

13

'Bleedinge Afreshe'? The Affray and Murder at Nantwich, 19 December 1572*

Steve Hindle

At the Lent assizes held at Chester in April 1670, the sheriff of Cheshire Roger Wilbraham had the uncomfortable experience of witnessing the murder trial of the heir to a prosperous gentry estate.¹ Wilbraham noted in his diary that Thomas, the eldest son of Sir Peter Brooke, had been arraigned for killing one of his employees. Finding the labourer at his work, Brooke had 'barbarously killed him unawares to a man, [...] without any expostulation or provocation'. The trial records reveal that at Christleton, on 1 December 1669, Brooke had fatally wounded William Haslehurst of Heswall 'on the hinder parts of the head' with 'a briar hook'.² Wilbraham thought that young Brooke was lucky to escape the gallows, and did so only because the jury had found that he was '*non compus mentis* when he did the fact'.³ This episode of fur-collar crime moved Wilbraham deeply, and set him musing on the vulnerability of men of his social class to the vagaries of the criminal justice system, especially in cases of murder.⁴ As he sat disinterestedly through the apparently endless arraignments of the robbers, burglars and thieves who were hurried miserably through the dock by the half-dozen, Wilbraham idly recalled the family legend that one of his ancestors had enjoyed a similarly narrow escape almost exactly a hundred years earlier. Richard Wilbraham, the sheriff noted, had been one of two 'worthy gentlemen' tried in 1572 for the 'supposed murder' of one Roger Crockett, 'who chanced to be slain in a fray at Nantwich'. The case against Richard Wilbraham, the sheriff remembered, had been far from robust. Wilbraham had, he believed, been the victim of a malicious prosecution sustained by the perjured evidence of a household servant suborned by the victim's widow, who allegedly bore mortal hatred to the entire Wilbraham family. The perjury was only brought to light, it was said, by the gallows confession of the 'dangerous witness', which 'his guilty conscience extracted from him' when condemned to death for an unrelated felony. Although Wilbraham could not recall the perjurer's name, he had heard that the man, 'being pinched in conscience', had confessed on the

scaffold that he was suborned by his mistress and 'induced by her large premises' to endanger the lives of the accused 'by a false oath'.

The sheriff believed that the story had a happy ending, at least for Richard Wilbraham, who 'lived prosperously many years after to see her end that had conspired his'. Wilbraham nonetheless noted the historical irony that 'a descendant of the family after 100 years should come to possess the [sheriff's] chair so neer unto the bar where his ancestor had his trial'. The Brooke prosecution had brought the Nantwich affray and its aftermath very 'seasonably to mind', and he recorded that 'it did verie much raise and affect' his spirits. As for the sources of the episode, Wilbraham noted, somewhat laconically, that he 'had the whole story by tradition'. The memory of the attempt to frame his ancestor was, therefore, a scrap of judicial folklore passed from father to son for the edification of the Wilbraham family. The story was a reminder of the fragility of wealth, status and reputation; of the central role of conscience and integrity in the workings of fate; and, above all, of the perils of perjured evidence.⁵

Other elite families doubtless had their oral traditions of dark doings and judicial retribution, just as they had of more positive anecdotes.⁶ The Wilbrahams, however, also had access to a quasi-judicial archive. Although his diary account betrays little evidence that he had consulted it recently, Roger Wilbraham confessed to having 'seen an authentick register' of the 'proceedings' arising from the murder at Nantwich. The document to which Wilbraham referred is a quite remarkable set of depositions entitled 'Examinations touching the death of Roger Croket, of Namptwiche, in the Countie of Chester, Gent'.⁷ Its sixty folios contain the testimony of no less than 116 persons (thirty-nine of them female) – from gentlemen, clergymen and schoolmasters to tailors, shoemakers and salt-boilers – taken in the immediate aftermath of the coroner's inquest, held in St Mary's Church Nantwich, on Saturday 22 December 1572, into the causes of Crockett's death.⁸ The witnesses describe in vivid detail not only the everyday traffic of social and economic relationships in a late sixteenth-century market town, but also the extraordinary circumstances of Crockett's murder and of the even more curious rituals associated with the subsequent, and unusually well-documented, coroner's inquest. Not only was the body of the deceased painted by a local artist, but those suspected of the murder were brought before the corpse in accordance with the traditional belief that in their presence the wounds would 'bleede afreshe' to incriminate the killers. The validity of all this testimony was, more remarkably still, subsequently challenged, amid lurid accusations of subornation and perjury, in the court of star chamber.

By opening out the historical evidence relating to the investigation to Crockett's death, it is hoped that those wounds will once again 'bleede afreshe', disclosing in unparalleled detail popular understandings of the nature and causes of fatal violence in sixteenth-century society.⁹ In

226 'Bleedinge Afreshe'? The Affray and Murder at Nantwich, 19 December 1572

reconstructing the eruption of casual slaughter in Elizabethan Nantwich, therefore, this paper engages with two themes which have been central to the recent work of Bernard Capp: historical perceptions of crime and deviance;¹⁰ and the historiographical potential and limitations of depositional evidence.¹¹ The murder of Roger Crockett also offers a case-study of the potential for the extraordinary to occur in everyday life, and provides an opportunity to reflect on the strengths and weakness of the various methodologies which might permit the relationship between the ordinary and the extraordinary to be explored in historical context.

The everyday

By the second half of the sixteenth century, Nantwich had assumed a place as one of the most significant market towns in Cheshire.¹² Its population, numbering about 1800 by the 1580s, largely earned its living from dairying, especially cheese-making, and from the manufacture of leather. Its significant resources of brine linked the town into a national market for salt, and the demand for labour in its two-hundred-odd wych-houses (where brine was evaporated in enormous vats), although seasonal, was very substantial.¹³ Located on the main road from London to Chester, Nantwich was a significant staging post for military and civilian traffic to Ireland, and had developed a sophisticated network of inns to accommodate travellers. It was also, increasingly, a centre of judicial and administrative activity, playing host annually to one of the county sessions whose meetings had since the 1530s rotated quarterly round the towns of Cheshire.¹⁴ Despite the periodic presence of the county elite on the Nantwich bench, however, the institutional structure of the town itself was relatively underdeveloped, urban governance still being exercised by rural manorial lords through the traditional *fora* of courts baron and leet. Several of the long-established families who had run Cheshire society since the fifteenth, and in large measure since the thirteenth century – the Cholmondleys, the Wilbrahams, the Hassalls and the Maistersons – therefore continued to play leading roles in the politics of Nantwich, exercising considerable social and economic power as a consequence of their enormous property-holdings, supplemented by increasing trading interests in cheese, salt and leather; and significant political patronage through the holding of lucrative local office. These were the men who reconstructed the town after it was destroyed by fire in 1583, and their substantial mansion houses still dominate the built environment over four centuries later.¹⁵ Together this small knot of reliable men, bound even more tightly together by affinity and clientage – the Maistersons and the Wilbrahams were especially heavily inter-married – monopolised the exercise of authority in Nantwich.¹⁶

This, then, was the increasingly prosperous, but polarising, context in which Roger Crockett's social and economic pretensions caused such

ructions.¹⁷ The Crocketts had made their money from trade rather than property, though like many would-be members of the county elite they had sought to vindicate their pretensions to gentility by purchasing land. Although he owned property in several neighbouring villages, Crockett's wealth ultimately derived from the town's most profitable inn, The Crown. The ambiguous status of the family is nicely captured by the fact that although they appear on a list of freeholders compiled in 1579, the Herald's Visitation of the following year ignores the Crocketts altogether.¹⁸ As in many other urban contexts, there was little to distinguish a lesser gentleman from the wealthy townsmen who had clambered their way into the civic elite having made their money from trade. Whether Crockett had always been sneered at by men whose social confidence was bolstered by the unquestioned authority of ancient lineage will never be known. But it is almost certain that his aggressive behaviour in the land market marked him out as a rich churl, a man who did not know how to conduct himself in the company of real gentlemen. In the summer of 1572, Crockett outbid one of the members of the Hassall family for the renewal of the lease of the Ridley Field, one of the town's most valuable pastures, from which rents and use-rights would generate very considerable income. This was merely the latest battle in a dirty little war over property rights during which Hassall and Crockett had not only exchanged insults (each bidding the other 'a turd in thie teethe!') during holy communion but had also sued one another both in the county court and at the Hustings in London.¹⁹ By the winter of 1572, speculation was rife about Crockett's intentions, especially in respect of a plan to drain the pasture which marked him out not only as an *arriviste*, but also as an improver. Crockett was due to take possession just before Christmas, and the Hassalls and their allies determined that this would not be an occasion for good cheer.

Wednesday 19 December 1572 dawned 'colde and frostie'.²⁰ By 7am the inhabitants of Nantwich were nonetheless going about their usual business, just as they would on any dark winter's morning. Those who stood at their doorsteps or who gazed through their windows would have detected little or no departure from the routines of everyday life. The tailor, John Hewitt, noted that Thomas Wettenhall passed by his shop window on his way to oversee the pasturing of his flocks, as he did every morning.²¹ Work had started even earlier for others. Ellen Ince, the wife of one of the town's many prosperous butchers, was behind her counter selling meat to Widow Wixsted.²² Margaret Smith and Margaret Shenton were running errands for their master, having been sent to buy 'a pennyworth of worte [unfermented beer] and a messe of milke' from Thomas Wilson.²³ Marjorie Crewe was in a backhouse baking bread; Margaret Buckley was spinning in her master's kitchen; Joan Sparrow was milking in the town fields; her brother Edmund was weaving in a chamber in their mother's house; Hugh Lowe was chopping wood for fuel; and Humphrey Mainwaring was preparing to

228 *'Bleedinge Afreshe'? The Affray and Murder at Nantwich, 19 December 1572*

teach at the schoolhouse beside the church.²⁴ The sweat associated with the salt industry was already dripping in numerous wych-houses. Richard Wright was daubing the walls of one; Alice Worall was crossing the road to begin work in another; Marjorie Parker, a salt-boiler, was watching the brine 'seathing' in a third.²⁵

For others, routines deviated only very slightly from their quotidian rhythms. Though Cicely Huxley might regularly be found milking cattle or buying goods in the shops on the High Street, she was on this particular morning spinning at her wheel in the hall of her master's house.²⁶ Only the most substantial men of leisure, like the gentleman Richard Wilbraham, had yet to rise and breakfast. Others, of course, were only in town for the day: John Lovatt, who dwelled by Acton parish church, was walking into Nantwich to buy a bushel of malt which he hoped to have ground at Thomas Wettenhall's mill.²⁷ None of these sights were unusual, least of all on Wood Street, which was well known not only for its wych-houses but also for its labourers' cottages, shops and its blacksmith's forge. As they hurried about their business, these townspeople – men and women, masters and servants, producers and consumers – doubtless stopped to pass the time of day, or at least to acknowledge one another with a nod of the head or wave of the hand, perhaps even a social kiss.²⁸

Some of these gestures, however, were probably furtive, perhaps even apprehensive, for there was tension in the air. Ales Worrall suspected something was amiss when Roger Wettenhall ignored her usual greeting: 'she badd him good morrowe and he spoke not to her againe whereat she greatly marvelled for that he was wont to speake very courteously to her'.²⁹ Wettenhall was doubtless disquieted by the rumour, rancour and recrimination caused by Roger Crockett's acquisition and intended drainage of Ridley Field. Crockett's enemies regarded him as 'a villain and a cut throte to take anie man's lyvinge over his head'; and had repeatedly taunted him, even in the church and churchyard, as a coward and a knave.³⁰ From the liminal security of their own doorsteps, the women-folk among his enemies had railed at him and predicted his downfall.³¹ Others had sought to provoke his mother by ironically calling her 'the lady of Ridley Field'.³² Many of the inhabitants predicted an outbreak of violence: Jeffrey Minshull told Nicholas Maisteron that there would be 'much knocking of custards in the street one day' about the contested lease.³³ Even the children of the town had heard rumours: Ralph Ince's daughter, still only a 'lyttle girl', had been told by her playmates that 'ther wold be mischeef' and that Crockett 'wold be beaten' if he came to take possession.³⁴ The milkmaids were also, it seems, gossiping about the possibility of an impending fracas.³⁵

Rumour very rapidly turned to menace. Crockett was threatened with the breaking of his bones and the cracking of his skull if he dared venture too close to his opponents the Hassalls. 'I wold to God that the Ridley Field were a fyshe poole', wished one inhabitant, for Crockett 'will have his

braynes knocked out one day about yt'.³⁶ These threats were so serious and so extensive that several of the parties swore the peace against one another, with the result that by the end of November 1572 there was an extensive network of recognizances binding the Wettenhall brothers not to assault Wilbraham or Hassall, and over a dozen named individuals not to assault Bridgett Crockett. Roger Crockett himself, however, declined to get involved: he apparently drew up a list of those against whom he might need protection, but 'because they had constantly reputed him to be a coward he would not have the peace of them for shame unless they did sumwhat'.³⁷ Indeed, the factionalism which divided the town evidently had a spatial dimension: Crockett was warned that he was not welcome on the 'side of the water' (the River Weaver) where Hassall's allies dwelt and accordingly determined that he should 'come as little amongst Hassall's neighbours as he could'.³⁸ He had even planned to absent himself from Nantwich on the day that his servants were due to begin working in the disputed pasture. In the event he did not do so, and his attempt to take possession was hindered by a day-long vigil by Anne Hassall, who armed with a quarterstaff intimidated Crockett's servants into the belief that she and her company would fight with their master.³⁹ The apprehensive bustle of Wood Street on the morning of Wednesday 18 December therefore represented the quavering calm before a storm that had been long in the brewing. Jeffrey Minshull wished 'there were some quietnes made amongst them for feare lest knockynge or devilry should come of it'.⁴⁰ If harmony was the social ideal of the Elizabethan urban community, this was an uneasy peace, threatened by an incipient feud.⁴¹

The affray

And then, almost inevitably, came the sound of clattering staves, shrieking women and pounding feet.⁴² Reynold Jackson came out of his wych-house with a 'shystinge rake' in his hand to see what all the fuss was about. Cicely Huxley 'lokyng through the glass windows' of her master's parlour 'saw the people run in the streete and left her spinning'. Ellen Ince saw the outbreak of the fracas through a side window, drove the dogs out of the butcher's shop and 'shut up the doores'.⁴³ The most notable reaction was that of the town's most prosperous and respected resident, Richard Wilbraham, running half-dressed towards the scene of the affray. His servant Margaret Buckley was spinning in the kitchen when she heard her master 'comyng downe the steyses out of hys chamber newly risen out of his bed'.⁴⁴ At least three other witnesses specifically commented on the disarray of Wilbraham's clothing, clear enough implication that he, at least, had not anticipated (still less planned) the brawl, and had been startled awake by the noise: Wilbraham apparently came to the fray 'with a staff in his hand in his hose and dublett untruste, a redde petticoate, a white furre hanging

230 'Bleedinge Afreshe'? The Affray and Murder at Nantwich, 19 December 1572

out behind without shoes or slyppers and a cappe on his hedd', 'holding up his hose upon his hyff with the one hand and holdinge his staff downe in th'other'.⁴⁵ As he dashed towards the brawl, the women cried out to him 'Alas, Mr Wilbraham, make the best of yt!', to which he apparently responded that that was his intention.⁴⁶

Narratives of what actually happened that morning in Wood Street are conflicted (to an even greater extent, as we shall see, than at first they may seem). Resolving their contradictions demands the skills more characteristic of a playground teacher than of a historian. Nonetheless, it seems probable that the affray began when one of Roger Crockett's allies, Thomas Wettenhall, carrying a 'short dubbynge hoke' (a hedge hook) was attacked by Thomas Wilson who was armed with a long pikestaff. Wettenhall was taken aback by an assault from a neighbour with whom he had no quarrel, and asked 'what meanest thou man, wilt thou kyll me?' He defended himself as best he could but was 'sore hurt in diverse places of the body'.⁴⁷ Bleeding from the mouth, Wettenhall took refuge in a nearby garden and collapsed against a malt kiln, when another of Crockett's enemies, William Hassall, leapt over a hedge and was about to strike him. That Hassall was immediately restrained by his father on the grounds that their victim 'hath hurte enough already' suggests that Wettenhall had been merely the bait in a trap designed to lure Roger Crockett to come to his aid.⁴⁸ Sure enough, when Crockett crossed the Weaver, and tried to push his way through the crowd of bystanders, his antagonists closed around him: 'here comes the villain, down with him!', shrieked Anne Hassall. He staggered against a gatepost, only to be taunted by Edmund Crewe ('stande & keep thie feete!') who struck him on the head.⁴⁹

What happened next perforce remains conjectural. On one account, Crockett was literally beaten to death by a gang of armed assailants who had been stockpiling weapons for the ambush. So many blows were rained on Crockett that they would have knocked him down 'if he had been Braynes great bull'. Bruised all over, bleeding from his ears and nostrils, his left eye almost gouged out, his skull crushed, he allegedly suffered a 'heinous stroke or mortal blow to the heart'.⁵⁰ In the counter-narrative, Edmund Crewe's 'lytle tappe' on Crockett's head was the only blow struck, and it alone proved fatal⁵¹; the victim having a 'sore fall' from which he could not be stirred even as his head lay cradled in Cicely Huxley's lap and a poor woman Margaret Hall took him by the arm and 'bade him ryse'.⁵² It was at this point that Richard Wilbraham, still in a state of *deshabille*, arrived on the scene: one witness noted that the fallen Crockett was surrounded by women, but that in 'the twinklinge of an eye', the armed men were 'all gone'.⁵³ The multiple folds of testimony converge again only in the account of the fatal denouement. Anne Ankers explained that she rushed to the scene, 'pulled her kercheyf from round her head' and bound it about Crockett's. Asked how he fared, he could answer only 'well, I thank

you', but he subsequently vomited 'braynes and blood'.⁵⁴ Crockett was soon, it seems, a dead man walking. Agnes Clare helped him back home, only for him to collapse onto a bed to announce his impending demise, exclaiming 'Lord have mercie upon me for I am but a gone man'.⁵⁵ These words reflected his fear that his wound might prove fatal, but they were also a calculated attempt to sway a prospective prosecution. Before he lost consciousness Crockett apparently accused the Hassalls, the Wilsons, Edmund Crewe and Richard Wilbraham as co-conspirators in his murder.⁵⁶ He died at about 9pm, a dozen or so hours after the assault.

Whether the sight that confronted Richard Wilbraham as he arrived at the end of Wood Street – a wounded man whose bleeding head was cradled in the lap of a woman; a crowd of bystanders carrying working tools (or were they weapons?) – belongs to the world of the everyday or of the extraordinary is a moot point. The notion of 'order within disorder' is now so firmly entrenched in the historiography of crowd actions that it comes as something of a shock to encounter an episode in which violence against the person is so conspicuous.⁵⁷ The scholarly controversy – perhaps better described as a historiographical brawl – over the nature and extent of violent crime in early modern England originally turned on what has proved to be a *question mal posée* ('how violent was a violent society?') and has been fought to an unresolved stalemate.⁵⁸ It is, nonetheless, clear that the murder rate was declining even before the advent of modern medical technologies in the nineteenth century.⁵⁹ While it might be accepted that the incidence of homicide may not even be an appropriate, let alone the most sensitive, historical index of inter-personal conflict, there are other indications that violence was probably a more familiar part of life in sixteenth-century England than it subsequently became. Outright physical coercion (by husbands, by fathers, by masters), for instance, occupied a semi-legitimate place within the household;⁶⁰ and the apparatus of social discipline with which the streets were littered meant that punishments of shame, pain and death were a familiar sight within the local community.⁶¹ Casual, especially fatal, violence might have been common in sixteenth-century England, but it was never condoned and there were very well-established mechanisms for containing it and for dealing with the aftermath at law.⁶²

In some respects, then, the discourses associated with the Nantwich affray sit very comfortably with the historiographical orthodoxy on the nature and extent of violence in early modern society. This was a world in which the social elite, especially in the North and often with the support of their servants or retainers, were as willing to participate in the kind of brawls that might be thought more characteristic of their social inferiors;⁶³ in which assaults might be carried out with whatever weapons were at hand;⁶⁴ in which accusations of knife-crime were taken particularly seriously;⁶⁵ and in which aggressive behaviour by women was regarded as particularly unnatural.⁶⁶ It is accordingly unsurprising that all these issues figure

232 *'Bleedinge Afreshe'? The Affray and Murder at Nantwich, 19 December 1572*

prominently in the convoluted and contradictory witness statements of those who gave evidence concerning the death of Roger Crockett. Was it coincidence that so many of those gathered in Wood Street had tools – dubbing hooks, fire shovels, pikestaffs – about them which might easily be used to inflict injury, or had weapons been stockpiled for the purpose?⁶⁷ Did Cicely Huxley really arrive on the scene concealing 'a sharpened dagger secretly lapped in clothe'?⁶⁸ And which was the real Anne Hassall: the hysterical harridan who incited her husband to beat Crockett's brains out and taunted her mortally-wounded enemy with the words 'aryse villain! If thou had'st me in this case thou wouldst not help me up!';⁶⁹ or the considerate, and heavily pregnant, neighbour who attempted to succour the unfortunate victim?⁷⁰ So was this merely the unfortunate consequence of a public quarrel which had got out of hand or the result of a brutal premeditated attack? Edmund Crewe seems to have confessed to having delivered the fatal blow, and his allies immediately spread the story that he had acted alone. They nonetheless took the precaution of having him spirited away beyond the jurisdiction of the county magistrates, an exile from which he was never to return.⁷¹ Crockett's allies were determined to prove that Crewe was part of a wider conspiracy and accordingly set out to incriminate a number of his confederates including not only Wilson, the Hassalls father and son, but even the most prominent gentleman in the town, Richard Wilbraham. And Bridgett Crockett's subsequent strategy illustrates how the mechanisms for investigating and punishing fatal violence worked in practice, and how they might be mobilised by the relatives of homicide victims in sixteenth-century England. It also propels the story of the Nantwich affray from the realm of the everyday to that of the extraordinary.

The extraordinary

In order to verify her conviction that her husband had been the victim of a frenzied, premeditated attack, Bridgett Crockett commissioned a local painter to preserve the evidence of numerous violent strokes to the victim's head. John Hunter accordingly 'toke the veiwe of the corpse and thereupon framed a picture or image semblable in all parts as neere as his skill did extend': the resulting image apparently displayed as many as thirty wounds to Crockett's skull.⁷² The inquest itself did not take place until the following Saturday, fully three days after the fracas, one of the two county coroners, Richard Wilbraham's brother-in-law John Maisteron, presiding.⁷³ In the meantime, the body 'was sett at the dore' of The Crown 'to be viewed and seene of the people', although it was alleged that 'fewe men might or could abyde to come neare the same for the horribleness of the smell'.⁷⁴ On the Saturday, at the height of the market, the naked corpse was carried on a bier to the church, where a jury of sixteen men had been empanelled.⁷⁵

Proceedings in sixteenth-century coroner's inquests are not well-documented and the office of the early modern coroner still awaits serious academic analysis.⁷⁶ The description of events in Nantwich church that Saturday evening are, therefore, all the more remarkable.⁷⁷ In the first place there was evidently an argument over the composition of the inquest, an issue of particular significance since, although by the middle of the sixteenth century trial juries were no longer expected to be 'self-informing', in the sense of being familiar with the circumstances of crimes tried before them, coroner's juries were almost invariably made up of men who by definition knew the local context and the protagonists extremely well.⁷⁸ Richard Crewe, a yeoman of the Bridge End in Nantwich, was summoned to sit on the inquest, but on account of his name was 'set asyde', almost certainly because he was a relative of the chief suspect Edmund Crewe.⁷⁹ In the second place, Bridgett Crockett was sufficiently mistrustful of the physical evidence that she sought to produce in the church the painting of her husband's numerous wounds. When this evidence was discounted as inadmissible, she and Roger Wettenhall attempted to persuade the coroner to subject those suspected of the murder to the ritual of 'corpse-touching', more commonly called the 'ordeal of the bier'.⁸⁰ The Hassalls and Wilbraham, they insisted, should be forced to view the corpse to see whether 'the dead body would expel excrements and fall to bleede afreshe in the sight of them all'.⁸¹ The ordeal usually functioned either to deter the potential murderer who might otherwise be tempted to commit the un-witnessed and therefore perfect crime, or to flush out the suspect whose guilt might be implied by his reluctance to take the test. Wettenhall's justification of the practice on the basis of 'the opinion of Aristotle and the common experiment' perfectly encapsulates the symbiotic relationship between learned and popular culture in early modern England.⁸² The coroner, however, would have nothing to do with this ritual, replying that he would attempt it only if Wettenhall could 'show some book cast where the like has been done'.⁸³ This self-consciousness about legal precedent might have represented genuine scepticism about the potential of this peculiar compound of science, religion and magic to reveal the identity of the murderer, but it could equally be made to look like special pleading in the light of genuine fear that the ordeal would vindicate Crockett's claims about Maisterson's 'murderous' kinsmen. It may not be insignificant in this respect that corpse-touching, often initiated simultaneously with *post-mortem* examinations, remained common practice in coroners' inquests throughout the seventeenth century.⁸⁴ A coroner unwilling to preside over the ordeal might easily be regarded as negligent, perhaps corrupt. Maisterson even laid himself open to the charge that, in silencing wounds that might have named his friends and allies, he was an accessory after the fact to Crockett's murder.

On this occasion, the jury found no evidence of a co-ordinated attack on Roger Crockett, and recorded a verdict of homicide by Edmund Crewe

234 *'Bleedinge Afreshe'? The Affray and Murder at Nantwich, 19 December 1572*

acting alone. Their foreman, Randle Goldsmith, subsequently affirmed that 'they saw no more strokes' upon Crockett's body than those to which their verdict had referred.⁸⁵ This was not, of course, what Bridgett Crockett wanted to hear and it is accordingly unsurprising that the account she offered of John Maisterson's proceedings in Nantwich parish church constitutes a pathology of inquisitorial practice. Bridgett accused Maisterson of systematic corruption from the moment he had delayed the inquest, to the attempt to pack the jury with his allies, to his heavy-handed and misleading summary of the evidence.⁸⁶ In particular, the painter she had commissioned, John Hunter, had allegedly been intimidated by Maisterson, who had first threatened his wife and family when she sought to exhibit the picture he had produced, and then dismissed it as a fabrication. Worse still, the whole inquest, Bridgett argued, had been a cover-up designed to protect the interests of the coroner's kinsmen: Maisterson had, it was alleged, concealed the wounds on the corpse and held the inquest in private, ordering that the church doors be kept shut and 'the people kept out' so that they 'shuld not see the heinous and many strokes appearing upon his body'.⁸⁷ Finally, the coroners apparently instructed the jury to accept that the wounds demonstrated that fatal blow had been but 'a lyttle' one: numerous witnesses testified that Thomas Hulse had drawn attention to the 'dalke' or depression in Crockett's skull only to dismiss it as the natural 'marking or proportion of his head'.⁸⁸

Bridgett Crockett's attempt to sway the coroner's jury evidently failed. Frustrated in her attempt to have anyone other than Crewe indicted for the murder, she took what was by the Elizabethan period the relatively usual step of initiating an 'appeal of murder'.⁸⁹ This ancient procedure offered the next-of-kin an alternative mode of proceeding if the coroner's verdict proved unsatisfactory, if the trial jury failed to convict or if the defendant somehow evaded punishment.⁹⁰ It might also, however, be vexatiously initiated, especially as a means of securing financial compensation.⁹¹ Such an approach involved considerable risk: the appellant had to sue in person and to secure pledges from witnesses to present evidence, all of which would have been co-ordinated by the coroner under the usual proceedings. Worse still, Crockett was exposing herself to the possibility that, if acquitted, the accused might recover damages against her, an outcome whose likelihood was considerably increased by the fact that in cases of appeal, as opposed to indictment, the defendants were allowed counsel.⁹² The privy council nonetheless took Crockett's appeal extremely seriously, and on 26 December 1572 required the chief justice of Chester Sir John Throckmorton and other commissioners to investigate the circumstances.⁹³ The commission apparently sat for six days at Chester and for a further six at Nantwich and Wybunbury, and even ordered Crockett's body exhumed some two weeks after it had been buried.⁹⁴ It was under these circumstances that the extensive 'proceedings' concerning Crockett's death were collated.⁹⁵

Bridgett Crockett's case depended upon the testimony of those who had alleged that her late husband had died in a frenzy of blows orchestrated by ruthless conspirators. Central here was the evidence of Thomas Palin, Crockett's servant at The Crown who had already given his version of events to the Nantwich coroner.⁹⁶ Bridgett apparently told him that since he had sworn once, he must do so again, not only because 'thy master is slaine' but also because she would see him well rewarded for his pains. This promise might easily be made to look like subornation, as subsequently became clear when Richard Wilbraham and Richard Hassall prosecuted Palin in the court of star chamber for having perjured himself at the instigation of his mistress and her ally Thomas Wettenhall, 'an envious craftie and venomous spider seeking to suck innocent bloude'.⁹⁷ That this might have been a pot-kettle-black scenario is, however, suggested by Palin's own testimony before the coroner that he had himself been offered bribes by the Hassall faction to give evidence to the effect that there had been no conspiracy and only one, accidental, fatal blow.⁹⁸ Palin was thought vulnerable to bribery because he was 'a naughtie lewd fellow of noe credit nor account'. The words of men like Palin (or John Salter of the Leicestershire village of Sileby in the 1630s) could not be trusted precisely because they were 'worth little or nothing'.⁹⁹ The rewards dangled before Palin had, indeed, been substantial: he was, at various times, promised not only cash, but access to pasture, subsidised rent, easy credit and a stake in the salt industry. As a 26-year-old unmarried servant – an ageing but angry young man – the prospect of a house of his choice must have proved particularly alluring.¹⁰⁰ But above all, he was promised patronage ('the love of all the towne & gentlemen of the countrey') if he was prepared to tailor his evidence to suit the single blow theory.¹⁰¹ Patronage, arguably the most valuable currency of all, might be traded (perhaps even counterfeited) by both sides in the dispute: Bridgett Crockett allegedly sought to suborn Palin with a similar vision of a cockaigne in which his mistress 'wold never see him want'.¹⁰² And so it was that Palin gave evidence on Crockett's behalf at Chester, incriminating not only the conspirators but also the coroner himself.

The bare bones of what actually happened in the aftermath of the Nantwich affray can be reconstructed from the proceedings minuted in the crown book of the Chester assizes. In July 1573, some twenty-five individuals from Nantwich were bound to appear and give evidence concerning the death of Roger Crockett. As a result the Nantwich cordwainer, Edmund Crewe, was indicted (in his absence) by the coroner for homicide, though there is no evidence that he was subsequently tried, let alone convicted. The following February (1574) twenty-one individuals appeared before the Chief Justice, presumably to answer the appeal of murder initiated by Bridgett Crockett; and six of them (Richard, Anne and William Hassall, Richard Wilbraham, Thomas Wilson and Robert Grisedale) were bailed for a subsequent appearance. At the

236 *'Bleedinge Afreshe'? The Affray and Murder at Nantwich, 19 December 1572*

Michaelmas assizes, all six of these were discharged by proclamation.¹⁰³ Crockett's attempt to prove a conspiracy had apparently failed.

Wilbraham, Hassall and Maisteron nonetheless sought revenge on those who had accused them. In the winter of 1575, almost three years after he had given such damaging evidence against them, they allegedly arranged for Thomas Palin, on the evidence of a 'notorious thief' Roger Brook, to be indicted as accessory to stealing the goods of a carrier who lodged at The Crown. At the Lent assizes in February 1576 both Palin and Brook were convicted and condemned to hang for felony.¹⁰⁴ The narrative of what happened on the morning appointed for their execution (3 March) is doubtless tainted by the dramatic conventions of the star chamber strategy.¹⁰⁵ Under the protection of Maisteron, Brook was apparently confident that he would not, in fact, hang, and went 'leaping and dancing, laughing and scoffing' to the scaffold. On the ladder, knowing 'his lesson what he must say', Brook confessed to the robbery, and 'after he had played his parte came down from the scaffold much like a vice man in an enterlude'.¹⁰⁶ Palin, by contrast, blindfolded with a handkerchief and with the halter about his neck, really believed himself to be on the point of execution. The clergyman hearing his 'last dying speech' was doubtless disappointed to hear him confess only that 'he died for the testimony of a truth concerning the death of his master'.¹⁰⁷ Just as Palin was about to be turned off, however, John Maisteron approached him on horseback, and promised him a reprieve if he should confess that his evidence in the appeal of murder had been suborned.¹⁰⁸ Gallows reprieves of this kind were far from unknown in early modern England, and at least one condemned felon who escaped the noose at the last minute seems to have done so when the evidence against him was revealed to be perjured.¹⁰⁹ Palin allegedly confessed that it was true that 'I came [into Wood Street] even as my master fell and everyone said that Richard Wilbraham knocked him downe [...] I thought I might swears yt but I saw it not'.¹¹⁰ Whether or not this account was tactically embellished, however, it is clear that Palin was reprieved, and subsequently released under the terms of a general pardon.¹¹¹ Wilbraham family legend provides some further corroborating detail. Roger Wilbraham's 1670 account of the gallows confession might not have named the perjurer but it certainly did name the clergyman: the radical Protestant preacher, Christopher Goodman, vicar of St Bridget's Chester, with whom John Maisteron had probably conducted numerous prison visits.¹¹²

Whether Palin really did confess his fraudulent testimony to Christopher Goodman on the gallows, as was alleged in star chamber, can never be verified. It is certain, however, that nobody was ever punished for the murder of Roger Crockett. When the Nantwich affray was remembered, it was regarded (by those, like Roger Wilbraham, who had a vested interest in ensuring that skeletons remained firmly locked in family cupboards) less

as the appallingly casual slaughter of an *arriviste* landlord than as the prelude to a malicious conspiracy to destroy one of the leading gentlemen of the town. The subsequent fate of the other protagonists is only slightly clearer. When Anne Hassall died in 1611, the Nantwich parish clerk described her as a 'mirror of vertue'.¹¹³ And as for Bridgett Crockett, Roger Wilbraham thought that 'misfiring of her aims and fearing that they might prosecute her whom she had maliciously prosecuted', she had 'left the country and was never heard of after'.¹¹⁴ Wilbraham was apparently (perhaps conveniently) forgetting the thickets of litigation, in star chamber and elsewhere, in which Crockett (together with her new husband Francis Turville) and her enemies became entangled over the next six years.¹¹⁵

Epilogue

And so the narrative of the Nantwich affray and its aftermath evaporates into the ether of Star Chamber rhetoric, leaving only half-heard echoes of mutual recrimination. Such 'fictions in the archives', it has been suggested, can be interpreted only through the ambient ooze of post-modernist assumptions about subjectivity and narrativity.¹¹⁶ There is, of course, a danger in privileging some kind of objective truth over the valid multiple truths rehearsed in the performance of stories. The telling of a story, after all, constitutes a historical event, and fiction invariably trades register with the truth of what is already known or suspected. When deployed in the law courts, 'fictional' narratives offer historians representations of actions and words that their authors hoped would be persuasive, or at least plausible, both to the moral community of the neighbourhood and (especially) to the authorities. While legal fictions of this kind might disclose verisimilitude or moral truth, rather than verifiable accounts of actual historical happenings, they are not necessarily untrustworthy, still less invariably falsified. Even so, star chamber litigation obscures what really happened in Nantwich that winter morning, and leaves us only with innuendo and invective, engrossed with astonishing precision in interminable sentences stretching across acres of fading parchment: 'Whether you chanced to touch the said Wettenhall with your elbow as he went paste causing him to revile you?' [...] 'By whom and how often were you suborned and procured, and in writing or remembrance?' [...] 'the blow was given in the hurliburlie of the affray' [...] 'he had no wound or stroke but only the one dry blow on the head with a staff' [...] 'a matter most lamentable that a poore man should be troubled and vexed for the testifying of a truth and his knowledge on her majesties behalf in the said cause of murder being a matter most heinous and detestable amongst all men to be punished to the greatest extremitie' [...] And so it goes on, in litigation that was to last at least six years.¹¹⁷ We can be certain only that Roger Crockett died on 19 December 1572, and that the inhabitants of Nantwich heard the 'passing peal knowle' for him.¹¹⁸

238 'Bleedinge Afreshe'? The Affray and Murder at Nantwich, 19 December 1572

At a distance of over 400 years, of course, it matters little whether Roger Crockett really was assassinated, whether John Maisteron really was corrupt, or whether Thomas Palin really did perjure himself. However great the temptation, the historian should not play the role of 'judge, still less a hanging judge'.¹¹⁹ The proceedings relating to the affray at Nantwich, nonetheless, provide a vivid demonstration of the astonishing historiographical potential of the kind of depositional evidence of which social and cultural historians have recently made such imaginative use. On the one hand, the testimony of witnesses to homicide (no less than of those giving evidence in cases of defamation or adultery) might be read 'against the grain', the historian listening attentively to the asides casually disclosed between the lines of the – often formulaic, sometimes laconic, occasionally hyperbolic – answers to interrogatories. When heard in this register, the milkmaids, weavers, salt-boilers and blacksmiths of Nantwich inadvertently disclose to us the rhythms and routines of their everyday existence, a world of industry, traffic and conversation in which their contemporary interrogators were largely uninterested. There is enormous potential in this kind of material for the creation of what the German academic tradition has called *Alltagsgeschichte*, the reconstruction of everyday life through the painstaking study of its regular transactions.¹²⁰ We might learn about who worked where and when, about who spoke with whom and how regularly, perhaps about the gestures with which social interaction was habitually inflected, possibly even about the power-laden and often gendered significance of particular places and spaces.¹²¹ But reading against the grain is more than a question of picking up on incidental detail; it also implies both listening for silence and for absence and recognising that meaning might be deferred. By studying the actions and words which contemporaries found abhorrent, upsetting or anti-social, historians might reconstruct through their unspoken assumptions the more positive attitudes and values to which they aspired. This is the kind of social history which, amidst the lurid, vitriolic and partisan accusations of violence, disorder and immorality generated by an adversarial legal system, chooses to amplify the faint chink of the 'small change of neighbourliness'.¹²²

But if the exploitation of depositional evidence points (however subconsciously) in one direction towards the German tradition of *Alltagsgeschichte*, it also opens to us the possibility of at least a partial engagement with the Italian tradition of *micro-istoria*, in which the study of a single, remarkable, well-documented event discloses an otherwise obscure social world.¹²³ This reduction in the scale of observation to a single incident, involving only a single household, maybe even only a single individual, represents what has been characterised as a shift from the 'systematic' history of everyday life to the 'episodic' history of the extra-ordinary event.¹²⁴ It elaborates the role of the particular; focuses on narrative and its reception; and, above all, complicates what might at first sight seem to be a simple account.¹²⁵

Despite the recent tendency to emphasise the methodological divergence of the German and Italian (to say nothing of the French) schools of social history, however, the historiographical dichotomy between the everyday and the extraordinary is arguably a false one. To be sure, it is axiomatic that any 'extraordinary' event (the painting of a smashed skull) or belief (the expectation that a dead man's wounds would bleed in the presence of those who had caused them) can be recognised as such only in the context of the 'normality' from which they (to whatever degree) deviate in nature or intensity. To this extent, micro-histories arguably work best when fully contextualised by the analysis of the social and economic matrices in whose interstices they occur. If, as Edward Thompson once argued, the discipline of history is the 'discipline of context',¹²⁶ then micro-history is perhaps best disciplined by convergence with the anglo-phone tradition of local history, influenced as it is by the practices of empirical sociology which have made possible the reconstruction of both contemporary and historical communities.¹²⁷

The appeal of the study of the early modern period nonetheless lies precisely in its almost unlimited capacity to disclose the co-existence of the strange with the apparently familiar, the interpenetration of the ordinary and the extraordinary. With some irony, Hayden White wrote disdainfully in 1966 of the professional historians of the twentieth century as "sane" men who excel at finding the simple in the complex and the familiar in the strange'.¹²⁸ More sophisticated and adventurous scholarship has since demonstrated that this is precisely the opposite of what social and cultural history can and should achieve: the quarry is not the simple, but the complex; not the familiar, but the strange. In Robert Darnton's terms, historians have come, since the 1980s, to avoid the average and embrace the eccentric.¹²⁹

The various ways in which historians have sought to resolve the apparent contradiction between the average and the eccentric, between the familiar and the strange, and between the ordinary and the extraordinary, therefore constitute a barometer of historiographical change. The new cultural history is often criticised for its tendency to dissect particular episodes without explaining why they now seem alien to modern sensibilities. But these juxtapositions of the old (custom, for example, or superstition) and new (law, or reason) generate those social dramas which were so extraordinary even to contemporaries that they were thought worthy of record, leaving for the historian legible traces of shifting contexts of speech, belief, thought and action. It is precisely these sorts of clashes (raised voices, violent deeds, draconian judgements) that help us to recognise 'early modernity' for what it is, a period in which flashpoints of extraordinary change illuminate the otherwise traditional routines of everyday life. Indeed, it is the very *alterity* of the early modern period that renders its study so attractive¹³⁰ – and at the same time so challenging – for this is a foreign country to which there

240 'Bleedinge Afreshe'? *The Affray and Murder at Nantwich, 19 December 1572*

are no cheap flights. Its history has become so compelling precisely because of the historiographical determination, exemplified in the work of Bernard Capp, to find the complex in the simple and the strange in the familiar.

Notes

*I am grateful to Bernard Capp for his friendship and advice over many years; to the editors for giving me the opportunity to offer another micro-history of dark deeds in Nantwich; and to Charlotte Emerson, Heather Falvey, Malcolm Gaskill and Keith Wrightson for comments on earlier drafts.

- 1 The following account is based on Chester and Cheshire Archives and Local Studies Service, Chester [hereafter CCALSS], DDX 196/1 (extract from the Wilbraham Family Diary, dated 1670, and copied by George Fortescue Wilbraham in 1872). This forms the basis of the briefer account printed in J. Hall, *A History of the Town and Parish of Nantwich, or Wich-Malbank in the County Palatine of Chester* (Nantwich, 1883), 198 (though Hall misidentifies the gentry family involved as the Bromleys rather than the Brookes).
- 2 The National Archives (formerly the Public Record Office), Kew [hereafter TNA], CHES 24/137/1, unfol. (coroner's inquisition, 2 Dec. 1669; grand jury indictment, 11 Apr. 1670); CHES 21/5, fos 96^r, 100^r.
- 3 For the trial and sentencing of the insane, see J.H. Baker, 'Criminal courts and procedure at common law, 1550–1800', in J.S. Cockburn (ed.), *Crime in England, 1550–1800* (1977), 105. For contemporary legal opinion, see Michael Dalton, *The Country Justice* (3rd edn, 1626), 243.
- 4 Cf. C. Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1987), 151, 163.
- 5 The penalties for perjury were increased under the terms of 5 Elizabeth c.9 (1563). Cf. M.D. Gordon, 'The invention of a common law crime: Perjury and the Elizabethan courts', *American Journal of Legal History* 24 (1980), 145–70; Gordon, 'The Perjury Statute of 1563: A case history of confusion', *Proceedings of the American Philosophical Society* 124:6 (1980), 438–54.
- 6 D. Woolf, *The Social Circulation of the Past: English Historical Culture, 1500–1730* (Oxford, 2003), 377.
- 7 [CCALSS] DDX 196. 'The proceedings form the basis of two previous accounts: The rather bald summary', in Hall, *Nantwich*, 99–101; and the somewhat convoluted narrative in J. Lake, *Great Fire* (Nantwich, 1983), 51–8. Cf. the allusions in M. Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge, 2000), 227; and G. Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003), 119–21.
- 8 A very conscientious JP took 'only' twenty-eight witness depositions in a notorious multiple murder case which he investigated in Jacobean Suffolk. Thomas Cooper, *The Cry and Revenge of Blood* (1620), 47.
- 9 Violent death in sixteenth-century England is, curiously, better documented in the nascent tradition of the murder pamphlet than in the laconic records of murder trials, within which very few witnesses' depositions survive: J. Bellamy, *Strange, Inhuman Deaths: Murder in Tudor England* (Stroud, 2005), 16.
- 10 B.S. Capp, 'Serial killers in seventeenth-century England', *History Today* 46:3 (1996), 21–31; idem, 'Arson, threats of arson and incivility in early modern

- England', in P. Burke, B. Harrison and P. Slack (eds), *Civil Histories: Essays in Honour of Sir Keith Thomas* (Oxford, 2000), 197–213.
- 11 B.S. Capp, 'The poet and the bawdy court: Michael Drayton and the lodging-house world in early Stuart London', *The Seventeenth Century* 10:1 (Spring 1995), 27–37; idem, 'The double standard revisited: Plebeian women and male sexual reputation in early modern England', *Past & Present* 162 (February, 1999), 70–100; idem, *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England* (Oxford, 2003), *passim*; idem, 'Life, love and litigation: Sibley in the 1630s', *Past & Present* 182 (February, 2004), esp. 58–9.
 - 12 For this paragraph see, Lake, *Great Fire*, ch. 2.
 - 13 W.H. Chaloner, 'Salt in Cheshire, 1600–1870', in idem, *Palatinate Studies: Chapters in the Social and Industrial History of Lancashire and Cheshire* (Chetham Soc. 3rd ser. 36, 1992), 102–20; L. Gittins, 'Salt, salt mining and the rise of Cheshire', *Transactions of the Newcomen Society* 75:1 (2005), 139–59.
 - 14 T. Thornton, *Cheshire and the Tudor State, 1480–1560* (Woodbridge, 2000), 131, 242.
 - 15 C.J. Kitching, 'Fire disasters and fire relief in sixteenth-century England: The Nantwich Fire of 1583', *Bulletin of the Institute of Historical Research* 54 (1981), 171–87.
 - 16 Cf. P. Clark and P. Slack, 'Introduction', in P. Clark and P. Slack (eds), *Crisis and Order in English Towns, 1500–1700: Essays in Urban History* (1972), 22.
 - 17 For this paragraph, see Lake, *Great Fire*, 44.
 - 18 Hall, *Nantwich*, 103.
 - 19 DDX 196, fos 52^r (dep. Richard Chetwode), 53^r (dep. John Pyker).
 - 20 TNA: STAC 5/C41/3, m.3 (interrogatories to be ministered to Thomas Wilson, no. 6).
 - 21 DDX 196, fo. 40^v (dep. Thomas Hewitt).
 - 22 DDX 196, fo. 49^r (dep. Ellen Ince).
 - 23 DDX 196, fo. 51^v (deps. Margaret Shenton and Margaret Smith).
 - 24 DDX 196, fos 19^r (dep. Hugh Lowe), 22^v (dep. Humphrey Mainwaring), 25^v (dep. Reynold Jackson), 28^r (dep. Edmund Sparrow), 44^r (dep. Joan Sparrow), 58^v (dep. Marjorie Crewe).
 - 25 DDX 196, fos 21^v (dep. Richard Wright), 48^r (dep. Marjorie Parker), 57^r (dep. Alice Worrall).
 - 26 DDX 196, fo. 37^r (dep. Cicely Huxley).
 - 27 DDX 196, fo. 23^v (dep. John Lovatt).
 - 28 Cf. D. Levine and K. Wrightson, *The Making of an Industrial Society: Whickham, 1560–1765* (Oxford, 1991), 280; Capp, 'Life, Love and Litigation', 81.
 - 29 DDX 196, fo. 57^v (dep. Ales Worrall).
 - 30 DDX 196, fos 4^r (dep. Roger Wettenhall), 33^v (dep. John Brett).
 - 31 DDX 196, fos 12^r–12^v. Cf. L. Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford, 1996), 98.
 - 32 DDX 196, fo. 14^v (dep. Nicholas Maisterson).
 - 33 DDX 196, fo. 14^v (dep. Nicholas Maisterson), a reference to 'custard-pates' or skulls (*OED*).
 - 34 DDX 196, fos 47^r (dep. Ralph Ince), 48^v (dep. Ellen Ince).
 - 35 DDX 196, fo. 50^r (dep. Anne Ankers).
 - 36 DDX 196, fo. 11^r (dep. Thomas Palin).
 - 37 CCALSS QJF/4/2/26–27, 33^r–33^v (recognizances issued by Hugh Calvey JP at Lea, 21 Nov. 1572); DDX 196, fos 1^v (dep. Thomas Wettenhall), 14^v (Nicholas Maisterson). Cf. S. Hindle, 'The keeping of the public peace', in P. Griffiths,

242 'Bleedinge Afreshe'? *The Affray and Murder at Nantwich, 19 December 1572*

- A. Fox and S. Hindle (eds), *The Experience of Authority in Early Modern England* (1996), 213–48.
- 38 DDX 196, fo. 5^r (dep. Roger Wettenhall).
- 39 DDX 196, fo. 3^v (dep. Thomas Wettenhall).
- 40 DDX 196, fo. 42^r (dep. Thomas Dodd).
- 41 K. Wrightson, 'The politics of the parish in early modern England', in Griffiths, Fox & Hindle (eds), *Experience of Authority*, 18; idem, 'The "Decline of neighbourliness" revisited', in N.L. Jones and D. Woolf (eds), *Local Identities in Late Medieval and Early Modern England* (Basingstoke, 2007), 26–8; cf. J. Bossy, *Peace in the Post-Reformation* (Cambridge, 1998), 77–100. For endemic malice, see L. Stone, *The Family, Sex and Marriage in England, 1500–1800* (1977), 95–9; and D.W. Sabean, *Power in the Blood: Popular Culture and Village Discourse in Early Modern Germany* (Cambridge, 1984), esp. 31–2.
- 42 DDX 196, fo. 23^v (dep. John Lovett), 25^v (dep. Reynold Jackson), 26^r (dep. William Jackson), 44^r (dep. Joan Sparrow), 52^r (dep. Margaret Smith), 54^v (dep. John Gorste), 55^r (dep. Nicholas Reade), 59^v (dep. Margery Crewe).
- 43 DDX 196, fo. 25^v (dep. Reynold Jackson), 37^r (dep. Cicely Huxley), 49^r (dep. Ellen Ince).
- 44 DDX 196, fo. 57^v (dep. Margaret Buckley).
- 45 DDX 196, fos 13^r (dep. Thomas Palin), 37^r (dep. Cicely Huxley), 25^v (dep. Reynold Jackson), 57^r (dep. Jane Gardener), 39^r (dep. Margaret Hare).
- 46 DDX 196, fo. 57^r (dep. Jane Gardener).
- 47 TNA: CHES 38/28/2, fo. 3.
- 48 DDX 196, fo. 37^v (dep. Cicely Huxley).
- 49 TNA: CHES 38/28/2, fo. 15; DDX 196, fo. 37^v (dep. Cicely Huxley).
- 50 DDX 196, fos 39^r (deps. William Foxley, John Key), 39^v (dep. Robert Forrest), 40^v (deps. William Greene, Thomas Bressy), 50^r (Roger Hockenhull).
- 51 DDX 196, fo. 52^r (dep. Margaret Smith).
- 52 DDX 196, fo. 37^v (dep. Cicely Huxley).
- 53 DDX 196, fo. 23^v (dep. John Lovett).
- 54 DDX 196, fos 40^r (dep. John Hill), 43^v (dep. Agnes Clare).
- 55 DDX 196, fos 43^v (dep. Agnes Clare).
- 56 DDX 196, fo. 16^r (dep. Nicholas Maisteron). Cf. Gaskill, *Crime and Mentalities*, 234–8.
- 57 Cf. E.P. Thompson, *Customs in Common* (1991), esp. 224; A. Wood, *Riot, Rebellion and Popular Politics in Early Modern England* (Basingstoke, 2002), ch. 3, esp. 95–6.
- 58 J.A. Sharpe, 'Domestic homicide in early modern England', *Historical Journal* 24:1 (1981), 29–48; L. Stone, 'Interpersonal violence in English society 1300–1980', *Past & Present* 101 (February, 1983), 22–33; and their subsequent debate: J.A. Sharpe, 'The history of violence in England, some observations', and L. Stone, 'The history of violence in England, a rejoinder', *Past & Present* 108 (August 1985), 206–15, 216–24. Cf. J.S. Cockburn, 'Patterns of violence in English society: Homicide in Kent 1560–1985', *Past & Present* 130 (February, 1991), 70–106; idem, 'Punishment and brutalisation in the English Enlightenment', *Law and History Review* 12:1 (1994), 155–79.
- 59 J. Beattie, *Crime and the Courts in England, 1660–1800* (Oxford, 1986), 107–12.
- 60 S. Amussen, "'Being stirred to much unquietness": Violence and domestic violence in early modern England', *Journal of Women's History* 6:2 (1994), 70–89; idem, 'Punishment, discipline and power: The social meanings of violence in

- early modern England', *Journal of British Studies* 34 (January, 1995), 1–34; Walker, *Gender, Crime and Social Order*, 24–33.
- 61 M. Ingram, 'Shame and pain: Themes and variations in Tudor punishments', in S. Devereaux and P. Griffiths (eds), *Penal Practice and Culture, 1500–1900: Punishing the English* (Basingstoke, 2004), 36–62.
- 62 J.M. Kaye, 'The early history of murder and manslaughter, Parts I & II', *Law Quarterly Review* 83 (1968), 365–95, 569–601; T.A. Green, 'The jury and the English law of homicide', *Michigan Law Review* 74 (1976), 414–99.
- 63 M.E. James, 'The murder at Cocklodge, 28 April 1489', *Durham University Journal* 57:2 (1965), 80–7; R.W. Hoyle, 'The Earl, the Archbishop and the Council: The affray at Fulford, May 1504', in R.E. Archer and S. Walker (eds), *Rulers and Ruled in Late Medieval England: Essays Presented to Gerald Harriss* (1995), 239–56.
- 64 J.A. Sharpe, *Crime in Seventeenth-Century England: A County Study* (Cambridge, 1983), 128; Walker, *Crime, Gender and Social Order*, 77–9.
- 65 Sharpe, *Crime in Seventeenth-Century England*, 129.
- 66 Walker, *Crime, Gender and Social Order*, 81–99.
- 67 DDX, fo. 40^r (dep. John Hill): there were allegedly 'about half a score of weapons viz bylles and staves standynge in the parlour or hall' of Hassall's house.
- 68 TNA: CHES 38/28/2, fo. 3.
- 69 DDX 196, fo. 12^v (dep. Thomas Palin).
- 70 TNA: CHES 38/28/2, fo. 4.
- 71 DDX 196, fos 28^r–28^v (dep. William Sparke), 28^v–29^r (Edmund Sparrow).
- 72 DDX 196, fos 8^r (dep. Roger Wettenhall), 41^v (dep. John Hunter).
- 73 DDX 196, fo. 18^v (dep. Bridgett Crockett). For Maisterson (d.1586), see Hall, *Nantwich*, 107, 310–11, 417; Lake, *Great Fire*, 45, 56–8, 78–9.
- 74 DDX 196, fo. 10^r (dep. Roger Wettenhall).
- 75 DDX 196, fo. 53^r (deps. Thomas and Isobel Barton). The business of most inquests was done 'commonly in the streete in an open place'. Thomas Smith, *De Republica Anglorum*, ed. Mary Dewar (Cambridge, 1982), 108.
- 76 The scholarship on the early modern coroner remains fragmentary: see T. Rogers Forbes, 'Crownor's Quest', *Transactions of the American Philosophical Society*, 68, part I, (1978), 1–52; *Sussex Coroners' Inquests 1485–1558*, ed. R.F. Hunnisett (Sussex Record Society 79, 1985), xiii–xiv; M. MacDonald and T.R. Murphy, *Sleepless Souls: Suicide in Early Modern England* (Oxford, 1990), 110–14, 139–43; Gaskill, *Crime and Mentalities*, 246–8.
- 77 Cf. A.F. Oakley, 'Sir John Resesby and the moor: A seventeenth-century Coroner's inquest', *History of Medicine* 3 (1971), 27–31.
- 78 Green, 'The jury and the English law of homicide', 489–99.
- 79 DDX 196, fos 13^r (dep. Thomas Palin), 60^r (dep. Richard Crewe).
- 80 R.P. Brittain, 'Cruentation in legal medicine and in literature', *Medical History* 9:1 (1965), 82–8; K. Thomas, *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth and Seventeenth Century England* (1971); 220; 578, 597–8; V. Champion-Vincent, 'The tell-tale eye', *Folklore* 110 (1999), 13–24.
- 81 DDX, fo. 10^r (dep. Roger Wettenhall).
- 82 B.S. Capp, 'Popular literature', in B. Reay (ed.), *Popular Culture in Seventeenth-Century England* (1985), 198–234.
- 83 TNA: STAC 5/T38/32, m. 1.
- 84 Gaskill, *Crime and Mentalities*, 227–31, 292–3, 306.
- 85 DDX 196, fo. 60^v (dep. Randle Goldsmith).

- 244 'Bleedinge Afreshe'? *The Affray and Murder at Nantwich, 19 December 1572*
- 86 DDX 196, fos 18^v–19^r (dep. Bridget Crocket). She subsequently alleged that over a period of six years Maisteron had systematically 'cloaked' and 'shad-owed' at least two dozen murders in the county: TNA: STAC 5/T38/32, m. 1. For corruption among coroners, see Gaskill, *Crime and Mentalities*, 247–8; and Bellamy, *Strange, Inhuman Deaths*, 32–3.
- 87 DDX 196, fo. 3^r (dep. Thomas Wettenhall), 10^r (dep. Roger Wettenhall).
- 88 DDX 196, fos 3^v (dep. Thomas Wettenhall), 10^r–10^v (dep. Roger Wettenhall).
- 89 Crockett's appeal survives as TNA: CHES 38/28/2, fo. 1.
- 90 Baker, 'Criminal courts and procedure', 17–18; Cockburn, *Calendar of Assize Records, Eliz I and James I*, 87; J.G. Bellamy, *The Criminal Trial in Later Medieval England* (Toronto, 1998), 35–9.
- 91 J.H. Baker, *An Introduction to English legal History* (3rd edn, 1990), 575.
- 92 The right to counsel for defendants in felony trials emerged only in the 1730s. J.H. Langbein, *The Origins of Adversary Criminal Trial* (Oxford, 2003), ch. 5.
- 93 TNA: CHES 38/28/2, fo. 2 (PC to Throckmorton CJ, 26 Dec. 1572).
- 94 DDX 196, fo. 60^r (dep. Richard Crewe); TNA: STAC 5/T38/32, m. 1. It was not unknown for corpses to be exhumed in cases where coroners' verdicts were delayed or challenged. Gaskill, *Crime and Mentalities*, 217, 227, 247, 253, 256.
- 95 TNA: STAC 5/W4/27, m. 1.
- 96 DDX 196, fos 11^r–14^r (dep. Thomas Palin), with the decisive testimony at fo. 12^r.
- 97 TNA: STAC 5/W8/9, m. 1 (interrogatories to be ministered to Thomas Palin).
- 98 DDX 196, fos 13^v–14^r (dep. Thomas Palin).
- 99 TNA: STAC 5/W4/27, m. 1. Cf. Capp, 'Life, Love and Litigation', 62, 71; A. Shepard, 'Honesty, worth and gender in early modern England, 1560–1640', in H. French and J. Barry (eds), *Identity and Agency in England, 1500–1800* (Basingstoke, 2004), 87–105; idem, 'Poverty, labour, and the language of social description in early modern England', *Past & Present* (forthcoming); idem, 'Worth, age and social status in early modern England', *Economic History Review* (forthcoming).
- 100 J. Walter, *Crowds and Popular Politics in Early Modern England* (Manchester, 2006), 94.
- 101 DDX 196, fos 13^v–14^r (dep. Thomas Palin).
- 102 TNA: STAC 5/W8/9, m. 1.
- 103 TNA: CHES 21/1, fos 60^r, 61^v, 64^r, 67^r.
- 104 TNA: CHES 21/1, fo. 74^v records the imprisonment, trial and conviction of both Palin and Brook on 20 Feb. 1576, though the loss of the relevant gaol files precludes examination of their indictments.
- 105 Cf. S. Hindle, *The State and Social Change in Early Modern England, c.1550–1640* (Basingstoke, 2000), ch. 3, esp. 82–7.
- 106 TNA: STAC 5/T38/32, m. 1. For 'enterludes' in Cheshire, see E. Baldwin, L.M. Clopper and D. Mills (eds), *Records of Early English Drama, Cheshire including Chester* (Toronto, 2007), xxxiii, lxix, lx, 48, 70, 202, 715, 789, 845, 996.
- 107 TNA: STAC 5/T38/32, m. 1. J.A. Sharpe, "'Last dying speeches': Religion, ideology and public execution in seventeenth-century England', *Past & Present* 107 (May 1985), 144–67.
- 108 TNA: STAC 5/T38/32, m. 1.
- 109 For examples of gallows reprieves in sixteenth-century England, see K. Kesselring, *Mercy and Authority in the Tudor State* (Cambridge, 2003), 143–4; Sharpe, "'Last Dying Speeches'", 149–50.

- 110 TNA: STAC 5/W4/27, m. 2 (answer of Thomas Palin). The full details of Palin's subsequent written confession are insinuated in TNA: STAC 5/W8/9, m. 1 [no. 15].
- 111 TNA: CHES 21/1, fo. 76^v notes that both Brook and Palin were pardoned in this way, under the terms of 18 Elizabeth I, c.24. Cf. Cockburn, *Calendar of Assize Records, Introduction*, 128; Kesselring, *Mercy and Authority*, 57–73.
- 112 CRO DDX 196/1. For Goodman, see J.E.A. Dawson, 'Goodman, Christopher (1521/2–1603)', *ODNB*. For Goodman's prison visits and subsequent petition for better allowances for prisoners, see CCALSS QJF13/10/4 (24 Sept. 1584).
- 113 CCALSS P120/2, unfol. (25 Aug. 1611).
- 114 CCALSS, DDX 196/1.
- 115 TNA: STAC 5/C41/3 (Crockett vs. Wilson & Wibraham, 1575); W4/27, 8/9 (Wilbraham & Hassall vs. Palin, 1577–78); T38/32 (Turville vs Hulse & Maisterson, 1578).
- 116 N.Z. Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth Century France* (Cambridge, 1987).
- 117 TNA: STAC 5/T38/32, m. 1 refers to litigation not only in star chamber but also in chancery, high commission and at common law in the years immediately following the affray.
- 118 DDX 196, fos 35^v (dep. Thomas Shenton Jr), 45^v (dep. Ales Sparrow).
- 119 D. Knowles, 'The historian and character', in Idem, *The Historian and Character and Other Essays* (Cambridge, 1964), 13.
- 120 B.S. Gregory, 'Is Small Beautiful? Microhistory and the history of everyday life', *History and Theory* 38:1 (1999), 100–11.
- 121 S. Hindle, 'The shaming of Margaret Knowlesy: Gossip, gender and the experience of authority in early modern England', *Continuity & Change* 9:3 (1994), 391–419; Capp, *When Gossips Meet*, 49–55.
- 122 Capp, *When Gossips Meet*, 49–68, quotation at 56.
- 123 G. Levi, 'On Microhistory', in P. Burke (ed.), *New Perspectives on Historical Writing* (Cambridge, 1991), 93–113; C. Ginzburg, 'Micro-history: Two or three things that I know about it', *Critical Inquiry* 20 (1993), 10–35; E. Muir and G. Ruggiero, 'Introduction: The crime of history', in E. Muir and G. Ruggiero (eds), *History From Crime: Selections From Quaderni Storici* (Baltimore, 1994), vii–xviii.
- 124 D. Bell, 'Total history and microhistory: The French and Italian paradigms', in L. Kramer and S. Maza (eds), *A Companion to Western Historical Thought* (Oxford, 2002), 269.
- 125 Levi, 'On Microhistory', 110.
- 126 E.P. Thompson, 'Anthropology and the discipline of historical context', *Midland History* 1:3 (1972), 45.
- 127 The classic studies in this tradition are K. Wrightson and D. Levine, *Poverty and Piety in an English Village: Terling, 1525–1700* (New York, 1979); and D. Levine and K. Wrightson, *The Making of an Industrial Society: Whickham, 1560–1765* (Oxford, 1991).
- 128 H. White, 'The burden of History', *History and Theory* 5:2 (1966), reprinted in idem. *Tropics of Discourse: Essays in Cultural Criticism* (Baltimore, 1978), p. 50.
- 129 R. Darnton, *The Great Cat Massacre and Other Episodes in French Cultural History* (1984), 14.
- 130 H. Bonheim, 'Mentality: The hypothesis of alterity', *Mentalities/Mentalité* 9 (1994), 1–11.