



RESEARCH ARTICLE

# Coroners' inquest juries in sixteenth-century England

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## Abstract

Juries enabled the participation in local governance of those outside national and regional elites in early modern England. Yet their social range is disputed. We investigate coroners' inquest juries in a range of communities and compare a sample of 148 juries in eleven counties, featuring 2024 jurors, with tax and muster records. These show that while the rural and urban middling sorts were disproportionately represented, the rich and poor were by no means excluded. As militarily able household heads, many jurors matched the wider demands of 'respectable masculinity', and this may be reflected in some of the verdicts they reached.

That the jury has long been a cornerstone of the English legal system is a truism, but our knowledge of the men who sat on juries in the past is patchy at best. Material from a study of 8,890 coroners' inquest reports on accidental deaths from sixteenth-century England submitted to the assize justices and deposited among the records of the court of King's Bench enables us to explore inquest jurors in some detail. How far can we question or refine the accepted generalisation that jury service engaged the 'middle sort of people' in processes of justice and governance?

The centrality of the jury to English justice was already lauded in the sixteenth century. For Sir John Fortescue, its use made English justice far superior to that of other countries, whose social and economic circumstances were unfortunately such that 'they are not hable to make sufficient and lyke Iuries as bee made in Englande'.<sup>1</sup> For Sir Thomas Smith, jury service was one of the main ways in which the yeomanry undertook the great 'charge and doings in the commonwealth' which left them 'more travailed to serve in it than all the rest'.<sup>2</sup> Even the more procedurally-minded William Lambarde stressed the benefit of jurors who were 'such as haue cause to knowe the Countrie' and the importance of the safeguards built into the system against favouritism and concealment, leaks of information and the selection of jurymen not in good standing before the law.<sup>3</sup>

More recently, jury service has been central to the analysis of the participation of large groups of adult male householders in an 'unacknowledged republic' working to preserve 'the common peace' as part of an English monarchy animated by the

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'instinct for self-governing self-preservation' of thousands of local communities.<sup>4</sup> It is seen as a major contributor to the way in which the intensification of English state activity in the sixteenth and seventeenth centuries was achieved with the cooperation not only of higher social elites, but of a large body of those accepted, albeit at times grudgingly, by their neighbours as leaders in societies as small as the village, parish or urban ward. This model has clear affinities with arguments that service on fifteenth-century juries with their 'integral and essential political role' in provincial governance empowered a 'peasant politics' in dialogue with the crown, drawing 'political society at its widest' into 'the growth of government', or that 'legal entanglements', jury service central among them, were one of the primary connectors between 'the politics of the village and the politics of parliament'.<sup>5</sup>

Juries were everywhere. In the operation of the criminal law, negotiation between judges and jurors over convictions, acquittals and punishments secured a form of justice acceptable to influential parts of village society.<sup>6</sup> In contests between the greed of landlords and the interests of their tenants, juries of manorial copyholders took central roles in the defence of local customs favourable to the established tenantry, though sometimes unfavourable to incomers or to their poorer neighbours, manifesting the 'enmeshing of ordinary people in the local legal processes that sustained custom'.<sup>7</sup> In local moral and economic regulation, the response of village and town courts to the strains of population growth and commercial change, both in the prosecution of individuals and the formulation of local by-laws, was strongly shaped by 'the personal agency of the jurors who dominated those institutions'.<sup>8</sup> Church courts did not use juries, but their enforcement of moral and social norms was largely dependent on the efforts of 'middling and substantial householders' serving as churchwardens and sidesmen, as it had been on those of the 'trustworthy men', validated by gender, age, family, prosperity and other responsibilities, in the centuries before the Reformation.<sup>9</sup> In participation as jurors, adult men with a secure stake in their communities and uncontested headship of their households enacted and confirmed their own 'respectable masculinity'.<sup>10</sup>

Yet detailed investigations of jury membership point in varying and uncertain directions. Assizes seem always to have attracted jurors of higher status than quarter sessions, and the grand juries that vetted indictments featured jurors of higher status than trial juries. In many cases grand juries drew in gentlemen, albeit those below the county elite. When it came to trial juries, patterns varied significantly not only from county to county, but even from hundred to hundred. In mid-fifteenth-century Gloucestershire, yeomen or franklins, husbandmen and rural artisans often followed family tradition to serve in successive generations, but labourers and poor husbandmen were 'systematically excluded'.<sup>11</sup> Around 1600, similar patterns persisted in Sussex, featuring yeomen and tradesmen, 'the bottom ranks of the parochial elite', and in Hertfordshire, where yeomen were aided by the occasional husbandman or craftsman, such that all its jurors came from 'a comparatively wealthy section of English society'.<sup>12</sup> Colchester, meanwhile, recruited more widely, putting 'petty tradesmen such as alehouse keepers and occasionally even day labourers' on trial juries.<sup>13</sup> So far it may not be clear why some contemporaries were worried that juries were becoming unfit for purpose because the right people would not serve, but the home circuit assizes may explain it: there it was apparently so hard to secure jury service by suitable freeholders that some

jurors appeared repeatedly and those standing around in the courtroom, whatever their social standing, were dragged in to make up the numbers.<sup>14</sup>

Manor court juries have been more fully researched in the thirteenth and fourteenth centuries than later periods, but the picture is equally mixed.<sup>15</sup> By the mid-seventeenth century at Prescot in Lancashire, two-thirds of all jurors were yeomen, gentlemen or esquires and the average juror's house boasted four hearths when assessed for the hearth taxes.<sup>16</sup> At Dilston in Northumberland, in contrast, the farmholders, tenants with larger holdings, who dominated juries from the 1570s to the 1610s, ceded prominence in the 1620s and 1630s to the more numerous and less well-endowed cottagers, preserving the manor court as 'a judicious tribunal which commanded broad respect'.<sup>17</sup> Elsewhere a wide spectrum of householders served. At Ramsey in Huntingdonshire from the thirteenth to the sixteenth centuries, juries avoided the consolidation of an elite clique by featuring a wide roster of men of different occupations, ages and residential locations, though those in the lowest category of wealth were not included.<sup>18</sup> In sixteenth-century Norfolk and Oxfordshire, while tenants with larger holdings served more regularly, more or less all resident male tenants sat on juries, small husbandmen, cottagers and, where the status persisted, bondmen included.<sup>19</sup> In various places there are signs that the ambitious, whether in the fifteenth century or the seventeenth, combined service on manorial and county juries to consolidate their power.<sup>20</sup> No wonder historians attempting to generalise take the middle ground. They characterise manorial jurors as 'established inhabitants', 'drawn primarily from the principal landholding tenants of the manor', incarnating an 'emerging village elite' or 'established inhabitants of middling status', 'the heads of established tenant families', 'yeomen, husbandmen, and local craftsmen and traders' rather than 'powerful and highly educated men' or 'the landless poor'; in village terms, 'small oligarchies of elite men', but acting under the constraint that 'other villagers might hold them to account'.<sup>21</sup> A persuasive recent formulation, based on analysis of three contrasting manors over three centuries, is that elements of oligarchy and wider participation could coexist and could fluctuate over time in different ways in different places, and that the sixteenth century saw no decisive move to a narrowing of representation and in some places a widening.<sup>22</sup>

Analysts of courts and inquisitions of all types have understandably called for more research into jurors. Steve Hindle has wished for 'further research into the social status, legal experience and literacy of trial jurors' to 'illuminate the parameters within which participation, discretion and exemplary punishment operated'.<sup>23</sup> Shannon McSheffrey has admitted that it 'is difficult to be precise about exactly who tended to serve as jurors in the local courts'.<sup>24</sup> James Cockburn has agonised that 'the failure to establish the economic status of individual jurors is particularly tantalizing'.<sup>25</sup> Matthew Holford, having established a familiar profile for fifteenth-century Berkshire inquisition post mortem jurors – the occasional gentleman or labourer but in the main 'prosperous villagers or townsmen' distinguished by local knowledge, moderate wealth, and respectability born of age or office-holding – has none the less asked for 'more local studies' and 'more studies of jurors in other periods' to explore 'this neglected sphere of the later medieval polity'.<sup>26</sup>

The composition of coroners' inquest juries is of special interest for several reasons. Their findings underlay the crown's actions in respect of homicide and

suicide. Both were areas of significant interaction between royal government and local society and, in some ways, of striking change in the sixteenth and seventeenth centuries.<sup>27</sup> It has even been argued that the activities of coroners and their juries led to the ‘conquest of death’ and the effective realisation of a Weberian state monopoly over violence in early modern England. In this model, the jury becomes not so much a vehicle for the representation of local priorities as ‘a state-controlled tool for extracting information and implementing central and elite judicial priorities’. Thus the social status of seventeenth-century coroners’ jurors, largely yeomen in the countryside and artisans in towns, with a small but steady contingent of gentlemen in each and the occasional labourer, looked well contrived to secure the required mixture of local expertise and commitment to the crown’s priorities.<sup>28</sup>

Coroners’ juries are also interesting because, as Sir Thomas Smith emphasised, they were different from most other juries. They were not shut up until they reached a verdict, but could ask for postponements and ‘goe at large’ in order to ‘search howe the person slaine came to his deathe’, reaching their verdict ‘by such informations as they can take’.<sup>29</sup> All jurors did ‘knowledge work’ as Tom Johnson has put it, making collective effort to establish legal truth in pursuit of ethical norms, communal benefit and individual status.<sup>30</sup> But coroners’ jurors, like manorial inquest jurors, did an ‘explicitly laborious form of knowledge work’: among those serving in the royal courts they were, in the words of Sara Butler, ‘probably the only jurors who were truly self-informing’.<sup>31</sup> They were presumably less liable than some trial juries to fall into the kind of bemused passivity allegedly induced by a rapid succession of unfamiliar cases heard before a hectoring judge.

What, then, can we learn about sixteenth-century jurors from coroners’ inquest reports? There are limitations. The reports used for our analysis do not survive at all from some counties and many large towns, while rates of return depended on the efficiency of individual coroners.<sup>32</sup> Because those used here were gathered for a study of accidental death, they do not include inquests reaching unequivocal verdicts of suicide, felonious homicide or divine visitation. Yet they do range across the century and reach into most corners of the kingdom. Clerks only rarely recorded the status of every juror – on panels that might range in size from twelve to twenty-four – and even when they did so, the labels they used might be questionable. For detailed analysis, we must find other means of identifying individual jurors. Fortunately, such means exist.

In general terms, the listings of jurors in the inquest reports inspire confidence that juries were representative of the local adult male population across a broad social and occupational range. In the 1580s, clerks recorded the status of at least some jurors on about one panel in nine. Of these, nearly two-thirds of juries featured a gentleman – admittedly a title coming to be more widely assumed by that time than earlier in the century – and almost all the rest at least one yeoman.<sup>33</sup> Very occasionally – never in the 1580s, only twice in the 1560s – esquires were recorded as jurors. They were perhaps called in when the victim was of unusual status or the case controversial. Thomas Brooke, esquire, headed the jury when Archbishop Cranmer’s brother-in-law Henry Bingham, esquire, died in a fire at the archiepiscopal palace in Canterbury in 1543; Brooke was a member of Cranmer’s household and the husband of his niece, while Cranmer’s secretary and later biographer, Ralph Morice, joined the panel together with John Ford, keeper of the palace, and

Cranmer's servants Edward Ayscough and Anthony Vaughan.<sup>34</sup> Nicholas Quyntheyn, esquire, headed the jury for a Wiltshire inquest in 1567–1568 that apparently took seven months wavering between verdicts of self-defence, death by misfortune and, improbably, suicide by rushing onto an opponent's sword, in what may well have been a duel between a gentleman and a yeoman.<sup>35</sup>

Some juries apparently comprised nothing but yeomen, though we may suspect that in those cases clerks just simplified matters by according everyone the same title. In the countryside, the remainder of those jurors whose status was given were husbandmen, occasionally labourers, or rural craftsmen: weavers, tanners, tailors, shoemakers, potters, coopers, joiners, colliers, even the odd carver or minstrel.<sup>36</sup> Many others whose status was not mentioned, when that of gentlemen or yeomen was, were presumably drawn from the same groups. More tentatively we can suggest that some jurors not accorded a status when others were, especially when, as we shall see, they cannot be tracked through other documents recording modest measures of wealth or social standing, were drawn from the poorer rather than the richer or even the middling parts of local society.

Town jurors whose status was identified in the reports were generally the kind of freemen who took part in other aspects of civic government, neither the wealthy who sat as mayors and aldermen, nor the very poor who were excluded from power.<sup>37</sup> We have details of a scattering of juries from a variety of towns at a range of dates, from Carlisle, Derby and Newark, via Leicester, Hereford and Oswestry, to Kingston upon Thames and Southwark. There were traders of various sorts, mercers and drapers, innholders and butchers, fishmongers, fellmongers, ironmongers and chandlers. There were artisans of all varieties, from the common – bakers, blacksmiths, tailors, weavers – to the more unusual, like sleymakers and upholsterers. There were labourers and there were yeomen and husbandmen, for towns were closely linked to their rural hinterlands. Juries for prison inquests even included contingents of prisoners.<sup>38</sup>

In distinctive areas, moreover, there were jurors who represented that distinctiveness. Towns with famous industries saw those trades represented among their jurors, parchment-makers at Southwark and lime-burners at Carlisle.<sup>39</sup> In Southwark, with its large contingent of migrant workers from the Low Countries, jurors included Laurens Cornelis, Peter Demetrius, Dierick Johnson, Gerard Fenderhayn and so on.<sup>40</sup> In the border counties, the Welsh with their patronymic naming system were prominent. Eighteen out of nineteen jurors at Aber Tanat in Shropshire in 1574, gentlemen and yeomen, had Welsh names. So did twelve out of fourteen jurors at Rhiston in 1560 and the two foremen of a jury at Maesbury in 1582, William ap Richard and David ap Nicholas. Welshmen served on Herefordshire juries too, at Landinabo and Kingstone for example, and in towns such as Oswestry and Newport.<sup>41</sup>

When we can zoom in on a village or small town already studied in detail by other scholars, we can identify some of the inquest jurors as the sort of men who usually ran local affairs. Essex with its rich records and precocious economic development is the epicentre of such studies. Earls Colne inquests in 1569 and 1585 included two churchwardens and a lessee of the demesne lands.<sup>42</sup> Terling held inquests in 1577 and 1596. At least six of the jurors came from the village's richer families, yeomen and parish gentry, most of whom from the early seventeenth

century used their power in the manor court, the parish church and the quarter sessions jury to drive forward a puritanical reform of local society.<sup>43</sup> The liberty of Havering was administered, at least until the 1560s when change set in, by the members of ‘more than a hundred families of yeomen, husbandmen, and craftsmen/traders’, mostly long resident in the area. They served as chief pledges or homagemen in the manor court, constables, churchwardens and vestrymen, and they ‘represented a wide span of wealth and opinion within the community’. Many of the jurors who sat on eleven inquest juries there between 1506 and 1567, some serving three or even four times, can be identified in this group, either as individuals or by family name. They were yeomen, husbandmen, vintners, brewers, carpenters, tailors, weavers, tanners, saddlers and even a schoolmaster.<sup>44</sup>

Similar matches can be made across southern and eastern England. An inquest at Chesham in Buckinghamshire in 1528 featured members of the prosperous local dynasties that sustained the area’s traditions of religious non-conformity, Hardings, Hills and Mordens.<sup>45</sup> Swallowfield in Berkshire produced an elaborate set of articles in 1596 for its orderly, harmonious and godly self-government through meetings of its ‘chieffe inhabitants’. In the following spring, it hosted a coroner’s inquest. Five of the twelve inquest jurors had been among the eleven residents rich enough to pay parliamentary taxes in 1594 and one other was a regular juror in the manorial court.<sup>46</sup> At Willingham in Cambridgeshire, seven of the twelve jurors at an inquest in 1582 were among the thirty-three tenants with the largest landholdings in the manorial survey of 1575, the group behind the foundation and endowment of the village school in 1593.<sup>47</sup> At Godmanchester in Huntingdonshire, nearly half the jurors at six inquests between 1526 and 1542 were men who regularly held office in the town’s administration, either in the senior posts of bailiff and frankpledge juror or in other responsible positions such as the churchwardenship, town clerkship and collectorships of rents. They were neither gentlemen nor labourers, but craftsmen, traders and prospering farmers, and such men continued to serve on juries into the 1550s.<sup>48</sup> A dozen miles away at Ramsey, matters were similar. Inquest jurors served as churchwardens, manorial jurors and leaders in litigation on behalf of the townsfolk; they were bakers, brewers, butchers, carpenters, drapers, dyers, glovers, millers, smiths, tanners, weavers, fishermen, and farming tenants of the abbey, some from families resident and active in the town since before the Black Death.<sup>49</sup> One inquest panel in 1525 included at least ten men out of thirteen who served as manor court jurors between 1518 and 1533.<sup>50</sup> The same pattern applied in the upland North. Several of the jurors at an inquest at Lorton in Cumberland in January 1534 came from the families with big farms who dominated the local manor courts, such as the Mirehouses and the Rudds.<sup>51</sup> Everywhere men with the habit of local governance sat on juries, but how wide were their social origins and who took the remaining seats alongside them?

At one large town, Newcastle upon Tyne, we have a distinctive means to look at jurors systematically, because the details of those taking 1609 seats on 130 juries between the 1520s and 1590s were recorded and in 1468 cases this included an occupation or status (see [Table 1](#)). The largest groups of jurors reflected different aspects of the town’s economy. After the yeomen – a title coming by the 1590s to be accorded to substantial townsmen whether or not they also held farmland – came the tailors, testimony to Newcastle’s role as the services hub of the

**Table 1.** Jury seats occupied at Newcastle Upon Tyne, 1521–1600

Occupation/status	1521–1530	1531–1540	1541–1550	1551–1560	1561–1570	1571–1580	1581–1590	1591–1600	Total
Gentleman				2	1			1	4
Yeoman		1	6	13	13	33	38	68	172
Merchant		1	1	34	10	17	16	20	99
Retail trades	1		1	2		2	1	5	12
Tailor	2	1	12	26	19	28	44	33	165
Shoemaker		1	1	6	7	18	18	19	70
Glover		1	4	5	1	8	6	3	28
Skinner			2	1	1	6	13	4	27
Other leather trades	1		4	5	7	2	9	5	33
Weaver	2	5	10	19	13	14	18	10	91
Other textile trades		1	3	4	6	3	1		18
Cooper		4	6	10	2	8	4	3	37
Cutler			1	3	2	8	20	7	41
Smith/blacksmith	1	4	11	17	10	13	19	4	79
Other metal trades			1	10	4	6	8	2	31
Woodworking trades	1	3	3	6	5	2	10	2	32
Building trades	2			5	2	4	8	7	28
Butcher			1	1	8	4	12	4	30
Baker			2	10	4	2	13	1	32
Miller	1		2	6	2	5	3	2	21

*(Continued)*

Table 1. (Continued.)

Occupation/status	1521–1530	1531–1540	1541–1550	1551–1560	1561–1570	1571–1580	1581–1590	1591–1600	Total
Keelman		9	12	17	8	19	43	18	126
Mariner		14	13	27	16	16	19	12	117
Marine artisans				1	4	10	12	9	36
Labourers/porters/ colliers	5	5	14	18	5	6	3		56
Other trades	2	4	9	14	10	11	25	8	83
Unidentified	22	35	30	27	21	39		7	181

Notes: TNA, KB9/502/94, 504/86, 514/98, 525/72, 1065/45, 1065/46, 537/136, 1003/33, 1003/34, 1003/48, 550/95, 560/99, 560/100, 571/157, 571/158, 571/159, 571/160, 574/83, 574/84, 574/85, 576/129, 576/130, 579/196, 579/197, 579/198, 1004/168, 1004/169, 1004/170, 1004/171, 587/148, 587/149, 587/150, 587/151, 587/152, 587/153, 587/154, 589a/97, 589a/98, 589a/99, 593b/146, 593b/147, 593b/148, 600b/196, 600b/197, 600b/198, 1073a/47, 605b/215, 605b/216, 605b/217, 605b/218, 605b/219, 613b/173, 1013a/143, 1013a/144, 1013a/145, 619b/197, 619b/198, 619b/199, 1014b/227, 1014b/228, 629a/168, 629a/169, 629a/174, 629a/175, 637a/141, 637a/142, 640b/172, 640b/173, 640b/174, 641b/192, 641b/193, 641b/194, 644a/282, 647a/68, 647a/69, 647a/70, 647a/71, 650b/130, 650b/135, 653b/120, 656a/55, 656a/56, 1026a/119, 1026a/120, 1026a/121, 1026a/122, 1026a/123, 1026a/124, 658a/123, 658a/124, 660a/68a, 660a/68c, 666b/151, 666b/152, 666b/153, 666b/154, 670b/178, 670b/179, 670b/180, 1032b/60, 1032b/61, 1032b/62, 1032b/63, 1036a/151, 1036a/152, 1036a/153, 1036a/154, 1036a/155, 1036a/156, 1037a/115, 1037a/116, 682a/45, 682a/46, 681a/7, 681a/8, 686b/190, 686b/191, 1039b/190, 1039b/191, 1039b/192, 702b/252, 702b/253, 702b/254, 702b/255, 702b/256, 702b/257, 702b/258, 706b/205, 706b/206, 706b/207.



North-East.<sup>52</sup> A little behind came the keelmen who worked on the boats carrying coal down the River Tyne from the mines of Northumberland and County Durham and, in almost equal numbers, the mariners who manned the port's many sea-going ships. Between them, these four groups occupied some 40 per cent of the seats. Somewhat smaller, but still very substantial, were the contingents of merchants, weavers, smiths and shoemakers, playing their different parts in the town's trade and manufactures. Smaller again, but still taking more than twenty slots each, were the practitioners of other major crafts: skinners and tanners, cutlers and coopers, glovers and millers, butchers and bakers. Specialist artisans in smaller numbers testified again to the life of the port: shipwrights, rope-makers, pulley-makers, pump-makers, shole-makers. Even lowly labourers, porters and colliers had a voice. All the twelve great guilds of the medieval town were represented, plus all the fifteen recognised by-trades and members of several of the newer or less established occupational associations, such as the keelmen, the cooks and the girdlers.<sup>53</sup> Gentlemen, in contrast, were fewer than carriers, saddlers, armourers, locksmiths, husbandmen, musicians or minstrels, equal in number to chapmen or sawyers.

What all this meant for individuals can be seen from the 1580s. Twenty-nine juries gave some 275 townsmen a chance to have their say. The record attenders were William Lawson, a smith, and Thomas Robison, a tailor, who each sat four times, but twenty men served three times, drawn evenly from the groups we have already seen but including one musician, Barnard Hutton, and thirty-three men served twice. Some were clearly leaders in their professions. Luke Hanyng, Thomas Hynde and Edward Tynemothe had been three of the seven principal members of the company of cooks when its regulations were endorsed by the mayor and aldermen in 1575.<sup>54</sup> Some, perhaps as many as six, served among the twenty-four 'discreet and honest burgesses' elected to the town's common council in 1600.<sup>55</sup>

Others are tentatively identifiable as freemen or as testators leaving their homes, workshops, tools and possessions to their families or apprentices. Oswald Chaitor, for example, a linen weaver who died in 1623 at the age of 68 with a twelve-room house and a library of forty-two books, would have been about thirty when he sat on a jury in February 1586. Christopher Nicolson, shoemaker, who died in 1587 with a shop on Middle Street and a home on Byker Chare near the quayside, was perhaps older when he served on a jury in June 1584. Thomas Pearson, weaver, a juror in May 1586, had outlived his first wife and all his children when he died in 1607, asking his second wife to look after his sister. More generally the probate records show us that differences of wealth or lifestyle among the middling townsmen – keelmen tended to be much poorer and less well dressed than bakers or brewers, while master-mariners and shoemakers were early adopters of luxury goods like spice boxes or lutes – were no bar to their working together in the coroner's court.<sup>56</sup> Though records are thinner earlier in the century, the picture seems to have been the same. Of those who sat on juries in 1540, some appear in the town muster book of 1539 as craftsmen comfortable enough to equip themselves with a jack, a helmet and a halberd, while others, mostly keelmen, were reckoned able enough to fight, but too poor to buy weapons.<sup>57</sup>

For wider comparison – and in particular to detect jurors who were not among the leaders of local society – we must look elsewhere, to places and times where

surviving inquest reports can be set alongside fiscal or military surveys that give systematic insight into the social structure of local communities. For this analysis, seven samples including ninety-five juries and 1235 jurors have been compared with the returns of the military survey of 1522 and loan books of 1522–1523, widely regarded as the fullest economic survey available of the male population of Tudor England.<sup>58</sup> In the case of Coventry, the findings can be amplified by use of a unique survey of household composition. To extend coverage across the century, five samples including fifty-three juries and 789 jurors have been compared with subsidy returns from different counties between the 1540s and 1590s and one sample, from parts of Surrey in the 1580s and 1590s, with both subsidy returns and muster records.<sup>59</sup>

Where density of records permitted, we have examined juries sitting close to the time of the fiscal or military records, for example in the case of the Wiltshire subsidy of 1576, at inquests held between 1574 and 1578. Where records are less dense, we have used inquests further in time from the matched records, for example in the case of the Rutland survey of 1522 at inquests held between 1507 and 1537. This of course reduces the likelihood of matching jurors to taxpayers or mustered men, because of intervening deaths and migrations, and increases the likelihood of misidentification of a juror with a son or nephew, father or uncle of the same name residing in the same place. On the other hand, the first is not a problem if what we want to know is not the total proportion of jurors we can identify, but the social standing of those we can. The second is less problematic than it might be if we assume that at least sons and heirs residing in the same place as their father, if not nephews or younger sons who shared their father's first name while their elder, inheriting brother did not, may well have been of similar social status to their father. In total, then, we have tried to ascertain the social standing of 2024 jurors from eleven counties stretching from Cornwall to Yorkshire sitting on juries between 1507 and 1599.

Each of these records has its quirks. Even the military survey was not conducted in the same way by each team of commissioners.<sup>60</sup> Already by the 1570s subsidy assessments were less than half as effective at tapping individuals' real wealth as in the 1520s. By the 1590s, ludicrous under-assessment was a matter either of outrage or of weary cynicism, though some effort was still apparent to match the hierarchy of assessments, if not their level, to the distribution of wealth in local society.<sup>61</sup> In the case of muster records, it is hard to know what levels of skill, strength, age or health commissioners were testing when they picked men out as select archers or billmen, or those of the best sort or second sort, or those unfit for service. Surviving muster records are also sometimes working documents, the meaning of their annotations and deletions far from clear.

We can never be certain that we have correctly matched the man on the jury to the man in the muster or the tax roll. However, a Gawain Nicholson, Miles Lusted, Jasper Strangwithe or Oswald Massingberde in a village or small town in a given decade seems more likely to be unique than a William Smyth or Robert Whyte in a large city. Wherever we cannot tell which of several namesakes – the three William Sharpes of Wing, the three Thomas Howes of Long Melford, the four Thomas Wylkyns of Frocester and so on – was the juror, we have counted the juror among our possible identifications, but not included him in any analyses of wealth, status or location.

Even with these qualifications, rates of matching are encouraging. Among the military survey sample, we can make some identification of 48.6 per cent of jurors and sufficiently close identification for analysis of 43.9 per cent. Where inquest reports and survey returns cluster most closely in date, in Buckinghamshire, those percentages rise to 61.3 per cent and 57.8 per cent. In general, the subsidy records should provide fewer matches because they touch only on men wealthy enough to pay taxes. The subsidies for Hampshire and Derbyshire do indeed generate a rather disappointing match rate of 32 per cent. However, the addition of other selections raises the totals for the subsidy sample to 52.2 per cent for possible matches and 50.2 per cent for matches suitable for analysis. The Staincliffe wapentake subsidy of 1543, for example, was more thoroughly assessed than the military survey in that area, while the Wiltshire subsidy of 1576 has many near-contemporary inquests, in one of which it appears possible to identify all eighteen jurors.<sup>62</sup> In Surrey, the combination of the subsidy of 1593 with muster records produces rates of 73.4 per cent for some identification and 69.4 per cent for analysis, higher even than the best of the military survey returns.

Of those jurors identified and analysable in the military survey, three-quarters lived in the township where the inquest was held and a quarter in a nearby township. For the subsidy sample, the proportions were two-thirds and one-third. Punctilious clerks used the formula that the jurors were honest and law-worthy men of the four next adjacent townships, or even named the townships from which individual jurors came. But even where they did not, it was clearly standard practice, as it remained in the following century, to bring in jurors from adjoining townships or parishes (often, but not always, coterminous) and in some cases from slightly further away.<sup>63</sup> Jurors travelled across intervening parishes, for example, certainly from Burley and Normanton to Whitwell in Rutland and probably from Standish to Frampton on Severn in Gloucestershire and from Chiddingfold and Farnham to Thursley in Surrey.<sup>64</sup> On occasion, they apparently even crossed hundred boundaries, for example from Mickleham or Betchworth to Dorking in Surrey.<sup>65</sup> In parts of Wiltshire they more or less had to, because some hundreds were so fragmented that a parish such as Downton had no adjacent parishes belonging to the same hundred. In Staincliffe wapentake in the West Riding of Yorkshire, where the parishes were huge, they came from multiple townships within each parish. In Coventry they came from different wards within the city.

The balance between internal and external recruitment among identifiable jurors varied widely. There may have been various reasons for this, but a key practical issue seems to have been the number of men available. In Gloucestershire, an inquest at Hinton in 1517 featured seven or eight men identifiable there in the 1522 survey and none from adjacent townships, whereas an inquest at Newington Bagpath in 1530 included two men identifiable there in 1522 and six or seven from adjacent parishes. The 1522 commissioners found twenty-eight men at Hinton but only eleven at Newington Bagpath.<sup>66</sup> The impression that service was spread widely among those available is strengthened when several inquest reports survive from the same location. Of the twenty-six men listed at Uley in Gloucestershire in 1522, thirteen sat on two juries in 1517 and 1518.<sup>67</sup> Of the ten men listed for the subsidy of 1576 at Tisbury in Wiltshire, eight sat on two juries in 1574 and 1577.<sup>68</sup> It is conceivable from the difference between the

proportions of those coming from other townships in the military survey and subsidy samples that those called in from outside may have been of rather higher status, and therefore more likely to be caught by the subsidy, than poorer men from the township where the inquest was held. If so, this may have fitted with the sense that their role was to place a check on any temptation to malpractice by the locals.<sup>69</sup>

The spread of service was kept broad by the apparent rarity of refusals to serve, or at least the rarity of fines for refusal. From the 1560s onwards a few candidates, perhaps thinking themselves too important – they included a gentleman, a yeoman and an innkeeper among others – refused the summons.<sup>70</sup> They incurred denunciation for their actions, characterised as a contempt of the dignity of the queen and crown and a bad and pernicious example to the queen's lieges, and in some cases fines of 5s or 6s each. On the other hand, there was some tolerance for those who had a good excuse. William Strynger was not fined for his failure to attend a postponed hearing in 1555, since, it was reported, he was so ill that he could not attend without danger of death.<sup>71</sup>

Repeat service was encouraged, as in the following century, and with it the accumulation of experience and authority.<sup>72</sup> This applied both within neighbourhoods and between them. In Havering in 1556–1557, 103 places on juries were taken by eighty-two individuals, at Ramsey in 1543–1546 forty-eight places by thirty-six, and at Godmanchester between 1526 and 1556, 123 places by just eighty-one. Five men served on both the inquests held at the twin townships of Barlborough and Whitwell in Derbyshire in 1596 and 1599, five on both inquests at Calstone in Wiltshire in 1575 and 1576.<sup>73</sup> In the Suffolk hundred of Babergh, six men served both in their own parish and at least one other, whether adjacent or not, in 1506–1508 or 1532–1535, perhaps a peculiarity of the liberty of St Edmund in which the hundred lay.<sup>74</sup> The result was that our 2024 individually identified jurors between them occupied 2101 seats on juries.

The assessments of wealth both in the military survey and in the subsidy rolls make it possible to locate our jurors in hierarchies of prosperity. The relative wealth of individually identified jurors compared with that of all those assessed in 1522 varied somewhat from area to area, but the broad patterns were consistent (see [Table 2](#)). Everywhere the poor and the rich were present in some numbers, but under-represented. Among the surviving survey returns, Staincliffe wapentake in the upland West Riding had the highest percentage of assessed residents whose goods were worth £1 or less, at 57.8 per cent. It had the highest proportion of jurors at the same level, but the percentage was 32.6 per cent. At Coventry, deep in economic difficulties, 53.5 per cent were placed in this lowest category in 1522, and they made up 41.7 per cent of jurors. Similarly, overall Babergh hundred had the highest percentage of those whose goods were assessed at £100 or more, at 2.2 per cent; in our sample they were 1.6 per cent of jurors. Generally, the groups over-represented among jurors were those assessed at between £3 and £39; sometimes, as in Coventry, and, to a lesser extent, Buckinghamshire and Rutland, over-representation began with those assessed at £2. Any wider exceptions are explicable. In Staincliffe, for example, assessed incomes were so low that it was the under £2 group that was dominant and the Cornish figures favour the group above £40 rather than that below primarily because two of the three richest men in Launceston, each worth £50 in goods, sat on one jury in 1507.<sup>75</sup>

**Table 2.** Percentage of identified jurors by assessment of wealth in the 1522 military survey

	under £1	under £2	£2	£3–4	£5–9	£10–19	£20–39	£40–99	£100+
Gloucestershire	6.1	5.1	10.6	11.7	26.9	26.4	11.2	1.5	0.5
Suffolk Babergh	4.9	11.5	14.8	11.5	23	13.1	11.5	8.2	1.6
Buckinghamshire	3.4	15.4	20.5	16.2	21.4	11.1	10.2	1.7	0
Rutland	11.4	8	12.5	15.9	18.2	15.9	17	1.1	0
Cornwall	10.3	0	27.6	17.2	20.7	13.8	0	10.3	0
Yorkshire Staincliffe	32.6	60.9	4.3	0	0	0	2.1	0	0
Coventry	41.7	12.5	20.8	8.3	12.5	4.2	0	0	0

*Notes:* *The military survey of Gloucestershire, 1522*, ed. R. W. Hoyle, Gloucestershire Record Society 6 (Stroud, 1993); *The military survey of 1522 for Babergh hundred*, ed. J. Pound, Suffolk Records Society 28 (Woodbridge, 1986); *The certificate of musters for Buckinghamshire in 1522*, ed. A. C. Chibnall, Buckinghamshire Record Society 17 (London, 1973); *The county community under Henry VIII: the military survey, 1522, and lay subsidy, 1524–1525, for Rutland*, ed. J. Cornwall, Rutland Record Series 1 (Oakham, 1980); *The Cornwall military survey 1522*, ed. T. L. Stoate (Bristol, 1987); *Early Tudor Craven: subsidies and assessments, 1510–1547*, ed. R. W. Hoyle, Yorkshire Archaeological Society Record Series 145 (Leeds, 1987); *Coventry and its people in the 1520s*, ed. M. H. M. Hulton, Dugdale Society 38 (Stratford-upon-Avon, 1999).

How do these assessments relate to social status? In Julian Cornwall's 'working model' for use of the 1522 returns, those assessed at under £1 were labourers, journeymen and servants and those at £2 smallholders, the poorest craftsmen and senior servants. Those rated at £3–9 were husbandmen and less skilled craftsmen, those at £10–19 larger husbandmen and highly skilled craftsmen and those at £20–£39 minor gentry, yeomen and lesser merchants. Finally, those worth £40–99 were gentry, the richest yeomen and provincial merchants, and those at £100 and above were the county gentry and overseas merchants.<sup>76</sup>

Three versions of the military survey, those for Rutland, Suffolk and Coventry, provide information on the status or occupation of those they list as well as their wealth. Cornwall matched these identifications to his wealth categories, and we can do the same for our jurors in those areas. For many categories, the numbers are not large, but the results fit Cornwall's model and match its regional variations. In Rutland, 72.2 per cent of all individually identified jurors whose status was given in the military survey were husbandmen and 3.8 per cent yeomen. Labourers accounted for 15.2 per cent and servants 3.8 per cent. The remainder were a scatter of rural craftsmen and traders: a weaver, a shoemaker, a miller and a butcher. These figures can be compared with those for the entire male population of Rutland in the survey. There husbandmen made up 51.2 per cent and yeomen 2.1 per cent, suggesting that each group was over-represented among jurors, while labourers and servants at 28 per cent and 8.2 per cent were under-represented.<sup>77</sup>

In the very different countryside of Babergh hundred, with its rural industries and small cloth-making towns, husbandmen were still the largest group of jurors, but accounted for only 32.8 per cent of them, with similar numbers of yeomen and labourers to Rutland at 3.4 per cent and 13.8 per cent respectively. The textile industries made up much of the difference, providing 20.7 per cent of jurors, ranging in wealth from clothiers with £100 or £80 through weavers with £8 or £10 to fullers with £1. There was also a wider range of craftsmen and entrepreneurs, from smiths, plumbers and pewterers, through carpenters and ploughwrights, tilemakers and carvers to a tallowchandler and a painter, the richest among them a tanner at Nayland, worth £66 13s 4d. In Babergh hundred, only 13.7 per cent of men in the survey were called husbandmen and 3.8 per cent yeomen, while 36.8 per cent were labourers and only 1.9 per cent servants. Once again husbandmen were over-represented as jurors and labourers under-represented. Cloth traders and artificers made up 25.9 per cent of the male populace, so their prominence in juries was not far short of their weight in the population, and while entrepreneurs rather than manual workers were disproportionately widespread among the jurors, the discrepancy was very small.<sup>78</sup>

In Coventry, numbers are too small for percentages to mean much, but of the dozen most common occupations reported in 1522, six provided jurors: there were bakers, shoemakers and tailors, shearmen and dyers and representatives of the town's signature industry, cap-making.<sup>79</sup> If we bolster our sample with further Coventry jury lists between 1539 and 1559 in which the occupations of some jurors are given, three more of the leading trades appear, with a weaver, a draper and a mercer, together with such exotics as a vintner and two goldsmiths and the inevitable half-dozen cappers.<sup>80</sup>

The subsidy evidence is harder to use – indeed, in Richard Hoyle’s view, by Elizabeth’s reign it has ‘little to offer the local historian’ – but it does suggest the same pattern as the military survey.<sup>81</sup> In the Staincliffe wapentake subsidy of 1543, 53.7 per cent of individually identified jurors paid on £1 in goods, 9.2 per cent on £2, 18.5 per cent on £3 and 13 per cent on between £4 and £8. Although £2 taxpayers were proportionately rather commoner and £1 taxpayers less common across the entire population of the wapentake than among the jurors, those paying on up to £3 in goods added up to an identical percentage of taxpayers and of jurors at 81.4 per cent.<sup>82</sup> In each of the Elizabethan subsidies, the great majority of jurors fell in the four lowest categories, assessed on £1 or £2 in landed income or £3 or £4 worth of goods. In the lowland South, the proportion ranged from 56.1 per cent to 70.4 per cent and in Scarsdale Hundred, Derbyshire it was as high as 94.1 per cent. The Wiltshire subsidy of 1576 saw less compression in assessments at the upper end than those that came later, so there were jurors assessed on £15, £20 or £32 in goods or £10 or £20 in lands, whereas in 1580s Hampshire and 1590s Surrey, jurors never got beyond £10 or £12 in goods. Nonetheless, in each subsidy, no juror paid like their richest neighbours, on £50 or more in goods or £30 or more in land.

If the very rich were not jurors later in the century as they had not been earlier, what about those of more modest means? They did not appear in the subsidy returns, but we can track them using muster returns, on the assumption that men returned as resident in a township for muster purposes but not assessed for the subsidy were judged by their neighbours to be less worth taxing than those who were put in the subsidy rolls. All sorts of individual circumstances may have determined whether any individual was assessed for the subsidy in any given year, but the scale of the numbers involved flattens out irregularities. In all sixty-seven Surrey jurors sitting between 1583 and 1596 who did not feature in the 1593 subsidy can be individually identified in muster listings from the 1580s and 1590s, making up 33 per cent of all the jurors sitting on the juries concerned and numbering almost as many as the seventy-one jurors assessed for the subsidy.

Can we convert these subsidy listings into qualitative assessments of status, like those in the military survey? It seems that while yeomen generally paid subsidies, some husbandmen did and others did not: among those who appeared as witnesses in ecclesiastical courts, 81 per cent of yeomen said that they were assessed for the subsidy, whereas only 47 per cent of husbandmen did so.<sup>83</sup> On the rare occasions when those who appeared in muster lists but not subsidy lists were given an occupation, they fit the lower range of the military survey samples, a husbandman and a shoemaker at Windlesham in Surrey for example.<sup>84</sup> At the other end of the scale, those called gentlemen by the scribes of the jury lists were often among the higher taxed in the subsidy lists, on £10 or £20 in lands or £10, £15 or £20 in goods, though they might come in much lower. The same was true of those placed at the head of the jury and sometimes identified as first juror, spokesman or foreman, whether or not given a status label. In Surrey at the end of the century as in several counties at its beginning, the comparatively rich and comparatively poor were under-represented on juries, but very much present, leaving only the extremes of opulence and presumably those of indigence unrepresented.

We can use the military survey and muster evidence to test jurymen against other measures of adult masculine vigour. In those areas where the 1522 commissioners reported consistently on military fitness, they found 15.7 per cent of individually identified jurors militarily able. Where they counted arms and armour they found 19.6 per cent had some, though it might range from a simple bow or bill to full harness for a man or even 'almain rivets', the latest in German technology for the well-armoured footman. This difference might suggest that our jurors were slightly more likely to be rich enough to be armed, but too old to fight, than to be young and fit but poor. The more loquacious surveys noted some jurors as able archers or billmen but 'yong men & pore', or indeed as unfit and 'old men & pore'. Yet this may not be much help when jury service came some time before or after the survey. Those who served some years afterwards, like eight men who were young and poor in Rutland in 1522 but sat as jurors in the 1530s, might have accumulated wealth and military equipment in the meantime. Those who served on juries some years before the survey, fifteen years before in the case of one Rutland man, might have been fitter and more prosperous then.<sup>85</sup>

By the 1580s and 1590s tests of military ability may have been less rigorous, especially perhaps as expert archery became less prized, but by the standards of their generation the Surrey sample seem to have been manly enough. Altogether 80.9 per cent of those individually identified were counted fit to fight, including 66.2 per cent of those who paid the subsidy, though there must have been a large gap between those selected for the trained bands with pike or musket and those rated as a billman of the second sort, or written into a list of the able at musters and then crossed out on second thoughts. A rougher way to assess age is to count the jurors in the sample inquests distinguished from a namesake as senior or junior. In the military survey sample, the juniors considerably outnumbered the seniors, with eleven juniors and five seniors. In the later sample using subsidies, matters were more even, with ten seniors and eight juniors. Small though the numbers are, they do not suggest juries composed uniformly of greybeards.

The model adult male headed a household. We can test whether our jurors fitted this ideal thanks to the Coventry household enumeration of June 1523. Seventeen jurors can be identified in it and all but one was married; even he headed a household of one workman and a servant. Two had no children, while the largest number, seven, had a wife and children but no other dependants. Beyond them were patriarchs governing various combinations of wife, children, apprentices and servants and a few heading very full houses. John Richardes and his wife had two children, two 'lads' and a servant; William Andrews, a baker, lived with his wife and child, two 'lads' and two servants.<sup>86</sup> The idea that jurors should head households would also fit with the strong preponderance of labourers over servants among the poorest jurors given status labels, for labourers may well have headed households, whereas servants almost by definition did not.

There may be other reasons why the poor were under-represented on juries. One possibility, already mentioned but inevitably hard to test, is that they were less under-represented than they look, because even the military survey was not good at recording them, such that they were among the roughly half of jurors who cannot be matched there or the quarter who cannot be found either in the subsidy or the musters in Surrey. In parts of Gloucestershire and Staincliffe wapentake, those who



paid the lowest rates in subsequent subsidies were widely omitted in the survey of 1522, while in Babergh hundred the practice of listing those who had no goods but were militarily able, but not those who had no goods but were not fit to fight, fits entirely with the sudden appearance of hundreds of additional men on low incomes in the subsidy of 1524.<sup>87</sup> On the other hand, the numbers of jurors in Coventry, Rutland and Staincliffe who can be found in the 1520s subsidy returns and not in the military survey are small, and while three of them paid the subsidy on £1 in wages and two on £1 in goods, others were taxed on £2 or £3 in goods.

In general, however, the same factors that lessened the involvement of the poor in other juries must have reduced their role in coroners' inquests. The same association between credit as credibility and credit as financial stability that bolstered the 'trustworthy men' and underlay the operation of local economies made the economically secure look dependable as jurors.<sup>88</sup> The poor, at least for most of the century, were disproportionately young, disproportionately mobile, and disproportionately hard to record, and thus hard to pin down for purposes of taxation, muster, or indeed, jury service.<sup>89</sup> But the regular presence on juries of men taxed at the lowest rates or judged not liable to taxation, as of those called labourers or servants, suggests that they were certainly not systematically left out.

What are the implications of these findings? Inquest juries surely had sufficient local and technical expertise to understand why a death took place. They knew which were the slippery parts of a riverbank or the areas of a marsh liable to rapid flooding. They knew from their own experience, or that of other members of their households, what could go wrong in felling a tree, driving a cart, malting grain or fetching water. Sometimes jury selection provided for particularly expert knowledge. Two juries met to look into drownings from boats at Newcastle in June 1540: one, at the New Quay, was two-thirds made up of mariners, the other, at the ballast shore, two-thirds of keelmen.<sup>90</sup> Jurors might likewise sit on multiple juries reporting on the same accident even though the victims' bodies were found at different times in different places. The inquests into three men who died when their boat overturned at Gunthorpe Ferry on the Trent in 1582 were held four months apart, two at Kneeton and one at Hoveringham. Yet Robert Peper, who found two of the bodies, served on two of the juries, as did two other Kneeton men and one from Hoveringham, while Ralph Wilkynson and John Harropp of Hoveringham sat on all three.<sup>91</sup>

The involvement as jurymen of those who found the body – who had to be cleared of any suspicion in the death as part of the jury's verdict – might seem odd to us, but it continued long afterwards and helped to square the circle between the inquest's need to be credible to central authority and to local opinion.<sup>92</sup> The same was presumably true of other interested parties. William Woodward, for example, sat on the jury that reported on the death of John Tyffyn, the bricklayer who built a new chimney at Woodward's house in Eltisle in Cambridgeshire in September 1532 and then fell to his death while dismantling his scaffolding. Humphrey Frebodye, gentleman, headed the jury after eight-year old Thomas Atkyns drowned in the moat of his house in the park at Woodham Walter in Essex on Good Friday, 1579.<sup>93</sup> In small communities as many as four of the jurors might share the victim's surname and were presumably relations. Yet together with this local insight came a law-mindedness that we should not underestimate. The

'common legalities' that bound those engaged in village courts to a pyramid topped by Westminster became more accessible with the later medieval vernacularisation of the common law, while litigation rates and anecdotal evidence suggest that sixteenth-century yeomen, husbandmen and even labourers might have substantial legal knowledge.<sup>94</sup>

The kind of men who sat on juries may also have affected the kind of verdicts they reached. Local interests and relevant knowledge led to practical recommendations for measures to improve safety, just as jurors in manorial courts had long asked for paths and bridges to be mended or ditches cleared.<sup>95</sup> Moats and mill-streams were ordered to be fenced in and dangerous roads repaired. Fords and bridges were condemned as dangerous and when John Coffe fell from the cliffs at Swanage in Dorset as he raided seabirds' nests, the jurors pronounced that the climb was so dangerous that such ventures 'ought utterly to be denied'.<sup>96</sup> Such jurors seem to have anticipated the attitude detected in eighteenth-century London that accidents were 'the result of specific identifiable hazards and circumstances' that might be addressed by practical measures.<sup>97</sup>

More partisan motives may have been present. Marjorie McIntosh has argued that jurors faced with unsettling economic change from the 1460s became concerned to regulate the disruptive behaviour of the young, women and the poor, while Andy Wood has suggested that it was on the control of the poor that the rural middling sort particularly focused their tightening domination of the government of parish and manor from the mid-sixteenth century.<sup>98</sup> Of these groups, the young come most clearly into focus in the coroners' inquests. Women and the poor, including anonymous vagrants, died in accidents recorded in as much detail as anything that happened to men or the rich, but there is no sign of condemnatory language in the way the verdicts were recorded. Children's accidents were often treated with some sympathy, as it was recognised in the wording of the verdict that they could not understand the danger of their situation.

For young men and adolescents, matters were different. It is not always clear when the adverb 'pueriliter' – in a childish or foolish manner – was being used by juries to describe unwise actions that could be forgiven in children, and when behaviours that their perpetrators should have grown out of. Even when the victim, characteristically of reckless practice in leading animals, was described as a labourer, he might have been as young as seven. In other cases, it seems very clear that the jurors thought youths should have known better, and here the key word was 'lasciviter', wantonly.

Kent jurors, or at least the coroners' clerks recording their views, were particularly fond of it. At Bexley in 1570, thirteen-year-old Edward Goodwyn jumped up and down wantonly on a piece of wood with a leather belt draped loosely round his neck; it caught in a forked stick and strangled him.<sup>99</sup> At Tonbridge in 1565 John William, servant to a Hadlow yeoman, climbed to the top of a blast furnace and played around, jumping on the charcoal and kicking it about, with disastrous results when the smoke from the fire below rushed up and suffocated him. He was, commented the jurors, idle and moved by wantonness.<sup>100</sup> At Leeds on the evening of Whit Sunday 1588, John Cheeseman was at Anthony Davy's inn with assorted adolescents and young men. He had long had a hernia in his stomach. They were playing together, jumping or dancing, and John was drunk. Caring little

for his hernia, he conducted himself wantonly and in a disorderly manner. In shaking and crushing his body with running and falling many times, he made his injury much worse. A great part of his entrails was thrust up out of his belly to his outer skin and could not be put back in again. He was gravely ill for the next two days, then died of the rupture. So – the jurors hardly needed to add – in their judgement he died not only by misfortune, but also on account of his own bad conduct.<sup>101</sup>

A clutch of unusual cases may suggest another way in which inquest jurors showed what they thought of disorderly young men. With suspicious regularity, amorous youths – George Busche, for example, was aged 22 – stabbed themselves fatally by misfortune in the thigh or the stomach after approaching young women to ‘play’ or ‘wrestle’ or ‘tumble’ with them, often while working together in fields or marshes. Sometimes it was with their own knife, sometimes with the girl’s, but matters were seldom as explicit as when William Wylson attacked Eleanor Foxe at Dudley in Worcestershire in 1552. The jurors reported that his intention, formed with malice aforethought and at diabolical instigation, was to rape her and know her carnally. He proceeded so violently that the knife she held in her right hand struck him in the thigh, causing his instant death. Classifying this as misfortune cleared Eleanor of any responsibility for William’s death, even from the need to obtain pardon as a killer in self-defence, although she was holding the knife that killed him.<sup>102</sup>

Sixteenth-century coroners’ juries could not leave their identities, their priorities and their prejudices behind when they entered the legal arena. In economic terms, they were the middling sort, a body predominantly of husbandmen, yeomen and craftsmen, but a middling sort so broad as to include gentlemen and rich clothiers at one end, labourers at the other, and those who made their living in many different ways in between; and a middling sort with a penumbra of unidentifiable jurors more likely to be poor than rich. In terms of locale, they represented their parish but also a wider locality encompassing adjoining townships and reaching beyond. In terms of generation and gender, they were adult men, usually married and heads of households, varied in age and vigour. They were not, of course, by modern lights a representative cross-section of sixteenth-century society, but they were the citizens of a broad ‘unacknowledged republic’ in town and countryside alike. It is not too romantic to say that if we wish to imagine a sixteenth-century English coroner’s inquest jury, we should travel in our minds to Assington in Suffolk on 5 November 1533. There we could watch the richest man in the village in 1522 after the resident squire, John Vigorous, yeoman, sit down with one of the poorest, William Lovington, labourer, to ponder the sad death in a collapsing clay pit of their neighbour, John Petyte.<sup>103</sup>

Their world had clear affinities with that of later inquest jurors, but we cannot yet speak of ‘the restriction of jury service to local elites’, to those who ‘would share an interest in law and order more similar to that of the political elites than to the interests and opinions of that section of the populace that felt the weight of the law’.<sup>104</sup> That situation lay on the far side both of a century of social polarisation driven by economic change and of a parallel development by which crime came to be ‘regarded primarily as an activity of the poor’, the same polarisation that, as we saw, historians of some, but not all, manor court juries have seen developing in the years around 1600.<sup>105</sup>

Other sixteenth-century juries may of course have been different from those impanelled for coroners' inquests. For the most sensitive of state trials, such as that of Anne Boleyn's alleged lovers, jurors seem to have been hand-picked from the social elite to reach the required verdict.<sup>106</sup> For enquiries to the fiscal benefit of the crown under Henry VII, some juries at least were suspiciously full of the local military and political followers of the king's closest councillors.<sup>107</sup> But out in the shires, unexpected outcomes even in treason trials in the 1530s suggested that 'juries were thinking men and could take a line of their own'.<sup>108</sup> Sixteenth-century coroners' inquests suggest that at a crucial time of intensification in English governance, whether conceived of as a New Monarchy, a Tudor Revolution in Government or the opening of a century and more of State Formation, processes of law and administration operated with the engagement of very wide sections of the adult male population. If we are interested in jurors and juries as part of the deep history of the English state, then it is to wider social circles than the yeomanry and longer processes than those gathering speed around 1600 that we must look, to the citizenship of William Lovington as well as that of John Vigorous.

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## Notes

1 Sir John Fortescue, translated Richard Mulcaster, *A learned commendation of the politique lawes of Englande* (London, 1567), fos 54v–76v, quoting fo. 69v.

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**French Abstract**

En Angleterre, à l'époque moderne et tout particulièrement au XVI<sup>e</sup> siècle, des personnes n'appartenant pas aux élites nationales ni régionales ont cependant pu participer activement à la gouvernance locale, cela en tant que jurés dans le cadre des enquêtes judiciaires. Pourtant leur appartenance sociale est encore contestée. Nous travaillons donc, dans diverses communautés, sur la composition des jurys d'enquêtes judiciaires, disposant d'un échantillon de 148 jurys, répartis sur onze comtés, comportant un total de 2024 jurés, avec dossiers fiscaux et certificats militaires. Ces données montrent que, si les classes moyennes rurales et urbaines y étaient disproportionnellement représentées, les riches et les pauvres n'étaient nullement exclus de ces jurys d'enquêtes. En tant que chefs de ménage militairement mobilisables, de nombreux jurés répondaient aux exigences larges de 'masculinité respectable', et cela peut se refléter dans certains des verdicts auxquels ces jurys sont parvenus.

**German Abstract**

Geschworenengerichte ermöglichten auch denjenigen eine Beteiligung an der örtlichen Regierungsgewalt, die im frühneuzeitlichen England nicht zur nationalen oder regionalen Elite zählten. Gleichwohl ist ihre soziale Reichweite umstritten. Wir untersuchen Geschworenengerichte in unterschiedlichen Gemeinden und vergleichen eine Stichprobe von 148 Geschworenengerichten in elf Grafschaften mit 2024 Geschworenen mit ihren Steuer- und Musterungsakten. Dabei zeigt sich, dass die ländlichen und städtischen Mittelschichten zwar überdurchschnittlich vertreten waren, aber Reiche und Arme keineswegs ausgeschlossen waren. Als militärisch vollwertige Haushaltsvorstände entsprachen viele Geschworene den allgemeineren Forderungen nach 'respektabler Männlichkeit', was sich auch in einigen der von ihnen gefällten Urteile widerspiegeln mag.