IMPRISONMENT
IN MEDIEVAL ENGLAND
IMPRISONMENT
IN MEDIEVAL
ENGLAND

RALPH B. PUGH

Professor of English History
University of London

CAMBRIDGE
AT THE UNIVERSITY PRESS
1968
## CONTENTS

*List of Plates*  
Page vii

*Preface*  
Page ix

*Abbreviations*  
Page xi

*Classes of documents in the Public Record Office used*

<table>
<thead>
<tr>
<th>Class</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>The earlier uses of imprisonment</td>
<td>1</td>
</tr>
<tr>
<td>II</td>
<td>The later uses of imprisonment</td>
<td>26</td>
</tr>
<tr>
<td>III</td>
<td>The imprisonment of clerks, serfs, and Jews</td>
<td>48</td>
</tr>
<tr>
<td>IV</td>
<td>County gaols</td>
<td>57</td>
</tr>
<tr>
<td>V</td>
<td>Municipal and franchise prisons</td>
<td>87</td>
</tr>
<tr>
<td>VI</td>
<td>‘National’, ‘bishops’, and other special prisons</td>
<td>114</td>
</tr>
<tr>
<td>VII</td>
<td>The custody of prisons and prisoners</td>
<td>140</td>
</tr>
<tr>
<td>VIII</td>
<td>The gaoler’s remuneration and conduct</td>
<td>165</td>
</tr>
<tr>
<td>IX</td>
<td>Commitment, bail, and enlargement</td>
<td>192</td>
</tr>
<tr>
<td>X</td>
<td>Escapes and their consequences for the escaper</td>
<td>218</td>
</tr>
<tr>
<td>XI</td>
<td>The consequences of escapes for the gaoler</td>
<td>232</td>
</tr>
<tr>
<td>XII</td>
<td>The earlier history of gaol delivery</td>
<td>255</td>
</tr>
<tr>
<td>XIII</td>
<td>The later history of gaol delivery</td>
<td>278</td>
</tr>
<tr>
<td>XIV</td>
<td>Exceptional types of gaol delivery and the conduct of trials</td>
<td>295</td>
</tr>
<tr>
<td>XV</td>
<td>The welfare of prisoners</td>
<td>315</td>
</tr>
<tr>
<td>XVI</td>
<td>The maintenance of prison buildings</td>
<td>338</td>
</tr>
<tr>
<td>XVII</td>
<td>The structure and contents of prison buildings</td>
<td>347</td>
</tr>
<tr>
<td>XVIII</td>
<td>Monastic imprisonment</td>
<td>374</td>
</tr>
<tr>
<td>XIX</td>
<td>Conclusion</td>
<td>384</td>
</tr>
</tbody>
</table>

*Index*  
Page 391
PLATES

Prisoners’ carvings in Carlisle Castle. Photograph by Ministry of Public Building and Works, 1946 (Crown copyright) frontispiece

The Tun at Bristol. Initial letter of Bristol city charter of 1347 (Bristol Archives Office 01250 (1)) facing p. 96


The stocks as used in the early fourteenth century. From the Decretals of Gregory IX (British Museum, MS Royal 10. E iv, f. 187b) 97

Manor Offices, Hexham (probable prison), late eighteenth century. Drawing by Samuel Henry Grimm (British Museum, MS. Add. 15543, f. 37) 112

Monastic prison for light offences, Chapter House, Durham. Photograph by John Edis Durham 112
PREFACE

For the purpose of this book ‘England’ has been stretched to cover those parts of Wales and Ireland that were settled by the English. ‘Medieval’ means the period from the Anglo-Saxon conquest until the summons of the Reformation parliament. The terminus is arbitrary. It is none the less convenient, for it was that parliament which passed the Benefit of Clergy and Gaols Acts (1532) and the Jurisdiction in Liberties Act (1536), all of which, in their several ways, set in motion changes in prison economy.

Special thanks are due to the Committee of Management of the Institute of Historical Research of the University of London, who on two occasions granted me periods of study leave so that I might make progress with this book. One of these periods was spent at the Institute for Advanced Study, Princeton, New Jersey, of which I had the privilege of being made a member for the academic year 1963–4. I very gladly record my warm gratitude to the Trustees of that body as well. Many friends and colleagues have given me most generous help and encouragement while the book was being written. Among them I must single out Miss Joan Gibbs, Mr William Kellaway, Mr R. E. Latham, Mr C. A. F. Meekings, Professor Leon Radzinowicz, and Professor Francis Wormald.

R. B. P.

Hampstead, 1 February 1968
ABBREVIATIONS

Abbrev. Plac. Placitorum in domo capitulari Westmonasteriensis assessororum abbreviatio... (Record Commission)
Ann. Mon. Annales Monastici (Rolls Series)
Anonimalle Chron. The Anonimalle Chronicle 1333 to 1381, ed. V. H. Galbraith (Manchester, 1927)
Arch. Ael. Archæologia Aeliana (Proceedings of the Society of Antiquaries of Newcastle upon Tyne)
Arch. Cant. Archaeologia Cantiana (Proceedings of the Kent Archaeological Society)
Arch. Rev. Archaeological Review
Beds. Coroners’ R. Bedfordshire Coroners’ Rolls (Bedfordshire Historical Record Society, xli)
Bk. of Fees Liber Feodorum. The Book of Fees commonly called Testa de Nevill... 
Borough Cust. Borough Customs, ed. Mary Bateson. 2 vols. (Selden Society, xviii, xx)
Bracton Bracton de Legibus et Consuetudinibus Angliae, ed. G. E. Woodbine. 4 vols. (New Haven, Conn. 1942)
Bristol Chart. Bristol Charters, 1155–1373 (Bristol Record Society, i)
Cal. Chart. R. Calendar of...Charter Rolls...
Cal. Close R. Calendar of...Close Rolls...
Cal. Fine R. Calendar of...Fine Rolls...
Cal. Ing. Misc. Calendar of Inquisitions Miscellaneous (Chancery)...
Cal. Ing. p.m. Calendar of Inquisitions post mortem and other Analogous Documents...
Cal. L. Bks. Calendar of Letter Books...of the City of London
Cal. Lib. R. Calendar of...Liberate Rolls... 
Cal. of City Coroners’ R. Calendar of Coroners’ Rolls of the City of London, ed. R. R. Sharpe
Cal. of Mayor’s Ct. R. London Calendar of Early Mayor’s Court Rolls...of the City of London
Cal. Pat. R. Calendar of...Patent Rolls...
Cal. Plea & Mem. R. Calendar of Plea and Memoranda Rolls...of the City of London

xi
Abbreviations

Cart. Mon. de Ramesea | Cartularium Monasterii de Ramesea (Rolls Series)
Cat. Anc. D. | A Descriptive Catalogue of Ancient Deeds...
Chron. Abbat. Rameseensis | Chronicon Abbatiae Rameseensis (Rolls Series)
Chron. Monast. S. Albani | Chronica Monasterii S. Albani (Rolls Series)
Chron. Murimuth Contin. | Ada Murimuth Continuatio Chronicarum (Rolls Series)
Chrons. Edw. I and II | Chronicles of the Reigns of Edward I and Edward II (Rolls Series)
Chrons. of London | Chronicles of London, ed. C. L. Kingsford (Oxford, 1905)
Chron. Petroburgense | Chronicon Petroburgense (Camden Society original series, xlvii)
Close R. | Close Rolls of the Reign of Henry III...
Crown Pleas of the Wilts. Eyre | Crown Pleas of the Wiltshire Eyre, 1249 (Wiltshire Archaeological and Natural History Society, Records Branch, xvi)
Cur. Reg. R. | Curia Regis Rolls...
D. & C. Muniments of a dean and chapter followed by the name of the chapter
Earliest Lincs. Ass. R. | The Earliest Lincolnshire Assize Rolls, A.D. 1202–1209 (Lincoln Record Society, xxii)
E.E.T.S. | Early English Text Society
E.H.R. | English Historical Review
Eyre of Kent | Year Books of Edward II, The Eyre of Kent...
A.D. 1313–1314, 1 (Selden Society, xxiv), 11 (ibid. xxvii)
Feud. Aids | Inquisitions and Assessments relating to Feudal Aids; with other Analogous Documents...
Fleta | Fleta, II, Prologue, Bk I, Bk II (Selden Society, lxxxi)
Flor. Hist. | Flores Historiarum (Rolls Series)
Glanvill | Tractatus de Legibus et Consuetudinibus Regni Angliae qui Glanvilia vocatur, ed. D. G. H. Hall (London, 1965)
Abbreviations

Hist. MSS. Com. Historical Manuscripts Commission’s Reports followed by the title of the collection reported upon and the volume number if the collection is reported upon in a series of volumes, e.g. Hatfield xi
Hust. Wills Calendar of Wills proved . . . in the Court of Husting, London, 2 vols.
Jorn. Journals of the Court of Common Council of the City of London, City of London Records Office
King’s Works The history of the King’s Works, ed. H. M. Colvin. 3 vols.
Leis Wl. Leis Willelme
L. & P. Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII...
London Top. Rec. London Topographical Record
Maitland, Glos. Pl. Pleas of the Crown for the County of Gloucester...
1221, ed. F. W. Maitland (London, 1884)
Mem. de Parl. Memoranda de Parliamento. Records of the Parliament holden . . . in . . . A.D. 1305 (Rolls Series)
Mirror The Mirror of Justices (Selden Society, vii)
Mod. Modern Reports; or Select Cases adjudged in the Courts of King’s Bench, etc. The figure preceding indicates the volume, that succeeding the page number.
Mun. Acad. Oxon. Munimenta Academica, or Documents illustrative of Academical Life and Studies at Oxford (Rolls Series)
Mun. Gild. Munimenta Gildhallae Londiniensis (Rolls Series)
Norf. Ant. Misc. Norfolk Antiquarian Miscellany
Northumb. Ass. R. Three Early Assize Rolls for . . . Northumberland . . . (Surtees Society, lxxxviii)
O.S. Original Series
Peereage Complete Peerage, ed. Vicary Gibbs and others
Pevsner, followed by a county name The Buildings of England series, ed. Nikolaus Pevsner
Placita Corone Placita Corone (Selden Society supplementary series, iv)
Plac. de Quo Warr. Placita de Quo Warranto . . . (Record Commission)
Abbreviations

P.N. Warwvs. (Eng. Place-Name Soc.) *The Place-Names of Warwickshire* (English Place-Name Society)
P.R.O. Public Record Office
P.R.S. Pipe Roll Society
Rec. Com. Record Commission
Recs. of Norwich *The Records of the City of Norwich*, ed. for the Corporation by W. Hudson and J. C. Tingey. 2 vols. (Norwich, etc. 1906–10)
Recs. of Nottingham *Records of the Borough of Nottingham*, published by the Corporation, i (1155–1399), ii (1399–1485), iii (1485–1547)
Rep. Repertoires of the Court of Aldermen of the City of London, City of London Records Office
Registr. Priorat. Wigorn. *Registrum...prioratus Beatae Mariae Wigorniensis* (Camden Society, original series, xcii)
Registrum... episcopi... The episcopal register of a (named) bishop of a (named) see
Rot. Cart. *Rotuli Chartarum*...(Record Commission)
Rot. de Ob. et Fin. *Rotuli de oblatis et finibus...tempore regis Johannis* (Record Commission)
Rot. Hund. *Rotuli Hundredorum*...(Record Commission)
Rot. Litt. Pat. *Rotuli Litterarum Patentium*...(Record Commission)
Rot. Parl. *Rotuli Parliamentorum* 
R.S. Rolls Series
Sel. Bills in Eyr. *Select Bills in Eyr., A.D. 1292–1333* (Selden Society, xxx)
Sel. Cases before King’s Council *Select Cases before the King's Council, 1243–1482* (Selden Society, xxxv)
Sel. Cases in Exchq. of Pleas *Select Cases in the Exchequer of Pleas* (Selden Society, xlviii)
Sel. Cases in K.B. *Select Cases in the Court of King's Bench*... 1 (Selden Society, lxv), 2 (ibid. lvii), 3 (ibid. lviii), 4 (ibid. lxxiv), 5 (ibid. lxxvi), 6 (ibid. lxxxi)
Sel. Cases of Procedure without Writ *Select Cases of Procedure without Writ* (Selden Society, lxxiv)
Abbreviations

Sel. Pleas of Forest  Select Pleas of the Forest (Selden Society, xiii)

Sel. Cases in Star Chamber  Select Cases before the King’s Council in the
Star Chamber . . . [i] (Selden Society, xvi), ii (ibid. xxv)

Sess. of Peace in Lincs.  Records of Some Sessions of the Peace in
Lincolnshire, 1360–1375 (Lincoln Record Society, xxx); 1381–
1396, i (Lincoln Record Society, xlix)

Som. Rec. Soc.  Somerset Record Society

Stat. Realm  Statutes of the Realm (Record Commission)

Stubbs, Charters  Select Charters and Other Illustrations of English
has been used unless otherwise stated.

Suss. Arch. Coll.  Sussex Archaeological Collections

Test. Ebor.  Testamenta Eboracensia, i (Surtees Society, iv), ii (ibid.
xxx), iii (ibid. xl.v), iv (ibid. lxi), v (ibid. lxxix), vi (ibid. cvi)

(1826)

Toronto Law Jnl  University of Toronto Law Journal

Trans. Bristol and Glos. Arch. Soc.  Transactions of the Bristol and
Gloucestershire Archaeological Society

Trans. R. Hist. Soc.  Transactions of the Royal Historical Society

V.C.H.  Victoria History of the Counties of England

Will. Salt Arch. Soc.  William Salt Archaeological Society (from
1937 the Staffordshire Record Society)

W.S.L.  William Salt Library, Stafford

Yr. Bk. (R.S.)  The Rolls Series set of Year Books

Yr. Bk. (S.S.)  The Selden Society set of Year Books

Yr. Bk. (Vulg.)  The Vulgate edition of 1678–9, ed. Sawbridge,
Rawlins, and Roycroft
CLASSES OF DOCUMENTS IN
THE PUBLIC RECORD OFFICE USED

CHANCERY:
C 3  Proceedings, Series II
C 47  Miscellanea
C 53  Charter Rolls
C 66  Patent Rolls
C 135  Inquisitions post mortem,
      Series I, Edward III
C 143  Inquisitions ad quod damnum
C 144  Criminal Inquisitions
C 146  Deeds, Series C

DUCHY OF LANCASTER:
D.L. 37  Chancery Rolls

EXCHEQUER, KING’S REMEMBRANCER:
E 101  Various Accounts
E 143  Extents and Inquiries

EXCHEQUER, LORD TREASURER’S
REMEMBRANCER:
E 364  Rolls of Foreign Accounts
E 372  Pipe Rolls

JUSTICES ITINERANT:
J.I. 1  Assize Rolls, Eyre Rolls, etc.
J.I. 3  Gaol Delivery Rolls

SPECIAL COLLECTIONS:
S.C. 2  Court Rolls
S.C. 6  Ministers’ and Receivers’ Accounts

xvi