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The Coroners of Bristol

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THE CORONERS OF BRISTOL

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THE 'very ancient and important' office of Coroner, for which description there is high judicial authority, in the Middle Ages was mainly a means of collecting on behalf of the Crown the forfeited chattels of felons, treasure trove, deodands, wrecks and royal fish. This lofty purpose has, except in the rare case of treasure trove, been displaced by the investigation of deaths not reasonably attributable to natural causes, the majority of which occurrences constitute today what is colloquially known as 'the toll of the road'. Its antiquity has been exaggerated by some legal historians, but its importance is beyond question. A coroner, although not in the strict sense a magistrate, is a judge of a court of record, and, by reason of that fact, may exercise the judicial powers of fining and committing for contempt. His rank on ceremonial occasions is next to the recorder in boroughs and to the sheriff in counties. The jurisdiction of coroners in cases of burglary, rape and prison-breach has been questioned: there is however no doubt that until Magna Carta they had power, perhaps limited, to try criminal pleas, and for some time after 1215 they passed judgment on felons taken red-handed.

There appear to have been three definite stages in the evolution of the officials known first as *custodes placitorum coronae*, then as *coronatores*, and subsequently as coroners or, popularly, 'crowners'.

Originally part and parcel of the eyre system, the office was then an unpaid one, and no doubt, as in the case of the sheriff today, its occupancy was considered an

honourable duty. In the 12th and 14th centuries the necessary qualifications were knighthood and the ownership of a sufficiency of land in fee to answer all claims.

Later it is found that 'mean and indiscrete' persons were elected to the position, and in the reign of Henry VII it became necessary to provide for payment of coroners, and their remuneration was fixed by fees.

After 1860 salaries were in the main substituted for payment by fees, although in boroughs the fee system remained, and now by virtue of the Coroners (Amendment) Act 1926, all coroners appointed after the date of the Act are salaried.

The qualification of the present-day coroner required by law is that he shall be a barrister, solicitor or medical practitioner of not less than five years' standing in his profession. By implication he must be *probus et legalis homo*, and the learned editor of 'Jervis on Coroners' adds, 'although some knowledge of medical terms and the principles of criminal law are necessary for the proper discharge of a coroner's duties, the chief requisites are the possession of tact, sound discretion, practical sense, sympathy, quick perception and a knowledge of human nature'.

The question, who and what manner of men were the Bristol coroners, is strangely enough by no means easy to answer. In the records of the city there is no mention of the appointment of coroners until the charter of 24 July 1256 (40 Henry III) whereby the burgesses were empowered to elect and create from themselves coroners for making attachments of pleas of the Crown arising within the liberty of the town, who were to answer before the itinerant justices concerning such attachments and other things pertinent to their office. In 1347 the power to appoint coroners was confirmed by Edward III, and the Great Charter of 1373 sets forth that 'the Sheriff and Coroners of the said town of Bristol for the time being for

ever shall have the power of receiving appeals of the death of a man and also of whatsoever other felonies perpetrated and to be perpetrated within the said town of Bristol, the suburbs and precinct ; and to arrest such appealed persons and commit them to the gaol or prison aforesaid to remain in the same until they shall be delivered by the Justices of us and our heirs assigned and to be assigned for delivering the gaol of the said town of Bristol '.

It is surmised that, at any rate from the date of the charter of Henry III until by the Municipal Corporations Act 1835 the number was reduced to one, there were usually two coroners sharing the burdens and advantages of the office simultaneously.

Of the early *custodes placitorum coronae*, the unpaid knights, it is surprising that nothing is known. The Corporation Archives Department possesses no records of the coroners' inquisitions except perhaps in the two cases to be mentioned later. Delving into the Coroners' Rolls at the Public Record Office in London might possibly bring to light some matter dealing with the early Bristol coroners, but it is thought that the result would not justify the trouble involved.

It is not until the middle period is reached that any reliable information as to the holders of the office is obtainable. The first pair of coroners of whom the names are recorded are Hercules Phipps and John Clark. These appear in Beaven's *Bristol Lists* and apart from the facts that the former died in 1625 and the latter was removed in 1602 they remain in obscurity. From the time of Hercules Phipps to that of the present coroner, Mr A. E. Barker, who after being Mr Doggett's deputy for 19 years was appointed on the latter's death in 1911, the following persons have occupied the office :—

1602-3, February 8, *vice* John Clark, *removed*—John Edey, *removed* 1613.

1613, December 7, Peter Bysse, *resigned*.

1619, April 22, William Bourne.

1625-6, March 13, *vice* Hercules Phipps, *deceased*—Walter Chester.

1641, September 15, Thomas Hickes, *removed* 1647.

1647, July 13, Richard Ashe.

1650, October 3, *vice* William Bourne—Walter Tocknell, *died* 1682.

1666-7, January 15, *vice* Richard Ashe—George Lynnell, *died* 1701-2.

1682, November 2, *vice* Walter Tocknell—Rowland Searchfield, *died* 1694-5.

1694-5, February 27, Richard Deane, *died* 1696-7.

1696-7, March, 24, Martin Nelme, *died* 1715.

1701-2, March 18, *vice* George Lynnell—James Millard, *died* 1715.

1715, December 13, Henry Fane, Samuel Fox.

(resigned shortly after their election)

1715-6, February 7, Robert Gibbs, *died* 1722. Thomas Jackson, *died* 1721.

1721, April 19, William Dickinson, *died* 1728.

1722, April 18, *vice* Robert Gibbs—George Bradford, *resigned*, 1753.

1728, July 22, *vice* William Dickinson—Richard Daniel, *died* 1731.

1731, September 25, James Purnell, *resigned* July 1750.

1750, July 4, Nathaniel Goodwin, *died* 18 June, 1772.

1753, December 11, *vice* George Bradford—Thomas Stokes, *resigned* September 1755.

1755, September 6, John Thornhill, *died* 1782.

1772, December 10, *vice* Nathaniel Goodwin—Abel Dagge, *died* 1778.

1778, December 9, Joseph Safford, jun., *resigned* March 1810.

1782, March 23, *vice* John Thornhill—Thomas Fisher, *resigned* March 1810.

1810, March 14, Theodore Lawrance, *died* 13 January 1821. Joseph Langley.

1821, June 13, Joseph Baker Grindon, *reappointed*

1836, May 4, Joseph Baker Grindon, *resigned* 21 September 1868, *died* 2 January 1870, aged 80.

1868, September 29, Henry Sidney Wasbrough, *died* 7 February 1892, aged 79.

1892, February 13, Hugh Greenfield Doggett (elected by 28 votes to 23 for Edward Morcom Harwood), *died* 1911.

In Latimer's *Annals* reference is made on several occasions to the meagreness of the stipend received by the Bristol coroners. That historian states that in 1622 the two coroners 'were gratified with 40s each yearly to encourage them to discharge their office', and that in 1651 (this year should be 1650) the coroners were given an increase of their yearly salary to £3 6s 8d. The actual wording of the Council's declaration in this matter is:—

'That the Coronors of the Citty for the future shall haue paid them twenty nobles for their sallary by the Chamberlen to each 3^{li} 6^s 8^d a peece to encourage them to proceed with Chearfullnesse in the execucion of their office'.

There was thereafter a steady, albeit slow, improvement in their remuneration, which moved upwards first to £6 13s 4d a year until in 1721 it reached the relatively magnificent sum of £10. The candidates for a vacancy in the office, when it bore that emolument, were two 'marriners', a brewer, a linen draper and a 'gentleman'. The last mentioned won.

According to Latimer 'so late as 1765 one of the coroners held the mean office of keeper of the City Scales at St. Peter's Pump'. From this it may be gathered that the coronership had long ceased to be of social importance, and the professional status had not yet arrived.

It was not until the year 1899 that the Bristol Corporation decided to provide the coroner with a special court

in which to hold his inquests. The present Coroner's Court at Quakers Friars was opened in 1902, prior to which inquests were usually conducted in public houses.

Deodands (things forfeited to the Crown as having caused human deaths), until their abolition in the early part of last century, came within the scope of the coroner's inquiries, and an interesting example occurred about the year 1650, when, to quote Latimer again ' a small vessel had lunched over in the harbour, causing the death of a labourer, and according to the ancient law dealing with such fatalities, the ship and its cargo were thereby forfeited as " deodand ", the medieval intention being that the value of the forfeiture should be devoted to the payment of masses for the soul of the person killed. The Council recognizing the hardship of the penalty, surrendered the ship to its owner on payment of £10, half of which sum was given to the deceased man's sister '.

A record of the enquiry by the Council into the matter is to be found under Common Council Proceedings, 1649-1659 [04264(5)]. It runs :

' Convocatio Domus Concilii die martis quarto die Februarii 1650 Mr Thomas Bubb desires in the behalfe of Henry Payne master and parte owner of the Anne and Katherine a hoy soe called which is acknowledged to be forfeited with hir lading therein by reason of the death of a man on whom the said hoy fell which he prayeth may be referred to this house and how much the master shall pay to haue his barque & goods restored. It is agreed and soe declared that the said Master paying to the Chamberlen tenn pounds shall haue his hoy and goods presently deliuered him and the Maid his sister who hath petitioned for some reliefe shall vpon hir petition haue five pounds thereof paid hir by the Chamberlayne '.

There is also deposited at the Council House a copy of an inquisition into a case of alleged treasure trove in 1831. Two stockings filled with guineas and other coins were found in the cellar of the house of a Mr James Carter in Castle street by his servant girl, who naturally enough, despite the inducements of her master to hold her tongue, eventually 'blew the gaff', and the news reached the Corporation. As the result of the inquest the claim by Mr Heathcote, the landlord of Mr Carter, that the hoard was his property was sustained, and the guineas did not reach the city's coffers. The enquiry was held by Mr Joseph Langley, the joint coroner with Mr Joseph Baker Grindon. Mr Grindon's tenure of office lasted forty-seven years, and he survived his colleague, Mr Langley, who retired when the number of coroners was reduced to one.

Since the retirement of Mr Grindon, the coroners, Mr Wasbrough, Mr Doggett and Mr Barker, and the deputy coroners, Mr Frank Richardson and Mr Eliot Trapnell, have all been members of the solicitor branch of the legal profession.

NOTE. The authorities I have consulted directly and indirectly are too numerous to mention in detail, but nevertheless I wish to express my indebtedness to all of them, living and dead. To Miss H. E. Nott of the Archives Department of the Bristol Corporation I am however especially grateful for her assistance to me in preparing this paper.