

---

Potentially lethal implements were frequently carried. Two men were wrestling in a friendly way and one fell and was stabbed by the arrow that he had under his belt, dying the next day. A man trying to persuade a girl to take a drink put his arm round her, they struggled, he fell on top of her and the knife that he was wearing killed her. He seems to have been lucky that it was adjudged an accident.

Other deaths that may have been accidental were punished, as in two instances of people dying from being struck on the head with a rake, which is not usually the chosen implement for premeditated murder; one of the accused was arrested and hanged, the other made off and was outlawed. Two men were jousting, and one was struck in the eye and died straight away; as in other cases of presumably or possibly accidental death, the assailant fled and was outlawed.

Adam the smith, who killed the owner of the house where he was lodged, was known to be mad and was put in prison, where he died before coming to trial. Self-defence was mentioned four times as justification for a death, and in each case the accused fled and was outlawed; only in one, where the person killed was an intruder who had broken into a house through the roof and attacked the accused with a knife, was the matter referred for discussion with the king. The normal punishment for those convicted of felony, whether homicide or theft, was hanging, but we learn incidentally that a wife who had killed her husband was burned after trial by the justices for gaol delivery; of her two accomplices, who escaped from prison in Salisbury castle, one secured the king's pardon. Laurence the chaplain, convicted of killing his servant, a boy, with an axe after an argument, was put on the rack before being hanged; it is not clear why he did not claim benefit of clergy.

For many of the homicides that came before the court there was no accused, the jurors presenting that persons unknown were responsible or that the dead person had been found killed. In nearly every case of the finding of a dead body there seems to have been no doubt but that there had been foul play, though in one instance it was decided that the dead man, who was unknown, had died of hunger and cold. Gilbert the Bleacher was leading his cart through Bodenham with a dog following, which attacked another dog belonging to Roger Horn, and Roger got into an argument with Gilbert which ended when Gilbert hit Roger with his staff; Roger was evidently badly hurt, and Gilbert was said to have made off, presumably to escape arrest, and within a fortnight Roger was dead. At the eyre Gilbert turned up, saying that he was not guilty, and the jury, enlarged with jurors from two neighbouring hundreds, decided that Roger had died not from the blow but from an illness which he contracted. The court evidently wanted to confiscate Gilbert's chattels, which was regularly done when an accused person, though found not guilty, had fled, but the jurors then said that he had not made off. The court nevertheless ordered that Gilbert be taken into custody for the trespass in assaulting Roger, and to secure his freedom Gilbert undertook to pay the relatively large fine of 20 shillings.

As in that case, the record often states how long after an attack the victim died. Frequently it was immediately or vaguely stated to be later, but in others it might be anything from next day to a month later. The commonest weapon used was an arrow, an axe, a knife or a staff, but others, beside the rakes already mentioned, were a bar, a fork, a hammer, a hatchet, a lance, a pick-axe, a pike, a shovel, a sickle, a spade, a stake, a stone, a sword and a whip. Many of the deaths arose from a quarrel, as in the story of Gilbert and Roger, and it looks as though the attacker struck out in anger with an implement that he happened to have by him or be carrying; a fair number of the deaths happened when men were coming away from a tavern.

Only a few of the entries recording violent deaths include much detail. One group of entries seldom give more than the name of the killer and his victim: there are eighteen records of men who, after the crime, took refuge in a church, seeking sanctuary, and in the presence of a coroner admitted the killing and abjured the realm. More numerous were the abjurations, eleven of them involving women, by those admitting theft: there are 65 such entries. A similar number of cases of larceny came to trial, but in half of them the accused was found not guilty. Again, the details are sparse, but the objects stolen include money, jewellery, a strong-box, wax, cloth, clothing, livestock (horses, a bullock, cows, oxen, pigs, sheep, deer), harness, a cart, corn and timber. An unusual entry tells how John Harding, setting off from the Chippenham area to attend the university at Oxford, took a horse, an overcoat and a book belonging to his brother William, whose servants, perhaps worried that they would be held responsible, went after him; the jurors found that John, who, from fear of his pursuers, had taken temporary refuge in a church, intended to send back the horse and other objects which he had borrowed, and the court said that he could return in peace, giving surety to defend himself in court if anyone wished to charge him with theft.

The entry about John Harding is one of relatively few which did not involve a payment to the Crown. So recurrent are the references to financial penalties that the roll seems to be about government revenue. The Crown claimed the chattels of all those who were outlawed, who abjured the realm or were convicted of felony. When a death was adjudged to be by misadventure the Crown claimed the object thought responsible for the accident as a *deodand*, so that when someone drowned in falling from a horse or a boat the value of the horse or the boat was payable. Some of the entries relate to the failure to pay dues owed to the Crown. Fines were paid for a variety of offences. The most frequent payments exacted arose, however, when a person or a local community was judged to be 'in mercy' of the king so that they owed an *amercement*, in effect a fine. The list giving the amount of each *amercement* does not survive, but the roll records a great many *amergements* for various failings. Individuals were *amerced*, among much else, for selling wine or cloth contrary to the *assize*, for not appearing in court on the first day of the *eyre*, for the non-appearance in court of those for whom they had stood surety and for members of their households who had offended. Jurors were *amerced* for concealing or misrepresenting facts. Local communities – tithings, townships and wards – were *amerced* for all sorts of failings in civic duty: having members who abjured or were outlawed, failing to arrest offenders, not attending inquests, and including inhabitants who were not in a tithing, were the most frequent, attesting a level of communal responsibility unimaginable in England today. In 46 of the entries relating to homicide it was not established that the person killed was English, so a *murdrum* fine was imposed on the hundred in which the body was found, a survival two centuries later of a law which William the Conqueror had adopted to protect his French followers.

Henry III's reign is notable mainly for the civil war that ended with the battle of Evesham in 1265 and the beginnings of parliamentary democracy. At a local and more humdrum level the records of the administration of justice provide a picture of violence and lawlessness in the lives of the people.

An edition of the Crown pleas of the Wiltshire eyre of 1249 was published by our Society (then the Records Branch of the Wiltshire Archaeological Natural History Society) as volume 16 in 1961. Its long introduction (as long as the text itself) is an important contribution to legal history.

Christopher Eltrington