

# ENFORCING LAW AND ORDER (Catching criminals) IN THE SAXON AND MEDIEVAL ERA, c. 500 - 1500

## *Communal and family responsibility in Saxon and medieval times*

The idea of policing in Saxon and medieval Britain was very different to the system that has developed today. Three key points were:

- The Saxon and medieval system of policing was based on **community action** where individuals were expected to aid their neighbours and protect their villages from crime. In effect, the people were the police themselves
- Society in this period was **hierarchical**. Medieval kings relied on their nobles to keep order and they had great control over the peasants in the villages and towns
- Another organisation that held great power was the church. Bishops and other senior churchmen had the power to hold their own **church courts** which dealt with religious issues such as non-payment of tithes and blasphemy

## *Communal methods of combatting crime*

People in the Saxon and early medieval periods used a system of **tithings**. This system had several features:

- Groups of ten families were entrusted with policing minor problems such as disturbances, fire, wild animals and other threats
- Their leader was called a 'tithingman' and he was expected to raise the **hue and cry** to assemble his followers when the community was threatened and pursue suspected offenders
- Ten tithings were grouped into a **hundred** and the 'hundredman' dealt with more serious breaches of the law in the community

England was divided up into **shires** or counties during most of the medieval period. The main person responsible for keeping order at shire level was the **shire reeve** (*sheriff*), a royal official who was responsible for public order in his area and had the authority to raise a **posse comitatus** to capture criminals that had escaped the tithing.

After the Norman Conquest of 1066, the system of enforcing law and order remained quite similar. The system suited most medieval communities where most people knew their neighbours very well, but there was some gradual change. The roles of officials remained similar although their names changed and more and more power came to be given to these people.

Changing features included:

- In 1326, **Justices of the Peace** were first appointed to assist the sheriffs in controlling the shires. They were gradually to take over the duties of the sheriffs and also held courts of law. JPs were usually local landowners who commanded respect through their position. These held trials and hearings in **manorial and royal courts**.
- **Parish constables** gradually replaced the hundredmen from around the thirteenth century and assisted the justices of the peace. The constable had to maintain law and order in communities and report to JPs on the state of roads and on public houses. Just as in Saxon times, if a hue and cry was raised by the constable, everyone had to join in. Usually a local person of some standing, **the parish constable was appointed for around five years**. The person appointed faced a heavy fine if he refused to serve as a constable. As the job was unpaid and often time-consuming and unpleasant, the person appointed constable could pay someone to do the job for him and this meant that, in some places, almost permanent 'professionals' were used to enforce law and order.

- In the thirteenth century, a watch system was developed to protect property in larger towns and cities. **Watchmen** patrolled at night and helped protect against robberies, disturbances and fire, reporting directly to the parish constable.

By 1500 this system of policing was pretty consistent all over England and was also introduced into Wales after the Acts of Union of the mid sixteenth century.

## **SUMMARY OF POLICING IN THE SAXON AND MEDIEVAL PERIOD**

- Policing in Saxon and medieval times was based on community responsibility
- This idea lasted throughout the period as it suited the kinds of societies that existed in England and Wales – small, rural and familiar
- Royal officials such as justices of the peace also played a major role in enforcing law and order
- As the period developed, additional officials were established to ensure that the law was obeyed in communities. These constables and watchmen were not always effective but were an important part of the system

## CATCHING CRIMINALS AND ENFORING THE LAW IN THE EARLY MODERN ERA

The sixteenth century was characterised by religious changes and economic pressures but the system of law and order stayed basically the same.

### *The growth of civic and parish responsibilities*

People in this period still tended to live in rural communities or small towns so **the late medieval policing system** of justice of the peace, constable and the occasional watchman **carried on**. However, by the end of this time frame, the system of policing was coming under increasing strain especially in large urban centres like London.

### *The role and effectiveness of JPs and other parish officers*

All counties and shires in England and Wales still had a system of maintaining law and order headed by **justices of the peace** (JPs). These were also sometimes known as **magistrates**. While their main role was to keep order and administer justice if laws were broken, the JP had a **crucial role in policing**.

- The JP was responsible for overseeing and organising the local parish constables and watchmen and ensuring that they carried out their roles effectively.
- The JP had to monitor and control beggars and vagrants and administer the new Poor Laws after 1601
- The JP had to enforce government and local government orders and punish those who disobeyed

The Justices of the Peace are those in whom the Queen puts special trust for the repressing of robbers, thieves and vagabonds and of dealing with conspiracies, riots and violence. Each JP has the authority to commit any persons who so disturb the peace to the prison. These JPs meet four times each year to hear about all the misdemeanours.

Sir Thomas Smith, a Privy Councillor to Queen Elizabeth, in his book *De Republica Anglorum*, 1565

During the Tudor period in particular, the workload of the JP grew considerably. However, there is evidence that, on the whole and given the limited resources at their disposal, **they were effective in maintaining law and order at a local level**. Many JPs served their communities for many years and, as they were appointed each year, their position depended on them being effective.

To help them carry out their policing duties in particular, the JPs had still lesser officials such as **parish constables** and **watchmen** to assist them. Both offices had existed for many centuries and both were important in enforcing law and order. The **parish constables** were appointed by the JPs from local tradesmen or farmers living in the area. **This shows that the idea of community policing was still strong**.

Parish constables held their unpaid post for one year and were expected to do this job as well as their day job. As in medieval times, some wealthy individuals were prepared to pay others to take on the role for them, but others fulfilled their role quite effectively. The duties of the constable were varied, but as far as policing goes, **their main role was to keep order in the area** and to catch and arrest those who broke the law. The constable could call on the people of the area to give him assistance at any time people were duty-bound to help. This is another example of **continuity**, using the same principle that existed in medieval times.

The **watchman** was another role that had existed for centuries, back to the reign of Edward I in the 1280s. Since then, all larger towns had to be patrolled at night by a number of watchmen who had the power to challenge strangers and arrest criminals. These were not paid, but all men in the town were expected to carry out this duty on a **voluntary basis**. There was no uniform, but most carried a bell, a lantern and a weapon for protection. It is impossible to judge how effective watchmen were but they may have deterred potential trouble-makers and provided some reassurance for people of the town.



By the mid seventeenth century, the city of London was growing so quickly that the old medieval method of using unpaid local people to enforce law and order was not as effective. In 1663, Charles II passed an Act which created a force of paid watchmen to patrol the streets of the growing city. These became known as **Charleys**. The pay was very low and the job was often taken by those that were incapable of finding work elsewhere. The Charleys often became objects of ridicule and pity but the role is significant due to the fact that they were really **the first law officers that were paid by public money**.

By the end of this period, the system of law and order in England and Wales was little different to that which had existed in medieval times. It was still based on Justices of the Peace, parish constables and some watchmen, but underpinning it all was the continuing idea that the people of towns and villages were responsible for maintaining law and order in their own areas.

## **SUMMARY OF POLICING IN TUDOR AND STUART TIMES**

- Policing in this period continued to be based on community responsibility
- This idea lasted as it still suited the kinds of societies that existed in England and Wales
- The roles of the JP, the constable and the watchman remained very important and their workload increased as the period progressed
- In the larger cities, the system of law enforcement began to be pressurised and there were early experiments with paid officials