

THE GAOL OF BURY ST. EDMUND'S.

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As information about medieval gaols is not particularly abundant we hope that the following details about the gaol at Bury St. Edmund's may be of some interest both from the point of view of local history and the history of the administration of the law.

It is first heard of towards the end of the twelfth century, when we gather from Joscelin of Brakeland that the sacrist of the abbey refused to have the cellarer's prisoners guarded there. But it was probably in existence in 1164, if not much earlier, for in that year the Assize of Clarendon ordered that all counties should have their gaol. As the liberty of the eight and a half hundreds was a separate jurisdiction from the county, subject to the Abbot of Bury, it must have had its own gaol. This was, no doubt, at Bury, for we know from later evidence that the abbot's prison there housed prisoners both from the borough and the larger liberty. According to the verdict of a jury in Richard II's reign the abbot had the liberty "*quod nulla gaola erit infra libertatem Sancti Edmundi nec infra dictum burgum nisi solo modo gaola que vocatur gaola de Bury Seint Edmund.*" Hence prisoners from all over the eight and a half hundreds were brought to Bury—felons from Glemsford, William of Bury, bailiff of the honour of Clare, who refused to satisfy the Earl for twenty pounds of arrears, a homicide from Frekenham, felons and others taken in the prior of Canterbury's vills of Hadleigh and Illeigh and so on.

The prison building stood in the Corn Market next to the toll-house, and seems to have abutted on the town wall. A messuage next to it is described as abutting on the wall of the borough, and warehouses are said to lie between it and the toll-house. Judging from the number of escapes recorded it was by no means secure in spite of its large collection of prison furniture. A fifteenth century inventory includes forty-six pairs of

fetters, one "fferre" called *staunforde*, seven collars with chains and staples, four pairs of manacles, six pairs of stocks, thirteen locks with keys.

Prisoners of every type and description endured the extreme discomfort of the building and its furnishings. Respectable jurors convicted of making false oath in a case of *novel disseisin* were imprisoned in 1277. A few years earlier in 1273 and 1274 twelve suspected murderers were there. Similarly in 1251 we hear of two more suspects being detained for murder, and in 1250 the murderers of Mary daughter of Nigel. Still earlier in 1248 the four murderers of William son of Simon of Saxham were incarcerated. Other less heinous criminals and suspected offenders were widow Mabel, imprisoned on a charge of re-disseisin; the servants of two merchants accused of robbery who were shut up for six weeks pending their trial, and William Pugg arrested for fishing by night in Nicholas Fouke's fish pond.

Many unfortunate victims of official dislike suffered the same fate, if we can accept their own evidence. The early Chancery proceedings are full of complaints of unrighteous imprisonment. Alice, wife of a Norfolk dyer, was imprisoned through the "evyll will" of John Ffissch of Suffolk and kept in the gaol of St. Edmund "by special favour and acquayntance that he hath with the keeper of the said gaol." The keeper had not "brought her forth for any sessions and gaol delivery holden" nor could her husband get her out on bail "though he labored from London unto the said town of Bury." Another plaintiff says he was arrested without any cause and imprisoned by certain riotous persons. There he was kept by favour of the bailiff of the franchise and was not allowed to have bail or mainprise "without great fine and ransome."

The frequency of serious crimes which were unbailable and the numbers of people evidently imprisoned until they had satisfied their accusers or obtained bail give rise to a question which was clearly of some urgency in the middle ages—the question of what to do with an

excess of prisoners. A case in point occurred in 1327 when the numbers of persons convicted of felony were so great that many of them were released on bail and allowed to go freely outside the prison. In the end a royal writ ordered that these malefactors should be imprisoned in the king's prison outside the liberty, adding that this should not prejudice the rights of the abbey in future. Overcrowding must indeed have been the chronic state of the Bury gaol. It was very probably a contributory cause of the numerous deaths and suicides that are recorded. Six of the people imprisoned in 1327, for instance, never survived to stand their trial.

The prisoners' lot was not improved, it seems, by the gaolers, their assistants, and other officers of the borough. The small salaries paid to them encouraged them to consider their office as a means of adding to their income. From the Hundred Rolls comes the charge that the abbot's steward took five marks for replevying the sons of William Harberd, who had been acquitted by the *patria*. Henry the coroner also was said to have taken a large sum from various prisoners *pro alleviacione prisone*. The same Henry and Robert of Cropwell, keeper of the goal, unjustly imprisoned Robert Cok. They hung him up by the arms until they extorted from him half a mark. Desire for money, however, sometimes worked the other way. Edmund Abel, a fourteenth century gaoler, kept some felons in the solar of the gaol so that they could speak with their friends and procure, so the jury said, unjust delivery. Abel was also accused of allowing John Pyg and others to learn to read so that they might have benefit of clergy.

In the fifteenth century there are signs that the public lay conscience was getting disturbed at the miserable condition of the prisoners and bequests for the alleviation of their lot are frequent. In 1407 John Caxton left for the use of prisoners a caldron weighing thirty-four pounds and a cooking pot (*cacabus*). A benefactress, Margaret Odiham, left a lamp and a yearly gift of wood to the poor prisoners. She provided for their spiritual needs by appointing a priest to say a

mass in the gaol chapel on Sundays and feast days. John Baret after her left "brede, mete and drynkkc and a penny" to the prisoners. White bread was to be given them on the anniversary of his death. In 1502 John Coote provided that the prisoners should have on one day a year two shillings worth of meat and drink. Two years later Anne Baret granted them four marks to be paid four times a year for "things most necessary."

The gaol was delivered by the justices of gaol delivery for the county and by the abbot's justices for the *banleuca*. The former were obliged to sit outside the privileged immunity of the borough at Catishal and later at Henhow, unless given special permission to sit in Bury as was usually the case in the fifteenth century. The royal commissioners, of course, only concerned themselves with prisoners from outside the *banleuca*. Inhabitants of the borough and its suburbs were left to the abbots' justices—to William Paston, Robert Cavendyss, Thomas Mylde and Thomas Heygham, to cite the justices named in a commission issued by William Curteys in 1432.

Perhaps the most valuable aspect of our evidence relating to the prison is the way in which it illustrates the interdependence of the central and local authority and their close co-operation. The myth that the king's writ did not run in the territory of great feudal magnates like the Abbot of Bury has long been exploded and their part as agents of the crown in their liberties has recently been emphasised by Miss Cam in her article on the *King's Government as administered by the Greater Abbots of East Anglia*. The abbot's position as a local viceroy wielding powers delegated by the Crown on the condition that they were properly exercised is clearly shown in the case of the gaol. At Bury it is both the king's gaol and the abbot's. In royal deeds it is usually referred to by the former title, in monastic ones by the latter. In 1392 the auditors of the honour of Clare were sent to the prison of 'the lord king at Bury.' A century earlier, more or less, the same title is to be found. Monast writers on the other hand called it

prisona abbatis, or more usually, in the abbots' writs, *gaola nostra ville nostre de Burgo Sancti Edmundi*. When it came to the escape of prisoners the dependent position of the abbot at once became evident. The negligence led to severe censure on the part of the Crown and threats to suspend the liberty of having a prison.

Royal punishment extended beyond the lord of the franchise. It was even visited on his servants. The fine exacted from the gaolers was five pounds for an escaped felon. The unfortunate Robert of Kedington was fined ten pounds for two he had allowed to get out (*Cal. Pat. Rolls, 1391-96, p. 64. Cp. Ibid, 1346-51, p. 240*).

After the Dissolution the gaol was granted to various private individuals until James I promised the reversion of it on the death of the holder, Sir Robert Drury, to the aldermen and burgesses. A fee of £3 13s. 4d. a year was to be paid to the gaoler.

It is probable that the abbot and sacrist were not alone in their desire to keep up a separate gaol for the liberty. Its value to the inhabitants was no doubt as great as that of the prison at Ipswich to the burgesses of that town. The latter petitioned in 1325 that their prison, then in decay, might be restored as thieves taken out of Suffolk to Norwich Castle were acquitted by the men of Norfolk "qe ne ount my conisaunce de lour maveystez."

The evidence is too meagre and disjointed to allow us to reconstruct completely the workings the prison system at Bury, but this brief sketch has, we hope, given some idea of its organisation and functions.