

Assize of Clarendon (1166)

Diese Übersetzung findet sich in *Ernest F. Henderson, Select Historical Documents of the Middle Ages*, London 1896. Die Assize gilt als sehr früher Versuch, die Rechtssicherheit zu verbessern.

Zum lateinischen Originaltext mit einzelnen deutsch Übersetzten Abschnitten gibt es eine [Unterrichtsfassung](#) mit deutscher Übersetzung.

1. In the first place the aforesaid king Henry, by the counsel of all his barons, for the preservation of peace and the observing of justice, has decreed that an inquest shall be made throughout the separate counties, and throughout the separate hundreds, through twelve of the more lawful men of the hundred, and through four of the more lawful men of each township, upon oath that they will speak the truth: whether in their hundred or in their township there be any man who, since the lord king has been king, has been charged or published as being a robber or murderer or thief; or any one who is a harbourer of robbers or murderers or thieves. And the Justices shall make this inquest by themselves, and the sheriffs by themselves.
2. And he who shall be found through the oath of the aforesaid persons to have been charged or published as being a robber, or murderer, or thief, or a receiver of them, since the lord king has been king, shall be taken and shall go to the ordeal of water, and shall swear that he was not a robber or murderer or thief or receiver of them since the lord king has been king, to the extent of five shillings as far as he knows.
3. And if the lord of him who has been taken, or his steward or his vassals, shall, as his sureties, demand him back within three days after he has been taken, he himself, and his chattels, shall be remanded under surety until he shall have done his law.
4. And when a robber or murderer or thief, or harbourers of them, shall be taken on the aforesaid oath, if the Justices shall not be about to come quickly enough into that county where they have been taken, the sheriffs shall send word to the nearest Justice through some intelligent man, that they have taken such men; and the Justices shall send back word to the sheriffs where they wish those men to be brought before them: and the sheriffs shall bring them before the Justices. And with them they shall bring, from the hundred or township where they were taken, two lawful men to bear record on the part of the county and hundred as to why they were taken; and there, before the Justice, they shall do their law.
5. And in the case of those who shall be taken on the aforesaid oath of this Assize, no one shall have court or justice or chattels save the king himself in his own court, before his own Justices; and the lord king shall have all their chattels. But in the case of those who shall be taken otherwise than through this oath, it shall be as it ordinarily is and ought to be.
6. And the sheriffs who take them shall lead them before the Justice without other summons than they have from him. And when the robbers or murderers or thieves, or receivers of them, who shall be taken through the oath or otherwise, are given over to the sheriffs, they also shall receive them straightway without delay.
7. And, in the different counties where there are no jails, such shall be made in the burgh or in some castle of the king from the money of the king and from his woods if they be near, or from some other neighbouring woods, by view of the servants of the king; to this end, that the sheriffs may keep in them those who shall be taken by the servitors who are accustomed to do this, and through their servants.
8. The lord king wills also that all shall come to the county courts to take this oath; so that no one shall remain away, on account of any privilege that he has, or of a court or soc that he may have, from coming to take this oath.
9. And let there be no one, within his castle or without his castle, nor even in the honour of Wallingford, who shall forbid the sheriffs to enter into his court or his land to take the view of frankpledge; and let all be under pledges: and let them be sent before the sheriffs under free pledge.
10. And, in the cities or Burroughs, let no one have men or receive them in his home or his land or his soc whom he will not take in hand to present before the Justice if they be required; or let them be in frankpledge.
11. And let there be none within a city or Burroughs or castle, or without it, nor also in the honour of Wallingford, who shall forbid the sheriffs to enter into their land or soc to take those who shall have been charged or published as being robbers or murderers or thieves, or harbourers of the same, or outlawed or accused with regard to the forest, but he (the king) commands that they shall aid them (the sheriffs) to take them (the robbers, etc.).
12. And if any one shall be taken who shall be possessed of robbed or stolen goods, if he be notorious and have evil testimony from the public, and have no warrant, he shall not have law. And if he be not notorious, on account of the goods in his possession, he shall go to the water.
13. And if any one shall confess before lawful men, or in the hundred court, concerning robbery, murder, or theft, or the harbouring of those committing them, and afterwards wish to deny it, he shall not have law.
14. The lord king wishes also that those who shall be tried and shall be absolved by the law, if they be of very bad testimony and are publicly and disgracefully defamed by the testimony of many and public men, shall forswear the lands of the king, so that within eight days they shall cross the sea unless the wind detains them; and, with the first wind which they shall have afterwards, they shall cross the sea; and they shall not return any more to

England unless by the mercy of the lord king; and there, and if they return, they shall be outlawed; and if they return they shall be taken as outlaws.

15. And the lord king forbids that any waif, that is vagabond or unknown person, shall be entertained any where except in the burgh, and there he shall not be entertained more than a night, unless he become ill there, or his horse, so that he can show an evident essoin

16. And if he shall have been there more than one night, he shall be taken and held until his lord shall come to pledge him, or until he himself shall procure safe pledges; and he likewise shall be taken who shall have entertained him.

17. And if any sheriff shall send word to another sheriff that men have fled from his county into another county on account of robbery or murder or theft, or the harbouring of them, or for outlawry, or for a charge with regard to the forest of the king, he (the sheriff who is informed) shall capture them: and even if he learn it of himself or through others that such men have fled into his county, he shall take them and keep them in custody until he have safe pledges from them.

18. And all sheriffs shall cause a register to be kept of all fugitives who shall flee from their counties; and this they shall do before the county assemblies; and they shall write down and carry their names to the Justices when first they shall come to them, so that they may be sought for throughout all England, and their chattels may be taken for the service of the king

19. And the lord king wills that, from the time when the sheriffs shall receive the summonses of the itinerant Justices to appear before them with their counties, they shall assemble their counties and shall seek out all who have come anew into their counties since this assize; and they shall send them away under pledge that they will come before the Justices, or they shall keep them in custody until the Justices come to them, and then they shall bring them before the Justices.

20. The lord king forbids, moreover, that monks or canons or any religious house, receive any one of the petty people as monk or canon or brother, until they know of what testimony he is, unless he shall be sick unto death

21. The lord king forbids, moreover, that any one in all England receive in his land or his soc or the home under him any one of that sect of renegades who were excommunicated and branded at Oxford. And if any one receive them, he himself shall be at the mercy of the lord king; and the house in which they have been shall be carried without the town and burned. And each sheriff shall swear that he will observe this, and shall cause all his servitors to swear this, and the stewards of the barons, and all the knights and free tenants of the counties.

22. And the lord king wills that this assize shall be kept in his kingdom as long as it shall please him.