

The Statute of Winchester 1285

Because from day to day robberies, homicides and arsons are more often committed than they used to be, and felonies cannot be attained by the oath of Jurors, who had rather suffer felonies done to strangers to go unpunished than indict wrongdoers the greater part of whom are people of the same district, or at least, if the doers are of another district, their receivers are of the neighbourhood; and this they do because an oath is not now feared by the jurors, and for the district where the felonies were committed, with regard to restitution of losses, no penalty has hitherto been provided for their concealment and neglect; our lord the king, to reduce the power of felons establishes a penalty in such case, so that for fear of the penalty more than for fear of the oath, they shall henceforth not spare anyone nor conceal any felony, and commands that proclamation be solemnly made in all shire-courts, hundred-courts, markets, fairs and all other places where people assemble in considerable numbers - so that no one can excuse himself on the grounds of ignorance - that each district be henceforth so kept that immediately robberies and felonies are committed vigorous pursuit shall be made from vill to vill and from district to district.

- (1) Likewise inquests shall be made, if need be, in vills by him who is lord of the vill, and then in hundreds and in liberties and in shires, and sometimes in two, three, or four shires in cases where felonies are committed on the borders of shires, so that malefactors can be attained. And if the district does not answer concerning such manner of malefactors, the penalty shall be that each district, that is to say the people living in the district, shall answer for robberies committed and for the losses, so that the whole hundred in which the robbery is committed, together with the liberties within the boundaries of that hundred, shall answer for the robbery committed. And if the robbery is committed on the boundary of two hundreds, both the hundreds shall answer together with the liberties; and the district shall have no longer than forty days after the commission of the robbery and felony within which it will behove them to give satisfaction for the robbery and the misdeed or to produce the malefactors.
- (2) And because he does not wish people to be suddenly impoverished by this penalty, which would seem hard to some people, the king grants that it shall not be immediately incurred, but shall be respited until next Easter and meanwhile the king will see how the district behaves and such robberies and felonies cease. After which time all may be sure that the aforesaid penalty will run generally, that is to say that each district, that is to say the people living in the district, shall answer for robberies and felonies committed in their district.
- (3) And the more to assure peace, the king has commanded that in the large vills that are enclosed the gates be shut from sunset to sunrise, and that no man lodge in a suburb or a detached part of the vill save by day, nor yet by day if the host be not willing to answer for him; and the bailiffs of vills shall make enquiry each week, or at the least each fortnight, into people lodging in suburbs and in detached parts of vills, and if they find any one receiving or otherwise harbouring people who are suspected of being against the peace the bailiffs shall do justice therein. And henceforth it is commanded that watches be kept as they were accustomed to be formerly, that is to say, from Ascension day to Michaelmas, in each city by six men at each gate, in each borough by twelve men, in each vill in the open country by six men or

four according to the number of the inhabitants, and they shall keep watch continually all night from sunset to sunrise. And if any stranger pass by them, let him be arrested until morning: and if nothing suspicious is found he may go free, but if anything suspicious is found let him be handed over to the sheriff forthwith and he shall receive him without making difficulty and keep him safely until he is delivered in due manner. And if they will not suffer themselves to be arrested, let hue and cry be raised against them and those who keep watch shall follow them with the whole vill together with the neighbouring vills with hue and cry from vill to vill until they are taken and handed over to the sheriff as is aforesaid; and for the arrest of such strangers no one shall have legal proceedings taken against him.

- (4) It is likewise commanded that the highways from market towns to other market towns be widened where there are woods or hedges or ditches, so that there may be no ditch, underwood or bushes where one could hide with evil intent within two hundred feet of the road on one side or the other, provided that this statute extends not to oaks or to large trees so long as iris clear underneath. And if by the default of a lord, who will not fill up a ditch or level underwood or bushes in the manner afore-said, robberies are committed, the lord shall be answerable: and if murder is committed, the lord shall be condemned to make fine at the king's pleasure. And if the lord is unable to cut down the underwood, the district shall help him to do it. And the king is willing for the roads in his demesne lands and woods, within forest and without, to be widened as aforesaid. And if perchance there is a park near the high-way, it will behove the lord of the park to reduce his park until there is a verge two hundred foot wide at the side of the highway as aforesaid, or to make a wall, ditch or hedge that malefactors cannot get over or get back over to do evil.
- (5) It is likewise commanded that every man have in his house arms for keeping the peace in accordance with the ancient assize; namely that every man between fifteen years and sixty be assessed and sworn to arms according to the amount of his lands and, of his chattels; that is to say,

for fifteen pounds of land, and, forty marks worth of chattels, a hauberk, a helmet of iron, a sword, a knife and a horse;
for ten pounds worth of land and, twenty marks worth of chattels, a haubergeon, a helmet, a sword and a knife; for a hundred shillings worth of land, a doublet,⁴ a helmet of iron, a sword and a knife;
for forty shillings worth of land and over, up to a hundred shillings worth, a sword, a bow, arrows and a knife;
and he who has less than forty shillings worth of land shall be sworn to have scythes, gisarrnes, knives and other small weapons;
he who has less than twenty marks in chattels, swords, knives and other small weapons.
And all others who can do so shall have bows and arrows outside the forests and within them bows and bolts.

And that the view of arms be made twice a year. And in each hundred and liberty let two constables be chosen to make the view of arms and the aforesaid constables shall, when the justices assigned to this come to the district, present before them the defaults they have found in arms, in watch-keeping and in highways; and present also people who harbour strangers in upland vills for

whom they are not willing to answer. And the justices assigned shall present again to the king in each parliament and the king will provide a remedy therefore. And from henceforth let sheriffs and bailiffs, whether bailiffs of liberties or not, whether of greater or less authority, who have a bailiwick or forester's office, in fee or otherwise, take good care to follow the cry with the district, and, according to their degree, keep horses and arms to do this with; and if there is any who does not do it, let the defaults be presented by the constables to the justices assigned, and then afterwards by them to the king as aforesaid. And the king commands and forbids, for the honour of holy church, a fair or market to be held henceforth in a churchyard.

Given at Winchester on the eighth day of October in the thirteenth year of the king's reign.