

## Review from The Local Historian Vol 52:No 3 (July 2022)

THE CROWN PLEAS OF THE SUFFOLK EYRE OF 1240 edited by Eric Gallagher, revised with an introduction by Henry Summerson (Suffolk Records Society vol.64 2021 lxx+162pp ISBN 978-1-78327-600-4) £35

In 2009 the Suffolk Records Society published *The Civil Pleas of the Suffolk Eyre of 1240*, edited by Eric Gallagher; this edition of the crown pleas of the same Eyre, begun by Gallagher and finished by Henry Summerson, completes the publication of the earliest such roll to survive in full for the county. Crown pleas largely consist of criminal business heard by the king's justices, together with matters affecting the government of the county and the interests of the king, in particular his revenues. As well as the hearing of the pleas, the roll also records the financial issues of the Eyre (the 'ameracements section'). In the transcript each entry in the pleas has been numbered, beginning at 1161 (following on from the civil pleas). These numbers are used in the Introduction when referring to particular pleas, in the ameracements section to link pleas with ameracements imposed, and in the comprehensive index to locate people and places. Summerson's intimate knowledge of the contents of the roll is impressive: his comprehensive introduction provides numerous examples from the entries to illustrate his points. Having discussed what the rolls reveal about Suffolk at that time, he explains the Eyre and its record. The previous Eyre had finished in January 1235, so the business covered in 1240 concerns matters arising in the previous five years. Numerous people were required to attend, ranging from past and present sheriffs and coroners (with their records), via all landholders and representatives of boroughs and vills, to prisoners and suspects, and finders of corpses: in all several thousand people must have been present when the Eyre opened in front of the five presiding royal justices, nominally headed by Ranulf Brito, abbot of Ramsey. The pleas of the crown commenced at Ipswich on Sunday 6 May 1240, then moved to Cattishall by 21 May, the final hearing being on 10 June at Dunwich.

A crown pleas session revolved around presentments by juries. For Suffolk in 1240 there were 33 juries (usually of twelve men, but with some numerical differences): 24 represented the ancient hundreds and nine the urban communities, so there were nearly 400 jurors. They swore that they would speak the truth in response to questions put to them earlier in a set of formal articles (the *Capitula Itineris*). They had to answer about 40 articles, although analysis shows that only about half were relevant to Suffolk in 1240. Their answers were submitted in writing and also given orally at the Eyre (in the form of *veredicta*, or 'true speakings'). The justices would check the spoken word against the written and note any errors and omissions. Although some omissions were noted, Summerson comments that 'some of the presentments made by jurors constitute striking evidence for their being both willing and able to provide the kind of facts which justices called for'. Another preliminary task of juries was to make indictments by preparing lists of suspected felons, which they gave to the justices to transmit to the sheriff so that he and his subordinates could try to arrest the men and women named and produce them at the Eyre. The word *rettatus* ('charged') was applied to people indicted, including suspects who stood trial and those who escaped. Summerson calculates that the roll names about equal numbers of those tried and escapees. He observes that, although they had named them in the first place, juries acquitted suspects far more often than they convicted them and argues that it was their task to pass on allegations and suspicions of others so that they could be tested in court, where they might be found baseless.

In 'Crimes and criminals', he discusses what the roll reveals about accidental deaths, homicide and suicide; rape; thieves and thefts; and arson. These crimes were all indisputably felonies and therefore

pleas of the crown (although rape had to be individually prosecuted). Many other acts of larceny and violence were not presented by juries or subjects for indictment, but could be brought to the attention of the king's justices through the process known as the appeal of felony. The number of offences so prosecuted must have been only a tiny proportion of those committed: some may have been dealt with in lower courts, some settled informally. The appellor offered to prove his accusations by his body, that is by combat, and the appellee offered to defend himself in like manner. In practice duels were extremely rare, although in 1240 one got as far as the opponents appearing armed in court but they then put themselves in the king's mercy and made individual fines.

As well as protecting (by confirming) the king's financial rights in various matters, such as the advowsons of some churches and the remarriage of widows of tenants-in-chief, the Eyre provided royal income in several forms. Throughout the roll reference is made to chattels of convicted or suspected felons. Whether guilty or not, a fleeing felon's goods could be gathered by the sheriff as soon as his or her flight was known. If arrested they were maintained from them as long as they remained in prison; if they got away, the goods became the king's, to be sold and accounted for at the Eyre. Amercement and fines were financial penalties respectively imposed on and negotiated by those who either attended or stood surety for people absent. Some amercement were levied on villis or tithings; for example, for failing to report a crime or to raise the hue and cry.

In addition to shedding light on the operations of the medieval legal system, the pleas also reveal much about Suffolk and its people including, perhaps surprisingly, numerous children, such as Margaret the daughter of Robert who drowned from a boat in Santon Downham marsh, or William the son of Ralph the miller who was struck dead by a millwheel at Henham. And what can one say about John the son of Goda of Theberton, aged 7, who was suspected of killing Gilbert the son of Walter in the chapel of the Blessed Mary of Leiston? The matter was to be discussed; outcome unknown. Summerson was able to complete this excellent publication during the nationwide lockdown in 2020 partly because the essential unprinted source material is available through the website of the Anglo-American Legal Tradition project (<http://aalt.law.uh.edu/>) [see Michael Kipling's article in this issue of TLH]. He explains that any translation contains an element of interpretation, but his renditions can be checked against the originals because the numbers of the AALT images of every side of every membrane are provided in the text at the point at which each side begins. To quote his conclusion, 'it would never have occurred [to those men and women who had attended] that anything that they saw or heard at the Eyre could possibly be of the slightest interest to their descendants nearly 800 years later'. But it most definitely is.