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978-0-521-07943-3 - The Medieval Coroner
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CAMBRIDGE STUDIES IN ENGLISH LEGAL HISTORY

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THE MEDIEVAL CORONER

BY

R. F. HUNNISETT

An Assistant Keeper of the Public Records,
Lecturer of New College, Oxford

CAMBRIDGE
AT THE UNIVERSITY PRESS
1961

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CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press
The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org
Information on this title: www.cambridge.org/9780521053501

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First published 1961
This digitally printed version 2008

A catalogue record for this publication is available from the British Library

ISBN 978-0-521-05350-1 hardback
ISBN 978-0-521-07943-3 paperback

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GENERAL EDITOR'S PREFACE

MR HUNNISETT'S book strengthens the association of this series with his college, New College, which began with Mr Ogg's *Ad Fletam Dissertatio* in 1925, and was carried on by Mr Bell's *The Court of Wards and Liveries* in 1953. Indeed it was the latter, so the present author tells us, who first inspired his interest in medieval problems. Mr Hunnisett has already established himself as the leading living authority on the medieval coroner by his paper on 'The Origins of the Office of Coroner' in the *Transactions of the Royal Historical Society* (5th ser. VIII, 85–104), and other articles.[1]

Not many offices surviving at the present day in any country have travelled as long or as far as those of the sheriff and the coroner. For the latter had its beginning nearly eight hundred years ago, and the former in the Anglo-Saxon age. And both flourish as transplantations across the Atlantic. These facts enhance their interest for the non-specialist.

A reader trying to visualise medieval life in the light of the coroner's activities will be puzzled by the extent to which the king was able to get the tasks of government performed by men who, in theory at any rate, were unpaid. The duties of the unpaid coroner of the thirteenth century were onerous, though, as it now appears, somewhat fewer than contemporary law books such as those of Bracton and Britton suggest. For instance, though there are some cases, early in the century, of coroners dealing with wreck and treasure trove, they did not in general concern themselves with such matters. But they had to hold inquests on all dead bodies found within a wide area, and unexplained dead bodies were common. The enforcement of the rule that a thing which caused the death of a person, either by human contrivance or by accident, had to be surrendered to the crown as a deodand often gave the coroner much

[1] Mr Hunnisett's other articles are: 'Pleas of the Crown and the Coroner', *Bulletin of the Institute of Historical Research*, vol. XXXII; 'An Early Coroner's Roll', *B.I.H.R.* vol. XXX; 'The Medieval Coroners' Rolls', *The American Journal of Legal History*, vol. III; 'Sussex Coroners in the Middle Ages', *Sussex Archaeological Collections*, vols. XCV, XCVI and XCVIII. He is also editing for the Bedfordshire Historical Record Society all the surviving Bedfordshire coroners' rolls in a volume which will appear in the current year.

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trouble. And, besides, he had to receive abjurations of the realm made by felons in sanctuary, to hear confessions of felons and appeals (in the medieval sense) of 'approvers', to attend and sometimes organise exactions and outlawries promulgated in the county court. The men performing all those duties must have been constantly on horseback. And yet they had to be men of substance, knights for preference, who must have found the work a great interference with their normal lives, and a source of expense unless they recouped themselves unlawfully, for we do not know of claims for out-of-pocket expenses.

Against these drawbacks must be set the sense of power and self-importance which the office doubtless conferred. The less scrupulous had opportunities for making money. For, although no fees were sanctioned until the reign of Henry VII, a 'regular, if moderate' extortion was practised by many. The author points out that this abuse may well have contributed to efficiency. 'The virtual certainty of being able to extort with impunity meant that coroners continued to hold a large number of inquests when they were no longer regularly supervised, and that they wasted little time going to hold them.'

Whether the office was more often shunned because of its irksomeness than it was sought because of its advantages it is impossible to determine. Many writs survive for the replacement of coroners, and many different reasons are alleged for such replacements, the most usual of them being insufficient qualification. It is rarely possible to establish the reasons behind such incidents. Were the coroners concerned 'continually elected against their will, with the result that their lives were a constant struggle to free themselves from office, or did they like the office and make efforts to get themselves re-elected each time their opponents removed them? . . . It is usually impossible to tell whether the coroner was escaping from an unwanted office or being forced from one he liked.'

It seems to have been intended originally that every coroner should attend every inquest and abjuration within his county, but it soon became obvious that this was impossible, and thus there grew up in all counties an unofficial division into coroners' districts. At the end of Edward I's reign the thirty-nine English counties had approximately one hundred and fifteen coroners between them; most counties retained throughout the Middle Ages the number which they then had. In addition to the county coroners there were

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borough coroners, approximately one hundred in fifty-seven towns in the year 1300, and franchisal coroners, the number of which can less easily be estimated, but exceeded fifty at that date. Theoretically it was necessary that the privilege of having its own coroner should be granted by the king to a borough or to a franchise, but in practice if there had been long, continuous and proper exercise of the privilege confirmation of it could easily be obtained. Certain hundreds which were parts of the ancient demesne of the crown had coroners of their own. Another privileged area was the verge—the area which extended twelve miles round the king's court wherever it might be situated during his progresses through the country. Jurisdiction in this area was exercised by the coroner of the king's household, also called coroner of the Marshalsea or coroner of the verge. This official not only had the duties of a normal coroner within the verge but also acted as king's attorney in cases heard in the Marshalsea court.

It will appear from these few words what a variety of topics is illuminated by Mr Hunnisett's examination of the original sources. His readers will discover with what human interest he has clothed the dry bones of writs, rolls and charters. Those who follow him through his researches will be glad that he has expressed his intention to turn now to the later history of the coroner's office.

H. A. H.

TRINITY COLLEGE, CAMBRIDGE
April 1961

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PREFACE

IT is now over sixty years since Charles Gross produced his scholarly edition of *Select Cases from the Coroners' Rolls, 1265–1413* (Selden Soc. vol. 9). In the present work I have been forced to criticise some of his ideas. It is therefore the more essential that I should recognise here my great indebtedness to this invaluable pioneering work, a model of record scholarship, which paved the way for all subsequent historians of the coroner. When one considers how important the medieval coroner was in local justice and administration, that the office has had a continuous existence of nearly eight hundred years and that it has been successfully exported to many lands overseas, including the United States, it is surprising that no full-scale study has previously been attempted.

My task has been considerably eased by the almost embarrassing generosity of many friends. My interest in the Middle Ages was first aroused and has ever since been encouraged by Mr H. E. Bell. To Mr L. F. Salzman I am indebted for the suggestion that I should work upon the coroner and for his continued interest, particularly in sections relating to our common county of Sussex. Professor V. H. Galbraith supervised my researches in their early stages; I owe much to his kindly help and never-failing enthusiasm both at that time and since. I am grateful to Dr H. M. Cam for her scholarly criticisms and for generously assisting me from her vast knowledge of local administration. It was a piece of great good fortune that I met Dr J. D. J. Havard before this book went to press. His suggestions, particularly on medico-legal points, have been invaluable and I also profited much from his courtesy in allowing me to read the typescript of his book, *The Detection of Secret Homicide* (Cambridge Studies in Criminology, XI, 1960).

My colleagues at the Public Record Office have always been most co-operative, particularly Mr H. C. Johnson with his patient and kindly interest, Mr C. A. F. Meekings with his wide knowledge of medieval law and archival history, and Dr R. L. Storey, who voluntarily undertook the burden of reading the proofs. As general editor of the series, Professor H. A. Hollond has greatly assisted the publication of this book and has also made suggestions which have much improved it, and I am grateful to the Syndics of the

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Cambridge University Press for generously voting a grant in aid of publication. To all those on whom I have inflicted the coroner over the last few years I can but apologize. I am especially appreciative of the manner in which my wife and her mother have accepted him as a constant companion and of their help and encouragement at all times. May they bear with me when I turn, as I hope to soon, to the later history of the office.

R. F. H.

BROMLEY, KENT
November 1961

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LIST OF ABBREVIATIONS

C.47	Chancery, Miscellanea
C.60	Chancery, Fine Rolls
C.144	Chancery, Criminal Inquisitions
C.145	Chancery, Miscellaneous Inquisitions
C.202	Chancery, Files
Chester 17	Palatinate of Chester, Eyre Rolls
Chester 18	Palatinate of Chester, Coroners' Inquisitions
E.13	Exchequer, Exchequer of Pleas, Plea Rolls
E.37	Exchequer, Treasury of the Receipt, Marshalsea Court Rolls
E.101	Exchequer, King's Remembrancer, Accounts Various
E.137	Exchequer, King's Remembrancer, Estreats
E.153	Exchequer, King's Remembrancer, Escheators' Files
E.159	Exchequer, King's Remembrancer, Memoranda Rolls
E.163	Exchequer, King's Remembrancer, Miscellanea
E.368	Exchequer, Lord Treasurer's Remembrancer, Memoranda Rolls
J.I.1	Justices Itinerant, Assize Rolls
J.I.2	Justices Itinerant, Coroners' Rolls
J.I.3	Justices Itinerant, Gaol Delivery Rolls
K.B.9	King's Bench, Ancient Indictments
K.B.26	King's Bench, Curia Regis Rolls
K.B.27	King's Bench, Coram Rege Rolls
K.B.29	King's Bench, Controlment Rolls
S.C.1	Special Collections, Ancient Correspondence

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