

# HISTORICAL ENQUIRY

## COULD YOU GET JUSTICE IN THE MIDDLE AGES?

The topic of crime and punishment is big news. The latest crime figures, the big murder trials and the state of our prisons are issues that are always on our television screens, on the radio and in the newspapers and magazines. As a result, today we are quite well informed about law and order. We know that, generally speaking, the police investigate crime and catch as many law-breakers as they can. We also know that the courts decide on a person's guilt, and any guilty person is punished by a fine or even prison. But what was it like in the Middle Ages? How were criminals caught? What were their trials like? Were these trials fair? And how were people punished?

### 1: Keeping the peace

#### MISSION OBJECTIVES

- To understand, and be able to explain, how criminals were caught, tried and punished in the Middle Ages.

#### Keeping the peace

There were no policemen in the Middle Ages. If towns and villages wanted to keep law and order they had to do it themselves. If you ever saw someone committing a crime you had to raise the **hue and cry**. This meant that you had to shout loudly and people would come to help you track down or catch the criminal.

In some areas, all men and women over the age of 12 were grouped into ten.

These **tithings**, as they were known, were responsible for each other's behaviour. If a member of the tithing broke the law the others had to take him or her to court and pay their fines.

Some places set up a **watch** – a group of people who patrolled the streets each night – and a **constable** was chosen to coordinate them. But these weren't particularly popular jobs. People didn't get paid for a start... and you lost a lot of sleep whilst walking around the streets all night. As a result, constables and watchmen didn't always do their jobs properly – if they did, they might be chosen again.

Because there was no police force, criminals must have got away with very serious crimes because they were never caught. So sometimes even the king himself got involved in investigations. In 1129, for example, King Henry I fined four whole villages for not finding a murderer quickly enough.

'The township of Stansfield did not raise the hue and cry on the thieves that burgled the house of Amery of Hertelay, nor ever found or prosecuted them. They are to be fined 40 shillings.'

**SOURCE A:** From Halifax Manor court records, 18 October 1315.



#### On trial

When caught for a minor crime, the criminal would usually be taken to the local lord's manor house. The lord would then decide on the punishment, which would usually be a fine. This was a good way for the lord to raise money. Sometimes, though, the guilty person was humiliated by what was called a 'showing punishment' like being tied up and whipped. This took place in the centre of the village as a warning to others. Source B shows genuine crimes and their punishments from Manor Courts in the 1300s.

- Nicholas Hopwood for hitting Magota, daughter of Henry – fined 2d.
- Margaret Webb for breach of peace – fined 2d.
- Amos Walter for theft of his lord's pigs. Also carrying a bow and arrow in his lord's wood – two fingers on right hand struck off; fined 2d for bow and arrow.

**SOURCE B:** Stone Manor Court, November 1335.

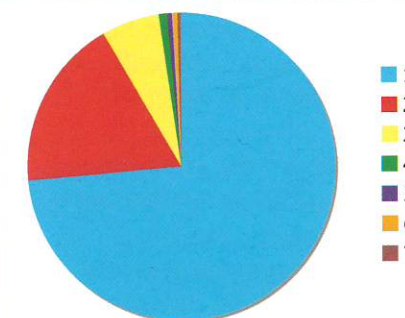
#### FACT

##### Escaping punishment

If you were 'on the run', there were several ways to escape punishment. You could hide in a church and claim **sanctuary**. This meant you would be safe in the church for 40 days. If you confessed your crime after 40 days, you were made to leave the country and avoid punishment. However, you would have to carry a large wooden cross to the nearest port! Alternatively, if you could read a verse from the Bible (and not many could), you could claim **benefit of the clergy**. This meant you had the right to go on trial in a **Church Court**, usually reserved for priests. These courts imposed much lighter sentences than any other.

#### WISE-UP Words

benefit of the clergy  
Church Court  
constable  
hue and cry  
sanctuary  
tithings  
watch



- |                                 |                         |
|---------------------------------|-------------------------|
| 1 Theft (73.5%)                 | 5 Counterfeiting (0.6%) |
| 2 Murder (18.2%)                | 6 Rape (0.5%)           |
| 3 Receiving stolen goods (6.2%) | 7 Treason (0.2%)        |
| 4 Arson (0.8%)                  |                         |

**SOURCE C:** To give you an idea of the types of crime committed in the Middle Ages, this pie chart shows the most common offences prosecuted in eight counties between 1300 and 1348.

two men caught fighting

a baker being punished for selling stale bread

a drunk in the stocks

