

SANCTUARY AT ST. SEPULCHRE'S,
HOLBORN, CIRCA 1499

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DURING the period that John Morton, Cardinal-Archbishop of Canterbury, was Lord Chancellor of England, two suits were brought before the Court of Chancery¹ which have a special value in the history of London, as they afford an unusually detailed account of a breach of sanctuary at the church of St. Sepulchre-without-Newgate.

The complainants (called Orators) in the former of these two suits were the three churchwardens of St. Sepulchre's, viz. Robert Serle, brewer, John Barkly, scrivener, and Robert Best, haberdasher.

Briefly, the case stood thus. Thomas Goodale, Keeper of Newgate Prison, had in his custody a prisoner named John Calcott, committed to detention on suspicion of felony.

On the 2nd of March, being the Monday next before Ash Wednesday, Calcott managed to break out of prison, and immediately made for St. Sepulchre's Church, desiring to be admitted to its privilege of sanctuary. His plea was granted and he took up his quarters in the church.

At midnight on that same day, Thomas Goodale, with some twenty associates furnished with hawberks, bills, swords, bucklers, knives, jacks, brigantines, salets and other armour offensive and defensive, entered the churchyard intending to force open the doors, effect an entry to the building, capture the escaped prisoner, and bring him back to Newgate.

It may well be thought that an attack on the church

was not considered improbable as, when Goodale arrived with his company, there were divers persons then in the church.

These, hearing the noise of the tumult and filled with dread for fear of robbers, began to ring one of the tower bells to the intent that the parishioners should come to their aid.

Certain priests who were in bed in their chambers in the churchyard, and various parishioners being roused from their slumbers, flocked to the church to render their assistance to the ringers of the warning bell, beat off the attackers and thwarted their sacriligious intent.

Goodale was not a man to take this rebuff without attempting reprisals. He brought an action for trespass against the churchwardens before John Warner, one of the Sheriffs, which was the more unjust because the Sheriffs of London were chargeable with all escapes of prisoners from Newgate, and therefore interested persons.

The complainants thereupon prayed the Lord Chancellor to grant a Writ of *Certiorari*, directed to the Mayor and Sheriffs, for the transfer of the hearing of the case to the Court of Chancery, where a decision agreeable to right and good conscience might be come to.

Roger Tenet, a priest of St. Sepulchre's, now takes up the tale.

He declared that in the course of his duty he had to say daily mass at five o'clock on each morning, and could testify that Calcott had lived some four days in the church when Goodale put in an appearance, armed with a long knife called a hanger, and demanded of the priest that Calcott should immediately be handed over to him. Tenet, though in jeopardy of his life, stoutly refused to give him up.

The persistent Goodale, determined to get his own back and over-ride the priest, brought an action for trespass against him before the Sheriff, claiming damages in the sum of forty pounds.

In consequence of this the poor priest was arrested, imprisoned and bail refused.

As the case came on for hearing, a jury was empanelled consisting of Goodale's friends, who were bribed with money and daily feasted to induce them to return a verdict in his favour.

The unfortunate Tenet deemed this a great injustice, as Goodale was an officer of the City and had a strong following at his back, whilst he had but few acquaintances. He therefore prayed the Lord Chancellor to grant an order bidding the Mayor and Sheriffs to bring the parties before his Lordship's Court, and then and there examine the premises and determine the case according to right and good conscience to the reverence of Almighty God and in the way of charity.

After some months of delay both causes were brought before the Court of Chancery, but which of the parties was successful is not recorded on the Bill.

It is, however, possible from other records, such as the Wills of two of the parties, to end the story with a brief account of the lives of its principal actors.

Thomas Goodale² was a Lancashire man, born at Cokerham in that county. Having received the appointment of Keeper of Newgate Prison, he became a parishioner of St. Sepulchre's. He married twice, his first wife being Alice Rede and his second Joan. He was evidently a man of considerable means, for he speaks in his Will of his chain of gold, his signet of gold, his ring of gold with a pointed diamond, his standing cup of silver-gilt with the image of St. Lawrence thereupon, besides other property.

He desired that his body should be buried in St. Sepulchre's, and left twenty shillings to the high altar there. He willed that his executor should provide a priest, an honest and virtuous man, to sing and pray for his soul by the space of three years in the said church, and gave to the Brotherhood of Our Lady and St. Stephen therein the sum of 13s. 4d., to the Brotherhood

of Corpus Christi in the said church 13s. 4d., and to the Rood Light there 6s. 8d. He left bequests for poor prisoners, towards the marriage of poor maids at Cokerham and St. Sepulchre's, and towards the mending of the highways in the parish of Upminster. He remembered his friends with appropriate gifts, and directed his executor to make satisfaction to any person whom he had wronged.

It is somewhat curious that the dates of the making and proof of his Will should exactly correspond with the years of the Chancellorship of Archbishop Morton—1493 and 1500.

Robert Serle,³ the senior churchwarden of St. Sepulchre's was a brewer by trade, and a benefactor—and probably an officer—of his company. On them he bestowed a handsome cup and cover of silver-gilt. He possessed a messuage in Smithfield called the "Crown," in which he *may* have lived. He married at least twice, and mentions his wife Alice in his Will, but his housekeeper was his kinswoman Agnes Serle.

Besides his position of churchwarden he was master of one of the gilds in the church—probably that of Corpus Christi—and is so described in the record of a Chancery suit consequent upon its plate and jewels being pawned by the beadle!

He desired that his body should be buried in the middle aisle or body of St. Sepulchre's Church, and to the high altar therein left 3s. 4d., to the Fraternity of Corpus Christi therein 6s. 8d., to the Fraternity of Jesus in the Croudes of St. Paul's Cathedral 6s. 8d., and to the Friars Minor of London 6s. 8d. He willed that his executors should purvey and ordain an honest priest of good and virtuous disposition to say mass in St. Sepulchre's Church, and pray specially for his soul, the souls of his wives, their fathers and mothers and benefactors and all Christian souls, for the space of two years after his decease.

It is not unlikely, owing to the proximity of St.

Sepulchre's Church to Newgate Prison, that cases of sanctuary there may have been fairly frequent, as two are known to have occurred in the earlier half of the fourteenth century in consecutive years.

Thus in 1324 a certain John Burgeys fled into the church and there in the presence of the Coroner and Sheriffs confessed that four years earlier he had committed a murder. He asked to abjure the realm, which he accordingly did, choosing the port of Dover, thence to cross the sea in three days, viz., the first to Rochester, the second to Canterbury, and the third to Dover—to cross the sea at the first tide.⁴

In the following year (1325), on the night of the Feast of the Nativity, being a Sunday, ten persons escaped from Newgate, of whom five were taken, and four escaped to the church of St. Sepulchre and one to St. Bride's. Later, they all departed from England.⁵

The story above narrated has an additional interest as the incident took place at a time when the Royal policy was directed to the check of the right of sanctuary as a serious hindrance to the sound administration of the law. Henry VII prepared the way for a considerable diminution of the privilege, the Pope himself giving his aid by the issue of a Bull in 1487.

REFERENCES

1. Preserved at the Public Record Office: C.I. (Early Chancery Proceedings, 226/44 and 228/35).
2. At Somerset House. P.C.C. Moone 3.
3. At Somerset House. P.C.C. Mayneryng 4.
4. *Cal. of Coroners' Rolls for the City of London*, ed. by Dr. R. R. Sharpe, p. 89.
5. *Croniques de London*, ed. by E. J. Aungier, p. 48.