

JUDIT BORSZÉKI – JÁNOS SALLAI

The beginnings of the history of English and Hungarian policing

Introduction

One of the four known pillars of the recognition of policing as a science¹ includes historical-comparative research related to this discipline. Works on the history of Hungarian policing and police often refer to the period in Britain, which played an important role in the prehistory of European policing and preceded the French and German developmental phases². However, to our knowledge, a comparison of the beginnings of English and Hungarian policing and an analysis of similarities and differences have not yet been made.

An important contribution to the understanding of public administration and the administration of justice in medieval England is the PhD dissertation of Richárd Szántó³, which provides a very thorough and systematic description of the institutional system of medieval England.

¹ Sallai, J. (2019): A magyar rendészet története [The history of law enforcement in Hungary]. Rendőrség Tudományos Tanácsa

² Christián, L. (2010): Alternatív rendészet [Alternative policing]. PhD értekezés. Pázmány Péter Katolikus Egyetem, Jog- és Államtudományi Kar, Ernyes, M. (2020): A Fővárosi Rendőrség és a m. kir. rendőrség, valamint a Magyar Rendőrség története a kezdetektől napjainkig I-II. [The history of the Police of the Capital, the Royal Hungarian Police and the Hungarian Police from the beginning to the present day] Nemzeti Közszerkezet Egyetem

³ Szántó, R. (2001): Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

An important feature of this period of English history is that the manor often did not coincide with the township. The royal administration, tax collection and justice did not consider the manors, but the townships as administrative units. However, the manorial courts of the landowners were based on the territorial division of the manor⁴.

Also, an interesting contribution to the study of the history of English policing can be made by the activity of local historians, now very popular in the United Kingdom. Such is Noel E. Smith's work on the history of the Wallasey police, whose data, based on original sources, have also been used in this study. Due to space limitations, the history of English policing is traced only up to the establishment of the London Metropolitan Police Department in 1829.

Public administration and its institutions in England until the 16th century

We will first outline the system of public administration (including the police in the modern sense), and then describe in more detail the individual offices and institutions and their development.

In the light of the above, we must therefore distinguish between the means of asserting royal power and the systems of local administration. In the counties, the monarch could exercise his power by direct means such as the royal castles (in many cases this was the castle of the central settlement in the county). The monarch maintained, at his own expense, a garrison in them, headed by a royal officer, the constabularius (later constable). The central castle of the county usually housed the county court, which had its own staff, and the royal prison. The indirect means of enforcing royal power were political in nature, such as the noblemen, the system of the lords loyal to the king and the influence of local royalist citizens, through

⁴ Ibid., Jewell, H. M. (1972): English Local Administration in the Middle Ages. David & Charles. Source: <https://doi.org/10.4324/9781315845487> Accessed: 06.06.2023

whom, for example, the courts could be influenced. The local royalist land-owners, the knights and gentlemen, who served at the royal court, also represented the king's interests in their own counties.

Local administration was originally based on the tithing system and the so-called frankpledge ⁵.

The tithing system and the frankpledge

Local administration, law enforcement and crime prevention were rooted in Anglo-Saxon customs. Many of these were retained after 1066 by the Norman monarchs, who needed a well-functioning system to control a largely Anglo-Saxon population. This required all men over the age of 12 to join a group of ten men, called a *tithing*, who were responsible for each other's behaviour. If one of them broke the law, the others had to take him to court. If they did not, they were all held responsible for the offence. This usually meant that they had to jointly pay for the damage caused to the victim⁶.

While this rule was prevalent in the south and south-west of England, the central and northern areas (Danelaw) occupied by the (Danish) Vikings in the mid-9th century were governed by the system that formed the basis of the later Norman frankpledge. Under the laws of the Danish and English king Canute II the Great, all men, whether serfs or free, were required to belong to a local administrative unit, called a hundred, which gave a financial guarantee for good behaviour. By the 13th century, however, only non-

⁵ Szántó, R. (2001): Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola., "Frankpledge", Encyclopedia Britannica Source: <https://www.britannica.com/topic/frankpledge>. Accessed: 06.06.2023

⁶ Collective responsibility in early Anglo-Saxon times
<https://www.britannica.com/topic/police/The-history-of-policing-in-the-West#ref41670.1>
 Accessed: 06.06.2023

free and landless men were conscripted, as landowners had property that could be confiscated for misdemeanours. Both the tithing and the hundred were under the command of a single leader, the tithingman and the hundredman (captain), who were responsible for organising policing and the guard in their districts. Usually ten hundreds made up a shire. In many villages or manors the role of tithingman was taken by the shire-reeve (sheriff). When the two functions did not coincide, the tithingman acted as a subordinate to the sheriff. Until the 14th century, it was the duty of the sheriff to ensure that every man was assigned to a tithing⁷.

Control of the system and the inhabitants' assignment to tithings were ensured by the regular view of frankpledge, at which itinerant justices checked whether the troops had been properly organised of and imposed fines for failure to do so. In the districts not under the king's jurisdiction, these assemblies were called sheriff's tourn, and in the manorial areas there was a version of it called court leet, to be specified later, presided over by the lord steward⁸.

It is also clear from the foregoing that the community (village) was also obliged to do its utmost to catch criminals. A victim or witness of a crime was obliged to alert the villagers (raise hue and cry), everyone had to join the chase and catch the perpetrator. If the person was obviously guilty or defied his captors, he could be executed on the spot. If he did not resist, he was subjected to due process. As mentioned earlier, if the villagers did not do their best to apprehend the culprit, the whole community was held responsible for the crime. This can also be seen as an initial form of collective punishment or responsibility.⁹ Once the criminal had escaped, the sheriff

⁷ Hudson, J. (2014): *The Formation of English Common Law*. Routledge, *Police History*, Early policing in England. Source: <https://law.jrank.org/pages/1638/Police-History-Early-policing-in-England.html> Accessed: 06.06.2023

⁸ Szántó, R. (2001): *Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében*, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

⁹ The National Archives, Crime and Punishment

called on everyone to join his pursuit, which in some regions was a civil force called *posse comitatus*, which harked back to the mercenary escort of the Roman proconsuls.¹⁰

The system was obviously appropriate in an era when there were few (local) officials representing the government and everyone knew everyone in small, safe local villages. Later in the Middle Ages, the growth of towns brought some change, but even then, each district or ward of the town was expected to respond to a call for help in the same way as a village community. Appointed officials were responsible to the town council and often worked part-time¹¹.

The Norman conquerors introduced the office of constable, which certainly existed during the reign of Henry I (1100-1135). According to some sources, the constable was originally a stable master¹². Other sources suggest that the main function of the constable and the marshal was originally to command the army. As mentioned, the officers in charge of garrisons and castles with important military commands were also called constables, also in the Magna Charta of 1215. (The lack consensus is typical not only concerning the origin of the name of constable. The meaning of the term and the duties of the office also varied in different geographical areas and in different historical periods¹³. Despite the emergence of the office of constable, the investigation and prosecution of crimes remained an individual

Source: <https://www.nationalarchives.gov.uk/education/candp/prevention/g02/g02cs1.htm>
 Accessed: 06.06.2023

¹⁰ Szikinger I. (2012): A magyar rendvédelmi jog alapjai. Rendvédelem-történeti füzetek, 22(26), 133–140

¹¹ The National Archives, Crime and Punishment

Source: <https://www.nationalarchives.gov.uk/education/candp/prevention/g02/g02cs1.htm>,
 Accessed: 06.06.2023

¹² Ernyes, M. (2020): A Fővárosi Rendőrség és a m. kir. rendőrség, valamint a Magyar Rendőrség története a kezdetektől napjainkig I-II. [The history of the Police of the Capital, the Royal Hungarian Police and the Hungarian Police from the beginning to the present day] Nemzeti Közszerzői Egyetem

¹³ The Office of Constable

duty, which had to be organised by the victims with the help of local communities.

The statute of Winchester enacted by King Edward I of England of 1285 codified the system of community obligations. It provided, among other things, for the following:

- 1) everyone had a duty to maintain the King's peace, and any citizen could arrest criminals;
- 2) unpaid, part-time constables at various levels of government had a special duty to do so, in addition to guaranteeing the safety of itinerant justices, and in small towns they were assisted by their subordinates, the wards. The original function of the watch-and-ward was to protect the city gates at night. This was later expanded to include lighting street lamps, calling out the time, watching for fires and reporting on other conditions¹⁴;
- 3) if the criminal was not caught in the act, hue and cry was raised in the local community;
- 4) everyone was required to carry a weapon and join in the pursuit of the offender if alerted;
- 5) various duties of constables included bringing the offender to trial¹⁵;

Thus, the tasks of public order in the modern sense (street policing, vice policing, market policing) were carried out by patrolling wards who selected from the community¹⁶.

Source: <https://www.polfed.org/media/14239/the-office-of-constable-with-links-2018.pdf>

Accessed: 06.06.2023

¹⁴ Smith, N. E. (2001). The Wallasey Police. Printfine Ltd. Source: <https://docplayer.net/42347246-Dedication-author-s-note.html> Accessed: 06.06.2023

¹⁵ Sallai, J. (2019): A magyar rendészet története [The history of law enforcement in Hungary]. Rendőrség Tudományos Tanácsa

¹⁶ Takáts, S. (1947): Rendészet Angliában [Policing in England], Magyar Rendőr (11), 4–5

The institutional system of justice

During this period, a distinction was already made between different types of crime. More serious offences (felony, treason) included murder, arson, rape, robbery, theft of property worth 1 shilling or more and harbouring a criminal. In these cases (pleas of the crown) only the judges of the crown could try the offender, the sentence could be death or forfeiture of property, and his estates were forfeit to the king. Minor offences (transgressio, trespass, misdemeanour) were theft of goods worth less than 1 shilling, assault, damage to property, violation of the fixed price of bread and beer, and libel¹⁷.

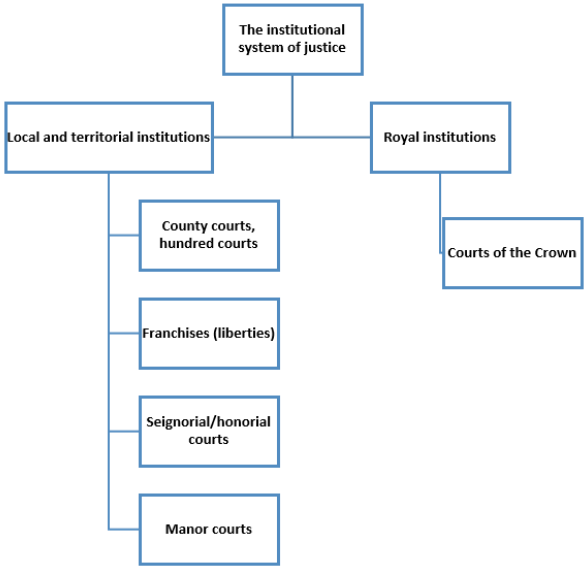


Figure 1
The medieval system of justice in England
Edited by the authors, based on Szántó, R, 2001

¹⁷ Brown, A. L. (1989). The Governance of Medieval England 1272–1461. Stanford University Press

Local and territorial justice

In medieval England, there was no separation between the administration of justice, which included the maintenance of order and the administration of justice, with officials often having both functions and powers. Another particularity was that local justice was determined by local customs and interpretations of the law. The townships were the smallest units of territorial administration, usually part of landlords' estates or manors, but without a court. The constable controlled local affairs, the reeve, together with a few villagers and the tithingman, represented the township in various courts, e.g. the sheriff's tourn.

The local courts, based on the Anglo-Saxon system, could be granted by the king to large landowners, or certain villages could be exempted from territorial administration. Thus, by the beginning of the 14th century, four types of courts had developed (Figure 1).

County and hundred (district) courts

These were part of local government, the latter being of lesser importance. In the county courts, the judges were the suitors (freeholders who were obliged to do so), the magistrates of the parishes, the constables and the bailiff, who was employed by the sheriff of the county and was also regarded as a royal officer. He commanded the armed forces of his district and was responsible for ensuring that no robbers or criminals were allowed to lurk along the roads within the district. (District and parish constables were already subordinate to the justices of the peace in matters of justice in the 14th century, but as the local enforcers they were under the control of the sheriff.)

The hundred court dealt with petty crimes such as fornication, trespass, small debts, breach of contract, libel, slander, fraudulent use of measures, etc. Until 1268, the decisions of the hundred court could be reviewed by the county court, and the hundred suitors could be prosecuted at the royal itinerant judges' general eyre if they acted in excess of their powers. (The itinerant judges travelled the countryside each year on predetermined routes, known as circuits, to hear cases, hence the institution was also

known as a circuit court.) The sheriff's tourn, under which the sheriff travelled around the county twice a year and presided over the circuit courts, was separate from the circuit courts from the 13th century. Here the formation of a jury of 12 free men (from 1285 onwards, they had legal knowledge) was a prerequisite. The sheriff's tourn had jurisdiction over minor cases such as the supervision of the frankpledge system, blocking of roads, diversion of watercourses, assault, failure to observe the prescribed price of bread and beer, fraud with measures, highway robbery, forgery, burglary, theft, including theft of treasure, etc. The punishment could be a fine, pillory or scaffold. In more serious cases, such as breach of oath of fealty, high treason and treasonable offences, the tithing had to report to the jury. The report, accepted by the jury, was forwarded to the sheriff, who arrested and detained the accused person, and then sent the report to the royal itinerant judges in charge of such cases¹⁸.

The county court functioned not only as a court, but also as a social and political assembly. The term shire was also used to refer to the county and its court. The shire court, presided over by the sheriff, had to maintain law and order and peace, enforce military regulations in addition to its governmental duties, but the elected knights of the shire (steward, bailiff) also took part in the work of assessing and collecting taxes. An important element of the administration of the county was the county prison, which was under the control of the sheriff and located in the centre of the shire. In principle they were all royal prisons, but the monarch ceded the right of management to the county and the money remitted to the sheriff covered the cost of running them. Interestingly, the prison was then not a place where sentences were served, but a place where offenders who had been caught and were awaiting trial were held. Even then, wealthier prisoners were released on bail and were allowed to defend themselves¹⁹.

¹⁸ Ibid.

¹⁹ Szántó, R. (2001): *Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében*, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century

The sheriff presided at the small sessions, the members of the court were, as a rule, the suitors of the earldom, and in practice the court was attended by the sheriff, the coroner (the royal officer who controlled the sheriff), the bailiffs, the lords' stewards and the sheriff's officers, in addition to the litigants. A suitor could be a clergyman of any rank or a freeman. The county court was not originally required to record its decisions in writing²⁰, as it was mainly empowered to adjudicate cases of less than 40 shillings, and these were not considered to be significant. The criminal work of the court was not significant, as offences were tried in the sheriff's tourn, before the coroner, or before travelling magistrates²¹. Minor crimes: theft, less serious acts of violence, etc., could be tried in the county court if the plaintiff brought the case there.

The 12th century saw the beginning of the decline of the county court system and the rise of the royal courts. An important step in this process was the decree of Henry II (1154-1189), which transferred to the latter the jurisdiction to hear suits concerning freehold land. The sheriff's power to arrest defendants was confirmed in 1333, and in 1340 provision was made for the sheriffs' responsibility for prisons. In addition, the sheriff could declare peace in times of local unrest, and publish decrees, laws and royal orders. As mentioned earlier, he organised and led the hue and cry. From the early 14th century, he could serve as a keeper of the peace for royal commissions and the government could directly order the sheriff to conduct inquiries and report the results. Occasionally, he could be granted extraordinary powers for a limited period of time, in which case he received extraordinary royal grants of money to carry out his duties²².

and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

²⁰ Jewell, H. M. (1972): *English Local Administration in the Middle Ages*. David & Charles

²¹ Brown, A. L. (1989): *The Governance of Medieval England 1272–1461*. Stanford University Press

²² Jewell, H. M. (1972): *English Local Administration in the Middle Ages*. David & Charles

At the end of the 12th century, the coroner, already mentioned, appeared, whose job was to protect the Crown's interests and control the sheriff. The coroner was not remunerated and could only perform his duties if he had sufficient wealth. He was elected by the freeholders of the county, either before royal magistrates or at a county assembly. In most boroughs (towns) the office was also held by election, but there too he was employed by the king. In criminal cases, he received the charges before trial, the evidence of the crown witness in trials, and kept a list of outlaws. He assisted in the apprehension of wanted persons, arrested them, and summoned witnesses to appear at trial. His most important duty was to investigate cases in which the Crown's rights needed to be protected (e.g. shipwrecks, infringement of royal fishing rights, theft of treasure, unexplained deaths - where the Crown could receive revenue). In such cases, he had to draw up a jury list and arrange for the trial to take place. The king's rights were enforced by the escheator, who, from 1232 onwards, could take charge of the deceased's lands in the event of the death of the direct royal vassals²³.

Franchise, liberty

A franchise or liberty at this time meant the privilege of certain landowners or towns enjoying immunity or exemption from existing jurisdictional conditions. This provided the owner with the royal rights and the income for justice. This included the right to hold a view of frankpledge, private tourns equivalent to a sheriff's tourn, and a hundred court. In addition to various principalities, such privileges were enjoyed by, for example, the Principedom of Wales, the Church (its justice was dependent on the Pope), the army (subject to the court of constable and marshall), the navy (subject to the court of the Admiralty), and the universities of Oxford and Cambridge (which had their own courts). The guilds (gilde, craft) were affected by

²³ Szántó, R. (2001): Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

trade, mining and industrial rights²⁴. Certain towns also had various privileges. The medieval town (borough) was governed by the mayor, he and the borough bailiff received royal commands and performed the functions carried out by the sheriff, escheator and district bailiffs in the county²⁵.

The borough's office system included tax collectors, customs collectors, beadles carrying out policing duties, chamberlains and market inspectors, but there was no uniform terminology for the names of these offices and their powers. Borough officers could direct public works, arrest or register persons, issue ordinances, recruit troops, regulate the price of bread and beer, and act generally in the execution of central orders in the town²⁶. Town leaders were drawn from the ranks of aldermen, guild leaders and senior town officials. The borough court was thus a type of court with a franchise court granted by the king or lord. In the adjudication of criminal cases, most borough courts had powers equivalent to those of the sheriff's tourn or court leet²⁷. From the 13th century onwards, a process became common in which judges were drawn from the aldermanic group. By the time the legal system of the cities was written down, the mayor, possibly other senior officials and members of the alderman group were already the judges²⁸. Urban development, special economic activities, trade and commerce led to a specific development of law. Mercantile law played an important role in urban law, which was distinct from common law. By the mid-14th century, for example, towns usually had a fair court, in which the borough officials ruled, often in the form of special sessions of the town

²⁴ Ibid.

²⁵ Jewell, H. M. (1972): *English Local Administration in the Middle Ages*. David & Charles

²⁶ Ibid.

²⁷ Brown, A. L. (1989): *The Governance of Medieval England 1272–1461*. Stanford University Press

²⁸ Szántó, R. (2001): *Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében*, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

court. An important town privilege was that town citizens could only be sued in their own town court²⁹.

By the early 13th century, the seigniorial/honorial courts had mostly lost their importance.

Manor court

This was the court of the landlords vested with judicial powers. There were different rules for freeholders (the farmers who lived in the manor and had free land) as only other freeholders, suitors could judge their cases and for copyholders (the serfs who had become tenants). These latter were tried by the lord's steward and a jury of 12 sworn members). The court of the former (court baron, where the value of the thing or event sued for did not exceed 40 shillings) was governed by common law, while the court of the latter, the customary court, was governed by local customary law. The lord possessing a royal charter could exercise the right to hold the view of frankpledge and the court leet, a criminal court for minor cases, thus the administrative functions and the judicial functions were often exercised simultaneously. (After the 16th century, the functions of the court leet were increasingly transferred to the justice of the peace, mentioned earlier.) He could adjudicate on criminal matters and matters relating to breaches of the king's peace, i.e. law and order (assault on a manorial officer, threats and minor assaults, fighting, taking other people's crops, breach of contract, failure to fulfil obligations, libel, slander, illegal brewing, harbouring strangers, etc.). He could not punish more serious crimes, murder or robbery. Manslaughter committed in negligence or in self-defence could be investigated by the court leet, but it could not impose punishment in these cases. In addition to discussing the affairs of the estate, it was here that the manorial steward (reeve), usually of serf origin, was elected, and moral offences were investigated and punished. In the ranking, between the steward and the reeve was the bailiff, who, in addition to managing and supervising

²⁹ Jewell, H. M. (1972): *English Local Administration in the Middle Ages*. David & Charles

the (financial) affairs of the manor, was also involved in court proceedings³⁰.

Royal courts of justice under common law

As mentioned earlier, in the 12th century itinerant justices performed judicial and administrative functions in the country. Some of their powers survived for centuries and became part of the justice system under common law. From the 13th century onwards, their operation no longer depended on an ad hoc decisions by the king, but was regulated by statutes. Under these laws, the counties of the country were arranged into groups, and the two judges assigned to each group made three rounds a year. The most powerful form of itinerant court was the general eyre (general circuit), whose judges were authorised to hear all litigation. By the 13th century, this institution also carried out the functions of the sheriff's tourns for the districts. In addition to reviewing cases heard since the earlier General Eyre in court, it investigated neglect of policing duties, the possession, wrongful or wrongful use of judicial privileges (franchises), the protection of the Crown's own rights in cases of estates and other sources of revenue. The bulk of his work involved inspecting the county's officials and correcting the decisions of the county court. Criminal cases and prosecutions were dealt with by the judges of the gaol delivery. The general eyre was unpopular and was abolished in the 14th century at the instigation of Parliament. Instead there were itinerant courts (justices of assize, gaol delivery, oyer and terminer) with more limited powers, which visited the counties more frequently. The commissions of the oyer and terminer consisted of royal magistrates who investigated crimes committed in the counties and could also adjudicate on administrative matters³¹. In medieval prisons, suspects awaited trial and were handed over to courts two or three times a year. Gaol delivery judges tried only common criminals, and had the power to convict

³⁰ Brown, A. L. (1989): *The Governance of Medieval England 1272–1461*. Stanford University Press

³¹ Jewell, H. M. (1972): *English Local Administration in the Middle Ages*. David & Charles

criminals and impose death penalty. The majority of those convicted were hanged and their property confiscated by the king³². The gaol delivery and the oyer and terminer converged from the end of the 13th century, in practice the two courts were run by the same persons, and by the end of the century the gaol delivery court was composed of professional lawyers. The commission of assize became the most important court in the system of itinerant justices, as its members gradually acquired the powers of the other commissions, and even more. Legislation in the 14th and 15th centuries gave the judges of the assize increasing powers (judging officials, conspiracy, heresy). The assize courts were held in the central towns of the counties and their judges were professional lawyers³³.

During the 14th and 15th centuries, the royal judiciary almost completely subordinated local justice by absorbing the remaining functions and rights of local courts, including the judging of criminal cases. The judges appointed by the Crown to head each county introduced a system of courts of common law. They were controlled by the Crown and then replaced by others with judicial powers, known as Justices of the Peace. They were given increasing powers by the government and by 1380 they were given virtually full authority to enforce criminal and economic law, making them lords of the counties, and their office continued to function effectively into the 17th century. Their predecessors in the 13th century were the knights of the peace (who were also employed on the committees of the travelling magistrates' courts), the Keepers of the Peace. Like the Keepers of the Peace, they could arrest and imprison offenders and investigate all crimes except *lèse-majesté*. They were given the power to establish disorder and dissension, to enforce law and order and to punish those who refused their requests for assistance. After the Justices of the Peace Act of 1361, a lord

³² Szántó, R. (2001): *Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében*, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

³³ Jewell, H. M. (1972): *English Local Administration in the Middle Ages*. David & Charles

and with him three or four worthy men, skilled in the law, were appointed in each county of England to keep order, arrest and imprison offenders, and hear and try trespasses and offences. Following a decree of 1363, this court met four times a year (from then on they were called justices of the peace and received substantial remuneration for their work.) From the early 15th century, justices of the peace took precedence over the sheriff. After 1461, all prosecutions and reports formerly under the jurisdiction of the sheriff's tourns had to be brought before the justices of the peace employed by the Crown. The justices of the peace courts held quarter or general sessions for the whole county, four times a year. The justices of the peace convened the jury, which investigated each case and prepared a report. On this basis, the court determined the persons to be summoned. Under the rules introduced in 1414, only a jury whose members had a landed estate providing an income of 40 shillings a year could judge murder trials. The jurisdiction of the court extended to criminal and administrative cases, too. Royal courts, including the Justice of the Peace Court, were assisted by a jury.

The conditions for holding the office of justice of the peace were also laid down in several Acts, and after 1439 only landowners who had landholdings earning at least £20 a year could be justices of the peace, but lawyers were exempt. Lay lords were also given a place in the justices of the peace, and from 1424 bishops and abbots³⁴. As a result of the efforts of the orders and the Crown, by the mid-14th century justices of the peace were educated in law, were familiar with the common law as applied in the royal courts and judged in that spirit, and were less attached to local customary law.

The increasing powers of the justices of the peace reduced the importance of the county, district and private courts. By the end of the 15th century, the central courts of common law had developed jurisdiction over the local district, county and manor courts. This gave the king considerable

³⁴ Brown, A. L. (1989): *The Governance of Medieval England 1272–1461*. Stanford University Press

control over the trials. Civil cases were adjudicated by courts of justices of assize³⁵.

What was the criminal situation like in medieval England? The sources only give us information about court records, that is, about the criminals and criminal cases brought to justice. For example, there are data of crimes recorded in eight counties between 1300 and 1348. These show that theft accounted for 73.5% of all crimes (recorded), homicide for 18.2%, stealing for 6.2%, arson, counterfeiting, rape, treason and others for 2.1%. As for the penalties, the death penalty was used for serious crimes such as murder, arson, forgery and robbery of valuables worth more than one shilling (5 pence). In England, the method of execution was usually by hanging; execution by beheading was reserved for persons of noble or royal birth convicted of treason³⁶. According to the records of a court of justices of the peace in the county of Lincoln, preserved from the 15th century, there were various types of murder, robbery, arson, kidnapping, rape, harbouring criminals, pandering, fencing, cursing, rioting, forced entry, abuse of office, threats, forced purchases, commodity trading, speculation, price manipulation, fraud with weights and measures, and breaking the fixed prices of bread and beer were among the crimes committed³⁷.

During these centuries, the aforementioned police and judicial functions, offices, forms and court cases in Wallasey were also documented (Smith, 2001). The earliest written court cases – dealing with land disputes and theft – were recorded in 1260. Related to the aforementioned policing obligations of the townships is a document of 1359, according to which the township of Moreton was fined for not having sufficient numbers of men on the Judge's Eyre Court. Another document shows that a special hundred

³⁵ Ibid.

³⁶ The National Archives, Capital Punishment <http://www.nationalarchives.gov.uk/education/candp/punishment/g03/g03cs2.htm>

³⁷ Szántó, R. (2001): *Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében*, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

court was to be formed in 1402 by a writ of the Prince of Wales for cattle thieves who drove cattle from Wales to Wirral, a village in the county. The arrested criminals were brought to Chester Castle. Contemporary documents show that Wirral had a Coroner's Court in 1309, and in 1399 the Prince of Wales appointed, among others, two Conservators of the Peace from Wallasey, who were called into service in 1403, for example, to deal with attacks by rebels from Wales. The work on the history of the Wallasey police, citing local court documents from the 14th and 15th centuries, details 20 cases, mainly involving the seizure and lease of land, theft of agricultural produce and implements, theft of livestock, concealment of treasure, theft, assault and coercion³⁸.

Law enforcement and justice in England in the 16th-18th centuries

In the Tudor period, the medieval institutional system was essentially maintained, with the constable and the sheriff continuing to play the main role in the summons, arrest of the accused, the seizure of the proceeds of crime and the organisation of the jury. The special position of towns with privileges was also maintained³⁹. McGovern also mentions the punishment of vagrants as a specific function of the sheriff. In the 16th and 17th centuries, it was the vagabonds, and among them mainly the highwaymen, who were considered the most dangerous type of criminal. The Poor Laws of 1598 and 1601 made a distinction between people who were too old, disabled or sick to work (the parish had to take care of them) and the compulsive vagrants (people who were able to work but did not want to), punishing the latter. Other common crimes of the time included poaching, heresy, treason, witchcraft and smuggling⁴⁰.

³⁸ Smith, N. E. (2001): The Wallasey Police. Printfine Ltd. Source: <https://docplayer.net/42347246-Dedication-author-s-note.html> Accessed: 06.06.2023

³⁹ McGovern, J. (2020): The Sheriffs of York and Yorkshire in the Tudor Period, *Northern History*, 57(1), 60–76

⁴⁰ The National Archives, Punishment 1450–1750 Source: <http://www.nationalarchives.gov.uk/education/candp/punishment/g06/default.htm> Accessed: 06.06.2023

From the beginning of the 16th century, merchants, churches, insurance companies and other groups increasingly used paid employees for policing, personal and property protection, which became a commodity, a paid service. The predecessors of the modern bounty hunter also appeared: any citizen could volunteer to become a 'common informer' for a fee, tracking down thieves and returning stolen property. This system, based on financial incentives, led to the emergence of many corrupt 'thieftakers', and operated in an era when almost every conceivable crime was punishable by death (hanging, quartering) or severe mutilation to deter offenders or to make them repent and save their souls through penance. Because of the severe penalties, judges often preferred to let offenders go, or the punishment could be converted by joining the army or navy. In addition to corporal punishment (flogging, burning with a fiery iron), various medieval methods of humiliation (pillory and stocks) also survived. At the end of the 16th century, vagrants and other idlers were sent to workhouses called 'Houses of Correction', where prisoners had to weave. From the beginning of the 18th century, new solutions were offered in the form of penal colonies⁴¹. Constables and justices of the peace received little or no pay at this time.

In the 17th century, policing based on the office of constable began to decline. The former hundredman was replaced by the high constable, who was responsible for suppressing riots and violent crime in each local district and for arming the guards who assisted him. Under his direction, there were petty constables in each tithing or parish. They remained the executive law officers of the counties until the County Police Acts of 1839 and 1840 allowed some justices of the peace to set up a paid police force. By the 18th century, constables were subordinate to justices of the peace, and members of the higher echelons of society were no longer willing to perform this function, as it meant that in most cases there was no time left to earn a living while carrying out police duties. As a result, laws were introduced in England which allowed the constable to employ substitutes. In fact, by the

⁴¹ Ibid.

early 18th century virtually every high constable who could afford to do so would, for a fee, appoint a substitute⁴².

In the big cities, practically only the poor and elderly were willing to become constables. Meanwhile, serious crime and rioting in the cities had reached intolerable proportions, and the military and cavalry were increasingly called in to quell riots. The reformers proposed the creation of a permanent police force, subordinate to the state, following the French model (interestingly, the word police did not begin to be widely used in England until the second half of the 18th century⁴³. The first paid police force, in response to the serious crime situation in London, was created in 1750 by John Fielding, the famous writer, and his brother Henry (both judges at Bow Street court). The organisation, known as the Bow Street Runners, patrolled the highways and streets within the parish of Bow Street. Later, an Act of Parliament established other similar units based on the Bow Street model. At the time, however, there was little public or government support for the establishment of a paid, professional police force throughout the country.

One of the most significant attempts at police reform was the establishment of the first professional police force in London in 1798, the Thames River Police⁴⁴, a merchant-funded force led by Patrick Colquhoun, with 80 permanent staff and over 1,000 on standby. It had two unique features: it used visible, preventive patrols, and its officers were paid employees: they were forbidden to accept any other remuneration. In 1786, following the Dublin Police Act, a centralised, uniformed, professional police force was

⁴² The history of policing in the West. Encyclopedia Britannica, <https://www.britannica.com/topic/police/The-history-of-policing-in-the-West#ref416707> Accessed: 06.06.2023

⁴³ Dodsworth, F. (2004). "Civic" police and the condition of liberty: the rationality of governance in eighteenth-century England. *Social History*, 29(2), 199–216

⁴⁴ *The Office of Constable* Source: <https://www.polfed.org/media/14239/the-office-of-constable-with-links-2018.pdf> Accessed: 06.06.2023

established in Ireland's capital, Dublin, with 40 mounted constables and 400 police constables⁴⁵.

After the reform of the Dublin Police in 1795 and 1808, by 1812, when Robert Peel, the later founder of the modern English professional police force, was appointed Secretary of State for Ireland, Dublin was relatively crime-free. Later, as Home Secretary, Peel sponsored the first successful bill to create the first professional police force in England. The Metropolitan Police Act (1829) created the London Metropolitan Police Department, which later became the model for police forces in Britain, the Commonwealth and the United States. The new police force was organised in a hierarchical structure similar to that of the military. Police officers were promoted on merit. The lowest ranking uniformed constable (police constable, colloquially known as bobby after Robert Peel) was unarmed and had limited powers. Unlike other urban police forces in continental Europe, the London Metropolitan Police was designed to maintain a close relationship with the people it policed and from whom it received support⁴⁶. The primary function of the police was crime prevention, and officers were instructed to treat all citizens with respect. They were to curb crime and maintain law and order through preventive patrols. They were paid a regular salary and could not receive extra pay for detecting crime or recovering stolen property. The policemen also inherited many of the functions of medieval watchmen (lighting street lamps, announcing the time, keeping watch on fires and providing other public services)⁴⁷.

A study describing the history of the Wallasey police also refers to the appointment of justices of the peace in the parishes of the local hundreds, who were in short supply in the early 17th century. In this area, after 1634,

⁴⁵ The history of policing in the West. Encyclopedia Britannica, Source: <https://www.britannica.com/topic/police/The-history-of-policing-in-the-West#ref416707> Accessed: 06.06.2023

⁴⁶ Ibid.

⁴⁷ Neocleous, M. (2000). Social Police and the Mechanisms of Prevention: Patrick Colquhoun and the Condition of Poverty. *The British Journal of Criminology*, 40(4), 710–726

constables were assisted by beadle and marshalls, in return for a fee defined by the authorities. The former wore uniform hats and yellow coats, and carried whips and canes ending in gold buttons. The parish constable was elected at a parish council meeting (sometimes a court leet). As he was one of those who elected him, he could appeal to this community at any time to maintain order. The text of his oath of office has survived. According to this, the constable swore by God and the saints to keep the King's peace lawfully and in accordance with his authority, to arrest and bring before the sheriff any offenders, to alert the community if necessary, and to pursue offenders 'from street to street, from precinct to precinct'⁴⁸. Documents have survived of a local landowning family, known since the 14th century, in which the office of constable and then the high constable was passed from father to son from the mid-18th century. At this time, the duties (apart from arresting disorderly persons) already included the enforcement of statutes against 'impudent beggars', vagrants, vagabonds and other 'idlers', as well as those who engaged in illicit gambling. The constable was also responsible for collecting taxes and helping the poor when necessary. Smith also points out that, unlike in other countries, the English police institution was based on a common law tradition, with officers elected by the public to carry out their duties on behalf of the community, enforcing the rules laid down by the citizens⁴⁹.

Comparison with the history of Hungarian policing: similarities and differences

In Hungarian history, already after the foundation of the state, in the laws of King Stephen I, elements of alien policing⁵⁰, religious policing and fire

⁴⁸ Smith, N. E. (2001): The Wallasey Police. Printfine Ltd. <https://docplayer.net/42347246-Dedication-author-s-note.html> Accessed: 06.06.2023

⁴⁹ Ibid.

⁵⁰ Hautzinger Z. (2017). A külföldiekre vonatkozó magyar jogi szabályozás fejlődése és története [The development and history of Hungarian legislation on foreigners]. Nemzeti Közzolgálati Egyetem, Rendészettudományi Kar

policing can be found. Also among the laws of King Stephen there are provisions relating to moral policing and prostitution. The beginnings of law and order in Hungary can thus be well traced back to the period following the foundation of the state (1000), to the formation of the counties, to the laws of King Stephen.

It is not well known, however, that – although most of the written sources on this subject date from later times – even in the medieval Kingdom of Hungary there were already numerous independent parts of settlements (neighbourhoods, districts, street groups) that functioned as social, self-governing units under the names of *fertály* (quarter), *tized* (tenth, tithing), *utca* (street), etc., although the exact functioning of these units requires further research⁵¹. Different systems operated in different parts of the country, but the activity of community-elected officials who also performed law enforcement functions: *vigyázók* (wards), *tizedesek* (tithingmen), *tizedbírók* (tithing magistrates), *hadnagyok* (lieutenants), *századosok* (hundredmen), *utca kapitányok* (street captains), *fertálmesterek* (quarters' masters), etc. is also attested in the Kingdom of Hungary⁵². Records of such activities can be found in the largest towns from the mid-15th century, and in an increasing number of places from the beginning of the 16th century, but there were settlements where they were not established until the 18th century⁵³.

We know the list of the duties of the quarters' captains and the tithingmen of Kolozsvár in 1585, which, in addition to the above, also specifically includes the maintenance of public order, the enforcement of the "laws" of

⁵¹ Báráth, J. (2015): *Utcakapitányok, fertálmesterek, tizedbírók* [Street captains, quarters' masters, tithing magistrates] In: Petercsák T., Veres G. & Verók, A. (Eds.), *Tizedesek, utca kapitányok, fertálmesterek a kárpát-medencében* (9–42), Líceum kiadó

⁵² Sallai, J. (2019): *A municipális rendőrségektől a centralizált, állami rendőrségig* [From municipal police to centralised state police]. In: *Rendőrségi Tanulmányok III. évf. különszám.* (8–39)

⁵³ Szabó, J. (2015): *A fertálmesterség Gyöngyösön (1761–1874)* [Quarters' mastery in Gyöngyös (1761–1874)]. In: Petercsák T., Veres G. & Verók A. (Eds.), *Tizedesek, utca kapitányok, fertálmesterek a kárpát-medencében* (pp. 42–66). Líceum kiadó

the town, the levying and collection of taxes, fighting against crime, reporting and arresting offenders, the enforcement of rules concerning public health and public sanitation⁵⁴. Similar tasks can be found in other Hungarian settlements, and it is not difficult to see the similarities between these and the organisation and activities of the English units of local government mentioned above.

The tasks related to taxation, for example, were also assigned to the *fertály*, and were carried out by exactors (tax collectors) elected from the wealthiest farmers. The Hungarian equivalent of the court leet was the *úriszék*, which could also have control over certain market towns – although in many cases these had privileges – and its decisions served to increase the income of the landlords rather than to enforce the interests of the towns⁵⁵.

Medieval policing is well illustrated by the order issued by the town of Lőcse in 1586 for the captain. It empowered the captain "to arrest and imprison those who were fighting in taverns and other places, even without the judge's knowledge."⁵⁶ At the same time, in Lőcse, it was forbidden to carry swords, sabres, pallels and other weapons in the towns, to stay in the streets and squares after a certain time, to go without lanterns after dark, to wander about, to stay with unmarried girls after the evening bell, to drink wine during church services and mass. In Hungary, too, attention was paid to the presence and activities of vagrants and beggars as early as the Middle Ages. In Kolozsvár, a register of strangers was kept from as early as 1595, while in Marosvásárhely (Târgu Mureş), strangers were entered in the city's register from 1604. In 1563, the council of Kassa (Košice) declared that

⁵⁴ Bárh, J. (2015): *Utcakapitányok, fertálymesterek, tizesbírók* [Street captains, quarters' masters, tithing magistrates]. In: Petercsák T., Veres G. & Verók, A. (Eds.), *Tizedesek, utca kapitányok, fertálymesterek a kárpát-medencében* (9–42), Líceum kiadó

⁵⁵ Szabó, J. (2015): *A fertálymesterség Gyöngyösön (1761–1874)* [Quarters' mastery in Gyöngyös (1761–1874)]. In: Petercsák T., Veres G. & Verók A. (Eds.), *Tizedesek, utca kapitányok, fertálymesterek a kárpát-medencében* (pp. 42–66). Líceum kiadó

⁵⁶ Kállay I. (1986). *Városi rendészet a XVIII. XIX. században* [Town policing in the 18th and 19th centuries]. In: *Jogtörténeti értekezések*. 15. sz. 69–91. Eötvös Loránd Tudományegyetem

beggars 'must be forced to work, and they are to be taken to hospital when ill'⁵⁷.

Illegal gambling and games of chance were widespread at medieval markets, fairs or other public events. The authorities of the towns usually protested against this, even forcing the police lieutenants and guards to ban gamblers from the town.

A rule of morality and aliens law⁵⁸ from Szombathely has been preserved from 1636, according to which a cottar was only allowed to stay in the town for three days without being reported. After three days, the landlord who had received him into his house was obliged to report the fact and the identity of the person received to the magistrate. The host gave a guarantee of 40 forints for his guest. Anyone who failed to make the report paid a fine. There was also a moral rule behind these provisions, because the master of the servant had to take care that his servant did not become a party breaker. There was also a lot of trouble with young men, because they stayed late in the tavern and 'wandered' around town at night without a lantern⁵⁹.

The town authority of Székesfehérvár "ordered in 1703 that after 9 p.m. in summer and after 8 p.m. in winter, when the bells have been rung in St. Stephen's Church, everyone should lock his house and cellar and go to bed." Enforcement of the decree was left to local guards, who went around the town and the drinking places and warned the citizens to obey the decree. Those who did not could be imprisoned. Despite the strict regulation, in 1778 the council found that "many people were prowling the streets at

⁵⁷ Ibid.

⁵⁸ Völgyesi, L. (2008): Városi alkotmányosság az újkori Magyarországon [Municipal constitutionalism in modern Hungary]. PhD értekezés. Eötvös Loránd Tudományegyetem

⁵⁹ Sallai, J. (2019): A municipális rendőrségektől a centralizált, állami rendőrségig [From municipal police to centralised state police]. In: Rendőrségi Tanulmányok III. évf. külön-szám 8-39

night. Therefore, the guards should not consider anything, they should lock everyone up and they will be punished later."⁶⁰.

The castles and fortresses played a decisive role in the life of the country in medieval Hungary, both from the point of view of defence and administration. During the struggles against the Turks, the military order was clearly maintained in the border castles. In times of peace, away from the fighting, the maintenance of law and order in everyday life took precedence. This is evidenced by the 32-point instructions issued in 1640 by the castle governor of Septe, Miklós Eszterházy, the noble chancellor, in which he took measures to check the documents of those entering the castle, to lock the gates and to prevent theft. Similar to the above regulations are the regulations issued by Ilona Zrínyi in 1678 in the Regec Castle (this measure is still visible in the castle), which were very important for the guarding of the castle walls, the control of persons admitted to the building and the maintenance of order and morality within the castle walls. The interesting thing about this order is that the mistress of the castle already made arrangements for the training of the guards, the maintenance of their weapons and their clothing. According to this order, 'The guard should have monthly target practice, weapons should be kept in good order, and the foot soldiers should wear decent moccasins at musters.'

Conditions in the Hungarian Middle Ages were characterised by the fact that most of the country's roads became a sea of mud after the rains, and muddy roads caused serious disruption in the settlements. The Turkish conquest left behind conditions that can be highly criticised from the point of view of public sanitation and public health. In Kolozsvár, in 1538 it was ordered that all the town's tithingmen should take care to repair the wells in their jurisdiction and prevent littering in the streets. In Fogaras, those who washed live intestines, pieces of skin or threw carrion into the river

⁶⁰ Kállay, I. (1988): *Fehérvár Regimentuma 1688–1849. A város mindennapjai* [Leadership in Fehérvár 1688–1849. Everyday life in the town]. *Fejér megyei történeti évkönyv*, 17(18) 223–283

were severely punished⁶¹. In 1692, it was ordered that anyone who poured dirty water or dung into the street should be arrested and punished. In Bártfa, day labourers were employed from the 15th century to collect rubbish. In Pozsony, they swept the pavements and roads from 1430. In 1537, the town council of Sopron issued decrees for street cleaning in accordance with the modern principles of the time. The last decades of the 1600s are well described by the following quote. "The once beautiful Hungary became a wasteland. For 30 or 40 miles there was no village or town. The grass had grown to the size of a man, so roads had to be cut. The town was full of the feral dogs of the ruined towns and villages, which, like mad wolves, attacked man and beast alike, scraping up the corpses and tearing them to pieces on the battlefields." ⁶².

Due to Hungary's geography, agriculture and animal husbandry played a major role in the economy. Already in the 16th and 17th centuries, landlord regulations and town statutes described the institution of border shepherds (zsitár) who looked after the crops at the edge of the settlements, and the surfs' statute labour included keeping a field judge and a field guard⁶³. The establishment of the field police during the reform era was of particular importance during the institutionalisation of policing in Hungary⁶⁴. This was not a coincidence, as the Parliament also addressed the issue of policing in the context of the dual slogan of the reform era, freedom and property. As a result of the legislative work of the reform-era parliament, Act IX of 1840 on the field police was adopted, according to which the field

⁶¹ Magyary-Kossa, Gy. (1931): Magyar orvosi emlékek. Értekezések a magyar orvostörténelem köréből [Hungarian medical memories. Essays on the history of Hungarian medicine] Vol. 3 Magyar Orvosi Könyvkiadó Társulat

⁶² Kapronczay, K. (2015): Hadegészségügyi állapotok a Rákóczi-szabadságharc idején [Military health conditions during the Rákóczi War of Independence]. In: Kapronczay, K. (Ed.), Háború és orvoslás. Orvostörténeti tanulmányok (52–60) Magyar Orvos történelmi Társaság

⁶³ Nagy, J. T. (1993): A mezei rendőrségről (Jogsabály és népi jogismeret) [About the field police (Legislation and popular legal knowledge)]. In: Vadas F. (Ed.), A Wosinsky Mór (Béri Balogh Ádám) Múzeum Évkönyve (237–246). Wosinsky Mór Megyei Múzeum

⁶⁴ Bacsárdi, J. – Christián, L. – Sallai, J. (2018): A mezei rendőrségtől a mezei őrszolgálatig [From the field police to the field guard service]. Magyar Rendészet, 18(4), 31–47

police was not an institution, but the Act provided for punishing minor offences committed in the open air in open areas by law⁶⁵. The concept of field police was defined as follows: "those who are the closest to maintaining good order in the farm are called field police."⁶⁶ The Act on field police is mainly about protecting agricultural assets, preventing illegal grazing, crop or wood theft and punishing the perpetrators when it occurs. It prohibits its careless setting of fires in forests and fields and damaging trees in forests and it specifically mentions those who, on their way home from a fair, stray off the road and trample crops or grass, or who steal crops. A very important part of the law is that it makes special provision for reparation and punishment for damage.

A surprising comparison can be drawn with the above-mentioned change in the English constable's post, and the history of the quarters' masters of Gyöngyös and Eger. By the end of the 18th century, the job of a quarters' master was becoming an increasingly burdensome service for the citizens of the town, who could not perform their duties without considerable financial loss. As a result, many people in Eger wrote letters to the city council and the lord's seat asking for exemption, which led to the introduction of the institution of the paid quarters' master in the early 19th century⁶⁷. While earlier, all permanent residents of the field town were obliged to perform policing duties without remuneration (the better-off house owners solved this by regularly paying a deputy), in the 18th century the house

⁶⁵ László, Zs. (2008): *De politia campestri – A mezeti rendőrség intézményéről* [The institution of the field police]. *Jogtörténeti Szemle*, 10(1), 46–51

⁶⁶ Zsoldos, I. (1843): *A mezeti rendőrség főbb szabályai. Az 1840: IX. törvénycikkely nyomán* [The main rules of the field police. Following Act IX of 1840]. Pápai Református Kollégium

⁶⁷ Petercsák, T. (2015): *Az egeri fertálymesterség korszakai a 18–20. században* [The periods of the Eger quarters' masters in the 18th-20th centuries]. In: Petercsák T., Veres G. & Verók A. (Eds.), *Tizedesek, utcakapitányok, fertálymesterek a kárpát-medencében* (79–116). Líceum kiadó

owners were already subject to the appropriate tax and the public duties were performed by the authorities⁶⁸.

Ereký believes that of all the European countries of the time, Hungary developed a form of self-government that can best be compared to the English county government. He points out, for example, that like the English, the Hungarian criminal justice system showed decentralised tendencies, in that the Hungarian royal court could only rule in cases of first instance, such as *lèse-majesté* and treachery, while the county governments were competent in other cases. There was also a separation of the judgement of minor and more serious offences: in England, the former were adjudicated by justices of the peace, in Hungary by the *szolgabíró* (cf. sheriff) and the juror (*esküdt*, the fellow judge of the *szolgabíró*), the latter by the English county court or the itinerant judge, and in Hungary by the county court⁶⁹. At the same time, there were differences in the development of the powers of the criminal courts. In England, as early as the 15th century, the competence of trying serious offences was removed from the manor court (court leet), and by the 18th century it was only empowered to accuse and fine an offender, thus contributing to the spread of equality of rights. However, the Hungarian *úriszék* also exercised criminal justice over offences, with the exception of *lèse-majesté* and treachery, as already mentioned. In contrast to the already mentioned composition of the English manor court (court leet), which was based on the division of power, the Hungarian *úriszék* consisted of the lord of the manor (or his steward), the summoned fellow judges and the *szolgabíró* and the juror. The jury, which was part of the

⁶⁸ Ereký, I. (1935): Közigazgatási reform és a nagyvárosok önkormányzata [Administrative reform and local government in large cities]. In: Illyefalvi L. (Ed.), Statisztikai Közlemények (6, 27–28, 50, 63). Budapest Székesfőváros Házinyomdája

⁶⁹ Miskolcziné Juhász, B. (2015): A büntetőeljárás szabályok továbbfejlesztésének lehetséges irányai [Possible directions for further development of the rules of criminal procedure]. PhD értekezés, Pázmány Péter Katolikus Egyetem, Jog- és Államtudományi Kar

English manor court, was not found in the Hungarian *úriszék*, i.e. the serfs could not be employed as fellow judges⁷⁰.

The beginning of the development of modern policing in Hungary can be dated to the mid-19th century, when the first law enforcement literature and journals appeared, and the nationalisation of the police began. The process of nationalisation and centralisation lasted for about seven decades, the first stage of which was the nationalisation of the police of the capital only, while the police of the rural towns were only nationalised after 1920. At this time, the police functions can be represented as follows:

1. Guarding the security of persons and property.
2. Detecting theft and other crimes and misdemeanours, investigating the perpetrators, and handing them over to the court or prosecution.
3. Keeping a register of wanted persons and convicts, pursuing escaped convicts, accused persons and escaped soldiers.
4. Keeping order during the day and silence at night, and being on duty at public ceremonies, dances, theatre performances, railway stations, etc.
5. Maintenance of public order in towns and cities, and guarding public order.
6. Control of the measures and measuring instruments in use. Under Article 19 of Act VIII of 1874, the bureau of weights and measures was placed under the supervision of the Police Headquarters.
7. Supervision of restaurants, hotels, cafes, nightclubs and pubs, licensing of parties, musical soirées and any kind of entertainment performances.
8. The registration of servants and, in general, the implementation of Act XIII of 1876 regulating the relationship between servant and landlord, the farm labourers and day labourers.

⁷⁰ Ereky, I. (1935): Közigazgatási reform és a nagyvárosok önkormányzata [Administrative reform and local government in large cities]. In: Illyefalvi L. (Ed.), Statisztikai Közlemények (6, 27–28, 50, 63). Budapest Székesfőváros Házinyomdája

9. Supervision of building order and the observance of the building rules of the town, the implementation of the decisions taken by the town council on the basis of the building regulations, with the assistance of the engineering office.
10. Supervision of traffic lines, bridges and roads, keeping them clean, ensuring that free movement of traffic is maintained or obstacles to it are removed.
11. Exercising judicial authority in police misdemeanour cases.
12. Supervision of street lighting, the duration and quality of lighting.
13. Monitoring public health.
14. Supervising the observance of regulations concerning police doctors and health. Supervision of the provision of sickness benefit when needed. Arranging for the safety of foundlings, deaf-mutes and the insane in emergency cases. Ordering autopsies to be carried out by the police doctors. Power of inspection over pharmacies under the provisions of Act XIII of 1876.
15. First instance proceedings in cases of offences related to the retailing of liquors and public houses.
16. Registration of the residents, monitoring of the obligation to report.
17. Registration of assistants, apprentices, labourers, local tradesmen, merchants, servants, maids, prostitutes, cabmen, porters and poor people assisted from the public purse.
18. Licensing the transportation of corpses.
19. Supervision of the fire brigade, pedlars, carters, poundmasters, associations and societies.
20. Measures for the expulsion of vagrants, persons without occupation, strangers and other beggars resident in the municipality.
21. Enforcement of veterinary regulations.
22. Collecting market price lists and other statistical data.
23. Action on forest fire fighting, swearing in of forest guards, punishment of forestry offences.
24. Performing the duties assigned by Act XIV of 1881 in matters of pawnbroking.

25. Issue of certificates of good conduct.
26. Exercise of duties related to vice.
 - "a) young people should not roam the streets at night;*
 - (b) immoral lewd dress shall not be spread in the spinning mills;*
 - (c) public dancing shall be restricted;*
 - (d) complaints or objections made by clergymen shall be given due attention;*
 - (e) bathing shall be restricted for both sexes;*
 - (f) those living in concubinage, if they cause public scandal, shall be banned from the township;*
 - (g) the police shall ensure the exercise of sanitary supervision over prostitutes, to ensure that those sick are subject to medical treatment and, in the event of failure to do so, they shall be deported to their home country;*
 - h) detecting and prosecuting pimps."*⁷¹
27. Keeping registers of those of the Nazarene faith in the time before the state registration of births.

Finally, the duties of the town police station included all those matters which were assigned by regulations, laws or superior bodies, such as, in addition to those already mentioned: publication of notices, issuing of property and poverty certificates, advertising of country fairs, forwarding of deliveries from the outside the town, auctioning of stray stock, collection of fines, issuing of servants', brothel, work and peddling books, etc.

The diversity of policing is exemplified by the following towns, where both the organisations and the tasks are different. It is no coincidence that in Hungary (perhaps uniquely in Europe) a movement was launched, the congress of police chief constables, which, following the example of Budapest, aimed to nationalise rural police forces.

⁷¹ Magyar Közigazgatás (1907): 25(29), 2

- In the case of Győr, the following are subordinate to the police chief constable of the town: police and city jailers, fire tower guards, night watchmen, paid firemen and field guards. All police officers receive a service pension. They wear uniforms modelled on those of the Capital. The police also include an ambulance service, which carries a sidearm and a pistol in addition to first aid equipment.
- In 1894, in Kassa, the dismissal of a police sergeant by the over-strict chief captain led to a riot among the crew, which had to be quelled with the help of the gendarmerie. "Hardly any city has had a police force as corrupt, undisciplined and neglected as that of Kassa."⁷².
- Kecskemét: The city is divided into tenths/tithings. At the beginning of the present [19th] century there were 8, since then three more have been created. Already in the 18th century, each tenth had a paid tithing officer, to which a second tithing officer was added later. They were real public safety officers. They kept an eye on the population in their tenth and all its relations that the authorities might have been interested in. Strangers were reported; stray and suspicious persons were escorted to the police station. The officers kept watch over observing the fire policing, public order and sanitation orders. Offenders and violators of official measures were reported. At night, the tithing officers cooperated with the patrol, one officer was on guard duty before midnight, the other after midnight, conducting night watch in their tenth.
- Selmecebánya: The purposeful operation, the harmony, the decisive course of action, the military and yet patriarchal spirit, the discipline, order and cleanliness which characterise the whole institution, all suggest that the management is administered by a versatile,

⁷² Endrődy, G. (1898): Magyarország rendőrsége az államosítás előtt [Hungary's police before nationalisation]. Dobay János Könyvnyomdája

learned, vigorous and self-conscious head at the height of his profession, who is able to combine official rigour with a benevolent treatment of his subordinates and a comradely care⁷³.

- The tasks of the police of Nagykánizsa were different from those of the other local police forces, and were specific:
 1. to examine all those caught and to punish them or send them to their place of birth;
 2. to regulate beggars;
 3. to take care of bakers, butchers, according to instruction;
 4. to watch over wells;
 5. to watch over the trade guilds;
 6. to arrest and punish brawlers;
 7. to carry out a test of measures;
 8. to take care of morals;
 9. to distribute the soldiers' quartering fairly among all the inhabitants;
 10. in case of fire, to investigate its causes;
 11. to carry out kitchen inspections strictly⁷⁴.
- Szamosújvár: The city captain and his deputy shall take first instance action against those who violated the rules in the following cases, if they:
 - 1. sold unripe or spoiled fruit that is harmful to health.
 - 2. failed to remove garbage, manure and cesspool contents from the city limits.
 - 3. carried garbage, manure, slop, snow, ice, material injurious to health, onto the street or into an undesignated place.

⁷³ Ibid.

⁷⁴ Ibid.

4. drove a cart or forklift on a sidewalk, or driving small children in a manner that endangers others.
5. let horses or cattle loose in the city or set them at large.
6. took a dog to church, the theatre, an event or a dance.
7. (an innkeeper) neglected to report a guest staying with him.
8. (lecher) wandered in the street or in a public garden after 9 o'clock in the evening.⁷⁵

Summary

Studying the history of policing in the two countries, we have found that the history of policing in a state is determined by the historical characteristics and development of the country, especially the emergence and development of public administration. We find similarities between the medieval English and Hungarian institutions of policing and criminal justice. However, in England (and later in the United Kingdom), industrial and civil development began much earlier, while in Hungary feudal relations were preserved. This also explains the different development of policing. While in the United Kingdom a grassroots development of law and order took place, in Hungary the development of modern law enforcement occurred later, controlled from above. In Hungary, on the one hand, towns and larger townships independently established their own police systems and maintained variously named police forces. On the other hand, the establishment of a state police force was initiated in 1848, but quickly came to a standstill, and later, in 1873 the police force of the capital was nationalised, the legal framework for which was provided by Act XXI of 1881. The first link between the English and Hungarian models was the preparation of this law, as, related to the ideas about the police of the capital, the London police model was even incorporated into the draft law.

⁷⁵ Szamosújvár városának a rendőri kihágások tárgyában alkotott szabályrendelete [Rules and regulations of the town of Samosújváros on police offences]. (1883) Görög kath. egyházmegye gyorssajtója

Another factor that probably contributed to the different perceptions of policing in the two countries was that in the UK, police institutions (largely decentralised and linked to local government) were established as a grass-roots initiative based on citizen demand⁷⁶, while in Hungary, the centralised state police force was established as a central initiative to ensure the pre-conditions of the state.

The emergence of modern policing was first seen in Western European countries, with the English police playing a leading role, which can also be traced in the history of Hungarian law enforcement in the literature and the police legislation.

⁷⁶ Christján, L. (2010): Alternatív rendészet [Alternative policing]. PhD értekezés. Pázmány Péter Katolikus Egyetem, Jog- és Államtudományi Kar