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LEGAL LANDMARKS: THE ARCHITECTURE OF JUSTICE IN LATE MEDIEVAL ENGLAND

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This paper starts from the premise that psychologically architecture can promote, reflect and convey ideals and notions of law, authority and the exercise of justice.¹ Here I am attempting to use the visual experience, the practical and physical reality of going to court, to shed light on some of the questions and dichotomies that exercise historians: for example, the broad question of how (given a lack of the kind of resources that in modern times are taken for granted) medieval kings upheld the rule of law; and stemming from this, what was the nature of the relationship between the perceived centre and the localities both geographically and in terms of judicial personnel. The present paper is naturally limited in scope,² but I will endeavour to assess some of the significant issues that arise from these broad themes: the extent to which an over-concentration on the royal courts housed at Westminster has skewed views on the administration of justice and the relationship between royal government and the political elite (whose residences and power bases were in the provinces). In this respect I shall consider especially sensitivities regarding the exercise of jurisdiction and the balance of public and private power in late medieval England.³

Perceptions of justice were conditioned not only by its administration and availability (including the frequency of sessions and the type of justices presiding), but also its location.⁴ In the later Middle Ages the king, at the apex of the judicial system, was the focal point for claims for justice and offered litigants redress in his courts if they sought it 'centrally'. The palace of Westminster, and the great hall built in the eleventh century by William II, offered a physical manifestation of his justice in that it housed the bodies to whom he delegated the authority to try cases, the central courts (of common pleas, king's bench and the chancery) with the exchequer and the prerogative courts radiating off it. At around 240 feet long, 69 feet wide, 92 feet high Westminster great hall was the largest and oldest of its kind in existence in Europe. Its use for coronation banquets and periodic 'crown wearing' ceremonies in addition to its antiquity and size closely associated it with tradition and kingly majesty. This image was deliberately enhanced by Richard II in his ambitious project of re-building and re-furbishment embarked upon in the 1390s: twin towers were added to the north front and a hammer-beam roof spanning the entire interior of the hall was devised and

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¹ G. Fairclough, 'Meaningful Constructions – Spatial and Functional Analysis of Medieval Buildings', *Antiquity*, 66 (1992), pp. 348-66; J. M. Steane, *The Archaeology of Power. England and Northern Europe AD 800-1600* (Stroud, 2001); J. M. Steane, *The Archaeology of the Medieval English Monarchy* (rev edn, London, 1999).

² The thoughts presented here are some initial findings from a larger research project entitled 'Law and Image: An Historical Iconography of Law, 1200-1500' funded by the British Academy.

³ For a discussion on the visual impact of the state see J. Watts, 'Looking for the State in Later Medieval England', in *Heraldry, Pageantry and Social Display in Medieval England*, ed. P. Coss and M. Keen (Woodbridge, 2002), pp. 243-67.

⁴ This can be ascertained from petitions to the crown on the subject: see The National Archives, Special Collections, Ancient Petitions, SC 8/2/67, /4/157-8/, /73/3605, /118/5895/, /327/E832; *Ancient Petitions Relating to Northumberland*, ed. C. M. Fraser, Surtees Society, 176 (Durham, 1966), pp. 115-16.

constructed; inside the hall was refenestrated with traceried windows in the latest perpendicular Gothic style and a programme of royal statuary initiated (occupying niches outside at the entrance to the hall and inside along the wall at the south end). [see Plate 1] Not surprisingly the architecture and iconography of Westminster Hall has received analysis from historians, who have highlighted the deliberate way in which the ideology of kingship and the theology of justice were promoted in architectural design and artistic detail both internally and externally. Such imagery was intended to provide an ideological and theological link with God's law and divine justice and emphasise the legitimacy conferred on the person of the king and the operation of his courts.⁵ The great hall was thus as much a landmark then as it remains today.

Given the enduring symbol of Westminster Hall and the attention lavished on the Palace and other buildings in its environs (such as Westminster Abbey) by successive royal patrons, the political, administrative and judicial 'centre' of the late medieval realm is usually assumed to have been self-evident. With hindsight of course Westminster (and London) did emerge to take an unrivalled position as the focus for national political, economic and even cultural activity, but contemporaries probably did not imbue them with the same level of significance throughout the medieval period. There is a temptation to assume on the basis of later developments and historical events that there was already a geographically fixed judicial 'centre'. This would not have been the perception in the thirteenth and fourteenth centuries.⁶ Parliaments, for instance, were held at a variety of venues even into the fifteenth century, while the court of king's bench spent fifty per cent of its time in the provinces (1290-1339).⁷ The king and his itinerant household were the theoretical judicial 'centre' and his presence imbued the locations he visited with special significance. Royal residences and strategic power bases in the provinces (such as the castles at Windsor, Nottingham and Northampton)⁸ may therefore have figured strongly in the minds of those connected with the administration of royal justice.⁹ Indeed, particular geographical areas may have competed in people's perceptions as leading centres for royal justice.¹⁰

There are two provincial locations that merit special consideration in particular periods: Winchester (prior to the late thirteenth century) and York (from the late thirteenth to the mid-fourteenth centuries). Winchester was a city with well-

⁵ *The History of the King's Works: the Middle Ages*, ed. H. M. Colvin, 2 vols (London, 1963-5), I, pp. 45-7, 491-2, 527-33, 543-5; C. Wilson, 'Rulers, Artificers and Shoppers: Richard II's Remodelling of Westminster Hall, 1393-99', in *The Regal Image of Richard II and Wilton Diptych*, ed. D. Gordon, L. Monnas and C. Elam (London, 1997), pp. 33-59; J. Goodall, 'The Medieval Palace of Westminster', in *The Houses of Parliament: History, Art, Architecture*, ed. C. and J. Riding (London, 2000), pp. 49-61.

⁶ W. M. Ormrod, 'Competing Capitals? York and London in the Fourteenth Century', in *Courts and Regions in Medieval Europe*, ed. S. Rees Jones, R. Marks and A. J. Minnis (York, 2000), pp. 75-7.

⁷ See A. Musson and W. M. Ormrod, *The Evolution of English Justice: Law, Politics and Justice in the Fourteenth Century* (Basingstoke, 1999), pp. 194-205 (Appendix). Correspondingly from 1340 to 1399 the court spent 74% of its time at Westminster.

⁸ Colvin, *History of the King's Works*, II, pp. 750-53, 755-65. For the magnificence of Windsor see: W. H. St John Hope, *Windsor Castle: An Architectural History* 2 vols (London, 1913) and S. Brindle and S. Priestley, 'Edward III's Building Campaigns at Windsor and the Employment of Masons, 1346-1377', in *St George's Chapel Windsor in the Fourteenth Century*, ed. N. Saul (Woodbridge, 2005), pp. 203-23. Unfortunately there are no significant remains of Nottingham and Northampton castles.

⁹ Nottingham was especially featured in the outlaw ballads.

¹⁰ W. M. Ormrod, 'Law in the Landscape: Criminality, Outlawry and Regional Identity in Late Medieval England', in *Boundaries of the Law: Geography, Gender and Jurisdiction in Medieval and Early Modern Europe*, ed. A. Musson (Aldershot, 2005), pp. 8-10.

established royal links. It was one of the principal royal residences and Henry III's birthplace and historically derived precedence from being an administrative centre and burial place for the West Saxon kings and the repository of the Norman king's treasure and records.¹¹ Even after the removal of the royal treasury (and archives) from Winchester, perceptions of its administrative importance may have endured with the completion in 1236 (just a couple of years into Henry III's personal rule) of a magnificent new great hall at the castle. Measuring 111 feet long and 55 feet wide (comprising five bays with two rows of marble columns dividing the hall into a nave and two aisles), it provided a potent symbol of royal architecture and offered a significant venue for judicial sessions, which the king was able to exploit in person during sessions held there in 1249 following a spectacular robbery in Hampshire at the Alton pass.¹² With Henry III's increasing interest in Westminster (particularly the Abbey), and the continued absence of key organs of government from the city, Winchester remained the central location for judicial sessions in Hampshire,¹³ but could no longer claim to be the focus for justice on a more national basis.

York was another prime contender for judicial centre in the period of the late thirteenth and early fourteenth centuries. As Mark Ormrod has cogently argued, the presence in York of the central organs of royal administration for nearly twenty years of the period 1298-1338 not only established it as a home away from home for the English government and a competing capital, but offered an incentive to northerners to use the central courts by setting up the notion of a very real alternative to travelling to Westminster (on their doorstep), a perception that was perpetuated into the 1360s.¹⁴ Even in the 1390s the king regarded York as the natural choice for an alternative capital when the central courts and the other organs of government were briefly removed there by Richard II (albeit in a fit of pique).¹⁵

Does this competition bear out in terms of the architecture of justice? Though its exterior and interior were plainer and less spacious visually before the later fourteenth century, Westminster Hall's dimensions and grandeur clearly brooked no architectural rival. York castle was the county's judicial headquarters, but the great hall could not accommodate all the various judicial departments and so they were spatially distributed around the castle area and elsewhere in the city (at times in St Mary's Abbey, the Minster chapter house and the Guildhall). The exchequer receipt took over the stone keep known as Clifford's Tower, the most visually prominent part of the castle, while other buildings were repaired or especially constructed. On the occasion of the first removal from Westminster, records show that a temporary wooden building was erected for the court of common pleas and all its customary court furniture duplicated. This was later dismantled and a new 'great hall' built in

¹¹ Colvin, *History of the King's Works*, II, pp. 854-55; M. T. Clanchy, *From Memory to Written Record: England 1066-1307*, 2nd edn (Oxford, 1993), pp. 157, 162-5.

¹² M. Biddle and B. Clayre, *The Castle Winchester: Great Hall and Round Table* (Hampshire, 2000); see also Matthew Paris, *Chronica Majora*, ed. H. R. Luard, 7 vols (RS, 1872-84), vol. 5, pp. 57-8; M. T. Clanchy, 'Highway robbery and trial by battle in the Hampshire eyre of 1249', in *Medieval Legal Records*, pp. 25-61.

¹³ The court of king's bench only visited Winchester in twice during the fourteenth century (1325 and 1371) and parliaments were held there in 1330 and 1393 (Musson and Ormrod, *Evolution*, pp. 198, 202, 205).

¹⁴ Ormrod, 'Competing Capitals?', pp. 79-98.

¹⁵ C. M. Barron, 'The Quarrel of Richard II with London, 1392-7', in *The Reign of Richard II: Essays in Honour of May McKisack*, ed. F. R. H. du Boulay and C. M. Barron (London, 1971), pp. 173-201.

1319-20. The court of king's bench sat in the old hall along with the exchequer.¹⁶ Unfortunately we do not have the dimensions or architectural designs of these castle buildings,¹⁷ but, as Ormrod notes, 'the contrast between the permanent and spacious accommodation of Westminster palace and the ad hoc arrangements for the housing of the court and administration in York should not be overdone, for until the fourteenth century both the royal household and the majority of government offices were quite used to the regular disruption and lack of comfort that were the inevitable accompaniments to itinerant kingship.'¹⁸ If anything, the visual element may have been enhanced by the cumulative effect of the different buildings used. Equally with the courts operating in largely separate spheres (unlike the close proximity they were used to in Westminster Hall) the atmosphere within them may have altered. While the courts were undoubtedly busy, the noise and bustle would not have been magnified to the same extent and it is unlikely that concessionary stands were sold in York castle to match the plethora of shops that operated in Westminster Hall.¹⁹ Moreover, the royal government's presence dominated the city of York and made an impact on its inhabitants in a way that was not possible (or so readily apparent) at Westminster.

Even though the housing of court sessions was invariably only part of such a building's usage, its architectural distinctiveness and the available area of public space clearly mattered as the building programmes of certain magnates and civic corporations demonstrate. Emulation of Westminster Hall by such programmes was not only recognition of its significance, but also an obvious challenge (for those who knew the building and had experience of sessions held there either as a litigant or juror) to its visual and architectural dominance. The scale and decoration of such buildings was often an assertion of existing or supposed jurisdictional power and a sign of concomitant pretensions in that direction. The great hall that formed part of the complex at Lostwithiel in Cornwall, built by Richard, earl of Cornwall in around 1289 (and later known as the Duchy palace), was conceived on a grand scale with Westminster as the model. We do not know the exact dimensions, but the eighteenth-century engraving by Nathaniel Buck coupled with the available archaeological evidence point towards a sizeable building.²⁰

Similarly, within a decade of the completion of the refurbishment of Westminster Hall, the city of London corporation in the early fifteenth century extended their Guildhall (a venue for judicial sessions as well as council deliberations) by over sixty feet, yielding a hall of 151 ½ feet long and 48 feet wide with eight bays. Like Westminster Hall, during normal hours of business the great hall of the city of London corporation housed more than one court, the court of Hustings at the east end and the Sheriffs' court at the west, and was linked by a porch to the

¹⁶ Colvin, *History of the King's Works*, II, pp. 891-2; T. P. Cooper, *The History of the Castle of York* (London, 1911), pp. 105-7.

¹⁷ Most drawings by sixteenth and seventeenth century artists depict Clifford's Tower. There are a few views of the buildings of the castle bailey, though the medieval buildings have either been altered or replaced (B. Wilson and F. Mee, *The City Walls and Castles of York: The Pictorial Evidence* (York, 2005), pp. 70-6).

¹⁸ Ormrod, 'Competing Capitals?', pp. 91-2.

¹⁹ J. H. Baker, 'Westminster Hall', in *idem*, *The Common Law Tradition: Lawyers, Books and the Law* (London, 2000), p. 252.

²⁰ A. D. Saunders, 'Administrative Buildings and Prisons in the Earldom of Cornwall', in *Warriors and Churchmen in the High Middle Ages: Essays Presented to Karl Leyser*, ed. T. Reuter (London, Hambledon Press, 1992), pp. 208-10.

Mayor's court and (through a doorway off that) to the court of Aldermen.²¹ The porch itself was elaborately decorated with judicial themes. The scheme of statuary (which unfortunately exists only in drawings) drew upon the theology of justice and prevailing political theory to portray to the outward world the lofty ideals of those administering justice and pursuing council business within the hall. The focal point was the statue of Christ in Majesty housed in the central niche. Taken in isolation it may seem simply to be a figure for religious devotion. To the initiated, however, it had much wider connotations as the representation was a form of visual shorthand for the whole panoply of the Last Judgment. On the level below Christ were two statues, male figures representing Law and Learning and below them, flanking the doorway, two either side, were female figures portraying the four virtues, Discipline, Justice, Fortitude and Temperance, each treading on a particular vice.²²

In addition to the justice provided at the 'centre' from the twelfth century the king also provided justice countrywide on an itinerant basis through the perambulations of the general eyre and ad hoc judicial commissions. During the thirteenth century the eyre sessions (which had dwindled to once in every seven years on average) were supplemented by the provision of commissions to hear assizes and deliver gaols at venues in the localities. Special royal commissions could also be purchased to hear and determine disputes arising locally. By the mid-fourteenth century, following a period of considerable improvisation and experimentation, the provision of royal justice in the shires was rationalised and became regularised in the form of bi-annual visitations of central court justices on circuit to hear assizes and deliver gaols and quarterly sessions held locally by justices of the peace.²³

The crown's scheduled judicial visits during any legal year were comparatively few, but were undoubtedly memorable events in the calendar for which ordinary people might have to travel considerable distances across the county. Judicial sessions were usually held in castles. Accordingly, the king's pivotal role as law-giver and earthly judge was emphasised in the provinces in some areas through the deliberate fostering of notions of authority and jurisdiction inherent in archaic architectural forms, notably the heavy-looking keeps of castles dating from the eleventh and twelfth centuries, such as those at Newcastle (Northumberland), Pevensey (High Peak, Derbyshire), Scarborough and Richmond (Yorkshire).²⁴ [see Plate 2] Alterations may have been made elsewhere within the castle area, but the visually striking, solid keeps were retained. Arguably many of these castles once possessed (and in some cases continued to hold) strategic importance or were located in frontier zones, which may account for their imposing structure. Their military significance aside, they were invariably used for judicial purposes (both routine and special sessions) and so contributed to the experience of the prisoners brought to the castle gaol (and later tried), the various types of jurors and the litigants attending for civil pleas held there.²⁵ Notions of power and authority were especially instilled at the entrances to castles where the inner buildings would be approached through fortified

²¹ C. M. Barron, *The Medieval Guildhall of London* (London, 1974), pp. 25-6, 28-31. The building housing the Mayor's Court and court of Alderman no longer survives.

²² Barron, *Medieval Guildhall*, p. 27. (See plate 9). For a surviving statue of one of the virtues see R. Marks and P. Williamson, *Gothic. Art for England, 1400-1547* (London, 2003), p. 260.

²³ For discussion of developments in royal judicial administration see Musson and Ormrod, *Evolution*, pp. 12-74.

²⁴ D. J. Cathcart King, *The Castle in England and Wales: An Interpretative History* (London and New York, 1988), pp. 67-73; A. Pettifer, *English Castles* (Woodbridge, 1995), pp. 51, 191-3, 295-8.

²⁵ For example: TNA, Justices Itinerant, Gaol Delivery Rolls, JUST 3/53/2, /74/3, /75, /76, /141A; Crook, *Records of the General Eyre*, pp. 64, 137-8, 147-9, 172-3.

gateways or heavy-looking barbicans as at Scarborough and Sherborne Castles, for example. The holding of judicial sessions in castles was perhaps initially incidental to their purpose as buildings, yet increasingly became identified with it and provided another strand of visual experience, one that associated the exercise of justice with authority and power, but in doing so leant heavily on a past architectural tradition to reinforce that image.

This apparent vision of royal majesty and superiority was nevertheless undermined and compromised in reality. For instance, prevailing circumstances might dictate that judicial proceedings be held elsewhere than the venue originally scheduled. Sessions of the general eyre which were being held in the Greater and Lesser halls on the third floor of the White Tower in the Tower of London in 1321 were forced to move (after their Whitsun adjournment) in order for proceedings to resume. Edward II was having the Tower fortified against potential insurrection and fearing for the safety of his queen, Isabella, who was expecting her fourth child, had her ‘childbed’ located on the floor formerly occupied by the justices. Justices hearing civil pleas were forced to find makeshift accommodation in a smithy located in the second ward of the Tower, while Crown pleas were located in a small house adjoining it.²⁶ Sessions of the royal court were even held in ordinary houses: in 1277 eyre justices held pleas in the house of Richard Barry at Shrewsbury²⁷ and similar measures had to be resorted to at Northampton in the 1336.²⁸ In 1253 the crown pleas (including criminal trials) of the Rutland eyre were apparently held in a ‘grange’ at Oakham castle, an outbuilding in the castle grounds equivalent to a roomy barn.²⁹ Clearly, the ideological desire dictating peculiar qualities for the architectural setting were subordinated to the ad hoc demands and immediate practicalities.

Judging from the surveys carried out on royal possessions in the shires buildings housing royal courts were at times in a considerable state of disrepair. The great hall at Sherborne, for instance, the venue for eyres, assizes and gaol deliveries required considerable work doing to it in 1223-4. The castle was found to be in a poor state of repair again in the 1260s and by 1315 the hall was once again in a dilapidated state and in need of attention.³⁰ In 1320 the sheriff of Warwickshire complained that the gaol and hall where the county court sat were collapsed and in a ruinous state allegedly to the extent that prisoners could no longer be kept there nor the court sessions be held.³¹ The castle at Shrewsbury, similarly described as ‘very much out of repair’ in 1336, was ‘ruinous’ by the turn of the century and its buildings considerably neglected. Little seems to have been done to ameliorate the situation even by the mid fifteenth century.³² How accurate and reliable the surveys were may depend upon who was undertaking them and the underlying agenda. Ironically, repairs for court buildings were often allocated from royal judicial revenues. For example, amercements from the Yorkshire eyre were deployed to defray the cost of building works at York castle in 1257.³³ Chronic underfunding, combined with intermittent

²⁶ *Year Books of Edward II: The Eyre of London 14 Edward II*, ed. H. M. Cam, Selden Society, 85-6 (London, 1968-9), I., pp. xxxvi, 105.

²⁷ *Select Cases in the Court of King's Bench I*, ed. G. O. Sayles, Selden Society, 55 (London, 1936), p. lxxvii.

²⁸ B. H. Putnam, *The Place in Legal History of Sir William Shareshull* (Cambridge, 1950), p. 261.

²⁹ C. A. F. Meekings, ‘The Rutland Eyre of 1253: a Correction’, in *idem*, *Studies in Thirteenth-Century Justice and Administration* (London, 1981), p. 617.

³⁰ Colvin, *History of the King's Works*, II, p. 833.

³¹ TNA, SC 8/3/136.

³² Colvin, *History of the Kings Works*, II, p. 837.

³³ Colvin, *History of the King's Works*, II, p. 890.

royal interest, war, natural phenomena and perhaps poor quality materials and bad-workmanship, all may have served in various instances to undermine the visual spectacle of royal justice in the provinces.

In spite of the crown's supposed monopoly of justice, the desire to hold royal judicial sessions in a particular architectural setting could be compromised or thwarted by clashes of jurisdiction. For example, in 1340 royal justices tried to hold pleas in the London Guildhall (then a thirteenth-century construction 90 feet long by 50 feet wide), but were challenged by the city corporation, who maintained that the justices only had the right to sit in London at the Tower (for general eyres) or Newgate (for gaol deliveries).³⁴ When the court of king's bench attempted to hold its sessions 'in a certain hall' in the episcopal palace at Wells in 1358 (possibly the now ruined six-bay hall added by bishop Burnell in the late thirteenth century)³⁵, the justices sitting were informed by the bishop's attorney that they were infringing the franchise of the bishop.³⁶ In 1334 intimidation caused a shift of venue. The justices of king's bench apparently were compelled to hear pleas somewhere outside Lincoln because they felt too frightened to hold the proceedings inside the city itself.³⁷

Identification of judicial sessions with the Crown (through his representative, the sheriff) may have been attenuated by the fact that the castle where county sessions were held was not necessarily in royal custody or ownership.³⁸ In the 150 year period 1272-1472, for example, only York, Canterbury and Newcastle witnessed no discontinuity between castle and county. During the same period eight of the twenty-five county castles were only ever temporarily linked to the crown, while of the remaining seventeen (with the exception of the three already mentioned) all experienced a break in royal custody at some point, the split becoming permanent in the cases of Sherborne (Dorset), Carlisle (Cumberland) and Old Sarum (Wiltshire). Moreover, as a result of the inadequacy of numerous royal castles, sessions were frequently transferred to city guildhalls or other 'halls of pleas'.

It is also important to remember that justice dispensed under the auspices of the royal courts was only part of the experience of justice in the localities. At shire level the county court continued to meet monthly (usually in the 'shire house' or 'hall of pleas' in the county town, though some shires had two or three possible venues),³⁹ and, at a lower level still, there were meetings at regular intervals of the civic courts (convened in moot halls or guildhalls) and the hundredal, honorial and manorial courts (usually held in baronial great halls or in the chambers over gatehouses).⁴⁰ Courts dealing with pleas in areas of special jurisdiction, such as the royal forests and (in

³⁴ *Calendars of the Letter Books of the City of London: Letter Book F*, ed. R. R. Sharpe (London, 1904) pp. 59-60; Crook, *Records of the General Eyre*, p. 187.

³⁵ M. Thompson, *Medieval Bishop's Houses in England and Wales* (Aldershot, 1998), pp. 50-51.

³⁶ *Select Cases in the Court of King's Bench VI*, ed. G. O. Sayles, Selden Society, 82 (London, 1965), pp. 121-2.

³⁷ *Ibid.*, p. xxvi.

³⁸ J. Rikard, *The Castle Community: English and Welsh Castle Personnel, 1272-1422* (Woodbridge, 2002), pp. 7-8.

³⁹ R. C. Palmer, *The County Courts of Medieval England, 1150-1350* (Princeton, NJ, 1982), pp. 5-16, 312 (Appendix II); M. H. Mills, 'The Medieval Shire House (Domus Vicecomitis)', in *Studies Presented to Hilary Jenkinson*, ed. J. C. Davies (London, 1957), pp. 251-74.

⁴⁰ H. Jewell, *English Local Administration in the Middle Ages* (Newton Abbot, 1972), pp. 61-8; H. M. Cam, *Liberties and Communities in Medieval England* (London, Merlin Press, 1963), pp. 183-204; *Leet Jurisdiction in the City of Norwich during the Thirteenth and Fourteenth Centuries*, ed. W. S. Hudson, Selden Society, 5 (London, 1892).

Devon and Cornwall) the stanneries, were also convened.⁴¹ A number of buildings associated with this cocktail of judicial activity have survived from medieval times in varying states of preservation, enabling both an appreciation of their architectural impact and comparison with the buildings used for royal sessions.⁴²

Changes in the way justice was administered in the provinces also served to alter perceptions of it. The general eyre (though briefly revived in the late 1320s) was largely moribund as a countrywide agency from the end of the thirteenth century. While routine commissions to hold assizes were concentrated in fewer places than had been the case in the thirteenth century, a proliferation of venues for gaol deliveries and sessions of the peace occurred in most counties during the fourteenth century.⁴³ This development was not entirely to the Crown's detriment. Coinciding with a greater decentralisation of royal justice, holding judicial sessions in buildings with civic, baronial or ecclesiastical owners enabled the Crown to satisfy an increasing desire for local autonomy while also maintaining its provision of judicial sessions without incurring the same level of financial expense.

Many of the buildings in private hands in addition to having their own gaol were used for holding hundred or manorial courts, sometimes even the county court. Indeed, as a result of the devolution of routine justice certain buildings became increasingly identified with a range of court business. Some such as the castles at Pickering, Oakham and Knaresborough hosted sessions by the justices of the peace as well as hearing pleas of the royal forest. Participants could therefore find that sessions of different or overlapping jurisdictions occurred in the same building or complex of buildings with corresponding potentially conflicting perceptions of justice.⁴⁴ This was particularly the case at Lydford in Devon. [see Plate 3]

Lydford was an important fortified town and local mint in the ninth and tenth centuries and there was a Norman earth and timber castle positioned on the site soon after the conquest. This building had ceased to be occupied after the middle of the twelfth century. Moreover, by the late Middle Ages, Lydford as a town had declined considerably in population and military significance. It nevertheless formed the administrative nerve centre for the royal forest of Dartmoor and from the early thirteenth century was the jurisdictional headquarters for the stanneries of Devon. Prisoners were housed and tried in the distinctive and forbidding looking castle, which still stands today. Construction of a new castle took place around the turn of the thirteenth century (probably at the crown's instigation, though it belonged to the earldom (later the duchy) of Cornwall by the 1230s) presumably to cope with the administrative and judicial business of the region. Visually Lydford differs from orthodox castles in that there are no elaborate gateways or obvious fortifications. The main surviving building, which seems to be perched on a hill and in outward appearance is a keep of two stories. In fact, archaeological investigation has shown that the hill is man-made and hides an earlier building that was 52 feet square and possessed walls 10 feet thick. These walls formed the ground floor of the original structure, the upper level of which was demolished shortly after it was built. Two new

⁴¹ D. Crook, 'The records of forest eyres in the Public Record Office', *Journal of the Society of Archivists*, 17 (1996), pp. 183-93; C. R. Lewis, *The Stannaries* (Cambridge, MA, 1908).

⁴² Where Cromwell's roundheads or Hitler's bombs have destroyed the evidence, there are at least in some cases descriptions or drawings courtesy of wandering antiquaries.

⁴³ For examples in Yorkshire see: A Musson, 'Attitudes to Royal Justice in Fourteenth-Century Yorkshire', *Northern History*, 39 (2002), pp. 174-7.

⁴⁴ Note conversely there were centres such as Winchester and York where all manner of courts came together.

levels were added to the earlier one (at some point in the thirteenth century) with thinner walls containing narrow slit windows. Earth was then piled in a mound around the outside of the old walls of the former ground floor (and mostly inside so as to relieve pressure on the walls), giving the impression of an earlier style of castle building.⁴⁵ Lydford Castle was therefore a purpose-built courtroom and prison to a design deliberately intended to equate it in people's minds with the jurisdictional power and authority that had come to be associated with castle buildings.

To what extent then did the holding of royal judicial sessions in privately-owned venues compromise the image of royal justice? It is not possible to pursue this line in depth here, but it is possible that familiarity with the architectural design and detail caused people to identify with the owner of the building rather than the Crown. In certain judicial arenas images associated with local dignitaries and their jurisdictional networks (badges, coats of arms and other insignia) were probably more prevalent visually (operating repeatedly on the conscious and subconscious mind of participants) and more durable than royal symbols.⁴⁶ The realities of local (private) power may have been visually reinforced to the detriment of royal (public) judicial authority. Having said this, however, the resulting situation was probably more complex than a straightforward competition between centre and locality, between royal control and private jurisdiction. It could be argued that where the king was unable to utilise his own buildings and royal judicial sessions were held in premises in baronial, civic or ecclesiastical hands, the consequent royal association in fact heightened the prestige and worship of the owners and so was to the mutual advantage of all parties. The exercise of justice was thus characterised by an intermeshing of public and private interests, which was symbolically highlighted through identification with external and internal architectural features.

In conclusion, then, the legacy of medieval justice lies not just in its forms and institutions, but in its very architectural structures. Aside from the enduring examples of Westminster Hall and the Tower of London, located at the heart of the capital, there is a strong tie observable between justice and castles. Even in the Middle Ages when some castles had ceased to have a military function and had been abandoned or pulled down, as at Worcester and Bedford, judicial sessions were at least notionally rather than physically held in or at the castle. This symbolic association of castles with the administration of justice is one that has perpetuated into the twenty-first century. Crown court complexes such as those at York, Lancaster, Lincoln and (until very recently) Exeter are housed within the castle walls. The only surviving buildings of the castles at Oakham and Winchester, are their medieval great halls, which continued to be used as courts into the twentieth century. As such, these and the other buildings dotted around the English landscape are testimony to our common legal heritage and fittingly serve as landmarks of the legal past.

⁴⁵ Saunders, 'Administrative Buildings', pp. 204-8.

⁴⁶ This is also the conclusion of Watts, 'Looking for the State', pp. 264-7.