A Lincolnshire Coroner's Roll

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The office of coroner, one of a number of innovations in royal administration made by Hubert Walter, was created in September 1194 to ease the burden of judicial administration and to ensure that the dwindling financial resources of the Crown were not dissipated further through peculation and inefficiency in collecting the profits of justice. The coroner was to become an official of great administrative utility upon whom almost any task of royal government within the shire could be devolved, but certain duties were his regular occupation. To hold inquests on dead bodies, to hear abjurations of felons while in sanctuary, confessions of felons and appeals, to attend the county court, recording its proceedings where they touched upon royal interests and delivering a copy of his record to the itinerant justices at the eyre, this was the accustomed routine of the coroner. He was expected to arrest, or order the arrest of, suspects, to make certain of the appearance of witnesses in court, to have appraised any potential forfeits and to see to their safe keeping, and his written record was to be the safeguard of every detail.

In the thirteenth century county coroners were generally elected by the knights and freeholders of the shire at the general eyre, but a vacancy between eyres was filled by election in the county court on the receipt by the sheriff of a writ of de coronatore eligendo issued by the royal Chancery. A coroner was elected for life but in practice he rarely held office for that length of time. The work was demanding and unpaid. Moreover, he was exposed to the risk of punishment for failing to carry out his duties.

Medieval justice did not rely on a professional force to police the land. Law and order were the responsibility of the community. For this purpose England, within each county and hundred, was divided into townships, and each township into tithings, groups, originally of ten men, who were bound together to guarantee their own good conduct. At the view of frankpledge, a court held regularly to check that all men were organised into these associations, disorders were to be presented by the tithing. Members had to secure the attendance of recalcitrants at court by acting as pledges for appearance. Likewise the townships were to act in concert to ensure that the peace was kept and that infractions were reported to the hundred and county courts where the coroner and the sheriff with other royal officials recorded the presentations and dispensed justice in minor cases, reserving the trial of more serious matters for the itinerant justices.

The records of the medieval coroner are preserved mainly among the Public Records. In the thirteenth century the coroner handed his rolls to the justices at the eyre, who used them to check the presentations of the jurors of each hundred. Upon completion the cases were struck through and the rolls were kept by the justices. From the 1330s the coroners' rolls were sometimes given in to the itinerant court of King's Bench, the 'superior eye'. There was, however, a period of hiatus during which the general eyre fell into desuetude and the various lesser commissions, most commonly oyer et terminer and gaol delivery, performed much of the work of justice. Not all the cases recorded by the coroner were within the purview of such commissions and, with rare exceptions, the coroners' rolls were not collected. Consequently there are very few coroners' rolls dating from around the year 1300 in the Public Record Office. A small group, dating from exactly this period, survives in other repositories. It has been suggested that there are significant reasons behind this. Anyone who might be called to answer for a coroner's record had a vested interest in its preservation. These rolls have remained mostly in municipal archives. Two or three coroners' files, from which the rolls were compiled, are also known in the same context. There is a possibility, too, although another explanation may be preferred, that a recently discovered coroner's roll for the Abbot of Battle's liberty of Wye may have been kept in franchiseal archives. The present roll, which came to light among the estate papers of Magdalen College, Oxford, in 1979, is part of this group. It dates from the end of the thirteenth century and its survival may be linked with the records of the coroner's family.

The Magdalen roll is a single parchment membrane, measuring 430 × 184 mm, and is in a very fine state of preservation. There are no traces of any stitching holes that might suggest the presence of an additional membrane. It records twelve coroner's cases for the South Riding of Lindsey. There are ten entries for Wraccoo wapentake on the front, and two for Hill wapentake on the dorse, all dating from 1290-1. Two very similar hands wrote the document in a very rough Latin. The first was responsible for the heading, the first three entries on the face, and the heading and the first entry on the dorse. The rest of the front of the roll and the remaining case on the dorse are in a second hand. Also on the back, but inverted and in another hand, is a rental of the lands of Thomas Lyndsey in Swaby, Mumble, Huttoft and Oxcombe, which can be dated to c. 1450-c. 1460. The coroner's roll commences in the eighteen year of King Edward. The king is always described solely by the initial 'E'. Fortunately case 6 names the sheriff of Lincoln as J. Dine, confirming what may only have been more tenuously supposed on the basis of paleography, that the king is Edward I.

The coroner is not identified in the document. He is described as 'G' throughout. The Close Rolls record some of the writs of de coronatore eligendo but their coverage is far from complete. For 1288-96 the Close Rolls contain only one Lincolnshire coroner whose name begins with 'G', Gilbert de Haugham or Haugham. A writ dated 12 August 1295 ordered that a new coroner for the county be elected as Gilbert was incapacitated by illness. Case 6 may name a second coroner, William, possibly William de Manby, as 'G' appears in every case, it is likely that the roll belonged to him rather than to any other coroner. The roll was found in a bundle of court rolls for the manor of Swaby (which had members in Huttoft, Mumble and Oxcombe). The earliest of these dates from 1306. This manor was acquired by Magdalen College in 1532, and in addition to the court rolls and other estate documents, there is preserved at the College a long series of medieval deeds, dating back to the late twelfth century. An examination of these shows some connection with Haugham. The earliest deed which is of note contains only a passing reference. It can be dated to c. 1260-70. Gilbert the son of Simon Burges of Haugham gave a life interest in a toft and a strip of arable land in Haugham to Malina, daughter of Amabillia de Swaby. The arable was bounded on one side by the land of Gilbert de Haugham.

During the 1290s and the first decades of the fourteenth
century the manor of Swaby was held by Simon de Swaby. His sister, Isabella, had married Thomas de Haugham by 1296. Thomas died before October 1309, and Isabella granted her brother all her land in Haugham, Tathwell, Maltby, Raithby, Hallington and Scopulholme to hold for the rest of her life. The following year Isabella married Henry Underwode. Simon de Swaby agreed to pay his sister an annual pension of ten marks — she is described as Isabella de Haugham — and he further granted his sister and brother-in-law half his corn growing in Haugham as payment for a release. Gilbert de Haugham and Gilbert his son witnessed later deeds, in one case part of a settlement of land among the family. A document of 1345 describes John de Swaby, the lord of the manor of Swaby, as ‘of Haugham’. The same John de Swaby, in 1352, gave his son Robert a life interest in Swaby; at the time he certainly held a manor in Haugham.

To trace a medieval family can be difficult as no conventional system of surnames existed. Many people were known by several names. Toponyms were often used to describe the lords of manors and their families. The manorial lords of Swaby were known as ‘de Swaby’ and, as lords of Haugham, as ‘de Haugham’. Isabella, the sister of Simon de Swaby, married a ‘de Haugham’ in the late thirteenth century and this may represent the unifying of the two families that held the manors of Swaby and Haugham. Witnesses to deeds were usually either members of a family group or included because they held some interest that was relevant to the content of the deed. This device was used for a similar reason to the warranty clause, to strengthen the conveyance. It was understood that a person who witnessed a deed was thereby consenting to it and subordinating any claim he might have to the right of the donee. It is of note, therefore, that Gilbert de Haugham and Gilbert his son occur as witnesses. Although the exact family relationship between Gilbert de Haugham, the coroner, and the de Swaby family is not documented, the evidence is suggestive of such a link. A family connection would have been particularly important in ensuring the survival of an otherwise unimportant and irrelevant document for more than one hundred and fifty years before it was re-used as a rental.

There is one further piece of evidence which could support the identification of the coroner as Gilbert de Haugham. It has been shown in a study of the medieval coroners of Sussex and their qualifications for office that ‘it was not enough that a coroner had sufficient lands in the county; they had also to be in or near his district’. Haugham is situated adjacent to the wapentake of Hill and close to the wapentake of Wraggoe.

The coroner’s roll, typical of those of the medieval coroner, illustrates much of the work and procedure of royal justice. The cases are arranged in a single column, with wapentakes, and this was the most convenient layout for the document as the presentments before superior justices would have been dealt with wapentake by wapentake. All the cases are in the form of presentments to the county court by four neighbouring townships. When the coroner held an inquest he summoned the juries of the four nearest townships to provide him with information. The jury, known in legal records as the patria, or ‘country’, represented the community and reported the facts of each case on oath. These details would have been noted down by the coroner in a file, allowing him to record later developments in the case, as in cases 4, 5 and 11. If a death was involved, the jurors would communicate what was known of its occurrence and indicate where responsibility lay. The person who discovered the body was required to find two pledges for his attendance at future court hearings. Should homicide be suspected, the coroner was bound to order the arrest of the culprit, if known, and committal pending trial. In case 11 the coroner ordered the sheriff to arrest the Barthy sisters and they were subsequently taken to prison. Robert Frost, in case 5, was similarly taken, but eventually acquitted.

The prospect of justice was not always inviting and those who could afford to evade it. There were many fugitives for fugitives in medieval England. Besides the forests and deserted places, every church and its churchyard were sanctuary and the law gave forty days respite to a felon remaining in a consecrated place. The sanctuary was guarded lest he escape. Two other possibilities were available to the felon. He could confess his crimes in the presence of the coroner and the community, and abjure the realm, taking an oath to proceed to a specified port and quit the country. In case 3 Clement of Bungay chose this course as did Hugh the son of William of South Ormbsy in case 6. The latter was of course to turn ‘approver’, or King’s evidence, and make a formal, precise accusation, or ‘appeat’, of his accomplice, which was the coroner’s duty to record and act upon. Alternatively the felon could elect to come into the King’s peace, leaving sanctuary to face the course of the law, as did John the reeve of Shihills in case 4, who was imprisoned and only able to get bail and pay the statutory fine.

Natural possession was based on the feudal system of a lord and liege tenant, and the felon and felons were forfeit. The roll carefully lists and values their chattels. The inquest jury had also to record the value of deeds, objects or animals that could in some way be regarded as responsible for a death. The cot in case 7 was appraised as a deed, and not the earthen pot in case 2. These items were usually committed to the custody of a township until the next eyre, when the township would answer for them.

In addition to the three instances of homicide and the abductions, the roll records six deaths by misadventure. In cases 2 and 10 both unfortunate were children, and in case 1, Roger the son of Henry of Langton was presumably also a child for he was near his mother’s house. The cause of death in one instance, case 12, is not given, the man being described as unknown.

The roll was engrossed from the coroner’s file by two clerks. The cases entered by the first clerk are in chronological order, covering the period May to December 1290. Some attempts may have been made to put the other cases into order as only case 10 is misplaced. Many earlier and later coroners’ rolls bear traces of hasty organisation and engrossment. They were probably only prepared when the eyre or ‘superior eyre’ had been announced. It is unlikely that the rolls were engrossed periodically as incomplete cases entered on a roll would not allow for additions. The Magdalen roll was written up from a well ordered file, possibly close to the date of a judicial commission. The last general eyre for Lincolnshire had ended in 1284, and this roll may have been prepared for the commission of 1292-3.

Nearly all the earlier coroners’ rolls in the Public Record Office were cancelled, struck through by the justices’ clerk. This is not true of the rolls that have been preserved elsewhere. The present roll is completely uncancelled as are those, for example, of the Oxford town coroners, John de Osney and John Wyly, for 1299-1303 and 1306-08. One reason that may be advanced for this is that the rolls, if ever handed in to superior justices, must have been returned.

The coroner’s roll at Magdalen College is the oldest surviving roll for Lincolnshire and the second oldest coroner’s roll to survive outside the Public Record Office. As a member of that group it is an interesting example of how coroners continued to act when the general eyre passed into decline and of how their records have been preserved. Of the surviving Lincolnshire coroners’ rolls
only parts of two have previously been published.31
In the following transcription the rules advocated in
R. F. Hunnisett, Editing Records for Publication (British
Records Association, 1977) have been followed and the
cases have been numbered.

MAGDALEN COLLEGE, OXFORD, ESTATE
PAPER 83/41

Text

[Hand 1]

WARGHOW
Rotulus fortunorum cum appellationibus et omnibus ad ea
tangentibus in wapentaco de Warghou in le suth trething' a
festo appostolorum Philippi et Jacobi anno regni regis
Edwardi xixi usque

1 Langton', Kynthorp', Pauntun' et Wargby presensat
quod die luna proximo post festum nativitas beati
Johannis Baptiste anno regni regis Edwardi xixi, Rogerus
filius Henrici de Laughton' transivit per quoddam
fossum et iuxta domum matris sue et ibi submersus est.
Matilda mater eius primo.32 Plegii eius Rogerus Storke de
Laughton' et Hugo West de eadem. Sepultus per G.
coronatorem.33

2 Ludeford', Beningwrth', Burgo et Sixil presensat
quod Radulphus filius Hamonis molendarii, etate ij
annorum, sedit juxta quamdam ollam terreem plenam
aque ferventis in vigilia apostaolorum Petri et Pauli anno
regni regis Edwardi xixi. Et subversa est olla in dictum
Radulphum et ipsum lixivit ita quod mortuos est. Alicia
mater eius primo. Plegii Hamo maritus eius et Radulphus
Sexan. Sepultus per G. coronatorem.

3 Barthenay, Botchate, Hosgotby et Sutheray
presensat quod die veneris proximo ante festum sancti
Nicholai anno regni regis Edwardi xixi, Clemens de
Bunghay, propter burgeriam domus Willemi de
Candelsby et allorum latrociniorum, fugit in ecclesiam de
Barthenay. Et ibidem coram coronatore et patria dicta
facinora recognovit, nec voluit venire ad pacem. Ideo ad
abjurationem. Nichil habuit in bonis.

[Hand 2]

4 Sixil', Haynton', Ludford' et Leggesby, cum
associaiones scripitorum, scilicet Jacob Brand',
Ricardi de Halley, Walteri le Marreys, Walteri de
Bringvyl', Radulphus Clerici de Wellynham', Willemi filii
Rogeri de Kovernurd', Ade filii Galfridi de Barcwurh',
Willemi filii Rogeri de eadem, Willemi West de eadem,
Johannis Clerici de Ludford' et Ricardi filii Henrici de
eadem presensat coram G. coronatore et coram aliis
ministris domini regis tunc ibidem presentibus, quod die
appostolorum Petri et Pauli anno regni regis Edwardi xixi,
Willemus Golding de Sempingham', mercator, venit de
Ormesby versus Sixil equitante super quoddam affrum
per unam semitam iuxta villam de Sixil. Et ibi obivavit
Johanni proposito de Sexil qui ipsum insultavit et nequitier
interfect. Et pro timore dicta felonie post factum fugit in
ecclesiam de Sixil. Et post modum de dicta ecclesia gratis
venit ad pacem domini regis et conductus est ad prigionem
Linc'. Et ad deliberationem gayole posuit se super
patria de bomo et malo qui dict quod culpabilis est, et
suspenus est. Et habuit in bonis iegnum de preio x. et alium de
precio vs.; item, iegnum de preio x.; item, superiunciam de
precio xij d.; item, iegnum de preio xij d.; item, iegnum de
superiunciam de preio xij d.; item, iegnum de preio xij d.; item,
liam de preio xij d.; item, iegnum de preio xij d.; item,
liam de preio xij d.; item, cornu de preio xij d.; item, cornu de
precio xij d.; item, cornu de preio xij d.; item, cornu de preio xij d.;
Villa de Sixil respondebit. Radulphus de Baunburg' de
Sixil primo. Plegius Johannes filius Alicie de Sixil et
Germanus de Rasen.

5 Robertus Frost de Sixil' captus et in prisionem pro
suspectione dicte felonie. Et coram justiciar in
liberatione gayole quietus per patriam.

6 Benyngwrd', Wolyngham', Gauteby et Pauntun'
presentant quod Hugo filius Willelmi de Suth Ormesby, de
franco plegio Simonis filii Radulphi de Suth Ormesby,
nocte dominica proxima ante festum sancte Margarete
virginis anno regni regis Edwardi xixi, propter latrocinium
commissum in molendino abbatis de Kyrckestede in
Benyngwrd' et alia latrocinia que tunc recognovit coram
prefatis Willelmo et G. coronatoribus, et de dicta felonia
indictavit Gilbertum filium Alverde de Willeingham', sicut
presentatum est per predictas villas, qui statim post factum
dicti Hugonis se subractis. Et nichil habuit in bonis. Et de
dicto Gilberto attachiatum est traditum J. Dise vicecomiti
Linc'. Et dictus Hugo ad abjurandum. Et nichil habuit in
bonis.

7 Heynton', Tirington', Rand' et Lassington'
presentant quod Johannes filius Ade West de Hauton', de
dominica proxima ante ad vinchula sancti Petri anno regni
regis Edwardi xixi, duxit quoddam pullum, et ligavit
et circum brachium suum cum capistro. Et pullos nitebatur
evade et traxit ipsum ad humum ita quod mortuos est.
Adam pater suus primo. Plegii eius Alanus filius Radulphi
de Beckering' et Johannes Bote de eadem. Precium pulli v.s.
Villa de Hauton' respondebat.

8 Staynton', Rand', Bolington' et Skeneleslud
presentant quod die natalis domini anno regni regis
Edwardi xx, orta est contentio inter Johannem Bene de
Barckewerd' et Petrum Nor de Staynton'. Predictus Petrus
percussit dictum Johannem in capite cum quoddam malleo
unde in cristino confessus obbit. Sepultus per G.
coronatorem. Petrus confessit se subractis. Et nullus
habuit in bonis, nec fuit aliquid qui voluit appellare.

9 Item, predicte ville presentant quod Henricus le Brade,
familiaris de Barlings, manens in grangia de Reresby, per
infortunium devenit furiosus. Et ibi in vinculis
brachialibus et annacabris propter furorem custoditis per
septimanam. Nec potuit convalescere et mortuos est
demonicous. Et nullus alius in culpa.

10 Kevermund', Ludford', Fromorthorpe' et Sixil
presentant quod Rogerus filius Beatricis Bali de
Kevermund', etate ij annorum, ivit juxta quoddam
fossum in eadem villa. Et per infortunium cecidit in
aqua, et submersus est, die sancti Johannis Baptiste anno
regni regis Edwardi xixi. Beatricis mater suae primo. Plegii
Eius Henricus West de Kevermund' et Petrus Bali de
eadem. Sepultus per G. coronatorem.

[Posta, hand 1]

HILLE
Rotulus fortunorum cum appellationibus et omnibus ad ea
tangentibus in wapentaco de Hille in le suth trething' infra
terminum prenotatum ex alia parte rotuli

11 Laughton', Sauthorpe', Haswardby et Sutterby
presentant quod nocte sancti Andree anno regni regis
Edwardi xixi, Anniva Barthy de Laughton' jugulata fuit in
leco suo nequitier et bona sua asportata. Willelrum
Barthy primo. Plegii eius Robertus filius Galfridi de
Laughton' et Robertus filius Ricardi de eadem. Sepulta per
G. coronatorem. Alicia Barthy et Margareta soror suae ob
certam causam dicunt esse suspiciatas de dicta felonie. Et
ideo demandatam est attachiatum vicecomiti. Et ipsae capite
e et ducte ad prigionem.
WRAGGEOE

Roll of misfortunes with appeals and all related matters in the wapentake of Wraggoe in the South Riding from 1 May 1290 until

1 Langton by Wragby, Kingthorpe, Panton and Wragby present that on Monday 26 June 1290 Roger, the son of Henry of Langton, was crossing a ditch beside his mother's house and drowned there. His mother, Maud, found him first. Her pledges are Roger Storkke and Hugh West, both of Langton. The body was buried by G., the coroner.

2 Ludford, Benniworth, Burgh on Bain and Sixhills present that on 28 June 1290 Ralph, the two year old son of Hamo the miller, sat down next to an earthenware pot full of boiling water. The pot was upset over the said Ralph and scalded him so that he died. His mother, Alice, was the first to find him. Hamo, her husband, and Ralph Sexan are his pledges. The body was buried by G., the coroner.

3 Bardney, Butyate, Osgodby and Southrey present that on Friday 1 December 1290 Clement of Bungay fled to Bardney church because of the burglary of William of Candlesby's house and other thefts. There, in the presence of the coroner and a jury, he admitted the said thefts, but he did not wish to come to justice. Therefore he had to abjure the realm. He had no goods.

HILL

Roll of misfortunes with appeals and all related matters in the wapentake of Hill in the South Riding within the period specified on the other part of the roll.

11 Langton by Partney, Sausthorpe, Aswardby and Sutterby present that on the night of 30 November 1290 Anniva Barthy of Langton was wickedly strangled in her bed and her belongings were carried off. William Barthy discovered her body. His pledges are Robert the son of Geoffrey of Langton and Robert the son of Richard of the same place. The body was buried by G., the coroner. It is said that there is good reason to suspect Alice Barthy and her sister, Margaret, of the said felony and therefore the sheriff was ordered to arrest them. They were caught and taken to prison.
12 Worlaby, Ruckland, Farforth and Oxcombe present that on Sunday 23 September 1291 a certain unknown man was found dead in the field of Worlaby. Hugh the son of Amice of Worlaby discovered the body. His pledges are Roger the son of William and Hugh Loches of Worlaby. The body was buried by G., the coroner.

The Society is grateful to the President and Fellows of Magdalen College, Oxford, for a donation towards the publication of this article.

FOOTNOTES

1 R. F. Hunnisett, *The Medieval Coroner*, Cambridge, 1961. I am grateful to Dr R. F. Hunnisett and Dr G. L. Harris for commenting on a draft of this paper.
6 R. F. Hunnisett (editor), 'A Coroners' Roll of the Liberty of Wye, 1259-1314' in R. F. Hunnisett and J. B. Post (editors), *Medieval Legal Records in Memory of C. A. F. Merriod*, 1978, p.136. The preferred explanation is that the roll was a draft.
8 Compare Magdalen College, Oxford, Estate Paper 84/22.
10 Hunnisett, *The Medieval Coroner*, p.155. The coverage is better for the late 13th century than for the earlier period.
11 *Calendar of Close Rolls 1298-9*, p.424.
13 The certificates of election of coroners in the Public Record Office (C 242/1) contain no writ for the replacement of Gilbert de Haugham or any other Lincolnshire coroners at this date. I am indebted to Dr Hunnisett for this information.
27 Personal communication from Dr Hunnisett; Thompson, *op. cit.*, p.cxix.
28 Part of a roll of John de Osney is now Bodleian Library MS Rolls Osney 30; another part of one of his rolls of contemporary date and four separate membranes of the roll of John Wyke are among the Oxford City records: I26, 1-4.
29 The next oldest is that for 7-10 Edward III, Hunnisett, *Amer. J.L.H.*, p.333. It is in the Public Record Office: J1, 2/356/6-7.
30 The earlier roll is for the city of Norwich for 47-56 Henry III, Hunnisett, *Amer. J.L.H.*, p.358.
32 I am grateful to the President and Fellows of Magdalen College, Oxford, for permission to publish this document.
33 i.e. invent.
34 An unusual expression but the abbreviations are unequivocal. A more common formula records the burial of the body after the coroner's view.
35 Butyate, Osogoby and Southrey, hamlets in Bardney parish. For Butyate and Osogoby, deserted villages, see C. W. Foster and T. Longley (editors), *The Lincolnshire Domesday and the Lindsey Survey*, Lincoln Record Society, 19 (1924), pp.iii, xxx.
36 For descriptions of the lands of Barlings Abbey in Reasby in Stainton by Langworth parish see *Calendar of Charter Rolls 1257-1300*, pp.392-8.
37 Frithorpe or Frimthorpe is the modern Thorpe le Vale in Ludford Magna, see Foster and Longley, *op. cit.*, p.lxx.