

# **Prisons and Punishments in Late Medieval London**

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## **Declaration**

I, Christine Winter, hereby declare that this thesis and the work presented in it is entirely my own. Where I have consulted the work of others, this is always clearly stated.

Signed:

Date:

## Abstract

In the history of crime and punishment the prisons of medieval London have generally been overlooked. This may have been because none of the prison records have survived for this period, yet there is enough information in civic and royal documents, and through archaeological evidence, to allow a reassessment of London's prisons in the later middle ages.

This thesis begins with an analysis of the purpose of imprisonment, which was not merely custodial and was undoubtedly punitive in the medieval period. Having established that incarceration was employed for a variety of purposes the physicality of prison buildings and the conditions in which prisoners were kept are considered. This research suggests that the periodic complaints that London's medieval prisons, particularly Newgate, were 'foul' with 'noxious air' were the result of external, rather than internal, factors. Using both civic and royal sources the management of prisons and the abuses inflicted by some keepers have been analysed. This has revealed that there were very few differences in the way civic and royal prisons were administered; however, there were distinct advantages to being either the keeper or a prisoner of the Fleet prison. Because incarceration was not the only penalty available in the enforcement of law and order, this thesis also considers the offences that constituted a misdemeanour and the various punishments employed by the authorities. Incarceration did not necessarily entail enforced inactivity and the ways a prisoner might occupy his time, including writing, working or even planning an escape, are discussed. Lastly, an investigation is made into the causes and numbers of prison deaths in the medieval period.

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## List of Abbreviations

Bracton	Bracton de Legibus st Consuetudinibus Angliae
CCR	<i>Calendar of Close Rolls</i>
<i>Cal. Cors. Rolls</i>	<i>Calendar of Coroners' Rolls of the City of London</i>
<i>Cal. Inq. Misc</i>	<i>Calendar of Inquisitions Miscellaneous</i>
<i>Cal. Inq. pm</i>	<i>Calendar of Inquisitions Post Mortem</i>
CEMCR	<i>Calendar of Early Mayor's Court Rolls</i>
CFR	<i>Calendar of Fine Rolls</i>
<i>Chrons. of Ed I &amp; Ed II</i>	<i>Chronicles of the Reigns of Edward I &amp; Edward II</i>
CLR	<i>Calendar of Liberate Rolls</i>
CPMR	<i>Calendar of Plea and Memoranda Rolls</i>
CPR	<i>Calendar of Patent Rolls</i>
<i>Economy</i>	<i>Alexander Harris, The Economy of the Fleet</i>
EHR	English Historical Review
FVP	Fleet Valley Project (LAARC)
<i>Great Chronicle</i>	<i>The Great Chronicle of London</i>
GL MS	Guildhall Library manuscript
<i>Husting Wills</i>	<i>Calendar of Wills Proved and Enrolled in the Court of Husting</i>
Journal	Journals of the Court of Common Council, LMA
LAARC	London Archaeological Archives Research Centre
<i>LBA&amp;c</i>	<i>Calendar of the Letter Books of the City of London, A-L</i>
LMA	London Metropolitan Archives
<i>Memorials</i>	Memorials of London and London Life in the XIII, XIV, and XV Centuries
<i>The Mirror of Justices</i>	<i>The Mirror of Justices, ed. by W. J. Whittaker</i>
<i>Munimenta</i>	<i>Munimenta Gildhallae Londoniensis</i>
ODNB	<i>Oxford Dictionary of National Biography</i>
OED	<i>Oxford English Dictionary</i>
<i>Pipe Roll</i>	<i>The Great Roll of the Pipe</i>
PROME	The Parliament Rolls of Medieval England (CD-ROM edn)
Rep.	Repertories of the Court of Aldermen, LMA
SBH	St Bartholomew's Hospital archives
TLAMAS	<i>Transactions of the London and Middlesex Archaeological Society</i>
TNA	The National Archives
VCH	<i>Victoria County History</i>

## Introduction

The aim of this thesis is to shed light on the prisons of medieval London, with specific reference to their management and the living conditions experienced by the prisoners. The idea for this study germinated when it became clear that in many of the books and articles regarding the history of crime and punishment in England, the prisons of medieval London were either only cursorily referred to, or the history of Newgate and the Fleet prisons had been discussed without annotation of the sources.<sup>1</sup> While the study of London's medieval prisons is hindered by the complete absence of actual prison records, there was the possibility that there might be enough material scattered throughout a variety of sources to fill this gap in our knowledge. Three historians had previously undertaken academic studies of London's medieval prisons. In 1944 Margery Bassett published an article entitled 'Newgate Prison in the Middle Ages', in which she stated her intention to undertake a series of studies on medieval prison administration; unfortunately, this only extended to a sister-paper, 'The Fleet Prison in the Middle Ages', which was published the following year.<sup>2</sup> In 1947 Marjorie Honeybourne wrote about the history of the keepership of the Fleet and the topography of that prison.<sup>3</sup> Both Bassett and Honeybourne were exceptionally

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<sup>1</sup> Arthur Griffiths, *The Chronicles of Newgate* (London: Chapman and Hall, 1884); John Ashton, *The Fleet: its River, Prison and Marriages* (London: Unwin, 1888); W. Eden Hooper, *The History of Newgate and the Old Bailey* (London: Underwood, 1935); Richard H. Condon, 'The Fleet Prison', *History Today*, XIV (1964), pp. 453-460; Anthony Babington, *The Power to Silence: a history of punishment in Britain* (London: Maxwell, 1968); Anthony Babington, *The English Bastille: a History of Newgate Gaol and Prison Conditions in Britain, 1188-1902* (London: Macdonald, 1971); J. Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London: Routledge & Kegan Paul, 1973); E. J. Burford, *In the Clink* (London: New English Library, 1977); Sheila Gove, 'The Fleet Prison', in *Port of London*, 2<sup>nd</sup> edn (1984), pp. 60-63; Pieter Spierenburg, *The Prison Experience: Disciplinary Institutions and their Inmates in Early Modern Europe* (New Brunswick and London: Rutgers University Press, 1991); Stephen Halliday, *Newgate: London's Prototype of Hell* (Stroud: Sutton, 2006).

<sup>2</sup> Margery Bassett, 'Newgate Prison in the Middle Ages', *Speculum*, XVIII (1943), pp. 233-246, p. 233; 'The Fleet Prison in the Middle Ages', *University of Toronto Law Journal*, XV, 2 (1944), 383-402.

<sup>3</sup> Marjorie Honeybourne, 'The Fleet and its Neighbourhood', *London Topographical Record*, XIX (1947), pp. 13-87.

thorough in the annotation of their sources, as was Ralph Pugh, who in 1968 published *Imprisonment in Medieval England* which would become the canonical book on English prisons.<sup>4</sup> These works provided a starting point from which to broaden our knowledge of prisons and punishments in medieval London.

Ralph Pugh's book is the accepted authority on imprisonment in medieval England, and deals with every type of prison including civic, royal, ecclesiastic, franchise, local and national. He discusses the uses of imprisonment, along with the structure and maintenance of the buildings, the conduct of the gaoler and the welfare of the prisoners. Although Pugh's work is impressive it is a general work that refers to, and compares, individual prisons, but does not focus on those in London. Margery Bassett and Marjorie Honeybourne had undertaken more detailed case studies in their respective articles on Newgate and the Fleet prison, but these were only concerned with the two principal London prisons. Any intention of expanding on this material was never fulfilled. In the intervening decades not much has been written about London's medieval prisons, despite the sources remaining open to interpretation and the availability of contemporary documents, including prison literature. In the late 1980s the site of the Fleet prison was developed and the subsequent archaeological report was deposited at the London Archaeological Archives and Research Centre, but not published.<sup>5</sup> So there were gaps in the historiography and material which could be used to fill them.

The research for this thesis began in 2005 and close reading of a variety of sources, including the Calendars of London's civic Letter Books and the Coroners' Rolls, soon suggested notions that challenged some of the traditional perceptions of medieval prisons, particularly in regard to the use of imprisonment as punishment and

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<sup>4</sup> Ralph B. Pugh, *Imprisonment in Medieval England* (Cambridge: Cambridge University Press, 1968).

<sup>5</sup> London Archaeological Archives Research Centre [hereafter LAARC], Val 88: Fleet Valley Project.

the conditions in which prisoners might be held. In 2008 the validity of these ideas was supported by the publication of Guy Geltner's *The Medieval Prison*, a study predominantly of the prisons of medieval Siena, Venice, Florence and Bologna with further, more general, discussion of other European prisons.<sup>6</sup> The records for these prisons have survived and are extensive.<sup>7</sup> The range and amount of documents available to Dr Geltner allowed him to make much firmer conclusions, including that imprisonment was used punitively in the Middle Ages and that conditions were better than had previously been thought, which helped to confirm the same conclusions drawn from the, much more meagre, London sources for this thesis.<sup>8</sup> The evidence from the London sources had suggested that for many categories of prisoner incarceration was of short duration; for example, offenders awaiting capital sentences, with the means to pay their fines or clear their debts, or imprisoned as an example to other offenders, and Dr Geltner found that Italian prisons also had a regular turnover of inmates.<sup>9</sup> For prisoners of independent means or support from family, friends, associates or charity, it appears that daily life might not have been greatly dissimilar to that outside the prison walls and that visitors were not excluded from any of the prisons under discussion here.<sup>10</sup> In London, Venice and Florence there is some evidence that prisoners could even be employed in paid work; however, the capacity to leave prison under licence to undertake business or personal affairs appears to have been confined to the king's prisons in London.<sup>11</sup> The evidence from both the London and Italian records suggests that prison conditions were not universally noxious and

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<sup>6</sup> Guy Geltner, *The Medieval Prison: a social history* (Princeton and Oxford: Princeton University Press, 2008). See also Halina Manikowska, 'The Florentine Communal Prison – *Le Stinche* – in the Fourteenth Century', *Acta Poloniae Historica*, LXXI (1995), pp. 133-160.

<sup>7</sup> Geltner, *The Medieval Prison*, p. 11.

<sup>8</sup> *The Medieval Prison*, pp. 17, 44, 54, 57, 80, 81, 101, 108.

<sup>9</sup> *The Medieval Prison*, p. 33.

<sup>10</sup> *The Medieval Prison*, pp. xviii, 73. Geltner concluded that life in a medieval prison 'was typically a more coercive version of life at large', *The Medieval Prison*, p. 102.

<sup>11</sup> See Chapter 6, pp. 189-192; *The Medieval Prison*, p. 60.

that, with the possible exception of the poorest prisoners, who were reliant on alms and bequests and may not have been able to afford to stay in the better areas of the prisons, incarceration, while not necessarily pleasant, was at least tolerable.<sup>12</sup> Consequently, although arrived at from a different route, using different evidence, and deduced before his publication, the relatively novel conclusions of this thesis are reassuringly similar to those made by Geltner in *The Medieval Prison*.

In London, references to crimes and punishments, prison management, repairs, charitable contributions, and abuses by keepers are found in the Letter Books of the City of London, in the early records of the mayor's court, in the *Liber Albus*, in the unpublished Journals of the Common Council and in the aldermen's Repertories. These are all civic documents concerned with the governance of the City of London. Their royal counterparts, which contain information relating to both crown prisons and Newgate, but which also deal with movement of prisoners and pardons, are to be found in the Patent Rolls, Fine Rolls, Liberate Rolls, Close Rolls, the Parliament Rolls and the Statutes of the Realm. Further to these are Coroners' Rolls, both in The National Archives and calendared by R. R. Sharpe, from which a comparison can be made between the causes and numbers of deaths in London prisons against the deaths occurring in the City more generally. The London Coroners' Rolls suggest that death rates among prisoners were low, and this is supported by evidence from Italy and East Anglia.<sup>13</sup> The Rolls indicate 1316 was an exceptional year for deaths in Newgate which might be indicative of deterioration in prison conditions; however, the high mortality in this particular year was more likely caused by the widespread famine encountered throughout the land and therefore nothing to do with the state of the

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<sup>12</sup> Geltner suggests that the less salubrious areas of prisons may have been deliberately neglected in order to encourage prisoners to pay for better accommodation, *The Medieval Prison*, p. 40.

<sup>13</sup> See Chapter 7, pp. 224-225; Geltner, *The Medieval Prison*, p. 75; Philippa C. Maddern, *Violence and Social Order: East Anglia, 1422-1442* (Oxford: Clarendon Press, 1992), p. 50.

prison. Although not specifically stated, in other years some of the prison deaths may have been caused by the foul air that was periodically reported as permeating the prison, the cause of which is not fully investigated in the sources. It may be that this was, in part, due to the underlying watercourse beneath Newgate which was revealed during the 1904 excavation of the site.<sup>14</sup>

Considering there were ten buildings used as prisons in and around the City, there is very little archaeological evidence from known prison sites in London. The locations of the Fleet, Ludgate, Newgate, and the King's Bench have all been excavated but only the site of the Fleet revealed any extensive findings relating to the prison.<sup>15</sup> The archaeology challenges the previously held belief that the Fleet was surrounded by a man-made moat, by showing that the site was originally an island in the river. The excavation revealed periodic building construction that supports and challenges our existing knowledge. There were a number of animal and plant remains on the prison site that tantalisingly suggest the types of ingredients that may have been used to feed the prison staff or even the prisoners.<sup>16</sup> Evidence from the seventeenth century suggests that both the warden and prisoners had access to a kitchen and, as there were very few changes made either to the physical structure or to the management of prisons in the intervening centuries, it is possible that some of these remains were the discarded waste from food prepared in the prison in the medieval

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<sup>14</sup> LAARC, GM 155 (1904): Roman and Medieval Newgate.

<sup>15</sup> LAARC, GM 251 (1969): Ludgate; GM 429 (1962): Borough High Street, Southwark (? King's Bench prison). Geltner concludes there were four types of prison structure; Appropriated, where a pre-existing space was used for incarceration, as in the Sheriffs' houses and Marshalseas in London; Embedded, where rooms for incarceration were appropriated or incorporated into an existing edifice, as in the gates of the City (Ludgate) or the Tower of London; Separated, a prison facility which was usually constructed as part of a new government building (of which there are no examples in London) and Independent, a purpose-built prison, as were the Fleet and Newgate in London. See *The Medieval Prison*, p. 29.

<sup>16</sup> The excavation of a possible prison site in Belgium had notably similar findings, see Liesbeth Troubleyn, Frank Kinnaer, Anton Ervynck et al, 'Consumption Patterns and Living Conditions inside *Het Steen*, the Late Medieval Prison of Malines (Mechelen, Belgium)', *Journal of Archaeology in the Low Countries*, 1-2 (2009), pp. 5-47.

period.<sup>17</sup> There would have been a charge for any produce made available to the prisoners and it is possible that the poorest inmates were denied such fare as they would not have been able to afford it.<sup>18</sup> Destitute prisoners would have relied on alms, charitable bequests and confiscated foodstuffs for their sustenance; nevertheless, the civic and royal records, and wills enrolled in the Husting and Consistory courts, indicate that charitable donations were regularly forthcoming as members of medieval society struggled to adhere to the Seven Acts of Mercy, one of which was the instruction to ‘visit prisoners’ that appears to have been commonly interpreted as ‘relieve prisoners’ suffering with alms’.<sup>19</sup> The records also suggest that imprisonment was not the preferred method of punishment as fines and public humiliation were more commonly employed to punish and deter offenders. When a term of imprisonment was imposed it was usually only for a short time because many sentences were commuted, and grants of bail and mainprise were frequently allowed. These measures would have led to fairly transitory prison populations which, under normal circumstances, prevented overcrowding and the associated deterioration of conditions.

Apart from a few references to prisons in the *Paston Letters* the only other commentary found on imprisonment is literary in form.<sup>20</sup> Thomas Usk, George Ashby and Thomas Malory were among those who wrote while incarcerated in London prisons, and the possibility that their works were autobiographical has been

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<sup>17</sup> *The Economy of the Fleet*, ed. by Augustus Jessop (London: Camden Society, 1879), pp. 93, 95. An early fourteenth century inventory from Bologna prison mentions a kitchen but it is unclear whether this was for the prisoners’ use, Geltner, *The Medieval Prison*, p. 22.

<sup>18</sup> In Bologna prison, lunch and dinner cost 18d but prisoners were not obliged to buy the meals, Geltner, *The Medieval Prison*, p. 25.

<sup>19</sup> This religious instruction is presumed to have been adhered to in all Christian countries; it was certainly evident in Italy. See Geltner, *The Medieval Prison*, p. 60.

<sup>20</sup> *Paston Letters and Papers of the Fifteenth Century*, ed. by Norman Davis, 3 vols (Oxford: Oxford University Press, 2004); I, p. 529 (‘my fair mistress of the Fleet’), p. 557 (‘the Fleet is a fair prison’); II, p. 85 (distress of imprisonment ‘eased by the labour of the warden of the Fleet’), p. 315 (John Payn ‘threatened to have been hanged, drawn and quartered’ unless he impeached John Fastolf of treason while in the Marshalsea).

investigated by historians and literary academics. A brief analysis of works written in prison is therefore relevant to this study, if only as an indication of an activity available to some inmates. Equally, references to seventeenth century prisons, by Alexander Harris, warden of the Fleet c.1619, and Moses Pitt, a debtor there c. 1691, are still valid in a study of the medieval period since both authors claimed that certain buildings and practices at the prison had not changed in hundreds of years.<sup>21</sup>

The necessity of using a wide variety of sources has culminated in an illuminating picture of prisons and punishments in medieval London and has made it possible to attempt to answer such questions as ‘Were civic and royal prisons administered differently?’, ‘Were prisons merely custodial at this time or were they punitive?’, ‘Was there any difference between gaols and prisons?’, ‘Were punishments consistent across time, gender, age or race?’, ‘Was the prison system equitable?’, ‘Were prisons crime specific?’, and ‘Why was the position of keeper so open to abuse?’ As most references refer to Newgate, the Fleet and Ludgate these are the primary focus of this study; however, there are also references in the records to the sheriffs’ Compters, the Tower, the Marshalsea prisons of King’s Bench and the Household - and the Clink – so it is possible to attempt a broader survey. Consequently, this investigation builds on the existing knowledge of prisons and punishments in medieval London, reassesses the realities of the prison experience and revises the perception of the prison in the medieval period.<sup>22</sup>

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<sup>21</sup> *The Economy of the Fleet* (Alexander Harris’s response to complaints against his keepership), p. 86; Moses Pitt, *The Cry of the Oppressed* (London, 1691) [not paginated]. Geltner concludes that medieval Italian prisons were ‘durable’ because they too remained relatively unchanged in their original locations, *The Medieval Prison*, p. 29.

<sup>22</sup> Editorial note: personal names have not been modernised, but are written as they appear in the original documents.



## Chapter One: The Purpose of Imprisonment

Man's ability to incarcerate another against whom he has a grievance is not a modern phenomenon. Despite Michel Foucault's attempt to define the prison as 'the representative institution of industrial society', the imposition of involuntary physical confinement dates back to antiquity.<sup>1</sup> Although many early sources relating to imprisonment are now either lost, or at best fragmentary, literary evidence, for example the Book of Genesis and Plato's *Gorgias*, offer evidence of such captivity.<sup>2</sup> Biblical references show that imprisonment was imposed for a variety of reasons, being employed for objectives as diverse as temporary custody before sentencing, revenge, and even as redemptive punishment.<sup>3</sup> In the medieval period confinement continued to be used for a variety of purposes including custody, coercion, deterrence and punishment. That incarceration was considered to be punitive is apparent in Ezra 7:26 where it is stated that 'whoever will not obey the law of your God and the law of your king, let judgement be rigorously executed upon him, be it death, banishment, confiscation of property, or *imprisonment* [my emphasis]'. Despite the early evidence there has long been a consensus that the prison in medieval England served merely a custodial purpose; that it was a building constructed solely with the intention of holding offenders awaiting trial and that incarceration was not utilised as a

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<sup>1</sup> *The Oxford History of the Prison*, ed. by Norval Morris and David J. Rothman (Oxford: Oxford University Press, 1995), p. viii; Michel Foucault, *Discipline and Punish: the Birth of the Prison* (London: Penguin, 1977). According to Foucault imprisonment became 'a penalty of detention; and it was a new thing' during the eighteenth and nineteenth centuries, *Discipline and Punish*, p. 231.

<sup>2</sup> Plato, *Gorgias*, trans. by Terence Irwin (Oxford: Clarendon Press, 1979), pp. 104-5 (525 b-c); Edward M. Peters, 'Prison before the Prison: the Ancient and Medieval Worlds' in *The Oxford History of the Prison*, p. 3.

<sup>3</sup> Leviticus 24: 10 – 23, Numbers 15: 32 – 36 (temporary custody), Genesis 39: 20 – 40.5 (revenge: Joseph is imprisoned by Potifar), Judges 16: 22 (redemptive punishment: Samson put to labour grinding corn by the Philistines).

punishment during this period.<sup>4</sup> Unfortunately, this view has largely ignored, or rejected, the findings of other historians who, while agreeing that the medieval prison did serve a custodial purpose, had established that it also had a punitive function in the medieval period.<sup>5</sup> Men such as Ulpian, Bracton (c.1250) and Pope Boniface VIII (in the *Liber Sextus*, 1298) had argued that prisons should only be used for confining men and not for punishing them, which strongly suggests that imprisonment itself had been used as a punishment from an early date.<sup>6</sup> Further, John Carpenter, who completed the *Liber Albus* in 1419, clearly states that the indicted should be brought before the mayor and aldermen and ‘shall be interrogated...and those that cannot clear themselves shall be *punished by imprisonment* or other punishment at the mayor and aldermen’s discretion’.<sup>7</sup> When we consider these examples it is evident that no matter what the intended purpose of an incarceration was, be it custody, revenge, coercion or usefulness through labour, the imprisonment of another could be regarded as a

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<sup>4</sup> Anthony Babington, *The English Bastille: A History of Newgate, Gaol and Prison Conditions in Britain, 1188-1902* (London: MacDonald, 1971), p. 8; John Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London: Routledge and Kegan Paul, 1973), p. 163; J. H. Baker, *An Introduction to English Legal History*, 3<sup>rd</sup> edn (London: Butterworths, 1990), p. 584; J. A. Sharpe, *Judicial Punishment in England* (London: Faber and Faber, 1990), p. 25; Christopher Hibbett, *The Roots of Evil: a Social History of Crime and Punishment* (London: Weidenfeld and Nicholson, 1963), pp. 132-3. See also Joy Cameron, *Prisons and Punishments in Scotland* (Edinburgh: Canongate, 1983), p. 2. Cameron concedes that imprisonment as punishment is occasionally mentioned in her sources (p. 12).

<sup>5</sup> Ralph B. Pugh, *Imprisonment in Medieval England* (Cambridge: Cambridge University Press, 1968), pp. 1-44. Pugh believed that the antiquity of penal imprisonment had been underestimated (p. 16). Margery Bassett, ‘Newgate Prison in the Middle Ages’, pp. 233-246, p. 233; Jean Dunbabin, *Captivity and Imprisonment in Medieval Europe, 1000-1300* (Basingstoke and New York: Palgrave Macmillan, 2002), pp. 98-114. Trevor Dean, *Crime in Medieval Europe, 1200-1550* (London: Longman, 2001), p. 120. Dean points out that the ecclesiastical courts had a history of using prisons for punishment as they were forbidden to shed blood (p. 121).

<sup>6</sup> Peters, ‘Prison before the Prison’, in *The Oxford History of the Prison*, p. 29. Despite adhering to this Roman law doctrine, Pope Boniface’s abbots and bishops could punish offenders by the *poena carceris* (punishment of prison). Henry Bracton, *De Legibus et Consuetudinibus Angliae*, vol. II, ed. by Sir Travers Twiss (London: Longman, 1878-1883), p. 155.

<sup>7</sup> *Liber Albus: the White Book of the City of London*, ed. by H. T. Riley (London: Griffin, 1861), p. 241 [my emphasis]. Helen Carrel, ‘The Ideology of Punishment in the Late Medieval English Towns’, *Social History*, 34, 3 (2009), pp. 301-320, p. 312; Carrel, ‘Civic Government and Identity in the Provincial Towns of Late Medieval England, c. 1370 – c. 1500’ (Unpublished PhD thesis, University of Cambridge, 2007), pp. 78-79. Carrel has also concluded that imprisonment was punitive in the medieval period. Coercive, custodial and punitive imprisonments were also employed in late-medieval Italy, see G. Geltner, *The Medieval Prison: a social history* (Princeton and Oxford: Princeton University Press, 2008), p. 7.

punitive punishment through the deprivation of an individual's freedom to perform their usual day to day activities and enjoy their normal existence at liberty.

The punitive role of imprisonment in the medieval period is clearly indicated in cases where the punishment is stated only as a specified term of incarceration. Here the reason for holding the offender was not combined with any other castigation, such as a fine or the pillory, or stated as custody while surety or mainpernors were found; the removal of the wrongdoer's liberty was the punishment, and could be stated as not to be commuted.<sup>8</sup> The term of imprisonment would have reflected the nature and severity of the offence and could range from a matter of days to a number of years.<sup>9</sup> One offence appears to have been adjudged different terms of imprisonment. In 1327 John atte Gate, a thief, was imprisoned for eight days after being taken with goods valued at 10*d*, while in 1363 Alexander de Nedelere was imprisoned for forty days for the same misdemeanour.<sup>10</sup> These entries, however, were recorded thirty six years apart during which time the value of property might have increased or there may have been a change in the way property ownership was perceived, which would explain the increase in the term of imprisonment considered appropriate for the offence. The

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<sup>8</sup> Walter Clifton, '40 days without redemption' for verbally and physically assaulting the constable of Bread Street ward, *Memorials of London and London Life in the XIII, XIV and XV Centuries*, ed. by H. T. Riley (London: Longmans, Green & Co, 1868) [hereafter *Memorials*], p. 522 (1390); anyone overheard speaking of Nicholas Brembre or John de Northampton was to be imprisoned in Newgate for a year and a day without redemption, *Memorials* pp. 526-527 (1391).

<sup>9</sup> 'Trespassers in parks and ponds shall have three years imprisonment', *Statutes of the Realm*, I, 3 Edward I c. 20 (1274-1275); John de Burstalle committed to prison for 40 days for selling wheat at an advanced price [this offence was later punishable by the pillory], *Memorials*, pp. 235-236 (1347); Robert Multon, cook, was imprisoned for eight days because a boy in his employment had mixed feathers in the stuffing for a goose, *Calendar of Plea and Memoranda Rolls, 1364-1381*, ed. by A. H. Thomas (Cambridge: Cambridge University Press, 1929), p. 227 (1376) [hereafter *CPMR*,&]; Michael Hakeneye was committed to Newgate for three weeks for silvering buttons and circlets of inferior metal, *Calendar of Letter Books of the City of London, H*, ed. by R. R. Sharpe (London: J. E. Francis, 1907), p. 34 [hereafter *LBH*,&], *Memorials*, pp. 397-398 (1376); Richard Bole was committed to Newgate for six months for overpricing meat and insulting an alderman, *LBH*, p. 326, *Memorials*, pp. 502-503 (1388); William Caldewell was committed for 40 days for contempt in the chamberlain's court, *LMA, Journal 2*, f. 21 (1424); William Reygate was committed for 40 days for behaving rebelliously towards an alderman, *Journal 2*, f. 59v (1425).

<sup>10</sup> *CPMR, 1323-1364*, p. 49 (1327), p. 50 (1363). Pugh discusses the way punishments changed over time, through legislation, economic status or trends, *Imprisonment in Medieval England*, p. 41.

most commonly adjudged long-term sentence was a year and a day, and although the significance of imprisoning someone for specifically 366 days is unknown it is apparent that this sentence inflicted the full force of the power of authority on perpetrators of misdemeanours against the commonweal.<sup>11</sup>

Although rarely found in the records sentences of more than a year and a day could be imposed. The earliest surviving example relates to the king's prison of the Fleet which, together with the duration of the sentence, suggests a serious offence against the crown. This was the case of Matthew le Eschequer, an usher of the Exchequer, who in 1290 had been found guilty of 'a deception'. While no judgement appears to have been given at that time, two years later he was imprisoned in the Fleet for two years and two days. This is very obviously twice the year and a day that was more commonly imposed by the civic authorities, which may be indicative of the scale of the king's displeasure. The gravity of the offence is further suggested by the whole sentence being adjudged to recommence, after Matthew had already served almost a year, because he had been seen out of prison enjoying a Christmas meal at a private dwelling, thereby breaking the terms of his imprisonment.<sup>12</sup> There are two incidences of women being threatened with longer than usual terms of incarceration by the civic authorities which, while possibly indicating how the prevailing zeitgeist could affect sentencing, were probably intended to deter re-offending. In 1385 Elizabeth Moring

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<sup>11</sup> *LBG*, pp. 160 (c. 1363), 311 (1373); *LBH*, pp. 203-204, *Memorials*, pp. 473-474 (1382); *Memorials*, pp. 509-510 (1389); *LBI*, p. 118, *Memorials*, pp. 595-596 (1413); *LBI*, p. 132, *Memorials*, pp. 605-606 (1415); *LBI*, p. 144 (1415), pp. 170-171 (1417); *Proceedings Before the Justices of the Peace in the Fourteenth and Fifteenth Centuries, Edward III to Richard III*, ed. by Bertha H. Putnam (London: Spottiswode, 1938), p. 336. Sentences could be commuted at the mayor and aldermen's discretion. For example, Roger Torold, vintner, verbally abused the mayor but had his sentence of imprisonment commuted to a fine of £40 after offering the mayor 100 tuns of wine, *Memorials*, pp. 275-277 (1355).

<sup>12</sup> *Select Cases in the Exchequer of Pleas* (Seldon Society xlvi), ed. by Hilary Jenkinson and Beryl E. R. Formoy (London: Quaritch, 1932), pp. 141-143 (1292); *Select Cases before the King's Council, 1243-1482*, ed. by I. S. Leadam and J. F. Baldwin (Seldon Society xxxv, 1918), p. 15, n. 50 (1295); *Rotuli Parliamentorum*, I, 22. As shown below, prisoners could pay to leave the Fleet with an escort but in this instance the prisoner appears to have been unaccompanied. No other references to sentences being recommenced have been found.

was accused of being a harlot and a procuress. Her punishment was to stand on the thewe, a form of pillory exclusively used for women, for an hour and then to forswear the city, with the warning that if she was ever again found within the city walls she would be put on the thewe again and imprisoned for three years.<sup>13</sup> The severity of the punishment indicates that this was not her first indictment; consequently, the judgement reflected the need of the authorities to enforce their control and frighten her into obedience. Almost a century later, Crystyne Houghton was convicted as a strumpet and a bawd, the same indictment as Moring but using different language. After one hundred years both the terminology and the sentence were different because after being pilloried Houghton was told to leave the city on pain of imprisonment for a year and a day if she returned.<sup>14</sup> While 366 days was the most commonly imposed long-term sentence, there were occasions when the authorities determined that an offender should be incarcerated until he died, or adjudged a sentence of life imprisonment.

There are eight incidences surviving from the fourteenth century where offenders were imprisoned ‘until death’. Of these, six appear in the *Coroners’ Rolls* as having refused to plead which, being contrary to the law of England, meant they would have to endure strong and hard imprisonment (*peine forte et dure*) until they died ‘in their penance’.<sup>15</sup> Of the six Hugh le Benere is the only example where both the sentence and confirmation of death are found in the records; however, this is

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<sup>13</sup> *Memorials*, pp. 484-486.

<sup>14</sup> *LBL*, p. 276, (1490).

<sup>15</sup> TNA Just 2/94a, m. 5r (28), Guildhall MS 126, f. 75 (1316): Thomas Bernard, a robber and felon; TNA Just 2/94a, m. 5r (29) (1316): Philip de Arwe, a robber and a felon; LMA CLA/041/IQ/004 (36 and 37 respectively), GL MS 126, f. 264, *Calendar of Coroners’ Rolls of the City of London, 1300-1378*, ed. by R. R. Sharpe (London and Suffolk: Clay & Sons, 1913), pp. 124-125, (1325) [hereafter *Cal. Cors. Rolls*]: John Burel and Henry de Mebourne, who killed the porter when escaping Newgate; LMA CLA.041/IQ/006 (6), *LBFL*, p. 19, *Memorials*, pp. 199-200, *Cal. Cors. Rolls*, pp. 177-178, (1336): Hugh de Benere, accused of the death of his wife; LMA CLA/041/IQ/007 (29), *Cal. Cors. Rolls*, p. 220 (1339): Roger de Glastyngbury, accused of murder. *Peine forte et dure* is discussed more fully in Chapter 7, pp. 215-216.

probably due to the sporadic nature of document survival rather than indicating that the others capitulated and entered a plea. The last two men were sentenced to life imprisonment, for aggressive behaviour towards a jury and murder respectively, which in a society that hanged men for stealing goods worth more than 12½*d* is incomprehensible.<sup>16</sup> In the case of Richard Karlel, who was sentenced to life imprisonment in the Tower after threatening and assaulting jurors of the court of King's Bench, the judgement indicates a zero-tolerance policy against attacks on the judicial system. Karlel's punishment also included amputation of his right hand, but this element of the sentence was postponed until the king had been consulted.<sup>17</sup> Evidence from the *Patent* and *Close Rolls* suggests that Karlel might have been pardoned if had agreed to stand trial which implies he may have refused to plead; however, these entries may be unreliable as they record identical entries that appear to have been made twenty years apart, which may suggest scribal error.<sup>18</sup> Unlike Karlel, who appears to have been offered the chance to terminate his suffering, William Bowyer was imprisoned for life without redemption. Bowyer was guilty of hiring a man from Gascony to kill Ralph Kesteven, parson of St Botolph's without Aldgate.<sup>19</sup> When the king learned that, despite his order that Bowyer was not to be bailed, the mayor and sheriffs were going to release him from Newgate if sureties could be found for his good behaviour, he had Bowyer moved to his own prison of the Fleet, where it is presumed he remained until his death. The variance between these cases – which

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<sup>16</sup> There is evidence of prisoners being incarcerated for life in fifteenth century Italian prisons, see David S. Chambers and Trevor Dean, *Clean Hands and Rough Justice* (Michigan: Michigan University Press, 1997), p. 12. In Italy hanging was also the penalty for stealing goods valued at a fixed amount; twenty-five lire in Mantua and ten lire in Ferrara, Chambers and Dean, *Clean Hands and Rough Justice*, p. 13.

<sup>17</sup> *Select Cases in the Court of King's Bench*, ed. by G. O. Sayles (Seldon Society, lxxxvii, 1957) 5 vols, IV, pp. 41-42 (1345). It was within the king's authority to commute this part of the sentence as the attack was made on his court when it was held within the precincts of the palace of Westminster.

<sup>18</sup> *Calendar of the Patent Rolls, 1345-1348* (London: HMSO, 1903), p. 527 (1347) [hereafter *CPR*, &]; *Calendar of the Close Rolls, 1364-1368* (London: HMSO, 1910), p. 338 (1367) [hereafter *CCR*, &].

<sup>19</sup> *CCR, 1389-1392*, p. 451 (March, 1392), pp. 468-469 (May, 1392).

perhaps should have resulted in capital punishments – is difficult to comprehend, especially as the evidence suggests that imprisonment was not the preferred sentence of the authorities in medieval London.<sup>20</sup>

Incarceration was obviously not the only punishment available to the authorities in their attempts to maintain both public order and their influence, and the early sources suggest it was not usually the favoured method of castigation, except in cases of debt and for alien wrongdoers.<sup>21</sup> Athenian society used the confiscation of property, fines and the destruction of offenders' houses as punishments, along with compulsory suicide and imprisonment.<sup>22</sup> The Assyrians only imprisoned smugglers, thieves, foreign captives and tax evaders, while the only reference to imprisonment in the Twelve Tables of Rome, c. 450BC, relates to the confinement of debtors.<sup>23</sup> Confiscation, but not destruction, of property, fines and imprisonment were punitive measures that continued to be employed throughout the Middle Ages and beyond, with adaptations and innovations introduced either to meet the needs of a particular society or to endorse and emphasize authority.<sup>24</sup> Although the preference for other punishments means there are scant early references to imprisonment, among the few that survive are those that specify how prisoners should be treated, indicating that in

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<sup>20</sup> This aversion was not confined to London as it appears to have been the case throughout medieval Europe, see Geltner, *The Medieval Prison*, p. 45.

<sup>21</sup> *The Laws of the Kings of England from Edmund to Henry I*, ed. by A. J. Robertson (Cambridge: Cambridge University Press, 1925), p. 195, II Cnut 35, late 1020s or early 1030s, stated that prison was expressly reserved for foreigners or those without friends to stand surety for them. It is likely that the 'prison' was not a purpose-built construction but refers to confinement within an existing dwelling. See also Peters, 'Prison before the Prison', in *The Oxford History of the Prison*, pp. 10, 15, 33, 35.

<sup>22</sup> Peters, 'Prison before the Prison', p. 6. Imprisonment was used for temporary custody, coercion (for debtors), torture and long, or lifetime confinement, 'Prison before the Prison', p. 8.

<sup>23</sup> Peters, 'Prison before the Prison', pp. 10, 15. According to Peters, there are few references to prisons in the early Hammurabi laws (1792-1750), but their literary sources reveal imprisonment used in cases of debt, theft and bribery and for rebellious slaves and foreign captives (p. 10). Hammurabi, the sixth king of Babylon (1795-1750BC) was one of the first rulers to have written laws, [www.fordham.edu](http://www.fordham.edu) (accessed 6<sup>th</sup> May 2010).

<sup>24</sup> In the 7<sup>th</sup> century King Ethelbert used fines of varying amounts as compensation for injuries, i.e. 50s for an eye, 6d for a toenail; in the 10<sup>th</sup> century more offences were punished by mutilation and death, while after the invasion in 1066 combat became the recognised method of trial, Hibbett, *The Roots of Evil*, pp. 3, 5, 7. No record of houses being destroyed as a punishment has been found, suggesting this practice had been abandoned by the medieval period.

some cultures a code of conduct had been implemented. In the fourth century, under the Emperor Constantine, there was concern that prisoners were being deprived of the minimum requirements to maintain physical well-being. These included not being manacled in irons that were fitted so tightly as to cut through to the bone, or being deprived of light, or tortured.<sup>25</sup> Further, according to Saint Augustine prisoners were to be provided with food at public expense and escorted to the baths by guards.<sup>26</sup> Of course, these measures may not have been purely altruistic; European courts released debtors who could not pay into their creditor's custody where they were made to work as a servant until the debt was cleared, therefore it would have been prudent to keep them in good health.<sup>27</sup> The philosophy of a very basic level of humanitarianism was also employed in medieval England. According to *The Mirror of Justices*, torment of a prisoner before judgement was forbidden and accordingly no-one was to be 'placed among vermin or putrefaction, or in any horrible or dangerous place, or in the water, or in the dark'.<sup>28</sup> The use of fetters, however, was permissible, presumably because it lessened the likelihood of escape and meant the warden could manage the prison, and his expenditure, by not requiring a large number of turnkeys.<sup>29</sup>

It is worth mentioning here that there appears to have been a distinction between the function of 'gaols' and 'prisons' in the medieval period that is still evident in the United States of America but which is no longer applied in England,

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<sup>25</sup> Peters, 'Prison before the Prison', in *The Oxford History of the Prison*, p. 20. Throughout the medieval period jurors investigating a prison death were expected to establish whether long imprisonment or torment was the cause and by whose hands, *The Mirror of Justices*, ed. by William Joseph Whittaker (London: Quaritch, 1895), pp. 30-31. The keeper was culpable if the prisoner's body was marked in any way, *Fleta*, vol. II, ed. by H. G. Richardson and G. O. Sayles (London: Quaritch, 1955), p. 68.

<sup>26</sup> Peters, 'Prison before the Prison', p. 20.

<sup>27</sup> Dunbabin, *Captivity and Imprisonment*, p. 77.

<sup>28</sup> *The Mirror of Justices*, II, p. 52.

<sup>29</sup> Fetters were not to weigh more than 12 ounces, *The Mirror of Justices*, II, p. 52.



where the terms have become interchangeable.<sup>30</sup> Of all the London prisons Newgate is regularly referred to as either ‘gaol’ or ‘prison’; for example, Newgate gaol/the gaol of Newgate, Newgate prison/the prison of Newgate. As gaol delivery sessions were held in its precincts it would seem likely that gaols were used to detain those awaiting trial and prisons were used post sentencing for punishment or while the detainee attempted to clear his debts, find mainpernors or the fee for his release; however, there is nothing to suggest that these were discrete areas within the building or that they were overseen by different officers.<sup>31</sup> This duality of purpose within the prison itself meant that the number of prisoners under the warden’s control would have varied from day to day and, although the prison populace may have increased between delivery sessions, some prisoners were granted bail while others were refused.<sup>32</sup> After the sessions the prison numbers would have continued to fluctuate, as the records indicate that many offences did not necessitate a prison sentence, while others only entailed a short incarceration. Even after committal a prisoner could procure early release by being granted a pardon, or by swearing an oath for future good behaviour and finding sureties for mainprise, or by payment of a fine.<sup>33</sup> Some offences, such as baking underweight bread, were dealt with purely by pecuniary punishment.<sup>34</sup> The

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<sup>30</sup> A commission of oyer and terminer entered on the patent roll against ‘the keepers of prisons and gaols in London and Middlesex’, *CPR, 1324-1327*, p. 347 (1327); ‘A gaol is nothing else than a common prison’, *The Mirror of Justices*, II, p. 52.

<sup>31</sup> On the 12<sup>th</sup> of July 1378 John Hawardyn was mainprised from Newgate prison, *CCR, 1377-1381*, p. 201. Conversely, the 1463 articles concerning prisoners refer to the gaol of Newgate (*LBL*, p. 43).

<sup>32</sup> TNA Chancery Proceedings Early, C1/144/51 (c.1486-1493 or 1504-1515) [hereafter TNA, C1&c]: William Krykhows was imprisoned in the Poultry compter without cause and without bail. This series is dated by the term of the named Chancellor of England. William de Sidmouth was bailed out of Newgate until the first assize after being accused of causing the death of John Goderyng, *CCR, 1323-1327*, p. 289 (1325). Most suspected homicides were bailed on the grounds that it was self-defence. Defendants could be denied bail if they could not find mainpernors, although there are cases where surety was offered but not accepted, for example John Hobyis was kept in the Marshalsea ‘despite offering sufficient surety’, TNA C1/80/91 (1486).

<sup>33</sup> The accused to find ‘twelve good and loyal men’ as sureties, Bracton, *De Legibus*, II, p. 297.

<sup>34</sup> Richard Lewlin fined 6s 8½d for making white bread deficient in weight, *LMA Journal* 3, f.113v (1442). John Barkeby fined 100s for various defects in his bread, *LMA Journal* 5, f.166 (1454). If a defendant committed the offence again the punishment was imprisonment, for example, John Grey acknowledged his second offence of underweight bread and was committed to prison, *LMA Journal* 3,

amount of a fine could be incremental depending on the nature of the wrongdoing; as when striking another person with a fist (half a mark) or drawing blood (20s).<sup>35</sup> Misdemeanours that showed contempt for authority required a harsher disincentive and attracted both a prison sentence and a fine which, while signifying a more severe punishment, may also suggest that imprisonment was utilised as a means of encouraging the prompt payment of a financial penalty.<sup>36</sup> If this was the intention it would show the system to be inequitable, since it depended on an individual's resources and ability to pay; there is, however, evidence to suggest that a defendant could be offered a choice of punishment and that the medieval judiciary could make allowances for individual circumstances.<sup>37</sup>

As has been shown, the governors of medieval London could impose a sentence of imprisonment for a variety of reasons, the most fundamental being that it was an immediate, and largely effective, way of forcing those who had violated the City's ordinances and rules to comply. In practice 'imprisonment' meant the confining of the body in any manner, which could entail being confined in the pillory or stocks and not merely incarceration in a building specified for that purpose.<sup>38</sup>

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f.18v (1439). See also Helen Carrel, 'Food, Drink and Public Order in the London *Liber Albus*', *Urban History*, 33, 2 (2006), pp. 176-195; Gwen Seabourne, 'Assize Matters: regulation of the price of bread in medieval London', *The Journal of Legal History*, 27 (2006), pp. 29-53; James Davis, 'Baking for the Common Good: a reassessment of the Assize of Bread in medieval England', *Economic History Review*, LVII, 3 (2004), pp. 465-502.

<sup>35</sup> *LBG*, p. 226 (1368-1369), p. 270 (1370). The system whereby fines increased in relation to the offence was also utilized in Europe, Dean, *Crime in Medieval Europe*, p. 131. There was an historical precedence for scales of fines, see n. 23 above.

<sup>36</sup> John Crokhulle, imprisoned in the Marshalsea for bringing 'certain apostolic bulls' into England, was released after paying a fine of half a mark to the king, *CCR, 1349-1354*, p. 443 (1352). Richard Chalkhill, a tailor, was committed to prison for ten days and ordered to pay the chamber 10s for his rebellion against the wardens of his mystery, *LMA Journal* 4, f. 92v (1445). Robert Coleyns was committed to Newgate and fined 40s for refusing to give a verdict when empanelled on a jury and contemptuously quitting the court, *LBL*, p.88 (1469).

<sup>37</sup> John de Hoghton, armourer, had attacked William de Farneberwe with a knife and was adjudged forty days imprisonment *or* to pay half a mark to the chamberlain [my emphasis]. He paid the money, *LBF*, p. 164 (1347). John Dedemore, accused of threatening John Torold and William Legge, was given the choice of finding mainpernors or being committed to Newgate, *CCR, 1374-1377*, p. 258 (1375).

<sup>38</sup> The pillory was a tall wooden structure that confined a standing person by the head and hands; the stocks were a low wooden frame whereby a person was held by their ankles in a seated position.

These devices were employed by both the civic authorities and the king to add public humiliation to the penalties they adjudged, and there is evidence to suggest that the pillory was considered a more severe punishment than a term of imprisonment.<sup>39</sup> In 1413, John Askwythe was charged with aiding the escape of a chaplain who had been accused of adultery, who then assaulted the sheriff William Sevenoke. Askwythe was sentenced to the pillory; and although the length of time he was meant to be exposed on this apparatus is not stated in the records, sentences usually ranged from one to three hours, singularly or over three market days. In this case the pillory was commuted in consideration of Askwythe's debility through old age, to a year and a day in Newgate.<sup>40</sup> Both sentences employed 'imprisonment' punitively, but it was obviously felt that Askwythe was too weak to withstand even a short incarceration in the pillory, publicly exposed to humiliation, ridicule and possible assault, but not so vulnerable that he would be unable to withstand the conditions in Newgate. There is nothing to indicate how the authorities differentiated between the pillory and the stocks when choosing a method of punishment, as both were used for offences involving deception; however, sentences of the stocks could have been of a longer duration, lasting anything from one hour to three days.<sup>41</sup> Like the pillory, stocks were used to imprison offenders in public spaces and were usually combined with a term of incarceration in a prison.<sup>42</sup> They were also used within prison buildings, thereby

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<sup>39</sup> Newgate prisoners to stand in the pillory, *LBG*, p. 261 (1370), *LBH*, p. 181 (1382); Fleet prisoners pilloried for one hour on market days, *CCR, 1389-1392*, p. 458, pp. 468-469 (1392).

<sup>40</sup> *LBI*, p. 118 (1413); *Memorials*, pp. 595-596.

<sup>41</sup> John Edward was put in the stocks for one hour for selling sacks of coal at short measure, *Memorials*, p. 408 (1377). *The Parliament Rolls of Medieval England*, ed. by C. Given-Wilson, P. Brand, A. Curry et al, Scholarly Digital Edition CD-ROM (2005), Henry VII (October 1495), 42 [hereafter PROME]: 'Vagabonds, idle and suspected persons...to be set in the stocks for three days and three nights with no sustenance other than bread and water...'. This ordinance was intended for the entire realm and was not specific to London.

<sup>42</sup> *Memorials*, pp. 430-432 (1379), p. 459 (1382); *Memorials*, pp. 622-624 (1415); *LBI*, p. 174, *Memorials*, pp. 645-646 (1417); *LMA, Journal 2*, f. 11 (1423); Nicholas Croke sent to Newgate and to 'do a spell' in the stocks for enticing virgins and apprentices to be concubines, *LMA Journal 4*, f. 134v

becoming a prison within a prison and causing even greater duress of imprisonment.<sup>43</sup> Consequently, there were a variety of ways a wrongdoer could be incarcerated, depending on the transgression. Through the autonomy granted by the king, it was the civic authorities' responsibility not only to determine the punishment but also to decide which misdemeanours constituted an offence.

The City's self-governance meant it had control over every aspect of living and working and could proclaim ordinances relating to commercial and safety issues including weights, measures and prices, quality of goods, the time and place for selling goods, and by whom, and the maintenance of public order.<sup>44</sup> These measures were intended to protect the rights of London citizens and the safety of its inhabitants, however, there was an element of self-interest in maintaining authority and public order, as ultimately it was the 'king's peace' that was threatened by wrongdoers and if there was cause for the king to be dissatisfied with the City's efforts he could rescind its right to self-government.<sup>45</sup> As a result, anybody found flouting the ordinances would be punished, albeit at the mayor and aldermen's' discretion; however, attacks on City officials, or even an assault in the proximity of a building associated with City governance, would be dealt with more harshly as they would have been seen as a more

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(1446); Adrian Nicholas manacled in the stocks for one hour before being taken to the compter, TNA C1/27/446 (c.1460-1465); LMA, Rep. 2, f. 38 (1508).

<sup>43</sup> John Walpole in stocks in Ludgate, *CPMR, 1381-1412*, pp. 158-159 (1388); Richard Thorne in stocks in the Marshalsea, *CCR, 1385-1389*, p. 575 (1389); George Restemore placed in stocks in the Tower, TNA C1/159/7 (c.1486-1493 or 1504-1515). It appears that some wardens used the stocks to cause further misery and torment.

<sup>44</sup> For example, no brewer or brewster to sell ale by false measure or measure to be burnt and the perpetrator to be imprisoned and fined, *LBF*, p. 245 (1352); No-one to sell any wine at more than 12d a gallon on pain of forfeiture and imprisonment, *LBG*, p. 311 (1373); butchers brought before the mayor, recorder, aldermen and sheriffs for having meat unfit for human food (sentences of the pillory, fines and imprisonment), *LBG*, pp. 332-333 (1374); No man, freeman or foreigner, shall go about by night, in the City or suburbs, after 9pm on pain of imprisonment (no alien after 8pm), *Memorials*, p. 534 (1393). See Caroline M. Barron, *London in the Later Middle Ages, Government and People, 1200-1500* (Oxford: Oxford University Press, 2004), pp. 56-59.

<sup>45</sup> *Statutes of the Realm*, I (1816), 28 Edward III c. 10, p. 346 (1354), 'If the mayor, sheriffs and aldermen do not address the errors, defaults and misprisions which be notoriously used in the City, a series of punishments will be initiated; 1<sup>st</sup> default 1000m, 2<sup>nd</sup> default 2000m, and at the 3<sup>rd</sup> the franchise and liberty of the City will be taken into the king's hand'.

particular indication of contempt for authority.<sup>46</sup> This is highlighted in a case of assault at the door of the Guildhall. The injured party was awarded 12*d* damages, which ordinarily would have settled the matter, however, in this instance the mayor and aldermen felt the pecuniary punishment was not enough and increased the fine to half a mark; they also imprisoned the perpetrator, not for the assault but for his contempt.<sup>47</sup> At the end of the thirteenth century most cases of assault between ordinary individuals were resolved through arbitration and culminated in payment of a fine as recompense, but in cases where the injured party was a City official the attacker would be imprisoned and fined.<sup>48</sup> This suggests that the victim's status was influential in determining the attacker's penalty and that blatant disregard for authority would result in a more severe punishment.

This distinction is apparent when comparing the penalties inflicted on William de Donstaple, Robert Corn and Robert Brabason. Donstaple assaulted Peter le Founder and, although committed to Newgate, was released on mainprise the next day.<sup>49</sup> Corn, with the aid of his servant Robert Holm, assaulted Thomas de St Albans, a sergeant of the chamber, which led to both master and servant being imprisoned in Newgate for a month before being mainprised on promises of future good behaviour, while Brabason was sentenced to a year and a day in Newgate because he *attempted* to assault John Lightfoot while he was in the mayor's custody.<sup>50</sup> Further, John Filiol's

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<sup>46</sup> Misdemeanours that constituted an offence, and the manner in which they were punished, will be dealt with more extensively in Chapter 5.

<sup>47</sup> *Calendar of Early Mayor's Court Rolls, 1298-1307*, ed. by A. H. Thomas (Cambridge: Cambridge University Press, 1924), p. 254 (1306) [hereafter *CEMCR*].

<sup>48</sup> *CEMCR*, pp. 83, 93, 94-5, 193, 201, 216, 219 & 253 (cases of assaults 1298-1306). The Journals indicate attempts were made to encourage settlement out of court and avoid imprisonment through arbitration: LMA Journal 1, ff. 8v, 15, 17, 17v; Journal 2, ff. 81v, 90v, 101v, 116v; Journal 3, ff. 164v, 169v, 172, 184v; Journal 4, f. 62v; Journal 6, f. 9v.

<sup>49</sup> *CPMR, 1323-1364*, p. 114 (1339).

<sup>50</sup> *CPMR, 1323-1364*, p. 277 (1364); *LBG*, p. 311 (1373) [my emphasis]. Also Katherine de Ordyngham, a huckster, who in 1365 was imprisoned for drawing blood from the constable of Dowgate ward (an offence which had it not involved a civic officer would have resulted in a pecuniary punishment), *CPMR, 1364-1381*, p. 39 (1365); Walter Cliftone was committed to Newgate for '40 days

sentence of imprisonment for a year for reviling a civic officer was made even more punitive through his being incarcerated in a particular place in Newgate known as ‘bocardo’, a name with negative connotations suggestive of a strong room with no means of escape.<sup>51</sup> It is therefore not surprising that the man he had berated was the mayor.<sup>52</sup> Given the ubiquitous need to maintain law and order and encourage respect for authority, it was important to develop a healthy respect for authority in the young people being trained to work in the City. Accordingly, servants and apprentices who were disobedient, or who abused their masters, were punished by imprisonment.<sup>53</sup> There are many instances of apprentices and servants, both male and female, leaving before the term agreed in their indenture.<sup>54</sup> John Boys, an apprentice pie baker, was apprenticed for ten years but ran away, possibly because he was home sick or was daunted by the length of his apprenticeship.<sup>55</sup> In such circumstances the absconder was arrested and sent briefly to prison, which when specified was usually Newgate, to be later mainprised. Surety was presumably given by their masters who, by being instrumental in their release, were in effect purchasing future good behaviour. The use of imprisonment to enforce authority in these cases seems to suggest that the

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without redemption’ and fined 40s for his contempt after verbally and physically assaulting John Hayne, constable of Bread Street ward, *Memorials*, p. 522 (1390).

<sup>51</sup> *CPMR*, 1381-1412, p. 28, n. 4; *LBH*, pp. 203-204; *Memorials*, pp. 473-474: ‘bocardo’, an argument in logic from which one could not escape. This suggestion for the reasoning behind the name of this area of the prison would suggest some inmates had more than a passing knowledge of the science of logic.

<sup>52</sup> *LBH*, pp.203-204; *CPMR*, 1381-1412, p. 36; *Memorials*, pp. 473-474 (1382). His sentence was remitted to a month through the petitioning of his friends who put up £100 surety for his future good behaviour.

<sup>53</sup> Imprisonment was also the punishment for those who rebelled against the masters of their mystery. See *CPMR*, 1364-1381, p. 16 (1365), William de Kyrkely, tailor, p. 19 (1365), James Farman, skinner; *LMA Journal* 4, f. 92v (1445), Richard Chalkhill, tailor. Equally, masters could be imprisoned for flouting ordinances, as in the case of John de Valenciens who took an apprentice contrary to the City customs, *LBG*, p. 98 [no date given].

<sup>54</sup> *CCR*, 1377-1381, p. 208 (1378): John Derewent, pp. 325 (1379): Thomas Padiham, p. 470 (1380); Thomas Erlot; *CCR*, 1381-1385, p. 284 (1383): Margaret Harwelle; *CCR*, 1392-1396, p. 331 (1395): Maud atte Dene. It is likely Harwelle and atte Dene were servants rather than apprentices. For more on apprentices see Stephanie Hovland, ‘Apprenticeship in Later Medieval London, c.1300-1530’, unpublished PhD thesis (Royal Holloway, University of London, 2006).

<sup>55</sup> *CPMR*, 1364-1381, p. 220 (1376).

punishment was intended to draw the offender's attention to the fact that while they may have felt constrained by the terms of their indenture there were worse confinements. Similarly, apprentices who behaved contrary to the terms of their indentures would be punished by imprisonment. In 1385 John Colman, an apprentice vintner, was attached for abusing the trust placed in his position by breaking into a box containing money. He was committed to Ludgate where he became 'so sick his life was despaired of'; yet even with his master's advocacy bail was not granted.<sup>56</sup> It seems likely that Colman's incarceration was intended to not only punish his misdemeanour, but for his situation to be a warning to other apprentices against insubordination. In this way imprisonment could be used as a deterrent.

The ruling elite clearly intended the punishment of misdemeanours to elicit in others a fear of breaking the rules, for in 1298 the king ordered the mayor and sheriffs to use corporal punishments in order to deter prospective offenders.<sup>57</sup> The preference for other punishments rather than imprisonment most likely stemmed from the idea that witnesses to a malefactor's suffering would be thus deterred from committing an offence themselves. In Plato's *Gorgias* Socrates tells Callicles that punishment is not only used to 'better or benefit' the offender but also in order that he 'become an example to the rest, so that when others see him undergoing whatever he undergoes, they will be afraid and become better'.<sup>58</sup> Accordingly, public punishments, in the form of the pillory, stocks and the hurdle, were employed to maximise the visual impact of the offender's punishment and were preferred in cases where the perpetrator had attempted to deceive or defraud the commonalty. Imprisonment might have been considered a more private punishment, being away from the public eye and less open to scrutiny, but prisons were not closed institutions and were frequently visited by

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<sup>56</sup> *CPMR, 1381-1412*, pp. 89-90 (1385).

<sup>57</sup> *Memorials*, pp. 36-37.

<sup>58</sup> Plato, *Gorgias*, trans. by Irwin, pp. 104-5 (525 b-c).

prisoners' friends, families and advocates as well as those appointed to oversee prison conditions.<sup>59</sup> These people would report what they found to the authorities, or to others of their acquaintance, so that by word of mouth the impact of imprisonment on an individual, and their families, might discourage others from wrongdoing. Equally, punishments, or torments, inflicted on prisoners might be witnessed by those awaiting trial or incarcerated for a first offence, who would be deterred from re-offending. As Socrates states in *Gorgias*, those suffering the ultimate punishment [capital] are beyond gaining any benefit but through their example they are 'spectacles and reproofs for the unjust arriving at any time'.<sup>60</sup> Although in the medieval period it was usual for an execution to be physically outside the bounds of the prison and therefore not witnessed by other prisoners, the status of the condemned would have been known within the walls and the fear of suffering a similar fate may have served to deter re-offending in those incarcerated for lesser offences. The most effective use of imprisonment, however, for it incorporated redemption for the offence, was a deterrent to wrongdoing and had the potential for reformation, would have been the confining of a body in the pillory or stocks in a busy thoroughfare.

The witnesses to publicly inflicted punishments became participants in the shame and humiliation of the miscreant, whether they were a stranger to them or worse a friend, relative or acquaintance, where they might be tainted through association to the detriment of their business or reputation, making it an experience they would no doubt wish to personally avoid. By combining a sentence of the pillory or stocks with a term of imprisonment, the mayor and aldermen could expose the

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<sup>59</sup> Peters, 'Prison before the Prison', p. 20; Matthew 25:36; *LBH*, p. 185 (1382). For instances of named prison visitors, usually four reputable men who were clerics and aldermen, see LMA Rep. 1, f.3b (1496), f.44b (1499), f.73b (1500?), Rep. 2, f.1 (1506), f.35 (1508), f.56b (1509), f.120 (1511), f.178b (1514).

<sup>60</sup> Plato, *Gorgias*, trans. by Irwin, pp. 104-5 (525 b-c). This also helps to explain the practice in the medieval and Tudor periods of displaying heads and body parts at strategic thoroughfares in towns and cities.



offence and publicize the offender as an example to others while satisfying the need to punish challenges to their authority.<sup>61</sup> Thomas Derlyng, sergeant to Walter Cottone, sheriff, suffered this combined punishment when he was condemned to imprisonment in Newgate and the pillory after slandering John Penne, alderman. His sentence was upheld as ‘a pernicious example...for other false lies against City officials’ and he was not to hold a public office again.<sup>62</sup> Although more common in the sixteenth century there were incidences in the medieval period where those who did not conform to the prevailing religious beliefs were made an example to others by being publicly burnt. This was the fate of John Badby, who, after being condemned as a heretic by the archbishop of Canterbury in 1410, was incarcerated in Newgate prior to being taken to ‘some open place within the City...and committed to the fire *as an example to other Christians*’.<sup>63</sup> It would appear that while the authorities may have preferred to adjudge punishments other than imprisonment they were also actively working towards discouraging aberrant behaviour, thereby reducing the occurrence of wrongdoing and the need to castigate the offender. Equally, it would have been counter-productive for the authorities to be seen as overly oppressive in enforcing their regulations as this could have led to riots and disorder, therefore it was within their power to be munificent and they were able to commute sentences at their discretion.

Although harsh penalties were often pronounced they were not necessarily inflicted. The teachings of the Christian faith were inherent in medieval society;

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<sup>61</sup> See pp. 19-20 above for examples of this principle being applied in the punishment of harlots.

<sup>62</sup> *LBI*, p. 106, *Memorials*, p. 586 (1412). John Roos was imprisoned in Newgate for conspiring to forge a bond for a false debt and then pilloried ‘to deter other forgers’, *LBH*, p. 67. In Italy the authorities used execution as the ultimate example and deterrent, Dean, *Crime in Medieval Europe*, p. 126; Chambers and Dean, *Clean Hands and Rough Justice*, pp. 29, 79.

<sup>63</sup> *CCR, 1409-1413*, p. 30 [my emphasis]. James Johnson was accused of supporting a heretic lately burnt and wished to die in the same manner. It had been rumoured that the ‘heretic was seen in the form of a priest’ before he died, *LMA Journal* 3, f. 50 (1440).

therefore the civic authorities were duty-bound to show forgiveness. Nevertheless, merciful intervention could be an invaluable way of making a miscreant respect their benevolent masters, see the error of their ways and refrain from re-offending.<sup>64</sup> In cases where the original sentence was later commuted it seems to have been usual practice for prison sentences to be replaced with fines, and exposure in the pillory or stocks to be replaced with either a term of imprisonment or a pecuniary punishment.<sup>65</sup> It was accepted custom that anyone striking an alderman should lose the offending hand, but the surviving records suggest this sentence was rarely inflicted as the wronged alderman invariably interceded to have the amputation remitted.<sup>66</sup> In 1387 William Hughlot, did not lose his hand after striking Alderman John Rote. Hughlot may have had issues with authority, as he also assaulted a constable and abused the court, but despite his actions those aggrieved were lenient in their treatment of him, remitting a further sentence of the pillory to an act of penance.<sup>67</sup> The authorities may have hoped that by showing Hughlot compassion his grievances would be appeased and he would feel indebted to them for their clemency and thereby be less inclined to future rebelliousness, as it was highly unlikely that leniency would be shown to a re-offender. Similarly, the remittal of a prison sentence after a short incarceration,

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<sup>64</sup> Although punishments were inflicted as a deterrent, and could be retributive, there is no evidence to suggest they were intended to reform miscreants in the medieval period; however, the use of the *thewe*, in Middle English a verb meaning to instruct in morals or manners, to discipline or chastise, may have implied a moral application, [www.oed.com](http://www.oed.com) [accessed 13/08/2007]. See also Christopher Harding et al, *Imprisonment in England and Wales: a concise history* (Beckenham: Croom Helm, 1985), p. 16.

<sup>65</sup> Thomas de Albertis was adjudged to the pillory on three market days for swindling, which was commuted to a £20 fine, *Memorials*, pp. 622-624 (1415); Richard Chamber was initially sent to prison for mixing good and bad grain in his baking, but this was changed to a fine of 6s 8d after petition of the masters of his mistery, LMA, Journal 2, f. 128 (1428).

<sup>66</sup> *CEMCR*, p. 6; *CPMR, 1413-1437*, pp. xxviii-xxx. In 1293 the king's justices ordered the amputation of the right hands of three men but the records do not indicate whether this was carried out, *Chronicles of the Reigns of Edward I and Edward II*, 2 vols, ed. by William Stubbs (London: Longman, 1882), II, p. 102; Stow records that in 1461 John Davy had his hand cut off for striking a man before the justices at Westminster, John Stow, *A Survey of London*, 2 vols, intro. by C. L. Kingsford (Oxford: Clarendon Press, 1908), I, p. 265.

<sup>67</sup> *LBH*, p. 295; *Memorials*, pp. 490-494. In fifteenth century Mantua a prisoner avoided having his hand amputated after slashing an image of the Virgin Mary, Chambers and Dean, *Clean Hands and Rough Justice*, p. 74.

during which the wrongdoer had time to experience the conditions within a prison and the loss of their liberty, may have been intended as a caution against re-offending.<sup>68</sup> In a case that suggests an Englishman's house was not really his castle, John Basse was sentenced to a year's imprisonment for stopping the progress of a procession which should have passed through his house. This was later remitted to a £15 fine and it is likely that his experience meant that the following year the procession went unchallenged through his residence.<sup>69</sup> The mayor and aldermen were also at liberty to replace a sentence of imprisonment with an act of penance, which usually involved the offender walking with head bared, and sometimes with bare feet, from the prison carrying a lighted candle which would then be presented at the Guildhall.<sup>70</sup> This quasi-religious act of public humiliation as a reparation for guilt served to sanction the right of the civic authorities to punish those who had offended against the commonalty.<sup>71</sup> In their struggle to maintain order on the streets of the City, the authorities could also utilise imprisonment as a preventative measure against potential disturbances of the peace.

The power of the City's governors extended to their being able to detain anyone whom they merely suspected might be guilty or who might cause them trouble.<sup>72</sup> In 1282 the mayor, Henry Waleys, had a building erected in Cornhill for the specific purpose of temporarily removing from the streets miscreants who threatened

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<sup>68</sup> See Chapter 3 for more on prison conditions.

<sup>69</sup> *Memorials*, pp. 509-510 (1389). John Creek, who assisted Basse was sentenced to six months imprisonment that was commuted to a fine of 100s.

<sup>70</sup> Robert Staffertone's sentence of 40 days in Newgate for refusing to attend the alderman was remitted to penance, *LBH*, p. 323, *Memorials*, pp. 500-502 (1388); Richard Bole was committed to Newgate for six months for overpricing meat and insulting an alderman but this was later remitted to penance, *LBH*, p. 326, *Memorials*, pp. 502-503 (1388).

<sup>71</sup> John Drakys had a sentence of the pillory and a year in Newgate remitted at the request of Thomas Canyng, the alderman he had insulted. Instead he was led from Newgate to the church of St Katherine Christchurch where he had to beg the alderman's pardon. Drakys then had to provide a bond of £40 that he would not speak ill of any officer in the future, *LMA Journal* 4, f. 143v (1446).

<sup>72</sup> A sentence of imprisonment adjudged for serious crime or *suspicion of guilt* [my emphasis], *CPR*, 1216-1225, p. 186 (1219). In 1298 the king granted the mayor and aldermen greater punitive power, 'according to their discretion', *CPMR*, 1323-1364, p. xvi.

the peace or were suspicious characters.<sup>73</sup> This was the Tun (so named because of its barrel-like shape) where many of those taken and held were ‘nightwalkers’, men and women who had been found wandering about the City after curfew.<sup>74</sup> There seems to have been no distinction between the sexes, although while men were suspected of looking for trouble, women on the streets after curfew were assumed to be morally suspicious.<sup>75</sup> Margaret de Honyngdone’s reputation led to her being attached in Bread Street ward and put in the Tun because she had returned to that area after being ‘driven out’ for harbouring men of bad repute and being a common strumpet.<sup>76</sup> The wording implies the residents of the ward had banished her, not the authorities, so at the time of her attachment Honyngdone may not have flouted any particular ordinance that would have justified sending her to Newgate. Rather than just sending her on her way, however, incarceration in the Tun was used as a means of preventing her returning to her previous activities. This indicates that imprisonment could be used as a preventative measure, which is further suggested by the case of John de Hereford and John de Gloucester who were committed to Newgate ‘to prevent them doing

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<sup>73</sup> *The Great Chronicle of London*, ed. by A. H. Thomas (London: Jones, 1938), p. 17; Stow, *A Survey of London*, p. 1; Arthur Griffiths, *The Chronicles of Newgate*, vol. I (London: Chapman and Hall, 1884), p. 34. The *Great Chronicle* states the Tun was built in 1286, while Stow records it as 1282. An entry in *Letter Book B* for January 1297 calls for the ‘recently established’ Tun to be abolished, which only serves to show that in the medieval psyche a period of ten to fifteen years was considered ‘recent’ (*LBB*, p. 244). It obviously was not closed down, as a year later Strago the street sweeper was put in the Tun at the mayor’s discretion for saying the aldermen wasted money meant for orphans. Although such slander would normally have meant imprisonment and a fine it may be that the mayor used his discretion not to fine the sweeper and only temporarily impound him as the confinement should have been sufficient to induce more submissive behaviour in the offender (*Memorials*, pp. 40-41).

<sup>74</sup> *Statutes of the Realm*, I, *Statuta Civitatis Londoniensis*, 13 Edward 1 (1284-1285): None but men of repute, or their messengers with warrant, to walk the streets after curfew. *LBG*, p. 150 (1362); *CCR*, 1360-1364, pp. 533-4 (1363); *LBG*, p. 270 (1370): Repeated ordinances against people walking the streets at night. In 1393 the time of curfew was specified as 8pm for aliens and 9pm for freemen and foreigners (*Memorials*, p. 534).

<sup>75</sup> Emma Wiredrawer and John de Sloghtre, chaplain, were both put in the Tun for nightwalking. Although Emma was held for three days, presumably as punishment for disobeying the ordinances and while the cause of her wandering was established and justified to the authorities, de Sloghtre was moved to Newgate as he had been armed when arrested, *Memorials*, p. 140 (1320). It is uncertain whether Wiredrawer was actually held in the Tun for three days, which would have been unusual as in most cases the Tun seems to have been used as an overnight lock-up, or whether she was moved to another prison.

<sup>76</sup> *Memorials*, p. 89. By proclamation any inhabitant of the city, being of good character and estate, could arrest rioters and wrongdoers, *LBI*, p. 35.

mischief'.<sup>77</sup> Such was the fear of a serious breach of the peace that the authorities clearly felt the need to impose precautionary ordinances; as a result the threat of imprisonment was used to deter the playing of games, as a gathering of men under the premise of sport was seen as a potential means of arranging or concealing unlawful activities.<sup>78</sup> While incarceration could thus be used to discourage hotheadedness, it appears it might also have been used to provide a 'cooling off' period after an assault.<sup>79</sup> This is supported by the same day release of men imprisoned after an affray because either the parties came to an agreement or the injured party later refused to prosecute.<sup>80</sup> Consequently, incarceration was an effective means of removing both offenders and suspects from the streets of London. The evidence suggests, however, that some officers may have exceeded their authority to apprehend, either for personal reasons or for gain, and that imprisonment was used for coercion by both City officers and other Londoners.

There is no doubt that the officers of the City who arrested wrongdoers were at risk of being accused of abusing their power by the people they had apprehended. These allegations may have been made by defendants in a desperate attempt to clear themselves, but repeated complaints against these officials, for example the petition by John Cavendish against the 'oppressions and extortions' of officials in the sheriffs' courts, compters and in Newgate and Ludgate, suggests that sometimes the

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<sup>77</sup> *CPMR, 1323-1364*, p. 168 (1338). In Florence parents could have their young, wayward sons incarcerated in an effort to improve their behaviour, see Halina Manikowska, 'The Florentine Communal Prison – *Le Stinche* – in the Fourteenth Century', *Acta Poloniae Historica*, LXXI (1995), pp. 133-160, p. 136.

<sup>78</sup> *LBG*, p. 274 (c.1370-1371); *CPMR, 1364-1381*, p. 152 (1373).

<sup>79</sup> Ralph Holland was imprisoned until he could find sureties for his keeping the peace after using threatening behaviour while objecting to the arrangements for the mayoral elections, *LBK*, p. 55 (1426). For more on Holland and the dispute between the tailors and drapers in the 1440s, see C. M. Barron, 'Ralph Holland and the London Radicals, 1438-1444', in *The English Medieval Town: a reader in English Urban History, 1200-1540* (London and New York: Longman, 1990), pp. 160-183.

<sup>80</sup> *CPMR, 1323-1364*, pp. 109-110 (1339); *CPMR, 1364-1381*, p. 19 (1365).

accusations were genuine complaints.<sup>81</sup> Henry Whitfeld, one of the sheriffs' sergeants, was dismissed from office for arresting a man in the mayor's name when he was not sanctioned to do so, and Miles Adys, a clerk of Bread Street comptroller, was fined for imprisoning a woman who challenged him for unlawfully entering her house.<sup>82</sup> Richard Penreth, a sergeant of the City, enticed Humphrey Froman, a poor baker working to free himself from debt, into leaving the protection of St Katherine's hospital on the promise of wheat for sale at a cheap price.<sup>83</sup> It is probable that Froman should have been in prison for his debt, but had taken sanctuary in St Katherine's in order to keep baking and clear the money he owed. Nevertheless, Penreth, by luring him out and then arresting him, was clearly abusing his position through the use of enticement and excessive force in apprehending Froman and in violating the franchise and liberty granted to St Katherine's. In this case it would appear that Penreth was being too enthusiastic in performing his duties as there would have been nothing to be gained financially from a poor baker. There are cases that suggest arresting officers did commit men to prison in order to extort money from them; however, many of these examples are found in Chancery petitions, which are formulaic and were written to serve another agenda, that of gaining release through the chancellor's advocacy, which unfortunately casts their verisimilitude into question.<sup>84</sup> An Oxford student, Master William Umfrey, was arrested by Robert Dulling, a keeper of the Marshalsea, for walking in Southwark between the hours of 20.00 and 21.00. As this was after

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<sup>81</sup> *LBH*, p. 112 (1378), p. 199 (1382); TNA, SC8/22/1093; PROME, Appendix 18 (i) (1402).

<sup>82</sup> LMA, Journal 3, f. 179 (1442); TNA, C1/67/171 (c.1475-1480 or 1483-1485).

<sup>83</sup> TNA, C1/200/23 (c.1493-1500). St Katherine's, along with St Bartholomew's, St Martin le Grand, Westminster Abbey and parish churches, were designated places of sanctuary, Barron, *London in the Later Middle Ages*, p. 35.

<sup>84</sup> Timothy S. Haslett, 'The Medieval English Court of Chancery', *Law and History Review*, vol. XIV, 2 (1996), pp. 245-313. Haslett states that Chancery was a 'court of conscience', the appeals 'full of distress and the use of invention of disputes as offensive to conscience' (pp. 252, 276). See also Haslett, 'The Presentation of Cases in Medieval Chancery bills', in W. M. Gordon and T. D. Fergus, eds., *Legal History in the Making: Proceedings of the Ninth Legal History Conference, Glasgow 1989* (London: Hambledon, 1991), pp. 11-28.

curfew his detention would have been warranted; however, Umfrey alleged that Dulling would only grant him bail if he bound himself to the keeper in £100 and promised not to trouble him because of the arrest.<sup>85</sup> If this allegation was genuine it would indicate a serious violation of Dulling's position. It is possible that the keeper's extortionate demands may have been an attempt to take advantage of an Oxford student's unfamiliarity with London ordinances.

Strangers to the city were particularly susceptible to coercive attempts of embezzlement by both officers of the prisons and devious individuals, who hoped to gain from their ignorance of the law.<sup>86</sup> Thomas Grene and Tylman Dyke had Frank Van Derborough, a merchant of Cologne, arrested into the Tower and his friends barred from visiting because they hoped to extort money from him.<sup>87</sup> In a similar situation, Godfrey Hose, a Dutchman, was incarcerated by Hugh Emery, a porter of the Tower, who would only release him on payment of 40s. After being released, Hose, perhaps suspicious of the porter, related his experience to friends who presumably pointed out the illegality of the fee. Hose then challenged the porter, who arrested him again, kept him in irons and would not allow any conference with his friends. These actions, which would have seriously jeopardised his post if challenged in court and possibly resulted in his own imprisonment, were most likely made through panic in an effort to force Hose into submission and belatedly to safeguard his

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<sup>85</sup> TNA, C1/66/217 (c.1475-1480 or 1483-1485). William Umfrey is listed in A. B. Emden, *A Biographical Register of the University of Oxford to A.D.1500*, vol. III (Oxford: Clarendon Press, 1959), p. 1930. See C. T. Martin, 'Some Chancery Proceedings of the Fifteenth Century', *Archaeologia*, lix (1904), 1-24, pp. 4-5.

<sup>86</sup> In order to extort money from Humphrey Gentile, a merchant of Lucca, Nicholas Russell enticed him into his house and violently threatened him into agreeing to an obligation. Russell then had him arrested for debt, TNA, C1/48/518 (c.1473-1475). The enticement of men out of the city and into the liberty of the Tower, or over to Southwark, to be arrested suggests that the plaintiffs were exploiting the fact that these areas were out of the civic authorities jurisdiction, TNA, C1/46/291 (1433-1443 or 1467-1472); C1/64/873 (c.1475-1480 or 1483-1485).

<sup>87</sup> TNA, C1/46/364 (c.1467-1472).

position.<sup>88</sup> Here a short offensive imprisonment intended to coerce and abuse a stranger became further misused as a defensive manoeuvre. It seems that Thomas Tusolde unwittingly became a pawn in an ongoing dispute between Thomas Wyngfelde, the marshal of the Marshalsea, and his new master, Gilbert Debenham.<sup>89</sup> Tusolde claimed Wyngfelde contrived to get him arrested for trespass and then, when this accusation looked like it would fail, brought charges of felony and treason.<sup>90</sup> Legal officers were not the only men who brought repeated suits: many appeals to the Chancellor charged individuals with this accusation, but in this instance it seems that Wyngfelde may have abused his power in order to inconvenience Debenham. The accusations against John Percyvale, sheriff and alderman of Vintry ward 1486-1487, might be indicative of a citizen's zeal in bringing a thief to justice; however, the extreme nature of the allegation suggests the action may have stemmed from some personal animosity between the parties. Percyvale accused Robert Aubrey, a grocer, of stealing £100 worth of goods. Aubrey claimed Percyvale then dragged him to the ground by his hair and told him to confess or be taken to Newgate. Presumably a confession was not forthcoming, as Aubrey was then imprisoned in the Poultry compter, presumably the compter under Percyvale's jurisdiction, and was not released despite two 'worshipful' men both offering £100 as surety. At this point the law should have been satisfied and Aubrey freed until the case came to court, but Percyvale continued in his persecution by holding Aubrey and compelling his servants and apprentices to 'swear upon a boke' that they would never provide surety for their master, or serve him.<sup>91</sup> This alleged conduct was beyond the remit of his office and

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<sup>88</sup> TNA C1/64/1039 (c.1475-1480 or 1483-1485).

<sup>89</sup> Servants and apprentices were often exploited in their masters' disputes. In a particularly disturbing case to a modern reader Johanne Style, a child of seven years, was imprisoned for eight days because Thomas Waferer bore her mistress 'malice and evil will', TNA, C1/46/64 (c.1433-1443 or 1467-1472).

<sup>90</sup> TNA C1/74/14 (1460s).

<sup>91</sup> TNA C1/83/45 (c.1486-7).



the defendant was legally justified in asking for a subpoena to make Percyvale answer for his behaviour.<sup>92</sup>

What these cases fail to indicate is the length of time between arrest and appeal. The evidence from two petitions suggests an appeal could take a considerable time to be processed, but whether these examples were unusual or whether the defendants were victims of their plaintiff's malice, as in the cases detailed above, cannot be determined. William Ore appealed to the Prince of Wales and the mayor, recorder and sheriffs to be told the reason for his imprisonment. He had been in Newgate for 'four years or more' after being arrested by Adam [Fernham], the keeper of that gaol, but it is unclear whether this was his first petition or just the latest in a series of appeals that had not been answered.<sup>93</sup> His particular grievance was that his arrest had been made 'without warrant'. This was a claim of 'errors in record and process', which usually resulted in the defendant being released while the allegation was investigated.<sup>94</sup> Similarly, John de Mundon had been in Newgate for five years after the sheriff, John Wroth complained against him in 1352. Mundon's petition also claimed there were errors in the record and process of his committal; unfortunately, his petition was not successful as the justice's endorsement stated that he would have to reapply as he had not appealed in the correct manner.<sup>95</sup> From other appeals in the court of Chancery it is evident that, against law and justice, some plaintiffs may have used their influence and acquaintance with officials to keep a defendant in custody or to refuse bail, thereby increasing their suffering, perverting the course of justice and

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<sup>92</sup> Although the outcome of this case is unknown, other evidence indicates that officers with indictments against them could still be promoted, and Percyvale was elected mayor in 1498. See Christine Winter, 'The Portsoken Presentments: an analysis of a London ward in the fifteenth century', *Transactions of the London and Middlesex Archaeological Society*, 56 (2005), 97-163, p. 101; Barron, *London in the Later Middle Ages*, pp. 347-348.

<sup>93</sup> TNA SC8/333/E1005, SC8/333/E997 (both c.1375-1376).

<sup>94</sup> Thomas Leycestre, imprisoned in Newgate for debt, was released while his claim of errors in the rendering of judgement against him was considered, *CCR, 1381-1385*, p. 239.

<sup>95</sup> TNA SC8/61/3046 (1357).

making custody a punitive imprisonment.<sup>96</sup> This was the claim of two prisoners in the Marshalsea, John Hill and Robert Michell; the former alleged he was detained through the ‘great favour and acquaintance’ his accuser had with the court, the latter because the marshal owed his plaintiff a favour.<sup>97</sup> Through these examples of abuse of authority, process and social connections it is apparent that imprisonment could be exploited by unprincipled individuals to advance their own agendas through coercion.

This is further supported by the gamut of surviving appeals in Chancery by people claiming they were wrongfully incarcerated through counter actions, retaliation and even without cause.<sup>98</sup> This manipulation of the legal system indicates that medieval society must have had a working knowledge of the process of law, and either felt confident that their actions would not rebound against them, perhaps because of their association with those in authority, or that the torment of an adversary was worth the risk of their being found guilty of false charges.<sup>99</sup> Most commonly in cases of debt, counter-actions were taken by debtors to imprison their creditors thereby delaying, or even preventing, their own prosecution through their plaintiff’s inability to press their suit. This was the situation Joan Hastings found herself in after she lent money to Richard Oxbrigge, for when she asked him to repay some of what he owed he had her committed to the Marshalsea on a counter-action of debt.<sup>100</sup> The defensive response of a counter claim did not necessarily involve a charge of the same

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<sup>96</sup> TNA C1/64/189 (c.1475-1480 or 1483-1485), Richard Danyell v. William Hall. Because of Danyell’s ‘great acquaintance and favour with the officers of the Marshalsea, Hall anticipated being condemned there.

<sup>97</sup> TNA C1/60/232, C1/64/642 (both c.1475-1485).

<sup>98</sup> Petitions were commonly made to the Chancellor by those who required bail, see Penny Tucker, *Law Courts and Lawyers in the City of London, 1300-1550* (Cambridge: Cambridge University Press, 2007), pp. 161-162.

<sup>99</sup> Harry Clough clearly intended to keep John Obyn in prison by any means, as he not only took out actions against him in his own name, he also got other people of his acquaintance to take actions against him, TNA, C1/78/12 (1485-1486). *Statutes of the Realm*, II, 4 Henry VII c. 20, p. 543: ‘anyone condemned of collusion and coven in bringing or delaying actions to be imprisoned for two years’.

<sup>100</sup> TNA, C1/64/942 (c.1475-1480 or 1483-1485). John Tybold, a priest, had been held in the Marshalsea for ‘two years and more’ by William Lewen, who owed him six marks, TNA C1/64/1054 (c.1475-1480 or 1483-1485); John Maunch, was imprisoned in the Marshalsea after a counter-suit was taken by his debtor in an effort to make him drop his action, TNA C1/19/244 (c.1452-1454).

offence; John Frounte took an action of debt against John Peres, who took the opportunity to have Frounte arrested on a charge of trespass when he came to London to proceed with his suit.<sup>101</sup> In a few cases imprisonment appears to have been inflicted as revenge or retaliation, as in the appeal by Alice Strekelond, who claimed she had been imprisoned twice, despite gaining surety, because she had refused Edward Malery's advances.<sup>102</sup> Although Alice may have been protecting her honour in refusing him, through his malice her imprisonment meant her reputation was defamed, which may have been Malery's intention.<sup>103</sup> Many of the Chancery appeals describe proceedings that are clearly retaliatory, as is evident in cases where men assisting in an arrest were later committed to prison on charges made by the person they had taken into custody. Evidently those taking a counter-action were not concerned with the repercussions of indicting a City officer, as constables and clerks of the compters were targeted as well as the men who had assisted them.<sup>104</sup> Imprisonment, therefore, was not only used by the authorities to encourage obedience and deter wrongdoing, it could also be used against them by the people they were trying to bring to justice; however, the person taking such an action must either have been extremely confident that the counter-action was legally justified, or desperate.

It appears that imprisonment could be employed by unscrupulous individuals who were determined to coerce another into acquiescence. Of 291 appeals in

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<sup>101</sup> TNA, C1/63/157 (c.1480-1483).

<sup>102</sup> TNA, C1/32/149 (c.1465-1471 or 1480-1483).

<sup>103</sup> See also TNA, C1/241/51 (c.1500-1501). In this appeal Marion Hoggekyn stated she had been put 'in evil name and fame' through being arrested without cause, to her undoing and that of her husband.

<sup>104</sup> Baldewyn Andrewe, cooper, while assisting a constable in an arrest was assaulted and then arrested on a counter-charge of trespass by the man they were taking into custody, TNA, C1/70/27 (c.1386-1486); John Merlawe, constable of the franchise of the Savoy, arrested into the Marshalsea by acquaintances of the man he had committed to the Fleet, C1/74/785 (1475-1480 or 1483-1485); Laurence Teymonson, girdler, arrested into the Marshalsea after assisting in detaining a sanctuaryman, C1/46/241 (c.1433-1443 or 1467-1472); John Chapman, clerk of the secondary, Bread Street compters, arrested into his own compters after preventing an escape while escorting a prisoner to court, C1/64/564 (c.1475-1480 or 1483-1485); John Knight, chaplain, arrested into the Marshalsea after assisting in a search for an alleged witch, C1/66/296 (c.1475-1480 or 1483-1485).

Chancery where the prison was actually named, forty six, almost 16%, suggested they had been arrested in order to compel them to agree terms with their accuser. Of the 291, twenty five, approximately 9%, clearly stated they had been arrested to force their compliance in some unresolved matter, where their capitulation would be to the plaintiff's advantage. Such was the case of John Pratt who had been arrested on a charge of trespass by Richard Leder, who Pratt alleged was after a parcel of land belonging to him, or John Maunch who was arrested and 'grievously fettered' in order to make him drop an action of debt against John Pury.<sup>105</sup> Perhaps surprisingly, only 6% of the 291 petitions were made by those who may have been perceived as vulnerable - apprentices and servants, wives and widows. It is apparent that some masters used imprisonment to coerce their apprentices or servants into prolonging their service or to prevent actions being taken against cruelty in their households.<sup>106</sup> Apprentices could also be abused by people intent on defaming and imprisoning their masters through false accusation.<sup>107</sup> They might also be perceived as competition and, on completion of their agreement, be imprisoned to prevent them setting up independently, as in the case of John Heblethorn who had been incarcerated by his late master's widow.<sup>108</sup> As substantial land owners widows were evidently susceptible to unlawful attempts to wrest away their property. Julian Herberd claimed to have been wrongly incarcerated in at least five different prisons by William Paston,

<sup>105</sup> TNA C1/41/317 (c. 1467-1472); C1/19/244 (c. 1452-1454).

<sup>106</sup> John Broun, a fourteen year old apprentice haberdasher, was imprisoned in a compter for three weeks by his master who only provided him with bread and water with the intention of starving him into agreeing to double his apprenticeship, TNA, C1/61/575 (c.1480-1483). Margaret Hilton was a servant of John Stirlond, baker. Hilton claimed her five year old child had been beaten by Stirlond's apprentice and died two days later. Hilton was then imprisoned by Stirlond to prevent her taking action against the apprentice, C1/142/18 (c.1486-1493). George Foyster, apprentice butcher, imprisoned by his master in an attempt to compel him to remain in his service, C1/262/40 (c.1502-1503). After agreeing to extend his service by a month, George Jeneways was imprisoned and fettered in the Tower by William Horne, goldsmith, with the intention of forcing Jeneways into signing an obligation for a further years' service, C1/143/11 (c.1504-1515).

<sup>107</sup> John Hunte had been 'grievously tortured' in order to provoke him into accusing his master of theft, LMA, Journal 3, f. 83v (1441).

<sup>108</sup> John Heblethorn, a wire seller, was imprisoned by the widow of his late master, William Machyn, TNA, C1/241/33 (c.1500-1501).

because he was intent on securing lands and appurtenances that were rightfully hers.<sup>109</sup> Equally, the imprisonment of landed men by greedy or jealous neighbours, who used incarceration to coerce the signing of a deed, or the concession of land or property, appears to have been fairly common.<sup>110</sup> It is evident that some unprincipled individuals used imprisonment of a man's wife as a way of coercing an agreement to their demands.<sup>111</sup> Conversely, a husband might imprison his wife, as in the case of Elisabeth Bretoun, who was kept a prisoner in irons in a private house before being committed to Newgate by the man she had divorced because he refused to accept that they were no longer married.<sup>112</sup> One woman was even imprisoned by her husband's mistress, with his consent, possibly to allow the illicit couple to be together or because she did not accept that the marriage was over.<sup>113</sup> There is also evidence of imprisonment being used to force the transfer of an ecclesiastical benefice.<sup>114</sup> Consequently, the use, and abuse, of imprisonment was undoubtedly widespread in the medieval period and permeated every level of society, including civic officers and the king, who also used imprisonment to punish those who offended him or to coerce those who owed the crown money into settling their arrears.<sup>115</sup>

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<sup>109</sup> *Paston Letters and Papers of the Fifteenth Century*, ed. by Norman Davis, 3 vols (Oxford: Oxford University Press, 2004-2005), II, pp. 509-510, 513-515.

<sup>110</sup> *Select Cases in the Court of King's Bench*, II, p. 154 (1293), VI, pp. 67-68 (1349); TNA, C1/41/317 (c.1467-1472); C1/48/408 (c.1473-1475); C1/61/569 (c.1480-1483); C1/32/369 (c.1480-1483); C1/77/67 (c.1485-1486).

<sup>111</sup> Margot Gylys was imprisoned by John Moore, who had previously had her husband committed to the Tower, TNA C1/46/187 (c.1433-1443 or 1467-1472). Adrian Nicholas was put in the stocks, and imprisoned in the comptor by John Hay, who also threatened his wife, C1/27/446 (c.1460-1465). Agnes Warre was imprisoned for four years in Ludgate by Robard Foster, in order to coerce her into paying him £80 which he claimed he was owed by her late husband, C1/64/212 (c.1483-1485).

<sup>112</sup> Robert Persoun claimed Elizabeth was his wife but she had papers showing they were divorced, *CCR, 1381-1385*, pp. 541-542 (1385). This case suggests that irons and fetters could be acquired by anyone. Presumably Persoun would have been imprisoned for his actions as those who imprisoned, tortured or tormented another privately were liable to an equal punishment, Bracton, II, p. 153.

<sup>113</sup> Margery Adyngton arrested into Ludgate by Johanne Stoone, TNA C1/32/34 (c.1465-1471).

<sup>114</sup> Thomas Stokes had been granted the church of Middleton Cheney (Lincolnshire) but was imprisoned in the Marshalsea by Nicholas Hauberck who wanted the church for his brother, PROME, Henry IV (October 1399), 154. Conflict over benefices in Italy often led to violence, Chambers and Dean, *Clean Hands and Rough Justice*, p. 21.

<sup>115</sup> For example, thirteen men were imprisoned in the Tower for refusing a royal order to take their ships to Sandwich to transport the king's men, *CCR, 1341-1343*, pp. 651-652; the prior of Wymondham

The imposition of involuntary physical confinement dates back to antiquity, with evidence of incarceration in pre-Christian societies and literary documents, such as Plato's *Gorgias* and the bible. Although imprisonment was previously considered by many historians as a purely custodial measure, the evidence from a very early date clearly indicates that it was also punitive. The civic authorities in medieval London undoubtedly held offenders prior to trial and sentencing, but the multitude of judgments that specified a fixed term of imprisonment suggest that incarceration was considered a punishment at this time. Throughout history imprisonment has been utilised in a variety of ways by rulers as a means of asserting authority and maintaining law and order. It could be used to punish those who offended against the common weal, or to provide a cooling-off period when the parties might be encouraged to come to terms through mediation. In asserting their position the authorities needed to be seen as merciful, thereby fulfilling their Christian duty; consequently, their sentences could be discretionary and it was within their power to commute a harsh punishment to a lesser penalty, thereby encouraging obedience and obligation. When combined with a pecuniary punishment the civic authorities may have intentionally utilised imprisonment to encourage the early payment of a fine. Unfortunately, imprisonment was also used to maintain personal grievances by both civic officials and inhabitants of the City. Thus, incarceration could also be coercive. The ability of one person to incarcerate another, however, was evidently abused by devious individuals trying to force an adversary to agree terms, to procure property or land, or to extort money to which they were not entitled. The evidence suggests that fines, the pillory and the stocks were considered more effective than imprisonment in the maintenance of law and order in London; but whereas pecuniary punishments

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was imprisoned in the Fleet for arrears of account, *CCR, 1346-1349*, pp. 140, 164. For further discussion of the king's use of imprisonment and the royal prerogative see Chapter 4.

were undoubtedly more lucrative, public punishments had the potential for being more effective in shaming the perpetrator and deterring potential wrongdoers. Even so, there is no doubt that the prison, whether in a public arena or a private space, had been utilised since antiquity and in medieval London was a multi-functional tool employed in the enforcement of authority.

## Chapter Two: The Physicality of Prisons in Medieval London<sup>1</sup>

Although no actual prison records survive a considerable amount of information relating to the construction of London's medieval prisons and the conditions in which prisoners were kept can be discovered from Royal and City records and archaeology.<sup>2</sup> The necessity of having to access a variety of sources to gather relevant material led to the realisation that some have survived the ravages of time better than others, for example there are more extant royal records compared with civic documents, perhaps because the crown estate had more buildings at its disposal for storing large amounts of written material and documents were not left in the safekeeping of individual officers.<sup>3</sup> Consequently, while the locations of prisons in and around London are known, and the justification for some of these locations can be surmised, the physicality of only three, the Fleet, Newgate and Ludgate, can be confidently discussed because a diverse range of material has survived that relates to their construction and life within the walls. Unfortunately the references to the remaining prisons are less descriptive regarding the physicality and conditions; therefore they will only be referred to where relevant. Although the population of medieval London was considerably smaller than today there were more prisons in and around the City, including Southwark, which was not strictly speaking London, in the later middle ages

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<sup>1</sup> As discussed in Chapter 1, gaols and prisons appear to have been used for different purposes throughout the late medieval period, but for continuity in the body of this text 'prison/s' will be used to refer to both of these institutions unless otherwise specified.

<sup>2</sup> The main sources referred to in this chapter are the royal *Pipe, Patent, Liberate* and *Close Rolls*, the civic *Calendars of Letter Books* and *Plea and Memoranda Rolls*, the *Coroners' Rolls* and Chancery Proceedings, in which prisoners appealed against wrongful imprisonment.

<sup>3</sup> Barron, *London in the Later Middle Ages*, pp. 160-161. Pugh, *Imprisonment in Medieval England*, pp. 213, 223.



than there are currently.<sup>4</sup> The locations of the medieval prisons are shown in Figure 2:1 below.

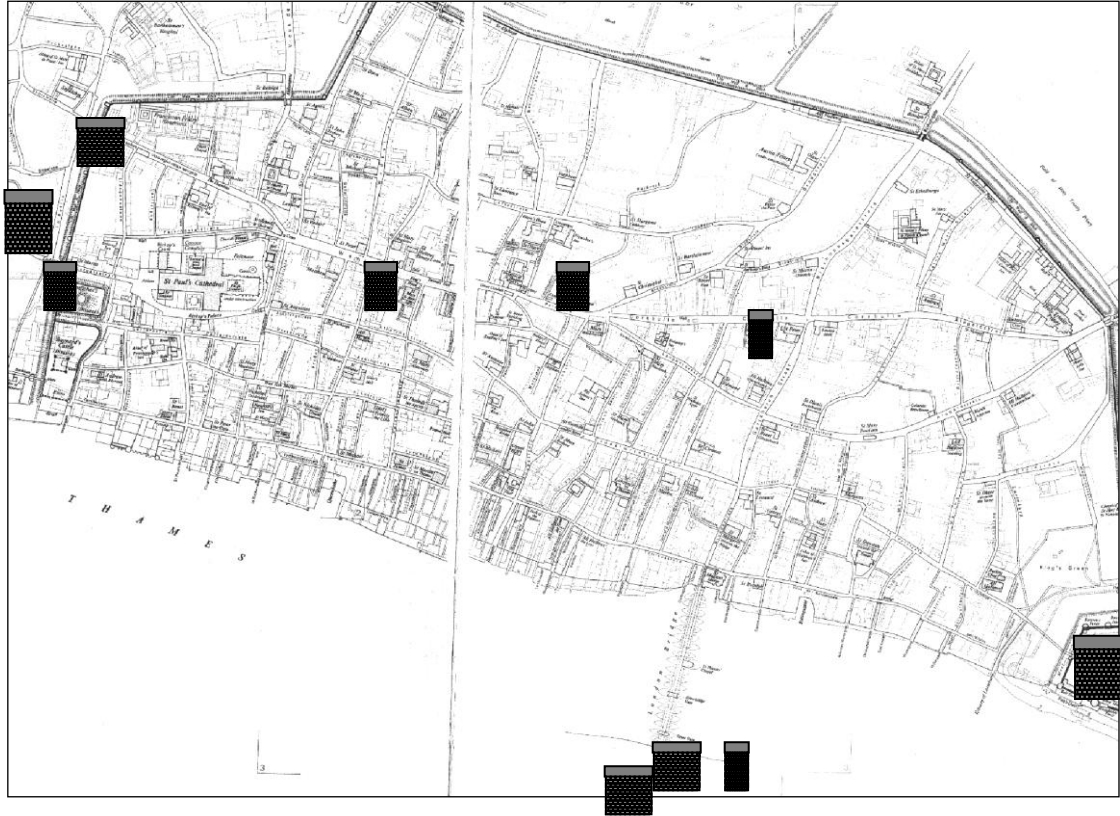


Figure 2:1. A close approximation of the locations of prisons in medieval London.<sup>5</sup>

Key:

L to R north of the Thames: the Fleet, Ludgate, Newgate, Bread St Compter, Poultry Compter, the Tun, and the Tower.

L to R south of the Thames: the Marshalsea of the Household, the Marshalsea of the King's Bench and the Clink.<sup>6</sup>

<sup>4</sup> There were ten buildings used for confining wrongdoers in the medieval period: the Fleet, Newgate, Ludgate, Bread Street Compter, Poultry Compter, the Tun, the Clink, the Marshalsea of the Household and the Marshalsea of King's Bench (these last three were in Southwark). Currently there are eight prisons and young offender's units: Belmarsh, Brixton, Feltham, Holloway, Latchmere House, Pentonville, Wandsworth and Wormwood Scrubs.

<sup>5</sup> *The British Atlas of Historic Towns: the City of London from Prehistoric Times to c.1520*, vol. III, ed. by Mary D. Lobel (Oxford: Oxford University Press, 1989), Map 3.

<sup>6</sup> The Marshalsea prisons were sited on Southwark High Street and the Clink was not far from the Thames; the locations shown in Figure 2:1 are an approximation given the limitations of the southerly aspect of the map.

The first purpose-built prisons were established in the twelfth century when first the Gaol of London and later Newgate gaol were constructed.<sup>7</sup> The first record of the Gaol of London dates from 1130, and relates to a claim for payment by Ralph Arborarius for his custody of the king's palaces of Westminster and the Gaol.<sup>8</sup> The name of the Gaol of London changes in the sources to the Fleet prison after a gaol was established adjoining Newgate in 1187-1188.<sup>9</sup> After the foundation of a second prison it presumably would have been sensible to make a distinction between the two establishments in order to avoid any confusion, especially in official documents, as both were gaols in London. Unfortunately, such pragmatism does not appear to have been considered quite as necessary as we might imagine, as in many sources 'prisons' are not named but merely referred to as prison or gaol.<sup>10</sup> The Fleet and Newgate continued to be the only two purpose-built prisons in the City from the twelfth century until the building of The Tun, a barrel-shaped lock-up, in the late thirteenth century.<sup>11</sup> In the late fourteenth century two prisons were established in Southwark; in 1368 the Marshalsea of King's Bench, previously an itinerant court, settled south of the river

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<sup>7</sup> R. B. Pugh, 'The King's Prisons before 1250', *Transactions of the Royal Historical Society*, fifth series, 5 (London, 1955), pp. 1-22. Pugh shows that the Gaol of London was one of five known royal gaols in twelfth century England, the others being in Winchester, Salisbury, Thetford and Ipswich (pp. 1-2). Prisoners had also been held in the Tower of London from at least 1128 (Pugh, *Imprisonment*, p. 122), but this was presumably omitted from Pugh's list as it was a much more complex building and not merely a purpose-built prison.

<sup>8</sup> *The Great Roll of the Pipe*, 31 Henry I: Michaelmas 1130, ed. by Rev. Joseph Hunter (London: HMSO, 1929), p. 144 [hereafter *Pipe Roll*]. *Pipe Roll*, 14 Henry II (1167-8), p. 30: this is the first known reference to a prison at Westminster, which was most likely the prison utilised by the abbot and the bishop of London (Pugh, *Imprisonment*, p. 136). Nathaniel Leveland, in a claim for payment for his custody of the Gaol of London and the bridge of the river Fleet, stated the keepership of the prison was a hereditary post which had been held by his family since the Conquest, *Pipe Roll*, 9 Richard I: Michaelmas 1197, p. 167.

<sup>9</sup> *Pipe Roll*, 34 Henry II, p. 18. The Gaol of London will hereafter be referred to as the Fleet prison.

<sup>10</sup> For example, in 1332 John Brok was committed 'to prison' for assaulting the beadle of Cripplegate ward (*CPMR, 1323-1364*, p. 46) and in 1438 Richard Peryn and his wife Margaret were committed 'to prison' for having enticed Isabella Potenam from her mistress (*LBK*, pp. 216-7). In 1420 William Wodehouse, from Norfolk, appealed against his confinement 'in prison in the said city [London]', *TNA, C1/61/573*. While it is possible that, as a foreigner, he may have been ignorant of the prisons of London, or that for some reason his plaintiff had withheld this information from him, it is reasonable to suppose that the clerk taking his appeal would have known the prison in which he was held.

<sup>11</sup> Stow, *A Survey of London*, I, p. 1. The Tun was in use until the turn of the fifteenth century (Pugh, *Imprisonment*, pp. 112-113). See Chapter 1, pp. 35-36 for more on how the authorities utilised The Tun.

followed by the Marshalsea of the Household which was built in Southwark High Street in 1373.<sup>12</sup> This was a house ‘forty feet long and thirty feet wide’ which extended ‘from the church of St Margaret to the south’.<sup>13</sup>

In 1383 a prison was established in the gate at Ludgate for freemen of the city who had committed civil offences or found themselves in debt; freemen who committed more serious misdemeanours were sent to Newgate.<sup>14</sup> Further to these institutions, the sheriffs’ houses would also have been used to hold offenders until the establishment of Bread Street Compter in 1412 and Poultry Compter c.1441, which were each held by a sheriff for the administration of their court business and as a prison.<sup>15</sup> It is possible that the sheriffs’ houses were called Compters before the conversion of the Bread Street and Poultry buildings as there are references to a Compter in Milk Street between 1376 and 1382 and a reference to the ‘porters of the Compters’ from 1383.<sup>16</sup> John Stow described the Poultry Compter as a prison house ‘four houses west of St Mildred’s church’; he also located Bread Street Compter in an area of ‘fair and large houses and inns’.<sup>17</sup> It appears that the City originally leased the

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<sup>12</sup> *Select Cases in the Court of King’s Bench*, VI, p. 155 (1368); *CPR, 1370-1374*, p. 265 (1373). Prior to this foundation Marshalsea of the Household prisoners would have been held in Westminster. See *CPMR, 1323-1364*, p. 94; *Calendar of Wills Proved and Enrolled in the Court of Husting, 1258-1688*, II, ed. by R. R. Sharpe (London: J. C. Francis, 1889), p. 151 (1372) [hereafter *Husting Wills*]; T. F. Tout, *Chapters in the Administrative History of Mediaeval England*, 6 vols. (Manchester: Manchester University Press, 1920-1933), II, pp. 292-293, III, p. 180, n. 2, p. 482, IV, p. 103, n. 1. See also Martha Carlin, *Medieval Southwark* (London: Hambledon, 1996), pp. 103-106; W. R. Jones, ‘The Court of the Verge: the jurisdiction of the steward and marshal of the Household in later medieval England’, *The Journal of British Studies*, 10, 1 (1970), pp. 1-29.

<sup>13</sup> *CPR, 1370-1374*, p. 265.

<sup>14</sup> *LBH*, p. 213.

<sup>15</sup> *CEMCR*, p. xv; *Husting Wills*, II, pp. 501, 575. Although there are earlier references to ‘Compters’ being held in sheriffs’ houses (*LBG*, p. 125, (1356)) the first record of a permanent Compter is from 1412 when a tenement called ‘Brokenseld’, opposite the Standard in Cheap in Bread Street ward, was converted into a Compter (*LBI*, p. 109). *Munimenta Gildhallae Londonienses*, I, p. 215: records that the sheriff’s houses continued to be used to hold offenders after the Compters were established. Houses in and around the City were also used to hold Marshalsea of King’s Bench prisoners before the development of permanent buildings in Southwark: *CPR, 1343-1345* (West Smithfield, 1344), p. 399. *Select Cases in the Court of Kings Bench*, II, p. cxv (Bassishaw), prisoners also kept at the Fleet and Newgate; V, p. xxvi (Farringdon ward, 1347), p. xxvi (Holborn Bridge, 1350).

<sup>16</sup> *CPMR, 1364-1381*, pp. 225-226 (1376); *LBH*, p. 67 (1377); *Memorials*, pp. 415-417 (1378); *CPMR, 1381-1412*, pp. 14-16 (1382); *LBH*, p. 209.

<sup>17</sup> Stow, *A Survey of London*, I, pp. 263, 350.

building used for the Poultry Compter as it was bequeathed to the mayor and commonalty in 1477.<sup>18</sup> Lastly, the Tower of London is generally assumed to have only held political and state prisoners, but ordinary commoners and strangers were imprisoned there, perhaps in the ‘donjon called the prison tower’.<sup>19</sup> Consequently, by the early fifteenth century the City and its suburbs were well-served with ten buildings utilized for the incarceration of wrongdoers, five of which were administered by the City authorities.<sup>20</sup>

These were Newgate, the Tun, Ludgate prison, and the two sheriffs’ Compters (interchangeably known as counters). Four prisons were under the king’s jurisdiction; these were the Fleet, the Tower, the Marshalsea of the Household and the Marshalsea of King’s Bench.<sup>21</sup> The tenth prison, the Clink, was also in Southwark. Originally under the Bishop of Winchester’s jurisdiction, it was taken under royal control by Statute in 1503-4; therefore it rarely appears in late medieval civic and royal documents.<sup>22</sup> In addition to the ten buildings there were also sets of stocks and pillories in London and Southwark, which, as discussed in Chapter 1, were a public, and therefore highly visible, method of imprisonment, as opposed to private incarceration in a building.

Seven of the prisons were sited on, or near, main thoroughfares into the city, the remaining three were positioned centrally. The Fleet, Newgate and Ludgate were

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<sup>18</sup> In 1443 a tenement called ‘le Compter’ in the parish of St Mildred held by Thomas Hasely, *Husting Wills*, II, p. 501; a messuage called ‘le counter in poultry’ belonged to Harry Waver, TNA C1/48/408 (c.1473-1475); Poultry Compter bequeathed to City by Walter Hunt, *Husting Wills*, II, p. 575 (1477).

<sup>19</sup> *History of the King’s Works*, II, ed. by H. M. Colvin (London: HMSO, 1963), p. 729, n. 2.

<sup>20</sup> John Taylor, *The Praise and Vertue of a Jayle and Jaylers* (1623), cited in Clifford Dobb, ‘London’s Prisons’, *Shakespeare Survey*, 17 (1964), pp. 87-100. This work includes a poem entitled ‘The Prison Gates’ in which Taylor describes eighteen gaols and ‘sixty whipping posts, stocks and cages’ in London and its surrounds in the early seventeenth century (p. 87).

<sup>21</sup> These are rarely differentiated in the sources, often being referred to only as ‘the Marshalsea’, which suggests the duality of the name was contemporaneously confusing. See Jones, ‘The Court of the Verge’, pp. 1-29, p. 6, n. 25.

<sup>22</sup> *Statutes of the Realm*, II, 19 Henry VII, c. 10. E. J. Burford, *In the Clink* (London: New English Library, 1977), p. 66.

west of the city; the Marshalsea, King's Bench and the Clink were to the south, and the Tower to the east. There was no prison to the north, which may be because there was no major route into the City through this area; however, any of the City gates might have been utilized as a prison in times of need.<sup>23</sup> An example of such a necessity occurred in 1262 when some of the men involved with the mob who had broken into the Jews' quarter of the city were imprisoned in Newgate and others in Cripplegate, which was north-west of the city.<sup>24</sup> A century later it is evident that the gates could still be requisitioned, for when a mansion over Aldgate, to the north-east of the city, was granted to Geoffrey Chaucer in 1374, the mayor, aldermen and commonalty agreed not to allow other parts of the gate to be used as a gaol during Chaucer's lifetime.<sup>25</sup> The two Compters that were under the sheriffs' jurisdiction were located in the centre of the city, as were the Tun, stocks and pillory. It is likely that their central positioning was shrewdly calculated as offenders from anywhere within the walls could be quickly removed from the streets and confined. This would have been an important practical consideration in such a large city before the introduction of an organized metropolitan police force, and would have enabled the swift containment of troublemaking miscreants thereby enforcing civic authority and the maintenance of public order. Similarly, those placed in the pillory and stocks were in busy, commercial thoroughfares, thus maximizing their exposure to the very people against whom they might have offended and emphasising the authorities' control. It would be easy to assume the king's prison of the Fleet was established outside the

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<sup>23</sup> In 1327 William de Hedersete, late collector of the custom of the City, was imprisoned in Bernard's Castle (sic) for arrears of his account, *CCR, 1327-1330*, p. 11. Temple Bar used as a prison, *Husting Wills*, I, p. 653 (1349), II, p. 3 (1358). During 1361-1362 the bailiffs of Billingsgate were granted a 'Compter wherein to put the pledges and distresses taken by his office...', which suggests it was a strong room for the safety of money and documents rather than a place for confining men, *LBG*, p. 126.

<sup>24</sup> *CPMR, 1323-1364*, p. xiii. In 1311, in addition to the Tower, four of the City gates were used to hold the Templars, *The Proceedings against the Templars in the British Isles*, 2, trans. by Helen J. Nicholson, 2 vols. (Farnham: Ashgate, 2011), II, p. 601 (eight Templars in Aldgate), p. 602 (six in Cripplegate), p. 603 (five in Ludgate), p. 604 (two in Newgate).

<sup>25</sup> *LBG*, p. 49.

western wall of the City because this was midway between London and the palace of Westminster, especially as the warden had keepership of both these buildings and would frequently be travelling between them; however, archaeological evidence suggests that physical geography was the most likely reason for its chosen location.<sup>26</sup>

### The Fleet

Until recently it was commonly believed that the Fleet prison had been surrounded by a moat which was either constructed or re-dug c.1355 for its safekeeping.<sup>27</sup> Recent archaeological work has confirmed that the prison was surrounded by water but, more importantly, this appears to indicate the original reason for deciding on this particular site. During 1988-1992 a team from the Museum of London undertook an excavation in an area extending from Holborn Bridge to New Bridge Street, prior to development of the Thameslink railway. This was once the Fleet Valley and included the site of the Fleet prison which was located in an area to the north-west of Limeburner Lane and abutting what is now the Farringdon Road, but which was once the Fleet River.<sup>28</sup> The excavation revealed that the prison had been built on an eyot, or small island, in the river. This gave it a ready-made 'moat', which clearly would have been a determining factor in deciding the location for this building; the natural defences adding to what the archaeology suggested was a substantial building through the discovery of the

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<sup>26</sup> Marjorie B. Honeybourne, 'The Fleet River and its Neighbourhood in Medieval Times', *London Topographical Record*, XIX (1947), pp. 13-87. Honeybourne speculates about the location, suggesting the Fleet may have been purposely built halfway between the palace of Westminster and the Tower or that it was outside the wall to avoid 'post-conquest civic opposition' (p. 23).

<sup>27</sup> *Public Works in Medieval Law*, vol. II, ed. by C. T. Flower (Seldon Society, XL, 1923), pp. 32-33. Margery Bassett, 'The Fleet Prison in the Middle Ages', *The University of Toronto Law Journal*, vol. 5, 2 (1944), pp. 383-402. Bassett states the warden had the moat constructed 'about 1335' but does not state her source (pp. 393-394). Pugh, *Imprisonment*, p. 114. TNA Ancient Deed, A, 2336 shows that the moat existed in 1259.

<sup>28</sup> Museum of London, Val 88, Fleet Valley Project: Interim Report, unpublished (LAARC, 1993) [hereafter FVP]. This report is held at the London Archaeological Archive and Research Centre, Eagle Wharf Road, N1. The grid reference for the excavation site is TQ3167080920.

foundations, which were indicative of a tall square stone building with polygonal turrets on all four corners (see Figure 2:2).<sup>29</sup>

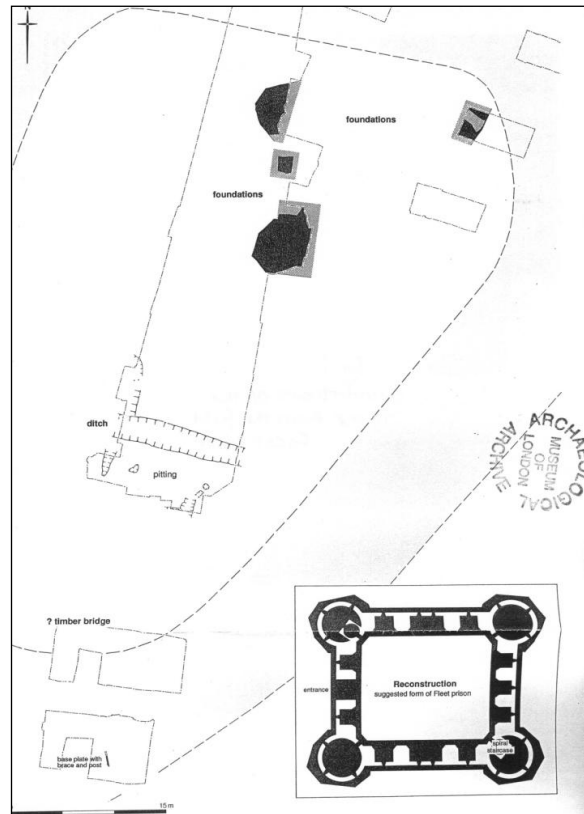


Figure 2:2. LAARC diagram of the foundations of the 'Gaol of London'.<sup>30</sup>

This construction is unusual for it appears that stone was not commonly used in gaol building in England at this time.<sup>31</sup> In 1166 Henry II decreed that in counties where sheriffs were without gaols new buildings were to be constructed using royal timber or, if this was not available, commoners' timber.<sup>32</sup> How many gaols were required, or actually built, across the counties of England is not known but, as all gaols and prisons

<sup>29</sup> This watercourse was later redefined and came to be referred to as the Fleet ditch, see Figure 2:3 p. 56.

<sup>30</sup> FVP, 88/P/173, p. 55.

<sup>31</sup> The excavation of the site of Het Steen prison in Belgium also revealed the foundations of a tower. The debris suggested this had been built of stone in the mid-thirteenth century (*Het Steen* translates as 'Stone Building'), Troubleyn et al, 'Consumption Patterns and Living Conditions inside *Het Steen*, the Late Medieval Prison of Malines (Mechelen, Belgium)', pp. 9-12.

<sup>32</sup> *Select Charters and Other Illustrations of English Constitutional History*, ed. by William Stubbs (Oxford: Clarendon, 1913), p. 171; Pugh, *Imprisonment*, p. 349.

technically belonged to the king, the use of timber from crown estates implies that the king may have been trying to reduce the building costs. A century earlier, as suggested by the foundations, the status of the Gaol of London would have been elevated through the construction in stone making it a very imposing structure. While it is possible that this building may have been intended to be the king's 'flagship' gaol, it would undoubtedly have been perceived as an assertion of Norman authority along with the Tower of London and Westminster Hall.<sup>33</sup> There are periodic entries in the *Pipe Rolls* regarding money spent on maintaining the Fleet and although they do not contain any specific details of the type of work undertaken, nor the location where it was carried out, they do differentiate between payments for repairs [reparationes] and works [operationes]. The sums for repairs are consistently lower than those for works, which implies that these were more extensive and may have involved major reconstruction or new building.<sup>34</sup>

The topography of the site, which included a marshy area in the south-east corner, would have limited the expansion of the prison.<sup>35</sup> Any additional building would not only have had to fit within the boundaries of the island but may have involved drainage to make the site viable, so it would be reasonable to assume that any works at the Fleet would have been carefully considered. According to the archaeological report, the first evidence of major building work on the site occurred over one hundred years after the original building was constructed.<sup>36</sup> Entries in the *Pipe Rolls* appear to corroborate this, as after its construction low payments for repairs

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<sup>33</sup> Jeremy Ashbee discusses the symbolism of Norman tower keeps in 'The Function of the White Tower under the Normans', in *The White Tower*, ed. by Edward Impey (New Haven and London: Yale University Press, 2008), pp. 125-139, p. 139.

<sup>34</sup> *Pipe Roll, 19 Henry II*, p. 91: £11 17s (1172-3); *Pipe Roll, 30 Henry II*, p. 44: £28 (1184-5); *Pipe Roll, 32 Henry II*, p. 198: £25 11s 6d (1185-6); *Pipe Roll, 3 John*, p. 258: £15 10s (1201); *Pipe Roll, 5 John*, p. 7: £10 (1203); *Pipe Roll, 9 John*, p. 31: 20 marks (1207); *Calendar of Liberate Rolls, 1226-1240* (London: HMSO, 1916), p. 395: 100s (1229).

<sup>35</sup> FVP, 88/P/173, p. 55.

<sup>36</sup> FVP, 88/P/173, p. 55.



were intermittently recorded until 1190-1193 when at least £211 was spent on ‘works’.<sup>37</sup> Although the ‘significant changes’ recorded in the excavation report are noted as being in the mid-thirteenth century, the time difference of fifty or so years is fairly insignificant and it would be reasonable to suppose that this large sum of money was used for the construction of the second substantial building in the south-west corner of the compound, along with a perimeter wall (see Figure 2:3).

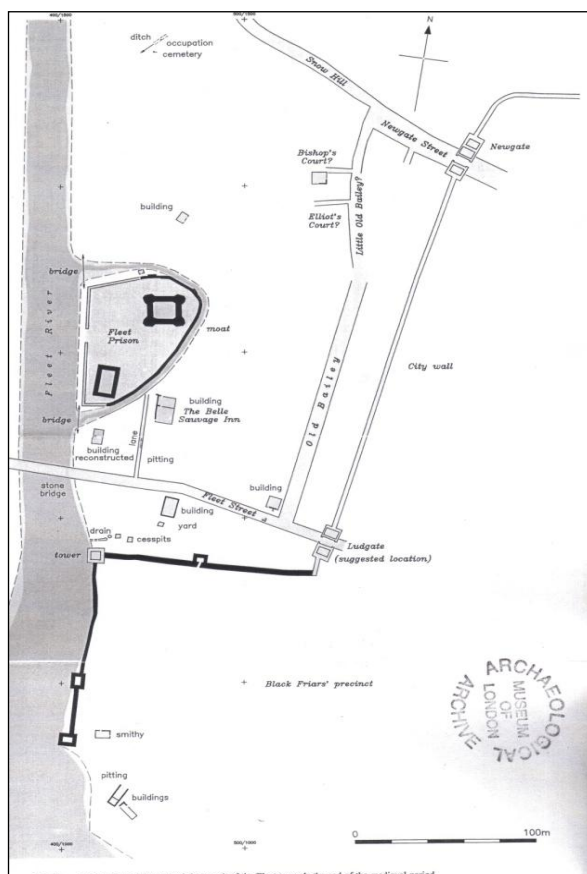


Figure 2:3. LAARC map showing the Fleet prison site in the medieval period<sup>38</sup>

It is unlikely that this new building was intended as accommodation for the keeper as the post included the use of a house in the close of the palace of Westminster and the king required the keeper and two others to reside there to manage the keeping of the

<sup>37</sup> *Pipe Roll*, 2 Richard I, p. 156 (£103 3s 9d); *Pipe Roll*, 5 Richard I, p. 158 (£108 2d).

<sup>38</sup> FVP, 88/P/173, p. 59.

palace.<sup>39</sup> It is more likely that, since there was no evidence of any new building work undertaken on the site for over a hundred years, the original building was no longer adequate and more space was required to accommodate prisoners. The erection of a perimeter wall at this time indicates that there may have been concerns about the security of this boundary. The archaeology revealed the construction of this fortification required ‘substantial revetments’ which, it was concluded, would have reduced the natural channel, making it more like a moat or ditch.<sup>40</sup> Later evidence shows that the width of the ditch would be reduced by encroachments and refuse dumped into the watercourse, and it may be that the channel had already been reduced by such causes, thereby jeopardising the security and defensibility of the landward boundary and necessitating a perimeter wall.

This was evidently a concern in 1355 when a ‘reasonable fear of escape of prisoners’ was included in a complaint about the condition of the watercourse.<sup>41</sup> Perhaps it was this particular apprehension which compelled the king to request an investigation into the condition of the foss around the Fleet prison, which had become ‘obstructed and choked up with filth from latrines...and diverse other refuse thrown therein’.<sup>42</sup> The word foss could mean either a moat or a ditch; its usage in this context may be an indication that by this time the watercourse had been reduced to the size of a ditch. This is supported by the return made by the inquisition which reported that

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<sup>39</sup> *Calendar of Inquisitions Post Mortem*, VII (London: HMSO, 1909), pp. 330-331, no. 467; *Calendar of Inquisitions Post Mortem*, VIII (London: HMSO, 1913), pp. 160-161, no. 214. Whether the keeper and his men only had to reside in the close while the king was in residence or whether this was a permanent arrangement is not made clear. Basset stated that ‘the wardens generally preferred to live at the palace’ but did not cite a reference for this conclusion, ‘The Fleet Prison in the Middle Ages’, p. 385.

<sup>40</sup> FVP, 88/P/173, p. 59.

<sup>41</sup> *Public Works in Medieval Law*, pp. 32-33.

<sup>42</sup> *LBG*, p. 49; *Memorials*, p. 279. There was a complaint against the constriction of the moat in the reign of Edward I when an investigation was requested in exactly the same terms as those described above. As a result of this enquiry ships were used to dredge the river to remove sludge and widen the watercourse, which may have had some lasting effect as there appear to have been no further complaints until 1355, PROME, Edward I Vetus Codex (80).

the watercourse, which ‘ought to be 10ft in breadth all around the prison... [and] ought to be so full of water that a boat laden with [one ton] might easily float around it’, was severely restricted due to the banks being covered with trees and ‘no less than eleven necessary houses’ built illegally over it.<sup>43</sup> Honeybourne stated that as a result of this inquiry the ditch was cleared in 1356, but she did not indicate her source for this conclusion; however, the archaeological evidence indicates that her information was correct as it showed that during the fourteenth century the land inside the prison compound had been raised using material that contained a large proportion of water snail shells.<sup>44</sup> This suggests that silt and mud dredged out of the moat had been used, which would be consistent with returning the watercourse to its original condition. The ditch, as it continues to be referred to in the records, appears occasionally to have caused problems for the authorities and the prison well into the sixteenth century, since those residing on its banks continued to use it as a rubbish dump and latrine thereby creating an ‘abominable stench of the air’ which threatened the health of the prisoners.<sup>45</sup> Nevertheless, the sources reveal the complaints against the watercourse were only episodic, which may be due to the unreliability of the records, or which might be an indication that the measures taken to maintain the ditch were generally effective, at least for a time. Although the channel around the prison was restricted, the River Fleet was navigable in 1502 as boats were still able to reach the bridges of Fleet and Holborn; however, this passable state may have changed during the ensuing century.<sup>46</sup> In 1585 the ‘ditch’ was inspected for cleaning and to remove the nuisances, which led to a recommendation for larger flood gates to be installed to enable the

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<sup>43</sup> *Memorials*, p. 279; Honeybourne, ‘The Fleet and its Neighbourhood’, pp. 39-40.

<sup>44</sup> FVP, 88/P/159, p. 74.

<sup>45</sup> *Memorials*, p. 279 (1355); *CPR, 1494-1509*, p. 285 (1502).

<sup>46</sup> *CPR, 1494-1509*, p. 285.

navigation of a barge 'eighteen foot broad'.<sup>47</sup> This entry conflicts with earlier references regarding the ditch since the size of the barge would have meant the watercourse was double the width recorded when renovation work was undertaken in 1335-6. This is highly improbable given the continued expansion of the site and the gradual enclosing of the ditch (compare Figure 2:3 to Figure 2:4) and may have actually related to the Fleet River.<sup>48</sup> The evidence suggests that the authorities acted responsibly in the management of the ditch: whenever concerns were raised over its upkeep they were investigated and the problems appear to have been addressed as the complaints do not generally re-occur in the sources. It would be reasonable to suppose, therefore, that such a responsible attitude was also applied to the upkeep of the prison buildings, a notion supported by the fact that part of the medieval prison survived into the seventeenth century.<sup>49</sup>

Periodic repairs to the Fleet prison were most probably undertaken to maintain the condition of the original tower, which appears to have survived until the beginning of the sixteenth century.<sup>50</sup> If there were only two buildings on the site up until this time, as the archaeology suggests, the remaining space may have been used as an exercise yard or an allotment.<sup>51</sup> The dimensions of the island would have restricted any expansion; however, this does not seem to have been an issue as the warden was responsible for a number of houses in the surrounding area that were used to confine prisoners, albeit only those who could afford to pay for the privilege.<sup>52</sup> It is possible that these are the dwellings referred to in references for repairs to houses belonging to

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<sup>47</sup> *The History of the King's Works*, II, p. 92.

<sup>48</sup> *Public Works in Medieval Law*, p. 36. According to Flower, the ditch was completely covered over in 1765.

<sup>49</sup> Alexander Harris, *The Economy of the Fleet*, ed. by Augustus Jessop (London: Camden Society, 1879), p. 86.

<sup>50</sup> FVP, 88/P/159, p. 108.

<sup>51</sup> See Chapter 3, pp. 86-87 for the types of edible plants that were grown on the site.

<sup>52</sup> John Ashton, *The Fleet, its River, Prison and Marriages* (London: Fisher Unwin, 1888), p. 234.

the Fleet and that they may have been situated within the area that came to be known as ‘The Rules’.<sup>53</sup>

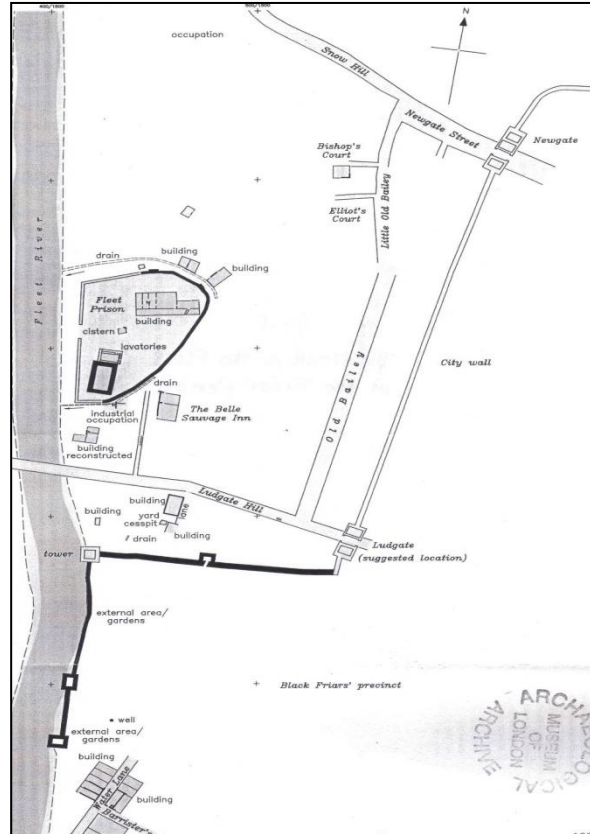


Figure 2:4. LAARC diagram of the Fleet prison site in the Tudor period.<sup>54</sup>

The original site of the prison could have only been marginally altered by land reclamation facilitated by the gradual decreasing of the width of the water channel around the prison.<sup>55</sup> Equally the existing lanes and streets in the surrounding area would have limited the extent for change; there is no reason, therefore, to suppose that the medieval ‘Rules’ were very much different from the description of them penned in the early eighteenth-century (see Figure 2:5).

<sup>53</sup> TNA E101/472/24 (temp. Edward III); TNA E101/472/25 (temp. Edward III); *CCR, 1354-1360*, p. 379 (1357). See Honeybourne, ‘The Fleet and its Neighbourhood’, p. 32.

<sup>54</sup> FVP, 88/P/159, p. 74.

<sup>55</sup> See Figures 2:3 and 2:4 above.

At that time the area extended:

From the prison side on the east side of Fleet canal to Ludgate Hill, and thence eastward to Cock Alley on the south side of Ludgate Hill, and to the Old Bailey on the north, and thence northward in the Old Bailey both sides the street to Fleet Lane, and all that lane, and from the west end southward to the prison again.<sup>56</sup>

There were rules for those who could afford to reside in ‘The Rules’; the detainees had to remain within its bounds and be available to attend the courts when summoned.<sup>57</sup> Presumably these were minor inconveniences when offset against residing outside the prison and being able to attend to business and personal affairs. The Rules would have allowed the keeper to increase his income and avoid overcrowding at the main prison site, thereby alleviating potential problems of control and management. This was presumably keeper Edmund Cheyne’s intention when he ‘raised a house for the custody of prisoners, unjustly and without judgement’ [without the king’s consent] in 1335.<sup>58</sup> This new building was deemed to be ‘to the injury’ of other free tenements in the neighbourhood, which suggests that it was outside the prison compound but within The Rules, and was not appreciated by other residents in the area.

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<sup>56</sup> Edward Hatton, *A New View of London* (London, 1708), p. 745; W. Eden Hooper, *The History of Newgate and the Old Bailey* (London: Underwood, 1935), p. 144.

<sup>57</sup> John Paston, writing to his son from the Fleet prison, stated that although prisoners had ‘but small liberty’ they had to ‘appear when...called’, *Paston Letters and Papers of the Fifteenth Century*, ed. by Norman Davis, 3 vols (Oxford: Oxford University Press, 2004-2005), I, p. 557 (1470). It is assumed that this refers to those residing in houses in the surrounding area having to attend the warden at the main prison site in addition to appearing at court when summoned.

<sup>58</sup> *CCR, 1333-1337* (London: HMSO, 1898), p. 534. Despite his presumption the king allowed Cheyne to keep his position. Margery Bassett assumed that the construction of this house was a complete rebuild of the prison (Bassett, ‘The Fleet Prison’, p. 389), while Marjorie Honeybourne surmised that the prison was rebuilt by Edward III in 1338 because ‘stones from the walls of the ancient Fleet prison’ were granted away to one Richard de Potenhale, the king’s yeoman (‘The Fleet and its Neighbourhood’, p. 38). See *CCR, 1337-1339*, pp. 156-157; *CPMR, 1323-1364*, p. 183.

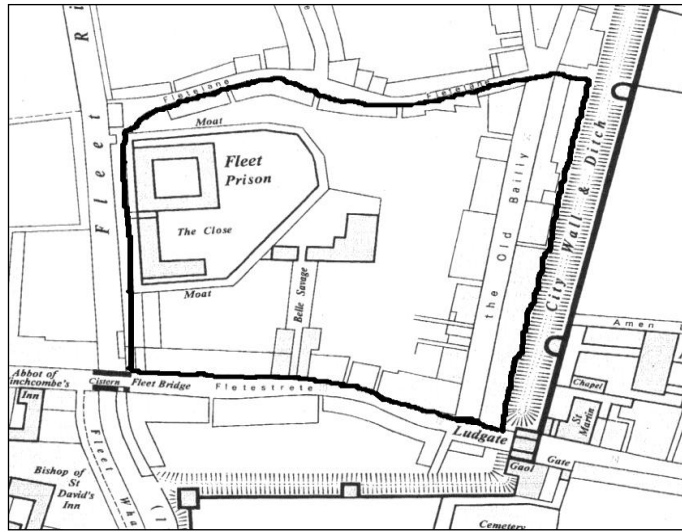


Figure 2:5. The extent of The Rules of the Fleet Prison.<sup>59</sup>

The keeper was responsible for maintaining all the prison buildings and houses out of a stipend of 5 marks a year, which had clearly become inadequate for in 1355 the amount had to be increased to cover repairs.<sup>60</sup> It appears that work was undertaken following this increase, and a further £20 was granted for repairs in 1357.<sup>61</sup> This is supported by the archaeological evidence which showed major repairs at the site in the fourteenth century.<sup>62</sup>

There are no further references to maintenance at the Fleet for over one hundred years, probably due to gaps in the sources rather than the durability of the last recorded works, and the only activity noted in the excavation of the prison site during this period was repairs to the prison yard in the 1400s.<sup>63</sup> The archaeology also revealed that at the beginning of the sixteenth century the original tower had been

<sup>59</sup> Map from *The British Atlas of Historic Towns*, vol. III: the City of London from prehistoric times to c. 1520, ed. by Mary D. Lobel (Oxford: Oxford University Press, 1989), Map 4.

<sup>60</sup> *Calendar of Fine Rolls, 1347-1356* (London: HMSO, 1921), p. 438. *The Collected Papers of F. W. Maitland*, vol. II, ed. by H. A. L. Fisher (Cambridge: Cambridge University Press, 1911), p. 365. Maitland stated that the land annexed to the Fleet passed to the keepers without any seisin of the land, an arrangement that was not common.

<sup>61</sup> *CCR, 1354-1360*, p. 379.

<sup>62</sup> FVP, 88/P/159, p. 86.

<sup>63</sup> FVP, 88/P/159, p. 102.

demolished and replaced with ‘a range of brick buildings’ (see Figure 2:4 above) and that the building in the south-west corner of the site was still being used but now had an annexe which contained a lavatory wing.<sup>64</sup> The evidence suggests this was a large communal privy with stalls along the northern and eastern walls, although there may have been more on the other aspects. Despite the condition of the timbers enough detail remained to show the boxed seat of a lavatory. As this building was within the compound and did not adjoin the ditch the privy would have required manual emptying, and close to the annexe there had been a drain roofed with timber presumably for this purpose.<sup>65</sup> The site of the outlet from this drain was not recorded in the report, but the south-westerly location suggests it emptied into the Fleet River. The prison did not entirely escape the Great Fire as the excavation revealed evidence of fire damage at the site post-1660; however, it was not completely destroyed as two masonry buildings survived.<sup>66</sup> These buildings were evidently still in use in the early seventeenth century as the warden, Alexander Harris, described areas of the Fleet as the ‘king’s ancient prison’.<sup>67</sup> Harris stated the older areas included the common wards, six great rooms and a courtyard, three Tower chambers, possibly named because they were on the site of the original tower, and Bolton’s ward.<sup>68</sup> While it might be idealistic to imagine this room as being named after an infamous prisoner, it is more likely that it was a room with restraining equipment, hence ‘Bolt Ons’ ward. Despite the conflagration of the Great Fire, and being torched by the Gordon rioters in 1780, the Fleet prison endured on the same site until 1842.<sup>69</sup> The diversity of sources

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<sup>64</sup> FVP, 88/P/159, p. 108.

<sup>65</sup> FVP, 88/P/159, p. 108.

<sup>66</sup> FVP, Post Excavation Assessment Report, 88/P/173, p. 55.

<sup>67</sup> Harris, *The Economy of the Fleet*, p. 86. Harris wrote *The Economy*, c. 1618, as ‘an apologetical answere’ to nineteen complaints made against him by the prisoners.

<sup>68</sup> Harris, pp. 86, 89. Harris described other areas within the Fleet under his keepership, but these are from a later rebuilding.

<sup>69</sup> John Howard, *The State of the Prisons* (London & Toronto: J. M. Dent, 1929), p. 170.



relating to the Fleet prison provide an illuminating history of the physicality of the site; references relating to the construction of Newgate are not as bounteous as for the Fleet, and are even less so for the other London prisons.

### Newgate

The first known reference to a gaol at Newgate reveals that during 1187-1188 the exchequer granted money to clear land adjoining the gate on which to build a gaol.<sup>70</sup> Unlike the stone building of the Fleet, the 66s 8d allocated for clearing the land and erecting this building suggests it may originally have been a wooden construction, which would have been in keeping with municipal gaol building in the twelfth century. In 1239 Henry III asked the city authorities to pay Gerald Bat and Robert Hardel 100 marks from the City farm as recompense for the £98 3s 10½d they had spent in making a prison in a turret of the gate at his request.<sup>71</sup> These men were the sheriffs of London in 1235-6, which suggests that the turret was converted into a prison during their term of office and that three years later they were still waiting to be reimbursed.<sup>72</sup> Most probably this adaptation was in response to a need for increased capacity, or to improve the security of the gaol. At some point, which may have been during the conversion of the turret, the original building must have been rebuilt in stone and underground chambers incorporated as an excavation of the site of Newgate prison in 1903-4 revealed medieval masonry, consisting of culverts, sewers and a subway, as well as parts of the Roman wall (see Figure 2:6).<sup>73</sup> References in the *Pipe Rolls* to expenditure on Newgate gaol begin in 1194. Most relate to repairs but some involve ‘emendations’; works that would have corrected defects or increased security,

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<sup>70</sup> *Pipe Roll*, 34 Henry II, p. 18.

<sup>71</sup> *Calendar of Liberate Rolls, 1226-1240*, pp. 395-396.

<sup>72</sup> Barron, *London in the Later Middle Ages*, p. 314.

<sup>73</sup> Philip Norman, ‘Roman and Later Remains found during the Excavations on the Site of Newgate Prison, 1903-4’, *Archaeologia*, LIX, (1904), pp. 125-142.

such as improving the iron bars, or might even have involved changes to the structure.<sup>74</sup>

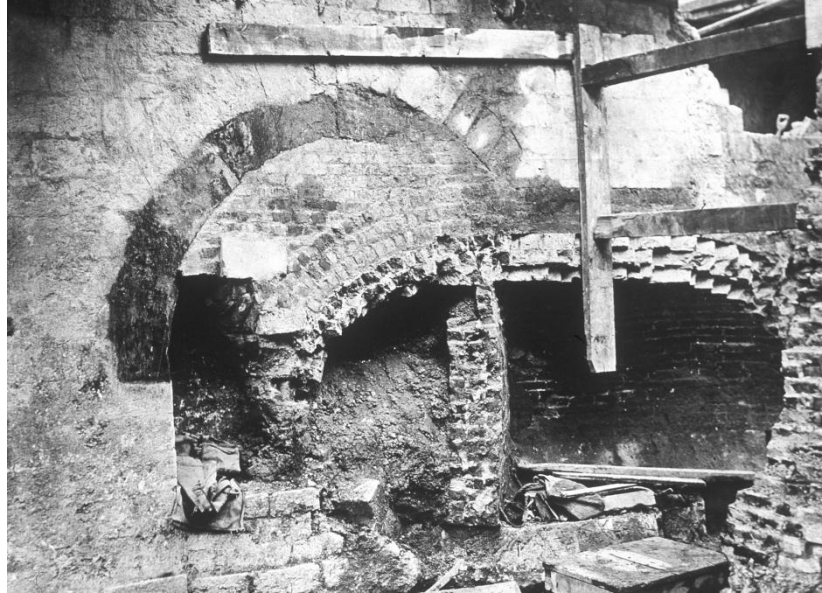


Figure 2:6. Medieval masonry uncovered at the site of Newgate gaol.<sup>75</sup>

The first reference to cleaning the privy occurs almost fifty years after the gaol was established, but this is not to say it was not cleansed more regularly. Between December 1281 and February 1282 extensive works and maintenance costing in excess of £66 were undertaken at the prison, which were overseen by William le Mazeliner, sheriff of London.<sup>76</sup> This work involved numerous skilled workmen, including at least ten masons, eight carpenters, sawyers, a plasterer, their respective servants and hand-cart men, and a vast amount of material including more than 800

<sup>74</sup> *Pipe Roll*, 6 Richard I, p. 176 (2 marks); *Pipe Roll*, 7 Richard I, p. 113: ‘Et pro barris ferries ad emendationem gaiole de Niewegate’ (15s 11d); *Pipe Roll*, 2 John, p. 150 (repairs: 2 marks); *Pipe Roll*, 4 John, p. 284 (works: 72s); *Pipe Roll*, 6 John, p. 93 (repairs: 103s 6d, but this included repairs to Holborn bridge); *Pipe Roll*, 8 John, p. 55 (works: 100s 2d); *Pipe Roll*, 2 Henry III, p. 44 (repairs: 13s 2d); *Pipe Roll*, 3 Henry III, p. 74 (repairs: 65s 6d).

<sup>75</sup> LAARC Negative 745-30, Site of Newgate Excavation, (1903-4).

<sup>76</sup> TNA E101/467/11. All further references to this work are taken from this manuscript, which further endorses the supposition that gaols and prisons were considered separate spaces at this time as repairs were made to the walls within and without the ‘prison’ in the sixth week of works while others were made to walls within and without the ‘gaol’ in the eighth week. I am indebted to Duncan Harrington of the National Archives for his assistance in translating this document.

sacks of lime, over a hundred carts of sand, seventeen ship loads of stone and over five hundred-weight of iron and steel.<sup>77</sup> Although some of the work appears to have been undertaken on the gate, for example rebuilding the broken arch over the entrance to the prison and replacing the leads on the turrets, there were two areas where much of the labour was specifically focussed. The first work detailed in this account was to the privy which was thoroughly cleansed by skilled workmen while a carpenter renewed the wooden seat of the lavatory. Two windows were installed and two doorways made ‘between the prisoners and the privy’. This work suggests a degree of comfort and privacy which may not have been afforded to the poorer prisoners and would therefore place it on the Master’s side of the prison, where prisoners who had the resources could pay to stay in better conditions.<sup>78</sup> There was restoration to the ‘aperture in the stone wall for ejecting excrement’, which indicates that the waste was removed at source. The privy was below a tower, which suggests it was above ground level on an outer wall of the prison and presumably emptied straight into the City ditch. Four men were appointed to watch for four nights while some of this work was carried out, which suggests that this repair may have involved removing some of the old stonework and enlarging the opening before patching in new stone. This would have compromised the security of the prison and would have required extra guards, hence the watchmen. Another area which received attention at this time involved two ditches, which were evidently deep underground beneath the prison as the men working on them required ladders and lamp-light. It is possible that these were constructed when the prison was built to channel and contain an existing watercourse and utilised for drainage, as over seventy large pieces of timber were used to

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<sup>77</sup> Despite the quantities involved these were for repairs to existing stonework and not for any new construction.

<sup>78</sup> All prisons had Master’s and Common’s sides, which are discussed under prison conditions in Chapter 3.

‘strengthen’ the ditches during these works. Grating or lattice-work installed above the ditches supports the idea that they were employed as drains, while the use of iron to ‘join together beams around about the two ditches’ and hurdles [rectangular frames] suggests they were a considerable size and accessible, like a sewer. The excavation of the site in 1903-4 revealed a watercourse beneath the prison which is likely to have been the original ditches (see Figure 2:7).<sup>79</sup>



Figure 2:7. Underlying water at the site of Newgate gaol.<sup>80</sup>

By 1316 this underground area was evidently in need of further attention, for at this time Edward II ordered the mayor and aldermen to postpone work on a new turret on the city wall near the Friar’s Preachers to concentrate on ‘the chamber and sewer [cloacum] of Newgate gaol’, which was to be ‘rebuilt and restored at all speed’.<sup>81</sup> In spite of the urgency it appears the work was not carried out immediately as two years after this order Edmund de Wyndsore presented himself before the mayor

<sup>79</sup> Norman, ‘Roman and Later Remains’, pp. 134-135.

<sup>80</sup> LAARC, Negative 753-30, Site of Newgate Excavation (1903-4).

<sup>81</sup> *LBE*, p. 66; *CCR, 1313-1318*, p. 278.

and aldermen with letters patent from Edward II allowing him to execute the works.<sup>82</sup> Perhaps de Wyndsore's appointment indicates the king's frustration with the mayor and aldermen's negligence in resolving the problem themselves. It is possible that the civic authorities considered the completion of the turret, a more visible expression of the City's status and fundamental to London's security, their priority. Whatever the actual cause of the delay, it is highly probable that these underground water channels, along with the prison's close proximity to the City ditch, would have been the cause of the noxious air that periodic complaints state pervaded the prison.<sup>83</sup> In times of dry weather and drought there would have undoubtedly been a foetid stench as the effluent would not be washed away or diluted. In 1419 Ludgate prison was closed and the prisoners moved to Newgate after its status as a prison for freemen was invalidated by the admission of 'false persons of bad disposition'.<sup>84</sup> Within months of the relocation many of the transferred prisoners had died, their deaths blamed on the 'fetid and corrupt atmosphere' at Newgate, and Ludgate was reinstated as a prison.<sup>85</sup>

Although the city authorities were responsible for the administration of Newgate the impression given by the repeated royal orders to make repairs is that the maintenance and upkeep of this building were not very high on their list of priorities. This is further substantiated by the testimony of John de Stonore and Robert de Wodehouse, chief and second barons of the Exchequer, who in July 1329 reported that the gaol was in such a poor condition that it was thought necessary to consider moving

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<sup>82</sup> *LBE*, p. 67.

<sup>83</sup> *LBI*, p. 215; *Memorials*, p. 677, 'the fetid and corrupt atmosphere that is in...Newgate' (1419); David Warbiton claimed he was 'likely to die for foul airs' in Newgate, TNA C1/48/29 (c.1473-1475). LMA Rep. 2, f. 71b (1509): men appointed to investigate the 'nuisance of corrupt air' at Newgate.

<sup>84</sup> LMA Journal 1, f. 57v; *CCR, 1409-1413*, p. 215; *LBI*, p. 215; *Memorials*, pp. 673-674.

<sup>85</sup> LMA Journal 1, f. 65; *LBI*, p. 227; *Memorials*, p. 677. The actual number of the deceased is not recorded.

the prisoners until it was repaired.<sup>86</sup> Nevertheless, a year later the improvements were still awaiting attention and the prisoners had not been moved elsewhere despite the sheriffs having been ordered to repair the gaol and fund it out of their own farm.<sup>87</sup> It appears that the poor condition of the gaol was not redressed until it was rebuilt in the fifteenth century through the efforts of the executors of Richard Whittington (d. 1423). By this time Newgate must have been in quite a decrepit state, and in May 1423 Whittington's executors were granted permission to demolish both the existing gaol and gate and erect a new gaol on the site.<sup>88</sup> Although letters patent were issued at this time for the work, the king repeated the permission to pull down the existing buildings two years later.<sup>89</sup> This suggests that the reconstruction took eight years to complete; from the first permission in 1423 to ordinances relating to the governance of 'the gate of Newgate, lately rebuilt' in February 1431.<sup>90</sup> This gate is depicted on a plan of the Greyfriars site, which shows large windows on the upper floors that suggest light and airy chambers (see Figure 2:8). The considerable length of time it took to rebuild the gate and gaol is supported by the lack of references to Newgate during 1423-1431. The last reference to a prisoner in Newgate in the period of the rebuild occurs in February 1422, when a writ of *Habeas Corpus* was issued for Thomas Basset of Witham in Essex, 'then a prisoner in Newgate', to be taken before the king to answer a plea of trespass.<sup>91</sup> An entry in *Letter Book K* states that in 1423 the prisoners were moved into the sheriffs' Compters, even though the work did not start until much later; however, the lack of references to Newgate from as early as 1422 suggests the

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<sup>86</sup> *CCR, 1327-1330*, p. 483; *Oxford Dictionary of National Biography: from the earliest times to the year 2000*, ed. by H. C. G. Matthew and Brian Harrison, 61 vols. (Oxford: Oxford University Press, 2004), vol. 52, p. 926, vol. 59, p. 932.

<sup>87</sup> *CCR, 1330-1333*, pp. 1, 47; *CCR, 1330-1333*, p. 1 (1330).

<sup>88</sup> *LBK*, p. 19.

<sup>89</sup> *LBK*, p. 119 (1425).

<sup>90</sup> *LBK*, pp. 124-127. The ordinances will be discussed under prison management in Chapter 4.

<sup>91</sup> *CPMR, 1413-1437*, p. 114.

prison was in such a poor state that the inmates had already been moved and new prisoners were being committed elsewhere.<sup>92</sup>

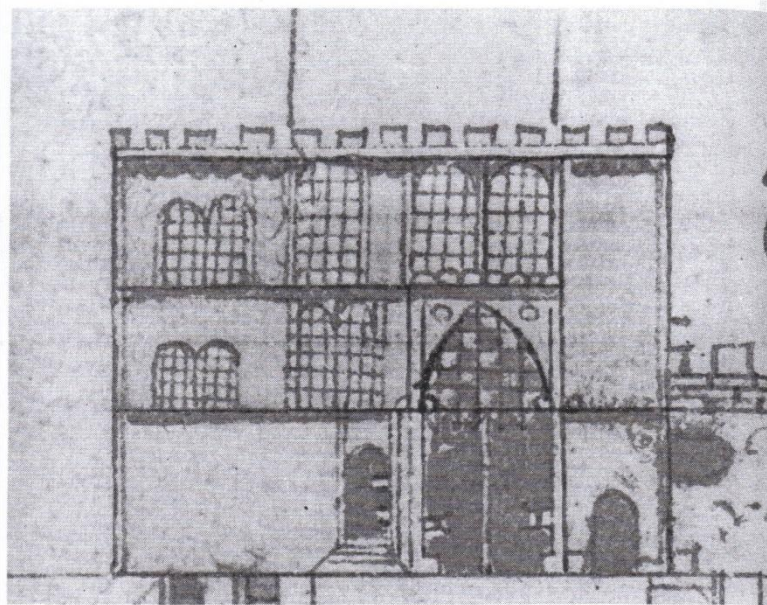


Figure 2:8. Section of plan of the Greyfriars showing Newgate, 1619.<sup>93</sup>

There are no references to Newgate in the *Close Rolls* for the period 1422-1429.<sup>94</sup> The rebuilding was definitely underway by January 1425 as the gaol delivery sessions were moved to the Compters and were not held again at Newgate until 1431.<sup>95</sup>

Surprisingly, it was not long before the prison was again being described as having ‘fallen into disrepair’; less than thirty years after the rebuild the sheriffs were granted a house to the south of the prison, possibly to house the prisoners.<sup>96</sup> Although the problems at this time were not actually described, the use of a separate building suggests that these defects may have compromised the security of the prison.

<sup>92</sup> *LBK*, pp. 39, 49. During the reconstruction the prisoners were to be removed to the two sheriff’s Compters. It may be that there were not many prisoners in Newgate at this time; equally this might imply that the Compters were substantial buildings. Unfortunately, there are no details about the construction of the Compters to refute or corroborate this.

<sup>93</sup> SBHB/HC/1/19, f. 59. Reproduced by kind permission of Miss. S. Cawthorne, archivist. This drawing was probably the work of Martyn Llewellyn, who was the steward of St Bartholomew’s Hospital, 1599-1634.

<sup>94</sup> *CCR, 1422-1429* (London: HMSO, 1933).

<sup>95</sup> *LBK*, pp. 39 (1425), 49 (1425), 140 (1431).

<sup>96</sup> LMA, Journal 6, f. 87v (1456).

Coincidentally, it was at this time that some prisoners broke out onto the roof of the gate and it is feasible that it was these men who required alternative accommodation and their being loaded ‘with irons and fetters’ was as much to keep them secure in the house as it was to punish them for their actions.<sup>97</sup> It is unlikely that the new buildings were dilapidated so soon after being rebuilt; therefore it may be that part of the original prison had been retained during the reconstruction by Whittington’s executors and the complaint referred to an older structure. The fifteenth century rebuild must have been of reasonable quality since Newgate was not destroyed in the Great Fire and only required repairs in 1672, although the façade of the gate was changed from gothic to classical during 1629-1631.<sup>98</sup> This meant that much of Whittington’s Newgate, particularly the underground chambers, would have survived into the eighteenth century, when the prison was redesigned by George Dance junior in the 1770s.<sup>99</sup> What appears to be an underground passage was discovered during the 1903-1904 excavation; however, the difference between the stonework seen in Figure 2:9, compared to the masonry seen in Figure 2:6, suggests this may have been from the eighteenth century rebuild.

The ordinances relating to Whittington’s rebuilt Newgate reveal that the prison extended north and south of the gate and was symmetrically proportioned, as there were rooms with chimneys and privies ‘near the hall and fountain on the north part of the prison’ and ‘like chambers on the south’.<sup>100</sup> The reference to a ‘fountain’ clearly indicates there was a water supply at the prison eleven years before the grocer Thomas

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<sup>97</sup> *The Great Chronicle*, p. 189.

<sup>98</sup> Edward Hatton, *New View of London* (London: 1708), p. 757; Ralph B. Pugh, ‘Newgate Prison’, *Country Life*, CLIV (October, 1973), pp. 1014-1016, p. 1014.

<sup>99</sup> Norman, ‘Roman and Later Remains’, p. 136; Howard, p. 162.

<sup>100</sup> *LBK*, p. 125 (1431).



Knolles obtained a licence to draw any superfluous water from St. Bartholomew's private supply for the use of prisoners at Newgate and Ludgate.<sup>101</sup>

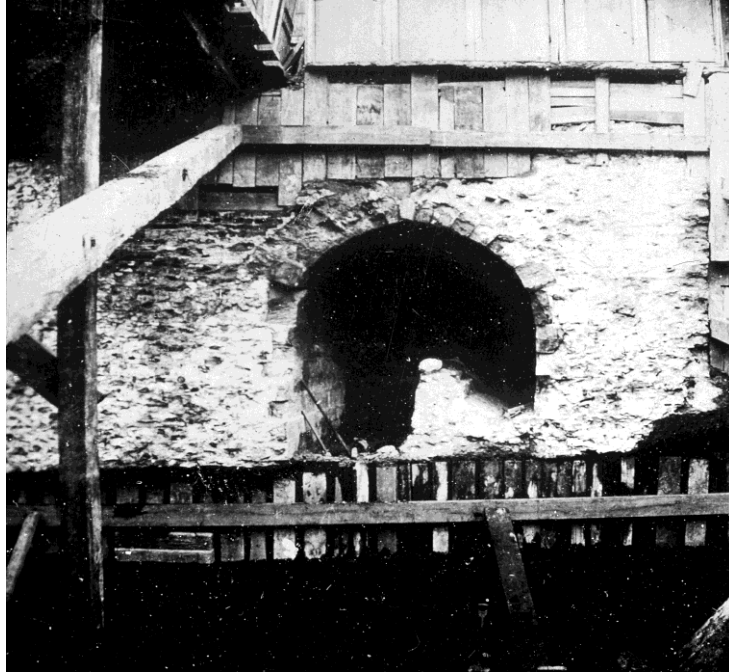


Figure 2:9. Underground passageway at site of Newgate prison.<sup>102</sup>

The existence of this earlier water supply is further substantiated by a reference to a lead pipe conveying water from St. Bartholomew's to the prisoners in Newgate through a message called 'le Swan' in 1435; however, Knolles' licence specified the water was for the use of 'poor' prisoners, therefore it is conceivable that although Newgate had a water supply it was not freely available to every prisoner.<sup>103</sup> The 1431 ordinance stated that the areas surrounding the gate were for the use of 'freemen of the City and other honest persons'; men to the north, women to the south. Wrongdoers who were strangers or not free of the city were to be held in 'less convenient chambers' and felons, along with those indicted of 'great crimes', were to be

<sup>101</sup> SBH/HCI/1199 (1442); *LBL*, p, 130.

<sup>102</sup> LAARC, Negative 755-30, Site of Newgate Excavation (1903-4).

<sup>103</sup> *LBK*, p. 189. In 1468 John Bedham left 6s 8d rent from a tenement called 'le Nonne' to be used for the conduit to Newgate, SBH 440/390.

‘safeguarded’ in the basement cells.<sup>104</sup> Some of the eighteenth century cells survive in what is now the cellar of The Viaduct public house in Newgate Street (see Figure 2:10).



Figure 2:10. A cell beneath The Viaduct public house, Newgate Street.<sup>105</sup>

They are small, damp, cold and completely without natural light. The ‘shelving’ appears to be a later addition, and it is possible that these cells were used by the warden for storage. These areas were used even though the city authorities were aware of the pejorative effects of the lower wards on the health of prisoners, and they acknowledged that ‘the basements and dark places often caused infection’.<sup>106</sup> It is possible that the windmill installed above the gate in the early sixteenth century was intended to increase the movement of air in the lower areas of the prison.<sup>107</sup>

<sup>104</sup> *LBK*, p. 125.

<sup>105</sup> Author’s own photograph, taken 12 April 2011, and reproduced with kind permission of the publican.

<sup>106</sup> *LBK*, p. 127 (1431).

<sup>107</sup> Johnson, a carpenter, was recompensed for his repairs to the windmill, LMA Rep. 9, f. 94 (1535).

Consequently, although there are no extensive plans or elevations that indicate the physical structure of Newgate prison, either before or after the Whittington rebuild, there are some indications of how the buildings related to the gate and the implications of the design for the inmates. It is apparent that measures were being taken long before the rebuild to segregate at least men and women, if not different categories of prisoner, since a separate tower for women was constructed in 1406 after there had been complaints that their chamber was uncomfortably small and that they had to pass through a room crowded with men to access the privy.<sup>108</sup> Before this there may not have been any attempt to segregate men and women, and there is earlier evidence to suggest that women may have fallen pregnant while in prison. Around 1300 the stewards of St Bartholomew's Hospital petitioned Edward I because they could not afford the increased taxes due to their commitments to the 'sick poor, stray children, servants of the king and queen who were too old to work and babies born in Newgate and their mothers'.<sup>109</sup> This appeal implies that these charitable causes were a regular occurrence and a constant drain on the hospital's finances, yet this is the only reference found during the course of this research to prison babies in the medieval period. While it is possible that the women were pregnant before they were committed to prison, this reference suggests that charitable support was available to unmarried mothers.

### **Ludgate**

There is very little information relating to the physical structure of Ludgate prison. In September 1378 the civic authorities were considering using Ludgate as a prison. The sergeants of the chamber, William Worcester and Philip Waleworthe, were granted

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<sup>108</sup> *LBI*, p. 49 (1406).

<sup>109</sup> 'Daylight', II, 3 (June, 1968), p. 5 (Journal of St Bartholomew's Hospital).

custody ‘of the gate and all houses and buildings above it’ on the condition that if it ‘became a free prison the chamberlain for the time being should provide manacles, chains and other necessary implements at the City’s expense’.<sup>110</sup> The conversion was confirmed in December 1382 and in February 1383 Ludgate was established as a prison for freemen and women of the city ‘for debts and other small trespasses and plaints’, while citizens indicted of felony, maiming or treason were to be committed to Newgate.<sup>111</sup> It may be that those accused of such misdemeanours would have been confined in the superior chambers detailed above until they had been sentenced and were moved into other areas of the prison if found guilty. The licence for a water supply to poor prisoners granted to Thomas Knolles extended from Newgate to serve the prisoners in Ludgate; thirty years later ‘by the alms of charitable and well-disposed people’ lead pipes were laid in the ground to move water from Ludgate to Newgate.<sup>112</sup> While this water may have been fit for consumption it would also have been used to cleanse the privy. A complaint made to the mayor and aldermen in 1441 by the keeper Henry Dene reveals that the prison privy was situated on the north wall of the gate where it emptied into the City ditch.<sup>113</sup> The complaint indicates that this was the only place in the prison where the privy could drain out, which suggests there may have only been one lavatory for use by both men and women. This necessity had clearly not been given consideration by Nicholas Clement, joiner, who, by building on land to the north of the gate, had effectively blocked the aperture thereby making it impossible for the privy to be cleansed.<sup>114</sup> The keeper had a very good case against

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<sup>110</sup> *LBH*, p. 97. The will of Richard Andreu records a bequest made to ‘le Francheprison’ in 1348. This building was stated as being in the parish of St Sepulchre without Newgate; consequently, both the date and place indicate this was not the prison of Ludgate, but neither is it Newgate which is never described as a free prison. See *Husting Wills*, I, p. 621.

<sup>111</sup> *LBH*, pp. 208, 213; *LBL*, p. 250.

<sup>112</sup> *LBL*, p. 4 (1436), p. 130 (1475); *CPMR*, 1458-1482, pp. 92-93 (1475).

<sup>113</sup> *LBK*, pp. 254-255.

<sup>114</sup> *LBK*, p. 254 (1441).

Clement as the only alternative was for the effluent to be carried out of the prison to the ditch by way of ‘the king’s highway to the annoyance of all the king’s people and dishonour of this City’.<sup>115</sup> Presumably this issue was resolved in favour of the keeper as there are no further complaints regarding the privy.

Apart from a few references to payments for repairs the only information that gives any indication of the construction of Ludgate is contained in Articles from 1463 when the prison was extended through the charity of Stephen Forster and his widow, Agnes.<sup>116</sup> This work retained the old part of the prison within the gate but included a new building, which was undoubtedly the property south of the gate shown in Figure 2:5. According to John Stow this new work was a two storey stone building with a large walking area on the ground floor, lodgings on the first floor and a castellated roof where prisoners could walk upon the leads.<sup>117</sup> The work also included the addition of a porch, watch hall, cellar and a chapel.<sup>118</sup> Although not clear from the 1463 Articles, the location of the new building, being south of the gate and adjacent to the town ditch, could have contained a second privy, in which case the extension could have allowed for separate conveniences for men and women. It appears that the keeper may not have had a residence within the prison, as in 1479 Thomas Cotton had to pay £6 for a five-year lease for ‘his house near the gaol’, although it is possible that this may also have been used to accommodate prisoners.<sup>119</sup> Apart from the cellar

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<sup>115</sup> *LBK*, p. 254.

<sup>116</sup> *LBI*, p. 123 (1414, gate and houses above maintained); *LMA Journal* 2, f. 31 (1425, paving under gate); *LBL*, pp. 41-43 (1463, new building); *LMA Rep.* 12/1, f. 237 (1550, repairs).

<sup>117</sup> Stow, *A Survey of London*, I, pp. 39-40.

<sup>118</sup> Strype (ed), *John Stow a Survey of London and Westminster*, vol. 2.2 (London: 1720), Appendix, Chapter VI: ‘Ludgate, what it is; not what it was’, p. 26.

<sup>119</sup> *LBL*, p. 169. This amount was determined by the mayor and alderman, so it is assumed that the payment for this lease went to the City. Although it is not known whether the keeper of Newgate had his own accommodation within the prison in the later medieval period, by the late sixteenth/early seventeenth century it appears that residence within the prison was a requirement of the office, as two keepers were dismissed for not complying with the rule (in 1595 and 1636). See Clifford Dobb, ‘London’s Prisons’ in *Shakespeare in His Own Age*, ed. by Allardyce Nicholl (Cambridge: Cambridge University Press, 1964), p. 93.

mentioned by Strype in the early eighteenth century, which could have been used for storing wine or other goods, there is no indication that there were any underground chambers used for incarceration at Ludgate, which, together with the two areas for open-air recreation, suggests that the freemen prisoners were held in an altogether healthier environment than their counterparts in Newgate. Unfortunately, while this may have been true for the majority of men and women held in Ludgate, it was described by one prisoner as ‘a woeful prison’ and there were still some prisoners who suffered hard imprisonment in irons and sickness, although there is nothing to indicate that this was as a result of poor conditions.<sup>120</sup>

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<sup>120</sup> ‘Woeful prison’, TNA C1/46/321 (c.1433-1443 or 1467-1472); ‘in great poverty and sore sick’, TNA C1/32/353 (c.1465-1471); ‘in great irons’, TNA C1/67/142 (c.1483-1485).

### Chapter Three: Conditions in London's Medieval Prisons

The remark made by John Paston that the Fleet was 'a fair prison' notwithstanding, without exception all of the London prisons received complaints about the conditions in which prisoners were kept.<sup>1</sup> The objections were mostly raised by the prisoners themselves; most are found in appeals against imprisonment, although some complaints were made to the authorities by visitors to the prisons, masters of apprentices or relatives. Of all the prisons Newgate attracted most condemnation, which generally focused on the noxious air that permeated the building, albeit episodically. Perhaps it was because of its foul stench, and history of prisoners dying, that two defendants committed to the Compters were threatened with being moved to Newgate if they did not cooperate with the keeper.<sup>2</sup> Thus the prison's notoriety was already established in the medieval period. Unlike modern prisons, where every inmate is provided for equally by the governing body, the keeper of a medieval prison was not responsible for his prisoners' welfare and was entitled to charge for every basic necessity. Accordingly, all those committed to prison, if only to await trial, not only had to provide their own victuals, bedding, coals and lamps, or else buy them from the keeper or go without, they were also expected to pay a fee on both entering and leaving the prison.<sup>3</sup> The social standing and financial means of people committed

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<sup>1</sup> *Paston Letters and Papers*, ed. by Norman Davis, I, p. 557 (1470). *LBB*, p. 244 (The Tun, 1297); *CPMR*, 1381-1412, pp. 157-158 (Ludgate, 1388-1389); *PROME*, Henry V, appendix 18 (i): complaints against Newgate, Ludgate and the sheriffs' Compters (1402); *LBI*, p. 49 (Newgate, 1406); *LBK*, pp. 345-347 (Compters, 1452); TNA C1/32/216 (the Fleet, c.1465-1471); TNA C1/46/175 (Marshalsea of the Household, c.1467-1472); TNA C1/64/34 (the Tower, c.1475-1480 or c.1483-1485); TNA C1/79/44 (Newgate, 1486); TNA C1/145/33 (King's Bench, c.1486-1493).

<sup>2</sup> TNA C1/83/45 (c.1486-1493); TNA C1/85/28 (c.1486-1493). Chapter 7 analyses the causes of prison deaths. In a separate appeal the Compter was described as 'woeful', see TNA C1/46/32 (c. 1467-1472).

<sup>3</sup> *LBG*, p. 74 (1356); *LBK*, p. 126 (1431); *PROME*, Henry IV, 54 (1401); LMA Rep. 11, f. 303b (1546). This system was also employed in Italy and continued through the centuries. See Guy Geltner, *The Medieval Prison*, p. 20; *The Elizabethan Underworld: a collection of Tudor and Early Stuart tracts and ballads*, ed. by A. V. Judges (London: Routledge, 1930), p. 271 (fees in Newgate, c.1596), p. 95 (fees

to prison would have varied greatly and the ability of some prisoners to pay more than others meant that every prison developed a 'Master's' and a 'Common's' side.<sup>4</sup> Although areas with these particular names are not found in the medieval sources, different chambers were available for different categories of prisoner and would presumably have been offered at varying rates.<sup>5</sup> The Master's side was for those with independent means of financial support who could afford the extra charges made for the use of better chambers and the supply of provisions. Entry to the Common's side would have been considerably cheaper because the chambers were not only in less salubrious areas of the prison they were also shared by a number of people. In each side there would have been a range of accommodation with a sliding scale of appropriate fees, so that even those who initially could afford the better chambers could find themselves in dire straits when their money had been depleted.<sup>6</sup> Those without any money to support themselves were reliant on charity and were housed in the most basic and unpleasant conditions. This system, which was clearly inequitable as anyone who had the means to support themselves, even those convicted of serious crimes, could experience better conditions than someone who was merely held on suspicion of a misdemeanour but who was penniless, was acceptable by medieval standards. Although there is no contemporary evidence that this system was challenged, Richard Whittington and Agnes Forster were clearly in the vanguard of

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in the Compters, 1606), pp. 430-433 (charges in Wood Street Compter, 1616); Harris, *Economy*, pp. 152-153 (fees in the Fleet, 1619); Howard, *The State of the Prisons* (London & Toronto: J. M. Dent, 1929), pp. 163-171 (fees in Newgate and the Fleet, 1700s).

<sup>4</sup> William Fennor was committed to the Wood Street Compter (formerly Bread Street) in 1616 and chose to be admitted to the Master's side, *The Compters Commonwealth* (1617), in *The Elizabethan Underworld*, pp. 423-487, p. 430.

<sup>5</sup> *Husting Wills*, II, p. 114 (1368); *LBK*, p. 125 (1431); *LMA Journal* 9, fs. 107b, 171 (1488).

<sup>6</sup> Fennor, p. 435. The fees for the Master's side depleted Fennor's finances and he had to move to the Common side.



the prison reform movement.<sup>7</sup> The rebuilding of Newgate and Ludgate and the ensuing Articles regarding management of the City prisons, was intended to secure an improvement in the quality of the environment imposed on the poorer individuals detained behind the walls. The conditions encountered by prisoners may also have depended on where they were committed, as the evidence suggests that some wrongdoers knew they would be better off in the Fleet prison.

Although the inmates in the Fleet occasionally suffered from the stench arising from the watercourses surrounding them, caused on at least one occasion by butchers' waste deposited at a wharf on the River Fleet but generally through an accumulation of waste material obstructing the ditch, it appears the conditions in the Fleet were known to be better than at any of the other London prisons and that miscreants contrived to get committed there.<sup>8</sup> This may have been because it was the king's prison, predominantly used for confining those who owed money to the exchequer, and benefited from certain advantages pertaining to its status.<sup>9</sup> This is supported by a complaint to the king by the commons regarding the number of people who, on being accused of other misdemeanours, claimed they owed money to the exchequer in order to be committed to this prison, as a debt to the crown took precedence over all other accusations.<sup>10</sup> These people evidently felt they would be better off in the Fleet and were not deterred by the inflated fee of *2s 4d* the warden was permitted to take from those being delivered to the prison.<sup>11</sup> This was *2s* more than the wardens of the other London prisons were allowed to collect, although the fee

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<sup>7</sup> Whittington's petition for the rebuilding stated that he intended to remedy the appalling conditions in Newgate, Jean Imray, *The Charity of Richard Whittington: a history of the trust administered by the Mercer's company, 1424-1966* (London: Athlone Press, 1968), p. 9.

<sup>8</sup> *LBG*, pp. 31 (1354), 49 (1355); *Memorials*, p. 279 (1355); *CPR, 1494-1509*, p. 285 (1502); Ernest L. Sabine, 'Butchering in Medieval London', *Speculum*, vol. 8, 3 (July, 1933), p. 343.

<sup>9</sup> The distinctions between royal and civic managed prisons will be discussed in Chapter 4.

<sup>10</sup> *CCR, 1369-1374*, p. 382 (1372); TNA SC8/101/5050 (1377).

<sup>11</sup> *Calendar of Inquisitions Post Mortem*, VII, pp. 330-331 (1332).

for delivery at Newgate doubled to 8d after Whittington's rebuilding.<sup>12</sup> The exception to this was that anyone committed to Newgate who had been accused of a felony was required to pay 2s.<sup>13</sup> The committal and deliverance fees, along with payment towards the maintenance of the prison lamps, were not imposed on anyone committed by the mayor, aldermen or sheriffs 'for punishment', or by poor prisoners who relied on alms and the poor box for accommodation or provisions.<sup>14</sup>

In all prisons these fees would have been separate from charges made for accommodation and provisions. Unfortunately there are no records of the fees charged for entrance to Master's or Common's sides in the medieval period. The references to these charges are from the seventeenth and eighteenth centuries when it might be presumed they had increased exponentially; however, when John Howard visited the Fleet in 1727 he found that the charge for delivery was 2s 4d, the same fee that had been applied four hundred years earlier, which suggests that the fees may not have increased during the intervening centuries.<sup>15</sup> The apparent continuity in the delivery fee justifies relating some of the other fees that were imposed in the seventeenth and eighteenth centuries. Alexander Harris and John Howard published tables of charges for the Fleet, although slight differences in their content means they are not directly comparable. For example, the table from Harris's keepership in the seventeenth century contained a scale of 'fines' for entry to the Common's Side and charges paid to officers of the prison from those of different social standing, from an

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<sup>12</sup> *Statutes of the Realm*, I, 17 Edward II c. 5, p. 193 (1323-4). Delivery fee at Newgate 4d, *LBG*, p. 74 (1356); delivery fee at Marshalsea 4d, *PROME*, Henry IV (January 1401), 54; delivery fee at Newgate 8d, *LBK*, p. 126 (1431). Prisoners in European gaols were also subjected to fees. See Geltner, *The Medieval Prison*, p. 20; Dunbabin, *Captivity and Imprisonment*, pp. 57-58.

<sup>13</sup> *LBK*, p. 126 (1431). The author of *The Mirror of Justices* wrote that it was an abuse that prisoners should pay anything on entering or leaving prison, although, in concordance with the author of *Fleta* he believed prisoners should maintain themselves out of their own resources, *The Mirror of Justices*, I, p. 33, V, p. 160 (53); *Fleta*, II, p. 66. The Constable of the Tower was to sustain Robert de Dalton from his custody of Dalton's lands and goods, *CPR, 1345-1348*, p. 366 (1347).

<sup>14</sup> *LBK*, p. 126.

<sup>15</sup> John Howard, *The State of the Prisons*, p. 167.

archbishop or duke to a poor man, while the table seen during Howard's visit has entrance fees to the Master's and Common's Sides and various charges for combinations of sleeping arrangements that were applicable to every prisoner.<sup>16</sup> The scale of charges ranged from using one's own bed and bedding to hiring them from the keeper and then from sharing the hired bed with another prisoner to having sole occupancy.<sup>17</sup> It is quite likely that these variations in the sleeping arrangements had been applicable in the medieval period. After Whittington's rebuilding of Newgate the keeper was to allow freemen and women to use their own bed without any charge and was not permitted to charge them more than 1*d* a night for a bed with blankets and sheets, or 1*d* a week for the use of a couch.<sup>18</sup> Gentlemen and freemen choosing to take bed and board from the keeper were charged 3*s* a week, or part thereof, while yeomen were to pay 1*s* less.<sup>19</sup> Of course, it must be remembered that this was after Ludgate had been established as a prison for freemen and women, so although those committed to Newgate had been indicted of more serious misdemeanours they were still entitled to relative comfort if they could afford it or provide it themselves.

It would have been practical to make the different parts of a prison identifiable in some way, yet only a few named areas are recorded in the sources. Alexander Harris's response to complaints against his keepership reveals areas of the seventeenth century Fleet known as the Parlour and Tower chambers; accommodation in the

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<sup>16</sup> It appears that by the time of Howard's investigation into the state of eighteenth century prisons certain fees corresponded at both the Fleet and Newgate, as the same charges were made for residency on the Master's side in one's own bed (2*s* 6*d*) or in one hired from the keeper and shared (1*s* 3*d*), Howard, pp. 163, 170.

<sup>17</sup> Harris, *Economy*, pp. 152-153; Howard, *The State of the Prisons*, pp. 170-171. The poorest prisoners were those who were entitled to take from the poor box; any prisoner receiving charity in this way was excluded from all fees. For a description of the chambers in Newgate in the eighteenth century see W. Eden Hooper, *The History of Newgate and the Old Bailey* (London: Underwood, 1935), pp. 27, 29-39.

<sup>18</sup> *LBK*, p. 126 (1431). These fees also applied to freemen and women and the 'more honest' prisoners committed to Ludgate (*LBL*, p. 42).

<sup>19</sup> *LBL*, p. 42 (1463). In the late fourteenth century, prisoners who wanted a 'light and airy room' at the Paris Châtelet had to pay 4*d* a night for a bed plus 2*d* for the room. These charges did not include any provision of food, Dunbabin, pp. 124-125.

Parlour was more expensive than in the Tower, which he considered second class.<sup>20</sup> There was also the Baron's ward, the Women's ward, the Two Penny ward, the Beggar's, or Box ward, and the Hole.<sup>21</sup> The Two Penny ward and the Hole appear to have been infamous enough to appear in a contemporary play, for in *Greene's Tu Quoque* (1614) when Spendall, a prisoner, must move into a cheaper ward he is advised,

“Why to the Two-pennie ward  
Is likeliest to hold out with your meanes:  
Or if you will, you may goe into the Holl,  
And there you may feed for nothing”.<sup>22</sup>

While there is no evidence to indicate when the names of these chambers were introduced, it is likely some of them may have in use for a very long time and were not exclusive to the Fleet. For example, Stow records ‘Two Penny wards’ in the sheriffs’ Compters in 1592 and there is evidence of a room called ‘the Hole’ in the Poultry Compter.<sup>23</sup> Some of the chambers in other prisons were so notorious that they attracted names that were charged with menace, such as ‘Bocardo’ and ‘Juliansboure’ [Julian’s Hole] in Newgate, ‘Blakehalle [Blake Hall or *Black Hole*?] in the Tower and ‘Paradise’ in the Marshalsea of King’s Bench.<sup>24</sup>

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<sup>20</sup> Harris, *Economy*, p. xiv (1619).

<sup>21</sup> Harris, *Economy*, p. 86. The Baron's ward was named after one of its inmates, Baron Brounfennell. Nothing more is known about this man, however, this ‘memorial’ suggests he must either have been infamous or incarcerated there for a considerable time.

<sup>22</sup> J Cooke, *Greene's Tu Quoque, or, The Citie Gallant* (1614), ed. by Alan J. Berman (New York & London: Garland, 1984), p. 74, 2062-2065.

<sup>23</sup> Stow, *Survey*, I, p. 115. In 1670 the Hole was described as being ‘20ft square [with] forty or fifty prisoners sleeping, dressing, eating and other offices’ with ‘no segregation of men and women’, *The Elizabethan Underworld*, p. 96.

<sup>24</sup> *LBH*, pp. 203-204, *Memorials*, pp. 473-474 (1382), *LBI*, p. 49 (1406). *CPMR, 1381-1412*, p. 28, n. 4 (1382): Bocardo, originally used to name a chamber in Oxford prison, therefore possibly named by an imprisoned scholar as it is an argument in Logic from which one could not escape. Pugh suggests an alternative meaning for ‘bocardo’: a name for a bog (*Imprisonment*, p. 360). Neither interpretation implies this was a pleasant room. *CPMR, 1364-1381*, p. 119: Juliansbore (1370), ‘a dreadful prison in Newgate. *LBH*, p. 181, *Memorials*, p. 460 (1382): Blakehalle [my emphasis]; TNA C1/145/33: Paradise (c.1486-1493).

Some of these names are evocative of cold, damp and dark imprisonment, and while this would no doubt have been the environment in the deepest cells of a prison it did not apply universally to any establishment. In Newgate every prisoner was expected to contribute a total of *4d* towards the maintenance of the 'prison lamps', unless they had been charitably donated.<sup>25</sup> The lamps were probably only in the corridors, as this would have been to the warden and turnkeys' benefit, and not provided in the chambers as these would have been dependant on an individual's ability to supply their own, which would have been in keeping with the *laissez-faire* attitude towards prison provisions. This may have meant that some areas of the prison were perpetually dark. After the rebuilding of Newgate the officers of the City prisons were forbidden to sell candles, victuals or charcoal in order that the prisoners could buy their necessities 'where they pleased', which was presumably in response to complaints that officers exercised a monopoly and overcharged for provisions.<sup>26</sup> Of course, the keepers could have taken the clause 'where they pleased' to mean the prison, ignored the ordinance and continued to sell their goods exclusively to their prisoners. Although the keepers were prohibited from selling food they could still sell ale if they did not 'take more for "le Tappehouse"' than they had before the rebuild.<sup>27</sup> It appears that the keepers may have lost money when selling ale to the prisoners, as they could only charge *2d* for a gallon of the best ale that had cost them *3½d*, although they may have made a profit by selling the ale to visitors to the prison at an inflated

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<sup>25</sup> *LBK*, p. 126 (1431). The Skinners' company provided lights at the Poultry Compter in 1524 and 1525, *LMA Rep.* 4, f. 181b and *Rep.* 7, f. 96b. While the Company's connection to this prison is unknown, it is possible that one of their fraternity was, or had been, imprisoned there. Other London fraternities provided for members that had been imprisoned. For example, joiners who had been 'falsely imprisoned' were given *14d* a week by their fraternity, see Caroline Barron and Laura Wright, 'The London Middle English Guild Certificates of 1388-1389', *Nottingham Medieval Studies*, 39 (1995), pp. 108-145, p. 135.

<sup>26</sup> *CPR, 1324-1327*, p. 347 (1327); *LBI*, p. 262 (1420s); *LBK*, pp. 125-126 (1431). In 1383 the porters of the Compters and officers of Newgate had been forbidden to brew ale for sale, or bake bread or sell victuals on pain of losing their office, *LBH*, p. 209.

<sup>27</sup> *LBK*, pp. 125-126 (1431).

price.<sup>28</sup> The keepers of Newgate, Ludgate and the two Compters were also to provide coal to their prisoners at a price of *2d* a bushel, *1d* a half bushel and  $\frac{1}{2}d$  for a peck, 'full and heaped up'.<sup>29</sup> In this ordinance there is no distinction between freemen and other prisoners, which could either indicate that there were chimneys in all the chambers or that some prisoners could light fires in rooms without proper ventilation. As with all provisions such a basic necessity as warmth only came at a price and those without money would have had to suffer the cold and damp unless some coal had been charitably donated for the relief of poor prisoners. Prior to 1514 any underweight sacks of coal brought into the City were burnt, but in this year it was ordained that 'the best of the colliers' sacks ordered to be burnt' were to be given to the poor prisoners in Newgate.<sup>30</sup> It is uncertain whether fires were only used for providing heat or whether the prisoners could use them to cook food. The bequest by William Haryot of half an ox each to the prisoners of Newgate and Ludgate, and a quarter of an ox to the Compters, might suggest the prisoners did have some means of cooking at their disposal, or perhaps the meat had been roasted before being delivered to the prisons.<sup>31</sup>

The 1431 ordinance stating that keepers were not to monopolise the sale of victuals suggests that they had previously been permitted to supply food. Unfortunately, there is no evidence to indicate the type of provisions available to the prisoners in the medieval period, nor whether this was offered in an uncooked or cooked state. An illustration from the seventeenth century shows a particularly unruly mealtime at one of the Compters, where men are wielding haunches of meat and fish

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<sup>28</sup> *LBK*, p. 183 (1434).

<sup>29</sup> *LBK*, p. 183 (1434).

<sup>30</sup> *Memorials*, p. 408 (1377); p. 446 (1380); *CPMR, 1364-1381*, pp. 221-222 (1376); LMA Rep. 2. f. 194b (1514).

<sup>31</sup> TNA PCC, Prob. 11/7, ffs. 162-163v (1485) [This reference courtesy of Miss J. Ledfors]. Although not mentioned before Harris's description of the Fleet in the seventeenth century, it is possible that prisons had kitchens which could be used by the prisoners. Haryot was mayor 1481-1482, Barron, *London in the Later Middle Ages*, p. 346.

and ale or wine appears to be flowing freely, but whether this feast was brought in by the prisoners or provided by the warden is not clear from the picture nor the accompanying text (see Figure 3:1).<sup>32</sup> There is a suggestion of the kinds of foods that may have been available to prisoners in the archaeological report from the Fleet prison site, which revealed evidence of a range of edible materials and included items similar to those depicted in the Compter illustration. It is known that there were trees growing along the edges of the moat in 1356 and the excavation found the remains of fruit trees and bushes, including sloe, plum, cherry, hazel, elder, grape and blackberry, although it is uncertain whether these were planted or self-set by seeds dropped in the area by wind, birds or animals.<sup>33</sup> Most of these are indigenous species, but there was also evidence of mulberry and fig which do not pollinate and must have been imported and cultivated.



Figure 3:1. Frontispiece from 'The Counter Scuffle'.

<sup>32</sup> Frontispiece from R. S. *The Counter Scuffle, whereunto is added, The Counter Ratt* (London: William Stansby, 1635).

<sup>33</sup> *LBG*, p. 49; FVP, Interim report, p. 64. The remains of edible waste dated from 1154 to 1603.

There were a large number of seeds indicating that cabbage, swede, brussel sprout, cauliflower, kale and turnip grew on the site, which might suggest that vegetables were part of the prisoners' diet.

There was also evidence of opium poppy, hemp, club wheat, barley and oats which could be used for medicinal purposes, for brewing or making bread, or for soups or stews.<sup>34</sup> The barley and oats could have been used as animal fodder, as the remains of domestic animals were found at the site, as were vestiges of edible wild animals, such as rabbit, deer, duck, teal and woodcock and a variety of fish, including herring, plaice, flounder, eel, smelt, and hake.<sup>35</sup> A large rubbish pit in the prison grounds revealed bones from cattle, sheep, goats and pigs. According to the report the pig bones were suggestive of cuts of meat that would have provided both basic fare, such as soup and brawn, and large joints for roasting. There were also remains of chicken, goose and wild fowl where there were knife cuts on the bones which suggested that the birds had been dressed for consumption.<sup>36</sup> The butchers of St Nicholas Shambles were working in the vicinity of the prison and it is possible that they, along with poulterers and fishmongers, had arrangements with the warden for delivering produce to the Fleet.<sup>37</sup> The archaeological evidence suggests there were a wide variety of foodstuffs available on the prison site, and that some of it was cultivated, but we can only speculate whether any of it was consumed by prisoners, or possibly even grown by them. It is tempting to imagine that the better cuts of meat

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<sup>34</sup> FVP, Interim report, p. 64. The macrobotanical remains found at the site of Het Steen prison in Belgium are remarkably similar to those found at the Fleet which suggests that the wardens, or prisoners, may have had a very similar diet. See Liesbeth Troubleyn et al, 'Consumption Patterns and Living Conditions inside *Het Steen*, the Late Medieval Prison of Malines (Mechelen, Belgium)', *Journal of Archaeology in the Low Countries*, 1-2 (2009), pp. 5-47, pp. 23-26.

<sup>35</sup> FVP, Interim Report, pp. 63, 64, 67; Alice Locker, FVP, Environmental Reports, 88/P/154a. At Het Steen herring remains constituted almost one half of the 34,000 fish samples discovered, Troubleyn, 'Consumption Patterns', p. 35.

<sup>36</sup> FVP, 88/P/159, p. 81.

<sup>37</sup> Unfortunately, there is no evidence to suggest that any arrangements had been made between the wardens and tradesmen for delivering produce to any of London's prisons.



and fish were available to higher ranking prisoners, who could afford them, while the lesser cuts and cereals were given to the poor prisoners.<sup>38</sup> In the seventeenth century the keeper, Alexander Harris, included a week's diet in all the prisoners' fees. His justification for this was that the 'Constitutions' relating to going abroad distinguished between morning and afternoon fees; from this he inferred that all prisoners were to eat at the prison, therefore it was the warden's responsibility to provide them with food.<sup>39</sup> The 'Constitutions for Governance of the Fleet', which were renewed during 1560-1561, specified that as long as the warden's rates did not exceed prices in the City prisoners were forbidden to have food, ale or wine brought into them.<sup>40</sup> This was the antithesis of the fifteenth century ruling that forbade keepers from providing victuals. Despite the ruling that food provision was his responsibility, Harris appears to have supplemented his income by allowing prisoners to bring their own meat into the prison if they paid for the use of his cook and fire to prepare their meal.<sup>41</sup> Despite the keepership of the Fleet being a paid position, Harris's actions indicate the keepers there were not averse to making extra money and it is possible that they were able to capitalise on the free fare available at the prison site to increase their profit margins.

While various types of provisions must have been delivered to all of the prisons, either through the prisoners' private arrangements or for the keepers, the only evidence that survives of food being supplied to the prisoners is in bequests, donations of alms and goods that had been confiscated by the city authorities and were given for the prisoners' relief. Medieval society was encouraged to show benevolence to the

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<sup>38</sup> None of the remains found at the Het Steen excavation were of expensive or prestigious foods but were mainly from lower quality cuts, Troubleyn, 'Consumption Patterns', p. 41.

<sup>39</sup> Harris, *Economy*, p. 93.

<sup>40</sup> Harris, *Economy*, p. 92. See Pieter Spierenberg, *The Prison Experience: disciplinary institutions and their inmates in Early Modern Europe* (New Brunswick and London: Rutgers University Press, 1991), p. 178 for a prison menu from Amsterdam in 1659. This shows the prisoners only had meat on Sundays and fish on Fridays while the rest of the week's diet consisted of grains and pulses.

<sup>41</sup> Harris, *Economy*, p. 95.

less fortunate souls in their midst through the compassionate deeds stipulated in the Seven Acts of Mercy.<sup>42</sup> These were often depicted in stained glass and wall paintings in parish churches as a visual reminder of the community's Christian duty (see Figure 3:2). One of the Acts advocated visiting, or ransoming, prisoners but inmates could also benefit from the directives to feed the hungry and give drink to the thirsty as indicated by donations of food and drink given to prisoners charitably or in wills. This is evident from bequests of wine given to the prisoners in Newgate, of bread to prisoners in Ludgate, Newgate, King's Bench, the Fleet and the Marshalsea, bread and ale to the prisoners of Newgate, Ludgate and the Compters, of 'bread and flesh' to the poor prisoners in Newgate, Ludgate, the Marshalsea, King's Bench, the Fleet and the two Compters and 'a cade of good red herring every lent' to the most needy prisoners in Newgate, Ludgate, King's Bench and the Marshalsea.<sup>43</sup> While these bequests are evidence of the testators' munificence and adherence to the Seven Acts, there is some indication that executors were not always as devoted in the fulfilment of their instructions, as in the case of Sir John Pulteney's bequest of four marks annually to the poor prisoners of Newgate which seems rarely to have been paid.<sup>44</sup> It is also apparent that the beneficiaries of a will that named a number of London prisons might have received a substantially reduced legacy, unless the bequest stipulated individual establishments should receive a specified amount.<sup>45</sup>

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<sup>42</sup> Matthew 25: 35-40, Tobias 1:20 (burying the dead). Monarchs were not exempt from Christian duty and Henry III, Edward I and Edward III all gave either food or money to prisoners, *Calendar of Liberate Rolls, 1245-1251*, p. 168 (Newgate); *Munimenta*, II, p. 227 (Newgate); *CPR, 1354-1358*, p. 515 (the Fleet).

<sup>43</sup> *John of Gaunt's Register*, Camden Series (1911), p.96 (1372), p. 258 (1374); *CPMR, 1458-1482*, pp. 132-134 (1480); *CCR, 1476-1485*, p. 184 (1481); TNA PCC. Prob. 11/7 ffs. 162-163v (1485); *LMA Husting Roll 225 (15) (1481)* [this reference courtesy of Miss J. Ledfors]; *CCR, 1500-1509*, pp. 260-261 (1502).

<sup>44</sup> *Husting Wills*, I, p. 609 (1348); TNA SC8/25/1235 (1431): John Carpenter petitioning king for the terms of Pulteney's bequest (1431); LMA Rep. 1, f. 150 (1504); LMA Rep. 2, f. 27 (1507).

<sup>45</sup> Dame Alice Wyche's will specified £3 for the prisoners in Newgate, 26s 8d to prisoners in Ludgate, 20s each to the prisoners in the King's Bench and the Marshalsea, *CPMR, 1458-1482*, pp. 101-102 (1476); William Corbett bequeathed bread to the prisoners in Newgate, Ludgate, King's Bench, and the



Figure 3:2. Medieval wall painting of The Seven Acts of Mercy.<sup>46</sup>

There are numerous examples of money being left for prisoners' use, presumably so that the beneficiaries could buy whatever was most needed, including the residue of the estate of Hugh de Croydone, late keeper of Newgate.<sup>47</sup> As stated above, prisoners had to pay fees on entering and leaving prison which meant that many of the poorest prisoners were not liberated because they could not afford to pay the discharge fee. Holding men for want of such payment went against the edict in the Acts of Mercy to ransom prisoners and it seems that some testators sought to address this by specifying

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Marshalsea and money to the Compters and the prison at Westminster, TNA PCC, Prob. F.11/6, f. 102 (1474) [this reference courtesy of Miss J. Ledefors]; Dame Elizabeth Brown left 20*d* each to Newgate, Ludgate, King's Bench and the Marshalsea, *Paston Letters*, I, p. 211 (1487); Rose Scotton bequeathed 4*s* worth of bread to be distributed between Newgate, Ludgate, the two Compters, King's Bench, the Marshalsea, the prison at Westminster and the Fleet, TNA PCC, Prob. 1/6, f. 208 (1477) [this reference courtesy of Miss J. Ledefors]. In reality this would have meant a very small amount of bread was distributed to the prisoners.

<sup>46</sup> Wall painting of The Seven Acts of Mercy, St Andrew's Church, Wickhamstead, Norfolk [author's own photograph]. Upper tier, from left: Feeding the Hungry, Giving Drink to the Thirsty, Clothing the Naked, Receiving the stranger; Lower tier, from left: Relieving the imprisoned (a man incarcerated in the stocks), Visiting the Sick, Burying the Dead. The eighth panel, bottom right, is Christ Blessing which reinforces the Christian message of the frieze. The church also has a fine painting of The Three Living and the Three Dead.

<sup>47</sup> *Husting Wills*, I, pp. 515, 551, 552, 609 *passim*; *Husting Wills*, II, pp. 13, 25, 32 *passim*; TNA PCC, Prob. 11/16, Prob. 11/13 f 56v, Prob. 11/9 ffs. 166-167v, Prob. 11/8 ffs. 76r-77.

their bequest be used to redeem the neediest prisoners out of their predicament.<sup>48</sup> In London's prisons two of the prisoners without any means of financial support were permitted to solicit for alms, but it is uncertain whether this money could be used for deliverance or was only intended to provide necessities.

It appears that every prison had an arrangement for collecting alms for the poorest prisoners but that the distribution of the donations could be problematic due to misappropriation by keepers and officers of the prisons.<sup>49</sup> Ludgate prison had a calendar in which to record donations of alms for the delivery of the poorest and weakest prisoners. This suggests there was a system in place to administer the collections equitably and which may even have been managed by the prisoners, if the prison clerk had not taken control of the book.<sup>50</sup> A testament made by Marmaduke Johnson, a prisoner in Ludgate in 1659, shows that by the seventeenth century the prisoners were managing the collection and distribution of alms.<sup>51</sup> It is possible that this level of organisation may have had its roots in the fifteenth century and was not restricted to Ludgate but used in every prison. The Articles issued after the rebuilding of Newgate in 1431 indicate that there were so many people soliciting alms for prisoners in the City that it had become a nuisance. Consequently, collections were limited to two pairs of prisoners, 'one couple by the river, the other on land', who were allowed to go abroad with a saucer and box marked with the name of the prison.<sup>52</sup> Evidently the amount four people could collect was considered sufficient to support the poorest prisoners and would have been supplemented by confiscated food

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<sup>48</sup> *Husting Wills*, II, pp. 242, 332, 364; TNA PCC, Prob. 11/18, f. 14v, Prob. 11/16, f. 18, Prob. 11/7, ffs. 162-163v, Prob. 11/12, f. 85v, Prob. 11/6, ffs. 216v-218v; *CCR, 1500-1509*, pp. 143-144; LMA Rep. 9, f. 114b (1535), Rep. 9, f. 231b (1536); Stow, *Survey*, I, p. 115.

<sup>49</sup> The abuses inflicted by corrupt prison officials are covered in Chapter 4.

<sup>50</sup> *CPMR, 1381-1412*, pp. 158-159 (1388).

<sup>51</sup> Strype, *Survey*, vol. 2.2, Appendix, pp. 26-31. This is discussed more fully in Chapter 6.

<sup>52</sup> *LBK*, p. 125.

and other donations.<sup>53</sup> Conversely, other communities were unable to donate enough alms as they were barely able to support themselves and in Windsor many prisoners died through want of charitable support.<sup>54</sup> If the arrangement of two sets of collectors was not exclusive to Newgate, and there were four men from every London prison out with boxes and saucers, it would have meant that people could choose which establishment their donation would benefit. More importantly, it would have protected the system from being abused by false collectors who defrauded the commonalty to the detriment of the prisoners, as in the case of William Burgeys who was accused of dishonestly claiming to be a collector of alms for the Marshalsea of King's Bench.<sup>55</sup>

It is possible that allowing prisoners out of their prison to beg developed its own problems, which may have led to prisoners soliciting alms from passers-by through a grated window in a ground floor room, as depicted in a drawing of the Fleet prison in the seventeenth century (see Figure 3:3). Although some of the money collected was assigned for the purchase of food, the alms box was only to be opened every month or quarter which suggests payments for goods must have been made on account. Prisoners had to be penniless and friendless to qualify for alms from the box and if they were held in either of the Compters and needed to live off the contributions they could only stay one day and a night before they had to be moved to Newgate.<sup>56</sup> If poor prisoners had any family living near the prison the expectation was that they would provide them with food. There is evidence, however, that a plaintiff could interfere with such an arrangement to the detriment of the accused. In his Chancery appeal, Peter Cannir stated he would have perished without the food taken into him by

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<sup>53</sup> See pp. 94-95 for more on confiscated goods.

<sup>54</sup> *CPR, 1313-1317* (1315), p. 329.

<sup>55</sup> TNA KB145/5/6, no's. 3, 4 (1419) [this reference courtesy of Dr. H. Kleineke].

<sup>56</sup> *LBK*, p. 125 (1431). This was in response to the porters of the Compters overcharging the poor prisoners.

Kathryn Adryan, a kinswoman, but that he suffered 'great duress' after his accuser contrived to have her imprisoned as well.<sup>57</sup>



Figure 3:3. Begging at the Fleet prison.<sup>58</sup>

In other cases, where a prisoner had no money or means of support, or were either old or so ill they were likely to die, the king, mayor and aldermen could intervene and authorise a prisoner's release.<sup>59</sup> It was also within the civic authorities' power to redirect goods they had confiscated for contravening City ordinances to the prisons for the benefit of poor prisoners.

The numerous punishments for trade infringements clearly indicate that the producers and sellers of provisions in the City could be unscrupulous and often tried

<sup>57</sup> TNA C1/46/39 (1433-43 or 1467-72).

<sup>58</sup> Image from Moses Pitt, *The Cry of the Oppressed*, [www.collage.cityoflondon.gov.uk](http://www.collage.cityoflondon.gov.uk) image 2766, accessed 26 August 2007. See also British Library Images online. Moses Pitt was a bookseller who was imprisoned in the Fleet for debt in 1689. He championed prison reform and collected reports of debtor's suffering from around the country.

<sup>59</sup> *CCR, 1272-1279*, p. 391 (1277); *LBE*, pp. 237-238 (1329); *Memorials*, pp. 171-172 (1329); *LBH*, p. 34 (1376), 397-398 (1376); *CPMR, 1381-1412*, p. 62 (1386); *CCR, 1385-1389*, p. 334 (1387), pp. 390, 396 (1388); TNA SC8/27/1334 (1473).

to defraud the commonalty.<sup>60</sup> When caught their goods were forfeit and, depending on the condition of the produce, were given to the prisoners in Newgate or Ludgate. Some goods were evidently far beyond being edible, and therefore detrimental to health; these items were either hung around the perpetrators neck or burnt beneath them while they were punished on the pillory, as in the case of John Heynington, who was convicted for attempting to sell 'stinking' poultry.<sup>61</sup> Other food, although past its best, was still considered suitable for at least prisoners' consumption, such as 'uneatable' bread or boxes of old and fresh herring that had been packed together to fool the buyer and were passed on to the prisoners in Newgate and Ludgate.<sup>62</sup> While this may indicate a degree of food safety awareness, as presumably the authorities would not have knowingly forwarded food that would have been injurious to their prisoners' health, it was more likely through self-preservation as the prison officials were culpable if a prisoner died. Through a seventeenth century comedy we can perhaps get some idea of how the prisoners, however grateful, felt about such donations. By this time prisoners could pay a 'basket man' out of the poor box to roam the streets crying, 'bread and meat for the poor prisoners, bread and meat' and in *Greene's Tu Quoque* a prisoner describes the food brought in by the basket man as,

...Unsaverie scraps,  
That come from unknowne hands, perhaps unwasht;  
And would that were the worst, for I have noted,  
That nought goes to the prisoners but such food  
As either by the weather has been tainted,  
Or children, nay sometimes full paunched dogges,  
Have overlickt...<sup>63</sup>

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<sup>60</sup> For example, *LBA*, pp. 186-187 (fishing); *LBD*, p. 219 (wine merchants); *LBE*, pp. 113-114, 120, (forestalling poultry, hay); *LBF*, p. 165 (overpriced corn); *LBG*, p. 25 (birds unfit for food); *LBH*, p. 139 (pie bakers claiming other meat as venison); *LBI*, p. 46 (broken barley); *LBK*, p. 178 (cooper making false vessels); *LBL*, p.p. 123-125 (candles to be made of clean tallow). The punishments for offences will be discussed in Chapter 5.

<sup>61</sup> *LMA Journal* 3, f. 86v (1441).

<sup>62</sup> *LMA Journal* 4, f. 138 (1446); *LBL*, p. 49 (1464).

<sup>63</sup> *The Elizabethan Underworld*, p. 98; Cooke, *Greene's Tu Quoque*, p. 77, ll. 2140-2146 (1614).

In other incidences the confiscated food was good but flouted the civic ordinances in some way, for example by being underweight, overpriced or through being prepared prior to entering the City.<sup>64</sup> Consequently, medieval society adhered to a stratagem, deeply rooted in Christian values and reinforced through sermons and religious imagery that, under normal circumstances, should have maintained the poorest prisoners.

Unfortunately, the ingrained consciousness of charitable donation was vulnerable to both abuses by immoral individuals and periodic natural disasters that imperilled the poor prisoners. There were very few deaths in the London prisons that were recorded as being caused by starvation, but in times of dearth or epidemic the populace would have struggled to feed themselves, with little or no food to pass on to the prisoners.<sup>65</sup> The effect that outside influences could have on the prisoners was highlighted by Thomas Dekker who, during the plague of 1625, appealed to the people of London to remember the incarcerated and their Christian duty,

Where shall the wretched prisoners have their baskets filled every night and morning with your broken meat? ...These must languish and dye. You are fled that are to feed them, and if they famish, their complaints will flye up to heaven, and be exhibited in the open court of God and Angels, against you. For you be God's almoners, and if you ride away...you robbe the poore...This is not good, it is not charitable, it is not Christian-like.<sup>66</sup>

Although this was written for a much later outbreak of plague the sentiment must have been the same for earlier epidemics, when those who would normally have had provisions to spare for the prisoners would most likely have fled the City for the sanctuary of their country estates. In such universally-difficult times the prisoners were doubly damned because charitable donations would have been reduced and there

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<sup>64</sup> *Memorials*, pp. 38-39, 121 (lightweight bread); *LBK*, p. 101 (overpriced butter), p. 311 (victuals already dressed when brought into City)

<sup>65</sup> See Chapter 7 for an analysis of the Coroners' Rolls.

<sup>66</sup> *The Plague Pamphlets of Thomas Dekker*, ed. by F. P. Wilson (Oxford: Clarendon Press, 1925), pp. 148-149.



was less chance of release through gaol delivery, as the officers of the law leaving the City would have resulted in the courts being suspended.<sup>67</sup> Given there was a fairly regular turnover of prison officials in the civic prisons, and the keepership of the Fleet was relatively static through it being an hereditary position, there are only a few incidences of serious complaints against keepers which may be the result of a lack of documentation, of complaints not made through fear of reprisal, or it might indicate that the majority of keepers did not abuse their prisoners.<sup>68</sup> Nevertheless, there is one grievance that does occasionally arise relating to the conditions encountered by prisoners for, although wardens were legally permitted to place prisoners in irons or fetters if they felt there was a possibility they could escape, it is evident that their application was used, and abused, by some of the keepers in every London prison.<sup>69</sup>

'Ironing' prisoners seems to have become common practice perhaps because, as with all things relating to medieval prisons, it became another way the keeper could increase his income.<sup>70</sup> While it was forbidden to take money for putting the irons on it was customary for keepers to charge 'a reasonable fee' to remove them.<sup>71</sup> In Newgate and Ludgate the fee for removal could have been as much as £5.<sup>72</sup> It seems that in Newgate the prisoners may have been routinely ironed, as after the rebuilding the prison was considered strong enough to make ironing every prisoner unnecessary and the 1431 Articles stated that debtors who owed less than 100s were not to be put in

<sup>67</sup> *CCR, 1435-1441*, p. 197 (1438); *LBL*, p. 164 (1479). In 1295 prisoners in York died of hunger through the gaol delivery session being suspended because of the Welsh war, *CPR, 1292-1301*, p. 161.

<sup>68</sup> The abuse of official position will be covered in the next chapter.

<sup>69</sup> *The Mirror of Justices*, II, p. 52; *Fleta*, II, p. 68; *Bracton*, II, p. 385; *LMA Journal* 4, f. 166b; *LBK*, p. 126. *LBI*, pp. 227-231 ('loaded with fetters' in Ludgate, 1419); TNA C1/19/243 (c.1452-4), 'in grievous irons' in Newgate; C1/19/244 (c.1452-1454), 'fettered' in the Marshalsea; *LBL*, pp. 82-84, (1469), 'in iron manacles' in a Compter; TNA C1/32/216 (c.1465-1471), 'fettered and kept straightly' in the Fleet; C1/64/1039 (c.1475-1480 or 1483-1485), 'in great irons' in the Tower; C1/145/33 (c.1486-1493), 'kept straightly' in the King's Bench prison.

<sup>70</sup> A keeper of one of the Compters was charged for taking money *not* to iron a prisoner [my emphasis], *LMA Rep.* 11, f. 276 (1546).

<sup>71</sup> *LBK*, p. 126 (1431). In the seventeenth century it was not legal to put Fleet prisoners in irons, Harris, *The Economy*, p. xii. In the eighteenth century it was cheaper to iron prisoners than to make the prisons more secure, Hinde, *The British Penal System, 1773-1950* (London: Duckworth, 1951), p. 59.

<sup>72</sup> *Munimenta*, I, pp. 47, 524.

irons.<sup>73</sup> The removal fee was evidently neither fixed nor uniform across London's prisons. In the sixteenth century a porter in the Bread Street Compter was ordered not to take more than 2s to remove irons from a man in his keeping; however, this may have been a concession because the prisoner was a gunpowder maker and either useful to the City or the king. Another prisoner in the Poultry Compter complained that he was charged 8s to have his irons taken off.<sup>74</sup> Even Ludgate, which from its inception was intended as a prison for freemen who had committed lesser misdemeanours, had 'manacles, chains and other necessary implements' installed.<sup>75</sup> These 'implements' may have included a set of stocks, as John Walpole complained he had been placed in irons and stocks in Ludgate for five weeks before being moved to Newgate.<sup>76</sup> Although the stocks are commonly perceived as a public punishment, it was evidently not unusual for them to be used within prisons and there are references to their being employed in the Compters, the Tower and the Marshalsea of the Household.<sup>77</sup> References to increasing amounts of restraining equipment at the Marshalsea prisons are probably indicative of an expanding population and an escalating concern for public order. In 1352 there were nine pairs of fetters, two chains, one mallet and two puncheons (short posts) in the King's Bench prison that were deemed 'inadequate' for securing prisoners.<sup>78</sup> By 1483 the ironware had been augmented and not only included eleven pairs of manacles for men's hands, two single collars with chains and

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<sup>73</sup> *LBK*, p. 126.

<sup>74</sup> LMA Rep. 11, f. 92 (1544), Rep. 11, f. 276 (1546).

<sup>75</sup> *LBH*, p. 97 (1378).

<sup>76</sup> *CPMR, 1381-1412*, pp. 158-159 (1388).

<sup>77</sup> *CCR, 1385-1389*, p. 575 (Marshalsea, 1389); TNA C1/46/175 (Marshalsea, c.1433-1443 or 1467-1472); C1/46/185 (Compter, c.1467-1472); C1/159/7 (Tower, c. 1486-1493 or 1504-1515). The stocks at Stafford prison were sixteen feet long and must have held many prisoners together, TNA E101/587/8 (1391); Stocks and irons were also used at St Katherine's hospital, TNA C1/207/78 (c.1493-1500).

<sup>78</sup> *Select Cases in the Court of King's Bench*, V, p. xxvi (1352).

two double collars with chains but also numerous pairs of shackles and two items menacingly described as 'Devyllis in the necke'.<sup>79</sup>

The remuneration associated with 'ironing' meant that the application of such implements was susceptible to abuse and there is some evidence that prisoners were restrained in fetters, irons and chains for weeks or months, and that women and minors were not excluded from such treatment.<sup>80</sup> The fetters used on Robert Gumleton appear to have had a fixed bar between the ankle rings, as he claimed that for nine months his legs were held apart.<sup>81</sup> This, together with keeping a prisoner in irons despite money being offered for their removal, suggests that some prison officials were particularly vengeful or sadistic.<sup>82</sup> Nevertheless, it is the infrequency of such complaints that makes them more noticeable and perhaps we should be cautious in accepting claims that, in the majority of cases, were made in Chancery appeals that were intended to be highly emotional petitions for release. There is some evidence that claims of physical abuse were fabricated, however, it appears that excessive use of irons and fetters was occasionally employed by corrupt officials as a means of extorting money.<sup>83</sup> This is supported by the testimony of James de Galduches who claimed he was 'placed in the depths of the gaol [Newgate] as a felon and a thief...[and] horribly laden with irons'.<sup>84</sup> Galduches was so frightened by the

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<sup>79</sup> BL Add. Ch.5835 (1483); Carlin, *Medieval Southwark*, pp. 270-271. An account from Stafford Prison shows that fourteen pairs of iron fetters cost 12*d*; an equal amount was paid for eight pairs of iron bolts, TNA E101/587/8 (1391).

<sup>80</sup> John Broun, 14 years old, fettered in chains for three weeks in the Compter, TNA C1/61/575 (c.1480-1483); Joan Hastyngs, widow, kept straightly in the Marshalsea, C1/64/942 (c.1475-1480 or 1483-1485); John Forster held in irons and fetters in the Tower for 40 weeks, PROME, Henry VII, 63 [68], (1485).

<sup>81</sup> TNA C1/66/194 (c.1475-1480 or 1483-1485).

<sup>82</sup> William Arlonde, in Newgate accused of trespass, kept fettered despite offering the keeper money to release him, TNA C1/61/482 (c.1480-1483). In thirteenth century Norwich a prisoner's foot turned gangrenous from long confinement in fetters, H. Harrod, 'Extracts from the Assize and Plea Rolls of the Thirteenth Century about Norwich Thieves, &c', in *Norfolk Archaeology*, VII (1872), pp. 263-276, p. 267 [I am grateful to Dr Carol Hill for this reference].

<sup>83</sup> John Wetherley's claim of abuse by his keeper was found to be 'due to his imagination', *LBL*, pp. 82-84 (1469).

<sup>84</sup> *CPR, 1313-1317*, p. 237 (1314).

experience that he feared for his life and willingly bound himself in the sum of £60 to be unfettered and moved to another area of the prison, which was clearly the keeper's intention. In these rare cases one wonders if the keeper had knowledge of the detainee's financial status and was certain of their ability to buy their release, or whether it was just an opportunistic attempt to extort money with no regard for the victim's ability to pay. Other prisoners may have had to find mainpernors as surety against their trying to escape before they were freed from their fetters.<sup>85</sup> This, however, was a form of insurance for the keeper, who could be heavily amerced, or even imprisoned, if a prisoner escaped.<sup>86</sup> Clearly prisoners who had been laden with irons were justified in lodging complaints about the way they were treated, but it is remarkable that prisoners rarely complained about being confined in overcrowded conditions.

Although some prisoners evidently felt they were able to express any grievances they had regarding their situation without suffering any consequences, there are no complaints of anyone being detained in an overcrowded prison, and only one reference to Newgate being so full it was detrimental to the prisoners' health.<sup>87</sup> It is possible that the prisons in medieval London were not normally overcrowded. Certainly there were complaints by prisoners that they had not been released despite meeting the legal requirements, such as offering sufficient security for their release or bail.<sup>88</sup> In other cases prisoners complained that they had been incarcerated for a long

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<sup>85</sup> Mainpernors in surety for £1000 for William Bagot to be released from his fetters in the Tower, *CCR, 1399-1402*, p. 20 (1400).

<sup>86</sup> Keepers, and those who removed fetters, were liable if prisoner escaped, *Fleta*, II, p. 68. £289 10s fine for prisoners escaping from the Marshalsea, *CCR, 1354-1360*, pp. 385-386 (1358); John Bray, late keeper of Ludgate, imprisoned in his own prison after prisoners escaped, TNA C1/289/85 (c.1504-1515).

<sup>87</sup> Justices summoned to deliver the gaol as it was so full that prisoners were dying of hunger and oppression, *CCR, 1341-1343*, p. 106 (1341).

<sup>88</sup> For example, *CCR, 1381-1385*, p. 213 (1382); *CCR, 1360-1364*, p. 257 (1361); *CCR, 1396-1399*, p. 333 (1398); TNA C1/46/207 (c.1433-1443 or 1467-1472); TNA C1/46/400 (c.1467-1472); TNA C1/64/386 (c.1475-1480 or 1483-1485); TNA C1/64/856 (c. 1475-1480 or 1483-1485); TNA

time without being informed of the cause of their arrest.<sup>89</sup> But to offset these complaints there were other prisoners who were released after serving their term, after paying their debts or fees, after finding sureties for their reappearance or being acquitted and even cases where wrongdoers were not awarded a prison sentence.<sup>90</sup> Imprisonment was not the only method of punishment available to the authorities and in many cases it appears only to have been imposed as a cooling-off period or last resort, for there were a variety of other measures that could be employed which penalised the offence and enforced authority but kept wrongdoers out of prison. Other corporal punishments included the pillory, stocks, whipping and being drawn on a hurdle, but the authorities could also grant pardons, exact fines or short prison sentences that allowed the parties to calm down and maybe come to agreement. They could demand penance, set bail or require mainpernors to vouch for a miscreants' future good behaviour.<sup>91</sup> So although to modern perception prisoners sharing chambers and even beds implies overcrowding, at the time it may only have been considered expedient or normal. Some prisoners complained that they were put in solitary confinement, which suggests that either there were rooms set aside for this purpose or that rooms were available because the prisons were not full. Whether those put in solitary were confined in the lower regions of the prisons is uncertain, but in these cases isolation appears to have been inflicted as a method of coercion by

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C1/64/119 (c. 1475-1480 or 1483-1485); TNA C1/61/575 (c.1480-1483); TNA C1/64/183 (c.1483-1485); TNA C1/129/02 (c.1486-1493); TNA C1/300/44 (c.1500-1515); *PROME*, Edward III (Jan. 1348), 147.

<sup>89</sup> *Select Cases in the Court of King's Bench*, VI, p. 72 (four years, 1350); TNA SC8/69/3249 (four years, c.1366); TNA SC8/333/E1005 & SC8/333/E997 ('four years or more', 1375-1376); TNA SC8/24/1186 (long imprisonment without indictment, 1422); TNA C1/64/1054 ('two years and more', c.1475-1480 or 1483-1485); TNA C1/199/35 ('almost a year', c.1493-1500).

<sup>90</sup> *CCR, 1272-1279*, pp. 9, 108, 138, 145 (bailed, 1273-1275); *CCR, 1327-1330*, p. 461 (bailed, 1329); *CCR, 1333-1337*, p. 400 (debt cleared, 1335); *CCR, 1349-1354*, p. 443 (paid fine, 1352); *CPMR, 1364-1381*, p. 34 (promise of good behaviour, 1365); *CCR, 1377-1381*, p. 208 (mainprised, 1378); *CCR, 1385-1389*, p. 240 (debt paid, 1387); *CCR, 1396-1399*, pp. 171-172 (acquitted, 1397); *LMA Journal 1*, f.45 (bailed, 1418); *LMA Rep. 5*, f. 10b (served sentence, 1519).

<sup>91</sup> These will be discussed in the next chapter.

corrupt officials rather than because of the nature of the indictment. Most of these of complaints were made by prisoners in the Tower, but there were also occurrences in Ludgate, the Compters and the Marshalsea.<sup>92</sup> That prisons were not over-crowded is also supported by references to the entire population of a prison being moved to another place, as in the incidences of all of the Fleet prisoners being taken to Westminster or York, all of the prisoners being moved to Newgate after Ludgate was closed and the Compters accommodating all the Newgate prisoners while it was rebuilt.<sup>93</sup> Although probably the frontage of the seventeenth century Poultry Compter (Figure 3:4), this sketch suggests that it was not an overly-large building.



Figure 3:4. Impression of the Poultry Compter.<sup>94</sup>

On these occasions the receiving establishment was expected to hold the transfers along with its own prisoners plus any new custodial admissions and committals. This

<sup>92</sup> *CCR, 1346-1349*, p. 599 (Tower, 1348); *CCR, 1389-1392*, p. 346 (Tower, 1392); *Memorials*, p. 663 (Compter, 1418); TNA C1/64/34 (Tower, c.1483-1485); TNA C1/64/212 (Ludgate, c.1483-1485); TNA C1/64/362 (Marshalsea, c.1483-1485); TNA C1/159/7 (Tower, c.1486-1493 or 1504-1515).

<sup>93</sup> *CCR, 1389-1392*, p. 467 (1392); *CCR, 1392-1396*, p. 76 (c.1392-1393); *CCR, 1409-1413*, p. 215 (1419); *LBK*, pp. 39, 49 (1423).

<sup>94</sup> Poultry Compter, image from *Old and New London*, vol. 1, [www.british-history.ac.uk](http://www.british-history.ac.uk) accessed 26<sup>th</sup> August 2007.

implies that the numbers involved must have been low, especially when the logistics of moving a large number of people, sometimes around the country, is taken into consideration. Consequently, the lack of complaints regarding congestion, and the movement of entire prison populations, suggests that prison capacity was effectively managed and overcrowding was not normally an issue in the prisons of medieval London.

The high incidence of places situated in and around London that were used by the authorities for incarcerating miscreants assisted in the management of prison populations. The White Tower had been constructed after the Conquest, followed by the Fleet which was the earliest purpose-built prison in London. Soon after its foundation Newgate and the Clink were established. These four prisons, supplemented as required by the sheriffs' houses and the City gates, served to incarcerate wrongdoers for two hundred years until the addition of the Tun in Cornhill. In the fourteenth century Ludgate was converted into a prison for the freemen of the City and the Marshalseas' of the Household and King's Bench settled in buildings in Southwark High Street. The fifteenth century saw the decommissioning of the Tun and, in addition to their own houses which could be used to hold those taken into custody, two houses were converted into Compters for the sheriffs' use; the first in Bread Street, the other in Poultry. In five centuries ten buildings had been established for the incarceration of wrongdoers. Most survived into the nineteenth century; of these medieval prisons only the Tower remains.<sup>95</sup> These places of incarceration were situated on gates into the City and in the central streets, which, while serving to remind both visitors and the populace of the power of authority, was probably calculated for the speedy detention of wrongdoers from

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<sup>95</sup> Although The Clink prison museum in Clink Street claims to be on the original site in Southwark. During the intervening years these prisons were supplemented by the Bridewell prison and Giltspur Street Compter.

anywhere within the City walls before the advent of an organised police force. All of the prisons had a variety of chambers available for different fees, from those that were dungeon-like and described as 'holes' to spacious rooms with windows and chimneys. No efforts appear to have been made to segregate male and female prisoners until the building of a separate tower for women at Newgate in the early fifteenth century, which was followed by gendered halls for freemen and women north and south of the gate during Whittington's rebuilding. It is tempting to think that the Forster's extension of Ludgate allowed for an additional privy so that men and women's conveniences were in different areas of the prison. There is evidence that the privies were cleaned thoroughly and concerns regarding their outlets addressed. Newgate is commonly described as being a foetid and noxious place; however, it was not alone in this regard as there were similar complaints about the Fleet and Ludgate - and all were situated close to watercourses.

The Fleet prison was built on an island, on one side flowed the Fleet River and from it a 'ditch' that surrounded the prison. The wharves near the prison were a convenient place for butchers to dispose of their waste, until they were relocated to the Thames, and the residents along the banks of the ditch would use it as a latrine and dump if they could get away with it. Newgate was situated close to the ditch that enclosed the City wall; it was also built over an underlying watercourse, as indicated by work on ditches beneath the prison in the thirteenth century which were revealed during the 1902 excavation of the site. Thus, the episodic nature of the complaints, and the focus specifically on these two prisons, suggests that the noxious air and abominable stench most likely arose from the watercourses in times of drought when the effluent could not be washed away or diluted, rather than through the actions of the inhabitants of the prisons. Unsavoury surroundings are synonymous with



congested conditions, yet there are no complaints by prisoners about sanitation or overcrowding and only one reference to a prison being over full during this period. Together with the authorities' apparent preference for imposing other punishments, and entire prison populations being moved to other establishments, the impression given is that medieval prisons were not normally overcrowded. This is not to say that prison life was pleasant, although for those with independent financial means or outside support from friends and family the only inconveniences they might suffer were loss of liberty and money. Presumably life for the poorer prisoners was considerably worse, as they were reliant on alms and donations for their sustenance; however, charity was an intrinsic part of medieval life and people were encouraged to provide for prisoners through the Seven Acts of Mercy. The records suggest that under normal circumstances poor prisoners were in regular receipt of food, drink and money which usually sustained them or bought their release - apart from the apparently infrequent occasions when the charitable contributions were misappropriated by unscrupulous officials or ceased to be delivered because of outbreaks of plague.

Clearly a prisoner's experience of incarceration was dependant on the officers of the prison and there are a number of complaints about how these men treated their charges. All keepers were permitted to charge entrance and discharge fees and to take money for every commodity they provided. They were also allowed to put prisoners into irons and fetters and to charge for their release. While this was a form of insurance against a prisoner escaping, for some prison officers it also became a means of intimidation and extorting money. Yet, given the number of officials who were employed in the prisons only a handful appear to have had complaints made against them which may indicate that the majority of officers were not intrinsically bad men

and that the complaints regarding mistreatment are more noticeable because their infrequency somehow makes them more conspicuous. Ultimately, the surviving documentation can only provide us with limited information about the living conditions in the prisons of medieval London. By its very nature the information contained in records relating to prisons is generally either negative or formulaic and only concerned with complaints and problems. The documents which provide most detail about prison conditions are Chancery appeals, yet these may not be entirely trustworthy as they were intended to be emotionally charged in order to gain the Chancellor's sympathy and secure a hearing. The vast majority of the sources are also official documents in which elaboration and reflection would be superfluous. Although Newgate in particular had started to get a bad reputation in the medieval period, through the deaths of Ludgate prisoners transferred there and by wrongdoers claiming debts to the crown in order to get moved to the Fleet, it seems likely that it was only later, in the seventeenth and eighteenth centuries, that Newgate achieved its iniquitous notoriety and that the conditions in medieval prisons were not quite so horrendous as generally believed.

## Chapter Four: The Management of London's Medieval Prisons

Although every prison in medieval London technically belonged to the king not all were under his direct control. The Fleet, the Tower and the Marshalsea prisons of the Household and King's Bench were under royal administration but the management of Newgate, Ludgate, Bread Street and Poultry Compters and the Tun was delegated to the sheriffs.<sup>1</sup> Of all the prisons in London the Fleet was unique because the keepership was a hereditary position; in the other prisons the warden was appointed by the king, the sheriffs or the common council.<sup>2</sup> It appears that the keepership was possibly an hereditary position from the Fleet's inception. The earliest reference of a payment to the keeper of the Fleet is from 1130 when £7 12s 1d was paid to Ralph Arborarious.<sup>3</sup> This disbursement was paid annually and presumably reflected the warden's joint responsibility of the keepership of the prison and the palace of Westminster.<sup>4</sup> Henry Arborarious received this payment from 1156-1161.<sup>5</sup> The family name suggests he was most likely Ralph's son and that the keepership had passed to him on his father's death. The hereditary nature of the position is confirmed by Nathaniel Leveland's assertion in 1197 that the keepership had been held by his family since the conquest.<sup>6</sup> Leveland's successful claim to the keepership ousted Osbert de Longchamps, which suggests that at some time prior to 1197 there were either no direct descendants to take up the position, or they were minors, or they had been removed by the king for some reason. Nathaniel's son

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<sup>1</sup> *Statutes of the Realm*, II, 19 Henry VII, c.10, p. 654; PROME, Henry VII, (1504).

<sup>2</sup> For a full account of the keepership of the Fleet see works by Marjorie Honeybourne, Margery Bassett and Ralph Pugh.

<sup>3</sup> *Pipe Roll*, 31 Henry I, p. 144 (Michaelmas 1130). This amount continued to be paid to the warden until at least 1566. See Honeybourne, p. 22, n. 1.

<sup>4</sup> See C. T. Clay, 'The Keepership of the Old Palace of Westminster', *English Historical Review*, LIX (London: Longmans, 1944), pp. 1-21.

<sup>5</sup> *Pipe Roll*, 4 Henry II, pp. 111, 113.

<sup>6</sup> *Pipe Roll*, 9 Richard I, p. 167.

Robert became warden after his father, and when Robert died in 1217 the position was granted to his widow Margaret, making her the first female warden.<sup>7</sup> The keepership passed to Robert and Margaret's daughter and she held the position even after she married.<sup>8</sup> In 1293 the keepership was held jointly by John Senche and his wife, Margaret, who went on to hold the position in her own name after John died.<sup>9</sup> The keepership continued to be held by descendants of the Leveland family until 1558 when it was sold to John Heath, esquire of London, his heirs and assigns.<sup>10</sup> The king delegated the responsibility for Newgate, Ludgate and the Compters to the sheriffs of London, who kept the Compters but farmed out the keepership of Newgate and Ludgate by annual election.<sup>11</sup> The warden had to be of good character and was sworn before the mayor and aldermen not to take any fine or extortion from the prisoners.<sup>12</sup> There is some evidence that the king could overrule the common council and appoint the keeper of Newgate.<sup>13</sup> Consequently, because London had prisons administered by both the crown and the City authorities, with hereditary and appointed keepers, some comparison can be made between royal and civic prison management.

The keepers of all prisons received an income from charges imposed at a prisoners' admittance, discharge and for the provision of basic necessities; however,

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<sup>7</sup> Bassett, 'The Fleet Prison in the Middle Ages', p. 388. The keepership of the prison and Westminster Palace granted to Joan, widow of keeper Edmund Cheyne, *Calendar of Inquisitions Post Mortem*, VII, pp. 330-331, n.467 (1332). The Fleet was not the only prison to have a female warden as Margaret Vaux held the keepership of Ludgate after the death of her husband Thomas (TNA C1/64/21 c.1475-1480) and Anne Cooper held the Marshalsea after the death of her husband (TNA STAC 2/29/70, 1507).

<sup>8</sup> *London Eyre of 1244*, p. 99, no. 198.

<sup>9</sup> *CCR, 1288-1296*, p. 305 (1293); *CCR, 1313-1318*, pp. 186-187 (1315).

<sup>10</sup> *CPR, 1557-1558*, p. 229.

<sup>11</sup> *LBE*, p. 197 (Newgate, 1325), *CPR, 1330-1334*, pp. 442-443 (Newgate, 1333); *LBG*, pp. 68 (Newgate, 1356), p. 296 (Newgate, 1372); TNA SC8/333/E1005 (Newgate, 1375-6); *LBH*, p. 185 (Newgate, 1382), p. 208 (Ludgate, 1382); *LBH*, p. 253 (Ludgate, 1384), p. 292 (Ludgate, 1386); *CCR, 1392-1396*, p. 243 (Newgate, 1393); *LBI*, p. 76 (Ludgate, 1409); *LBI*, p. 123 (Ludgate, 1416); *LBK*, p. 127 (Newgate, 1431), p. 183 (Ludgate, 1434); *LBK*, p. 183 (Newgate, 1434); *LBL*, p. 169 (Ludgate, 1479); *CCR, 1485-1500*, p. 128 (Ludgate, 1489); Rep. 2, f. 29b (1506).

<sup>12</sup> *LBG*, p. 74 (1356); *LBK*, p. 127 (1431)

<sup>13</sup> *CPR, 1343-1345*, p. 46 (July 1343); *LBF*, p. 91 (November 1343).

the income received by the keepers of the Fleet was supplemented as the position benefited from an annual stipend. This consisted of various elements that included rents from tenements in the City and suburbs, payments for stalls held by merchants within the walls of Westminster Palace and a daily payment of 6*d* from the sheriffs of London on behalf of the king.<sup>14</sup> It is these customary revenues that differentiated the keeper of the Fleet from the keepers of the civic-administered prisons who, through being unwaged and dependent on what they could make from their prisoners, may have been tempted to overcharge for their services.<sup>15</sup> They were certainly more susceptible to accusations of extortion, whereas there is only one recorded complaint identified against a keeper of the Fleet for taking excessive fees, and this was made in the seventeenth century.<sup>16</sup> Although there were more complaints of extortion made against officers of the other London prisons these appear to have occurred only infrequently and were made in generalised terms rather than being directed at specific individuals.<sup>17</sup> In cases where the keeper was accused of misappropriating money the marshals of the Marshalsea attracted most condemnation. William Ive petitioned in Chancery against an unnamed marshal for suing him as surety for a prisoner's good behaviour even though the prisoner had behaved well.<sup>18</sup> In a Chancery case from the late fifteenth century, Robert Dulling, the marshal, would

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<sup>14</sup> *Pipe Roll*, 2 Henry II, p. 4. *Calendar of Inquisitions Post Mortem*, VII, pp. 330-331; VIII, pp. 160-161; *CPR, 1557-1558*, p. 229. The keeper was also entitled to take bread, wine, ale, meat and candles from the palace when the king was in residence and the remains of any fuel, 'litter in the chambers and hay from the stables' when the king departed from Westminster (*Calendar of Inquisitions Post Mortem*, VII, pp. 330-331).

<sup>15</sup> It appears that the constable of the Tower was also entitled to a wage for in 1279 he received a daily payment of 17*s* 9*d* to maintain himself and his seven sergeants, *CCR, 1272-1279*, p. 527. In 1314 the executors of Ralph de Sandwyco, late constable, were to receive the arrears of his wages, *CCR, 1313-1318*, p. 51.

<sup>16</sup> *The Economy of the Fleet*, p. 5.

<sup>17</sup> *CPR, 1324-1327*, p. 347 (1327): accusation of oppressions and extortions against keepers of prisons and gaols in London and Middlesex; *LBH*, pp. 112 (? 1378), p. 199 (1382): invitations for complaints against officials of Newgate; *LBI*, p. 262 (no date given): sheriffs forbidden to take money from the porters of the Compters as it encouraged extortion; TNA SC8/22/1093 (1402): John Cavendish petitioning against extortions and oppressions in Newgate, Ludgate and the Compters.

<sup>18</sup> TNA C1/45/206 (c.1433-1443 or 1467-1472).

only grant bail to Master William Umfrey if he entered into a bond of £100 with him.<sup>19</sup> In the early sixteenth century Humphrey James, one of the marshals, was set in the stocks in Cheap for taking fees for his prisoners' release and then re-arresting them to make more money.<sup>20</sup> These men were clearly abusing their position to gain financially, which might suggest the post was poorly paid except that these were relatively isolated incidences, so that their actions may have had more to do with individual characters than necessity. Other evidence suggests that financial gain was not the only incentive which led officials to abuse their position. Henry Bukmode, an officer of one of the compters, took out various actions of trespass against Jane Stourton, and committed her to the compter where he was employed. His continued persecution implies Bukmode was exploiting his authority in order to maintain a personal grievance, which is supported by her still being held despite finding sufficient surety and gaining a writ of supersedeas.<sup>21</sup> Unfortunately this was not an isolated case, as other officers were accused of misusing their power.<sup>22</sup> Although the prison keepers were supposed to be reputable men it is evident from complaints of physical abuse that a few were capable of cruelty and maliciousness.<sup>23</sup>

While allowing for the possibility that the surviving documents may not provide us with a complete account of life in a medieval prison, it does appear that

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<sup>19</sup> TNA C1/66/217 (c.1475-1480 or 1483-1485). Umfrey's case is discussed in relation to coercion, Chapter 1, p. 38. Richard Osborn, a clerk of Bread Street compter, was also accused of imposing a heavy fine for the release of Miles Adys, after he was arrested for challenging Osborn for entering his house unlawfully, TNA C1/67/171 (c.1475-1480 or 1483-1485).

<sup>20</sup> LMA Rep. 9, f. 49b (May, 1533).

<sup>21</sup> TNA, C1/64/856 (1475-1480 or 1483-1485). In her appeal against wrongful imprisonment, Stourton stated she was 'not of power to withstand his malice'. A writ of supersedeas could command a stay of legal proceedings or could suspend the power of an officer, [www.oed.com](http://www.oed.com).

<sup>22</sup> Elizabeth Grene, widow, accused the sheriffs of malice for committing her to Bread Street compter without cause and refusing offers of surety, TNA, C1/240/58 (c.1500-1501).

<sup>23</sup> It was the sheriffs' responsibility to appoint 'a man of good character as keeper [of Newgate]' who would swear not to extort money from the prisoners, *LBG*, p. 74 (1431). See Caroline M. Barron, 'The Government of London and its Relations with the Crown, 1400-1450' (University of London, unpublished PhD thesis, 1970), pp. 97-103.

claims of mistreatment were not a regular occurrence.<sup>24</sup> As in the cases of overzealous ironing detailed in Chapter 3, such complaints are made more conspicuous because official documents inevitably focus on wrong-doing which means we only get to 'see' the keepers in a bad light; prisoners do not complain that they are being treated well, consequently references to benevolent keepers are few and far between, although they do exist and will be discussed below. In London there are a few really heinous accusations against prison officials, but these were recorded over a period of more than one hundred years. The earliest appears in the Eyre of 1244, when John Shep, sergeant to one of the sheriffs, caused the death of a prisoner by flinging him so violently into the deepest chamber of Newgate that his neck was broken.<sup>25</sup> Almost a century later Hugh de Croydone, was accused of oppressions, extortions and torture while he was keeper of Newgate.<sup>26</sup> Perhaps the bequest of the residue of his estate to the prisoners of Newgate was made to assuage his conscience, or alternatively in forgiveness of the false accusations against him.<sup>27</sup> In the following century William Arnold, warden of Newgate, was accused of 'horribly violating' Johanna Hulle while she was in his custody and as a result was committed to one of the Compters at the mayor's discretion in order to deter others from such behaviour.<sup>28</sup> This is the only case of sexual abuse by an officer of the prison identified in this period, which is not to say that sexual relations did not take place,

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<sup>24</sup> For more general information regarding complaints against keepers in English prisons see Pugh, *Imprisonment*, pp. 180-183. It is unknown whether the cases Pugh highlighted were merely a selection of his findings, but if they were the only cases he identified it would support the idea that such grievances were not a regular occurrence.

<sup>25</sup> *London Eyre of 1244*, d. by Helena M. Chew and Martin Weinbaum (London: London Record Society, 1970), p. 72, nos. 179-180.

<sup>26</sup> *CPR, 1330-1334*, pp. 442-443 (1333).

<sup>27</sup> *Husting Will*, I, p. 551 (1348).

<sup>28</sup> *LMA Journal* 5, f. 16 (1449). In 1509 the keepers of the Poultry Compter and Ludgate were removed and barred from holding the offices again, but this may have been because they had not been properly admitted to their positions by the sheriffs rather than because of their behaviour, *LMA Rep.* 2, f. 72.

as pregnant women could escape the death penalty, but in this instance the keeper's advances were evidently not welcomed.<sup>29</sup>

Given the reputation held by Newgate we might expect the majority of complaints to have been made against its officers, but the keepers of Ludgate received equal censure. There were multiple complaints against John Botkesham, keeper of Ludgate, which were upheld leaving no doubt as to his guilt.<sup>30</sup> He was granted the custody of the prison in July 1386, along with John Charneye, on the condition that if any charge of extortion was made against them they would lose the office.<sup>31</sup> Despite this, less than a month after his appointment Joan Payn claimed that Botkesham had procured other prisoners to beat her and had himself driven her virtually naked, as she was attired in a single shift, through the streets to Newgate where he placed her in hard imprisonment 'out of envy, strong rancour and ill-will'.<sup>32</sup> Botkesham clearly remained in post while this case was waiting to be heard as in 1388 further objections were made against him by John Walpole, William Waleys and John Horlee.<sup>33</sup> Walpole witnessed Botkesham misappropriating alms by recording his servants' names as recipients in the calendar of deliveries rather than the names of the poor and feeble prisoners. He also claimed the poor box was opened and shared out in the keeper's own chamber instead of in the common room in the presence of all the prisoners and that his grievance had been deliberately delayed from reaching the court by the officers of the prison. Waleys accused

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<sup>29</sup> The death sentence was commuted to imprisonment for Margaret Clerc, who had confessed to diverse felonies but was pregnant (and later deemed to be a lunatic), *CPR, 1350-1354*, p. 535 (1353); Alice Marchaunt was adjudged to death for theft but this was commuted to imprisonment in the Marshalsea because she was pregnant, *CPR, 1367-1370*, p. 285 (1369); Joan Lyde was pardoned her involvement in the death of her husband because she was pregnant, *CPR, 1441-1446*, p. 264 (1444). It is possible that these women were already pregnant when they were committed.

<sup>30</sup> This man is variously called Botkesham, Botkysham, Botlesham and Bottesham in the sources.

<sup>31</sup> *LBH*, p. 292. This was evidently a condition of keepership in all civic-administered prisons; see p. 109, n. 23, p. 117, n. 54.

<sup>32</sup> *CPMR, 1381-1412*, p. 157. This entry, recorded in April 1389, relates to Payn's mistreatment in 1386, indicating that it took three years for her case to reach court.

<sup>33</sup> *CPMR, 1381-1412*, pp. 158-159 (November, 1388).



Botkesham of depriving him of his right to alms and to 'Holy church', while Horlee stated that he had lain for fourteen weeks in his own clothes and that money given to Botkesham for new garments had been retained. He also complained that he had been charged for sleeping on the bare floor and had been threatened by Botkesham with a drawn baselard when he had challenged him about his treatment. Each of these serious grievances against Botkesham was upheld by a jury who awarded damages to the complainants but do not appear to have removed the keeper from his office. It seems he retained the post right up until 1389, when the case brought by Joan Payn finally came to court and judgement was given in her favour despite Botkesham trying to get exonerated on a technicality, regardless of there being witnesses to her plight through the streets of London.<sup>34</sup> An appeal in Chancery suggests a keeper of Ludgate collaborated in the torture of one of his prisoners. Robert Fossell had been imprisoned by Richard Tailor for a debt of ten marks and alleged that Tailor had him placed in great irons and watched him every night in order to keep him from sleep.<sup>35</sup> The outcome of this case is unknown and the keeper not implicated in the petition, but Tailor could only have accessed the prison after nightfall with the cooperation of the keeper who presumably would have been rewarded for his collusion. In addition to these accusations some prison officials appear to have used their position to detain a person who should have been freed, possibly because they could gain financially by inflicting further fees or by receiving payment from a plaintiff who wanted to further inconvenience their adversary.

Once committed a prisoner could gain temporary release through being bailed or by finding mainpernors to be bound in a specified amount, or by themselves paying a fee, as surety ['suet or suette', a kind of insurance] that he would reappear

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<sup>34</sup> *CPMR*, 1381-1412, pp. 187-188 (November, 1391).

<sup>35</sup> TNA C1/67/142 (c.1475-1480 or 1483-1485).

when called to the next assize or Eyre.<sup>36</sup> This was available to most prisoners including, in the thirteenth and fourteenth centuries, those accused of piracy and 'causing the death of another' [murder].<sup>37</sup> While such sureties could be disallowed at the discretion of the judges, or by commandment of the mayor and aldermen, there are incidences where sufficient surety was either offered but refused or accepted although the prisoner was not released.<sup>38</sup> Some defendants were committed without being informed of the cause of their arrest and had offers of sureties refused which may have contravened the legal process and might indicate that an official was complicit in a plaintiff's personal agenda.<sup>39</sup> In other Chancery petitions the defendant actually stated that their plaintiff had a connection to someone in authority, and alleged they were collaborating to prolong their torment.<sup>40</sup> George Restemore went so far as to suggest that his plaintiff, a widow, was using her feminine charms to ensure the gaoler in the Tower kept him cruelly and refused all offers of surety.<sup>41</sup> The relatively high incidence of such claims in the Chancery petitions could give the impression that abuse of official position was prevalent throughout the later medieval

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<sup>36</sup> See Jonathan Rose, 'Foedo de Compedibus Vocato le Sewet': The Medieval Prison 'Economy', in *Law in the City: proceedings of the seventeenth British legal history conference*, ed. by Andrew Lewis, Paul Brand and Paul Mitchell (London, 2007), pp. 72-94; R. Stewart-Brown, 'Suete de Prisone', *The English Historical Review*, vol. 24, no. 95 (1909), pp. 506-510 [hereafter *EHR*]; B. H. Putnam, 'Suete de Prisone', *EHR*, vol. 25, no. 28 (1910), 307-308.

<sup>37</sup> *CCR, 1272-1279*, p. 9: piracy (1273); *CCR, 1374-1377*, p. 231: piracy (1375); *CCR, 1272-1279*, pp. 108, 138, 145: murder (1274-1275); *CCR, 1313-1318*, pp. 34, 35, 36, 45: murder (1313-1314); *CCR, 1323-1327*, pp. 117, 252, 289: murder (1324-1325); *CCR, 1327-1330*, p. 461: murder (1329).

<sup>38</sup> *CCR, 1360-1364*, p. 257 (1361): mainprised but not released; *CCR, 1396-1399*, p. 333 (1398): pardoned but not released; TNA C1/46/64 (c.1433-1443 or 1467-1472): girl of seven years, without bail; C1/19/243 (c.1452-1454): without bail; C1/46/400 (1467-1472): acquitted by jury and taken king's wage to go to sea but not released; C1/64/825 (c.1475-1480 or 1483-1485): alderman's commandment meant could not find surety; C1/241/51 (1500-1501): not let to bail; C1/144/51 (c.1504-1515): mayor would not release his commandment even after sufficient surety offered.

<sup>39</sup> TNA C1/11/231 (c.1432-1443), the Tower; C1/77/67 (c.1485-1486), Ludgate; C1/64/1054 (c.1475-1480 or 1483-1485), Marshalsea for two years, without cause; C1/199/35 (c.1493-1500), Marshalsea; C1/326/68 (c.1504-1515), Bread Street Compter; C1/300/44 (c.1500-1515), Newgate.

<sup>40</sup> TNA C1/46/286 (c.1467-1472): plaintiff and steward of Marshalsea were kinsmen; C1/64/189 (c.1475-1480 or 1483-1485): plaintiff 'of great acquaintance and favour' with the officers of the Marshalsea; C1/66/391 (c.1475-1480 or 1483-1485): plaintiff used favour with the alderman to cause arrest; C1/64/642 (c.1475-1480 or 1483-1485): plaintiff owed a favour by the marshal; C1/60/232 (c.1475-1485): plaintiff has favour with the court; C1/85/28 (c.1486-1493): sheriff familiar with plaintiff.

<sup>41</sup> TNA C1/159/7 (c.1486-1493 or 1504-1515).

period, however, it must be remembered that the petitions themselves were an emotional appeal for release which might be achieved while such an accusation was investigated. Nonetheless, there is one type of plea that predominates throughout the Chancery appeals and occurs so regularly that it is evident that a large number of plaintiffs knew how to prolong their defendant's misery by circumventing official channels, and that their actions were supported by the officers of the prison involved. The Marshalsea of the Household was intended to be, as its name suggested, a court and prison for those employed by the king. It is clear from the petitions that this stipulation applied to both the plaintiffs and defendants and yet in the majority of appeals the defendant claimed that neither one, nor both, of the parties were of the Household.<sup>42</sup> Thus, by getting a defendant with no such connection committed to this Marshalsea a plaintiff could prolong the incarceration while the appeal went back to court and ultimately, perhaps, to culminate in the defendant's removal to a more appropriate prison. It seems likely, therefore, that the officers of the Marshalsea colluded in this deception, for by accepting men and women that were not of the Household they would have gained financially from their fees. This abuse of the jurisdiction of Marshalsea was clearly well known, as the entries on the Parliament Rolls attest.<sup>43</sup> There were also petitioners, who were not of the household but had been arrested into the Marshalsea, who had knowledge of the Statutes

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<sup>42</sup> For example, TNA C1/70/27 (c.1386-1486); C1/46/114 (c.1433-1443 or 1467-1472); C1/46/148 (c.1433-1443 or 1467-1472); C1/46/24 (c.1433-1443 or 1467-1472); C1/46/453 (c.1433-1443 or 1467-1472); C1/32/441 (c.1465-1471 or 1480-1483); C1/32/409 (c.1465-1471 or 1480-1483); C1/46/116 (c.1475-1480 or 1483-1485); C1/64/119 (c.1475-1480 or 1483-1485); C1/64/157 (c.1475-1480 or 1483-1485); C1/64/289 (c.1475-1480 or 1483-1485); C1/64/322 (c.1475-1480 or 1483-1485); C1/64/386 (c.1475-1480 or 1483-1485); C1/74/785 (c.1475-1480 or 1483-1485); C1/64/798 (c.1475-1480 or 1483-1485); C1/64/976 (c.1475-1480 or 1483-1485); C1/48/518 (c.1473-1475); C1/48/112 (c.1473-1475); C1/66/237 (c.1475-1480 or 1483-1485); C1/66/212 (c.1475-1480 or 1483-1485); C1/60/232 (c.1475-1485); C1/63/128 (c.1480-1483); C1/63/157 (c.1480-1483); C1/63/169 (c.1480-1483); C1/63/174 (c.1480-1483); C1/63/194 (c.1480-1483); C1/76/106 (1485-1486); C1/54/4 (c.1475-1480 or 1483-1485); C1/112/87 (c.1486-1493).

<sup>43</sup> PROME, Edward III (1351): 'Marshalsea should have cognizance of no plea except those matters touching the king's household'; Edward III (1352): 'no one of the household to implead any stranger'; Richard III (1377): petition requesting 'the errors and abuses' in the Marshalsea to be abolished'.

relating to the abuse of this court and cited them in their appeals.<sup>44</sup> Consequently, there must have been some benefit to the stewards and marshal in contravening their orders, and the most likely incentive was financial gain.

With such recorded indictments it is easy to see why the keepers of medieval prisons have had such a bad reputation. Nevertheless, because complimentary things are rarely recorded it is possible that the complaints reveal a distorted picture, for it is equally possible that for every corrupt prison official there may have been many more who were conscientious in performing their office. This is supported by the relative infrequency of complaints against keepers. Employment in a prison could be dangerous and was not without risk, as officials were vulnerable to attack, especially during escape attempts, and there are cases where the gate keeper at Newgate and the marshal of the Marshalsea of King's Bench lost their lives.<sup>45</sup> There is further evidence that the keepers were at risk of abuse and false accusations.<sup>46</sup> John Merkyn, a chaplain, was committed 'to ward' for his misbehaviour towards the keeper of Ludgate, while Simon Smythe, sheriff and keeper of the Poultry Compter, found himself accused of abusing a prisoner in his custody.<sup>47</sup> John Wetherley claimed that Smythe had not only robbed him of goods and jewels and put him in a dark room, but had bound him so tightly in irons that 'his neck was bent and his

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<sup>44</sup> William Dalston quoted a Statute from 28 Edward I whereby only cases involving people of the king's house were to be brought to the Marshalsea of the Household else the case was rendered void, TNA C1/44/215 (c.1433-1443 or 1467-1472). Roger Whitehead cited 15 Henry VI which reiterated 28 Edward I, TNA C1/82/104 (1486). William West was also aware of this stipulation, TNA C1/82/105 (1486).

<sup>45</sup> *Calendar of Coroners' Rolls*, pp. 122-123 (1325); Carlin, *Medieval Southwark*, p. 105. In 1381 the Marshalsea came under attack and the warden, Richard de Imworth, was forcibly removed from sanctuary in Westminster Abbey and beheaded by the mob in Cheapside, R. B. Dobson, *The Peasants' Revolt of 1381*, 2<sup>nd</sup> edn (Basingstoke: Macmillan, 1983), pp. 163, 202. See also [www.british-history.ac.uk](http://www.british-history.ac.uk) – *Victoria County History, A History of the County of London*, I (1381), House of Benedictine Monks, 2: St Peter's Abbey, Westminster (accessed 18 January 2007). This action may not have merely been a protest against authority, as Imworth had been described as 'a tormentor without pity', *Anonimale Chronicle, 1333 to 1381*, ed. by V. H. Galbraith (Manchester: Manchester University Press, 1927), pp. 140-150, p. 140.

<sup>46</sup> *The Economy of the Fleet* was Alexander Harris's response to accusations made against him during his keepership.

<sup>47</sup> LMA Rep. 10, f. 71b (1538).

whole body hung in the stocks away from the ground'.<sup>48</sup> These accusations led to Smythe being imprisoned in Ludgate and fined £100 for the ill-treatment of a prisoner; however, a little over a month later Wetherley's claims were found to be 'due to his imagination' and Smythe accepted fifty marks as damages.<sup>49</sup> The punishment and heavy fine inflicted on the sheriff, as keeper of a compter, indicates that accusations of mistreatment were taken very seriously and the penalty was intended to discourage other prison officials from such behaviour. Some prisoners might lash out against their situation by any means, even turning agreements readily made with the keeper against him. Such was the case of Robert Bayly, who on committal had given Thomas Holland, keeper of Ludgate, £10 for safe-keeping. Later Bayly became indebted to Holland for goods supplied to him worth more than £10 and he agreed that the money could be offset against his debt. Despite this agreement Bayly later sued Holland in the Court of Common Pleas for the money, even though it had been used consensually and the keeper was entitled to retain it, thereby besmirching Holland's good name.<sup>50</sup> There is also evidence to suggest that some keepers did not see the logic of imprisoning debtors and, against their orders, allowed debtors to go about the City, presumably in order to allow them to work or recoup money owed to them to pay off their creditors.<sup>51</sup> While the practice of allowing men to 'go abroad' was permitted in the Fleet, in other prisons it was against the orders and could be construed as allowing a prisoner to escape, in which case the keeper would become liable for the debt and likely to be imprisoned and

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<sup>48</sup> *LBL*, pp. 82-84 (February, 1469).

<sup>49</sup> *LBL*, pp. 83-84 (March, 1469).

<sup>50</sup> TNA C1/822/69 (c.1533-1538).

<sup>51</sup> *CCR, 1485-1489*, p. 128 (Ludgate, 1489); LMA Rep. 12, f. 43 (1549). Geltner, *Medieval Prison*, p. 46: In Italy, when a debtor's funds were exhausted the arrest was meant to be terminated as the imprisonment could no longer be coercive and because poverty was considered a legitimate ground for cancelling the process.

fined.<sup>52</sup> On one occasion the keeper of Ludgate appears to have been so affronted by the death of a debtor in his custody that he felt compelled to return the naked body of the dead man to the doorstep of his creditor, whom he clearly held responsible for the loss of life.<sup>53</sup> His extraordinary actions led to an investigation by the aldermen because they were way beyond the remit of the keeper's office.

The 1356 ordinances specified that the elected keeper of Newgate was required to be a man of good character and this was probably a requirement at every prison.<sup>54</sup> Despite the potential for financial gain associated with the position, which may or may not have attracted the wrong sort of character to the job, there were aspects of this occupation that were costly for the keeper. Although the keepers of prisons were not directly responsible for their prisoners' welfare they were accountable and could be fined, imprisoned or removed from office if someone in their custody died or escaped.<sup>55</sup> The Statute of Escapes (1504) specified a scale of fines for escaped prisoners, from 100s if the escapee was suspected of felony to 100+ marks if they had been indicted of high treason. These fines would have encouraged the keeper to implement measures, such as excessive ironing, that ensured escapes were not attempted.<sup>56</sup> In some cases the unfortunate keeper was even imprisoned in his own establishment.<sup>57</sup> The possibility of this occurring may have been as great an incentive in preventing escapes as the threat of financial penalties, as the potential for

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<sup>52</sup> PROME, Henry VI (1406); *The Economy of the Fleet*, p. vii. 'Going abroad' will be discussed more fully in Chapter 6.

<sup>53</sup> LMA Rep. 12/2, f. 291 [in the index, f. 266 on the original] (1550).

<sup>54</sup> LBG, p. 74 (1356); *Munimenta Gildhallae Londoniensis*, I, pp. 46-47. *Select Cases in the Court of King's Bench*, V, p. xxiii (1323): Robert de Shelley, keeper of the Marshalsea, removed from office for not carrying out orders.

<sup>55</sup> *Fleta*, p. 68; *Statutes of the Realm*, II, I Richard II, c. XII, p. 4 (1377). *CCR, 1234-1237*, p. 254: fine for escaped prisoner £5. See also Pugh, *Imprisonment*, pp. 236-237. *LBC*, p. 16; *CCR, 1377-1381*, pp. 67-68 (1378): Roger de Saperton, imprisoned after a prisoner escaped and restored to office after paying a fine to the king.

<sup>56</sup> *Statutes of the Realm*, 19 Henry VII, c. 10; PROME, Henry VII (January 1504).

<sup>57</sup> *CCR, 1377-1381*, pp. 67-68 (1378): Roger de Saperton, warden of the Fleet, imprisoned in his own prison after prisoner escaped. TNA C1/289/85 (c.1504-1515): John Bray, keeper of Ludgate, imprisoned in Ludgate for damages for escaped prisoners.

undermining his authority would have placed the keeper in a very difficult position if he were restored.<sup>58</sup> There is evidence to suggest that the keeper was responsible for recapturing his escapees at his own expense, and that he would be pardoned if successful.<sup>59</sup> It seems that the keeper was wholly accountable for an escape; for when the lands of Thomas Keterynham, a keeper of the Marshalsea, were taken into the king's hand after an escape from the prison, his son argued that Keterynham was not liable because he was only the deputy keeper.<sup>60</sup> Equally, John le Convers lost the keepership of the Fleet after his deputies allowed a prisoner to go abroad while he was out of town, as it was decided that he should have 'substitutes that he would avow for'.<sup>61</sup> These cases indicate that the keeper was accountable for his staff as well as those in his custody and that the position required a high level of organisational skills and conscientiousness which, if not fulfilled, had serious consequences. The keepers were also responsible for maintaining the structure of their prisons at their own expense and it is evident that some of the wardens of Ludgate were particularly diligent in preserving the fabric of their prison and keeping it cleansed, to the benefit of those in their custody.<sup>62</sup>

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<sup>58</sup> Although not stated in the sources it is possible that these men would have been held separately from the rest of the prison population.

<sup>59</sup> William Weldon, keeper of the Marshalsea, was released from the Tower on mainprise to recapture an escaped prisoner, *CCR, 1318-1323*, p. 261 (1320); Weldon was returned to prison after failing to recapture the prisoner, *Select Cases in the Court of King's Bench*, V, p. xxii. David Berteville, warden of Newgate, was pardoned the escape of six prisoners after spending much money in recapturing four of them, *CPR, 1388-1392*, pp. 145, 360 (1389-1391). There are also incidences of *posse comitatus* [able men of the county] being commissioned to find and arrest miscreants and escapees, *CPR, 1343-1345*, p. 69 (1343), p. 580 (1345), p. 589 (1345); *CPR, 1348-1350*, p. 178 (1348), p. 528 (1350); *CPR, 1367-1370*, p. 49 (1367); *CPR, 1388-1392*, pp. 56-57 (1389).

<sup>60</sup> *CCR, 1354-1360*, pp. 385-386 (1358).

<sup>61</sup> *Select Cases in the Exchequer of Pleas*, pp. 141-143 (1292).

<sup>62</sup> The warden of the Fleet was responsible for the bridge and the approaches, *CPMR, 1323-1364*, p. 144 (1337); warden of Fleet responsible for bridge repairs, *CPMR, 1323-1364*, p. 186 (1339); Robert de Beverley was granted the keepership of Ludgate on condition that he maintain the walls and buildings, *CPMR, 1323-1364*, p. 195 (1343); the warden of Ludgate to pave under the gate, *LMA Journal* 2. f. 31 (1425); Henry Dene, keeper of Ludgate, recompensed for the costs of maintaining the prison, *LBK*, pp. 254-255 (1441); Thomas Cotton, keeper of Ludgate, paid reduced rate for the rent of his house in recognition of the money he had spent on the prison *LBL*, p. 169 (1479); Robert Thrower, keeper of Ludgate, recompensed for repairs to the prison while he was keeper, *LMA Rep.* 12, f. 237 (1550).

Other keepers were granted carts by special licence specifically for the removal of waste.<sup>63</sup>

Although there is no evidence about the supply of provisions, this also must have ultimately been the responsibility of the keeper even if the actual task was delegated to a subordinate officer. In 1431 the prison officers were forbidden to sell victuals after excessive charges had been inflicted by some of their number, but the prisoners would still have required these supplies and, as not even moneyed prisoners would have necessarily had people on hand to provide them, the keepers must have still been involved in at least procuring the goods.<sup>64</sup> It is possible that some food and drink would have been stored in the prisons, so that victuals were available after the retailers had closed their shops. From the complaints against John Botkesham we know the keeper was responsible for the distribution of alms and donations, some of which may have been stored for use beyond the day they were contributed.<sup>65</sup> Clerical prisoners in Newgate had use of a breviary that was bequeathed for their use by Hugh Tracey, a chaplain.<sup>66</sup> The keeper was made responsible for making this book accessible when required, storing it securely when not in use and maintaining it in good condition. In these tasks he was answerable to Henry Bever, one of Tracey's executors who, by the terms of the will, was to be allowed into the prison twice a year to inspect the book.<sup>67</sup> The particulars of this bequest may not have been made in isolation and might suggest that others visited the prisons specifically to check on a bequeathed item or even on the general state prior to the late fifteenth century,

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<sup>63</sup> The keeper of Newgate to have a 'carre' for keeping the bounds [within and without the prison] clean, LMA Rep. 7, f. 114 (1526); the keeper of Ludgate to have a carre for cleansing the gaol of all noisome waste, LMA Rep. 10, f. 136b (1540).

<sup>64</sup> *LBK*, pp. 124-126.

<sup>65</sup> The complaints against Botkesham are discussed on pp. 112-113.

<sup>66</sup> *LBH*, p. 185; *Memorials*, pp. 466-467 (1382).

<sup>67</sup> It is unknown whether Bever ever fulfilled this directive, but perhaps the threat of a visitation was enough to make the keeper respect this donation.



when men were regularly appointed as visitors in order to assess and report on the conditions and management.<sup>68</sup> Some of these men did not fulfil the task to which they had been appointed and were summoned to court to answer for their non-attendance.<sup>69</sup> While the cause of their reluctance to enter the prisons was not recorded, it is possible that they feared either for their health or safety. In the eighteenth century the conditions in Newgate led to the curtailment of visits by doctors from St Bartholomew's hospital. In March 1757 an arrangement was made between Newgate and St Bartholomew's whereby a surgeon and an apothecary would attend to sick prisoners, but by January 1758 the surgeons and physicians were refusing to fulfil this agreement because they had found the conditions were not conducive to health, the prisoners being 'destitute of clothes, bedding and all sorts of conveniences necessary for sick persons'.<sup>70</sup> That their ministrations to the inmates would be a waste of their time and effort unless the conditions were improved is implicit in their refusal. This incidence suggests that in over three hundred years the conditions encountered by poor prisoners had worsened rather than improved.<sup>71</sup>

The gaols in medieval London were regularly delivered by justices appointed by the king, who, in 1327, ordained that the mayor was to be an *ex officio* Commissioner and was required to be present at every session.<sup>72</sup> Although as many as twelve men might be appointed for a sitting only two justices were obliged to be

<sup>68</sup> LMA Rep. 1, fs. 3b (1496), 44b (1499), 73b (1500); Rep. 2, fs. 1 (1506), 35 (1508), 56b (1509), 120 (1511), 178b (1514); Rep. 3, fs. 37 (c.1514-1516), 127 (1517); Rep. 5, f. 228 (1521); Rep. 11, fs., 4 [in index, f. 6 in original foliation] (1543), 9b [f. 11 in original] (1543).

<sup>69</sup> LMA Rep. 11, f. 93 (1544): visitors lately named summoned to court to explain why they had not visited the prisons and compters.

<sup>70</sup> SBHB/HA/1/12, General Court, 17 March 1757; SBHB/HA/1/13, Committee Meeting, 5 January 1758. In April 1758 it was decided that the mayor and aldermen should be informed that the surgeons could no longer visit the prison.

<sup>71</sup> In 1750 forty-three officials at Newgate, including two judges, died of typhus [gaol fever]. This event appears to have identified the need to circulate the 'foul air', which had been experienced at the prison for over three centuries, and led to the installation of a windmill on the roof of the gaol, Stephen Halliday, *Newgate: London's Prototype of Hell* (Stroud: Sutton Publishing, 2006), pp. 46-47.

<sup>72</sup> CPMR, 1323-1364, p. 48, n. 1. See Barron, *London in the Later Middle Ages*, p. 154; Pugh, *Imprisonment*, p. 291; G. A. Williams, *Medieval London from Commune to Capital* (London: Athlone Press, 1963), p. 82.

present unless otherwise specified by the king.<sup>73</sup> These men included senior judges of the king's courts and, apart from the years 1286-1298 when the City was taken into the king's hand, ex-mayors and ex-sheriffs.<sup>74</sup> Whether all the appointees for delivery of Newgate were considered equal is uncertain, but there is evidence from King's Bench to suggest that there may have been a hierarchical order, as graduated payments were made to three justices of this court.<sup>75</sup> Before the fifteenth century sessions at Newgate were usually held twice a year, one being the sheriffs' responsibility, the other the mayor's; but by 1475 there could be as many as six sessions a year.<sup>76</sup> In 1365 the king instructed Adam de Bury, the mayor, and Thomas Lodelowe to proceed with the delivery of Newgate in the absence of the other appointees, who were engaged on the king's business elsewhere.<sup>77</sup> The justices' other obligations could include delivering other gaols around the country as some of the men appointed as justices for delivery of Newgate were also Commissioners for gaol delivery in other counties; for example, William Cheyne served in London and Buckingham and was also a justice of the King's Bench.<sup>78</sup> Despite Newgate generally being delivered twice a year, which could be increased to six sessions if

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<sup>73</sup> *LBI*, p. 212 (1418). Pugh, *Imprisonment*, p. 267, indicates that there is some evidence from the thirteenth century of only one justice being appointed but this seems to have been a rare occurrence. A minimum of three justices were to sit at an exceptional delivery of the Tower following the disturbances caused by the rivalry between Nicholas Brembre and John Northampton, *LBH*, pp. 264-265 (1384).

<sup>74</sup> *CPR, 1247-1258*, p. 116; Pugh, *Imprisonment*, p. 291; Philippa Maddern, *Violence and Social Order: East Anglia, 1422-1442* (Oxford: Clarendon Press, 1992), p. 63.

<sup>75</sup> *CCR, 1272-1279*, p. 503 (1278): Ralph de Henham received sixty marks, Nicholas de Stapleton fifty marks for two terms and Walter de Wimburn forty marks for two terms. *Oxford Dictionary of National Biography*, p. 350: Ralph de 'Hengham', c.1235-d.1311, Chief Justice of the Common Bench.

<sup>76</sup> *LBF*, p. 155 (1346); *LBL*, pp. 101, 137; *The Great Chronicle of London*, p. 224 (1476). Exceptionally, in 1471 the mayor and aldermen ordained that for the time being the sheriffs were to procure commissions of gaol delivery (*LBL*, p. 101).

<sup>77</sup> *LBG*, p. 186.

<sup>78</sup> Maddern, *Violence and Social Order*, pp. 249-253. It appears that Cheyne was regularly appointed to gaol delivery of Newgate between 1376-1431, however, the years 1383, 1386, 1387, 1389-1414, 1419, 1421, 1424, 1425, and 1427-1431 do not appear in the Letter Books: *LBH*, pp. 50, 64, 106, 118, 149, 173, 204, 229, 269, 276, 335; *LBI*, pp. 145, 168, 191, 212, 240, 265; *LBK*, pp. 7, 18-19, 49, 140; Maddern, p. 254: Commissioner for gaol delivery in Buckingham, 1422-1426; *LBK*, p. 58 (1426): Chief Justice of King's Bench.

required, it appears that there were occasions when the mayor felt that this was not sufficient and proceeded to hold sessions without the other justices being present.<sup>79</sup> Equally, there were occasions when it was necessary for the king to order unscheduled gaol delivery sessions because a prison had become overcrowded.<sup>80</sup> Consequently, even when the system was put under extreme pressure through outside influences, such as war, insurgence, or pestilence which prevented the courts from sitting, the indication is that in general every effort was made routinely to deliver the prisons.<sup>81</sup> The effectiveness of gaol delivery alone in reducing the size of the prison populations is uncertain, but taken in conjunction with other available measures, such as short, or commuted, sentences, penance, bail, mainprise, fines and pardons, it is evident that by controlling the numbers of people committed and released the authorities were actively involved in preventing overcrowding.

A short stretch of time in prison could be employed by the authorities as a means of making disturbers of the peace come to their senses through a cooling-off period. This was an effective measure, as it encouraged those involved to come to terms quickly and then be bound to maintain the peace, or face being returned to prison for a longer sentence. In practice this meant that some offenders could be released the day they were committed, but those who took longer to overcome their differences or accept responsibility for their actions remained incarcerated until they capitulated.<sup>82</sup> These men either paid a recognizance to the chamber, as surety for

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<sup>79</sup> *The London Eyre of 1276*, ed. by Martin Weinbaum, (London Record Society, 12, 1976), no. 317, p. 87. The mayor and recorder were ordered to send the estreats of their sessions of gaol delivery 'without delay', after the king learned they had been held 'many times' in the absence of his justices, *Memorials*, p. 174 (1375).

<sup>80</sup> *CCR, 1341-1343*, p. 106 (1341): Justices to deliver Newgate of all prisoners, except those taken for disobedience or rebellion.

<sup>81</sup> *LBL*, p. 164 (April, 1479): Sessions adjourned until after Trinity because of pestilence.

<sup>82</sup> John de Donmowe, skinner, and John Maynard, committed to Newgate for fighting with swords, released the same day, *CPMR, 1323-1364*, p. 191 (1338); John Exham, committed for gathering groups against the peace, released the next day, *LMA; Journal 2*, f. 43v (1425); John Smith, brewer, committed for causing unrest, released three days after committal, *Journal 5*, f. 81v (1452); Robert

future good behaviour, or were mainprised.<sup>83</sup> This required the detainee, before his release, to secure a number of men [mainperners] willing to make a financial bond as surety that he would behave well and attend court when summoned, during which time he could be at large and was not in custody.<sup>84</sup> Even debtors and officials in arrears of account could be released on mainprise, which would have given them time to find what was owed and possibly avoid being imprisoned.<sup>85</sup> Other prisoners were bailed soon after committal.<sup>86</sup> Bail was similar to mainprise in that others provided surety for the detainee to be released, but a bailed person was still technically in custody and could be re-seized at any time.<sup>87</sup> The men who put up surety were themselves liable if those they had mainperned or bailed absconded or were found guilty; therefore a great deal of trust was implicit in these transactions.<sup>88</sup> There is some evidence to suggest that the authorities required mainperners to be

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Blakeney, pewterer, committed to prison for breaking the peace, released the next day, Journal 5, f. 144v (1454).

<sup>83</sup> Hugh de la Corner, mainprised as it was determined he had killed in self-defence, *CCR, 1279-1288*, p. 169 (1282); Robert Gaz, in Newgate for 'certain suspicious and suspected words', mainprised, *CCR, 1323-1327*, p. 100 (1324); John de Brigham in Newgate for taking non-customed wool out of England, mainprised, *CCR, 1343-1346*, p. 256 (1343); William Wyng, in Newgate for selling pullets at excessive price, mainprised, *CPMR, 1364-1381*, p. 89 (1368); William Chestre, in Newgate for buying stolen goods (parts of the king's armour taken out of the Tower), mainprised, *CCR, 1369-1374*, p. 584 (1373); Dominicus de Pardinis in Tower [cause unknown], mainprised, *CCR, 1377-1381*, p. 353 (1380); Thomas Russell, in Fleet for evil doings against the king's people on the Isle of Wight, mainprised, *CCR, 1381-1385*, p. 605 (1384).

<sup>84</sup> [www.legal-dictionary.thefreedictionary.com](http://www.legal-dictionary.thefreedictionary.com) accessed 19 June 2011. Those unable to secure mainperners were held in prison. For example, *LBG*, p. 57 (1356); *CPMR, 1364-1381*, p. 19 (1365); *CPMR, 1381-1412*, pp. 77-78 (1383), pp. 89-90 (1385), pp. 102-103 (1385).

<sup>85</sup> William de Coule in Newgate for money owed to merchants of Genoa, to be mainperned, *LBE*, p. 36 (1314); Richard atte Sterre in Newgate for a debt of £40, mainperned to pay this amount by the Octaves of Michaelmas, *CCR, 1333-1337*, p. 334 (1334); William de Hedese, late collector of custom in the City, to be mainperned from the Fleet, *CCR, 1330-1333*, p. 44 (1330); Peter Malore in the Fleet for arrears of account in Northamptonshire, mainperned, *CCR, 1349-1354*, p. 413 (1352).

<sup>86</sup> John Curteys, in the Tower for diverse trespasses and robberies, bailed, *CCR, 1272-1279*, p. 9 (1273); Roger atte Brome in Newgate for causing the death of another, bailed, *CCR, 1323-1327*, p. 252 (1325); William de Mordone imprisoned for breaking a sequestration and rebellious conduct, bailed, *Memorials*, pp. 190-192 (1334); Philip Mersh captured on suspicion of larceny, bailed, *LMA Journal 1*, f. 45 (1418).

<sup>87</sup> [www.legal-dictionary.thefreedictionary.com](http://www.legal-dictionary.thefreedictionary.com) accessed 19 June 2011.

<sup>88</sup> Amy Donat found mainperners after being accused of carrying away goods by force and arms, *CPMR, 1381-1412*, pp. 265-266 (1399). On being found guilty of the offence both Amy and her mainperners were imprisoned. *Mirror of Justices*, V, p. 174: 'It is an abuse to suppose that the same punishment should be awarded to mainperners as to the principals who make default, for in some cases the former should only be amerced'.

from the same area as the prison; for example, after a draper from the City was arrested into the Marshalsea the marshal would only accept mainpernors from Southwark and when a foreigner was arrested into Newgate the sheriffs would not accept his mainpernors because they were in Northampton.<sup>89</sup> Other people had bail refused, perhaps because the authorities were unsure either of their ability to find such security or to honour it if offered, or possibly through the malevolence of their keeper.<sup>90</sup> A plaintiff could also secure a mayor or alderman's 'commandment' that meant surety was denied.<sup>91</sup> In a sample of one hundred and five cases listed in the *Letter Books* and *Plea and Memoranda Rolls* between 1311 and 1469 forty eight defendants were mainprised and thirty six had their original sentences remitted. Only twenty one out of the hundred actually served the sentences they had been given.<sup>92</sup> This confirms that whenever possible incarceration was avoided or curtailed and that the majority of defendants could be released under bail or mainprise conditions.

In many cases a term of imprisonment could be avoided altogether, or curtailed, through the payment of a fine.<sup>93</sup> The author of *Fleta* considered pecuniary

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<sup>89</sup> John Flemyng, in Newgate for arrears of account, mainpernors refused because they were not from the City, *CCR, 1313-1318*, p. 42 (1314); William Chalk, of Northampton, in Newgate for debt, *CCR, 1313-1318*, p. 44 (1314); William Bourman, tricked into going into Southwark and arrested for trespass, TNA C1/64/873 (c.1475-1480 or 1483-1485).

<sup>90</sup> Nicholas Pecche held unjustly in Newgate after mainperned and debt cleared, *CCR, 1333-1337*, p. 400 (1335); Johanne Style, a child of seven years, imprisoned on an action of trespass without bail, TNA C1/46/64 (c.1433-1443 or 1467-1472); John Butler, committed to the Poultry without bail for feigned actions of debt, C1/32/369 (c.1465-1471 or 1480-1483), Sir Harry Lucas, priest, held in the Marshalsea without bail on suspicion of larceny, C1/64/720 (c.1475-1480 or 1483-1485).

<sup>91</sup> For example, TNA C1/64/825 (c.1475-1480 or 1483-1485): alderman's commandment; C1/66/391 (c.1483-1485): alderman's commandment; C1/271/81 (c.1502-1503): mayor's commandment; C1/144/51 (c. 1504-1515): mayor's commandment.

<sup>92</sup> Of the twenty one, one prisoner was released the same day and one was detained for 366 days.

<sup>93</sup> Richard Lewlin fined 6s 8½d for making underweight bread, LMA Journal 3, f. 113v (1442); John Barkeby fined 100s for defects in his bread, Journal 5, fs. 114 (1453), 166 (1454); John Grey imprisoned for second offence of underweight bread, released nine days later after paying 40s, Journal 3, f. 18v (1439); Eight women committed to Newgate for causing an affray released after four days on payment of a fine, *CPMR, 1364-1381*, p. 32 (1365); Peter Stenby, skinner, committed to prison for false work, released three days later after paying half a mark to his mystery, *LBG*, p. 274 (1371); Robert Multon, cook, was imprisoned for eight days because a boy in his employment, too young to

penalties 'less than the least corporal punishment' but admitted that 'to the miserly...it is an affliction of the heart'.<sup>94</sup> In Europe fines were the preferred method of punishment, followed by exile or banishment.<sup>95</sup> Similarly, in medieval London it appears that fines were imposed whenever possible and this was most likely because they were a useful means of increasing revenue as well as a way of avoiding overcrowding in the prisons, although this would have been reliant on the defendant's ability to pay. In cases which warranted a harsher punishment, in particular those who had defrauded the commonalty or had been involved in insubordination, fines were used in conjunction with a short term of incarceration.<sup>96</sup> This double penalty was specified as a punishment for, amongst others, brewers defaulting on measures, brewers and fishmongers using the water from the conduit for their businesses, candle makers not using clean tallow and cotton, and tasters of ale allowing ale unfit for consumption, and was clearly intended to encourage adherence to the City ordinances.<sup>97</sup> With a variety of existing punishments, which could be imposed singularly or combined to include a short term of incarceration, it was within the authorities' power to manage the numbers committed and detained in prison. This is also supported by the incidences of sentences being commuted by the mayor and aldermen to lesser punishments and penance as discussed in Chapter 1.<sup>98</sup> Although it appears that the majority of prisoners, with the exception of debtors, may not have suffered long imprisonments there were exceptions, and some prisoners

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be punished himself, had mixed goose feathers into a stuffing; released after paying a fine, *CPMR*, 1364-1381, p. 227 (1376).

<sup>94</sup> *Fleta*, II, p. 35.

<sup>95</sup> Dean, *Crime in Medieval Europe*, p. 130.

<sup>96</sup> Richard Chalkhill, tailor, imprisoned for ten days for rebellion against the masters of his mistery, to pay the chamber 10s, *LMA Journal* 4, f. 92v (1445); Robert Colyns committed to Newgate and fined 40s for refusing to give a verdict when empanelled on a jury and contemptuously quitting the court, *LBL*, p. 88 (1469).

<sup>97</sup> *LBF*, pp. 27-28 (1337); *LBF*, p. 128, *Memorials*, p. 225 (1345); *LBL*, pp. 123-125 (1474); *LBL*, p. 100 (1482).

<sup>98</sup> See Chapter 1, pp. 33-34.

were confined for a number of years.<sup>99</sup> Nevertheless, long terms of imprisonment were considered 'reprehensible', which may explain the low incidence of such cases in the sources.<sup>100</sup>

Those who were desperate for liberation after being confined for long periods could petition for the king's intercession, as in the case of Alard Funk who had been imprisoned by the warden of the Fleet for eighteen months because he had been mistakenly associated with an escaped prisoner.<sup>101</sup> The king could also order a prisoner's release, or show mercy, by commuting sentences and granting pardons.<sup>102</sup> A pardon, or stay of execution of judgement, could be granted to children less than twelve years old, the insane, pregnant women, those who could prove they killed another in self-defence and those who were willing to serve in the king's army for a year, or would fight in his foreign wars; however, the king was not meant to grant a pardon if it caused injury or damage to others.<sup>103</sup> Although miscreants who had

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<sup>99</sup> Gerard Mauhan, held in the Tower for seven years, *Select Cases before the King's Council*, p. 15 (1295); John de Walden, held in the Tower for seven and a half years, also Donatus of Florence and William de Newbury, both held for more than four years, *Select Cases in the Court of King's Bench*, VI, p. 72 (1350); Thomas Rydale, in Marshalsea but held in various places for four years, TNA SC8/69/3429 (c.1366); Roger Leget, long imprisonment in the Fleet, released after paying a fine, *CCR, 1374-1377*, pp. 210-211 (1375); Agnes Warre, held in Ludgate for four years, TNA C1/64/212 (c.1483-1485); John de Mundon, held in Newgate for five years, TNA SC8/61/3046 (1357). Hunnisett recites the case of a woman held in Guildford gaol for twenty years, *Medieval Coroner*, pp. 130-131.

<sup>100</sup> *Mirror of Justices*, V, p. 186.

<sup>101</sup> TNA SC8/85/4218 (c.1437), LMA Journal 3, f. 169v (July, 1438). The king ordered the release of William Serle's wife, who had long been held in Newgate because her husband was implicated in the murder of the duke of Gloucester, *CCR, 1399-1402*, p. 450 (1401).

<sup>102</sup> The king ordered the release of Frances Fernandes 'through compassion for her long imprisonment being on suspicion only', *CCR, 1377-1381*, p. 277 (1379); Richard Wenlock, maliciously accused of owing the Earl of Warwick money, pardoned and released from Newgate after being imprisoned for two years, *CPR, 1452-1461*, p. 581 (1460). According to Helen Lacey, between 1272 and 1399 there were approximately 40,000 pardons recorded in the *Patent Rolls*, Helen Lacey, *The Royal Pardon: access to mercy in Fourteenth Century England* (Suffolk: York Medieval Press, 2009), p. 1. Some unfortunates, however, continued to be held despite being granted a royal pardon. Thomas Bekley had been arrested in January 1457 but, despite receiving the king's pardon, was still in the King's Bench prison in December 1458, TNA KB 145/6/37 [this reference courtesy of Dr H. Kleineke].

<sup>103</sup> Oliver Rusculian, pardoned killing two men and breaking out of prison after his good service in a conflict at Calais, *CPR, 1350-1354*; p. 37 (1351); William de Thorpe, late chief justice, pardoned death sentence for allegedly accepting gifts while in office because of the king's gratitude for his previous service, *CPR, 1350-1354*, pp. 61-62 (1351); Thomas de Pottesford, pardoned because he killed his wife in a fit of madness, *CPR, 1350-1354*, p. 470 (1353); John atte Hythe, pardoned after killing another deemed to have been in self-defence, *CPR, 1358-1361*, p. 314 (1359); Alice Almand,

avoided arrest and taken sanctuary could choose to abjure the realm before the coroner, it was also in the king's power to banish wrongdoers.<sup>104</sup> On occasion men who had been condemned to be drawn and hanged were pardoned at the point of evisceration; however, it appears that such dramatic intervention usually coincided with a visit by the papal court when such an act of Christian forgiveness would have been an endorsement of religious authority.<sup>105</sup>

The king might also use imprisonment to detain those who were politically important until they could be advantageously released.<sup>106</sup> A man captured in war, or for being known or suspected as an adherent of the king's enemies, could be legitimately imprisoned by the king.<sup>107</sup> Incarceration would serve to remove such men from the political arena and potentially inconvenience the king's opponent. Political prisoners, however, were extremely valuable in courtly scheming and could be used to procure allegiance or a ransom, either in monetary terms or as an exchange for an Englishman captured abroad.<sup>108</sup> Although in London the Tower was

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pardoned after killing another deemed to have been in self-defence, *CPR, 1361-1364*, p. 6 (1361); Joan Lyde, pardoned any involvement in her husband's death because she was pregnant, *CPR, 1441-1446*, p. 264 (1444). Hanawalt, *Crime and Conflict*, p. 43; Bracton, II, p. 371.

<sup>104</sup> Robert Bealknap, Roger Fulthorp, John Cary, John Holt, William Burgh and John Lockkton had their death sentences for treason commuted to exile in various cities in Ireland, TNA SC8/32/1570 (1388). See also *CCR, 1385-1389*, pp. 382-383, 515-516, and 521. For more on abjuring the realm see Jessica Freeman, 'And He Abjured the Realm of England, Never to Return', in *Freedom of Movement in the Middle Ages*, Harlaxton Medieval Series, XV, ed. by Peregrine Horden (Donington: Shaun Tyas, 2007), pp. 287-304.

<sup>105</sup> Thomas Kerver was pardoned the loss of his life 'out of reverence for the approaching Feast of the Assumption and Pope Eugenius having granted a full remission of sins to all the king's subjects' during his visit, *CPR, 1441-1446*, p. 278 (1444); Roger Chamberleyn pardoned at the point of being touched with a knife 'out of reverence for the Passion of Christ and the Virgin Mary...and after being granted a notable indulgence by Pope Eugenius IV and Pope Nicholas', *CPR, 1446-1452*, p. 68 (1447). In Mantua the enforcement of moral standards increased after a visit from the papal court, Chambers and Dean, *Clean Hands and Rough Justice*, p. 71.

<sup>106</sup> Dunbabin, *Captivity*, p. 100.

<sup>107</sup> The sheriffs of London were ordered to arrest 'all those of power or adhesion to Philip de Valesio, the king's enemy' and imprison them in Newgate, *CCR, 1341-1343*, p. 660 (1342).

<sup>108</sup> Thomas Mossy, a Scotsman, held in the Tower as ransom against John de Sandale's nephew, captured by the Scots while on the king's service, *CCR, 1313-1318*, p. 140 (1315); Alien merchants held in the Tower as mainprise for three Englishmen arrested in Pisa, *CCR, 1346-1349*, pp. 136-137 (1347); William Bordes, a French knight, held in the Tower and ransomed to the highest bidder, *CCR, 1377-1381*, pp. 311, 407 (1380); Fourteen mariners held in Newgate as reprisal 'for certain of the king's lieges imprisoned in France', *CCR, 1381-1385*, p. 506 (1384); Prisoners taken at the battle of



most commonly used, the king also confined political prisoners in the Fleet and Newgate.<sup>109</sup> Some state prisoners in the Tower at the king's pleasure were appointed 'fit and honourable' accommodation and allowed to have their goods and chattels with them while held in captivity, such as the late wife and family of Hugh le Despenser and the Count of Saint Pol.<sup>110</sup> Nevertheless, no matter what their status in society, the king supported all political prisoners by the payment of a daily allowance from the Exchequer, which varied from 1*d* to 10*s*.<sup>111</sup> It is evident that, as in the case of the civic authorities, the king utilised imprisonment in a variety of ways; for example, as a custodial measure, to prevent disorder, to enforce his authority, as punishment for those who offended against him and for political bargaining, but it was also within his power to manage the number of people incarcerated. Accordingly, it would appear that those suffering a long imprisonment were, under normal circumstances, in the minority because there were mechanisms available that allowed both the civic authorities and the king to manage the number of committals, thereby addressing overcrowding and its associated problems, without undermining their authority or the effectiveness of the punishment.

By custom Londoners had the right to have their cases tried in the city, and the mayor, sheriffs and aldermen could refuse to move Londoners from Newgate to

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Harfleur released after taking an oath to be true lieges of the king and his successors, *CCR, 1422-1429*, p. 39 (1423).

<sup>109</sup> *CCR, 1288-1296*, p. 481 (1296) [Tower]; *CCR, 1341-1343*, p. 660 (1342) [Newgate]; *Memorials*, p. 263 (1375) [Newgate]; *CCR, 1381-1385*, p. 506 (1384) [Newgate]; *CCR, 1392-1396*, p. 438 (1395) [Tower]; *CCR, 1422-1429*, p. 39 (1423) [Fleet]; *Rymer's Foedera*, ed. by Sir Thomas Duffus Hardy, II (London: Longman, 1873), p. 664 (1437) [Newgate]. Political hostages could also be held in castles and palaces, *Rymer's Foedera*, I, p. 161 (1310) [Corfe, Sherborne]; *CCR, 1327-1330*, p. 11 (1327) [Barnard's Castle]; *CCR, 1346-1349*, p. 186 (1346) [Durham, Roxburgh, Werk, Bamburgh]; *CCR, 1377-1381*, p. 389 (1380) [Nottingham]; *CCR, 1385-1389*, p. 172 (?1372) [York]; *CCR, 1381-1385*, p. 485 (1384) [Tintagel]; *Rymer's Foedera*, II, p. 591 (1416) [Eltham, Westminster, Windsor]

<sup>110</sup> *CCR, 1327-1330*, pp. 629 (1327); *CCR, 1374-1377*, p.121 (1375).

<sup>111</sup> *Rymer's Foedera*, I, pp. 161, 194; *CCR, 1313-1318*, pp. 274, 353, 419; *CCR, 1318-1323*, p. 268; *CCR, 1327-1330*, p. 620; *CCR, 1354-1360*, pp. 384-385. While this may indicate a degree of Christian charity towards prisoners, these people were not imprisoned for breaking the law *per se*, although they might have been considered traitors, but as pawns in the king's political scheming and their expenses were probably recouped through their own lands and chattels being taken into the king's hand or the payment of ransoms.

other areas for trial.<sup>112</sup> This arrangement was not peculiar to London as men from other areas were moved from Newgate to have their cases heard in their home counties.<sup>113</sup> The king frequently ordered prisoners to be moved around the country as well as transferring others to Newgate.<sup>114</sup> Many of those moved to London were appellors, interchangeably called approvers, or in common terms an informer. These were men indicted of a felony who appealed [informed on] others in order to defer their own judgement.<sup>115</sup> It appears that the costs involved with being moved were to be met by the prisoner, as in 1273 Geoffrey de Segrave was to be transferred from Leicester to Newgate 'at the expense of his friends' and in the sixteenth century it was expected that a prisoner sent out of London by the king or his council would 'pay all manner of charges of himselfe and him that keepeth him'.<sup>116</sup> Thus, while the keepers of prisons were spared the expense of moving prisoners the detainees would still have been their responsibility and such transfers would not only have increased the possibility of an escape but were potentially dangerous, as carts carrying

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<sup>112</sup> Clement le Settere, Londoner, held in Winchester accused of causing the death of another, to be moved to Newgate 'according to custom', *LBC*, p. 163 (1308); the sheriffs refused to produce Henry de Patemore at Westminster as precept 'contrary to franchise of the City', *LBE*, p. 281 (1332); Robert Boydone's case was not to be held elsewhere as to do so would have been 'against the City's franchise', *LBG*, pp. 224-225 (1383); John Anne de Mareschals, was called to appear in Kent but this was contrary to City custom as the case should have been heard in City, *LBG*, p. 277 (1370). The mayor and aldermen could also grant Londoners' leave to sue outside the City if the misdemeanour had not occurred within the walls, *CPMR*, 1413-1417, p. 81 (1420). Trials at the Marshalsea were to be taken in the City if the jurors were Londoners, *PROME*, Edward I (summer, 1302) also Roll 11:15 (introduction).

<sup>113</sup> For example, *CCR*, 1272-1279, p. 62 (1273): Newgate to Surrey; *CCR*, 1330-1333, p. 602 (1332): Tower to Northampton; *CCR*, 1435-1441, pp. 197-198 (1438): Marshalsea to Kent.

<sup>114</sup> *LBC*, p. 163 (1308): Winchester prison to Newgate; *CCR*, 1327-1330, p. 179 (1327): Dunstable prison to Newgate; *CCR*, 1346-1349, p. 133 (1346): York to Tower; p. 186 (1347): Scottish prisoners taken at Durham moved from Roxburgh, Werk and Bamburgh castles to the Tower; p. 600 (1348): Cambridge to Newgate; *Memorials*, p. 165 (1375): Newgate to Marshalsea; *CCR*, 1374-1377, p. 481 (1377): Newgate to Marshalsea; *CCR*, 1385-1389, p. 534 (1388): Kingston-upon Thames to the Fleet;

<sup>115</sup> *CCR*, 1272-1279, p. 440 (1278); *LBE*, pp. 10, 11, 25 (1313); *LMA Journal* 5, f. 29v (1450). Bellamy, *Crime and Public Order*, pp. 129-130, states that appellors could have a sentence of execution remitted to life imprisonment or could choose to abjure the realm. Appellors were hanged as soon as someone they appealed was acquitted, Hanawalt, *Crime and Conflict*, p. 36; Maddern, *Violence and Social Order*, p. 71.

<sup>116</sup> *CCR*, 1272-1279, p. 80 (1273); *The Economy of the Fleet*, p. 102.

prisoners were susceptible to attack.<sup>117</sup> To safeguard his own position during such transfers it would have been prudent for the keeper to ensure any cart carrying prisoners was suitably guarded and this may have been at his own expense. Further, on election the keeper of Newgate had to provide the sheriffs with surety for safeguarding the prisoners, which presumably meant both inside and outside the prison.<sup>118</sup> The wardens of the Marshalsea of King's Bench and the Fleet had the additional responsibility of taking the entire population of their prisons to wherever the king's court happened to be, which often meant transferring prisoners from one end of the country to the other.<sup>119</sup> The logistics of such a manoeuvre can only be speculated upon but must have involved a number of guards, fetters and overnight stays in other prisons or strong households, with the associated problems of security and providing necessities.<sup>120</sup> It is unlikely that such practicalities would have concerned the king; consequently, on receiving a summons the keeper would have had to arrange for a considerable number of prisoners to be moved.<sup>121</sup> It is also likely that the keeper's arrangements would have necessitated taking different categories of prisoner into account.

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<sup>117</sup> Carts carrying prisoners were often attacked, *Proceedings before the Justices of the Peace in the Fourteenth and Fifteenth Centuries*, p. lviii; as were carts carrying official documents, *CPR, 1391-1396*, p. 218 (1393).

<sup>118</sup> *LBK*, p. 127 (1431).

<sup>119</sup> *CCR, 1318-1323*, p. 401 (Marshalsea, 1321), marshal to move all Scottish and Flemish prisoners to the Tower; *CPR, 1377-1381*, p. 556 (Marshalsea, 1380), for moving prisoners around England and Wales; *CCR, 1389-1392*, p. 467 (Fleet, 1392), warden ordered to move all prisoners to York for gaol delivery of the Common Bench; *CCR, 1392-1396*, p. 76 (Fleet, 1393), warden to take all prisoners to Westminster. Carts were requisitioned to carry prisoners to the court of King's Bench, wherever it was in the country, *Proceedings before the Justices of the Peace in the Fourteenth and Fifteenth Centuries*, p. lviii.

<sup>120</sup> Two men were appointed to take two prisoners to Newgate (one escaped), *CPR, 1350-1354*, p. 184 (1351). This entry suggests that for transfers involving a small number of men the guard to prisoner ratio may have been 1:1; however, larger numbers of prisoners could have been managed by fewer guards if they were fettered and ironed.

<sup>121</sup> It is not known exactly how many prisoners were moved at any one time, or if any escaped while being transferred, so this analysis is based on an incidence in 1473 when the Marshalsea held at least ninety-nine prisoners, who all escaped (TNA SC8/29/1442b).

In general terms the prisons of London have been associated with specific misdemeanours; for example, Newgate is thought of as a gaol for felons and perpetrators of serious crimes, the Marshalsea for any debtor, Ludgate for freemen debtors, the Fleet for debts owed to the Exchequer and the Tower for traitors and political prisoners. While such specialisation may be traced to the medieval period, with the exception of Ludgate which was exclusively a prison for freemen, the evidence suggests that no prison was totally exclusive and each could contain various categories of prisoner.<sup>122</sup> Table 4:1 shows there was a degree of specificity in the Fleet and Newgate; however, this sample only includes entries where the prisons were named, when the majority of entries only state committal 'to prison'.

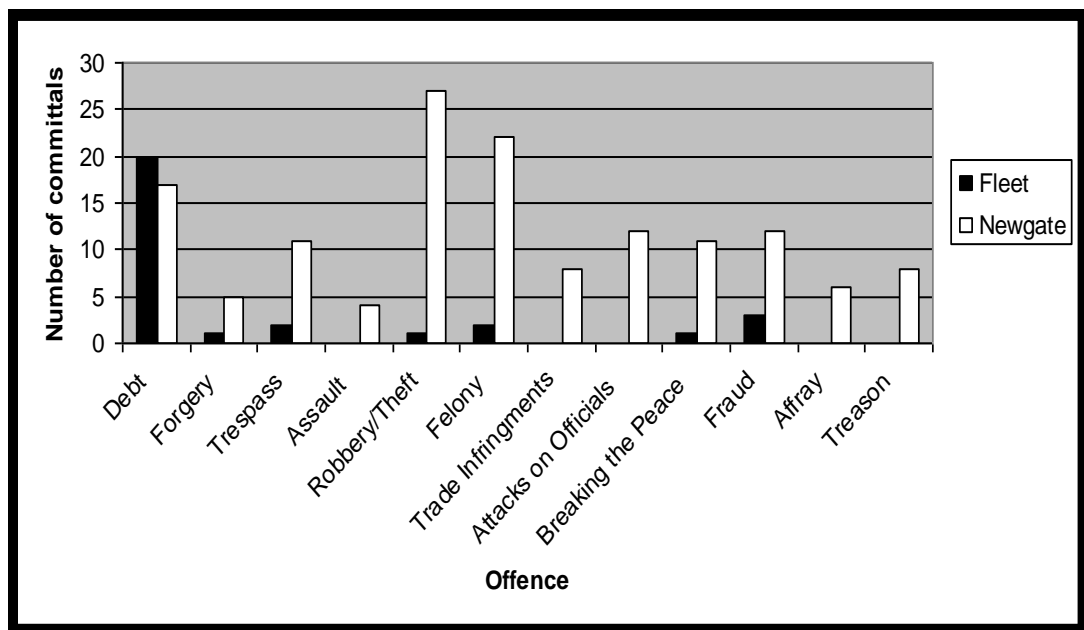


Table 4:1. A comparison of committals to the Fleet and Newgate prisons from the *Letter Books* and *Close Rolls*, 1273-1438.

<sup>122</sup> See Pugh, *Imprisonment*, pp. 105-111.

Nevertheless, this limited sample shows the Fleet received slightly more debtors, specifically people who owed money to the Exchequer, while Newgate had a greater number of committals for offences that would have injured the commonalty.

The other misdemeanours which led to imprisonment indicate that the Fleet and Newgate could both receive all manner of miscreants, and who was sent where probably had more to do with the court in which the case was heard, or the availability of places, rather than there being any intention to create specialist prisons at this time. Table 4:2 uses information from 290 appeals in the Court of Chancery, where the establishment is named and not just recorded as 'in prison'.

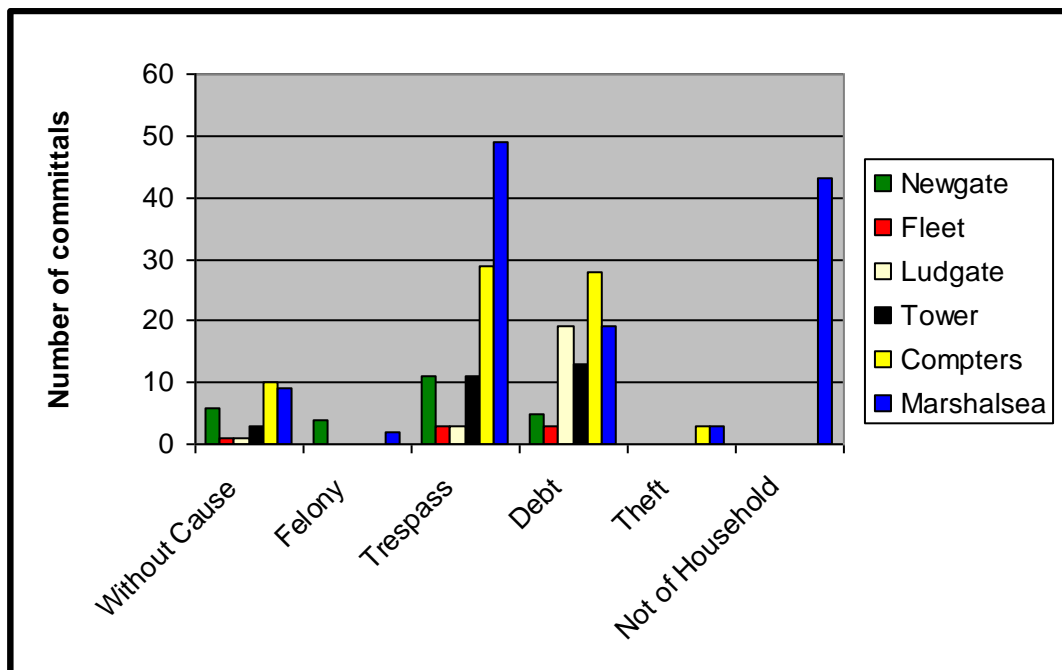


Table 4:2. Claims by petitioners in Chancery, c. 1386-1529.

Although these appeals might support the idea that prisoners could be sent to any prison, including ordinary men and women being committed to the Tower by common accusations, they also serve to highlight the manipulation of the legal

system.<sup>123</sup> The high incidence of appeals against wrongful imprisonment in the Marshalsea of the Household, and to a lesser extent the Tower, suggests that their respective jurisdictions were regularly exploited by plaintiffs who were intent on incapacitating their adversaries beyond merely having them arrested. Arrest into these prisons would have prolonged the defendant's incarceration and caused them further inconvenience while the case was called to a more appropriate court.<sup>124</sup> This apparently strategic manoeuvring would have resulted in more work for the keepers since they were responsible for organising the transfer.

The keeper of the Fleet had the additional responsibility of arranging escorts to accompany prisoners who had been granted a special licence to 'go abroad' if accompanied by an officer of the prison. This 'ancient custom', which was already well-established in the late thirteenth century, did not extend to any of the prisons managed by the civic authorities.<sup>125</sup> This privilege was presumably intended to allow the prisoner time to tend to his business and raise money to pay his creditor or release fees.<sup>126</sup> Equally, prisoners might be temporarily released if they had skills that would benefit the royal family. Such was the case of William Pouche who was released from the Fleet on numerous occasions to attend to affairs relating to Queen Philippa, which even entailed him going overseas, but who was repeatedly returned to prison when the business was completed.<sup>127</sup> The dispensation of 'going abroad'

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<sup>123</sup> For example, Thomas Thow arrested into the Tower for debt, TNA C1/32/404 (c.1465-1471 or 1480-1483); Thomas Gylys and Margot his wife, committed to the Tower on a charge of trespass, C1/46/167 (c.1433-1443 or 1467-1472). Manipulating the system is discussed more fully in Chapter 1.

<sup>124</sup> The 'liberty of the Tower' meant it had its own jurisdiction and defendants were duped into entering this area only to be arrested, TNA C1/46/291 (c.1433-1443 or 1467-1472). An Act of 28 Edward I, c. 3 stated that the Marshalsea of the Household was for suits between members of the king's household; however, the majority of appeals by prisoners in the Marshalsea state that neither they, nor their plaintiff, were of this condition.

<sup>125</sup> Harris, *The Economy*, p. 159; *Select Cases in the Exchequer of Pleas*, pp. 141-143.

<sup>126</sup> *CCR, 1343-1346*, p. 356 (1344); *CCR, 1346-1349*, p. 35 (1348); *CCR, 1392-1396*, p. 38 (1393).

<sup>127</sup> *CCR, 1349-1354*, pp. 93-93, 141, 212, 353, 463 (1349-1352); *CPR, 1350-1354*, pp. 30-31. Prisoners in other London prisons could be granted release if they agreed to serve the king in his wars:

apparently extended to prisoners in the Tower, as merchants of the Society of the Peruzzi were allowed to 'come and go freely...to make advances for paying their debts to the king', while another prisoner was allowed to go out 'as often as necessary for the recreation of his body...'.<sup>128</sup> In 1342 the keepers of the Marshalsea of King's Bench were punished after two prisoners went at large. This may have been because the men were unaccompanied, since they were able to commit an offence, rather than suggesting that the dispensation did not extend to this prison.<sup>129</sup> Although it may seem prudent to allow debtors out to raise money to clear what they owed, it is evident that not all the commonalty were in agreement with this practice for in 1377 a complaint was made to Richard II that prisoners should not be allowed to leave the Fleet without first compensating their plaintiffs.<sup>130</sup> Despite the attempts to curtail this custom the evidence suggests, however, that it continued, as further measures to discourage keepers from this practice were implemented under Henry IV who made going at large equal to an escape as any keeper who allowed a prisoner out would be liable for their debt.<sup>131</sup> Yet despite not having the king's official sanction to allow prisoners to leave the prison, there were occasions when, presumably out of sympathy, the keepers of Ludgate took it upon themselves to grant debtors temporary release.<sup>132</sup>

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*CCR, 1323-1327*, p. 202 (1324), release from Newgate to serve the king in the Duchy; *CCR, 1333-1337*, p. 503 (1335), release from the Marshalsea to serve in Scotland; *CCR, 1377-1381*, p. 471 (1380), release from Newgate to serve in Brittany.

<sup>128</sup> *CCR, 1346-1349*, pp. 53-54 (1346); *CCR, 1346-1349*, p. 254 (1347).

<sup>129</sup> Two men obtained false petitions in Chancery after being allowed to 'wander at large' by keepers of the Marshalsea, *CCR, 1341-1343*, p. 673 (1342).

<sup>130</sup> TNA SC8/18/884 (1377); PROME, Richard II (Oct. 1377), 107.

<sup>131</sup> PROME, Henry IV (March, 1406), 109. *Select Cases in...King's Bench*, VII, p. 165 (1406); *CCR, 1441-1447*, p. 484 (1447): the marshal was liable for debt of prisoner he allowed to go at large; TNA KB 145/6/34 (c.1445-1446): keeper of King's Bench discharged after allowing prisoners to go at large [this reference courtesy of Dr H. Kleineke].

<sup>132</sup> The keeper let a prisoner go at large 'out of pity' to entreat his creditors, *CCR, 1485-1500*, p. 128 (1489); the warden allowed a prisoner out accompanied by a keeper, TNA C1/271/64 (c.1502-1503).

There were few differences in the way prisons were managed but the grant to permit prisoners leave to go out of prison is one way in which royal prisons differed from those under the jurisdiction of the civic authorities. When considered in conjunction with the ability to reside in the 'Rules' and the benefits of a hereditary keepership (there being far fewer complaints of extortion and abuse against a stipendiary post) it is hardly surprising that a number of those accused attempted to be imprisoned at the Fleet for it stood alone in being described as 'a fair prison'.<sup>133</sup> The negative estimation of the keepers of other London prisons, particularly Newgate and Ludgate, seems to have been influenced by the excesses of a very few individuals who treated their prisoners appallingly; however, their absence from official documents suggests that the majority of keepers were conscientious in the enactment of their duty. The position of keeper was undoubtedly onerous and thankless. It was potentially dangerous should a prisoner attempt to escape, and costly if the attempt was successful, when the keeper would be heavily amerced and liable for any debt, so the occasional complaint of excessive use of irons and fetters is perhaps more comprehensible. While there were grievances regarding individual treatment of prisoners, there is a notable lack of complaints about overcrowding. This suggests that under normal circumstances the authorities had the means, through bail, mainprise, a variety of punishments that were preferred over incarceration and regular gaol delivery, to control the numbers of people incarcerated and so, effectively, manage London's prisons.

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<sup>133</sup> Davis, *Paston Letters and Papers of the Fifteenth Century*, I, p. 557.



## **Chapter Five: Crime and Punishment: the response of the City's rulers to the problems of public order**

The punishment of misdemeanours and the maintenance of public order has been an ongoing concern for those in authority throughout the centuries. Civic governments have needed to control the behaviour of those residing within their jurisdiction to maintain public order, keep the peace and affirm their power. While twenty-first century authorities question the role of the prison and the effectiveness of punishment, the ruling classes of medieval London raised no such concerns. Documents generated by the civic authorities and the crown provide an indication of how London's miscreant citizens and visitors were punished. In particular, three sources have been extensively analysed, the printed calendars of the *Letter Books of the City of London* and the *Plea and Memoranda Rolls* and, in manuscript, the Early Chancery Proceedings, which include appeals by prisoners against their imprisonment.<sup>1</sup> Further information has been taken from the *Parliament Rolls* and the calendars of *Patent* and *Close Rolls*. These sources allow an analysis of the kinds of activities that the authorities treated as crimes and which warranted ordinances and writs for their punishment. In the thirteenth century the king granted the mayor and sheriffs greater punitive power, according to their discretion, and in the civic charter of 1444 they were made both Guardians of the Peace and Justices, with the power to hear cases.<sup>2</sup> The sources reveal whether specific misdemeanours were dealt with consistently and whether other factors were taken into consideration when

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<sup>1</sup> *Calendar of the Letter Books of the City of London, A-L (1275-1509); Calendar of Plea and Memoranda Rolls, 1323-1437*; TNA C1/3-C1/300 Chancery Proceedings Early (1386-1515). See [www.british-history.ac.uk](http://www.british-history.ac.uk) for the *Letter Books* and *Plea and Memoranda Rolls* online.

<sup>2</sup> *CPMR, 1323-1364*, pp. xvi, xxxiii. See Caroline M. Barron, 'Ralph Holland and the London Radicals, 1438-1444', in *The English Medieval Town*, ed. by Richard Holt and Gervase Rosser (London and New York: Longman, 1990), pp. 160-183, p. 173.

individuals were sentenced. Did crimes and punishments change over time, and if so, is it possible to explain the reasons for this? Who were the people breaking the rules? Although most perpetrators were men, yet to what extent were women also involved with rule breaking and how were they punished? Were the punishments inflicted on citizens the same as those for aliens and foreigners? And were any concessions made for children and the elderly? This chapter will also look at the types of punishments employed and whether they were crime specific.

Both the crown and the civic authorities were keen to discourage any form of public confrontation, as this had the potential to escalate into disorder or rioting, and writs and ordinances were periodically issued against congregations of men, which imposed curfews and prevented armed men walking the streets of the City.<sup>3</sup> It appears that then, as now, there was concern that those caught perpetrating public order offences might be treated too leniently; this culminated in the king ordaining that no prisoner be released without the mayor and aldermen's knowledge.<sup>4</sup> Further, to discourage physical or verbal abuse in the streets various punishments could be imposed for cases of assault. It appears that the people involved, and the location of the attack, were influential in determining the outcome of such cases. The site of the offence became especially important if the location was connected to civic authority. Geoffrey de Taleworth had been assaulted in the Guildhall, in the presence of the mayor and aldermen, which led to his attacker being imprisoned and fined; while an assault at the door of the Guildhall culminated in the defendant being imprisoned specifically '*for his contempt*' [my emphasis] rather than for the assault.<sup>5</sup> Although there were differences in the manner of attack, cases of assault between commoners

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<sup>3</sup> *LBC*, p. 16 (c.1291-1309); *Memorials*, pp. 36-37 (1298); *CPMR*, 1323-1364, pp. 15-17 (1326), 44-45 (1327), *LBF*, pp. 19-20 (1338); *CPMR*, 1323-1364, p. 189 (1338); *Memorials*, pp. 192-193 (1334), p. 272 (1353); *LBG*, pp. 150 (1362-3), 198 (1364); *LBH*, p. 92 (1378); *Memorials*, p. 453 (1381).

<sup>4</sup> *LBC*, p. 16. This entry is not dated.

<sup>5</sup> *Calendar of Early Mayor's Court Rolls*, pp. 15 (1298), 254 (1307) [*CEMCR*].

were generally settled in court and usually culminated in the payment of a fine with no mention of imprisonment.<sup>6</sup> Such was the case of John Fraunceys, a cordwainer, who was not imprisoned despite being found guilty after admitting that he had beaten and drawn a knife against Joan, the wife of Edmund Lord.<sup>7</sup> Conversely, in the majority of cases where a commoner made a physical or verbal assault on a city official the defendant was not only fined but also sent to prison or bound over in some manner.<sup>8</sup> The imprisonment may only have been for a short time, as in the case of Robert Blok who was committed to prison for assaulting both the alderman of Billingsgate ward, Thomas de Pykenham, together with the constables, but who was released on mainprise after a day's incarceration; his punishment commuted to payment of a fine.<sup>9</sup> Although discretion could be applied when determining the punishment of those who attacked civic officers, anyone slandering or refusing to obey the mayor could expect a much harsher or more visible punishment. For this offence there was clearly no exception; as one of the sheriffs, Nicholas Twyford, was incarcerated in his associate's compters for refusing to obey the mayor, and William Berham, a foreigner from Middlesex, was pilloried for one hour on each of six consecutive days for slandering the mayor.<sup>10</sup> The distinction in the repercussions for abusing the mayor, above other officials and the commonalty, is epitomised in Berham's punishment, as while he was on the pillory there were two whetstones placed around his neck, a large one for slandering the mayor and a smaller one for lying about citizens. Clearly, although the misdemeanours may have been equal to,

<sup>6</sup> *CEMCR*, pp. 83, 93, 94-5, 193, 201, 216, 219, 253.

<sup>7</sup> *CPMR, 1364-1381*, p. 41 (1365).

<sup>8</sup> *CEMCR*, pp. 11-254 passim. This also applied to citizens abusing, or refusing to obey, the masters of their mystery. Cf. *CPMR, 1364-1381*, pp. 16, 17, 19, 20, 28, 233, 259.

<sup>9</sup> *CPMR, 1364-1381*, p. 28 (1365). It appears Blok's behaviour did not jeopardise his admission to the freedom of the City. See Christine Winter, 'The Portsoken Presentments: an analysis of a London ward in the fifteenth century', *Transactions of the London and Middlesex Archaeological Society*, 56 (2005), pp. 97-163, p. 101 for cases where civic officers retained their positions despite being indicted of misdemeanours.

<sup>10</sup> *Memorials*, pp. 415-417 (1378); *LBH*, p. 212, *Memorials*, pp. 476-477 (1383).

or even less grave than, assaults between commoners, offenders against civic officials had to be more severely punished in order to show that such behaviour was completely unacceptable and to deter further assaults.

In cases of physical threat or attack there were clear guidelines that specified a rising scale of fines. For example, an ordinance of 1370 specified that anyone striking another with their hand or drawing a knife would be fined  $\frac{1}{2}$  a mark, but assailants who drew blood incurred a fine of 20s.<sup>11</sup> This was obviously a reiteration of an earlier commandment, for in 1364 John de Dunton, an attorney in the Common Bench, was fined for drawing his knife but not imprisoned despite his offence being made against the constable of Aldgate Ward.<sup>12</sup> Conversely, a year later Katherine Van Ordyngham, a huckster, was imprisoned after drawing a knife on the constable of Dowgate ward, and Katherine Frowe was committed to Newgate after assaulting the constable and the beadle of the same ward.<sup>13</sup> These unfortunate women may have found themselves in prison because as poor hucksters and street sellers they could not afford mainprise or find surety through not having the protection of a craft or guild, unlike Henry Plater, saddler, who possibly avoided imprisonment through the support of others of his profession. Plater had also attacked and wounded a beadle and constables but was mainprised until his case came to court.<sup>14</sup> There were advantages in being associated with a fraternity or guild as it could provide financial, and possibly legal, support for any member who had been imprisoned, although this was most probably in cases of debt.<sup>15</sup> Although on committal the accused may have

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<sup>11</sup> *LBG*, p. 270 (1370).

<sup>12</sup> *CPMR, 1364-1381*, p. 5 (1364).

<sup>13</sup> *CPMR, 1364-1381*, pp. 39, 41 (both 1365). The prison to which Ordyngham was committed is not stated.

<sup>14</sup> *CPMR, 1364-1381*, p. 87 (1368).

<sup>15</sup> See Barron and Wright, 'The London Middle English Guild Certificates of 1388-1389', pp. 108-145, p. 135; Barron, 'The Parish Fraternities of Medieval London', in C. Barron and C. Harper-Bill (eds.), *The Church in Pre-Reformation Society: Essays in Honour of F. R. H. Du Boulay* (Suffolk: Woodbridge, 1985), pp. 13-37, p. 26. In 1482-3 the Pinner's company paid 4d to remove Richard

been innocent of the charge, or the indictment made maliciously, every defendant had to go through the process of law that required either that they confessed or 'put themselves on their country' and be tried by a jury.

This was not always as straight-forward as an innocent defendant would have hoped, as it was not unknown for individual jurymen or entire juries to be dishonest despite it being a criminal offence for anyone on the jury to favour a particular party, which came to be known as 'embracery'.<sup>16</sup> It was permissible, however, for a jury to be primed with information about the case, which was known as 'labouring'.<sup>17</sup> Juries usually consisted of twelve men who were selected for having some geographical or common connection to the people involved. In 1381 Stephen Page was attached to answer a charge of having passed through St Laurence Lane, Cheapside and Coleman Street shouting that the jury of the sheriffs' court were liars. The records state that the jury was specifically summoned from these named streets, 'for the best jury was one that knew the facts' and they would be best placed to pass judgement.<sup>18</sup> It was customary for the members of a jury to be selected according to whether the parties involved were denizens or strangers.<sup>19</sup> This was possibly because jurors were less likely to be favourable to those on the margins of their community and the growing dislike of the alien community might result in a miscarriage of justice,

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Love from Ludgate, which was most likely his release fee, *The Pinner's and Wireseller's Book, 1462-1511*, ed. by Barbara Megson, (London Record Society, XLIV, 2009), p. 21.

<sup>16</sup> *CPMR, 1364-1381*, p. 145 (1372); TNA C1/66/255 (c. 1475-1480 or 1483-1485), C1/828/43 (1533-1534); John Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London: Routledge & Kegan Paul, 1973), p. 146.

<sup>17</sup> Bellamy, *Crime and Public Order*, p. 148.

<sup>18</sup> *CPMR, 1364-1381*, p. 190.

<sup>19</sup> *Statutes of the Realm*, I, pp. 336, 348; *CPMR, 1413-1437*, pp. 91-92 (1421). Penny Tucker, *Law Courts and Lawyers in the City of London, 1300-1550* (Cambridge: Cambridge University Press, 2007), p. 35; Barron, *London in the Later Middle Ages*, pp. 60-61. London attracted many foreigners and aliens, see Caroline Barron, 'England and the Low Countries, 1327-1477', in *England and the Low Countries in the Late Middle Ages*, ed. by Caroline Barron and Nigel Saul (Stroud: Alan Sutton, 1995), pp. 1-28, pp. 11-13; Vanessa Harding, 'Cross-Channel Trade and Cultural Contacts: London and the Low Countries in the Later fourteenth Century', in *England and the Low Countries in the Late Middle Ages*, pp. 153-168, p. 163; J. L. Bolton, *The Medieval English Economy, 1150-1500* (London: J. M. Dent & Sons, 1980), pp. 254-255.

therefore it was appropriate that in cases involving strangers a percentage of aliens should sit on the jury.<sup>20</sup> By this reckoning, it would perhaps have been inappropriate for a jury hearing a case against a member of a craft or mystery to include members of the same profession as the potential for solidarity might equally have resulted in a miscarriage of justice. Despite the measures taken to ensure a fair trial, a jury might decide not to condemn the accused or they could favour one party over the other, either through familiarity with the people involved, or more frequently through intimidation.<sup>21</sup> In 1386 the king asked the Justices of the Bench to release Henry Flathelle from the Fleet, with sufficient sureties, where he had been imprisoned after being convicted of trespass. Flathelle alleged that the jury which had convicted him had been influenced by his plaintiff, Phillip Hode; consequently Flathelle was permitted to arraign a new jury of 24 knights which convicted the original jury and secured his release.<sup>22</sup> Nevertheless, the evidence suggests that most jurors were diligent in their efforts to discover information about the case in hand. After money was stolen from Sir Nicholas de Babutz's hostel bed the most obvious suspects, two servants and an old woman who attended him while he was sick, were imprisoned; however, after the jury's inquiries they were released and Sir Nicholas's companion,

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<sup>20</sup> See Sean Cunningham, "More through fear than love": the Herefordshire Gentry, the Alien Subsidy of 1483 and Regional Responses to Richard III's Usurpation', in *The Ricardian*, XIII (2003), pp. 159-173, p. 165; Shannon McSheffrey, 'Jurors, Respectable Masculinity and Christian Morality: a comment on Marjorie McIntosh's *Controlling Misbehaviour*', *Journal of British Studies*, 37 (July, 1998), pp. 269-279, p. 269; J. L. Bolton, *The Alien Communities of London in the Fifteenth Century* (Stamford: Paul Watkins, 1998), pp. 1, 2, 4, 38-39; Ian W. Archer, *The Pursuit of Stability* (Cambridge: Cambridge University Press, 1991), pp. 131, 140; Barbara A. Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Cambridge, Massachusetts and London: Harvard University Press, 1979), p. 54.

<sup>21</sup> *CPMR, 1323-1364*, pp. 157-158, 267; *CPMR 1364-1381*, p. 145; *LBL*, p. 68. See also Dean, *Crime in Medieval Europe*, p. 13; Paul Strohm, 'Trade, Treason and the Murder of Janus Imperial', *The Journal of British Studies*, 35 (Jan., 1996), pp. 1-23, pp. 5, 15; Bellamy, *Crime and Public Order*, p. 20.

<sup>22</sup> *CCR, 1385-1389*, p. 129. There are many incidences of the king ordering a prisoner's release, but any effort to assess how many were actually freed is problematic as most records include the proviso that sufficient surety had to be found. As shown in Chapter 4 there are cases of prisoners not being able to meet this stipulation and remaining in prison, and others where the controlling officer chose to ignore the fact that sufficient surety had been offered.

Sir Nicholas de Tour, was imprisoned, against his friend's will, because the jury had found 'he knew all about the theft'.<sup>23</sup> Although it appears that some of the men summoned to sit on a jury were willing to commit perjury, either because they were threatened or for a financial reward, all jurymen faced the difficult task of uncovering the truth, which ultimately could only have been as they interpreted it at the time of the investigation.<sup>24</sup>

In cases of 'Infangenthef' (sic) the perpetrator's guilt was undeniable, for this term was specifically applied to thieves who had been caught with stolen goods, the 'mainour', still upon them. Infangenthef allowed the lord of a manor to try those so caught within his jurisdiction, while a grant of Outfangenthef was applied to thieves caught with the goods still upon them outside the manorial boundary.<sup>25</sup> In 1327 Edward III granted Infangenthef to the mayor of London, along with the chattels of felons, so it is no coincidence that the highest occurrences of such cases are contained in the London *Letter Books*.<sup>26</sup> The punishment for Infangenthef was directly related to the value of the stolen goods. The pivotal assessment was 12½*d* for anything lower than this was punishable by imprisonment and a fine, but if the goods were deemed to be worth more than this amount the thief would be hanged. In 1328 Alexander le Nedelere was prosecuted for stealing a tunic from Joan la Lavonder outside Newgate, but as the tunic was valued at less than 12½*d* Nedelere

<sup>23</sup> *LBG*, pp. 92-93 (1357); *Memorials*, pp. 296-298.

<sup>24</sup> *LBL*, p. 68 (1466), p. 88. (1469); TNA C1/60/242 (c. 1475-1485), C1/61/189 (c. 1480-1483); Bracton, IV, p. 391: 'false oath by juror is perjury; fatuous oath...is not perjury because [the juryman] believed what he said to be true'.

<sup>25</sup> The civic authorities appear to have been granted this concession at a time when other lords of the realm were being discouraged from using it, see Barbara Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Cambridge: Cambridge University Press, 1979), p. 15.

<sup>26</sup> *Historical Charters and Constitutional Documents of the City of London*, revised edn (London: Whiting & Co, 1887), p. 53; *LBE*, pp. 276-280 *passim* (1327-1337); *LBF*, pp. 249-275 *passim* (1338-1409). The entry for February 1409 (p. 275) appears to be the last case of Infangenthef as no cases are listed after *Letter Book F*. Gwyn Williams, *Medieval London: From Commune to Capital* (London: Athlone, 1963), p. 80. In 1317 Geoffrey Scrope, the king's serjeant at law had refused the request for Infangenthef by the dean of St Martin le Grand as by London custom those taken within the close or soke would traditionally be tried before the justices at Newgate (*LBK*, pp. 155-156).

avoided hanging and was imprisoned for 40 days.<sup>27</sup> Consequently, despite being caught with the spoils there had to be a summary inquiry to determine the value of the stolen goods before the offender was put to death.<sup>28</sup> There are incidences, however, of some thieves being taken with goods that were valued at more than 12½*d* being found not guilty by the jury, as in the case of Henry de Godmynchestre who was 'taken with the mainour of a horse value 13*s.* 4*d.*'<sup>29</sup> This may have been a false accusation, maliciously made, as it was proved before the jury that the horse, although with Godmynchestre at the time of his arrest, had not been stolen. Some men delayed the outcome of their case, and could avoid capital punishment, by claiming benefit of clergy. Such men had to be tried before a religious 'judge', the Ordinary, who was not normally present in the court, which meant that the accused would be committed to Newgate until the next gaol delivery session when their case could be heard by the proper authority.<sup>30</sup> Such was the case of William Hegge, who was caught with stolen goods and adjudged to hang, but was reprieved after saying that he was a clerk.<sup>31</sup> The claim of benefit of clergy came to be open to abuse when men who were obviously not of the clergy, such as the playwright Ben Jonson, claimed benefit and escaped execution.<sup>32</sup>

The punishments for theft were not as prescriptive as those for Infangenthef, as the accusations were usually made after the event when the stolen items were not necessarily still in the defendant's possession. Consequently, juries imposed punishments that were proportionate to the offence and the plaintiffs were

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<sup>27</sup> *CPMR, 1323-1364*, p. 50.

<sup>28</sup> J. H. Baker, *An Introduction to English Legal History*, 3<sup>rd</sup> edn (London: Butterworths, 1990), pp. 573-574.

<sup>29</sup> *LBF*, p. 256 (1341). Thomas de Rokeby and Margaret la Brewstere were also found not guilty even though they were taken with a silver cup, value 6*s*; however, despite their acquittal they had to report to the sheriff 'to answer to the will of the mayor and commonalty', *LBF*, pp. 250-251 (1339).

<sup>30</sup> *LBE*, p. 278 (1327); *LBF*, pp. 257 (1342), 261-262 (1345), 263 (1345), 265-266 (1350), 271-272 (1382).

<sup>31</sup> *LBF*, pp. 274-275 (1406).

<sup>32</sup> Ben Jonson, *Bartholomew Fair*, ed. by G. R. Hibbard (London: A & C Black, 1998), p. xii.



compensated for their loss by the payment of a fine.<sup>33</sup> This meant the system was open to abuse by individuals who hoped to make money from another, either in response to a private grievance or opportunistically. In 1391 Isabella Lynchedale falsely charged William Squier, a chaplain, and Thomas Vaughan of having stolen a bible they had actually bought from her. The men were imprisoned for five days before the accusation was found to be false and Isabella was sentenced to an hour in the thewe.<sup>34</sup> While Isabella clearly intended to increase the amount of money she could make from these unsuspecting customers, and was publicly humiliated for her deception, this case indicates that the authorities held an hour in the pillory to be an equitable punishment for five days of wrongful imprisonment for two men. Where punishments were tailored to fit the crime they could be very imaginative. In 1478 William Campion was found guilty of ‘unlawfully tapping a conduit pipe and bringing water into his house in Fleet Street and elsewhere’.<sup>35</sup> The conduit was intended for personal use and individuals were to collect the water at source, therefore to siphon off any amount of water in such a way defrauded the commonalty.<sup>36</sup> Campion was confined in Bread Street compter then brought out and paraded around the areas affected by his duplicity, ‘on a horse with a vessel like unto a conduit full of water upon his head and the same water running by small pipes out of the same vessel’. He must have been accompanied because his crime was

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<sup>33</sup> Baker, *An Introduction to English Legal History*, p. 584.

<sup>34</sup> *LBH*, p. 363; *Memorials*, pp. 525-526. The thewe was only used for the punishment of women but there are no actual descriptions of how it differed from the pillory. There has been speculation that the thewe was a ducking stool but these are rarely mentioned until the sixteenth century. Cf. LMA Rep. 12/2, f. 460 (1552): new ducking stool within ‘the lordship of Finsbury’; Winter, ‘The Portsoken Presentments’, p. 144. See p. 149, n. 46 below for more information on the thewe.

<sup>35</sup> *LBL*, p. 160.

<sup>36</sup> In 1345 it was ordained that brewers or fishmongers caught using the water of the conduit for their business would be committed to prison at the discretion of the mayor (*LBH*, p. 128). In Perugia the authorities had a scale of fines for punishing people who misused the fountain, *The Towns of Italy in the Later Middle Ages*, trans. and annotated by Trevor Dean (Manchester and New York: Manchester University Press, 2000), pp. 55-56. See also Daniel Waley and Trevor Dean, *The Italian City Republics*, 4<sup>th</sup> edn. (Harlow: Pearson, 2010), p. 115.

proclaimed in each place and the water renewed when the vessel emptied. In this way everyone *en route* would see Campion's deceit involved water and conduits and he was publicly humiliated before his neighbours for his dishonesty. His return to the comptroller satisfied the mayor and aldermen for the contempt against the City, as his release was at their discretion.<sup>37</sup>

The mayor and aldermen were responsible for protecting the residents of the city against the fraudulent activities of traders and food suppliers. Their efforts at controlling sales and quality through numerous ordinances aimed not only to protect the purchaser's and the freemen's franchise, but also to reduce disputes and affrays on the streets of London, thereby maintaining law and order.<sup>38</sup> There is no evidence to suggest that short terms of imprisonment were a definite 'policy', but the regularity with which indeterminate sentences of incarceration were followed by release after a few days, or even hours, indicates it was imposed not merely as an expression of merciful authority, but as a didactic 'short, sharp, shock' that caused earnings to be lost and warned against re-offending.<sup>39</sup> The records show that terms of imprisonment varied considerably, but this is not indicative of a system that allowed such inconsistencies, for in most cases the prisoner was required to find sureties for bail, or mainprise, or to pay a fine, and some were able to accomplish this more quickly than others.<sup>40</sup> The variations in time spent in gaol could also reflect differences in the details of the offence. This is apparent in two cases relating to overpricing in the wine trade. John Pynsone, a taverner, was released after one day

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<sup>37</sup> *LBL*, p. 160. Although somebody clearly expended a great deal of time and effort in designing and constructing this apparatus it is only mentioned in relation to this misdemeanour, therefore it is possible that this contraption was actually made for use in a procession or celebration and was recycled in the manner described.

<sup>38</sup> Cf. Helen Carrel, 'Food, Drink and Public Order in the London *Liber Albus*', *Urban History*, 33, 2 (2006), pp. 176-195; Gwen Seabourne, 'Assize Matters: Regulation of the Price of Bread in Medieval London', *The Journal of Legal History*, 27 (2006), pp. 29-53.

<sup>39</sup> Cf. *CPMR, 1323-1364*, pp. 139, 144, 158, 213, 214, 235; *LBG*, p. 274; *CPMR, 1364-1381*, pp. 13, 40, 115-116, 124, 174, 189-190, 205; *LBL*, p. 100.

<sup>40</sup> See Chapter 4.

in prison for selling a gallon of wine for 5*d* contrary to the proclamation, while ten wine drawers were held for five days for charging double what they were accustomed to take for drawing and carrying wine.<sup>41</sup> Perhaps their punishment was more severe because they were responsible for supplying wine to the retailers who, to maintain their profit margin, would have had to pass on any increased charges to the purchaser, therefore the wine drawers' actions encouraged over-charging which was contrary to the ordinances. An example of a defendant's circumstances being taken into consideration during sentencing highlights the power of the authorities to be merciful. In 1329 eight fishermen, charged with using nets that were too small against the ordinances, were sentenced to imprisonment in Newgate until they had paid fines for their contempt. This sentence was remitted after they claimed 'they were but poor men', and they were released after promising not to fish with small nets again.<sup>42</sup>

As has been shown, not all officials chose to show mercy or to be worthy of the trust placed in them after their employment or election. There were some who preferred to ignore the guidelines set out for the performance of their duties, usually in order to make money. John Groos and Reginald atte Sele were masters and surveyors of the mistery of bakers who were assisted in their duties by a city official, John Whitlock. In 1385 these men were attached to answer a charge that eight years previously they had extorted what today might be considered protection money from William atte Sele. They told him they would falsely declare that he had been in possession of a loaf deficient in weight, and have him drawn on a hurdle, if he did not pay them 20*s*. These men were found guilty and were sentenced to imprisonment

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<sup>41</sup> *CPMR, 1323-1364*, pp. 219, 228. Wine drawers were responsible for conveying wine from the wharves to the houses of the wine merchants.

<sup>42</sup> *LBE*, pp. 237-238; *Memorials*, pp. 171-172. Small nets caught small fish, a practice that if allowed to continue would have led to a reduction in fish stocks.

for six months, after which they were to pay a fine to the chamberlain and never serve in their respective offices again.<sup>43</sup> What is unusual about this case is that the three men were found guilty and given harsh sentences despite the fact that the incident had occurred eight years before the case was brought to court; however, this may have been due to the political upheavals in London in the 1370s and 1380s. The records do not show how William was able to prove that he had been wronged so long after the event, but clearly the authorities were satisfied that an injustice had been committed and sentenced accordingly. It was not only masters and officials who were capable of such dishonesty, as almost sixty years prior to this case William atte Sele, possibly a relative with the same name, was committed to Newgate for having 'moulding-boards' with holes made in them in order to steal some of the dough brought to him for baking. William was among ten bakers and two bakeresses charged with the same offence. The men were sent to Newgate for two days before being taken to stand upon the pillory, eight of them with dough hung about their necks as the dough had been found in their houses.<sup>44</sup> The two women tried to claim that their husbands were at fault and not them, but they were found guilty and sent to Newgate.<sup>45</sup> Evidently, then as now, claims of ignorance were no defence in law and their passive complicity in the deception earned them a punishment equivalent to that meted out to the men. In this instance there was little difference in the way the men and women were punished, which appears to have been true for all misdemeanours; the only exception being a slight difference in the use of equipment, as women were more commonly restrained on a 'thewe' which appears to have been a post where

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<sup>43</sup> *LBH*, pp. 260-261.

<sup>44</sup> *LBB*, p. 244 (1297): bakers convicted of selling underweight bread were to be punished by pillory.

<sup>45</sup> *Memorials*, pp. 162-165 (1327).

women were confined by a collar around the neck but, unlike the pillory, their hands were not restrained.<sup>46</sup>

It appears that a short incarceration followed by a set time on the pillory was commonly used in cases of fraud, where one party had falsely represented something to another. Examples of such deceitful practices included dyeing old furs to look like new and putting fresh fruit on top of old.<sup>47</sup> Similarly, the pillory was used to punish counterfeiting and it was a highly visible way of humiliating those whose lies and deceit had defrauded the commonalty (see Figure 5:1).<sup>48</sup> In the medieval period punishment was very much in the public domain and consciousness. Centuries later, when the spectacle of public punishment might itself engender a breakdown in law and order, use of the pillory was abolished and executions were undertaken within the confines of a prison, thereby removing such punishments from public scrutiny.<sup>49</sup> The longest sentence of the pillory found so far was in 1320 after Richard le Forester was found guilty of deception and was sentenced to stand in the pillory from tierce to vespers, 9am to 4pm, and then abjure the City for a year and a day.<sup>50</sup>

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<sup>46</sup> Crystyne Houghton set on the pillory for being found in the City after being told to leave, *LBL*, p. 276 (1490); Alice de Salesbury committed to the thewe for kidnapping a child, *LBG*, p. 306 (1372), *Memorials*, p. 368; Elizabeth Moring sentenced to the thewe for being a harlot and procuress, *Memorials*, pp. 484-486 (1385); Isabel Lynchelade condemned to the thewe for falsely accusing a chaplain of theft, *Memorial*, pp. 525-526 (1391). [www.oed.com](http://www.oed.com): Thewe: an instrument for the punishment of women instead of the pillory, with an iron collar compressing and confining the neck (accessed 05/09/2011). Masschaele describes the thew as a simple form of neck ring attached to a post, J. Masschaele, 'The Public Space of the Marketplace in Medieval England', *Speculum*, LXXVII (2002), pp. 383-421, p. 400. To be 'thewed' meant 'to be bound'; however, the name also implies a didactic purpose, see [www.ets.umdl.umich.edu](http://www.ets.umdl.umich.edu) Middle English Dictionary: 'Theu' or 'Thewe'; 'theuen', to give moral instruction.

<sup>47</sup> *CPMR*, 1323-1364, pp. 213, 214; *CPMR*, 1364-1381, p. 174; *LBH*, p. 161. The City was not alone in using the pillory and stocks. In 1354 the Royal Free Chapel of St Stephen, Westminster was granted a pillory, tumbrel and gallows by the king ([www.british-history.ac.uk](http://www.british-history.ac.uk) *A History of the County of London*, I), while in 1347 Sir John Fitzwalter, who claimed private jurisdiction of Farringdon, which the City denied, was accused of having stocks made in Castle Barnard ward (*Memorials*, p. 237).

<sup>48</sup> See *LBG*, p. 236, 264; *LBH*, pp. 121, 152, 174-175, 328-329, 363, 365, 366, 376, 411; *LBI*, pp. 105, 174; *LBL*, p. 243; *Memorials*, pp. 337-338, 339, 381-382; *CPMR*, 1323-1364, p. 251; *CPMR*, 1364-1381, pp. 286-287.

<sup>49</sup> The pillory was abolished in 1837. See Michel Foucault, *Discipline and Punish* (London: Penguin, 1977, repr. 1991).

<sup>50</sup> *LBE*, p. 113.

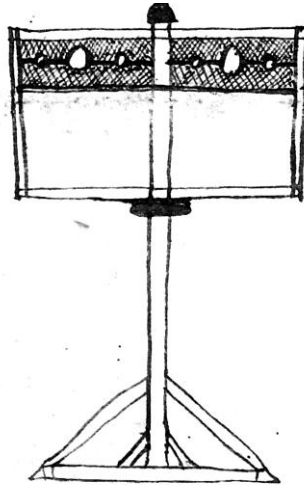


Figure 5:1. Sketch of a pillory to confine two people simultaneously.<sup>51</sup>

Le Forester had offered Richard de Bentone a garland [metal circlet] that he claimed was worth one mark, but Bentone saw it was only worth between 1-2*d* and had him arrested.<sup>52</sup> The severity of his punishment reflected the jury's identification of le Forester as a repeat offender. In contrast to this two thieves were sentenced to the pillory for only half an hour.<sup>53</sup> While it is recognised that the sources do not always provide a complete picture, it appears that sentencing was either inconsistent or tailored to the crime or individual circumstances. In 1375 Robert Colyer of York was condemned to one hour in the pillory for stealing a fillet of pork and two fowls, yet in 1391 Richard Whyte of Ireland was only pilloried for half an hour for stealing a leg of mutton.<sup>54</sup> As both these men were strangers to the City the time-scale difference in their public exposure cannot be attributed to one being foreign and the other a Londoner; it may be that one was older than the other, that there were

<sup>51</sup> LMA, CLA/024/01/02/002, Plea and Memoranda Roll, 1327-1336, membrane 16 (Roll. A1b).

<sup>52</sup> *Memorials*, p. 133. In this reference the plaintiff's name is recorded as 'Denton'.

<sup>53</sup> *Memorials*, pp. 430 (1379), 530-531 (1391).

<sup>54</sup> *Memorials*, pp. 381-382, 530-531; *LBG*, p. 334.

differences in the ways the thefts were perpetrated or possibly the value of the goods was a determining factor. Others found guilty of theft were sentenced to stand for three hours in the pillory, either on a single occasion or for one hour over three consecutive days.<sup>55</sup> It appears that longer sentences were commonly imposed for thefts of material goods, which suggests the authorities may have recognised that food was stolen out of need and judged accordingly, but they were harsher when the crime was against property.<sup>56</sup>

Punishment of the pillory was intended to display the perpetrator's crime to as many people as possible, thereby increasing their humiliation.<sup>57</sup> In terms of trade offenders this would have been extremely damaging, as who would want to deal with someone who had been publicly exposed as a fraudster?<sup>58</sup> The narrator in *Piers Plowman* is clearly voicing popular opinion in advocating the public humiliation of those who cheated customers out of basic provisions,

To punysshē on pillories and on pynynge stooles  
 Brewsters and baksters, bochiers and cokes-  
 For these are men on this molde that moost harm  
 wercheth  
 To the povere peple...<sup>59</sup>

The pillory commonly used by the civic authorities was in Cornhill, a major thoroughfare dominated by shops and traders. It is evident that sentences could be of

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<sup>55</sup> *Memorials*, pp. 339, 531-532.

<sup>56</sup> Some authorities in southern France recognised that thefts of food were probably due to desperate necessity and condoned such actions 'up to the level of one meal'; see Dean, *Crime in Medieval Europe*, p. 20.

<sup>57</sup> See C. David Benson, *Public Piers Plowman: Modern Scholarship and Late Medieval English Culture* (Pennsylvania: Pennsylvania State University Press, 2004), pp. 228-236.

<sup>58</sup> Under the Tudors the threat of the pillory drove some people to suicide, Martin Ingram, 'Shame and Pain: Themes and Variations in Tudor Punishments', in S. Deveraux and P. Griffiths (eds.), *Penal Practice and Culture, 1500-1900: Punishing the English* (Basingstoke and New York: Palgrave Macmillan, 2004), pp. 36-62, p. 49.

<sup>59</sup> *Piers Plowman*, B 3.78-84; A 3.67-73; C 3.79-83, cited in C. David Benson, *Public Piers Plowman*, p. 232. There are no references to 'pynynge stools' in the London sources and whether this was another term for the thewe or a ducking stool is uncertain, see p. 145, n. 34; however, during 1319-1320 a cucking stool was constructed, along with a gallows and a thewe, in Southwark. See Martha Carlin, 'The Urban Development of Southwark, c.1200-1550', (University of Toronto, unpublished PhD thesis, 1983), p. 99.

varying duration but that one hour was most commonly imposed, as this is the time specified in 40% of the sixty eight references to the pillory as punishment.<sup>60</sup> This suggests an hour may have been considered sufficient in most cases to deter re-offending; however, there are instances where the hour was repeated on multiple occasions, usually consecutive days but sometimes spread out over a longer period with the offender returned to prison until the next market day.<sup>61</sup> Unfortunately 'market days' in the medieval period are ambiguous, as markets for different commodities were held on different days; for example, grain markets took place on Mondays, Wednesdays and Fridays and horse markets on Fridays.<sup>62</sup> In 1364 John de Hakford, a tailor, was imprisoned for a year and a day for falsely accusing another man of conspiring against the civic authorities. He was to be taken out of Newgate four times during his incarceration and put upon the pillory with a whetstone around his neck, presumably on market days, in order to remind the citizens of his offence.<sup>63</sup> Hakford's sentence was unusually severe because the king had stated that if his allegation was to be proved false the punishment should make him an example to other liars.<sup>64</sup> Although the manner of an offence was usually proclaimed as the perpetrator stood upon the pillory, to which a written indictment may also have been attached, the offender was further shamed by some form of evidence of his offence being made visible to the crowd. This generally involved the offending article being

<sup>60</sup> *LBG*, p 261; *LBH*, p. 152, 181, 184; *Memorials*, pp. 381-382, 442-443, 462-463, 472-473, 475-476, 486, 489-490, 498, 531, 586-587. In a further twenty eight of the sixty eight references the time the defendant was to stand in the pillory is not recorded.

<sup>61</sup> *Memorials*, pp. 445-446, 445-457, 459, 476-477, 531-532, 536-537, 582, 58-584, 587-589, 599-600, 601, 622-624, 645-646. Unfortunately 'market days' in the medieval period are ambiguous as markets for different commodities were held on different days

<sup>62</sup> *Hugh Alley's Caveat: The Markets of London in 1598*, ed. by Ian Archer, Caroline Barron and Vanessa Harding (London: London Topographical Society, 1988), p. 6.

<sup>63</sup> *LBG*, pp. 176-177; *Memorials*, pp. 315-316. A whetstone was used in this manner to symbolise a liar. The records show that Hakford only stood upon the pillory once, as five months into his sentence he was released after six men provided surety for his good behaviour. Whetstones were used for sharpening tools and were usually employed in cases of lies and deception, possibly to illustrate that the offender had been 'so sharp they had cut themselves'. Cf. Arthur Griffiths, *The Chronicles of Newgate*, vol. 1 (London: Chapman and Hall, 1884), p. 36.

<sup>64</sup> *LBG*, p. 176.



hung about the neck although some items, such as deficient sacks of coal or food unfit for consumption, were burnt beneath or beside the raised platform upon which the perpetrator stood. Examples of items hung around an offender's neck included meat or fish, a urinal (in a case where the offender had pretended to know about medicine), forgeries of letters and papal bulls, and whetstones.<sup>65</sup>

Misdemeanours involving falsity attracted imprisonment in the first instance and the pillory for subsequent offences, which suggests that the pillory was considered a harsher penalty.<sup>66</sup> This is further substantiated by occasions where a sentence of the pillory was commuted through mitigating circumstances. In 1380 John Bernard was found guilty of selling coal sacks that were of short measure and was accordingly sentenced to the pillory; however, because he was 'so far advanced in years' his sentence stated that he should only stand upon the pillory for the time it took the sacks to be consumed by fire.<sup>67</sup> This stipulation suggests that the authorities anticipated the sacks would take less time to burn than the usual hour they would sentence a person to the pillory and were thus making a concession because he was elderly. Similarly, another case involved Joan Cogenho, who had been indicted for forging a sealed obligation. At the time of sentencing it was decided she was 'too feeble and infirm to undergo the judgement of the pillory'. Whether her infirmity was due to being in prison for three months, she had been indicted in December 1423 and was not sentenced until March 1424, is uncertain, but instead of being pilloried it was adjudged that Joan should stand *next* to the pillory for an hour with the false

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<sup>65</sup> *LBE*, pp. 110-111, 126, 132-133; *LBG*, pp. 259, 332-333; *LBH*, pp. 121, 152, 181, 184, 202-203, 212, 366, 376; *LBI*, pp. 104, 105; *CPMR*, 1364-1381, 221-222; *Memorials*, pp. 583-584, 587-589.

<sup>66</sup> *PROME*, September 1388 Appendix (1): 'At fourth default bakers to have corporal punishment of the pillory...'; *PROME*, 1390 January (35): Pillory on the third conviction for false measures; *PROME*, 1495 October (44): False weights and measures, increasing fines for three offences but on third also pilloried; *Memorials*, pp. 235-236.

<sup>67</sup> *Memorials*, p. 446.

obligation around her neck (my emphasis).<sup>68</sup> These cases confirm that the pillory was considered to be a physically arduous punishment, because of the semi-prone positioning of the body, and indicate that the authorities could be sympathetic to individual circumstances. There is also the implication that pilloried offenders were more vulnerable, since with head and hands confined they would be unable to defend themselves from missiles, which may have been a consideration in the development of the thewe. No incidences of injury to anyone confined in a pillory have been found for the late medieval period, which may be because anyone caught throwing 'any maner thyng [such as] eggis, stonys [or] bones' at a person so restrained would themselves be fined and imprisoned.<sup>69</sup>

As shown in Figure 5:1 the pillory consisted of a wooden frame with holes for confining the head and hands. A seventeenth century etching appears to show that the pillory turned, as suggested by the wide circular marking on the floor of the dais (see Figure 5:2). Being made to walk around in such a manner for an hour, or longer, would have made this punishment even more arduous; it would also have allowed the entire crowd not only a good view but also the opportunity to throw all manner of missiles at the offender's head.<sup>70</sup> In November 1786 the *London Advertiser* stated that the pillory 'was meant to revolve, so that the culprit could turn

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<sup>68</sup> *CPMR, 1413-1437*, pp. 189-190. It was evidently within the mayor's jurisdiction to overrule a sentence. In 1413 Geoffrey Lovey, mercer, was sentenced to the pillory for slandering his master, Thomas Fauconer, an alderman. Fauconer had got the sentence of the pillory remitted but the mayor, presumably to show that such behaviour would not be tolerated, had Lovey committed to Newgate (*LBI*, p. 114; *Memorials*, pp. 592-593).

<sup>69</sup> *LMA Journal* 6, f. 104 (1456). The apparatus itself was also to be of strong construction so that the lives of those confined upon it were not imperilled (*Statutes of the Realm*, I, p. 203 (1276-1277, 1284-1285)). In fourteenth century France throwing mud and filth at a blasphemer in the pillory appears to have been encouraged. See Trevor Dean, *Crime in Medieval Europe*, p. 130.

<sup>70</sup> [www.oldbaileyonline.org/.../punishment.html](http://www.oldbaileyonline.org/.../punishment.html) By the eighteenth century offenders condemned to the pillory might be applauded or have flowers thrown at them if they had the support of the crowd. [www.oxforddnb.com](http://www.oxforddnb.com): Daniel Defoe (accessed 05/05/2012); Christopher Hill, *Reformation to Industrial Revolution*, vol. 2 (Harmondsworth: Penguin, 1967, repr. 1992), p. 279.

to face every member of the crowd...according to the direction of the sheriffs...'.<sup>71</sup> Unfortunately there is no evidence to suggest a rotating pillory was used in the medieval period, but, as the intention was to maximise the offender's public exposure and humiliation, it is possible that this type of mechanism was in use before the eighteenth century.

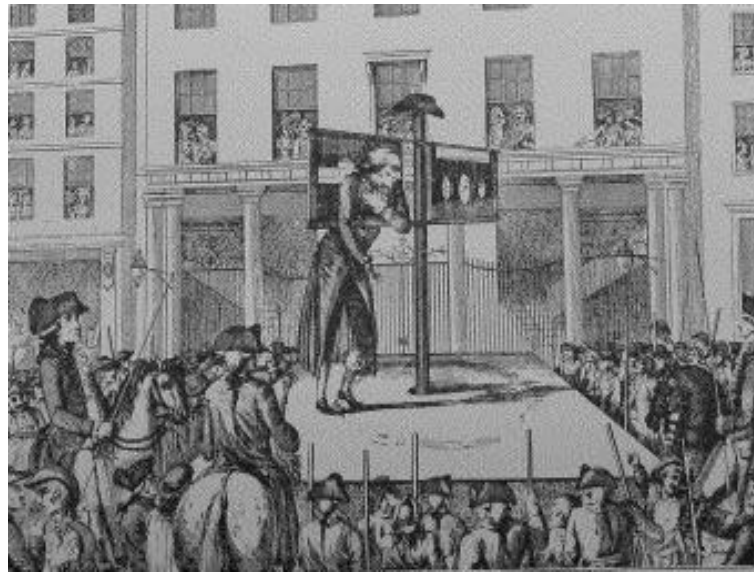


Figure 5:2. Seventeenth-century etching of a two-person pillory.<sup>72</sup>

The pillory was an everyday working piece of equipment and as such would not have warranted description in the records cited here. While there are no written records to suggest that more than one person was pilloried at a time in the medieval period, the line drawing in Figure 5:1, sketched in an early fourteenth century civic document, clearly shows a pillory constructed to detain two people. In the sixteenth century Henry Machyn noted several occasions when not only were two or three men

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<sup>71</sup> *London Advertiser*, no. 5468, cited in Robert Shoemaker, 'Streets of Shame? The Crowd and Public Punishments in London, 1700-1820', in *Penal Practice and Culture, 1500-1900*, ed. by Simon Deveraux and Paul Griffiths (Basingstoke: Palgrave Macmillan, 2004), pp. 232-257, p. 233.

<sup>72</sup> [www.oldbaileyonline.org/i/pillory3\\_WEB.jpg](http://www.oldbaileyonline.org/i/pillory3_WEB.jpg) (accessed 23/02/2007).

confined in a pillory at the same time but this punishment had clearly evolved and in many cases included maiming.<sup>73</sup> Obviously it was expedient to punish perpetrators of the same offence together as escorts were required to accompany offenders from where they were held to the site of the pillory and the sheriffs had to provide a man to proclaim the offence both on the way and at the destination. It is possible that the availability of an escort was a factor the mayor and aldermen had to consider when determining the duration of the sentence, which may explain why the longest sentence for the pillory found here was seven hours. In contrast to the pillory, offenders condemned to the stocks might be restrained for days.

The stocks are considered the first custodial prison, as there are references to them during the reign of King Alfred.<sup>74</sup> In the records for London the earliest reference to stocks is from 1282 when a set was constructed alongside the pillory.<sup>75</sup> Unlike the pillory, where offenders stood with their heads and hands restrained, the stocks were two wooden planks with apertures cut to confine people by their ankles while they sat with their legs outstretched (see Figure 5:3). This may have been considered more 'comfortable' than the pillory, which explains why sentences were longer for this apparatus; although this is not supported by the picture above which also appears to be suggesting that the woman's misdemeanour was more 'weighty' than the offence committed by the priest.

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<sup>73</sup> *The Diary of Henry Machyn, Citizen and Merchant Taylor of London, 1550-1563*, ed. by John Gough Nichols (London: Camden Society, 1848), pp. 60 (April 1554), 64 (May 1554), 68 (September 1554), 104 (April 1556). Offender's having their ears nailed to the pillory, or cut off, appears to have been a Tudor innovation. See LMA Rep. 10, f. 16b (1537), f. 143b (1539). See also *The Diary of Henry Machyn*, p. 60 (April 1554), p. 64 (May 1554), p. 235 (ear cut off, May 1560). No such references have been found for the medieval period, although William Pykemyle was threatened with having his ears cut off had he returned to the City after being expelled for obtaining money from the Countess of Norfolk and the Countess of Bedford under false pretences, *LBH*, p. 121 (1379), *Memorials*, pp. 430-432.

<sup>74</sup> *Laws of the Earliest English Kings*, ed. by F. L. Attenborough (Cambridge: Cambridge University Press, 1992) p. 79.

<sup>75</sup> *LBB*, p. 244.



Figure 5:3. Manuscript decoration showing a set of stocks.<sup>76</sup>

That the stocks were regarded as a prison is evident in an Act of 1495, which stated that ‘no apprentice, agricultural worker, labourer or employee in a craft’ was to play games ‘other than at Christmas...’ upon pain of ‘imprisonment in the stocks for one day’.<sup>77</sup> In 1401 when the Tun in Cornhill was converted into a conduit, a nearby well was boarded over and a cage containing stocks, with a pillory above, was built over it.<sup>78</sup> The diagram at Figure 5:4 shows a cage in Southwark, which may have been constructed to house a set of stocks. How many people the stocks in Cornhill accommodated is unknown, although there is evidence of two or more people being confined simultaneously. In 1377 John Edward and John Naylere of Croydon were put in the stocks for selling sacks of charcoal in short measure and the offending sacks burnt beside them.<sup>79</sup>

<sup>76</sup> British Library Royal 10 Edward IV, f. 187 (Smithfield Decretals, c. 1340).

<sup>77</sup> PROME, Henry VII, October 1495 (42).

<sup>78</sup> Stow, *Survey*, II, intro. by C. L. Kingsford, pp. 190-191; Pugh, p. 112. Although used as ‘lock-ups’ in the sixteenth century, it appears that cages were only used to enclose the stocks in the later medieval period.

<sup>79</sup> *Memorials*, p. 408. Their horses had been seized and were safeguarded ‘until their owner had answered for his deceit’. In 1391 the stocks in Stafford prison were sixteen feet long, TNA E101/587/8; a decade later the length had obviously doubled, as they were described as being 32ft long, E101/585/8 (1400-1401).

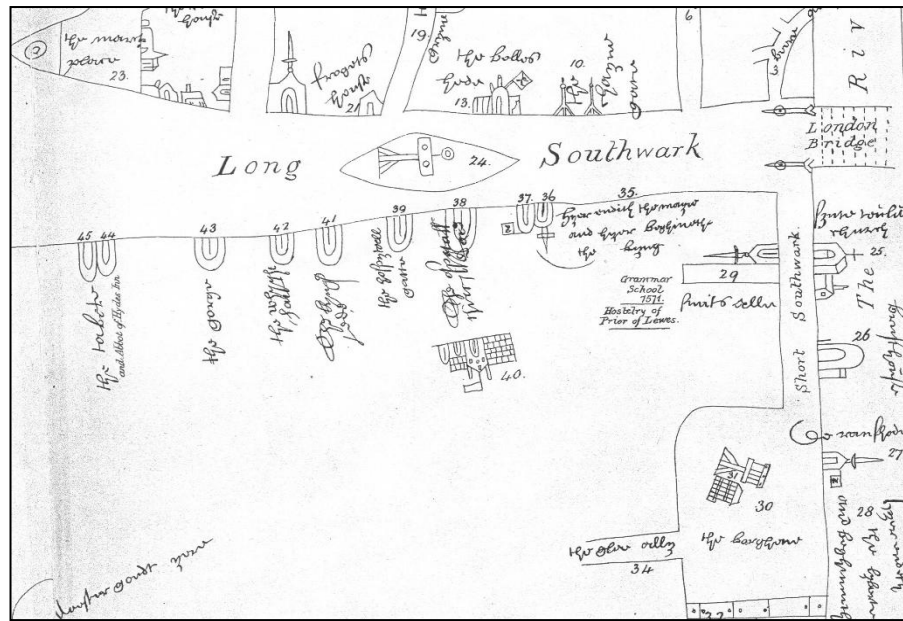


Figure 5:4. Southwark c.1542 showing two styles of pillory and a cage [nos. 24/30].<sup>80</sup>

Interestingly, the same day another Croydon man, Richard Leggere, was charged with the same offence but was committed to the pillory.<sup>81</sup> This seems to suggest that at this time the pillory and stocks were only constructed to hold one or two people, and that in this particular case the pillory was used because the stocks were already in use. If this was the case then the method of public punishment chosen by the authorities may have had more to do with expediency rather than the appliance being crime-specific. By the late sixteenth century a larger set of stocks was utilised in the City as four women were confined in the stocks overnight ‘until their husbands did fetch them home’.<sup>82</sup> Their offence is not recorded but their overnight confinement suggests they were out on the streets when they should have been at home. Throughout the medieval period the authorities discouraged people from wandering

<sup>80</sup> TNA MPC 64: Plan of Borough High Street, Southwark, also Carlin, *Medieval Southwark*, pp. 39, 61, n. 208. LMA Rep. 3, f. 245b: cage in Fenchurch Street, 1518; Rep. 10, f. 72b: cage against the wall of St Dunstan’s in Fleet Street (1539); Rep. 11, f. 41b: stocks and a cage for the punishment of offenders (1544); Rep. 12 (no. 2), f. 463: cage in Cripple Gate (1552).

<sup>81</sup> [www.british-history.ac.uk](http://www.british-history.ac.uk) LBH, f.lxxiib (accessed 02/09/2011).

<sup>82</sup> *The Diary of Henry Machyn*, p. 304 (1563).

about the City at night by setting a curfew. Prior to the fifteenth century those found guilty of nightwalking had been confined in the Tun, a barrel-shaped overnight 'lock-up', but, as stated above, this had been converted into a conduit with a cage containing stocks built over it.<sup>83</sup> It is possible that the four women mentioned above were held in this elevated construction, where they would have been held securely but safely without risk of harm or molestation.

Throughout the sources there are very few references to the stocks which might be an indication that the pillory was usually available and was possibly the preferred method of castigation for cases involving most fraudulent activities. This is supported by the number of occasions this punishment was utilised in the sources consulted here (see Table 5:1); the only exception being the increased use of the hurdle in the late thirteenth century, where deceitful bakers were seated and tied to a frame then dragged through the city behind a horse (see Figure 5:5).<sup>84</sup> A few references, however, suggest that the stocks may have been the chosen form of punishment for specific offences at certain times. In 1377 the stocks were used to punish coal sellers for short measures, as indicated above, while in the late fifteenth century they were the threatened punishment for vagabonds and suspicious people.

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<sup>83</sup> See Chapter 1, pp. 35-36.

<sup>84</sup> *LBA*, pp. 120-121, 208; *Memorials*, pp. 119, 122-123 (1316). See Gwen Seabourne, 'Assize Matters: Regulation of the Price of Bread in Medieval London', *The Journal of Legal History*, 27 (2006), pp. 29-53, p. 29; Helen Carrel, 'Food, Drink and Public Order in the London *Liber Albus*', *Urban History*, 33, 2 (2006), pp. 176-195. The hurdle was employed for the first three offences after which the offender was to forswear the trade of baker in the city forever. This was the fate of Gilbert Pany, who was dragged on the hurdle and made to forswear the City after being found guilty of producing underweight bread for the third time, *Memorials*, pp. 122-123 (1316).

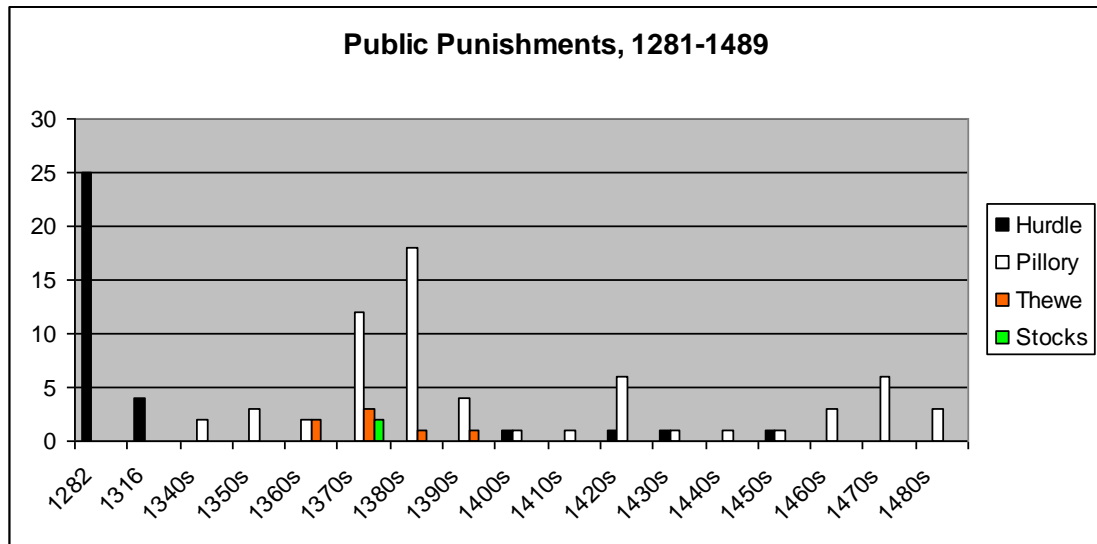


Table 5:1. Instances of public punishments recorded in the *Letter Books, Plea and Memoranda Rolls and Journals*.

An ordinance under Henry VII stated that any beggar or idle person could be set in the stocks for three days and three nights with no provisions other than bread and water and anyone found assisting them in any way would be fined 12*d*. If after their release the offender was found in the City again this punishment was repeated for six days with the same diet.<sup>85</sup> The severity of this deterrent was clearly in response to an increased number of vagrants and idle poor in the City who the authorities considered to be a threat to public order. Nine years later a similar ordinance was issued ‘to discourage able-bodied beggars, idle persons and suspect people’ from loitering in the city streets but this time the sentence was reduced, perhaps through a realisation that the punishment did not have to be so severe to be effective. In this ordinance the offender was only to be condemned to the stocks for one night unless they were apprehended again when they would be held in the stocks for another three nights. This revision may have been implemented because the perceived threat to

<sup>85</sup> PROME, Henry VII, October 1495 (42).



public order had abated, or perhaps it is an indication that one night in the stocks was enough for most vagrants, after which they left the City.<sup>86</sup>

Itinerant people, of no fixed abode or income, were more likely to commit opportunistic or small-scale crimes to survive, something the authorities would have been aware of, and keen to discourage.<sup>87</sup> This periodic nervousness over ‘masterless men’ is reflected in the ordinances.<sup>88</sup> Under Richard II it was decreed that labourers found outside their hundreds or wapentakes must carry testimonial letters certifying the reason for their absence on pain of being condemned to the stocks, or to forty days imprisonment.<sup>89</sup>

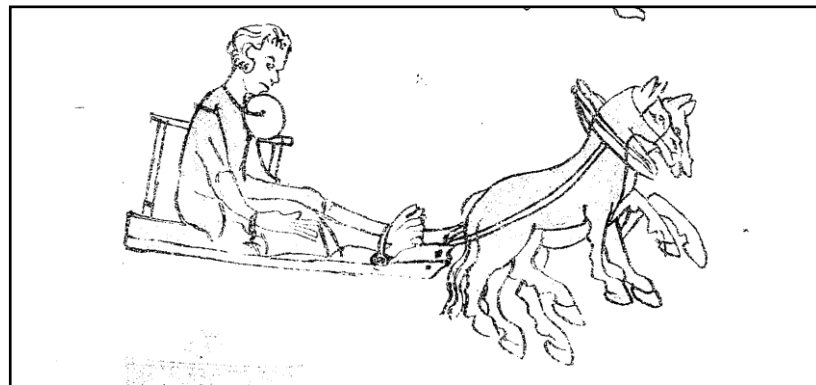


Figure 5:5. A man being dragged on a hurdle, as depicted in a London Journal.<sup>90</sup>

It is apparent that public punishment was considered a more severe penalty than imprisonment, but was it effective? There are no names that occur more than once in

<sup>86</sup> PROME, Henry VII, January 1504 (24). This result would have been a success for the authorities, who in this instance were using punishment to deter re-offending. See H. Carrel, ‘The Ideology of Punishment in Late Medieval English Towns’, *Social History*, 34, 3 (2009), pp. 301-320, p. 307.

<sup>87</sup> Cf. J. A. Sharpe, *Crime in Early Modern England, 1550-1750* (London and New York: Longman, 1984), pp. 101-103.

<sup>88</sup> LBG, p. 301 (1372); LBL, f.115b (1475); p. 254 (1488).

<sup>89</sup> PROME, Richard II, September 1388 (introduction). See Marjorie Keniston McIntosh, *Controlling Misbehaviour in England, 1370-1600* (Cambridge: Cambridge University Press, 1998), p. 17. Thomas More utilized this check on an individual’s liberty in *Utopia*, by stating that Utopian men who went abroad without authorisation would be severely punished. Thomas More, *Utopia*, in *Three Early Modern Utopias*, ed. by Susan Bruce (Oxford: Oxford University Press, 1999), p. 68.

<sup>90</sup> LMA Journal 5, f. 129 (1453). The article hung around the man’s neck represents the offending loaf of bread. References to the punishment of the hurdle do not specify how many horses were to be used, but it is likely that this would have been determined by the offender’s stature.

the Letter Books, but this could be a reflection of the limitations of extant documents rather than an indication of the effectiveness of public humiliation. Many ordinances allowed for wrongdoers re-offending by stating penalties for second and third offences.<sup>91</sup> The indictments in the Portsoken Presentments show that the names of those accused did re-occur although not usually beyond three occasions, which suggests that, for the majority of offenders, the escalating scale of punishments was an effective deterrence.<sup>92</sup>

The Portsoken Presentments also reflect the fact that throughout the City men were accused of wrongdoing more frequently than women; in this particular ward this was probably because men were more likely to hold freeholds and tenancy agreements and many of the complaints involved property, but this would have been true throughout the City.<sup>93</sup> Men were also more commonly involved in acts of aggression and violence which, since it was usual for men to carry weapons and knives, could be a deadly combination as indicated by the number of arguments that culminated in death through a blade being produced.<sup>94</sup> Such indictments were not exclusively made against men, and where women were found guilty of identical crimes, the penalties were usually the same for both sexes.<sup>95</sup> The only exceptions

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<sup>91</sup> *LBF*, pp. 27-28 (1337); *CPMR*, 1323-1364, p. 213 (1344); *LBF*, p. 208 (1350), p. 245 (1352); *LBG*, p. 213 (1366); *Memorials*, p. 319 (1364).

<sup>92</sup> Winter, 'The Portsoken Presentments', pp. 150-156.

<sup>93</sup> Winter, 'The Portsoken Presentments', pp. 103, 148.

<sup>94</sup> *Fleta*, p. 63, lists the types of arms men between the ages of fifteen and sixty were entitled to have in their houses according to the assessment of their land or chattels. See Sharpe, *Calendar of Coroners' Rolls*, pp. 6-271 *passim* for deaths that were caused through blades being produced during an argument.

<sup>95</sup> *Chronicles of Ed. I & Ed. II*, p. 93 (1285): four men and one woman hanged after escaping Newgate and getting onto the roof; *CCR*, 1333-1337, p. 503 (1335): Daniel de Burgham in the Marshalsea for forging the privy seal/*CCR*, 1339-1341, p. 458 (1340): Joan de Braundon in the Marshalsea for forged letters of the privy seal; *CPMR*, 1323-1364, p. 213 (1344): Agnes de Bury committed to Newgate for selling old furs as new/*CPMR*, 1364-1381, p. 34 (1365): Simon de Lincoln committed to Newgate for substituting inferior fur for squirrel fur; *CPR*, 1350-1354, p. 535 (1353): Margaret Clerc in the Marshalsea for diverse felonies/*CCR*, 1385-1389, p. 575 (1389): Richard Thorne in the Marshalsea for committing a felony; *CPR*, 1358-1361, p. 314 (1359): John atte Hythe in Newgate for killing in self-defence, pardoned/*CPR*, 1361-1364, p. 6 (1361): Alice Almand, in Newgate for killing in self-defence, pardoned; *CCR*, 1377-1381, p. 201 (1378): John Haywardyn in Newgate on suspicion of

were that bakeresses do not appear to have been subjected to the hurdle and the thewe being specifically used to punish women; there are no references to men being condemned to the thewe. We can only speculate as to the reason for the development of this specific instrument and to what degree it was due to moral or physical considerations. It is possible that a woman was considered too exposed and vulnerable when held bent forward in the pillory. By the late fourteenth century the use of this device appears to have declined, as from the fifteenth century women were imprisoned or pilloried rather than sentenced to the thewe. This anomaly apart, in all other cases men and women wrongdoers of a like misdemeanour received the same punishment.

Out of 291 appeals against wrongful imprisonment in the court of Chancery only twenty-seven were made by women, and three of these were cases when a husband and wife were acting jointly. These figures reflect the general trend whereby most perpetrators of crime and trade offences were men. As has been shown, men and women who assaulted officers of the City were imprisoned for their contempt and likewise both men and women found guilty of bawdry and procuring were pilloried.<sup>96</sup> The keeping of the peace on the streets of London was an ongoing concern, not only during times of political unrest, and ordinances for the punishment of anyone breaking the peace clearly applied to everyone residing in the City.<sup>97</sup> In 1364 John Cotyller and his wife Joan were committed to Newgate, along with John

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spying/*CCR, 1377-1381*, p. 277 (1379): Frances Fernandes in Newgate on suspicion of spying; *CCR, 1377-1381*, p. 208 (1378): John Derewent in Newgate for leaving service before agreed term/*CCR, 1381-1385*, p. 284 (1383): Margaret Harwelle in Newgate for leaving service before agreed term; *Coroners' Rolls*, p. 154 (1326): William de Grandon in Newgate on suspicion of larceny/*CCR, 1405-1409*, p. 302 (1407): Mary Marchaunt in Newgate on suspicion of larceny; TNA C1/64/212 (c.1483-1485): Agnes Warre in Ludgate for debt/C1/271/64 (c.1502-1503): William Somer in Ludgate for debt.

<sup>96</sup> *Liber Albus: The White Book of the City of London*, ed. by H. T. Riley (London: Griffin, 1861), pp. 394-396.

<sup>97</sup> *Memorials*, pp. 36-37, 192-193, 272, 453, 534; *LBF*, p. 19; *LBG*, pp. 198, 213, 270, 274; *CPMR, 1364-1381*, pp. 23, 32, 54-56, 135, 297; *LBH*, p. 92; *LBI*, pp. 35, 42.

Irlond, his wife Agnes and Isabel Hemyng, after being charged with creating a disturbance, and a year later eight women were committed to Newgate for an affray in Holborn.<sup>98</sup> Although men could be indicted as scolds and bawds, 'misguided and idle' women were more likely to be targeted in order to 'quell the rise of lechery' and 'lewd' women were forbidden to wear any clothing lined with fur and had to put on a hood of ray to distinguish them from respectable women.<sup>99</sup> The general lack of discrimination between the sexes is further demonstrated by a case from 1365. Joan Gade accused William Bneyt of having killed their son, but Bneyt produced the boy alive and was then required to find sureties for keeping the peace, which he did. Bneyt then asked that Gade also find sureties. Her inability to do so meant that she was committed to Newgate and not her partner as she had intended.<sup>100</sup> Women struggling to maintain themselves and their children could also be imprisoned. Margaret Rede was arrested on a charge of trespass at her home 'while labouring for the poor sustenance of her and her little child', although 'labouring' may imply a sexual offence, and Anne Davell was imprisoned for her husband's debt of eighteen marks even as she struggled 'to keep herself and her two children while providing him [her husband, already in Ludgate for the same debt] with meat and drink daily'.<sup>101</sup> It is not clear whether the offspring of imprisoned women were incarcerated with their mothers, but other cases indicate that children were included in ordinances for imprisonable offences and were committed to prison if they did not conform.

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<sup>98</sup> *CPMR, 1323-1364*, p. 277. The wives were also accused of being scolds and brawlers. *CPMR, 1364-1381*, p. 32. These women were held for five days before being mainprised.

<sup>99</sup> Winter, 'The Portoken Presentments', pp. 148, 150-156; *LBL*, p. 206; *Memorials*, p. 267; *LBH*, p. 176; Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (Oxford: Oxford University Press, 1996), pp. 19, 21, 22; Bronislaw Geremek, *The Margins of Society in Late Medieval Paris* (Cambridge: Cambridge University Press), p. 222. It is unclear whether the wearing of distinctive clothing was intended to repel or attract attraction.

<sup>100</sup> *CPMR, 1364-1381*, p. 32.

<sup>101</sup> TNA C1/64/895 (c.1475-1480 or, more likely, 1483-1485), C1/80/12 (1486). Mr Davell owed money to Cristian Baxster, a gentlewoman.

There are two royal ordinances that specify offences that applied to both adults and children, where there was no concession for minors in the manner of punishment. In 1351 it was ordained that no child, or other person, was to play in any place of the palace of Westminster during the parliament there 'on pain of imprisonment', and in 1411 no man, or child, was to wrestle within the bounds of St Paul's or any other place in the City 'upon pain of imprisonment for forty days'.<sup>102</sup> These ordinances raise unanswerable questions over literacy and responsibility. If the ordinances were posted would the child have been expected to read them, or were the parents/guardians responsible for ensuring that children were aware of orders that affected them? Neither ordinance stated a minimum age from which the order became effective, but there is evidence to suggest there was an age where imprisonment was considered inappropriate. Robert Multon, a cook, was sentenced to eight days in Newgate because 'a boy' in his employment had confessed to mixing feathers into the stuffing of a goose that had been sold 'but was too young to be punished'.<sup>103</sup> An appeal in Chancery, however, shows a girl of seven years imprisoned for eight days without bail purely because the plaintiff bore her mistress 'malice and evil will', which suggests the minimum age may have been seven, or even six.<sup>104</sup> This case is not unique, but out of 291 Chancery appeals in which prisons were named, from 1386 - 1515, there are only four that involved children.<sup>105</sup> The youngest recorded age is seven years and these cases, although formulaic, suggest that children were used and abused by their elders. This is supported by one appeal which claimed that the imprisoned child was 'naked and not getting enough

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<sup>102</sup> *Memorials*, p. 269; *LBI*, p. 93.

<sup>103</sup> *CPMR, 1364-1381*, p. 227 (1376). The age of the boy is not recorded.

<sup>104</sup> TNA C1/46/64 (c.1467-1472). Her mistress, Agnes Menfeld, had also been imprisoned. Cf. TNA C1/46/84 (c.1467-1472).

<sup>105</sup> TNA C1/46/64 (c.1467-1472), C1/46/226 (c.1433-1443 or more likely 1467-1472), C1/64/912 (c.1475-1480 or 1483-1485), C1/19/466 (c.1452-1454).

meat or drink'.<sup>106</sup> In 1373 Margaret, daughter of John Oxewyk, a grocer, was kidnapped by Alice de Salesbury and stripped of her clothes so that she could go begging with Alice unrecognised by her family.<sup>107</sup> Almost two centuries years later a schoolmaster was found guilty of having beaten a pupil with a buckled leather girdle so that the child had almost perished. Just as others sentenced to the pillory had some physical representation of their crime around their neck or placed nearby, so the master was whipped until bloodied and the child made to stand on the pillory with his tormentor so that all could see what he had done.<sup>108</sup> It is probable that the child, Margaret Oxewyk, was also made to stand on the thewe with Alice de Salesbury as this was evidently an acceptable means of drawing attention to the offence and increasing the perpetrator's shame. The longest incarceration recorded for a minor was for an apprentice vintner, John Colman, who was charged with stealing money from his master, Thomas Horsman. The offence against him notwithstanding, Horsman tried on numerous occasions to get his apprentice released. The boy was committed to Ludgate in February 1385 and soon fell ill. After continued attempts his master finally succeeded in getting him out on bail the following December, indicating that despite the breach of his trust Horsman upheld his agreement as a master to look after his apprentice.<sup>109</sup>

Unfortunately the trust placed in the guardians of orphans was often abused and, in the majority of cases, by men. The records show that the City authorities dealt severely with those who took advantage of their wards, which is not surprising given that by 1340 the mayor, aldermen and chamberlain were responsible for overseeing the care of orphans of freemen of the City and in many cases actually

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<sup>106</sup> TNA C1/19/466 (c.1452-1454).

<sup>107</sup> *LBG*, p. 306; *Memorials*, p. 368.

<sup>108</sup> *The Diary of Henry Machyn*, p. 301 (1563).

<sup>109</sup> *CPMR, 1381-1412*, pp. 89-90.

nominated a guardian.<sup>110</sup> Consequently, those who contravened this position of trust were not only failing the young person in their care, they were also in contempt of the ruling elite and as such were punished accordingly.<sup>111</sup> Guardians were responsible for managing their ward's inheritance, and while there is evidence of this being done well it is also apparent that it was too much of a temptation for others.<sup>112</sup> In the early fourteenth century Ralph Gubbe was committed to prison after the authorities found that property worth £43 belonging to his charge, Richard Gubbe, an orphan, could not be accounted for.<sup>113</sup> Likewise John Maheu was sent to prison for being indebted to his wards in the sum of £35 16s 3d.<sup>114</sup> A guardian could capitalize on an inheritance by arranging the marriage of his charge without the licence of the chamberlain and aldermen, but this would guarantee imprisonment if the authorities found out.<sup>115</sup> Although occasionally these marriages involved children as young as seven, the guardians in such cases were not imprisoned for breaching the trust of those in their care but for their contempt in arranging unions without the consent of the authorities.<sup>116</sup> Those appointed as guardians would have been made fully aware of the commitment they were undertaking, would have been conversant with the City rules and customs and fully aware of the ramifications of their actions, unlike strangers to the City who perpetrated misdemeanours and might have claimed

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<sup>110</sup> Barron, *London in the Later Middle Ages*, pp. 268-273; Elaine Clarke, 'City Orphans and Custody Law in Medieval England', *American Journal of Legal History*, 34 (1990), pp. 168-187.

<sup>111</sup> Bracton, *De Legibus*, IV, pp. 611-613.

<sup>112</sup> *Memorials*, pp. 378-9.

<sup>113</sup> *LBC*, p. 182 (June, 1309), *LBE*, p. 75 (released April 1317). It appears that Richard Gubbe did not consider the term of imprisonment adequate as on Ralph's release Richard forcibly seized him and had him imprisoned for a further six weeks, whereby he was being counter-sued by Ralph (*LBE*, p. 90, June, 1318).

<sup>114</sup> *LBD*, p. 187 (1310).

<sup>115</sup> *LBI*, pp. 141-142 (1415): John Hurlebatte married the daughter of a deceased alderman without licence from the civic authorities. A jury assessed how much the marriage was worth (£40) and Hurlebatte was committed to prison until this was paid (it is uncertain whether this fine was paid out of the orphan's estate). The City administered the care of orphans until they were 21, or, in the case of a female, married someone of at least that age. See Barron, *London in the Later Middle Ages*, p. 270.

<sup>116</sup> *CPMR, 1323-1364*, pp. 205-6 (1342).

unfamiliarity with the regulations. It appears, however, that ignorance was no defence for there was little discrimination in the way aliens, foreigners or Londoners accused of wrongdoing were treated or punished.

No matter from where a person originated, if they owed money to the king they were imprisoned in the Fleet while other debtors were held in Newgate and later, also Ludgate.<sup>117</sup> Although strangers were not usually discriminated against by the authorities, they could be disadvantaged by not having familial or fraternal support nearby to alleviate their suffering or to appeal on their behalf.<sup>118</sup> Strangers, especially aliens, were particularly at risk from xenophobia and might be arrested on suspicion of spying.<sup>119</sup> This may have stemmed from resentment due to a perceived threat to citizens' jobs and trades, as alien workers were periodically given the king's protection and other benefits that were not reciprocated to denizens abroad.<sup>120</sup> In London anyone found guilty of trade offences or deception would receive the same penalty, no matter what their gender or place of origin.<sup>121</sup> The only exceptions to this were the use of the thewe for punishing women and the hurdle for unscrupulous male bakers. This punishment was not exclusively inflicted on Londoners, as foreign

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<sup>117</sup> *CCR, 1333-1337*, p. 334 (1334): Richard atte Sterre, citizen (Newgate); *CCR, 1339-1341*, p. 169, (1339): John Petit, of Cornwall (Fleet); *CCR, 1349-1354*, pp. 66, 85, 141, 190 (1349-1350): Master Paul de Monte Florum (Fleet); *CCR, 1349-1354*, p. 350 (1351-1352): William de Melchebourn, of Norfolk (Fleet), p. 413 (1352): Peter Malore, of Northampton (Fleet); *CCR, 1369-1374*, p. 382 (1372): John Maryan, merchant of Lucca (Fleet); *CCR, 1377-1381*, p. 84 (1377): John Reynold, citizen (Newgate); *CCR, 1392-1396*, p. 38 (1393): Hugolinus Gerard, merchant of Bologna, and his servant (Fleet); *CPMR, 1381-1412*, p. 233 (1395): Manuel Zacharie, merchant of Genoa (Newgate).

<sup>118</sup> Richard Chamber, a London baker, had his prison sentence commuted to a fine on the petition of the masters of his mistery, *LMA Journal* 2, f. 128 (1428).

<sup>119</sup> *CCR, 1339-1341*, p. 11 (Tower, 1339); *CCR, 1374-1377*, p. 139 (Newgate, 1375); *CCR, 1377-1381*, p. 277 (Newgate, 1379), p. 313 (Tower, 1380).

<sup>120</sup> Anyone interfering with alien cloth workers' ability to work to be imprisoned, *CCR, 1343-1346*, p. 486 (1344); anyone inflicting damage on alien cloth workers to be imprisoned, *CCR, 1346-1349*, p. 353 (1348); weaver's servants to work with 'Brabantur' as well as under Flemings, *Memorials*, pp. 345-346 (1370); merchant strangers to be courteously and rightfully used, *Statutes of the Realm*, II, 14 Richard II, c. ix (1390); report of an insurrection against strangers, *LMA Rep.* 3, f. 164b (1517). See also Holinshed, *Chronicles*, p. 115 (1587); Bolton, *The Alien Communities of London in the Fifteenth Century*, pp. 2, 35, 38, 39.

<sup>121</sup> *LBG*, p. 274 (1371): prison and fine for false fur work; *LBK*, p. 93 (1428): false metalwork, fined; *LMA Journal* 3, f. 18v (1439): fine and prison for underweight bread (second offence), *Journal* 3, f. 113v (1442): fine for underweight bread (first offence); *LBL*, p. 49 (1464): Hanse merchant fined for mixing old and new fish.



bakers working in the City who were caught flouting the ordinances were also drawn through the streets in this manner.<sup>122</sup> Consequently, there is some indication that punishments could be crime specific, particularly in the employment of the pillory and hurdle for misdemeanours involving deception. Despite the authorities' measures to protect the residents of London, through regulation of the production and retail of all saleable goods and by their attempts to maintain order on the City streets, there were people from every social strata, gender and age, both citizens and strangers, who were caught breaking the rules. Apart from the occasional exceptional circumstance, where punishment was commuted because of infirmity or old age, all wrongdoers would suffer the same consequences. The evidence suggests that the authorities' approach to dealing with wrongdoers did not change very much throughout the later middle ages. Although there were variations in the amounts of pecuniary penalties, and in terms of imprisonment, these were more likely the result of individual circumstances appertaining to a case rather than through an elevated fear of a breakdown in public order or as a move towards reform.

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<sup>122</sup> John Frost, foreign baker, drawn on hurdle, LMA Journal 3, f. 191v (1437?); William Adcock, foreign baker, dragged on a hurdle from the Guildhall to Aldgate, Journal 5, f. 129 (1453).

## Chapter Six: Doing Time: how prisoners occupied their days

The records suggest that, with the exception of debtors, most prisoners were only likely to suffer a short imprisonment; but what of those who were held for longer periods of time? Was there anything they could do to alleviate the monotony of their confinement? With the exception of poetry and prose written during, or after, an imprisonment very little attention has been given to the kinds of activities prisoners might undertake to occupy their time. Through the literature of prominent prisoners such as Thomas Usk, George Ashby and Thomas Malory we know that some men had access to writing materials and found incarceration conducive to creative writing, which endorses the suggestion that, at least for those prisoners who had outside support or independent means, prison conditions could be tolerable, perhaps even comfortable. The writing generated by these more privileged prisoners was literary in form and alluded to actual or allegorical imprisonment. These works were a direct result of the author's imprisonment and were written as an appeal to a higher authority, whether earthly or spiritual, from a need for intercession. While the degree to which prison writing was intended to be autobiographical has been speculated upon prisoners were not alone in producing petitionary literature, in which the author needed to be identified so that he could be prayed for by name.<sup>1</sup> Petitionary literature was written to promote the author's interests, an objective that was especially important for prisoners, whose lives were in the hands of others and

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<sup>1</sup> For an in-depth analyses of the autobiographical nature of prison writing see Joanna Summers, *Late Medieval Prison Writing and the Politics of Autobiography* (Oxford: Clarendon Press, 2004). K. Lynch finds Summers' approach both 'refreshing and problematic', K. Lynch, 'Review of *Late-Medieval Prison Writing and the Politics of Autobiography* by Joanna Summers', *Speculum*, Vol. 81, No. 2 (Apr., 2006), pp. 608-609, published by: Medieval Academy of America, [www.jstor.org/stable/20463806](http://www.jstor.org/stable/20463806), accessed: 18/10/2012. It was customary for medieval writers to place themselves within their texts and ask for the reader's prayers, see J. A. Burrows, *Essays on Medieval Literature* (Oxford: Clarendon Press, 1984), pp. 161-163.

might be curtailed at any moment; therefore consideration of the soul became an urgent need.<sup>2</sup> In the thirteenth century the introduction of mandatory confession had made medieval society acutely aware of the need for penitence and taught that the way to avoid eternal damnation was to practice contrition and humility.<sup>3</sup> This led to an increased focus on penance in contemporary literature.<sup>4</sup>

Other prisoners used their time to formulate appeals and petitions in order to draw attention to their plight and get their case heard in the appropriate court, with the ultimate aim of securing their release.<sup>5</sup> This activity would have been limited to those who could afford to employ clerks and scribes. Some prisoners could supplement their finances by producing small articles for sale, in entertaining the warden, in begging and managing alms for the poorest inmates, or in being employed in the application and remove irons and fetters from other prisoners. Those in debt to the king could even continue their businesses as the Fleet had a facility, known as 'going abroad', whereby prisoners could pay for the privilege of leaving the prison with an escort to enable them to attend to their affairs in order to raise money to pay their debts.<sup>6</sup> Evidence from the Tower suggests that prisoners could be allowed out purely 'for their recreation'.<sup>7</sup> In Newgate it was possible for the wealthier inmates to take exercise in the upper halls and floors, or even on the roof; a provision that may

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<sup>2</sup> Elizabeth Solopova and Stuart D. Lee, *Key Concepts in Medieval Literature* (Basingstoke: Palgrave Macmillan, 2007), p. 209.

<sup>3</sup> Mary Flowers Braswell, *The Medieval Sinner: Characterisation and Confession in the Literature of the Middle Ages* (London and Toronto: Associated University Presses, 1983), pp. 14-16, 27.

<sup>4</sup> Braswell, *The Medieval Sinner*, pp. 61-62.

<sup>5</sup> In the eighteenth century prisoners committed for the possession of forged banknotes wrote letters to procure pecuniary relief while awaiting transportation, while some Newgate prisoners, in an age of revolution, produced tracts of radical prison literature. See *Prisoners' Letters to the Bank of England, 1781-1827*, ed. by Deidre Palk (London Record Society, XLII (2007)); *Newgate in Revolution*, ed. by Michael T. Davis, Iain McCalman and Christina Parolin (London and New York: Continuum, 2005).

<sup>6</sup> *CCR, 1343-1346*, p. 356 (1344); *CCR, 1392-1396*, p. 38 (1393). There is evidence that this concession was also permitted at the Marshalsea, see *CCR, 1341-1343*, p. 673 (1342); *CCR, 1441-1447*, p. 484 (1447).

<sup>7</sup> *CCR, 1346-1349*, p. 254 (1347).

have been available at other prisons.<sup>8</sup> For some prisoners the routine of being incarcerated was alleviated through their being transported around the country to other prisons or courts, while others spent their time planning and executing their escape. Consequently, rather than being condemned to enforced inactivity and boredom devoid of mental stimulation, there were a variety of ways in which prisoners could occupy their time.

Literary works composed by prisoners during both the medieval and early modern periods espoused the values promulgated by Boethius' *The Consolation of Philosophy*, written while he was a prisoner in exile; however, the inclusion of the writer's predicament, and request for the reader's prayers, indicates that prison writing adhered to the standard form of medieval petitionary literature.<sup>9</sup> It is also likely that the 'enforced idleness of imprisonment' made authors of men who, under normal circumstances, would not have had time for such pursuits, such as the political prisoners Thomas Usk and George Ashby, whose only literary works were written while incarcerated.<sup>10</sup> In order to analyse the petitionary nature of prison writing, and to determine if such literature can tell us anything about prison conditions, four works written by men incarcerated in London's medieval prisons will be discussed: *A Prisoner's Prayer* by an unknown author, *The Testament of Love* by Thomas Usk, *A Prisoner's Reflections* by George Ashby and Sir Thomas

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<sup>8</sup> Pugh, *Imprisonment*, p. 118, suggests games were played at the Fleet during Christmas 1523; however, although there is evidence that William Babyngton, who held the keepership, was 'master of misrule' at Christmas games held in 'le Fleet messuage in St Brides parish' in 1524 this was not necessarily part of the prison complex and it is probable that he was not keeper at this time as he leased the position to deputies. See *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, arr. by J. S. Brewer, IV (I) (London: HMSO, 1870, repr. 1965), p. 170; Bassett, 'The Fleet Prison', p. 392.

<sup>9</sup> Boethius, *The Consolation of Philosophy*, trans. by V. E. Watts (Harmondsworth: 1969). See Summers, *Late Medieval Prison Writing* (medieval writers) and Rivkah Kim, 'Writing Behind Bars: Literary Contexts and the Authority of Carceral Experience', *Huntingdon Library Quarterly*, 72 (2), 2009, pp. 291-311, p. 309 (early modern writers).

<sup>10</sup> John Scattergood, *Reading the Past: Essays on Medieval and Renaissance Literature* (Dublin: Four Courts Press, 1996), p. 265.

Malory's *Le Morte Darthur*.<sup>11</sup> It is presumed that the status of these authors meant they had either financial security or were maintained throughout their imprisonment, through which they had access to the relevant resources: pens, paper, light and possibly reference material.

*A Prisoner's Prayer* is part of a collection of miscellaneous historical documents known as the *Liber de antiquis legibus*. Although the authorship is not acknowledged within the collection it was most likely compiled by Arnold Fitzthedmar, alderman of Billingsgate from c.1245-1258 and from 1259 until his death c.1274/5, as it includes an account of his ancestry and a hymn for the translation of Thomas Becket, with whom the family appear to have had a particular affinity.<sup>12</sup> The personal nature of the collection is further suggested by the collator endorsing the City's defence of its interests, and in 1258 Fitzthedmar had been among the citizens whose defence of the City's privileges had challenged Henry III. Within the *Liber de antiquis legibus* there are lists of popes, emperors and bishops and a chronicle of the mayors and sheriffs of London, from 1189-1274. Consequently, it appears that much of the collection concerns events from

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<sup>11</sup> *The Prisoner's Prayer* was included in the *De Antiquis Legibus Liber*, LMA COL/CS/01/001/001, microfilm X112/001, which is printed in Thomas Stapleton, *De Antiquis Legibus Liber: cronica maiorum et vicecomitum Londoniarum* (London: Camden Society, 34, 1846). This work is also recorded in *Anglo-Norman Political Songs*, ed. by Isabel S. T. Aspin (Oxford: Blackwell, 1953), pp. 1-12, and has been dated to the thirteenth century (p. 3). All references used here are from a translation by Dr R. Kennedy, Dr R. Field, Dr R. Harvey and Bella Millett of Royal Holloway University, kindly undertaken by request in 2006 (see Appendix 2). Thomas Usk, *The Testament of Love*, ed. by R. Allen Shoaf (Kalamazoo: Western Michigan University, 1998) [hereafter *ToL*]; *George Ashby's Poems*, ed. by Mary Bateson (London: Paul, Trench & Trübner, 1899) [all references to Ashby's *A Prisoner's Reflections* are taken from this edition and will hereafter be referred to as *Reflections*]; Malory: *Works*, ed. by Eugène Vinaver, second edition (Oxford: Oxford University Press, 1971).

<sup>12</sup> Jeremy Catto, 'Arnold Fitzthedmar (1201-1274/5)', *Oxford Dictionary of National Biography* [<http://www.oxforddnb.co./view/article/9644>, accessed 21/05/2012]. The last document in the original compilation is from 1274; additional material was evidently added after Fitzthedmar's death, the last c.1328. The Thedmar family originated from Cologne but settled in London after visiting Becket's shrine at Canterbury.

Fitzthedmar's lifetime.<sup>13</sup> It would be reasonable to suppose, therefore, that *A Prisoner's Prayer* also had some personal significance. This piece was written in the first person by someone who had clearly experienced imprisonment but it does not reveal the author; however, although there is no evidence to suggest Fitzthedmar had been imprisoned for his part in the defence of the City's privileges, he was removed from office for a year and was heavily amerced, and it is possible that he had been incarcerated until the fine was paid.<sup>14</sup> The records suggest that Fitzthedmar was a diligent civic officer, therefore to be penalised for defending his political beliefs would have been a harsh penalty. Coincidentally, in the first stanza of *A Prisoner's Prayer* the author establishes his belief that his punishment was unjust,

I did not know before what it was to lament  
 Now I am full of trembling anguish  
 I have great pain and oppression  
 I am undeservedly imprisoned...<sup>15</sup>

If Fitzthedmar had been imprisoned he would have had time to reflect on the path his life had taken. The author of the *Prayer* evidently had enough time on his hands to become introspective and had come to the realisation that worldly success was fragile and could be transitory,

Now a man has health and happiness  
 Soon he will be without it;  
 The good things of the world, truly,  
 Don't last for one [short] instant.<sup>16</sup>

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<sup>13</sup> The scrivener Robert Bale also compiled a chronicle which Dr Kleineke has speculated may have occupied Bale during his numerous committals to the Fleet for debt. This is predicated by his imprisonment giving him more time to work on such a piece and there being references to gaol breaks from Newgate and a detailed account of rioting in Fleet Street in 1458-9, which he may have personally witnessed. Hannes Kleineke, unpublished paper entitled 'The Troubles of Robert Bale, Scrivener and Chronicler of London', read at Senate House, London on the 25<sup>th</sup> of April 2012 [I am grateful to Dr Kleineke for allowing me to refer to this material]. For more on Robert Bale, see Anne Sutton, 'Robert Bale, Scrivener and Chronicler of London', in *Regional Manuscripts, 1200-1700*, ed. by A. S. G. Edwards, *English Manuscript Studies, 1100-1700*, XIV (2008), pp. 180-206.

<sup>14</sup> LMA COL/CS/01/001/001, microfilm X112/001, fs. 1, 163; *Anglo-Norman Political Songs*, p. 3.

<sup>15</sup> Translation of *A Prisoner's Prayer*, ll. 1-4, see Appendix 2.

<sup>16</sup> Translation of *A Prisoner's Prayer*, ll. 64-68, see Appendix 2.

Of the five stanzas that make up this work, this one stands alone in portraying man at the mercy of Fortune. Man's impotence in governing his own fate was a recurring theme in medieval literature and is echoed in 'Fortune' by Geoffrey Chaucer,

This wrecched worldës transmutacioun,  
As wele or wo, now porre and now honour,  
Withouten ordre or wis discrecioun  
Governēd is by Fortunēs errour...<sup>17</sup>

Incarceration meant the imprisoned had even less control over their fate than when they were free men, therefore a literate prisoner with access to writing materials could construct an appeal in the hope that either their readers would intercede on their behalf and petition for their release, or that their situation might be alleviated through God's grace. This is a common device in petitionary literature and the *Prayer* is no exception; the first three stanzas appeal directly to God and Jesus Christ, while the last asks Mary to intervene on the author's behalf.<sup>18</sup> The most striking aspect of this piece, compared to other medieval prison writing, is its structure. The stanzas are not consistently of the same number of lines and each stanza is repeated; written first in French and then in English. It was also written as a song, with four-line musical staves ruled on the manuscript.<sup>19</sup> In *The Consolation Philosophy* reminds Boethius that although a man's body and possessions may be at the mercy of another's power, nothing can be imposed on a free mind.<sup>20</sup> Although it is uncertain whether *A Prisoner's Prayer* was penned during or after a term of imprisonment, of

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<sup>17</sup> *Medieval English Lyrics, 1200-1400*, ed. by Thomas G. Duncan (Harmondsworth: Penguin, 1995), pp. 86-89, p. 86. See also 'Fortune Will Have Her Way', in *Religious Lyrics of the Fourteenth Century*, ed. by Carleton Brown (Oxford: Oxford University Press, 1939), p. 259.

<sup>18</sup> For other petitionary literature which appeals to Mary see *Religious Lyrics of the Fourteenth Century*, p. 33: 'Mary, Pray thy Son for us'; p. 35: 'Ave Maris Stella'; p. 55: 'The Five Joys of Our Lady'.

<sup>19</sup> *Anglo-Norman Political Songs*, p. 2.

<sup>20</sup> Boethius, *The Consolation of Philosophy*, Book II, Prose 6, p. 70.

all medieval prison literature the tripartite form of this piece strongly suggests it was written by an accomplished man as a means of relieving the tedium of incarceration and stimulating an educated mind. Whether the intellect that created the *Prayer* belonged to Fitzthedmar may never be absolutely determined, but the position of this work in a collection of documents from his lifetime suggests that it may have been written by him, or someone close to him.

Arnold Fitzthedmar was fortunate because his aldermanry was not irreparably damaged by his administrative allegiance, unlike Thomas Usk who was a victim of his own political manoeuvring. In the early 1380s, during the conflict between the victualling and non-victualling guilds, Usk was working in London as a scrivener for John of Northampton, who had been elected mayor in 1381.<sup>21</sup> Usk was arrested in 1384, after Northampton failed in his efforts to get re-elected and prevent Nicholas Brembre from succeeding him as mayor.<sup>22</sup> Presumably in an attempt to redeem his situation, and perhaps at Brembre's behest, while in prison Usk wrote his 'Appeal' documenting Northampton's underhand conduct, an action that suggests Usk had switched his allegiance to Brembre. Despite the Appeal documenting Usk's own involvement in the campaign to return Northampton to the mayoralty, this strategy appears to have been successful as he was pardoned 'all treasons, felonies and other offences' and during late 1386 and 1387 was in the king's service as a sergeant-at-arms and was employed as the under-sheriff of Middlesex.<sup>23</sup> He was not fated to escape his involvement with Northampton and Brembre for long, however, and in

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<sup>21</sup> *CPR, 1381-1385*, pp. 467, 470, 500; *CCR, 1381-1385*, p. 476; Ronald Waldron, 'Usk, Thomas, c.1354-1388', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004; online edn. Jan. 2008) [<http://www.oxforddnb.com/view/article/28030>, accessed 16 January 2012, hereafter *ODNB*]; Summers, *Late Medieval Prison Writing*, pp. 24-25; Barron, *London in the Later Middle Ages*, p. 334.

<sup>22</sup> *CPR, 1381-1385*, p. 500. The records do not state the prison that Usk was committed to, but because of his civic connections it was most likely Newgate.

<sup>23</sup> *LBH*, fs. ccxxib, ccxxii, [www.british-history.co.uk](http://www.british-history.co.uk) [accessed 22/05/2012]; *ODNB*, Usk, Thomas, as n. 15; Summers, *Late Medieval Prison Writing*, p. 25.



December 1387, after Brembre's arrest by the appellants, Usk was arrested on a charge of treason.<sup>24</sup> In March 1388 Usk was drawn, hanged and beheaded.<sup>25</sup> Although it is stated within the text that *The Testament of Love* was written while the author was incarcerated, this is an allegorical work about a metaphorical imprisonment. Nevertheless, Usk would have been uncertain about his future and concerned about the effect imprisonment would have on his reputation and it is possible that these concerns led to him placing himself cryptically within a petitionary treatise. Despite there having been some question over the authorship of *The Testament of Love*, since there is no extant manuscript and William Thynne assigned the only surviving version to Chaucer in 1532, Usk has been acknowledged as the author of *The Testament of Love* through the acrostic formed by the first letters of the chapters, which reads 'MARGARETE OF VIRTW HAVE MERCI ON THIN USK'.<sup>26</sup> Although not necessarily immediately obvious to the reader this device literally placed Usk in the body of the text.

Such autobiographical identity is also established by George Ashby in *A Prisoner's Reflections*. Ashby was a poet and an administrator who was probably imprisoned soon after Edward IV claimed the throne in 1461 because of his lifelong allegiance to the House of Lancaster. During his career he served Duke Humphrey, Henry VI and Margaret of Anjou, worked in the royal signet office and represented Warwick in the Lancastrian-dominated parliament at Coventry in 1459.<sup>27</sup> Four years

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<sup>24</sup> *CCR, 1385-1389*, p. 393; *Memorials*, pp. 424, 427, 494; *PROME*, Richard II (Feb. 1388); *ToL*, pp. 6-7; Summers, *Late Medieval Prison Writing*, pp. 25-26.

<sup>25</sup> John F. Leyerle, 'Thomas Usk', in *Dictionary of the Middle Ages*, vol. 12, ed. by Joseph R. Strayer (New York: Scribner, 1982-1989), pp. 333-335, p. 334. It allegedly took almost thirty strokes of the sword to decapitate him.

<sup>26</sup> Stephen Medcalf, 'The World and Heart of Thomas Usk', in *Essays on Ricardian Literature in honour of J. A. Burrow*, ed. by A. J. Minnis, Charlotte C. Morse, Thorlac Turville-Petre (Oxford: Clarendon Press, 1997), pp. 222-251, pp. 229-231; *ToL*, p. 1; Summers, *Late Medieval Prison Writing*, pp. 26, 28, 29. Medcalf suggests 'Margaret' was a veiled reference to Richard II.

<sup>27</sup> *CCR, 1435-1441*, p. 131; *CPR, 1436-1441*, p. 150; *CPR, 1441-1446*, p. 433; John Scattergood, 'Ashby, George (b. before 1385? d. 1475)', *Oxford Dictionary of National Biography* (Oxford:

later, however, his fortunes had changed, as he tells us in *A Prisoner's Reflections* that in 1463 he was in the Fleet prison and had been 'greued | By emprysonment a hole yeare and more...'.<sup>28</sup> His incarceration in the Fleet suggests he owed money to the Exchequer and he tells us that his enemies had taken his horse, money and goods and had pulled down his house, actions that many Lancastrians were likely to have suffered after the Yorkist ascendancy.<sup>29</sup> The careers and fortunes of both Usk and Ashby were intrinsically linked to the prevailing authorities of their lifetimes and their respective choices of allegiance; the outcomes of their situations, however, could not have been more different. Although Usk enjoyed a temporary reprieve, and was reinstated in public service, he was eventually executed, while Ashby was freed without trial and appears to have retired, dying of natural causes in 1475.<sup>30</sup> That these men were able to write while imprisoned suggests that they had some form of light, were provided with writing materials and were comfortable enough in their surroundings to construct petitionary literature.

*The Testament of Love* and *A Prisoner's Reflections* were written as appeals for intercession, perhaps motivated by both Usk and Ashby being denied a hearing in a more traditional manner. In *A Prisoner's Reflections* Ashby suggests that he was denied the opportunity to have his case appealed in court, 'But oth, or other declaraciõñ, | Coude at no season be herd ne takyñ' (ll. 15-16), the unjustness of which may have inspired him to make his voice heard through his writing. Both men clearly felt abandoned. Usk portrayed himself as a voiceless prisoner 'incarcerated

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Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/741>] (accessed 16 January 2012); Summers, *Late Medieval Prison Writing*, pp. 142-144.

<sup>28</sup> *Reflections*, p. 1, l. 8; p. 2, ll. 29-30; p. 11, l. 338. This suggests he had been committed sometime during 1461-2.

<sup>29</sup> *Reflections*, p. 1, ll. 20-21. For a comprehensive analysis of the events leading up to the fall of the Lancastrians see Christine Carpenter, *The Wars of the Roses: Politics and the Constitution in England, c.1437-1509* (Cambridge: Cambridge University Press, 1997), particularly pp. 136-155.

<sup>30</sup> *ODNB*, George Ashby. He was buried at his estate in Middlesex and his funeral brass survives in Harefield church.

from friendship and acquaintance, and forsaken of all that would dare speak', while Ashby admonishes the behaviour of his old acquaintances, who do not visit and have therefore forgotten the Seven Acts of Mercy, which included visiting prisoners.<sup>31</sup> Nevertheless, although medieval society normally adhered to the Christian doctrine of visiting and supporting prisoners, because of the political nature of these incarcerations it would perhaps have been imprudent for their former friends and colleagues to maintain contact. Both Usk and Ashby appear to have come to terms with their imprisonment by accepting their situations as penance for their souls.<sup>32</sup> This denouement, of spiritual gain through physical loss, is another recurring theme in petitionary literature, a genre which includes prison writing.<sup>33</sup>

*The Testament of Love* is a justification of Usk's actions and an attempt to secure his release. At the close he appeals to those who encounter this work to intercede on his behalf to the highest authority: 'And onely this mede [reward] I coveyte for my travayle, that every inseer and herer of this leude fantasye devoute horizons [besechings] and prayers to god the grete juge...' in order that his sins will be forgiven.<sup>34</sup> Similarly, Ashby closes with an appeal for God to recognise his virtues and save his soul:

And with humylyte and soburnes,  
With feruent loue and feythful reuerence,  
I beseche the, god, of thy worthynes,  
Yeue me grace, comfort and assistance,  
Good wyll, good werkes, good thought and eloquence,  
With loue, charyte and feyth the to please,  
That I may dwell in heuyñ at myñ ease.<sup>35</sup>

<sup>31</sup> *ToL*, Book 1, ll. 12-13, p. 56; *Reflections*, ll. 36-42, p. 2.

<sup>32</sup> *ToL*, Book 1, ll. 10-13, pp. 55-56: 'I endure my penaunce in this derke prisone...'; *Reflections*, ll. 106-107, p. 4: 'Knowyng in sertayn that my punysshing | Is other-whyle for my soule profitable...'

<sup>33</sup> See Braswell, *The Medieval Sinner*, pp. 69-70, 72-73; Kim, p. 292.

<sup>34</sup> *ToL*, Book 3, ll. 1114 - 1118, p. 304.

<sup>35</sup> *Reflections*, ll. 302-308, pp. 10-11.

This recurring theme indicates that incarceration gave a prisoner time to contemplate his life, choices, situation, and ultimately his mortality. In the case of prisoners who may have been anticipating capital punishment this introspection would undoubtedly have encouraged the development of some moral qualities that may not previously have been high on their list of priorities.<sup>36</sup> The medieval apprehension regarding the safeguarding of the soul during life and its passage to heaven after death is embodied in the prevalence of appeals to God in petitionary literature. The body of a prisoner was already considered to be in purgatory; further, his body was a prison for his soul, therefore it would have been important for any measure to be undertaken that might ensure his soul was given a fair hearing by the highest authority and thereby increase his chances of being admitted into heaven.<sup>37</sup> This is illustrated in Figure 6:1 below. Perhaps in order to improve his chances of salvation, Ashby further used his *Reflections* as a didactic tract to remind his readers that the joys of material goods and worldly experiences are transitory and there is no perfection on Earth.<sup>38</sup> He also offered reassurance that there was comfort to be found in adversity by recounting the suffering of Jesus, Mary, John the Evangelist, Job and saints too numerous to mention, ‘They be infynyte to be wretyñ all’ (l. 256, p. 9), which may also have served to put his own distress in perspective.<sup>39</sup>

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<sup>36</sup> Kim, ‘Writing Behind Bars’, p. 296.

<sup>37</sup> Psalm 142, 7: David takes comfort in prayer and asks the Lord to ‘Bring my soul out of prison’.

<sup>38</sup> *Reflections*, ll. 162-203, pp. 6-7.

<sup>39</sup> *Reflections*, ll. 225-259, pp. 8-9.

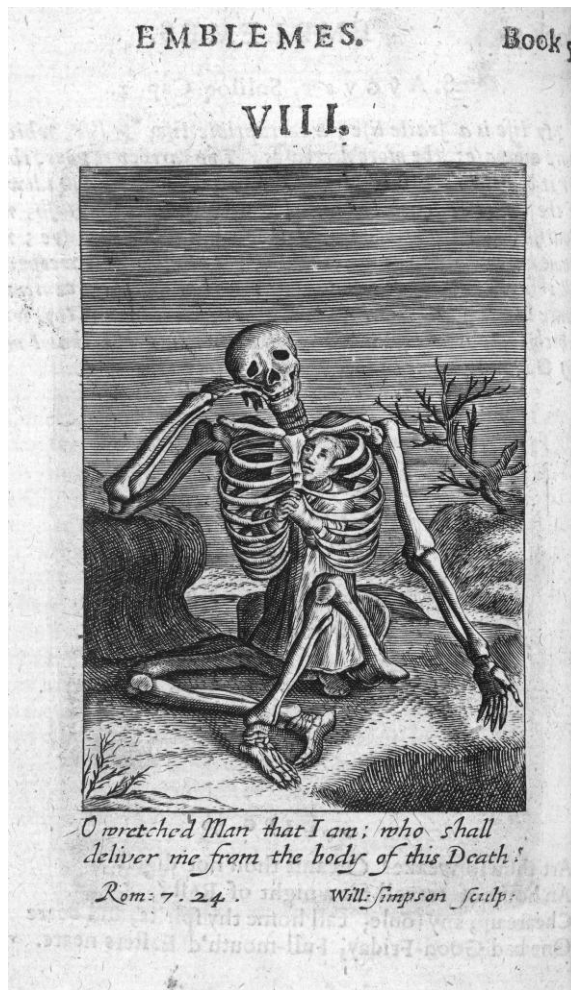


Figure 6:1. The soul imprisoned in the body.<sup>40</sup>

Like Usk and Ashby, Thomas Malory was also imprisoned for his political beliefs, in the 1450s for being a Yorkist and in the late 1460s for being a Lancastrian.<sup>41</sup> The petitionary elements to the *Morte D'Arthur* suggest that Malory was concerned for his soul and also found incarceration conducive to creative writing.

There has been much scholarly debate regarding the author of the *Morte D'Arthur* as there were at least nine men with the name Thomas Malory living at the

<sup>40</sup> Francis Quarles, *Emblemes* (London: 1635), reproduced in Kim, 'Writing Behind Bars', p. 293.

<sup>41</sup> Christopher Cannon, 'Malory's Crime: Chivalric Identity and Evil Will', in *Medieval Literature and Historical Enquiry: Essays in Honour of Derek Pearsall*, ed. by David Aers (Cambridge: Brewer, 2000), pp. 159-185, p. 163.

time this work was written.<sup>42</sup> In *The Life and Times of Sir Thomas Malory* Peter Field considered all the possibilities and concluded that Thomas Malory of Newbold Revel in Warwickshire was the only plausible candidate because he alone was both a knight and a prisoner, which is exactly how the author of the *Morte* described himself in the text.<sup>43</sup> Malory of Newbold Revel was born c.1415-1418 and had been knighted sometime before 1441.<sup>44</sup> Until he was in his thirties he appears to have had an illustrious career, having been a sheriff, a member of parliament and a justice of the peace, although in 1443 he had been charged with violent robbery but the case did not go to court.<sup>45</sup> Then in August 1451 he was charged with numerous indictments, including the attempted murder of the duke of Buckingham, rape, extortion, theft, and damage to property and was committed to prison.<sup>46</sup> From 1452-1460 he was held in various London prisons, including the Tower, King's Bench, Ludgate and Newgate. His trial was repeatedly deferred, probably because Malory had asked for a jury of Warwickshire men which the authorities may have been unwilling to assemble as they would not have been impartial.<sup>47</sup> During the eight years he was imprisoned he managed to escape at least twice yet was occasionally allowed out on bail; although each time he was absent from the prison there were

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<sup>42</sup> The book was finished 1469-1470, Malory, *Works*, p. 726. For further discussion about the authorship of the *Morte* see Matthew Williams, *The Ill-framed Knight: a sceptical inquiry into the identity of Sir Thomas Malory* (Cambridge: Cambridge University Press, 1966); P. J. C. Field, *The Life and Times of Sir Thomas Malory* (Cambridge: Brewer, 1993); Terence McCarthy, *An Introduction to Malory* (Cambridge: Brewer, 1996); Summers, *Late Medieval Prison Writing*, p. 170.

<sup>43</sup> Field, *The Life and Times*, pp.5, 11-35; Malory, *Works*, p. 110, 'this was drawyn by a knight prisoner, Sir Thomas Malleorré'. See P. J. C. Field, 'The Malory Life-Records', in *A Companion to Malory*, ed. by Elizabeth Archibald and A. S. G. Edwards (Cambridge: Brewer, 1996), pp. 115-130 for details of documents relating to Malory of Newbold Revel.

<sup>44</sup> Sir Thomas Malory, *Le Morte Darthur or the Hoole Book of Kyng Arthur and of His Noble Knyghtes of the Rounde Table*, ed. by Stephen H. A. Shepherd (London and New York: Norton, 2004), p. xxiv.

<sup>45</sup> P. J. C. Field, 'Malory, Sir Thomas (1415x1418-1471)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn. May 2011 [<http://oxforddnb.com/view/article/17899>, accessed 21/05/2012]; *Le Morte Darthur*, ed. Shepherd, p. xxiv.

<sup>46</sup> Field speculated that, while Malory may not have been completely blameless, the variety and number of charges against him suggests someone was intent on getting him imprisoned and was organising anyone with a grievance to take Malory to court, *The Life and Times*, p. 106.

<sup>47</sup> Field, *The Life and Times*, p. 105.

further indictments made against him.<sup>48</sup> It is difficult to reconcile these alleged actions with the author of the most famous ‘chivalric romance’, particularly when one of its central characters professes abhorrence at such behaviour,

‘What?’ seyde Sir Launcelot, ‘is he a theff and a knyght? And a ravyssher of women? He doth shame unto the Order of Knyghthode...Hit is pyté that he Lyveth!...’<sup>49</sup>

However, as Terence McCarthy quite rightly points out, ‘a man does not have to be virtuous to admire virtue, nor perfect to write about perfection’.<sup>50</sup> As in the works by Usk and Ashby, Malory’s statement of authorship places him within the story and establishes the petitionary intention of the *Morte*; it is also possible that in Malory’s case, as was suggested for the author of *A Prisoner’s Prayer*, writing was a means of alleviating the tedium of imprisonment.

Although the *Morte* is an allegorical work it is written in first-person narrative and the author personally addresses the reader at the close of many of the component stories. Malory was clearly familiar with the Arthurian canon and was not averse to revealing that in places he incorporated the original source word-for-word and in others he manipulated characters and events, as he remarks at the end of three tales that they had been retold ‘as the freynshe booke seyth’ or that it had been ‘breffly drawy[n] oute of Freynshe’.<sup>51</sup> Anne Sutton has proved beyond any doubt that Sir Thomas Malory was in Newgate at the time the *Morte* was written, through his presence as a witness at the deathbed of another prisoner.<sup>52</sup> This document

<sup>48</sup> Field, *ODNB*, ‘Malory’; *Le Morte Darthur*, ed. Shepherd, p. xxv.

<sup>49</sup> Malory, *Works*, p. 160, ll. 10-13; Richard Barber, ‘Chivalry and the *Morte Darthur*’, in *A Companion to Malory*, pp. 19-35.

<sup>50</sup> McCarthy, *An Introduction to Malory*, p. 164.

<sup>51</sup> Malory, *Works*, pp. 110, 511, 608. See Terence McCarthy, ‘Malory and his Sources’, in *A Companion to Malory*, pp. 75-95, particularly pp. 81, 85, 90-91.

<sup>52</sup> Anne F. Sutton, ‘Malory in Newgate: A New Document’, *The Library: The Transactions of the Bibliographical Society*, 7<sup>th</sup> series, I, no. 3 (Sept. 2000), pp. 243-262, citing the Mercers’ Company, London, Colet Cartulary, f. 246r-v: *Lettera testimonialis de dictione Thome Mynton iacentis in extremis*.

confirms his social standing as his name appears immediately after the keeper's in a list of twenty-one witnesses.<sup>53</sup> His status would have ensured his accommodation was comfortable and appropriate to his rank, and it is highly likely that he received support from his retinue and kin.<sup>54</sup> There has been some speculation regarding how Malory might have been able to have access to books and to writing materials while he was incarcerated, but prisoners could take their own belongings in with them, and his visitors could easily have maintained him in writing materials.<sup>55</sup> There is also the possibility that he borrowed the books he needed from friends, acquaintances, other prisoners, or perhaps the keepers; or purchased them from booksellers in the vicinity of the prison.<sup>56</sup> It seems unlikely that all of the *Morte* was written while Malory was imprisoned, a notion supported by there only being one description of him as a 'knyght presoner' (at the end of Book I). He is not mentioned at the end of Books II, III or IV and at the end of Books V, VI, VII and VIII is only referred to as 'Thomas Malleoré, knyght'.<sup>57</sup> Equally, only six of the eight books conform to the style of petitionary literature by culminating in an appeal on the author's behalf; I, IV, V, VI and VII end with Malory appealing to God for deliverance and mercy, while the colophon to Book VIII beseeches,

All jentylmen and jentylwomen that redeth this book of Arthur and his knyghtes from the begynnyng to the endyng, praye for me whyle I am on lyve that God send me good delyveraunce. And when I am deed, I praye you all praye for my soule.<sup>58</sup>

Consequently, it seems evident that writers of prison literature could not avoid referring to their own situations, whether explicitly, allegorically or metaphorically.

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<sup>53</sup> Sutton, 'Malory in Newgate', p. 258.

<sup>54</sup> McCarthy, *An Introduction to Malory*, p. 141.

<sup>55</sup> McCarthy, 'Malory and his Sources', p. 90; McCarthy, *An Introduction to Malory*, p. 141. It is possible that while in prison he was supported by William Caxton, who printed the *Morte*.

<sup>56</sup> Sutton, 'Malory in Newgate', p. 253.

<sup>57</sup> Malory, *Works*, pp. 110, 147, 173, 226, 511, 608, 669, 726.

<sup>58</sup> Malory, *Works*, p. 726.



Each wrote to their own agenda, the predominant impetus being that they required either earthly or spiritual intercession. These writers clearly had access to books and writing materials and were able to exercise their intellectual freedom despite their bodies being physically confined.<sup>59</sup> The relative scarcity of medieval prison writing suggests that many prisoners, who may have believed that they had been imprisoned unjustly, did not have the necessary resources or ability to use poetry to convey their circumstances to the public domain; for them it was more expedient to appeal directly to the Chancellor of England in the court of Chancery.

Although Chancery was ‘a court of conscience’ the chancellor could only administer and reinforce the Common Law, therefore the purpose of an appeal was to draw attention to some failure in the legal process, albeit actual or fabricated in the hope of release.<sup>60</sup> Despite this some prisoners clearly hoped their appeal would elicit compassion for their situation, as in the case of Richard Eddys who had been committed to the Bread Street Compter and was sure he would die in prison because he was ‘not of the City and had no one to raise surety for him’.<sup>61</sup> This meant that these documents collectively contain accounts of distress, dispute and wrongful imprisonment.<sup>62</sup> The method of drawing up Chancery petitions was very formulaic; they open with a humble appeal to the chancellor in person followed by the petitioner’s name, a description of the grievance relating to the manner of the arrest and wrongful imprisonment, and conclude with a request that the case be brought to

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<sup>59</sup> See Kim, ‘Writing Behind Bars’, p. 297.

<sup>60</sup> J. H. Baker, *An Introduction to English Legal History*, 3<sup>rd</sup> edn (London: Butterworth, 1990, pp. 117-118; Timothy S. Haslett, ‘The Medieval English Court of Chancery’, *Law and History Review*, vol. 14, 2 (1996), pp. 245-313, pp. 251, 252. John Mannyng pleaded that he was held without grounds or cause. Mannyng claimed that every time ‘the feyned action shuld come to tryall’ his plaintiff ‘falleth on nonsuit in his...actions’ in order to keep him in the Marshalsea, TNA C1/72/82 (c. 1386-1486).

<sup>61</sup> TNA C1/77/7 (c. 1485-1486). Robert Fulbroke claimed he was kept grievously in the Fleet...and had nothing to be released upon and so was likely to perish [he could not afford the discharge fees], TNA C1/46/394 (c.1433-1443 or 1467-1472).

<sup>62</sup> Haslett, ‘The Medieval English Court of Chancery’, p. 276.

court so that the injustice of the incarceration be noticed and the petitioner might be released. For example,

To the most reverend father in God, my lord cardinal Archbishop of Canterbury and Chancellor of England Meekly beseeching Your Grace your daily orator John Wyld, servant to Robert Charlement... the IXth day of this present month of December...Edward Wod of London, Grocer, [with] great force and might...break (sic) the doors...and there took your said supplicant and him commanded to Newgate And your said beseecher...is detained in prison and may not be enlarged neither upon bails [nor] mainprise to his [utmost] undoing unless [thereon] your gracious Lordship to him be [showed] in this behalf May it please Your Grace to grant a corpus cum causa to be directed to the mayor and sheriffs of the said City commanding them by the same to bring the body of your said beseecher with the cause of his arrest before the King in his Chancery at a certain day there to be ruled as right and conscience shall require in this behalf For the love of God and in way of charity.<sup>63</sup>

The phrase ‘your daily orator’ appears consistently in these appeals and indicates that the petitioner would be offering daily prayers for the chancellor which, as a prisoner’s prayers were thought to be more efficacious because they were already considered to be in purgatory and therefore nearer to God, was presumably intended to elicit a favourable response in return. Given the sheer volume of appeals received by the chancellor, this contrivance was unlikely to have had much effect. It appears that to lodge an appeal could be costly, as Walter de Guildford discovered. He had been imprisoned in Newgate for eighteen days on a charge of conspiracy and trespass and claimed damages of £100 through being ‘worn out with labours and expenses, and in sundry other ways’ in his appeal for acquittal.<sup>64</sup> Equally there is evidence to suggest that on occasion the authorities did not respond to a successful appeal, where a writ of *corpus cum causa* [to bring the prisoner back to court] had been granted by the chancellor but had not been acted upon, forcing the appellor to submit another

<sup>63</sup> TNA C1/233/65 (c. 1493-1500). This example has been abbreviated.

<sup>64</sup> *Select Cases in the Court of King’s Bench*, vol. IV, p. 76 (1316).

petition to the chancellor.<sup>65</sup> The formulaic nature of the appeals means it is impossible to deduce whether any were actually written by the appellor or whether they were prepared by a scrivener. The drafting of an appeal, which may have involved meeting with a lawyer, clerk or scribe in order to relate the events leading up to the imprisonment, and often the manner in which the defendant was treated during his incarceration, would have taken up some of the prisoner's time.<sup>66</sup> The court of Chancery may not have been the most effective avenue of appeal for all categories of prisoner, so some debtors chose to direct their complaints to other authorities.

It would appear that the futility of imprisoning a debtor, thereby preventing him from earning and being able to settle the obligation and subjecting him to further costs and damages, was a concern of some people in the medieval period.<sup>67</sup> As has been shown, the Fleet and the Marshalsea had a special dispensation whereby prisoners could pay to go about their business accompanied by an officer of the prison; however, some wardens in the City prisons, in direct contravention of their orders, risked making themselves liable for a prisoner's debt by allowing men in their custody to go at large in order to manage their affairs.<sup>68</sup> Perhaps because they were aware of this anomalous state of affairs, in the late fourteenth century the prisoners of Ludgate petitioned the king to grant them leave for five years to recover

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<sup>65</sup> Richard Baily should have been produced at the next sessions but the proclamation had not been made, TNA C1/46/63 (c. 1467-1472); Margaret Couper claimed the mayor had ignored the writ issued by the chancellor in order to keep her in Newgate, TNA C1/129/02 (c. 1486-1493 or 1504-1515); Thomas Perye's second appeal from The Clink in which he claimed the first had been 'denyed and refuted' by the bailiffs, TNA C1/156/9 (c. 1486-1493 or 1505-1515).

<sup>66</sup> Adrian Nicholas claimed he had been assaulted by his plaintiff, who had also threatened his wife, and had been manacled in the stocks for an hour before being committed to the compter and then Newgate. The plaintiff had also threatened to charge him with a capital offence unless he gave him money, TNA C1/27/446 (c. 1460-1465). All of which would have been against the common law.

<sup>67</sup> *LBG*, p. 73 (1356): damages allowed at 4s in the pound a year and the debtor to remain in prison until debt and damages settled.

<sup>68</sup> See Chapter 4, pp. 117-118. Wardens were not to have the king's protection against creditors recovering their debts if they allowed debtors allowed to 'go free', PROME, Henry IV (March 1406).

their goods and pay off their debts.<sup>69</sup> As this would have undermined the privilege enjoyed by the king's prisons it is unlikely to have gained approval, so this daring appeal was probably made by desperate men who had nothing to lose. At the turn of the seventeenth century the prisoners of the Fleet drafted nineteen articles of complaint against their keeper, Alexander Harris, in order to draw attention to their situation.<sup>70</sup> While, unsurprisingly, they did not complain about the practice of being allowed out, the last two articles related to what was seen as excessive charges made against those who could afford this privilege. Harris's response was that the charges imposed were no more than customary, which suggests they may not have changed since the middle ages.<sup>71</sup> The incongruity of imprisoning debtors continued for hundreds of years but it was not until the late seventeenth century that there was any suggestion of reform. In 1689 Moses Pitt, a bookseller and freeman of the Haberdashers' company, was imprisoned for debt. Pitt wrote a book about his experience which appealed to the authorities and parliament and asked that they take heed of debtors' grievances and release them so that they could maintain themselves and clear their arrears, because 'a prison pays no debts'.<sup>72</sup> He described in detail the experiences of other debtors in prisons throughout the country, thereby putting their plight in the public domain, even though he admitted he could not vouch for the legitimacy of their accounts. His efforts were successful to a degree, as the 'Relief of Poor Prisoners for Debt and Damages Act' was introduced in 1695-96; however, it

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<sup>69</sup> *Anglo-Norman Letters and Petitions from All Souls MS 182*, ed. by M. Dominica Legge (Oxford: Blackwell, 1941), p. 31. Dunbabin, *Captivity and Imprisonment in Medieval Europe*, p. 77. Dunbabin shows that in medieval Europe debtors who could not pay were made to work for their creditors.

<sup>70</sup> *The Economy of the Fleet*, pp. 3-6.

<sup>71</sup> *The Economy of the Fleet*, pp. 101-109.

<sup>72</sup> Moses Pitt, *The Cry of the Oppressed* (London: 1691) [not paginated]. Pitt had apparently read Strype's *Stow*, in which Marmaduke Johnson used the phrase 'prisons pay no debts' in 1659. Strype, *Stow: A Survey of London and Westminster* (London, 1720), vol. 2.2, Appendix, p. 25.

would take almost another two hundred years for imprisonment of debtors to be abolished.<sup>73</sup>

While our perception of prisons prior to the introduction of Bridewells and Houses of Correction, where prisoners were employed in hard labour and menial tasks, has been of strict confinement with little physical exercise, the records show that recreation was available to prisoners in the Tower and Newgate. As with everything associated with medieval prisons, this privilege would have depended on money and status; however, that Thomas de Rothery was allowed to hear masses and go out of the Tower ‘as often as is necessary for the recreation of his body’ and freemen were able to go to the chapel and adjoining rooms in Newgate ‘for devotion and recreation’ after Whittington’s rebuilding, suggests that such concessions were probably available at other London prisons.<sup>74</sup> There are a few instances where medieval prisoners were employed in certain tasks, both for the warden and for people outside the prison. Although references to prisoners being engaged in work or entertaining in the medieval period are scarce, their existence suggests that such occupations may not have been performed in isolation.

Some prisoners were able to find an activity within their prison that would have helped to alleviate the tedium of their confinement and which also appears to have had other benefits, such as preferential treatment. It is possible there may even have been some financial recompense.<sup>75</sup> In the late fifteenth century, John Wysbeche, a haberdasher, provided bones for prisoners to carve into items that he

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<sup>73</sup> *Statutes of the Realm*, vol. 7, XII, p. 75. Imprisonment for debt was abolished in 1869, Sheila Gove, ‘The Fleet Prison’, *Port of London*, 2<sup>nd</sup> edn. (1984), pp. 60-62, p. 62.

<sup>74</sup> *CCR, 1346-1349*, p. 254 (1347); *LBK*, p. 127 (1431). Privileged prisoners in the Fleet had use of ‘gardens and places of recreation’, while the less well-off could take exercise ‘on the leads [of the roof]’, Harris, *The Economy of the Fleet*, p. xiv (c. 1590s). The keeper of the Clink had to answer for allowing prisoners to go abroad and to hear mass (1618-1619), E. J. Burford, *In the Clink*, (London: New English Library, 1977), p. 110.

<sup>75</sup> Helen Carrel, ‘The Ideology of Punishment in Late Medieval English Towns’, *Social History*, vol. 34, 3 (2009), pp. 301-320, p. 315: In Coventry in 1481 prisoners who had a craft were allowed to work but had to pay the gaoler 1d from every 12d they earned.

would then sell. He may not have been the only tradesman providing prisoners with some kind of work but we are only aware of his arrangement because Wysbeche was imprisoned by the constable of Farringdon Within, who had him incarcerated in Newgate because he wanted this business for himself.<sup>76</sup> This suggests the trade in these carved items was lucrative and, as an incentive for the prisoners to carry out this task, it is likely they would have received some form of payment, if not in money then perhaps in food and drink. The recollections of Edward Underhill from 1553 reveal that prisoners with a particular skill or talent could find themselves receiving preferential treatment.<sup>77</sup> Underhill wrote a ballad against papists and was imprisoned in Newgate where he met with Brysto, a former associate. Both men were musicians and Brysto had established that the keeper and his wife loved to drink and be merry, so that if they were to supply wine and music at supper they would ‘have alle ther favour’.<sup>78</sup> The ability to keep the warden entertained clearly had its advantages, for two weeks after his committal Underhill was taken ill through the ‘evylle savors and greate unquyettnes’ in the prison and, after finding no relief in various chambers, was settled by the warden’s wife into her own store closet where he remained until he was granted bail.<sup>79</sup> His abilities meant that he received ‘mouche frendshepe’ at the hands of the keeper and his wife, despite his adversaries petitioning the keeper to show him no favour and to put him in irons.<sup>80</sup> This indicates that money was not the only currency with which prisoners could acquire a better prison experience. Further, there is evidence from Ludgate in the seventeenth

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<sup>76</sup> TNA C1/66/160 (c. 1475-1480 or 1483-1485).

<sup>77</sup> *Narratives of the Days of the Reformation, chiefly from the manuscript of John Foxe the martyrologist; with two contemporary biographies of Archbishop Cranmer* (London: Camden Society, 1859), pp. 134-150.

<sup>78</sup> *Narratives of the Days of the Reformation*, pp. 148-149. Brysto played the ‘rebecke’, a stringed instrument resembling a fiddle, and Underhill the lute, which he had requested his wife send in to the prison, pp. 145-146, p. 148 n.b.

<sup>79</sup> *Narratives of the Days of the Reformation*, pp. 149-150.

<sup>80</sup> *Narratives of the Days of the Reformation*, p. 150.

century which shows that some prisoners could gain extra financial support by earning money, a practice that may have been introduced in an earlier period.

John Strype in his extended addition of Stow's *Survey of London* lists a number of positions that attracted payment.<sup>81</sup> Some were paid out of the charity collection box while others received money from the 15*d* collected from every new arrival at the prison; other positions were paid in part from the box with the remainder from the entry collection. For example, money from the charity box paid for the 'turnkey', who received 12*s* per month for turning the key to let in gifts and charitable contributions, and for the under steward [deputy to the upper steward] who received 6*d* per night.<sup>82</sup> The 'scavenger' was paid 5*s* 8*d* per month from donations, of which 2*d* came out of the entry collection, for various duties including cleaning and putting other prisoners in stocks or irons.<sup>83</sup> These specified amounts suggest that all the donations were accounted for, down to the last scraps of meat collected by the basket man, who was also paid out of the prisoners' alms.<sup>84</sup> There is also evidence that every donation was recorded in a book kept in the prison and that donors, whether of money or goods, were issued with a receipt.<sup>85</sup> Although these examples are later than the medieval period, as neither prison buildings nor management practices underwent much change in the intervening two hundred years it is reasonable to suppose that the practice of employing prisoners in practical tasks

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<sup>81</sup> Strype, *Stow*, vol. 2.2, pp. 27-30.

<sup>82</sup> Strype, *Stow*, vol. 2.2, p. 28.

<sup>83</sup> Strype, *Stow*, vol. 2.2, pp. 28-30; E. D. Pendry, *Elizabethan Prisons and Prison Scenes*, XVII, I (Salzburg: University of Salzburg, 1974), p. 176; W. Eden Hooper, *The History of Newgate and the Old Bailey* (London: Underwood, 1935), p. 32. There are no footnoted references of the sources Hooper consulted for this work, but much use seems to have been made of a pamphlet written in 1724 by 'B.L. of Twickenham'.

<sup>84</sup> *The Elizabethan Underworld: a collection of Tudor and early Stuart tracts and ballads*, ed. by A. V. Judges (London: Routledge, 1930), p. 98.

<sup>85</sup> Strype, *Stow*, vol. 2.2, Appendix, pp. 30-31; Parish Clerks' Company 'Prisoner's Receipts', Guildhall Library MS 04894/1: receipts for annual donations of coal or bread worth £4 from rents due from properties left to the Parish Clerks' Company by William Roper [I am grateful to Dr Jessica Freeman for this reference].

within the prison and in managing charitable contributions was an established tradition. Certainly in the fourteenth century alms delivered to Ludgate were recorded in a calendar and their distribution overseen by the prisoners; while in the early fifteenth century collectors of alms were paid out of the donations they had collected.<sup>86</sup> With many bequests to prisons specifying repeat, annual or perpetual donations it is likely that the prisons had been informed of the legacy and held details of the terms along with the executors and that this information may have been overseen by an elected prisoner.<sup>87</sup> This is supported by the recurring references to an annual bequest of four marks to the poor prisoners of Newgate made by John Pulteney, late mayor.<sup>88</sup> The pursuit of this bequest, which seems rarely to have been paid, continues in the records for over one hundred and fifty years; a perseverance that would surely only have been sustained by those who were due to benefit and who could only have been aware of its existence if a record of bequests was held at the prison and consulted on a regular basis.<sup>89</sup> Consequently, the records suggest that there were a variety of ways a prisoner might find gainful occupation within a prison. Some prisoners, who were technically still ‘serving their sentence’, could even be engaged in occupations outside the prison.

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<sup>86</sup> *CPMR, 1381-1412*, pp. 158-159 (1388); *LBK*, p. 125 (1431).

<sup>87</sup> A cade of red herring to specified prisons every lent, *CCR, 1500-1509*, pp. 260-261 (1502); 20s worth of bread to be delivered to specified prisons on Sundays, to the total sum of £6, TNA PCC, prob. 11/18, f. 34v (1517); annual profits from lands and tenements to be distributed between the two compters, Stow, *A Survey of London*, I, p. 115 (1592); 40s each week to be distributed among the poor prisoners of specified prisons, to the sum of £500, Jean Imray, *The Charity of Richard Whittington: a history of the trust administered by the Mercer's Company, 1424-1966* (London: Athlone Press, 1968), p. 8, n. 3.

<sup>88</sup> *Husting Wills*, I, p. 609 (1348).

<sup>89</sup> John Carpenter petitioning the king for the terms of Pulteney's bequest, TNA SC8/25/1235 (1431); parson of St Lawrence Pultney to answer for the bequest, LMA Rep. 1, f. 150 (1504); Pulteney's bequest of four marks annually to the prisoners of Newgate, Rep. 2, f. 27 (1507). A breviary bequeathed for use by priests and clerks imprisoned in Newgate was to be checked twice a year by the executor, *Memorials*, pp. 466-467 (1382).



Some of the contributions to the charity boxes were collected by prisoners allocated the task of going out of the prison to beg for alms.<sup>90</sup> It seems that this arrangement may have been open to abuse by unscrupulous individuals purporting to collect money on behalf of prisoners.<sup>91</sup> This eventually led to the civic authorities stipulating that only two pairs of prisoners were to be allowed out from the Compters, Ludgate and Newgate and that these men were to be identified through their boxes being marked with the name of the prison for which they were collecting.<sup>92</sup> Other wrongdoers who had been given a prison sentence and should have been incarcerated were permitted to remain at large if a deputy was committed in their stead. This seems to have applied only in cases of arrears of account and could be interpreted as the authorities taking a hostage to coerce the debtor into settling his arrears, except that agreement to incarcerate the substitute appears to have been prearranged between the parties.<sup>93</sup> In the case of Thomas de Halughton, who was in arrears for wool collected in the county of Stafford, a deputy was committed to the Fleet in his stead for he was too sick and weak to travel to London; however, John Chiriton was imprisoned in Ludgate in place of his mother as it had been agreed that by continuing at liberty she would be better able to clear her debt.<sup>94</sup> The instances of deputation, although rare in the surviving records, may not have been uncommon but would most likely have depended on the creditor agreeing to such an arrangement.<sup>95</sup> Although anything that enabled a debtor to clear his arrears should have been advantageous, creditors evidently felt the privilege of 'going

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<sup>90</sup> *CPMR, 1381-1412*, p. 159 (Ludgate, 1388).

<sup>91</sup> William Burgeys was arrested on suspicion of collecting alms under forged seals, TNA KB145/5/6 (1419) [I am grateful to Dr Hannes Kleineke for this reference].

<sup>92</sup> *LBK*, p. 125 (1431).

<sup>93</sup> *CCR, 1272-1279*, p. 183 (1275); *CCR, 1341-1343*, p. 537 (1342); *CCR, 1374-1377*, p. 299 (1376).

<sup>94</sup> *CCR, 1341-1343*, p. 532 (1342); *CCR, 1385-1389*, pp. 46-47 (1386).

<sup>95</sup> Deputies for prisoners were also used in Italian prisons. This information courtesy of Dr Guy Geltner, unpublished paper entitled 'Doing Time in Medieval Prisons: The Experience of Semi-Exclusiveness' read at Senate House, London on the 6<sup>th</sup> of March 2012.

abroad' undermined their legal position. It seems their concerns were taken seriously, for in 1377 the commons successfully petitioned the king to disallow prisoners from going at large without first compensating their plaintiffs.<sup>96</sup> This arrangement, whereby prisoners were allowed to leave the prison, albeit accompanied by an officer, in order to manage their affairs and try to clear their debts appears only to have been available at the Fleet; nevertheless, this was the king's own prison, which predominantly held those who owed money to the Exchequer, which makes this particular arrangement more comprehensible. The wardens of other London prisons evidently let prisoners go at large, perhaps because they felt the exclusivity of this concession was unjust, but as this was contrary to the king's orders they were invariably either fined or dismissed from their position.<sup>97</sup> In 1413 William Bartone, keeper of the Compter of William Sevenoke, was removed from office for allowing John Hertwelle 'to go at large'.<sup>98</sup> In the sixteenth century the prisoners of Ludgate asked to be allowed to leave the prison without a keeper, but were denied their application as it was contrary to the law.<sup>99</sup> This implies that by that time they may have been allowed to go abroad if accompanied, as was the arrangement at the Fleet. The king could also grant prisoners a degree of freedom if they had some talent or knowledge that was politically useful or were prepared to fight in his wars.

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<sup>96</sup> PROME, Richard II (Oct. 1377), 107.

<sup>97</sup> Stephen de Dunhevede, a prisoner of the king, committed to Newgate and allowed to 'wander at large' against the king's will, *CCR, 1327-1330*, p. 549 (1329); Marshal of Marshalsea to pay Richard Harys £20 6s 8d for allowing his debtor, Thomas Bek, to 'go at large', *CCR, 1441-1447*, p. 484 (1447); Richard Marchall allowed out of Ludgate to entreat his creditors to pay him as he owed money to William Rede, the keeper, *CCR, 1485-1500*, p. 128 (1489).

<sup>98</sup> *LBI*, p. 111 (1413). Hertwelle had removed Elena, the ten year old daughter of Thomas Dyster, late mercer, from the City contrary to the civic ordinances, for which he would also have been fined.

<sup>99</sup> *LMA Rep.12* (2), f. 458b (1552).

Any prisoner, regardless of his misdemeanour, could be drafted into the king's service, which often involved leaving the country.<sup>100</sup> It appears that prisoners who were useful to the king were still required to find mainpernors before being released into his service and were returned to prison on completion of whatever task they had performed.<sup>101</sup> Other prisoners presented themselves willingly, as in the case of John de Comptone who had been committed to the Marshalsea for mortally wounding another and offered to go, 'with all his power', to France for the king's war.<sup>102</sup> Clearly men like Comptone thought that the chance to be pardoned was worth the risks involved in fighting for the king; most likely because an honourable death was considered to be better than a dishonourable one. As a result, such displays of gallantry were hardly selfless acts as they could offer considerable benefits. In the first instance it meant that, if only temporarily, even a felon could be released from the confines and conditions of the prison but, more than that, good service might be recognised by the king who could issue a pardon for the offence. Such was the case for Olyver Rusculian who, despite being imprisoned for causing the deaths of two men and subsequently breaking out of prison, received a full pardon for his good service during a conflict at Calais.<sup>103</sup> Other prisoners who served the king were not so fortunate. Although William Pouche was periodically released from the Fleet over a number of years to undertake business affairs both at

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<sup>100</sup> Richard Caple, imprisoned for the death of William Spichefat, released to serve with Hugh le Despenser the Younger in Scotland, *CCR, 1313-1318*, p. 45 (1314); Henry Thomas, debtor, was released from Newgate to attend the king of France but had to return to Newgate before Christmas, *CCR, 1323-1327*, p. 12 (August 1323); Daniel de Burgham, in the Marshalsea for forging the king's privy seal, was to find mainpernors and be released to go to Scotland in the king's service, *CPR, 1333-1337*, p. 503 (1335); Thomas Aleyn, indicted for manslaughter, was retained by the king and mainprised from Newgate to sail to Brittany, *CCR, 1377-1381*, p. 471 (1380); Thomas de Renham, citizen and goldsmith, in the Fleet for debt, was mainperned to sail with the Bishop of Norwich in the king's service, *CCR, 1381-1385*, p. 280 (1383).

<sup>101</sup> *CCR, 1323-1327*, p. 202 (1324): John de Lortye was 'useful to the king' in the Duchy, but had to find mainpernors before being released from Newgate.

<sup>102</sup> *CCR, 1346-1349*, p. 173 (1346).

<sup>103</sup> *CPR, 1350-1354*, p. 37 (1351).

home and abroad for Edward III and Queen Phillipa, at their conclusion he was returned to prison so that eleven years after his first secondment he was still incarcerated, even though his creditor had died.<sup>104</sup> And despite being declared innocent of felony by a jury, and taking ‘the king’s wage to go to sea’, Rauf Carter remained imprisoned in the Compter.<sup>105</sup> It is evident that other prisoners experienced some temporary relief from confinement in their cells or wards through being transported about the country, either because their case was to be heard in another county or because they were being transferred to another prison.

One of the ways a prisoner could be moved, at least until the sixteenth century, was to claim Benefit of Clergy. This enabled a wrongdoer to assert that he was a cleric and ask for his case to be referred to the Ordinary, a judge granted *ex officio* powers to hear ecclesiastical cases. If claimants proved they could read from the scriptures the case was transferred to an ecclesiastical court where the added ‘benefit’ was that, as the church could not inflict any punishment that spilt blood, a capital sentence could be commuted to imprisonment.<sup>106</sup> Naturally this arrangement was open to abuse, giving laymen who could read the opportunity to claim they were clerks, so that in 1487 it was ordained that Benefit could only be claimed once.<sup>107</sup> In this way men accused of diverse misdemeanours, including robbery and causing the death of another, could escape capital punishment by being removed to an ecclesiastical prison.<sup>108</sup> Such was the case of Richard de Bristoll, a thief, who had

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<sup>104</sup> CCR, 1349-1354, pp. 93-94, 141, 212, 353, 463; also CPR, 1350-1354, pp. 30-31; CCR, 1360-1364, p. 114 (1360): Pouche still in the Fleet.

<sup>105</sup> TNA C1/46/400 (c. 1467-1472).

<sup>106</sup> J. M Beattie, *Crime and the Courts in England, 1660-1800* (Oxford: Oxford University Press, 1986), p. 141. This contrivance was also claimed by defendants in the Italian Este State, Chambers and Dean, *Clean Hands and Rough Justice*, pp. 35, 149.

<sup>107</sup> Beattie, *Crime and the Courts in England*, p. 142. This ordinance was enforced by the successful petitioner being branded on the thumb.

<sup>108</sup> Walter le Wyght, committed to Newgate for theft, confirmed as a clerk by the Ordinary, CPMR, 1323-1364, pp. 49-50 (1328); John de Wymondham, in Newgate for the death of another, claimed Benefit of Clergy before the Bishop of London, CCR, 1333-1337, p. 628 (1336); Thomas Harmere

been committed to Newgate with his accomplice, Simon de Berdesdale.<sup>109</sup> Bristoll successfully claimed Benefit and avoided hanging, perhaps because he genuinely was a clerk; de Berdesdale, however, was hanged, perhaps because he could not read. Both men would have been moved out of Newgate, de Berdesdale to the gallows, Bristoll to the custody of the Ordinary.<sup>110</sup> It seems to have been common practice to move prisoners between the London prisons. Most transfers to the Fleet were made because money owed to the king took precedence over any other debt; however, claims of such arrears had to be confirmed, for it appears some prisoners feigned a debt to the king in order to be transferred, as it was known that conditions were better in the Fleet.<sup>111</sup> Other reasons for movement between the civic prisons included freemen and women not committed for felonious misdemeanours being moved from Newgate to Ludgate, non-freemen and trouble-makers in Ludgate being moved to Newgate and the transferral of entire civic prison populations to other establishments while works were undertaken.<sup>112</sup> The king could also move prisoners from the civic prisons into his own prisons of the Marshalsea and the Tower if the misdemeanour offended the crown, as in the case of Nicholas Clerk who was moved from Newgate to the Marshalsea after stealing silver salts engraved with the King's Arms and John Sewale who was moved from Newgate to the Tower for making disparaging remarks

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committed to Newgate for theft, escaped hanging by claiming Benefit, *LBF*, p. 263 (1345); William Hegge avoided hanging by claiming Benefit, *LBF*, pp. 274-275 (1406).

<sup>109</sup> *LBF*, pp. 265-266 (1350)

<sup>110</sup> It is presumed that those who successfully claimed Benefit were taken to an ecclesiastical prison, perhaps at Westminster.

<sup>111</sup> *PROME*, Richard II (1377), 134. Three prisoners moved from Kingston-upon-Thames to the Fleet, *CCR*, 1385-1389, p. 534 (1388); a debtor moved from Newgate to the Fleet as he owed the king £114, *CCR*, 1402-1405, p. 448 (1405).

<sup>112</sup> *CCR*, 1389-1392, pp. 8, 416 (1389, 1391); *CCR*, 1409-1413, p. 215 (1419); *Memorials*, pp. 673-674 (1419); *LBI*, pp. 227-231 (1419). Newgate prisoners were moved to the compters during Whittington's rebuilding, *LBK*, pp. 39, 49 (1423); Ludgate prisoners moved to Newgate and the Compters for one week, *Great Chronicle of London*, p. 156 (1430); two prisoners from Ludgate moved to Newgate 'for their offence', *LMA Rep.* 12 (2), f. 292b (1550).

about Richard II.<sup>113</sup> Equally the reverse could be applied and prisoners were moved from the Tower to the Marshalsea.<sup>114</sup> Although the cause of the transfers between the king's prisons is not recorded they may have been because of overcrowding, or for prisoners to go before the Justices or because an indictment had been downgraded. This appears to have been the experience of Sir Thomas Cook, who was committed to the Tower after being accused of treason but was moved to the Bread Street Compter and then the Marshalsea of King's Bench after being acquitted of the original indictment.<sup>115</sup>

Conversely, other prisoners were transferred to various prisons and castles around the country. For many this would have been in order to have their cases heard in their counties of origin, while others may have been moved for their own safety or security, if they were high-profile prisoners.<sup>116</sup> In the case of John Northampton and his associates, Richard Norbury and John More, whom the king clearly needed to be removed far from London and their sympathisers in order to maintain the peace, this meant Northampton was transferred from the Tower to

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<sup>113</sup> *Memorials*, p. 165 (1375); *CPMR, 1381-1412*, p. 248 (1398).

<sup>114</sup> *CCR, 1323-1327*, pp. 125-126 (1324); *CCR, 1377-1381*, p. 92 (1377), p. 153 (1378).

<sup>115</sup> *Great Chronicle of London*, pp. 204-206 (1468-1469); Carlin, *Medieval Southwark*, p. 105. See Anne Sutton, 'Sir Thomas Cook and his troubles: an investigation', *Guildhall Studies in London History*, vol. 3 (1978), pp. 85-108.

<sup>116</sup> Geoffrey de Segrave moved from Newgate to Leicester at the expense of his friends, *CCR, 1272-1279*, p. 80 (1273); Elizabeth de Brus moved to the Tower from Rochester Castle for safe custody, *CCR, 1313-1318*, p. 107 (1314); John Raunpayn committed to the Marshalsea for murder, moved to Bamburgh Castle and then back to the Marshalsea, *PROME, Edward II (1315)*; Robert de Veer removed from the Tower to appear before the Justices in Northampton, *CCR, 1330-1333*, p. 602 (1332); Nicholas Clerk moved from Newgate to the Marshalsea, *Memorials*, p. 165 (1375); Thomas Fauconberg moved from the Tower to Gloucester Castle, *CCR, 1377-1381*, p. 72 (1378); John de Kirkeby, mercer of London, in the Tower for manslaughter, moved to Nottingham Castle, *CCR, 1377-1381*, p. 389 (1380); Brother John Haket and Brother Richard Lamme moved to Nottingham Castle from the Tower, *CCR, 1392-1396*, pp. 462, 459 (1396); Lawrence Bryght moved from Newgate to the Tower and then to Windsor Castle, *CCR, 1396-1399*, p. 262 (1398); William Larke, arrested in Westminster, moved to King's Bench and then the Fleet, *PROME, Henry VI (1429)*; eight men moved from Newgate to Kent as they were Kentish men, *CCR, 1435-1441*, pp. 197-198 (1438); Thomas Farnell, aka Forster, moved from York gaol to the Tower, *TNA SC8/27/1334* (1473).

Tintagel Castle, Norbury to Corfe Castle and More to the castle in Nottingham.<sup>117</sup>

The organization and security involved in moving large numbers of prisoners must have been particularly challenging, but such issues were clearly overcome as, prior to the establishment of the court of King's Bench in Southwark, gaol delivery was performed wherever the itinerant court happened to be and the records show that on at least two occasions the warden of the Fleet was ordered to move all the prisoners in his custody, first to York and then to Westminster.<sup>118</sup> Even if there were only a few prisoners held at the time a journey from London to York would have taken many days and secure overnight stops would undoubtedly had to have been prearranged, perhaps in castles or county gaols, for the prisoners, accompanying officers and their horses. A transfer from another country would have involved even more organisation but there were occasions when wrongdoers, or political prisoners, were 'extradited' from the continent to the Tower.<sup>119</sup> While the purpose of a transfer may have caused concern for the individual, the actuality was that being moved provided some respite from the confinement within stone walls and the chance to breathe fresher air; and there was always the possibility that the case would be favourably settled at the destination. The movement of any prisoner, but especially those who were politically sensitive, must have involved a heavy guard and would have been potentially hazardous; nevertheless, while the movement of single or small groups of prisoners appears to have been a fairly regular occurrence there are no incidences in the London records of such transfers being attacked or attempts made

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<sup>117</sup> *LBG*, pp. 280-281 (1371); *CCR, 1381-1385*, pp. 478, 485 (1384); *LBH*, pp. 264-265, 279-282 (1385). *The Saint Alban's Chronicle*, I, ed. and trans. by John Taylor, Wendy Childs and Leslie Watkiss (Oxford: Clarendon Press, 2003), p. 61, describes the treatment of Northampton's supporters.

<sup>118</sup> *CCR, 1389-1392*, p. 467 (1392); *CCR, 1392-1396*, p. 76 (1392 or 1393).

<sup>119</sup> *CCR, 1318-1323*, p. 319 (1320): Henry Maule delivered to the Tower from the custody of the constable of Bordeaux.

to liberate the prisoners.<sup>120</sup> While it seems unlikely that such vulnerable transfers were made entirely without incident, all the references to escapes in the London records relate to prison break outs.

It is hardly surprising that some prisoners would try to escape. A defendant accused of a capital offence and likely to be served a death penalty, or a debtor facing a long imprisonment because he was unable to raise the money to clear his arrears, would have nothing to lose by the attempt and potentially much to gain.<sup>121</sup> Those who owed money could escape their debt if they could avoid being re-arrested as the warden, or the sheriffs, would be liable for their arrears.<sup>122</sup> Equally, if prisoners on other charges could evade recapture they might find evidence to prove their innocence, or there could be a change of political policy or faction that meant the original accusation was made void and pardoned.<sup>123</sup> Further, escapees could literally get away with their lives, for if they managed to escape to sanctuary they might avoid execution by requesting to abjure the realm.<sup>124</sup> Many escapees had assistance, either through a visitor smuggling in instruments for breaking out or by a

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<sup>120</sup> In Italy officials moving prisoners were routinely attacked, Chambers and Dean, *Clean Hands and Rough Justice*, pp. 28-29.

<sup>121</sup> In Italy escapes, and attempted escapes, could result in beheading and maiming for both the prisoner and the gaoler, Chambers and Dean, *Clean Hands and Rough Justice*, p. 77.

<sup>122</sup> *Fleta*, vol. II, p. 214; *The Economy of the Fleet*, p. vii; TNA C1/66/459 (c. 1475-1480 or 1483-1485): William Brandon, marshal of the Marshalsea, imprisoned for the debt owed by Robert Coleyns after his escape. In 1395 William Shyryngham and Roger Elys, sheriffs, were deemed liable for the debt of £182 18s 8d owed by Manuel Zacharie after he escaped from Newgate, *CPMR, 1381-1412*, p. 233. It is uncertain why the sheriffs, and not the keeper, were liable in this case.

<sup>123</sup> Nicholas de Clynton was pardoned his attempt to break out of Newgate most likely because he failed and had received a pardon for the indictment of robbery made against him, *CPR, 1388-1392*, p. 29 (1389); Thomas Talbot, escaped from the Tower in 1395 after being committed for leading an uprising in Cheshire, was pardoned in 1397, *PROME, Richard II (1394)*.

<sup>124</sup> William Lindseye, guilty of killing Gervase le Norys, allowed to abjure the realm, *Memorials*, pp. 5-6 (1276); four men escaped from Newgate and asked to abjure, *Cal. Cors. Rolls*, pp. 130-131 (1325); Margaret Clerc fled to sanctuary and asked to abjure the realm, *CPR, 1350-1354*, p. 535 (1353); Four men escaped death sentence by being transported to Ireland, TNA SC8/32/1570 (1388), *CCR, 1385-1389*, pp. 382-383, 515-516, 521. See J. Freeman, 'And he abjured the realm of England never to return', in *Freedom of Movement in the Middle Ages*, Harlaxton Medieval Series, XV, ed. by Peregrine Horden (Donnington: Shaun Tyas, 2007), pp. 287-304.



friend or acquaintance breaking in to the prison to carry the inmate away.<sup>125</sup> In 1325 Johanna de Grendone was found guilty of abetting an escape and supplying robbers in Newgate with instruments for breaking out of the prison; this meant she not only joined her associates in Newgate but also inadvertently paid for her misdemeanour with her life, as she died 'her rightful death' while in prison.<sup>126</sup> There are two records where Newgate prisoners escaped from their wards only to get up onto the roof.<sup>127</sup> On both occasions the prisoners created a great disturbance which suggests they may not have intended to escape but their efforts were made in order to protest against the prison authorities. Unfortunately, not all who successfully escaped were guaranteed their freedom. Although people who had found sanctuary were not meant to be interfered with, there were occasions when those who had escaped to a nearby church were forcibly removed and returned to prison.<sup>128</sup> In other cases posses were appointed to hunt down escapees and return them to prison.<sup>129</sup> As it is probable that these men only received payment on delivering their quarry back to the prison it is presumed they had a fair success rate; however, it appears that the ninety-nine

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<sup>125</sup> *Calendar of Inquisitions Miscellaneous*, II, 1307-1349 (London: HMSO, 1916), p. 21 (no. 77, 1309): assisted escape from the Marshalsea; Carmelites accused of aiding escapes from the Marshalsea, *CCR, 1346-1349*, p. 139 (1346); John Hayward, vicar of St Sepulchre's, rescued from the Fleet, *PROME*, Richard II, (1381), appendix; Robert Baker indicted for breaking into Rochester Castle and carrying away a prisoner, *CCR, 1396-1399*, pp. 171-172 (1397); a band of men broke into the Tower and carried away Sir John Oldecastell, *LBI*, p. 166, *Memorials*, pp. 642-643 (1416); organised gaol break from the Marshalsea using smuggled instruments, TNA KB 27/646 (1422) [this reference courtesy of Dr H. Kleineke].

<sup>126</sup> *Cal. Cors. Rolls*, p. 136 (1325).

<sup>127</sup> *Chronicles of the Reigns of Edward I and Edward II*, vol. I, ed. by William Stubbs (London: Longman, 1882), p. 93 (1285); *The Great Chronicle of London*, ed. by A. H. Thomas (London: Jones, 1938), p.189 (1456).

<sup>128</sup> Stephen de Thersk forcibly taken from St Brides after escaping from Newgate, but sheriffs ordered to return him to sanctuary, *Memorials*, p. 36 (1298); *CCR, 1318-1323*, p. 309 (1321); John Calket escaped from Newgate and was forcibly removed from St Sepulchre's by Thomas Godale, keeper of Newgate, TNA C1/228/35 (c. 1493-1500).

<sup>129</sup> Two men appointed to find Walter de Patmere and return him to the Marshalsea, *CPR, 1343-1345*, p. 399 (1344); three men appointed to find and return John le Chaloner to Newgate, *CPR, 1348-1350*, p. 528 (1350); four men given a commission to arrest Thomas Hadlo if they found him outside the sanctuary of Westminster and deliver him to the Fleet, *CPR, 1367-1370*, p. 49 (1367); quittance of 20 marks to Lord Beaumont for the capture of Owen Tudor after his escape from Newgate, *Rymer's Foedera*, ed. by Sir Thomas Duffus Hardy, vol. II (London: Longman & Co, 1873), p. 664.

prisoners who escaped from the Marshalsea in 1470 may have remained at liberty.<sup>130</sup>

Consequently, although there is nothing to suggest the medieval prison day was formally structured, there were a variety of ways prisoners could occupy their time. Ultimately, there was one last way inmates could escape their confinement, but it was final, with no chance of sanctuary, reprieve or pardon – and that was by dying.

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<sup>130</sup> Petition by John de Mowbray, duke of Norfolk, then Marshal, asking to be pardoned for the escapes as he was in exile at the time, TNA SC8/29/1442a (1470); SC8/29/1442b (1473): list of the escapees' names.

## Chapter 7: Dying to get out of Prison: An analysis of coroners' rolls investigating deaths in the prisons of medieval London

When one considers how many deaths occurred throughout the later middle ages that would have necessitated the coroner's attendance, and the volume of paperwork these should have generated, it is surprising that so little documentation has survived. While some records may have been lost through fire or negligence, it is possible that the medieval coroner's onerous duties could have been, at least in part, responsible for the lack of extant material. Although not every death required the coroner's presence, for he was only summoned if an individual had died suddenly, had died in prison or was deemed to have suffered an unnatural death, attending an inquest was not the only role expected of the medieval coroner.<sup>1</sup> Together with inquests into unexplained deaths he was responsible for holding investigations in connection with felonies such as rape, housebreaking, wounding and prison escapes and could be called upon to perform any administrative or inquisitorial duty.<sup>2</sup> His responsibilities also included receiving abjurations of the realm, hearing the confessions of felons and appeals of approvers [in modern-day terms an informer].<sup>3</sup> Further to this he was answerable for assembling juries of men from the vicinity to enquire into the events leading up to an 'unnatural' demise. He was to assess the value of any object considered to have caused a death and for ensuring this *deodand* reached the king's

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<sup>1</sup> William Kellaway, 'The Coroner in Medieval London', *Studies in London History*, ed. by A. E. J. Hollaender and William Kellaway (London: Hodder & Stoughton, 1969), pp. 75-95; R. F. Hunnisett, *The Medieval Coroner* (Cambridge: Cambridge University Press, 1961), p. 9; *Calendar of Coroners' Rolls of the City of London, 1300-1378*, ed. by Reginald. R. Sharpe (London: Clay and Sons, 1908), p. xiv [hereafter *Cal. Cors. Rolls*].

<sup>2</sup> *Statutes of the Realm*, I (1810), *Officiū Coronatoris*, 4 Edward I (1275-1276): Appeal of wounds, parties to be taken until known whether the injured party would live or die. Pledges to be taken depending on the wound, the wound recorded and all information enrolled in the Coroner's roll.

<sup>3</sup> Hunnisett, *Medieval Coroner*, pp. 1, 4. Hunnisett details all of the coroner's duties, but stresses that inquests over dead bodies occupied most of his time (p. 9). For tables of London coroners, c.1225-1509, and deputy coroners, c.1278-c.1482, see Barron, *London in the Later Middle Ages*, pp. 370-374.

coffers.<sup>4</sup> The coroner was also responsible for keeping records of outlawry. Each of these activities would have produced some form of documentation, albeit scribbled notes on pieces of parchment. The implications of these known demands on a coroner's schedule would suggest that some cases may not have been properly recorded, while, perhaps in an effort to save time, the formal rolls required by the courts may only have been completed when the coroner was actually summoned, thereby increasing the probability of mistakes and omissions.<sup>5</sup> Consequently, even without considering how difficult the recording of deaths must have been in times of plague or famine, what we understand of the coroner's workload indicates how, even at the time, the records may not have been as complete as they should have been. It is evident, therefore, that the surviving material is only a very small percentage of what was produced throughout the medieval period, and it is important to be aware of this limitation in attempting to analyse deaths in the City prisons.

There are fifteen sources referred to in this study. Nine coroners' rolls, lettered A-I, are at the London Metropolitan Archives (LMA).<sup>6</sup> These span the years 1300-1378; however, they are incomplete chronologically. These nine rolls were

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<sup>4</sup> Carrie Smith, 'Medieval Coroner's Rolls: Legal Fiction or Historical Fact?', in *Courts, Counties and the Capital in the Later Middle Ages*, ed. by Diana E. S. Dunn (Stroud: Sutton, 1996), pp. 93-115, p. 95. Any individual object causing death was considered deodand due to the king; however, if the object was in motion then everything connected with it was deemed to have contributed to the death and therefore also became deodand. An example of this is a case of death by a cart with three horses attached, where the cart, horses and contents of the cart were declared deodand (*Cal. Cors. Rolls*, pp. xxvi). The revenue raised in this manner was intended as compensation for the surviving relatives (J. H. Baker, *An Introduction to English legal History*, 3<sup>rd</sup> edn (London: Butterworths, 1990), p. 600). Deodand was abolished in 1846 (*Cal. Cors. Rolls*, pp. xxvii-xxviii). For further information on the role of the coroner's inquest juror see *The Mirror of Justices*, I, pp. 30-3.

<sup>5</sup> Hunnisett, *Medieval Coroner*, p. 114. This is despite the coroners having clerks who 'kept [their] files, [copied] particular cases...and compiled formal rolls on the eve of general eyres' (Hunnisett, p. 116). It appears that the coroner was at the mercy of his clerk's scrivening ability for if any erasure was found in the roll the coroner was under suspicion and could be imprisoned. Cf. *Fleta*, vol. II, ed. by G. Richardson and G. O. Sayles (London: Quaritch, 1955), p. 64.

<sup>6</sup> LMA CLA/041/IQ/001 (A), 1300-1301; CLA/041/IQ/002 (B), 1321-1322; CLA/041/IQ/003 (C), 1323-1324; CLA/041/IQ/004 (D), 1324-1325; CLA/041/IQ/005 (E), 1325-1326; CLA/041/IQ/006 (F), 1337-1337; CLA/041/IQ/007 (G), 1338-1339; CLA/041/IQ/008 (H), 1339-1340; CLA/041/IQ/009 (I), single entries for 1367, 1372, 1375, 1378. There is one surviving sixteenth century coroner's roll, CLA/041/IQ/01/011 (J), 1590, which includes ten entries for Newgate gaol, and a single inquest, CLA/041/IQ/01/012 (1683), on the death of Susanna Turner, bastard child of Mary Turner.

translated by R. R. Sharpe for his *Calendar of Coroners' Rolls for the City of London*. A further roll, for 1315-1316, is at the National Archives (TNA Just 2/94a), as are five inquests in King's Bench and Exchequer: E 143/16/1 (17) (1385); KB 9/210/39 (1417); KB 145/5/9 (1422); E163/7/10 (1425); KB 9/265/33 (1451).<sup>7</sup> These sources follow the same format, with the nine rolls at the LMA and TNA Just 2/94a commencing in October and finishing the following November. This suggests that, as the rolls were completed for attendance at court, the coroner and his clerk would have anticipated the summons for Michaelmas Term.<sup>8</sup> Sharpe also created a manuscript, now held at the London Metropolitan Archives, that is, in part, an amalgamation of both these sources.<sup>9</sup> For this document Sharpe used six of the LMA rolls, A, B, C, D, G and I, omitting E, F and H, possibly because they were not available at that time, together with the inquests from TNA Just 2/94. Unfortunately he did not offer any explanation for this editorial decision. Certainly Rolls E, F and H are fascinating, being principally records of deaths in the City with interesting descriptions of the events leading to a decease as unearthed by the inquest juries. Conversely, TNA Just 2/94a itemises deaths that, for the most part, occurred in Newgate and, as will be shown, because prison deaths are most commonly recorded as being 'rightful', which is presumed to indicate death through natural causes because no distinguishing marks were found on the body, they do not make very remarkable reading.

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<sup>7</sup> There are also 34 coroners' inquests in *Letter Book B*. These do not record any deaths in prison and have only been used in this study when comparing deaths within and without London's prisons. Cf. *LBB*, pp. 256-279.

<sup>8</sup> There is one exception to this format, LMA CLA/041/IQ/006 (F), which starts with a single entry for June 1336. This suggests that this is not a complete roll.

<sup>9</sup> London Metropolitan Archives, catalogue reference CLC/511/MS00126; however, this was previously held at the Guildhall Library and was listed as GL MS 126. This reference will be used throughout this chapter and in Appendix Three.

All fifteen rolls have been used in this study and they span the years 1272-1451, but are not sequentially complete. None of the Rolls has entries for every month of the year and there are only single entries for September 1367, September 1372, March 1375, March 1378 and June 1385. There are no records from June 1385-June 1417, July 1417-July 1425 or December 1425-March 1451.<sup>10</sup> This is a large amount of missing information and we can only speculate whether these rolls were lost, destroyed or may even yet come to light. Consequently, out of the 179 year period only 27 years are covered by the surviving sources. This is less than 15% and furthermore, assuming the rolls were officially to run between October and the following September, some do not appear to be complete. For example, the inquests in *Letter Book B* start in March 1276, which is rather late if the entries actually began in October and might lead us to the improbable conclusion that for six consecutive months no death occurred in the City that required the coroner's attendance. The next coroner's entry is for November 1277 which might indicate that there were no unexplained deaths in October that year. This is more likely as in other years there are occasional months with no recorded deaths and it is reasonable to suppose that there may have been months where no unexplained deaths occurred in the City.<sup>11</sup> Despite the chronological gaps these manuscripts can be used to illustrate deaths in the City, both in and out of prison.

In the 27 years covered by the surviving coroners' rolls there are 549 deaths recorded in the City. Of these, 190 died in prison: 160 in Newgate, nineteen

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<sup>10</sup> Appendix Three charts all the deaths in London, 1272-1451, and includes details of the sources.

<sup>11</sup> TNA Just 2/279 (1272) is a fragment of a coroner's roll. No deaths are recorded in April, July or August 1276 (*LBB*); January, June or September 1277 (*LBB*); February, April, June or July 1278 (*LBB*); September 1324 (CLA/041/IQ/01/010, GL MS 126, *Cal. Cors. Rolls*); February or October 1325 (CLA/041/IQ/01/010, GL MS 126, *Cal. Cors. Rolls*); October 1335-May 1326 and July-September 1336 (CLA/041/IQ/01/010, *Cal. Cors. Rolls*); January and March 1377 (CLA/041/IQ/01/010, *Cal. Cors. Rolls*).

in the Marshalsea and eleven in the Tower.<sup>12</sup> The entries for Newgate cover the period 1315-1340, during which time twenty two prisoners passed away in 1322, fifteen in 1325, eight in both 1326 and 1339, two in 1337, with only one death recorded in each of the years 1321, 1323, 1324, 1336 and 1340. This makes the coroner's roll for 1315-1316 (TNA Just2/94a) exceptional as three quarters (100/135) of the entries for this year are deaths in Newgate. It is evident from this manuscript that the entries for prison deaths are repetitive and therefore less interesting reading than the descriptions of deaths in the surrounding wards. This roll is formulaic; the prisoner is named and the cause of imprisonment listed. The majority of entries then state the prisoner died his 'rightful death' [*recte morte*] and that the body was viewed on which no wound, hurt or bruise appeared.<sup>13</sup> The first four prison deaths listed (on TNA Just 2/94a) record the names of twelve men summoned as a jury from the wards of Farringdon Within and Without [*Farndon infra et extra*], Castle Baynard and Aldersgate.<sup>14</sup> The manner of the listing, with four names to the left each with two corresponding names on the right, the two columns being joined by the words '*manus eiusdem*', implies the men on the right had either been appointed by the men in the first column or were providing sureties for them (see Table 7:1).

It is possible that some of the men called upon to investigate a death were fellow prisoners because in the last entry the jury stated that Nicholas Stevene died

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<sup>12</sup> There were two royal prisons in Southwark – the Marshalsea of King's Bench and the Marshalsea of the Household – but these are rarely differentiated in the sources for most references merely state 'the Marshalsea'. An unrecorded number of Ludgate prisoners died after being transferred to Newgate in 1419 (see p. 69 above) but this year is not covered by the surviving rolls.

<sup>13</sup> There were five instances that called for an inquest into a natural death; if it was sudden or unexpected, if the body was found in the open and the cause unknown, if the hue and cry was raised maliciously, if the death was suspicious or there was a possibility that it was the result of a felony, or if the death occurred in prison. See Hunnisett, *Medieval Coroner*, p. 21.

<sup>14</sup> The first four men to die in Newgate are listed as William Salisbury, Ralph le Suiz Piers, Ranulph le Fevre and Nicholas Stevene [all in 1315].

his natural death 'during the preceding night', a fact which only the keeper and other prisoners would have known.<sup>15</sup>

Person viewing body		Surety/appointed men
Walter atte Bellehus	Manus eiusdem	John Blaket John de Lindseye
Ralph Sporoun	Manus eiusdem	John le Bakere Richard le Chaundler
John le Cotiller	Manus eiusdem	Richard de Eggesham Robert de Langele
Robert de Pampesworth	Manus eiusdem	William atte Yde Reginald le Pestour

Table 7:1. An example of a list of jurymen recorded on TNA Just 2/94a.

Although it is possible that a jury of men from the surrounding wards were informed of this by other inmates during their enquiries, there is evidence that prisoners were called upon to make up an inquest jury. In 1422, when Casyn Franche, an alien of Ypres, died of pestilence in the Marshalsea, a jury of twelve men was summoned; six from Surrey and six from the prison.<sup>16</sup> After the initial four entries on Just 2/94a the jurors are not named, but the bodies are stated to have been viewed by the coroner, sheriffs and '*probis hominibus*', respectable men who were generally summoned from the wards of Farringdon Within and Without, Castle Baynard and Aldersgate or from Farringdon Within alone. After fourteen or so entries in this reduced format the records get even shorter and there is no longer any mention of jurors.<sup>17</sup> This is not to say that juries were not summoned, but the formulaic nature of the listings, together

<sup>15</sup> TNA Just 2/94a, m 2r; GL MS 126, fs. 56-7.

<sup>16</sup> TNA KB 145/5/9 (27/01/1422) [I am grateful to Dr. Hannes Kleineke for this reference].

<sup>17</sup> The first twenty prison death references from 1315-1316 note juries in attendance, while after, and including, the entry for Thomas Walshe and Lora, daughter of Roger le Crous (April 1316), on m. 6r there are no longer references to juries in the prison entries while those for deaths in the surrounding wards are still full and descriptive.



with an increased number of deaths that were most likely caused by the famine suffered that year, and the consequent repetition, gives the impression that the scribe got tired of writing the same thing over and over again and so did not bother to write the entry out fully on the roll.

Despite these limitations the surviving coroners' rolls can shed some light on prison deaths in the later middle ages. To date our understanding of the medieval prison has been of a place of unhygienic and often foetid conditions, particularly Newgate. Such conditions alone would suggest a high mortality rate without taking any other cause into consideration, yet this is unsubstantiated in the coroners' rolls.<sup>18</sup> In all prisons but the Fleet, where the keepership was a hereditary post with an annual stipend, the position of warden was unsalaried and was reliant on an income from the inmates.<sup>19</sup> This included payment for all basic provisions, which meant that only those prisoners with either independent means or local support would be able to buy food and bedding; nonetheless, while the warden was responsible for supplying such goods to those who could afford to pay for them, this was the limit of responsibility for the inmates' care and the destitute had to rely on charity for their essentials.<sup>20</sup> Despite the occasional accusation against wardens misappropriating alms, it appears that the poorest prisoners were sustained by charitable donations, confiscated food and bequests as there are only three deaths related to starvation, all in Newgate, where the cause was recorded as 'hunger'. The unfortunate men were

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<sup>18</sup> See above, pp. 206-207. It has been argued (see Chapter 3) that the noxious conditions were perhaps more episodic than continual, and that the conditions a prisoner lived in were determined by factors beyond the remit of the prison authorities responsibility, such as personal wealth and contact with friends, family and even acquaintances.

<sup>19</sup> As discussed in Chapter 4, prisoners would pay fees, or *suertes*, on entering and leaving prison, on acquittal or being mainperned. For examples of such fees, see *Statutes of the Realm*, I (1810), 17 Edward II c. 5 (1323-4), p. 193; *LBG*, p. 74; *PROME*, Jan. 1401, 54; *LBK*, p. 126; Dunbabin, *Captivity and Imprisonment*, pp. 124-5. See also *Fleta*, vol. II, p. 66, which states that prisoners should maintain themselves until freed or condemned.

<sup>20</sup> As discussed in Chapter 3, alms, bequests and confiscated goods were donated for the benefit of destitute prisoners. Prisoners were also reliant on familial and charitable support in Venetian and Florentine prisons, see Geltner, *The Medieval Prison*, p. 73.

William Brich, Thomas atte Grene and Adam May. Brich and May were attached for robbery, Grene for 100s adjudged against him in a plea of trespass, and it is possible that these crimes were committed out of desperation because the men were already starving before committal to prison.<sup>21</sup>

It is difficult to ascertain why so few deaths were recorded as being through lack of victuals when it would be reasonable to expect this. Admittedly, under-nourishment would not necessarily elicit any outward physical signs that would allow an inquest jury to state emphatically that lack of sustenance was the cause of death; and, unless the hapless individual was known to those interviewed by the jury, an un-witnessed death, where the body showed no sign of disease or injury, would be difficult to explain before the advent of autopsy by dissection.<sup>22</sup> William of Smithfield was a mendicant pauper who was found dead in Candlewick Street ward in December 1315. The outcome of the inquest was death through 'hunger and cold'; however, in this instance there were people in the vicinity who knew the deceased, were aware of his situation and that he had previously suffered from lack of food, so the jury had information they could use in their deduction.<sup>23</sup> In one case of a death specified as caused by starvation, in Reading gaol, the jury stated they did not know who should have provided the prisoner with food. R. F. Hunnisett speculated that the jury reached this conclusion through fear of indicting the gaoler and later finding themselves imprisoned and at his mercy.<sup>24</sup> This concern would have depended on the gaoler being culpable, although there is no evidence to suggest

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<sup>21</sup> William Brich (30/04/1322): CLA/041/IQ/002 (23); GL MS 126, f. 161; *Cal. Cors. Rolls*, p. 53; Thomas atte Grene 10/05/1322): CLA/041/IQ/002 (24); GL MS 126, f. 161; *Cal. Cors. Rolls*, p. 54; and Adam May (12/08/1323): CLA/041/IQ/002 (44); GL MS 126, f. 180; *Cal. Cors. Rolls*, p. 67.

<sup>22</sup> There is one case in the City that raises the possibility that internal investigation was occasionally carried out. In 1300, Richard le Brewere fell on some steps in Bridge Ward while intoxicated. The inquest reported that the fall caused a ruptured bowel and diaphragm, but how this was determined when 'the corpse was viewed, on which no hurt appeared' [not even a bruise] is not made clear. See LMA CLA/041/IQ/001 (12); GL MS 126 fs. 15-16; *Cal. Cors. Rolls*, pp. 12-13.

<sup>23</sup> TNA Just 2/94a m. 2r (10), GL MS 126 fs. 59-60.

<sup>24</sup> Hunnisett, *Medieval Coroner*, p. 36.

that keepers were in fact held responsible for providing anything to a prisoner who had not the means to pay. Equally, although the distribution of alms was the keeper's responsibility, there is evidence to suggest that misappropriation went unpunished.<sup>25</sup> Consequently, even for 1315-1316, a period of famine throughout the country when food was in short supply and hunger must have been a common cause of death, both in prison and in the wards of London, starvation is unsubstantiated in the records.

The scarcity of entries recorded as actually being due to starvation is inexplicable and, because hunger was not even commonly recorded as the cause of death in times of great want, it certainly suggests reluctance on the part of inquest officials to return such a verdict. The prevalence of the term 'rightful' or, later, and more infrequently, 'natural' death in the documents suggests there may be another explanation. It is evident from the surviving coroners' inquests for London that whenever a body was viewed that had no distinguishing marks, or where the events leading up to the demise could not be determined, the outcome was a record of 'rightful' death. In general the records indicate that a death as a result of an assault showed some evidence of violence; for example, following a quarrel between two men in Farringdon the body of John de Hamerton had stab wounds to the head and arm and a mortal wound to the abdomen, while after being attacked with a 'pycoys' [pickaxe] in Portsoken the upper body of John in the Hurne was 'livid and

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<sup>25</sup> *LBL*, p. 41. *LBK*, p. 126, states that keepers were not to charge prisoners their usual fee for beds and blankets if the items had been charitably given and, while there are no such clauses covering bequests of victuals, it is highly unlikely that the keeper would have been allowed to charge for food that had been donated for prisoners' use. It is hardly surprising then, that men in such financially motivated positions, who would not gain from distributing these alms, should appropriate such gifts to their own use. See *LBK*, p. 124, where the 'waste' of prisoner's alms is dealt with – not by punishing the officials involved but by moving those prisoners who relied on charitable bequests from the compters to either Newgate or Ludgate.

mangled'.<sup>26</sup> Likewise the victim of an accident or misadventure would most likely have some physical indication of their trauma, such as a broken neck following a fall or extensive burns after a fire.<sup>27</sup> Conversely, in those cases where the body had no significant marks to indicate the deceased's ordeal [*nill plaga, lesio seu brisura*], or where there were no witnesses or associates of the departed to account for the events leading up to the death, including any pre-existing malady, illness or infection, it would appear that the only option available to the coroner and jury was a verdict of *recte morte*; a rightful, or natural, death.<sup>28</sup>

It is evident that life outside the prison walls was considerably more fragile as there was a far greater diversity of ways people could meet their death (see Table 7:2). From the 24 causes of death listed in Table 7:2 only six, or one quarter, were suffered by prisoners. These were illness (pre-existing), hunger, 'in his penitence', pestilence, rightful and natural deaths. The later records that survive for the Tower and the Marshalsea refer almost exclusively to cases of pestilence in specific periods of time; consequently, these are most likely only part-documents which do not give a full account of all the deaths occurring in these institutions. Aside from two mortalities through 'natural death' (Marshalsea E143/16/1 (17), 1385; Marshalsea KB145/5/9, 1422) and one of dropsy (Tower E163/7/10, 1425), there are twenty four cases of 'pestilence', fifteen in the Marshalsea (nine during June/July 1417 and six

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<sup>26</sup> Hamerton: LMA CLA/041/IQ/004 (20), GL MS 126, fs. 243-244, *Cal. Cors. Rolls*, pp. 112-113 (1325); Hurne: TNA Just 2/94a 10r (88), GL MS 126, fs. 108-109 (1316). *Middle English Dictionary* online [www.ets.umdl.umich.edu](http://www.ets.umdl.umich.edu): pikeis (n.), viewed 01/02/2010.

<sup>27</sup> Elena Scot fell after leaving a solar and broke her neck, LMA CLA/041/IQ/002 (8); GL MS 126, fs. 140-141; *Cal. Cor. Rolls*, p. 41 (Castle Baynard, 1321). Robert de Kent and his son William suffered extensive burns after a candle started a fire in their residence, CLA/041/IQ/002 (20); GL MS 126, fs. 157-158; *Cal. Cors. Rolls*, pp. 51-52 (Cheap ward, 1322).

<sup>28</sup> In 1339: John Lynche fell in a street in Portsoken and died, but was known to suffer from quinsy, CLA/041/IQ/007 (21); GL MS 126, fs. 307-308; *Cal. Cors. Rolls*, p. 215.

during May/June 1451) and nine in the Tower (July, October, November and December 1425).<sup>29</sup>

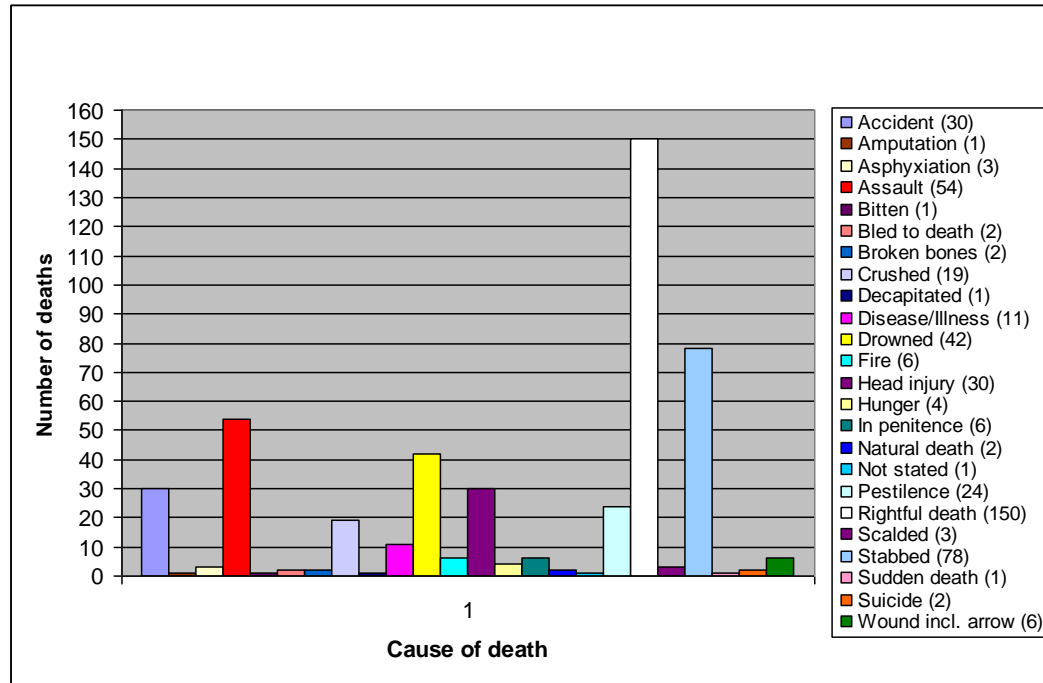


Table 7:2. Causes of death in the City of London, 1272-1451.<sup>30</sup>

It is highly unlikely that these were the only deaths in the Marshalsea and the Tower during these respective years; the survival of these few documents in isolation from other coroners' rolls serving to highlight the limitations of the sources. Although it would be natural to suppose contagious infections would be rife in such assumed overcrowded, unhygienic conditions, these are the only references to deaths in prison by a potentially communicable disease. The nature of these rolls, in relating to a particular, but most fearful and contagious, disease in very specific time frames, supports the idea that such outbreaks were episodic rather than a perpetual problem

<sup>29</sup> TNA E143/16/1 (17) (Marshalsea); TNA KB 9/210/39 (Marshalsea); TNA KB 145/5/9 (Marshalsea); TNA E163/7/10 (Tower); TNA KB 9/265/33 (Marshalsea).

<sup>30</sup> Most 'rightful' deaths occurred in prisons, particularly Newgate. See Table 7:3, p. 219, for a comparison of 'rightful' deaths within prisons and outside in the City.

due to poor conditions. There is no certainty that this pestilence was what came to be known as “gaol fever” [typhus] and even a distinct possibility that it was plague and had been contracted before the men were imprisoned.<sup>31</sup>

According to the author of *The Mirror of Justices*, the jurors on a coroner's inquest were diligently to inquire into who the person was, where he was from and who threatened him. They had to determine whether the death was caused by felony or misadventure, and although they were expected to discover whether the deceased had succumbed to famine, poverty or pestilence, only pestilence is recorded in the surviving rolls.<sup>32</sup> Of the 190 deaths in the three prisons mentioned in the sources only two were caused through the action of a fellow man, and these were both before committal to prison. Ralph le Suiz Piers was stabbed by Roger atte Watre, Sergeant at Arms, while resisting arrest in October 1315 and Nicholas le Belymakere received a head injury while fighting in Aldersgate, September 1340.<sup>33</sup> Six men who refused to plead and were left to die ‘in their penance’ [*in penitentia sua*] technically met their deaths by their own hand and not by an act of God, although this was considered to be a ‘rightful’ death.<sup>34</sup> This meant that 177 prison deaths were concluded to have occurred through natural causes; 146 were considered ‘rightful’,

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<sup>31</sup> Two of the men listed in TNA KB 9/265/33 [Marshalsea, 1451], Roger Boteler and John Talbotte, died of ‘*pestelent et macul*’ which suggests pustules or boils and may be an indication of plague.

<sup>32</sup> *The Mirror of Justices*, pp. 30-31.

<sup>33</sup> Suiz Piers, TNA Just 2/94a 1r (3), GL MS 126 fs. 48-50 (Newgate); Belymakere, CLA/041/IQ/008 (40), *Cal. Cors. Rolls*, pp. 269-270 (Newgate).

<sup>34</sup> Thomas Bernard (TNA Just 2/94a m. 5r (28); GL MS 126 f. 75, 20/03/1316) and Philip de Arwe (Just 2/94a m. 5r (29); GL MS 126 fs. 75-76, 22/03/1316) were indicted for robbery/felony, John Burel (CLA/041/IQ/004 (36); GL MS 126 f. 264; *Cal. Cors. Rolls*, pp. 124-125, 10/07/1325) and Henry de Mebourne (CLA/041/IQ/004 (37); MS 126 f. 264; *Cal. Cors. Rolls*, p. 125, 12/07/1325) were involved in an escape from Newgate where the porter was killed and Hugh le Benere (CLA/041/IQ/006 (6); *Cal. Cors. Rolls*, pp. 177-178, 27/12/1336) and Roger de Glastyngbury were accused of murder (CLA/041/IQ/007 (29); MS 126 fs. 319-320; *Cal. Cors. Rolls*, p. 220, 30/05/1339). All were imprisoned in Newgate. These are possible instances of *peine forte et dure*, a punishment that involved the prisoner sitting on the bare floor in the thinnest of shirts, being fed rotten bread and stinking water. On the days he ate he could not drink and vice versa. A later development of this punishment involved the application of weights on the prostrate body. These measures were intended to force the prisoner to make a plea. See H. R. T. Summerson, ‘The Early Development of the Peine Forte Et Dure’, in *Law, Litigants and the Legal Profession*, ed. by E. W. Ives and A. H. Manchester (London: Royal Historical Society, 1983), pp. 116-126. Hunnisett, *Medieval Coroner*, p. 36.

twenty four were the result of pestilence, three were actually stated as 'natural', another three caused by hunger and one was through an unspecified 'natural infirmity'.<sup>35</sup> This is a very high percentage of bodies on which there were no distinguishing marks to determine cause of death or witnesses to tell the corpse's tale. As discussed above, juries were summoned to investigate the death and it would be easy to read the propensity for deaths in prison to be recorded as rightful as a morally judgemental indictment, especially in the case of convicted felons or approvers, but, even though the majority of 'rightful' deaths occurred in prisons and a moral judgment may lie behind some verdicts, this would be overly simplistic.<sup>36</sup> In most of the entries there is a great deal of very detailed information, which would suggest that the inquest jurors took their role seriously and were diligent in their investigations. Subsequently, even in the prison reports there are some descriptions of the deceased's history, but in all probability these are in the minority because they were the only cases where there was any information to be gathered.

The highest incidences of deaths in prisons are for Newgate and are recorded in the roll for 1315-1316. Many of the deaths appear singly in isolated weeks or months, which, while possibly a reflection of the limitations of the source, imply these were not epidemic outbreaks of infection caused by unhealthy conditions. The case of William of Salisbury, who died 'his rightful death' in Newgate in October 1315, suggests contact with possible contagion before his imprisonment. He was committed to Newgate on suspicion of murder after the putrid body of William le Messenger was found in Salisbury's dwelling. Whether he was guilty or not of this

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<sup>35</sup> John Fakon (TNA E143/16/1 (17), 18/06/1385) and Casyn Franche (TNA KB145/5/9, 27/01/1422) died 'natural' deaths in the Marshalsea, while in the Tower Robert Levynston died of dropsy (TNA E163/7/10, 24/07/1425). In Newgate, the cause of Ranulph le Fevre's demise was deemed to have been due to a 'natural infirmity' (TNA Just 2/94a m. 2r (7); GL MS 126 f. 56, 6/11/1315).

<sup>36</sup> Philippa C. Maddern, *Violence and Social Order: East Anglia, 1422-1442* (Oxford: Clarendon Press, 1992), p. 127. It is possible that juries preferred to classify a death as being through natural causes rather than argue for justifiable homicide.

offence it is possible that Salisbury contracted an infection from close proximity to the corpse and it was this that caused his death.<sup>37</sup> Such a fatality would be correctly expressed as due to natural causes. As has been shown, the cause of death needed some form of verification, either physical or verbal, and generally required someone to have a degree of familiarity with the deceased, or to have witnessed the events preceding the death. In the case of prisoners this became more difficult, particularly if they had been indicted for crimes in other areas of England and had been transferred to Newgate.

A close analysis of the sources, looking at prisoner's names as being indicative of their native county, or country, for the area where the misdemeanour occurred, or if the person had been committed by the marshal of England rather than the sheriffs of London, and at whether the source actually stated from where the accused originated, suggests that almost half of the prison population [190:100] were not originally natives of the City. For example, Richard Gilot was stated as being 'of Harefield [Middlesex]', John le Dyere was 'of Watton [Norfolk]' and William Christmas was attached for a murder in Hertfordshire.<sup>38</sup> The names of other prisoners may indicate that they had become denizens of London, as in the case of Peter de Castelcary [a village in Somerset], Peter le Freynsshe and Warin de Bristol.<sup>39</sup> A further 24 prisoners were held in Newgate in the custody of the marshal of England; that they were not held under the jurisdiction of the sheriffs of London

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<sup>37</sup> TNA Just 2/94a, m. 1r; GL MS 126, fs. 47-48.

<sup>38</sup> Gilot, TNA Just 2/94a m. 9r (62); GL MS 126, f. 98, 20/061316. Dyere, CLA/041/IQ/002 (11); GL MS 126, fs. 145-146; *Cal. Cors. Rolls*, p. 44, 18/01/1322. Christmas, CLA/041/IQ/002 (28); GL MS 126, f. 165; *Cal. Cors. Rolls*, p. 56, 25/05/1322. A person with a topographical surname could still be a Londoner.

<sup>39</sup> Castelcary, TNA Just 2/94a m. 7r (51); GL MS 126, f. 90, 27/05/1316; le Freynsshe, CLA/041/IQ/005 (31); *Cal. Cors. Rolls*, p. 158; Bristol, TNA Just 2/94a m. 9r (64); GL MS 126, f. 99, 24/06/1316. Aliens are even less visible in these sources, with only two men stated as being 'of Ypres': Daniel Foubriht, Just 2/94a m. 3r (15); GL MS 126 fs. 64-66, 11/01/1316 and Casyn Franche, TNA KB 145/5/9, 27/01/1422. The name of Ralph le Suiz Piers (Just 2/94a m. 1r (3); GL MS 126 fs. 48-50, 17/10/1315) suggests he may have been an alien.



suggests that they were not local men or women.<sup>40</sup> It is likely that for many of these strangers there was no one, either within the prison or the surrounding area, who would have known any details of their personal lives; therefore any predisposing factors without external, visible indications would have been untraceable and thereby hidden from the coroner's inquest making a detailed verdict virtually impossible. Individuals from other parts of the country imprisoned in London are known to have been neglected because they did not have friends and family nearby to sustain them.<sup>41</sup> It seems likely that if the witnesses to the events were passing through and not of the locality, therefore were not familiar with either the area or the individuals involved, the coroner would have been disadvantaged by not receiving a full and detailed report. Unfortunately, it is impossible to assess the degree to which this lack of neighbourhood association influenced the recording of a death as 'rightful'.

Throughout the surviving inquests for the period 1272-1301 there is no mention of 'rightful' or 'natural' deaths. Every entry has an explanation, whether death through predisposing illness, mischance [accident], or assault. The first instance of a rightful death is in October 1315, in Newgate prison, while the first 'rightful' death outside the prison walls is recorded two months later. It is inconceivable that there were no incidences of bodies without marks or known histories before 1315, and we can only speculate as to why there are no such entries. The inquest jury was summoned to investigate, and report on, an unexplained death, so in a case where there was no visible information to give an insight into the cause, and therefore no blame to be apportioned, it follows that there would be little point in

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<sup>40</sup> Prisoners committed to the custody of the marshal were usually held in the Marshalsea in Southwark and had either originated from, or had been accused in, Middlesex or another county. For example, Nicholas Pieresson, a Flanders merchant, was committed to the Marshalsea after being charged in Colchester of bringing false money into the realm, *CCR, 1346-1349*, pp. 203-204 (1347); Richard Thorne, taken to the Marshalsea after committing a felony in Uxbridge [Woxbrigge], *CCR, 1385-1389*, p. 575 (1389).

<sup>41</sup> Pugh, *Imprisonment*, p. 319.

recording such a demise. As already discussed, rightful deaths were considered an act of God; therefore it may be that there was no necessity for these deaths to be documented. Death through an act of God would not involve an object that would be subject to deodand, so there would be no financial incentive to have these deaths officially recorded, and, equally, if no other party was involved, there would be no litigation to pursue. If this were the case, to record such deaths would be a waste of time and resources.<sup>42</sup> Assuming that there really were no unexplainable deaths during 1272-1301, and that the absence of such entries is not just a limitation of the sources, at some point between 1301 and 1315 there was evidently a change in the coroner's responsibilities. The records suggest that for the first time there was now to be a formal record of every death in the City using the term 'rightful death' if no other cause could be found. It is conceivable that this change in the manner of recording a death was introduced to protect keepers from accusations of mistreatment and possible charges of homicide, for keepers were assumed to be culpable if a prisoner's body was marked in any way.<sup>43</sup> Some entries specify a death was natural and 'not through duress of imprisonment', which most likely refers to physical torments, such as the over application of irons, rather than through lack of basic needs.<sup>44</sup>

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<sup>42</sup> As mentioned above (p. 204, n. 5), the coroner's rolls had to be produced at the eyres. They could be used to clarify information. Any differentiation between the rolls and documents produced by presentment would attract amercement; therefore keeping the record of rightful deaths simple, and in many cases abbreviated, may have been a way of avoiding discrepancy. For more information on the financial importance of the coroners' rolls see Hunnisett, *Medieval Coroner*, pp. 103-104.

<sup>43</sup> *Fleta*, vol. II, p. 68. Jurors investigating a prison death were charged with establishing whether the decease was through long imprisonment, or torment, and by whose hands but there is no evidence of this in the surviving rolls. See also *The Mirror of Justices*, pp. 30-31. Torment could include torture, overloading with irons or sleep deprivation. Robert Fossell, a debtor in Ludgate, was loaded with irons and prevented from sleeping (TNA C1/67/142, 1483-1485).

<sup>44</sup> TNA E143/16/1 (June, 1385): John Fakon's death in the Marshalsea was recorded as 'naturali et non per duriciam sen penam imprisona morte'. Thomas Walsingham records a Robert de Baldock who died in Newgate 'obiit in tormentis'. See Thomas Walsingham, *Historia Anglicana*, vol. 1 (1272-1381), ed. by H. T. Riley (London: Longman, Green et al, 1863), p. 185.

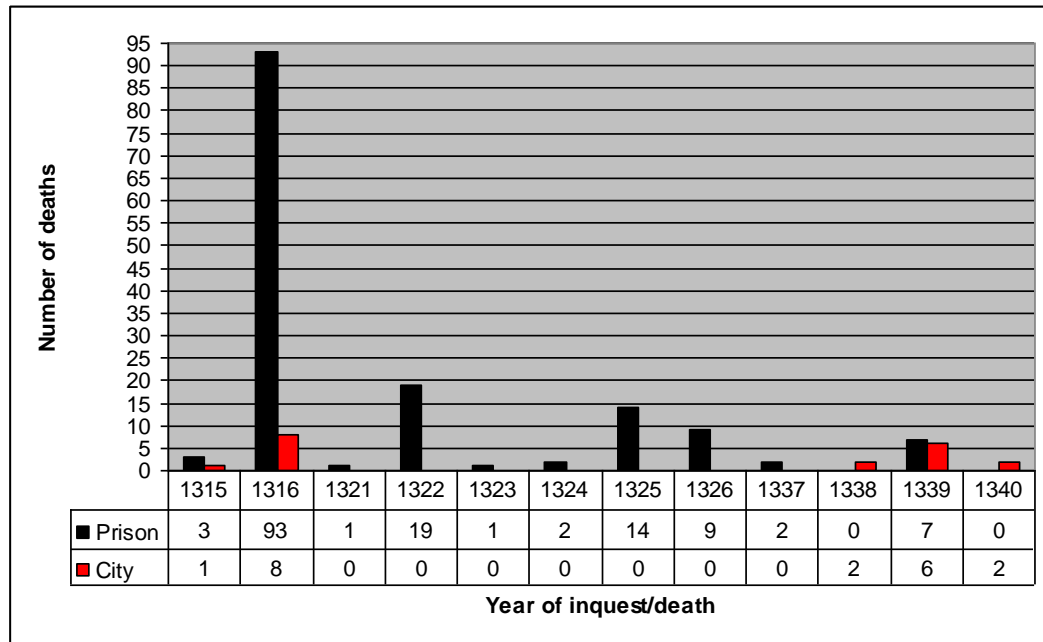


Table 7:3. Comparison of 'rightful' deaths within and without the prison walls, 1315-1340.

Table 7:3 shows the number of 'rightful' deaths that occurred both in the prison [Newgate] and the surrounding City during the period 1315-1340.<sup>45</sup> It is evident that in these years there were more rightful deaths recorded within the prison than outside in the wards of London.<sup>46</sup> The relative consistency of the surviving data supports the idea that it was more difficult to ascertain the cause of demise in a prison compared with a death outside in the City. The exceptional year in Table 7:3 is 1339, when there were an almost equal number of rightful deaths inside and outside the prison walls. It is possible that there was some change in demographic movement that led to more strangers without discernable histories residing, and

<sup>45</sup> Tables 7:3 and 7:4 start in 1315 because these are the first references to deaths in any London prison; they finish in 1340 because the prison deaths that occurred after this date survive in isolation, with no deaths in the surrounding wards with which to make a comparison.

<sup>46</sup> These tables include entries for Newgate, the Tower and the Marshalsea. The years 1385, 1417, 1422, 1425 and 1451 have not been included in this graph as the deaths are from individual documents and not rolls and the entries are not recorded specifically as 'rightful'. Only three categories of demise are recorded for the Tower and the Marshalsea through these years – pestilence, dropsy and natural death. Each of these could technically be regarded as 'rightful' deaths in terms of being an act of God, but in these cases the deceased may have had distinguishing marks or a known history thereby eliciting a more satisfactory description of the cause of death. 1336 has been excluded from Table 7:3 as no 'rightful' deaths are recorded in this year.

dying, in the City at this time. It may also have been through bodies being moved from the scene to another area so that the locals avoided any amercement associated with the death, such as deodand.<sup>47</sup> The lack of 'rightful' deaths in prison in 1338 is likely to reflect the inadequacies of the records; there are only seven entries for this particular year in CLA/041/IQ/007, one in October, four in November and two in December. It is more difficult to speculate on the low incidence of deaths in prisons during 1340, for although the entries are clearly incomplete, as they only run from January to September, within this nine month period there is only one death in Newgate recorded, and that was the result of an injury sustained before committal.<sup>48</sup> The other notable difference is in 1316, where the increased numbers of 'rightful' deaths in prisons might be explained by the famine suffered throughout England except that this is not reflected by a similar increase in 'rightful' deaths in the surrounding wards, or even an increase in the recorded incidences of hunger. Perhaps this was indicative of some contagion that swept through Newgate during February to September that year, but which left no discernible evidence to satisfy the investigations of the inquest jury. The survival of this roll, with its exceptionally high incidence of prison entries, even allowing for the abbreviation/omission of jury information, serves as a testament to the diligence of the coroner and inquest jury who were clearly under pressure in 1316.

Whereas deaths in prison were primarily recorded as due to natural causes, which may have included contagion, thirst, hunger or cold that could have been deemed 'rightful' because no individual or authority was as yet responsible for supplying a prisoner with basic provisions, or because the body had no distinguishing marks indicating otherwise, the surviving coroners' rolls reveal that deaths in the City were

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<sup>47</sup> See p. 204, n. 4 above; Hunnisett, *Medieval Coroner*, p. 12.

<sup>48</sup> Nicholas le Belymakere suffered a head injury, 'four inches wide and to the bone', while fighting in Aldersgate in September 1340 (LMA CLA/041/IQ/008 (40); *Cal. Cors. Rolls*, pp. 269-270).

predominantly the result of an act of violence.<sup>49</sup> While there are incidences of 'rightful' deaths in the City of London, conversely, there are no records of violent deaths within the sources described here for Newgate, the Tower or the Marshalsea.<sup>50</sup> The complete absence of any reference to a violence-related death in prison is remarkable, especially considering the close proximity of prisoners, the conditions and the potential for confrontation. It may be that there were stab wounds within prisons which were not fatal, but it is more probable that knives were confiscated on admission and were not even allowed for preparing or eating meat; however, while there is no evidence to support this in the sources, there were occasions when visitors succeeded in smuggling in knives and iron instruments.<sup>51</sup> Even without access to the kind of implements that caused fatal injuries throughout the City, anger or desperation, strength and the use of bare hands would be enough for one man to kill another; nevertheless, no mention is made of death through assault within the coroners' rolls.<sup>52</sup> It is possible that, despite the alleged overcrowding and the pitiful conditions, prisoners' differences were overcome by their common experience; that quarrels, so common on the streets of London, were forgotten on the 'inside'. But

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<sup>49</sup> By the mid-sixteenth century at least one keeper seems to have decided who was responsible for the lack of a prisoner's care. Augustine Hynde, alderman, was to examine a complaint that the keeper and prisoners of Ludgate had conveyed the body of a dead prisoner to the door of the deceased's creditor and left it there naked. LMA: Rep. 12 (no. 2), f. 291 [as stated in the index, actually f. 266 in the manuscript].

<sup>50</sup> Table 7:2, p. 213, shows the variety of fatalities suffered in the City from the late-thirteenth to mid-fifteenth centuries. It is apparent from this graph that the second largest cause of death was as a result of stab wounds, which were generally inflicted with knives or daggers of various sizes. Hanawalt concluded that knives caused 42% of fatal wounds, Barbara A. Hanawalt, 'Violent Death in Fourteenth and Fifteenth Century England', *The Journal of Interdisciplinary History*, VIII (1997-8), pp. 297-320, p. 310. Other wounds involved swords, arrows, axes, staffs and other blunt instruments. Sharpe lists the types of weapons used in these attacks. Most stabbings usually started with a quarrel in the street, which has startling resonances with escalating knife crime today. See *Cal. Cors. Rolls*, p. xxiii.

<sup>51</sup> *Cal. Cors. Rolls*, pp. 122-123, 136. In Italian prisons searches were made for weapons and potential escape aids, presumably both on a prisoner's admission and on visitors to the prison. See Geltner, *The Medieval Prison*, p. 73.

<sup>52</sup> As shown in Table 7:2, the ways to cause death without a weapon could include asphyxiation and breaking of bones. In the incidence of death through being bitten, the perpetrator was a sow not a man and the victim was a one month old girl (LMA CLA/041/IQ/002 (29); GL MS 126 fs. 165-167; *Cal. Cors. Rolls*, pp. 56-57).

this is hardly realistic. It is more likely that the lack of evidence of physical attack between prisoners is another indication of the limitations of the sources. The sporadic survival of extant coroners' rolls may mean that incidences of mortal violence between prisoners did occur but have not survived in the records; however, in other sources there are a few cases of prisoners dying after suffering violence at the hands of officials either during or after arrest.

As in the case of Ralph le Suiz Piers discussed above, John Helvy, a suspected felon, was injured during his arrest. It is unclear whether he resisted being taken into custody, but in 1429 he was struck on the back of the neck with a staff while Richard Sutton, sergeant of Cambridge, was 'trying to arrest him'. Sutton then dragged Helvy to gaol, where he died; however, unlike Suiz Piers, whose inquest stated he was stabbed in self-defence by the sergeant while resisting arrest, the jury investigating Helvy's death affirmed he died 'exsubita infirmitate' [from an underlying, or previous, infirmity].<sup>53</sup> This perversion of the truth not only circumvented any need for enquiry into the reasons for Helvy's arrest, but would also have allowed the sergeant to exercise violence in his office with impunity. Helvy was only a suspected felon, but the manner of his death and the way in which it was recorded indicates the justice system could be manipulated to favour its officers. Such was the case in Canterbury after an escaped prisoner was recaptured and flogged and subsequently died in gaol. These events led to two inquests; the first, by the county coroner and his jury, returned a verdict of 'natural causes'. A beaten body would probably be marked or bruised in some way, which would make a verdict of 'natural death' quite suspicious and, despite the man's status as an escapee, the city coroner felt justified in challenging this finding. His independent inquest found that

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<sup>53</sup> TNA Just 3/8/13 m.1r. See also Maddern, *Violence and Social Order*, p. 127.

the flogging was the cause of death; nevertheless, the Canterbury jurors presented this case at the Eyre as a 'natural' death, presumably out of a need of self-preservation or protection.<sup>54</sup> These cases, although rare, indicate the potential for intimidation and submission that might be wielded by the prison authorities, but which could expose them to accusations of coercion and corruption.<sup>55</sup> There is one case where the offending officer obviously knew there was no escaping the consequences of his actions. At some point prior to the London Eyre of 1244, John Shep, sergeant to the sheriff of London, killed the murderer of Simon le Blund, a man called Geoffrey, by flinging him so violently into the deepest part of Newgate that he broke his neck. Evidently even Shep recognized that this was an excessive use of force and he fled, presumably because, even at this early date, such an abuse of his position would have led to an accusation of homicide, loss of his position and, potentially, a death sentence.<sup>56</sup> Nevertheless, while it is evident that some prison deaths were clearly not 'rightful', being caused by excessive use of force by those in positions of authority, the handful of cases cited here appear to be uncommon and not regular occurrences.

If we look at the incidence of prison deaths within these sources there are twelve years where the inquests cover three to twelve month periods and include deaths in the City of London. These have been selected for Table 7:4 because the records are more complete than for other years, which cover shorter periods or relate only to specific prisons.<sup>57</sup>

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<sup>54</sup> Hunnisett, *Medieval Coroner*, p. 36, citing Seldon Society, vol. 24, lvi.

<sup>55</sup> See Chapter 4.

<sup>56</sup> *London Eyre of 1244*, ed. by Helena M. Chew and Martin Weinbaum (London: London Record Society, 1970), p. 72, nos. 179-180. Keepers who seriously mistreated prisoners were considered guilty of the sin of homicide. See *The Mirror of Justices*, I, p. 24.

<sup>57</sup> The inquests for the years 1385, 1417, 1422, 1425 and 1451 are very specific, both in the type of death and the prison, and there is no mention of any death outside the prison.

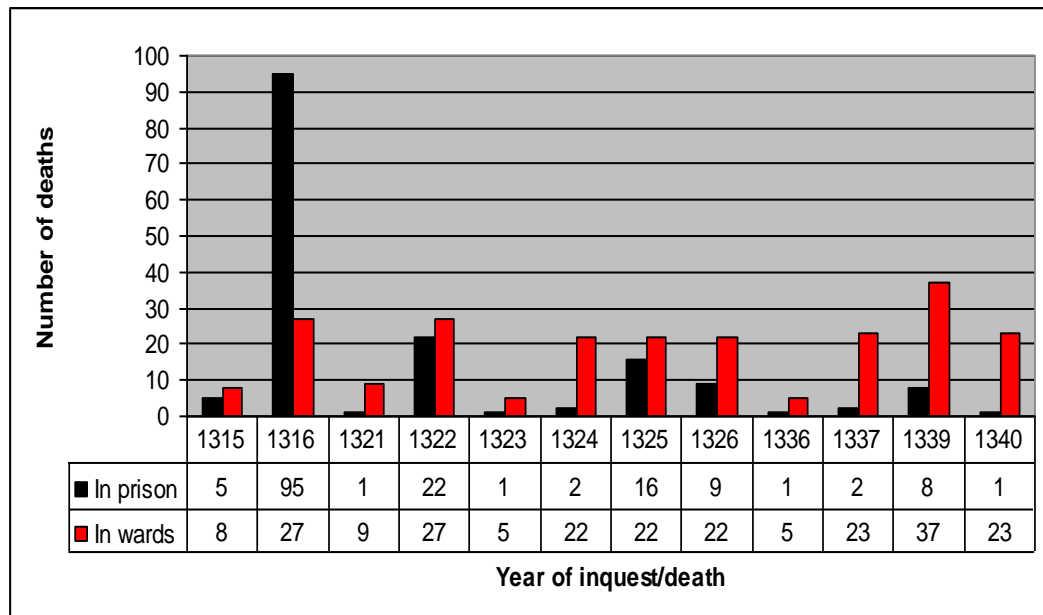


Table 7:4. Deaths within prisons compared with deaths in the wards of London, 1315-1340.<sup>58</sup>

It is evident that 1316, 1322 and 1325 are exceptional for in these years the deaths in prisons reached double figures and there were a high number of predominantly 'rightful' deaths, particularly in 1316 which has already been discussed.<sup>59</sup> But these only amount to one quarter of the sample; what is perhaps significant is the low incidence of prison deaths in the remaining nine years shown in Table 7:4. These figures do not support the stereotypical idea of the medieval prison as a foetid, overcrowded and evil place where prisoners regularly either starved to death or succumbed to illness and disease due to the conditions. Moreover, evidence from fourteenth century Italy and fifteenth century East Anglia also reveals low death rates in prisons. Just as in London, Guy Geltner found that in Siena the years where

<sup>58</sup> For 1315 there are entries for October to December, 1316 for January to September, 1321 for October to December, 1322 for January to September, 1323 for September to December, 1324 and 1325 for January to December, 1326 for January to September, 1336 for June to December, 1337 for February to September, 1339 January to December and 1340 for January to September.

<sup>59</sup> In 1316, 93 of the 95 prison deaths were recorded as 'rightful', while none of the 27 deaths recorded in the City for this year were recorded as famine related; and although nine of the 27 deceased were paupers crushed in the rush to get alms they were after money and not food (TNA Just 2/94a m. 5r (34); GL MS 126 fs. 78-80). In 1322, 19 of the 22 prison deaths were 'rightful' and in 1325, 14 out of 16.



deaths amounted to double figures were the exception not the rule, and Philippa Maddern's research from gaol delivery sessions in East Anglia revealed that only twelve prisoners, or 0.5% of those committed to prison during a twenty year period, died in gaol.<sup>60</sup> Thus it would appear that regular gaol delivery sessions and charitable contributions of food and money to poor prisoners meant that, for much of the later Middle Ages, the majority of those committed survived their incarceration.

It is possible that the low incidence of prison deaths also helps to explain the other notable omission in the categories of prison deaths - suicide. It would be natural to suppose that prisoners faced with unlimited incarceration or spiralling debt through the charges associated with imprisonment might become desperate enough to end their own lives, but there are no deaths recorded as suicide in any of the prisons.<sup>61</sup> While there is no definitive explanation for this observation there are a number of possibilities. These include the possible confiscation on admission of personal items that might be employed in the act of taking one's life and the supposed duress of imprisonment being not so bad that it warranted such an act. Suicide, however, was not only a felonious act that meant the crown confiscated the deceased's goods, it indicated to the church that the suicide had despaired of God and was therefore condemned to eternal damnation.<sup>62</sup> Consequently, the stigma attached to suicide was inherent in medieval society and the fear of a more spiritual purgatory may have stayed a prisoner's hands.<sup>63</sup> The need to protect one's family and one's

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<sup>60</sup> Geltner, *The Medieval Prison*, p. 75; Maddern, *Violence and Social Order: East Anglia, 1422-1442*, p. 50.

<sup>61</sup> This was also the case in Italy (Geltner, *The Medieval Prison*, p. 75). There were two deaths recorded as suicide in the City of London. In October 1321 Isabella de Pampesworth hung herself in Queenhithe (LMA CLA/041/IQ/002 (4); GL MS 126 fs. 134-136; *Cal. Cors. Rolls*, pp. 36-37) and in July 1322 John de Irlonde hung himself in Aldersgate (CLA/041/IQ/002 (34); MS 126 fs. 170-172; *Cal. Cors. Rolls*, pp. 60-61).

<sup>62</sup> Hunnisett, *Medieval Coroner*, p. 21.

<sup>63</sup> The decline in religious beliefs has since rendered the last two possibilities ineffective as deterrents. In 2005 men were five times more likely, and 15-17 year old boys 18 times more likely, to kill themselves in jail than those outside in the community. In 2006 there were 67 prison suicides

soul most likely explain the generally low incidence of recorded suicides throughout the Middle Ages, although outside of prisons a verdict of death by misadventure, such as drowning, might have concealed a suicide.<sup>64</sup> While prisoners who refused to plead and subsequently experienced the 'strong and hard' imprisonment that developed into *peine forte et dure* could be construed as having actively participated in their demise, the six men who chose to end their lives in this manner are recorded as having died 'in his penitence' which was evidently not considered a form of suicide. It would also have been difficult to arrange a Christian interment for someone who had taken his own life. In fact, in those years where the prison death toll was exceptionally high, burial of prisoners would have placed an inordinate strain on churches and churchyards in the locality, particularly for St Sepulchre near Newgate. Evidence from the sixteenth century suggests that this issue was a genuine concern, for the masters of Little Saint Catherine's in Smithfield and the church wardens of St Sepulchre felt it necessary to ask that the problem of the burial of prisoners who had died in Newgate should be discussed by the Court of Aldermen. Unfortunately the outcome of this meeting is unknown.<sup>65</sup> It is most likely that the poorest prisoners would have been interred in paupers' graves, but who was liable for financing this act of mercy is uncertain. The associated expenses may have been borne by the sheriffs as in 1540 the responsibility for burying felons who had been executed at Tyburn moved from the sheriffs to the inhabitants of Paddington.<sup>66</sup> Neither is it clear how the corpses of strangers were treated. It is presumed that if possible, for example where a deceased prisoner had friends or acquaintances to

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throughout the UK, while 2008 saw a 40% increase on this figure. [www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk) accessed 17:45 19/04/2010.

<sup>64</sup> Hunnisett, *Medieval Coroner*, p. 21.

<sup>65</sup> LMA Rep. 11, f. 8b (15/07/1544), Microfiche X109/136.

<sup>66</sup> See LMA Rep. 10, f. 18b (14/12/1540), Microfiche X109/135. It was also in this year that the Act for the delivery of the dead bodies of felons to the surgeons was considered.

make the arrangements and pay the costs, the body would have been returned to the deceased's former area of domicile; however, this is merely predicated on the fact that prisoners were moved around the country while they were alive, and that this could be at personal cost to their friends.<sup>67</sup>

Consequently, although a number of London coroner's rolls survive they are sporadic chronologically. In regard to deaths in the City of London the inquests are undoubtedly a rich source, having detailed descriptions of the juries summoned and the events leading up to a death; however, for deaths in prisons the lack of specific information, since most deaths were recorded as 'rightful', is extremely frustrating. This term may have encompassed all the acknowledged ways to die in a medieval prison, such as hunger, cold, infirmity or disease; however, it also included *peine forte et dure* and may have even been a judgmental indictment in some cases but there is no differentiation in the documents. Aside from those who were recorded as having died 'in his penitence', it appears that the verification of the actual cause of most 'rightful' deaths may have in itself been problematic. Many of those incarcerated in London prisons were from other parts of the country and may not have been known to those questioned by the inquest jury. This lack of connection, of familiarity with another's personal history, might lead to important information being unavailable to the coroner; as would a body without any distinguishing marks or wounds to tell its story. In these situations, particularly before the development of autopsy by dissection, a verdict of *recte morte* would have been the inquest's only recourse. Nonetheless, even with an appreciation of the difficulties faced by the coroner, the lack of deaths recorded as due to starvation in both the City and the prisons, especially in times of known famine, is inexplicable. So too is the complete

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<sup>67</sup> CCR, 1272-1279, p. 80. Geoffrey de Segrave was moved from Leicester to Newgate 'at the expense of his friends'.

absence of prison deaths through violence or suicide. These omissions might lead us to question the reliability of the coroners' rolls in relation to prison deaths, except that the findings from prisons in fourteenth century Italy and fifteenth century East Anglia are similar. The research undertaken by Geltner and Maddern respectively further endorses the unexpected conclusion of this study that the death rate in medieval prisons, exceptional years notwithstanding, was much lower than anticipated. Whether through the effectiveness of the gaol delivery sessions, the mercy of the authorities or the support from family, social connections or charity, it would appear that for the majority of prisoners a prison sentence was not a death sentence.

## Conclusion

Imprisonment, whether privately within the walls of a prison or publicly in the pillory, stocks or thewe, was employed by both the civic authorities and the crown as a multi-functional method of dealing with perpetrators of misdemeanours, fraudsters and people who were unable, or unwilling, to honour a financial agreement. Imprisonment could be custodial, as defendants were held prior to their case coming to court. It might be retributive, as a reprisal for those who did not adhere to the laws and ordinances that were issued by the king or the mayor and aldermen. Further to retribution, imprisonment could be used to set an example to other wrongdoers and as a deterrent to future misbehaviour. The imposition of short periods of imprisonment, sometimes only for a matter of hours but usually days, after which sentences were commuted, were most likely made to endorse the power of authority and to provide either a cooling-off period or a taste of incarceration as a disincentive against re-offending. In this way imprisonment could be coercive, by pressurising the defendant into a required behaviour, or into payment of a fine to achieve release. Creditors would incarcerate their debtors in order to coerce payment. It appears that the counter-productiveness of this action was recognised in the medieval period, as the king's prisons of the Fleet and the Marshalsea allowed prisoners out, albeit under guard, to manage their affairs and raise the required funds. Some of the wardens in charge of civic prisons also recognised that debtors needed to manage their affairs if they were ever to be freed and would allow prisoners to go abroad, despite this action jeopardising their office as it was contrary to the ordinances.

Significantly, the evidence emphatically supports the notion that imprisonment was employed punitively in the medieval period. The judgement of a

specified term of imprisonment, that expressly stated the full sentence was to be served and not remitted, indicates that incarceration was being inflicted as a punishment. It is also evident that gaols and prisons were considered as discrete places and were not just interchangeable terms for the same place at this time, as records often cite them individually in the same sentence as in ‘the king’s gaols and prisons’. There is nothing to suggest that they were physically separate, and it is likely they were different parts of the same building, where the gaol area was used to detain prisoners awaiting trial while the prison area kept those who had been to court and had been sentenced.

Of all London’s prisons Newgate has the reputation of being a particularly foul and foetid place and it is often thus described in the sources. Such references, however, are not unremitting but sporadic. The archaeological and topographical evidence shows that Newgate was not only built over an underlying watercourse but was also situated close to the City ditch, as were the Fleet prison and Ludgate which also attracted condemnation as foul places, which suggests that the noxious vapours were more likely caused by external rather than internal factors.<sup>1</sup> This suggests that the prisons of medieval London may not have been persistently objectionable. If weather patterns for the period could be determined it would be interesting to see if the incidences of reported stench coincided with periods of dry weather, when the waterways would be stagnant and cleansing of the prison privies difficult. It is possible to get some idea of the physical layout of the Fleet, Newgate and Ludgate

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<sup>1</sup> Philip Norman, ‘Roman and Later Remains found during the Excavations on the Site of Newgate Prison, 1903-4’, *Archaeologia*, LIX, (1904), pp. 125-142, pp. 134-135; *LBI*, p. 215; *Memorials*, p. 677, ‘the fetid and corrupt atmosphere that is in...Newgate’ (1419); David Warbiton claimed he was ‘likely to die for foul airs’ in Newgate, TNA C1/48/29 (c.1473-1475); LMA Rep. 2, f. 71b (1509): men appointed to investigate the ‘nuisance of corrupt air’ at Newgate; Museum of London, Val 88, Fleet Valley Project: Interim Report, unpublished (LAARC, 1993); *LBG*, pp. 31 (1354), 49 (1355); *Memorials*, p. 279 (1355); *CPR*, 1494-1509, p. 285 (1502).

prisons through archaeological evidence and the philanthropy of Richard Whittington and Dame Agnes Forster, who arranged for Newgate and Ludgate to be rebuilt, and Thomas Knolles, who arranged for water to be piped to Newgate and Ludgate for the use of the poor prisoners.<sup>2</sup>

A defendant's prison experience would have depended on his ability to pay; there was a fee for every necessity and a range of accommodations were available at various costs, so that a prisoner with independent means could enjoy a light and airy chamber. The poorest prisoners relied on charity for their sustenance, with the civic authorities donating confiscated goods and individuals bequeathing both food and money for the use of poor prisoners in their wills. Some bequests specified that the money was to be used to free prisoners who were unable to pay their release fees.<sup>3</sup> Alms appear to have been regularly and freely given, as one of the Seven Acts of Mercy advocated visiting and relieving prisoners, but those reliant on charity would not have been able to afford the better chambers and would have suffered imprisonment in the less salubrious areas of the prison. It seems that every prison had at least one chamber which, through its notoriety, had been awarded a name, such as the 'Black hole' at the Tower and 'Bocardo' in Newgate. These areas were often cited in cases where keepers were accused of abusing prisoners.<sup>4</sup>

The king's prison of the Fleet was the only prison in London where the keepership was hereditary and attracted an annual stipend. The keepers of civic prisons by contrast were appointed by the sheriffs and their livelihood was dependant

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<sup>2</sup> *LBK*, pp. 124-127 (1431), *LBL*, pp. 41-43 (1463); SBH/HC1/1199: Indenture between master of St Barts and T. Knolles (1442).

<sup>3</sup> *Husting Wills*, II, pp. 242, 332, 364; TNA PCC, Prob. 11/18, f. 14v, Prob. 11/16, f. 18, Prob. 11/7, ffs. 162-163v, Prob. 11/12, f. 85v, Prob. 11/6, ffs. 216v-218v; *CCR, 1500-1509*, pp. 143-144; LMA Rep. 9, f. 114b (1535), Rep. 9, f. 231b (1536)

<sup>4</sup> *CPR, 1324-1327*, p. 347 (1327); *LBH*, pp. 112 (? 1378), p. 199 (1382); TNA SC8/22/1093 (1402); John Cavendish petitioning against extortions and oppressions in Newgate, Ludgate and the Compters.

on the charges imposed on the prisoners; for admittance, to remove fetters, for all basic necessities and for discharge. The majority of complaints against keepers relate to excessive fees, and occasionally excessive force in fettering, in particular against certain keepers of Newgate, Ludgate and the Marshalsea.<sup>5</sup> The only charge of extortionate fees against the keeper of the Fleet was made in the seventeenth century. The most likely explanation for this discrepancy would be that the security of a guaranteed income at the Fleet made the difference between the keeper taking only the allowable fees rather than imposing extortionate charges, except that such accusations were only made against a small number of the keepers of other prisons. In the medieval period keepers were not responsible for their prisoners' welfare, only to ensure they did not escape, and while it is evident that some keepers did abuse their positions there were others who went out of their way to improve the conditions in their prisons, such as Henry Dene who paid for many repairs at Ludgate and fought against the extension of an adjacent building which would have interfered with the discharging and cleansing of the privy.<sup>6</sup> Unfortunately, most of our knowledge of the medieval period is gleaned from official documents, which were generally concerned with complaints and are therefore predominantly negative. This was especially true of appeals made in Chancery, which, although formulaic, were accusatory and written with the specific purpose of eliciting compassion in order to get the defendant's case heard in court.

The City's ruling elite needed to maintain law and order on the streets of London not just for the safety of the commonalty but because their own positions depended on it for the king could take the city back into his control if public order

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<sup>5</sup> *CPR, 1330-1334*, pp. 442-443 (1333); *CPMR, 1381-1412*, pp. 157-159 (1388-1389); BL Add. Ch.5835 (1483); Carlin, *Medieval Southwark*, pp. 270-271.

<sup>6</sup> LMA Journal 2. f. 31 (1425); Henry Dene, keeper of Ludgate, recompensed for the costs of maintaining the prison, *LBK*, pp. 254-255 (1441).



broke down. There were a variety of ways the authorities could punish those who contravened their ordinances. Penalties ranged from exacting money as damages for the offence, to execution for being caught in possession of stolen goods. It is evident that offences that appeared similar could be punished differently depending on the people and location involved. Assaults between commoners were consistently settled in court and culminated in the defendant paying a fine; however, a commoner who assaulted a city official was not only fined but also sent to prison for his contempt. In many cases the term of imprisonment was not generally stated but was dependant on the discretion of the king, or the mayor and aldermen. This gave the authorities a powerful weapon: clemency. To show mercy not only adhered to the Christian values that were inherent in medieval society, but strengthened the authorities' position by showing that their power could be wielded benevolently. The time spent in prison could range from a few hours to weeks depending on the severity of the offence. This was imprisonment as punishment, intended as a 'short, sharp shock' that would make the offender conform in the future, having had a taste of incarceration together with the uncertainty of being released.

The perpetrators of most crimes, including those accused of causing the death of another, could regain their freedom if they could find mainpernors who would guarantee to produce them before the appropriate authority at a specified time. This system discriminated against strangers and people without friends or connections in the city, but may have meant that the prisons were not so full of wrongdoers awaiting trial and sentencing as has been previously thought.<sup>7</sup> The London authorities appear to have acted fairly and within the confines of the law as only one case of undue pressure being exerted to force a plea of guilt has been found. The only cases where

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<sup>7</sup> See Chapter Four.

execution is mentioned with any regularity in these sources relate to the mayor's authority to hang thieves taken with the stolen goods still upon them. The goods were assessed and if they were found to be worth more than 12½*d* the defendant would hang.<sup>8</sup> One way to avoid execution was to claim benefit of clergy, as literate clerics could read a passage of scripture and so have their case heard by an ecclesiastical authority where the ultimate sanction was life imprisonment and not a capital sentence.<sup>9</sup> This clause was abused because clerics were not the only literate people in medieval society and even the illiterate could learn a passage of scripture by rote.

In other cases of theft, where the accused no longer had the goods in their possession, the punishments were less prescriptive and were proportionate to the offence. This meant that some thieves were fined, some imprisoned and others condemned to the pillory. It appears that the authorities may have regarded the theft of food to be a less serious offence than the theft of material goods, which generally attracted a harsher penalty.<sup>10</sup> It is possible that the authorities recognised that food was taken out of desperation as other evidence shows that personal circumstances could be taken into consideration. Allowances were made when sentencing the aged and infirm and the punishments commuted accordingly; however, no exceptions were made for women wrongdoers whose penalties were comparable to those given to men, although the method of public humiliation differed slightly as the *thewe* was developed as a form of pillory specifically for punishing women. There is evidence that allowances were not even made for children who were ordinarily treated the same as adults, an idea supported by ordinances specifying that children would be

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<sup>8</sup> *LBE*, pp. 276-280 *passim* (1327-1337) ; *LBF*, pp. 249-275 *passim* (1338-1409).

<sup>9</sup> *LBE*, p. 278 (1327); *LBF*, pp. 257 (1342), 261-262 (1345), 263 (1345), 265-266 (1350), 271-272 (1382).

<sup>10</sup> See Chapter Five.

imprisoned if they were caught playing games and a case where a girl was imprisoned through maliciousness.<sup>11</sup> In a case where, as the object of a transgression, a child was displayed on the pillory alongside the adult who had maltreated him, in the same manner as an inanimate object involved in a misdemeanour would have been, the effect of such public display on the child was clearly not a consideration.<sup>12</sup>

The pillory was definitely considered to be a harsher punishment than imprisonment and many re-offenders in cases of fraud and deception were condemned to be thus publicly restrained and at the mercy of a crowd, which was likely to have included the very people they had duped. Evidence from the seventeenth century suggests that the pillory turned in a circle and that the person had to walk this circle while confined.<sup>13</sup> This may have increased the harshness of the penalty, but it was undoubtedly intended to facilitate a better view for the entire crowd and it is possible that this moveable construction had been employed before the seventeenth century. There are far fewer references to the stocks than to the pillory and even less for the thewe, a pillory for women but with no surviving explanation of why a gender-specific instrument was considered necessary. We can surmise that this may have been for physical or moral considerations but, since there is no evidence about pregnant or infirm women being condemned to the thewe, its uniqueness remains a mystery. There is some evidence to suggest that different offences attracted confinement in the stocks at different times, but it is also possible that the stocks were employed when the pillory was already in use, or to confine anyone breaking curfew if the Tun was full. It is evident that on occasions more than

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<sup>11</sup> *Memorials*, p. 269; *LBI*, p. 93. Johanne Style, a child of seven years, was imprisoned for eight days because Thomas Waferer bore her mistress 'malice and evil will', TNA, C1/46/64 (c.1433-1443 or 1467-1472).

<sup>12</sup> *The Diary of Henry Machyn*, p. 301 (1563).

<sup>13</sup> See Figure 5:2 .

one pillory or set of stocks was required and that this necessity was overcome by making these devices multi-occupancy.

Although physically incarcerated, there were a variety of ways prisoners could alleviate the monotony of their days. Those with independent means, outside support from family or fraternity, or patronage, could afford, or were provided with, the implements required for writing. Political prisoners, such as Thomas Usk, and George Ashby, veiled their own prison experience within a petitionary work of poetry or prose and thus used their writing to appeal against their imprisonment.<sup>14</sup> Whether these works were intended to be autobiographical is open to speculation; however, these writers placed themselves very obviously within their texts. Prison writings generally adhered to the ideas expounded in Boethius's *The Consolation of Philosophy*, in which the prison experience gave the confined person time to realise the insignificance of their earthly existence and to see imprisonment as spiritually cleansing. Consequently, works written in prison usually concluded with a request that the reader pray for either the writer's physical or spiritual salvation. Although an overtly allegorical work, Sir Thomas Mallory's *Le Morte D'arthur*, some of which was written while he was incarcerated in Newgate, also conforms to this device as many of the colophons pray for strength or contain appeals for the reader's prayers.<sup>15</sup> Many prisoners clearly felt they had been wrongly imprisoned and appealed directly to the Lord Chancellor through the court of Chancery. These appeals had a single purpose – to get the defendant's case brought back to court – and as such are formulaic and consistently emotively worded in order to elicit a

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<sup>14</sup> Thomas Usk, *The Testament of Love*, ed. by R. Allen Shoaf (Kalamazoo: Western Michigan University, 1998); *George Ashby's Poems*, ed. by Mary Bateson (London: Paul, Trench & Trübner, 1899); *The Kingis Quaire of James Stewart*, ed. by W. Mackay Mackenzie (London: Faber and Faber, 1939).

<sup>15</sup> Malory, *Works*, ed. by Eugène Vinaver, second edition (Oxford: Oxford University Press, 1971), pp. 110, 226, 511, 608, 669, 726.

compassionate response. Other prisoners whittled away the time by carving names and images into the walls and some of the best examples of graffiti survive in the Beauchamp Tower in the Tower of London.

It appears that prisoners could also be employed while incarcerated, as suggested by a case in Chancery where a haberdasher claimed he had been imprisoned by the constable of his ward who wanted to take over his business of supplying prisoners with bones to carve into items for sale.<sup>16</sup> This is the only known reference in the medieval period to work being provided for the prisoners but it is unlikely to have been an isolated incidence. Evidence from the seventeenth century shows that prisoners could be employed by the keeper to put on and remove fetters, or be appointed as collectors of alms, and that those with some musical skill might be engaged to entertain the keeper.<sup>17</sup> Although these references have been taken from a later period the evidence suggests that neither the management of prisons nor the buildings changed very much in the intervening years, so that it is quite likely that medieval prisoners also worked and entertained their keepers. Prisoners were often moved; from one prison to another or, for the king's prisoners awaiting gaol delivery, from London to wherever the king's court happened to be.<sup>18</sup> While the outcome of being taken before the justices may not have been eagerly anticipated, the time spent being transported would have alleviated the monotony of imprisonment and might even have provided an opportunity for escape; yet, despite the security risks associated with moving prisoners around the country in carts, most escape attempts appear to have been made from within the prisons. Ultimately there was one final way a prisoner could leave a prison – and that was by dying, although the evidence

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<sup>16</sup> TNA C1/66/160 (c. 1475-1480 or 1483-1485).

<sup>17</sup> *Narratives of the Days of the Reformation*, pp. 148-150; John Strype, *John Stow a Survey of London and Westminster*, Appendix, Chapter VI, p. 28.

<sup>18</sup> See Chapter Six, pp. 198-201.

here suggests that, apart from famine and plague years when the number of deaths increased throughout England, only a small percentage of prisoners died while incarcerated.<sup>19</sup>

The overcrowding and insalubrious environment of London's prisons, and the problems associated with such conditions, are well documented for the eighteenth and nineteenth centuries and medieval prisons are assumed to have been no different, or even worse. The evidence here, however, suggests otherwise. Imprisonment was not the authorities' preferred punishment and not all of those accused of misdemeanours would have been held until trial. It is evident that it was common practice for prisoners to be granted bail or to find surety for their appearance when summoned to court. It has also been shown that numerous people sent to prison had their sentences remitted at the mayor and aldermen's discretion and were released after a short incarceration. The longest specified term of imprisonment was a year and a day and, although debtors were held until their creditors were satisfied, which could be years, the evidence suggests that it was exceptional for other wrongdoers to serve their full sentence. Even taking the limitations of these sources into consideration, and acknowledging that they concern only the civic courts, it would seem that the prison population fluctuated more than has been previously thought. The committal of wrongdoers to prison, albeit for a matter of hours or days as opposed to years, instead of merely imposing a fine or an hour on the pillory, indicates that imprisonment was considered a punishment in its own right at this time. Although there may have been an intention in London to confine those convicted of similar offences together and to keep freemen in Ludgate separate from

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<sup>19</sup> See Chapter Seven, p. 226.

the general prison population in Newgate, the reality was that no prison was exclusively crime specific.

The evidence suggests that the authorities of medieval London dealt swiftly with anyone who had offended against their rules, whether man, woman, child, freeman or stranger, and regardless of social status. In order to maintain peace and order on the City's streets the authorities of medieval London usually enforced their ordinances swiftly, with punishments deemed appropriate to the misdemeanour. Fines and humiliation were clearly considered sufficient penalties, and imprisonment seems to have been imposed as an interim measure or as a last resort. The granting of bails and mainprise to all categories of prisoner suggests that the authorities were actively involved in managing the prison populations and, under normal conditions, avoided the problems associated with overcrowding. Although the management and condition of medieval gaols and prisons is now only visible in preominantly negative accounts, through complaints and ordinances stating what keepers were not to do, the incidences of abuse by prison officials, or of noxious conditions, appear to have been the exception rather than the rule. In the fifteenth century some attempts were made to improve London's prisons, through the rebuilding of Newgate and Ludgate and the subsequent Articles regarding prison management, but the impetus for reform was not sustained. Throughout the middle ages the attitudes to punishment did not change, and the fifteenth century buildings continued to be used for over two hundred years. Whilst the poorest prisoners and long-term debtors were undoubtedly at risk of suffering miserably in prison, the evidence suggests that for many prisoners the medieval prison experience was more commonly short and perhaps not dissimilar to life outside the prison walls.

## Appendix One

### The Keepers of London's Medieval Prisons<sup>1</sup>

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<sup>1</sup> This chronology incorporates Caroline Barron's list of keepers of Ludgate and Newgate, 1386-1460. See Caroline M. Barron, *The Government of London and its Relations with the Crown, 1400-1450* (University of London, unpublished PhD thesis, 1970), Appendices 2 and 3, pp. 556-7.



## The Keepers of the Fleet Prison

<b>Date</b>	<b>Name</b>	<b>Source</b>
1086	Richard the Constable	<i>VCH</i> , III, pp. 214, 263
1130	Ralph Arborarius	<i>Pipe Roll</i> , 31 Henry I, p. 144
1155	Henry Arborarius	<i>Pipe Rolls</i> , 2-4 Henry II, pp. 1, 112
1161-2	Radulphus Gaal	<i>Pipe Roll</i> , 8 Henry II, p. 67
1162-3	Radulphus Gaal	<i>Pipe Roll</i> , 9 Henry II, p. 71
1189	Osbert Longchamp	<i>Cartae Antiquae</i> , TNA 17, no. 9
1193	Osbert Longchamp	<i>Pipe Roll</i> , 5 Richard I, p. 158
1197	Nathaniel Leveland	<i>Pipe Roll</i> , 9 Richard I, p. 167
c.1200	Robert Leveland	<i>Pipe Roll</i> , 3 John, p. 258
1202	Robert Leveland	<i>Pipe Roll</i> , 4 John p. 284
1217	Margaret Leveland	<i>Rot. Litt. Claus</i> , I, pp. 524, 550
1228	Robert fitz Nicholas	<i>CCR</i> , 1227-1231, p. 120
1230	Margaret Leveland	<i>P. R. S. N. S. IV</i> (1927), p. 97
1231	Richard (? Son of Margaret)	<i>Ancient Deeds</i> , L, 140
1251	Ralph Leveland	<i>CCR</i> , 1247-1251, p. 398
1256	Margery Leveland	<i>CPR</i> , 1247-1258, p. 483
1265	Fulk le Peyforer	<i>Cal. Inq. p. m.</i> , II, no. 230
1277	Ralph de Leveland	<i>Cal. Fine Rolls</i> , 1272-1307, p. 89
1280	Stephen de Leveland	<i>CCR</i> , 1279-1288, p. 13
1291	John le Convers	<i>CCR</i> , 1288-1296, p. 171
1292	John le Conver	<i>Sel. Cases...Excheq. of Pleas</i> , p. 141
1293	John Senche and Joan his wife	<i>CCR</i> , 1288-1296, p. 305
1315	Joan Senche	<i>CCR</i> , 1313-1318, pp. 186-7
1332	John Senche	<i>Cal. Fine Rolls</i> , 1337-1347, p. 121
1335	Edmund Cheyne	<i>CCR</i> , 1333-1337, pp. 262-3
1339	John Senche	<i>CPMR</i> , 1323-1364, p. 186
1349	Thomas Senche	<i>Cal. Fine Rolls</i> , 1347-1356, p. 179
1350	Margaret Senche	<i>CCR</i> , 1349-1354, p. 164
1355	John Bray	<i>Cal. Fine Rolls</i> , 1347-1356, p. 438
Jan. 1357	John Bray	<i>Sel. Cases...King's Bench</i> , VI, p. 116
1361	Walter Whithors	<i>CPR</i> , 1361-1364, pp. 96, 184
1369	Roger de Saperton	<i>CCR</i> , 1369-1374, p. 98
1378	Roger de Saperton	<i>CCR</i> , 1377-1381, pp. 67-68

c.1386-1395	Nicholas Bailly	TNA C1/70/78
1395	John de Saperton	<i>CCR, 1409-1413</i> , p. 268
1414	Roger de Saperton	<i>CPR, 1413-1416</i> , pp. 159, 254
1434	Elizabeth Venour	<i>Abstracts Inq. p. m.</i> , I, pp. 13-14
1438	William Venour	LMA Journal 3, f. 169v
1450	William Venour	<i>CCR, 1447-1454</i> , p. 180
1459	William Venour	<i>LBL</i> , p. 1
1465-1498	Wardenship granted out	<i>CPR, 1461-1467</i> , p. 512
1490-1491	Richard Babyngton	TNA E101/516/21
1498	William Babyngton	<i>Cal. Inq. p.m.</i> , xii, no. 28
1498-1553	Prison leased to deputies	<i>CPR, 1494-1509</i> , p. 472
c.1504-1515	William Villers	TNA C1/368/15
1558	Prison granted to John Heath	<i>CPR, 1557-8</i> , p. 229
1559	Wardenship sold for £4,000	<i>CPR, 1558-60</i> , p. 160
c.1504-1515	William Villers	TNA C1/368/15
1558	Prison granted to John Heath	<i>CPR, 1557-8</i> , p. 229
1559	Wardenship sold for £4,000	<i>CPR, 1558-60</i> , p. 160

## The Keepers of Ludgate Prison

<b>Date</b>	<b>Name</b>	<b>Source</b>
1378	Ludgate made a free prison	Stow, <i>Survey</i> , I, p. 39
1382	W. Worcester & P. Waleworth	<i>LBH</i> , p. 208
1384	Richard Jargevyle	<i>LBH</i> , p. 253
1386	J. Charneye and J. Botkesham	<i>LBH</i> , p. 292
1391	John Botkesham	<i>CCR</i> , 1389-1392, p. 416
1409	William Kingescote	<i>LBI</i> , p. 76
1411	William Kingescote	<i>LBI</i> , p. 96
1414	Keepers of Ludgate died	Stow, <i>Survey</i> , I, p. 36
1414	John Seint Germain	<i>LBI</i> , p. 123
1416	John Seint Germain	LMA Journal, I, f. 1v
June 1419	Ludgate closed	<i>LBI</i> , pp. 215, 227
Nov. 1419	Ludgate reinstated as a prison	<i>Memorials</i> , p. 677
c. March 1431	Ludgate closed	<i>Chronicles of London</i> , p. 133
June 1431	Ludgate reopened	<i>Chronicles of London</i> , p. 133
1431	Henry Dene	<i>LBK</i> , p. 183
1454	John Porter	LMA Journal 5, f. 208
1457	Richard Wode	LMA Journal 6, f. 180
1460	Henry Dene	LMA Journal 6, f. 210v
?c.1475-1479	Thomas Vaux	TNA C1/67/152
1479	Thomas Cotton	<i>LBL</i> , p. 169
?c.1483-1485	Richard Selbe	TNA C1/64/570
1489	William Rede	<i>CCR</i> , 1485-1500, p. 128
1506-1509	Robert Hall	LMA Rep. 2, fs. 29b, 72
c.1533-1537	Thomas Holland	TNA C1/822/69
June 1534	John Dale	LMA Rep. 9, fs. 62, 67b
1534	Thomas Holland (reinstated)	LMA Rep. 9, f. 68
1537	Thomas Davy	LMA Rep. 9, f. 235b
1539	Robert Thrower	LMA Rep. 10, f. 136b
1541	Roger Holt	LMA Rep. 10, f. 191b
1550	Robert Thrower	LMA Rep. 12/1, f. 237

## The Keepers of the Marshalsea of King's Bench

<b>Date</b>	<b>Name</b>	<b>Source</b>
1315	Gilbert Hansard	<i>Sel. Cases...King's Bench</i> , V, p. xxii
1316	John de Chester	<i>Sel. Cases...King's Bench</i> , V, p. xxii
1318	William de Waldon	<i>Sel. Cases...King's Bench</i> , V, p. xxiii
1320	Roger atte Watre	<i>Sel. Cases...King's Bench</i> , V, p. xxiii
Jan. 1323	Walter Beaufitz	<i>CCR, 1323-1327</i> , p. 399
March 1323	Robert de Shelley	<i>Sel. Cases...King's Bench</i> , V, p. xxiii

## The Keepers of the Marshalsea of the Household

1358	Walter de Mauny	<i>CCR, 1354-1360</i> , pp. 385-386
1379	Richard de Imworth	<i>CCR, 1377-1381</i> , p. 184
1383	Robert Bracy	<i>Sel. Cases...King's Bench</i> , VII, pp. 30-31
c.1393-1398	John Wykes	TNA E101/511/17
1451	John Leventhorp	TNA KB9/265/33
1468	Thomas Wyngfeld	<i>LBL</i> , p. 78
1507	Anne Cooper	TNA STAC 2/29/70
1533	Humphrey James	LMA Rep. 9, f. 49b

## The Keepers of Newgate Prison

<b>Date</b>	<b>Name</b>	<b>Source</b>
1193	Osbert de Longchamps	<i>Pipe Rolls</i> , 1193, p. 158
1254	Alan de Soresdiche	<i>Chronicles...Ed. I &amp; Ed. II</i> , p. 47
1318	Roger Sporon	Pugh, <i>Imprisonment</i> , p. 253
1319	Edmund de Lorymer	<i>Chronicles...Ed. I &amp; Ed. II</i> , p. 285
1325	William de Wynchester	<i>LBE</i> , p. 197
1333	Hugh de Croydone	<i>CPR</i> , 1330-1334 , pp. 442-3
1343	Hereford & Lorymer	<i>CPR</i> , 1343- 1345 , p. 46
Nov. 1343	Peter 'Macz' Douulton	<i>LBG</i> , p. 68
1365	Adam le Gaoler	<i>CPMR</i> , 1364-1381 , p. 23
1372	Adam Fernham	<i>LBG</i> , p. 296
1375-1376	Adam [? Fernham]	TNA SC8/333/E1005
1382	David Berteville	<i>LBH</i> , p. 185; <i>Memorials</i> , pp. 466-467
1386	David [? Berteville]	<i>CPMR</i> , 1381-1412 , p. 62
1391	David Berteville	<i>CPR</i> , 1388-1392 , p. 360
1393	William de Popleton	<i>CCR</i> , 1392-1396
1414	Gaolers of Newgate died	Stow, <i>Survey</i> , I, p. 36
1416	Alexander Boner	LMA Journal, I, f. lv
1431	John Kingescote	<i>The Brut</i> , p. 456
1434	John Bottele	<i>LBK</i> , p. 183
April 1441	William Wikeham	LMA Journal 3, f. 82
Nov. 1441	? Shefuld	LMA Journal 3, f. 102v
1446	William Arnold	LMA Journal 5, f. 16
1450	Alexander Manning	LMA Journal 5, f. 48
1452	John Arnold	LMA Journal 5, fs. 76-77
1454	Robert Cook	LMA Journal 5, f. 208
1456	John Arnold	LMA Journal 6, f. 59
1469	Roger Clyfford	Mercer's Co., Colet Cartulary, f. 246 r-v
c.1493-1500	Thomas Godale	TNA C1/228/35
1517	Richard Fellowes	LMA Rep. 3, f. 270
1521	Richard Mores	LMA Rep. 4, f. 69v
1526	Robert Thrower	LMA Rep. 12/1, f. 13v
1547	Alex Andrew	LMA Rep. 11, f. 344
1548	Roger Holt	LMA Rep. 11, f. 344
1550	Richard Husband	LMA Rep. 12/1, f. 260v
1615-1616	William Day	Acts of the Privy Council, pp.295-6

## The Constables of the Tower of London

<b>Date</b>	<b>Name</b>	<b>Source</b>
? 1272	Roger le Brabazon	PROME, Ed I Vetus Codex (80)
1279	Stephen de Eddeworth	<i>CCR</i> , 1272-1279, p. 527
1289	Ralph de Berners	<i>Chronicles...Ed. I &amp; Ed. II</i> , p. 97
1291	Ralph de Sandwyco	<i>CCR</i> , 1288-1296, p. 207
1314	John de Crumbwell	<i>CCR</i> , 1313-1318, p. 114
1318	John de Crumbwell	<i>Select Cases...King's Bench</i> , IV, p. 78
1321	Roger de Swynnertone	<i>CCR</i> , 1318-1323, p. 410
1323	Stephen de Segrave	<i>CCR</i> , 1318-1323, p. 659
1327	John de Gisorz	<i>CCR</i> , 1327-1330, p. 15
1337	Nicholas de la Beche	<i>CCR</i> , 1337-1339, p. 46
1339	Robert de Swynnertone	<i>CCR</i> , 1339-1341, p. 297
1340	Nicholas de la Beche	<i>CCR</i> , 1339-1341, p. 647
1344	Robert de Dalton	<i>CCR</i> , 1343-1346, p. 368
1346	John Darcy, 'le Piere'	<i>CPR</i> , 1345-1348, pp. 54, 55
1347	John Darcy, 'le Fitz'	<i>CPR</i> , 1345-1348, p. 536
1351	John de Sawtry	<i>Select Cases...King's Bench</i> , VI, p. 73
1352	John de Bello Campo	<i>CPR</i> , 1350-1354, p. 241
1355	Bartholomew de Burghersshe	<i>CCR</i> , 1354-1360, p. 135
1359	Robert de Morley	<i>Sel. Cases...King's Bench</i> , VI, p. 125
1361	Richard la Vache	<i>CCR</i> , 1360-1364, p. 257
1364	Richard la Vache	<i>Rymer's Foedera</i> , I, p. 432
1366	Alan de Buxhall	<i>CCR</i> , 1364-1368, p. 240
1377	Alan de Buxhall	<i>Rymer's Foedera</i> , II, p. 484
1381	Alan de Buxhall	<i>CCR</i> , 1381-1385, p. 16
1382	Thomas Murreaux	<i>CCR</i> , 1381-1385, pp. 178-9
1386	T. de Holland, earl of Kent	<i>Rymer's Foedera</i> , II, p. 513
1389	T. de Holland, earl of Kent	<i>CCR</i> , 1389-1392, p. 2
1400	Thomas Rempston	<i>CCR</i> , 1399-1402, p. 78
1403	Thomas Rempston	<i>CCR</i> , 1402-1405, p. 69
1418	Sir William Bouchier	<i>Rymer's Foedera</i> , II, p. 608
1429	John, earl of Huntingdon	<i>CCR</i> , 1422-1429, p. 439
1430	Philip Dymok	<i>Rymer's Foedera</i> , II, p. 649
? c.1432-1440	Rauf Lampette	TNA C1/11/231
1440	John, earl of Huntingdon	<i>CCR</i> , 1435-1441, p. 321
1463	John, earl of Worcester	<i>CCR</i> , 1461-1463, p. 167
1483	Robert Brakenbery	<i>Rymer's Foedera</i> , II, p. 716
1485	John, earl of Oxford	<i>Rymer's Foedera</i> , II, p. 719
1641	Mountjoy, earl of Newport	<i>Rymer's Foedera</i> , II, p. 901

## Appendix Two

### A Prisoner's Prayer<sup>1</sup>

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<sup>1</sup> Original included in the *De Antiquis Legibus Liber* at the London Metropolitan Archives. This translation was courtesy of Dr R. Kennedy, Dr R. Field, Dr R. Harvey and Bella Millet of Royal Holloway University, 4 November 2006.

Original (alternating <i>French &amp; English</i> )	Translation
<p>1. <i>eyns ne soy ke pleynte fu</i>  2. <i>ore pleyn d'anguesse tressu</i>  3. <i>trop ai mal &amp; contreyre</i>  4. <i>Sanz decerte en prisun sui</i>  5. <i>car m'aydez trespuis ihesu</i>  6. <i>duz dues &amp; deboneyre</i></p>	<p>I did not know before what it was to lament  Now I am full of trembling anguish  I have great pain and oppression.  I am undeservedly imprisoned  [Please] Help me, almighty Jesus,  Sweet and noble God.</p>
<p>7. Ar ne kuthe ich sorghe non,  8. nu ich mot manen min mon;  9. karful wel sore ich syche,  10. Geltles ich tholye muchele schame  —  11. help, god, for thin swete name,  12. kyng of heuene-riche!</p>	<p>I have never had such sorrow before,  Now I must make my complaint  Full of care [and] very intensely I sigh,  Guiltless I suffer terrible disgrace —  Help, God, in your sweet name,  King of the domain of Heaven!</p>
<p>13. <i>Ihesu crist veirs deu ueirs hom</i>  14. <i>prenge vus de mei pite</i>  15. <i>letez mei de la prisun</i>  16. <i>vie sui atort gete</i>  17. <i>Io e mi autre compaignum</i>  18. <i>dues en set la uerite</i>  19. <i>tut pur autri mesprisun</i>  20. <i>sumes a hunte liuere</i></p>	<p>Jesus Christ, true / truly God, true / truly Man  Have mercy / take pity on me  Deliver me from the prison  [where?] I have been wrongly 'thrown'  Me and my other companions  God knows the truth of it,  All on account of someone else's crime  We are delivered up to shame</p>
<p>21. Iesu crist, sod god sod man,  22. Iouerd, thu rew vpon me!  23. of prisun thar ich in am  24. bring me vt and makye fre.</p>	<p>Jesus Christ, truly God, truly Man,  Lord, [may] You have mercy on me!  From the prison where I am  in[carcerated]  [May you] bring me out and make [me] free.</p>
<p>25. Ich and mine feren sume —  26. god wot ich ne lyghe noct —  27. for other habbet mis-nome,  28. ben in thys prisun ibroct.</p>	<p>I and my companions together —  God knows I am not lying —  Wrongly seized, because of others,  [We] are brought in[to] this prison.</p>



Original (alternating <i>French</i> & English)	Translation
<p>29. <i>Dire dues</i>  30. <i>ky as mortels</i>  31. <i>es de pardon ueine</i>  32. <i>sucurez</i>  33. <i>deliuez</i>  34. <i>nus de ceste peine</i>  35. <i>Pardonez</i>  36. <i>&amp; assoylez</i>  37. <i>icele gentil sire</i>  38. <i>Sit e plest</i>  39. <i>par ki forfet</i>  40. <i>nus suffrun tel martire</i></p>	<p>Lord God  who is the source of forgiveness  for mortal men/ humans  help  deliver  us from this suffering  Pardon  and absolve  this noble lord  if it pleases you  because of whose wrongdoing  we suffer such martyrdom.</p>
<p>41. Al-micti,  42. that wel lictli  43. of bale is hale and bote,  44. Heuene king,  45. of this woning  46. vt vs bringe mote.  47. Foryhef hem  48. the wykke men,  49. god, yhef it is thi wille,  50. for vos gelt  51. we bed ipelt  52. in thos prisun hille.</p>	<p>Almighty [God/One]  Who so readily  Is cure and remedy for tribulation,  Heaven's king  From out [of] this [earthly] habitation  [You] may bring us.  Forgive them,  The wicked people,  God, if it is Your will,  For whose guilt  We are fastened [down]  In this wretched prison. (hille = 'ill'!)</p>
<p>53. <i>Fous est ke se afie</i>  54. <i>en ceste morteu uie</i>  55. <i>ke tant nus contralie</i>  56. <i>et v n'ad fors boydie</i>  57. <i>Ore eft hoem en leesse</i>  58. <i>&amp; ore est en tristece</i>  59. <i>ore le garist ore blesce</i>  60. <i>fortune ke le guie</i></p>	<p>He is a fool  who trusts in this mortal/earthly life  which so goes against/harasses/oppresses  us  and in which there is nothing but deceit.  First a man is happy,  And then he is sad.  Now he is healed, now wounded  [by] Fortune who guides/directs him.</p>

Original (alternating <i>French</i> & English)	Translation
<p>61. Ne hope non to his lieu,  62. her ne mai he biliue;  63. heghe thigh he stighe,  64. ded him felled to grunde.  65. Nu had man wele and blisce  66. rathe he shal thar-of misse;  67. worldes wele mid ywisse  68. ne lasted buten on stunde.</p>	<p>No one can, for his life,  In this world, can have any hope;  Though he might ascend high  Death will strike him to the ground.  Now a man has health and happiness  Soon he will be without it;  The good things of the world, truly,  Don't last but for one [short] instant.</p>
<p>69. <i>Virgne &amp; mere au souerein</i>  70. <i>ken us ieta de la mayn</i>  71. <i>al maufe ki par euayn</i>  72. <i>nus ont trestuz en sun heim</i>  73. <i>a grant dolur peine</i>  74. <i>Requerez icel seignur</i>  75. <i>ke il par sa grant dulcur</i>  76. <i>nus get de ceste dolur</i>  77. <i>v nus sumus nuyt st ior</i>  78. <i>&amp; doint ioye certeyne</i></p>	<p>Virgin and sovereign mother  Who delivered us from the [hand of the]  devil who by guile  has us all on his hook  in great suffering  May you request that Lord  That He, by his great sweetness  Deliver us from this pain  Which we suffer day and night  And grant us certain joy.</p>
<p>79. Maiden that bare the heuen king,  80. bisech thin sore, that swete thing,  81. that he habbe of hus rewsing  82. and bring hus of this woning  83. for his Muclele milse.  84. He bring hus vt of this wo  85. and hus tache werchen swo  86. in thos lieu, go wu s'it go,  87. that we moten ey and o  88. habben the eche blisce.</p>	<p>[Oh] Maiden, who gave birth to the King  of Heaven,  Beseech your son, the dearest being,  That he may have compassion on us  And bring us out of this dwelling  For His great mercy.  [May] He bring us out of this misery  And teach [us to] behave in such a way  In this life, howsoever it goes,  That we might forever  Have/obtain the eternal bliss.</p>

## **Appendix Three**

### **Deaths in London, 1276-1451**

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Wycumbe, Richard de	M	Stabbed	Cheap ward	TNA Just 2/279*	13/08/1272
Stamere, Richard	M	Drowned	Billingsgate	TNA Just 2/279*	13/08/1272
Barbur, Lawrence le	M	Stabbed	Ludgate & Newgate	TNA Just 2/279*	3/10/1272
Keu, William le	M	Scalded	Ludgate & Newgate	TNA Just 2/279*	28/10/1272
Blanet, William	M	Stabbed	Broad St ward	TNA Just 2/279*	17/11/1272
Fuatard, John	M	Acc - head injury	Candlewick St	LBB f.127b (iii); pp. 256-257***	19/03/1276
Flegge, Henry de	M	Drowned	Castle Baynard	LBB f.127 (iib); pp. 257-258	23/03/1276
Noreys, Gervase le	M	Stabbed	Tower ward	LBB f.127 (iib); pp. 258-259	18/05/1276
Wodestoke, William de	M	Fell	Cripplegate ward	LBB f.126b (iii); p. 259	7/06/1276
Grene, Henry	M	Drowned	Castle Baynard	LBB f.126 (iiib); pp. 259-260	14/06/1276
Unknown male	M	Drowned	Portsoken	LBB f.126 (iiib); p. 260	25/06/1276
Schot, Adam	M	Fell	Vintry ward	LBB f.125b (v); pp. 260-261	13/09/1276
Sautreor, John le	M	Perished in fire	Ludgate & Newgate	LBB f.125 (vb); p. 261	30/09/1276
Rotherherde, Hugh de	M	Drowned	Tower ward	LBB f.124b (x); p. 262	1/10/1276
Caury, Roger	M	Falling sickness'	Cordwainerstreet	LBB f.124b (x); pp. 262-263	13/12/1276
Parys, Richard de	M	Mortally wounded	Tower ward	LBB f.124 (xb); pp. 263-264	31/10/1276
Page, William [Henry in text]	M	Mortally wounded	Langbourne ward	LBB f.123b (x); pp. 264-265	13/12/1276
Correur, Matilda le	F	Fell -fractured leg	Ludgate & Newgate	LBB f.123 (xb); pp. 265-266	12/02/1277
Wynchester, Simon de	M	Decapitated	Cheap ward	LBB f.123 (xb); pp. 265-266	29/03/1277
Clerk William le	M	Fell	Walbrook ward	LBB f.122 (xib); pp. 266-267	30/04/1277
Fauk', Robert de Levesham	M	Drowned	Vintry ward	LBB f.121b (xii); p. 267	20/05/1277
Dawe, Richard	M	Drowned	Ludgate & Newgate	LBB f.121b (xii); pp. 267-268	11/07/1277
Kenilworth, Robert de	M	Head injury	Castle Baynard	LBB f.121b (xii); p. 268	19/07/1277
Ewesham, Thomas de	M	Scalded	Castle Baynard	LBB f.121 (xiib); pp. 268-269	23/08/1277
Dotlinge, Lucy de	F	Head injury	Billingsgate	LBB f.119b (xv); pp. 269-270	10/11/1277
Laufare, Roger de	M	Drowned	Cripplegate ward	LBB f.119 (xvb); pp. 270-271	5/12/1277
Sekersteyn, Henry	M	Stabbed	Walbrook ward	LBB f.119 (xvb); pp. 271-272	6/12/1277
Paumer, William le	M	Bled to death	Cheap ward	LBB f.118b (xvi); p. 272	21/01/1278
Hekham, Matthew de	M	Stabbed	Broad St ward	LBB f.118 (xvib); pp. 272-273	13/03/1278
Csloke (stet), Gilbert	M	Drowned	Tower ward	LBB f.117b (xvi); pp. 273-274	19/05/1278
Laufare, Henry de	M	Head injury	Cheap ward	LBB f.117b (xvi); p. 274	19/05/1278
Ambelcowe, Henry de	M	Sudden death	Tower ward	LBB f.116b (xvii); p. 275	11/08/1278

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Cole, William	M	Beaten	St Dunstan east	LBB f.116b (xviii); pp. 275-276	11/08/1278
Nottingham, Thomas de	M	Asphyxiation	Walbrook ward	LBB f.116 (xviii); p. 276	14/08/1278
Aldenele, John de	M	Asphyxiation	Bread St ward	LBB f.115b (xix); pp. 277-278	16/08/1278
Putoys, John	M	Asphyxiation	Bread St ward	LBB f.115b (xix); p. 277	16/08/1278
Belstede, Godfrey de	M	Beaten or stabbed	Ludgate & Newgate	LBB f.115 (xixb); pp. 278-279	1/09/1278
Waleham, Walter de	M	Beaten	Ludgate & Newgate	LBB f.115 (xixb); pp. 278-279	4/09/1278
Brackele, Katherine de	F (9yrs)	Drowned	Dowgate ward	LBB f.114b (xx); p. 279	23/09/1278
Wattepas, William	M	Infection	Billingsgate ward	CLA/041/IQ/001 (1); MS 126 fs. 1-2; CR*** pp. 1-2	13/10/1300
Curteis, Henry	M	Mischance - fell	Dowgate ward	CLA/041/IQ/001 (2); MS 126 fs. 2-3; CR p. 2	28/10/1300
Morel, Cristina	F	Assault	Cordwainerstreet	CLA/041/IQ/001 (3); MS 126 fs. 3-4; CR pp. 3-4	31/10/1300
Boys, John du	M	Head wound	Cripplegate	CLA/041/IQ/001 (4); MS 126 fs. 4-6; CR pp. 4-5	13/11/1300
Bristowe, John de	M	Falling sickness	Farringdon W'in	CLA/041/IQ/001 (5); MS 126 fs. 6-7; CR pp. 5-6	8/11/1300
Shordiche, Robert de	M	Stabbed	Portsoken	CLA/041/IQ/001 (6); MS 126 fs. 7-9; CR pp. 6-7	15/11/1300
Menstre, Christina de	F	Stabbed	Walbrook	CLA/041/IQ/001 (7); MS 126 fs. 9-10; CR pp. 7-8	21/11/1300
Cardoyl, Michael	M	Stabbed	Cordwainerstreet	CLA/041/IQ/001 (8); MS 126 fs. 10-12; CR pp. 8-10	2/12/1300
Cook, Hervey	M	Head wound	Vintry ward	CLA/041/IQ/001 (9); MS 126 fs. 12-13; CR pp. 10-11	4/12/1300
Brokkesheved, Anabil	F	Not stated	Candlewick St	CLA/041/IQ/001 (10); Ms 126 fs. 13-14; CR p. 11	4/12/1300
Hampnie, William de	M	Loss of blood	Candlewick St	CLA/041/IQ/001 (11); MS 126 fs. 14-15; CR pp. 11-12	12/12/1300
Brewere, Richard le	M	Fell, internal injury	Bridge ward	CLA/041/IQ/001 (12); MS 126 fs. 15-16; CR pp. 12-13	18/12/1300
Cherringe, Johanne de	F	Drowned	Portsoken	CLA/041/IQ/001 (13); MS 126 fs. 16-17; CR p. 13	24/12/1300
Kyng, Copin le	M	Head wound	Dowgate ward	CLA/041/IQ/001 (14); MS 126 fs. 17-19; CR pp. 14-15	27/01/1301
Balsham, Robert de	M	Illness	Billingsgate ward	CLA/041/IQ/001 (15); MS 126 fs. 19-20; CR pp. 15-16	15/02/1301
Brewere, Roger le	M	Illness	Walbrook ward	CLA/041/IQ/001 (16); MS 126 fs. 20-21; CR p. 16	30/07/1301
Cornwall, Joice de	M	Stabbed	Walbrook ward	CLA/041/IQ/001 (17); MS 126 fs. 21-23; CR pp. 17-18	13/03/1301
Teye, Simon de	M	Fell 16'	Queenhithe	CLA/041/IQ/001 (18); MS 126 fs. 23-24; CR pp. 18-19	2/04/1301
Faitour, Phillip le	M	Stabbed	Farringdon	CLA/041/IQ/001 (19); MS 126 fs. 24-25; CR pp. 19-20	28/04/1301
Huntingdon, Peter de	M	Leg wound	Dowgate ward	CLA/041/IQ/001 (21); MS 126 fs. 26-27; CR pp. 20-21	29/05/1301
Cobel, Alice	F	Assault	Farringdon W'out	CLA/041/IQ/001 (22); MS 126 fs. 27-28; CR pp. 21-22	7/06/1301
St Albans, Richard de	M	Illness	Bishopsgate	CLA/041/IQ/001 (23); MS 126 f. 29; CR pp. 22-23	8/06/1301
Braceour, Robert le	M	Sickness	Tower ward	CLA/041/IQ/001 (24); MS 126 fs. 29-31; CR pp. 23-24	18/06/1301
Otteford, William de	M	Fever	Langbourne	CLA/041/IQ/001 (25); MS 126 fs. 31-32; CR pp. 24-25	28/06/1301
Mazon, Richard	M (8 yrs)	Drowned	Queenhithe	CLA/041/IQ/001 (26); MS 126 fs. 32-33; CR p. 25	21/07/1301

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Baman, William	M	Assault	Langbourne	CLA/041/IQ/001 (27); MS 126 fs. 33-34; CR pp. 26-27	3/08/1301
Kyngessone, John	M	Assault (twice)	Farringdon	CLA/041/IQ/001 (28); MS 126 fs. 35-37; CR pp. 27-28	8/08/1301
Eimeleye, Walter de	M	Stabbed	Cripplegate	CLA/041/IQ/001 (29); MS 126 fs. 37-39; CR pp. 28-30	1/09/1301
Wynton, Petronilla de	F (3 yrs)	Mischance	Cripplegate	CLA/041/IQ/001 (30); MS 126 fs. 39-41; CR pp. 30-31	1/09/1301
Brewere, Richard le	M	Mischance - fell	Candlewick St	CLA/041/IQ/001 (31); MS 126 fs. 41-42; CR pp. 31-32	9/09/1301
Malmesbury, Thomas of	M	Stabbed	Bassishaw ward	TNA Just 2/94a m. 1r (1); MS 126 fs. 45-47	16/10/1315
Salisbury, William de	M	Rightful death	<b>Newgate prison</b>	TNA Just 2/94a m. 1r (2); MS 126 fs. 47-48	17/10/1315
Suiz Piers, Ralph le	M	Stabbed b4 arrest	<b>Newgate prison</b>	TNA Just 2/94a m. 1r (3); MS 126 fs. 48-50	17/10/1315
London, Alice of	F (1/4 yr)	Drowned	Tower ward	TNA Just 2/94a m. 1r (4); MS 126 fs. 50-51	18/10/1315
Carlisle, Adam de	M	Stabbed	Billingsgate ward	TNA Just 2/94a m. 1r (5); MS 126 fs. 51-53	21/10/1315
Sandale, John de	M	Crossbow wound	Portsoken	TNA Just 2/94a m. 2r (6); MS 126 fs. 53-56	3/11/1315
Fevre, Ranulph le	M	Natural infirmity	<b>Newgate prison</b>	TNA Just 2/94a m. 2r (7); MS 126 f. 56	6/11/1315
Stevene, Nicholas	M	Rightful death	<b>Newgate prison</b>	TNA Just 2/94a m. 2r (8); MS 126 fs. 56-57	22/11/1315
Mimmes, John	M	Assault	Cripplegate	TNA Just 2/94a m. 2r (9); MS 126 fs. 57-59	5/12/1315
Smithfield, William of	M	Hunger & cold	Candlewick St	TNA Just 2/94a m. 2r (10); MS 126 fs. 59-60	8/12/1315
Botoner, John le	M	Assault	Cheap ward	TNA Just 2/94a m. 2r (11); MS 126 fs. 60-62	10/12/1315
Goldenlane, Agnes of	F	Rightful death	Cheap ward	TNA Just 2/94a m. 3r (12); MS 126 fs. 62-63	20/12/1315
Pone, Richard	M	Rightful death	<b>Newgate prison</b>	TNA Just 2/94a m. 3r (13); MS 126 f. 63	14/12/1315
Kellestere, Amflusia la	F	Rightful death	Langbourne	TNA Just 2/94a m. 3r (14); MS 126 fs. 63-64	10/01/1316
Foubriht, Daniel	M	Assault & robbery	Cordwainersstreet	TNA Just 2/94a m. 3r (15); MS 126 fs. 64-66	11/01/1316
Dorem, Gregory de	M	Rightful death	Limestreet	TNA Just 2/94a m. 3r (16); MS 126 f. 67	31/01/1316
Alkok, John	M	Rightful death	<b>Newgate prison</b>	TNA Just 2/94a m. 3r (17); MS 126 fs. 67-68	5/02/1316
Lutter, John	M	Rightful death	Cripplegate	TNA Just 2/94a m. 3r (18); MS 126 f. 68	9/02/1316
Taillour, Hugo le	M	Rightful death	<b>Newgate prison</b>	TNA Just 2/94a m. 4r (19); MS 126 fs. 68-69	16/02/1316
Collol, Johanna	F	Rightful death	Bridge ward	TNA Just 2/94a m. 4r (20); MS 126 fs. 69-70	16/02/1316
Carter, John le	M	Rightful death	<b>Newgate prison</b>	TNA Just 2/94a m. 4r (21); MS 126 f. 70	2/03/1316
Windale, Thomas de	M	Rightful death	<b>Newgate prison</b>	TNA Just 2/94a m. 4r (22); MS 126 fs. 70-71	1/03/1316
Chertsey, Thomas de	M	Rightful death	<b>Newgate prison</b>	TNA Just 2/94a m. 4r (23); MS 126 f. 71	1/03/1316
Page, John	M	Rightful death	<b>Newgate prison</b>	TNA Just 2/94a m. 4r (24); MS 126 fs. 71-72	5/03/1316
Biete, William	M	Rightful death	<b>Newgate prison</b>	TNA Just 2/94a m. 4r (24); MS 126 fs. 71-72	5/03/1316
Hulle, John atte	M	Rightful death	<b>Newgate prison</b>	TNA Just 2/94a m. 4r (24); MS 126 fs. 71-72	5/03/1316
Drury, Margery	F	Rightful death	Bishopsgate	TNA Just 2/94a m. 4r (25); MS 126 fs. 72-73	6/03/1316

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Jarom', William de	M	Assault	Farringdon W/out	TNA Just 2/94a m. 4r (26); MS 126 fs. 73-74	7/03/1316
Godleye, William de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 5r (27); MS 126 fs. 74-75	19/03/1316
Brewere, Salamon le	M	Rightful death	Newgate prison	TNA Just 2/94a m. 5r (27); MS 126 fs. 74-75	19/03/1316
Bernard, Thomas	M	In penitencia'	Newgate prison	TNA Just 2/94a m. 5r (28); MS 126 f. 75	20/03/1316
Arwe, Philip de	M	In penitencia'	Newgate prison	TNA Just 2/94a m. 5r (29); MS 126 fs. 75-76	22/03/1316
Kirkoun, John	M	Rightful death	Newgate prison	TNA Just 2/94a m. 5r (30); MS 126 f. 76	22/03/1316
Levey, Henry	M	Rightful death	Newgate prison	TNA Just 2/94a m. 5r (31); MS 126 fs. 76-77	27/03/1316
Bakeresman, William le	M	Rightful death	Bridge ward	TNA Just 2/94a m. 5r (32); MS 126 f. 77	5/04/1316
Merwe, Peter de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 5r (33); MS 126 fs. 77-78	7/04/1316
Lincoln, Alice	F	Crus hed	Castle Baynard	TNA Just 2/94a m. 5r (34); MS 126 fs. 78-80	7/04/1316
Theret, Margery de	F	Crus hed	Castle Baynard	TNA Just 2/94a m. 5r (34); MS 126 fs. 78-80	7/04/1316
Espicere, Alice le	F	Crus hed	Castle Baynard	TNA Just 2/94a m. 5r (34); MS 126 fs. 78-80	7/04/1316
Holborn, Henry de	M	Crus hed	Castle Baynard	TNA Just 2/94a m. 5r (34); MS 126 fs. 78-80	7/04/1316
Calworth, John de	M	Crus hed	Castle Baynard	TNA Just 2/94a m. 5r (34); MS 126 fs. 78-80	7/04/1316
Walbrook, John de	M	Crus hed	Castle Baynard	TNA Just 2/94a m. 5r (34); MS 126 fs. 78-80	7/04/1316
Dumbe, Henry le	M	Crus hed	Castle Baynard	TNA Just 2/94a m. 5r (34); MS 126 fs. 78-80	7/04/1316
Sortes, Emma	F	Crus hed	Castle Baynard	TNA Just 2/94a m. 5r (34); MS 126 fs. 78-80	7/04/1316
Billingsgate, John de	M	Crus hed	Castle Baynard	TNA Just 2/94a m. 5r (34); MS 126 fs. 78-80	7/04/1316
Chateleshute, John de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 6r (35); MS 126 fs. 80-81	13/04/1316
Callere, William le	M	Rightful death	Newgate prison	TNA Just 2/94a m. 6r (35); MS 126 fs. 80-81	13/04/1316
Peiham, Geoffrey de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 6r (36); MS 126 f. 81	24/04/1316
Borok, Richard de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 6r (37); MS 126 fs. 81-82	28/04/1316
Compton, Richard de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 6r (37); MS 126 fs. 81-82	28/04/1316
Wallshe, Thomas	M	Rightful death	Newgate prison	TNA Just 2/94a m. 6r (38); MS 126 f. 82	28/04/1316
Crous, Lora la	F	Rightful death	Newgate prison	TNA Just 2/94a m. 6r (38); MS 126 f. 82	28/04/1316
Walingburgh, Roger de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 6r (39); MS 126 fs. 82-83	1/05/1316
Scryvener, Walter le	M	Rightful death	Newgate prison	TNA Just 2/94a m. 6r (40)	1/05/1316
Skirmeshour, Roger le	M	Rightful death	Newgate prison	TNA Just 2/94a m. 6r (40)	1/05/1316
Lesnes, Thomas de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 6r (41); MS 126 f. 83	3/05/1316
Plairford, Hervey de	M	Assault	Farringdon W/in	TNA Just 2/94a m. 6r (42); MS 126 fs. 83-84	4/05/1316
Coo, Geoffrey	M	Rightful death	Newgate prison	TNA Just 2/94a m. 7r (43); MS 126 fs. 84-85	8/05/1316
Herre, William	M	Rightful death	Newgate prison	TNA Just 2/94a m. 7r (44); MS 126 f. 85	10/05/1316

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Bakere, Thomas le	M	Assault	Cripplegate	TNA Just 2/94a m. 7r (45); MS 126 fs. 86-87	11/05/1316
Gobion, Henry	M	Rightful death	Newgate prison	TNA Just 2/94a m. 7r (46); MS 126 f. 87	12/05/1316
Chichestre, Richard de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 7r (47); MS 126 fs. 87-88	17/05/1316
Aderiche, Martin	M	Rightful death	Newgate prison	TNA Just 2/94a m. 7r (47); MS 126 fs. 87-88	17/05/1316
Mombraty, John de	M	Assault	Farringdon W'out	TNA Just 2/94a m. 7r (48); MS 126 fs. 88-89	18/05/1316
Monteneye, John de	M	Rightful death	Farringdon W'out	TNA Just 2/94a m. 7r (49); MS 126 f. 89	20/05/1316
Carter, Geoffrey le	M	Rightful death	Newgate prison	TNA Just 2/94a m. 7r (50); MS 126 fs. 89-90	20/05/1316
Osborn, Thomas	M	Rightful death	Newgate prison	TNA Just 2/94a m. 7r (50); MS 126 fs. 89-90	20/05/1316
Castelcary, Peter de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 7r (51); MS 126 f. 90	27/05/1316
Poumfrait, William de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 7r (51); MS 126 f. 90	27/05/1316
Roger, Robert	M	Rightful death	Newgate prison	TNA Just 2/94a m. 7r (52); MS 126 f. 90	29/05/1316
Ayston, John de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 8r (53); MS 126 fs. 90-91	2/06/1316
Hausnard, John	M	Drowned	Tower ward	TNA Just 2/94a m. 8r (54); MS 126 fs. 91-93	3/06/1316
Symonel, Robert	M	Rightful death	Newgate prison	TNA Just 2/94a m. 8r (55); MS 126 f. 93	4/06/1316
Olyve, John	M	Rightful death	Newgate prison	TNA Just 2/94a m. 8r (55); MS 126 f. 93	4/06/1316
Roger, boy of Peter de Herling	M	Assault	Bishopsgate	TNA Just 2/94a m. 8r (56); MS 126 fs. 93-95	5/06/1316
Estingleye, Thomas de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 8r (57); MS 126 f. 95	7/06/1316
Bokeler, Walter	M	Rightful death	Newgate prison	TNA Just 2/94a m. 8r (58); MS 126 fs. 95-96	9/06/1316
Bariche, John de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 8r (58); MS 126 fs. 95-96	9/06/1316
Ponde, William atte	M	Rightful death	Newgate prison	TNA Just 2/94a m. 8r (58); MS 126 fs. 95-96	9/06/1316
Lychebarwe, Johanna	F	Rightful death	Newgate prison	TNA Just 2/94a m. 8r (59); MS 126 f. 96	10/06/1316
Brother Henry de Hibernia	M	Beaten & shaken	Cheap ward	TNA Just 2/94a m. 8r (60); MS 126 fs. 96-98	11/06/1316
Bene, William	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (61); MS 126 f. 98	19/06/1316
Bachele, Richard	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (61); MS 126 f. 98	19/06/1316
Swon, John le	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (61); MS 126 f. 98	19/06/1316
Nicholas of York	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (61); MS 126 f. 98	19/06/1316
Gilot, Richard	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (62); MS 126 f. 98	20/06/1316
Mileward, William le	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (62); MS 126 f. 98	20/06/1316
Hachard, Walter	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (63); MS 126 f. 99	22/06/1316
Thaxstede, Richard de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (63); MS 126 f. 99	22/06/1316
Bristol, Warin de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (64); MS 126 f. 99	24/06/1316
Russell, John	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (65)	29/06/1316



NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Herberger, William	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (65)	29/06/1316
Porters, Robert	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (66); MS 126 f. 99	2/07/1316
Whelpeston, John	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (67); MS 126 fs. 99-100	4/07/1316
Leon, Walter	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (67); MS 126 fs. 99-100	4/07/1316
Birche, Geoffrey atte	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (68); MS 126 f. 100	5/07/1316
Stevens, John	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (68); MS 126 f. 100	5/07/1316
Brunyng, John	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (69); MS 126 f. 100	8/07/1316
Renaud, Walter	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (69); MS 126 f. 100	8/07/1316
Shangford, Thomas de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (70); MS 126 fs. 100-101	8/07/1316
Kent, Isabel de	F	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (70); MS 126 fs. 100-101	8/07/1316
Lodeham, Simon de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (71); MS 126 f. 101	9/07/1316
Salop, Bartholomew de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (72); MS 126 f. 101	16/07/1316
Clerk, Bernard	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (72); MS 126 f. 101	16/07/1316
Bury, Isabel de	F	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (72); MS 126 f. 101	16/07/1316
Muggelin, William	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (72); MS 126 f. 101	16/07/1316
Wille (Chapman), Walter	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (73); MS 126 fs. 101-102	17/07/1316
Fletham, Eustace de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (73); MS 126 fs. 101-102	17/07/1316
Brugge, Thomas atte	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (73); MS 126 fs. 101-102	17/07/1316
Heysugg, John	M	Rightful death	Newgate prison	TNA Just 2/94a m. 9r (74); MS 126 f. 102	17/07/1316
Gardiner, Roger	M	Stabbed	Cripplegate W'out	TNA Just 2/94a m. 9r (75); MS 126 fs. 102-103	18/07/1316
Abingdon, Andrew de	M	Rightful death	Tower ward	TNA Just 2/94a m. 9r (76); MS 126 fs. 104-105	19/07/1316
Hacche, Richard atte	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (77); MS 126 f. 105	24/07/1316
Roepynge, Robert de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (77); MS 126 f. 105	24/07/1316
Syward, Simon	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (78); MS 126 f. 105	25/07/1316
Lincoln, Hamon de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (78); MS 126 f. 105	25/07/1316
Godfrey, Robert	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (79); MS 126 fs. 105-106	29/07/1316
Bavary, Henry de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (80); MS 126 f. 106	1/08/1316
Queneby, Thomas de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (80); MS 126 f. 106	1/08/1316
Bavary, Roger de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (81); MS 126 f. 106	2/08/1316
Passion, Geoffrey	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (81); MS 126 f. 106	2/08/1316
Sutor, William	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (82); MS 126 f.106	4/08/1316
Webbe, Robert le	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (83); MS 126 fs. 106-107	10/08/1316

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Dieudamour, Johanna	F	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (84); MS 126 f. 107	11/08/1316
Fynch, Richard	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (85); MS 126 f. 107	12/08/1316
Nechbore, Adam	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (85); MS 126 f. 107	12/08/1316
Miliner, William le	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (86); MS 126 f. 107	15/08/1316
Geddyng, John de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (86); MS 126 f. 107	15/08/1316
Gardiner, John le	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (87); MS 126 fs. 107-108	19/08/1316
Hurne, John in the	M	Beaten & shaken	Portsoken	TNA Just 2/94a m. 10r (88); MS 126 fs. 108-109	24/08/1316
Fulham, Nicholas de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (89); MS 126 f. 110	29/08/1316
Brigg, Rosea atte	F	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (90); MS 126 fs. 110-111	19/09/1316
York, Katherine de	F	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (90); MS 126 fs. 110-111	19/09/1316
Sewelle, William de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (91); MS 126 f. 111	26/09/1316
Orpington, Thomas de	M	Rightful death	Newgate prison	TNA Just 2/94a m. 10r (91); MS 126 f. 111	26/09/1316
Beverle, Elias de	M	Drowned	Tower ward	CLA/041/IQ/002 (1); MS 126 fs. 129-130; CR pp. 33-34	14/10/1321
Costard, John	M	Drowned	Tower ward	CLA/041/IQ/002 (1); MS 126 fs. 129-130; CR pp. 33-34	14/10/1321
Harwe, John de	M	Stabbed	Vinty ward	CLA/041/IQ/002 (2); MS 126 fs. 130-132; CR pp. 34-35	20/10/1321
Rede, Thomas le	M	Stabbed	Tower ward	CLA/041/IQ/002 (3); MS 126 fs. 132-134; CR pp. 35-36	23/10/1321
Pampesworth, Isabella de	F	Suicide	Queenhithe	CLA/041/IQ/002 (4); MS 126 fs. 134-136; CR pp. 36-37	30/10/1321
Gaugeour, Michael le	M	Stabbed	Langbourne	CLA/041/IQ/002 (5); MS 126 fs. 136-138; CR pp. 38-39	30/11/1321
Canterbury, John de	M	Beaten with oars	Portsoken	CLA/041/IQ/002 (6); MS 126 fs. 138-140; CR pp. 39-40	30/11/1321
Edward, Walter	M	Rightful death	Newgate prison	CLA/041/IQ/002 (7); MS 126 f. 140; CR p. 40	11/12/1321
Scot, Elena	F	Mischance - fell	Castle Baynard	CLA/041/IQ/002 (8); MS 126 fs. 140-141; CR p. 41	22/12/1321
Denys, Robert	M	Amputated L hand	Cordwainerstreet	CLA/041/IQ/002 (9); MS 126 fs. 141-143; CR pp. 41-42	23/12/1321
Asshendone, Philip de	M	Head wound	Bishopsgate	CLA/041/IQ/002 (10); MS 126 fs. 143-145; CR pp. 43-44	3/01/1322
Tygre, John de	M	Stabbed & beaten	Langbourne	CLA/041/IQ/002 (12); MS 126 fs. 146-149; CR pp. 44-46	12/01/1322
Dyere, John le	M	Rightful death	Newgate prison	CLA/041/IQ/002 (11); MS 126 fs. 145-146; CR p. 44	18/01/1322
Poer, Edmund	M	Rightful death	Newgate prison	CLA/041/IQ/002 (13); MS 126 f. 149; CR p. 46	26/01/1322
Freeston, Reginald de	M	Head wound	Broad Street	CLA/041/IQ/002 (14); MS 126 fs. 149-152; CR pp. 46-48	9/02/1322
Sprot, Geoffrey	M	Rightful death	Newgate prison	CLA/041/IQ/002 (15); MS 126 f. 152; CR p. 48	2/03/1322
Cokard, Stephen	M	Rightful death	Newgate prison	CLA/041/IQ/002 (19); MS 126 fs. 156-157; CR p. 51	11/03/1322
Mountsorel, Richard de	M	Head wound	Langbourne	CLA/041/IQ/002 (16); MS 126 fs. 152-154; CR pp. 48-49	15/03/1322
Brouneswold, William de	M	Rightful death	Newgate prison	CLA/041/IQ/002 (17); MS 126 f. 154; CR p. 49	28/03/1322
Hetthe, Luke atte	M	Assault	Limestreet	CLA/041/IQ/002 (18); MS 126 fs. 154-156; CR pp. 49-51	26/04/1322

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Kent, Robert de	M	Perished in fire	Cheap ward	CLA/041/IQ/002 (20); MS 126 fs. 157-158; CR pp. 51-52	28/04/1322
Kent, William son of Robert	M	Perished in fire	Cheap ward	CLA/041/IQ/002 (20); MS 126 fs. 157-158; CR pp. 51-52	28/04/1322
Lenyng, Henry	M	Rightful death	Newgate prison	CLA/041/IQ/002 (21); MS 126 fs. 158-159; CR p. 52	30/04/1322
Lincoln, John	M	Assault & robbery	Cornhill ward	CLA/041/IQ/002 (22); MS 126 fs. 159-161; CR pp. 52-53	2/05/1322
Briche, William	M	Hunger	Newgate prison	CLA/041/IQ/002 (23); MS 126 f. 161; CR p. 53	30/04/1322
Grene, Thomas atte	M	Hunger	Newgate prison	CLA/041/IQ/002 (24); MS 126 f. 161; CR p. 54	10/05/1322
Micche, William	M	Rightful death	Newgate prison	CLA/041/IQ/002 (25); MS 126 f. 162; CR p. 54	14/05/1322
Depyng, Simon de	M	Rightful death	Newgate prison	CLA/041/IQ/002 (26); MS 126 f. 162; CR p. 54	16/05/1322
Curteys, Robert	M	Stabbed	Bread Street	CLA/041/IQ/002 (27); MS 126 fs. 162-165; CR pp. 54-56	18/05/1322
Christmas, William	M	Rightful death	Newgate prison	CLA/041/IQ/002 (28); MS 126 f. 165; CR p. 56	25/05/1322
Irlaunde, Johanna	F (1 mth)	Bitten by sow	Queenhithe	CLA/041/IQ/002 (29); MS 126 fs. 165-167; CR pp. 56-57	21/05/1322
Bibi, Thomas	M	Rightful death	Newgate prison	CLA/041/IQ/002 (30); MS 126 f. 167; CR p. 57	27/05/1322
Thorpe, John de	M	Drowned	Farringdon W'out	CLA/041/IQ/002 (31); MS 126 fs. 167-168; CR pp. 58-59	13/06/1322
Leyre, Robert	M	Drowned	Queenhithe	CLA/041/IQ/002 (32); MS 126 fs. 168-170; CR p. 59	26/06/1322
Rose, John	M	Rightful death	Newgate prison	CLA/041/IQ/002 (33); MS 126 f. 170; CR pp. 59-60	30/06/1322
Irlande, John de	M	Suicide	Aldresgate	CLA/041/IQ/002 (34); MS 126 fs. 170-172; CR pp. 60-61	6/07/1322
Fynel, Robert	M	Crushed	Farringdon	CLA/041/IQ/002 (35); MS 126 fs. 172-173; CR p. 61	7/07/1322
Fynel, Robert son of Robert	M	Crushed	Farringdon	CLA/041/IQ/002 (35); MS 126 fs. 172-173; CR p. 61	7/07/1322
Fynel, Simon son of Robert	M	Crushed	Farringdon	CLA/041/IQ/002 (35); MS 126 fs. 172-173; CR p. 61	7/07/1322
Fynel, William son of Robert	M	Crushed	Farringdon	CLA/041/IQ/002 (35); MS 126 fs. 172-173; CR p. 61	7/07/1322
22 (unnamed))	M	Crushed	Farringdon	CLA/041/IQ/002 (35); MS 126 fs. 172-173; CR p. 61	7/07/1322
Carpenter, Matilda	F	Crushed	Farringdon	CLA/041/IQ/002 (35); MS 126 fs. 172-173; CR p. 61	7/07/1322
Cole, Beatrice	F	Crushed	Farringdon	CLA/041/IQ/002 (35); MS 126 fs. 172-173; CR p. 61	7/07/1322
Peynterer, Johanna	F	Crushed	Farringdon	CLA/041/IQ/002 (35); MS 126 fs. 172-173; CR p. 61	7/07/1322
Norice, Alice la	F	Crushed	Farringdon	CLA/041/IQ/002 (35); MS 126 fs. 172-173; CR p. 61	7/07/1322
22 (unnamed)	F	Crushed	Farringdon	CLA/041/IQ/002 (35); MS 126 fs. 172-173; CR p. 61	7/07/1322
Waltham, John de	M	Assault	Farringdon	CLA/041/IQ/002 (35); MS 126 fs. 172-173; CR p. 61	7/07/1322
St Botolph, Robert	M (7 yrs)	Broken R leg	Walbrook ward	CLA/041/IQ/002 (36); MS 126 fs. 173-175; CR pp. 62-63	12/07/1322
Ratelere, John	M	Rightful death	Vinty ward	CLA/041/IQ/002 (37); MS 126 fs. 175-176; CR pp. 63-64	17/07/1322
Bedford, William de	M	Rightful death	Newgate prison	CLA/041/IQ/002 (39); MS 126 f. 177; CR p. 65	16/07/1322
Rothwell, John de	M	Rightful death	Newgate prison	CLA/041/IQ/002 (40); MS 126 fs. 177-178; CR p. 65	17/07/1322
Chigwell, John de	M	Rightful death	Newgate prison	CLA/041/IQ/002 (41); MS 126 f. 178; CR p. 65	23/07/1322
	M	Assault	Aldresgate	CLA/041/IQ/002 (42); MS 126 fs. 178-180; pp. 65-66	30/07/1322

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Bankuef, Robert aka Mate	M	Rightful death	Newgate prison	CLA/041/IQ/002 (43); MS 126 f. 180; CR p. 67	12/08/1322
May, Adam (f. 180)	M	Hunger	Newgate prison	CLA/041/IQ/002 (44); MS 126 f. 180; CR p. 67	12/08/1322
Wastel, William	M	Rightful death	Newgate prison	CLA/041/IQ/002 (45); MS 126 f. 180; CR p. 67	28/08/1322
Chapman, John	M	Rightful death	Newgate prison	CLA/041/IQ/002 (46); MS 126 f. 181; CR p. 67	29/08/1322
Rothewell, Roger de	M	Rightful death	Newgate prison	CLA/041/IQ/002 (47); MS 126 f. 181; CR pp. 67-68	5/09/1322
Curteys, Richard	M	Rightful death	Newgate prison	CLA/041/IQ/002 (48); MS 126 f. 181; CR p. 68	12/09/1322
Faukes, Lucia	F	Assault	Aldgate	CLA/041/IQ/002 (49); MS 126 fs. 181-183; CR pp. 68-69	27/09/1322
Getyngton, Gilbert de	M	Assault	Broad Street	CLA/041/IQ/003 (1); MS 126 fs. 185-187; CR pp. 70-72	26/09/1323
Turnehare, Richard	M	Rightful death	Newgate prison	CLA/041/IQ/003 (3); MS 126 f. 188; CR p. 72	17/10/1323
Chartres, John de	M	Assault	Bread Street	CLA/041/IQ/003 (4); MS 126 fs. 188-191; CR pp. 73-74	27/10/1323
Thomas	M	Stabbed	Langbourne	CLA/041/IQ/003 (5); MS 126 fs. 191-193; CR pp. 74-75	12/11/1323
Basingstoke, Thomas de	M	Stabbed	Cripplegate	CLA/041/IQ/003 (6); MS 126 fs. 193-195; CR pp. 75-76	1/12/1323
Lenne, Stephen de	M	Stabbed	Billingsgate ward	CLA/041/IQ/003 (8); MS 126 fs. 196-197; CR pp. 77-78	21/12/1323
Meleward, Adam le	M	Rightful death	Newgate prison	CLA/041/IQ/003 (11); MS 126 f. 200; CR p. 80	31/01/1324
Andrew, Gerard	M	Assault	Langbourne	CLA/041/IQ/003 (10); MS 126 fs. 198-200; CR pp. 78-80	9/02/1324
Parys, Simon de	M	Stabbed	Cheap ward	CLA/041/IQ/003 (13); MS 126 fs. 201-203; CR pp. 80-82	26/03/1324
St Albans, Hugh de	M	Mischance - fell	Aldresgate	CLA/041/IQ/003 (14); MS 126 fs. 203-204; CR p. 82	12/04/1324
Burgh, John de	M (5 yrs)	Head injury	Farringdon W'out	CLA/041/IQ/003 (15); MS 126 fs. 204-206; CR p. 83	3/05/1324
Beiringere, John de	M	Stabbed	Dowgate ward	CLA/041/IQ/003 (16); MS 126 fs. 206-208; CR pp. 84-85	25/05/1324
Lenne, Thomas de	M	Stabbed	Cornhill ward	CLA/041/IQ/003 (17); MS 126 fs. 208-209; CR pp. 85-86	9/05/1324
Knottyngly, Nicholas de	M	Assault & battery	Bishopsgate	CLA/041/IQ/003 (18); MS 126 fs. 209-211; CR pp. 86-87	4/06/1324
Brekles, Edmund de	M	Stabbed	Bishopsgate	CLA/041/IQ/003 (19); CR pp. 87-89 [not in MS 126]	18/07/1324
Lightfot, Nicholas	M	Head injury	Tower ward	CLA/041/IQ/003 (21); MS 126 fs. 212-214; CR pp. 90-91	10/06/1324
Vilers, Francis de	M	Head injury	Farringdon	CLA/041/IQ/003 (22); CR pp. 91-92 [not in MS 126]	5/08/1324
Cotekyn, Johanna	F	Mischance - fell	Bridge ward	CLA/041/IQ/003 (23); MS 126 fs. 214-215; CR pp. 92-93	28/08/1324
Herkyn, Richard	M	Drowned	Tower ward	CLA/041/IQ/004 (1); MS 126 fs. 217-218; CR pp. 94-95	4/10/1324
Irish, William le	M	Stabbed	Langbourne	CLA/041/IQ/004 (2); MS 126 fs. 218-220; CR pp. 95-96	6/10/1324
Arnald, Henry	M	Assault & battery	Aldresgate	CLA/041/IQ/004 (3); MS 126 fs. 220-222; CR pp. 96-97	7/10/1324
Fruyter, Gerard de	M	Stabbed	Bread Street	CLA/041/IQ/004 (4); MS 126 fs. 222-224; CR pp. 97-98	17/10/1324
Cok, William	M	Assault - head inj.	Cripplegate	CLA/041/IQ/004 (5); MS 126 fs. 224-225; CR pp. 98-100	30/10/1324
Gubbe, Elena	F	Drowned	Vinty ward	CLA/041/IQ/004 (6); MS 126 fs. 225-226; CR p. 100	31/10/1324
Scot, Henry	M	Drowned	Bread Street	CLA/041/IQ/004 (7); MS 126 f. 227; CR pp. 100-101	5/11/1324

NAME	SEX	INQUEST OUTCOME	LOCATION	SOURCE	DATE
Saxtone, John de	M	Assault - head inj.	Cheap ward	CLA/041/IQ/004 (8); MS 126 fs. 228-229; CR pp. 101-102	7/11/1324
Park, Elias del	M	Stabbed	Tower ward	CLA/041/IQ/004 (9); MS 126 fs. 229-231; CR pp. 102-104	12/11/1324
Glossard, John	M	Stabbed	Dowgate ward	CLA/041/IQ/004 (10); MS 126 fs. 231-233; CR pp. 104-105	13/11/1324
Staci, Henry	M	Rightful death	<b>Marshalsea</b>	CLA/041/IQ/004 (12); MS 126 f. 233; CR pp. 105-106	19/11/1324
St Botolph, Robert de	M	Head injury	Vintry ward	CLA/041/IQ/004 (13); MS 126 fs. 234-235; CR pp. 106-107	3/12/1324
Flemyng, Stephen	M	Head injury	Bread Street	CLA/041/IQ/004 (14); MS 126 fs. 235-237; CR pp. 107-108	20/01/1325
Tailleur, Walter le	M	Chest wound	Limestone	CLA/041/IQ/004 (15); MS 126 fs. 237-239; CR pp. 108-109	22/01/1325
Acke, John	M	Assault	Castle Baynard	CLA/041/IQ/004 (16); MS 126 fs. 239-240; CR pp. 109-110	24/01/1325
Hamerton, John de	M	Stabbed	Farringdon	CLA/041/IQ/004 (20); MS 126 fs. 243-244; CR pp. 112-113	18/03/1325
Spicer, John le	M	Rightful death	<b>Marshalsea</b>	CLA/041/IQ/004 (21); MS 126 fs. 244-245; CR p. 113	21/03/1325
Fuatard, John	M	Stabbed	Aldresgate	CLA/041/IQ/004 (23); MS 126 fs. 245-247; CR pp. 113-114	28/03/1325
Benigtone, Walter de	M	Head injury	Bridge ward	CLA/041/IQ/004 (24); MS 126 fs. 247-250; CR pp. 114-116	27/03/1325
Devenshire, Alice de	F	Head injury	Farringdon W/out	CLA/041/IQ/004 (26); MS 126 fs. 251-253; CR pp. 117-118	27/03/1325
Hodesdon, Thomas de	M	Head injury	Walbrook ward	CLA/041/IQ/004 (25); MS 126 fs. 250-251; CR pp. 116-117	3/04/1325
Aldenham, Gilbert de	M	Head injury	Farringdon W'in	CLA/041/IQ/004 (27); MS 126 fs. 253-255; CR pp. 118-119	1/04/1325
Kyrkeby, Thomas de	M	Chest wound	Dowgate ward	CLA/041/IQ/004 (28); MS 126 fs. 256-257; CR pp. 119-121	22/04/1325
Cobeham, Thomas de	M	Rightful death	<b>Newgate prison</b>	CLA/041/IQ/004 (29); MS 126 f. 258; CR p. 121	19/05/1325
Rothinge, John de	M	Rightful death	<b>Newgate prison</b>	CLA/041/IQ/004 (30); MS 126 f. 258; CR p. 121	24/05/1325
Mulle, Nicholas atte	M	Stabbed	Farringdon W'in	CLA/041/IQ/004 (33); MS 126 fs. 259-262; CR pp. 121-123	4/06/1325
Hoddesdon, Richard de	M	Rightful death	<b>Newgate prison</b>	CLA/041/IQ/004 (31); MS 126 f. 258; CR p. 121	12/06/1325
Barbier, Henry le	M	Drowned	Farringdon W/out	CLA/041/IQ/004 (34); MS 126 fs. 262-263; CR pp. 123-124	22/06/1325
Kereseye, Adam de	M	Rightful death	<b>Newgate prison</b>	CLA/041/IQ/004 (32); MS 126 f. 258; CR p. 121	24/06/1325
Burel, John	M	In penitentia sua'	<b>Newgate prison</b>	CLA/041/IQ/004 (36); MS 126 f. 264; CR pp. 124-125	10/07/1325
Mebourne, Henry de	M	In penitentia sua'	<b>Newgate prison</b>	CLA/041/IQ/004 (37); MS 126 f. 264; CR p. 125	12/07/1325
Clerk, Peter le	M	Stabbed	Bread Street	CLA/041/IQ/004 (38); MS 126 fs. 264-266; CR pp. 125-126	16/07/1325
Broughton, John de	M	Rightful death	<b>Newgate prison</b>	CLA/041/IQ/004 (39); MS 126 f. 267; CR p. 126	3/08/1325
Badecok, Geoffrey	M	Rightful death	<b>Newgate prison</b>	CLA/041/IQ/004 (40); MS 126 f. 267; CR p. 126	6/08/1325
Pountager, Thomas le	M	Drowned	Vintry ward	CLA/041/IQ/004 (41); MS 126 fs. 267-268; CR p. 127	10/08/1325
Page, Robert	M	Shot with arrow	Castle Baynard	CLA/041/IQ/004 (42); MS 126 fs. 268-270; CR pp. 127-128	12/08/1325
Boklonde, Robert de	M	Rightful death	<b>Newgate prison</b>	CLA/041/IQ/004 (43); MS 126 f. 270; CR pp. 128-129	3/09/1325
Crabbe, Nicholas	M	Stabbed	Tower ward	CLA/041/IQ/004 (44); MS 126 fs. 270-272; CR pp. 129-130	9/09/1325
Palling, John	M	Stabbed	Tower ward	CLA/041/IQ/004 (44); MS 126 f. 272; CR p. 130	18/09/1325

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Vise, John atte	M	Assault	Farringdon W'in	CLAY/041/IQ/005 (1); CR pp. 132-134	15/11/1325
Glemham, John de	M	Head injury	Farringdon W'out	CLAY/041/IQ/005 (2); CR pp. 134-136	17/11/1325
Grendone, Johanna de	F	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (3); CR p. 136	18/11/1325
Brun, John le	M	Stabbed	Tower ward	CLAY/041/IQ/005 (4); CR pp. 136-137	24/11/1325
Broun, William	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (5); CR p. 137	1/12/1325
Waleis, Adam le	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (6); CR p. 137	3/12/1325
Salop, Richard de	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (7); CR p. 137	3/12/1325
Maii, John	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (8); CR p. 138	6/12/1325
Scot, Roger	M	Stabbed	Bishopsgate	CLAY/041/IQ/005 (9); CR pp. 138-139	22/12/1325
Femyngho, John de	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (10); CR p. 139	23/12/1325
Pursere, Alice le	F 80+yrs	Mischance - fell	Cheap ward	CLAY/041/IQ/005 (11); CR pp. 139-140	31/12/1325
Notingham, Ralph de	M	Head injury	Vinty ward	CLAY/041/IQ/005 (12); CR pp. 140-141	7/01/1326
Toly, John	M	Mischance - fell	Vinty ward	CLAY/041/IQ/005 (13); CR p. 142	15/01/1326
Guildford, William de	M	Stabbed	Walbrook ward	CLAY/041/IQ/005 (14); CR pp. 143-144	27/01/1326
Lodelowe, Henry de	M	Stabbed	Limestreet	CLAY/041/IQ/005 (15); CR pp. 144-145	3/02/1326
Deveneys, William	M	Head injury	Farringdon W'out	CLAY/041/IQ/005 (16); CR pp. 145-146	16/02/1326
Anne, Walter de	M	Stabbed	Cheap ward	CLAY/041/IQ/005 (17); CR pp. 147-148	18/02/1326
Northampton, William de	M	Stabbed	Castle Baynard	CLAY/041/IQ/005 (18); CR pp. 148-149	20/02/1326
Felton, John de (junior)	M	Assault	Bread Street	CLAY/041/IQ/005 (19); CR pp. 149-151	25/02/1326
Dancastre, Richard de	M	Stabbed	Candlewick St	CLAY/041/IQ/005 (20); CR pp. 151-152	2/03/1326
Sely, Robert	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (21); CR pp. 152-153	16/03/1326
Wyldeler, Richard	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (22); CR p. 153	23/03/1326
Free, Nicholas le	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (23); CR p. 153	5/04/1326
Lancastre, William de	M	Stabbed	Cordwainerstreet	CLAY/041/IQ/005 (24); CR pp. 153-154	14/04/1326
Heldre, Henry le	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (25); CR p. 154	20/04/1326
Grandon, William de	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (26); CR p. 154	26/04/1326
Abraham, Peter	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (27); CR p. 154	5/05/1326
Laundele, John	M	Stabbed	Cripplegate W'in	CLAY/041/IQ/005 (28); CR pp. 155-156	19/05/1326
Fermoye, Simon de la	M	Shot with arrow	Walbrook ward	CLAY/041/IQ/005 (30); CR pp. 156-158	10/06/1326
Freynsshe, Peter le	M	Rightful death	<b>Newgate prison</b>	CLAY/041/IQ/005 (31); CR p. 158	17/06/1326
St Alban, Thomas de	M	Multiple stabbing	Aldresgate	CLAY/041/IQ/005 (32); CR pp. 158-160	22/06/1326
Staunford, Alexander	M	Head injury	Bishopsgate	CLAY/041/IQ/005 (33); CR pp. 160-161	25/06/1326

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Marche, John de la	M	Beaten	Aldgate ward	CLAY041/IQ/005 (35); CR pp. 161-163	9/07/1326
Hoddesdone, Walter de	M	Assault	Bread Street	CLAY041/IQ/005 (37); CR pp. 163-165	12/07/1326
Walshman, William	M	Mischance - fell	Dowgate ward	CLAY041/IQ/005 (38); CR p. 165	1/08/1326
Barstaple, Lucy de	F	Beaten	Portsoken	CLAY041/IQ/005 (39); CR pp. 166-167	2/08/1326
Mortimer, Sir Roger de	M	Rightful death	<b>Tower</b>	CLAY041/IQ/005 (40); CR p. 167	3/08/1326
Rakiere, Richard le	M	Drowned	Bread Street	CLAY041/IQ/005 (41); CR pp. 167-168	7/08/1326
Marche, William de la	M	Stabbed	Candlewick St	CLAY041/IQ/005 (42); CR pp. 168-169	22/08/1326
Styward, Roger	M	Assault	Cordwainerstreet	CLAY041/IQ/005 (43); CR pp. 169-170	22/08/1326
Ryvet, Alice	F	Perished in fire	Aldresgate	CLAY041/IQ/005 (44); CR pp. 170-171	10/09/1326
Waterberere, Reginald le	M	Rightful death	<b>Newgate prison</b>	CLAY041/IQ/005 (45); CR p. 171	18/09/1326
Brome, Walter atte	M	Stabbed	Billingsgate ward	CLAY041/IQ/006 (1); CR pp. 172-173	25/06/1336
Mysons, William	M	Stabbed	Aldgate ward	CLAY041/IQ/006 (2); CR pp. 173-174	30/10/1336
Hamptone, John de	M	Head injury	Langbourne	CLAY041/IQ/006 (3); CR pp. 174-175	11/11/1336
Chaucer, Simon	M	Beaten	Cordwainerstreet	CLAY041/IQ/006 (4); CR pp. 175-176	12/11/1336
Idle, Elyas	M	Mischance - fell	Tower ward	CLAY041/IQ/006 (5); CR p. 177	22/11/1336
Benere, Hugh le	M	In penitential'	<b>Newgate prison</b>	CLAY041/IQ/006 (6); CR pp. 177-178	27/12/1336
Grove, Emma atte	F	Drowned	Tower ward	CLAY041/IQ/006 (7); CR p. 178	2/02/1337
Woxbrugge, Margery de	F	Assault	Cripplegate	CLAY041/IQ/006 (8); CR pp. 178-179	12/02/1337
Poltemore, Robert de	M	Head injury	Aldresgate	CLAY041/IQ/006 (9); CR pp. 179-180	19/02/1337
Cicestre, Agnes de	F	Crushed by cart	Bishopsgate	CLAY041/IQ/006 (10); CR pp. 181-182	21/02/1337
Mulleward, John	M	Stabbed	Castle Baynard	CLAY041/IQ/006 (11); CR pp. 182-183	28/02/1337
Cambestere, Matilda la	F	Perished in fire	Walbrook ward	CLAY041/IQ/006 (12); CR pp. 183-184	11/04/1337
Cambestere, Margery	F (1 mth)	Perished in fire	Walbrook ward	CLAY041/IQ/006 (12); CR pp. 183-184	11/04/1337
Wyot, John	M	Stabbed	Tower ward	CLAY041/IQ/006 (13); CR pp. 184-185	26/04/1337
Berdene, Robert de	M	Mischance - fell	Cordwainerstreet	CLAY041/IQ/006 (14); CR p. 185	30/04/1337
Forde, John de	M	Stabbed	Farringdon W'in	CLAY041/IQ/006 (15); CR pp. 185-187	3/05/1337
Ruffyn, Nicholas	M	Assault	Aldresgate	CLAY041/IQ/006 (17); CR pp. 188-189	22/05/1337
Wyndleshore, John de	M	Stabbed	Queenhith	CLAY041/IQ/006 (18); CR pp. 189-190	9/06/1337
Redebourne, John de	M (16yrs)	Drowned	Portsoken	CLAY041/IQ/006 (19); CR p. 190	16/06/1337
Noke, John atte	M	Mischance - fell	Candlewick St	CLAY041/IQ/006 (20); CR p. 191	28/06/1337
Convers, Walter le	M	Rightful death	<b>Newgate prison</b>	CLAY041/IQ/006 (22); CR pp. 191-192	16/07/1337
Wygemelle, William de	M	Assault	Cornhill ward	CLAY041/IQ/006 (23); CR pp. 192-193	25/07/1337

NAME	SEX	INQUEST OUTCOME	LOCATION	SOURCE	DATE
Okele, Walter de	M	Stabbed	Farringdon W'out	CLAY041/IQ/006 (24); CR p. 193	27/07/1337
Holand, Stephen de	M	Rightful death	<b>Newgate prison</b>	CLAY041/IQ/006 (25); CR pp. 193-194	7/08/1337
Kent, John de	M	Drowned	Castle Baynard	CLAY041/IQ/006 (26); CR p. 194	11/08/1337
Bonefaunt, William	M	Mischance - fell	Candlewick St	CLAY041/IQ/006 (27); CR pp. 194-195	1/09/1337
Tadmerstone, William de	M	Mischance - fell	Farringdon W'in	CLAY041/IQ/006 (28); CR pp. 195-196	10/09/1337
Russel, William	M	Mischance	Bridge ward	CLAY041/IQ/006 (29); CR pp. 196-197	11/09/1337
Prykatefeld, Juliana	F	Stabbed	Portsoken	CLAY041/IQ/006 (30); CR pp. 197-198	17/09/1337
Maldone, John de	M	Mischance	Langbourne	CLAY041/IQ/006 (33); CR pp. 198-199	13/09/1337
Skyful, Thomas	M	Mischance - fell	Tower ward	CLAY041/IQ/006 (34); CR pp. 199-200	23/09/1337
Wrotham, Richard de	M	Drowned	Billingsgate ward	CLAY041/IQ/007 (1); MS 126 fs. 277-278; CR pp. 201-202	13/10/1338
Carpenter, Luke le	M	Mischance - fell	Aldgate ward	CLAY041/IQ/007 (2); MS 126 fs. 279-280; CR pp. 202-203	6/11/1338
Sheffield, Adam de	M	Stabbed	Tower ward	CLAY041/IQ/007 (3); MS 126 fs. 280-283; CR pp. 203-204	7/11/1338
Brewere, John le	M	Drowned	Farringdon W'out	CLAY041/IQ/007 (4); MS 126 fs. 283-285; CR pp. 204-205	19/11/1338
Proudfot, William	M	Mischance - fell	Bridge ward	CLAY041/IQ/007 (5); MS 126 fs. 289-290; CR pp. 205-206	30/11/1338
Lavendere, Matilda la	F	Rightful death	Farringdon W'out	CLAY041/IQ/007 (6); MS 126 fs. 290-291; CR p. 206	9/12/1338
Cublington, William de	M	Rightful death	Farringdon W'out	CLAY041/IQ/007 (7); MS 126 fs. 291-292; CR pp. 206-207	18/12/1338
Lopechaunt, Margery	F (3.5yrs)	Mischance - fell	Dowgate ward	CLAY041/IQ/007 (8); MS 126 fs. 292-293; CR pp. 207-208	8/01/1339
Shrouesbury, Richard de	M	Rightful death	<b>Newgate prison</b>	CLAY041/IQ/007 (9); MS 126 f. 294; CR p. 208	11/02/1339
Warde, Alice	F	Stabbed	Farringdon W'out	CLAY041/IQ/007 (10); MS 126 fs. 294-296; CR pp. 208-209	15/02/1339
Wille, John	M	Rightful death	<b>Newgate prison</b>	CLAY041/IQ/007 (11); MS 126 f. 296; CR p. 209	16/02/1339
Hadleye, Alexander de	M	Disease	Dowgate ward	CLAY041/IQ/007 (13); MS 126 fs. 297-298; CR pp. 209-210	9/03/1339
Bury, John de	M	Head injury	Cripplegate W'in	CLAY041/IQ/007 (14); MS 126 fs. 298-300; CR pp. 210-211	11/03/1339
Waryner, John	M	Stabbed	Dowgate ward	CLAY041/IQ/007 (15); MS 126 fs. 300-302; CR pp. 211-212	11/03/1339
Lauleye, William	M	Stabbed	Cheap ward	CLAY041/IQ/007 (16); MS 126 fs. 302-304; CR pp. 212-213	20/03/1339
Lichfield, Walter de	M	Hit by arrow	Cheap ward	CLAY041/IQ/007 (17); MS 126 fs. 304-305; CR p. 213	20/03/1339
Strete, Robert de	M	Rightful death	<b>Newgate prison</b>	CLAY041/IQ/007 (18); MS 126 f. 305; CR p. 213	23/03/1339
Westone, John de	M	Rightful death	<b>Newgate prison</b>	CLAY041/IQ/007 (19); MS 126 f. 305; CR p. 214	24/03/1339
Kyng, John	M	Stabbed in back	Farringdon W'out	CLAY041/IQ/007 (20); MS 126 fs. 305-307; CR pp. 214-215	30/03/1339
Lynche, John	M	Illness	Portsoken	CLAY041/IQ/007 (21); MS 126 fs. 307-308; CR p. 215	4/04/1339
Northampton William de	M	Rightful death	Dowgate ward	CLAY041/IQ/007 (22); MS 126 fs. 308-309; CR pp. 215-216	4/04/1339
Horsham, Richard de	M	Rightful death	<b>Newgate prison</b>	CLAY041/IQ/007 (23); MS 126 fs. 309-310; CR p. 216	11/04/1339
Holme, Robert de	M	Rightful death	Bridge ward	CLAY041/IQ/007 (24); MS 126 fs. 310-311; CR pp. 216-217	23/04/1339



NAME	SEX	INQUEST OUTCOME	LOCATION	SOURCE	DATE
Laap, Baldwin	M	Stabbed	Tower ward	CLA/041/IQ/007 (25); MS 126 fs. 311-313; CR pp. 217-218	26/04/1339
Throm, John de	M	Stabbed	Farringdon W'out	CLA/041/IQ/007 (26); MS 126 fs. 313-315; CR p. 218	12/05/1339
Ingelby, Roger de	M	Stabbed	Bridge ward	CLA/041/IQ/007 (27); MS 126 fs. 315-317; CR pp. 218-219	23/05/1339
Stolere, John le	M (7 yrs)	Crushed by cart	Farringdon W'out	CLA/041/IQ/007 (28); MS 126 fs. 317-319; CR pp. 219-220	24/05/1339
Glastyngbury, Roger de	M	In penitencia'	<b>Newgate prison</b>	CLA/041/IQ/007 (29); MS 126 fs. 319-320; CR p. 220	30/05/1339
Wombe, William	M	Drowned	Farringdon W'out	CLA/041/IQ/007 (30); MS 126 fs. 320-321; CR p. 221	4/06/1339
Eggesfeld, Simon de	M	Stabbed	Cripplegate	CLA/041/IQ/007 (31); MS 126 fs. 321-323; CR pp. 221-222	15/06/1339
Snowe, Dionisia	F (1 day)	Rightful death	Cripplegate W'out	CLA/041/IQ/007 (32); MS 126 fs. 323-324; CR pp. 222-223	15/06/1339
Crouchman, John	M	Stabbed	Tower ward	CLA/041/IQ/007 (33); MS 126 fs. 324-326; CR pp. 223-224	19/06/1339
York, Nicholas de	M	Stabbed himself	Castle Baynard	CLA/041/IQ/007 (34); MS 126 fs. 327-329; CR pp. 224-225	22/06/1339
Pykeryng, John de	M	Assault & battery	Farringdon W'out	CLA/041/IQ/007 (35); MS 126 fs. 329-331; CR pp. 225-226	22/06/1339
Pokelyngton, Thomas de	M	Assault & battery	Farringdon W'out	CLA/041/IQ/007 (35); MS 126 fs. 329-331; CR pp. 225-226	22/06/1339
Grane, John	M	Head injury	Colmanstreet	CLA/041/IQ/007 (36); MS 126 fs. 332-333; CR pp. 226-227	Mid 1339
Rose, William	M	Head injury	Bridge ward	CLA/041/IQ/007 (37); MS 126 fs. 333-335; CR pp. 227-228	28/07/1339
Dryfeld, Stephen de	M	Stabbed	Bridge ward	CLA/041/IQ/007 (38); MS 126 fs. 336-338; CR pp. 228-229	3/08/1339
Byngeleye, William de	M	Stabbed	Bridge ward	CLA/041/IQ/007 (38); MS 126 fs. 336-338; CR pp. 228-229	3/08/1339
Bulkele, Richard de	M	Stabbed	Cornhill ward	CLA/041/IQ/007 (39); MS 126 fs. 338-340; CR pp. 229-231	9/08/1339
Markeby, John de	M	Stabbed himself	Farringdon W'in	CLA/041/IQ/007 (40); MS 126 fs. 340-342; CR pp. 231-232	17/08/1339
Kempstone, William de	M	Stabbed	Farringdon W'out	CLA/041/IQ/007 (41); MS 126 fs. 343-345; CR pp. 232-233	25/08/1339
Rede, John le	M	Rightful death	<b>Newgate prison</b>	CLA/041/IQ/007 (42); MS 126 f. 345; CR p. 233	2/09/1339
Hamond, William	M	Mischance - fell	Bread Street	CLA/041/IQ/007 (43); MS 126 fs. 345-347; CR pp. 233-234	22/09/1339
Sarasyn, Ralph	M	Stabbed	Aldgate ward	CLA/041/IQ/008 (1); CR pp. 235-236	30/09/1339
Meleward, Martin le	M	Assault	Portsoken	CLA/041/IQ/008 (2); CR pp. 236-237	5/10/1339
Rosyngtone, Thomas de	M	Assault	Aldresgate	CLA/041/IQ/008 (3); CR pp. 237-238	1/11/1339
Turneye, Philip de	M (6 yrs)	Drowned	Portsoken	CLA/041/IQ/008 (4); CR pp. 238-239	5/11/1339
Oxenford, William	M (12 yrs)	Rightful death	Dowgate ward	CLA/041/IQ/008 (5); CR pp. 239-240	6/11/1339
Baldok, John de	M	Rightful death	Bridge ward	CLA/041/IQ/008 (6); CR p. 240	12/11/1339
Hastyngge, John de	M	Assault	Bishopsgate	CLA/041/IQ/008 (7); CR pp. 240-241	14/11/1339
Somersetse, John de	M	Rightful death	Colmanstreet	CLA/041/IQ/008 (8); CR pp. 241-242	21/11/1339
Paunchard, Robert	M	Stabbed	Bread Street	CLA/041/IQ/008 (9); CR pp. 242-243	30/11/1339
Balsham, John de	M	Rightful death	Tower ward	CLA/041/IQ/008 (10); CR p. 243	30/11/1339
Hamptone, William de	M	Drowned	Billingsgate ward	CLA/041/IQ/008 (11); CR p. 244	6/12/1339

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Skomakere, Peter le	M	Drowned	Tower ward	CLA/04/1/IQ/008 (12); CR pp. 244-245	13/12/1339
Godefrey, Warin	M	Rightful death	<b>Newgate prison</b>	CLA/04/1/IQ/008 (13); CR p. 245	14/12/1339
Portesmouth, Alice	F	Broken neck	Queenhith	CLA/04/1/IQ/008 (14); CR pp. 245-247	20/12/1339
Noreys, William	M	Stabbed	Portsoken	CLA/04/1/IQ/008 (15); CR pp. 247-248	20/01/1340
Briny, John	M	Kicked by horse	Bread Street	CLA/04/1/IQ/008 (16); CR p. 248	14/01/1340
Warewyk, Alice	M	Drowned	Dowgate ward	CLA/04/1/IQ/008 (18); CR p. 249	4/02/1340
Turgeys, Juliana	F (11yrs)	Mischance - fell	Candlewick St	CLA/04/1/IQ/008 (19); CR p. 250	15/02/1340
Northampton, Thomas	M	Assault	Langbourne	CLA/04/1/IQ/008 (20); CR pp. 250-251	24/02/1340
Kyng, Henry le	M	Drowned	Tower ward	CLA/04/1/IQ/008 (21); CR pp. 251-252	18/03/1340
Shropshyre, William	M	Assault	Farringdon W'out	CLA/04/1/IQ/008 (22); CR p. 252	21/03/1340
Billingsgate, Mary de	F (9 yrs)	Drowned	Dowgate ward	CLA/04/1/IQ/008 (23); CR pp. 252-253	18/04/1340
Wrenche, John	M	Stabbed	Bread Street	CLA/04/1/IQ/008 (24); CR pp. 253-254	8/05/1340
Parlepott, Johanna	F (7 yrs)	Rightful death	Cornhill ward	CLA/04/1/IQ/008 (25); CR pp. 254-255	17/05/1340
Wardeyn, John	M	Assaulted	Farringdon W'out	CLA/04/1/IQ/008 (26); CR pp. 255-256	1/06/1340
Callere, Henry le	M	Mischance - fell	Cripplegate W'in	CLA/04/1/IQ/008 (27); CR p. 256	6/06/1340
Overestolte, Henry	M	Drowned	Dowgate ward	CLA/04/1/IQ/008 (28); CR pp. 256-257	7/06/1340
Berman, Geoffrey	M	Assault	Bishopsgate	CLA/04/1/IQ/008 (29); CR pp. 257-258	8/06/1340
Westwyk, Thomas	M (8 yrs)	Scalded	Bread Street	CLA/04/1/IQ/008 (30); CR pp. 258-259	19/06/1340
Casse, William	M	Assault	Aldresgate	CLA/04/1/IQ/008 (32); CR pp. 259-260	14/07/1340
Russei, John	M (9dys)	Rightful death	Bread Street	CLA/04/1/IQ/008 (33); CR pp. 260-261	16/07/1340
Langebrigge, William de	M	Assault	Bread Street	CLA/04/1/IQ/008 (34); CR pp. 261-262	22/07/1340
Branketre, Mathew de	M	Assault	Cripplegate W'out	CLA/04/1/IQ/008 (35); CR pp. 262-263	26/07/1340
Bermondeseve, Peter de	M	Drowned	Bridge ward	CLA/04/1/IQ/008 (36); CR pp. 263-264	29/07/1340
Gremet, John	M	Stabbed	Tower ward	CLA/04/1/IQ/008 (37); CR pp. 264-265	26/08/1340
Bone, John	M	Mischance	Billingsgate ward	CLA/04/1/IQ/008 (38); CR pp. 265-266	28/08/1340
Turk, Ralph	M	Head injury	Bridge ward	CLA/04/1/IQ/008 (39); CR pp. 266-269	28/08/1340
Belymakere, Nicholas le	M	Head injury	<b>Newgate prison</b>	CLA/04/1/IQ/008 (40); CR pp. 269-270	11/09/1340
Waldeshaj, Walter	M	Assault	Walbrook ward	CLA/04/1/IQ/008 (41); CR pp. 270-271	11/09/1340
Farnaham, John	M	Drowned (in Fleet)	Limehostes	CLA/04/1/IQ/009 (1); MS 126 fs. 349-352; CR pp. 272-273	29/09/1367
Campe, Whygher Water Van	M	Drowned	Wapping at Wose	CLA/04/1/IQ/009 (2); MS 126 fs. 352-354; CR p. 274	4/09/1372
Gryndere, Alditha	F	Drowned	Portsoken	CLA/04/1/IQ/009 (3); MS 126 fs. 354-355; CR p. 275	6/03/1375
Ballard, Thomas	M	Drowned	Portsoken	CLA/04/1/IQ/009 (4); MS 126 fs. 355-358; CR pp. 275-276	31/03/1378

NAME	SEX	INQUEST OUT-COME	LOCATION	SOURCE	DATE
Fakon, John	M	Natural death	Marshall sea	TNA E143/16/1 (17)	18/06/1385
Catle, John	M	Pestilence	Marshall sea	TNA KB 9/210/39	25/06/1417
Salisbury, John Lake de	M	Pestilence	Marshall sea	TNA KB 9/210/39	26/06/1417
Goldsmith, John	M	Pestilence	Marshall sea	TNA KB 9/210/39	6/07/1417
Walton, John	M	Pestilence	Marshall sea	TNA KB 9/210/39	8/07/1417
Turnour, Philip	M	Pestilence	Marshall sea	TNA KB 9/210/39	28/07/1417
Stokes, John	M	Pestilence	Marshall sea	TNA KB 9/210/39	10/07/1417
Makehous, John	M	Pestilence	Marshall sea	TNA KB 9/210/39	10/07/1417
Assburnham, John	M	Pestilence	Marshall sea	TNA KB 9/210/39	11/07/1417
Tailour, Henry	M	Pestilence	Marshall sea	TNA KB 9/210/39	15/07/1417
Franche, Casyn	M	Natural death	Marshall sea	TNA KB145/5/9**	27/01/1422
Colyn, Thomas	M	Pestilence	The Tower	TNA E163/7/10	8/07/1425
Lewyngston, Robert	M	Dropsy	The Tower	TNA E163/7/10	24/07/1425
Arburnethe, William de	M	Pestilence	The Tower	TNA E163/7/10	4/10/1425
Harmoldon, James	M	Pestilence	The Tower	TNA E163/7/10	24/11/1425
Glyfaunt, William	M	Pestilence	The Tower	TNA E163/7/10	8/12/1425
Dunbarr, Patrick	M	Pestilence	The Tower	TNA E163/7/10	12/12/1425
Fik, William	M	Pestilence	The Tower	TNA E163/7/10	19/12/1425
Din, Henry	M	Pestilence	The Tower	TNA E163/7/10	24/12/1425
Geremy, Robert	M	Pestilence	The Tower	TNA E163/7/10	13/12/1425
Sandeland, James	M	Pestilence	The Tower	TNA E163/7/10	13/12/1425
Philyp, William	M	Pestilence	Marshall sea	TNA KB 9/265/33	17/04/1451
Bromfelde, Elias	M	Pestilence	Marshall sea	TNA KB 9/265/33	2/05/1451
Godfrey, Bartholomew	M	Pestilence	Marshall sea	TNA KB 9/265/33	6/05/1451
Boteler, Roger	M	Pestilence & 'macul'	Marshall sea	TNA KB 9/265/33	8/05/1451
Rose, Thomas	M	Pestilence	Marshall sea	TNA KB 9/265/33	11/05/1451
Talbotte, John	M	Pestilence & 'macul'	Marshall sea	TNA KB 9/265/33	13/05/1451
* Reference courtesy of Dr Martha Carlin					
** Reference courtesy of Dr Hannes Kleineke					
*** LBB = Letter Book B; CLA/041/IQ/001-009 @ LMA; MS 126 @ Guildhall library; CR = Sharpe's Calendar of Coroners' Rolls					

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 VAL 88: Fleet Valley Project

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 Richard II

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C131/59/14: Tenements valued in case of debtor in Newgate (1416)

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- KB9/437/39: Prisoners escape from the Marshalsea, with arms (1505)
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- KB27/602 (rot. fines 1d): Fine for escaped prisoners (Michaelmas 1411-12)
- KB27/603 (rot. fines 1): Fine for escaped prisoner (Hilary 1411-12)
- KB27/610 (rot. fines): Fines for escaped prisoners (Michaelmas 1413)
- KB27/610 (rex rot. 18): Case relating to KB27/610 (rot. fines) (1413)
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- KB27/717 (rot. fines 1): Fine for escaped prisoner (Trinity 1439-40)
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