

A Sheriffs' 1300 year Odyssey

You are a most remarkable group of people - the oldest part of our national civil administration by several hundreds of years.

Thirteen hundred and twenty six years ago in 694, King Ine of Wessex issued 76 Laws, number 8 of which mentioned a "*scirmen - a man of standing within the shire before whom freemen could seek justice.*"

So impressed was King Alfred the Great two hundred years later by these Laws of Ine that he included them with his own and the Office of Shire Reeve became part of the administration of this country. A copy is tucked into the back of Alfred's copy of the Anglo Saxon Chronicle and can be seen today in the Library of Corpus Christi in Cambridge. The entry was found by a former High Sheriff of that county and she arranged for me to see it. As Alfred had issued 44 laws of his own, the mention of a "*scirmen*" appears as number 52.

The Shire Reeve frequently sat alone in the Shire court, when the other members, the Ealdorman and the local bishop, were otherwise occupied. He dispensed justice, supervised the local Hundred courts, collected the taxes and goods due from the royal estates, maintained the bridges of the remaining Roman roads, and when necessary would raise the Fryd or local levy of armed men.

But in the 930s King Aethelstan, in my view, abused the office by requiring the Reeve to seek out each year a destitute man and provide him with food and clothing and to set free a man reduced to penal slavery - not out of the kindness of his heart but simply to seek forgiveness of his sins and thus ease his path through the Pearly Gates into Heaven - and a failure to follow these instructions on behalf of the King would result in the Shire Reeve being fined thirty shillings!

William the Conqueror was impressed by the speed with which the Shire Reeves had raised support for King Harold on his march from London to York to defeat the invading Danes led by his own half brother at Stamford Bridge and then in less than three weeks marched south where the local shire levies helped to provide the shield wall in defence of the Golden Dragoon of Wessex on Senlac Hill.

Even though they had fought against his Norman troops, William retained in office, such Shire Reeves as survived the battle; clearly impressed by their allegiance to the Office of Kingship - not a status he had enjoyed as a mere Duke of Normandy.

By the middle of the next century, the Shire Reeve now commonly known as "sheriff" had become an essential officer of the Exchequer at Westminster under the eagle eye of Richard, bishop of Winchester and the

first Remembrancer who sat beside the Chancellor, to “*to put the King in remembrance of all things owing to the King*”.

The sheriffs made their returns for the monies due from their shires and were anxious to obtain their *Quietus* or ‘discharge’ under the Great Seal of Exchequer. No wonder the Sheriff in the picture on page 4 of your Guide is engaged in a heated argument with the Bench. Behind him at the top of the sketch is a scribe who is inspecting a quill pen he has cut with his penknife and below him on the table covered by the chequered cloth, is the white leather bag containing the twin matrixes of the Great Seal of Exchequer.

The Great Seal will be on the Bench before the Remembrancer at the Nomination Ceremony but she is more comfortable with a modern form of communication than a quill pen but she is still served by her “*Writer to the Queen’s Remembrancer*” who uses such a pen to inscribe the Warrants for the Sheriffs of the City of London and the Oath of Office of the Lord Mayor.

But the powers of the medieval sheriffs have in recent times been called in aid to solve modern day problems.

Hence when for example people sought to leave the country in a hurry as a result of some wrong doing which was not technically a crime, it was to the sheriffs through the High Court that litigants sought the issue of the Writ “*Non exeat regnum*” relying on the ancient requirement that permission to leave the country needed to be obtained from the King through the Sheriffs.

There were also a spate of incidents where protestors sought to stop some activity such as the building of a bye pass by chaining themselves to trees or indeed building complete tree villages in the clouds.

The police felt powerless to intervene in what were civil disputes but the High Sheriff’s Officers were able to call in aid the “*posse comitatus*” and require all males over the age of 15 to come to the support of the Sheriff to enforce compliance with the orders of the High Court. Male Police officers clearly met this age requirement. I imagine women police officers could object serving as part of the “*Posse*” not being “*males over the age of 15*”! Indeed so effective were these remedies provided by the ancient powers of the Sheriff that modern legislation had to be passed to adopt the old to support the new.

One curious feature of these remedies was that when the “*posse comitatus*” was resorted to remove protestors outside St Pauls Cathedral, the Sheriff was the Gold Commander with the Chief Constable acting in the lesser role as the Silver Commander but had the enforcement provoked a criminal act the roles would have been immediately reversed. No such violence occurred and the Sheriff through his officers remained in charge throughout.

The protestors had sat outside the Cathedral for 147 days whilst prolonged litigation had been conducted by the lawyers. The Sheriff Officers cleared the site peacefully in less than 145 minutes - even helping the protestors to pack up their tents.

When enforcement was reformed earlier this century, it was those same officers who provided the core of the new High Court Enforcement Service and the Queen's Remembrancer was appointed to supervise them and they in turn were answerable to her for their conduct. A nice survival of the respective historical roles of the red High Sheriffs and the Remembrancer.

Following the sealing of the Great Charter by King John on 19th June 1215 at Runnymede, the task of proclaiming its terms throughout the country was given to the Sheriffs who sought copies from the King's Writing Office in the Temple and by the end of July they had read the Charter to all in their Shires. Quite an achievement for those days. I believe that just four of these copies have survived - such a pity.

It was the Great Charter that gave Sheriffs the task of ensuring the return to Parliament of two knights of the Shire which ancient duty is recognised by your entitlement to announce Parliamentary results in appropriate constituencies. I hope that at the appropriate time all of you will exercise this ancient right and duty.

When Henry II sent his justices throughout the country, it was the Sheriff of each Shire who surrendered his jurisdiction for the time being to the King's Justices of Assize by handing him a bundle of outstanding writs for the judge to try. Today the High Sheriff is frequently invited to sittings of High Court Justices in his Shrievalty in recognition of his former responsibilities. And many of you return this hospitality which is very much appreciated. There is a very good and enjoyable account of the old Assize system in the novel "*Tragedy at Law*" by Cyril Hare republished in paper back recently by Faber and Faber. Apart from being a good read, it accurately recalls the functions of the High Sheriff in the good old days - those before 1970! The Judges who formerly went the six Circuits, notionally brought back to London from the Summer Assizes, the nominations of the local Sheriff in order of preference and placed them before the Privy Council.

The Georgian monarchs in particular took a keen interest in these nominations. Meeting in private, the King might object to a name as "*being only a farmer*", "*being a rigid Presbyterian*", or merely "*being in Trade*" or alter the order of nomination.

The newly 'pricked' Sheriffs would have had little or no warning that they had been put on the list in the first place nor of the King's choice until they were told of their appointment and hasty applications had to be made if they needed to avoid a very expensive appointment.

Those seeking to avoid the Office might plead “*being Master of Foxhounds and needing to hunt four times a week*”, “*of small estate and having a large family*” or “*of insufficient income to entertain the judges in the manner to which they were accustomed*”. Clearly the judiciary of old had more demanding expectations as regards entertainment than today.

So when the Remembrancer at the Nomination Ceremony pauses in reading the Names and the Clerk to the Privy Council steps up and hands the Lord Chief Justice a piece of paper, it is a request for a Name to come off the list and the Remembrancer then if the Lord Chief agrees to the request and I have never known him not to do so, will ask for “*Two new Names*”.

A financial crash can give the Clerk much exercise.

At the Nomination Ceremony the names, titles and decorations must be read in full, twice - once for the existing list and once for next year’s list. Might I say from twelve years of reading those names, the English do have some strange ways of pronouncing their names which for me posed considerable problems being a dialectic Remembrancer. My copy of the List was filled with innumerable sketched hints on the correct or preferred pronunciation of your names.

I once estimated that the List contained no less than a thousand individual names. My record was 34 minutes one year. This did not include the year when I missed out Clwyd! I had to turn back two pages and no one seemed to have noticed.

Bristolians will notice that their ancient County and City is indeed listed under “C” and not “B”! I have no idea why.

At the end of the Ceremony the High Sheriff for Greater London within whose bailiwick the Law Courts lies - just, thanks the Lord Chief. When the Law Courts were built in the 19th century, part of the site lay within the City of London so they had to move the boundary to ensure that the business of the High Court could continue to be dispatched “*at Westminster*”.

Sometime ago, the counties of Worcester and Hereford were served by the same sheriff and the list of names were read out twice for each county: first for Herefordshire and then later the same names for Worcestershire.

One year *Lt General Sir John Paul Foley, KCB, OBE, MC* joined the list and this distinguished and gallant soldier had his name, titles and decorations duly read out four times each year by me.

Then just as he was due to become Sheriff, the Queen appointed him Governor of Guernsey and he pleaded with me to remain on the list. I

agreed but placed him in third place for the duration of his time in Guernsey. There he remained for five years until at the end of his term of Office, he started to climb the list again. In 2006 his patience was rewarded and he rightly took up his office as High Sheriff of the two counties. He holds the record for having his full names, titles and decorations read out by me some 40 times.

The composition of the Bench - it is not technically a Court - is equally curious as it consists of:

Two High Court judges who notionally have collected from the Sheriffs their Nominations - not that they do so these days.

A member of the Court of Appeal who being a Privy Councillor represents that august body but will not be invited to the "*pricking ceremony*" the following year.

And one of the Great Officers of State - but herein lies a problem.

Traditionally the Chancellor of Exchequer presided as this is fictionally the Court of Exchequer acting through the Privy Council but the Chancellor has not attended in recent years hence the notes contain the instruction - "*In the absence of the Chancellor of Exchequer, the Lord Chief Justice will preside*".

A curious note as in fact Court 4 at the Royal Courts of Justice where the Ceremony is held, is the Lord Chief Justice's Court and he hardly needs permission to preside in his own court! However I have often wondered what might happen if the Chancellor, duly robed, arrived unannounced at the door of the Court. Just imagine the panic as the ushers sought to find him a chair!

The Proceedings can be a little tiring for a judge who has had a very busy morning list. On one occasion the Lord Chief Justice fell asleep and I had to call twice for "*One New Name*" - somewhat more loudly on the second occasion until the Lady Justice sitting beside him, poked him in the ribs and whispered in his ear "*Wake Up*". He shook his weary brow and gave me a new name.

The Ladies today form almost half of the body of Sheriffs though there is some rivalry between Gloucestershire and the Welsh counties as to which appointed the first lady sheriff in recent times. There were a number of royal ladies in earlier times who have held the Office as part of their dowry.

But my favourite medieval sheriff was Dame Nicolla de la Haye, Chatelaine of Lincoln Castle having lived there all her life and Sheriff of Lincoln.

She held her castle in 1217 against an invading French army called in to support King John and his allies. The French occupied the town and besieged her castle.

When the forces arrived to rescue her garrison, she showed them an old doorway in the northern walls then blocked up but which she had known as a girl. It was opened up and the relief force entered the castle at night unbeknown to the French.

Early the next morning she had the eastern gates of the castle thrown open and caught the French troops unawares. She succeeded in achieving such a speedy victory with so little shedding of blood that she captured most of the French knights unharmed and with so little fighting that it was known as the *Battle of Lincoln Fair*. The French retreated and left the country. The three hundred captured French knights had to be ransomed by their friends and the ransom monies proved a very welcome bonus to Dame de la Haye and her followers.

Benjamin Franklin, one of the Founding Fathers of the United States and a good friend of this county, urged the Constitutional Convention in Philadelphia in 1787, to include the Office of High Sheriff in the new American Constitution, saying:

“the office and functions of sheriff in a county in England is an honourable office but it is not a profitable one. It is rather expensive and therefore not sought for. But yet it is executed and well executed and usually by some of the principal gentlemen of the county.” Sadly this sound advice went unheeded.

Yet Republican India still retains in the cities of Mumbai and Kolkata the Office of High Sheriff, given to persons of high standing in the community and performing much the same functions as you will be called upon to perform.

A Pedigree of 1300 years of service to all, is an achievement of which you can be extremely proud.

Professor Robert Turner FSA
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