

Prisoners in the Castellany of Artois in the Early Fourteenth Century

Carola M. Small*

Although more is becoming known about the prisons of medieval Europe, the details of the use and organization of French municipal prisons have not been the subject of much study. A series of accounts from the early fourteenth century in the Archives départementales du Pas-de-Calais at Arras permits the examination of some aspects of the working of the prison attached to the castle at Arras, which was used by the municipal government primarily for custodial rather than punitive purposes to detain debtors and people awaiting trial or execution. The fiscal arrangements for the prison, including the charges on prisoners and the provision made for indigent prisoners, can be used to obtain other information on such matters as normal terms of imprisonment, the composition of the prison population, prison conditions, and the fate of prisoners.

Malgré l'accroissement des recherches sur les prisons de l'Europe médiévale, on n'a guère étudié l'utilisation et l'organisation des geôles municipales françaises. Une série de rapports tirés des Archives départementales du Pas-de-Calais, à Arras, nous permettent toutefois de comprendre certains aspects du fonctionnement de la prison attenante au château d'Arras, qui servait à la détention temporaire plutôt qu'à l'expiation des peines, où les autorités municipales incarcéraient les débiteurs insolubles et les gens qui attendaient d'être jugés ou exécutés. À partir des renseignements d'ordre financier qu'on y trouve, par exemple, les frais imposés aux prisonniers et les mesures visant les détenus pauvres, on peut obtenir des indications sur la durée des séjours en prison, la composition de la population carcérale, l'état des lieux et le sort réservé aux prisonniers. Malgré certaines différences, notamment que les prisons d'Arras avaient rarement été construites spécialement pour cet usage, l'étude de cette geôle d'Arras peut notablement enrichir nos connaissances du monde carcéral dans l'ensemble des villes françaises.

* Carola M. Small is associate professor of history at the University of Alberta.

The prison attached to the castle of Arras was intended, among other things, as a source of income for the holders of the castellany. Accordingly, a series of accounts was kept by those who were responsible for its daily administration.¹ These provide information rather different from that normally available for medieval prisons.² Regulations for how prisons were supposed to be run have been analysed in some detail,³ but these financial records of Arras show the actual working of a prison. The data they supply are incomplete, sometimes irritatingly so, but they do fill out our knowledge considerably and to some extent modify the accepted view of medieval prisons. The records are particularly valuable for the early evidence they provide for municipal (as opposed to seigneurial, royal or ecclesiastical) prisons. They give some indication of the degree to which, at the municipal level, prison was used for penal, coercive or custodial purposes. They supply information on the clientele, the regime and the general organization of the prison. In addition, they throw some light on a rarely studied aspect of the government and society of a major medieval city.

1. The documents are parchment rolls in the Archives départementales du Pas-de-Calais [hereafter APC], Arras, classified as follows:

A459	Account by Jean Legier of what he has received from the Castellany of Arras	26 Jan.-26 Sept. 1327
A488	Account of the Castellany of Arras by Jean Legier	30 Sept. 1328- 22 Apr. 1329
A557	Account by Lambert Estrelin of the receipt of the castellany of Arras	22 Jan. 1336 12 Nov. 1336
A568	Account of the castellany of Arras by Mahieu le Maistre	18 March 1337- 18 May 1338
A579	Account of the castellany of Arras by Mahieu le Maistre	18 May 1338- 18 July 1339
A588	Account of the castellany of Arras by Mahieu le Maistre (The beginning is missing and the first surviving segment of the roll illegible; the first legible entry deals with Epiphany (Jan. 6) so the entries for November and December are lacking.)	Ascension 1340
A657	Account of the castellany of Arras by Mahieu le Maistre	18 July 1346- 18 Sept. 1347
A662	Account of the castellany of Arras by Mahieu le Maistre (The end is missing; the account of the receipt of the prisoners ends 4 August. No other accounts are included.)	18 Sept. 1347- 18 Nov. 1348

2. B. Guenée, *Tribunaux et gens de justice dans le bailliage de Senlis à la fin du moyen âge*, Université de Strasbourg, 144, 1963, contains information on the prisons, but little before 1370. Nicole Gonther, "Prison et prisonniers à Lyon aux XIV^e et XV^e siècles", *Mémoires de la Société pour l'histoire du droit et des institutions des anciens pays bourguignons, comtois et romands*, 39, 1983, pp. 15-30, also deals with a later period. Neither has the accounts of the prisons though their information from other sources is considerably fuller than for Arras.

3. See particularly Annik Porteau-Bitker, "L'emprisonnement dans le droit laïque du moyen âge", *Revue historique de droit français et étranger*, ser. 4, 46, pp. 211-245, 389-428.

Arras, capital of the county of Artois, with a population which at its maximum (around 1,300) reached between 20,000 and 30,000,⁴ had been the centre of the cloth trade in northern Europe in the 12th century. Although it was beginning to decline economically by the end of the 13th century, it was still important in the 14th, both as a centre of textile manufacture and as a market centre for the cloth producing towns of northern France. It had also become a major centre of money-lending and finance in the north. Under Countess Mahaut (1302-1329), further decline set in as municipal unrest, government policies and political disasters drove the economic centre of the north eastwards to Bruges and other Flemish towns.

Mahaut was succeeded by her granddaughter, Jeanne, and the latter's husband, Duke Eudes IV of Burgundy. Under Eudes, Arras further lost its pre-eminence as a capital: it remained, to be sure, the capital of Artois, but Duke Eudes was first and foremost a Burgundian and divided most of his time, and much of his administration, between Dijon and Paris, leaving a governor to act for him in Artois. It would be an over-simplification to portray Arras as a decaying city, but a decline from past glory must have been apparent to most of the citizens, and indeed provoked them to spearhead a rebellion in Artois in 1346, accompanied by accusations of treason against the duke of Burgundy, which led to the temporary confiscation of Artois by the king.⁵

The city of Arras, like most of the great cloth cities of the north, had obtained a charter giving it a great deal of freedom from the authority of the Count of Artois.⁶ The government was entrusted to a body of twelve *échevins*,⁷ chosen every fourteen months by co-optation, and a mayor, normally appointed by the count, who acted as the main executive officer of the *échevinage*. Broadly speaking, the *échevins* were responsible for justice within the city. There were exceptions: certain cases and certain individuals were reserved for jurisdiction in the count's court, and others could be claimed by church dignitaries, notably the bishop of Arras and the abbot of Saint Vaast.⁸ By and large, however, judicial matters in Arras were dealt with

4. R. Berger, "Littérature et société arrageoises au XIII^e siècle. Les chansons et dits artésiens", *Mémoires de la Commission départementale des monuments historiques du Pas-de-Calais*, Arras, 1981; Alain Derville, "Nombre d'habitants des villes de l'Artois et de la Flandre wallonne", *Revue du Nord*, 65, 1983, pp. 277-299. P. Bougard, *Histoire d'Arras*, Collection Villes du Nord, Pas-de-Calais, Lille, 1988, believes that Derville is probably closer to the mark.

5. R. Cazelles, *La société politique et la crise de la royauté sous Philippe VI de Valois*, Paris, 1958, pp. 196-201.

6. First granted in 1211 by Prince Louis of France, it was renewed by both Robert I and Robert II. See Guesnon, *Inventaire chronologique des chartes de la Ville d'Arras*, Arras, sd.

7. J. Lestoquoy, ed., *Histoire des territoires ayant formé le Département du Pas-de-Calais*, Arras, 1946, cp. 4.

8. Their rival claims could occasionally give rise to confusion and especially in the case of the abbey of Saint Vaast at Arras. See E. Van Drivel, *Cartulaire de l'Abbaye de Saint Vaast rédigé par Guimann*, Arras, 1875, *passim*.

by the *échevinage*.⁹ This provoked tensions in the late 13th century, particularly between the lesser citizens and the *échevinal* oligarchy,¹⁰ but after a major outburst in 1306, these largely died down. Most of the surviving prison records date from a time when the worst tensions between the *échevinal* class and the lesser townspeople were being replaced by mounting hostility on the part of all the citizens towards the count.

The right to imprison was an essential adjunct to the exercise of justice; from the 12th century onwards, as more and more towns acquired rights of justice over their own bourgeois and within their own territories or *banlieues*, municipal prisons appeared alongside the earlier royal and seigneurial prisons. The right to imprison did not necessarily mean, however, that towns had prisons built for the purpose: in fact, very few did so. They adopted various solutions to the problem of where to put prisoners, depending on what was available. At Boulogne, for example, prisoners of the municipality were housed in the Belfry, while the count and his representative had other prisons; one of the gates of the city was used, but the usual comital prison was the castle.¹¹ At Saint Omer, there was a prison owned by the municipality (where is not clear), but it was used only pending trials: those who had been tried were held at the “domus Lamén” in the market pending their release or transfer to a prison belonging to the Count of Artois.¹² All this seems to suggest rather makeshift arrangements in the towns of northern France, which probably explains a notoriously high rate of escape from 13th and 14th century prisons. It also suggests a fairly clear distinction between municipal prisons and those of overlords like the counts of Boulogne and Artois.

At Arras, the castle prison used by the *échevinage* was, in two ways, an exception to these norms. Firstly, although it was primarily used by the *échevins*, it was in the last resort a comital prison. Secondly, it was built for the purpose: after particularly serious municipal riots in 1306,¹³ the Countess Mahaut, in 1312, invested a considerable amount of money in building new prisons in the castle.¹⁴ Consequently, an organised regime was more possible in Arras than in most places.

9. On the *échevinage*, see P. Bougard, “L’apogée de la ville” in P. Bougard, Y.-M. Hilaire and A. Nolibois, eds., *Histoire d’Arras*, Arras, 1988.

10. See particularly the “dits” of various Arrageois poets analysed by H. Guy, *Essai sur la vie et les œuvres littéraires du trouvère Adan de le Hale*, Paris, 1898. Guy is not reliable on chronology, but is useful in working out the relationships between the comments of the poets and the political situation.

11. Remembrance of acts done by mayor and *échevins* of Boulogne. APC, A32.

12. In Saint Omer, there was a city prison, but there was also a comital prison: those condemned by the *échevins* were not to be held in the town prison after they had been sentenced, but in one belonging to the count. A. Giry, *Histoire de la Ville de Saint-Omer et de ses institutions*, Paris, 1877.

13. These were most serious in Saint Omer, but threatened to spread to Arras and elsewhere. APC, A52.

14. APC, A296, accounts of the new prisons at Arras (Toussaint 1311-Candlemas 1312).

Given the powers of the *échevins* in Arras, and the jealousy with which they normally guarded their privileges from any encroachments by the comital authority, it is somewhat surprising that there was no specific municipal prison in Arras. Perhaps one reason for this was that the castle in question was not, in the 13th century, actually held by the count, but had been granted in fief to the castellan of Arras. To deliver an *échevinal* prisoner to the castle, therefore, was not to hand him or her into the custody of the count. As well, by the 13th century, the castellan who actually did have custody had no jurisdiction. Thus the prison could be maintained for the benefit of whoever wanted to use it. This changed in the 14th century, when the prison came into the hands of the count, but by then, the precedent whereby the *échevins* used it for their own purposes had been established. Secondly, although Arras had a powerful *échevinage*, it was not wholly independent of the count, who not only appointed the mayor, but could suspend the rights of the *échevins*. Nor had the charter of Arras ever expressly granted a prison to the *échevinage*. Whatever the reason, the municipal government of Arras used the prison of the castle and was still doing so as late as the 16th century.

The family of hereditary castellans who held the fief of the castle from the Count of Artois had, until 1250, been important lords, but thereafter their status and importance had declined.¹⁵ The last of them, Baudouin X, died in 1319, leaving only two sisters to succeed him. Their inheritance was not magnificent. Baudouin had already fallen on hard times and sold most of his patrimony. On his death, what remained was divided between his sisters. Jeanne obtained the fief of the prisons and one-twentieth of the "droit de bergagne", which had originally been a right of pre-emption on bread, meat and fish, but had been converted into an ordinary rent, chargeable against the revenue of the castle. Isabelle succeeded as hereditary castellan. Of the two, Jeanne did the better. The fief of the prisons consisted of the right to one-third of every fine imposed by the *échevins* of Arras. Supposedly, this was intended to defray the expenses of the upkeep of the prisons. With the separation of the fief of the prisons from the castellany, however, it became no more than a money fief which Jeanne used to increase the already considerable income enjoyed by her husband, a member of the Courcelles family, which was among

15. Pierre Feuchère, "De l'épée à la plume. Les châtelains d'Arras", *Mémoires de la Commission départementale des monuments historiques du Pas-de-Calais*, Arras, 1948. The arrangements at the castle were somewhat complicated. The *Cour le Comte* on the bank of the River Crinchon (now filled in) was the residence of the count when he was in Arras. The tower of the castle, a little further up the hill, was the residence of the castellan. The count was responsible for the fabric of the *Cour le Comte*: repair works on it were a charge on the revenues of the comital bailli of Arras. The castellan was responsible for the rest of the castle, including repairs to its fabric. On the other hand, additions to the castle or extensive remodelling were decided and paid for by the count as overlord. Hence, in 1312-1313, the cost of adding new prisons to the castle was borne by Mahaut. For the plan of the castle, see J. Lestoquoy, *Études d'histoire urbaine. Villes et abbayes, Arras au moyen âge*, Arras, 1966, p. 123.

the wealthiest in Arras.¹⁶ Isabelle, for her part, was left with the expense of the upkeep and administration of the castle and prison with very little revenue. Most of the lands of the castellany had been sold. She and her husband were therefore dependent on the payments made for the use of the prisons, a few rents from lands, and payments for the services of their sergeants.

A net profit was realised under Isabelle in the years for which accounts survive, but it was very small. The accounts in 1327 were not very clearly set out, but the net gain from the prisons was about £10.¹⁷ The following year, it was rather more — around £50, but still, a very minor asset. It was apparently not sufficient for Isabelle and her husband. In 1333, with the careful note that they were acting “by sworn poverty to accept an honest transaction and not in order to disinherit their heir”, they sold the castellany to the Count of Artois, Duke Eudes IV of Burgundy. He apparently guaranteed to pay Isabelle a share of the revenues during her life; a share (theoretically one-twentieth) was also promised to Jeanne.¹⁸ It does not appear that Jeanne was able to retain her third of the fines.¹⁹ Latterly, she did not receive even the twentieth. By 1347, neither she nor Isabelle received anything; perhaps Jeanne was dead by then, but Isabelle did not die until 1356.²⁰

Eudes installed first one Lambert Estrelin and then, from January 1336, Mahieu le Maistre to run the castle/gaol and to keep the accounts. For this, they were paid the remarkably low wage of 8d a day (the same as that earned by the gaoler or by most unskilled workers on building sites and less than half that earned by a master mason — though their work was admittedly more regular than that of a mason and their lodging probably free). Mahieu seems to have lived in the castle, but his successors preferred to live in the “house of the castellan” nearby, and the castle became almost solely a prison. It was a little more profitable than it had been for Isabelle, but it formed an almost negligible part of Eudes’ total receipts from Artois. In 1338, the net profit

16. It would be interesting to know how much each of the two sisters actually received, but there are no figures for *échevinal* fines in 13th-century Arras. Fines were frequently as much as £60 tournois which suggests that only 3 criminals per year would have had to be heavily fined for Jeanne to get the rough equivalent of her sister’s income from the prisons.

17. APC, A459, A488. Unless otherwise stated, all sums of money in this article are in *livres, sols* and *deniers parisis*.

18. See Feuchère, p. 42. In fact, in 1338, Isabelle got one-fifth of the net receipts, but half of them in 1339 and 1340. Jeanne (or rather her husband) also got one-fifth in 1338. APC, A568. In 1339, Jeanne was paid one-twentieth only of the total profit and Eudes IV another twentieth. The remaining sum (£106 19s 11d) was divided equally between Isabelle and the duke/count (APC, A579) and this arrangement was repeated in 1340 (APC, A588).

19. In 1339, Eudes’ deputy did not account any revenue for fines “because nothing has come to the knowledge of the said Mathieu concerning any profit which might come from them” (APC, A579), but in 1340, he levied 10s on each of 26 fines and 20s on three more (APC, A588).

20. APC, A657. Eudes apparently took the entire profit that year. For Isabelle’s death, see Feuchère, p. 42.

registered by Mahieu was £51 4s 11d.²¹ In 1339, it was £37 7s 9d (though that was after Mahieu had paid £12 for fodder for the duke's horses at Christmas).²²

The series of surviving accounts is by no means complete. Two of the account rolls are from the 1320s when Isabelle was castellan, compiled by her accountant, Jean Legier, during the reign of the Countess Mahaut: one is by Lambert Estrelin for Eudes IV and the rest are accounts of Mahieu le Maistre rendered to Eudes IV. Lambert's and Mahieu's are rather more detailed than Legier's: they made an entry for each prisoner, noting when prisoners were brought in, by whom, when they were released, what they paid and how much rebate they received for their bread. Legier contented himself with noting how much was paid in any given week by those who were discharged, usually without indicating how long their stay had been. In all, the accounts provide itemised information on some 1,404 prisoners.²³

By far the largest part of the accounts deals with payments made by prisoners for their accommodation in prison. Other revenues could include fines, mostly for failure to comply with court orders (these were paid to the count rather than to the *échevins*); rents from lands taken into the hands of the sergeants of the castle, either as a form of distraint on their owners or pending their reallocation, if their owners had been condemned to forfeit them; profits from the pound where stray animals and animals seized as surety, particularly horses, were brought and housed at a price;²⁴ and payments by other authorities, usually the *échevins*, to the sergeants attached to the castle.²⁵ Expenses included payments to Isabelle and Jeanne, repair work on the castle, wages of the receiver and the gaoler at 8d a day, porter's wages at 4d a day, a living allowance to the hangman of 2d a day (but he got additional payments when he carried out executions), payments for bread for poor prisoners,

21. APC, A568.

22. APC, A579.

23. Since one account lacks an end (APC, A662) and another a beginning (APC, A588), this number is even more arbitrary than the haphazard survival of the accounts would suggest. It does, I believe, include all prisoners for whom there is any information in the accounts of the castellany. The number includes 47 poor prisoners itemised in the accounts of the *baillis* of Artois between 1302 and 1311 when responsibility for them seems to have been transferred. There is no parallel information on paying prisoners for this period, but Legier's accounts correspondingly lack itemised information on poor prisoners.

24. e.g. APC, A568, 1338, 2s received for 9 stray lambs kept two days, 1s for 5 pigs seized as part of a claim by one of the sergeants, but held only one day, and 1s for three horses, seized, at the suit of a creditor, for debt denied and held for a day. 3s was also paid to store 18 measures of grain seized for debt denied for three days, but this was unusual and even more so was 2s for "ii bouteilles a goudale" (literally two bottles — presumably casks — of beer). Entries in other accounts refer mostly to horses.

25. e.g. APC, A657. Payments to the sergeants "for their hire". Three were hired at the rate of 6s a week; the rest (six) at 1s a week. None was employed full time. The sum paid for them, £45 3s, was included in the revenues of the castle.

extraordinary expenses varying from the price of a new bucket for the well to costs for executions,²⁶ expenditures on the upkeep of the fabric of the castle, the cost of housing the count/duke's horses (for which the pound was used) and the cost of drawing up the accounts — invariably 60s for parchment and ink, regardless of the length of the account. These expenses were rather lower under Mahaut: there was no receiver to be paid and apparently no gaoler either. The wages of the hangman were paid directly by the *bailli*. Extraordinary costs were also borne by Mahaut until about 1314,²⁷ as were payments for bread for poor prisoners, and the only major charge on the castle was that of the porter; even so, Isabelle's revenues were not enough to prevent her falling into poverty sufficiently serious to force her to sell her castellany.

Sergeants could also be a charge on the castle. They were paid mostly on commission by those using them, but they sometimes received a retainer. Prisoners brought to the castle were usually arrested by one of the sergeants of the castle or, less often, of the *échevins*. In 1340, there were eight sergeants attached to the castle and, in 1346-1347, ten; they were held responsible for nearly all arrests. This must have given them considerable power, since if they declined to make or approve an arrest, the alleged malefactor could not be imprisoned. In England, "citizen arrests" were not uncommon and the chances of malicious arrest correspondingly high. In France, citizen arrests were certainly acceptable in theory,²⁸ but in practice, they were rare at Arras. Of 968 paying prisoners listed under Eudes IV, only 38 were not brought in by sergeants. Twenty-four of these were there by command of the *échevins* (presumably they turned themselves in). The remaining 14 were there for debt, perhaps brought by their creditors (one was released to his creditor and it seems possible that the creditor also brought him). Sergeants usually made the arrests, however, and the accounts under Eudes IV note meticulously who arrested which prisoner. Jean Legier was less detailed in his accounts and does not mention the sergeants; nor, usually, are they mentioned in the lists of poor prisoners in any account.

The involvement of authorised personnel in arrests probably reduced the chances of the misuse of prisons. It did also, however, put a heavy responsibility on the sergeants. Even if they were only carrying out orders of their superiors, sergeants could be held responsible for wrongful arrests, and

26. C.M. Small, "Costs of Urban Justice", *Simbolo e realtà della vita urbana nel tardo medioevo*, M. Miglio, ed. (forthcoming).

27. e.g. she spent £10 to provide new locks for the prison and a new bucket for the well in 1303 (Paris, Bibliothèque Nationale [hereafter B.N.] Collection de Flandre no. 187) and £5 5s to get the garderobes of the castle and prison cleaned in 1306, Archives du Nord, Lille, B13597.

28. Philippe de Beaumanoir, *Sire de Remi, Coûtumes du Beauvaisis*, ed. T. Salmon, I, p. 482. "It is to the common profit that each man should be serjeant and have the power to seize and arrest malefactors."

if these involved encroaching on somebody else's jurisdiction, they could be in trouble.²⁹

In 14th-century England, gaolers would sometimes refuse admission to prisoners from whom no profit could be expected. I know of no similar incidents anywhere in France. Nevertheless, French prisoners were also expected to be a source of profit. To exact payment from them was standard practice in the later middle ages. In the late 14th century, particularly at Paris, these payments were divided into various types — for entry, exit, guard, and so on.³⁰ By contrast, prisoners at Arras paid only one comprehensive fee, but the charges were high. Standard accommodation “below” cost 12d a day. This can be compared with the average wages of a labourer which were between 8d and 12d a day under Countess Mahaut.³¹ Such accommodation was apparently in cells — at least, 19th-century excavations on the site of the castle are said to have revealed a number of small cells.³² The alternative was a room upstairs which cost 5s and was known as “Belle Warde”. Occasionally, an intermediate type of accommodation seems to have been on offer at 2s a day, but this appears in only one account.³³

The duration of terms of imprisonment for paying prisoners was normally very short. Of the 1,165 paying prisoners recorded in the documents used, the length of stay for 51 is not given. Of the remaining 1,114, 884 stayed for a week or less, 426 of them for only one or two days. Only six stayed more than 100 days, the longest being for 156 (*see* Table 1). The mean length of stay was just under nine days. This seems to bear out the suggestion that the prison was not much used for punitive purposes or, if it was, those being punished were not expected to pay for their board. (Those classified as poor prisoners made no payments and tended to spend longer in prison; these will be discussed later.)

The shortness of the prison terms explains in part also why the prison was seldom overcrowded. The number of prisoners inside at any one time rarely exceeded ten. Often, there were none for several days on end. Since the dates on which each prisoner entered and left the prison are given under Eudes IV, it is possible to determine the number of paying prisoners confined on any given day. Between March 1337 and March 1338, the greatest number at any

29. For example, when sergeants acting on the orders of the comital *bailli* of Avesnes seized suspects subsequently judged to belong to the Bishop of Arras, they had to do public penance clad in shirt and pants and carrying rods in the Christmas procession at the Cathedral. APC, A18 (Arbitration between the count and the bishop of Arras, 1270).

30. Porteau-Bitker, 2, p. 418. The references are all to 1350 or later and to Paris.

31. C.M. Small, “The Builders of Artois in the Early Fourteenth century”, *French Historical Studies*, 16, 1989, pp. 386-391.

32. Feuchère, *Châtellenie*. But he gives no reference.

33. APC, A579. Some 23 prisoners opted for the 2s Belle Warde. The normal cost of Belle Warde rose later. A 16th-century document still reports a standard charge of 1s a day, but the Belle Warde by then cost 5s over and above this. Feuchère, *Pièce justificative* 18, p. 132.

one time was ten (and then never for more than two consecutive days). There were some 44 days on which there were no paying prisoners. On most days, the number ranged between one and four. In 1346, numbers rose a little — the maximum number was still ten, but except at the beginning of August, the prison was never empty of paying prisoners, and the number of days on which only one or two were present declined perceptibly. Still, even in 1346 (the year of the Artesian rebellion and also, as we shall see, a peak year for executions), the number of prisoners at Arras was by no means high. Under Mahaut, daily figures are not available, but the weekly totals suggest that numbers were even lower. In 35 weeks, in 1327, they exceeded six in one week only three times; in one week, there were no paying prisoners at all.

Table 1 Number of days spent in prison by paying prisoners

Days	Prisoners	Days	Prisoners	Days	Prisoners
1-3	587	34-36	5	76-85	3
4-6	192	36-38	3	76-85	3
7-9	117	39-41	3	86-95	2
10-12	53	31-33	5	96-105	2
13-15	46	34-36	5	106-115	0
16-18	34	36-38	3	116-125	0
19-21	13	39-41	2	126-135	1
22-25	13	42-45	5	136-145	1
25-27	11	46-55	3	146-155	1
28-30	5	56-65	4	156	1
31-33	5	66-75	1		

Source: Lists of paying and poor prisoners in the surviving accounts of the castellany (Archives du Pas-de-Calais A459, A448, A557, A568, A579, A588, A657, A662).

The remarkably small number of prisoners can be explained partly by the medieval habit of ordering suspects to hold themselves in prison at a certain place pending their trial. This was tantamount to a sort of loose house arrest. The suspects were required to provide pledges and sometimes guarantors for their appearance at court in a system not unlike the modern one of bail. One roll recording 16 such bails has survived for 1308.³⁴ For instance, William du Val was ordered “to render his body in prison at the castle when summoned by the *bailli*” on pain of £200 paris. Jehan de Manin and three companions were ordered to “hold prison in the vicinity of the castle” and not to leave without permission from the *bailli* on pain of forfeiting all they possessed. Apparently, these people may not even have been registered for the day in prison. The royal ordinances in France forbade granting of bail to those suspected of serious crimes including murder, arson and rape, though the restriction was not always observed. The same is probably true of Arras;

34. APC, A934. Parchment roll headed “These are the bails arranged at the castle of Madame d’Artois at Arras”. Sixteen men specifically agreed to “rendre son corps en prison” on a given day or within a specified time of being summoned, on pain of forfeiture or banishment. Most, though not all, produced sureties.

certainly where the offences of those bailed in 1308 are mentioned, they are relatively minor — threats, verbal abuse, carrying arms, beating up an acquaintance. In Arras too, however, those accused of more serious crimes could be bailed if they were well enough born.³⁵ Most prisoners in the castle at Arras, then, were those who did not qualify for bail: those suspected of serious crimes or too humble to be freed pending their trials.

Of the various sections of the accounts relating to the prisons, one of the most interesting concerns poor prisoners. Lambert and Mahieu entered not only the names of the prisoners and the length of their imprisonment, but their ultimate fates. In all, their surviving accounts mention 194 such individuals (though this number does not include the poor prisoners for 1347-1348 for which the end of the account roll has been lost). Legier's records are less complete — they record only the money spent on the bread of the prisons without itemising the prisoners. The sums spent on this were so remarkably high that suspicions of cheating arise. In addition, a few lists of poor prisoners survive from the accounts of the *baillis* of Artois when their nourishment was still a charity.

If prisoners were classified as poor, they were assumed to be unable to pay for their keep.³⁶ The cost of their bread was made a charge on the revenues of the county or the castellany. Although it was fairly widespread in France, this charity to poor prisoners was by no means universal: in 14th-century England, indigent prisoners could starve to death if their friends would or could not supply money for their upkeep.³⁷ Regulations specifying that prisoners must receive at least minimal nourishment suggest that this inhumanity was less common in France, but they are mostly from the late 14th century or later.³⁸ The evidence from Arras, however, shows that there, at least, prisoners were supplied with bread from the mid-13th century. The provision by Mahaut and her father (Count Robert II) for poor prisoners in the castle was originally recorded as a form of private charity by the *bailli*;³⁹ latterly, however, it became in effect an official arrangement organized through the castellans, who simply used part of their revenue to supply the indigent with a daily allowance. This change was made in the latter part of Mahaut's reign (between 1312 and 1326).

35. Archives nationales, JJ69. Confirmation by Philip VI in 1335 of a judgement given in the castellany of Arras. It concerns the acquittal of the lord of Rossignol and his sons on a charge of murdering a squire: pending their acquittal, the *bailli* "assigned them to prison and enjoined them to stay there".

36. "Poor prisoners" appear in various penal regulations of the middle ages. (See Porteau-Bitker, 2, p. 403.) The "poverty line" is never indicated, but this was probably because it was never explicitly set.

37. Pugh, cp. 15, especially pp. 315-319.

38. Porteau-Bitker, 2, p. 416.

39. e.g. APC, A200. "For the bread which Madame gives to several poor prisoners whose names are on the back of this roll". (A188) "This is the bread which the count grants to the poor prisoners", etc. The count also paid for bread for poor prisoners in Hesdin in 1285 and in Bapaume in 1286. B.N., Collection de Flandre, no. 187.

It was also perhaps then that a practice developed of giving the paying prisoners a rebate on their payments to cover the cost of bread. This meant, in effect, that the prison administrator had an obligation to provide bread free of charge to all prisoners. The allowance was 1d a day throughout the reign of Eudes IV. Previously, there is no specific reference to this rebate, but given the rather large total sums recorded as having been spent on bread under Mahaut, it probably already existed and may perhaps sometimes have been slightly higher.⁴⁰ Arras was probably not unique in 14th-century France in providing bread free of charge,⁴¹ but most of the regulations assumed that those prisoners who could do so and who were not being held penally (the punishment tended to include a diet of bread and water) would supplement the prison bread or substitute for it at their own cost. This must also have been possible in Arras. The prisoners in the Belle Warde, at least, must have provided their own food, for they received no allowance for bread.

The practice of making the bread allowance for those below in the form of a rebate was not merely a complicated method of reducing the payment to 11d a day; this is made clear by the fact that the number of *deniers* rebated and the number of days a prisoner was said to have been in prison do not always coincide. The administrator was usually fairly niggardly in his rebates. Days were counted inclusively, so that people brought to prison on one day and released the next paid for two days' accommodation. Usually, however, they received a rebate for only one day's bread, though this was not invariable: perhaps it depended on what time of day they were brought in.

After she took over responsibility for their allowance, the castellan or her scribe did not record the exact numbers of poor prisoners; earlier, however, when they were paid for directly by Mahaut, the *bailli* of Arras, from the revenues of whose *bailliage* their bread was paid, both their names and the number of days they spent in prison were sometimes recorded. They were not numerous: the most in any one term was 15, the norm about four⁴² (see Table 2). Forty-seven are mentioned in all, but the numbers are not given in two of the extant accounts, though the payments are. The castellan's accounts are even less informative, but they do include a record of the amount of money spent on bread every week. From this, it is possible to form a rough estimate of the number of poor prisoners; however, since only the lump sum spent on bread each week is recorded, allowance has to be made for sums spent on feeding paying prisoners and these are also recorded rather imprecisely. It appears that, in 1327, the number of poor prisoners rose somewhat, but not

40. Poor prisoners received an allowance of 2d or even 3d for bread between 1300 and 1307 and it seems probable that their allowance rose again to at least 2d in 1328. That for paying prisoners would presumably have matched it. The reason in both cases was a rise in the cost of bread caused mainly by a devaluation of the coinage.

41. Porteau-Bitker, p. 416.

42. There were three accounting terms in Artois at Toussaint (All Saints, i.e. 1 November), Candlemas (2 February), and Ascension (April or May).

dramatically. Under Eudes, the system of recording changed again. Numbers of poor prisoners are given only for the whole period covered by the account roll (normally about a year). They indicate that, overall, the number of poor prisoners tended to be rather smaller than previously (*see* Table 3).

Table 2 Poor prisoners in the early part of Mahaut's reign

Date	Prisoners	Days	Payment	Rate	Sum	Ref
1304 A*	1	74	12s 4d	2d		
	1	24	4s	2d		
	1	50	8s 4d	2d		
	1	45	7s 6d	2d	38s 11d	A200
1305 A	1	21	3s 6d	2d		
	1	114	17s 8d	2d		
1306 A	2	21	4s 4dea.	2d	30s 8d	A206
					28s 10d	AdN
1306 T**	1	104	17s 4d	2d		
	1	52	8s 6d	2d	25s 10d	AdN
1307 C***	1	93		2/3d		
	1	71		2/3d		
	1	33		3d		
	1	16		3d	44s 7d	AdN
1308 C	10	93	7s 10dea.	1d		
	1	23	1s 11d	1d		
	1	13	1s 1d	1d		
	1	83	6s 11d	1d		
1309 C	1	28	2s 4d	1d	90s 7d	A259
	1	70	5s 10d	1d		
	2	3	3dea.	1d		
	1	112	9s 4d	1d		
	1	40	3s 4d	1d		
	1	28	2s 4d	1d		
	1	87	7s 3d	1d		
	1	53	4s 5d	1d	33s 17s 8d	AdN AdN
1309 A						
1310 A	3	109	9s 1dea.	1d		
	4	77	6s 5dea.	1d		
	1	72	6s	1d		
	1	49	4s 1d	1d		
	1	63	5s 3d	1d		
	1	41			68s 4d	BL
1310 T				42s 4d	BL	
1311 C				10s 4d	A289	
1311 T				30s 1d	A294	

* Ascension
 ** Toussaint
 *** Candlemas

Source: The references in the Ref column are to the Archives du Pas-de-Calais, except for AdN which refers to the Archives du Nord (Lille) B13597 and BL which refers to British Library Additional Charters 12835.

Table 3 Proportions of indigent to paying prisoners under Eudes IV

	Prisoners charged upkeep	Poor prisoners	Poor prisoners as percentage of total
1336	162	14	8
1338	143	42	23
1339	182	51	22
1340	91	34	29
1346/7	230	53	18
1347/8	99		
Total	907	194	18

Source: Lists of paying and poor prisoners in the surviving accounts of the castellany (Archives du Pas-de-Calais A459, A448, A557, A568, A579, A588, A657, A662).

On the whole, poor prisoners stayed in prison longer than the others. Under Mahaut, the *baillis*' accounts at the beginning of the reign indicate a maximum term of 114 days and a minimum of three, but the mean is high — just over 65. The accounts of the castellany under Mahaut are too vague to permit any calculation of lengths of stay. Under Eudes, only 38 stayed for a week or less, while 44 were in for more than 100 days, three of them so long that they lasted from one recording period to the next. Of the remaining 112, over half were in prison for more than a month (*see* Table 4). The mean stay was 79 days (but this would obviously be higher if we knew how long the one prisoner who was still imprisoned at the end of the last accounting period was held). This is clearly a great contrast to the time spent in prison by the paying prisoners. Why this should have been is not immediately obvious. In some cases, it was presumably because prisoners were held pending the payment of a fine, which the poor could not pay. Certainly, at least 13 poor prisoners are described as having been summoned by the *échevins* to pay £60. It seems likely that others were being held as a punishment since the imposition of a fine had been deemed impracticable. There are certainly parallels for this elsewhere in France when criminals sentenced to a fine were given the alternative of imprisonment. One such case, in the Parlement in 1308,⁴³ implied that six months in prison was the equivalent of a fine of £100 *tournois* (£80 *parisis*), but usually the equivalences were left vague.⁴⁴

Other poor prisoners in Arras were held for considerable periods before being executed. This seems strange unless perhaps the execution was delayed pending the possible payment of a fine.⁴⁵

43. Olim III, no. lxxxiii, p. 334.

44. Porteau-Bitker, pp. 402-404.

45. Of 18 poor prisoners whose ultimate fate was execution, one was held 158 days, one 92, one 84, one 61, one 48, one 23, two 22, one 9, one 7, one 4, one 6, four 3, one 1 and one was executed the same day. Those put in the pillory might also have to wait (58, 54, 22 and 2 days are recorded).

Table 4
Number of days spent in prison
by poor prisoners under Eudes IV

Days	Prisoners	Days	Prisoners
1-7	34	105-111	3
8-14	12	113-119	0
15-21	14	120-149	8
22-28	21	150-170	4
29-35	17	180-209	4
36-42	8	210-239	0
43-49	8	240-269	6
50-56	7	270-299	2
57-63	6	300-329	5
64-72	5	330-359	1
73-77	1	360-389	2
78-84	6	426	1
85-91	2	715	1
92-98	6	938	1
99-105	4	1095	1

Source: Lists of paying and poor prisoners in the surviving accounts of the castellany (Archives du Pas-de-Calais A459, A448, A557, A568, A579, A588, A657, A662).

Crime, or suspicion of crime, was not the only reason for confining people in prison. Some were there for debt, either recognised or denied. A greater number admitted their debt. The procedure with regard to recovery of debts is not very clearly documented for Artois, but it apparently bore some similarity to what was done across the channel in England. There, if a man admitted his debt before the appropriate court, a day would be assigned to him, normally one week (the eighth day) from when he made the recognisance, on which day he was to make payment or at least arrangements for payment by installment.⁴⁶ There is no evidence that such debtors were kept in prison in England pending the day of payment, but in Artois, this seems to have been common practice. Debtors would be assigned to prison for a maximum of eight days, whereupon they must be released. Generally, in fact, their stay was much shorter. Of 39 prisoners detained for debt in Belle Warde, 18 were in for only one day and another five for two. Only four were there for the full eight days. Of some 148 detained below stairs, 26 were kept only for one day and another 23 overnight. Thirty-three stayed for the full eight days (*see* Table 5). Presumably, those who came out early did so by making full payment immediately. The others would perforce have to come to an arrangement on the eighth day. What happened if they then reneged on their obligations is not

46. e.g. *Borough Customs*, Mary Bateson, ed., *Publications of the Selden Society*, 18, 1904, p. 186. Custom for Preston. "If a burgess implead another burgess of a debt which he owes and the debt be acknowledged, the reeve shall order that he gage the debt to the plaintiff and he shall gage it; and then the reeve shall order that he restore the debt within eight days on pain of forfeiture." *See* Customs of Salford, Bristol, etc.

clear. Presumably, like their English counterparts, they faced a fine or distraint on their property, and only in the last resort further imprisonment.⁴⁷ This further coercive imprisonment, if recourse was had to it, must have been on the orders of the *échevins*; since the vast majority of prisoners in the castellany of Arras were there on the orders of the *échevins*, but with no indication given as to the reasons for such orders, it is not possible to differentiate them from other more criminal prisoners.

Table 5 Time spent by debtors in prison under Eudes IV

Days	Belle Warde		Below		%*
	Debtors	Days	Debtors	Days	
8	4	8	35	10	
7	2	7	6	25	
		6	2	—	
5	2	5	1	66	
4	1	4	4	33	
3	3	3	12	20	
2	5	2	23	18	
1	18	1	26	40	
		not given	36		
Total	35		145		

* Percentage of all prisoners in Belle Warde.

Source: Lists of paying and poor prisoners in the surviving accounts of the castellany (Archives du Pas-de-Calais A459, A448, A557, A568, A579, A588, A657, A662).

Imprisonment for debt could be costly. Debtors in Belle Warde usually paid the normal fee for the prison, but were expected in addition to pay a flat sum of 8s to the castellan. Thus the normal payment for one day in Belle Warde was 13s, for two 18s and so on.⁴⁸ For prisoners below, the charges were less severe. Under Mahaut, debtors were charged a flat rate of 8s regardless of the length of their stay or their need for bread.⁴⁹ Under Eudes, the standard charge was rather differently applied. Again, all those confined below for acknow-

47. In England, a defaulting debtor could be imprisoned until he paid. The author of *Fleta* remarks that "if the aforesaid debtor does not keep the day of payment, his body shall be seized immediately at the complaint of the creditor...." He was permitted the management of his own property for three months, after which, if he had still not paid, the creditor would take it over. The creditor would then be obliged to supply maintenance to the debtor in prison until he had recovered his debt in full and the prisoner could be freed. *Publications of the Selden Society*, 72, G. Richardson and G.D. Scales, eds., London, 1959, II, cp. 64.

48. "Se aucun est emprisonnez pour debte cognues pardevant les eschevins d'Arras il doit audit chastellain VIII solz pour une fois et ne peut estre tenu en prison que sept jours et sept nuis", Feuchère, Pièce justificative 18 (16th century).

49. The records for 1326-1327 and 1328-1329 do not normally give the number of days which a prisoner spent in prison. It seems unlikely, however, that all those confined for recognised debt stayed the same length of time. Nevertheless, of the 34 so confined, all but one paid the same sum of 8s. The one exception had 7d rebated for his bread so he presumably did stay in for 8 days.

ledged debt were charged 8s regardless of their length of stay (which, however, still could not exceed eight days), but from this standard charge the cost of their bread at 1d a day was deducted. They, therefore, ended up paying 7s and a variable number of pence. There were occasional exceptions to this rule. Fourteen paid 8s without deductions, but this may have been because they did not spend long enough in gaol to need bread. In one instance, the fee for prison was added to the 8s and in four cases the 8s charge was dropped, though the fee for prison was not. These anomalies are rare, however, and can probably be explained either by errors in the handling of the prisoners or, perhaps more likely, in the recording, which was of high standard, but not perfect.

Those in gaol for debt which they denied could apparently stay in prison indefinitely. It was unusual, however, for them to do so. One prisoner, Jehan Vaillant, is recorded in 1338 as having been confined for 96 days for debt denied; apart from his case, the longest stay was 15 days, and, of a total of 136 prisoners for debt denied, only eight were held for longer than ten days. Forty-nine were held for only one day, and another 29 were in only overnight (*see* Table 6). These short periods of confinement imply that prison was not being used coercively for prisoners who denied their debts. More probably, they were held pending a court hearing. Some presumably paid their debts and went free. It seems probable that, unlike acknowledged debtors, those who denied their debts could at this time change their minds without penalty. Later, acknowledgement of a debt originally denied would automatically bring with it the fine for acknowledged debt of 8s, but this does not appear to have been the case in the 14th century.⁵⁰ There is, at all events, no record of such an arrangement.

Table 6 Length of stay of prisoners who denied their debt*

Belle Warde		Below	
Days	Prisoners	Days	Prisoners
		96	1
20+	2	26	1
		10-15	7
5-8**	4	5-8	10
1-4	29	1-4	77

* One man paid 19s in 1327 for 'both above and below', but the length of his stay is not calculable.

** Includes one man who stayed 5 nights in Belle Warde and then 3 below and one who stayed 2 nights in Belle Warde and 3 below.

Source: Lists of paying and poor prisoners in the surviving accounts of the castellany (Archives du Pas-de-Calais A459, A448, A557, A568, A579, A588, A657, A662).

50. There are two instances in which men said to be in prison for debt denied were apparently charged 8s above their prison dues, but they are so rare that it is most likely that the copyist made an error.

Unlike prisoners who recognised their debts, most of those confined for debt denied were not expected to pay anything above the normal daily charge. In later times, they would have to pay an additional lump sum of 3s to the castellan, and some trace of the development of this custom can perhaps be seen in a tendency under Eudes to charge an extra shilling to prisoners who were in Belle Warde for debt denied, so that, instead of the standard 5s for one day, several paid 6s, or 11s for two days. This charge does not seem, to have been levied at this time on prisoners confined below for debt denied, however, nor was it systematically levied on those above stairs.

The various additional charges to debtors were obviously made to discourage people from falling into debt. This was probably thought necessary because the actual costs of debt collection tended to fall on the creditor. The accounts of the *baillis* of Artois all include monies paid to the *baillis* for debt collection at a rate of usually 20 percent of the debt. This seems normally to have been deducted from the sum repaid — in other words, the creditor was the loser.⁵¹ In such circumstances, it does not seem unreasonable that some additional money should have been levied from defaulting debtors who could still afford to pay for the Belle Warde. Probably, it was used to defray the costs of the sergeant responsible for the arrest which would not, in this case, have been covered by the *échevins*, leaving the *bailli* a clear profit.

Although the numbers of prisoners confined for debt were by no means insignificant, the vast majority of prisoners were sent to the castle at the command of the the *échevins*. Most were presumably criminals or suspected criminals either awaiting trial or awaiting the execution of their sentences. Unfortunately, the records are usually very reticent about the reasons for their confinement. A man and his wife were held on suspicion of plotting, another man was held pending banishment, another for wrongfully detaining a horse. Among the poor prisoners were some accused or convicted of larceny (three, for example, were hanged as “*coupeurs de bourse*”) or perjury. Such notices are rare, however. They are proportionately rather less rare for the poor prisoners, but even so, only in a minority of cases is a reason for imprisonment given. Such information as we have suggests that most were in gaol because they were supposed to pay fines.

The fate of the prisoners is similarly obscure. Most paying prisoners presumably stood trial and went their ways or “made their peace”: in other words, paid an agreed sum of money to hear no more of the crime. Some were transferred to the count’s court, some were banished, and some were released on surety. In most cases, however, all we know is that they ceased to be in prison. The records concerning the poor prisoners are more informative. Many of these were simply freed, presumably because they too had “made their peace” or stood trial and been otherwise dealt with. Sometimes, however, the

51. C.M. Small, “Profits of justice in early fourteenth-century Artois: the ‘exploits’ of the *baillis*”, *Journal of Medieval History*, 16, 1990, pp. 151-164.

authority responsible for freeing them is named, and this probably implies that they were freed sooner than they would have been in the normal course of events. The *échevins* were never named as agents for freeing prisoners. The right to pardon was (and is) distinct from the right to condemn and it was never to my knowledge granted in town charters: certainly, it was not a right possessed by the municipality of Arras.⁵²

The agent mentioned oftener than any other as freeing prisoners was the *bailli* of Arras, who seems to have had some discretionary power in this matter. Others were freed by command of the governor of Artois and some by the duke/count himself and even the king. The duke released four, the king fourteen: four at his Joyous Entry in 1338 and ten in 1346. Acts of grace when the king made a "joyous entry" into a town were normal practice. The entry was supposedly the first time that a new king entered a town, in practice, the first time that he did so with formal ceremony. It could be long delayed — as indeed Philip VI's entry to Arras was, for Philip succeeded in 1328 — but it was intended primarily as a public relations exercise. It is, incidentally, interesting that freeing prisoners was regarded as a popular thing to do.

The liberations in 1346 occurred when Philip took the government of Artois into his own hands, after the inhabitants had accused Eudes of extortion and treachery.⁵³ There may have been some question, therefore, as to the justice of certain arrests. It seems likely that the king thought it would be the simplest policy to clear the prison of all prisoners who could reasonably be freed: if it was supposed to enhance his popularity to free prisoners in 1338, it could be expected to have the same effect in 1346.

Reasons for liberation are as haphazardly recorded as the agents by whom it was effected. Still, we are told that some 33 of those freed got their liberty because they were poor. It was in nobody's interests to keep poor prisoners too long in gaol at the expense of the castellany and thus, ultimately, of the duke/count. Nevertheless, the length of time which it took the authorities to free the prisoners varied considerably. One man released as too poor was in prison for only one day, whereas one pauper stayed for 192 days; another, freed by the governor and the *bailli* jointly, was in prison for 300 days. On the whole, those actually described as paupers tended to stay for reasonably long periods. Only eight of the 33 so described stayed in prison for less than three weeks: seemingly, it tended to take time to establish indigence and doubtless there was a perception that, like the "poor prisoners", those who could not pay their dues should endure penal terms of imprisonment.

52. The count's right to pardon those whom the municipality had condemned was sometimes resented: Robert II specifically promised not to remit punishments of banishment imposed by the *échevins* of Arras without their consent. (Guesnon, p. 42, no. xliii.)

53. Eudes had made himself extremely powerful, but also unpopular at court and the Artesian complaint was used as an excuse to reduce his power. See Cazelles, *Société politique*, pp. 196-201.

Similarly, it took time to arrange the release of those who actually ran out of money while in prison. Jehan Bridoul, for example, seems to have paid for about 100 days; he was released on account of his poverty after 140. Aderon Foukete paid for 30 days in prison and was released after a further 20. On the other hand, Ysabel du Hot seems to have served her full term of 22 days, but she was allowed to pay only 11s “because she was poor”. Poor prisoners who were freed by the governor tended to stay the longest terms in prison: perhaps they were prisoners whom the *bailli* did not wish to release on his own authority. On the other hand, prisoners freed by the *bailli* who are *not* specifically described as poor tended to be released fairly quickly — often in less than a week, and rarely later than eight weeks.

One way to get out of prison was to join the army. The *bailli* recruited seven poor prisoners in 1339 and one or two in other years. It would be interesting to know what restrictions there were on allowing prisoners to enlist. Certainly not all of them did so, though some were obviously ready enough — one took advantage of the offer after only one day. However, a few remained prisoners despite recruitment drives.

The number of prisoners released as clergy was not insignificant and included 13 poor prisoners. The number of paying prisoners who proved their clergy cannot be estimated, but there were certainly some. Whether these subsequently had to defend themselves in courts of the church authorities is not recorded.

In most medieval prisons, escapes were a serious problem for the authorities. The records of Arras, however, imply that escape from the castle was rare. Since escapees obviously did not settle up for their board when they left the prison, they would not therefore feature directly in the accounts of paying prisoners. They would presumably have received food while still in gaol, so their allowance ought to have been a charge against the castellany while they were confined, but there is no indication of such people, nor is any poor prisoner recorded as having escaped. Among those on bail, at least two “broke prison”, as they could do with no great difficulty, but there is no sign that escapes were a major problem for the castellan of Arras or his deputy. This conclusion is to some extent borne out by the other surviving accounts of the bailliage of Arras. One of the *bailli*'s tasks was to deal with escaped prisoners. In the reign of Mahaut, for which the records of the *bailliage* are rather fuller than for that of Eudes, he did so only once or twice,⁵⁴ and then probably for bail breakers rather than for actual escapees. The apparently small number of escapes was evidently another benefit of Mahaut's new prison in 1312. She presumably took some pains to ensure that they were reasonably secure.⁵⁵

54. C.M. Small, “Profits of justice”, p. 160.

55. Before the rebuilding, escapes had been a greater problem. In 1285, the castellan was brought to trial for having permitted a large number of the people of Arras imprisoned for riot to escape. APC, A901.

Although most poor prisoners were freed, some suffered worse fates. Of the 195 in our records, only two actually died in prison and, since none of the paying prisoners apparently did so, it seems reasonable to conclude that death in prison was fairly rare. This was partly policy: physical abuse of prisoners was frowned upon in 14th-century France and the *échevinage* of Boulogne was in bad trouble when a man died from ill treatment in the Belfry there.⁵⁶ Nevertheless, death from prison conditions was a hazard in many 14th-century prisons. That it was not a problem in Arras was doubtless primarily because those interned were there only briefly, but the the new purpose-built prison of 1312 may also have played its part. It was probably more sanitary — for instance, Mahaut included latrines for the prisoners in her requirements — and, being more secure, it eliminated the need for irons or other additional restraints. Three or four prisoners were charged extra for irons (“pour lui ferrer”), but such entries are very few and irons also appear only rarely among the expenses of the castellan. In most medieval prisons, the use of irons was common and could clearly have serious long-term effects on the well-being of prisoners — one man in the *bailliage* of Bapaume received a life pension of 2d a day from the count because he “lost his feet” in prison. The prison at Bapaume was not purpose-built, however.⁵⁷ Irons were apparently regarded as unnecessary for security in Arras.

If death in prison was rare in 14th-century Arras, execution was less so. Eighteen poor prisoners were ultimately executed under Eudes and some of the paying prisoners also ended up on the scaffold — probably rather more than those actually mentioned in the records. The number executed under Mahaut is not shown in the records of the castellany, but there are references to executions in Arras in some of the accounts of the *baillis* under Mahaut, particularly from the beginning of the reign. The highest number referred to in any one term is 13 (in 1302).⁵⁸ There were 10 the next year⁵⁹ and the numbers thereafter dwindle (one in 1305, three in 1306,⁶⁰ four in 1307,⁶¹ one in 1310,⁶² two in 1312,⁶³ and sometimes none as in 1308 and 1309). They are small enough to show, however, that the death sentence was not used lightly in Arras even under Mahaut. (After 1312, executions are mentioned only exceptionally — they seem to have ceased to be part of the regular duties of

56. APC, A32, 1285-1286. Mémoire. The episode was one of a number of reasons cited to justify the revocation of the charter of Boulogne and destruction of the Belfry. For 14th-century regulations against mistreatment of prisoners, see Porteau-Bitker, 1, p. 412.

57. B.N., Collection de Flandre, no. 187. Compte du *bailli* d'Artois, 1285.

58. APC, A188, Account of the *bailli* of Arras for Candlemas, 1302. Accounts were presented three times a year, at Candlemas, Ascension, and Toussaint.

59. APC, A200, Account of the *bailli* of Arras for Toussaint.

60. Archives du Nord, B13597. Account of the *bailli* of Artois for Toussaint, 1306.

61. *Ibid.*, Account for Candlemas 1307 and APC, A223. Account of the *bailli* of Arras for Ascension, 1307.

62. British Library. Additional Charters 12835. Account of the *bailli* of Arras for Toussaint, 1310.

63. APC, A294. Account of the *bailli* of Arras for Toussaint, 1312.

the *bailliage*. Presumably, they were transferred to the responsibility of the castellan — who certainly accounted for a new hangman's rope and scaffold⁶⁴ — but none are recorded in the surviving accounts of 1327 and 1328.) Under Eudes, the death penalty was apparently used even less (22 executions in the records for the 19 years of the whole reign as opposed to 23 in two years under Mahaut and 34 in her first 10 years), but the records are probably less reliable; whereas the *baillis*' accounts before 1312 deal with all executions, including those ordered by the count's court for people who may never have been held in the prison of the castle, only the executions of incarcerated persons (and not necessarily all of them) are mentioned in the castellans' accounts, and the *baillis*' accounts under Eudes mention them not at all.

Most executions were probably for theft of one sort or another.⁶⁵ Under Mahaut, executions (by boiling) for forgery were not uncommon. Arson, murder and rape also carried the death penalty, but the Arrageois records rarely report them, though they occur in other Artesian jurisdictions.⁶⁶

Of the 22 prisoners said to have been executed under Eudes, 10 were apparently killed on the king's orders in 1346-1347: Philip VI seems to have been determined to clear the castle in one way or another, but the royal takeover was preceded by violent unrest which presumably filled it fuller than usual.

Prisoners were also held pending flogging, mutilation or confinement in the pillory, but again, we know only of the fate of poor prisoners. On the whole, such a fate was not common — four of the 195 were put in the pillory, three of them in 1338. One was flogged and one lost an ear. These punishments were not reserved to the lower classes of society, but were more common among them: the relatively small number of paupers who underwent them suggests that they were generally not much used.

Banishment was imposed on 22 poor prisoners. A large number of these were banished when the county was in the king's hand in 1346-1347. Was this another means of emptying the gaol? Given that one man had been almost a year in prison before he was banished, it may well have been; there seems little sense in holding a man for a long period in prison before banishing him. Others were held for much shorter periods — nine days or less — and were presumably sentenced to banishment from the start. Banishment was a

64. APC, A488.

65. In Calais, thefts of over two sols carried the death penalty. B.N., Collection Moreau, 395. Inventaire des Archives des anciens comptes d'Artois par M. Godefroy, fol 211. All the executions recorded in the *bailli*'s accounts under Mahaut were for theft or forgery except one for murder.

66. The reasons for executions did not interest any of the clerks who kept the prison accounts. Other records, however, do give some idea of reasons for executions. See in particular the remarkable list of arrests and executions made in connection with a territorial dispute between the counts of Artois and Saint Pol. B.N., Collection Moreau, 395. Inventaire de Godefroy, fol 335.

preferred alternative to prison in many cases, in Artois as elsewhere. It was ultimately a somewhat anti-social way of dealing with criminals, but it was cheap by comparison with either prison or public execution. Banished persons were usually given a brief time in which to get out of the county, and the sanctions against their returning were usually enough to deter them from doing so.

Finally, in each account, several persons are listed as still prisoner. Most of these stayed for long periods in prison. Since they tend to overlap from one accounting period to the next and the accounts are not consecutive, they are difficult to track, but a few appear in several accounts. The longest inhabitant of the prison was Pierre Gregoire, who appears as a poor prisoner in every account analysed, but he seems to be unique. (He also appears to be regarded as a fixture by the accountant, who refers to him usually simply as Grigoires and in the later accounts seems to assume his presence.) Why he was there is never explained: perhaps he was regarded as mad but dangerous. Madness could be grounds for liberty — at least one prisoner was released “because he was not in his right mind” — but this compassion perhaps had limits.

Since the prisoners are all listed by name, it is possible to make some estimate of how many were repeat offenders. Given the lack of interest in orthography shown by 14th-century scribes, this can only be approximate — how similar must names be to justify treating them as belonging to the same person?⁶⁷ Still, for the majority of the prison population, there is little risk of confusion, and an analysis of the list of names of those incarcerated shows that relatively few were imprisoned more than once. Among the paying prisoners only 50 were certainly re-imprisoned, and a further 12 may have been. It seems obvious therefore that, on the whole, it was unusual for the same man to be confined repeatedly. Moreover, of the 50 fairly certain cases, 14 were imprisoned twice in the same year, but appear in no other records, and seven of these were re-confined within two weeks of being liberated, four of them apparently as a group. It seems likely that, in their case, the second imprisonment was linked to the first. Only 12 were imprisoned three times or more and, of these, seven again had two of their terms in the same year. As with long term prisoners, repeated terms of imprisonment were the exception at Arras.

That this should have been so in the case of criminals is not perhaps surprising. Medieval justice showed little patience with crime and repeat offenders were likely to incur banishment or worse. That there were not more repeated debtors is more unexpected. Of the 50 to 60 paying prisoners who were re-imprisoned at some stage, only six were certainly imprisoned more than once as debtors and three others were perhaps repeat debtors. Another 15 were said on one occasion to be in for debt and on another were said to have

67. For example, while it can reasonably be assumed that Andrieu Poulrier, Andrieu Poullier and Andrieu Paulier were all the same person, it is less certain that Hanot Bridoul and Jehan Bridoul were one.

been confined at the orders of the *échevins*. That the *échevins* could be involved in ordering imprisonment for debt is obvious — one record actually says that an individual was confined “for recognised debt on the orders of the *échevins*” — but usually debtors were recorded as such. The implication, then, is that the people of Arras did not, by and large, fall into serious debt twice.

Prisoners who had already been in prison knew what to expect and the suggestion of the records is that they did not care for it. Eleven of those imprisoned twice were imprisoned below the first time and elected to pay for Belle Warde the next; three of them, during their terms or in subsequent ones, found that they could not afford it and returned below, but it seems that experience showed that Belle Warde was worth paying for, if a prisoner could afford it.⁶⁸

Terms for repeat prisoners did not differ significantly from other terms. The longest was 146 days for Acillet, who was then freed as too poor to pay his account. (It was his second confinement of the year.) The majority were of one to three days.

The records make no distinction between men and women except grammatically. The latter were in a definite minority among the prisoners. Of the 1,359 prisoners recorded in the accounts of the castellany, however, some 6 percent were female, the proportion being slightly higher among the indigent (see Table 7).

Table 7 Percentage of female prisoners*

	Males	Females	Percentage of female prisoners
Paying	1,099	66	6.2
Indigent	217	24	11.1
Total	1,316	88	6.5

* This includes the 47 poor prisoners of the early part of Mahaut's reign for whom there is no comparative group of paying prisoners, but it also includes the 197 paying prisoners from the accounts drawn up for Isabelle when the poor prisoners were not itemised.

Source: Lists of paying and poor prisoners in the surviving accounts of the castellany (Archives du Pas-de-Calais A459, A448, A557, A568, A579, A588, A657, A662).

Of the poor women, seven were banished, two suffered the pillory, two were executed (one of them explicitly as a thief) and one was flogged. Another nine were freed, and the fate of one is unknown. The proportion of women

68. Among the twelve less certain repeat offenders, the pattern would be similar.

who actually underwent some form of punishment (over 50%) is about the same as for the whole body of poor prisoners.⁶⁹ Similarly, differences in the forms of punishment are too slight to be significant.

The fate of the women who paid for their imprisonment is not, of course, usually given. One was noted as having been banished, but she need not have been the only one. Nine were confined for debt which they denied, but only one for recognised debt. None of these was held for more than four days. Still their appearance is sufficient to show that women took their chances alongside men in the financial world of Arras.

Most women came in, like the men, on the orders of the *échevins*. Some were perhaps rounded up because they were not respectable — “la Dame des Fesses” must surely have had something of a reputation and “Maraine ki mort la fille du Mannoyet” obviously already had a bad name. For most, however, there is little hint of a woman’s station in life or the reason for her arrest. Some were brought in with male members of their families: six with their husbands, two with their fathers and one with her lover. It seems likely that these were suspected of being accomplices in a crime, but their relatively small numbers do not suggest that such a suspicion was common, much less automatic.

In addition to these, some ten other women who are designated merely as “Wife of so-and-so” were clearly brought in because of their connection with their husbands. Since the husbands were not themselves imprisoned, they are unlikely to have been in prison for collusion — were they perhaps confined in place of their husbands or were they brought in on the husband’s orders? The one described as “mechante femme d’un soieur” was probably among the latter: she was clearly not regarded as an innocent hostage, but her misdoing was evidently connected with her husband. Two are also described merely as daughter. Most were imprisoned in their own names, however, and presumably were held responsible for their own actions.

Women naturally chose to be confined in Belle Warde if they could afford it. Nineteen could, though two had to move below later. It does not seem that quarters even in the upper chamber were necessarily segregated. On one

69. The figures are as follows:

	Men	Women
Executions	17	2
Banishments	15	7
Pillory	2	2
Flogging	—	1
Mutilation	1	0
Freed	82	9
Recruited	10	—
Other	35	—
Unknown	11	1

occasion Jehan Dizier and Jehan Dourin were confined with their wives, a valet and a serving maid and made a special payment for extra sergeants to guard the women, but this is the only occasion on which there is any mention of such a payment; normally the women apparently at least shared the same guards as the men. The individuals in question were clearly of a higher social status than most prisoners, however. As for prisoners below, if cells were indeed used, segregation may have been practised but there is no evidence either way. There was already a royal ordinance in 1312 ordering segregation; since later customaries and other general references also uphold it, it is likely to have been the practice in Artois.⁷⁰

The question of the social status of the prisoners generally is an interesting one. Guenée argues that, in the middle ages, everyone was likely to spend some time in prison, and the various prisons of the Vermandois certainly saw a wide variety of social types consigned to them in the 15th century.⁷¹ This, however, was somewhat less true of 14th-century Arras. The prison of the castellany did, it is true, house a wide spectrum of prisoners from rich to poor, but the latter greatly dominated. Nobles were not apparently confined in the castle, being almost invariably held in open prison on parole or bail instead. The upper bourgeoisie were also held only rarely. Still, among the latter are recorded representatives of the foremost families in Arras, the Huquedieu and the Crespin.⁷² A Favereel, a Cosset, a Courcelles and a Fastoul are also recorded, but these may have been mere hangers-on of the great *échevinal* and financial houses: it was not unknown for household members and would-be clients to adopt the names of actual or potential patrons. Pierrot Crespin, however, is specifically mentioned as being the son of "Monsieur Sauwale Crespin", then one of the main financiers of the city, and Jehan Huquedieu is similarly mentioned as being the son of the scarcely less important Pierre Huquedieu. Surprisingly, neither of these prisoners was held in Belle Warde. On the other hand, those named Fastoul all paid for Belle Warde, as did Jakemart de Courcelles and Jehan Cosset.

Apart from these members of eminent families, five prisoners were designated Master, apparently without irony. There was one "demoiselle" (confined in Belle Warde) and the mayor of Dainville was imprisoned for about a week for debt — he began in Belle Warde, but transferred below. In all, the number of prisoners of good social status was not large (less than 2% of the whole).

A good many of the prisoners were small tradesmen. Surnames, by the 14th century, are not a reliable indication of the occupation of any given individual: Jean le Boulenger is not necessarily a baker nor Robert le Barbier

70. Porteau-Bitker, 2, p. 413.

71. Guenée, *Tribunaux et gens de justice*, p. 291.

72. J. Lestoquoy, *Les dynasties bourgeoises d'Arras du XI^e au XV^e siècle*, Arras, *Mémoires de la Commission départementale des monuments historiques du Pas-de-Calais*, 1945.

a barber. Such names are not even an entirely reliable indication of social status, though they are not usual among the *échevins*.⁷³ In a minority of cases, however, the occupation of a prisoner is given in the records along with his name. The butcher, the baker, the candlestick maker (*caudrellier*) all appear and with them many others. Tailors seem to have been particularly liable to go to prison. Brewers and *tondeurs* (croppers of cloth) seem also to have had a fairly high chance of being imprisoned. Sergeants, normally responsible for making arrests, could find themselves being arrested. Lower down the social scale, personal servants are frequently mentioned, often identified only by their master's (or mistress's) names. On one occasion, the "prévôt des ribaus", presumably an associate of Arras's "roi des ribaus" and drawn from the lowest ranks of society, appears among the prisoners, despite the licence which such people normally enjoyed.⁷⁴

Foreigners figure remarkably seldom among the prisoners, with the exception of Flemings, who appear in virtually all the accounts, though in small numbers. About twenty are mentioned as either Flemings or from places in Flanders. Genoese are also recorded, perhaps merchants or more likely their servants who were in Arras to trade cloth. (Seven are recorded, but six of these were "poor prisoners".)

Conclusion

In many respects, the accounts of the prison at Arras show it functioning similarly to other prisons, but there were salient differences. In the royal prison of the Châtelet, where noble and wealthy prisoners were expected, various social gradations were observed in the prison system: the better people's social status, the more they had to pay and the better they were accommodated.⁷⁵ In the municipal prison of Arras, little attention was paid to status — at least as far as the accountant was concerned. There were only two types of accommodation, and the right to these was established solely on the basis of cash. Payments were the same for everyone and the surcharge for Belle Warde was equally standardised. Neither birth nor gender seems normally to have been grounds for discrimination at Arras. Equally, only one form of food is envisaged — bread. Probably, this was true of all municipal gaols — the regulations for the Châtelet which give the impression of careful social

73. See M. Gysseling and P. Bougard, *L'onomastique Calaisienne à la fin du 13^e siècle*, *Anthroponymica uitgegeven door het institut voor naamkunde te Leuven* 13 (Louvain/Brussels 1963).

74. Occupations specifically mentioned are: baker, brewer, butcher, candlestick-maker, carpenter, carter, cropper of cloth, fruiterer, messenger, rent collector (censier) sawyer, sergeant, skinner, smith, tailor, tanner, weaver. Other trades possibly represented include barber, cooper, clothmaker, falconer, hangman, hatter, measurer, potter, quarryman, rope-maker, saddler, scribe.

75. *Porteau-Bitker*, 2, pp. 416-420. The main ordinance regulating social differences in the Châtelet dates only from the 15th century, but one as early as 1382 laid down that "if there is a gentleman prisoner in the said Châtelet, he must have double portion". Debtors had a right to better food at Cambrai, but the customary indicating this is late-16th century.

stratification of the prison population are perhaps valid for all major prisons which served a large cross section of the population, but the example of Arras suggests that, in the smaller municipal gaols, there was neither a wide cross-section of social categories nor a great variety in methods of treating them.

The likelihood of spending much time in prison at Arras was not great. The tendency was to keep prison sentences to a minimum and repeated terms of imprisonment for the same individual were also surprisingly rare. Consequently, the prison rarely contained many prisoners at a given time and the use of the prison was not sufficient to bring more than a meagre profit to its possessor. Paradoxically, the only people likely to spend long in prison (and even then their terms were of months, not years) were the poor, whose presence brought loss rather than gain to the authorities.

By the 14th century, there were three possible uses of prison, for penal, coercive and custodial purposes. Legal theorists still tended to insist that it should be used only for the last,⁷⁶ but there is ample evidence that it was often used as a punishment;⁷⁷ as well, the legal coercion of debtors by imprisoning them, best documented in England, was practised also in France. In Arras, penal prison terms were comparatively rare. The poor were probably incarcerated as an alternative to paying a fine, but this was the only time when prison seems to have been used as a punishment. Prison was used coercively very little if at all, even for debtors; even for safe custody, it was not usually used for long periods.

Some characteristics of its prison were peculiar to Arras. Its position under Eudes as a municipal prison held by the count and run by his officers was anomalous. The fact that it was a new building specifically intended as a prison was in itself unusual and probably resulted in more efficient organisation, slightly better conditions for the prisoners and fewer escapes. In overall approach to the purpose, use and organisation of a prison, however, Arras was probably not out of line. Its prison accounts are important evidence of how municipal prisons of the middle ages actually functioned.

76. Prison had always been used punitively by the church. Its use in secular offences had come under debate by the 13th century. Bracton (followed by *Fleta*) denied that prison should be used penally (Book I, cp. 26 quoted in G. Richardson and R. Sayles, eds., *Publications of the Selden Society*, 72, 1953, p. 66). "It is permissible for the sheriff to keep in prison all those who are attachable until they are bailed.....not, however, as a punishment but for safeguarding." cf. The Archbishop of Lyon in 1305 cited by Gonthier, "Prison et prisonniers", "A prison was instituted by the law to guard, not to punish".

77. Porteu-Bitker, 2, pp. 389-410. She cites some theorists who supported the idea of penal imprisonment, of whom Beaumanoir writing in the 1270s was the earliest (*Coûtumes du Beauvaisis*, 823).