convicted. However, 20 per cent of the thieves who stole between £1-1s. and £5 were convicted. Eighteen per cent of the thieves who took goods worth over £5 were convicted.<sup>46</sup> Thefts of goods worth under £1 were obviously not considered harmful enough to warrant convictions. On the other hand, thieves who stole more valuable items were running a greater risk of being convicted if they were caught.

TABLE 32: The value of stolen goods and the conviction rate for thieves in the southwestern counties, 1413-1430.

<u>Value of stolen goods</u>	<u>Number of suspected thieves</u>	<u>Number convicted</u>	<u>Percentage convicted</u>
0 - £1	144	2	1
£1-1s. - £5	97	19	20
over £5	<u>38</u>	<u>7</u>	18
Total	279	27	

The types of goods stolen by suspects varied so much that we can only surmise that jurors convicted suspects who stole certain items. Thirty-three per cent of the goods stolen by convicted thieves were animals and 26 per cent were money and valuables. If these items were

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<sup>46</sup>See table 32.

the most valued objects in medieval society, the jurors probably looked askance at the suspects who stole them. However, it must be remembered that many thieves who stole livestock, valuables, and money were acquitted.

The types of goods stolen and the value of the goods taken in each theft suggest that many members of the lower classes in the southwestern counties in the early fifteenth century were enjoying a decent standard of living. The value of the goods and possibly the type of goods taken in each theft perhaps dictated to the juries which thieves should be convicted. Thieves who stole livestock and money worth over £1 were more likely to be sentenced to death than were thieves who stole, for instance, household goods worth under £1.

## CHAPTER VII

### THE REBELLION AT FACCOMBE MANOR: INTER-CLASS CONFLICT IN THE GAOL DELIVERY ROLLS

It is difficult to gauge from the gaol delivery rolls whether or not tensions between different status groups within medieval society gave rise to criminal acts. The victim's rank or occupation was rarely recorded in the rolls unless the victim happened to be a member of the clergy. Hanawalt's attempt to demonstrate the existence of inter-class conflict within medieval communities is praiseworthy, but inconclusive. Hanawalt examined the relationship between suspects and victims who could be found in both Ramsey abbey manorial court rolls and gaol delivery rolls. Using J.A. Raftis's division of Ramsey abbey villagers into three status groups, Hanawalt tried to show that there indeed was inter-class conflict among villagers. She wrote that:

The secondary villagers selected victims from their own ranks and the primary villagers. The intermediate villagers . . . found victims . . . most often among the primary and secondary villagers. Victims, then, came from the groups in the village that were in competition for resources and power with the accused.<sup>1</sup>

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<sup>1</sup>Hanawalt, Crime and Conflict, pp. 262-63.

However, Raftis's methodology in determining the status groups Hanawalt spoke of has been severely criticized.<sup>2</sup> Thus the veracity of Hanawalt's own observations concerning inter-class conflict must be questioned. Nevertheless it is surely a worthwhile effort to compare the people in the manorial court records with the gaol delivery suspects to determine what, if any, conflicts existed in medieval communities. Such an examination, however, is beyond the scope of this paper. One gaol delivery entry in the rolls under examination does however divulge evidence of social conflict in Hampshire in the middle of the 1420s.

At midnight on Sunday May 11, 1427, John Punchardon, lord of Faccombe manor, was murdered in a field at Faccombe in northwestern Hampshire. The gaol delivery roll recorded that:

Hugo Cosyn de Faccombe . . . laborer, Egidius Cosyn de Faccombe . . . laborer, Petrus Cosyn de Faccombe . . . laborer et Petrus Skynne de Faccombe . . . fermer alias capti pro suspicionem mortis Johannis Punchardon nuper dominus maneri de Faccombe . . . Richardus Punchardon filius et heres predicti Johannes Punchardon . . . instanter appellat . . . Hugonem, Egidium, Petrum et Petrum ac Ricardum Cosyn nuper de Faccombe . . . husbondman, Johannem Rawelot de Faccombe . . . smyth, et Thomam Cosyn de Faccombe . . . husbondman nuper nativos et homines ipsius Johannis Punchardon cuius heres ipse est ac Ricardum Baddesley de Sandelford in comitatu Berks. yoman, Johanem Abs de Sandelford . . . laborer,

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<sup>2</sup>See Zvi Razi, "The Toronto School's Reconstitution of Medieval Peasant Society: A Critical View", Past and Present 85 (1979), 146-49.

Robertum Angote de Sandelford . . . Frenchman, Thomum White de Newbury . . . tanner et Robertum Fryt de Newbury . . . hosyere de morte predicti Johannis Punchardon . . . apud Faccombe in camera sua iacens in lecto suo ibidem . . . mediam noctem . . . venerunt vi et armis . . . insidiandum et insultum praemeditato et praefatem Johannem Punchardon extra cameram et lectum suum . . . ibidem extraxerunt et ipsum abunde abduxerunt usque quemdam campum vocat fyfe acres. . . . Et predictus Hugo cum uno gysarme precii iid. quod tenuit in manibus sui . . . Johannem Punchardon in sinistra parte capitis . . . felonice percussit et ei dedit plagam mortalem et predictus Egidius ipsum Johannem Punchardon cum uno baculo precii id. quem tenuit in manibus sui . . . felonice super dorsum . . . percussit et dedit ei aliam plagam mortalem et predictus Petrus Cosyn cum uno gladiis precii iid. quem tenuit in manibus sui ipsum Johannem Punchardon . . . in sinistra parte lactis . . . felonice percussit et dedit ei aliam plagam mortalem et predictus Ricardus Cosyn cum uno baculo precii id. quem tenuit in manibus sui predictum Johannes Punchardon . . . in dextra parte capitis felonice percussit et dedit ei aliam plagam mortalem et predictus Ricardus Baddesley predictum Johannem Punchardon cum uno daggar precii iid. quod tenuit in manibus sui . . . in dorso usque ad felonice percussit et dedit ei aliam plagam et predictus Johannes Abs predictum Johannem Punchardon cum uno daggar precii xd. quod tenuit in manibus sui in pectore . . . felonice percussit et dedit ei aliam plagam mortalem et predictus Robertus Angote predictum Johannem Punchardon cum uno bill precii iid. quod tenuit in manibus sui . . . in collo . . . felonice percussit et dedit ei aliam plagam mortalem per quas quidem plagas dictus Johannes Punchardon . . . obiit. Et sic . . . Hugo, Edigus, Petrus Cosyn, Ricardus Cosyn, Ricardus Baddesley, Johannes Abs et Robertus Angote praefatem Johannem Punchardon ad tunc ibidem in forma predicta interfecerunt et murdraverunt. Et Thomas Cosyn, Johannes Rawelot, Petrus Skynne, Thomas White et Robertus Fryt fuerunt . . . ibidem felonice . . . auxiliantes, confortantes, abbettantes, et procurantes prefatos Hugonem, Egidium, Petrum



Cosyn, Ricardum Cosyn, Ricardum Baddesley,  
Johannem Abs et Robertum Angote ad feloniam  
et murdrum praedictam in formam predictam  
faciendum et perpetrandum.<sup>3</sup>

Two months later, on July 21, 1427, Hugh Cosyn, Peter Cosyn, Peter Skynne, and Giles Cosyn were brought to the gaol delivery sessions in Winchester for murdering their lord. All four were found guilty and thus they were sentenced to be drawn and hanged. The other appellees were still at large but at two further gaol deliveries Thomas Cosyn and Richard Cosyn, found guilty, were sentenced to death. We do not know what happened to the other suspects because the entry was left incomplete on the matter. One further indictment recorded that Nicholas Skynne was acquitted of receiving Hugh Cosyn and Giles Cosyn after the murder was accomplished.<sup>4</sup>

Although the gaol delivery entry does not divulge the reasons why John Punchardon was murdered so brutally by his villeins, one can speculate that it was Punchardon's oppression that caused his downfall. In the late fourteenth and fifteenth centuries, some lords reacted to the changing demographic and economic conditions, which favoured the villein at the expense of the lord, by repressing their serfs. Serfs, kept in villeinage, were

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<sup>3</sup>JUST 3/205, m. 4d. The murder was incorrectly dated in The Victoria History of the Counties of England: A History of Hampshire and the Isle of Wight, ed. W. Page (London, 1973), iv, 315.

<sup>4</sup>JUST 3/205, m. 5d.

thus deprived of new economic opportunities available to their freed counterparts.<sup>5</sup> By murdering Punchardon, the villeins at Faccombe manor were perhaps rebelling against the oppressive conditions under which they may have lived. The last time a Cosyn was mentioned in the manorial court rolls was in 1433 when one John Cosyn was manumitted.<sup>6</sup> Perhaps Punchardon's murder convinced his heir to release Faccombe serfs, or at least Cosyn serfs, from villeinage. Punchardon's death possibly marked a happy turning point for the villeins of Faccombe manor.

The ancient relationship between the Punchardons and the Cosyns suggests that inter-class conflict was not the only cause of the homicide. In 1207 King John granted part of Faccombe manor to Thomas Peverel, and the rest he divided up between William Cosyn and Oliver Punchardon. In 1211 a record noted that Cosyn, Peverel, and Punchardon were holding the manor by service of a knight's fee. Ten years later, in 1221, Peverel's lands were granted to Oliver Punchardon so that Punchardon now held three quarters of Faccombe manor. In 1231 not only

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<sup>5</sup>This reaction was described by R.H. Hilton, The Decline of Serfdom in Medieval England (London, 1969), pp. 35-6.

<sup>6</sup>Victoria History of Hampshire, ed. Page, iv, 315.

was Punchardon's grant made permanent, but the Punchardons were recorded as holding the whole of Faccombe manor. It is not known why the Cosyns gave up or lost their share of Faccombe to the Punchardons. Faccombe manorial court rolls in Edward III's reign, however, count the Cosyns among the Faccombe villeins.<sup>7</sup>

Although it is possible that the villein Cosyns and the Cosyns who held part of a knight's fee in the early thirteenth century were of different families, it is also quite conceivable that the Cosyns had fallen to serfdom some time after they lost their portion of Faccombe manor.<sup>8</sup> Surely the Cosyn family with such a history would not happily become and remain the villeins of their old neighbours, particularly in the new economic conditions of the fifteenth century.

Two years before Punchardon was murdered, Faccombe was the scene of much unrest. On Michaelmas day, 1425, Richard Cosyn, Hugh Cosyn and John Paulet the younger ambushed John Punchardon on Cosyn street in Faccombe. Punchardon was severely beaten and wounded.<sup>9</sup> Just under a year later two more violent attacks on Punchardon

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<sup>7</sup>The above history of Faccombe manor was derived from Victoria History of Hampshire, ed. W. Page, iv, 314-18.

<sup>8</sup>M.M. Postan suggested that in the twelfth and thirteenth centuries the economic situation did not favour the smaller landlords. The period saw the 'downward movement of declining knightly families.' M.M. Postan, The Medieval Economy and Society (Aylesbury, 1972), pp. 179-184.

<sup>9</sup>Victoria History of Hampshire, ed. W. Page, iv, 315.

took place.<sup>10</sup> On July 2, 1426, six artisans from Newbury, Berkshire, heavily laden with weapons, came to Faccombe. According to a manorial court record, but not the gaol delivery entry, Richard Cosyn led the group.<sup>11</sup> They assaulted and intended to kill Punchardon and his steward who were holding the view of frankpledge. The lord and his steward managed to escape by locking themselves in a chamber in the manor house. Another indictment in the same gaol delivery roll entry records a similar attack made by the same Newbury men on the same day. Arrayed in a warlike manner with gisamres, poleaxes, daggars, staffs, swords, bows and arrows, the malefactors came to Faccombe to kill Thomas Hampstede, Punchardon's steward and Punchardon himself. They also allegedly intended to burn Faccombe manor. Hampstede and Punchardon were assaulted but escaped being killed. All of the attackers were acquitted on both charges. We do not know just who these Newbury men were. Perhaps they were in the employ of the Cosyns. Certainly one record noted that Richard Cosyn led the malefactors. Possibly the Newbury artisans were other enemies of Punchardon. If so, the gaol delivery rolls record that Punchardon had at least eighteen men who wanted to see him dead.

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<sup>10</sup>JUST 3/205, m. 5.

<sup>11</sup>Victoria History of Hampshire, ed. Page, iv, 315.

The above two attacks on Punchardon and his steward occurred when the two men were holding a view of frankpledge. Although this institution had declined after the Black Death, it was still occasionally administered in the fifteenth century. D.A. Crowley suggested that the frankpledge system continued to function partly because it still bound men to good behaviour but also because it enabled the lord to keep a list of the villeins and poorer freemen under his jurisdiction.<sup>12</sup> In effect, it emphasized his status as the villeins' lord. The attacks on Punchardon at the view of frankpledge, therefore, may have been symbolic of local contempt for Punchardon's lordship.

Punchardon may have kept his villagers in villeinage for economic reasons but he may also have done so for reasons of status. Hilton noted that: 'One reason why lords insisted in the fifteenth century on maintaining the institutions of serfdom was no doubt because of deeply rooted ideas about social status.'<sup>13</sup> Punchardon's possible concern for his status is evidenced not only by his holding a view of frankpledge, but also by the fact that he was a county coroner. Punchardon was one of the coroners who

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<sup>12</sup>Crowley, Bulletin of the Institute of Historical Research, xlviii (1975), 15.

<sup>13</sup>Hilton, Serfdom, p. 50.

recorded an approver's confession in 1426.<sup>14</sup> Although this unpaid office was unpopular some men still found it advantageous because of the status it offered.<sup>15</sup> Punchardon's activities and status as a coroner may have aroused the ire of his attackers. Coroners regularly extorted money in the course of their duties.<sup>16</sup> They demanded bribes before holding inquests on dead bodies. They released appellees from appeals by approvers in return for money.<sup>17</sup> There is no evidence that Punchardon was corrupted in these ways, but on December 3, 1422, the sheriff of Southampton was ordered to elect a new coroner because Punchardon was insufficiently qualified.<sup>18</sup> This might have meant that Punchardon had been improperly elected to the post though it could have meant that he was somehow personally unfit to fill the position.<sup>19</sup> In any event, a new coroner did not replace Punchardon; Punchardon was a coroner at his death.<sup>20</sup>

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<sup>14</sup>JUST 3/205, m. 3.

<sup>15</sup>Hunnisett, The Medieval Coroner, p. 189.

<sup>16</sup>Ibid., p. 120.

<sup>17</sup>Ibid., p. 125.

<sup>18</sup>Calendar of Close Rolls, 1422-1429, p. 4.

<sup>19</sup>Hunnisett, The Medieval Coroner, p. 172.

<sup>20</sup>Cal. Close Rolls, 1422-1429, pp. 346, 361. The sheriff of Hampshire was ordered on September 26, 1427 and February 8, 1428 to elect a new coroner because John Punchardon 'is dead'.

The evidence of the gaol delivery and manorial court rolls suggests that the Punchardons were a rising knightly family which was intent on preserving and increasing its status to the dismay of the villeins it controlled. Possibly the social and economic expectations of the lord and villeins clashed resulting in the eruption of a small rebellion which lasted, according to extant records, for two years. On the other hand, the unrest at Faccombe was possibly the result of an ancient feud between the Punchardon and the Cosyn families.

## CHAPTER VIII

### THE LOCATION OF FELONIES

With the demise of one third to one half of England's population after the Black Death, laborers, artisans, and tenants, in great demand, found it economically rewarding to move from manor to manor, from village to village wherever wage rates were high or rents were low. The increased mobility of the lower classes in the later middle ages has been well documented in both contemporary and modern works. A statute at the beginning of the period under consideration complained that, 'servants and laborers of the shires of the realm do flee from county to county.'<sup>1</sup> J.A. Raftis noted that by 1400 Ramsey abbey villages experienced a large 'exodus' of the peasantry which was due, in part, to 'the pull of new economic attractions.'<sup>2</sup> As early as 1376 wandering laborers were accused of leading idle lives. The commons complained that:

They rob poor people in simple villages, by two, three, or four together. . . . The greater part generally become strong thieves, increasing their robberies and

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<sup>1</sup> Henry V, st. 1, c. 4.

<sup>2</sup> J.A. Raftis, Tenure and Mobility. Studies in the



felonies every day on all sides, in destruction of the realm.<sup>3</sup>

The mobility and the felonious activities of the lower classes in the second and third decades of the fifteenth century are reflected in the western circuit gaol delivery rolls. Just over one half of the accused were taken for committing crimes in their home towns. However, 44 per cent of the suspects were accused of perpetrating felonies in towns and villages near and far from their residences.<sup>4</sup> Eighteen per cent journeyed between one and ten miles from where they were domiciled to where the crime was committed. Conceivably these suspects could return home the same day the felony was done. They were not necessarily strangers to the victim or to the village where the victim lived. Nine per cent of the suspects who travelled eleven to twenty miles away from their home towns perhaps expected to be away from home for one day. Eleven per cent of the suspects travelled between twenty-one and fifty miles before they reached the town where they allegedly committed felonies. F.M. Stenton calculated that the average traveller could journey twenty to thirty miles a day.<sup>5</sup> Thus eleven per cent of the

the Social History of the Medieval English Village (Toronto, 1964), p. 153.

<sup>3</sup>Rot. Parl., ii, 340.

<sup>4</sup>See table 33 and appendix 3.

<sup>5</sup>F.M. Stenton, "The Road System of Medieval England", Economic History Review, vii (1936), 16. M.W. Labarge noted that Richard II once travelled seventy miles to Westminster

suspects perpetrated crimes one to three days distance from their homes. A further six per cent were arrested for felonies committed over fifty miles from their home towns.<sup>6</sup> One suspect, Peter Bannebury, who was domiciled in St. Albans, Hertfordshire, was taken for a crime committed in Meon Hampshire. He had travelled approximately 75 miles from home.<sup>7</sup> Another suspect travelled about 200 miles from York to Winchester.<sup>8</sup>

TABLE 33: The distance travelled by suspects from their hometowns to the towns and villages where they supposedly committed felonies.

<u>Miles travelled</u>	<u>Number of suspects</u>	<u>Percentage of suspects</u>
0	250	56
1 - 5	48	11
6 - 10	33	7
11 - 20	41	9
21 - 50	50	11
over 50	<u>25</u>	<u>6</u>
Total	447	100%

\* The distances were calculated as the crow flies. When a suspect was arrested for two or more felonies committed in one village or town, the distance travelled to that place was counted once. When a suspect committed felonies in two different places, the distance was calculated each time from his hometown. It is possible of course that the suspect did not travel to the second town from his hometown. Occasionally distances could not be calculated because the towns or villages could not be located on any map or because the suspect's domicile was not recorded. See appendix 3.

from Daventry overnight. See M.W. Labarge, Medieval Travellers The Rich and Restless (London, 1982), p. 16.

The towns and villages in some counties were less likely to be visited by alien felons than the towns and villages in other shires.<sup>9</sup> Seventy-three per cent of the suspects in Dorsetshire allegedly committed felonies in the villages they lived in. Sixty per cent of the suspects committed crimes in their hometowns in both Wiltshire and Cornwall, while 50, 49 and 53 per cent of the suspects committed crimes where they were domiciled in Hampshire, Somerset, and Devon respectively. The towns and villages in the latter counties experienced more felonies committed by strangers than the towns in the former three counties. In Devon, for example, 41 per cent of the suspects journeyed over ten miles to commit felonies. Most of the suspects who were strangers did not come from other counties. For the most part Devonshire suspects came from Devon, Somersetshire suspects from Somerset, and so on. Few wandered very far from home.

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<sup>6</sup>See table 33. It is important to keep in mind Doris Stenton's remark that travellers did not necessarily take the shortest routes if these were not safe or well kept. The distances travelled by the southwestern suspects could very well have been longer than calculated. See D.M. Stenton, "Communications", in Medieval England, ed. A.L. Poole (Oxford, 1958), i, 199.

<sup>7</sup>JUST 3/198, m. 2.

<sup>8</sup>JUST 3/198, m. 5.

<sup>9</sup>See table 34.

TABLE 34 The distance travelled by suspects in the southwestern counties, 1413-1430.

County	0 miles		1 -10m.		11 - 20m.		over 20m.	
	No.	%	No.	%	No.	%	No.	%
Hants.	86	50	42	25	13	8	29	17
Wilts.	61	60	20	20	10	10	10	10
Dorset	38	73	9	17	3	6	2	4
Somerset	15	49	5	17	5	17	5	17
Devon	47	53	5	6	9	10	28	31
Cornwall	3	60	0	0	1	20	1	20
Total	250		81		41		75	

Although roads in the middle ages were not comfortable to travel on, F.M. Stenton felt that they were 'sufficient' enough for most travellers.<sup>10</sup> For many of the suspects in the gaol delivery rolls they obviously posed no problem for movement. One of the four great Roman roads used in the middle ages was called the Fosse Way. It stretched from Lincoln to Exeter and thus cut through most of the southwestern counties. Many other Roman roads wove their way through the southwestern countryside. Salisbury was a major junction of roads as was Exeter, Ilchester, Dorchester, Winchester, Southampton, Bath, and Marlborough.<sup>11</sup> By the eleventh century four of the great

<sup>10</sup>Stenton, Economic History Review, vii (1936), 20-21. R.B. Bennett called the roads 'deplorable.' See, R.B. Bennett, The Pastons and their England (Cambridge, 1922), p. 128.

<sup>11</sup>Ordnance Survey, Britain Before the Norman Conquest 87 A.D. to 1066 A.D. South Sheet (Southampton, 1973).

Roman roads, including the Fosse Way, were considered to be royal highways.<sup>12</sup> Slowly most of the major roads in England acquired this designation.<sup>13</sup>

It is difficult to discern which roads medieval travellers passed along. The Gough map dating from before 1350, established that a road linked Southampton to Canterbury and another road led from London to Kingston, to Guildford, to Farnham, Alton, Alresford, Salisbury, Shaftesbury, Honiton and finally to Exeter. This same road ran through to western Cornwall via Okehampton. The Gough map also delineated the Fosse Way.<sup>14</sup> However, the compiler of the map did not include every usable road on the map. Old trackways and new medieval ones were increasingly defined as traffic on them became more frequent.<sup>15</sup> Some of these roads were delineated on an early fifteenth century Premonstratensian manuscript of Titchfield abbey in Hampshire. From this abbey roads stretched into Kent via Chichester and into northeastern Hampshire as well.<sup>16</sup> Clearly the medieval wanderer had a multitude of

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<sup>12</sup>Stenton, Economic History Review vii (1936), 3-4.

<sup>13</sup>Ibid., p. 3-4.

<sup>14</sup>Ibid., p. 9.

<sup>15</sup>Ibid., p. 6.

<sup>16</sup>Stenton, "Communications", p. 203.

roads or tracks to choose from. The traveller, of course, might also journey by boat or barge down rivers.

A study of the relationship between the location of felonies in early fifteenth century Wiltshire and what were probably the major medieval roads there is revealing. There were a number of principal roads travelled upon in Wiltshire.<sup>17</sup> The Fosse Way stretched past Malmesbury from Cirencester to Castle Combe in the north-western portion of the county. From Bath a Roman road delved into Wiltshire just southwest of Bradford and Trowbridge. Another highway wound its way from Cirencester through Cricklade in northern Wiltshire to Baydon in the eastern part of the county. Marlborough was a major junction of roads. The Gough map delineated a road from Marlborough which stretched west via Calne and Chippenham to Bristol and which went east via Chilton Foliat. Ermine Street ran along this latter route but deviated at Marlborough and went to Bath via Calstone and Lacock. The Icknield Way, an ancient pathway improved by the Romans, ran to the northwest of Marlborough. Marlborough

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<sup>17</sup>The following description of the Wiltshire road system, delineated on map 1, was compiled from the Ordnance Survey, Britain Before the Norman Conquest; Stenton, "Communications", pp. 198-204; Stenton, Economic History Review, vii (1936), 1-21; G.B. Grundy, "The Ancient Highways and Tracks of Wiltshire, Berkshire, and Hampshire, and the Saxon Battlefields of Wiltshire", The Archaeological Journal, lxxv (1918) 69-194; A History of Wiltshire, ed. Crittall, iv, 254-271. See map 1.

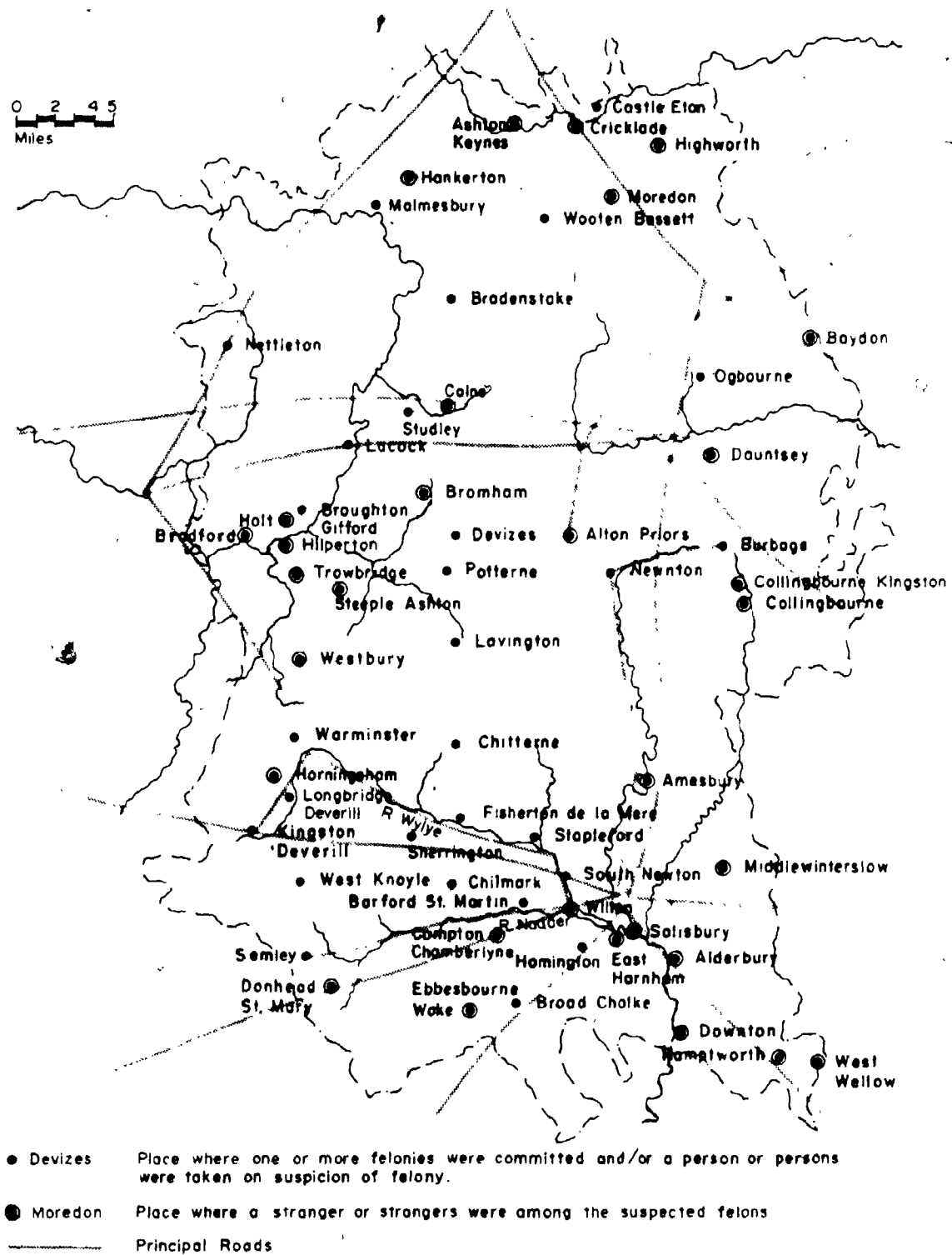
was connected to Winchester and Salisbury by other highways. Salisbury, like Marlborough, was a junction. One road ran east from it to Winchester and another went south-east to Southampton. One southwestern road connected Salisbury with Dorchester and another southwestern road stretched to Exeter via Shaftsbury. A Roman road could be travelled west from Salisbury via Maiden Bradley into Somerset. Old Saxon roads ran from Burbage and Pewsey via Amesbury to Salisbury. Other Saxon roads passed along the southern bank of the River Wylfe and the northern bank of the River Nadder. These roads also converged at Salisbury.

It is difficult to discern whether these were the well travelled Wiltshire roads. No doubt other tracks and roads were also used. Probably some roads could not be used in certain seasons. During the wet spring and winter seasons muddy lowland roads were probably avoided. Bridges in a state of disrepair doubtless caused many detours.<sup>18</sup> Travellers probably steered clear of major roads if they were known to be frequented by robbers. With these considerations in mind, the location of felony in Wiltshire can be examined.

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<sup>18</sup>See, Labarge, Medieval Travellers, p. 20.

MAP 1: The location of felonies in Wiltshire,  
1413-1430.



\* Owing to the small scale of the map, the sites marked must be considered as only approximate.



Map 1 demonstrates that many felonies were committed, or people were taken on suspicion of committing felonies, in towns and villages located within three or four miles of the closest principal roads in Wiltshire. This suggests that there was some correlation between felony and the road system. Felons would likely find towns and villages connected to the roads suitable for criminal activities because the roads offered fast access to and egress from the towns. Certainly towns nearby roads would experience more strangers wandering through them than towns farther from the roads. Indeed, map 1 demonstrates that the felonies committed by strangers were often perpetrated in towns situated near the roads. Of course, it is possible that the strangers did not commit the felonies but that the residents suspected them of doing so.

The concentration of criminal activity in the Avon river region near Bradford and Trowbridge, in the Wylfe river area, and in the Salisbury region suggests that there was a correlation between the increasingly significant cloth industry in Wiltshire and crime. Salisbury's cloth industry peaked in the late fourteenth and early fifteenth century.<sup>19</sup> In the Wylfe valley, the first half of the fifteenth century was 'clearly a period of economic growth.'<sup>20</sup>

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<sup>19</sup>A History of Wiltshire, ed. Crittall, iv, 124.

<sup>20</sup>Ibid., p. 129.

The many fulling mills on the Wylfe river and the high entry fees to the land there attests to the economic prosperity of that region. Although the area around Bradford and Trowbridge was not prominent in the cloth industry until the late fifteenth century, it was clearly developing in the early part of the century.<sup>21</sup> In Castle Combe, a cloth town whose industrial growth in the first half of the fifteenth century was described by Carus-Wilson to be 'impressive', the 'industrial proletariat' was difficult to control and the town experienced a high degree of disorder.<sup>22</sup> Although no crimes reportedly happened in Castle Combe according to the gaol delivery rolls under examination, it is tempting to speculate that other towns, growing because of the cloth industry, experienced lawlessness too. The gaol delivery rolls record that many strangers supposedly committed felonies in the cloth producing regions.<sup>23</sup> The influx of strangers in these quickly growing towns and villages must surely have caused strains within the resident communities which perhaps resulted in felonies.

No doubt the size of a town also dictated the level of crime it experienced. Larger towns such as Salisbury

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<sup>21</sup>Ibid., p. 133.

<sup>22</sup>E.M. Carus-Wilson, "Evidences of Industrial Growth on Some Fifteenth-century Manors", Economic History Review, 2nd Series, xii (1959), 160, 165-66.

<sup>23</sup>See map 1.

would probably have had a higher crime rate than smaller villages such as Nettleton. Certainly the felon would find the anonymity of larger towns desirable. However, until further local histories are completed, it will be impossible to discover beyond mere speculation, the relationship between crime and individual villages, towns, and regions.

The geography of each southwestern county is different. However, all the counties, except Wiltshire, border on one or both the Bristol and English Channels. The location of felonies in Devonshire which has coastlines on both channels was examined to determine if the incidence of felony was higher along the coast or inland.

A map of the criminal activity in Devon demonstrates that many felonies were committed in the towns and villages close to the English Channel.<sup>24</sup> Throughout the period under examination, commissions were ordered to look into the capture of ships in the English Channel which were brought into Devonshire ports, particularly Dartmouth, a notorious haven for pirates.<sup>25</sup> Piracy, although checked in Henry V's reign, increased in Henry VI's reign.<sup>26</sup>

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<sup>24</sup>See map 2.

<sup>25</sup>See Cal. Pat. Rolls, 1413-1416, pp. 35, 36, 111, 114, 116, 117, 204, 233, 65, 406, 407, 411; Cal. Pat. Rolls, 1416-1422, pp. 39, 136, 146, 147, 172, 202, 203, 204, 388, 406, 418, 423, 425; Cal. Pat. Rolls, 1422-1429, pp. 220, 221, 277, 343, 362, 493, 548; Cal. Pat. Rolls, 1429-1436, pp. 74, 82, 128, 129.

<sup>26</sup>Kingsford, Prejudice and Promise, p. 82.

However, because the admiralty court tried acts of piracy and felonies committed by seamen, the gaol delivery rolls do not record the problems of seakeeping. Instead it may be ventured that piratical activity on the English Channel stimulated felonious activity on shore.

No doubt the trading activity in the port towns encouraged crime as well. By the mid-fourteenth century and well into the fifteenth century the four major towns in Devon were the ports of Exeter, Plymouth, Barnstaple, and Dartmouth.<sup>27</sup> Barnstaple and Exeter were also important market and fair towns.<sup>28</sup> All of these ports were extensively involved in trade particularly with the English possessions in France. Wool, cloth, tin, and fish were exported. Wine was imported. Thus in the bustling ports goods were readily available for stealing. The changing populations and the high activity in the port towns must also have encouraged felony.

The felonies that occurred in the Barnstaple region were not committed in villages very close to the coast. This region was a prominent cloth producing area as was the region around Exeter where many towns also experienced felonies.<sup>29</sup> As in the Wiltshire cloth producing areas, perhaps the Barnstaple and Exeter regions experienced the problems of disorder which seemed to accompany quickly growing cloth producing towns.

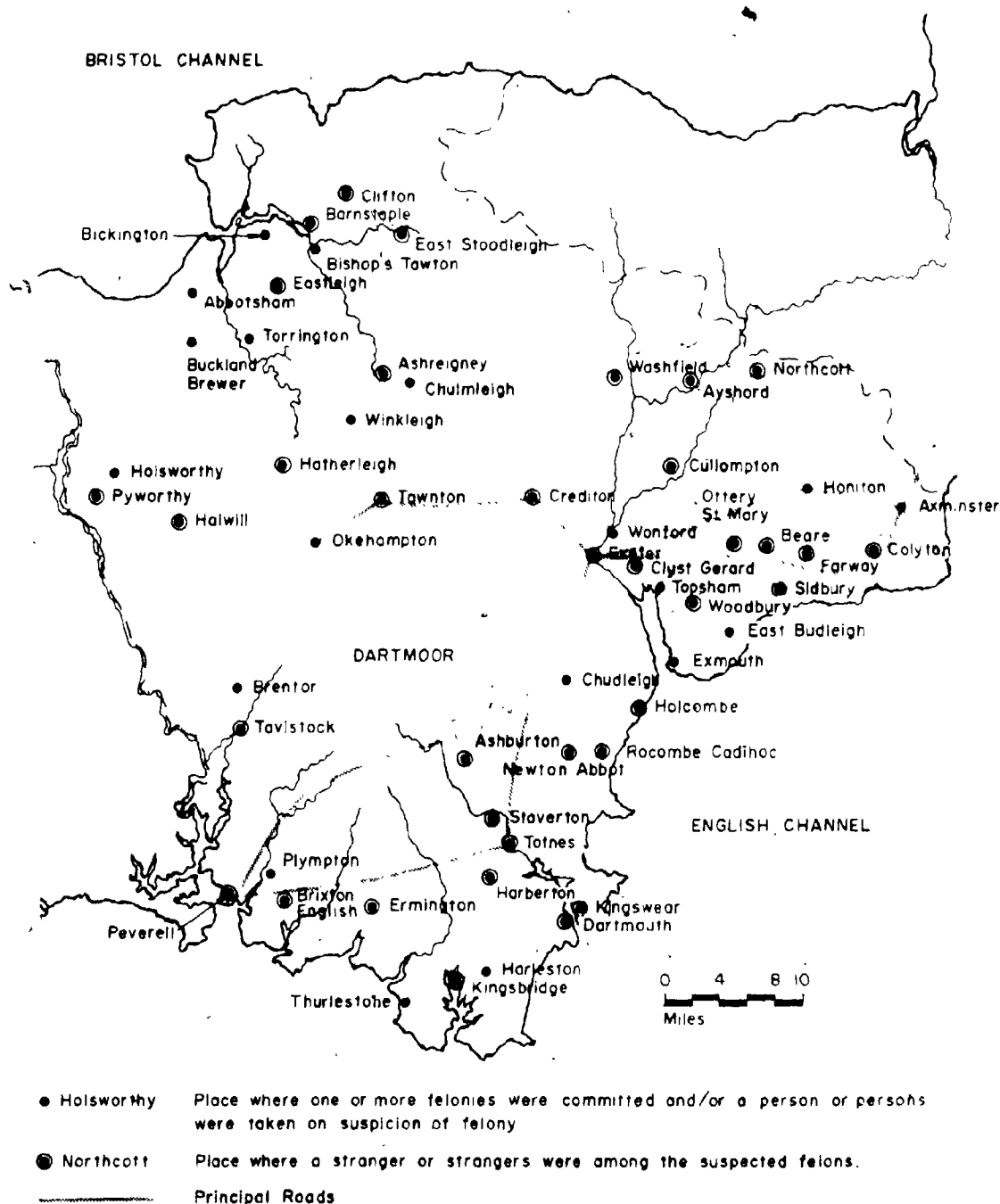
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<sup>27</sup>W.G. Hoskins, Devon (London, 1954), p. 60.

<sup>28</sup>Ibid., p. 107.

<sup>29</sup>Ibid., p. 125.

MAP 2: The location of felonies in Devon,  
1413-1430.\*



\* Owing to the small scale of the map, the sites marked must be considered as only approximate.

It is difficult to determine if roads dictated where felonies occurred in Devon. Old Roman roads branched out from Exeter east towards Lyme Regis via Honiton and Axminster and also via Axmouth. A road intersected two roads at Axminster and Axmouth. Westward from Exeter stretched a highway to Okehampton via Crediton and Tawnton. Another branched south to Chudleigh.<sup>30</sup> Ancient trackways covered Devon from Chulmleigh north to the Bristol Channel.<sup>31</sup> Trackways were abundant south of Dartmoor to the English Channel. Only in Dartmoor itself and slightly to the north of this region were there no pre-Roman roads.<sup>32</sup> In the middle ages many of the trackways were still used.<sup>33</sup> By the thirteenth century some other main roads had been established. One ran from Exeter to Totnes and then southwest to Plymouth. Another route linked Exeter to Plymouth directly.<sup>34</sup> Undoubtedly well used roads ran from Exeter to Barnstaple via Chulmleigh, and from Totnes to Dartmouth.

As map 2 demonstrates, felonies, particularly those committed by strangers, were frequently located in the

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<sup>30</sup> Ordnance Survey, Britain Before the Norman Conquest.

<sup>31</sup> Hoskins, Devon, p. 146.

<sup>32</sup> Ibid., p. 146.

<sup>33</sup> Ibid., p. 146.

<sup>34</sup> Ibid., p. 148.

towns situated near roads.<sup>35</sup> In Dartmoor, the only area where roads were probably few, no felonies occurred. Thus roads, because of the access they offered to towns and villages, may have played a part in determining the geographical location of felony. However, in Dartmoor, where tin was mined, the stannary courts handled the felony cases of tanners. This fact, and not the fact that there were few roads in Dartmoor, may account for the lack of felonies recorded in the gaol delivery rolls for this area. Roads were surely not the sole factors that determined the location of felonies. Population density, the growth of the cloth industry, and the activity in the ports must also have influenced where felonies happened.

One last note concerning the location of felony deals with where felonies occurred in each village or town. Locations were given in the gaol delivery rolls for only 219 felonies. Of these, 59 per cent were committed in houses and another 10 per cent were committed in houses and closes.<sup>36</sup> These statistics are predictable since a large proportion of felonies for which locations were reported were burglaries. Yet the house was a common

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<sup>35</sup>The roads on map 2 were compiled from Ordnance Survey, Britain Before the Norman Conquest, Hoskins, Devon, pp. 146-148.

<sup>36</sup>See table 35.

TABLE 35: The location of felonies in southwestern towns and villages, 1413-1430.

<u>Location</u>	<u>Number of felonies</u>	<u>Percentage of felonies</u>
House	130	59
House and close	20	10
Close	12	6
Fold	9	4
Pasture	5	2
Church	13	6
Mill	5	2
Tent	2	1
Gaol	9	4
Highway	3	1
Other*	<u>11</u>	<u>5</u>
Total	219	100%

\*Other locations include halls, manors, shops, gardens, woods, the sea, and ponds.

place for homicides, robberies, and rapes to occur in as well. Since larcenies normally took place outside houses, usually no location for larcenies was recorded. However, fifteen times larcenies happened in houses when thieves entered, but did not break into, homes. More often, larcenies took place in closes, folds, and pastures where animals were kept. Although we usually associate robberies as acts occurring on the royal highway, only two robberies were committed on highways. Usually



robberies took place in houses and twice they occurred in churches. Although homicide often took place in houses, it also occurred occasionally in closes, churches, woods, fields, on the highway, and in ponds. Indeed, we can postulate that wherever tempers flew, homicides happened. Interestingly enough no homicides happened in taverns where we would expect drunken homicidal brawls to occur. Counterfeiting, requiring secrecy and a place to hide instruments and materials, naturally occurred in houses, but once it was accomplished in a church.

Many of the suspected felons in the gaol delivery rolls were strangers in the towns where they allegedly committed felonies. This reflects not only the mobility of the population at large, but it also demonstrates the serious threat to order that vagrants posed. The location of felony may have been dictated to some extent by the medieval road system. Felonies were perpetrated in towns and villages close to the roads. However, other factors certainly influenced the geographical distribution of crime. Fertile ground for disorder existed in the expanding villages in the countryside where the cloth industry was growing. The multitudinous activities of the port towns may have encouraged illegal doings. The population density must also have influenced the size of the criminal population. These conclusions concerning the location of felony in the southwestern counties must

be treated with reserve. Examination of other legal records and local histories will undoubtedly provide more satisfactory conclusions about where crimes happened in the middle ages and why they occurred in those particular places.

## CHAPTER IX

### PROFILES OF SUSPECTS AND SELECTED VICTIMS

The statute of additions, 1413, required that the rank or occupation of each defendant be incorporated into every appeal and indictment.<sup>1</sup> Accordingly, the above information was given for 95 per cent of the appealed and indicted suspects in the western circuit gaol delivery rolls for the years 1413 to 1430. Occupations were recorded for only 60 per cent of the suspects taken on suspicion of felony.<sup>2</sup> Thus the participation in felonious activities by occupational groups such as laborers, husbandmen, artisans, yeomen, seamen, the gentry, and the clergy can be examined. Other distinct groups such as women, common malefactors, multiple offenders, appellees, and criminal bands can also be discussed. Juries' attitudes towards these groups, represented in acquittal and conviction rates can be examined as well. The occupations and ranks of victims were not normally included in the indictments and appeals. However, it is

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<sup>1</sup> Henry V, c. 5.

<sup>2</sup> See appendix 2 and table 36.

still possible to study some victims such as clergymen, the gentry, and women who were so classified in the rolls.

Although women represent only 7 per cent of the suspects indicted, appealed, or taken on suspicion of felony in the western circuit gaol delivery rolls covering the years 1413 to 1430, these 46 women merit examination because they differ as a group from the male suspects. Women probably roughly made up half the population of the medieval southwest but far fewer than half the suspects who came before the justices of gaol delivery were women. Indeed, for every 8.52 male suspects in the rolls there was only one female suspect. It is certainly possible that lost gaol delivery rolls recorded more women. However, other historians have also discovered the infrequency of female suspects in medieval criminal records.<sup>3</sup>

Three theories account for the paucity of female felons and suspects in criminal records of the middle ages. Perhaps women, being of a milder nature than men, committed fewer crimes than men. Possibly women committed as many felonies as men but they were able to conceal them. Another theory postulates that women were regarded by

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<sup>3</sup>See in particular, K.E. Garay, "Women and Crime in Later Medieval England: An Examination of the Evidence of the Courts of Gaol Delivery 1388 to 1409", *Florilegium*, i (1979), 89; B.A. Hanawalt Westman, "The Female Felon in Fourteenth-Century England", *Viator*, v (1974), 254.

TABLE 36: Suspected felons in the southwestern counties

Type of Suspect	Indicted and Appealed		Taken on Suspicion	
	No.	%	No.	%
Women	24	6	22	9
Clergymen	36	9	7	3
Gentry	6	2	0	0
Artisans*	114	29	54	23
Agricultural workers**	75	19	12	5
Laborers	60	15	37	15
Grooms/ Servants	19	5	8	3
Yeomen <sup>c</sup>	19	5	3	1
Seamen	12	3	3	1
Misc.***	9	2	0	0
No. Occup.	<u>18</u>	<u>5</u>	<u>95</u>	<u>40</u>
Total	392 <sup>1</sup>	100%	241	100%

\* Artisans include taylor<sup>s</sup>, coopers, blacksmiths, dyers, hosiers, cardmakers, goldsmiths, mercers, fullers, locksmiths, hostlers, skinner<sup>s</sup> etc.

\*\* Argicultural workers include husbandmen, shepherds, haywardens, millwardens, thatchers, cottars, farmer<sup>s</sup> etc.

\*\*\* Miscellaneous designations include vagrants, constables, bailiffs, capital pledges, Welshmen, Frenchmen, a son, etc.

<sup>1</sup>The number of suspects is smaller than the number of indicted and appealed suspects found in table 2 because suspects who were charged on two separate occasions for two different felonies were only counted once, not twice, in this table. In addition, a suspect who was brought before the justices of gaol delivery on two or more separate indictments was only counted once.

society as being less criminous by nature than men and consequently they were indicted less frequently. Although each of these theories probably has some validity they cannot be proven or disproven by the gaol delivery records.<sup>4</sup> However, the main characteristics of female felony suspects can be examined.

No marital status or occupation was recorded for fourteen female suspects but nineteen suspects were described as wives and five were called widows. Six spinsters, one workwoman, and one tapster also appear in the rolls. Of the 22 women who were taken on suspicion of felony, 20 (91 per cent) were proclaimed acquitted and two (9 per cent) were dismissed on surety. One suspect was indicted for an unspecified felony and she was also dismissed on surety. This leaves, therefore, 22 women indicted and one woman appealed for specific felonies who can be studied in greater detail.

Twenty-three women were accused of perpetrating 29 (7 per cent) of the felonies in the southwestern counties between 1413 and 1430.<sup>5</sup> Twelve (41 per cent) of these crimes involved violence to the victims in the form of homicide or assault during robbery. On the other hand, homicide and robbery accounted for only 21 per cent of the

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<sup>4</sup>These theories are discussed in Hanawalt, Viator, v (1974), 254-56.

<sup>5</sup>See table 37.

felonies perpetrated by men.<sup>6</sup> These percentages seem to demonstrate that southwestern women in comparison with southwestern men were peculiarly aggressive. Such a conclusion does not bear out upon examination of individual cases.

TABLE 37: Felonies committed by particular types of suspects in the southwestern counties, 1413-1430.\*

<u>Suspects</u>	<u>Number of felonies</u>	<u>Percentage of felonies</u>
Women	29	7
Clergymen	45	11
Gentry	10	2
Artisans	93	23
Agricultural workers	92	23
Laborers	77	19
Grooms/ Servants	19	5
Yeomen	26	7
Seamen	<u>13</u>	<u>3</u>
Total	403	100%

\*If, for example, a felony was committed by a laborer and an artisan, then the felony was counted both in the laborer and the artisan columns.

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<sup>6</sup>See table 38.

TABLE 38: Felonies committed by female and male suspects, 1413-1430.

Felony	Female		Male	
	No.	%	No.	%
Larceny	5	18	134	37
Burglary	8	28	111	30
Robbery	3	10	33	9
Homicide	9	31	45	12
Rape	0	0	11	4
Abduction	0	0	9	2
Arson	1	3	3	1
Counter- feiting	1	3	6	2
Breaking Prison	2	7	9	2
Receiving	<u>0</u>	<u>0</u>	<u>4</u>	<u>1</u>
Total	29	100%	365	100%

\* If a female and a male acted together in the perpetration of a felony, the felony was counted in both the female and the male columns.

Matilda Blissot did not kill her victim, she hired John Glyys to do the job.<sup>7</sup> Alice Donan, a spinster, was accused of killing William Hokyn with a staff. She was acquitted of the charge and her accomplice, John Perys, was named as the true murderer.<sup>8</sup> Matilda Pitte and her accomplices were charged and acquitted of killing Roger Robyn.

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<sup>7</sup>JUST 3/198, m. 1d.

<sup>8</sup>JUST 3/205, m. 20d.



Another man was named as the killer.<sup>9</sup> Other homicide and robbery suspects also had male accomplices.

Thomasia Goore was pardoned for ambushing and killing Nicholas Symoundin. She had acted with her husband and others.<sup>10</sup> Katerina Farnborgh and Richard Eton, a monk, joined together to kill Katerina's husband.<sup>11</sup> Indeed, of the nine homicides perpetrated by women, five were committed with male accomplices. Moreover, two women committed three robberies with the aid of men.<sup>12</sup> Perhaps it would be proper to say that the women helped the men. Thus many women themselves may not have used violence against their victims.

Other women certainly did commit terribly brutal crimes by themselves. Alice Hencock struck her husband on the head with an axe so that his brains fell out and he died.<sup>13</sup> Alice Talbot was also found guilty of murdering her husband.<sup>14</sup> Joanna Furber stabbed her son two times in the heart with a knife thus killing him.<sup>15</sup> Thomasia Cony strangled her year old daughter and threw her into a local pond.<sup>16</sup> However, only these four women

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<sup>9</sup>JUST 3/205, m. 17d.

<sup>10</sup>JUST 3/198, m. 16d.

<sup>11</sup>JUST 3/202, m. 4.

<sup>12</sup>JUST 3/198, m. 2d; JUST 3/205, m. 7.

<sup>13</sup>JUST 3/205, m. 21.

<sup>14</sup>JUST 3/198, m. 5.

<sup>15</sup>JUST 3/198, m. 16d.

definitely used violence against their victims.

Violence, then, was used by women alone in only 14 per cent of the felonies they committed. On the other hand, men who acted without female accomplices were violent in only 20 per cent of the felonies they committed.

Unlike men, women were suspected of committing more burglaries than larcenies.<sup>17</sup> Only four larcenies were purportedly committed by women while five women were accused of being involved in six burglaries. One woman was accused of committing one larceny and a burglary, another of committing burglary and arson. While 18 per cent of the felonies women committed were larcenies, 28 per cent were burglaries. Thirty-seven per cent of the felonies committed by men were larcenies and 30 per cent of the felonies they perpetrated were burglaries.<sup>18</sup> Perhaps women were involved in burglaries more often than larcenies because the goods they desired such as money, valuables, clothes, cloth, and other household goods were kept in houses.<sup>19</sup> Like female homicide and robbery suspects, women thieves and burglars often acted with men. Indeed, eight out of thirteen burglaries and larcenies

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<sup>16</sup>JUST 3/198, m. 19d.

<sup>17</sup>See table 38.

<sup>18</sup>See table 38.

<sup>19</sup>See table 39.

were committed by women in conjunction with men. It is interesting that the value of the stolen goods differed when women acted alone than when they stole with men. When acting with men the value of the stolen goods exceeded £1 in eight out of eleven thefts. In four out of five thefts the goods stolen by women alone were worth less than £1. One Christina Baldok, however, was accused of making off with jewellery, money, and household goods worth over £23 all by herself.<sup>20</sup> However, without men women usually tended to steal items of small value. This observation must be treated with reserve because the sample examined was very small.

Women committed felonies other than theft or homicide only infrequently.<sup>21</sup> Joanna Bowyer was accused of breaking the prison at Fisherton de la Mere.<sup>22</sup> Alice Walsyngham with her husband and another man were acquitted of breaking into the same gaol.<sup>23</sup> Willelma Balgey was acquitted of setting fire to a hall.<sup>24</sup> Frances Swolwe was charged, with her husband and another man, of counterfeiting and passing off forged coins.<sup>25</sup>

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<sup>20</sup>JUST 3/205, m. 9.

<sup>21</sup>See table 38.

<sup>22</sup>JUST 3/198, m. 9.

<sup>23</sup>JUST 3/198, m. 9d.

<sup>24</sup>JUST 3/198, m. 12d.

<sup>25</sup>JUST 3/202, m. 7.

TABLE 39: Goods stolen by women in the southwestern counties, 1413-1430.\*

<u>Goods stolen</u>	<u>Percentage of thefts - women</u>	<u>Percentage of thefts by women with male accomplices</u>
Livestock	0	17
Money and valuables	57	28
Cloth and wool	14	17
Household goods	29	28
Clothes	0	10
Weapons	0	0
Misc.	<u>0</u>	<u>0</u>
Total	100%	100%

\* The sample the above statistics are based on is small. Women, with or without the help of men, stole livestock three times, money and valuables nine times, cloth and wool four times, household goods seven times, and clothes two times.

It has often been noted that women perpetrated felonies with men. Indeed, of the 29 felonies reportedly committed by women, eighteen (62 per cent) were committed in conjunction with men. In just over half these felonies the men and women were related. Usually the male accomplice was a husband although he was sometimes a son or a father-in-law. Often another unrelated male accompanied the husband and wife team. In fact, on ten occasions more than one man aided in perpetrating the felony. Thus

women often committed felonies as parts of small gangs whose members were, for the most part, familial.

If southwestern women were indicted less often than men, they were convicted slightly more often. Three out of 24 women (13 per cent) were sentenced to death while only 41 out of 407 men (10 per cent) were so sentenced. While southwestern men were convicted for almost all types of felonies, southwestern women were only convicted on homicide charges. Women were not convicted on charges of murdering males who were apparently unrelated to them although one woman was pardoned for killing such a male. Thomasia Cony who strangled her young daughter was remitted to prison. The final outcome of her case is not known. Perhaps Thomasia eventually pleaded insanity as medieval women who killed their children were wont to do.<sup>26</sup> In fact in the western circuit in the period under examination women were acquitted of homicide unless they killed their sons or their husbands. In such cases they were convicted. Only in these homicide cases do the juries seem to have felt that women deserved the death sentence. No man was ever convicted for killing his wife in the gaol delivery rolls under examination.

In the western circuit rolls women were more likely to be the victims than the perpetrators of felony. Fifteen per cent, or 60 out of 408 victims, were females.

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<sup>26</sup>See Hanawalt, Viator, v (1974), 260.

Seventeen women, 26 wives, one widow, seven daughters, six servants, two abbesses and one nun were the victims of theft, rape, abduction, and homicide. Women were the subjects of rape and abduction, which was sometimes accompanied by theft, in 36 (60 per cent) of the offences committed against them. They were the victims of larceny six times, burglary seven times, robbery twice, homicide seven times, and assault twice.

When women were raped or abducted the suspect taken for the act was almost invariably a member of the clergy. Indeed, clergymen violated or carried off 22 of the 36 abducted or raped women. It has been suggested that abduction was a prelude to marriage; the woman agreed to the marriage before or after the felony was committed.<sup>27</sup> However, clerks, if they were in major orders could not marry. Moreover, 20 (55 per cent) of the abducted and raped women were described as wives. Clergymen raped or abducted wives fifteen times. Thus marriage could not always have been the intention of the ravishers. It is possible that married women willingly ran off with clergymen to avoid husbands. Katerina Farnborgh, for example, was allegedly raped and abducted by a monk. Together they murdered her husband.<sup>28</sup>

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<sup>27</sup>See supra, p. 72.

<sup>28</sup>JUST 3/202, m. 4.

Men of other occupations carried away wives only five times. Nine times they raped or abducted daughters, servants, and other women for whom no marital status was given. If these women were single, perhaps marriage was the motive behind the crime. This seems to have been the case when John Bayly and John Bryt abducted Christina Orchard, described in the records as the daughter and heiress of William Orchard.<sup>29</sup> Heiresses were obviously desirable subjects for marriage. We should not discount, however, the part lust or violence may have played in the rape and abduction cases.

Often, especially when a woman was raped or abducted, goods belonging not to the woman but to her husband, master, or father were taken. In 20 per cent of the thefts these goods valued under 11s. They were worth 11s. or more in 80 per cent of the thefts. However in 53 per cent of the thefts perpetrated against women the goods were worth less than 11s. In only 47 per cent of the thefts committed on women were the goods worth over 11s.<sup>30</sup> The value of the goods stolen from women, therefore, tended to be less than the value of the goods taken from her husband or father. Although we cannot determine properly the poverty or wealth of individual persons or groups from the gaol

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<sup>29</sup>JUST 3/198, m. 2d.

<sup>30</sup>The figures concerning the value of the goods stolen from women and from the male guardians of violated women come from a small sample of fifteen cases each.

delivery rolls, it does seem, from the value of the goods stolen, that women who were fending for themselves were not as wealthy as others in the community. However, if marriage was the cause or outcome of a rape or an abduction, it might not have been necessary to steal the woman's goods if these were to be brought into the marriage.

Only three (5 per cent) of the suspects who were accused of committing felonies against women were convicted. Those who abducted or raped women were never found guilty, perhaps because the jurors felt that women were willing victims. One laborer was sentenced to be hanged for stealing sheep worth £5 from the abbess of Romsey.<sup>31</sup> A common thief was convicted for stealing an ox worth 6s. from Joanna atte Wode.<sup>32</sup> Roger Bernard was found guilty of murdering Matilda Bardolfes.<sup>33</sup> The first of these felons may have been found guilty by a jury influenced by the status of the abbess or by the method of arraignment which was appeal. The second felon may have been convicted because he was a 'communis latro', and the third because he did not merely kill his victim, but he murdered her.<sup>34</sup> Male homicide suspects who purportedly killed women were usually not sentenced to be hanged.

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<sup>31</sup>JUST 3/202, m. 1.

<sup>32</sup>JUST 3/205, m. 19d.

<sup>33</sup>JUST 3/205, m. 13.

<sup>34</sup>Concerning the conviction rate of common malefactors see infra, p. 278. See supra, pp. 66-68 regarding the conviction rate of murderers.



Peter Bannebury killed Isabel Philippe who from fear of his attack had a miscarriage. Although the murder of Isabel was felonious, the death of her unborn children probably was not.<sup>35</sup> Bannebury was found guilty by the jury but he successfully claimed benefit of clergy and so escaped the gallows.<sup>36</sup> A husband who was accused of beating his wife to death was acquitted because the jury believed she died of the plague, not of her wounds.<sup>37</sup> One suspects that society did not consider the husband's actions particularly heinous and thus the jury readily accepted the excuse of plague. A man who killed a female servant was acquitted.<sup>38</sup> Perhaps her lowly status made conviction unlikely although, of course, it is possible the suspect was innocent. A barber who attempted to abduct a nun only to see her fall out of a window and plunge to her death was acquitted probably because the death was considered an accident.<sup>39</sup> Only one out of seven (14 per cent) female homicide victims was avenged by the conviction of her assailant. Nine out of 42 (21 per cent) of the male murder victims were so avenged. In general, criminals who perpetrated felonies against women

<sup>35</sup>See Kellum, History of Childhood Quarterly, 1 (1973-1974), 375.

<sup>36</sup>JUST 3/198, m. 2.

<sup>37</sup>JUST 3/205, m. 4.

<sup>38</sup>JUST 3/205, m. 8d.

<sup>39</sup>JUST 3/205, m. 6d. Eileen Power in Medieval English Nunneries 1275 to 1535 (Cambridge, 1922), p. 440 noted that the abductions of nuns were often 'in reality elopements.'

were not punished as often as were suspects who committed crimes against men.

Southwestern women possibly did not play a major role in felonious activity in the fifteenth century. They were infrequently indicted for felony and they were not often the victims of crime except in the case of rape and abduction. However, the evidence of the gaol delivery rolls does demonstrate that the treatment of women by the trial juries was perhaps biased. Women were convicted more often than men and female victims were not avenged as frequently as male victims. It is possible, of course, that females were only brought to court for very serious felonies whereas males were indicted for minor and major crimes. Thus females were more likely to be convicted than males.

A profile of the 47 clergymen who make up approximately 7 per cent of the suspects found in the western circuit gaol delivery rolls between 1413 and 1430 is somewhat unusual. Clergymen in the rolls include ten chaplains, nine clerks, five vicars, four rectors, four priests, three monks, three holywater-clerks, two parsons, one prior, one hermit, and one pardoner.<sup>40</sup> One fisherman, one laborer, one shipman, and a fishmonger subsequently pleaded benefit

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<sup>40</sup> According to J.J. Jusserand, hermits and pardoners often worked without ecclesiastical licences. They were very corrupt characters indeed. See J.J. Jusserand, English Wayfaring Life in the Middle Ages, trans. L. Toulmin Smith (New York, 1890), pp. 137-141, 313-325, 340.

of clergy and they were clerks in the eyes of the law. Seven (~~15~~ per cent) of the clerics were taken on suspicion of felony. One clergyman was indicted for an unspecified felony. Four of these clerks were released on surety and four were proclaimed acquitted. Thus 39 (83 per cent) of the suspected clergymen were indicted or appealed of specific felonies.<sup>41</sup> These suspects can be studied in detail.

Southwestern clergymen committed eleven per cent of all the felonies recorded in the gaol delivery rolls between 1413 and 1430.<sup>42</sup> Sixteen per cent of the felonies they committed were rapes and 13 per cent were abductions. These crimes make up only 2 per cent of the felonies laymen were accused of. Clergymen, therefore, were peculiarly involved in offences committed against women. Clergymen were not frequently involved in larcenies but they often committed burglaries. Indeed burglaries accounted for 31 per cent of all the felonies clerics were accused of. Thirteen per cent of the felonies perpetrated by clergymen were robberies. Robberies accounted for only 8 per cent of the felonies laymen committed. Clerics, more often than laymen, perpetrated felonies which yielded high profits and they certainly did not bring from attacking

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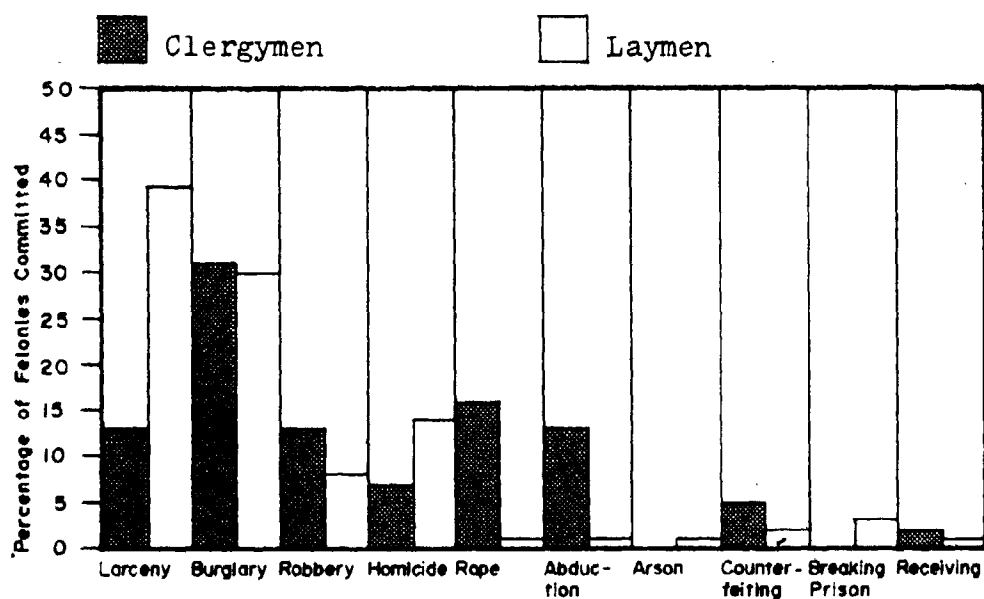
<sup>41</sup>See table 36.

<sup>42</sup>See table 37.

TABLE 40: The felonies committed by clergymen in the southwestern counties, 1413-1430.

Felony	Clergymen		Other suspects	
	No.	%	No.	%
Larceny	6	13	130	39
Burglary	14	31	100	30
Robbery	6	13	27	8
Homicide	3	7	46	14
Rape	7	16	4	1
Abduction	6	13	3	1
Arson	0	0	4	1
Counterfeiting	2	5	5	2
Breaking Prison	0	0	10	3
Receiving	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>
Total	45	100%	332	100%

FIGURE 7: The percentage of felonies committed by clergymen and laymen.



\* See table 40.

their victims. Although the suspected clergymen did not shun the violent felonies of rape and robbery, they usually stopped short of homicide. Homicide accounted for only 7 per cent of the felonies clerics committed. Clerics were involved to a slightly greater extent than laymen in acts of receiving and counterfeiting. Clergymen, of course, had safe places in which to hide felons and they, more than laymen, probably had the skills and materials needed for counterfeiting. Clerics were never accused of arson or of breaking out of gaol.<sup>43</sup>

Interestingly enough, in 50 per cent of the thefts clerics were involved in the stolen goods were worth over £5 while all theft suspects stole goods worth that amount in only 14 per cent of the thefts.<sup>44</sup> The higher value of the stolen goods taken by clerics can probably be attributed to the fact that clerics were involved in robberies and burglaries to a greater degree than were other thieves. Moreover, the suspected clergymen stole money and valuables far more often than all the southwestern thieves did.<sup>45</sup> On the whole clerical suspects were involved in rather profitable thefts. Perhaps because of their profession, the suspected clerics had a greater knowledge than the average thief of individuals and their possessions.

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<sup>43</sup>See table 40. and figure 7.

<sup>44</sup>See table 41.

<sup>45</sup>See table 42.

TABLE 41: The value of the goods stolen by clergymen  
in the southwestern counties, 1413-1430.

<u>Value of stolen goods</u>	<u>Thefts committed by clergymen</u>		<u>Thefts committed by all thieves</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
0 - 10s.	1	4	93	33
11s. - £1	5	23	50	18
£1-1s. - £5	5	23	97	35
over £5	<u>11</u>	<u>50</u>	<u>39</u>	<u>14</u>
Total	22	100%	279	100%

TABLE 42: The goods stolen by southwestern clergymen,  
1413-1430.

<u>Stolen goods</u>	<u>Percentage of thefts - clergymen</u>	<u>Percentage of thefts - all thieves</u>
Grain and foodstuffs	3	3
Livestock	10	27
Money and valuables	52	27
Cloth and wool	3	12
Household goods	7	10
Clothes	7	6
Weapons	3	3
Miscellaneous	<u>15</u>	<u>12</u>
Total	100%	100%

On the other hand, victims may have suspected clerics of stealing from them because the clergymen, more than anyone else, knew about the goods they owned.

All but one of the 36 clergymen who did not claim benefit of clergy were acquitted.<sup>46</sup> Medieval jurors may have been loath to convict suspects because they felt that the death penalty was too severe. However, since clergymen could avoid hanging by claiming benefit of clergy, we would expect jurors to convict more clergymen, but in fact only seven clergymen were found guilty.<sup>47</sup> Six escaped the gallows by claiming the clerical privilege and the seventh did not claim the privilege and may have been hanged.<sup>48</sup> It is quite possible then that the remaining members of the clergy, declared not guilty by the juries, were innocent. Clerics, more than usually suspected of violent and profitable crimes, may have been the victims of false indictments.<sup>49</sup>

If the clergy were regarded with suspicion by their neighbours in cases of rape, abduction, and robbery, they were rarely the victims of crime; they comprised only 7 per cent of the 408 felony victims. A nun was the only homicide victim and she may have caused her own death by falling out of a window while being

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<sup>46</sup>See supra, pp. 131-37 regarding benefit of clergy.

<sup>47</sup>See table 43.

<sup>48</sup>Six of the clerics claimed benefit of clergy. Thus only one out of 36 (3 per cent) clerics possibly suffered the death sentence.

<sup>49</sup>Certainly in Henry IV's reign the church complained that false indictments had been framed against priests in Richard II's reign. See, R.L. Storey, "Clergy and the Common Law in the Reign of Henry V", in Medieval Legal Records, eds. R.F. Hunnisett and J.B. Post (London, 1978), p. 242.

TABLE 43: The conviction rate for selected suspects in the southwestern counties, 1413-1430.\*

<u>Suspects</u>	<u>Number of indicted and appealed suspects</u>	<u>Number convicted</u>	<u>Percentage convicted</u>
Women	24	3	13
Clergymen	36	7**	19
Artisans	114	9	8
Agricultural workers	75	8	11
Laborers	60	13	21
Grooms/Servants	19	3	16
Yeomen	19	4 ✓	21
Seamen	12	1	8

\*One Welshman, whose occupation was not given, and one gentleman were also convicted.

\*\*Six of the clerics found guilty claimed benefit of clergy. Therefore only one (3 per cent) of the clerics was sentenced to death.

abducted by or while eloping with a barber.<sup>50</sup> Clearly, if anyone wanted revenge on a clergyman no one ventured to do so through murder. Clergymen and churches were subject instead to acts of larceny or burglary. Forty-five per cent of the clerical victims were subject to larcenies and 42 per cent of the clerical victims were subject to burglaries.<sup>51</sup> In churches money and valuables such as

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<sup>50</sup>JUST 3/205, m. 6d.

<sup>51</sup>See table 44.



chalices were available for the taking. William Glowere burgled a silver chalice from the chapel of St. John of Priorsdene and Eleanor Sprete entered a chapel and took 3s. from the oblation box.<sup>52</sup> Livestock was stolen fairly frequently from clerics of importance. A hundred sheep were stolen from the abbess of Romsey. Twenty sheep were taken from Henry Beaufort, the bishop of Winchester. Six sheep from the abbot of Engleborne, four sheep from the abbot of Glastonbury, and twenty sheep from the abbess of Shaftesbury were stolen.<sup>53</sup> Other goods taken from such important personages include an iron chain from Robert, the abbot of Abbotsbury, grain and other goods from Nicholas, the abbot of Glastonbury, grain from the bishop of Winchester, and cloth from Robert Hallum, bishop of Salisbury.<sup>54</sup> Indeed, one third of all the felonies perpetrated against churchmen were committed on bishops, abbesses, and abbots who had large estates under their control. Perhaps these were, in part, acts of revenge.

In general the value of the goods stolen from churches and clerics was higher than the value of the

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<sup>52</sup>JUST 3/205, m. 1; JUST 3/198, m. 16d.

<sup>53</sup>JUST 3/202, m. 1; JUST 3/205, mm. 2, 18; JUST 3/198, m. 11.

<sup>54</sup>JUST 3/198, m. 12; JUST 3/205, mm. 10, 2, 9.

goods illicitly taken from victims of theft as a whole.<sup>55</sup> This reflects the fact that valuables and large numbers of animals were stolen more often from churches and clergymen than from all the theft victims. It might also be held to demonstrate that, in the eyes of the average villager, the church and the clergy were well off financially and thus they were the perfect subjects to steal from.

Few juries were willing to convict suspects accused of committing felonies on clerics and churches. In fact, only one out of 37 (3 per cent) suspects was convicted. The guilty party had stolen sheep from the abbess of Romsey.<sup>56</sup> Medieval juries seemed to ignore the problem of criminal acts committed on members of the clergy. Perhaps they felt that the clergy had an unfair advantage at law by being able to claim benefit of clergy when they themselves were suspects. Very possibly the lack of convictions reflected hostility towards the church.

In general the evidence of the gaol delivery rolls suggests that there was a certain amount of animosity towards clergymen in the southwestern counties in the early fifteenth century. If clergymen were not being convicted as often as they might be, they were perhaps the subjects of malicious indictments. Trial juries,

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<sup>55</sup>See figure 8.

<sup>56</sup>JUST, 3/202, m. 1.

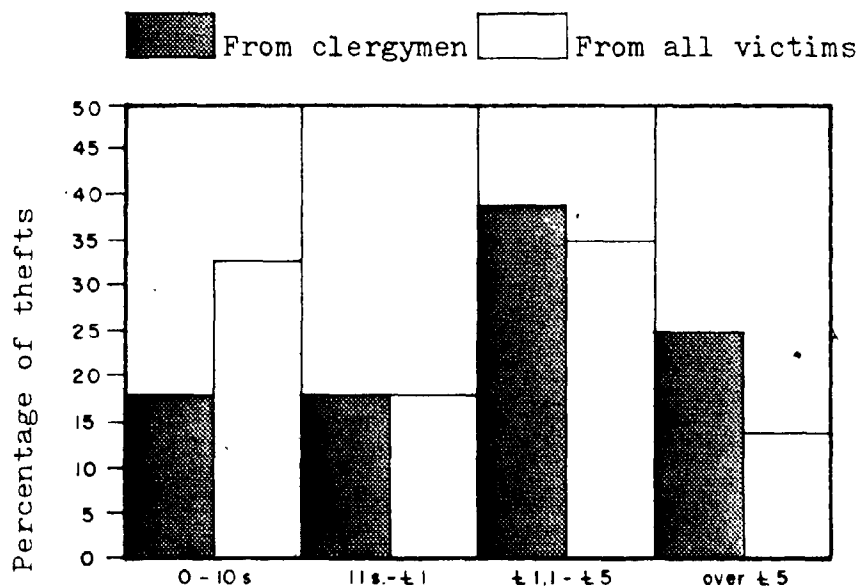
moreover, were not wont to punish suspects who perpetrated felonies against clergymen.

TABLE 44: The felonies committed against clergymen.

<u>Felony</u>	<u>Number</u>	<u>Percentage</u>
Larceny	13	45
Burglary	12	42
Robbery	2	7
Homicide	1	3
Counterfeiting*	<u>1</u>	<u>3</u>
Total	29	100%

\*Once a church's money was allegedly debased by two men who clipped good money and replaced the shavings with base metals.

FIGURE 8: The value of the goods stolen from clergymen.\*



\*Suspects stole from clergymen goods worth 0 to 10s. in five thefts, goods worth 11s. to £1 in five thefts, goods valued at £1-1s. to £5 in eleven thefts, and goods worth over £5 in seven thefts.

No member of the nobility was brought before the justices of gaol delivery in the southwestern counties between 1416 and 1430. Noblemen were tried for felonies by other commissions such as that of oyer and terminer.<sup>57</sup> Some members of the gentry class were tried at the gaol delivery sessions however. John Choryngdon, a gentleman, was tried for the theft of livestock.<sup>58</sup> Richard Gifford, a Cornish gentleman, was charged with three larcenies and one robbery.<sup>59</sup> Four other men, described as lawyers or attorneys, also appeared at the gaol delivery sessions indicted of felony. Edmund Bour, attorney, was accused of robbery.<sup>60</sup> Nicholas Slewort, a gentleman and attorney in the 'king's court' was charged with abduction.<sup>61</sup> A lawyer named John Cokkes reportedly assaulted a woman and killed her son.<sup>62</sup> John Rewe, an attorney, was accused of committing two larcenies.<sup>63</sup>

Although the gentry are recorded only these six times in the gaol delivery rolls, it is astonishing that they should have appeared at all.<sup>64</sup> The gentry class filled many of the county offices and thus, through their

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<sup>57</sup>See supra, p. 6.

<sup>58</sup>JUST 3/205, m. 9.

<sup>59</sup>JUST 3/198, m. 17.

<sup>60</sup>JUST 3/198, m. 2.

<sup>61</sup>JUST 3/205, m 11.

<sup>62</sup>JUST 3/198, m. 13.

influence, they could avoid prosecution in the gaol delivery courts. These particular gentlemen may not have held such offices. The case of John Cokkes sheds light on the reason why lawyers in particular might be tried at the gaol delivery sessions. John Cokkes was the subject of an inquisition taken by Robert Hull, John Seymour, and the sheriff of Somerset. On May 11, 1415, these men were commissioned to look into petitions presented to the king in chancery by John White, Robert Thorne, and Thomas and Elizabeth Morlee against Cokkes.<sup>65</sup> The commission must have found enough damaging evidence against Cokkes because he was indicted before the justices of the peace and tried at the gaol delivery sessions on March 15, 1416 for assaulting Elizabeth Morley and for killing her son, John. Perhaps Cokkes and the other indicted gentry had enemies determined to bring them before the courts. Lawyers in the middle ages were the subject of much complaint for their avarice and corruption.<sup>66</sup> Moreover, lawyers, through their dominant role on oyer and terminer commissions and commissions of the peace, were

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<sup>63</sup>JUST 3/198, m. 15d.

<sup>64</sup>See table 36.

<sup>65</sup>Cal. Pat. Rolls, 1413-1416, p. 345.

<sup>66</sup>E.W. Ives, "The Reputation of the Common Lawyers in English Society, 1450-1550", University of Birmingham Historical Journal, vii (1960), 143.

prone, through their decisions, to raise the ire of many of the nobility and gentry who sometimes wished to avenge themselves by indicting commissioners. One gentleman, Richard Gifford, was actually convicted for committing four thefts. Others of his gang were outlawed.<sup>67</sup> Unfortunately nothing is known about Gifford and his associates. Perhaps because Gifford was from Cornwall and he was tried at Exeter, the trial jury was immune to his influence. The other gentlemen and lawyers, as expected, were acquitted.

Sixteen members of the higher clergy, gentry, and knightly classes were the victims of felonies in the southwestern counties in the period under discussion. They represent only 4 per cent of the victims in the gaol delivery rolls. Eight of the victims, the clergy, have been discussed previously and need not concern us here.<sup>68</sup> John Punchardon, knight and lord of Faccombe manor, was the subject of two homicidal attacks and finally of murder.<sup>69</sup> A Somersetshire gentleman, John Benerly, was killed by John Grene, a carpenter.<sup>70</sup> A laborer burned the mill of two knights, William Sturmy and William

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<sup>67</sup>At the trial of one of Gifford's associates, John Molton, it was mentioned that Gifford had been found guilty and the other members of the gang had been outlawed. See JUST 3/198, m. 19d.

<sup>68</sup>See supra, p. 246.

<sup>69</sup>JUST 3/205, mm. 4d., 5.

<sup>70</sup>JUST 3/198, m. 14d.

Thynton.<sup>71</sup> Robert Hull, esquire, pierced by an arrow, was robbed by a mariner and a coker of goods worth £1-3s.<sup>72</sup> A barber stole goods from the house of Thomas Wirthe, esquire.<sup>73</sup> Christina Balcok, a spinster, burgled the house of Richard Milbourne, an esquire, and stole from it amulets, sheets and money worth over £23.<sup>74</sup> Walter Sandes, a knight, had a cow stolen from him.<sup>75</sup>

Only the victims who were killed were avenged by the conviction of the suspects. Six of the suspects who killed John Punchardon were sentenced to be drawn and hanged. After killing Benerly, John Grene, probably in fear of conviction, fled to sanctuary. After failing to abjure the realm he was returned to prison which he subsequently escaped. He was sentenced to death as well. Killing gentlemen and lords was clearly not acceptable. Those who robbed and stole from members of the higher classes were all acquitted as was the sole arsonist. The social importance and influence of the victims did not sway the trial juries to convict these suspects. Although the gentry were rarely convicted, neither were the suspects who committed felonies against them.

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<sup>71</sup>JUST 3/198, m. 19d.

<sup>72</sup>JUST 3/202, m. 7.

<sup>73</sup>JUST 3/205, m. 17

<sup>74</sup>JUST 3/205, m. 9.

<sup>75</sup>JUST 3/205, m. 6d.

An analysis of felony suspects by their occupations is fraught with difficulties of definition. A yeoman, according to Fortescue, was a fee farmer or lease holder of lands which produced a few pounds annually.<sup>76</sup> He might, however, be poorer than a neighbouring husbandman. Indeed, one yeoman in the gaol delivery rolls was also described as a husbandman.<sup>77</sup> A yeoman might be verging on the social status of a gentleman by virtue of his wealth. Sometimes the word yeoman described a journeyman employed in a merchant's or an artisan's gild.<sup>78</sup> Giles Vagge was described as a yeoman when he was outlawed, but as a cook in another indictment and as a yeoman again in a third entry.<sup>79</sup> John Grene was given the distinction of carpenter when he was taken to gaol for leaving the abjuration road. When he was later indicted for breaking gaol, Grene was described as a yeoman.<sup>80</sup>

Husbandmen were by no means a homogeneous group. We have already mentioned Walter London, a rich husbandman who had a total of £72 stolen from his home.<sup>81</sup> Some

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<sup>76</sup>J. Fortescue, The Governance of England, ed. C. Plummer (Oxford, 1885), p. 151.

<sup>77</sup>JUST 3/198, m. 14.

<sup>78</sup>Postan, Medieval Economy, pp. 243-44.

<sup>79</sup>JUST 3/205, mm. 20, 20d.

<sup>80</sup>JUST 3/198, mm. 14d., 15.

<sup>81</sup>JUST 3/198, mm. 11, 11d. See supra, p. 186.



husbandmen were wealthy, others no doubt were poor. The rolls testify that husbandmen may have had other occupations as well. One husbandman was also described as a laborer, another as a butcher, and one as a plowman.<sup>82</sup>

Laborers may have worked in the fields or in artisans' and merchants' shops. They may have had a high or a low standard of living. In the summer laborers possibly tilled their own plots of land and in the winter they may have hired themselves out for wages. One laborer, it has been mentioned, was also described as a husbandman.<sup>83</sup> Another laborer was also considered to be a butcher.<sup>84</sup>

Just as heterogeneous a group as the laborers, husbandmen, and yeomen, were the suspects classified as artisans in this study. This group included locksmiths, fullers, hosiers, dyers, cardmakers, goldsmiths, hostlers, mercers, tanners, butchers, etc. Quite probably artisans, particularly in the smaller towns and villages, also plowed the land. We have already noted two butchers, one who was also a laborer and the other who was also described as a husbandman. A cook and a carpenter were also described as yeomen. Artisans, of course, might be masters, apprentices, or journeymen but the gaol delivery rolls do not make these distinctions.

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<sup>82</sup>JUST 3/198, mm. 17, 10, 12.

<sup>83</sup>JUST 3/198, m. 17.

<sup>84</sup>JUST 3/205, m. 6d.

Thus the overlapping of all occupational groups and the differences of wealth within the groups makes an analysis of felons by their employment particularly difficult. However, with these considerations in mind, such an analysis has been attempted. When particular suspects were described as yeomen and husbandmen, or as husbandmen and laborers, or as butchers and laborers, for example, the former designation has been the one counted.

Twenty-nine per cent of the indicted and appealed suspects and 23 per cent of the suspects taken on suspicion of felony were artisans.<sup>85</sup> Artisans were brought before the justices of gaol delivery more than any other occupational group in the southwestern counties. It seems unlikely that artisans made up almost one third of the population of the southwest. However, in the areas where the felonies were committed, the percentage of artisans may have been high. Although we might like to speculate that prejudice against artisans occasioned the large number of indictments against them, the gaol delivery rolls do not offer any qualitative evidence to prove this theory.

Husbandmen and others in agricultural occupations such as shepherds, hogherds, cottars, farmers, and haywardens, but not yeomen and laborers who will be discussed separately, accounted for 19 per cent of the suspects indicted and appealed for felony and 5 per cent of the

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<sup>85</sup>See table 36.

suspects taken on suspicion of felony.<sup>86</sup> This group must have made up more than 19 per cent of the population in the southwest and thus its involvement in crime is surprisingly low. Again prejudice in favour of this group may have operated. Then again, felonies in less populated areas where such men worked may not have been high or well reported.

Laborers were indicted and appealed less frequently than the aforementioned groups, accounting for 15 per cent of the suspects who were indicted and appealed and 15 per cent of the people taken on suspicion of felony.<sup>87</sup> Although once again the total number of laborers in the southwestern counties is not available, the number of laborers taken to the gaol delivery sessions is not overwhelming. Certainly the prejudice against this group, evidenced in the Elizabethan period, was not quite so strong in the early fifteenth century.<sup>88</sup>

Grooms and servants, perhaps members of the lowest social order in the rolls, made up 5 per cent of the indicted and appealed suspects and 3 per cent of the people taken on suspicion of felony.<sup>89</sup> Three per cent of

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<sup>86</sup>See table 36.

<sup>87</sup>See table 36.

<sup>88</sup>J. Samaha noted that in the Elizabethan period, laborers made up about 50 per cent of the suspected felons. Laborers were rarely granted bail and were hanged more frequently than members of other groups. According to Samaha, 'a social bias was present in the hangings.' See

the indicted and appealed suspects and 1 per cent of the suspects taken on suspicion of felony were seamen, mariners, shipmen, shipgrooms and fishermen.<sup>90</sup> Since five of the southwestern counties bordered on the English and or Bristol Channels, one would expect seamen to figure more in the records. Perhaps the admiralty court skimmed off many of the felony cases from the gaol delivery courts.

Artisans, who accounted for 29 per cent of the indicted and appealed suspects, were accused of committing 23 per cent of the felonies. Another 23 per cent of the crimes were perpetrated by agricultural workers who made up only 19 per cent of the suspects. Similarly, laborers, who made up 15 per cent of the charged suspects, were accused of committing 19 per cent of the felonies. Grooms and servants, 5 per cent of the suspects, allegedly committed 5 per cent of the felonies. Yeomen, another 5 per cent of the suspects, were charged with perpetrating 7 per cent of the felonies. Seamen, who made up 3 per cent of the suspects, supposedly committed 3 per cent of the felonies.<sup>91</sup> The occasional discrepancy between the percentage of indicted and appealed suspects of one occupational group with the percentage of felonies committed by that group can be explained. Sometimes, for example, two

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J. Samaha, Law and Order in Historical Perspective: The Case of Elizabethan Essex (New York, 1974), pp. 26, 63, 65.

<sup>90</sup>See table 36.

<sup>91</sup>See table 37.

artisans might commit one felony together. A laborer, or a husbandman, on the other hand, might perpetrate two crimes each.

The types of felonies these occupational groups were accused of varied. Only larceny, robbery, burglary, and homicide were committed often enough to warrant examination. Almost all the groups committed larceny more than any other felony, but artisans committed burglary most often.<sup>92</sup> Most of the occupational groups lived in the countryside where goods and livestock were kept outside and hence were easily stolen. Artisans, on the other hand, generally lived in towns and villages where goods were stored in houses and other buildings. Thus they would have to commit burglaries to get at the goods.

TABLE 45: The number of larcenies, burglaries, robberies, and homicides committed by certain occupational groups.\*

<u>Suspects</u>	<u>Larc.</u>	<u>Burg.</u>	<u>Rob.</u>	<u>Hom.</u>	<u>Other</u>
Artisans	26	35	5	15	12
Agri.	44	25	8	12	3
Laborers	33	22	7	11	4
Grooms/Ser.	9	8	1	1	0
Yeomen	10	6	5	3	2
Seamen	4	4	3	1	1

\* If, for example, a laborer and an artisan committed one burglary, the burglary was counted in both the laborer and the artisan columns.

<sup>92</sup>See table 45.

Twenty-two per cent of the felonies committed by seamen and 19 per cent of the felonies perpetrated by yeomen were robberies.<sup>93</sup> These figures are high compared to the figures for the other occupational groups.

Seamen may have been pirates or sailors in the royal navy at one time. In both jobs they may have learned the art of pillaging. Yeomen, perhaps wealthier and of a higher status than the other groups who worked the land, may have seen robbery as the only profitable form of theft. J. Samaha noted that in Elizabethan Essex, the higher the social status of the felon the more violent his criminal acts were likely to be. Gentlemen committed robberies because these violent acts demonstrated the 'warrior's creed'.<sup>94</sup> This may explain why yeomen, who were perhaps conscious of their status, committed robbery quite frequently.

TABLE 46: The percentage of robberies committed by various occupational groups.

<u>Suspects</u>	<u>Number of felonies</u>	<u>Number of robberies</u>	<u>Percentage</u>
Artisans	84	5	5
Agri.	101	8	9
Laborers	77	7	9
Grooms/Serv.	19	1	5
Yeomen	26	5	19
Seamen	13	3	22

<sup>93</sup>See table 46.

Seamen and yeomen, however, were both less likely to commit homicide than they were to commit robbery. Homicide accounted for 12 per cent of the acts committed by yeomen and 8 per cent of the acts perpetrated by seamen. Twelve per cent of the felonies committed by agricultural workers, 14 per cent of the crimes perpetrated by laborers, and 18 per cent of the felonies committed by artisans were homicides. Only grooms and servants committed few homicides. Homicides accounted for only 5 per cent of the felonies they perpetrated.<sup>95</sup> Thus homicide did not figure largely in the felonious activities of any one occupational group except perhaps the artisans.

TABLE 47: The percentage of homicides committed by various occupational groups.

<u>Suspects</u>	<u>Number of felonies</u>	<u>Number of homicides</u>	<u>Percentage</u>
Artisans	84	15	18
Agri.	101	12	12
Laborers	77	11	14
Grooms/Serv.	19	1	5
Yeomen	26	3	12
Seamen	13	1	8

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<sup>94</sup>Samaha, Law and Order, p. 27

<sup>95</sup>See table 47.

Just 8 per cent of the seamen and 11 per cent of the agricultural workers were convicted. That only 8 per cent of the artisans, who were indicted more often than the members of other occupational groups, were convicted seems to contradict the theory that a certain prejudice operated in medieval society against artisans. Twenty-one per cent of the laborers, 21 per cent of the yeomen, and 16 per cent of the grooms and servants were convicted.<sup>96</sup> The members of the latter three groups certainly were sentenced to death more often than the members of the other occupational groups. Laborers, servants, and grooms were perhaps the lowest social classes. Juries might not have had as much compunction about convicting these men as they might have had about convicting husbandmen or artisans. Laborers, moreover, were repeatedly condemned in parliament for their wandering way of life, their threat to public order, and for their demands for high wages. The conviction rate for them may reflect the animosity trial jurors, usually men of substantial wealth, had for this unstable group of men. However, we must remember that in comparison to artisans and agricultural workers, laborers were not indicted to a great degree. Medieval communities as a whole were perhaps not prejudiced against laborers. Yeomen were probably higher on the social scale than the other suspects. Perhaps conviction of

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<sup>96</sup>See table 43.



certain of their members was the only way the juries could strongly remonstrate with this group. On the other hand, if the yeomen in question were not well off and did not have much influence, then perhaps the juries' attitudes towards them were no different than their attitudes towards other groups. It is possible, of course, that the juries' attitudes had nothing to do with the conviction rates. Perhaps they convicted suspects regardless of the suspects' occupations, a possibility class-struggle oriented historians find abhorrent.

Each occupational group contributed members to the total number of strangers who were suspected of committing felonies. Strangers, or outsiders, it will be remembered, did not live in the towns or villages where they were accused of committing felonies.<sup>97</sup> Although laborers were notorious for wandering about England looking for high wages, laborers only made up 19 per cent of the strangers for whom occupations were given in the rolls.<sup>98</sup> Perhaps it was not the vagrant laborers who were as criminous as was popularly believed. Agricultural workers accounted for 16 per cent of the outsiders, and artisans for a large 30 per cent of the strangers.

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<sup>97</sup>See supra, pp. 206-209.

<sup>98</sup>See table 48.

Medieval communities had more to fear from the wandering artisans than they did from any other group. Of course, it is possible that the artisans who travelled about were laborers.

TABLE 48: The percentage each occupational group contributed to the number of strangers.\*

<u>Suspects</u>	<u>Total number</u>	<u>Number of strangers</u>	<u>Percentage</u>
Women	46	11	4
Clergymen	43	21	7
Gentry	6	4	1
Artisans	168	93	30
Agricultural workers	87	48	16
Laborers	97	57	19
Grooms/ Servants	27	14	4
Yeomen	22	19	6
Seamen	15	14	4
Miscellaneous	9	2	1
Total	520	283	100%

\*The figures include indicted and appealed suspects and suspects taken on suspicion of felony for whom occupations were given in the gaol delivery rolls.

Rather surprisingly, strangers comprised only 38 per cent of the suspects were taken on suspicion of felony.<sup>99</sup>

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<sup>99</sup>See table 49.

Communities apparently viewed the inhabitants in their own villages as suspiciously as outsiders. Perhaps compelling certain indigenous characters taken in incriminating circumstances to go before the justices of gaol delivery to swear oaths of goods behaviour was a method of punishing disorderly behaviour within the community. Strangers, on the other hand, comprised 50 per cent of the indicted and appealed suspects. Eighty-six per cent of the felonies committed by outsiders were either larceny, robbery, or burglary.<sup>100</sup> In fact, 67 per cent of all the thefts in the gaol delivery rolls were attributed to strangers.<sup>101</sup> This suggests perhaps, that many strangers, wandering from village to village, lived on the proceeds of their thefts. On the other hand, communities perhaps regarded strangers more suspiciously when thefts had been committed. Only 8 per cent of the felonies committed by outsiders were homicides and just 31 per cent of the homicides in the records were imputed to strangers. Homicides, therefore, were probably the result of personal animosities within the village rather than the outcome of vicious acts by outsiders. Rapes and abductions were rarely committed by strangers. Indeed, 65 per cent of the rapes and abductions were committed by suspects who lived in the victims' hometowns. The characters and the financial situations of

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<sup>100</sup>See table 50.

<sup>101</sup>See table 51.

these women would be known more to the men who lived in the same towns as the women did than to strangers.

TABLE 49: The arraignment of strangers.

<u>Method</u>	<u>Total number of suspects</u>	<u>Number of strangers</u>	<u>Percentage of strangers</u>
Indicted or appealed	431	215	50
Taken on sus- picion of felony	<u>241</u>	<u>92</u>	38
Total	672	307	

TABLE 50 : The felonies committed by strangers.

<u>Felony</u>	<u>Number</u>	<u>Percent</u>
Larceny	96	43
Burglary	69	31
Robbery	25	11
Homicide	15	8
Rape	3	1
Abduction	4	2
Arson	2	1
Counterfeiting	3	1
Breaking Prison	4	2
Receiving	<u>0</u>	<u>0</u>
Total	221	100%

TABLE 51: The percentage of felonies committed by strangers. ~~57~~

<u>Felony</u>	<u>Total number committed</u>	<u>Number committed by strangers</u>	<u>Percentage committed by strangers</u>
Larceny	136	96	71
Burglary	114	69	61
Robbery	33	25	76
Homicide	49	15	31
Rape	11	3	27
Abduction	9	4	44
Arson	4	2	50
Counter- feiting	7	3	43
Breaking Prison	10	4	40
Receiving	<u>4</u>	<u>0</u>	0
Total	377	221	

It seems plausible that trial juries, who usually came from the neighbourhood where the crime was committed, would be more apt to convict suspects if they did not know them, that is if they were strangers. In the south-western counties, 25 out of 215 strangers (12 per cent) were convicted while nineteen out of 216 (9 per cent) of the people who allegedly committed felonies in their home towns were convicted. Thus juries did convict strangers slightly more often than suspects they might have known.

Criminal gangs were said to be, 'perhaps the biggest danger to public order' in the middle ages.<sup>102</sup> Almost one third of all the felonies were committed by associations of two or more suspects in the southwestern counties between the years 1413 to 1430.<sup>103</sup> Teams of two persons perpetrated 11 per cent of all the felonies. Groups of three or more committed a further 6 per cent of the felonies. Quite frequently an indictment noted that a felony was committed by the accused cum aliis, with others, or cum aliis ignotis, with unknown others.<sup>104</sup> Presumably these 'others' were still at large and had not been indicted or were outlawed. Twelve per cent of the felonies were committed by suspects with others.<sup>105</sup> The frequency with which cum aliis appears in the rolls indicates the difficulty medieval authorities had in apprehending suspected felons. Not all the criminal associations were professional gangs who made their living from crime. Sixty-one (76 per cent) of the associations committed only one felony. Another twelve (15 per cent) perpetrated two crimes and a mere seven (9 per cent) committed three or more felonies. Most associations, therefore, were short-lived. Many felons must have joined together

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<sup>102</sup>Bellamy, Crime and Public Order, p. 69.

<sup>103</sup>See table 52.

<sup>104</sup>See, for example, JUST 3/198, mm. 15d., 17d.

<sup>105</sup>See table 53.

for the purpose of committing one felony.

TABLE 52: Felonies committed by associations.

<u>Felony</u>	<u>Total number</u>	<u>Number committed by associations</u>	<u>Percentage committed</u>
Larceny	136	33	24
Burglary	114	33	29
Robbery	33	17	52
Homicide	49	15	30
Rape	11	0	0
Abduction	9	1	11
Arson	4	1	25
Counter- feiting	7	3	43
Breaking prison	10	5	50
Receiving	<u>4</u>	<u>0</u>	0
Total	377	108	29

TABLE 53: The number of suspects involved in each felony.

<u>Number of suspects</u>	<u>Number of felonies</u>	<u>Percentage of felonies</u>
1	269	71
2	41	11
3 or more	22	6
with others	<u>45</u>	<u>12</u>
Total	377	100%

Just under one fifth of all criminal associations were definitely based on kinship groupings.<sup>106</sup> Generally husbands and wives acted together. Occasionally fathers and sons committed crimes together. When two suspects had the same last name they may have been related but the gaol delivery records do not note any familial connections between the two. Thus probably more crimes were committed by family groups than the indictments suggest. All types of people banded together to commit felonies. For example, Robert Clerk, John Wrytheoke and John Bowland committed a burglary together. Clerk was a chapman, Wrytheoke was a barber, and Bowland was a laborer.<sup>107</sup> Only occasionally did men of the same profession join together. John Russell, Thomas Taillour, and John Olyner, for example, were all 'corveysers'. They committed a homicide together.<sup>108</sup>

If neither blood nor occupation tied felons together particularly, co-habitation in the same village or town certainly did. For 52 gangs the domiciles of the members were given. In 33 (63 per cent) of the associations at least two members came from the same town or village. Other associates who lived in towns close to each other might have known each other for a long time before they

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<sup>106</sup>See table 54.

<sup>107</sup>JUST 3/205, m. 7.

<sup>108</sup>JUST 3/205, m. 11.



committed a felony together. However, some members lived many miles from each other. John Bayly, a laborer from Coryton, Devon, joined with John Bryt, a tailor from Barnstaple, Devon, approximately 50 miles away. They committed an abduction at 'Shaftbeare'.<sup>109</sup> Thus some felons must have met each other on the road, in taverns, at fairs, or elsewhere on their travels.

TABLE 54: The relationship between the members of criminal associations.\*

<u>Relationship</u>	<u>Number of associations</u>	<u>Percentage of associations</u>
Husband and wife	2	4
Husband and wife and other relative	2	4
Husband and wife and unrelated person	3	6
Father and son	1	2
Brothers	1	2
Unrelated	<u>43</u>	<u>82</u>
Total	52	100%

\*The associations do not include gangs which committed crimes with 'others' unless two of the suspects were named.

Thirty-seven (34 per cent) of the felonies committed by criminal associations were perpetrated in the

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<sup>109</sup>JUST 3/198, m. 20.

same town where the group members lived. Sixty-four (60 per cent) of the felonies were perpetrated in different villages. Occasionally one of the associates lived in the same town where the crime was committed and another associate lived in a neighbouring town. Richard Hayward of Amport and Simon Fyge of Broughton, situated about seven miles from Amport, purportedly committed a larceny at Amport.<sup>110</sup> However, usually gang members lived in the same town together and they ventured from this town to commit a felony elsewhere. For example, John Skillyng and John Skermer, both of Southampton, committed a robbery at Medstead situated about 21 miles from Southampton.<sup>111</sup> Perhaps these travelling associations were the roving gangs that threatened the king's peace on the royal highways.

Felonies which could best be accomplished by a number of men or women were often perpetrated by associations. Fifty-two per cent of the robberies were committed by more than one person.<sup>112</sup> Robbery, of course, might entail attacking and overpowering a person before the theft could be accomplished. Two shipmen, for example, found it necessary to bind the hands and feet of their victim, who doubtless was struggling to resist his attackers, before

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<sup>110</sup>JUST 3/105, m. 5.

<sup>111</sup>JUST 205, m. 5d.

<sup>112</sup>See table 52.

they could rob him of his money.<sup>113</sup> Breaking out of prison might require the concerted effort of more than one person. It is not surprising that 50 per cent of the prison breaches were perpetrated by groups. Counterfeiting required people to make and to pass off false money. Forty-three per cent of the acts of counterfeiting were committed by more than one person. Rape and receiving required no strength in numbers and consequently these felonies were always committed by persons acting alone. Eleven per cent of the abductions involved groups. If a woman were guarded by relatives then perhaps a gang would be required to drag her away. Six men, for example, joined together to abduct Elizabeth Juteborgh.<sup>114</sup> Although we might expect arson to be committed by gangs because it was a favorite crime of extortion rings, only one arson was committed by a criminal association. Larceny often involved the theft of small goods or the herding of animals, acts which persons acting alone could easily carry out. Indeed, only 24 per cent of the larcenies were committed by more than one person. Twenty-nine per cent of the burglaries, which might require more than one person to carry off goods, or to stand guard, involved criminal associations. Gangs committed 30 per cent of the

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<sup>113</sup>JUST 3/205, m. 5d.

<sup>114</sup>JUST 3/205, m. 11.

homicides. When associations were involved in committing homicides, a degree of planning was probably involved such as in the murder of John Punchardon.<sup>115</sup>

Criminal associations tended to commit more profitable thefts than the suspected thieves as a whole. In 54 per cent of the thefts committed by gangs, the goods were worth over £1, while only 49 per cent of the goods stolen by all the thieves were worth over £1.<sup>116</sup> Gangs, of course, had to split the profits among themselves. Probably gangs made more lucrative thefts because they could carry away more and because they were involved in robberies to a greater extent than thieves who acted by themselves.

TABLE 55: The value of the goods stolen by criminal associations.

<u>Value of the stolen goods</u>	<u>Number of thefts</u>	<u>Percentage of thefts</u>
0 - 10s.	25	30
11s. - £1	13	16
£1.1s. - £5	27	32
over £5	<u>18</u>	<u>22</u>
Total	83	100% .

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<sup>115</sup>JUST 3/205, m. 4d.

<sup>116</sup>See tables 31 and 55.

The conviction rate for suspects who perpetrated felonies with associates was higher than the overall conviction rate. While 25 of the 172 suspects (14 per cent) who operated with others were sentenced to death, only nineteen of the 259 suspects (7 per cent) who acted alone were convicted. Medieval jurors then tended to view members of criminal associations more severely than suspects who perpetrated felonies by themselves.

The gaol delivery rolls record 87 suspects who committed multiple felonies.<sup>117</sup> For example, one multiple offender, John atte Hethe, on January 5, 1421, feloniously broke into John Tyrell's house and stole a dagger. Two years previously, on December 31, 1418 he had broken into William Marche's house and had stolen four silver spoons. John was tried for these two felonies on March 2, 1422.<sup>118</sup> Usually the multiple offender was tried on all the charges at once. In this sense the multiple offender was not a recidivist. Ten (11 per cent) of the multiple offenders were brought to trial on two separate occasions to answer to different charges. The yeoman, John Langkylly, for example, was tried on March 1, 1425 for having robbed Nicholas Rolf on November 23, 1419.

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<sup>117</sup>Thirty-eight (44 per cent) of the multiple offenders belonged to criminal associations and 49 (56 per cent) acted alone.

<sup>118</sup>JUST 3/198, m. 5.

He was acquitted of the charge.<sup>119</sup> The same John was tried four years later on February 25, 1429 for another robbery. Again Langkylly was acquitted.<sup>120</sup> Most of the multiple offenders were accused of committing two or perhaps three felonies. In one unusual case the accused was suspected of committing four larcenies and two burglaries.<sup>121</sup> However, only six ( 8 per cent) of the multiple offenders purportedly committed more than three felonies. It is possible, of course, that they committed more crimes but were not indicted for them.

When the designation communis latro was applied to a suspect who was charged with only one or two felonies, it seems certain that the accused was suspected of perpetrating other felonies. Fifty-seven suspects were labelled variously communis latro, communis Burgulator et latro, communis raptor, communis et notorius latro, communis latro et insidiator viarum et depopulator agrorum etc. Thirty-four of these common malefactors were charged with more than one felony.

Multiple offenders and common malefactors make up 110 (26 per cent) of the suspects indicted or appealed of specific felonies in the gaol delivery rolls under

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<sup>119</sup>JUST 3/205, m. 8d.

<sup>120</sup>JUST 3/205, m. 11d.

<sup>121</sup>JUST 3/205, m. 19.

examination. They were charged with having committed 148 (48 per cent) of the felonies described in the rolls. These multiple offenders and common malefactors thus purportedly committed almost half the felonies in the southwestern counties between 1413 and 1430 and thus they deserve examination.

Ninety per cent of the felonies committed by multiple offenders and common malefactors were thefts, while 61 per cent of the felonies perpetrated by suspects who committed only one felony were thefts.<sup>122</sup> By and large then, multiple offenders and common malefactors were thieves. Indeed, the adjective communis usually described the noun latro.

Common thieves and multiple offenders committed larceny most often and robbery least often. Larceny was the the theft requiring the least amount of skill. Often a thief only needed to be able to drive animals away, to snatch grain out of a field or objects left out of doors. On the other hand, robbery required the greatest amount of expertise. The robber had to plan ambushes and be able to overpower and attack victims, and then make quick escapes. Thus the common malefactors who frequently committed larceny, but not robbery, perhaps were not expert or professional thieves. This conclusion

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<sup>122</sup>See tables 56 and 3.

is supported by the fact that multiple offenders and common thieves stole goods worth less in total than the goods stolen by all the thieves at large. While 51 per cent of the goods stolen by all thieves were worth £1 and under, common thieves and multiple offenders stole goods that amount in 61 per cent of the thefts they committed. Common malefactors stole goods valued over £1 in 39 per cent of the thefts, while all thieves took goods worth that amount in 49 per cent of the thefts they were involved in.<sup>123</sup> Thus, in comparison to all thieves, multiple offenders and common thieves did not make very lucrative thefts. Possibly then, they were not hardened professional thieves intent on making large hauls. On the same day or over a number of months or years common malefactors committed small larcenies or burglaries. Perhaps need occasioned the thefts or the suspects could not resist carrying away goods which seemed easy to steal.

On the other hand, some multiple offenders and common thieves perhaps were professionals desiring to commit low-risk larcenies or burglaries. Some larcenies and burglaries must have involved a certain amount of skill. Pickpockets and cut-purses had to be rather dextrous and fast on their feet to perpetrate successful larcenies. William Cook, for example, could only have split open

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<sup>123</sup>See table 57.



Richard Pynell's purse and stolen 5s.-4d. from it with the utmost skill. Perhaps because the amount of money he took was so small, on the same day Cook cut open Richard Crapper's purse so that 4s.-11d. fell from it into his own hands. Cook may have been a professional cut-purse.<sup>124</sup> Some burglars needed the skill to quietly break into houses and sometimes to open locked chests. John Lyghte, for example, broke into John Brewere's house but before he could steal anything of value he had to break open a chest. From this he stole a silver ornament, a silver brooch, a silver spoon, and silver amulets. When goods were guarded carefully in houses burglars had to be rather knowledgeable about how to accomplish their thefts.<sup>125</sup> Thus while some common malefactors and multiple offenders may not have been professional thieves, others certainly were.

Trial juries viewed this group of suspects more severely than suspects who were accused of committing only one offence. Sixteen out of 110 (15 per cent) multiple offenders and common malefactors were convicted. Twenty-eight out of 321 (9 per cent) of the suspects accused of committing only one felony were convicted. Perhaps juries felt that suspects who transgressed the law just once were not menaces to society and did not deserve

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<sup>124</sup>JUST 3/205, m. 11.

<sup>125</sup>JUST 3/205, m. 18d.

to be convicted. Multiple offenders and common malefactors, on the other hand, were more serious criminals who perhaps posed a threat to the peace of society and thus they were convicted more often.

FIGURE 56: The felonies committed by multiple offenders and common malefactors.

Felony	Multiple offenders and common malefactors		Others	
	No.	%	No.	%
Larceny	84	47	52	26
Burglary	65	36	49	25
Robbery	13	7	20	10
Homicide	7	4	42	21
Rape	6	3	5	2
Abduction	1	1	8	5
Arson	2	1	2	1
Counterfeiting	2	1	5	2
Breaking Prison	0	0	10	6
Receiving	<u>0</u>	<u>0</u>	<u>4</u>	<u>2</u>
Total	180	100%	197	100%

One final group to be examined are the appellees. Appellees numbered 47 and accounted for 7 per cent of all the suspects brought before the gaol delivery sessions in the southwestern counties between 1416 and 1430. Like their indicted counterparts, the appellees were usually charged with theft. However, the similarity with the

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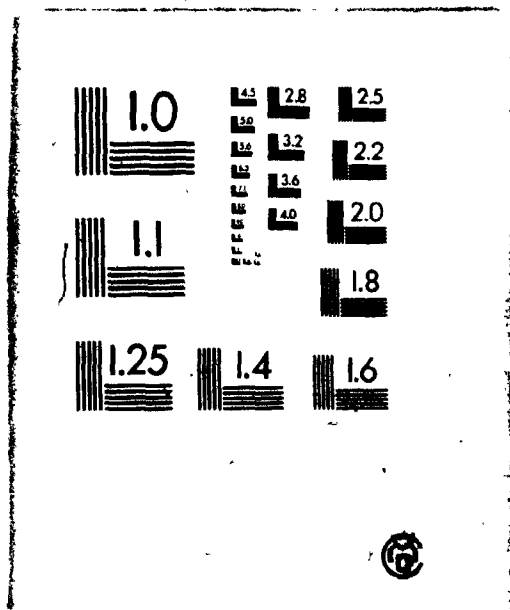


TABLE 57: The value of the goods stolen by multiple offenders and common thieves.

Value of goods	Thefts committed by common malefactors and multiple offenders		Thefts committed by all thieves	
	No.	%	No.	%
0 - 10s.	61	39	93	33
11s. - £1	35	22	50	18
£1-1s. - £5	46	29	97	35
over £5	<u>16</u>	<u>10</u>	<u>39</u>	<u>14</u>
Total	158	100%	279	100%

indicted persons ends there. While 38 per cent of the felonies indicted suspects were accused of were larcenies, and 31 per cent were burglaries, larcenies made up only 18 per cent, and burglaries another 18 per cent of the felonies committed by appellees. Robberies dominated the thefts appellees were charged with, accounting for 39 per cent of all the felonies they were accused of. Only 6 per cent of the felonies indicted suspects were charged with were robberies. In addition, appellees were accused of homicide more often than indicted suspects. Homicide accounted for 21 per cent of the felonies appellees were accused of but for only 12 per cent of the crimes indicted suspects were charged with. One appellee was charged with counterfeiting, and no one was appealed for rape, abduction, arson, breaking the gaol, or receiving.<sup>126</sup>

<sup>126</sup>See table 58.

TABLE 58: The felonies committed by appellees.

Felony	Appellees		Indicted suspects	
	No.	%	No.	%
Larceny	5	18	131	38
Burglary	5	18	109	31
Robbery	11	39	22	6
Homicide	6	21	43	12
Rape	0	0	11	3
Abduction	0	0	9	2
Arson	0	0	4	1
Counter- feiting	1	4	6	2
Breaking prison	0	0	10	3
Receiying	<u>0</u>	<u>0</u>	<u>4</u>	<u>1</u>
Total	28	100%	349	100%

Homicide, of course, often prompted appeals by blood relatives intent upon revenge. Indeed, the closest blood relative to the victim was allowed a year during which he could appeal a suspect for the homicide before the suspect was tried at the king's suit. The most notorious example of an appeal for homicide in the records under examination was the appeal of twelve men by Richard Punchardon for killing his father.<sup>127</sup> The other appellors were wives appealing suspects for killing their husbands.

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<sup>127</sup>JUST 3/205, m. 4d.

Appellors were particularly concerned to appeal suspects for robbery. Here revenge for bodily harm might have been the motive for the appeals. More likely the victim hoped that the appellee would be convicted so that he could recover the stolen goods. In robbery particularly the stolen goods were worth a considerable amount. Thus it would be to the victim's advantage to appeal the suspect rather than to have the suspect indicted because if an indicted suspect were convicted the goods would be forfeited to the king. The value of the goods stolen by appellees was generally higher than the value of the goods taken by all thieves.<sup>128</sup> Perhaps when a victim was sufficiently outraged by a theft of his valuable goods, he appealed the suspect.

TABLE 59: The value of the goods stolen by appellees.

Value of goods	Thefts committed by appellees		Thefts committed by all thieves	
	No.	%	No.	%
0 - 10s.	1	5	93	33
11s. - £1	4	21	50	18
£1-1s. - £5	9	48	97	35
over £5	5	26	39	14
Total	19	100%	279	100%

<sup>128</sup>See table 59.

Appellors were more likely to see their appellees convicted than were the victims of indicted suspects. Eleven out of 47 (23 per cent) of the appellees were sentenced to death while only 33 out of 384 (9 per cent) of the indicted suspects were convicted. Juries perhaps felt that if a victim was serious enough to go through the long appeal process his appeal must be valid and the appellee guilty.

The gaol delivery rolls provide only enough information to afford brief analyses of the participation in felonious activities of various groups in early fifteenth century southwestern society. Cross-referencing the suspects with the persons appearing in other court records would be most valuable in preparing more complete biographies of the groups just studied. A yeoman tried at the gaol delivery sessions might very well have been tried at the quarter sessions for countless offences. This type of cross-referencing however, is beyond the scope of the present study.

Although suspects have been analysed as members of groups, their individual actions must not be ignored. Surely each felon was motivated to perpetrate a felony for his or her reasons. However, if he were a member of the clergy, he might be more likely to commit abduction than a baker would be. An artisan would probably be more likely to burgle a house than a husbandman. Although juries seemed to convict members of one group more often

than members of another class or occupational group, they may not have been influenced solely by the occupation or class of the suspect. Many other considerations such as the suspect's domicile, the suspect's connections with criminal associates, the time the felony was committed, the number of felonies the suspect was accused of, the method of arraignment, the type of felony, and of course the known innocence or guilt of the suspect entered into the juries' decision to convict or to acquit.



## CHAPTER X

### CONCLUSION

In conclusion we must ask whether or not the nature of felony and its handling by medieval communities and the justices of gaol delivery in the southwestern counties was any different than it was elsewhere in England. The query can be answered in both the affirmative and in the negative. Certainly the southwest had its regional peculiarities. However, in the main, a profile of felony in the southwestern counties is similar to a profile of felony in other counties.

To a certain extent the unique geography of the southwestern counties must have influenced the nature of felony there. Every county, except Wiltshire, bordered the Bristol Channel, or the English Channel, or both bodies of water. Many of the southwestern ports carried on a considerable amount of trade with France, with the English possessions in France, and with the rest of England. Trading relations with other kingdoms were not always easy as piracy, particularly in Henry VI's reign, was not uncommon. The coastal areas were also affected by Henry V's decision to renew the war with France. A navy, built at Southampton, was stationed at both Dartmouth

and Southampton. Each time Henry journeyed to France, ships and boats from along the coast were pressed into service. Provisions were collected and men were mustered to sail to France from the southwestern ports. Not only was the country mobilized in this respect for war, but it was also subject to hostilities from France and other European kingdoms. Indeed, in November, 1415, Henry V ordered the tithings and townships of Purbeck, Dorset, 'to keep nightly and daily watches on the sea-coast.'<sup>1</sup> Previously the watches had not been at all well kept and consequently, 'lieges of the king . . . have been captured by the king's enemies of France.'<sup>2</sup> In 1416 ships resting in Southampton harbour were attacked and burned by a French fleet.<sup>3</sup> The coastal areas were wary of other enemies too. In February, 1419, when Henry V was in Rouen, he advised the council in England to prepare to defend the coasts because the king of Castile was preparing to attack England and to destroy the ships at Southampton.<sup>4</sup> Spaniards sighted in the waters off the coast of the Isle of Wight in March, 1421, reportedly intended to invade

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<sup>1</sup>Cal. Pat. Rolls, 1413-1416, p. 411.

<sup>2</sup>Cal. Pat. Rolls, 1413-1416, p. 411.

<sup>3</sup>G.E. Jeans, Memorials of Old Hampshire (London, 1906), p. 57.

<sup>4</sup>Calendar of Signet Letters of Henry IV and Henry V (1399-1422), ed. J.L. Kirby (London, 1978), p. 174.

England.<sup>5</sup> Thus the southwestern counties, perhaps more than the other English counties, were susceptible to the problems of war, piracy, and trade.

The unique circumstances of the southwest are reflected to some extent in the gaol delivery rolls. In Devon, and doubtless in the other counties which bordered the English Channel, felonies were concentrated in the regions along the coast. Possibly piracy and the diversified activities of the ports encouraged lawlessness in the coastal areas. Unfortunately the admiralty court had cognizance over piracy cases and over felonies committed in ships at sea. For these reasons the felonious activities of sailors are rarely recorded in the rolls.

Although the southwest was involved to a considerable extent in Henry V's war preparations, this fact is neither mentioned nor reflected in the rolls. If any suspected felon served in the king's forces, his service was not reported in the gaol delivery records. Moreover, because many rolls are missing for Henry V's reign, we cannot study if Henry's absence from England affected the incidence of crime in the southwest, or if the provisioning of his army and navy caused any hardship or sparked any felonies.

Another important factor distinguished the southwest from the rest of England. In western Devon and in

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<sup>5</sup>Proceedings and Ordinances, ed. Nicholas, ii, 362.

Cornwall especially, tin was plentiful and many communities were almost solely involved in mining it. The felonious activities of the tanners in the southwest are not known to us through the gaol delivery rolls because the stannary courts had cognizance over most of the felony cases in which tanners were involved. Had the gaol delivery courts handled the felony cases of tanners, not to mention the felonies committed by sailors, then doubtless the type of suspect brought before the justices of gaol delivery would have been markedly different from the suspects arraigned in other counties.<sup>6</sup>

The southwestern landscape, with its narrow river valleys, supported a growing cloth industry. In the early fifteenth century, Devon, Somerset, and Wiltshire were prime cloth producing regions.<sup>7</sup> A study of the geographical location of felony in Wiltshire revealed that the cloth producing areas in that county were subject to a high incidence of felony. Perhaps boom town growth, with its accompanying instability, provided fertile grounds for criminal activity.

These geographical considerations aside, a profile of felony in the southwestern counties is different in

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<sup>6</sup>Since historians other than J. Samaha have not analysed the involvement of occupational groups in felony, a comparison of southwestern suspects with the suspects of other counties in the later middle ages is not possible.

<sup>7</sup>H.C. Darby, A New Historical Geography of England, (Cambridge, 1973), p. 222.

only a few respects from the nature of felony in other English counties in the later middle ages. Theft, and in particular larceny, was usually the most common felony committed in all counties throughout the middle ages. There is some evidence that the number of burglaries was increasing in the later middle ages.<sup>8</sup> Certainly, this was the case in Somerset. Between 1300 and 1348, 30.9 per cent of the felonies in Somerset were burglaries while between 1413 and 1430, 39 per cent of the felonies were burglaries.<sup>9</sup> Homicides, on the other hand, perhaps were decreasing over time.<sup>10</sup> In Wiltshire, the percentage of homicides definitely decreased. In the Wiltshire eyre for 1249 homicide accounted for 38 per cent of all the charges.<sup>11</sup> Between 1275 and 1306 homicide made up 18.6 per cent of all the felonies.<sup>12</sup> In the period under examination, 1413 to 1430, only 13 per cent of the felonies were homicides. In addition, Somerset experienced a lower homicide rate in the early fifteenth century than it did in the early fourteenth century. Between 1413 and 1430, 6 per cent of the felonies in Somerset were homicides while between 1300 and 1348, 16.4 per cent of

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<sup>8</sup> See supra, pp. 46-8.

<sup>9</sup> Hanawalt, Crime and Conflict, p. 67.

<sup>10</sup> See supra, pp. 69-71.

<sup>11</sup> Crown Pleas, ed. Meekings, pp. 98-99.

<sup>12</sup> Wiltshire Gaol Delivery, ed. Pugh, passim.

the felonies were homicides.<sup>13</sup> Possibly homicides were being concealed in the later middle ages. In all the English counties, felonies other than larceny, burglary, robbery, and homicide were committed infrequently.

On the whole, it is difficult to determine just how violent any county was by examining the gaol delivery rolls alone. For instance, William Wawe and his associates terrorized the clergy by attacking and robbing them in the Deane area of Hampshire in 1427.<sup>14</sup> However, neither Wawe nor any members of his gang were mentioned in the gaol delivery records. References to Wawe are found in the records of the king's bench, the patent rolls, the privy council records, and in two chronicles.<sup>15</sup> The disturbances caused by Oldcastle and the lollards early in Henry V's reign were not mentioned or reflected in the gaol delivery rolls but in such records as the patent rolls, bishops' registers and the rolls of parliament. In addition, the plot by the earl of Cambridge, Lord Scrope, and Thomas Grey to kill Henry V and put the earl of March on the throne was not noted in the gaol delivery rolls. The rolls under examination, of course, begin with sessions dated 1416, well after the case was

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<sup>13</sup>Hanawalt, Crime and Conflict, p. 67.

<sup>14</sup>Griffiths, Proceedings of the Hampshire Field Club Archaeological Society, 33 (1977), 91.

<sup>15</sup>Ibid., p. 93.

settled by the king. However, cases involving the nobility were not likely to be tried at the gaol delivery sessions. The gaol delivery rolls usually describe only the felonies committed by the lower classes. We must be wary, therefore, about definitively describing the violence of a period from evidence found in the gaol delivery rolls alone.

Gaol delivery justices, following the precepts of the common law, handled felony cases in the same way throughout England. However, the decisions of the justices varied from circuit to circuit. If we compare the actions of the justices of the western circuit with the actions of the northern circuit justices we discover, for example, that the northern circuit judges tended to let suspects whose indictments were insufficient in law to go sine die.<sup>16</sup> The western circuit justices preferred to remit such suspects to prison. In this respect the western circuit justices were acting with caution. They wanted to be sure that each felony case was brought to its ultimate conclusion. In addition, by frequently remitting suspects to prison rather than releasing them on bail, the justices ensured that particularly suspicious characters were not left free to roam the streets and to commit more felonies. The western circuit justices performed their duties extremely conscientiously.

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<sup>16</sup>Neville, "Gaol Delivery in the Lancastrian North, 1439-1459", p. 299.

At the county level, medieval communities approached felonious activity differently. If we compare the northern and the western circuits, we discover that in the former region, between 1439 and 1459, only 4.47 per cent of the suspects were taken simply on suspicion of felony and without indictment or appeal.<sup>17</sup> In the latter circuit, between 1413 and 1430, 36 per cent of the suspects were taken on suspicion of felony. Perhaps southwestern communities preferred to take people on suspicion of felony immediately rather than to wait until enough evidence was collected for indictments to be made. In addition, presenting jurors in different counties used distinct words and phrases in formulating indictments. The verbs, burgare and deburgare, for example, were used in only certain regions.<sup>18</sup> They were not used in the southwestern counties. The phrase vi et armis, used very frequently in Hampshire indictments for felony, was rarely used elsewhere in the southwest.<sup>19</sup> Thus medieval communities across England handled felony suspects and formulated indictments somewhat differently.

Specific words contained in indictments, indicated presenting jurors' sentiments towards particular felonies.

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<sup>17</sup>Ibid., p. 213.

<sup>18</sup>See supra, pp. 42-43.

<sup>19</sup>See supra, p. 121.



Especially heinous felonies such as robberies were described with numerous colourful verbs. Conviction rates for the various felonies, moreover, suggests that some felonies were regarded with a clear dislike by the trial jurors. Homicide, more than any other felony in the southwest was likely to produce convictions. When a wife killed her husband, or villeins killed their lord, juries were particularly offended and these suspected traitors were always convicted.

The views of the juries towards the suspects themselves were reflected in indictments and conviction rates. A particularly evil malefactor might be branded with the words, communis et notorius latro. Possibly there was a certain prejudice against the artisans in the southwestern counties because members of this group were brought before the justices more often than the members of any other occupational group. The number of husbandmen and laborers who were arraigned was surprisingly low. Perhaps a prejudice operated in favour of these two groups. The discrepancy in the number of suspects arrested in each of these occupational groups perhaps can be explained. Maybe in the southwest the number of people involved in agricultural pursuits was low, but the number of people involved in the crafts and the cloth industry was high. The observations about the prejudices of the juries must be treated with reserve

because the conviction rate for artisans was lower, and the conviction rate for agricultural workers and laborers was higher, than the rate for all the suspects. Moreover, it seems clear that many other factors operated in the determination of innocence or guilt. Nocturnal felonies were more likely to bring a guilty verdict upon the suspect than were felonies committed by daylight. Suspects who used weapons were convicted more often than those who did not use them. Thieves who stole goods worth a lot of money were hanged more regularly than thieves who took goods worth little. Appellees were convicted more often than were indicted suspects. The conviction rate for common malefactors and multiple offenders was higher than the rate for suspects who committed a single offence. Trial juries were more likely to find strangers, as opposed to suspects who committed felonies in their hometowns, guilty. A suspect brought to trial soon after the felony he purportedly committed was sentenced to death more often than a suspect who allegedly committed a felony many years earlier. Clearly no one factor was considered by the juries to be important enough to convict a suspect. The suspect's status or occupation was only one of a number of factors the jury deliberated upon.

In many of the English counties in the later middle ages very few suspects were convicted. The conviction rate

for Warwickshire and Coventry between 1377 and 1397 was 7.6 per cent.<sup>20</sup> For a number of non-contiguous counties the conviction rate for the years 1377 to 1399 was 13.08 per cent.<sup>21</sup> In Essex between 1379 and 1380, the rate was 8.7 per cent.<sup>22</sup> The southwestern counties, between 1416 and 1430, experienced a 10 per cent conviction rate. Between 1439 and 1459, only 4.8 per cent of the suspects in Westmorland, Northumberland, and Cumberland were convicted.<sup>23</sup> Throughout these areas of England at least, juries clearly were unwilling to convict felons. Surprisingly, conviction rates before the Black Death were considerably higher than they were after the Black Death. In Northamptonshire between 1314 and 1316, the conviction rate was 27.2 per cent.<sup>24</sup> In Cambridgeshire, between 1332 and 1334, 19 per cent of the suspects were convicted.<sup>25</sup> Between 1300 and 1348, 22.9 per cent of the suspects were convicted in a number of non-contiguous counties.<sup>26</sup> When one compares the conviction rates

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<sup>20</sup>Warwickshire and Coventry Sessions, ed. Kimball, p. lxvii.

<sup>21</sup>Garay, "'No Peace Nor Love in England?'" , pp. 337-39.

<sup>22</sup>Essex Sessions, ed. Furber, p. 59.

<sup>23</sup>Neville, "Gaol Delivery in the Lancastrian North, 1439-1459", p. 264.

<sup>24</sup>Rolls of Northamptonshire Sessions of the Peace, ed. M. Gollancz, (Northamptonshire Records Society, xi, 1940), xxxix.

<sup>25</sup>A Cambridgeshire Gaol Delivery, ed. Kimball, p. 26.

within the southwestern counties the same trend appears. Between 1275 and 1306, 26.8 per cent of the theft and homicide suspects were convicted in Wiltshire.<sup>27</sup> In the period under examination 12 per cent of the Wiltshire theft and homicide suspects were convicted. In Somerset 17.3 per cent of the suspects were convicted between 1300 and 1348.<sup>28</sup> Between 1416 and 1430, 7 per cent of Somersetshire suspects were convicted. Clearly after the Black Death, the juries were increasingly reluctant to convict felony suspects. Perhaps this reflects a certain antipathy towards the king's justice. It may also reflect the juries' fears that the associates of a convicted felon might take revenge upon them. Very likely jurors were becoming more and more dissatisfied that the only punishment for convicted felons was death. Despite the western circuit justices' conscientious efforts to mete out justice properly in the king's name, the lack of convictions, the relative ease with which felons could buy pardons, seek sanctuary, claim benefit of clergy, and be released from outlawry no doubt encouraged lawlessness in the later middle ages in the southwestern

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<sup>26</sup>Hanawalt, Crime and Conflict, p. 56.

<sup>27</sup>Wiltshire Gaol Delivery, ed. Pugh, passim.

<sup>28</sup>Hanawalt, Crime and Conflict, p. 56.

and other counties in England.

Although felony was treated somewhat differently by the western circuit justices and the southwestern communities and juries, the sorts of felonies committed and the number of convictions meted out to suspects in the southwest compared with the felonies and the conviction rates elsewhere in England. Certain geographical conditions, which may have influenced the location of felonies and the types of felony suspects brought to court, and the existence of other courts which handled felonies, perhaps distinguished the southwestern counties from the rest of England.

## APPENDIX 1

### METHODOLOGY

The following charts categorize the information contained in gaol delivery rolls, JUST 3/198, JUST 3/202, and JUST 3/205. Each roll comprises 22, 8, and 21 membranes respectively. Thirty-two of the membranes are written on both the front and the dorse. Every membrane contains a number of entries describing a certain felony or felonies allegedly perpetrated by one or a number of suspects. The trial of the suspects is also recorded in each entry. Every entry on the membrane is clearly demarcated from the entry preceding it and the entry following it, usually by blank spaces. The charts reflect the organization of the membranes. Every entry is classified by the membrane, 'm', and, if the entry was written on the back of the membrane, by the letter, 'd'. Entries, indicated by the letter, 'e', are numbered according to their position on the membrane.

Immediately above the entries handled at a particular gaol delivery sessions, the date of the sessions was written. The date every felony was committed on was also recorded in each entry. By using C.R. Cheney's, Handbook

of Dates for Students of English History, modern calendar dates were discovered for the dates described in the rolls in terms of saints' festivals.<sup>1</sup> The dates for both the sessions and the felonies were recorded on the charts. In addition, if a felony was committed at night, this information too was noted on the charts.

The number of males and females charged with committing a felony or taken on suspicion of felony in each entry was next recorded on the charts. If these suspects acted with other people, described in the entries as alliis ignotis, an 'x' was placed in the 'Others' category. If a suspect was described as a communis latro, a communis raptor, etc., this was noted on the charts in the 'Common Malefactor' section.

Each entry described by what method the suspect was arraigned, whether by indictment or by appeal. Sometimes a suspect was neither indicted nor appealed but was taken on suspicion of felony. A letter, 'x', recorded this information on the charts. If an entry described two separate indictments for a suspect, then 'xx' was placed in the 'Indictment' category.

The felony, or felonies, described in each entry were also recorded on the charts. If, for example, the suspect

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<sup>1</sup>C.R. Cheney, Handbook of Dates for Students of English History (London, 1945).

committed one larceny, an 'x' was placed in the larceny section. If two larcenies were described, then 'xx' was entered. The felony the suspect was accused of committing was determined according to the definitions discussed in Chapter III. If, however, one charge involved, for instance, burglary and homicide, homicide was recorded on the chart. In general, the more serious felony charge was entered on the charts. Thus homicide was recorded when a suspect broke into a house and murdered the inhabitant. The suspect who raped and abducted a woman was charged with rape. Only rape was recorded on the chart.

The location of the crime, the goods stolen, the value of the stolen goods, and the weapons used or carried by the suspects, were also entered on the charts. The symbols used in the charts for these categories are explained in keys preceding the charts. Unfortunately when two separate thefts were recorded in one entry the stolen goods and the value of the goods taken in each theft could not be distinguished on the charts because of space limitations. Moreover, the symbol 'c' for cow, for example, might stand for one cow or for ten cows. The value of the stolen goods are approximate values, averaged to the closest shilling.

Finally, the results of the trials for each suspect were noted on the charts. When entries ended abruptly, the cases were recorded on the charts in the 'Incomplete' section. If an entry needed further qualifying remarks, or if a suspect appeared more than once in the rolls, explanatory footnotes



were included.

The information in each category was counted to produce the statistics included in the text. Suspects tried on two separate indictments were counted twice. If more than one gaol delivery sessions was needed to terminate a suspect's case, the suspect was counted only once. The felony, the date of the felony, the stolen goods and other details of the case were also counted just once and only the final trial result was counted. If, however, a suspect came to court on two separate occasions on two different charges, the suspect was counted twice and the details of each case were separately counted. The footnotes help, in this respect, to determine which details were, and which details were not counted.<sup>2</sup>

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<sup>2</sup>Other details concerning the methodology appear throughout the text in the appropriate places.

## KEY I

## LOCATION OF CRIME

a . . . . . abbey  
al . . . . . alley  
ch . . . . . church  
cl . . . . . close  
f . . . . . fold  
fi . . . . . field  
g . . . . . gaol  
gd . . . . . garden  
h . . . . . house  
hw . . . . . highway  
lt . . . . . lands and tenements  
m . . . . . mill  
mn . . . . . manor  
p . . . . . pasture  
sea . . . . . sea  
sh . . . . . shop  
t . . . . . tent  
w . . . . . water  
wd . . . . . woods

## KEY II

## GOODS STOLEN

bh . . . . . beehives  
c . . . . . cows, oxen, calves  
cl . . . . . cloth  
cs . . . . . clothes  
g . . . . . grain, other food  
h . . . . . horses  
hg . . . . . household goods<sup>3</sup>  
m . . . . . money  
mi . . . . . miscellaneous goods<sup>4</sup>  
p . . . . . poultry  
pg . . . . . pigs  
r . . . . . rabbits  
s . . . . . sheep  
v . . . . . valuables<sup>5</sup>  
w . . . . . wool  
we . . . . . weapons

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<sup>3</sup>This category includes such objects as stools, brass pots, sheets, blankets, etc.

<sup>4</sup>Miscellaneous goods include agricultural implements, books, documents and unspecified goods and chattels.

<sup>5</sup>Valuables include jewellery, furs, silver objects, chalices, etc.

## KEY III

## WEAPONS

a . . . . . axe  
b . . . . . bill  
ba . . . . . bow and arrow  
c . . . . . cudgel  
d . . . . . dagger  
g . . . . . gisarme  
k . . . . . knife  
m . . . . . miscellaneous<sup>6</sup>  
p . . . . . prong  
pa . . . . . poleaxe  
st . . . . . staff  
sw . . . . . sword

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<sup>6</sup>Sometimes the weapon was not given a name.



## Hampshire

Entry	JUN 13/198 m. 2 e. 6	9 m. 2d e. 1	10 m. 2d e. 2	m. 2d e. 3	m. 2d e. 4	m. 2d e. 5	m. 2d e. 6	m. 2d e. 7	11 m. 3 e. 1	12 m. 3 e. 2	m. 3 e. 3	13 m. 3d e. 1	14 m. 3d e. 2	m. 4 e. 1	m. 4 e. 2	m. 4 e. 3	m. 4 e. 4	m. 4 e. 5
Date of Gael Delivery	22.02.17	22.02.17	22.02.17	22.02.17	22.02.17	22.02.17	22.02.17	22.02.17	22.02.17	01.03.17	01.03.17	01.03.17	01.03.17	22.02.20	22.02.20	22.02.20	22.02.20	22.02.20
Date(s) of Crime(s)	04.01.16Sa 04.01.16Sa	21.12.14 P	01.07.16 W	02.02.17W	10.01.17Sn	19.05.17Sn 22.06.16 P			15.10.14 W	25.10.15 P 09.11.15Sa 10.11.15Sa	15.12.15P 01.03.17	29.12.12Th 31.05.13 W	03.01.16 P	05.04.19 W	07.01.18 P	29.10.19Sn	01.05.19 W	01.02.20Th
Night	x x									xx			x	x				
Male	1		1	1	1	2	7	7	1	1	1	1	1	1	1	1	1	1
Female		1				1	1			1								
Others	x	x										x	x	x				
Common Malefactor	1									2		1				1		
Indictment	x	x	x	x	x	x		x(3)	x	x	x	x	x	x	x	x		x
Appeal																	x	x
Taken on Susp.							x	x(4)										
Grand Larceny	x				x				x	xx					x			
Burglary				x						x		xx	x			x		
Robbery						xx								x				x
Homicide	x	x	x								x						x	
Rape																		
Abduction																		
Arson																		
Counterfeiting								x										
Breaking Prison																		
Receiving																		
Location of Crime	cl,h			h,cl		h,cl			h	h	f,f h	cl,h h	h,cl	h,cl	ch	h		
Goods Stolen	h		v	ca,v cl,hg	ca,v cl,hg	ca,v cl,hg			w	s,v s		w	cs	m,v	cl	m,cs		cl
Value of Goods	L1			L1	L1	L1			4s	L1 10s		L6 6s		L4j	L1s	L1 10s		10s
Weapons	sw		m	sw ba	sw ba	sw st					d	sw,k ba	sw,k ba	sw,k		sw,kst,k st		
Acquitted		1	1			3								1	1			
To be hanged					1													
Remitted				1				7	1	2	1	1				1	1	1
Released on Sur.																		
Proclam. Acquittal								8										
Benefit of Clergy	1																	
Pardon																		
Incomplete													1					

<sup>9</sup>Matilda Blissot, who first appeared in JUST 3/198, n. 1d., e. 4, was acquitted of abetting John Glys to commit homicide and robbery.

<sup>10</sup> John Brewere was acquitted on the charge of burglary but he was remitted to gaol because he was suspected of having committed other larcenies.

11. John Pehole was taken on suspicion of making counterfeit coins. The felonies the other suspects allegedly committed were not described in the entry.

<sup>12</sup>In JUST 3/198, s. 2, s. 1, Robert Taillour and his wife, Eleanor, were acquitted on charges of burglary and larceny. In this entry they were remitted to prison.

13 Peter Samnebury, who pleaded benefit of clergy in JUST 3/198, n. 2, e. 6, was indicted in this entry on two more charges.

<sup>14</sup> The suspect in this entry is the same Peter Bernbury mentioned in JUST 3/198, n. 2, e. 6 and n. 34, e. 1.

## Hampshire

[illegible]

<sup>15</sup>Alice Talbot was found guilty of killing her husband. She was probably burned unless she obtained a pardon.

<sup>16</sup> The charges William Pole and Robert Pole were indicted for were not listed in the entry.

<sup>17</sup> One of the suspects in this entry, John Mortymer, appeared in JUST n. 1d., s. 2.

18. The suspects are the same William Pole and Robert Pole found in JUST m. 1, e. 6.

Hampshire

Entry	19	20	21	22	23	24	25	26	27
Date of Gaol Delivery	26.07.23	26.07.23	28.02.24	28.02.24	28.02.24	28.02.24	28.02.24	28.02.24	28.02.25
Date(s) of Crime(s)		01.03.23		20.02.23	14.04.24	23.04.24	31.12.1857	05.09.23	10.06.24
Night									
Male		2	1	1	1	1	1	1	1
Female	1								
Others									
Common Malefactor									
Indictment			x		x	x	x	x	x
Appeal									
Taken on Susp.	x	x		x				x	x
Grand Larceny						x			x
Burglary						x	xx	x	xx
Robbery									
Homicide			x					x	x
Rape									
Abduction									
Arson									
Counterfeiting								x	
Breaking Prison				x					
Receiving									
Location of Crime				g	ch	h,h	m	h,h	
Goods Stolen					v	h,m	we,v	cl	h,h
Value of Goods					h	12	14g	15a	16
Weapons			k		st	sw,d	st,d	sw	sw
Acquitted						1	1	1	1
To be hanged		1							
Remitted									
Released on Sur.	1				1				
Proclam. Acquittal		2		1	4			3	
Benefit of Clergy									
Pardon									
Incomplete									

19 The suspect is the same Eliza Baret found in JUST 3/202, m. 1, e. 7.

20 The suspects, Henry Cokeman and Simon Leye, were released on surety in JUST 3/202, m. 1d., e. 1.

21 John Frampton was indicted for helping Eleanor Taillor to escape from Winchester gaol. He was let go line dis because the indictment was insufficient in law.

22 The entry did not specify the type of felony the suspect was indicted for.

23 In JUST 3/198, m. 5, e. 1, John atte Hethe was remitted to gaol on the same charges.

24 The suspect is the same Joanna Tanerue found in JUST 3/202, m. 2, e. 5.

25 One of the suspects, John Muller the younger, was taken for killing David Peret.

26 Richard Nicoll was taken for clipping coins.

27 Robert Muller was appealed for the death of David Peret mentioned in JUST 3/205, m. 1d., e. 1.



## Hampshire

Entry	JUST 3/285	27	28	29	30	31	32	33	34
Date of Gaol Delivery	26.10.27th	26.02.25	26.02.25	26.02.25	26.02.25	26.02.25	26.02.25	26.02.25	26.02.25
Date(s) of Crime(s)	26.10.27th	26.02.25	26.02.25	26.02.25	26.02.25	26.02.25	26.02.25	26.02.25	26.02.25
Night	x								
Male	1	1	1	1	1	1	1	1	1
Female									
Others									
Common Malefactor		1							
Indictment	x	x	x	x	x	x	x	x	x
Appeal									
Taken on Susp.									
Grand Larceny	x								
Burglary		xx							
Robbery									
Homicide									
Rape		xxx							
Abduction									
Arson									
Counterfeiting									
Breaking Prison									
Receiving									
Location of Crime	f	h, cl	h, h	h	h	h	h	h	h
Goods Stolen	s	h, d	h, v	h, v	h, v	h, v	h, v	h, v	h, v
Value of Goods	L1	L2	L2	L2	L2	L2	L2	L2	L2
Weapons	sw, h	st, k	st, k	st, k	st, k	st, k	st, k	st, k	st, k
Acquitted	1	1	1	1	1	1	1	1	1
To be hanged									
Remitted									
Released on Sur.									
Proclam. Acquittal									
Benefit of Clergy									
Pardon									
Incomplete									

<sup>28</sup> John Corbet also allegedly abducted two of his victims.

<sup>29</sup> Thomas Twyhey, the victim of the robbery in this entry, was also the victim of the same robbery found in JUST 3/205, m. 2. s. 4.

<sup>30</sup> William Kent broke into the house of Robert Boucher, assaulted Boucher's servant, Marion, and killed Marion's son.

<sup>31</sup> Roger Bernard, the suspect in this entry, turned approver and appealed the following nine men on twelve charges.

<sup>32</sup> John Beyr was appealed on another charge by the approver in JUST m. 3, s. 3a.

<sup>33</sup> The approver appealed John Beyr on a third charge in this entry.

1

1

1

35

30

38

41. Nicholas Skynne was accused of having received, sustained and comforted two of the murderers of John PUNCHARDON. See supra. JUST 3/205, m. 4d, s. 1.

42. Richard Kyng and Thomas Burgate were indicted for allowing John Ryden, a laborer taken on suspicion of felony by them, to escape.

43. The rector of Asport church was the victim of this larceny supposedly perpetrated by John Cobman the younger indicted in this entry and Richard Heyward and Simon Pyge indicted in JUST 3/205, m. 5, s. 4.

44. Robert Leycester allegedly abducted the woman he raped.

45. William Wheelers also allegedly abducted the victim's wife.

46. The suspect was also reported to have abducted a woman from the house he broke into.



Wiltshire

Entry	JUST 3/198	49	50	51	52	94	1
Date of Court Delivery	27.02.16	27.02.16	26.02.17	26.02.17	26.02.17	26.02.17	26.02.17
Date(s) of Crime(s)		02.11.16	08.06.16		28.12.19th	28.12.19th	28.12.19th
Night		x					
Male	1	1	2	1	1	1	1
Female							
Others							
Common Malefactor					1		
Indictment	x	x	x	x	x	x	x
Appeal							
Taken on Susp.		x			x		
Grand Larceny					xx	x	
Burglary		x					
Robbery							
Homicide							
Rape							
Abduction			x				
Arson							
Counterfeiting							
Breaking Prison							
Receiving							
Location of Crime		h			cl.		
Goods Stolen		hg, v			c, s	c	
Value of Goods		187			10s	6s	
Weapons		16s					
Acquitted			1				
To be hanged		2			1	2	
Remitted		1					
Released on Sur.	1						
Proclam. Acquittal							
Benefit of Clergy							
Pardon			1				
Incomplete							

<sup>49</sup> Robert Cotes was indicted for unspecified felonies.

<sup>50</sup> Robert Cotes, dismissed on surety in JUST 3/198, was finally pardoned in this entry.

<sup>51</sup> Thomas Bernard allegedly abducted Juliana Davy whose house he purportedly burgled.

<sup>52</sup> John Newton was also accused of having abducted the victim's wife, Juliana.

57 Richard Eton raped Katerina Parnborgh. Katerina and Richard then murdered Katerina's husband. Katerina was sentenced to be burned for the treasonous act. Eton was found guilty but he successfully claimed benefit of clergy.

## Wiltshire

Entry	JUST 3/205		m. 8	e. 2	m. 8	e. 3	m. 8	e. 4	m. 8	e. 5	m. 8d	e. 1	m. 8d	e. 2	m. 8d	e. 3	m. 8d	e. 4	m. 8d	e. 5	m. 8d	e. 6	m. 8d	e. 7	m. 8d	e. 8	m. 8d	e. 9	m. 8d	e. 1	m. 8d	e. 2	m. 8d	e. 3	m. 8d	e. 4	m. 8d	e. 5	
Date of Gaol Delivery	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24	28.08.24
Date(s) of Crime(s)	28.08.22	30.03.205		06.01.24th	10.11.23	05.12.23Sn	07.09.21Sn	07.09.21Sn	27.06.19th	22.07.20	24.07.24	23.11.19th		13.05.25Sn	24.06.24	20.08.12Sn	30.04.24Sn	05.11.22th																					
Night																																							
Male	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
Female																																							
Others	x																																						
Common Malefactor																																							
Indictment	x	x					x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
Appeal					x	x																																	
Taken on Susp.				x																																			
Grand Larceny	x	x																																					
Burglary																																							
Robbery							x																																
Homicide						x		x	x																														
Rape																																							
Abduction																																							
Arson																																							
Counterfeiting																																							
Breaking Prison																																							
Receiving																																							
Location of Crime						cl,h	hw	cl,h			h,cl	h																											
Goods Stolen	s	s				h,cl	hw	cl,h			h,cl	h																											
Value of Goods	1s.	1s.				1s.	1s.	1s.			1s.	1s.																											
Weapons						k	st	st																															
Acquitted	1	1																																					
To be hanged																																							
Remitted																																							
Released on Sur.																																							
Proclam. Acquittal																																							
Benefit of Clergy																																							
Baron																																							
Incomplete																																							

58

John Crochman the elder was remitted to gaol for the same homicide in JUST 3/202, m. 4, e. 5.

59

Andrew Ford allegedly abducted Agnes, wife of William Pyke, the man he stole from. For the next three weeks after the theft and abduction, Andrew raped Agnes whenever he pleased and he stole cloth from her husband.

60

Christina Baldok was indicted of an unspecified felony in this entry.

61

Walter Raynold was indicted in this entry of an unspecified felony.

62

Christina Baldok previously appeared at the gaol delivery sessions in JUST 3/205, m. 8d., e. 6.





Wiltshire

Entry	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
Date of Gaol Delivery	24.07.27	24.07.27	24.07.27	24.07.27	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28	26.02.28
Date(s) of Crime(s)	13.05.27th		12.07.26 P	26.01.28 M	05.10.27Sn	05.10.27Sn	15.10.27 W	11.09.26 W	11.09.26 W	07.10.26 M	05.05.27 M	22.06.27Sn	02.07.25 M	12.05.28th	13.10.28 M	25.09.28Sa	02.04.29Sa	10.10.28 M	26.03.28 M	20.02.28th														
Night				x																														
Male	1	2	1	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Female																																		
Others																																		
Common Malefactor																																		
Indictment	x		x		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Appeal				x																														
Taken on Susp.		x								x																								x
Grand Larceny					xx						x	x																						xxx
Burglary																																		
Robbery	x					x																												
Homicide			x	x																														
Rape																																		
Abduction								x	x																									
Arson																																		
Counterfeiting																																		
Breaking Prison																																		
Receiving																																		
Location of Crime	h					hw				f	cl,f		ch	h				h,h	f,f															
Goods Stolen	m				m	h,m					c		v					cs,m	h,c															
Value of Goods	£20				10s	13s				2s	7s		7s	15s				17s	13s															
Weapons			st	pa																														
Acquitted	1		1		1	1	4	6		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
To be hanged					2																													
Remitted																																		
Released on Sur.																																		
Proclam. Acquittal		2								4																								4
Benefit of Clergy																																		
Pardon																																		
Incomplete					1																													

67 John Poleyn broke into John Odam's house, injured his daughter, Isabel, abducted his other daughter, Katherine, and stole £20 in coin.

68 Thomas Tallour was sentenced to be hanged for killing John Miller. John Russell was convicted for aiding Thomas Tallour in the homicide. John Olyner, the other man appealed, did not come to the gaol delivery sessions.

69 Four of the suspects, Nicholas Slewors, William Tallour, John Gonair and Richard Kynle, were acquitted of the same charge of abduction in JUST 3/205, s. 11, e. 4.

70 Thomas Wormes also allegedly abducted Christina, the woman he was accused of raping.

71 John Langkylly was acquitted of another robbery in JUST 3/205, s. 8d, e. 7.

## Dorset

Entry	Date of Govt. Delivery	Date(s) of Crime(s)
Night	x	
Male	2	3
Female		
Others		
Common Malefactor	1	3
Indictment	x	x
Appeal		
Taken on Susp.		
Grand Larceny		xx
Burglary	x	x
Robbery		
Homicide		
Rape		
Abduction		x
Arson		
Counterfeiting		
Breaking Prison		
Receiving		
Location of Crime	ch	h
Goods Stolen	v	hg, m
Value of Goods	\$500	\$12m
Weapons		sw, st, ba
Acquitted	2	1
To be hanged		
Remitted	3	
Released on Sur.		
Proclam. Acquittal		
Benefit of Clergy		
Pardon		
Incomplete		

<sup>72</sup>John Wotton allegedly abducted the victim's wife.

73 Walter London, the victim in this entry was also the victim in the next two entries.

<sup>74</sup>The suspect, Robert Prose, was named as one of the suspects in JUST 3/198, n. 10, p. 2.

79 Thomas Pykenote and Walter Aleward turned themselves in to prison

<sup>80</sup> The victims of these larcenies were also the victims of the robbery in JUST 3/205, n. 13d., n. 6.

<sup>81</sup>The entry gave no information about the type of felony Robert Matteston was accused of.

<sup>82</sup>The suspect, John Barret, allegedly abducted the widow he robbed.

Somerset

Entry	JUST 3/198 m. 13 e. 1	JUST 3/198 m. 13 e. 2	JUST 3/198 m. 13 e. 3	JUST 3/198 m. 14 e. 1	JUST 3/198 m. 14 e. 2	JUST 3/198 m. 14 e. 3	JUST 3/198 m. 14 e. 4	JUST 3/198 m. 14 e. 5	JUST 3/198 m. 14 e. 6	JUST 3/198 m. 14d e. 1	JUST 3/198 m. 15 e. 1	JUST 3/198 m. 15 e. 2	JUST 3/198 m. 15 e. 3	JUST 3/198 m. 15 e. 4	JUST 3/198 m. 15 e. 5	JUST 3/198 m. 15 e. 6	JUST 3/198 m. 15d e. 1	JUST 3/198 m. 15d e. 2				
Date of Gaol Delivery	25.03.09 P 05.03.16	13.11.15 W 05.03.16	05.03.16	24.12.195n 01.03.20	01.09.187n 01.03.20	09.02.197n 01.03.20	11.12.185n 01.03.20	03.02.49 P 01.03.20	06.11.135n 01.03.20	07.10.19 P 01.03.20	11.03.185n 01.03.20	25.03.18 P 12.03.22	20.04.195n 12.02.21n	10.04.20 W 12.03.22	25.03.18 P 12.03.22	13.02.21n	08.12.19 P 12.03.22	27.06.07 W 12.03.22	12.09.21 P 12.03.22	28.03.18 W 12.03.22	04.08.205n	18.10.20 F 30.07.22
Date(s) of Crime(s)																						
Night				x		x						xx			xx		x					
Male	1	1	1	1	1	1	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	
Female									1													
Others		x						x				x	x		x							
Common Malefactor								1														
Indictment	x			x	x	x	x	x	x		x	x	x	x	x	x	x	x	x	x	x	
Appeal		x																				
Taken on Susp.			x							x												
Grand Larceny				x	x		x	xx				x		x					xx	x		
Burglary						x			x		xx		x	x	x	x	x					
Robbery		x																				
Homicide	x																					
Rape																	x					
Abduction																						
Arson																						
Counterfeiting														x								
Breaking Prison																						
Receiving																						
Location of Crime		h		h		h			h		cl t,t	h	cl t,t	h	h	h	h	h,h	h	h	h	
Goods Stolen		cs, w mi		mi	w, mi	c	c, w	cl, h	cl		cl	h	h	h	h	h	h	h	h	h	h	
Value of Goods		15		11	16s	110	16s	13	12	13g	11	16s	12s	12s	12s	12s	12s	12s	12s	12s	12s	
Weapons																						
Acquitted	1			1	1	1	1	1	3					1	1	1	1	1	1	1	1	
To be hanged																						
Remitted		1																				
Released on Sur.			1																			
Proclam. Acquittal																						
Benefit of Clergy																						
Pardon																						
Incomplete										1												

<sup>83</sup>Richard Brewes also allegedly abducted the servant of his victim.

<sup>84</sup>William Veal was indicted on another charge in JUST 3/198, m. 14, e. 4.

<sup>85</sup>John Grene, who had fled to sanctuary for the homicide of John Balegh, gentleman, was taken to the gaol delivery sessions because he had not abjured the realm.

<sup>86</sup>The suspect is the same John Grene found in JUST 3/195, m. 14d., e. 1.

<sup>87</sup>John Herbard was accused of being involved in two felonies that John Clerk in JUST 3/198, m. 15, e. 1 was indicted for.

<sup>88</sup>John Wolcombe was said to have abducted the wife of William Denys whose home he burgled.

<sup>89</sup>Thomas Richers allegedly abducted the woman he raped.

Somerset

Entry	JUST 3/198 m. 13d e. 3	JUST 3/198 m. 13d e. 4	JUST 3/198 m. 13d e. 5	JUST 3/198 m. 13d e. 6	JUST 3/198 m. 13d e. 7	JUST 3/198 m. 13d e. 8	JUST 3/202 m. 16 e. 1	JUST 3/202 m. 16 e. 2	JUST 3/205 m. 16 e. 1	JUST 3/205 m. 16 e. 2	JUST 3/205 m. 16 e. 3	JUST 3/205 m. 16 e. 4	JUST 3/205 m. 16 e. 5	JUST 3/205 m. 16 e. 6	JUST 3/205 m. 16 e. 7	JUST 3/205 m. 16 e. 8	JUST 3/205 m. 16 e. 9
Date of Case Delivery	30.07.22	30.07.22	30.07.22	30.07.22	30.07.22	30.07.22	11.03.23	11.03.23	08.03.25	08.03.25	08.03.25	08.03.25	08.03.25	08.03.25	08.03.25	08.03.25	08.03.25
Date(s) of Crime(s)	03.06.20 W	27.09.14th	04.11.14Sm	13.05.21Thu	01.03.21Sm	04.11.20 W	18.08.20Sm		04.10.24 W	29.09.23 W	01.03.23Sa	03.08.21 W					
Night					x		x					x					
Male	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Female								1									
Others				x													
Common Malefactor					x												
Indictment	x	x	x	x	x	x	x		x	x	x	x	x				
Appeal																	
Taken on Susp.								x						x	x	x	x
Grand Larceny	x	xx				x			x								
Burglary				x	x		x		x		x	x					
Robbery																	
Homicide													x				
Rape																	
Abduction																	
Arson																	
Counterfeiting			x														
Breaking Prison																	
Receiving																	
Location of Crime	h		h	h	h	h	h		h	h	h	h					
Goods Stolen	cs, m, h, w			g	hg, w	cl	hg, m, w		hg	v	cs	h					
Value of Goods	£1 7s			13s	£5	£2	£2 8s		10s	£1 14s	7s						
Weapons																	
Acquitted	1	1	1	1	1	1	1		1	1	1	1					
To be hanged																	
Remitted																	
Released on Sur.													1	1	1	1	
Proclam. Acquittal								2									1
Benefit of Clergy																	
Pardon																	
Incomplete																	

<sup>90</sup> Robert Slocombe was also accused of having abducted Joanna Proggeputts, the woman whose house he burgled.

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Entry	JUST 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<sup>91</sup> Although this case is part of the gaol delivery roll it concerns a trespass and therefore it was probably dealt with in the annals sessions.

92. John Sherwood and John Merdburgh were indicted for grand larceny and Thomas Corrier was indicted for receiving Sherwood and Merdburgh knowing them to be felons.

<sup>93</sup>The entry did not record the type of felony John Brents was indicted for.

<sup>94</sup> John Pote was indicted for certain unspecified felonies and abductions.

95 Joanna, wife of John Benet, was acquitted of all the charges. John Portman was acquitted on two charges, but he was convicted on a third.

96. The suspects were acquitted on the burglary charge, but they were remitted to gaol on a homicide charge.

Devon

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Entry	97	98	99	100	101	102	103	104	105	106	107	108
Date of Gaol Delivery	05.03.17	05.03.17	05.03.17	05.03.17	05.03.17	05.03.17	05.03.17	05.03.17	05.03.17	05.03.17	05.03.17	05.03.17
Date(s) of Crime(s)	06.08.16	08.01.16	08.01.16	08.01.16	08.01.16	08.01.16	08.01.16	08.01.16	08.01.16	08.01.16	08.01.16	08.01.16
Night	x	x	x	x	x	x	x	x	x	x	x	x
Male	1	3	2	1	1	1	1	1	1	1	1	1
Female												
Others		x										
Common Malefactor		3		1	1		1					
Indictment	x	x	x	x	x	x	xx	xx	x		x	x
Appeal												
Taken on Susp.												
Grand Larceny	x	xxx		x		x	xx					
Burglary				x	x							xx
Robbery	x											
Homicide			x		x	x						
Rape												
Abduction												
Arson												
Counterfeiting												
Breaking Prison												
Receiving		x										
Location of Crime		h	cl	h	h	sea				h		
Goods Stolen	m. 11	25	25	h	m	s	c					
Value of Goods	11	18	18	16	13	1m	12					
Weapons			st		st							
Acquitted			1	1								
To be hanged	1											
Remitted		3		1	1		2	1	1			
Released on Sur.			1			1	1			1		
Proclam. Acquittal											1	
Benefit of Clergy								5				
Pardon												
Incomplete.								2				1

97. Walter Raymond and Richard Giffard were indicted for all the larcenies and the robbery. John Molton was indicted for the robbery and for receiving Raymond and Giffard knowing them to be felons.

98. The suspects were remitted to gaol on this charge in JUST 3/198, m. 16, e. 6.

99. William Stykke was remitted to gaol on these charges in JUST 3/198, m. 16d., e. 5.

100. Nicholas Skynner was remitted to prison on these charges in JUST 3/198, m. 16, e. 4. In this entry he was pardoned of the charges but was remitted to gaol for burning houses.

101. John Salman was indicted on one of the charges in this entry in JUST 3/198, m. 16, e. 6. At this gaol delivery sessions he was pardoned of both charges but was dismissed on surety because he was indicted of other felonies and he was outlawed.

102. John Laurence and John Sare were indicted for unspecified felonies.

103. John Combe was indicted for an unspecified felony.

104. William Dyche and Stephen Redeburgh did not come to the gaol delivery sessions. William Knight, keeper of the gaol, was fined for two escapes.

105. Joanna, wife of William Hopper, was remitted to prison for this homicide in JUST 3/198 m. 16d., e. 4.

106. In JUST 3/198, m. 16d., e. 6, Thomas Wardour was remitted to prison on the same homicide charge.

107. John Pote first appeared in gaol delivery roll JUST 3/198, m. 16d., e. 3.

108. Eleanor Sprate was dismissed on surety in JUST 3/198, m. 16d., e. 2. She did not attend this gaol delivery sessions. Her sureties were fined 40d.



## Devon

Entry	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
Date of Coal Delivery	19.06.185m	05.03.20	19.06.185m	05.03.20	17.06.16 P	05.03.20	17.04.19 M	05.03.20	25.03.195a	05.03.20	16.05.197u	19.08.195a	05.03.20	09.01.16th	05.03.20	06.04.197h	05.03.20	30.03.177u	05.03.20	06.12.16Sm	05.03.20	22.01.21 W	16.03.22	22.01.21 W	16.03.22	22.01.21 W	16.03.22	15.09.21 M	16.03.22	02.12.16 P	16.03.22	14.09.21Sm	16.03.22	30.12.195a	16.03.22	16.03.22	10.01.225a	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	15.03.23	1																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		

109 The five suspects were accused of breaking into the gaol and of abducting a prisoner.

110 Hugh Hille and John Parker were allegedly involved in the prison break described in JUST 3/198.

<sup>111</sup>John Briggs was found guilty of treason for forging dyes and counterfeiting a number of coins. Therefore, he was sentenced to be drawn and hanged.

112. John Molton appeared in JUST 3/198, n. 17, s. 5 for robbery and for receiving felons. In this entry he was charged with larceny and for receiving the same felons.

113 Thomas Lok was remitted to prison on a homicide charge in JUST 3/198, m. 17d., e. 4, and Henry Coppelond was taken on suspicion of felony and remitted to gaol in JUST 3/198, m. 18, e. 3

114 Thomas Lok was remitted to gaol on this charge in JUST 3/198. m 17d., e. 4.

115 John Bayly and John Bryt also allegedly abducted the daughter and heiress of William Orchard.

116. John Prat was indicted because he promised a priest, incarcerated in stocks for treason, that he would free him for a certain amount of money.





## Devon

Entry	JUST 3/205	m. 18d	e. 7	m. 19	e. 1	m. 19	e. 2	m. 19	e. 3	127	m. 19	e. 4	128	m. 19	e. 5a	m. 19	e. 5b	m. 19d	e. 1	m. 19d	e. 2	m. 19d	e. 3	129	m. 19d	e. 4	m. 19d	e. 5	m. 19d	e. 6	m. 19d	e. 7				
Date of Gaol Delivery	08.03.28			09.08.28		09.08.28		11.03.29			11.03.29		11.03.29		11.03.29		11.03.29		08.08.29		08.08.29		08.08.29		10.03.30		10.03.30		10.03.30		10.03.30					
Date(s) of Crime(s)			28.12.26Sa	14.10.27Tu						27.01.29Th		26.06.27P	28.05.28P	29.02.28P	25.05.28Tu	23.07.28Tu	23.07.28Tu			26.03.28Sa		23.05.28Su		27.01.29Th	25.12.29M	22.06.29M	25.07.29Tu	26.11.27Th	28.06.28P	21.11.28Th						
Night								x																												
Male		1	1	4		7		1		1		1	1	1		8		1	1					1	1	1	1	2	2							
Female																																				
Others																																				
Common Malefactor																									1	1	2									
Inflictment			x					x		x		x						x		x		x		x		x		x		x						
Appeal																																				
Taken on Susp.	x			x		x												x																		
Grand Larceny			xx					x		xx		xx		xx													xx	xx	x							
Burglary												x	x												xx											
Robbery																																				
Homicide																				x		x														
Rape																																				
Abduction																																				
Arson																																				
Counterfeiting																																				
Breaking Prison																																				
Receiving																																				
Location of Crime												ch	h,cl										h	h,h												
Goods Stolen			h,hg a,w					cl		c,s v		c,v s												cl,m	c	c	m									
Value of Goods			l1 5s.					l1		l13 13s.		l14 15s.												l1 8s.	l3 9s.	l2	l5									
Weapons																						d	k													
Acquitted			1					1		1		1						1										1	2							
To be hanged																										1	1	1								
Remitted																																				
Released on Sur.																																				
Proclam. Acquittal		1		4		7										8																				
Benefit of Clergy																																				
Pardon																																				
Incomplete																								1												

127 One of the suspects, Richard Groby, was proclaimed acquitted in JUST 3/205, m. 18d., e. 7.

128 Gilbert Aigefenne was indicted twice in one entry. See JUST 3/205, m. 19, e. 5b. He was acquitted once on both indictments.

129 Richard Groby was proclaimed acquitted in JUST 3/205, m. 18d., e. 7 and m. 19, e. 3.

130 The entry gave no information about the type of felony Alice Donan was accused of.

<sup>131</sup>The suspect, Alice Donan, also appeared in JUST 3/202, n. 8d., e. 1.

<sup>132</sup>The entry recorded the outlawing of Giles Vagge.

133 The suspect, Alice Donan, also appeared in JUST 3/202, n. 8d., e. 1 and in JUST 3/202, n. 20, e. 2.

<sup>134</sup>Giles Vagge, the suspect, also appeared in JUST 3/205, n. 20, e. 3).

<sup>135</sup>Giles Vagge, the suspect, also appeared, in JUST 3/205, n. 20, e. 3 and JUST 3/205, n. 20d., e. 2.

136 Alice Hencocock was found guilty of killing her husband and therefore she was sentenced to be burned.

## APPENDIX 2

### SUSPECTS, SUSPECTS' OCCUPATIONS, AND VICTIMS

This appendix is a list of the suspects, the suspects' occupations, and the victims found in each entry in the gaol delivery rolls under examination. The suspects' and the victims' first names were translated from Latin into modern English for the ease of the reader. Last names were left in the original. Footnotes indicate when a suspect appeared in another entry. Suspects in two separate entries were deemed to be the same people if they had the same name, occupation and domicile or if internal evidence in the entries made identification possible.

HAMPSHIRE: JUST 3/198

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 1 e. 1	John Welyfed	butcher	John Bonjour
e. 2	Nicholas Culpman		
e. 3	Richard Cotes		
e. 4	John Purchas		
e. 5	John Mounfort		
m. 1d. e. 1	Hugh Ratclyf		
e. 2	Richard Boucher John Noreys	tanner laborer	
e. 3	John Shipwryght		
e. 4	Matilda Blissot	housewife	Stephen Clerk
e. 5	William Somerwell James Vernon	monk monk	
e. 6	William Roger Richard Stanburgh		
e. 7	Thomas Stynt		
e. 8	Thomas Frewayn	dyer	Robert Seyntjon John Drengard

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 2 e. 1	Robert Taillour and his wife, Eleanor	wife	John Broun John Spencer William Strecche
e. 2	Simon Foukes		William Knight John Ferrour
e. 3	William Papull	parson	Richard Rosere
e. 4	Edmund Bour	attorney	Walter Frollebury
e. 5	Thomas Frewayn <sup>1</sup>	dyer	Robert Seyntjon John Drengard
e. 6	Peter Bannebury	fishmonger	John Bylop John Philippe and his wife, Isabel
m. 2d. e. 1	Matilda Blissot <sup>2</sup>	housewife	Stephen Clerk
e. 2	Thomas Thresher	laborer	Stephen Hunte
e. 3	John Brewere	husbandman	John Burbache
e. 4	John Thomas	husbandman	Robert Sandhurst
e. 5	Thomas Lane and his wife, Matilda John, their son	laborer wife son	John Chamberlayn
e. 6	John Martyn Roger Martyn John Barfete Constance Cook John Dubbes John Dore Thomas Hostiler Thomas Spencer		

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<sup>1</sup>See JUST 3/198, m. 1d., e. 8.

<sup>2</sup>See JUST 3/198, m. 1d., e. 4.



<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 2d. e. 7	Richard Varle Robert Davy Thomas Thornton Thomas de Wode John Pokele Thomas Synckyn Richard Milward	butcher	
m. 3 e. 1	Richard Junell		William Chysylden
e. 2	Robert Taillour <sup>3</sup> and his wife, Eleanor	wife	William Strecche John Spencer John Broun
e. 3	Richard Mylward		Stephen Webbe
m. 3d. e. 1	Peter Bannebury <sup>4</sup>	fishmonger	John, rector of Lasham church John Lasham Thomas Boscombe
e. 2	Peter Bannebury <sup>5</sup>	fishmonger	Roger Yonge, hus- bandman
m. 4 e. 1	Phillip Dysell	husbandman	William Perterych
e. 2	William Jonesone	shipman	Romsey parish church
e. 3	John Weston	barber	Matilda, widow of Richard Conyng
e. 4	Thomas Pokele	husbandman	Robert Pokele
e. 5	William Sherard	'corveyser'	John Belsant
m. 4d e. 1	John Hankyn		
e. 2	Robert Lacy		

<sup>3</sup>See JUST 3/198, m. 2, e. 1.

<sup>4</sup>See JUST 3/198, m. 2, e. 6.

<sup>5</sup>See JUST 3/198, m. 2, e. 6 and m. 3d., e. 1.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 5 e. 1	John atte Hethe	laborer	John Tirell William Marche
e. 2	John Crips William Grene Simon Salisbury Thomas Kirkeby Richard Fysher John Prynkholt Mark Gros John Corbat Roger Baton and his wife, Alice William Shaldeford John Vale and his wife, Agnes Joanna, wife of John Baret, dyer	cardmaker  tailor yeoman laborer laborer barber tailor laborer wife laborer tailor wife wife	
e. 3	Alice, widow of John Talbot	widow	John Talbot
e. 4	Thomas Kempe William Bumbold	husbandman husbandman	Petronille Wodelok

JUST. 3/202

m. 1 e. 1	John Prynghant	laborer	Hugh Thomas John Bury Matilda Lovell, abbess of Romsey
e. 2	William Sherard	souter	Henry, bishop of Winchester
e. 3	John Andrewe	souter	William Bagme
e. 4	John Waryn	husbandman	John Thornere
e. 5	Anncelinus Melet Thomas Taillour William Crompener	tailor	

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 1	William Pole	butcher	
e. 6	Robert Pole	'corveyser'	
e. 7	Elma Baret		
m. 1d.	Henry Cokeman		
e. 1	Simon Leye		
e. 2	John Mortymer	laborer	John Gryme John Gerard John Thorne William Barbor
e. 3	John Mortymer <sup>6</sup> Thomas Salwey Evelyn Weylond John Bacon John Stubbere Henry Broun Henry Sharnebroke	laborer laborer  clerk husbandman fuller webber	
e. 4	William Pole <sup>7</sup> Robert Pole	butcher 'corveyser'	
e. 5	Thomas Speke	bottlemaker	
e. 6	Elma Baret <sup>8</sup>		
e. 7	Henry Cokeman <sup>9</sup> Simon Leye		
m. 2	Richard Shirboone	laborer	Henry Doye
e. 1			
e. 2	Henry Donklone	tailor	
e. 3	John Cornyshe William Shalde- worth William Salte William Bray	laborer laborer  laborer husbandman	

<sup>6</sup>See JUST 3/202, m. 1d., e. 2.

<sup>7</sup>See JUST 3/202, m. 1, e. 6.

<sup>8</sup>See JUST 3/202, m. 1, e. 7.

<sup>9</sup>See JUST 3/202, m. 1d., e. 1.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 2 e. 4	John Frampton	husbandman	
e. 5	Joanna, wife of John Taneruere, laborer	wife	

JUST 3/205

m. 1 e. 1	William Glowere	parish clerk	Henry Clerk William Rykeby, keepers of the chapel
e. 2	John Mershton	yeoman	Stephen Capelli
e. 3	John atte Hethe <sup>10</sup>	laborer	John Tyrell William Marche
e. 4	William Byngham	'helyer'	John Smyth, fuller of the king's mill
e. 5	Joanna, wife of <sup>11</sup> John Taneruere	wife	Isabel Durneford William Cryppe
m. 1d. e. 1	Thomas Move William Scures John Muller the younger John Harreys		David Peret
e. 2	Richard Nicoll	husbandman	
e. 3	Robert Mullere	butcher	David Peret <sup>12</sup>

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<sup>10</sup>See JUST 3/198, m. 5, e. 1.

<sup>11</sup>See JUST 3/202, m. 2, e. 5.

<sup>12</sup>See JUST 3/205, m. 1d., e. 1.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 1d. e. 4	John Barkerville	armourer	William Hare
e. 5	Roger Bernard	fisherman	Nicholas Wade
e. 6	John Adam	husbandman	John Golward
m. 2 e. 1	John Fotman	laborer	Henry, bishop of Winchester
e. 2	John Corbet	tailor	Laurence Sourbond and his servant, Agnes Sourbond Walter Wodemon Alice, daughter of David Seward Walter Bateman and his wife, Agnes
e. 3	Thomas Noble	husbandman	John Pistor
e. 4	Robert Prys	husbandman	Thomas Twyhey
e. 5	Nicholas Keyman John Shirwode Walter Pokere Nicholas Mildenhale Joalda Crepenell John Mason	tailor laborer cook butcher spinster webber	
e. 6	John Bole John Pollard John Carte John Basile	husbandman chapman husbandman yeoman	Thomas Ravon
e. 7	William Lightfote	hermit	William Baker
m. 2d. e. 1	Nicholas Hert John Pryour	husbandman	Thomas Twyhey <sup>13</sup>
e. 2	William Gentell John Foulde	husbandman husbandman	William Hully Pulter London

<sup>13</sup>See JUST 3/205, m. 2, e. 4.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 2d. e. 3	William Kent	chaplain	Robert Boucher and his servant, Marion William, Marion's son
e. 4	John Marchaunt Nicholas Carter John Tomison	baker laborer baker	
m. 3 e. 1	William Wheler	laborer	Thomas Tygehale Alice Tygehale
e. 2	William Godwot John Gardyner John Holand and his wife, Leticia John Grey Agnes Broun Nicholas Bonvyle John Stanley Thomas Draper William Lokyer	wife   clerk locksmith	
e. 3	Roger Bernard (approver)	baker	John Russell John Wynaale
e. 3a	John Beyr	husbandman	John Breton
e. 3b	John Beyr <sup>14</sup>	husbandman	John Cranle
e. 3c	John Beyr <sup>15</sup>	husbandman	Thomas Mewe
e. 3d	William Jobard	husbandman	
e. 3e	John Scot	fisherman	
e. 3f	William Hosyere  John Knight	draper and keeper of a church webber	Wellington church

<sup>14</sup>See JUST 3/205, m. 3, e. 3a.

<sup>15</sup>See JUST 3/205, m. 3, e. 3a and 3b.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 3 e. 3g	John Scot <sup>16</sup>	fisherman	an esquire
e. 3h	John Russell	husbandman	Giles Hakyere
e. 3i	Richard Breton	souter	Reginald Knyght, butcher
e. 3j	Thomas Alceter	'corveyser'	John Frelond
e. 3k	John Symmes Richard Breton <sup>17</sup>	cottar souter	John Webbe the elder
e. 3l	John Symmes <sup>18</sup> Richard Breton <sup>19</sup>	cottar souter	John Webbe
m. 4 e. 1	Richard Mannyng alias Purchel	husbandman	Margaret Mannyng, wife of Richard Mannyng
e. 2	John Morannt	mercier	Margaret, wife of Walter Spore
e. 3	William Smytht	laborer	William Fullere Nicholas Bury
e. 4	Stephen Walyng- ford alias Robert Kyge	tailor	William Workeman
e. 5	John Rydene	laborer	William Gayt John Grogayn John atte Style John Tybenham Richard White John Southgate

<sup>16</sup>See JUST 3/205, m. 3, e. 3e.

<sup>17</sup>See JUST 3/205, m. 3, e. 3i.

<sup>18</sup>See JUST 3/205, m. 3, e. 3k.

<sup>19</sup>See JUST 3/205, m. 3, e. 3i and e. 3k.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 4	John White	barber	
e. 6	John Severe	laborer	
	Dennis Broun	tailer	
	William Burgate	hogherd	
	John Cook	cook	
	Thomas Lemyngton	laborer	
	Laurence Pykerynge	yeoman	
	John White	laborer	
m. 4d	Hugh Cosyn	laborer	John Punchardon,
e. 1	Giles Cosyn	laborer	lord of Faccombe
	Peter Cosyn	laborer	manor
	Peter Skynne	farmer	
	Richard Cosyn	husbandman	
	John Rawelot	smith	
	Thomas Cosyn	husbandman	
	Richard Baddesley	yeoman	
	John Abs	laborer	
	Robert Angote	Frenchman	
	Thomas White	tanner	
	Robert Fryt	hosier	
m. 5	Richard Godwyne	fuller	John Punchardon, <sup>20</sup>
e. 1	John Blachie	cooper	lord of Faccombe
	John Wotten	webber	manor and his
	John Vicary	hostler	steward, Thomas
	Nicholas Eneryngton	tanner	Hampstede
	Thomas Frere	wainer	
e. 2	William Goldsmyth	goldsmith	Thomas Bannyng
e. 3	Stephen Stephenes	hostler	John Ferby, clerk
e. 4	Richard Heyworth	laborer	rector of Amport
	Simon Fyge	laborer	church
e. 5	John Hobyngton	webber	Joanne atte Forde
	Hugh Gryffyn	laborer	

<sup>20</sup>See JUST 3/205, m. 4d., e. 1.



<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 5	John Newnam	fuller	
e. 6	John Hawle	butcher	
	John Trepun	laborer	
	John Payn	shipman	
	Phillip Brytte	smith	
	Alan Thomas		
	John Dyrlyng	yeoman	
	Walter atte Mere	laborer	
m. 5d.	Nicholas Skynne	laborer	
e. 1			
e. 2	John Skillyng	shipman	John Gascoign
	John Skermer	shipman	
e. 3	John Lowe	husbandman	William Pipare
			John Knyght
			John Lyte
			Thomas Gothe
e. 4	Richard Kyng	capital	
		pledge	
	Thomas Burgate	constable	
m. 6	Robert Philipp	yeoman	John German,
e. 1			servant of John
			Wodeford
e. 2	John Cobnan the	laborer	rector of Am- <sup>21</sup>
	younger		port church
e. 3	Thomas Fepyn	laborer	
	Alice Wawe	widow	
	Robert Golle	laborer	
	Richard Coteler	collier	
	Robert Wade	chapman	
e. 4	John Hevve	husbandman	John Powke
e. 5	Robert Leycetre	rector	John Langcroft
			and his wife,
			Isabel

<sup>21</sup>See JUST 3/205, m. 5, e. 4.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 6 e. 6	Henry Rycheman alias Henry Riggeman	husbandman	Richard Canne
e. 7	Nicholas Meryot	baker	Henry Martyn John Kellys
e. 8	Richard Harryes Felicia Strete John Blayn Thomas Foston William Basset Matthew Taillour William Halle	webber spinster shipman goldsmith laborer shipman laborer	
m. 6d. e. 1	Stephen Walyngford	laborer	John Me <del>ll</del> er
e. 2	William Wheelere	parish priest	John Dene and his wife, Alice
e. 3	Robert Capellamus	chaplain	William Bysshop Joanna Bolle
e. 4	Thomas Pokerich	husbandman	Walter Sandes, knight
e. 5	William Byest alias William Beest	butcher/ laborer	John Ferby, <sup>22</sup> clerk
e. 6	Robert Walter John Thomas Alice Flynt Alice Canmbe		
e. 7	Thomas Daltre	barber	Isabel Esteney, nun
m. 7 e. 1	William Robenet Rosa Robenet Richard Bylby	tailor tapster laborer	William Benham called 'le George'

<sup>22</sup>See JUST 3/205, m. 5, e. 3.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 7 e. 2	Robert Clerk alias Robert Wade John Wrytheoke John Bowland	chapman barber laborer	Thomas Jocys
e. 3	John Kellere the elder John Kellere the younger	webber wainer	John Dany Thomas Wayte Christine Grave Robert Whyte
e. 4	Richard Frotesham	laborer	Thomas Pleystowe
e. 5	John Frensheman alias William Scraynham	laborer	Henry Broke
e. 6	Gilbert Yonge Walter Bailby Stephen Martyn		
m. 7d. e. 1	William Bykenolt William Goldsmyth alias William Andeley	laborer	

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m. 6 e. 1	Robert Cotes		
e. 2	John William	laborer	
m. 7 e. 1	Hugh Jenerer alias Kirkeby John Craneborne	butcher butcher	John Gilys
e. 2	Alexander Champion	clerk	Joanna, servant of John Chany
e. 3	Robert Cotes <sup>23</sup>		

<sup>23</sup>See JUST 3/198, m. 6, e. 1.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 7 e. 4	William Perche	barber	
m. 8 e. 1	Walter Shephurde	shepherd	Thomas Walle John Gilmyn
e. 2	Roger Bakere John Wodende	husbandman laborer	Walter Appulmann William Knoll Thomas Kynet
e. 3	Margaret Spic Thomas Bolde	spinster tailor	
m. 9 e. 1	William Wattes the younger	laborer	Robert Jonet Richard Gent
e. 2	Joanna Bowyer	spinster	
e. 3	Thomas Bernard	vicar/priest	Juliana Davy
e. 4	Richard Faukenere	vicar/ laborer	John Stryp
e. 5	Thomas Wanborgh	thatcher	Robert Clerk
e. 6	John Smyth	master/ smith	John Shirboone, master
e. 7	John Neuton	tailor	John Launde and his wife, Juliana
e. 8	Henry Hert John Garlond Thomas of War- minster Walter Hamond	laborer smith laborer husbandman	
m. 9d. e. 1	John Dunt alias John Barnabey	tailor	
e. 2	John Walsyngham and his wife, Alice John Fontell	hostler wife yeoman	Giles Goldsmyth
e. 3	John Gurdeler	tanner	Thomas Grene

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 9d e. 4	William Joneson William Laurence John Stranton	'corveyser' laborer tailor	
<u>JUST 3/202</u>			
m. 3 e. 1	John Godewyn	hostler	John Smyth
e. 2	Alice Foster	spinster	
e. 3	William Gybbes	husbandman	
e. 4	Adam Hosteler	laborer	
e. 5	John Cryngere, Cornishman	laborer	John Elmeley Thomas Washeton
e. 6	John Chaplain William Goldyng	clerk vicar	Richard Ecton, clerk
m. 3d. e. 1	John Hidwell	parson	Agnes, wife of John Walters
e. 2	John Hawele Constantine Russel John Preston	skinner laborer  laborer	
e. 3	Adam Hosteler <sup>24</sup> John Yonge	laborer laborer	
m. 4 e. 1	Thomas Marlyng	chaplain	Christina Rounde, recently wife of Nicholas Jonce
e. 2	Laurence Richard		

<sup>24</sup>See JUST 3/202, m. 3, e. 4.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 4 e. 3	John Homber		
e. 4	Richard Eton  Katerina, widow of Richard Farn- borgh	brother of the Order of St. Augustine widow	Katerina, widow of Richard Farn- borgh Richard Farnborgh
e. 5	John Crocheman the elder	thatcher	John Roleg

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m. 8 e. 1	William Gybbas	husbandman	John Bounde
e. 2	John Hare		
e. 3	John Bartelmewe alias John Dyer	yeoman	John Knight the elder Henry Thomelyus
e. 4	John Tonker		
e. 5	John Crocheman <sup>25</sup> the elder	thatcher	John Roleg
m. 8d. e. 1	Robert Cokkes	husbandman	William Wager, butcher
e. 2	William Kyngeston	laborer	John Shipman
e..3	Thomas Gore	husbandman	Nicholas Clerk and his servant, Joanna

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<sup>25</sup>See JUST 3/202, m. 4, e. 5.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 8d e. 4	Richard	parish priest	Christina, wife of John Ive
e. 5	Andrew Ford	chaplain	Williame Pyke and his wife, Agnes
e. 6	Richard Thresher	laborer	Richard Colner-hous
e. 7	John Langkylly	yeoman	Nicholas Rolf
e. 8	Christina Baldok alias Gloucestre	spinster	
e. 9	Walter Rayneld	laborer	
m. 9 e. 1	Thomas Godfray	laborer	Edith Shepman
e. 2	Thomas Tonkere, son of Christina Ledere	servant	Robert Hallum, bishop of Salisbury
e. 3	Richard Hassok alias Richard Buteler	yeoman	Thomas Rede
e. 4	Christina Baldok <sup>26</sup> alias Gloucestre	spinster	Richard Milbourne, esquire
e. 5	John Batteford John Choryngdon	forester gentleman	Roger Puryton
e. 6	John Barbour	priest	Ralph Alisaundre and his daughter, Beatrice
e. 7	Simon Brygge	husbandman	Thomas Babestoke
e. 8	Walter Rayneld <sup>27</sup>	laborer	Edith, widow of John Frank

<sup>26</sup>See JUST 3/205, m. 8d., e. 8.

<sup>27</sup>See JUST 3/205, m. 8d., e. 9.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 9 e. 9	John Crocheman <sup>28</sup> the elder	thatcher	John Roleg
m. 10 e. 1	William Ademes	souter	Richard Souter
e. 2	John Gylewhyte John Westernne	webber laborer	Nicholas, abbot of Glastonbury
e. 3	William Mottroner	clerk	Alice Newys
e. 4	John Reggers	laborer	John Whythous
e. 5	Walter Wyne	'tonker'	John Baillys the younger
e. 6	John Skynner alias Gille		Hugh Green, 'wainer'
e. 7	William Glovere James Brakley John Galeway	wainer tailor vagrant	
e. 8	John Hoke	souter	Richard Colnerhous <sup>29</sup>
e. 9	William Gademan	husbandman	William Cook
m. 10d. e. 1	Katerina Barton John Treyhorne Thomas Saman John Mannyng	widow wainer husbandman goldsmith	
e. 2	Andrew Boucher	husbandman	Richard Skete
e. 3	John Corneser	chaplain	John Vynte and his wife, Alice
e. 4	John Wyght	husbandman	William Soule
e. 5	Thomas Taylour	husbandman	Manrici Crollyng

<sup>28</sup>See JUST 3/202, m. 4, e. 5 and JUST 3/205, m. 8, e. 5.

<sup>29</sup>See JUST 3/205, m. 8d., e. 6.



<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 10d. e. 6	John Poleyn	vicar	John Odom and his daughters, Isabel and Katerina
e. 7	John Moreys Richard Dobyn	wainer husbandman	
e. 8	Robert Colyns	shepherd	John, son of William Lynedene
m. 11 e. 1	Thomas Taillour John Russell John Olyner	'corveyser' 'corveyser' 'corveyser'	John Miller
e. 2	William Cook	barber	Richard Pyrell Richard Trapper
e. 3	Henry Wodeward	haywarden	Robert Smyth
e. 4	Nicholas Slewort William Taillour John Gonair Richard Kynle	gentleman/ attorney tailor wainer wainer	Elizabeth Jute-borgh
e. 5	William Taillour <sup>30</sup> John Gonair Richard Kynle Nicholas Slewort Edward Dolle John Dolle	tailor wainer wainer gentleman wainer wainer	Elizabeth Jute-borgh
m. 11d. e. 1	John Chount John Clebury Henry Dowbeler John Boteler	clerk goldsmith servant	
e. 2	John Court alias John West	skinner	John Mermyle

<sup>30</sup>See JUST 3/205, m. 11, e. 4.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect(s) occupation</u>	<u>The victim(s)</u>
m. 11d. e. 3	John Hykkes	servant	William atte Hamme John Cok William atte Splette John Frankeleyn
e. 4	Thomas Wormes	tailor	John Iwry and his wife, Christina
e. 5	John Langkylly <sup>31</sup>	yeoman	John, servant of Thomas Grenemar
e. 6	Thomas Reke	hostler	John Maynard
e. 7	John Hardepye	laborer	John Tilleford
m. 12 e. 1	John, formerly servant of William Crusselove	laborer	John Gybbes the younger
e. 2	John Alman Henry Wilteshter alias Henry Kymber	husbandman shepherd	Laurence Pynnok John Collis William Alman William Genne
e. 3	John Bartelot John Lucas Robert Taillour Stephen Hoppe	smith laborer tailor	

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m. 10 e. 1	William Forster	servant of John Swan- land	Horton church
	William More	servant of Horton priory	

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<sup>31</sup>See JUST 3/205, m. 8d., e. 7.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 10 e. 2	Robert Frome John Taillour, Frenchman John Alman	plowman  laborer	Richard Whitefeld
m. 11 e. 1	John Clere	rector	Matilda, wife of William Whyte
e. 2	John Wotton	rector	John Bromham the elder and his wife, Roberta
e. 3	Nicholas Doigge John Brangweyne	groom groom	Richard Renges Thomas Thorpe
e. 4	Henry Snowe alias Henry Wontecacher	laborer	Cecilia, abbess of Shaftesbury
e. 5	Edith Hegeman, widow of William Hegeman	widow	Henry Whitchyse
e. 6	John Mulleward	husbandman	Walter London, husbandman
m. 11d. e. 1	Thomas Podymour	holywater- clerk	Walter London, <sup>32</sup> husbandman
e. 2	John Ansty	laborer	Walter London, <sup>33</sup> husbandman
e. 3	Walter Stephenes	haywarden	Guy Bawdewyn
m. 12 e. 1	Thomas Goldsmyth alias John Cryakel- man	yeoman	William Goldsmyth
e. 2	Robert Frome, son of John Frome	<sup>34</sup> husbandman	John Bythewode

<sup>32</sup>See JUST 3/198, m. 11, e. 6.

<sup>33</sup>See JUST 3/198, m. 11, e. 6 and m. 11d, e. 1.

<sup>34</sup>See JUST 3/198, m. 10, e. 2.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 12 e. 3	William Dobnam	skinner	Robert, abbot of Abbotsbury
e. 4	Richard Buyshop	yeoman	Henry Baker
e. 5	John Shephurd	groom	John James
m. 12d. e. 1	Willelma Balgey, wife of John Balgey, husbandman	wife	John atte Mulle John Wynterborn
e. 2	William Clerk	laborer	Nicholas Rusemere

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m. 5 e. 1	William Pyney	'tonker'	
e. 2	Christina Bernard alias Baker		
e. 3	John Stynour		
e. 4	John Wotton <sup>35</sup>	clerk	Robert More and his wife, Joanna
e. 5	John Churchehull	vicar	John Swythyn and his wife, Emma
e. 6	John Shephurd <sup>36</sup>	groom	John James

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<sup>35</sup>See JUST 3/198, m. 11, e. 2.

<sup>36</sup>See JUST 3/198, m. 12, e. 5.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 5	John Fille	laborer	/
e. 7	John Wodeman alias John Baker		
	Thomas Shaloner	laborer	
	William de la Pyney <sup>37</sup>	'tonker'	
	Christina Bernard alias Baker <sup>38</sup>		
	Thomas Clerk		

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m. 13	William Hykkes	butcher	Roger Stever
e. 1			
e. 2	Nicholas Bakere	chaplain	Agnes, servant of Walter Reston
e. 3	Richard Leche	tailor	William Crick-amoure
e. 4	John Bernard	groom	Matilda Bardolfes
e. 5	Thomas Sage	groom	Robert Powke
m. 13d.	John Croxhale	hostler	William Catte
e. 1	and his wife, Celia	wife	
e. 2	Henry Mody	husbandman	
	Phillip Jayberd	husbandman	
	John Wyllys	groom	
	John Taillour	groom	
	John Hoper	hooper	
	John James	souter	
	Agnes, wife of	wife	
	Thomas Taillour, husbandman		

<sup>37</sup>See JUST 3/202, m. 5, e. 1.

<sup>38</sup>See JUST 3/202, m. 5, e. 2.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 13d. e. 3	Thomas Pykenote alias Cook Walter Ayleward	servant of Alex Clynedon	
e. 4	Nicholas Atherston alias Nicholas Clerk William Bullok Nicholas Hayward	hollywater-clerk  wainer wainer	
e. 5	John Crote	husbandman	
e. 6	Thomas Bailly	hollywater-clerk	William Cauntelbury, keeper of Helton church Richard Nele, vicar
m. 14 e. 1	John Clerk alias John Glasyer Richard Leche alias John Spiter	fisherman  laborer	John Symon and Richard Brangweyn, keepers of Bridport church
e. 2	John Dryaunt alias Frenchman John Frenshman	groom  groom and servant of Peter Baker	Peter Baker
e. 3	John Whisshyng the elder	husbandman	William Gille
e. 4	Thomas Taillour William Taillour	tailor husbandman	Henry Hyle
e. 5	Robert Willes	husbandman	William Cauntelbury, keeper of Helton church Richard Nele, vicar <sup>39</sup>
e. 6	Robert Matteston	priest	

<sup>39</sup>See JUST 3/205, m. 13d., e. 6.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim</u>
m. 14 e. 7	John of Gordyn	seaman	.
m. 15 e. 1	John Baret	prior of Blessed Mary her- mitage of Hertley	John Conlard and his wife, Eleanor
e. 2	Peter Frenshman	groom, for- merly ser- vant of Thomas Canne	Eleanor Scottes John Newe John Eliot

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m. 13 e. 1	John Cokkes	lawyer	Elizabeth, wife of Thomas More- ley John Moreley, their son
e. 2	John Archer	laborer	William atte Oke
e. 3	John Donke	baker	John Wodeleder
m. 14 e. 1	Richard Brewes	chaplain	John Howlys and his servant, John Webbe
e. 2	John Stalon	chaplain	John, abbot of Glastonbury John Gloucester, monk
e. 3	John Gyles the younger	laborer	Roger Walsh
e. 4	William Veel	yeoman	John Togode the younger

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 14 e. 5	William Veel <sup>40</sup>	husbandman	John Togode Roger Seyme
e. 6	William Kittehay the younger and his wife, Chris- tina William Kittehay the elder	tailor  wife	Ivote Mountford alias Selewode
m. 14d. e. 1	John Grene	carpenter	John Balegh, gentleman of Benerley
m. 15 e. 1	John Clerk	laborer	William Cothey John Wener Giles Tonker
e. 2	John Grene <sup>41</sup>	yeoman	
e. 3	John Herbard	tailor	William Cothey John Wener <sup>42</sup>
e. 4	John Wolcombe	fisherman	William Denys, mulewarden and his wife, Mar- garet
e. 5	Thomas Richere	vicar	John Bellons and his wife, Alice
e. 6	William Poulard alias Polard	chaplain	Richard Deghe
m. 15d. e. 1	John Rewe	attorney.	Walter Power Richard Smyth
e. 2	Giles Kene	laborer	John Hulman

<sup>40</sup>See JUST 3/198, m. 14, e. 4.

<sup>41</sup>See JUST 3/198, m. 14d., e. 1.

<sup>42</sup>See JUST 3/198, m. 15, e. 1.



<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 15d. e. 3	John Wobrygge	husbandman	John Fulbrook
e. 4	John Woky, son of Thomas Woky	husbandman	Giles Sydbert William Corpp
e. 5	William atte Wode alias Quarre	husbandman	
e. 6	John Yonge	yeoman	John Glyde
e. 7	Robert Pay	wainer	Julian Norton
e. 8	Thomas Almere	'tonker'	William Strous

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m. 6 e. 1	John Amitiache	tailor	Robert Tounesende
e. 2	Richard Loder Alice Westcote		

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m. 16 e. 1	John Yrysshe alias Horseman	'horseman'	Richard Makerell
e. 2	John Shephurde	husbandman	John Maistre the younger
e. 3	John Ile alias Avyle	groom	John Sevy William Brice
e. 4	Robert Slocombe	groom	Joanna Frogge- putte
e. 5	John French alias Tucton		Alice, wife of John French alias Tucton

<u>Entry</u>	<u>The suspect(s)</u>	<u>occupation</u>	<u>The victim(s)</u>
m. 16 e. 6	Richard Fryth- lokke	groom	
e. 7	Nicholas Pytte	husbandman	
e. 8	Giles Rede	treacle- monger	
e. 9	John Poterne alias Percevale		

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m. 16 e. 1	William Goldsmyth	goldsmith	Matthew Wonston, clerk Nicholas Fenton the younger
e. 2	John Kyngdon	husbandman	Robert Prestecote
e. 3	John Sherwood John Merdburgh Thomas Corier	skinner	John Sylvester of Brittany
e. 4	Nicholas Skynnere	laborer	John, servant of John Fordham Thomas Perell, clerk
e. 5	John Salman	baker	Thomas Tonker
e. 6	Thomas Baron William Rolfe	smith laborer	John Smyth
e. 7	John Brente		
m. 16d. e. 1	Thomasia, wife of William Goore, alias Goor, alias Gore, dyer	wife	Nicholas Symound, dyer

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 16d. e. 2	Eleanor Sprete alias Mynchyn		Margaret Coletace John Boure Blessed Mary chapel
e. 3	John Pode	laborer	
e. 4	Joanna, wife of William Hopper, furber	wife	Richard Hopper, son of Joanna Hopper
e. 5	William Stykke	laborer	Eleanor Crokker William Bushop Henry Wether and Thomas Wether, keepers of the chapel
e. 6	Thomas Wardour	laborer	William Roche
e. 7	John Fynche		
m. 17 e. 1	Richard Broun Thomas Broun John Thorne	chapman tailor husbandman	William Aysheford
e. 2	John Portman Joanna, wife of John Benet	husbandman 'workwoman'	John Goren Robert Bagelhole John Cruwys John Joce Robert Fishlegh Roger Stoyll
e. 3	Henry Bagryg alias Henry Baron Roger Brollond  John Thocombe	husbandman/ butcher laborer/hus- bandman laborer	Robert Tokker John Bolham and his wife, Joanna
* e. 4	John Jory	groom	John Cotyn Warren Sechenill
e. 5	Walter Raymond alias Walter Raymer Richard Giffard John Molton	husbandman gentleman husbandman	Thomas Ryel John Bagelhole William Toker

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 17d. e. 1	Thomas Baron <sup>43</sup> William Rolfe	smith laborer	John Smyth
e. 2	William Stykke <sup>44</sup>	laborer	Eleanor Crokker William Bushop Henry Wether, and Thomas Wether, keeper of the chapel
e. 3	Nicholas Skyn- nere <sup>45</sup>	laborer	John, servant of John Fordham Thomas Perell, clerk
e. 4	Thomas Lok	shipgroom	Richard Herward
e. 5	John Grous		William Harry
m. 18 e. 1	John Salman <sup>46</sup>	baker	Thomas Tonker
e. 2	John Laurence alias John Harry John Sare		
e. 3	Henry Cobbelond		
e. 4	John Combe	skinner	
e. 5	Richard Webber William Mevcombe Richard Byshop Robert Culnerlake Giles Cantelbury Hugh Gogh	smith	
e. 6	Margaret Fysher		
m. 18d. e. 1	William Dyche Stephen Redeburgh		

<sup>43</sup>See JUST 3/198, m. 16, e. 6.

<sup>44</sup>See JUST 3/198, m. 16d., e. 5.

<sup>45</sup>See JUST 3/198, m. 16, e. 4.

<sup>46</sup>See JUST 3/198, m. 16, e. 5.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 18d. e. 2	Joanna, wife of William Hopper, furber <sup>47</sup>	wife	Richard Hopper, son of Joanna Hopper
e. 3	Thomas Wardour <sup>48</sup>	laborer	William Roche
e. 4	John Pode <sup>49</sup>	laborer	Joanna, daughter of Robert Legh John Bastard
e. 5	Eleanor Sprete alias Mynchyn <sup>50</sup>		
m. 19 e. 1	William Drystowe Roger Colecote	tailor former mayor of Exeter/ tailor	
	Richard Herward John Legli William Thee	skinner skinner 'peantier'	
e. 2	Hugh Hille John Parker	skinner tailor	
m. 19d. e. 1	Thomas Turus	laborer	Lord William Thynton, knight William Sturmy, knight
e. 2	John Middleton	yeoman	John Midwynter
e. 3	John Brigges	chaplain	
e. 4	John Loilk	laborer	Roger Martyn
e. 5	John Molton <sup>51</sup>	husbandman	Thomas Ryel John Bagelhole William Toker

<sup>47</sup>See JUST 3/198, m. 16d., e. 4.

<sup>48</sup>See JUST 3/198, m. 16d., e. 6.

<sup>49</sup>See JUST 3/198, m. 16d., e. 3.

<sup>50</sup>See JUST 3/198, m. 16d., e. 2.

<sup>51</sup>See JUST 3/198, m. 17, e. 5.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 19d. e. 6	Thomasia, wife of Thomas Cony, husbandman	wife	Joanna, daughter of Thomasia and Simon Cony
e. 7	Thomas Lok Henry Cobbelond <sup>52</sup>	shipgroom	
e. 8	Thomas Lok <sup>53</sup>	shipgroom	Richard Herward
m. 20 e. 1	Robert Roche John Haneford Henry Greder Thomas Geige	souter souter souter tailor	Richard Redeclyf
e. 2	John Bayly John Bryt	laborer tailor	Christina Orchard, daughter and heiress of William Orchard
e. 3	John Prat alias Bower	baillif	
e. 4	Richard Webbere	webber	Simon Wilky
e. 5	Roger Greta	tinner	Alice Benet
e. 6	John Taillour John Twyston John Reehard	millwarden	

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m. 7 e. 1	John Emys	'coker'	Robert Hulle, esquire
e. 2	Richard Clopton Walter Blake		

<sup>52</sup>See JUST 3/198, m. 17d., e. 4 and m. 18, e. 3.

<sup>53</sup>See JUST 3/198, m. 17d., e. 4 and m. 19d., e. 7.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 7 e. 3	William Mattok	mariner	Robert Hulle, esquire <sup>54</sup>
e. 4	John Colecote	yeoman	John Courtenay
e. 5	Florence, wife of Richard Swolwe	wife	
m. 7d. e. 1	Thomas Toly Roger Toly	husbandman husbandman	Christina Bony John Bony, son of Walter Bony Dennis Lane
e. 2	Thomas Penguyte John Lanford		
e. 3	William Walle	yeoman	John Chambre
e. 4	Robert Golde	husbandman	John Smert
e. 5	Nicholas Grene John Suttur	butcher 'horner'	
e. 6	Walter Frere	laborer	William Yonde- cote

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m. 17 e. 1	Richard Meriweder	barber	Thomas Wirthe, esquire
e. 2	Thomas Hamelyn	husbandman	Richard Preter and his wife, Nichola
e. 3	William Lympyn	tailor	John Valence and his wife, Isabel

<sup>54</sup> See JUST 3/202, m. 7, e. 1.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 17 e. 4	Alex Duke	husbandman	Nicholas atte Beare
e. 5	John Grene John Wodebeare John Suttur <sup>55</sup>	butcher tailor 'horner'	John North the younger
e. 6	Matilda, wife of Roger atte Pitte	wife	Roger Robyn
m. 17d. e. 1	Roger atte Pitte and his wife, Matilda <sup>56</sup> John Grybbe	laborer wife butcher	Roger Robyn
e. 2	Andrew Pounce John Frenshe Joanna Flemyng	laborer laborer	
e. 3	Walter Roche	groom	William Adam
e. 4	Henry Sumpter	laborer	William Gilbert Walter Forde John Drewe
e. 5	Richard Morgan Walter Vygha John Petit	hostler baker tailor	John Coleton
e. 6	William Groos	clerk	Richard Tracy and his servant, Margaret Kent
e. 7	John Mortymer alias Bocher		John Bate Robert Hillyng John Burle
e. 8	John Gaffe Robert Lovell	mariner pardoner	

<sup>55</sup>See JUST 3/202, m. 7d., e. 5.

<sup>56</sup>See JUST 3/205, m. 17, e. 6.



<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 17d. e. 9	Thomas Gyrdeler	butcher	
m. 18 e. 1	William Batyn	husbandman	William Herston John Colle Richard Shote
e. 2	Richard Hoper	husbandman	John, abbot of Engleborne William Holecomb
e. 3	Thomas Gyrdeler <sup>57</sup>	butcher	Richard Bertlot
e. 4	Richard Mersh Richard atte Wyng		
e. 5	John Huchyn	laborer	Thomas Ray
e. 6	John Crese John Gvynowe Alice, wife of Richard Watte	groom  wife	
m. 18d. e. 1	John Hillacre	laborer	Thomas Haydon John Churchehill
e. 2	Hugh Jon Lodowicus Coytyf John Frauncey John Trenchevile William Oxeleg the younger Thomas Snape	  webber  laborer	
e. 3	John Hillacre <sup>58</sup>	laborer	Thomas Haydon
e. 4	David Cosyn, Welshman		Richard William
e. 5	John Lyghte	souter	John Brewer
e. 6	Roger Gvue	rector	Thomas Bynneworthy John Bremelcombe and his servant, Joanna Broun

<sup>57</sup>See JUST 3/205, m. 17d., e. 9.

<sup>58</sup>See JUST 3/205, m. 18d., e. 1.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 18d. e. 7	Richard Groby		
m. 19 e. 1	Robert Bonefaunt	husbandman	John Philip Robert Heiges John Lenmore
e. 2	Thomas Roche Thomas Tredover Michael Parker John Brode		
e. 3	William Broun and his servant, Walter Calman Richard Groby <sup>59</sup> Thomas Taillor Richard Payntour David John David Morgan	mason servant	
e. 4	Thomas William	shipman	William Doly
e. 5	Gilbert Aiggefenne	husbondman	John atte Wille Walter Dowene Constoke church Richard Hankeford Walter Donne
m. 19d. e. 1	William Pyers John Bray John Juor, Welsh- man John Stalyan John Sely Walter Clope Henry Falleek	groom groom	
e. 2	William Bythewater	'soper'	William Veysy
e. 3	Gilbert Spurham	baker	John Bykelegh
e. 4	Richard Groby <sup>60</sup>	laborer	William Toker William Stert

<sup>59</sup> See JUST 3/205, m. 18d., e. 7.

<sup>60</sup> See JUST 3/205, m. 18d., e. 7, and m. 19, e. 3.

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
m. 19d. e. 5	John Spray	yeoman	Peter Scot William atte Wode Joanna atte Wode
e. 6	David Tylya alias David atte Wille Ralph Tylya alias Ralph atte Wille	laborer groom	John Holme
e. 7	Michael Oke Stephen Burton	mariner yeoman	William Pycard

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m. 21 e. 1	William Mevcomb		
m. 22 e. 1	John Aysh	groom	
e. 2	John Hol alias John Hel, son of Ranulphe Tetebron	laborer	Margaret, widow of Richard Crevruf

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m. 8 e. 1	John Burley	laborer	
e. 2	Stephen Coulyng	mercier	Robert Plodde
m. 8d. e. 1	Alice Donan	spinster	

<u>Entry</u>	<u>The suspect(s)</u>	<u>Suspect's occupation</u>	<u>The victim(s)</u>
<u>JUST 3/205</u>			
m. 20 e. 1	Margaret Gardun		
e. 2	Alice Donan <sup>61</sup>	spinster	
e. 3	Giles Vagge	yeoman	John Tomme
m. 20d. e. 1	Alice Donan <sup>62</sup>	spinster	William Hokyn
e. 2	Giles Vagge alias Giles Crokker, yeoman <sup>63</sup>	cook	Pastasir Corne- waill
e. 3	Giles Vagge <sup>64</sup>	yeoman	Pastasir Corne- waill
m. 21 e. 1	Alice Hencock, wife of Phillip Hencock	wife	Phillip Hencock
e. 2	John Otty alias Overall	groom	John Jagowe

<sup>61</sup>See JUST 3/202, m. 8d., e. 1.

<sup>62</sup>See JUST 3/202, m. 8d., e. 1 and JUST 3/205, m. 20,  
e. 2.

<sup>63</sup>See JUST 3/205, m. 20, e. 3.

<sup>64</sup>See JUST 3/205, m. 20, e. 3, and m. 20d., e. 2.

### APPENDIX 3

#### THE APPROXIMATE DISTANCE TRAVELLED BY SUSPECTS FROM THEIR DOMICILES TO THE PLACES WHERE THEY PURPORTEDLY COMMITTED FELONIES

Almost every entry in the gaol delivery rolls recorded the suspect's domicile and the town or village where he allegedly committed a felony or where he was taken on suspicion of felony. Whenever possible, modern place names were inserted for medieval ones in the following list of place names. Thus 'Melkysham' was entered as Melksham, 'Okhampton' became Okehampton, 'Tavystoke', Tavistock, 'Devyses', Devizes, etc. When the suspect came from a county other than the one in which he was tried, the county was recorded in the list. The distance travelled by the suspect from his domicile to the place where he allegedly committed a felony, or was taken on suspicion of felony, was calculated in miles as the crow flies. The distances, therefore, are only approximate. An asterix in this appendix denotes that the distance travelled by the suspect could not be calculated because one or both of the towns or villages could not be discovered on a map or because the entry did not

disclose the name of one of the places. The manner in which the distances in the appendix were analysed is discussed on page 207.

HAMPSHIRE: JUST 3/198

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 1	Winchester	Winchester	Om.
e. 1			
e. 2	'Culpmannhanen'	Southampton	*
e. 3	-	Winchester	*
e. 4	-	Enham	*
e. 5	-	Titchfield	*
m. 1d.	-	Winchester	*
e. 1			
e. 2	Newport, Isle of Wight	Newport, Isle of Wight	Om.
	Newport, Isle of Wight	Newport, Isle of Wight	Om.
e. 3	-	Testwood	*
e. 4	Wallop	Wallop	Om.
e. 5	-	Sutton Scotney	*
	-	Sutton Scotney	*
e. 6	-	Foxcote	*
	-	Foxcote	*
e. 7	-	Petersfield	*

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 1d. e. 8	Winchester	Chilbolton	9m.
m. 2 e. 1	-	Romsey Romsey Chirvyle' Romsey Romsey 'Chirvyle'	* * * * * *
e. 2	'Worthy Paunce- fot'	Paysforde	0m.
e. 3	Thruxton	Thruxton	0m.
e. 4	Winchester	'Querre'	*
e. 5	Winchester <sup>1</sup>	Chilbolton	9m.
e. 6	St. Albans, Herts.	Meon Meon	75m. 75m.
m. 2d. e. 1	Wallop <sup>2</sup>	Wallop	0m.
e. 2	Kingsclere	Kingsclere	0m.
e. 3	Alesworthy'	Netherwallop	*
e. 4	'Nynehead', Somerset	Monxton	*
e. 5	Romsey  Romsey  Romsey	Romsey Romsey Romsey Romsey Romsey	0m. 0m. 0m. 0m. 0m.

<sup>1</sup>See JUST 3/198, m. 1d., e. 8.

<sup>2</sup>See JUST 3/198, m. 1d., e. 4.



<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 2d.	-	Michelmersh	*
e. 6	-	Ringwood	*
	-	Pennington	*
	-	Winchester	*
	-	Winchester	*
	-	Winchester	*
	-	Winchester	*
	-	Alton	*
e. 7	-	Petersfield	*
	-	Basingstoke	*
	-	Lockerley	*
	-	Lockerley	*
	-	Basingstoke	*
	Southampton	Southampton	0m.
	Southampton	Southampton	0m.
m. 3	-	Newport, Isle of Wight	*
e. 1	-		
e. 2	Romsey <sup>3</sup>	'Chirvyle'	*
		Romsey	0m.
		Romsey	0m.
	Romsey	'Chirvyle'	*
		Romsey	0m.
		Romsey	0m.
e. 3	Southampton	Southampton	0m.
m. 3d.	Alton (former-ly of St. Albans Herts. <sup>4</sup>	Lasham	3m.
		Lasham	3m.
e. 2	Steventon (formerly of St. Albans, Herts. <sup>5</sup>	'Ludshote'	*

<sup>3</sup>See JUST 3/198, m. 2, e. 1.

<sup>4</sup>See JUST 3/198, m. 2, e. 6.

<sup>5</sup>See JUST 3/198, m. 2, e. 6 and m. 3d., e. 1.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 4 e. 1	'Northburseldene'	'Northburseldene'	0m.
e. 2	Sealands	Romsey	40m.
e. 3	Gatcombe, Isle of Wight	Easton, Isle of Wight	9m.
e. 4	'Elvetham'	'Elvetham'	0m.
e. 5	Alresford	Alresford	0m.
m. 4d. e. 1	-	Hurn	*
e. 2	Sussex	Southampton	25m.
m. 5 e. 1	Denmead	Boarhunt Denmead	4m. 0m.
e. 2	Southwick Cambridge, Glouc. 'Tawnton, Somerset Worcester, Worcs. 'Wergrove', Berks. 'East Putte' Hertford, Herts. Ropley Avington Avington York, Yorks. Isle of Guernsey Isle of Guernsey Salisbury	Winchester Stratfield Saye  Romsey Southwick Wootton St. Laurence Wellow Odiham  Ropley Avington Avington Winchester Winchester Winchester Winchester	16m. 80m.  * 100m.  * * 98m.  0m. 0m. 0m. 200m. * * 20m.
e. 3	Avington	Avington	0m.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 5	Compton	Compton	0m.
e. 4	Compton	Compton	0m.

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m. 1	Dibden	Le More Lower in the	8m.
e. 1		parish of Romsey	
e. 2	New Alresford	Old Alresford	1m.
e. 3	'Northcombe'	'Northcombe'	0m.
e. 4	Whitchurch	'Warnecombe'	*
e. 5	Warnford	Winchester	10m.
	-	Stonham	*
	-	Warblington	*
e. 6	Winchester	-	*
	Winchester	-	*
e. 7	'Bermeton'	'Bermeton'	0m.
m. 1d.	-	Houghton	*
e. 1		Fordingbridge	*
e. 2	'New Town'	Adebury	*
		Burghclere	*
		Burghclere	*
		Burghclere	*
e. 3	'New Town'	Andover	*
	East Woodhay	East Woodhay	0m.
	-	Havant	*
	Gloucester,	Southampton	80m.
	Glouc.		
	Warblington	Warblington	0m.
	Bristol	Christchurch	60m.
	Romsey	Romsey	0m.

Entry	Suspect's domicile	Place suspect allegedly committed a felony or was taken on suspicion of felony	Approximate distance travelled
m. 1d.	Winchester <sup>6</sup>		*
e. 4	Winchester		*
e. 5	-	Fordingbridge	*
e. 6	'Bermeton' <sup>7</sup>	'Bermeton'	0m.
e. 7	-	Houghton Fordingbridge	* *
m. 2	'Suthbyrfel-	'Suthbyrfeldene'	0m.
e. 1	dene'		
e. 2	Stubbington	Stubbington	0m.
e. 3	Avington 'Duffeld', Yorks. 'Brambre', Sussex Bickton	Lymington Winchester  Winchester  Bickton	26m. *  *  0m.
e. 4	Bramdean	Winchester	9m.
e. 5	-	Havant	*

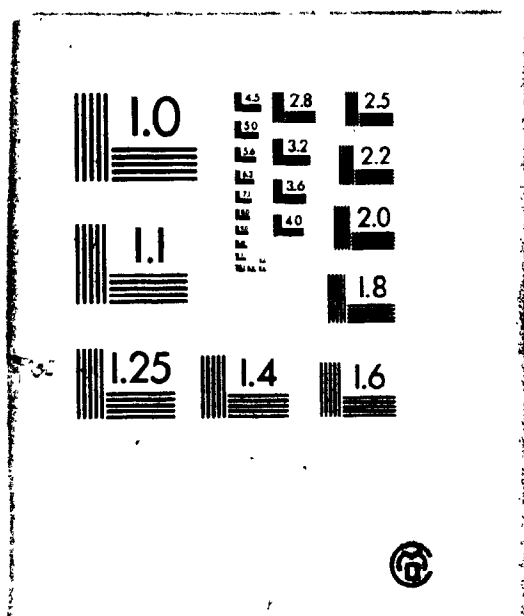
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m. 1	Selborne	'Prioresdene'	*
e. 1			
e. 2	Marston, Staffs.	Crowdhill	130m.

<sup>6</sup>See JUST 3/202, m. 1, e. 6.<sup>7</sup>See JUST 3/202, m. 1, e. 7.

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<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 1	Denmead <sup>8</sup>	Boarhunt	4m.
e. 3		Denmead	0m.
e. 4	Seaton, Devon	Winchester	90m.
e. 5	Havant <sup>9</sup>	Brockhampton in Havant	0m.
		Brockhampton in Havant	0m.
m. 1d.	-	Southampton	*
e. 1	-	Southampton	*
	Romsey	Romsey	0m.
	-	Berkley	*
e. 2	'Crolton', Northants.	Southampton	*
e. 3	Romsey	Dunwood	2m.
e. 4	Southampton	Southampton	0m.
e. 5	Stockbridge	Owslebury	12m.
e. 6	Downton, Wilts.	'Aldrygg'	*
m. 2	Upham	East Meon	9m.
e. 1			
e. 2	Ropley	Ropley	0m.
		Ropley	0m.
		Ropley	0m.
e. 3	Michelmersh	Braishfield	1m.
		Braishfield	1m.
e. 4	Cadley	Cadley	0m.

<sup>8</sup>See JUST 3/198, m. 5, e. 1.

<sup>9</sup>See JUST 3/202, m. 2, e. 5.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 2	'Ashwyk',	'Suthbirseldon'	*
e. 5	Somerset		
	East Carlton,	Winchester	110m.
	Northants.		
	'Stelbynge',	Ropley	*
	Essex		
	'Mildenhale',	Overton	*
	Suffolk		
	Boyton, Wilts.	East Woodhay	33m.
	'Doner', Lancs.	Romsey	*
e. 6	Farringdon	Eastoke	23m.
	Farringdon	Eastoke	23m.
	Farringdon	Eastoke	23m.
	'Chanton'	Eastoke	*
e. 7	Bridlington,	Havant	240m.
	Yorks.		
m. 2d.	'Bageherst'	Cadley	*
e. 1	Cadley	Cadley	0m.
e. 2	Bramshott	Bramshott	0m.
	Chiltley in	Bramshott	0m.
	Bramshott		
e. 3	Ropley	Ropley	0m.
e. 4	Andover	Andover	0m.
	Romsey	'Estuderle'	*
	Southampton	Winchester	11m.
m. 3	Langrish	Bordon	9m.
e. 1			
e. 2	Christchurch	Southampton	18m.
	Huthe	Huthe	0m.
	Southwick	Chilcombe	15m.
	Southwick	Chilcombe	15m.
	'Cadeworthy'	Avington	*
	King's Worthy	King's Worthy	0m.
	-	Southampton	*
	Salisbury	Hurstbourne Priors	20m.
	Odiham	Bickton	45m.
	Winchester	Havant	20m.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 3 e. 3	Winchester	Wallop	7m.
e. 3a	Stockbridge	Romsey	8m.
e. 3b	Stockbridge	Stockbridge	0m.
e. 3c	Stockbridge	Stockbridge	0m.
e. 3d	Stockbridge	'Cory Rynell', Somerset	*
e. 3e	'Breton', Somerset	Broad Chalke, Wiltshire	*
e. 3f	Wellington, Somerset	Wellington, Somerset	0m.
	Wellington, Somerset	Wellington, Somerset	0m.
e. 3g	Breton, Somerset	Brode Chalk, Wilts.	*
e. 3h	Wallop	Wallop	0m.
e. 3i	Honiton, Devon	Wellington, Somerset	11m.
e. 3j	Wherwell	Neuton in Wherwell	0m.
e. 3k	'Willescombe', Somerset	'Nyenhed', Somerset	*
	Honiton, Devon	'Nyenhed', Somerset	*
e. 3l	'Willescombe' Somerset	'Nyenhed', Somerset	*
	Honiton, Devon	'Nyenhed', Somerset	*
m. 4 e. 1	East Woodhay	-	*
e. 2	Andover	'Shotede'	*
e. 3	'Colham'	Old Alresford	*
e. 4	Wherwell	Polhampton	9m.





<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 5 e. 2	Romsey	Easton	15m.
e. 3	Hartfordbridge	Newnham Newnham	4m. 4m.
e. 4	Amport Broughton	Amport Amport	0m. 7m.
e. 5	'Westchester', Cheshire	Shamblehurst	*
	'Kermerdyn', Wales	Shamblehurst	*
e. 6	'Colecote', Wilts.	Hartfordbridge	*
	Winchester	Sparkford in Winchester	0m.
	East Meon	East Meon	0m.
	'Cynby', Wales	Bishop's Sutton	*
	Cranlond	Winchester	19m.
	Northampton, -	Havant	95m.
	Northants.		
	Wentbridge,	Southampton	192m.
	Yorks.		
	Romsey	Romsey	0m.
m. 5d e. 1	Facombe	Facombe	0m.
e. 2	Southampton	Medstead	21m.
	Southampton	Medstead	21m.
e. 3	Bramshaw	Bramshaw Bramshaw Bramshaw	0m. 0m. 0m.
e. 4	Lymington	Lymington	0m.
m. 6 e. 1	Stockbridge	Stockbridge	0m.
e. 2	'Onerle'	Amport	*

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 6	Romsey	Romsey	0m.
e. 3	Hursley	Hursley	0m.
	Sherfield	Sherfield	0m.
	Romsey	Romsey	0m.
	Long Sutton	Long Sutton	0m.
e. 4	South Warnborough	Holybourne	4m.
e. 5	Burghclere	Kingsclere	4m.
e. 6	Micheldever	King's Somborne	10m.
e. 7	Warnford	Warnford	0m.
e. 8	'Swaythling' in South Stoneham	North Stoneham	0m.
	North Stoneham	North Stoneham	0m.
	Hampton	Southampton	0m.
	Foxcote	Southampton	21m.
	Ellingham	Ellingham	0m.
	'Westchester', Cheshire	Selborne	*
	Selborne	Selborne	0m.
m. 6d	Wherwell	Winchester	9m.
e. 1			
e. 2	Thruxton	Thruxton	0m.
e. 3	Calbourne, Isle of Wight	Shalcombe, Isle of Wight	2m.
e. 4	Ashton	Preston Candover	15m.
e. 5	Hartfordbridge	Newnham	4m.
		Newnham	4m.
e. 6	-	Ellingham	*
	-	'Rokeborne'	*
		Romsey	*
		East Meon	*
e. 7	Romsey	Romsey	0m.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 7	Winchester	Winchester	0m.
e. 1	Winchester	Winchester	0m.
	Winchester	Winchester	0m.
e. 2	Romsey	Pittlesworth	6m.
	Romsey	Pittlesworth	6m.
	Michellmersh	Pittlesworth	3m.
e. 3	South Fareham	Crofton	2m.
		Segenworth	2m.
		Stubbington	3m.
	South Fareham	Crofton	2m.
		Segenworth	2m.
		Stubbington	3m.
e. 4	Alton	New Alresford	9m.
e. 5	Romsey	Romsey	0m.
e. 6	-	Winchester	*
	-	Winchester	*
	-	Winchester	*
m. 7d	Elsted, Sussex	Crondall	18m.
e. 1	-	Romsey	*

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m. 6	-	-	*
e. 1			
e. 2	Collingbourne	Collingbourne	0m.
m. 7	Charlton in	Hamptworth	7m.
e. 1	Downton		
	Charlton in	Hamptworth	7m.
	Downton		
e. 2	Burbage	Burbage	0m.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 7 e. 3	-	-	*
e. 4	Wilton	Fisherton de la Mere	5m.
m. 8 e. 1	Winterbourne Cherbourg	Donhead St. Mary 'Southbrudcombe'	17m. *
e. 2	Castle Eton Cricklade	Widihill in Cricklade Widihill in Cricklade	2m. 0m.
e. 3	Bishop's Knoyle Cherington, Glouc.	Bishop's Knoyle Castle Eton	0m. 14m.
m. 9 e. 1	Leigh	Cricklade Cricklade	2m. 2m.
e. 2	Wroughton	Fisherton de la Mere	25m.
e. 3	Stapleford	Stapleford	0m.
e. 4	Tytherington	Calne	19m.
e. 5	Leigh	Brinkworth in Ashton Keynes	5m.
e. 6	East Harnham	New Salisbury	1m.
e. 7	Warminster	Warminster	0m.
e. 8	Wilton Westbury Warminster Warminster	Wilton Westbury Warminster Warminster	0m. 0m. 0m. 0m.
m. 9d. e. 1	Aldbourn	Fisherton de la Mere	29m.
e. 2	Fisherton de la Mere Fisherton de la Mere Fisherton de la Mere	Fisherton de la Mere Fisherton de la Mere Fisherton de la Mere	0m. 0m. 0m.

<sup>10</sup>See JUST 3/198, m. 6, e. 1.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 9d. e. 3	Wilton	Quidhampton	1m.
e. 4	Bishop's Lavington	Amesbury	12m.
	Barford St. Martin	Barford St. Martin	0m.
	Salisbury	Salisbury	0m.

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m. 3 e. 1	East Harnham	West Harnham	1m.
e. 2	Devizes	Devizes	0m.
e. 3	Semley	Semley	0m.
e. 4	Devizes	Devizes	0m.
e. 5	Nettleton	Nettleton	0m.
e. 6	Aldbourne	Baydon	2m.
	Aldbourne	Aldbourne	0m.
m. 3d. e. 1	Chilmark	Chilmark	1m.
e. 2	Bristol, Glouc. Sherrington 'Feneresham', Kent	Compton Chamberlayne Sherrington East Harnham	38m. 0m. *
e. 3	Devizes Bradenstoke	Devizes Bradenstoke	0m. 0m.
m. 4 e. 1	Wherwell, Hants.	Alderbury	17m.
e. 2	-	Wooton Bassett	*

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 4 e. 3	Broad Chalke	Broad Chalke	0m.
e. 4	Baydon	Baydon	0m.
		Baydon	0m.
	Baydon	Baydon	0m.
e. 5	Wyke	Downton	22m.

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m. 8 e. 1	Semley	Semley	0m.
e. 2	West Knoyle	West Knoyle	0m.
e. 3	Shaftesbury, Dorset	Ebbesbourne Wake	8m.
e. 4	-	Cricklade	*
e. 5	Wyke <sup>11</sup>	Downton	22m.
m. 8d. e. 1	Malmesbury	Malmesbury	0m.
e. 2	Studley	Studley	0m.
e. 3	Broughton Gifford	Broughton Gifford Broughton Gifford	0m. 0m.
e. 4	Hilperton	Bradford	2m.
e. 5	Edington	Steeple Ashton Trowbridge Trowbridge	2m. 4m. 4m.
e. 6	Bradford	Bradford	0m.
e. 7	Melksham	Hilperton	3m.

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<sup>11</sup>See JUST 3/202, m. 4, e. 5.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 8d. e. 8	Chitterne	-	*
e. 9	Trowbridge	-	*
m. 9 e. 1	Potterne	Potterne	0m.
e. 2	Lavington	Lavington	0m.
e. 3	Salisbury	'Byshops Mulford'	*
e. 4	Chitterne	Chitterne	0m.
e. 5	'Longele', Somerset Persnore, Glouc.	Horningsham Hornighsham	* 55m.
e. 6	Salisbury	Salisbury	0m.
e. 7	'Grove', Berks.	Amesbury	*
e. 8	Trowbridge	Trowbridge	0m.
e. 9	Wyke <sup>12</sup>	Downton	22m.
m. 10 e. 1	Calne	Calne	0m.
e. 2	Longbridge Deverill Longbridge Deverill	Longbridge Deverill Longbridge Deverill	0m. 0m.
e. 3	Newnton	Newnton	0m.
e. 4	Bremhill	Westbury	14m.
e. 5	Salisbury	Salisbury	0m.
e. 6	'Dynyses', Glouc.	Bromham	*

<sup>12</sup>See JUST 3/202, m. 4, e. 5, and JUST 3/205, m. 8, e. 5.



<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 10	Devizes	Devizes	0m.
e. 7	Salisbury	Salisbury	0m.
	Ireland	Dauntsey	*
e. 8	Bradford	Bradford	0m.
e. 9	Lacock	Lacock	0m.
m. 10d.	Salisbury	Salisbury	0m.
e. 1	Bristol, Glouc.	-	*
	Alton	-	*
	Salisbury	Alton	17m.
e. 2	Ogbourne	Ogbourne	0m.
e. 3	Highworth	Highworth	0m.
e. 4	Kingston Deverill	Kingston Deverill	0m.
e. 5	Middlewinter-slow	Middlewinterslow	0m.
e. 6	Welles', Hants.	West Wellow	*
e. 7	'Oxon Wen' Sutton	Highworth Sutton	0m.
e. 8	Potterne	-	*
m. 11	Salisbury	Salisbury	0m.
	Salisbury	Salisbury	0m.
	Salisbury	Salisbury	0m.
e. 2	Liverpool, Lancs.	Collingbourne Kingston	166m.
		Collingbourne Kingston	166m.
e. 3	East Harnham	Homington	1m.
e. 4	Urchfont	Moredon	18m.
	Devizes	Moredon	17m.
	Devizes	Moredon	17m.
	Devizes	Moredon	17m.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 11	Urchfont	Moredon	18m.
e. 5	Devizes	Moredon	17m.
	Devizes	Moredon	17m.
	Devizes 13.	Moredon	17m.
	Salisbury	Moredon	35m.
	Salisbury	Moredon	35m.
m. 11d.	Stapleford	South Newton	1m.
e. 1	'Lydbury', Herts.	Amesbury	*
	Hungerford, Berks.	Salisbury	30m.
	Calne	Calne	0m.
e. 2	Amesbury	Amesbury	0m.
e. 3	Bradford	Holt 'Byegh	2m. *
e. 4	Warminster	Warminster	0m.
e. 5	Melksham	'Pleystede'	*
e. 6	Calne	Calne	0m.
e. 7	Aldbourn	Aldbourn.	0m.
m. 12	Trowbridge	Hankerton	22m.
e. 1		Hankerton	22m.
e. 2	Berwick St. John	'Loeston' Berwick St: John	* 0m.
		Berwick St. John	0m.
	Berwick St. John	'Loeston' Berwick St. John	* 0m.
		Berwick St. John	0m.
e. 3	Bradford	Bradford	0m.
	Cricklade	Cricklade	0m.
	Devizes	Devizes	0m.
	Stratford sub Castle	Stratford sub Castle	0m.

<sup>13</sup>See JUST 3/205, m. 11, e. 4.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
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DORSET: JUST 3/198

m. 10	Horton	Horton	0m.
e. 1	Horton	Horton	0m.
e. 2	Fifehead Magdalen	Fifehead Magdalen	0m.
	Fifehead Magdalen	Fifehead Magdalen	0m.
	Berwick	Fifehead Magdalen	11m.
m. 11	Tarrant Hinton	Tarrant Hinton	0m.
e. 1			
e. 2	Sherborne	Sherborne	0m.
e. 3	'Hynde'	'Dowryng'	*
		Holwell	*
	Holwell	'Dowryng'	*
		Holwell	0m.
e. 4	Gussage St. Michael	Tarrant Hinton	3m.
e. 5	Purbeck	'Wytch Heath' in Purbeck	0m.
e. 6	Wraxall	Cattistock	2m.
m. 11d.	Winsham,	Cattistock	13m.
e. 1	Somerset	Cattistock	13m.
e. 2	Wraxall	Cattistock	2m.
e. 3	Bere Regis	Bere Regis	0m.
m. 12	Sherborne	Sherborne	0m.
e. 1			
e. 2	Fifehead Magdalen	Fifehead Magdalen	0m.
e. 3	Milton Abbey	Hilton	1m.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 12	'Gryndel',	Netherbury	*
e. 4	Devon	Netherbury	*
e. 5	Henstridge, Somerset	Caundle Haddon in Stourton Caundle	2m.
m. 12d.	Puddle	Puddle Bryants	0m.
e. 1	Bryants		
e. 2	Tarrant Gun- ville	Tarrant Gunville	0m.

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m. 5	Dorchester	Dorchester	0m.
e. 1			
e. 2	Sherborne	Sherborne	0m.
e. 3	Osmington	Bere Regis	10m.
e. 4	Sherborne	Stinsford	15m.
e. 5	Puddletown	Puddletown	0m.
e. 6	Henstridge, Somerset <sup>14</sup>	Caundle Haddon in Stourton Caundle	2m.
e. 7	Toller Por- corum	Toller Porcorum	0m.
	East Kincombe in Toller Por- corum	Toller Porcorum	0m.
	Sherborne	Sherborne	0m.
	Sherborne	Sherborne	0m.
	Sherborne	Sherborne	0m.
	Dorchester	Dorchester	0m.

<sup>14</sup>See JUST 3/198, m. 12, e. 5.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
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m. 13 e. 1	Sherborne	Holnest	4m.
e. 2	Wareham	Wareham	0m.
e. 3	'Derkenhille'	'Derkenhille'	0m.
e. 4	Yetminster	Lytchett Matravers	25m.
e. 5	'Fordyngton'	'Fordyngton'	0m.
m. 13d. e. 1	Shaftesbury Shaftesbury	Shaftesbury Shaftesbury	0m. 0m.
e. 2	Clayhanger	Clayhanger	0m.
	Clayhanger	Clayhanger	0m.
	Clayhanger	Clayhanger	0m.
	Alton	Alton	0m.
	Alton	Alton	0m.
	Askerswell	Askerswell	0m.
	'Fordyngton'	'Fordyngton'	0m.
e. 3	Shaftesbury	-	*
	Shaftesbury	-	*
e. 4	Dorchester	Dorchester	0m.
	Dorchester	Dorchester	0m.
	Dorchester	Dorchester	0m.
e. 5	Ilton, Somerset	Burstock	9m.
e. 6	Bincombe	Hilton	13m.
m. 14 e. 1	Salisbury, Wilts.	Bridport	48m.
	Cranborne	Bridport	39m.
e. 2	Wareham	Wareham	0m.
	Wareham	Wareham	0m.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 14 e. 3	Thornford	Thornford	0m.
e. 4	Alton	Buckland Newton	1m.
	Alton	Buckland Newton	1m.
e. 5	Clayhanger	Hilton	45m.
		Hilton	45m.
e. 6	Pimperne	-	*
e. 7	Wareham	Wareham	0m.
m. 15 e. 1	'Hertley'	'Hertley'	0m.
e. 2	Cerne	Cerne	0m.
		Cerne	0m.
		Cerne	0m.

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m. 13 e. 1	Milverton	Milverton	0m.
e. 2	Wincanton	Otterford	31m.
e. 3	Crewkerne	Crewkerne	0m.
m. 14 e. 1	Crewkerne	Crewkerne	0m.
e. 2	Ashcott	Ashcott	0m.
e. 3	Locking	Hutton	1m.
e. 4	Marston Magna	Nether Adber	1m.
e. 5	Marston Magna	Hatch Beauchamp	15m.
		'Onerattebare'	*

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 14	-	'Manutagn'	*
e. 6		'Manutagn'	*
		'Manutagn'	*
m. 14d.	Burstock, Dor-	Burstock, Dorset	0m.
e. 1	set		
m. 15	Whimble,	Taunton	31m.
e. 1	Devon	Taunton	31m.
		Taunton	31m.
e. 2	Burstock, Dorset	Ilchester	20m.
e. 3	Taunton	Taunton	0m.
		Taunton	0m.
e. 4	Combe St. Nicholas	Le Patte in South Pether-ton	12m.
e. 5	West Harp-tree	West Harptree	0m.
e. 6	Ilminster	Ilminster	0m.
m. 15d.	Wells	Wells	0m.
e. 1		Wells	0m.
e. 2	Dyche in Stringston	Pilton	25m.
e. 3	North Wootten	'Fulbrook'	*
e. 4	Alhampton	Castle Cary	1m.
		Ditchheat	2m.
e. 5	Doulting	Doulting	0m.
e. 6	Newton	Newton Plecy	15m.
e. 7	Frome	Frome	0m.
e. 8	Bath	Bath	0m.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
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m. 6	Wincanton	Foddington	9m.
e. 1			
e. 2	Bristol, Glouc.	Wells	15m.
	Launceston, Cornwall	Wells	45m.

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m. 16	Berkley	Berkley	0m.
e. 1			
e. 2	Evercreech	Evercreech	0m.
e. 3	Watchet	Watchet	0m.
e. 4	Burton	Withycombe	11m.
e. 5	Pilton	-	*
e. 6	Kingstone	Stapleton	7m.
e. 7	Almondsbury	Dunster	60m.
e. 8	Hastings, Sussex	Yeovil	145m.
e. 9	-	Wells	*



<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
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DEVON: JUST 3/198

m. 16	Chulmleigh	Chulmleigh	0m.
e. 1		Coryton	20m.
e. 2	Winkleigh Tracy	Washfield	20m.
e. 3	Dartmouth	Dartmouth	0m.
	Dartmouth	Dartmouth	0m.
	Dartmouth	Dartmouth	0m.
e. 4	Chudleigh	Chudleigh	0m.
		Halwill	31m.
e. 5	Torrington	'Mannyworthy' in Hols- worthy	13m.
e. 6	'Horrygg' Ashreigney	Ashreigney Ashreigney	* 0m.
e. 7	-	-	*
m. 16d.	Totnes	Totnes	0m.
e. 1			
e. 2	'Croke'	Exeter 'Croke'	* 0m.
e. 3	Modbury	Ermington	2m.
e. 4	Exeter	Exeter	0m.
e. 5	Winkleigh	Winkleigh Northcott	0m. 30m.
e. 6	Totnes	Totnes	0m.
e. 7	-	-	*

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 17	Tavistock	Tavistock	0m.
e. 1	Tavistock	Tavistock	0m.
	'Bobbecastell'	Tavistock	*
e. 2	Bishop's Nympton	Pyworthy	*
		'Yoldan'	*
		'Whyteleye'	*
	'Whicston' parish, Cornwall	Pyworthy	*
		'Whyteleye'	*
e. 3	Gunnardeston	'Clanylleslomene'	*
	'Mere'	'Clanylleslomene'	*
	'Mere'	'Clanylleslomene'	*
		'Westmere'	*
e. 4	Stoke, Cornwall	Newton Abbot	29m.
e. 5	Eastleigh	'Pyll'	*
		'Pyll'	*
		'Yoldan'	*
		'Vyryworthy Mylle'	*
	'Forkston', Cornwall	'Pyll'	*
		'Pyll'	*
		'Yoldan'	*
		'Vyryworthy Mulle'	*
	Bishop's Nympton	'Pyll'	*
m. 17d.	'Horygg'	Ashreigney	*
e. 1	Ashreigney <sup>15</sup>	Ashreigney	0m.
e. 2	Winkleigh <sup>16</sup>	Winkleigh	0m.
		Northcott	30m.
e. 3	Chudleigh <sup>17</sup>	Chudleigh	0m.
		Halwill	31m.

<sup>15</sup>See JUST 3/198, m. 16, e. 6.

<sup>16</sup>See JUST 3/198, m. 16d., e. 5.

<sup>17</sup>See JUST 3/198, m. 16, e. 4.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 17d. e. 4	Kingsbridge	at sea	*
e. 5	Abbotsham	Abbotsham	0m.
m. 18 e. 1	Torrington <sup>18</sup>	'Mannyworthy' in Hols- worthy Torrington	13m. 0m.
e. 2	Badworthy	-	*
	-	-	*
e. 3	-	Holsworthy	*
e. 4	-	Honiton	*
e. 5	-	Barnstaple	*
	-	Tavistock	*
	-	'Hemyock'	*
	-	'Hemyock'	*
	-	Exeter	*
	-	Exeter	*
e. 6	-	Exeter	*
m. 18d. e. 1	-	Exeter Exeter	* *
e. 2	Exeter <sup>19</sup>	Exeter	0m.
e. 3	Totnes <sup>20</sup>	Totnes	0m.
e. 4	Modbury	Eastleigh Eastleigh Eastleigh	50m. 50m. 50m.
e. 5	'Croke'	-	*

<sup>18</sup>See JUST 3/198, m. 16, e. 5.

<sup>19</sup>See JUST 3/198, m. 16d., e. 4.

<sup>20</sup>See JUST 3/198, m. 16d., e. 6.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 19	Exeter	Exeter	0m.
e. 1	Exeter	Exeter	0m.
	Exeter	Exeter	0m.
	Exeter	Exeter	0m.
e. 2	Exeter	Exeter	0m.
	Exeter	Exeter	0m.
m. 19d.	Bishop's	Tavistock	37m.
e. 1	Tawton		
e. 2	-	East Budleigh	*
e. 3	Yealmpton	Brixton English	2m.
		Brixton English	2m.
e. 4	-	Harleston	*
e. 5	Bishop's <sup>21</sup> Nympton	'Pyll'	*
e. 6	'Stawe'	Hatherleigh	*
e. 7	Kingsbridge	Exeter	31m.
	Trewint, Corn- wall	Exeter	44m.
e. 8	Kingsbridge <sup>22</sup>	high seas	*
m. 20	Exeter	Norton in Dartmouth	30m.
e. 1		Norton in Dartmouth	30m.
		Norton in Dartmouth	30m.
	Exeter	Norton in Dartmouth	30m.
		Norton in Dartmouth	30m.
		Norton in Dartmouth	30m.
	Exeter	Norton in Dartmouth	30m.
		Norton in Dartmouth	30m.
		Norton in Dartmouth	30m.
	Exeter	Norton in Dartmouth	30m.
		Norton in Dartmouth	30m.
		Norton in Dartmouth	30m.

<sup>21</sup>See JUST 3/198, m. 17, e. 5.

<sup>22</sup>See JUST 3/198, m. 17d., e. 4.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 20	Coryton	'Lodeford' manor	*
e. 2	Barnstaple	'Lodeford' manor	*
e. 3	Dartmouth	-	*
e. 4	Bickington	Bickington	0m.
e. 5	'Burnnebrig'	Ashburton	*
e. 6	'Blakedon'	-	*
	-	Norton in Dartmouth	*
	'Swaynefeye'	Barnstaple	*

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m. 7	Harberton	Kingsbridge	9m.
e. 1	-	-	-
e. 2	-	Topsham	*
	-	Plympton	*
e. 3	Kingsbridge	Kingsbridge	0m.
e. 4	Exeter	Exeter	0m.
e. 5	Torrington	Torrington	0m.
m. 7d.	'Wykelangeford'	'Wykelangeford'	0m.
e. 1	'Bratton'	'Wykelangeford'	0m.
		'Bratton'	*
e. 2	-	Hatherleigh	*
	-	'Baleford'	*
e. 3	Cardinham, Cornwall	Clifton	50m.
e. 4	Rocombe Blau- mestre	Rocombe Cadihoc	*

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 7d.	Cullompton	-	*
e. 5	Cullompton	-	*
e. 6	'Thornerton'	'Thornerton'	0m.

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m. 17	Tawton	'Harperigge'	*
e. 1			
e. 2	Okehampton	'Stowe Sancti Jacobi'	*
e. 3	Broad Clyst	Clyst Gerard	3m.
e. 4	West Buckland	Beare	26m.
e. 5	Cullopmtion	Peverell	45m.
	Cullompton	Peverell	45m.
	Cullompton	Peverell	45m.
e. 6	Okehampton	-	*
m. 17d.	Okehampton	Okehampton	0m.
e. 1	Okehampton	Okehampton	0m.
	Okehampton	Okehampton	0m.
e. 2	Tavistock	Tavistock	0m.
	'Mynkcombe'	Ottery St. Mary	*
	Barnstaple	Barnstaple	0m.
e. 3	'Pouderham'	'Pouderham'	0m.
e. 4	Edginswell	Staverton	4m.
		Staverton	4m.
		Staverton	4m.
e. 5	Totnes	Totnes	0m.
	Totnes	Totnes	0m.
	Totnes	Totnes	0m.
e. 6	Honiton	Honiton	0m.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 17d.	Thurlestone	Thurlestone	0m.
e. 7		Thurlestone	0m.
		'Olencombe'	*
		'Olencombe'	*
e. 8	'Kenton'	Crediton	*
	Ireland	'Gydesham'	*
e. 9	Buckland Brewer	-	*
m. 18	Bishop's	Tawnton	18m.
e. 1	Tawnton	Tawnton	18m.
		Tawnton	18m.
e. 2	Harberton	-	*
		Holcombe	14m.
e. 3	Buckland Brewer	Buckland Brewer	0m.
e. 4	Crediton	Crediton	0m.
	-	Exeter	*
e. 5	Parkham	Cullompton	40m.
e. 6	Okehampton	Okehampton	0m.
	-	Exeter	*
	Exeter	Exeter	0m.
m. 18d.	Frome, Somers-	Woodbury	65m.
e. 1	set		
e. 2	-	Exeter	*
	-	Exeter	*
	Matford	-	*
	Matford	-	*
	Newton	Crediton	15m.
	Bushel		
	-	Exeter	*
e. 3	Frome, Somers-	Woodbury	65m.
	set <sup>23</sup>		

<sup>23</sup>See JUST 3/205, m. 18d., e. 1.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 18d. e. 4	Exmouth	Exmouth	0m.
e. 5	Chard, Somerset	Wonford	33m.
e. 6	Exeter	'Shaftesbeare'	*
		'Shaftesbeare'	*
e. 7	-	Colyton	*
m. 19 e. 1	Sidmouth	Totnes	26m.
		Colyton	9m.
e. 2	-	Axminster	*
	-	Topsham	*
	-	Exeter	*
	-	Brentor	*
e. 3	Holbeton	Totnes	14m.
	Holbeton	Totnes	14m.
	Brentor	Exeter	30m.
	-	Exeter	*
	-	Chudleigh	*
	-	Exeter	*
	-	Exeter	*
e. 4	Northam	Wooday in Harbeton	45m.
e. 5	'Constoke'	'Constoke'	0m.
		'Constoke'	0m.
		'Constoke'	0m.
		'Constoke'	0m.
		'Constoke'	0m.
		'Constoke'	0m.
m. 19d. e. 1	Normandy	Exeter	*
	Exmouth	East Leigh	43m.
	-	Exeter	*
	Wales	Exeter	*
	-	Ermington	*
	-	East Budleigh	*
	-	Bishop's Tawnton	*
	Holland	Kingswear	*



<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance travelled</u>
m. 19d. e. 2	Merton	East Stoodleigh	15m.
e. 3	Plympton	Plympton	0m.
e. 4	Brentor	Cullompton 'Supeford'	37m. *
e. 5	'Palton', Somerset	'Cambraly' Sidbury	* *
e. 6	North Pether- ton, Somerset North Pether- ton, Somerset	Ayshford Farway Ayshford Farway	20m. 22m. 20m. 22m.
e. 7	Kingswear Dartford, Kent	Clifton Clifton	60m. 190m.

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m. 21 e. 1	Lustleigh, Devon	Launceston	28m.
m. 22 e. 1	Plympton, Devon	'Dotristastello'	*
e. 2	Redruth	'Trevruf'	*

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m. 8 e. 1	'Lansant'	Lostwithiel	*
e. 2	Launceston	Launceston	0m.
m. 8d. e. 1	Pencarrow	Pencarrow	0m.

<u>Entry</u>	<u>Suspect's domicile</u>	<u>Place suspect allegedly committed a felony or was taken on suspicion of felony</u>	<u>Approximate distance- travelled</u>
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m. 20 e. 1	-	Tredinick	*
e. 2	Pencarrow <sup>24</sup>	Pencarrow	0m.
e. 3	Bodmin	'Stymgonger'	*
m. 20d. e. 1	Pencarrow <sup>25</sup>	Pencarrow	0m.
e. 2	Bodmin	'Newehous'	*
e. 3	Bodmin	'Newehous'	*
m. 21	Meledor	Meledor	0m.
e. 2	Perranporth	Crowan	14m.

<sup>24</sup>See JUST 3/202, m. 8d., e. 1.

<sup>25</sup>See JUST 3/202, m. 8d., e. 1, and JUST 3/205, m. 20, e. 2.

## APPENDIX 4

### THE PLACES AND THE DATES OF THE GAOL DELIVERIES IN THE WESTERN CIRCUIT, 1416 TO 1430, AND THE JUSTICES WHO PRESIDED OVER THE SESSIONS

#### HAMPSHIRE

Winchester,	Feb. 24,	1416,	Cheyne, Martyn, Wakefeld
Winchester,	Feb. 22,	1417,	Cheyne, Wallop
Winchester,	March 1,	1417,	Cheyne, Martyn, Wakefeld
Winchester,	Feb. 22,	1420,	Cheyne, Broun
Winchester,	March 2,	1422,	Cheyne, Martyn, Broun
Winchester,	July 20,	1422,	Cheyne, Broun
Winchester,	March 1,	1423,	Cheyne, Broun
Winchester,	July 26,	1423,	Cheyne, Paston, Broun
Winchester,	Feb. 28,	1424,	Cheyne, Broun
Winchester,	Aug. 24,	1424,	Martyn, Cottessmore, Broun
Winchester,	Feb. 26,	1425,	Martyn, Cottessmore, Broun
Winchester,	Aug. 24,	1425,	Martyn, Cottessmore, Broun
Winchester,	Aug. 30,	1426,	Martyn, Cottessmore, Broun
Winchester,	Feb. 24,	1427,	Martyn, Cottessmore, Broun
Winchester,	July 21,	1427,	Martyn, Cottessmore, Broun
Winchester,	March 1,	1428,	Martyn, Cottessmore, Broun
Winchester,	July 26,	1428,	Martyn, Cottessmore, Broun
Winchester,	March 1,	1429,	Martyn, Cottessmore, Broun
Winchester,	July 25,	1429,	Cottessmore, Broun
Winchester,	Feb. 24,	1430,	Martyn, Cottessmore, Broun

#### WILTSHIRE

Salisbury,	Feb. 22,	1416,	Cheyne, Martyn, Wakefeld
Salisbury,	Feb. 26,	1417,	Cheyne, Martyn
Salisbury,	Feb. 24,	1420,	Cheyne, Broun
Salisbury,	March 5,	1422,	Cheyne, Martyn, Broun
Salisbury,	July 23,	1422,	Cheyne, Broun
Salisbury,	March 4,	1423,	Cheyne, Broun
Salisbury,	July 29,	1423,	Cheyne, Paston, Broun
Salisbury,	Feb. 24,	1424,	Cheyne, Broun
Salisbury,	Aug. 28,	1424,	Martyn, Cottessmore, Broun
Salisbury,	March 1,	1425,	Martyn, Cottessmore, Broun
Salisbury,	Aug. 27,	1425,	Martyn, Cottessmore, Broun
Salisbury,	Sept. 2,	1426,	Martyn, Cottessmore, Broun

## WILTSHIRE

Salisbury, Feb. 27, 1427, Martyn, Cottesmore, Broun  
 Salisbury, July 24, 1427, Martyn, Cottesmore, Broun  
 Salisbury, Feb. 26, 1428, Cottesmore, Broun  
 Salisbury, July 29, 1428, Martyn, Cottesmore, Broun  
 Salisbury, Feb. 25, 1429, Martyn, Cottesmore, Broun  
 Salisbury, July 27, 1429, Martyn, Cottesmore

## DORSET

Dorchester, March 2, 1416, Cheyne, Martyn  
 Dorchester, Feb. 27, 1420, Cheyne, Broun  
 Dorchester, March 9, 1422, Cheyne, Martyn, Broun  
 Dorchester, July 27, 1422, Cheyne, Martyn, Broun  
 Dorchester, March 8, 1423, Cheyne, Broun  
 Dorchester, Aug. 2, 1423, Cheyne, Paston, Broun  
 Dorchester, Aug. 31, 1424, Martyn, Cottesmore, Broun  
 Dorchester, March 5, 1425, Martyn, Cottesmore  
 Dorchester, Aug. 30, 1425, Martyn, Cottesmore, Broun  
 Dorchester, Sept. 5, 1426, Martyn, Cottesmore, Broun

## SOMERSET

Ilchester, March 5, 1416, Cheyne, Martyn, Wakefeld  
 Ilchester, March 1, 1420, Cheyne, Broun  
 Ilchester, March 12, 1422, Cheyne, Martyn, Broun  
 Ilchester, July 30, 1422, Cheyne, Martyn, Broun  
 Ilchester, March 11, 1423, Cheyne, Broun  
 Ilchester, March 8, 1425, Martyn, Cottesmore, Broun

## DEVON

Exeter, March 9, 1416, Cheyne, Martyn, Wakefeld  
 Exeter, March 5, 1417, Cheyne, Martyn  
 Exeter, March 5, 1420, Cheyne, Broun  
 Exeter, March 16, 1422, Cheyne, Martyn, Broun  
 Exeter, March 15, 1423, Cheyne, Broun  
 Exeter, Aug. 9, 1423, Cheyne, Paston, Broun  
 Exeter, March 6, 1424, Cheyne, Broun  
 Exeter, Sept. 4, 1424, Martyn, Cottesmore, Broun  
 Exeter, March 12, 1425, Martyn, Cottesmore, Broun  
 Exeter, Sept. 3, 1425, Martyn, Cottesmore, Broun  
 Exeter, Sept. 12, 1426, Martyn, Cottesmore, Broun  
 Exeter, March 6, 1427, Martyn, Cottesmore, Broun  
 Exeter, Aug. 7, 1427, Martyn, Cottesmore, Broun  
 Exeter, March 8, 1428, Cottesmore, Broun  
 Exeter, Aug. 9, 1428, Martyn, Cottesmore, Broun  
 Exeter, March 11, 1429, Martyn, Cottesmore, Broun  
 Exeter, Aug. 8, 1429, Martyn, Cottesmore, Broun  
 Exeter, March 10, 1430, Cottesmore, Broun

## CORNWALL

Launceston, March 16, 1416, Cheyne, Martyn, Wakefeld  
Launceston, March 24, 1421, Cheyne, Martyn, Broun  
Launceston, March 22, 1423, Cheyne, Broun  
Launceston, Aug. 16, 1423, Cheyne, Paston, Broun  
Launceston, March 13, 1424, Cheyne, Broun  
Launceston, Sept. 13, 1423, Martyn, Cottesmore, Broun  
Launceston, March 19, 1425, Martyn, Cottesmore, Broun  
Launceston, Sept. 20, 1426, Martyn, Cottesmore, Broun

## APPENDIX 5

## EXAMPLES OF GAOL DELIVERY ROLL ENTRIES

Willelmus Ademes de Galne in comitatu predicto Souter alias captus per indictamentum factum coram Willelmo Westbury et sociis suis Justiciariis domini Regis ad pacem in comitatu predicto consermandam assignatis de eo quod ipse duodecimo die October anno regni domini Regis nunc tertius unum equum precii sex solidorum et octo denarii de bonis et cattalis Ricardum Souter apud Galne inventer felonice cepit et abduxit quod quidem indictamentum praefatus Willelmus Westbury modo hic recordatur modo venit per custodem Gaole predictam ductus et allocutus qualiter de felonia predicta se velit acquietare dicit quod ipse in nullo est inde culpabilis. Et inde de bono et malo ponit se super patriam. Ideo fiat inde jurata etc. Juratores exacti veniunt qui ad hoc electi triati et iurati dicunt super sacramentum suum quod predictus Willelmus Ademes in nullo est culpabilis de felonia predicta nec ea occasione se retraxit. Ideo ipse eat inde quietus<sup>1</sup> etc.<sup>1</sup>

Willelmus Mottroner de Newentontony in comitatu predicto clericus alias captus per indictamentum factum coram Willelmo Westbury et sociis suis Justiciariis domini Regis ad pacem in comitatu predicto consermandam assignatis de eo quod ipse duodecimo die Martii anno regni domini Regis nunc quarto Aliciam Newys apud Newentontony predictam felonice rapuit quod quidem indictamentum praefatus Willelmus Westbury modo hic recordatur modo venit per custodem Gaole predictam ductus et allocutus qualiter de felonia predicta se velit acquietare dicit quod ipse in nullo est culpabilis. Et inde de bono et malo ponit se super patriam. Ideo fiat inde jurata etc. Juratores exacti veniunt ad hoc electi triati et iurati dicunt super sacramentum suum quod predictus Willelmus Mottroner in nullo est culpabilis de felonia predicta nec ea occasione se retraxit. Ideo ipse eat inde quietus etc.<sup>2</sup>

<sup>1</sup>JUST 3/205, m. 10.

<sup>2</sup>JUST 3/205, m. 10.

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