

## A Note on Sanctuaries.

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AS there are several interesting references to the seeking of sanctuary in Derbyshire churches in the fourteenth century Assize Roll cited in the preceding paper, it may perhaps be thought of some value to print the following note on the subject, which was, in the main, contributed by me a few years ago to a Northamptonshire work of local circulation. I am led to suggest this as the whole question of church sanctuary is, as a rule, so completely misunderstood. How few, too, of even the best educated Derbyshire men have any idea that their county town was, for a considerable period, a town of permanent refuge.

The laws of Ina, King of the West Saxons, in 693, and those of Alfred the Great in 887, make it clear that sanctuary rights were well established in England, as pertaining to all consecrated churches, to the extent of sparing the life of the offender, as early as the seventh century; whilst in the ninth century the privilege of sanctuary was granted to anyone fleeing to a church for seven days and nights, to enable the offender time to provide for his safety or to compound for the offence.

In the fourth year of William the Conqueror, the Church's right of offering sanctuary was more expressly defined. The fugitive from justice was entitled to a temporary protection, not only in any consecrated church or churchyard in the kingdom, but even in the priest's house or parsonage, if built on church lands or glebe. At the same time, the more special sanctity of certain consecrated buildings above others was shown by the gradation of fines inflicted on anyone violating the protection. If anyone laid hands on a sanctuary man in the church of a religious or conventual house, he was subject to a penalty of 100s.; whilst if the rights of a parish

church were violated, the penalty was but 20s., and only 10s. in the case of a chapel.

By the time of Henry II., laws or rules pertaining to the Church's asylum for offenders had become more strictly formulated. A person accused of felony, or in danger of such accusation, might fly to any church, and once within the church or on consecrated ground, could set any pursuer or law-officer at defiance for a period not exceeding forty days. Before the end of that time he was to send for the coroner and confess his sin. Thereupon the coroner was to administer an oath of abnegation, whereby the offender was pledged to cross the seas to some other Christian country within a given time, and to accept banishment for life. The refugee went forth from his asylum penniless, clothed in sackcloth, and carrying a cross of white wood in his hands. The coroner directed him what port he was to seek, which was originally the one of any kind nearest to the place of sanctuary; but as such a direction so often involved arriving at a port whence vessels sailed but very fitfully, it became latterly the custom to usually direct the fugitive to such well-known ports as Dover. The fugitive was not to pass more than one night at any one place on his journey to the coast, and to keep to the highway. He was passed on from constable to constable, each place where he had to tarry being bound to furnish him with a minimum of food and shelter. When in actual sanctuary, the church authorities were bound to supply him with necessary food. If anyone interfered with the fugitive on his way to the coast, it was just as grave an offence as if he had been dragged out of the consecrated place.

The coroner, in sending him forth, had to assign to him the period within which he was to reach the port. A fugitive from the centre of Yorkshire, in the fifteenth century, was given nine days wherein to reach Dover. On reaching the coast, if there was no vessel ready to sail, the banished man was to go daily into the sea up to his waist, as though essaying to pass over it. If within forty days he could not get passage,

he was then again to place himself in sanctuary in the nearest church. The port authorities had power to compel any vessel leaving their harbour to give passage to the fugitive.

These sanctuary rights were a most merciful provision to afford some protection for human life amid the ferocity and rough administration of civil justice, and the Church was entirely in the right in adhering most sternly to her prerogative. In the days when these asylum privileges were first crippled, in the sixteenth century, the number of those executed in the name of the law was appallingly large. The executions in the reign of Henry VIII. in proportion to the population were at least one hundred times as great as those in the reign of Victoria. Moreover, even sanctuary involved the most severe punishment, and only corresponded to the present-day commutation of the death penalty. The time in sanctuary was, after all, merely an imprisonment for five or six weeks, and that was followed by life-long banishment from England, and being landed penniless in a foreign land.

The question of sanctuary in connection with ordinary parish churches has never been in any way systematically investigated, but it was far more constantly used from the time of the Conqueror to Henry VIII. than is usually supposed. It is impossible for anyone to study the history of a county or particular district within that period, either from an ecclesiastical or civil standpoint, without coming across numerous instances of its occurrence. Diocesan registers generally supply examples of violation of sanctuary, and it is only fair to assume that such a sin against a peculiar and dear privilege of the Church would be of but rare occurrence in comparison with the far greater number of cases in which no such violation was attempted.

The following cases occur in the Winchester diocesan registers of that great administrator, Bishop Wykeham, the first of which affords curious proof of the sanctity of the churchyard as well as the church.

On a Sunday evening about Michaelmas, 1390, one John Bentley attended evensong at the church of Overton, a small

country village of Hampshire. He was known to be a stranger, and from his excitement it was concluded he was there for sanctuary purposes. He was asked if he was a thief or a robber, and he replied that he was neither, but had had the misfortune to kill a man. Bentley then went out into the churchyard, and whilst there was hailed by one Robert Dingle, who was standing by the open south gate. Whilst speaking to Dingle, a shoemaker of Overton suddenly pushed him from behind out of the churchyard into the highway. Bentley struggled to re-enter, but some villagers dragged him away, put him into the stocks, and afterwards took him to Winchester gaol. The case was reported to the bishop, who issued his commission to three leading ecclesiastics of the diocese to punish the offenders and compel them to replace Bentley in sanctuary. At the same time, Wykeham petitioned the King for Bentley's discharge from gaol. The outcome of this case is not recorded in the register, but judging from a somewhat similar case that occurred in the diocese four years later, the penance would be a severe one. The offenders in the latter case, which occurred at Streatham, Surrey, had to endure the following humiliating penance on three successive Sundays. They had to walk in the procession stripped to their shirts and drawers, and carrying lighted tapers. One of the clergy, clad in a surplice, following them and flagellating them with a rod, declared to the people at the same time the cause of their penance; after which, the penitents knelt in the midst of the church throughout high mass, and then repeated the Magnificat in audible voice and prayed forgiveness.

In 1377 the authorities of a parish church where sanctuary was claimed neglected to provide the fugitive with necessary food. For this grave breach of sanctuary laws, Wykeham did not hesitate to excommunicate the offenders.

In addition to the sacred asylum rights that pertained to every consecrated building and churchyard throughout the kingdom, there were certain special privileges of a more extensive character and covering a wider area; which privileges

had been obtained, or alleged to be obtained, for them by their founder. The most noteworthy of these were Beverley, Durham, Beaulieu, Westminster, and St. Martin's-le-Grand.

The minster church of St. John of Beverley claimed an extensive right of sanctuary, as accorded by Athelstan in 937. It extended a mile all round in every direction from the minster. Four great crosses marked the outside limits of the asylum grounds. Half a mile nearer to the minster were placed four other crosses, beautifully sculptured. There were six stages of increasing sanctity at this celebrated sanctuary.

Any interference with a refugee who had entered the outer zone involved the then great penalty of £8; if he had passed the second set of crosses, £16; if the entrance to the church had been gained, the last penalty was again doubled; and so on by a doubling penalty as the fugitive proceeded up the church in two more stages; and at last, when the high altar or the frith stool by its side was reached, no possible payment could redeem the offence of violation. A copy of the sanctuary register of Beverley, extending from 1478 to 1539, registers 469 cases. The sanctuary men had to take an oath on arrival to be true and faithful to the Archbishop of York, to the provost and canons of the church, and to the bailiff and twelve governors of the town, to bear no weapon, to be ready to help to suppress any strife or fire in the town, and to pay the bailiff's fee of 2s. 4d. and the clerk's fee of 4d. During the years recorded in this register, there were 469 admissions. Comprised among these were 173 guilty of murder or manslaughter, and 186 implicated in such acts; 51 felons, and 54 implicated in felonies; and 203 debtors. Among other crimes were six coining cases. Debtors were not originally among those who sought sanctuary, but the hardness of laws for the recovery of debts, and the frequency of perpetual imprisonment for debtors, gradually made such men resort in great numbers to certain special sanctuaries where they had the privilege of perpetual residence. The whole of their property was forfeited by the fact of their taking sanctuary.

At Durham was another celebrated sanctuary, but its extent was limited to the circuit of the Benedictine cathedral, and it does not appear to have possessed any privilege of the continuous residence of any of the fugitives, either debtors or otherwise. The period of sanctuary was limited to thirty-seven days. The fugitive was admitted by the north door. If he arrived in the night, he knocked at the door, where were two chambers for men who slept there to admit fugitives, and the Galilee bell was tolled to give notice that someone had "taken church." The fugitive had to declare the nature of his offence, and he was given a black gown with the yellow cross of St. Cuthbert on the left shoulder. A bed was assigned him in a chamber near the south door of the Galilee, and for thirty-seven days he was provided with food and bedding.

There is a fine old mediæval door-ring on the north door of Durham Cathedral, and this is supposed, with a certain degree of probability, to have served as the sanctuary knocker. Unfortunately, the possible use assigned to this knocker has given rise to a series of ridiculous and impossible sanctuary stories all over the country.

Almost any church door that has got a pre-Reformation closing-ring to it has perfectly baseless tales of asylum attached to it. When once an idea of this kind spreads (like the fable of "leper windows"), it seems almost impossible to eradicate it.

There is a sanctuary register extant at Durham from 1462 to 1524. In this register occur 283 cases of murder or manslaughter, or implication in such offences. Of this class of fugitive, one was a knight, four were gentlemen, three ecclesiastics, and two merchants. Of other offences, sixteen were debtors, four horse-stealers, nine cattle-stealers, and four house-breakers.

The most noteworthy sanctuary in the south of England was that pertaining to the Cistercian abbey of Beaulieu. Innocent III. granted the privilege of permanent residential sanctuary to a limited number accepted by the abbot to the whole of the original grant of land to the monks made by

King John, the bounds of which were clearly defined in the charter. The records pertaining to the suppression of the important abbey of Beaulieu throw considerable light upon its exceptional privilege of permanent sanctuary. With the suppression, the historic asylum rights of what was termed the "Great Close of Beaulieu" came to an end. On the day after the "surrender" of the house (April 3rd, 1538), the Commissioners wrote to Cromwell stating that there were thirty-two sanctuary men there for debt, felony, and murder, to whom had been assigned houses and grounds, where they lived with their wives and children. They declared that if sent to other sanctuaries they would be undone, and desired to remain there for their lives, provided no more were admitted. The Commissioners desired to know the King's pleasure. A few days later, ex-Abbot Stephens wrote to Thomas Wriothesley (afterwards Earl of Southampton), on whom the abbey had been bestowed, begging him to be a good master to the poor men privileged in the sanctuary for debt, stating that they had been very honest while he was their governor. He added that it would be no profit to the town if they were to leave, for the houses would yield no rent. At the same time, Dr. Crayford, an agent of Wriothesley's, wrote to his master asking for protection for the "miserable debtors," stating that all the inhabitants of Beaulieu outside the immediate precincts of the abbey were sanctuary men, and urging the immediate departure of the murderers and felons as "hopeless men." In the end, the debtors were allowed to tarry for their lives, under protection, at Beaulieu; and one Thomas Jeynes, who had slain a man at Christchurch, was granted a free pardon.

The collegiate church or free chapel of St. Martin-le-Grand, within the city of London but outside the pale of its jurisdiction, had sanctuary rights, also of a residential character, granted to it at an early date. This sanctuary, in the midst of a crowded population, undoubtedly gave rise to much scandal from time to time. Its story, with a plan of its exact jurisdiction, is given with some detail in Stow's *Survey of London*.

The story of the sanctuary of Westminster, which included the whole of the old jurisdiction of the abbey, embracing several narrow streets and close alleys of huddled-up houses, shows that it was not infrequently "the refuge of innocence as well as the resort of vice." Originally, those who sought refuge in this asylum had, in due course, to abjure the realm, as in other sanctuaries; but debtors at an early date took up their residence here, and were permanently protected, though any goods and chattels that they had left behind them could be seized. Eventually—certainly by the beginning of the fifteenth century, and probably earlier—this permanent protection, so long as the offenders remained within the defined asylum, was extended to a limited number of felons and takers of human life. The sanctuary men and women of Westminster were bound to wear the crossed keys of St. Peter on the left shoulder. The last person of eminence who availed himself of the shelter of this sanctuary was Skelton, the Poet-Laureate, who, as Dean Stanley says, "from under the wing of Abbot Islip poured forth against Cardinal Wolsey those furious invectives which must have doomed him to destruction but for the sanctuary, impregnable even by all the power of the Cardinal at the height of his grandeur." Here the poet remained until his death.

These Westminster privileges to some extent disappeared with the dissolution of the abbey, but the abbey was still entitled to offer asylum to twenty persons other than murderers, highwaymen, incendiaries, and the perpetrators of other serious crimes. Queen Mary, however, on her accession, restored the former immunities; but the refugees had to take an oath to observe all the rules of the place, and not to profane Sundays or holy days.

On December 6th, 1556, the restored abbot of Westminster made a procession with his convent. An eye-witness (Machyn) describes in his diary how "before him went all the sanctuary men with crosse keys upon their garments, and after whent iij for murder: one was the Lord Dacre's sone of the north, was



wrapyd with a shett about him for kyllyng of on Master West squyre dwellyng besyd . . . ; and anodur theyff that dyd long to one of Master Controller and dyd kille Richard Eggylston, the Controller's tayller, and kylled hym in the Long Acurs, the bak-syd Charyng Crosse ; and a boy that kyld a byge boye that sold papers and prynted bokes with hurlyng of a stone, and yt hym under the ere in Westminster Hall. The boy was one of the chylderyn that was at the sckill ther in the Abbey ; the boy ys a hossear sune a boy off Londonstown."

Sanctuary for debt prevailed at Westminster throughout Elizabeth's reign. All sanctuary men were then bound to attend daily mattins and evensong, and had to make a declaration of their debts on admission. In 1566 an attempt was made to abolish sanctuary for debt, but Dean Goodman was permitted to plead for Westminster before the House of Commons, and his arguments prevailed until the following reign.

In 1540 the privilege of sanctuary was much changed. By the Act of 32 Henry VIII., the right of sanctuary was abolished in all places throughout the realm, except in churches and churchyards ; but all persons guilty of murder, rape, highway robbery, burglary, arson, and sacrilege were excluded from its benefits. In addition, however, to the churches, eight towns were declared to be towns of permanent refuge—namely, Wells, Westminster, Manchester, Northampton, Norwich, York, Derby, and Launceston ; but Stafford was shortly after substituted for Manchester. The ancient custom of assigning a port and forcing the sanctuary man into exile was abandoned, mainly because of remonstrance from foreign Powers, but avowedly, according to the statute, to prevent exiled Englishmen from teaching the use of the bow to foreigners. The eight towns mentioned were to be places of permanent exile for these fugitives. There was a governor for these men in each town, who were always to wear a badge, to wear no weapon, to muster daily, and to remain in their lodging from sunset to sunrise.

This Act of Henry VIII. did not prove a success, and after several vain attempts to improve it, rights of sanctuary

were abolished in their entirety in the year 1623. It was then provided by Parliament "that no sanctuary or privilege of sanctuary shall be hereafter admitted or allowed in any case" (21 James I., cap. xxviii. 7).

Alleged sanctuary rights, however, mainly for debtors, lingered on, with a certain amount of semi-legality attached to them, in various low parts of the Metropolis and Southwark. Their claims were fettered by further legislation in the reign of William III., but they were not finally swept away until 1727.

In Scotland, religious sanctuaries were abolished at the Reformation, but the debtor could, till 1880, claim, under many restrictions, certain sanctuary privileges in the precincts of Holyrood House, under the plea of its being a royal palace.

The real history of this most interesting study yet remains to be written. Mazzinghi's *Sanctuaries* is so far the best book on the subject, but it is fragmentary and badly arranged. The following are the chief printed sources of information on this question:—

Dr. Pegge, "On the Asylum of Sanctuary" (1785), *Archæologia*, viii., 1-44.

"Sanctuary Register of St. John of Beverley" (1813), *Archæologia*, xvii., 198-200.

Halkerston's *Palace and Sanctuary of Holyrood House*, 1831.  
*Sanctuarium Dunelmense et Sanctuarium Beverlacense*,  
Surtees Society, 1834.

*Memorials of Ripon*, vol. i., 310-317.

*Sanctuary Records of Durham Abbey Registers*, Surtees Society, 1881.

*Sanctuaries*, by T. J. de Mazzinghi, F.S.A., 1887.

*Memorials of Beverley Minster: a few references*, Surtees Society, 1898.

Pike's *History of Crime*, ii., 252-5, 1876.

Stephens' *Criminal Law of England*, i., 491, 492, 1883.

Stow's *Survey of London*, bk. iii., 102-110, 1720 ("St. Martin-le-Grand").

Walcott's *Memorials of Westminster*, 80-86, 1851.

Stanley's *Historical Memorials of Westminster Abbey*, 346-353, 1882.

*Victoria County Histories—Hants.*, vol. ii., 1903 ("Beaulieu," etc., by Rev. Dr. Cox).