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A STUDY OF CRIME IN NORFOLK, YORKSHIRE AND NORTHAMPTONSHIRE

1300-1348

by
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A dissertation submitted in partial fulfillment
of the requirements for the degree of
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PREFACE

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CHAPTER I

INTRODUCTION

I

The Problem

Emericus, nephew of the prior of Thetford in Norfolk, was in the priory church on the night of 8 August 1313 when armed thieves entered, killed him and broke into his uncle's coffers. They left with silver vases and other goods worth £20, the prior's seal and two horses. One man, a cleric, was accused of the deed but he was acquitted. The others were not found.[1] On 29 March 1331 six men and a woman were found guilty of holding Hertfordbridge where they robbed Hugh de la Penne de Resewick of 2 marks and goods worth 40s., John de Fornesete of 60s in goods, William Sperkide of Manegreve of 100s. in goods and Robert le Fenre of Couthorp of goods valued at 10 marks.[2] A Norfolk jury found Adam de Nethergate of Hardele guilty of stealing 10d. worth of grain from Laurote Key of Hardele but excused him because he stole from hunger and misery.[3] Were crimes like these three daily occurrences in the first half of the fourteenth century? Did the turbulent conditions of those fifty years--war with Scotland and and France, civil war, the deposition and murder of a king, a devastating famine, rising prices of grain and, later, of industrial goods--contribute to the amount of crime

or influence the types of crimes committed or goods stolen? Who were the accused? Were they only poor people stealing because they were hungry or were they knights and gentry using liveried retainers for felonious purposes? What were their criminal techniques and how did they organize themselves? Using court cases of felonies recorded in the gaol delivery rolls of 1300-1348 for the counties of Norfolk, Yorkshire and Northamptonshire, this study will try to answer these questions.

Contemporaries had an ambivalent attitude toward crime and criminals. On the one hand, they were concerned about the prevalence of violence and petitioned the king to remedy the situation. On the other hand, popular literature often glorified the outlaw. Between 1300 and 1348 commons addressed almost sixty bills and petitions to the king requesting action to curb crime. Sometimes they asked that corrupt officials be removed[4] or they recommended changes in the administration of justice.[5] Often they had a specific complaint to make to the king such as the abuse of pardons or the practice of maintenance. The commons contended that crimes increased because the king indiscriminately granted pardons to dangerous felons.[6] They also accused the lords of maintaining and protecting "Traitours, felons, Robbeours, Trespassours contre la Pees."[7] Other times the petitions sounded like desperate pleas to the king to do something about crime for ". . . Felonias et Trangressiones enormes perpetrata, et

coligaciones illicitas, in lesionem Pacis sue, et terrorem populi sui. . . ."[8]

The kings were sympathetic to the petitions of the commons and tried by statute and by experiments in law enforcement to reduce the ". . . diverse Manslaughters, Felonies and Robberies done in Times past, by People that be called Roberdesmen, Wastors and Drawlatches. . . ."[9] In addition to reaffirming the great criminal law statutes of Edward I, the Statute of Winchester and the Second Statute of Westminister, Edward II and Edward III added their own criminal legislation in the Statute of Lincoln,[10] the Statute of Northampton,[11] and further statutes in 1330, 1331, 1336 and 1340.[12] Attempts to enforce this well-meant legislation included sporadic purges of corrupt officials and experiments with various ways of administering justice: eyres, gaol delivery, oyer and terminer and peace commissions.

While the king and commons were worrying about the prevalence of violence and trying to diminish it, all ranks of society were enjoying songs and ballads which glorified the outlaw and his triumph over the law. On the chivalrous level of society there were the Hereward legend, the romance of Fulk Fitzwarin and William Wallace[13] while for the knight of the shire, the yeoman and lower there were the tales of Gamelyn and the ballads of Robin Hood.[14] The legend of Robin Hood enjoyed such popularity that the word "Roberdsmen"

entered the vocabulary.[15] The acceptance of lawbreaking was widely enough spread that even some members of commons had criminal records.[16]

If contemporaries thought that their society was violent and perhaps half-relished the fact, what has modern study revealed about the period? We are all well acquainted with Sir Walter Scott's romantic portrayal of Robin Hood in Ivanhoe as the good bandit who robbed from the rich to give to the poor. L. O. Pike, in his History of Crime in England,[17] made it his goal to show that Scott's age of chivalry was, in reality, a most violent one in comparison to the advanced conditions of contemporary Victorian England. After describing the crime and corruption which existed at every level of society, including the chivalric class, he concluded that English society in 1348 was exceedingly lawless.[18] According to his estimate there were eighteen times more simple homicides in 1348 than in an average year in the 1860s.[19] Since Pike wrote, there have been some modifications of this picture of fourteenth century England as a heyday of disorder. J. F. Willard is probably the most extreme revisionist in claiming that travellers could sleep in peace, "for, unless they carried large sums of money, the dangers of the morrow's journey were not so great as to disturb their sleep."[20] His conclusions have been questioned by B. H. Putnam, who has rightly pointed out that the great number of experiments in law enforcement challenge his optimism.[21] R. H. Hilton, in A Medieval Society: the

West Midlands at the End of the Thirteenth Century,[22] has devoted a section to crime based largely on assize rolls and seen in the context of west midland society as a whole. Unfortunately, this excellent approach, which might have given us concrete information about lawlessness, led him to the weak conclusion that ". . . the impression we get is of quick recourse to violence, especially about disputed rights. This violence was, so to speak, often rational, it was in pursuit of rational aims and could be absorbed by the rural communities without proliferating into a sequence of senseless acts of violence."[23] This statement raises more questions than it answers. First, what is a "rational" crime? Second, does community toleration of crime depend on the motives of the felon or on the amount of lawlessness?

Historians have had as little to say about the criminals as they have about the amount and the causes of crime. There have been two excellent articles on individual gangs which give an insight into the social background of those felons and the organization of crime: E. L. G. Stones, "The Folvilles of Ashby-Folville, Leicestershire, and Their Associates in Crime"[24] and J. G. Bellamy, "The Coterel Gang: an Anatomy of a Band of Fourteenth Century Criminals."[25] In both these studies the families were members of the gentry. Hilton concluded in his book that "members of the gentry families appear with such considerable frequency, in proportion to their numbers, that disorder appears almost to be a by-occupation of the class."[26] The "bad baron"

theory cannot be accepted without further research, for, as usual, the upper classes have left more records of their activities, even anti-social ones, than have the lower classes. The social background of the legendary outlaws has been thoroughly debated by Maurice Keen and by R. H. Hilton and J. C. Holt in an exchange in Past and Present.[27]

As in any research into medieval social history, a study of medieval crime must be an interaction between the questions one wants to ask about the subject and the limited answers which the sources can give. Modern criminological studies have concentrated on the causes of crime, the social and psychological background of the criminal, the organization of crime and penology. Factors influencing individual criminality have been variously attributed to physical or psychological types, environment and family, climate, geography and race. Fluctuations in yearly crime rates have been either rejected on the assumption that the level of crime remains constant and that the "crime waves" simply represent increased efficiency and concern for law enforcement, or have been explained by such factors as wars and returning veterans, political dissatisfaction, class or race conflicts, economic depressions or prosperity, overpopulation and natural disasters (i.e. floods or earthquakes). The criminals themselves have been described in terms of their sex, age, occupation, class and race. Their associations are analyzed for their internal structure, techniques of crime, area of activity and professionalism. Finally,

penology studies the most effective means of punishment to prevent recurrence of crime.

Of these aspects of criminological investigation fourteenth century documents permit the researcher to investigate the fluctuation in the amount of crime and the factors which might have contributed to it and to describe the composition of the accused and the organization of crime. The handicap of having only court cases with which to work eliminated any consideration of the physical and psychological types of offenders, their family background and neighborhood conditions. Class, likewise, can play only a minor role in this study because (1) the urban dwellers were often tried in their own courts and (2) the aristocracy and gentry found it easy to avoid arrest or to move their cases into courts of special inquiry. The bulk of the material in the gaol delivery rolls, therefore, concerns peasants and village artisans. Fourteenth century English penology is also an unfruitful area of study since hanging was almost the only form of punishment. Other lines of inquiry, as, for instance, race, do not apply to fourteenth century English conditions.

The first part of the present study will be devoted to a consideration of the political, economic and social factors which might have influenced the amount of crime per year or altered the pattern of the types of crimes committed or goods stolen. The political conditions of the first half of the fourteenth century which might have affected crime

patterns include a power struggle between Edward II and his barons which led to a civil war in 1322 and ultimately to the deposition and murder of the king in 1326, a further coup d'état in 1330 when Edward III ended his minority by killing Mortimer, and, finally, prolonged absences of the king while he was pursuing war in France. Interwoven with the political unrest were wars with Scotland and France. During this period England experienced repeated invasions from Scotland and the problems of unruly veterans returning from the wars. Generally speaking, the first half of the fourteenth century was a period of economic contraction. Grain prices gradually rose, hitting a peak in the terrible famine of 1315-1317. By the 1330s grain prices had fallen again but the price of nonagricultural goods, such as tools and cloth, rose.

A discussion of the effects of these factors on crime implies a search for a causal relationship. It might be useful, therefore, to say a few words about the meaning of causality in criminological studies. Hermann Mannheim in his introduction to Comparative Criminology has included a brief discussion of causality.[28] He concludes that in criminological studies one looks for "factors statistically associated with crime and therefore potentially causative. . . ."[29] These causal statements are necessary rather than sufficient conditions, i.e. of themselves they do not result in crime but only when certain other factors are also present. The natural conclusion of this reasoning is that

there are a multiplicity of factors which lead to crime.[30] As will be seen, this study is based on the multifactor theory. The nature of the sources and the limitations on our knowledge of the period make it impossible to say more than that certain factors correlate positively with peaks of crime and with changes in the pattern of crime and may, therefore, be considered as potential causes. They cannot be taken to be the only important factors, but, rather, the only testable ones.

The second part of the study, a discussion of the criminals and the techniques and organization of crime, is more descriptive. It will be concerned with the age, sex, class and occupation of the accused, how crimes were committed, professionalism among criminals and the organization of associations of criminals.

For both parts of the study the data will be drawn primarily from the gaol delivery rolls of Norfolk, Yorkshire, and Northamptonshire, for the years 1300-1348. These three counties were chosen because of the completeness of their records and because their geographic, political, demographic and economic differences make possible a comparison of the similarities and differences in their crime patterns. Data for the three counties from 1300 to 1348 include 10,456 cases: 3,746 from Norfolk, 5,454 from Yorkshire and 1,256 from Northamptonshire. Because of the great bulk of the data, samples had to be used to investigate some of the problems such as repeaters and distances traveled to commit

crimes. In these samples and in the depth studies of particular local conditions, Norfolk has been used because of the completeness of its records and the regularity of its crime pattern. Before using these data for our investigation of crime in early fourteenth century England, we must define the word crime as it will be used in this study, describe the system of criminal justice, and discuss the gaol delivery rolls as a source for the study of crime.

II

Definition of Crime

In order to understand the significance of the gaol delivery rolls as a source for the study of crime, it is necessary to investigate both the fourteenth century legal definitions of crime and the system for the administration of justice. The modern concept of crime is a much broader one than that of the fourteenth century. Modern law divides crimes into treasons, felonies and misdemeanors. In the fourteenth century the offense of treason was not clearly defined and there was no concept of misdemeanor as a criminal offense.[31] There was, however, a concept of felony which included the offenses of larceny, robbery, burglary, arson, rape and homicide. The gaol delivery rolls contain mostly felony cases with a sprinkling of petty treason cases. The definition of crime in this study will, therefore, be limited to felonies and petty treason.

According to Maitland, it is questionable that the fourteenth century had a definition of felony other than a list of offenses considered criminal.[32] In forming a definition both procedural and substantive law must be taken into consideration. In Maitland's formulation:

> (i) A felony is a crime which can be prosecuted by an appeal . . . [or by presentment and indictment in the fourteenth century]. (ii) The felon's lands go to his lord or to the king and his chattels are confiscated. (iii) The felon forfeits life or member. (iv) If a man accused of felony flies, he can be outlawed.[33]

The indictable offenses included under felonies are defined somewhat differently than they are today. As T. F. T. Plucknett has explained in his excellent commentary on B. H. Putnam's Proceedings before the Justices of the Peace, the rolls reflect the ordinary lay jurors' description of a crime rather than the legal formula of a lawyer or a judge.[34] Consequently, the language and the terms of indictment reveal a wide divergence of descriptive phrases. For example, the popular definitions of larceny which appear in the rolls distinguish highway larceny, nocturnal larceny and so on.[35] Plucknett has grouped all of the terms he has found in the rolls under the felony they describe. His classification has been used in this study.

Law distinguishes between felonies against the person and property. Crimes against the person in the fourteenth century included homicide and rape. Subsumed under homicide were misadventure (accidental homicide), self defense, slayings by the insane and murder. In the first

three categories of homicide the guilty person could receive a pardon from the king because the killing had not involved criminal intent.[36] All homicides which were not excusable were considered as murder or felonious homicide. Although ex malicia precogita is sometimes used to describe a murder, the law made no distinction in the form of punishment between premeditated murder and manslaughter.[37] The person who set up an ambush for his intended victim and the person who killed someone in a tavern brawl received equal punishment.

Rape or violentus concubitus meant a sexual assault on a woman against her will.[38] The offense could be prosecuted either by indictment or appeal. In order to appeal a rape the woman had to show evidence of wounds and torn clothing as proof of her resistance.[39] The paucity of rape cases in the gaol delivery rolls reflects, not superior moral behavior of medieval men, but rather that the cases were often abandoned or were settled in a compromise outside of court. Rape could be a way of forcing a marriage when the parents objected to the match.[40]

Crimes against property included larceny, burglary, robbery and arson. Arson was feloniously setting fire to houses or outbuildings. Robbery involved the withdrawal of property by threat of violence or with actual violence.[41] If the victim were killed in the robbery, then the felon would be charged separately with murder. If the victim was only wounded, then no criminal offense had been committed

outside of the robbery. According to a 1348 definition, "burglars of houses are those who in times of peace feloniously break houses, churches, walls, or doors; for which burglary one shall be hanged although he carry away nothing."[42] The term burglary was not always used in the rolls and so must be identified by the act of breaking in.[43] In larceny there was no violence done to either the person or the property of the victim; it was the simple act of picking up goods and carrying them away. Larceny was divided into grand larceny and petty larceny. In petty larceny the goods stolen had to be valued at under 12d. and the punishment was short imprisonment, fine, or pillory rather than hanging, as for grand larceny.[44] A felony closely connected with property crimes was receiving a known felon or stolen goods.[45]

The essence of treason was the betrayal of the bond between the subject and the king or a man and his lord. Treason differed from felony procedurally in that the punishment was hanging and drawing for men and burning for women.[46] Cases punished as treasonable offenses in the records included aiding and comforting the enemy, counterfeiting, forging seals, killing one's master or, for a woman, killing her husband.

In addition to petty treason and felonies, the gaol delivery rolls also contained a scattering of miscellaneous offenses: breaking prison or helping a prisoner to escape, false imprisonment and false appeal, failure to abjure the

realm, and a statute of 1327 provided for cases of malfunction of office to be tried in gaol delivery if the officials were connected with criminal justice.[47] These offenses were not, properly speaking, felonies, since they were punishable by fine rather than hanging. In the tables in this study they have been grouped under the column marked "other." False appeal was a capital offense if the appealer were a king's approver because he was already a self-confessed felon. (The machinery of becoming an approver will be explained later in this chapter.) Likewise, felons who left the road on their way to abjure the realm were hanged as previously confessed criminals.

The definition of crime in this study will be limited to felonies of homicide, rape, robbery, burglary, larceny, arson and receiving, as well as the petty treason offenses of counterfeiting, forgery, and giving aid and comfort to the enemy. The lesser offenses, which were punishable by fine rather than hanging, comprise only a small percentage of the cases and will receive no special consideration except for the false appeals by approvers.

III

The Administration of Justice

Once the felony or act of petty treason was committed, how was it detected and how was the suspect caught and tried in gaol delivery? The most frequent ways in which

criminals were apprehended were hue and cry, appeals either by an approver or by the victim and indictment at the sheriff's tourn, the coroner's inquest or a sworn inquest held by the keepers of the peace. The burden of detecting the felony and naming the suspect rested primarily on the villagers. They were organized for this purpose into various units of local government, each unit having its appropriate official. The structure of local criminal jurisdiction was not a neat pyramid; its institutions were a combination of Anglo-Saxon custom, Norman feudal concepts and various administrative experiments of the twelfth through fourteenth centuries. For the purposes of this study it is not necessary to go into the history of these governmental units, but only to show how they functioned in the detection and arrest of lawbreakers.

The administrative divisions of the country were the county, which was divided into hundreds, which, in turn, were divided into vills or townships.[48] In the early years of the fourteenth century a further division, the frankpledge, was still important, but as it declined other institutions such as the vills and the justices of the peace took over its functions.[49] The officials at the different levels included a sheriff, coroners and keepers or justices of the peace for the county as a whole, bailiffs in the hundreds, constables in the vills and capital pledges in the frankpledges. In addition to this system for the whole country, there were franchisal courts belonging to lords, abbots,

bishops and boroughs. The franchise or liberty was granted by the king and gave the possessor the power to appoint officials, carry out the normal law enforcement functions and collect the revenues arising from them. In some cases the franchisee also had the right to execute felons caught red-handed--infangthef. Although hundreds and vills could be under private jurisdiction, the view of frankpledge, exercised in leet court, was the most common unit.[50] Boroughs, such as Norwich, often acquired leet jurisdiction with their charter. Since franchise courts and officials were modeled on those of the crown, we may describe them together.

The responsibility for following the hue and cry fell on the lowest of administrative units--the frankpledge and the vill. The frankpledge system was a grouping of all men over twelve years of age--except clergy, nobility and their household servants--for the purpose of making them responsible for the good behavior of their members.[51] If one of their number committed a crime they had to produce him or pay a fine. Vills were, generally speaking, a larger unit, although sometimes the two were synonymous and in some parts of the country the frankpledge never existed.[52] When the frankpledge began to lose its importance the vill fulfilled its functions. Cooperation of both the frankpledge and the vill in law enforcement was insured by fining them for failure to report crimes committed within their borders.[53] To initiate hue and cry (hutesium et clamor) within

the vill, anyone coming upon evidence of a felony, such as a body, a house broken open, or a person in the act of theft, had to rouse the neighbors in pursuit of the suspect.[54] If they managed to capture him they had to guard him until the trial or take him to the county gaol.[55] If he escaped beyond the boundary of their hundred they were required to notify the authorities of the next hundred to take up the chase.

The royal government made frequent attempts, through statutes, to increase the efficiency of the local peace keeping units. By the Assize of Arms in 1181 everyone in frankpledge had to be armed and be prepared to use his weapons in following the hue and cry.[56] The duties of the vill were consolidated in the Statute of Winchester in 1285 which required all walled towns to shut their gates from sunrise to sunset and place a watch at the gate. Strangers passing the watch were arrested. The vills also had to clear all land within 200 feet of the roads in their territory "so that there be neither dyke, underwood, nor bush whereby a man may lurk to do hurt."[57] In 1331 the statute was reconfirmed and the constables of the vill were made responsible for its enforcement.[58]

If the felon was not captured in the hue and cry, then he might be arrested after indictment in the sheriff's tourn. Twice yearly the frankpledge and the vill had to go to the sheriff's tourn at the hundred court and report all felonies committed within their boundaries and make

presentments of the persons suspected of the deeds. The members of the frankpledge or the vill did not have to attend themselves but could send their capital-pledge or their reeve and four men from the vill.[59] A jury of twelve freeholders was to be present to hear the presentments.[60] The sheriff inquired of each vill what felonies were committed and whom they accused of them. The jury of freeholders listened to these presentments and, if they endorsed them, the sheriff would instruct the bailiff to make the arrest.[61]

The presentment procedure in franchisal hundreds depended on the terms of the original grant. Usually the lord's bailiff took presentments and passed them on to the sheriff or else he took them directly to the gaol delivery session.[62] If the private hundred failed to carry out its duties there was little the king could do but threaten to revoke the charter.[63] If the royal hundred was remiss, it could be amerced.[64]

Although the sheriff held the tourn and ordered the arrests on the recommendation of the presentment jury, the bailiff and his subordinates carried out most of the criminal administration in the hundred. The bailiff attended the sheriff's tourn or held his own in a private hundred, was present at the coroner's inquest, arrested those indicted and took them to the gaol, collected fines, distrained chattels of suspects, delivered writs and empanelled juries.[65] The bailiff was either a royal appointee or else made a contract with the lord of the hundred or the sheriff

in which he undertook to pay a certain amount for the office and carry out the requisite duties.[66] His own pay came from what he charged or extorted from the hundredors for performing his official functions[67] and from what he made charging his subordinates--clerks, beadles, serjeants, etc.--for their positions.[68]

Arrest procedures could also originate at the coroner's inquest. Each county elected four coroners from among its knights. When the vill discovered a body which showed evidence of unnatural death, they had to notify one of the coroners. The coroner ordered the hundred bailiff to summon a jury for an inquest into the cause of the death. The coroner then viewed the body and noted all wounds that might have caused the death. If there was evidence of felonious death, the jurors were requested to indict a suspect and the bailiff was directed to arrest him. When the justices of gaol delivery came to the county, the coroner attended and brought his rolls from the inquest.[69]

Obviously, the procedure of making an indictment before arrest gave the suspect plenty of time to flee. The royal government was aware of the inefficiency of the system and tried to give the keepers of the peace powers which would bypass the older procedures of arrest. The keepers of the peace (later called justices) were one of the many governmental experiments in keeping order. Until 1307 the keepers were to help the sheriff to enforce the king's peace and the Statute of Winchester.[70] During 1307-1308

the keepers received additional powers to arrest malefactors and to pursue them from hundred to hundred and from shire to shire.[71] It was hoped that this power would facilitate the capture of disturbers of the peace who crossed jurisdictional lines. Before Edward II left for Scotland the keepers were given the additional power to hold inquiries into felonies by sworn inquest and to arrest suspects.[72] This last measure was designed to catch felons of notorious repute without using the indictment procedure which gave them a chance to escape.[73] The keepers of the peace were sometimes given judicial powers which we will discuss in the next section, but their usual duties were the sworn inquest and arrest.

In addition to hue and cry and indictment a felon could be apprehended on the strength of an appeal either by a king's approver or by the private appeal of the victim or his next of kin. In a private appeal, the victim or his kin, if he had been murdered, could come to the county court and bring suit against the person or persons he suspected of committing the crime.[74] In an appeal of rape the woman had to be viewed by the coroner for evidence of wounds and torn clothing.[75] The advantage of private appeal was that the victim could get back his stolen property rather than lose it to the crown. The hazard was that he was fined if he lost his suit. The king's approver was a felon who confessed his guilt and named the people who had aided him in committing the crimes.[76] A felon usually

turned approver in gaol or during the trial when it looked as if he would not be acquitted.[77] When a prisoner wished to become an approver, he called for the coroner, confessed his crime and made his appeals.[78] After the appeal was made the coroner instructed the sheriff to make the arrest.[79] The approver was then kept in prison at the king's expense until the trial. The attraction of becoming an approver was that it was a way to prolong the prisoner's life and perhaps even give him time to escape or to get a pardon from the king.[80] If most of those he appealed were convicted he might even be allowed to abjure the realm.[81]

Those suspected felons who were not arrested might either be outlawed or abjure the realm. A suspect was outlawed in the county court in the presence of the coroner, who kept a record of the outlawry. If the accused failed to appear in county court for four consecutive sessions to answer the charges, then he was outlawed.[83] Originally outlawry meant that the person was outside the law and could be killed outright if he were found.[84] Although the law still stood in the fourteenth century, most outlaws were either arrested, if they were found, or else procured pardons and turned themselves in.[85] The suspect might also take refuge in a sanctuary, usually in a church, and stay there continuously forty days and forty nights.[86] The vill was expected to keep guard over the church to see that he did not escape.[87] Before the end of forty days the coroner came, took his confession of guilt and his oath to abjure the realm

and assigned him to a port of departure. The abjuror was given a cross to carry to identify him. A limit was set on the time he could take getting to the port and if he exceeded that time or if he left the road he could be killed or brought to gaol delivery where he would be hanged.[88] Probably many felons were so successful in hiding their identity that they were never outlawed, arrested or forced to abjure the realm.

After arrest the accused had to be guarded, put into gaol, or bailed until his trial. Custody of a prisoner was often the responsibility of the vills which captured him if the county gaoler refused to take him.[89] Usually, however, the prisoner was taken to the county, municipal or franchisal gaols or even one of the "national" gaols such as Newgate, the Fleet, or the Tower of London.[90] These fourteenth century gaols warranted their evil reputation, as anyone who has seen the dungeons in a medieval castle can well imagine. The upkeep of the gaol in the county castle was the responsibility of the sheriff who also had to staff it.[91] Gaolers, like bailiffs, paid the sheriff or owner of the franchisal gaol for his office. As he received little or no salary, he sought his remuneration in charging prisoners for their meals, bed linens and the privilege of wearing lighter irons.[92] Prisoners who were too poor to pay the gaoler for bed and board were supported by charity or else died.[93] The abuses of the gaolers frequently appeared in the records. Perhaps one of the worst was that gaolers

sometimes tortured prisoners into becoming approvers. The falsely appealed men were often willing to pay the gaoler high prices to stay out of gaol or to get comfortable lodgings.[94]

Fortunately for the accused, gaol was not inevitable, for granting of bail was very common. By the Statute of Westminister I (1275) anyone who was not accused of a heinous crime such as homicide or treason could be bailed.[95] To be bailed the accused had to find sureties who undertook responsibility for his appearance at the trial. If he did not come, the sureties were amerced. The sheriff was responsible for granting bail and often ignored the statutory limitations on who was eligible. Consequently, murderers and dangerous felons were sometimes bailed.[96]

Having been apprehended, indicted and put into custody, the accused was tried. As B. H. Putnam has pointed out, ". . . in the minds of malefactors there must have been considerable uncertainty as to who would have the privilege of . . . hanging them,"[97] for there were as many different courts of final as of preliminary jurisdiction. For purposes of this paper the only system which need be described in detail is gaol delivery, which acted on most of the indictments and appeals and on cases of arrest on suspicion by the keepers of the peace.[98] In addition to gaol delivery there were eyres, king's bench, trailbaston, peace sessions and leet courts. The extent to which these other courts tried criminal cases will be discussed in the next section.

The chief characteristic of the gaol delivery system was that circuit justices, appointed by the central government, travelled from county to county and from gaol to gaol trying those accused of felonies. Three writs were necessary to set in motion the machinery for a delivery. A writ commissioning justices to deliver specific gaols was issued through letters patent. The sheriff was ordered to prepare for the coming of the justices through a writ de Intendendo in a letter close. And finally, the appointed justices sent a writ, venire facias, in the king's name giving the sheriff full instructions about the date of the delivery.[99] New writs to commission justices of gaol delivery were not issued for every regular session. A writ could be valid for several years unless one of the justices was removed.[100]

The commission gave the justices the power to deliver everyone they found in the gaol and all those whom the sheriff had bailed. A typical commission was in the following form:

> Edwardus dei gracia Rex Anglie Dominus Hibernie et Dux Aquitanie dilectis et fidelibus suis Johanni de Thorp, Ricardo de Walsingham et Simoni de Hedersete salutem. Sciatis quod constituimus vos et duos vestrum justiciarios nostros ad gaolam nostram castri Norwyci deliberandam. Et ideo vobis mandamus quod ad certum diem quem vos vel duo vestrum ad hoc prouideritis conueniatis apud Norwyciam ad gaolam illam deliberandam, facturi inde quod ad justiciam pertinet secundum legem et consuetudinem regni nostri, salvis nobis amerciamentis et aliis ad nos inde spectantibus. Mandavimus enim vicecomiti nostro Norf' quod ad certum diem quem vos vel duo vestrum ei scire faciatis, omnes prisones eiusdem gaole et eorum attachiamenta coram vobis vel doubus vestrum ibidem venire faciat. In cuius rei testimonium has literas nostras fieri fecimus

patentes. Teste me ipso apud Westmonasterium xvii die Junii anno regni nostri decimo.[101]

From time to time the commission expressly excluded cases indicted before the trailbaston justices or the keepers of the peace.[102] Certain rebels, such as those involved in Lancaster's revolt in 1322 and in the unsuccessful coup d'état of Roger Mortimer, were also denied gaol delivery trials.[103] During the years of experiment, gaol delivery commissions were sometimes issued to justices under different titles. In 1305-1307 and again in 1314-1316 expanded trailbaston sessions delivered gaols.[104] On occasion the general eyre might also be revived as in 1329-1330 in Northamptonshire. When the king was staying in a county, King's Bench took over the responsibility of delivering the gaol there.[105]

Although there were several attempts to regulate the frequency of gaol delivery by statute, in practice the number of deliveries per year depended upon the amount of business and upon the administrative efficiency of the central government. By a statute of 1299, gaol delivery, like assize, was to be held at least once a year but not more than three times a year.[106] In 1330 another statute placed the minimum at three times a year.[107] Both of these statutes went unobserved. In Norfolk, for example, there were four to five deliveries in 1316, 1318, 1320-1321, 1323, 1325-1327 and after 1330 there were often fewer than three deliveries. The same pattern may be found in Yorkshire and

Northamptonshire also. The sessions were held during vacations of the central courts when the judges went on circuit. Thus there was usually a spring, summer-autumn, and a winter delivery.[108]

Statutory law also attempted to regulate the personnel of the commissions. The statute of 1299 required that the same justices who took assize should also deliver the gaols while they were in the county.[109] In terms of the qualifications of the judges this meant that they were experienced central court justices who either had a formal legal education or who had a great knowledge of the law. There was a further requirement that, if the judge was a clerk in orders, he must have a discreet knight associated with him.[110] These requirements were set aside between 1308 and 1328 when any coincidence between gaol delivery and assize commissioners existed only through the activity of individual justices. Local knights or gentry handled gaol delivery when there was no professional justice.[111] These local men were often the same ones chosen to be keepers of the peace.[112] The government twice attempted to return to the assize justices--in the Statute of Northampton (1328) and in its reaffirmation in 1330.[113] Despite legislation the commissioners were not always assize justices. M. M. Taylor shows that, of the 152 gaol delivery commissions between 1327 and 1336, only six were sent to the three justices of assize on the circuit in which the gaols were located, forty-five contained at least one or two assize

justices and ninety-eight did not contain one.[114] The statutes also required that the judges should not be property holders in the county where they were hearing pleas so that they would be more impartial.[115] Twice in 1334 the commons petitioned for the enforcement of the statutory provisions.[116] The government willingly accepted their suggestions but was unable to enforce the statute; assize justices preferred to cut short their circuit work and finish early.[117]

The sessions of gaol delivery were usually held in the county castle or the town hall of the city where the gaol was located.[118] Most of the preparation for the delivery rested with the sheriff and his staff. As soon as he received notification of an impending delivery through a writ of venire facias, the sheriff had to prepare the calendar of cases to be tried and make a public proclamation of the day of the delivery so that all whose duty it was to appear should be at court. He also empanelled hundred juries and notified the coroners, bailiffs and franchise officers to be present.[119]

On the day of the sessions the justices sat on the bench while the prisoner stood at the bar to be tried. The court must have been very full for all the county officials had to be present in addition to the twelve to twenty-four knights and freemen from each hundred who made up the trial juries.[120] When the prisoner stood at the bar the offense with which he was charged was read out to the court. The

judge then asked him how he wished to plead. The accused had several options--he could refuse to answer the charges; he could deny his guilt and ask to be tried by a jury; if his accuser were an approver, he could ask to prove his innocence in trial by combat; he could claim benefit of clergy and refuse to answer until a representative came from his bishop; or he could confess his guilt.

By far the most common choice was for a jury trial or as it was described in the records:

> [The accused] comes and being asked how he wishes to acquit himself thereof denies the [particular felony] consent, company, all felony and whatever is against the peace, etc. And for good and ill puts himself therefore on the country.[121]

The sheriff then called a jury of twelve freemen from the hundred in which the crime was committed. The accused could challenge, without showing cause, any number of jurors less than thirty-six, or three whole juries.[122] William Strangbowe, who was accused of murdering Alianore de Bello Monte at Skernyng and her servant, and stealing 60s. from them, refused three juries. The judge returned him to prison ad dietam.[123] The refusal of juries raised a problem because the juries acted as witnesses. A man could almost clear himself if he refused the maximum number. But as J. F. Stephen points out, the rejected juror might still influence the jurors selected or he might be consulted as a witness by the jury.[124] The jury had to give a unanimous verdict from their knowledge of the case. Witnesses might be called upon to testify or the accused might offer an alibi,[125] but

it was the responsibility of the jury to make inquiries of the facts before they came to court.[126] The jury might offer a special verdict indicating that the accused was guilty of the crime but that because of extenuating circumstances he should be pardoned. The usual conditions for pardon were self-defense, misadventure, sickness or insanity depriving the prisoner of his reason at the time of the crime.[127] On the basis of the jury's evidence, the justices of gaol delivery passed sentence on the accused and specified the punishment or returned the person to gaol until a pardon was procured or further information was available on the crime.

If the accused had been appealed by an approver, he had the right to demand a trial by combat with his accuser. The duel took place before the judges. Armed with shields and clubs pointed with iron, the two combatants met on the field. The accused denied the charge word for word. The approver repeated the accusation and swore that it was true. The fight then commenced until one was killed or cried "craven." Whoever lost was hanged. If the approver won, he would confront another man he had appealed or he would be hanged on the strength of his confession of guilt.[128] One approver, Galfred Chalener, refused to fight when the man he appealed asked for a duel. He claimed that the fight would be unfair since he lacked two fingers. The judge upheld his objection and the accused put himself on the country.[129]

The accused might also stand mute before the justices and refuse to plead. In such cases the judges returned him to prison ad dietam or under peine forte et dure until he died or agreed to plead. The author of Vita Edwardi Secundi gives a vivid description of the process.

> When [the suspect] was brought before the justices, questioned and accused of many crimes, he did not answer. He was therefore thrust back into prison at the discretion of the judges to undergo his sentence. The customary punishment, indeed, for those mute of malice is carried out thus throughout the realm. The prisoner shall sit on the cold bare floor, dressed only in the thinnest of shirts, and pressed with as great a weight of iron as his wretched body can bear. His food shall be a little rotten bread, and his drink cloudy and stinking water. The day on which he eats he shall not drink, and the day on which he has drunk he shall not taste bread. Only superhuman strength survives this punishment beyond the fifth or sixth day.[130]

Usually the person who stood mute gave in and agreed to plead. Matilda Mese stood mute when she was accused of breaking into the house of Alice, niece of the vicar of Depsham, and taking goods valued at 40s. She was returned to gaol ad dietam but gave in and was convicted in the following session.[131] The only advantage of dying under peine fort et dure rather than by hanging was that the heirs got the possessions rather than the crown.

Instead of refusing to plead, the accused could confess his guilt and either become an approver or be hanged right away. Robert le Bakere of Sewelle confessed to stealing a purse worth 3d. in the church of St. Botulph in Norwich and was sent to the pillory.[132] Few, however, chose to confess without becoming approvers, thus prolonging their

lives. Robert Erneys de Pottersperye and Robert Payn withdrew their appeals saying that they had only made them to avoid hanging.[133] If the accused confessed and became an approver at his trial he was returned to gaol until those he accused could be tried.

If the accused was a member of the clergy, he could claim the rights of benefit of clergy before putting himself on the country. The prisoner had first to prove that he was a clerk, either by a literacy test, by appearing in proper tonsure and habit,[134] or by having an ecclesiastical representative, an ordinary, come to the court with notice from the bishop that the accused was a member of the clergy in his diocese.[135] Clerical privilege extended to all persons who received orders, even the lowest ranks of clergy, and covered all cases but high treason.[136] The ways in which the clerical plea could be made will be discussed in another chapter and need not detain us here. The cleric was tried by the jury and, if convicted, was released to the care of his ordinary. The king detained his chattels until the the criminous clerk could purge his offense in an ecclesiastical court.[137]

If convicted, the crown confiscated the chattels of the lay felon and punished him, usually by hanging. In cases of treason hanging and drawing of men and burning of women was prescribed. If the value of the stolen article was under 12d., the thief was put into prison for a short term or was put in the pillory. Often the prison sentence

was a day for each penny of goods stolen, as in the case of Alan son of Robert Wyseman of Swylington, who stole 4d. of grain and received a four-day prison sentence,[138] or Walter Craven, who got a three-day sentence for stealing 3d. worth of grain. Walter Lymourbrendere, on the other hand, was put into the pillory for stealing 4d. of goods.[140] Not all convictions ended in punishment. The king issued pardons to those who had committed the felony without criminal intent, to those who would serve in his armies and to those who had influence at court or who were willing and able to pay for a pardon.

Before looking at the nature of the gaol delivery rolls, it might be helpful to summarize the processes in the administration of justice which led to the apprehension of the suspects and their trial. The most common way of detecting felons was through an indictment made in the sheriff's tourn, the coroner's inquest, at the sworn inquest of the keeper of the peace, or before the bailiff of a liberty granted the right to take presentments. After indictment the accused, if he had not already fled, was arrested by the sheriff or one of his subordinates, the hundred bailiff or the keeper. Arrest without previous indictment could be done by hue and cry if a felon was caught redhanded and by the keeper of the peace if the suspect were of notorious reputation. Suspects could also be arrested on the accusation of the victim or of an approver. If the accused avoided arrest or failed to appear in court,

he was eventually outlawed. While awaiting the arrival of the gaol delivery justices, the suspects were either kept in gaol or held on bail. The justices of gaol delivery were appointed by the crown to travel in circuits and try the felony cases in the county gaols. Usually, the suspects were given a trial by jury with the jury collecting evidence and deciding the guilt or innocence of the accused. The judges passed sentence on the basis of their evidence. In a few cases the accused chose to have a judicial duel with his accuser or stood mute and refused to plead at all. If the accused was found guilty, he forfeited life and chattels.

IV

The Records

Having briefly traced the process by which suspected felons were brought into court and the procedure followed during the trial, we must now describe the gaol delivery rolls in which the cases are preserved and discuss their value for the study of crime. Two questions immediately arise when dealing with criminological data: how complete and how accurate are the records? In order to test the hypothesis that social, political and economic factors influenced the number of crimes per year, we must first establish that the fluctuations were not brought about by missing records, changes in the administration of justice, or

increased efficiency in law enforcement. If the rolls are to be used to describe the pattern of crime, we must know the extent to which corruption and negligence at all levels of society influenced who was charged and which crimes were prosecuted.

The surviving gaol delivery rolls are located in the Public Records Office under the classification of Justice Itinerant III (JI 3). The series, which runs from Edward I's reign to that of Henry VI, includes more than two hundred separate bundles of plea rolls, files and calendars. The calendars, which were the original records, are too sparsely preserved to be useful for a statistical study of crime. Although they are more accurate than the plea rolls, a sample comparison of the two showed that the discrepancies were not great enough to affect the results of the study. In comparing five years of calendars and plea rolls for Yorkshire only seven additional cases appeared on calendars. In the few cases where a calendar survives but no plea roll was made up, the calendar has been used. The files consist of odd writs, pardons and jury lists. Their preservation is too sporadic to be of use in this study.

The information contained in the rolls includes the name of the accused and the victim, their place of residence, the agency of arrest or indictment, the type of felony, the nature and value of stolen goods, the place of the crime, the sentence, the punishment and the value of the felon's chattels if he was found guilty. The occupation of the

accused is occasionally given but it was not a required part of the records until the fifteenth century. A typical case would be as follows:

> _____ of _____ taken for a horse worth 18 s. feloniously stolen from _____ at _____ whereof he was indicted before the keepers of the peace. Comes and being ask how he wishes to acquit himself thereof, denies the theft, all felony and whatever is against the peace, etc. And for good and ill he puts himself therefore on the country, for which the sheriff of _____ is ordered to cause to come here twelve, etc. of the hundred of _____ by whom, etc. And the jurors of the aforesaid hundred come, and say on their oath that the aforesaid _____ is guilty. Therefore let him be hanged. His chattels are none, etc.[141]

Additional information may be added such as a plea of benefit of clergy, a pardon, or the circumstances surrounding a case of self-defense, insanity or misadventure.

As has been stated, the present study is based on cases from three counties--Norfolk, Yorkshire and Northamptonshire--for the years 1300 through 1348. The rolls for these counties are among the most complete. Norfolk has only two gaps, 1340-1341 and 1343. Yorkshire has large gaps from 1300 to 1314 but after that date the records are almost complete. The Northamptonshire series is good to 1329, becoming sporadic after that date. For the purposes of gaol delivery, Northamptonshire was divided into two parts: one delivered at Northampton castle and the other at Peterborough.[142] Peterborough was part of a circuit for which the records are poorly preserved. The four hundreds under its jurisdiction--Nasseburgh, Polebrook, Navisford and Huxloe--have, therefore, been excluded. The borough

deliveries from York, Northampton, Norwich, Beverley, St. Mary's, Great Yarmouth and Lynn have also been left out of the calculation of the number of crimes per year because they are erratically preserved.

Loss of records and experiments with other forms of administering justice account for the gaps in the gaol delivery series. The history of the rolls explains many of these breaks. During the trial, the sheriff's calendar was used to conduct the proceedings. After the case was heard the clerk entered the results on the calendar along with a description of the value of the forfeited goods or any point affecting the delivery of the prisoner such as a pardon or a process against him in another court.[143] The calendars were then copied into the plea rolls. As M. Gollancz has suggested, the copy was probably made up a year or so after the sessions.[144] The responsibility for keeping the records and having them properly transcribed rested with the senior justice of the session. By a statute of 9 Edward III the justices were supposed to deposit the records with the treasurer and chamberlains of the Exchequer every Michaelmas. This was seldom done.[145] In practice the enrollments were handed on from one justice to the next as the personnel of the commissions changed.[146] Undoubtedly, the justices turned in some of the rolls at Michaelmas or at the expiration of their commission but the Exchequer frequently asked for the rolls, even pressing the heirs of a dead

justice for them.[147] Upon deposit the rolls were bound and a note made of the contents of each bundle of records.[148]

The loss of rolls could occur at any point in this process or during the succeeding centuries of storage. We know that some rolls were lost while they were still in the justices' possession. In 1381, for instance, some rolls were destroyed during the Peasants' Revolt.[149] In another case, the clerk of gaol delivery for Northampton was robbed of rolls on the king's highway.[150] One wonders how many others were lost or stolen on the circuits. It is also possible that many were never deposited with the Exchequer. C. A. F. Meekings has argued that many of the gaps may represent deliveries held by local knights rather than by the central court justices who were more reliable about depositing their records.[151] Mice and the elements are probably responsible for the destruction of some of the records. Two deliveries were lost by misfiling during the nineteenth century.[152]

Gaps in the records also occur because some sessions were never held. Sometimes, if the senior gaol delivery justice was absent on other royal business, sessions were missed.[153] Occasionally there is a note in the rolls that no deliveries took place because there were no prisoners or because incursions of the Scots prevented the holding of a session.[154] It is also possible that the central government failed to issue the usual commissions either

because of chaos in the council or because there was a lack of competent men to be justices.[155]

In order to use the records to determine the number of crimes per year, it is necessary to know as nearly as possible where the records are incomplete. In Appendix I the devices used for tracing the gaps in the records and for compensating for them are discussed. For the purposes of this paper, all years with two or more deliveries have been included as complete. Unless there is evidence to the contrary, years with one or no deliveries have been excluded on the grounds that records are, perhaps, missing. It was decided to use this method of coping with the problem of lost documents rather than adopting a statistical device, because experiments with these devices confirmed the results of the historical analysis. (See Appendix I.)

The extension of the power to administer criminal law to justices other than gaol delivery periodically drew off cases. As this drain might be sufficient to explain the fluctuations in the number of crimes per year recorded in the gaol delivery rolls, it must be investigated thoroughly. Courts which occasionally tried felonies included eyre, King's Bench, trailbaston, oyer and terminer, leets and peace sessions. Eyres, King's Bench and trailbaston all held the regular gaol delivery sessions from time to time. In 1329-1330 an eyre was held at Northamptonshire; none of the other fourteenth century eyres concerned the three counties of this study. Trailbaston commissions replaced

gaol delivery commissions between 1304-1307 and 1314-1316.[156] After 1318, King's Bench assumed the responsibility of delivering the gaols of the county in which the king was staying.[157] Thus the Yorkshire gaol was frequently delivered by King's Bench during the early fourteenth century when the kings went north to fight the Scots. C. A. F. Meekings has traced these irregular deliveries in assize rolls and king's bench rolls and consequently they have been included in the present study.[158]

Oyer and terminer commissions had limited criminal jurisdiction covering only serious crimes or those committed against high ranking persons rather than habitual crime. They usually handled trespass cases which involved some criminal behavior or those cases bordering on rebellion.[159] They were never issued at regular or frequent intervals but rather to meet dangerous situations as they arose.[160] A survey of the patent rolls showed that there were usually only one or two oyer and terminer commissions per year for each county, so that very few cases were handled that way. Of these few, some are enrolled along with the gaol delivery records and have been included in this study.

The number of cases tried in leet court or settled in the sheriff's tourn is less certain. Some cases which came before these courts appear to be felonies but were settled by fines. The miller who stole grain from his customers might get off in this way rather than being taken before gaol delivery and possibly hanged, thereby depriving

the village of his skill.[161] At a view of frankpledge in Sussex a rape case was settled by fine--the value of the woman's virtue being put at 20s.[162] There is some evidence that borough leets had the right to try larcenies.[163] William Hudson, however, found that in Norwich presentments for theft were usually kept with those of murder and other serious crimes for the justices of gaol delivery.[164] Some leet courts also had the right of infangthef, i.e. the power to hang a thief caught in the act or with the stolen goods. By the fourteenth century it was rare to find the right exercised. The crown discouraged infangthef because it deprived the king of the revenue arising from the felons' chattels.[165] Some of the liberties had the franchisal right to try all felonies committed within their boundaries but by the fourteenth century the use of this right, too, was rare.[166] The quantity of the drain of cases from the sheriff's tourn or franchisal courts cannot be known with precision, but as cases were probably drawn off at a fairly constant rate, they would not influence the fluctuations in the amount of crime. They might, however, influence our analysis of class and occupation of the accused if certain influential or indispensable members of the community, like the miller, were protected from gaol delivery.

Of all of the rival jurisdictions, the keepers of the peace pose the greatest problems in using gaol delivery information for a study of the fluctuations in the amount of crime. During the first half of the fourteenth century the

keepers of the peace were three times (1329, 1332, 1338) granted the right to try the cases indicted before them. Because they only exercised this right sporadically, a drop in the number of crimes per year may represent a period when the keepers were hearing cases rather than a decrease in crime. To test the effects of granting judicial powers to the keepers of the peace (thus making them justices), the years when peace cases were excluded from gaol delivery have been compared in a graph showing the number of crimes per year in the three counties. (See Appendix II.) This comparison shows that the number of crimes per year dropped only in 1332-1333 when the keepers were given the power to determine cases for the month of February. In all other years, the number rose despite the cases drawn off by peace sessions. Thus, if the cases tried in peace sessions could be added to those of gaol delivery, it would usually serve to augment an already existing rise rather than explain a sudden decrease in cases. Aside from these peace commission cases, the drain of cases from gaol delivery to other courts was fairly constant in volume and does not destroy the value of the gaol delivery rolls as an index to fluctuations in the number of crimes per year.

Differences in the number of crimes per year might, however, reflect changes in the methods of apprehending criminals or in the efficiency of existing law enforcement officials rather than an actual increase in the amount of crime. In Appendix III we have again used the method of

comparing changes in administration of justice to a graph of the number of crimes per year. The comparison renders very inconclusive results. While the number of cases per year does sometimes rise following a reform, this is not always true. Sometimes the number in one county rises while it falls in another. Furthermore, there are some peaks on the graph which do not coincide with administrative changes. Further difficulties arise because at times the authorities were exercising the powers without specific permission.[167] Usually, increases coincided with periods of social, economic and political crisis as well as with reforms, so that it is difficult to assess which had the greater influence. It seems unlikely, however, that an increase of 600 percent in court business could be laid at the door of a new policing measure alone. Thus, while attempts at reform may help to explain some of the fluctuations on the graph, they are not the only explanation nor, perhaps, the most satisfactory one.

Another possible cause of fluctuations in the number of crimes per year is the effect of corrupt officials who either suppressed cases or who falsely indicted people. So serious was this problem in nineteenth century England that J. J. Tobias in Crime and Industrial Society in the 19th Century based his rejection of criminal statistics largely on these grounds.[168] Corruption was certainly rife in medieval England but it is unlikely that it could have caused significant fluctuations in the number of cases

brought into court. Sheriffs had most power to distort records because they took the presentments and kept the records of indictments. They have left much evidence of their willingness to suppress indictments or appeals for a sum of money[169] or to have innocent men accused in order to collect bribes from them to stay out of gaol.[170] Bailiffs of liberties with the power to take presentments were guilty of the same offenses.[171] Despite the evidence of official malfunction, it would be an exaggeration to assume that the practice spread to all officials. Furthermore, it is doubtful that one scoundrel sheriff could cause a significant increase or decrease in the number of cases. During the first half of the fourteenth century it was usual for a sheriff's commission to be reviewed every year.[172] In Norfolk County Official Lists no sheriff held a commission for more than three consecutive years.[173] Coroners also used their inquests for suppressing cases or making false indictments[174] but, on the other hand, they were less often charged with corruption than other officials.[175] The felon or the men of the locality were much more likely to hide a body than the coroner.[176] Corruption among bailiffs and other local officials tended to be in fiscal matters rather than in felonies.[177] Official malpractice, if widespread enough to make a significant difference in the number of cases reported, was more of a constant drain rather than an erratic one which would cause fluctuations in the number of crimes reported each year.

Approver cases might, however, have brought an abnormal number of cases into court, particularly as the use of appeals seemed to run in cycles of popularity. In order to assess the influence of approver cases on the number of cases brought into court each year, we have plotted the number of crimes per year in Norfolk both with and without approver cases. (See Appendix IV.) From this graph we can see that, although the approver cases do add a considerable number of cases to the totals during the years 1320-1330 and 1346-1347, they tend to follow the same pattern as the other cases. For this reason we have included the approver cases in our calculations of the number of crimes per year.

Before leaving the problem of the completeness of our records, we must mention a caution which should precede all criminological studies based on court records. Such records include only cases for which a suspect has been found. Many cases are reported for which no one is charged. Even more cases are never reported because they are settled out of court, because they are never detected, or because they are concealed through personal concern for the culprit or through fear of witnesses to report a felony. The court records, therefore, never give the true volume of crime; they are only an index to the amount of crime and to fluctuations in that amount.[178]

In addition to the completeness of the records we must be concerned with the reliability and accuracy of the records. Did the crimes really occur or were they thought

up by presenting juries who held private grudges or by officials who hoped to receive rewards for indicting certain people? Were the accused only those who could not afford to pay to have the indictment quashed? Men were said to be falsely accused of crimes, as was Robert de Culeworth of Beackele, who was charged with a murder "out of hatred and not because he is guilty thereof."[179] Presenting juries and sheriffs both had the opportunity of maliciously indicting a person or of covering up for the man who paid enough. It is partially for this reason that so few of the gentry or higher clergy appear in the records. They were able to use their influence or their money to stay out of court.[180] The records, then, are more accurate for a study of villagers than of the upper classes.

The approver cases present special problems in regard to their reliability. One problem is that the sheriffs and gaolers were known to force men to become approvers by torturing a prisoner until he was willing to appeal anyone the sheriff or gaoler suggested to him.[181] Approvers sometimes complained to the justices of gaol delivery that they made their appeals under duress but they seldom were believed. John Bonde claimed that his appeals were forced out of him in the lowest room of Norwich Castle after he had been starved and tortured for three days and nights. The coroner's testimony stated that he had made his appeals in the tower and was in good health and acting of his free will at the time.[182] In one case the gaolers were tried

and convicted of forcing appeals. John Pecus and John Wayte, gaolers of Northampton Castle, and Thomas Flore, tenant of the constable of the castle, were found guilty of forcing men to turn approver and were fined half a mark each. They fled to Norfolk before the trial.[183] As we pointed out earlier, other approvers needed no official urgings to make false appeals but did so to prolong their lives. John Kyronn appealed people of crimes which had not occurred. The sheriff claimed that he had done so to prolong his life, which he managed to do for two years.[184] But whether the appeals were forced or voluntarily made, the juries seemed to distrust any accusations made by an approver; in 99 percent of such cases there was acquittal. For this reason the approver cases cannot be used in computing the acquittal/conviction ratio. In addition, approvers tended to appeal people for receiving more than for any other crime. In years in which there were many approver cases, therefore, there is an overbalance of cases of receiving, thereby throwing off the proportion of types of crimes. Thus the approver cases have been left out of the calculations of the types of crimes committed.

Aside from the adjustments to limit the influence of approver cases on the statistics and the virtual exclusion of the gentry from the study, the records may be considered fairly accurate in the picture of crime which they present. Although some individual charges and sentences may have been false or unjust, even these malicious accusations

had to be plausible. Furthermore, neither the community nor the sheriff could afford to make only false indictments because, for the sake of keeping order, they also had to find the real felons. Thus these records, studied quantitatively, give a reliable guide to the pattern of crime.

One final point about the records must be taken up before we proceed with our study: the lag between the date of the crime and the date of the trial. Such a lag is part of all criminal court records, for it usually takes about a year for the felony to be discovered, the indictment made, the suspect apprehended and the trial arranged. In addition, cases could be postponed in the fourteenth century because an official or a jury failed to appear. It could take years to get a jury to come from another county for a trial, because it was cheaper for the jurors to pay the fine than the travel expenses. Unfortunately, the date of the crime does not appear in the records until the 1340s. It has, therefore, been necessary to predict the amount and the length of the lag from a sample of three complete deliveries after that date. This sample shows that 18 percent of the crimes occurred in the year of the delivery, 31 percent came from the previous year, 15 percent originated two years before the delivery and the remaining 36 percent was distributed in gradually decreasing proportions over a period of ten or more years. (See Appendix V.) Rather than try to redistribute the cases according to these

percentages, allowance for the lag will be made in analyzing the data.

The gaol delivery rolls contain a wealth of information from which to form a picture of crime in the fourteenth century. By using all years which appear to be complete (two or more deliveries per year), we can draw a graph of the number of crimes per year. Furthermore, as we have seen, the fluctuations on the graph cannot be explained solely by a drain of cases to other jurisdictions or increased efficiency in law enforcement. We may, therefore, apply our hypothesis that the social, economic and political crises brought about alterations in the pattern of crime. From the information on types of crimes we can look at the effects of war and returning veterans on the level of violence and the effects of famine on property crimes. The types of goods stolen can give us an insight into changes in the crime pattern brought about by economic changes. Finally, from the gaol delivery rolls we can learn something about who committed the crimes, how profitable it was to them, their chances of escaping punishment and their techniques of crime.

Notes

1. JI 3/48 m. 24, Norf., 30 July 1315.
2. JI 3/125 m. 9d., Norf., 29 March 1331.
3. JI 3/48 m. 42, Norf., 5 Jan. 1317.
4. Rot. Parl., I, pp. 324a, 365a, 372b, 374b.
5. Ibid., II, pp. 166a, 174b, 202a.
6. Ibid., I, pp. 285a, 444b, 458a; II, pp. 104b, 161b, 171a.
7. Ibid., II, pp. 62a, 165a.
8. Ibid., I, p. 371.
9. Statutes of the Realm, 5 Ed. III, St. I. c. 14.
10. Ibid., 9 Ed. II, St. II.
11. Ibid., 2 Ed. III, St. I.
12. Ibid., 4 Ed. III, St. I; 5 Ed. III, St. I; 10 Ed. III, St. I, II; 14 Ed. III, St. I.
13. M. Keen, The Outlaws of Medieval Legend (London, 1961), Ch. 2, 4, 6.
14. Ibid., Ch. 7-9, p. 3.
15. J. C. Holt, "The Origins and Audience of the Ballads of Robin Hood," Past and Present, No. 18 (Nov., 1960), p. 93.
16. T. F. T. Plucknett, "Parliament," The English Government at Work, ed. W. A. Willard (Cambridge, Mass., 1940), I, pp. 102-103.
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18. Ibid., Ch. 4.
19. Ibid., pp. 254-255.
20. J. F. Willard, "Inland Transportation in England during the Fourteenth Century," Speculum, I (Oct., 1926), 361.

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29. Ibid., p. 11.

30. Ibid., p. 8.

31. W. S. Holdsworth, A History of English Law (Boston, 1923), II, p. 357.

32. F. Pollock and F. W. Maitland, The History of English Law (2d ed. Cambridge, 1968), II, p. 466. B. H. Putnam and T. F. T. Plucknett, Proceedings before the Justices of the Peace in the Fourteenth and Fifteenth Centuries (Ames Foundation, London, 1938), p. cxxiv.

33. Pollock and Maitland, II, p. 466.

34. Putnam and Plucknett, pp. ccxxxix-ccxxxv.

35. Ibid.

36. Pollock and Maitland, II, pp. 483-84. Putnam and Plucknett, pp. cxlvi-cxlix. N. D. Hurnard, The King's Pardon for Homicide before A.D. 1307 (Oxford, 1969), pp. 68-108.

37. Pollock and Maitland, II, p. 485. Putnam and Plucknett, p. cxlvii.

38. Pollock and Maitland, II, pp. 490-91.

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42. Ibid., p. cxliv, quoting Fitzherbert, Corone, p. 264.

43. Ibid., pp. cxliii-cxlvi for a complete discussion of terms used for burglary.

44. Pollock and Maitland, II, pp. 497-498.

45. Putnam and Plucknett, pp. cxli-cxlii.

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52. Pollock and Maitland, I, p. 569.

53. Ibid.

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55. Morris, Frankpledge, p. 105.

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79. Ibid., p. 73.

80. Hamil, pp. 253-54.

81. Hunnisett, Coroner, p. 69.

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111. Pugh, p. 281.

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115. Meekings, Manuscript, p. 25.

116. Taylor, p. 238.

117. Ibid.

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119. Cam, Hundreds, p. 79. Gollancz, System of Gaol Delivery, pp. 23-24.

120. Pugh, p. 311.

121. "Venit et quietus qualiter se velit inde acquietare. Defendit [felony] consensum, societatem, omnem feloniam et quicquid est contra pacem, etc. Et de bone et malo ponit se inde super patriam."

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123. KB 27/263 m. 32, Norf., 29 Jan. 1326.

124. Stephen, p. 301.

125. Pollock and Maitland, II, p. 654.

126. Ibid., pp. 624-25.

127. Ibid., p. 654.

128. Hamil, pp. 245-47.

129. JI 3/48 m. 6, Norf., 2 Oct. 1309.

130. Vita Edwardi Secundi, trans. N. Denholm-Young (London, 1957), p. 128.

131. JI 3/106 ms. 1-2, Norf., 13 June 1303 and 1 Sept. 1304.

132. JI e/49/1 m. 37d., Norf., 10 Dec. 1321.

133. JI 3/51/4 m. 1, Northants., 9 July 1324.

134. L. C. Gabel, Benefit of Clergy in England in the Later Middle Ages (Smith College Studies in History, Vol. XIV, Nos. 1-4; Northampton, Mass., Oct. 1928-July 1929), pp. 62-91.

135. Ibid., p. 51.

136. Ibid., p. 31.

137. Ibid., p. 60.

138. JI 3/74/3 m. 2, Yorks., 3 Apr. 1309.

139. Ibid., m. 4, 13 Jan. 1309.

140. JI 3/49/1 m. 3d., Norf., 21 Jan. 1318.

141. "_____ de _____ captus pro latrocinio uno equo precii xviii solidorum felonice furato de _____ apud _____ unde indictatus fuit coram conservatoribus pacis. Venit et quietus qualiter se velit inde acquietare defendit furtum, omnem feloniam et quicquid est contra pacem, etc. Et de bonc et malo ponit se inde super patriam. Per quod preceptum est vicecomti _____ quod venire faciat his xii etc. de hundredo de _____ per quos etc. Et juratores hundredi predicti veniunt et dicunt super sacramentum suum quod predictus _____ culpabilis est. Ideo ipse suspendatur. Catalla eius nulla etc."

142. Meekings, Manuscript.

143. Gollancz, System of Gaol Delivery, p. 26.

144. Ibid., p. 36.

145. Ibid., pp. 36-38.

146. Ibid., p. 46.

147. Meekings, Manuscript.

148. Gollancz, System of Gaol Delivery, p. 36.

149. Meekings, Manuscript.

150. Gollancz, System of Gaol Delivery, p. 46.

151. Meekings, Manuscript, pp. 21-22. ". . . when, on 8 June 1319, orders were sent to commissions requiring them to submit any outstanding estreats to the Exchequer, the vast majority of the 158 persons to whom the order was sent were local knights."

152. Ibid.

153. Gollancz, System of Gaol Delivery, p. 240.

154. Ibid.

155. Ibid.

156. Meekings, Manuscript.

157. Apart from delivering gaols in the county where it happened to be located, the King's Bench did not have any original criminal jurisdiction until 1323, although it did have the power to review cases from other courts. Sayles, Select Cases, IV, p. xxxvi. Even after 1323 little criminal jurisdiction came into King's Bench until well into the fourteenth century. Ibid., p. xxxviii.

158. C. A. F. Meekings, Index to the Gaol Delivery Rolls, manuscript in the Public Records Office Reading Room.

159. J. B. Avrutick, Commission of Oyer and Terminer in Fifteenth Century England (unpublished M. Phil. dissertation, University of London, 1967), p. 25.

160. Ibid.

161. Information supplied by E. Searle from Battle Abbey records.

162. Lathe Court Rolls and Views of Frankpledge in the Rape of Hastings, ed. E. J. Courthope and B. E. R. Formoy (Sussex Records Society, Vol. XXXVII, 1931), p. 145. "And that William Mellere broke and entered the house of William Croucheman to violate and rape Isabella, wife of William Croucheman, and that he is a common disturber of the peace of the lord King, 20s."

163. Pugh, pp. 299-301.

164. W. Hudson, Leet Jurisdiction in the City of Norwich during the Thirteenth and Fifteenth Centuries (Selden Society, Vol. V, London, 1892), p. xxxv.

165. Cam, Hundreds, p. 178.

166. Pugh, pp. 300-301. Only Ripon and Beverley affect this study.

167. Putnam, Kent Keepers, p. xix. Keepers of the peace were pursuing felons from county to county long before they received the specific permission.

168. J. J. Tobias, Crime and Industrial Society in the Nineteenth Century (London, 1967), Ch. 2.

169. Cam, Hundreds, pp. 72, 121. Hilton, A Medieval Society, p. 259. D. Hughes, A Study of the Social and Constitutional Tendencies in the Early Years of Edward III (London, 1914), pp. 213-14.

170. Cam, Hundreds, p. 71.

171. Ibid., p. 73.

172. W. A. Morris, "The Sheriff," The English Government at Work, ed. W. A. Morris and J. R. Strayer (Cambridge, Mass., 1947), II, p. 47.

173. H. le Strange, Norfolk Official Lists (Norwich, 1890), pp. 11-14.

174. Hunnisett, Coroners, pp. 120-23, 159.

175. Ibid., p. 165.

176. Ibid., p. 12.

177. Cam, Hundreds, pp. 155-57.

178. E. H. Sutherland and D. R. Cressey, Principles of Criminology (7th ed., New York, 1966), p. 27.

179. Calendar of Close Rolls 1302-07, p. 1.

180. The problem will be discussed at more length in Ch. IV.

181. Cam, Hundreds, p. 71.

182. JI 3/48 m. 9, Norf., 8 Jan. 1310. Also KB 27/273 m. 30, Yorks., 13 June 1328.

183. JI 1/632 m. 91, Northants. Eyre, 1329-30.

184. JI 3/48 m. 20, Norfolk, 23 July 1314.

CHAPTER II

GOVERNMENT, WAR AND CRIME

A long-held popular theory places the blame for high crime rates on bad government and wars. As far back as the first half of the fourteenth century chroniclers and the commons complained that lax government or veterans of wars were the chief causes of the all-too-prevalent violence. Certainly, the period did abound in political and military strife. For twenty years Edward II and his barons struggled against each other for control of the central government. In 1322, this political maneuvering led to open civil war. Although the king claimed victory in the battle of Boroughbridge, his wife conspired with his opponents and had him brutally murdered five years later. Instability in the central government prevented the king from taking effective action against the Scottish invasions into northern England. A measure of internal political stability accompanied the accession of Edward III to the throne in 1327 but it also brought almost continual warfare, first with the Scots and then with the French in the first phase of the Hundred Years' War. Were contemporary observers correct in placing the blame for increased crime on these political and military crises? In this chapter we will look at the

effects these crises had on the number of crimes reported each year, the prevalence of violence and the amount of organized crime.

I

Government and Crime

Contemporaries regarded the responsibility of law enforcement and maintenance of the peace as lying ultimately with the king; indeed, each king swore in his coronation oath to keep the peace and do justice. Felonies were defined as breaches of the king's peace. With the final obligation for suppressing crime vested in one person, it is possible that the volume of crime increased during periods of factional strife for control over the monarch (1310-1330) or during his prolonged absences abroad in the French campaigns (1338-1347). Perhaps even the example of the murder of the pinnacle of justice and his favorites, Gaveston and the Despensers, increased violence by seeming to condone it. Such crises at the top of the governmental hierarchy might, on the other hand, have had little effect on the people as a whole. Despite the importance of the monarchy as reflected in theory, local authorities and central court justices actually ran the machinery of law enforcement. If the system of justice ran smoothly despite the lapses of kingship, then perhaps the political crises had little influence on the amount of lawlessness. This

section will be concerned with the influence on the volume of crime of changes involving the monarchy.

Giving first a brief narrative of alterations in the power structure from 1307 to 1330, we can then compare the years of these changes with the graph of crime for the same years. Although Edward I had done much for England during his long reign, he left a large debt and an unfinished war with Scotland to his son. He also died leaving his heir bitter over the exile of Piers Gaveston, the younger son of a Gascon knight and inseparable friend of the young monarch. As soon as he succeeded to the throne, Edward II recalled his favorite and installed him as earl of Cornwall. Within the first year of the new reign (April 1308) the magnates united to force Gaveston back into exile. But Edward could not live long without his favorite; he soon won over enough of the barons by gifts and promises to recall Gaveston. By 1310 the barons complained a second time of the evil influence of Gaveston on the monarch. Coming to Parliament armed, they forced the king to accept a reform of his household and the exile of the favorite. The barons gained control of the household offices and presented the king with their reform measures and demands in the Ordinances of 1311. Scheming once again gave Edward enough control over his government to bring back Gaveston. Learning of his return in 1312, the chief earl, Thomas of Lancaster, mustered a large force to capture Gaveston. After being pursued across Yorkshire, the favorite surrendered at Scarborough castle.

The more moderate nobles wanted to hold him for trial but Lancaster took matters into his own hands and had two of his men kill Gaveston. Horror at this event put the moderate supporters of the king in power until 1314, when Edward's defeat at Bannockburn discredited them.

Lancaster gained by the loss of the moderates and took control of the administration. These years of Lancastrian rule (1315-1317) were the most disordered of the early fourteenth century. The barons, including Lancaster himself, were engaged in private warfare. When Edward tried to lead an army against the Scots, who were raiding the northern counties, Lancaster broke the bridges at York to prevent the king's advance. Worst of all, the country underwent a period of severe famine and accompanying pestilence during these years.

By 1318 Lancaster's failure to govern effectively gave the middle party another chance. They forced Lancaster to accept the Treaty of Leake which prevented him from sitting in the council. But peace was once more doomed for, by this time, the king was under the influence of other favorites--the Despensers, father and son. As in the case of Gaveston, the ambitious Despensers alienated the barons. This time open civil war could not be avoided. Victory at the battle of Boroughbridge in 1322 gave Edward the opportunity of executing Thomas of Lancaster and the other chief rebels.

Despite their success, Edward and the Despensers ruled only until 1326. The Despensers offended the queen, Isabella, who took the first opportunity to escape to her native France. Soon afterwards the heir apparent was sent to do homage for the French lands. Isabella now held all the cards for a successful coup d'état. Unable to secure troops from France, she and her paramour, Mortimer of Wigmore, went to Hainault. At the price of a marriage contract between young Edward and Philippa, the daughter of the count of Hainault, they procured mercenaries. On 23 September 1326 they landed in Suffolk. The country, especially London, rose in their favor. After capturing and executing the Despensers, they made Edward II prisoner and forced him to abdicate in favor of his son. Within a year Edward II was murdered. Isabella and Mortimer controlled the government until October 1330, when Edward III killed Mortimer and cut short the Queen Mother's political career.

Were these repeated political crimes and murders disrupting enough to produce an increase in crime? A comparison of the power struggles with a graph of the number of crimes per year shows that, on the whole, peaks in crime do not correspond with upsets in the ruling hierarchy. The outstanding exception is the unsettled period of Lancaster's control (1315-1317), which corresponds with a sharp rise in the number of crimes per year. This increase is especially noticeable in Yorkshire, where the number rose from an average of sixty-nine before 1315 to 334 in 1315-1317. On

the other hand, the periods of control by the Ordainers (1310-1312), the middle party (1313-1314, 1318-1322) and the coup d'état of Isabella (1326) were all followed by a decrease in the number of crimes per year. (See graph in Appendix II.) Even the chronicler's complaint that, during Isabella's seizure of power, prisoners released from the Tower and other gaols in England caused incessant outrages,[1] is not born out by an increase in crime on the graph. The effect of the civil war (1322) is harder to estimate. Although the number of crimes per year increased in Norfolk and Northamptonshire, the battle of Boroughbridge did not affect these two counties. In Yorkshire, where the battle occurred, the incidence of crime went down.[2] The only specific reference to the civil wars in the gaol delivery rolls is the trial for treason of three of the ringleaders: John de Mowbray, Reginald de Clifford and Gocelin de Oyville.[3]

It might be argued, however, that the drop in crime following displacements in the ruling elite may merely represent a decline in the efficiency of law enforcement agencies. The effects of discord surrounding the monarchy might have disrupted the administration of justice, thus producing a decrease in the number of cases brought into court. But T. F. Tout has shown that, despite the unrest among the barons in the council and the ineffectual authority of the king, the regular machinery of government ran smoothly--perhaps because there was less interference from the top.[4] None of the alterations in the council brought

about corresponding changes in the administrative personnel.[5] Even Isabella and Mortimer retained the servants of the late king.[6] At the worst period of misgovernment judges went on circuit, courts were held at Westminister or York and records were kept ". . . just as carefully as if all had been well with the state."[7] The fluctuations in the number of crimes per year could not, therefore, represent solely a disruption of the administration.

Another question relevant to the effects of factional strife and state murders on crime is the extent to which these shifts of power interfered with everyday life or set an example of behavior. Aside from periods of civil war, changes among the ruling elite had very few repercussions among the people in the fields. As Tout has observed, "Medieval society was always disorderly and effectiveness of government was so circumscribed that, just as good kings could not make earth an Eden, so bad kings had strictly limited opportunities of doing mischief."[8] The graph of crimes bears out this conclusion, for, during the period of 1342-1348, when the government was most stable, the number of crimes increased markedly in both Norfolk and Yorkshire. Even so, it is possible, but perhaps not provable, that the extreme disorder of Lancaster's control caused some of the upsurge of crimes between 1315 and 1317.

Finally, if changes at the top of the governmental hierarchy had so little influence on the administration and society, we must turn to nonpolitical factors to explain the fluctuations in the number of crimes. The period of Lancas-

trian rule, for example, was one not only of misgovernment but also of Scottish raids and severe famine. These other influences on crime will be considered in later chapters.

If the struggles for control over Edward II seldom correlated with peaks in crime, perhaps the long absences abroad of Edward III had more of an influence on the amount of crime. Two possible effects of the king's absence on the number of cases appearing in gaol delivery are either an increase in crime when the figurehead of justice was not present or a decrease in crime if the system for apprehending criminals became more inefficient during his absence. Contemporaries reacted to the immanent departure of the king with the fear that crime was bound to increase while he was away.[9] To quiet these apprehensions, Edward III responded to the urgings of the commons to reinstate the keepers of the peace and even gave them determining powers.[10] He also briefly experimented with making the local communities responsible for the maintenance of order by having them elect their own sheriffs and other officers.[11] Despite these precautions, chroniclers noted unusually serious outbreaks of crime following his departure in 1338.[12] Because there is a gap in the records between 1339 and 1342, these complaints cannot be verified. Apparently the government was sufficiently worried about the state of the peace to recommend to the commons that they discuss the problem in their sessions. Commons replied that the peace was well enough kept without additional measures.[13] The graph shows,

however, that the number of crimes rose during the king's campaigns on the continent, especially in 1346. Thus, either the peace was being so well kept, as the commons claimed, that more cases were brought into court or the king's absence did lead to a slackening in law observance and, therefore, more crime. In Appendix III we have already dismissed the possibility that reforms brought about a sufficient change in efficiency to have a great influence on the volume of arrests. The impact of the king's absence on the amount of lawlessness cannot be measured. Although the government continued to function, as it did during the upsets of Edward II's reign, we do not know how great a role the physical presence of the symbol of justice played in deterring potential malefactors from committing crimes. Clearly, the absence of the king cannot be the only explanation for increased crime because Edward II was in the country during the abnormal peak in 1315-1317. It is also possible that the strain of carrying on a foreign war, rather than the absence of the king, was responsible for the rise. This possibility will be considered in the next section.

Although the two governmental crises had no clear influence on the number of crimes per year, they could have encouraged other types of crimes and another class of criminal. The powerlessness of the kings to control their barons and their reliance on them for indentured troops in times of war[14] permitted the magnates to build up considerable armies of private retainers whom they put into livery and

paid to fight for them in private quarrels, to waylay travellers and to force decisions in courts of law. The Earl of Lancaster maintained a large force which he used at Boroughbridge in 1322 and had used previously in suppressing a revolt in Lancaster and in a private war with the Earl of Warenne.[15] Another baron and his retainers perpetrated one of the most scandalous crimes of the fourteenth century. In 1317 the pope sent two legates, Gaucelin of Eauze and Luca Fieschi, to England in an effort to bring peace between Edward, Lancaster and the Scots. On their way north Sir Gilbert of Middleton with his retainers attacked, maltreated and robbed them near Darlington in Yorkshire. The knight permitted the legates to proceed but detained for ransom an English bishop who was travelling with them.[16] Incidents such as these rarely appear on the gaol delivery rolls; those that do will be studied in more detail in Chapter IV. The gaol delivery sessions do not even reflect a general increase in the percentage of crimes committed in associations of criminals for this period. In Norfolk, Yorkshire and Northamptonshire the average percentage of crimes committed by two or more individuals before 1310 was 22 percent, 16 percent and 22 percent respectively. During the period of 1310-1330 it was 19 percent, 17 percent and 20 percent.

In addition to involving a different class of criminal, political disorders and the absence of the king possibly had more influence on crimes other than felonies. Weakness

in the central government could encourage obstruction of justice, corruption of officials and embezzlement of royal funds. These types of crimes, however, do not fall within the scope of the present study.

On balance, the absence of the king and changes in the upper echelons of government cannot satisfactorily explain the fluctuations in the number of crimes per year; they probably only aggravated conditions which were already augmenting the volume of crime. Although the chaotic periods of Lancaster's rule and the absence of the king in France coincided with peaks of crime, there were accompanying wars and economic crises which perhaps had more influence on law and order. Besides, crises as severe as the Treaty of Leake, the battle of Boroughbridge and Isabella's coup d'état did not correlate with increased crime. In any case, changes in the upper governmental ranks had little influence on the day-to-day administration of justice or on the peasantry. For most people in the counties, it would seem, changes in administration usually meant just another official to bribe. Crimes other than felonies--such as corruption of officials, intimidation of juries, maintenance and private warfare among the nobility--may have increased, but these problems are beyond the scope of this paper.

II

War and Crime

Wars are frequently blamed for increases in crime because it is assumed that looting will occur in the areas disrupted by battles, that the absence of the father from the home will lead his children into delinquency and, finally, that the veterans of wars return home with a taste for violence and pillaging. As we shall see, men in the fourteenth century thought that wars were responsible for violence in the countryside. Some modern historians looking back on the composition of medieval armies and the nature of medieval warfare have speculated that the foreign wars, at least, might have brought greater peace to the English countryside because they drew off many of the unruly elements of society. Before we compare the war years with the graph of crime we must briefly describe fourteenth century military organization. The English armies were recruited in a variety of ways which have received detailed study by many scholars.[17] The two means of recruitment which might have affected the keeping of the peace were the indenture system and the offer of pardons to felons who served in the army. In the indenture system, a noble, knight or well-known captain contracted with the king to receive payment in exchange for raising troops for the king's campaigns. These troops were not always disbanded upon return to England but instead might be retained in the service of their leader for his

quarrels and crimes--a practice called livery and maintenance. Outlaws and felons often took service in these troops because they could gain pardons for their crimes from the king if they served in his wars. Although some of the pay and provisions for the armies came from taxes and purveyance of goods in England, the soldiers made much of their profit and got a large part of their provisions from plundering the country they were invading.[18] The questions which this type of military organization raises in a study of crime are: Did the foreign wars draw off the unruly elements or did they create more disturbers of the peace? Did the returning troops continue to make their living by plunder and violence when they returned to England? In addition to foreign wars, England experienced several battles on her native soil as a result of Scottish invasions and two civil wars. Did these battles result in increased crimes of violence and plunder? Does the crime pattern in Yorkshire, which experienced civil war and Scottish invasions, differ from that of Norfolk and Northamptonshire, which were relatively undisturbed during this period?

Taking first the problem of the volume of crime in relation to fighting on native soil, we will look at the periods of Scottish invasions and civil wars and compare them with the incidents of crime per year. We have discussed the place of the civil wars in the political narrative in the first section of this chapter; in this section we will look at them in terms of disturbances of the

countryside resulting from troop movements. Briefly, the civil wars consisted of the war between Lancaster and Edward II, the concluding battle of which was fought at Boroughbridge in 1322, and the invasion of Isabella and Mortimer in 1327.

The dispute between Scotland and England, which led to the Scottish invasions, arose from England's desire to keep Scotland under its hegemony and Robert Bruce's plans to carve out an independent kingdom. Although Scottish raids were almost a continual threat during these fifty years, there were only three periods of serious fighting. The first of these was 1314-1318. In an attempt to curtail the raids, Edward II led an army into Scotland which met defeat at Bannockburn in 1314. This defeat opened the way for unhindered Scottish raids as far south as Richmond in Yorkshire. Five years elapsed before England again tried to check the Scots. Once again the Scots were victorious. While the English army was occupied with a siege of Berwick in 1319, Robert Bruce sent an expeditionary force toward York, where the queen and the central courts were in residence. The Archbishop of York attempted to stop them at Mynton-in-Swaledale with a motley force of clerics, peasants and townsmen. Routing the untrained Yorkshiremen, the Scots pushed on to Pontefract. This success of the Scots forced Edward into a two-year truce.

The expiration of the truce in 1322 brought another wave of Scottish raids into Yorkshire. Edward made a bid to

stop them but soon withdrew when famine and pestilence decimated his troops. Despairing of any protection from the English king, the Yorkshire lords, abbots and townsmen treated independently with the Scots for peace terms. As it was now obvious that the war with Scotland was lost, Edward concluded a thirteen-year truce with Robert Bruce which relieved the north from invasions. After one attempt at fighting the Scots, Isabella and Mortimer agreed to a peace treaty renouncing all English claims to Scotland.

Edward III resented the dishonorable peace and soon broke it by supporting Edward Balliol's claim to the Scottish throne. This action initiated the third period of Scottish wars. Moving his government to York to be nearer Scotland, Edward carried on a series of campaigns from 1332 to 1337. Aside from the battle of Hallidon Hill in 1333, the wars were costly and inconclusive.

For Yorkshire the Scottish raids and the Lancastrian revolt meant repeated pillage, quartering of troops on the country and levies of local men for the army. In the accepted manner of behavior for armies of the day, the Scots carried off everything movable, burnt buildings and crops and murdered all who tried to stop them.[19] The only way to avoid the ruinous raids was to pay a fee to the Scots. The raids were so devastating for Yorkshire that its inhabitants had to be exempted from personal property taxes in 1319 and 1322.[20] The North and West Ridings suffered most. Chief taxers of the tenth and the sixth in the North Riding

reported that in one hundred and twenty-eight vills no taxable property had been found.[21] Even the presence of English troops was a burden on the countryside. Although some supplies were brought up from the south, much had to be found in the surrounding countryside through purveyance or outright pillage. Furthermore, the armies brought many disreputable elements into the area. Two hundred of the soldiers who took part in the battle of Bannockburn were pardoned felons,[22] while at Hallidon Hill a troop of felons were said to have turned the tide of the battle.[23] Yorkshire men were heavily relied upon to serve in the armies against Lancaster or the Scots.[24] Thus if fields were not destroyed by pillage or crops confiscated by native troops, planting might not be accomplished because the tillers were in the army. Perhaps some Yorkshire men, like their neighbors in Northumbria, forsook the plough and followed the Scottish example of ravaging the countryside.[25]

Since Yorkshire bore the brunt of both the civil and Scottish wars, the other two counties may be used for comparison in our investigation of the effects of wars fought on native soil on the volume of crime. The graph (see Appendix I) shows that during the first period of Scottish wars from Bannockburn in 1314 to the battle of Mynton and the truce in 1319, there is a 391 percent increase in crimes in Yorkshire over the average number of crimes prior to 1314. The increase, however, is also found in Norfolk (382 percent increase) and in Northamptonshire (152 percent

increase), so perhaps the invasions were only an additional irritant to the effects of famine and political crisis which also occurred during these years.

Under the double disaster of civil war at Boroughbridge and fresh and deeply penetrating Scottish raids in 1322, there is a slight decrease in reported crimes in Yorkshire--unless the peak of 1324 represents delayed results. It is possible that the disturbing influence of war prevented normal apprehension and trial of suspects or that the worst effects of fighting were not felt until a year after the event, when food from interrupted planting or destroyed crops would be most needed. There was a rise in the number of crimes per year in Norfolk and Northamptonshire in 1323 but, as both of these counties were far removed from the fighting, we must look elsewhere for the cause of these increases.

Edward III's Scottish campaigns of 1332-1337, which he conducted from York, coincided with a high level of crime in Yorkshire. The continual presence of troops and levies of Yorkshiremen, in addition to the temptations arising from additional wealth brought in by the government at York,[26] must have been a factor leading to the high level of crime during these years.

In general, the influence on crime of fighting in home territory is very difficult to estimate. Dips in the graph, as in 1314, may simply represent the disruption of normal law enforcement procedure, which permitted many

felons to escape detection. During a raid it was difficult to say whether it was a Scot or a neighbor who drove off the sheep or stole the cow. In two Yorkshire cases in 1321 one man was accused of stealing a cartload of goods worth 40s. and another of robbing a man of 40s. in the turmoil following the retreat of the Scots.[27] Since the graph does show that peaks of crime in Yorkshire generally coincided with periods of fighting, we cannot share T. F. Tout's optimism that the peasants were so used to wars that ". . . the marchings and countermarchings of rival armies . . . were not in themselves sufficient to throw the land into confusion."[28] Although there were often other crimes occurring simultaneously, wars must have contributed to the unrest. The destruction of crops, driving off of people and cattle and burning of buildings cannot be taken in stride easily by any community.[29]

In addition to fighting the Scots on home territory, England also became embroiled in a war with France--the Hundred Years' War. The first phase of the war began in 1337 when the king of France declared Gascony confiscate and Edward III claimed the right to the French crown. The war was slow in starting. Edward took an army to Flanders and made a series of raids but did not succeed in engaging the enemy. The English navy was more successful. Early in the war France had harassed the English coast and had even burnt Southampton in 1338. The English fleet finally defeated the Frency at Sluys in 1340. Meanwhile, the

inconclusive land war and the debts Edward incurred maintaining his army in Flanders led to a short truce in 1340. By 1342 Edward was fighting in Brittany. Another short truce in 1343 permitted Edward to return to England and make preparations for a larger campaign. The next period of major campaigns, 1346-1347, brought Edward two important victories: the battle of Crecy and the fall of Calais. Peace lasted for nearly a decade after Calais was taken.

The effects of the foreign wars of Edward III on England have long been a subject of active debate. Without going into all the points in depth, we will review briefly those aspects which might have had an influence on the king's peace. The optimistic side has argued that the Hundred Years' War stimulated England's economy and brought in wealth through ransoms of French nobles.[30] The war cost little to conduct since French possessions bore the cost.[31] The armies, far from removing the gainfully employed, drew on the unruly nobles and their liveried retainers, vagrants and felons who wished to obtain pardons by fighting for the king.[32] Although some of the felons returned to claim pardons, many must have died abroad.[33] Following this argument one would conclude that the number of crimes would decline during the war years. The opponents of the optimistic view of the French campaigns argue that the recruiting drew off 10 percent of the adult male population, which was a heavy burden for an already declining population.[34] The drain on men included many knights, who had served as keepers of the peace or in other local administrative positions, as well

as craftsmen such as fletchers, carpenters, smiths, miners and members of the merchant marine.[35] In addition, the heavy taxes and goods required in purveyance absorbed surpluses which might otherwise have been put to profit.[36] This argument sees the foreign wars as having essentially a disturbing influence on society, thus leading to increased disorders. Returning troops, it is argued, added to the lawlessness. With a truce or peace, many of the outlaws returned to England and pursued the same sort of life. In addition, many men, not yet indicted for crime in England, learned pillage, rape and murder in the wars.[37] Nobles returned with liveried troops which they used to commit crimes or to violently conclude private quarrels, even against the king.[38]

Contemporaries certainly blamed the war for the lawlessness of the day. A statute directed the justices of the peace to ". . . inform themselves . . . touching all those who had been plunderers or robbers beyond the seas and are now returned and go wandering and will not work as they were used to."[39] Special measures were apparently needed, for the counties of Wiltshire, Berkshire and Hampshire informed the king that a body of returned soldiers had formed an armed band with other criminals and rode in warlike array robbing, ransoming and maiming inhabitants.[40]

The evidence from the graph of the number of crimes per year supports the view that the war had a deleterious effect on law and order. As an average, the incidence of

crime are much higher during the French campaigns of 1342-1347 than they were in the ten preceding years, going from an average of 107 per year to 218 in Yorkshire and from thirty-seven per year to sixty-four in Norfolk. Even if the war was not the sole cause of the peaks of crime during this period, it certainly cannot be argued that the campaigns brought peace to the English countryside. During the campaigns of Crécy and Calais in 1346, when the largest armies of the Hundred Years' War were shipped across the seas,[41] the number of crimes rose dramatically.

The gaol delivery rolls, unfortunately, reveal very little on the complaint that returning soldiers formed into armed bands to terrorize the countryside. Since the profession of the accused is so seldom given, the only indication the records can provide is a possible increase in organized crime.

Table 1

Percentage of Crimes Committed by Two or More People
(Total N = 1,473)

	1300-1309	1310-1319	1320-1329	1330-1339	1340-1348
Norfolk	22%	19%	16%	22%	32%
Yorkshire	14	15	17	17	15
Northamptonshire	22	18	21	14	11

As can be seen from the table, Norfolk is the only county which shows evidence of an increase. This lack of evidence may simply mean that armed bands do not appear in the records either because they were harder to arrest, or their cases were tried in oyer and terminer rather than gaol delivery, or their members were arrested and tried separately rather than as a group. There are certainly references in the patent rolls to the depredations of these groups, which included attacks on fairs[42] and on law enforcement officials.[43]

Contemporaries believed that abuses in granting pardons to felons were largely responsible for the increased disorders. In a petition to the king and council in 1347, the commons complained:

> Que come plusours murdres, emblers des gens, roberies, homicidies, et ravissementz de femmes, et autres felonies et mesfaitz, sont faitz et meintenuz en Roialme saunz nombre, et tantz favorez per Chartres de pardoun et procurez deliverance, que les mesfesours, ne meintenours de la Lei, n'ount cure, ne la doutent, a grante Destruction du poeple. Pleise a nôtre Seignur le Roi tiel remeide per Estatut ordener, que tiels mesfesours et meintenours per nulle ces causes susdites peussent estre confortez n'enbaudez. Et que Chartres de pardouns ne soient as tielz grantez saunz assent du Parlement.[44]

This protest was made after three previous statutes had failed to remedy the problem.[45] The language of the statutes also reflects the general view that "Murderers, Robbers, and other Felons, be greatly encouraged to offend, by reason that Charters of Pardon . . . have been so lightly granted. . . ."[46]

For the king recruitment of outlaws for the army had two advantages: they had experience with arms and were generally courageous and, it was hoped, their removal diminished the number of criminals at large in England.[47] The assumption underlying pardons was that felons could expiate past deeds by service to the king. As a rule, pardons were not granted until the service had been rendered and attested to by the leaders under whom they had served.[48] Often conditions were specified such as that the felon must stand trial if anyone proceeded against him; that he find securities to ensure his future good behavior; and that he serve the king for a year if called upon.[49] On these conditions the felon was discharged of all felonies committed before the pardon.[50]

It is impossible to know what proportion of felons went into the army and, of those, how many lived to claim a charter. Some idea of the relationship between pardons and military service may be derived from H. F. Hewitt's survey for the years 1339-1340, when at least 850 charters of pardon were issued. In 1346-1347 several hundred grants were made for service in Scotland and France. From these figures he estimates that from 2 percent to 12 percent of the army were outlaws. The proportion of murderers among the pardoned is considerably above three-fourths.[51]

Was contemporary opinion correct in placing the blame for increased lawlessness on pardoned felons? The gaol delivery rolls, unfortunately, give very little

indication. A pardoned felon only stood trial if he were arrested again or if he turned himself over to the sheriff with his pardon. As can be seen from the table below, the percentage of cases involving pardons did increase during the Scottish and French wars.

Table 2

Percentage of Cases Involving Pardoned Felons in Norfolk and Yorkshire (Total N - 188)

	1300-1309	1310-1319	1320-1329	1330-1339	1340-1348
Norfolk	0.5%	0.2%	2%	4%	5%
Yorkshire	2	1	2	4	3

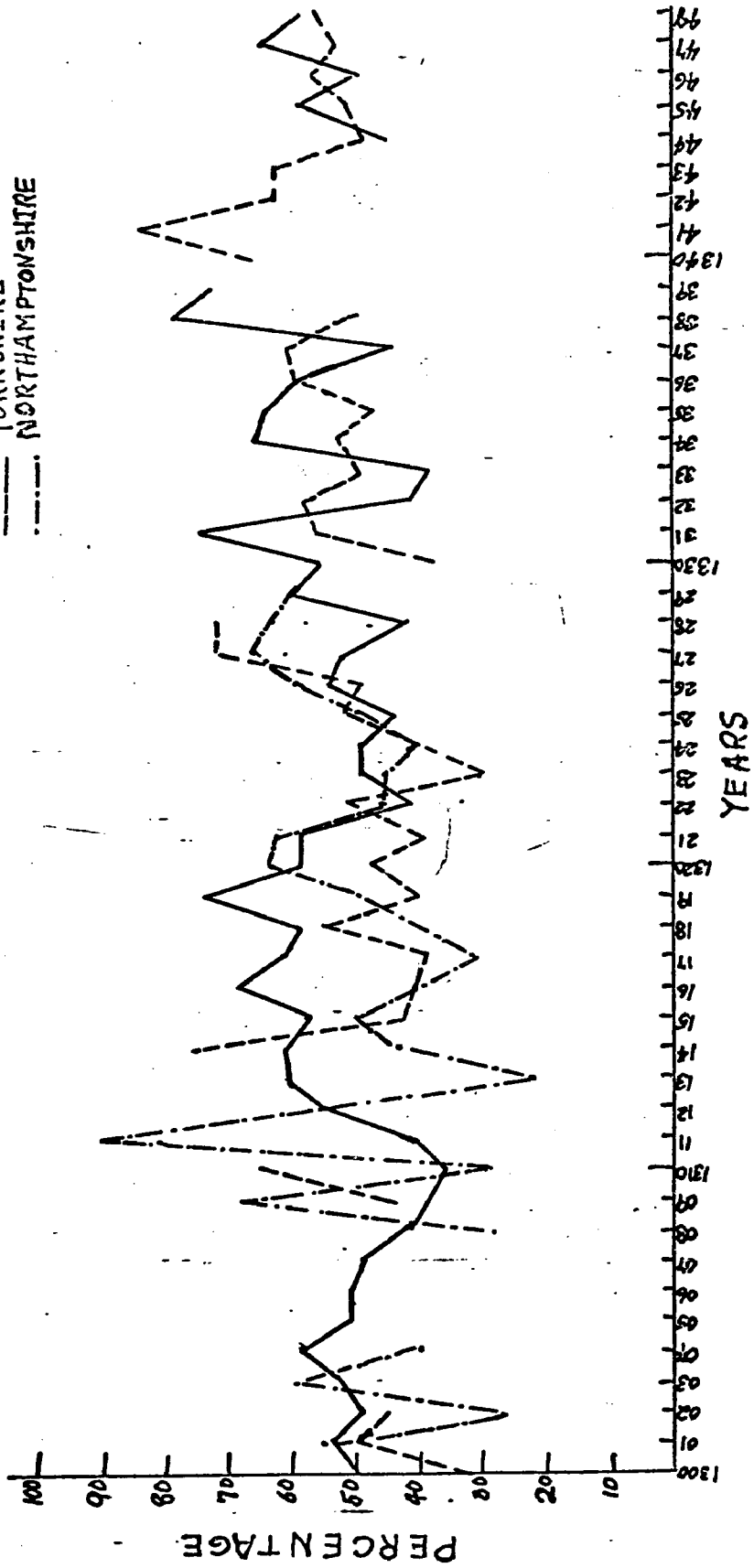
Yorkshire had proportionately more pardon cases because it had more men involved in wars with the Scots and the Lancastrian rebellion. A typical example of a pardon is the case of Walter Osborn of Holcham, John Bryd, John le Speller of Holcham and John de Bylneye of Holcham, who were accused of piracy in 1327 but produced pardons stating that they had been of service to the king against the rebels and the Scots.[52]

Evidence from the gaol delivery rolls does not make any strong case for an increase of violence either during the fighting or during truces when veterans would be returning from the wars. The accompanying graph (Figure 1) shows

Fig. 1.

PERCENTAGE OF VIOLENT CRIMES 1300 – 1348

NORFOLK
YORKSHIRE
NORTHAMPTONSHIRE



the percentage of violent crimes committed each year in the three counties. Violent crimes include homicide, rape, burglary and arson (those crimes normally accompanying pillage) as opposed to the nonviolent crimes of larceny, counterfeiting, receiving, false appeal and failure to abjure the realm. As can be seen on the graph, the proportion of violent to nonviolent crimes holds more or less constant at the fifty-fifty mark, showing no dominant trend in either direction.[53] During the Scottish wars (1314-1319, 1322, 1327, 1332-1337) the proportion of violent crimes in Yorkshire seldom increased above 50 percent except in the period of 1332-1337, when there were English troops in Yorkshire. The violent crimes do increase in Norfolk during the Scottish wars but that county was far removed from the fighting. Isabella and Mortimer's invasion of England, which might have affected Norfolk, is followed by a decrease in violent crimes. There is a peak of violence during the first truce of the Hundred Years' War (1340-1341) and perhaps it was this that caused the distress of contemporaries. On the whole, however, increased violence did not correlate with war or postwar periods.

The public of the day seemed more concerned about the effects of war on law and order than about arresting those who gave comfort to the enemy. Of the 10,456 cases read for this study, only thirteen were indictments of petty treason.[54] Most of the cases came from Yorkshire during the period 1315-1318, when the Scottish raids were

most damaging. The usual charge was spying for the Scots, but Andrew Duketyn of Ravensere was accused of taking ". . . diverse victuals from the kingdom of England on behalf of the Scots."[55] The accused were all English except for William Scot of Berwick-on-Tweed, who was taken at the port of Yarmouth in Norfolk and tried on 26 November 1313 on suspicion of treason.[56] A Yorkshire woman, married to a Scot, and her daughter were also accused of spying.[57] It is tempting to conclude that then, as now, an enemy national was automatically suspect; but, of the many Scots who must have come to the major trading center at Yarmouth, only one was arrested. Furthermore, jurors apparently did not bear a particular grudge against the Scots, for, when they appear in the records charged with other types of felonies, they were acquitted just as frequently as their English neighbors. Indeed, of the thirteen people accused of spying, only one, John le Marshal of Bretaynby, was convicted.[58]

Civil wars, Scottish invasions and the French wars all correlate with increased lawlessness of English society during the first half of the fourteenth century. During the three periods of Scottish wars, 1314-1319, 1322-1323, and 1332-1337, the volume of crimes reported in the gaol delivery rolls increased. Crime also rose during the first phase of the Hundred Years' War (1342-1347). Although the hardships of war were probably not the only cause of the increases, war certainly did not siphon off all the unruly elements, leaving the countryside in peace. Yorkshire, in

particular, contributed heavily to the armies and yet the volume of crime was higher there than in the other counties. Contemporaries complained to the king that the veterans of his wars, many of whom were pardoned felons, were responsible for the chaos in the counties. Their claim that the returning soldiers organized into armed bands and terrorized the countryside cannot be proved from information in the gaol delivery rolls. The percentage of crimes involving pardoned felons does increase but at most they represent only 5 percent of the reported crimes. Violence did not increase significantly during the wars; the proportion of violent to nonviolent crimes remained fairly constant at around fifty-fifty. We may conclude that wars and political upheavals contributed to the increase in crime during this period but that they often coincided with social and economic crises which may have had a more direct influence on the peasantry.

Notes

1. Walsingham, p. 183. Murimuth, p. 49. Galfridi le Baker, p. 24.

2. For a more complete discussion of this problem see Ch. II, Section II.

3. JI 3/76 m. 23, Yorks., 24 Mar. 1322. The inclusion of these trials in the gaol delivery sessions is an anomaly because of the noble birth of the offenders and their offense of high treason. One wonders if the justices of gaol delivery happened to be conveniently near or whether it was a final degradation to the offenders to stand trial like an ordinary felon. A description of their part in the revolt may be found in Lanercost Chronicle, pp. 229-30, 233-37.

4. T. F. Tout, The Place of the Reign of Edward II in English History (2nd ed., Manchester, 1936), p. 22.

5. Ibid., pp. 26-27.

6. T. F. Tout, Chapters in the Administrative History of Medieval England (Manchester, 1920), III, pp. 10, 30.

7. Tout, Place of Edward II, p. 214.

8. Ibid., p. 213.

9. Putnam, "Transformation of the Keepers," p. 23. Hughes, Early Years of Edward III, p. 227. Both authors raise this point but do not give their sources.

10. Putnam, "Transformation of the Keepers," pp. 41-48.

11. M. McKisack, The Fourteenth Century, 1307-1399 (Oxford, 1959), p. 158.

12. Hughes, Early Years of Edward III, p. 227. Again she gives no source.

13. Rot. Parl., II, p. 140.

14. For a discussion of indentured troops, see the next section.

15. McKisack, pp. 50-51.

16. Ibid., pp. 40-41.

17. M. Powicke, Military Obligation in Medieval England (Oxford, 1962). A. E. Prince, "The Indenture System under Edward III," Historical Essays in Honour of James Tait, ed. J. G. Edwards et al. (Manchester, 1933), pp. 283-297. A. E. Prince, "The Army and Navy," The English Government at Work, ed. J. F. Willard and W. A. Morris (Cambridge, Mass., 1940), I, pp. 332-93. N. B. Lewis, "The Organization of Indentured Retinues in Fourteenth Century England," Transactions of the Royal Historical Society, 4th Ser., XVII (1945), 29-39.

18. McKisack, p. 246. D. Hay, "The Division of Spoils of War in Fourteenth-Century England," Transactions of the Royal Historical Society, 5th Ser., IV (1954), 91-109.

19. E. Miller, War in the North (Hull, Eng., 1960), gives an appraisal of the damage done to northern England as a result of the Scottish raids.

20. J. F. Willard, Parliamentary Taxes on Personal Property (Cambridge, Mass., 1934), pp. 122-23.

21. Ibid., pp. 124-25.

22. A. E. Prince, "The Strength of the English Armies in the Reign of Edward III," English Historical Review, XLVI (July, 1931), 354.

23. J. E. Morris, "Mounted Infantry in Medieval Warfare," Transactions of the Royal Historical Society, 3rd Ser., VIII (1914), 93. R. Nicholson, Edward III and the Scots (Oxford, 1965), p. 130.

24. Victoria County History of Yorkshire, ed. W. Page (London, 1913), III, p. 404.

25. Walsingham, p. 150.

26. The problem of the increase of wealth in York due to the presence of the royal government will be discussed in the following chapter.

27. JI 3/76 m. 26, Yorks., 23 Apr. 1321.

28. Tout, Place of Edward II, p. 213.

29. Miller, War in the North, pp. 7-8. Lanercost Chronicle, pp. 205, 221, 238 and passim., also tells the painful story which accompanied each raid.

30. K. B. McFarlane, "England and the Hundred Years' War," Past and Present, No. 22 (July, 1962), p. 9.

31. Ibid., p. 10.

32. Ibid., p. 5. Hughes, Early Years of Edward III, pp. 235-36.

33. Ibid.

34. M. M. Postan, "The Cost of the Hundred Years' War," Past and Present, No. 27 (Apr., 1964), p. 37.

35. Ibid., pp. 37-39.

36. Ibid.

37. H. J. Hewitt, The Organization of War under Edward III (Manchester, 1966), pp. 173-75.

38. Prince, "The Indenture System under Edward III," pp. 283-84.

39. Quoted in C. G. Crump and C. Johnson, "The Powers of the Justices of the Peace," English Historical Review, XVII (Apr., 1912), 227.

40. Ibid., p. 236, from Patent Roll, 27 Ed. III, Pt. II, m. 8d.

41. McFarlane, p. 5.

42. Calendar of Patent Rolls, 1345-48, pp. 317-406.

43. Ibid., 1348-50, p. 574.

44. Rot. Parl., II, p. 172.

45. Statutes of the Realm, Statute of Northampton 2 Ed. III, c. 2; 10 Ed. III, st. I, c. 2-3; 14 Ed. III, st. I, c. 15.

46. Ibid., 10 Ed. III, st. I, c. 2-3.

47. Hewitt, p. 173.

48. Ibid., pp. 29-30.

49. Ibid.

50. Ibid.

51. Ibid. Figures arrived at by Hughes, Early Years of Edward III, p. 219, place the proportion at about two-fifths.

52. JI 3/119 m. 3, Norfolk, 15 Sept., 1327. Other examples: JI 3/78 ms. 13, 20, 22, 48.

53. The dramatic rise and fall in Northamptonshire in 1310-1313 is more accurately explained by the inadequacy of the records than other factors; only a few crimes were recorded in those years and they were violent ones.

54. JI 3/75 ms. 34, 3, 4; JI 3/48 m. 24d.; JI 3/76 ms. 36, 26, 7d.; KB 27/355 m. 50.

55. KB 27/355 m. 50 ". . . duxit diversa vitualia ex regnum regis angle in partibus Scotie."

56. JI 3/48 m. 24d.

57. JI 3/75 m. 4.

58. JI 3/75 m. 34.

CHAPTER III

ECONOMIC AND DEMOGRAPHIC CHANGE AND CRIME

Because economic and social changes have a more measurable effect on the mass of people than political crises, their relationship to crime has been more widely researched. Some of these studies on the twentieth century have shown that serious crimes tend to increase during economic depressions and fall in periods of prosperity.[1] Economic duress is also likely to cause an increase in crimes against property, especially in burglary and robbery.[2] The economic situation in England during the first half of the fourteenth century presents ample opportunity for testing these hypotheses. During the first half of the thirteenth century population and agricultural growth kept fairly well in pace but by the end of the century population continued to expand while land reclamation came to an end. Marginal lands in moors and forests, which had been cleared and colonized, went out of oultivation. The result was that by the beginning of the fourteenth century a high proportion of English peasants were living on or below subsistence level.[3] A measure of relief came early in the fourteenth century when the upward demographic trend was halted, perhaps as a result of the famine of 1315-1317. Although the

easing of population pressure meant more food was available, the price of nonagricultural goods rose. The economic slump did not appertain equally to all areas of the country. In some places, such as in Norfolk, the woollen industry supplemented the income of the inhabitants so that they underwent a period of prosperity. York also had a temporary period of increased wealth when Edward III moved the government there for the period between 1332 and 1337. In this chapter we shall look at the influence of demographic change and of economic contraction and prosperity on the number of crimes per year, the types of crimes committed and the variety of goods stolen.

I

Demographic Change and Crime

The relationship between annual fluctuations in the number of crimes per year and population changes is not easily established. If the number of crimes per capita remained more or less constant, then the crime curve would follow the population curve. On the other hand, the pressure of a large population on rather limited material resources could force more people to commit crimes in order to gain a livelihood. If this were the case, crime would follow the population curve, especially in years when food supplies were further contracted by famines as in 1315-1317. Because demographic information for the first half

of the fourteenth century is so imprecise, we cannot show changes by computing the number of crimes per capita per year. We can only compare the crime curve to a population curve which has been tentatively suggested by scholars who have studied the demographic trends of the early fourteenth century. The limited demographic information available also makes it possible to investigate the amount of crime in sparsely settled Yorkshire to more densely populated Norfolk and Northamptonshire.

The projected demographic curve for the first half of the fourteenth century is an already high and still expanding population at the end of the thirteenth century and the beginning of the fourteenth century with a halt in population growth coming about the middle of the second decade of the fourteenth century. The easing off of the expansion might have been the result of the great famine of 1315-1317.[5] This tentative picture of the demographic trends of the first half of the fourteenth century has been rejected by some scholars[6] but both indirect economic evidence, such as shrinkage of land under cultivation and increased wages,[7] and direct evidence of reduction in replacement rates[8] are strong enough to warrant its acceptance for the purposes of this paper.

In this investigation we shall assume that the volume of crime followed the population curve. The reason for suggesting a correspondence between the demographic and crime curves is that a leveling off of population should

mean proportionately fewer people available to commit crimes. Furthermore, fewer people might become involved in crime because of the reduced pressure on the material resources of the society. In other words, with the stabilization of population, there would be less competition for survival and therefore less need for obtaining a livelihood illegally. If this assumption is correct, then the number of crimes per year should be high from 1300 to 1314 and then begin to level off gradually, following the population curve. The graph of crime does not, however, follow the population curve. In the years 1300-1314, just before the famine of 1315-1317, the average number of crimes per year was fifty-five in Norfolk, sixty-eight in Yorkshire and thirty-eight in Northamptonshire. Instead of easing off after 1314, the average number of crimes per year actually rose, as may be seen in the table below.

Table 3

Average Number of Crimes Given in Five-Year Intervals (Total N = 10,546)

	Norfolk	Yorkshire	Northampton-shire
1300-04	58	61	28
1305-09	51		47
1310-14	64	74	40
1315-19	185	263	50
1320-24	120	128	52
1325-29	104	114	48
1330-34	45	163	48
1335-39	31	98	
1340-44	58	171	
1345-48	61	230	

Even after the famine of 1315-1317 the level of crime remained high for the following decade. In Norfolk the number of crimes per year did drop between 1330 and 1339, but in Yorkshire where war, as well as famine and pestilence, contributed to a retardation in growth rates[9] the volume of crime remained very high.

The slowing down of population expansion did not, therefore, result in a corresponding reduction in the amount of crime during the first half of the fourteenth century. There are three likely explanations for the divergence of the demographic and the crime curves. First, it is possible that the suggested demographic curve is incorrect. If population growth did not begin to ease off significantly until after the famines of 1315-1317 and 1321-1323, then the low level of crime in Norfolk between 1330 and 1339 might be explained demographically. Second, the amount of decrease in population before 1349 was, perhaps, not sufficient to relieve pressure on the resources of society and therefore did not lead to a decrease in lawlessness. And, finally, the economic and social crises--famine, pestilence and war--which contributed to the slowing down of population growth may have had such severe consequences that they drove people to commit crimes. The influence of war on crime has been considered in the last chapter. The relationship between economic conditions and crime will be considered in the next section of the present chapter.

Before going on to analyze the effects of economic contraction on crime, we may say a few words about the relationship between population density and the distribution of crime per square mile. Although the number of people per square mile is not known for the early fourteenth century, the Poll Tax returns of 1377 shows that Norfolk and Northamptonshire were two of the most densely populated counties--J. C. Russell's computation giving 65.5 and 60.3 persons per square mile respectively.[9] Yorkshire, on the other hand, had only 37.2 persons per square mile.[10] While we cannot use these figures for the early part of the century, we may assume that, even then, Norfolk and Northamptonshire were among the more densely settled counties, while Yorkshire was among the more sparsely settled. A comparison of the average yearly distribution of crime per square mile to the population distribution shows that the two more densely populated counties had a higher number of crimes. Norfolk had .04 crimes per square mile, Northamptonshire[12] had .05 crimes per square mile, while Yorkshire had only .02 crimes per square mile. This correspondence between population density and the number of crimes per square mile shows that the distribution of crimes roughly followed that of population. The generally held view that Yorkshire was particularly lawless is not born out, for it had, in recorded crime at least, proportionately no greater volume of crime in relation to its population than Norfolk or Northamptonshire. Indeed, of the three counties studied,

Northamptonshire would appear to be the most lawless. The shelter provided by the deep forests there may have been a refuge for felons from neighboring counties and thus increased the number of outlaws in the county.

In the absence of more precise population data our conclusions can only be tentative, but to have omitted all discussion of the relationship between population and crime would have left a considerable gap in our analysis. The distribution of crimes per square mile in the three counties did correspond roughly with that of population density. On the other hand, the comparison of demographic trends of the first half of the fourteenth century with the graph of the number of crimes per year shows that crime did not follow the demographic curve--perhaps because the amount of slowing down in population growth before 1349 was not great enough to cause a change in the amount of crime, or because other factors, such as hardships resulting from famines, kept the level of crime high. It is unfortunate that nothing further can be said on the relationship between crime and population until more information is available.

II

Economic Contraction and Crime

The first fifty years of the fourteenth century was a period of economic contraction. Although the slump started at different times in different areas of the

country, it spread over most of England by the third decade of the century. The most probable cause of the recession was the declining productivity of the soil.[13] Reclamation of land slowed down or stopped by the turn of the century.[14] At the same time, much of the marginal land which had been reclaimed earlier deteriorated in its productivity.[15] While the area under cultivation contracted, the population continued to expand, thus forcing many of the small holders to live on or below subsistence level.[16] Under such conditions even the smallest adverse growing conditions raised the price of grain and brought real misery to many. But it was during this period of the utmost pressure on material resources that the worst famine of the middle ages struck (1315-1317), reducing many to starvation. After the famine the population expansion slowed down, thus relieving some of the pressure on food supplies and lowering the price of grain. This easing of the situation benefited the small holders but brought hardship to the more substantial peasants who were getting lower prices for their crops while paying higher prices for nonagricultural products.

While some of the peasants were probably able to supplement their incomes in local industries such as cloth-making, mining and salt panning, or to sell their land and move to cities, the economic crises may have forced an increased number into illegal means of procuring food and other necessities. If material deprivation did drive more people to commit felonies, then we would expect crimes

against property as opposed to all other crimes to increase, particularly during famines. The threat to domestic livelihood might have induced an increased number of women to supplement the meager offerings of their tables with stolen goods. More women might, therefore, appear in the records in lean years. The types of goods stolen might also reflect changing economic conditions, foodstuffs being more in demand during famines and nonagricultural products being more sought after during recession.

The effects of famine on crime are easier to measure than those of general economic contraction, for the famines occupy a closely defined period of years (1315-1317, 1321-1323), rather than the long span covering the gradual decline of prosperity. Of the two famines, the first was by far the more severe. Called the "Great Famine" because it spread all over Europe north of the Alps, it was the result of abnormally heavy rainfall and flooding.[17] The chroniclers were almost universal in their observations of the unusual weather conditions.[18] Torrential rains began in the month of May, 1315, and continued throughout the summer and autumn. During the next two years harvests were repeatedly bad. The spring rains hindered sowing of oats and barley; the summer rains prevented proper ripening of the grain; and the autumn planting of wheat could not be accomplished.[19] Because the grain was not ripe at harvest time, it had to be dried in ovens before it could be ground.[20] The crop failure forced the price of wheat up from an average

of five shillings per quarter to twenty shillings and higher.[21] The cost of peas, oats, barley, malt and salt rose proportionately.[22] Because of the grain shortage, livestock was killed and eaten so that it too became scarce.[23] In addition to the woes of famine, the cattle and sheep died in large numbers from an epidemic of murrain.[24]

The chronicler, Johannes de Trokelowe, described in lurid detail the effects of this horrible famine on the people of Suffolk. When ecclesiastical and lay lords could no longer feed their large households of servants, they turned them out into the streets.[25] Horse meat became so scarce that people stole fat dogs and ate them; even cannibalism was not unknown.[26] But most terrible of all, Trokelowe related that the starving inmates of the prisons tore apart new prisoners and ate them half-alive.[27] In addition to the suffering resulting from the scarcity of grain, people developed dysentery, acute fever and putrid sore throat.[28] The number of dead was so great that the living, who were weakened with hunger and sickness, could not bury them all.[29] Trokelowe described seeing dirty dead bodies in the wards and lanes of Suffolk.[30]

One of the effects of the famine which Trokelowe observed was an increase of crime in the countryside. The members of the lords' households, who had been turned out into the streets, did not know how to earn a living and so resorted to murder and rapine.[31] Trokelowe also claimed that thieves' ambushes became a daily occurrence.[31] H. S.

Lucas has made an effort to check the veracity of Trokelowe's account by noting the increase in commissions of oyer and terminer enrolled on the patent rolls.[33] Evidence from the gaol delivery rolls also confirms Trokelowe's observation that lawlessness increased during the famine. (See Appendix I.) The average number of crimes per year jumps from fifty-five in Norfolk, sixty-eight in Yorkshire and thirty-eight in Northamptonshire before the famine to 265, 334 and sixty-three during the dearth. The peak of the crime wave was reached in the last half of 1315 and in 1316. With the good crops of 1318 both the misery and the volume of crime decreased.

Trokelowe was not alone among contemporaries in recognizing that hunger was driving people to commit crimes. At the Lynn delivery of 26 June 1316 the jury requested more time for consultation on the case of Peter le Sknekere who burgled the house of Godefrey de Geyton of goods valued at 2s. 6d. because he acted from "fame et inopia."[34] Four similar cases ended in pardon or acquittal in other parts of Norfolk in 1316-1317.[35]

The famine of 1322-1323 was not as severe as the Great Famine of the previous decade and therefore has not been as well studied.[36] Of the chroniclers only Higden mentioned that Edward II tried to lead an army against the Scots but famine and disease among his troops in Yorkshire forced him to abandon his campaign.[37] Again, the graph of the number of crimes per year shows a rise in crime during

the famine years. The increase was not as spectacular as during the earlier famine, averaging only 163 in Norfolk, 127 in Yorkshire, and fifty-nine in Northamptonshire. On the graph of the number of crimes per year the peak for Yorkshire appears in 1324, a year following the famine. The normal backlog of cases in the documents or, as we mentioned in the previous chapter,[38] the possible upset of the law enforcement system resulting from Scottish invasions in 1322 may account for the lag.

A comparison of the graph of crime and a graph showing the price of wheat per quarter also demonstrates the increase of crime during the famine. Price data for this period have almost as many pitfalls as population statistics. Sir William Beveridge's manuscript material on agricultural prices has been used since it contains the most reliable data available.[39] Because the records are most complete for the price of wheat, only the wheat prices are recorded on the graph. The Beveridge manuscripts contain a special study of prices on Norfolk manors so that a separate and more accurate graph may be made for that county. For the other two counties his less reliable, county-wide survey (a survey based on Thorold Rodger's data, in addition to Beveridge's own) must be used.[40]

On the graph comparing the price of wheat per quarter with the number of crimes in Norfolk (see Figure 2) the volume of crime increased when the price of wheat rose. The usual judicial backlog may explain the lag of one year

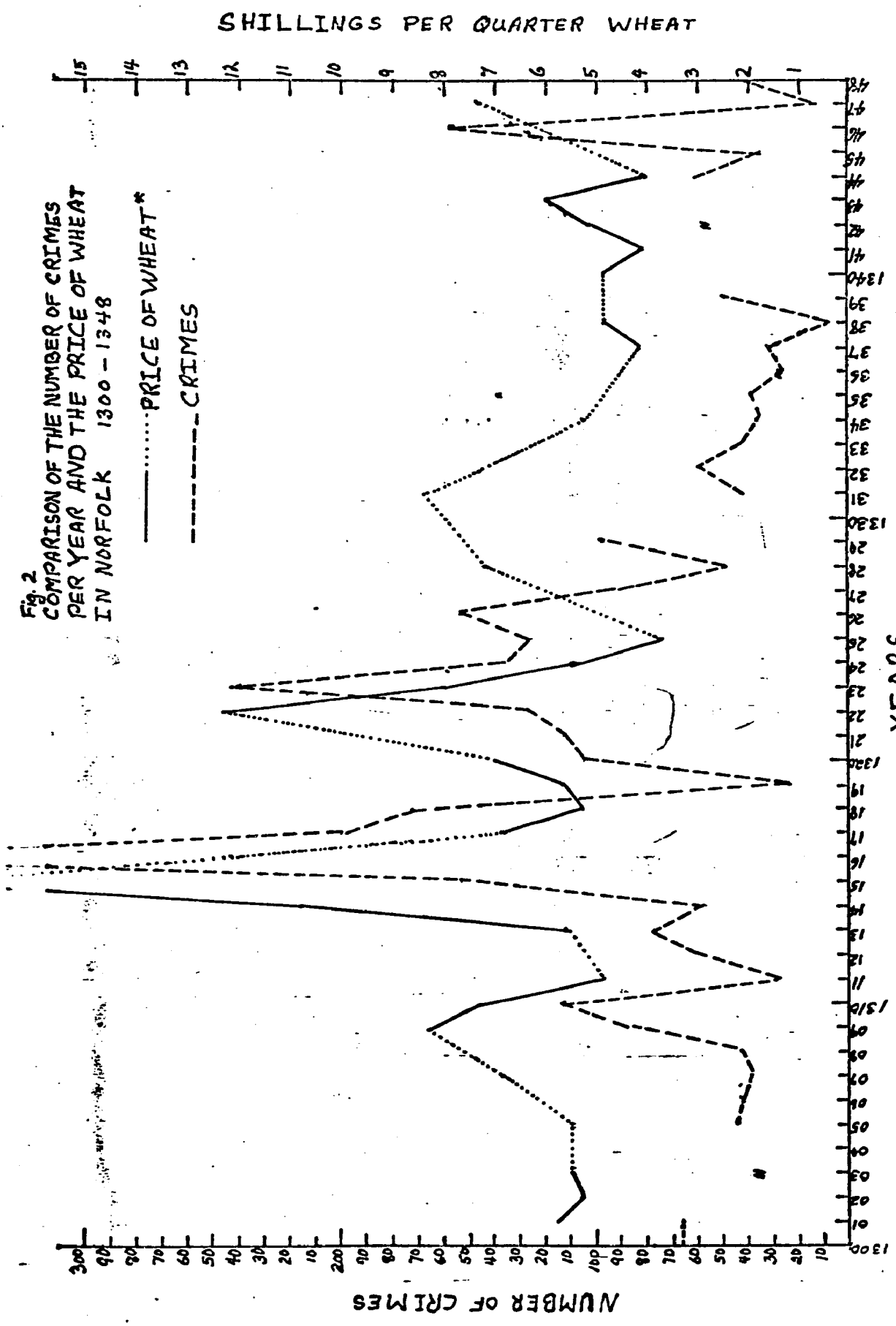


Fig. 2
COMPARISON OF THE NUMBER OF CRIMES PER YEAR AND THE PRICE OF WHEAT IN NORFOLK 1300 - 1348

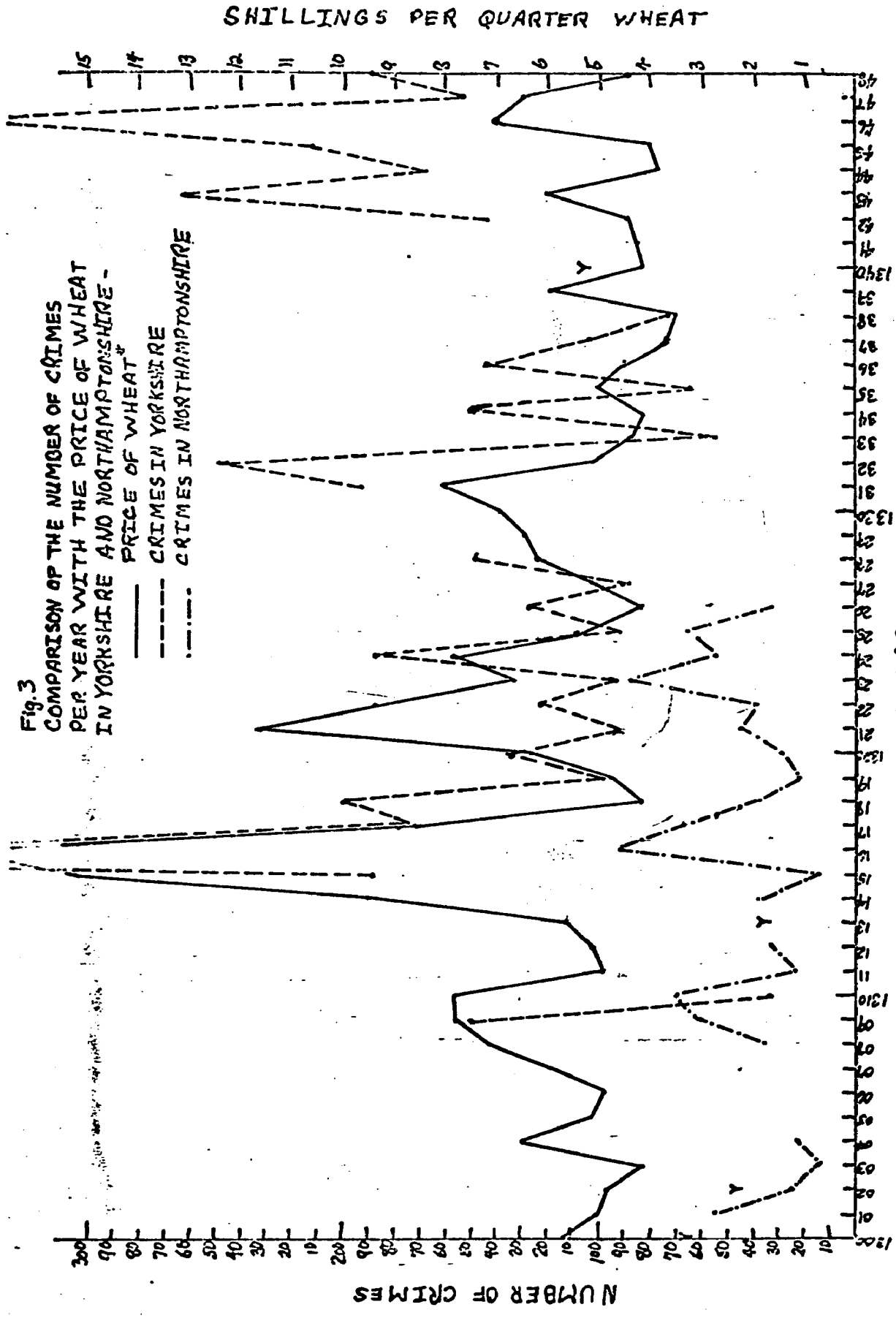


Fig.3
COMPARISON OF THE NUMBER OF CRIMES PER YEAR WITH THE PRICE OF WHEAT IN YORKSHIRE AND NORTHAMPTONSHIRE -

* Figures taken from Sir William Beveridge price data in London School of Economics.

in the rise of crime. Not only did crime rise during the famine years but also following the high grain prices of 1309, 1328 and 1331 in Norfolk. An augmentation of crime did not, however, follow the high grain prices in 1343 and 1347. The pattern of increased crime following high wheat prices is again shown on the graph comparing the number of crimes per year in Yorkshire and Northamptonshire with the country-wide average of the price of wheat per quarter. (See Figure 3.) The high price of wheat corresponded with a high level of crime during the famine years and during the price rises of 1308-1310, 1330, 1343 and 1346.

This comparison of the price data with information on the number of crimes per year from the gaol delivery rolls points to a strong correlation between the famines of 1315-1316 and 1321-1323 and increased crime. Crime rose not only during the severe price rises of the famines but also during the more minor price fluctuations in 1308-1310, 1328 and 1330-1331 in all three counties and in 1343 and 1346 in Yorkshire. Although it is possible that other events, occurring simultaneously with the famines, such as the Scottish invasions of 1314-1319 and 1322, contributed to the lawlessness in Yorkshire, the similar pattern followed in all three counties indicates that the cause of the increases was more widespread in its nature. Price rises were not, however, the only explanation for peaks in crime, for there were rises which did not correspond to price

changes, as in 1344 in Yorkshire and 1326 and 1346 in Norfolk.

If high grain prices and famine conditions help to explain the periodic increases in the volume of crime, did the economic slump resulting from a drop in grain prices and a rise in the price of nonagricultural goods also contribute to the fluctuations in the number of crimes per year? Economic contraction occurred unevenly throughout England, some areas suffering in the last quarter of the thirteenth century and others not affected until the first quarter of the fourteenth century.[41] By about 1325 the agricultural slump was a widespread phenomenon over most of the country.[42] As can be seen from the graph of wheat prices, the lowest prices occurred in the fourth and fifth decades of the century.[43] Most agricultural products, including legume crops, meat and dairy produce, also fell in price.[44] At the same time, wages and the cost of nonagricultural products rose.[45] The economic recession had different effects on different segments of the peasant society. For the peasants living on small holdings and near subsistence level, the halt in population expansion, the lowering of land prices and the rise in wages they received for their labor meant an easing of their situation.[46] For the peasants who had sufficient surplus to sell their wheat and buy industrial goods or hire laborers, the recession was a hardship.[47] These more substantial peasants were receiving

less money for their crops while they were paying more money for their equipment and tools.[48]

The effects on the volume of crime of such a gradual change in economic conditions is very hard to measure. Although the economic contraction caused hardships to some segments in the peasant community, it was not as widespread nor as desperate as the circumstances surrounding the famine. Furthermore, in some areas a local industry such as cloth production helped to alleviate the misery. If we look at the graph comparing the annual incidence of crime and the prices of wheat per quarter in Norfolk, we can see that, aside from the peak in 1346, the level of crime was very low during the period of low wheat prices. The agricultural recession apparently did not force more people into crime in Norfolk. The pattern of crime in Yorkshire, however, contradicts the Norfolk evidence, for the level of crime remained very high, despite fluctuations, during the fourth and fifth decades of the fourteenth century. Perhaps Yorkshire suffered more than Norfolk from economic contraction but it must be born in mind that this period also coincided with the presence of the central government and troops in Yorkshire, continued Scottish raids and the first phase of the Hundred Years' War. Norfolk, on the other hand, had always been a more flourishing agricultural area and had a developing woollen industry at Worstead which may have helped to relieve some of the hardship.

The periods of economic setback, both famines and recession, could have influenced the types of crimes committed, as well as the volume of crimes. During times of material privation, we might expect crimes against property (larceny, burglary and robbery), as opposed to other types of crimes, to increase. The table below comparing the percentage of crimes against property to other types of crimes gives only partial confirmation that economic hardships led to increased property crimes.

Table 4

Percentage of Property Crimes Compared to Other Types of Crimes (Total N = 10,546)

	Norfolk		Yorkshire		Northamptonshire	
	Property	Other	Property	Other	Property	Other
1300-04	68	32	58	42	58	42
1305-09	75	25			57	43
1310-14	79	21	50	50	51	49
1315-19	83	17	72	28	56	44
1320-24	73	27	74	26	51	49
1325-29	66	34	53	47	54	46
1330-34	72	28	56	44		
1335-39	67	33	56	44	49	51
1340-44	73	27	57	43	52	48
1345-48	74	26	63	37		

While the percentage of property crimes did increase in Norfolk and Yorkshire during the famine years (1315-1317) from

an average of 74 percent to 83 percent in Norfolk and from 54 percent to 72 percent in Yorkshire, for the rest of the period the percentage of property crimes remained more or less steady in the two counties. In Northamptonshire there was very little change in the percentage of property crime throughout the half century.

Perhaps a more sensitive index of the desperation resulting from economic setbacks would be the percentage of violent property crimes (burglary and robbery) as compared to all other crimes. As the economic situation worsened, particularly during famines, those who still had food or possessions would guard them more closely, while those who lacked these articles would be driven to more violent means of procuring them. If we look at the table below comparing the percentage of violent property crimes to all other crimes, we can see that in Norfolk and Yorkshire the average percentage of violent crimes against property rose during the famine years. (See Table 5, p. 110.) In Norfolk it reached the very high level of 56 percent of all crimes committed between 1315 and 1319. In Yorkshire, however, the level continued high in 1320-1329, the highest of all in 1340-1344.

The evidence, on the whole, indicated only a slight tendency for the percentage of crimes against property and violent crimes against property to increase in years of economic duress, and, of those years, only during the worst famine of 1315-1317. In general, it would seem, the

Table 5

Percentage of Violent Property Crimes Compared to Other Types of Crimes
(Total N = 10,546)

	Norfolk		Yorkshire		Northampton-shire	
	Violent Property Crimes	Other	Violent Property Crimes	Other	Violent Property Crimes	Other
1300-04	32	68	22	78	21	79
1305-09	34	66			9	91
1310-14	38	62	16	84	19	81
1315-19	56	44	25	75	20	80
1320-24	39	61	24	76	21	79
1325-29	33	67	25	75	26	74
1330-34	40	60	19	81		
1335-39	38	62	17	83	34	66
1340-44	39	61	31	69	25	75
1345-48	41	59	21	79		

economic strain, particularly famine, was reflected in an increase in all types of crimes with a somewhat larger increase in larceny, burglary and robbery. The higher percentage of property crimes in Norfolk as compared to the other two counties will be discussed in the next section of this chapter.

The variety of goods stolen reflected the economic needs of the society to a greater extent than either the number of crimes per year or the types of crimes. More foodstuffs were stolen during the periods of high grain prices, while the amount of industrial goods stolen

increased after about the middle of the third decade when these items became more expensive. The accompanying tables show an increase in the percentage of foodstuffs (grain, bread, butter, cheese, meat and fish) stolen between 1315 and 1319 in Norfolk and Yorkshire and a continued high percentage during the next period of famine, 1320-1324. The average percentage of foodstuffs stolen between 1300 and 1314 was 13 percent in Norfolk and 14 percent in Yorkshire; it increased to 16.5 percent in Norfolk and 17.5 percent in Yorkshire between 1315 and 1324. In Northamptonshire the percentage of foodstuffs stolen was continually high during the first two decades of the century, averaging 12 percent. As the price of grain fell so too did the amount of foodstuffs stolen. Livestock, another potential source of food, also enjoyed an increased popularity as a stolen item during the two famines in Yorkshire and Northamptonshire but not in Norfolk.

The high prices of nonagricultural products which accompanied the economic recession of the fourth and fifth decades led to an increased percentage of industrial goods (cloth, tools, wool, hides, pelts, timber and metal) stolen. In Norfolk the average percentage of industrial goods stolen rose from 18 percent for 1300-1324 to 27 percent for 1325-1348. In Yorkshire it increased from 7 percent for 1300-1324 to 14 percent for 1325-1348. Northamptonshire has insufficient data to make a comparison. In general, the types of goods stolen were those most in demand--foodstuffs

Table 6

Percentage of Types of Goods Stolen

	Food-stuffs[a]	Stock[b]	Indus-trial[c]	Valu-ables[d]	Clothing & House-hold	Unspec-ified
			Norfolk			
1300-04	15	26	15	10	8	26
1305-09	14	31	14	3	13	25
1310-14	11	33	18	11	12	15
1315-19	18	23	19	12	12	16
1320-24	16	28	23	11	11	11
1325-29	9	34	26	15	8	8
1330-34	11	31	31	15	5	7
1335-39	15	38	29	6	4	8
1340-44	3	38	25	24	8	2
1345-48	4	48	25	15	7	1
			Yorkshire			
1300-04	14	47	8	12	6	12
1305-09						
1310-14	15	51	11	2	2	19
1315-19	19	60	3	5	3	10
1320-24	16	55	6	4	3	16
1325-29	9	45	12	15	7	12
1330-34	11	49	15	12	5	8
1335-39	9	59	12	12	3	5
1340-44	15	40	17	12	7	9
1345-48	15	48	15	10	4	8
			Northamptonshire			
1300-04	15	55	9	9	12	0
1305-09						
1310-14	10	49	12	15	10	4
1315-19	11	63	12	6	4	4
1320-24	6	46	17	8	15	8
1325-29	7	50	9	17	15	2
1330-34						
1335-39						
1340-44						
1345-48						

[a]Foodstuffs = grain, bread, cheese, meat and fish.

[b]Stock = Livestock.

[c]Industrial = cloth, tools, wool, timber, iron, lead, weapons.

[d]Valuables = money, plate, jewels, church ornaments, books.

during famines and industrial products during the period of agrarian recession.

Although the periods of economic duress determined the type of goods stolen, they did not drive more women into criminal acts in order to provide for their families. The table below shows that the proportion of women to men fluctuated very little from the 10 percent women-90 percent men ratio in the three counties.

Table 7

Percentage of Males and Females Accused of Felonies
(Total N = 10,546)

	Norfolk		Yorkshire		Northampton-shire	
	Male	Female	Male	Female	Male	Female
1300-04	86	14	84	16	89	11
1305-09	85	15			93	7
1310-14	91	9	81	19	93	7
1315-19	84	16	90	10	93	7
1320-24	87	13	93	7	89	11
1325-29	93	7	94	6	90	10
1330-34	85	15	92	8		
1335-39	92	8	95	5	100	0
1340-44	90	10	95	5	100	0
1345-48	91	9	92	8		

Only in Norfolk was there a slight increase of women accused of crime during the 1315-1317 famine.

Although the economic hardships--the famines and the slump which began in 1325--did not force more women into

crime, they do go far to explain the changing pattern of crime during the first half of the fourteenth century. The number of crimes per year increased dramatically during the Great Famine of 1315-1317, going from an average of fifty-five crimes per year in Norfolk, sixty-eight in Yorkshire and thirty-eight in Northamptonshire to 265, 334, and sixty-three respectively. The less serious famine of 1321-1323 also corresponded with a peak of crime. The rise of crime during famines was also shown when the graph of crime was compared to a graph of the price of wheat per quarter. Not only did crime increase during the extremely high price periods of famine but also during the price peaks of 1308-1310, 1328, 1330-1331 in all counties and in 1343-1346 in Yorkshire. The effects of economic depression of the latter half of the period is more difficult to gauge than that of famines, because it produced a more gradual change. The volume of crime in Yorkshire did remain high after 1325, but in Norfolk crime decreased as the price of grain fell. The different experiences of the two counties may help to explain the divergence. Norfolk had a growing cloth industry which may have alleviated the hardships of agrarian recession. Yorkshire, on the other hand, suffered from the threat of Scottish raids and the presence of English troops as well as the economic slump.

The changing economic conditions also coincided with changes in the types of crimes committed and the variety of goods stolen. Crimes against property, such as

larceny, robbery and burglary, increased in Norfolk and Yorkshire during the Great Famine but returned to normal level during the other periods of duress. Violent crimes against property followed the same pattern in those two counties. The types of goods stolen reflected the changing economic conditions more closely than the types of crimes. The percentage of agricultural products stolen was very high during the period of high grain prices and famines and then dropped as the price of those goods fell. The percentage of industrial goods stolen rose during the period of economic recession when they were most expensive. Although economic hardships help to explain many of the changes in the pattern of crime, other events which occurred at the same time may have contributed to the social unrest. The periods of famine and recession coincided, for Yorkshire at least, with the Scottish raids and the disrupting presence of English troops. In other cases, special conditions within the county, such as the development of a woollen industry in Norfolk, may have helped to mitigate the problems of economic depression. In the next section we will consider the effects of these pockets of economic prosperity on the crime pattern.

III

Wealth and Crime

The three counties differed not only in the extent to which they suffered during the periods of economic contraction but also in their relative wealth. According to R. S. Schofield's study of the 1334 tax assessments, Norfolk was one of the wealthiest counties; Northamptonshire was moderately wealthy; and Yorkshire was among the poorest.[49] Even within counties some areas were more prosperous than others. In Norfolk, for example, the western fenland district received a heavier assessment than the eastern part of the county.[50] Occasionally, a county would have a very localized period of prosperity as Norfolk had during the development of the worsted woollen industry and as York had when Edward III moved the government there between 1332 and 1337. In this section we shall be concerned with the effects of wealth on the pattern of crime in the three counties. Did the wealthier counties or districts within counties attract more felons? Did the sudden increase in prosperity in York coincide with a rise in crime? And, finally, did the types of goods stolen change in Norfolk as the woollen industry developed?

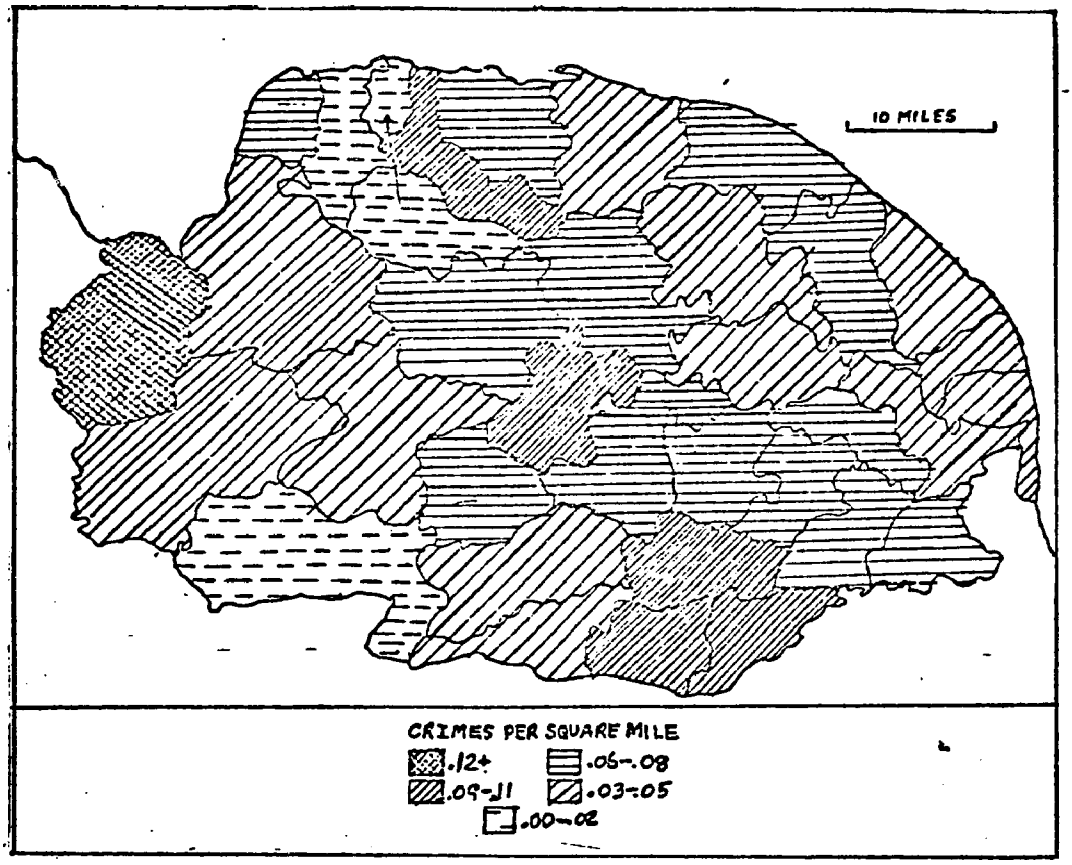
The 1334 lay subsidies have provided material for assessing the distribution of wealth among the counties and of areas within counties. The tax, which was a Parliamentary grant to the Crown, was assessed on a proportion of the

movable goods (principally stock and crops) of the township or the borough. Rural areas were taxed a fifteenth of the value of their movable goods and boroughs and ancient demesnes contributed a tenth. The machinery of assessment and collection have been well-described by J. F. Willard in his book, Parliamentary Taxes on Personal Property.[51] On the basis of the 1334 assessments, R. S. Schofield has shown that Norfolk was the third wealthiest county, paying £38.9 per thousand acres.[52] Northamptonshire was among the moderately wealthy counties (rank twelve), paying £26.3 per thousand acres.[53] In Yorkshire, the East Riding was also among the moderately prosperous, being ranked at sixteen and paying £22.2 per thousand acres.[54] Most of Yorkshire, however, fell with the poorest of counties. The North and West Ridings ranked thirty-six and thirty-seven, paying £7.0 and £6.5 respectively.[55]

The average yearly distribution of crime per square mile roughly corresponded to the distribution of wealth described in Schofield's study. In crimes per square mile, Norfolk had .04, Northamptonshire had .05 and Yorkshire had .02. The evidence that the volume of crime was higher in wealthier counties is, however, far from conclusive. First, Northamptonshire, which ranked twelfth according to wealth, had .01 more crimes per square mile than Norfolk, ranked third. Secondly, the distribution of crimes per square mile also corresponded to the distribution of population, which

may have been the more significant factor in accounting for the amount of crime.

A better evaluation of the relationship between the distribution of crime and wealth may be made by examining conditions within one county, Norfolk. In the 1334 subsidy the wealthiest rural areas of Norfolk were the fenlands west of King's Lynn.[56] The area, including King's Lynn and South Lynn, was assessed at £68.[57] Other towns in the area also received heavy assessments: Terrington £40, Wiggenhall £37, Walpol £35, Tilney £30, Walsoken £28 8s. and West Walton £23.[58] In comparison to the high assessments in in the marshland area, the southern hundreds and those north of Norwich had more settlements but were at the bottom of the assessment list.[59] The woollen industry apparently had not developed sufficiently to raise the assessment in the Norwich area. If we now compare a map of the distribution of crime by hundreds to R. E. Glasscock's map of the assessments of the hundreds, we can see that the wealthier areas were not necessarily those of high crime density. Although the wealthy Freebridge Hundred in the fens west of Lynn had the highest number of crimes per square mile, the other prosperous hundreds did not have a high density of crime. Furthermore, a few of the poorer hundreds had from .09 to .11 crimes per square mile. In only about a third of the hundreds was there a correlation between the number of crimes per square mile and their relative wealth. We must conclude that the distribution of



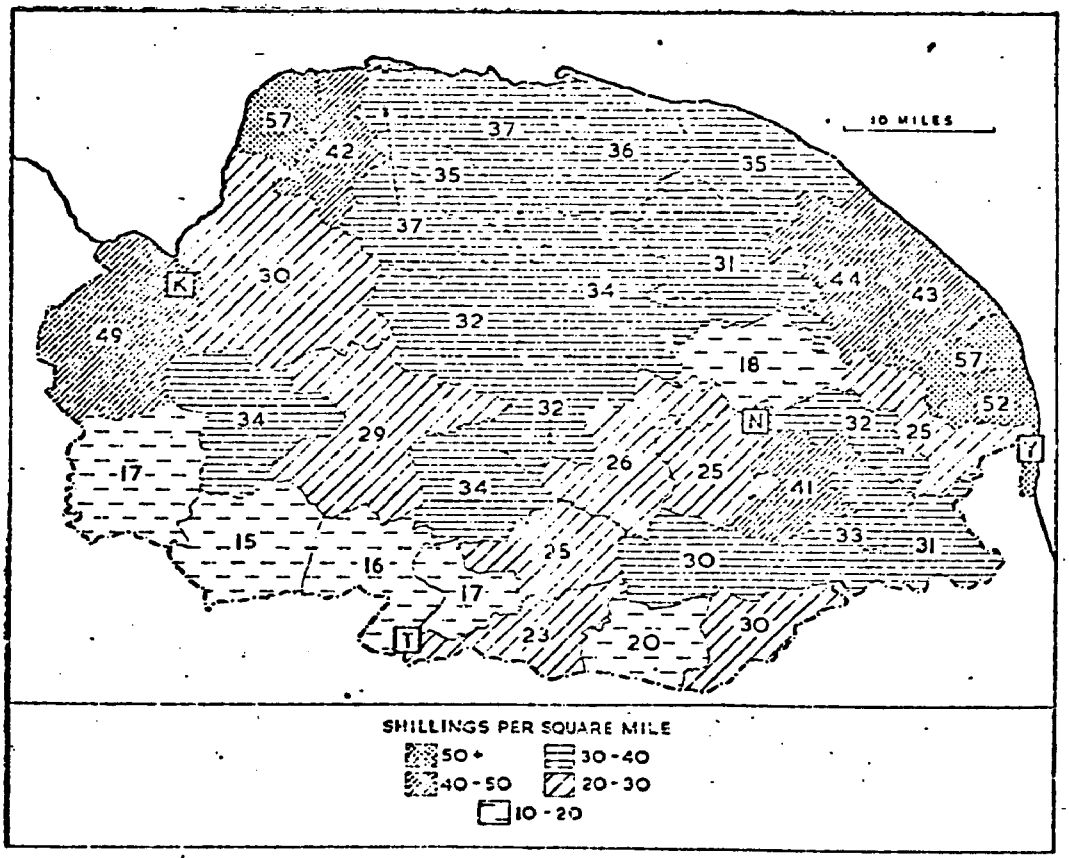


FIGURE 3—The assessment of lay movables in Norfolk in 1334. The quotas of the four boroughs are excluded. From Glasscock, p. 117.

crime did not necessarily correspond with either the wealth or the poverty of an area.

The high density of crime in the fenland hundred was perhaps more closely related to the nature of its social structure than to its wealth. As H. E. Hallam has observed of fenland society:

> It was a progressive and grasping society which practiced violence so frequently that the Prior of Spalding had to get permission from Edward III in 1333 to strengthen and crenellate the great wall around the curia against severe raids of the men of Deeping, who habitually attacked the town of Spalding across the fens and rustled the cattle of the men of Holland whenever they thought they might get it.[60]

H. C. Darby, however, has argued that the fenlands were no more violent than any other area and that the sharing of common grazing lands and drainage of the fens encouraged mutual cooperation rather than violent competition.[61] The evidence from the gaol delivery rolls supports Hallam rather than Darby, for the fenland hundred of Norfolk had more crime than any of the others.

Periods of sudden and abnormal increases in wealth may also have attracted lawless elements to an area. When Edward III moved the central government to York between 1332 and 1337 to be near him during his Scottish campaigns, he brought a new prosperity to the city. People pursuing suits at the central courts, justices and courtiers all brought money and employed local people.[62] But in 1334 Edward complained to the mayor and the bailiffs of the city ". . . that several malefactors and disturbers of the

peace . . . making assemblies and illicit gatherings both by day and by night in York, its suburbs and neighborhood, go about armed and lie in wait for those coming and going to and from that city, and staying there, both the king's ministers and other lieges, and beat, wound and rob them. . . ."[63] The greater concentration of wealth did provide an increased attraction to potential felons and perhaps the troops collected for the Scottish wars formed the armed bands about which the king complained.[64] Certainly the king's complaints were not groundless, for the graph of the number of crimes per year shows that the level of crime remained very high in Yorkshire as a whole during this period. The steady decrease of crime in Norfolk over the same years confirms the conclusion that Yorkshire was suffering from a set of conditions unique to it. Two other factors, besides the greater concentration of wealth, might, however, explain the high number of reported crimes. First, the disruptive presence of troops might have contributed more to the prevalence of lawlessness than the temptations of wealth. Second, the close proximity of the king and central courts might have spurred local officials to greater efficiency in maintaining law and making arrests.

Another way to measure the attraction prosperous areas held for potential thieves is to compare the amount of property crimes in wealthy counties to that in poorer ones. The average percentage of property crimes in Norfolk was 73 percent, in Northamptonshire 53 percent and in Yorkshire

59 percent. Again, wealth apparently was not the only explanation for crime, for, although Norfolk (rank three) had a very high percentage of property crimes, Northamptonshire (rank twelve) should have had a higher percentage than Yorkshire (ranks sixteen, thirty-six and thirty-seven). G. C. Homans' article on inheritance laws and land holding in East Anglia[65] may help to explain the extremely high percentage of property crime in Norfolk. The East Anglian custom of partible inheritance broke up the land into units too small to support a family.[66] Using an argument similar to Hallam's observations about the competitive nature of fenland society, Homans suggests that, because land holdings were small and population dense, individuals in Norfolk had to compete for a living.[67] This shortage of agricultural lands raised tensions which led to the prevalence of burglary and robbery rather than to demands of freedom from manorial ties in the Norfolk Peasants' Revolt of 1381.[68] Perhaps the pressure on resources also helps to explain the high percentage of property crimes which was a part of the normal crime pattern in Norfolk. In this light, the materialistic nature of the Norfolk revolt[69] seems to be an extension of an already existing mode of criminal behavior which generalized to mob action in 1381.

A close correlation between wealth and volume of crime cannot be conclusively established. Certainly, the presence of wealth in an area provided the temptation for crime and high rewards for the successful criminal, but

other factors, including the social structure of the locality or the terrain, might also help to explain the high number of crimes in prosperous areas. In Northamptonshire, for example, the deep forests may have provided a refuge for felons of neighboring counties, thus giving Northamptonshire a higher number of reported crimes than in wealthier Norfolk. The competitive nature of Norfolk society rather than the attraction of wealth to outsiders may explain the concentration of crime in the fenland hundred and the high number of property crimes in Norfolk as a whole. And, finally, the presence of the government in York may have had less influence on crime than the English troops or the threat of Scottish raids. Wealth may have attracted potential felons and thus have contributed to the high number of crimes, but it was not the sole cause.

Wealth derived from the development of a new industry in an area such as the worsted industry in Norfolk did alter the crime pattern, particularly the types of goods stolen. According to Homans, the land shortage accounted for not only the grasping nature of Norfolk society but also the early development of the woollen industry.[70] Individuals who could not support a family on their small inheritance often sold out or supplemented their agricultural income with weaving or spinning.[71] The woollen industry developed in Norfolk around Worstead and Aylsham at the end of the thirteenth century. The cloths produced at these two centers were light wools woven from long fibers. Such

cloth was in much demand for summer-weight religious habits and household uses. Edward III's policy of economic retaliation against France gave the industry fresh impetus. In 1337 the king forbade all of his subjects of "whatever degree" to wear any but English cloth.[72] At the time foreign cloth makers, particularly Flemings, were invited to bring their tools and artisans into England and to practice their trade under the king's protection.[73] With this encouragement the Norfolk industry prospered not only in the original centers but also in Honing, Tunstead, Scottow, Lynn and Norwich.[74]

The effects of a flourishing woollen industry on the volume of crime was touched upon in the preceding section.[75] As previously observed, the profits from the woollen industry may have helped the Norfolk peasantry to absorb losses in agricultural income during the fall in grain prices, thus relieving pressures on resources. It is perhaps for this reason that the number of crimes in Norfolk declined to a very low level during the 1330s, while it remained high in Yorkshire.

The proportion of cloth to other types of goods stolen also reflects the experience of a prosperous woollen industry. As the industry developed, cloth came to occupy an increasing percentage of the stolen goods, as may be seen in the table below. (See Table 8, p. 125.) During the 1330s, when the number of crimes was lowest in Norfolk and encouragement to the native industry at its

Table 8

Percentage of Cloth Compared to Other Types of Goods Stolen in Norfolk

	Cloth	Other
1300-04	11	89
1305-09	13	87
1310-14	15	85
1315-19	17	83
1320-24	20	80
1325-29	25	75
1330-34	29	71
1335-39	28	72
1340-44	22	78
1345-48	23	77

highest, 28 percent to 29 percent of the goods stolen were cloth. The importance of cloth in Norfolk economy and, therefore, in its crime pattern may also be seen by comparing the percentage of cloth stolen in the three counties. In Norfolk 20 percent of the goods stolen were cloth, while only 8 percent of the stolen goods in Northamptonshire and Yorkshire were cloth.

The emphasis on grazing and livestock production in Yorkshire and Northamptonshire is also revealed in their crime pattern. In Yorkshire 51 percent of the goods stolen were livestock and in Northamptonshire 53 percent were livestock. These figures contrast with Norfolk in which livestock accounted for only 33 percent of the stolen goods.

While the presence of a prosperous woollen industry in Norfolk did alter the crime pattern there, causing an increase in the amount of cloth stolen, generally speaking no clear relationship between crime and wealth can be established. This study has shown that the average yearly distribution of crime per square mile did not necessarily correspond to the distribution of wealth. Although the number of crimes did increase in York when the central government was located there between 1332 and 1337, and the high percentage of crimes against property in prosperous Norfolk might indicate that coveting of wealth there led to illegal means of gaining it, wealth was certainly not the exclusive explanation for the distribution of crime or for increases in its volume. While prosperous areas may have attracted felons, other factors such as population density, social structure, terrain or disruption of war may provide a better explanation. If we knew, for example, that the wealthier areas were also the more densely populated ones, then crime might be found to be proportionate to population. In Norfolk the competitive nature of the social system may have increased the volume of crime, particularly against property. The forest terrain of Northamptonshire may have sheltered felons from other counties, thus increasing the number of felons detected there. And, finally, in Yorkshire the disturbing effects of the Scottish wars may have contributed more to the high level of crime than the presence of wealth brought in when the government moved to York.

Notes

1. T. Sellin, Research Memorandum on Crime in the Depression (New York, 1937). W. A. Bonger, Criminality and Economic Conditions (Boston, 1916). D. S. Thomas, Social Aspects of the Business Cycle (London, 1925).

2. Sutherland and Cressey, p. 240.

3. J. Z. Titow, English Rural Society 1200-1350 (London, 1969), pp. 64-65.

4. Ibid.

5. M. M. Postan, "Medieval Agrarian Society at its Prime--England," Cambridge Economic History of Europe, Vol. 1, ed. M. M. Postan (Cambridge, 1966), p. 570. J. C. Russell, British Medieval Population (Albuquerque, 1948), pp. 246-260.

6. W. C. Robinson, "Money, Population and Economic Change in Later Medieval Europe,: Economic History Review, 2nd ser., XII (Aug. 1959), 63-76. B. F. Harvey, "The Population Trend in England between 1300-1348," Trans. R.H.S., 5th ser., XVI (1966), 23-42.

7. Postan, "Medieval Agrarian Society," pp. 565-70. M. M. Postan, "Some Economic Evidence of Declining Population in the Later Middle Ages," Economic History Review, 2nd ser., II (1950), 221-46. Titow, English Rural Population, Ch. 3.

8. S. L. Thrupp, "The Problem of Replacement Rates in Late Medieval English Population," Economic History Review, 2nd ser., XVIII (Aug. 1965), 101-19.

9. A. R. H. Baker, "Evidence in the 'Novarum Inquisitiones' of Contracting Arable Lands in England during the Early Fourteenth Century," Economic History Review, 2nd ser., XIX (Dec. 1966), 523, shows that lands were abandoned because of the destruction of the Scots.

10. Russell, pp. 246-60.

11. Ibid.

12. The Northamptonshire number of crimes per square mile was computed without the hundreds of the Peterborough liberty, which had a separate delivery.

13. Titow, English Rural Society, pp. 52-53. Postan, "Medieval Agrarian Society," pp. 556-59.

14. Postan, "Medieval Agrarian Society," p. 559.

15. Ibid.

16. Titow, English Rural Society, pp. 65, 93-96.

17. H. S. Lucas, "The Great European Famine of 1315, 1316 and 1317," Speculum, V (Oct. 1930), 343-77.

18. Annales Paulini, I, p. 278. Vita Edwardi Secundi, p. 214. Chronica Monasterii de Melsa, II, p. 332. Annals of Loch Ce, I, p. 579. Chronique de London, p. 38. Adam Murimuth, p. 24. Johannes de Trokelowe, pp. 92-96. Chronicon de Landercost, p. 233. Chronicon de Galfridi le Baker de Swinbroke, p. 9.

19. Lucas, p. 251.

20. Ibid.

21. Ibid., p. 352.

22. Ibid.

23. Ibid., p. 355.

24. Ibid.

25. Trokelowe, p. 93. "Hujusmodi igitur fame praevalente, tam magnates quam religiosi cuias suas resitringebant . . . familias suas minuebant."

26. Ibid., p. 95. "Carnes quidem cummunes, et ad vescendum licitae, strictae erant nimis; sed carnes equinae pretiosae eis fuerant, qui canes pinques furabantur, et ut multi asserebant, tam viri quam mulieres parvulos suos, et etiam alienos, in multis locis furtim comedebant."

27. Ibid. "Sed, quod horrible est ad futurorum notitiam perducere, incarcerati etiam fures inter eos recenter venientes in momento semivivos devorabant."

28. C. Creighton, A History of Epidemics in Britain, AD 664-1866 (Cambridge, 1894), p. 48.

29. Lucas, p. 357.

30. Trokelowe, p. 94. "Attenuatos autem fame perdendimus civitatem introeuntes, cum pauperes et egenos, ipsa fame opressos, per vicos et itinera squalentes et mortuos jacere conspicimus."

31. Ibid., p. 93. "Unde illi a curiis sic amoti, vitam delicatam ducere consueti, fodere nesciebant mendicare, erubescebant, penuria tamen cibi et potus divicti bona aliena sitiebant caedibus et rapinis intendentes."

32. Ibid., pp. 93-94. "Tot autem effecti sunt infideles, quod in pace vivere non permiserunt fideles. Augustiis igitur et miseriis praemissis et futuris consideratis et intellectis, illud propheticum quod in Jeremia dicitur--'Si eggressus fuero ad agros, ecce! occisi gladio; et si introiero in civitatem, ecce! attenuati fame!'--in populo Anglicano adimpleri hiis diebus cernere poterimus, ad argos egredientes, cum runiam gentis nostrae in Scotia et Vasconia, Wallia et Hibernia, diversis temporibus factam, una cum hiis qui per insidias latronum de die in diem jugulati sunt, ad mentem reducimus."

33. Lucas, p. 360.

34. JI3/48, m. 36d., Lynn, 26 June 1316.

35. Two cases in JI3/48, m. 42d., Norf., 5 Jan. 1317 and two cases in JI3/49/1, m. 2, Norf.

36. Creighton, p. 49.

37. Ibid.

38. Ch. II, p. 75.

39. Sir William Beveridge manuscript material for a price history. Courtesy of London School of Economics.

40. J. Z. Titow, "Evidence of Weather in the Account Rolls of the Bishopric of Winchester," Economic History Review, 2nd ser., XII (April 1960), 360-407. Titow, English Rural Society, pp. 97-102. Titow's price data, drawn from the Winchester estates, unfortunately cover only southwest England. As conditions can be very different from one part of England to another, his data have only been used to check the Rodgers-Beveridge data.

41. Titow, English Rural Society, pp. 52-53.

42. Ibid., p. 40.

43. Also see L. Genicot, "Crisis, from the Middle Ages to Modern Times," Cambridge Economic History of Europe, Vol. I, ed. M. M. Postan (Cambridge, 1966), tables on p. 682.

44. Ibid., pp. 683-87.

45. Ibid., pp. 688-94. Postan, "Medieval Agrarian Society," p. 567.

46. Postan, "Medieval Agrarian Society," p. 630. Titow, English Rural Society, p. 65.

47. Postan, "Medieval Agrarian Society," p. 630.

48. Genicot, p. 689.

49. R. S. Schofield, "The Geographical Distribution of Wealth in England, 1344-1649," Economic History Review, 2nd ser., XVIII (Dec. 1965), 485-510.

50. W. Hudson, "The Assessment of Townships of the County of Norfolk for the King's Tenths and Fifteenth, as settled in 1334," Norfolk Archaeology, XII (1903), 243-97. R. E. Glasscock, "The Distribution of Wealth in East Anglia in the Fourteenth Century," Transactions of the Institute of British Geographers, no. 23 (1963), pp. 113-23.

51. J. F. Willard, Parliamentary Taxes on Personal Property (Cambridge, Mass., 1934).

52. Schofield, p. 504.

53. Ibid.

54. Ibid.

55. Ibid.

56. Hudson, "Assessment," p. 250. Glasscock, p. 117.

57. Hudson, "Assessment," pp. 248-49. H. C. Darby, The Medieval Fenland (Cambridge, 1940), p. 131.

58. Darby, loc. cit.

59. Hudson, "Assessment," p. 250. Glasscock, p. 118.

60. H. E. Hallam, Settlement and Society: A Study of the Early Agrarian History of South Lincolnshire (Cambridge, 1965), pp. 221-22.

61. Darby, Fenlands, pp. 119, 140, 143-46.

62. Miller, The War in the North, p. 10.

63. Calendar of Patent Rolls, 1333-1337, pp. 294-295.

64. Ch. II, Section II, for the problem of troops in Yorkshire.

65. G. C. Homans, "The Rural Sociology of Medieval England," Past and Present, no. 4 (Nov. 1953), pp. 32-43.

66. Ibid., pp. 38-39.

67. Ibid.

68. Ibid.

69. Ibid.

70. A. Réville, Le Soulèvement des travailleurs d'Angleterre en 1381 (Paris, 1898).

71. Homans, p. 38.

72. E. M. Carus-Wilson, "The Woollen Industry," Cambridge Economic History of Europe, Vol. II, eds. M. M. Posten and E. E. Rich (Cambridge, 1952), p. 415.

73. Ibid.

74. Ibid., p. 419.

75. See Ch. III, Section II.

CHAPTER IV

THE CRIMINALS AND THE SUSPECTS

The last two chapters have attempted to show how such factors as political upsets, wars, demographic change, famine and increases in the price of industrial goods might bear on the fluctuations in the number of crimes per year. The present chapter and the succeeding one will look at the people who were accused of the offenses and the organization of crime. Most studies of medieval criminals have been of that enjoyable sort which describe in detail the activities of particular criminals or associations of criminals. The two most outstanding works in this category are E. L. G. Stones, "The Folvilles of Asheby-Folville, Leicestershire, and Their Associates in Crime,"[1] and J. G. Bellamy, "The Coterel Gang: an Anatomy of a Band of Fourteenth Century Criminals."[2] While these individual case studies are most enlightening, it is possible to make some generalizations on the composition of the body of offenders as to their sex, age, class and occupation which puts the individual cases into a broader perspective. We may also comment upon the rare cases of aliens accused of felonies and the criminally insane.

Although the court records usually give only the barest description of the cases with little information on

background of the accused, the sex, sometimes the occupation and, occasionally, the fact of alien status may be given in the text. Of these three categories only that of the sex of the accused is complete enough to be treated statistically. The occupation or rank of the accused did not become part of the official record until the statute of Henry V.[3] In the early fourteenth century records it is regularly given only in the case of the clergy.

In all criminal statistics the number of women accused of felonies is much lower than the number of men.[4] Medieval England was no exception, having a ratio of one woman to every nine men accused of crime in our three counties between 1300 and 1348.[5] Explanations for the small number of women in criminal records have ranged from the romantic view of their gentle nature to the cynical view that women can get what they want by prostitution and therefore have less need for theft and burglary than men. While these speculations may form part of the explanation, there is evidence that judges and juries were more lenient toward women than men in medieval England.

Table 9

Percentage of Females and Males Acquitted and Convicted of all Felonies, 1300-1348
(Total N = 10,546)

	Females		Males	
	Acquitted	Convicted	Acquitted	Convicted
Norfolk	82	18	66	34
Yorkshire	91	9	85	15
Northamptonshire	78	22	60	40

The table shows that the juries and judges consistently acquitted a greater percentage of women than men in all three counties. Northamptonshire and Norfolk showed the greatest discrepancy between acquittal of men and women. Northamptonshire, with the highest percentage of convictions, acquitted 18 percent more women than men; Norfolk juries acquitted 16 percent more women than men. Occasionally, the jury would give as their reason for acquitting a woman that her husband coerced her into committing the felony. Isabel, daughter of Stacie of Rudham, was accused of a series of robberies at Hertfordbridge in collusion with her husband, Simon Brid of Spalding, and four other men. The men were all convicted but Isabel was acquitted because she committed the crimes against her will.[6] If trial juries and judges showed a reluctance toward convicting women, then the presenting juries and local officials making the arrests also may have been less anxious to indict women. Thus fewer women would appear in court.

The physical strength required for robbery and homicide before the days of the gun might have reduced the number of women appearing in the rolls. Likewise, there were some crimes of which a woman was not likely to be accused such as rape, failure to abjure the realm and false appeal. Since a woman could not become an approver, she could only make a false appeal if she were a victim or nearest kin of the victim and therefore making a private appeal. Thus the types of felonies which they might commit were more limited

than for men. Women did commit many lesser offenses which, in modern law, would be criminal misdemeanors, but which were civil offenses in the middle ages. The leet court records are full of examples of women fined for quarrels and assault, illegal gleaning after harvest, petty theft and so on.[8] An example of this sort of case is that of Maud, wife of John Woodful, who was accused of attacking the wife of Thomas of London "with contumelious words calling her whore and sorceress and violently assaulted her with a certain 'gate' of yeast and poured it over the white meal of the said Thomas. . . ."[9] This case would only appear in criminal records if she had killed the wife of Thomas. The smaller proportion of women accused of felonies in the gaol delivery rolls, therefore, may be explained not only by the leniency of the law enforcement officials but also by the physical limitations on the types of crimes they were able to commit or by the legal distinctions between felony and trespass.

Because of physical and legal limitations, the categories of crime in which women were most likely to participate were larceny, burglary, receiving, arson and counterfeiting. As the table (p. 136) shows, about 3 percent of the women were accused of larceny. Of those women accused of larceny, 67 percent committed the crime alone and 33 percent with another person. The types of goods women stole were grain (41 percent), cloth and clothes (14 percent), household goods (7 percent), food and poultry (4 percent),

Table 10

Percentage of Males and Females Accused of Various Types of Felonies (1300-1348) (Total N = 10,546)

	Larceny		Burglary		Robbery		Homicide		Receiving	
	M	F	M	F	M	F	M	F	M	F
Norfolk	27	3	27	4	11	1	13	2	2	2
Yorkshire	31	3	16	2	6	.1	26	2	5	1
Northamptonshire	28	2	12	1	8	.4	28	1	3	1

	False Appeal		Counterfeiting		Arson		Rape		Other	
	M	F	M	F	M	F	M	F	M	F
Norfolk	5	0	.2	.1	1	.1	.2	0	1.4	0
Yorkshire	3	0	.7	.1	1	.1	.7	0	2.1	.2
Northamptonshire	13	0	.2	.1	1	.2	.1	0	.9	.1

and money (3 percent). They also stole livestock (27 percent) but usually only when assisted by another person. Aside from poultry theft, for it takes some skill to carry off a dozen squawking birds, women probably took objects which were easily accessible. For instance, women were frequently accused of stealing grain from the fields during harvest. One woman, Margaret Colet of Bletlyngge, had a specialty of stealing from those too sick to pursue her. She stole 20s. worth of cloth from a leper maintained outside the doors of the church of St. Augustine in the suburbs of

Norwich and took cloth valued at 40s. from a leper maintained outside the doors of a Westwick church.[10]

Burglary had the second highest percentage of women (4 percent in Norfolk, 2 percent in Yorkshire and 1 percent in Northamptonshire). This relatively high proportion of women involved in burglary, which would appear to require physical strength in order to break and enter, needs some explanation. The poorer village houses were constructed of wattle and plaster and were little barrier to burglary, even by women. In the coroners' rolls there are numerous examples of burglars entering a house simply by removing a wall or walking in at doors.[11] About half of the women accused of burglary (53 percent) carried it out alone. The other 47 percent acted in conjunction with another person, as did Matilda, sister of Richard ad Fres, in burglarizing a house in Baggeby in Yorkshire with the help of Robert de Pynkny de Westmorland and William de Stirklannd, clerk.[12]

In receiving of suspected felons and stolen goods, counterfeiting and arson, the discrepancy between male and female offenders is much lower than in larceny and burglary. In receiving cases women were sometimes accused of sheltering their husbands or of receiving into their homes the stolen goods of their felonious breadwinners. Women were accused of counterfeiting in .1 percent of the cases compared to .2 percent to .7 percent for men. In arson it was .1 percent to .2 percent for women and 1 percent for men. A whole family might be involved in counterfeiting, as was

a family from Causby in Yorkshire--Richard and his wife, Albreda, John, their son, Anicia, their daughter, and Matilda, daughter of Anicia.[13]

The women who committed the more violent crimes of robbery (1 percent in Norfolk, .4 percent in Northamptonshire and .1 percent in Yorkshire) and homicide (2 percent in Norfolk and Yorkshire and 1 percent in Northamptonshire) usually acted with men. Of the women accused of robbery, 100 percent had male co-defendants and 67 percent of those accused of homicide acted with men. Isabel, daughter of Stacie of Rudham, whom we have already mentioned as being forced by her husband to commit robberies, was with a gang of five men.[14] Women committed murder alone in 26 percent of the cases, as did Alice la Melner who killed her husband, Alan de Cruny of Gisburn, in Yorkshire in 1301.[15] In 7 percent of the cases a group of women were accused of murder, as were Alice Grut and Alice Grym, who stood trial for drowning a three-day old infant in a stream.[16]

If a woman was likely to be convicted for one of these offenses, she could prolong her life by being pregnant at her trial, for canon law prohibited the killing of the child in the womb along with the mother. Upon conviction the woman declared that she was pregnant. In order to verify her state, the judge appointed twelve women to examine her. If her pregnancy was confirmed, she was returned to prison until the child was born. Such was the case with Margery, wife of Simon de Berewik, who was found guilty of

burglarizing the house of Hugh, son of Hugh de Berewik, of goods valued at 20s.[17] As these women do not normally reappear in the records, they were either hanged after the birth of the child or, perhaps, the case was dropped. One woman, Matilda Hereward of Branndeston in Northamptonshire, was able to prolong her life at least one year and three months by being pregnant every time the justices came to deliver the gaol. She and her husband were found guilty of larceny in the Northampton delivery of 21 June 1301. They were both sentenced to be hanged but she was returned to prison because of pregnancy.[18] Again on 25 September 1301 she was returned to prison pregnant.[19] Likewise, the justices found her pregnant on 15 January 1302,[20] 5 June 13 1302,[21] 26 October 1302[22] and 22 January 1303.[23] After that date there is, unfortunately, a gap in the records, so that we do not know the ultimate fate of Matilda. Since her husband had been hanged in 1301 we may assume that the mixed prison conditions of the time must have made repeated pregnancy possible--indeed, perhaps almost impossible to avoid.[24]

In summary, the chief characteristics of female offenders were that they tended to commit larceny, burglary and receiving rather than homicide and robbery. In homicide, robbery and 47 percent of the burglary cases they acted with men or as a group of women. The small number of women appearing in gaol delivery records was due, in part, to the leniency of the judicial system toward women and also

to the physical limitations on the types of crimes they could execute. Many women, such as Maud, wife of John Woodful, assaulted other women without going beyond name-calling and hair-pulling.

Less can be said of the relationship of age and crime than of sex and crime. The age of the accused was not recorded unless the offender was under the age of twelve and hence a minor.[25] As minors, the court would excuse them of all blame since they were ignorant of the meaning of their acts.[26] Frequently, the minor was accused of felony together with one of his parents. For example, Adam de Hapesburg and his son, John, were accused of stealing two pieces of wax valued at 5s. 2d. in Ormesby. The father was convicted but the son was acquitted because he was only nine years old and ignorant of his guilt.[27] Other times the boys either acted alone, as in the case of John Neve of Walton, ten years old, who broke into the house of Galfred Allepit and stole goods and money valued at 11s. 8d.[28] or with other minors, as did John, son of Richard of Dalyng, eleven years old, in stealing silver from the house of Adam of Walpol in Lynn.[29] Very few cases involving minors appear in the records, so that one must conclude that such cases were usually settled privately.

Perhaps more than the age and sex of the offender, the social background--rank and occupation--would reveal the nature of crime in medieval England. One would like to know which classes predominated and whether certain classes or

occupational groups specialized in one type of crime over another, but gaol delivery rolls provide little material with which to study these problems. Some impression of the types of lawlessness which were associated with social background may be formed from scattered cases.

That the gentry class was involved in crime is indisputable, but few appear on the gaol delivery rolls.[30] Both D. Hughes and B. H. Putnam cite cases of knights threatening juries or using their influence with officials to prevent charges being brought against themselves. Their methods were either the heavy-handed ones of Sir Thomas Gurney, who "threatens those who are indicting him of anything that after the withdrawal of the present justices, they shall suffer corporeal penalty in life and limb"[31] or the more subtle and perhaps more familiar use of influence as shown in a letter sent by a justice to a local lord whose two sons, Werreys de Valcines and Thomas, were not tried for crimes they were known to have committed because: "for the love of your father I have hindered charges being brought against you and have prevented the execution of indictments actually made."[32] If not quashed altogether, as in these cases, crimes among the upper classes were often the subject of special inquiry and hence appear in other courts.

All existing evidence on the criminal activities of the gentry shows them to be leaders in organized crimes and among the most lawless elements of society. R. H. Hilton

concluded from his study of West Midland society that "members of the gentry families appear with such considerable frequency, in proportion to their numbers, that disorder appears almost to be a by-occupation of the class. . . ."[33] According to T. F. Plucknett, many members of Parliament in the early fourteenth century were guilty of assault, homicide and housebreaking.[34] Nevertheless, a distinction should be made between settlement of private grievances and membership in organized gangs of bandits. Lord Robert de la More, who attempted to run down Robert, son of John le Tail Taillour of Brandesburton with a horse and lance but was himself killed, perhaps exemplifies the first type of crime.[35] Typifying the second type are the Folville brothers who roamed the midlands in the early fourteenth century. These six sons of a Leicestershire knight led a band of criminals whose exploits, aside from the usual murders, burglaries and robberies, included the murder of a baron of the exchequer and the kidnapping and ransoming of one of the chief circuit justices.[36] Sir Gilbert de Middleton, mentioned earlier in connection with the robbery of two papal legates, is another example.[37] The only instances of knights involved in organized crime in the rolls used in this study were Sir John de Colesby and Sir William Hussy who were convicted in Yorkshire, along with thirty-six other men, of diverse felonies including robbery, theft, arson and burglary committed in Boydehall, Brudeford, Richmond,

Clyneland and Albertonshire in which they took £3,000 worth of goods.[38]

Men of gentry status might drift in and out of criminal associations depending on their financial needs. Among the men whom J. G. Bellamy discusses as supporters of the Coterel gang of Derbyshire is Sir William Aune, who seems to have joined them when loss of his administrative post put him in straitened circumstances.[39] He dropped his associations with the gang when he was given a commission to survey the decaying royal castles in Wales and was compensated for a confiscated manor.[40] Like Plucknett's members of parliament, some lived on both sides of the law, sometimes acting as law enforcement officials and sometimes joining the criminals.[41] Sir Adam de Reresby, coroner of the West Riding, was suspected of collusion with felons in assenting to the escape of an outlaw, William de Herlagh de Eccleshale.[42]

The gentry and high clergy occasionally hired criminals to aid them in private disputes. As. J. G. Bellamy has pointed out, the Abbot of Lichfield openly maintained the Coterels and used them in a dispute with Lenton Priory over a piece of land.[43] In the Northamptonshire gaol delivery roll for 1317 a jury stated that Henry le Barker of Northampton, Benedict de Wateford, Nicolas de Horton and William Page stole five stones of meat from the larder of Henry de Lardario on the instructions of Lord Robert de Mangeleye.[44]

As in the case of the Folville brothers, crime among the gentry could be a family affair. In the October delivery of 1343 in Yorkshire, Sir John, son of Sir William Grammary, was convicted of killing Alexander le Smith of Pontefract in Tadcaster. In the same delivery, his father and his uncle were accused of stealing sheep.[45]

For the most part the accused were villagers--peasants and artisans--rather than knights or gentry. If the value of the chattels given when a felon was convicted or failed to appear for trial were correct, then most of them would appear to have come from the poorer elements of society, for the average value of their chattels was 1s. 5d. But, as the prisoner was often maintained in gaol on the value of his chattels, and the final estimation of their worth in the rolls was taken after the gaoler had had his cut, this may not be a good indication of the felon's original wealth.[46] It is also possible that the family and neighbors of the felon hid some of his goods so that the king and the gaoler would not get all.

Villagers committed all the various types of felonies. The poorer peasants were probably chiefly responsible for the petty thefts of grain, clothes, fish, meat, bread and cloth. Goods of such small value would not attract the gentry or wealthier peasants who had a living provided for them from their lands. Many such petty thefts were probably cases of picking up unattended goods. Other property crimes, such as burglary, may have been viewed as a means

of supplementing income and could have been committed by any rank of society.

Receiving criminals was by no means limited to the poor and needy. J. A. Raftis discovered in his study of "The Concentration of Responsibility in Five Villages" in Huntingdonshire that the leading families of the village were indicted more frequently than others for receiving felons because they hired much of their labor force from outside the village.[47] These wealthier villagers may also have been receivers of stolen goods because they could afford to buy them from the thieves. J. G. Bellamy found that most of the men and women who received the Coterels had movable goods valued at over 10s. in the 1327 subsidy.[48] Such successful criminals as the Coterels were certainly not being hired to help with the threshing; the receivers must have derived some other type of profit from sheltering them.

It is R. H. Hilton's conjecture that much of the violent crimes arose over disputed rights.[49] A good illustration of this type of crime was the killing of Robert le Parker by his brother, Thomas. Robert had a long-standing argument with Thomas over a piece of land in Denton, Norfolk, which their father had left to Thomas. One day Robert and two of his family took Thomas to Therston to a room in Robert's house. There Robert locked the door and threatened his brother with a knife, trying to force him to give up the land. Unable to escape, Thomas grabbed the

knife and killed Robert.[50] Such cases, however, do not appear as frequently as Hilton seems to assume.

Like the gentry, the villagers would occasionally form a criminal association or join an already existing one, commit a few crimes, and then return to a normal life. Such temporary criminal associations must often have been made up of local men like John Brese, Stephen Natun and Henry Pusse, all of Surlingham in Norfolk, who burgled three houses in the neighborhood of cloth and grain.[51] These men banded together for criminal purposes during the Great Famine and, perhaps, in response to it. It has been suggested in this study that many of the villagers temporarily turned to crime during times of crisis such as famines and that this was responsible for the fluctuations in the number of crimes per year.

Some outlaws of peasant origin probably became professional criminals and took part in organized crime. In a story given in the Newgate Calendar the twelfth-century felon, Thomas Dun, who committed crimes from Bedfordshire to Yorkshire, was of solid peasant stock.[52] The Coterel gang was made up of people from very mixed social backgrounds, with peasants as well as gentry.[53] Likewise, the outlaw legends of the middle ages talk of outlawed peasants who sought refuge from corrupt justices or harsh lords in the forests among outlaw bands.[54] Only a close comparison of gaol delivery rolls with manorial records will give a

firm answer to the problem of villager involvement in crime, both amateur and professional.

The gaol delivery rolls do show that village families participated in crimes, as did the gentry families. Fathers and sons, husbands and wives, brothers and sisters often acted together in crime. To give but one example out of many, Thomas son of Thomas Opik and his brother, William, were convicted of breaking into the house of Reginald Rintyng in West Wortham.[55] The role of the family in organized crime will be discussed in the next chapter.

There were, then, many similarities between the criminal behavior of both the gentry and the villagers. Both classes often acted in family units, committed crimes to settle private grievances, joined criminal bands when it was to their profit and some from both classes became professionals. (See Chapter V for a discussion of professionalism.) The chief difference between the two classes in their criminal tendencies was that the peasants committed much more petty theft, taking things of small value such as a bushel of grain or a tunic.

The predominance of particular occupations in crimes related to their trade is as hard to prove as the relationship of one class to a certain type of crime. Although many occupations, such as millers, carpenters, sailors, butchers, tailors, merchants, smiths, servants, shepherds and people involved in some phase of cloth manufacture, are mentioned in the rolls, such information is given only randomly and

simply to identify the suspect. Many more of the accused must have been tradesmen but their occupation was not recorded. We cannot, therefore, make conclusive statements about occupational crime. Instead, we can only make tentative suggestions based on the cases in which the suspect's occupation is mentioned. Of all of the tradesmen, sailors were most frequently connected with crimes involving their trade. Typical examples are John Crame, mariner in North Yarmouth, who was accused of taking a boat belonging to the lepers[56] or Henry Payne, "saylor," who was accused of breaking into a chest belonging to William Cut, a merchant of Scarborough, on the ship called "Nicholas" out of Scarborough and of stealing from the chest £30 15s. 0d. in sterling pence and £10 in gold florins.[57] The shepherd's trade, likewise, made him suspect for stealing or receiving animals. Of the eleven cases known to us in which shepherds were accused of thefts in Norfolk between 1300 and 1348, seven involved stealing livestock. It is possible that in some of these cases stray sheep joined the herds and the shepherds were then accused of stealing them.

Tailors, butchers and millers also came under suspicion for thefts or receiving of cloth, livestock and grain respectively. In the cases known to us in the Norfolk rolls (1300-1348), four out of eleven tailors accused of stealing took cloth, six out of the ten butchers took livestock and eleven out of twenty-eight millers took grain or mill equipment. The tradesmen certainly did not limit

themselves to thefts involving their occupations. But many of the thefts involving mill equipment were committed by millers. Robert Ene and William Thurgh, millers, were accused of stealing mill parts including sail cloths for windmills valued at half a mark from Stanelay mill near Benlacu and one horse and grain at a windmill in Raskelf. Robert Ene became an approver and appealed five other millers for taking parts of mills.[58]

Merchants must frequently have been suspected for receiving stolen goods, as was a Yorkshire mercer who, an approver claimed, bought one pound of red silk worth 18s. for which he paid 7s. and vellum from Flanders worth 13s. for which he paid 5s.[59] On the whole, however, merchants appeared much more frequently as victims of robberies on the road or in shops than as perpetrators of crime.

Information on clerical offenders is much more complete than on other occupations because the clergy had to prove their ecclesiastical status to the court before they were released to the bishop's jurisdiction. This proof of clerical status, whether it was by tonsure and clerical habit, literacy test or through the evidence of the bishop's ordinary, is recorded in the rolls. According to L. Gabel, the most common form of pleading benefit of clergy in the first half of the fourteenth century was to refuse to make any answer to the charges except to claim the privilege of ecclesiastical trial.[60] An alternate form, which became increasingly popular during the fourteenth century was to

enter the usual lay plea and only take refuge in clerical privilege if convicted.[61] Usually the ordinary would administer the test to prove the clerical status of the accused and then report to the court, but the justice could challenge the ordinary's opinion and administer one of the tests himself.[62] When the test was made solely on the basis of literacy or tonsure and habit, it was possible for a layman to qualify for benefit of clergy. Obliging gaolers would arrange for a prisoner to be properly dressed and shaved[63] or even procure a tutor to teach a prisoner to read or at least to memorize the passages of the Bible which were used in the test.[64] Gabel gives an example of one judge who turned the book upside down and the prisoner could still "read" the passage.[65] Literacy alone, however, was not generally admitted as sufficient proof until the middle of the fourteenth century.[66]

After establishing the right to benefit of clergy, the clerk was tried and sentenced in the lay court and then released to the care of his ordinary for trial in the bishop's court. Compurgation in ecclesiastical courts was almost always successful, so that the clerical offender could be sure of ultimate acquittal or nothing more serious than penance, since the church could not harm life or limb.[67]

Because we do not know the number of clergy in England in the early fourteenth century, we cannot know what percentage of them were accused of crimes. We do know from

the gaol delivery rolls, however, that, of all the crimes recorded in Yorkshire, Norfolk and Northamptonshire between 1300 and 1348, the clergy were charged with from 5 to 16 percent of them.

Table 11

Percentage of all Crimes Committed in Which the Clergy Were Accused
(Total N = 494)

	Norfolk	Yorkshire	Northampton-shire
1300-09	6	11	7
1310-19	11	5	8
1320-29	7	6	7
1330-39	8	6	16
1340-48	11	5	0

The clergy do not appear to have been outstandingly more felonious in one county than another; the average percentage of crimes in which clerks were accused in Norfolk was 9, in Yorkshire 7 and in Northamptonshire 8. W. Rye's hypothesis that Norfolk clergy turned to crime because the overabundance of churches with inadequate livings made their life hard[68] perhaps helps to explain the slightly higher percentage of clerical offenders in Norfolk.

The types of crimes of which the clergy were accused (Table 12) tended to be the more violent crimes of burglary, robbery and homicide. Compared to Table 10

showing the percentage of men as a whole charged with various types of crimes, clergy were accused of 6 to 7 percent less larceny, 6 to 10 percent more burglary, 10 to 19 percent more robbery, a comparable percentage of homicide and, in Yorkshire, 2.3 percent more rapes.

Table 12

Percentage of Clergy Accused of Committing Various Types of Crimes (Total N = 494)

	Larceny	Burglary	Robbery	Homicide	Receiving
Norfolk	21	33	30	10	2
Yorkshire	24	21	19	21	8
Northamptonshire	22	22	18	22	3

	False Appeal	Counterfeiting	Arson	Rape	Other
Norfolk	1	1	1	0	1
Yorkshire	3	0	1	3	0
Northamptonshire	13	0	0	0	0

The predominance of clergy in violent crimes may be explained in several ways. First, many of the clergy, like the gentry, had lands belonging to their benefices which provided their basic living so that they were not so likely to need, and, therefore, to steal grain, household goods or

stray livestock. They would want to supplement their income by taking more valuable goods which would require robbery or burglary. It is also possible that the more hardened lay criminals, who committed robbery, burglary and homicide professionally, either joined the lower orders of the clergy as a precaution against hanging or learned to read so that they could pass for clergy. Finally, the presenting juries may have been anticlerical and so indicted the clergy of the more heinous crimes. The problem of anticlericalism will be discussed in greater detail later in this chapter.

The clerical offenders came from almost all levels of clerical life. The highest clergy which appeared in the rolls for this study were the Abbot of Egleston and the Abbot of St. Agatha in Richmond who were appealed by an approver for receiving stolen goods (viz. two horses and sixteen oxen). They were acquitted.[69] Secular clergy--Capellani, rectores and presbyteri--were frequently accused of committing robbery, burglary and homicide, as did Richard Herbert, Capellanus, who robbed William de Brodesish, vicar of Snareshill, of clothes, money and a horse worth 44s. and stole cloth worth 10s. from the camera of St. Edmund.[70] Churches or other members of the clergy were often the object of clerical crime. In the same delivery as above, John de Beringham, clerk, burned the church of Bakenesthorp and goods in the church equal to £300, for which he was convicted.[71] Members of monastic houses also appeared in gaol delivery. Two Yorkshire monks, Hugh de Herternegg and David

Scot of Kylnesay, were accused of larceny and receiving livestock, but were both acquitted.[72] One Augustinian monk in Norfolk, Brother Robert de Weybrigge, was accused of killing Prior Humfrey of St. Mary's of Weybrigge. He confessed his crime and became an approver but withdrew his appeals at the trial.[73] Most of the pleas simply stated that the accused was a clerk; his rank was not given.

The gaol delivery rolls do not give indisputable evidence that lay juries were anticlerical or that they became anticlerical during the first fifty years of the fourteenth century, even though the jurors were more ruthless in convicting the clergy than laity.

Table 13

Percentage of Acquittals and Convictions for Clergy and Laity (1300-1348) (Total N = 10,546)

	Clergy		Laity	
	Acquittals	Convictions	Acquittals	Convictions
Norfolk	24	76	66	34
Yorkshire	43	57	85	15
Northamptonshire	32	68	60	40

In Norfolk, where the jury convicted only 34 percent of the laity, they found 76 percent of the clergy guilty. In Northamptonshire 40 percent of the laity were convicted to 86 percent of the clergy and even in Yorkshire, which seemed

to have very lenient jurors who convicted only 15 percent of the laity, 57 percent of the clergy were declared guilty. On the face of it, this high conviction rate of the clergy would seem to indicate blatant anticlericalism on the part of the trial juries, but alternative explanations caution against this conclusion. First, it is possible that the juries were reluctant to convict a person who would certainly be hanged; hence the low percentage of convictions among the laity. The clergy, on the other hand, would ultimately be acquitted by an ecclesiastical court and so judgment on a cleric lost its life and death significance to the jury. Alternatively, if many of the professional criminals did take the precaution of joining lower orders of the clergy or of learning to read in order to avoid hanging when they were caught, then perhaps the juries were convicting these people as notorious criminals regardless of their clerical status, thus causing an increase in the overall conviction rate for clergy. In five cases in the Yorkshire delivery of 10 June 1336, where the literacy test was admitted as sufficient evidence of clergy, the five men had previously been found guilty of crimes of larceny, burglary, robbery or homicide.[74] Some of these felons may have been laymen using their literacy as a last resort. M. Gollancz has suggested that parishioners may have hesitated to accuse their local clergy falsely; if this is correct, clerics who were indicted were more likely to be genuinely guilty than nonclerics.[75]

It might, however, be argued that anticlericalism would show up better in the gradually increasing conviction rate over a fifty-year period as fourteenth-century society became more anticlerical rather than in the overall conviction rate for clerics as compared to laity. The data do show some evidence of gradual increase in the percentage of clerics found guilty.

Table 14

Percentage of Clergy Acquitted and Convicted
(Total N = 494)

	Norfolk		Yorkshire		Northamptonshire	
	Acquittals	Convictions	Acquittals	Convictions	Acquittals	Convictions
1300-09	40	60	77	23	22	78
1310-19	40	60	21	79	40	60
1320-29	30	70	47	53	17	83
1330-39	10	90	41	59	20	80
1340-48	5	95	47	53	0	0

In Norfolk the percentage of convictions rose by 35 percent over the course of the half century. In Yorkshire the percentage started low and leveled off at about 55 percent convictions. Although Northamptonshire's conviction rate remained more stable, it was continually high. Such evidence might indicate growing anticlericalism among lay jurors, but the percentage of all crimes committed in which the clergy was accused does not show a corresponding increase in

the number of indictments against the clergy. (See Table 11.) It is improbable that the trial jury would be more anticlerical than the indicting juries; very often their personnel overlapped. Furthermore, the argument that some of the increase represents laymen using reading to obtain clerical benefits still holds, since reading became accepted as sufficient proof of clerical status toward the middle of the century. At the same time, it became increasingly popular to enter a plea for benefit of clergy after conviction by the lay courts rather than before the trial. Thus the acquittal-conviction ratio for the latter part of the period could be unreliable, showing an increase in convictions simply because there was a decrease in the number of known clerics acquitted. In conclusion, the evidence from the gaol delivery rolls does not give indisputable proof of anticlericalism among lay jurors.

In addition to the sex, age, class and occupation of the accused, the alien status was also sometimes given. Scots were the most numerous alien group (fifteen appeared in the rolls studied) but Irish (five) and Flemings (six) also were mentioned. Scots appeared more frequently in Yorkshire than in the other two counties.[76] In Chapter II we have pointed out that few Scots were accused of treason despite the continual warfare. English jurors apparently had no particular malice for the Scots, for only two out of the fifteen were convicted. The crimes of which they were accused included larceny, burglary, receiving, homicide and

one case of treason. The Irish also appeared in Yorkshire more frequently than in the other two counties. Two Irishmen, Alexander of Irland and Thomas de Caffergus of Irland, were arrested along with the Englishman, Hugo of Edenham, for robbing a merchant of 5s. in Boulton.[77] Most of the cases involving Flemings were recorded in Norfolk deliveries.[78] As an example, the widow of Nicasii of Ypres accused Simon son of John Kempe of Bruges and his father of killing her husband in Norwich. The father was acquitted but the son was convicted and pleaded benefit of clergy.[79] One is tempted to conclude that Simon had adapted all too readily to the English way of staying the hangman. Two Flemish traders were caught trying to negotiate with counterfeit money. Jakim du Dam and William his son, aliens, were taken in Lynn with £11 10s. 8d. of counterfeit money except for 2s. 4d. of good sterling. Jakim confessed to the crime immediately but William put himself on the country.[80]

Another aspect of the individual criminal which occasionally appears in the records is his mental state at the time of the crime. These are cases of criminal insanity. The plea of insanity required a particularly full description of the cases from the jury, since it was on the basis of their evidence that the king issued pardons. The jury's testimony included a full description of crime, evidence of the nature of the abnormality and the length of time before and after the event during which the accused was

deranged. Like a minor, the insane felon was declared guilty of the offense but, as he was innocent of felonious intent in committing it, he was not to be hanged.[81] If the plea of non compos mentis successfully ended in pardon, then the king, lord or city took the chattels of the insane into their keeping and provided a living for him from them. If he returned to his reason at a later date, his chattels were restored to him.[82]

The juries normally described the deranged criminal as non sanae mentis, non compos mentis, non sana memoria, amentia, furiosus, lunaticus, dementia, sine sensu et ratione humana and insanitas.[83] Medical science at the time attributed mental disorders to three causes: physical, as with rabies and fevers; mental, as with melancholia; and spiritual, as with demonic possession.[84] Usually, the juries did not attempt to analyze the causes of the mental disorder but simply described the symptoms. The most common proofs given by the juries as evidence of mental disorder were attempted suicide, violent or irrational behavior and abnormal behavior in conjunction with sickness.

Attempted suicide was one of the most common preludes to a frenzied homicide. The suspect would try to drown himself, but would be saved by those who came to rescue him. He might then kill one of those who saved him. Such was the case of Seman, son of Henry Thedlef, who tried to drown himself in the sea at Yarmouth. When John, son of Robert de Rollesby, and others stopped him, he killed John

in a fit of violence.[85] Margaret, widow of Mark Waleys de Ruthamwell, also attempted to drown herself in a ditch of water but was restrained by her neighbors. She later killed her children.[86]

Fits of violence, accompanied by irrational behavior, were another common indication of insanity. The irrational behavior was not simply failure to conform with the normally accepted standards but, rather, completely nonsensical actions. For example, Andreas Friday was declared mad because he cut down all of the trees on his property and then stuck them into the ground again expecting them to grow. During this fit of madness he committed a theft for which he was put into prison. Here he again became violent, attacking the other prisoners and tearing his clothes with his teeth.[87] John, son of John Spynk of Wynterton, was considered a lunatic because, prior to killing William, son of John Wynterton, he entered the church of Wynterton, spat on the images and then became violent, wounding several men in the church.[88] According to the juries, the fits of insanity often occurred during the crescent of the moon. They even said specifically which phase of the crescent--the waxing or the waning of the moon. Andreas Friday's fit came on him in the waning of the moon. Robert Angot, who had been periodically insane for twenty years, became vexed with his fury during the waxing of the moon.[89]

Sometimes the jury testified that the accused had been sick with fever before the crime and that this had

brought on a fit of violent frenzy during which he killed someone, usually in his family. One particularly pathetic case of this sort was that of Margia, who killed her husband, William Martyn, during a fit arising out of an acute fever. Becoming violent she took a knife and fatally wounded her husband on the head. After William died, she raised the hue and cry but had no sense (nulla . . . sensum intellectum) of what she had done. She remained in bed in a wild state for fifteen days thereafter so that her friends had to bind her. She recovered her reason as the disease abated.[90] In a similar case William Frer de Erghthorn killed his daughter, Alice, and John, son of William Wikocson, after he had been sick and became demented.[91]

The length of time during which the accused appeared to be insane before committing the crime varied considerably but apparently it was necessary for legal purposes that the person be insane both before and after the crime. The jury testified that Richard Sharp of Maltby, who killed his wife, Agnes, had been non compos mentis all the forty-four years of his life and particularly in the two months before and one month after the crime.[92] Another long-term mental illness was that of Robert Angot, whom we have already mentioned as having seizures during the crescent of the moon. He had been a lunatic for twenty years but he had enjoyed lucid intervals during that time.[93] Margia, cited in the paragraph above, had been sick with fever fifteen days before she killed her husband and fifteen days after. In another

case, the suspect had been deranged only eight days before and eight days after the crime.[94] At least one of the accused was only temporarily insane and fully regained awareness of his terrible act. This was Robert, son of Elene de Normanby, who had been mad for three weeks before he killed his daughter, Elizabeth, and John, son of Simon. Six weeks after the deed he returned to sanity and realized what he had done--"maxime lamentabat et in dies lamentat."[95]

In the majority of the cases the insane person committed homicide, although there were also a few thefts and one arson. Of the fourteen homicides, nine were of parents killing their children, two were of a husband or a wife killing his spouse and five were of insane people killing their caretakers or people who tried to bind them. One mother, Matilda, widow of Mark le Waleys de Buthamwell, killed her two sons, Thomas and Robert, and her daughter Anastasia, on St. Valentine's Day 1329. Earlier that day she had tried to commit suicide by throwing herself into a ditch filled with water. After her neighbors prevented her, she returned home and killed her children.[96] The children killed by their demented mothers were often only infants. Juliana Motte of Killingbury drowned her one-year old son, John, in a spring.[97] Another mother, Margia, wife of William Gabot, killed her two-year old daughter, Agnes, with a knife and forced her four-year old daughter, Matilda, to sit in the flames in the hearth.[98] We have already mentioned the two cases in which a man and a woman killed their

respective spouses: one was Richard Sharpe of Malteby and the other was Margia, wife of William Martyn. Of the insane killing their caretakers or the people who tried to bind them, there are several examples. One was John Soliz of Bukenhamferye who had become dangerously insane. His neighbors, including the victim, Roger Godsman, went to John's house to bind him. Roger cornered John in the attic but John picked up a hatchet and killed Roger with it.[99] By far the most hideous crime in the rolls was that of Robert Angot's killing his caretaker, Thomas de Riston, and William Maillie, who had come to the latter's rescue. During one of Robert's periods of intermittent insanity, he grabbed a knife from Thomas and stuck it into Thomas's hand. William Maille heard him cry out for help and came to his aid, but Robert was able to resist their efforts to bind him. He stabbed William in the chest and afterwards beat Thomas on the testicles until he died.[100]

In three cases thieves were pardoned because of the their insanity. Andreas Friday, whom we have already mentioned as cutting down his trees and replanting them, was accused of taking a horse.[101] John Elnene of Swafham, a lunatic, was accused of stealing wool worth 2s.[102] Hugh Godware and his brother, Henry, stole money from several houses. Henry was hanged but the jury claimed that Hugh was non sanae mentis.[103]

The single case of arson in which the accused was declared insane was that of John, son of William, son of

Kenneth de Nasserton, who burnt down the home of Robert Dreny of Duffeld; the fire consumed 40s. worth of goods.[104]

All of the cases of mental disorder described in the rolls seem to have been the sort which would be readily recognizable to the average person: abnormalities of behavior as obvious as attempted suicide, bizarre behavior and motiveless violence. Although the cases read very much like modern cases of criminal insanity, there is not enough evidence in the rolls to identify them with modern categories of mental illness. We can, therefore, only suggest the types of mental illness which they might be. Some of the murders of children or of family members may have been done by manic-depressives who thought that the loved one would be better off dead than living on in a miserable world. A suicide attempt often accompanies such crimes.[105] Nursing mothers sometimes suffer from a manic-depressive state in which they kill their children.[106] Crimes accompanied by suicide attempts may also be a symptom of paranoia, particularly the religious form,[107] or even of schizophrenia.[108] Some of the very violent crimes, such as Robert Angot's murder of his caretaker, may have arisen out of schizophrenia. Although it is not possible to analyze with certainty the variety of mental illness from which these people suffered, it is obvious that the jurors had a good knowledge of what criminal insanity involved and what type of evidence would be acceptable for it in court.

Were all of the insanity cases genuine or were they malingerers trying to get pardoned for a crime they were known to have committed? There was certainly a benefit to be gained in appearing to be insane. The guilty person was not only pardoned but also had his chattels returned to him if he regained his sanity. In spite of the advantages of pleading insane, all but one case was accepted as genuine by the court. In the case of John, son of Agnes Clochun, who became an approver and then claimed in court that he was non sanae memoria at the time of the appeals, the coroner testified that he was in good health and sound mental condition when he made his appeals.[109] The juries apparently did not suspect malingering in other cases or knew the background of their neighbors too well for a fraud to be successful. Because the jurors had a good knowledge of the accused, malingering was unlikely to occur without their connivance. Could they then have helped a friend make a plea of insanity? With the possible exception of Norfolk, the extreme rarity of the plea of insanity--about one case in every thousand--makes it unlikely that the jury was busily making up pleas of non sanae mentis for friends in trouble. In Northamptonshire there was only one case out of 1,254 crimes; in Yorkshire it was six cases out of 5,454; but in Norfolk it was fourteen out of 3,746 cases. Even at approximately three cases in every thousand it is obvious that the juries did not make it a practice to declare a friend insane in order to get him pardoned. Possibly, it was so easy to

get the jury to comply in giving a favorable verdict either by threats, bribes or use of influential connections that it was unnecessary to resort to a plea of insanity.

Assuming that these people were actually insane, what happened to them after they received pardons? The king, lord or city confiscated the chattels of the felon and provided him with a living from them. From the cases in the rolls we know something of the keeping of the insane. Robert Angot had both parents and an aunt living at the time of his trial who testified that he had been insane for twenty years. Apparently he did not live with them but was in the charge of the caretaker whom he murdered. Richard Sharpe of Malteby, who killed his wife, also lived separated from her, for the record says that he took an ax to the place where his wife was living.[110] The rolls do not say who paid for the care of these people. If they had insufficient personal income, then the family and friends were responsible for their keeping. Occasionally they were kept in gaol if they were too violent to be kept at home or by a caretaker.[111] They were also kept in hospitals along with others sick with normal diseases, or in leper hospitals.[112] The family and friends of the person sometimes undertook to treat him, usually by taking him to a shrine noted for healing. R. M. Clay describes a window in Canterbury Cathedral showing an insane man being dragged by his friends to the shrine of St. Thomas. He is tied with ropes and is being beaten with birch rods. In the second scene he appears in

his right mind giving thanks.[113] Whipping was not uncommon as a treatment to bring the deranged to their senses.[114] If Robert Angot received this type of treatment from his caretaker, then perhaps the madman had his reasons for murder.

Although information in the rolls is sparse, we have been able to reach some tentative conclusions about the fourteenth-century criminals and suspects. Most of the suspects were male, the low number of women accused of crimes is attributable to both the leniency of the juries and the physical and legal restrictions on the types of crimes they could commit. Women committed property crimes for the most part and stole things of little value such as grain, clothes and household equipment. If they were involved in a more violent crime, they usually acted with men. Men, on the other hand, stole livestock and tools in addition to the lower valued goods. They also committed more of the robberies and homicides. Different classes of society had similar patterns of criminal behavior. Both the villager and the knight joined bands of criminals when they were down on their luck or when there was a good opportunity for a little additional income. Either might become a professional or simply commit one felony, perhaps in settling a private quarrel, and then return to a normal life. The chief difference between the two classes in their involvement in crime was that the gentry probably found it easier to avoid trial and the villagers stole more items of low value such

as clothes and household goods. Men pursuing trades such as sailors, millers, shepherds, tailors and butchers were occasionally accused of crimes connected with their occupation, but they committed other types of crimes as well. The clergy tended to commit the more violent crimes of burglary, robbery and homicide. Some of the clergy accused of violent crimes may have been professional criminals who either learned to read or actually joined the lower orders of clergy in order to escape hanging. Aside from the much higher conviction rate for clergy as compared to laity, there is no conclusive evidence in the rolls that the juries were anticlerical. In their testimony, the jury showed a sympathy with and a knowledge of criminal insanity. Their proofs of insanity included attempted suicide, abnormal or violent behavior and mental derangement resulting from an acute sickness. Only a very small percentage of the accused were insane. For the most part the criminals who appeared in the gaol delivery rolls were male, adults, and villagers who committed the whole gamut of felonies. How they organized to commit crimes, their criminal techniques, professionalism and mobility will be the subjects for the next chapter.

Notes

1. Stones, "The Folvilles," pp. 91-116.
2. Bellamy, pp. 698-717.
3. Statutes of the Realm, II, 1 Hen. V, St. 1, c. 5.
4. Mannheim, Comparative Criminology, p. 690.
5. Ibid., p. 697. In modern England the ratio is 1:7.5.
6. JI 3/125 m. 9d., Norf., 29 Mar. 1331.
7. Mannheim, Comparative Criminology, p. 700.
8. F. M. Maitland and W. P. Baildon, The Court Baron (Selden Society, London, 1891). F. M. Maitland, Select Pleas in Manorial and Other Signorial Courts (Selden Society, London, 1889). W. Hudson, Leet Jurisdiction in the City of Norwich (Selden Society, London, 1892).
9. Maitland, Select Pleas, I, p. 143.
10. JI 3/49/1, m. 37d., Norf., 10 Dec. 1321.
11. R. F. Hunnisett, Bedfordshire Coroners' Rolls (Bedfordshire Historical Record Society, 1960), XLI, pp. 8, 12, 32 and passim.
12. JI 3/74/2 m. 11, Yorks., 1303.
13. JI 3/75 m. 34, Yorks., 11 Apr. 1315.
14. Another example in JI 3/117 m. 13, Norf., 28 Apr. 1326.
15. JI 3/74/2 m. 5, Yorks., 1 Sept. 1301. Another case: Lucia wife of Thomas Taseburg sentenced to be burned for killing her husband in Norwich. KB 27/263 m. 32, Norf., 29 June 1326.
16. JI 3/48 m. 4d., Norf., 9 Apr. 1310.
17. JI 3/48 m. 22, Norf., 19 June 1315. Another case: JI 3/48 m. 30d., Norf., 27 Mar. 1316.
18. JI 3/100 m. 17.
19. JI 3/101 m. 1.
20. JI 3/101 m. 10.

21. JI 3/101 m. 13.

22. JI 3/102 m. 1.

23. JI 3/102 m. 9.

24. Pugh, pp. 357-58. While some prisons had separate quarters for women in the early fourteenth century, it was still rare.

25. Holdsworth, III, p. 372, puts the age of criminal responsibility after fourteen years old. Hurnard, The King's Pardon, p. 152, found no pardons for 13-year olds and concluded that they were represented as 12-year olds. In the gaol delivery rolls cases of minors often include a statement that the accused was guilty but should be excused "because he is under 12 years of age." JI 3/50/2 m. 5, Norf., 13 June 1337.

26. N. Walker, Crime and Insanity in England (Edinborough, 1968), I, pp. 27-28.

27. JI 3/49/1 m. 49d., Norf., 19 Apr. 1323.

28. JI 3/48 m. 43, Norf., 19 Jan. 1317. Another case: JI 3/50/2 m. 5, Norf., 13 June 1337.

29. JI 3/48 m. 32, Norf., 31 Mar. 1316.

30. Gentry may appear in the records without titles but, since copying down all the names of the accused would have made the study an impossibly long process, it has not been practicable to check through the accused for gentry family names. Furthermore, some of the gentry names were also held by commoners, thus making identification more difficult.

31. Hughes, p. 216. She is quoting from assize roll no. 770 m. 8. Other examples appear on pp. 216-221.

32. Putnam, Kent Keepers, p. xli quoted from Literae Cantauriensis, I, pp. 120-23. Other examples on pp. xl-xlii.

33. Hilton, A Medieval Society, p. 254.

34. Plucknett, "Parliament," p. 103.

35. JI 3/214/4 m. 9, Yorks., 10 Jan. 1332. The jury did not give Lord Robert's motives but the commoner was pardoned for killing in self-defense.

36. Stones, "The Folvilles," pp. 119, 121-25.

37. See p. 68..

38. JI 3/74/4 ms. 1-2, Yorks., 3 Apr. 1318.

39. Bellamy, p. 716.

40. Ibid., p. 712.

41. Ibid. Bellamy gives several other examples from the Coterel gang.

42. KB 27/322 m. 28, Yorks., 1 Dec. 1340.

43. Bellamy, p. 714. Stones, "The Folvilles," also gives examples on pp. 121-22.

44. JI 3/5//3 m. 6d., Northants., 24 Nov. 1317.

45. KB 27/334 m. 29, Yorks., 20 Oct. 1343.

46. Pugh, pp. 316-17.

47. J. A. Raftis, "The Concentration of Responsibility in Five Villages," Medieval Studies, XXVIII (1966), 116.

48. Bellamy, pp. 716-17.

49. Hilton, A Medieval Society, p. 251.

50. JI 3/48 m. 13, Norf., 2 Dec. 1312. Another case: JI 3/49/1 m. 33, Norf., 13 Sept. 1320.

51. JI 3/48 m. 38d., Norf., 10 July 1316.

52. The Complete Newgate Calendar, ed. J. L. Rayner and G. T. Crooke (London, 1926), I, p. 1.

53. Bellamy, pp. 716-17.

54. Keen, Outlaws, Ch. XI. Also see debate referred to in Chapter I, footnote 27.

55. JI 3/47 m. 3d., Norf., 29 May 1301.

56. JI 3/49/1 m. 36, Norf., 7 Mar. 1321.

57. JI 3/125 m. 14d., Norf., 9 Apr. 1312. Henry is also of interest in that he refused common law and was returned to prison. His goods were valued at £7 2s. 2d.

58. JI 3/78 m. 46, Yorks., 11 Sept. 1346.

59. JI 3/78 m. 43, Yorks., 20 Dec. 1346.

60. Gabel, pp. 30-31.

61. Ibid., p. 32.

62. Ibid., pp. 55-56.

63. Ibid., p. 64.

64. Ibid., p. 73.

65. Ibid.

66. Ibid., p. 69.

67. Ibid., pp. 105-106. Gabel says that there seemed to be professional compurgators who swore to the innocence of several clerks at one time.

68. W. Rye, History of Norfolk (London, 1885), pp. 180-81.

69. JI 3/75 ms. 13-16, Yorks., 7 June 1316.

70. JI 3/49/1 m. 24, Norf., 12 Dec. 1318.

71. Ibid.

72. JI 3/74/3 ms. 6-7, Yorks., 11 July 1309.

73. JI 3/48 m. 5, Norf., 10 Jan. 1309.

74. JI 3/77/2 ms. 3-5, Yorks., 10 June 1336.

75. System of Gaol Delivery, p. 234.

76. S. L. Thrupp, "A Survey of the Alien Population of England in 1440," Speculum, XXXII (April, 1957), 267, shows that this was true in 1440 also.

77. JI 3/47/3 m. 6, Yorks., 11 July 1309.

78. Flemings were settled predominantly in East Anglia in 1440 also. Thrupp, "The Alien Population," p. 266.

79. JI 3/134 m. 18d., Norf., 27 Sept. 1350.

80. JI 3/47/3 m. 4, Norf., 17 Nov. 1300.

81. Walker, I, pp. 27-28. Hurnard, The King's Pardon, p. 159.

82. Walker, I, pp. 24-25.

83. Ibid., pp. 27-28. Walker cites only non sanae mentis and furiosus but all of the forms mentioned appear in the gaol delivery rolls.

84. A. C. Crombie, Medieval and Early Modern Science, I (New York, 1959), p. 237. Also T. F. Graham, Medieval Minds; Mental Health in the Middle Ages (London, 1967).

85. JI 3/48 m. 24d., Norfolk, 26 Nov., 1315.

86. JI 3/119 m. 14d., Norf., 15 Sept. 1329. Other examples: JI 3/48 m. 22, Norf., 19 June 1315 and JI 3/125 m. 10.

87. JI 3/48 m. 4d., Norf., 30 May 1309.

88. JI 3/125 m. 4d., Norf., 23 June 1330.

89. JI 3/48 m. 10, Norf., 9 Apr. 1310. Other cases: JI 3/48 m. 13, Norf., 20 Feb. 1312; JI 3/48 m. 20, Norf., 4 July 1314; JI 3/48 m. 24d., Norf., 26 Nov. 1315.

90. KB 27/327 m. 36d., Norf., 1 Mar. 1342. Because of her general ill health and debilitation she was bailed while she awaited pardon.

91. JI 3/76 m. 17, Yorks., 11 June 1324.

92. JI 3/47/3 m. 14, Yorks., 10 Jan. 1310.

93. JI 3/48 m. 10, Norf., 9 Apr. 1310.

94. KB 27/327 m. 36, Norf., 1 Mar. 1346.

95. JI 3/78 m. 48, Yorks., 11 Sept. 1329.

96. JI 3/119 m. 14d., Norf., 15 Sept. 1329.

97. JI 3/51/3 m. 13, Northants., 1 Sept. 1320.

98. JI 3/48 m. 6, Norf., 2 Oct. 1309.

99. JI 3/49/1, m. 40, Norf., 9 Dec. 1321.

100. JI 3/48 m. 10, Norf., 9 Apr. 1310.

101. JI 3/48 m. 4d., Norf., 30 May 1309.

102. JI 3/48 m. 20, Norf., 4 July 1314.

103. JI 3/48 m. 8, Norf., 8 Jan. 1310.

104. KB 27/355 m. 29, Yorks., 7 Feb. 1349.

105. H. Weihofen, Mental Disorder as a Criminal Defense (New York, 1954), p. 15. W. C. Sullivan, Crime and Insanity (New York, 1924), pp. 89-94.

106. Sullivan, pp. 95-100.

107. Mannheim, Comparative Criminology, I, p. 251.

108. Sullivan, pp. 131-49. Sullivan uses the old term of dementia praecox rather than schizophrenia. Weihofen, pp. 116-17 gives a brief description of the schizophrenic killer. "The catatonic schizophrenic displays a sweeping abandonment of conventional behavior with the breaking through of deeply repressed crude factors. Indecent exposure, outrageous sexual proposals or attacks, brutal assaultiveness, gross destructiveness, threats, murder, etc. may be carried out with reckless abandon."

109. JI 3/48 m. 11, Norf., 1 Mar. 1311.

110. JI 3/74/3 m. 14, Yorks., 10 Jan. 1310.

111. Walker, I, p. 29.

112. R. M. Clay, The Medieval Hospitals of England (London, 1909), pp. 32-33.

113. Ibid., p. 31.

114. G. Rosen, Madness in Society; Chapters in the Historical Sociology of Mental Illness (London, 1968), pp. 140-41.

CHAPTER V

CRIME AND ITS ORGANIZATION

Having described the accused in terms of their social background, we must now look at their criminal associations and their techniques in crime. Our discussion in this chapter will center around the ways of committing felonies; the size, leadership, rules of behavior and specialities of associations of criminals; mobility of the criminal population; and, finally, the repeaters and professionals among criminals. The goal delivery rolls are an excellent source of information on these topics; amid the enormous bulk of routine cases are treasures that illustrate with clarity the organization of crime.

I

Techniques of Crime

The fourteenth century legal definitions of the various types of felonies are given in Chapter I. We must now describe the ways in which the felonies were executed. Individual criminal acts differ greatly from each other in the motivation of the offenders, the situations in which they occur, the degree and type of skill required and the

consequent damages. Crimes appearing in the gaol delivery rolls range from those requiring great technical skill, such as counterfeiting and forgery, to those demanding no criminal skills at all, such as accidental homicide. The damages of the offense may be only one or two pence or it may be several thousand pounds. The execution of the crime may be the work of only one person or it may require twenty or more. Criminologists have tried to devise a typology which would classify the various ways and circumstances in which crimes occur more accurately than the legal categories of crimes against the person, property or state.[1] Since no single one of these efforts has received widespread acceptance, we will avoid confusion by describing the crimes in the usual legal categories, beginning with the property crimes of larceny, burglary and robbery.

Larceny may be either a crime involving technical skills or, simply, one of picking up and walking away with unattended goods. Larceny of the second type would include such acts as driving off livestock at night, taking sheaves of grain from the field during harvest or picking up household goods left outside. Such crimes did not involve great skill. But carrying away large quantities of goods or stealing during the day or in public places required greater skill and, often, more than one person. The technique in such cases might be to have some of the gang create a disturbance which distracted the attention of the observers while other members picked up and secreted the item.[2] One

can easily imagine such tactics being used when Thomas of London, John, son of Thomas Adam of St. Edmunds, Agnes his wife, William Cristein de Lincoln and Agnes le Bewester took two boxes of silver from the tavern of Richard le Masoun at St. Botulph.[3] Some of the gang could have started an argument to distract attention while others secreted the boxes. Fourteenth-century pickpockets and cutpurses probably used this technique which became well known in Elizabethan England.[4] Perhaps Peter Reynard of Felmyngham, Galfred de Osbernwych and Robert Channdeler of London, who were accused of cutting purses in Great Yarmouth, divided their labors so that one slit purses while the others held the attention of the victim.[5] The light-fingered purse-cutter might work on his own in public places where the victim's mind was already distracted.[6] Langland warns in Piers Plowman that pickpockets and cut-purses frequented taverns.[7] Robert le Bakere de Shewelle took one purse and the three pence therein in the church of St. Botulph in Norwich presumably during the service when his victim's thoughts were not on such worldly possessions as his purse.[8]

On the whole, burglary required more skills and more organization than did larceny. The burglars had to be adroit in drawing a door latch, removing walls, breaking in at windows and doors or creating a ruse to gain admittance into the house. Having entered, the burglar might have to bind or kill the occupants, or break into a locked chest

where the valuables were kept. Drawlatches were, perhaps, the most common of the burglars for they are mentioned in a statute of 1331 which referred to felonies done by "draghlacches" and others.[9] The coroners' rolls give vivid descriptions of the activities of burglars. One burglar in Bedfordshire took a ladder and climbed in at an upper window. He was carrying a ham down the ladder when the owner raised the hue and cry causing the burglar to fall in fright.[10] Bands of burglars, who roamed the countryside forcing doors and breaking through walls, sometimes had well-planned strategies both for the execution of the crime and for escaping pursuit. For example, burglars who broke into a house at Astwick in Bedfordshire assigned some of their band to break down the wall, steal the goods and kill the occupants if necessary. Others were detailed to stand guard outside and frighten off anyone who tried to interfere. The plan worked well, for when one of the occupants escaped and raised the hue, the thieves on the outside were able to ward off the pursuers thus permitting them all to escape.[11] Another band of burglars guarded against pursuit by cutting the sinews in the legs of their victims.[12]

Instead of breaking in by force, burglars sometimes used ruses to gain admittance to a house. A charitable Bedfordshire couple, Richard Paternoster and his wife, Margery, entertained their assailants the night before and gave them a place to sleep. In the middle of the night the guests

arose, hit their hosts on the head with a hammer and stole their goods.[13] Another common ruse was to take a member of the community and force him to go to a house and ask to be let in. One example of this tactic should be quoted in full for it shows not only the criminal technique, but also the horror it could cause in the community.

> Towards vespers at twilight on 1 Sept. 1267 6 thieves came to Honeydon in the parish of Eaton Socon, found a boy Philip son of Roger Golde, who was coming from his father's fold, beat, ill treated and wounded him, and forced him to lead them to Ralph son of Geoffry of Honeydon's house and called to Ralph to let them in. Ralph recognized Philip and opened the door. The thieves entered, assaulted, wounded and then bound Ralph, killed his mother Denis and his servant William of Roxton and then robbed the whole house and took away all its goods. From there they went to William Courtepie's house, broke it, assaulted and badly wounded William with swords, axes and anlaces and stole the goods of the house. From there they went to the house of Margery Levot, a widow, and killed her with swords. From there they went to Mathew le Messer's house, assaulted, beat and wounded him, struck his wife Isabel, breaking her left arm and took away the goods of the house. From there they went to Roger Golde's house, and Roger, hearing the great noise of the slain and wounded; immediately took his wife and boys and hid in the croft; the thieves entered his house, robbed it of all its goods and took them away. From there they went to Joan la Fililer's house, broke it, killed Joan and took away the goods of the house. From there they went to William de Lodday's house, bound him and took away the goods of the house. From there they went to William Motte's house in Goodwick, wounded William, left him for dead and then burned his house; he died before prime on 5 September, having had the rites of the church. At length Philip, Roger Golde's boy, who had been captured at the fold, escaped from the hands of the thieves and raised the hue. . . .[14]

Like burglary, robbery required skill in arms, horses for a quick retreat, an organized gang and strategy. One of the strategies, particularly on the wild moors of

Yorkshire, was to hold a pass and ambush all who went through. William de Neuton and Hugh son of Holn le Servand de Neuton Makefeld held a pass at Bernegestan for four days and robbed William Mabotson of Wymbelton of 12d. and John de Rochewell of clothes worth 3s.[15] In another case Hugo de Nuttle and Lucia, his concubine, held the pass at Emmethorp Rys and robbed various people there.[16] Ambushing on the king's highway was not limited to the wild moors of Yorkshire. In Norfolk six men and a woman held a bridge and robbed those who passed over it.[17] Langland warns in Piers Plowman that certain localities should be avoided by travellers at night for:

> Outlawes in the wode. and under banke lotyeth,
> And many uch man se. and gode merk take,
> Who is bihynde and who bifore, and who ben on horse,
> For he halt hym hardyer on horse, than he that is a fote.[18]

Because of the danger of robbery, the statute of Winchester required that all land be cleared within 200 feet of the road ". . . so that there be neither dyke, underwood, nor bush whereby a man may lurk to do hurt."[19]

Norfolk's geographical location on the treacherous sand bars of the Wash gave her felons an added speciality in robbery--attacking grounded ships and carrying off their cargo. Henry Stake de Woderisyng appealed Robert Boidyn de Ulserton and others of killing thirty-six men in a ship called 'St. Edmund' in a place called le Nes near Hunstanton.

They took wax, leather, oil and timber valued at £3,000.[20]

Abducting and ransoming was closely related to robbery in its techniques. The victim was either waylaid on the road, perhaps in ambush, or taken from his house and then held until he paid the ransom. John son of Thomas Whit of Harpham took Richard Randolf on the king's highway at Hontoncotes near Bridebyngton in Yorkshire and imprisoned him against his will until he paid eight marks.[21] John Thewe of Dalton, on the other hand, abducted Thomas Page from his home in Wyrkesdale and took him to Lyth in Richmondshire twelve miles away where he detained him in prison until he paid £40.[22] The victim was usually removed some distance from the area of his capture in order to avoid pursuit. When the Folvilles abducted and ransomed the king's bench justice, Richard Willoughby, in Leicestershire, they immediately removed him to Lincolnshire. According to the account, he was moved "from wood to wood" until he paid the ransom.[23] Willoughby was ransomed for 1,300 marks but often the takings were very small. Thomas Sarry de Byntre kidnapped a chaplain who was acting as the king's messenger and got only one mark for his pains.[24]

Extortion provided an alternative to larceny, burglary, robbery and kidnapping as a means of extracting money from a victim. Extortion involved wresting goods or services from a person by using threats of violence to life or property. The successful extortionist had to establish a

reputation for carrying out the threats if the "pay off" were not forthcoming. In order to do this he needed a gang trained in murder, beating and arson; someone to write threat letters; and a messenger to deliver the letters and collect the money. After initially dabbling in murder, robbery and ransoming, the Coterels found that using the fear generated from their previous violent crimes was much more profitable. Violence caused feuds and, furthermore, the returns were uncertain.[25] In one case members of the gang went to the home of Robert Fraunceys at Hardstoft and demanded 40s. Robert was so terrified that he left his house and did not return to live there for a long while.[26] Usually a letter demanding money was sent by a bearer. An example of this type of letter is quoted in full in the next section of this chapter. Apparently the practice was so widespread that the crown took notice of it and instructed the trailbaston justice to look into these extortion letters which were written "quasi sub stilo regio."[27] The Coterels tried to fleece William Amyas, mayor of Nottingham, in this manner. He was instructed to pay the sum of £20 to a man bearing an indented bill; the other part had been sent to Amyas with the letter. If he refused, all of his possessions outside the town would be burnt.[28]

Of the crimes against the person abduction for rape was obviously very similar to kidnapping for ransom. The woman was carried off, perhaps robbed, and held against her

will for a period of time. Five men robbed Matilda widow of Master Adam de Occelay at Hartyngton in Yorkshire, after which they took her to Kighelay where they raped her and kept her for one night.[29] The woman might be held for a week as was Agnes Spiller de Skepton who was raped in Ripon and then held for a week in Thresk (Thirsk, Yorkshire) ten miles away[30] or even longer, as was Johanna wife of Richard Bakon de Merkyngton, whose rapist, a monk, kept her for "a long time" at Claton Grange twenty-four miles away.[31]

More information exists on the ways in which homicides were carried out than on other crimes because the coroners' rolls give a full description of them. If the homicide was thought to have been accidental or committed in self-defense, then it was described in full in the goal delivery rolls also as evidence that the accused warranted a pardon. From these sources we know what kind of weapons were used, the circumstances of the crime and sometimes the motivation of the murderers. Analysis of Hunnisett' published coroners' rolls shows that 32 percent of the 108 homicides were the result of quarrels, 28 percent occurred in conjunction with burglary, robbery or rape, 25 percent from assault where the motive is not specified, 7 percent occurred during the hue and cry or attempts to make arrests, 5 percent were cases of self-defense, and 4 percent were accidental killings.

Quarrels ending in homicide could arise from a variety of aggrevations. They might be long-standing

arguments, tavern fights, loss of tempers over small disagreements, or domestic squabbles. The long-standing arguments were usually over land ownership or personal vendettas. We have already had an example of a dispute over land ownership in the killing of Robert le Parker of Therston by his brother Thomas.[32] A similar feud was that between Hugh son of Robert de Byntre and William de Hewell of Manyngton which ended in Hugh killing William in self-defense. They were arguing over a certain piece of land which Hugh was supposed to get on the death of his mother but which William insisted upon keeping.[33] Murders involving such arguments were frequently committed with malice aforethought. For example, a Northamptonshire woman appealed John Blogwine of Oundle for killing her husband. John had waited on a bridge which he knew that his victim had to cross. When he appeared, John leapt out and struck him with a sword.[34] The motive in this type of assault was given as ex odio antiquo. Such an attack could end with the intended victim killing his assailant. Roger Streke de Ormesby lay in wait for Gregory, son of Stephen le Smith de Ormesby. Gregory tried to escape by jumping into a boat where Roger tried to drown him. Gregory hit him with a shovel and killed him.[35]

Disputes were sometimes settled summarily in homicide before they developed into protracted arguments. John de Gyllyng de Caldewell went out to defend his property against Thomas Knokstulbes of Westmorland who was riding

across John's grain fields with twenty men and their carts from Westmorland. In the ensuing argument, John killed Thomas in self-defense.[36] Lives were often lost during quarrels involving petty differences. The price of a candle resulted in one death in Northamptonshire.

> It happened at Yelvertoft on Saturday next before Martinmas in the fifth year of King Edward that a certain William of Wellington, parish chaplain of Yelvertoft, sent John, his clerk, to John Cobbler's house to buy a candle for him for a penny. But John (Cobbler) would not send it to him without the money wherefore William became enraged, and, taking a stick, he went to John's house, and, knocking in the door upon him, he struck John in the front part of the head with the said stick so that his brains flowed forth and he died forthwith.[37]

In another case an embarrassed lover killed a man, perhaps even a relative of his mistress who discovered them in a compromising position.

> Well into the night of 30 March 1370 Simon and Richard, sons of Hugh the Fisher of Radwell, came from the house of Hugh's daughter Alice towards that of their father in Radwell and wished to cross the court-yard of Robert Ball of Radwell, in which Simon son of Agnes of Radwell and Juliana daughter of Walter the Fisher of Radwell were lying under a hay stack. Simon immediately arose and struck Simon the Fisher on the top of the head to the brain, apparently with an axe, so that he immediately died.[38]

Domestic tensions between brothers, sisters, husbands and wives, fathers and sons and so on sometimes led to murder just as they have since Cain killed Abel. We have already seen this in the arguments between brothers over the ownership of a piece of land. Fights between husbands and wives could arise over suspected adultery or any other annoyance and end in murder. In a fit of jealousy Nicholas

le Swon of Bedford killed his wife Isabel. He had returned home on 4 September 1300 and had not found his wife there. His daughter told him that Isabel was over at Robert Asplon's house giving milk to Robert's son. "Whereupon he immediately went after her because she stayed there too much." Meeting her on her way home, he told her that he wanted to go to bed. While she was bending over making the bed, he struck her with a sword.[39] In another case the couple had been fighting and the husband unwittingly beat his wife to death.[40] Other times it was the wife who emerged victorious and guilty of homicide. John Baker of Pilsgate beat his wife, Emme, so severely that she raised the hue. Her brother came and, with her assent, mortally wounded John on the head with an axe.[41]

Tavern fights leading to homicide were very common. The form of the fight, if it ended in a self-defense slaying, was almost always the same. Two men drinking in a tavern get into an argument. They start to fight. One of them runs away closely pursued by the other. The fight ends when the pursued is finally cornered and wounded. Despairing of his life he takes the nearest weapon, which may be a tool, club or knife, and kills his assailant. The case of William le Merchaund of Fayrstede, who killed Thomas Skirt of Magna Melton follows this pattern as do many others.[42] Evidence in the coroners' rolls shows that the assailant might triumph rather than the pursued.[43]

Another type of homicide which appears in the records almost as frequently as those arising out of quarrels are slayings in conjunction with burglary, robbery or rape. These murders were committed in order to obtain another end and were incidental to that aim. We have already given sufficient examples of this type of homicide in our discussion of burglary and robbery. On occasion the intended victim warded off the attack and killed the felon instead. Lord Walter de la March, his servant Maurice de Sely de la March and others were on their way to Colneye when they were held up with intent to rob at a pass. In the fight that ensued, Maurice killed one of the robbers, Robert le Virly de Saham.[44]

The other large group of homicides were assaults carried out by gangs roaming the countryside. Possibly their motive had been robbery or burglary but they had found nothing or were scared off before they could take anything. Alternatively, the murders may have been simple assaults carried out for the sake of brutality alone. In any case the inquest juries could only say that a body had been found and that the person had been killed by unknown evil doers.

> After vespers on 9 Oct. 1270 Gilbert the shepherd of Kimwick went from his house in the hamlet of Kinwick in the parish of Sandy to his sheepfold a furlong outside the town on the east and did not return that night. His wife Rose searched for him with the neighbors, and on the next day through the neighborhood in towns and fields and could not find him. On 13 Oct. Gilbert's

> son Hugh was watching sheep on Sandy Heath and there found his father slain, being struck through the middle of the hattrel apparently with an axe. . . . At the eyre it was presented that Gilbert . . . was slain by unknown felons, who immediately fled.[45]

In addition to slayings arising out of quarrels and assault, the records contain those done with no criminal intent--accidental homicides, killings in the course of law enforcement and murders committed by the insane. We have discussed this latter type in detail in the preceding chapter. Accidental homicides or misadventure frequently occurred in the course of work or play or when someone intervened in an argument and was hit by one of the combattants. The killing of Thomas son of Herbert Helle de Cleye by Thomas son of William Faber of Stokeferye is a good example of a medieval industrial accident. The two men left the market of Oxeburg in Norfolk to go to the forge of Thomas son of Herbert in order to temper a sword. Thomas son of William was holding the sword while Thomas son of Herbert was working on it. It slipped and, the point entering Thomas son of Herbert's stomach, fatally wounded him.[46] Accidents also occurred during the course of play as when Thomas de St. Martin killed Randolf Goodesman at Holeym while the boys were shooting arrows at a butt. Randolf got in the path of one of the arrows and was killed.[47] The peacemaker in arguments was also liable to accidental death. Anges Couper of Roderham received a fatal blow from John Carpentarius de Kerhouse of Roderham while she was

trying to make peace between John and his antagonist who were fighting in a tavern.[48]

A few of the recorded deaths occurred when the sheriff, bailiff or tithingmen were trying to capture a suspected felon. In one particularly detailed case of this sort a member of the posse, William de Slingesby, testified that John de Lincoln, the dead suspect, had been indicted for several felonies including the killing of his servant, John son of Adam Batman. William and others were put into commission to track down John de Lincoln. They traced him to the house of Thomas Serwynd, who was sheltering John de Lincoln and who refused admittance to the posse. Breaking into the house, they attacked John but he fought back desperately. In the struggle John was killed. William Slingesby and the posse were acquitted because the killing was not premeditated and was committed in the line of duty.[49] A similar case was that of John son of Peter de Estlexham who killed John Ballok. Ballok was trying to rob Emme wife of William Rook in Estlexham. Emme raised the hue to which John son of Peter responded. Ballok turned on him with a sword so that he had to defend himself with an axe.[50]

The weapons used in homicides were usually axes, knives, swords or staffs and clubs. The records even specified the type of axe or knife used: Danish axe, pick axe, Scottish axe, thwittle knife, misericords,

trenchers and so on. Bows and arrows were also used. In desperation anything would suffice: stones, forks, hammers, sickles and spades. The felons who wielded the weapons were probably very skilled with them for they were in demand as recruits for the king's army.[51]

Counterfeiting and forgery required the greatest technical skill of all of the felonies. The counterfeiter needed to know how to copy a coin, how to make a cast and then manufacture debased coins which looked like real ones. All of this required training, special instruments and a way of exchanging bad coins for goods or sound money. For many of the counterfeiters, the felony was a family affair. Thomas Imanie de Thorp near Waynflet, Thomas Cockil and Sibella his wife were all taken for possessing instruments for counterfeiting and false money.[52]

Forgery required similar skills to counterfeiting--copying and casting seals. In addition the forger had to be able to copy the style of handwriting normally used in the document he was forging. T. F. Tout has described the methods of medieval forgers which included cutting a seal off another document and putting it on the fake one, altering an existing document, copying the wording, writing and seal from an authentic document.[53] Although forgery was wide-spread for charters of rights and ownership of land, it was generally not considered a felony unless the king's seal was forged and even then it might be a case for

civil jurisdiction rather than gaol delivery.[54] The forgers who do appear in gaol delivery had forged charters of pardon. Peter de Hertford and William Hermita were accused of fabricating the king's seal on a pardon for homicide.[55] According to T. F. Tout, most of the forgery was the work of the clergy who knew how to write.[56] The offense was certainly not limited to clergy, however, for none of the above falsifiers of seals claimed benefit of clergy.

If a person wanted a particular crime committed, he did not need to do it himself; he could hire a felon to do it for him. We have seen that both the Coterels and the Folvilles worked for hire on occasion, being employed by local gentry or abbots and priors. Usually these patrons of felons were pursuing a feud rather than looking for additional income. In the case of Lionel, "king of the rout or raveners," the Abbot of St. Mary's York seems to have hired him to remove the incumbant vicar in a church so that a man of the Abbot's choice could replace him.[57] The gaol delivery rolls give some indication of this type of criminal activity also. John Langely was accused of giving two men 6s. 8d. to burn the mill of Richard, vicar of Qualley.[58]

Once the crime was committed, the felon had to find a way of disposing of the goods and hiding himself until the incident was forgotten. It is at this point that the

receivers became important. In the preceding chapter we discussed who the receivers were; here we are concerned with the mechanism of receiving--the price paid for goods and the distance from the theft at which the goods were sold. One approver claimed that he sold to a mercer one pound of red silk worth 18s. for 7s. and vellum of Flanders worth 13s. for 5s.; to a man and his wife he sold clothes worth 6s. for 3s. and six ells of cloth worth 6s. for 3s.; and a wool worker bought seven ells of cloth worth 5s. 10d. for 3s. Transactions made with unspecified receivers included seven ells of cloth worth 11s. for 5s., eleven ells of cloth worth 9s. for 3s. and one stone of pork meat worth 8d. for 3d.[59] In all of these transactions the felon sold his take for half or less than half of its value--if we may trust his estimation.

Stolen goods had to be sold at a distance from the crime so that suspicions would not be aroused. They might also be sold in a different form in order to conceal their identity--gems sold separately from jewelry, livestock slaughtered and sold as meat. Philip Coke stole a cow in Fyneshend and sold the meat at Rothwell in Northamptonshire eighteen miles away.[60] Robert Crowe of Rothwell stole two pigs at Brampton near Dyngele and sold the meat at Rothwell 4.5 miles away.[61] John de Modewell of Brampton burgled a mill in Hazelberth from which he stole grain and flour worth 16s. and sold it in Artyngworth 3.5 miles away.[62]

There is evidence that the receivers themselves moved around to avoid detection. Hugh le Turill de Cringilford was convicted of receiving a horse in Cringilford, another horse in Rikyngall, Suffolk, twenty-one miles away and a third horse in Cambridge county forty miles away.[63]

Each type of crime required special skills and special strategies for successful execution. For most of them the felons needed a competence with weapons, a means of rapidly escaping from the scene of the crime and someone to shelter them or buy their stolen goods. Many of the felonies also demanded several people and an organization for regulating them. It is this aspect of crime which we must now investigate.

II

The Organization of Crime

In discussing the techniques involved in committing the various types of felonies, we referred to some requiring more than one person and a pre-arranged strategy. Cutpurses who used someone else to distract attention or burglars who detailed some members of their gang to stand guard while the others broke into the building are good examples. To commit a crime in a gang necessitated organization: a set membership, rules of conduct, leadership and training in criminal skills. The organization of crime involves not only the structure of criminal associations,

but also the mobility of gangs and individuals and professionalism. In this section we will look first at the size and membership of criminal associations and then discuss the internal structure of gangs, mobility and professionals.

In size and composition of members the early fourteenth century gangs showed great diversity. The number of members in a gang could vary from two to fifty or more depending upon the type of crime they planned to commit and on the attraction and power of the leader. If the task were a difficult one, such as murdering a well-guarded person, robbery, attacking a fair and so on, it required more people. When the Folvilles murdered Roger Bellers, they had fifty people to help them.[64] In another murder case thirty-nine men were accused of killing John of Goldesburg.[65] Cutpurses and counterfeiters, on the other hand, worked in small groups of two to five, as we have seen in the last section. The average size of the gangs indicted together in the gaol delivery rolls was composed of three members. Although there were a few gangs of from twenty to forty members tried at the same time, most of them consisted of only two members often with some family relationship.

Family groups often formed the basis of associations of criminals. In a ten year sample of Norfolk cases (1320-29) 34 percent of the 243 gangs indicated involved family groups. In the smaller groups the whole might be

made up of family members sometimes just a husband and wife, two brothers or two sisters, or a father and son. The more extensive family criminal association might have family ties of several generations. Richard de Causby's family of counterfeiters, for example, included the father, mother, one son, two daughters and a granddaughter.[66] The Waraunt family of Salle are an excellent example of a small criminal association based on family ties. This Norfolk family was involved in a series of crimes between 1320 and 1326. The family included three sisters, Helewisa, Margery and Matilda, their brother, Richard, and another relative, John. Matilda, Margery and Richard appeared in the records on 10 January 1321 for receiving and were acquitted.[67] Helewisa was the next to be tried in June, 1321 when she was acquitted for stealing household goods valued at 3s.[68] In July, 1321 John Waraunt was convicted of robbery. He had taken clothes, jewels and household goods worth 8s. from a fellow towsman in Salle.[69] After the 1321 trials which ended in tragedy for one member of the family, the Waraunts stayed out of court until 1325 when Helewisa and Matilda were again tried on a larceny charge. They refused to plead for this theft of cloth worth 60s. and were returned to prison <u>forte et dure</u>.[70] They survived this ordeal to be tried in February, 1326 on the appeal of an approver, who said that they had stolen thirty-two clothes (<u>duddas</u>) in East Derham. They were

acquitted.[71] In August, 1326 Margery and Helewisa were tried and acquitted of stealing cloth worth 40s. in Salle.[72] With few exceptions only two members of the family acted together at one time. In large gangs, like the Folvilles and the Coterels, there could be several family units incorporated into the association. The Coterel gang included not only the Coterels but also the Bradburns.[73] Henry Underwode and his brother, William, committed several crimes with Alan de Ousthorp and his son.[74]

Large criminal associations were a composite not only of different families but also of different classes and occupations. Members of the Coterel gang included a knight, a soldier (hobelar), bailiffs, tenants of Queen Philippa, chaplains, vicars, a counterfeiter and an Oxford don.[75] When Sir John de Closeby's gang was tried, two of them were knights, one a servant and twenty claimed to be clergy.[76] Members of the Coterel gang were not even of the same political persuasion--some of them having supported Edward II while others fought for Thomas of Lancaster.[77] The records also give a few examples of gangs of homogeneous composition. Twenty servants (garcons) who were in the service of Caillardi Senak committed various crimes in Ronclif, Cowick, Nesse, Neulane, Wyston, Toneton, Saxton, Branhan, Okelesthorp and Buckton in which they took grain, cloth, meat, money and goods.[78]

The internal structure of a gang may be either

formal or informal.[79] Formal associations have recognized leadership, division of labor, rules of conduct regulating division of spoils and loyality. Informal gangs, on the other hand, are united by a collective interest which temporarily holds them together. They may have a recognized leader and some division of labor, but they lack the longevity and structure of formal criminal associations. They are often of small size and made up of family or neighbors.[80] Although the rolls offer no explicit evidence, the informal variety probably predominated, for this is the most usual type of criminal association.[81] Alice Grut and Alice Grim, who joined in the murder of a newborn child, were probably briefly allied for the specific purpose of killing the unwanted baby, maybe an illegitimate one.[82] Once that was accomplished they would have no further need for a criminal association. The ill-treated wife who called upon her brother to kill her brutal husband is another example of this type of spontaneous criminal association. Perhaps many of the petty thefts and burglaries were committed by these loosely organized associations.

The structure of the formal criminal association is well illustrated in an oft-quoted letter sent to Richard de Snaweshill, chaplain of Huntington near York in 1336.

> Lionel, King of the rout of the raveners salutes, but with little love, his false and disloyal Richard de Snaweshill. We command you, on pain to lose all that can stand forfeit against our laws, that you immediately remove from his office him whom you maintain in the vicarage of Burton Agnes; and that you

> suffer that the Abbot of St. Mary's have his rights in this matter and that the election of the man whom he has chosen, who is more worthy of advancement than you or any of your lineage, be upheld. And if you do not do this, we make our avow, first to God and then to the king of England and to our own crown that you shall have such treatment at our hands as the Bishop of Exeter had in Cheep; and we shall hunt you down, even if we have to come to Corey Street in York to do it. And show this letter to your lord, and bid him to cease from false compacts and confederacies, and to suffer right to be done to him whom the Abbot has presented; else he shall have a thousand pounds worth of damage by us and our men. And if you do not take cognizance of our orders, we have bidden our lieutenant in the North to levy such great distraint upon you as is spoken of above. Given at our Castle of the North Wind, in the Green Tower, in the first year of our reign.[83]

In this letter we are given an insight into the organization of an outlaw band much resembling that of Robin Hood. The leader of the gang, Lionel, claimed to be a king with a crown, official residence and a set of laws which governed not only the behavior within the gang but of outsiders as well. Chaplain Sanweshall was accused of breaking these laws. Punishment of the law-breaker was to be meted out by the lieutenant in the North. Lionel's gang is classic in structure: a leader, subordinates delegated to oversee activities in the gang's areas of control and rules governing behavior.[84] The organization of the gang closely parallels that of the central government complete with king and henchmen. The language also resembles the form of the English king's own letters patent both in the salutations at the beginning and the closing of the letter giving the residence and the regnal year of the writer. In this

letter it is obvious that Lionel, like Robin Hood and the heroes in other outlaw ballads, respected the king and thought of himself as a faithful subject helping to enforce the laws which corrupt royal officials failed to do.[85]

Not all formal criminal associations were as flamboyant in their use of titles as Lionel's, but to function efficiently they needed leaders and some delegation of authority. The Folvilles maintained their leadership, as did the Coterels, through family ties. Eustace de Folville was capitalis de societate of his particular band, while his brothers acted as his lieutenants controlling a variety of other members.[86] James Coterel had the honor of leader of his gang in which his brothers, John and Nicholas, along with Roger le Sauvage acted as his subordinates in command.[87] His gang was apparently not monolithic in structure but was a federation of many lesser units which occasionally acted together.[88]

One would assume that the rules of conduct for members of the gangs would include such matters as division of spoils, concealing the name of associates if captured, and assisting fellow members to avoid arrest or helping them to escape from prison. The testimony of approvers gives much information on the division of the take. John Drestes testified that he and nine other men robbed Robin Wyot, fisherman of Walsham, of cloth and money valued at 50s. John got 17s. as his part.[89] John did exceptionally

well to receive so much of the profit. Often enough the approver declared that he received nothing for his pains. In a three-way split of 18s. the approver got only 1s. 6d.--well under his share if the money had been evenly divided.[90] Apparently division of spoils was not equal; probably the person who master-minded the crime or had the most valuable criminal skills received the largest share of the bouty. J. J. Jusserand described one robbery in 1302 in which the gang retired to a place of safety and there shared "among them the aforesaid mercery and spicery, each one a portion according to his degree."[91]

Keeping the name of fellow outlaws secret if captured must have been very difficult since the sheriffs and gaolers had no qualms about using torture to force a man to turn approver.[92] Many of the unfortunate men must have given in and betrayed their fellows. Since 96 percent of the approvers withdrew their appeals at the trial, perhaps it was considered adequate for the maintenance of honor to declare innocent all those he had accused under torture. Some approvers tried another strategy. All the people appealed by John Macke, William le Ry of Suffolk and William de Mendham were already dead.[93]

The well-organized gang provided for spies to warn the members of approaching posses, hiding places in forests or in houses of sympathetic property owners, bribing of officials and rescue from prison or hanging. When a

commission of trailbaston was appointed in 1331 to investigate crime in Nottingham and Derby, the Coterels were forewarned through one of two spies they kept in Nottingham and so were able to go into hiding.[94] Although the forests and moors were often the shelter of outlaws, as they were for Robin Hood, powerful individuals and villagers also protected them.[95] Successful felons might defy the law by bribing or threatening judges, juries, bailiffs, sheriffs and coroners. When Roger de Wennesly, lord of Mappleton, was commanded to arrest the Coterels, he ended by joining the gang himself.[96] If all these means of avoiding arrest failed and there was no hope of a pardon, the gang might rescue their unfortunate member from prison or even from the gallows. In 1318 a group of unknown persons entered Norwich castle and released Richard Phelip, who was a prisoner there.[97] In a more desperate rescue, Nicholas Cissoris of Gersington, Elias son of Eve de Lynton, Adam Thresshefeld and Henry de Plumpton cut down from the gallows Nicholas' brother, Henry, who was being hanged for burglary, and took him to a church where he abjured the realm.[98]

Associations of criminals occasionally cooperated with each other in committing some large crime. The Folvilles and Coterels and several other groups assisted each other in the capture and ransom of Richard Willoughby. Apparently the Coterels played only a modest part, receiving

only forty marks to the 300 marks which the Folvilles received.[99] Needless to say, relationships between gangs were not always those of comradely cooperation. There were sworn enmities between rival gangs which led to murders. Roger de Wennesley was a rival of the Coterels and had killed Laurence Coterel in 1330. The Crown made use of the enmity to enforce law and order. Roger was commissioned to arrest the Coterels several months after the murder.[100]

According to R. Fuller's account, most Elizabethan criminal associations specialized in only one type of crime,[101] but earlier gangs do not appear to have restricted their lawless endeavors to such an extent. In the ten year sample of Norfolk (1320-29) eighty-one individuals and gangs charged with more than one offense committed the same type of crime to the forty-eight who were accused of a variety of crimes. The Coterels started their career by committing felonies ranging from larceny to murder but then settled down to extortion as the most profitable.[102] A Norfolk felon, Simon le Miller de Tibenham specialized in burglary and was convicted of four of them in gaol delivery.[103] A gang of two men and two women in Norfolk had the odd specialty of stealing from churches. When they were finally convicted, they had a record of taking goods from three churches.[104] Other gangs, like the Folvilles, committed a wide range of offenses. The thirty-eight member gang of Sir John de Colesby was convicted in gaol delivery of arson,

larceny and "diverse felonies" in Yorkshire.[105]

How mobile were the gangs and the individual criminals? Did the members of a gang all come from the same village or were they made up of residents from far and wide? How far did a gang or an individual roam from their native village to commit a crime? Sixty-five percent of the associations in a ten year sample of Norfolk (1320-29) were formed from people living in the same village and an additional 23 percent lived no more than ten miles from each other. The very local nature of criminal associations is hardly surprising since so many were composed of families. To give a few examples from the many possible ones, fifteen men from Fynele robbed John Bondehowie of sixty casks of wood and goods valued at £40 in Fynele;[106] three men from Surlingham committed several burglaries in the neighborhood in 1316;[107] and three men, one from Shipedham, one from Letton and one from Westfeld (all from one to three miles apart) committed a series of burglaries around Surlingham in 1316.[108] There were also cases in which the larger part of the gang came from one locality while one or two members came from further afield. In a gang composed primarily of men from Holcham, one member came from Horsham almost thirty miles away and another from Walsham again about thirty miles distant.[109]

Other gangs (12 percent of the Norfolk sample) were composed of members who all came from places more than ten

miles from one another. John Margeri de Brandon, William Carter de Honyngham and Peter son of Richard de Swanton all lived about thirteen miles from each other but joined to steal clothes and a horse in Norwich.[110] Even gangs whose members came from fifty to a hundred or more miles from each other were not unusual. John de Shidyerd de Oxford, John son of Thomas de Baltheresthorp, John de Hoton in the forest of Indelwode originated one hundred miles from each other but joined in committing a burglary and a larceny in Fleg in Norfolk.[111]

Felons might not go outside their own home to commit a crime or they might travel over 200 miles. Unless they were cooperating with another group, the formal criminal associations which have been studied, had their own territory in which they committed crimes and could be assured of a hiding place. Folvilles committed most of their felonies around Teigh in their native Leicestershire. The Coterels concentrated their activities in the Peak district of Derbyshire and in Nottinghamshire. Lionel seemed to have divided his territory into districts since he detailed his "lieutenant of the North" to carry out his threat against the chaplain. Individuals, however, might roam far and wide in search of illegal gain. Adam son of Randolf Sunderlond of Dallyng committed burglaries in Dallyng, Turning (three miles away) and Dilham (seventeen miles away).[112] A random sample of twenty years of crime in Norfolk (1305-1325) shows

that despite the few colorful figures from afar, most of the crimes were committed near the accused's home: 33 percent occurred in the accused's village, 15 percent from one to three miles away, 11 percent from four to six miles away, 10 percent from seven to nine miles away, 7 percent from ten to twelve miles away. In distances further than this twelve-mile radius, 8 percent occurred thirteen to twenty miles from the accused's home, 9 percent from twenty-one to forty miles, 4 percent from forty-one to sixty miles, .5 percent from sixty-one to eighty miles and 2.5 percent eighty-one miles and more. Thus 76 percent of the cases occurred within the twelve-mile radius of the suspect's home; fourteenth-century crime seems to have been a neighborhood affair. But this conclusion cannot pass unchallenged. The more mobile felons could come into a place, commit a crime and leave before the cumbersome hue and cry got underway. In the coroners' rolls an inquest was often concluded with the names of the felons remaining unknown either because they had left long before the murder was discovered or because the survivors could only say that he was a stranger. Frequently, it was only the testimony of an approver or the suspicious behavior of the felon which brought him to trial. For example, Adam Buleyn of Wodedallyng appealed Benedict son of Walter of Wodedallyng of robbing and murdering William Eidard at Lincoln.[113] Without the approver's story it is improbable, given the law enforcement

system of the day, that the authorities in Lincoln would know who killed William nor would Wodedallyng know that two of its residents committed a murder and robbery in Lincoln. Sometimes the behavior of the criminal gave him away. William of Malton was taken in Yarmouth with forty-two florins. Apparently his appearance made it seem unlikely that he would own such a sum. At the trial he claimed to have received the money from his master in York. As there was little chance of verifying the story, he was released.[114] We must conclude then, that, although much of the crime was local, there was probably a much greater percentage of crimes committed by strangers to the area than appeared in the records.

Having looked at the organization and composition of gangs and the mobility of criminals we must say a few words about the problem of professionals and recidivists. We must first distinguish between these two. The professional identifies himself as an outlaw and pursues crime as a regular day-by-day occupation. He develops the skilled techniques of crime and carefully plans the execution of each offense.[115] The repeater, on the other hand, commits only a few crimes in his lifetime. He does not support himself by illegal means alone but only resorts to crime in fits of passion, out of an injured sense of justice, at the opportunity of making a profit or out of desperation as during famines. He does not identify himself with felons

but with his usual status in the community in which he lives.

Professionals are very difficult to pick out solely from the evidence given in the gaol delivery rolls. To make a conclusive statement about them requires a thorough study of their careers such as has been done for the Folvilles and the Coterels. Even with all of the evidence of the Coterels supporting themselves by crime and using specialized techniques of extortion, J. G. Bellamy hesitates to call them professionals because they cut short their criminal career in 1333 in order to participate in Edward III's wars.[116] He is, however, using too narrow a definition of professionalism. In every way their careers were those of hardened criminals, as were those of Lionel and the Folvilles. That they later channelled their antisocial behavior into a legitimate endeavor does not change the character of their earlier lives. Of the gaol delivery cases, only those gangs or individuals convicted of a series of diverse crimes could be considered as possible professionals on the strength of the gaol delivery rolls alone. Sir John de Colesby's gang may have been a professional one.[117] An individual who may have been a professional was John le Prestsone of Norfolk who was accused of eight offenses over a period of ten years. In January, 1323 he was appealed of three robberies and one burglary in the hundred of Gallow, Eynesford and Tunstead for which he was acquitted.[118] In the same

delivery another approver appealed him of the same burglary and larceny.[119] In June of the same year a third approver appealed him of two additional robberies.[120] John either had a notorious reputation or else the gaoler or sheriff forced approvers to name him in particular. Another individual with a long list of crimes attributed to him was Ranulphus de Rokelund, a bailiff, who was appealed of nine robberies of cloth in Frebridge Hundred in March, 1324,[121] and was indicted for another robbery in Bishop's Lynn in 1324.[122]

For the majority of cases in which a person was accused of more than one crime, the most that can be said of them without further evidence is that they were repeaters. Since there were too many cases to trace through all of the repeaters, a ten-year sample (1320-29 of Norfolk was used).[123] Of the 1257 cases tried during this period, 11 percent of the accused committed two or more crimes (ninety-five were accused of two crimes, thirty-three of three, five of four, five of five, two of six, one of eight, one of nine, and one of ten). These figures, however, are probably not very reliable because they represent only reported crimes. A person might have been caught for only one of his crimes. On the other hand, an indicting jury might blame one man for several crimes which he did not commit.

Aside from telling us that 11 percent of the accused committed more than one crime, the gaol delivery rolls give little evidence on professionalism. On the size and

membership of gangs, their structure and the mobility of criminals the rolls reveal much more. The average size of criminal association was three persons. In small gangs the membership was homogeneous and often composed entirely of family members. Larger gangs, however, could show great diversity both in the social background and political affiliations of the membership. The structure of the gangs provided for leaders and subordinates; rules regulating the division of spoils, loyality to the gang and assistance to captured members; some specialization in a particular type of criminal activity; and cooperation with other gangs. Although the gaol delivery rolls do not record all crimes outside the area of local jurisdiction, we may conclude that, for the most part, medieval crime was a local affair. Gangs operated within a limited geographical area and most individual felons committed crimes near home. Our study of criminals and the organization of crime has left many questions unanswered about the social background of the accused, membership in gangs and professionals. The gaol delivery rolls alone cannot provide the answers. Only complete studies of individual criminals, such as has been done for the Folvilles and the Coterels will give a more balanced picture of medieval criminality.

Notes

1. Mannheim, Comparative Criminology, pp. 161-164, 170-172.
2. R. Fuller, The Beggars' Brotherhood (London, 1936), pp. 146-164.
3. JI 3/106 m. 3, Norf., 9 March 1306.
4. Fuller, pp. 146-164.
5. JI 3/49/1 m. 49d., Norf., 14 April 1323.
6. Fuller, p. 152.
7. D. Chadwick, Social Life in the Days of Peirs Ploughman (Cambridge, 1922), p. 77.
8. JI 3/49/1 m. 37d., Norf., 10 December 1321.
9. Statutes of the Realm, I, 5 Ed. III, St. I, c. 14.
10. R. F. Hunnisett, Bedfordshire Coroners' Rolls (Bedfordshire Historical Record Society, XLI, 1960), p. 116.
11. Ibid., p. 45.
12. Ibid., p. 91.
13. Ibid., p. 64 and 117.
14. Ibid., p. 7; other examples pp. 12 and 22.
15. JI 3/78 m. 47, Yorks., 11 September 1346.
16. Ibid., m. 46.
17. See p. 134.
18. Chadwick, pp. 77-78.
19. Statutes of the Realm, I, Statute of Winchester, 13 Ed. I.
20. JI 3/49/1 m. 34, Norf., 4 December 1320. Also JI 3/119 m. 3, Norf., 15 September 1327, JI 3/49/2, Norf., 19 June 1322, JI 3/49/1 m. 36, Norf., 7 March 1321.

21. JI 3/78 m. 20, Yorks, 22 July 1344.

22. Ibid., m. 21.

23. Stones, "The Folvilles," p. 122.

24. KB 27/319, Norf., 11 June 1339.

25. Bellamy, p. 705.

26. Ibid., p. 706.

27. Ibid.

28. Ibid.

29. JI 3/78 m. 12, Yorks., 29 March 1346.

30. JI 3/81/2 m. 13, Yorks., 10 March 1355.

31. JI 3/81/2 ms. 4-5d., Yorks, July 1354.

32. See pp. 145-46.

33. JI 3/49/1 m. 33, Norf., 13 September 1320.

34. C. Gross, Select Cases from the Coroners' Rolls A.D. 1265-1413 (Selden Society, 1896), p. 64.

35. JI 3/49/1 m. 28, Norf., 25 June 1320.

36. JI 3/74/4, Yorks., 3 April 1314.

37. Gross, p. 69.

38. Hunnisett, Bedfordshire Coroners' Rolls, p. 51.

39. Ibid., p. 105.

40. JI 3/49/2 m. 9, Norf., 26 March 1334.

41. Gross, p. 60.

42. JI 3/48/3 m. 3, Norf., 25 May 1347.

43. Gross, p. 74.

44. JI 3/134 m. 12, Norf., 25 May 1347.

45. Hunnisett, Bedfordshire Coroners' Rolls, p. 51.

46. JI 3/107 m. 1, Norf., 6 April 1307.

47. KB 27/306 m. 33, Yorks. 14 November 1336.

48. KB 27/334 m. 32, Yorks. 20 October 1343.

49. JI 3/81/2 m. 16, Yorks. 8 March 1343.

50. JI 3/48 m. 16, Norf., 28 July 1312.

51. See p. 81.

52. JI 3/177 m. 15, Norf., 18 August 1326. Also JI 3/48 m. 39d., Norf., 10 July 1316 and JI 3/48 m. 1, Norf., 22 April 1308.

53. T. F. Tout, "Medieval Forgers and Forgeries," Bulletin of the John Rylands Library, Manchester, V, Nos. 3-4 (1919), 217.

54. Pollock and Maitland, II, p. 504.

55. KB 27/334 m. 35, Yorks., 23 October 1343. Also JI 3/75 m. 11, Yorks., 6 September 1316.

56. Tout, "Medieval Forgers," pp. 208-209.

57. See pp. 197-98.

58. JI 3/76 m. 7d., Yorks. 7 August 1325.

59. JI 3/78 m. 43, Yorks. 20 December 1346.

60. JI 3/51/2 m. 3, Northants., 27 August 1316.

61. Ibid.

62. Ibid.

63. JI 3/49/1 m. 35, Norf., 10 January 1321.

64. Keen, Outlaws, p. 198.

65. JI 3/75 m. 2, Yorks. 21 July 1316.

66. See p. 138.

67. JI 3/49/1 m. 35, Norf., 10 January 1321.

68. JI 3/49/1 m. 36, Norf., 7 March 1321.

69. JI 3/49/1 m. 39, Norf., 29 July 1321.

70. JI 3/117 m. 11, Norf., 18 December 1325.

71. JI 3/117 m. 10, Norf., 26 February 1326.

72. JI 3/117 m. 15, Norf., 18 August 1326.

73. Bellamy, p. 700.

74. JI 3/77/2 m. 4, Yorks. 10 June 1336.

75. Bellamy, pp. 712-713, 715-716.

76. JI 3/77/2 m. 4, Yorks. 10 June 1336.

77. Bellamy, pp. 715-716.

78. KB 27/248 m. 10, Yorks. 29 April 1322.

79. Sutherland and Cressey, pp. 276-277.

80. Mannheim, Comparative Criminology, p. 637.

81. Ibid. p. 138.

82. See

83. Keen, Outlaws, p. 200. Stone, "The Folvilles," pp. 134-135. Original appears in KB 27/307 Rex., m. 27.

84. Sutherland and Cressey, p. 277.

85. Keen, Outlaws, p. 200.

86. Stone, "The Folvilles," p. 133.

87. Bellamy, pp. 699-700.

88. Ibid., p. 705.

89. JI 3/49/1 m. 43d., Norf., 23 November 1322.

90. JI 3/51/3 m. 2, Northants., 30 January 1326.

91. J. J. Jusserand, English Wayfaring Life in the Middle Ages (London, 1889), p. 37.

92. See Ch. I.

93. JI 3/49/1 m. 27, Norf., 25 February 1320.

94. Bellamy, p. 709.

95. See p. 145.

96. Bellamy, p. 710.

97. JI 3/49/1 m. 30, Norf. 24 August 1318. Also JI 1/632 m. 96, Eyre of Northants., 1329-30.

98. JI 3/75 ms. 13-16, Yorks. 7 July 1316. Also JI3/49/1 m. 44d., Norf., 23 November 1322.

99. Bellamy, p. 707.

100. Ibid., p. 702.

101. Fuller, p. 26.

102. Bellamy, p. 705.

103. JI 3/48 m. 25, Norf., 26 November 1315.

104. JI 3/48 m. 30d., Norf., 15 March 1316.

105. JI 3/74/4 ms. 1-3, Yorks., 3 April 1318.

106. KB 27/271 m. 29, Norf., 13 June 1328.

107. JI 3/48 m. 38d., Norf., 10 June 1316.

108. JI 3/48 m. 31, Norf., 19 January 1316.

109. JI 3/48 m. 32, Norf., 7 June 1316.

110. JI 3/49/1 m. 37d., Norf., 10 December 1321.

111. JI 3/48 m. 13, Norf., 20 February 1312.

112. JI 3/48 m. 40, Norf., 16 December 1316.

113. JI 3/49/1 m. 11, Norf., 19 July 1317.

114. JI 3/49/1 m. 17, Norf., 28 February 1318.

115. Sutherland and Cressey, p. 232.

116. Bellamy, p. 727.

117. See p. 142.

118. JI 3/49/1 m. 41, Norf., 18 March 1322.

119. Ibid.

120. Ibid., m. 50, Norf., 6 June 1323.

121. JI 3/49/1 m. 41, Norf., 18 March 1322.

122. JI 3/49/1 m. 56d., 7 May 1324. He was acquited.

123. Repeaters are difficult to pick out because often only the first name and the residence of the offender is given, e.g. John of Surlingham. There may be many Johns in Surlingham. To avoid confusion, only cases where the first and second names and village were the same were used.

CHAPTER VI

CONCLUSION

In the beginning of this study we looked at three early fourteenth-century felony cases--a burglary and murder, a series of robberies and a theft--and asked how representative they were of crime during that period. We also asked whether the political unrest of the first half of the fourteenth century, foreign and domestic wars and economic contraction influenced the pattern of crime in Norfolk, Yorkshire and Northamptonshire. Finally, we wanted to know who the felons were and what criminal techniques they used. In addition to reviewing the conclusions which this study reached on these problems, a few further observations can now be made on fourteenth century English crime from the felon's and from society's point of view.

The three cases cited were typical of fourteenth century crime and could have happened daily in England. But did the crises of those turbulent fifty years contribute to an increase in crime or influence the types of crimes committed or goods stolen? The political crises--the struggle between Edward II and his barons, civil war, the deposition and murder of Edward II, the coup d'état of his son

and the absence of Edward III from the realm--probably had little effect on crime. As long as the administration of justice ran smoothly, changes in the upper eschelons of government seemed to have little influence on the people in the countryside or on their criminal tendencies. At most, political unrest acted as an aggravation to other conditions which had a more direct bearing on the people in the villages.

The wars of the first half of the fourteenth century--two civil wars, Scottish raids and the French wars--coincided with peaks in crime. Yorkshire, which was continuously upset by Scottish raids and the quartering of English troops, had a high level of crime from 1315 to 1348. Although it has sometimes been argued that the foreign wars brought peace to England because the armies siphoned off the unruly elements of society, evidence from the gaol delivery rolls shows that crime did not decrease. If the wars did not bring order to the countryside, at least they did not result in an increase of violence. Some of the felons, who had earned pardons in the wars, and other veterans probably returned to England and organized into criminal gangs.

Probably more serious for the bulk of the villagers was the economic contraction of the first half of the fourteenth century. The pressure of an expanding population on food supplies, which had already begun to diminish

by the early fourteenth century, brought hardship to small landholders. With the famine of 1315-1317 many of these people were reduced to starvation. The situation eased after the second decade of the century when population ceased to expand and grain prices fell. For the more substantial landholders, the drop in grain prices was the beginning of a recession. They got less for their crops but paid more for labor and industrial goods. Instead of following the tentative demographic curve for this period, crime correlated with the grain prices. The most dramatic increase in crime came in 1315-1317 when it rose 382 percent in Norfolk, 391 percent in Yorkshire and 152 percent in Northamptonshire. The famine also coincided with a rise in property crimes. The economic recession of the 1330s and 1340s did not show up in increases in crime, but rather in the types of goods stolen. Whereas grain and foodstuffs predominated as stolen articles in the first three decades, the percentage of nonagricultural goods stolen rose in the fourth and fifth decades. But all was not bleak economically during the early fourteenth century. York enjoyed a period of prosperity when Edward III moved his government there from 1332 to 1337 and Norfolk became increasingly prosperous as her woollen industry developed. In Norfolk the growing importance of cloth production was reflected in the increasing percentage of cloth stolen. Although the increased wealth coincided with a high level of crime in

Yorkshire, some of the crime must have stemmed from the presence of English troops and from Scottish raids.

A comparison of the three counties indicates that their crime patterns differed in many respects. In the distribution of crime per square mile Northamptonshire led with .05, Norfolk was second with .04 and Yorkshire was third with .02. The greater amount of crime in Northamptonshire is significant in that it was less densely populated than Norfolk and, according to the 1334 lay subsidy, less wealthy. These findings confirm the impression one forms in reading the Northamptonshire records that its crime pattern was dominated by large gangs composed of many people from outside the county and by violent crimes committed by organized gangs. The dense forests of Northamptonshire may well have sheltered felons from surrounding counties.

The difference between the three counties is clearly shown by comparing the types of crimes committed and the types of goods stolen. As we saw in Chapter III, Norfolk had a higher percentage of property crimes than the other two counties: 73 percent of all crimes in Norfolk as opposed to 59 percent in Yorkshire and 53 percent in Northamptonshire. On the other hand, both Yorkshire and Northamptonshire had more homicides than Norfolk. In Yorkshire and Northamptonshire 26 percent of all crimes were homicides while in Norfolk only 14 percent of the crimes were homicides. The high percentage of property crimes in Norfolk

might have stemmed from the custom of partible inheritance which made the land holdings small. Because population was dense, pressure on material resources was extreme. The competition for earning a living in these circumstances may have forced more people in Norfolk into larceny, burglary and robbery. The greater prevalence of homicide in Northamptonshire and Yorkshire indicates the more violent nature of these two counties, again confirming our observations on the crime pattern in Northamptonshire. E. Miller has attributed the greater violence of northern England, including parts of Yorkshire, to the Anglo-Scottish wars. The men near the border always had to be ready to fight against Scottish raids. They were equally ready to make forays for plunder.[1]

The different economic conditions in the three counties are reflected in the types of goods stolen. In both Yorkshire and Northamptonshire over 50 percent of the goods stolen were livestock, indicating the emphasis on grazing in these two counties. In Norfolk livestock comprised only 33 percent of the goods stolen. The importance of Norfolk's woollen industry for her economy is shown by the high percentage of cloth stolen (20 percent) as compared to the other two counties (8 percent).

The suspects can be described in terms of their sex, their class and their occupation. In a few cases their mental condition at the time of the crime was also

described. For the most part, the accused were male (90 percent). The low number of women appearing in gaol delivery is attributable to both the leniency of the juries and the physical and legal limitations on the types of crimes they could commit. Unless they were associated with men, they usually committed larceny or burglary. Villagers--peasants and village artisans--far outnumbered the gentry in gaol delivery. In proportion to their numbers, very few gentry were indicted, probably because they could more easily avoid arrest. The chief difference in the criminal behavior of the two classes was that the villagers committed more petty larceny such as stealing grain at harvest. Both classes joined organized crime and became professionals. Not enough information exists on the occupations of the accused to indicate which predominated. The ones which appear in the records--millers, shepherds, sailors, butchers and so on--did not invariably commit crimes connected with their occupations. The clergy, the only occupational group for which there is sufficient evidence for detailed study, tended to commit the more violent crimes of burglary, robbery and homicide. Criminals who were obviously insane when they committed the crime were given pardons on the recommendation of the jury. The juries recognized as signs of insanity, attempted suicide, abnormal or violent behavior and mental derangement resulting from high fevers.

Associations of criminals committed 18 percent of the crimes studied. The average number of members in an association was three. In the smaller associations the membership was homogeneous and often made up of family members. The larger gangs showed greater diversity in the social background of the members and their political affiliations. The structure of the gangs provided for leaders and subordinates and rules governing the behavior of the members. Although 11 percent of the accused committed more than one crime, there is no indication that these people were professionals. Both gangs and individual criminals tended to commit crimes in their own locality.

This study of crime has attempted to describe the criminals, their organization and their techniques of crime and to analyze the reasons for the peaks in crime as well as the changes in the variety of goods stolen and the types of crimes committed. There are two more aspects of medieval English crime which deserve attention: What were the opportunities and risks of a criminal career? And, how violent was medieval society?

A criminal career in early fourteenth-century England had both advantages and disadvantages. One of the greatest advantages was that crime was profitable. The average value of goods stolen was £3 5s. in Norfolk, £4 in Yorkshire and £3 2s. 5d. in Northamptonshire. When an annual income of £10 to £20 was considered adequate to

maintain a knight, when a bailiff of a large estate received a fee of around £10 a year and when an unskilled laborer's wage could be as low as 1d. and 1 1/2d. for a day's work,[2] the average larceny, burglary or robbery gave substantial rewards. For some of the felons it was not the high returns which led them to crime but sheer desperation as in the case of people who stole food during the famines. The attractions of crime must be weighed against the inconveniences of the life and the chances of being caught and hanged. Although the outlaw ballads paint a picture of a summer forest with abundant game and ale, in fact, life in the forests was more often hard and uncomfortable.[3] But the majority of felons were not forced to live continually in the shelter of the forests. Most of the accused appearing in gaol delivery were probably arrested in their homes. There is no way of knowing what percentage of felons were caught. Although the system of law enforcement was probably the most efficient one which could be achieved at the time,[4] it was fairly easy for a felon to avoid arrest. The need for an indictment in the sheriff's tourn before an arrest could be made gave the felon plenty of time to escape. Furthermore, in only 3 percent of the cases was a second person charged with the crime if the case did not end with a conviction the first time in court.[5]

Even if a felon were captured and tried the odds

were in his favor that he would be acquitted: 65 percent acquitted to 35 percent convicted in Norfolk, 59 percent to 41 percent in Northamptonshire and 83 percent to 17 percent in Yorkshire. If the accused were a woman, her chance of acquittal was about 13 percent better than for a man. If the accused were a clerk, his chances of being acquitted were 38 percent worse than for the layman. Enough charges of corruption appear in medieval records to convince us that many of the acquittals were arranged by the accused or his family and friends. Juries were known to accept bribes to acquit men[6] or to return an acquittal after being intimidated by supporters of the defendant.[7] One such example comes from a sermon: "when the justice asked if all jurors were agreed on a case one of them replied, 'No, because each of my fellow jurymen has received forty pounds and I have received twenty.'"[8] The sheriff could also manipulate the outcome of the trial by appointing jurors who were either in favor of the accused of hostile to him.[9] Even the justices were willing to take bribes. In a bitter sermon one medieval preacher declared that the bench was the fastest way to become a wealthy man.[10] Modern research into the justices' accounts confirms this conclusion.[11] In attempt to remedy the abuses, Edward III removed and fined three justices in 1340-41: Justices Willoughby, Shardelowe and Inge.[12]

Corruption alone could not explain the high number

of acquittals. The acquittals also stemmed from a neighborly reluctance to convict a friend.[13] In the instructions for the eyre of 1278-1279 the justices were warned to inquire into agreements and pacts among jurors to protect each other: "Whereas we have been given to understand that certain malicious persons in many counties of our realm, to serve their own ends, being more prone to evil than to good, have presumed to make certain detestable confederacies and evil plots amongst themselves, taking oaths to each other to uphold the cause of their friends . . . in pleas . . . coming up in the courts."[14] The complaint was again voiced in the Statute of Winchester that the presenting juries refused to indict malefactors, preferring to let homicide and robbery go unpunished than that their neighbors should suffer.[15] On the whole, crime in fourteenth century England was an attractive career. The rewards were high and the chances of being caught and hanged were low. Only the inconveniences of an outlaw's life and the unsteady income were drawbacks.

The attractions of criminality brings us to our last question: Was medieval society violent? The absence of population statistics accurate enough to use for computing a crime rate forces us to rely on contemporary opinions and a comparison of the prevalence of violence against the person in fourteenth century England to modern criminal statistics. Such a comparison can only serve as an

indication of relative violence because our modern categories of crime are somewhat different than those of the fourteenth century. For instance, the modern category of crimes against the person includes assault as well as murder and rape. Property crimes now include embezzling and fraud. Bearing these cautions in mind, the comparison can still give some perspective of medieval crime. In the United States in 1963, 95 percent of the crimes were committed against property and 5 percent against persons.[16] Between 1300 and 1348 67 percent of the crimes were against property, 23 percent against the person and 10 percent in other categories (i.e., treason, counterfeiting, false appeal, etc.). Even with the exclusion of assault from the fourteenth-century category of crimes against the person, medieval society had a higher percentage of violent attacks on people. If robbery, burglary and arson were included along with homicide and rape, about 50 percent of the crimes involved violence. But if the amount of violence appears to be high by our standards, was it by medieval standards? In the Outlaws of Medieval Legend M. Keen comments upon the quantity of ruthless brutality in the medieval outlaw ballads but concludes that, "Revelling in the blood of one's enemies is now an outmoded pleasure, but to the middle ages it appeared natural and almost justifiable."[17] The value of literature as an accurate gauge of people's feelings must always be questioned. Just because an audience enjoys

tales of split heads and gore, it does not follow that the literature draws a true picture of society or even one the audience wishes were true. Literature often exaggerates conditions. A truer assessment of contemporary opinion of crime can be gained by reading the petitions in parliament condemning the amount of crime in the countryside and by studying the numerous attempts of early fourteenth century kings to provide a more effective system of law enforcement.

Inevitably our conclusions have been at times tentative and speculative, frequently raising questions which have had to remain unanswered. Confirmation or rejection of some of these conclusions must await further information on price fluctuations and demographic trends. Further research in different periods of time and in different counties would extend our knowledge of crime in medieval England. Research, in depth, into the histories of individual felons or gangs and comparisons of manorial rolls with gaol delivery rolls for selected villages would contribute to our knowledge of medieval criminals and the social milieu from which they came. But if these problems still remain outstanding, it is hoped that this study has contributed, in a modest way, to a better understanding of crime in the era of Robin Hood.

Notes

1. Miller, pp. 15-17.

2. Titow, Rural England, pp. 46-47.

3. Keen, Outlaws, pp. 6-7.

4. A. Harding, A Social History of English Law (London, 1966), p. 86.

5. The 3 percent was derived from six years of Norfolk cases, 1320-1325.

6. Statutes of Realm, St. I, 5 Ed. III, c. 10; St. I, 20 Ed. III, c. 6. Hughes, Early Years of Edward III, pp. 216-17.

7. Cam., Hundreds, p. 79.

8. G. R. Owst, Literature and the Pulpit in Medieval England (Oxford, 1933), p. 346. Quoted from J. Bromyard, "Judices."

9. Cam., Hundreds, p. 78. Owst, p. 347.

10. Owst, p. 346. Quoted from sermon of J. Bromyard. See also T. Wright, The Political Songs of England from the Reign of John to that of Edward II (London, 1839), "Song on the Venality of Judges," pp. 224-229.

11. E. L. G. Stones, "Sir Geoffrey le Scrope (c. 1285-1340) Chief Justice of the King's Bench," English Historical Review, LXIX (January 1954), 13-14.

12. Hughes, Early Years of Edward III, pp. 183-184.

13. Hilton, A Medieval Society, p. 251.

14. Quoted in Cam., Hundreds, pp. 80-81.

15. Ibid.

16. W. A. Lunden, Crime and Criminals (Ames, Iowa, 1967), pp. 18-19. Figures for modern England were not available to this researcher. From H. Mannheim's tables in Comparative Criminology, p. 106 the percentage of crimes against the person in 1963 was 2 percent excluding sexual offenses.

17. Keen, Outlaws, p. 3; also 4 and 6.

APPENDICES

APPENDIX I

THE PROBLEM OF MISSING DELIVERIES

Neither historical nor statistical methods can establish precisely which years have complete records and which are incomplete. Because of the way in which commissions were issued (see Chapter I), there is no way to check for missing records from external sources. The original commissions to justices of gaol delivery were recorded on the dorse of the patent rolls, but were not necessarily entered on the plea roll. Since a commission could authorize a judge to go on circuit for an indefinite number of years, a long period could elapse before the issue of a new commission. During this time a judge might miss sessions or lose the records. Furthermore, many commissions were issued which were never acted upon. More reliable would be the writ of venire facias to the sheriffs concerning imminent deliveries. These writs are, however, too sparsely preserved to be of much help in identifying lost records. There is even some evidence that sheriffs were notified by a more informal means than a writ.[1] For external evidence, therefore, we are left with the commissions to the justices on the patent rolls. A study of these rolls did reveal

that all gaps of two or more years may be considered as due to loss of records. Except in outlying counties like Cumberland and Northumberland, the central government never allowed a commission to lapse longer than a couple of deliveries. Thus we can eliminate the longer gaps in the records as due to loss of rolls rather than as periods of no crime.

Internal evidence could, perhaps, reveal more about missing records. Gathering such evidence involves the painstaking process of checking through every person who is returned to prison to see that he reappears in a subsequent delivery. If he does not, then a session might be missing. Even this process cannot be used for all of the years because many of the plea rolls do not record those who were returned to gaol without a trial. For real accuracy one would need the calendars and these are only sparsely preserved. Nevertheless, C. A. F. Meekings has gone through the Bedfordshire rolls to 1351, which are among the most complete, and has concluded that all years with two or more deliveries seem to be complete.[2] A further check of the conclusions reached by these means can be made by comparing the number of deliveries per year for all of the counties. There is usually a correspondence in the number of deliveries per year in most of the counties.[3] In this way we know that in 1307, the year of the change of kings from Edward I to Edward II, there was only one delivery in

the counties but it was a particularly full one, so that it was probably the only one held in that year. Likewise, in 1316 there were five deliveries in most of the counties.

In addition to using historical evidence to minimize the effect of missing records, two statistical devices were used on twenty years of Norfolk records. First, we took the modal number of deliveries per year--three--and eliminated all years with less than three deliveries and selected out the three major deliveries from years with more than the modal number. In this way we were able to remove possible distortion due to missing records. Even holding the number of deliveries per year constant, the graph of the number of crimes per year followed the same pattern as the original distribution plotted from all the surviving records.

The second statistical tool used was the moving average of three years.[4] To arrive at the number of crimes per year by this method, each year's total number of crimes was averaged with the total from the preceding and succeeding years. Thus, the number of crimes for 1306 becomes the average of 1305, 1306 and 1307; that for 1307 is the average of the crimes for 1306, 1307 and 1308 and so on. The moving average helps to modify the effects of missing documents by spreading out the deficiencies over several years, thus giving a smoother picture of the pattern of crime on the graph. Like the device of holding the number of deliveries constant, the moving average follows the

same pattern as the raw number of crimes (see accompanying graph).

These statistical devices, therefore, help to confirm the accuracy of the historical evidence. For the purposes of this paper, we will use all years having two or more deliveries and eliminate those having only one delivery: in Norfolk, 1302, 1304 and 1330; in Yorkshire 1301, 1303, 1314, 1330 and 1341; and, in Northamptonshire 1306 and 1313. In all of these years it is obvious from comparing the number of crimes for the year with the deliveries of the preceding and succeeding years that the records are incomplete. For example, in York in 1341 the number of cases was twenty-seven, in 1340 it was 109 and in 1342 it was 146.

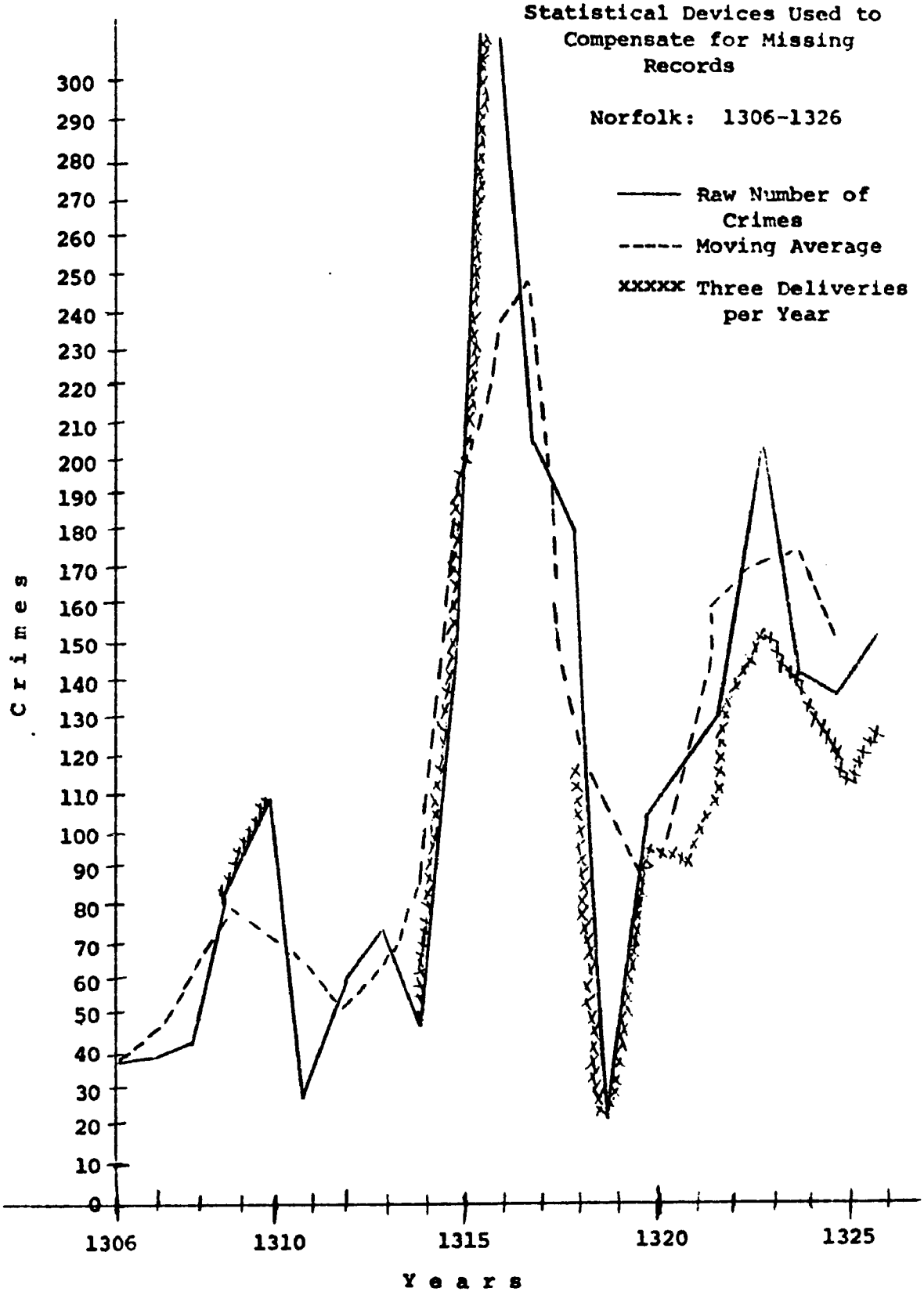
Notes

1. Gollanez, System of Gaol Delivery, p. 23.
2. Information supplied by C. A. F. Meekings.
3. Ibid.
4. The researcher would like to thank A. F. Abrahamse for suggesting the use of the moving average.

Figure 4

Statistical Devices Used to Compensate for Missing Records

Norfolk: 1306-1326



APPENDIX II

INFLUENCE OF THE DETERMINING POWERS OF THE KEEPERS OF THE PEACE ON THE VOLUME OF CASES IN GAOL DELIVERY

Provisions in the peace commissions for keepers of the peace to try cases indicted before them could have caused a drop in the number of cases appearing in gaol delivery. In order to test the effect of a drain of cases from this cause, we will compare the years when the keepers had determining powers with the graph of the number of crimes per year to see if the decreases may be explained by activities of the peace commissioners. The keepers of the peace did not receive permanent power to determine cases indicted before them until 1350. Between 1305 and 1308 the gaol delivery commissions specifically excluded cases indicted before the keepers of the peace.[1] In 1314 and 1326 this provision was again renewed for a year.[2] Instead, supervisors were appointed to hear the cases. B. H. Putnam concluded that these were special supervisors of the peace,[3] but C. A. F. Meekings has shown that they were actually trailbaston justices who were trying both those indicted by the sheriffs and the keepers.[4] They were part of a government experiment in an attempt to replace gaol

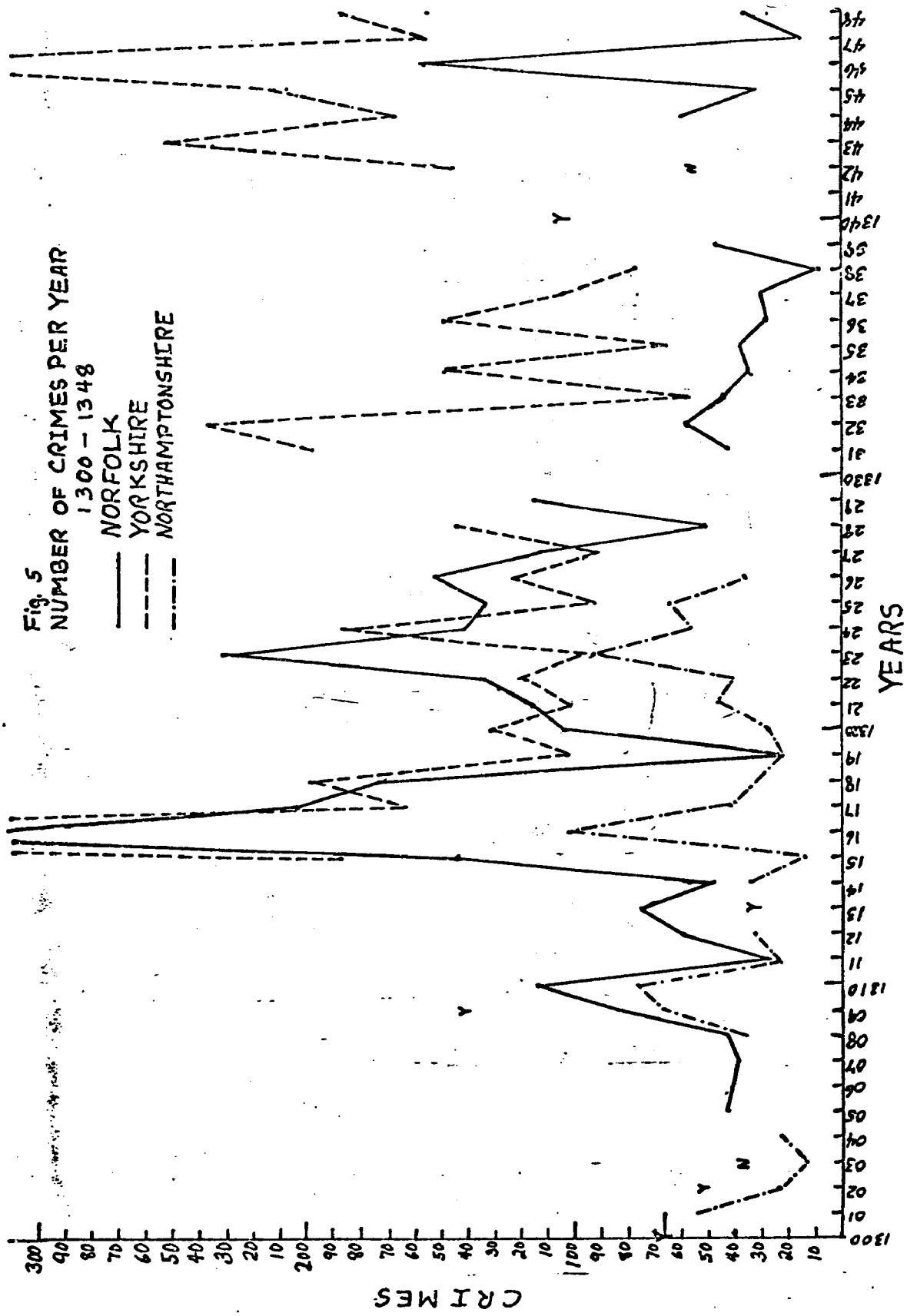
delivery but, as M. Gollancz has pointed out, the gaol delivery and sessions of the supervisors were enrolled together.[5] From March 1329 to November 1330 keepers were given the power to determine cases of those they indicted.[6] There is a complete break in the records for the three counties in this year so that the effect of this change cannot be determined. For the month of February in 1332, the keepers again were made justices.[7] There is a decline of cases in gaol delivery in 1332 to 1333 but it is improbable that the sharp decline in Yorkshire could be brought about by one month of cases under a rival jurisdiction. With the impending departure of the king for France in 1338, Parliament requested that keepers again have the power to determine cases.[8] Again there is a break in the records for the three counties but Norfolk in 1339 shows a rise in cases and Yorkshire does in 1340. Whatever the drain of cases to the keepers of the peace in those years, the number of cases in gaol delivery rose regardless. From 1344 to 1350 keepers were again appointed but with the provision that they could determine cases only if they were afforced by other men 'learned in law.'[9] A survey of the Calendar of Patent Rolls from 1344 to 1348 showed that no commissions to determine cases were issued to keepers of the peace in Norfolk, Yorkshire or Northamptonshire.

Aside from the years 1332-1333 the granting of

determining powers to the keepers of the peace did not bring about a decrease in the number of cases appearing in gaol delivery. Even in 1332-1333 the power was only granted for a month; it therefore could not have had much effect.

Notes

1. Gollancz, Northamptonshire Sessions, p. xv.
2. Ibid., p. xvi.
3. Putnam, Kent Keepers, p. xx.
4. Meekings, Manuscript.
5. Gollancz, Northamptonshire Sessions, p. xvi.
6. Putnam, "Transformation of the Keepers," p. 27.
7. Ibid., p. 28.
8. Ibid., p. 34.
9. Ibid., p. 41.


Fig. 5
NUMBER OF CRIMES PER YEAR
1300 – 1348
NORFOLK
YORKSHIRE
NORTHAMPTONSHIRE
CRIMES
YEARS

APPENDIX III

INFLUENCE OF CHANGES IN LAW ENFORCEMENT PROCEDURES ON THE VOLUME OF CASES IN GAOL DELIVERY

Changes in the method of apprehending a criminal or attempts to increase the efficiency of existing law enforcement officials were frequent in the first half of the fourteenth century and may have been responsible for fluctuations in the number of crimes per year. Even during the chaotic reign of Edward II and the long absences abroad of Edward III, there were frequent experiments in law enforcement. The lack of a comprehensive study on the length of time it took for a reform to be put into general practice raises the difficulty of finding evidence that will indicate how long it normally took for a reform to take effect. We shall, therefore, assume that the increased efficiency of law enforcement due to changes in the administration of justice took one to two years to increase the number of cases in gaol delivery.

The first unique addition to methods of apprehending a felon came in 1308 when the keepers of the peace were given the power to pursue felons from hundred to hundred and from shire to shire.[1] Previously pursuit ended at

jurisdictional boundaries where officials from the next hundred had to take up the chase. It is not known how many felons were apprehended in this way but the number of cases in gaol delivery did increase in 1309 to 1310. Some of the additional cases may have been the work of keepers of the peace but by 1310 commissioners were appointed to investigate them because of complaints that they failed to do their job.[2] In 1314 there was a change of power in the council accompanied by renewed efforts to preserve the king's peace through administrative changes. Again the keepers were singled out for increased powers: the power to hold sworn inquests into suspected felonies and the power of summary arrest of persons who were notoriously suspected of felonies but who had not been previously indicted.[3] The increased powers of the keepers corresponded with an increase in the number of cases coming into gaol delivery, but the rise cannot all be attributed to zealous and powerful keepers. First, the increase in court business from an average of fifty-five before 1314 to 384 cases by 1316 in Norfolk, sixty-eight to 661 in Yorkshire and thirty-eight to sixty-three in Northamptonshire is too large to be explained solely by granting the power of sworn inquest and summary arrest to two knights in each county. Second, the years 1315 to 1317 were also years of terrible famine, Scottish invasions and mismanagement in the upper echelons of government, all of which may have brought about an

increase in crime. Finally, the government apparently was not convinced of the efficiency of the keepers in matters of summary arrest at least, for in 1319 they transferred that power to the sheriffs.[4] From 1316 to 1331 there was little change in the procedure of law enforcement except that between 1327 and 1331 the power of summary arrest was suspended altogether.[5] Despite this return to the status quo, crimes peaked again in 1323-1324, apparently independently of changes in enforcement. Between 1332 and 1337 the government went through another period of experiment in keeping the peace. Commissions of the peace were allowed to lapse and instead the government relied on local magnates--given the title of keepers of the county--to see that the county and local officials performed their duties and that felons were arrested.[6] During this period gaol delivery business remained at a high level in Yorkshire but steadily declined in Norfolk. It seems unlikely that the Norfolk magnates were less diligent than those of Yorkshire unless the king's presence in York spurred his northern barons to greater efficiency. Under the urgings of commons the keepers again were used extensively in 1338 and thereafter.[7] The graph shows an increase in court business which, perhaps, justified the claims of the commons that the keepers were the most efficient enforcers of the law. On the other hand, the sudden peak of cases in 1346 does not correspond to any new burst of energy on the part of the keepers.

Over the half century the government also tried to increase the efficiency of law enforcement by commissions to investigate local officials, by removal of corrupt officials and by statute. As we saw in the last paragraph, the commissions of 1310 to investigate keepers of the peace and the commissions to magnates in 1332-1337 had little effect. In 1314 and 1327 parliament attempted to remove all sheriffs in order to get rid of the corrupt ones. In fact, very few changes of personnel were made at either time.[8] The two statutes which attempted to tighten law enforcement--Northampton (1328)[9] and Westminister (1340)[10] show little immediate results on the graph of drawing more cases into court.

Changes in the procedure of law enforement and attempts to increase its efficiency show very little verifiable influence on the volume of cases. While there is an increase of court business when justices of the peace are given additional powers in 1308, 1314 and 1338, it is questionable that the correlation is a valid one: (1) since in 1310 the keepers were declared inefficient, they were probably not responsible for the rise in cases, (2) in 1315-1317 and in 1342-1346 the rise is too dramatic to be the work of the keepers alone, and (3) between 1316 and 1331 the level of crime continues to fluctuate even though there are no changes in the administration of justice. In the years 1332-1337, when the counties were placed under

the watchful eyes of local magnates, the level of crime goes up in Yorkshire and down in Norfolk. Some local condition in Yorkshire, rather than a reform measure applied equally to all counties, must be looked for to explain this descrepancy. Finally, many of the peaks on the graph correspond to social, economic and political crises which might have contributed to, or better explain, the increases.

Notes

1. Putnam, Kent Keepers, p. xvii. Gollancz, Northamptonshire Sessions, p. xi.
2. Ibid.
3. Putnam, Kent Keepers, pp. xviii-xix. Putnam, "Transformation of the Keepers," p. 23.
4. Ibid.
5. Ibid., p. 36. Gollancz, Northamptonshire Session, p. xx.
6. Putnam, "Transformation of the Keepers," pp. 29-32.
7. Ibid., pp. 41-48.
8. Morris, "The Sheriff," pp. 47-49.
9. Statutes of the Realm, pp. 257-261.
10. Ibid., pp. 281-289.

APPENDIX IV

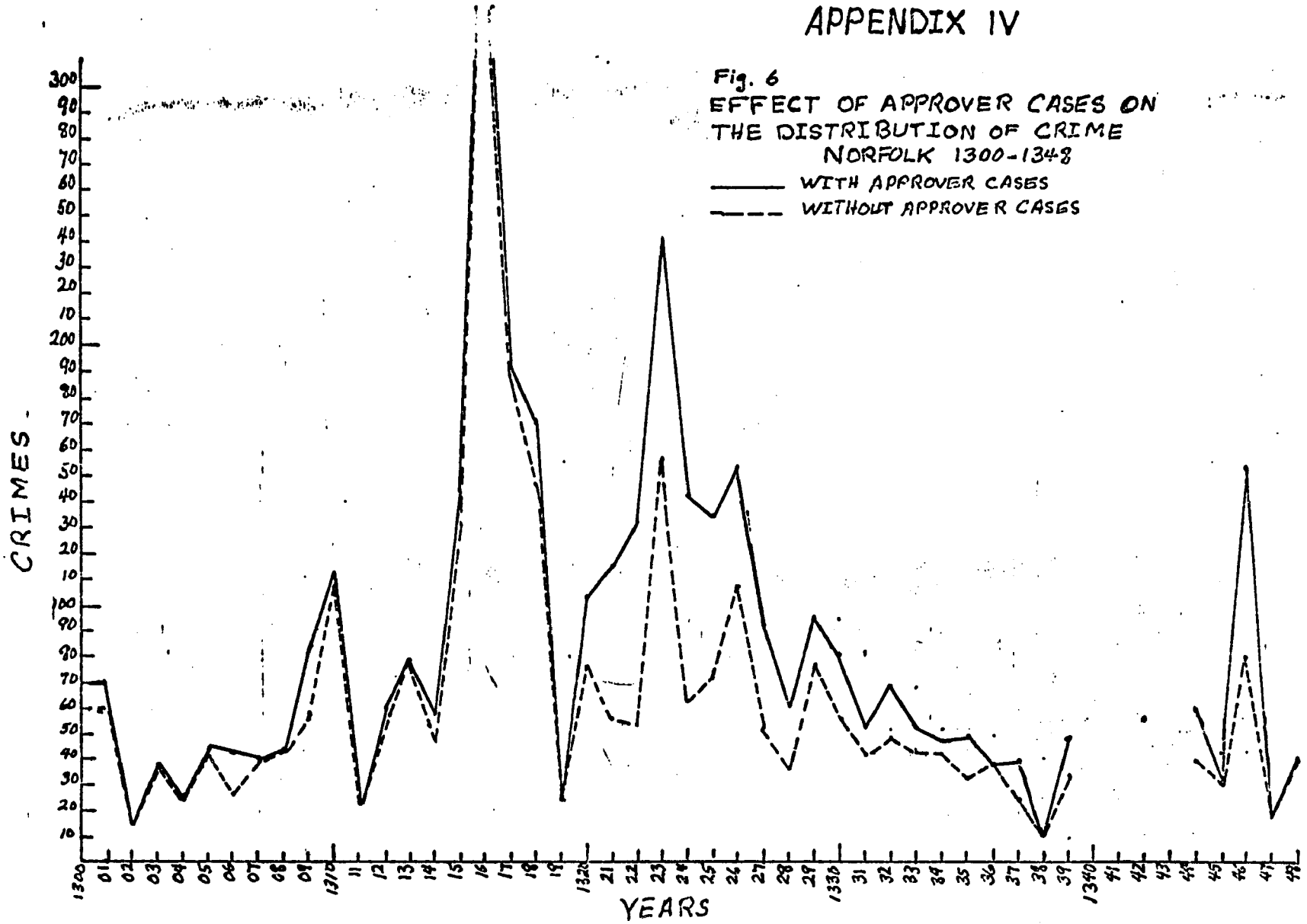


Fig. 6
EFFECT OF APPROVER CASES ON THE DISTRIBUTION OF CRIME
NORFOLK 1300-1348
——— WITH APPROVER CASES
— — — WITHOUT APPROVER CASES

APPENDIX V

JUDICIAL LAG

Distribution of Cases Occurring Before and During Year of Delivery

(Figures given in percentages)

Term	Year of Delivery	Years Before Delivery										Total	
		1	2	3	4	5	6	7	8	9	10+	%	N
Winter	1	37	22	10	8	7	4	3	2	3	3	100	450
Summer	23	33	12	9	8	3	5	1	2	2	2	100	339
Autumn	32	23	11	11	7	7	3	2	2	1	1	100	367
Average for year	18	31	15	10	8	6	4	2	2	2	2	100	1,156

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