

A CURIOUS CASE AT CRANBROOK IN 1437.

BY AYMER VALLANCE.

AMONG the reports of early Chancery Proceedings etc., now preserved at the Public Record Office, is a series of five documents, which relate to a remarkably interesting occurrence at Cranbrook in the reign of Henry VI. "It seems to be extraordinary," writes Dr. Hardman, "that a sensational affair of this kind in a small place like Cranbrook should not have been recorded in the annals of the parish." The subject, however, finds no mention by William Tarbutt in his *Annals*, published 1870 to 1875, nor has it been recorded in *Archæologia Cantiana*.

The allegations, as set forth in the opening petition, are as follow: In 1436, or in the earlier part of 1437, Cranbrook parish church was entered by thieves, who not only stole divers of its ornaments, but also assaulted and killed the sexton in the defence of his charge. The murderers escaped with their booty, leaving no clue to their identity, and the parishioners in much distress and perplexity in consequence.

Whereupon an evil-minded clique in the parish, foremost among whom were two men, named respectively Thomas Taillour¹ and Robert Adcock, perceived an opportunity to gratify a personal grudge against certain of their neighbours. They entered upon a dastardly conspiracy, and, under pretence of tracing the authors of the crime by divination,

¹ At the visitation of Archbishop Warham in 1511 one Thomas Taylour of Cranbrook was presented for refusing to pay two nobles bequeathed to the church by the wife of John Handkok. Taylour appeared and denied that he was the executor of Lora Hancockke. He stated, however, that his father, who was then too aged to be able to appear, was one of the executors. It is not impossible that this old man may be identical with the Thomas Taillour, against whom a writ was sought in 1437. One might even suggest that Adcock is not very different from Handkok or Hancockke.

prompted the medium to denounce falsely by name five innocent persons. The séance took place in the week after the fourth Sunday in Lent, 1437, at the Horse's Head,¹ one of the many taverns with which Southwark abounded.

The medium was a clerk named Piers, assisted by one John Baylly, a squire in the service of the King's uncle, Humphrey, the "Good" ²Duke of Gloucester. All five of the accused (except one who was himself a servant of one of them) were tenant farmers in Cranbrook. Three of their number were brothers named Beggynden.³ The result of the cruel fraud was that four of the accused were "slayn myschief and distroied," while the fifth was tormented out of his wits.

¹ The Horsehead Inn became more familiarly known as the Nag's Head. Such particulars as have been gathered concerning it are to be found in *Inns of Old Southwark*, by Drs. Philip Norman and W. Rendle, 1888. The Horsehead, otherwise the Nag's Head, is enumerated with other Inns in a Royal Charter (dated 1550) of Edward VI., granting certain parcels of land in Southwark to the City of London. The Nag's Head stood between London Bridge and St. George's Church, immediately south of the Spur Inn, on the east side of Borough High Street, whence it was approached through a passage-way named the Nag's Head Alley. Like other inns of the Borough, it ran very deep from west to east. In 1634 it had its court of small tenements. In 1720 the buildings were described as "old and sorry, with inhabitants answerable." The *Epicure's Almanack* of 1815 speaks well of the house, balls having been given in it from time to time. No part of the building still standing in 1888 (though the yard comprised some houses gabled in the ancient manner) was more than 100 to 150 years old. The inn itself gradually dwindled, and part of the premises came to be devoted to railway business. "By 1912," wrote Dr. Norman, "I think that the Inn and the old buildings at the entrance had disappeared."

A visit, undertaken to the spot on 8th November, 1930, produced but negative results. The entrance to the old Nag's Head Yard (now the property of the Great Western Railway) is a square-headed opening between Nos. 137 and 139 Borough High Street. The yard itself, paved with stone sets, is a long, enclosed space, surrounded by lading-sheds, warehouses and blank walls, and ending in an *impasse*. None of the buildings now standing there can be older than the nineteenth century; but, let into the wall on the left or north side of the yard, is a stone tablet inscribed: "Here formerly stood the Nag's Head Inn and Warehouses, the property of W. W. Nash, Esqr.," presumably the last to own the freehold before it was acquired by the Railway Company.

² Duke Humphrey is remembered with gratitude for his great generosity to the University of Oxford, but he was not good in any other respect.

³ The date in question, writes Mr. Arthur Hussey, is for the most part too early for wills; but the name Begginden, as that of a Cranbrook family, is found about fifty years later, when wills became more numerous.

The next act in the drama was that the Cranbrook landowner, Adam Beggynden, whose land the victims had cultivated, made formal application to the Court of Chancery for an official inquiry into the whole affair.

The personage addressed by the petitioner was the distinguished prelate, John Stafford, who fulfilled the office of Lord Chancellor from 1432 to 1450. He was Bishop of Bath and Wells from 1425 until, by the advice of Archbishop Chichele, who had recommended him as his own successor on account of his "high intellectual and moral qualifications, the nobility of his birth, the influence of his relatives, and his well-nigh unbounded hospitality," he was translated in 1443, to the metropolitan see. He died in 1452, and was buried in Canterbury Cathedral, where, in the Martyrdom, the despoiled indent is all that remains of his once splendid brass.

But to return. The petitioner, Adam Beggynden (notwithstanding his own kinship to three of the sufferers, a kinship which their bearing the same surname would imply) appears to have been actuated less by righteous indignation for their undeserved misfortune, or the violation of the parish church and the brutal murder of the sexton, than by a sense of private injury for having been deprived of his tenants and the consequent impairment of his business profits which the outrage, so he alleges, had entailed. He does not press for retribution of the sacrilegious murderers, nor for that of the charlatan and his accomplice who had, by false accusation, caused the harrying and persecution of innocent persons, but rather for the punishment of his fellow parishioners who had arranged, and been present at, the séance in the Southwark hostelry. The concluding clause of Beggynden's petition might fairly give the impression that the prime motive of his anxiety was to obtain relief for his own individual grievance.

In this, however, there is nothing to wonder at. A petitioner, praying for a case to be heard, was required by law to disclose a genuine interest in the subject matter of the petition for inquiry by showing himself to have been put to

substantive loss. And although Adam Beggynden was, in point of fact, the least seriously affected of all concerned, he was the individual of the most property and consideration among them. He was in a position to show detriment to his estate, and could accordingly claim damages for loss of services. He would be, therefore, the right person, if anyone, to set the law in motion.

There are various points to be noticed about the petitioner's statement of his case. First, though it looks plain and straightforward enough, it is in fact an artful document, full of legal technicalities, and one drawn up with consummate ingenuity, such as it is not to be supposed that any provincial attorney was capable of, but rather suggests the cunning hand of some expert practitioner of Lincoln's Inn.

Secondly it is a document of pronouncedly *ex parte* character, so much so, indeed, that it was probably neither meant nor expected to be taken at its literal face value.

Were it otherwise the terms of the petition could not possibly be reconciled with some of the actual known facts of the case, as disclosed by the other documents. Thus all the persons described in the petition as having been "slain" were still alive two years later in "the Term of St. Michael" (29th September) 1439. "Slain" therefore cannot mean killed, but must be understood in the primary sense of the term, to signify "stricken" with harm, or ruined. "The art of the pleader," writes Dr. Hardman, "is manifest in every line of the petition." Its crafty drafting was deliberately calculated to enlist the support, by its appeal to the prejudices, of a Chancellor who was at the same time an ecclesiastic, with all the natural bias of his class and cloth. This factor may well account for the insinuation of the charge of witchcraft, an ecclesiastical offence, and one which, coupled with the circumstance that one of the two accused persons was actually a clerk, would give the allegation additional importance in the eyes of the Chancellor. In fine, Dr. Hardman considers the accusation of witchcraft to have been thrown in as a bait and a makeweight. At the same time it

was a very "master stroke." No accusation was easier to make, nor by reason of its very vagueness, and the fact that its venue was not the tangible world of solid realities, but the murky shadow-land of the occult, harder to combat and to disprove.

Moreover, the moment was peculiarly favourable for the stirring up of an anti-witchcraft scare. The public alarm was yet fresh and recent which had been occasioned by the dastardly murder of the King of Scots on the night of 20th-21st February 1437.¹ For although it was true that the assassination of James I was the outcome of a widespread plot, the more immediate occasion of the crime was unquestionably the prompting of a soothsayer, who foretold to Athole, one of the chief conspirators, that he was destined to wear the crown of Scotland. The Duke of Gloucester was in a somewhat similiar position. In default of a child being born to Henry VI, who as yet was not even married, his uncle, Humphrey of Gloucester, was the heir next in succession, the frail young king being the sole impediment in his way. Humphrey's wife, the Duchess Eleanor, ultimately in 1441 convicted, was already suspected, of designs upon the throne of England. She was known to have consulted soothsayers as to her chances of becoming Queen, and was believed to have had recourse to magic for the purpose of turning those chances into certainties. Though no charge of the sort had been formulated against Gloucester himself, he was already beginning to be involved in suspicion owing to the misconduct of his wife. It was no secret that he himself practised alchemy; and the merest hint, therefore, of sorcery might be enough to ruin him. The mention of an associate, or servant, of his as having practised the black art might easily incriminate the employer also; and that too seeing that the Chancellor, John Stafford, belonged to the Beaufort party, and, as such, was naturally no friend to the Duke of Gloucester.

¹ Readers of Dante Gabriel Rossetti will not need to be reminded of his Ballad, *The King's Tragedy*, in which is told the story of the murder of James I in the Dominican Friary at Perth, and the unavailing heroism of Kate Barlass.

It is not improbable, then, that in the petition in question Gloucester was the real target aimed at, though the petitioner, in charging a member of the Duke's household, was astute enough not to accuse Gloucester personally. It might still have been hardly politic to do that; because, if the Duke's influence was already on the wane, his overbearing and selfish disposition and his utter unscrupulousness made him a sufficiently dangerous enemy. His elder brother, Bedford, having died some eighteen months previously, and the sixteen-years-old King being a mere cipher, no one living, except it might be Cardinal Beaufort, had until quite recently had greater power and repute in all the kingdom. The case, then, is not the simple affair which it might be supposed, and what appears at first sight merely a parochial squabble, is shown to have bearings of far wider import, its ramifications penetrating deeply into the political life and intrigues of the day.

The course which the proceedings took is not a little curious. No one would have supposed but that the allegations of the petitioner were far too circumstantial to be without foundation. And yet the only persons who appear to have been prosecuted were the very ones whom Adam Beggynden asserts to have been the injured parties, and to be suffering the gravest injustice by reason of false witness against them. At the time of the presenting of the petition all the five accused (except Thomas Barlynge who, having become demented, was incapacitated from pleading) lay, awaiting their trial, in Canterbury Gaol; the same gaol which, upwards of fifty years earlier, i.e., in June 1381, the insurgents in Wat Tyler's rebellion had broken open, releasing the prisoners confined therein.

"The petition led," writes Dr. Hardman, "to the result that might have been expected. The allegations it contained might or might not be true; but four men were lying in prison untried, and the first step obviously was to investigate the charges made against them. The second document of the series is therefore a commission of *oyer and terminer*, issued under the Great Seal, directing the persons named

therein to hear and determine the charge made against the persons in custody.”

The third document, a comprehensive pardon, under the Great Seal, to James Beggynden, comes as somewhat of a surprise. It was unusual to pardon an accused person who had not yet even been brought to trial; and it is not easy to see why an exception should have been made in the present case, nor, if there was to be an exception at all, why James Beggynden in preference to any other should have been singled out for the privilege. The pardon, nevertheless, did not secure his immediate liberation without further formalities.

The two remaining documents of the series, the fourth and fifth, both bear the same date, but internal evidence gives their correct sequence. The fourth document is a formal acknowledgement that the indictments found against the prisoners had been duly received. It was necessary that these indictments should be brought before the King's Bench, as a preliminary to the obtaining from the King's Court a writ of *habeas corpus*, directing the officer, who had custody of the person concerned, to bring his body before the King's Bench that, the cause of his imprisonment having been inquired into, he might be either discharged, admitted to bail or remanded back to prison, whichever course were ascertained to be just.

The final document, then, is an order of the King's Bench that a writ of *habeas corpus* concerning James Beggynden, who, though pardoned, was still in detention, should issue to the under-sheriff of Kent to produce the said James Beggynden in the Court of King's Bench on the fourth day, so that the matter might be adjusted. “There is no reason to doubt,” writes Dr. Hardman, “that this man was duly produced in Court, and was discharged in pursuance of his pardon. It is quite possible he was being detained until he had paid the gaoler's fees.”

Here follows the text of the original documents, the first of which, though undated, is shown by internal evidence to be of the year 1437.

I.

EARLY CHANCERY PROCEEDINGS. BOOK 12. No. 210

A tres senctissime pter en dieu & tres gracious saint Evesque de Bathe & Wellys & Chaunceller Dengleterre.

Plese yow of yowre benygne grace to graunte unto Adam Beggynden yowre continuel Oratour tweyne writtes severally directed unto Thomas Taillour of Cranebrooke yn the shire of Kent & unto Robert Adekoc of Cranebroke aforsaide to appier yn the chauncerye of owre lord kyng be fore yowre right gracious lordshipp at a certeyn day & under a certeyn peyne affter yowre right wise & excellent discrecion to be lymyted & there to be examyned of alle the circumstaunces of yat: that they with other moo¹ of ther secte yn the wyke nexte affter middelenton Sondag the xvth yer of the regne of owre soveraigne lord the kyng that nowe ys yn Southwerk yn the Shire of Surrye yn an hosterye thereyn called the horsshedde. maden oon Maister Pyers clerk & oon John Baylly that was than a sqwyer of the Duke of Gloucestre with nygremoncye Sorcerye & wytchcraft falsly & wikkedly to accuse fyve men that ys to wite John Beggynden Jamys Beggynden William Beggynden thre Bredren tenantes & fermours also of devers loondes tenements & rentes of the saide Adam yn the saide paryshe of Cranebroke oon John Watte tenant also & fermour unto ye same Adam of his other devers loondes tenements & rentes there & oon Thomas Barlynge the servant of ye same John Watte of yat: that they alle fyve late be fore that tyme shulden hav robbed the chyrche of y^e saide Cranebroke of devers ornementes And that they also than & there shulden hav sleyn & m̄dred oon William Kytte than Sexteyn there thorwe² the whiche saide Accusacion fowre of this saide fyve men falsly & wikkedly ben slayn myschief & distroied and ye fiveth as yn this world ys utterly undoo. Where thorwe also the good name & fame of this saide Adam ys gretly hurt & blemysshid And also where thorwe the same Adam fro the feste of Ester yn

¹ more.

² through.

the saide xvth yer of ye regne of ye saide kyng ynto the day of the Siwte of this Bille hath lost the substaunce of the profytes of alle his saide loondes rentes & tenements yn the saide parysshe of Cranebroke the whiche weryn woned to be worth unto ye same Adam xⁱⁱ yerly at leste And uppon this saide examynacion to doo equite & right unto ye saide parties like as the lawe reson & good conscience requyren, for Goddys sake & for An excellent werke of Charites.

II.

[Patent Roll. 16 Henry VI. pt. 1. Roll 441. m. 35d.]

(10th October 1437, Westminster.)

Johēs Juyn Thomas Rolf Robertus Caundyssh Ricūs Wodevyle Johēs Bamburgh Johēs Seyntleger Thomas Broun & Ricūs Shipley septem sex quinque quatuor tres et duo quorum aliquis predictorum Johīs Juyn Thome Rolf et Johīs Bamburgh sit unus constituuntur Justiciarii Regis ad gaolam Cantuarie de Johē Begynden Jacobo Begynden Willelmo Begynden et Johē Watte prisonibus in ea existentibus deliberandi. In cujus &c. Teste Rege apud Westmonasterium X die Octobris.

(*Translation.*)

John Juyn,¹ Thomas Rolf, Robert Caundyssh, Richard Wodevyle, John Bamburgh, John Seyntleger, Thomas Broun and Richard Shipley, or any seven, six, five, four, three, and two, of them, of whom some one of the aforesaid John Juyn Thomas Rolf and John Bamburgh shall be one are constituted Justices of the King for determining at Canterbury gaol concerning John Begynden, James Begynden, William Begynden and John Watte, now prisoners in the same gaol. In witness whereof etc. Tested by the King at Westminster on the 10th day of October.

¹ John Juyn, Thomas Rolf and John Bamburgh were professional lawyers. John Juyn was chief Baron of the Exchequer and Chief Justice of the Common Pleas. (*Foss. Judges of England.* Note by Dr. Hardman.)

III.

[Patent Roll, 17 Henry VI. pt. 1. Roll 443.M.22.]

(2nd February 1439. Windsor Castle.)

Rex omnibus Ballivis et fidelibus suis ad quos etc. salutem. Sciatis quod de gracia speciali et caritatis intuitu pardonavimus et relaxavimus Jacobo Begynden de Cranebroke in Comitatu Kancie mercer alias dicto Jacobo Begynden de Cranebroke in Comitatu Kancie husbondman seu quocumque alio nomine conseatur sectam pacis nostre que ad nos versus ipsum pertinet pro omnimodis felonis murdris transgressionibus et maleficiis per ipsum ante hec tempora quandocumque seu qualitercumque factis sive perpetratis unde iudicatus rectatus vel appellatus existit seu convictus. Ac eciam utlagaria si que in ipsum hiis occasionibus fuerint promulgate. Pardonavimus insuper et relaxavimus eidem Jacobo quamcumque execuconem seu quascumque execucones super ipsum vel versus ipsum pro premissis vel aliquo premissorum faciendo seu exequendo et firmam pacem nostram ei inde concedimus. Ita tamen quod stet recto in curia nostra si quis versus eum loqui voluerit de premissis vel aliquo premissorum. In cujus &c. Teste Rege apud Castrum suum de Wyndesore secundo die Februarii.

(*Translation.*)

The King to all his Bailiffs and faithful servants to whom etc. greeting.

Know ye that of our special grace, and moved thereto by charity, we have granted a pardon to James Begynden in the County of Kent, mercer, otherwise called James Begynden in the County of Kent, husbandman, or by whatsoever other name he may be known, and have dismissed the suit of our peace which we have against him for all manner of felonies, murders, transgressions, and evildoings by him done or perpetrated, whensoever and howsoever, before these times

for which he has been judged, accused, summoned or convicted and also outlawry, if any such sentence has been pronounced upon him in respect of these charges. Moreover, we have pardoned, and released the same James from any execution or any executions which were to be done or carried out upon him or against him for the aforesaid things, or for any one of them, and we have granted unto him our peace and security thenceforward, so that he may still stand to his right in our court if anyone shall wish to speak against him in the matter of the things aforesaid or any one of them. In witness whereof etc. Tested by the King at his castle of Wyndesore on the second day of February.

IV.

[Controlment Roll. 73.m. 4. dorso. 18 Henry VI. (1439).]

(The term of St. Michael 18 Henry VI.)

Kancia. Receptum diversorum indictamentorum versus Willelmum Begynden de Feversham in comitatu predicto soudeyour Johēm Watte de Cranebroke in Comitatu predicto chapman Johēm Begynden de Cranebroke in Comitatu predicto husbondman & Jacobum Begynden de Cranebroke in eodem comitatu husbondman quod affilatum inter indictamenta istius termini.

Per Bagam.

(*Translation.*)

We have received of divers persons an indictment against William Begynden of Feversham in the county aforesaid, plumber, John Watte of Cranebroke in the county aforesaid, chapman, John Begynden of Cranebroke in the county aforesaid, husbandman, and James Begynden of Cranebroke in the same county, husbandman, which has been filed among the indictments of that term.

By the Bag (Secret).

V.

[Controlment Roll. 73, m. 8. 18 Henry VI. (1439).]

(The term of St. Michael 18 Henry VI.)

Kancia. Memorandum quod quoddam breve domini Regis de habeas corpus Jacobi Begynden de Cranebroke in Comitatu Kancie husbondman alias dicti Jacobi Begynden de Cranebroke in eodem Comitatu mercer deliberatur hic in Curia Hamoni Bele subvicecomiti Gervasii Clyfton vicecomitis comitatus predicti die Veneris proximo post XV^m Sc̄i Martini iii^{to} die ejusdem retornable ad exequendum etc.

(*Translation.*)

Kent. Be it remembered that a certain writ of our lord the King *de habeas corpus* of James Begynden of Cranbroke in the County of Kent, husbandman, otherwise called James Begynden of Cranebroke in the same county, mercer, was determined here in court for Hamo Bele under-sheriff of Gervase Clyfton, sheriff of the county aforesaid, on the Friday next after the quindene of St. Martin and is returnable for execution on the fourth day of the same quindene.

Wide enquiries and exhaustive search have failed to discover anywhere any further documents relating to this Cranbrook case; and so it is impossible to tell how it all ended, or what befell the several actors in the drama.

There is, however, on record a later occurrence, which may possibly have had a direct bearing on the affair, or rather on the fate of one of the individuals concerned in it.

On 4th July 1450, when Jack Cade and his followers had succeeded in obtaining entry into London with temporary control of the city, they set up a court of summary jurisdiction, with the result that three persons suffered the death penalty. One of them, named Bailly or Bailey, was executed on a conviction of necromancy. But rumour, unfavourable to Cade, told a somewhat different tale, as related in Fabyan's *Chronicle*. As the event proved, Cade and Bailey were no

strangers to each other. "Baylly was the familiar and old acquaintance of Cade. Wherefore, so soon as he (Bailey) espied him (Cade) coming towards him, he cast in his mind that he would discover his living and old manners, and show of his vile kin and lineage," in short that the rebel chief, then styling himself Mortimer, was nothing better than a barefaced imposter. Now their recognition, when confronted with one another, was mutual. "Wherefore," continues Fabyan, Cade, "knowing that the said Baylly used to bear scrowes and prophecies about him, showing to his company that he was an enchanter and of ill disposition, and that they should well know by such books as he bare upon him, and bade them search, and if they found not as he said, that then they should put him to death; which all was done according to his commandment." For his part, indeed, Cade could not afford to suffer one, who knew so much about his discreditable past as Bailey knew, to remain at large, or even to occupy a place at all in the land of the living. And therefore, once he had got Bailey into his power, Cade was obliged, in self-defence, to have his captive put out of the way. And so, on the ostensible pretext that Bailey was guilty of sorcery, Cade caused his head to be struck off at Whitechapel, and then set up, according to the custom of the times, on London Bridge, whither, less than a fortnight afterwards, it was followed by Cade's own head.

When order was restored once more, the heads which the rebels had exposed were taken down again from London Bridge, and Bailey's body and head together buried at the Grey Friars', London.¹

But the matter did not end there. At the session of Parliament, which opened at Reading on 6th March 1452-3, a petition was presented praying that any disabilities imposed on Bailey and his fellow victims "by the judicial sentences passed on them by Cade's courts might be removed—a most extreme instance," observes Sir James Ramsay,²

¹ Gregory's *Chronicle*, Camden Society's Vol. XVII, N.S. p. 194.

² *Lancaster and York*, by Sir James H. Ramsay, Bart., M.A., Vol. II, p. 160 (1892).

“ of regard for a judicial decision, if the request was preferred in simple earnest.” Anyhow, the petition was duly granted by Parliament.

Now, the question arises, was this Bailey (whose first name is variously given by some authorities as John, by others as Thomas) was he the same individual as Duke Humphrey's former squire, who had been the confederate of the medium Piers ? It may be mere coincidence, but it is important to note that of the three persons executed by Jack Cade's orders, one, and one only, was charged with witchcraft, and that one bore the name of Bailey. How interesting it would be if it could be established that this victim of Cade's was identical with the John Bayly of Adam Beggynden's petition, and that he met his deserts at last in this tardy fashion after thirteen years because, when caught, he had been up to his old wizard's tricks again ! It is not beyond the bounds of possibility ; but absolute certainty thereof is given to no man to know.

NOTE : I am indebted to Mr. L. F. Salzman, F.S.A., through whose *More Medieval Byways* (1926) my attention was first drawn to the case, and through whose subsequent courtesy I was supplied with the reference to the document in the Record Office ; to Captain Herbert Knocker, F.S.A., who arranged for its transcription ; and to Miss Dorothy Shilton who undertook the task, found four additional documents relating to the case, and afforded me other important details ; to the Rev. C. Eveleigh Woodruff, M.A., for his translations of the Latin originals, with their numerous abbreviations (here extended for the exigencies of printing) ; to F. W. Hardman, LL.D., F.S.A., for very valuable expert elucidations of, and comments on, the legal bearings of the documents ; to the late Philip Norman, LL.D., F.S.A., for kindly writing me notes concerning the Nag's Head Inn, Southwark, and to Mr. Arthur Hussey and Miss Irene Churchill for assistance in various ways.

A.V.

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