

Selections from Assize Roll, Derbyshire, 4 Edw. III.¹

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ING JOHN had promised in the Great Charter that his judges should go into every county of England four times a year to hold assizes; this was confirmed in the first charter of Henry III., and again in his second charter, once a year being substituted for four times.

The series of Assize Rolls, from one of which the following selections are taken, begin for the most part in the latter reign, a few only of the reign of John being in existence. Under the above general title are included the Rolls of the Justices in Eyre, who were sent at irregular intervals of from five to seven years with commission to dispose of such causes as were termed pleas of the Crown; their powers were gradually enlarged till, early in the reign of Henry III., they were competent to hear pleas of any kind. They are generally arranged under the various headings of Pleas of Sworn Assizes, Pleas of the Crown, Foreign Pleas (those originating in the counties in which the justices then were, but relating to other counties), and Gaol Deliveries, with some other minor distinctions.

¹ The late Rev. Charles Kerry contributed a paper to vol. xviii. of this *Journal* (1896) entitled "Gleanings from the Assize Rolls for Derbyshire," wherein was set forth a series of interesting extracts from the rolls of 36 to 39 Henry III., the earliest extract for Derbyshire. Assize Rolls, however, afford so much local information and are so little known or understood that it appears to be well worth while to give another article on the same subject, about a century later in date.

Long intervals appear to have occurred between the visits of the justices to certain counties. In the record with which we are now dealing, cases are presented which go back to the fourteenth year of the King's grandfather, and a heavy crop of crime and misadventure appears to have accumulated; in many instances the parties concerned are reported as dead.

To those unacquainted with these documents, it may be as well to make a few preliminary remarks on the procedure and phraseology employed. In the first place, it is probable that these records are the notes taken down in court, and rapidly turned into Latin by the clerks. John the smith and William the carter would know no other language than their own, and it is evident that occasionally the clerks were at a loss for the Latin equivalent of terms used by the deponents, and the English word, as uttered, is inserted.

This accounts for the elliptical style employed in the entries, which resemble the rough notes of a judge or counsel made in court to-day. The following is a typical entry: "Adam of B has slain John of D—has fled and is suspected, He is in exigent and outlawed—not in frankpledge nor in mainpart of any one, chattels 3s. 4d. No Englishry presented." Here the murderer has fled after the crime, and is suspected. He is wanted, and is put outside the pale of the law. He has not been enrolled on the association of frankpledge, the members of which were bound to produce a criminal, and he was not in the mainpart (that is, of the household) of any great man who would be responsible for his appearance. His chattels have been appraised at 3s. 4d., which would be forfeit to the Crown, and for which the sheriff had to account. By a law of the Conqueror, in a case of homicide and escape of the criminal, the fine of murder was imposed on the vill or township in which the deed was committed, unless it could be proved by the kinsfolk of the victim that he was an Englishman.

Besides crimes, the jurors were bound to bring to the cognizance of the court deaths by misadventure and suicides

which had occurred in their districts. Here is an example : “ Robert the clerk has fallen from his horse in crossing the river and is drowned. No one is suspected, price of the horse 12s., the sheriff to answer. Judgment, misadventure.” Here no one is suspected of the clerk’s death ; the horse as causing his death is *deodand*, that is, “ forfeited, as it were, to God for the pacification of His wrath in case of misadventure whereby any Christian man cometh to a violent end without the fault of any reasonable creature.” The justices had the power of directing the animal to be sold, and the proceeds to be devoted to some pious purpose, such as the building of a church, alms to the poor, etc. Sometimes the sheriff has already appropriated the animal or thing that has caused the mishap, and for this he has to account.

Each hundred was represented by twelve jurors. It was usual for the bailiff of the hundred to nominate two knights, who in their turn elected ten other principal men of the hundred to form the jury. It must not be supposed that their functions were similar to those of the petty jury of to-day ; they did not come with an open mind, but were themselves the witnesses on whose sworn evidence the culprit was adjudged guilty or otherwise. The names of the jurors for the two hundreds from which the following extracts are taken are appended from the last membrane of the roll.

ASSIZE ROLL No. 166.

EDWARD III.

“ Pleas of the Crown before William de Herle Robert de Malberthorp & their fellows, Justices Itinerant of the lord King in the County of Derby, the Monday next after the feast of the Apostles Peter & Paul the 4th year of the reign of King Edward the 3rd after the Conquest.

1st Membrane.

List of sheriffs dead, &c., since the last eyre.

[SELECTIONS.]

2nd Membrane.

“Wapentake of Repindon comes by xij.

“The jurors present that in the 4th year of the reign of the lord King that now is at Meysham one John le Swon of Meysham by night slew Roger le Baxter of Meysham and immediately after the deed fled and is suspected Therefore let him be in exigent and outlawed.

“The same year it happened at Coton that one Ivo Rogger struck one Henry Alissaunder with a certain stick on the head of which he afterwards forthwith died And he (Ivo) immediately fled and is suspected Therefore let him be in exigent & outlawed; he has no chattels; was of the frankpledge of Richard de Dene of the vill of Coton who now hath him not, therefore in mercy And because four men & the reeve of Coton & Roslaston do not now come, therefore they are in mercy.¹

“And in the 20th year of the reign of the lord Edward father of the lord King that now is at Stony Staunton one Alice de Wodehouse suddenly fell into the river Trent & was drowned No one is suspected thereof Judgement, misadventure. Isabel her sister the first finder [of the corpse] does not come but is not suspected And she was attached by Richard Evle of Thornwerk & John del Hill of Stony Staunton Therefore they are in mercy.

“In the same year at Bretby one Nicholas de Hayoun then cook of the lady of Segrave slew John son of Ralph the smith of Greslye & afterwards fled & is suspected Therefore let him be in exigent & outlawed He has no chattels & is not in the frankpledge, but was of the mainpart of the lady of Segrave who is dead And because the vill of Brettebys has not taken him, therefore it is in mercy Thomas Hardy was the first finder & he does not come, he is not suspected And he was attached by Adam le Meleward & Richard le Glover who have him not Therefore they are in mercy.

¹ The phrase “in mercy” implies subject to fine or other penalty imposed by the Court.

“ And in the 19th year of the same King at Walton one Walter George burglared the house of Robert Swetecok of Walton & aforesaid Robert came & other men of the vill of Walton & raised the hue & cry & William fleeing & refusing to surrender himself to the King’s peace they struck off his head [*decollaverunt*], his chattels are worth 2^s whereof the sheriff J. Bret to answer.

“ The same year at Lynton one Robert Dreu fell from a ladder to the ground whereupon he immediately died No one is suspected Judgement, misadventure Price of the ladder 2^d whereof J. Bret the sheriff to answer Robert le Palfreyman the first finder does not come and he is not suspected And he was attached by William son of William of Lynton & William son of Henry Therefore they are in mercy.

“ In the 18th year of the same King at Melborn a quarrel arose between Robert son of Catherine of Neuton & one Richard son of Peter of the same place the said Robert suddenly slipped & fell upon a hatchet which aforesaid Robert carried & by misadventure he wounded himself to the heart whereof afterwards he forthwith died No one is suspected Judgement, misadventure Price of the hatchet 3^d whereof the sheriff to answer.

“ The same year at Bretby one William Goff shot at a dog & by misadventure hit one Simon son of Robert of Overton in the thigh whereof he afterwards died And he immediately fled & is suspected And therefore let him be in exigent & outlawed He has no chattels He is not in any frankpledge, but was of the mainpast of the lady Matilda of Bedale who now hath him not Therefore she is in mercy And because the vill of Bretteby has not taken him to stand to his right Therefore it is in mercy.

“ The same year at Staunton Ward one Thomas le Bonner of Staunton hung himself with a halter Judgement *felo de se*; his chattels worth 2^d. whereof the sheriff to answer Margery Bonner his wife the first finder & does not come, but is not suspected And she was attached by Roger de Drakelowe of

Staunton and Ralph of Rondick Therefore they are in mercy.

“ In the 14th year of the reign of the King's father at Gresley one William Jarganvill was sitting by the fire in the kitchen of the Prior of Gresley when suddenly his clothes caught fire & he was burnt, so that afterwards the third day following he died No one is suspected thereof Judgement, misadventure Nothing concerning the finder because he told of the matter.

“ The same year at Engelby one John, son of Gregory son of Simon of Engelby slew Laurence Herewarts & immediately fled and is suspected Therefore let him be in exigent & outlawed His chattels worth 25^d. whereof J Bret the sheriff to answer He was not in the frankpledge nor of the mainpast of anyone for he was a vagabond And upon inspection of the coroner's rolls it was found that the said John betook himself to Engleby church & it being asked the jury how he withdrew from the said church they say that the said John before W. de Tyssyngton then Coroner acknowledged the felony aforesaid & abjured the realm The said coroner hath no record of the said abjuration on his rolls.

“ It was presented by the Jury that William Gretheued of Ravenston slew one Robert de Holewell at Ravenstone and he is resident in the country Therefore it is commanded the sheriff that he be taken And upon inspection of the coroner's rolls it was found that it was presented before him that aforesaid Robert de Holewell, with several others unknown, came to Ravenstone the Sunday in the feast of St. Michael the Archangel the 8th year of the reign of King Edward father of the King that now is to the house of Margery Gretheued and there assaulted the aforesaid William & John & Richard his brothers and broke down the door of the said house and entered and the aforesaid William & the others for fear of death fled to a chamber of the said house & the aforesaid Robert de Holewell & the others set fire to the house And afterwards the aforesaid Robert de Holewell would have

entered the said chamber with a bow strung in his hand And aforesaid John in fear of death and seeing the aforesaid Robert coming with the bow strung in his hand drew at the said Robert with an arrow & hit him in the head to the brain whereupon he immediately died And he John fled Therefore let his chattels be confiscated for his flight And his chattels are worth 4^s 4^d for which J. Bret the sheriff to answer And upon this the aforesaid William & John being in exigent are taken And being asked singly how they will clear themselves of the death of aforesaid Robert they say they are in no wise guilty of such death & for good or ill put themselves upon the country The jury of the View aforesaid come who say upon their oath that aforesaid John is in no wise guilty of such death Thereupon he is quit &c. And as for aforesaid William they say that aforesaid Robert de Holewell together with Master Peter de Bagworth mason & several other masons of the Earl of Lancaster at Melborn came armed to Ravenstone in the feast of Michaelmas &c. and with force & arms assaulted the said William there on which the said William fled for fear of them to the house of Margery Gretheued his mother & shutt the door of the house And aforesaid Robert & others &c. [Facts narrated as before.] And so they say that the aforesaid William slew the aforesaid Robert in self defence & not of any malice or felony aforethought & that in no other way could he have escaped death.

“ In the 14th year of the King’s grandfather reign at Repindon one William de London came to the house of Agnes Beton in the vill of Tykenhale by night to burglar the said house and raising the hue & cry one Alan son of the said Agnes went out with a stick in his hand to defend the said house of his mother & the said William made a violent assault on him with a hatchet to slay him & said Alan in defending himself struck aforesaid William on the head with a stick whereupon he immediately died It is not adjudged felony &c.

“ In the 9th year of the King’s grandfather at Walton one Roger Losse who was taken & imprisoned in the stocks

(*in ceppis*) of the lady Joan de Mochant, escaped thence and took refuge in Walton church & there before the Coroner acknowledged that he had stolen 2 oxen of one Roger Jacob of the same place & abjured the realm His chattels are worth 52^s 4^d for which J. Bret the sheriff to answer Nothing is adjudged of the escape because the aforesaid Roger was not taken for the theft nor at the suit of anyone for theft or any felony as the Jurors here witness but he was put in the stocks for arrears of his accounts &c. and not for any other cause.”

“ Wapentake of High Peak comes by xij.

“ In the 4th year of the King that now is at Hedeshover [Edensor] one Stephen son of John of Hevedesover fell from a carthorse to the ground upon which he forthwith died No one is suspected about it Judgement, misadventure Price of the animal 5^s 6^d whereof J. Bret the sheriff to answer : the first finder is dead.

“ The same year one Alan Shakesstaffe struck Adam Halyfax with a knife upon which he immediately died And forthwith after the deed he betook himself to the church of Monyash & there before the coroner acknowledged the afores^d felony and abjured the realm His chattels are worth 4^d whereof J. Bret the sheriff to answer The first finder is dead.

“ In the 3rd year at Haversegge one Adam son of Robert le Clerk struck Robert son of Roger with a stick upon which he immediately died And after the deed he forthwith fled and is suspected Therefore let him be in exigent and outlawed His chattels are worth 10^d whereof J. Bret the sheriff to answer And he was in the frankpledge of Thomas Godesone of Hathersegge who now hath him not Therefore in mercy And for that this happened by day and the vill of Hathersegge hath not taken him Therefore it is in mercy Afterwards the aforesaid Adam comes and being interrogated says that he is a clerk and thereupon comes Richard the Rector of the moiety of the church of Mogyntton bringing the Bishop's credentials & asks that he as well as the clerk &c.

And that it may be known how &c. let an inquiry be held &c. The Jurors come who say upon their oath that aforesaid Adam is in no wise guilty of the death aforesaid Therefore he is quit.

“ In the 2nd year of the lord King that now is at Symondsley one Richard Corbyn de Salfordshire (*sic.*, ? Staffordshire) John Bridhokes of the same county John son of Richard of the same county Adam le Fletcher and John son of Adam del Wyenkes of Longedene of Chestreshire by night came to the house of Robert son of Roger of Simondsleye & broke in and wounded him with swords on the head so that he afterwards immediately died and they forthwith fled and the hue & cry being raised the men of the vill of Simondesleye came and pursued the aforesaid thieves as they fled and aforesaid Richard Corbyn fleeing and refusing to surrender himself to the King’s peace they struck off his head (*decollaverunt*) His chattels worth 12^d whereof J. Bret the sheriff to answer And aforesaid John Bidokes and the others fled and are suspected therefore let them be in exigent and outlawed They have no chattels & were not in the frankpledge or mainpast as they are vagabonds.

“ In the 1st year of the King &c. at Lytton one Richard son of William de Lytton the younger shot with bow & arrow Nicholas son of Thomas ffygur of Lytton upon which he forthwith died; and he immediately fled after the deed & is suspected therefore let him be in exigent and outlawed His chattels worth 33^s 10^d of which the sheriff to answer He was in the frankpledge of Richard de Lytton who now hath him not Therefore in mercy And that it happened by day and the vill of Lytton hath not taken him; therefore in mercy Alice ffygur the first finder doth not come but is not suspected and she was attached by Richard de Lytton and Ralph Nenne; therefore they are in mercy No Englishry presented Judgement, murder upon the Wapentake Afterwards the aforesaid Richard comes and is acquitted as appears by the rolls of Gaol delivery.

“ In the 20th year of the King’s father at Overhaddon one Robert Clement struck William le Hore with a knife almost to the heart whereupon he died And immediately after the deed he fled & is suspected. Therefore let him be in exigent & outlawed. His chattels worth 15^s 6^d whereof J. Bret the sheriff to answer; he was in the frankpledge of William le Hore who now hath him not; therefore in mercy Henry le Hore who was present does not come & is not suspected & he was attached by Robert le Hore & Gilbert le Hore Therefore they are in mercy.

“ In the 19th year of the King’s father at Wormehull one John son of Henry of Hokelowe struck Robert son of William del hull with a ‘gode’ (goad) whereupon he forthwith died & after the deed he fled & is suspected Therefore let him be in exigent & outlawed He has no chattels He was in the frankpledge of John Carleys who now hath him not Therefore in mercy and because this happened by day and the vill of Wormehull hath not taken him, therefore it is in mercy. The first finder is dead No Englishry is presented Judgement, murder upon the Wapentake.

“ The same year at Edenesover one Nicholas Danyel by night struck Richard Baycock with a sword whereupon he immediately died and after the deed he fled & is suspected therefore let him be in exigent and outlawed His chattels worth 3^s whereof J. Bret the sheriff to answer. He was in the frankpledge of Thomas de Edenesover who now hath him not therefore in mercy.

“ The same year at Taddington Hugh Kay struck John le Soutere with a knife whereupon he died & forthwith after the deed he was taken & delivered to Nottingham gaol,¹ Henry de Fauconberge then sheriff, and there he died as the jurors testify.

“ Also the same year at Tyddeswall Henry son of Ralph the Smith struck Robert Clements with a knife whereupon he forthwith died And immediately after the deed he fled

¹ The county gaol for the two shires of Derby and Nottingham was for a long period at the latter town. There was but one sheriff for the two counties up to 1566.

& is suspected Therefore let him be in exigent and outlawed His chattels are worth 10^s whereof J. Bret the sheriff to answer He was in the frankpledge of Ely de Tyddeswall who now hath him not therefore in mercy And because this happened by day & the vill of Tyddeswall hath not taken him, therefore it is in mercy And because the vills of Tyddeswall Wormehull Little Huckelowe & Little Longesdene have concealed the said chattels before the Coroner, therefore they are in mercy.

“ In the 15th year of the King’s father at Haversegge one Thomas le Archer de la Heghelowe fell from a horse into the River Darwent and was drowned No one is suspected thereof Judgment, misadventure; value of the horse 8^s whereof J. Bret the sheriff to answer William le Archer his brother was the first finder & does not come but is not suspected and he was attached by Thomas le Cloghe & Richard Fox therefore they are in mercy.

“ The same year at Lytton one Nicholas de Clifton a poor mendicant died in the fields of Lytton from cold & debility No one is suspected thereof Judgment, misadventure; the first finder is dead.

“ In the 13th year of the King’s father at Wormeshull one Isabel Luthowe found the body of a man unknown drowned No one is suspected thereof Judgment, misadventure And aforesaid finder is dead.

“ And the same year at Netherhaddon one Robert Fycher the elder struck Robert son of Thomas of Aldeport with a ‘pollax’ on the head whereupon he afterwards died And after the deed he fled & is suspected Therefore let him be in exigent and outlawed His chattels are worth 3^s 10^d whereof J. Bret the sheriff to answer & he was in the frankpledge of Thomas Lynot who hath him not, therefore in mercy.

“ The same year at Little Longesdon Henry del Stones of Middelton was buried in a marlpit because a very great parcel of earth fell upon him whereupon he died No one is suspected thereof Judgment, misadventure; the first finder is dead.

“ The same year at Assheford one Richard son of Ely Sheladon shot Walter le Hayward with an arrow whereupon he forthwith died And after the deed he immediately fled & was suspected Therefore let him be in exigent and outlawed His chattels are worth 24^s of which J. Bret the sheriff to answer And he was in the frankpledge of William le Reve of Assheford who hath him not, therefore in mercy Richard the son of said Walter was the first finder & does not come but not suspected And he was attached by John Evenyld & Roger le White Therefore they are in mercy No Englishry presented Judgment, murder upon the Wapentake.

“ The 17th year of the King’s father at Basselowe Henry Fycher & Nicholas de Wynes were wrestling and in struggling the aforesaid Nicholas threw Henry to the ground on which he received a hurt to his neck so that he could not rise but afterwards he recovered and lived for a month & more and from a certain fever he contracted died No one is suspected in the matter.

“ In the 10th year of the King’s father at Castleton some unknown thieves came to the house of William le Hunte & slew and robbed him & forthwith fled It is not known who they were nor whence they came Nothing from the finder because he immediately died.

“ The same year at Monyash one Adam le Forester of Monyash betook himself to Monyash church & there before the coroner acknowledged that he had committed a burglary at Monyash Grange & had stolen a cheese & he abjured the realm His chattels are worth 8^d whereof J. Bret the sheriff to answer And because the vills of Monyash Cheylmerden and Tadington Prestclif and Ashford have not appraised his chattels before the coroner Therefore they are in mercy.

“ In the 8th year of the King’s father at Netherhaddon Felicia wife of Richard Lovet the carpenter of Netherhaddon as she was riding in a cart with 2 bullocks across the River Wey the said cart by the force of the stream was submerged whereupon the aforesaid Felicia was drowned No one is

suspected thereof Judgment, misadventure Value of the cart & oxen 2 marks whereof J. Bret the sheriff to answer And because the vills of Netherhaddon, Dyrley, Yolgreve and Wynster have not appraised the aforesaid chattels before the coroner, therefore they are in mercy And aforesaid Richard was the first finder & he comes & is not suspected Therefore let him go quit but because the aforesaid Richard hath used the aforesaid [cart, &c.] without warrant, therefore in mercy.

“ In the 7th year of the King’s father at Wormehull one Richard of Herthull carpenter when he was about to pull down a certain old grange fell from a beam to the earth upon his hatchet and wounded himself so that he forthwith died No one is suspected thereof Judgment, misadventure Value of the hatchet 3d and the beam 6^d whereof J. Bret the sheriff to answer.

“ And in the 6th year of the King’s father at Edenesover one Nicholas son of Pyton of Edenesover shot one Richard son of Nicholas of Calton with a “trullope”¹ & wounded him in the forehead but the said Richard afterwards recovered & was healed of the wound And afterwards he was taken ill of a mortal sickness & died And it is enquired of the Jurors if they suspect the aforesaid Nicholas of the said death And they say they do not But because the said Nicholas was attached by William son of Sarra of Edenesover and Simon Aylryn of the same place to come here & they have not his body &c. Therefore in mercy.

“ The same year at Whitehull one Richard son of Crumbwell standing by an oak in Whitehull wood & cutting off some branches of the said oak by a branch which fell upon him he was crushed and died No one is suspected thereof Judgment, misadventure Value of the branch 1^d whereof J. Bret to answer The first finder is dead.

“ In the 5th year of the King’s father at Fayrefeld Margaret daughter of William Alayn of Fayrefeld wilfully hung herself with a rope Judgment, *Felo de se* Her chattels worth 4^s

¹ *i.e.*, a bolt from a crossbow.

whereof J. Bret to answer William her brother the first finder is dead.

“ In the 4th year of the King’s father at Orlesete [Ollerset] Cecily le Cronder seized with frenzy took by night John her son by the legs and so beat him against the walls & trees that he died And she was taken in the act and delivered to Nottingham gaol Thomas de Swynford then sheriff And afterwards she was acquitted as is testified by the Jurors.”

KALENDAR OF THE NAMES OF JURORS.

WAP DE REPENDON.

Thomas de Maletton chief bailiff	
Alured de Sulny knt	} Electors
William de Coursoun	
William de Maysham	Walter de Freschevill the younger
John Gryme	William de Sulny
Roger Saveneye	William Waleys
Ralph Broun de Lullington	William de Irland
	Walter de Winterton
John de Wynsull.	

WAP DE HIGH PEAK.

John atte Hall chief Bailiff	
Adam de Gonshull	} Electors
John Buzoun	
Hugh de Meighhill de Winstr	William de Birchover
John de Rossynton	Thomas de Bylye
Roger de Stafford	Ralph de Tunstede clerk
John Martyn	Benedict de Shakalcros
Thomas Ally	Robert de Knyveton.