Justice on Circuit

How Henry II changed courts and criminal justice in England

AWH.C.10.3.A "development of English Common Law, including Henry II's consolidation of royal power, reorganization of the judicial system, and establishment of criminal justice procedures"

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline ways Henry II increased royal authority, circle changes to how courts worked, and number the steps used to investigate serious crimes. Use your marks to trace how local cases became part of a wider royal system.

From Local Courts to Common Law

1. In twelfth-century England, a stolen horse might bring its owner before a lord's court, while a dispute over a field could be heard under different local customs. Kings had courts too, but powerful lords often handled cases in their own territories. After becoming king in 1154, Henry II sought to bring more legal business under royal authority. He did not abolish local courts. Instead, he expanded ways to bring certain disputes before royal judges and increased the crown's reach into the shires, or counties. A legal problem that once stayed local could now involve officers acting for the king.

2. Henry sent royal justices on regular circuits to hear cases outside the king's central court. His government also used written orders called writs to start particular kinds of cases in royal courts. For example, a person who said someone had recently seized their land could seek a royal procedure to recover possession without waiting for a lord's court. These changes made royal justice more available and reduced the ability of local lords to control every dispute. As royal judges handled similar cases across different regions, shared rules and procedures spread. This growing body of law became known as English common law.

3. Henry also changed how serious crimes were investigated. Under the Assize of Clarendon in 1166, groups of local men swore an oath to identify people suspected of crimes such as robbery and murder. Royal justices could then examine the accused as part of a crown-directed process. These sworn men formed a jury of presentment: they made accusations, not verdicts of guilt. Guilt could still be tested by ordeal, a practice later abandoned in England after the church withdrew its support in 1215. The new procedure drew local knowledge into royal criminal justice and made the king's officers more involved in pursuing crime.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did Henry II increase royal power without abolishing local courts?

2. How did traveling justices and writs help common law develop?

3. Under the Assize of Clarendon, what did sworn local men do, and what did they not decide?

4. Compare how a land dispute and a robbery could each come under royal authority.

3 YOUR TURN

Your own words

A lord says only his court should investigate a string of cattle thefts, but a traveling royal justice has arrived. Write a four- or five-sentence report explaining how Henry II's system challenges the lord's claim and how repeated use of its procedures could help build common law.

ANSWER KEY

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HIGH SCHOOL · AWH.C.10.3.A

PART 1 · READ AND MARK

Underline ways Henry II increased royal authority, circle changes to how courts worked, and number the steps used to investigate serious crimes. Use your marks to trace how local cases became part of a wider royal system. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did Henry II increase royal power without abolishing local courts?	**He gave people more ways to bring cases before royal judges and extended the crown's reach into counties, while local courts continued to exist.**
2	How did traveling justices and writs help common law develop?	**Writs brought particular cases into royal courts, and traveling justices heard cases across regions. As they used similar rules and procedures, a shared body of law spread.**
3	Under the Assize of Clarendon, what did sworn local men do, and what did they not decide?	**They identified people suspected of serious crimes, but they did not decide whether the accused were guilty.**
4	Compare how a land dispute and a robbery could each come under royal authority.	**A person whose land had been seized could seek a royal procedure through a writ. In a robbery case, sworn local men could name a suspect for examination through a crown-directed process.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The lord's court still exists, but the crown now takes a larger role in serious crimes. Under the Assize of Clarendon, sworn local men can name people suspected of stealing the cattle. Their accusation is not a finding of guilt, so the accused must face further proceedings. A traveling royal justice can handle cases brought into the king's system. When royal officers use similar procedures in many counties, those practices help build common law across England.

Accept responses that distinguish an accusation from a guilty verdict and explain that expanded royal justice did not eliminate local courts. For the report, look for an accurate link between repeated royal procedures and the growth of common law.