

## Enforcing law and order

These two pages show who had the job of catching medieval criminals and who tried their cases in court.

### The enforcers

The **king** was in overall charge of keeping 'The King's Peace'. In 1285, King Edward I passed the Statute of Winchester that tidied up many recent developments and shaped law enforcement in England for hundreds of years. This page shows a simplified version of how 'policing' was done from that time until the nineteenth century. There was no full-time paid police force. That would have been far too expensive. Instead 'policing' was done on a voluntary basis. Everyone in society had to play their part in their own area.

The **sheriff** was the king's agent in each county. He would be a powerful lord who would do the king's work without pay, knowing that it gave him great status. He also knew that some of the fines that were paid would come his way. The property of all convicted murderers, including people who had committed suicide, went to the crown as well and the sheriff would take a share. He worked closely with the coroners (see page 15) and with the chief constables (see below). If local groups did not track down criminals, particularly gangs of robbers, the sheriff would call an armed **posse** and search the county for them.

Two **chief constables of the hundred** were appointed each year to supervise law and order in their area. They were usually quite wealthy farmers. They gained local status from taking on this role. Their main duty was to ensure that every free man between the ages of fifteen and sixty was equipped and ready to take up arms and serve the king if needed. This might be in the army or in the sheriff's posse.

The **parish constable** was another one-year appointment. One responsible man in each parish had to take on this role alongside his own full-time work. He had to make sure that his parish could supply armed men when needed. From 1363, he also had to ensure that they practised archery each Sunday. He also had to arrest suspicious strangers. Above all he had to make sure that his village always responded properly to any crime (see below).

The **people** were essential in keeping law and order. Adult men were grouped into tens called tithings. If one of them broke a law the others had to bring him to court. Most importantly, whenever a crime took place the victim had to call for a **hue and cry**. This meant that all within earshot had to stop what they were doing and join in a hunt for the criminal. If a village failed to carry out the hue and cry it would face a huge fine.

▼ The seal of Edward I



◀ A knight, from a thirteenth-century manuscript



▼ Two constables, from a fifteenth-century manuscript



▼ Archers from a thirteenth-century manuscript



▼ Peasants, from a thirteenth-century manuscript







▲ The King's Bench, from a fifteenth-century manuscript

## The courts

**Royal courts** heard the most serious criminal cases. This picture shows a trial at the King's Bench court in London.

- At the bottom stand the criminals awaiting trial. (You also saw them on page 14.)
- At the top sits a row of professional, paid judges.
- Below them are the clerks who record the verdicts.
- The accused stands in the middle with his back to us.
- On the left you can just see the jury.

The jurors were always drawn from the criminal's own area. They took an oath before God and promised to use their local knowledge of the case and of the accused person to decide whether he or she was guilty.

Judges from this court also travelled to counties to try cases but these visits were irregular and inefficient. So, in 1293, King Edward I made an important change. He ordered that royal judges from London would visit each county two or three times a year to try cases of serious crime from that area. These courts were called the **county assizes**, from the French word for sitting. They lasted until 1971.

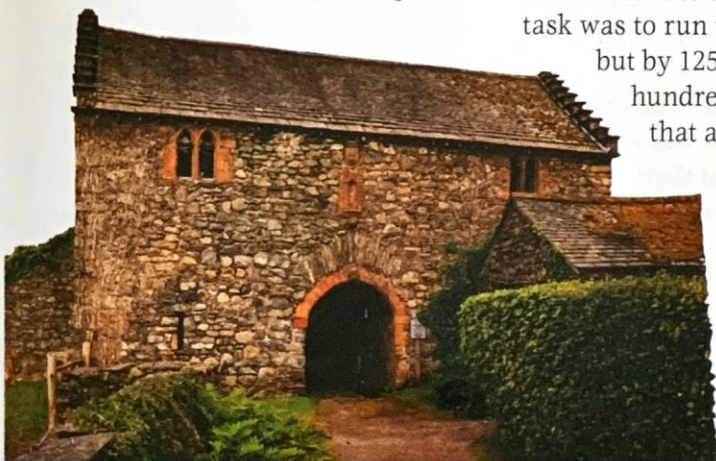


▲ The writer and JP, Geoffrey Chaucer, from a fifteenth-century painting

**Justices of the peace** (JPs) came into being in 1361 after the role had developed in the previous century. This was an enormously important change. Before then the county sheriff used to run courts in each hundred but these only met twice a year. The king appointed three or four justices of the peace in each county to take over the sheriffs' court duties. They passed really serious cases to the assizes, but judged others in their own courts with a jury of local people. After 1388, they did this four times a year at the **quarter sessions**. JPs enforced royal law. They were unpaid but educated and wealthy. They were essential to effective local law and government for hundreds of years.

**Manor courts** dealt with most crime in medieval England. Their main task was to run the lord's lands and deal with offences by his villeins, but by 1250 many manors had also taken over the work of the hundred courts. This meant that they judged any petty crimes that affected the whole community. These offences were reported by the tithings, the constable or by individuals. They included thefts, land disputes, fights and debts. The lord or his steward ran the court and juries of wealthier villagers decided each case or passed it to a higher court.

Each manor had its own local laws that had been established over hundreds of years. By 1500, manor courts were losing influence as the king's JPs heard more and more cases. Local laws were fading.



▲ Hawkshead manor court, Cumbria. The court met in the upstairs room of this fifteenth-century building



## Law enforcement in the towns

The summary on pages 20 to 21 concentrates on the countryside where most people lived. The same system applied to towns as well but with one or two additions.

### Watchmen

King Edward I's Statute of Winchester of 1285 ordered towns to appoint watchmen to patrol the gates and walls at night. Medieval towns could be pitch black at night. Watchmen carried lamps like the one shown here. They had to arrest suspicious strangers and take them to the constable in the morning. They called the hue and cry if they discovered a crime. It was an unpopular job.

### Borough courts

This was the name given to the courts run by towns. These had a very similar role to the hundred courts as anyone who lived in a medieval town for over a year was a freeman.

### Church courts

All laws and court proceedings in medieval England were based on Christian principles but there were some offences that the Church liked to deal with directly. People who were accused of these offences were tried in courts run by the Church. Many cases concerned offences by priests such as Robert Segefeld. He was tried at Durham in 1455 for having sex with Joan Bell, a married woman. Priests were not supposed to marry, let alone have sex with other men's wives. They obviously found this rule difficult to obey as this type of offence appears often in the records of church courts.

The church court did not just try clergy. Anyone might be put on trial for sex outside marriage, homosexuality, failing to attend church, persistent swearing, gambling or for not knowing the Lord's Prayer. Church courts dealt with the very rare cases of divorce and would certainly want to try anyone accused of holding or spreading false Christian beliefs or of dabbling in witchcraft. There were no juries in these courts. Priests heard the evidence and passed judgment.

### Medieval juries

In our day, jury members must not know the accused and must listen to two lawyers who present evidence to try to show whether the accused is guilty or not. The jury considers the evidence and the lawyers' arguments to reach a verdict.

Medieval juries would have found our ways very strange. They were always selected from the same parish or hundred as the person who was accused unless he or she was a visiting stranger. They used their knowledge of the person's character, background and past offences to reach their verdict. They had to know as much as possible about the case before it came to court. Some of their ideas may have been based on rumour or guesswork. The court spent little or no time establishing facts and weighing up arguments. Jurors swore an oath before God that they would not lie. If the jury said someone was guilty or not guilty, the judge accepted their view. The jury knew best and the verdict stood. Few medieval court cases took more than twenty minutes!



▲ A fifteenth-century watchman from an Italian town

### Reflect

Now that you know about all the different types of medieval court, look back at some of the cases on pages 15 to 19 and try to decide which type of court would have heard each case.

### Record

Make some more crime cards. These could be about:

- why there was no professional police force in the Middle Age
- why every man had to keep deadly weapons
- why villagers might have to stop work and join a hue and cry
- why a crime might be tried in one or more of five different courts
- why juries were expected to know the accused person.

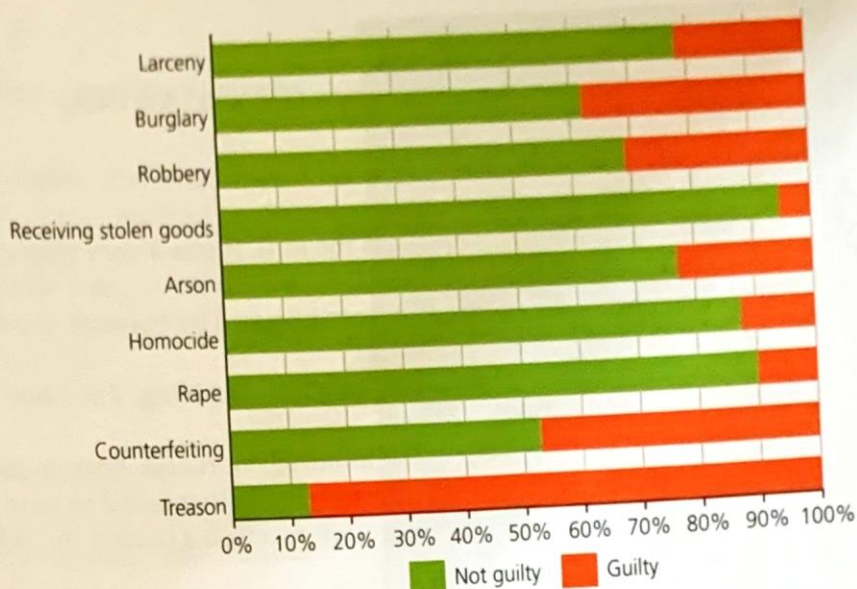


## Verdicts

On page 14 you looked at a pie chart showing different types of crime that went to trial in eight English counties between 1300 and 1348. This graph shows what happened in those cases. They were all heard at the county assize by a royal judge, working with local juries.

You will see that for each crime at least half of the accused people were found not guilty – except for treason cases. Juries did not want to upset the king.

Medieval juries were generally very lenient and often let the accused go free in these serious cases, especially if they were women. They were less lenient over petty crimes in manor courts. The reason why juries were reluctant to find people guilty of serious offences may well become clearer in the next section where we learn about the punishments that were used.



▲ Graph showing the conviction rate of court cases for serious crimes in eight English counties, 1300–48

## Record

Make a copy of this table. It follows up ten of the cases on pages 15 to 19. All the people accused of these crimes were found guilty.

On your copy add some more details about each case in the 'Crime' column.

On your copy fill in which type of court you think would have heard each crime.

Page	Year	Crime	Type of court	Punishment
15	1271	Burglary/homicide		
16	1311	Homicide – by a priest		
16	1316	Petty larceny (value 12d) and receiving		
17	1359	Scolding		
18	1402	Robbery		
18	1411	Gambling		
18	1413	Heresy		
19	1420	Treason (murdered her husband – a JP!)		
19	1476	Fraud – selling rancid butter		
19	1477	Public nuisance – left dung heap in road		

Leave this column empty for now