

## **“The Bishop’s Ministers”: The Office of Coroner in Late Medieval Durham**

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Late in the summer of 1329 an inquest of twelve men from county Durham presented that a former servant by the name of Henry had embarked on a thieving spree, carrying off several horses and other livestock from various inhabitants of the vill of Chesterle-Street.<sup>1</sup> The jurors appended their seals to the strip of parchment recording the inquest, in preparation for Henry’s committal to trial before lawfully empowered justices.<sup>2</sup> At first glance there is nothing remarkable in this account: the process it describes was the routine business of hundreds, if not thousands, of other inquests summoned in England in that same year. But in other respects the very ordinariness of the record is itself unusual, for the thief Henry was presented not in sessions of the peace, nor before the sheriff in his tourn, but before Nicholas Meagre, one of the five coroners in the employ of Bishop Lewis Beaumont of Durham.

The office of coroner within the palatinate of Durham was in many respects similar to that found elsewhere in medieval England, but it was in several ways unique, too. The research of R.F. Hunnisett since the late 1950’s has left few aspects of the coroner’s work unexplored. In his capacity as Assistant Keeper of the Public Records, Hunnisett had access to a wealth of primary sources, and his exhaustive analysis of the records arising from the coroners’ activities remains of critical importance to the history of crime in medieval and early modern England. Yet Hunnisett did not move much beyond the confines of the Public Record Office, and his treatment of the palatinate of Durham was, as a consequence, cursory. The records of the medieval bishopric were examined early in the twentieth century by Gaillard Lapsley and more recently by Robin Storey, Constance Fraser, and Kenneth Emsley. All have touched on the place of the coroners in the governance of the liberty, and all have confirmed Lapsley’s initial suggestion that the bishop’s coroners “performed a great

variety of miscellaneous duties.”<sup>3</sup> But to date no one has studied the records surviving from the Durham coroner’s office *in extenso*. Yet the peculiarities of the coroner’s duties within the palatinate and in the episcopal liberties lying beyond Durham proper render the office of some interest, and are of relevance to a proper understanding of the administrative relationship between the liberty of Durham and the rest of England in the later Middle Ages. This article is based on a close study of these record materials.

County Durham in the Middle Ages was one of a few great franchises in which the territorial lord enjoyed regalian authority and jurisdiction. The holders of these franchises, or liberties, were in some places secular (as in the case of Chester, Lancaster and the Marcher lordships), in others ecclesiastical (as in Ely and Hexham), but none was as powerful as the bishop of Durham. Lapsley argued long ago that they exercised an authority over their lands that was at least as broad as that of the crown over the realm of England.<sup>4</sup> While more recent work suggests that the independence of episcopal authority in reality “varied according to the relative strengths of the bishop and the king,”<sup>5</sup> for most of the fourteenth century the king’s writ did not run in county Durham. Records that in respect of other English counties were generated by royal clerks in Chancery, Exchequer or the royal council were drawn up in Durham in similar writing offices established by the bishop, and issued under the great seal of the bishop rather than that of the king. It was also under episcopal rather than royal writs that coroners, sheriffs, bailiffs and a host of other administrative, military, financial and judicial officers executed everyday duties of governance and maintained law and order.

Of greatest interest to historians of the criminal law among the plethora of documents produced by episcopal clerks are the records of inquests held on the bodies of deceased persons, presentments of felony made before the coroner, and records of abjuration and sanctuary; there are also financial accounts and a miscellany of other materials relating to, or generated by, the office. Collectively these materials reveal that the coroner’s office played a more crucial role in the administration of the bishop’s vast lands than it did on behalf of the crown elsewhere in the realm, and that the Durham coroners exercised a breadth of authority and privilege not emulated in other English counties. While there is no doubt that the common law practised in county Durham in the thirteenth, fourteenth and fifteenth centuries was in its substance the common law familiar to other subjects of the English crown, the common law procedures peculiar to Durham show how the rules that governed the execution

of that system were altered and refined to suit the needs of the great ecclesiastical liberty. As Hunnisett opined long ago, the coroners here were very much the bishop's own ministers,<sup>6</sup> and they functioned in the palatinate within a legal system that was in many respects distinct.

The most important of the coroner's duties, in Durham as indeed elsewhere, were related to the detection, apprehension and arraignment of persons suspected of committing homicide. The pontificate of Lewis Beaumont, 1317 to 1333, has left a particularly rich body of presentments made in respect of several suspicious or unexplained deaths: they include incidents of drowning, deaths caused in what we might term occupational or household accidents, and deaths which occurred when heated disagreements escalated into violent affrays.<sup>7</sup> Local men from the four townships nearest the incidents duly gathered to hold an inquest to discover and relate the means of death, and they generally did so with commendable speed and efficiency. No English jury, of course, wished to be found guilty of dereliction of duty in failing to pursue in the hue and cry persons suspected of homicide, in omitting from its testimony the name of the first finder of a corpse, or of neglecting to inform the coroner of a suspicious death. Still, Durham coroners and jurors appear to have been exemplary in their performance of these tasks. If the inquest records are to be believed, the vills of county Durham were assiduous in summoning the coroner whenever unnatural death occurred, few suspects escaped apprehension by the community,<sup>8</sup> and bodies seldom lay about for more than five or six days before the coroners arrived to carry out their views. These officials dutifully collected deodands for the bishop's coffers, ranging from a mere halfpenny for a tree that fell on one unfortunate man to the 40d assessed against a small boat which, in capsizing in the River Eden, caused another man to perish.<sup>9</sup>

Coroners' clerks, once again here as elsewhere in the realm, demonstrated a preference for condensing what must have been a great variety of written and oral testimony into formulaic, easily digestible prose. But on occasion—and most unusually—the Durham records also include, almost verbatim (but translated into the Latin of written record) the oral testimony of witnesses who, if they were not themselves members of the inquest juries, must have been on hand to answer questions put to them. In an inquest held in January 1328 into the homicide of one Adam Punder, for example, the jurors revealed that Adam was assaulted in the process of collecting his wife's shoes from the cobbler, when two rival craftsmen challenged his choice of shoemaker. The clerk who transcribed the inquest testimony took especial care to

translate the garrulous words that passed between Adam and the two men who thereafter assaulted and slew him: “We have [ordered] shoes to be made and ours are to be finished before yours!”<sup>10</sup> So, too, did the clerk who took down the testimony of the jurors who recounted an attack on a chaplain seeking out his master, after asking the cleric: “Are you with him?”<sup>11</sup> The same scribe recorded in close detail a conversation that transpired between a servant of Margaret de Swinnerton lady of Offerton and an inhabitant of Pynchardon, the affray that subsequently broke out, and the cries of “peace! peace!” with which Margaret tried (in vain) to prevent members of her entourage from proceeding to attack the man.<sup>12</sup>

The inclusion of this kind of testimony in the coroners’ records is of tremendous interest for a number of reasons. Most obviously, it offers rare and valuable glimpses into the psychology of interpersonal conflict in the fourteenth century, features that are almost unknown in the laconic coroners’ rolls that survive from other English counties. Equally notable is the fact that these details are included only in cases in which the cause of death mattered very much, not merely to the bishop’s agents of law and order, but to the accused. The accounts of inquest jurors were the basis of indictments subsequently laid against the accused men, and it was clearly of some urgency to them that the circumstances in which the suspects had committed homicide be presented unambiguously. In some of these cases, indeed, we can recognise what T.A. Green, in his own work on coroners’ records, has labeled a process of “jury nullification.”<sup>13</sup> In others the inquest jurors’ bias in favour of the victim is equally unmistakable. The complex and largely unrecorded process by which scholars argue that jurors sorted suspects into categories of the guilty and the innocent long before their trials is evident here.<sup>14</sup> So, too, is the practice of “afforcing” indictments, in which indicting jurors deliberately included key words and phrases in select formal charges in an effort to influence the verdict at trial.<sup>15</sup> Thus, members of the petty jury were at pains to emphasise that one of the two men who died in the fracas noted above between Margaret de Offerton’s party and Marmaduke Basset received his just deserts in leading the assault on Basset, while the other was portrayed as a hapless victim. Similarly, the chaplain in search of his master and the luckless Adam de Punder died in circumstances the jurors may well have believed were unfair and unwarranted. The infrequency with which such minutiae were recorded makes it unwise to conclude too much from these isolated examples, but the omission of such details may speak equally clearly to jurors’ opinion that some homicides occurred under conditions in which a lack of blame was self-evident.

Durham records of presentment are of interest, finally, because they help to clarify and to confirm some of the issues of authorship and composition of coroners' records that Hunnisett first examined some forty years ago. In a lengthy article intended to refute some of Charles Gross' observations about the form and content of coroners' rolls, Hunnisett observed that the parchment rolls that survive today under the classification Public Record Office JUST 2 were, for the most part, "compiled from memoranda concerning the individual cases jotted down on small pieces of parchment and preserved in file form." He further noted that the rolls were drawn up specifically, and in some cases solely, for the use and convenience of itinerant royal justices.<sup>16</sup> In the interest of efficiency and ease of reference the superfluous materials and details included in original inquest documents that are of so much interest to historians were omitted, and clerks replaced these with stock, formulaic phrases. Implicit in Hunnisett's arguments, then, is the assumption that the information recorded in the records stands several times removed from the incidents it describes. The Durham records, by contrast, permit historians to view events from less distance. Some records of presentment or indictment were, undoubtedly, compiled and sewn up into little rolls,<sup>17</sup> and were, then, at least once removed from the ephemeral scraps of parchment or paper on which the substance of a case had initially been written down. But many, many more were never subsequently redrafted onto a roll, and these survive as single documents, all the more valuable for their rarity as legal artifacts.<sup>18</sup>

The Durham records, furthermore, confirm Hunnisett's argument that surviving coroners' rolls were not compiled on a systematic basis; rather, coroners' clerks gathered series of notes and files and drew up their rolls specifically in preparation for a visit of the general and, later, the superior eyres.<sup>19</sup> The elaborate structure of the eyres and the sheer volume of business that royal justices were compelled to adjudicate necessitated the convenience of a series of records to which they might easily and quickly make reference for purposes of corroboration, confirmation and comparison at the trial stage. The judicial system of the palatinate of Durham was considerably simpler than that which toured the rest of England on regular circuits.<sup>20</sup> Its personnel, moreover, frequently served the bishop in more than one capacity,<sup>21</sup> and the territory over which it exercised jurisdiction was, of course, much smaller. For all these reasons there was less need for the creation of formal coroners' rolls, and episcopal justices appear to have been content to make do with the loose files and individual parchment pieces that now survive as the main body of records relating to the coroners' judicial functions. Their value to the historian of the criminal law, then, lies not only in their contents, but in their very shape and form.

Throughout England, the presence of coroners was to be expected at inquests into deaths by homicide or accident, but it is rather more surprising to find them acting in concert with the sheriff in other kinds of inquest. The one exception to legislation that, elsewhere in England, closely circumscribed the coroners' judicial responsibilities was the neighbouring county of Northumberland, where the coroner was frequently the official before whom suspects were indicted.<sup>22</sup> But in Durham the coroners, one for each of the four wards into which the palatinate was divided,<sup>23</sup> and a fifth for the episcopal wapentake of Sadberge, were very much the partners of the sheriff—and his equals—in the administration of the criminal law. The records of presentment and trial that survive in the cathedral archives include accusations of simple larceny,<sup>24</sup> robbery,<sup>25</sup> burglary and housebreaking,<sup>26</sup> rape,<sup>27</sup> holding men to ransom,<sup>28</sup> mayhem<sup>29</sup> and, more unusually, coining false money, a form of treason elsewhere strictly reserved to royal justices.<sup>30</sup> In sessions of gaol delivery convened before episcopal justices of assize the coroners played as important a part in the proceedings as did the sheriff. They were ordered, among other things, to summon panels of jurors and to ensure the presence of suspects at forthcoming sessions.<sup>31</sup> The written records of inquests held before the sheriff presiding with a coroner served, on more than one occasion, as indictments: episcopal clerks merely added abbreviated annotations such as “po se” (ponit se) to the margins of these documents when suspected felons were eventually brought to trial. To these tasks were added duties routinely associated with the office of coroner: the obligation, for example, to hear and record the testimony of suspects and felons who fled to sanctuary,<sup>32</sup> and to ensure that abjurors duly quit the realm, as did Nicholas Marshal and Thomas de Thropton on several occasions in 1319.<sup>33</sup> The investigation of episcopal claims to wreck of the sea also fell under the purview of the coroner, and, although rare, such occasions underlined the importance of the work of this official to the health of the bishop's coffers.<sup>34</sup>

The coroner's usefulness as an episcopal minister was further made manifest in the context of the Anglo-Scottish wars that so deeply marked the later medieval period in northern England. The defence of the frontier region against the marauding Scots became a constant concern of the crown from the late thirteenth century down to the end of the Middle Ages, and from the beginning of the wars the bishop of Durham was closely involved in the arrangements made for the security of the north.<sup>35</sup> Durham coroners were not among the military officials appointed to keep the truce in the border region, for the lands of the bishop of Durham did not lie within the marches proper. But they were regularly included in episcopal commis-

sions of array, and they exercised the considerable powers of arrest and punishment that such commissions bestowed.<sup>36</sup> Moreover, like the common law justices of the northern judicial circuit generally, they participated vigorously in the prosecution of cross-border crime, and of persons suspected of adhering to the Scottish enemy. Thus, in 1341 the coroner of Darlington ward heard an indictment that charged two men from Merrington with stealing a small herd of kine from a Scot, and, more onerously, another in which a Walworth man was accused of adhering to the faith of David II. The record of the latter case stated that Richard Willy allegedly “came into England and seized John the son of Thomas de Midrigg, carried him off to Scotland, and held said John until he ransomed himself.” Later still, Willy returned to county Durham, where he received and sheltered Scottish enemies, disposed of the (presumably stolen) animals they brought with them, and committed further ransom-taking offences. He was, according to the jurors, “a spy of the said David de Bruce and an enemy of the king of England and the bishop of Durham.”<sup>37</sup> On another occasion, Bishop Skirlaw detained in his episcopal gaol a man found guilty of attempting to force an unlucky neighbour to ride to Scotland to be ransomed.<sup>38</sup> It is noteworthy that the coroners in Durham should have had a role to play in the adjudication of such grievous incidents. These kinds of offences were regularly indicted and tried as treason in the border counties of Northumberland and Cumberland, and they were reserved there to the keepers of the truce or the king’s most powerful justices of assize.<sup>39</sup>

The status of the county palatine of Durham as a great ecclesiastical liberty meant that the administration of justice was carried out in the name of the bishop rather than the crown, and it was thus the bishop who issued commissions to justices and other officials. In Durham, unusually, the coroners were not elected in the county court, but rather appointed by the bishop in a commission that read in part:

... to hold the said office with all that pertains to it, and to answer at the Durham Exchequer in respect of all issues customarily arising from his tenure of the office.<sup>40</sup>

The phrase “all that pertains to it,” in the context of the liberty, meant not merely a significant role in the administration of the common law, but a wide variety of fiscal duties as well. The coroners collected the numerous rents owed the bishop by his tenants, free and unfree; they also took possessions of escheats, sums for which they were accountable in the episcopal exchequer, and they presided over the bishop’s halmote court.<sup>41</sup> The lords of other English liberties, ecclesiastical and lay, enjoyed the

privilege of appointing their own coroners,<sup>42</sup> but none of these officials exercised as extensive and wide-ranging an authority as did the coroners of Durham. They were, as a consequence, men of considerable social standing: chosen from among episcopal tenants-in-chief they included members of such prominent families as Thropton, Meagre, Howe and Bowes. On occasion these men were appointed for life.<sup>43</sup> In the episcopal liberty of Sadberge, which lay beyond the confines of county Durham, the coroner's office was an hereditary one, tied to the tenure of specific lands, and remained so until well into the sixteenth century.<sup>44</sup> The bishop's coroners were also salaried officers, customarily receiving a portion of the corn levied in each of the wards of the palatinate.<sup>45</sup>

The legal records that have survived from the late medieval palatinate make it difficult to conclude whether the powers enjoyed by the coroners facilitated or hindered the administration of justice in county Durham. Hunnisett has argued that the establishment of the office of coroner in the late twelfth century was a consequence of the king's determination both to increase and secure the royal perquisites associated with the adjudication of crown pleas, and to limit the authority of the sheriff.<sup>46</sup> The Durham coroners performed similar functions for the bishop in the fourteenth century, and probably earlier: Anthony Bek, for example, was meticulous in (and notorious for) asserting his right to appoint these officials in the course of Edward I's *quo warranto* proceedings.<sup>47</sup> Throughout the late Middle Ages there were complaints about the office, though grievances in respect of the conduct of royal, or in this case episcopal, officials must always be treated with a degree of scepticism by historians. Thus, in 1301 Bishop Bek began a violent quarrel with the most important landowner in the palatinate, the prior of the Benedictine monastery of Durham. The monks' appeals to the king in respect of his high-handed behaviour included charges that his coroners had acted *ultra vires* and with unwarranted vigour.<sup>48</sup> The royal legislation forbidding coroners to assign deputies did not affect the palatinate of Durham, where such men appear in a variety of fiscal and legal records.<sup>49</sup> These officials, too, were the subject of criticism in 1301, when the tenants of the liberty complained about their financial exactions and requested that "no underbailiff of the coroner be on horseback, but only the four chief coroners, as it was in the day of his [Bek's] predecessors."<sup>50</sup> On this occasion Bek was compelled to acknowledge the substance of the complaint, and agreed that the sub-coroners should not be a charge on the purse of the episcopal tenants.<sup>51</sup> Later in the same century a lengthy series of articles setting out the duties of royal justices itinerant in the bishopric *sede vacante* notes that enquiry should be made into the unlawful seizure by coroners of money or



merchandise and their concealment of the chattels of felons and fugitives.<sup>52</sup> The fact, moreover, that from the later fourteenth century (if not earlier still) coroners were appointed to office only after undertaking formal recognisance for the honest performance of their duties and the routine surrender of episcopal revenues might suggest that their reputation for probity left something to be desired.<sup>53</sup>

The evidence in support of the coroners' effectiveness in the administration of justice is rather more ambiguous, but also more open to favourable interpretation. The task of measuring the efficiency of the medieval system of criminal justice is a problem that bedevils all historians. Barbara Hanawalt has intimated that one such measure might be the so-called "judicial lag," the time that elapsed between apprehension of a suspect and his or her committal to trial.<sup>54</sup> The haphazard survival of the Durham records renders them unsuitable for statistical analysis, but the documents certainly convey a strong impression of remarkable speed and efficiency on the part of the bishop's coroners in the identification, capture and arraignment of felony suspects. The lengthy period of service of these officials, moreover, suggests that proven incidents of corruption, ineffectiveness or dereliction of duty were few: rolls of the episcopal chancery show that most remained in office until they were no longer physically capable of performing their duties, and despite the complaints voiced in 1301, most appear to have done so free of scandal.<sup>55</sup> A final measure of effectiveness or efficiency is the breadth of responsibility that remained a feature of the coroner's office until well into the sixteenth century. The medieval bishops of Durham were almost to a man shrewd custodians of the temporalities of the palatinate, and some adopted novel approaches to the problem of disorder in their lands.<sup>56</sup> It is noteworthy that none should have deemed it necessary to reform the office of coroner so as to limit its authority or its reach.

On the whole, the evidence suggests that the bishops at least, if not their tenants, valued the contribution to the maintenance of law and order that the coroners made in their lands. One historian has stated unequivocally that the secular administration of the fifteenth-century bishop, Thomas Langley, was incapable of coping with disorder in his lands, and that "the general impressions to be derived" from his pontificate are "of an age of violence and lawlessness."<sup>57</sup> This opinion is unduly harsh. Murder, violence and mayhem were certainly no less grievous or disruptive to the lives of people in county Durham than they were in other parts of the realm. But recent research into the records of the northern judicial circuit suggests that such offences disturbed the peace significantly less than they did the neighbouring border counties

of Northumberland, Cumberland and Westmorland.<sup>58</sup> If the relative success of the medieval criminal justice system is most accurately reflected in the ability to detect and apprehend misdoers and to punish them in condign fashion, then the late medieval rulers of the palatinate should be judged as competent in governing their tenants as were the kings of England in governing their subjects. But there are other criteria by which to measure the success of such a system: the ability to set the machinery of justice in motion with a modicum of delay, to overcome problems inherent in the existence of jealously guarded liberties, to appoint officials whose territorial jurisdiction was sufficiently small to be manageable, and to create offices designed to offset opportunities for blatant corruption. By these standards the criminal justice system of later medieval Durham deserves to be viewed in more positive fashion. The bishops' coroners may well have been endowed with a breadth of authority that the kings of England found it wise to deny the keepers of the crown pleas elsewhere. But the surviving evidence would suggest that in respect of their own territories, episcopal trust was well placed in these men.

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### **Notes**

1 The author wishes to acknowledge with thanks the financial assistance of the Social Sciences and Humanities Research Council of Canada in the research undertaken for this article.

2 Muniments of the Dean and Chapter, Durham Cathedral [henceforth DCD] Miscellaneous Charter [henceforth Misc. Ch.] 433.

3 G.T. Lapsley, *The County Palatine of Durham: A Study in Constitutional History* (Cambridge, Mass.: Harvard UP, 1924), p. 87. See also K. Emsley and C.M. Fraser, *The Courts of the County Palatine of Durham from Earliest Times to 1971* (Durham: Durham County Local History Society, 1984), p. 15, and R.L. Storey, *Thomas Langley and the Bishopric of Durham 1406-1437* (London: SPCK, 1961), p. 62. A fifth coroner was responsible for episcopal business in the wapentake of Sadberge.

4 *Ibid.*, p. 26 and *passim*.

5 Kenneth Emsley, "Introduction," in C.M. Fraser, ed., *Durham Quarter Sessions Rolls 1471-1625* (Surtees Society, 1991), p. 7.

6 R. F. Hunnisett, *The Medieval Coroner* (Cambridge: Cambridge UP, 1961), p. 95.

7 See, for example, DCD Locellus V. 33, 76.

8 For exceptions see, for example, DCD Loc. V. 76, 75 m. 1.

9 DCD Misc. Ch. 7023.

10 DCD Loc. V. 75 m. 2.

11 DCD Loc. V. 33 m. 1.

12 *Ibid.*, m. 2.

13 T.A. Green, *Verdict According to Conscience: Perspectives on the English Criminal Trial Jury, 1200-1800* (Chicago: University of Chicago Press, 1985), pp. 28-64.

14 Bernard McLane, "Juror Attitudes toward Local Disorder: the Evidence of the 1328 Trailbaston Proceedings," in J.S. Cockburn and T.A. Green, eds, *Twelve Good Men and True: The Criminal Trial Jury in England, 1200-1800* (Princeton: Princeton UP, 1988), pp. 51-52, and C.J. Neville, "Common Knowledge of the Common Law in Later Medieval England," *Canadian Journal of History* 29 (1994): 461-78. More recently, see Anthony Musson, "Twelve Good Men and True? The Character of Early Fourteenth-Century Juries," *Law and History Review* 15 (1997): 137-44, and J.G. Bellamy, *The Criminal Trial in Later Medieval England: Felony Before the Courts from Edward I to the Sixteenth Century* (Toronto: University of Toronto Press, 1998), pp. 19-56.

15 Bellamy, *The Criminal Trial*, pp. 29-30.

16 R.F. Hunnisett, "The Medieval Coroners' Rolls," *American Journal of Legal History* 3 (1959): 95-124, at pp. 97, 215.

17 For example, DCD Loc. V. 75, 76, 33; Misc. Ch. 7023.

18 These are scattered throughout the 8000-odd miscellaneous documents currently classified in the Dean and Chapter archives as Miscellaneous Charters.

19 Hunnisett, "The Medieval Coroners' Rolls," p. 205.

20 Storey, *Thomas Langley*, p. 62.

21 See, for example, the lists of judicial and other officials appointed by the bishops of Durham provided in J. Raine, *The History and Antiquities of North*

*Durham* (London: John Bowyer Nicholas and Son, 1852), pp. 45-48, and W. Hutchinson, *The History and Antiquities of the County Palatine of Durham* 3 vols (Newcastle-upon-Tyne: S. Hodgson, 1785-94), I: 298, 311-12, 360, 362, 364-65, 371.

22 Hunnisett, *The Medieval Coroner*, p. 5. In 1357, moreover, it was the coroner of the northern liberty of Tynedale who presided over an inquisition into various felonies, presumably on a commission of oyer and terminer. See "An Inquisition taken at Newcastle-upon-Tyne, in 1357," *Archaeologia Aeliana* 1<sup>st</sup> ser. 3 (1844): 14-17.

23 Chester-le-Street, Darlington, Easington and Stockton.

24 For example, DCD Misc. Ch. 9, 434, 6383\*.

25 DCD Misc. Ch. 7.

26 DCD Misc. Ch. 354, Loc. V. 75 m. 2.

27 DCD Misc. Ch. 5512.

28 DCD Misc. Ch. 1611.

29 DCD Loc. V. 33 m. 1.

30 DCD Misc. Ch. 6366.

31 DCD Misc. Ch. 2640 m. 1.

32 DCD Loc. V. 33 m. 1, Misc. Ch. 2640, m. 2.

33 DCD Loc. V. 76 m. 1, Public Record Office, London [henceforth PRO], DURH 3/92 m 16d.

34 PRO, DURH 3/36 m. 6. See also Lapsley, *The County Palatine of Durham*, pp. 317-20, and Thomas the Rymer, ed., *Foedera, conventiones, literae* 4 vols (London: Record Commission, 1816-64), II, part ii. 1225.

35 See, for example, PRO DURH 3/32 m. 4, a writ of Bishop Fordham of 1384 ordering the survey and repair of all fortresses in the episcopal lands, in response to rumours of an impending Scottish invasion. More generally, see C.J. Neville, *Violence, Custom and Law: The Anglo-Scottish Border Lands in the Later Middle Ages* (Edinburgh: Edinburgh UP, 1998), pp. 49-50, 106, 138; C.J. Neville, "The Courts of the Prior and the Bishop of Durham in the Later Middle Ages," *History* 85 (2000): 216-31, at pp. 218-19; Storey, *Thomas Langley*, pp. 135-63.

36 Thomas Duffus Hardy, ed., *Registrum Palatinum Dunelmense. The Register of Richard de Kellawe, Lord Palatine and Bishop of Durham, 1314-1316* 4 vols (Rolls Series, 1873-78), IV: 270-72.

37 Both cases are found in DCD Misc. Ch. 1611. See also PRO JUST 1/226 m. 5d, a case dated 1297 concerning prises taken by the coroner William Dodd on behalf of the bishop for use in the Scottish wars, and DURH 3/33 m. 32, the enrolment of an episcopal pardon of a man found guilty of committing march treason.

38 PRO DURH 3/33 m. 32. The incident occurred in 1401.

39 C.J. Neville, "The Law of Treason in the English Border Counties in the Later Middle Ages," *Law and History Review* 9 (1991): 1-30; Neville, *Violence, Custom and Law*, pp. 57, 106-7, 110-12.

40 PRO DURH 3/30 m. 4.

41 Storey, *Thomas Langley*, pp. 69, 95; Emsley and Fraser, *Courts of the County Palatine of Durham*, p. 14.

42 Hunnisett, *The Medieval Coroner*, p. 138.

43 PRO DURH 3/32 m. 1.

44 Storey, *Thomas Langley*, p. 62n; C.M. Fraser and Kenneth Emsley, "Durham and the Wapentake of Sadberge," *Transactions of the Architectural and Archaeological Society of Durham and Northumberland* n.s. 2 (1970): 71-81.

45 PRO DURH 3/77 m. 39.

46 R. F. Hunnisett, "The Origins of the Office of Coroner," *Transactions of the Royal Historical Society* 5<sup>th</sup> ser. 8 (1958): 85-104; Hunnisett, *The Medieval Coroner*, pp. 2-3, 86-89.

47 *Placita de quo warranto temporibus Edw. I, II, et III in curia receptas scaccarii Westmonasteriensis asservata*, ed. W. Illingworth (London: Record Commission, 1818), p. 604.

48 *Reg. Pal. Dunelm.*, III.21, 33, 35, 48, 53, 54, 63, 64; Lapsley, *The County Palatine of Durham*, p. 88.

49 See, for example, PRO DURH 3/32 m. 1, DUR 3/38 m. 8d.

50 *Reg. Pal. Dunelm.* III.41, 553.

51 III.558-59.

52 DCD Loc. I. 39.

53 See, for example, PRO DURH 3/32 m. 1 (recognisance for £40, 1388), DURH 3/35 m. 7 (recognisance for £300, 1416).

54 B.A. Hanawalt, *Crime and Conflict in English Communities 1300-1348* (Cambridge, Mass.: Harvard UP, 1979), pp. 38, 284.

55 Compare these remarks with Hunnisett's discussion of the efficiency of coroners elsewhere in England: *The Medieval Coroner*, esp. pp. 118-33.

56 In 1341, for example, Bishop Bury entered into an agreement with the crown for the extradition of criminous persons who took refuge in the liberties of northern England. One of his predecessors, Richard Kellawe, had had a similar arrangement with the lord of the liberty of Tynedale, and in the fifteenth century Thomas Langley initiated the practice of imposing heavy ecclesiastical sanctions on all convicted felons. *Reg. Pal. Dunelm.* IV.244-47; J. Raine, ed., *Depositions and Other Ecclesiastical Proceedings from the Courts of Durham, extending from 1311 to the reign of Elizabeth I* (Surtees Society, 1845), pp. 8-9; Storey, *Thomas Langley*, p. 114. See also Lapsley, *The County Palatine of Durham*, pp. 249-54.

57 Storey, *Thomas Langley*, pp. 111, 116.

58 See, for example, Constance M. Fraser and Kenneth Emsley, "Law and Society in Northumberland and Durham 1290 to 1350," *Archaeologica Aeliana*, 4<sup>th</sup> ser. 47 (1969): 47-70, and more generally, Neville, *Violence, Custom and Law*, *passim*.