

Glossary of terms relating to crime in the early modern period

Those in italics are Latin words for particular legal terms and underlined are elsewhere in the glossary

Term	Explanation
Admiralty court	<u>Prerogative court</u> of the crown for hearing cases involving disputes between merchants, or between the crown and those engaged in overseas trade
Amercement	Fine levied by a <u>Court Leet</u> set by manorial custom or a by-law
Archdeacon's Court	Church court supervised by the Archdeacon for a sub-division of a diocese. Usually heard moral and religious cases of both clergy and laity
Assizes	Twice yearly courts usually heard in the county town by two judges sent out from London to hear serious cases, murder and other <u>felonies</u> and normally attended by all local JPs.
Assize of bread and ale	The weighing of bread and the tasting of ale by market officials in towns with the right to hold markets
Attorney	A lawyer acting often as both a solicitor and barrister in local courts
Bailiff	The chief executive officer of a local jurisdiction, e.g. a hundred or liberty or on behalf of a manorial lord or the crown
Benefit of clergy	The right exercised from the middle ages by those convicted of a crime to show they could write. Originally designed to protect the clergy but by the sixteenth century used by literate people to avoid the severest penalties of serious crimes.
Benefit of the belly	The right exercised by pregnant women to avoid a death sentence, in theory until the child was born, but could often avoid it afterwards as they were needed to care for the child.
Branding	Used as a punishment for a number of crimes. Those who successfully pleaded <u>Benefit of Clergy</u> could for the first offence avoid a death sentence by being branded on the thumb. Under Tudor legislation rogues and vagabonds might be branded on the cheek with a V.
Burglary	Originally involved house-breaking at night with intent to steal, which could carry the death sentence.
Capital Punishment	Sentence involving the death penalty, which involved hanging for common criminals, execution by axe for the nobility and some forms of treason, or hang drawing and quartering for the most serious forms.

<i>Certiorari</i>	A Latin writ sent out from a higher court following a complaint that an individual had not received justice in a lower court or cannot have an impartial trial, by which the records are called up for trial in the higher court
Chancery	A <u>prerogative court</u> that usually dealt with property matters, conflicting jurisdictions etc, but after 1660 dealt with cases formally dealt with by the Court of Wards
Charivari	Traditional parish practices involving the mocking of individuals or couples deemed in some way to have broken local custom. Used for those thought to be guilty of fornication, and for cuckolded husbands etc
Churchwardens	Mediaeval parish officials responsible for maintain the fabric of the church but Tudor legislation required them to report non-attendance at church to church and lay courts
Circuit	The route which assize judges followed in succession. There were different regional circuits normally incorporating a number of counties, the judges spending a few days in each
Clerk of the Peace	An official appointed by <u>Quarter Sessions</u> to write up the records of the court and send out the writs summoning JPs, defendants, <u>plaintiffs</u> , juries etc to attend the court
Coining	Making illegal coins in a private mint
Coin-clipping	Shaving off part of the rim of a coin to obtain silver or gold illegally
Common law	The system of law which had grown out of local custom and practice, which came to incorporate all <u>statute laws</u> , judges' decisions and case law
Common Pleas (Court of)	The court, which mainly dealt with civil (i.e. NOT criminal) cases, based in London
Consistory Court	The court of the Bishop, normally presided over by one of his officials or a substitute, which dealt with issues which crossed over the jurisdictions of the constituent archdeaconries
Constable	Yearly post occupied normally by a literate and numerate parishioner, who was either appointed by the local manorial court, the parish vestry or the local <u>JPs</u> responsible for the division of the county in which the parish lay. It was an administrative and tax-collecting post as well as having legal responsibilities. Normally two chose per parish per year.
Coroner	Crown appointed official for each county whose duty was to look into suspicious deaths, and investigate certain crimes.

Corporal punishment	For many involved whipping or flogging, but could involve branding, or having ears cut off (for libel under Charles I)
<i>Custos Rotulorum</i>	Usually a senior magistrate in the county who was the keeper of the rolls, the records of the previous <u>Quarter Sessions</u>
Depositions	Statements made and presented to the court by plaintiffs, defendants and witnesses
Embracery	the offence of influencing a jury illegally or corruptly
Exchequer (Court of)	<u>Prerogative court</u> used by the crown as a tax tribunal, usually hearing cases of unpaid tax
Felony	A serious crime usually subject to the death penalty
Gaol calendar	List of all those in the county Gaol and the offences for which they have been committed
Gaol delivery	Process by which those in Gaol are considered at <u>Quarter Sessions</u> . This may involve some being freed, others taken out for trial, while others remain in Gaol
Grand Jury	Jury of minor gentry and others from the county who decided at <u>Quarter Sessions</u> whether or not there was a case to answer
Grand Larceny	Stealing goods to the value of 1 shilling or above
Headborough	An assistant <u>constable</u> in some parishes or manors
High Commission (Court of)	The highest ecclesiastical court created by Queen Elizabeth I to enforce control over the clergy and the laity through other church courts. Used for other purposes by Archbishop Laud under Charles I and subsequently abolished as a court
High Constable	The Chief constable of the hundred, originally responsible for presenting criminal cases to a <u>Hundredal court</u> but used by the 17 th century largely as a tax collector and administrative officer
Homicide	Unlawful killing, murder, manslaughter etc.
House of Correction	Within a <u>Hundred</u> the institution where individuals suffered corporal punishment or were engaged in hard labour
Hundred	Subdivision of a county for administrative purposes. Called a rape, wapentake or riding in some counties.
Hundredal Jury	Jury drawn from inhabitants of a hundred who presented cases to <u>Quarter Sessions</u> to be heard
<i>Ignoramus</i>	The endorsement made by a <u>Grand Jury</u> upon a bill or indictment, when they considered the evidence insufficient to warrant the case going to trial

Indictment	The legal process in which a formal accusation is put to the court by a <u>Grand Jury</u> , and thus the formal legal document outlining the charge
Infanticide	The killing of infants, usually by the mother
Justice of the Peace	Magistrate appointed to the County Commission of the Peace by the monarch through the <u>Privy Council</u> on the recommendation of senior justices of the shire
King's (or Queen's) Bench	The court in the city of Westminster with criminal jurisdiction.
Leet (Court)	Manorial court dealing with breaches of manorial custom and minor criminal activity
Mainprize	The action of procuring the release of a prisoner by becoming his surety for his appearance in court. The Mainprize Calendar listed those due to appear.
<i>Maleficium</i>	Deeds supposedly related to witchcraft
Malfeasance	Wrong doing especially misconduct by public officials
Misdemeanour	Minor criminal offence
<i>Nisi prius</i>	Originally a legal writ to provide a jury, extended to mean the authority to try cases in <u>Assize Courts</u> , including civil cases
Old Bailey	Originally the Sessions House for the City of London, burnt down in 1666 and rebuilt becoming the central criminal court in from 1673
Palatinate jurisdiction	Mediaeval jurisdiction which survived in some parts of the country alongside the normal county jurisdiction
Penal Servitude	Imprisonment with hard labour
Petitions of complaint	Petitions put in by members of a community often against an individual who has offended the community in some way
Petty larceny	Stealing goods valued (by a trial jury) as worth less than a shilling
Petty Sessions	Meeting of magistrates in a division of a shire or in a borough which dealt with minor offences in between meetings of <u>Quarter Sessions</u>
Plaintiff	The person who pleads in a trial, against a defendant, whom it is claimed, has committed a crime.
Prerogative Courts	Courts that the Crown had created for specific purposes which dealt with a wide range of courses, often using rules of equity or civil law rather than <u>common law</u>

Presentment	Statement in writing by a <u>Grand Jury, Hundredal Jury, bailiff</u> or other official that a case ought to be heard at <u>Quarter, Borough or Petty Sessions</u>
Privy Council	The Crown's private council, the main executive body which could act as a court in its own right or sitting in the <u>Court of Star Chamber</u> . It appointed justices and supervised their operations.
Public penance	Punishment metered out by an ecclesiastical court as a penalty for a moral or religious offence.
Quarter Sessions	County court meeting four times a year, presided over by senior <u>JPs</u> , dealing with more serious crimes, but also a host of administrative issues
Recognizance	Legal device in the form of a document signed by magistrates binding an individual to obey a court order
Recusant	A person under Elizabethan legislation, who did not regularly attend the local Anglican parish church and was seen to break the recusancy laws. Could be either a non-conformist Protestant or a Catholic
Requests (Court of)	Court set up by the Tudors as court for the poor to seek redress from the rich and powerful
Seigniorial law	Law of the lord or seignior in charge of a manorial court
Sheriff	County official appointed annually by the crown to carry out certain duties including raising a hue and cry, supervising the county gaol and organizing county elections
Star Chamber	<u>Prerogative court</u> used by the crown for supervising the justice system and hearing major cases of riot and disorder, suborning of juries, bribing of judges etc.
Statute law	Law passed by both houses of parliament and signed by the monarch, which is used for changing any existing law and creating new laws and penalties. The ultimate law of the land.
Summary Conviction	Conviction by one or two local magistrates for minor offences
Transportation	Banishment to the colonies for serious crimes for a period of years, initially to the Caribbean and America and latterly to Australia.
Trial Jury	Jury called to serve on a specific trial at <u>Quarter Sessions</u>
True Bill	A Bill of <u>Indictment</u> found by a <u>Grand Jury</u> to be supported by the sufficient evidence to justify the hearing of a case

Unlawful games	Included card playing, dicing, shovel board etc. especially when played in an alehouse during divine service on a Sunday
Verge, (court of)	The court set up by the monarch to enforce the collection of money compounded by counties for the purveyance of goods and cartage demanded by the crown. It operated within a certain distance of the Royal residence, wherever that happened to be
Vestry	The annual meeting at Easter of the principal inhabitants of the parish including the minister and possibly a <u>JP</u> to choose the parish officials including the <u>churchwardens</u> and <u>constables</u>