

Keeping the peace in southern England in the thirteenth century

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'At the Common Law, therefore, and before the time of King Edward the Third, there were sundry persons that had interest in the keeping of the peace'; so begins the First Book of Lambard's *Eirenarcha*.¹ Lambard's general contention that the charge of being responsible for maintaining law and order was entrusted to every royal official, whatsoever his political or social standing, was, and still is irrefutable. Hardly satisfied with such a general thesis, Lambard divides the 'sundry persons' into two distinct categories – those officials who helped preserve the peace 'as incident to other offices which they did beare . . . that they were nevertheless called by the names of their other offices only', and those who 'had it simply, as of itself, and were thereof named Custodes Pacis, Wardens or Conservators, of the peace'. After further sub-division Lambard was left with a second set of results – that the 'Keepers of the Peace', pure and simple, bore delegated powers within certain territorial units ('to be short, every Constable, Petie Constable, Tothingman and Borowhead, bee Conservators of the Peace by their offices, within the limits of their Hundreds, Townes, Tythings, and Boroughs')² and that their group was liable to still further sub-division into an 'ordinarie' and an 'extraordinary' section. The 'ordinarie' group Lambard called 'those whose authoritie was then ordinarie, alwayes one, and the same well enough Knownen'. The 'extraordinary Conservator', however, 'was indeed with an higher power, so was hee not ordinarily appointed, but in times of great trouble onely, much like as the Lieutenants of shires are now in our daies. And he had the charge to defend the coasts and countrey both from forraigne and inwarde enemies, and might command the sherife and all the shire to aid and assist him'. Of particular interest in Lambard's definition are the claims that there were two types of peace-officer ('ordinarie' and 'extraordinary') and that the exceptional type was appointed at moments of national crises when even the sheriff was obliged to meet his demands. This distinction would appear to have attracted the attention of the Crown in the thirteenth century as it sought to deal

with both the 'ordinary' aspects of disorder and the 'extraordinary' problems which arose from the political tensions of the period. Yet the apparent simplicity of this classification of the system of law enforcement conceals a number of significant developments in the Crown's attitude towards the 'custodes pacis, wardens of the coast and conservators of the peace' in the thirteenth century. In the first place, Lambard's catalogue of 'ordinarie' peace officers demonstrates not only the proliferation of their number but also the absence of a specialist agent to operate effectively at shire level. Although Lambard's 'extraordinary' peace officer did operate at shire level he did so only at moments of national crisis when exceptional circumstances demanded the appointment of a person with exceptional powers. Yet, through the second half of the thirteenth century we see the Crown's gradual recognition of the need for a shire official, appointed regularly, as well as exceptionally, with clearly defined duties (including the enforcement of recent legislation). The frequency with which these appointments are made cannot be explained solely on the basis of a worsening national security during Edward I's reign or of a growing tendency for Englishmen to break the King's peace. Perhaps historians have paid too much attention to the evolution of the peace office itself, to a better understanding of its functions – in particular to the powers of the peace-officer. Such study leads inevitably to the conclusion that the office had a chequered history, its fluctuating fortune reflecting the different moods of the Crown with regard to its usefulness. A parallel study of the personnel employed as such officers has the advantage of allowing us to explore alternative reasons for the temporary nature of some of these peace commissions and to argue that the eventual emergence of the Justice of the Peace in the fourteenth century owed less to the Crown's varied experiments with the peace office itself than to its growing dependence on middle order families as untrained but experienced agents of its policies in their respective shires. The transformation of 'Keepers' into 'Justices' of the peace is, perhaps, too readily seen as the final stage in the evolution of the peace office. Yet the history of this office is hardly one of remorseless development. Although Keepers gained the right to arrest suspects in 1314 they lost it in 1327,³ from which date until 1361 their powers were circumscribed by the activities of other officials to such an extent that their office virtually ceased.⁴ The Justice of the Peace was required to enforce the Statute of Winchester of 1285 and to hear all infringements of it – powers which could so easily, and earlier, have been given to the Keepers of the Peace who had been, since 1287, regularly associated with the Statute. The initial delay in assigning

powers of 'oyer' and 'terminer' to the Keepers was in part due to the availability of adequate judiciary provision through itinerant justices and to the persistence of the attitude that saw the Keeper as an aid to the traditional law-enforcement agencies. However, their regular appointment to serve on a variety of royal commissions – including some with powers of 'oyer' and 'terminer' – gave to those Keepers experience far beyond the duties of their own office. The persistent use of these people on the Crown's business earned for them and for their office due recognition of their value as trusted regional agents. The Crown's acknowledgment of that trust was a necessary preliminary to their re-designation as 'Justices'. The elements in this argument – namely, the frequency of those crises which blurred any distinction between the normal and the exceptional peace officer; the role of the Keeper in the defence of the realm against invasion; and the activities of personnel engaged in this work and on other commissions – may be most usefully studied within the area of southern England in the second half of the thirteenth century when special provision for the defence of the country as well as Edward I's determined efforts to legislate for stability highlighted these issues.

The first really notable attempt to establish a uniform system for preserving the peace in England by the employment of special officers assigned for that purpose came in 1195 with the 'Edictum Regium' of Hubert Walter.⁵ Henry II had placed the execution of his famous police measure, the Assize of Clarendon, in the hands of his sheriffs and justices. Hubert Walter, in the knowledge of what had been achieved with serjeants of the peace in the Marches and Palatinates,⁶ issued his proclamation for the preservation of the King's peace throughout the land. The first part of that proclamation contained traditional measures for law-enforcement, including the retention of the hue and cry and the overall responsibility of the sheriff. The second part of the proclamation, however, announced the appointment of Knights who would receive of all able-bodied men over fifteen years on oath that they would maintain the 'King's peace'. Knights had been used before this date to deliver gaol, and to receive oaths for preserving the peace. The importance of these particular appointments lay in the fact that the Crown had taken a step towards setting up a separate office to deal specifically with problems pertaining to the King's peace in every shire of England.

If, by the middle of the thirteenth century, there was no recognisable, standardised system for maintaining law and order throughout England, there were, nevertheless, certain well-established arrangements for doing so. Inasmuch as Hubert Walter's *edictum* owed much to the use of serjeants of the peace in the northern and western parts

of England so, too, did the Assize of Watch and Ward forty-seven years later. During that period the Crown had introduced further measures to preserve the peace as well as provisions for securing the realm against invasion. In 1205 John issued a writ containing directions for the levying of a force to defend his Kingdom in moments of danger.⁸ This act 'although only an occasional expedient for the defence of the country',⁹ and foreshadowed in part by Henry II's attempt in 1157 to raise a force by the contribution of his knights, nevertheless sought to involve every able-bodied man, aged twelve years or more, in the defence of the realm. By far the most important aspect of this writ was the arrangement for local constables to summon men to arms.¹⁰ In each hundred and township a constable was to be appointed and, under the orders of the chief constable of the shire, make arrangements for the defence of the country against invasion and those who would disturb the peace. These arrangements in 1205 provide the first occasion when the Crown set beside its sheriff a shire official who would be responsible for keeping the peace by force.¹¹ Although the Crown continued to show its preference for the sheriff as its principal agent for enforcing law and order in the shire, it periodically appointed peace officers to assist the sheriff. During the difficult 1230's numerous attempts were made to pacify England. In June 1233 each sheriff received a rather lengthy set of instructions on preserving the peace which amounted, in effect, to an earlier version of the assize of 1242.¹² During the next eighteen months these officials, working directly or indirectly with the sheriff, were active in enforcing the King's peace. On 18 June 1233, the foresters and serjeants of the royal Forest of Dean were ordered to assist the constable of St Briavel's with horses, arms and men.¹³ A ban was placed on all tournaments until the following October, all violators of this ruling having to face possible excommunication in addition to the usual penalty.¹⁴ On 31 July 1233 the Sheriff of Gloucester (together with his colleagues in Hereford, Worcester, Shropshire and Oxford) received instructions to arrest any armed band which crossed their shire.¹⁵ On 20 October Philip de Albiniaco and William de St. John were commissioned to preserve the peace in Sussex, Kent and Hampshire¹⁶ and, shortly afterwards, Amaury de Sacy and other knights received similar instructions regarding Gloucestershire.¹⁷ Thomas de Berkeley was named as their host and urged to place all his resources at their disposal. The sheriffs of those counties through which de Sacy would pass were informed that he would be bringing with him certain orders for them from the King which were designed to improve existing methods for maintaining law and order. They, in

turn, would be responsible for instructing their hundred bailiffs to give him every assistance.

In the summer of 1234 the programme of despatch began again, with sheriffs being urged to greater diligence.¹⁸ At the start of 1235 the threat of invasion stirred the Crown into further frantic action. On 9 February, Hammo de Crevequoer and Walrand Teutonicus were commissioned to defend the southern coastline with the aid of the Cinque Ports.¹⁹ This order was immediately cancelled, however, and on the same day, the two men were not only given actual custody of the ports but were also made responsible for the coastal defences of Essex, Suffolk and Norfolk.²⁰ On the following day their orders were cancelled for a second time, and their earlier assignment re-issued.²¹ Although these arrangements for safeguarding the vulnerable coastline were not unusual, the double cancellation and the inclusion of the coastlines of Norfolk and Suffolk (counties which did not have a particularly easy relationship with the Cinque Ports) suggest a basic uncertainty on the part of the Crown as to the most effective measure to adopt. The use of roving commissions with powers to take all necessary action to provide stability continued through 1236.²² In 1237 and 1238 there are again numerous references to the work of serjeants of the peace, even in southern England, an area not normally associated with them.²³ The year 1241 saw a considerable increase in these appointments of serjeants as part of the preparations for the King's departure to Poitou.²⁴ On 29 October 1241, the sheriff of Kent was granted an allowance of £13. 13s. 0d. to cover the cost of maintaining, with William de Casingham, six serjeants in Kent and Sussex.²⁵ The payment of the wages of six serjeants over a period of a month had involved the sheriff of Bedfordshire and Buckinghamshire in a debt of £4. 4d. 0d. A sum of £7. 8s. 0d. was spent by the sheriff of Berkshire in maintaining four sergeants over a period of twelve weeks.²⁷ Comparable sums were incurred by the sheriffs of Oxfordshire, and Warwickshire and Leicestershire.²⁸ These payments were the result of the measures incorporated in the Assize of Watch and Ward of 28 May 1241.²⁹ The sheriffs of twenty midland and southern counties (though not those in the north and west where the older type of serjeant of the peace was to be found) were directed to arrange for the election of eight serjeants to preserve the peace, employing very largely traditional methods of arrest. The intention was not fully implemented. Sussex, Kent, Gloucester, Bedford, Buckingham, Northampton and Lincoln were each served by six officials – not eight; whilst Essex, Hertford, Norfolk, Suffolk, Oxford, Berkshire, Warwickshire, Leicestershire, Worcester, Hereford, Nottingham and Derbyshire each appointed

four serjeants of the peace.³⁰ In order that the people themselves should not be burdened with having to maintain these officials and their assistants, the payment of the sixpenny rate was to be made 'from our purse' and was to be used to cover the period from 9 June to 14 September 1241.³¹

The appointment of these special peace officers amounted, to all intents and purposes, to a mobile force, ready at all times to strike without undue delay in any part of the shire. They were not necessarily responsible for continuously patrolling that county (the dearth of numbers would be a very clear drawback to such a scheme), although it was clearly their duty to keep a close watch on local conditions in the hope of anticipating and thus frustrating any outbreak of violence or disorder which threatened to flare up into a full-scale national crisis. Not unnaturally, the project appears to have been conceived as a military venture.

These measures to ensure the safety of England during the King's absence should have proved effective. The King was due to leave for Poitou in May 1242. On 20 May a second Assize of Watch and Ward was introduced which was so different to the provisions of 1241 that it must indicate a significant change in attitude by the Crown.³² Although serjeants of the peace were in office until September 1242 when they were due to account, their daily rate of pay appears to have fallen to one penny and, thereafter, their main theatre of operations appears to have become again the marcher zones.³³ It was probably provoked by a series of unpleasant incidents which had been reported five weeks earlier and which hardly augured well for the peace of England during Henry III's absence. On 2 January 1242, the sheriff of Devon, Walter de Bathonia, was ordered to arrange the defence of his coastline against the incursions of the 'King's enemies' encamped on the Isle of Lundy.³⁴ He was evidently unable to make any real impression, therefore, on 7 February, a second letter was sent warning the local people that, unless they decided soon how best to defend that coastline, the Crown would send down a commission of four to work with the sheriff to preserve law and order there – at the community's expense.³⁵ This commission was not part of the 1241 provision (in spite of the fact that Devon was one of the few southern counties not mentioned in the arrangements of the previous May), rather was it a further instance of that royal policy of appointing extraordinary peace-officers to deal with a potentially dangerous situation. On 5 May 1242, the barons of the Cinque Ports and the sheriffs of Kent, Sussex, Essex and Hertford were urged to assist in the maintaining of the castle at Dover 'for the keeping of the peace and defence of the realm'.³⁶ On 18 May they were advised of the

King's intention of sending detailed arrangements for the defence of the southern coastline.³⁷ Instructions for the defence of the western region were sent to the sheriffs of Gloucester, Hereford and Worcester on 6 May³⁸ and to the citizens of Bristol on 21 May.³⁹

The measures proposed by Henry in the Assize of May 1242 for the preservation of the 'King's peace' and, more immediately, for the defence of his Kingdom, once again emphasised the conservatism which had characterised earlier arrangements.⁴⁰ Each sheriff was ordered to ensure the maintenance of the Watch in every township between 29 May and 29 September 1242 by a body of armed men, varying in actual number from six in a city, twelve in a borough, to between six and four in a 'vill', depending on its size. Each hundred was to have its own chief constable who would assist the sheriff and two other Knights to keep the peace. These Knights were empowered to swear men to arms, as they had in 1195. Similarly, a constable was to be chosen in every township, and, although every man was expected to support the hue and cry, only those specifically assigned to guard the peace were actually to bear arms. All persons arrested in this way were to be entrusted for safe-keeping to the sheriff.

These measures suggest a return to more traditional methods for preserving the peace and for organising the militia. Gone have the roving commissions of serjeants of the peace, so, too, the experiment of a peace officer at shire level which had been a feature of the 1241 assize and of the arrangements made by John in 1205. There is a return to the provision of community responsibility at the level of the smaller territorial unit of the hundred and of the township. Yet there is, at the same time, a recognition of the distinctive value of the constable in the Crown's intention to involve him in both the normal territorial policing and the special arrangements for raising the militia.

The effectiveness of these arrangements may be gauged from the efforts of the Crown between 1250 and 1253 to urge sheriffs into a more active enforcement of the Assize of 1242. In March 1251, in particular, all sheriffs received such encouragement.⁴¹ Twelve months later the sheriff of Wiltshire was instructed to swear men to arms to keep the peace and in May 1252 the sheriff of Kent received directions about watch and ward requirements.⁴² In March 1253, after receiving numerous complaints regarding the activities of outlaw bands the Crown again reminded its sheriffs of their obligations of watch and ward and preserving the peace.⁴³ More elaborate provisions were made in the following July which involved a judicial enquiry to oversee offences.⁴⁴ In addition two 'superiors' were to be

appointed from every hundred to ensure that the watch was properly enforced.⁴⁵ 'Superiors' had been used earlier in June 1233 and may here refer to the chief constables whose commitments grew with the intended departure of the King once more to Gascony.

If, by the middle of the thirteenth century, the Crown had persuaded itself against the appointment of a new-style peace officer to operate at shire level and had preferred to restate its commitment to the role of the sheriff and of the constable to enforce its peace, then that complacency was rudely shaken by the civil crisis which developed after 1258. Between 1263 and 1265 appointments were made of local military lieutenants.⁴⁶ Much comment has been made regarding their considerable powers, particularly in connection with the militia,⁴⁷ but these powers are usually seen as exceptional, coinciding with a time of acute national crisis. It is argued that the initial appointments of 1263 by the baronial council rivalled the office of the sheriff. They are thought to be political appointments designed to offset the Crown's influence in the shire which Henry III had re-established by the summer of 1261. Pertinent though these arguments are they tend to direct attention away from the fact that interest had been revived in the idea of a local shire official with considerable 'policing' responsibilities.

According to the writ of appointment dated 20 July 1263 Keepers of the peace were assigned to every county of England.⁴⁸ Although they cannot be easily identified it is possible to arrive at eight names: John de St. Valery (Hampshire), John d'Eyville (Yorkshire),⁴⁹ John FitzJohn (Bedford),⁵⁰ Adam de Neumarch (Lincoln),⁵¹ Andrew Wake (Dorset),⁵² John de la Ware (Sussex),⁵³ John de Vaux (Suffolk)⁵⁴ and William Marshall (Northampton).⁵⁵ If, however, to this list of known Keepers are added the names of known baronial Keepers of the peace for 1264-1265 and known baronial sheriffs of 1261 (whose rivalry with the royalist sheriffs caused the Crown such problems in October 1261)⁵⁶ a number of significant points emerge. There is, for instance, unmistakeable (if somewhat circumstantial) evidence for a baronial policy of appointing Keepers of the peace from the lists of baronial sheriffs of 1261. John d'Eyville, John FitzJohn, Adam de Neumarch and William Marshall were baronial sheriffs in 1261 and Keepers of the peace in 1263 and 1264-1265 for their respective shires of Yorkshire, Bedford, Lincoln and Northampton. Thomas d'Astley, John de Wauton and William de Tracy were baronial sheriffs in 1261 and Keepers in 1264-1265 for the shires of Warwick, Surrey, Sussex and Gloucester. Might it not be possible that they were also Keepers of the peace for those parts in 1263? Although some baronial sheriffs did not, at any time, become

Keepers of the peace this apparent omission can be explained. Ralph Pirot had been the baronial sheriff in Bedford, Buckingham, Cambridge and Huntingdon. His assistant in the first two counties, John FitzJohn, became their Keeper of the peace, whilst Pirot's likely assistant in Cambridge and Huntingdon was Giles d'Argentein who was Keeper in 1264–1265. John de la Haye, baronial sheriff for Surrey, Sussex and Kent in 1261, re-appeared in 1264 as Keeper of the coastline of Kent, a position which would not have made him ineligible for appointment as its Keeper of the peace.⁵⁷ He had also been assisted in Surrey and Sussex in 1261 by John de Wauton, already noted as a possible claimant to the title of 'Keeper of the peace' for these counties in 1263. The absence of William Bardolf from the Norfolk commission and Roger Foliot from that of Nottingham and Derby can be explained by their transfer of allegiance to the royalist cause.⁵⁸ Ralph Basset in Leicester and William Blund in Suffolk may well have acted as Keepers of the peace but in a supporting way to others.⁵⁹

Neither the Provisions of Oxford in 1258 nor the 'establishments' of Westminster in 1259 had suggested the appointment of a peace officer with the powers now given to the Keepers of the peace.⁶⁰ In southern England we find them munitioning and provisioning the castles of Corfe and Sherborne; making restitution of property to their rightful owners in Surrey, Kent, Sussex, Somerset, Wiltshire, Berkshire, Dorset, Devon, Hampshire; and also confiscating property in Wiltshire, Gloucester and Hampshire. They were responsible for ensuring settlements of debts in Somerset and Kent (where the Keeper found it necessary to use force) and, in Sussex, for supervising payments involving the Crown. Conducting enquiries into land tenure and debt, distraining offenders and disturbers of the peace, arranging safe-custody, presentment and bail for those arrested, summoning juries – it is hardly strange to learn that other officials saw their own offices infringed. A writ addressed to the sheriff of Somerset was hastily re-addressed to the Keeper of the peace.⁶¹ When Robert Walerand's estate was declared forfeit by reason of his many unsettled debts, his lands in Worcestershire and Rutland were seized by the sheriff, those in Wiltshire, Hampshire and Northamptonshire by the Keepers and those in Gloucestershire by the joint action of the Keeper of the peace and the coroner.⁶²

The appointments of Keepers of the peace made by the Crown in December 1265 were drawn from families of far greater status.⁶³ Roger Leyburn was assigned to Kent; the Earl of Warenne to Surrey and Sussex; Philip Basset to Oxfordshire, Berkshire and Wiltshire; Alan la Zouche to Somerset, Devon and Dorset; Roger Clifford and

William Giffard to Worcester, Hereford and Gloucester; Reginald FitzPeter, Ralph St. John and John de St. Valery to Hampshire; Philip Marmion and Andrew Luterel to Nottingham and Derby. The counties of Shropshire and Stafford became the responsibility of Roger Mortimer, John FitzAlan, John de Verdun, and James d'Audley. An even larger group of eleven (Eustace de Balliol, John de Balliol, Robert Bruce, Henry Percy, Adam de Montalt, Adam de Gesemuth, Robert de Nevill and four others whose names are not mentioned) took up similar posts in the five northern counties of Cumberland, Westmorland, Northumberland, Yorkshire and Lancashire. In this list appear the names of some of the most powerful families in the land. Yet the arrangements did not apply to the whole of England; most noticeably they excluded much of the Midlands and East Englia which exhibited still the greatest sympathy to the Montfortian cause.⁶⁴ Henry III's anxiety at the possibility of a Montfortian resurgence probably explains the rather arbitrary grouping of shires. Under baronial rule it had been customary for one or more Keepers of the peace to be responsible for enforcing the law within one, or at most two, shires (although even in the latter arrangement the two shires chosen already had strong ties with each other). Although de Warenne's instructions were couched in traditional terms it is evident that the Crown had conceived the scheme from a military point of view, seeking to establish enclaves of royalist support. We should, therefore, not be surprised to discover a few features which are somewhat unusual. The same person might act as sheriff and as Keeper of the peace; Adam Gesemuth performed both roles in Northumberland, Robert Nevill in Yorkshire, Eustace de Balliol in Cumberland, Roger Leyburn in Kent, Roger Clifford in Gloucester, Hamo Lestrangle in Shropshire, Reginald FitzPeter in Hampshire and Adam de Montalt in Lancashire. With the exception of Roger Leyburn in Kent, who was probably capable of acting on his own, each of these men served on multi-member commissions of Keepers. Roger Clifford, although sheriff of Gloucester, shared his peace-keeping duties in that county and in Worcester and Hereford with William Giffard. Reginald FitzPeter, as well as being the sheriff of Hampshire, was also responsible for keeping the peace there with Ralph St. John and John de St. Valery. Hamo Lestrangle, sheriff, also worked with Roger Mortimer, John FitzAlan, John de Verdun and James d'Audley at preserving the peace of Shropshire and Staffordshire. The others – Adam de Gesemuth, Robert Nevill, Eustace de Balliol and Adam de Montalt – all served on the great northern association of eleven Keepers of the peace. The appointment of twenty-seven Keepers to twenty-nine shires of England on 4

June 1264 followed the Montfortian victory at Lewes.⁶⁵ Further appointments in other counties (as well as some changes to the original list) soon followed.⁶⁶ Urged to effect the normal constraints upon breaches of the peace these Keepers were also required to organise the election of four knights from each shire to attend the parliament to be held shortly at London. Their immediate task was, however, to remove pockets of royalist resistance and to effect measures for the defence of the realm against invasion. The 'invasion scare' was probably responsible for the 'pairing' of Somerset and Dorset and Cambridgeshire with Huntingdon as well as for the appointment of Thomas de Multon as 'commander-in-chief of coastal defence' in September 1264.⁶⁷ This military aspect probably accounts for the policy of assigning castles to the safe keeping of the Keepers of the peace – not that this arrangement was without incident. A particular problem was the royalist garrison at Pevensey.⁶⁸ Siege operations there were organised by the younger Simon de Montfort, with assistance from the sheriff of Surrey and Sussex, and further help from the Keeper of the peace for Surrey, Frank Bohun, and from John de Wauton who, as Keeper for Sussex, maintained a watch along the coastline near Pevensey. The royalist castellan at Bristol successfully delayed the appointment of the baronial nominee, John de la Ware, who was the Keeper for Sussex.⁶⁹ The decision to assign to the Keepers of the peace the custody of castles and to engage them in extensive preparations for the defence of the shire may well show how these Keepers outweighed the sheriffs in military and policing matters.⁷⁰ The sequence of these appointments, however, suggests that the use of Keepers in this way was not inevitable. Within a month, and following upon the new appointments of sheriffs on 27 June 1264, many Keepers were ordered to yield custody of those castles to the sheriffs.⁷¹ However, in the following autumn and winter the arrangement is again changed and Keepers once more are given this responsibility.⁷² This decision was probably forced on the baronial council. The threat of invasion was very real and the anti-invasion measures which now followed show again the military and political value of the Keeper of the peace.

Preparations for coastal defence grew apace in the summer and autumn of 1264. Thomas de Multon, already 'warden of the sea-shore' in Essex, Norfolk and Suffolk was probably assisted in Kent by John de la Haye.⁷³ With the prospect of better weather in the spring of 1265 new defence measures were implemented. On 2 May 1265, Brian de Gouiz and Hugh de Peverel were ordered to organise the defence of the coastline of Devon, Somerset and Dorset.⁷⁴ They were still, of course, keepers of the peace for the counties of Dorset and

Somerset respectively. However, before these appointments could be fully effective a royalist force under William Valence and the Earl of Warenne landed in Pembrokeshire. The expected invasion had occurred in an area where no coastal defence had been planned. The battle of Evesham three months later removed all possibility of remedying this neglect.

The political nature of these appointments is perhaps best seen in the form of the complaints against them which now followed. A Gloucester jury found that Sir John Ayston had been forced to fight against the King on the orders of John de la Ware, the Keeper of the peace for Sussex in July 1263.⁷⁵ The garrison at Windsor, under the guidance of John FitzJohn, the local peace officer, made a profitable business from selling their booty to the townspeople; whilst many unfortunate people were 'pressed' into their ranks.⁷⁶ It was said of Brian de Gouiz that 'he ran through the county of Somerset on behalf of Simon Earl of Leicester.'⁷⁷ Perhaps some indication of the loyalty of these Keepers can be gleaned from the lists of those men who died for their beliefs on the field of Evesham. Henry de Montfort had been, for a short time, keeper in Kent. Hugh Dispenger had exercised powers as a special peace officer in East Anglia. Ralph de Basset of Drayton had been Keeper in Shropshire and Staffordshire; Gilbert de Elsfield Keeper in Oxfordshire; Thomas of Estley in Warwickshire; and Robert FitzNigel in Berkshire. John FitzJohn was wounded at Evesham and taken prisoner on the battlefield. Other Keepers of the peace had also suffered for their Montfortian sympathies.

With the restoration of royalist rule in 1265 either the reinstatement of traditional methods of law enforcement or the temporary use of Keepers of the peace in the restitution of property along the lines sketched out in 1263 might have followed. In the event, neither expectation was fulfilled. No general authorisation was issued. A few appointments of Keepers were made soon after Evesham but these were spread over a number of weeks and usually involved individual Keepers. In the thirteen months between August 1265 and August 1266, seven appointments were made in twenty-two counties, many of them duplications. It was not uncommon for the Keeper of the peace to be reminded not to interfere in the work of the sheriff.⁷⁸ This desultory attitude probably stemmed from the peculiar political situation. The Crown was probably reluctant to continue the appointments of these officials now that it was confident of final victory. It was persuaded to persevere with the Keeper of the peace as a result of the persistent raiding by bands of rebels based in easily-defended locations like the Isles of Axholm and Ely, by the need to

re-establish the full framework of local administration, and by the problem of the 'disinherited'.⁷⁹

The chief source of trouble for the Crown in the south of England came from the Cinque Ports. Besides offering a haven for rebel bands the ports also conducted a very profitable war against traders who chanced their way. The first appointment of a Keeper of the peace came on 10 November 1265 when William de Horsenden was assigned to Sandwich,⁸⁰ a town which did not finally declare its allegiance to the Crown until the following January. When Ralph and Hugh Saunzavers were appointed wardens of the sea-shore of Sussex in December 1265 they were instructed to proceed against the King's enemies and to take steps to contain the men of the Ports who were then maintaining a fleet off that part of the coast.⁸¹ A commission in Devon with similar responsibilities was assigned to Henry de Tracy and his son Oliver. With the surrender of Winchelsea to the Lord Edward in March 1266 and the appointment of Roger Leyburn in Kent the tension in the south east should have been eased.⁸² Disturbances in Sussex and Surrey, however, continued until January 1267.⁸³

In the forests of Hampshire which provided such good concealment the rebels continued their activities even after the capture of Adam Gurdon in the spring of 1266.⁸⁴ In January 1267 Gerard de la Grue was appointed as Keeper of the peace to work for their arrest with the sheriff and the steward of the Bishop of Winchester. In the following September Grue was involved in the defence of the Isle of Wight and the Hampshire coastline against a possible rebel invasion.⁸⁵ These preparations included the appointment of four Keepers of the peace who were to remain in office whilst the danger persisted.⁸⁶ Disturbances in Somerset, Dorset and Wiltshire posed such problems that the Keeper, Henry de Montfort de Farley, was also assisted by a special commission. In May 1266 Robert Walerand and John de Mucegros were appointed to hold enquiries as 'captains' and Keepers of the peace.⁸⁷ When the work was complete de Montfort was to re-assume his role as the sole Keeper for the south-west.

Of all the Keepers of the peace appointed after Evesham the most interesting is Roger de Leyburn.⁸⁸ His support of the Crown resulted in his playing an important role in organising the coastal defences of southern England. In March 1264 he had been instructed to fortify Rochester castle, to preserve the peace in Kent, Surrey and Sussex and to wage a campaign against the King's enemies there. In August 1265 he was entrusted with the task of arranging peace-terms with the citizens of London. From November he was once more active

suppressing insurrection in Kent, particularly at Sandwich. His roving role included supervising the fortification of Hastings castle in February and March 1266 and then the suppression of rebel activity in Essex. In January 1267 he was ordered to postpone what he was doing and proceed to Winchelsea, there to aid the Lord Edward in expelling trouble makers from the town. The following month found him back in Kent, suppressing large gatherings of rebels which had continued despite his earlier efforts. In March he was urged to arrest John d'Eyville who had threatened to march on London with the large force which he had on the Isle of Ely. Between May and June Leyburn played a major role in the preparation for the campaign against Gilbert de Clare. In recognition of all his efforts he was allowed 'reasonable expenses'.

If the political and military needs of the opposing sides in the civil war had unintentionally revived an interest in the idea of a peace officer at shire level the twenty years which followed provided further opportunities to prove the case. With the gradual restoration of royal authority and the accession of Edward I traditional forms of law enforcement involving the sheriff and special commissions became the norm once more. However, the not infrequent absences of the new King meant a regular review of the measures needed to safeguard the realm, including the militia and the system of law enforcement. Until 1277 the Crown remained dependant upon these traditional elements despite its growing concern over the activities of marauding bands – a concern it expressed in June⁸⁹ and August⁹⁰ 1273, July 1275⁹¹, and regularly during the summer and autumn of 1276 (when commissions of oyer and terminer held enquiries across southern England).⁹² When, in the summer of 1277, Edward I determined on an invasion of Wales it was clearly necessary to make special arrangements to secure the peace of England in his absence. In July sheriffs were instructed to be more diligent in preserving the peace and to swear men to arms.⁹³ Such arrangements would not have been unusual in the Watch and Ward provisions already noted. However, Edward I introduced a new measure into this scheme, instructing the sheriffs to arrange the election in their shire-court of a person who would be responsible for keeping the peace during the King's absence. The appointment of such a person in each of the twenty-nine counties mentioned for the express purpose of preserving the peace marked the appearance of the first full-scale commission of peace officers since 1265. Although there is no reason to suppose that these appointments were not universally made in shires and hundreds⁹⁴ the names of only three Keepers of the peace are known, one being Andrew Wake who was the appointment for

Dorset.⁹⁵ Wake was clearly intended to work with the sheriff who would undoubtedly be the senior partner. Nevertheless, the re-use of the Keeper alongside sheriff and constable suggests that this commission of 1277 is a link between the older arrangements identified in the Assize of Arms of 1242 and the modified form which was to be incorporated in the Statute of Winchester in 1285 and in the Commission of the Peace in 1287.

The King's absence in Wales again in 1282 may have once more led to appointments of Keepers of the peace; although the evidence is not conclusive⁹⁶ arrangements similar to those of 1277 were probably made. Sixteen counties (predominantly central and eastern England) were involved, certain persons being deputised to work with the sheriffs. There is, however, no doubt surrounding Edward's arrangements in 1285 when, determined to leave for Gascony in the following year, he effected a major overhaul of the system of peace preservation. The statute of Winchester attacked the corruption of jurors and delays in concluding enquiries; regulated Watch and Ward, hue and cry, the clearance of highways and the view of arms; and urged all local officials to greater effort. Although there are some novel features to the statute it confirmed the importance of the sheriff and constables in the enforcement of law and order.⁹⁷ There was no mention of the Keeper of the peace. That omission was eventually remedied when, on 20 January 1287, a general commission of the peace was issued.⁹⁸ Keepers were instructed to 'view and enquire' to what extent the Statute of Winchester was observed and to present their reports by 27 April 1287 after which date they were to continue receiving presentments until either the King returned or his cousin, the Earl of Cornwall, could provide a 'competent remedy'. The majority of counties had two Keepers although three shires in the south had three apiece (Cornwall, Devon, Gloucester) and another (Berkshire) had four.

This association of Keepers with the Statute of Winchester was critical in the development of the office into that of the Justice of the Peace.⁹⁹ Although the importance of the commission of 1287 in turning the Keeper from a military leader into a mere inspector of the militia and in recognising him as primarily judicial has been noted¹⁰⁰ the 'transformation' was not sudden, but rather the result of the arrangements made in 1277 and 1282. The effect of this change was twofold – it brought the Keeper into closer association with the royal justices and it divorced him from any direct responsibility for the militia and for the defence of the shire against invasion. Before the end of Edward I's reign in 1307 both effects were seen. On 10 May 1300 another major peace commission was launched when one

hundred and eight knights distributed evenly across thirty-six English shire, were empowered as royal justices to hear and determine any breach of Magna Carta and the Forest Charter and to enforce the Statute of Winchester.¹⁰¹ When, between 1294 and 1299, the Crown made extensive preparations for the defence of England the burden for defending the coast-line fell on the sheriffs, constables and coastal wardens.

The defence pattern which had emerged in the summer of 1294 of a seaborne force which could convey the King's expedition to Gascony and also assist in the defence of England, and a militia which was alert to any sign of foreign invasion was repeated the following summer. In fact, the arrangements became more extensive as the rumours grew. Thomas Turberville, claiming that surveillance along the south coast of England was inadequate and that the Isle of Wight had no garrison, had traitorously reported to the French King that the year 1295 was the most propitious time to invade England because the Scots and the Welsh were ready to rise.¹⁰² Such rumours were not easily dismissed by skirmishes at sea between English and French ships nor by the French raids on Dover and Winchelsea.¹⁰³ Although the channel coastline was clearly the most vulnerable part, Edward I was reluctant to transfer to it forces guarding the border with Wales and Scotland. It was necessary for the coastal regions to be manned by local people. Consequently, a review of that comprehensive system of coastal patrol initiated by John in 1205 was undertaken.¹⁰⁴

The arrangements which were introduced first along the east coast of Norfolk, Suffolk and Essex involved the designation of one or two 'Keepers of the coastline', and the identification of key regions along the coast to be controlled by two constables who would then assess the local fighting force and arrange the watch.¹⁰⁵ The organisation of the defence of Surrey and Sussex was probably first entrusted to John de Warenne in September 1295¹⁰⁶ but due to his absence on similar business in northern England, he was replaced in October by William de Hauteville.¹⁰⁷ At the same time de Warenne's assistant, Richard de Waldegrave, was replaced by Henry de Cobeham. The defence of Kent was entrusted to Mathew Giffard and his assistant Stephen de Cusington. Further changes soon followed. In November Hauteville retained responsibility in Sussex for the Western rapes of Chichester, Arundel and Bramber, whilst William de Stokes organised the eastern rapes of Lewes, Pevensey and Hastings until his death in July 1296.¹⁰⁸ On the same day as Hauteville's appointment, Henry de Cobeham became the 'Keeper' of the Kent coastline and, one week later, Adam Gurdon was placed in charge of the Isle of Wight.

Concern over the possible assistance that ought to be given to an invasion force by alien religious houses led to the removal of their members from coastal areas and navigable rivers – exceptions being Sele and Lewes in Sussex, Monks Horton in Kent and Kerswell in Devon.¹⁰⁸

These elaborate plans extended through 1296 and involved the coastline as far as Somerset. Inland counties were 'twinning' with those on the coast; in this way Berkshire and Wiltshire were expected to contribute to the coasts borne by Hampshire¹¹⁰ – although Eustace de Hach and Henry Husee challenged their assessments.¹¹¹ The cost of maintaining this system was considerable.¹¹² A patrolman, if mounted, received 6d. a day and 2d. if on foot. The religious houses of Hampshire maintained forty men, those of Berkshire and Wiltshire thirty each.¹¹³ Taxes collected for the defence of Surrey and Sussex were not paid in full, the collectors deducting half the sum as expenses.¹¹⁴ Although during the winter of 1296–1297 a reduction in these arrangements was possible they were renewed in the spring of 1298 but by then the region at risk was northern England with the possibility of a Scottish invasion.

Plans for the defence of England's southern coastline had been comprehensive. They did not, however, involve the Keepers of the peace. A list of those who had been appointed to select and retain, in the King's service and at the King's rate of pay, a number of knights and yeoman from each shire to be employed as they saw fit appeared in September 1297.¹¹⁵ It consisted of sheriffs, 'keepers of the sea coasts' and Keepers of the peace. In fact only three Keepers of the peace were mentioned, one of them William de Echingham from the Surrey and Sussex peace commission. But the Keepers of the peace had not been idle. In the period between the two peace commissions of 1287 and 1300 Keepers of the peace in southern England were regularly engaged in receiving indictments against the peace and, in particular, against the Statute of Winchester.¹¹⁶ Cases involved pleas of trespass, extortion, unlawful imprisonment, armed robbery and murder; whilst enquiries included a report on the unlawful construction of a dyke across Pevensey marsh.¹¹⁷ However, from the point of view of their development as justices of the peace the association of Keepers with commissions of oyer and terminer – including Gaol Delivery – was particularly significant. This practice appears to have grown steadily in the period between the two peace commissions and probably accounts for the rather different status accorded the Keepers in the arrangements of 1300 and thereafter. The Crown's alarm at the continued lawlessness of England led to a re-issue of the statute of Winchester in November 1293¹¹⁸ and to a major enquiry

into the conduct of its officials in 1294–1295. This concern, taken with the invasion scare, undoubtedly explains the continued use of Keepers of the peace and the extension of their duties but it may also explain the re-appointment of the same individuals on successive commissions of the peace. One-third of those named in 1287 re-appear on the lists of either 1300 or on the first commissions of Edward II's reign in 1307 and 1308.¹¹⁹ In the southern counties Reginald de Bevill appeared twice for Cornwall, William de Echingham on all four Sussex commissions, Richard de Havering twice in Dorset, Walter de Pavely and Waresius de Valoignes on three of the lists for Wiltshire and Kent respectively. Others, like Henry Hoese, Henry Tregoz, John Holt and Richard de Windsor, reappear on the lists but for different counties than those which they first served. The regular issue of peace commissions continued in the reign of Edward II, as did the practice of re-appointing the same personnel. This development shows not only the Crown's recognition of the value of a shire peace official now that his duties were attached to the Statute of Winchester but also its growing dependence upon local amateurs to enforce the peace and to perform a variety of other tasks which included serving on commissions dealing with the collection of taxes and of array; enquiries into the unlawful use of prisage, and all manner of commissions of oyer and terminer. It would be natural for such persons, regularly engaged on the King's business, to acquire an understanding of the various processes of the law. The final recognition of the value of justices of the peace would come once the Crown recognised that their experience might compensate for their lack of training.

Not that the system which had evolved by the end of Edward I's reign had not produced problems of its own. When Edward had returned to England in 1303 a further onslaught on the lawless condition of England was announced which led to the appointment of a distinctive form of oyer and terminer commission, Trailbaston. The appointment of these commissions attracted the attention of contemporaries (who regarded them with hostility) and historians (who have seen them as rivals to the Keeper of the peace),¹²⁰ Trailbaston commissions were yet another attempt by the Crown to deal with the perennial problems of lawlessness and, in particular, to reduce the delay in providing stern justice. Although they are normally assumed to have originated in an enquiry into lawlessness in 1304¹²¹ they were, in fact, based upon the findings of an investigation begun in February 1303.¹²² The effect of trailbaston upon the office of the Keeper of the peace may be seen in the virtual absence of Keepers from these investigations¹²³ and the articles of enquiry

assigned to the justices of trailbaston which encompassed not only articles previously belonging to the general eyre but also those attached to the Statute of Winchester. As many as ten trailbaston articles have been identified.¹²⁴ However, the terms of the enquiry were probably much wider. A Surrey assize roll of 1307 contains twenty-eight articles, nine of particular relevance to the trailbaston enquiry, four others based upon the general eyre, and a third group of fifteen articles providing the basis for an investigation into the effectiveness of the Statute of Winchester.¹²⁵ During the trailbaston enquiries the Crown had, in June 1306, urged its sheriffs once more to enforce the statute¹²⁶; five weeks later these sheriffs were again criticised for failing to do so.¹²⁷ The statute was now the critical part of the system for dealing with disturbances of the peace; its importance provides a possible explanation why the Keepers of the peace were not, at this stage, solely responsible for its enforcement.

Southern England was served by two trailbaston commissions and their investigation revealed the extent of the problem – particularly in connection with the failure of constables to fully enforce the Statute of Winchester.¹²⁸ Although references to the incompetence of Keepers of the peace are few (certainly nothing on the scale of the enquiry of June 1314) those involving constables are so numerous as to suggest that in certain regions there had been an almost total disregard of the statute. As we have seen, the pressures on constables in this period were considerable. Theirs became the responsibility for ensuring that the system actually worked. When the Keeper was recognised formally as performing the functions of a justice of the peace in the fourteenth century more commitments fell to the constable – but this transformation of the constable belonged, as with the Keeper, to the second half of Edward I's reign. If the experiments in this period had again emphasised the dependence of the Crown on its local officials for keeping its peace they had also created the structure in which future improvisation and development would take place.

Notes (Throughout this paper 'Keeper of the peace' refers to the *custos pacis/conservator pacis*.)

¹ W. Lambard, *Eirenarcha* (1610), I, pp. 11–14.

² Confusion over the precise title of a peace officer was commonplace. The same person might be called 'constable', 'conservator of the peace' or 'keeper of the peace' (P.R.O. King's Bench (Coram Rege), KB27/159, mm. 24, 25, 27).

³ *Patent Rolls* (P.R.) 1327–1330, p. 88.

⁴ B.H. Putnam, *Proceedings before the Justices of the Peace, Edward II to Richard II* (1938) p. xxxix.

⁵ W. Stubbs, ed. *Chronicle of Roger of Hovden* (1870), III, p. 299; W. Stubbs, ed. *Memorial of Walter of Coventry* (1873), II, pp. 89–90.

⁶ R. Stewart-Brown, *The Serjeants of the Peace in Medieval England and Wales* (1936). For alternative arrangements, including frankpledge, see also W.A. Morris, *The Frankpledge System* (1910).

⁷ F. Pollock and F.W. Maitland, *The History of the English Law before the time of Edward I*, (1923), I, p. 200.

⁸ P.R. 1196–1216, p. 55.

⁹ W. Stubbs, *Select Charters*, Ninth edition, revised by H.W.C. Davis (1962) p. 275.

¹⁰ W. Stubbs, ed. *The Historical works of Gervase of Canterbury* (1880), II, pp. 96–97.

¹¹ A. Harding, 'The Early History of the Keeper of the Peace', *Transactions of the Royal Historical Society*, Fifth Series, X (1960) p. 87.

¹² *Close Rolls* (C.R.), 1231–1234, p. 309 et seq.

¹³ P.R., 1232–1247, p. 19.

¹⁴ *ibid*, p. 20.

¹⁵ W.W. Shirley, ed. *Royal and other letters illustrative of the Reign of Henry III*, I (1862–1866), p. 418, no. 346.

¹⁶ P.R., 1232–1247, p. 28.

¹⁷ *ibid*. p. 31.

¹⁸ C.R., 1231–1234, p. 565.

¹⁹ P.R., 1232–1247, p. 91.

²⁰ *ibid*, p. 92.

²¹ *ibid*.

²² *ibid*, pp. 139–140, 164–165.

²³ *ibid*, pp. 195, 217, 221, 228; C.R., 1234–1237, p. 454.

²⁴ Although he did not, of course, set sail until May 1242. See F.M. Powicke, *King Henry III and the Lord Edward*, I, (1947), p. 190

²⁵ *Liberate Rolls* (L.R.), ii, p. 84.

²⁶ *ibid*, p. 117.

²⁷ *ibid*, p. 140.

²⁸ *ibid*, pp. 163, 168.

²⁹ C.R., 1237–1242, p. 356.

³⁰ A further precaution was taken in the case of Sussex and Kent where it was arranged for the sheriffs to be assisted by William de Casingham – a measure which probably reflects the military importance of the Cinque Ports.

³¹ C.R., 1237–1242, p. 483.

³² C.M. Powicke, 'The Writ for Enforcing the Peace, 1242', *English Historical Review*, (E.H.R.), LVII (1942), pp. 469–473.

³³ *ibid*, p. 412; see also L.R., ii, pp. 163, 241; iii, p. 4; C.R. 1247–1251, p. 436; *Calendar of Inquisitions Post-Mortem*, ii, no. 749; iii, nos. 157, 280, 281, 376.

³⁴ P.R., 1232–1247, p. 268.

³⁵ *ibid*, p. 292.

³⁶ *ibid*, p. 287.

³⁷ *ibid*, p. 305.

³⁸ *ibid*, p. 289.

³⁹ *ibid*, p. 298.

⁴⁰ H.M. Jewell, *English Local Administration in the Middle Ages* (1972), p. 61.

⁴¹ C.R., 1247–1251, p. 540.

⁴² C.R., 1251–1253, p. 217.

⁴³ *ibid.*, p. 452.

⁴⁴ *ibid.*, p. 492. Although the arrangements were similar to those made in 1195 and 1205, the reference to the actual compilation of rolls of arms is interesting because it was the earliest occasion that such a list was prepared. On this point see, F.M. Powicke, *The Thirteenth Century* (1953), pp. 551–552.

⁴⁵ These 'superiors' were meant to ensure the proper enforcement of the watch.

⁴⁶ J. Bellamy, *Crime and Public Order in England in the Later Middle Ages* (1973), p. 94.

⁴⁷ R.F. Treharne, *The Baronial Plan of Reform 1258–1263* (1932), pp. 315–318; F.M. Powicke, *King Henry III and the Lord Edward*, II, p. 445; Jewell, *op. cit.*, p. 167.

⁴⁸ P.R., 1258–1266, pp. 271–272.

⁴⁹ *ibid.*, p. 273.

⁵⁰ C.R., 1261–1264, p. 242. It is possible that John FitzJohn was the Keeper of the peace in neighbouring Buckinghamshire where a similar request on behalf of the wife of Mathew Bezill was put to the Keeper. FitzJohn had also acted as a baronial sheriff for both these counties two years earlier, and this experience, as we shall see, might have been considered a necessary qualification for all baronial appointments of Keepers of the peace in 1263–1265.

⁵¹ *ibid.*, p. 250.

⁵² *ibid.*, p. 242.

⁵³ *ibid.*, p. 259.

⁵⁴ *ibid.*, p. 264.

⁵⁵ J. Hunter, *Rotuli Selecti ad Res Anglicas et Hibernicas Spectantes* (1834) pp. 153–157, 165–166, 194. P.R.O. J11/618, m.4.

⁵⁶ H.R. Luard, ed. *Annales Monastici* (1864–1869) III, p. 117; T. Stapleton ed. *De Antiquis Legibus Liber* (1846), p. 49; W. Stubbs, ed. *The Historical Works of Gervase of Canterbury* (1880) II, p. 211.

⁵⁷ P.R., 1258–1266, pp. 341, 349.

⁵⁸ R.F. Treharne, *op. cit.*, pp. 273, 335.

⁵⁹ Basset, appointed Constable of Northampton Castle in July 1263, (P.R., 1258–1266, p. 271) might have been a supporter of William Marshall, Keeper of the peace there. Prof. F.M. Powicke thought it likely that Blund was the Keeper of the peace in Suffolk (*King Henry III and the Lord Edward*, II, pp. 449–450).

⁶⁰ The activities of these Keepers of the peace are recounted in detail in the following sources: C.R., 1261–1264, pp. 242–262, P.R.O. E.159/38, E.368/38, E.371/27.

⁶¹ P.R.O. E.159/38, m.1.

⁶² *ibid.*, m. 1d; also P.R.O. E.368/38, m.1.

⁶³ P.R., 1258–1266, pp. 357–358. Earlier, on 16 December, the existing Keepers of the peace were ordered to quit their office (*ibid.*, p. 302; see also R.F. Treharne, *op. cit.*, p. 335).

⁶⁴ R.F. Treharne, *op. cit.*, p. 336, note 1; F.M. Powicke, *The Thirteenth Century*, p. 182. The appointment on 26 April 1264 of William le Moine to keep the peace in Cambridgeshire and Huntingdonshire was made possible largely as a result of the royalist victory at Northampton earlier in the month (P.R., 1258–1266, p. 35).

⁶⁵ P.R., 1258–1266, p. 360.

⁶⁶ *ibid.*, pp. 325, 327, 331, 349, 361, 400, 430, 486, 487. Appointments to Surrey and Sussex were first made before 27 June 1264.

⁶⁷ *ibid.*, p. 349.

⁶⁸ *ibid.*, pp. 347, 371.

⁶⁹ *ibid.*, p. 425.

- ⁷⁰ A. Harding, *op. cit.*, p. 92.
- ⁷¹ P.R., 1258–1266, pp. 323, 325, 334, 335, 357, 361.
- ⁷² *ibid*, pp. 343, 346, 350, 387, 397, 399, 400, 415, 425; also C.R. 1264–1268, p. 26.
- ⁷³ P.R., 1258–1266, p. 349.
- ⁷⁴ *ibid*, p. 420.
- ⁷⁵ P.R.O., C.145/30, number 3.
- ⁷⁶ P.R.O., J.1. 1/41, mm. 5, 12, 14d, 16d.
- ⁷⁷ *Calendar Miscellaneous Inquisitions*, I, number 871.
- ⁷⁸ P.R., 1258–1266, pp. 327, 331. See also A. Harding, *op. cit.*, p. 93, note 10.
- ⁷⁹ T. Wright, ed. *The Chronicle of Pierre de Langtoft* (1886–1888). II, pp. 149–153.
- ⁸⁰ P.R., 1258–1266, p. 501.
- ⁸¹ *ibid*, p. 652.
- ⁸² W. Stubbs, ed. *The Historical Works of Gervase of Canterbury* (1880), II, p. 245.
- ⁸³ P.R., 1258–1266, p. 661; P.R., 1266–1272, p. 128.
- ⁸⁴ F.M. Powicke, *King Henry III and the Lord Edward* (1947), II, p. 522.
- ⁸⁵ P.R., 1266–1272, p. 105.
- ⁸⁶ *ibid*, p. 156.
- ⁸⁷ *ibid*, p. 663.
- ⁸⁸ P.R.O., E.163/1/41; see also A. Lewis, 'Roger Leyburn and the Pacification of England 1265–1267', *E.H.R.*, LIV (1939), pp. 193–214.
- ⁸⁹ P.R., 1272–1281, p. 10; C.R., 1272–1279, p. 17.
- ⁹⁰ C.R., 1272–1279, p. 25.
- ⁹¹ P.R., 1272–1281, p. 100.
- ⁹² *ibid*, pp. 178, 181, 183; see also P.R.O. J.1.3/85, m.6.
- ⁹³ P.R., 1272–1281, p. 218.
- ⁹⁴ A Norfolk case of assault (P.R.O. KB27/33, m.1, KB27/35, m.12d, KB27/38, m.11, KB27/39, m.25d) and a Dorset case of robbery (P.R.O. KB27/35, m.1, KB27/38, m.1) refer to these arrangements.
- ⁹⁵ P.R.O., KB27/35, m.1; P.R.O., KB27/38, m.11. Richard Tany the Elder in Essex (H. Cam, 'Some Early Inquests before 'Custodes Pacis'', *E.H.R.*, XL (1925), pp. 411–419) and John le Breton in Norfolk, (noted in A. Harding, *op. cit.*, p. 99, note 3) are the other two known Keepers.
- ⁹⁶ P.R., 1281–1292, p. 30, *Calendar Chancery Rolls (Various)*, 1277–1326, pp. 217–218. Although only one Keeper of the peace is identified (Richard d'Amundevill in Middlesex), others may have been drawn from the lists of commissions of enquiry of that same month – certainly one such name, John le Lou, appears on the Northampton peace commission of 1287 (P.R. 1281–1292, pp. 254–266).
- ⁹⁷ There are numerous copies of this Statute extant, notably Harleian Mss. 858, 869, 1120; Royal Mss. 9A, 15A; Cotton Collection Claud D.II, 1326; Marshall Mss., no. 5327. See also *Statutes of the Realm*, I, pp. 96–98 and W. Stubbs, *Select Charters*, pp. 463–469.
- ⁹⁸ P.R., 1281–1292, pp. 264–266; *Parliamentary Writs*, I, pp. 338–400.
- ⁹⁹ So closely associated had the Keeper and the Statute become by the fourteenth century that people believed the Statute had actually mentioned the Keeper. B.H. Putnam, 'The Transformation of the Keeper of the Peace into the Justices of the Peace 1327–1380', *Transactions of the Royal Historical Society*, XII, fourth series (1929).
- ¹⁰⁰ A. Harding, *op. cit.*, pp. 99–100.
- ¹⁰¹ P.R., 1292–1301, pp. 515–517, *Parliamentary Writs*, I, pp. 398–400.
- ¹⁰² J.G. Edwards, 'The Treason of Thomas Turberville 1295', *Studies in Medieval History Presented to Frederick Maurice Powicke* (1948) ed. R.W. Hunt, W.A. Pantin, R.W. Southern.

¹⁰³ *Chronicle of Pierre of Langtoft*, II, p. 197, *Annals of Dunstable*, p. 376, Bartholomew Cotton, pp. 295–296.

¹⁰⁴ For the arrangements of 1295 see also A.Z. Freeman, 'A Moat Defensive: the coast defense scheme of 1295', *Speculum*, XLII, no. 3 (1967).

¹⁰⁵ C.R. 1288–1296, pp. 454–456, *Parliamentary Writs*, I, pp. 268–269.

¹⁰⁶ P.R., 1292–1301, p. 147.

¹⁰⁷ *ibid.*, p. 152.

¹⁰⁸ *ibid.*, p. 157; P.R.O., E.159/69, m.81d, also P.R.O. E.368/67, m.67.

¹⁰⁹ C.R., 1288–1296, p. 460.

¹¹⁰ For the work of Adam Gurdon as commissioner of array in these counties see *Parliamentary Writs*, i, p. 271; P.R.O. S.C.1/12, no. 50 and S.C.1/37, no. 60.

¹¹¹ P.R.O., E.159/69, mm.79, 80.

¹¹² A.Z. Freeman, *op. cit.*, pp. 448–458.

¹¹³ P.R.O., SC1/37, no. 60.

¹¹⁴ P.R.O., E.13/20, m.63d.

¹¹⁵ P.R., 1292–1301, p. 309.

¹¹⁶ The actions of Keepers of the peace in Southern England may be seen in the following sources; Middlesex (P.R.O., J.I.3/36/1, mm. 15, 16d, 26d; J.E.3/38/1, m.5d); Surrey (P.R.O. J.I.3/36/1, m. 26d; J.I.1/541a, m. 15); Kent (P.R., 1281–1292, p. 264); Sussex (*ibid.*, pp. 404, 453).

Other counties involved are Essex, Norfolk, Lincoln, Buckingham, and Oxford.

¹¹⁷ P.R., 1281–1292, p. 404, p. 453.

¹¹⁸ C.R., 1288–1296, p. 330.

¹¹⁹ P.R., 1307–1313, pp. 29–31, 53–55.

¹²⁰ T. Wright, ed. *The Political Songs of England* (1834), pp. 319–321; T. Wright, ed. *The Chronicle of Peter of Langtoft*, ii (1868), pp. 358–363; T. Stapleton, *op. cit.*, p. 250; B.H. Putnam, *op. cit.*, p. 47.

¹²¹ J. Bellamy, *op. cit.*, p. 99.

¹²² P.R., 1301–1307, pp. 186, 187, 193, 194, 197, 271, 277, 285, 343; *Calendar of Fine Rolls*, i, p. 504; *Parliamentary Writs*, i, pp. 178, 407; H. Rothwell, ed., *The Chronicle of Walter of Guisborough* (1957), pp. 235–240.

¹²³ Only four named Keepers from the 1300 peace commission were involved.

¹²⁴ H. Cam, *Studies in the Hundred Rolls* (Oxford Studies in Social and Legal History, ed. P. Vinogradoff, vi (1921), pp. 73–79). Assize rolls for southern counties are J.I.1/287 (Gloucestershire), J.I.1/891 (Surrey), J.I.1/394 (Kent), J.I.1/766 (Somerset). See also R.B. Pugh, *Wiltshire Gaol Delivery and Trailbaston Trials 1275–1306*, Wiltshire Record Society, XXXIII (1977); R.B. Pugh, *The London Trailbaston of 1305* (1976); A. Harding, 'Early Trailbaston Proceedings from the Lincoln Roll of 1305', *Medieval Legal Records*, ed. R.F. Hunnisett and J.B. Post (1978).

¹²⁵ P.R.O. J.I.1/891. Those articles based upon the Statute are remarkably similar to the articles of Winchester contained in the Harleian Collection (*infra*, reference 97).

¹²⁶ C.R., 1302–1307, pp. 396–397.

¹²⁷ *ibid.*, p. 406.

¹²⁸ The condition of the Southern counties may be gleaned from the following sources: Middlesex (P.R.O. J.I.3/39/1, mm. 4, 4d); Kent (P.R.O. J.I.1/394); Sussex (P.R.O. J.I.1/1339, m. 19); Wiltshire (P.R.O. J.I.3/61/3, m. 1d, and J.I.3/104, mm. 1, 13, 18d, 23) and Devon (P.R.O. E.13/26, m. 33d).