

1997

# The effects of the Black Death on the lower gentry and offices of coroner and verderer in fourteenth-century England

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The effects of the Black Death on the lower gentry and  
offices of coroner and verderer in fourteenth-century  
England

By

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A thesis submitted to the graduate faculty  
in partial fulfillment of the requirements for the degree of  
MASTER OF ARTS

Major: History

Major Professor: Kenneth G. Madison

Iowa State University

Ames, Iowa

1997

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This is to certify that the Master's thesis of  
Kevin Christopher DeLange  
Has met the thesis requirements of Iowa State University

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## ACKNOWLEDGMENTS

I am grateful to many for their assistance in the completion of this work. Most notably, K. G. Madison has been a steady source of much needed direction, criticism, praise, and inspiration. In addition to providing me with the tools and insight needed to pursue history, he has given me the confidence necessary to write it. I would also like to thank those who heard a portion of this work presented at the Thirty-First International Congress on Medieval Studies in Kalamazoo, Michigan for their encouragement and support. I am indebted to Chris Given-Wilson (St. Andrews University), John Aberth (Norwich University), Jeffrey Hamilton (Baylor), John Hatcher (Cambridge), and W. M. Ormrod (University of York), for their ideas, suggestions, and encouragement. I also would like to express my appreciation to Kevin Hill for the many conversations we have had over the past year which have been instrumental in helping me to condense and focus my thoughts. His genuine interest and consideration have been welcome. Finally, I am grateful for the assistance provided by my wife. Not only was she patient and supportive, but without her mathematical expertise and assistance in the creation of my database this project would not have been successful.

## INTRODUCTION

The shrieks of women and children at the windows and doors of their houses, where their dearest relations were perhaps dying, or just dead, were so frequent to be heard as we passed the streets, that it was enough to pierce the stoutest heart in the world to hear them. Tears and lamentations were seen almost in every house especially in the first part of the visitation; for towards the latter end men's hearts were hardened, and death was so always before their eyes, that they did not so much concern themselves for the loss of their friends, expecting that they themselves should be summoned the next hour.<sup>1</sup>

Although the visitation described by Daniel Defoe above occurred in 1665, the reaction to the series of epidemics that struck England in the second half of the fourteenth century must have been remarkably similar. The effect the plague of 1348-49 and subsequent outbreaks had upon the late Middle Ages has been a popular topic among historians for many years.<sup>2</sup>

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<sup>1</sup> Daniel Defoe, *A Journal of the Plague Year*, with an introduction by G. A. Aitken (London: J. M. Dent and Sons, 1908), 18.

<sup>2</sup> The infections that swept through England in the latter fourteenth century, as with most epidemics of the time, were most commonly referred to as a "pestilence". Although various accounts of the symptoms exist, it is still unsafe to assume that all of the outbreaks were in fact the black death. As it is not the purpose of this paper to discuss the diseases which were responsible for these outbreaks, the word plague will be used loosely, and is not an indication that a particular outbreak was in fact the bubonic plague. For a detailed discussion of this topic see J. F. D. Shrewsbury, *A History of*

They have seemingly scrutinized it from every angle and position. The most popular of which have been social and economic. While the surviving evidence varies to a certain degree, it is possible to determine those years in which a high mortality rate occurred. For England, the dates which are generally accepted as having had plague events are 1348-49, 1361, 1369, 1374-79, 1390-93.<sup>3</sup>

The purpose of this paper is to examine two aspects of the relationship between the Black Death and the county offices of Coroner and Verderer. First, the number of Coroners and Verderers who died in office will be determined in order to make an estimation of the number of the lower gentry that died in the outbreaks of plague. The people who held the offices of Coroner and Verderer were distinct from those in the upper gentry holding offices of Sheriff and Escheator. However, they were still of sufficient social and economic status that they are thought to have suffered to a lesser extent than the masses. This was not the case. Rather, they died at a similar rate as the general population.

Second, the offices themselves will be examined in order to make a judgement as to the plague's effect on their development and effectiveness.

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*the Bubonic Plague in the British Isles* (London: Cambridge University Press, 1970).

<sup>3</sup> John Hatcher, *Plague, Population, and the English Economy* (London: Macmillan Press, 1977); Rosemary Horrox, ed., *The Black Death* (Manchester: Manchester University Press, 1994).

The offices of Coroner and Verderer were undesirable to those who were most capable of executing them with honesty and integrity. Only those who were willing to use the offices for personal gain would have been inclined to seek them, and therefore, after the plague killed most of those who were in office, they were naturally more likely to be replaced by those who wanted to profit by it. Furthermore, it is evident that widespread dishonesty and corruption flourished within both offices. Chancery was constantly trying to prevent this corruption. However, rather than deal with the corruption by prosecuting those guilty, they removed those deemed unfit, and re-emphasized the qualifications necessary to hold the offices. The number of instances that people were removed from office, when it was supposed to be granted for life, indicates that the king found it increasingly difficult to fill the office with people who were both qualified and honest.

Cardinal Gasquet is generally attributed with the distinction of having been the first to perform a general examination of the Black Death and its effects on English and European society.<sup>4</sup> His use of the various series produced by Chancery and the Exchequer enabled him to examine the event in detail and with greater accuracy than his nineteenth-century predecessors. Although many historians have utilized new evidence since, Gasquet's general conclusions on the magnitude and consequences of the Black Death

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<sup>4</sup> F. A. Gasquet, *The Great Pestilence* (London: Simpkin Marshall, Hamilton, Kent and Co., Limited, 1893).



have largely stood the test of time. Cardinal Gasquet's success is marked by Philip Ziegler's ability to state in 1969 that "with the exception of Dr. Coulton's whimsical monograph no general study of the subject has appeared since Cardinal Gasquet's 'The Great Pestilence' in 1893."<sup>5</sup> For more than seventy years Gasquet was the best general study available. The size of the topic illustrates the difficulty of attempting such a study.

Philip Ziegler himself was the next to undertake the topic in a large framework. Although he claims his work is not for historians, he has been instrumental in providing a "jumping off" point for further research. His examination of the many Ph.D. theses written on the Black Death between 1900-69 has opened the topic to many who have followed. He was the first since Gasquet to attempt a serious overview of such a difficult subject.

The Black Death has been considerably more prevalent in the historical literature since Ziegler published his work. The 1970s saw the creation of Shrewsbury's somewhat controversial and often criticized *History of the Bubonic Plague in the British Isles*, in which he questioned some of the generally accepted notions concerning the physical nature of the disease.<sup>6</sup> Although he examined the significance of some epidemics that took place

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<sup>5</sup> Philip Ziegler, *The Black Death* (New York: John Day Company, 1969), 9; G. C. Coulton, *The Black Death*. (New York: MacMillan, 1930).

<sup>6</sup> (London: Cambridge University Press, 1970).

later than the fourteenth century, his work is nonetheless an important part of the current research on the Black Death.

One of the first things historians tried to discover was the number of people who died during the plagues. Although there is now general acceptance that the Black Death killed from one-third to one-half of the total population through the course of the second half of the century, it is still not entirely clear who those people were. Was it simply the poorest of English citizens who suffered such a dramatic population drop during the plague, or were the upper classes devastated as well? No attempt has been made to examine this question.

W. M. Ormrod noted that "The Black Death was no more a respecter of public office than it was of ecclesiastical rank or artistic expertise, and the mortality rate among certain sections of the administrative hierarchy during periods of epidemic disease could, on occasions, reach significant proportions."<sup>7</sup> However, when one looks at the number of people he notes within the upper administration who disappeared from the record at the time of an outbreak, it falls well short of the one-third to one-half of the general population which is assumed to have died. A relatively small number of the Sheriffs and Escheators in office died because of the outbreaks.<sup>8</sup> In the

<sup>7</sup> W. M. Ormrod, 'The Politics of Pestilence: Government in England after the Black Death', in *The Black Death in England*, ed. W. M. Ormrod and P. G. Lindley (Stamford: Paul Watkins, 1996), 149.

<sup>8</sup> Ormrod, *Politics of Pestilence*.

Plague of 1348-49, which took the greatest toll on the general population, only five different Sheriffs and Escheators died or disappeared from the record.<sup>9</sup> In the outbreak of 1361-62, as many as twelve different Sheriffs and Escheators disappear or are known to have died. In both of these instances, the number that disappeared was far short of one-third to one-half. Note that a greater number of Sheriffs and Escheators disappear after the 1361-62 plague than in 1348-49. Although most would agree that the outbreak of 1361-62 was second in strength to those which struck in the latter fourteenth century, none have suggested that it was stronger than that which occurred twelve years earlier.

There is no doubt that the Black Death took the lives of many prominent English citizens. Members of the nobility and high-ranking government officials were definitely susceptible to the disease. King Edward III lost his own daughter, Princess Jeanne, to the plague while she was at Bordeaux.<sup>10</sup> However, compared to the number of the general population that died, the upper classes seem to have been largely untouched.

Perhaps the gentry and nobility had the financial resources and the means to avoid areas that were particularly over-run with disease. They may

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<sup>9</sup> Ormrod, *Politics of Pestilence*, 180-1.

<sup>10</sup> T. Rymer, ed. *Foedera*, Record Commission ed., 1819, III, i. 171. from W. M. Ormrod, 'The English Government and the Black Death of 1348-49,' *England in the Fourteenth Century: Proceedings of the 1985 Harlaxton Symposium*, ed. By W. M. Ormrod, (Woodbridge: Boydell Press, 1986), 175, note 1.

have been able to avoid the masses for an extended period by retreating to their estates. Edward did this in December, when he abandoned his military projects and retired to the countryside.<sup>11</sup> The classic example of this behavior is in Giovanni Boccaccio's *Decameron*.<sup>12</sup> A better diet and slightly more sanitary living conditions also may have aided the upper classes in surviving these epidemics. Factors such as these may indeed have played a role in lowering the death rate of the nobility and the upper gentry. However, it is unreasonable to assume that the lower ranks of the gentry were able to employ similar methods to escape the plague.

The lower gentry, represented by those men holding offices beneath the Sheriffs and Escheators, were not able to preserve themselves as effectively as the upper gentry or nobility. It is evident that the number of men in this position who fell victim to the plague is in line with the one-third to one-half population decline generally accepted for the masses. By examining the number of Coroners and Verderers who died in office during plague events, and then establishing their position in the lower county gentry, it is possible to estimate the number of people of their stature who fell victim to the various outbreaks in the latter-half of the fourteenth century.

<sup>11</sup> W. M. Ormrod, "The English Government and the Black Death of 1348-49," in *England in the Fourteenth Century: Proceedings of the 1985 Harlaxton Symposium*, ed. by W. M. Ormrod, (Woodbridge: Boydell Press, 1986), 175.

<sup>12</sup> Giovanni Boccaccio, *Decameron*, translated by Mark Musa and Peter Bondanella, (New York: Norton, 1982).

While determining the number of Coroners and Verderers that died during the plague, it is possible to examine the changes in the offices themselves during this period that may have resulted from the outbreaks. Such a drastic and sudden drop in the population naturally suggests severe consequences for almost every sphere of human activity. Although it is tempting to attribute every change of the mid-fourteenth century to the Black Death, it is unreasonable to assume that they were necessarily a direct result. Rather, those developments must be scrutinized in order to determine to what degree they would have taken place independently of the outbreaks. Put eloquently by P. J. P. Goldberg, "We may compare evidence from one period with that from another and observe change, but we would be foolhardy to locate that change in a specific moment in time. Thus we may compare the pre- and post-plague periods and observe change, but it is a more difficult matter either to explain this change as a consequence of plague or to locate it specifically in the aftermath of the plague itself."<sup>13</sup>

Recently, historians have turned their attention to the royal and county governments, in order to determine the extent to which the plague affected their operation or development. Most notably, W. M. Ormrod has considered the effect the plague had on royal and local government. In the 1985 Harlaxton Symposium Proceedings, Ormrod examined Edward III's ability to

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<sup>13</sup> P. J. P. Goldberg, introduction, to *The Black Death in England*. edited by W. M. Ormrod and P. G. Lindley. (Stamford: Paul Watkins, 1996).

cope with the disaster in 1349-50, and concluded that the royal government escaped largely unscathed.<sup>14</sup> Ormrod's work laid out in detail the ability of Chancery, Parliament and the Exchequer to continue business as usual. In early 1349 Parliament adjourned at the last moment, the Court of Common Pleas was advised to close, and the Exchequer abjured the Sheriff's view of account balances. In spite of this, Ormrod has been quite successful in showing that this panic was temporary and that the central government, and Edward III in particular, was largely successful in maintaining its operations in those first moments of chaos.

In his more recent article "*The Politics of Pestilence: Government in England after the Black Death*," Ormrod acknowledges that the effect of the Black Death on the county government may have been somewhat more severe.<sup>15</sup> Although he is primarily concerned with evidence of the plague's effect on Sheriffs and Escheators, the general observations he makes are supported by an examination of the offices of Coroner and Verderer as well.

In the latter half of the century, as outbreaks of plague became more common and the number of county officials who died increased, the office of Coroner fell into steady decline. The duties of the Coroner, although extremely important, provided few rewards for those who held the office. This, coupled with the difficulty and responsibility of the office, made holding it

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<sup>14</sup> Ormrod, *The English Government and the Black Death*.

<sup>15</sup> W. M. Ormrod, *Politics of Pestilence*.

quite undesirable to those who had the financial resources to conduct affairs without the temptation of corruption. Therefore, it became increasingly difficult for Chancery to maintain quality personnel within the office, which invariably led to a decline in its effectiveness. This in turn resulted in a decrease in the royal government's ability to maintain the peace.

Verderers, and forest administration in general, were also rapidly declining throughout the century. The forest eyre, was the largest and most important of the forest courts and dealt with the major offenses against vert and venison. However, the time that passed between each forest eyre began to lengthen as the century wore on, until Edward III commissioned the last in 1368.<sup>16</sup> Thus, an important event in the history of forest administration, since it represents a definite change in its effectiveness.

As the forest eyres became less frequent, the number of people who committed crimes but died before the eyre came to pass judgement on them increased. Finally, after the Black Death ravaged the countryside, the number of people who lived to face judgement after 1350 declined to the point that it became impractical to hold the eyre. Furthermore, those officials, particularly Verderers, who were responsible for recording the offenses tried at the eyre

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<sup>16</sup> For a discussion of the decline of the forest eyre with dates and places of those taking place in the fourteenth century see: Charles R. Young, *The Royal Forests of Medieval England*, (University of Pennsylvania Press, 1979) 154-6.

were also dying, which made it even more difficult to hold with any efficiency or effectiveness.

The problems the central government had with Verderers were similar to those it had with Coroners. They became more corrupt in the performance of their duties. This was not the only problem facing the office however. Chancery did not always replace dead Verderers in a timely fashion. This was rarely a problem with Coroners because the nature of their duties was such that the people demanded their services, and so were not likely to let the office go vacant for any length of time. It will be shown that the hatred with which people viewed forest law in general and Verderers in particular was sufficient to prevent them from notifying the central government when the office was vacant. Therefore, the office went unfilled on many occasions and for very long periods of time, which made the enforcement of forest law a much less effective prospect.

The timing of the decline in these two offices, as with many changes that took place around the middle of the century, may tempt one to assume that the plague was the cause. However, it will be clear that the decline of the offices of Coroner and Verderer was in progress before 1348-49, and therefore cannot be attributed solely to the Black Death. Due to the nature of the decline, namely a lack of "meet and most lawful people," and rampant illegal extortion, the plague, which killed a large number of the Coroners and



Verderers already in office, fueled the problem as it became more difficult to retain those who were performing their duty adequately and honestly.<sup>17</sup>

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<sup>17</sup> 28 Edward III, c.6.

## DEATH RATES OF THE LOWER GENTRY

Documentation for the death rates of the county gentry is difficult to come by.<sup>18</sup> In the past, the majority of the evidence used to estimate the effect of these outbreaks has been either monastic or economic in nature. Neither type of evidence is useful in determining the number of the county gentry who perished, or the effects which the Black Death and subsequent outbreaks had upon them. However, a wealth of information is available from the orders for the election of county officials, in particular Coroners and Verderers, which are found in the Close Rolls. These orders, issued by Chancery to the Sheriff, named the Coroner or Verderer to be replaced and the reason for his replacement. One of these reasons was death in office. Therefore, by examining these orders it is possible to determine, with a reasonable effectiveness, when Coroners or Verderers died, and in what numbers. Comparing the number of deaths for particular periods will aid in

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<sup>18</sup> A version of this chapter was presented at the Thirty-First International Congress on Medieval Studies, May 1996, Kalamazoo, Michigan. I am indebted to Chris Given-Wilson (St. Andrews University), John Aberth (Norwich University), Jeffrey Hamilton (Baylor), John Hatcher (Cambridge), and W. M. Ormrod (University of York), for their ideas, suggestions, and encouragement.

determining the plague's effect on the county gentry from whom these officials were drawn. It is also possible to compare the relative strength of each outbreak.

A brief discussion of both Coroners and Verderers is necessary before any assumptions can be made concerning the plague's effect on them. The specific duties of the offices will be dealt with more extensively below, in the context of the offices' decline and the plague's role in that decline, but for now only those duties which may affect the validity of the data will be examined. These duties and qualifications fluctuated with time, but for the most part they remained consistent during the second half of the fourteenth century.

The most important duty these officers performed was the holding of inquests. Coroners were required to perform inquests upon all bodies of people who died "unnaturally, suddenly or in prison".<sup>19</sup> The "first finder" of the body was required to report its existence to the three neighbors closest to where the body was found, and they in turn were to notify the bailiff of the county or town. The bailiff was to notify the Coroner so that an inquest could be made. The names of all the people involved to this point were then recorded, and they would be required to report at the next forest eyre under pain of amercement.

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<sup>19</sup> R. F. Hunnisett, *The Medieval Coroner* (Cambridge: Cambridge University Press, 1961), 9.

First the Coroner viewed the body. The viewing of the body was just that, a viewing. This simply entailed rolling the body over while looking and feeling for obvious evidence of violence, such as stab wounds, bruises, or marks from strangulation. It was necessary that the clothes be removed from the body so that a Coroner could see all marks that were present. Although at first this process may seem crude, it was remarkably adequate, for a glance through any roll of crown pleas shows that there was nothing subtle or sophisticated about medieval homicides.

After the Coroner viewed the body he determined whether death was the result of violence, accident, or natural causes. No matter what the cause of death, the Coroner collected a deodand. A deodand was defined as: *omnia quae movent ad mortem, deodanda sunt*.<sup>20</sup> In the case of murder, the deodand was the weapon. In the case of misadventure, the deodand could be anything from a horse, cart, tree, boat, or mill. The deodand was collected, sold, and the revenues given to the king.

A Coroner could only hold an inquest if there was a body. If murder was simply suspected, but no body could be located, the matter could only be presented before the Justice of the Peace in the second half of the fourteenth century. However, if a body was found, no matter how deteriorated or unrecognizable, the Coroner was to hold his inquest.

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<sup>20</sup> Hunnisett, *The Medieval Coroner*, 32. Translation: All which moved towards (caused) death, are deodands.

In order to make any correlation between the number of Coroners who fell victim to the plague and the number of the general population in their same social and financial situation, it must first be shown that they were not placed in greater danger because of their office. Coroners were to perform inquests on those who had died an unnatural or sudden death. Although the Black Death often took victims with remarkable speed and was most likely considered to be unnatural, it is extremely unlikely that Coroners regularly viewed the bodies of plague victims in 1348-49.

The plague was of such devastating proportions, that every city, town, hamlet, or farmstead was most certainly aware of its presence and was not under any illusions about its path. Indeed, Defoe remarkably illustrates the stark reality of a community in the grips of a plague.<sup>21</sup> Little or no contact continued between the living so that human and animal scavengers were the only visitors the dead were likely to receive. The chance of Coroners conducting inquests on those who had the plague is remote; however terrifying and grievous, death from the plague was not unnatural. Therefore, they would not have been more likely to fall victim to the plague than anyone else in their position.

During the famine of 1257-58, so many people died of hunger, that the Coroners could not view them all. Permission was therefore granted to view

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<sup>21</sup> Defoe, *A Journal of the Plague Year*.

and bury bodies without a Coroner present, as long as there were no obvious wounds.<sup>22</sup> In this case, the Coroners viewed the bodies of people who died during a famine. This famine somewhat resembles the epidemics of the latter fourteenth century in that large numbers of people died of the same cause and within a relatively small time frame. Although Coroners were attempting to view all these bodies, it is unreasonable to assume that this was typical behavior of Coroners concerning the plague. The main difference is that hunger is not contagious.

Although the plague outbreaks of 1348-49 and 1361 were devastating enough that the majority of the population was aware of them, and therefore inquests were probably not conducted on victims, the smaller more sporadic outbreaks which took place in the next 40 years may not have been as well known. Furthermore, as pointed out by J. F. D. Shrewsbury, infection was much more likely to come from the flea on the rats themselves rather than from those on people.<sup>23</sup> Also, as the body cools rapidly, the fleas would immediately leave their host, so that if Coroners were conducting inquest, which is unlikely, by the time they arrived, the fleas carrying the plague would have either died or found another victim.

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<sup>22</sup> *Calendar of the Close Rolls 1256-1259*, 212. Hereafter CCR.

<sup>23</sup> J. F. D. Shrewsbury, *A History of the Bubonic Plague in the British Isles* (London: Cambridge University Press, 1970) 7-16.

Another point which supports this argument is that in most cases those who had died of the plague would have obvious characteristics displayed on their body, and therefore the cause of death could be determined quickly and from a distance, further decreasing the chances that the office of Coroner increased the risk of dying from the plague.

The inquests performed by Verderers were very similar to those performed by Coroners. They too were responsible for attaching the “first finder” and closest neighbors who were then required to attend the next forest eyre. Verderers, however, held inquests on vert and venison rather than on people. They were responsible for inquiring into any dead or wounded animal found in the king’s forest and any damage done to the king’s wood. Because wood was perhaps the most valuable natural resource for the general population, inquests concerning vert were far more common than those dealing with venison. As with Coroners, the “first finder” was required to inform Verderers of any animal suffering a sudden or unnatural death, usually the result of illegal hunting.

With a basic understanding of the inquests performed by Coroners and Verderers, and an acknowledgement that they were not at greater risk due to their profession, it is now necessary to examine more closely the actual writs for their replacement. These writs, as noted above, will shed light on the numbers of Coroners replaced due to death. First, general characteristics of

the writs will be noted along with certain assumptions that were made. Then a detailed discussion of the different epidemics that affected the two offices in the second half of the fourteenth century will follow.

In the *Calendar of the Close Rolls* from 1325-1399, there are 1832 orders from Chancery to the Sheriffs of various counties ordering the election of Coroners and 526 for the election of Verderers. This seventy-five year period was chosen rather arbitrarily. In order to establish a “norm,” it was necessary to examine a sufficient number of orders before the first outbreak. The following is a typical order: “To the Sheriff of Lincoln. Order to cause a Coroner for that county to be elected in place of Robert de Holm, who has no lands in the county to qualify him.”<sup>24</sup> The orders for the election of Verderers were very similar: “To the Sheriff of Nottingham. Order to cause a Verderer for the forest of Shirewod to be elected in place of Ralph de Crombwell, deceased”<sup>25</sup>

Although in theory the Sheriffs were to receive a writ before the elections could take place, this was not always so. For some counties, there are no surviving orders in the Close Rolls for the replacement of Coroners from 1346-1398. It is possible that these offices were hereditary, although there are few cases of fathers who were directly succeeded by their sons. It is more likely that the Sheriff held an election immediately upon the death of the

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<sup>24</sup> CCR 1354-1360, 280.

<sup>25</sup> CCR 1354-1360, 280.



person in office without the order from Chancery, as was usually required. In this case, the Sheriff was simply obliged to report the name of the new Coroner to Chancery upon his election.

Insufficient qualification was the most common reason for the removal of Coroners in the fourteenth century. From 1325-99, forty-four percent of the Coroners who were removed from office were done so under the pretense that they were insufficiently qualified. However, in the same period, only fifteen percent of Verderers were removed for this reason. This was due primarily to the vast unpopularity of Verderers and forest law. It was very unlikely that complaints were made against Verderers who were not performing what their office required of them, whereas complaints against Coroners who refused to do inquests or did them with little skill were much more common.<sup>26</sup> It is unfortunate that Chancery used such an ambiguous phrase in the orders for replacement. "Insufficient qualification" could mean anything. Had they bothered to state why the Coroner was insufficiently qualified, a much more thorough examination would be possible. Fortunately, death is not so ambiguous.

It is unreasonable to assume that a Coroner or Verderer was replaced simply because the Sheriff was ordered to replace him. Often orders demanded the replacement of Coroners and Verderers many times before

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<sup>26</sup> *CCR 1364-1368*, 145.

they would actually vacate the office. At least two hundred different Coroners were ordered to be removed two or more times for various reasons from 1325-99. For example, the Sheriff of York was ordered to remove the Coroner Robert Arthyngton on five different occasions. First on 2 May 1388, under the pretense of insufficient qualification, then again on 8 July 1390 and 20 April 1391 owing to old age.<sup>27</sup> Only Arthyngton's death was enough to remove him from office, and even then, it took two different orders, on 2 September and 10 October 1391, before the Sheriff held elections for a new Coroner.<sup>28</sup> Because of this duplication of orders, to appreciate the varying frequency at which Coroners and Verderers died, only the first mention of their death will be noted.

Due to the erratic spelling of family names in this period, certain assumptions have been made on occasion concerning the identity of Coroners and Verderers. For example, on 25 October 1391, the Sheriff of Huntingdon was ordered to elect a Coroner in place of John *Alberd*, deceased.<sup>29</sup> However, on 17 November of the same year, it was stated that John *Albert* had died, and needed to be replaced.<sup>30</sup> Obviously, the same person was being referred to in these separate orders. This is typical of many entries. Both the time and distance between references was taken into

<sup>27</sup> CCR 1385-1389, 397; CCR 1389-1392, 201, 224.

<sup>28</sup> CCR 1389-1392, 390, 398.

<sup>29</sup> CCR 1389-1392, 390.

<sup>30</sup> CCR 1389-1392, 418.

account in determining whether or not two entries with different spellings refer to the same person. This point is especially important due to the repetition of orders mentioned above.

In order to make any assumptions on the time of death of these officials, it is necessary to establish the time between the actual death and the writ ordering the election of a replacement. Having an order for the election of a Coroner due to death on 6 August 1349 can only be meaningful if the time it took this order to be issued can be determined. Because very few of the return writs survive, it is difficult to tell how quickly the Sheriff communicated with Chancery. There are numerous occasions in which Chancery sent additional orders for an election to be held in short succession. This indicates that Chancery was aware of the situation soon after the event.

This time-delay was much greater for Verderers than for Coroners. Often times, many different Verderers were ordered to be replaced in the same writ. For example, on 10 May 1350, the Sheriff of Somerset was ordered to elect eight Verderers for that county in place of Verderers who had died in office.<sup>31</sup> Although it is possible that all eight of these Verderers died within a short period, it is unlikely. Numerous writs ordering the election of multiple Verderers exist in the Close Rolls. However, the number of writs for the election of Coroners that contain more than one person is much fewer.

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<sup>31</sup> *CCR 1349-1354*, 175.

Considering the extent to which forest administration had declined by the second half of the fourteenth century, and the widespread fear and hatred associated with forest law and officials which will be discussed below, it is not surprising that a good deal of time passed before replacement Verderers were ordered to be elected. This does however present a problem when trying to determine the actual date of death from a writ for the election of a replacement. This delay is most evident in the outbreak of bubonic plague in 1348-49.

The election of Coroners due to death was much less common than due to insufficient qualification. During an average year between 1325-99, only 4.1 Coroners were reported dead in the Close Rolls, or eighteen percent of the total that were removed. Verderers on the other hand were reported dead 3.5 times a year, for a total of fifty-eight percent. Many more Verderers died in office than were declared insufficiently qualified. It should be kept in mind during the following discussion, that the average number of deaths per year for both Coroners and Verderers was approximately four.

The number of Coroners or Verderers per county/forest varied both from county to county and from time to time. The inconsistency with which they were replaced and the scarcity of surviving Coroners' rolls makes it difficult to determine the exact number at any given time. A particular county contained anywhere from two to five Coroners, depending on its size and

population. The most common number of Coroners per county was four.<sup>32</sup> As pointed out by R. F. Hunnisett in his work, *The Medieval Coroner*, "most counties retained throughout the Middle Ages the number of Coroners they had at the end of Edward I's reign, when the thirty-nine English counties had approximately 115 between them."<sup>33</sup> This number will be used as the average number of Coroners in office at one time.

The number of Verderers in England in the fourteenth century is much more difficult to estimate. Anywhere from one to twelve Verderers could be in office at one time in a particular forest.<sup>34</sup> The size of a forest could vary tremendously; therefore, there was no common number of Verderers per forest, making it very difficult to estimate the total number in office. It was also not uncommon for a number of offices in a particular forest to remain vacant at the same time and for an extended period. This adds to the difficulty of determining the total number. Verderers may have been organized into particular districts within their forest, similar to the way in which Coroners were organized.

The first and most deadly epidemic of the second half of the fourteenth century was the bubonic plague of 1348-49. Beginning in the southwest, and progressing to the north and east, it has been estimated to have taken from

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<sup>32</sup> Hunnisett, *The Medieval Coroner*, 135.

<sup>33</sup> Hunnisett, *The Medieval Coroner*, 135.

<sup>34</sup> Nellie Neilson, "The Forests", chap. in *The English Government at Work 1327-1336* (Cambridge: Medieval Academy of America, 1947), 1:449-467.

one-third to one-half of the total population of England.<sup>35</sup> The effect was no less devastating for Coroners and Verderers.<sup>36</sup> In 1348, although only three verderers were reported dead in the Close Rolls, eight Coroners died. This was twice the normal number, but only seven percent of the estimated total number of Coroners. 1349 proved to be much more deadly. Twenty-seven different Coroners were reported dead between April and December of 1349.

In 1349, more deaths were recorded in the hot summer months than in the winter months. Two Coroners were reported dead in each month of April, May, and June. Four died in July, eight in August. As the heat waned and the plague slowly began to subside, the number of deaths began to fall. In September, October, and November, three, two, and three Coroners died respectively. Only one was reported dead in December of 1349, and no other Coroner was reported dead again until April, 1350. This increase in the number of deaths in the summer months of 1349 helps to identify the cause of death as the plague. Similar increases in summer deaths during plague episodes have been observed in other studies.<sup>37</sup> Although we can not say for certain that all of these deaths were caused by the plague, it is reasonable to

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<sup>35</sup> Ziegler, *The Black Death*, 128.

<sup>36</sup> See figure p. 26.

<sup>37</sup> David Herlihy and Christiane Klapisch-Zuber, *Tuscans and Their Families: A Study of the Florentine Catasto of 1427* (New Haven and London: Yale University Press, 1985), 79.

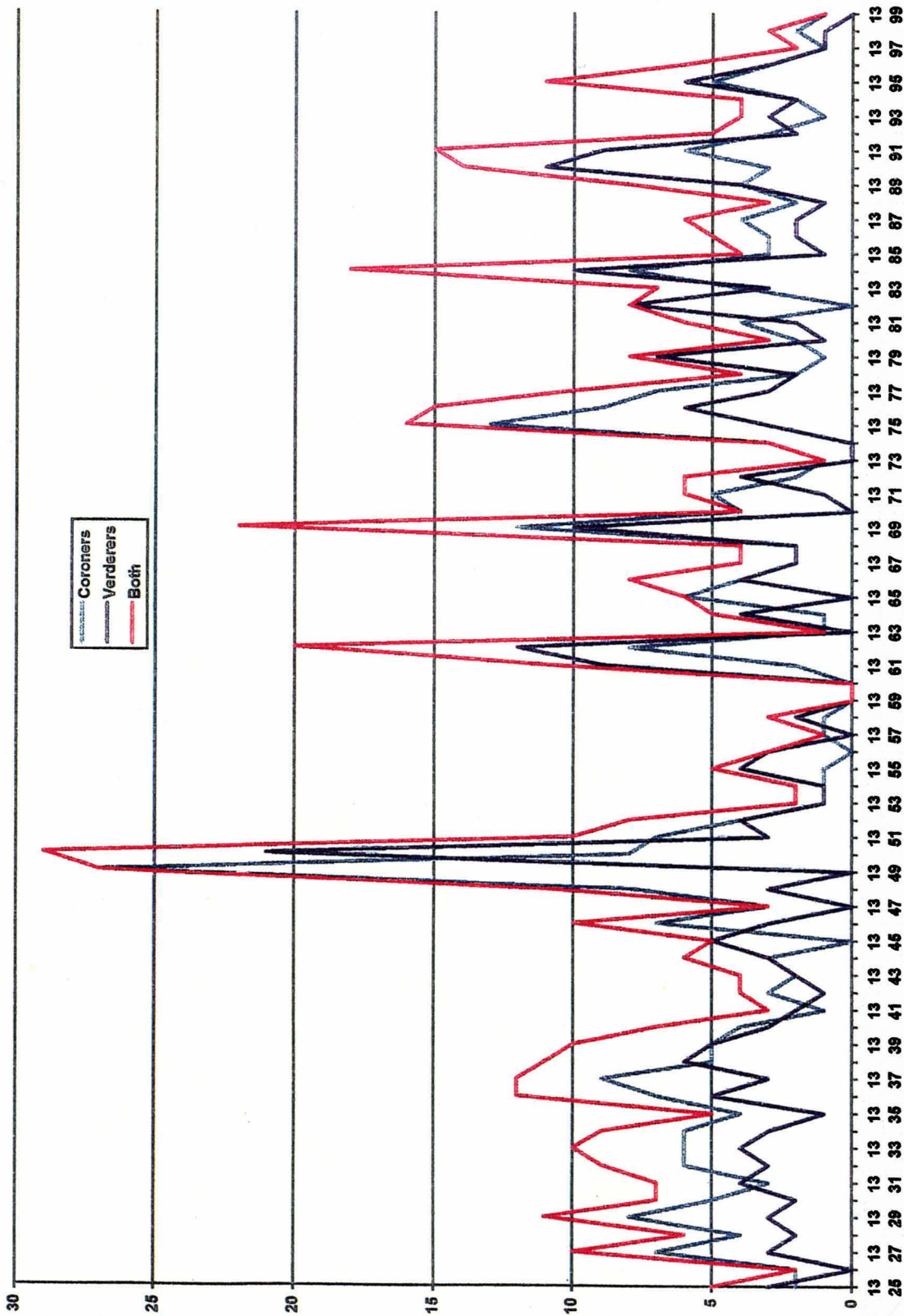


Figure 1. Dead Coroners and Verderers by Year

assume that most were. This increase in deaths in summer months also aids in determining the short time lapse for the order of the election of Coroners. As pointed out by W. M. Ormrod, the English government was not paralyzed by the arrival of the Black Death, but rather, was able to continue functioning with as much efficiency as before.<sup>38</sup> Therefore, it is safe to assume that Coroners were ordered to be elected relatively quickly after the death of the former office holder.

The number of dead Coroners reported in 1350 was ten, still over twice as many as the average of four. It was not until 1351-52 that the number returned to normal. Forty-five different Coroners were reported dead between 1348 and 1350. That is thirty-nine percent of the 115 Coroners thought to be in office at that time. Considering that not all Sheriffs received orders to elect Coroners, and therefore those Coroners are not accounted for in this study, it is safe to assume that at least forty percent died from this first massive outbreak.

The death of this many Coroners effectively dropped the average age of office holders. Because the office was granted for life, when forty percent of the Coroners who were in office from 1348-50 died in the Black Death, they were replaced by a group of Coroners with an average age that was significantly younger. The average number of Coroners who sought to leave

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<sup>38</sup> Ormrod, *The English Government and the Black Death*.



the office due to old age from 1346-98 was 4.4 per year. However, during the fifteen years from 1350-65, the average number dropped to 1.7 per year.

The percentage of Verderers who died during the Black Death cannot be determined, but the relative seriousness can be seen in the number of deaths. In 1348, only three Verderers died, that was less than average. Even more surprising, no Verderers were reported dead in 1349. However, in 1350, the number rose sharply to twenty-one. Considering the time delay between the actual death and the order for a replacement, which was discussed above, it is reasonable to assume that the majority of these twenty-one Verderers did not die in 1350, but rather, sometime during either 1348 or 1349. The number of dead Verderers immediately returned to normal in 1351. Because more Verderers died in office than claimed old age during the fourteenth century, it is not possible to detect a general decline in the average age.

Most commonly referred to as "the second pestilence", the epidemic of 1361 was often compared to the bubonic plague of 1348-49. Its effect on Coroners was minimal however. From 1361-1362, ten Coroners were to be replaced due to death. This is only two more than the average for a two-year period. Although the eight who died in 1362 may seem to be related to the epidemic, due to the short time delay between the death and the issuing of orders for the election of Coroners, these deaths were most likely not related to the disease. They are also extremely spread out, with no more than one Coroner dying a month except for May and June of 1362, which each had two.

Verderers, on the other hand, were affected to a much greater degree by this particular epidemic. In 1361-62, twenty-two Verderers were reported dead. This was almost four times as many as would normally be expected. Almost the same number of Verderers were reported dead from 1361-62 as were from the Black Death of 1348-49. Death was the only reason given for the election of any Verderers from 1360-64.

The third major epidemic of the second half of the fourteenth century occurred in 1369, just seven years after the second. This epidemic affected both Coroners and Verderers alike. Twelve Coroners, or about one out of every ten, died in this particular epidemic. The number of Verderers who died during this epidemic was ten. The total of twenty-two Coroners and Verderers was fourteen more than average.

The fourth pestilence has been dated anywhere from 1374-79.<sup>39</sup> In fact, judging by contemporary accounts, it is likely that this "plague event" was actually a series of different or re-occurring epidemics. One account claims that the fourth pestilence struck at three different times, in 1374, 1375, and again in 1378. Another claims it struck in both 1374 and 1379. The total number of deaths reported among Coroners and Verderers in this period rose sharply in 1375, and gradually subsided only to peak again in 1379. The total in 1374 was only three, about four below average. In 1375 however, it rose to

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<sup>39</sup> Horrox, *The Black Death*, 88-90.

sixteen, or twelve above average. In 1376 Chancery still reported fifteen deaths, and in 1377, ten were reported. The small rise in the number of deaths to eight in 1379 consisted almost exclusively of Verderers. If we take into account the delay in the issuing of orders for the election of Verderers and assume that these seven who died in 1379 could possibly have died earlier, the rise in deaths from 1375-77 would become more pronounced.

The number of deaths from 1375-79 was fifty-three. Compared to the average of thirty-eight deaths in a five year period, only fifteen more Coroners and Verderers died. Thirty-two Coroners died during this series of epidemics compared to just twenty-one Verderers. That is almost 28 percent of the total number of Coroners in office. However, it is spread over a period of five years. In a five year period an average of about 17 percent of the total number of Coroners in office could be expected to die. Therefore, the number which died in office from 1375-79 rose by 11 percent.

Although no national epidemic is known to have occurred in 1384, a fairly substantial number of Coroners and Verderers died in office that year. Eighteen deaths is more than twice the number which would normally be expected to have died. Whether this represents an unknown outbreak, or is simply the culmination of smaller more regional outbreaks is not known. It is also possible that this is merely coincidental.

The last major epidemic of the fourteenth century is thought to have occurred between 1390 and 1393. The number of Coroners who died from

this outbreak must have been relatively few as the number reported dead from 1390-93 was thirteen. That was three less than the average for a four year period. Verderers however, were affected more drastically. From 1390-91, twenty-nine Verderers died. During a normal two years only seven of those twenty-nine would have been expected to die. This was twenty-two more than normal.

The relative strengths of these plagues are difficult to determine. Although the outbreak of bubonic plague in 1348-49 was the most devastating and widely documented, it is not known how it compared to subsequent infections. It has been assumed by many that each outbreak resulted in a lower fatality rate. In order to judge the relative seriousness of these infections, the number of persons who died during each "plague event" must be totaled. However, because each infection spanned a different number of years, the average number of deaths for that number of years will be subtracted from the total number of actual deaths. In effect, this is the same as dividing the total number for a plague event by the number of years that event spanned. During an average year, 4.1 Coroners and 3.5 Verderers died for a combined total of 7.6 deaths a year.

From 1348-1350, a total of sixty-nine Coroners and Verderers died in office. The average number to die in three years was about twenty-two. Therefore, forty-seven more Coroners and Verderers died during the plague event of 1348-1350 than normally would be expected. From 1361-1362,

thirty-two total officials were reported dead in the Close Rolls. However, after subtracting the fifteen who would have died during an average two-year span, seventeen extra remain. In 1369, twenty-two Coroners and Verderers died in office. That was fourteen more than average in a year. From 1375-79, fifty-three deaths were recorded which was fifteen more than average. Finally, from 1390-93 thirty-nine Coroners and Verderers died, only nine more than average.

It is now clear that a great number of the people holding the offices of Coroner and Verderer died as a result of the outbreaks of plague in this fifty year time span, and that they were not more likely to contract the disease because of the offices they held. Although it is only occasionally possible to say with certainty that a particular Coroner or Verderer died of the plague itself, the remarkable correlation between the number that died in a given year, and the dates of known national epidemics which struck the country is surely more than coincidence.

By examining various aspects of the two offices, and the careers of many who held them, it becomes quite clear that those elected were from the lower ranks of the gentry. Although of sufficient status to be elected in the county court, and given certain crucial powers instrumental in the judicial system of the fourteenth century, the men who found themselves elected to serve in these capacities were increasingly from a lower position in the county gentry. After the offices themselves have been examined in greater detail and

the effect which these outbreaks had upon their development is made clear, the social and economic position of the people who held them will be evident. This in turn will enable a correlation to be made between the death rates of people who held the offices of Coroner and Verderer, and the lower gentry from which they came.

## THE OFFICE OF CORONER

In order to determine whether or not the outbreaks of plague in the second half of the fourteenth century had any effect on the offices of Coroner and Verderer, it is necessary to look at the offices themselves, their origins, characteristics, and most importantly their development. The changes they were undergoing must first be understood before any sort of conclusions can be drawn as to the extent which the plagues played a role in their development.

Current knowledge of the office of Coroner in the Middle Ages rests almost entirely with two historians. Charles Gross first published his *Select Cases of the Coroner's Roles* in 1896 for the Selden Society.<sup>40</sup> His was the pioneering study that established the groundwork for current historical knowledge of the office. R.F. Hunnisset, who has dedicated much of his career to the office, built upon this foundation.<sup>41</sup> Although these men have been

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<sup>40</sup> Charles Gross, *Select Cases of the Coroners Roll, 1265-1413*, Selden Society, vol. 9 (London, 1896).

<sup>41</sup> R. F. Hunnisset's work has been used extensively for information regarding the office of Coroner. See his following works: *The Medieval Coroner* (London: Cambridge University Press, 1961); 'Pleas of the Crown and the Coroner', *Bulletin of the Institute of Historical Research*, vol. XXXII; 'An Early

instrumental in establishing the significance of the office, neither has examined the effect the Black Death had upon its development. Without the contributions of both of these historians however, any discussion of the plague's effect of the office or its development in the fourteenth century could not be possible.

The office of Coroner was first established in September 1194. It was required that three knights and one clerk be elected in every county as keepers of the pleas of the crown.<sup>42</sup> The justices in eyre were to hold the elections, and those chosen were given significant authority over local county administration. Although none of the duties given to the Coroners were new, since they were performed by various other county officials before 1194, many were done with less regularity and efficiency until the office was established.

Throughout the Middle Ages, Coroners were given the authority to perform almost any administrative function of county government within their district at one time or another. However, for the most part, the duties which they were required to perform on a regular basis from 1194-1500 remained consistent. Richard I's desperate need to acquire money, both to pursue his continental wars and to pay his ransom, ensured that he could not afford to

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Coroner's Roll', *Bulletin of the Institute of Historical Research*, 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.

<sup>42</sup> W. Stubbs, ed., *Select Charters* (Oxford, 1913), 254.



lose any of the financial issues of crown pleas due him. Therefore, by having a full time county official to oversee the crown pleas and to ensure that they were all presented to the justices at the general eyre, he was able to increase the chances that he would actually see some sort of revenue generated from these pleas. No other county officials were suited to the task, they were either overburdened or had a greater tendency to become too powerful and corrupt.<sup>43</sup>

The Justices in eyre were not responsible for the elections of Coroners for long. As was demonstrated earlier, throughout the majority of their existence, Coroners were elected in full county court under the direction of the Sheriff. The office was unpaid and granted for life, although it was not uncommon for a writ to be issued for the removal of a particular Coroner or Verderer. Coroners were responsible for conducting inquests on dead bodies, hearing abjurations of the realm, dealing with appeals and outlawries, helping to maintain the peace in emergencies, and acting as a check against the Sheriff. In addition to keeping these crown pleas, the Coroner also had to attach or arrest witnesses and suspects, appraise and safeguard any lands or goods which might be forfeited to the king, and record all the details for the next general eyre. These duties largely remained static until the later fourteenth century.<sup>44</sup>

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<sup>43</sup> Hunnisett *The Medieval Coroner*.

<sup>44</sup> Hunnisett *The Medieval Coroner*.

Qualifications for the office of Coroner were in existence since the office was first created. In 1194, it was declared that knighthood was required of any person elected to the office.<sup>45</sup> Subsequently, other qualifications had to be met in order to hold the office. By the fourteenth century, anyone who possessed the office was technically required to be a knight, possess land within the county from which he was elected, and have permanent residency therein. These requirements were necessary for a number of reasons.

Coroners were required to possess land within the county in order to ensure that they had access to sufficient financial resources. This financial stability was required for at least two reasons. First of all the office was unpaid, and therefore if the person was not capable of sustaining himself independently, he was more apt for corruption, a problem that persisted none the less as will be shown below. Second, the person in possession of the office had to be capable of paying fines and amercements, which may have been levied on him if he failed to conduct the affairs of his office. The most common and costly fine came for failing to present his rolls at the general eyre. Tampering with the rolls which were presented was also a serious offense. Furthermore, if the fine was unable to be collected from the Coroner himself, his family was held responsible. Another common reason a Coroner was required to pay a fine was if he had been found guilty of some form of corruption. Most commonly he was caught charging the family or community

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<sup>45</sup> W. Stubbs, ed., *Select Charters* (Oxford, 1913), 254.

for his services in conducting an inquest, or was guilty of keeping some or all of the fines and goods which were levied or forfeited by individuals or communities.

Permanent residency within the county was also required for practical purposes. Because the duties a Coroner performed required substantial traveling within the county, he needed to have permanent residency therein to ensure that he was able to arrive where needed within a reasonable amount of time. If called to perform an inquest, it was important for him to arrive quickly in order to ensure that any investigation needed could take place immediately. Coroners were regularly replaced for not permanently residing within the county they were elected.

Coroners were responsible for either the whole county or a particular Coroner's district. Whether or not all counties had Coroners districts is not agreed upon, however some orders for the replacement of Coroners specify from which area of the county the Coroner must be elected. These districts were either a certain geographical area of the county or a large urban center. Specific towns possessed their own Coroners, although in the writs for their election, usually only the county is mentioned, so that it is often impossible to tell if the Coroner being replaced was from a particular district, town, or simply a Coroner "at large". This is unfortunate, because while examining death rates from the plague, it becomes difficult to tell if a larger proportion of Coroners died in urban centers than in the countryside.

The speed with which the Coroner arrived to perform his inquest varied for a number of reasons. Depending on the relative closeness of the Coroner, he may have had a good distance to travel to the body. As well, often the "first finder" would simply pass by the body in order to escape suspicion, resulting in a good deal of time passing before someone decided to inform the Coroner.<sup>46</sup> In addition, the first finder was required to be present at the proceedings, which would inevitably follow. There are numerous occasions of bodies being hidden not only by the person responsible for the crime, but by communities wanting to escape the hassle of the proceedings or the possibility of amercement. Finally, a Coroner demanding payment could delay an inquest. Although the office was not legally paid, demand for money let Coroners compensate themselves for their trouble.<sup>47</sup> The fee which Coroners collected before their inquests could also help to decrease the time it took Coroners to arrive at the body. The desire to collect illegal funds often increased efficiency. They were rarely punished for this extortion in the latter fourteenth century.<sup>48</sup>

As shown above, election orders were issued from Chancery to the Sheriff of the county, and provided the name of the Coroner who previously held the office, and the reason for his replacement. Reasons most frequently

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<sup>46</sup> *CCR* 1392-96, 10.

<sup>47</sup> *CCR*, 118.

<sup>48</sup> Only four entries in the Close Rolls from 1346-98 show Coroners who were removed due to extortion.

used for removal from office were insufficient qualification, death, sickness/age, no land within the county, no permanent residence within the county, and on business of the king. Other reasons seldom appear.<sup>49</sup>

Often times the wording in the orders for election is unclear. Certain words or phrases were sometimes used interchangeably. For example, commonly Coroners were removed because they were sick and aged. A Sheriff may be ordered to elect a new Coroner in place of Guy Wolyngton who is *infirm with age*, or *sick with age* and unable to travel to distant parts of the county. In this common example, infirmity and age are seen as related. Rather than distinguishing between those who are infirm and those who are sick, Chancery simply uses the terms interchangeably. Therefore, many of these people can not be declared as having been old as opposed to sick or sick rather than infirm, and thus they must be grouped together. The same is true for those who did not hold land in the county and those who did not live in the county. Many orders contained both reasons, stating that a Coroner needed to be replaced because he had no lands upon which to dwell in order to execute the office. At other times, one reason or the other was given. Therefore, lack of residency and/or no possession of land within the county are grouped together.

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<sup>49</sup> Other reasons for the removal of Coroners/Verderers which occurred two or more times are as follows: too busy with divers matters, already holds one or more other offices, not a knight, trespass of vert and venison (Verderers),

It is difficult to determine whether the office was desirable to those who were in a position to possess it. There were a number of advantages to holding the office as well as responsibilities, which at times must have seemed rather stifling. By serving as Coroner, one was exempt from serving on assizes, recognitions, or juries since they might require the Coroner to leave their county and thus be unable to attend to their duties.<sup>50</sup> The office of Coroner also provided the opportunity for financial gain by corrupt means if the person was so inclined.

The disadvantages probably outweighed the advantages in most cases. Those in office could not leave the county for any period of time because if they did they would be unable to execute their office. In addition, Coroners often traveled great distances across the county in all seasons to perform their duties. In very large counties such as Yorkshire, this distance could be especially great. Coroners were also liable to be fined large sums of money for various reasons while in office. Indeed amercements for lost or tampered rolls were frequent.

The most difficult problem Chancery had with the office was ensuring that qualified and upstanding people were elected to it. To those who were of sufficient financial value, and therefore less likely to seek illegal payments or

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appointed by Sheriff rather than elected, unfit to toil, extortion/oppression, acting as an attorney against the king, studying overseas, and kings will.

<sup>50</sup> R. F. Hunnisett *The Medieval Coroner* (London: Cambridge University Press, 1961).

to use the office as a means of gaining financial wealth, the office was often seen as undesirable. It required a great deal of traveling, and the chances of being fined for failing to conduct duties accurately was too great. However, the office was very appealing to those who were of slightly lower standing, and saw very clearly the apparent financial gain which could be attained with little chance of being prosecuted. Therefore, Chancery continually had difficulty in maintaining the quality of people they desired in the office.

The number of people removed from the office increased dramatically after the plague. These removals were not those who had died, but those who had replaced the dead but proved unfit for the office. Because Coroners were elected in county court, the only thing Chancery could do if it disagreed with the counties choice was to remove the man elected. They did this often, especially after the first outbreak. But, although Chancery was able to order the removal of a man from office, it did not always mean he would be removed. As was noted above, Sheriffs often times ignored Chancery's order to hold elections. On several occasions they simply re-elected the person Chancery had just removed.

One of the primary reasons Chancery removed so many of the people in possession of this office, officially granted for life, was corruption. The office of Coroner provided many opportunities for corruption, and from 1274 to the end of the fourteenth century, Chancery conducted a deliberate campaign to end it.

One of the first instances of Chancery trying to curb corruption is the Hundred Roll Inquiries of 1274-75, which in part were specifically aimed at curbing misdeeds of Coroners and their clerks.<sup>51</sup> Several articles within the inquiries specifically mention things Coroners were not to do. They were not to receive bribes of any sort in order to prevent them from doing their duties. Similarly, they were not to accept bribes or fees for conducting their duties. They were not to conceal felonies or forfeitable chattels, for any reason. Chattels were often hidden or reported at less than their real value so that the Coroner could keep all or part of the goods. Finally, the inquiries stated specifically that Coroners were not to amerce men who had been summoned to inquests.

Following the Hundred Roll inquiry of 1274, there was issued a Statute of Westminster of 1275 which also was aimed at curbing the corruption of local officials. It decreed that “any Sheriff, Coroner or other official found guilty of concealing felonies, not attaching or arresting felons or otherwise performing their duties out of favor for the felons, because of reward, fear or affinity, should have a year’s imprisonment, and a grievous fine.”<sup>52</sup> The statute also reminded Sheriffs that knighthood was a qualification, and

<sup>51</sup> L. F. Salzman, ‘The Hundred Roll for Sussex’, *Sussex Archaeological Collections*, LXXXII, 21-4.

<sup>52</sup> 3 Edward I, cc. 9, 10. from Hunnisett *The Medieval Coroner*, 119.



required that Sheriffs keep “counter-rolls” of crown pleas in order to ensure that Coroners did not edit their rolls in order to cover up corruption.

By the second half of the fourteenth century, as the plague was killing so many of those in office, Chancery found it necessary to allow the Justice of the Peace to deal with extortion by Coroners and other local officials.<sup>53</sup> Although they were empowered to deal with this extortion, they rarely did so. Rather, it became regular practice for Coroners to charge to perform an inquest. They usually received the money from the family of the person who had died because it was illegal to bury the body until the inquest was performed. If he did not receive his payment, he would not perform the inquest and the body would go unburied. If those who refused to pay took it upon themselves to bury the body, he would fine and imprison them for illegally burying the body before an inquest was made.

There can be no doubt that Coroners were regularly charging to perform inquests in the fourteenth century. There are numerous examples of complaints regarding Coroners in the Hundred Rolls.<sup>54</sup> Furthermore, in 1361, a Yorkshire Coroner was charged with having taken one-half mark for viewing

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<sup>53</sup> *Yorkshire Archaeological Society, Record Series C*, 93-4, 108. R. F. Hunnisett *The Medieval Coroner* (London: Cambridge University Press, 1961).

<sup>54</sup> For a more complete discussion of the corruption of Coroners and the instances in which they are noted as having charged before performing inquests, see R. F. Hunnisett *The Medieval Coroner* (London: Cambridge University Press, 1961), 118-133.

every dead body “as the other Coroners did”.<sup>55</sup> The reference to “other Coroners” shows that this was not at all unusual.

It is difficult to explain why Justices of the Peace would not prosecute those Coroners who were regularly extorting money from communities or individuals. Hunnisett stated that “the justices may well have sympathized with the Coroner, who, unpaid, could not even extort very much, for there was naturally a limit to the amount that men would pay to rid themselves of the nuisance of an unburied body.”<sup>56</sup>

Although Chancery was making a concerted effort to deter illegal actions by Coroners as early as the latter thirteenth century, it seemed to have little if any effect on the Coroners of the fourteenth century. Although the Justices of the Peace were technically supposed to oversee the office, they rarely fined or imprisoned Coroners for corruption. When they did, as was the case with the Yorkshire Coroner mentioned above who was charging a half-mark per body, the fine was usually so small as to be hardly a penalty at all. The Yorkshire gentlemen was fined only a half-mark for his crime, and was not even required to return the money he was guilty of collecting.<sup>57</sup>

Chancery had many problems keeping men it saw fit in possession of the office of Coroner. They were required to be a knight, possess land within

<sup>55</sup> *Yorkshire Archaeological Society, Record Series C*, 93-4, 108.

<sup>56</sup> Hunnisett, *The Medieval Coroner*, 121.

<sup>57</sup> *Yorkshire Archaeological Society, Record Series C*, 93-4, 108.

the county, reside on those lands, and perform the duties of the unpaid office without any financial compensation. In addition, the office required extensive traveling and held many risks of being fined or held liable for mistakes. It is obvious that the office held little reward for those who were both qualified and willing to conduct affairs legally. Only those who wanted to profit by the office would be willing to accept it. As scores of people died while in possession of it, Chancery found it even more difficult to keep this very important office filled. The number of people who were removed because they were insufficiently qualified after the plague rose significantly. This then meant that the office was often unfilled or held by someone unqualified to execute its duties.

## THE OFFICE OF VERDERER

When the Norman conquerors arrived in the eleventh century, England was still a very heavily wooded land. Rich with game, the forests would provide the English monarchy with sport, venison, and raw building material for many centuries to come. Although the forest may have seemed endless to some in the eleventh century, the Norman kings were not shortsighted, and thus they began to restrict the hunting of game and harvesting of wood. The concept of the "King's Forest" was born, and an elaborate forest administration was created to look after the forest and the game within.<sup>58</sup>

Forest preserves were nothing new to the Anglo-Saxons who themselves participated in restrictive hunting in an effort to maintain a secure environment for the game. However, the number of forests restricted to hunting by the populace was minimal compared to the wholesale ban placed upon the taking of any wood or game from the king's forest that was instituted by the Normans. They did not forbid the taking of game in the whole of England. However, they did create artificial boundaries around the most

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<sup>58</sup> Charles R. Young, *The Royal Forests of Medieval England*, (University of Pennsylvania Press) 1979, 1.

heavily wooded areas in which the majority of the game resided and declared ownership of all the trees and animals within.

Before 1979, it would have been very difficult for any historian to recommend a book on the English medieval forest. Although nearly all were aware that the royal forest existed, and that severe restrictions were placed on them by the king in order to ensure he had ample hunting available, no historian would have been able to find a detailed analysis of the forests themselves or the administrative and judicial apparatus which was in charge of them. Although G. J. Turner edited *Select Pleas of the Forest* for the Selden Society in 1901, which laid out the basic function of the administrative system, the analysis of the pleas themselves was largely left up to the reader.<sup>59</sup> However, his work, which was the first to publish any such pleas of the forest, was instrumental in enabling others to examine the forest administration and judicial system. In 1940, Nellie Neilson wrote a chapter entitled "The Forests" for *The English Government at Work 1327-1336*.<sup>60</sup> She attempted to cover all aspects of the royal forests, including the effect of legislation, their extent, administration, value and profit, hunting potential and common use. Although very insightful, as the title implies, she only covered the period from 1327-36, and therefore only provides a look at one instant of

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<sup>59</sup> G. J. Turner, ed., *Select Pleas of the Forest*, Selden Society, vol.13 (London, 1901).

<sup>60</sup> Nellie Neilson , "The Forests", chap. in *The English Government at Work 1327-1336* (Cambridge: Medieval Academy of America, 1947), 1:449-467.

the ever changing and evolving administration. In addition to Turner and Neilson, many others conducted limited studies on various aspects of the royal forest before 1979. Most of these smaller studies have dealt with a particular aspect of forest administration. Others have dealt with the extent of the forest and its rate of decline. Although the number of these studies is somewhat significant, none attempt a large examination of the roots and development of the Royal Forest from its inception in the eleventh century though the end of the medieval period.

It was not until Charles Young published *The Royal Forests of Medieval England* in 1979, that a work was produced that looked at the whole of the English medieval forest.<sup>61</sup> Beginning with its organization under the Norman Kings, and continuing through the Middle Ages, Young examined nearly every aspect of the royal forest. He began his investigation with the organization of the royal forests by the Norman Kings, and continued through the Angevin's modifications of that organization. After establishing its general layout, Young turned his attention to the political, legal, administrative, and economic issues of the forest. Not since the production of this work has there been a more detailed examination of the royal forests of medieval England.

Neither Young nor anyone else who has looked at the royal forest has so much as mentioned in passing the outbreaks of plague which swept

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<sup>61</sup> Young, *The Royal Forests*.

through England in the second half of the fourteenth century. Perhaps they have taken a detailed look at the plague's effect on forest administration and concluded that the forests escaped unscathed. It is more likely that they have been concerned with other particular aspects of the royal forest, and the plague's impact, not being so obvious as to jump out at them, escaped notice.

It has been established that a large number of Verderers fell victim to the plague, especially during the outbreaks of 1348-49, and 1361. When one looks at the evolution of forest administration in general and the office of Verderer in particular, it becomes obvious that certain aspects of its decline coincide with these two outbreaks. Although it may seem likely that these outbreaks had some impact on the forests or their administration in the fourteenth century, it is necessary to examine the nature of its decline in order to determine accurately the influence of the plague, if any.

The term "royal forest" is somewhat misleading because not all the area within the "forest" was wooded. Rather, it was simply an arbitrary boundary within which forest law and administration was implemented. Within the bounds of the forest there often existed communities, complete with local "industry" which could be found in or around almost any medieval town or village, including farms, tanners, blacksmiths, and such. However, forest

administration and the limits that came with it were imposed on all that lived in or entered the bounds of the royal forests.<sup>62</sup>

Forest law placed limitations on a number of activities within the forest, most obviously, hunting. It also restricted the harvesting of trees or fallen timber. Whether to be used as building material or for the clearing of land, known as assarting, cutting down trees within the bounds of the forest was a serious offense. The grazing of animals without permission within the forest was also illegal and required a payment based on their number and type. In addition, no purprestures, or structures, of any kind could be erected without permission. The king strictly regulated the carting of wood to seaports for the building of ships, and held claims to all honey found within the forest.<sup>63</sup>

The king charged several forest officials with the oversight of these policies and restrictions. By the fourteenth century, two officers were appointed for life by the king to oversee all of the royal forests. They were usually titled keeper of the forest, but the older title of "Justice" was also often used. One was responsible for those forests north of the Trent and one for those south. In the fourteenth century, the pipe rolls indicate that the annual stipend of the keepers was 100 marks a year.<sup>64</sup> The keepers were

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<sup>62</sup> Information for the following discussion concerning the general aspects of forest law can be obtained by consulting Charles R. Young, *The Royal Forests of Medieval England*, (University of Pennsylvania Press, 1979).

<sup>63</sup> Young, *The Royal Forests*.

<sup>64</sup> Neilson, "The Forests", chap. in *The English Government at Work 1327-1336* (Cambridge: Medieval Academy of America, 1947), 1:407 and note 1.



responsible for the general workings of forest administration, and were required to attend all forest eyres, which were few by the fourteenth century.

The offices directly below the keepers north and south of Trent were keepers of particular forests. Although it is difficult to make any generalizations regarding the nature of their offices, they would have been required to attend all the local forest courts as well as the general forest eyres. Verderers fell just below the keepers of particular forests and will be examined in detail below. Foresters were another important office in forest administration and were responsible for maintaining general order within the forest and seeking out those who were suspected of having committed an offence. They were designated as either riding or walking and were generally responsible for the whole of a particular forest, rather than confined to a particular area, as were Verderers. They were often assisted by boys and acted as the deputies of the forest with very definite duties and some privileges.

Woodwards were the keepers of private woods within the forest and were required to attend the eyre and preserve the vert in order to ensure that the feeding grounds of the deer remained in tact. Although they were appointed by whoever was in possession of the private wood at the time, they took an oath to the king for the preservation of game coming in and out of the area.

The regard does not fall within this rough hierarchy of forest officials, but is one of the most important in its administration. Usually numbering twelve for a particular forest, regards were required to take a survey, called a regard, of the vert of the forest in order to assess those encroachments made upon it, either in the form of assarts or purprestures. A regard was made at the order of the king, and the roll of the regard was presented and included in the general forest eyre roll. These regards were important both for the financial revenue that would result from fines levied and for determining the rate of deforestation taking place.

With a general understanding of the different officials involved in forest administration, attention will now be turned to the office of Verderer. Any examination of the offices of Coroner and Verderer quickly makes obvious the similarity between the two. Certain aspects of their duties, such as holding inquests, were virtually identical. The qualifications and way in which they were selected were also extremely similar. The qualifications required of Verderers were identical to those of Coroners. They were required to be knights, possess land within the forest in which they were elected, reside within that forest, and be in physical condition sufficient to execute the rigorous duties of the office. Although knighthood was technically required, by the fourteenth century a knight in possession of the office was the exception rather than the rule.

The general duties of Verderers were to keep the rolls of the courts of attachment, answer for the price of vert at the forest eyre, and present all relevant rolls made since the last eyre, including those concerned with trespass of vert and venison. The most important duty of the Verderers was to attend the local forest courts to deal with the lesser attachments for vert and venison. Smaller pleas of the forest were to be handled in these lesser forest courts and not subject to having to wait for the next forest eyre to be called.<sup>65</sup>

One of the most obvious ways in which forest administration was changing in the fourteenth century involved the judicial procedures. An examination of those procedures is necessary in order to understand in what way they were evolving or to make any claims as to the affect of the plague on that evolution. The most important judicial court dealing with forest law was the forest eyre. Held at the king's order, the forest eyre required the presence of nearly all that had any part in its administration. The Wiltshire eyre of November 1329, as well as extracts from the eyre roll of Sherwood Forest held in Nottingham will be used in order to demonstrate the workings of the forest eyre.<sup>66</sup>

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<sup>65</sup> Young, *The Royal Forests*, 85.

<sup>66</sup> Extracts of the eyre roll of Sherwood are present in G. J. Turner, ed., *Select Pleas of the Forest*, Selden Society, vol.13 (London, 1901).

Justices were appointed for the Wiltshire eyre by Chancery in 1329, and included John Mautravers, the keeper south of Trent, Robert de Aspale, William de Ponte Roberti, and Hugh de Hampslape.<sup>67</sup> The Sheriff was ordered to summon all of those who were generally required to attend forest eyres. These included the freeholders, four men from each vill of the county within the forest boundary, the people “meet and bound to come,” and all the foresters, Verderers and regards in office at the time with their rolls.

The necessary officers having been called, a mandate was issued for a regard to be taken on the extent of the forests within Wiltshire, and the results of that regard were to be presented at the eyre. The foresters were responsible for showing the regards to the proper places where they could make the regard. Although the foresters were to assist in the regard, if any errors were present in the rolls the regards themselves were held responsible.<sup>68</sup> If the present number of regards was below twelve due to the death of previous holders of the office, new ones were appointed. The regard was to include all assarts which had been made before and subsequent to the last regard, and any purprestures built within the bounds of the forest. The regards were also to note the presence and owners of any eyries of hawks, mines, forges, honey, bows and arrows, slings, running dogs, or any other

<sup>67</sup> *CPR 1327-1330*, 466; *CCR 1330-1333*, 114.

<sup>68</sup> Nellie Neilson, “The Forests”, chap. in *The English Government at Work 1327-1336* (Cambridge: Medieval Academy of America, 1947), 1:412.

device used for hunting. The roll of the regard was then presented at the eyre, and any fines or dues owed the king for infringement upon forest law as shown in the roll was recorded.

The eyre of Sherwood opened at Nottingham before the keeper north of Trent and justices on the Monday following the feast of St. George, 1334.<sup>69</sup> The first business of the eyre was to establish who was and was not present and to levy fines for those not in attendance. The names of those 151 people appearing on the first day of the eyre were entered first. Those 179 who were fined for not appearing followed this. An additional 166 were recorded as having died before the eyre, and so are excused for their absence. Next those people who had pledged for the appearance of the accused were fined if they failed to produce the people for whom they had pledged. Finally those forest officials who were not present were listed and fined.

Following the examination of those present, the roll listed those officials who were fined for various lapses in their duties. These included fines against foresters for breaking attachments, Verderers or sons of dead Verderers for not presenting attachments and rolls, and regards who failed to present or account for assarts or purprestures. After fines were levied on the officials themselves, the actual offenses for which the eyre met were examined. The

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<sup>69</sup> The following discussion is based on forest eyre rolls presented in: G. J. Turner, ed., *Select Pleas of the Forest*, Selden Society, vol.13 (London) 1901. 65-69. For the original roll, see Public Record Office, Forest Proceedings, E 32/132/8.

roll of venison produced by the Verderers was recorded first. This began with a list of those people who had been granted permission from the king to take game from the forest, and the number and type of animal they took. Following those who took game legally were the names of all those accused of killing game without permission within the forest, as well as those people who pledged that the accused would be present at the eyre. The Verderer then recounted the event from his roll, and produced the bones of the slain animal and any arrows or weapons in order to prove guilt. If found guilty by the justices, the punishment was handed down. This punishment was usually a fine by the fourteenth century. If the person found guilty was not present, then those who pledged his presence were required to pay the fine. If unable to do so, the Sheriff was ordered to take them into custody and the criminal who was not present was required to pay the fine for their release, and was declared an outlaw.

After the roll of venison was dealt with, the roll of vert followed. The forest eyre only dealt with those offenses resulting in more than 4d. fine being levied. If the amount is less than 4d., then the matter was settled in the attachment court which will be discussed below. By far the most common offense of vert was the taking of oaks in some form, whether the stripping of bark, collecting of fallen branches or the wholesale felling of a grown tree. The total number of cases mentioned in the Sherwood eyre is close to nine

hundred, and these are just those which resulted in a fine greater than 4d.!

As mentioned earlier, one of the chief duties of the Verderers is to answer for the price of vert at the eyre. This was necessary in order to assess the amount of fine levied on the persons guilty of stealing wood.

It is evident from the surviving forest eyre rolls of the fourteenth century that forest law was becoming less effective. This was primarily due to the great length of time between each eyre. They began to meet so infrequently that most of those people who were attached for committing a trespass of the forest would die before the next eyre would require that they be tried for their crime. At the eyre of Sherwood described above, of the 496 people who were required to attend, only 151 appeared. Of the remaining 345, 166 had died and 179 simply did not attend. Because forest eyres were held so infrequently, the prospect of actually having to pay for one's crimes was unlikely. If one could obtain the proper pledges, they would be set free until the next eyre. The majority of the revenue associated with the forest eyre came from those officials who had not conducted the affairs of their office adequately.--

Although forest eyres were rare, Verderers' inquests, and forest law in general, still generated fear and hatred among the people living in or near the forests. The prospect of being found committing a crime in the forest still meant that one would have to obtain pledges. If this was not done, the consequences could be imprisonment for a long period of time. It was not

uncommon for people to flee upon finding a dead animal within the bounds of the forest. This was done primarily out of fear that they would be accused of having committed the deed, or at the very least questioned and harassed to no end. Even if they were exonerated, they would be attached and required to attend the next forest eyre, and fined if they failed to show up.

This fear is evident in a case concerning Henry fitz Benselin. Two foresters found him cowering in a bush a short distance from a slain doe. He maintained that he was simply searching for an animal that had strayed into the forest and had innocently come upon the deer. Nevertheless, he was imprisoned. Some time later, when his case came before the justices, the foresters and Verderers reported that he was no longer suspected because the real criminal had fled to a nearby village and was caught. The justices then released fitz Benselin. However, he could only remain within the forest after obtaining two pledges.<sup>70</sup>

The most striking aspect of this report is the ease with which a Verderer or forester was able to destroy a man's life if they simply suspected guilt. If he happened to be suspected of a more serious crime, such as felling an oak, he would have been imprisoned until the next forest eyre, which by the fourteenth century were rare. In such cases he most likely would have died in prison and become the object of a Coroner's inquest. It is also

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<sup>70</sup> Young, *The Royal Forests*, 107.



apparent that Henry fitz Benselin knew he would be accused of killing the deer if he was found with it. Thus, he was cowering in a bush. The hatred for forest officials is also evident in the large number of forest officials who were killed while trying to enforce forest law.<sup>71</sup>

This fear of forest officials helps to illustrate two points. It is important in explaining the delay in the order for the election of a replacement when the previous holder of the office died. The people living in or near the bounds of the forest would have no interest in notifying Chancery or their Sheriff that a new Verderer needed to be elected. Thus, while looking at the death rates of the people holding the office it is important to consider this delay.

Furthermore, this point is important when assessing the effect which the plague had upon the office.

It has been shown that throughout the latter fourteenth century, outbreaks of plague killed large numbers of Verderers. Because the general populace had no interest in re-electing these royal officials, and the forest eyre was so infrequent that it was of no assistance in notifying Chancery of the vacancies, the office was regularly empty for long periods of time. This is also evident in that when Chancery did become aware of the vacancies, an order for the election of many Verderers for a particular forest would be issued.

The effect of the plague on forest administration, and Verderers in particular, was quite significant. Forest eyres were definitely becoming less

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<sup>71</sup> Young, *The Royal Forests*, 49, 81, 106, 168.

effective before the first outbreak of plague in 1348-49. The infrequency with which they were held meant that very few people showed up. Most had either died or moved on by the time the next eyre was held. Therefore, after thirty to fifty percent of the population died in a very short time span, the succeeding eyres were surely ineffective. Thus the last was held in 1368.<sup>72</sup>

Although the declines in forest administration in the latter fourteenth century began prior to the first deadly outbreak of the Black Death, and thus most likely would have taken place regardless of the plague's influence, the death of one-third to one-half of the population surely increased the rate at which they declined. It meant that any subsequent eyres held would be largely ineffective, and that many offices went unfilled. This of course meant that the killing of game and taking of wood within the forest increased since the likelihood of being caught or punished decreased significantly.

The number of Verderers who were removed in the fourteenth century greatly outnumbered those that were removed in the thirteenth century.<sup>73</sup> This alone shows that Chancery found it increasingly difficult to maintain qualified personnel within the office to conduct affairs. After the plague swept through and took with it roughly forty percent of those who were in the office, Chancery's problems surely increased. Although historians have long been aware that the administration of the royal forest was in decline throughout this

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<sup>72</sup> Young, *The Royal Forests*, 155.

<sup>73</sup> Turner, ed., *Select Pleas*.

century, none have yet acknowledged that the Black Death played a significant role in that decline.

## CONCLUSIONS

The series of epidemics, which swept through England in the second half of the fourteenth century, obviously took their toll on not only the poor but also on the county gentry. An examination of the offices of Coroner and Verderer and the death rates of those in possession of the offices clearly make this point. Both Coroners and Verderers died at an alarming rate during those epidemics. From 1346-98, of the 218 Coroners who died in office as recorded in the Close Rolls, 112 died during a major epidemic. Fifty-one percent of the deaths took place in only fifteen different years. 190 Verderers are reported in the Close Rolls as having died while in office. Of those 190, 103 died during a major epidemic.

For the most part, the total number of above average deaths for each plague event declined as the century went on. From forty-seven in 1348-49, it dropped to seventeen in the plague event of 1361-62, then fourteen, fifteen, and finally only nine above average during the last three outbreaks. It is obvious that the first outbreak in 1348-49 was much more devastating than subsequent ones. However, every outbreak took its toll on the gentry. Things

improved as the century wore on. Each outbreak was a little less intense than the one preceding it.

As mentioned above, in order to use this evidence to make any claims regarding the plague's effect on the county gentry, the place of Coroners and Verderers within the gentry must be established. Current historical studies demonstrate without a doubt that by the late fourteenth century, the county gentry was not a universal stratification within England. Rather, the gentry was made up of a wide variety of people with widely varying income levels. S. M. Wright, G. G. Astill, H. M. Cam, Chris Given-Wilson, and W. M. Ormrod have all clearly established that the gentry existed on a much larger and more diverse scale than had been previously thought.<sup>74</sup> Furthermore, many of the above historians have stated explicitly that the office of Coroner was filled with people from the lower ranks of the gentry. In contrast, Sheriffs, Justices of the Peace, members of Parliament, and Escheators were generally chosen from the upper ranks of the county gentry.

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<sup>74</sup> S. M. Wright, *The Derbyshire Gentry in the Fifteenth Century* (Derbyshire Record Society viii, 1983); G. G. Astill, "The Medieval Gentry: A Study in Leicestershire Society, 1350-99" (Birmingham University PhD thesis 1977) from Roger Virgoe, "Aspects of the County Community in the Fifteenth Century" in *Profit, Piety and the Professions in Later Medieval England*, ed. Michael Hicks (Gloucester: Alan Sutton Publishing, 1990) 3; H. M. Cam *Liberties and Communities in Medieval England* (London: Cambridge University Press, 1933) 245-7; Chris Given-Wilson *The English Nobility in the Late Middle Ages: The Fourteenth-Century Political Community* (New York: Routledge & Kegan Paul, 1987) 71; W. M. Ormrod *The Reign of Edward III: Crown and Political Society in England 1327-1377* (London: Yale University Press, 1990) 148.

The social and economic status of Coroners and Verderers in the fourteenth century is very clear. They were of sufficient social standing to be elected to an important local governmental office for life, but yet of means meager enough that they would be willing to accept the office and all of its duties for no reward other than extorted fines. They were of course all landholders within the county they served, but very few held any other office throughout their careers.

Although it has generally been accepted that relatively few of the upper class died during the plague, this evidence suggests that the lower gentry were not spared. Their remarkably high mortality rate conforms to those accepted for the general populace. The many epidemic diseases that occurred in the second half of the fourteenth century made it a perilous time to be alive not only for the poor, but also the lower ranks of the county gentry.

The effect the plague had upon the offices of Coroner and Verderer themselves is more difficult to determine. It has been shown that immediately after the plague events of 1348-49 and 1361 a larger number of people were removed from office for various reasons than were in "non-plague" years. It has also been shown that fewer Coroners were removed due to old age after the plague. These two developments suggest that those who replaced victims of the plague were generally younger, inexperienced, and unqualified individuals, whom Chancery often found unfit to hold the office. Although those who were replacing victims were probably not replaced themselves at

any greater rate than in other years, after the plague killed such a large number of men holding the office, inevitably it took some time to replace them with qualified individuals. The large number of people new to the office meant that Chancery, which was having difficulty keeping qualified people in office before the plague outbreaks, would have found it very difficult to replace them with people who could perform the office adequately.

The plague most likely helped to finalize the transition from forest eyres to local smaller courts, since there are only a few recorded instances of eyres having been held after 1349 and the last was in 1368. This transition, although already in progress, was inevitably finalized after the plague killed many of those who were to report to the next eyre. The death of so many Verderers meant the eyres were less effective due to missing or out-dated rolls.

The most obvious effect which the plague had on Verderers and on forest administration was to decrease the effectiveness with which forest law was carried out. The time delay between the death of a Verderer and the eventual election of his replacement shows that at any given time, many of the positions were empty. Thus, the office primarily responsible for attaching those accused of trespass of vert and venison was often vacant, which meant that it became increasingly easy to evade forest administration.

The outbreaks of plague in the latter fourteenth century have been a popular topic among historians for many years. The most obvious impact the

Black Death had on England was to take one-third to one-half of its people. Although many of the wealthy were able to escape the plague, the lower ranks of the county gentry died at an alarming rate, thereby adding to the general disorder of county government in the later fourteenth century.



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